



YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

**to be held on Wednesday 16 November 2016 at
6.30pm in Meeting Room 3 at the Richmond Town Hall**

Rostered Councillor membership

Councillor - TBA
Councillor - TBA
Councillor - TBA

- I. ATTENDANCE**
Ally Huynh (Coordinator Statutory Planning)
Vicky Grillakis (Acting Coordinator Statutory Planning)
John Theodosakis (Senior Statutory Planner)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri 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	314-320 Swan Street and 236 Coppin Street, Richmond - PLN16/0034	5	59
1.2	47 Ramsden Street, Clifton Hill - PLN16/0168 - Part demolition, use and development of the land for the construction of three dwellings and a shop (permit not required for shop use) and a reduction of the car parking requirement.	95	130
1.3	158 McIlwraith Street Princes Hill VIC 3054 - Planning Permit Application No. PLN15/0351 - for part demolition, development of the land to carry out works and convert the existing garage into a second dwelling on a lot, including a reduction in the car parking requirements.	164	182
1.4	98 Hunter Street, Richmond - PLN16/0351 - Development of the land for the construction of a double storey addition with roof top terrace to an existing dwelling	197	209
1.5	54-56 Bridge Road, Richmond VIC 3121 - Planning Permit Application No. PLN15/0645 - Full demolition of the existing buildings, the construction of a seven storey building containing office, shop and dwellings, the use of the land for dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement.	228	254
1.6	193 Brunswick Street Fitzroy - Planning Permit Application PLN16/0015 - Sale and consumption of liquor (Restaurant & Cafe Licence) extended to the first floor associated with the existing restaurant (no permit required for the use) and the hours for the sale and consumption of liquor at the ground floor altered.	343	355

1.1 314-320 Swan Street and 236 Coppin Street, Richmond - PLN16/0034

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks approval for the development of the land for the construction of 2, 8 storey buildings, plus 4 basement levels with the 'Swan Street' building being used as dwellings and a retail premises and the 'Coppin Street' building being used as offices (no permit required for office or retail uses), reduction in the car parking requirements associated with dwellings, a retail premises and offices, waiver of the loading bay requirement and alteration to access to a road in a Road Zone Category 1.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 34.01 – Commercial 1 Zone;
 - (b) clause 34.02 – Commercial 2 Zone;
 - (c) clause 52.06 – Car parking;
 - (d) clause 52.07 – Loading and unloading of vehicles;
 - (e) clause 52.29 – Land adjacent to a road zone, category 1, or a public acquisition overlay road a category 1 road;
 - (f) clause 21.04-2 – Activity Centres;
 - (g) clause 21.05-2 – Urban design;
 - (h) clause 21.05-3 – Built form character;
 - (i) clause 21.06 – Transport;
 - (j) clause 21.08-2 – Burnley, Cremorne, South Richmond;
 - (k) clause 22.05 – Interface uses policy
 - (l) clause 22.07 – Development abutting laneways;
 - (m) clause 22.10 – Built form and design policy;
 - (n) clause 22.16 – Stormwater management (water sensitive urban design); and
 - (o) clause 22.17 – Environmentally sustainable development.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) strategic policy;
 - (b) dwelling use;
 - (c) urban design;
 - (d) on-site amenity;
 - (e) off-site amenity;
 - (f) environmental sustainability;
 - (g) traffic and car parking (including alteration to access to a road in a Road Zone);
 - (h) bicycle parking;
 - (i) loading bay waiver;
 - (j) waste management; and
 - (k) Objector concerns.

Objector Concerns

4. 31 objections were received to the application, these can be summarised as:
 - (a) the application does not comply with the Swan Street Structure Plan;
 - (b) height and neighbourhood character;
 - (c) internal amenity (apartment and bedroom sizes are too small, light courts are too small and poor natural daylight);
 - (d) inadequate dwelling mix;

- (e) off-site amenity (inadequate setbacks, overlooking, visual bulk, reduced daylight to Barkly Gardens, safety, impact on views and noise);
 - (f) overdevelopment;
 - (g) site coverage is too high;
 - (h) impact on the heritage property to the north along Coppin Street;
 - (i) the zoning is commercial, not residential;
 - (j) the proposal would impact nearby commercial uses;
 - (k) the proposal would impact the development potential for adjoining sites;
 - (l) no landscaping is offered;
 - (m) inadequate car parking / oversupply of car parking;
 - (n) traffic congestion;
 - (o) lack of design detailing on the north-eastern and southern concrete facades;
 - (p) the proposal is too close to the CityLink exhaust stacks and would experience unreasonable levels of pollution; and
 - (q) no water recycling or solar power re-use is offered.
5. A consultation meeting was held on 13 September 2016 with Council officers, the Applicant and Objectors present. No resolutions were reached at this meeting.

Conclusion

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

CONTACT OFFICER: Sarah Thomas
TITLE: Principal Planner
TEL: 92055046

1.1 314-320 Swan Street and 236 Coppin Street, Richmond - PLN16/0034

Trim Record Number: D16/144841

Responsible Officer: Coordinator Statutory Planning

Proposal: Development of the land for the construction of 2, 8 storey buildings, plus 4 basement levels with the 'Swan Street' building being used as dwellings and a retail premises and the 'Coppin Street' building being used as offices (no permit required for office or retail uses), reduction in the car parking requirements associated with dwellings, a retail premises and offices, waiver of the loading bay requirement and alteration to access to a road in a Road Zone Category 1.

Existing use: 314-320 Swan Street – Panel Beaters
236 Coppin Street – Mechanic

Applicant: Bowden Planning

Zoning / Overlays: Part Commercial 1 Zone (Northern or Swan Street segment) and Part Commercial 2 Zone (Southern or Coppin Street segment)
Swan Street – Road Zone, Category 1
Design and Development Overlay (Schedule 5 – CityLink Exhaust Stack Environs)
Part Environmental Audit Overlay (Northern or Swan Street segment)

Date of Application: 19 January 2016

Application Number: PLN16/0034

Planning History

236 Coppin Street

1. On 11 October 2005, Planning permit application PL05/0488 was refused by Council for the use of the premises as a sexually explicit adult entertainment venue (lap dancing).

316 Swan Street

2. On 24 July 1973, Planning permit application TP71385 was issued for an internally illuminated advertising sign.

314-320 Swan Street

3. On 21 March 1988, Planning permit 4234 was issued for the use of the site for a panel beating workshop.

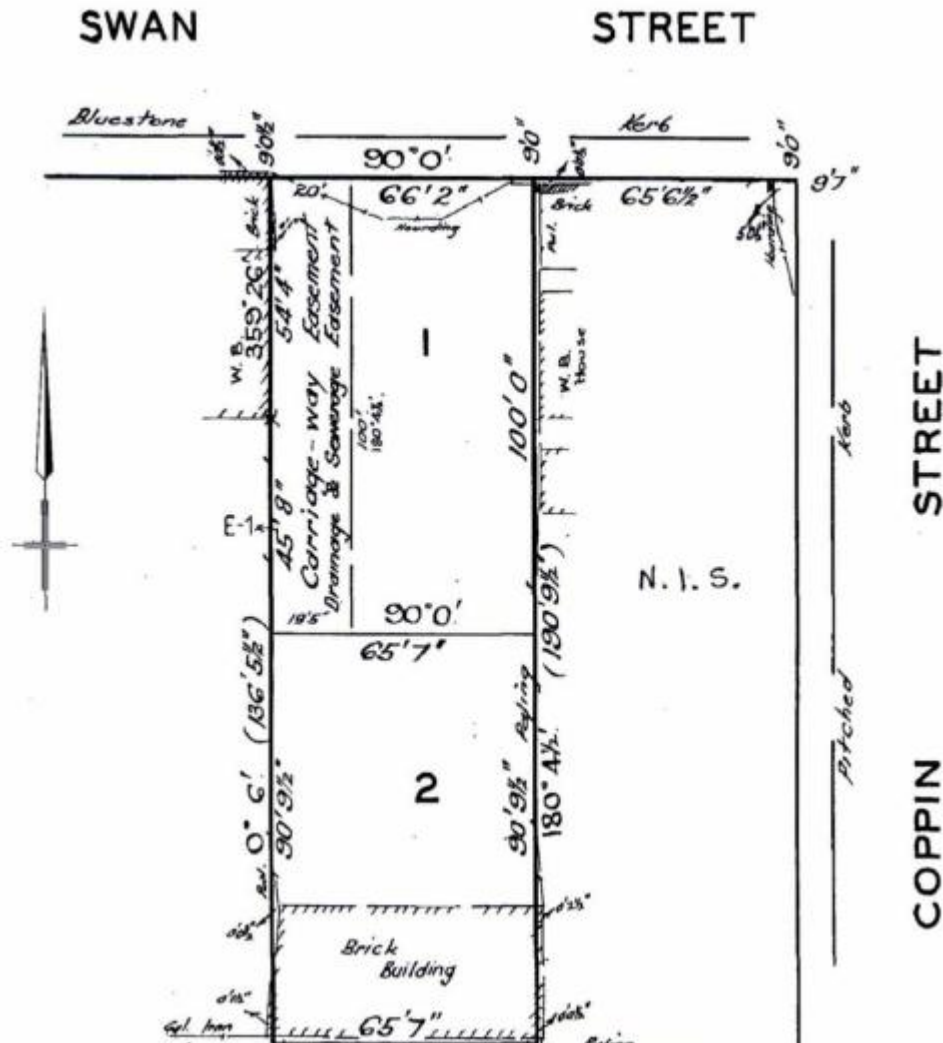
314-320 Swan Street and 236 Coppin Street

4. Planning application PLN15/0191 is currently being processed by Council. The application was initially lodged and advertised for the use of the land as dwellings and a residential hotel, with a reduction of the car parking requirements and waiver of the loading bay requirements (to be contained within 2, 10 storey buildings, plus 2 basement levels. Council has received a Section 57A Amendment and is about to commence re-advertising.
5. Planning permit application PLN15/1015 for a mixed use development on the site lapsed on 21 June 2016.
6. Planning Permit SP16/0004 for a 2 lot subdivision was approved by Council on 21 June 2016.

Existing Conditions

Subject Site

7. The subject site is an 'L' shaped parcel of land, with a frontage of 20.1m to Swan Street and a frontage of 15.2m to Coppin Street, yielding an area of approximately 2,017m².
8. To Swan Street, the land is developed with a single storey building with a single vehicular crossover. To Coppin Street, the building also presents as a single storey to the street with a single vehicular crossover. Centrally to the site, are 3 additional building segments (all single storey) used as part of the mechanics and panel beater.



9. As this extract of one of the Certificate of Titles shows, a carriageway, drainage and sewerage easement is provided on the adjoining site in favour of both the Coppin and Swan Street segments of the subject site.

Restrictive Covenants

10. There are no restrictive covenants shown on the certificates of title provided with the application.

Surrounding Land

11. The subject site is located in the Swan Street Activity Centre [AC]. Clause 21.08-2 of the Yarra Planning Scheme [the Scheme] provides the following description of this area:

(a) *Swan Street east*

This precinct begins at Mary Street in the west and extends to Loyola Grove. It includes Burnley Station. It comprises larger showrooms and offices, with a focus on furniture and renovation stores and building supply businesses.

12. To the immediate west of the subject site, fronting Swan Street, is a site developed with 1-2 storey commercial buildings (306-312 Swan Street). This building was granted planning permission on 21 June 2015 for the development of the land for a 7 storey building (plus 2 basement levels), use of the land as dwellings, reduction in the car parking requirements (associated with dwelling and shop uses), a waiver of the loading bay requirement and removal of easements (PLN13/0933).
13. Further west of this site is a two storey commercial building constructed to all title boundaries. The building is used as a restricted retail premises (gas fireplace sales) and includes pedestrian access from the north-west corner, with vehicular access via Mary Street further west.
14. To the west of the subject site, across the ROW and fronting Mary Street, is:
 - (a) 255 Mary St – a 3 storey mixed-use building, used as a café at the ground floor and offices at the first and second floors. This site presents undercroft parking for 21 spaces to the ROW and large north facing windows. Two banks of air conditioner units are located in the south-east corner of the roof;
 - (b) 257 and 259 Mary St – two single storey dwellings. These dwellings present private open space to the ROW separating them with the subject site;
 - (c) 261 Mary St – a mechanic within a single storey workshop; and
 - (d) 263 Mary St – a double storey building used as an office.
15. To the south of the subject site is a property that runs from Mary to Coppin Streets (236 Mary [as above] and 238 Coppin Street. The Coppin Street property presents a similar façade as the Mary Street segment and is also used as an office.
16. To the north-east of the subject site (the portion within the 'L' at the south-west corner of the intersection of Swan and Coppin) is a two storey fast food premises with generous setbacks to accommodate car parking and a drive-through. This is the property that provides carriageway, drainage and sewerage easements in favour of the subject site.
17. Another property is located within this 'L', to the immediate north of the Coppin Street section of the subject site. The site is developed with a 2 storey Victorian era building used as a brothel. This building is affected by its own Heritage Overlay (HO245) and is graded 'individually significant'. Further north of this site, also along Coppin Street is a vacant site, generally of the same proportions as the site with the Victorian era building and approval for a four storey office building (planning permit No. PLN15/0270).
18. To the east of the subject site, across Coppin Street, is:
 - (a) 225 Coppin Street – 2 storey office building;
 - (b) 223 Coppin Street – mechanic/panel beaters;
 - (c) 338-342 Swan Street – tyre shop; and
 - (d) Further east, along Swan Street, is a large former timber yard. This site is subject to a current Section 96A application and joint planning permit application. The planning application is for the use and development of the land for a mixed use development comprising two buildings (part 3-10 storey and part 3-12 storey), dwellings, a supermarket and retail, offices, gymnasium (with swimming pool), (permit required for dwellings and restricted recreation facility only) a reduction in car parking requirement and buildings and works including alteration to a Road Zone (Category 1). The following dates have been set for this matter:
 - (i) Directions hearing – week commencing 17 October 2016;
 - (ii) Panel hearings – week commencing 21 October 2016; and
 - (iii) Report – 30 business days from the last day of hearings.

19. The north-east intersection of Swan and Coppin contains a 3 storey hotel building.
20. To the north of the subject site, across Swan Street and west of Coppin Street, are a number of 1 and 2 storey commercial tenancies. Uses include a tool storage premises, a takeaway food shop and furniture sales premises.
21. Swan Street contains one tram route and the site is approximately 386m to the east of the East Richmond Train Station and approximately 184m to the west of Burnley Train Station.

The Proposal

22. The application seeks approval for development of the land for the construction of 2, 8 storey buildings, plus 4 basement levels with the 'Swan Street' building being used as dwellings and a retail premises and the 'Coppin Street' building being used as offices (no permit required for office or retail uses), reduction in the car parking requirements associated with dwellings, a retail premises and offices, waiver of the loading bay requirement and alteration to access to a road in a Road Zone Category 1. More specifically:

Demolition (no planning permit required)

- (a) Demolition of all buildings on the site.

Built form and massing

- (b) basement levels 3 and 4 would generally be under the Coppin Street building, being a maximum length of 60.2m and width of 27.6m;
- (c) basement levels 1 and 2 would also extend under the Swan Street building, adding a further 30.5m by 20m area of parking/services/storage areas;
- (d) at the ground level, the buildings would generally be built to all boundaries;
- (e) at level 1, the two forms of the 'Swan Street' and 'Coppin Street' buildings emerge. The Swan Street building would generally be 30.5m long and 20m wide, with two light courts (each 2.7m by 2.6m) along the eastern boundary (commencing at the first floor). The Coppin Street building would be constructed to the north and south boundaries for a length of 20m and 28.5m respectively. At the first floor, the rear form would be setback 2.7m from the west and 2.5m from the south title boundary. The rear segment would also be setback 7.3m to 8.5m from the rear of the 'Swan Street' building;
- (f) the Coppin Street building footprint remains largely unaltered from levels 1 to 7, save for the introduction of a 1.9m deep terrace at level 2 in the northernmost wing. This segment would generally present a 12.2m high street wall to Coppin Street, with the remainder of the building being a maximum overall height of 29m. From Coppin Street, levels 4 and above would be afforded a minimum 3.4m setback;
- (g) the Swan Street building footprint is also largely unaltered from levels 1 to 6, however the northern setback is increased to 3.9 from levels 3 to 6 (creating the 'tower' form). Level 7 is setback 12.4m from the northern boundary (excluding the projecting terrace). The result is a 3 storey podium to Swan Street (11.5m high), with a 4 storey tower (maximum 23.9m height) being and a recessive top floor (maximum overall height of 26.2m).

Layout

- (h) 198m² retail space at the ground floor along Swan Street;
- (i) 36 dwellings within the 'Swan Street' building:
 - i. 12 x 1BR
 - ii. 24 x 2BR
 - iii. 2 x 3BR
- (j) 5,605m² office net floor area within the 'Coppin Street' building;
- (k) 165 car parking spaces across 4 basement and 1 part-ground floor level:
 - i. 2 retail;

- ii. 40 residential (12 – 1BR, 24 – 2BRs and 4 – 3BR); and
 - iii. 123 office.
 - (l) access to the 'Swan Street' parking levels would be via a car lift accessed via the ROW to the west (from Mary Street) and access to the Coppin Street parking areas would be in from Swan Street (via a carriageway easement on the land to the north-east) and out via Coppin Street;
 - (m) a bin store for the residential building would be provided at the rear of the retail space;
 - (n) an office bin store is located within basement 3 of the Coppin Street building;
 - (o) pedestrian access to the dwellings would be via a 2.3m wide entry from Swan Street. A retail entry would be to the immediate east of the residential entry along Swan Street;
 - (p) pedestrian access to the office building would be via Coppin Street, through a large reception/sitting area that leads to lifts, stairs and amenities at the ground floor;
 - (q) 41 bicycle parking spaces in the Swan Street building and 48 bicycle parking spaces in the Coppin Street building. All spaces would be 'Ned Kelly' style.
23. Whilst 'retail' is a use listed at clause 75 the Yarra Planning Scheme, it is considered too broad for the purpose of a planning assessment. In particular, this use also includes food and drinks premises, gambling premises, shop, trade supplies, market, manufacturing sales, and so on. It is therefore considered appropriate to restrict any assessment and subsequent approval to a 'shop'. This will also assist with the following car parking assessment, noting the Applicant's own traffic assessment defined the use as a 'shop' for the purpose of a parking assessment.

Colours and materials

- (a) The proposal predominantly utilises a mixture of concrete and metal in light, mid and dark-grey finishes.
- (b) The Swan Street building would be 'softened' with the use of timber to balcony soffits. The podium of this building would be finished with dark grey tiles.
- (c) The Coppin Street building would be more robust, with the use of folded metal screens to articulate the façade.

ESD features

- (d) 6.8 star average NatHERS rating;
- (e) cross-ventilation would be provided for 53% of apartments;
- (f) CO2 sensors in car park areas;
- (g) centralised gas hot water system;
- (h) 10kW rooftop PV system for the Swan Street building;
- (i) 12,500 to 13,000 kWh PV system for the Coppin Street system;
- (j) construction waste recycling target of 80%; and
- (k) a STORM rating of 101% (a minimum of 148m² of terrace connected to a 4m² of raingarden, a minimum of 278m² of roof connected to a 8,000 litre tank and connected to toilets that service 100 bedrooms, and a minimum of 962m² of roof connected to a 15,000 litre tank and connected to toilets that service 100 bedrooms).

Planning Scheme Provisions

Zoning

Part Commercial 1 Zone

- 24. The C1Z portion extends 30.4m into the Swan Street segment of the site and is proposed to be used as part retail premises and part dwellings.
- 25. The purpose of the C1Z is:
 - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
26. Under clause 34.01-1 of the Scheme, a permit is required to use the site as a dwelling (the ground floor frontage exceeds 2m). A permit is not required to use the site as a retail premises (other than shop, which has its own conditions to determine if a permit is required – which are met). While the applicant has applied for a retail premises, they have relied on the car parking rate for a shop. The use will therefore be considered as a shop and a condition of any permit will require that it is shown as a shop.
27. Clause 34.01-2 of the Scheme states that a use must not detrimentally affect the amenity of the neighbourhood, including through the:
- (a) *Transport of materials, goods or commodities to or from the land.*
 - (b) *Appearance of any building, works or materials.*
 - (c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
28. Decision guidelines at clause 34.01-8 of the Scheme relating to use include:
- (a) *The effect that existing uses may have on the proposed use.*
 - (b) *The drainage of the land.*
 - (c) *The availability of and connection to services.*
 - (d) *The effect of traffic to be generated on roads.*
 - (e) *The interim use of those parts of the land not required for the proposed use.*
29. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.
30. Decision guidelines at clause 34.01-8 of the Scheme relating to buildings and works include (as relevant):
- (a) *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
 - (b) *The provision of car parking.*
 - (c) *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
 - (d) *The storage of rubbish and materials for recycling.*
 - (e) *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
 - (f) *The availability of and connection to services.*
 - (g) *The design of buildings to provide for solar access.*

Part Commercial 2 Zone

31. The C2Z portion extends for the remainder of the site (southern section extending to Coppin Street) and is proposed to be used as an office.
32. The purpose of the C2Z is:
- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
 - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

33. Under clause 34.02-1 of the Scheme, a permit is not required to use the site as an office.
34. Clause 34.02-2 outlines the same land use requirements as clause 34.01-2 of the Scheme.
35. Clause 34.02-7 of the Scheme outlines the following decision guidelines when considering land use (as relevant):
 - (a) *The effect that existing uses may have on the proposed use.*
 - (b) *The drainage of the land.*
 - (c) *The availability of and connection to services.*
 - (d) *The effect of traffic to be generated on roads.*
36. Under clause 34.02-4 of the Scheme, a permit is required to construct a building or construct or carry out works.
37. Clause 34.02-7 of the Scheme outlines the following decision guidelines when considering buildings and works (as relevant):
 - (a) *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
 - (b) *The provision of car parking.*
 - (c) *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.*
 - (d) *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
 - (e) *The availability of and connection to services.*
 - (f) *Any natural or cultural values on or nearby the land.*
 - (g) *Outdoor storage, lighting, and storm water discharge.*
 - (h) *The design of buildings to provide for solar access.*

Road Zone, Category 1

38. No works are proposed within the Road Zone, however this zoning of Swan Street becomes relevant when considering the new access via this street (see clause 52.29 section later in this report).

Overlays

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

39. The design objectives of this overlay are:
 - (a) *To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack.*
 - (b) *To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack.*
 - (c) *To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.*
40. Schedule 5 to the Overlay states that a permit is not required to construct a building or construct or carry out works. However, 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 [the Act]* to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause (EPA, VicRoads and CityLink).

Part Environmental Audit Overlay

41. The EAO portion extends 30.4m into the Swan Street segment of the site and is proposed to be used as part retail premises and part dwellings.
42. The purpose of this overlay is:
 - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*
43. Clause 45.03-1 states it is a requirement that:
 - (a) *Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
 - i. *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
 - ii. *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
44. With dwellings proposed, this requirement will be addressed by way of a notation.

Clause 52.06 – Car parking

45. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (noting there is no relevant Parking Overlay).
46. The application has a statutory requirement of 250 car parking spaces (40 residential, 7 residential visitor, 7 shop and 196 office). With 165 car parking spaces provided on-site a reduction of 85 car parking spaces is sought (7 residential visitor, 5 retail and 123 office spaces).
47. Clause 52.06-6 of the Scheme outlines a range of decision guidelines and clause 52.06-8 outlines a range of design standards. The relevant of these will be addressed in the assessment.

Clause 52.07 – Loading and unloading of vehicles

48. The purpose of this provision is *'To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety'*.
49. 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.*
50. 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.*

51. With no loading bay being provided for the retail premises, a permit is required to waive this requirement.

Clause 52.29 – Land adjacent to a road zone, category 1, or a public acquisition overlay road a category 1 road

52. The relevant purpose of this provision is '*To ensure appropriate access to identified roads*'.
53. A permit is required to create or alter access to a road in a Road Zone, Category 1. An application must be referred to VicRoads under Section 55 of the Act.
54. Decision guidelines include:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *The views of the relevant road authority.*
 - (c) *The effect of the proposal on the operation of the road and on public safety.*
 - (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

Clause 52.34 – Bicycle facilities

55. The purpose of this Clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.
56. The proposal has a statutory bicycle parking requirement of 37 bicycle parking spaces (8 residential, 4 residential visitor, 1 retail staff, 18 office staff and 6 office visitor spaces). With 41 bicycle parking spaces being provided in the Swan Street building and 48 being provided in the Coppin Street building, a reduction is not sought under this provision. However, it is noted that tables 2 and 3 at clauses 52.34-3 and 52.34-4 of the Scheme state that at least 2 showers should be provided and at least 1 change room should be provided for office staff. The Applicants traffic report acknowledged that this could be addressed by way of a permit condition, should a permit issue.

Clause 52.35 – Urban context report and design response for residential development of five or more storeys

57. The purpose of this clause is '*To ensure that an urban context report is prepared before a residential development of five or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area*'.
58. The application was provided with an urban context report and design response in accordance with this provision.

General Provisions

Clause 65 – Decision Guidelines

59. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the 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)

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

Clause 11.01-1 – Activity centre network

61. Being located within the Swan Street AC, the objective of this Clause is relevant: *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, with the following strategies relevant to this proposal:*
- (a) *Develop a network of activity centres that:*
 - i. *Comprises a range of centres that differ in size and function*
 - ii. *Is a focus for business, shopping, working, leisure and community facilities*
 - iii. *Provides different types of housing, including forms of higher density housing.*
 - iv. *Is connected by public transport and cycling networks.*
 - v. *Maximises choices in services, employment and social interaction.*

Clause 11.01-2 – Activity centre planning

62. The objective of this clause is *‘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’*. Relevant strategies include:
- (a) *Encourage a diversity of housing types at higher densities in and around activity centres.*
 - (b) *Broaden the mix of uses in activity centres to include a range of services over longer hours appropriate to the type of centre and needs of the population served.*
 - (c) *Provide a focus for business, shopping, working, leisure and community facilities.*
 - (d) *Improve the social, economic and environmental performance and amenity of the centre.*

Clause 11.04-2 – Housing choice and affordability

63. The relevant 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’*. The relevant strategy is to *‘Reduce the cost of living by increasing housing supply near services and public transport’*.

Clause 11.04-4 – Liveable communities and neighbourhoods

64. The objective of this clause is *‘To create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities’*. The relevant strategies are to:
- (a) *Create a city of 20-minute neighbourhoods.*
 - (b) *Protect Melbourne and its suburbs from inappropriate development.*
 - (c) *Create neighbourhoods that support safe communities and healthy lifestyles.*
 - (d) *Achieve and promote design excellence.*

Clause 11.04-5 – Environment and water

65. The objective of this clause is *‘To protect natural assets and better plan our water, energy and waste management systems to create a sustainable city’*.

Clause 13.03-1 – Use of contaminated and potentially contaminated land

66. The objective of this clause is *‘To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely’*.

Clause 13.04-1 – Noise abatement

67. The objective of this clause is '*To assist the control of noise effects on sensitive land uses*'.

Clause 15.01-1 – Urban Design

68. The objective of this clause is '*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

69. 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*'. The strategy of this clause is to apply 11 design strategies. Planning must also consider (as relevant) the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of five or more storeys.

Clause 15.01-4 – Design for safety

70. The objective of this clause is '*To improve community safety and encourage neighbourhood design that makes people feel safe*'. The relevant strategy is to '*Ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety*'.

Clause 15.01-5 – Cultural identity and neighbourhood character

71. 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

72. 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 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

74. 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

75. The objective of this clause is '*To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne*'. The relevant strategies are to:

- (a) *Identify strategic redevelopment sites that are:*
- i. *In and around Central Activities Districts.*
 - ii. *In or within easy walking distance of Principal or Major Activity Centres.*
 - iii. *In or beside Neighbourhood Activity Centres that are served by public transport.*
 - iv. *On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts,*
 - v. *Principal or Major Activity Centres.*
 - vi. *In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.*
 - vii. *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

76. The site is considered to be a SRS as it could accommodate more than 10 dwellings, is within an AC and is well serviced by public transport.

Clause 16.01-4 – Housing diversity

77. 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

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

Clause 17.01-1 – Business

79. 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 18.01-1 – Land use and transport planning

80. The objective of this clause is *'To create a safe and sustainable transport system by integrating land-use and transport'*. The relevant strategy is:
- (a) *Plan urban development to make jobs and community services more accessible by:*
 - i. *Concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.*

Clause 18.02-1 – Sustainable personal transport

81. The objective of this clause is *'To promote the use of sustainable personal transport'*.

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'*. This clause includes the following relevant strategies to achieve this objective:
- (a) *Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.*
 - (b) *Prepare plans for the design and location of local car parking to:*
 - i. *Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.*
 - ii. *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*
 - iii. *Create a safe environment, particularly at night.*
 - iv. *Facilitate the use of public transport.*
 - (c) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

83. In the City of Yarra in 2020 (as relevant):

- (a) *Land Use*
 - i. *Yarra will have increased opportunities for employment*
 - ii. *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*
- (b) *Built Form*
 - i. *Yarra's historic fabric which demonstrates the development of metropolitan Melbourne will be internationally recognised*
 - ii. *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks*
 - iii. *People will safely get together and socialise in public spaces across the City*
 - iv. *All new development will demonstrate design excellence*
- (c) *Transport*
 - i. *Local streets will be dominated by walkers and cyclists*
 - ii. *Most people will walk, cycle and use public transport for the journey to work*

Clause 21.04-1 – Accommodation and housing

84. The relevant objectives and standards of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - i. *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
 - ii. *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
 - iii. *Strategy 1.3 Support residual population increases in established neighbourhoods.*
- (b) *Objective 2 To retain a diverse population and household structure.*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
 - i. *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
 - ii. *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 – Activity Centres

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

- (a) *Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
 - i. *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
 - ii. *Strategy 4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.*
 - iii. *Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*
- (b) *Objective 5 To maintain the long term viability of activity centres.*
 - i. *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
 - ii. *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*
 - iii. *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.04-3 – Industry, office and commercial

86. The relevant objective of this clause is: *Objective 8 To increase the number and diversity of local employment opportunities.*

Clause 21.05-2 – Urban design

87. The relevant objectives and strategies of this clause are:
- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
 - i. *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within 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.*
 - i. *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
 - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
 - i. *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
 - ii. *Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
 - iii. *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*
 - (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*
 - ii. *Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of subprecincts, each of which may have a different land use and built form character.*
 - iii. *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*
 - (f) *Objective 22 To encourage the provision of universal access in new development.*
 - i. *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

Clause 21.05-3 – Built form character

88. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. Four Structural elements and thirteen built form character types have been identified for areas that are not covered by the Heritage Overlay. The subject site is within a 'Main Road' area. The relevant objectives of this clause are:

General Objective

- (a) *Objective 23 To maintain and strengthen the identified character of each type of identified built form within Yarra.*

Transport corridors

- (b) *Transport corridors offer a window into the City of Yarra seen by thousands of people every day. In Yarra many main roads double as centres of community and commercial activity, and are part of local community identity. In categorising main roads from a built form perspective it is logical to differentiate them by built form character, rather than traffic function.*
- (c) *Objective 26 To improve the built form character of transport corridors.*
 - i. *Strategy 26.1 Reinforce the scale and formality of the landscape along boulevards.*
 - ii. *Strategy 26.2 Maintain the dominance of the avenue trees over built form along boulevards.*

Clause 21.05-4 – Public environment

- 89. The relevant objective and strategies of this clause are:
 - (a) *Objective 28 To provide a public environment that encourages community interaction and activity.*
 - i. *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - ii. *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - iii. *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - iv. *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - v. *Strategy 28.8 Encourage public art in new development.*

Clause 21.06 – Transport

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

Clause 21.08-2 – Burnley, Cremorne, South Richmond

- 91. The following relevant commentary is offered in this clause:
 - (a) *The Swan Street major activity centre lies along the northern boundary of this neighbourhood. Within this major activity centre there are three recognisable precincts.*

Swan Street east

- (b) *This precinct begins at Mary Street in the west and extends to Loyola Grove. It includes Burnley Station. It comprises larger showrooms and offices, with a focus on furniture and renovation stores and building supply businesses.*

Relevant Local Policies

Clause 22.05 – Interface uses policy

- 92. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:
 - (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
 - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
- 93. At clause 22.05-3 it is policy that:

- (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
- (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.07 – Development abutting laneways

94. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this clause are:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
 - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
 - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
 - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 – Built form and design policy

95. The policy applies to all new development not included in a heritage overlay. Clause 22.10-3.1 does not apply to residential development. The objectives of this clause are:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
 - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
 - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
 - (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
 - (e) *Create a positive interface between the private domain and public spaces.*
 - (f) *Encourage environmentally sustainable development.*

Clause 22.12 – Public open space contribution

96. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
- (a) *To implement the Yarra Open Space Strategy.*
 - (b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
 - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*
97. The site is located in an area where land in lieu of cash is the preferred method of contribution. However, as the site is only approximately 2,042m², the site does not meet the selection criteria in that the land to be contributed should be approximately 300m². Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

98. This policy applies to new buildings (amongst others) and aims to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999; promote the use of water sensitive urban design, including stormwater re-use; mitigate the detrimental effect of development on downstream waterways; minimise peak stormwater flows; reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

Clause 22.17 – Environmentally sustainable development

99. The most relevant objective of this clause is '*...that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation*'.
100. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert. This Applicant has done this.

Other relevant documents

Swan Street Structure Plan [SSSP]

101. This document was adopted by Council on 17 December 2013. The site is located within the Swan Street East precinct, which provides the following relevant guidance:
- (a) *The south side of Swan Street provides more contemporary style buildings that are of low scale but primarily have a larger building footprint because of the larger lot size. For example, the car dealerships and servicing centres. There are examples where reinvestment and redevelopment has occurred in the precinct however, this is primarily contained to the car dealerships.*
 - (b) *Redevelopment opportunities are evident on the south side of Swan Street. Sites considered appropriate for redevelopment are primarily located between Burnley Street and extend to Coppin Street. These sites provide opportunities for redevelopment because of their size and the separation between this part of the precinct and residential areas to the south. Given this separation, the prospect of adverse amenity impacts for existing residential areas is considerably reduced. The age of some buildings and their lack of heritage value, coupled with limitations in converting existing uses, enhances opportunities for redevelopment.*
102. Building heights of 5-6 storeys (19m) are supported on the south side of the street in the section between Mary and Coppin Streets.
103. Section 3.2 (Urban design principles) also offers the following (relevant summary):
- (a) a consistent street wall is supported;
 - (b) a street wall height of 10m or 3 storeys is typical;
 - (c) upper level setback is supported, upper levels along Swan Street encouraged to have a 6m setback, resulting in the street wall being 1/3 of the visibility of the upper levels (see below).

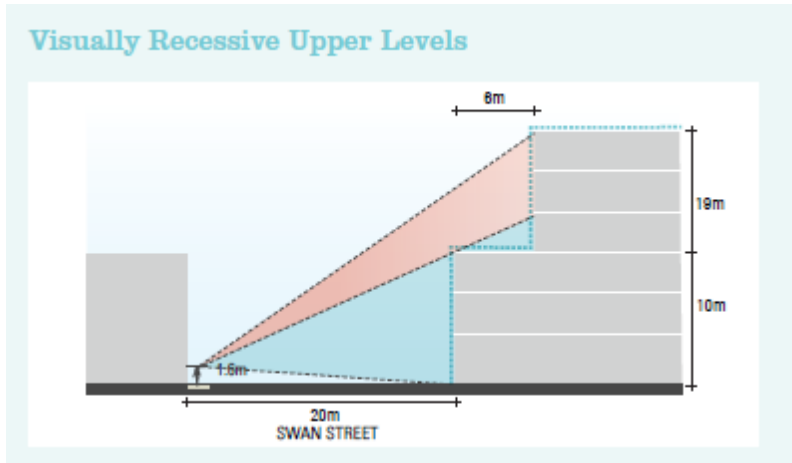


Figure 1. Swan Street Structure Plan, page 19.

Advertising

104. The application was advertised under the provisions of Section 52 of the Act by letters sent to surrounding owners and occupiers and signs being placed on the Swan Street and laneway frontages of the site. A total of 31 objections were received on the following grounds:
- (a) the application does not comply with the Swan Street Structure Plan;
 - (b) height and neighbourhood character;
 - (c) internal amenity (apartment and bedroom sizes are too small, light courts are too small and poor natural daylight);
 - (d) inadequate dwelling mix;
 - (e) off-site amenity (inadequate setbacks, overlooking, visual bulk, reduced daylight to Barkly Gardens, safety, impact on views and noise);
 - (f) overdevelopment;
 - (g) site coverage is too high;
 - (h) impact on the heritage property to the north along Coppin Street;
 - (i) the zoning is commercial, not residential;
 - (j) the proposal would impact nearby commercial uses;
 - (k) the proposal would impact the development potential for adjoining sites;
 - (l) no landscaping is offered;
 - (m) inadequate car parking / oversupply of car parking;
 - (n) traffic congestion;
 - (o) lack of design detailing on the north-eastern and southern concrete facades;
 - (p) the proposal is too close to the CityLink exhaust stacks and would experience unreasonable levels of pollution; and
 - (q) no water recycling or solar power re-use is offered.
105. A consultation meeting was held on 13 September 2016 with Council officers, the Applicant and Objectors present. No resolutions were reached at this meeting.

Referrals

External Referrals

PTV

106. The application was incorrectly referred to PTV under Section 55 of the Act. However, as less than 60 dwellings and less than 10,000sqmt of office floor area is proposed, PTV is not a referral authority. Nevertheless, due to the site's proximity to tram lines, the following condition should continue to be imposed on any permit issued:

Public Transport Victoria, pursuant to Section 56(1) of the *Planning and Environment Act 1987* **does not object** to the grant of a planning permit subject to the following conditions:

Conditions:

1. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Swan Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to YarraTrams and Public Transport Victoria fourteen days (14) prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

EPA (DD05)

107. The following information was provided in relation to the DDO5 referral:
 - (a) *The site is located approximately 354m from the closest Citylink Exhaust Stack in Burnley and therefore impact upon stack operation is considered minimal.*
108. The following information was also provided by the EPA:
 - *EPA has no concern with Council issuing this planning permit according to the information that has been provided. However, we recommend Council considers the following conditions for inclusion in the planning permit:*
 - *A Certificate of Environmental Audit is required to confirm the land is suitable for its intended use before commencement of development of the site.*
 - *The proposed development is to be located on land that is partly subject to an Environmental Audit Overlay and has a high probability of contamination based on prior use, therefore an environmental audit is requested to demonstrate the land is suitable for the proposed sensitive use.*

CityLink (DDO5)

109. CityLink did not respond within the prescribed time.

VicRoads (DDO5 and clause 52.29)

110. VicRoads initially objected to the proposal on the following ground:
 1. *The proposed building **may** interfere with the operation of the Burnley Exhaust Stack.*
111. However, following discussions with the Applicant, the following advice was received from VicRoads:
 - *I refer to VicRoads response letter concerning the above application dated 19 May 2016, objecting to the original proposal.*
 - *VicRoads has held further discussions with the consultant, Steller and Transurban regarding the commissioning of a Buffer Volume Constraint/Dispersion Model Report being completed, as per VicRoads original conditions. Further analysis has been undertaken and it has been determined that due to the distance of the development in relation to the exhaust stack a Buffer Volume Constraint/Dispersion Model Report will no longer be required. Therefore Transurban have agreed that the original condition to commission a Buffer Volume Constraint/Dispersion Model Report be rescinded.*
 - *Based on the above VicRoads does not object to this application and has no comments to make in relation to the proposal.*

Internal Referrals

Acoustic (SLR)

112. The Application was referred to SLR for a peer review of the Applicant's acoustic report. SLR had previously provided comment on an acoustic report for this site under a separate application. Below are the key issues raised by SLR previously and how the updated acoustic report had responded to those issues.

SLR SUMMARY

Road Traffic and Tram Noise

- *Road traffic noise levels were measured during the night period only. From our conversation with MDA on this issue we understand that data held in their files for Swan Street has been used to determine traffic noise levels at other times. This is reasonable from our perspective, however the noise levels used in the design of the façade should be clearly nominated.*

Recommendations:

- *The report should include the façade noise levels used in the design of façade upgrade treatments for bedrooms and living rooms.*

MDA have clarified that the tram noise levels, rather than road traffic, drove the design of the facade.

- *That the wording 'indicative glazing requirement' in the headings of Table 16 be exchanged for 'preliminary minimum glazing requirement' or equivalent.*

Addressed

- *The report should include either clear specifications for controlling noise via flanking paths (eg. walls, ducts, sliding door seals), or the requirement that these elements are approved by the acoustical consultant during the detailed design.*

Addressed

It is also noted that there is a large difference in glazing requirements for levels 3 and 4, in spite of the exposure to road traffic noise being similar.

Rail Noise

- *In our opinion a more thorough assessment of rail impacts is warranted for this site. Measurements should be undertaken at a location that allows appropriate corrections to the subject site to be determined. The assessment should include a minimum of 20 train passbys, including maximum noise levels and an Leq,1 hour level (as a minimum). Peak hour measurements should ideally be undertaken to ensure that worst case train noise levels are captured.*

The parts of the site most exposed to rail noise are commercial. As such this issue is no longer required to be addressed.

KFC and Roof Mounted Plant at 255 Mary Street

- *MDA propose that Section 173 agreements be prepared for the site such that noise from KFC and 255 Mary Street is assessed once the building is partially constructed, and that any noise control measures required be undertaken at the source of the noise.*

- *We agree that noise from both these sources may best be controlled at the source but have no opinion as to whether Section 173 agreements are appropriate means for ensuring this outcome. If agreements with the adjacent commercial premises be achieved, an alternative means for assessing the noise and controlling any impacts should be explored.*

The section of the acoustic report addressing these issues is unchanged from the earlier version. While we agree with MDA that the issues of noise ingress from these existing commercial premises may be addressed during the detailed design or construction if the noise is controlled at the source, there is no guarantee that this approach will be accepted by the commercial operators. If controlling the noise at the source is not possible, and the only option for managing noise impacts is via façade upgrades to the development, the works need to be identified prior to construction and preferably during the planning phase of the project.

We recommend that if a delayed approach to quantifying and controlling impacts from the surrounding commercial premises is accepted by the City of Yarra, as a minimum the requirement to address them in full be included in the planning conditions for the project. However as indicated above, we are of the opinion that there are risks in adopting this approach.

Internal Plant and Equipment

- *Advice is provided in the report for controlling noise from significant sources of noise associated with the development. To assist in ensuring that the outcomes are achieved, we recommend that:*
 - *The report includes the requirement that the mechanical design is to be reviewed by the acoustical consultant during the detailed design phase of the project.*
 - *Additional guidelines for achieving compliance with SEPP N-1 are provided in the report and this recommendation is less critical.*
 - *A recommended maximum sound pressure level @ 1 m or maximum sound power level be nominated for balcony mounted condenser units, such that the identified noise criteria will be achieved. The recommended level can be subject to review by the acoustical consultant during detail design, in the instance that higher noise units meet the design targets for a particular installation.*

Addressed.

- *Recommended maximum noise levels at a distance (eg 1 m) or recommended maximum sound power levels be provided for both the car stacker and carpark entrance gate in order to ensure that the developer selects equipment that can comply with SEPP N-1.*

No longer required due to layout changes.

SUMMARY

In summary, the issues raised in our earlier report have generally been addressed by MDA.

It is proposed to manage the potential SEPP N-1 exceedance due to mechanical plant by requiring the noise to be addressed during the detailed design phase of the project. If this approach is accepted by the City of Yarra, we recommended the requirement to address the issues be included in the planning conditions for the project. However, as indicated in our review above, we are of the opinion that there are risks in postponing the resolution of these issues. A successful outcome in negotiations with the commercial operator cannot be assumed, and practical options for control of noise at the façade of the development will be limited once the façade design has been finalised.

ESD

- ***This application largely meets Council's Environmental Sustainable Design (ESD) standards.*** Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.
- *Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.*

(1) Applicant ESD Commitments:

- *The applicant proposes to exceed minimum NCC requirements for energy efficiency, with an average 6.8 Star NatHERS (min) and a 10% improvement in the energy efficiency performance of the office building.*
- *Good shading through balcony overhangs, building articulation and adjustable shading screens.*
- *A 10 kW solar PV system is proposed for apartment building. A second solar PV array is being considered for office building.*
- *A STORM rating of 101% has been received which relies on; a minimum of 148m² of terrace connected to a 4m² of raingarden, a minimum of 278m² of roof connected to a 8,000 litre tank and connected to toilets that service 100 bedrooms, and a minimum of 962m² of roof connected to a 15,000 litre tank and connected to toilets that service 100 bedrooms.*
- *Most dwellings will have good cross ventilation (53%), single aspect dwelling will have reasonable access to natural ventilation.*
- *Energy efficient heating and cooling split systems to dwellings.*
- *Water efficient fixtures throughout.*
- *Gas centralised hot water system or heat pump.*
- *A total of 41 bicycle parking spaces have been provided for residents plus 48 bike parking spaces for the staff in the basements.*

(2) Application ESD Deficiencies:

- *Most dwellings and office areas will have reasonable daylight access. South facing lower level dwellings will be of lower standard. Please provide more information on the expected daylight performance of south facing dwellings. Demonstrate that the development meets a best practice standard.*

(3) Outstanding Information:

- *Please demonstrate 10% improvement on the minimum NCC required energy efficiency standard in the office building through a completed JV3 report, or equivalent, prior to commencement of works.*
- *The rainwater tanks and raingarden cannot be clearly identified on the architectural drawings.*
- *Please update drawings to clearly show tank size, location and toilet connections.*

(4) ESD Improvement Opportunities:

- *Recommend ceiling fans to bedrooms of single aspect dwellings to assist ventilation.*
- *Recommend kitchens to have extraction fans (not re-circulating ranges).*
- *Consider providing end of trip facilities (showers and lockers) for staff to encourage them cycling to work.*
- *Recommend heat recovery & 100% economy cycle on HVAC system on office building.*
- *Recommend heating and cooling plant for office components have COPs within 85% of best available energy efficiency rating for the required capacity. Recommend BMS and VSD fans to optimise system for efficiency.*
- *Recommend adjustable clothes drying racks to balconies be considered.*

- Consider using concrete and steel with a recycled component.
- Consider all timber used onsite to be FSC accredited.

Further Recommendations:

- The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

Heritage

113. The following is an extract of the relevant elements of the heritage advice:

- **Heritage Overlay No.** Not covered by the Heritage Overlay but abuts HO245 – individual listing.
- **Level of significance** No. 245 Coppin Street is a double storey residential building, constructed 1889, is listed as being Individually Significant in Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007.
- The following information relates to the cultural heritage significance and grading of No. 245 Coppin Street and has been included in Heritage Advice in relation to previous applications PLN12/1078 and PLN13/1130.
- No. 245 Coppin Street was graded “C” in the Richmond Conservation Study (Vol. 1, p. 36) prepared by John and Thurley O’Connor and Rose Coleman and Heather Wright, 1985. The range of Gradings was A-D and of the total of 5,318 graded building, 782 were graded “C”. (Vol. 1, p.32) Recommended conservation controls were:
 - Planning permit required for all visible works to C buildings in any location.
 - Demolition not permitted.
 - Visible alterations to be towards restoration.
 - Visible additions to be conservative and within height limits and setbacks.
 - Advertising signs and paint colours to be conservative.
- The City of Yarra Heritage Review, graded the building “B”. The Review noted the Intactness as “Good” and the Condition as “Good”. (Vol. 2, p. 93)
- Grade “B” structures were defined as:
Grade B Structures (Primary Significance - Local Level)
 “Grade B places are those that are integral to the cultural significance of the City of Yarra as a whole, through their architectural integrity and/or their historical associations. These structures form a framework of substantially intact buildings, with sound architectural characteristics which demonstrate and underlay the historic nature of the area. Generally they are places that, while essential to the heritage value of the City’s building stock and its streetscapes, would not warrant an individual listing on the Victorian Heritage Register, however listing on the Register of the National Estate should be considered. Grade B structures have been recommended for individual Heritage Overlay controls in the Planning Scheme. The demolition of these buildings would adversely impact upon the cultural heritage of Yarra as demonstrated by its built environment and historic urban fabric”.
- The citation, in the City of Yarra Heritage Review, prepared by Allom Lovell in 1998, notes that at the time of its construction “... it [No. 234 Coppin St.] was one of only three buildings on the west side of Coppin Street between Swan Street and the railway line”. (Vol. 2, p. 94) It was historically prominent in this location which remained generally undeveloped for some time, at least until 1895 as shown on the MMBW plan and probably well after that given the nature of the built form in the area today. (Fig. 2).

The undeveloped state of the area is probably reflected in the lack of other heritage buildings in the immediate vicinity, between Swan Street and the railway line) and explains why this building is isolated and not part of a group.

- *The Statement of Significance states: "234 Coppin Street, Richmond, is of local architectural significance. The house is representative of the late 19th century double-storey form, and is a good example of the Italianate style. The house is substantially intact, retaining most of the original cement render and cast iron decoration, and is notable for its unusual broken pedimented parapet." It is also relatively ornate and embellished and more akin to the types of houses seen in Richmond Hill and the Erin St. area.*
- *Insofar as heritage significance is concerned, nothing of any consequence has changed in terms of building fabric since its original inclusion in the Richmond Conservation Study, 1985. The grading remains relevant and citation remains appropriate.*

Assessment of Proposed Works

Demolition

- *It is proposed to demolish all of the existing fabric on the site. As it is not in a Heritage Overlay this is acceptable.*

Proposed works

Built form (height/setbacks)

Ground Floor

- *The entire building will be built to the side boundaries which is acceptable in this location.*
- *Along Swan Street there will be a zero setbacks and the building will be occupied by retail premises and a substation. The residential entry for the apartments will also be located on the Swan Street frontage. This is acceptable.*
- *Along Coppin Street there is also a zero setback with the site occupied by a car park entry, and a reception lobby. This is acceptable.*

First Floor

- *Along Swan Street there will be a zero setback to balcony balustrades and a setback of 2.4 metres to the elevation behind. Along Coppin Street there will be a zero setback to balcony balustrades and a setback of 3.4 metres to the elevation behind. This is acceptable.*

Second to Third Floor

- *Along Swan and Coppin Streets the setbacks are the same as for the First floor other than for a recessed portion between Apartments 2.01 and 2.02. This is acceptable*

Third Floors

- *Along Swan Street there will be a zero setback to balcony balustrades and a setback of 3.9 metres to the elevation behind other than for a recessed portion. Along Coppin Street there will be a zero setback to balcony balustrades and a setback of 4 metres to the elevation behind. This is acceptable*

Fourth Floor

- *Along Swan Street there will be a setback of 2.2 metres to balcony balustrades and a setback of 3.9 metres to the elevation behind other than for a recessed portion. Along Coppin Street there will be a setback of 3.4 metres to the elevation. This is acceptable.*

Fifth to Sixth Floors – Swan Street

- Along Swan Street there will be a setback of 2.2 metres to balcony balustrades and a setback of 3.9 metres to the elevation behind other than for a recessed portion.

Fifth to Seventh Floors – Coppin Street

- Along Coppin Street there will be a setback of 3.4 metres to the elevation. This is acceptable.

Seventh Floor – Swan Street

- Along Swan Street there will be a setback of 2.2 metres to balcony balustrades and a setback of 12.44 metres to the elevation. At this level there will also be a partial side setback on the east side of 2.65 metres.
- The setbacks have increased slightly from the previous proposal.
- The height along Swan Street will be 26.153 metres and the height along Coppin Street will be approximately 30 metres (RL41.5), noting that the ground slopes down to the north. The height of No 234 Coppin Street is approximately 10 metres. The Swan Street Structure Plan anticipates a height of 19 metres.

Colours/materials

- The previously angled balcony balustrades have been replaced with straight balcony balustrades.
- EF04: folding screens of grey coloured perforated metal: experience in Yarra has shown that perforated metal creates a solid and alien presence to the streetscape which is in contradistinction to the articulation and solid to void of the heritage buildings or even recent higher rise buildings. In addition they are hard to maintain and present an untidy appearance. Further, as shown in the perspectives/photomontages, they are dominant protruding elements when open and are attention-grabbing. They also project into the public domain beyond the property line at the First and Second floors of the Coppin Street elevation which is unacceptable. These screens should be deleted.
- Similar comments are applicable to EF 09: timber cladding.
- While there has been some attempt to indicate the finishes in the drawings, they are listed generically and thus it is impossible to gain an accurate appreciation of the final appearance of the colours and finishes which, given the high degree of visibility, is a critical aspect to consider. A colours and materials sample board should be provided.

Recommendation / Comments:

- Not approved.
- Despite some changes from PLN15/0191 the proposal will still create a tall and bulky backdrop to No 234 Coppin Street which is Individually significant. The failings of the previous proposal remain and have not been addressed adequately. They are:
 - The principal issue with the previous proposal remains with this proposal in that the adverse impact of bulk and scale in the immediate area, in particular on the setting of No. 234 Coppin Street which will be diminished and adversely affected.
 - The proposed building will be the highest building in the vicinity and will completely overwhelm the heritage building which historically has been the distinctive and isolated element in this part of the Coppin Street streetscape.
 - While two levels have been removed the bulk and scale of the building, will still dominate the area.
 - The height and minimal setbacks above the “podium” level will result in an overbearing form in a generally low-rise area and immediately behind an Individually significant building. This will be exacerbated by the visibility of multiple (6) elevations in a single view e.g. from the intersection of Swan and Coppin Streets four elevations are visible at once.

- *The blank walls behind the KFC car park add nothing positive to the streetscape and are not respectful of No. 234 Coppin Street.*
- *The design needs to be reviewed so as to minimize its impact in relation to No. 234 Coppin Street. This might be best tested using a standard sightline diagram and also factoring in the approved (Permit PLN15/0270) 4-storey building abutting the heritage building.*
- *The site has high visibility from all four sides, and large featureless sections of the south elevation of the Coppin Street wing will not make a positive visual contribution to the vicinity.*
- *While it might be an acceptable design in another context in this context it is out-of-keeping and will have an adverse effect on the setting of No 234 Coppin Street.*
- *Delete the perforated metal screens and timber cladding.*
- *A colours and materials sample board should be provided.*

Urban Design (internal)

COMMENTS SUMMARY

The proposal is not supported in its current form and the following changes are required:

- *The height of the building above the Street Wall (podium) needs to be reduced so that it is consistent with the provisions of the Swan Street Structure Plan.*
- *Larger building setbacks above the street wall are required, both at the Swan Street and Coppin Street interfaces, so that the upper levels do not dominate and are recessive.*
- *Greater building separation is required between the two proposed buildings to address overlooking and to allow for better daylight access to living areas and habitable rooms.*
- *Larger light wells are required on the eastern side to secure adequate daylight access and ventilation as the building is built to the site boundary and there is a possibility that in future, the site east of the subject site can also be developed to its boundary adjoining the site.*
- *Better architectural articulations are required to avoid large blank facades on all the four sides.*

With respect to capital works, the Swan Street Structure Plan sets out a number of objectives and strategies for improvements to the public realm relating to bicycle connections and tree plantation etc. which would be relevant for this proposal.

- *Maintain the hard edge of the strip.*

The subject site is also part of the Swan Street Activity Centre. Council has adopted a Swan Street Structure Plan in 2014. The subject site is within Precinct 3 of the Swan Street Structure Plan where 5-6 storey developments are preferred. The structure plan sets out a number of objectives and strategies for the area including:

Built Form

- *To establish a new built form character that is complementary to existing context.*
- *To ensure built form provides passive surveillance of the street.*
- *Rebuild/reinforce the street wall height along Swan Street to create a continuous and consistent 3 storey built form scale.*
- *Buildings should be built to the street edge and extend the full width of the property at lower levels.*
- *Development above the street wall level should be set back and visually recessive.*
- *Encourage residential and commercial uses above street level to provide passive Surveillance of the public realm.*
- *Encourage the provision of awnings over footpaths to provide weather protection for pedestrians, especially near tram stops.*

- *Explore opportunities for public realm improvements with the redevelopment of large site*

Public Realm

- *To establish a high quality, pedestrian oriented for Swan Street and surrounds.*
- *To improve the quality of the connections to Burnley Station.*

Land use zoning

The subject site is located within the Commercial 1 Zone facing Swan Street and Commercial 2 Zone at the southern portion of the site.

Heritage

The subject site is not within a Heritage Overlay area.

Immediate surroundings

To the north of the subject site is a commercial strip characterised by smaller lots with single and double storey buildings of varying architectural styles. These properties have a direct interface with the single storey residences to the north with one and two storey buildings. All properties are built to the street frontage and have extensive ground level glazing although awnings are not continuous.

DETAILED CONSIDERATIONS

The subject site is located to the south side of Swan Street near the corner of Coppin Street. It is L shaped and includes property 236 Coppin Street and thus has a frontage to Coppin Street as well.

The Built Form Character Map: Burnley, Cremorne, South Richmond – Clause 21.08-2 indicates that the subject site is within a Main Roads area where a development proposal should:



Aerial view of the properties opposite the site

To the East of the subject site is Coppin Street, further east of which is precinct 4 of the Swan Street Structure Plan area designated as Burnley Street Precinct with large commercial and ex-industrial buildings. The structure plan recommends 7-10 storey buildings in this precinct.

To the south of the subject site is a linear property built to the edge of railway reserve that has windows on the first floor facing the site.



Image showing long and narrow building abutting the southern boundary of the site and the windows on the first floor.

To the west of the site are single and double storey retail and commercial buildings on medium to large lots with varying architectural styles and expressions. There is also a narrow (2.8) laneway on the southern half of the site, abutting the western boundary.

The subject site is currently occupied by light industrial, single storey buildings.

THE DEVELOPMENT PROPOSAL

The development proposal is for demolition of the existing buildings and construction of a mixed use development including two 8 storey buildings incorporating retail, commercial and residential uses and basement car parking.

RESPONSE TO THE PROPOSAL

Built-form and Massing

The overall building height, with 8 storey buildings, far exceeds the recommendations of the Swan Street Structure Plan which includes 5-6 storey building scale for the Precinct 3 where the subject site is located.

The built form response of the northern block suggests that there is a three storey street wall and the balconies above the third floor are set back by about 2.1 metres. This setback is minor and as such the upper floors are too close to the street. The built form along Swan Street appears almost straight. Such a 7-8 storey built-form makes the building look out of scale and character along Swan Street. This is also not in line with the recommendations of the Swan Street Structure Plan which suggests a consistent 3 storey street wall and recessive upper floors. It is recommended that the balconies above the third floor should be set back to a distance of 4.5 meters instead of 2.1 meters.

Similarly, a larger setback is also required for the third floor and above at the Coppin Street interface.

Building Layout and Interface

The layout includes two buildings, one oriented north-south facing Swan Street and the other east-west facing Coppin Street.

The distance between the two buildings (north-south and east-west) is only 7 meters. The Swan Street Structure Plan recommends a higher building separation between buildings. The layout for units 04,05 and 06 (on each floor) suggest that balconies facing south would provide the main source of light and ventilation to these units. Accordingly, a much large separation between the buildings is required. It is recommended that the separation between the two buildings should be increased in line with recommendations of the Swan Street Structure Plan.

The building with the north-south orientation is proposed to be built to its boundaries (north, west and east). Internal amenity of a number of apartments in that building appears to be poor as all the rooms are proposed to have borrowed light through balconies and for a number of bedrooms the daylight access would be through the battle-axe window arrangement (Refer to units 01, 02 and 05 on each floor). It is recommended that layout be revised to avoid battle-axe window arrangement and to provide better internal amenity and daylight access.

Light wells are proposed as a source of light and ventilation on the eastern side as the building is proposed to be built to the eastern boundary. The sizes of these light wells are considered small and need to be increased, particularly considering that, in future, the property on the east of the subject site can also be built to a similar scale and up to its western boundary, which abuts the site.

Façade Design, Materials and Colour

There are no major issues with the choice of materials or colours in a general sense. However, it is noticed that there are large blank façade sections on the north and east elevations (Refer image below).



These blank section of the façade will be visible from the street till the property at the corner develops. The building would thus appear non appealing and aesthetically unpleasing. Better architectural articulations are required to provide a better aesthetic quality to these facades.

Similarly, there is also a need to have better architectural articulation of the southern and western facades as well as the eastern façades. The eastern facade would be visible from oblique views along Swan Street and southern façade from the areas on the south, till the properties on the south and east of the subject site are redeveloped.



View of the property from the east side



View of the property from the south

Traffic (internal)

CAR PARKING PROVISION

Proposed Development

- The proposed development comprises the construction of two mixed use buildings (referred to as the Swan Street building and the Coppin Street building), with road frontages off Swan Street and Coppin Street. The Swan Street building would accommodate residential dwellings and retail floor space. The Coppin Street building would contain office floor space. The Swan Street building would be provided with 42 on-site car parking spaces and the Coppin Street building would be provided with 123 car parking spaces.
- Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	12	1 space per dwelling	12	12
Two-bedroom dwelling	24	1 space per dwelling	24	24
Three-bedroom dwelling	2	2 spaces per dwelling	4	4
Residential visitors	36 Dwellings	1 space per 5 dwellings	7	0
Retail	196 m ²		7	2
Office	5,605 m ²	3.5 spaces per 100 m ² of net floor area	196	123
Total			250 Spaces	165 Spaces

- From the table above, the site would have a parking shortfall of 85 spaces, consisting of seven residential visitor spaces, two spaces associated with the retail use and 73 office car parking spaces.

Car Parking Demand Assessment

- *In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:*
 - *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 an acceptable empirical rate when estimating peak residential visitor parking. Applying this rate would result in a peak residential visitor parking demand of some four to five spaces. It is agreed that during normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. The submitted report indicates that daytime visitor parking would be around 30 percent of the peak residential visitor parking rate, which in this case would result in a visitor parking demand of two spaces.*
 - *The applicant proposes to accommodate all residential visitor parking off-site, since the site will be containing with mechanical parking devices - not practical for use by residential visitors.*

For mixed use and multi-unit residential developments that are located along or near activity centres, we would normally encourage applicants to provide some residential visitor parking on-site. In this instance, the proposed car parking arrangement cannot practically allow for residential visitor parking to be accommodated on the property. In the context of the surrounding area, the demand of two to five residential visitor parking spaces should not be detrimental to existing on-street parking conditions in the area.

- *Parking Demand associated with the Retail Use. Traffic Group has adopted a parking rate of 3.0 spaces per 100 square metres of floor area as it is located along a commercial area/activity centre. Using this rate equates to a car parking demand of six spaces. Traffic Group has also indicated that the staff parking demand would constitute around 30 percent of a retail tenancy's parking demand (in this case, would be two spaces). The customer car parking demand (four spaces) would be accommodated on-street – typical of most retail tenancies abutting a major road or activity centre.*
- *Office Parking Demand. The proposed office would have an on-site car parking provision of 2.3 spaces per 100 square metres. In comparison, the development at 17 William Street, Cremorne, was approved with an on-site office parking provision of 1.4 spaces per 100 square metres. That site had an area of 1,365 square metres and an on-site car parking provision of 19 spaces. The proposed on-site office parking rate for the subject site is considered appropriate as it interfaces a major activity centre and has access to a number of public transport nodes.*
- *Availability of Public Transport in the Locality of the Land. The site has very good access to public transport services. Tram services operate along Swan Street and rail services can be accessed from Burnley railway station.*

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

- *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:*
 - *Car Parking Demand Assessment. The car parking demand assessment has found that the development is expected to have a short-term parking overflow of four retail customer parking spaces and two residential visitor spaces during business hours and five residential visitor parking spaces during peak visitor times (weekday evenings and at weekends).*
 - *Availability of Car Parking. Traffic Group had conducted on-street car parking occupancy surveys on Friday 27 November 2015 (at the times of 12:30pm, 1:30pm, 7:00pm and 8:00pm) and on Saturday 28 November 2015 (at the times of 12:00pm, 1:00pm, 7:00pm and 8:00pm). The survey area encompassed Swan Street (between Charles St and Lord St), Coppin Street (between McNamara St and Rose St) and sections of Madden Grove, Lesney Street, Harvey Street, Mary Street, Bell Street, Duke Street and Little Lesney Street.*

An inventory ranging from 220 to 238 public on-street spaces was identified. The times and extent of the survey are considered appropriate. The results of the Friday survey indicated that no fewer than 45 vacant spaces were observed at 1:00pm whereas on Saturday no fewer than 32 spaces were recorded (also at 1:00pm). The surveys indicate that the surrounding area has capacity to accommodate any parking overspill from the site.

- Access to or provision of Alternative Transport Modes. The site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is also in proximity to on-street car share pods.

Adequacy of Car Parking

- From a traffic engineering perspective, the waiver of parking associated with the residential visitors, retail tenancy and office use are considered appropriate in the context of the development and the surrounding area. The development has very good access to a range of public transport services – ideal for residents and office employees. As indicated in the car parking demand assessment, the surrounding street network has capacity to accommodate any parking overflows from the site.
- Engineering Services has no objection to the waiver of car parking for this development.

TRAFFIC GENERATION

Swan Street Building

- For traffic generation of the residential component of the site, Traffix Group has conservatively adopted a rate of 3 trips per dwelling per day. The peak hour traffic would be 10 percent of the daily residential traffic volume. The resulting traffic generation equates to 114 vehicle trips per day with 11 vehicle trips in each peak hour.
- For the two on-site retail parking spaces, two trips are expected to be generated in each peak hour.
- The total traffic generated by the Swan Street building is expected to be 118 vehicle trips per day with 13 trips occurring in each peak hour.
- The Swan Street building would have its primary vehicular access off an east-west aligned Right of Way (known as Hiltons Lane) which connects to Mary Street. According to Traffix Group, the Right of Way has a peak hour traffic volume of up to six vehicle trips at the Mary Street end. As indicated in the report, the 13 additional peak hour trips from the Swan Street building plus the existing peak hour traffic in the Right of Way would still be within 30 vehicle trips in the peak hours. If the peak hour volumes within the Right of Way were greater than 30 vehicle trips, the provision of a vehicle passing area would be required as per the Australian/New Zealand Standard AS/NZS 2890.1:2004.
- Please note: The development at 306-308 and 310-312 Swan Street proposes to provide a vehicle passing area within the curtilage of their property as part of an amendment to their permit (PLN13/0933).
- We are satisfied that traffic from the Swan Street building can enter and exit Hiltons Lane and Mary Street without having an adverse impact on traffic in the surrounding area.

Coppin Street Building

- Traffix Group has adopted an office traffic generation rate of 10 vehicle trips per 100 square metres (based on the RTA Guide to Traffic Generating Developments, 2002). For 5,605 square metres of office floor space, this would equate to 561 vehicle trips per day.
- The report indicated that some 50 to 60 percent of on-site office spaces would be expected to be accessed the peak hours, which equates to 62 to 74 vehicle trips.
- It is agreed that the peak hour traffic volumes estimated in the Traffix Group report are quite conservative and that the actual traffic volumes are expected to be less. The site's accessibility to public transport services would be an incentive for employees to choose public transport as their mode of travel to work.

- The traffic using the Coppin Street building has easy access to the Arterial Road network (Swan Street) and be accommodated in the surrounding roads.

Operation of Car Lift – Swan Street Building

- The Swan Street building will contain two car lifts. Traffix group have assessed the performance of the two lifts using multi-channel queuing theory (involving complex calculations).
- To determine the storage queues of mechanical devices such as car lifts, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The car lifts should have sufficient vehicle storage to accommodate the 98th percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation factor of the car lifts (the ratio of peak hour usage/car lift capacity), the 98th percentile queue length can be determined.
- The multi-channel queuing analysis undertaken by Traffix Group revealed that the two car lifts would have a 98th percentile queue of three vehicles. The queuing of these vehicles can be accommodated on site.
- There is no objection to the use of the two lifts to service the Swan Street building's car park.

DEVELOPMENT LAYOUT DESIGN

Access Arrangements – Swan Street Building

- The doorway opening at the Right of Way has a width of 5.5 metres. The two car lifts have been set back inside the property by 6.275 metres.
- The swept path diagrams for access to and from the site and the car lifts using the B99 design vehicle should be submitted.
- A convex mirror should be installed on the south side of the doorway off the Right of Way. This is to enable exiting motorists to view the access ramp of the development at 306-308 and 310-312 Swan Street (which is at the ninety degree bend in the Right of Way).
- The finished floor levels along the edge of the concrete slab of the vehicular entrance must be set 40 mm higher than the edge of the bluestone pavement of the Right of Way. The purpose of this 40 mm lip would enable the adjustment of pavement levels in the Right of Way in the event of maintenance or rehabilitation works, and to a minor extent, prevent rainfall run-off from entering the development during storm events.

Internal Layout – Swan Street Building

- With the exception of the 4.9 metre lengths (Clause 52.06-8 standard), the two accessible car parking spaces and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009. A bollard must be provided within the shared area.
- Clearances from walls of 300 mm satisfy Diagram 1 Clearance to car parking spaces in Clause 52.06-8.
- The lengths of the tandem parking sets (10.3 metres) satisfy Design standard 2: Car parking spaces.
- The blind aisle extensions of 1.2 metres satisfy AS/NZS 2890.1:2004.
- Car stackers would accommodate a total of 36 spaces in the Swan Street building car park. The stackers would contain two levels of parking. Each platform has a useable width of 2.6 metres and a pit length of 5.4 metres – suitable for accommodating the B85 design vehicle. For vehicle height clearance, the upper level has a height of 1.8 metres and the entry level has a height of 1.7 metres. Some 56 percent of mechanical spaces can accommodate vehicle heights of no less than 1.8 metres.
- The car stackers for the Swan Street building satisfy the requirements of Design standard 4: Mechanical parking spaces.
- Swept path diagrams for entry and exit movements into critical spaces using the B85 design vehicle are to be submitted.
- The two car lifts have internal dimensions of 3.2 metres by 5.8 metres and have door heights of 2.2 metres and door widths of 3.0 metres. The lifts can accommodate vehicles the size of a B99 design vehicle.

- *Engineering Services has no objection to the use of the proposed car lifts and car stackers as proposed.*

Access Arrangements – Coppin Street Building

- *The 4.0 metre wide doorway service the entry into the Coppin Street building via the north-south aligned carriageway easement satisfies Design standard 1 – Accessways of Clause 52.06-8 of the Yarra Planning Scheme.*
- *At the Coppin Street frontage, the exit point has a width of 3.64 metres and includes one visibility triangle measuring 2.5 metres by 2.0 metres as required in Design standard 1. Since there is no visibility splay on the north side of the exit (due to the adjoining property), a convex mirror could be installed on the south side of the exit (the drawings show on the north side).*
- *The accessways and car parking modules within the Coppin Street building have minimum headroom clearances of 2.2 metres, which satisfy AS/NZS 2890.1:2004.*
- *The existing vehicle crossing on the west side of Coppin Street must be demolished and reconstructed with a new vehicle crossing in accordance with Council's Standard drawings and engineering requirements.*

Internal Layout – Coppin Street Building

- *The dimensions of the car parking spaces and the aisles satisfy Design standard 2: Car parking spaces.*
- *With the exception of the 4.9 metre lengths (Clause 52.06-8 standard), the two accessible car parking spaces and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.*
- *On the Ground Floor, the swept path for the ninety-degree turn in the accessway leading to Coppin Street (east of the accessible parking space 92) must be provided using the B99 design vehicle. This turn is from north to east.*
- *Column depths and setbacks from the aisles must be dimensioned on the drawings and comply with Diagram 1 of Clause 52.06-8.*
- *The longitudinal grades of the aisles satisfy AS/NZS 2890.1:2004.*
- *The internal ramps have been provided with width of 5.5 metres plus 300 mm kerbs on either side as per AS/NZS 2890.1:2004.*
- *The internal ramps grades and changes of grade satisfy Design standard 3: Gradients of Clause 52.06-8.*
- *The blind aisle extensions of 1.0 metre satisfy AS/NZS 2890.1:2004.*

Summary of Design Items to be Addressed

Item	Details
<i>Access – Swan Street Building</i>	<i>The swept path diagrams for access to and from the site and the car lifts using the B99 design vehicle are to be submitted.</i>
<i>Access – Swan Street Building Convex Mirror</i>	<i>A convex mirror should be installed on the south side of the Swan Street building to enable exiting motorists to view the access ramp of the development at 306-308 and 310-312 Swan Street (which is at the ninety degree bend in the Right of Way).</i>
<i>Turning movements – Car Stacker Spaces</i>	<i>Swept path diagrams for entry and exit movements into critical spaces using the B85 design vehicle are to be submitted. Vehicles must not encroach or traverse over the concrete apron of 255 Mary Street (private property).</i>
<i>Access – Coppin Street Building Convex Mirror</i>	<i>A convex mirror should be installed on the south side of the Coppin Street exit to enable exiting motorists to view pedestrians to the north of the exit point.</i>

Access along Ninety-degree Turn in Accessway – Coppin Street Building	<i>On the Ground Floor, the swept path for the ninety-degree turn in the accessway leading to Coppin Street (east of the accessible parking space 92) must be provided using the B99 design vehicle. This turn is from north to east.</i>
Column Depths and Setbacks	<i>Column depths and setbacks from the aisles must be dimensioned on the drawings and comply with Diagram 1 Clearance to car parking spaces of Clause 52.06-8.</i>

IMPACT ON COUNCIL ROAD ASSETS

- *The construction of the new buildings, 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.*
- *The Right of Way providing access to the Swan Street building will deteriorate during and after the construction works on site. The excavation of the basement for both buildings would also impact on the Right of Way. Daily repetitive vehicle movements will impact on the Right of Way. Upon the completion of all works, the Right of Way from Mary Street and including the north-south aligned section must be reconstructed.*
- *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, employees, visitors and other users of the site.*

ENGINEERING CONDITIONS

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

Pedestrian Access

- *All pedestrian access points of the development from the road reserve must be DDA compliant.*

Hiltons Lane Reconstruction

- *Upon the completion of all building works and connections for underground utility services, Hiltons Lane (from Mary Street and including the north-south aligned section abutting the western boundary of the site) must be fully reconstructed to Council's satisfaction and at the Permit Holder's expense.*
- *The vehicle crossing servicing Hiltons Lane must also be reconstructed.*

Civil Works

- *Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Swan Street and Coppin Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense.*

Vehicle Crossing – Coppin Street Frontage

- *The vehicle crossing on the Coppin Street frontage of the site must be demolished and reconstructed to Council's Standard Drawings and engineering requirements.*
- *The applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the reconstructed vehicle crossing, showing the actual reduced levels (not interpolated levels from the application drawings) of the Coppin Street road profile (from centre line of road pavement to property line). The required levels include the building line level, the proposed finished level of the accessway 2.0 metres inside the property, the top of kerb level, the invert level, lip level and road pavement levels. The existing road profile of Coppin Street must be accurately drawn. The applicant must demonstrate by way of a ground clearance check that a B99 design vehicle can traverse the new vehicle crossing and accessway without scraping or bottoming out.*

The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

Public Lighting

- *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.*
- *The developer must ensure that lighting from any existing or new lights does not spill into the windows of any new residences or any existing nearby residences. The control of light spillage into the windows of existing and proposed residences must comply with the requirements of the Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting. Any light shielding or baffling that may be required shall be funded by the Permit Holder.*

114. This is considered to be an onerous requirement given pedestrian access is via Swan or Coppin Streets.

Redundant Vehicle Crossings

- *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 Permit Holder's cost.*

Preparation of Detailed Road Infrastructure Design Drawings

- *The developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development for assessment and approval.*

Construction Management Plan

- *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.*
- *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.*

Road Asset Protection

- *Any roads, footpaths and other road related infrastructure adjacent to the development site that are damaged 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 Permit Holder's expense.*

Impact of Assets on Proposed Development

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

Drainage

- *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), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- *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.*

Services Contract Unit

- *I advise that the Waste Management Plan (WMP) from Strata Plan, dated 14/01/2016 is **unsatisfactory** from the City Works Branch's perspective. The WMP is not up to the expected standard, however, I will give comment on issues to be addressed as best as possible.*
- *Issues to be addressed in the WMP include, but is not limited to, the following:*
 - *Must be written as a standalone document.*
 - *Generally deficient on details.*
 - *Name of author.*
 - *Internal private collection, however, options will be considered if appropriate justification is provided.*
 - *Clause 3: Details of waste generation rates. Estimated waste generation too high.*
 - *Clause 4: Details required, plan, , bin layout, hard waste area, path of access from bin store to collection point, consistency with clause 8, drain must be connected to sewer, details on expected occupant actions, including path of access, how occupants will cope with heavy lids on bins, occupants information kit, etc.*
 - *Clause 5: Details on cardboard arrangements, Council does not provide a detox your home service and need to refer to Sustainability Victoria, hard waste collection by private contractor, details, including plan, on how this will function, bin sizes are only subject to variations subject to approval of Responsible Authority.*
 - *Clause 7: Plan required and details on collection, including path of access, etc.*
 - *Clause 8: Drain must be connected to sewer.*
 - *Clause 9: Tenants/occupiers information kit, hard waste area*
 - *Clause 12: Additional services to be organised by the Operator/Building Manager, needs to be edited and rewritten.*
 - *Must be written to show how waste is to be managed, with details on roles and responsibilities for all parties.*
 - *Check and edit the WMP before it is resubmitted.*

OFFICER ASSESSMENT

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

- (a) strategic policy;
- (b) dwelling use;
- (c) urban design;
- (d) on-site amenity;
- (e) off-site amenity;
- (f) environmental sustainability;
- (g) traffic and car parking (including alteration to access to a road in a Road Zone);
- (h) bicycle parking;
- (i) loading bay waiver;
- (j) waste management; and
- (k) Objector concerns.

Strategic policy

116. Broadly speaking, the site is located within the Swan Street AC, an area well serviced by public transport, services and infrastructure. Higher density housing is encouraged in these areas and on strategic redevelopment sites as per Plan Melbourne and clauses 11.01-1, 11.01-2, 11.04-2, 16.01-2, 16.01-3, 16.01-5, 21.04-1 and 21.04-2 of the Scheme.

117. The northernmost, Swan Street section of the site is located within the C1Z, which aims to provide residential uses as per the role and scale of the commercial area.

The interface between commercial and residential land uses is dealt with by Council's Local Policy at clause 22.05; aiming to encourage reasonable residential amenity levels, without unreasonably impeding business activities.

118. The southernmost, Coppin Street section of the site is located within the C2Z, which encourages commercial areas for office, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. The proposed office use in this section of the site is as-of-right accordingly.

119. When assessing the built form, clauses 15.01-1, 15.01-2, 21.05-2 and 22.10 provide the most relevant guidance, along with the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004). State and local policy encourage high quality urban design outcomes, especially in ACs and along transport corridors. In particular, strategy 17.2 of clause 21.05-2 is that: *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:*

- (a) *Significant upper level setbacks*
- (b) *Architectural design excellence*
- (c) *Best practice environmental sustainability objectives in design and construction*
- (d) *High quality restoration and adaptive re-use of heritage buildings*
- (e) *Positive contribution to the enhancement of the public domain*
- (f) *Provision of affordable housing.*

120. The Swan Street Structure Plan [**SSSP**] also provides relevant built form guidance, supporting 5-6 storey heights in this area (19m), a street wall height of 10m or 3 storeys and upper level setbacks that result in the street wall being 1/3 of the visibility of the upper levels.

121. Environmentally sustainable design [**ESD**] and water sensitive urban design [**WSUD**] guidance is offered at clauses 11.04-5, 15.02-1, 22.16 and 22.17 of the Scheme, encouraging development that reduces energy consumption and minimises storm water runoff. An ESD assessment is offered later in this report.

122. Car parking policy is offered at clauses 18 and 21.06 of the Scheme, with state and local policy encouraging sustainable transport modes such as walking, public transport and cycling. A detailed parking and traffic assessment is offered later in this report.

123. The general scale and density of development proposed is supported by state and local policy, on a site considered as a SRS and well located within an AC (The site is considered to be a SRS as it could accommodate more than 10 dwellings, is within an AC and is well serviced by public transport [clause 16.01-3 of the Scheme]). The proposal meets broad state and local urban consolidation policies contained within the Scheme.

Dwelling Use

124. The use of the site for dwellings requires a planning permit as the frontage exceeds 2m within the C1Z. The reason is to ensure that dwelling entries do not dominate commercial streets.

In addition, clause 21.04-2 aims '*To maintain the long term viability of activity centres*' with a strategy being to '*Discourage uses at street level in activity centres which create dead frontages during the day*'.

125. The proposed dwelling entry is 2.6m wide, or 12 per cent of the property frontage. With a 11.6m wide shop frontage, the proposal would continue to provide a strong retail frontage within the street and would not undermine the commercial activity of the AC or create a 'dead', inactive frontage.

Urban design

Site Analysis Plan and context

126. The Applicant provided a site analysis plan and urban context report with the application.

Urban form and character

127. Both the physical and policy context must be considered in this assessment.
128. Physically, the area is dominated by 1-3 storey (or 2 storey commercial / 3 storey residential equivalent) street walls. Being in an Activity Centre [AC], it is acknowledged that the scale of development in the street will increase.
129. The urban form for this section of Swan Street is generally commercial in nature with concrete paneling and large expanses of glazing. Hard edged forms are commonplace. (Save the takeaway food premises to the north-east of the site, with generous front and side setbacks, which is considered to be an anomaly in the streetscape.)
130. The application generally responds to this hard edge, commercial form of buildings in the street. The design also incorporates a reasonable expanse of glazing at the ground floor to both Swan and Coppin Street to positively activate these interfaces.
131. Local policy generally states that developments on Strategic Redevelopment Sites [SRSs] and in ACs should not exceed 5-6 storeys unless a number of benefits can be achieved (the list at clause 21.05 is not exhaustive, as has been acknowledged by Council and in a number of VCAT decision).
132. The SSSP states that buildings in this section of Swan Street should have a 3 storey street wall, with a maximum 19m (5-6 storey) building height and a 6m upper level street setback. The proposal incorporates a 3 storey street wall (11.5m) to Swan Street with a maximum 8 storey (26.2m) 'tower' element setback 3.9m to 12.4m from the street. As the following 'height and setback' assessment will outline, this massing is generally as per the approved development at 306-312 Swan Street to the immediate west and is considered to be suitable in this primarily commercial context.
133. It is noted that the SSSP does not give street wall or upper level setback guidance for Coppin Street properties, however the 5-6 storey (19m) overall height guidance does extend to this portion of the site. The building would present a 12.2m high street wall to Coppin Street, with the remainder of the building being a maximum overall height of 29m, setback 3.4m from the street.
134. The building typology along Coppin Street is generally more robust than Swan Street, with an infill office development to the south, a Metro train office building on the east side of Coppin Street, and a 2 storey Victorian era terrace to the immediate north of the subject site along Coppin Street. A stronger building presence is therefore supported in Coppin Street (the proposed street wall is higher and the tower setback is reduced compared to the Swan Street building) and is considered to be site responsive.

135. Height, setbacks and materiality will be considered in detail later, however the proposal has been adequately designed and massed to respect the character of the area.

Height and setbacks

136. Reviewing the DSE Guidelines again, an objective is '*To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings*'. Design suggestions include:
- (a) *relate building height to street width and intended character;*
 - (b) *setback upper levels of tall buildings or use a podium and tower form to help create a pedestrian scale at street level; and*
 - (c) *reduce heights, increase setbacks or step the mass of the building to create sensitive interfaces with adjoining buildings*
137. Swan Street podium – The application proposes a 3 storey street wall (plus 4th storey balustrade above). Council's Urban Design Unit suggested that the height of the Swan Street podium needs to be reduced to meet the SSSP. However, the podium is technically only 1m (the fourth floor balustrade) higher than '3 storeys' and is generally as per the approved podium height of the 306-312 Swan Street development to the west. The site to the east is not considered to offer reasonable built for cues given its unusual setbacks from the street. Considering the site context and 'effective' 3 storey street wall height, the application is therefore considered to be both site responsive and meet the intent of the SSSP.
138. Swan Street tower – The SSSP states that upper level elements (above podiums) should be setback at least 6m. The application proposes a 'tower' setback at least 3.9m or 2.2m to balcony edge. Whilst this setback falls short of the 6m recommendation and 4.5m recommendation of Council's urban Design Unit, it is generally as per the approved development at 306-312 Swan Street (3.3m building line setback and 2.3m balcony setback for the upper levels). As in that application, the context of the site and width of Swan Street is considered to be able to accommodate a building of this scale and massing without unreasonably compromising the character or amenity of the area. This section is more robust than the western section of Swan Street, with larger scale commercial forms, therefore supporting a configuration or massing as is proposed.
139. Whilst 2 storeys taller than the SSSP recommendation, at 8 storeys, the proposal is only 1 storey taller than the approval to the west. However, this additional storey has been setback 12.4m from the street to read as a recessive element as opposed to part of the main tower form.
140. This is a large site and is an opportunity in an AC with no direct (residentially zoned) residential interfaces. It does not make sense in this context to simplistically apply a 5-6 storey height control on a site in an AC, well serviced by public transport and infrastructure. Being on the south side of Swan Street, the massing is also not dictated by public realm daylight or shadowing impacts, another opportunity this application has reasonably taken advantage of and responded to accordingly with its massing.
141. Coppin Street podium – This podium along Coppin Street would appear 1-2 storeys taller than the adjacent built forms. This is considered to be an acceptable transition in the street, especially given the 20m street width, which offers generous 'breathing space' to read the building.
142. Coppin Street tower – The SSSP does not recommend upper level or 'tower' setbacks for buildings along Coppin Street. Council's Urban Design advice suggested that the tower setback was insufficient.

However, at 3.4m (generally as per the Swan Street building), it is considered that the upper level setbacks could be accommodated within Coppin Street without unreasonably impacting the pedestrian experience. Swan and Coppin Street are both 20m wide, affording reasonable 'breathing space' for buildings in the street.

143. Whilst 2 storeys or 10m taller than the SSSP recommends, as with the Swan Street tower height, this segment is considered to appropriately take advantage of the site's positioning in an AC, with no direct (Residentially zoned) residential interfaces and close to public transport infrastructure. The C2Z of this portion also calls for a more robust built form typology than the C1Z segment, which this application has responded to accordingly.

Clause 22.07 – Development Abutting laneways policy

144. The western segment of the site fronts a ROW. Council's Development Abutting Laneways Policy (clause 22.07) must therefore be considered. Whilst traffic, vehicular access and overlooking will be considered later in this assessment, the application is considered to meet the policy objectives of clause 22.07 for the following reasons:
 - (a) pedestrian and vehicular entries have been separated;
 - (b) the plans do not detail lighting that would cause unreasonable light spill to adjacent sites;
 - (c) the proposal would not obstruct the laneway (e.g. roller doors or bin storage); and
 - (d) whilst the policy aims for development that respects the scale of the surrounding built form, this policy element is contrary to Plan Melbourne, which accepts that developments in ACs does not need to respect the character of the area. This would not be conducive to the level of change supported in these centres.

Heritage

145. To the immediate north of the subject site, along Coppin Street, is 234 Coppin Street, an individually significant, double storey residential building constructed in 1889.
146. Clause 21.05-1 of the Scheme aims '*To protect and enhance Yarra's heritage places*'. Strategy 14.6 is the most relevant, being to '*Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas*'.
147. The Applicant provided a heritage report, prepared by D V Bick (Architectural Historian and Conservation Architect). However, officer's do not agree with the premise to this report, that '*...the Responsible Authority need have no concerns about the impact of the proposed development on the Heritage Overlay setting of number 234, as the development is outside the Heritage Overlay place*'. The Scheme specifically identifies that developments outside Heritage Overlays must still be considered in any adjacent heritage context.
148. The Application was also referred to Council's Heritage Advisor. Whilst Council's Heritage Advisor did not raise issue with the height or setback of the proposal from the street frontages, they raised issue with the overall height, blank side wall treatments and the use of folding metal screens along the Coppin Street façade.
149. In terms of 'visual intrusion' it is considered that the most relevant considerations are height, setbacks and massing. The materiality of a development adjacent to a heritage place is not considered to unreasonably impact the adjacent place itself. It is agreed however, from an urban design perspective, that a schedule of colours and materials (including samples) should be required by way of a permit condition, should a permit issue.

150. The proposal would be approximately 6 storeys taller than the adjacent heritage building at 234 Coppin Street. However, the podium would only appear 1 storey taller than the adjacent heritage fabric. The upper levels would then be setback 3.4m-4m from the street. This ensures that the proposal provides a 'stepped' transition to the adjacent heritage place, continuing to maintain reasonable visibility and legibility of the heritage fabric.
151. Both heritage and urban design raised issues with the simple side wall treatments. While there are some positives to the proposed approach (the proposal does not form a 'busy' or competing backdrop to the adjacent heritage fabric), it is considered that some additional articulation should be required. It is likely that these walls would only be exposed in the short term given the likely development site on the corner (KFC), but they should appear positively during that time.
152. (Council's Heritage Advisor also raised issue with the use of timber to the Swan Street balconies. However, as the heritage fabric is along Coppin Street, this is not considered to be a relevant heritage consideration.)

Light and shade

153. An objective of the DSE Guidelines is '*To protect sunlight access to public spaces*'.
154. Given the proposal is on the south side of Swan Street and the west side of Coppin Street, the proposal would not unreasonably overshadow surrounding footpath/public realm areas.

Street, public space and safety

155. The Swan and Coppin Street frontages incorporate wide expanses of glazing and well-articulated pedestrian entries. However, the residential and retail entries from Swan Street are too deep approximately 2m (not dimensioned on the plans) and could create unsafe enclaves. Should a permit issue, a condition should require these recesses to be reduced to a maximum of 1m.
156. Further, the substation treatment is not considered to be visually appealing for pedestrians (simply an extension of the side boundary wall treatment tiles. As it is acknowledged that these services are required, should a permit issue, this wall should be treated with public artwork or other treatment to enhance the appearance of this section of the Swan Street frontage.

Wind

157. The DSE Guidelines aim '*To ensure new tall buildings do not create adverse wind effects*'.
158. Given the building has adopted a podium and tower typology, with built form around, this application does not bring rise to adverse wind impacts.

Landmarks, views and vistas

159. The proposal would not unreasonably impact view or vistas and the site is not within close proximity of any identified landmarks in the Scheme (the closest being the Dimmey's Ball Tower – over 577m to the west of the subject site, ensuring the proposal would not unreasonably impact views to this landmark).

Site coverage/Permeability

160. Council's local built form policy at Clause 22.10-3.6 suggests a maximum site coverage of 80 per cent unless the site coverage in the area is higher or there is a need to cap the site to deal with contaminants.

161. In this instance, the surrounding site coverages are generally higher than 80%. Further, the site is within an EAO and has been used for light industry in the past. As the site is not adjoining any sensitive interfaces (dwellings within residential zones, etc.), there is also no need to reduce site coverage to deal with visual bulk. As a result, the proposed 100 per cent site coverage is site responsive and is in keeping with the character of the area.
162. Clause 22.16 of the Scheme also requires Applicant's to consider storm water runoff. With 100 per cent site coverage, the proposal would utilise rainwater tanks to achieve a 101 per cent STORM rating. This would ensure that the proposal would not unreasonably overload the storm water network.

Architectural quality, colours and materials

163. Objective 5.6 of the DSE Guidelines is '*To promote buildings of high architectural quality and visual interest*'.
164. Council's Urban Design Unit suggested that the side wall treatments be addressed due to the 'large blank facades on all the four sides'. As discussed above, the northern wall of the Coppin Street building should be articulated, as should the southern wall of this building. The Swan Street building is generally acceptable given the development occurring to the west and the well articulated eastern façade.
165. With some additional articulation to the northern and southern facades of the Coppin Street building, the application is considered to strike a balance between providing reasonable articulation, without being overly 'busy' or dominant in the street by virtue of the colour or material selection.

Landscaping

166. The plans do not detail any landscaping, however this is supported in this context with high levels of site coverage and little to no on-site landscaping being commonplace.

Service infrastructure

167. The plans do not detail mail box or pits and metres. This should be required by way of a permit condition, should a permit issue, to ensure these services are appropriately incorporated into the design.

On-site amenity

Access, layout and circulation

168. The layout of both buildings is simple, with clear access and movement through the buildings.

Overlooking

169. Objective 2.9 of the DSE Guidelines aims '*To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties*'.
170. In terms of internal amenity, there are potential overlooking opportunities between habitable rooms within the light courts, between terraces and between the office and residential building. This should be addressed by way of a standard permit condition, should a permit issue.

Noise

171. Clause 22.05-4.1 of the Scheme outlines design recommendations to protect new dwellings from unreasonable noise, fumes, vibration, light spillage and other likely disturbances. The main sources to consider in this regard are the take-away food premises to the north-east, the office building to the west (Mary Street) and the railway line to the south.
172. The Applicant provided an acoustic report, prepared by MDA. Council had this report peer reviewed by SLR, with all acoustic matters having been dealt with satisfactorily (other than as below).
173. Whilst matters such as the train line and services can be addressed by way of permit conditions, SLR (and Council for that matter) does not accept MDAs proposal that a Section 173 be used to deal with noise from the take-away food premises to the north-east and the Mary Street office. SLR noted that:
 - (a) *We agree that noise from both these sources may best be controlled at the source but have no opinion as to whether Section 173 agreements are appropriate means for ensuring this outcome. If agreements with the adjacent commercial premises be achieved, an alternative means for assessing the noise and controlling any impacts should be explored.*
174. This point was further explored by Council with SLR and it was agreed that internal residential targets could be required to be demonstrated in an amended acoustic report before the development commences. A condition should therefore be imposed allowing this possibility, requiring demonstration that the proposal would meet the following indoor targets:
 - (a) The lower of the following to be met indoors:
 - i. SEPP N-1 effective indoor limit (i.e. the external SEPP N-1 limit less 15 dB); or
 - ii. AS/NZS2107 'satisfactory' levels
 - (b) Noise levels on balconies to be considered. As a preliminary guide, SEPP N-1 limits should not be exceeded by more than 10 dB on balconies during the evening and night periods.
175. Subject to a condition to this effect, the proposal would reasonably protect itself from commercial noise without impacting the reasonable operation of these premises.

Private and communal open space

176. Objective 6.1 of the DSE Guidelines is '*To ensure access to adequate open space for all residents*'. The guidelines continue to state that '*If a balcony is intended to serve as private open space it should be of sufficient size to accommodate outdoor seating, with good connections between these spaces and the building's interior*'. Further, objective 6.3 is '*To allow solar access to the private and shared open spaces of new high density residential units*'.
177. With a minimum balcony size of 7m² and width of 1.6m, the dwellings would be provided with reasonable recreation space. Further, all balconies would have direct access via a living room.

Solar amenity and daylight to windows

178. Objective 5.4 of the DSE Guidelines is '*To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces*'. With regard to the west boundary light well, design suggestion 5.4.2 is relevant in that Applicant's should '*design light-wells that are adequately sized for their intended purpose*'.
179. The DSE Guidelines state at objective 5.4 that it is policy '*To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces*'.

180. The SSSP recommends that buildings between 5 and 8 storeys should be separated 20m. This is considered to be an onerous requirement in this instance and would render many sites in the AC as undevelopable. The separation was also not raised as an issue by Council's ESD Advisor although it was raised by Council's Urban Design Unit as an issue. However, to address overlooking concerns and reasonable daylight provision on balance, a condition should require the Swan and Coppin Street buildings (level 1 and above) setback a minimum of 9m. The buildings are currently setback 7.3 to 8.5m from each other. The additional setback would mean that the office does not need to be screened to protect the privacy of new residents and the separation would also afford reasonable daylight into the northern office windows and the adjacent dwellings.
181. Again, whilst Council's Urban Design Unit raised issue with the size of the light courts, this was not a concern of Council's ESD Advisor. The east boundary light courts would be 2.6m by 2.7m and would only service bedrooms or be secondary daylight sources for kitchens. This is considered to be a reasonable configuration given the nature of the benefiting rooms.

Storage

182. Objective 5.5 of the DSE Guidelines is '*To provide adequate storage space for household items*'.
183. The application provides 42 stores (minimum 6m³) providing for the adequate needs of residents.

Internal circulation/way finding

184. The layout of the development is simple and does not necessitate signage or design modifications to improve navigation.

Off-site amenity

185. Objectives 2.5 and 2.6 of the DSE Guidelines are '*To ensure building separation supports private amenity and reinforces neighbourhood character*'.
186. There are 2 dwellings to the west along Mary Street (separated by the laneway) and a residential building to the west along Swan Street, currently under construction.
187. West – Mary Street – These dwellings are within the C2Z and assumedly have existing use rights. In terms of overlooking, the south-west corner apartments in the Swan Street building may overlook the POS areas of the dwellings to the south-west, as would the western windows in the Coppin Street building. As the adjacent dwellings are in the C2Z, it is assumed that they have existing use rights. In this instance, it is considered necessary to treat the level 1 and 2 windows/ balconies in each building as unreasonable overlooking may result.
188. The height and setback of the proposal adjacent to these dwellings must also be considered. The proposal would present an 8 storey tower, setback 2.7 metres from the rear title boundary and further separated from these dwellings by a 2.8m wide laneway (total 5.5m separation). Whilst setbacks of 4.5m (measured from the centre of the lane) are typically recommended in residential settings (requiring an additional 400mm west boundary setback in this instance), this is not considered necessary for the following reasons:
- (a) this section of the subject site and the adjoining dwellings are within the C2Z, where high density residential developments are typically prohibited (equitable development needs are therefore different given the non-residential land uses anticipated in the C2Z);

- (b) the adjacent residential properties are relatively small (approximately 194m² each), making it unlikely that a development of a similar scale to the subject proposal would be proposed in the future. This means that a minimum 9m 'tower separation' as is commonly advocated for developments in the realm of 5-6 + storeys, is unlikely to occur;
- (c) whilst these dwellings would experience additional overshadowing at 9am, these POS areas would be free from additional shadow from midday onwards. This is considered to strike a reasonable balance within the C2Z; and
- (d) these dwellings are within the C2Z and cannot expect to enjoy the same levels of amenity as dwellings in residential zones.

189. It is for the above reasons that the west boundary setback and heights are supported.

190. Another issue is the general massing of the proposal. The below extract of the endorsed plans for 306-312 Swan Street show the location of a light court on the western boundary of the site. This application proposes a sheer wall on this boundary. This is considered to be an unreasonable development outcome for the adjacent site and would unreasonably compromise the daylight and ventilation afforded to these dwellings.

As the adjacent proposed dwelling is 2 bedrooms, the layout could be modified to introduce a mirror-imaged light court opposite the light court on the site to the west. The lift core would need to be adjusted, however this is not impossible and is considered to be an orderly planning, site responsive outcome for both sites.



191. South – Coppin Street – The proposal is adjacent to an office building to the south, with a frontage to Coppin Street. Whilst this building presents non-habitable room windows towards the subject site, the proposal has been massed accordingly. Where there are no windows on the adjacent property, the proposal has been 'pushed' to the south title boundary. However, opposite the non-habitable room windows, the proposal introduces a 2.5m south boundary setback. Whilst the shadow diagrams demonstrate that the proposal would still overshadow these windows throughout the day, this is inevitable given they are north facing windows presenting towards a large SRS. Considering the C2Z of the land, the proposal is considered to have responded accordingly.

192. North-east – The proposal includes light wells on the eastern boundary, however they are of a reasonable size as to not unreasonably impact the equitable development potential of the site to the east. Further, the noise section of this report has already dealt with treating noise issues on-site with regard to this adjacent commercial property.

Environmental sustainability

193. The Applicant provided a Sustainable Management Plan, prepared by the Moreland Energy Foundation. Specifically, the following commitments have been made:
 - (a) an average 6.8 Star NatHERS (min) residential rating and a 10% improvement in the energy efficiency performance of the office building;
 - (b) good shading through balcony overhangs, building articulation and adjustable shading screens;
 - (c) a 10 kW solar PV system for the apartment building and a 12,500 to 13,000 kWh PV system for the office building;
 - (d) a STORM rating of 101%;
 - (e) 53% of dwellings would have cross ventilation and single aspect dwellings would have reasonable access to natural ventilation;
 - (f) adoption of energy efficient heating and cooling split systems to dwellings;
 - (g) water efficient fixtures throughout;
 - (h) gas centralised hot water system or heat pump; and
 - (i) a total of 41 bicycle parking spaces have been provided for residents plus 48 bike parking spaces for the staff in the basements.
194. Council's ESD advisor made a number of following recommendations based on the original plans. These included:
 - (a) *Most dwellings and office areas will have reasonable daylight access. South facing lower level dwellings will be of lower standard. Please provide more information on the expected daylight performance of south facing dwellings. Demonstrate that the development meets a best practice standard.*
195. Instead of requiring additional daylight modelling based on the current setbacks, to improve daylight and privacy throughout the development, a condition should be imposed to require a minimum 9m separation between the Swan Street and Coppin Street buildings (from level 1 and above).
 - *Please demonstrate 10% improvement on the minimum NCC required energy efficiency standard in the office building through a completed JV3 report, or equivalent, prior to commencement of works.*
196. This should be required by way of a permit condition, should a permit issue.
 - *The rainwater tanks and raingarden cannot be clearly identified on the architectural drawings.*
197. This should be required by way of a permit condition, should a permit issue.
 - *Please update drawings to clearly show tank size, location and toilet connections.*
198. This should be required by way of a permit condition, should a permit issue.
199. A number of additional improvement opportunities were also recommended as follows:
 - (a) *Recommend ceiling fans to bedrooms of single aspect dwellings to assist ventilation.*
 - (b) *Recommend kitchens to have extraction fans (not re-circulating ranges).*
 - (c) *Consider providing end of trip facilities (showers and lockers) for staff to encourage them cycling to work.*
 - (d) *Recommend heat recovery & 100% economy cycle on HVAC system on office building.*
 - (e) *Recommend heating and cooling plant for office components have COPs within 85% of best available energy efficiency rating for the required capacity. Recommend BMS and VSD fans to optimise system for efficiency.*
 - (f) *Recommend adjustable clothes drying racks to balconies be considered.*
 - (g) *Consider using concrete and steel with a recycled component.*

(h) *Consider all timber used onsite to be FSC accredited.*

200. At the time of writing, the Applicant did not confirm they would pursue any of the above. As these are considered to be 'above and beyond' the planning scheme requirements, they should not be imposed as conditions on any permit issued.
201. Subject to the conditions contained in this report, the proposal would result in a reasonable ESD outcome.

Traffic and car parking

202. The decision guidelines at Clause 52.06 will be used to guide this assessment.

Car parking provision

203. The Applicant provided a traffic report, prepared by Traffix Group (Issue A, dated 15 December 2015).
204. The application has a statutory requirement of 250 car parking spaces (40 residential, 7 residential visitor, 7 shop and 196 office). With 165 car parking spaces provided on-site a reduction of 85 car parking spaces is sought (7 residential visitor, 5 shop and 123 office spaces).
205. The Applicant's traffic report included a car parking demand assessment and review of the car parking reduction sought, offering the following:
 - (a) the application meets the clause 52.06 car parking requirements for the dwellings. ABS data for 1, 2 and 3 BR dwellings in Richmond also indicate that approximately 1 car parking space is required per dwelling. This ensures that the proposed would meet the residential parking demand (42 spaces for 40 dwellings);
 - (b) no on-site visitor parking is provided for residential visitors. Whilst empirical evidence suggests a parking demand rate of 0.12 visitor spaces per dwelling (equating to 5 spaces in this instance), the traffic report refers to the site's positioning within the Swan Street Activity Centre and access to public transport (in particular train and tram options within close proximity of the site) for meeting the needs of visitors;
 - (c) whilst the Scheme suggests a rate of 4 spaces per 100m² of shop floor area, the Applicant's traffic report suggests a rate of 3 spaces per 100m² based on empirical evidence and the site's positioning within an Activity Centre. This would equate to a demand for 6 spaces associated with the shop. However, the traffic report continued, stating that approximately 30% of the shop parking demand is staff; resulting in an empirical staff parking demand of 2 spaces. This has been provided on the site. The Applicant's traffic report then continues to state that any shop customer parking demands could be accommodated on-street in restricted parking areas (e.g. 1P or 2P zones);
 - (d) considering the office use, the Applicant's traffic report has used empirical evidence, considered the Activity Centre positioning of the site and Council's sustainable transport policies to propose a parking rate of 2.3 spaces per 100m² of office floor area (as opposed to the Scheme rate at clause 52.06 of 3.5 spaces per 100m²). As the on-street spaces in the surrounding area are generally restricted/time-based, it is acknowledged that office workers who are not allocated an on-site space would need to walk, cycle or use public transport to access the site;
 - (e) the Applicant's traffic report concludes that at peak times, there would be a parking demand overflow of 6 spaces during business hours and 5 spaces during evening/weekend periods;
 - (f) given the Swan Street parking areas would generally be accessed via a car lift (save the 2 ground level spaces allocated to retail staff), it would be impractical (and contrary to clause 52.06-8 of the Scheme) to allocate parking in the basement of this building to visitors or retail customers. The reason is that they would not be familiar with the use of car lifts;

- (g) given the overflow parking demand is calculated as 6 spaces (at most) the car parking reduction sought would not unreasonably impact the parking conditions in the area or the functioning of the Activity Centre;
- (h) the removal of a crossover from Swan Street results in a gain of 1 on-street parking space; and
- (i) a car parking survey revealed that at least 32 publicly available spaces were available (survey undertaken in January and November 2014 at midday, 2.30pm and 6.30pm).

206. Council's Engineering Services Unit reviewed the Applicant's traffic report, further noting that:
- (a) residents and tenants would not be eligible for parking permits;
 - (b) the submitted empirical evidence for alternative office and retail parking rates appears reasonable;
 - (c) it is appropriate to not provide residential visitor nor shop customer parking in the Swan Street basement due to the configuration/lift access; and
 - (d) the site has very good access to public transport options.
207. In light of this assessment, Council's Engineering Services Unit concluded that the surrounding street network has the capacity to accommodate any parking overflows associated with the development, subsequently having no objection to the proposal.

Car park access, layout and traffic

- Swan Street building (residential and retail)

208. The Applicant's traffic report has conservatively anticipated 3 traffic movements per dwelling per day, or 10% in the peak hour, being 114 vehicle trips per day with 11 vehicle trips in each peak hour. The anticipated retail movements are 2 per peak hour.
209. The Applicant's traffic report has conservatively anticipated 3 traffic movements per dwelling per day, or 10% in the peak hour, being 114 vehicle trips per day with 11 vehicle trips in each peak hour.
210. Car parking to this building would be via a ROW (known as Hiltons Lane) that extends from Mary Street. Whilst the ROW is a single lane, Council's Engineering Services Unit were comfortable that a maximum of 13 vehicle trips per peak hour could be accommodated by this ROW. In particular, they noted that AS/NZS 2890.1:2004 only requires a passing area where there would be greater than 30 vehicle trips.
211. Council's Engineering Services Unit concluded that they are satisfied that traffic from the Swan Street building could enter and exit Hilton's Lane without having an adverse impact on traffic in the surrounding area.
212. The Applicant's traffic report has also considered the impact of the car lift. With 2 lifts being provided, the statistical analysis found that 97.5% of the time, there would be no queues. The remaining 2.5% of the time, there may be 1 vehicle queuing, which would be able to prop on the subject land as they wait. With a 0.6% chance of more than 1 vehicle queuing for the lift, the arrangement is considered to be satisfactory and is also supported by Council's Engineering Services Unit.

- Coppin Street building (office)

213. With vehicular access via Swan Street, clause 52.29 is a permit trigger in this instance. It is noted however, that VicRoads have not objected to the application.
214. The Applicant's traffic report has adopted a traffic generation rate of 10 vehicle movements per 100m² of office floor area; 561 vehicle trips per day. With 50-60% of movements anticipated to occur in the peak hour, this equates to 62-74 vehicle trips per peak hour.

Given the site adjoins both Swan and Coppin Street, with in (Swan Street) and outwards (Coppin Street) movements being separated, it is agreed that the proposal would not unreasonably impact traffic conditions in the area.

215. In terms of a general layout assessment, Council's Engineering Services Unit recommended the following conditions on any permit issued:
- (a) swept path diagrams demonstrating access to and from the site and the car lifts using a B99 design vehicle;
 - (b) installation of a convex mirror on the south side of the doorway off the Right of Way;
 - (c) a notation confirming the finished floor levels along the edge of the concrete slab of the vehicular entrance must be set 40 mm higher than the edge of the bluestone pavement of the Right of Way;
 - (d) provision of a bollard in the shared zone between the 2 ground floor, retail car parking spaces;
 - (e) installation of a convex mirror on the south side of the Coppin Street vehicular exit;
 - (f) the existing vehicle crossing on the west side of Coppin Street must be demolished and reconstructed with a new vehicle crossing in accordance with Council's Standard drawings and engineering requirements;
 - (g) a 1 in 20 scale cross sectional drawing of the reconstructed vehicle crossing, showing the actual reduced levels (not interpolated levels from the application drawings) of the Coppin Street road profile (from centre line of road pavement to property line). The required levels include the building line level, the proposed finished level of the accessway 2.0 metres inside the property, the top of kerb level, the invert level, lip level and road pavement levels. The existing road profile of Coppin Street must be accurately drawn. The applicant must demonstrate by way of a ground clearance check that a B99 design vehicle can traverse the new vehicle crossing and accessway without scraping or bottoming out;
 - (h) the redundant Swan Street crossover must be demolished and reinstated as footpath, kerb and channel;
 - (i) column depths and setbacks from the aisles must be dimensioned on the drawings and comply with Diagram 1 Clearance to car parking spaces of Clause 52.06-8;
 - (j) a swept path diagram, for a B99 vehicle, must be provided for the 90 degree turn on the Ground Floor of the Coppin Street building;
 - (k) standard conditions relating to the repair of any damage to Council assets, re-sheeting of the ROW, reconstruction of the Hiltons Lane crossover (to Mary Street), re-sheeting of the Swan Street footpath;
 - (l) 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 Permit Holder's cost.
216. Council's Engineers also recommended a condition that all pedestrian entries be DDA compliant, however this is considered to be a building code issue. Matters relating to public lighting are also excessive given the building entrances are from main roads.
217. Whilst it is reasonable to request the developer to reconstruct the ROW linking the site with Mary Street, it is understood that the permit for the development at 306-312 Swan Street requires the reconstruction of Hiltons Lane or this ROW. To address this, a permit condition will allow some flexibility in the event that the laneway quality is deemed to be acceptable.
- *Swept path diagrams for entry and exit movements into critical spaces using the B85 design vehicle are to be submitted. Vehicles must not encroach or traverse over the concrete apron of 255 Mary Street (private property).*
218. Council's Engineering Services Unit have confirmed that this relates to the end aisle spaces. This should be conditioned by way of a permit condition, should a permit issue.
219. Subject to the conditions contained in this report, the proposal would not unreasonably impact parking or traffic conditions in the area.

Bicycle parking

220. The application meets the bicycle parking provision of clause 52.34. however, the application does not meet the signage design, shower or change room requirements of clause 52.34. In particular, with all of the spaces being 'Ned Kelly' style, the design of the spaces does not meet the new Australian Standard (being a maximum of 20% hanging style). However, all of these items can be addressed by way of permit conditions, should a permit issue.
221. All of the bicycle parking spaces are located close to the lifts, ensuring that cyclists are reasonably protected from vehicles in the basements.
222. Subject to the conditions contained in this report, the proposed bicycle parking provision supports the sustainable transport objectives of the Scheme.

Loading bay waiver

223. The Applicant is seeking a waiver of the loading bay requirements associated with the retail premises. Given the size of the shop (198m²) it is reasonable for deliveries to occur either using on-street car parking or within the nearby on-street loading bay (19m to the west of Bell Street).
224. In the case of 382-386 Burnley Street No.1 Pty Ltd v Yarra CC [2015] VCAT 338 (26 March 2015), the following commentary was provided in relation to loading bays in activity centres:
34. *It is not unusual for mixed use developments of this nature, or for that matter developments of single shops, to have requirements for loading bays waived. The provision of loading bays for individual shops or cafes is a very inefficient method of providing for the loading and unloading requirements across an activity centre of this scale. To extend that requirement across a higher order activity centre would very likely seriously frustrate the policy intent of encouraging urban consolidation and the efficient use and development of land in well serviced locations. A far more efficient way of providing loading facilities in activity centres is to provide communal or public facilities accessible to a number of businesses. Convenient public facilities are already provided in close proximity to the review site, and I see no sound reason to require those facilities to be duplicated on the land.*
225. A variation from the clause 52.07 requirements is supported in this instance.

Waste management

226. Council's Services Contracts Unit have reviewed the Waste Management Plan [WMP] submitted by the Applicant and prepared by Strata Plan (dated 14/01/2016). The report was found to be deficient in a number of areas, including waste generation rates, cardboard storage/collection, collection path, etc.
227. However, should a permit issue, these items could be addressed by way of permit condition.

Objector concerns

- the application does not comply with the Swan Street Structure Plan;
228. Addressed at paragraphs 132 to 133.
- height and neighbourhood character;
229. Addressed at paragraphs 126 to 143.

- internal amenity (apartment and bedroom sizes are too small, light courts are too small and poor natural daylight);

230. Addressed at paragraphs 168 to 184.

- inadequate dwelling mix;

231. The Scheme does not specify dwelling mix ratios, however with 12 x 1BR, 24 x 2BR and 2 x 3BR, there would be a reasonable mix between 1-3 bedroom apartments.

- off-site amenity (inadequate setbacks, overlooking, visual bulk, reduced daylight to Barkly Gardens, safety, impact on views and noise);

232. Addressed at paragraphs 185 to 193. However, it is noted that the proposal would not overshadow the Barkly Gardens at the September Equinox.

- overdevelopment;

233. Addressed throughout the urban design assessment at paragraphs 126 to 144.

- site coverage is too high;

234. Addressed at paragraphs 160 to 162.

- impact on the heritage property to the north along Coppin Street;

235. Addressed at paragraphs 145 to 152.

- the zoning is commercial, not residential;

236. The dwelling use component has been assessed at paragraphs 124 and 125.

- the proposal would impact nearby commercial uses;

237. Addressed at paragraphs 185-193 and 171-175.

- the proposal would impact the development potential for adjoining sites;

238. Addressed at paragraphs 185-193.

- no landscaping is offered;

239. Addressed at paragraph 166.

- inadequate car parking / oversupply of car parking;

240. Addressed at paragraphs 203-207.

- traffic congestion;

241. Addressed at paragraphs 208-219.

- lack of design detailing on the north-eastern and southern concrete facades;

242. Addressed at paragraphs 148-151 and 164.

- the proposal is too close to the CityLink exhaust stacks and would experience unreasonable levels of pollution; and

243. The application was referred to the EPA, CityLink and VicRoads under the DDO5. No objections were received in relation to this element (CityLink exhaust stacks).

- no water recycling or solar power re-use is offered.

244. ESD is addressed at paragraphs 194-201.

Other matters

245. Given the Swan and Coppin Street buildings are on different titles, should a permit issue, a condition should require the lots to be consolidated before the construction commences. Officers are concerned that should the Swan Street building be constructed and the rear (Coppin Street) lots be sold off, then these balconies would be on a boundary. This will be addressed by way of a permit condition, should a permit issue.

Conclusion

246. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore approved.

RECOMMENDATION

That a Notice of Decision to Grant a Permit (PLN16/0034) be issued for 314-320 Swan Street and 236 Coppin Street, Richmond VIC 3121 for the development of the land for the construction of 2, 8 storey buildings, plus 4 basement levels with the 'Swan Street' building being used as dwellings and a shop and the 'Coppin Street' building being used as offices (no permit required for office and shop uses), reduction in the car parking requirements associated with dwellings, a shop and offices, waiver of the loading bay requirement and alteration to access to a road in a Road Zone Category 1 in accordance with the advertised 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 advertised plans (TP-12B, TP-111B, TP-100C, TP-101C, TP-102C, TP-103C, TP-104C, TP-105C, TP-106C, TP-107C, TP-108D, TP-109D, TP-110D, TP-400D, TP-401D, TP-402D and TP-403D, prepared by Elwert Leaf) but modified to show:
 - (a) Further articulation of the northern and southern facades of the Coppin Street building.
 - (b) The retail premises shown as a shop.
 - (c) Provision of a light court on the western boundary, mirroring the light court of the approval at 306-312 Swan Street;
 - (d) the Swan and Coppin Street buildings (level 1 and above) separated by a minimum distance of 9m;
 - (e) levels 1 and 2 of the south-west corner apartments in the Swan Street building and the western windows of the Coppin Street building treated to minimise overlooking where views into private open space areas or habitable room windows could be provided within a 9m radius and 45 degree arc;
 - (f) treatments to minimise overlooking where internal views into private open space areas or habitable room windows could be provided within a 9m radius and 45 degree arc;
 - (g) the Swan Street retail and dwelling entries to be setback a maximum of 1m from the title north boundary;
 - (h) the location of mailboxes, pits and metres;

- (i) a schedule of colours and materials, including samples (where relevant);
 - (j) change room(s) and shower(s) as per clause 52.34-3 of the Yarra Planning Scheme;
 - (k) bicycle signage as per clause 52.34 of the Yarra Planning Scheme;
 - (l) bollards in the basement levels near the lifts to delineate pedestrian and vehicular zones;
 - (m) the rainwater tank location, size and connections and raingarden locations;
 - (n) swept path diagrams demonstrating access to and from the site and the car lifts using a B99 design vehicle;
 - (o) installation of a convex mirror on the south side of the doorway off the Right of Way;
 - (p) a notation confirming the finished floor levels along the edge of the concrete slab of the vehicular entrance must be set 40 mm higher than the edge of the bluestone pavement of the Right of Way;
 - (q) provision of a bollard in the shared zone between the 2 ground floor, retail car parking spaces;
 - (r) installation of a convex mirror on the south side of the Coppin Street vehicular exit;
 - (s) the existing vehicle crossing on the west side of Coppin Street demolished and reconstructed with a new vehicle crossing in accordance with Council's Standard drawings and engineering requirements;
 - (t) a 1 in 20 scale cross sectional drawing of the reconstructed vehicle crossing, showing the actual reduced levels (not interpolated levels from the application drawings) of the Coppin Street road profile (from centre line of road pavement to property line). The required levels include the building line level, the proposed finished level of the accessway 2metres inside the property, the top of kerb level, the invert level, lip level and road pavement levels. The existing road profile of Coppin Street must be accurately drawn. The applicant must demonstrate by way of a ground clearance check that a B99 design vehicle can traverse the new vehicle crossing and accessway without scraping or bottoming out;
 - (u) confirmation the redundant Swan Street crossover will be demolished and reinstated as footpath, kerb and channel;
 - (v) column depths and setbacks from the aisles must be dimensioned on the drawings and comply with Diagram 1 Clearance to car parking spaces of Clause 52.06-8 of the Yarra Planning Scheme;
 - (w) a swept path diagram, for a B99 vehicle, for the 90 degree turn on the Ground Floor of the Coppin Street building;
 - (x) swept path diagrams for entry and exit movements into end of aisle spaces using the B85 design vehicle. Vehicles must not encroach or traverse over the concrete apron of 255 Mary Street (private property).
2. The development and uses 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 commences, the lots must be consolidated.
 4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
 5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

6. The amenity of the area must not be detrimentally affected by the development or dwelling 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,all to the satisfaction of the Responsible Authority.
7. The development and office use must comply at all times with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
8. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Before the development is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
10. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. Before the plans are endorsed, an amended Acoustic Report prepared to the satisfaction of the Responsible Authority by a suitably qualified acoustic engineer 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 (dated 1 February 2016), but modified to include (or show, or address):
 - (a) A SEPPN-1 assessment of noise from existing commercial mechanical plant to the subject site. In the instance that an exceedance of SEPPN-1 limits is identified, the report should include advice for achieving compliance with SEPPN-1 externally, or for controlling noise indoors. If indoor targets are adopted:
 - (i) the lower of the following is to be met indoors:
 - SEPP N-1 effective indoor limit (i.e. the external SEPP N-1 limit less 15 dB); or
 - AS/NZS2107 'satisfactory' levels
 - (ii) noise levels on balconies must be considered. As a preliminary guide, SEPP N-1 limits should not be exceeded by more than 10 dB on balconies during the evening and night periods.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
13. Before the plans are endorsed, 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 advertised Sustainable Management Plan prepared by the Moreland Energy Foundation, but modified to include or show:
 - (a) a minimum 10% improvement on the minimum NCC required energy efficiency standard in the office building through a completed JV3 report, or equivalent.

14. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
15. 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 amended Waste Management Plan must be generally in accordance with the advertised plan (prepared by Strata Plan), but modified to:
 - (a) be written as a standalone document;
 - (b) name the author;
 - (c) provide internal private collection, however, options will be considered if appropriate justification is provided;
 - (d) address clause 3: Details of waste generation rates. Estimated waste generation too high;
 - (e) address clause 4: Details required include plan, bin layout, hard waste area, path of access from bin store to collection point, consistency with clause 8, drain must be connected to sewer, details on expected occupant actions, including path of access, how occupants will cope with heavy lids on bins, occupants information kit, etc.;
 - (f) address clause 5: Details on cardboard arrangements, remove reference to a 'detox your home service' (Council does not provide this);
 - (g) address clause 7: Plan required and details on collection, including path of access, etc.;
 - (h) address clause 8: confirm that the drain must be connected to sewer;
 - (i) address clause 9: Tenants/occupiers information kit, hard waste area;
 - (j) address clause 12: Additional services to be organised by the Operator/Building Manager; and
 - (k) the report must be written to show how waste is to be managed, with details on roles and responsibilities for all parties.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and all ongoing obligations must be complied with to the satisfaction of the Responsible Authority.
17. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) the allocation of tandem spaces to one tenancy;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
 - (e) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan; and
 - (f) details regarding the management of loading and unloading of goods and materials.
18. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

19. 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;
 - (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;
 - (j) materials and waste;
 - (k) dust;
 - (l) stormwater contamination from run-off and wash-waters;
 - (m) sediment from the land on roads;
 - (n) washing of concrete trucks and other vehicles and machinery; and
 - (o) spillage from refuelling cranes and other vehicles and machinery;
 - (p) the construction program;
 - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (r) parking facilities for construction workers;
 - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (u) 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;
 - (v) 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.
 - (w) 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:
 - (x) using lower noise work practice and equipment;
 - (y) the suitability of the land for the use of an electric crane;
 - (z) silencing all mechanical plant by the best practical means using current technology;
 - (aa) fitting pneumatic tools with an effective silencer;
 - (bb) other relevant considerations; and
 - (cc) 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;
 - (dd) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - (ee) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.

20. During the construction of the approved development:
 - (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the land;
 - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
21. 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.
22. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
23. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:
 - (a) the re-sheeting of the Swan Street footpath; and
 - (b) unless with the prior written consent of the Responsible Authority, the reconstruction of Hilton's Lane, from the rear of the site to Mary Street (including the crossover).
24. Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in condition 23) for assessment and endorsement to the satisfaction of the Responsible Authority.
25. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
26. Before the development 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.
27. Before the development 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, nature strip, and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
28. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;

- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
- all to the satisfaction of the Responsible Authority.

29. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, and dwelling entrances must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

PTV Condition (condition 30)

30. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Swan Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to YarraTrams and Public Transport Victoria fourteen days (14) prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
31. This permit will expire if:
- (a) the development is not commenced within four years of the date of this permit;
 - (b) the development is not completed within six years of the date of this permit; or
 - (c) the use is not commenced within five years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

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.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

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

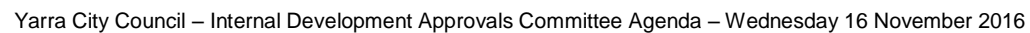
In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

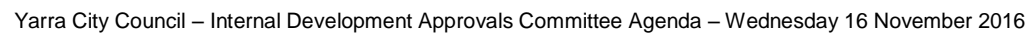
A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

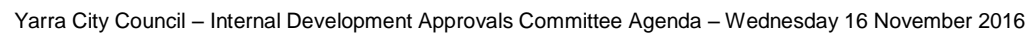
CONTACT OFFICER: Sarah Thomas
TITLE: Principal Planner
TEL: 92055046

Attachments

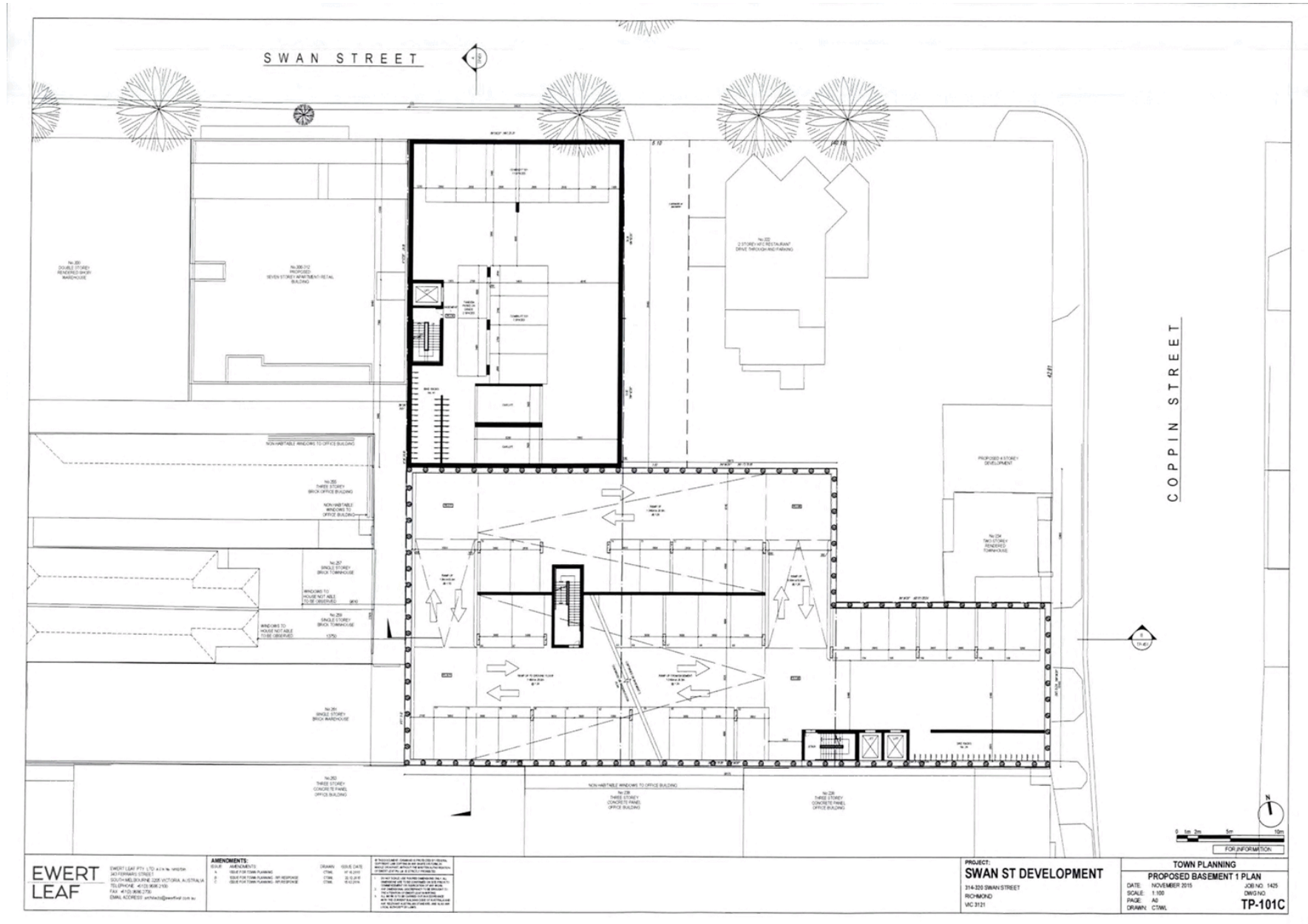
- 1** PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Plans Part 1
- 2** PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Plans Part 2
- 3** PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Perspectives



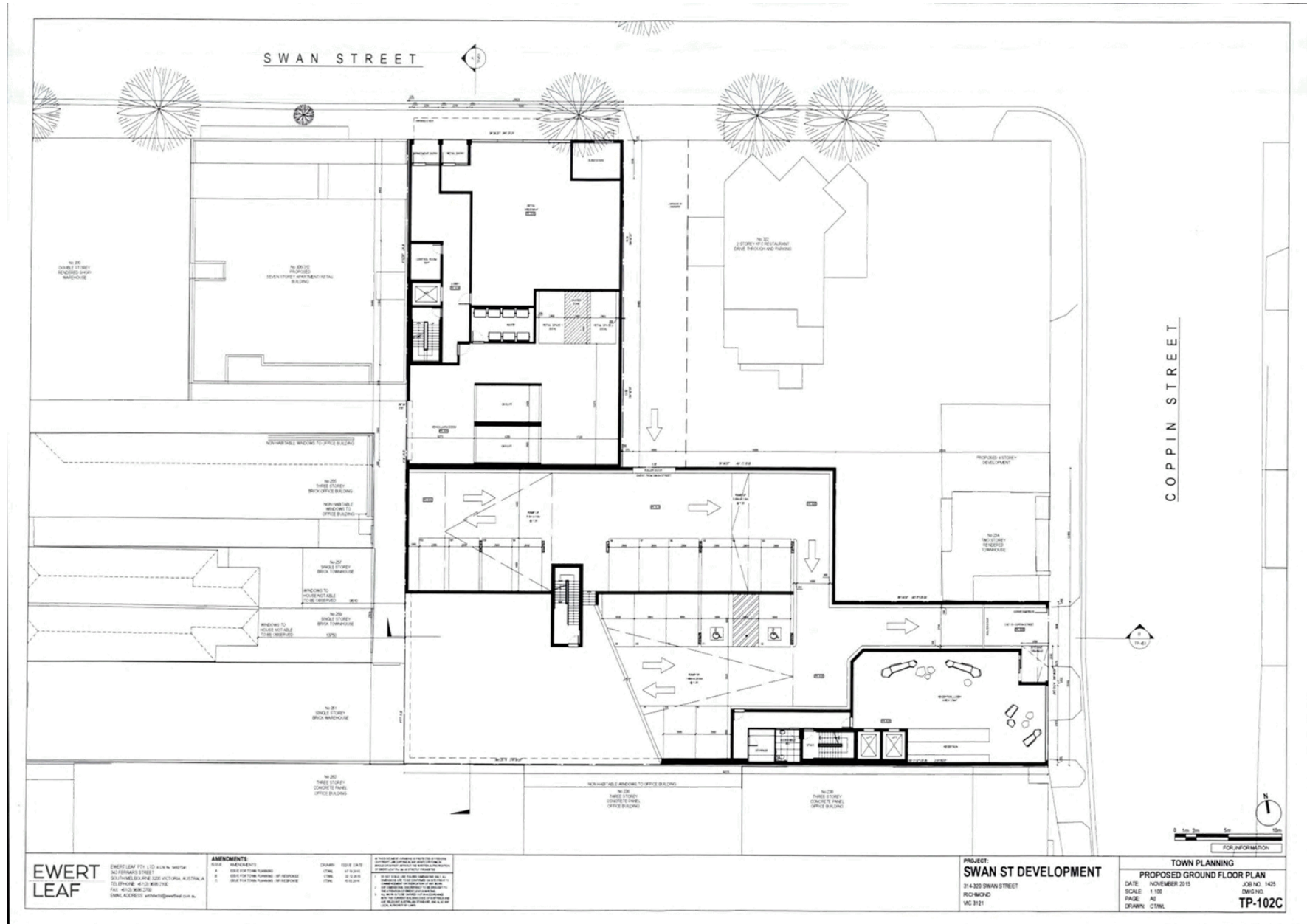




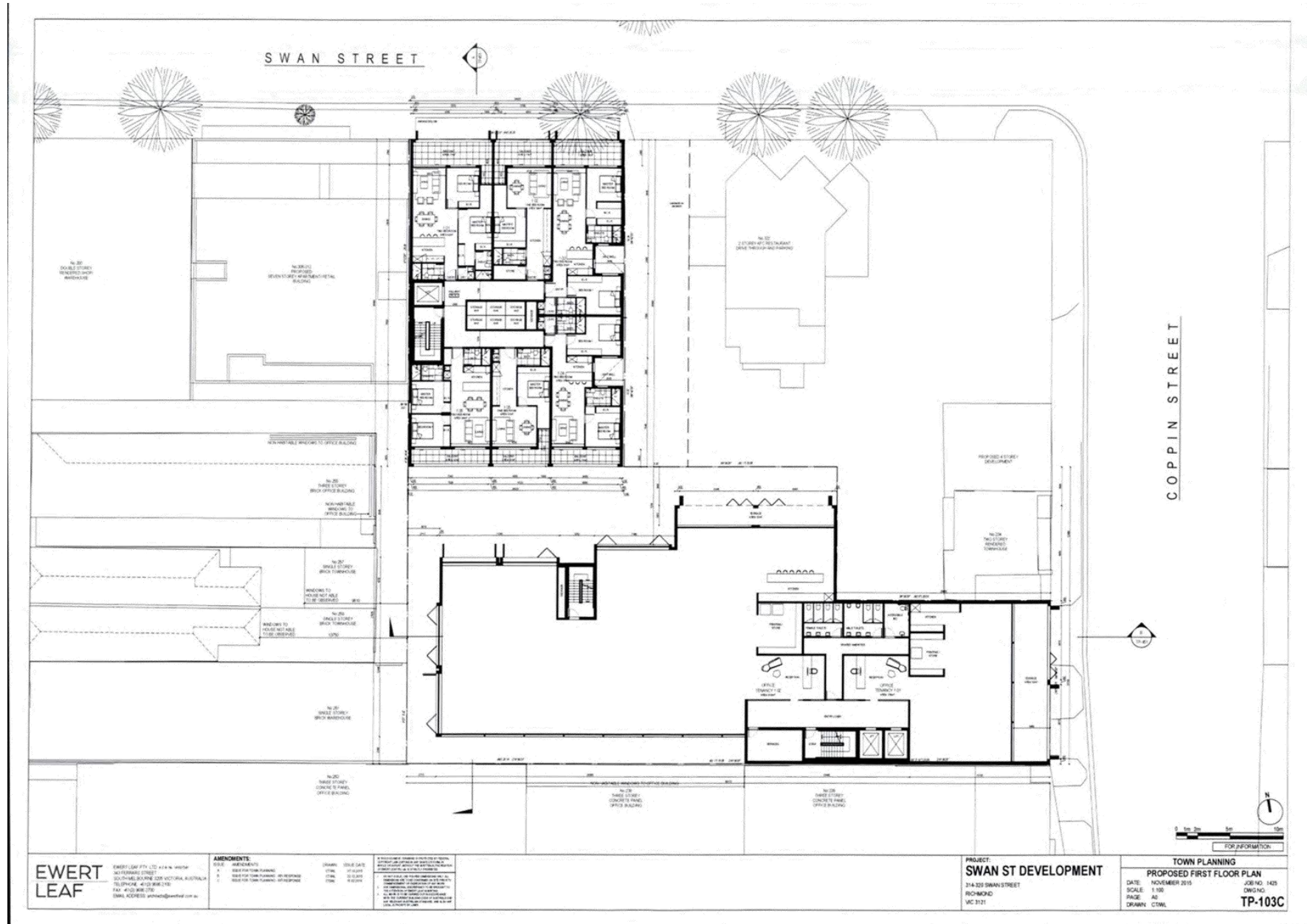
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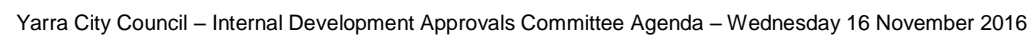


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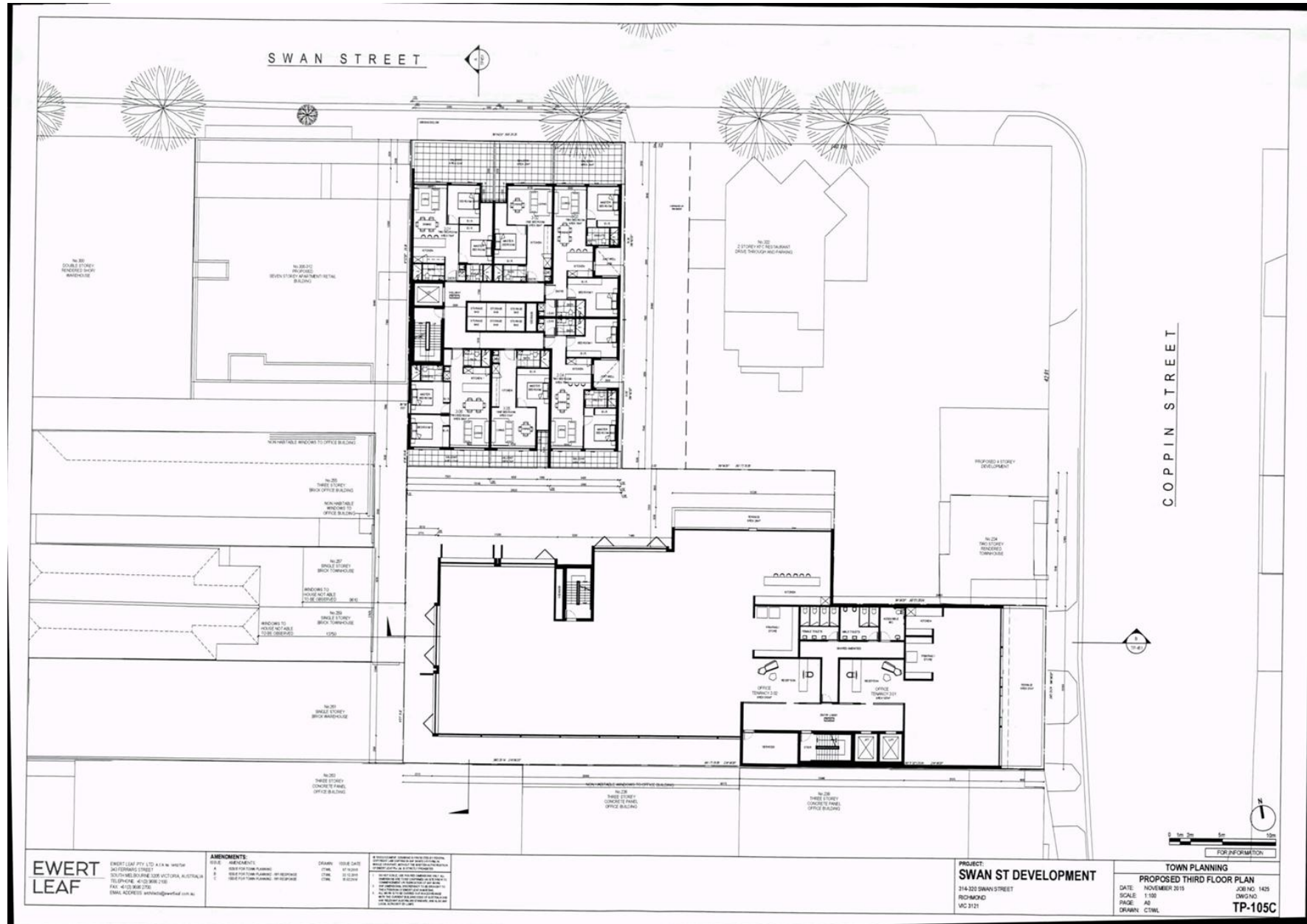


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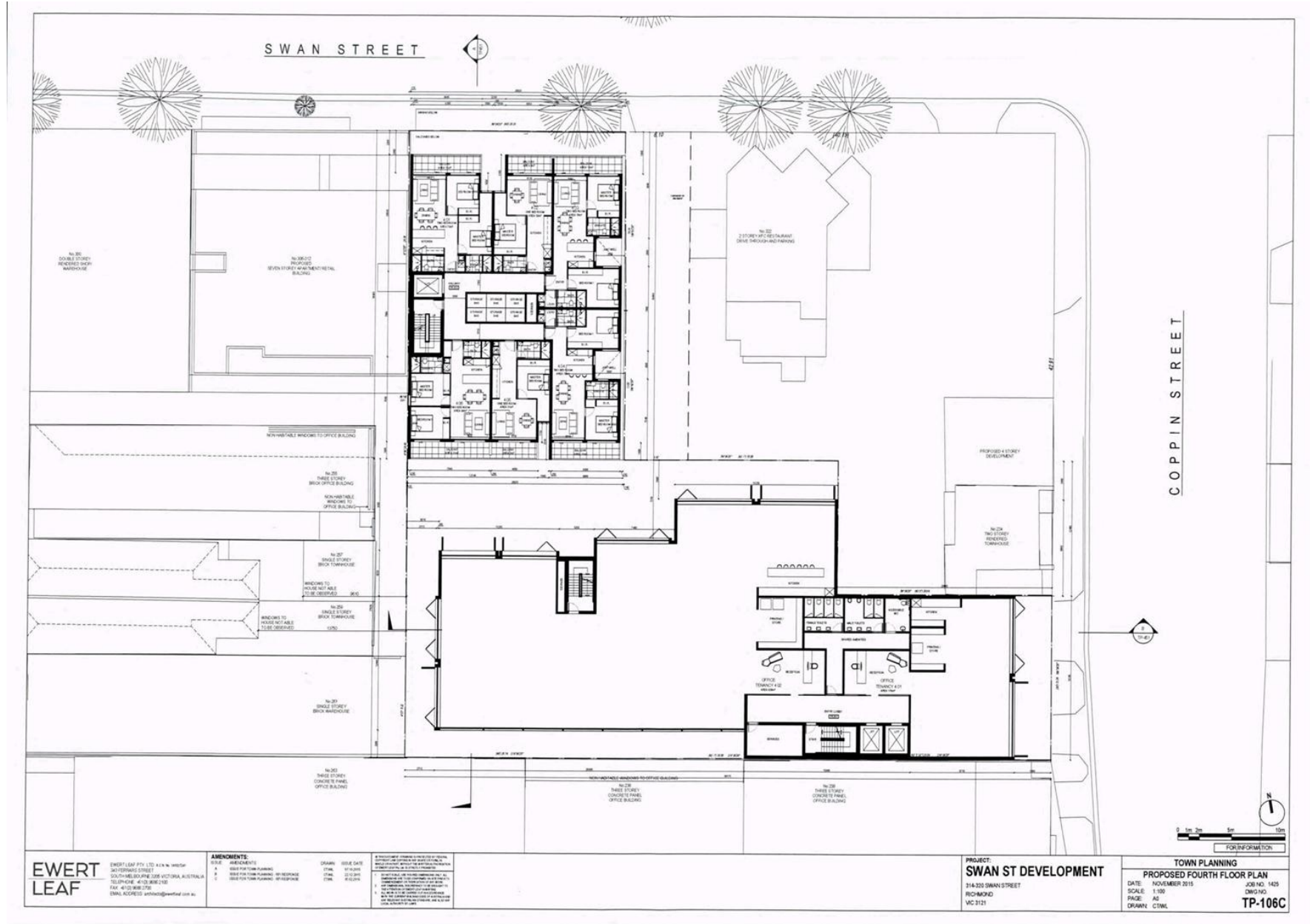




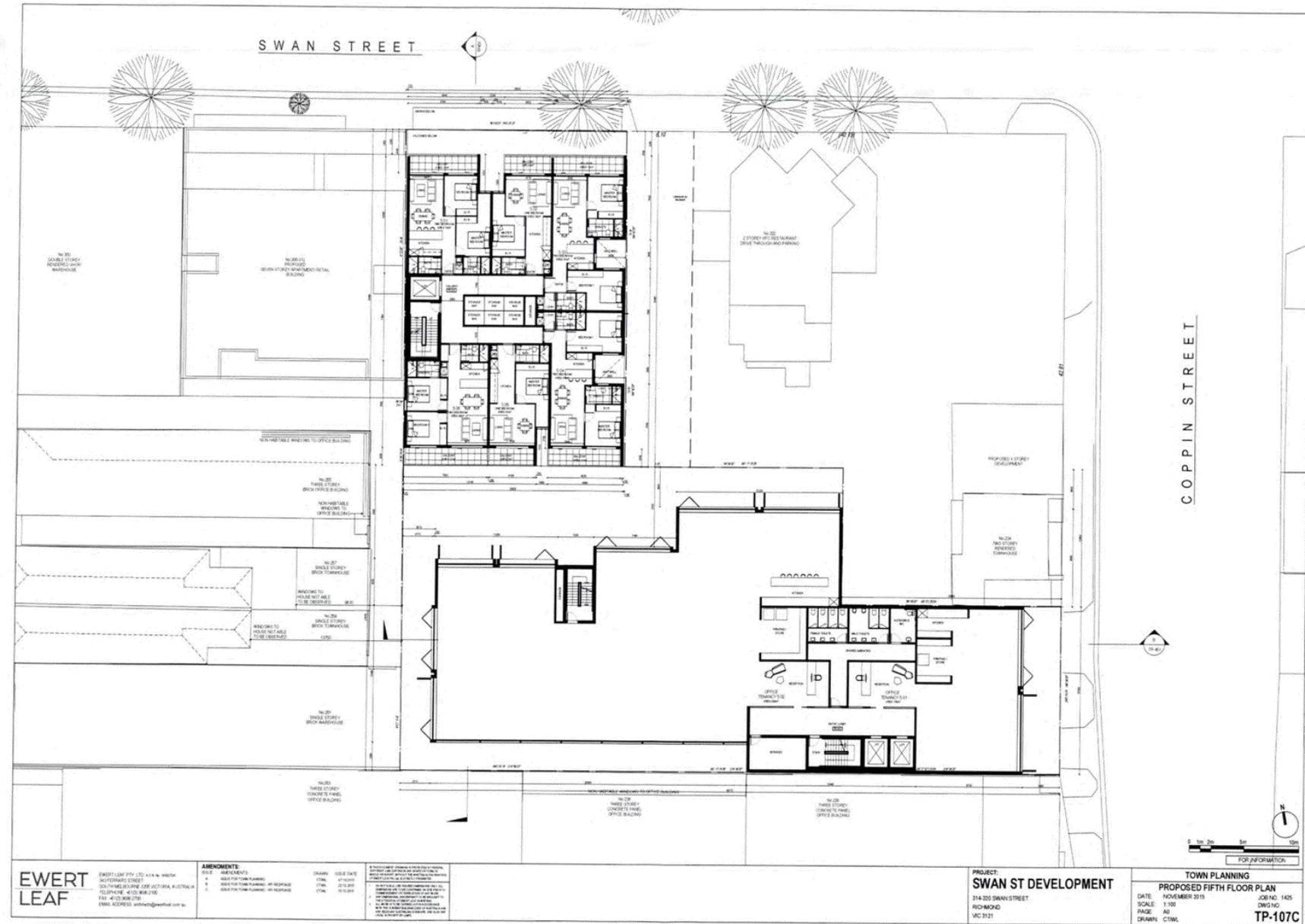
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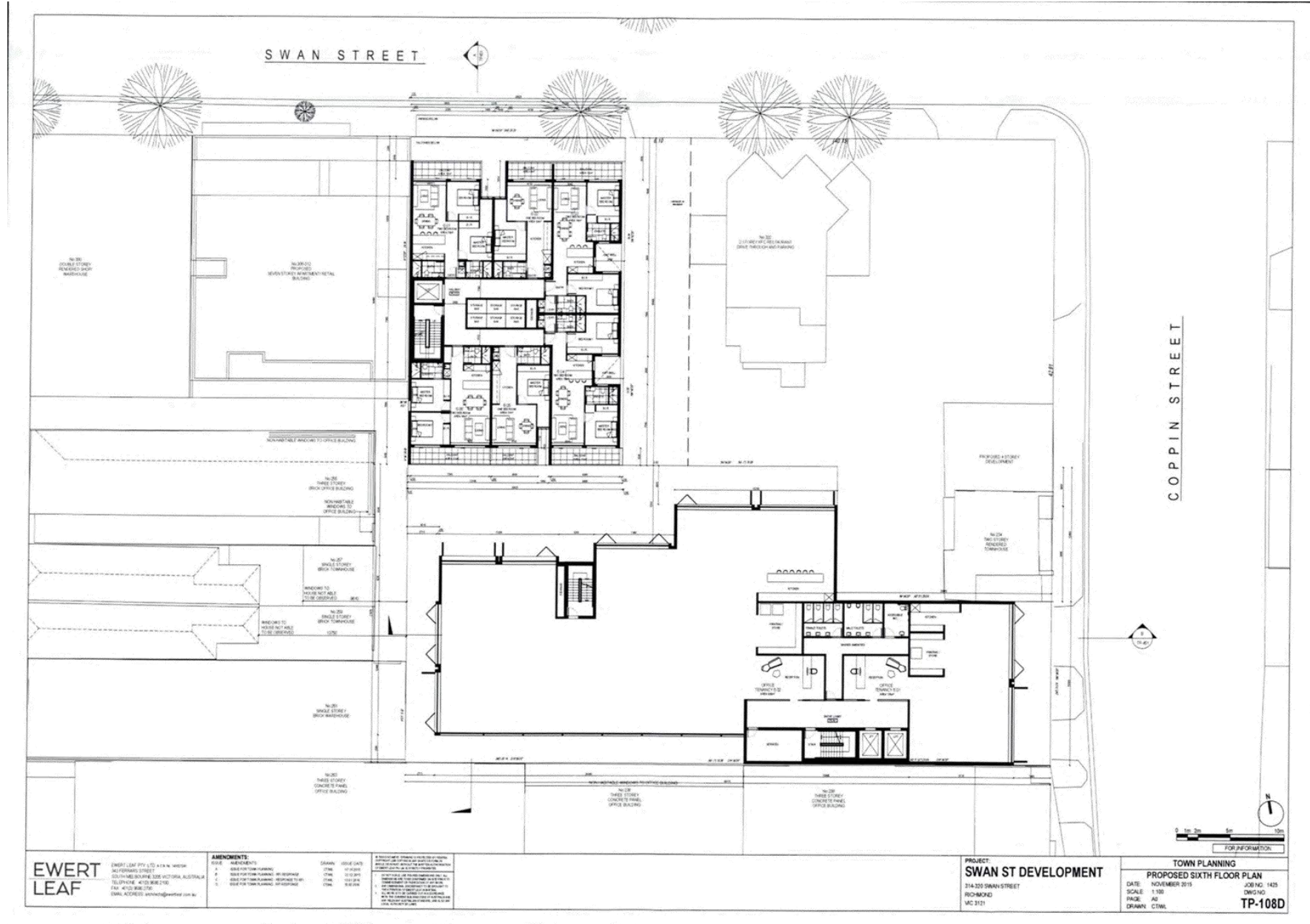
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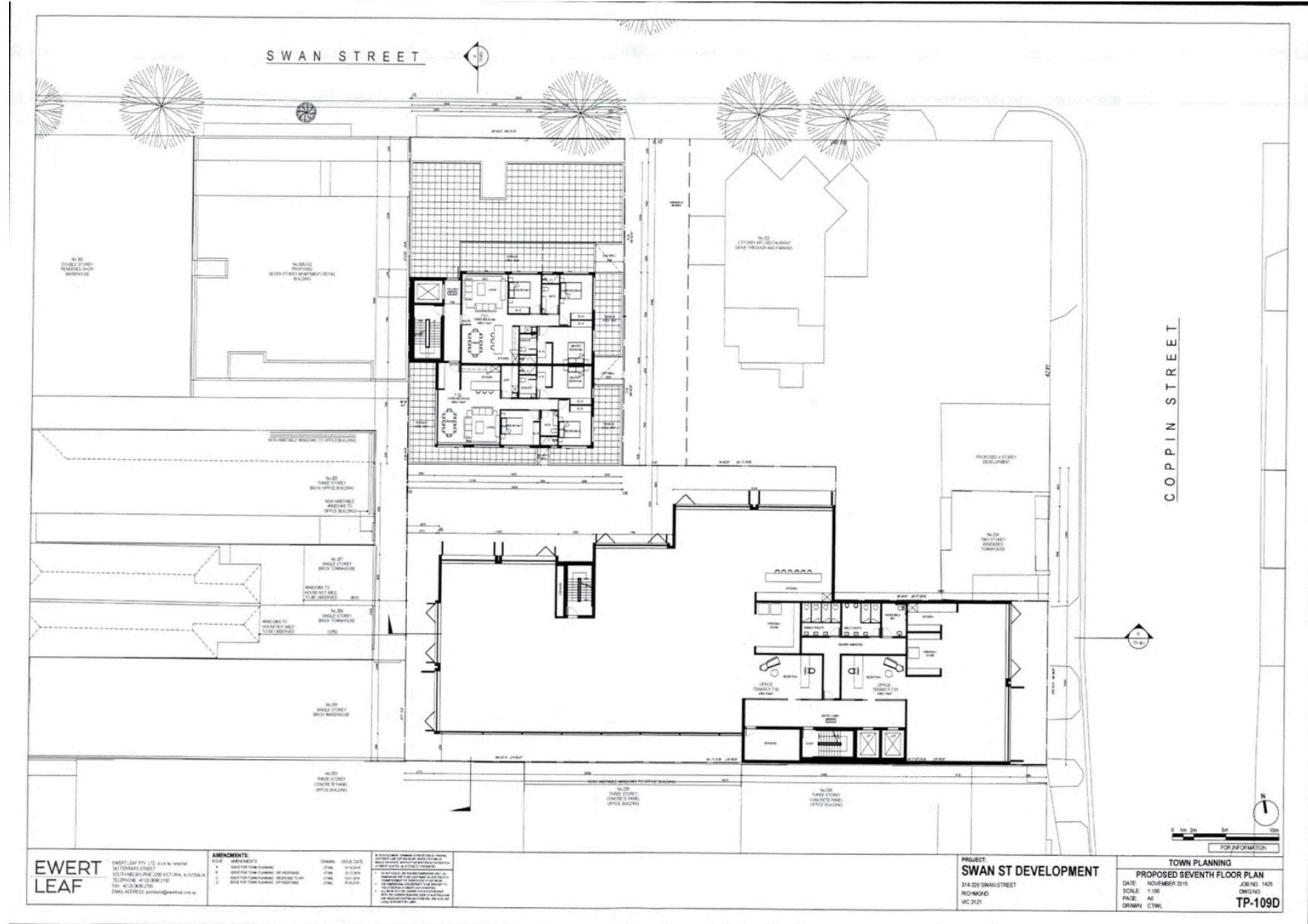
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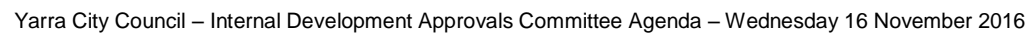


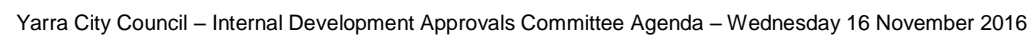
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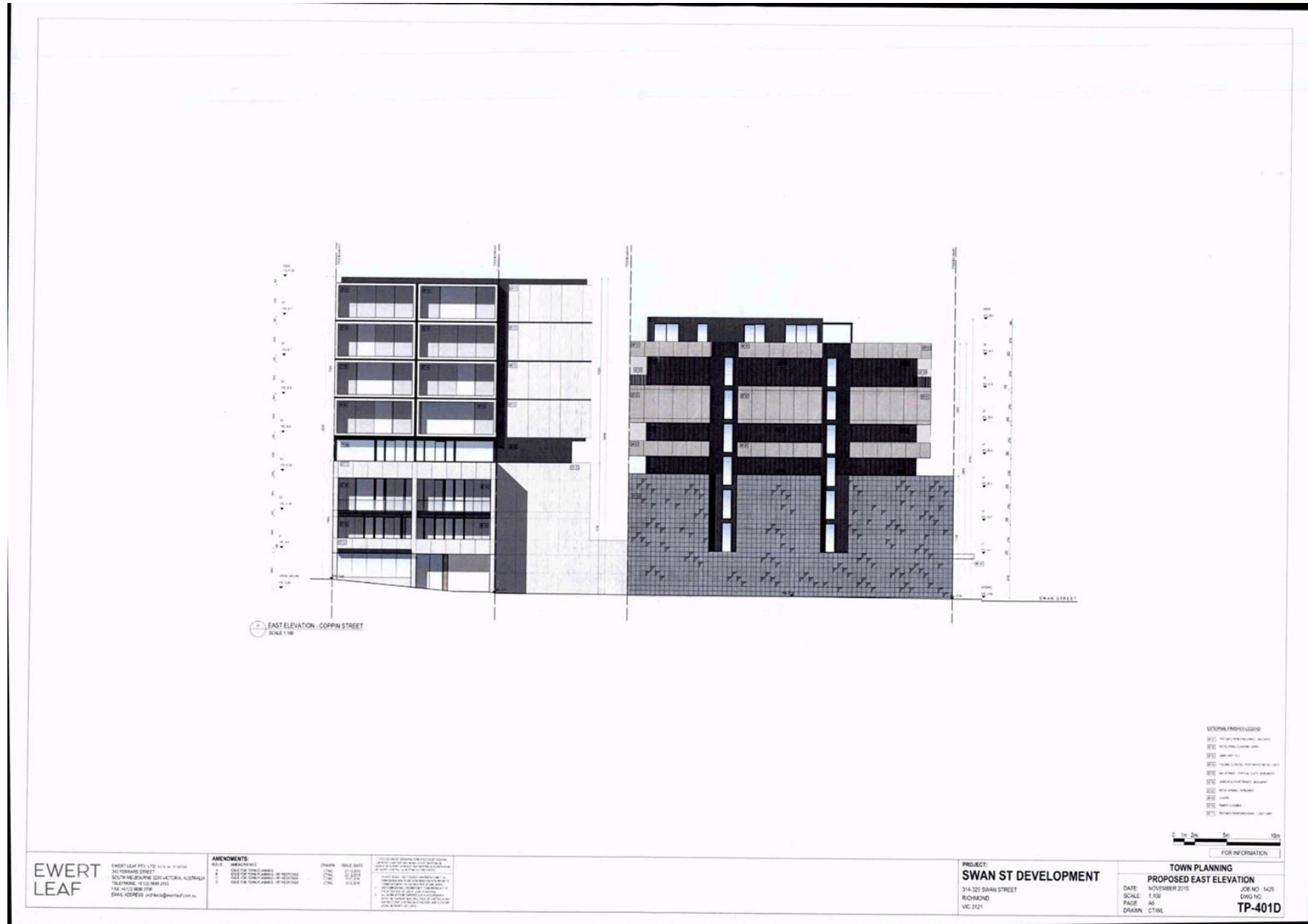
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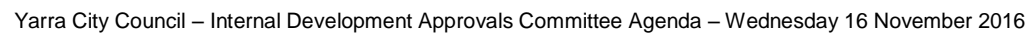




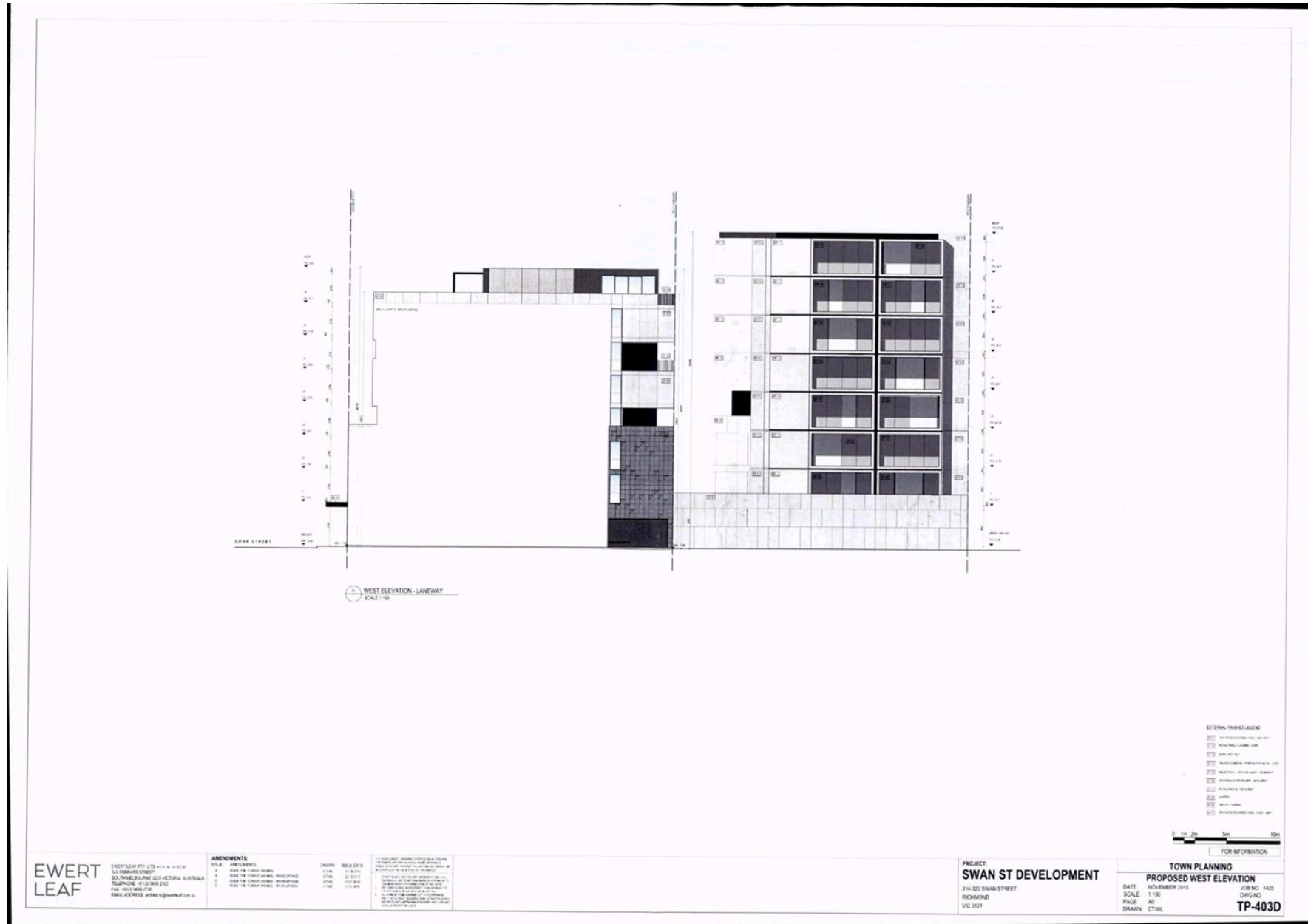


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Attachment 1 - PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Plans Part 1



Attachment 2 - PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Plans Part 2

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LOCATION PLAN

EWERT LEAF
 PROJECT LEAD: 314-320 SWAN STREET
 314-320 SWAN STREET
 RICHMOND VIC 3121
 TEL: 03 9412 1200
 FAX: 03 9412 1201
 EMAIL: INFO@EWERTLEAF.COM.AU

AMENDMENTS:
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 2. 314-320 SWAN STREET
 3. 314-320 SWAN STREET

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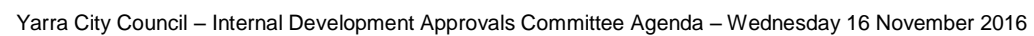
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 RICHMOND
 VIC 3121

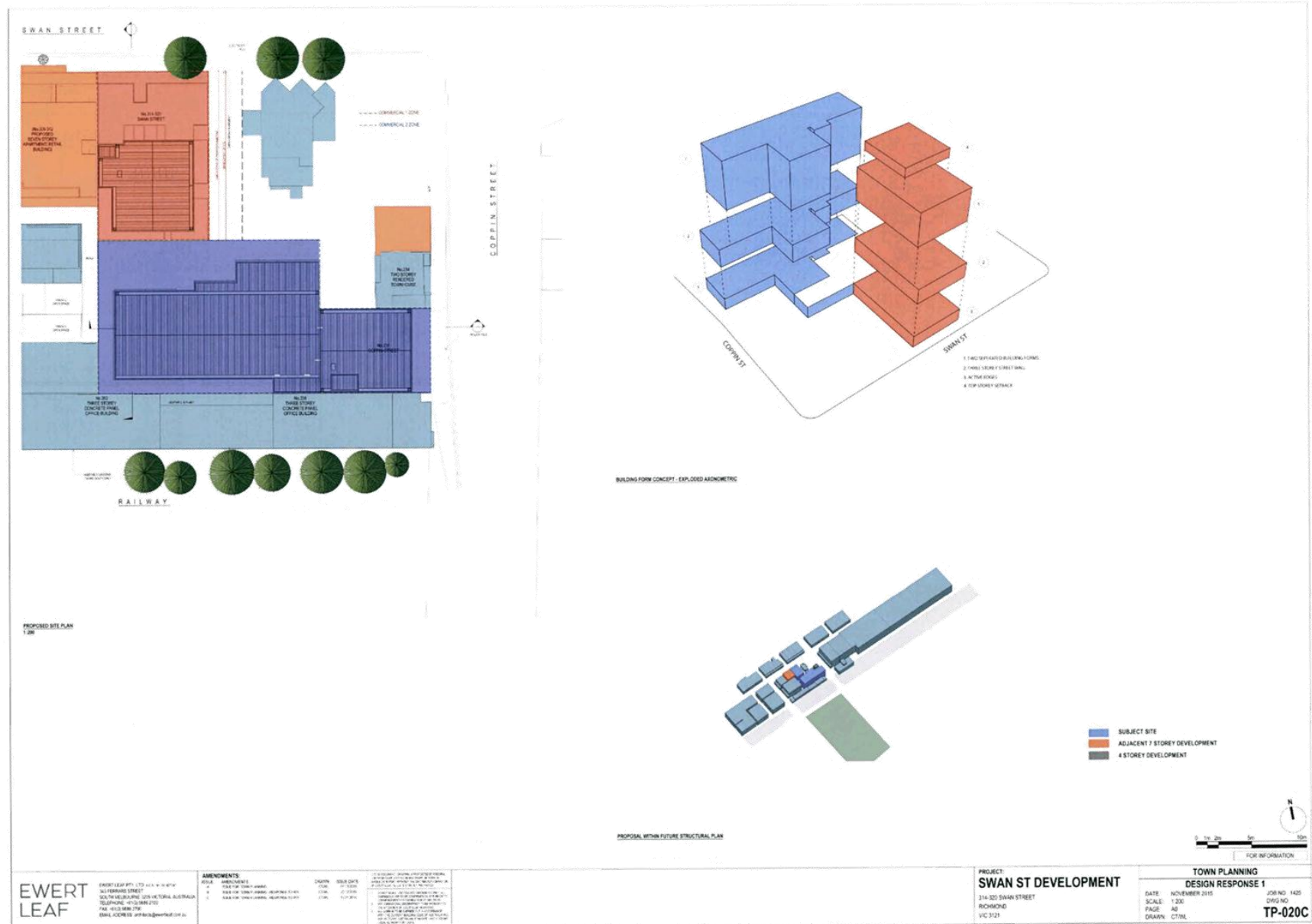
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Attachment 2 - PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Plans Part 2

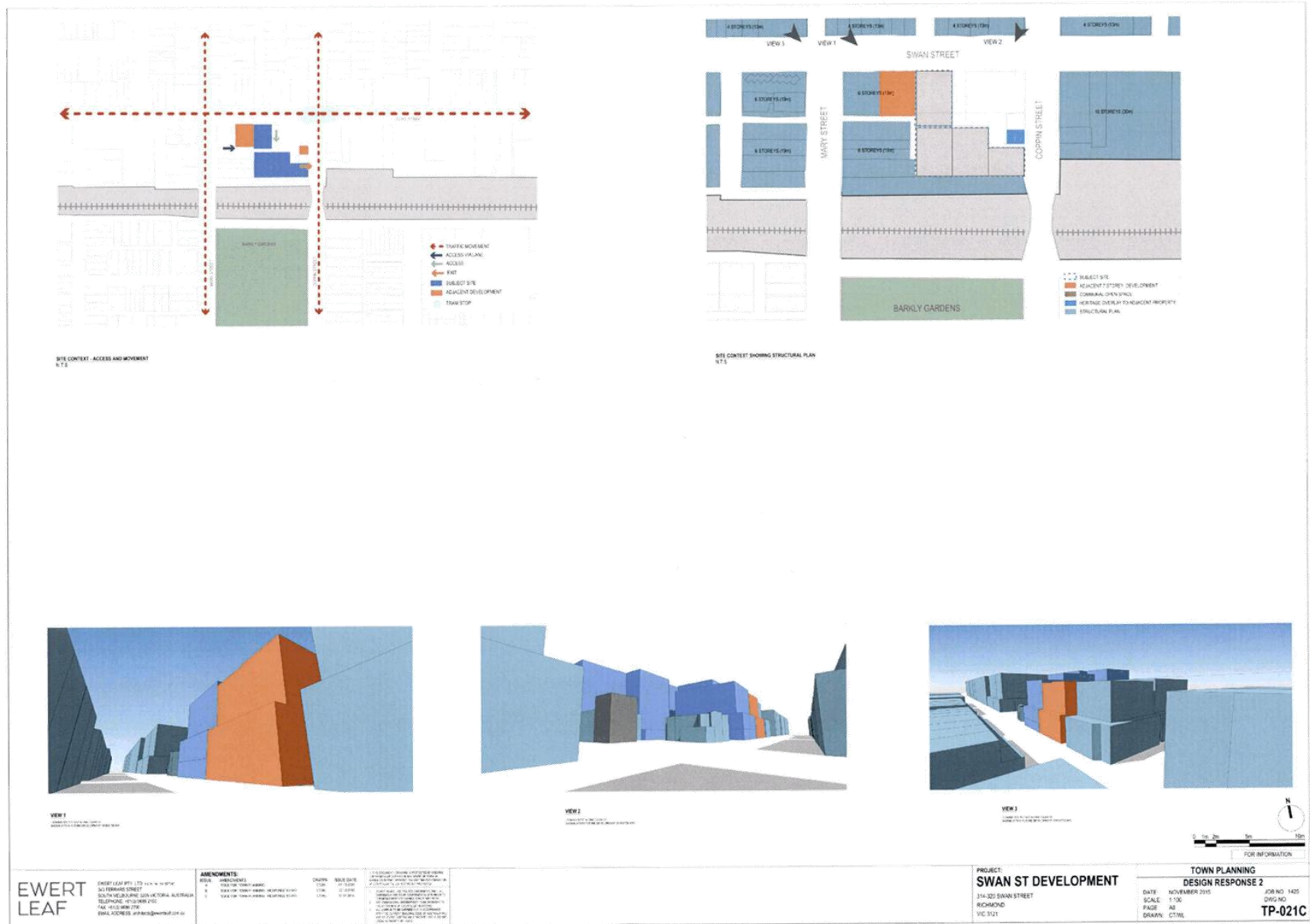




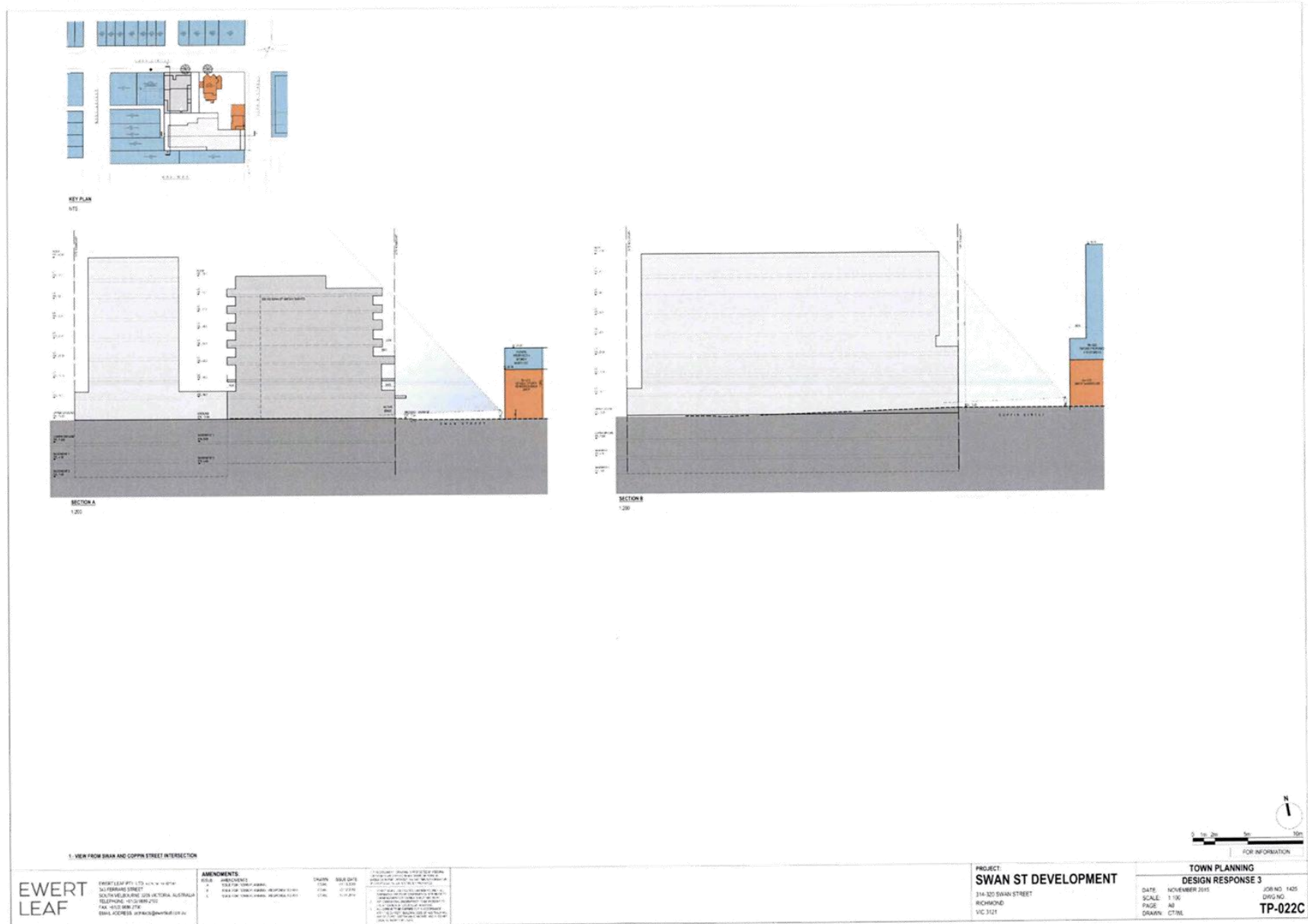
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Attachment 2 - PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Plans Part 2



Attachment 3 - PLN16/0034 - 314 - 320 Swan Street & 236 Coppin Street Richmond - Advertising S52 - Perspectives



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-
- 1.2 47 Ramsden Street, Clifton Hill - PLN16/0168 - Part demolition, use and development of the land for the construction of three dwellings and a shop (permit not required for shop use) and a reduction of the car parking requirement.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application PLN16/0168 at 47 Ramsden Street, Clifton Hill and recommends approval, subject to conditions.

Background

2. The application was received by Council on 3 March 2016 and subsequently advertised, with twelve (12) objections received. A planning consultation meeting was held on 23 August 2016, with this meeting attended by the Applicant, Objectors and Council Officers. There were no changes made to the proposal as a result of this meeting.
3. The application was re-advertised in September 2016 due to a failure to include 'use of the land for dwellings' in the original advertising description. Additional information from an existing objector was submitted; however no new objections were received.
4. A sketch plan was submitted to Council on 25 October 2016. This plan included an amended location for the storage of the waste associated with both the dwellings and the commercial tenancy. This sketch plan will be referenced throughout this report where necessary.

Key Planning Considerations

5. Key planning considerations include:
 - (a) Clause 11 – Settlement;
 - (b) Clause 15 – Built Environment and Heritage;
 - (c) Clause 21.05 – Built Form;
 - (d) Clause 22.02 – Development Guidelines for Sites Subject to a Heritage Overlay;
 - (e) Clause 34.01 – Commercial 1 Zone;
 - (f) Clause 52.06 – Car Parking.

Key Issues

6. The key issues for Council in considering the proposal relate to:
 - (a) Strategic policy support;
 - (b) Commercial 1 Decision Guidelines (including Clause 55 – Rescode);
 - (c) Heritage;
 - (d) Car Parking; and,
 - (e) Objector's concerns.

Objector Concerns

7. Council received a total of eleven (11) objections to the application. The grounds of objection are summarised as follows:
 - (a) The proposal does not integrate with the heritage place or neighbourhood character;
 - (b) Excessive demolition of the heritage building (chimney and roof);
 - (c) Overdevelopment of the site;
 - (d) Unreasonable off-site amenity impacts (loss of daylight, overshadowing, overlooking etc.);
 - (e) Loss of views;
 - (f) Lack of provision for car parking;

- (g) Increase in traffic;
- (h) Use of premises for commercial use (permit not required).

Conclusion

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

CONTACT OFFICER: Lara Fiscalini
TITLE: Senior Statutory Planner
TEL: 9205 5372

1.2 47 Ramsden Street, Clifton Hill - PLN16/0168 - Part demolition, use and development of the land for the construction of three dwellings and a shop (permit not required for shop use) and a reduction of the car parking requirement.

Trim Record Number: D16/132042
 Responsible Officer: Principal Planner

Proposal: Part demolition, use and development of the land for the construction of three dwellings and a shop (permit not required for shop use) and a reduction of the car parking requirement.

Existing use: Vacant shop

Applicant: M.J & B Investment Pty. Ltd.

Zoning / Overlays: Commercial 1 Zone
 Heritage Overlay (HO316)

Date of Application: 3 March 2016

Application Number: PLN16/0168

Planning History

1. On 16 September 2011 a Notice of Refusal to Grant a Permit PLN10/0898 was issued for *the development of the land including part demolition for the construction of a basement, ground and first floor extension; use of the premises as a food and drink premises (cafe), office and two dwelling units (no permit required for cafe use); and a reduction of car parking requirements.*
2. This application proposed a double-storey addition (with roof terrace) to the building that would have been constructed to the side and rear boundaries, with basement car parking and a generally low, long horizontal form. The proposal also included a communal roof terrace for the two dwellings and office space at the first-floor. The proposed finishes were designed to match the finishes of the heritage building, including brickwork and render, and did not provide a degree of differentiation between the old and new built form.
3. The application was refused on the following grounds:
 - (a) The extent of demolition, the triple-storey scale and the proposed finishes fail to adequately conserve and protect the heritage values of the site and the development will result in a visually dominant built form within the site's context, contrary to the objectives and decision guidelines of clauses 43.01 (Heritage Overlay) and 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Yarra Planning Scheme.
 - (b) The proposed development will have unreasonable visual bulk impacts with respect to the eastern adjoining dwelling and secluded private open space, and fails to respond appropriately to the context and architectural quality, contrary to clause 15.01-2 (Urban Design), clause 22.05 (Interface Uses Policy) and clause 55.04-2 (Walls on boundaries objective) of the Yarra Planning Scheme.
4. On 11 April 2014 a Notice of Refusal to Grant a Permit PLN12/1013 was issued for *use and development of the land for the construction of a three storey development at the rear of the existing building containing three dwellings, and a reduction in car parking requirements associated with the use of part of the land as a café (no permit required for café use), including part demolition.*

5. This application proposed a triple-storey addition at the rear of the building, with the ground and first floors constructed to the western boundary and minimal setbacks from this boundary provided for the second floor. The addition was proposed to be constructed in a combination of grey render and silver alucobond.
6. The application was refused on the following grounds:
 - (a) The development (including its height, scale, materials and appearance of the façade) would visually dominate the heritage place and would adversely affect the significance, character and appearance of the heritage place contrary to the purposes of the Heritage Overlay at clause 43.01 and fails to comply with clauses 21.05-1 (Heritage) and 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Yarra Planning Scheme.
 - (b) The scale, height and architectural quality of the proposed development does not respond to the site context nor fit the built form context and streetscape as envisaged under clauses 15.01-1 (Urban Design) and 21.-05-2 (Urban Design).
7. On both occasions, the applicant lodged a review with the Victorian Civil and Administrative Tribunal (VCAT); however withdrew prior to the Hearings.

Background

8. The current application was received by Council on 3 March 2016 and subsequently advertised, with twelve (12) objections received. A planning consultation meeting was held on 23 August 2016, with this meeting attended by the Applicant, Objectors and Council Officers. There were no changes made to the proposal as a result of this meeting.
9. The application was re-advertised in September 2016, due to a failure to include 'use of the land for dwellings' in the original advertising description. Additional information from an existing objector was submitted; however no new objections were received.
10. A sketch plan was submitted to Council on 25 October 2016. This plan included an amended location for the storage of the waste associated with both the dwellings and the commercial tenancy. This sketch plan will be referenced throughout this report where necessary.

Existing Conditions

Subject Site

11. The subject site is located at the south-eastern corner of the Ramsden Street/Myrtle Street intersection, in Clifton Hill. The site has a rectangular configuration with a 7.92m frontage to Ramsden Street, a 33.53m depth and frontage to Myrtle Street and a site area of 265.6m². The site has a moderate southerly fall.
12. The site contains a vacant single-storey Edwardian corner shop with principle and secondary shopfronts addressing Ramsden Street and Myrtle Street respectively. The building has most recently operated as a butcher/seafood shop. The building is constructed directly to the Ramsden Street and Myrtle Street boundaries, with large display windows in both of these frontages. The building is composed of facebrick, tile and render finishes and has a distinctive and prominent parapet along the Ramsden Street and Myrtle Street frontages. A terracotta tile hipped roof with decorative ridge is visible beyond the parapet, with an awning projecting above the respective footpaths. A brick chimney at the rear of the roof is visible from Myrtle Street.
13. Entry to the shop is provided at the Ramsden Street frontage. A single-storey 'lean-to' addition is attached to the rear of the building, with a large galvanised iron shed located in the rear open space. A 1.9m high timber fence aligns the side and rear boundaries, and vehicular access to the site is provided via the rear ROW and a splayed gate at the south-western corner of the site.

There are five street trees along the Myrtle Street footpath, adjacent to the western boundary of the site. No restrictions, restrictive covenants or easements affect the site.

Surrounding Land

14. The subject site is located at the western end of a row of current and former commercial buildings along Ramsden Street, located between Myrtle Street and Clifton Avenue, the majority of which have been converted to residential use over time. This section of street (between 47 to 61 Ramsden Street) is located within the Commercial 1 Zone, with all surrounding land residentially zoned.
15. The original shopfronts at 47-51 Ramsden Street are single-storey, with more recently constructed development at 53-61 Ramsden Street being double-storey in scale, including some triple-storey elements at the rear. A triple-storey residential development is located at 51 Ramsden Street (Planning Permit PL10/0133 issued 1 August 2011) with this development clearly visible from both the Ramsden Street and Myrtle Street interfaces and extending along the full length of the site to the southern boundary. A part double, part triple-storey development is located at the corner of Ramsden Street and Clifton Avenue, at 61 Ramsden Street, with this development extending along Clifton Avenue, further to the south.
16. In the broader context, to the east of Clifton Avenue and to the west of Myrtle Street, Ramsden Street is characterised by intact single and double-storey Victorian and Edwardian dwellings. Small front gardens and low front fencing are characteristic of the established dwellings in the broader context.
17. Myrtle Street is a one-way, south-bound residential street largely characterised by intact single-storey Victorian-era dwellings, with the exception of a double-storey dwelling to the south-west (50 Myrtle Street) and a double-storey addition at the rear of 45 Ramsden Street, directly to the west of the subject site. The residential properties in Myrtle Street comprise small front gardens and low front fencing.

Immediate context

18. Opposite the site, along the western side of Myrtle Street, is a Victorian-era dwelling. This dwelling addresses Ramsden Street and is constructed along the Myrtle Street interface, with a relatively high double-storey addition to the rear and various east-facing habitable room windows at both levels. Secluded private open space (SPOS) is located on the southern side of the site, with vehicular access provided via a single crossover and roller door at the Myrtle Street interface.
19. Directly opposite the site, along the northern side of Ramsden Street, are two double-storey Victorian terraces. The eastern-most dwelling is constructed directly to the Berry Street interface at a double-storey scale.
20. The adjoining property to the east is a converted single-storey shop, now used for residential purposes. The original building is constructed to the common boundary with the subject site, with a single-storey addition at the rear. The rear addition is setback 1.3m from the common boundary with the subject site and has various west-facing windows addressing this setback. These windows are associated with an internal hallway. SPOS is located at the rear (south) of the site and includes a shed in the south-western corner.
21. To the south of the site is a 3m wide right-of-way (ROW); adjoining the ROW to the south is a single-storey Edwardian dwelling addressing Myrtle Street. This dwelling is setback 3m from Myrtle Street, with its entire northern wall constructed directly along the ROW. There are no north-facing windows within this wall. SPOS is located on the eastern side of the dwelling, with a shed abutting the site's rear boundary. This site extends through to Clifton Avenue, with a roller door providing vehicle access from this interface.

Parking, transport and services

22. Myrtle Street and much of Ramsden Street contains unrestricted on-street parking. There are two-hour restrictions along the north side of Ramsden Street and a combination of quarter hour and two-hour restrictions along the south side of the street. An east and west bound bicycle lane is provided along Ramsden Street.
23. The site is well serviced by public transport and public open space with:
 - (a) The Clifton Hill Railway Station located 180m north-west of the site;
 - (b) Hoddle Street bus services located 200m west of the site;
 - (c) Quarries Park and the connection to the Capital City Trail located 400m east of the site; and
 - (d) Darling Gardens, Clifton Hill, located 200m west of the site;
 - (e) Queens Parade Neighbourhood Activity Centre, located 550m west of the site.

The Proposal

24. The application seeks approval of the following;

Summary

- (a) Development of the site to retain the existing commercial shop at the front (providing 77m² of floor area) and three dwellings to the rear (2 x 2 bedrooms/1 x 3 bedroom);
- (b) All dwellings will be accessible from separate entrances to Myrtle Street;
- (c) The development will be triple-storey in scale, with staggered setbacks from Myrtle Street at first and second-floor, and extending to a maximum height of 9.5m;
- (d) Three car parking spaces will be provided in the form of a car stacking system, with access from the southern ROW.

Demolition

- (e) The single-storey lean-to at the rear of the building will be removed, as will a small section of roof above the original section of the building. The removal of this section of roof will include the removal of the brick chimney and restricted sections of the rear wall of the original building;
- (f) Demolition of the shed in the rear SPOS;
- (g) Removal of all boundary fences.

Buildings and works

Ground level

- (h) The commercial premises addressing Ramsden Street will remain; however with a reduced floor area of 77 m². A store room will be attached to the rear wall of the shop, with a refuse area for the shop located within the south-west corner of the building and accessible from Myrtle Street;
- (i) This level will contain bedrooms and bathrooms associated with Units 1 & 2, with access to these dwellings provided from Myrtle Street. The entrances to these two dwellings will be setback 1.8m and 1m respectively from the western boundary, with the remaining ground floor wall constructed directly to the western boundary;
- (j) The entrance to Unit 3 is also provided from this interface (flush to the boundary), with an internal staircase providing access to the upper levels;
- (k) A bin storage area for all dwellings will be located at this level, with direct access from Myrtle Street.
- (l) An internal garage is accessible from the rear ROW, with one double car-stacker provided and a total of three car parking spaces available. These car parking spaces will be allocated for residential use.

Level 1

- (m) The first-floor façade will be setback 8.7m from Ramsden Street, with a deck setback 6.5m from the front boundary;

- (n) This deck will provide 18.9m² of SPOS to Unit 1 and will be setback 1.25m from the western Myrtle Street boundary, with a 'wall garden' extending along the western perimeter of the deck;
- (o) Unit 1 will be constructed along the eastern boundary for a length of 10.4m (including the deck) and setback 1m from Myrtle Street, with all living areas located at this level;
- (p) The remaining first-floor wall will be constructed along the eastern and western boundaries for a total length of 16.46m, with Unit 3 extending along the rear southern boundary for its entire length;
- (q) This level will contain the living areas and a deck for Unit 2 and the bedrooms for Unit 3.

Level 2

- (r) The second floor façade will be setback 11.6m from Ramsden Street, with a deck setback 9.3m from the front boundary;
- (s) Unit 1 will be setback 0.5m from the eastern boundary and 2.28m from Myrtle Street, with the deck setback 1m from the western boundary;
- (t) Unit 2 will be constructed to the eastern boundary for a length of 5.75m and setback 2.28m from the Myrtle Street boundary. This level will contain one bedroom and decks for Units 1 & 2;
- (u) Unit 3 will be setback 0.5m from the eastern boundary, 1.9m from the southern ROW and between 2m and 3.13m from Myrtle Street. A deck will wrap around the south-western wall of this Unit and will encroach into these setbacks, and will be setback 0.5m from the south-western corner of the site;
- (v) An open-plan living area for Unit 3 will be located at this level.

Construction materials

- (w) The exterior walls of the development will be of a contemporary design that will include a combination of red brickwork and various shades of grey render; The upper-most level will be a lighter shade of render;
- (x) Window and door frames will be black anodised aluminium;
- (y) The garage door will be metal;
- (z) The existing commercial premises will retain its ceramic tiles, timber framed windows face brickwork and metal awnings.

ESD features

- 25. A brief Sustainable Design Assessment and a STORM Assessment were submitted, with the following commitments outlined;
 - (a) Apartments to all have good access to daylight and natural ventilation to living areas and bedrooms;
 - (b) All windows will be double-glazed;
 - (c) A solar boosted gas hot water system will be provided;
 - (d) All internal fixtures/heating and cooling systems will have high energy efficiency ratings;
 - (e) Three separate rows of solar PV panels will be located on the roof;
 - (f) A total of 4 bicycle parking spaces will be provided for the dwellings;
 - (g) A rainwater tank, with a capacity of 10,000L, will be located beneath the garage and will be connected to toilets and wall gardens throughout the development;
 - (h) Wall gardens will be provided to the decks;
 - (i) A STORM rating of 138% will be achieved.

Planning Scheme Provisions

Zoning

Commercial 1 Zone (C1Z)

- 26. The site is located within a Commercial 1 Zone, of which the purpose is:

- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

27. Pursuant to clause 34.01-1 of the Yarra Planning Scheme (the Scheme):

- (a) A planning permit is required to use the site for dwellings if frontage to the dwellings at ground level exceeds 2m. In this instance, the dwelling frontage extends along Myrtle Street in excess of 2m; therefore a planning permit is required for residential use.
- (b) A planning permit is not required to use the site for a shop.

28. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The decision guidelines at Clause 34.01-8 stipulate that for applications in a Commercial 1 Zone, the responsible authority must consider, where relevant;

- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- (b) *The interface with adjoining zones, especially the relationship with residential areas.*
- (c) *The effect that existing uses may have on the proposed use.*
- (d) *The availability of and connection to services.*
- (e) *The effect of traffic to be generated on roads.*
- (f) *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- (g) *The provision of car parking.*
- (h) *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- (i) *The objectives, standards and decision guidelines of Clause 54 and Clause 55.*

Overlays

Heritage Overlay (HO316 – Clifton Hill Eastern Precinct)

- 29. Pursuant to clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct and carry out works.
- 30. The site is identified as 'contributory' to the Clifton Hill Eastern Heritage Precinct, as outlined in the incorporated document (*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015*).

Particular Provisions

Clause 52.06 – Car Parking

- 31. Clause 52.06-5 outlines the following car parking requirements.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings	2 x 2 bedroom dwellings	1 to each 1 or 2 bedroom dwelling;	2	2	0
	1 x 3 bedroom dwelling	2 to each 3 or more bedroom dwelling	2	1	1
Total			4 spaces	3 spaces	1 space

32. The shop is an existing use and is reducing in floor area as a result of this proposal, therefore no additional car parking spaces are required for this use.
33. Based on this, the development results in a short-fall of 1 space, with Clause 52.06-3 outlining that a planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5.
34. Clause 52.06-6 of the Scheme notes;
Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:
 - (a) *The Car Parking Demand Assessment.*
 - (b) *Any relevant local planning policy or incorporated plan.*
 - (c) *The availability of alternative car parking in the locality of the land, including:*
 - (i) *Efficiencies gained from the consolidation of shared car parking spaces.*
 - (ii) *Public car parks intended to serve the land.*
 - (iii) *On street parking in non residential zones.*
 - (iv) *Streets in residential zones specifically managed for non-residential parking.*
 - (d) *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
 - (e) *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
 - (f) *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
 - (g) *The future growth and development of any nearby activity centre.*
 - (h) *Any car parking deficiency associated with the existing use of the land.*
 - (i) *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
 - (j) *Local traffic management in the locality of the land.*
 - (k) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
 - (l) *The need to create safe, functional and attractive parking areas.*
 - (m) *Access to or provision of alternative transport modes to and from the land.*
 - (n) *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
 - (o) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
 - (p) *Any other matter specified in a schedule to the Parking Overlay.*
 - (q) *Any other relevant consideration.*

Clause 52.07 – Loading and Unloading of Vehicles

35. 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 road safety and outlines that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles.
36. In this instance, the existing use of the shop within the original section of building is to be retained. The majority of the development of the site is in conjunction with the proposed residential use. This clause is therefore not considered applicable.

Clause 52.34 – Bicycle facilities

37. The purpose of this clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Clause 52.34-2 of the Scheme states that a permit may be granted to vary, reduce or waive any requirement of clause 52.34-3 and clause 52.34-4.

38. The following table provides a summary of the bicycle requirement for each use under Clause 52.34-3:

Land use	Unit/area proposed	Employee/resident requirement	Visitor/shopper/student requirement	No. required
Dwellings	3 apartments	1 resident bicycle parking space for every 5 dwellings	1 visitor space for every 10 dwellings.	1 resident spaces 1 visitor spaces
Retail premises (shop)	77m ²	1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0
Total				2 spaces
Proposed				4 spaces

39. There will be four (4) on-site bicycle parking spaces provided for the residential use.

Clause 55 - Rescode

40. As the proposed works relate to the construction of dwellings, this clause will be used as a guideline to assess relevant built form outcomes and amenity impacts.

General Provisions

Clause 65 – Decision Guidelines

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, amongst other things, 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)

42. The following SPPF provisions of the Scheme are relevant:

Clause 11 – Settlement

43. *Planning is to recognise the need for, and as far as practicable contribute towards (as relevant);*
- (a) *Diversity of choice.*
 - (b) *Adaptation in response to changing technology.*
 - (c) *Economic viability*
 - (d) *A high standard of urban design and amenity.*
 - (e) *Energy efficiency.*
 - (f) *Accessibility*
 - (g) *Land use and transport integration*
44. *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.02 – Urban growth

45. The objective of this clause is: *to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.04-2 – Housing Choice and Affordability

46. 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 11.04-4 – Liveable Communities and Neighbourhoods

47. The objective of this clause is: *to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

48. The objective of this clause is: *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

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

Clause 15.01-4 – Design for safety

50. The Objective of this Clause is *'to improve community safety and encourage neighbourhood design that makes people feel safe'.*

Clause 15.01-5 – Cultural identity and neighbourhood character

51. 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

52. 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

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

Clause 16 – Housing

Clause 16.01-1 – Integrated housing

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

Clause 16.01-4 – Housing diversity

55. 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

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

Clause 18.02-1 - Sustainable personal transport

57. The objective of this clause is *'to promote the use of sustainable personal transport'*.

Clause 18.02-2 - Cycling

58. It is an objective *'to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'*
59. The clause includes several strategies to achieve this objective including to *'require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals'*.

Local Planning Policy Framework (LPPF)

60. 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

61. 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.*

Clause 21.04-3 – Industry, office and commercial

62. The relevant Objective of this clause is:

- (a) *Objective 8 To increase the number and diversity of local employment opportunities.*

Clause 21.05 Built Form

Clause 21.05-1 Heritage

63. The objective of this clause is: *to protect and enhance Yarra's heritage places;*

Clause 21.05-2 – Urban design

64. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities. In managing the City's built form, development that builds upon Yarra's existing sense of place is to be encouraged alongside new development that aspires to high quality architectural design, environmental sustainability and public domain enhancements. This clause incorporates the following objectives to achieve this:

- (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 21.06 – Transport

Clause 21.06-1 – Walking and cycling

65. 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:*
- (b) *Objective 32 - To reduce the reliance on the private motor car:*
- (c) *Objective 33 - To reduce the impact of traffic:*

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecologically sustainable development

66. 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*
 - (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.*

Clause 21.08 Neighbourhoods

67. *Clause 21.08-4 – Clifton Hill – 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.*

Relevant Local Policies

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

68. 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 works 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 - Removal of Part of a Heritage Place or Contributory Elements

69. *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).*
 - (b) *For a contributory building:*
 - (i) *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*

- (ii) *the removal of the part would not adversely affect the contribution of the building to the heritage place.*

Clause 22.05 – Interface Uses Policy.

70. This clause relates to land within Mixed Use and Business (Commercial) Zones; land in Residential 1 Zones and within 30 metres of a Business or Industrial Zone; and land in Residential 1 Zones and within 30 metres of an existing Business or Industrial Zone. The objectives of this Clause are:
- (a) *To enable the development of new residential uses within and close to shopping centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes;*
 - (b) *To ensure that residential uses located within or adjoining commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.07 – Development Abutting Laneways

71. The objectives at Clause 22.07-2 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 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)

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

Clause 22.17 Environmentally Sustainable Development

73. The overarching objective outlined at Clause 22.17-2 is;
- (a) *That development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

Advertising

74. The application was advertised under the provisions of Section 52 of the Act with 37 letters sent to surrounding owners and occupiers. Two signs were displayed on site; one on the Ramsden Street frontage and one on the Myrtle Street frontage.

75. Council received a total of 12 objections to the application. The grounds of objection are summarised as follows;
- (a) The proposal does not integrate with the heritage place or neighbourhood character;
 - (b) Excessive demolition of the heritage building (chimney and roof);
 - (c) Overdevelopment of the site;
 - (d) Unreasonable off-site amenity impacts (loss of daylight, overshadowing, overlooking etc.);
 - (e) Loss of views;
 - (f) Lack of provision for car parking;
 - (g) Increase in traffic;
 - (h) Use of premises for commercial use (permit not required).
76. A planning consultation meeting was held on 23 August 2016, with this meeting attended by the Applicant, Objectors and Council Officers. There were no changes made to the proposal as a result of this meeting.
77. The application was re-advertised in September 2016 due to a failure to include 'use of the land for dwellings' in the original advertising description. Additional information from an existing objector was submitted; however no new objections were received.

Referrals

78. There were no external referrals required by the Scheme.
79. The application was referred to the following internal parties, with comments attached to this report.
- (a) Engineering Services Unit;
 - (b) Urban Design Unit;
 - (c) Heritage Advisor;
 - (d) Open Spaces.

OFFICER ASSESSMENT

80. This assessment will be framed around the following:
- (a) Strategic policy support;
 - (b) Commercial 1 Decision Guidelines & Clause 55 Assessment;
 - (c) Heritage;
 - (d) Car Parking; and,
 - (e) Objector's concerns.

Strategic policy support

81. The proposed development of the site achieves the various land use and development objectives outlined earlier within this report and achieves a sound level of compliance with relevant state and local planning policies applicable to the redevelopment of sites for residential use. The subject site is commercially zoned and is located within proximity to the Queens Parade Neighbourhood Activity Centre, pursuant to clause 21.03 of the Scheme. This zoning aims to provide for residential uses at densities complementary to the role and scale of the commercial centre, with the location of the site providing an ideal opportunity for further development, due to its connection to infrastructure, public transport networks, public open space and community services.
82. The proposal clearly accords with policies that encourage urban consolidation in established urban areas and development that improves housing choice and accommodates future housing needs.

83. To guide this process of redevelopment and urban renewal, the provisions of the Scheme relevant to design and built form are contained at Clauses 15, 21.05 and 22.02. These provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be had to the acceptability of the design in terms of height and massing and the relationship to adjoining buildings, as well as any potential off-site amenity impacts that may occur due to the development and residential use of the land. It is therefore necessary to balance development expectations arising from the zoning and policy context with character and heritage considerations, as well as the reasonable expectations of existing residents.
84. The continued use of the original building as a shop is an 'as-of-right' use under the Commercial 1 Zone and a positive aspect of the development, therefore off-site amenity considerations associated with the shop use is not subject to assessment.

Commercial 1 Decision Guidelines

85. Before deciding on an application, in addition to the decision guidelines in Clause 65 and the State and Local Planning Policy Frameworks, the responsible authority must consider the decision guidelines at 34.01-8 of the Scheme, (where relevant);

The interface with adjoining zones, especially the relationship with residential areas.

86. The proposal is to be constructed adjacent to residential properties to the south and west of the site, with the former shop to the east converted to residential use in accordance with Planning Permit PL08/0574. The only direct interface with private open space associated with a dwelling will be with this land to the east, with a triple-storey wall proposed to be constructed along the shared boundary with this site. It is noted that this site (49 Ramsden Street) is also located within commercially zoned land.
87. A further discussion on the interfaces with the adjoining properties, along with the expectations of dwellings within commercially zoned land, will be discussed later in this assessment.

The effect that existing uses may have on the proposed use

88. The land is generally surrounded by residential uses, with the subject site to be developed primarily for residential use. The proposed shop is an existing use. It is not considered that the prevalence of dwellings within the area will have any adverse impacts upon the proposed use of the site.

The drainage of the land.

89. The development includes the provision of a 10,000L rainwater tank. It is noted that the existing land is largely impermeable, with a high degree of concrete paving within the rear open space. The use of a large tank to capture rainwater is considered to be an improved outcome for the site with respect to drainage and stormwater issues.

The effect of traffic to be generated on roads.

90. This aspect will be discussed later within this assessment.

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

91. The development will have limited impacts upon pedestrian and cyclist movements within the surrounding street network. Restricted car parking is provided directly in front of the existing shop, with unrestricted car parking located along both sides of Myrtle Street.

92. It is considered that the limited size of the shop will not generate a high degree of deliveries, and it is anticipated that any deliveries will be undertaken in relatively small vehicles. With the site formally used as a shop, it is not considered that activities in conjunction with this use will alter considerably.
93. The width of Myrtle Street and the abutting ROW at the rear of the site will provide ample room for emergency services to access the land if required.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

94. The retention of the shopfront will ensure that an active presence is maintained within the streetscape, which will protect the existing active frontage to the commercial strip. Further streetscape considerations will be discussed within the assessment below.

The storage of rubbish and materials for recycling.

95. The proposed waste storage area associated with the shop is located at the rear of the site, within a small room in the south-west corner of the building accessed directly from Myrtle Street. There is no rear exit from the shop to Myrtle Street and therefore no direct connection between these two areas. Given the location of this refuse area, shop employees would have to transport all waste from the principal Ramsden Street exit and along the full length of the Myrtle Street frontage. This outcome is not considered to be acceptable.
96. In response to this concern, the applicant submitted a sketch plan to Council on 25 October 2016. This plan amended the location of the refuse area associated with the shop, with it replacing a section of the residential waste area and thereby accessed midway along Myrtle Street. The residential waste area has been separated into two separate spaces. The amended location, whilst still not directly connected to the shop, does provide a more resolved response and is more convenient for employees to access. A permit condition can be added to ensure that the ground floor layout is amended in accordance with the details shown on this sketch plan.
97. The waste storage associated with the dwellings will be discussed later within this assessment.

Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

98. Land to the south and west of the site is located within the Neighbourhood Residential Zone, with the abutting site to the east commercially zoned. Potential off-site amenity impacts will be discussed within the Clause 55 assessment provided later within this report.

The design of buildings to provide for solar access.

99. The north-south orientation of the site provides a degree of difficulty in achieving good solar access to the southern-most dwelling, although the large windows provided for the principal living areas of Unit 3 (at the uppermost level) do ensure that a reasonable level of daylight will access these rooms. Balconies for Units 2 and 3 are provided with a degree of western orientation, increasing afternoon solar penetration to these spaces. The north-facing balconies for Unit 1 at levels 1 and 2 will provide good sunlight access to these areas of open space, with large north-facing windows to the open-plan living area at first-floor also achieving this objective.

The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

100. Despite the commercial zoning of the land, the subject site is not located within a typical commercial precinct, with the adjoining properties within this zone being used predominantly as residences and the sites to the south and west residentially zoned. The commercial zone affecting this strip has only two active shop fronts, one of which is the subject site. As the character of this commercial zone is primarily residential, it is deemed appropriate to provide the following assessment against clause 55 of the Scheme.
101. It is important to note however that whilst Clause 55 can be used as a guide is assessing on and off-site amenity impacts; it is not the primary tool for assessing development within commercially zoned land. To do otherwise would lead to development outcomes that would be unreasonably restrained and contrary to the purpose of the commercial zone.

Clause 55 – ResCode

B1 – Neighbourhood character objectives

102. The size, location and zoning of the subject site provide an appropriate space for development within a densely settled inner-urban environment. Settlement patterns surrounding the site are varied, with built form scaled from single to triple-storey in height, and with higher elements of contemporary development clearly visible within the adjacent commercially zoned section of Ramsden Street. As noted previously, the site at 51 Ramsden Street has been developed with a triple-storey building, with planning permission granted by VCAT. In reaching this decision, Member Davies stated in paragraph 36 of *Leading Edge Construction v Yarra CC [2011] VCAT 3098*;

The neighbourhood principally comprises one and two storey buildings. There are, however, examples of three level development in the broader area, including a hotel, 1970s flats, modern townhouses and upper floor additions to former industrial buildings.ultimately I consider that a three level building is acceptable given the particular context of the subject site.

103. The proposal will retain its single-storey presentation to Ramsden Street, with a triple-storey presentation to Myrtle Street. The second floor addressing Myrtle Street has been provided with a variety of setbacks, ranging from 2m, to 2.28m and 3.13m, with a lighter, recessive colour proposed for this uppermost level. This design response aims to present the building as double-storey in scale along this streetscape, by drawing the focus to the more prominent levels below. In addition, the balustrades of the second floor terraces have been incorporated into the fabric of the double-storey wall. This increases the prominence of the double-storey scale along Myrtle Street. The proposed setbacks of the dwelling walls from this interface will limit views to the top level of the development and are considered appropriate.
104. The proposal was referred to Council's Urban Design Unit, who recommended that the overall massing of the development could be reduced by providing additional setbacks at all levels (including ground level) from the southern boundary. It is unclear why a setback at ground level would be suggested, with the dwelling immediately to the south of the ROW constructed directly along this laneway at ground level and development to the east and west also abutting this interface at double, and even triple-storey scale.
105. The proposed direct abuttal to the laneway of the ground and first-floor levels is an appropriate outcome and accords with relevant policies and provisions, in particular clause 22.07 – Development Abutting Laneways, which aims to provide safe environments for laneway users, and for built form to respect the scale of surrounding buildings.

106. The rear (southern) wall of Unit 3 at the uppermost level has been setback 1.9m from the laneway interface. Whilst a deck is located within this setback, the balustrade associated with this deck has been incorporated into the height of the double-storey southern wall (as with the western balustrades).

This ensures that the southern wall presents as double-storey in scale, with the 1.9m setback of the second floor from the laneway an appropriately articulated response. It is not considered that the massing of the development requires amending, in particular with reference to the southern boundary.

107. The proposal also incorporates different materials and textures to further articulate the building, with green walls softening the built form response.
108. Based on the above assessment, it is considered that the proposed development will adequately respect the existing and emerging neighbourhood character and is in accordance with the objectives at Clause 55.02-1 of the Scheme.

B2 – Residential policy objectives

109. The construction of three new dwellings on the site will contribute to housing provision within Yarra. The proposed development meets the relevant SPPF and LPPF objectives with regard to providing increased housing diversity and housing choice, meeting forecast increases in resident and household numbers, providing higher density housing within proximity to public transport and commercial services and taking advantage of the existing local infrastructure associated with the residential neighbourhood.

B3 – Dwelling diversity objective

110. The proposal provides a mix of two and three bedroom dwellings. This outcome is considered acceptable within the Clifton Hill neighbourhood, where smaller dwellings are not as prevalent and will increase housing choice and the supply of more affordable housing within the area.

B4 – Infrastructure objectives

111. The proposal is located within an area with existing utility services and infrastructure and these can be readily extended to accommodate new development on the site. The objectives of the standard are met.

B5 – Integration with the street objective

112. The setback of the proposal from Ramsden Street and existing built form will limit the development's integration with this streetscape, with relatively minimal views available directly from the north and the ground level setback remaining as existing when addressing this interface.
113. The integration with Myrtle Street will be the most visible aspect of the development, with the three dwellings provided with separate entrances within this interface. Urban Design comments regarding the proposal's integration with Myrtle Street noted that the entry points for each dwelling are different, with the entrance of Dwelling 1 providing a deep recessed entrance (setback 1.8m from Myrtle Street), compared with the entrance for Dwelling 3 directly from the street (with no recess). It was recommended that similar style of entries across all dwellings should be provided, which allows adequate cover for occupants when entering each dwelling, whilst minimising any hiding spots.

114. The differences in setbacks provided for the three entrances is not a major concern, with the articulated setbacks providing a clear sense of address to each individual dwelling, along with a degree of articulation within the ground floor façade. However, a consistent setback of 1m for the recessed entrances of Units 1 and 2 would provide a more coherent response, with this change easily incorporated into an amended design. This change can be facilitated via a condition of the permit.
115. At ground level, a number of bedroom windows address the street, with balconies and additional windows providing views to the street and public realm from the levels above. These features will allow the development to integrate well with Myrtle Street and the adjacent public realm.
116. The application plans do not indicate whether lighting will be provided above the separate entrances to the building; a condition of any permit issued can ensure that adequate lighting (suitably baffled to prevent light spill to adjacent sites) will be incorporated into the entrance design.

B6 – Street setback objective

117. This standard notes that if the site is located on a corner, a new building should be setback the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9m, whichever is the lesser. In this instance the ground level setback to Ramsden Street will not alter, with the direct abuttal to the street matching that provided within 49 Ramsden Street to the east.
118. The proposal is setback from Ramsden Street 8.7m at first-floor and 11.6m at second floor, with these setbacks appropriately limiting views to the new development and ensuring that the existing single-storey commercial building retains its presentation within the principal streetscape.
119. The standard continues to note that side walls on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2m, whichever is the lesser.
120. The western wall largely abuts Myrtle Street at ground and first-floor levels, with the second floor incorporating a number of setbacks from the western and southern boundaries. A relatively consistent setback pattern (of 3m) is evident along the eastern side of Myrtle Street, however these setbacks are associated with single-storey heritage dwellings and the subject site is clearly separated from this uniform characteristic by the 3m wide ROW along its southern boundary. This ROW creates an acceptable gap in built form between the development and the sites to the south, and clearly differentiates the higher density corner development from these single residential sites.
121. The lack of setback provided for the proposal is considered acceptable within the context of the commercial 1 zone, with the setbacks provided within the levels above providing a degree of articulation to this interface. Based on the reasons outlined above, it is considered that the objective is met in this instance, with the proposed setbacks providing an acceptable response.

B7 – Building height objective

122. Whilst a discretionary height of 9m is recommended by this standard, there is no height restriction provided for the Commercial 1 Zone. The maximum height of the proposed development would extend to 9.5m (along the eastern boundary).

123. As noted earlier, higher built form is clearly visible along the streetscape, with 51 Ramsden Street a maximum height of 9.6m and the double-storey addition at 45 Ramsden Street extending to a height of 9.3m. The height of the proposed double-storey wall along the Myrtle Street boundary will reach a maximum height of 7.4m. The height of this wall is respectful of existing built form surrounding the site.
124. The flat roof design of the subject building ensures that the proposed overall height of 9.5m will be similar to the height of the addition at 45 Ramsden Street. The proposal is considered to sit comfortably within this context.

B8 – Site coverage objective

125. The site coverage of the development will be 100%. As noted in *Phillip Crouch Architects v Bayside CC [2009]*;

There is no site coverage or setback requirements specified for developments located in Business 1 zones (commercial 1) and 100% site coverage or 'boundary to boundary' developments are not uncommon on commercial land in strip shopping centres".

126. Based on this decision, and given the commercial zoning of the land, the proposed site coverage is acceptable. Site coverage in the majority of adjacent sites affected by the commercial 1 zone is high, with 100% site coverage provided within 51 & 61 Ramsden Street and high coverage at 53 Ramsden Street.
127. With the building articulated at all levels through the use of setbacks, decks and a variation of materials, visual impacts are appropriately managed, further reducing the perceived effect of built form within the site. The objectives of the standard are met.

B9 – Permeability objectives

128. The proposed development will cover 100% of the site, thereby fully restricting the degree of permeability available within the site. However, a STORM assessment submitted with the application indicates that a 10,000L rainwater tank will be installed; with this tank demonstrated on the plans with a notation confirming that it will be connected to toilets within the development. This tank will provide the development with a STORM rating of 138%. This provision will assist in dealing with drainage and stormwater issues and the objective of the standard is met.

B10 – Energy efficiency objectives

129. The proposal will achieve a reasonable level of energy efficiency, with the following commitments outlined within the application;
 - (a) Apartments all have good access to daylight and natural ventilation to living areas and bedrooms;
 - (b) All windows will be double-glazed;
 - (c) A solar boosted gas hot water system will be provided;
 - (d) All internal fixtures/heating and cooling systems will have high energy efficiency ratings;
 - (e) Three separate rows of solar PV panels will be located on the roof;
 - (f) A total of 4 bicycle parking spaces will be provided for the dwelling use
 - (g) A rainwater tank, with a capacity of 10,000L, will be located beneath the garage and will be connected to toilets and wall gardens throughout the development;
 - (h) Wall gardens will be provided to the decks;
 - (i) A STORM rating of 138% will be achieved.

130. The plans do not indicate which windows will be operable; in order to ensure that adequate ventilation opportunities are provided to all dwellings, a condition can ensure that these details are shown on the plans, with a number of operable windows to be provided for each individual dwelling.
131. Based on the inclusion of these conditions, the proposed development satisfies the requirements of Clause 22.17 – Environmentally Efficient Design of the Scheme. The proposal will not result in any significant loss of solar access to adjacent windows or areas of open space, ensuring that the energy efficiency of neighbouring properties will not be unduly impacted.

B11 – Open space objective

132. This standard does not apply as no public or communal open space is proposed.

B12 – Safety objective

133. Each dwelling will be provided with a separate entrance along Myrtle Street, with an earlier condition ensuring that two of the entrances will be setback 1m from this interface. The entrance to Unit 3 will sit flush with the footpath.
134. All of these entrances are consistent with the relevant requirements of the standard in terms of safe access and security.

B13 – Landscaping objectives

135. The high site coverage of the development will provide for limited landscaping opportunities; however a number of green walls are proposed along the western perimeter of decks at the upper levels. This will soften the response of the development along this streetscape.
136. Five street trees are located within the Myrtle Street footpath, directly adjacent to the site's western boundary. Of these trees, two are directly opposite the area in which construction would occur. The application was internally referred to Council's Open Spaces Unit, who determined that the Melaleuca (the larger tree of the five) will not have roots in the property, as the existing building's footings would have acted as a root barrier. The other remaining trees (Tristaniopsis) should not be affected by the proposal.

B14 – Access objectives

137. This standard seeks to ensure that the number of vehicle crossovers respects the character of the street, whilst maximising the retention of on-street car parking spaces. The proposed garage will provide vehicle access from the abutting ROW along the site's southern boundary, with no new crossovers proposed. This outcome will maintain the streetscape presentation along Myrtle Street and will ensure that no on-street car parking spaces are removed.
138. With regards to the vehicle access from the ROW, Council Engineers undertook a site inspection and noted that the south-western corner of the site is splayed, with a gate at this location providing vehicle access. A concrete apron in front of the vehicle gate improves access to the property, with it appearing that the apron has been installed over the bluestone pavement for several years. See Figure 1 for details.



Figure 1 – Corner splay in the south-west corner of the site.

139. The development of the building to the site boundaries will result in the removal of this corner splay. Historically, the former landowner of the property had demonstrated an intention to dedicate the splay as a Public Highway by constructing the edge of the building (gate and fences) outside the splay. The splay has been constructed in material that is consistent with the ROW and Council would have had care and management responsibilities over the splay in the past, regardless of this land being in private ownership. On this basis, Council Engineers have confirmed that the splay is deemed to be Public Highway, by virtue of its previous use by the public and its earlier construction by Council.
140. At present, the vehicle crossing at the western end of the ROW spans the carriageway width, as well as part of the splay, with the eastern kerb of Myrtle Street constructed partway across the splay. On the basis that this splay is considered to be Public Highway, the existing vehicle crossing servicing the ROW must remain intact. In order to ensure this occurs, future construction on the site can only partially occupy the splay, as shown by the red dotted line in Figure 2. This will require additional setbacks of the built form along the site's southern boundary. As this area is currently devoted to refuse storage for the commercial premises, and as the location of this storage has been deemed inappropriate, the adjustment to this corner of the building is considered reasonable and could be facilitated via a condition of the permit.



Figure 2 – acceptable building footprint

B15 – Parking location objectives

141. Three on-site car parking spaces are located within a ground level garage in the form of a double car stacker. This space has good access to all dwellings within the development and allows secure, safe and efficient vehicle movements, consistent with the requirements of the standard.
142. The car stacker has been setback from the ROW at ground level to ensure that adequate access is provided. Council Engineers noted that the swept path diagrams provided by One Mile Grid are not satisfactory and difficult to read. They have recommended that the applicant re-submit the diagrams and show the swept path for individual vehicles entering and exiting the car stacker off the ROW. This can be enforced via a condition of the permit.

B17 – Side and rear setbacks objective

Eastern elevation

Location	Wall height	Setback provided	Setback required	Complies
Unit 1 - deck	7.2m	1.63m	2.29m	No
Unit 1	9.39m	0.5m	4.48m	No
Unit 3	9.54m	0.5m	4.63m	No
Unit 3 - deck	7.6m	1m	2.69m	No

143. All of the non-compliant setbacks are located at the second floor of the development. Whilst the development does not comply with the standard, it is considered acceptable given the zoning of the land as Commercial 1. Although the zone does not allow residential amenity to be entirely sacrificed it provides strong justification for departure from Standards such as B17.
144. Adherence to such standards within Commercial areas would severely limited their ability to achieve stated objectives to create vibrant mixed use centres, particularly in areas with good access to public transport, existing infrastructure and services. Accordingly, the amenity expectations of residents within these areas should be balanced against policy direction to focus development there. In this respect, the proposed development is considered to achieve an acceptable outcome that reflects the zoning of the site, but which contains similar development intensity to sites to the east. This includes the triple-storey development at 51 Ramsden Street and the double-storey attached townhouses at 61 Ramsden Street.
145. A significant portion of the eastern elevation is located directly opposite three non-habitable room windows within the dwelling to the east. These hallway windows provide direct outlook to a narrow walkway and an existing brick wall along the shared boundary. Furthermore, the primary outlook for this dwelling is to the south; with the main habitable rooms at the rear of the dwelling facing the rear boundary and laneway. It is therefore not considered that the majority of this wall and its associated non-compliant setbacks will have an adverse effect upon the outlook or amenity of this dwelling.
146. The second-floor of the eastern wall associated with Unit 3 (8.96m in length and 9.5m in height) is located directly adjacent to SPOS within the neighbouring site. A 0.5m setback of this wall from the eastern boundary is proposed. Whilst providing a degree of relief, the proposed setback is relatively limited and would still allow views to the upper level of this unit from the adjacent open space. It is noted that a corresponding wall associated with the second floor of 51 Ramsden Street has been setback 1m from this SPOS, with this setback enforced as a condition via the VCAT decision for this development.
147. In paragraph 61 of *Leading Edge Construction v Yarra CC [2011] VCAT 3098*, Member Davies stated that;

*Existing residents in the B1Z are entitled to 'some basic amenity measures'.
Redevelopment of neighbouring sites should not be 'totally obliterating' their amenity.*

148. A 1m setback in that instance was considered to be a 'balanced' outcome. An additional setback of 0.5m in a raked design for the section of wall associated with the subject site is an achievable design response and is considered to also be a 'balanced' outcome with regards to amenity impacts to the adjacent SPOS. A condition of the permit can incorporate this change.

Southern elevation

Location	Wall height	Setback provided	Setback required	Complies
Unit 3 - deck	7.6m	0.5m	2.69m	No
Unit 3	9.54m	1.9m	4.63m	No

149. Neither of the second floor setbacks comply with the standard, however this outcome is considered acceptable, based on the following;
- (a) The dwelling at 41 Myrtle Street has a solid brick wall abutting the laneway;
 - (b) Given the absence of windows within this wall, any impact on the outlook would be marginal;
 - (c) The dwelling's SPOS is located approximately 20m to the east and not aligned with the subject site;
 - (d) The lack of compliance will not result in any loss of daylight or overshadowing to windows and SPOS;
 - (e) The property, whilst located in residentially zoned land, is at an interface with a commercial zone. It is commonly accepted that a dwelling with such an interface cannot have the same expectation of amenity as if the land was completely surrounded by residentially zoned land; and,
 - (f) The 3m wide ROW provides an additional buffer to this site, and if included within the width of the provided setbacks, would meet the standard requirements.
150. The objectives of the standard are met.

B18 – Walls on boundaries objective

Eastern boundary

151. The development will abut the eastern boundary for its full length at ground and first-floor, to a length of 26.8m, with heights ranging from 6.5m in the north to 6.95m in the south.
152. A section of wall measuring 5.75m in length will extend along the boundary at second-floor, to a maximum height of 9.34m.
153. Whilst exceeding the walls on boundary standard in terms of length and height, it is noted that the highest element of the eastern wall will be located directly opposite a blank wall of the adjacent dwelling. This will limit amenity impacts to this dwelling and reduce visual impacts from this neighbouring site.
154. The two lower sections of wall associated with the first-floor of the development will be adjacent to a row of non-habitable room windows and a narrow walkway, or the area of SPOS at the rear. Given the commercial zoning of this land, and the lack of impacts upon the primary outlook from this dwelling to the south, the length and height of these boundary walls are considered acceptable. The increased setback of the second-floor eastern wall of Unit 3, as required via an earlier condition, will further alleviate visual impacts upon this site to a satisfactory degree.
155. It is not clear what the proposed colour of the render will be for the eastern on-boundary wall. To further reduce amenity impacts to the adjacent SPOS, a light shade would be the preferred response. This can be required via a condition of the permit.

Southern boundary

156. A double-storey wall will extend along the full length (7.92m) of the southern (rear) boundary, to a maximum height of 7.05m. This wall will be directly adjacent to a 3m wide laneway, with the dwelling to the south at 41 Myrtle Street presenting a blank wall to this ROW.
157. This outcome is replicated at the eastern end of the laneway, with the double/triple-storey residential development addressing Clifton Avenue abutting the ROW with a double-storey wall. 51 Ramsden Street also provides a similar response, with terraces at first and second floor built directly to the rear boundary. Although this design is articulated, it essentially results in triple-storey built form along the laneway interface. The double-storey Victorian terrace to the west, at 50 Myrtle Street, also replicates this built form outcome, with a double-storey wall built directly to the southern boundary of the ROW. The dwelling directly to the north of the site, on the opposite side of Ramsden Street, also provides a double-storey boundary wall along Berry Street.
158. The double-storey boundary wall will result in no off-site amenity impacts, as outlined below;
 - (a) The dwelling at 41 Myrtle Street has a solid brick wall abutting the laneway;
 - (b) Given the absence of windows within this wall, any impact on the outlook would be marginal;
 - (c) The dwelling's SPOS is located approximately 20m to the east and not aligned with the subject site;
 - (d) The property, whilst located in residentially zoned land, is at an interface with a commercial zone. It is commonly accepted that a dwelling with such an interface cannot have the same expectation of amenity as if the land was completely surrounded by residentially zoned land.
159. Given this context, along with the zoning of the land and the lack of sensitive interfaces within proximity to this wall, the height of the wall is an acceptable outcome.

B19 – Daylight to existing windows objective

160. There are three ground floor windows and one door addressing the site within the eastern dwelling, all setback 1.3m from the shared boundary. Endorsed plans for this site indicate that these windows are associated with a hallway, thereby ensuring that no habitable room windows will be impacted within this adjacent site. There are no west-facing windows within the site at 51 Ramsden Street that would be affected by the development.
161. A number of east-facing windows are located at both levels within the dwelling to the west (45 Ramsden Street). Given the separation provided by this street of approximately 12m (site boundary to site boundary), the development will result in no adverse impacts to these windows and the standard will be comfortably met, with the highest wall of 9.5m triggering a setback requirement of 4.75m.

B20 – North-facing windows objective

162. There are no north-facing windows addressing the subject site.

B21 – Overshadowing open space objective

163. At no time throughout the day will SPOS within residentially zoned land to the south (41 Myrtle Street) be affected by shadows from the proposed development. At 9am, all additional overshadowing will fall within the Myrtle Street road reserve. SPOS to the south-west (associated with 45 Ramsden Street) will not be affected. At midday, shadows will move eastward, with these shadows cast within the ROW, on the roof of the dwelling to the south and within a small area of the front setback associated with this site.

164. At 3pm, additional shadows will fall within open space to the east, with shadows also cast within the ROW and upon the roof to the south. The affected open space is associated with 49 Ramsden Street. In accordance with Standard B21, the existing sunlight to the eastern adjoining SPOS should not be further reduced. It is evident that the proposed development will further reduce the extent of sunlight available to the eastern adjoining SPOS. It is also noted that the triple-storey development at 51 Ramsden Street has a similar overshadowing impact during the earlier parts of the day, leaving the SPOS to 49 Ramsden Street unreasonably affected by overshadowing throughout the day.
165. Whilst 49 Ramsden Street is a dwelling, its amenity expectation is tempered by its location with the commercial zone and it is not reasonable to apply standards associated with development in residential zones to their full extent in this location. Accordingly, although the dwelling would incur a significant degree of overshadowing during both the morning and afternoon periods, it would receive direct sunlight to parts of the secluded private open space between 11am and 2pm. The amount of unshaded area would be limited during these times but would be acceptable given the zoning of the land and would maintain a level of amenity that can be expected for dwellings in a commercial area.
166. Two west-facing terraces are located within the first-floor at 51 Ramsden Street. At 3pm, shadows will affect both of these terraces, with the southern-most being the most impacted. According to the endorsed plans for this development, both of these spaces are secondary terraces adjacent to bedrooms within Units 1 & 2. Both of these dwellings have separate areas of open space, with both of the additional terraces directly attached to the main habitable rooms of the respective dwellings and providing a larger area. Additional overshadowing for a limited duration to the secondary decks is an acceptable outcome.

B22 – Overlooking objective

167. Views to the north and west of the site will fall within the public realm. The Myrtle Street road reserve provides a distance buffer in excess of 12m between the site and the habitable room windows and SPOS associated with 45 Ramsden Street and the habitable room windows associated with 50 Myrtle Street to the west. Given these elements are located in excess of 9m from the site, it is considered that there will be no unreasonable overlooking impacts to the west, as is guided by Standard B22 at Clause 55.04-6 of the Scheme.
168. There will be no possible overlooking impacts to the south given the dwelling at 41 Myrtle Street has no north facing habitable room windows and the associated SPOS is located approximately 20m south-east of the subject site. This also satisfies the Clause 22.07 policy guidelines for development abutting laneways.
169. Overlooking to SPOS within the site to the east may be possible from both of the north-facing decks associated with Unit 1 (at first and second floor) and the south-facing balcony for Unit 3. These decks appear to have 1m high balustrades along their eastern perimeters. Whilst the site at 49 Ramsden Street is located within the commercial zone and therefore has different amenity expectations, it is considered that addressing unreasonable overlooking to this site can be easily undertaken. To ensure that the objectives of this standard are met, a condition can be added to any permit issued to request any changes required to the height and permeability of the eastern balustrades in order to limit overlooking impacts to this site.
170. There are no east-facing habitable room windows posing an overlooking threat to the east (the only windows above ground level have a sill height of 1.8m above finished floor level).

B23 – Internal views objective

171. The design of the development ensures that there are no internal overlooking opportunities provided between the three dwellings. The standard will be met.

B24 – Noise impacts objective

172. The plans do not indicate whether individual air conditioning units will be located within each terrace, with no services demonstrated on the drawings. A condition can be added to any permit issued to ensure that these details are included on all relevant drawings, with any air conditioning units to be located in areas that cause minimal noise impacts to the main habitable areas of each dwelling.
173. Whilst the site is located within a commercial zone, it is surrounded by residentially zoned land. Therefore the addition of dwellings within a primarily residential area is a good outcome which will ensure that most of the noise generated by the proposed development will be residential in nature.
174. The proposed commercial tenancy has previously operated as a shop, with this use being an 'as-of-right' use within the commercial zone.
175. With regards to the proposed car stackers at the rear of the site, it is noted that the operation of the on-site car stacker facilities must operate within the relevant EPA noise standards. This could be addressed via council's standard condition of permit regarding noise.

B25 – Accessibility objective

176. The primary entrance for all dwellings is located at ground level; however the internal design of all dwellings relies on staircases, with the dwellings split between 2-3 levels. This will impede future access for occupants with limited mobility; residents will be aware of these restrictions prior to occupation. It is noted that internal modifications to the dwellings (such as motorised chairlifts) could be incorporated into the design in the future if necessary.

B26 – Dwelling entry objective

177. All of the individual entrances are clearly visible and easily identifiable, with the setbacks provided for Units 1 and 2 ensuring that transitional space and shelter is provided around each entry. The internal design of Unit 3 limits the setback that could be provided to this doorway. As only one of the three dwellings experiences this outcome, this is considered acceptable.

B27 – Daylight to new windows

178. All habitable room windows will receive adequate daylight in accordance with the standard. Whilst a number of bathrooms will not have access to daylight, all of the bedrooms and living spaces within the development will be oriented to face an outdoor space clear to the sky with a minimum area of 3sqm and minimum dimension of 1m. The objective of the standard is met.

B28 – Private open space objective

179. The following areas of SPOS will be provided to the three dwellings;
180. Unit 1;
 - (a) First-floor deck – 18.9sqm;
 - (b) Second-floor deck – 14.2sqm;
181. Unit 2;
 - (a) First-floor deck – 10.7sqm;
 - (b) Second-floor deck – 3.1sqm;
182. Unit 3;
 - (a) Second-floor deck – 22.9sqm.

183. All of the dwellings will be provided with well-proportioned areas of SPOS, directly accessible from the main habitable rooms of each dwelling. The principal areas of SPOS will be greater than 8sqm and have minimum widths of 1.6m. The variety of areas will provide a number of outdoor options for the dwelling inhabitants and the objectives of this standard are met.

B29 – Solar access to open space objective

184. The north-facing decks associated with Unit 1 (first and second floor) will receive a good degree of solar access. Whilst the south and west-facing balconies will receive less direct daylight, the north-south orientation of the site dictates this outcome. The design response does allow for each deck to receive a degree of afternoon sunlight from the west. This outcome is considered acceptable given the constraints of the site.

B30 – Storage objective

185. The drawings indicate that there is a dedicated storage area of 11.6m² located at the rear of the bin storage at ground level. This space has been divided into three distinct sections, however the size of the individual storage units have not been notated on the plans.
186. The written assessment submitted with the application states that the storage spaces for Units 1 & 2 will be 5.1m³, with Unit 3 provided with 5.5m³. Whilst these areas do not comply with the 6m³ requirement, a slight variation to the standard is considered reasonable in this instance, with the areas only marginally smaller than the standard and the two smaller spaces associated with two bedroom dwellings. However, in order to ensure that these spaces are provided, a condition can be added to the permit to ensure that the correct dimensions of each storage space are notated on the floor plans.

B31 – Design detail objective

187. The proposed development is contemporary in design and incorporates a mixture of materials, finishes and setbacks within each elevation to create a visually interesting response. The proposed external materials for the development contain a combination of face brickwork and rendered walls. These materials are prevalent within existing development surrounding the site; with the flat roof form of the building also reflecting contemporary roof forms in the immediate vicinity. The proposed design responds well to characteristics of the area and the objectives of the standard are met.

B32 – Front fences objective

188. There is no front fence proposed as part of the development.

B33 – Common property objective

189. The only areas of common property relate to the residential waste storage area and garage. These spaces will be practical and easily maintained. The objective of the standard is met.

B34 – Site services objectives

190. The elevations do not include mail boxes for each dwelling; these details can be added via a permit condition. A designated waste storage area is provided for the three dwellings, with this space to be accessed from Myrtle Street. This outcome is acceptable.

Heritage

191. The relevant purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of heritage places. The subject site is included in HO316, which applies to the Clifton Hill Eastern Heritage Precinct, with the building identified as a 'contributory' building within this precinct. Clause 22.02 articulates Council's local planning policy in relation to development guidelines for sites subject to the heritage overlay.
192. The building is one of two contributory buildings within the row of commercially zoned land to the east. 51 Ramsden Street is the second contributory building; this site has been developed with a prominent triple-storey addition, with views to this higher built form clearly visible from Ramsden Street and Myrtle Street. The remaining buildings within this immediate section of Ramsden Street are not-contributory to the heritage precinct.
193. The building on the subject site is Edwardian in design, with a very distinctive parapet, and is intact except for the material of the shop window frames and some missing tiles. The shop windows are consistent with the pattern of the original windows. The original tiled hipped roof with decorative ridge cresting is visible from Ramsden Street, with a brick chimney at the rear of the building visible from the secondary interface with Myrtle Street. The rear lean-to addition and rear metal garage are not original features and do not contribute to the heritage value of the site.

Demolition

194. With regards to the extent of demolition proposed upon the site, clause 22.02-5.1 generally discourages demolition unless the part to be removed is not visible from the street frontage, the main building form (including roof form) is maintained and the removal of the part would not adversely affect the contribution of the building to the heritage place.
195. In accordance with this clause, the main hipped roof form over the original shop building will be maintained, together with a portion of the original rear roof to a depth of 1m along the Myrtle Street frontage. The original façade will be retained and the distinctive parapet will not be affected. This will ensure that all of the most prominent and visible features of the contributory building will be fully incorporated into the proposed development of the site.
196. The extent of demolition also seeks to include the removal of the distinctive tall chimney at the rear of the building. Council's Heritage Advisor was not supportive of the removal of this element, noting that chimneys are identified as contributory elements in Clause 22.02-3 of the heritage policy and therefore should be maintained. In order to achieve this outcome, the extent of roof demolition would have to be reduced and a substantial redesign of the development would be required.
197. It is noted that the removal of this chimney was also discouraged within the two previous heritage assessments undertaken for the site associated with planning applications PLN10/0898 and PLN12/1013, however the earlier proposal also included the full demolition of the hipped roof form, along with the removal of the majority of the building save the facade. This extent of demolition (not just the chimney) was considered excessive and was not supported, with the demolition significantly diminishing the heritage values and architectural integrity of the original building, particularly given the original roof is a prominent and highly visible element when viewed from Ramsden Street and Myrtle Street. Whilst the chimney is visible from the secondary frontage of Myrtle Street (when viewing the site from the south), there is virtually no visibility afforded from Ramsden Street, with street trees, the high parapet and the hipped roof form obscuring these views.
198. In this instance, the main contributory feature associated with the heritage building is considered to be the distinctive parapet which extends along the Ramsden Street and Myrtle Street frontages. The Victorian Heritage Database highlights this, with the parapet being the only feature mentioned in the site description for this building. The citation also states that the ground level of the building has been changed, with the corner site being in 'fair' condition.

199. The Statement of Significance for the Clifton Hill Eastern Precinct notes that contributory elements of this precinct include chimneys of either stucco finish or of matching face brickwork with corbelled capping courses. However, these contributory features are recognised in conjunction with dwellings, with the Statement of Significance clearly differentiating between dwellings and commercial buildings. In this instance, contributory commercial buildings are described as corner shops and residences with display windows and zero boundary setbacks. There is no mention of individual elements such as chimneys. The subject site retains the contributory features outlined in this Statement, and thereby retains the elements that make it significant within the heritage precinct.
200. As noted previously, the only other contributory commercial building within this row of buildings is 51 Ramsden Street. A highly visible residential development has been completed on this site. The extent of demolition and associated works on this site exceeded those proposed in the current application, with virtually the entire building demolished and only the original shop parapet retained. This development contains four dwellings, with the terrace for Unit 2 extending to the front of the site and directly abutting the parapet above the façade. The second floor wall is setback only 4.9m from Ramsden Street, with the height of the building extending to a maximum of 9.7m.
201. This development was approved in 2011 and construction on the site had commenced when planning application PLN12/1013 was being assessed. However the development had not been completed and the full extent of the proposal is only evident now. This development alters the context of the streetscape, in particular when viewed from Myrtle Street, with the extent of demolition and subsequent built form exceeding that proposed on the subject site. Whilst there were no chimneys on the contributory building at 51 Ramsden Street, the entire main roof form and original façade for this building were removed. In comparison, the removal of a chimney that can only be viewed from the rear of the subject building is considered acceptable.
202. It was highlighted by the objector to the east at 45 Ramsden Street that the double-storey addition located at the rear of this dwelling was sited so as to preserve two original chimneys located towards the front of the heritage dwelling. The context and location of these chimneys however is different to that found on the subject building, with the chimney at 47 Ramsden Street located at the rear of the building with no clear views from Ramsden Street. The siting of the addition at 45 Ramsden Street would have been based on visibility and compliance with sightlines from the northern side of Ramsden Street, with the forward location of the chimneys (when compared to that of the subject site) ensuring that they were protected as a result. As chimneys are highlighted as contributory elements to dwellings within the aforementioned Statement of Significance, the retention of these chimneys is also given more weight.
203. Given the context outlined above, including the extent of demolition approved at 51 Ramsden Street, the rear location of the chimney at 47 Ramsden Street and the retention of the most visible contributory features associated with this building, the removal of the chimney as part of the demolition works is considered to be an acceptable outcome.

Building and works

204. Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape. It also seeks to ensure that new development is articulated to correspond with the prevailing building form of the heritage place and to be distinguishable from the original historic fabric. The significance of the heritage place must be retained.
205. The proposed development at ground level will be directly behind the retained portion of the original building. This will ensure that no views to the principle façade will be obscured.

There will be a zero side setback provided at ground level along Myrtle Street, which will be consistent with the location of the original rear wing of the shop. A recessed entrance for Unit 1 will allow a return wall of the rear wing to remain. Whilst an earlier condition reduced this recessed space from 1.8m to 1m, this still provides for a degree of separation between old and new built form and is an appropriate heritage outcome.

206. The first-floor deck and wall will be setback 6.5m and 8.7m respectively from Ramsden Street. This setback will ensure that the first level additions will be recessive in design and located within the Figure 2 sightline envelope at Clause 22.02-5.7, with the original front facade continuing to compliment the scale of other shopfronts in the Ramsden Street streetscape.
207. The proposed front setback of the second floor will be 11.6m from the Ramsden Street boundary. The Figure 2 sightline drawing indicates that a small section of the uppermost floor will be visible over the parapet and roof form of the original shop building. Although the third level will be substantially concealed from Ramsden Street, given the site's corner position, visibility of the proposed addition will be higher from the oblique angle to the north-west of the property.
208. Visibility of higher built form within this section of Ramsden Street, and in particular with regards to the proposed triple-storey development at 51 Ramsden Street, was addressed within *Leading Edge Construction v Yarra CC [2011] VCAT 3098*; with Member Davies stating at paragraph 33;

Although the proposed upper floor additions would be clearly visible, they would be recessed behind the retained shopfront and parapet. They would also be seen in the context of the contemporary buildings in the row and the upper floor addition to the milk bar at 53-55 Ramsden Street.

209. Given that 51 Ramsden Street has now been constructed, the proposed upper level additions would now be seen in the context of the upper floor addition to 53-55 Ramsden Street and the additional built form at 51 Ramsden Street.
210. Furthermore, the following two paragraphs discuss the appropriate policy with respect to these specific sightline requirements, when applied to buildings within commercially zoned land.

Although there are specific requirements with respect to 'Residential Upper Storey Additions', I do not accept Ms Marcus' submission that they apply in this instance. While the proposed use of the upper levels is residential, this is not a residential heritage place. Rather, I agree with Mr Glossop's submission - which was supported by the evidence of Mr Raworth - that the relevant specific requirements in this case are under the heading 'Industrial, Commercial and Retail Heritage Place or Contributory Elements'. Those provisions are:

- *Encourage new upper level additions and works to:*
 - (a) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
 - (b) *Incorporate treatments which make them less apparent.*

The policy at Clause 22.02 has been altered in one important respect. It includes a requirement to provide sightlines to indicate the 'envelope' from the street of proposed upper storey additions - as shown in Fig 2 of Clause 22.02-5.7.1.

However, it is critical to appreciate that while that requirement is included in the general policy and the specific requirements for 'Residential Upper Storey Additions', it is not a requirement under the heading 'Industrial, Commercial and Retail Heritage Place or Contributory Elements'. Essentially, the policy no longer requires concealment of upper level additions in this instance.

211. Based on this sentiment and given the matching zoning and context of the subject site, the degree of visibility of the uppermost level of the development is considered acceptable.
212. Along Myrtle Street, the height of the proposed double-storey wall on this street frontage will be generally consistent with the built form on the opposite side of the street (rear of 45 Ramsden Street) and in general, Council's Heritage Advisor was supportive of the setbacks provided for the first and second-floors both from Ramsden Street and Myrtle Street.
213. However, an additional setback to a maximum of 4m was recommended for the western walls of Unit 1 at first and second floor level. This setback was based on the preferred retention of the original chimney, as previously discussed. As it is not considered necessary to retain this feature of the contributory building, a subsequent increase in setback for both levels is also not necessary.

Such a setback would require the deletion, or a substantial redesign, of Unit 1. Setbacks at both levels are already provided from this interface, with these setbacks providing a good degree of articulation between the old and new built form.

214. The proposed roof form for the new development will be flat. The predominant roof forms in Ramsden and Myrtle Streets are a combination of hipped roofs, hipped roofs with projected gable ends and hipped roofs behind decorative parapets. Though the proposed roof form of the new addition is out of character with existing roof forms in the area, it is considered acceptable on the basis that it is similar to flat roofed forms of nearby commercial properties and responds to the contemporary design of the development.
215. The general appearance of the development is considered acceptable from a heritage perspective, with Council's Heritage Advisor noting that a conservative design approach has been adopted, and adequate respect has been given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.
216. The proposed external materials for the new development will be painted render and painted face brickwork. Although the materials are considered acceptable, the colours proposed are not considered sympathetic to the predominantly Edwardian period streetscape along Myrtle Street, with heritage advice highlighting that Edwardian colours were generally more muted than those proposed. Painted wall colours tended to be paler and only details were picked out in the stronger colours. Render was sometimes left unpainted and face brickwork was not painted.
217. It is therefore recommended that the external colour scheme for the proposed development should be modified to reflect the character of the surround Edwardian character of Myrtle Street using lighter colours and leaving face brickwork unpainted. This alteration can be required via a condition of the permit.
218. Overall, based on the conditions discussed, the proposal appropriately responds to the particular requirements contained within Clause 22.02 -Development Guidelines for sites subject to the Heritage Overlay and Clause 43.01 - Heritage Overlay of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

Car parking

219. Under clause 52.06 of the Scheme, the Applicant is seeking the following parking reduction:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings	2 x 2 bedroom dwellings	1 to each 1 or 2 bedroom dwelling;	2	2	0
	1 x 3 bedroom dwelling	2 to each 3 or more bedroom dwelling	2	1	1
Total			4 spaces	3 spaces	1 spaces

220. Based on this, a 1 car space reduction is required for the residential component of the proposal.
221. The Applicant provided a traffic engineering assessment, prepared by One Mile Grid Traffic Engineers, with this report outlining the likely car parking demand to be generated by the proposed development, along with traffic implications, surrounding car parking availability and the proximity of the site to alternative transport methods.
222. A car parking occupancy survey was undertaken by One Mile Grid on Thursday 21 April 2016. The survey area encompassed areas of Ramsden Street and Myrtle Street and extended for approximately 200m from the site. Within this area, a total of 76 spaces were identified, with all of these spaces allowing for at least 1 hour of restricted parking. Peak occupancy was observed at midday, when 48 spaces (63%) were occupied, leaving 28 spaces (37%) free. The majority of these restricted car parking spaces allowed 2 hour parking, which would cater for potential customers to the shop component of the development.
223. A degree of unrestricted parking is also available within proximity to the site, with a total of 53 unrestricted spaces found within the survey area. Peak occupancy of these spaces was experienced at 3pm and 4pm, with 38 spaces (72%) occupied and 15 spaces (28%) free. It is considered that unrestricted car parking spaces could cater for employees of the proposed shop. The survey results demonstrate that short-stay and long-stay parking are available within walking distance of the site to accommodate staff, residents and visitors to the site.
224. It is noted that restricted and unrestricted parking is also available along Berry Street to the north of the site. This street does not appear to have been included within the car parking survey area and could potentially increase the number of available car parking spaces throughout the day.
225. The small scale of the proposed shop would restrict the number of employees associated with this use, and based on the locality being predominantly residential, it is expected that the shop will rely heavily on those living in the area, thereby limiting the impact on the car parking conditions surrounding the site.
226. The property has most recently operated as a shop and had the potential to provide one off-street car parking space in the open rear yard. The existing floor area of the shop is 160m², and when applying the parking requirements of Clause 52.06-5, would yield a car parking requirement of six spaces. Therefore, the car parking deficiency of the site would be five spaces. This is in excess of the proposed car parking deficiency of both components of the new development.
227. As part of the traffic assessment, One Mile Grid sourced car ownership rates for the City of Yarra from the 2011 Census conducted by the Australian Bureau of Statistics (ABS). For two-bedroom dwellings in the municipality, the average number of cars is 0.9, with this data noting that the average number of cars per three-bedroom dwelling was 1.1.

228. The car parking provision for the two-bedroom dwellings for this development would be 1 car parking space per dwelling. The on-site parking for the two-bedroom dwellings is therefore higher in comparison to the ABS car ownership statistics. The three-bedroom dwelling would be provided with one on-site car parking space. The 2011 ABS Census indicated that 27% of three-bedroom dwellings within the municipality did not own a car, with 44% owning one car. The data therefore suggests that there is a significant proportion (71%) of three-bedroom dwellings that own one or no cars. Based on these statistics, the proposed allocation of one space for the three-bedroom dwelling is considered acceptable.
229. It is highlighted that occupants of the new dwellings will not be eligible to apply for on-street residential and visitor car parking permits. Furthermore, in 2013 Council adopted a parking management strategy which aims to reduce the numbers of cars parking in Yarra, and also promote sustainable transport alternatives. This means that long-term parking will be progressively replaced over time by more short-term parking restrictions. This measure accords with objective 32 of clause 21.06-3 of the Planning Scheme, which aims to reduce reliance on the private motor car. This will also ensure that residents within the development will be dissuaded from owning additional cars, with the lack of car parking permits limiting opportunities for long-term on-street car parking in the future.
230. To offset this, the site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is located 220m to the south-east of Clifton Hill Railway Station, with Hoddle Street bus services located just beyond the Station, to the west of the site. These public transport options offer convenient alternative modes of transport to the site.
231. From a traffic engineering perspective, the waiver of 1 parking space for the proposed site is considered appropriate and should not adversely affect the on-street parking in the adjoining streets.

Bicycle Parking

232. The site is well serviced by bicycle infrastructure, with on-road bicycle lanes and bicycle routes within proximity to the site. Ramsden Street has an east and west-bound bicycle lane and the site is located 400m west of the Capital City Trail. One bicycle space for each dwelling will be provided within the garage; thereby encouraging bicycle use for future occupants. The bicycle spaces will be provided in the form of a ceiling mounted pulley system, with a clearance of 2.1m provided to allow for vehicle movements beneath. The dimensions of the bicycle spaces comply with requirements outlined at clause 52.34 of the Scheme. This bicycle provision is satisfactory.
233. Whilst no on-site bicycle parking is provided for employees or customers associated with the shop, this is no different to existing circumstances. A bicycle ring is located on Ramsden Street, approximately 10m to the east of the site. It is anticipated that future customers will be able to find appropriate on-street bicycle parking if necessary.

Traffic

234. The addition of three car parking spaces within the development and the subsequent increase in traffic within Myrtle Street and Ramsden Street streets is unlikely to generate a significant increase in traffic movements within the immediate street network, as confirmed by Councils Engineering Department.

Objector concerns

235. Most of the objector concerns have been addressed throughout this assessment as noted below:

The proposal does not integrate with the heritage place or neighbourhood character;

236. The proposals integration with the character of the surrounding neighbourhood has been discussed in paragraphs 102 to 108 of this report, with heritage aspects addressed in paragraphs 191 to 218.

Excessive demolition of the heritage building (chimney and roof);

237. A detailed discussion regarding the demolition component of the proposal is included in paragraphs 194 to 203.

Overdevelopment of the site;

238. The height of the proposed building and overall site coverage has been discussed in paragraphs 122 to 127 of this assessment.

Unreasonable off-site amenity impacts (loss of daylight, overshadowing, overlooking etc.);

239. Loss of daylight to existing windows, overshadowing of secluded private open space, overlooking and noise impacts are discussed in the following respective paragraphs; 160 & 161, 163 to 166, 167 to 170 and 172 to 175.

Loss of views;

240. The loss of views is not a planning consideration and is not addressed within the Yarra Planning Scheme. This is therefore not an aspect able to be considered as part of this assessment.

Lack of provision for car parking;

241. Car parking has been addressed in paragraphs 219 to 231 of this report.

Increase in traffic;

242. Traffic impacts are discussed in paragraph 234.

Use of premises for commercial use (permit not required);

243. As the site is located within a Commercial 1 Zone, the proposed use of part of the site as a shop does not require planning permission from Council. Any impacts associated with the use of the shop therefore are unable to be considered.

Conclusion

244. It is considered that the development has struck the appropriate balance between the various competing interests which have been identified throughout this report. It is therefore considered that the development should be approved, subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0168 for part demolition, use and development of the land for the construction of three dwellings and a shop (permit not required for shop use) and a reduction of the car parking requirement at 47 Ramsden Street, Clifton Hill 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 dated 12 May 2016 but modified to show:

- (a) The shop's waste storage area to be relocated, with the entrance midway along Myrtle Street, as demonstrated in the sketch plan submitted to Council on 25 October 2016. The residential waste storage areas are also to be amended (with two separate spaces provided) as shown on this sketch plan;
 - (b) The pedestrian entrances to Units 1 & 2 to be setback 1m from the Myrtle Street boundary;
 - (c) Operable windows for the habitable rooms of all dwellings to be shown clearly on the plans;
 - (d) The eastern wall at second floor associated with Unit 3 (for a length of 8.96m) to be raked westward, resulting in a minimum 1m setback from the eastern boundary for the top of this wall;
 - (e) The eastern on-boundary wall to be finished with a light shade of render;
 - (f) An overlooking diagram demonstrating whether overlooking to the secluded private open space to the east (49 Ramsden Street) is possible from the two north-facing Unit 1 decks and the south-facing deck associated with Unit 3. If so, the balustrades along the eastern perimeters of these decks must be amended to comply with the objectives of Standard B22 – Overlooking of the Yarra Planning Scheme;
 - (g) The location of mechanical services (i.e. air conditioning units) for each dwelling with these services to be located in areas that cause minimal noise impacts to the main habitable areas of each dwelling;
 - (h) The dimensions of each storage unit;
 - (i) The location of mail boxes for each dwelling;
 - (j) Lighter colours and unpainted face brickwork to be incorporated into the finishes, to accord with a more Edwardian-era colour scheme;
 - (k) The southern wall of the development to be setback from the site's southern boundary, so that this southern wall is aligned with the eastern kerb of the vehicle crossing on Myrtle Street;
 - (l) Amended swept path diagrams to clearly demonstrate the swept path for vehicles entering and exiting the car stacker off the ROW.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the use and development commences, a Sustainable Design Assessment (as a separate document) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.
4. Before the use and development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
5. Before the buildings are 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.
6. 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 dwelling entrances and garage must be provided. Lighting must be:
 - (a) located;
 - (b) directed;

- (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 8. Before the buildings are 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.
 9. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
 10. 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.
 11. The proposed car stackers must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
 12. 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.
- 13. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7.00 am or after 6 .00 pm, Monday-Friday (excluding public holidays);
 - (b) before 9.00 am or after 3.00 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.
- 14. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use is not commenced within five years of the date of this permit.

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

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

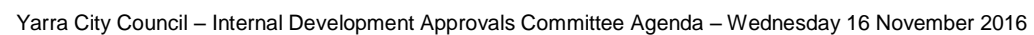
Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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.

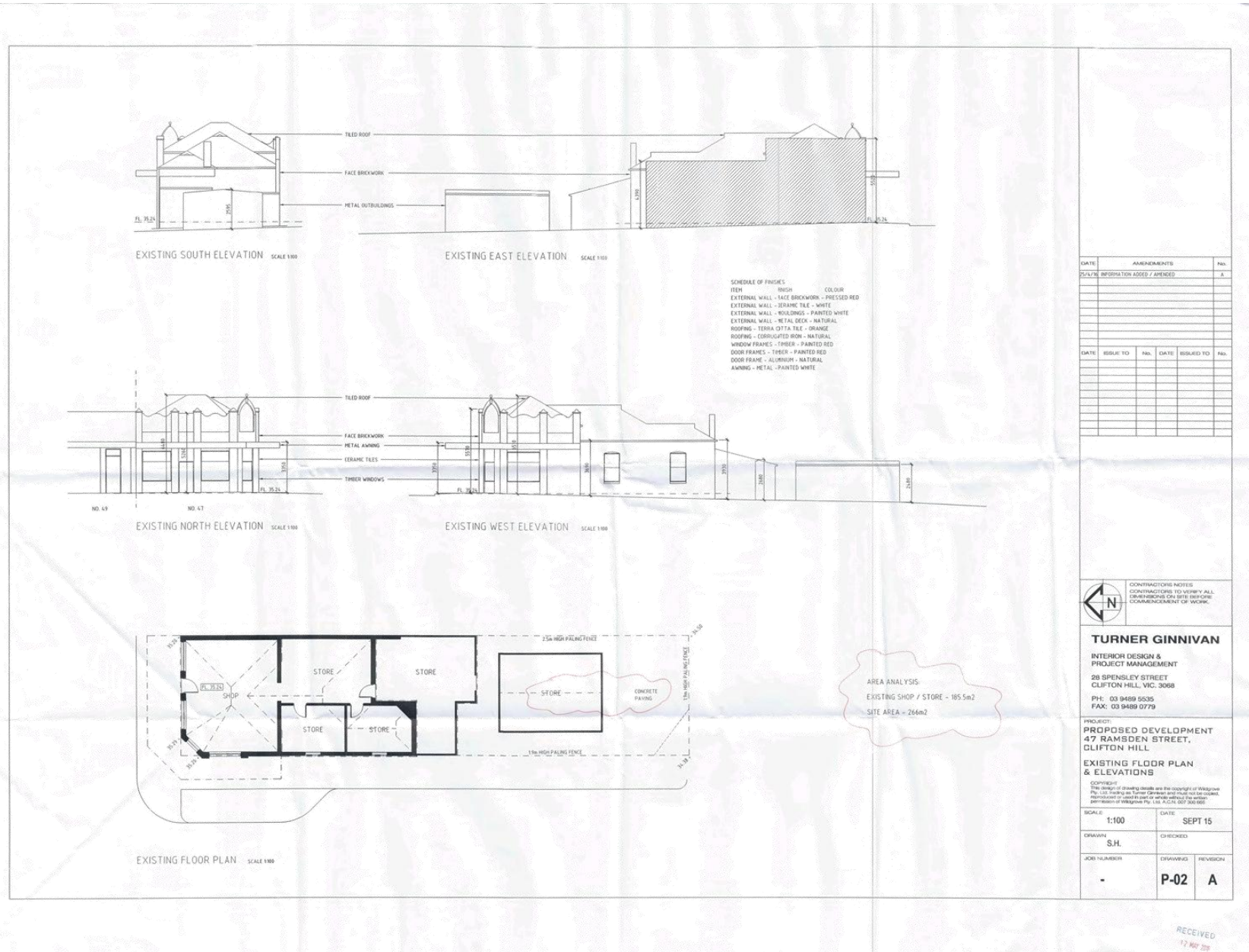
CONTACT OFFICER: Lara Fiscalini
TITLE: Senior Statutory Planner
TEL: 9205 5372

Attachments

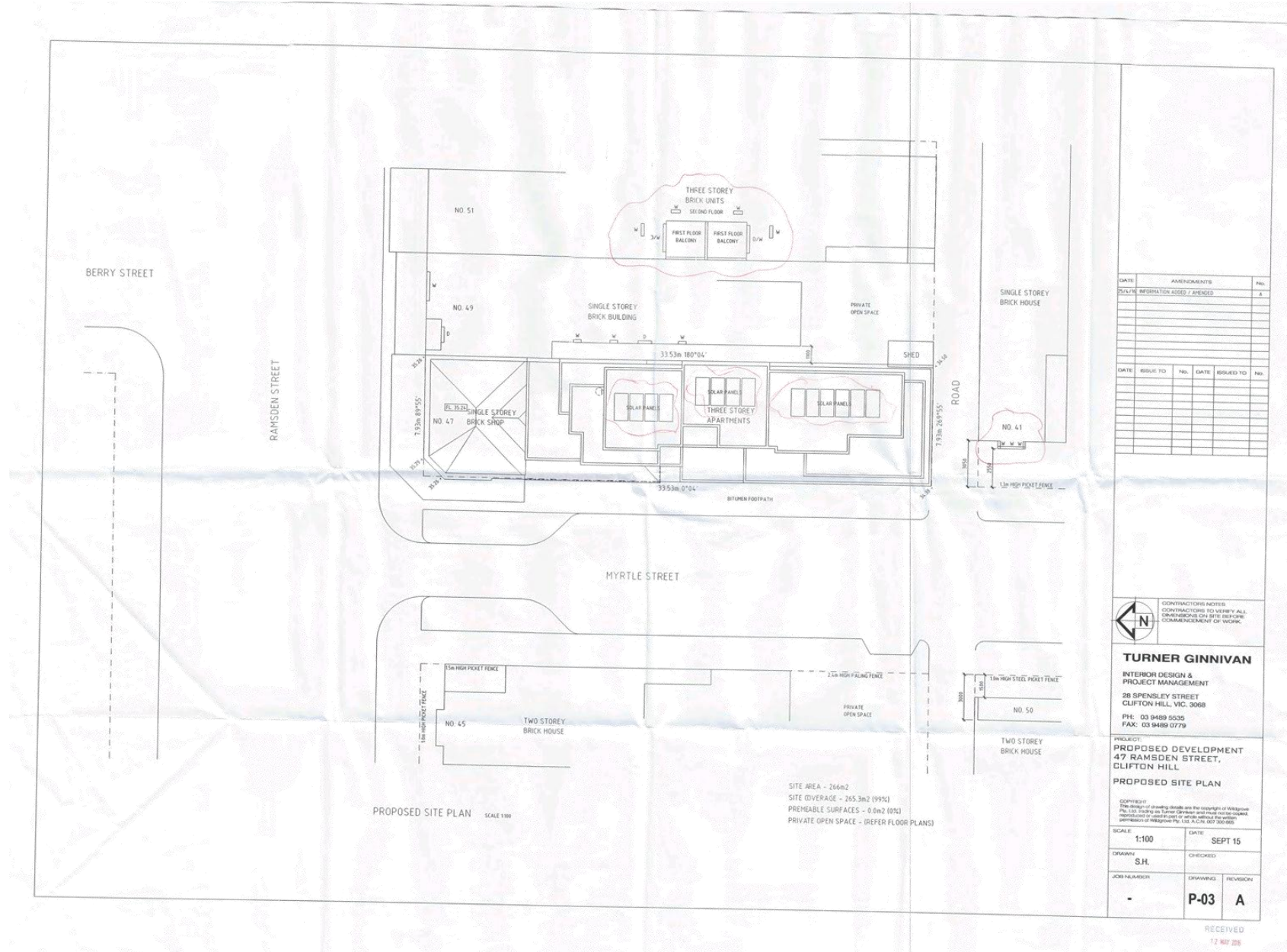
- 1 PLN16/0168 - 47 Ramsden Street Clifton Hill - Advertising S52 - Re-Advertising - Plans_Part1
- 2 PLN16/0168 - 47 Ramsden Street Clifton Hill - Advertising S52 - Re-Advertising - Plans_Part2
- 3 PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice
- 4 PLN16/0168 - 47 Ramsden Street Clifton Hill - Engineering comments
- 5 PLN16/0168 - 47 Ramsden Street, Clifton Hill - Urban Design referral comments
- 6 PLN16/0168 - 47 Ramsden Street, Clifton Hill - Open Space referral comments
- 7 PLN16/0168 - 47 Ramsden Street, Clifton Hill - Sketch Plan



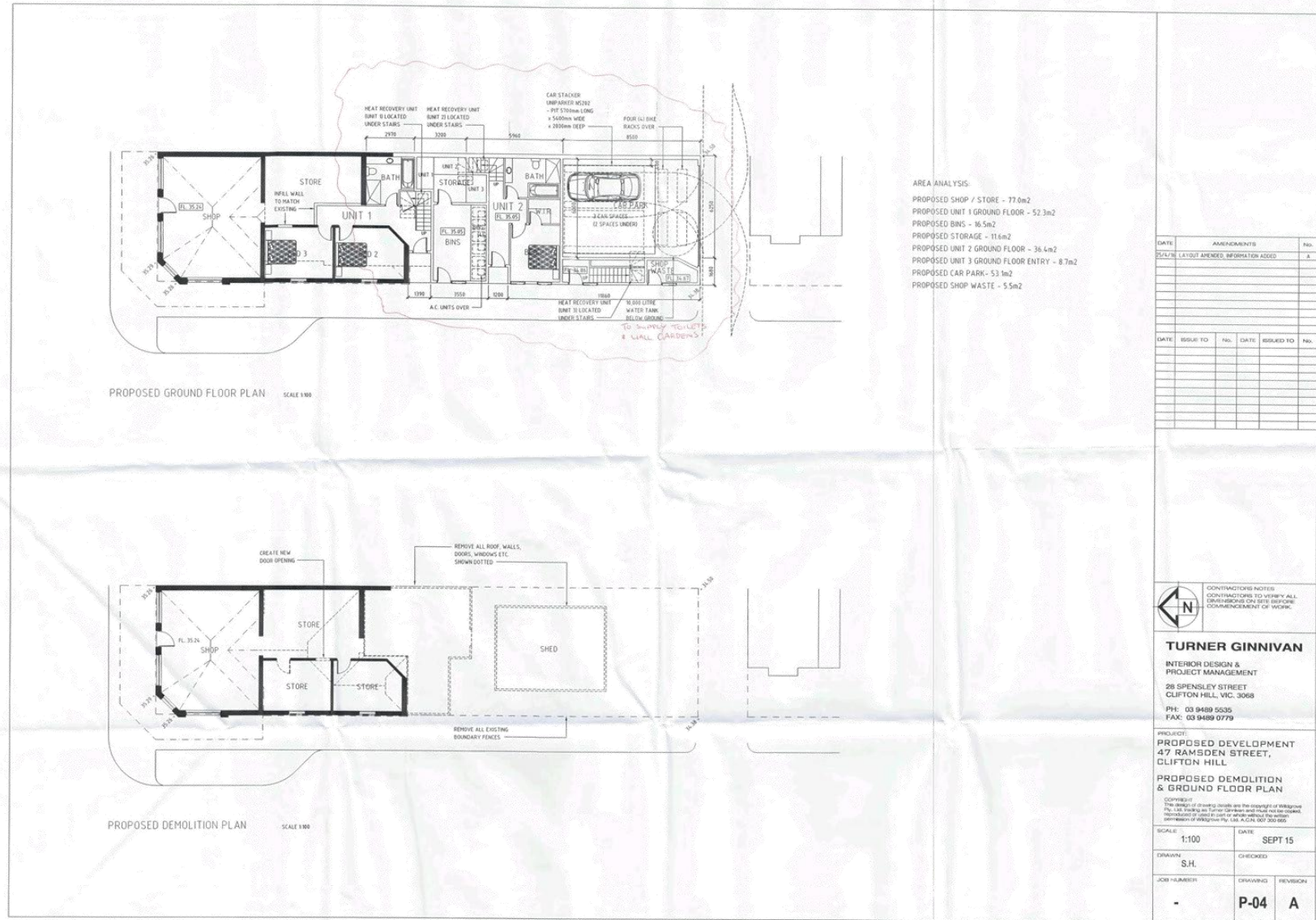
Attachment 1 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Advertising S52 - Re-Advertising - Plans_Part1



Attachment 1 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Advertising S52 - Re-Advertising - Plans_Part1

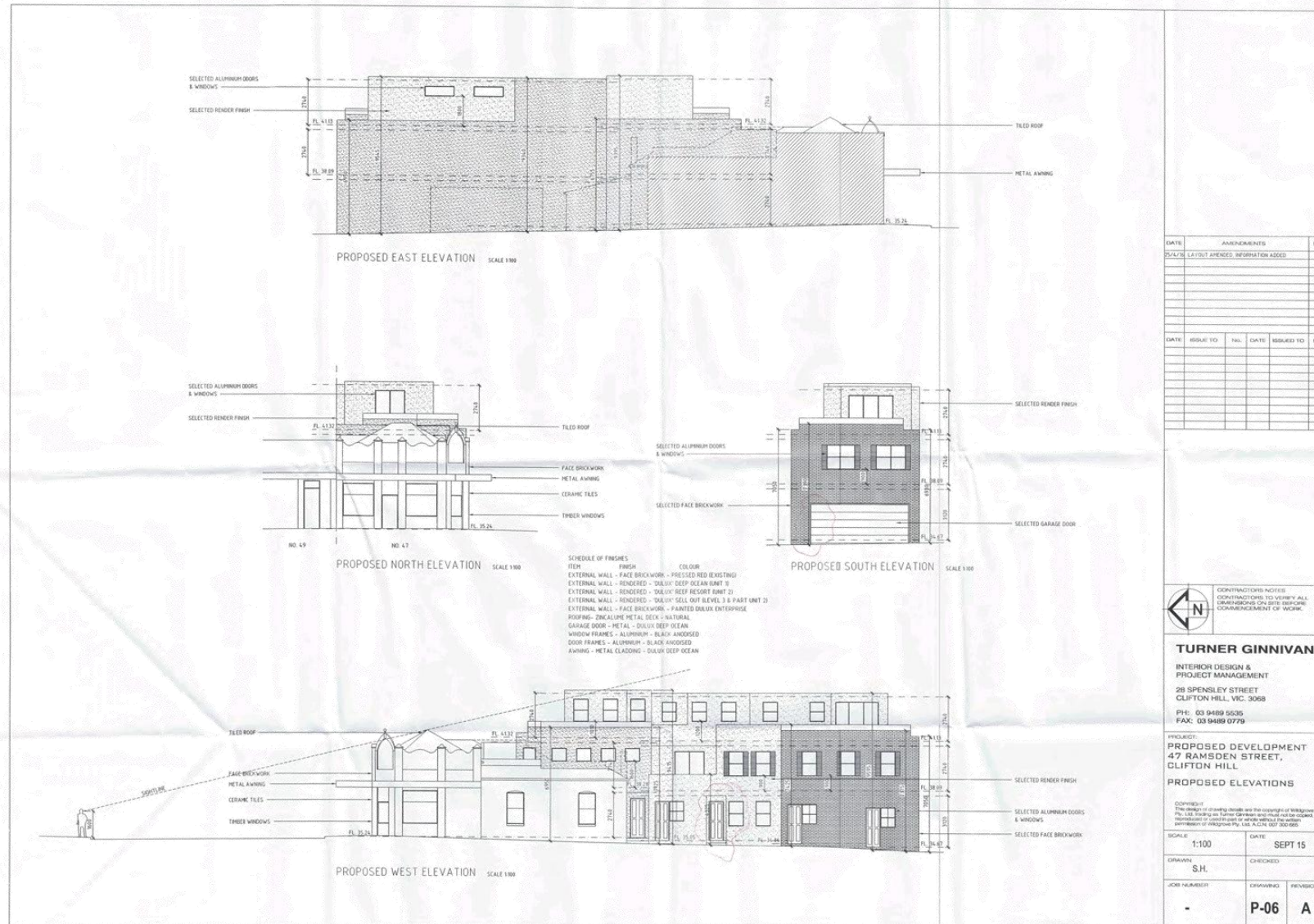


Attachment 1 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Advertising S52 - Re-Advertising - Plans_Part1



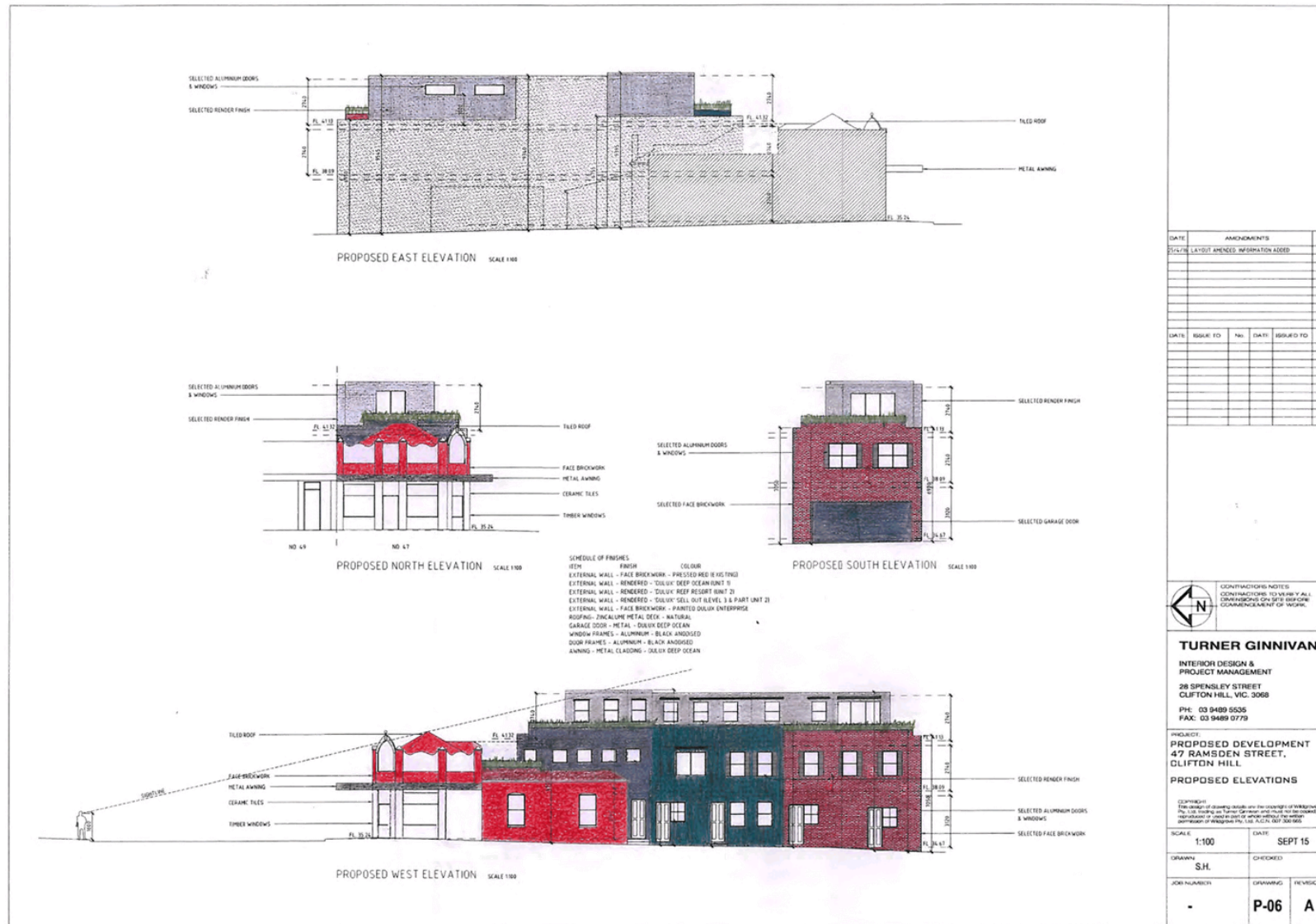


Attachment 1 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Advertising S52 - Re-Advertising - Plans_Part1





Attachment 2 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Advertising S52 - Re-Advertising - Plans_Part2



Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice
City of Yarra
Heritage Advice

Application No.:	<i>PLN16/0168</i>
Address of Property:	<i>47 Ramsden Street, CLIFTON HILL</i>
Planner:	<i>Lara Fiscalini</i>
Yarra Planning Scheme References:	<i>STATE POLICY:</i> <ul style="list-style-type: none">• <i>Clause 15.03 Heritage</i> <i>LOCAL POLICY:</i> <ul style="list-style-type: none">• <i>Clause 21.05-1 Built Form (Heritage)</i>• <i>Clause 43.01 Heritage Overlay</i>• <i>Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</i>• <i>Clause 22.03 Landmarks and Tall Structures</i>
Heritage Overlay No. & Precinct:	<i>HO316 Clifton Hill Eastern Precinct</i>
Level of significance:	<i>Shop & residence, Contributory, constructed 1900-1915 (City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015)</i>
General description:	<i>Partial demolition, construction of a three-storey addition</i>
Drawing Nos.:	<i>Set of 6 x A1 drawings prepared by Turner Ginnivan, entitled "Proposed Development 47 Ramsden Street, Clifton Hill" received by Council and date stamped 12 May 2016</i>

CONTEXT DESCRIPTION:

The subject site is a rectangular corner allotment with its principal facade facing Ramsden Street and its secondary facade facing Myrtle Street. The site also has a laneway at the rear.



Above: Current aerial of the subject site (outlined in red)

Inspection Opening ☐ I.O.
 Flushing Station ☐ F.S.
 Section Sheet No. ☐ S.S.N.
 BLUE Grounds & Size of Pipe
 Green Figures denote No. of feet
 in Schedule of Quantities

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 20 22 24 26 28
 30 32 34 36 38
 40 42 44 46 48
 50 52 54 56 58
 60 62 64 66 68
 70 72 74 76 78
 80 82 84 86 88
 90 92 94 96 98
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The site currently contains a commercial building of Edwardian architectural design with zero boundary setbacks. It is a single storey brick building with a very distinctive parapet, and is intact except for the material of the shop window frames and the missing tiles. The shop windows are consistent with the pattern of the original windows. The original tiled hipped roof with decorative ridge cresting is visible from the street and together with the tall chimney at the rear are distinctive architectural characteristics of the building. The rear section of the shop consists of a collection of rooms which were originally a residence. The rear lean-to addition and rear metal garages do not contribute to the heritage value of the site.

Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice



Above: Subject site at 47 Ramsden Street



Above: Side elevations to Myrtle Street

The subject building is part of a small number of former shops which have nearly all been converted to residential use only. The average facade height in this section of Ramsden Street between Clifton Avenue and Myrtle Street is generally between 1.5 and 2 storeys due to the existence of parapets and later two storey developments. The immediately adjoining property at no. 49 is a non-contributory building. No. 51 Ramsden Street is a contributory heritage building that has a recently constructed flat roofed addition that is of three-storey scale, although only one-storey is visible above the parapet.



Above: Properties from nos. 53 to 47 Ramsden Street

To the west of the subject property, at no. 45 Ramsden Street, is a residential dwelling of contributory heritage significance with a recently constructed two storey rear addition.

Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice



Above: View eastwards along Ramsden Street beyond the subject site



Above: View towards rear of the subject site from Myrtle Street showing adjacent dwelling



Above: View northwards along Myrtle Street showing scale of built forms to both sides of the subject site

Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice

The predominant building height throughout the precinct is single-storey however some two storey heights exist in commercial and industrial parts of the Clifton Hill Eastern Heritage Overlay Area.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

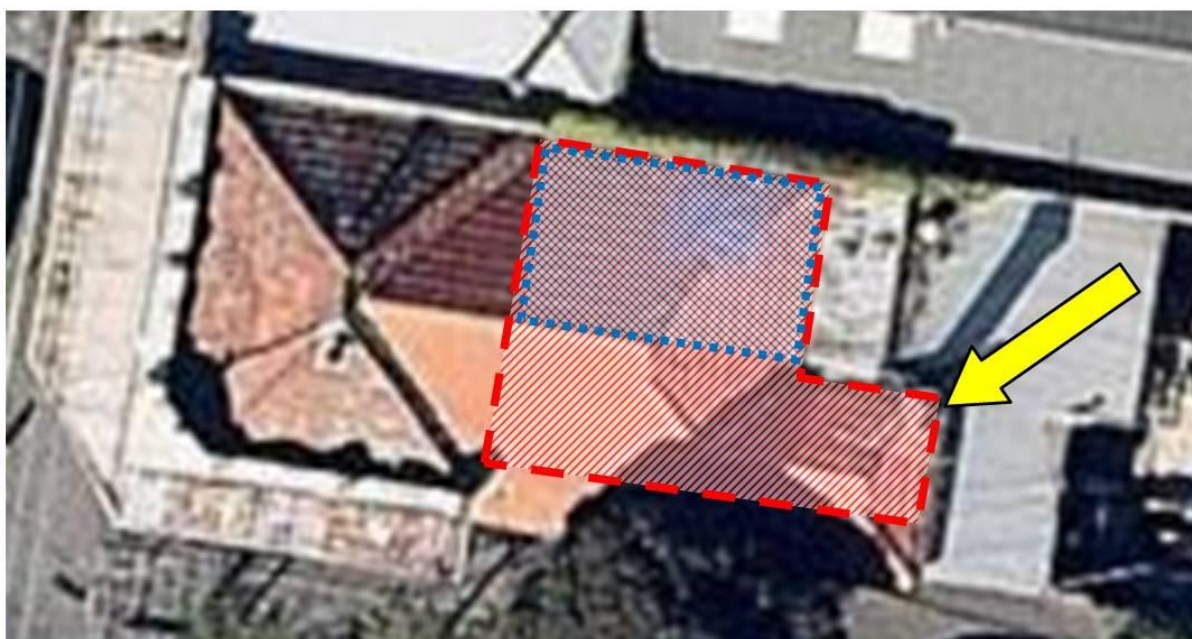
The extent of demolition proposed by this application includes the demolition/removal of all of the built form and structures beyond the extent of the original red brick structure fronting both streets.

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.

In regard to the partial demolition of an existing building of Contributory heritage significance, Clause 22.02-5.1 of the Yarra Planning Scheme encourages the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place. The areas to be demolished are partially visible from Myrtle Street however, as later poor quality additions, it is considered that the removal of these parts will not adversely affect the contribution of the original building to the heritage precinct.

In accordance with Clause 22.02-5.1 the main roof form over the original shop building will be maintained together with a portion of the original rear roof to a depth of 1 metre along the Myrtle Street frontage. The extent of demolition will however include the removal of the distinctive tall chimney at the rear which is clearly visible from the street. Chimneys are identified as contributory elements in Clause 22.02-3 of the heritage policy and therefore should be maintained.

The extent of roof demolition should therefore be reduced to ensure that the existing chimney is retained. Under no circumstances should the chimney be allowed to survive without at least a portion of the surrounding roof structure. The diagram below shows the preferred extent of demolition shaded blue.



Above: Area of original roof structure proposed for removal shown shaded in red. Preferred area of demolition shown in blue. Chimney shown arrowed.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of a three storey rear addition.

Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice

The key consideration for assessing this aspect of the works is whether the proposed new development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Setbacks:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

The proposed front setback for the new development at ground level will be directly behind the retained portion of the original building. There will be a zero side setback which will be consistent with the original rear wing of the shop building. There will be no separation between the old and new parts of the building, however it is noted that a recessed entry for Unit 1 will allow a return wall of the rear wing to remain.

At the second floor level the front setback will be about 6.5 metres which is consistent with the depth of the retained original roof form over the shop. This is considered an acceptable setback from Ramsden Street however from Myrtle Street it is considered that Unit 1 will need to be further setback to allow the roof form associated with the rear chimney to be maintained. Ideally the side setback from Myrtle Street should be 4 metres however there may be an opportunity for a part of this setback to be slightly reduced. A greater setback may be necessary around the retained chimney to ensure that it remains freestanding. The retained chimney must not be engaged into any part of the proposed walls of the new development.

The proposed front setback of the third floor level will be about 11.5 metres from the Ramsden Street front boundary. The submitted sightline drawing (Drawing no. P-06 A) shows that the top part of the proposed third floor will be visible over the parapet and roof form of the original shop building. While it is acknowledged that the extent of addition visible is no greater than the addition at no. 51 Ramsden Street, it should be noted that the proposed floor-to-ceiling height at ground level will be 3.12 metres. By reducing this to about 2.7 metres the overall height of the finished addition will be almost within the appropriate area of upper level additions shown in Figure 2 of Clause 22.02-5.7.1.

Scale/height:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height

The ability to assess the proposed development against the heights of adjacent buildings in the site is impossible on the basis that no streetscape diagrams have been provided. Most critical to this assessment is the comparative heights of the existing rear additions to nos. 51 and 45 Ramsden Street.

The proposed facade height for the first and second storey of the new development will be about 7.4 metres. These heights sit comfortably behind the roof form of the existing building and will not be seen from Ramsden Street. Along Myrtle Street, the impact of the proposed two-storey height along the street frontage will be generally consistent with the built form on the opposite side of the street (rear of no. 45 Ramsden Street).

The third floor level will give the proposed development an overall height of about 9.4 metres. Although the sight line diagram provided suggests that the third level will be substantially concealed from Ramsden Street, given the site's corner position, visibility of the proposed addition will be clearly from the oblique angle to the north-west of the property (refer to rough diagram below).

Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice



Above: Rough estimation of the comparative heights of the proposed addition

Roof form:

The proposed roof form for the new development will be flat. The roof forms of the adjacent properties are hipped roofs with projected gable ends to the west and hipped roof behind parapets to the east. The predominant roof forms in Ramsden and Myrtle Streets are a combination of hipped roofs, hipped roofs with projected gable ends and hipped roofs behind decorative parapets. Though the proposed roof form of the new addition is out of character with existing roof forms in the area, it is considered acceptable on the basis that it is similar to flat roofed forms of nearby commercial properties.

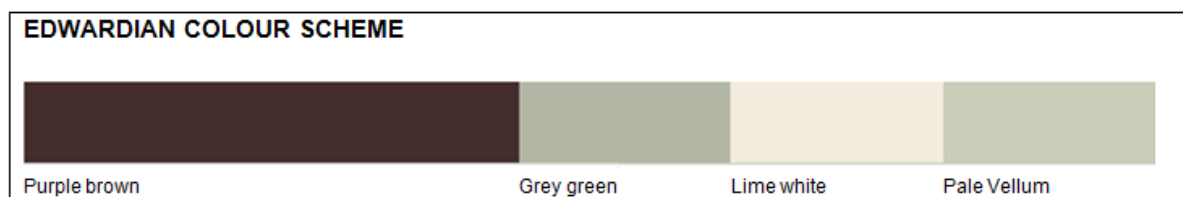
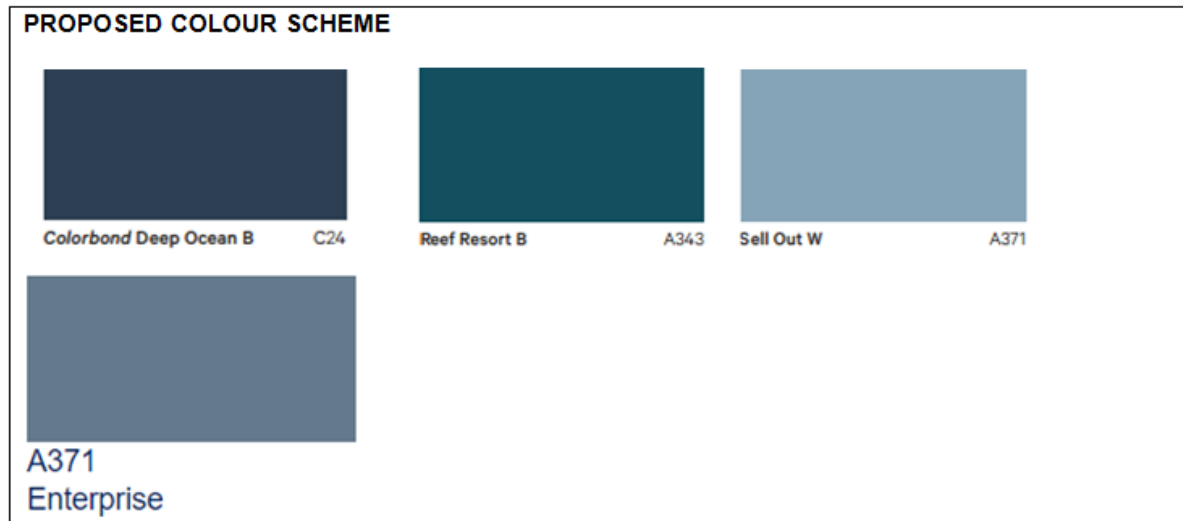
Appearance:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to:

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

A conservative design approach has been adopted for the proposed development. This approach is considered acceptable as adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

The proposed external materials for the new development will be painted render and painted face brickwork. Although the materials are considered acceptable, the colours proposed are not considered sympathetic to the predominantly Edwardian period streetscape along Myrtle Street.

Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice

Although Victorian colours such as Red Oxide and Brunswick Green were still popular, Edwardian colours were generally more muted. Painted wall colours tended to be paler and only details were picked out in the stronger colours. Render was sometimes left unpainted and face brickwork was definitely not painted. The colours shown above are indicative only and other suitable colours may be acceptable.

It is therefore recommended that the external colour scheme for the proposed development should be modified to reflect the character of the surround Edwardian character of Myrtle Street using lighter colours and leaving face brickwork unpainted.

RECOMMENDATIONS:

On heritage grounds, it is considered that until the comparative heights of the adjacent properties at nos. 45 and 51 Ramsden Street are shown on a submitted streetscape diagram to demonstrate that the relative height of the proposed addition this application should not be determined.

Should it be determined that the proposed height of the rear addition is no greater than the addition to no. 51 Ramsden Street, then the following modifications should also be undertaken:

1. That the extent of original roof structure to be demolished must be reduced to allow the original rear chimney to be maintained together with a portion of roof structure to enable it to be attached to the main roof structure over the shop;
2. That the second and third floor levels of Unit 1 must be setback an average about 4 metres from the Myrtle Street boundary to allow the retention of the rear chimney;
3. That the floor-to-ceiling height of the proposed ground level addition must be reduced to about 2.7 metres so that the overall height of the finished addition will be almost within the appropriate area of upper level additions shown in Figure 2 of Clause 22.02-5.7.1.

Attachment 3 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Heritage Advice

4. That the external colour scheme for the proposed development must be modified to reflect the character of the surround Edwardian character of Myrtle Street using lighter colours and leaving face brickwork unpainted.

SIGNED:

A handwritten signature in dark ink, appearing to read 'D. McIntosh', with a stylized, flowing script.

Diahn McIntosh

DATED: 27 July 2016

A



/0168 - 47 Ramsden Street Clifton Hill - Engineering comments

MEMO

To: Lara Fiscalini
From: Artemis Bacani
Date: 22 July 2016
Subject: **Application No:** PLN16/0168
Description: Construction of Three Dwellings – Reduction in the Car Parking Requirements
Site Address: 47 Ramsden Street, Clifton Hill

I refer to the above Planning Application received on 21 June 2016 and the accompanying Car Parking Demand Assessment prepared by One Mile Grid in relation to the proposed development at 47 Ramsden Street, Clifton Hill. Council's Engineering Services unit advises the following:

CAR PARKING PROVISION

Proposed Development

The proposed development comprises the construction of a mixed use development comprising a shop with a total floor area of 77 m² and three dwellings containing two 2-bedroom units and one 3-bedroom unit. A total of three on-site car parking spaces will be provided for residents accessed via the rear Right of Way. Some 4 bicycle hangers will be provided using ceiling mounted bicycle hangers. The site is located on the south eastern corner of Ramsden Street and Myrtle Street. The surrounding area is a mixture of commercial, offices, and residential. The area is predominantly residential with small pockets of commercial properties.

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Size/No.	Statutory Parking Rate	No. of Spaces
Shop	77 m ²	4 spaces to each 100 m ² of leasable floor area	3
Two-bedroom dwelling	2	1 space to each two bedroom dwelling	2
Three-bedroom dwelling	1	2 spaces to each three bedroom dwelling	2
		Total	7 spaces

Since the site has a statutory requirement of 7 spaces and 3 spaces would be provided on site, a waiver of 4 car spaces in the parking requirement is sought by the applicant.

According to the submitted report, the development would have a statutory parking requirement of 6 car spaces. The number of car spaces appears to be inconsistent with the parking requirement shown in the above Table, given the shop and residential components of the development would have a combined total of 7 car spaces.

Attachment 4 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Engineering comments

Car Parking Demand Assessment

To reduce the number of parking spaces required for the proposed development, the Car Parking Demand Assessment must assess the following:

- *Parking Demand for Shops.*
The shop parking for this site would have a statutory parking requirement of three spaces. One of these spaces would most likely be required for staff and the other spaces would be shorter-stay spaces provided for customers.
- *Parking Demand for the Two-Bedroom Dwellings*
One mile Grid has sourced car ownership rates for the City of Yarra from the 2011 census conducted by the Australian Bureau of Statistics. For two-bedroom dwellings in the municipality, the average number of cars per two-bedroom dwelling is 0.9 cars. The car parking rate for the two-bedroom dwellings for this development would be 1.0 car parking spaces per dwelling. The on-site parking for the two-bedroom dwellings is higher in comparison to the ABS car ownership statistics.
- *Parking Demand for the Three-Bedroom Dwelling*
The single three-bedroom dwelling in the development would be provided with one on-site car parking space. The 2011 ABS Census data recorded that the average number of cars per three-bedroom dwelling was 1.1 cars. Some 27 % of three-bedroom dwellings did not own a car, whereas the proportion of three-bedroom dwellings owning one car was 44 %. The data suggests that there is a significant proportion of three-bedroom dwellings that own one or no cars. The proposed allocation of one space for the three-bedroom dwelling is considered acceptable.
- *Availability of Public Transport*

The site is located within walking distance of train services Clifton Hill railway station and bus services along Hoddle Street (Routes 246, 504, and 546). Tram services also operate along Queens Parade (Route 86). Easy access to public transport services would reduce the demand for parking on-site.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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:

- *Availability of On-Street Car Parking*
Parking occupancy surveys were commissioned by One Mile Grid on Thursday 21 April 2016 between 10.00am and 6.00pm. The survey area covered Ramsden Street and Myrtle Street within 200 metres of the site. An inventory of 76 1P spaces or longer was identified. A peak of 63% of spaces or 28 vacant spaces was recorded at 12.00pm. For the unrestricted spaces, an inventory of 53 spaces was identified with a peak of 72% or 15 vacant spaces recorded at 3.00pm and 4.00pm. The survey results demonstrate that short-stay and long-stay parking are available within walking distance of the site to accommodate staff, residents, and visitors at the site.
- *Car Parking Deficiency Associated with Existing Land Use*
According to the submitted report, the property's existing use is shop use and has one off-street car parking space. The floor area of the shop is 160 square metres and applying the parking requirements of Clause 52.06-5 would yield a car parking requirement of six spaces. Therefore, the car parking deficiency of the site would be five spaces. This car parking credit could be potentially transferrable to the new development's short-stay parking as the existing parking overflow from the site would be accommodated off-site.

Attachment 4 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Engineering comments

- *Convenience to Pedestrian and Cycling Access to the Site*
Pedestrians and cyclists should be able to access the site conveniently by using the existing infrastructure in front of the site and the surrounding streets. It is highly probable that some visitors would either live or work locally. Access to the on-road bicycle network is relatively good.
- *Access to or Provision of Alternative Transport Modes*
The site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is also in proximity to on-street car share pods.
- *Other Relevant Considerations*
Occupants of the new dwellings will not be eligible to apply for on-street residential and visitor car parking permits.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of 4 parking spaces for the proposed site is considered appropriate and should not adversely affect the on-street parking in the adjoining streets.

Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.

DEVELOPMENT LAYOUT DESIGN

Access Arrangements and Internal Layout

A site inspection of the Right of Way at the rear of the site revealed that it is comprised of bluestone pavement with a bluestone central invert and has an effective carriageway width of approximately 3.0 metres. The south western corner of the site is splayed and a gate at this location provides vehicle access. A concrete apron in front of the doorway improves vehicle ingress and egress to the property. The concrete apron appears to have been installed over the bluestone pavement for several years.

The swept path diagrams provided by One Mile Grid are minute, a little messy and difficult to read. The applicant must re-submit the diagrams and show the swept path for individual vehicles entering and exiting the car stacker off the Right of Way.

For any new internal concrete works, the finished floor levels along the edge of the slab must be set 40 mm above the edge of the bluestone pavement of the Right of Way – Council Infrastructure Requirement.

Occupation of Corner Splay by the New Building

The footprint of the new building will result in the occupation of the corner splay at the south west corner of the property (Myrtle Street/Right of Way intersection). The splay is deemed to be Public Highway, by virtue of its previous use by the public and its earlier construction by Council.

Historically, the former landowner of the property had demonstrated an intention to dedicate the splay as a Public Highway by constructing the edge of the building outside the splay. The splay had been constructed in material that is consistent with the Right of Way. Council would have had care and management responsibilities over the splay in the past, regardless of the splay being in private ownership.

At present, the vehicle crossing servicing the Right of Way entrance spans the carriageway width as well as part of the splay. The east kerb of Myrtle Street had later been constructed part way across the splay. To this end, the existing vehicle crossing servicing the Right of Way must remain intact. Therefore it is recommended that the building only partially occupies the splay such that it does not partially obstruct the vehicle crossing at its north end. The attached photo shows the recommended extent of the building.

Attachment 4 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Engineering comments Bicycle Storage

The annotation on the plan *Four (4) Bike Racks Over* must be further detailed by the applicant and should describe how the proposed bicycle storage would operate.

Summary of Design Matters

The designer must revise the drawings and incorporate the following:

Item	Details
Access Arrangements	The applicant must re-submit the diagrams and show the swept path for individual vehicles entering and exiting the car stacker off the Right of Way.
Internal Layout	For any new internal concrete works, the finished floor levels along the edge of the slab must be set 40 mm above the edge of the bluestone pavement of the Right of Way – Council Infrastructure Requirement.
Corner Splay	The existing crossing servicing the Right of Way must remain intact. Therefore it is recommended that the building only partially occupies the splay such that it does not partially obstruct the vehicle crossing at its north end. The attached photo shows the recommended extent of the building.

Capital Works Programme

A check of the Capital Works Programme for 2016/17 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

Building Works and Impact on Council Road Assets

The construction of the new mixed development, the provision of underground utilities servicing and construction traffic servicing and transporting materials to the site will impact on Council road 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.

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

ENGINEERING CONDITIONS

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

Civil Works – Ramsden Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Ramsden Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

Civil Works – Myrtle Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Myrtle Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
- The footpath in front of the pedestrian entrances must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

Attachment 4 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Engineering comments

Civil Works – Right of Way

- Any damage to the Right of Way during the construction works must be repaired to the satisfaction of Council.

Public Lighting

- 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. Any light shielding that may be required shall be funded by the Permit Holder.

Road Asset Protection

- 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.

Impact of Assets on Proposed Development

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

Drainage

- 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), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.
- 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.

NON-PLANNING ADVICE TO THE APPLICANT

The developer needs to consider the following:

Clearances from Electrical Assets

Overhead power lines run along the south side of Ramsden Street, close to the property line.

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.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Tree Protection

The applicant must liaise with Council's Open Space unit for the protection of the street tree in Myrtle Street.

Attachment 4 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Engineering comments

Regards

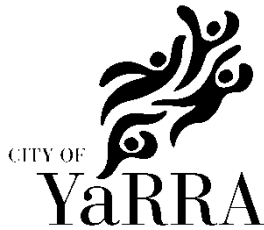
Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 4 - PLN16/0168 - 47 Ramsden Street Clifton Hill - Engineering comments



The red dashed line represents the extent of the new building over the splay. The vehicle crossing must not be obstructed by the building.

Attachment 5 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Urban Design referral comments



MeMO

TO: Lara Fiscalini (Statutory Planning)
FROM: Hayley McNicol (Urban Design)
DATE: 24 June 2016
SUBJECT: 47 Ramsden Street, Clifton Hill 3068
APPLICATION NO: PLN16/0168
DESCRIPTION: Part demolition, construction of three dwellings and a reduction of the car parking requirement.

COMMENTS SUMMARY

Urban Design comments have been sought on the above proposal, in particular on the integration of the proposed development with the streetscape and its Myrtle Street interface.

In summary, it is recommended that changes are made to the design to reduce the visual impact on Myrtle Street and the southern adjoining property by providing increased setbacks from the southern boundary, reducing the length of the third storey and providing improved articulation along the western elevation. It is also recommended that the recessed entrances to each unit are reconsidered as some provide a very deep recess and some provide none at all.

There are no known capital works planned directly around the site.

Site and context

Zones, Overlays and other relevant planning policies

- The site is located in the Commercial 1 Zone (C1Z).
- The site is covered by the Heritage Overlay Schedule 316 – Clifton Hill Eastern Precinct (HO316). The building on the site is classified as a contributory building.
- The site is located within the Clifton Hill neighbourhood, as defined under Clause 21.08.

Site

Attachment 5 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Urban Design referral comments

The site is located on the south-east corner of Ramsden Street and Myrtle Street, is rectangular in shape (with a splayed north-west corner), and has a site area of approximately 270 square metres.

The site is occupied by a single storey shop of brick construction, with a tiled shop front, metal awning and a decorative parapet wall wrapping around the corner of the site. The site has a rear yard that is surrounded by a timber paling fence. Vehicle access to the yard can be gained via a narrow laneway that adjoins the site's southern boundary.



View of the north-west corner of the site



View of the south-west corner of the property

Immediate surroundings

- To the north of the site over Ramsden Street are a number of single and double storey brick / brick render terraced buildings.
- To the south of the site over the laneway is a single storey brick dwelling.
- To the east of the site is a strip of shops which are generally single/double storey, although one of the shops has had rear additions recently constructed which are three storeys in height. The property abutting the site to the east is single storey with a parapet wall of a similar height to that on the site.
- To the west of the site is a single storey dwelling with a double storey extension at the rear.

Streetscape and neighbourhood character

The area is made up of a good supply of well-maintained and intact Victorian and Edwardian buildings (of generally single and double storey height), which provide a strong heritage character in the area. Although there have been some recent developments in the area (such as the three storey additions behind the shop to the east), these are not common and generally comprise additions to the rear of the property.

Attachment 5 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Urban Design referral comments



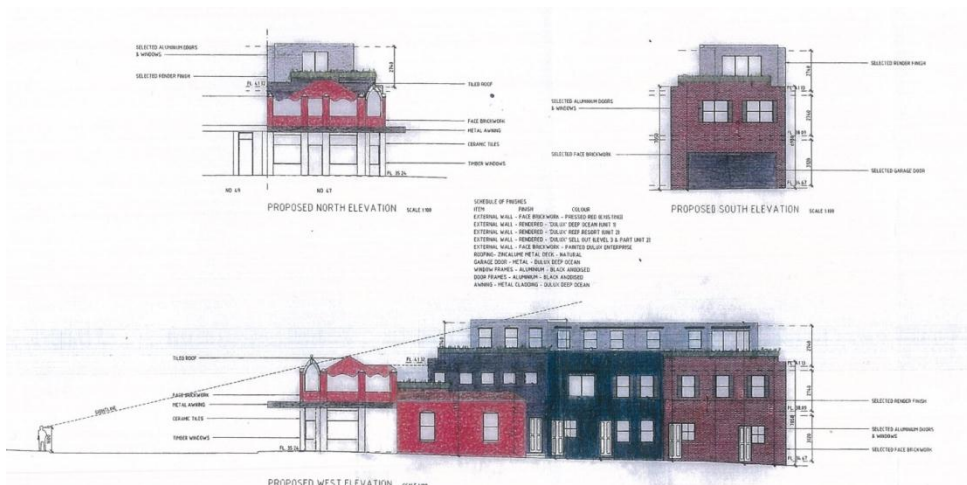
View of Ramsden Street looking east



View of Myrtle Street looking north

Development proposal

It is proposed to demolish part of the existing building (retaining the existing shop front and unit), and construct three dwellings fronting Myrtle Street. The new building would be three storeys in height, with the two storey element built up to the eastern and southern boundaries, and with the third storey slightly set back from the side (western) and rear boundaries.



Built form and massing

Attachment 5 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Urban Design referral comments

The proposed three storey building is located in an area mainly characterised by single and double storey dwellings. Although the first and second floors are set back from the front to mitigate the visual impact of the additions from Ramsden Street, it is considered that the proposal would be visually dominant when viewed from Myrtle Street. To help reduce the overall massing of the building it is recommended that:

- The first floor of the building is set back at least 2 metres from the southern (rear) boundary.
- The length of the second floor is reduced at both ends (particularly the southern end).
- A greater setback is provided at ground floor level from the southern boundary (which may be needed to facilitate the adequate turning of vehicles in and out of the rear garage).

Building layout and interface

The proposal retains the shop façade and use fronting Ramsden Street which is welcomed. Each of the dwellings would directly front Myrtle Street and have some bedrooms at ground floor level with windows, which will provide an improved interface with the street. The entry points for each dwelling are different, with the entrance of Dwelling 1 providing a deep recessed entrance, compared with the entrance for Dwelling 3 directly from the street (with no recess). The proposal would benefit from providing a similar style of entry which allows adequate cover for occupants when entering each dwelling, whilst minimising any hiding spots.

Façade design and materials

As mentioned above, the proposed retention of the shop façade is welcomed to maintain this strip of shop buildings on Ramsden Street.

The proposal would benefit from some further articulation of the western elevation to reduce the overall bulk of the building and provide some further distinction between each of the dwellings.

There are no major issues with the suggested materials.

Attachment 6 - PLN16/0168 - 47 Ramsden Street, Clifton Hill - Open Space referral comments

47 Ramsden Street, Clifton Hill

Open Spaces Referral Comments

It is expected that the Melaleuca will not have roots in the property as the building's footings would have acted a root barrier of sorts.

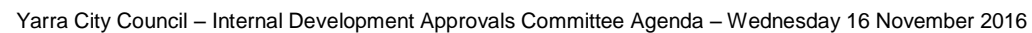
The other remaining trees (Tristaniopsis) Should not be affected.

If roots are encountered during demolition / development I should be contacted to meet on site.

Kind Regards

Glen Williames | Open Space Arborist

Planning and Place Making



-
- 1.3 158 McIlwraith Street Princes Hill VIC 3054 - Planning Permit Application No. PLN15/0351 - for part demolition, development of the land to carry out works and convert the existing garage into a second dwelling on a lot, including a reduction in the car parking requirements.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for No. 158 McIlwraith Street for part demolition, development of the land to carry out works and convert the existing garage into a second dwelling on a lot, including a reduction in the car parking requirements.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (b) Clause 22.07 – Developments abutting Laneways;
 - (c) Clause 43.01- Heritage Overlay;
 - (d) Clause 55 – Two or more dwellings on a lot (Rescode); and
 - (e) Clause 52.06 – Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 55 – Two or more dwellings on a lot;
 - (b) Heritage; and
 - (c) Objector concerns.

Objector Concerns

4. Seven (7) objections were received to the application, these can be summarised as:
 - (a) Off-site amenity impacts (overlooking, overshadowing , loss of daylight, sunlight);
 - (b) Two-storey scale and design not in character with neighbourhood;
 - (c) Visual bulk (side setback, walls on-boundary, building height, site coverage);
 - (d) Inappropriate construction material (corten);
 - (e) Increased residential noise; and
 - (f) Reduction in car parking.

Conclusion

5. Based on the following report, subject to conditions, the proposal is considered to comply with the Scheme and should therefore be supported.

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

1.3 158 McIlwraith Street Princes Hill VIC 3054 - Planning Permit Application No. PLN15/0351 - for part demolition, development of the land to carry out works and convert the existing garage into a second dwelling on a lot, including a reduction in the car parking requirements.

Trim Record Number: D16/85789

Responsible Officer: Coordinator Statutory Planning

Proposal: Part demolition, development of the land to carry out works and convert the existing garage into a second dwelling on a lot, including a reduction in the car parking requirements.

Existing use: Single-storey dwelling with a single-storey garage at the rear

Applicant: Peter Braden

Zoning / Overlays: Neighbourhood Residential Zone – Schedule 1 (NRZ1); Heritage Overlay, Princes Hill Precinct Schedule HO329, Special Building Overlay.

Date of Application: 20 April 2015

Application Number: PLN15/0351

Planning History

1. Planning permit no. 96/1215 was approved on 23 June 1998 for the construction of a first floor studio and deck above the existing garage.
2. Planning permit no. 980949 was approved on 24 September 1998 for a ground floor addition to the existing dwelling. The permit was amended on 12 January 1999 to reduce the setback of the approved extension from the northern boundary and reconfiguration of windows.

Background

3. The current application was received by Council on 20 April 2015. Following the submission of further information, the application was advertised and seven (7) objections were received.
4. Pursuant to Section 57(a) of the *Planning and Environment Act 1987* (the Act) the applicant formally substituted plans (received on 15 March 2016) which included the following changes:
 - (a) Reduced parapet wall heights on the west and east elevations from 6.95m above natural ground level to 6.3m – 6.5m (respectively);
 - (b) Modified garage door and dwelling entrance area to be constructed on the eastern boundary (originally recessed), replaced the roller door with a tilt-up garage door (as well as widening it from 3.2m to 3.5m), incorporate ground floor, east-facing glass blocks, and clear glass windows;
 - (c) Reconfigure west-facing window from vertical to highlight (1.7m above finished floor level);
 - (d) Corten privacy screen to first floor balcony replaced with a timber screen;
 - (e) Incorporate a raked glass roof over the first floor living room for a length of 5.52m;
 - (f) Replace corten steel panels with metal cladding on the south elevation;
 - (g) Relocation of solar panels on top of the roof towards the northern end of the building;
 - (h) South wall of the store room, corten material replaced with metal cladding.
5. These amended plans were not re-advertised; however they were circulated to objectors and included with the consultation meeting invitations. The consultation meeting was held on 26 April 2016.

6. Subsequently, further amended plans were received on 23 June 2016 and 17 August 2016 showing the following:
 - (a) Altered proposed title boundary (between dwellings); from 11.17m to 11.42m;
 - (b) Correctly show the finished floor level of the development from Keeley Lane as 0.35m instead of 0.25m, and height of store room at first floor as 5.4m;
 - (c) Delete first floor, north-facing window to ensuite; and provision of skylight above first floor bathroom;
 - (d) Annotate RL 37.20 AHD for the ground floor extension as required by Melbourne Water;
 - (e) Mail box and external lighting over the dwelling entry shown in proposed east elevation;
 - (f) Proposed size of water tank (2,260L), to be annotated on plan and used for garden and/or toilet flushing;
 - (g) Garage door reduced in width from 3.5m to 3.2m;
 - (h) Delete step in front of the entry from the laneway, and recessed pedestrian entry 0.25m from the Keeley Lane boundary; and
 - (i) Reintroduced corten cladding to southern on-boundary wall of the store area (instead of metal clad).
7. These plans were not re-advertised as they're largely clarification of information. However they were circulated to objectors with the IDAC meeting invitations.

Existing Conditions

Subject Site

8. The subject site is located on the eastern side of Mcllwraith Street, between Holtham Street to the north and Pigdon Street to the south, in Princes Hill. The site is regular in shape, with front and rear boundaries of 10.06m, and north and south side boundaries of 50.26m, yielding an overall site area of approximately 505.92sqm.
9. Developed on site is an Edwardian-era dwelling, with gable, hip and flat roofs. The dwelling is constructed on the southern boundary, and is setback 5.8m from Mcllwraith Street and 1m (minimum) from the northern boundary. The dwelling currently accommodates three bedrooms, a studio, living, open plan family, kitchen and dining room. Private open space is located to the rear (east) of the dwelling. There is a brick, single-storey garage (painted grey) with a flat roof constructed on the north, south and eastern (Keeley Lane) boundaries, with vehicle and pedestrian access from this laneway. There is a light pole located in front (east) of the garage, in Keeley Lane.

Surrounding Land

10. The surrounding area is residential, and generally consists of one and two-storey Edwardian-era and some modern dwellings. There is a three-storey apartment building located on the southwest corner of Keeley Lane and Holtom Street. Buildings facing the laneway are generally constructed of brick and render. Roller doors, two and three-storey walls constructed on Keeley Lane dominate this lane. Fencing includes timber and corrugated sheeting.
11. To the north of the site is a brick, single-storey, Edwardian-era dwelling constructed on the southern boundary and then setback 1.5m towards the rear of the dwelling. Private open space is located at the east of the dwelling. There is a brick, two-storey garage with a hipped roof and a lean-to that are constructed on the southern boundary (adjacent to the existing garage of the subject site).

12. To the east of the site is Keeley Lane (approximately 6m wide) which provides rear vehicle and pedestrian access associated with dwellings facing McIlwraith, Pigdon, Lygon and Holtom Streets, with the exception of the existing two-storey dwelling that fronts directly onto Keeley Lane. This dwelling is directly opposite the subject site. The dwelling is constructed on Keeley Lane and is a rendered/brick two-storey dwelling. This dwelling has three (3), first floor, west-facing windows to their open plan living and kitchen room.
13. To the south-west of the site is a single-storey, Edwardian-era dwelling facing McIlwraith Street (located towards the front of the site), and a 1.2m wide laneway towards the rear of the site. Beyond this laneway are private open spaces to four (4), single-storey, Victorian-era dwellings facing Pigdon Street.
14. To the west of McIlwraith Street is the Princes Hill Primary School.
15. The site is within walking distance to trams and local shops located along Lygon Street (68m east) and Princes Park is located approximately 543m west of the site.
16. There are no restrictive covenants shown on the certificate of title.

The Proposal

17. The proposal is for part demolition, development of the land to carry out works and convert the existing garage into a second dwelling on a lot, including a reduction in the car parking requirements. The proposal is summarised as follows:

Demolition

- (a) Demolish the roller door and part of the brick wall, and part of the west wall, and roof of the existing garage;

Construction

Ground floor

- (b) Convert the existing garage into a second dwelling by extending 1.5m west of the existing building for a length of 4.1m to accommodate a bedroom/study, ensuite, laundry/storage, and a single-space garage and pedestrian entry constructed on Keeley Lane;
- (c) A 25.85sqm courtyard is provided west of the bedroom and garage with a 2,260L water tank on the southern boundary;
- (d) Construct a 1.8m high corrugated iron fence, 10m long on the proposed western boundary.

First floor

- (e) Construct a first floor to accommodate an open plan kitchen, living, and dining area, stairs, a bedroom with ensuite, and a 13.24sqm, south-facing deck, screened with 1.8m high vertical timber slats;

Heights and setbacks

- (f) The new dwelling maintains the existing on-boundary construction along the south, north and east boundaries, with a new western wall;
- (g) Construct new first floor walls to the north, east and south boundaries;
- (h) Wall heights vary between 6.31m – 6.45m, with the southern wall on-boundary a maximum 5.5m; with a total height of 5m to the top of the terrace screen;
- (i) Setback 2.4m from south boundary and 6m - 7.2m from the rear wall of retained dwelling;
- (j) Proposed maximum building height is 7.85m (from natural ground level, to raised roof).

Design and construction materials/finishes and ESD initiatives

- (k) Provision of solar water tank and photovoltaic panels on the roof;
- (l) Schedule of materials/finishes includes:
 - (i) Walls: glass blocks, grey render, metal cladding, corten, *Shadowclad* ply panels – natural finish (pine);
 - (ii) Garage: galvanised finished;
 - (iii) Screens: vertical timber slats;
 - (iv) Fence: Zincolume sheeting; and
 - (v) Roof: *Kingspan* metal deck – Windspray (grey);

Car parking

- (m) Reduction in two (2) on-site car parking spaces associated with the existing dwelling (three bedroom plus a study).

Planning Scheme Provisions

Zoning

- 18. The subject site is in the Neighbourhood Residential Zone Schedule 1. The following provisions apply:
 - (a) Pursuant to Clause 32.09-5 of the Yarra Planning Scheme (the Scheme), a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.
 - (b) Pursuant to Clause 32.09-8 of the Scheme, the maximum building height must not exceed 8m.

Overlays

Clause 43.01 – Heritage Overlay - Princes Hill Precinct - Schedule HO329

- 19. Pursuant to clause 43.01-1 of the Scheme, a planning permit is required for demolition and to construct a building or to construct or carry out works.

Clause 44.05 Special Building Overlay

- 20. Pursuant to Clause 44.05-1 of the Scheme, a permit is required to construct a building or to construct or carry out works.

Particular Provisions

Clause 52.06 – Car parking

- 21. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to: *Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.*
- 22. The existing three bedroom plus studio dwelling is provided with a double space garage. Under table 1 of Clause 52.05-5, two (2) on-site car spaces are required to a dwelling with three or more bedrooms. One car park is required for the new two bedroom dwelling, therefore, given a car space is provided for the new dwelling, a reduction of two (2) on-site car parking spaces for the existing dwelling is required.

Clause 55 - Two or more dwellings on a lot and residential buildings

- 23. Pursuant to Clause 55 of the Scheme, the requirements of Clause 55, a development:

- (a) *Must meet all of the objectives of this clause.*
- (b) *Should meet all of the standards of this clause.*

General Provisions

24. 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)

25. The objective of this clause is *'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

26. The objective of this clause is *'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

27. 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

28. The relevant 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

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

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

30. The relevant policies in the Local Planning Policy Framework (LPPF) can be described as follows:

Clause 21.05 - Built Form

Clause 21.05-1 Heritage

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

Clause 21.05-2 - Urban Design

32. 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 21.07 - Environmental Sustainability

33. A relative objective of this clause is Objective 34 which is *'to promote ecologically sustainable development'*. This is achieved through the application of Strategy 34.1 which is *'encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation'*.

Clause 21.08 -3 – Neighbourhoods (North Carlton - Princes Hill)

34. Clause 21.08-8 of the Scheme describes North Carlton/Princes Hill area as: *This residential neighbourhood is noted for the consistency of its spacious brick or render late Victorian and Edwardian streetscapes and for its consistent residential character. Linear Park is a significant park in this neighbourhood. The area has excellent accessibility to tertiary institutions in central Melbourne. Little change is expected for this neighbourhood.*
35. According to the built form character map (figure 10) at clause 21.08-3 specifies the site is in the Heritage Overlay area where the built form objective is to: *ensure that development does not adversely affect the significance of the heritage place.*

Relevant Local Policies

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

36. 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 works 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) - Removal of Part of a Heritage Place or Contributory Elements

37. It is policy under this clause to:
- (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.*

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

38. *It is policy under this clause to:*

Residential Upper Storey Additions

- (a) *Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:*
- (b) *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.*
- (c) *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.*
- (d) *Sightlines should be provided to indicate the 'envelope' from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).*

Carports, Car Spaces, Garages, and Outbuildings

- (e) *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.*
Discourage:
 - (i) *new vehicle crossovers in streets with few or no crossovers ;*
 - (ii) *high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area;*
 - (iii) *new vehicle crossovers in excess of 3 metres wide in residential streets.*
- (f) *Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.*

Ancillaries and Services

- (g) *Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.*
- (h) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.*
- (i) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

39. This policy refers to an incorporated document (*City of Yarra Review of Heritage Overlay Areas 2007*, revised September 2015), which identifies the level of significance for all buildings / sites within the Heritage Overlay. Specifically, the subject site is graded as 'contributory' to the *Princes Hill Precinct - Schedule HO329*. However, the Statement of Significance for the subject site does not reference the existing garage, and therefore it would have no heritage value to the local heritage precinct.

Clause 22.07 - Development Abutting Laneways

40. The objectives of this clause are:

- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*

- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
- (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

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

Advertising

42. The application was advertised in accordance with Section 52 of the Act by way of 42 letters sent to surrounding property owners and occupiers and the display with two signs displayed, one facing McIlwraith Street and the other facing Keeley Lane. A total of seven (7) objections were received, and raised the following issues:
- (a) Off-site amenity impacts (overlooking, overshadowing , loss of daylight, sunlight);
 - (b) Two-storey scale and design not in character with neighbourhood;
 - (c) Visual bulk (side setback, walls on-boundary, building height, site coverage);
 - (d) Inappropriate construction material (corten);
 - (e) Increased residential noise; and
 - (f) Reduction in car parking.
43. As stated earlier in the report, amended plans have been received on 15 March, 23 June and 17 August 2016.
44. The most recently received plan were not re-advertised as they would not increase building form or increase material detriment. Discretionary exemption from the notice requirements was granted at Council's internal Development Assessment Panel (DAP) on 27 September 2016. However, copies of the plans were provided to objectors with the IDAC meeting invitations.

Referrals

External

45. The application was referred to Melbourne Water, who confirmed they do not object to the proposal; subject to the following conditions and footnotes being placed on the permit:
- (a) *Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.*

- (b) *The finished floor level of the additional ground floor area must be set no lower than 37.20 metres to Australian Height Datum (AHD). The applicable flood level for a storm event with a 1% chance in any given year is 36.90 to AHD.*
- (c) *Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).*

Melbourne Water Footnote(s) to be placed on Permit

- (d) *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 **252342**.*

Internal

- 46. The application was referred to Council's:
 - (a) Traffic Engineers;
 - (b) Heritage Advisor; and
 - (c) Environmental Sustainability Design officer.
- 47. Comments are provided as attachments to this report.

Planning Consideration

- 48. The key planning considerations for Council in considering the proposal relate to:
 - (a) Clause 55: Two or more dwellings on a lot;
 - (b) Heritage;
 - (c) Car parking;
 - (d) Objector concerns; and
 - (e) Other matters

Clause 55: Two or more dwellings on a lot

- 49. This particular provision comprises 34 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. Where relevant, assessment will also be made in this section against Clause 22.07 (Development Abutting Laneways).
- 50. The following standards are not applicable to the consideration of this application:
 - (a) Standard B3 - Dwelling diversity (only applies to developments of 10 or more dwellings);
 - (b) Standard B11 – Open space (no public or communal space is proposed);
 - (c) Standard B13 – Landscaping (existing planting conditions are being maintained);
 - (d) Standard B20 – North-facing windows (no north-facing windows within 3m of the subject site);
 - (e) Standard B32 - Front Fences - The existing front fence is not to be altered;
 - (f) Standard B33 – Common property (no common property proposed)

Standard A1 – Neighbourhood Character

- 51. The proposed development is considered to respond appropriately to the existing neighbourhood by retaining the existing streetscape along McIlwraith Street, with the new two-storey dwelling orientated to Keeley Lane at the rear.

52. Keeley Lane is a 6m wide laneway and as described earlier, outbuildings, boundary fence structures as well as buildings of two and three-storeys in height are constructed on the boundary (some with recessed garage and entries). The new two-storey dwelling responds appropriately to the existing character within the lane, given the modern two-storey garage/studio adjoining to the north of the site, and the two-storey dwelling, immediately east of Keeley Lane. Further north and northeast, are three-storey apartments and two-storey dwelling additions constructed on the Keeley Lane boundary. These buildings are presented with roller doors built form facing Keeley Lane, similar to that proposed.
53. The dwelling will maintain the existing hardedge construction on Keeley Lane and incorporate setbacks from the southern boundary to reduce visual bulk and overshadowing impacts onto the adjoining private open spaces located to the south of the 1.22m wide laneway.
54. The proposed design will include materials (render, and metal, timber, glass) which will tie in with the existing materials within the laneway, with the exception of the use of corten cladding. This will be discussed in greater detail later in the report.

Standard B2 – Residential policy

55. The proposed second dwelling on a lot will provide medium density housing that is located within the inner city suburb, with close access to public transport and retail, community services (located along Lygon and Nicholson Streets) and Princes Park, which are within walking distance.

Standard B4 – Infrastructure

56. The development is located within an area that is already established. The site has access to adequate road and drainage infrastructure. It is not anticipated that this development will unreasonably overload the capacity of existing services and infrastructure.

Standard B5 – Integration with the Street

57. The new dwelling is located at the rear of the retained dwelling and will not alter the McIlwraith Street streetscape. While Keeley Lane is not a “normal” street, the dwelling would have direct pedestrian access from the lane and would provide a mail box and lighting to clearly identify the entry as is evidenced by other dwellings along the laneway.
58. The proposed pedestrian entry, mail box and external lighting are considered to provide a sense of identity of the new dwelling. The hardedge construction is appropriate as it is consistent with the two-storey development immediately to the north, directly east of the site, and other two and three-storey buildings in this laneway.

Standard B6 – Street Setback objectives

59. The dwelling is setback 39m from McIlwraith Street. The dwelling is constructed on Keeley Lane boundary which is consistent with the zero setback of the existing garages, and two and three-storey dwellings/apartments in this lane.

Standard B7 – Building Height objective

60. The maximum building height is 7.85m, above natural ground level (Keeley Lane level), this complies with the maximum 8m recommended by the zone.

Standard B8 – Site Coverage objective

61. The proposed site coverage would be increased from 69% to 73%. Whilst this exceeds the standard of 60%, the increase of 4% (26sqm) beyond existing conditions is considered reasonable within the inner city context of the site, and is similar to other site coverage in the area, which is also above 60%.

Standard B9 – Permeability

62. The proposed site permeability is approximately 25%, exceeding the 20% suggested by this standard.
63. In addition, a rainwater tank is provided for the new dwelling, to be used for watering gardens and/or toilet flushing (as noted on the plans). The size of the water tank is shown as 2,260 litres, compared to the 3,000 litres stated in the original ESD report. To ensure the proposal achieves the minimum 100% STORM rating, a condition will require a STORM report, and any changes to be made to the plans, in compliance with this. At minimum, the plans would need to be updated to remove reference to garden watering as the area under the first floor is almost fully paved, and the tank must be connected to new toilets for flushing.

Standard B10 – Energy efficiency

64. The proposed development would achieve reasonable energy efficiency, by providing numerous features such as a rain water tank and solar panels, raised highlight windows, and south facing windows/raked glass roof. Whilst the first floor is slightly cantilevered, the ground floor is provided with full height, double glass doors orientated to the west and south. Given the setbacks from the west and south boundaries, adequate natural lighting is provided to this room (as confirmed by Council's Environmental Sustainability Design officer).
65. An assessment of sustainable design outcomes of the proposed development was submitted with the application. The summary of key initiative designs are as follows:
 - (a) Provision of a water tank;
 - (b) 1.8kW (min) photovoltaic solar panels,
 - (c) Gas boosted solar hot water; and
 - (d) Good standard of thermal energy efficiency through insulation and double glazing.
66. Overall, the proposed development would achieve a good level of energy efficiency.

Standard B12 – Safety

67. Separate pedestrian and vehicle access to the dwelling are easily and conveniently accessed from Keeley Lane (34m from Pigdon Street). Keeley Lane is 6m wide (typical lanes are normally between 3m – 3.6m), and currently provides pedestrian entry to the two-storey dwelling directly opposite the subject site. The lane is currently lit by the existing street light pole located in front of the proposed dwelling, and when combined with proposed external lighting adjacent to the pedestrian entry and mail box; would adequately provide visibility of the dwelling entry (when accessed during night time), and foster a sense of safety and address to the dwelling.
68. A standard condition will require external lighting for the pedestrian entry to be appropriately designed, baffled to ensure no light spillage to adjacent habitable rooms.
69. Bins are stored and concealed within the building; therefore the laneway will not be used for refuse storage. The steps to the dwelling entry that were previously proposed, are now deleted from the lane, with all works proposed within title boundaries ensuring no obstruction to pedestrians and vehicles in the laneway. The ground-floor, east-facing windows and the first floor deck (conditioned privacy screens to meet the overlooking objective) would foster passive surveillance.

70. Having regard to the above, the objective of the clause is met and the development in addition would appropriately respond to clause 22.07 of the Scheme.

Standard B13 - Landscaping

71. Given the existing garage is constructed on the side and rear boundaries, the proposed landscaping will be provided along the western side of the new dwelling, concealed from Keeley Lane. This is reflective of the hard-edge development along the laneway.

Standard B14 – Access

72. The proposed vehicle access will continue to be from Keeley Lane, and is consistent with the existing character of the area, and meets the objective of the clause. The amended plans show the access width of the garage reduced from 3.5m to 3.2m. Council's Traffic Engineers initially advised that the original proposed 3.5m wide roller door for a B85 design vehicle to enter and exit via Keeley lane would be compliant. It appears that an error has occurred during the latest version of the plans and shows a narrower roller door. Therefore a condition will require the roller door width to be widened to 3.5m (as per originally advertised plans).

Standard B15 – Parking Location

73. The proposed on-site car parking space is in the same location as the existing, and therefore would be used in a similar manner as existing conditions.
74. The proposed vehicle access would have no off-site amenity impacts given its abuttal to a laneway (to the south) and garage/studio (to the north). The proposed carpark is conveniently accessed as it is directly accessible/within the building. Pedestrian and vehicle entry are provided separately, to ensure safe accessibility.
75. Having regard to the above, the proposal meets the objective of the clause.

Standard B17 - Side and rear setbacks objective

76. The objective is *“To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings”*.
77. The standard requires *“A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:*
- (a) *At least the distance specified in a schedule to the zone, or*
 - (b) *If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres”*.
78. An assessment of the setbacks of the building to the site boundaries against the requirements of standard B17 is as follows:

Floor	Building Height (m)	Required setback (m)	Proposed Setback (m)	Complies with Standard?
Ground floor – south wall to study	2.9	1	5.7	Complies
Ground floor – west wall to study	2.9	1	1.75	Complies
First floor south wall to bedroom	6.5	1.87	2.4	Complies
First floor west-	6.6	1.9	0.25m	Non-compliant

wall				
First floor south wall to living room	6 - 7	1.72 – 2.09	2.4 – 3.6	Complies

79. As demonstrated above, the proposed setback mostly complies with the required setback, with the exception of the first floor, west wall, which is setback 0.25m from the proposed internal western boundary. The non-compliance of this setback is acceptable given it faces the private open space area of the existing dwelling, which has a depth of 5.75m. Therefore unreasonable visual bulk impact would not be caused when viewed from the existing dwelling.

Standard B18 – Walls on Boundaries

80. The standard requires that:
- (a) *all new walls constructed on or within 200mm of a side or rear boundary of a lot not to abut the boundary for a length of more than 10m plus 25 per cent of the remaining length of the boundary of an adjoining lot or where there is an existing or simultaneously constructed wall or carport abutting the boundary on an abutting lots, the length of the existing or simultaneously constructed wall or carport, whichever is the greater.*
81. The standard also notes that the average wall height should not exceed 3.2m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.

South

82. The length of the southern boundary will not be increased, however the height will be increased from between 2.9m - 3.1m to 5m (to privacy screen) and 5.5m (store room). The standard allows 20.07m length of wall along a boundary of 50.29m, and the existing wall on boundary is 28.9m (7.9m to existing garage; 21m to retained dwelling). Given the existing wall length would not be increased, it is the additional height of the wall that needs to be considered.
83. The majority of the (5.2m long) new southern wall is 5m high (to the privacy screen) and for a length of 2.4m it is 5.5m high (to store room located in the south-east corner). The 5m high wall would extend 1.6m across the backyard of no.212 Pigdon Street, and the remainder of the wall would extend 6.3m across the backyard of no.210 Pigdon Street. It is worth noting that this wall does not directly abut either of these properties (there is a 1.22m wide accessway in between fences).
84. Whilst the proposed height is more than the maximum 3.6m, the 5m – 5.5m high wall is considered acceptable given it is separated by a 1.22m wide laneway, and the combined material of timber screen and corten will help to break-up the mass and limit visual bulk. Furthermore, the height of the proposed wall is considered acceptable, given it is characteristic in the area to have two-storey walls built on boundaries and proximate to private open space. Subject to ensuring amenity impacts are minimised, the proposed walls are considered appropriate in this context.

North

85. The first floor will be constructed 11.17m along the northern boundary and abuts the two-storey garage/studio and lean-to of the property to the north (not directly opposite private open space) therefore no amenity impact to the north.

East

86. The proposed wall on the eastern boundary is considered not to cause amenity impacts, given it abuts a 6m wide laneway, which already has built form to the laneway. On the opposite side of the laneway is a two-storey dwelling with ground floor garage/dwelling entry and west-facing bedroom windows at first floor which will continue to have ample access to daylight.

Standard B19 - Daylight to existing windows objective

87. The objective of this standard is “to allow adequate daylight into existing habitable room windows”.
88. *The standard states “Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot”.*
89. Daylight access to existing habitable room windows will not be affected by the proposal and will continue to receive adequate daylight in accordance with the standard’s minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.
90. Existing north-facing windows to the dwellings located south of the laneway are setback a minimum of 7m, and therefore will receive adequate daylight. The first floor, west-facing windows to the two-storey dwelling directly east of the laneway is setback 6m, and will also receive adequate daylight in excess of the standard.

Standard B21 – Overshadowing Open Space

91. The submitted shadow plans depict shadows for 21st September show there will be minimal overshadowing on the private open spaces at nos. 210 and 212 Pigdon Streets, with the majority of shadows falling within existing shadows cast by the existing garage and by their northern boundary fences, and shed. Whilst standard B21 refers to shadows on 22nd September, the angle of the sun and shadows cast are very similar. However, planning officers carried out a separate shadow analysis, which shows the following:

210 Pigdon Street

92. This dwelling has a private open space with a depth of 6.6m. Currently approximately 78.5% of the private open space receives 5 hours sunlight. The remainder of the 8.96sqm of private open space is in shadow by the existing 2.1m high boundary fence and the 2.9m – 3.1m high garage on the subject site, resulting in a shadow length of 1.9m from their boundary. Analysis of the shadows cast by the privacy screen would provide an additional 0.7m depth of shadows into the site. Given incorporation of the raked glass wall/roof, shadows cast by the upper section of the building will fall within shadows of the existing 3.1m wall garage wall and the 2.1m fence on the laneway. The extent of proposed shadows is considered to not significantly impact the existing secluded private open space, and is therefore considered acceptable.

212 Pigdon Street

93. Within the private open space of no.212 Pigdon Street, is a shed constructed along most of the northern boundary and setback 1m from the eastern boundary. The proposed shadows will fall within the shadows cast by this shed and their eastern boundary fence, therefore no new shadows cast to this property.

Standard B22 – Overlooking

94. The objective of this standard is *'to limit views into existing secluded private open space and habitable room windows'*. The standard requires a habitable room window and balcony/deck to be screened within 9m and a 45 degree arc of existing private open space or habitable room windows.
95. The proposed deck is screened with 1.8m high vertical timber slats, which exceeds the minimum height of 1.7m required by this standard. The plans shows the screen to be solid, however the applicant advised the timber is not solid (to be designed to have angled slats). Given there are no details with regards to the extent of transparency, a condition will require details of the screen and demonstrate compliance with this standard.
96. The first floor west-facing bedroom has a highlight window, located 2m above finished floor level, therefore no overlooking. A highlight window to the walk-in-robe would be 1.8m above finished floor level, but is not to a habitable room window (and therefore does not require screening).
97. The first floor, south-facing window to the bedroom is screened with a timber screen up to 1.7m above finished level. However, it is unclear if this screen would also incorporate gaps as per the screen to the deck. Therefore a condition will require details of the screen to ensure compliance with Standard B22.

Standard B23 – Internal Views

98. The first, floor-west facing bedroom window is 1.8m above finished floor level, and complies with the overlooking objective. However, as stated earlier, screening details are unclear along the terrace which could allow overlooking into the private open space areas to the retained dwelling, therefore a condition will require details of the screen and demonstrate compliance with this standard.

Standard B24 – Noise Impacts

99. The site will continue to be used as residential, and as a dwelling use does not require planning permission residential noise is a civil matter. The use of the tilt door to the garage will be similar to the existing roller door, which will have no impact on the properties to the north and south, given there is a garage to the north and a laneway to the south.

Standard B25 – Accessibility

100. The proposed dwelling will be accessible to people with limited mobility at the ground floor.

Standard B26 – Dwelling Entry

101. The entry into the dwelling is from Keeley Lane and constructed on the lane boundary. The objective is to ensure the dwelling is easily identified and has its own sense of identity. Amended plans show a mail box and external lighting adjacent to the dwelling entrance, and a 0.25m recessed pedestrian entry from the laneway boundary. This will ensure entry to the dwelling is clearly visible and identifiable from the lane.

Standard B27 – Daylight to new windows

102. All habitable rooms will be provided with sufficient daylight in accordance with the objective and the standard.

Standard B28 – Private Open Space

103. Secluded private open spaces to the existing and new dwelling exceed the minimum requirement under the standard being 60sqm (greater than 40sqm) to the existing dwelling and the new dwelling is provided with a 13.24sqm deck (2.4m wide) which is directly accessed from the living room, and is greater than 8sqm.

Standard B29 – Solar access to open space

104. The objective is to *“To allow solar access into the secluded private open space of new dwellings and residential buildings”*.
105. The standard states:
- (a) *“The private open space should be located on the north side of the dwelling or residential building, if appropriate.*
 - (b) *The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where ‘h’ is the height of the wall.*
106. The southern boundary i.e. privacy screen of the first floor deck is setback 2.4m from the 2.8m – 3.2m high raked wall (to the living room) and is required to be setback 4.52m – 4.88m. However, as the new dwelling is converted from existing built form, and given the two-storey garage/studio to the immediate north, the terrace cannot be located to the northern side of the site. It is considered that solar access received from the east and west is acceptable in this instance, as evidenced by other east and west-facing balconies within Keeley Lane and the surrounding area.

Standard B30 - Storage

107. A minimum of 6 cubic metres of storage space is provided for the new dwelling at ground and first floor. Given the larger size of the retained dwelling, there would be more than 6 cubic metres of storage space provided; however as the size of storage space is not annotated on plan, this will be addressed via condition.

Standard B31 – Design Detail

108. The design of the new dwelling generally fits in with the existing buildings within Keeley Lane which is a mix of forms and design, and construction material. The proposed use of corten is considered to be acceptable, given the laneway has a combination of timber, metal and brown bricks. The corten is a natural metal finish, and is considered to compliment the proposed *Shadowclad* first floor wall, with a natural metal finish. Corten is only limited the east and south walls to the proposed storage room, and its use was also supported by Council's heritage adviser.

Standard B34 – Site services

109. Complies with the objective. There is provision for a bin storage area and a condition on plans to show the location of mailboxes within the dwelling entry, will ensure convenient access to residents and Australia Post. The water and gas metres, has not been shown on plans, and this will addressed via a condition.

Heritage

110. The purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of heritage places.
111. Clause 22.02 of the Scheme articulates Council's local planning policy and encapsulates the decision guidelines at Clause 43.01. With this in mind the following assessment is provided.
112. The extent of demolition of the garage roof (not shown on plan) and part of west and east walls to accommodate development is acceptable, given it is not visible from McIlwraith Street, and the existing garage is not of original heritage fabric.

113. In relation to the additional built form, Clause 22.02 of the Scheme seeks to ensure that new development respects the pattern, rhythm, fenestration, roof form, materials and heritage character of the surrounding streetscape, and is articulated and massed to correspond with the prevailing built form of the heritage place.
114. The proposed two-storey dwelling is located behind the retained dwelling, and setback 39m from McIlwraith Street, and therefore complies with the sightline for a contributory dwelling under Clause 22.02-5.7 (New Development, Alterations or Additions) of the Scheme at Figure 2.
115. The proposed dwelling is considered appropriate within Keeley Lane, and will not impact on the heritage precinct, given the existing dwelling to McIlwraith Street will be retained and the proposed form and two-storey scale is consistent with the existing character within the lane. Further, the addition will be setback 30m from Pigdon Street behind existing built form which is constructed to the laneway. Therefore the new built form will not visually dominate existing single-storey dwellings facing Pigdon Street.
116. The proposed material and colour (timber, render, metal) are acceptable, as they are generally in a natural finish, which is in keeping with the material palette in the laneway and is supported by Council's Heritage Adviser.
117. Similarly, the adviser was also supportive of the use of corten for the south and east walls to the storage room as it has a natural rusty finish, and is a representative of old rusted metal in the laneway. The use of corten would add diversity to construction material within the laneway.
118. However, Council's Heritage Advisor suggested that the smooth finish of the garage door incorporate vertical lines/element to pick-up on the vertical fencing within the laneway, and this will be conditioned. Council's Heritage advisor also suggested the proposed cement render be finished in natural render (not coloured).
119. Overall, the proposal will not detract from the heritage significance of the heritage precinct and does not visually dominate McIlwraith Street or Keeley Lane. In summary, the proposal is considered to adequately meet the objectives and decision guidelines of Clause 22.02 and Clause 43.01, and the supporting State and Local heritage policies of Clause 15.03 and Clause 21.05-1.

Car Parking

120. The new two-bedroom dwelling is provided with one car space, and is in accordance with the Clause 52.06-5.
121. The proposed development seeks a reduction of two spaces for the existing dwelling as none are provided to this dwelling. The subject site is within walking distance to trams along Lygon Street, and buses along Brunswick Road. The application was referred to Council's traffic Engineers, who confirmed the reduction of two on-site car spaces is "*appropriate for this dwelling, its location is close to public transport and can still function with no on-site car parking*". It was also confirmed that the existing dwelling would be ineligible to apply for on-street car parking permits.
122. As stated earlier in the report, the garage door needs to be widened to 3.5m to allow for vehicle access from Keeley Lane to comply with the Australian standard.

Objector concerns

123. Objector concerns have been addressed in the following paragraphs:

Off-site amenity impacts: including height, perceived visual bulk:

- (a) Discussed in paragraphs 51-54, 60, 79-86;

Overlooking

- (b) Discussed in paragraphs 94-97;

Overshadowing/Sunlight/Daylight

- (c) Discussed in paragraph 89-93;

Noise

- (d) Discussed in paragraph 99;

Car parking

- (e) Discussed in paragraphs 120-122;

Overdevelopment (site coverage), not in character with the area;

- (f) Discussed in paragraph 61; and

Inappropriate use of corten as a construction material

- (g) Discussed in paragraph 116-117.

Other matters

124. As there is no subdivision application lodged with Council with respect to the title boundaries between the retained dwelling and the new dwelling, a condition will require the words referencing 'title boundary' in the middle of the site to be deleted from plans.

RECOMMENDATION

That Notice of Decision to Grant Planning Permit PLN15/0351 be issued for development of the land for part demolition, development of the land to carry out works and convert the existing garage into a second dwelling on a lot, including a reduction in the car parking requirements at 158 McIlwraith Street, Princes Hill in accordance with the decision plans received by Council on 15 March 2016, 23 June 2016 and 17 August 2016 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 received by Council on 15 March 2016, 23 June 2016 and 17 August 2016 but modified to show:
 - (a) Demolition roof plan to clearly show demolition of the roof over the garage;
 - (b) Garage door widened to a minimum 3.5m, and to incorporate vertical lines/elements;
 - (c) Details of the screen to the first floor deck and bedroom, to clearly demonstrate compliance with Standard B22 and Standard B23 (overlooking and internal views objectives) of Clause 55 of the Yarra Planning Scheme;
 - (d) Deletion of words referencing 'title boundary' between the retained dwelling and the new dwelling;
 - (e) A minimum of 6 cubic metres of storage space for the retained dwelling; and
 - (f) Water tank notation to be connected to toilets for flushing only (not for watering garden) and/or showing details consistent with Condition 3; with the water tank shown on elevations (to be no higher than 2.1m).
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. Prior to plans being endorsed, a STORM rating report must be submitted to the satisfaction of the Responsible Authority. The report is to demonstrate the proposal achieves 100% STORM rating as per Clause 22.16 – *Stormwater Management* of the Yarra Planning Scheme.

Melbourne Water conditions 4, 5 and 6

4. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
5. The finished floor level of the additional ground floor area must be set no lower than 37.20 metres to Australian Height Datum (AHD). The applicable flood level for a storm event with a 1% chance in any given year is 36.90 to AHD.
6. Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
7. 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 dwelling entrance must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
9. 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.
10. Before the development 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.
11. 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.
12. 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.

13. 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 5585 to confirm.

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

Melbourne Water Notes:

*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 **252342**.*

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

Attachments

- 1 PLN15/0351 - 158 McIlwraith Street -Locality Plan
- 2 PLN15/0351 - 158 McIlwraith St Princes Hill. Decision Plans
- 3 PLN15/0351 - 158 McIlwraith Street Princes Hill - Heritage Advice.
- 4 PLN15/0351 - 158 McIlwraith Street Princes Hill - Engineering comments
- 5 PLN15/0351 - 158 McIlwraith St Princes Hill. ESD Referral

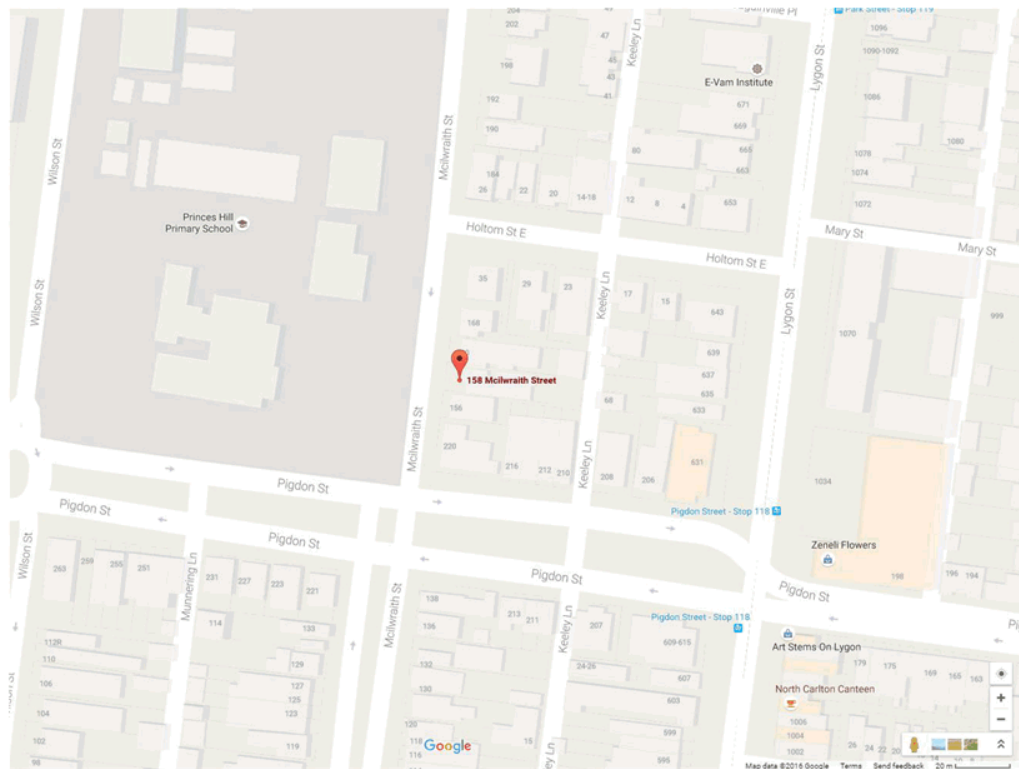
Attachment 1 - PLN15/0351 - 158 McIlwraith Street -Locality Plan

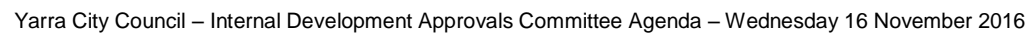


Subject site: 158 McIlwraith Street, Princes Hill.

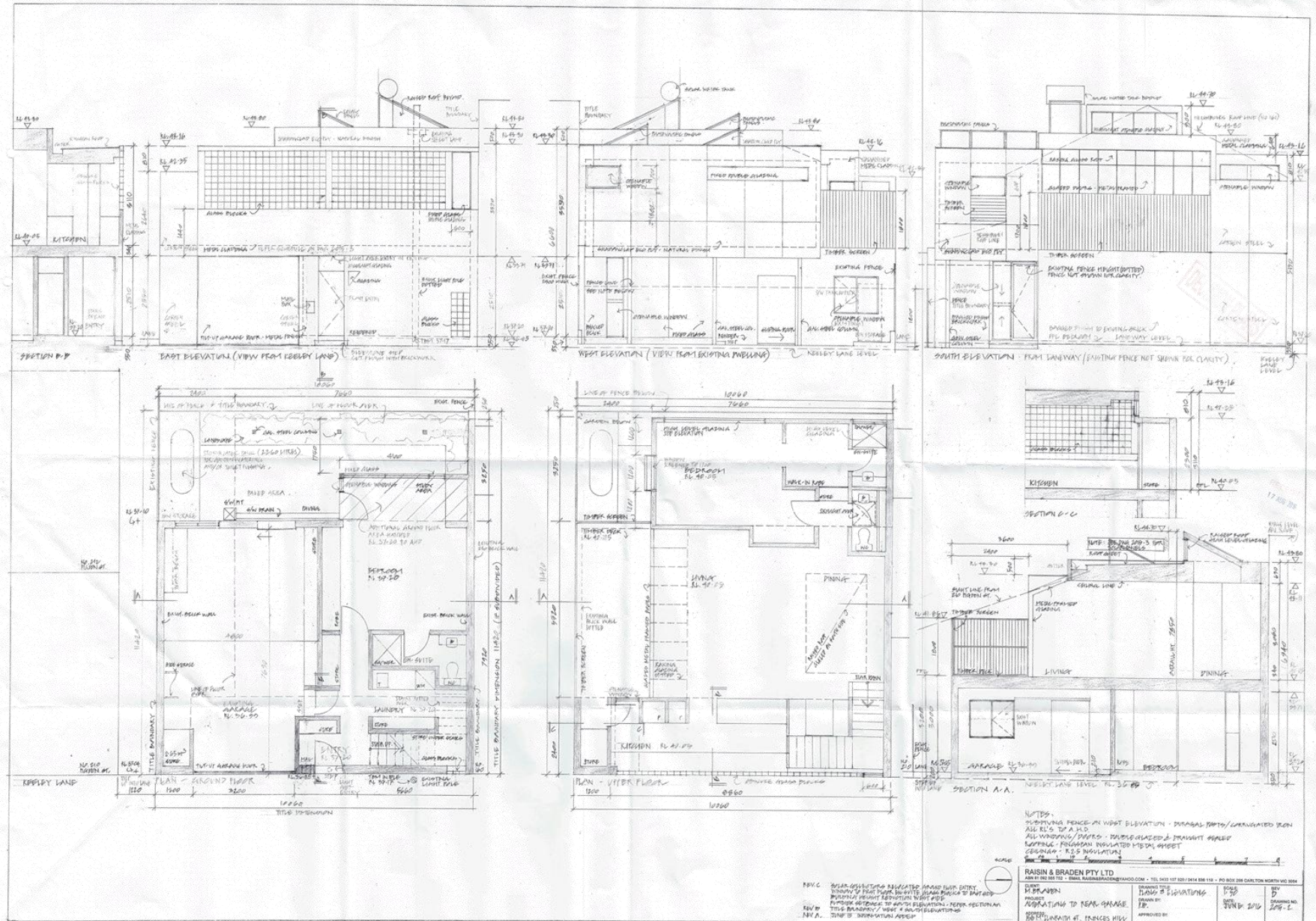
The subject site is the Neighbourhood Residential Zone –Schedule 1, and covered by a Heritage Overlay (HO329) and Special Building Overlay.

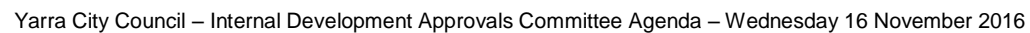
Attachment 1 - PLN15/0351 - 158 McIlwraith Street -Locality Plan



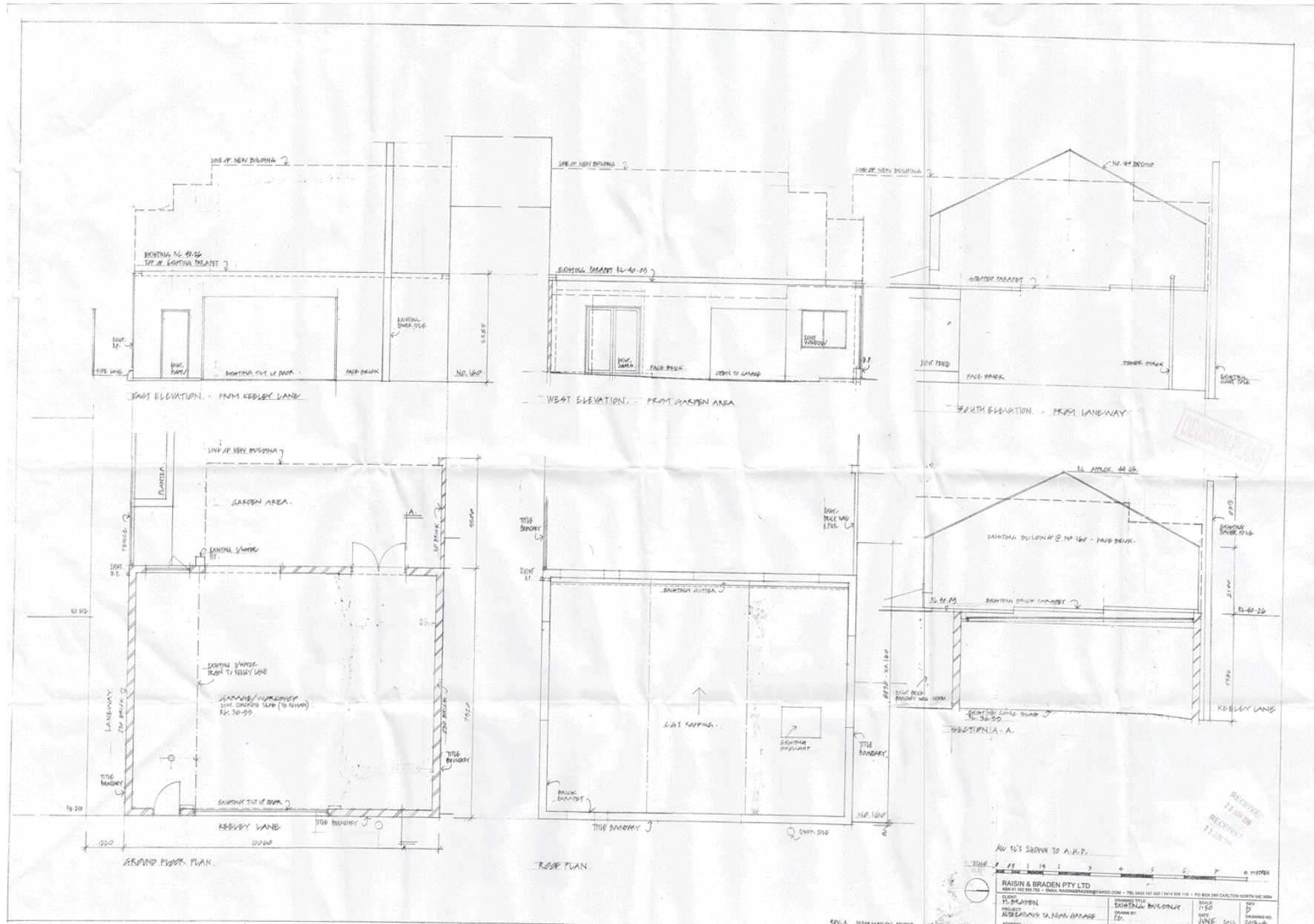


Attachment 2 - PLN15/0351 - 158 McIlwraith St Princes Hill. Decision Plans

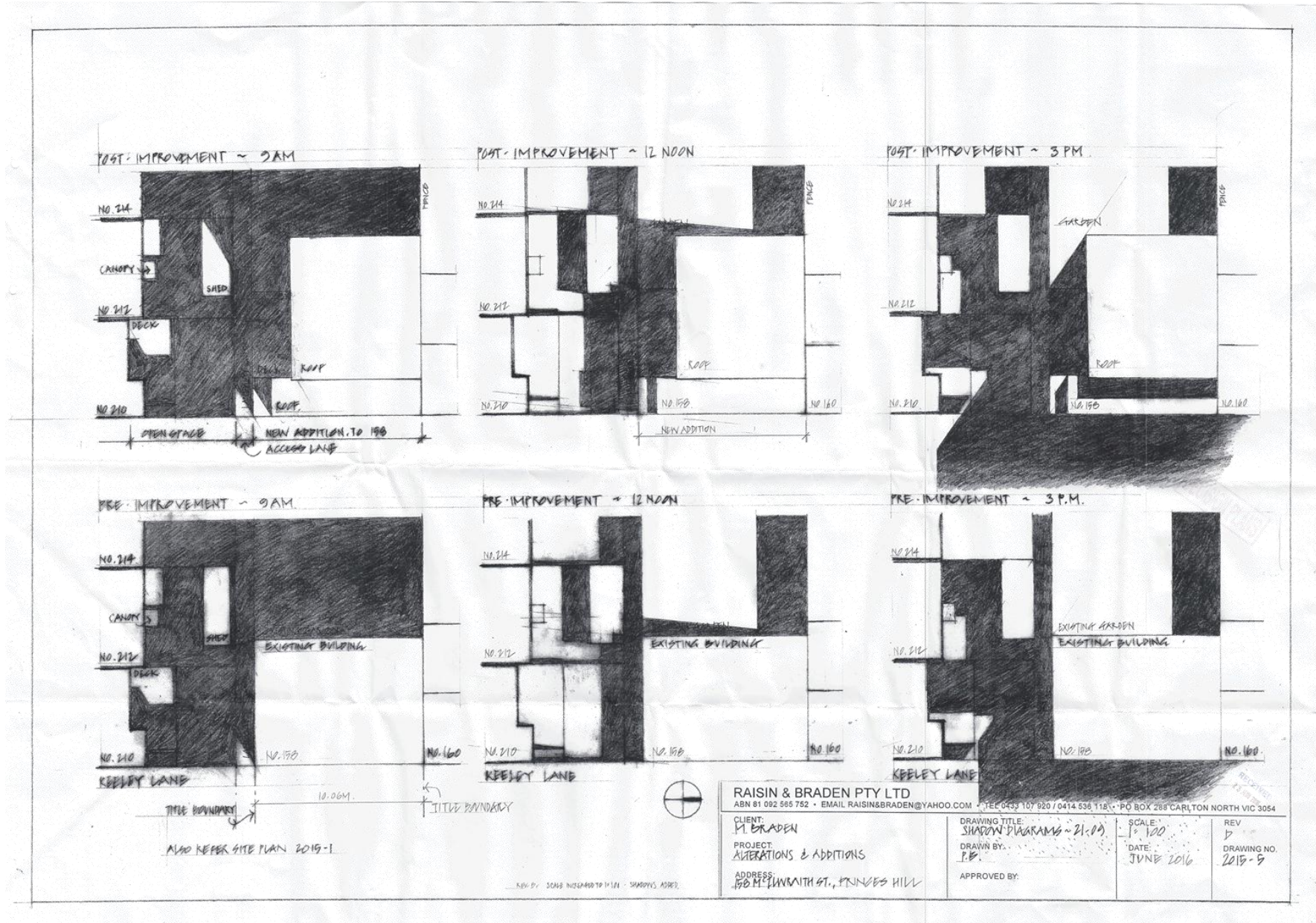




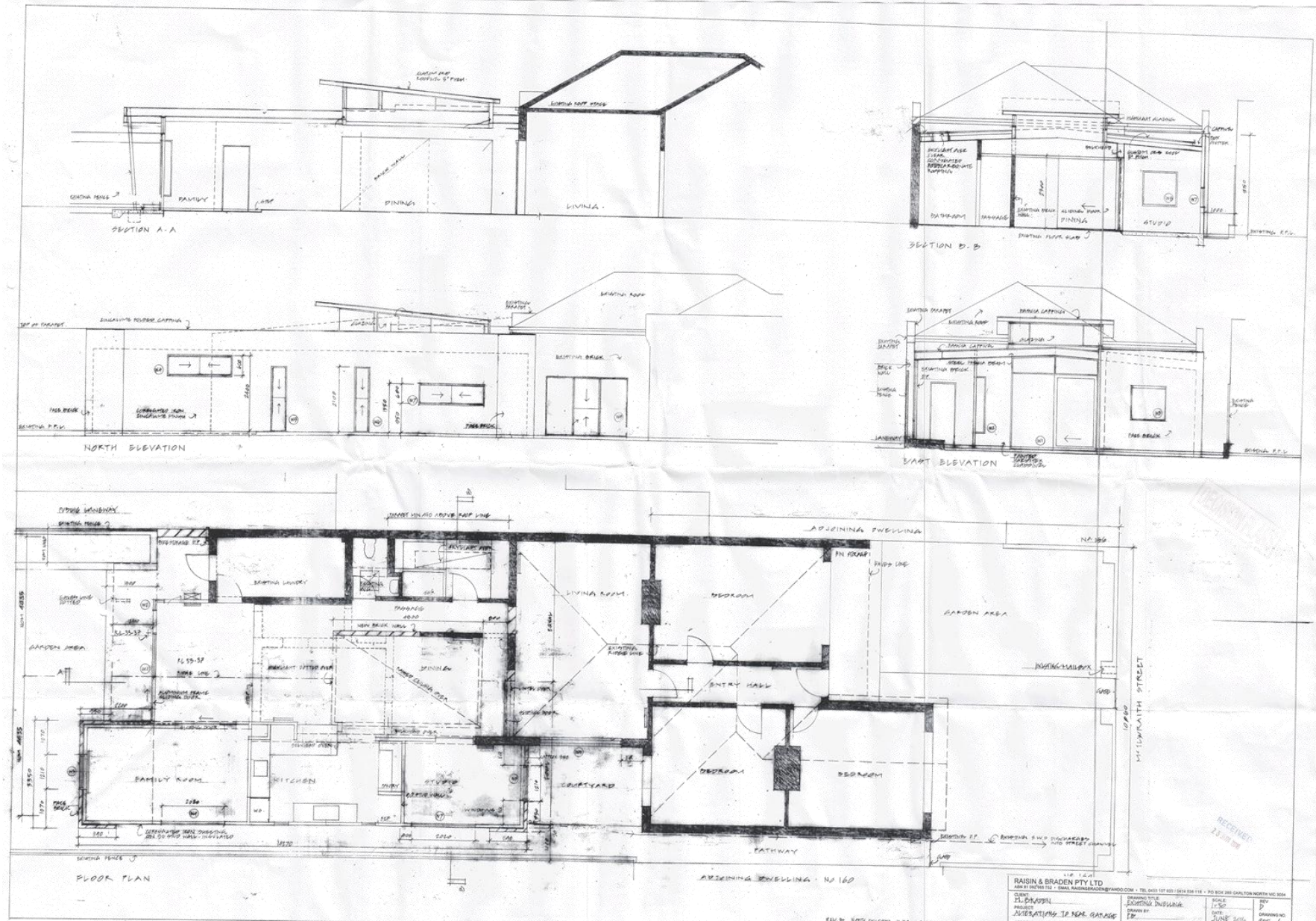
Attachment 2 - PLN15/0351 - 158 McIlwraith St Princes Hill. Decision Plans



Attachment 2 - PLN15/0351 - 158 McIlwraith St Princes Hill. Decision Plans



Attachment 2 - PLN15/0351 - 158 McIlwraith St Princes Hill. Decision Plans



Attachment 3 - PLN15/0351 - 158 McIlwraith Street Princes Hill - Heritage Advice.

Vy, Tamina Loan

From: McIntosh, Diahnn
Sent: Monday, 3 October 2016 4:13 PM
To: Vy, Tamina Loan
Cc: Connell, Danielle
Subject: PLN 15 /0351 - 158 McIlwraith Street, Princes Hill

Dear Tamina

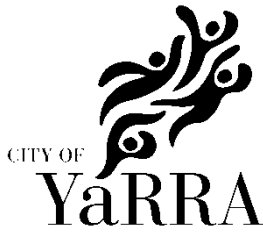
In response to the most recently presented drawings (received 17 Aug 2016) for the laneway development at the rear of the above mentioned property, I wish to advise that I am satisfied that the revised material and colour schedule is generally more in keeping with the palette of colours and materials that typically characterise most laneways in heritage areas. In particular, I find the proposed use of timber, render and metals (provided they are in natural finishes – not painted) most appropriate to the types of utilitarian materials typically found in these areas. The limited use of Corten cladding with its rusty appearance, is considered acceptable as it is representative of old rusted metal which is also often seen in such locations.

In regard to the proposed garage doors, it would be encouraged to use a material that reflects the vertical character of timber lining boards or timber paling fencing.

Please don't hesitate to contact me directly if you require any further clarification regarding my comments.

Kind regards,

Diahnn McIntosh
Heritage Advisor (Mondays, Tuesdays and Wednesdays)
City of Yarra PO Box 168 Richmond 3121

Attachment 4 - PLN15/0351 - 158 Mcllwraith Street Princes Hill - Engineering comments

MEMO

To: Tamina Loan Vy
From: Mark Pisani
Date: 8 June 2016
Subject: Application No: PLN15/0351
 Description: Second Dwelling on a Lot
 Site Address: 158 Mcllwraith Street, Princes Hill

I refer to the above Planning Application received on 3 June 2016 in relation to the proposed development at 158 Mcllwraith Street, Princes Hill. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

The proposed development comprises the provision of a second dwelling on the property at 158 Mcllwraith Street whilst retaining the existing dwelling. The proposed new dwelling contains two bedrooms and has its primary vehicular and pedestrian access off Keeley Place, a Right of Way. The new dwelling would be provided with one on-site car parking space, which satisfies the requirements of Clause 52.06-5 of the Yarra Planning Scheme.

The existing dwelling has at least three bedrooms and under Clause 52.06-5, the existing dwelling would have a car parking requirement of two spaces. The redevelopment of the site would result in no on-site parking for the existing dwelling and would therefore have a parking shortfall of two spaces.

The occupants of the existing dwelling will be ineligible to apply for on-street residential and visitor parking permits. As on-street parking is not a viable or practical option, occupants of the dwelling must rely on alternative travel modes such as public transport and bicycle travel.

The site has good access to public transport services, with trams operating along Lygon Street and buses along Brunswick Road (to the north of the site).

The waiver of two parking spaces is considered appropriate for this dwelling its location is close to public transport and can still function with no on-site car parking.

DEVELOPMENT LAYOUT DESIGN**Access Arrangements**

A site inspection of Keeley Lane revealed that it has a carriageway width of approximately 6.24 metres. Although Permit Zone parking takes place on the east side of Keeley Place, the parking immediately opposite the subject site is prohibited due to two garage entrances.

The proposed 3.5 metre wide doorway is considered satisfactory for a B85 design vehicle to enter and exit via Keeley Lane.

Internal Layout

The area set aside for the single garage satisfies the requirements of *Design standard 2: Car parking spaces of Clause 52.06-8*. The internal dimensions of the garage must be provided on the drawings.

Attachment 4 - PLN15/0351 - 158 Mcllwraith Street Princes Hill - Engineering comments

Pedestrian Entry

The step leading to the pedestrian entry must be deleted on the drawings. The pedestrian entry must satisfy DDA requirements for access (to be reviewed at the building permit stage).

Capital Works Programme

A check of the Capital Works Programme for 2015/2016 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

ENGINEERING CONDITIONS

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

Public Lighting

- Lighting for pedestrian access at the property's Cambridge Street frontage 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, poles or other fixtures shall be funded by the Permit Holder and to the satisfaction of the Responsible Authority.
- Any new or upgraded lighting must satisfy the requirements of the relevant power authority and Council.
- 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. Any light shielding that may be required shall be funded by the Permit Holder.

Impact of Assets on Proposed Development

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

Drainage

- 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), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.
- 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.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 5 - PLN15/0351 - 158 Mcllwraith St Princes Hill. ESD Referral

Sustainable Design Assessment (SDA)
Referral Response by Yarra City Council



Assessment Summary:

Responsible Planner:	Tamina Loan Vy
ESD Advisor:	Euan Williamson
Date: 23.12.2015	Planning Application No: PLN15/351
Subject Site:	158 Mcllwraith Street, Princes Hill VIC 3054
Site Area:	Approx. 111m ²
Site Coverage:	~90%

Project Description: Development of a second dwelling on a lot.

Pre-application meeting(s): Unknown

This application largely meets Council's Environmental Sustainable Design (ESD) standards. As a permit has been issued, the following (1) are conditioned to be addressed in an updated SDA report and are clearly shown on Condition 1 drawings.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be addressed in an updated SDA report and are clearly shown on Condition 1 drawings.

(1) Application ESD Commitments:

- Reasonable access to daylight and natural ventilation to all habitable rooms.
- Good standard of thermal energy efficiency through insulation and double glazing.
- 1.8 kW (min) solar PV array.
- Gas fired hydronic heating.
- Gas boosted solar hot water.
- Water efficient fixtures and taps.
- 3,000 litre rainwater storage connected to all toilets for flushing.

(2) Application ESD Deficiencies:

- The stormwater management solution meets best practice standards, through the flushing of toilets with collected rainwater. However, a STORM report demonstrating a minimum 100% score is required to meet the requirements of Clause 22.16. A preliminary investigation has revealed the proposed system will slightly exceed this requirement; however, the STORM report is required for consistency submissions within Yarra.

(3) Outstanding Information and ESD Improvement Opportunities:

- Consider including a fixed retractable outdoor clothes line/rack.

Further Recommendations:

The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations

1.4 98 Hunter Street, Richmond - PLN16/0351 - Development of the land for the construction of a double storey addition with roof top terrace to an existing dwelling

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 98 Hunter Street, Richmond, which seeks approval for the construction of a first floor addition with a rooftop terrace to an existing dwelling.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 15.01 – Urban Environment;
 - (b) clause 21.05 – Built Form;
 - (c) clause 22.10 – Built Form and Design Policy;
 - (d) clause 22.13 – Residential Built Form; and
 - (e) clause 54 – One Dwelling on a Lot

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Neighbourhood character, built form, height and scale; and
 - (b) Clause 54;

Objector Concerns

4. Ten objections were received to the application, these can be summarised as:
 - (a) Excessive visual bulk and scale, overall building height;
 - (b) Amenity impacts (overlooking, overshadowing, loss of views, noise from rooftop and air-conditioning unit, and outdoor lighting impacts);
 - (c) Overdevelopment of the site;
 - (d) Potential for falling objects; and
 - (e) Inaccuracies within the applicant's submission/plans.

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: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

1.4 98 Hunter Street, Richmond - PLN16/0351 - Development of the land for the construction of a double storey addition with roof top terrace to an existing dwelling

Trim Record Number: D16/158052

Responsible Officer: Coordinator Statutory Planning

Proposal: Development for the construction of a first floor addition with a rooftop terrace to an existing dwelling

Existing use: Dwelling

Applicant: Santo Architects

Zoning: General Residential Zone (Schedule 2)

Overlays: Nil

Date of Application: 28 April 2016

Application Number: PLN16/0351

Planning History

1. The following permits have been issued for the site:
 - (a) Planning permit 97/631 was issued on the 8 August 1997 for No. 73 Lord Street, Richmond for the construction of the two storey dwelling to the rear of the existing dwelling.
 - (b) Planning permit 97/646 was issued on the 10 September 1997 for a two lot subdivision in accordance with planning permit 97/631.

Background

2. The application was received on 28 April 2016. After further information was satisfied, the application was advertised on the 5 July 2016 with 10 objections received.
3. A consultation meeting was held on 26 September 2016, attended by the applicant, Council officers and one of the objectors. At the consultation meeting, the main concerns raised were in relation to the built form, overlooking and amenity impacts (noise from the terrace) to adjoining properties.
4. In an effort to address the concerns raised by objectors informal sketch plans were submitted on the 12 October 2016 which shows the following changes:
 - (a) Additional screening along the southern boundary of the rooftop terrace in the form of planting (to provide screening to dwellings to the south); and
 - (b) Incorporation of a vertical "green" garden along part of the eastern wall.
5. These plans do not form part of the application, however they will be discussed later in the report.

Existing Conditions

Subject Site

6. The subject site is located on the south-west corner of Hunter and Corsair Streets. The site is rectangular in shape, with the dwelling fronting Hunter Street for 10.06m, and Corsair Street for 8.10m; constituting an overall area of approximately 81sqm.

7. Occupying the site is a double storey, contemporary styled, rendered dwelling fronting Hunter Street. The dwelling is constructed along the eastern (Hunter Street) boundary for approximately 7.2m, with a recessed 1.4m wide porch. Part of the first floor (Bedroom 1 and the balcony) is constructed over the Hunter Street footpath (approximately 0.7m). The dwelling has a minimum 2m ground floor setback from the northern (Corsair Street) boundary, extending to 5.1m to accommodate a carport within the north-west corner. The first floor is setback from Corsair Street, with a varied 1.8m to 5.5m setback. Along the southern and western boundaries, there are existing double storey walls constructed for a length of 7.1m and 4.5m respectfully.
8. Ground floor of the dwelling contains a kitchen, laundry, wc and an open plan dining/lounge area, opening out into the dwelling's secluded private open space (12sqm approx.) to the north. A 2.2m high timber fence provides a separation between the open space and Corsair Street. First floor contains three bedrooms, a bathroom, hallway and staircase.
9. Vehicle access to the site is via Corsair Street, with a single width carport located within the north-west corner and accessed via a roller door along the northern boundary.

Restrictive Covenants/Easements

10. There are no restrictive covenants or easements that affect the site on the certificate of title provided.

Surrounding Land

11. The surrounding land is predominantly residential in nature. Hunter Street has a mix of Victorian-era styled dwellings to more contemporary dwelling styles. The built form in the area is a mix of both single and double storey dwellings, with two, triple-storey buildings at Nos. 91 and 97 Hunter Street to the south.
12. The adjoining land to the south is developed as a single-storey, Victorian-era styled, weatherboard dwelling. The double-fronted dwelling has a minimum setback of 0.5m from Hunter Street, with the dwelling's porch constructed in line with this setback. The rear of this site consists of a secluded private open space, located within the south-west corner.
13. The adjoining land to the west is developed as a single-storey, Victorian-era styled, weatherboard dwelling. The dwelling fronts Lord Street, with the rear boundary of the property having a direct interface with the subject site. The dwelling has a varied rear setback ranging between 0.8m to 5.3m. Occupying the rear setback is the dwelling's secluded private open space and car space.
14. To the north is Corsair Street (a 10m wide road reserve), which is a one-way street with eastbound traffic and kerbside parking along both sides. On the opposite side of the street is a car park associated with a double storey apartment building.
15. To the east is Hunter Street (a 9.5m wide road reserve), with two-way traffic heading in a north-south direction and kerbside parking along both sides. On the opposite side of the street is a double-storey dwelling also constructed on the corner of Hunter and Corsair Street (south-east). The dwelling's ground floor has a zero setback to both streets, with the upper floor setback at the corner and constructed along part of the Hunter Street frontage.

The Proposal

16. The application is for the construction of a first floor addition with a rooftop terrace to an existing dwelling. Details of the proposal are as follows:

Demolition (no permit required)

- (a) Partial demolition of Bedrooms 1, 2 and 3 at first floor, and demolition of the first floor cantilevering balcony;

Construction

- (b) Retention of the ground floor footprint (no alterations proposed);
- (c) The first floor addition constructed towards Corsair Street to accommodate a reduced bedroom 3 and new ensuite;
- (d) Extend Bedroom 1 at the first floor along the southern boundary for 0.9m, and a new stairwell constructed towards the eastern boundary;
- (e) Construction of a rooftop terrace (42sq.m.) with kitchen/BBQ area, built-in seating and planter boxes to both Hunter and Corsair Streets (Hunter Street planter box is to be constructed outside the title boundary);
- (f) Proposed setbacks of the dwelling's addition include:
 - (i) Between 1.8m to 5.4m from the northern boundary (Corsair Street);
 - (ii) No variation to the existing eastern and western setbacks;
 - (iii) Between zero to 1m from the western boundary;
- (g) Proposed setbacks of the terrace include:
 - (i) A 1.8m from the northern boundary;
 - (ii) A zero setback from the eastern boundary (Hunter Street);
 - (iii) 0.9m from the southern boundary; and
 - (iv) 2m from the western boundary.
- (h) The development would have a maximum wall height of 8.3 metres above natural ground level, and maximum overall height of 9 metres.
- (i) Materials and colour schedule include:
 - (i) Cement sheet cladding (rendered finish and articulated joints);
 - (ii) Timber lining boards;
 - (iii) Timber fascia to stairwell; and
 - (iv) Glass balustrade.
- (j) A colour schedule was included which show a lighter grey (Winteridge) to the ground level and darker grey (Maritime Charcoal) for the first floor and dark grey (Colorbond Deep Ocean) at the stairwell. However it is unclear how this matches with the elevations, and to what extent the colours apply (noting that a planning permit is not required for painting).

Planning Scheme Provisions

Zoning

General Residential Zone (Schedule 2)

- 17. Pursuant to Clause 32.08-3 of the Yarra Planning Scheme (the Scheme), *a permit is required to construct or extend a dwelling on a lot of less than the lot size specified in a schedule to this zone.* Schedule 1 to this zone specifies the lot size as 500sqm. As the subject site is approximately 81sqm, a permit is required. Pursuant to Schedule 2 of Clause 32.08 of the Scheme, the maximum building height must not exceed 9m.

Overlays

- 18. The subject site is not affected by any overlays.

Particular Provisions

Clause 54 – One Dwelling on a Lot

19. Clause 54 of the Scheme provisions apply to an application to construct a building or construct or carry out works associated with one dwelling on a lot included in the General Residential Zone.

General Provisions

Clause 65 – Decision Guidelines

20. 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 15.01-1 – Urban design

21. 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

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

Local Planning Policy Framework (LPPF)

Clause 21.05-2 – Built Form: Urban Design

23. 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 21.07-1 – Environmentally sustainable development

24. The objective of this clause is to promote environmentally sustainable development. The following strategy is relevant to this application:
- (a) *Strategy 34.1: Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

Clause 21.08 – Neighbourhoods

25. The subject site is located in the 'Central Richmond' neighbourhood at Clause 21.08-3 of the Scheme. The clause states:
- (a) *"The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood".*

Relevant Local Policies

Clause 22.10 – Built form and design policy

26. The policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:
- (a) *Ensure that new development positively responds to the context of the development and respect the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architectural and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Create a positive interface between the private domain and public spaces.*
- (f) *Encourage environmentally sustainable development.*
27. The clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:
- (a) Urban form and character;
- (b) Setbacks and building heights;
- (c) Street and public space quality;
- (d) Environmental sustainability.

Clause 22.13 – Residential built form policy

28. This policy applies to the residentially zoned in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Maps in Clause 21.08. It is policy that development within each of the character types responds positively to the matters set out in clauses 22.12-3.1 to 22.12-3.4 referable to the location of the development.
29. The site is categorised as an Inner Suburban Residential built form type. Clause 22.13-3.2 outlines that Inner Suburban Residential is: *Built form dominated residential areas with small gardens (if any) and minimal front and side setbacks.* The design guidelines set out in this policy are as follows:
- (a) *Maintain the existing pattern of front setbacks;*
- (b) *Landscaping the front setback in a style that reinforces the garden character (if any) of the streetscape;*
- (c) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building;*
- (d) *Orient buildings at right angles to the street frontage;*
- (e) *Provide front fencing that is open (unless the building is zero front setback);*
- (f) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

30. A further discussion on this policy will be provided later in this report.

Advertising

31. Pursuant to Section 52 of the *Planning and Environment Act 1987* (the Act) the application was advertised by way of 42 letters sent to surrounding owners and occupiers and two signs (one on Hunter Street and one on Corsair Street). A total of 10 objections were received. The objections are summarised as follows:
- (a) Excessive visual bulk and scale, overall building height;
 - (b) Amenity impacts (overlooking, overshadowing, loss of views, noise from rooftop and air-conditioning unit, and outdoor lighting impacts);
 - (c) Overdevelopment of the site;
 - (d) Potential for falling objects; and
 - (e) Inaccuracies within the applicant's submission/plans.

Referrals

External

32. There are no relevant external Referral Authorities required by the Scheme.

Internal

33. Given the limited scope of the proposal, the application was not formally referred to Council's Urban Design Unit. However, the application was discussed with the urban designers who were generally satisfied with the proposal given the existing built form on site, combined with the two and three storey built form in the immediate area.
34. The planter box outside title boundaries was identified as an element which is atypical and does not exist in the area, and would only exacerbate the anomalous form on site. The materials were seen to be appropriate with the plans suggesting that the new balustrade on Hunter Street would match the remainder of the building in colour. However as mentioned earlier in the report, the colour schedule and elevations seem to differ. Therefore a condition will be required to ensure the colours are shown on the elevations.
35. The new corner element as seen from Corsair Street (and further north up Hunter Street) was not viewed as an outstanding treatment, and ideally would have matched in with other heights/materials; however was not seen to require further treatment given the existing built form and the minimal area this would be limited to (ie. north-east corner of the building only).

OFFICER ASSESSMENT

36. The following key issues and policies will be used to frame the assessment of this planning permit application:
- (a) Neighbourhood Character; and
 - (b) Clause 54 of the Yarra Planning Scheme (Rescode)

Neighbourhood Character

37. Clause 22.10 (*Built form and design policy*) and Clause 22.13 (*Residential Built Form Policy*) provide specific guidance on assessing appropriate height and scale of new developments in residential contexts. Clause 22.10 provides design guidelines at Clause 22.10-3.2 (*Urban form and character*), Clause 22.10-3.3 (*Setbacks & building heights*), and Clause 22.10-3.4 (*Street and Public Space Quality*).

38. The area is generally characterised by a mix of single and double storey dwellings along both sides of Hunter Street and Corsair Street. As discussed earlier in the report, there are two triple-storey buildings at Nos. 91 and 97 Hunter Street, and a triple-storey building on the north side of Corsair Street (No. 71 Lord St). The proposal maintains the existing ground and first floor setback to both streets, with the cantilevered Bedroom 1 above Hunter Street also retained, although the cantilevering balcony would be removed.
39. The proposal incorporates a reduced Bedroom 3 (with new ensuite) to Corsair Street, and a rooftop terrace. The existing dwelling has an overall height of approximately 7.2m, associated with Bedroom 1 which overhangs Hunter Street. The proposed roof terrace and associated stairwell will increase the overall height of the dwelling to a maximum 9m. However the 9m section is only associated with part of the stairwell. The parapet walls/ balustrade/ screening associated with the terrace and corner wall section associated with the stairwell (north-east corner) will increase the wall heights to between 8.1m to 8.3m. This is an increase in height of between 0.9m to 1.1m to the existing dwelling's maximum height.
40. The stairwell section, constructed to a height of 9m, is setback a minimum of 1m from the northern and eastern walls. Viewline diagrams submitted by the applicant have demonstrated that the stairwell will only be partially visible from the opposite side of Hunter Street and Corsair Street. However the majority of the built form associated with the stairwell will be screened from view. As such, the proposed addition will present as a double storey built form and not a triple storey building.
41. Given the street context, where double storey dwellings are present and visible, it is considered that the proposed is appropriate in this instance. To assist in reducing the building bulk, the upper floor incorporates cement sheet cladding (rendered and articulated joints), timber screening, fenestration and glass balustrade to soften the dwelling's appearance. While amended plans received on the 12 October 2016 suggest a "green", landscaped vertical wall along part of the eastern (Hunter Street) and southern boundary, these are not reflective of the area which is nominated under Clause 22.13-3.2 as Inner Suburban Residential built form; which is:

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

42. Towards the southern boundary, the proposed terrace incorporates a 0.9m setback, with a mix of solid rendered and glazed balustrade and varying in height between 1m to 1.5m. The 0.9m setback is considered appropriate given the abutting built form at No. 100 Hunter Street (which has no windows or private open space to the north),
43. Towards the western boundary, the proposed bathroom along the first floor is to have a 1m setback, with the roof terrace incorporating a 2m setback. Combining the use of materials (timber lining boards, rendered finish and aluminium louvers) and the setbacks, it is considered an appropriate design response.
44. Overall, it is considered that the proposed addition will not detract from the streetscape given existing double storey built form. The contemporary design is characteristic of the more recent infill development within this pocket of Richmond, which is not affected by any heritage overlays. The built footprint is suitably sited and is consistent with examples of other nearby dwellings.

Clause 54 of the Yarra Planning Scheme (Rescode)

45. 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);
- (b) A3 – Street Setback (no change);
- (c) A5 – Site Coverage (no change);
- (d) A6 – Permeability (no change);
- (e) A8 – Significant Trees (does not apply);
- (f) A13 – North-facing Windows (no affected north-facing windows are within 3m of the subject site);
- (g) A18 – Solar Access to Open Space (not applicable for an extension to an existing dwelling); and
- (h) A20 – Front Fences (no change to existing proposed).

Standard A1 – Neighbourhood Character

46. This standard encourages proposed development to respond to the existing neighbourhood character or to contribute to a preferred neighbourhood character of the area. An assessment of the proposed development in relation to neighbourhood character has been carried out earlier in the report and found that the proposal provides an appropriate design response that respects both the existing and preferred neighbourhood character.

Standard A4 – Building Height

47. The maximum building height is 9m above natural ground level. This meets the maximum 9m prescribed by this standard.

Standard A7 – Energy Efficiency

48. Overall, it is considered that the proposal will achieve an appropriate level of energy efficiency, consistent with the objective of the standard. The dwelling will achieve adequate levels of solar access and natural ventilation through the provision of fenestration Bedrooms 2 and 3.
49. Overshadowing will largely be contained to the adjoining property at No. 100 Hunter Street. A review of the off-site amenity impacts (i.e. daylight to habitable room windows and overshadowing – to be discussed later in the report) has concluded that the proposal does not generate unreasonable impacts given the site constraints and surrounding context.

Standard A10 – Side and Rear Setbacks

50. A review of the proposed development has identified a first floor variation is required for the bathroom along the western (side) boundary and for the roof terrace towards the southern and western boundaries.

Boundary	Setback required	Setback provided	Variation required
Southern (lower deck)	2.69m	0.9m	1.79m
Southern (upper deck)	3.24m	0.9m	2.34m
Western (bathroom)	1.84m	1m	0.84m
Western (terrace)	3.39m	2m	1.39m

51. With respect to the variations to the southern boundary they are considered acceptable in this instance given that this balustrade will be above an existing two-storey on-boundary wall. To the south the neighbouring dwelling does not have any habitable room windows or a secluded private open interfacing with the subject site, reducing the off-site amenity impacts to the dwelling. Furthermore as discussed above, the surrounding area has a mix of single, double and triple storey built forms. The provision therefore of an 8.1m high wall would not be out character with the area. The overall built form is further reduced and broken up with the incorporation of a 0.9m setback to the terrace.

52. With respect to the western interface, this section does have a sensitive interface to the secluded private open space associated with No. 73 Lord Street. A review as to the extent of overshadowing into the dwelling's secluded private open space (SPOS) will be considered later in the report.
53. However, to reduce the visual bulk towards the open space, the first floor wall has incorporated timber cladding at the first floor, and a varied 1-2 metre setback along the first and second floors respectively. The combined varied setbacks and use of timber materials is considered to provide an appropriate design response to not unreasonably affect No. 73 Lord Street's amenity, particularly as this area has a dual use as a car space and SPOS.
54. The informal amended plans suggest further screening along the southern boundary of the rooftop terrace, however this would add further bulk to the building (and increased overshadowing) and is not supported.

Standard A11 – Wall on Boundaries

55. Standard A11 generally requires that:
 - (a) All walls on boundaries or within 200mm of a boundary should not exceed an average height of 3.2m with no part higher than 3.6m, i.e. unless the wall abuts a higher existing or simultaneously constructed wall; and
 - (b) A new wall should not abut the boundary for a length of more than 10m plus 25% of the remaining length of the boundary of an adjoining lot; or
 - (c) A new wall should not abut the boundary for a length more than the length of the existing or simultaneously constructed walls or carport on an abutting lot.
56. It is proposed to construct an additional section of wall associated with the first floor bedroom 1, within the south-east corner of the subject site. This will extend the wall lengths and heights along both the eastern and southern boundaries.
57. With respect to the length of walls along the boundaries, there is no variation required to the above standard as neither wall length (eastern and southern boundaries) will exceed 10m.
58. A variation however is required in relation to the wall height along the eastern and southern boundaries. The wall is to have a height of 6.6m (south) and 8.1m (east), exceeding the permitted height. A variation in the above standard is considered acceptable in this instance for the following reasons:
 - (a) A review of the surrounding area shows a number of dwellings with double storey walls constructed along the boundaries. Examples can be identified on the subject site itself, with the existing eastern, southern and western boundary walls having an identical height. The proposed addition is to match the height of the existing walls.
 - (b) Further examples of double storey built forms constructed along the boundary can be found at Nos. 70, 76, and 87 Hunter Street and additionally at 2A and 8 Corsair Street.
 - (c) Both boundary walls will not exceed a length of 10m, meeting the length requirements of the above standard.
 - (d) The majority of the boundary wall will be constructed directly adjacent to the abutting built form associated with No. 100 Hunter Street.
 - (e) The additional boundary walls incorporate timber cladding to the eastern and southern boundary, and cement sheet cladding (articulated joints) which will break up the massing.
 - (f) Overshadowing to the south is largely over existing built form, or within existing shadows.

- (g) The off-site amenity impacts are considered reasonable when viewed from the adjoining private open space areas and will not present unreasonable visual bulk or amenity impacts as discussed above.

Standard A12 – Daylight to Existing Windows

59. This proposal will continue to allow adequate daylight to existing habitable room windows.

Standard A14 - Overshadowing

60. This standard requires, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40 square metres with a minimum dimension of 3 metres should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.
61. The proposal will create additional overshadowing into the abutting properties to the west (No. 73 Lord Street) and south (No. 100 Hunter Street).
62. With respect to No. 73 Lord Street, between 10am to 3pm, 75% of the dwelling's secluded private open space will receive daylight (which is in accordance with the above standard). The affected times will be between 9am-11am, after which shadows will not affect this property.
63. At 9am there is an increase of approximately 1.44sq.m.; at 10am there is an increase of approximately 3.2sq.m.; and at 11am there is an increase of 2.04sq.m. In addition, the shadows will mostly affect the car parking space to the immediate west of the subject site rather than the SPOS closer to the house.
64. With respect to No. 100 Hunter Street, overshadowing will be primarily confined to the roof of this dwelling. A small segment of shadow will extend past the eave line at 10am and into the dwelling's open space. However given the orientation of the site, this section will already be overshadowed by the dwelling itself. Therefore, there is no additional overshadowing as a result of the proposed development into this property.

Standard A15 - Overlooking

65. The above standard requires that any habitable room windows or balconies be located or designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within 9 metres and within a 45 degree arc.
66. With respect to the first floor, there are habitable room windows proposed to Bedrooms 2 and 3. Frosted glazing along with a restrictive opening of 125mm has been provided to the window associated with Bedroom 2. The restrictive opening will allow ventilation to the bedroom and ensure that no more than 25% of the abutting open space (No. 73 Lord Street) is overlooked.
67. The window associated with Bedroom 3 is not within 9m of any secluded private open space or habitable room windows as it faces Corsair Street. Screening is therefore not required.
68. With respect to the roof terrace, no screening is required along the northern or eastern boundaries, as they abut a road in excess of 9m in width. No screening is required along the southern boundary as the setback provided (0.9m) will act as a screen to any potential overlooking into the abutting property at No. 100 Hunter Street. In addition the open space associated with No. 100 Hunter Street, is located within the south-west corner of the site, with 7m built form separating the two. As such, the open space would not be within the 9m arc.

69. With respect to the western edge of the terrace, 1.7m high screening has been provided for a length of 3.2m to prevent overlooking into No. 73 Lord Street. The remaining section would be a glass balustrade to a height of 1m. Overlooking from the glass balustrade section can be achieved, therefore a condition will require this to be addressed. In addition, there are no details provided regarding the 1.7m high screen (other than it will consist of louvers and cement sheeting). Given that screens must be a maximum of 25% openings, a condition will require this detail in compliance with the standard.

Standard A16 – Daylight to New Windows

70. All of the proposed first floor habitable room windows will face an area with a minimum space of 3sqm and minimum dimension of 1m clear to the sky.

Standard A17 – Private Open Space

71. There is no change to the location or dimensions of the dwelling's primary scheduled open space along the ground floor. The proposal however does include a roof terrace which would improve the area of private open space.

Standard A19 – Design Detail

72. The materials are generally respectful of the existing neighbourhood character; with a mix of rendered finishes, timber cladding, fenestration and metal screening along the roof terrace. These materials are considered acceptable and not out of character with materials used in existing dwelling and some recent developments within the area. This ensures that the proposed materials are generally sympathetic to the surrounding area.
73. The incorporation of roof terrace/balconies is a common form within the surrounding area and is acceptable in the surrounding context. The addition of timber cladding also assists in providing some visual interest through the use of varied (softer) materials as it presents to the adjoining properties.
74. However, the planter box proposed outside title boundaries is not a common feature. While the existing built form was approved in 1997, this is not in current applications. As such, a condition will require the deletion of the planter box outside title boundaries.

Objector Concerns

75. The majority of concerns raised by the objector have been addressed in the ResCode assessment, as follows:
- (a) Excessive bulk/scale height (paragraphs 37-44, 47, and 50-58);
 - (b) Overlooking (paragraphs 65-69);
 - (c) Overshadowing (paragraphs 60-64);
 - (d) Overdevelopment of the site. Given that there is no change to the site coverage, and given the discussion at paragraphs 37-44, 47, and 50-58 the proposal is not considered to be an overdevelopment.
 - (e) Loss of views. This is not a planning consideration under the Scheme, as has been upheld at the Victorian Civil and Administrative Tribunal.

- (f) Potential for falling objects. The potential for falling objects is not a decision guideline within the Scheme or the *Planning and Environment Act 1987* and therefore cannot be considered. With the exception of the planter box above Bedroom 1, the proposed terrace is not proposed to be constructed adjacent to any footpaths or boundaries. As discussed earlier, a condition will delete the planter box outside title boundaries.
- (g) Inaccuracies within the applicant's submission/plans. Inaccuracies have been identified with respect to the labelling of streets. A condition will require abutting streets to be correctly identified on floor plans and elevations.
- (h) Noise and lighting. Specific concerns have been raised in relation to noise emanating from the roof terrace and from air-conditioning units.

A planning permit is not required for use as a dwelling in a residential zone. The use of the terrace would be from people within the dwelling. Therefore noise from people within the building is a civil matter. However there is other legislation (EPA) which deals with machinery noise.

Similarly, the impact of outdoor lighting cannot be considered.

Conclusion

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

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit PLN16/0351 be issued for the construction of a first floor addition to the existing dwelling and rooftop terrace, at 98 Hunter Street, Richmond VIC 3121, 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 planter box on Hunter Street outside title boundaries;
 - (b) Screening along the western section of the roof terrace to be increased and details/cross-sections provided demonstrating compliance with Clause 54.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (c) Floor plans and elevations to correctly identify all streets; and
 - (d) Elevations to clearly show materials and colours.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the 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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
6. 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) 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 any of the following occur:
 - (a) The development is not commenced within two (2) years from the date of this permit;
 - (b) The development is not completed within four (4) years from the date of this permit.

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

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5585 to confirm.

NOTE: 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.

CONTACT OFFICER: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

Attachments

- 1 Attachment 1 - Site Plan - 98 Hunter Street, Richmond
- 2 Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond
- 3 Attachment 3 - Informal Amended Plans - 98 Hunter Street, Richmond

Attachment 1 - Attachment 1 - Site Plan - 98 Hunter Street, Richmond

ATTACHMENT 1

SUBJECT LAND: 98 Hunter Street, Richmond



North

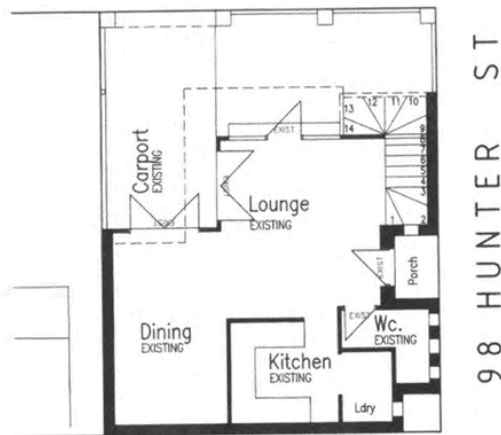


Subject Site

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond

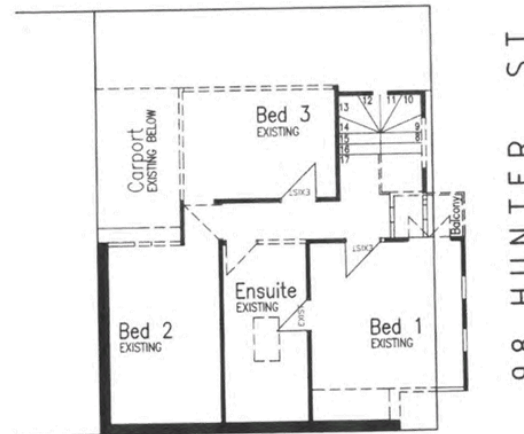
SITE ELEMENTS TO BE
DEMOLISHED AND REMOVED
SHOWN HATCHED.

CORSAIR STREET



GROUND FLOOR
EXISTING/DEMOLITION SCALE 1:100

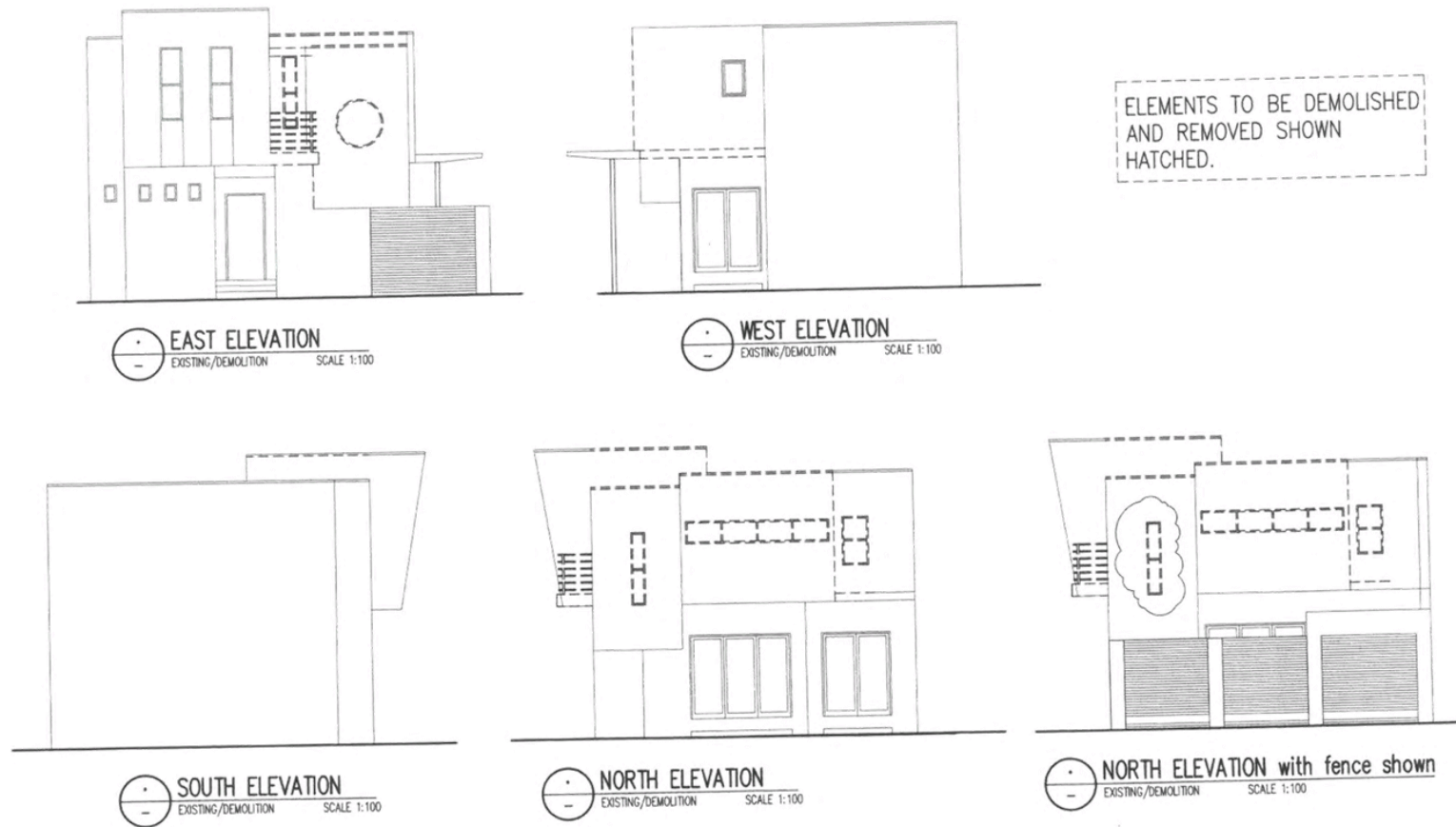
CORSAIR STREET



FIRST FLOOR
EXISTING/DEMOLITION SCALE 1:100

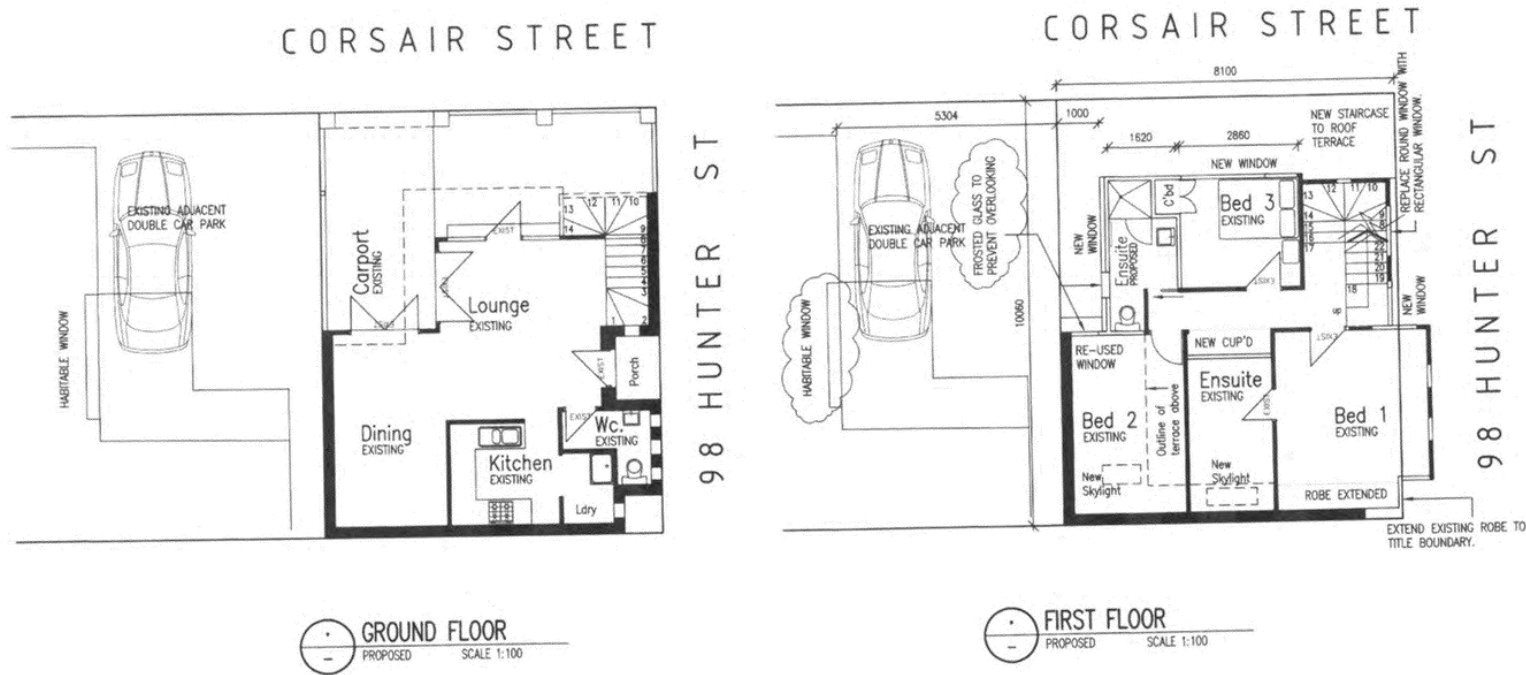
<p>Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architects/Consultant and manufacture shall not take place prior to the return of inspected shop drawings by the Architects/Consultant.</p>	<p>santo ARCHITECTS ARCHITECTURE PLANNING INTERIORS</p> <p>P.O BOX 303, COBURG, VIC 3058 PH 0419 529 208 ABN 51484202286</p>	<p>TITLE EXISTING/DEMOLITION PLANS</p> <p>PROJECT PROPOSED EXTENSIONS/RENOVATIONS 98 HUNTER STREET, RICHMOND 3121</p> <p>CLIENT A & S KNOX</p>	<p>SCALE 1:100</p>	<p>DATE 22/04/16</p>
			<p>DRAWN GS</p>	<p>CHECKED</p>
				<p>PROJECT No 1602</p> <p>DRAWING No EX 01 REV</p>

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



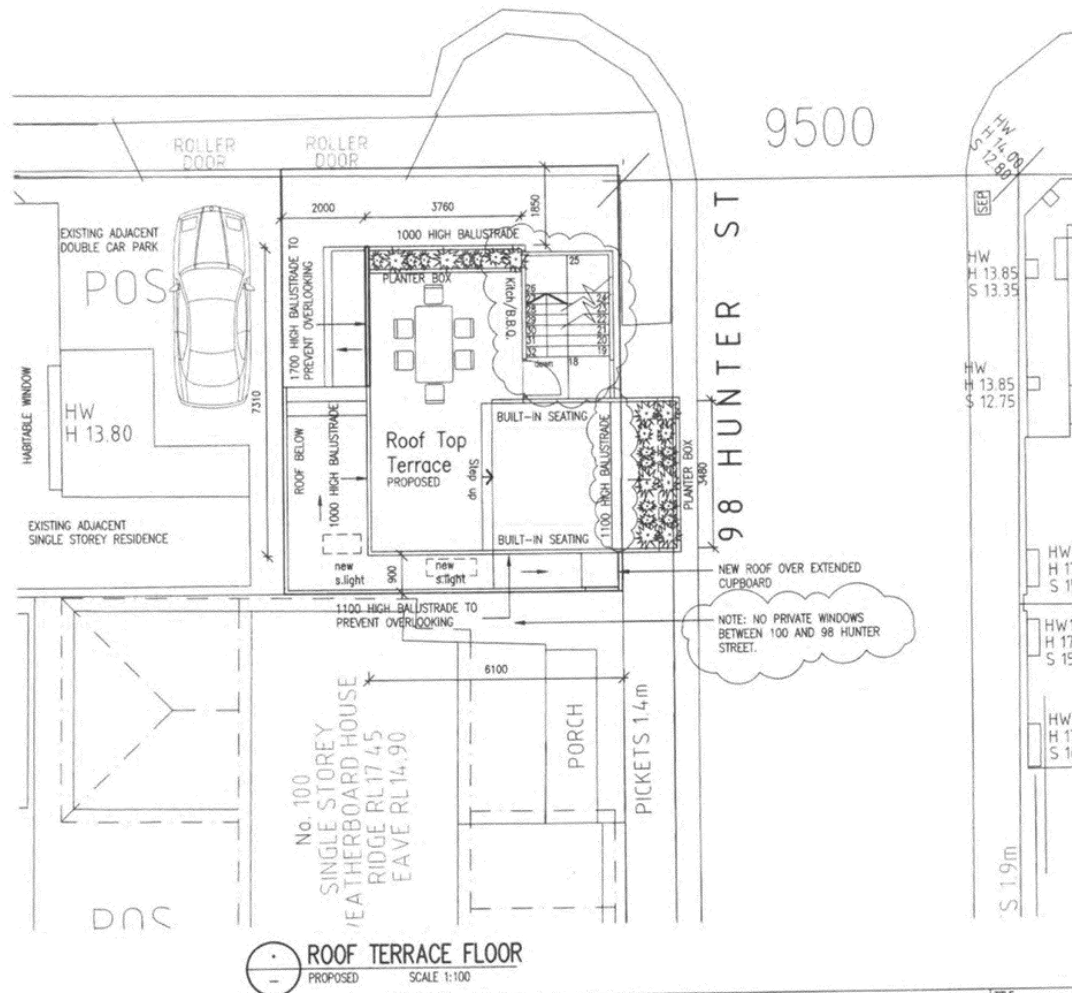
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A GENERAL REVISION		20/06/16		PROJECT PROPOSED EXTENSIONS/RENOVATIONS 98 HUNTER STREET, RICHMOND 3121		CHECKED GS
P.O BOX 303 , COBURG, VIC 3058 PH 0419 529 208 ABN 51484202286		CLIENT A & S KNOX		PROJECT No 1602		DRAWING No EX 02
				REV A		

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



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				PROJECT No 1602 DRAWING No TP 01 REV A

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



AREA ANALYSIS

ROOF TOP TERRACE AREA (PROPOSED)	43.6	sq M
FIRST FLOOR AREA (PROPOSED)	64.7	sq M
GROUND FLOOR AREA (EXISTING)	65.3	sq M
TOTAL FLOOR AREA	173.6	sq M
TOTAL LAND AREA	81.5	sq M
PERCENTAGE SITE USE (NO CHANGE)	80.00%	

PERMEABILITY

IMPERMEABILITY (NO CHANGE)	65%
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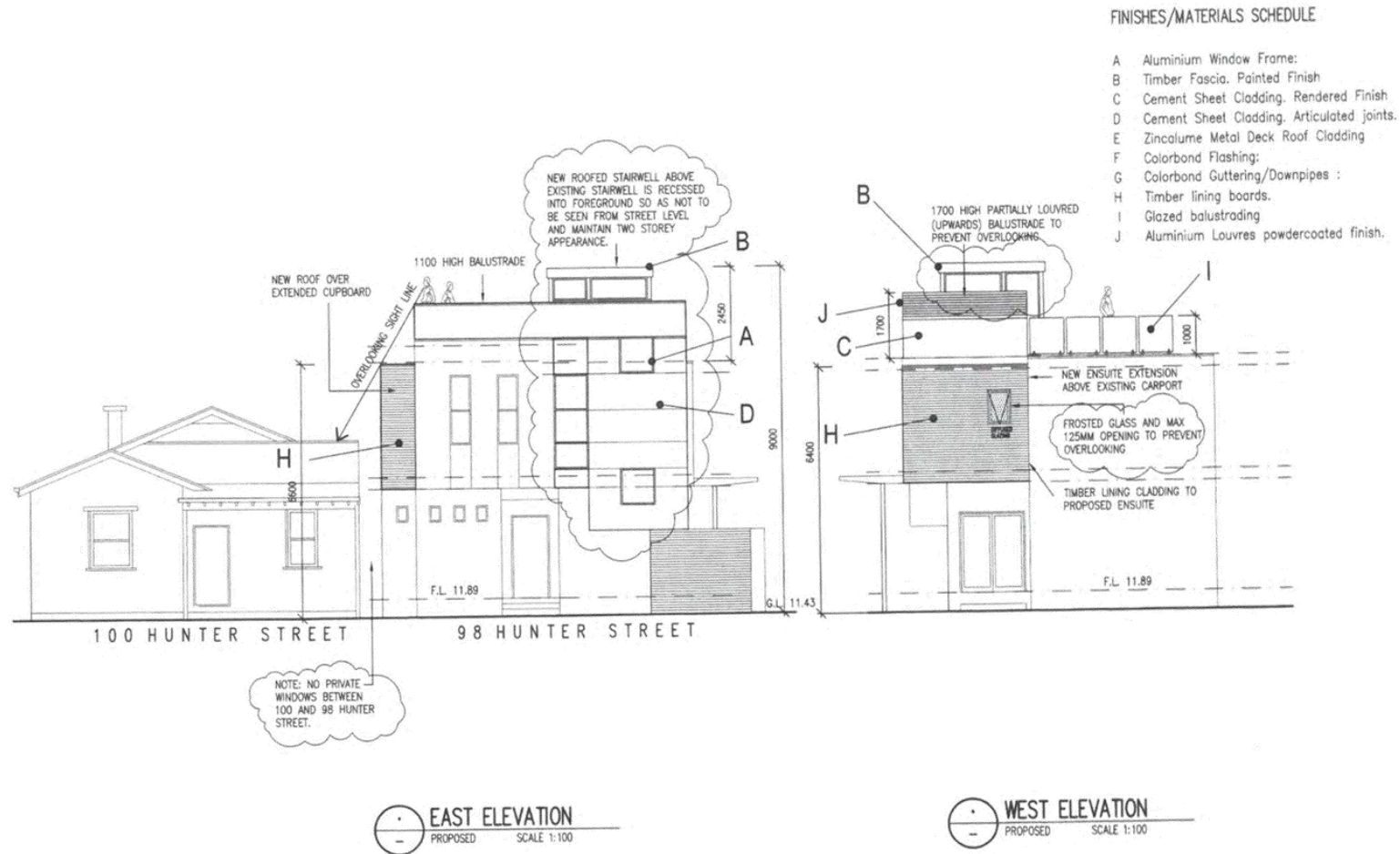
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A GENERAL REVISIONS/NOTES	20/06/16

santo ARCHITECTS
ARCHITECTURE PLANNING INTERIORS

P.O BOX 303, COBURG, VIC 3058
PH 0419 529 208 ABN 51484202286

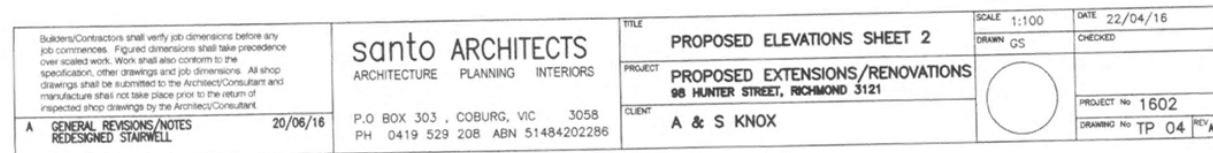
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PROJECT	PROPOSED EXTENSIONS/RENOVATIONS 98 HUNTER STREET, RICHMOND 3121	DRAWN GS	CHECKED
CLIENT	A & S KNOX	PROJECT No 1602	
		DRAWING No TP 02	

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond

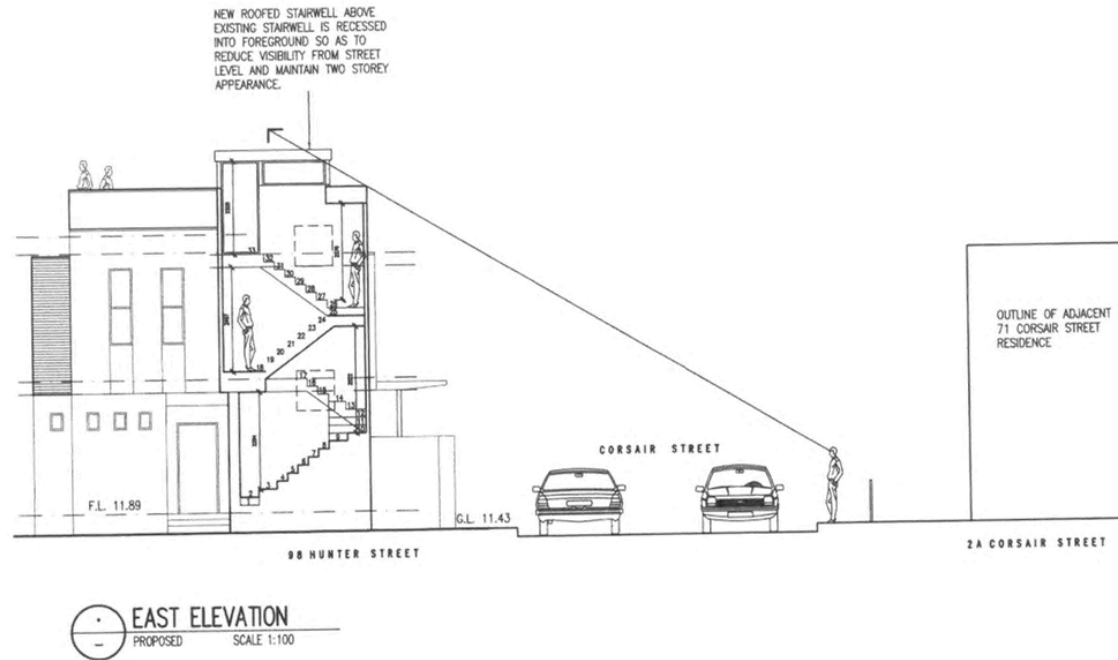


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<p>A GENERAL REVISIONS/NOTES REDESIGNED STAIRWELL</p>	<p>P.O BOX 303, COBURG, VIC 3058 PH 0419 529 208 ABN 51484202286</p>	<p>PROPOSED EXTENSIONS/RENOVATIONS 98 HUNTER STREET, RICHMOND 3121</p>		PROJECT No 1602
				DRAWING No TP 03 REV A

- A Aluminium Window Frame:
- B Timber Fascia. Painted Finish
- C Cement Sheet Cladding. Rendered Finish
- D Cement Sheet Cladding. Articulated joints.
- E Zincalume Metal Deck Roof Cladding
- F Colorbond Flashing:
- G Colorbond Guttering/Downpipes :
- H Timber lining boards.
- I Glazed balustrading
- J Aluminium Louvres powdercoated finish.

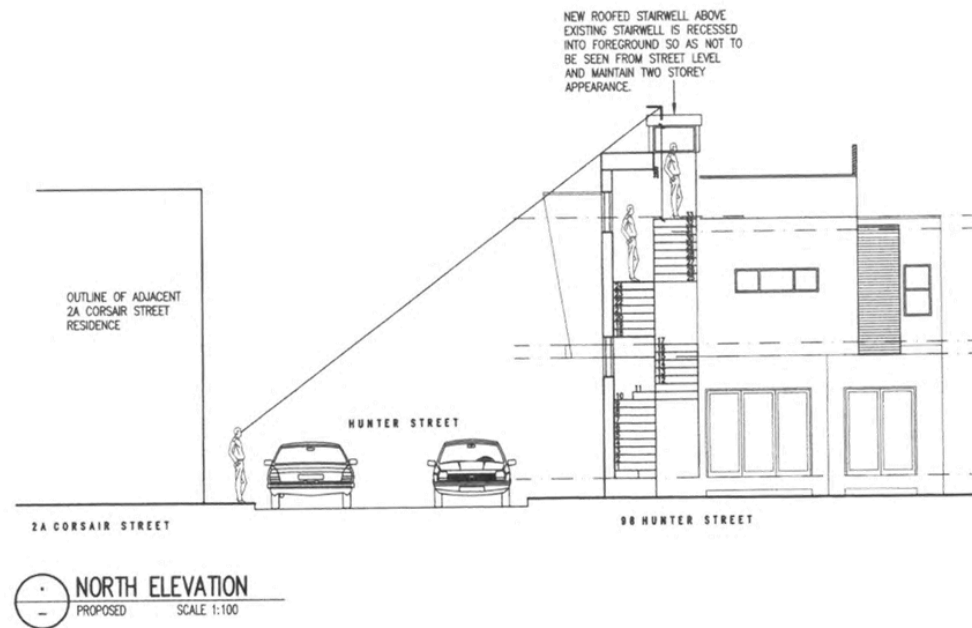


Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



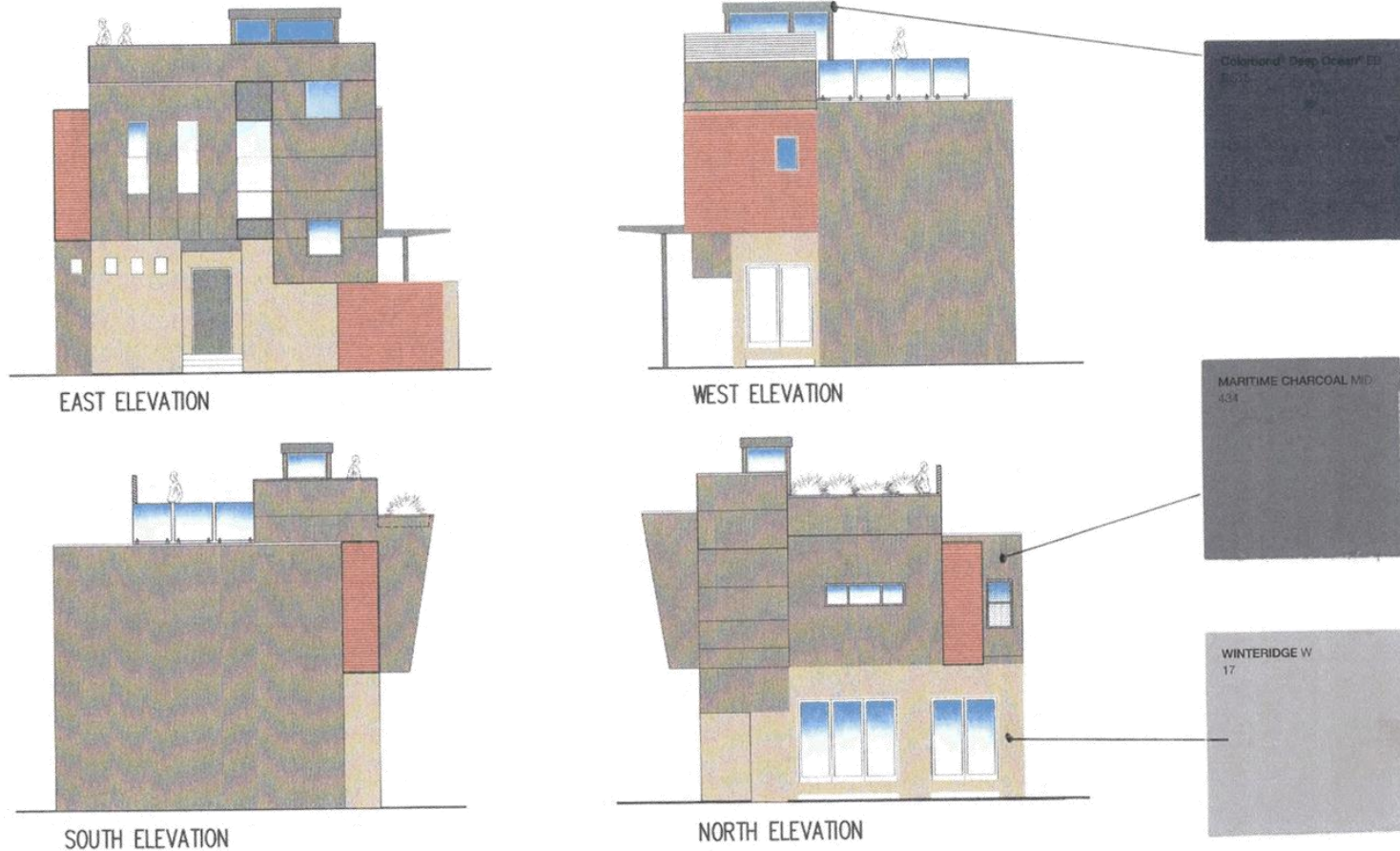
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			<p>DRAWN GS</p> <p>CHECKED</p> <p>PROJECT No 1602</p> <p>DRAWING No TP 05</p> <p>REV.</p>

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



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				PROJECT No 1602 DRAWING No TP 06 REV

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



COLOUR SCHEDULE
 NOTE: COLOUR SCHEDULE FOR THIS PROJECT ARE BRITISH PAINTS AS NOMINATED. OTHER COLOUR NOT SPECIFIED INCLUDES STAINED TIMBER (SHOWN AS "ORANGE") WHERE NOMINATED ON FINISHES SCHEDULE.

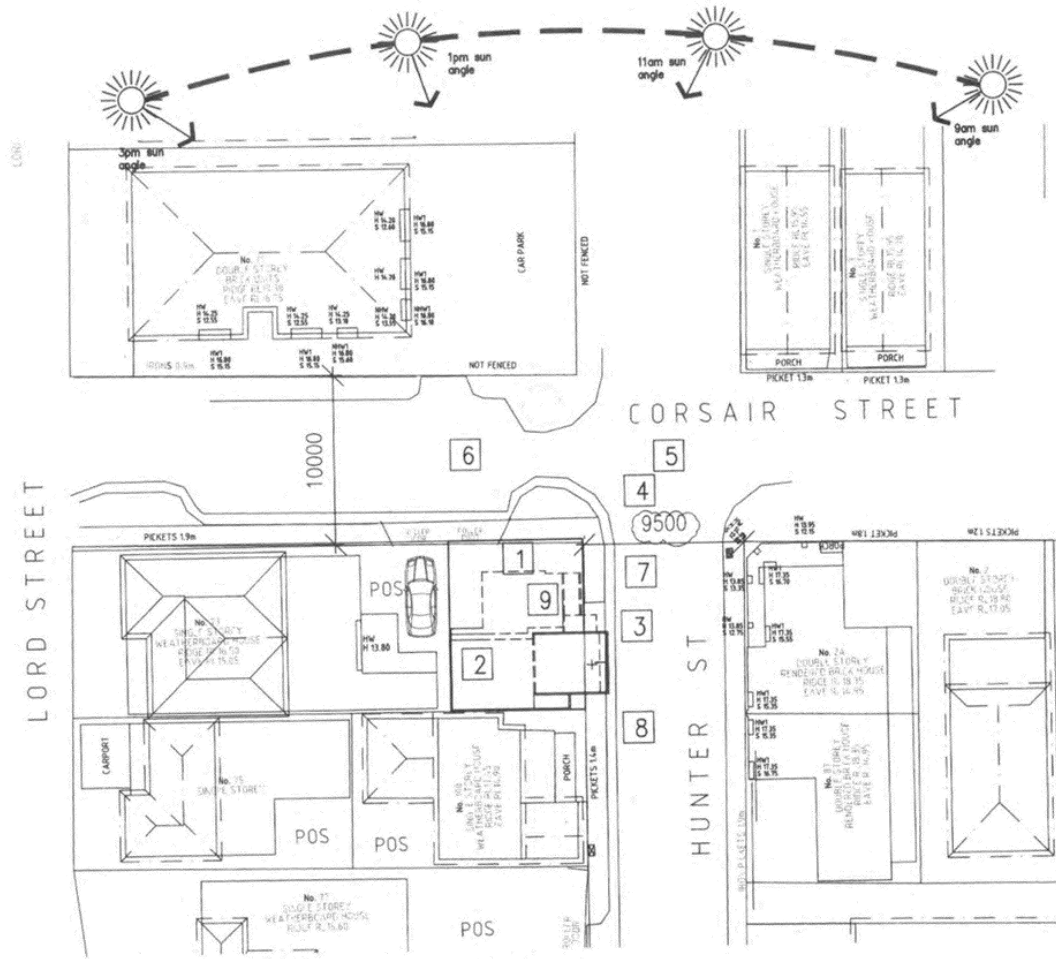
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santo ARCHITECTS
 ARCHITECTURE PLANNING INTERIORS
 P.O. BOX 303, COBURG, VIC 3058
 PH 0419 529 208 ABN 51484202286

COLOUR SCHEDULE
 PROJECT **PROPOSED EXTENSIONS/RENOVATIONS**
98 HUNTER STREET, RICHMOND 3121
 CLIENT **A & S KNOX**

SCALE 1:100	DATE 20/06/16
DRAWN GS	CHECKED
	PROJECT No 1602
	DRAWING No TP 07 REV

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



PROXIMITY OF REGIONAL PUBLIC AND COMMUNITY AMENITIES

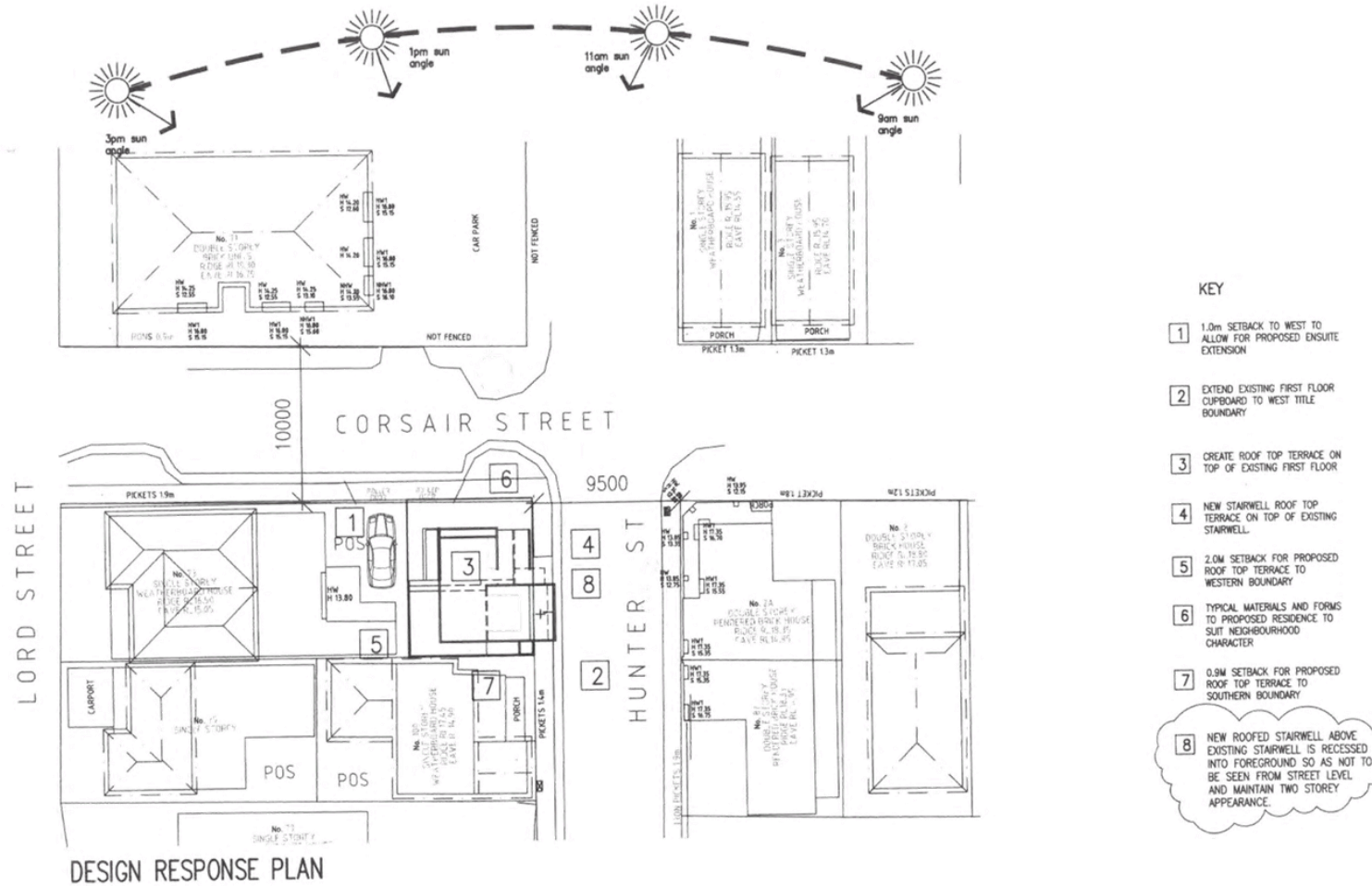
- ← MCG/ANM/ MELBOURNE PARK SPORTS GROUND 1500m
- ← ST KEVINS COLLEGE 500m
- ← BRIDGE ROAD SHOPPING PRECINT 250m
- ← VICTORIA GARDENS SHOPPING CENTRE 1200m
- ← BURNLEY TRAIN STATION 400m
- MELBOURNE GIRLS COLLEGE 550m

- KEY
- 1 EXISTING TWO STOREY MASONRY DWELLING ON 81.5 SQ M LAND
 - 2 EXISTING DWELLING BUILT TO SOUTH AND WESTERN BOUNDARY
 - 3 EXISTING DWELLING CANTILEVERS (FIRST FLOOR ONLY) ON EASTERN BOUNDARY
 - 4 GROUND FLOOR SITE PERCENTAGE USE 80%
 - 5 SIMILAR BUILDING TYPES AND MATERIALS IN ADJACENT NEIGHBOURHOOD.
 - 6 EXISTING CROSSOVER TO NORTH TO BE RETAINED.
 - 7 EXISTING STAIRWELL BUILT TO EASTERN TITLE BOUNDARY
 - 8 NO PRIVATE WINDOWS BETWEEN 98 AND 100 HUNTER STREET.
 - 9 MOSTLY SINGLE AND DOUBLE BUILDINGS WITH A HANDFUL OF 3 STOREY BUILDINGS IN NEIGHBOURHOOD.

NEIGHBOURHOOD AND SITE DESCRIPTION

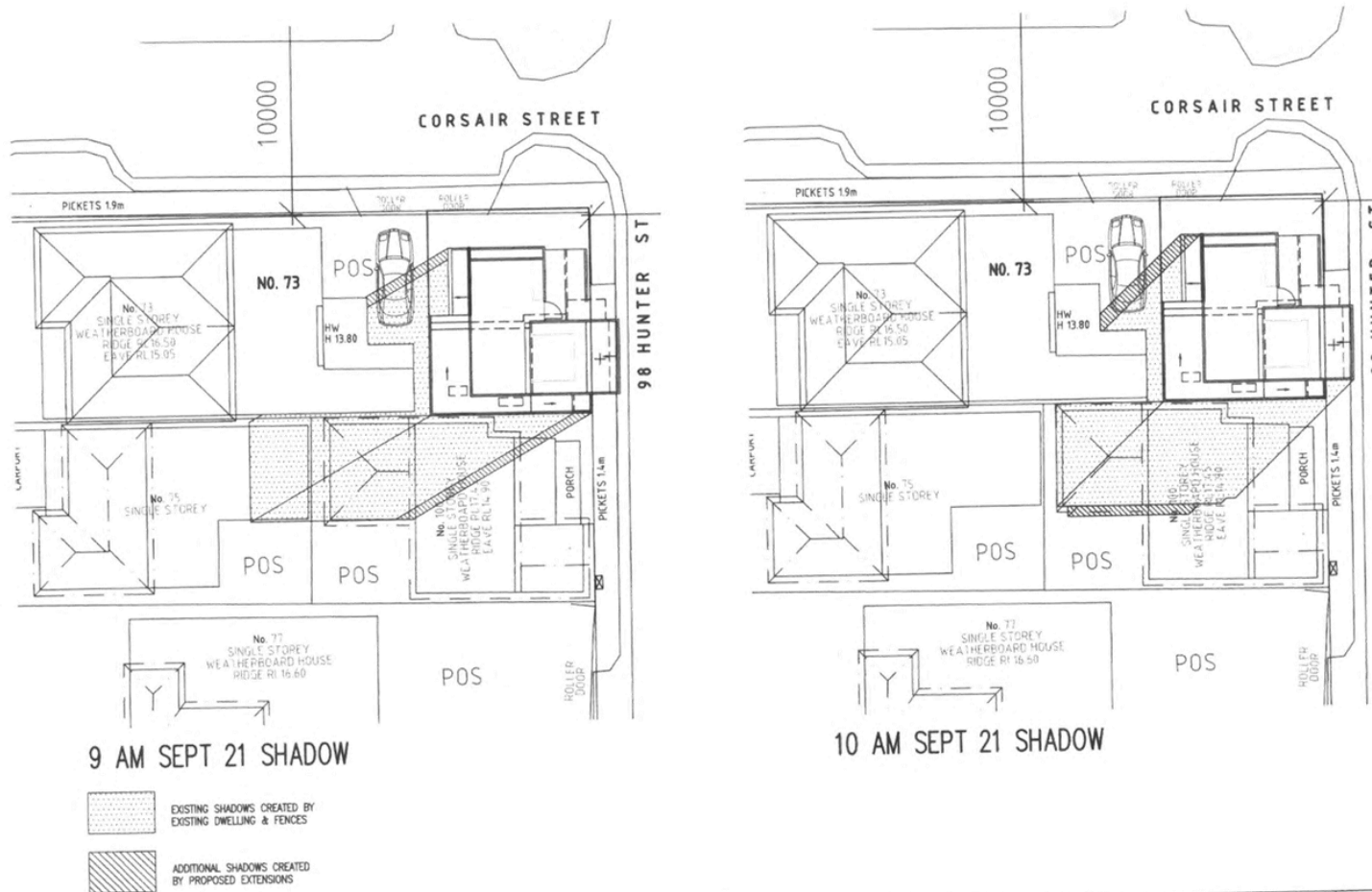
<p>Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not take place prior to the return of inspected shop drawings by the Architect/Consultant.</p> <p>A GENERAL REVISIONS/NOTES 20/06/16</p>	<p>santo ARCHITECTS ARCHITECTURE PLANNING INTERIORS</p> <p>P.O BOX 303 , COBURG, VIC 3058 PH 0419 529 208 ABN 51484202286</p>	<p>TITLE SITE DESCRIPTION</p> <p>PROJECT PROPOSED EXTENSIONS/RENOVATIONS 98 HUNTER STREET, RICHMOND 3121</p> <p>CLIENT A & S KNOX</p>	<p>SCALE 1:250 DATE 22/04/16</p> <p>DRAWN GS CHECKED</p> <p>PROJECT No 1602</p> <p>DRAWING No SA 01 REV A</p>
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Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



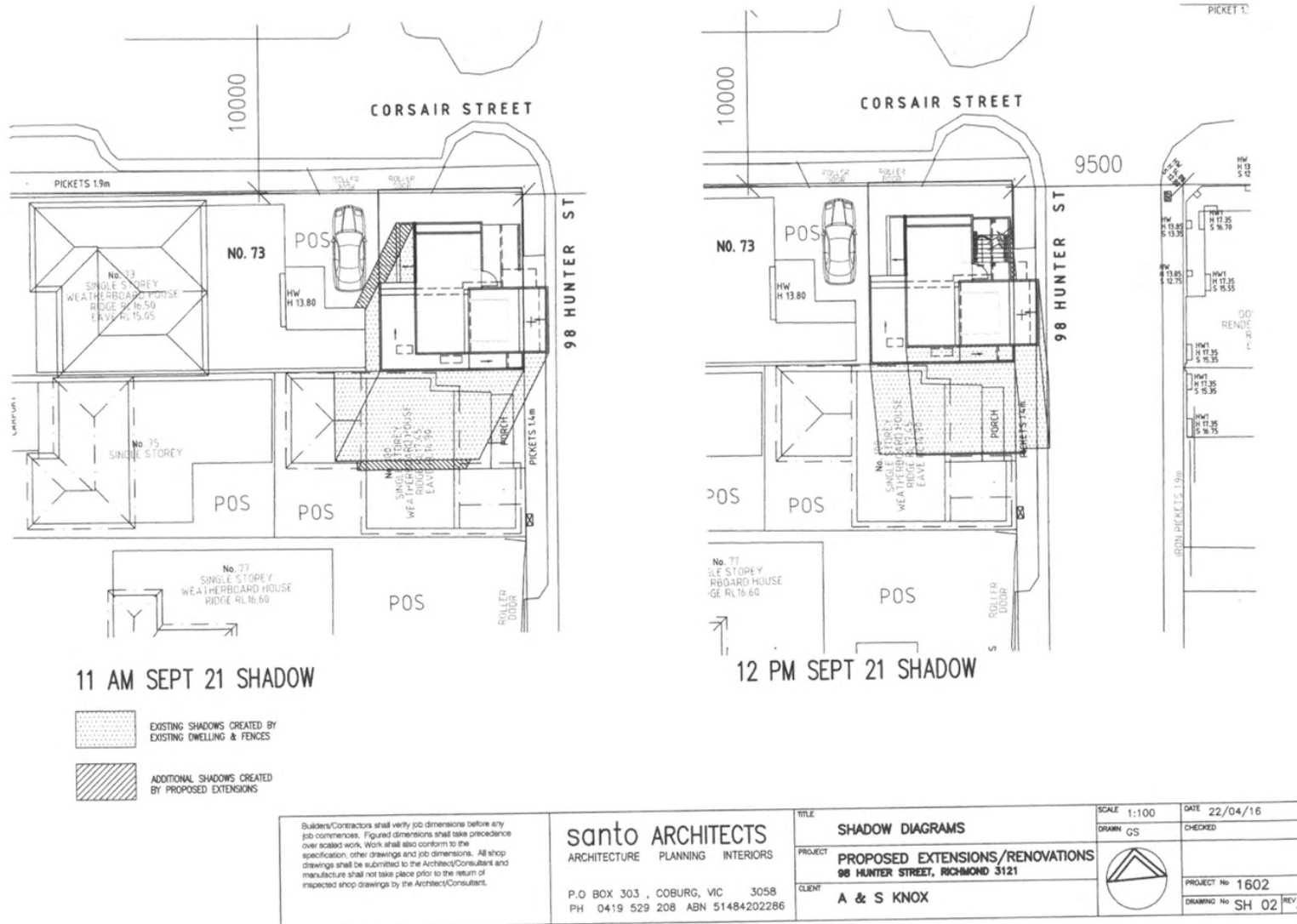
<p>Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not take place prior to the return of inspected shop drawings by the Architect/Consultant.</p>		<p>santo ARCHITECTS ARCHITECTURE PLANNING INTERIORS</p>		<p>TITLE: DESIGN RESPONSE PLAN</p>		SCALE: 1:250	DATE: 22/04/16
<p>A GENERAL REVISIONS/NOTES 20/06/16</p>		<p>P.O BOX 303, COBURG, VIC 3058 PH 0419 529 208 ABN 51464202286</p>		<p>PROJECT: PROPOSED EXTENSIONS/RENOVATIONS 98 HUNTER STREET, RICHMOND 3121</p>			CHECKED:
				<p>CLIENT: A & S KNOX</p>		PROJECT No: 1602	
						DRAWING No: DR 01	REV: A

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond

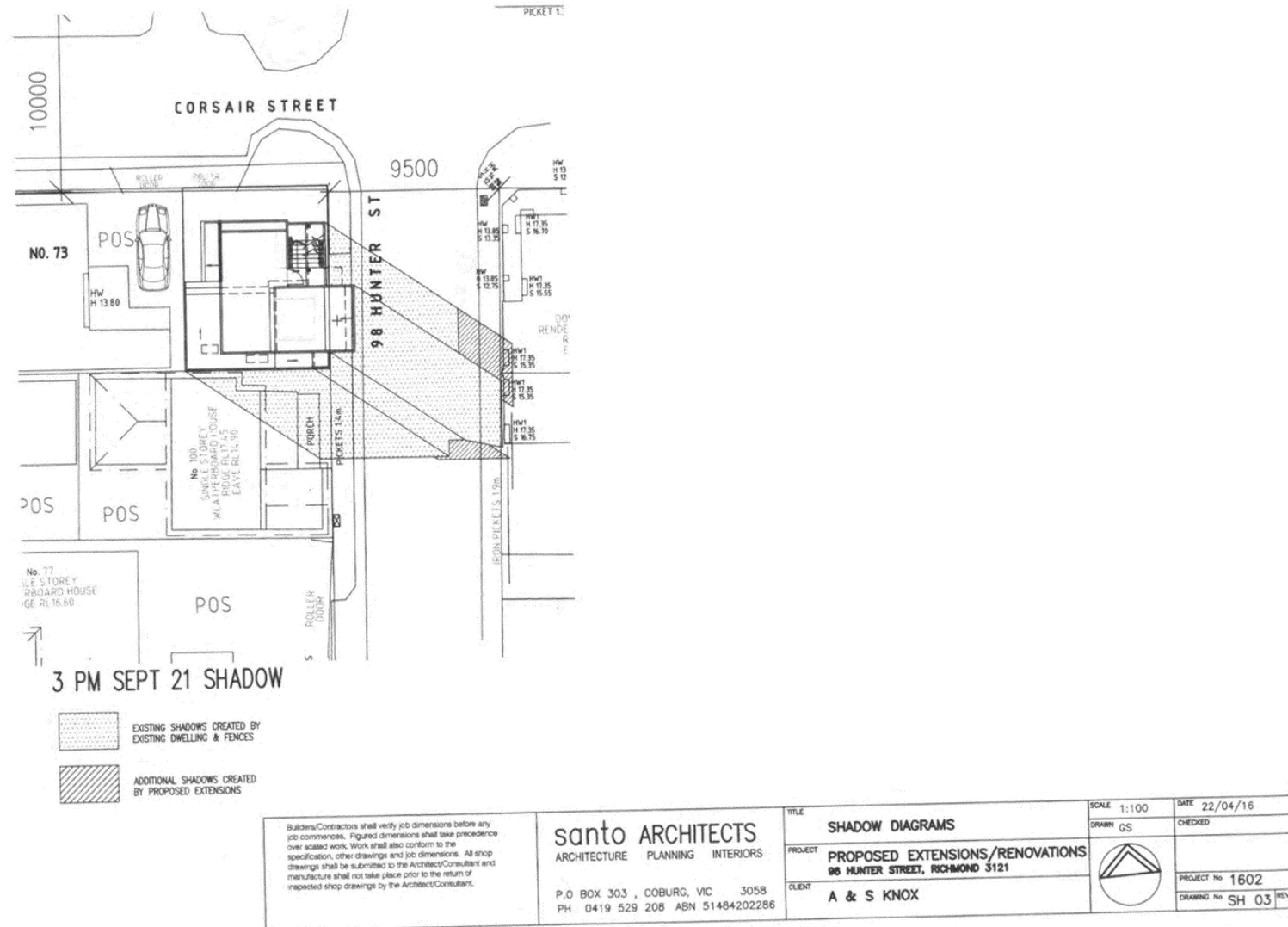


<p>Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not take place prior to the return of inspected shop drawings by the Architect/Consultant.</p>		<p>santo ARCHITECTS ARCHITECTURE PLANNING INTERIORS</p>		<p>TITLE SHADOW DIAGRAMS</p>		<p>SCALE 1:100</p>	<p>DATE 22/04/16</p>
<p>A NEW SHADOW DIAGRAMS</p>		<p>P.O BOX 303, COBURG, VIC 3058 PH 0419 529 208 ABN 51484202286</p>		<p>PROJECT PROPOSED EXTENSIONS/RENOVATIONS 98 HUNTER STREET, RICHMOND 3121</p>		<p>DRAWN GS</p>	<p>CHECKED</p>
<p>20/06/16</p>		<p>CLIENT A & S KNOX</p>		<p>PROJECT No 1602</p>		<p>DRAWING No SH 01 REV A</p>	

Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



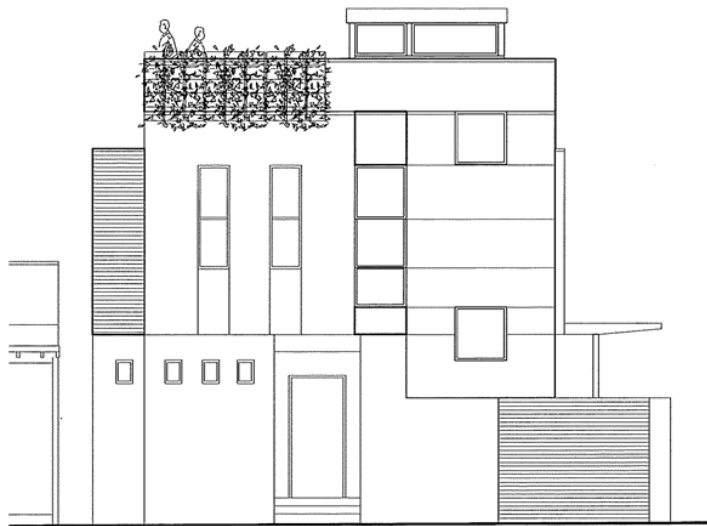
Attachment 2 - Attachment 2 - Advertising S52 - Plans - 98 Hunter Street Richmond



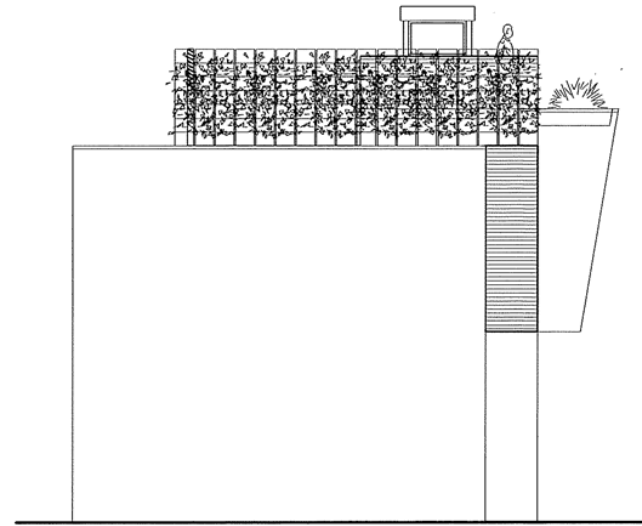
Attachment 3 - Attachment 3 - Informal Amended Plans - 98 Hunter Street, Richmond

RECEIVED

12 OCT 2016



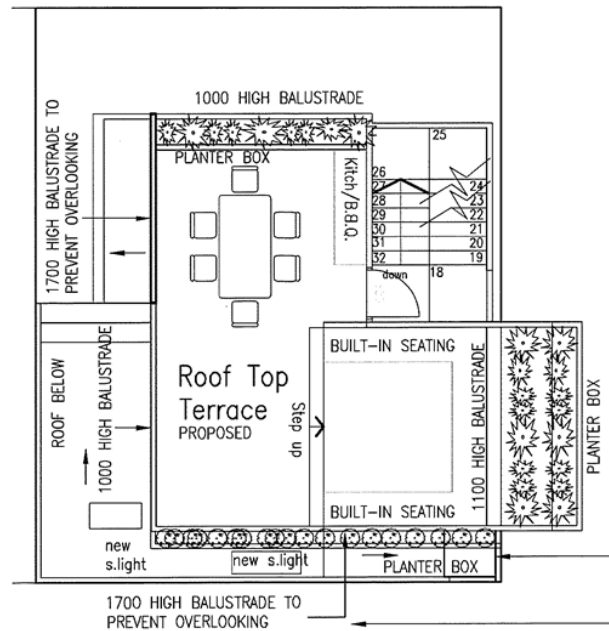
EAST ELEVATION



SOUTH ELEVATION

Attachment 3 - Attachment 3 - Informal Amended Plans - 98 Hunter Street, Richmond

RECEIVED
12 OCT 2016



-
- 1.5 54-56 Bridge Road, Richmond VIC 3121 - Planning Permit Application No. PLN15/0645 - Full demolition of the existing buildings, the construction of a seven storey building containing office, shop and dwellings, the use of the land for dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN15/0645 and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 11.01 – Activity Centres
 - (b) Clause 15.01 – Urban Environment
 - (c) Clause 15.03 – Heritage
 - (d) Clause 16.01 – Residential Development
 - (e) Clause 18.01 – Integrated Transport
 - (f) Clause 21.04 – Land Use
 - (g) Clause 21.05 – Built Form
 - (h) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
 - (i) Clause 22.05 – Interface Uses Policy
 - (j) Clause 22.17 – Environmentally Sustainable Development
 - (k) Clause 34.01 – Commercial 1 Zone
 - (l) Clause 43.01 – Heritage Overlay
 - (m) Clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification.
 - (b) Built form and design.
 - (c) Heritage impacts.
 - (d) Off-site amenity impacts.
 - (e) On-site amenity.
 - (f) Environmental sustainability.
 - (g) Car and bicycle parking.
 - (h) Traffic and access.
 - (i) Objector concerns.

Objector Concerns

4. A total of 230 objections were received to the application, these can be summarised as:
 - (a) Heritage Impacts.
 - (b) Out of character.
 - (c) Excessive height.
 - (d) Bulk and scale.
 - (e) Overdevelopment.
 - (f) Inappropriate use (dwellings).
 - (g) Undesirable precedent.
 - (h) Lack of car parking.
 - (i) Increase in traffic problems.
 - (j) Vehicle access from rear laneway inappropriate.
 - (k) Inadequacy of the green travel plan.

- (l) Lack of a loading bay.
- (m) Overshadowing.
- (n) Overlooking.
- (o) Increase in noise.
- (p) Impact on views.
- (q) Wind tunnel effect.
- (r) Safety.
- (s) Poor internal amenity provided (including daylight access, ventilation, internal overlooking).
- (t) The size of the apartments is too small.
- (u) Equitable development potential.
- (v) Impacts during construction.

Conclusion

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

CONTACT OFFICER: **Nikolas Muhllechner**
TITLE: **Principal Statutory Planner**
TEL: **9205 5373**

-
- 1.5 54-56 Bridge Road, Richmond VIC 3121 - Planning Permit Application No. PLN15/0645 - Full demolition of the existing buildings, the construction of a seven storey building containing office, shop and dwellings, the use of the land for dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement.**
-

Trim Record Number: D16/152177

Responsible Officer: Principal Statutory Planner

Proposal: Full demolition of the existing buildings, the construction of a seven storey building containing office, shop and dwellings, the use of the land for dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement.

Existing use: Shop and place of assembly.

Applicant: Keen Planning

Zoning / Overlays: Commercial 1 Zone
Heritage Overlay (Schedule 310)

Date of Application: 30 June 2015

Application Number: PLN15/0645

Planning History

54 Bridge Road

1. On 19 November 2015, planning permit PLN15/0230 was issued for the use of the land as a place of assembly (dance, photography studio and function centre) and a reduction in the car parking requirement.

56 Bridge Road

2. On 5 December 2014, planning permit PLN14/1006 was issued for the display of a sign.

Background

3. This application was received by Council on 30 June 2015. Council requested further information on 29 July 2015 and the applicant lodged amended plans in December 2015. The application was subsequently advertised in February 2016. Approximately 166 objections were received and one letter of support.
4. Following the advertising period, the applicant revised the plans in response to feedback from Council officers, referral comments and objectors' concerns and submitted a Section 57A amendment on 3 August 2016. The following changes were made:
 - (a) Reduce the overall height from a maximum of eight storeys to seven storeys.
 - (b) Reduce the number of dwellings from 33 to 23.
 - (c) Reduce the street wall height from three to two storeys.
 - (d) Increased setbacks from the rear boundary and from the Bridge Road frontage.
 - (e) Changes to the design and materiality.
5. The amended plans were readvertised in August 2016 and a further 64 objections were received. In total, the application has received 230 objections and one letter of support.

6. After the readvertising process, a consultation meeting was held on 30 August 2016. No resolution was reached at the meeting. However, the applicant submitted a further Section 57A amendment on 15 September 2016 in response to further feedback from Council officers, referral comments and objectors' concerns. The following changes were made:
 - (a) Increase the street wall height back to three storeys.
 - (b) The street wall redesigned to incorporate vertical openings instead of horizontal openings.
 - (c) Revised materials and finishes to the side elevations, east facing balcony balustrades and the south elevation.
 - (d) Revised screening measures to the balcony balustrades of Dwellings 1 and 2.
7. As the most recent amended plans lodged on 15 September 2016 result in no additional detriment to any adjoining sites, the plans received a discretionary exemption from advertising at a Development Assessment Panel on 21 October 2016.

Existing Conditions

Subject Site

8. The subject site is nominally rectangular in shape and located on the southern side of Bridge Road, approximately 140 metres east of Punt Road, in Richmond. The site has a frontage of 12.7 metres, a depth of 41.5 metres and an overall site area of 516 square metres. The site falls approximately 3.6 metres from the Bridge Road frontage to the rear laneway.
9. The site is currently developed with a double storey commercial building constructed to the street frontage and both side boundaries, circa 1950-1960. The double storey component is concentrated to the north (front) of the site, after which the built form drops down to single storey and is concentrated along the eastern boundary extending through to the rear boundary.
10. The ground floor currently consists of two premises, a vacant shop at 54 Bridge Road and a retail shop at 56 Bridge Road. The first floor is currently used as a place of assembly as approved in PLN15/0230. A verandah is constructed over the Bridge Road footpath for the full width of the site.
11. Car parking is provided to the rear of the double storey component along the western boundary. Vehicle access to the site is currently provided from a laneway to the rear of the site that extends north from Sherwood Street further south of the site.
12. The subject site is identified within the City of Yarra Review of Heritage Overlay Areas 2007 as a non-contributory building to the Bridge Road Precinct, Richmond (Heritage Overlay HO 310).
13. The subject site is legally described as Lot 1 on Title Plan 685897K and is not affected by any restrictive covenants or easements.

Surrounding Land

14. The surrounding area is characterised by commercial uses to the north-east, north and west, all located within the Commercial 1 Zone. Land to the south and south-east is located within the Neighbourhood Residential Zone 1 and is predominantly characterised by low-rise residential development.

15. The locality is well serviced by various modes of public transport, with the Bridge Road tram travelling in front of the site, the West Richmond train station located approximately 370 metres to the north and the Richmond train station located approximately 850 metres to the south. Various bus routes also travel along Hoddle Street/Punt Road 140 metres to the west.
16. The site is located within the Bridge Road Major Activity Centre, which consists predominantly of commercial uses and is characterised by the good and distinctive examples of Victorian and Edwardian-era architectural styles.
17. To the immediate west is a single storey commercial building constructed to the front and side boundaries. The building is currently used as a medical centre and is identified within the City of Yarra Review of Heritage Overlay Areas 2007 as a non-contributory building to the Bridge Road Precinct, Richmond.
18. To the north is Bridge Road, which has a width of approximately 20 metres and carries four lanes of traffic, with tram lines sharing the middle two lanes and the two outside lanes accommodating parallel car parking outside of clearway times. The Road Zone, Category 1 applies to Bridge Road.
19. Directly opposite the site, on the northern side of Bridge Road, is Normanby Street which forms a T-intersection with Bridge Road. To the east of Normanby Street is a single storey, non-contributory commercial building, while to the west is a row of three individually significant, double storey terraces, constructed circa 1870-1890.
20. To the immediate east, facing Bridge Road is a row of five contributory, double storey terraces, constructed circa 1860-1880. These terraces back onto an east-west laneway that commences at Rotherwood Street in the east and terminates at the eastern boundary of the subject site, approximately 28 metres south of the front boundary. On the southern side of the laneway (south-east of the site) is a block of three storey walk-up flats, with at-grade car parking adjoining the subject site's boundary.
21. To the rear (south) is an 'L' shaped laneway that commences at Sherwood Street to the south and 'dog-legs' at the subject site, terminating at the eastern boundary of the site. On the southern side of the laneway are two single storey dwellings facing Sherwood Street. To the west of the laneway (south-west of the subject site), is a block of three storey walk-up flats with car parking located to the rear (north).

The Proposal

22. This application proposes the full demolition of the existing buildings, the construction of a seven storey building containing office, shop and dwellings, the use of the land for dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement.
23. Key elements of the proposed development, as detailed in the Section 57A amended plans lodged on 15 September 2016 are:

Demolition

- (a) Full demolition of all buildings on site.

Use

- (b) The lower ground floor consists of eleven car parking spaces accessed from the rear laneway, a total of 35 bicycle parking spaces, bin storage area, lift core and stairwell.
- (c) The mezzanine level consists of amenities for the commercial uses, storage cages for the dwellings and the lower level of the office and shop respectively.
- (d) The ground floor consists of a shop facing Bridge Road with a floor area of 130 square metres including the mezzanine level, an office with a floor area of 139 square metres including the mezzanine level, a studio apartment and two single bedroom dwellings.

- (e) The first floor consists of two studio apartments, two single bedroom dwellings and one three-bedroom dwelling.
- (f) The second floor consists of two studio apartments, two single bedroom dwellings and one three-bedroom dwelling.
- (g) The third floor consists of one studio apartment, one single bedroom dwelling and two two-bedroom dwellings.
- (h) The fourth floor consists of one studio apartment, two single bedroom dwellings and one two-bedroom dwelling.
- (i) The fifth floor consists of one single bedroom dwelling and one two-bedroom dwelling.

Height and Setbacks

- (j) The built form consists of a street wall of three storeys facing Bridge Road with a height of 9.61 metres. At the upper levels, the third and fourth floors are setback 5.8 metres with balconies encroaching 1.95 and 2.1 metres respectively, and the fifth floor is setback 10.97 metres with a balcony encroaching 1.6 metres.
- (k) To the rear, the lower ground floor is constructed to the rear boundary, with the ground and first floors setback 1.6 metres with balconies extending to the rear boundary. At the upper levels, the second floor is setback 2.8 metres with balconies encroaching 1.75 metres, the third floor is setback 5.71 metres with a balcony encroaching 1.6 metres, the fourth floor is setback 8.66 metres with a balcony encroaching 1.85 metres, and the fifth floor is setback 11.6 metres with a balcony encroaching 1.6 metres.
- (l) A light court, with dimensions of 5.1 metres by 5.18 metres at ground floor, extends up the building centrally located on the western boundary, increasing in dimensions to 6.6 metres by 5.18 metres from the first floor.
- (m) The proposed building has a height of 19.46 metres from the footpath on Bridge Road and an overall height of 22.72 metres.

Design and Materials

- (n) The proposed building incorporates render in a natural finish, patterned concrete, horizontal floor joint slabs, powdercoat finish, timber look cladding, laser cut perforated pattern screens and glass balustrades.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

- 24. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a shop and an office are section 1 uses and therefore a planning permit is not required to use the land for these uses. A dwelling (nested under accommodation) is also a section 1 use, provided any frontage at ground floor level does not exceed 2 metres. As the residential entrance to the building on Bridge Road is more than 2 metres wide, a planning permit is required to use the land for a dwelling.
- 25. Under clause 34.01-4 of the Scheme, a planning permit is required for buildings and works.

Overlays

Heritage Overlay (Schedule 310)

- 26. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct or carry out works.
- 27. The existing buildings on the site are identified as 'not contributory' to the Bridge Road Precinct as outlined in the incorporated document (*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015*).

Particular Provisions

Clause 52.06 – Car Parking

28. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce number of car parking spaces required under this clause.
29. Pursuant to Clause 52.06-5, the car parking requirements for the proposed development are as follows:

Use:	Rate:	Spaces required:	Proposed:	Reduction sought:
Studio or single bedroom dwellings (17)	1 per dwelling	17	5	12
Two bedroom dwellings (4)	1 per dwelling	4	4	0
Three bedroom dwellings (2)	2 per dwelling	4	2	2
Dwelling visitors	1 per five dwellings	4	0	4
Shops (130 square metres)	4 per 100 sqm of LFA	5	0	5
Office (139 square metres)	3.5 per 100 sqm of NFA	4	0	4
TOTAL		38	11	27

30. With a shortfall of 27 car parking spaces, this application therefore seeks a reduction in the car parking requirement.

Clause 52.07 – Loading and Unloading of Vehicles

31. Pursuant to Clause 52.07 of the Scheme, no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles. As the proposed shop does not provide a loading bay on-site, a planning permit is required to waive these requirements.

Clause 52.34 – Bicycle Facilities

32. Pursuant to Clause 52.34-3, the bicycle facilities required are as follows:

Use:	Rate:	Spaces required:	Proposed:	Reduction sought:
Dwellings* (23)	1 per 5 dwellings	5	21	0
Dwelling* visitors	1 per 10 dwellings	2	14	0
Shops (130 square metres)	1 per 600 sqm (if > 1,000 sqm)	0		
Office (139 square metres)	1 per 300 sqm (if > 1,000 sqm)	0		
TOTAL		7	35	0

* In developments of four or more storeys.

33. No end of trip facilities (i.e. showers or change rooms) are required by the Scheme as the leasable floor areas of the shop and office space do not trigger any bicycle parking spaces.

General Provisions

Clause 65 – Decision Guidelines

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

State Planning Policy Framework (SPPF)

35. The following SPPF provisions of the Scheme are relevant:

Clause 11.01 – Activity Centres

36. The relevant objectives of this clause include:
- (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.
 - (b) 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 11.04 – Metropolitan Melbourne

37. The relevant objectives of this clause include:
- (a) To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.
 - (b) To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.

Clause 13.04 – Noise and Air

38. The objective of this clause is:
- (a) To assist the control of noise effects on sensitive land uses.

Clause 15.01 – Urban Environment

39. The relevant objectives of this clause are:
- (a) To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
 - (b) 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.
 - (c) To improve community safety and encourage neighbourhood design that makes people feel safe.

Clause 15.02 – Sustainable Development

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

Clause 15.03 - Heritage

41. The relevant objective of this clause is:

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

Clause 16.01 – Residential Development

- 42. The relevant objectives of this clause are:
 - (a) To promote a housing market that meets the community needs.
 - (b) 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.
 - (c) To provide for a range of housing types to meet increasingly diverse needs.
 - (d) To deliver more affordable housing closer to jobs, transport and services.

Clause 17.01 - Commercial

- 43. The relevant objective of this clause is:
 - (a) To encourage development which meets 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 18.01 – Integrated Transport

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

Clause 18.02 – Movement Networks

- 45. The relevant objectives of this clause are:
 - (a) To promote the use of sustainable personal transport.
 - (b) To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.
 - (c) To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land Use

- 46. The relevant objectives of this clause are:
 - (a) To accommodate forecast increases in population.
 - (b) To retain a diverse population and household structure.
 - (c) To reduce potential amenity conflicts between residential and other uses.
 - (d) To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
 - (e) To maintain the long term viability of activity centres.

Clause 21.05 – Built Form

- 47. The relevant objectives of this clause are:
 - (a) To protect and enhance Yarra's heritage places.
 - (b) To reinforce the existing urban framework of Yarra.
 - (c) To retain Yarra's identity as a low-rise urban form with pockets of higher development. 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:
 - i. Significant upper level setbacks.

- ii. Architectural design excellence.
- iii. Best practice environmental sustainability objectives in design and construction.
- iv. High quality restoration and adaptive re-use of heritage buildings.
- v. Positive contribution to the enhancement of the public domain.
- vi. Provision of affordable housing.
- (d) To retain, enhance and extend Yarra's fine grain street pattern.
- (e) To ensure that new development contributes positively to Yarra's urban fabric
- (f) To enhance the built form character of Yarra's activity centres.
- (g) To encourage the provision of universal access in new development.

Clause 21.06 - Transport

48. The objectives of this clause are:
- (a) To provide safe and convenient pedestrian and bicycle environments.
 - (b) To facilitate public transport usage.
 - (c) To reduce the reliance on the private motor car.
 - (d) To reduce the impact of traffic.

Clause 21.07 – Environmental Sustainability

49. The relevant objectives of this Clause are:
- (a) To promote environmentally sustainable development.
 - (b) To improve the water quality and flow characteristics of storm water run-off.

Clause 21.08 – Neighbourhoods

50. Clause 21.08-10 describes the central Richmond (area between Bridge Road and Swan Street) area in the following way:
- (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*
 - (b) The Bridge Road major activity centre is an important regional centre. It can be split into three distinct precincts; the subject site falls within the Bridge Road west precinct, which is described as follows:
 - i. *Bridge Road West, from Punt Road to Church Street, encompasses a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services.*
51. Within Figure 23 of Clause 21.08-10, the subject site is identified as being within the Bridge Road Major Activity Centre. Figure 24 of Clause 21.08-10 shows the site as being within a heritage overlay area where the objectives include to ensure that development does not adversely affect the significance of the heritage place.

Relevant Local Policies

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

52. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause are:
- (a) To conserve Yarra's natural and cultural heritage.
 - (b) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
 - (c) To retain significant view lines to, and vistas of, heritage places.
 - (d) To preserve the scale and pattern of streetscapes in heritage places.
 - (e) To ensure that additions and new works to a heritage place respect the significance of the place.

Clause 22.05 – Interface Uses Policy

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

Clause 22.07 – Development Abutting Laneways

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

55. The relevant objectives of this clause are:
- (a) To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:
 - i. Suspended Solids - 80% retention of typical urban annual load
 - ii. Total Nitrogen - 45% retention of typical urban annual load
 - iii. Total Phosphorus - 45% retention of typical urban annual load
 - iv. Litter - 70% reduction of typical urban annual load
 - (b) To promote the use of water sensitive urban design, including stormwater re-use.

Clause 22.17 – Environmentally Sustainable Development

56. 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.

Other

DSE Guidelines for Higher Density Residential Development (DSE Guidelines)

57. These guidelines provide 'better practice' design advice for higher density residential development that promotes high quality public and private amenity and good design, and are structured around six elements of design consideration, as follows:
- (a) Urban context
 - (b) Building envelope
 - (c) Street pattern and street-edge quality
 - (d) Circulation and services
 - (e) Building layout and design
 - (f) Open space and landscape design

Advertising

58. The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 [the Act] by way of 865 letters sent to the surrounding property owners/occupiers and by two signs on the site. Approximately 166 objections were received and one letter of support.

59. Following the initial advertising period as detailed above, the applicant submitted a Section 57A amendment which was subsequently readvertised in accordance with Section 57B of the Act by way of 191 letters sent to the original objectors and the immediately adjoining owners/occupiers. A further 64 objections were received.
60. It is noted that many of the objections received were pro-formas in that they are identical objections that have been signed and addressed. One particular objector contacted Council advising that they had not objected and subsequently withdrew the objection.
61. The concerns raised in the objections received as part of the initial advertising process and the readvertising process can be summarised as:
- (a) Heritage Impacts.
 - (b) Out of character.
 - (c) Excessive height.
 - (d) Bulk and scale.
 - (e) Overdevelopment.
 - (f) Inappropriate use (dwellings).
 - (g) Undesirable precedent.
 - (h) Lack of car parking.
 - (i) Increase in traffic problems.
 - (j) Vehicle access from rear laneway inappropriate.
 - (k) Inadequacy of the green travel plan.
 - (l) Lack of a loading bay.
 - (m) Overshadowing.
 - (n) Overlooking.
 - (o) Increase in noise.
 - (p) Impact on views.
 - (q) Wind tunnel effect.
 - (r) Safety.
 - (s) Poor internal amenity provided (including daylight access, ventilation, internal overlooking).
 - (t) The size of the apartments is too small.
 - (u) Equitable development potential.
 - (v) Impacts during construction.
62. A consultation meeting was held on 30 August 2016, where the key issues raised in the objections were discussed with the permit applicant, objectors and planning officers present. While no resolution was reached at the consultation meeting, the applicant submitted a Section 57A amendment on 15 September 2016 in response to further feedback from Council officers, referral comments and objectors' concerns.
63. As the most recent amended plans lodged on 15 September 2016 result in no additional detriment to any adjoining sites, the plans received a discretionary exemption from advertising at a Development Assessment Panel on 21 October 2016.

Referrals

External Referrals

64. There were no external referrals required by the Scheme.

Internal Referrals

65. The application and, where required, the amended plans, were referred to the following areas, with their full comments attached to this report:
- (a) Engineering services unit.
 - (b) Strategic transport unit.

- (c) Waste services unit.
- (d) ESD advisor.
- (e) Heritage advisor.
- (f) Urban design unit.
- (g) Urban design consultant (David Lock Associates)

OFFICER ASSESSMENT

66. The primary considerations for this assessment are as follows:

- (a) Strategic justification.
- (b) Built form and design and heritage impacts.
- (c) Off-site amenity impacts.
- (d) On-site amenity.
- (e) Environmentally Sustainable Design
- (f) Equitable Development.
- (g) Car and bicycle parking.
- (h) Traffic and access.
- (i) Objector concerns.

Strategic Justification

67. In relation to the SPPF and LPPF, a mixed use development including shop and office at ground floor and residential above as proposed is consistent with the general strategies contained therein. These strategies encourage urban consolidation and employment generating uses in such locations, where full advantage can be taken of existing settlement patterns and significant investment in transport, communication, water, sewerage and social facilities that already exist.
68. Council, through its MSS, directs the majority of new residential development to sites that are generally located in, abutting or close to activity centres, or in locations that offer good access to services and transport. The subject land is located within the Bridge Road Major Activity Centre (MAC). The proposal meets the objectives and strategies of the LPPF by incorporating a range of uses including increased housing and active spaces on the ground floor to create and reinforce an active and pedestrian friendly street environment. The proximity of the site to a variety of public transport options and provision of bicycle facilities on the site encourages less reliance on cars as a means of travel.
69. The Commercial 1 Zone 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. State and Local policies (such as Clause 16.01-2) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport. Further, Clause 16.01-3 seeks to identify strategic redevelopment sites for large residential development in metropolitan Melbourne that are in or beside major activity centres and able to provide ten or more dwellings.
70. The proposed development enjoys strong strategic support at both the State and Local level. The site is within an area where change in the environment is encouraged and is achieved through the mix of uses proposed. It is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.

Built Form and Design and Heritage Impacts

71. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are found at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form) and Clause 22.07 (Development Abutting Laneways). As supplementary guidance, the former Department of Sustainability and Environment's Guidelines for Higher Density Residential Development are also of relevance (GHDRD).

72. The primary heritage considerations for this application relate to whether compliance is achieved with Clause 43.01-4 (Heritage Overlay: Decision guidelines) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme.
73. These provisions and guidelines all seek a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and its relationship to adjoining buildings and properties.
74. The proposal is generally consistent with the relevant built form, design and heritage guidelines. However, in order to achieve a built form outcome that better responds to the emerging character and respects the existing heritage fabric, officers suggest that the gap between the front façade and the second floor on the east and west elevations should be removed and additional screening measures introduced, amongst other changes, as discussed in further detail below.

Street Wall

75. The proposal incorporates a three storey street wall facing Bridge Road reaching an overall height of 9.61 metres. As suggested in the GHDRD, the relationship between street width and building height is important for defining the character of a place. In this instance, as the site is located within a heritage precinct, the street wall height should be considered in that heritage context.
76. The proposed street wall height is considered acceptable due to the varied nature of street wall heights along this section of Bridge Road and will not unduly impact on the heritage streetscape.
77. Council's urban design consultant is supportive of the street wall height in principal, although questions the facadist approach on the second floor, noting that a better design outcome would be to provide a strong, solid street wall by deleting the gap between the façade and the remainder of the proposal at this level along the eastern and western elevations. A condition contained with the recommendation requires this to be achieved.
78. From a heritage perspective, Council's local heritage policy at Clause 22.02 encourages similar façade heights to the adjoining contributory elements in the street. The adjoining buildings to the east (58-66 Bridge Road) and west (48-50 Bridge Road) are all identified as contributory items to the heritage precinct, with the exception of 52 Bridge Road. These contributory buildings all have two storey street walls, including the parapet, of varying heights as shown in the streetscape elevation.
79. As discussed in *Dreaming Investments Pty Ltd v Yarra CC [2013] VCAT 1296* which related to a planning application at 18-20 Bridge Road, "*this is not a heritage streetscape where façades are of a uniform height and where a higher or lower façade on a new building would undermine that consistent street edge*". As such, it is considered that the proposed street wall responds to the existing character on the southern side of Bridge Road and references the two storey plus parapet street wall height of the contributory buildings to the east and west.
80. Council's heritage advisor also considers the three storey street wall height acceptable, noting that in this context, the street wall height is not unacceptable of itself.

Upper Level Setbacks to Bridge Road

81. The building incorporates setbacks above the street wall of 5.8 metres on the third and fourth floors with balconies encroaching up to 2.1 metres into the setback and 10.97 metres at the fifth floor with a balcony encroaching 1.6 metres into the setback. The GHDRD suggest that upper levels should be set back from the street to maintain a pedestrian related scale.
82. The proposed upper level setbacks, combined with the three storey street wall height, reduce the visibility of the upper levels and enhance the prominence of the street wall as the principal built form reference from Bridge Road. Council's urban design consultant is satisfied that the proposed setbacks achieve an appropriate design response that will not be dominant nor detract from the heritage streetscape values of this portion of Bridge Road.
83. Council's urban design consultant is satisfied that the upper level setbacks are appropriate to reduce their prominence behind the proposed street wall. To the Bridge Road frontage, these setbacks result in the upper levels forming a small percentage of the overall visual experience of a pedestrian situated on the footpath on the northern side of Bridge Road. To the rear boundary, these setbacks result in an acceptable built form transition between the subject site in the Commercial 1 Zone and the dwellings on the southern side of the laneway affected by the Heritage Overlay (Schedule 332) and in the Neighbourhood Residential Zone 1.
84. Council's local heritage policy at Clause 22.02-5.7.2 encourages new upper level additions and works to respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms. New upper level additions should also incorporate treatments which make them less apparent.
85. As mentioned previously, the proposed upper level setbacks, combined with the three storey street wall height, reduce the visibility of the upper levels and enhance the prominence of the street wall as the principal built form reference from Bridge Road.
86. While Council's urban design consultant is satisfied that the proposed setbacks achieve an appropriate design response that will not be dominant nor detract from the heritage streetscape values of this portion of Bridge Road, Council's heritage advisor is not supportive of the upper level setbacks, noting the setbacks are nowhere near those achieved further east on the north side of Bridge Road.
87. Council's heritage advisor's comments in relation to setbacks above the street wall are consistent with the emerging character of higher density residential development on the northern side of Bridge Road. However, those developments are further constrained by the desire to avoid overshadowing the footpath on the southern side of Bridge Road, requiring a greater setbacks above the street wall. There is no such constraint for development on the southern side of Bridge Road, therefore the larger setbacks above the street wall found on the northern side of Bridge Road are not necessarily warranted on the southern side.
88. Additionally, when referenced against policies for setbacks above the street wall found in structure plans for other major activity centres in Yarra, the proposed setbacks are generally consistent with the approach taken in those centres. For example, the Swan Street Structure Plan calls for upper level setbacks from the street wall between 3 and 6 metres for similar street wall heights, within a heritage streetscape.

Height

89. In terms of the built form context, the area is generally defined by the one to three storey hard edged development along Bridge Road. Behind the Bridge Road activity centre spine are one, two and three storey residential buildings with a mixture of building types and styles, noting that the Heritage Overlay (HO 332) relating to the Richmond Hill Precinct applies to residentially zoned land to the immediate south.

90. The double width site and its context within a major activity centre reflect a strategic redevelopment site capable of taller built form. However, this needs to be balanced having regard to the site's heritage context and the proximity of nearby dwellings.
91. There are a number of recently constructed developments and planning approvals that are contributing to an emerging character along Bridge Road. While these have been predominantly on the northern side of Bridge Road, future development is also expected to occur on the southern side over time due to its similar locational attributes and policy support within the SPPF and LPPF.
92. Council's MSS at Clause 21.05-2 states that development on strategic redevelopment sites or within activity centres should generally be no more than five to six 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.
 - Positive contribution to the enhancement of the public domain.
 - Provision of affordable housing.
93. While the proposed building is seven storeys, due to the slope of the land, it will present as a six storey building from Bridge Road. The proposed seventh storey also offers a generous setback of 11.6 metres from the rear boundary, thus reducing its visual impact as viewed from the south.
94. Council's heritage advisor has noted that given the increased setbacks at the rear, the height is probably acceptable, although the height from Bridge Road in this location is disproportionate to the heritage buildings and this is exacerbated by the proposed setbacks given the site's mid-block location and visual strength in the east and west view-sheds.
95. The proposed development will be highly visible in this section of Bridge Road. However, as mentioned above, future development is expected to occur on the southern side of Bridge Road over time due to its locational attributes and policy support within the SPPF and LPPF, similar to the development occurring on the northern side of Bridge Road. The fact this may be the first taller building developed on the southern side of Bridge Road is not in itself a reason to refuse the application.
96. From a heritage perspective, given the above assessment has found the street wall and upper level setbacks are appropriate in the context of the Bridge Road heritage precinct, the overall height is also considered appropriate. The proposed street wall and upper level setbacks result in an overall height that, while visible in the east and west view-sheds, will not dominate the view of the proposed development from Bridge Road and, over time, will be interspersed with similar taller built form.
97. Additionally, subject to conditions as discussed later in this report, the proposed development is considered to largely meet the specific benefits of Clause 21.05-2 to justify a slightly taller built form.

Architectural quality

98. The proposed development is considered to be of an appropriate architectural quality and in that regard responds to the design objectives Clause 15.01-2. The contemporary design is appropriate and responds to the existing character of this part of Richmond, as confirmed by Council's urban design consultant who noted the use of horizontal floor slab joints and patterned concrete enhanced the articulation of the boundary walls.

99. The architectural expression and materiality of the proposed development, as depicted in the most recent set of plans, is generally supported and is considered a more appropriate contextual response than that proposed previously. As recommended by Council's urban design consultant, the northern stairwell wall on the fifth floor would benefit from the inclusion of a window to assist in articulating this aspect where visible from Bridge Road. A condition contained within the recommendation ensures this is provided.
100. Additionally, Council's urban design consultant has requested greater clarity to ensure an appropriate level of articulation is achieved for the side boundary walls, which will be highly visible within this section of Bridge Road where minimal higher density development has taken place thus far. A condition contained within the recommendation will require detail of the horizontal expressed floor slab joints and concrete pattern proposed to the side elevations.
101. Council's heritage advisor also raised concerns with the side wall treatments, noting that the previous version of the plans incorporated painted plain render, which can become stained and unsightly. The most recent set of plans incorporates horizontal floor slab joints and patterned concrete to the side elevations, which will make a positive contribution to the streetscape.
102. At the ground floor, the proposal will activate Bridge Road by way of the main residential entrance and the provision of a retail tenancy to the majority of the ground floor façade. The extent of service cabinets encroaching into the ground floor façade is also considered acceptable and will not have an unreasonable impact on the public realm.
103. The services cabinets only occupy a small section of the façade between the shop and the residential entry and do not interrupt the glazing of the shop. The service cabinets are also finished with a powdercoat finish to integrate with the façade.
104. The proposed awning over the Bridge Road footpath is of a height and depth that is capable of providing meaningful weather protection to pedestrians in Bridge Road. Council's engineering services unit has noted that the proposed awning must be set back no less than 750mm from the kerb as required by the *Building Regulations 2006*.
105. In relation to the front façade treatment, Council's heritage advisor's preferred vertically oriented rectangular openings, symmetrically arranged to the upper level facades. The proposed design achieves this outcome, with the most recent set of amended plans incorporating three horizontal openings either side of a central timber look cladding, at both the first and second floors.

Demolition

106. In terms of demolition, Clause 22.02-5.1 encourages the retention of heritage buildings except in the case of not contributory buildings. The application was referred to Council's Heritage Advisor, who raised no concerns with the extent of demolition proposed. The proposed demolition of these non-contributory buildings is therefore considered appropriate.

Off-site Amenity Impacts

107. The subject site is located within the Commercial 1 Zone. Sites to the east, west and north are all also within the Commercial 1 Zone. The policy framework for amenity considerations is contained within clause 22.05 (Interface Uses Policy) and the Guidelines for Higher Density Residential Development. Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable).

108. 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 major activity centre where higher density residential development is encouraged. In addition, the local character shows a high level of site coverage and boundary-to-boundary development, both within the subject site and those surrounding it. There is an expectation within this area that buildings would include on boundary walls and limited setbacks.
109. Expectations of those residing in a Commercial 1 Zone and, to a lesser extent, those adjoining a Commercial 1 Zone, must also be tempered with the purpose of these zones for intensive development.

Visual Bulk

110. The sensitive interface to the subject site is to the south, where the land is located within the Neighbourhood Residential 1 Zone. The residentially zoned land is separated from the subject site by the 4.5 metre wide laneway, thus reducing the potential for visual bulk impacts. While expectations of visual bulk should be tempered for those who live at the rear of properties with outlooks to laneways, the proposed development adequately minimises the visual bulk impact.
111. Given the sensitive interface to the south, Council's urban design consultant recommended an appropriate response would be to assess the proposal against the requirements of Standard B17 of Clause 55. While Council's urban design consultant raised concerns with the overtness of the B17 design response, the proposed development has technically complied with the recommendation, with the proposed rear setbacks consistent with the B17 building envelope.
112. Furthermore, Council's urban design consultant recommended revised setbacks to the rear boundary to minimise the overtness of the B17 design response and the stepped nature of the design from the rear boundary. The use of alternating cladding and patterned concrete assists in reducing the overt nature of the design response. Moreover, the lack of any unreasonable off-site amenity impacts as a result of the proposed setbacks further justifies the design response.

Daylight to windows

113. There are a number of residential properties adjoining the site to the south and south-east located within the Neighbourhood Residential 1 Zone. The three storey walk-up flats at 2 Rotherwood Street to the south-east have habitable room windows facing the site but are more than 11 metres away, thus will not be affected by a loss of daylight. The three storey walk-up flats at 15 Sherwood Street to the south-west do not contain any habitable room windows facing the subject site.
114. The two dwellings on the southern side of the laneway benefit from the 4.5 metre width of the laneway plus an approximate 9 metre setback to their rear boundary. The proposed development will therefore not impact on daylight access to existing habitable room windows.

Overshadowing

115. The decision guidelines of the Commercial 1 Zone include the consideration of the overshadowing as a result of building or works affecting adjoining land in a Neighbourhood Residential Zone. The amenity of the adjoining residential properties to the south is therefore an important consideration in the assessment of the proposed development.

116. The shadow diagrams submitted with the application show that the extent of additional overshadowing as a result of the proposed development is minimal. Specifically, the proposed development will only cast additional shadow on the secluded private open space of the dwelling at 21 Sherwood Street. This additional shadow only occurs at 11:00am and impacts four per cent of the secluded private open space area. Therefore, the proposed development is not considered to unreasonably overshadow the adjoining residential properties.

Overlooking

117. Objective 2.9 of the GHDRD suggests that existing dwellings should be protected against overlooking in accordance with Standard B22 of Clause 55. Standard B22 prescribes that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into existing habitable room windows or 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.
118. There is secluded private open space areas associated with the two dwellings on the southern side of the laneway to the rear within 9 metres of the site. The proposed development's ground floor contains balconies with outlooks towards the laneway within 9 metres of the secluded private open space. The offending balconies on the ground floor have been appropriately screened with a 1.5 metre high balustrade with a protruding shelf to prevent overlooking down into the secluded private open space of the dwellings to the south.
119. However, as the balconies on the first floor and above are not within a 9 metre arc of the secluded private open space, they are not required to be screened.

Noise

120. Noise from the dwellings will be residential in nature and acceptable within or adjoining a residentially zoned area. The shop and office are as of right uses and not anticipated to generate unreasonable noise impacts.
121. Regarding the noise from the any plant and equipment, compliance with the SEPP N-1 is required. The acoustic report submitted with the application notes that the mechanical plant equipment will be located on the roof of the proposed development with the most sensitive residential receptors located within the proposed development. In any event, a four sided acoustic barrier will enclose the roof mounted mechanical plant, ensuring the surrounding residential properties will not be unreasonably impacted on from this noise source.
122. However, the acoustic report did not address noise from the car park entrance gate, which will be required to comply with SEPP N-1 at both the existing dwellings on the southern side of the laneway and the proposed dwellings within the development. A condition contained within the recommendation section of this report can ensure this is achieved.

On-site Amenity

123. Clause 22.10-3.7 relating to on-site amenity and Element 4: Circulation and Services, Element 5: Building Layout and Design and Element 6: Private and Communal Open Space of the Guidelines for Higher Density Residential Development provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity, layout, open space and wind impacts.
124. Being located within a Commercial 1 Zone, Clause 22.05 also aims to achieve a reasonable level of amenity for new dwellings, whilst ensuring that new dwellings do not impact the functioning of nearby commercial land uses.

Apartment orientation and layout

125. The proposed dwellings will have an overall high level of internal amenity due to the size, orientation and location of windows that achieve objectives aiming to create functional and comfortable higher density dwellings. Each dwelling includes operable windows and a usable balcony to allow for solar access into the dwelling.

Daylight

126. Objective 5.4 and design suggestion 5.4.1 of the GHDRD aim to ensure a good standard of natural lighting is provided to internal building spaces, provide direct light to all rooms wherever possible and design light wells that are adequately sized for their intended purpose.
127. The proposed design utilises the Bridge Road and laneway frontages for the majority of primary outlooks, with the exception of four dwellings that have an easterly orientation and a primary outlook over the east-west laneway that terminates at the site's eastern boundary. The light court located on the western boundary, which has dimensions of 6.6 metres by 5.18 metres provides daylight access to bedrooms only.
128. The applicant submitted daylight modelling to demonstrate that the proposed development complies with the relevant benchmark. The daylight modelling took into account the adjoining property to the west being developed to a similar extent to the proposed development and concluded the majority of living rooms and bedrooms achieve the best practice benchmark for daylight assessment. Those rooms that fall below the standard remain within an acceptable range given the development context.

Ventilation

129. There are a number of operable windows for each dwelling which face outward either onto Bridge Road, the rear laneway or towards the side boundary light courts. Overall, the proposal provides high internal amenity levels, with no bedroom relying on borrowed light. Eleven of the dwellings are designed with dual aspects and those with a single aspect are generally provided with a wide frontage and shallow living areas to ensure adequate ventilation.

Private open space

130. 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 8 square metres and a minimum width of 1.6 metres with easy access from the living room. All of the dwellings achieve these requirements.
131. Council's urban design consultant has recommended the balconies associated with Dwellings 15 and 16 on the third floor be extended and converted to terraces to better utilise the roof top space of the floor below, subject to any balustrade being sufficiently setback from Bridge Road so as not to be visible from the footpath on the northern side of Bridge Road. A condition contained within the recommendation ensures this is achieved.

Storage

132. Storage areas are provided for each dwelling, either located on the lower ground floor, on the mezzanine level or within the dwellings themselves. The provision of storage within dwellings is considered acceptable as, in this inner urban setting and without the need for a lawnmower or other large equipment, residents of these apartments would not have the same storage needs as residents in detached dwellings.

133. The minimum amount of storage 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. As the plans do not specify the volume of the storage areas, a condition contained within the recommendation requires that a minimum 3 cubic metres of storage be provided to each dwelling, with dimensions shown on the plans.

Safety

134. The internal entrance areas of each dwelling are located along the internal radial corridors, increasing the perceived safety and complying with design guidelines within Clause 21.05-2. The inclusion of balconies facing both Bridge Road and the rear laneway will add to the level of perceived safety which is an improvement on existing conditions.
135. The residential entrance to Bridge Road is set back off the street boundary by approximately 3.5 metres. The recessed nature of the residential entrance could allow for concealment and potential hiding places, undermining the safety of the street. Council's urban design consultant has recommended the depth of the residential entrance be reduced to one third of its width. A condition contained within the recommendation of this report requires the depth of the residential entrance to be reduced in accordance with the urban design recommendation.

Internal Views

136. Overlooking between the proposed dwellings has been minimised through the appropriate site and building layout, window location and design. Specifically, the primary living areas, bedrooms and balcony of each dwelling is provided an appropriate outlook to achieve this. A condition contained in the recommendation requires screening between balconies on the same level to ensure internal overlooking is further minimised.

Noise

137. 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. Council's Interface Uses Policy at Clause 22.05 aims to manage interface use and development conflicts. This policy applies to applications for use or development within the Commercial 1 Zone (amongst others).
138. Clauses 52.43, 13.04 and 22.05 provide specific direction on noise issues and generally require noise generated from new developments 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.
139. The applicant submitted an acoustic report prepared by Watson Moss Growcott Acoustics outlining the acoustic assessment of the proposed development. The recommendations of the report include numerous measures to improve the acoustic performance of the proposed development. Conditions contained within the recommendation section of this report will ensure the measures outlined in the acoustic report are met.

Circulation spaces

140. Dwelling access is via the residential lobby located on the ground floor or the secondary entrance from the car parking area. As noted by Council's urban design consultant, the residential entrance lobby is considered appropriate, with the exception of the depth of the entrance door as discussed above. Passageways are well proportioned and are located radially around the lift.

The circulation corridors are a minimum width of 1.4 metres with this increasing to 2 metres in some locations. The width is sufficient and the design complies with objective 4.3 of the GHDRD.

Site services

141. Site services are provided at each level with waste storage areas being located on the lower ground floor. This is compliant with objective 4.6 of the GHDRD. Mail services have been shown in the residential lobby on the ground floor of the building. The roof plan has been provided showing services that are appropriately screened from view.

Environmentally Sustainable Design

142. Council's local policies at Clause 22.16 and Clause 22.17 call for best practice water quality performance objectives and best practice in environmentally sustainable development from the design stage through to construction and operation, respectively.
143. The applicant submitted a sustainability management plan prepared by Lucid Consulting Australia which provides an overview of the sustainability initiatives that have been assessed for inclusion in the proposed development. Daylight modelling prepared by Keystone Alliance was also submitted to support the application.
144. Council's ESD advisor has reviewed the application including the sustainability management plan and is satisfied the proposal can achieve an appropriate level of sustainability, subject to minor changes and additions to the plans. These include achieving a minimum ten per cent above the minimum NCC requirements for the NatHERS thermal energy efficiency standard, amending the plans to clearly show the operability of all windows and including the tank size, connected toilets and rainwater collection areas on relevant plans. Conditions contained within the recommendation of this report ensure these requirements will be met.

Equitable Development

145. Objective 2.6 of the GHDRD aims to ensure areas can develop with an equitable access to outlook and sunlight. The design suggestions call for the consideration of the possible future development of adjoining sites and allow, as best as possible, for an equitable spread of development potential throughout an area.
146. As mentioned previously, the daylight modelling assessment took into account the potential development of the adjoining property to the west in calculating daylight access provided to habitable rooms within the proposed development, concluding that the majority of living rooms and bedrooms achieve the best practice benchmark for daylight assessment. Those rooms that fall below the standard remain within an acceptable range given the development context.
147. Moreover, the proposed design utilises the Bridge Road and laneway frontages for the majority of primary outlooks, with the exception of four dwellings that have an easterly orientation and a primary outlook over the east-west laneway that terminates at the site's eastern boundary. The proposed dwellings with an easterly orientation rely on the east-west laneway for their primary outlook. Therefore, the proposed development does not rely on the adjoining properties for daylight access or outlook and is considered to achieve a reasonable equitable development outcome.
148. However, part of the east facing balconies abut the side boundary of 58 Bridge Road. To ensure the equitable development potential of the adjoining property and to avoid the balconies being partly enclosed if the adjoining property is developed in the future, a condition contained within the recommendation requires these balconies to be redesigned to match the width of the laneway, retaining a minimum area of 6 square metres and a minimum width of 1.6 metres for these studio apartments.

149. The proposed development does incorporate windows on both side boundaries, from the ground floor to the fourth floor. While these windows are not relied upon as the sole provider of daylight access to any habitable room, their location on the boundary raises concerns about equitable development opportunities. As such, a condition contained within the recommendation section of this report will require the deletion of all windows on the east and west (side) boundaries.

Car and Bicycle Parking

Car Parking

150. Under Clause 52.06 of the Scheme, the applicant is seeking a car parking reduction of 27 spaces, as outlined within the table included in the Particular Provisions section earlier in this report. Broken down, the 27 car parking spaces consist of 14 residential spaces, four residential visitor spaces, five shop spaces and four office spaces.
151. Traffix Group have sourced car ownership rates from the Australian Bureau of Statistics' 2011 Census data for the Richmond area. The data indicates a car ownership rate of 0.3 cars per studio apartment, 0.7 cars for one bedroom dwellings, 0.9 cars for two bedroom dwellings and 1.0 car for three bedroom dwellings.
152. Further information was also provided in relation to the proportion of dwelling size that do not own a motor vehicle in Richmond. The data suggests that 78 per cent of studio apartments do not own a car, 39 per cent of single bedroom dwellings do not own a car, 29 per cent of two bedroom dwellings do not own a car and 33 per cent of three bedroom dwellings do not own a car.
153. Council's engineering services unit noted that the provision of one car parking space to each two bedroom dwelling satisfies the Planning Scheme requirement, while the provision of one space to each three bedroom dwelling is in line with the Richmond statistical average.
154. The provision of the remaining four car parking spaces for the 17 studio and one bedroom dwellings at a rate of 0.25 spaces per dwelling is lower than the car parking ownership rate for studio dwellings in Richmond. However, Council's engineering services unit considers this acceptable as the site has excellent access to public transport services and occupants would be well aware of the lack of car parking provided to each dwelling.
155. It is also noted that all residents of the proposed dwellings will be ineligible to apply for on-street resident and visitor car parking permits. This will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme.
156. With regard to resident visitor spaces, Council's engineering services unit has noted that the peak parking demand for residential visitors generally occurs on weekday evenings and at weekends. The Traffix Group report uses an empirical peak residential visitor car parking rate of 0.12 spaces per dwelling, which is considered appropriate, and applied to the proposed 23 dwellings would result in a peak residential visitor car parking demand of three spaces, all of which is proposed to be accommodated off-site.
157. Council's engineering services unit have noted that resident visitor car parking, when provided, should be convenient and easy to access. In this case, the only vehicle access to the site is from the laneway to the rear, which would be unfamiliar to infrequent users. Therefore, it is impractical to provide residential visitor car parking on-site in this instance.

158. Additionally, the car parking occupancy surveys undertaken by Traffix Group indicate that on-street parking occupancy in the study area ranged from 86 per cent to 99 per cent, with the peak on-street parking demand observed at 1:00pm on the Friday. Given the expected peak residential visitor car parking demand is expected to occur outside of the observed peak on-street car parking occupancy, the residential visitor car parking could be accommodated off-site.
159. In relation to the car parking demand for the shop and office space, the Traffix Group report indicates that each use generates a car parking demand of four spaces. Council's engineering services unit considers the car parking reduction associated with the retail and office space appropriate having regard to the excellent accessibility to a range of public transport options and the existing constrained on-street car parking conditions which would be a disincentive for employees to commute to and from site by motor vehicle.
160. From a traffic engineering perspective, Council's engineering services unit consider the car parking reduction appropriate in the context of the site and the surrounding area. The car parking demands generated by the uses proposed within the development should not adversely impact on the existing car parking conditions in the area.

Bicycle Parking

161. As outlined earlier in this report, pursuant to Clause 52.34-3, in developments of four or more storeys, one resident bicycle parking space should be provided for every five dwellings, plus one visitor parking space for every ten dwellings. Therefore, as 23 dwellings are proposed, five resident bicycle spaces and two visitor bicycle spaces are required. As 35 bicycle parking spaces are proposed within the lower ground floor, the application exceeds the requirement for bicycle parking spaces.
162. 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 Clauses 15.02-3, 18.02-1, 18.02-2 and 21.06. This is a development where the use of bicycles can take precedence over the use of private motor vehicles due to the proximity of services and employment opportunities, which will encourage the use of bicycles from this development.
163. The bicycle parking spaces have also been provided in convenient locations adjacent to the lifts and in an area where there is limited potential for conflict. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme. In relation to residential visitor bicycle parking options, it is noted that there are ample opportunities within proximity of the site for visitors to temporarily lock-up their bike, specifically on the Bridge Road footpath.

Traffic and Access

Traffic Generation

164. For the residential component of the proposed development, Traffix Group has conservatively adopted a rate of three trips per dwelling per day for dwellings that have a car parking space. The peak hour traffic generated by the proposal would be 10 per cent of the daily residential traffic volume, resulting in three vehicle trips in each peak hour, based on 33 vehicle trips generated by the development per day. Council's engineering services unit acknowledged that this volume of traffic is not unduly high and should not have an adverse impact on nearby roads.

Car Parking Layout

165. Council's engineering services has reviewed the car parking layout and access arrangements, noting that the height and width of the garage door satisfies the relevant standards and the swept path diagrams demonstrate vehicles can enter and exit the proposed development from the laneway. While pedestrian site triangles have not been provided at the car parking entrance, the car park is accessed from a laneway which would experience minimal pedestrian movements.
166. Council's engineering services is also satisfied with the internal layout of the car park, including the ramp grades, accessibility and dimensions of the car parking spaces and the location of the columns.

Loading and Unloading

167. The site cannot practically provide an on-site loading facility. Therefore, deliveries to the site can be made utilising the nearest on-street loading zone, located on the east side of Rotherwood Street approximately 50 metres from the site, or car parking spaces. The proposed shop is relatively small and on-street deliveries are standard practice for many retail premises along Bridge Road. Council's engineering services unit have no objection to the waiver of the loading and unloading of vehicles requirement for this development.

Waste Management

168. The applicant submitted a waste management plan with the application, prepared by J.J. Richards and Sons. The waste management plan outlines the arrangements for the storage and collection of waste from the proposed development. Council's waste services coordinator has reviewed the applicant's waste management plan and considers the plan satisfactory.

Other Issues

Civil Works

169. Council's engineering services has recommended that the rear laneway be reconstructed from Sherwood Street and that the crossover from the laneway to Sherwood Street be reconstructed, both at the cost of the permit holder. However, the extent of reconstruction works is considered excessive in this instance, with a reasonable expectation to reconstruct the laneway where it adjoins the subject site. A condition contained within the recommendation will ensure this is achieved.

Objector Concerns

170. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:
- (a) Heritage Impacts.
 - (b) Out of character.
 - (c) Excessive height.
 - (d) Bulk and scale.
 - (e) Overdevelopment.
 - (f) Inappropriate use (dwellings).
 - (g) Lack of car parking.
 - (h) Increase in traffic problems.
 - (i) Vehicle access from rear laneway inappropriate.
 - (j) Lack of a loading bay.
 - (k) Overshadowing.
 - (l) Overlooking.
 - (m) Increase in noise.

- (n) Poor internal amenity provided (including daylight access, ventilation, internal overlooking).
- (o) Equitable development potential.

171. Outstanding concerns raised in the objections are discussed below, and relate to:

- (a) *Undesirable precedent.*
Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated.
- (b) *Inadequacy of green travel plan.*
Council's engineering services unit reviewed the green travel plan submitted with the application, noting the plan is comprehensive and considered satisfactory. The green travel plan provides a management tool designed to reduce the reliance on motor vehicles, minimise the negative impacts of transport on the environment, manage car parking demands, improve opportunities for those without access to a car and maximise the benefits associated with green travel.
- (c) *Impact on views.*
There is no specific policy, provision or local policy control regarding views within the Yarra Planning Scheme. In this context, it is not considered that the extent of loss of view in this case is unreasonable, particularly considering the built form expectations envisaged within a major activity centre.
- (d) *Wind tunnel effect.*
Taller buildings invariably create challenging wind conditions at street level. These include down drafts and wind tunnel effects. Measures to reduce the impact of these effects should be considered. The proposed development incorporates a stepped building form and articulation of the building mass to reduce wind turbulence at ground level.
- (e) *Safety.*
There is no evidence to link the development of private residential apartments with increased crime rates or reduced safety for residents. It is noted that neighbourly relations, general safety, the tidiness of residential developments and whether dwellings are tenanted or owner occupied is not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Yarra Planning Scheme.
- (f) *The size of the apartments is too small.*
The size of the dwellings varies from studio apartments with a floor area commencing at 47 square metres to three bedroom dwellings with a floor area up to 109 square metres. While the studio apartments are small in size, they provide a diversity of housing in a major activity centre location close to jobs and services that caters for different households, as required by Clause 11.04-2 of the State Planning Policy Framework.
- (g) *Impacts during construction.*
Concern has been raised in relation to damage of the adjoining dwellings, buildings and public property during construction. Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process. However, the developer has obligations under the Building Act 1993 to protect adjoining property from potential damage. It is the responsibility of the relevant building surveyor to require protection work as appropriate. Council's local laws require an asset protection permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged.

Conclusion

172. 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 and Council's preference to direct higher density residential development in activity centres on strategic redevelopment sites.
173. The proposal, subject to conditions outlined in the recommendation below including the gap between the front façade and the second floor being filled on the east and west elevations and additional screening measures introduced, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies.
174. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0645 for the full demolition of the existing buildings, the construction of a seven storey building containing office, shop and dwellings, the use of the land for dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement at 54-56 Bridge Road, Richmond, subject to the following conditions:

Amended Plans

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 amended plans by Wall Architects received by Council on 15 September 2016 but modified to show:
 - (a) The gap between the Bridge Road façade and the front wall of the second floor east and west elevations enclosed to create a solid street wall.
 - (b) The depth of the residential entrance to be reduced to a maximum of one third of its width from the front property boundary.
 - (c) The balconies associated with Dwellings 15 and 16 on the third floor extended converted to terraces, subject to any balustrade being sufficiently setback from Bridge Road so as not to be visible from the footpath on the northern side of Bridge Road.
 - (d) Screening between balconies on the same level to a height of 1.7 metres to minimise internal overlooking.
 - (e) The inclusion of a window (or similar) in the northern stairwell wall on the fifth floor.
 - (f) The horizontal expressed floor slab joints and patterned concrete clearly shown on the elevations detailing how this is to be achieved.
 - (g) The balconies associated with Dwellings 3, 7, 12 and 17 redesigned to match the width of the laneway, retaining a minimum area of 6 square metres and a minimum width of 1.6 metres.
 - (h) Windows to all habitable rooms are operable.
 - (i) The deletion of all windows on the east and west (side) boundaries.
 - (j) The tank size, the connected toilets and the rainwater collection areas.
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. Prior to the endorsement of plans, 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 Lucid Consulting Australia and dated 14 July 2016, but modified to include or show:
 - (a) The NatHERS thermal energy efficiency standard to meet Council's best practice standard of 10 per cent above the minimum NCC requirements.
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.

Acoustic Report

5. Prior to the endorsement of plans, 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 Watson Moss Growcott Acoustics and dated June 2015, but modified to include (or show, or address):
 - (a) Noise from the garage entrance gate will be required to comply with SEPP N-1 at both the existing dwellings and at dwellings within the development.
6. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

7. The provisions, recommendations and requirements of the endorsed waste management plan, generally in accordance with the plan prepared by JJ Richards and dated August 2016, must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

8. The provisions, recommendations and requirements of the endorsed green travel plan, generally in accordance with the plan prepared by Traffix Group and dated December 2015 must be implemented and complied with to the satisfaction of the Responsible Authority.

Access

9. Upon the completion of all building works and connections for underground utility services, the Right of Way adjoining the site's rear boundary must be fully reconstructed to the satisfaction of the Responsible Authority and at the permit holder's expense.
10. The road pavement (south kerb to central tram reservation) must be profiled and re-sheeted along the property frontage to Bridge Road at the permit holder's cost and to the satisfaction of the Responsible Authority.

Car Parking

11. 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, to the satisfaction of the Responsible Authority, 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.

General

- 12. The amenity of the area must not, to the satisfaction of the Responsible Authority, 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.
 - (d) The presence of vermin.
- 13. 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.
- 14. 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.
- 15. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 16. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 17. 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.
- 18. 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.
- 19. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 20. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Bridge Road street frontage must be stripped and re-sheeted at the permit holder's cost and to the satisfaction of the Responsible Authority.
- 21. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management Plan

22. Before the use and/or development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) The construction program;
 - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) Parking facilities for construction workers;
 - (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan;
 - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer; and
 - (v) other relevant considerations.
 - (q) Any site-specific requirements.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

23. During the construction:

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

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

Permit Expiry

25. 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:

A building permit may be 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 any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

A local law permit (e.g. asset protection permit, road occupation permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 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 property owners, residents, business owners and employees within the development approved under this planning 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.

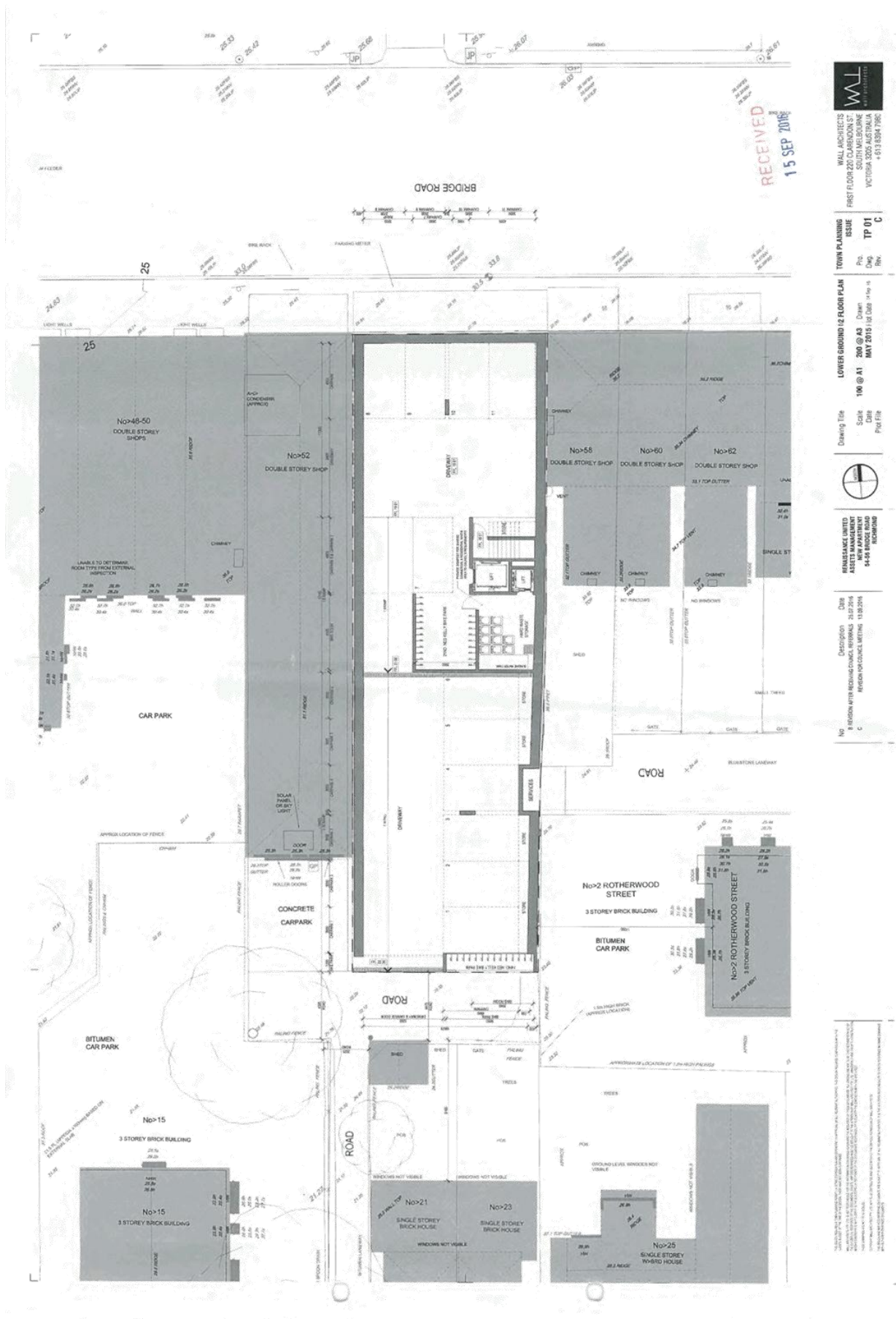
Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

CONTACT OFFICER: **Nikolas Muhllechner**
TITLE: **Principal Statutory Planner**
TEL: **9205 5373**

Attachments

- 1** PLN15/0645 - 54-56 Bridge Road Richmond - Decision plans by Wall Architects
- 2** PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments
- 3** PLN15/0645 - 54-56 Bridge Road Richmond - Strategic transport unit comments
- 4** PLN15/0645 - 54-56 Bridge Road Richmond - Waste services unit comments
- 5** PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments
- 6** PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments
- 7** PLN15-0645 - 54-56 Bridge Road Richmond - Urban design unit comments
- 8** PLN15/0645 - 54-56 Bridge Road Richmond - Urban design consultant comments (David Lock Associates)

Attachment 1 - PLN15/0645 - 54-56 Bridge Road Richmond - Decision plans by Wall Architects



WALL ARCHITECTS
 100/101 CAMERON ST
 RICHMOND VIC 3121
 03 9384 1981

TOWN PLANNING
 ISSUE
 TP 01
 Rev C

LOWER GROUND 12 FLOOR PLAN
 100 @ A1
 200 @ A3
 MAY 2015 1st Issue

Drawing Title
 Scale
 Date
 Plot File



REINFORCE LIMITED
 ASBESTOS MANAGEMENT
 54-56 BRIDGE ROAD
 RICHMOND

NO
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 C REGION FOR COUNCIL MEETING 13/09/2016

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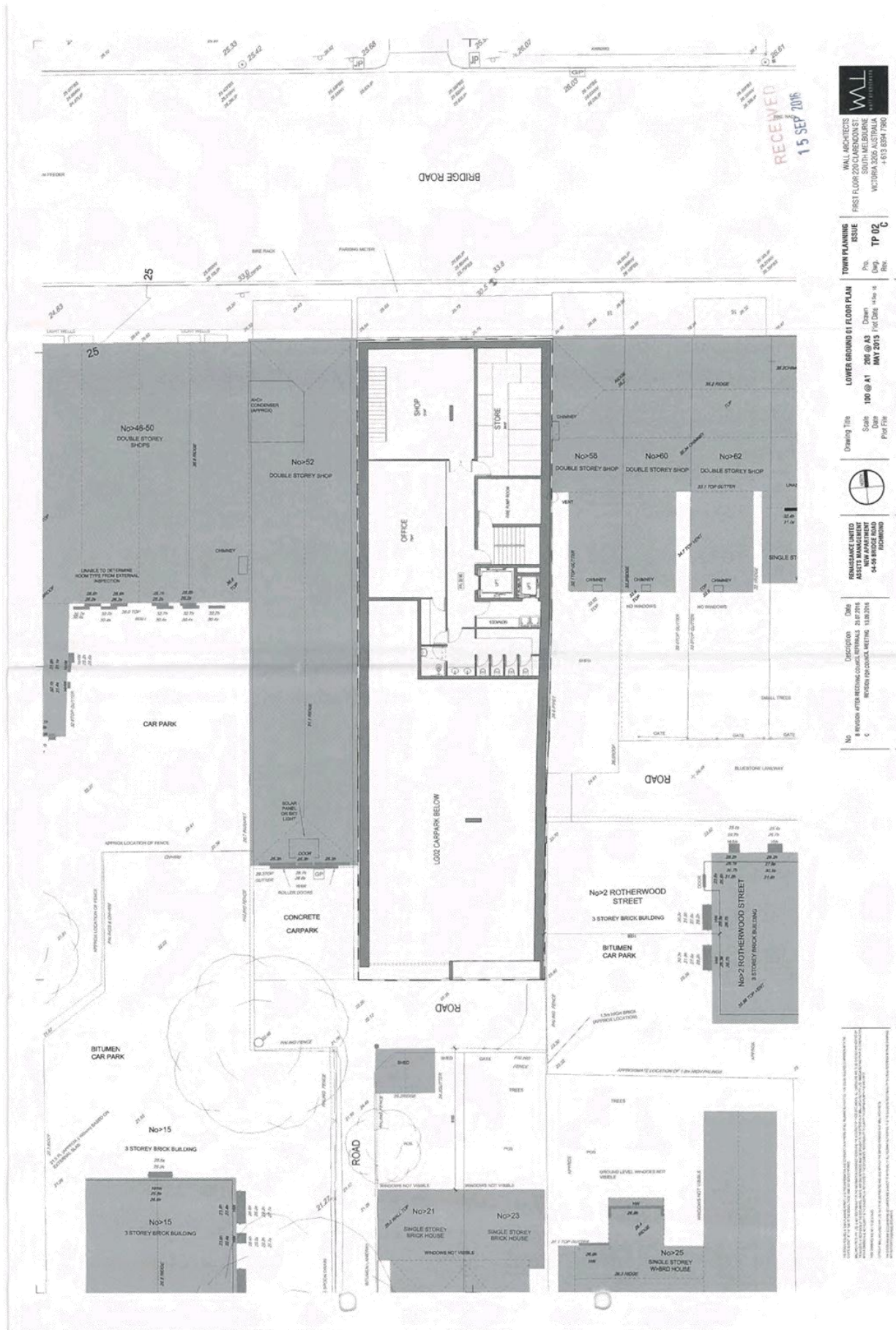
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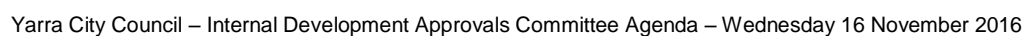
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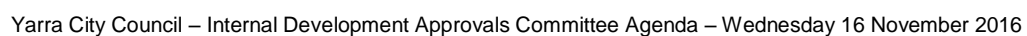
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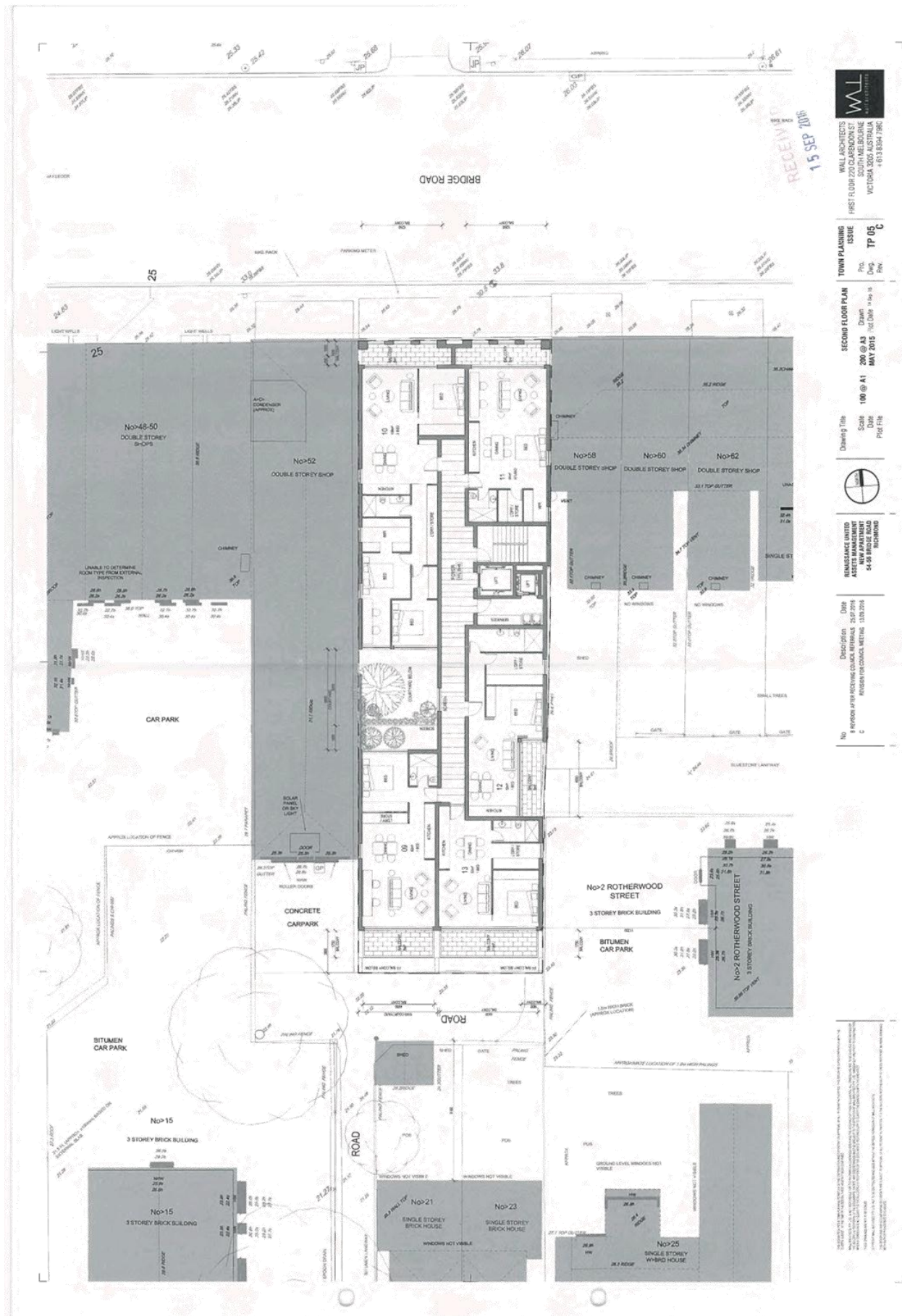
Attachment 1 - PLN15/0645 - 54-56 Bridge Road Richmond - Decision plans by Wall Architects



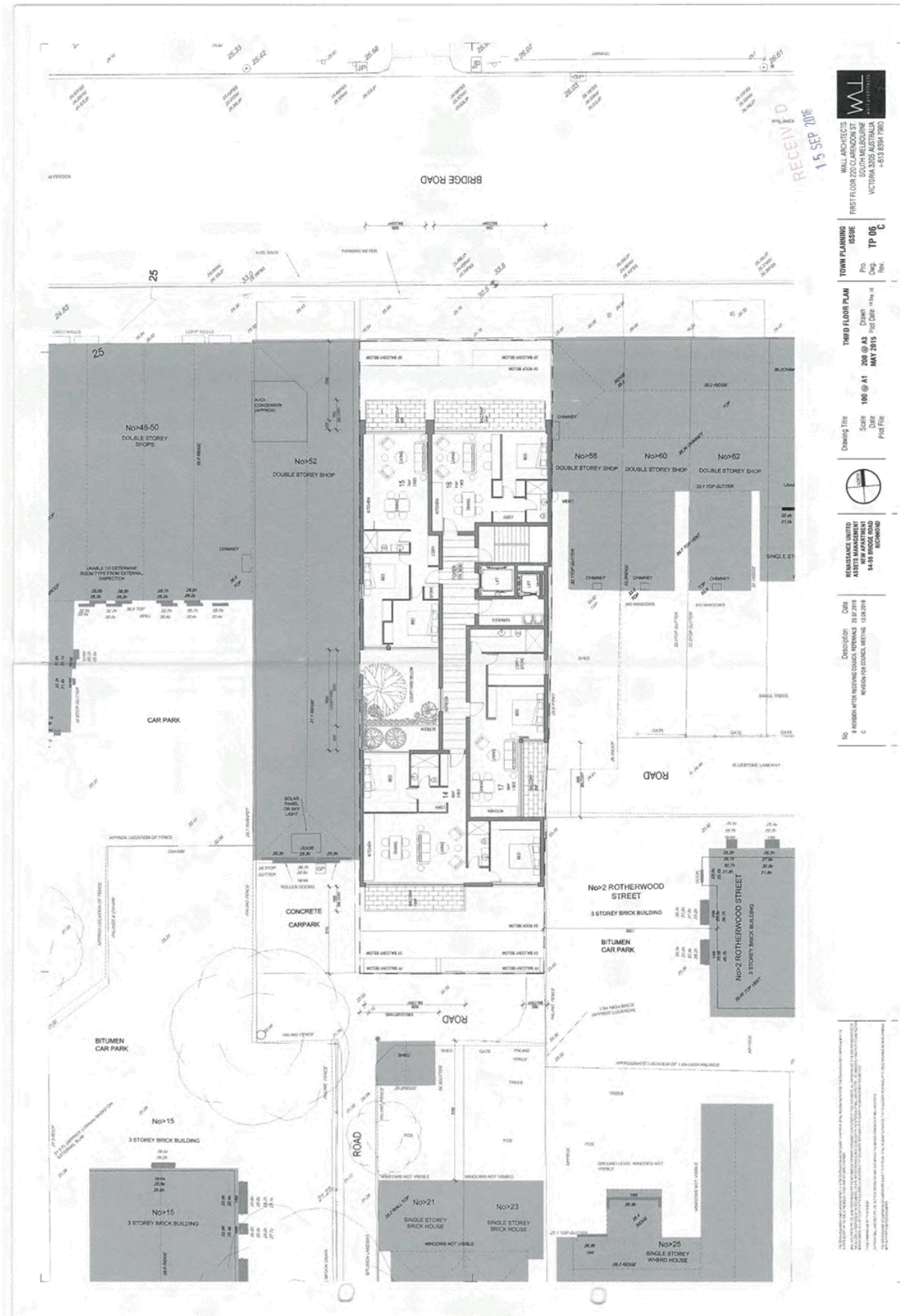


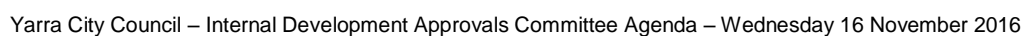


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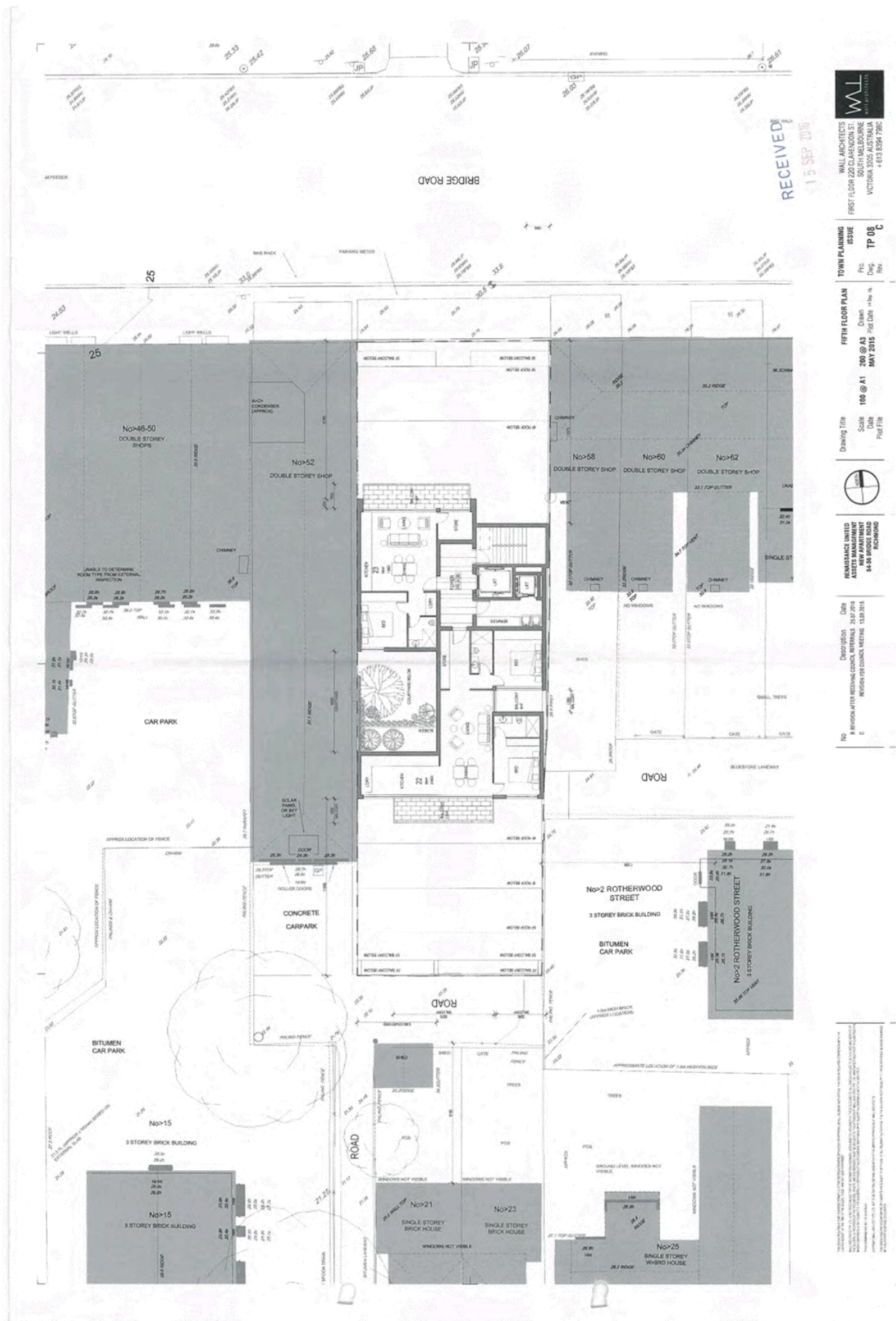


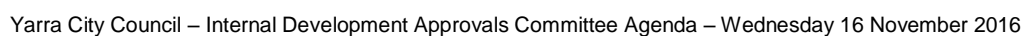
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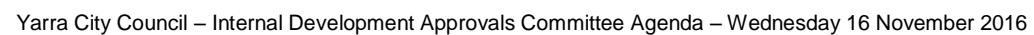




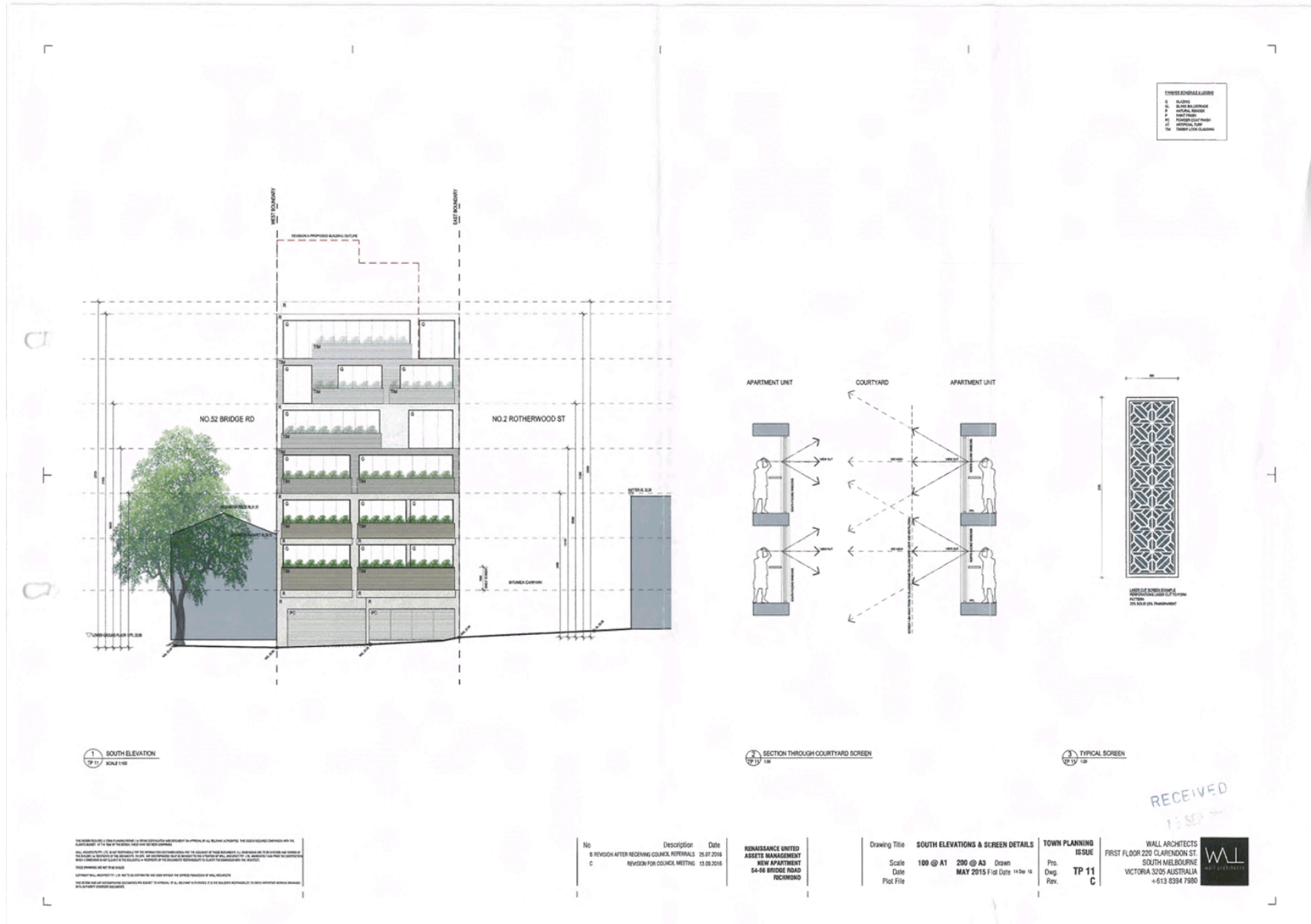
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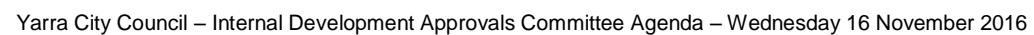


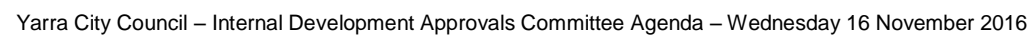




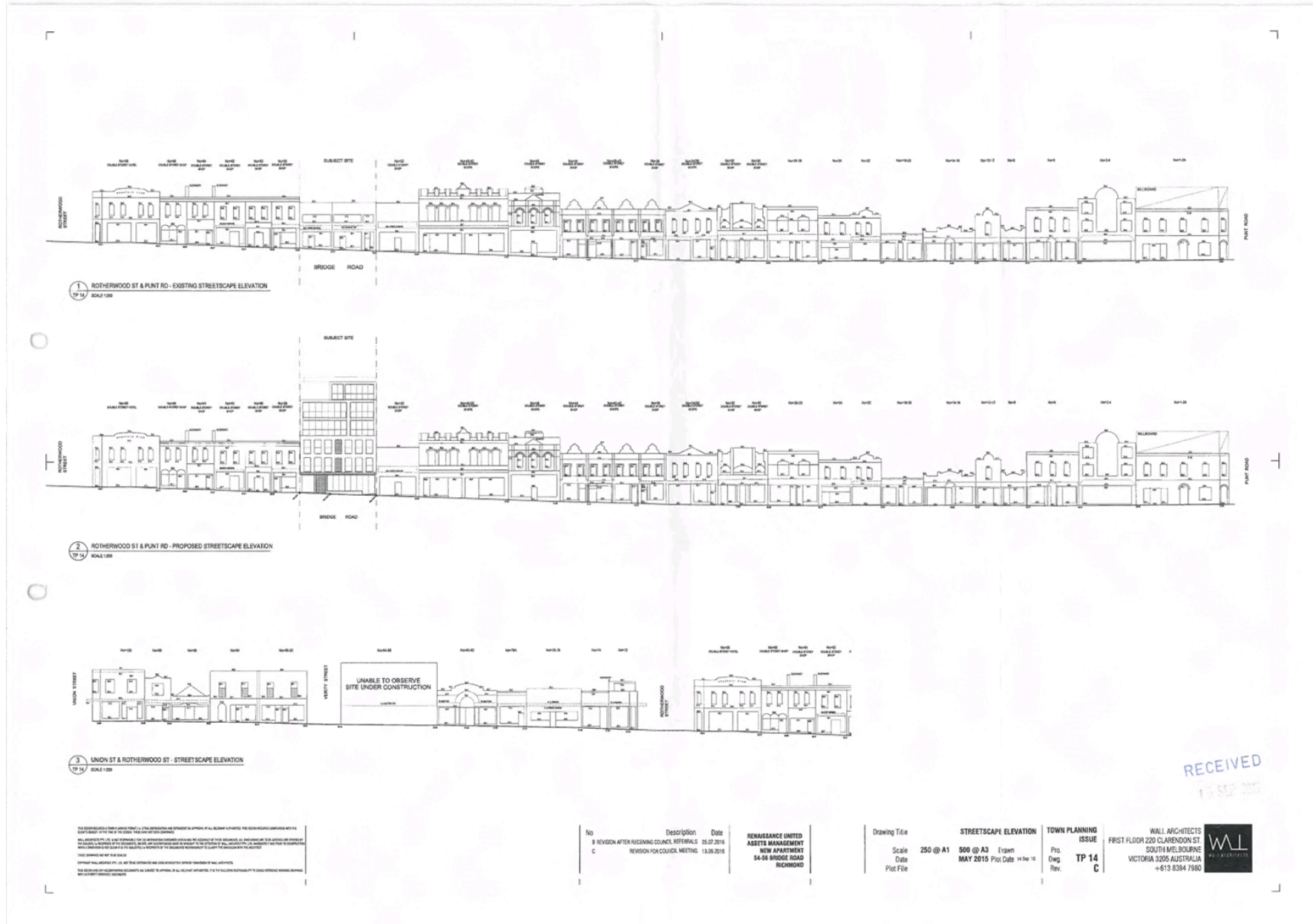
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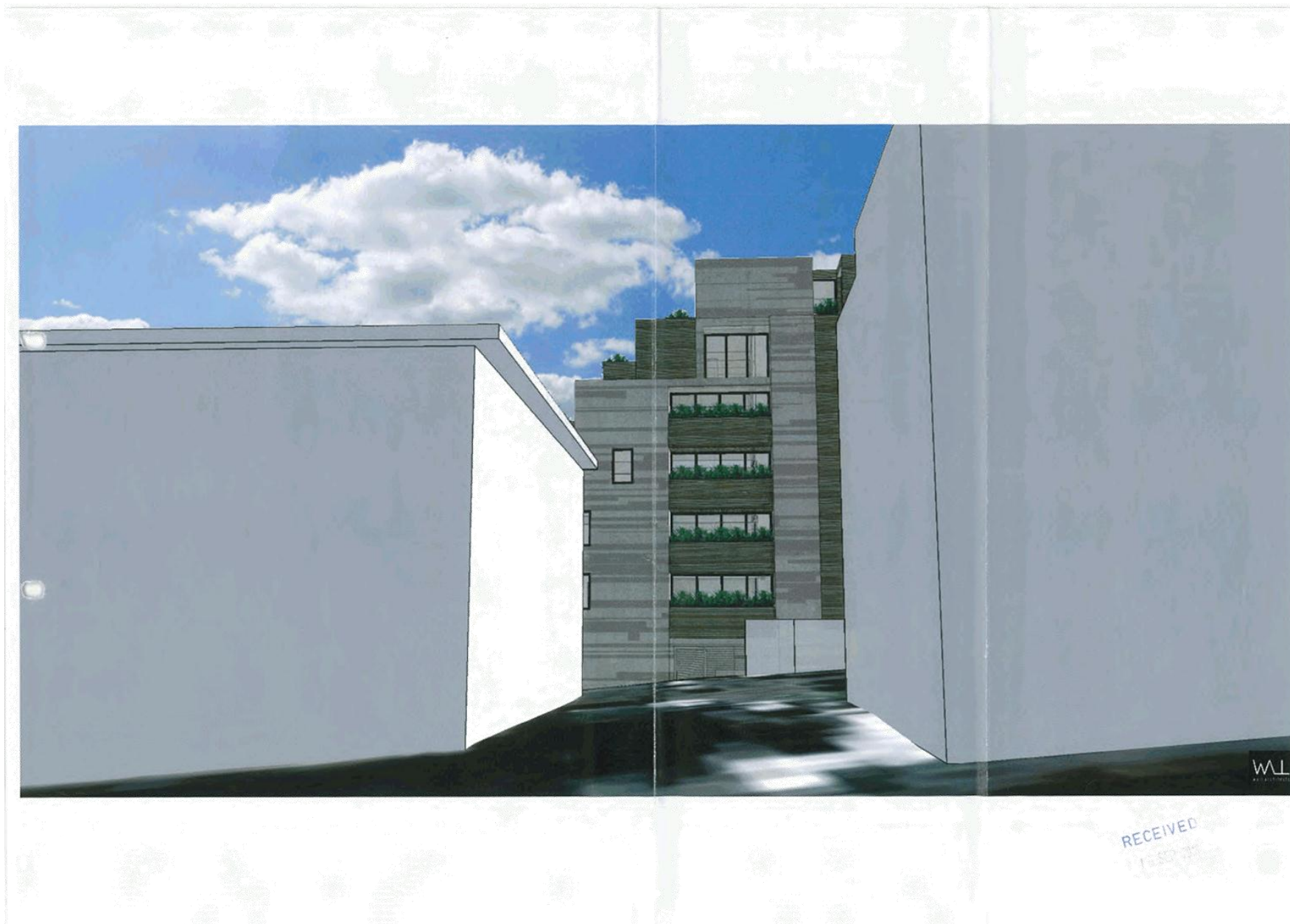


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Attachment 1 - PLN15/0645 - 54-56 Bridge Road Richmond - Decision plans by Wall Architects



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Attachment 1 - PLN15/0645 - 54-56 Bridge Road Richmond - Decision plans by Wall Architects



Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments



MEMO

To: Christopher Harries
From: Mark Pisani
Date: 31 March 2016
Subject: Application No: PLN15/0645
 Description: Part seven and part eight storey building
 Site Address: 54 Bridge Road, Richmond

I refer to the above Planning Application received on 4 February 2016 and the accompanying report prepared by Traffix Group in relation to the proposed development at 54 Bridge Road, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION Proposed Development

The proposal comprises the construction of a part seven and part eight storey mixed use development containing 11 on-site car parking spaces and 35 on-site bicycle spaces. Vehicular access to the site is via a Right of Way connecting to Sherwood Street. The site is located on the south side of Bridge Road, approximately 140 metres east of Punt Road.

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	31	1 space per dwelling	31	9
Two-bedroom dwelling	1	1 space per dwelling	1	1
Three-bedroom dwelling	1	2 space per dwelling	2	1
Residential visitors	33 Dwellings	1 space per 5 dwellings	6	0
Retail	127 m ²	4 spaces per 100 m ² of leasable floor area	5	0
Total			45 spaces	11 Spaces

The resultant car parking reduction would be 34 spaces (23 resident spaces, six residential visitor spaces and five retail spaces). Twenty-two one-bedroom dwellings will not be allocated any on-site car parking.

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Parking Demand for Dwellings.* The proposed development is providing parking at a rate of 0.33 spaces per dwelling, with the one-bedroom dwellings being provided with 0.29 spaces pre dwelling and the three-bedroom dwelling with 1 space per dwelling. Traffic Group has sourced the 2011 Census data from the Australian Bureau of Statistics for car ownerships rates for *flats units and apartments* and *semi-detached and townhouses* in the Richmond area. According to Traffic Group, the data derived indicates that 78% of studio type flats and 39% of one-bedroom flats do not own a car. For three-bedroom flats in the Richmond area, some 33% of residents do not own a motor vehicle. It is agreed that car ownership rates are influenced by public transport access, proximity to employment and education centres, affordability issues, environmental concerns and access to services. The provision of one space per three-bedroom dwelling and no space for 22 of the studio/one-bedroom dwellings is considered satisfactory in this location.
- *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 three to four spaces. It is agreed that during normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. The submitted report indicates that daytime visitor parking would be around 30% of the peak residential visitor parking rate, which would result in a visitor parking demand of one spaces.

The applicant proposes to accommodate all residential visitor parking off-site, since the footprint of the property cannot practically accommodate visitor parking. On-site visitor parking should be convenient and easy to access. In this case, the primary access is off a laneway network, which would be unfamiliar to infrequent users. For mixed use and multi-unit residential developments that are located along or near activity centres, we would normally encourage applicants to provide some residential visitor parking on-site. In this instance, the land does not allow for residential visitor parking to be practically accommodated on the property.

- *Parking Demand Associated with the Retail Tenancy.* Traffic Group has adopted a parking rate of 3 spaces per 100 square metres. The retail tenancy is expected to generate 4 parking spaces. The scarcity of long-stay on-street parking would be a disincentive for staff to drive to the area. Customers would be expected to park on-street or make other travel arrangements to the Bridge Road activity centre as occurs with other shopfront businesses in the area.
- *Availability of Public transport in the Locality of the Land.* The site is very well positioned in terms of public transport services. Visitors to the area have the option of using trams along Bridge Road, buses along Hoddle Street and rail services accessed from west Richmond railway station.
- *Convenience of Pedestrian and Cyclist Access.* The site is exposed to high pedestrian volumes along Bridge Road. The site also has good connectivity to the Principal Bicycle Network.
- *Multi-purpose Trips within the Area.* Customers and residential visitors to the development could possibly combine their visit with other activities or business whilst in the area.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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:

- *Availability of Car Parking.* Traffic Group conducted a number of spot parking occupancy surveys of the surrounding area at 3:00pm on Thursday 21 May 2015 and at 12:00pm, 1:00pm and 8:00pm for both Friday 12 June and Saturday 13 June. The study area encompassed Bridge Road (Hoddle Street to Leigh Place), Normanby Street, Sherwood Street and sections of Moorhouse Street and Rotherwood Street. the duration and extent of the parking surveys

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

are considered appropriate. An inventory of 109 to 140 on-street car parking spaces was identified. The results of the survey indicate that the on-street parking occupancy in the study area ranged from 86% (16 vacant spaces) to 99% (one vacant space). The peak on-street parking demand was observed at 1:00pm on the Friday. The expected residential visitor parking demand would be one to four spaces and could be accommodated off-site. Customers to the new retail tenancies could already be parked in the area if engaged in other activities or business. Since the area is blanketed in time based parking restrictions, employees of the office would need to make other travel arrangements to access the site or use more sustainable forms of transport (public transport, bicycles).

- *Practicality of Providing Car Parking on the Site.* The footprint of the property cannot practically provide on-site parking for visitors or customers.
- *Car Parking Deficiency associated with Existing Land Use.* According to the submitted traffic report, the site currently contains two floors of commercial use with some off-street parking for employees. It is agreed that the existing commercial component of the site would have a greater car parking demand than the proposed commercial use, which would be smaller in scale. The existing customer parking generated by the site would be utilising on-street parking.
- *Access to or provision of Alternative Transport Modes.* The site has very good accessibility to public transport and good connectivity to the Principal Bicycle Network. Car share pods are also within reach of the site.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking considered appropriate in the context of the development and its surrounding area. The parking generated by this site should not adversely impact on existing parking conditions in the area. Engineering Services has no objection to the reduction in the car parking requirement for this site.

TRAFFIC GENERATION

For traffic generation of the development, Traffix Group has conservatively adopted a rate of 3 trips per dwelling per day (for dwellings that have a parking space). The peak hour traffic would be 10 % of the daily residential traffic volume. The resulting traffic generation equates to 33 vehicle trips per day with 3 vehicle trips in each peak hour. This volume of traffic is not unduly high and should not have an adverse impact on the nearby roads.

DEVELOPMENT LAYOUT DESIGN

Access Arrangements

The development's access point is located at the rear of the site off a Right of Way connecting to Sherwood Street.

The proposed 5.2 metre wide car park doorway satisfies *Design standard 1 – Accessways* of Clause 52.06-8 of the Yarra Planning Scheme.

Pedestrian sight triangles have not been provided as the entrance is contained within a Right of Way environment which would experience minimal, if any, pedestrian movements.

The swept path diagrams provided in Appendix C of the report demonstrate that the B99 design vehicle can enter and exit the development via the Right of Way.

Vehicle conflict within the Right of Way is expected to be low. Two vehicles approaching one other have the option of either waiting in Sherwood Street or in the short section of Right of Way just east of the development entrance.

The entrance has a headroom clearance of 2.2 metres which satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

Internal Layout

The dimensions of the car parking spaces satisfy *Design standard 2: Car parking spaces*.

Although not dimensioned, the column locations have been positioned outside the car parking space design envelope as per *Diagram 1 Clearance to car parking spaces* of Design standard 2.

The swept path diagrams of a B85 design vehicle entering and exiting the spaces are considered satisfactory. The AS/NZS 2890.1:2004 permits vehicles belonging to user class 1A (resident, employee parking) to undertake an additional correction movement when manoeuvring into and out of a space.

The 1 in 8 internal ramp grade satisfies *Design standard 3: Gradients*.

Capital Works Programme

A check of the Capital Works Programme for 2015/2016 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

Loading Provision

The site cannot practically provide an on-site loading facility. Deliveries to the site can be made utilising the nearest on-street Loading Zone or car parking spaces. There is no objection to the waiving of the loading requirement for this development.

Building Works and Impact on Council Road Assets

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.

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

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

Civil Works – Right of Way

- Upon the completion of all building works and connections for underground utility services, the Right of Way, from Sherwood Street to the development's rear frontage (including east-west aligned section of Right of Way) must be fully reconstructed to Council's satisfaction and at the Permit Holder's expense.
- The vehicle crossing servicing the Right of Way on the north side of Sherwood Street must be reconstructed to Council's satisfaction and at the Permit Holder's cost.

Civil Works – Bridge Road

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Bridge Road street frontage must be stripped and re-sheeted at the permit holder's cost and to the satisfaction of the Responsible Authority.
- The road pavement (south kerb to central tram reservation) must be profiled and re-sheeted along the property frontage at the permit holder's cost and to the satisfaction of the Responsible Authority.
- The footpath in front of the pedestrian entrance must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

Public Lighting

- 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. Any light shielding that may be required shall be funded by the Permit Holder.

Preparation of Detailed Road Infrastructure Design Drawings

- The developer must prepare and submit detailed design drawings of all road infrastructure works associated with this development for assessment and approval.

Construction Management Plan

- 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.
- 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.

Road Asset Protection

- 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.

Impact of Assets on Proposed Development

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

Drainage

- 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), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.
- 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.

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

NON-PLANNING ADVICE TO THE APPLICANT

Clearances from Electrical Assets

Overhead power lines run along the south side of Bridge Road, close to the property line.

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

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

Canopy over Bridge Road Footpath

The proposed canopy above the footpath must be set back no less than 750 mm from the kerb as required by the *Building Regulations* 2006.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments



MEMO

To: Amy Hodgen
From: Mark Pisani
Date: 15 September 2016
Subject: Application No: PLN15/0645
 Description: Amendment; Mixed Use Development
 Site Address: 54-56 Bridge Road, Richmond

I refer to the above Planning Application received on 8 August 2016, the updated traffic report prepared by Traffix Group and previous comments prepared by Engineering Services dated 31 March 2016 in relation to the proposed development at 54-56 Bridge Road, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION Amended Proposal

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the amended proposal's parking requirements are as follows:

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Studio or One-bedroom dwelling	16	1 space per dwelling	16	4
Two-bedroom dwelling	5	1 space per dwelling	5	5
Three-bedroom dwelling	2	2 space per dwelling	4	2
Residential visitors	23 Dwellings	1 space per 5 dwellings	4	0
Retail	130 m ²	4 spaces per 100 m ² of leasable floor area	5	0
Office	139 m ²	3.5 spaces per 100 m ² of net floor area	4	0
Total			38 spaces	11 Spaces

The resultant car parking reduction would be 27 spaces (14 resident spaces, four residential visitor spaces, five retail spaces and four office spaces).

To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Parking Demand for Dwellings.* Traffix Group has sourced the 2011 Census data from the Australian Bureau of Statistics for car ownership rates for *flats units and apartments* in the Richmond area. Studio/bed-sit type dwellings have an average car ownership of 0.3 cars per dwelling, with 78% not owning a car. For one-bedroom dwellings, the car ownership is 0.7 cars per dwelling with 39% not owning a car. The on-site car parking provision for the five two-bedroom dwellings satisfy planning scheme requirements. Three-bedroom dwellings have a car ownership of 1.0 car per dwelling with 33% not owning a car. The provision of one space per three-bedroom dwelling is in line with the Richmond statistical average. The allocation of four on-site spaces to the studio and one-bedroom dwellings results in an on-site car parking provision of 0.25 spaces per dwelling. Although the on-site parking rate is lower than the car ownership rate for the studio dwellings, it is agreed that this is acceptable. The property has excellent accessibility to public transport services and occupants would be well aware of the on-site allocation (or no allocation) of car parking for each dwelling. The on-site residential car parking provision is considered appropriate for this development.
- *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 is considered appropriate and has been often quoted in other traffic impact reports we have reviewed in the past. Applying this rate to the 23 residential dwellings would result in a peak residential visitor parking demand of three spaces.

The applicant proposes to accommodate all residential visitor parking off-site, since the footprint of the property cannot practically accommodate visitor parking. On-site visitor parking should be convenient and easy to access. In this case, the primary access is off a laneway network, which would be unfamiliar to infrequent users. For mixed use and multi-unit residential developments that are located along or near activity centres, we would normally encourage applicants to provide some residential visitor parking on-site. In this instance, the land does not allow for residential visitor parking to be practically accommodated on the property.

- *Parking Demand Associated with the Retail Tenancy.* Traffix Group has adopted a parking rate of 3 spaces per 100 square metres. The retail tenancy is expected to generate four parking spaces. The scarcity of long-stay on-street parking would be a disincentive for staff to drive to the area. Customers would be expected to park on-street or make other travel arrangements to the Bridge Road activity centre as occurs with other shopfront businesses in the area.
- *Office Car Parking Demand.* Parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. The actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3.5 spaces per 100 square metres of floor space, since the area has very good access to public transport services.

The reduction in the office car parking is appropriate having regard to the site's excellent accessibility to a range of public transport services and the existing constrained on-street parking conditions which would be a disincentive for employees to commute to and from the site by motor vehicle. Traffix Group has adopted an office parking rate of 3 spaces per 100 square metres, which would equate to an office parking demand of four spaces.

- *Availability of Public transport in the Locality of the Land.* The site is very well positioned in terms of public transport services. Visitors to the area have the option of using trams along Bridge Road, buses along Hoddle Street and rail services accessed from west Richmond railway station.
- *Convenience of Pedestrian and Cyclist Access.* The site is exposed to high pedestrian volumes along Bridge Road. The site also has good connectivity to the Principal Bicycle Network.
- *Multi-Purpose Trips within the Area.* Customers and residential visitors to the development could possibly combine their visit with other activities or business whilst in the area.

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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:

- *The Car Parking Demand Assessment.* The footprint of the property cannot practically provide on-site parking for visitors or customers.
- *Availability of Car Parking.* Traffix Group conducted a number of spot parking occupancy surveys of the surrounding area at 3:00pm on Thursday 21 May 2015 and at 12:00pm, 1:00pm and 8:00pm for both Friday 12 June and Saturday 13 June. The study area encompassed Bridge Road (Hoddle Street to Leigh Place), Normanby Street, Sherwood Street and sections of Moorhouse Street and Rotherwood Street. The duration and extent of the parking surveys are considered appropriate. An inventory of 109 to 140 on-street car parking spaces was identified. The results of the survey indicate that the on-street parking occupancy in the study area ranged from 86% (16 vacant spaces) to 99% (one vacant space). The peak on-street parking demand was observed at 1:00pm on the Friday. The expected residential visitor parking demand would be three spaces and could be accommodated off-site. Customers to the new retail tenancies could already be parked in the area if engaged in other activities or business. Since the area is blanketed in time based parking restrictions, employees of the office would need to make other travel arrangements to access the site or use more sustainable forms of transport (public transport, bicycles).
- *Practicality of Providing Car Parking on the Site.* The footprint of the property cannot practically provide on-site parking for visitors or customers.
- *Car Parking Deficiency associated with Existing Land Use.* According to the submitted traffic report, the site currently contains two floors of commercial use with some off-street parking for employees. It is agreed that the existing commercial component of the site would have a greater car parking demand than the proposed commercial use, which would be smaller in scale. The existing customer parking generated by the site would be utilising on-street parking.
- *Access to or provision of Alternative Transport Modes.* The site has very good accessibility to public transport and good connectivity to the Principal Bicycle Network. Car share pods are also within reach of the site.

Adequacy of Car Parking

From a traffic engineering perspective, the reduction in the car parking requirement for this development is considered appropriate in the context of the site and the surrounding area. The parking demands generated by the uses within the development should not adversely impact on existing parking conditions in the area.

Engineering Services has no objection to the reduction in the car parking requirement for this site.

TRAFFIC GENERATION

For the residential component of the development, Traffix Group has conservatively adopted a rate of 3 trips per dwelling per day (for dwellings that have a parking space). The peak hour traffic would be 10 % of the daily residential traffic volume. The resulting traffic generation equates to 33 vehicle trips per day with 3 vehicle trips in each peak hour. This volume of traffic is not unduly high and should not have an adverse impact on the nearby roads.

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

DEVELOPMENT LAYOUT DESIGN

Access Arrangements

The development's vehicular access point is located at the rear of the site off a Right of Way connecting to Sherwood Street.

The proposed 5.2 metre wide car park doorway satisfies *Design standard 1 – Accessways* of Clause 52.06-8 of the Yarra Planning Scheme.

The entrance has a headroom clearance of 2.2 metres which satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.

Pedestrian sight triangles have not been provided as the entrance is contained within a Right of Way environment which would experience minimal, if any, pedestrian movements.

The swept path diagrams provided in Appendix C of the report demonstrate that the B99 design vehicle can enter and exit the development via the Right of Way.

Vehicle conflict within the Right of Way is expected to be low. Two vehicles approaching one other have the option of either waiting in Sherwood Street or in the short section of Right of Way just east of the development entrance.

Internal Layout

The dimensions of the car parking spaces satisfy *Design standard 2; Car parking spaces*.

Although not dimensioned, the column locations have been positioned outside the car parking space design envelope as per *Diagram 1 Clearance to car parking spaces* of Design standard 2.

The swept path diagrams of a B85 design vehicle entering and exiting the spaces are considered satisfactory. The AS/NZS 2890.1:2004 permits vehicles belonging to user class 1A (resident, employee parking) to undertake an additional correction movement when manoeuvring into and out of a space.

The 1 in 8 internal ramp grade satisfies *Design standard 3: Gradients*.

The 1 in 16 longitudinal grade along the aisle satisfies AS/NZS 2890.1:2004.

Loading Provision

The site cannot practically provide an on-site loading facility. Deliveries to the site can be made utilising the nearest on-street Loading Zone or car parking spaces. There is no objection to the waiving of the loading requirement for this development.

ROAD INFRASTRUCTURE WORKS

Reconstruction of Right of Way

The Right of Way profile Street comprises an asphalt pavement (flexible pavement) with an open bluestone channel on west side of the carriageway. A site inspection revealed that the road's current condition contains a number of depressions and irregularities. During construction of the building, it is likely that the movement of construction traffic will rapidly increase the deterioration of these assets. Once the development is complete, the addition of daily, repetitive traffic movements from the development will further impact on the condition and serviceability of Right of Way.

Once all building works and connections for underground utilities have been completed, the full width of the Right of Way must be reconstructed from Sherwood Street to the southern boundary of the site. The reconstruction works shall also incorporate the vehicle crossing that services the Right of Way (at the Sherwood Street end).

Attachment 2 - PLN15/0645 - 54-56 Bridge Road Richmond - Engineering services unit comments

Building Works and Impact on Council Road Assets

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.

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

The Engineering Conditions provided in our referral comments of 31 March 2016 are still relevant and pertinent to this application.

NON-PLANNING ADVICE TO THE APPLICANT

The Non-Planning Advice to the Applicant that was provided in our referral comments of 31 March 2016 is still relevant and pertinent to this application.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 3 - PLN15/0645 - 54-56 Bridge Road Richmond - Strategic transport unit comments

Harries, Christopher

From: Rahman, Mizanur <Mizanur.Rahman@yarracity.vic.gov.au>
Sent: Friday, 5 February 2016 3:33 PM
To: Harries, Christopher
Cc: Waldock, Jane
Subject: PLN15/0645 - 54 Bridge Road, Richmond

Hi Chris –

The submitted Green travel Plan for 54 Bridge Road, Richmond is quite comprehensive and considered as satisfactory.

Sustainable transport information should be placed where it will be clearly visible to the residents and employees of the developments.


- ☐ The actions indicated in section 5 of Green Travel Plan need to be implemented according to the submitted report as well as manage and monitor by the management.

Regards,

Mizan Rahman
Transport Engineer

City of Yarra PO Box 168, Richmond, VIC 3121
T - (03) 9205 5740 F - (03) 8417 6602
E - Mizanur.Rahman@yarracity.vic.gov.au
W - www.yarracity.vic.gov.au



 Please consider the environment before you print this email!



Attachment 4 - PLN15/0645 - 54-56 Bridge Road Richmond - Waste services unit comments

Hodgen, Amy

From: Valente, Enzo
Sent: Monday, 5 September 2016 9:29 AM
To: Hodgen, Amy
Subject: TRIM: PLN15/0645 - 54-56 Bridge Road, Richmond - Request for comments on S57 Amended Application

HP TRIM Record Number: D16/142553

Hi Amy

The Waste Management Plan from JJ Richards, dated August 2016, is satisfactory from the City Works Branch's perspective.

If you have any queries give me a call.

Regards

Enzo

Enzo Valente

Waste Management and Cleansing Services Coordinator
City of Yarra PO Box 168 Richmond 3121
T (03)9205 5475 F(03)8417 6666
E enzo.valente@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

From: Hodgen, Amy
Sent: Wednesday, 31 August 2016 3:40 PM
To: Valente, Enzo
Subject: RE: PLN15/0645 - 54-56 Bridge Road, Richmond - Request for comments on S57 Amended Application

Hi Enzo,

Have I sent this to you already? It's a revised Waste Management Plan for the proposed development at 54-56 Bridge Road. Can you please have a look and let me know what you think.

Thanks
Amy

From: Valente, Enzo
Sent: Monday, 8 August 2016 11:33 AM
To: Hodgen, Amy
Subject: RE: PLN15/0645 - 54-56 Bridge Road, Richmond - Request for comments on S57 Amended Application

Hi Amy

This is the same unsatisfactory WMP that I commented on in my email reply to Chris Harries on 16 February 2016. Refer attached. I reiterate that this development will require internal collection by private contractor.

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development*.

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, all **large** planning permit applications with Yarra City Council are required to include a Sustainable Management Plan (SMP). This application is a 'Large' planning application as it meets the category *Residential – development of 10 or more dwellings*.

What is a Sustainable Management Plan (SMP)?

An SMP is a detailed sustainability assessment of a proposed design at the planning stage. An SMP demonstrates best practice in the 10 Key Sustainable Building Categories and;

- provides a detailed assessment of the development. It may use relevant tools such as BESS and STORM or an alternative assessment approach to the satisfaction of the responsible authority; and
- identifies achievable environmental performance outcomes having regard to the objectives of Clause 22.17 (as appropriate); and
- demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- documents the means by which the performance outcomes can be achieved.

An SMP identifies beneficial, easy to implement, best practice initiatives. The nature of larger developments provides the opportunity for increased environmental benefits and the opportunity for major resource savings. Hence, greater rigour in investigation is justified. It may be necessary to engage a sustainability consultant to prepare an SMP.

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice. The following comments are based on the review of the architectural drawings, prepared by *Wall Architects* (dated 29.11.2015) and the accompanying SMP, prepared by *Lucid Consulting* (20.01.2016).

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



Assessment Summary:

Responsible Planner:	Christopher Harries		
ESD Advisor:	Johanna Trickett		
Date:	19.02.2016	Planning Application No:	PLN15/0645
Subject Site:	54-56 Bridge Road, Richmond		
Site Area:	515m ²	Site Coverage:	100%
Project Description:	The applicant proposes the construction of a seven storey (plus two basement car park levels) mixed-use building, including 33 apartments, basement parking and one retail tenancy.		
Pre-application meeting(s):	No ESD involvement.		

This application does not meet Council's Environmental Sustainable Design (ESD) standards.

Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be addressed in an updated SMP report and are clearly shown on Condition 1 drawings.

(1) Applicant ESD Commitments:

- A minimum of 70% of construction and demolition waste will be recycled.

(2) Application ESD Deficiencies:

- It is strongly recommended to reconsider the floor plan layout to avoid main living areas and master bedrooms relying on ventilation via a courtyard. It is required to show all window operations on the architectural elevation drawings.
- The proposed design is expected to deliver poor internal daylight levels. It is required to provide a daylight level report, including apartment samples that have been modelled with the metal fins being closed (northern façade) and with the property to the west being developed to a similar extent (living room facing the western courtyard).
- External views to some apartments are very limited. An apartment's primary aspect should be to a road or a generously sized courtyard where no screening for overlooking is required.
- The provided predicted NatHERS rating is invalid as there is no correlation between the apartment numbering in the SMP and on the architectural drawings.
- It is required to provide effective shading to fully exposed north facing windows (northern façade and courtyards). Sufficiently sized fixed awnings are recommended.

(3) Outstanding Information and ESD Improvement Opportunities:

- It is strongly recommended to provide fly screens and security mechanisms to openable windows/doors to allow for convenient and effective night purging (ventilation during night).
- Please specify a window glazing with a SHGC of at least 0.7 to maximise internal daylight levels.
- It is recommended to install a HVAC mechanism that avoids running of a/c units when doors or windows are opened or when rooms have been vacant for an extended period of time.
- Fixed retractable clothes drying racks should be installed on all balconies.
- It is recommended to seek advice from a suitably qualified professional in regard to the growth potential of trees above a car park and in a narrow courtyard.

Further Recommendations:

The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

1. Indoor Environment Quality (IEQ)

Objectives:

- to achieve a healthy indoor environment quality for the wellbeing of building occupants.
- to provide a naturally comfortable indoor environment will lower the need for building services, such as artificial lighting, mechanical ventilation and cooling and heating devices.

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	<p>The proposed design includes two courtyards (18m² x 15m and 25m² x 21m) with two separate apartments connected to each. Adjacent rooms may be the master bedroom, the 2nd bedroom or the main living area.</p> <p>This design approach does not work in favour for natural ventilation. Due to the short distance between apartment windows and balconies (as little as 4m), residents are likely to keep windows closed to protect their privacy.</p> <p>The architectural drawings provide no information about window openings, neither to the front and back facades, nor to the courtyard openings.</p>	<p>It is strongly recommended to reconsider the floor plan layout to avoid main living areas and master bedrooms relying on ventilation via a courtyard.</p> <p>A courtyard of more than 4 storeys in height should have a floor area of at least 29m². Also, only secondary bedrooms should rely on those for access to ventilation and daylight.</p> <p>It is required to show all window operations on the architectural elevation drawings.</p> <p>It is strongly recommended to install fly screens/doors and security mechanisms to openable windows/doors to allow for convenient and effective night purging (ventilation during night) during summer months.</p>	4
Daylight and Access to Direct Sun	<p>The provided SMP describes that the majority of apartments will receive a minimum of 3 hours of direct sunlight per day in mid-winter.</p> <p>The provided architectural drawings, on the other hand, show that 17/33 apartments are south facing (with no access to direct sun), with some of those even facing a courtyard.</p> <p>While daylight levels to habitable rooms may be acceptable with the current neighbouring building situation, it is expected that this will not be the case, should the property to the west (No52) be developed to a similar scale.</p> <p>The provided NatHERS report describes windows with a very low SHGC of 0.49.</p> <p>No information on how the metal fins will impact internal daylight levels has been provided.</p>	<p>It is required to provide a sample daylight modelling report, outlining that best practice daylight levels will be met with a worst-case metal fin positioning (fully closed).</p> <p>Should the proposed floor plan layout remain as is (with reliance on daylight via a courtyard), it is required to provide a daylight modelling report that considers the property to the west developed to a similar extent. The report must demonstrate that best practice daylight standards will be met.</p> <p>Please specify a window glazing with a SHGC of at least 0.7 to maximise internal daylight levels.</p>	4
External Views	<p>Some apartments' primary aspect is the courtyard. In these apartments external views are very limited.</p>	<p>An apartment's primary aspect should be to a road or a generously sized courtyard where no screening for overlooking is required.</p>	4
Hazardous Materials	<p>No information has been provided.</p>	<p>All paints, adhesives, carpets and sealants should be low VOC type.</p>	2

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

and VOC		Engineered wood products should be avoided; unprocessed timber alternatives should be proposed instead.	
Thermal Comfort	<p>Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation.</p> <p>The application proposes:</p> <ul style="list-style-type: none"> - reasonable access to natural ventilation - an inconsistent approach to passive heat gains. - low insulation levels (single glazing). 	Please refer to sections <i>NCC Energy Efficiency Requirements Exceeded and Effective Shading</i>	

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [1. Indoor Environment Quality](#)
 Good Environmental Choice Australia Standards www.geca.org.au
 Australian Green Procurement www.greenprocurement.org
 Residential Flat Design Code www.planning.nsw.gov.au
 Your Home www.yourhome.gov.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

2. Energy Efficiency

Objectives:

- to ensure the efficient use of energy
- to reduce total operating greenhouse emissions
- to reduce energy peak demand
- to minimize associated energy costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	The provided SMP suggests that minimum NCC section J performance standards will be exceeded. An average rating of 6.3 stars has been predicted. The provided rating table references apartment numbers that are very different to the numbering on the architectural drawings. It is assumed that the modelling results of a revised design have been provided.	The provided predicted NatHERS rating is invalid as there is no correlation between the apartment numbering in the SMP and on the architectural drawings.	4
Hot Water System	Individual gas instantaneous domestic hot water systems will be installed.	A gas boosted solar hot water system with collectors sized to achieve at least 60% contribution to total water-heating demand should be preferred.	2
Peak Energy Demand	No information has been provided.	-	-
Effective Shading	The majority of apartment windows are either shaded (north), south facing or facing the courtyard (screened). However, level 3 apartments number 18 and 19 have large sized north facing glazing without any shading.	It is required to provide effective shading to the before mentioned windows. Sufficiently sized fixed awnings are recommended.	4
Efficient HVAC system	Reverse cycle units with an energy rating to be within one star of the best available have been described.	It is recommended to install a mechanism that avoids running of a/c units when doors or windows are opened or when rooms have been vacant for an extended period of time.	2
Efficient Lighting	LED and compact fluorescent lighting will primarily be installed.	The installation of occupancy and daylight sensors is strongly recommended.	2
Electricity Generation	No information has been provided.	A photovoltaic system should be installed for common area electricity demands.	2
Drying Racks	No information has been provided.	Fixed retractable clothes drying racks should be installed on all balconies.	2

* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [2. Energy Efficiency](#)

SDAPP Fact Sheet: [2.1 Sunshading](#)

House Energy Rating www.makeyourhomegreen.vic.gov.au

Building Code Australia www.abcb.gov.au

Window Efficiency Rating Scheme (WERS) www.wers.net

Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au

Energy Efficiency www.resourcesmart.vic.gov.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments**3. Water Efficiency****Objectives:**

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	The following WELS water efficiency benchmarks have been specified: Toilets: 5 Stars Basin Taps: 5 Stars Showers: 3 Stars	-	1
Water for Toilet Flushing	Rainwater will be harvested and used for toilet flushing.	-	1
Water Meter	Individual water sub-meters will be provided for the apartments.	The same should apply to the commercial tenancies.	2
Landscape Irrigation	Landscaping will be irrigated through harvested rainwater.	-	1
Fire water system	-	Fire testing water should be captured in a tank and reused for toilet flushing.	2

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [3. Water Efficiency](#)
 Water Efficient Labelling Scheme (WELS) www.waterrating.gov.au
 Water Services Association of Australia www.wsaa.asn.au
 Water Tank Requirement www.makeyourhomegreen.vic.gov.au
 Melbourne Water STORM calculator www.storm.melbournewater.com.au
 Sustainable Landscaping www.ourwater.vic.gov.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

4. Stormwater Management

Objectives:

- to reduce the impact of stormwater runoff
- to improve the water quality of stormwater runoff
- to achieve best practice stormwater quality outcomes
- to incorporate Water Sensitive Urban Design principles.

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM rating of 101% has been provided. This includes a 7.000l rainwater tank, connected to all roof areas and toilets of 20 bedrooms. The tank has been shown on the lower ground 02 floor plan.	Annotations in regard to the tank size, the connected toilets and the rainwater collection areas must be shown on the architectural drawings.	2
Discharge to Sewer	-	-	-
Stormwater Diversion	-	-	-
Stormwater Detention	-	-	-
Stormwater Treatment	-	-	-
Others	-	-	-

* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)

SDAPP Fact Sheet: [4.1 Site Permeability](#)

Melbourne Water STORM calculator www.storm.melbournewater.com.au

Water Sensitive Urban Design Principles www.melbournewater.com.au

Environmental Protection Authority Victoria www.epa.vic.gov.au

Water Services Association of Australia www.wsaa.asn.au

Sustainable Landscaping www.ourwater.vic.gov.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments**5. Building Materials****Objectives:**

- to minimise the environmental impact of materials used by encouraging the use of materials with a favourable lifecycle assessment.

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	No information has been provided.	Any bulk thermal insulation should contain a minimum of 20% post-consumer recycled material. On-site waste grinding services should be applied to reuse otherwise wasted materials on site.	2
Embodied Energy of Concrete and Steel	No information has been provided.	Concrete and steel should contain recycled materials.	2
Sustainable Timber	The use of sustainably procured timber (either certified or recycled) has been described as where feasible.	Please note that only measurable project commitments should be include in a SMP.	2
Design for Disassembly	No information has been provided.	Consider using a small palette of raw construction materials to facilitate material separation and recycling in the future.	2
Others	-	PVC best practice guidelines should be implemented.	2

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [5. Building Materials](#)

Building Materials, Technical Manuals www.yourhome.gov.au

Embodied Energy Technical Manual www.yourhome.gov.au

Good Environmental Choice Australia Standards www.geca.org.au

Forest Stewardship Council Certification Scheme www.fsc.org

Australian Green Procurement www.greenprocurement.org

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments**6. Transport****Objectives:**

- to minimise car dependency
- to ensure that the built environment is designed to promote the use of public transport, walking and cycling.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Limited car parking will be provided.	-	1
Providing Bike Storage	A total of 21 secure bicycle parking spaces have been shown on the lower ground 02 floor plan. An additional 14 spaces have been shown at the outside of the southern façade (on site).	-	1
End of Trip Facilities	-	-	3
Car Share Facilities	-	Please consider the nearby provision of car share facilities in a building users guide.	2
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [6. Transport](#)

Off-setting Car Emissions Options www.greenfleet.com.au

Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf

Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/

Bicycle Victoria www.bv.com.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments**7. Waste Management****Objectives:**

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria.

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	A target-recycling rate of 70% (by mass) of construction and demolition waste has been adopted.	-	1
Operational Waste Management	Garbage chutes on the ground floor for recyclables and general household waste have been described on the provided SMP.	Please provide relevant annotations on the architectural drawings.	2
Storage Spaces for Recycling and Green Waste	A bin room for general household waste and recyclables has been shown on the lower ground 02 floor plan.	It is strongly recommended to also provide spaces and containers for oversized household items and hazardous waste, such as batteries and fluorescent light bulbs.	2
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [7. Waste Management](#)
 Construction and Waste Management www.sustainability.vic.gov.au
 Preparing a WMP www.epa.vic.gov.au
 Waste and Recycling www.resourcesmart.vic.gov.au
 Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002) www.environment.nsw.gov.au
 Waste reduction in office buildings (2002) www.environment.nsw.gov.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments**8. Urban Ecology****Objectives:**

- to protect and enhance biodiversity
- to provide sustainable landscaping
- to protect and manage all remnant indigenous plant communities
- to encourage the planting of indigenous vegetation.

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	-	-	3
Maintaining / Enhancing Ecological Value	The courtyards show extensive vegetation (trees). No supporting evidence has been provided whether the tree's root system and ability to grow has been considered.	It is recommended to seek advice from a suitably qualified professional in regard to the growth potential of trees above a car park and in a narrow courtyard.	2
Reclaiming Contamin. Land	-	-	3
Green roof	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [8. Urban Ecology](#)
 SDAPP Fact Sheet: [8.1 Green Roofs, Walls and Facades](#)
 Department of Sustainability and Environment www.dse.vic.gov.au
 Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
 Greening Australia www.greeningaustralia.org.au
 Green Roof Technical Manual www.yourhome.gov.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

9. Innovation

Objective:

- to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	-	-	-
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [9. Innovation](#)
 SDAPP Fact Sheet: [9.1 Melbourne's Climate](#)
 SDAPP Fact Sheet: [ESD Tools](#)
 Green Building Council Australia www.gbca.org.au
 Victorian Eco Innovation lab www.ecoinnovationlab.com
 Business Victoria www.business.vic.gov.au
 Environment Design Guide www.environmentdesignguide.com.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments**10. Construction and Building Management****Objective:**

- to encourage a holistic and integrated design and construction process and ongoing high performance

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	Commissioning, ongoing maintenance and regular monitoring of building systems will be undertaken.	This should be done in accordance with relevant industry standards (CIBSE or ASHRAE).	2
Building Users Guide	No information has been provided.	A Building Users Guide should be prepared.	2
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Preference should be given to a head contractor who is ISO 14001 certified.	2
Construction Management Plan	-	Building contractor should develop and implement a site specific CMP. During construction, gross pollutant traps should be provided to prevent pollution of waterways and the build-up of silt deposits.	2
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

References and useful information:

SDAPP Fact Sheet: [10. Construction and Building Management](#)

ASHRAE and CIBSE Commissioning handbooks

International Organization for standardization – ISO14001 – Environmental Management Systems

Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments

Sustainable Management Plan (SMP)
for planning applications being considered by Yarra Council



Applicant Response Guidelines

Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.

Attachment 5 - PLN15/0645 - 54-56 Bridge Road Richmond - ESD advisor comments



MeMO

TO: Amy Hodgen
FROM: Euan Williamson, ESD Advisor
DATE: 26.09.2016
FILE: 54-56 Bridge Road, Richmond
SUBJECT: ESD Response – amended design

Amy,

I have reviewed the proposed architectural drawings prepared by Wall Architects received 03.08.2016, and the accompanying reports; the SMP prepared by Lucid and the *Daylight Assessment* prepared Keystone Alliance, that formed part of the 57A Amendment submission.

In summary, most of the concerns have been addressed, with the exception of the following outstanding issues;

- The NatHERS thermal energy efficiency standard is falling just short of Council best practice standard of 10% above the minimum NCC requirements. Strongly recommend that the applicant amend the application to increase this performance outcome and meet Council's best practice standard.
- The operability of the glazing has not been clearly shown on the architectural drawings. Please amend drawings to clearly show operability, in order to ensure access to natural ventilation.
- The tank size, the connected toilets and the rainwater collection areas must be shown on the architectural drawings.

The following issues have been satisfactorily addressed by the building design changes;

- Access to daylight
- Outlook
- Shading to north facing glazing

If you or the applicant would like to discuss this development further, please contact me.

Regards,

Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5366 F (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

City of Yarra Heritage Advice

Application No.: PLN15/0645
Address of Property: 54-56 Bridge Rd, Richmond
Planner: Christopher Harries
Yarra Planning Scheme References: Clauses 43.01 and 22.02
Heritage Overlay No.: HO310 **Precinct:** Bridge Road, Richmond.

Abutted by the Richmond Hill Precinct HO 332.

Level of significance

A pair of single storey shops and residences, constructed 1950-1960, is listed as being "Not contributory".

(Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*)

The salient points of the Statement of Significance for the Bridge Road precinct are:

What is significant?

As a main thoroughfare from Melbourne to the eastern suburbs by the mid 1850s, retail and service trades concentrated at the west end of Bridge Road...

Main development era

Bridge Road Heritage Overlay Area, Richmond is a predominantly 19th and early 20th century commercial strip

Why is it significant

As one Richmond's principle thoroughfares that leads to the first bridge to connect Richmond to Hawthorn, retaining many Victorian-era shops;

As an important commercial precinct in Richmond, particularly expressive of the 19th and early 20th centuries and incorporating Richmond's civic hub;

For the architectural continuity and high integrity of upper level façades to their construction date

For the good and distinctive examples of Victorian and Edwardian-era architectural styles and ornamentation as evocative of the street's premier role in Richmond

For the architecturally significant examples of shop buildings from the 1920s and 1930s that relate well to the dominant Victorian-era and Edwardian-era scale and character;

For the contribution of individually significant or well preserved buildings that express a range of key development periods in the street and the City. [Emphasis added]

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

Proposal

Demolition of two non-contributory buildings and construction of a seven storey building containing studio dwellings, a two level basement containing an office, a shop and a utilities area; ground floor shop, basement parking and storage and a sub-basement stacker pit.

Drawing Numbers

16 pages of architectural drawings, 8 pages of context drawings and photographs, 15 pages of design information including photographic Sample Board, Council date stamp 18 Dec, 2015; prepared by Wall Architects.

The drawings are poorly dimensioned and at a scale of 1:200 at A3 scaled dimensions are barely legible and are therefore approximate.

"Planning Report" prepared by Keen Planning, dated December 2015, Revision 2, Council date stamp 18 Dec 2015.

"Heritage Assessment" prepared by Peter Andrew Barrett, dated December 2015, Council date stamp 23 Dec 2015.

Context Description

The site is located within a group of mostly double storey, but a few single storey shops of Contributory or Individual significance, including two hotels between Punt Road and Rotherwood Street and with only four sites being non-Contributory (Nos. 2, 18, 52 and 54-56). Despite the intrusive c. 1960s triple storey building at No. 2 Bridge Road and the rooftop signage on the Individually significant former Napier Hotel at the corner of Punt Road, the streetscape on the south side has a strong visual Victorian nature. The skyline forms a strong, uniform horizontal element in the streetscape with no visible projections above the parapet line at a height of two storeys.

Comparisons with the north side at this part of Bridge Road are somewhat less relevant as the street is considerably wide and both sides are separated by the tram line and stop. In views to the east from the vicinity of Punt Road and Wellington Parade the south side is the most visually prominent because of the bend in Bridge Road, which focuses the view on the south side and which renders the north side façades less visible, but visible nonetheless. These views are prefaced by the visibility of the side (west) elevation of Nos. 17-33 Bridge Road (south-east corner of Moorehouse St.) and the Epworth Hospital at some distance behind. Initially these are the most noticeable elements on this side of Bridge Road but soon the heritage buildings become evident in the viewshed to complete the "picture" in views to the east.

In views to the east, the site as it exists, blends into the streetscape.

In relation to Nos. 18 -20 Bridge Road The Tribunal (Dreaming Investments Pty Ltd v Yarra CC & Ors [2013] VCAT 1296 (24 July 2013) noted that:

- Unlike the higher rear extensions on the north side of Bridge Road, the high rear section of the proposed building on the review site does not gain any visual amelioration because of higher intervening front parapets or buildings on adjoining and nearby sites. Nor does it have a backdrop of higher built form such as is provided on the north side by the tall and visually dominating Epworth Hospital buildings or the new tall buildings further east near Church Street. (Para. 23)
- the rear section of the proposed building will have a monolithic appearance [which] is the case in views along Bridge Road (Para. 24)

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

- a taller building on the review site should not be penalised because few tall buildings have yet been constructed along this southern section of Bridge Road. (Para. 26)
- the review site can potentially sustain a taller building because it is separated from sensitive residential interfaces, the fact that most of the other sites along the south side of Bridge Road do not share those advantages means that a 6/7 storey building of up to 22.34 metres in height will likely remain one of the most obvious and visually dominant buildings in this streetscape and when viewed from the south (Para. 27)
- it is not just overall height but also setbacks, articulation, materials and colours that influence whether a building is acceptable in its context. Although local policy at Clause 21.05-1 would suggest that buildings of not more than 5-6 storeys would be acceptable, that may not be achievable on a site which is very narrow, surrounded by low rise heritage fabric and where any new higher built form will be highly visible and visually dominating. (Para. 28)

The building under review was for a 3 storey podium and with seven storeys behind and being 19.866 metres high as viewed from Bridge Road and 22.2346 metres as viewed from Napier Lane. Napier Lane terminates before it reaches the current site. Behind the current site are two single storey Contributory dwellings, Nos. 21 and 23 Sherwood Street plus non-Contributory dwellings on adjacent sites, all are residential.

Further, the critical matrix to consider is height in combination with setbacks and therefore how much of the taller element is visible from Bridge Road in a standard sightline. This principle of height in combination with setbacks is set out well in relation to 203-207 Bridge Road (207 Bridge Road Pty Ltd v Yarra CC [2013] VCAT 1901 (11 November 2013)). The Tribunal noted the fine-grain frontage to Bridge Road, a layer of 6-7 storeys at a mid level setback of 13-15 metres and then taller elements with setbacks in excess of 40 metres on sites which are wide and deep and which also slope down the hill to the north. While the site contains two buildings, it is not wide similarly to rear part of The Ark site which is not covered by a Heritage Overlay.

The heritage policy and the following strategies have guided development consistently, *inter alia*, along Bridge Road.

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;

Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development;

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 [inter alia]: Significant upper level setbacks [and] High quality restoration and adaptive re-use of heritage buildings (Cl. 21.05).

Assessment of Proposed Works

Demolition

Demolition of two Non-contributory buildings is acceptable.

Proposed works

Built form (height/setbacks)

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

Height

The height from Bridge Road will be 10.2 metres to the top of the podium, 22.6 – 23 metres to the roof on the Bridge Road (north) side and 24.4 metres on the south side as the site slopes down to the south.

Setbacks

The podium levels (Ground, First and Second floors) will have a zero setback to the façade and with balconies and voids behind. Also there will be a small setback of approximately 300 mm on the east side and approximately 200 mm on the west sides from the abutting buildings.

At the Third floor the setback will be approximately 1.5 metres to the balcony balustrade and 3.4 metres to the elevation.

At the Fourth and Fifth floors the façade is stepped. The setback at the east is 7 metres to the elevation, in the centre it is 4.5 metres to the wind-activated aluminium fins and on the west it is 7.2 metres to more fins. The fins effectively form a façade element.

At the Sixth floor the façade is stepped. The setback at the east is 11.6 metres to the elevation, 4.5 metres in the centre to the wind-activated aluminium fins and on the west it is 7.2 metres to more fins.

This site is similar to Nos. 18 – 20 Bridge Road in terms of its location and visual strength in the east and west viewsheds; while it is wider than the [previous site it is not a “wide” site and the setbacks are nowhere near those achieved further east on the north side of Bridge Road and the underlying principles espoused by The Tribunal. The criticisms made of No. 18 – 20 Bridge Road in terms of height, prominence, low rise buildings surrounding the site and lack of a backdrop of higher built form are applicable to this site as well. The proposed building is of a similar height to the building proposed for Nos. 18 – 20 Bridge Road and like it, the proposed building will have a monolithic appearance and be completely out-of-keeping, on this ground alone, with the surrounding heritage place(s). At the entrance to the Bridge Road Precinct a building such as this will have an adverse effect on its historical and aesthetic qualities. The effect is clearly demonstrated in the perspectives supplied as is the alien façade treatment discussed below.

Strategies 14.3, 14.6 and Objective 17 have not been met and insofar as Strategy 17.2 is concerned, it exceeds the envisaged height, has failed to address the inherent site constraints and has not achieved significant setbacks.

It is not clear whether or not the proposed building will be visible above the parapets of Nos. 21 and 23 Sherwood Street in a standard sightline and possibly it will not be. Nevertheless there will be an unsympathetic interface between the backs of them and the development.

Façade Design

The relevant part of the heritage policy is:

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

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Consider the architectural integrity and context of the heritage place or contributory element.

Insofar as commercial sites are concerned, the following is relevant:

Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.
- Incorporate treatments which make them less apparent.

As stated above the proposed setbacks are inadequate and not what the heritage policy seeks to achieve and do not reflect the principles already established in Bridge Road. Further, the proposed façade treatment makes the new building and its upper levels more prominent rather than "less apparent" or "visually recessive" and is not "Respect[ful of] the pattern, rhythm, ... spatial characteristics, fenestration ..., materials and heritage character of the surrounding historic streetscape".

The predominant building finish in Bridge Road is render and with some face brick. More recent developments visible from Bridge Road have included concrete, rendered treatments at the lower levels and glazing at the higher level where generally these levels are considerably set back. None of the existing treatments are animated. The Design Statements (2.6) indicates that

The concept to the proposal references the historical textile and fabric industry, predominantly centred around the Richmond precinct. In specific [sic.], the design references the properties of textile and fabric into the external skin of the project, while re-interpreting the contextual heritage streetscape elements onto the lower podium levels. ...

It is proposed that both these wall facades facing Bridge Rd be installed with 'wind-activated fins' on a framed system. These fins shall be in brushed aluminium silver finish, and mounted on titles hinges so that its [sic.] natural resting position will be perpendicular to the wall façade. It is anticipated that when these fins are blown by wind breeze [sic.], they move, sway, ripple and flutter, much the same when [sic.] fabric, textile and cloth would be when subjected to the same wind breeze. It is with this feature that the design references the textile and fabric industry of Richmond by emulating its properties.

The only mention of the textile industry in the *Richmond Conservation Study* (Vol. 1, p. 14) and the *City of Yarra Heritage Review* (Vol. 1, pp. 44-45) is Pelaco, shirt manufacturers. The clothing shops in Bridge Road are a recent phenomenon. Any connection between the shirt manufacturer and animated turbines is elusive and any such elements would set an unwelcome precedent.

The Decision Guidelines require, *inter alia*, a consideration of

- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation. (Cl. 22.02 – 7)

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The salient point in the Statement of Significance for the Bridge Road precinct are set out and emphasized above. The proposal is completely at odds with those point and seeks to undermine the visual primacy of the Victorian and Edwardian shopfronts.

The Design Statement also indicates that salvaged and reclaimed bricks from the existing building will be painted white and re-used. The bricks have no heritage value and apart from reasons of economy or perhaps a desire for recycling, there is no apparent reason to do this, certainly no heritage reason.

Other claims in the Design Statement are not directly related to heritage but nevertheless may have some impact and are questionable.

The podium façade is proposed to be detailed with operable louvre shutters which have the appearance of conventional framed timber-shutters. There are no examples of this treatment in Bridge Road and only a few in Yarra. They will disturb the solid to void balance which is achieved in the heritage buildings by solid facades and transparent recessed windows. They will enclose balconies and do not seem to have any practical purpose or benefit and some other treatment should be proposed which is more in-keeping.

In the shopfront there is a similar louvred pair of shutters/doors. It is assumed that this is the fire hydrant booster cupboard. The louvres are labelled "PC" but there is nothing on the photocopied Sample Board (2.15) which indicates what this is. Further, from the photocopy it is impossible to gain any real understanding of the actual appearance of the materials and actual samples should be provided.

The shop front is fully glazed other than for some minimal masonry at the bottom. Shops in Bridge Road traditionally have deep stallboards, or plinths, and a much more defined treatment is required.

The residential entrance is shown as black on the perspective (Perspective 02) but on the elevation does not appear to be differentiated from the shopfront in any way. The treatment needs to be clarified.

Other Materials

At the rear it appears that the garage door and bicycle rack screen is proposed to be timber battens as are the balcony balustrades above. Nothing of this nature is indicated on the photocopied Sample Board. If they are stained or natural timber, experience in Yarra has shown that they will not be maintained, moreover in this location, and their appearance will become unsightly sooner rather than later. Clarification of exactly what is proposed is required and if stained or natural timber battens then they should be painted or another material selected.

Trees

None proposed in Bridge Road but some are proposed in internal light courts. It is not clear what the trees are for or how well they will grow and if they are evergreens they will defeat the purpose of admitting light to the studio apartment windows below the canopy.

Recommendation / Comments:

Not approved. There is very little compliance with the heritage policies, strategies, objectives and principles already established for Bridge Road. It is self-evident that this proposal will be too high, too bulky, unsympathetic and out of keeping with the heritage streetscape in numerous ways as discussed above and as has already been criticised on a similar site nearby, with which this proposal shares many of the same failings.

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

The typical height of this part of Bridge Road and on this side, which is the relevant context, is two Victorian storeys plus parapets, equivalent to two and a half modern storeys. In this context the podium height is not unacceptable of itself but in combination with its visual treatment, i.e. the "fenestration"/shutters it will be intrusive. The proposed highly visible upper levels will impose a sudden and disproportionate concentration of bulk in the Bridge Road streetscape, a condition which does not exist presently. Because of the high visibility of the subject site and particularly any upper levels which might be constructed would potentially allow new built form to be introduced and which will dominate or draw attention. This is evident from the drawings and the perspectives.

The highly visible plain east and west elevations of the upper levels are also unacceptable and intrusive. In addition there is no precedent for animated façades and the rationale behind this approach is misguided and inappropriate in this highly significant heritage streetscape.

There is little in Cl. 22.02 which would support this proposal. The proposal in its present form would have an adverse effect on the immediate part of the valued heritage precinct. The vista and views of this part of the heritage place will not be retained as is, rather they will be significantly and adversely changed. The existing scale of this part of the heritage precinct will not be preserved and the proposed new work is not respectful of the heritage place or its significance

Clarify what the louvred pair of shutters/doors is in the shopfront.

Provide a deeper stallboard, or plinth, to the shopfront.

Clarify the treatment and materials of the residential entrance.

Clarify what is proposed in terms of materials for the garage door and bicycle rack screen and the balcony balustrades above.

Provide actual samples of all colours and materials.

Signed:



Robyn Riddett
Director – Anthemion Consultancies

Date: 3 March, 2016

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Figure 1 Bridge Road. The buildings on the south side dominate the view from the west. The development site is arrowed. In actual views from the camera location the site is quite visible within the row of shops.



Figure 2 The view of the north side is dominated by the development at the corner of Moorehouse St and with the Epworth in the background.

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

City of Yarra Heritage Advice – Supplementary Advice

Application No.: PLN15/0645
Address of Property: 54-56 Bridge Rd, Richmond
Planner: Amy Hodgen
Yarra Planning Scheme References: Clauses 43.01 and 22.02
Heritage Overlay No.: HO310 **Precinct:** Bridge Road, Richmond.

Abutted by the Richmond Hill Precinct HO 332.

Level of significance

A pair of single storey shops and residences, constructed 1950-1960, is listed as being "Not contributory".

(Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*)

The salient points of the Statement of Significance for the Bridge Road precinct are:

What is significant?

As a main thoroughfare from Melbourne to the eastern suburbs by the mid 1850s, retail and service trades concentrated at the west end of Bridge Road...

Main development era

Bridge Road Heritage Overlay Area, Richmond is a predominantly 19th and early 20th century commercial strip

Why is it significant

As one of Richmond's principal thoroughfares that leads to the first bridge to connect Richmond to Hawthorn, retaining many Victorian-era shops;

As an important commercial precinct in Richmond, particularly expressive of the 19th and early 20th centuries and incorporating Richmond's civic hub;

For the architectural continuity and high integrity of upper level façades to their construction date

For the good and distinctive examples of Victorian and Edwardian-era architectural styles and ornamentation as evocative of the street's premier role in Richmond

For the architecturally significant examples of shop buildings from the 1920s and 1930s that relate well to the dominant Victorian-era and Edwardian-era scale and character;

For the contribution of individually significant or well preserved buildings that express a range of key development periods in the street and the City. [Emphasis added]

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Proposal

Demolition of two non-contributory buildings and construction of a six storey building containing studio dwellings, a two level basement containing parking, an office, a shop and a storage, services and plant area and a ground floor shop.

Drawing Numbers

Architectural drawings, perspectives, photographs and a photographic Sample Board, Council date stamp 03 Aug 2016; prepared by Wall Architects.

The drawings are poorly dimensioned and at a scale of 1:200 at A3 scaled dimensions are barely legible and are therefore approximate.

Context Description

I provided heritage advice on 3 March, 2016 which concluded, in summary, that:

- There is very little compliance with the heritage policies, strategies, objectives and principles already established for Bridge Road.
- It is self-evident that this proposal will be too high, too bulky, unsympathetic and out of keeping with the heritage streetscape in numerous ways and as has already been criticised on a similar site nearby, with which this proposal shares many of the same failings.
- The typical height of this part of Bridge Road and on this side, which is the relevant context, is two Victorian storeys plus parapets, equivalent to two and a half modern storeys.
- The podium height is not unacceptable of itself.
- The proposed highly visible upper levels will impose a sudden and disproportionate concentration of bulk in the Bridge Road streetscape, a condition which does not exist presently.
- Because of the high visibility of the subject site and particularly any upper levels which might be constructed would potentially allow new built form to be introduced and which will dominate or draw attention. This is evident from the drawings and the perspectives.
- The highly visible plain east and west elevations of the upper levels are also unacceptable and intrusive.
- There is little in Cl. 22.02 which would support this proposal.
- The proposal in its present form would have an adverse effect on the immediate part of the valued heritage precinct.
- The vista and views of this part of the heritage place will not be retained as is, rather they will be significantly and adversely changed.
- The existing scale of this part of the heritage precinct will not be preserved and the proposed new work is not respectful of the heritage place or its significance

The opinions expressed above were based on the Heritage Policy (Cl. 22.02), Built Form (Cl. 21.05), two quoted VCAT Decisions and another Decision in relation to 183-189 Bridge Road, Richmond (Gesher Pty Ltd v Yarra CC [2015] VCAT 506 (21 April 2015), which noted that

- 19 Council however, emphasises, that planning policy support for more intensive development is contingent on a high standard of design.
- 20 However, it is also the design detail of the proposed arches which is controversial. The proposed building has a simple concrete facade with punched openings. The proposed arched openings have none of the decoration commonplace in Victorian or Edwardian architecture and the concrete panels which define the arches lack the visual presence of masonry openings in architecture of these periods.

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

- 21 On balance, we are of the view that the proposed design runs the risk of being interpreted as a poorly executed rendition of Victorian arches, rather than being seen as a loosely interpretive modern facade. We think this potential risk would be avoided if the proposed openings were modified so that they were simple rectangular shapes. [Emphasis added.]

and subsequent advice in relation to other sites in Bridge Road. All of the above provide the context in which to make consistent decisions. This present advice is intended to be read in conjunction with all previous advice which is not repeated here for that reason,

Assessment of Proposed Works

Demolition

Demolition of two Non-contributory buildings is acceptable.

Proposed works

Built form (height/setbacks)

Height

The height from Bridge Road will be 9.81 metres to the top of the podium which is similar to the original proposal, 18.66 metres to the parapet on the Bridge Road (north) side and 21.94 metres on the south side as the site slopes down to the south. The height of the podium is acceptable. Given the increased setbacks at the rear, the height is probably acceptable. However, similarly to 18-20 Bridge Road the height from Bridge Road in this location is disproportionate to the heritage buildings and this is exacerbated by the proposed setbacks.

Setbacks from Bridge Road

	Previous Elevation	Balustrade	Now proposed Elevation	Balustrade	Comment
Ground floor	Zero		Zero		Acceptable
First floor	Zero		1.5 m	Zero	Acceptable
Second floor	Zero		1.6 m	3.9 m	Acceptable
Third floor	1.5 m	3.4 m	5.8 m	3.81 m	
Fourth floor	4.5-7 m	1.6 m	5.8 m	3.7 m	
Fifth floor	4.5-7m	5.87 m	10.965 m	9.365 m	
Sixth floor	11.6-4.5m		Deleted		

The setbacks at the 3rd to 5th levels are generally similar to the previous proposal while the floor plan to the north has changed from a stepped façade to a straight façade. My previous advice remains valid *viz.*: "This site is similar to Nos. 18 – 20 Bridge Road in terms of its location and visual strength in the east and west viewsheds; while it is wider than the previous site it is not a 'wide' site and the setbacks are nowhere near those achieved further east on the north side of Bridge Road [i.e. 13 – 15 metres] and the underlying principles espoused by The Tribunal. The criticisms made of No. 18 – 20 Bridge Road in terms of height, prominence, low rise buildings surrounding the site and lack of a backdrop of higher built form are applicable to this site as well".

As stated in my previous advice strategies 14.3, 14.6 and Objective 17 have not been met. Insofar as Strategy 17.2 is concerned, 5-6 storeys can be contemplated but this needs to be applied in relation to the inherent constraints of the site and the Heritage Policy which requires *inter alia*:

- Retention of significant view lines to, and vistas of, heritage places i.e. the Bridge Road precinct.

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

- Preservation of the scale and pattern of streetscapes in heritage places
- Ensuring that additions and new works to a heritage place respect the significance of the place.
- Respect for the the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Consideration of the architectural integrity and context of the heritage place or contributory element.

Simply removing one level and making minimal changes to setbacks will not achieve acceptable compliance with the heritage policy which has either not been understood or referenced. Greater setbacks are required to comply with the policy and to be consistent with those achieved elsewhere in Bridge Road.

The increased setback on the south is possibly and adequate response to amenity issues and should also reduce the visibility of the new built form above the parapets of Nos. 21 and 23 Sherwood Street in a standard sightline.

Façade Design

The revised façade treatment is out-of-keeping with the rhythms and proportions established in Bridge Road by the heritage façades. The precinct Statement of Significance considers the following to be Contributory elements:

- Typically vertically oriented rectangular openings, symmetrically arranged, to the upper level facades;
- Typically stuccoed facades...
- Once typically large display windows at ground level, timber framed with plinths ...

The issue of façade design was a significant argument in (*Gesher Pty Ltd v Yarra CC* [2015] VCAT 506 (21 April 2015), which concluded that the proposed openings should be modified so that they were simple rectangular shapes reflecting the pattern and rhythm of the elements which make up the Bridge Road streetscape. Ultimately the façade was changed to reflect this advice. In the case of the present site, the criticism of the lower levels of the façade, which dis incorporate a repetitive series (blocks of three) of vertically-oriented rectangular openings, was in relation to the louvres and not the openings. What is proposed now in the street wall are large punched horizontal slots which are completely at odds with the heritage characteristics of Bridge Road. The previous arrangement, or very similar, for the street wall façade is strongly preferred instead of the punched horizontal openings. If the setbacks were increased to reduce visibility, then the proposed arrangement above the street wall may be acceptable. It is also preferred that masonry balustrades are used instead of glazed balustrades so as to relate better to the masonry.

The proposed plinth is acceptable but a deeper plinth, say 500mm, would be more in-keeping with the heritage shopfronts in Bridge Roads, and a much more defined treatment is required.

Materials

Side elevations are proposed to be painted, plain render. Recent examples of unpainted render on the sides of buildings set back from Bridge Road are already becoming stained and unsightly which is unfortunate in this prestigious and heritage streetscape. It cannot be assumed that the abutting sites will necessarily have higher built form and the side elevations are likely to become and remain unaesthetic elements which do not make a positive contribution to the Bridge Road streetscape. It is not clear how these elevations

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

would be maintained in the future. Textured concrete panels such as from the Reckli range are recommended.

At the rear it appears that the garage door and bicycle rack screen is proposed to be timber battens as are the balcony balustrades above. Nothing of this nature is indicated on the photocopied Sample Board. If they are stained or natural timber, experience in Yarra has shown that they will not be maintained, moreover in this location, and their appearance will become unsightly sooner rather than later. Clarification of exactly what is proposed is required and if stained or natural timber battens then they should be painted or another material selected.

The entry door appears acceptable as a solid powdercoated, presumably metal, element.

Other Materials

The rear elevation is acceptable.

Vegetation

I note that vegetation is shown on the balconies to Bridge Road. As there is no control over vegetation in Bridge Road it is not clear why this is shown on the drawings, presumably only as a form of graphic, rather than realistic, enhancement.

Recommendation / Comments:

Not approved.

From the outset the approach to this site and a new building has been to create a stand-out element which draws attention and which does not display design excellence and which is not visually recessive and will be dominant and which is not 'Respect[ful of] the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, ... materials and heritage character of the surrounding historic streetscape'. It appears that the heritage nature of Bridge Road has not been understood or appreciated or has otherwise been disregarded. As a consequence I reiterate that "There is very little compliance with the heritage policies, strategies, objectives and principles already established for Bridge Road. It is self-evident that this proposal will be too high, too bulky, unsympathetic and out of keeping with the heritage streetscape in numerous ways as discussed above, and in previous advice. Another proposal has already been criticised on a similar site nearby (Nos. 18-20 Bridge Road), with which this proposal shares many of the same failings".

The typical height of this part of Bridge Road and on this side, which is the relevant context, is two Victorian storeys plus parapets, equivalent to two and a half modern storeys. In this context the podium height is not unacceptable of itself but in combination with inadequate setbacks it will be intrusive. The proposed highly visible upper levels will impose a sudden and disproportionate concentration of bulk in the Bridge Road streetscape, a condition which does not exist presently. Because of the high visibility of the subject site from the west, any upper levels which might be constructed would potentially allow new built form to be introduced and which will dominate or draw attention and be contrary to the repose of the existing heritage streetscape. This is evident from the drawings and the perspectives.

There is little in Cl. 22.02 which would support this proposal. The proposal in its present form would still have an adverse effect on the immediate part of the valued heritage precinct. The vista and views of this part of the heritage place will not be retained as is, rather they will be significantly and adversely changed. The existing scale of this part of the heritage precinct will not be preserved and the proposed new work is not respectful of the heritage place or its significance. The scale of any new development on this site should recognize the benchmarks already established in this part of Bridge Road and also have greater compliance with the Heritage Policy. To achieve this the setbacks from Bridge Road

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments

should be greater above the podium levels and achieved without encroaching further on HO332, the Richmond Hill Precinct which abuts the Bridge Road Precinct to the south.

Provide a textured treatment to any visible portions of the east and west elevations and prefer a materials which will maintain a pristine appearance without requiring a lot of maintenance.

Clarify exactly what is proposed for the timber battens. A stained or natural finish is not acceptable or appropriate and they should be painted or another material selected.

My previous advice requested that the applicant "Provide actual samples of all colours and materials". Photocopies or coloured illustrations only have been provided. Without actual samples it is impossible to gain any realistic appreciation of the final appearance of this building in Bridge Road, which given its high level of heritage significance, is a significant consideration. On some sites in bridge Road, and elsewhere in Yarra, the materials used ultimately did not reflect early expectations gained from photocopies and a repeat of this should be avoided. I reiterate: actual samples are to be provided.

It is disappointing that aspects of the previous advice and request for further information seemingly have been ignored.

Signed:



Robyn Riddett
Director – Anthemion Consultancies

Date: 8 September, 2016

Attachment 6 - PLN15/0645 - 54-56 Bridge Road Richmond - Heritage advisor comments



Figure 1 Bridge Road. The buildings on the south side dominate the view from the west. The development site is arrowed. In actual views from the camera location the site is quite visible within the row of shops.



Figure 2 The view of the north side is dominated by the development at the corner of Moorehouse St and with the Epworth in the background.

Attachment 7 - PLN15-0645 - 54-56 Bridge Road Richmond - Urban design unit comments



MeMO

TO: Christopher Harries
 FROM: Richa Swarup
 DATE: 29 February 2016
 SUBJECT: 54-56 Bridge Road Richmond
 APPLICATION NO: PLN15/0645
 DESCRIPTION: Full demolition of the existing buildings to allow for the construction of a mixed use building of part seven/part eight- storeys (with basement car parking) containing one retail premises, one office and 33 dwellings and an associated reduction in the car parking requirements of clause 52.06 and a waiver of loading bay requirements of clause 52.07 of the Yarra Planning Scheme

Urban design comments have been requested on the following matters:

- The design
 - Materials
 - Height
 - Internal layout
 - Streetscape fit
-

COMMENTS SUMMARY

The proposal is not supported in its current form for the following reasons:

- The scale, height and architectural quality of the proposed development does not respond well to the site context and would also not fit into the emerging built form context and streetscape. The overall height needs to be reduced and the massing of the building requires a number of modifications (refer detailed comments) which will lead to a redesign. The proposed building in its current form would appear tall and out of scale along Bridge Road and as such much larger setbacks would be required above the second floor.
- Modifications are required to the architectural expressions of the northern section as the front elevation of the building does not respond well to the dominant features of the buildings in the Bridge Road Streetscape.
- The two staggered courtyards surrounded by high wall on all the sides will restrict the solar access to the bedrooms at the courtyard interface.
- The five storey building mass close to the rear boundary will lead to overshadowing and overlooking issues to the residential properties to its south. The built-from and setbacks to the rear interface need to be reworked.

Attachment 7 - PLN15-0645 - 54-56 Bridge Road Richmond - Urban design unit comments

- Large blank walls of the eastern and western facades will be unattractive and will provide a monolithic appearance to these facades. Since these walls will be clearly visible through oblique views (whilst moving along Bridge Road), an aesthetically pleasing and well articulated façade design approach is required.
- There are also concerns about the façade detailing and selection of materials (refer to detailed in the comments below)

There are no identified capital works, however, it is felt that this proposal will have a significant impact on the access road to its rear. Applicant should be asked to redevelop this road to the satisfaction of the Council.

Site and context

The subject site is located on the south side of Bridge Road between Punt Road and Rotherwood Street. There is a small RoW, south of the site which connects the site to the Sherwood Street.

Bridge Road is a Major Activity Centre in Yarra where large scale development proposals are being received.

Clause 21.05 of the Yarra Planning Scheme states that the development in key strategic redevelopment sites and activity centres should generally not be more than 5-6 storeys unless some specific outcomes are achieved.

Land use zoning

The subject site is within a Commercial 1 Zone (C1Z).

Heritage

The subject site is located within the Heritage Overlay Area (HO310) and is non-contributory. The properties immediately adjoining the site on the east and west are contributory.

Immediate surroundings



View along Bridge road looking at the site (in the middle) from the west



Abutting the north of the subject site is Bridge Road north of which are two storey shop/residences.

Abutting the south of the subject site is a narrow road south of which are two single storey residences facing Sherwood Street

Attachment 7 - PLN15-0645 - 54-56 Bridge Road Richmond - Urban design unit comments

Towards the north east side are two storey shop cum residences and on the south east of the site is a 3 storey 80s apartment building.

Abutting the west of the subject site is a two storey shop cum residence which has a surface carpark at the rear.

This site in the Richmond Hill precinct is located at a high point and slopes towards south.

The Proposal

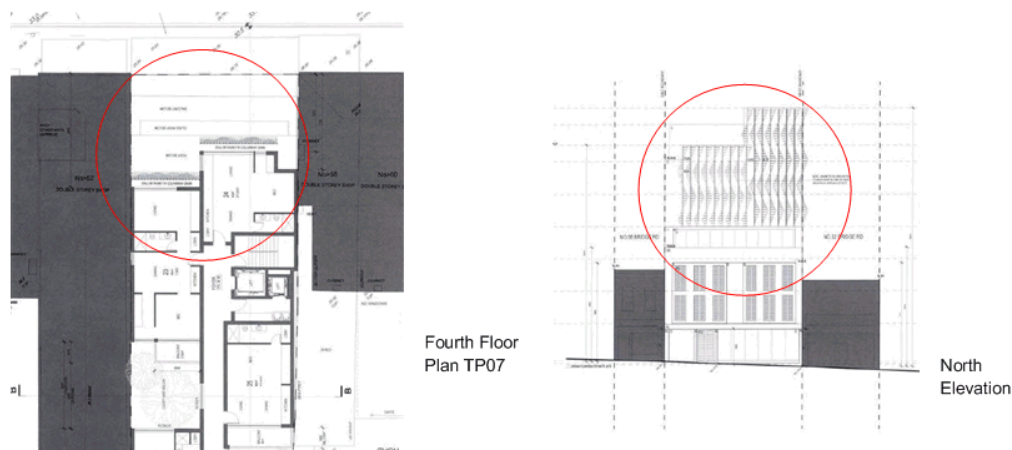
The development proposal is for full demolition of the existing buildings to allow for the construction of a mixed use building of part seven/part eight- storeys (with basement car parking) containing one retail premises, one office and 33 dwellings and an associated reduction in the car parking requirements.

Comments

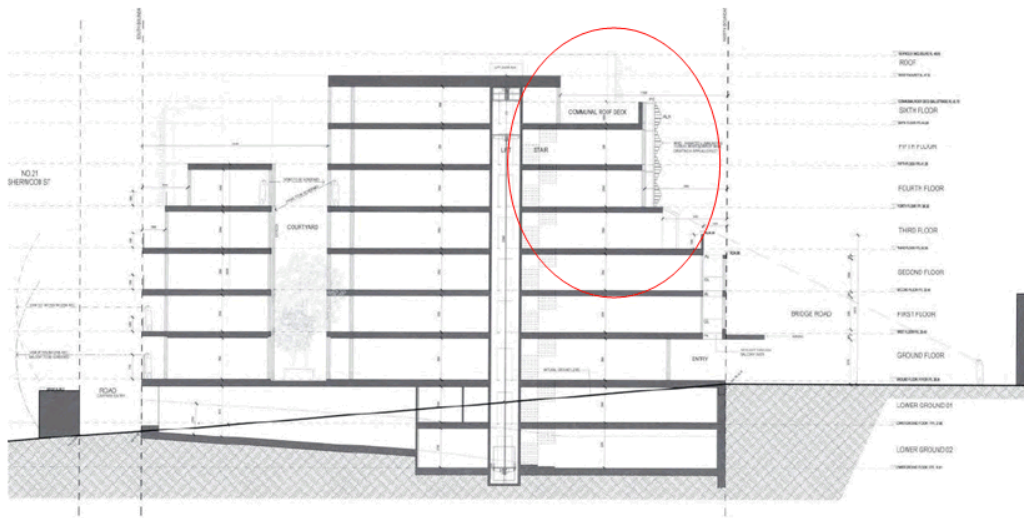
Building height, layout and streetscape fit

An eight storey high building on the site is considered out of scale to its context. Whilst the site in a major activity centre can potentially sustain a taller building, however, considering that many properties in that section of the street are much lesser in width and depth and may not be able to sustain a 7/8 storey building, it is considered likely that the proposed development would remain one of the most visually dominant building in this streetscape. It is, therefore, suggested that the height of the building should not exceed 6 stories at least towards the Bridge Road end so that a consistent new scale (not exceeding 5-6 stories) can be set along this section of Bridge Road, in future.

Building layout divides the site into two sections with a central corridor giving access to the apartments on the east and west sides. The floorplates of these (eastern and western) sections are also staggered towards the north. This arrangement makes the built form of the upper levels appear narrow and tall. Further, there is also a height difference in these sections. The eastern side being 6 storeys and the western side 7-8. Such a narrow and tall looking divided façades of the upper floors would not respond well to a streetscape of continuous buildings. Accordingly, it is felt that the northern section of the building need to be redesigned to get a better design outcome.

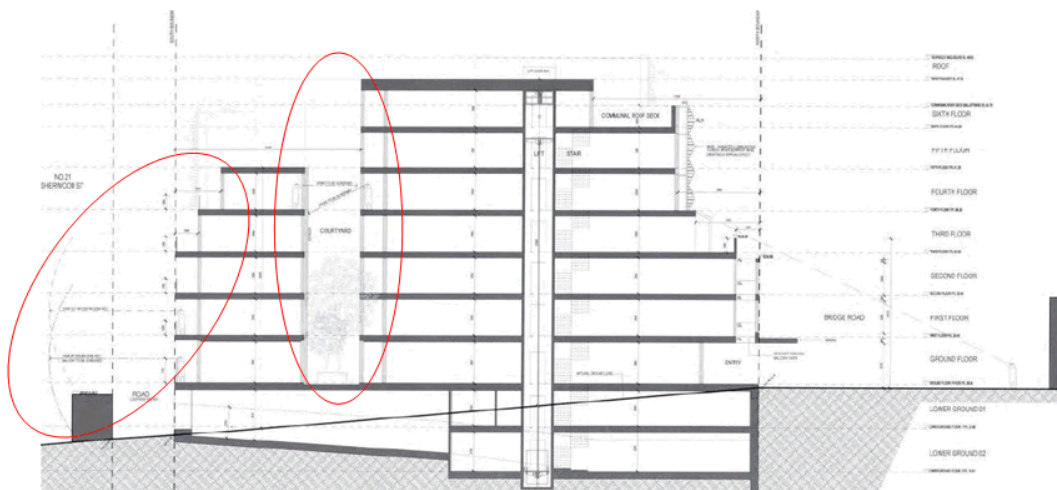


Attachment 7 - PLN15-0645 - 54-56 Bridge Road Richmond - Urban design unit comments



The design proposes a setback of about 5.5 to 5.8 m for the eastern block and a set-back of about 8 meter for the western block. The view line diagram above indicates that the third, fourth and fifth floors will be highly visible making the upper floor looking very dominant above the 3 storey street wall. To reduce the height impact of the building it is felt that east and west sections of the buildings are aligned and the eastern section of the building is set back to about 8 meters to be in line with the western section. The seventh floor needs to be further setback to avoid any height impact.

The layout also proposes two staggered courtyards in the middle. There are concerns with these courtyards as they will be surrounded by 5 storeys in one case and 7 storeys in the other. This will have an impact on the solar access to the adjoining bed rooms. It is recommended that the building on the northern side of the western courtyard should be set back above the third floor at the courtyard interface, so that there will be more sun light to the courtyard and the balconies at that interface should be removed.



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There are also concerns about the southern interface of the building with the residential properties to its south (refer drawing above). The development proposal at this interface presents a 5 storey building close to the southern boundary. Looking at the narrow width of the road at the rear and the sloping land form, it is felt that such an interface will lead to overshadowing of the private open space of the residences to its south (in the eastern section) and the building would also appear tall and out of scale to the two storey residences. To overcome this, it is recommended that a larger setback be provided above first floor (preferably) or the second floor (at the very least).

Facade design and streetscape fit*Northern Facade*

Northern façade will be the main façade fronting Bridge Road. It is felt that the façade design for this façade does not respond to the key features of Bridge Road streetscape, dominated by solid facades and regular sized openings of the Victorian and Edwardian shopfronts. There is also a strong shop grid feel and the horizontal aspect is very prominent in the existing streetscape, due to the continuous buildings. The proposed design on the contrary divides the building mass into two sections, fragmenting the overall design. The closely spaced grid of aluminium fins accentuates the verticality and the building looks out of character in the streetscape. The proposal for wind animated fins also does not contribute positively to the overall design. Whilst a contemporary design response can be accepted, however, it should be such that it enhances the overall quality of the streetscape. In this case, it is felt that the design details are not successful in doing so.

The thin wall/ above the windows of the second floor do not relate well to the prominent eaves and parapets of the Bridge Road Streetscape.

The Eastern and Western façades

The large blank walls of the Eastern and Western facades are not supported as they would be unattractive and would make the building look large and bulky.

Material and colour

The overall facade design seems disintegrated with the dark finish of the ground floor, white painted reclaimed face brick as well as the glass parapet of the first floor and closely spaced louvered aluminium fins of the upper floors. None of these complement each other. The horizontally louvered windows of the first and second floors also need to be reconsidered.

Attachment 7 - PLN15-0645 - 54-56 Bridge Road Richmond - Urban design unit comments

MeMO

TO: Amy Hodgen
FROM: Amruta Pandhe
DATE: 26 August 2016
SUBJECT: 54-56 Bridge Road Richmond
APPLICATION NO: PLN15/0645
DESCRIPTION: Full demolition of the existing buildings to allow for the construction of a mixed use building of part seven/part eight- storeys (with basement car parking) containing one retail premises, one office and 33 dwellings and an associated reduction in the car parking requirements of clause 52.06 and a waiver of loading bay requirements of clause 52.07 of the Yarra Planning Scheme

COMMENTS SUMMARY

Urban design comments have been previously provided on 29 February 2016 for this application, and further comments have been sought in response to amended plans submitted. In particular, feedback has been sought on whether the proposed amended plans achieve the objectives of previous comments and result in integrating with the adjacent streetscape.

The proposal is supported in principles, however, recommends few changes:

- On the southern boundary the Ground, First and Second Floors should be setback 4.5m from the centreline of the lane to avoid overlooking concerns;
 - The Second Floor balcony on the northern facade should be framed with a lighter material and the façade should provide more vertical windows to break down the solid horizontal façade in order to contribute positively to the streetscape.
 - To allow equitable development, avoid balconies on the eastern boundary that will be partially or fully enclosed (fifth floor) if 58 Bridge Road property gets developed.
-

Development Proposal

Building layout, height and streetscape fit

The development proposes a 6 storey development fronting Bridge Road. The overall height is acceptable.

The floorplates are not staggered and the upper levels are setback enough that they are less dominating. This presents a better outcome and hence is supported.

Clause 22.10 seeks to limit the impact of new development on the amenity of surrounding land, particularly residential land. The development proposes to build to the boundary on the southern edge. The Lower Ground Floors are acceptable as they have car parking on these floors. Ground, First and Second Floors are not acceptable as this presents overlooking concerns. We recommend proposing a 4.5m setback from the centreline of the lane to create a total of 9m separation between the proposed development and any future development happening on 21-23 Sherwood Street. The separation will limit views into existing secluded private open space and potential future habitable room windows.

Attachment 7 - PLN15-0645 - 54-56 Bridge Road Richmond - Urban design unit comments

Facade design and streetscape fit

The podium form currently presents almost a 2.5 storey streetwall, however, the design would benefit if the Second Floor terrace is framed with a lighter material to make the streetwall a more dominant element and to sit comfortably within the streetscape. Currently the façade is presenting a streetwall, a middle form and an upper form. Framing the second floor balcony will create two distinct elements in the built form and will give a clear distinction between the lower and upper form. Further, the northern façade currently presents a strong horizontal expression in the building. It is recommended that the long horizontal window form is broken in more vertical windows to break down the solid façade.



View from Bridge Road

The southern façade currently presents a 'wedding cake' design above Second Floor. To reduce this effect it is recommended that the upper forms are combined in modules of two floors.



View from lane

The eastern and western façade provides articulation and openings, which is an acceptable outcome.

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Material and colour

The new material and colour scheme is supported.

Equitable development

It is important to maintain viability of the surrounding properties and ensuring any new residential development ensures avoiding any inherent conflicts. As recommended above a 4.5m setback should be provided from the centreline of the lane along the southern boundary.

The balcony and windows presented on the eastern boundary will be partially or fully enclosed (fifth floor) if 58 Bridge Road property gets developed. The balconies and other openings along this interface are the primary source of daylight and outlook for one apartment per floor. This is concerning and not acceptable.



Third Floor Plan



Fifth Floor Plan

Attachment 8 - PLN15/0645 - 54-56 Bridge Road Richmond - Urban design consultant comments (David Lock Associates)



54-56 Bridge Road, RICHMOND

Urban Design Referral

Date	26/08/16
Council Reference	PLN15/0645
Attention	Amy Hodgen
From	David Lock Associates

INTRODUCTION

In March 2016 the City of Yarra requested that David Lock Associates undertake an urban design assessment of a proposed development for 54-56 Bridge Road, Richmond (the subject site). The proposal seeks to construct a seven storey (plus plant) mixed use development consisting of ground and sub-floor commercial tenancies and thirty-three dwellings, which – owing to the slope of the land - effectively presents as eight storeys to the rear.

In undertaking this assessment regard has been given to:

- The relevant provisions of the Yarra Planning Scheme;
- The relevant provisions of the City of Yarra Heritage Places Review (2007);
- The Town Planning report prepared by Keen Planning (2015);
- The architectural plans prepared by Wall Architecture (Revision A dated May 2015), including TP01 – TP16;
- The Urban Context Report and Design Response Statement prepared by Wall Architects (dated November 2015); and
- The development renders prepared by Wall Architects (dated November 2015).

In August 2016, City of Yarra requested that David Lock Associates undertake an updated urban design assessment of an amended six storey proposal for the subject site (seven storeys as viewed from the south). In undertaking this assessment we have had regard to the amended plans prepared by Wall Architecture (Revision B, dated July 2016). All urban design comments pertinent to the amended plans are identified in this referral in red.

BUILT FORM SCALE AND MASSING

Context

The site is an amalgamation of two separate lots with a combined area 540m² (approx.), located on the southern side of Bridge Road between Rotherwood Street to the east and Punt Road to the west. The subject site is currently occupied by double storey commercial built form which - when combined with 52 Bridge Road to the west - forms part of a continuous row of more recent development within the Bridge Road streetscape. Existing built form on site is constructed to the northern, eastern and western site boundaries with a rear at-grade car park within the site's south (accessible by a small laneway off Sherwood Street). There is a slope of approximately 3m running N-S through the site, and the site is proximate to both the PPTN (Bridge Road trams and West Richmond train station) and a variety of services and open space opportunities.

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In terms of planning controls, the subject site forms part of the Bridge Road commercial spine as reflected by its Commercial 1 (C1Z) zoning - with the site's eastern and western abutting properties (and properties on the northern side of Bridge Road) being similarly zoned. These properties together form part of the Bridge Road Major Activity Centre (MAC) as per Clause 21.03 of the Yarra Planning Scheme, noting that the MAC is yet to undergo a structure planning process. The site is also located within the Heritage Overlay Schedule 310 (HO310 – Bridge Road Precinct, Richmond), with the City of Yarra's *Heritage Places Review* (2007) specifically identifying the site's existing built form as being 'non contributory' within the context of individual heritage significance. However, both 58-70 Bridge Road (to the east, including the Mountain View Hotel) and 48 Bridge Road (Richmond Hill Larder - to the west) are identified as having 'contributory' heritage value within the review. Importantly, the subject site is adjacent to Neighbourhood Residential Zoned (NRZ) properties to the site's south (across the rear abutting laneway) and east, which are also within HO332 (Richmond Hill Precinct) and could therefore be reasonably expected to generally remain as is.

The wider Bridge Road MAC is a vibrant commercial strip that has been the focus for significant redevelopment in more recent times. Developments such as the Epworth Hospital (to the site's north) and number of recent 7-10 storey structures east of the subject site (at Bridge Road's intersection with Bosisto Street) contribute to an emerging character of larger contemporary structures set back behind the fine-grained heritage Bridge Road façade. The policy framework pertinent to the Bridge Road MAC supports this type of outcome in which the impetus for infill development is to be tempered by regard to existing and preferred neighbourhood character, heritage, off-site and public realm amenity, and visibility of landmarks from key aspects (refer Clauses 15.01, 16.01, 21.05, 22.03 and 22.10 of the Yarra Planning Scheme).

Importantly, Clause 21.05-2 specifies a maximum building height of five to six storeys for activity centres that can be exceeded only when a development achieves specific benefits, including significant upper level setbacks, architectural design excellence and a positive contribution to the public realm.

Height and Massing

As viewed from Bridge Road, the proposed development seeks approval for construction of a predominantly three storey street wall (approximately 8.8m-9.2m) with an additional four storeys (plus plant) staggered behind this. At the rear, the proposal presents to southern abutting residential properties with an effectively five storey sheer wall, with offset upper storeys set back further behind.

The principle of a three story street wall to Bridge Road responds to the existing character of the southern side of the Bridge Road streetscape and references the two storey (plus parapet) height of contributory heritage buildings at 48-50 and 58-66 Bridge Road to the west and east respectively. This is an appropriate response that will reinforce the existing street wall character of the southern side of Bridge Road whilst maintaining a comfortable pedestrian environment. The proposal should be amended so that the FTF height of Level 2 of the Bridge Road street wall (including balconies) matches that of the level below (ie. RL34.95 is increased to an RL of 35.35). This will assist in defining base of the proposal in a manner that responds to the Bridge Road streetscape whilst offsetting a degree of the upper form's visual impact on the Bridge Road public

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realm. The proposed voids at the east and west of the street wall should also be deleted so that a continuous street wall is achieved.

Amended Plan Comments: The design of the revised street wall is proposed to be 7.86m high (approx.), which is recessed to a depth of approximately 1.0m at Level 2 (1.6m to glazing line). In many respects this is a step backward from the design of the original street wall as it fails to provide the strong form of street wall definition appropriate for the site's context and location within the Bridge Road MAC. We continue to recommend pursuing a three storey sheer street wall to Bridge Road, which can be achieved through deletion of the proposed setback at Level 2 and provision of framed balconies (or similar) that emphasise a 10m street wall height (approx.) from the public realm.

Above the street wall the proposal has been massed to Bridge Road so that the upper form is unnecessarily dominant, which detracts from the heritage streetscape values of this portion of the Bridge Road MAC. Although Strategy 17.2 of Clause 21.05 provides guidance on appropriate building height outcomes in activity centres and criteria for where this can be exceeded, there is little within the proposal in its current form that justifies the proposed massing (particularly with regard to upper storey setbacks) and the proposal should be reduced to a maximum height of six storeys accordingly (along with further amendments to the street setbacks of the upper form - refer to the discussion below on 'Setbacks').

Amended Plan Comments: The amended plans indicate that the building line of Levels 3 and 4 is proposed to be set back 5.8m from Bridge Road, with Level 5 set back a total of 10.96m (to living room building line). Pursuing the street wall design amendments will enhance the prominence of the street wall as the principal built form reference from Bridge Road, which will further reduce the prominence of the upper form behind. Assuming the revised street wall height is adopted, the proposed setbacks to all levels above this are considered appropriate and consistent with earlier urban design advice.

At the rear, the proposed sheer wall achieves too abrupt a transition between C1Z-zoned land within the Bridge Road MAC and NRZ/HO residential properties to the south, noting that the abruptness of the transition will also achieve substandard visual bulk outcomes to the residents of 21 and 23 Sherwood Street. Combined with the aforementioned height reduction, the proposal will also require significant setback amendments at the rear to be supportable from an urban design perspective. Refer to the discussion below on 'Setbacks'.

Setbacks

The proposal's on-boundary construction for the height of the Bridge Road street wall is appropriate having regard to the site's location within the Bridge Road MAC. Above this, the proposal makes use of varying setbacks to the remaining four storeys that range between 1.6m (balcony line of the fourth storey) and 7.8m ('wind-activated aluminium fins' of the seventh storey).

The extent of upper form street setback will result in an overtly dominant mass within the context of the heritage streetscape of Bridge Road. It is recommended that the upper form of the proposal be set back to Bridge Road in accordance with Figure 1 below, in which the upper form is to constitute a small percentage of the overall visual experience of a pedestrian situated on the

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northern Bridge Road footpath. This will facilitate an outcome that will respond appropriately to the streetscape and heritage characteristics of the subject site's proportion of Bridge Road in a manner that is commensurate with existing and emerging developments within the Bridge Road MAC.

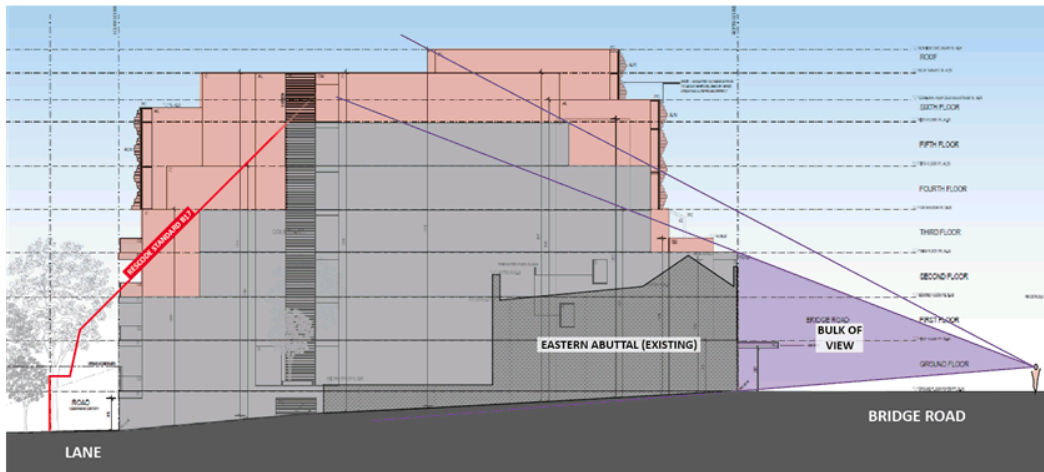


Figure 1 – Indicative building envelope following recommended northern and southern setback amendments. Red depicts deleted form (Source: Wall Architects, with emphasis added)

Amended Plan Comments: Refer to the earlier advice regarding street wall heights and upper form setbacks. We recommend ensuring that north-facing dwellings on Level 3 (above the street wall) make use of terraces rather than balconies, and that the balustrading for each is sufficiently set back from Bridge Road so as to not be visible above the street wall.

At the rear it is strongly recommended that the proposal achieves compliance with the provisions of Standard B17 of Clause 55.04-1 as measured from the southern side of the rear abutting laneway. This will result in an acceptable built form transition between a C1Z-zoned site (within a MAC) with the NRZ/HO dwellings at 21 and 23 Sherwood Street. Further, the measurement of B17 from the southern side of the laneway is an appropriate reference point within the context of the Decision Guidelines for Clause 55.04-1, tempered with the reasonable amenity expectations for residential properties located at residential/MAC interfaces.

Amended Plan Comments: The amended plans indicate a rear setback outcome that is consistent with the provisions of B17, which is technically consistent with the intent of earlier urban design advice. However, the architectural resolution of this setback bears little resemblance to that indicatively illustrated in Figure 1 (above) and is overtly driven by B17. It is recommended that the architectural expression is amended accordingly.

Subject to overshadowing of the southern residential properties, this may include reducing the setback of Level 4 (Level 5 as viewed from the south) to generally match that of the level below - noting that achievement of a 9m setback from the northern boundary of the southern residential properties to any balcony within this setback will avoid the need for screening, and offset the

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'capping' effect of this balcony on the balcony below. Alternatively, the setback of Level 3 may need to be increased to match that of Level 4 above.

With regard to the portion of the proposed development that abuts NRZ-zoned land to the east at 2 Rotherwood Street, it is noted that this is a three storey (presumably strata-titled) residential building located approximately 10.8m from the shared boundary across non-sensitive vehicle parking. As the site is neither considered a future development site (particularly within the context of the NRZ mandatory height controls) nor deserving of particular visual bulk consideration, the design amendments brought about by achieving B17 to the rear – combined with the existing 'pulling away' of the upper storeys at this interface - will be a sufficient setback response at this interface.

Finally, with regard to the remaining interfaces, the proposal generally makes use of on-boundary construction to for the full height of the proposal. This is an appropriate response to commercial interfaces and is generally acceptable subject to compliance with the comments within 'Equitable Development' below.

PUBLIC REALM AND OFFSITE AMENITY

Offsite Amenity

As the residentially-zoned property at 2 Rotherwood Street is located more than 9m from the shared boundary across non-sensitive open space, offsite amenity considerations pertain to the residential properties south of the site (particularly 21 and 23 Sherwood Street). Clause 34.01-8 of the Yarra Planning Scheme protects the amenity of residential properties in abuttal to commercial areas, although this should be tempered with reasonable amenity expectations for residential properties at C1Z/MAC interfaces.

With regard to visual bulk to these properties, achievement of the revised rear setbacks outlined earlier (as per Clause 55.04-1) will result in an acceptable visual bulk outcome (acknowledging that the rear POS areas currently contain established vegetation and outbuildings). This is particularly pertinent given that the primary visual orientation of users of the rear POS areas if these properties is directly north toward the subject site.

Amended Plan Comments: The amended proposal's compliance with B17 at the southern interface achieves an appropriate visual bulk outcome. Any design amendments made with respect to the aforementioned rear design should reduce (rather than compound) the proposal's visual bulk impact at this interface. In this respect increasing the setback of Level 3 would likely be preferable to reducing the setback of Level 4 – particularly given that 21 and 23 Sherwood Street are primarily oriented toward the subject site.

With regard to overshadowing, the shadow diagrams prepared by Wall Architects indicate that the rear POS areas of 21, 23 and 25 Sherwood Street will be substantially affected by overshadowing attributable to the proposal between 9am and 3pm at the equinox. As the shadow diagrams only depict the level of existing overshadowing attributable to existing fences and outbuildings only (not vegetation), it is difficult to appreciate the extent to which these POS areas are already overshadowed, but – regardless - the aforementioned design amendments to the rear of the proposal will assist in reducing the extent of overshadowing to a level commensurate with the provisions of Clause 55.04-5 (Standard B21).

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Amended Plan Comments: The shadow plans provided indicate that the proposal will result in minor additional overshadowing of the POS of 21 Sherwood Street at 11am only at the equinox. This is considered appropriate.

With regard to overlooking, all south-facing balconies and windows within 9m horizontal of southern POS and habitable room windows would be readily capable of being screened in accordance with the provisions of Clause 55.04-6 (Standard B22) following the recommended rear setback amendments. Should a situation occur in which a south-facing balcony relied on for primary amenity is required to be screened - and an upper-storey balcony is located directly above this - both balconies should be offset (or balustrading should make use of privacy shelves or similar) to avoid an unreasonable 'pillboxing' effect of the lower balcony.

Amended Plan Comments: The amended elevation plans confirm that south-facing Level 1 balconies are at risk of 'pillboxing' by way of the balconies above. Although TP13 indicates that privacy shelves are intended to be used, TP11 indicates that 1.7m high screens will be employed. Council should satisfy itself that privacy shelves are to be used and that the aperture available for outlook for future Level 1 residents is appropriate from both internal amenity and offsite overlooking perspectives.

Public Realm Amenity

Clauses 21.05-2 and 22.10 prioritise the achievement of appropriate public realm amenity outcomes. The proposal will not overshadow the Bridge Road public realm and will provide appropriate weather protection for pedestrians by way of the proposed canopy. The proposal will also not unreasonably enclose the Bridge Road public realm provided the aforementioned street setback recommendations are achieved. There is, however, scope to further increase passive surveillance of Bridge Road and the laneway east of the site – refer to the discussion below regarding 'Detailed Design'.

EQUITABLE DEVELOPMENT

The proposed development abuts commercially zoned sites on either side, which – at face value – could reasonably expect to develop in the future in accordance with the intent for the Bridge Road MAC within the Yarra Planning Scheme. In response, the proposal orientates itself north and south and presents to each commercial interface with courtyards and sheer walls that maximise the future development potential of each property. This is appropriate. It is, however, noted that the elevations and floor plans depict a number of secondary east and west-facing glazed windows which could be reasonably expected to be blocked out by future abutting development of Bridge Road. No dwelling should therefore rely on these for **primary** amenity.

Amended Plan Comments: A Section 173 agreement requiring the infill of boundary windows (and which is tied to the future development of abutting sites) can form part of any permit that may issue.

DETAILED DESIGN

Street Frontages

At the Ground Floor the proposal will activate Bridge Road by way of the main residential lobby and provision of a split-level retail tenancy. This is compliant with key elements of Clause 15 and

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22.11 and is supported from an urban design perspective. In particular, the absence of a deep recess to the residential lobby maintains the building edge to Bridge Road and avoids the creation of unsafe places capable of entrapment in accordance with CPTED guidelines. However, the width of the residential lobby appears unnecessarily wide and disruptive of the Bridge Road streetscape and would benefit from being reduced (along with a corresponding increase in the proposed retail frontage). The proposal would also benefit from a reduction in the extent of service cabinet to the public realm, where possible.

Amended Plan Comments: The width of the revised resident lobby and location of services appears appropriate. However, the amended plan floorplans indicate a significant recess to the entry lobby. Whilst the notion of recess is supported, the proposed depth is not and this should be reduced as far as possible. Note that this may have implications on the location of the proposed letterboxes.

The proposed awning over the public realm appears to be of a height and depth capable of providing meaningful weather protection to pedestrians in Bridge Road, and is supported accordingly.

Above the ground floor, the proposal makes use of north-facing balconies to Bridge Road within the street wall that in theory facilitate an appropriate level of passive surveillance and activation of Bridge Road. However, the proposal has been designed so that outlook from north-facing street wall balconies is between narrow, 0.9m wide (approx.) shuttered openings only. Whilst being cognisant of the need for weather protection for north-facing windows and balconies, it is strongly recommended that the proposal is amended to 'open up' this interface to increase activation and surveillance of Bridge Road, which could be achieved by way of full width operable bi-folding shutters or similar.

Amended Plan Comments: The revised street wall is appropriate from an outlook and passive surveillance perspective. Please note earlier comments pertaining to the height of the street wall.

Similarly, it is noted that a number of balconies are proposed at the terminus of the eastern laneway which are primarily oriented southward. It is difficult to determine the ownership of this laneway, but - on the assumption that it is public land - these balconies should be oriented so that their primary outlook is eastward, particularly given as there are no sensitive residential POS areas or habitable room windows within 9m horizontal. Doing so would benefit the public realm by way of passive surveillance and activation whilst future occupants would benefit from vastly enhanced (and protected) outlook.

Amended Plan Comments: The revised balcony arrangement at this interface is supported. Although the width of the balconies results in a number of these standing in direct abuttal to the property boundary of 58 Bridge Road, this is not considered an unreasonable nor inequitable imposition given the depth of 58 Bridge Road.

Internal Amenity

In its current form, the proposal features a number of apartments and studios that have cumbersome floorplans and a reliance on borrowed light. Further, a number of dwellings within the west of the site make use of a 6.6m x 5.2m (approximate) light court for primary amenity,

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which includes primary POS. Whilst the provision of a generous courtyard on the western boundary is supported, the reliance of the lightcourt for primary amenity is not – particularly if it can be reasonably expected that the western abutting property would be developed in the future and contribute to an overwhelming sense of enclosure of this space. Accordingly the proposal should be fundamentally redesigned so that primary outlook for all apartments is generally northward or southward (except where at the terminus of the eastern laneway, as per the earlier recommendation), with boundary lightcourts provided for bedroom amenity only. Lightcourts should be free from substantial landscaping so as to maximise the efficiency of their intended purpose.

Amended Plan Comments: The amended plans indicate that no dwelling is reliant on the western light court for primary amenity, which is supported. It is difficult to assess the daylight impact of the proposed landscaping within this lightcourt based on the information provided, but Council should satisfy itself that any landscaping within the lightcourt will not unreasonably detract from its fundamental purpose.

A number of two bedroom apartments (including Dwelling 06) are proposing balconies in the order of 6.5m². At the very minimum, all balconies should be a minimum of 6m² for one bedroom/studios apartments and 8m² for two bedroom apartments.

Amended Plan Comments: The size of all proposed balconies within the amended plans appears to be appropriate. It is recommended that the balconies of the north-facing dwellings on Level 3 are converted to terraces that make use of the upper form setback, which will result in vastly enhanced internal amenity outcomes for future residents of these apartments.

Residential Accommodation

Residential accommodation is proposed to be located at upper levels, where it will generally benefit from greater access to views, sunlight and daylight whilst being removed from the environmental impacts of Bridge Road. Separate access is provided to the residential accommodation from the retail land uses. This is consistent with Design Suggestion 7.3.2 of the Activity Centre Guidelines and is supported.

Materiality and Architecture

The proposal occupies a significant location at the gateway to the City of Yarra/Bridge Road MAC from Wellington Street, with the proposed western elevation being a particularly visible and dominant component of the Wellington Street/Bridge Road vista. The architecture of the proposal is left wanting, however, with the elevations and renders showing use of a range of heavy, concrete based elements and face brickwork that result in an overtly bulky built form. Applied finishes such as 'wind animated aluminium fins' do little to assist this. Above and beyond the fundamental massing and layout recommendations discussed earlier, it is recommended that the wind-activated fins are deleted and that outlook is instead maximised by way of glazing and balconies. Further, whilst the use of light coloured textured precast concrete finishes and applied white finished is supported, the use of black as an applied finish is not and it is recommended that this be amended to a 'lighter' finish instead (dark grey or lighter). Consideration should be given to more expressive use of materiality on the proposal's western façade, given the prominence of this aspect in the intervening period before development occurs in Bridge Road west of the site.

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Amended Plan Comments: The amended architectural expression and materiality of the proposal is generally supported and is considered to be a more appropriate contextual response than that provided previously. The architectural expression of the proposal would benefit from use of materiality that provides enhanced articulation, which could potentially be achieved through use of darker stained 'timber look cladding' where proposed (including soffits and balustrading).

Whilst we note the inclusion of windows along the western boundary wall, consideration should be given to additional design mechanisms that further articulate the sheerness of the proposed boundary walls given this will be dominant and clearly visible (and likely so for the foreseeable future) from the gateway entry point to the Bridge Road MAC from the City of Melbourne (and Punt Road). Appropriate responses may include embossed finishing, or emphasis on the floor slabs for enhanced horizontally. The treatment should also be equally applied to the eastern boundary wall.

The northern stairwell at Level 5 would benefit from inclusion of a window (or similar) to assist in articulating this aspect where visible from Bridge Road.

SUMMARY

In summary, there are many attributes of the subject site that position it as a candidate for higher density mixed use infill, including its location within the Bridge Road MAC and proximity to transport and services. However, in the absence of specific built form guidance for the subject site (given the absence of a Structure Plan for the Bridge Road MAC or the presence of a DDO), weight must be given to the existing policies of the Yarra Planning Scheme as well as the site's physical context in determining appropriate urban design and built form outcomes.

On this basis the proposal does not adequately respond to its physical and policy context from an urban design perspective. It is too tall and does not incorporate sufficient setbacks commensurate with its location within the Bridge Road heritage streetscape and at the interface of commercial and residential areas. Whilst the fundamental concept of a higher-density mixed-use development for the subject site is supported, the proposal will require a number of significant design amendments before being acceptable from an urban design perspective.

The amended plans expressly respond to this and constitute a design that addresses all previous urban design issues raised, namely:

- Reduce the overall height of the proposal to six storeys (plus plant);
- Increase the extent of upper form street setback from Bridge Road (Levels 3 – 5) so that it constitutes no more than a small percentage of the overall viewing arc of a pedestrian on the northern Bridge Road footpath;
- Amend the proposed street wall so that the FTF height of Level 2 (including balconies) matches that of the level below. Delete the eastern and western street wall voids;

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- Increase the extent of the proposal's rear setback so that compliance with the provisions of Standard B17 of Clause 55.04-1 is achieved (as measured from the southern side of the southern abutting laneway);
- Amend the proposal so that no dwelling is relying on the western proposed lightcourt for primary amenity;
- Consider amending the proposal so that balconies at the terminus of the eastern laneway have primarily eastern outlooks;
- 'Open up' the proposed northern solid wall/shutter streetwall arrangement through design amendments;
- Increase the size of balconies for all two bedroom apartments to a minimum of 8m²; and
- Reduce the visual weight of the upper form through deletion of the wind-activated aluminium fins and maximisation of glazing and lightweight materials.

However, the amended plans raise a small number of additional design considerations that should be addressed prior to offering urban design support. These are as follows:

- Delete the proposed 1m setback to Level 2 of the street wall. Provide a full height three storey street wall, which could be achieved through provision of a framing mechanism (or similar) for Level 2 balconies;
- Employ design mechanisms that offset the overtaken of B17 as a design response to the southern interface. This can be achieved through consistent setbacks at Levels 3 and 4;
- Convert the proposed balconies for Dwellings 15 and 16 into terraces. Ensure that any balustrades are sufficiently setback behind the street wall so as to not be visible from the northern footpath of Bridge Road;
- Reduce the depth of the proposed communal entry lobby recess as far as possible;
- Ensure that south-facing balconies at Ground Level (Level 1 as viewed from the south) make use of angled privacy shelves rather than 1.7m high balustrading;
- Consider contrasting materiality that better articulates the proposal's expression. This could be achieved through a darker 'timber clad finish' where proposed; and
- Enhance the articulation of proposed boundary walls through use of design mechanisms that reduce their sheerness – particularly as viewed from the east and west. This could include use of embossed finishes or emphasised floor slabs.

Attachment 8 - PLN15/0645 - 54-56 Bridge Road Richmond - Urban design consultant comments (David Lock Associates)



Please do not hesitate to contact Brodie Blades (03) 9682 8568 should you have any queries on the above.

DAVID LOCK ASSOCIATES

Attachment 8 - PLN15/0645 - 54-56 Bridge Road Richmond - Urban design consultant comments (David Lock Associates)

Muhllechner, Nikolas

From: Brodie Blades <brodieb@dlaaust.com>
Sent: Wednesday, 19 October 2016 6:21 PM
To: Muhllechner, Nikolas
Subject: TRIM: RE: PLN15/0645 - 54-56 Bridge Road Richmond - Urban design advice

HP TRIM Record Number: D16/153534

Hi Nik,

As the latest plans submitted by the applicant for the above matter make generally minor variations to the previous scheme reviewed, you may recall it was agreed that a dot-point summary of the latest iteration would suffice over a fully updated referral document (email trail below).

Our previous review (dated 26/08/16) outlined a number of new matters that required addressing, and our assessment of the latest plans in relation to these is as follows:

- **Delete the proposed 1m setback to Level 2 of the street wall. Provide a full height three storey street wall, which could be achieved through provision of a framing mechanism (or similar) for Level 2 balconies:** The height of the revised street wall is supported in principal, although it is unclear why the applicant is pursuing a 'facadist' approach at Level 2. It would be a much better design outcome to provide a strong, solid street wall by deleting the 'gap' between the façade and the remainder of the proposal at this level – particularly as viewed in the oblique from further east and west along Bridge Road.
- **Employ design mechanisms that offset the overtress of B17 as a design response to the southern interface. This can be achieved through consistent setbacks at Levels 3 and 4:** The applicant has attempted to resolve the overtress of B17 as the driving force for the southern interface through alternate use of 'timber look cladding' to aspects of Levels 2 and 4. Insufficient information has been provided by way of a detailed materials schedule detailing the finish or quality of the timber look cladding. Regardless, the approach adopted does little to address the fundamental issue of a primarily 'planning driven' design outcome and we continue to strongly recommend revised setbacks as the prevailing amendment at this interface. This will likely necessitate the conversion of Dwellings 09 and 13 into a single two bedroom dwelling similar in floorplate to Dwelling 14 (but with offset balconies) based on the recommended replication of the southern setback of the third level, and similar changes at Level 4 to match the setback of Level 5 above. Refer to the blue envelope outline on TP13, noting that balconies may encroach into this space and should continue to make use of the proposed 'timber look cladding' for articulation.
- **Convert the proposed balconies for Dwellings 15 and 16 into terraces. Ensure that any balustrades are sufficiently setback behind the street wall so as to not be visible from the northern footpath of Bridge Road:** This is yet to be achieved, and it is unclear from Keen's covering letter why this is not being pursued. We still strongly recommend achieving this.
- **Reduce the depth of the proposed communal entry lobby recess as far as possible:** Again, this is another outstanding item. We recommend a simple Condition 1 requirement seeking the depth of the lobby to be no more than approximately 1/3rd of its width.
- **Ensure that south-facing balconies at Ground Level (Level 1 as viewed from the south) make use of angled privacy shelves rather than 1.7m high balustrading:** Achieved.
- **Consider contrasting materiality that better articulates the proposal's expression. This could be achieved through a darker 'timber clad finish' where proposed:** Achieved in principal. It would be beneficial to ask the applicant to prepare a set of renders that are further resolved and better capture the intended expression of the proposal (of a standard similar to the July 2016 set of plans, rather than the SketchUp

Attachment 8 - PLN15/0645 - 54-56 Bridge Road Richmond - Urban design consultant comments (David Lock Associates)

renders provided). Also on the topic of renders, there appears to be a discrepancy between the extent of canopy coverage within the floor plans and that shown within the Bridge Road render views, and we would not be supportive of the canopy extent currently depicted in the SketchUp renders.

- **Enhance the articulation of proposed boundary walls through use of design mechanisms that reduce their sheerness – particularly as viewed from the east and west. This could include use of embossed finishes or emphasised floor slabs:** The renders and elevations show enhanced articulation of the boundary walls, but it is unclear how this is to be achieved. Is this embossed? Or is it an applied finish? Is it ingrained? The applicant has indicated that expressed floor slabs are being pursued, but the plans and renders do not particularly reflect this. We would strongly recommend pursuing this to achieve a stronger element of horizontality to the boundary walls.

I think we are at the stage where most of the above (potentially including the revised southern setbacks) can be achieved by way of Condition 1 requirements, should a permit issue.

All key items raised in our original advice (dated 21 March 2016) appear to continue to be sufficiently addressed.

Finally Nik, I understand from dot point 1 of Keen's cover letter that additional urban design advice has been obtained by Council with respect to this application. If you are in agreement, it would be useful for us to have a copy of the advice provided by the other party.

Thanks Nik. Let me know if you have any queries,

Brodie

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From: Muhllechner, Nikolas [mailto:Nikolas.Muhllechner@yarracity.vic.gov.au]
Sent: Tuesday, 4 October 2016 4:13 PM
To: Brodie Blades
Subject: RE: PLN15/0645 - 54-56 Bridge Road Richmond - Urban design advice

Hi Brodie,

Thanks for sending that through.

-
- 1.6 193 Brunswick Street Fitzroy - Planning Permit Application PLN16/0015 - Sale and consumption of liquor (Restaurant & Cafe Licence) extended to the first floor associated with the existing restaurant (no permit required for the use) and the hours for the sale and consumption of liquor at the ground floor altered.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for No. 193 Brunswick Street Fitzroy, which seeks approval for the extension of the sale and consumption of liquor to the first floor, and hours for the sale and consumption of liquor at ground floor altered (no permit required for the use). The report recommends approval, subject to conditions.

Background

2. There is no planning permit on Council files for the sale and consumption of liquor at the existing restaurant. However, planning history indicates the site has been continuously used as a restaurant since at least 1992. The site currently operates under an existing Liquor Licence No. 32244684, issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The current licensed area relates only to the ground floor, including the courtyard.

Key Planning Considerations

3. Key planning considerations include:
 - (a) Clause 22.09 – Licensed Premises;
 - (b) Clause 52.27 – Licensed Premises; and
 - (c) Clause 65 – Decision Guidelines.

Key Issues

4. The key issues for Council in considering the proposal relate to:
 - (a) Interface uses policy – Clause 22.05;
 - (b) Licensed Premises Policies – Clause 22.09 and Clause 52.27; and
 - (c) Objector concerns.

Objector Concerns

5. Thirty one (31) objections were received to the application, these can be summarised as:
 - (a) Anti-social behaviour including public drunkenness, theft, vandalism and littering;
 - (b) Increase in noise from patrons;
 - (c) Increased vehicular traffic and impact on car parking; and
 - (d) Increased footpath trading.

Conclusion

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

CONTACT OFFICER: Nish Goonetilleke
TITLE: Statutory Planner
TEL: 9205 5005

1.6 193 Brunswick Street Fitzroy - Planning Permit Application PLN16/0015 - Sale and consumption of liquor (Restaurant & Cafe Licence) extended to the first floor associated with the existing restaurant (no permit required for the use) and the hours for the sale and consumption of liquor at the ground floor altered.

Trim Record Number: D16/155715
 Responsible Officer: Principal Planner

Proposal: Sale and consumption of liquor (Restaurant & Cafe Licence) extended to the first floor associated with the existing restaurant (no permit required for the use) and the hours for the sale and consumption of liquor at the ground floor altered.

Existing use: Restaurant

Applicant: Bon Ap Pty Ltd

Zoning / Overlays: Commercial 1 Zone
 Heritage Overlay (Schedule 311)

Date of Application: 12 January 2016

Application Number: PLN16/0015

Planning History

1. Planning Permit 1736 was issued on 05 March 1992 by the City of Fitzroy *for alterations and additions to the existing building.*
2. Planning Permit 96/1054 was issued by Council on 04 November 1996 *for alterations and additions to the existing building.*
3. Planning Permit 96/1038 was issued by Council on 04 December 1996 for a *reduction of car parking requirement in association with use of premises as restaurant.*
4. Planning Permit PLN12/0640 was issued by Council on 19 November 2012 for the *development of the land for the construction of a ground floor extension to the rear of the existing building.*
5. Planning Permit PLN15/1207 was issued by Council on 27 January 2016 for the *development of the land for external painting and the construction and display of advertising signage.*

Background

6. There is no planning permit on Council files for the sale and consumption of liquor at the existing restaurant. However, planning history indicates the site has been continuously used as a restaurant since at least 1992. The site operates under an existing restaurant and café licence (Liquor Licence No. 32244684), issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The licensed area currently relates only to the ground floor, including the courtyard.
7. The licence permits a total of 87 patrons (53 internal and 34 external courtyard) and to operate between the following hours:

(a) Sunday:	Between 10.00am and 11.00pm
(b) Good Friday & Anzac Day:	Between 12.00noon and 11.00pm
(c) On any other day:	Between 7.00am and 11.00pm

8. The application was lodged on 12 January 2016 for the extension of the sale and consumption of liquor to the first floor and the hours for the sale and consumption of liquor at ground floor, including the courtyard hours to be altered. There was no change to the existing patron capacity of 87. Further information was requested on the 21 January 2016 and received on the 03 July 2016.
9. Pursuant to Section 52 of the *Planning and Environment Act 1987* (the Act) the application was advertised by way of letters sent to surrounding owners and occupiers and two signs displayed along Brunswick Street and the ROW. A total of thirty one (31) objections were received.
10. A public consultation meeting was held on 13 September 2016; this meeting was attended by the applicant, three (3) objectors and Council planning officers.

Existing Conditions

Subject Site

11. The subject site is located on the western side of Brunswick Street, with Moor Street to the north, Young Street further east, Fitzroy Street to the west and King William Street to the south, in Fitzroy. The site is an irregular shaped parcel of land, with a frontage of 5.82m to Brunswick Street and a maximum depth of 21.2m, consisting of an overall site area of approximately 131sqm. The western boundary abuts a 3.04m wide Right-of-Way (ROW).
12. The site contains of a double-storey, Victorian-era, brick and masonry, commercial building. The building is currently used as a restaurant at ground floor.

Surrounding Land

13. The site is located in the middle of the Brunswick Street shopping strip, between Johnston Street and King William Street. The activity centre consists of a wide range of commercial uses including restaurants, cafes and bars, offices, and various small businesses and shops, which extends to the north and south. Residential development is located behind the main commercial strip.
14. To the north of the subject site is an attached, single-storey, Victorian-era rendered building, located on the corner of Brunswick and Moor Streets and built to all title boundaries. The building is currently used as a shop (footwear store).
15. To the south of the subject site is an attached, double-storey, Victorian-era brick building. The building is currently used as a shop (hair salon) at ground floor and a residence at first floor.
16. To the west of the subject site, across the ROW, is a single-storey, Interwar-period warehouse building with a frontage to Moor Street, built to all title boundaries.
17. To the east of the subject site, across Brunswick Street, are double-storey commercial buildings which comprise a mix of uses, including shops, restaurants, bars and offices.

The Proposal

18. The application seeks approval to extend the current liquor license (cafe and restaurant licence) operating hours at ground floor, and extend the licensing area to the first floor. Details are as follow:
 - (a) Monday to Saturday Between 10.00am to 12.00 midnight;
 - (b) Sunday Between 10.00am to 11.00pm (no change); and
 - (c) Rear Courtyard closing at 10.00pm 7 days a week.

19. The restaurant is to continue to operate under the café and restaurant liquor licence with no increase in patron numbers.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

20. Pursuant to *Clause 34.01-1* of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the land as a restaurant.

Overlays

Heritage Overlay (Schedule 311)

21. As the proposal does not include any works, a planning permit is not required under *Clause 43.01* of the Scheme.

Particular Provisions

Clause 52.27 Licenced Premises

22. Pursuant to *Clause 52.27* of the Scheme, *a permit is required to use land to sell or consume liquor if the hours of trading allowed under a licence are to be extended and the area that liquor is allowed to be consumed or supplied under a licence is to be increased.*

General Provisions

Clause 63 Existing Use

23. Pursuant to *Clause 63.06* of the Scheme, *an existing use right expires if either:*
 - (a) *The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.*
24. As stated earlier, there is no planning permit on Council files for the sale and consumption of liquor at the existing restaurant. However, Council records confirm the site has been continuously used as a restaurant since at least 1992, without stopping for a period of 2 years. Similarly, the site operates under an existing restaurant and café licence (Liquor Licence No. 32244684), which is renewed annually by VCGLR.

Clause 65 Decision guidelines

25. 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 13.04-1 – Noise Abatement

26. The objective of this clause is:
 - (a) *To assist the control of noise effects on sensitive land uses.*

27. The relevant strategy is to:

- (a) *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 17.01 – Commercial

28. The objective of this clause is:

- (a) *To encourage development which meets 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".*

29. The relevant strategy is to:

- (a) *Locate commercial facilities in existing or planned activity centres.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

Clause 21.04 – Land Use

31. Relevant objectives of this clause are:

- (a) *To reduce potential amenity conflicts between residential and other uses.*
- (b) *To maintain the long term viability of activity centres.*
- (c) *To increase the number and diversity of local employment opportunities.*

Clause 21.08-7 – Fitzroy

32. The neighbourhood character statement for this area states:

- (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*
- (b) *The role of the Brunswick Street centre can be characterised as hospitality, entertainment clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.*

33. The map at *Figure 17: Neighbourhood Map: Fitzroy* the site is identified as being included in the Brunswick Street Major Activity Centre.

Relevant Local Policies

Clause 22.05 – Interface Use Policy

34. This policy applies to applications for use or development within Mixed Use, Business and Industrial Zones and seeks to manage the interface between residential, commercial and industrial land uses with respect to issues such as noise, visual impact and appearance, overlooking, overshadowing, odour and emissions, light spill, loading and unloading, rubbish removal and storage and construction noise.

Clause 22.09 – Licenced Premises

35. This policy applies to all applications for new or extended licensed premises, including the extension of hours.
36. The objectives of this clause are:
- (a) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas;*
 - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues;*
 - (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*

Advertising

37. The application was originally advertised in accordance with Section 52 of the Act by way of 12 letters sent to surrounding property owners and occupiers and the display of two signs on the site; one at the Brunswick Street frontage and one at the ROW.
38. Council received a total of thirty one (31) objections. The grounds of objection are summarised as follows:
- (a) Anti-social behaviour including public drunkenness, theft, vandalism and littering;
 - (b) Increase in noise from patrons;
 - (c) Excessive operating hours;
 - (d) Increased vehicular traffic and impact on car parking; and
 - (e) Increased hours of operation on footpath.

Referrals

External

39. The application does not trigger any referrals to external authorities under the requirements of the Scheme.

Internal

40. The application was referred to Council's Community Amenity Unit and the following comments were provided.

Planning Enforcement received one 'noise' complaint on 15 January 2016 in relation to 193 Brunswick Street Fitzroy. The alleged complaint was in relation to patrons in the courtyard at 1am. Given the outdoor area (courtyard) is proposed to close at 10pm seven (7) days a week and the total numbers do not exceed 87 patrons the Compliance Branch does not have any concern with the proposal. I have also noted that there will only be lightly amplified background music.

OFFICER ASSESSMENT

41. The key planning considerations for Council in considering the proposal are:

- (a) Sale and Consumption of Liquor; and
- (b) Objector concerns.

Sale and Consumption of Liquor

- 42. The relevant permit triggers in this instance are *Clause 52.27* (Licensed Premises Policy), which together with the local policy at *Clause 22.09* (Licensed Premises Policy) articulates decision guidelines relating to cumulative impact, off-site amenity impacts, and land use conflict considerations.
- 43. The State and local planning policy frameworks, as well as *Clauses 11.01-1 (Activity centre network)*, *11.01-2 (Activity centre planning)* and *17.01-1 (Business)* of the Scheme, encourage the accumulation of commercial facilities such as employment, entertainment and service functions, within activity centres, to meet the needs of the community, whilst providing an adequate protection against off-site amenity impact. Specifically, *Clauses 13.04-1 (Noise abatement)*, *21.04-2 (Activity centres)* and *22.05 (Interface Uses Policy)* identify that noise and the interface between uses must be managed appropriately, particularly in a municipality such as Yarra where “almost all residents are within 400m of an activity centre... Abutting uses along the length of the strips are generally residential, creating interface conflicts where some uses are not well managed or inappropriate uses are permitted” (*Clause 21.04-2*). Furthermore, the MSS identifies that the presence of service, retail and entertainment uses creates active and vibrant activity centres with good access to services and facilities, which is an important attribute of Yarra.
- 44. The subject site is located within a Commercial 1 Zone (C1Z), is part of the Major Activity Centre along Brunswick Street and is in close proximity to the Neighbourhood Activity Centre along Johnston Street (approximately 370m north). The purpose of the C1Z is: *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- 45. It is considered that the proposal will support a commercial activity where it is State policy to: *locate commercial facilities in existing or planned activity centres and provide small scale shopping opportunities that meet the needs of local residents and works in convenient locations.* Given the subject site’s location, the extended hours between Monday to Saturday (1 hour) and extended area to the first floor (with no change to the patron numbers), will provide a convenient service/facility that meets the needs of the community while also allowing for a business that will create employment within the municipality. It is considered that the proposal will not unreasonably affect the amenity of residents (subject to conditions) and facilitates the continued development of the Activity Centre, where such commercial and entertainment uses are encouraged to be located. A full assessment of amenity impacts is discussed later in this report.
- 46. In relation to the decision guidelines at *Clause 52.27* and policy at *Clause 22.09* – Licensed Premises, the following assessment is provided.
- 47. Amongst other things such as the hours of operation, patron numbers, and the general impact of licensed premises on the amenity of an area, the decision guidelines of *Clause 52.27* of the Scheme require consideration of the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
- 48. A majority of the above considerations are contained in Council’s licensed premises policy (*Clause 22.09*) which will be discussed later in the report. In addition to this, it is necessary to give consideration to potential cumulative impacts associated with the new liquor licence. The “Corner Hotel” decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides a potential assessment methodology for considering applications that may result in cumulative impact.

The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.

49. In relation to the cumulative impact of licensed premises, the *Corner Hotel* decision advanced an assessment methodology for considering applications that may generate cumulative impacts.
50. Applying the matrix of risk below, a reasonable consideration would suggest that a score of 1-3 would be *no risk*, but that a score higher than 3 would be a *potential risk* and require a cumulative impact assessment.

Type of Premise	Risk Factor
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2
Size of Premise	Risk Factor
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	3
Closing hours	Risk factor
11pm	0
12am	1
1am	2
2am	3
3am	3
After 3am	4

51. In this instance, the proposed application does not trigger a cumulative impact assessment, as the proposal is afforded a maximum score of 3.
52. The applicant has submitted a Noise and Amenity Action Plan (NAAP) that addresses Council's requirements at *Clause 22.09* of the Scheme, which is a policy to guide the assessment of extended or new licensed premises within the municipality. *Clause 22.09* contains six key elements that will be considered in the following sections.

Clause 22.09-3.1 – Location and Access

- (a) *New licensed premises should be located such that;*
 - (i) *They are not in Residential, or Mixed Use zones;*
 - (ii) *There is appropriate opportunity to manage or buffer potential amenity impacts including ingress by queuing patrons, egress of those who have consumed alcohol on the premises, anti-social behaviour, in relation to more sensitive uses and, in particular, residential use;*
 - (iii) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises;*
 - (iv) *There is adequate infrastructure including space for smokers, public toilets in the vicinity.*

53. The proposal satisfies the requirements of the policy as the premises are not located in a residential or Mixed Use Zone, and maintains an active frontage to Brunswick Street, with no change to the site's integration with the public realm.
54. Whilst the site is within close proximity to dwellings directly to the west, it is considered that no unreasonable detriment will be caused to these properties. The interface between commercial buildings and residential properties in or adjacent to a commercial zone has been discussed in detail in previous VCAT cases, e.g. *RPC Architects v Glen Eira CC [2009] VCAT 108*, Member Cimino noted that residents living in or near commercial and industrial zones cannot expect the same level of amenity as residents living in a wholly residential area.
55. In addition, public ingress and egress will continue to be limited to the Brunswick Street frontage, and as will provide a high level of public safety and surveillance of patrons entering/exiting the premises. Given the nature of the use of the site; i.e. restaurant, it is unlikely that queues will be common. The area at the front of the site is considered sufficient to allow for an appropriate buffer zone and also allow for sufficient surveillance. However, to further ensure that patrons will not be able to access the site from the gate at the rear off the ROW, a condition will require this gate to be locked at all times during licensed hours. The Applicant has agreed to this.
56. The existing security lighting at the front of the site will provide further safety for patrons entering/exiting the premises. Furthermore, given that the existing security light is at the front of the site, underneath the canopy, there will be no possible light spillage to the abutting residential areas to the rear.
57. Toilet facilities are readily available for patrons at first floor. The smoking area continues to be the rear courtyard and the Brunswick Street footpath, in accordance with the relevant smoking regulations.

Clause 22.09-3.2 – Hours of Operation

- (a) *Assessment of the impact of the hours of operation on the amenity of the surrounding area consider;*
 - (i) *The zoning of surrounding land;*
 - (ii) *The nature of surrounding uses and hours of operation;*
 - (iii) *Potential noise emissions from the premises;*
 - (iv) *The impact of patrons arriving and leaving the premises;*
 - (v) *Licensed premises in a Residential or Mixed Use Zone or within 30 metres of a residential area not trade beyond 11pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area;*
 - (vi) *Licensed premises in a Business or Industrial Zone not trade beyond 1am, unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*

58. The application seeks to extend the current hours for the sale and consumption of liquor, including extending to the first floor. The additional hours are restricted to six days a week and are as follows:

	Existing hours	Proposed hours	Changes to Hours
Monday to Saturday	7am to 11pm	10am to 12midnight	<ul style="list-style-type: none"> • 3 hours reduced in the morning • 1 hour increased at night
Sunday	10am to 11pm	10am to 11pm	No change
Courtyard (rear)	7am to 11pm	10am to 10pm	<ul style="list-style-type: none"> • 3 hours reduced in the morning • 1 hour reduced at night

59. Whilst the proposed licenced hours will be less than policy allows for licenced premises in a Business Zone (which is 1am), the proposed trading hours are 1 hour more than 11pm, recommended for licenced premises located within 30 metres of a residential area. However, the policy states that trade can continue beyond 11pm on any night provided *the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*
60. As discussed earlier in the report, the subject site is located within a Commercial 1 Zone, which consists of a mix of commercial uses such as food and drink premises, offices and retail premises, generally associated with the MAC, and residential uses to the west.
61. During the extended hours of operation and with the extended area to the first floor, patrons will continue to enter and exit via Brunswick Street. As part of this application a Noise and Amenity Action Plan (NAAP) has been submitted, with measures to address potential amenity impact. Measures include the playing of only background music, the sole use of Brunswick Street as an access point, the presence of a manager on-site at all time to immediately address any amenity issues, the training of staff to the relevant industry standards (RSA) and erection of signs along the exits reminding patrons that the surrounding area is residential and to respect the neighbourhood amenity.
62. Furthermore, as the Applicant is proposing to close patron access to the rear courtyard after 10pm (currently closing at 11pm), it will ensure that noise and smoke impacts to the residential areas to the west are minimised beyond 10pm. A condition will require the rear door to the courtyard to be closed at 10pm. The Applicant has agreed to this condition.
63. Given the existing site conditions, site context and measures as outlined in the NAAP it is considered that there would be no unreasonable detriment to the surrounding area. The proposed hours of operation are therefore considered acceptable.

Clause 22.09-3.3 – Patron Numbers

- (a) *The number of patrons not exceed the safe and amenable operating capacity of the premises;*
 - (b) *The number of patrons not adversely affect the amenity of the surrounding area.*
64. There is no increase sought in the overall patron numbers already permitted under the existing licence.

Clause 22.09-3.4 – Noise

- (a) *The operation of licensed premises have minimal impact on the amenity of the area, in relation to noise;*
 - (b) *Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy;*
 - (c) *On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities.*
65. The NAAP submitted with the application outlines measures to ensure that the sale and consumption of liquor would not be detrimental to the amenity of the area. The plan includes measures to be undertaken to identify and address sources of noise. The plan would be endorsed as part of any permit to be issued.
66. As has been previously identified, whilst the licenced area would include the first floor, the number of patrons continues to be limited to 87 patrons in total, with no live bands or Dj's. The Applicant has identified that the nature of the existing business, function type and patron profile provides more of a local restaurant for residents unlike other premises within municipality creating more significant amenity impacts. As such, noise impacts will not be those which one might expect from a nightclub or pub.

67. The existing restaurant is an as-of-right use in a Commercial 1 Zone. As a result, the noise emitted from the overall use cannot be considered and only the noise emitted in relation to the licence can be considered. Whilst no formal guidelines exist around the restriction of patron noise from licensed premises, when assessing noise impacts in conjunction with the State Environment Protection Policy (SEPP N-1), noise impacts occurring within the night-time period (after 10pm) raise the most concerns.
68. The playing of background music inside the building is unlikely to generate noise that will have a significant impact on the acoustic amenity of nearby residential locations. An Acoustic Assessment Report prepared by Acoustical Advisory & Consulting Services states that *it is not expected that the use of the 1st floor function space and the change to opening hours will substantially increase the noise emission*. The report states that the rear courtyard closure at 10.00pm Monday – Sunday will limit noise disturbances to the dwellings located across the ROW. The report further states that *with the setting of internal noise limits in the venue and management strategy around access and egress, the change of usage will not detrimentally affect the adjacent residents*. As has already been identified, a condition will require the courtyard to be closed at 10pm and a condition will also state that no speakers external to the building are allowed. In addition, conditions will require compliance with SEPP N-1 and SEPP N-2.
69. As outlined previously, the site is located within a Commercial 1 Zone with residential properties to the west. The properties to the north, south and east are predominantly commercial in nature and associated with the Brunswick Street MAC (except the first floor residence to the south). Given the existing use as a restaurant, the measures outlined above and location of the site along an arterial road, it is considered that noise would be effectively managed and it is not expected that this would result in unreasonable impacts.

Clause 22.09-3.5 – Car Parking

- (a) *Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.*
70. Pursuant to *Clause 52.06 (Car Parking)* of the Scheme, 0.4 car spaces are required per patron. As there is no increase in patron numbers already permitted under the existing licence, there is no further requirement to consider car parking.

Clause 22.09-3.6 – Noise and Amenity

- (a) *Licensed premises be managed in accordance with a Noise and Amenity Plan.*
71. Many of the requirements of *Clause 22.09-3.6* of the Scheme in relation to the provision of a NAAP have already been addressed in this report. The provisions within the submitted NAAP are considered appropriate to manage the extended operation hours and extended areas of the restaurant, without causing detriment to the amenity of the area. Measures to minimise amenity impacts of the proposal as indicated in the NAAP are as follows:

The location, type and details of existing licenced premises in the locality

72. As stated previously, a full assessment of existing licenced premises in the locality and its cumulative impact is not required in this instance as the proposal is afforded a maximum score of 3. However, the Cumulative Impact Assessment done by the Applicant states that there are about 99 licensed premises along Brunswick Street within 500m of the subject site. These licensed premises are predominantly restaurant and café liquor licenses, as well as on-premises licences issued for taverns, bars and nightclubs. The closest venues to the subject site are as follows:
 - (a) Smith & Daughters at No. 175 Brunswick Street Fitzroy;
 - (b) Akari Japanese Restaurant at No. 177 Brunswick Street Fitzroy;

- (c) Pho 54 Mandalay Bay at No. 183 Brunswick Street Fitzroy;
- (d) Perseverance Hotel at No. 196 Brunswick Street Fitzroy;
- (e) Labour in Vain at No. 197A Brunswick Street Fitzroy;
- (f) The Rooks Return at No. 201 Brunswick Street Fitzroy; and
- (g) Little Creatures Dining Hall at No. 218 – 222 Brunswick Street Fitzroy.

The identification of all noise sources associated with the premises (including, but not limited to, music noise, entries and exits to the premises and courtyards) likely to impact on nearby residential properties

73. An assessment has been done in paragraphs 52 to 69.

Measures to be undertaken to address all noise sources identified, including on and off-site noise attention measures

74. An assessment has been done in paragraphs 52 to 69.

Procedures to be undertaken by staff in the event of complaints

75. The NAAP states that in the event of complaints being made against the venue, a staff member at management level will investigate and if justified, take relevant steps to address and resolve the complaint. The NAAP further states this staff member will keep an up-to-date register to record any complaints against the licensed premises or patrons and will be accessible to the police, Responsible Authority, and VGCLR.

Details of staffing arrangements / training of staff

76. The applicant has stated that adequately trained 10 staff members would be on site at any one time. No security staff is proposed given the nature of the business. All staff will be trained in a 'Responsible Service of Alcohol' program.

Lighting

77. There is no proposed change to the existing lighting arrangement to the building.

Waste management

78. The NAAP states that the garbage will be collected between 7.00am to 8.00pm and the hours in which bottles and cans can be emptied into bins is 7.00am to 10.00pm, complying with Council's collection times and ensuring that the amenity of adjacent sites is preserved. The existing location of the bins will continue to be used, which is located to the rear of the site, in the courtyard.

Music

79. According to the NAAP, no music other than "lightly amplified background music" will be provided. A condition will require the wording "lightly amplified" to be deleted as this cannot be measured. No live music or DJ will perform in the premises. As stated previously, conditions will require compliance with SEPP N-1 and SEPP N-2.
80. The proposed NAAP is considered to generally address the criteria of *Clause 22.09-3.6* of the Scheme in a satisfactory manner.

Objector Concerns

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

82. *Increase in noise from patrons*

Noise has been considered throughout this report with regard to the liquor licence assessment (see paragraphs 52 to 63, 65 to 69 and 71 to 80). The proposal is acceptable and given the location and nature of the proposal it would not result in unreasonable noise impacts, subject to conditions.

83. *Excessive operating hours*

As stated previously, and as shown in the table in paragraph 58, the morning hours from Monday to Saturday are to be reduced from 7.00am to 10.00am (3 hour reduction) and the evening closing hours to be increased from 11.00pm to 12.00midnight, with the rear courtyard to close one hour earlier (10.00pm) on all seven days (currently closing at 11pm on all seven days). The impact as a result of the change in hours has been discussed in paragraphs 58 to 62.

84. *Increased vehicular traffic and impact on car parking*

As discussed earlier, the provisions of *Clause 52.06 (Car Parking)* are not applicable as there is no increase in patron numbers.

85. *Anti-social behaviour including public drunkenness, theft, vandalism and littering*

All staff and management will be provided with the minimum industry training in the Responsible Serving of Alcohol to reduce the possibility anti-social behaviour. In addition, taking into account the current business model and patron profile, the risk of anti-social behaviour is not considered to be significant. There would be no increase in street litter as a result of a one hour increase beyond the current liquor licence.

86. *Increased hours of operation on footpath.*

This is not a planning consideration, and the Applicant has been advised to contact Council's Compliance Department.

Other Matters

87. The proposed red-line plan (shown as thick black line and hatched on plans) includes the waste storage area and toilets, including the staircase. A condition will require to only show the areas where liquor is to be sold and consumed.

Conclusion

88. The proposal demonstrates a high level of 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 is supported, subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0015 to extend the current liquor license operating hours at ground floor, and extend the licensing area to the first floor at 193 Brunswick Street Fitzroy VIC 3065 subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans, but modified to show:
 - (a) Plans to confirm the rear pedestrian gate to the Right-of-Way to be locked during licensed hours;
 - (b) Plans to confirm the rear door to the courtyard to be closed at 10.00pm on all seven days; and

- (c) Red-line plan amended to only show the areas proposed to sell and consume liquor.
- 2. The sale and consumption of liquor 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. The rear gate to the Right-of-Way must be locked during licensed hours.
- 4. No more than 87 patrons are permitted on the land at any time liquor is being sold or consumed.
- 5. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
 - (a) Monday to Saturday 10.00am – 12.00 Midnight
 - (b) Sunday 10.00am – 11.00pm
 - (c) Rear courtyard to close at 10.00pm seven (7) days a week
- 6. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Bon Ap and dated 14 June 2016, but modified to include (or show, or address):
 - (a) The rear pedestrian gate to the Right-of-Way to be locked during licensed hours.
 - (b) The rear door to the courtyard to be closed at 10.00pm on all seven days.
 - (c) To delete reference to the word “amplified” under background music.
- 7. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 8. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
- 9. 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.
- 10. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 11. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 12. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.

13. Except with the prior written consent of the Responsible Authority, no live music is permitted on the premises. All music must be limited to background music only.
14. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
15. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
16. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
17. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
18. This permit will expire if the sale and consumption of liquor is not commenced within two years from the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

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

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

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5585 to confirm.

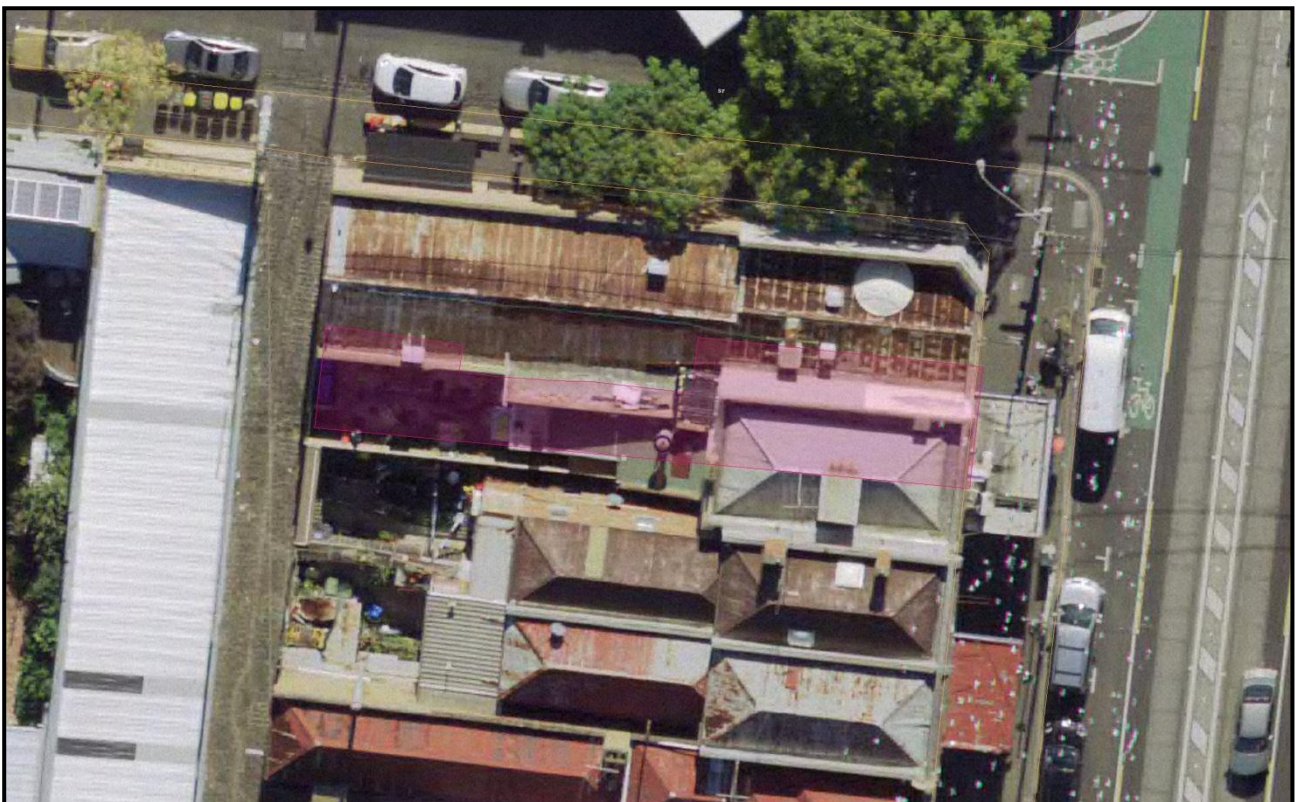
CONTACT OFFICER: Nish Goonetilleke
TITLE: Statutory Planner
TEL: 9205 5005

Attachments

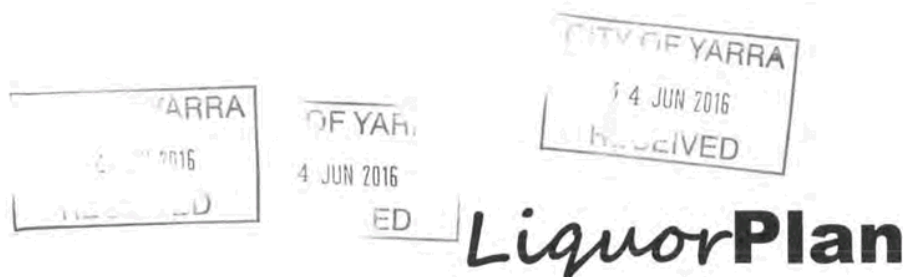
- 1 PLN16/0015 - 193 Brunswick Street Fitzroy - Subject Land
- 2 PLN16/0015 - 193 Brunswick Street Fitzroy - Town Planning Report
- 3 PLN16/0015 - 193 Brunswick Street Fitzroy - Decision Plans

Attachment 1 - PLN16/0015 - 193 Brunswick Street Fitzroy - Subject Land

SUBJECT LAND: 193 Brunswick Street Fitzroy ↑ North **Subject Site**



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The town planners specialising in permit applications for licensed premises

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ABN: 14 242 281 164

10 June 2016

Ms Nish Goonetilleke
Town Planner
Yarra City Council
PO Box 168
Richmond 3121

Dear Nish

Application for Permit PLN16/0015

193 Brunswick Street, Fitzroy

Use of land for the sale of liquor where the trading hours allowed under an existing licence issued under the Liquor Control Reform Act 1998 are to be extended or the area that liquor is allowed to be consumed or supplied under the licence is to be increased

I have been asked to provide an additional response to the Council's Request dated 21 January 2016 for Further Information (RFI) for the above application¹.

This letter includes a response to relevant state policies and the zoning and Clause 22.09 Licensed Premises and Clause 52.27 Licensed premises of the Yarra Planning Scheme.

Please also find attached a Site Plan, an Acoustic Report, an amended Floor/Redline Plan, an amended Noise and Amenity Action Plan and an amended Application Form. Copies of requested menus are included in this letter itself.

Re the other issues raised in the RFI: no external buildings or works or signage is proposed including that double-glazing is no longer proposed; no increase in patron capacity is proposed; the proposed trading hours will be now be as stated in this letter; a full Cumulative Impact Assessment has not been provided as the (amended) proposal no longer requires one under the Council's Cumulative Impact Matrix.

INTRODUCTION

The proposed – somewhat conservative - extended licensed hours and increased licensed floor area are well-supported by the Yarra Planning Scheme, as they relate to an existing Restaurant in the Brunswick Street Major Activity Centre, with excellent access to public transport, taxis and other facilities relevant to licensed premises, and the ability to minimise amenity impacts on neighbouring dwellings.

EXISTING CONDITIONS

The site is a small commercial one located on the west side of Brunswick Street (just south of Moor Street) and the east side of an unnamed lane (running between Moor Street and King William Street),

¹ My previous letter dated 20 May 2016 referred to an increased patron capacity (and reduction of associated car parking requirements) that is no longer proposed

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193 Brunswick Street, Fitzroy

Fitzroy. The site is rectangular and contains an existing, double-storey building, which is currently used for the "Bon Ap", a French Bistro-style Restaurant, the patron areas of which currently occupy the ground floors of the building at front as well as an open courtyard at rear. Pedestrian access to the site for patrons is from Brunswick Street only. There is no existing car parking on the site.

The existing Restaurant operates under Restaurant and cafe Licence 32244684 ("the licence"). This allows (1) a maximum capacity of 87 patrons ("Internal 53 patrons External Courtyard 34 patrons"), (2) earliest trading times of 7 am (10 am on Sunday, 12 noon on Good Friday and Anzac Day) and (3) latest trading times of 11:00 pm on any day. There does not seem to be a planning permit under which the existing use including the use of land for the sale and consumption of liquor operates, as there appears to have been a Restaurant use on the site for at least about twenty years (thus predating the current Clause 52.27).

The neighbourhood along both sides of Brunswick Street contains mainly commercial uses - shops, restaurants/cafes, convenience restaurants or office uses within older or newer single or double-storey shop buildings. The site does not abut any residential areas; while there are also some residential uses along Brunswick Street, the nearest private land in a residential zone is about 10m to the site's east, across the lane and separated by an industrial building.

Public transport near the site includes trams along Brunswick Street and buses along Johnston Street, both of which are part of the Principal Public Transport Network (PPTN). Although the Study Area is not itself served by trains, it is connected to the suburban train network by both tram (Parliament Station) and bus (Victoria Park Station). The last outward-bound services would each depart (in each direction) at between roughly 12:15 AM and 12:30 AM on Monday-Thursday, one hour later on Friday and Saturday, and about one hour earlier on Sunday.

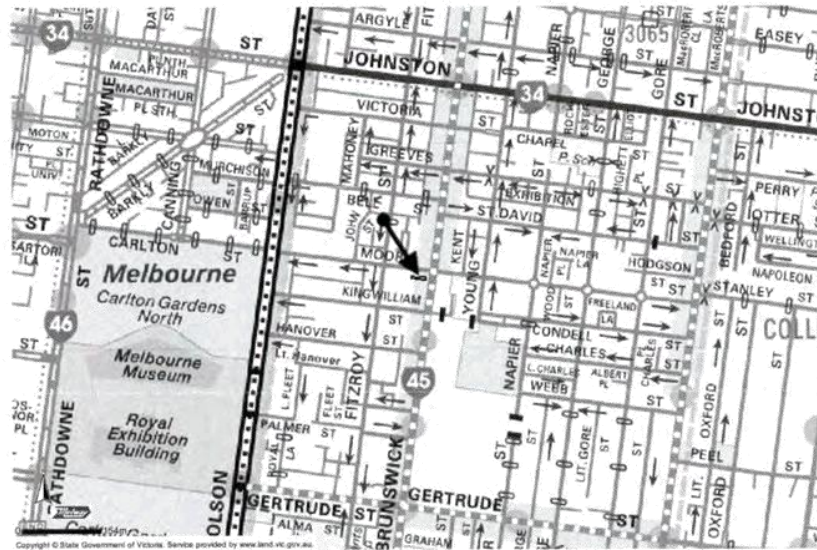
A Nightrider bus stop (Route No. 200) is located on the corner of Brunswick Street and Johnston Street, about 300m north of the site. Nightrider buses, operating on Friday and Saturday, run hourly and half hourly after this until about 7:00 AM. A state government trial of 24 hour public transport on weekends, known as the Night Network commenced on 1 January 2016.

There is a taxi rank diagonally opposite the site (on the east side of Brunswick Street north of Moor Street); taxis are otherwise regularly available along Brunswick Street. Brunswick Street is a well-known inner-suburban road with two-way traffic, central tramlines and parallel parking. Restricted onstreet parking is available near the site along Brunswick Street and other parts of the adjoining road network.

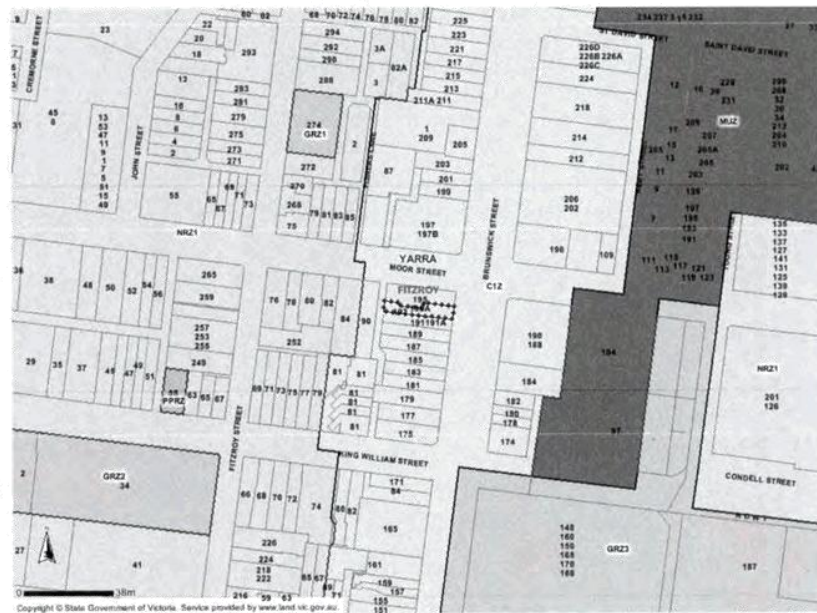
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Locality plan with site marked with arrow



Zoning map with site highlighted in red in centre

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Oblique aerial photo (from east) of the site (marked with green peg) and its neighbourhood



Oblique aerial photo (from south) of the site (marked with green peg) and its neighbourhood

The site and its neighbourhood

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The site and its neighbourhood



Subject site – in centre of photo



Brunswick Street, looking south with front of site on right of photo

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The site and its neighbourhood



Brunswick Street, looking north with front of site on left of photo



Lane at rear of site, looking south



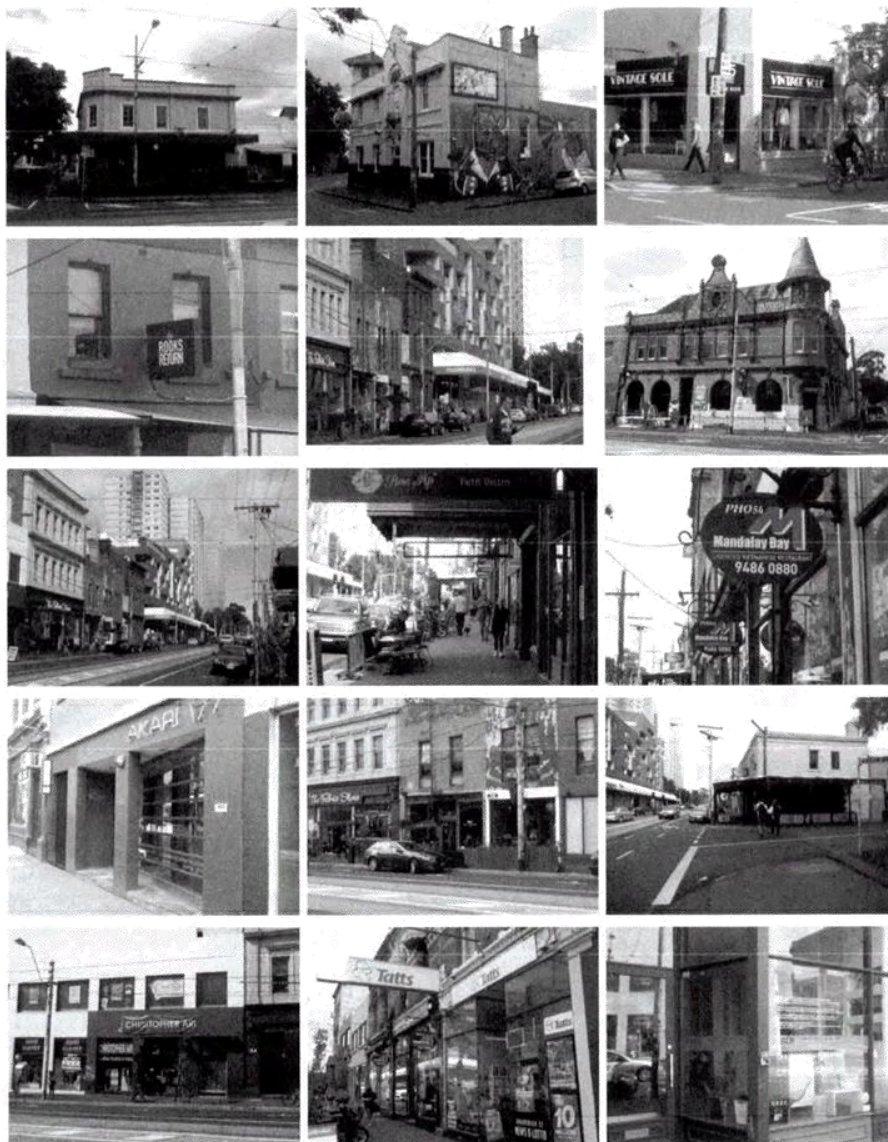
Some of the apparent residential developments nearest to the site (on both sides of Moor Street, east of Brunswick Street)

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Licensed, hospitality and/or other mainly commercial uses near the site (note: not every site in these photos would be licensed)



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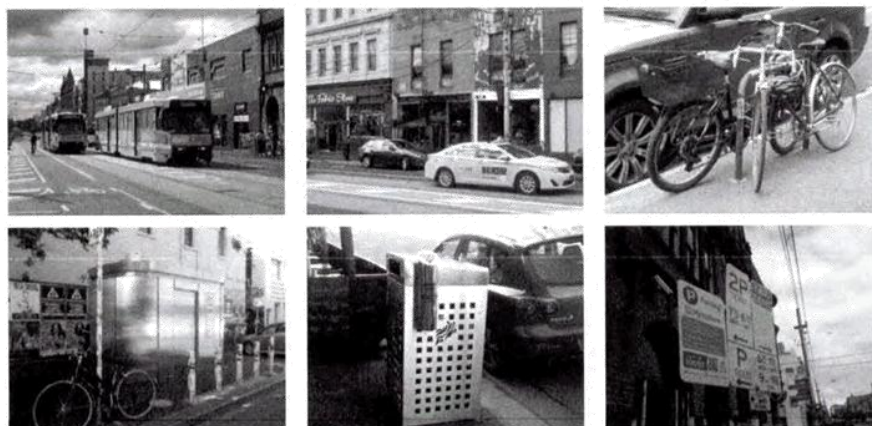
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Licensed, hospitality and/or other mainly commercial uses near the site (note: not every site in these photos would be licensed)



Public transport, bicycle parking, rubbish bins, other relevant services etc near the site



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The subject site



Ground floor internal and external patron areas



Foot path dining area

Kitchen



First floor room that would contain the proposed function area

Windows of proposed first floor function area

THE PROPOSAL

The proposal is the Use of land for the sale of liquor where the trading hours allowed under an existing licence issued under the Liquor Control Reform Act 1998 are to be extended or the area that liquor is allowed to be consumed or supplied under the licence is to be increased:

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- Under the Liquor Control Reform Act, a Restaurant and café licence authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises where the predominant activity carried out at all times on the premises is the preparation and serving of meals to be consumed on the licensed premises.
- The proposal is simply to allow more patrons on the licensed premises during longer hours without changing the fundamental nature of the existing use, which will continue to be a Restaurant including having tables and chairs for a minimum of 75% of patrons at all times during its operation.
- The licensed floor area or "redline area" will be increased to include the first floor of the building, which will be used for ancillary functions.
- It is now proposed that the Restaurant will now also operate and liquor be sold or consumed during the current licensed hours but also until 12 am (the following morning), Monday to Saturday only (ie the licensed premises will have one additional trading hour on each of those days, with the Sunday closing time continuing to be at 11 pm), with the courtyard to now close – *earlier than what is now allowed under the licence* - at 10 pm). That is the new trading times will now be until 12 am (the following day) on Monday to Saturday and to 11 pm on Sunday, except for the courtyard, which will now close every day at 10 pm.
- No change is proposed to the existing licensed patron capacity of 87 patrons (the new function area at first floor will simply be populated some existing patrons).
- There will continue to be a maximum of one staff and a maximum of 10 staff on the site at any one time. All staff serving liquor will be graduates of a Responsible Service of Alcohol program.
- The predominant activity carried out at all times on the premises will continue to be the preparation and serving of meals to be consumed on the licensed premises.
- No change is proposed to the existing "active frontage" to Brunswick Street.
- Pedestrian access to the licensed premises will be continue to be only via the existing entrance from Brunswick Street.
- No new onsite car parking will be provided.
- No new onsite bicycle parking will be provided.
- No music other than lightly amplified background music is proposed.

PLANNING CONTROLS AND POLICY

The Yarra Planning Scheme²

The site is in a Commercial 1 Zone (C1Z). There is nothing of relevance in the zone schedule. A Heritage Overlay affects the site but is not relevant to the proposal. No other overlays affect the site.

"Restaurant" is defined at Clause 74 of the Planning Scheme as "Land used to prepare and sell food and drink, for consumption on the premises. It may include: a) entertainment and dancing; and b) the supply

² The following clauses(s), that might otherwise be thought applicable, also do not apply in this case:

- 21.08-7 Fitzroy applies but is largely not relevant to the application and 21.04-3 Industry, office and commercial is also not particularly relevant as it applies essentially to areas outside activity centres.
- 22.05 Interface Uses Policy - in this case this policy is effectively "superseded" by the more specific Clause 22.09.
- 22.07 Development Abutting Laneways - no development next to or access via the lane is proposed.
- 52.06 Car parking – as there will be no increase in patron capacity, a permit is not required under this clause
- 52.07 Loading and unloading of vehicles - this is only triggered by the construction of new buildings or works

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of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor".

This is the appropriate definition in this case, because the dominant use of the land will continue to be the preparation and sale of food and drink for consumption on the premises, with tables and chairs provided for at least 75% of patrons at any one time and the current Restaurant and café licence (which by definition only allows the sale of liquor for consumption on the premises) will remain (as can be seen in one of the above photos, the site contains a sizeable kitchen, to which no change is proposed).

The use of the first floor room for functions will also not affect this situation, because under the Restaurant definition, 25% of patrons do not have to have tables and chairs, and "entertainment and dancing" can legitimately occur.

While the function area itself might have a similar character to what might be found in a Tavern, this is appropriate under the Restaurant definition, which as above allows such minor activities to occur provided that the predominant activity remains – as will be the case here - the preparation and sale of food and drink for consumption on the premises.

This is shown in the below menus, to which no substantial change will occur as part of the proposal.

<p><u>Les croques</u> croque monsieur 13. classic ham, gruyère & béchamel croque madame 14. classic ham, gruyère, béchamel & sunny-side egg croque fœcortier 15. mozzarella, gruyère, béchamel & herb de provence</p> <p><u>Open sandwich</u> tatarouille, goats cheese 13. cured ham, blue cheese 13. beef cheek marmalade 13. add an egg cooked your way 3.</p> <p><u>Waffle</u> potato waffle topped with smoked trout, season herbs & dill cream 14. & poached egg 3.</p> <p><u>Salads</u> salade de poulet 14. roasted chicken, boiled egg, green beans, potatoes, cow, anchovies in a mustard vinaigrette légumes d'été 14. beetle & confit capers with roasted beets, chard, carrot & quark</p> <p><u>Lentilles</u> steak tartare & fries 10. raw chopped beef with cornichons, capers & fries</p> <p><u>Quiche of the day</u> classic savoury tart 9. (ask your waiter for the flavour of the day)</p> <p><u>Sides</u> french fries & aioli 8. green salad & simple dressing 3.</p>	<p>ALL DAY</p> <p> <u>L'oeuf</u> cousin hard boiled egg 3.</p> <p><u>Pastries</u> croissants 4. with butter & jam 3. with ham & cheese 3. pain au chocolat 4. chocolater croissants</p> <p><u>Sandwich Parisien</u> half baguette, ham off the bone, gruyère & french butter 9.</p> <p> </p>	<p><u>Charcuteries</u> 10. each & accompaniments terrines de campagne country style pâté pâté de foie de volaille homemade chicken liver parfait cylindres de canard duck confit jambon de pays cured ham saucisson sec dry french style salami cylindres de saumon salmon rillettes</p> <p>selection of 3 selection of 6 10. 30.</p> <p><u>Cherries</u> 9-12 each fig & walnuts fourme d'Ambert soft blue from Auvergne délite de Bourgogne triple cream comté Marcel Petre semi-hard from the Jura Osetik Chabrin baque country goats cheese</p> <p>selection of 3 10.</p> <p><u>Desserts</u> 12. each tarte tatin crème brûlée mousse au chocolat</p>
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Current Bon Ap Lunch Menu

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Bon Ap'
Petit Bistro

At Bon Ap' it's all about sharing and tasting many flavours.
We are cooking classic French cuisine and serving it in a modern way.
Now you can start picking —
Bienvenue en France!

À TABLE!!
(feed me)

We will serve you a selection of dishes including dessert or cheese!
45 per head

 Bon Ap Petit Bistro

 Bon Ap

Snacks

olives	4.5
white anchovies	6
smoked mussels	4
house pickled veg	6
croquette of the day	4

Tartines "to be spread on bread"

ratatouille, goat cheese	12 each
cured ham, blue cheese	
beef cheek marmelade	

Charcuteries

& condiments

terrine de campagne	10 each
country style pâté	
pâté de foie de volaille	
homemade chicken liver parfait	
côte de canard	
duck confit	
jambon de pays	
cured ham	
saucisson sec	
dry french style salami	
côte de saumon	
salmon ciltette	

selection of 3

16.

selection of 6

30.

From the sea

filets de croquette, pipenade	18.
red mullet, slow cook peppers	
poissons en papillote	20.
market fish cooked in parchment with lemon, carrot, zucchini, onion & pine nuts	
poulques à la provençale	18.
octopus, saffron, olives, tomatoes	

From the land

coq au vin	19.
chicken stewed in red wine & mushrooms	
steak tartare	18.
raw chopped beef with cornichons & capers	
agneau de pré salé	20.
7 hours saltbush lamb, baby carrot, chard & spinach puree	

salads

confit bayaldi	9.
season vegetables confit in olive oil & garlic	
haricots verts	7.
green beans, shallots & almonds	
légumes rôtis	9.
lentils with roasted beets, chard, carrot & quark	8.
frites	
french fries	
salade verte	7.
green salad & simple dressing	

Cheeses

fig & walnut

9.5 each

coqueret papillon

Aveyron blue cheese from sheep milk

délice de Bourgogne

triple cream

comté Marcel Petite

semi-hard from the Jura

meli-melo

pyrenean country goats & sheep cheese

selection of 3

26.

desserts

tarte tatin	12 each
crème brûlée	
mousse au chocolat	

selection of 3

19.

Current Bon Ap Dinner Menu

As can be seen, there is a good mix - including main meals - of bistro-style restaurant food, which goes far beyond the snack-type food often provided at Taverns or other licensed premises where the predominant activity is the serving of liquor.

Restaurant is nested (included) in the definition of Food and drinks premises, which in turn is nested in Retail premises. As a form of "Retail premises (other than Shop)", Restaurant is a Section 1 ("Permit not required") use in the Commercial 1 Zone. No conditions apply.

Summary of permit requirements

In this case a planning permit is required to:

- Use land for the sale and consumption of liquor where the hours of trading allowed by a licence issued under the Liquor Control Reform Act 1998 are to be extended or the area that liquor is allowed to be consumed or supplied under such a licence is to be increased (Clause 52.27).

Relevant state and local planning policy

There are a small number of relevant state policies. There is one relevant local policy: Clause 22.09 Licensed Premises Policy.

The merits of the application in terms of the Yarra Planning Scheme

The proposal is consistent with all relevant policy. It satisfies the following Clauses, in particular:

- 11.01-2 Activity centre planning, which seeks to "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". The proposal will help to achieve this by being associated with a Restaurant use in an activity centre.

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13.04-1 Noise abatement, which has the objective "To assist the control of noise effects on sensitive land uses". No music other than lightly amplified background music is proposed and any noise associated with the proposal will be commensurate with that of a typical licensed Restaurant in an activity centre. In relation to the relevant state environment protection policies, and specifically impacts on adjoining dwellings, please refer to the submitted acoustic report.

In terms of noise more generally, given the site context, the scale, nature and operating hours of the proposal, and the setback distances from adjoining residential and other sensitive uses, the proposal is unlikely to result in any significant or unreasonable noise emissions from either inside the site or from patrons arriving or departing. The licensed premises will be primarily located in a building; noise emissions would also be commensurate with ambient noise levels currently around Brunswick Street, a main road running through an inner-suburban Major Activity Centre. The proposal is also unlikely to result in any significant or unreasonable noise emissions from patrons arriving or departing.

- 17.01-1 Business. This policy seeks to "To encourage developments which meet community's needs for retail, entertainment ... and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities". The proposal will achieve this by being associated with licensed use appropriately located in an activity centre, with good public transport, pedestrian and cycling access.
- 18.02-2 Cycling – by relating to the site that is very accessible by bicycle, as well as by not triggering a permit requirement under Clause 52.34 Bicycle Facilities.
- 18.02-5 Car parking – by not triggering a permit requirement under Clause 52.06.
- 21.04-2 Activity centres – The proposal will achieve the outcomes sought by the MSS, applying to land in a Major Activity Centre, having the same number of patrons, an expanded but still small floor area and conservative trading hours, and otherwise satisfying the relevant local policy, Clause 22.09.
- 22.09 Licensed Premises Policy. This is discussed below.
- 34.01 Commercial 1 Zone whose purpose is "To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. In terms of the use, as noted, (significantly), "Restaurant" itself is a Section 1 (*Permit not required*) use in the C1Z.

While the C1Z also seeks "to provide for residential uses" and there are dwellings in the C1Z near the site (including immediately to the site's south, as well as in the residential-zoned area to the west and elsewhere), the proposed extended trading hours and increased floor area for the existing licensed Restaurant is not something that residents of dwellings in or near in a Major Activity Centre should not reasonably expect to be located in the Activity Centre.

Furthermore, the C1Z also indirectly encourages commercial uses such as the Restaurant use by seeking "To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies".

22.09 Licensed Premises Policy

The following is an assessment of the proposal against Policy requirements of this clause:

Requirement	Response
22.09-3.1 Amenity <i>The operation of licensed premises have minimal impact on the amenity of the area, in relation to noise, hours of operation and/or car parking demand.</i> <ul style="list-style-type: none"> • Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy. • On-site noise attenuation measures be considered for 	Noise emissions and other amenity impacts will be limited: <ul style="list-style-type: none"> • Noise will continue to be commensurate with that of a typical Restaurant in a Major Activity Centre. • Much of the patron noise will be significantly

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<p><i>licensed premises where amenity impacts on neighbouring residential and commercial uses may result from the proposed activities.</i></p> <ul style="list-style-type: none"> <i>Licensed premises operate in a manner that provides for the safety of patrons, the general public and nearby owners and occupiers of land.</i> 	<p>contained within the solid walls of the building, or directed towards the noisier, public area of the Brunswick Street Major Activity Centre, with its traffic and other noise sources.</p> <ul style="list-style-type: none"> The main external interface of the Restaurant will also be to Brunswick Street (ie patrons will enter and exit via that street). <p>It is anticipated that conditions to protect the amenity of the area would also apply to any permit issued, with all such conditions enforceable in the event of non-compliance, including conditions to limit:</p> <ul style="list-style-type: none"> Noise, ie requiring compliance with State Environment Protection Policy N-1 (Control of Noise from Commerce, Industry and Trade). Compliance with the above measures will ensure that Clause 13.04-1 Noise abatement, which seeks to implement various EPA Noise Policies, will be met. Patron capacity (to the existing relatively low number of patrons). Trading hours (to the extended but still relatively conservative trading hours proposed). Collection of bottles and other waste (to within appropriate hours that will not cause sleep disturbance). Implementation of the submitted Noise and Amenity Action Plan. General amenity protection. <p>Please refer to the submitted acoustic report regarding direct noise emissions from the proposal.</p>
<p>22.09-3.2 Hours</p> <p><i>The location of the premises, its use, nature of surrounding uses and hours of operation, its zoning and the zoning of surrounding land be considered in the determination of the hours of operation of licensed premises.</i></p> <p><i>Trading after 11pm and 24 hour licensed premises not be supported adjacent to residential areas or on Residential or Mixed Use zoned land, unless the Responsible Authority is satisfied that that the use will not adversely affect the amenity of the area, in relation to noise, hours of operation and / or car parking demand.</i></p>	<p>The locational and zoning features of the site that will allow the new hours to be accommodated without unreasonable adverse amenity effects on surrounding uses are described elsewhere.</p>
<p>22.09-3.3 Patron Numbers</p> <p><i>The maximum number of patrons permitted on the licensed premises at any one time is limited to the safe and amenable operating capacity of the premises, and potential adverse amenity effects on surrounding uses.</i></p>	<p>The (existing) patron capacity is very small by the standards of most licensed premises. It is generally accepted that, while there are some "risks" associated with all licensed premises, they are</p>

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	particularly the case for also those with a patron capacity over 200, with PN61 specifically stating that these “may pose a greater risk of alcohol-related harm and result in a negative cumulative impact”. Conversely, much of the other relevant policy and other documents acknowledge that small (ie under 200 patron capacity) licensed premises have generally positive impacts by providing both diversity and intimacy, and minimising alcohol-related risks ³ . Smaller venues also tend to attract a more local patronage.
22.09-3.4 Car Parking <i>Licensed premises provide car parking in accordance with clause 52.06.</i> <ul style="list-style-type: none"> Car parking for licensed premises not detrimentally impact on the functioning of local traffic networks and / or car parking availability. Car parking be managed to discourage patrons parking in residential zones. 	<p>As stated, no increase in patron capacity is proposed. The parking demand associated with the additional licensed trading hours is unlikely to detrimentally impact on the functioning of the local traffic network.</p> <p>In relation to car parking availability, public parking is a shared resource – which particularly in activity centres includes by the patrons of licensed premises and other commercial uses.</p> <p>Car parking in the residential areas near the site are subject to parking restrictions in favour of the residents, which would keep most patrons from parking therein.</p>
22.09-3.5 Residential 1 zone ...	This is not applicable as the site is in the Commercial 1 Zone.
22.09-3.6 Mixed Use zone ...	
22.09-3.7 Business and Industrial zones <ul style="list-style-type: none"> New licensed premises are discouraged from locating within Industrial zones in line with clause 21.05-3. New hotels, taverns and licensed places of assembly are discouraged from locating at ground level, unless the use is located within a Food / Entertainment Activity Area as defined in the Activity Centres Framework Plan at clause 21.05. Licensed premises trade no later than 1am, unless the Responsible Authority is satisfied that minimal detriment will be caused by the operation of the use to the surrounding area, by way of noise emissions from the site, patrons arriving at and leaving the premises, and the availability and location of car parking. Licensed premises with residential abutments trade no later than 11pm, unless the Responsible Authority is 	The site is in a Commercial 1 Zone and the proposed trading hours will be to 12 am only, in accordance with the policy.

³ The Melbourne Planning Scheme Licensed Premises Policy (Clause 22.22) states that “Small licensed premises are particularly important to the vitality of the Central City as a 24 hour city”; and the Stonnington Planning Scheme Licensed Premises Policy (Clause 22.09) says, “Small, well managed licensed premises generally present a low risk of adverse impacts, whereas there is a high risk of adverse impacts on safety and amenity from large licensed premises, operating late at night”. The state-government’s Decision Making Guidelines, 20 July 2015, for applications for licensed trading after 1 am in inner Melbourne also allow post 1 am trading to occur *only* for licensed premises of less than 200 patrons

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<p>satisfied that minimal detriment will be caused by the operation of the use to the surrounding area, by way of noise emissions from the site, patrons arriving at and leaving the premises, and the availability and location of car parking.</p> <ul style="list-style-type: none"> Where the licensed premises forms an interface with a Residential 1 or Mixed Use zone, ingress and egress to the premises be located away from the interface with residential uses. Car parking from new licensed premises not adversely impact on residential areas by way of on-street, overflow parking or vehicles accessing off-street car parking. 	
--	--

The proposal therefore satisfies Clause 22.09 Licensed Premises Policy.

52.27 Licensed premises

The Purpose of this clause is:

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

The licensed premises will be situated in an appropriate location (in a commercial area, separated from the nearest sensitive uses etc), and any impact of the licensed premises on the amenity of the surrounding area will be appropriate both in terms of the location and the nature of the proposal itself. The following is a brief response to the Clause 52.27 Decision guidelines.

Decision guideline	Response
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	The state and local policy support for the proposal is detailed above.
<i>The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.</i>	The sale or consumption of liquor will have only an appropriate impact on the amenity of the surrounding area due to combination of the nature, patron capacity and trading times of the associated Restaurant use, and the area itself.
<i>The impact of the hours of operation on the amenity of the surrounding area.</i>	The trading hours are both appropriate to the amenity of the area and consistent with other licensed premises in Fitzroy.
<i>The impact of the number of patrons on the amenity of surrounding area.</i>	No change is proposed to the existing patron capacity, which is also small by the standards of most licensed premises including many in the general area of the site.
<i>The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.</i>	This is addressed immediately below.

Pursuant to Practice Note 61, "Licensed premises: Assessing cumulative impact", Department of Planning and Community Development, March 2011 ("PN61") a Cumulative Impact Assessment is formally required in this case, due to the fact that the site IS in a "cluster" of licensed premises (defined as three licensed premises within 100m or 15 licensed premises within 500m), and trading is proposed after 11.00 pm.

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However PN61 is a practice note only that essentially expands upon one of the decision guidelines of Clause 52.27. It is not a mandatory requirement of the scheme and it is generally accepted that its requirements apply most appropriately to licensed premises that are primarily non-food-based (eg nightclubs, hotels and taverns) rather than restaurants, cafes etc. Furthermore the Council's document entitled "Risk Assessment of proposal against Cumulative Impact – Matrix" indicates that a full Cumulative Impact Assessment in accordance with PN61 is NOT required for a Restaurant with a 12 am closing time.

It is however appropriate to provide some general comments pursuant to the relevant principles of PN61.

It is firstly relevant that the key VCAT decision involving the concept of "cumulative impact" - ie *Swancom Pty Ltd v Yarra CC* (includes Summary) (Red Dot) [2009] VCAT 923 (10 June 2009 - made a clear distinction between premises providing "vertical" drinking and other forms of licensed premises: at paragraph 53, the Swancom decision states, "A late night 'vertical bar' will, for example, have a very different impact to a seated restaurant closing at 11 PM" - with the implication being that the latter is more acceptable in terms of this decision guideline.

This has a direct relevance to the subject licensed premises, which involves the serving of meals with liquor, seats for all patrons and a generally similar closing time. The fact that the serving of food will continue to be a core component of the Restaurant will minimise alcohol-related problems, both when patrons are on the premises and after they have left.

While the planning scheme does not define "cumulative impact", the Statement of Policy on "Assessment of the cumulative impact of licensed premises" pursuant to the Liquor Control Reform Act 1998, issued by the Victorian Government on 5 October 2010, includes:

Cumulative Impact refers to the impacts that result from a concentration of licensed premises in a defined area. Evidence has identified that cumulative impact is associated with a range of positive and negative outcomes that arise from the combination of many factors such as physical and environmental setting, the mix of premises and their operating conditions.

The positive outcomes can include the creation of a local 'identity' or status as an entertainment destination, enhanced vitality, economic benefits, and an increase in consumer choice. The negative outcomes of cumulative impact can include crime, a loss of amenity, and anti-social behaviours.

Potential cumulative impacts vary between locations, depending on the number and type of licensed premises, and the capacity of the local area to accommodate the concentration e.g. the availability of late night transport.

Thus a licensed premises proposal can result in positive or negative outcomes for its area.

According to information from the Victorian Commission for Gaming and Liquor Regulation website, (including the subject licence) there are 104 existing liquor licences or BYO permits relating to sites within 500m of the site (the "Study Area"), the normal area that PN61 requires consideration of (note: as some licensed premises have two licences or BYO permits, there are actually 99 licensed premises).

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Screenshot from VCGLR website, with circle representing a 500m radius around the site and the black dots location of existing licences in and around this area

Existing licensed premises in the Study Area operate under a range of licences as shown in the following table (a description of each type of licence is provided in an Attachment):

Licence No	Licence	Premises name	Street Address
31105390	BYO Permit	RUSSIAN HOUSE CLUB	114 GREEVES STREET
32103896	Full Club Licence	HOGAR ESPANOL CLUB	59-61 JOHNSTON STREET
31909362	General Licence	NAPIER HOTEL	210 NAPIER STREET
31911759	General Licence	FITZROY RAINBOW HOTEL	27 SAINT DAVID STREET
31912098	General Licence	THE WORKERS CLUB	51 BRUNSWICK STREET
31913824	General Licence	THE PUMPHOUSE HOTEL	128 NICHOLSON STREET
31913913	General Licence	THE STANDARD HOTEL	293 FITZROY STREET
31915127	General Licence	UNION (BAR & GRILL) CLUB HOTEL	164 GORE STREET
31920669	General Licence	J36	36 JOHNSTON STREET
31920790	General Licence	MADAM SOUSOU	231 BRUNSWICK STREET
31952747	General Licence	LITTLE CREATURES DINING HALL	218-222 BRUNSWICK STREET
31909029	Late night (general) Licence	BIMBO DELUXE	376 BRUNSWICK STREET
31910389	Late night (general) Licence	PERSEVERANCE HOTEL	196 BRUNSWICK STREET
31910931	Late night (general) Licence	PROVINCIAL HOTEL	299 BRUNSWICK STREET
31912763	Late night (general) Licence	ICHI NI NANA IZAKAYA	127 BRUNSWICK STREET
31914325	Late night (general) Licence	TANKERVILLE ARMS HOTEL	230 NICHOLSON STREET
31914804	Late night (general) Licence	TOWN HALL HOTEL FITZROY	166 JOHNSTON STREET
31921047	Late night (general) Licence	LA SANGRIA BAR	46 JOHNSTON STREET
31921322	Late night (general) Licence	LAUNDRY FITZROY	48-50 JOHNSTON STREET

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Licence No	Licence	Premises name	Street Address
31821996	Late night (on-premises) Licence	BAR OPEN	317 & 1ST FLOOR 319 BRUNSWICK ST
31822625	Late night (on-premises) Licence	MARQUIS BAR	42 JOHNSTON STREET
32227399	Late night (on-premises) Licence	THE OLD BAR	74-76 JOHNSTON STREET
32228256	Late night (on-premises) Licence	GEORGE'S BAR AT 120 JOHNSTONE STREET	120 JOHNSTON STREET
32235847	Late night (on-premises) Licence	THE KODIAK CLUB	272 BRUNSWICK STREET
32236631	Late night (on-premises) Licence	THE NIGHT CAT	141 JOHNSTON STREET
32239833	Late night (on-premises) Licence	THE BLACK PEARL BAR	304 BRUNSWICK STREET
32256314	Late night (on-premises) Licence	KANELA BAR RESTAURANT	56 JOHNSTON STREET
32264032	Late night (on-premises) Licence	THE STONE HOTEL	298 BRUNSWICK STREET
32290855	Late night (on-premises) Licence	THE LUWOW	62-70 JOHNSTON STREET
36054992	Limited Licence	FLOWERS VASETTE	247 BRUNSWICK STREET
36070508	Limited Licence	BREIZOZ FRENCH CREPERIE	49 BRUNSWICK STREET
36075752	Limited Licence	CAFE UMAGO	171-173 BRUNSWICK STREET
36098328	Limited Licence	GERTRUDE CONTEMPORARY ART SPACES	200 GERTRUDE STREET
36100044	Limited Licence	BRUNSWICK STREET GALLERY	3 / 322 BRUNSWICK SREET
36119522	Limited Licence	HUDSON'S FAMOUS	36 DUKE STREET
36124218	Limited Licence	FITZ CURRY GHUMAN	44 JOHNSTON STREET
36125939	Limited Licence	TROMBA AUSTRALIA	LEVEL 3 272 BRUNSWICK STREET
36134310	Limited Licence	SHAWCROSS PIZZA	324 BRUNSWICK STREET
36136053	Limited Licence	QUEST ROYAL GARDENS	8 ROYAL AVENUE
36136273	Limited Licence	ROADHOUSE BURGERS	295 BRUNSWICK STREET
36138144	Limited Licence	BARCRAFT NOMADIC BARS	120 VICTORIA STREET
31820958	On-Premises Licence	LABOUR IN VAIN	197A BRUNSWICK STREET
31821784	On-Premises Licence	SOSSA	315 BRUNSWICK STREET
32205575	On-Premises Licence	RICE PAPER SCISSORS	307 BRUNSWICK STREET
32224147	On-Premises Licence	NAKED FOR SATAN	285 BRUNSWICK STREET
32225737	On-Premises Licence	THE CATFISH TAVERN	30-32 GERTRUDE STREET
32234338	On-Premises Licence	BAXTER'S LOT	302 BRUNSWICK STREET
32251233	On-Premises Licence	RIZE CHINESE RESTAURANT AND BAR	262 BRUNSWICK STREET
32253308	On-Premises Licence	CHOCOLATERIA SAN CHURRO - FITZROY	275 BRUNSWICK STREET
32257637	On-Premises Licence	BLACK CAT COFFEE LOUNGE	252 BRUNSWICK STREET
32269074	On-Premises Licence	SIR CHARLES	121 JOHNSTON STREET
32273366	On-Premises Licence		87-89 MOOR STREET
32280185	On-Premises Licence	THE COMMONER	122 JOHNSTON ST
32281385	On-Premises Licence	RADIO BAR AND CAFE	79 GERTRUDE STREET
32293879	On-Premises Licence	CUTLER AND CO. DINING ROOM AND BAR	51-57 GERTRUDE STREET

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Licence No	Licence	Premises name	Street Address
32297807	On-Premises Licence	CHARCOAL LANE	136 GERTRUDE STREET
32301274	On-Premises Licence	DIANNE TANZER GALLERY	108-110 GERTRUDE STREET
32308551	On-Premises Licence	HARES AND HYENAS	63 JOHNSTON STREET
32319439	On-Premises Licence	THE ROOKS RETURN	201 BRUNSWICK STREET
32329515	On-Premises Licence	ICEBAR MELBOURNE	319 BRUNSWICK STREET
32024490	Packaged Liquor Licence	MC COPPINS	165 JOHNSTON STREET
32053910	Packaged Liquor Licence	WINE WINDOW	113-115 BRUNSWICK STREET
32056667	Packaged Liquor Licence	KIMCHI KOREAN JAPANESE GROCERY	161-163 BRUNSWICK STREET
32063949	Packaged Liquor Licence	CASA CIUCCIO	13 GERTRUDE STREET
32064505	Packaged Liquor Licence	WINE REPUBLIC	265 BRUNSWICK STREET
32220981	Restaurant and cafe Licence	AKARI JAPANESE RESTAURANT	177 BRUNSWICK STREET
32225614	Restaurant and cafe Licence	MARIO'S CAFE	303 BRUNSWICK STREET
32228345	Restaurant and cafe Licence	BLUE CHILLIES	182 BRUNSWICK STREET
32228913	Restaurant and cafe Licence	888 SAKURA	263 BRUNSWICK STREET
32230172	Restaurant and cafe Licence	HECHO EN MEXICO	326 BRUNSWICK STREET
32233552	Restaurant and cafe Licence	SMITH & DAUGHTERS	175 BRUNSWICK STREET
32235350	Restaurant and cafe Licence	MOO CHI IN FUSION	72 JOHNSTON STREET
32236932	Restaurant and cafe Licence	CAFE UMAGO	171-173 BRUNSWICK STREET
32238829	Restaurant and cafe Licence	RUE DE FLEURUS	153 GERTRUDE STREET
32239477	Restaurant and cafe Licence	FITZROY YACHT CLUB	301 BRUNSWICK STREET
32240818	Restaurant and cafe Licence	ZIAMESE THAI CAFE AND RESTAURANT	223 BRUNSWICK STREET
32240834	Restaurant and cafe Licence	CHINA BAR (BRUNSWICK)	325 BRUNSWICK STREET
32242933	Restaurant and cafe Licence	STAGGER LEE'S	276 BRUNSWICK STREET
32244058	Restaurant and cafe Licence	PIREAU'S BLUES	312 BRUNSWICK STREET
32244684	Restaurant and cafe Licence	BON AP	193 BRUNSWICK STREET
32245397	Restaurant and cafe Licence	CAFE 58	58 JOHNSTON STREET
32248230	Restaurant and cafe Licence	MON AMI RESTAURANT & GALLERY	UNIT 5 144 NICHOLSON STREET
32259744	Restaurant and cafe Licence	THAI THANI	293 BRUNSWICK STREET
32268387	Restaurant and cafe Licence	BREIZOZ FRENCH CREPERIE	49 BRUNSWICK STREET
32271584	Restaurant and cafe Licence	FITZ CURRY CAFE	44 JOHNSTON STREET
32273798	Restaurant and cafe Licence	LOS AMATES MEXICAN KITCHEN	34 JOHNSTON STREET
32290499	Restaurant and cafe Licence	UPTOWN JAZZ CAFE	177 BRUNSWICK STREET
32293803	Restaurant and cafe Licence	BRUNSWICK ST ALIMENTARI	251 BRUNSWICK STREET
32296940	Restaurant and cafe Licence	SHOCHOLATE	296 BRUNSWICK STREET
32301931	Restaurant and cafe Licence	MAURITZ CAFE	89 JOHNSTON STREET
32303187	Restaurant and cafe Licence	PHO 54 MANDALAY BAY	183 BRUNSWICK STREET
32304604	Restaurant and cafe Licence	GUTZ CAFE	221 BRUNSWICK STREET
32305294	Restaurant and cafe Licence	GIRASOLE PIZZERIA	60 JOHNSTON STREET

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Licence No	Licence	Premises name	Street Address
32306800	Restaurant and cafe Licence	CASA CIUCCIO	15 GERTRUDE STREET
32308103	Restaurant and cafe Licence	SLOWPOKE ESPRESSO	157 BRUNSWICK STREET
32310338	Restaurant and cafe Licence	MR BURGER	320 BRUNSWICK STREET
32310362	Restaurant and cafe Licence	SONIDO!	69 GERTRUDE STREET
32310786	Restaurant and cafe Licence	ARGOS LOVES COMPANY	149 BRUNSWICK STREET
32312209	Restaurant and cafe Licence	HORSES BAR	113 BRUNSWICK STREET
32312958	Restaurant and cafe Licence	SHAWCROSS PIZZA	324 BRUNSWICK STREET
32319065	Restaurant and cafe Licence	MEATBALLS & SONS	266 BRUNSWICK STREET
32322911	Restaurant and cafe Licence	B'STILLA CANTINA	277 BRUNSWICK STREET
32324117	Restaurant and cafe Licence	ROADHOUSE BURGERS	295 BRUNSWICK STREET
32325066	Restaurant and cafe Licence	ENDIS CAFE	69-71 VICTORIA STREET

The existing liquor licences (including that of the site) and BYO permits are summarised as follows:

Licence Category	Number	Percentage of total ⁴
BYO Permit	1	1%
Full Club Licence	1	1%
General Licence	9	9%
Late night (general) Licence	8	8%
Late night (on-premises) Licence	10	10%
Limited Licence	12	12%
On-Premises Licence	19	18%
Packaged Liquor Licence	5	5%
Restaurant and cafe Licence	39	38%
Total	104	100%

As can be seen, 39% of existing licences in the Study Area are Restaurant and café licences or BYO permits, indicating that they apply to food-based licensed premises.

Some of the On-premises licences⁵ would also apply to largely food-based licensed premises⁶. If these are included, at least about 45% of all existing licences and BYO permits within 500m of the subject site would apply to food-based licensed premises⁷.

This is a very high proportion (eg Restaurant and café licences or BYO permits make up less than 30% of all liquor licences or permits in Victoria) - which is desirable from an amenity/liquor management perspective

⁴ As each of these figures has been rounded to the nearest whole number, the total may not add up exactly to 100%

⁵ While most licensed restaurants now operate under Restaurant and café licences, historically they did so under On-premises licences and some have retained the latter type of licence, others simply with to service liquor in a food based licensed premises but without formal "restaurant conditions" such as those limiting seat/patron ratios or the type of music that can be played

⁶ In particular the names "Cutler and Co. Dining Room and Bar", "Rice Paper Scissors", "Chocolateria San Churro - Fitzroy", "Rize Chinese Restaurant and Bar" and "Black Cat Coffee Lounge" suggest this is the case

⁷ Other licensed premises with On-premises licences, General, Late night (general) or Late night (on-premises) Licences would some serve food but most could at least sometimes be described as "vertical bars" according to Swancom

LiquorPlan – the town planners specialising in permit applications for licensed premises

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Attachment 1: Licences types (from Maroondah City Council Alcohol Management Framework)

Licence or permit type	Consumption patterns	Type of venue
General (normal trading hours and late night)	Sale of alcohol for consumption on and off the premises	Functions as a pub May include a sports bar and electronic gaming machines May include a drive through bottle shop
On-premises (normal trading hours and late night)	Sale of alcohol for consumption on the premises	Functions as a restaurant or a tavern, bar or nightclub where the consumption of alcohol is the primary activity
Restaurant and Cafe	Sale of alcohol for consumption on the premises	Functions as a restaurant where the primary activity is the preparation and consumption of food
Club	Sale of alcohol for consumption on the premises (restricted club licence) Consumption of alcohol off the premises (full club for members of the club)	Functions as a sports, social and leisure club Often includes electronic gaming machines (full club licences)
Packaged (normal and late night)	Sale of alcohol in sealed containers for consumption off the premises	Bottle shop, licensed supermarket
Pre-retail	Wholesale supply of liquor to other licences	N/A
Wine and beer producers	Supply of liquor that is the licensee's product for consumption on and off the premises	N/A
Limited (temporary or renewable)	Supply alcohol in association with take-away food	Takeaway food stores, bed and breakfasts
Major event	Supply of alcohol in association with a major event that may have an impact on the provision and organisation of public transport and emergency services or have an impact on the public safety or amenity of the area	N/A
BYO permit	Permits the consumption and possession of alcohol purchased elsewhere	Restaurants and cafes

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Application for Permit PLN16/0015
193 Brunswick Street, Fitzroy



Matt Gorman
Consultant Town Planner



LiquorPlan – the town planners specialising in permit applications for licensed premises

Attachment 2 - PLN16/0015 - 193 Brunswick Street Fitzroy - Town Planning Report

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Noise and Amenity Action Plan
193 Brunswick Street, Fitzroy

Noise and Amenity Action Plan for licensed premises at 193 Brunswick Street, Fitzroy

This Noise and Amenity Action Plan (NAAP¹) relates to the licensed premises (Restaurant) at 193 Brunswick Street, Fitzroy ("the licensed premises"). It is anticipated that it would be endorsed under a permit issued to allow the use of the land for the sale of liquor on the premises for consumption of the premises ("the permit"). It is also a necessary management strategy for the operation of the licensed premises.

The NAAP is intended to allow the licensed premises to provide a good standard of service to customers while maintaining a good standard of amenity for any neighbouring residents, with minimal disturbance, particularly from noise from the premises itself or from customers leaving the premises.

Current and future operators will abide by, and have ownership, of the Plan. The NAAP is to form the basis of the sustainable business operation of the licensed premises, allowing the licensed premises operator/permit holder/licensee, neighbours and the Yarra City Council (the Responsible Authority) to coexist peacefully.

Details of the Plan

The location, type and details of existing licensed premises in the locality.

The site is in an Activity Centre, which contains both a large number and variety (including Hotels, Taverns and Restaurants) of licensed premises. A smaller number is located in the streets away from the Activity Centre.

The identification of all noise sources associated with the premise (including, but not limited to, music noise, entries and exits to the premise and courtyards) likely to impact on adjoining residents. Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.

While it will have associated noise from deliveries, customers parking or coming and going on foot, plant and equipment etc, the Restaurant is unlikely to be significantly noisier than any other shop. Noise emissions will however be appropriately limited by:

- Customers being contained within the commercial building on the site, the lack of on premises consumption of liquor and the lack of any external areas such as courtyards.
- The main external interface for customers being to Brunswick Street. When entering or exiting, customers will be concentrated on Brunswick Street only, characterised by non-residential uses.
- Any permit or licence conditions relevant to noise attenuation will be met at all times.
- Deliveries will be limited to certain times (see below).

Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of the Victorian Commission for Gambling and Liquor Regulation.

The licensed premises operator/permit holder and all staff will take seriously all amenity-related complaints against the licensed premises, its staff or its customers, and will deal with complaints in a professional manner.

Upon receiving a complaint, a staff member at management level will immediately seek to determine the cause of the complaint and take steps to address it if the complaint is found to be associated with the use of the premises, or customers who have just left the premises.

The permit holder/staff member at management level will keep an up-to-date register to record any complaints against the licensed premises, including:

- The date, time and nature of the complaint;
- The contact details of the person and/or organisation lodging the complaint; and
- Measures taken to address the complaint(s), with time and date.

The register will be kept on the premises and made available for inspection to officers of Victoria Police, the Responsible Authority or the Victorian Commission for Gambling and Liquor Regulation during all hours of operation and upon request to other persons.

¹ This document is pursuant to the Licensed Premises policy of the Yarra Planning Scheme

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Noise and Amenity Action Plan
193 Brunswick Street, Fitzroy

The licensed premises operator/permit holder or staff member at management level will not refuse entry to any potential complainant or refuse to register a complaint.

Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters/waitresses, on-premises manager, and other staff.

There will continue to be a maximum of one staff, and a maximum of 10 staff on the site at any one time.

There will be no formal security staff, but there will be at least one staff member with responsibility for security issues will be on the premises during all hours that liquor is to be served.

Details of training provided for bar staff in the responsible serving of alcohol.

All staff members will be graduates of a "Responsible Service of Alcohol" program.

Hours of operation for all parts of the premises.

Liquor will now be sold or consumed on the premises from 10 am until 12 am (the following morning), Monday to Saturday, and until 11 pm on Sunday. The external area will be closed at 10 pm.

Lighting within the boundaries of the site.

The building will be lit during the hours of operation.

Security lighting outside the premises.

Any external lights will be oriented to prevent direct light spill outside the site.

Details of the provision of music including the frequency and hours of entertainment provided by live bands and/or DJs.

No music other than lightly amplified background music is proposed.

Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed use.

Storage for rubbish and recyclables will be as shown on plans endorsed under the permit.

Unless by the Council, garbage collections will take place between 7.00 am and 8.00 pm on any day.

Emptying of bottles into bins will not occur after 10.00 pm or before 7.00 am.

Any other measures to be undertaken to ensure minimal amenity impacts from proposed licensed use.

Patron capacity will be limited to the number allowed by any relevant permit and/or licence, this case, 87.

All staff members will be given a personal copy of this Noise and Amenity Action Plan and be required to familiarise themselves with its requirements.

Staff members will use their best endeavours to ensure that customers on the premises will conduct themselves in a quiet and orderly manner, without causing a nuisance to the amenity of the area by noise and/or boisterous behaviour.

Staff members will also use all reasonable and practical methods to ensure that customers leave the premises in a quiet and orderly manner at all times the use is operating and immediately after the hours of operation.

A clearly visible sign will be displayed at the entrance/exit of the premises. The sign will ask customers to leave in a quiet and orderly fashion at all times. Staff members will reinforce this message as required.

The licensed premises operator/permit holder or a current staff member at a management level will ensure that a copy of this Plan is made available to any person freely and without charge.

A phone number of the licensed premises operator/permit holder or a current staff member at a management level will be provided upon request to any neighbour, to facilitate any complaint, at any time during the trading hours or within half an hour afterwards, about noise and/or other disturbances associated with the licensed premises.

In the event of any significant and ongoing complaints about noise, measurements of noise emissions from the licensed premises may be taken by a suitably qualified person and submitted to the Responsible Authority, if requested in writing by the Responsible Authority.

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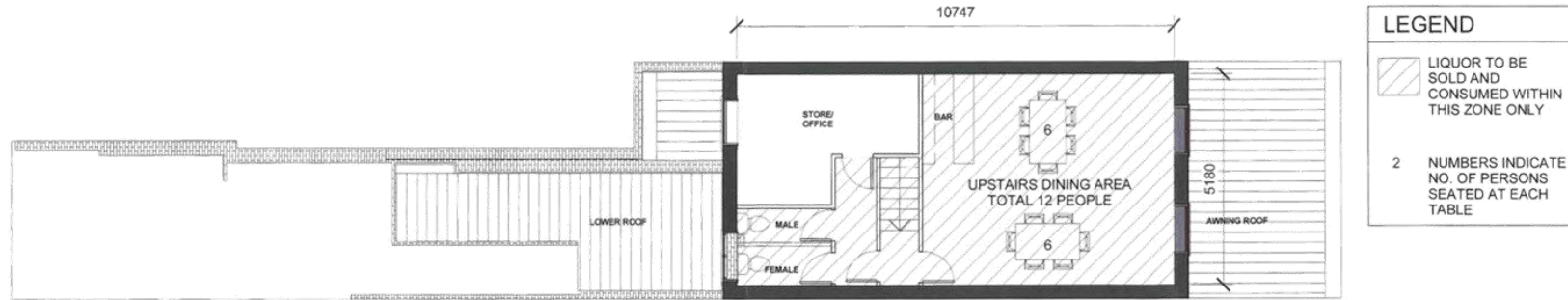
Noise and Amenity Action Plan
193 Brunswick Street, Fitzroy

Specifically in relation to the function room, the windows facing Brunswick Street will be kept closed during all hours that this function room is operating, (as for the whole site) there will be no live music or entertainment (but only lightly amplified background music), and there will be no microphones used therein.

Specifically in relation to the courtyard, again there will be lightly amplified background music only, staff will monitor the number and behaviour of patrons in the courtyard and patrons therein will also be asked including by prominent signage, to respect the peace and quiet of the neighbourhood especially after 10 pm on any day.

END OF DOCUMENT

Attachment 3 - PLN16/0015 - 193 Brunswick Street Fitzroy - Decision Plans

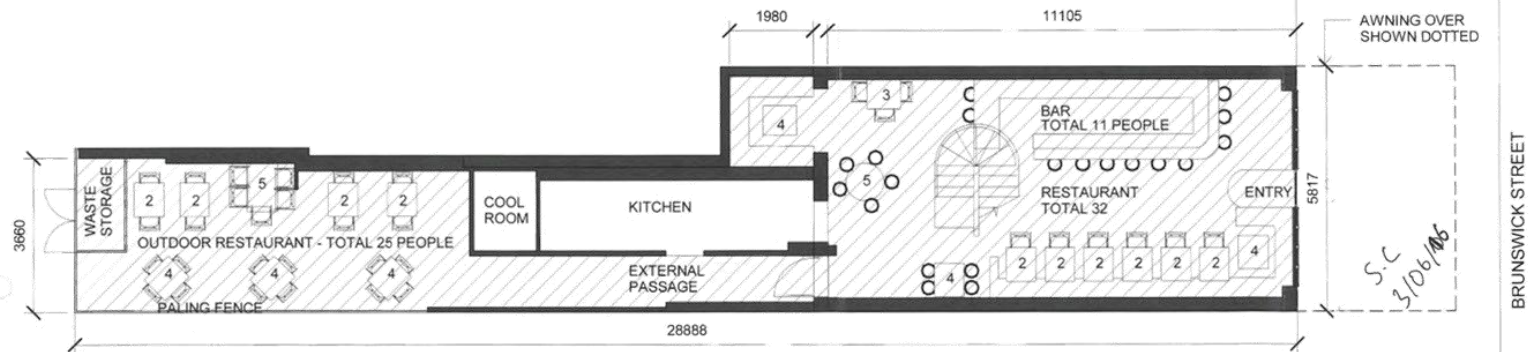


LEGEND

LIQUOR TO BE SOLD AND CONSUMED WITHIN THIS ZONE ONLY

2 NUMBERS INDICATE NO. OF PERSONS SEATED AT EACH TABLE

2 PROPOSED SECOND FLOOR PLAN
1 : 100



1 PROPOSED GROUND FLOOR PLAN
1 : 100

Monday - Saturday . 10 am - 12 am

Sunday . 10 am - 11 pm.

Courtyard to close at 10 pm every day.

PLANNING PERMIT REV.

Project	Project No.	Drawn	Date
RESTAURANT	Project Number	BP	19.05.16
193 BRUNSWICK STREET FITZROY	Scale		Revision
	1 : 100		
	Drawing		Drawing No.
	PROPOSED GROUND & SECOND FLOOR PLANS - SEATING		A101.2

Attachment 3 - PLN16/0015 - 193 Brunswick Street Fitzroy - Decision Plans

