YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

to be held on Wednesday 30 November 2016 at 6.30pm in Meeting Room 3 at the Richmond Town Hall

Rostered Councillor membership

Councillor Stephen Jolly
Councillor James Searle
Councillor Mike McEvoy

I. ATTENDANCE
Danielle Connell (Coordinator Statutory Planning)
Vicky Grillakis (Acting Coordinator Statutory Planning)
Lara Fiscalini (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	PLN14/0485 - 239 - 245 Church St Richmond - Development of the land for the construction of a building including full demolition, reduction in car parking and loading bay requirements.	5	39
1.2	PLN14/1000 - 1 Little Lesney and 9 Wiltshire Street, Richmond	107	162
1.3	76 - 78 Arnold Street, Princes Hill VIC 3054 - Planning Application Permit No. PLN15/0598 - Part demolition, construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to No. 76, alterations and additions to the building at No. 78 to allow for the use of the building as food and drink premises (Cafe), and a reduction in car parking.	230	257
1.4	PLN16/0435 - 2 - 16 Northumberland Street Collingwood - Use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements.	295	337
1.5	29 Little Buckingham Street, Richmond - PLN16/0611 - Development of the land for the construction of two double-storey dwellings.	465	485
1.6	149-159 Swan Street, Richmond, VIC 3121 - Planning Permit Application No. PL06/0603.05	497	515

1.1 PLN14/0485 - 239 - 245 Church St Richmond - Development of the land for the construction of a building including full demolition, reduction in car parking and loading bay requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN14/0485 at No. 239-245 Church Street, Richmond and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Built form and Heritage (Clauses 15.01, 21.05, 22.02, 22.17, 43.01 and 52.35); and
   (b) Car Parking, Loading bay and Bicycle Provision (Clauses 52.06, 52.07 and 52.34) of the Yarra Planning Scheme.

Key Issues

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

Objector Concerns

4. 59 objections were received to the application, these can be summarised as:

   (a) The proposal does not respect the existing neighbourhood/streetscape heritage character;
   (b) Overdevelopment in terms of scale, height and bulk;
   (c) Off-site amenity:
      (i) overshadowing;
      (ii) overlooking;
      (iii) headlights shining into habitable spaces from the car park exit;
      (iv) impact on daylight to existing windows and solar access to private open space; and
      (v) visual bulk.
   (d) Poor internal amenity
   (e) Inappropriate design and materials;
   (f) Interruption to traffic flow and increase in traffic/parking pressure;
   (g) Oversupply of car parking spaces;
   (h) Waiver of loading bay is inappropriate due to the lack of necessary loading areas within the vicinity;
   (i) Noise;
   (j) Waste management issues;
   (k) Potential safety issues for users of Tullo Place;
   (l) Limitation on future development of neighbouring sites (No. 237 Church Street);
   (m) Interruption to the operation of existing businesses (No. 237 Church Street);
   (n) Structural impacts; and

(o) The proposed development will block views.

Conclusion

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

CONTACT OFFICER: **Vicky Grillakis**
TITLE: **Acting Coordinator Statutory Planning**
TEL: **92055124**

1.1 PLN14/0485 - 239 - 245 Church St Richmond - Development of the land for the construction of a building including full demolition, reduction in car parking and loading bay requirements.

Trim Record Number: D16/155128
Responsible Officer: Principal Statutory Planner

Proposal:	Development of the land for the construction of a building including full demolition, reduction in car parking and the loading bay requirements.
Existing use:	Shops
Applicant:	Planned F X Pty Ltd c/o Katama Pty Ltd
Zoning / Overlays:	Commercial 1 Zone/ Heritage Overlay (Schedule 315)
Date of Application:	6 June 2014
Application Number:	PLN14/0485

Planning History

1. Planning Permit No. 7124 was issued on 1 September 1993 for painting the façade of the existing building.

2. Planning Permit No. 7093 was issued on 26 July 2006, for displaying non-illuminated signs.

3. Planning Permit PL09/0910 was issued on 2 February 2010 for buildings and works to the front façade (including part demolition) for No. 239 Church Street, Richmond. Although the address on the permit states No. 239 Church Street, Richmond, the works were occurring atNos. 239 -241 Church Street, Richmond.

4. Planning Permit PL06/1005 was issued on 21 December 2006 for the development of the land through alterations to the existing façade, including partial demolition at No. 239 Church Street, Richmond.

5. Planning application PL08/0015 for a three-storey mixed used development at Nos. 239- 245 Church Street, Richmond was withdrawn on 27 June 2008.

Background

Initial processing of the application 2014

6. The application was lodged on 6 June 2014 as an eight storey building with 53 dwellings and two shops at ground floor. Further information was subsequently requested in June 2014. The information was received on April 2015 and the application was then advertised with 56 objections being received.

7. A consultation meeting was held on 28 July 2015 and was attended by representatives of the applicant, objectors and Council officers.

8. Whilst this process was occurring, Council had sought and received advice from an acoustic consultant, an external urban design consultant, a heritage consultant, Council's Waste Management Unit, Traffic Engineers, and Environmental Sustainable Development Advisor.

First Section 57A Amendment 2015

9. As a result of the matters raised at the consultation meeting and referral advice, the Applicant submitted amended plans under Section 57(A) of the *Planning and Environment Act* 1987 [the Act]. The amended plans are dated 18 September and 26 November 2015 and proposed the following key changes:

   (a) a reduction in height to a six storey building from eight storeys;
   (b) reduction of dwelling numbers to 43 from 53;
   (c) deletion of the basement level;
   (d) alteration of the vehicular access from Tullo Place;
   (e) reduction of car spaces to 43 from 51; and
   (f) modifications to the appearance of the building.

10. The amended application was advertised in late December 2015 with additional submissions from existing objectors and three new objectors, resulting in a total of 59 objectors.

11. The amended plans were re-referred to Council's ESD Advisor, Acoustic Consultant, Urban Design Consultant, Engineering Services Unit and Waste Management Unit. No other referrals were required as the amended plans were in response to advice received.

12. Following these referrals, concerns remained regarding various aspects of the proposal including the internal amenity of dwellings, ESD, acoustic and urban design.

Second Section 57A Amendment 2016

13. To address the aforementioned issues, the Applicant submitted a second set of amended plans under Section 57(A) of the Act. The amended plans were submitted on 28 July 2016 and proposed the following key changes:

   (a) additional noise mitigation measures at the rear of the site associated with the car stackers;
   (b) altered location of bin rooms;
   (c) northern and southern lightcourts enlarged with additional windows to dwellings;
   (d) internal reconfiguration of apartments resulting in bedrooms and living areas brought closer to the outer skin of the building;
   (e) enlarged and relocated wintergardens/balconies;
   (f) bronze glass deleted and replaced with silver metal finish glazing; and
   (g) all windows and terrace/wintergardens to have clear glass.

14. The amended application received a discretionary exemption from advertising at Council's internal Development Assessment Panel on 9 August 2016 as the changes were minor, resulted in a reduction in built form and attempted to respond to objector and Council's concerns. An amended acoustic report and WMP were also submitted.

15. The amended reports and plans were re-referred to Council's Waste Management Unit, ESD Advisor and acoustic consultant. These plans will form the basis of this assessment.

Sketch plans

16. The applicant submitted sketch plans on 7 September 2016 to address residual ESD and internal amenity issues. These plans showed the deletion of the internal single aspect north and south-facing apartments which faced the lightcourts. These areas are to be absorbed into the immediately adjacent dwellings to the east and west. This would occur at each level from the first floor.

17. These plans constitute a significant improvement and address Council's remaining internal amenity and ESD concerns. They will form part of the Condition 1 requirements.

18. The applicant submitted further acoustic advice which was re-referred to Council's acoustic consultant and was found to address the remaining acoustic concerns.

Existing Conditions

Subject Site

19. The subject site is located on the east side of Church Street, south of Bridge Road and north of Waterloo Place, Richmond. With a frontage of approximately 24.1m and a depth of approximately 31.2m, the site constitutes an area of 752m².

20. The site contains a row of four, attached single storey, brick buildings which currently house shops and an office.

21. The buildings are built to the north, west and south title boundaries, with open areas at the rear of each building provided to the east (rear) for vehicular access to Tullo Place. Due to the slope in the land, Tullo Place is 0.6m lower than Church Street;

Restrictive Covenants

22. There are no restrictive covenants identified on the certificate of title.

Surrounding Land

23. Whilst the subject site is not technically in the Bridge Road Activity Centre 'bubble' within Figure 23 of Clause 21.08-10, the site is zoned Commercial 1 Zone and is adjacent to aforementioned 'bubble'. Within a Tribunal decision *Outline JV (Little Oxford) Pty Ltd v Yarra CC* [2015] VCAT 1239, the Tribunal Member was faced with a similar scenario (although in relation to Smith Street) and made the following statement:

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

24. For the purpose of this report, the site will be acknowledged as being within the Bridge Road Activity Centre (AC). This AC is a linear commercial strip between Hoddle Street to the west and the Yarra River to the east. The Bridge Road AC is home to a range of retail, entertainment, commercial and residential uses. A tram route runs along Bridge Road with bus services along Hoddle Street and West Richmond train station nearby.

25. Built form in the Bridge Road AC is varied in style, scale and era and is generally covered by the Bridge Road heritage overlay. Whilst not an intact heritage precinct, the built form is by and large characterised by Victorian shop buildings, mostly one and two storey in height, with occasional three storey buildings. The south side of Bridge Road displays a more consistent character and scale than the north side, largely due to the retention of more of the late 19th and early 20th century fabric.

26. The north side of the Bridge Road AC has experienced and is continuing to experience significant redevelopment including:

    (a) Epworth Hospital redevelopment, a 9-storey building currently under construction (No. 89 Bridge Road).

(b) A 7-storey building at Nos. 123-125 Bridge Road (planning permit issued, no construction begun).

(c) A 12-storey building at Nos. 153-177 Bridge Road (planning permit issued, construction begun).

(d) A part-4, part-10 storey building at Nos. 183-189 Bridge Road (planning permit issued, construction begun).

(e) A 9-storey building (Nos. 203-207 Bridge Road) (planning permit issued, no construction begun).

(f) An 8-storey building constructed at Nos. 209-211 Bridge Road, north-west corner of Bridge Road and Bosisto Street (completed).

(g) A 7-storey building at Nos. 37-39 Bosisto Street (completed).

(h) A 7-storey building at No. 231 Bridge Road (completed).

(i) 'Ark' development, a 10-storey building at Nos. 247A-249 Bridge Road (completed).

(j) Richmond Plaza redevelopment, a maximum 11-storey development comprising approximately 333 dwellings- (north-west corner of Bridge Road and Church Street) (planning permit issued, no construction begun).

27. The south side of the Bridge Road AC and this part of Church Street are yet to experience this level of growth and redevelopment.

28. Unlike the southern side of Bridge Road which has a more intact heritage streetscape, this part of Church Street is more mixed in terms of its heritage fabric and built form. The subject site is the most southern within the Commercial 1 Zone, with residential to the south and east. Directly to the west are Commercial 1 Zoned lots with residential to the south of Hodgson Terrace and to the west of the sites fronting Church Street. The sites along the west side of Church Street between Bridge Road and Berry Street have heritage fabric, whilst the sites to the south are generally of no heritage value (save for No. 276 Church Street). The sites along the eastern side of Church Street within the Commercial 1 zoned land are from a mixture of eras resulting in a range of heritage gradings, with some buildings having no heritage significance.

29. More specifically, land adjacent to the subject site is developed as follows:

(a) To the immediate north of the subject site is a single storey brick building, which is constructed similarly to those on the subject site and is currently used as a barber shop. It is the most northern of the five attached buildings (four of which form part of this application). It is classified as "not contributory" to the heritage precinct. Further to the north is a two storey, rendered brick Victorian building built boundary to boundary and operating as the "Vine Hotel". The building is currently being used as a hotel with food and drink facilities and gambling machines at ground floor level. It has a current liquor license to trade until 7am. This building is noted as 'individually significant" to the Bridge Road heritage precinct.

(b) To the immediate south are two, attached single storey dwellings at Nos. 247 & 249 Church Street with private open space at the rear and vehicular access to Tullo Place to the east. These two sites are within the Neighbourhood Residential Zone (Schedule 1). A café is to the south of these.

(c) To the east of the subject site, across Tullo Place, is a residential development with a mixture of built forms. Those along the east side of Tullo Place are three storey in scale and face in a northern and southern direction with sides along Tullo Place. They are located behind Bridge Road properties. Further to their south is the entrance to a car parking area and large open communal courtyard space. To the south of this are residential buildings ranging between single and triple storey in height with their side walls built along Tullo Place. There is pedestrian and vehicular access from Tullo Place. Along the east side of the communal courtyard/car parking area is four storey residential building built along the eastern boundary of the overall site and fronting onto Waterloo Place with balconies overhanging the laneway.

(d) To the west of the subject site, across Church Street is a part two, part three storey building which extends northwards to the corner of Church Street and Bridge Road. It is used for a number of commercial purposes and includes a retail premises. This building is noted as 'individually signficant" to the Bridge Road heritage precinct. Further south is a single storey building and a row of double storey buildings.

The Proposal

30. The application is for development of the land for the construction of mixed use building, including full demolition, and associated reduction in car parking and the loading bay requirements.

31. The proposal can be summarised as follows:

Use (no planning permit required for uses)

(a) Two shops at ground floor;
(b) 43 dwelling (20 two-bedroom and 23 two-bedroom);

Demolition

(c) Full demolition;

General and materials

(d) The podium is two storeys (9.4m in height) to Church Street and three storeys (12.8m) to Tullo Place consequent to the existing slope of the land. It is constructed to all boundaries with the exception of light courts along the northern and southern boundaries from the first floor and above. Windows punctuate the façade with wintergardens and living rooms/bedrooms behind. On the upper level of the podium, the parapet forms a terrace balustrade;

(e) Above this, the 'tower' reaches a maximum of six storeys in height and is setback at least 3.5m from Church Street and between 1.3m and 1.5m from Tullo Place. Side setbacks above the podium are between 2.3m and 2.4m with wintergardens set behind the façade;

(f) The podium levels are rectilinear with the levels above being constructed in a silver metal-finish glass with an undulating 'wave' skin surrounding the building with wintergardens/windows having clear glass;

(g) The materials to be used include glass (clear, silver metal finish and frosted), precast concrete panels, colorbond (light grey, dark grey and black) and perforated metal screens in charcoal;

(h) The overall maximum building height is 23.5m (including lift overrun and stairwell). The top of the building (excluding any plant screening) is 20.9m;

(i) There is one lift core and stairwell servicing this development;

Construction

Ground floor

(j) Two shops fronting Church Street and car park access (43 car spaces within a car stacker system) at the rear from Tullo Place;
(k) A central residential lobby entrance with a frontage to Church Street of 1.9m, 12 bike spaces and 'back of house' areas (switch room, loading area, bin room) accessed from Tullo Place;

Mezzanine Floor

(l) 44 storage lockers with a capacity of at least 4.5 cubic meters each;

First floor

(m) 10 dwellings (six 1-bed and four 2-bed – two with study nooks);
(n) Four dwellings face Church Street and four face Tullo Place built along the frontages with wintergardens/windows behind;
(o) Light courts located along the northern and southern boundaries with setbacks of between 2.3m and 2.6m and between 2.4m and 2.8m respectively. Each of these light courts has a dwelling and covered balcony facing onto it;

Second floor

(p) Nine dwellings (five 1-bed and four 2-bed);
(q) Three dwellings face Church Street with side setbacks of between 2.1m and 2.5m and front setbacks of an average of 3.7m. Balconies are located within these setbacks;
(r) Lightcourt setbacks as per the first floor;
(s) The four east-facing dwellings are constructed along the Tullo Place frontage as well as the northern and southern boundaries with layouts and setbacks similar to those on the first floor;

Third floor

(t) Eight dwellings (three 1-bed and five 2-bed);
(u) Three dwellings face Church Street with the same setbacks as those on the second floor, albeit with wintergardens beyond these setbacks;
(v) The three east-facing dwellings are setback from the northern, eastern and southern boundaries. Side setbacks range from 2.4m to 2.8m with the eastern setback averaging between 1.3m to 1.5m. Balconies are located within these setbacks with the podium parapet forming the balustrade;

Fourth and fifth floors

(w) These two levels are constructed similarly with eight dwellings on each floor (three 1-bed and five 2-bed);
(x) As with the lower levels, three dwellings face both the eastern and western boundaries and one dwelling faces each of the northern and southern boundaries;
(y) These two levels are setback from the northern and southern boundaries similar to the levels below, have an average setback from Church Street of between 3.3m and 3.7m and an average setback of between 1.3m and 1.5m from Tullo Place;
(z) All dwellings have wintergardens beyond these setbacks; and

Roof Plan

(aa) Solar panels and air conditioning units.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

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

    (a) The two ground floor shops are a 'Section 1' use under the C1Z (as there is no maximum area specified in the schedule to the zone). Accordingly, the use of the land for shops does not require a planning permit; and
    (b) Dwelling (nested under accommodation) does not require a planning permit provided any frontage at ground level does not exceed 2 metres. As the dwellings at ground floor do not exceed 2 metres in width, a planning permit is not required for the dwelling use.

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

34. Decision guidelines for buildings and works are contained at Clause 34.01-8.

Road Zone

35. The proposal includes the construction of a canopy over the Church Street footpath. Burnley Street is categorised as a Road 1 Zone. Pursuant to Clause 36.04-2, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1. The proposed shop/dwelling use is not listed in Section 1 or 3 and is therefore a Section 2 use (permit required). The views of the relevant road authority are part of the decision guidelines for this zone.

Overlays

Heritage Overlay (HO315 – Church Street Precinct, Richmond)

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

Particular Provisions

Clause 52.06 – Car parking

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

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

Use	Clause 52.06-5 Rate	Number of spaces required	Number of spaces provided	Shortfall of spaces

43 X one and two bedroom dwellings	1 space for each 1 or 2 bedroom dwelling; 1 space for every 5 dwellings for visitor	43 8	43 0	0 8
Shop (323.44sqm)	4 spaces per 100sqm of leasable floor area	12	0	12
Total		63	43	**20**

39. The car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.
40. A planning permit is required for a reduction of 20 spaces. Decision guidelines for consideration of a reduction are contained at Clause 52.06-6. Clause 52.06-8 provides design standards for car parking areas.

Clause 52.07 – Loading and Unloading of vehicles

41. 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.

42. A small loading bay is proposed in association with the commercial premises and a permit has been sought for a waiver of the full requirement.

43. A permit may be granted to reduce or waive these requirements if either the land area is insufficient; or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

Clause 52.34 – Bicycle facilities

44. 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".*

45. Pursuant to Clause 52.34-3, in developments of four or more storeys, 1 resident bicycle parking space should be provided for every 5 dwellings plus 1 visitor space for every 10 dwellings. Therefore 9 resident bicycle spaces and 4 visitor bike spaces are required.

46. The development proposes 12 bike racks in the ground floor (unallocated) and two visitor bike racks adjacent to the loading area.

47. The shops do not require any bike spaces as they do not total over 1000sqm in area.

48. Pursuant to clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4 of the Yarra Planning Scheme. This is not required in this instance.

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

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

50. The purpose of this Clause is to ensure that an urban context report is prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.

51. The application included an urban context report and design response in accordance with this Clause.

General Provisions

52. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications.

53. 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. An assessment of the application against the relevant sections of the Scheme is offered in further detail in this report.

State Planning Policy Framework (SPPF)

Clause 11.01-1 (Activity centre network)

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

Clause 11.01-2 Activity centre planning

55. The objective 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*.'

Clause 11.02 (Urban Growth)

56. Clause 11.02-1 (Supply of Urban Land) the objective is '*to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.'*

Clause 11.02-2 (Planning for growth areas)

57. The objective is '*to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.'*

Clause 11.04-2 – (Housing Choice and Affordability)

58. 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 13.04 (Noise and air)

59. Clause 13.04-1 (Noise abatement) objective is '*to assist the control of noise effects on sensitive land uses*.'

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

Clause 15.01 (Built Environment and Heritage)

61. Clause 15.01-1 (Urban design) objective 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

62. The objective of this clause is '*to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*. This clause outlines principles relating to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of sites and empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture. These principles will be addressed in the following urban design assessment.

63. This clause also states that planning must consider 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 four or more storeys.

Clause 15.01-4 (Design for safety)

64. The policy objective is '*to improve community safety and encourage neighbourhood design that makes people feel safe.'*

Clause 15.01-5 – Cultural identity and neighbourhood character

65. 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

66. 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

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

Clause 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

69. 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

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

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

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

    (b) Along tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres and around train stations; and

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

Clause 16.01-4 – Housing diversity

72. 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

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

Clause 17 – Economic development

Clause 17.01-1 – Business

74. The objective of this clause is '*to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*'.

Clause 18 – Transport

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

Local Planning Policy Framework (LPPF)

76. 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

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

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

Clause 21.04-2 – Activity Centres

78. The subject site is located within the Bridge Road AC.

79. Relevant objectives and strategies include:

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

Clause 21.04-3 – Industry, office and commercial

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

Clause 21.05-1 –Built Form: Heritage

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

Clause 21.05-2 – Urban design

82. The relevant Objectives of this Clause are:

(a) Objective 16 - To reinforce the existing urban framework of Yarra;
(b) Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:
(i) Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
- Significant upper level setbacks
- Architectural design excellence
- Best practice environmental sustainability objectives in design and construction
- High quality restoration and adaptive re-use of heritage buildings
- Positive contribution to the enhancement of the public domain
- Provision of affordable housing.

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

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

Clause 21.05-4 Public environment

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

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

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

Clause 21.06-1 – Walking and cycling

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

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

Clause 21.07-1 – Environmentally sustainable development

85. The relevant objective of this Clause is:
    (a) Objective 34 - To promote ecologically sustainable development:

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

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

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

    (a) The site is located within the Central Richmond (between Swan Street and Bridge Road) neighbourhood at clause 21.08-10 which is described as follows:

    (b) 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.

    (c) This clause also states that Bridge Road is a major activity centre of important regional centre. It can be split into three distinct precincts with the two relevant parts to the subject site being:

    (d) 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.

    (e) Church Street to Coppin Street is diverse in its array of land uses with cafes, bars and restaurants dominating the south side and the Town Hall dominating the north side. This part of the centre does not have a consistent built form.

87. Within Figure 23 of Clause 21.08-10 the subject site is identified in Figure 23 is being adjacent to the area identified as the Bridge Road Major Activity Centre and Figure 24 shows that it is within a heritage overlay.

    Local Policies

    Clause 22.02 Development Guidelines for sites subject to Heritage Overlay

88. The relevant objectives of this clause are as follows:

    (a) To conserve Yarra's natural and cultural heritage.
    (b) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
    (c) To retain significant view lines to, and vistas of, heritage places.
    (d) To preserve the scale and pattern of streetscapes in heritage places.

    Clause 22.02-5.1 – Full Demolition or Removal of a Building

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

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

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

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

Clause 22.02-5.7.1 – General

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

    (a) *encourage 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;*

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

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

Clause 22.03 – Landmarks Policy

92. The objective of this clause is to:

    (a) maintain the prominence of Yarra's valued landmark signs;
    (b) protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal built form reference; and
    (c) ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.

93. The site is closest to the Richmond Town Hall clock tower, the St Ignatius Church Spire and the Pelaco sign.

Clause 22.05 – Interface Uses Policy

94. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The relevant objective of this clause is '*to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes*'.

Clause 22.12 – Public Open Space Contribution

95. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121A). Given the size of the site and existing buildings, a land contribution would not be practical, and a monetary contribution would be requested instead at the subdivision stage (should a permit issue).

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

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

97. The applicant provided a Sustainable Management Plan which includes a STORM report regarding water re-use. It is noted however that the proposal has incorporated a 8,000L rainwater tank; this tank will be used for toilet flushing of 19 toilets in apartments.

Clause 22.17 – Environmentally Sustainable Design

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

Advertising

99. 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 Church Street and Tullo Place frontages.

100. 59 objections have been received to the application. The grounds of objection can be summarised as follows:

    (a) The proposal does not respect the existing neighbourhood/streetscape heritage character;
    (b) Overdevelopment in terms of scale, height and bulk;
    (c) Off-site amenity:
        (i) overshadowing;
        (ii) overlooking;
        (iii) headlights shining into habitable spaces from the car park exit;
        (iv) impact on daylight to existing windows and solar access to private open space; and
        (v) visual bulk.
    (d) Poor internal amenity
    (e) Inappropriate design and materials;
    (f) Interruption to traffic flow and increase in traffic/parking pressure;
    (g) Oversupply of car parking spaces;
    (h) Waiver of loading bay is inappropriate due to the lack of necessary loading areas within the vicinity;
    (i) Noise;
    (j) Waste management issues;
    (k) Potential safety issues for users of Tullo Place;
    (l) Limitation on future development of neighbouring sites (No. 237 Church Street);
    (m) Interruption to the operation of existing businesses (No. 237 Church Street);
    (n) Structural impacts; and
    (o) The proposed development will block views.

101. A consultation meeting was held on 28 July 2015 and was attended by representatives of the applicant, objectors and Council officers.

2015

102. As a result of the matters raised at the consultation meeting and referral advice, the Applicant submitted amended plans under Section 57(A) of the Act. The amended plans are dated 18 September and 26 November 2015. The amended application was advertised in late-December 2015 with numerous additional comments being submitted by existing objectors and three new objections lodged. This results in a total of 59 objectors.

2016

103. To address the aforementioned issues, the Applicant submitted amended plans under Section 57(A) of the *Planning and Environment Act* 1987 [the Act]. The amended plans are dated 28 July 2016. The amended application received a discretionary exemption from advertising at Council's internal Development Assessment Panel on 9 August 2016 as the changes were minor, resulted in a reduction in built form and attempted to respond to Council and objector concerns.

Referrals

External Referrals

104. VicRoads raised no objection to the proposal in their letter dated 14 May 2015

Internal referrals

105. The application was to the following units within Council and consultants.

(a) External Heritage Consultant – comments on 2014 original plans
(b) Engineering Services Unit - comments on 2015 S57A plans
(c) External Urban Design Consultant - comments on 2015 S57A plans
(d) Environmentally Sustainable Design Advisor – comments on 2016 S57A plans
(e) Waste Management Unit – comments on 2016 S57A plans
(f) External Acoustic Consultant – comments on 2016 S57A plans

106. Referral responses are contained in the appendices to this report.

OFFICER ASSESSMENT

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

(a) Policy and physical context;
(b) Built form and Heritage;
(c) Off-site amenity;
(d) On-site amenity;
(e) Development abutting laneways policy;
(f) Waste management Car & Bicycle parking / traffic/access/loading facilities; and
(g) Objector concerns.

State and Local policy

108. The proposal satisfies the various land use and development objectives within the SPPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.

109. In terms of land uses, the supporting mix of uses proposed is consistent with Objective 5 of the MSS within Clause 21.04-2 and would complement the role and function of the Bridge Road AC and surrounding area, and strengthen its long term viability as a destination for the local community. The mix of uses proposed is typical of a Commercial 1 Zone and reinforces the general mix of uses already established within the area.

110. In this instance the site is located close to several public transport options with trams operating along Church Street and Bridge Road as well as bus routes along Hoddle Street. A train station is located near the intersection of Hoddle Street and Bridge Road. Locating such a development satisfies the objectives of clauses 11.02-1 and 11.02-2 of the Scheme.

111. Additionally, the subject site is considered to be a Strategic Redevelopment Site (SRS) given its location adjacent to the Bridge Road AC, accessibility to public transport (trams and buses) and ability to accommodate more than 10 dwellings. SRSs can generally be developed in a reasonably robust manner as Council's MSS acknowledges, the municipality is predominantly low rise with 'pockets of higher development'.

112. The Commercial 1 Zone (particularly those adjacent to or within MACs) which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. The existing character of the area is of lower rise commercial buildings generally single to triple storey in height with several examples of higher built forms within the wider area. Recent approvals in the surrounding area build on this emerging character, many of which are on sites where buildings have heritage value.

113. It has been established that the site is located in an area suitable for redevelopment, with a proposed built form that generally responds to the diverse pattern of urban form in the neighbourhood. However, as identified above, urban consolidation is not the only relevant planning matter to be considered, with quality design, local urban character, heritage and amenity considerations being equally as important. New development must respond to its built form and policy context as outlined at clauses 15.01-1, 15.01-2, 15.01-5, 21.05-2 and 22.02.

114. In contexts where a site is within a Commercial 1 Zone, in a AC and also within a heritage overlay, one must consider the balancing of the competing heritage and urban consolidation policy directives, together with the existing and emerging character of the area. Whilst heritage concerns may limit expectations of intensity, it does not necessarily mean that the site is unsuitable for redevelopment.

115. Comments were made by the Tribunal *(Rescom QOD Lennox Street Pty Ltd v Yarra CC [2013]* VCAT 1799*)* regarding a development on Lennox Street, Richmond which included the retention of an individually significant building and the redevelopment of the site for a higher density building:

> [41] The decision guidelines of the Heritage Overlay require consideration of whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place; and whether it will adversely affect the heritage significance. Mr McCarthy said the proposed building is like no other new building in the precinct and I agree with him. However, that does not mean it is not in keeping with the adjacent buildings and the precinct; and it does not mean the new building will adversely affect the heritage significance. In my opinion, the term "in keeping with" does not mean new development should be more of the same; and it does not mean there cannot be differences in setbacks, height, shape or materials and finishes.
>
> [42] ..
>
> The Heritage local planning policy does not seek additions and new works to be invisible, but rather to respect the significance of the place.
>
> ..
>
> [43] The new building overall is unashamedly modern. The chosen architectural presentation is bold and dominant because of the façade detailing, dark colours and materials. The proposed building may well be different in these aspects to the existing buildings, but it does not automatically mean the proposed building adversely affects the significance of the Richmond Hill (north) heritage precinct.

116. As outlined above, it is not the case that any visual intrusion of new built form will negatively impact on the heritage significance of the place.

117. It is with these considerations to the site (being located within a heritage overlay and having dwellings within residential zones to the south and east) that the proposal has been tempered in scale in comparison to recent development approvals along Bridge Road. The development has also been substantially reduced in scale since it was first received by Council in 2014. The applicant has made significant amendments to this development to address the concerns of Council and objectors as well as referral advice. These amendments include a reduction of two levels, reduction in apartment numbers (over 10), deletion of a basement level, alteration of the vehicle access and egress, internal room modifications and substantially modifying of the appearance of the building. These changes and those proposed as part of the sketch plans have resulted in an acceptable outcome that Council is able to support.

118. In summary, the subject site is considered to be appropriate for a higher density development of the nature proposed as there is strong policy support (as has been demonstrated) for the redevelopment of this site in a more intensive way given its strategic context.

Built form and Heritage

Demolition

119. As the buildings on the subject site are classified as “not-contributory” to the Church Street Heritage Precinct, the proposed demolition is acceptable and is supported by heritage policy within clause 22.02-5.1.

Neighbourhood character

120. The site is within the Bridge Road AC along the Church Street extension. Built form varies from one to two storey Victorian and Edwardian-era shopfronts, to more recent extensions and infill developments (already outlined in the site and surrounds).

121. The proposal presents as a double storey podium to Church Street which is similar in height to other double storey existing shopfronts in the surrounding area. This assists in creating a visual connection at the lower levels to the surrounding streetscape. The shop tenancies and verticality of the podium replicate the existing rhythm in the street and assists in blending the proposal into the surrounding neighbourhood at these lower levels. There is an obvious patterning of the podium being vertically separated into four sections, similar to the existing rhythm. Council’s Heritage consultant also found this to be acceptable and complies with policy at Clauses 22.02-5.7 and 22.02-5.7.2.

122. With regards to Tullo Place, it is essentially a named laneway with its streetscape consisting of the rear of Church Street properties (fences, roller doors and singe/double storey walls) and the entrance to the Tullo Place residential developments. Whilst Tullo Place serves as an entrance for these developments its “streetscape” consists of side walls and a vehicle entrance.

123. Additionally none of these dwellings have any heritage value and is considered of minimal heritage sensitivity. Through the incorporation of a three storey podium the development will fit in with the surrounding built form along Tullo Place. As with the Church Street frontage, windows and balconies within the podium serve to break up the massing and provide a verticality similar to those seen in the townhouses to the east.

Height and Massing

124. Physically, the site is in an area where intensive residential development is encouraged by both State and local planning policies in the planning scheme. New development is already evident, particularly along the north side of Bridge Road and to the west of Church Street.

This portion of Church Street is currently underutilised. It is located within a Commercial 1 Zone, within an AC and near various forms of public transport. It would be a reasonable expectation that this site (and those surrounding it) would experience intensification in use and development.

125. In regards to buildings with a greater height then surrounding form the Tribunal (Rowcliffe *Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004)) has previously stated:

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

126. Council's external Urban Design Consultant confirmed that due to the subject site's location on the commercial zoned 'finger; along Church Street, the site has a key role to play in transition from the higher density built form of the Bridge Road AC to the lower scale surrounding residential hinterland. Council's external Urban Design Consultant recommended a reduction in height of the proposal to a visible maximum of 5 storeys with any sixth storey being setback so as to be largely hidden from view. Council has no opposition to the proposed height of six-storeys considering the recent approvals in the area. There have been approvals of between seven and 13 storeys in height along the northern side of Bridge Road between Church Street and Punt Road. At a maximum height of six storeys, this development is therefore at the lower end of expectations. Additionally, it is noted that due to its location, and opportunities for oblique views, a largely 'hidden' sixth level would not be possible.

127. Following on from this, Strategy 17.2 at clause 21.05-2 of the Scheme states that development should generally be no more than 5-6 levels in Activity Centres or SRS. The proposal falls within this preferred height range as directed by Council. It should be noted that the applicant has made a substantial reduction in scale to address Council's concerns.

128. Council's external Heritage Consultant also stated that the development would be visible from a range of vantage points in Church Street and Bridge Road and would dominate adjacent built form due to its monolithic appearance. Since the plans were referred to the heritage consultant, the proposal has been reduced in scale by two levels as well as improved through the incorporation of clear glass covering wintergardens and windows which will assist in articulating the façade. The simplistic massing also ensures that the new addition does not 'compete' for attention with the surrounding heritage fabric, again consistent with clause 22.02-5.7.1. Considering the reduction in height, the dominance of the proposal in the surrounding area has been minimised. Furthermore, considering the previously mentioned Tribunal comments, the visibility of new built form above existing is not an unacceptable outcome.

129. Council's External Urban Design Consultant found the front setbacks (of between 3.3-3.7m) of the levels above the podium to be insufficient and recommended a setback of a minimum of 5m to off-set the visual bulk of the proposal when viewed from the public realm. Whilst not applicable to the site, Council's recently adopted local area plan for Johnston Street recommends setbacks of between 3m-6m above podiums also within a heritage streetscape. The proposal is consistent with this general approach often used with a similar context in the municipality. With a street width of 20m, an overall building height of six storeys with setbacks of between 3.3m and 3.7m is able to be absorbed into the surrounding physical context without appearing dominating and creating visual bulk. Additionally, these levels above the podium have been softened through the increase in glazing incorporated as part of the recently amended decision plans.

130. Council's external Heritage Consultant also recommended a building of a far reduced scale (three storeys in height with any levels above to be concealed). Considering the strategic context of the site, a new building of such scale would be an underdevelopment in an area where higher built form is anticipated. It was also stated that the proposal did not meet Council's policy with regards façade heights having to adopt the lower of the two abutting heights. This is a particularly restrictive policy intended for residentially zoned land. The subject site is within the Commercial 1 Zone and abutting two single storey buildings, one of which has no heritage value and the other which is in a residential zone. The proposal has allowed for a transition in scale down to the lower forms by locating the highest portion of the development centrally within the site, with side setbacks down to a two storey podium. It is this transition which allows the building to sit comfortably within the streetscape. This is considered to comply with policy at Clauses 22.02-5.7 and 22.02-5.7.2.

131. Due to the narrowness of Tullo Place and the upper level setbacks, the upper levels will generally only be seen from a distance with the main view of the passer-by being that of the podium. This ensures the proposal fits in comfortably with the surrounding area.

Architectural quality

132. The development is considered of high architectural quality and in that regard responds to the design objectives clause 15.01-2. The contemporary design is appropriate and responds well to this part of Richmond where it is sandwiched between an evolving AC and lower scale, older construction.

133. The proposed design is offering a modern built form that revitalises the street frontage. The design response is such that it provides articulation to the two streets. This is achieved through the inclusion of windows, balconies and the various materials and textures at podium level. Above the podium, the development includes a pronounced 'wave' along the skin, with clear glazing and openings to provide articulation of the façade.

134. Council's Heritage Advisor raised concerns with regards to the "unarticulated fabric producing a monolithic rather than a finely-modelled outcome". A contemporary design approach has been adopted for the new development with the façade presenting as a simple backdrop to the surrounding, more elaborately decorated heritage fabric. This approach is acceptable as it clearly distinguishes the new built form from the heritage fabric within the precinct, consistent with clause 22.02-5.7.1 of the Scheme.

135. Council's external Urban Design Consultant found the design changes included within the amended plans (such as faceted glazed articulation, variety in glazing finishes and additional vertical breaks) to be improvements to the design which further simplified and enhanced the architectural expression of the proposal. Council's external Urban Design Consultant stated that these changes simplified the composition of the proposal and improved its contribution to the public realm. Council's external Urban Design Consultant supported the architectural form of the building.

Public realm, safety, light and shade and pedestrian spaces

136. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user.

137. In this respect, it is acknowledged that the use of the ground floor as shops would provide an active ground floor frontage to the street with the upper levels also increasing passive surveillance via upper level balconies. Council's external Urban Design Consultant confirmed that the amended plans sufficiently responded to previous advice and that the balance of the proposal's interface to Church Street continues to be appropriate from an urban design perspective.

138. In terms of shadows to the public realm, the proposal will shadow the eastern side of the Church Street footpath, however this occurs under existing conditions also. The proposal does cause additional shadows to the western side of the Church Street footpath, however this is only for one hour and by 10am, there are no shadows to the footpath above what already exists.

139. The width of the residential entry both appropriately identifies the entrance, without unreasonably dominating the retail frontage (noting that had the entrance been 2m or wider, a planning permit would have been required under the C1Z for the dwelling use). However a condition was recommended to extend the canopy to a minimum width of 750mm from the Church Street kerb (if possible) by Council's External Urban Design Consultant to ensure weather protection for users of the footpath. The current width for the canopy does not provide a sufficient width and this can be rectified by way of condition, should a permit be issued.

Landscape architecture

140. No landscaping is provided as part of the development. This is considered acceptable within the context of this part of Richmond and the existing nature of the site.

141. It is noted that Council's external Heritage Consultant recommend some be included, however with the exception of the residences to the south, landscaping is not a feature within this streetscape. Any landscaping visible to the south is minimal nonetheless and it is not necessary to include any within this development.

Landmarks, views and vistas

142. New buildings within the vicinity of the Pelaco sign, the clock tower of the Richmond Town Hall and the Spire of St Ignatius Cathedral should be designed to ensure the landmarks remain as the principal built reference (closest landmarks identified by clause 22.03).

143. With the proposal being sited over 200m from these landmarks, the development would not unreasonably detract from their status or identification as a principal built form reference.

Site coverage/Permeability

144. Council's Local policy at clause 22.16 addresses stormwater management and is critical when considering this issue. The policy aims to improve stormwater quality and incorporate stormwater treatment measures into the design of developments.

145. The proposal seeks 100 percent site coverage which is similar to other surrounding sites. This is acceptable considering the context of the area, in particular other developments of this scale currently under construction, are also of hard surfaces and limited permeability.

146. In terms of the policy guidance at clause 22.16-3, the proposal meets this policy as it has provided a STORM report with a score of 101%. This relies on an 8,000 litre rainwater tanks receiving catchment from all roof areas, connected to 19 toilets onsite for flushing. The plans show the rainwater tank within the basement, however they do not confirm that connection to 19 toilets, this can be required by way of condition on any permit issued.

Service infrastructure

147. The DSE Guidelines for GHDRD aim '*to treat roof spaces and forms as a considered aspect of the overall building design*'.

148. The plant area is located centrally to the site with solar photovoltaic panels to the rear of the site with screening provided. This is acceptable.

Environmentally Sustainable Development (ESD)

149. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes would reduce the need of occupants relying on private vehicles.

150. Policy at clauses 15.02-1, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

151. The applicant had originally provided a SMP which Council's ESD Advisor found to be unsatisfactory and raised numerous issues. Following the submission of the amended SMP (revised in October 2015), these issues largely remained unresolved.

152. The 2016 amended plans addressed some, but not all deficiencies. Council's ESD Advisor confirmed that the current building design improved, but was still not satisfactory. Council's ESD Advisor found that the standard of daylight access, solar access and natural ventilation had improved from the initial design. Council's ESD Advisor confirmed that introducing a dual aspect to the living areas of the two bedroom dwellings and the move to clear glazing as well as the reconfiguration of dwellings and operable windows, had all improved the design. The issues surrounding the wintergardens had been resolved by improving their location, enlarging them and including clear glass and operable louvers. However there were remaining concerns regarding the reliance on side boundaries, lack of shading and limited bike parking being provided.

153. Since that time, the applicant has attempted to resolve the remaining internal amenity issues through further amending floor layouts (as shown within the sketch plans). These would result in the central north and south-facing apartments of each level being absorbed by the abutting apartments. This will result in apartments having additional opportunities for daylight and cross-ventilation into the apartments. This resolves many of the previous ESD issues by reducing distances of rear walls to the closest window, increasing the number of windows to habitable rooms and reducing reliance on side boundaries for light and air. A condition can be included on the planning permit requiring the changes as shown on the sketch plans. In addition to this, a condition can be added requiring an updated SMP to be provided showing all changes and best practice building design in accordance with clause 22.17, as per Council's ESD Advisor's recommendation.

154. With regards to the two residual ESD issues (bike parking and shading), conditions can be added to any permit to issue to address these. To address shading, a condition will be required to confirm within the SMP that the recommended cooling loads are achieved and a second condition can be included requiring the provision of one bicycle space per dwelling.

155. Subject to these improvements, the proposal provides a positive response to the environmentally sustainable design policy provisions.

Off-site amenity impacts

156. The subject site is zoned Commercial 1 as are those to the north and west. Sites to the east and south are in the General Residential Zone (Schedule 1) and Neighbourhood Residential Zone (Schedule 1) respectively. The nearest residences are the dwellings to the south at Nos. 247 and 249 Church Street and those to the east, across Tullo Place. These are the sensitive interfaces that will be considered.

157. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) and the GHDRD. Clause 55 (Rescode) of the Scheme provides some guidance on these matters (although not strictly applicable).

158. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 1 Zone. In addition, the local character shows a high level of site coverage and boundary-to-boundary development. This issue was discussed within the Tribunal decision *Phillip Crouch Architects v Bayside CC [2009] VCAT 2719 (21 December 2009)*. The following statement was made:

> [16] It is normal in commercial developments within a Business 1 zone to build to the boundary, as there are no side or rear boundary setback requirements. There is no site coverage or setback requirements specified for developments located in Business 1 zones and 100% site coverage or 'boundary to boundary' developments are not uncommon on commercial land in strip shopping centres.

159. Following on from this, this issue is further discussed within the Tribunal matter of *Calodoukas v Moreland CC* [2012] VCAT 180:

> [13] …owners of residential properties next to a business or industrial zone cannot realistically expect the same level of residential amenity as someone residing in the middle of a purely residential area. Similarly, owners of commercial or industrial sites abutting residential properties cannot expect the same opportunities as owners of sites well removed from residential areas.

160. The proposal presents as a large three storey wall to Tullo Place (12.8m in height) with setbacks of between 1.3m and 1.5m above. The development includes southern on-boundary walls ranging between 9.4m and 13.1m in height.

East

Setbacks and visual bulk

161. The proposal faces the three-storey side wall of residences associated with the development at No. 4 Tullo Place. Further south are the car park entrance and side walls of other residential buildings ranging between single and triple storey in height. As a result of the width of Tullo Place, the distance from the boundary of the subject site to these dwellings is 6.7m which provides a reasonable visual buffer. In each instance, the dwellings directly to the east have their primary outlook either in a north or south direction and not toward the subject site. Therefore their primary outlooks are away from the subject site and any views to the development would be peripheral and/or secondary. This further assists in reducing the potential for visual bulk impacts.

162. This is also the case for the dwellings to the south of the car parking area which are diagonally across Tullo Place. These windows do not directly face the subject site and only have peripheral and/or secondary views to the subject site, thus reducing visual bulk impacts.

Daylight to windows

163. In terms of loss of daylight, these west-facing windows are 6.7m away and as such, will continue to have access to daylight, particularly as above the three storey podium, the proposal will be set back up to an additional 1.5m, resulting in a total setback of 8.5m which is sufficient to allow daylight access. Using the Rescode 'Daylight to existing windows' Standard B19, a setback of 6.5m would be required. Additionally, some of these windows are above ground level which reduces the comparative height difference and some are secondary sources of light.

Overlooking

164. In terms of overlooking, there are limited opportunities for overlooking to the east as the only private open spaces within 9m are the ground floor courtyards to the north of No. 4 Tullo Place and the raised terrace to the south-east of the subject site.

165. Existing built form generally blocks views from the majority of the proposal with the exception of the north-eastern corner of the ground floor courtyards. There may be some views to the courtyards associated with the three storey townhouses within a distance of 9m, however these ground floor courtyards are partially covered by built form above and have high fencing. This would block direct views, particularly considering the distance from boundary to boundary is 6.7m. These townhouses have windows which face the proposal and it is unclear if they will be unreasonably overlooked. A condition confirming this can be included on the permit, should one be issued.

166. The central courtyard area directly to the east of the subject site is communal and therefore not secluded.

167. The raised balcony to the south-east of the site is at first floor and surrounded by a high wall on all sides with windows punctuating this wall. The existing wall surrounding the terrace would block the majority of views, with the exception of the window openings. However these views would be at an acute angle and considering that these windows already allow for views, there is no change from existing conditions. There are also windows associated with side walls of this building as well as those to the south, which face the laneway and whilst it is unclear if they are habitable or not, there is already overlooking opportunities from the existing residences and from the laneway.

Overshadowing

168. In terms of overshadowing to the east, the majority of areas to be overshadowed are non-habitable, with the exception of the first floor terrace to the south-east of the site which would be impacted from 2pm onwards. However as already noted, the high walls surrounding it already substantially shade this area at this time. Additionally, whilst the shadow diagrams show it as being in shade from 2pm onwards, in reality the shading from the proposal would be reduced to the terrace being above the ground floor. Considering the proposal only impacts this area for such a short time in the afternoon, it is not unreasonable.

169. The north-facing ground floor terraces associated with the townhouses of No. 4 Tullo Place are not overshadowed by the proposal.

South

Setbacks and visual bulk

170. The development will result in visual bulk due to the height of on-boundary walls and the lack of upper level setbacks. The development is proposing a three-storey on-boundary wall to the north of the private open space of the dwelling at No. 247 Church Street. This results in a 12.8m high wall along the northern boundary of private open space, with three levels above being setback between 2.6m and 3m for a maximum height of 21.2m.

171. Council has concerns with these amenity impacts, particularly as the dwelling is located within a Neighbourhood Residential Zone which coupled with the heritage overlay would suggest that there is limited potential for any significant redevelopment of this site.

172. The extent and height of this sheer wall and the limited setbacks above is not an appropriate response to the site context. Whilst residential properties abutting commercial zones cannot expect the same level of residential amenity as properties residing in the middle of a residential zone, developments also need to temper their expectations when there is a low scale residence to the south. Considering this, conditions can be added to the permit to address unreasonable visual bulk.

173. The existing setbacks from the southern boundary, associated with the lightcourt will be required to be continued further east for the first and second floors, and above this (to reduce the dominating effect of the resulting sheer wall), an additional setback of 3m will be required (for the area directly to the north of the private open space). The remaining floor areas of apartments can be easily absorbed into abutting apartments. This will also assist in improving internal amenity of the floor layouts seen in the sketch plan.

174. Through these two conditions the visual bulk impacts of the proposal will be reduced and allow for a transition in scale to the lower abutting built forms. As previously stated, interface sites need to temper their expectations and these two conditions allow for an acceptable compromise. It should also be acknowledged that both of the dwellings to the south have views to taller built form from their primary outlook from across Tullo Place and hence have some existing experience of higher built form.

Daylight to windows

175. Standards B19 (daylight to existing windows) and B20 (north-facing windows) within Clause 55 (Rescode) of the Scheme are useful for guidance relating to allowing adequate daylight into existing windows.

176. The dwelling to the south has two habitable rooms facing the subject site however these have been omitted from the plans. Both of these windows are within the narrow access way along its northern boundary. The western-most is associated with a bedroom and the eastern-most is an opaque living room window (seen in online real estate photographs). The living room is part of an open plan area with east-facing windows associated with the kitchen. Another bedroom has an east-facing window which looks towards the side access but does not face the subject site. Part of the side access area is covered.

177. Opposite these windows, the proposal includes a single storey on-boundary wall (5.3m) with the lightcourts above providing a setback of up to 2.6m for an overall south-facing wall height of 21m.

178. Setbacks of 2.65m for the on-boundary wall and 10.5m for the south-facing overall height are required to satisfy the daylight to existing window Standard B19. Setbacks of 2.02m for the on-boundary wall height and 17.08m for the overall south-facing wall height are required to satisfy the north-facing windows Standard B20. The proposal clearly does not comply with these standards.

179. The proposed setbacks are acceptable for a number of reasons. With regards to the living room window, it is constructed of opaque glazing which already limits light, faces a narrow side access towards a Commercial 1 Zoned site and also has secondary sources of light from the east. These secondary windows face the rear of the site and Tullo Place which ensures that there is a substantial distance where there is not any possibility of built form obscuring daylight from the east. With regards to the bedrooms, they will still receive daylight from the eastern end of the side access and by virtue of the nature of their use (sleeping), do not have the same light requirements as primary living areas. All of these considerations result in the proposed built form being acceptable opposite these north-facing windows.

180. The dwelling at No. 249 Church Street does not have any windows facing the subject site.

Overshadowing

181. In terms of overshadowing, the proposal will result in significant overshadowing of the private open space of No. 247 Church Street. Photographs obtained from real estate websites show the rear private area as completely concreted and surrounded by a brick wall at least 2.5m in height with a vehicle and pedestrian door providing access to Tullo Place.

182. The private open space of No. 247 Church Street remains unaffected by the proposal at 9am with the development increasing the shading from 75 to 90 percent at 10am and from 50 percent to 90 percent at 11am. The proposal will result in full shadows of this area from 12noon onwards (increased from 50, 60, 75 and 90 percent at 12noon, 1pm, 2pm and 3pm respectively).

183. With regards to the overshadowing of the private open space of No. 249 Church Street, there is no increase at 9am and 10am (existing conditions of 90 and 75 percent coverage). At 11am the proposal slightly impacts the existing 50 percent coverage, increasing it by a further 5-10 percent. The proposal will result in either 90 percent shading or full shadows from 12noon onwards (increased from 50 percent between 12noon and 2pm, at 80 percent at 3pm).

184. The two previously mentioned conditions to reduce built form to the north of these areas will improve the shadow impacts of the proposal to the two southern private open spaces at 10am and 11am. This is a significant improvement which would allow these areas to be unaffected by the proposal until 12noon. These conditions will also result in a significant improvement to the shadows at 12noon for No. 249 Church Street due to the increased setback. The impacts of the proposal to these two private open spaces will therefore be limited to between 12noon and 2pm (with No. 249 Church Street now only having minimal additional shading at 12noon). The existing conditions at 3pm result in nearly full coverage with the exception of only a small fragment of the rear corner of each of these private open spaces being free of shadow. Therefore, the impacts at 3pm would not be distinguishable from existing conditions.

185. In light of the improvements made as a result of the proposed permit conditions and also considering that these are transitional sites where there is some expectation of shading which both of these sites currently experience, the proposed increases between 12noon and 2pm are found to be acceptable.

Overlooking

186. In terms of overlooking any views to the south from the proposal within 9m would be over roof space and not towards the private open space to the south, particularly in light of the two additional conditions which will be required. Nevertheless, a condition can be included to demonstrate via section diagrams that there is no overlooking towards the habitable room windows and private open space to the south. If the current proposal cannot demonstrate protection from overlooking, additional screening devices will be needed.

Equitable development

187. It is acknowledged that the sites to the south do not have the same development potential as the subject site due to their restrictive zoning and heritage grading. Any development which would occur would be a maximum of 8m in height and could easily be constructed abutting the proposal's on-boundary walls.

188. With the site to the north (which is in the Commercial 1 Zone), the changes shown within the sketch plans result in the development no longer being heavily reliant on its side boundaries for light and air. Additionally, the site to the north is very narrow (being only a single width lot) and therefore would not have the same development potential.

Noise

189. It is not considered that the proposed development will generate noise levels above those which are acceptable in a residential area. It is also noted that there are a number of commercial and residential premises in the area, which are likely to emit similar noise levels. Any noise levels as a result of the use of the dwellings would be typical of a residence and compliant with clause 22.05 (Interface Uses policy).

Also, any noise created by the shop use would be during the day when the majority of nearby residents would be at work or awake and as per existing conditions.

On-site (Internal) Amenity

190. Clause 22.10-3.7 *On-Site Amenity* and the GHDRD – Element 4, Circulation and Services and Element 5 – Building Layout and Design and Element 6 – Private and Communal Open Space provide useful guidance with regard to on-site amenity.

191. Being within a C1Z, clause 22.05 aims to achieve a reasonable level of amenity for new dwellings, whilst ensuring that new dwellings do not impact upon the functioning of nearby commercial land uses.

192. It is considered that, subsequent to the changes that have been incorporated into the decision plans and those outlined within the sketch plans, the apartments will have an acceptable level of internal amenity thus achieving Objectives 5.3 and 5.4 of the GHDRD.

Layout, natural ventilation and daylight

193. An objective of GHDRD is to ensure that a good standard of natural lighting and ventilation is provided to internal building spaces. The guidelines encourage the provision of direct light and air to all rooms wherever possible and encourage direct natural light and ventilation to all habitable rooms in the form of operable windows.

194. As already noted within the ESD assessment of this application, the proposal originally had issues with regards to these areas. These have now largely been resolved and with the additional layout improvements seen within the sketch plans, daylight and ventilation to the dwellings is now acceptable.

195. It should be noted that two conditions have been proposed which will result in increased setbacks form the southern boundary towards the eastern end of the site. This will result in apartments having to be reconfigured. This will give the applicant an opportunity to further improve the layout and room sizes of the eastern end apartments compared to the sketch plans.

Circulation spaces

196. Dwelling access is via the residential lobby from Church Street, or the secondary entry via Tullo Place. Lifts and stairs open out to a 1.8m wide lobby with separate dwelling entrances accessed from this area. The widths are sufficient and will support ease of movement and articulation within the corridors. The corridors are short in length which allows for short, clear sight lines and better orientation from within the building. The design complies with Objective 4.3 of the GHDRD.

197. Originally, a number of apartments had excessive internal corridor areas in comparison to the overall area of the apartment due to ‘dog leg’ corridor extensions being required. This resulted in wasted areas within apartments. With the amended plans and further improved by the sketch plans and additional conditions, these issues have now been resolved.

Storage

198. Each dwelling has been provided with at least one storage cage located within the mezzanine with an area of 4.5 cubic meters. Based on previous VCAT decisions such as *U1 Stanley Street Pty Ltd v Yarra CC [2012]* VCAT 1455, it is considered that 3sqm represents an adequate provision of storage for apartment dwellings.

Safety

199. Looking at safety, the entry areas of each apartment are grouped in similar locations within the corridors which increase the perceived safety and are compliant with design guidelines within clause 21.05-2.

200. The additional balconies facing Church Street and Tullo Place will add to the level of perceived safety which is an improvement on existing conditions.

201. Council's Urban Design Consultant stated that the improved pedestrian entrance from Church Street was acceptable in comparison to the original scheme.

Private open space

202. Within Standard B28 of Clause 55 (Rescode) of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum area of 8sqm and a minimum width of 1.6m with convenient access from a living room.

203. This is another area where the proposal has vastly improved. All two-bedroom dwellings have a private open space of at least 8sqm and a width of 1.6sqm. This meets the requirement. However there are some one-bedrooms with private open spaces of between 5 and 6sqm in area. It should be noted that as a result of sketch plans, the one-bedroom dwellings with only 5sqm of private open space will be deleted. This results in the smallest area being 6sqm, which the Tribunal has typically accepted for a one-bedroom dwelling. This is due to typically having fewer occupants. It is worth nothing that the changes incorporated into the decision plans have resulted in all private open spaces being well designed and directly accessed from living areas, thus improving their usability.

204. The thermal comfort of the wintergardens has also been improved through the replacement of the tinted glazing with clear glazing and the incorporation of operable louvers.

Internal Views

205. Due to the use of predominantly wintergardens for balconies, there are minimal opportunities for internal views. The only opportunities are from bedroom windows which both face the lightcourts, however it is noted that they are at least 8.5m in distance from one another. The 2016 amended plans show that the windows facing onto the lightcourt have obscure glazing. Whilst this is not shown on the sketch plans, it can be required by way of condition.

Noise

206. Issues of noise to future occupants in this instance are limited to surrounding commercial properties/equipment, traffic/tram noise along Church Street/Bridge Road and from car stackers.

207. An acoustic report was submitted with the application and was referred to an independent Acoustic Consultant. Concerns were raised with regards to noise impacts to future occupants associated with patron noise of the nearby pub (the Vine Hotel), cumulative noise from adjoining non-residential uses, car stacker noise and glazing type selection. Following the submission of an additional acoustic report in August 2016 with the 2016 amended plans, Council's Acoustic Engineer found the response acceptable with all issues being resolved. The Acoustic Report would form a condition on any permit issued.

Site services

208. Site services are provided at each level with waste being located in the basement. This is compliant with Objective 4.6 of the GHDRD.

209. Mail services have been shown in the residential lobby.

210. The roof plan has been provided showing services as well as solar electricity panels. The elevations show these are screened from view.

Development abutting laneways policy

211. The proposal is considered to meet a number of the clause 22.07-3 policy objectives in that:

(a) Pedestrian access would be provided via Church Street and is separate to the Tullo Place vehicular entry;
(b) Church Street is illuminated by existing street lights, supporting pedestrian safety;
(c) The proposal would not result in unreasonable traffic impacts along Tullo Place (see following traffic assessment);
(d) Vehicular access into and out of the site is adequate (see following traffic assessment);
(e) Refuse would not be stored in the laneway (contained within storage areas on-site).
(f) The garage door does not protrude into the laneway.

Waste Management

212. The applicant's Waste Management Plan (WMP) dated 21 July 2016 has resolved all previous issues and has been found to be satisfactory. The WMP confirms that:

(a) Waste shall be stored within the development (hidden from external view).
(b) Users shall sort their waste, and dispose garbage and recyclables via the chute and/or directly into collection bins.
(c) Residential waste shall be collected onsite, within the development's Loading Bay.
(d) The collection contractor shall transfer bins between the Residential Bin Store and the waste truck. Commercial waste shall be collected on Church Street, in the nearby Loading Zone. Collection staff shall transfer bins between the Commercial Bin Stores and the waste truck.
(e) A private contractor shall provide waste collection services.

Car & Bicycle parking / traffic/access/loading facilities

213. Overall, the development requires 63 car parking spaces and is providing 43 resident car spaces, therefore, in total, a reduction of twenty visitor (eight spaces) and shop (twelve spaces) car parking spaces is being sought.

214. In regards to bicycle parking, the proposal provides an area at ground floor for 12 bicycles and two visitor bike spaces, thereby exceeding the residential requirement of this clause which is nine but not meeting the visitor requirement which is four visitor bicycle spaces.

215. As the proposal includes a shop, a loading bay is also required. The development's off-street loading dock at the rear of the site comprises a space measuring 6.5m by 3m, which would be appropriate for a Small Rigid vehicle (length 6.4 metres as per the Australian Standard AS 2890.2-2002). However this does not meet the requirements of clause 52.07 and therefore a reduction is required.

Parking Availability

216. Parking surveys were undertaken by the applicant's traffic engineers, Cardno, to determine existing parking conditions. These were conducted on Saturday 23 August 2014 from 10:00am to 6:00pm and Wednesday 27 August 2014 from 10:00am to 2:00pm and 6:00pm to 9:00pm.

217. The survey encompassed Church Street (between Darlington Parade and Cameron Street, Bridge Road (between Bosisto Street and Gleadell Street), Gleadell Street (between Bridge Road and Citizens Park) and Abinger Street (between Church Street and Hosie Street).

218. The Saturday survey inventory was 212 spaces and the Wednesday survey ranged from 172 spaces to 216 spaces. The results of the survey indicate that there were a minimum of 37 vacant spaces at 1:00pm on the Saturday survey and a minimum of 30 spaces observed at 1:00pm on the Wednesday survey. Council's traffic engineers were not satisfied with the survey duration and times (although the extent was satisfactory). The survey duration and times should have been more extensive (for example, the Saturday survey should have extended to, say 11:00pm, and a Friday and a Sunday should have been included). Nevertheless, overall, the surveys confirm that the level of parking that takes place in this section of Richmond is very high.

Parking Demand

Visitors

219. The Applicant's traffic report stated that in similar developments, peak parking for residential visitors generally occurs on weekday evenings and at the weekend peak residential visitor parking demand ranges from 0.07 to 0.10 spaces per dwelling. If these rates were to be applied to the development they would equate to a weekday residential visitor demand of three spaces and a peak parking demand of four spaces. Whereas, the often quoted rate of 0.12 spaces per dwelling would yield five spaces.

220. Council's Engineering Services was not supportive of the reduction in visitor parking requirements due to an increased demand for on-street parking. It is noted however that all car parking spaces are provided within a stacker system which is not suitable for visitors.

221. The concept of not providing visitor car spaces within car stackers has been well established by VCAT as an undesirable outcome. Within the VCAT decision *207 Bridge Road Pty Ltd v Yarra CC* [2013] VCAT 1901 the following comments were made:

> [46] We find the need for the provision of two visitor spaces, totally impractical given that a mechanical stacker arrangement is to be used. As noted by Mr Fairlie, stacker systems are appropriate when there is consistency in user, as such persons will become familiar with how they operate. As such, they are often employed to provide residents spaces or those for offices. They are not typically applied in public or visitor parking situations because of the lack of familiarity of those users with such systems.

222. VCAT has also held in the past, that it is not acceptable to delete resident car stacker spaces within developments in lieu of at-grade visitor spaces. For example, within the VCAT decision *Strathelie Property Holdings Pty Ltd v Yarra CC* [2014] VCAT 513, the following comments were made:

> [39] We accept Ms Dunstan's observation that long term parking by residents is better to be within the development, and that on-street parking is better utilized by short term visitors.

223. Both of these aforementioned VCAT decisions originally included conditions by Council to delete resident spaces in lieu of visitor spaces and in both instances, these conditions were deleted by VCAT.

Shop

224. According to the applicant's traffic report the retail component of the site would generate two staff parking spaces and 10 customer parking spaces (short term).

Overall

225. The reduction in the car parking requirement (for visitors and the shops) being sought is considered appropriate for the following reasons:

(a) The subject site has good access to public transport facilities with established tram routes, and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources;
(b) A condition can require that one bicycle space is provided per dwelling and four visitor bicycle spaces (as discussed below). Future residents would be able to take advantage of the bike lanes along Church Street which is a well-known bicycle route;
(c) Resident or visitor parking permits will not be issued for the development, which will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with local policy such as Clause 21.06;
(d) Providing medium-density housing close to public transport links is consistent with urban consolidation objectives which require planning to assist in the implementation of feasible non-car based transport options;
(e) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;
(f) A further benefit of not providing all required on-site car spaces is that pressure on traffic and congestion is not exacerbated through the provision of more car spaces;
(g) The location of the proposal encourages multi-purpose trips to the area;
(h) For the shop tenancy, dedicated off-street parking for customers and patrons is not usually provided for these types of uses in Yarra and areas of inner metropolitan Melbourne;
(i) Customers would be expected to park on-street if they choose to drive, or catch public transport as per existing conditions. It is highly likely that the shop would attract people who work or reside locally;
(j) The most recent use of the site was as four retail tenancies totalling some 520sqm, which would have a statutory car parking requirement of 21 spaces. There are three spaces provided at the rear. Applying the statutory rates for these uses would result in a total existing car parking requirement of 18 spaces. The reduction of 12 retail spaces for the proposed retail component would be less than the existing parking reduction on-site.

Traffic

226. According to the applicant's traffic report, traffic generation for the overall development would be 3 vehicle trips per dwelling per day and a peak hour traffic generation rate of 0.3 vehicle trips per dwelling per peak hour. Council's Engineering Services Unit found these to be reasonable. This would generate 129 vehicle trips per day and a peak hour traffic volume of 13 vehicle trips per peak hour. The morning peak hour traffic is broken down to 10 outbound trips and 3 inbound trips whereas the evening peak hour would have 5 outbound trips and 8 inbound trips.

227. Council's Engineering Services Unit found that the level of traffic generated from the development is not unduly high (an average of around three and a half minutes per vehicle during peak hours) and should not adversely impact on the traffic operation of the Tullo Place/Bridge Road intersection.

Access

228. The access arrangement has been found satisfactory by Council's Engineering Department. Additional information regarding the development entrance and vehicle crossing can be required by way of condition as per Senior Traffic Engineer's recommendation.

229. The applicant has not provided the technical specifications of the mechanical car stacker device. This can be required by way of condition.

Bicycle parking and facilities

230. As outlined earlier in the report the development is required to provide nine residential and four visitor bicycle space under clause 52.34 of the Scheme. The development provides 12 bike racks in the ground floor with two additional visitor spaces next to the loading dock. However in addressing ESD objectives for sustainable transport discussed earlier in the report, a condition is recommended on any permit issued that at least one bicycle space is provided per dwelling. Additionally, the full requirement of four visitor bike spaces can also be included as a condition, on any permit issued. These spaces must be in a convenient location such as adjacent to the lift lobby or entrance.

Loading

231. The development's off-street loading dock is at the rear of the site and comprises a space measuring 6.5m by 3m, which would be appropriate for a Small Rigid vehicle (length 6.4 metres as per the Australian Standard AS 2890.2-2002). This is an improvement compared to many similar shops along Bridge Road and Church Street which typically do not have their own loading bays. Additionally there is a Public Loading Zone located outside the property to the north at No. 237 Church Street. Vehicles making deliveries to the development are entitled to use this Loading Zone.

232. Council's Senior Traffic Engineer has recommended additional conditions be placed on the permit regarding the on-site loading dock. This can be required by way of condition.

Other

233. It should be noted that Council's Senior Traffic Engineer has recommended the existing light/electrical pole must be relocated to a new location due to its proximity to the proposed loading dock. Whilst there is an electrical pole along Tullo Place, it is adjacent to No. 237 Church Street with the proposal not impacting it. Nevertheless, this is a matter between the applicant and the relevant power authority.

234. Council's Senior Traffic Engineer also included requirements regarding a public lighting plan, however the proposal does not include any new pedestrian access points. The pedestrian entry is on Church Street, as per existing conditions.

<u>Objector concerns</u>

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

    (a) The proposal does not respect the existing neighbourhood/streetscape heritage character *(paragraphs 120-123);*
    (b) Overdevelopment in terms of scale, height and bulk *(paragraphs 108-119 and 124-131);*
    (c) Off-site amenity: *(paragraphs 156-186)*
        (i) Overshadowing;
        (ii) Overlooking;
        (iii) impact on daylight to existing windows and solar access to private open space; and
        (iv) visual bulk.
    (d) Poor internal amenity*(paragraphs 190-211);*
    (e) Inappropriate design and materials *(paragraphs 132-135);*
    (f) Waiver of loading bay is inappropriate due to the lack of necessary loading areas within the vicinity *(paragraphs 231-232);*
    (g) Noise *(paragraphs 189);*
    (h) Waste management issues *(paragraphs 212)*;
    (i) Limitation on future development of neighbouring sites (No. 237 Church Street) *(paragraphs 187-188)*;

236. Outstanding concerns will be discussed below, and relate to:

(a) Oversupply of car parking spaces;

While Council policy does encourage alternative forms of transport, there is a need for a variety of housing within the inner city, including those with car parking spaces and those without. The proposal is meeting its car parking requirement for residences as per clause 52.06.

(b) Interruption to traffic flow and increase in traffic/parking pressure;

Vehicular access is from Tullo Place as this is the most appropriate location due to a number of properties having their vehicular access form this street. The proposal will continue with existing conditions, albeit with additional cars. Council's traffic engineers did not find the traffic impacts to be high.

(c) Potential safety issues for users of Tullo Place;

The proposal will continue with existing conditions. Pedestrians and vehicle users will have to take precautions and be aware of others, as per existing conditions.

(d) Headlights shining into habitable spaces from the car park exit;

The proposal will continue with existing conditions. Vehicles already use this rear area for parking. Any habitable spaces with windows directly facing a street (which already provides rear vehicle access) have to temper their expectations with regards to such matters and potentially provide their own protection, such as curtains or block out blinds.

(e) Interruption to the operation of existing businesses (No. 237 Church Street);

This is not a relevant planning consideration.

(f) Structural impacts;

Any potential structural impacts are assessed and managed under the building permit process. This is not a relevant planning consideration.

(g) The proposed development will block views.

Views from private areas are not protected by the planning scheme. None of the adjoining or nearby dwellings have their primary outlook facing the subject site.

Conclusion

237. 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 objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0485 for the development of the land for the construction of a mixed-use building, including full demolition, reduction in the car parking and loading bay requirements at 239-245 Church Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Armsby Architects received by Council on 28 July 2016 but modified to show:

    (a) Amended floor layouts (between first and fifth floors) as per sketch plans provided 7 September 2016 which show the deletion of the single aspect north and south-facing apartments and their amalgamation into adjoining dwellings;
    (b) The southern boundary wall of the first and second floors directly to the north of the private open space of No. 247 Church Street, set back 3m from the boundary;
    (c) From the third floor and above, the south-facing walls directly to the north of the private open space of No. 247 Church Street, set back 6m from the boundary;
    (d) The habitable room windows of adjoining dwellings facing the lightcourts to be screened to prevent unreasonable overlooking where they face one-another;
    (e) Sectional diagrams demonstrating that no unreasonable overlooking will occur into the habitable room windows or secluded private open space of No. 237 Church Street;
    (f) Sectional diagrams demonstrating that no unreasonable overlooking will occur into the habitable room windows to the east (within 9m);
    (g) A notation confirming that the rainwater tank is connected to 19 toilets for flushing;
    (h) The canopy across the Church Street footpath to be extended to 750mm from the kerb;
    (i) The vehicle crossings for the car stacker parking and the loading dock depicted and dimensioned on the ground floor plan;
    (j) The loading dock height clearance as no less than 3.5 metres as required by the Australian Standard AS 2890.2-2002, relocating the storage lockers in the mezzanine above as necessary;
    (k) One bicycle space provided per dwelling and four visitor bicycle spaces located in a convenient location;
    (l) The technical specification of the stacker device and confirm dimensions and height clearances of stacker platforms and their compliance of requirements of Design standard 4: Mechanical parking of Clause 52.06-8;
    (m) Swept path diagrams for a small rigid vehicle accessing and egressing the loading dock via Tullo Place;
    (n) Any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to show on plans);
    (o) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans); and
    (p) Any requirement of the endorsed acoustic report (condition 7) (where relevant to show on plans).

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

<u>Sustainable Management Plan</u>

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by F2 design and dated October 2015, but modified to include or show:

    (a) The changes as per the decision plans and sketch plans provided 7 September 2016 and further modified to show any Condition 1 requirements where relevant;
    (b) One bicycle space per dwelling and four visitor bicycle spaces;

(c) Reasonable levels of thermal comfort in all dwellings through NatHERS cooling loads of 30MJ/m2/year or lower; and
(d) Best practice of the updated building design, in accordance with Clause 22.17.

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

Waste Management Plan

5. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

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

Acoustic report

7. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report and Memo prepared by WatsonmossGrowcott, dated July 2016 and 30 September 2016 respectively and further modified to include (or show, or address):

   (a) The updated floor plans as per the sketch plans provided 7 September 2016 and further modified as per Condition 1 requirements where relevant.

   The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

Road Infrastructure

9. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must submit 1 in 20 scale cross sectional drawings of all vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the Tullo Place road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profile of Tullo Place (from the west kerb line to the centre line of the road) and the accessway/slab inside the property must be accurately drawn. The designer must demonstrate by way of a ground clearance check that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out.
   The 1 in 20 cross sectional drawing must be submitted to Council's Construction Management branch for assessment and must be to the satisfaction of the Responsible Authority.

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

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

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

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the west footpath and kerb and channel of Tullo Place, from Bridge Road to the subject site must be fully reconstructed:

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

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Church Street road frontage must be stripped and re-sheeted:

    (a) at the permit holder's cost; and
    (b) 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, full width pavement of Tullo Place, from the intersection of Bridge Road to the southern boundary of the site must be stripped and re-sheeted:

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

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

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

Car parking

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

    to the satisfaction of the Responsible Authority.

17. 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.

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Lighting

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,

    to the satisfaction of the Responsible Authority.

General

20. 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.

21. 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.

22. 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.

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

    (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
    (b) works necessary to protect road and other infrastructure;
    (c) remediation of any damage to road and other infrastructure;

(d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
(e) facilities for vehicle washing, which must be located on the land;
(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
(g) site security;
(h) management of any environmental hazards including, but not limited to,:
    (i) contaminated soil;
    (ii) materials and waste;
    (iii) dust;
    (iv) stormwater contamination from run-off and wash-waters;
    (v) sediment from the land on roads;
    (vi) washing of concrete trucks and other vehicles and machinery; and
    (vii) spillage from refuelling cranes and other vehicles and machinery;
(i) the construction program;
(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    (i) using lower noise work practice and equipment;
    (ii) the suitability of the land for the use of an electric crane;
    (iii) silencing all mechanical plant by the best practical means using current technology;
    (iv) fitting pneumatic tools with an effective silencer;
    (v) other relevant considerations; and
(q) any site-specific requirements.

During the construction:

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

Time expiry

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.

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

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

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

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

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

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

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

CONTACT OFFICER: **Vicky Grillakis**
TITLE: **Acting Coordinator Statutory Planning**
TEL: **92055124**

Attachments
1 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment subject land
2 PLN14/0485-05 - 239 - 245 Church Street Richmond - decision plans - s57A 2016 Amended plans
3 PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams
4 PLN14/0485-05 - 239 - 245 Church Street Richmond - sketch plan
5 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Acoustic comments 2015 S57A plans
6 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Acoustic comments 2016 S57A plans - FINAL
7 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Engineering comments 2015 S57A plans - FINAL
8 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment ESD comments on 2015 S57A plans
9 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment ESD comments on 2016 S57A plans - FINAL
10 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment External Urban Design comments S57A plans FINAL

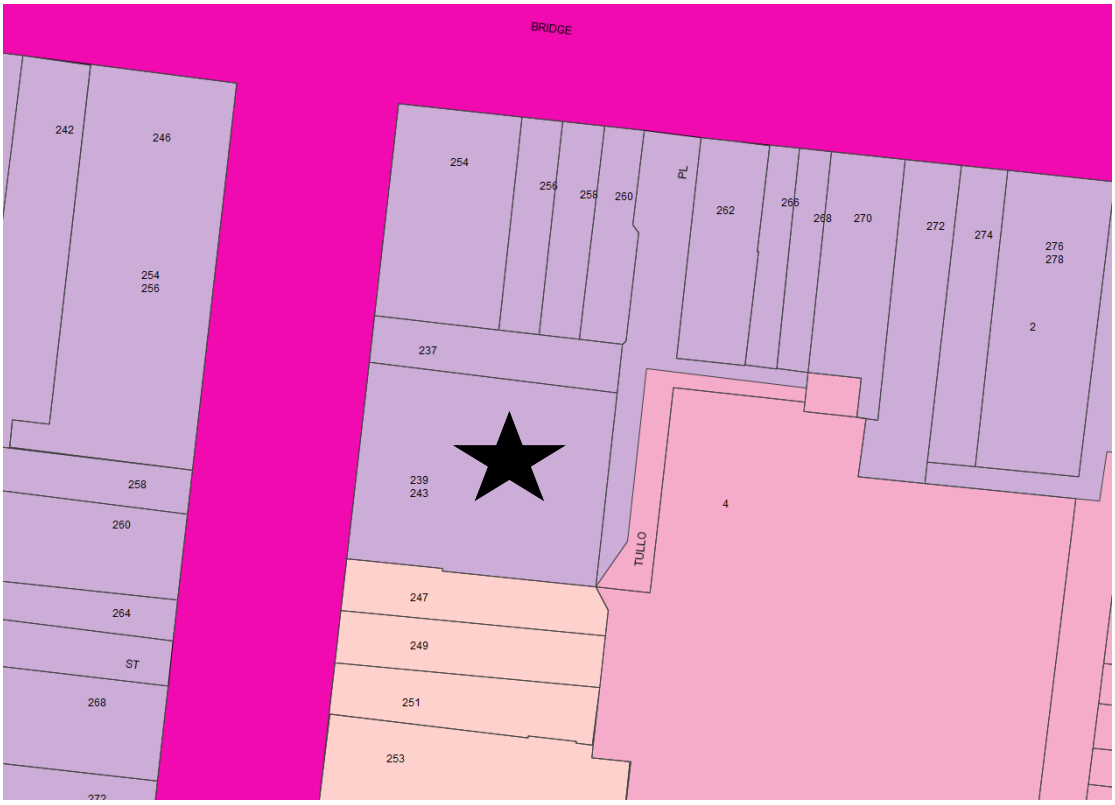
11 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Heritage comments

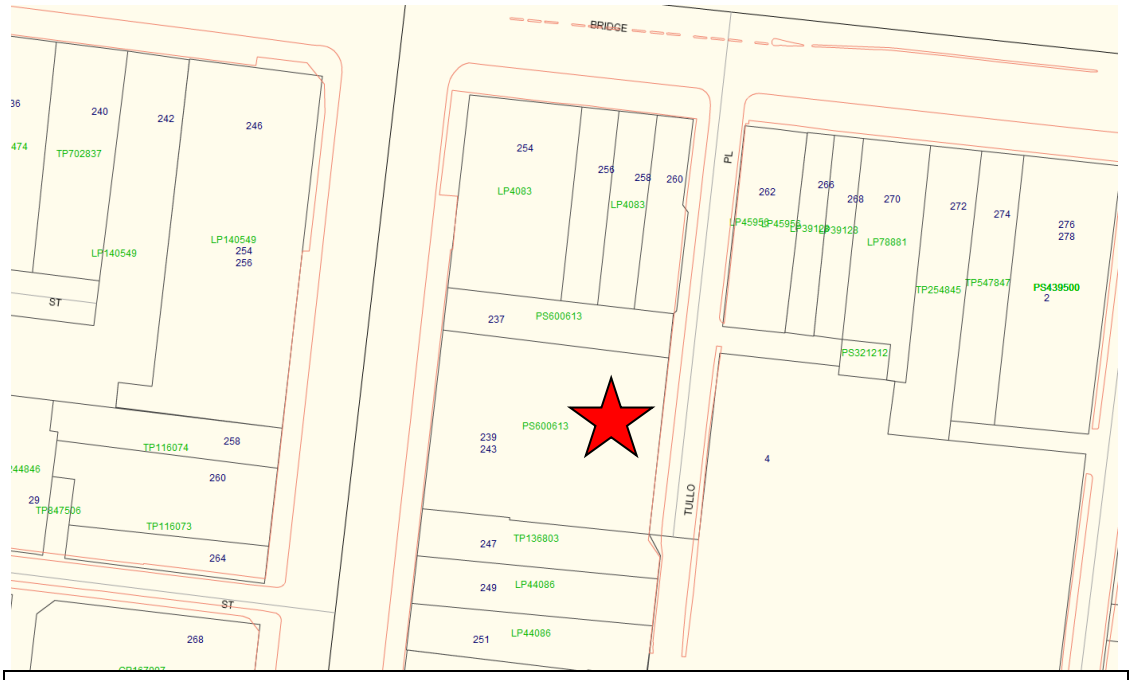
12 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment VicRoads comments

13 PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Waste comments 2016 S57A plans - FINAL

Attachment 1 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment subject land

SUBJECT LAND:

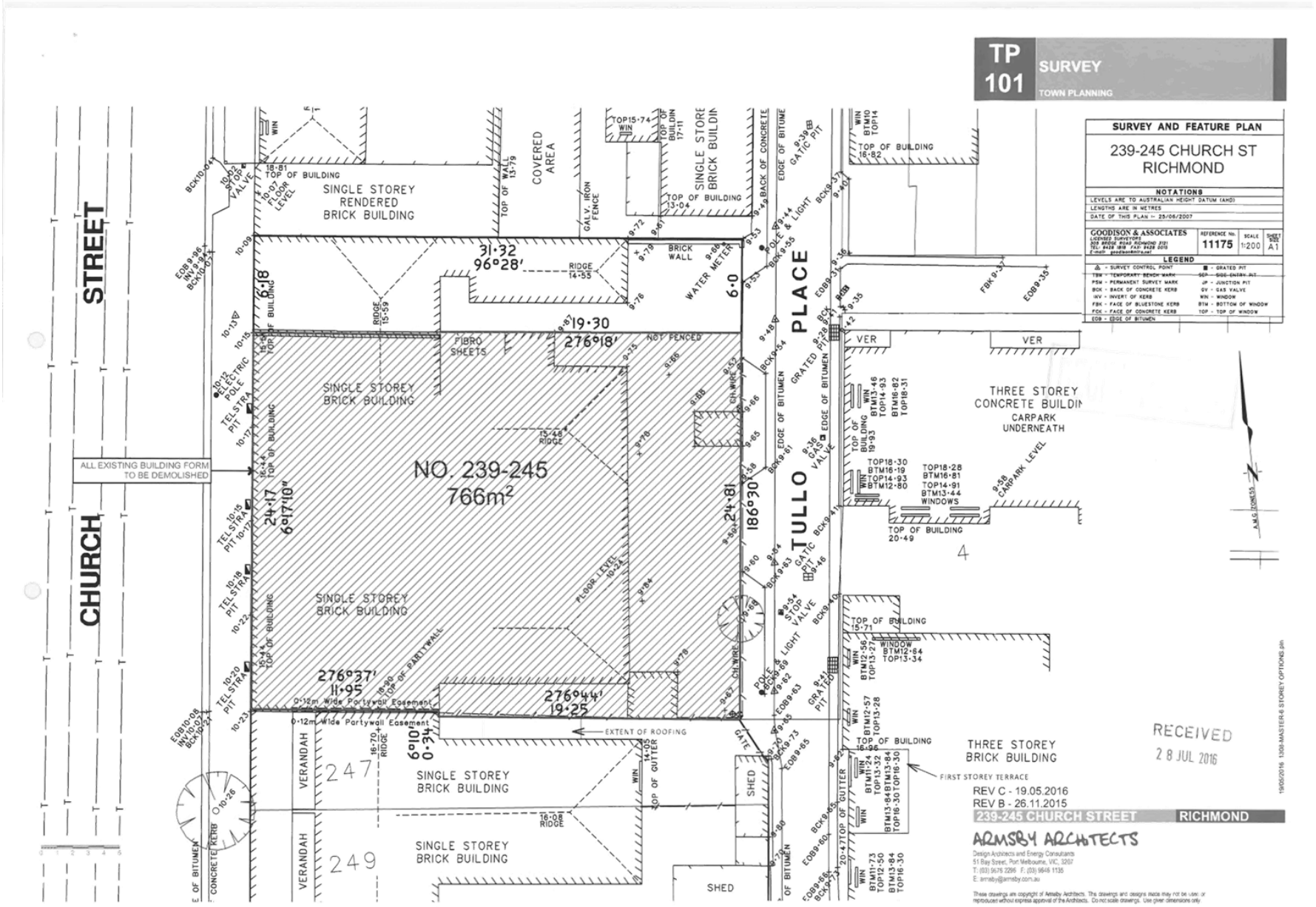




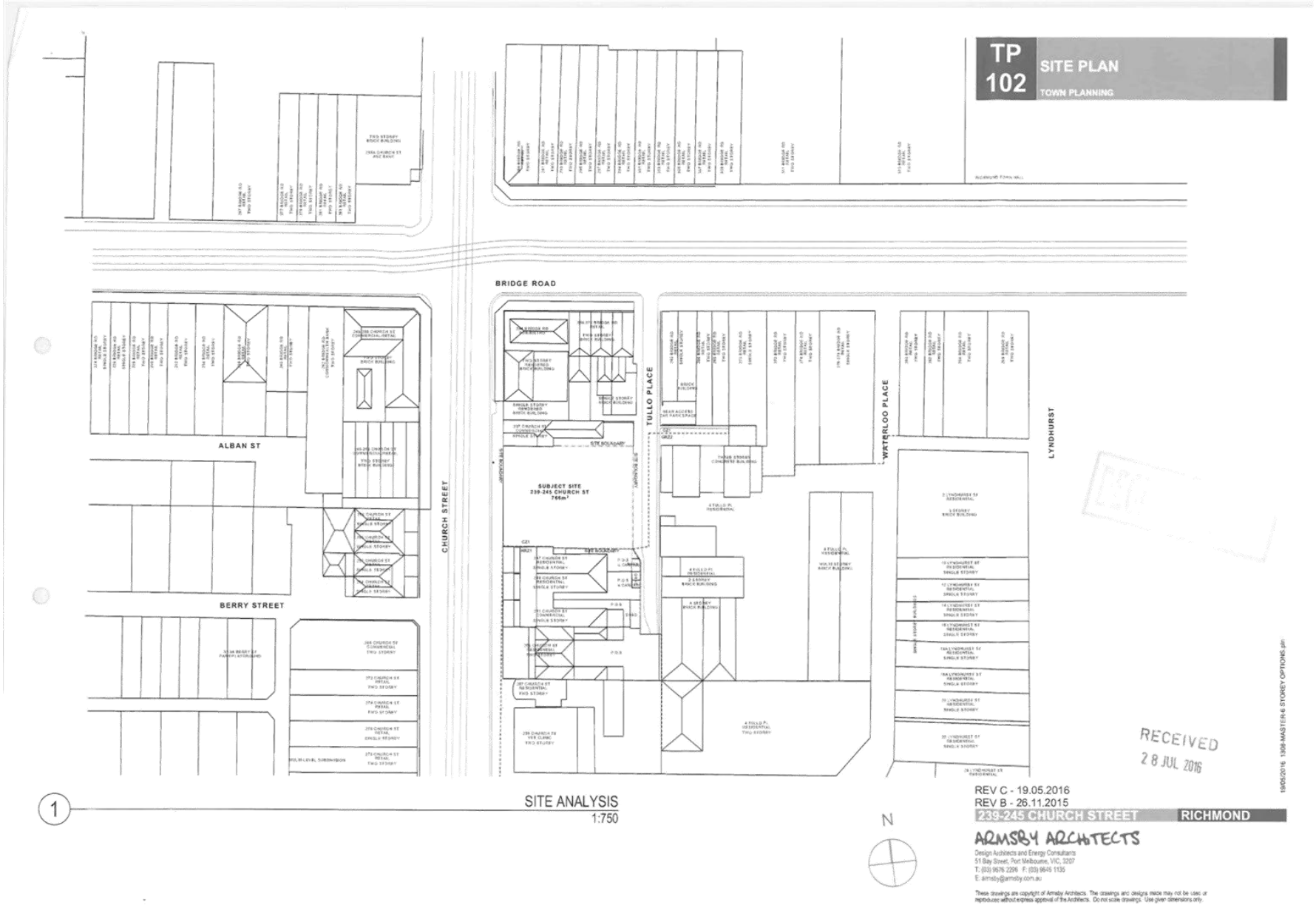
⇧ **North**

★ **Subject Site**

Attachment 2 - PLN14/0485-05 - 239 - 245 Church Street Richmond - decision plans - s57A 2016 Amended plans



Attachment 2 - PLN14/0485-05 - 239 - 245 Church Street Richmond - decision plans - s57A 2016 Amended plans



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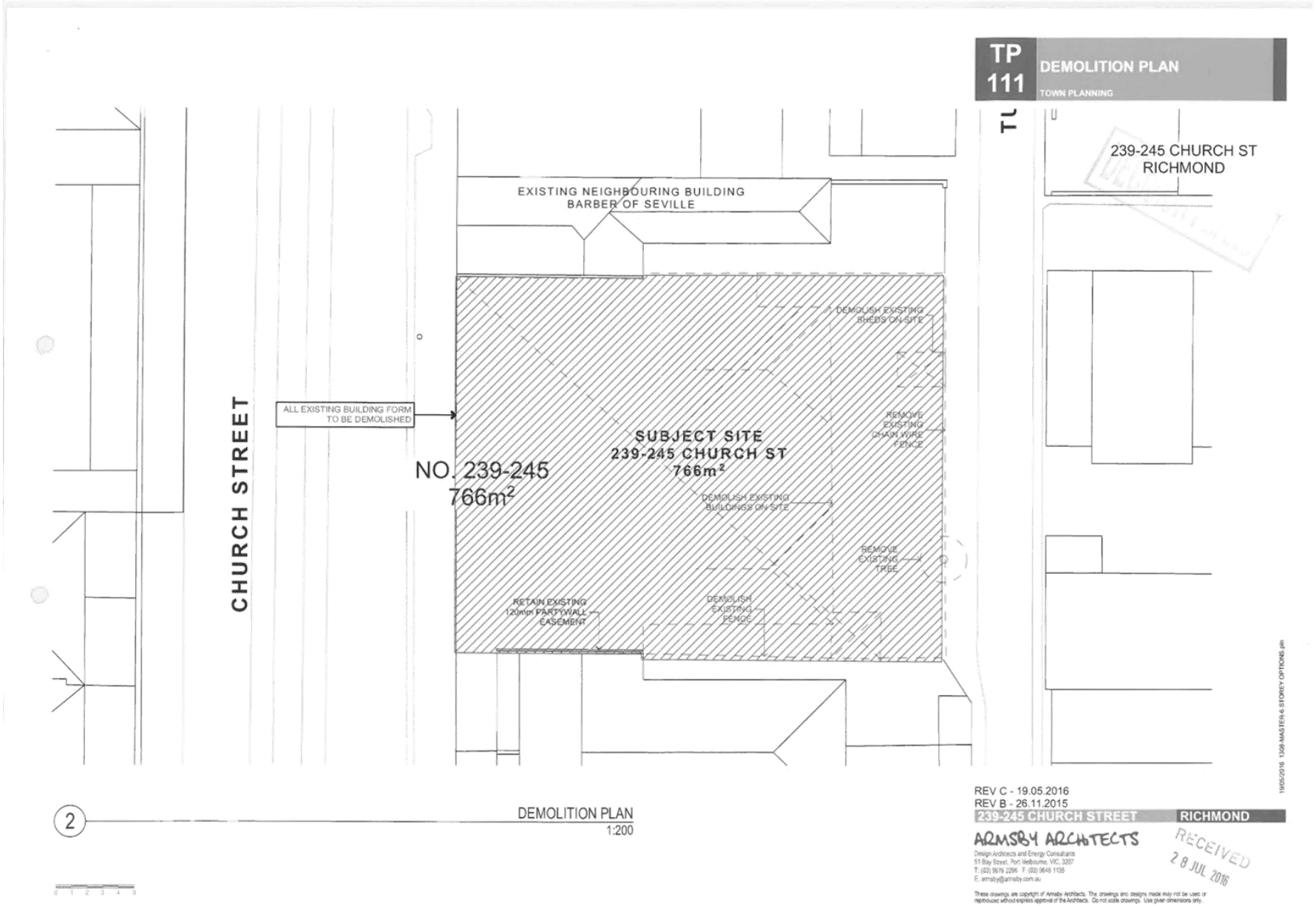

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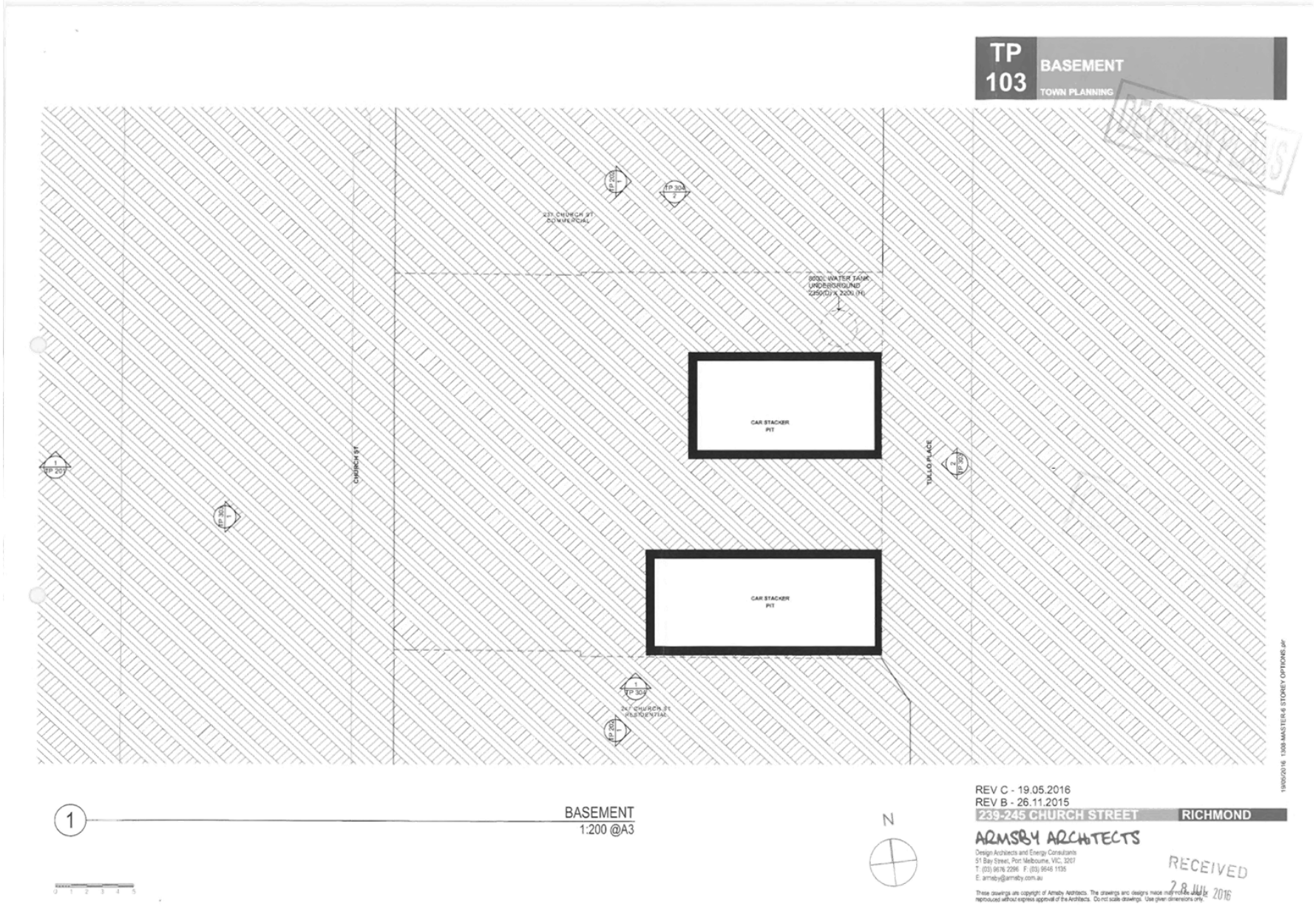

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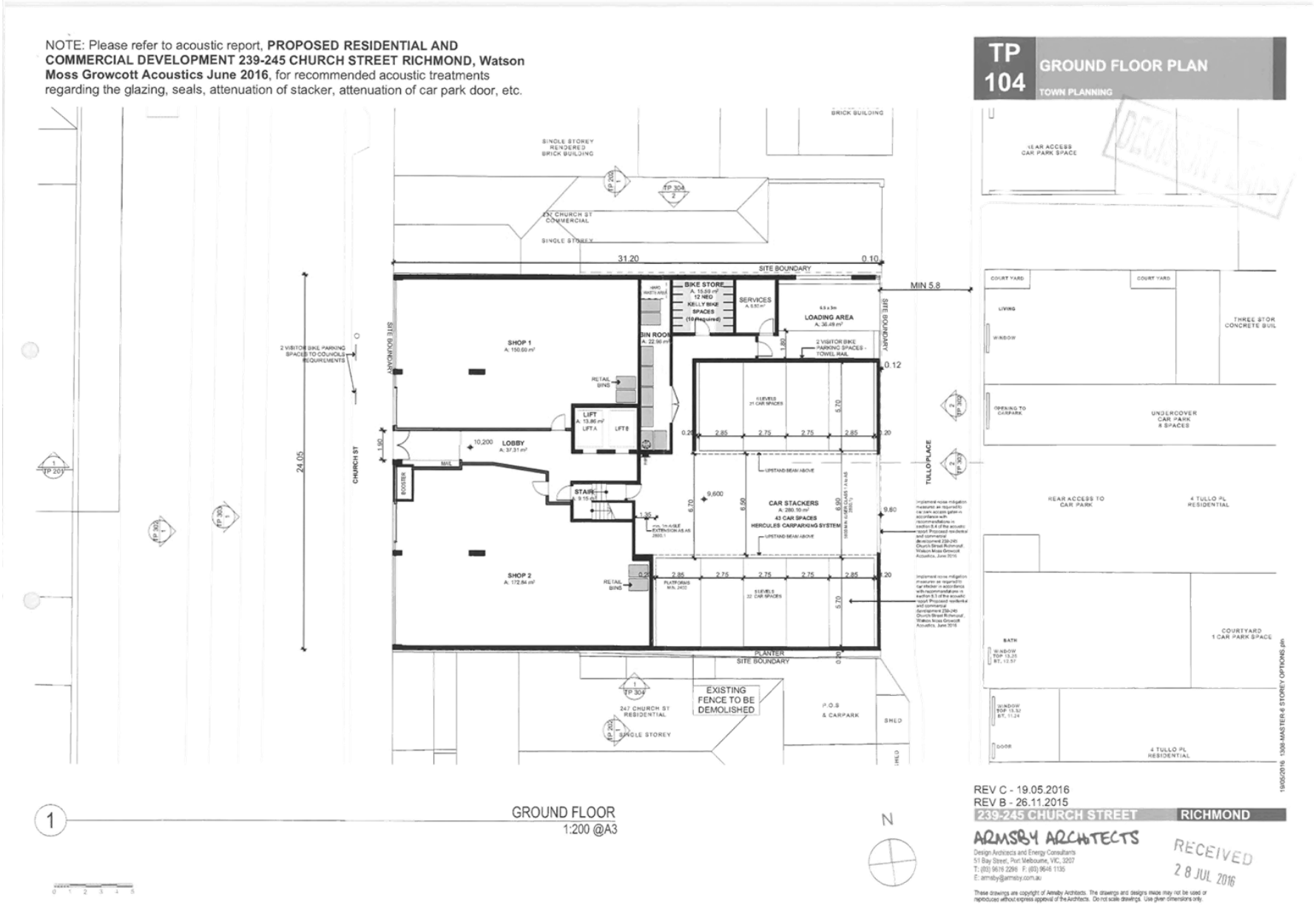

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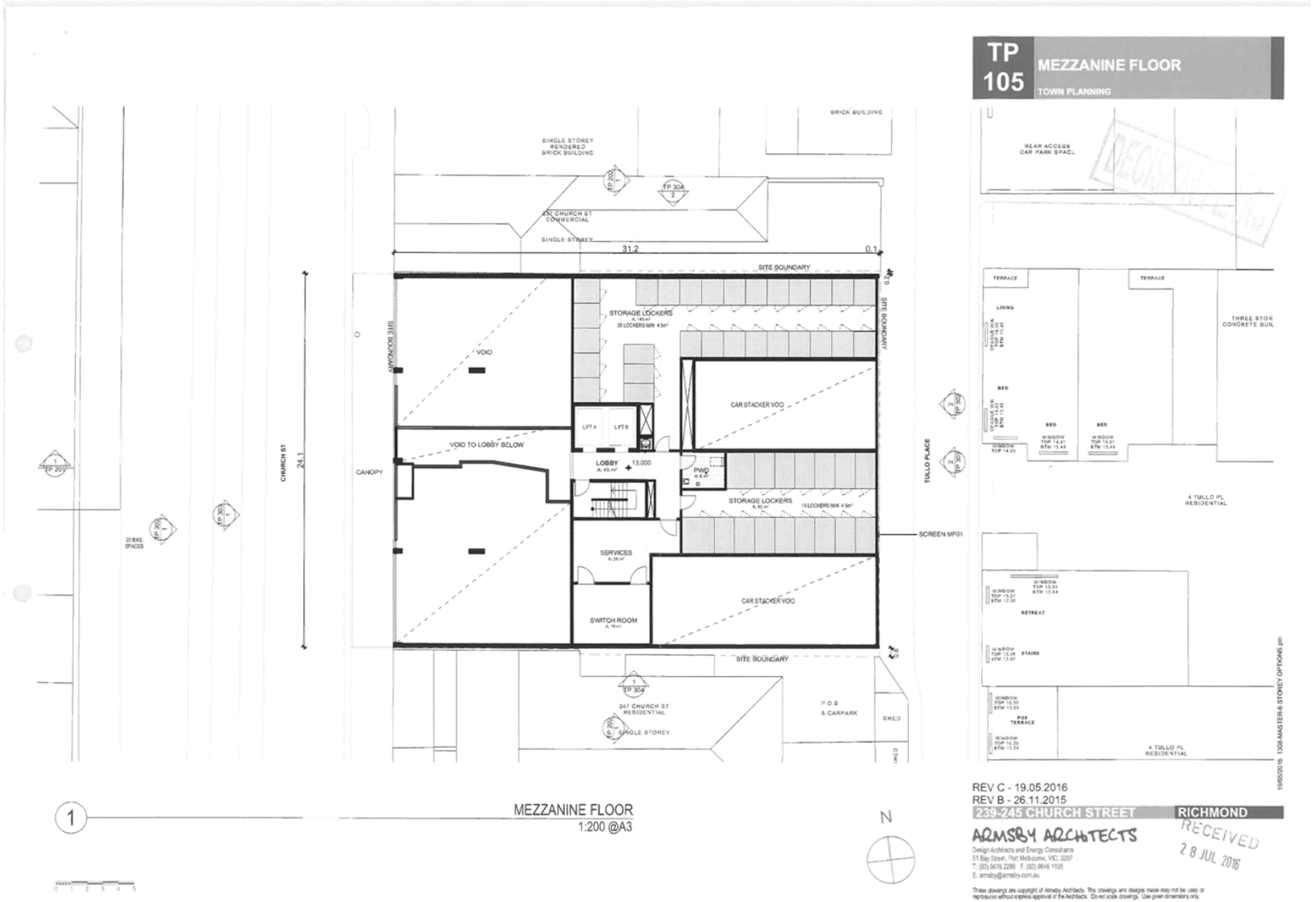

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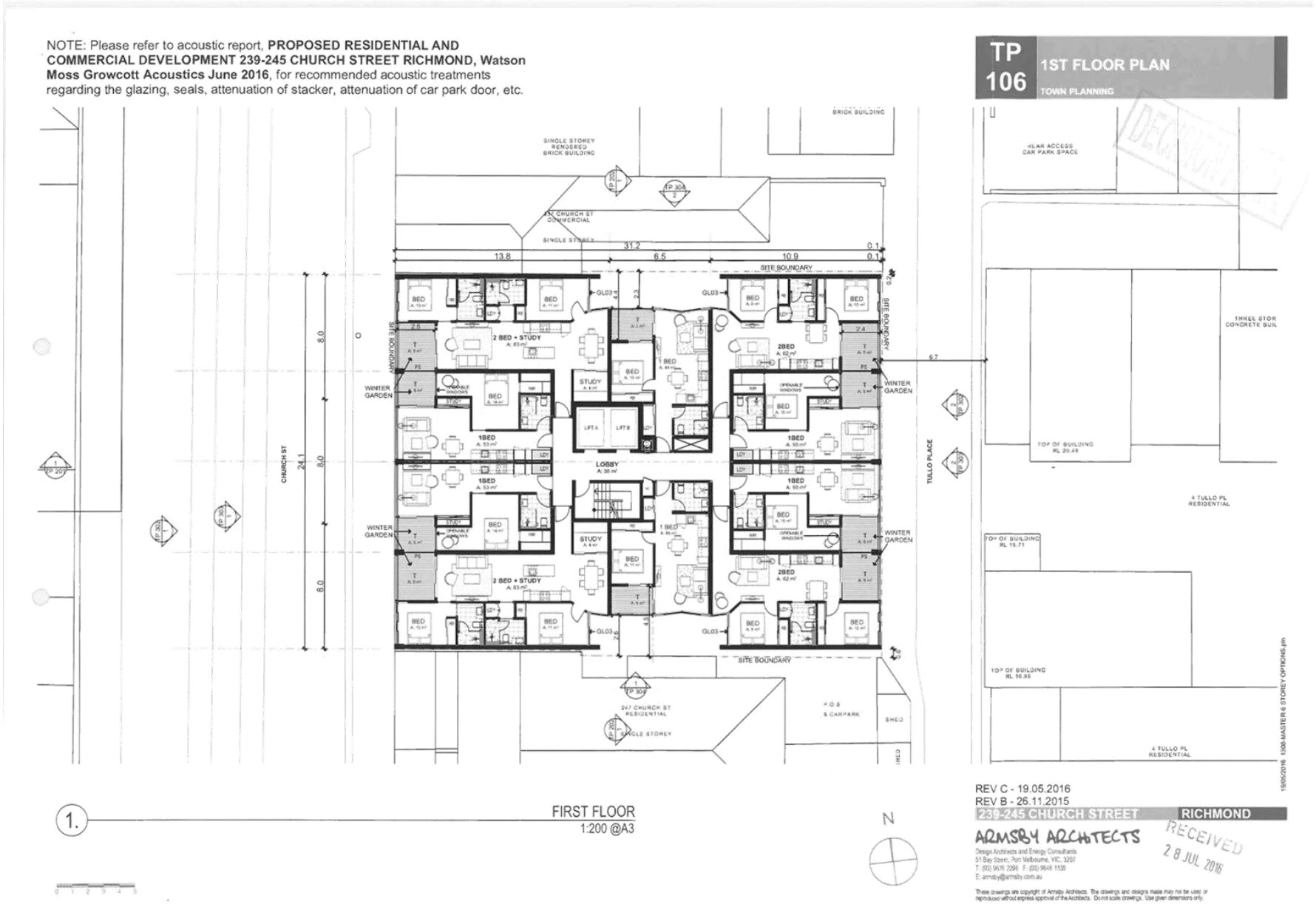

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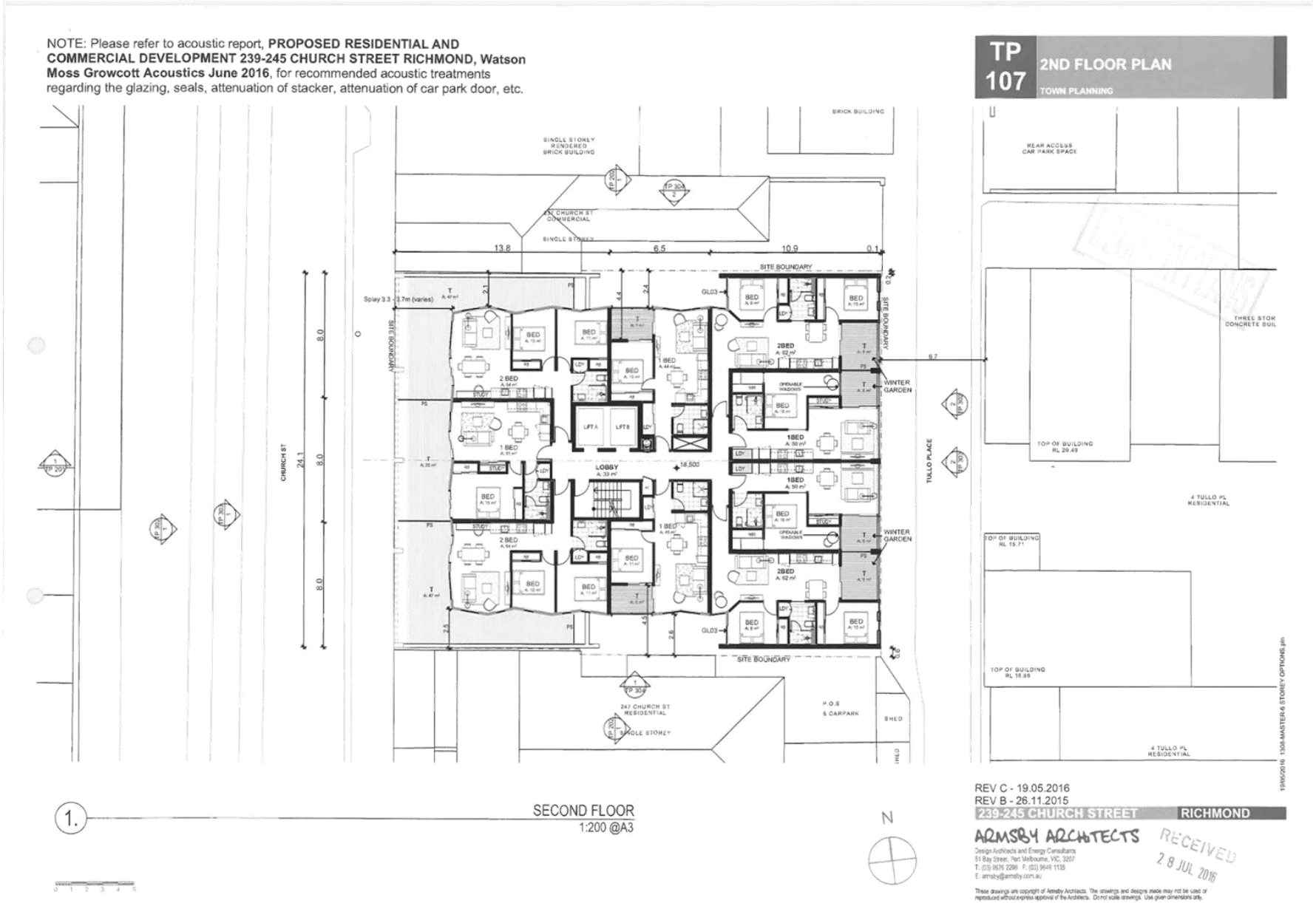

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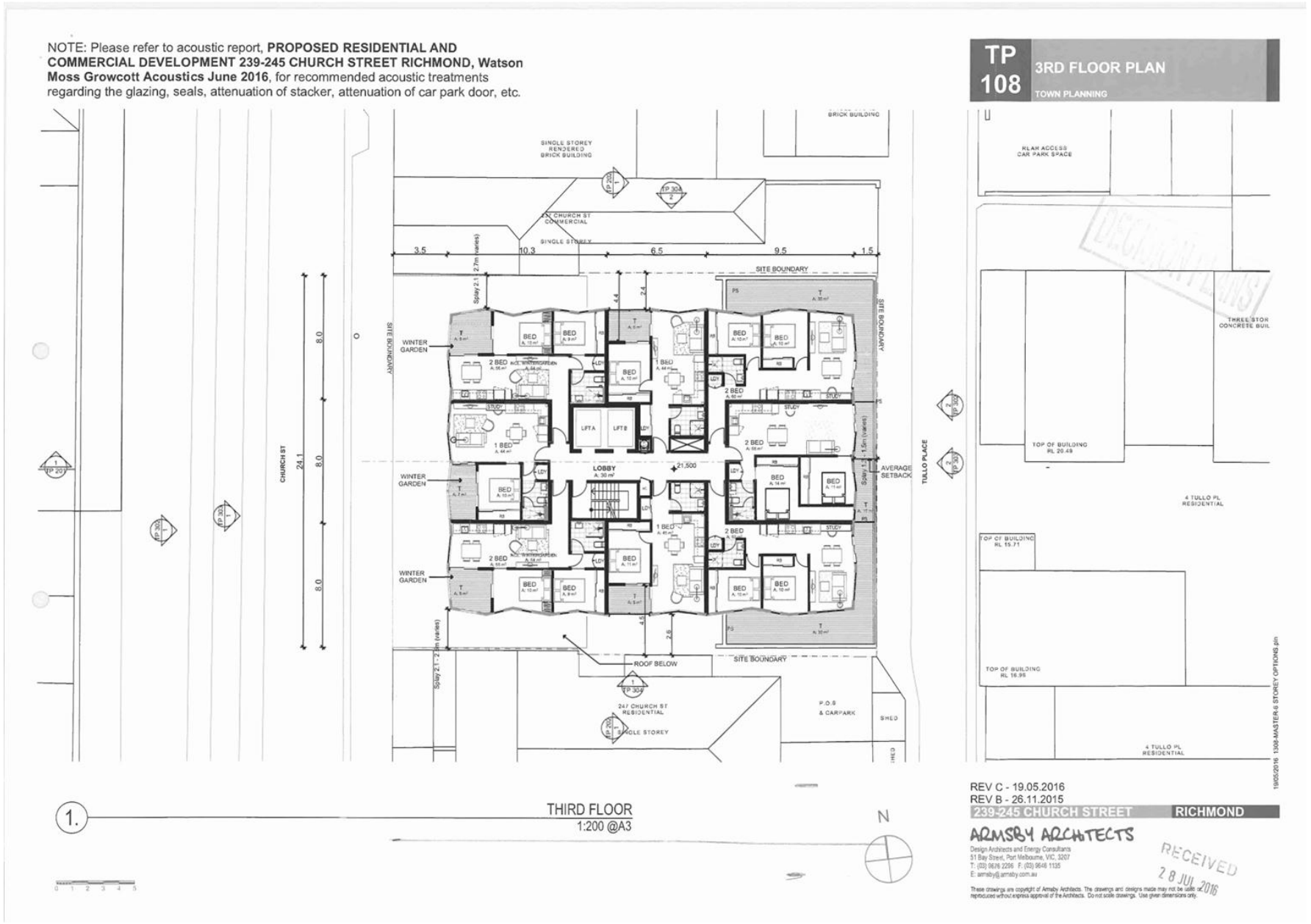

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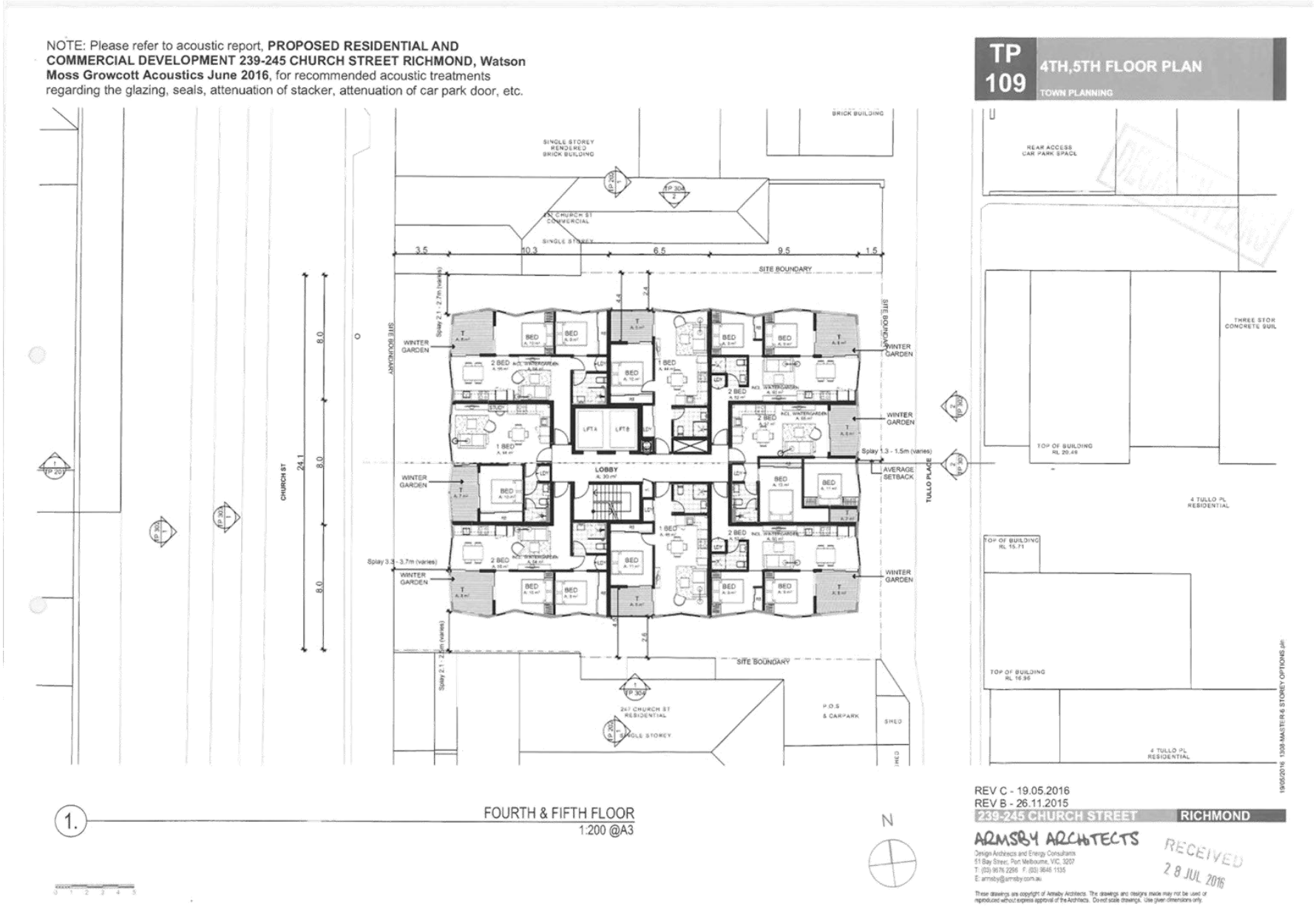

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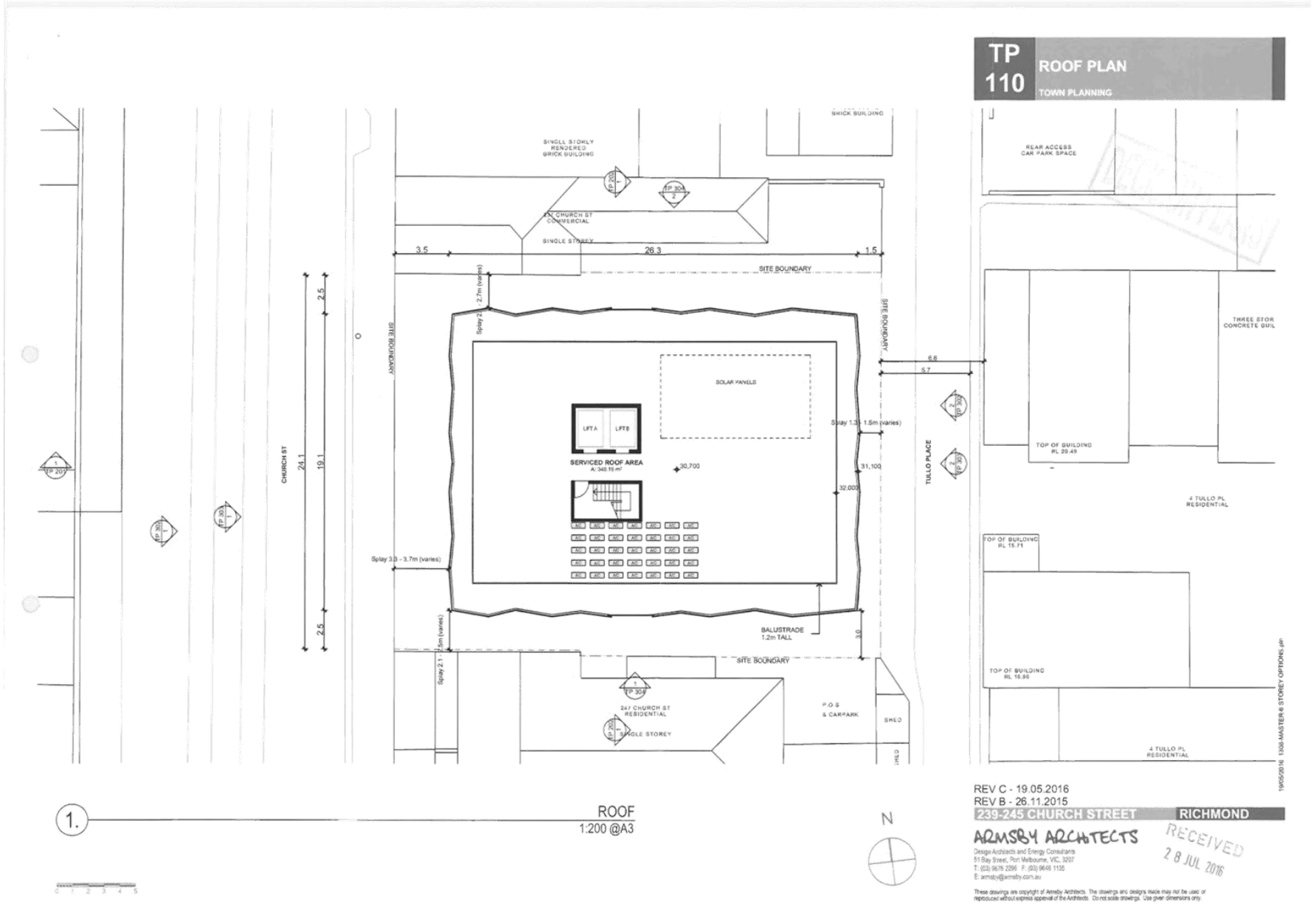

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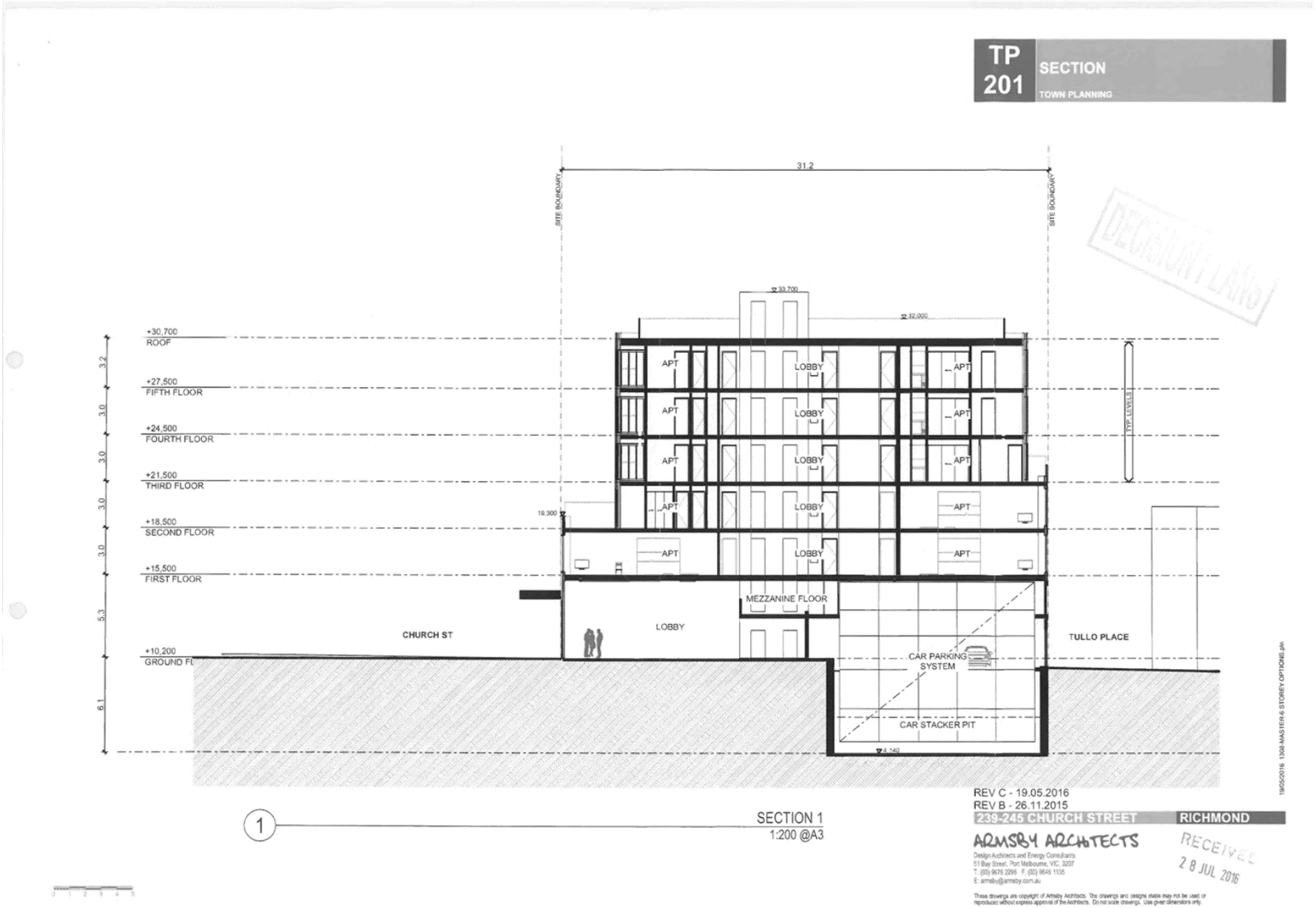
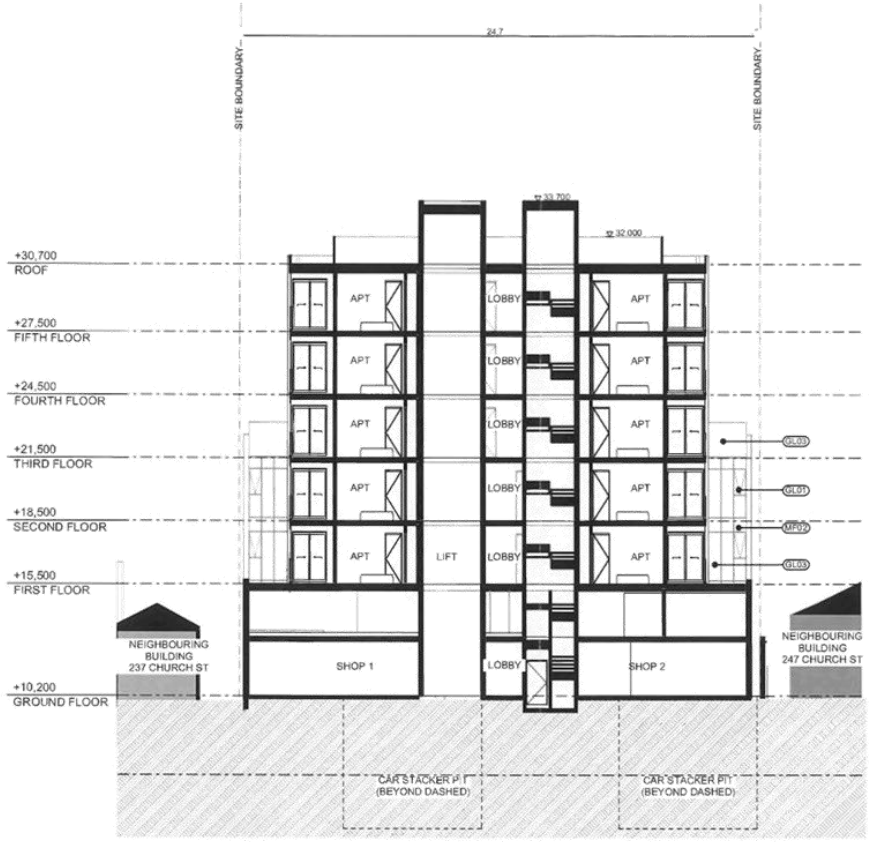


Attachment 2 - PLN14/0485-05 - 239 - 245 Church Street Richmond - decision plans - s57A 2016 Amended plans

TP 202 SECTION
TOWN PLANNING



1 SECTION 2
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DECISION PLANS

REV C - 19.05.2016
REV B - 26.11.2015
239-245 CHURCH STREET RICHMOND

ARMSBY ARCHITECTS
Design Architects and Energy Consultants
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E: armsby@armsby.com.au

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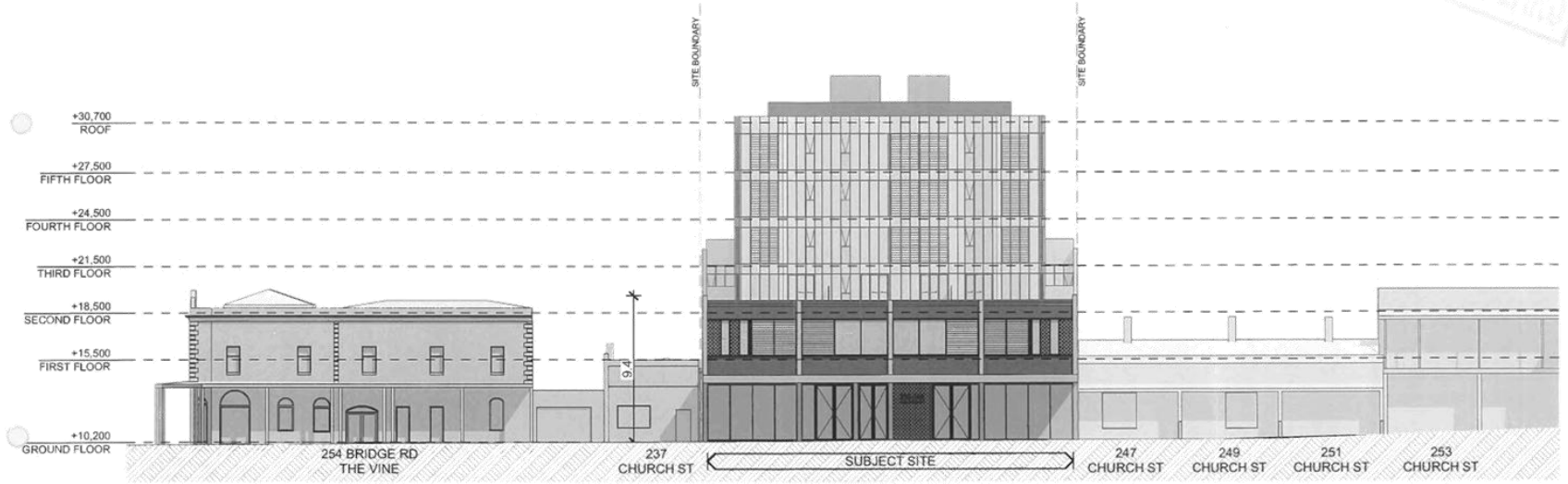
19/05/2016 1308-MASTER-6 STOREY OPTIONS.pln

Attachment 2 - PLN14/0485-05 - 239 - 245 Church Street Richmond - decision plans - s57A 2016 Amended plans

TP 302 STREET ELEVATION
TOWN PLANNING

DECISION PLANS



1 STREET ELEVATION/WEST
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19/05/2016 1308-MASTER-6 STOREY OPTIONS.pln

REV C - 19.05.2016
REV B - 26.11.2015
239-245 CHURCH STREET RICHMOND

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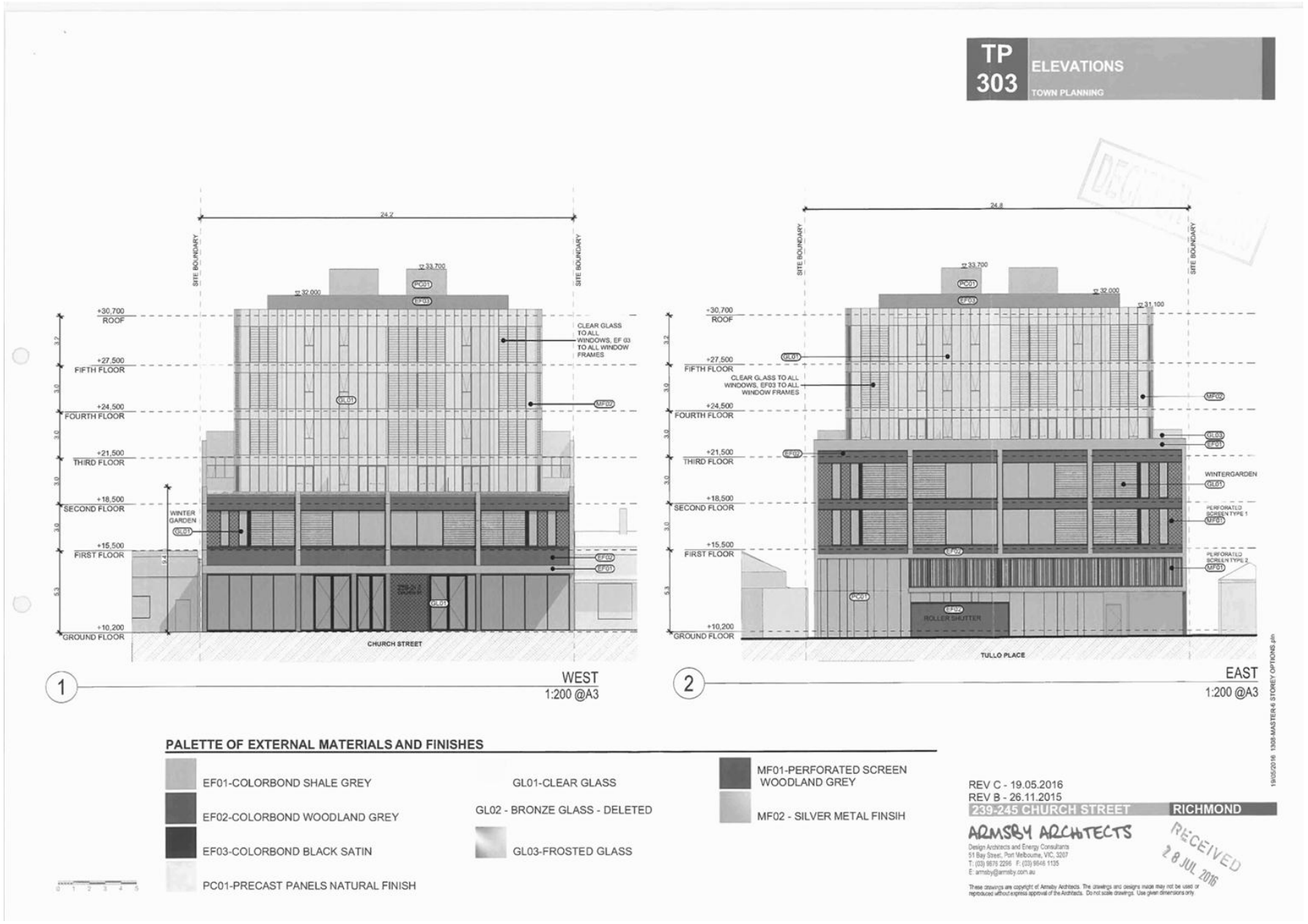

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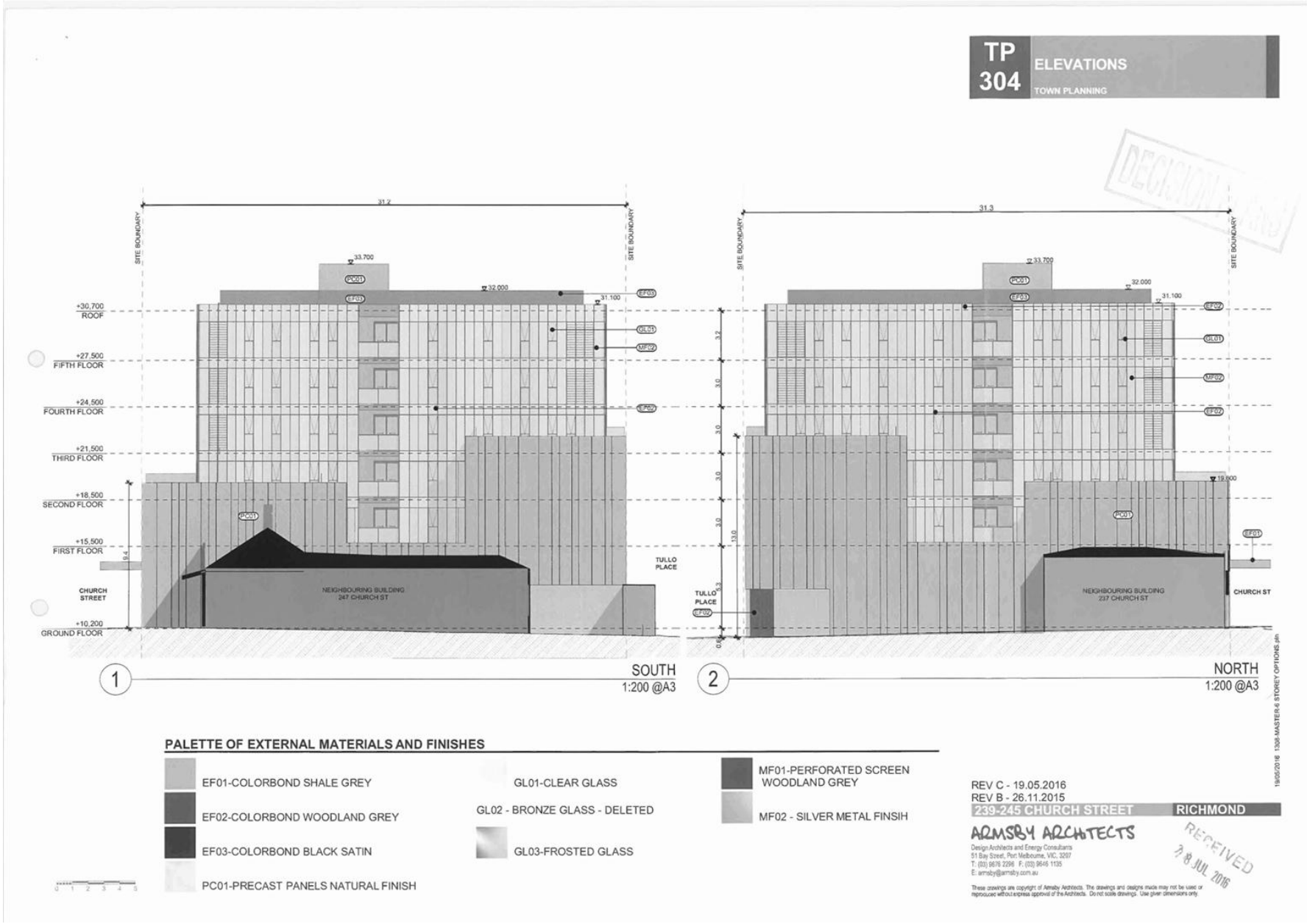
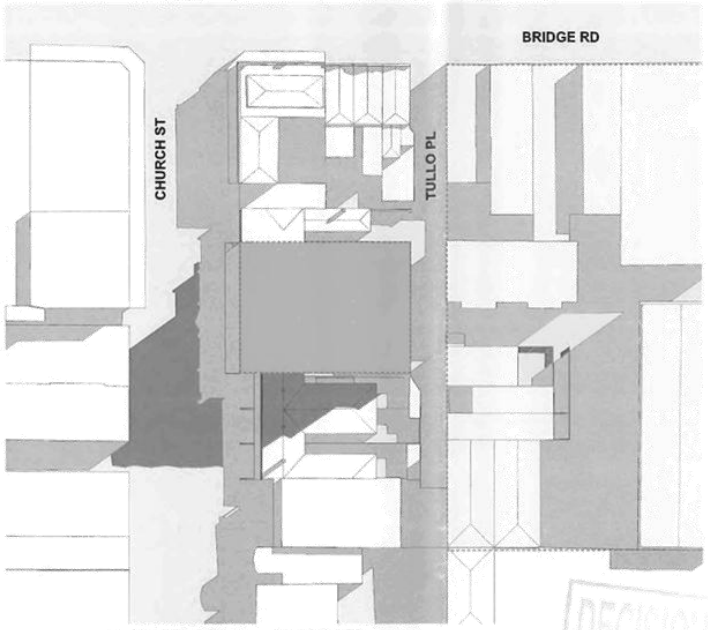


Attachment 3 - PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams

CHURCH ST APARTMENTS 239-245 CHURCH ST
URBAN CONTEXT REPORT

6.1 22 SEPTEMBER- 9am
PAGE 40

01 22 SEPTEMBER-9am-EXISTING
1:750



02 22 SEPTEMBER-9am-PROPOSED
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DECISION PLAN 3

6.1 22 SEPTEMBER- 9am

- PROPOSED DEVELOPMENT / SUBJECT SITE
- TULLO PLACE - APARTMENTS
- EXISTING SHADOW CAST BY EXISTING BUILDINGS
- ADDITIONAL NEW SHADOW CAST BY PROPOSED DEVELOPMENT

ARMSBY ARCHITECTS

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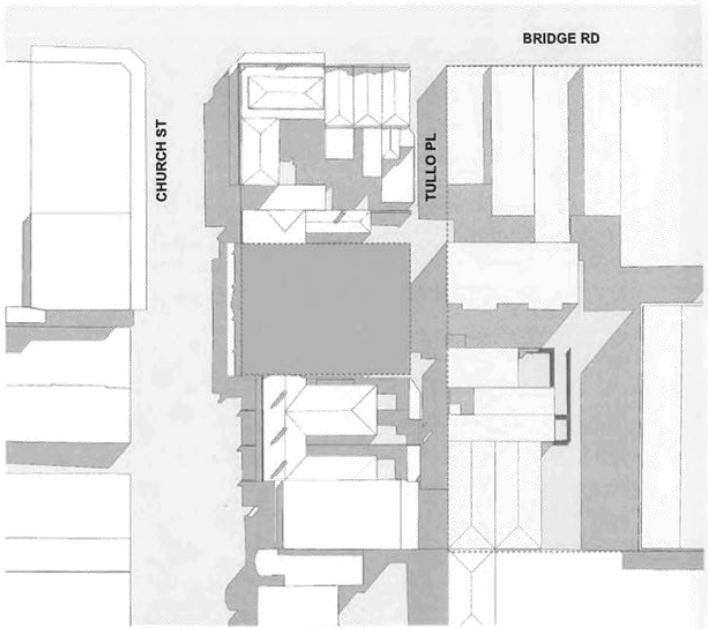
18 SEP 2015

Attachment 3 - PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams



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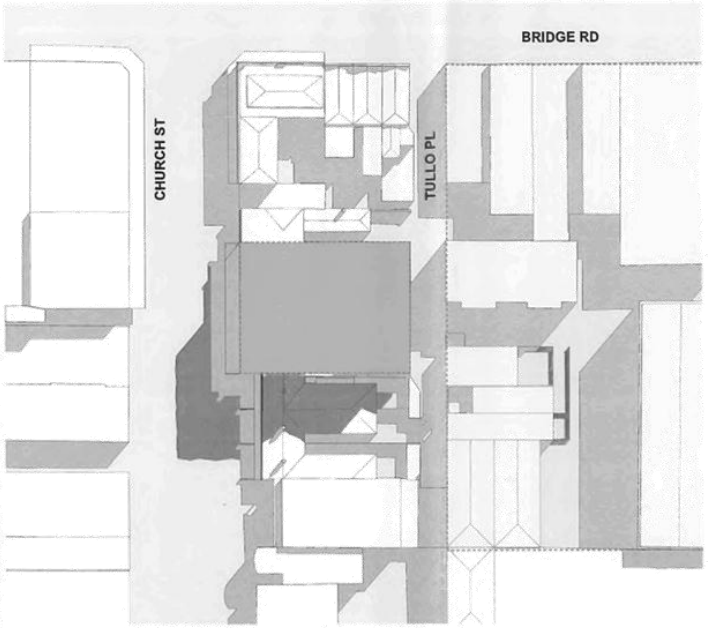

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6.2 22 SEPTEMBER- 10am

- PROPOSED DEVELOPMENT / SUBJECT SITE
- TULLO PLACE - APARTMENTS
- EXISTING SHADOW CAST BY EXISTING BUILDINGS
- ADDITIONAL NEW SHADOW CAST BY PROPOSED DEVELOPMENT

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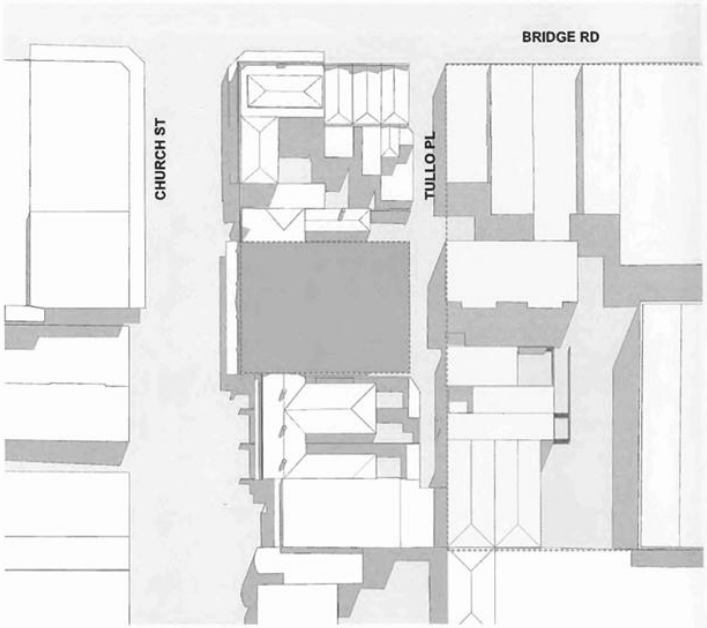
18 SEP 2015

Attachment 3 - PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams

CHURCH ST APARTMENTS 239-245 CHURCH ST
URBAN CONTEXT REPORT

6.3 22 SEPTEMBER- 11am
PAGE 42



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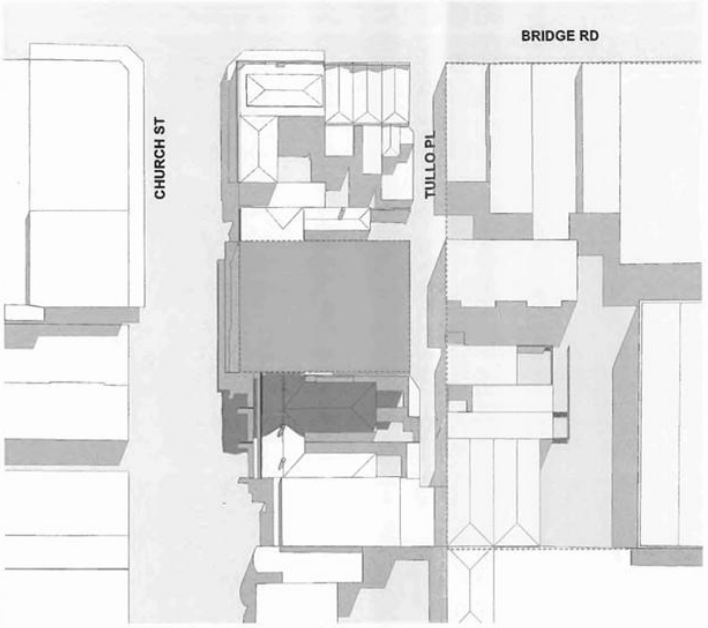

02 22 SEPTEMBER-11am-PROPOSED
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6.3 22 SEPTEMBER- 11am

PROPOSED DEVELOPMENT / SUBJECT SITE

TULLO PLACE - APARTMENTS

EXISTING SHADOW CAST BY EXISTING BUILDINGS

ADDITIONAL NEW SHADOW CAST BY PROPOSED DEVELOPMENT

ARMSBY ARCHITECTS

RECEIVED
18 SEP 2015

Attachment 3 - PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams

CHURCH ST APARTMENTS 239-245 CHURCH ST
URBAN CONTEXT REPORT

6.4 22 SEPTEMBER - 12pm
PAGE 43

01 22 SEPTEMBER-12pm-EXISTING
1:750

02 22 SEPTEMBER-12pm-PROPOSED
1:750

6.4 22 SEPTEMBER - 12pm

PROPOSED DEVELOPMENT / SUBJECT SITE

TULLO PLACE - APARTMENTS

EXISTING SHADOW CAST BY EXISTING BUILDINGS

ADDITIONAL NEW SHADOW CAST BU PROPOSED DEVELOPMENT

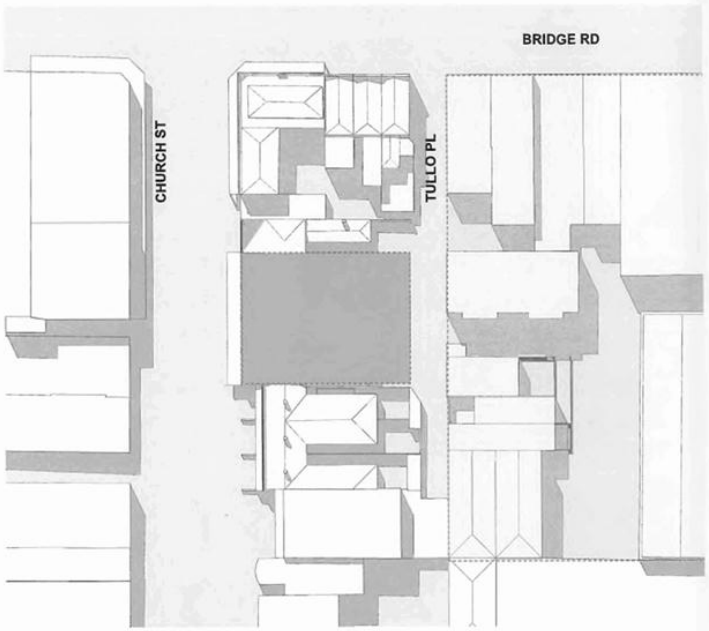
ARMSBY ARCHITECTS

RECEIVED
18 SEP 2015

Attachment 3 - PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams

CHURCH ST APARTMENTS 239-245 CHURCH ST
URBAN CONTEXT REPORT

6.5 22 SEPTEMBER - 1pm
PAGE 44



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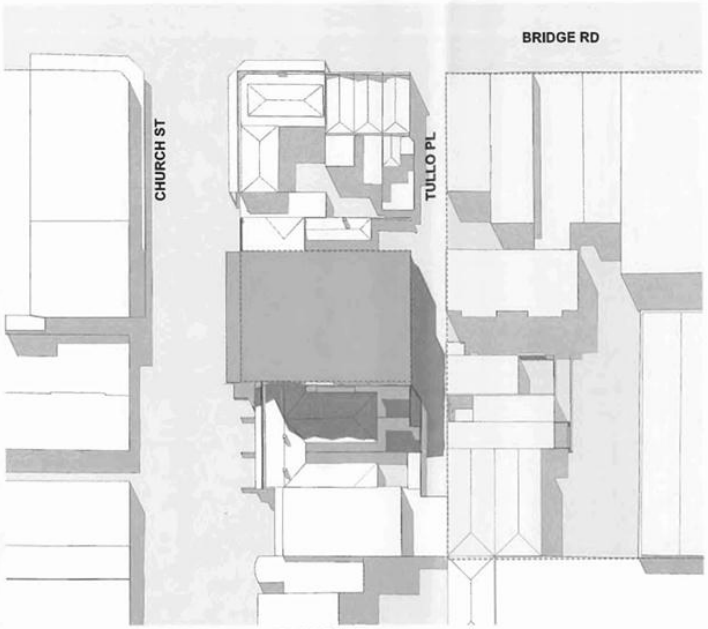


02 22 SEPTEMBER-1pm-PROPOSED
1:750

6.5 22 SEPTEMBER - 1pm

PROPOSED DEVELOPMENT / SUBJECT SITE

TULLO PLACE - APARTMENTS

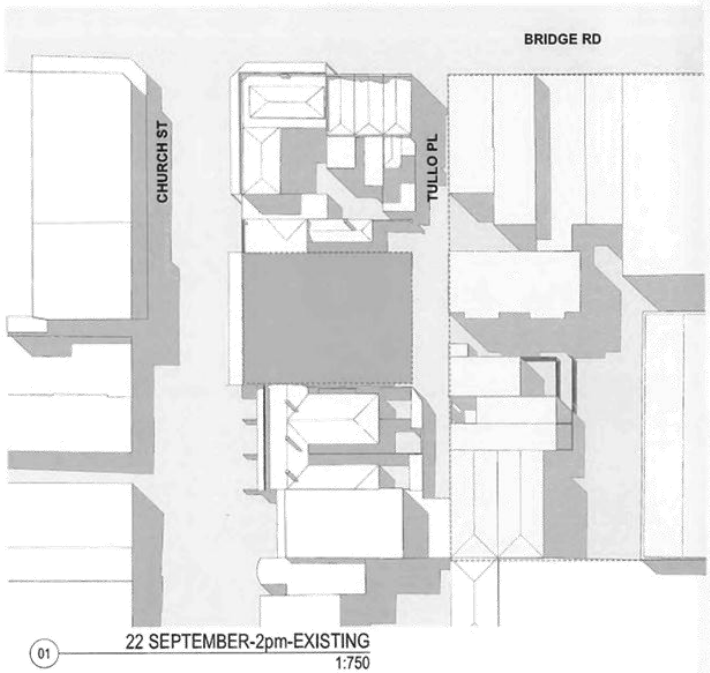
EXISTING SHADOW CAST BY EXISTING BUILDINGS

ADDITIONAL NEW SHADOW CAST BY PROPOSED DEVELOPMENT

ARMSBY ARCHITECTS

RECEIVED
18 SEP 2015

Attachment 3 - PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams



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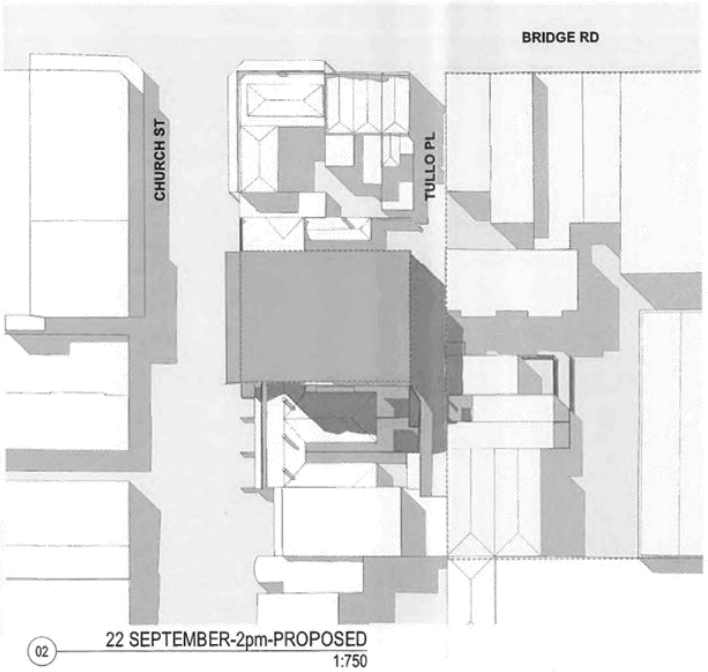

02 22 SEPTEMBER-2pm-PROPOSED
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6.6 22 SEPTEMBER - 2pm

PROPOSED DEVELOPMENT / SUBJECT SITE

TULLO PLACE - APARTMENTS

EXISTING SHADOW CAST BY EXISTING BUILDINGS

ADDITIONAL NEW SHADOW CAST BY PROPOSED DEVELOPMENT

ARMSBY ARCHITECTS

DESIGN AMENDMENT
RECEIVED
18 SEP 2015

Attachment 3 - PLN14/0485-05 - 239 - 245 Church Street Richmond - shadow diagrams

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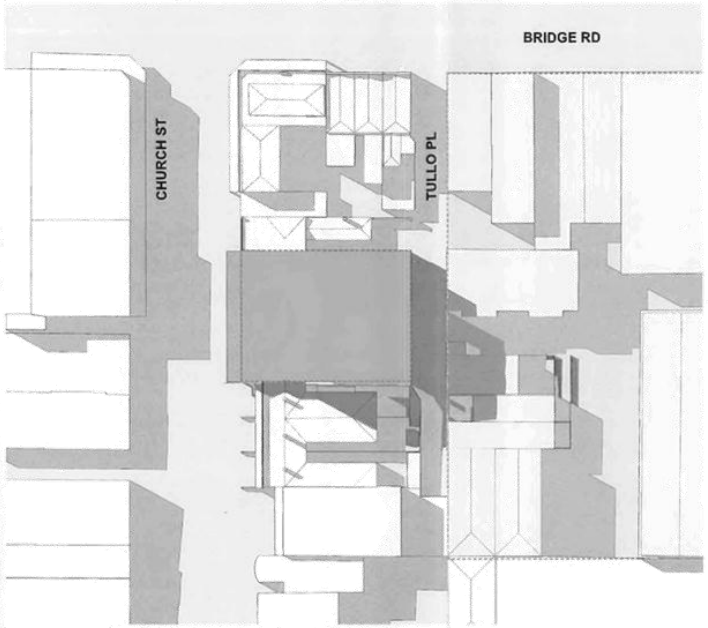


02 22 SEPTEMBER-3pm-PROPOSED
1:750

6.7 22 SEPTEMBER - 3pm

PROPOSED DEVELOPMENT / SUBJECT SITE

TULLO PLACE - APARTMENTS

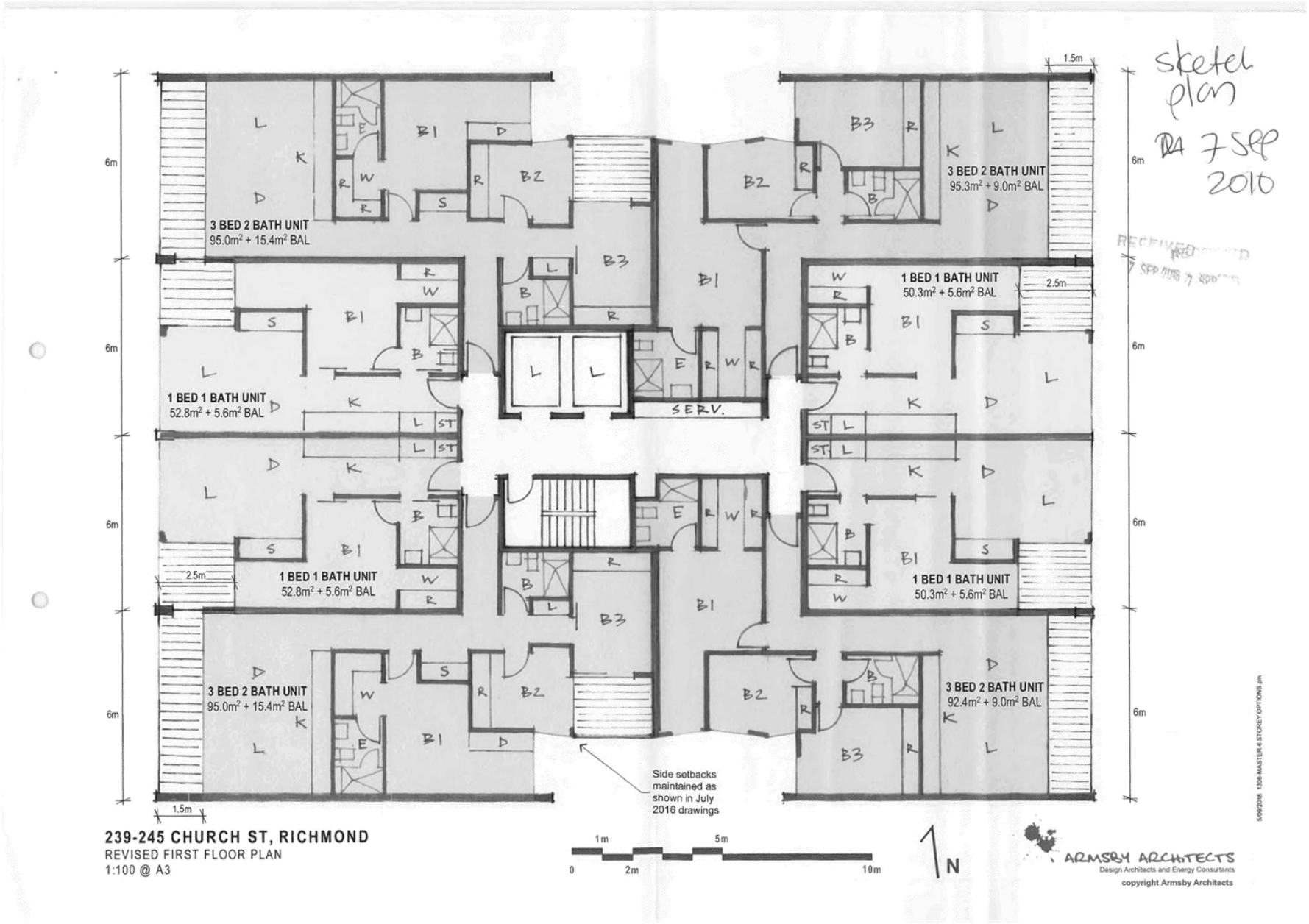
EXISTING SHADOW CAST BY EXISTING BUILDINGS

ADDITIONAL NEW SHADOW CAST BY PROPOSED DEVELOPMENT

ARMSBY ARCHITECTS

RECEIVED
18 SEP 2015

Attachment 4 - PLN14/0485-05 - 239 - 245 Church Street Richmond - sketch plan



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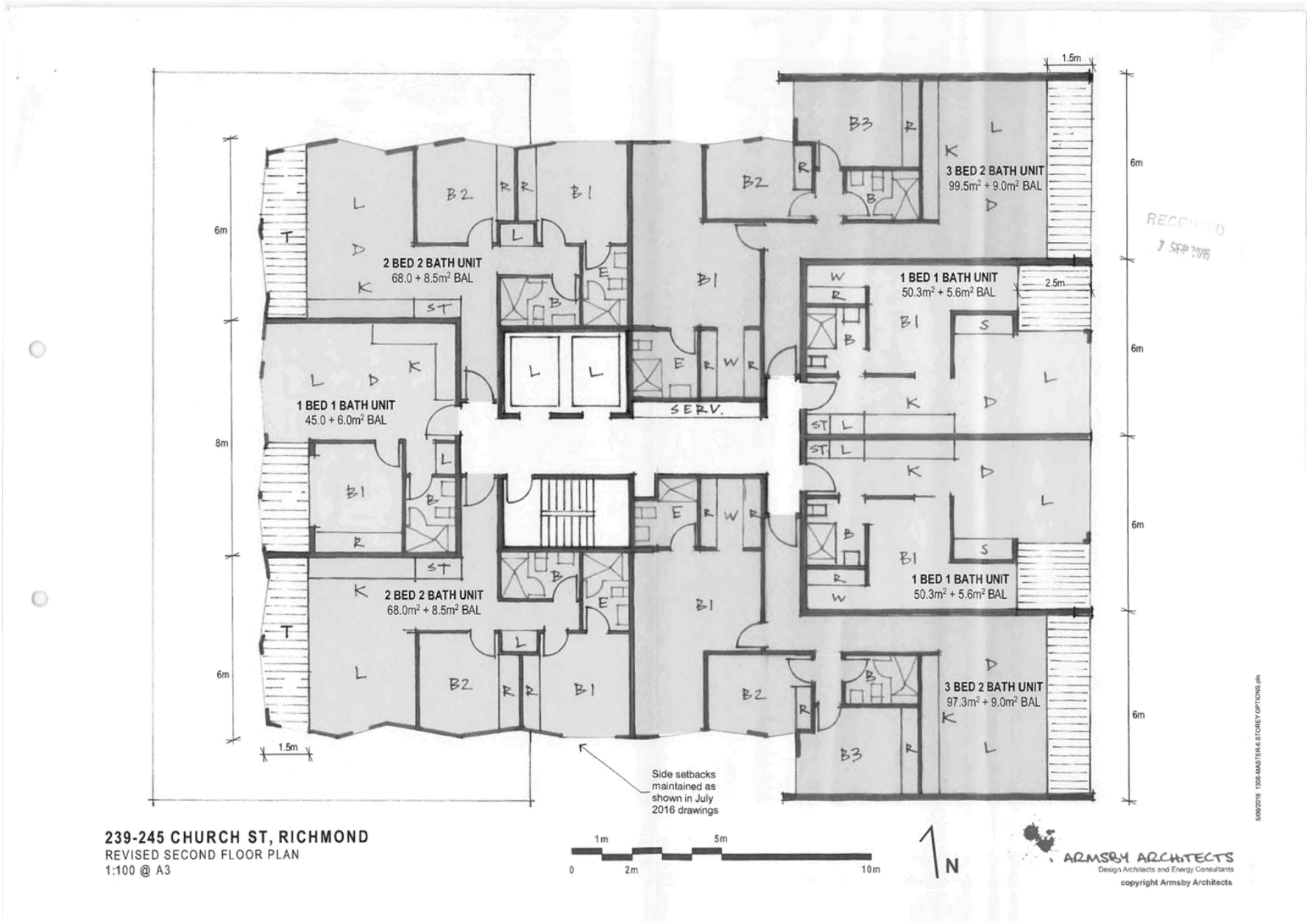

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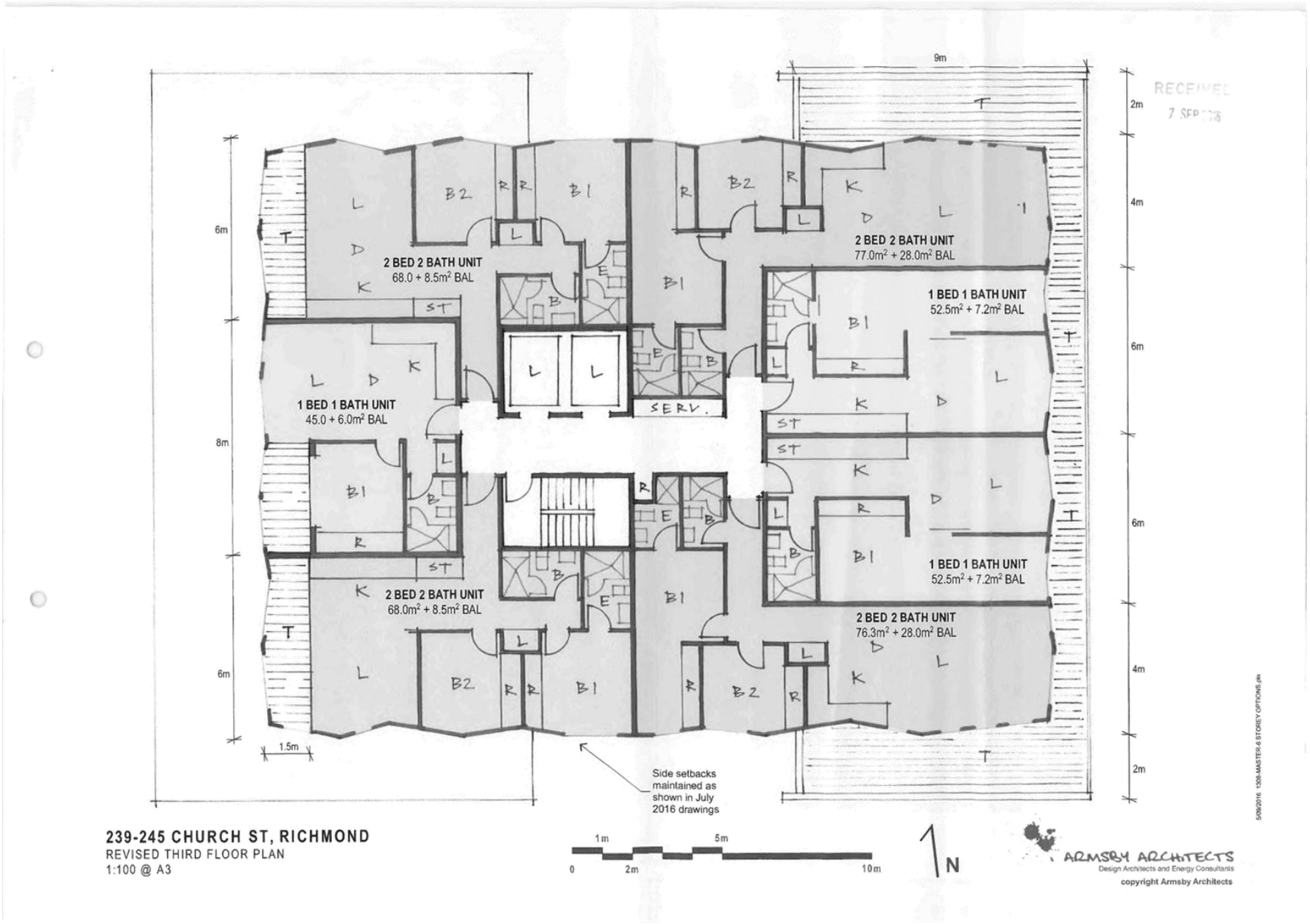
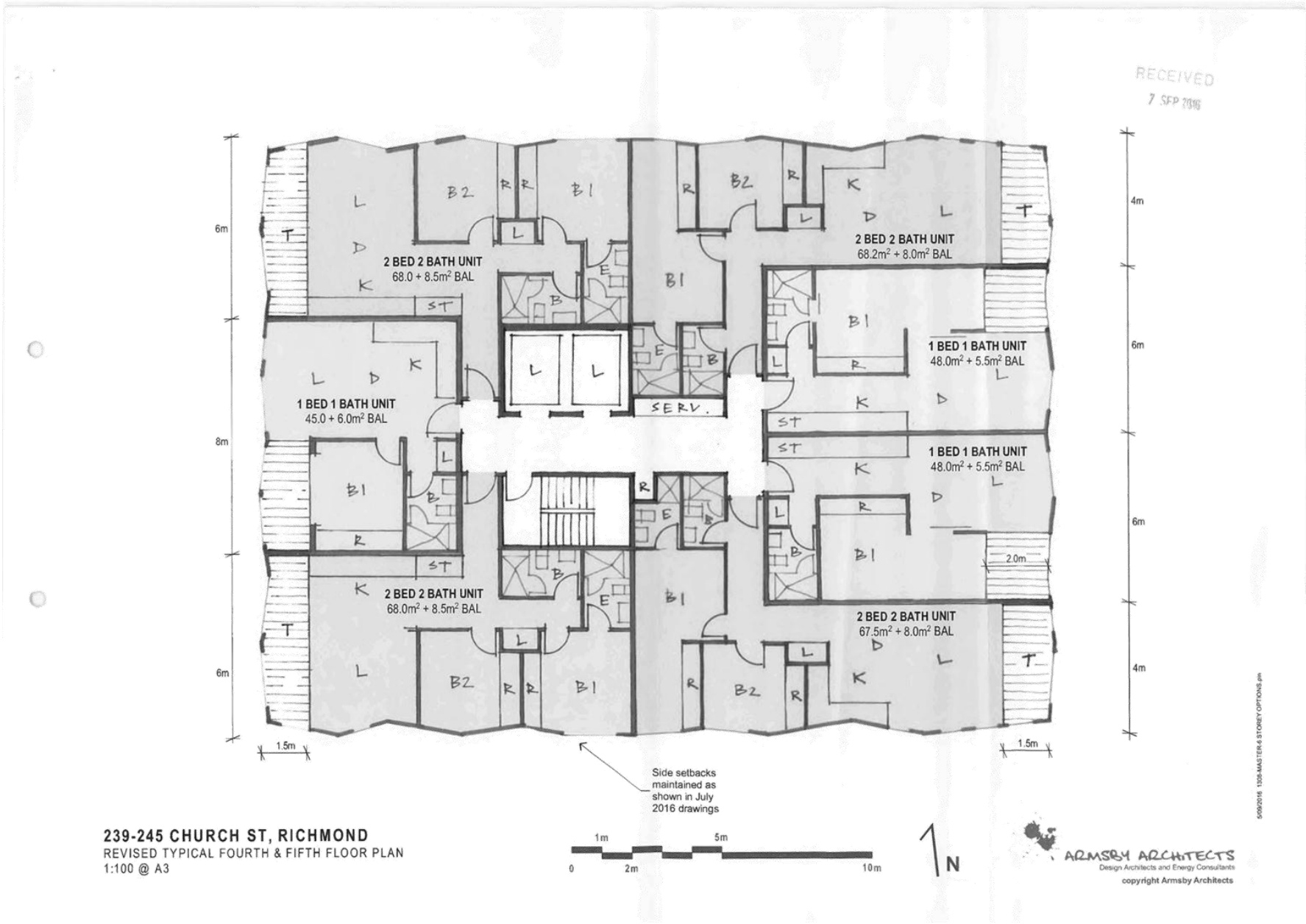


Attachment 4 - PLN14/0485-05 - 239 - 245 Church Street Richmond - sketch plan



Attachment 5 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Acoustic comments 2015 S57A plans

MARSHALL DAY Acoustics

6 Gipps Street
Collingwood 3066 Victoria Australia
T: +613 9416 1855 F: +613 9416 1231
A.C.N. 006 675 403
www.marshallday.com

08 January 2016

City of Yarra
PO Box 168
RICHMOND VIC 3121

Attention: Ms Vicky Grillakis

Dear Vicky

239-245 CHURCH STREET, RICHMOND – ADDITIONAL WMG PEER REVIEW

It is proposed to redevelop a site at 239-245 Church Street, Richmond. Watson Moss Growcott Acoustics Pty Ltd (WMG) was engaged by Katama Pty Ltd to provide an acoustic report to address potential acoustic issues relating to the redevelopment.

Marshall Day Acoustics Pty ltd (MDA) was engaged by the City of Yarra in April 2015 to undertake a peer review of the initial WMG report for the subject site. A summary of MDA's findings is provided below.

Summary of Review of January 2015 Initial WMG report

- MDA have concerns that the WMG patron criteria will be exceeded at the subject site. MDA also believe it is likely that patron noise would, on occasion, exceed the upper range of the sleep disturbance criteria
- It is likely that the cumulative noise levels from the 7 Eleven and The Vine Hotel will exceed the SEPP N-1 night-time limit at the subject site. It should be noted that there is also a kitchen exhaust fan associated with the Yummi Sushi restaurant at 266 Bridge Road which should be considered in any cumulative noise impact assessment. Council may wish to consider conditioning the inclusion of a Section 173 agreement between the developer and the 7 Eleven/The Vine Hotel to the effect that the cost of any mitigation will be shared between the parties
- MDA have concerns regarding the WMG selected glass types and the provided weighted sound reduction index performance for the glazing types selected. A possible condition may require the preparation of an acoustic report demonstrating compliance with the upper range of recommended internal levels provided in AS2107 for residential developments near major roads based on the typical worst-case 15-minute L_{Aeq} noise level throughout the relevant time period (eg, night-time for bedrooms and peak hour for living areas).

Attachment 5 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Acoustic comments 2015 S57A plans

MARSHALL DAY Acoustics

In November 2015, WMG prepared a revised report in relation to changes to the design of the proposed development. MDA have been requested to review the updated acoustic report and provide comment. The following summarises MDA's comments relating to the updated WMG report for the subject site.

Summary of Review of November 2015 WMG report

- MDA comments in relation to the January 2015 report still apply to the November 2015 report
- The November 2015 WMG report states:

  Noise emissions from a car stacker associated with residential premises is not assessable under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1)

  MDA's believe this statement is incorrect. Centralised plant associated with a multi-dwelling development is assessable under SEPP N-1. As the car stacking system is likely to be controlled and maintained by the body corporate, MDA believe that it would be considered centralised plant and, as such, should considered against SEPP N-1 as part of the acoustic assessment.

If you have any queries or require any further information, please do not hesitate to contact us.

Yours faithfully

MARSHALL DAY ACOUSTICS PTY LTD

Ross Leo

Associate

Attachment 6 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Acoustic comments 2016 S57A plans - FINAL

Final Acoustic comments – 17 October 2016

Thanks for sending that through – apologies for the delay in getting back to you.

We have reviewed the latest information and confirm that MDA are satisfied with the information provided by Watson Moss Growcott.

Regards

Ross

Ross Leo

<http://www.marshallday.com/>
6 Gipps Street Collingwood VIC 3066 Australia

Attachment 7 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Engineering comments 2015 S57A plans - FINAL

CITY OF YaRRA

MEMO

To:	**Vicky Grillakis**	
From:	**Mark Pisani**	
Date:	**15 February 2016**	
Subject:	**Application No:**	**PLN14/0485**
	Description:	**Mixed Use Development**
	Site Address:	**239-245 Church Street, Richmond**

I refer to the above Planning Application received on 23 December 2015, the accompanying report prepared by Cardno and previous comments prepared by Engineering Services dated 10 July 2015 in relation to the proposed development at 239-245 Church Street, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

The proposal comprises the construction of a six-storey building mixed use development serviced by 43 on-site car parking spaces and 14 on-site bicycle parking spaces. The site is located on the east side of Church Street, approximately 33 metres south of Bridge Road, and also has a road abuttal off Tullo Place. The development would provide two retail tenancies at ground level facing Church Street and 43 residential dwellings on the upper levels. The site's car parking would be accommodated in shuffle type car stackers accessed via Tullo Place.

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
One-bedroom dwelling	20	1 space per dwelling	20
Two-bedroom dwelling	23	1 space per dwelling	23
Residential visitors	43 dwellings	1 space per 5 dwellings	8
Retail	322m^2 (Two tenancies)	4 spaces per 100 m^2 of leasable floor area	12
		Total	**63 Spaces**

Since the site has a total statutory car parking requirement of 63 spaces and that 43 spaces would be provided on site, a parking dispensation of 20 spaces is sought by the applicant. According to Cardno, all the on-site spaces would be allocated to the residences, resulting in the shortfall of all retail and residential visitor 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. In the submitted report, Cardno has indicated that peak residential visitor parking demand ranges from 0.07 to 0.10 spaces per dwelling derived from studies that they have conducted of similar developments (case studies uncited). Application of these rates would equate to a weekday residential visitor demand of three spaces and a peak parking demand of four spaces. (By comparison, using the often quoted rate of 0.12 spaces per dwelling would yield five spaces).

  In recent times, the redevelopment of new residential and mixed use sites close to activity centres and shopping/commercial precincts has resulted in a greater demand for on-street parking and an influx of additional cars on the road network. In the long term, on-street parking needs to be managed and controlled in a sustainable manner. This has been recognised by the Victorian Civil and Administrative Tribunal, who issued an order requiring the developer of a mixed use development to provide some on-site visitor parking (VCAT Reference No. P2010/2014 *382-386 Burnley Street No. 1 Pty Ltd v Yarra CC*; 26 March 2015). To limit the amount of visitor parking that could be potentially be accommodated on-street, it is considered appropriate that the development contains some visitor parking spaces on-site. As previously advised in the referral comments of 10 July 2015, the full waiver of residential visitor parking is not supported by Council's Engineering Services unit or Parking Management unit.
- *Retail Parking Demand*. Cardno has conservatively assumed that the retail component of the site would generate two staff parking spaces and 10 customer parking spaces (short term). It is agreed that the retail tenancies would heavily rely on walk-up trade, as is common throughout activity centres. With many other shopfront retail tenancies in the area (and the municipality), customer parking is not normally provided on-site.
- *Multi-Purpose Trips within the Area*. It is highly likely that customers to the retail tenancies would combine their visit with other activities or business whilst in the area.
- *Availability of Public transport in the Locality of the Land*. The site is within walking distance of tram services along Church Street and Bridge Road.

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*. Cardno has conducted an on-street parking occupancy survey on Saturday 23 August 2014 from 10:00am to 6:00pm and Wednesday 27 August 2014 from 10:00am to 2:00pm and 6:00pm to 9:00pm. The survey encompassed Church Street (between Darlington Parade and Cameron Street, Bridge Road (between Bosisto Street and Gleadell Street), Gleadell Street (between Bridge Road and Citizens Park) and Abinger Street (between Church Street and Hosie Street). The Saturday survey inventory was 212 spaces and the Wednesday survey ranged from 172 spaces to 216 spaces. The extent of the survey area is considered appropriate, however, the survey duration and times should be been more extensive (for example, the Saturday survey should have extended to, say 11:00pm, and a Friday and a Sunday should have been included). The results of the survey indicates that there were a minimum of 37 vacant spaces at 1:00pm on the Saturday survey and a minimum of 30 spaces observed at 1:00pm on the Wednesday survey. Overall, the surveys confirm that the level of parking that takes place in this section of Richmond is very high.

- *Car Parking Deficiency associated with Existing Land Use*. The current site accommodates four retail tenancies totalling some 520 square metres, which would have a statutory car parking requirement of 21 spaces. The existing site accommodates three parking spaces on site, which would result in a parking deficiency of 18 car parking spaces. The waiver of 12 retail spaces for the proposed retail component would be less than the existing parking

deficiency. Potentially, the site's existing parking deficiency could be transferrable to the new site.

- *Access to or provision of Alternative Transport Modes*. The site 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 the retail spaces is considered appropriate in the context of the development and the surrounding area. The waiver of the retail parking for this use would be less than the existing car parking deficiency of the site. However, from a parking management perspective, the full waiver of eight residential visitor parking spaces is not supported. The applicant must provide some visitor spaces on-site in order to help minimise the influx of additional cars parking in the surrounding streets.

TRAFFIC GENERATION
Cardno has conservatively adopted a traffic generation rate of 3 vehicle trips per dwelling per day and a peak hour traffic generation rate of 0.3 vehicle trips per dwelling per peak hour. These rates are considered reasonable, given the site is has very good access to shops, businesses, facilities and public transport services. The application of the rates to the 43 dwellings that have been allocated a car parking space results in an expected daily traffic volume of 129 vehicle trips per day and a peak hour traffic volume of 13 vehicle trips per peak hour. The morning peak hour traffic is broken down to 10 outbound trips and 3 inbound trips whereas the evening peak hour would have 5 outbound trips and 8 inbound trips.

The development's vehicular access is via Tullo Place, which has a 'No Through Road' traffic operation. The junction of Tullo Place and Bridge Road contains Keep Clear road markings and is located approximately 30 metres east of the Church Street/Bridge Road intersection. Access and egress into and out of Tullo Place is left-in and left-out. The level of traffic using generated from the development is not unduly high (an average of around three and a half minutes per vehicle during peak hours) and should not adversely impact on the traffic operation of the Tullo Place/Bridge Road intersection.

DEVELOPMENT LAYOUT DESIGN
Access Arrangements
The doorway width of the development's entrance is approximately 6.5 metres (not dimensioned on the drawings. Vehicle ingress and egress movements via Tullo Place are considered satisfactory.

The construction of a new vehicle crossing on the west side of Tullo Place must be constructed in accordance with Council's Standard Drawings and engineering requirements. The vehicle crossing must be depicted on the *Ground Floor* plan.

In providing a new vehicle crossing for the site, the applicant will be required to prepare a detailed cross sectional drawing of the new vehicle crossing, the actual road profile and the internal slab. The cross sectional drawing and ground clearance check must be submitted to Council's Construction Management branch for assessment and approval.

Mechanical Parking
The development's car parking comprises two 'Lift and Slide' car stacker devices manufactured by Hercules Carparking Systems. The technical specifications of the device have not been provided. The applicant is to provide the technical information and confirm that the stacker device is appropriate and satisfies the relevant requirements under Design standard 4: Mechanical parking of Clause 52.06-8.

The swept path diagrams provided in Appendix B of the Cardno report are considered satisfactory.

Loading Arrangements
The development's off-street loading dock comprises a space measuring 6.5 metres by 3.0 metres, which would be appropriate for a Small Rigid vehicle (length 6.4 metres as per the Australian Standard AS 2890.2-2002).

The applicant must provide swept path diagrams for a small rigid vehicle accessing and egressing the loading dock via Tullo Place.

The vehicle crossing servicing the loading dock must be depicted on the *Ground Floor* plan. The existing light/electrical pole must be relocated to a new location to the satisfaction of the relevant power authority and Council. All costs associated with relocating the light/electrical pole shall be borne by the Permit Holder.

Summary of Design Items to be Addressed

Item	Details
Development Entrance	Width to be dimensioned on the *Ground Floor* plan.
Vehicle Crossing – Development Entrance	The applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels (not interpolated levels from the application drawings) of the Tullo Place road profile, including the building line, top of kerb, invert, lip and road pavement levels. The existing road profile of Tullo Place and the accessway inside the property must be accurately drawn. The applicant must demonstrate by way of a ground clearance check that vehicles can traverse the new vehicle crossing and ramp 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.
Vehicle Crossings	The vehicle crossings for the stacker parking and the loading dock must be depicted and dimensioned on the *Ground Floor* plan.
Redundant Vehicle Crossings Tullo Place	All redundant vehicle crossings must be demolished and reinstated to Council requirements.
Mechanical Parking	Applicant to submit technical specification of stacker device and confirm dimensions and height clearances of stacker platforms and compliance of requirements of Design standard 4: Mechanical parking of Clause 52.06-8.
Loading Dock	Swept path diagrams for a small rigid vehicle accessing and egressing the loading dock via Tullo Place must be prepared and submitted to Council.
Loading Dock Height Clearance	The loading dock height clearance must be no less than 3.5 metres as required by the Australian Standard AS 2890.2-2002.
Light/Electrical Pole – Tullo Place	The existing light/electrical pole must be relocated to a new location to the satisfaction of the relevant power authority and Council. All costs associated with relocating the light/electrical pole shall be borne by the Permit Holder. This item must be annotated on the *Ground Floor* plan.

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.

Attachment 7 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Engineering comments 2015 S57A plans - FINAL

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 – Tullo Place

- The full width pavement of Tullo Place, from the intersection of Bridge Road to the southern boundary of the site must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
- The west footpath and kerb and channel of Tullo Place, from Bridge Road to the subject site must be reconstructed to Council's satisfaction and at the Permit Holder's cost.

Civil Works – Church Street

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

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.

Cross Sectional Drawing of Vehicular Access Point – Tullo Place

- The designer shall prepare and submit 1 in 20 scale cross sectional drawings of all vehicular entrance, showing the actual reduced levels (not interpolated levels from the application drawings) of the Tullo Place road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profile of Tullo Place (from the west kerb line to the centre line of the road) and the accessway/slab inside the property must be accurately drawn. The designer must demonstrate by way of a ground clearance check that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

Vehicle Crossings

- All vehicle crossings must be constructed in accordance with Council's Standard Drawings and engineering requirements.

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.

Public Lighting

- The designer must ensure that there is adequate public lighting along the road frontages of the site. Lighting for pedestrian access must comply with the minimum lighting level of P4

as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting and poles shall be funded by the developer.

- The existing light/electrical pole outside the north east corner of the development must be relocated to a new location to the satisfaction of the relevant power authority and Council. All costs associated with relocating the light/electrical pole shall be borne by the Permit Holder. This item must be annotated on the *Ground Floor* plan.
- The cable connecting the two existing public lights in Tullo Place must be undergrounded. These works are to be undertaken by the developer prior to the civil works required in Tullo Place. The costs associated with undergrounding the electricity to the public lights in Tullo Place shall be borne 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. Any light shielding that may be required shall be funded by the applicant.

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.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

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 FOR THE APPLICANT
The developer needs to consider the following:

Clearances from Electrical Assets - Church Street Frontage
Overhead power lines run along the east side of Young Street, 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

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 8 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment ESD comments on 2015 S57A plans

CITY OF YaRRA

MeMO

TO:	**Vicky Grillakis**
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**06.01.2015**
FILE:	**239-245 Church Street, Richmond**
SUBJECT:	**ESD comments on amended plans.**

Vicky,

I have reviewed the amended design from Armsby Architects (Rev B 26.11.2015) and the SMP prepared by F2 Design (Revision October 2015) and unfortunately the following issues still stand;

(a) Daylight & Natural Ventilation

The access to daylight and natural ventilation is restricted and of an unsatisfactory standard. The floor depths of some single aspect livings areas are now deeper than the previous design (11m) and the majority of dwellings will have poor internal amenity. Council's best practice standard uses an 8m maximum room depth (based on 2.7m ceiling heights and full height clear glazing) for single aspect living areas. Variations from this should demonstrate that indoor environment quality is of a best practice standard.

Privacy screening between bedroom windows on first and second floors should be removed and window design redesigned to protect privacy but ensure daylight standards are maintained. Recommend considering frosted/opaque glass which has a minimal impact on daylight but can protect privacy.

Winter gardens will restrict both daylight and natural ventilation. Extensive west and east facing winter gardens are not suitable for Melbourne's climate, being a design feature suited to cold climates. The proposed winter gardens will not protect internal spaces from summer solar heat gain, and will trap an area of warm air increasing the cooling loads of dwellings. This cannot be accurately modelled by NatHERS thermal modelling and is not addressed in the SMP. It is highly likely that the winter gardens will be unusable on warm summer days due to the lack of thermal comfort.

Tinted glazing (bronze) to the façade of the winter gardens reduces the access to daylight further and should be reconsidered as a design feature.

Without a fully operable façade, winter gardens will reduce air pressure on an operable window and reduce the effectiveness of natural ventilation to a dwelling; particularly to the 17 dwellings which do not have a secondary aspect (via the second bedroom) and are relying on single sided ventilation.

Attachment 8 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment ESD comments on 2015 S57A plans

(b) Reliance on Side Boundaries

I recommend that no dwellings have a primary sole aspect to the side boundaries. The one bedroom dwellings on each floor have their single aspects facing the side boundaries (north and south) which will be extremely vulnerable to overshadowing by future development on the adjoining sites. A 3.8m (N) or 4.1m (S) setback from the boundary is not sufficient to protect a primary aspect and maintain satisfactory amenity. Refer to Clause 22.17 (SDAPP) best practice standards or BESS tool for more detail. At this height a primary aspect would require a setback from boundary greater than 6m. This is noted in BESS tool notes and is based on the building separation research that underpins the Moreland Higher Density Design Code, which uses the same daylight standards as SDAPP and the Clause 22.17, expressed as building separation distances.

(c) Acoustics

The 8 north & south facing one bed apartments have AC fan-coils units on balcony walls that adjoin bedrooms of neighbouring apartments. This should be re-considered to protect the acoustic impacts of operating AC systems on neighbouring amenity. Acoustic amelioration of these noise sources may be possible through means advised by a suitably qualified acoustic consultant. Locating them on the roof with the other units might be a possible solution.

(d) Bike parking

The amended plans have reduced the bike parking from 53 to 12 bike parking spaces. 12 spaces for 35 dwellings is insufficient and does not meet Council's best practice standard for bike parking which is one per dwelling (35) plus additional spaces for staff and visitors.

In summary, most of these ESD issues were initially raised with the applicant in the previous ESD Referral and have not been addressed by the amended plan. In some instances the standard of ESD has gotten worse. The SMP submitted does not address daylight and natural ventilation to a satisfactory standard, I therefore recommend that;

This project amends its design further to meet Council's best practice standards for ESD, particularly for access to daylight natural ventilation, and that this is demonstrated through daylight modelling and ventilation path diagrams and an updated SMP. Careful consideration of the impact of development of neighbouring sites should be taken.

If you have any questions regarding my assessment, or would like to discuss this development further, do not hesitate to contact me.

Regards,

Euan Williamson
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Attachment 9 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment ESD comments on 2016 S57A plans - FINAL

CITY OF YaRRA

MeMO

TO:	**Vicky Grillakis**
cc:	
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**09.08.2016**
FILE:	**239-245 Church St Richmond – PLN14/0485**
SUBJECT:	**ESD Response to Amended Plans**

Vicky,

I have reviewed the amended plans drawn by Armsby Architects (Rev C), prepared on the 19th June 2016. An updated SMP has not been provided.

In summary, the amendments in the buildings design address some, but not all deficiencies. The current building design has improved, but is still not satisfactory.

The standard of daylight access, solar access and natural ventilation has improved from the initial design. Introducing a dual aspect to the living areas of the two bedroom dwellings and the move to clear glazing, the reconfiguration of dwellings and operable windows, have all improved the design.

The following issues, however, that were both mentioned in both of my previous ESD Referrals are still outstanding;

Reliance on Side Boundaries

- I strongly recommend that no dwellings have a sole primary aspect to the side boundaries. The one-bedroom dwellings (north and south-facing) on each floor have their single aspects facing the side boundaries that will be extremely vulnerable to overshadowing by future development on the adjoining sites. Current setbacks (~2.5m) are not sufficient to protect a primary aspect and maintain satisfactory amenity.

  I therefore strongly recommend that all proposed dwellings that face side boundaries be deleted and that the building floor-plate be reconfigured to expand the floor area of the adjoining two bedroom dwellings to the east and west. These proposed two bedroom dwellings are currently small for two bedroom dwellings (52m^2, 54m^2, 56m^2, 60m^2,etc), and could feasibly be expanded to include some additional area from the deleted one-bedroom dwellings that current face the side boundaries.

  This recommended building floor-plate reconfiguration could also provide an opportunity to give daylight and natural ventilation to the common-area corridors and lift lobbies,

which would also greatly improve the amenity of both the dwellings and the common area corridors / lift lobbies.

Shading

- There are significant areas of glazing exposed to hot summer sun and unwanted solar gain on the northern, eastern and western facades. Numerous living areas are directly on the glass façade without any shading from balconies, wingwalls or building articulation.

  Strongly recommend to protect all glazing on west, east and northern facades currently exposed to summer sun angles and solar gain through exterior shading (fixed or adjustable), such as fins, louvers, blinds or shutters.

  Shading is more effective and preferable to highly specified glazing for summer solar heat gain control. However, if shading cannot be incorporated into the current façade design then the applicant should demonstrate that reasonable levels of thermal comfort are possible in all dwellings through NatHERS cooling loads of 30MJ/m^2/year or lower.

In addition, the following issue has arisen as a new deficiency with the current design:

Bicycle Parking

The previous scheme allocated 53 bicycle parking spaces for 53 dwellings. The current amended design appears to have only 12 hanging spaces for 43 dwellings. This is far from adequate and does not meet Council's best practice standard of one bicycle space per dwelling. Strongly recommend that one bicycle space per dwellings, plus additional spaces for staff and visitors to the building be provided to demonstrate best practice. A combination of hanging racks and ground-based hoops or similar should be provided to facilitate bicycle parking for heavier bikes, ebikes and for cyclists of varying physical strength. Refer to updated Australian Standards for more details.

Finally, an updated SMP should be provided to demonstrate best practice of the updated building design, in accordance with Clause 22.17. If you or the applicant has any further questions regarding my comments or recommendations, do not hesitate to contact me.

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Attachment 10 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment External Urban Design comments S57A plans FINAL

DAVID LOCK ASSOCIATES
TOWN PLANNING & URBAN DESIGN

239-245 Church Street, RICHMOND

Urban Design Referral

Date	20/01/16
Council Reference	PLN14/0485
To	Vicky Grellakis
From	Mark Sheppard

INTRODUCTION

In May 2015, City of Yarra requested that I undertake an urban design assessment of a proposed development for 239-245 Church Street, Richmond (the subject site). The proposal seeks to construct an eight storey mixed use development consisting of ground floor commercial uses and fifty-three shoptop apartments.

In undertaking this assessment I have had regard 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 Planning FX (FX38214-01, March 2015);
- The Urban Context Report prepared by Armsby Architects (Project Number 1308, dated March 2015);
- The architectural plans prepared by Armsby Architects (Appendix A of UCR), including TP101-TP112, TP201-TP203, and TP301-305; and
- The site survey plan prepared by Goodison and Associates (Appendix B of UCR, dated June 2007).

In December 2015, City of Yarra requested that I undertake an updated urban design assessment of an amended six storey proposal (43 dwellings) for the subject site. In undertaking this assessment, I have had regard to the amended Urban Context Report and architectural plans (prepared by Armsby Architects) entitled 'Revision A' (dated September 2015).

All urban design comments pertinent to the amended proposal are identified in this statement in red.

SITE PLANNING

Street Setbacks

The proposed development has a 9m high (approx.) street wall on the Church Street boundary. The absence of a front street setback is commensurate with commercially zoned properties in both Church Street and the Bridge Road Major Activity Centre (MAC) and is considered to be appropriate.

All levels above the street wall feature a uniform 2.4m street setback. This level of street setback is insufficient for a proposal of this height within this context, and upper level street setbacks should

be increased to a minimum of 5m as a means of clearly distinguishing the upper form from the podium (refer below) to preserve street and public realm amenity.

Amended Plan Comments: The amended proposal maintains an approximately 9m high street wall to Church Street, which continues to be an appropriate response. However, the amended proposal provides an above-podium setback of between 3.3-3.7m, which is insufficient in offsetting the bulk of the proposal as viewed from the public realm. This setback should be a minimum of 5m for a five storey building (refer discussion below on recessed sixth storey).

Side and Rear Setbacks

The proposal is built to all boundaries at the ground and mezzanine levels, with central 2.2m and 2.5m deep (approx.) light courts along the north and south of Level 1 respectively. The upper levels of the proposal are generally set back off the side and rear boundaries to a distance between 1.5m (rear setback) and 2.67m (southern side setback). The roof level is further setback behind this again. The proposed side and rear setbacks result in a boundary side wall of approximately 1-3 storeys to the north, east and south, but allows for articulation of the upper form. This is considered appropriate from an urban design perspective.

I also note that the northern light court arrangement would provide for the equitable development of the northern abutting lot, as the size of the site – combined with its inability to be usefully amalgamated with other lots - would make development above three storeys unlikely. Similarly, it is noted that the interface to the southern abutting property is acceptable from an equitable development perspective, as the residential zoning and contributory heritage value of this property means that it is unlikely that it will be developed to any significant extent.

Amended Plan Comments: A number of the amended proposal's dimensions for northern and southern light courts, side setbacks and rear setbacks have been slightly amended (owing to the relocation of the core, amongst other design changes) but are generally consistent with that which was originally proposed. The amended proposal's side and rear setbacks and light courts continue to be acceptable from an urban design perspective.

Street frontages

The proposed development would activate the frontage to Church Street by way of glass-fronted retail tenancies at ground level. Although the main residential entry width and location is acceptable, the depth of the lobby to the residential entry is not as it creates an alcove capable of facilitating unsafe activity. This should be reduced significantly by bringing the residential entry door closer to the property boundary, and relocating the boosters elsewhere.

All upper levels contain windows and balconies facing Church Street, which is an appropriate design outcome that activates this interface and provides a level of passive surveillance in accordance with Objective 2.8 of the Guidelines for Higher Density Residential Development (GHDRD). The siting of car parking infrastructure to the rear of the development (off Tullo Place) ensures that maximum activation of the Church St interface is achieved, which further responds to the design principles set out in Clause 15.01 of the Yarra Planning Scheme and Objectives 1.6 and 3.3 of the Activity Centre Design Guidelines (all of which seek to enhance the visual and social experience of pedestrians in the street).

Amended Plan Comments: The amended plans have removed the pedestrian lobby alcove to Church Street. This – combined with the new location of the booster cabinet - sufficiently responds to previous advice regarding the depth of the residential entry lobby. The balance of the proposal's

interface to Church Street is generally consistent with the original proposal and continues to be appropriate from an urban design perspective.

Vehicular access and parking

Vehicular access is proposed to be taken from the rear of the property on Tullo Place. This will avoid disrupting the Church Street pedestrian environment (in accordance with Objective 3.2 of the Activity Centre Design Guidelines), and will make use of an existing access point to Bridge Road (Tullo Place) without the need for the creation of new crossovers to Church Street. This is considered appropriate.

Amended Plan Comments: Although there have been significant amendments regarding the proposed vehicle access and accommodation arrangements within the proposal, there has been no change to the intent of the proposal to facilitate vehicle access to the rear by way of Tullo Place. This remains appropriate.

Residential accommodation

Residential accommodation is proposed to be located at upper levels, where it will benefit from greater access to views, sunlight and daylight whilst being generally removed from the environmental impacts of Church Street. 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.

Amended Plan Comments: The amended proposal does not vary the location of the residential accommodation component, and therefore continues to be appropriate

BUILT FORM SCALE AND MASSING

Context and Character

The site is located within the Bridge Road MAC, which I note has not yet had a structure plan prepared for it. It is also located either on or within close proximity of the Church Street and Bridge Road tram corridors. The site is located in relatively close proximity to train services (with West Richmond station located approximately 850m to the NW) and a wide variety of services and recreation opportunities. The site is commercially zoned (C1Z) and abuts a road zoned RDZ1 (Church Street).

The subject site qualifies as a *Strategic Redevelopment Site* under Clause 16.01-3 of the Yarra Planning Scheme SPPF, which is further reinforced under Clauses 21.05 and 21.08. The policy framework supports higher density development on sites such as these (particularly within activity centres). At the same time, however, State and local planning policy requires development to have regard to local character (refer to Clauses 15.01, 16.01 and 21.05).

Clause 21.05-2 of the Yarra Planning Scheme specifies a maximum height of 5-6 storeys in activity centres and strategic redevelopment sites unless it can be demonstrated that the proposal can achieve specific benefits. There are numerous examples of buildings and approvals higher than this in such locations in Yarra. However, the Clause clearly indicates that there are locations where 5 storeys is more appropriate than 6 (or more).

The subject site is not directly located on the principal Bridge Road 'spine' of the MAC, but rather on a commercially zoned 'finger' along Church Street. Locations such as these have a key role to

play in transitioning from the higher density built form of the Bridge Road MAC to the surrounding residential hinterland. The high level of visibility of the subject site (particularly as viewed from atop Richmond Hill to the south) further reinforces the importance of this role in this case. Built form should therefore be at the lower end of expectations for activity centres and strategic redevelopment sites. In particular, the context of the subject site (heritage precinct overlay, residential interfaces, and at the transition between commercial and residential zones) positions it as a particularly sensitive site where a maximum height of 5 storeys is appropriate. A reduction in height of the proposal to a visible maximum of 5 storeys (with any sixth storey being setback so as to be largely hidden from view) would present a much more responsive outcome with regards to the context of the subject site, particularly in facilitating a built form transition from the spine of the Bridge Road MAC (where higher forms of development have been approved and should be located) to the surrounding residential hinterland.

A reduction in height would further achieve an appropriate streetscape outcome in closer views, with the upper form constituting a modest proportion of the viewing arc of a pedestrian on the opposite side of Church Street. Refer to Figure 1. Achievement of this principle would be further increased through the use of increased upper storey setbacks as outlined above.

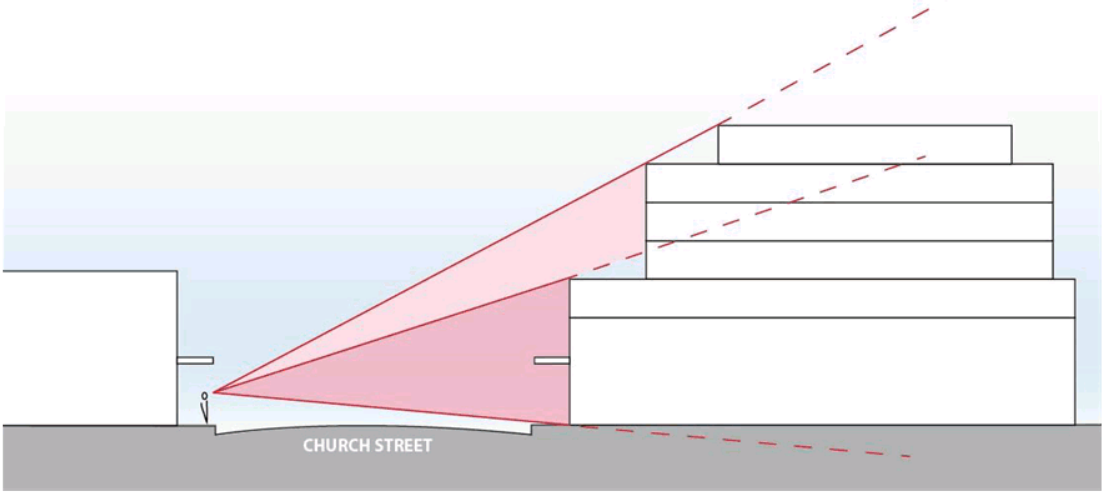

Figure 1 - Indicative Heights, Setbacks and Viewing Arcs

Amended Plan Comments: The amended six storey proposal is two storeys less than the original eight storey proposal. However, whilst the overall height has been reduced, it has not been reduced to an acceptable level. The visible prominence of the subject site, it's location within a heritage streetscape and location away from the core of the Bridge Road MAC means that the proposal should be cognisant of its visual impact on the public realm. If the proposed sixth storey is to be retained, it should be recessed from all interfaces so as to be largely hidden from view from the public realm so that it presents as a modest 'cap' to the proposal as viewed from the public realm.

Off-site amenity impacts

Visual Bulk

The proposal's level of visual bulk is excessive. As previously discussed, the subject site is well-suited to making a transition between the future higher built form of the Bridge Road MAC with the surrounding residential hinterland. This – combined with the visibility of the site from surrounding properties – further enforces the need for a transitionary built form outcome. As it currently stands, the proposal makes an abrupt transition in building height and bulk (particularly to the single storey contributory heritage property to the south, which is unlikely to be developed to any significant extent), with inadequate upper storey street setbacks further exacerbating this. The height of the proposal should be reduced accordingly.

Amended Plan Comments: The proposal continues to present as an overtly bulky development that fails to appropriately transition height away from Bridge Road to the surrounding residential hinterland. Whilst the principal of a six storey development is supported, the sixth storey should be recessed from all sides so as to be largely hidden from view as viewed from the public realm.

Overlooking

The architectural plans and Urban Context Report provided indicate that eastern residential properties (across Tullo Place) present to the subject site with non-sensitive interfaces characterised by either opaque glazing or non-habitable room windows. I also note that Tullo Place dwellings are generally oriented on a north-south axis. Consequently, I am comfortable that the proposal will not result in an unreasonable level of overlooking to these properties, with east-facing balconies across Tullo Place providing a level of passive surveillance to this interface in accordance with Clause 22.07 of the Yarra Planning Scheme.

Although residentially zoned, I understand that the southern abutting property is currently being used for commercial purposes. Consequently I have not had regard to the amenity impacts of overlooking to this property.

Amended Plan Comments: The amended proposal continues to achieve appropriate overlooking outcomes for the reasons identified above.

Overshadowing

The shadow diagrams provided indicate that the southern abutting POS will be completely overshadowed throughout the day. As this is a residentially-zoned property, this level of overshadowing is not supported. However, a reduction in height of the proposal to 5-6 storeys may reduce the overshadowing to an acceptable level.

Amended Plan Comments: The amended proposal continues to generally overshadow the entirety of the rear POS of 247 and 249 Church Street (to the south) from 12pm onwards at the equinox. Whilst both properties are residentially zoned, they are located at the interface of a residential area with a commercially zoned MAC and should have amenity expectations tempered accordingly. Further, it is noted that these spaces are either used commercially (shaded outdoor seating) or for vehicle accommodation, which are less sensitive uses that would justify a higher degree of overshadowing. Design amendments that setback the sixth storey from all boundaries will likely reduce overshadowing of these spaces to a commensurately acceptable level.

Equitable Development

The proposed apartments are primarily orientated to the east and west. The proposed blank wall on the northern boundary will facilitate future development of the adjoining property, noting that its size and location make it unlikely that it will be amalgamated with other lots. The southern abutting property is unlikely to be developed to any significant extent given its NRZ zoning and heritage overlay (including contributory status). The proposed boundary wall to this interface is considered to be facilitative of best-case development outcomes for this property. Therefore, I consider that the proposal is acceptable from an equitable development perspective.

Amended Plan Comments: The amended proposal continues to be acceptable from an equitable development perspective, noting that the NRZ zoning of the southern abutting site precludes the likely potential for significant development to the south.

DETAILED DESIGN

Canopy

The proposal provides a canopy over the Church Street footpath. Whilst protection of the public realm from the elements is both supported and expected, the proposed form of the canopy is not. In its current form, the canopy presents as merely an architectural element that is too high to be of practical use. The canopy should be lowered in height to the top of the glazing of commercial windows (approximately 3.6m from the footpath level) and needs to extend across the footpath to 750mm from the Church Street kerb if possible.

Amended Plan Comments: The amended plans indicate the reduction in height of the canopy to Church Street from a clearance height approximately 4.7m (as originally proposed) to approximately 3.6m. The reduced height of the canopy responds appropriately to previous advice. However, it is noted that the depth across the Church Street footpath appears to have been retained and this should be extended to 750mm from the kerb (if possible).

Balconies

The internal amenity of the proposal is generally acceptable. However, it is noted that a number of balconies are unusable. For example, many of the first floor balconies (central two east and west facing apartments on Level 1, and central two east facing apartments on Level 2) are poorly designed, with balcony elements less than 1m wide that inhibit their usability and practicality. These should be increased to enhance balcony usability and internal amenity outcomes.

Amended Plan Comments: The amended proposal continues to fail to provide for acceptable internal amenity outcomes by way of poorly dimensioned balconies and wintergardens. A number of proposed balconies and wintergardens are grossly undersized (3.59m^2) and continue to make use of dimensions less than 1m wide, which constrains their practicality and reduces the overall usable size of the spaces to well below 6m^2. All balconies and wintergardens should be a minimum of 6m^2, and either achieve minimum 1m dimensions (where such spaces are included in the calculation of total usable POS area), or – where not –achieve a minimum continuous POS space of 6m^2 in addition to portions less than 1m in dimension.

Materiality and Architecture

The architecture of the proposal is well resolved. The materials palette shows use of a wide range of contemporary materials such as precast concrete panels, colourbond and glazing which will

contribute a contemporary built form outcome to the Bridge Road MAC and Church St streetscape. Combined with a reduction and height and increase in upper storey setbacks, the proposal will provide an acceptable level of visual interest at both a vehicle and pedestrian pace.

Amended Plan Comments: The amended proposal makes use of a number of design amendments – such as faceted glazed articulation, variety in glazing finishes and additional vertical breaks – to further simplify and enhance the architectural expression of the proposal. These changes simplify the composition of the proposal and will further enhance its contribution to the public realm, and are supported from an urban design perspective.

SUMMARY

In summary, there are many attributes of the subject site that position it as a candidate for higher density residential infill, including its size, dual street frontage, location within a MAC, and proximity to transport and services. However, the subject site is also located away from the main Bridge Road MAC spine and therefore has a key role to play in providing a transition in built form between the MAC and surrounding residential hinterland. In its current form, the proposal makes too abrupt a transition. It is too high for its context and should be reduced to a maximum of five storeys (plus a sixth storey provided it is setback to limit its visibility). In addition, the combination of height and inadequate upper storey street setback means that the proposal is too dominant within the Church Street streetscape as viewed from afar and close-up. Reference is made to emerging built form north of Bridge Road, which is based on substantial upper storey setbacks (some as large as 14m) as a means of managing their visual presence in the streetscape.

Whilst the amended plans have gone some way to resolving a number of urban design issues, the key issues pertaining to the proposal's height and bulk persist. I therefore consider that the amended plans have achieved the following previously recommended urban design changes:

- **Reduce the overall height of the proposal;**
- **Lower the height of the street canopy to the top line of the proposed glazing (approximately 3.6m from the ground); and**
- **Reduce the depth of the proposed entry recess to Church Street. This will likely involve a relocation of the proposed booster arrangement.**

The following urban design recommendations remain:

- **Any sixth storey is to be setback and recessed so as to be largely hidden from view;**
- **Increase the upper storey street setback of the proposal to a minimum of 5m;**
- **Increase the usability of all balconies and wintergardens through design amendments; and**
- **Extend the canopy to a minimum of 750mm from the Church Street kerb (if possible);**

DAVID LOCK ASSOCIATES
TOWN PLANNING & URBAN DESIGN

Mark Sheppard
BArch DipUD MAUD MPIA
Principal

Attachment 11 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Heritage comments

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MEMORANDUM

TO	Danielle Connell, City of Yarra	FROM	John Statham
RE	239-245 Church St, Richmond	DATE	10/06/2015

Introduction

This memorandum has been prepared for the City of Yarra. It comprises a review of issues arising from an application to develop the site at 239-245 Church St, Richmond (PLN14/0485). It incorporates a review of material provided in support of the application and summarises the results of a preliminary assessment of the heritage impacts and issues associated with the proposal. The comments and advice provided below are based on this preliminary work and not a detailed investigation into the history or fabric of the building and property.

In particular, this memorandum has regard for Drawing Nos TP101-112, TP201-2 and TP301-5 prepared by Armsby Architects and annotated Rev A. It incorporates a review of a Statement of Heritage Impacts prepared by Gosia Gabrys, Architect.

The current application proposes the demolition of the existing buildings at 239-245 Church Street and the construction of a new residential development of eight storeys plus basement. Consequently, the key heritage considerations associated with the proposal are those relating to the total demolition of the existing buildings and the scale and expression of the replacement building.

Heritage Considerations

Significance

The subject buildings are included in the Church St Precinct identified as HO315 in the Schedule to the Heritage Overlay of the Yarra Planning Scheme. The comments provided below have had regard for the City of Yarra Review of Heritage Overlay Areas (2007).

The Church Street Precinct, comprises properties in, the largely residential, areas of Church Street, Darlington Parade, Dickmann Street, Elm Grove, George Street, Richmond Terrace and Waltham Place, Richmond. Contributory elements generally comprise one and two-storey Victorian and Edwardian houses and shops.

The Statement of Significance for the Church St Precinct provided at the Victorian Heritage Database can be summarised as follows:

- The precinct is historically significant as one of the first parts of Richmond to be subdivided and developed.
- The precinct retains a range of valued building stock including early civic and ecclesiastical buildings and prominent landmarks.
- The commercial development dating from the late 19th and early 20th centuries forms part of the cultural context of Victorian and Edwardian era life in the area.

DIRECTORS **PETER LOVELL** and **KAI CHEN**

- The precinct is aesthetically significant for its impressive collection of architecture from the late nineteenth and early twentieth century

The shops and residences at 239-245 Church Street are identified as dating from 1925. As discussed below, this date relates to the later, western section of the shops only. They are graded 'not contributory' to the identified heritage values of the precinct. 'Not contributory' heritage places are defined in the City of Yarra Review of Heritage Overlay Areas as follows:

> 'Not contributory' buildings are typically buildings which were not constructed in the primary or secondary development periods of the area, or are a poor expression of that era (graded as being of 'poor' integrity). They are included within a Heritage Overlay because any development of the place may impact on the cultural heritage significance of the precinct or adjacent 'significant' or 'contributory' heritage places.

Council's Heritage Policies

The subject buildings are 'not contributory' elements within HO315. Nonetheless, the sites are subject to the policy at Clauses 42.01, The Heritage Overlay and Clause 22.02, Development Guidelines for Sites Subject to the Heritage Overlay, of the Yarra Planning Scheme. Clauses 15, Built Environment and Heritage, also provides useful direction in relation to these sites. The most relevant policies are reproduced overleaf.

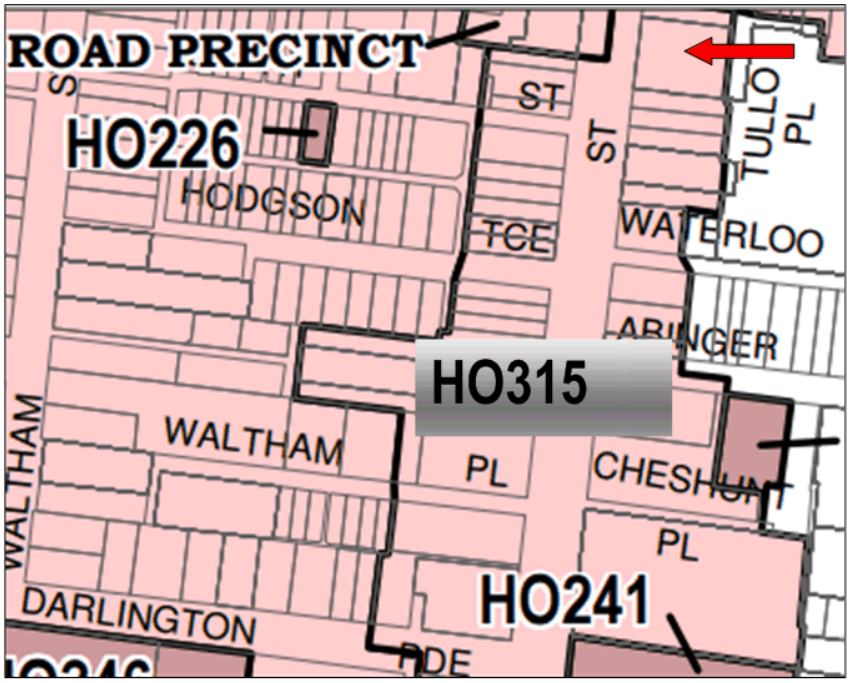


Figure 1 Detail, Map No 8HO showing part HO315
Source: Planning Schemes Online

LOVELL CHEN
ARCHITECTS & HERITAGE CONSULTANTS

Clause 43.01-4, Heritage Overlay, notes:

> Decision guidelines
>
> Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
>
> - The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
> - The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
> - Any applicable statement of significance, heritage study and any applicable conservation policy.
> - Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
> - Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
> - Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
> - Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
>
> ...

Clause 22.02-5.1, Development Guidelines for Sites Subject to the Heritage Overlay, notes:

> Demolition
>
> Full Demolition or Removal of a Building
>
> [It is policy to] Generally encourage the retention of a building in a heritage place, unless
>
> - The building is identified as being not contributory.
> - The building is identified as a contributory building, and
>   - new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8 (Graeme Butler and Associates), revised March 2011 and
>   - the building does not form part of a group of similar buildings.

Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.

...

Clause 22.02 encourages the design of new development that:

- Respects 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

22.02-5.7 New Development, Alterations or Additions notes:

22.02-5.7.1 General

[It is policy to]

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.
- 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.

Encourage 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.

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

LOVELL CHEN
ARCHITECTS & HERITAGE CONSULTANTS

History and Description

Sands & McDougall Directories of 1875 record Robert Huckson, a contractor and timber merchant, operating from a site immediately to the south of the Vine Hotel in Richmond. By the following year, a group of five dwellings known as Hurst Cottages had been constructed on the site. The current proposal seeks to demolish four of these five cottages. Directories of 1876 note that the group was only partly occupied. Full occupancy was achieved in the following year. Although the early use was principally residential, George Bennett operated the Excelsior Brewery from No 137 in the 1880s and, milliners, Anderson and Co traded from the same site in the 1890s. The cottages are evident on the MMBW Plan of 1896 reproduced below. They incorporate simple verandahs at a modest setback from Church Street. They address Bennett's Lane (now Tullio Place) at the rear.

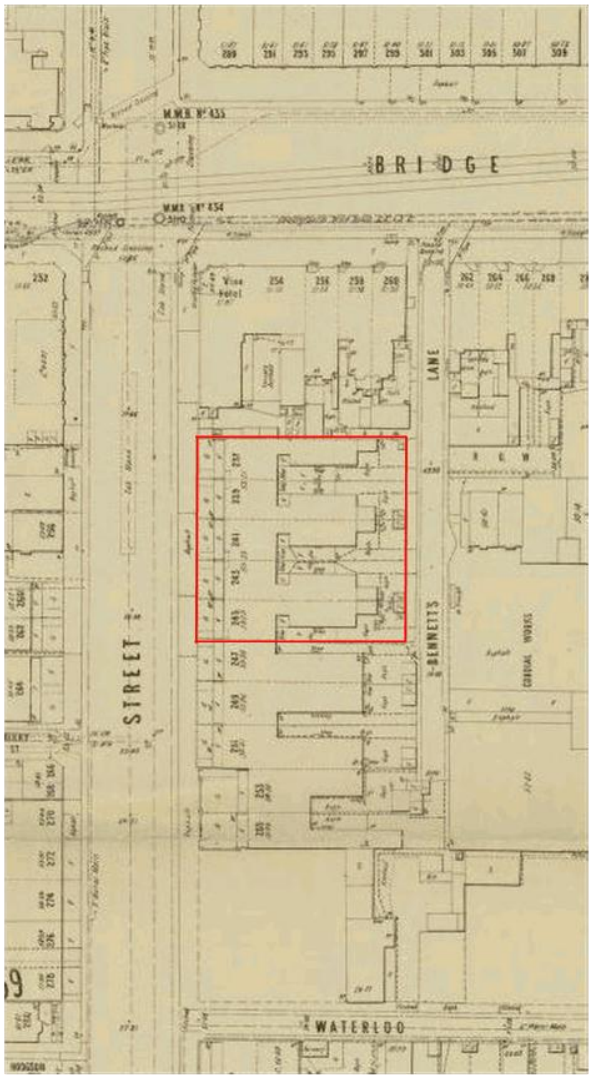


Figure 2 Extract, MMBW Detail Plan. Hurst Cottages are outlined in red.

C.1920s, as nearby Bridge Road became more firmly established as a retail precinct, the front gardens of Hurst Cottages were built over to allow the modest residences at Nos 237-245 to be converted into shops. The early residential character of the group was completely overwritten at that time. Council's documentation suggests that this work was undertaken in 1925.

The group is located a little to the south of the intersection of Church St and Bridge Road. The intersection is included in the Bridge Road Heritage Overlay Precinct (HO310) which is contiguous with the Church Street Precinct (HO315). Built form in Bridge Road typically comprises two-storey Victorian and Federation shops at no setback from the street. The Vine Hotel, immediately to the north of the subject building and two-storey Victorian retail buildings at the north-western (Nos 289-307) and the south-western (Nos 242-252) corners of the intersection have each been assessed as 'significant' buildings . Alexanders, a substantial two-storey commercial building on the opposite side of Church Street (No.256) also falls within the commercial precinct (HO310). Some taller built form is located some distance to the west of the intersection. This is typified by the recent development at 245 Bridge Road with a modern tower set well to the rear of a three-storey podium to the street. Areas to the south of the subject sites in HO315 largely comprise Victorian and Federation shops and housing. Many of these have been adapted for retail or commercial uses. Three, single-storey Victorian terrace houses, immediately south of the subject site, are largely intact to their original, c.1880s, state and are graded 'contributory'.

The subject building group is broadly intact to its c.1925 state. However, shopfronts have been altered with some being infilled to allow the internal spaces to be used as workshops. An early street verandah has largely been removed. The building is more intact at its upper levels. The brick facade is divided into bays by pilasters which project above the parapet. Parapets incorporate recessed panels to either side of a central pediment. Face brick and render to the facade has been painted throughout.

Proposal

The current application seeks the total demolition of four of the existing five shops that comprise the retail group at 237-245 Church St, Richmond. Only the most northerly shop at 247 Church Street would be retained. Its shared hipped roof would be partly demolished and closed off. The proposed demolition would allow the construction of an eight-storey residential building with a roof terrace above. Basement parking would be accessed from Tullio Place to the rear of the site. The development would accommodate 53 dwellings and two ground floor retail tenancies. The building would have no setback from Church Street at ground or first floor level. Upper levels would be set back approximately 2.4 metres from the Church Street frontage and a similar distance from each of the side boundaries. Rear setbacks of around 1.5m are proposed. The building would be finished in a reasonably subdued palette of materials palette including painted and metal-clad surfaces, concrete, and coloured glazing.

Comments on heritage impacts

Demolition

Clause 22.02 of the Yarra Planning Scheme generally encourages the retention of buildings in a heritage place, unless the building is identified as being 'not contributory'. As discussed above, the subject buildings date from 1876 but were very substantially altered when the residences were converted into shops c.1925. As a consequence, the subject building group presents to the street as a c.1920s retail development. The broad form and parapet detailing of the redeveloped group survives. However little of its early character survives at pedestrian level. An intact c.1920s development could contribute usefully to the character and significance of the HO315. However, changes to shopfronts and verandah elements through the twentieth century have overwritten the redeveloped appearance of the building and its contribution to HO315 is very modest. The current 'not contributory' status of the building appropriately reflects its role in the precinct and its

demolition raises no substantial heritage issues subject to the design of a suitable replacement building.

Replacement building

The current application proposes the construction of an eight-storey residential building with a roof terrace above. The proposed replacement buildings would be located in HO315, an area valued for one- and two-storey Victorian and Edwardian houses and shops. Tall built form is unusual in this locale. St Ignatius Church at 326 Church Street and three-storey post-war developments such as Nos 269 and 273 Church Street are anomalies in an area valued for buildings of modest scale located in landscaped settings. Built form in the Bridge Road precinct is denser with taller built form situated at no setback from street frontages and side boundaries. The transition from the dense commercial precinct into the more suburban environment of Church Street is reasonably abrupt. As noted above, Alexanders at No 256 Church Street falls within HO315 reflecting its commercial, rather than domestic, scale and siting.

Considered as a new insertion into the domestically-scaled, HO315 it is difficult to reconcile a development of the kind currently proposed with Council's Policies for the area.

Council's policies encourage setbacks that are similar to those of adjoining contributory buildings. Where there are differing adjoining setbacks, the greater setback will usually apply. All of the buildings in HO315 to the south of the subject sites incorporate modest front setbacks. The existing retail group is located at no setback from Church Street and zero front setback may be appropriate for a replacement building on the subject site. However, a degree of facade articulation that would reduce the bulk and possibly allow some landscaped elements to be incorporated into the design should be encouraged. The design currently proposes a sheer commercial facade to the street at odds with the landscaped character and the finer grain of Church Street.

Likewise, Council's policies encourage façade heights that are similar to those of the adjoining contributory elements in the street. Where there are differing façade heights, designs should usually adopt the lower of the two heights. The proposed building would be situated between the remnant single-storey cottage at No.237 and the contributory, single-storey group at Nos 347-349. An outcome of two or more modern storeys might be appropriate on the subject site. However, an outcome incorporating a two-storey podium with six additional storeys at a modest set back would sit uncomfortably within this environment and would not comply with Council's Policies for HO315. The modest setback to the upper storey would not limit the scale or presence of the building volume on the street to any substantial extent and the building would present to most local vantage points as straightforward eight-storey structure. The current proposal has been prepared with little regard for the heights of buildings on adjacent sites or for other relatively modest buildings to the south.

In terms of its form, articulation and architectural expression, the building adopts a reasonably blunt demeanour. The facade at the lowest floor levels would be articulated into bays recalling the existing rhythm of the local streetscapes. However, the balance of the facade comprises large areas of unarticulated fabric producing a monolithic rather than a finely-modelled outcome. The proposal does not reinforce the rhythm, spatial characteristics, fenestration, roof forms, materiality or the heritage character of the surrounding historic streetscape.

Considered within the strict confines of the Church Street precinct and a literal reading of Council's heritage policies for the area, works of the kind currently proposed could not be supported. A building of two to three storeys possibly incorporating an additional storey at a setback, that is sufficient to conceal it from vantage points on the opposite side of Church Street, may be appropriate.

However, the specific location of the subject site may provide grounds for some discretion. The interface between HO315 and HO310 forms a transition from one urban condition and another.

Commercial buildings such as the Vine Hotel to the north and Alexanders Building at 256 Church Street to the west rise to a height of around three modern storeys and some weight should be given to these elements when assessing the current proposal. In addition, Council's other competing policies for the area may encourage an outcome which produces a 'satisfactory' outcome. It may be be satisfactory to seek an outcome that is visually recessive and does not dominate the heritage place but does not accord strictly with the polices discussed above.

The 'podium' of the proposed building reiterates the scale, setbacks and broad character of the Vine Hotel to the north. However, the building more broadly does not. It would have little regard for the scale of local built form. Generally speaking, Alexanders at No256 Church street (the tallest building for 150m in any direction) provides a useful model for new development on the subject site. This two-storey building compares, in terms of its height, with a three storey modern building. A building of this three-storey scale would be compatible with the conditions at the junction of HO310 and HO315. It may be possible to support one or two additional storey at appropriate setbacks subject to design their expression and their achieving high levels of concealment.

Heritage Impact Assessment

A Heritage Impact Assessment (HIA) has been provided in support of the current application. The HIA reflects a general unfamiliarity with the considerations associated with the introduction of new built form into heritage areas. The HIA has little regard for the character of HO315, and looks to outcomes such as that at 245 Bridge Road, some distance to the northwest, for precedence. On that site, a modern tower is set well to the rear of a three-storey podium to the street. However this building does not form a useful model for works on the subject site. The Bridge Road environment is substantially denser than Church Street. Building to the street frontage is typical. Landscaped settings are not characteristic of the area. Sites are deep and can accommodate substantial setbacks from the street to taller built form towards their rear. In the specific case of 245 Bridge Road, the tower element is not visible from vantage points across Bridge Road. Buildings of two storeys to either side of No 245 further mitigate the impacts of taller rear elements on the character of the street. On the subject site, tall built from would be visible from a range of vantage points in Church Street and Bridge Road and would dominate adjacent built form. The HIA suggests that selected features of satisfactory outcomes on unrelated and fundamentally different sites can be translated onto the subject site. This position is not well-established by the HIA.

The HIA concludes that 'the proposal is not directly responsive to the heritage context were the proposal to be considered in a conventional way [rather] the apartment tower will become a new landmark element'. The HIA does not attempt to reconcile Council's objectives for new built form that is visually recessive and does not dominate the heritage place against the 'landmark' qualities of the proposed building.

Attachment 12 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment VicRoads comments

Metropolitan North West Region
499 Ballarat Road
Sunshine Victoria 3020
Telephone (03) 9313 1333

Send Correspondence to:
mnw.mail@roads.vic.gov.au
or Fax (03) 9313 1175

Parcels and Drawings to:
Private Bag 4000 Sunshine
Victoria 3020

vicroads.vic.gov.au

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Melanie Ringersma

14th May 2015

Dear Ms. Ringersma

PLANNING APPLICATION NO.: **PLN14/0485**
VICROADS REFERENCE NO: **13547/15**
PROPERTY ADDRESS: **243-245 CHURCH STREET, RICHMOND 3121**

Section 52 – No objection

Thank you for forwarding planning permit application PLN14/0485 pursuant to Section 52 of the *Planning and Environment Act 1987.*

VicRoads has considered the application and has no objection to the proposal.

Should you have any enquiries regarding this matter, please contact Nicholas Soldatos on (03) 9313 1173 or Nicholas.Soldatos@roads.vic.gov.au

Yours sincerely

NICHOLAS SOLDATOS
URBAN PLANNER
TRAFFIC AND PLANNING

VicRoads ABN 61 760 960 480

Attachment 13 - PLN14/0485-05 - 239 - 245 Church Street Richmond - IDAC Attachment Waste comments 2016 S57A plans - FINAL

Waste Comments – FINAL 2 August 2016

The Waste Management Plan from Leigh Design, dated 21 July 2016 (attached), is satisfactory from the City Works Branch's perspective. Please amend your records accordingly. I have cc'd David Gold into this email as he has been dealing with me direct.

If you have any queries give me a call.

Regards

Enzo

Enzo Valente

Waste Management and Cleansing Services Coordinator

1.2 PLN14/1000 - 1 Little Lesney and 9 Wiltshire Street, Richmond – Development of the land for the construction of a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café), waiver of the loading bay requirement, part demolition and variation of an easement

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 a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café), waiver of the loading bay requirement, part demolition and variation of an easement.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay
   (b) Clause 22.05 – Interface uses policy
   (c) Clause 22.10 – Built form and design policy
   (d) Clause 22.12 – Public open space contribution
   (e) Clause 22.16 – Stormwater management (water sensitive urban design)
   (f) Clause 22.17 – Environmentally sustainable development;
   (g) Clause 52.06 – Car parking; and
   (h) Swan Street Structure Plan.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) strategic policy;
   (b) food and drinks premises (café) use;
   (c) urban design;
   (d) on-site amenity;
   (e) off-site amenity;
   (f) environmental sustainability;
   (g) traffic and car parking;
   (h) bicycle parking;
   (i) loading bay waiver;
   (j) waste management;
   (k) drainage easement; and
   (l) Objector concerns.

Objector Concerns

4. 16 objections were received to the application, these can be summarised as:
   (a) off-site amenity (overshadowing, overlooking);
   (b) equitable development;
   (c) the proposal would obscure windows on the boundary to the east;
   (d) neighbourhood character;
   (e) 1 Whiltshire street should be ‘heritage listed’ as it was built and designed by Sir John Monash;
   (f) overdevelopment, height and scale;
   (g) design detailing and visual amenity;

(h) traffic impacts (Little Lesney is already congested/often obstructed) and associated safety concerns;
(i) noise from the garage entry;
(j) insufficient car parking;
(k) insufficient bicycle parking;
(l) absence of an on-site loading bay;
(m) questioning if any public realm improvements are proposed;
(n) the size of the food and drinks premises should not exceed 150m² (safety and loading concerns);
(o) waste management;
(p) the application has had no regard for the Swan Street Structure Plan;
(q) construction management (noise, dust, traffic and parking);
(r) conflict between the proposed dwellings and commercial properties to the west; and
(s) property devaluation.

Conclusion

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

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

1.2 PLN14/1000 - 1 Little Lesney and 9 Wiltshire Street, Richmond

Trim Record Number: D16/155723
Responsible Officer: Manager Statutory Planning

Proposal:	Development of the land for the construction of a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café), waiver of the loading bay requirement, part demolition and variation of an easement
Existing use:	Warehouse
Applicant:	JHTP
Zoning / Overlays:	Mixed Use Zone
Date of Application:	Heritage Overlay Environmental Audit Overlay Design and Development Overlay, Schedule 5
Application Number:	PLN14/1000

Planning History

1. Planning permit 3321 was issued on 9 December 1985 for 'buildings and works and use and development of the land for the purpose of a cool store and freezing works in accordance with the endorsed plans'.

2. Planning permit PL04/0617 was issued on 29 November 2005 for the 'construction of four multi-storey dwellings'. This permit was not acted upon and has since expired.

Background

3. The application was originally advertised in August 2015 for the full demolition and development of the land for the construction of a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café) and a waiver of the loading bay requirement. However, through the processing on this application, a number of key issues were identified. They were:
   (a) impact of the proposal on a Council main drain under the site (shown on the Certificate of Title, albeit the asset does not appear to align with the easement on the title);
   (b) internal amenity issues due to the orientation of apartments and light well sizes;
   (c) façade design; and
   (d) ground level interface with the public realm.

4. On 31 May 2016, the plans were amended. These plans were subsequently re-advertised on 29 July 2016 and made the following changes to the original plans (summary of key elements):
   (a) modified façade design (deletion of the 'crown' element, modified podium treatment and altered materials);
   (b) altered ground level pedestrian entry;
   (c) modified balcony layouts;
   (d) relocation of the drainage easement and modified basement and ground floor in response;
   (e) provision of 59 bicycle parking spaces; and
   (f) minimum 1.6m balcony depths.

5. This report is based on these amended plans.

Existing Conditions

Subject Site

6. The subject site is located on the north-east corner of Little Lesney Street, where it changes direction, running both north-south and east-west, bordering both the western and southern boundaries of the site. The northernmost section of the eastern boundary also provides access to Wiltshire Street to the east, which extends to Brighton Street further east.

7. The site has a western frontage of 37m and a southern frontage of 24.7m, yielding an overall area of approximately 914m².

8. The title shows the following easements:
   (a) A – the subject site enjoys carriageway across Wiltshire Street;
   (b) B – the subject site enjoys a party wall easement along the western end of the northern boundary;
   (c) C – carriageway easement in favour of 254 Swan Street;
   (d) D – party wall easement along the westernmost section of the north title boundary, in favour of the site to the north;
   (e) E – party wall easement between the 2 titles that form the subject site; and
   (f) E1 – drainage easement in favour of the City of Yarra.

9. The site is currently developed with 2 general building forms, a 2 storey concrete warehouse in the north and a single storey rendered warehouse in the south of the site. A garage is accessed via the western boundary, along with 5 car parking spaces.

Restrictive Covenants

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

Surrounding Land

11. The site is located to the south of the Swan Street Activity Centre [**AC**], with Swan Street being located to the north and Church Street being located to the west (across properties which front both streets).

12. Whilst the majority of the subject site and those to the east are within the Mixed Use Zone [**MUZ**], the properties to the immediate north of the subject site and west of Little Lesney Street are within the Commercial 1 Zone [**C1Z**]. It is noted that the northernmost 2.1m to 3.3m deep section of the site is within the C1Z.

13. To the north of the subject site are the rear of 3 properties fronting Swan Street to the north. The 2 westernmost properties are developed with 2 storey brick office buildings, which are afforded generous rear setbacks for open space and car parking opportunities. The adjoining property to the east, also fronting Swan Street, is developed with a part 2, part 3 storey building. This building is used as an office.

14. To the east of the subject site is an 8-unit development with 4 dwellings fronting Wiltshire Street to the north and 4 dwellings fronting Little Lesney Street to the south. The dwellings are all 3 storeys each. The dwellings fronting Wiltshire Street include northern balconies and roof skylights (offering daylight to bedrooms). These dwellings share a unique triangular light well arrangement with the dwellings that front south to Little Lesney Street. These southern properties also include top level, southern balconies.

    It is noted that unit 3A includes 2 habitable room windows on the eastern boundary of the subject site. However, these are not the only daylight sources to these rooms.

15. To the south of the subject site, across Little Lesney Street, is the train line.

16. To the west of the subject site, across Little Lesney Street is a pedestrian walkway linking Little Lesney and Church Streets. Adjoining this walkway is a row of 1-2 storey buildings fronting Chruch Street. These buildings are used for commercial uses, including a shop, a bar, a restaurant and a seafood wholesaler. A 3 storey pub is located further north, at the intersection of Swan and Church Streets. The bar at No. 433 Church Street known as 'Public House' has a current amendment application for planning permit PL02/1103 for one additional level plus a rooftop terrace, extending closing hours in the outdoor areas on Sundays from 11pm to 12midnight and to increase the number of patrons to 450 (from 328). No decision had been made regarding this amendment at the time of the writing of this report.

17. The site is well serviced by public transport, with Church and Swan Street being serviced by tram routes and the East Richmond Train station being approximately 110m to the west.

The Proposal

18. The application is for the development of the land for the construction of a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café), waiver of the loading bay requirement, part demolition and variation of an easement. More specifically:

    Demolition
    (a) demolition of all structures on the site (noting that only the north-west corner of the site is affected by the Heritage Overlay and demolition works in this segment are limited to concrete pavement);

    Built form and massing
    (b) basement levels 1 and 2 would generally be constructed to all title boundaries, excluding a 2.3m to 4.1m setback from the northern boundary;
    (c) the ground level would be partially constructed to the north, east and south title boundaries, excluding the 4.3m wide by 8.5m long north-east corner driveway setback and the partial 1.7m southern setback of the food and drinks premises. The western edge of the ground floor would be setback a maximum 1.7m from the west title boundary;
    (d) level 1 would partially cantilever over the ground level, with the building generally constructed to all title boundaries. The exceptions are the north-east setback to the driveway as per the ground level, a minor (1.8m) indent along the west title boundary, the introduction of a 3m x 3m light well on the eastern boundary and a 3m by 3.4m setback in the south-east corner;
    (e) levels 2-3 would be generally as per level 1, excluding a further setback in the north-east corner (a 2.8m to 3.4m setback for a length of 11.4m);
    (f) level 4 would be generally as per the lower levels, with an additional 4.7m northern setback;
    (g) level 5 would be setback a minimum 6.7m from the northern boundary, 3m from the eastern boundary (excluding a balcony) and 1.8m setback from the western boundary;
    (h) level 6 would be generally as per level 5, however the eastern balcony would be setback 1.4m from the boundary;
    (i) level 7 would be offered further setbacks, 10.6m from the north, 3m from the west, 5.8m from the east and 2m from the south boundaries, excluding balcony projections;
    (j) level 8 is afforded greater setbacks, with balconies set in to generally mirror the interior floorplate below;
    (k) the trafficable floor space at level 9 would be setback 10.6m from the north, 3.5m from the west and 5.9m from the east title boundaries. South of this roof terrace is a proposed roof plant and area for 11 solar hot water panels;

(l) the development would be a maximum overall height of 31.4m;
(m) the north boundary wall would be a height of 4.2m to 13.9m;
(n) to the west, the 'podium' would be a maximum height of 16.7m;
(o) to the south, the podium would be a maximum height of 15m;
(p) the east boundary wall would be from 12.9m to 17m in height;

Layout
(q) 63 dwellings (33 1BR and 30 2BR);
(r) the residential entry would be via the north-south segment of Little Lesney Street (west of the site), leading to a foyer with mailboxes, 2 lifts, services and stairs;
(s) 52 car parking spaces across the basement and ground floor. Most spaces would be in car stackers. The lower basement would contain car stacker pits, storage cages and service areas;
(t) ground level car parking would be accessed via Wiltshire Street and the basement parking levels would be accessed via a ramp from the south from Little Lesney Street;
(u) 63 bicycle parking spaces;
(v) a 185m² food and drinks premises (café) would be located at the southern end of the ground floor;
(w) 63 storage cages in the basements (minimum 4m³);
(x) a bin store would be located adjacent to the Little Lesney Street vehicular entry;
(y) apartments would be located at levels 1 to level 8;
(z) level 9 would contain a rooftop terrace for the communal use of residents (96m² external and 40m² internal);

Colours and materials
(aa) the ground level would be constructed of a mixture of breeze block wall, aluminium fins to the car park, concrete pillars and glazing to the café. To the south elevation, the café would present a subway tiled façade with a large circular window. The bin store would be finished with a perforated screen/gate in a similar pattern to the subway tiles;
(bb) the podium would primarily be constructed of concrete panel finished in a brick pattern. Balcony balustrades would be a mixture of concrete in a brick pattern and white powder coated metal fins;
(cc) the upper levels (levels 4 to 8) would be constructed of a mixture of horizontal rebate light-weight cladding (charcoal and white finishes), along with glass balustrades and masonry panels with vertical rebates;

ESD features
(dd) hot water will be provided through a solar preheated gas system with a solar component of > 20%;
(ee) a Building Users Guide will be prepared and provided to all residents and the commercial tenant; and

Easement relocation
(a) plan TP07E shows a new 2.24m wide drainage easement running along the northern end of the site.

Planning Scheme Provisions

Zoning

Mixed Use Zone

19. The MUZ affects all but a 2.1m to 3.3m wide portion of the northern end of the site.

20. The purpose of the MUZ 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 provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;*
(c) *to provide for housing at higher densities;*
(d) *to encourage development that responds to the existing or preferred neighbourhood character of the area;* and
(e) *to facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

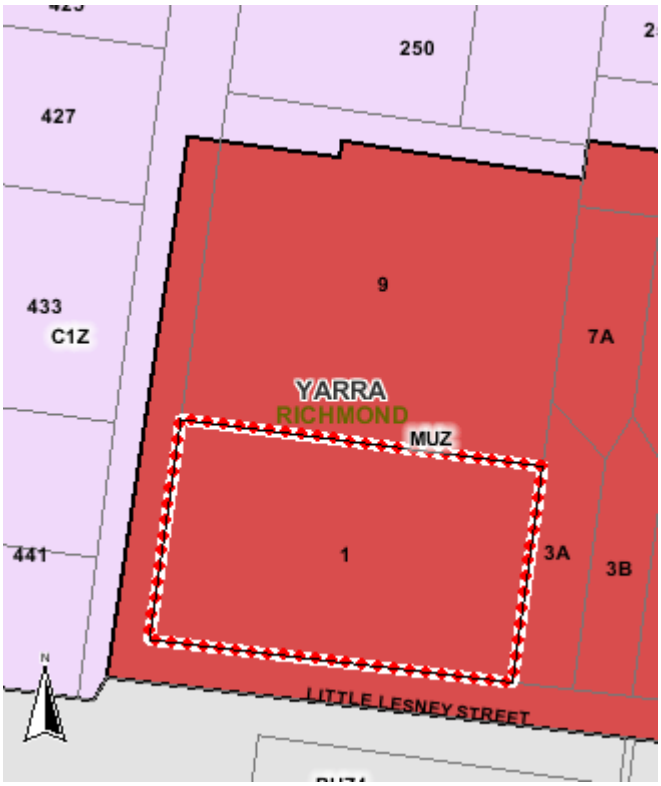
21. Under clause 32.04-2 of the Yarra Planning Scheme [**the Scheme**] the use of the site as a dwelling is a section 1, permit not required use. However, a permit is required for the food and drinks premises (café) use as the leasable floor area is over 150m² (185m² proposed).

22. A permit is required under clause 32.04-6 of the Scheme to construct 2 or more dwellings on a lot. A permit is also required under clause 32.04-8 of the Scheme to construct a building or construct or carry out works for a use in section 2 of clause 32.04-2.

23. The Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004) is a relevant decision guideline under clause 32.04-13.

Commercial 1 Zone

24. The C1Z affects the northern 2.1m to 3.3m portion of the northern end of the site.



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*; and
(c) *to provide for residential uses at densities complementary to the role and scale of the commercial centre.*

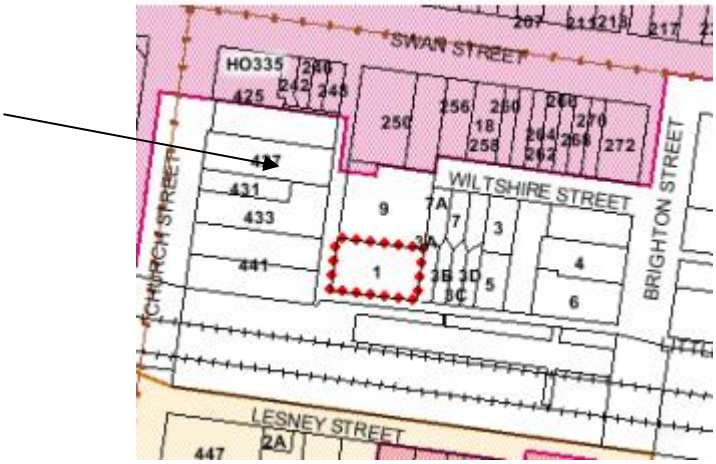
26. Under clause 34.01-1 of the Scheme, a permit is not required to use the site as a dwelling as the ground floor frontage to the C1Z does not exceed 2m.

27. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.

28. 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.*

    Overlays

    Part Heritage Overlay (HO335 – Swan Street Precinct, Richmond)



29. The relevant purpose of the HO 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 conserve and enhance heritage places of natural or cultural significance.*
    (c) *To conserve and enhance those elements which contribute to the significance of heritage places.*
    (d) *To ensure that development does not adversely affect the significance of heritage places.*
    (e) *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

30. A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works. (Albeit, the demolition in this area is limited to the concrete slab.)

31. Decision guidelines at clause 43.01-4 of the Scheme include (as relevant):
    (a) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
    (b) *Any applicable statement of significance, heritage study and any applicable conservation policy.*

(c) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
(d) *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
(e) *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
(f) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Environmental Audit Overlay

32. 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.*

33. 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.*

34. With dwellings proposed, this requirement will be addressed by way of a notation.

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

35. The purpose of this Overlay is:
(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.*

36. A permit is not required to construct a building or construct or carry out works. However, section 4 of schedule 5 states that:

Where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.

Particular Provisions

Clause 52.06 – Car parking

37. 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).

38. The application has a statutory requirement of 82 car parking spaces (63 residential, 12 residential visitor and 7 food and drink [cafe]). With 52 provided on-site a reduction of 30 car parking spaces is sought (12 resident, 12 visitor and 6 retail spaces).

39. 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

40. 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*'.

41. 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 specified in the table below.*
    - *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.*
    - *The road that provides access to the loading bay is at least 3.6 metres wide.*

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

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

Clause 52.34 – Bicycle facilities

44. 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.

45. The proposal has a statutory bicycle parking requirement of 19 bicycle parking spaces (13 residential, 6 residential visitor and 0 food and drink premises [cafe]). With 63 bicycle parking spaces being provided (in basement 1 and at the ground level), a reduction is not sought under this provision. However, it is noted that a bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

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

46. 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*'.

47. The application was provided with an urban context report and design response in accordance with this provision.

<u>General Provisions</u>

Clause 65 – Decision Guidelines

48. 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)

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

Clause 11.01-1 – Activity centre network

50. Being located within the Swan Street Activity Centre [**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:*
- *Comprises a range of centres that differ in size and function*
- *Is a focus for business, shopping, working, leisure and community facilities*
- *Provides different types of housing, including forms of higher density housing.*
- *Is connected by public transport and cycling networks.*
- *Maximises choices in services, employment and social interaction.*

Clause 11.01-2 – Activity centre planning

51. 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

52. 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

53. 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

54. 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

55. 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

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

Clause 15.01-1 – Urban Design

57. 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

58. 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

59. 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

60. 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

61. 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 15.03-1 – Heritage conservation

62. The objective of this clause is 'To ensure the conservation of places of heritage significance'.

Clause 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

64. 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

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

Identify strategic redevelopment sites that are:
(a) *In and around Central Activities Districts.*
(b) *In or within easy walking distance of Principal or Major Activity Centres.*
(c) *In or beside Neighbourhood Activity Centres that are served by public transport.*
(d) *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,*
(e) *Principal or Major Activity Centres.*
(f) *In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.*
(g) *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

66. The site is within walking distance of an AC, can accommodate more than 10 dwellings and is well serviced by public transport. Under this clause, it can therefore be considered to be a SRS.

Clause 16.01-4 – Housing diversity

67. 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

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

Clause 17.01-1 – Business

69. 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

70. 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

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

Clause 18.02-5 – Car parking

72. 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

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

Land Use
(a) *Yarra will have increased opportunities for employment*
(b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*

Built form
(c) *Yarra's historic fabric which demonstrates the development of metropolitan Melbourne will be internationally recognised*
(d) *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks*
(e) *All new development will demonstrate design excellence*

Transport
(f) *Local streets will be dominated by walkers and cyclists*
(g) *Most people will walk, cycle and use public transport for the journey to work*

Clause 21.04-1 – Accommodation and housing

74. 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

75. 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

76. 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

77. The following objectives and strategies are relevant to this assessment:

(a) *Objective 16 To reinforce the existing urban framework of Yarra.*
(b) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
(c) *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.*

(d) *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.*
(e) *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.*
(f) *Objective 21 To enhance the built form character of Yarra's activity centres.*
i. *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*
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.*

(g) *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 21.05-1 – Heritage

78. The relevant objective of this clause is '*Objective 14 To protect and enhance Yarra's heritage places*'. As the majority of the site is not affected by a Heritage Overlay, the following strategy is most relevant:

(a) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

Clause 21.05-3 – Built form character

79. This clause applies to the segment of the site not affected by the Heritage Overlay.

80. *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.*

81. Although the site is within a MUZ, the built form character is 'non residential area' where the objective is to improve the interface of development with the street.

82. 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.*

Non residential areas
(b) *Objective 27 To improve the interface of development with the street in non residential areas.*
   i. *Strategy 27.1 Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
   ii. *Strategy 27.2 Require new development to integrate with the public street system.*

Clause 21.05-4 – Public environment

83. The relevant objective and strategies of this clause are:
(a) *Objective 28 To a provide a public environment that encourages community interaction and activity.*
   i. *Strategy 28.1 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

84. 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

85. 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 west
    (b) *This precinct incorporates the core retail area of Swan Street and includes East Richmond Station. Swan Street, unlike the other major activity centres within Yarra, has a smaller pool of non local visitors, reflecting its stronger orientation towards servicing the needs of local residents.*

    Relevant Local Policies

    Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay

86. As the Heritage Overlay appears to be intending to protect the 'heritage wall' on the site to the north, the most 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. To preserve the scale and pattern of streetscapes in heritage places.*
    (d) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
    (e) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
    (f) *To ensure that additions and new works to a heritage place respect the significance of the place.*
    (g) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

    Clause 22.05 – Interface uses policy

87. This policy applies to applications for use or development within Mixed Use 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.*

88. 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 22.10 – Built form and design policy

89. The policy applies to all new development in the segment of the site 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

90. 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.*

91. 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 914m², 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)

92. 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

93. 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'.

94. 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**]

95. This document was adopted by Council on 17 December 2013. The site is located within the Swan Street Retail Precinct, which provides the following relevant guidance:

Existing context

- *The Swan Street Precinct is the primary location for convenience retail, lifestyle and entertainment and commercial uses within the study area. The existing heritage fabric is one of the defining features of the precinct. It serves as the retail core for the wider Richmond area while also servicing local convenience retail needs.*

Richmond Station and East Richmond Station are situated at southeast and west ends of the precinct and play a major role in influencing the volume of pedestrians that travel through the Precinct.

- *A planning permit has been issued by VCAT for the redevelopment of Dimmeys that includes a 4-10 storey retail, commercial and residential development. Whilst part of the existing building will be reused and adapted in the redevelopment, the proposal also includes a new 10 storey glass tower element at the rear of the site.*
- *In very close proximity to Dimmeys, VCAT also issued a planning permit for 1-3 Railway Place to develop a 9 storey building that includes a café at street level, commercial and residential uses. The VCAT decision went on to identify a site to the east as a potential redevelopment opportunity that could accommodate an even taller building.*
- *The VCAT decisions have effectively provided precedent and set the context for establishing a 'pocket of taller buildings' in this locale that also includes a residential use.*

Rationale

- *Attractive locational attributes that support residential intensification with proximity to Swan Street retail core, Richmond and East Richmond Stations, trams, the Melbourne Sports and Entertainment precinct and public open space to the west*
- *VCAT decisions have interpreted State and Local Policy including the Municipal Strategic Statement and justify taller development in an emerging pocket in the precinct. This also provides opportunities to combine and intensify land uses.*
- *The existing retail uses in the precinct will further support the intensification of residential uses.*
- *There are greater opportunities for development to the south side of Swan Street as the depth of sites provides opportunities to locate contemporary additions at the rear of sites and retain dominance of heritage fabric along Swan Street.*

Land use

- *To promote a mix of uses in the precinct.*
- *To accommodate housing growth in the precinct.*
- *To promote Swan Street retail precinct as the primary retail core of the activity centre.*
- *Strengthen the retail convenience role of the centre for the local area.*
- *Promote land uses that support street level activation and passive surveillance of the public realm.*

Built form

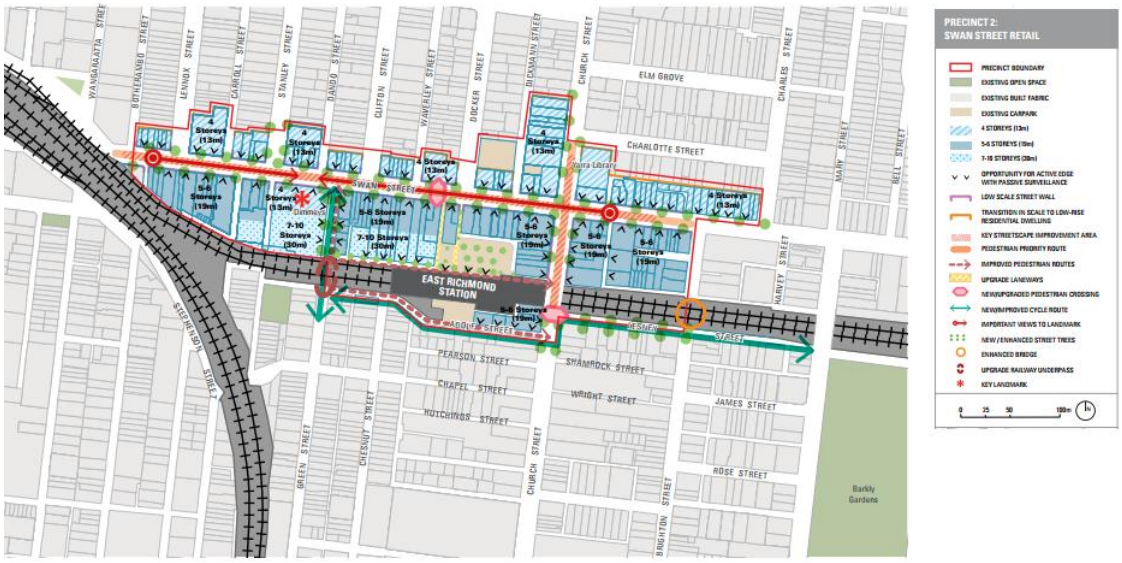
- *Ensure new development expresses a fine-grain incorporating vertical design elements that complement the existing heritage streetscape.*
- *Provide active frontages to the street.*
- *Ensure upper level development provides building setbacks from the building parapets.*
- *Ensure that the prevailing fine-grain pattern is preserved where site consolidation or development of larger sites occurs.*
- *Ensure new buildings are built to the street boundary and both side boundaries at the street interface.*
- *Protect primary views of the Dimmey's Ball Tower along Swan Street. Taller forms up to 30m (7-10 storeys)should be sufficiently setback to ensure they do not interrupt views of Dimmey's Ball Tower from primary views within Swan Street.*
- *Encourage a transition in building heights to the adjoining low-scale residential areas.*
- *Ensure development on the south side of Swan Street appropriately responds to the noise impacts resulting from the proximity of the railway line.*

Public realm

- *To establish a high quality pedestrian oriented public realm for Swan Street and surrounds.*

Access and movement

- *To create a highly walkable and cycle friendly environment.*



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96. Building heights of 5-6 storeys (19m) are supported in this pocket. The western interface of the site is also identified as an opportunity for an active edge with passive surveillance.

Advertising

97. The application was advertised under the provisions of Section 52 of the Act by way of 359 letters sent to surrounding owners and occupiers and signs being placed on both Little Lesney (south and west) frontages of the site. The Section 57A amendment was also advertised by way of letters and signs as per the original notification procedure.

98. A total of 16 objections were received on the following grounds:
    (a) off-site amenity (overshadowing, overlooking);
    (b) equitable development;
    (c) the proposal would obscure windows on the boundary to the east;
    (d) neighbourhood character;
    (e) 1 Whiltshire street should be 'heritage listed' as it was built and designed by Sir John Monash;
    (f) overdevelopment, height and scale;
    (g) design detailing and visual amenity;
    (h) traffic impacts (Little Lesney is already congested/often obstructed) and associated safety concerns;
    (i) noise from the garage entry;
    (j) insufficient car parking;
    (k) insufficient bicycle parking;
    (l) absence of an on-site loading bay;
    (m) questioning if any public realm improvements are proposed;
    (n) the size of the food and drinks premises should not exceed 150m² (safety and loading concerns);
    (o) waste management;
    (p) the application has had no regard for the Swan Street Structure Plan;
    (q) construction management (noise, dust, traffic and parking);
    (r) conflict between the proposed dwellings and commercial properties to the west; and
    (s) property devaluation.

99. A consultation meeting was held on 11 October 2016 with Council officers, the Applicant and Objectors present. No resolutions were reached.

Referrals

PTV

100. The original plans were referred to PTV under clause 52.36 of the Scheme. The amended plans were not re-referred (section 57C(1) of the Act) as the amendment would not adversely affect the interests of the Referral Authority.

101. PTV provided the following advice:

We advise that PTV has conducted a detailed review of the proposal, particularly with regard to train services as a rain line runs very close to the boundary of the site. Prevention of harm to passengers and operators on this train line is essential.

Based on the details provided in your referral, Public Transport Victoria, **does not object** to the combined planning scheme amendment and application for planning permission **subject to the following** conditions appearing on any such permit issued:-

Pre-construction

1. *Before the development starts, including demolition and bulk excavation, detailed construction/engineering plans and computations must be submitted to Public Transport Victoria. These plans must be to the satisfaction of Public Transport Victoria. The plans must provide the means for the protection of:-*
   a) *the railway lines and corridor proximate to the hereby-approved building;*
   b) *Lines-of-sight for train drivers to demonstrate what glare, if any, from the buildings will affect drivers' vision*
   c) *Details of colours, materials and finishes which are selected and applied so as to not create any glare, or limit the visibility of rail signals or be so coloured as to cause rail signals to not be clearly and constantly obvious for train drivers. Such colours, materials and finishes must be maintained and never changed to be different without the written consent of Public Transport Victoria, VicTrack and all rail operators.*
   d) *All tram and bus transport infrastructure proximate to the hereby-approved buildings.*
      i. *The plans must detail all excavation of the site, engineering methods and means to support the building and impacts on all public transport and associated infrastructure; and any other transport infrastructure proximate to the approved building.*

2. *Before the development starts, including demolition and bulk excavation, a Traffic Management Plan must be submitted to Public Transport Victoria and must be to the satisfaction of Public Transport Victoria, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria.*
   All traffic management and mitigation costs will be at the full cost of the permit holder and must be implemented to the satisfaction of Public Transport Victoria.

3. *Prior to the commencement of works in public transport areas, the public transport operator(s) (train, tram and bus) must be contacted to obtain the public transport operator's conditions and safety requirements for works on, over, under or adjacent to public transport land and/or easements and electrical infrastructure. Access to the public transport areas during construction must conform to all of the necessary public transport operator/s guidelines and instructions.*

During Construction

In the conditions below, the term "public transport areas" means any area and space and infrastructure necessary for the safe and efficient operation and provision of public transport services or any kind.

4. *Works undertaken within public transport areas should consider and apply all relevant standards and work practices for work within or under public transport areas and conform to all relevant Australian standards and Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services within those areas. This must be to the satisfaction of PTV and VicTrack.*

5. *No drainage, effluent, waste, soil or other materials must enter or be directed from the site to rail land, easements or licences areas in favour of Public Transport Victoria and/or VicTrack or stored or deposited on or in or over or across public transport areas.*

6. *Permanent soil anchors must not be installed on railway land. Temporary soil anchors may be acceptable at the discretion of Public Transport Victoria, in consultation with rail service operators. Such temporary anchors must be designed fully and approved by Public Transport Victoria in writing.*

7. *No lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines.*

8. *The permit holder must ensure that all public transport infrastructure (including overhead power and supporting infrastructure for both trains and trams) and public transport areas are not damaged during the construction period. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria and VicTrack at the full cost of the permit holder.*

Post Construction

9. *"As built" drawings of the buildings hereby permitted must be provided to Public Transport Victoria prior to the issuing of the Certificate of Occupancy, or at another time agreed to in writing by Public Transport Victoria. All plans must comply with Public Transport Victoria Drawing Management System (DMS) standards.*

10. *The permit holder must take all reasonable steps to ensure that disruption to any public transport service operating proximate to the site kept to a minimum during the construction of the development. Foreseen disruptions to operations during construction and mitigation measures must be communicated to Public Transport Victoria and service operators a minimum of fourteen days (14) prior to occurrence.*

11. *The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.*

12. *During occupation and normal use of the building, no lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines. Normal use of the building includes residential and commercial occupation, security devices and advertising used for sales promotion.*

Structural Integrity

13. *Prior to the commencement of the use or development, the permit applicant must:-*
    a) *identify a suitably qualified engineer whose appointment and terms of reference are to be approved by Public Transport Victoria to advise on the structural integrity of the proposed development so as not to prejudice the railway line located adjacent to the Subject Land.*
    b) *Obtain a report from the Engineer, subject to the approval of Public Transport Victoria, which demonstrates in writing that :*

i. *Confirming that all and any retaining walls and load-bearing pillars for the subject proposal on the boundary of the rail corridor*
ii. *can be installed wholly within the applicant's land*
iii. *can be installed in such a way that development of the rail corridor (which may require excavation within the railway corridor, up to the boundary of the subject land), will not be prejudiced, and*
iv. *can be constructed so that they will remain self supporting when development of rail infrastructure within the rail corridor occurs;*
v. *Specifying risk mitigation design options in the event of derailment for protection of the building in the vicinity of the rail corridor;*
vi. *Confirming that the design of the development complies with the Derailment Loadings as set out in the Australian Standard AS 5100;*
vii. *Confirming that the design meets all clearance requirements from the adjacent railway tracks as per Victorian Rail Industry Operator Group (VRIOS-001-2005) Standards.*

14. *Prior to the commencement of works, the Rail Operator must be contacted to obtain the conditions and safety requirements of working near an operating railway and live power feeders.*

15. *Prior to the commencement of works, a construction management plan must be prepared and endorsed by Public Transport Victoria.*

16. *Prior to the commencement of works, an agreement must be entered into with the Department of Transport, VicTrack and the Rail Operator for construction, maintenance and disturbance of land abutting the railway reserve.*

Building design

17. *Building materials (including glass/window treatments) along the rail corridor must be non-reflective and avoid using red or green colour schemes that may interfere with driver operations. All colours, materials and finishes must be approved in writing by Public Transport Victoria prior to being used or installed.*

No impact on railway land or operations

18. *No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.*

19. *Permanent or temporary soil anchors must not be installed in, over or across public transport areas*

20. *Entry onto railway land is at the discretion of the Rail Operator and is subject to any conditions imposed by it.*

End of PTV Conditions

<u>Notes to be included in any permit issued:-</u>
The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week, therefore the permit applicant may wish to construct windows and built form that incorporates noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.
Should any amended plans be required to implement changes:-
a) required by Public Transport Victoria as a result of the conditions above.
it is then expected that such amended plans are to be provided to Public Transport Victoria for review and approval prior to endorsement as part of this permit.

DDO5

102. The original plans were referred to the EPA, CityLink and VicRoads under Section 4 of the DDO5. The amended plans were not re-referred (section 57C(1) of the Act) as the amendment would not adversely affect the interests of the Referral Authority.

103. The EPA and VicRoads did not object under the DDO5 (however it is noted that the EPA made supplementary comments in relation to acoustic attenuation and potentially contaminated lands – which are both dealt with in this report).

104. Citylink did not respond within the prescribed 14 days, nor at the time of writing.

External Acoustic Consultant (SLR)

105. The following advice was received on the original plans:

SLR SUMMARY

- *The outstanding issues on this project are rail, music and patron noise. Noise from these sources to the subject site is significant and will drive the design of the façade of this building.*

- *There are a number of lesser acoustic issues, some of which will effectively be addressed if the façade is upgraded to control rail, music and patron noise. These include:*
  - *Noise from truck deliveries in Little Lesney Street.*
  - *Noise from patrons in outdoor areas at the Swan Hotel and Fonda Restaurant (only the Public House patron area has been considered in the assessment).*
  - *Noise from roof mounted mechanical plant in Swan Street.*

- *Further detailed consideration of these issues is not considered necessary provided that the development is designed to control rail, music and patron noise ingress.*
- *The remaining issues are summarised below.*

Rail Noise and Vibration

- *In our opinion rail noise and vibration has been adequately addressed in the acoustic report.*

Road Traffic and Tram Noise

- *In our opinion this issue is adequately addressed in the acoustic report.*

Music Noise

Acoustic Report

- *The acoustic report has quantified the extensive music noise impacts to the subject site through a number of appropriately timed measurements. As indicated in our review, the measured levels which were generally undertaken at ground level, may not represent worst case music impacts to upper levels of the development. This concern applies to measurements relative to the Public House, and to a lesser extent to the Swan Hotel.* ***Further clarification or justification of the adopted approach is requested, or some allowance for directivity should be included in the assessment.***
- *Music noise has been assessed to indoor targets based on the NR25 curve. As indicated in our discussion above, we do not believe this provides for an adequate level of acoustic amenity.* ***We recommend that the SEPP N-2 base noise limits + 10 dB be adopted as targets. We also recommend that the design targets are achieved in living rooms as well as bedrooms.***

General issues for City of Yarra

- *Notification of the issue of music noise should be provided to any future purchasers, as the suggested 'base noise limits + 10 dB' targets will still result in audible and potentially intrusive levels of music indoors.*
- *Controls for music noise relative to both the Great Britain Hotel and The Public House assume that the existing measured exceedances at closer residences will be addressed. These exceedances are in the order of 10 dB, which is acoustically significant, and controlling them can be expected to impact the operations of both venues. If they are not controlled, music noise levels in many of the proposed new dwellings will be unacceptably loud. Whereas the current exceedances measured by WMG affect only a few residents, the predicted levels of music at the subject development will affect a large number of potentially less tolerant people. Consequently it is imperative that the existing SEPP N-2 excess is addressed before the development is occupied. An approach to this issue will need to be developed in consultation with the venues and is unlikely to be a straightforward task.*
- *It is also of note that the development itself will shield music noise from the Public House to 3C Little Lesney Street and so is likely to ensure SEPP N-2 compliant music levels at that location (without the need for the venue to reduce their internal music levels). This is a further reason for negotiating and controlling the existing SEPP N-2 exceedance during the planning phase.*

Carpark Access Gate

- *The acoustic report should be updated to include advice for controlling noise, including structureborne noise, and vibration from the carpark entrance gate and car stackers to both occupants of the proposed building and existing residents.*

106. Public House (west of the site across Little Lesney Street) is now subject to a current planning permit application for an additional roof deck. With this in mind, the application was referred to SLR. The following were recommended to address the outstanding acoustic matters:

Acoustic report

14. 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 WGM dated June 2015, but modified to include (or show, or address):

(a) Façade upgrade treatments, or alternative solutions, for the measured levels of music noise. The design should address the predicted SEPP N-2 exceedances (i.e. SEPP N-2 exceedances at existing dwellings should not be taken into consideration).

(b) design targets within bedrooms and living rooms within the development at SEPP N-2 base noise limits + 10 dB;

(c) Noise masking to be provided to habitable rooms to ensure that SEPP N-2 'backgroundf+8 dB' limits are met.

(d) Façade upgrades to control the MDA predicted patron noise levels at the western façade of the development to achieve SEPP N-1 indoor limits or AS/NZS2107 'satisfactory' levels. This aspect of the design should include input from The Public House and their acoustical consultants.

(e) Forced ventilation for all rooms that rely on a sealed façade for the management of music and patron noise ingress, and

(f) structure borne noise and vibration from the carpark entrance gate and car stackers for both occupants of the proposed building and existing residents.

The report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.
15. 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.

Section 173 Agreement

1. Before the occupation of the development, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, providing for the following:
(a) Make purchasers aware that the site is impacted by music and patron noise and that, while façade upgrades have been implemented to minimise noise impacts, a reduced level of acoustical amenity is to be expected.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

External Traffic Consultant (Traffix Group)

107. The following advice was received on the original plans:

Based on our various investigations, we of the opinion that:
a) the proposal has a statutory car parking requirement for 83 car spaces under Clause 52.06-5 of the Planning Scheme, including 63 resident spaces, 12 visitor spaces and 8 food and drink premises spaces,
b) the provision of 53 car spaces results in a statutory car parking shortfall of 30 car spaces, including 11 resident spaces, 12 visitor spaces and 7 food and drink premises spaces,
c) under the Car Parking Demand Assessment required by Clause 52.06-6, the development provides:
i. adequate car parking for residents and staff, and
ii. results in an overflow parking demand associated with customers and visitors only,
d) the provision of car parking for residents and staff and the non-provision of parking for customers is supported under the decision guidelines of Clause 52.06-5, however the applicant has not demonstrated that adequate public car parking is available to support a full reduction of the residential visitor parking requirement,
e) it is requested that additional parking surveys for 8pm on a typical Friday and 12noon and 8pm on Saturday are provided to justify the reduction of visitor car parking,
f) bicycle parking is provided in accordance with the Clause 52.34 requirements, however the following condition should be imposed on the permit to ensure that the design of the bicycle parking facilities are acceptable:
i. The layout of bicycle spaces are to accord with the requirements of Clause 52.34 or to the satisfaction of the Responsible Authority.
g) the design and layout of the carpark is generally satisfactory, subject to the following changes to be included as conditions of any permit issued:
i. A convex mirror is to be provided at the vehicle accessway to Wiltshire Street to improve driver sight lines between the accessway and the carpark at 254 Swan Street.
ii. The Wohr 542-2.0 car stacker is to be employed (or equivalent model) with a minimum headroom clearance of 3.8m, to the satisfaction of the Responsible Authority.

iii. Swept path diagrams for the B99 design car to be provided for the access from Little Lesney Street into and out of the basement carpark.
iv. The transition section at the base of the ramp is to be altered to provide a 1:8 grade for 2.4m.
v. Convex mirrors are to be provided on either side of the vehicle accessway to Little Lesney Street, within the property boundary, to the satisfaction of the Responsible Authority.
vi. A 2m x 2m splay is to be provide at the bend of Little Lesney Street.

h) the waste collection arrangements proposed are inadequate as large waste collection vehicles cannot reasonable access Little Lesney Street,
i) waste collection is recommended to occur on-site from within the basement using the small 6.4m long waste collection vehicle and swept path diagrams are to be provided demonstrating that this vehicle can enter and exit the basement from Little Lesney Street in a forwards direction,
j) the Food and Drinks Premises requires an on-site loading bay under Clause 52.07, however given the size of the tenancy proposed, a dispensation of this requirement is acceptable, and
k) the level traffic generated by the development will be low, residential in nature and not have a detrimental impact on the local road network.

Council's Engineering Services Unit

108. The following advice was received on the amended plans:

CAR PARKING PROVISION
Proposed Development

- *The proposed development comprises the construction of a 10-storey building containing residential dwellings and a food and drinks premises. The development would be containing a total of 52 on-site car parking spaces and 28 on-site bicycle parking spaces. The site is located at the north east corner of the bend in Little Lesney Street and also has a road abuttal to the west end of Wiltshire Street. The surrounding area has a mix of residential and commercial uses.*

- *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***
One-bedroom dwelling	*33*	*1 space per dwelling*	*33*
Two-bedroom dwelling	*30*	*1 space per dwelling*	*30*
Residential visitors	*63 Dwellings*	*1 space per 5 dwellings*	*12*
Food and Drink Premises	*185 m^2*	*4 spaces per 100 m^2 of leasable floor area*	*7*
		Total	***82 Spaces***

- *According to the submitted traffic report, 51 on-site car parking spaces would be allocated to the residences and one space to staff of the food and drinks premises. Therefore, the development would have a shortfall of 12 resident spaces, 12 residential visitor spaces and six spaces associated with the food and drinks premises.*

- *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.*

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. TTM Consulting has obtained car ownership rates from the Australian Bureau of Statistics 2011 census for Richmond Car ownership for a one-bedroom dwelling and a two bedroom dwelling is 0.70 and 0.94 spaces per dwelling respectively. Applying these car ownership rates to the development's residences would yield 23 spaces for the one-bedroom dwellings and 28 spaces for the two-bedroom dwellings, resulting in a total of 51 spaces. The proposed parking allocation for the dwellings is equal to the anticipated car ownership, and is considered satisfactory.*
    - *Parking Demand for Residential Visitors. 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 that has been often quoted in other traffic impact studies could be adopted. Applying this rate would result in a peak residential visitor parking demand of seven spaces. During off-peak periods, the residential visitor parking would be much less than 0.12 spaces per dwelling – around 30% of the peak visitor parking, which would be around two spaces.*
    - *Parking demand associated with the Food and Drink Premises. In other traffic studies we have reviewed, a lesser parking generation rate of 3 spaces per 100 square metres of floor area has occasionally been used for food and drink premises. By adopting this rate for the 185 square metres of café floor space would yield five spaces. Given its location (i.e. – away from the activity centre), the food and drink premises would not function as a specific destination in its own right and that it would attract persons who work or reside locally as well as visitors who are already in the Swan Street activity centre*
    - *Availability of Public transport in the Locality of the Land. The site is well positioned in terms of public transport services, with trams operating along Swan Street and Church Street. Rail services can be obtained from East Richmond and Burnley railway stations.*
    - *Convenience of Pedestrian and Cyclist Access. The site has easy access to Swan Street and Church Street. The primary pedestrian access for the site is off Little Lesney Street (the north-south aligned section), which provides a direct link to Swan Street.*
    - *Multi-Purpose Trips within the Area. The site is located within the broader area of the Swan Street activity area. Customers visiting the food and drink premises might combine their visit by engaging in 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. TTM Consulting had conducted spot on-street parking occupancy surveys on Friday 12 February 2016 at 8:00pm and on Saturday 13 February 2016 at 12:00pm and at 8:00pm. The survey area encompassed Swan Street (between Church Street and Mary Street), Church Street (between Elm Grove and the railway line), Charlotte Street, Wiltshire Street and sections of Brighton Street, Charles Street and Mary Street. The off-street car parks off Shakespeare Place and St Crispin Street were also included in the study. An inventory of 283 spaces had been identified. The survey revealed that the peak parking occupancy had occurred with 240 spaces occupied (leaving 43 spaces vacant). The results of the surveys demonstrate that the surrounding streets have capacity to accommodate any short-stay parking demands generated by the development.*

- *Car Parking Deficiency associated with Existing Land Use. The existing site operates as a warehouse. The statutory car parking requirement for warehouse use is 2 spaces to each premises plus 1.5 spaces to each 100 square metres of net floor area. There are five off-street parking spaces along the western side of the property. With a site area of approximately 928 square metres, the net floor area of the warehouse would be around 700 square metres (minus the carriageway easement and off-street spaces). The statutory car parking requirement would equate to 12 parking spaces. With five on-site spaces, the car parking deficiency of the existing site would be seven spaces. Any existing parking credit associated with the site could potentially be transferrable to the new site.*
- *Access to or provision of Alternative Transport Modes. The site has very good accessibility to public transport, which provides easy access to Melbourne and the greater metropolitan area. The site also has very good cycling and pedestrian connectivity, which could encourage non-motorised transport modes for residents as well as for any short-stay customers and visitors.*

Adequacy of Car Parking

- *From a traffic engineering perspective, the waiver of parking for this site is considered appropriate in the context of the development and the context of the development and the surrounding area.*

- *Engineering Services has no objection to the reduction in the car parking requirement for this development.*

TRAFFIC GENERATION

- *For the residential traffic generation of the site, TTM Consulting had derived the residential trip generation rate from the Roads and Traffic Authority of New South Wales' Guide to Traffic Generating Developments – issue 2.2 2002. TTM have used the rate of 0.24 vehicle trips per dwelling per peak hour for high density residential flat buildings. This rate may not be appropriate for this site. According to this rate, the 51 dwellings that have an allocated car parking space would generate a peak hour residential traffic generation of 13 vehicle trips per hour. With the one space allocated to the food and drinks premises, the total peak hour traffic volume would be expected to be 14 vehicle trips per hour.*
- *The RTA Guide specifies a peak hour generation rate of 0.4 to 0.5 vehicle trips per hour for medium density residential flat buildings (we consider this rate more appropriate for this scenario). Applying these rates would result in residential peak hour volumes of 20 to 25 vehicles per hour. The traffic likely to be generated by the development is not unduly high.*
- *At this time, Little Lesney Street does not currently have a one-way traffic operation in the eastbound direction, as shown on the Melways street directory extract in the report. Little Lesney Street (north-south aligned section) provides access to abutting commercial properties fronting Church Street.*

  Once the development becomes operational, it is possible that some motorists may choose to exit onto Swan Street via Brighton Street in order to avoid conflict with vehicles associated with the commercial properties (particularly if trucks attempt to unload in Little Lesney Street).
- *Overall, the occupation of the dwellings and the operation of the food and drink premises should not adversely impact on the traffic operation of the nearby streets.*

DEVELOPMENT LAYOUT DESIGN

Access Arrangements via West end of Wiltshire Street

- *The driveway entrance into the development has a 4.0 metre wide doorway which satisfies Design standard 1 – Accessways of Clause 52.06-8 of the Yarra Planning Scheme.*
- *The entrance's headroom clearance has not been specified. The applicant should dimension the headroom clearance and should be no less than 2.1 metres as required by Design standard 1.*

- *The development's Wiltshire Street entrance is located approximately 8.53 metres west of the termination of Wiltshire Street via a carriageway easement. The visibility triangles required for accessways under Design standard 1 cannot be applied in this instance. The property at 254 Swan Street currently enjoys access rights off the carriageway easement. Cars exiting onto the carriageway easement out of 254 Swan Street to access Wiltshire Street may not be able to see vehicles entering and exiting the subject site. A convex mirror could be installed opposite the entrance of 254 Swan Street to assist with exiting motorists viewing cars along the carriageway easement.*
- *The 1 in 20 ramp section from the doorway should be dimensioned on the drawings prior to endorsement.*

Access Arrangements via Little Lesney Street

- *The development entrance at the Little Lesney Street building line is 5.3 metres in width and satisfies Design standard 1.*
- *The Little Lesney Street entrance's headroom clearance has not been specified. The applicant should dimension the headroom clearance and should be no less than 2.1 metres as required by Design standard 1.*
- *There is no objection to the installation of two convex mirrors on either side of the development entrance.*
- *The ramped accessway has a wall-to-wall width of 5.25 metres. This is less than the minimum two way wall-to-wall width required by the Australian/New Zealand Standard AS/NZS 2890.1:2004, which is 6.1 metres. The proposed ramped accessway would effectively operate as a one-lane driveway. The users of the development's basement car park would be regular users who would become accustomed to using the accessway and realise that it cannot accommodate simultaneous two-way traffic movements, particularly when entering or exiting Little Lesney Street (a narrow carriageway). There is no objection to the proposed width of the ramped accessway.*
- *Commencing from the building line, the profile of the ramped accessway comprises a 5.0 metre long section at a grade of 1 in 10, followed by a 2.0 metre long 1 in 8 transition grade, a 16.157 metre long section at a grade of 1 in 4.5 for 2.0 metres. The grades satisfy Design standard 3: Gradients. However at the base of the ramp, the length of the 1 in 8 grade is insufficient. Past experience has shown that for a ramp grade steeper than 1 in 5, the transition grade (1 in 8) at the bottom of the ramp needs to be lengthened to ensure that the B99 design vehicle does not scrape or bottom out. The transition grade at the bottom of the ramp is to be lengthened to 2.5 metres.*

Vehicle Crossing

- *The existing vehicle crossing on the north side of Little Lesney Street must be demolished and reconstructed to span the entrance width of the ramped accessway. The new vehicle crossing must be constructed in accordance with Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements. A bull-nose of up to 50 mm will be permitted for the new vehicle crossing.*
- *In providing the new vehicle crossing for the site, the applicant will be required to prepare a detailed cross sectional drawing of the new vehicle crossing, the actual road profile of Little Lesney Street and the ramped accessway (for the first 2.0 metres inside the property). The cross sectional drawing and ground clearance check must be submitted to Council's Construction Management branch for assessment and approval.*

At-Grade Car Park

- *The dimensions of the regular at-grade car parking spaces (2.6 metres by 4.9 metres) satisfy Design standard 2: Car parking spaces.*
- *The aisle width of 6.4 metres also satisfies Design standard 2.*
- *The dimensions of the dedicated accessible parking space for people with disabilities and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities Part 6: Off-street parking for people with disabilities.*
- *A minimum headroom clearance of 2.5 metres has been maintained within the car park, as required for users of accessible parking spaces (AS/NZS 2890.6:2009 Section 2.4 – Headroom).*

- *The column depths and setbacks from the aisles have not been dimensioned on the drawings. The column locations must satisfy Diagram 1 Clearance to car parking spaces of Clause 52.06-8. The column depths and setbacks are to be dimensioned on the drawings.*

Basement Car Park

- *The basement car parking would be contained in the shuffle type car stacker, the Wöhr Combilift series. The applicant has not selected the specific model type to be used for the development. The stacker model type to be selected must satisfy Design standard 4: Mechanical parking, whereby at least 25 per cent of mechanical parking spaces can accommodate a vehicle clearance height of 1.8 metres.*
- *The stacker platform envelopes measure 2.7 to 2.8 metres by 5.70 metres. The Wöhr Combilift stacker series can accommodate vehicles up to the size of the B85 design vehicle.*
- *A minimum blind aisle extension of 650 mm has been provided at the south end of the aisle. The applicant is to provide swept path diagrams for the B85 design vehicle for entry and exit movements into and out of critical stacker platforms.*
- *The ramped accessway has a minimum headroom clearance of 2.5 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.*

Splay at South West Corner of Site

- *The corner splay at the south west corner of the site has been enlarged to measure 1.97 metres by 1.66 metres. The applicant is to provide a swept path diagram using the B99 design vehicle to demonstrate the vehicle turning movement around the ninety-degree bend of Little Lesney Street.*

Accessible Path of Travel – South West Corner of Site at Ground Level

- *Although not planning item, the applicant must ensure that the accessible path of travel at the south west corner of the site at ground level satisfies DDA requirements as per Section 6 of the Australian Standard AS 1428.1 – 2009 Design for access and mobility Part 1: General requirements for access – New building work.*

Loading Provision

- *The site would not be providing an on-site loading facility. The commercial use of the site comprises 185 square metres of floor space for a food and drink premises (café). The site cannot practically accommodate a loading facility (without significant modification to the building) required under Clause 52.07 – Loading and Unloading of Vehicles. Small trucks or vans would service a café of this size.*
- *The applicant should advise of the nearest on-street loading zone for Council to further consider the waiving of the loading provisions for this site.*

Summary of Design Items to be Addressed

Item	*Details*
Entrances – Wiltshire Street and Little Lesney Street	*Headroom clearances at the entrances of the development should be dimensioned on the drawings.*
Vehicular Entrance – Visibility within Carriageway	*For motorists exiting the north vehicular entrance, a suitable treatment/measure should be provided to improve visibility of vehicles exiting the property at 254 Swan Street, which has access rights to the carriageway easement. (For example, a convex mirror may be an option).*
Ramp Grade – Wiltshire Street Entrance	*The 1 in 20 ramp section from the doorway should be dimensioned on the drawings prior to endorsement.*
Transition Grade at base of Ramped Accessway	*The 1 in 8 transition grade at the base of the ramped accessway is to be lengthened to 2.5 metres.*

At-Grade Car Park – Column Locations	*The column locations are to satisfy Diagram 1 Clearance to car parking spaces of Clause 52.06-8 and their depths and setbacks are to be dimensioned on the drawings.*
Car Stacker Device – Model Type	*The applicant is to select the stacker model type to be used for the development. The stacker must satisfy Design standard 4: Mechanical parking, whereby at least 25 per cent of mechanical parking spaces can accommodate a vehicle clearance height of 1.8 metres.*
Car Stacker Device – Vehicle Turning Movements	*The applicant is to provide swept path diagrams for the B85 design vehicle for entry and exit movements into and out of critical stacker platforms.*
Corner Splay at Ninety-Degree Bend in Little Lesney Street	*The applicant is to provide a swept path diagram using the B99 design vehicle to demonstrate the vehicle turning movement around the ninety-degree bend of Little Lesney Street.*
South West Corner of Site at Ground Level – Accessible Path of Travel	*The accessible path of travel at the south west corner of the site at ground level must satisfy DDA requirements as per Section 6 of the Australian Standard AS 1428.1 – 2009 Design for access and mobility Part 1: General requirements for access – New building work.*

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.*
- *During construction of the building, it is likely that the movement of construction traffic will rapidly increase the deterioration of Council's road 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 Little Lesney Street.*

ENGINEERING CONDITIONS

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

Pedestrian Access

- *The main pedestrian access to the development must be constructed to satisfy DDA requirements.*

Civil Works – Little Lesney Street (east-west aligned section)

- *Upon the completion of all building works and connections for underground utility services, the kerb and channel and asphalt infill (behind the kerb) immediately outside the property's Little Lesney Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.*
- *The east-west aligned section of Little Lesney Street from the southwest corner of the development to Brighton Street must be stripped and re-sheeted to Council's satisfaction and at the developer's expense.*

Civil Works – Little Lesney Street (north-south aligned section)

- *The north-south aligned section of Little Lesney Street from Swan Street to VicTrack land in the south must be reconstructed to Council's satisfaction and at the developer's cost.*

Pedestrian Enhancement Treatment – Little Lesney Street (north-south aligned section)

- *Prior to the commencement of construction, the applicant must prepare a design for a pedestrian enhancement treatment in Little Lesney Street (painted or textured), in consultation with Council's Traffic unit and Urban Design unit, for assessment and approval. All works associated with the pedestrian enhancement treatment of Little Lesney Street (Swan Street to VicTrack land) shall be funded by the Permit Holder.*

Civil Works – Wiltshire Street

- *The carriageway of Wiltshire Street (from the west end to Brighton Street) is to be stripped and re-sheeted to Council's satisfaction. Any areas of pavement failure associated with the development works shall be reconstructed. These road infrastructure works shall be borne by the developer.*

Construction of New Drains

- *The construction of the new easement drain and the new drain underneath Little Lesney Street must be constructed to Council's satisfaction and at the Permit Holder's cost.*

Vehicle Crossing – Little Lesney Street

- *The vehicle crossing servicing the two car lifts on the west side of Rochester Street must be constructed in accordance with Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements.*
- *The designer shall prepare and submit a 1 in 20 scale cross sectional drawing of the Little Lesney Street vehicular entrance, showing the actual reduced levels (not interpolated levels from the application drawings) of the Little Lesney Street road profile, the lip of channel level, the invert level, the top of kerb level and the existing building line level. The existing road profile of Little Lesney Street (from the south edge to the north kerb line) and the ramp for 2.0 metres inside the property must be accurately drawn. The designer must demonstrate by way of a ground clearance check that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 cross sectional drawing must be submitted to Council's Construction Management branch 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.*

Preparation of Road Infrastructure Design Drawings

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

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.*

Public Lighting

- *The designer must ensure that there is adequate public lighting along the road frontages of the site. Lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting and poles shall be funded by the developer.*
- *The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Intrusive effects of light should be in accordance with the requirements of the Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Any light shielding that may be required shall be funded by the applicant.*

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.*
- *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.*

ESD Advisor

109. The following advice was received on the amended plans:

- *I have reviewed the amended plans drawn by Sgourakis Architects received on the 31st May 2016, and the SMP prepared by SDC on the 1st October 2014 that appears to be the same report from the original submission.*
- *In summary, the amendments in the buildings design address some, but not all deficiencies. The current building design has improved, but is still not satisfactory.*
- *The following issues that were all raised in the previous ESD Referral, prepared by Johanna Trickett, are still outstanding.*

Daylight and natural ventilation

- *The amended design does not meet Council's best practice standard for the provision of daylight and natural ventilation.*
- *Some reconfiguration of lower levels has occurred however the proposed floor plans severely restrict access to daylight and natural ventilation to many dwellings on the lower levels. The majority of dwellings on the lower levels either rely on light-courts, have borrowed light to dwellings, have deep 'battleaxe' or setback bedrooms or they rely on daylight via a balcony on boundary with an existing wall (and therefore presents as a primary facing an light-court and adjoining concrete wall, see apt 111, 211 and 311).*
- *Please reconsider floor plan layouts on the lower levels to increase access to daylight and direct sunlight to north- and east-facing apartments (101, 111, 201, 211, 301, 311, 401). These dwellings are particularly problematic.*
- *9 dwellings out of a total of 63 have internal bedrooms. This is 14% of dwellings, and is higher than the maximum 10% recommended by Council. Recommend redesigning the building to remove the reliance on borrowed light to bedrooms as such a prominent and reoccurring feature of the building.*
- *Strongly recommend the building design undergo further re-working to address these issues and demonstrate best practice in ESD, including daylight and natural ventilation, through an updated SMP and architectural drawings.*

- *Consider combining the floor plan of (110 & 111), (101 & 102), (210 & 211), (201 & 202) not large dwellings and improve the amenity to these dwellings.*
- *Recommend that an updated building design undertaken daylight modelling to demonstrate that best practice standards in daylight can be met.*

Shading

- *There are significant areas of exposed glazing to summer sun angles and unwanted solar gain. This was also raised in the previous advice with particular attention to levels 7 and 8, although the issue persists throughout the building at other levels also. There are significant areas of glazing exposed to hot summer sun and unwanted solar gain on the northern, eastern and western facades.*
- *Numerous living areas are directly on the glass façade without any shading from balconies, wingwalls or building articulation.*
- *Strongly recommend to protect all glazing on west, east and northern facades currently exposed to summer sun angles and solar gain through exterior shading (fixed or adjustable), such as fins, louvers, blinds or shutters. Shading is more effective and preferable to highly specified glazing for summer solar heat gain control. However, if shading cannot be incorporated into the current façade design then the applicant should demonstrate that reasonable levels of thermal comfort are possible in all dwellings through NatHERS cooling loads of 30MJ/m2/year or lower.*

Stormwater Management

- *Previous stormwater issues identified have not been resolved. Please revise the provided STORM report and/or architectural drawings to be consistant and show rainwater tank(s), an accurate rainwater catchment area(s) and the toilets connections noted.*
- *The following issues have been addressed in the recent amended building design.*

Bicycle Parking

- *There are more bicycle parking spaces allocated in the current design with 65 spaces for the residents of 63 dwellings and staff of ground floor café.*

Waste Chutes

- *These have been upgraded to dual waste chutes for general waste and recycling.*
- *Johanna's previous recommendations for improvements to the ESD standard of this building also still stand.*
- *Copied here again from Johanna's previous ESD Referral, these are:*
    - *Consider providing fly screens and security mechanisms to openable windows/doors to allow for convenient and effective night purging (ventilation during night) during summer months.*
    - *Please clearly indicate window operations on architectural drawings.*
    - *Please consider natural ventilation strategies for the ground floor car parking area.*
    - *Please indicate on the architectural drawings what window glazing will be specified. Clear glazing is preferred to maximise internal daylight levels.*
    - *Please consider more extensive planting to enhance the site's ecological value.*
- *Finally, an updated SMP should be provided to demonstrate best practice of the updated building design, in accordance with Clause 22.17, and include daylight modelling. If you or the applicant has any further questions regarding my comments or recommendations, do not hesitate to contact me.*

<u>External Urban Design Advice (SJB)</u>

110. The original application was referred to SJB (summary of comments):

2.2 Recommended amendments

- *Reduce the height to 7 storeys or develop the design further to reduce the visual impact of the upper levels on the narrow streets.*
- *Further design development of the ramp access to the tenancy and the residential entry to include the possibility for direct street access, in particular to the tenancy.*

- *Further design development of the zig-zag elements at the lower level to incorporate design treatment more in keeping with the fine grain, 'gritty' character of the neighbourhood.*
- *Consideration of an active street front by sleeving or removing the car park from the street front.*
- *Further design development of east facing apartments that rely on a light well and corner south facing balcony for natural light to increase solar amenity.*
- *Increase the bike parking to one per apartment.*
- *Balcony depths, where less than 1.75 metres should be increased, it is suggested that where they are less than 1.6 metres they must be increased.*

Urban Design Unit

111. The following advice was received on the amended plans:

(a) *General Urban Design comments have been sought on the above proposal, in response to the amended plans that have been submitted (Drawing Nos. TP01-TP34 Rev. E and accompanying photomontages dated 5 July 2016).*

(b) *In summary, the following matters have been raised in this memo, which require further consideration.*

i. *The proposal exceeds the heights specified in the Swan Street Structure Plan (5 to 6 storeys). It is recommended that the height of the building is reduced to seven storeys, with the roof terrace and communal kitchen on top, to reduce the visual dominance of the building and provide a more balanced building form.*

ii. *Although some improvements have been made to the ground level to improve the interface and visual connection between the ground floor café and the street and improve the visual connection with the street, in our view the proposal would benefit from additional greening of the ground level façade where the car park is located, to soften this edge, and some lighting to make the ground floor interface feel more welcoming at night.*

iii. *The proposal would benefit from further simplifying the material palette where possible.*

iv. *To accommodate pedestrian and vehicle movements along Little Lesney Street, it is recommended that the western frontage is set back marginally to maintain a consistent width of 4.5 metres (the laneway is generally 4.5 metres in width but narrows down to 4.3 metres in some parts). Furthermore, the proposal would benefit from increasing the splay on the south-west corner, which the Traffic Engineering team may provide feedback on.*

(c) *It is understood that there are no capital works proposed at this time around the site, however the Urban Design memo dated 20 August 2015 provides some recommendations for capital works that would be required to accommodate the development.*

Strategic Transport Unit

The following advice was received on the amended plans:

- *We feel that the proposed bike racks are inappropriate because*
  - *They don't provide an adequate level of services for bicycle users (difficult to get the bike in and out). Users need lift their bike up to waist height to access top levels. This is problematic for larger/heavier bikes or those with child seats. It's particularly difficult for riders who aren't strong, have back injuries or are pregnant.*
  - *There is potential damage to bicycles (handlebars and spokes in particular) when using them*
  - *I also doubt that the required 2.6m floor to ceiling clearance can be provided*

- *Here are my comments about the rest of the proposal*

- *The number of bike parking racks is good (1 per apartment) but the Josta two tier racks used is are not appropriate as stated above*
- *Only 30 resident bike parking spaces are enclosed within a specific lockable bike cage as dictated by Australian Standards. That leaves 25 spaces within the general carpark area, which is not compliant and offers very poor security. I would like to see 1 space per apartment in a bike cage.*
- *It is a good thing that the majority of the racks are provide at ground level which means people don't need to use a ramp to access them and conflict with vehicles*
- *Visitor bike parking is in a good location and located within the building envelope.*

Services Contracts Unit

112. The following advice was received on the original plans (and amended WMP was not provided):

- *the preference would be to have all bins both commercial and residential are collected internally by the same contractor unless it is absolutely not possible.*
- *The updated WMP needs to include:*
  - *(a) Details of where the commercial bins will be stored*
  - *(b) Details of where the commercial bins will be collected*
  - *(c) Details of the route to be used by the collection vehicle for the commercial bins*
  - *(d) Details of the type of vehicle to be used for commercial collections*
  - *(e) Demonstrate that the vehicle to be used is able to enter and exit the building (Provide radial turning diagram)*

Heritage Advisor

113. The following advice was received on the original plans:

Recommendation / Comments:

- *The only relevant comments which could be made are:*
  - *Ensure that the rear wall of the abutting property is protected during construction*
  - *Given the setback of the site from Swan Street and its relatively narrow width it is unlikely that the proposed development will be a visual intrusion into the Swan Street streetscape. It may however have a visual impact on the northern backdrop of the Barkley Gardens Precinct in particular the Barkley Gardens themselves.*

Assessment

114. The primary considerations for this application are as follows:
   (a) strategic policy;
   (b) food and drinks premises (café) use;
   (c) urban design;
   (d) on-site amenity;
   (e) off-site amenity;
   (f) environmental sustainability;
   (g) traffic and car parking;
   (h) bicycle parking;
   (i) loading bay waiver;
   (j) waste management;
   (k) drainage easement; and
   (l) Objector concerns.

Strategic policy

115. The site is located to the immediate south of 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.

116. In particular, the MUZ of the land aims (as relevant):
    (a) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
    (b) *To provide for housing at higher densities.*
    (c) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
    (Emphasis added.)

117. The preferred neighbourhood character of the area is strongly influenced by the location of this site, behind the Swan Street AC, near the train station and numerous shops and amenities. The site is also a unique opportunity, within a Mixed Use pocket with sensitive residential interfaces being limited to the east.

118. Whilst the location supports a high density residential development, a number of pubs and restaurants surround the site (north and west). The interface between commercial and residential land uses must therefore be considered and is dealt with by Council's Local Policy at clause 22.05; aiming to encourage reasonable residential amenity levels, without unreasonably impeding business activities.

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:
    - *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.*

120. Another guiding document (albeit not part of the Yarra Planning Scheme, yet an adopted Council document), is the Swan Street Structure Plan [**SSSP**]. The SSSP echoes Council's MSS, identifying the built form character of one of 'pocket of taller buildings'. Housing growth is supported in the precinct, along with land uses that support street level activation. In terms of building heights, the SSSP supports 5-6 storeys (19m) in this pocket.

121. Environmentally sustainable design [**ESD**] guidance is offered at clauses 11.04-5, 15.02-1 and 22.16 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 a MAC. Subject to the conditions contained in this report, the proposal meets broad state and local urban consolidation policies contained within the Scheme.

Food and drinks premises (café) use

124. As the proposed café is over 150m² (185m² proposed), a planning permit is required under the MUZ. The MUZ is limited in terms of decision guidelines for land use considerations, however the size of the venue (the 'threshold' for the permit trigger) and clause 22.05 (Interface Uses Policy) are the most relevant considerations.

125. Had the café been 35m² less, then the use would not require a planning permit. Considering the café interfaces with a currently inactive road, the proposal would positively activate Little Lesney Street. The size of the venue is considered an advantage in activating what is currently a 'back of house' area behind Church Street.

126. Since the application was advertised, the applicant has confirmed the following hours of operation :
    (a) 7am to 8pm (Monday to Thursday and Sunday); and
    (b) 7am to 10pm (Friday and Saturday).

127. Having regard to clause 22.05, the following assessment is offered:
    (a) Visual impact and appearance – the extensive use of ground level glazing for the café would positively activate Little Lesney Street;
    (b) Overlooking – being located at the ground level, the proposal would not overlook the dwellings to the east;
    (c) Odour and air emissions – the café is at the western end of the site, physically separated enough from the closest dwellings (to the west) to not bring rise to odour or air emission concerns;
    (d) Light spill – the proposal does not detail any external lights which would impact the amenity of nearby dwellings;
    (e) Loading and unloading – considered later in this report;
    (f) Rubbish removal and storage - considered later in this report;
    (g) Construction noise – should a permit issue, a construction management plan should be imposed by way of a permit condition; and
    (h) Noise – Due to necessary attenuation to address acoustic issues associated with the licensed venues on Church Street, the proposed café tenancy (especially given the hours are within typical 'café' operating hours), would not unreasonably impact the amenity of the proposed or existing dwellings in the area.

128. Subject to the conditions in this report, the proposed café would not unreasonably impact the amenity of nearby dwellings.

Urban design

129. This section of the assessment will be guided by clauses 21.05-3, 22.02 and 22.10 of the Scheme, along with the DSE Guidelines.

Site Analysis Plan and context

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

Urban form and character

131. The character of this area is unique, a 'secondary street' behind the Swan Street AC and Church Street. Built form queues are limited to the apartment block to the east (a 3 storey hard edge street wall), 1-2 storey hard edge street walls further east (dwellings and commercial tenancies) and the rear of commercial tenancies fronting Church Street (1-2 storey forms). This context offers less in terms of 'existing neighborhood character' to aspire to and more in terms of an issues based approach towards a preferred neighborhood character.

132. The key deficiencies of built form in this pocket are positive pedestrian environment and activation.

133. The proposal has responded to this with:
    (a) a ground level 'footpath' within the site wrapping around the bend in Little Lesney Street;
    (b) a hard edge 'podium' at levels 1-3, with greater setbacks offered at levels 4 and above; and
    (c) a ground level café with large expanses of glazing to activate the street.

134. 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

135. 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*

136. The SSSP states that buildings in this pocket should be no more than 5-6 storeys (or 19m). At 10 storeys, or 31.4m, the proposal is 4 storeys or 12.4m above the heights envisaged in the SSSP.

137. Council's Urban Design Unit recommended that the building height be reduced to 7 storeys plus a roof deck (deleting 2 storeys). The rationale is that this would create a more balanced building form and reduce the visual dominance of the building.

138. The proposal is considered to offer a number of positive urban design outcomes as per the clause 21.05 approach. These include that the proposal would:
    (a) positively activate the street at ground level and offers a pedestrian 'refuge' by way of the internal footpath;
    (b) have limited immediate viewing points and is more likely to be read further afield or behind Church or Swan Street buildings;
    (c) incorporate significant upper level setbacks; and
    (d) compared to the contribution the existing building makes to Little Lesney and Wiltshire Streets, the proposal would positively engage the public domain.

139. However, as this report outlines, a number of urban design matters are still not considered to be satisfactorily resolved. This exasserbates the height concern, as has been identified in the urban design advice. As a result, should a permit issue, levels 7 and 8 should be deleted by way of a permit condition (shifting the level 9 roof deck down). Levels 7 and 8 would unreasonably protrude above the surrounding building stock and is considered to tip the balance as such.

Extract from Council's Urban Design advice.

140. The proposal would only then be 1 storey (plus a roof deck) above the SSSP, which could be tolerated in this location given it's secondary street positioning (rather a backdrop to properties along Church and Swan Street) and given the limited sensitive interfaces.

141. Further, as local policy directs, buildings above 5-6 storeys *may* be considered, and officer's submit that a design of this standard is capable of exceeding this standard by 1 floor (plus a roof deck), but no more.

142. Each interface will now be considered in turn.

143. East – The podium would be 4 storeys or approximately 2 storeys or 6m taller than the apartments to the east (as measured at the eastern edge). In a MUZ, this is considered to be an appropriate transition or 'step down' to the existing built form. However, the perspectives show that the eastern end of the southern façade loses the podium strength. Whilst it is an interesting building element, a condition should require the ground to level 3 elements to be read as a stronger podium through the use of colours and/or materials. This will ensure that this 4 storey form is strengthened to offer a 2 storey step to the buildings to the east.

144. The remainder of the eastern setbacks will be dealt with in the following 'off-site amenity' section of this assessment.

View from the south (south of the railway line)

145. South – To the south, the building is articulated as a 4 storey podium, however the balconies only introduce a significant setback across the whole façade at level 7. Again, this is considered appropriate up to level 6 as the main viewing points to this interface would be south of the railway line. In this context, a more robust southern presentation is supported, subject to the deletion of levels 7 and 8.

146. West – To the west, the proposal starts to introduce a 'tower' element at level 4 (4 storey podium below). This treatment appears to be guided by equitable development and assuming that the sites west of Little Lesney may be developed in the future. This approach is supported. Further west, the proposal would be read above the Church Street commercial tenancies, however the proposal would read as a secondary element behind the Church Street facades given the vertical separation and is supported in this context.

View from the south-west

147. North – To the north, the proposal has also introduced setbacks above the 4 storey podium, again in what appears to be more of an equitable development approach as opposed to physical context queues. This again is supported in this context, subject to the deletion of levels 7 and 8. Looking further north from Swan Street, the proposal would again read as a secondary element behind the Swan Street buildings, especially given their 2 storey Victorian era proportions. This is appropriate and supported from an urban design perspective.

148. Reviewing the perspectives provided with the application and subject to the deletion of levels 7 and 8, the proposal would appropriately responded to its unique context and would make a positive contribution to the public realm.

Light and shade

149. An objective of the DSE Guidelines is 'To protect sunlight access to public spaces'.

150. The proposal would overshadow Little Lesney Street throughout the day, however there is only an approximately 300mm wide footpath south of the subject site, which would currently be shadowed throughout the day anyway. As a result of the site context and existing conditions, the proposal would not unreasonably overshadow the public realm.

Street, public space and safety

151. Whilst Council's Urban Design Unit raised issue with the street level interface, the proposal is considered to make a vast improvement to existing conditions.

152. Going back to the original proposal, the café was originally at street level at the western end of the site (the land falls to the south). This resulted in the pedestrian link around the Little Lesney Street corner being elevated or ramped. This discord with the street network was jarring. As a result, the amended proposal 'sunk' the café floor so the ground level entry would better integrate with the surrounding street network. As the land falls to the south, the new footpath has to be elevated at some point, however the floor level to street level variation has been greatly reduced and would enhance the existing pedestrian environment.

153. The urban design advice also recommended that the south-west corner of the development be setback from the southern boundary to maintain a minimum 4.5m street with. This has already occurred in the amended plans.

154. Council's Urban Design Unit recommended that the splay in the south-west corner of the building be increased. This will be dealt with in the following car parking/traffic sections of this assessment.

155. The 6.2m setback of the residential entry is considered problematic from a safety / public realm perspective. Should a permit issue, a condition should require the entry door to be a maximum 2.5m beyond the title boundary.

156. Finally, the circular colonnade approach to Little Lesney Street is not considered to be successful or contemporary. At least a rectilinear form should be adopted, improving the pedestrian experience along both the west and south frontages. This should be addressed by way of a permit condition, should a permit issue.

Heritage

157. Clause 22.02 of the Scheme is relevant as the north-west corner of the site is affected by a Heritage Overlay. However, Council's Heritage Advisor reviewed the application and noted 2 main points:
    (a) the rear wall of the abutting property must be protected during construction (this would be a matter of course during the building permit/assessment process); and
    (b) as the site is well setback from Swan Street, the proposal would not visually intrude upon the Swan Street streetscape.

158. However, the Heritage Advisor raised concern with the impact on view from Barkly Gardens Precinct and the Barkly Gardens themselves. However, as the site is over 41m from the closest property within the Barkly Gardens Precinct (separated by the railway line) and over 222m from the Barkly Gardens themselves, the proposal is not considered to unreasonably impact the heritage character of the precinct or the gardens.

159. As a result, the proposal would not unreasonably impact the heritage character of the surrounding area.

Wind

160. The DSE Guidelines aim 'To ensure new tall buildings do not create adverse wind effects'.

161. Given the building has adopted a podium and tower typology, however at a reduced height of 7 storeys (plus a roof terrace), it is considered necessary to require a wind report to ensure that the building would not adversely affect pedestrian amenity in the area.

Landmarks, views and vistas

162. The site is not within close proximity of any identified landmarks in the Scheme (the closest being the Dimmeys Ball Tower – over 295m to the west of the subject site). With Swan Street and the surrounding streets being a clear grid pattern, the proposal would also not unreasonably impact views or vistas (such as along Swan Street).

Site coverage/Permeability

163. Council's local built form policy at Clause 22.10-3.6 envisages site coverages 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.

164. In this instance, the site is within an EAO and site coverages in the area are typically higher than 80%. As a result, the proposed 100 per cent site coverage is site responsive and is in keeping with the character of the area.

165. Clause 22.16 of the Scheme also requires Applicant's to consider storm water runoff. With 100 per cent site coverage, includes sufficient storm water treatments to achieve a 106 per cent STORM rating. As a result, the proposal would not unreasonably overload the storm water network.

Architectural quality, colours and materials

166. Objective 5.6 of the DSE Guidelines is '*To promote buildings of high architectural quality and visual interest*'.

167. Should a permit issue, it has already been recommended that the 4 storey podium be strengthened at the eastern end of the south elevation. Compared to the original proposal, the window proportions have been simplified and the materials have been somewhat rationalized, however it is considered that the design could be further refined with simplified materials/colours. There are 15 external materials listed on the elevations, indicative of the 'busy-ness' of the current proposal. This should be addressed by way of a permit condition.

Landscaping

168. The site context does not require extensive landscaping, however Council's ESD Advisor has asked the Applicant to incorporate more planting (perhaps planter boxes) to improve the urban ecology of the proposal.

169. As the per the ESD Advisor advice, the Applicant is willing to incorporate planting on the roof deck and provide a landscape plan with details of planting at the ground level (albeit limited). This is acceptable in this context.

Service infrastructure

170. Whilst the floor plan shows a roof plant and solar array, the elevations do not show if these are to be screened. This should be addressed by way of a condition on any permit issued.

171. Subject to the conditions contained in this report, the proposal would achieve a site responsive urban design outcome that would positively contribute to the surrounding public realm.

<u>On-site amenity</u>

Access, layout and circulation

172. The proposal has a simple layout and would offer clear access and circulation. A condition however, should be imposed on any permit issued to require the dwelling entry doors to be recessed a minimum 200mm. this will ensure they are well articulated along the corridors.

Overlooking

173. 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'.

174. In terms of internal overlooking, the proposal has not adequately dealt with this. However, this can be addressed by way of a permit condition, should a permit issue.

Noise

175. 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 aim of clause 22.05 is to ensure that new residents are afforded a reasonable level of amenity, whilst protecting the normal operation of nearby businesses.

176. The Applicant provided an acoustic report, prepared by Watson Moss Growcott. Council had this peer reviewed by SLR Consulting.

177. The key issues with this application are noise and vibration from the train line and noise associated with the Swan Hotel (north-west), the Great Britain Hotel (south-west) and Public House (west).

178. SLR generally agreed with the Watson Moss Growcott [**WMG**] report, however they noted that the main issue is music and patron noise from nearby venues (other acoustic issues would be addressed indirectly if these main issues are addressed).

179. In essence, whilst SLR were of the opinion that rail noise, rail vibration, road traffic and tram noise were adequately addressed in the WMG report:

- *The acoustic report has quantified the extensive music noise impacts to the subject site through a number of appropriately timed measurements. As indicated in our review, the measured levels which were generally undertaken at ground level, may not represent worst case music impacts to upper levels of the development. This concern applies to measurements relative to the Public House, and to a lesser extent to the Swan Hotel.* ***Further clarification or justification of the adopted approach is requested, or some allowance for directivity should be included in the assessment.***

180. A condition was drafted to this effect and discussed with SLR. They retracted from this approach however, given specific internal noise levels were being sought for the development.

- *Music noise has been assessed to indoor targets based on the NR25 curve. As indicated in our discussion above, we do not believe this provides for an adequate level of acoustic amenity.* ***We recommend that the SEPP N-2 base noise limits + 10 dB be adopted as targets. We also recommend that the design targets are achieved in living rooms as well as bedrooms.***

181. This should be addressed by way of a permit condition on any permit issued.

- *Notification of the issue of music noise should be provided to any future purchasers, as the suggested 'base noise limits + 10 dB' targets will still result in audible and potentially intrusive levels of music indoors.*

182. This should be addressed by way of a permit condition, requiring a section 173 Agreement to be entered into and registered on subsequent titles.

- *Controls for music noise relative to both the Great Britain Hotel and The Public House assume that the existing measured exceedances at closer residences will be addressed. These exceedances are in the order of 10 dB, which is acoustically significant, and controlling them can be expected to impact the operations of both venues. If they are not controlled, music noise levels in many of the proposed new dwellings will be unacceptably loud. Whereas the current exceedances measured by WMG affect only a few residents, the predicted levels of music at the subject development will affect a large number of potentially less tolerant people. Consequently it is imperative that the existing SEPP N-2 excess is addressed before the development is occupied. An approach to this issue will need to be developed in consultation with the venues and is unlikely to be a straightforward task.*

183. It is noted that the above has been reported to Council's Compliance team and the venues have been addressing these SEPP N-2 breaches.

- *It is also of note that the development itself will shield music noise from the Public House to 3C Little Lesney Street and so is likely to ensure SEPP N-2 compliant music levels at that location (without the need for the venue to reduce their internal music levels). This is a further reason for negotiating and controlling the existing SEPP N-2 exceedance during the planning phase.*

Carpark Access Gate

- *The acoustic report should be updated to include advice for controlling noise, including structureborne noise, and vibration from the carpark entrance gate and car stackers to both occupants of the proposed building and existing residents.*

184. This should be addressed by way of a permit condition, should a permit issue.

185. After the initial review, the Public House planning permit application was lodged and has since progressed to consultation meeting stage. The application seeks to add a level at the rear of the venue. In light of this, the application was re-referred to SLR Consulting.

186. SLR Consulting recommended a number of additional conditions, including 'noise masking' and forced ventilation to deal with potential acoustic breaches, however they also recommended '*Façade upgrades to control the MDA predicted patron noise levels at the western façade of the development to achieve SEPP N-1 indoor limits or AS/NZS2107 'satisfactory' levels. This aspect of the design should include input from The Public House and their acoustical consultants*'. It is considered inappropriate to refer to an application which has not yet been determined and also to refer to their acoustic consultant in a permit condition.

In terms of dealing with this potential interface issue with 2 applications on-foot, it is considered appropriate to impose all other conditions recommended by SLR Consulting (essentially, SEPP N-2 base noise limits +10dB) and as the Public House application is trailing this one, have any residual interface upgrades dealt with in that application. Even though applications are typically assessed 'at the time' and may consider planning permits where there is reasonable comfort that they will be acted on, the consequence of having no regard for the combination of these applications is unacceptable and would not lead to the fair or orderly planning of the area, contrary to the Act.

Private and communal open space

187. 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'.

188. Each dwelling is provided with a 4.1m² to 34m² balcony. Whilst this is short of the minimum 8m² area, the balconies have been increased to a minimum width of 1.74m (generally as per the original SJB advice). Further, the roof terrace offers a 96m² area for residents to supplement their private balcony areas. This arrangement is supported.

Solar amenity and daylight to windows

189. 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*'. Further, 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*'.

190. This will be addressed in the following ESD assessment.

Storage

191. Objective 5.5 of the DSE Guidelines is 'To provide adequate storage space for household items'.

192. Each dwelling would be provided with a minimum 4m³ storage cage in basement 2. This is sufficient storage for the needs of apartment residents (as opposed to residents in larger dwellings who need space to store lawnmowers, etc.).

Internal circulation/way finding

193. The proposal does not bring rise to way finding or internal circulation concerns.

194. Subject to the conditions contained in this report, the proposal would achieve reasonable levels of on-site amenity.

<u>Off-site amenity / equitable development</u>

195. Objectives 2.5 and 2.6 of the DSE Guidelines are 'To ensure building separation supports private amenity and reinforces neighbourhood character' and 'To ensure areas can develop with an equitable access to outlook and sunlight'.

196. North – To the north of the site are two storey offices fronting Swan Street to the north. The consideration here is therefore equitable development (not off-site amenity). With the proposal incorporating boundary wall construction or east/west orientated apartments from level 1 to 3 and level 4 and above setback a minimum 4.6m from the northern boundary, the adjoining sites to the north would not be unreasonably restricted into the future should they wish to develop.

197. West – The properties on the west side of Little Lesney are all commercial. The consideration here is equitable development. The proposal includes a 4 storey podium with a generally zero lot western alignment from the ground floor to level 3. At level 4 and above, the development is setback 1.8m from the western boundary. Whilst the 'tower' element falls short of the 4.5m/4.5m shared setback as measured from the centre of the lane/road requirement that is typically applied, this is not a requirement of the scheme. In any event, should a similar development be proposed on the west side of Little Lesney Street, the 'towers' would be separated by 7.9m. This is considered to be a reasonable design response in this context.

198. South – South of Little Lesney Street is the train line. This context does not bring rise to off-site amenity or equitable development concerns.

199. East – To the east of the subject site is a 7-unit development. This development includes north and south facing balconies, skylights, a central courtyard and 2 habitable room windows on the shared boundary.

200. Firstly, addressing overlooking, the proposal would provide unreasonable overlooking opportunities into the central courtyard and skylights to the east (these skylights are clear above the Wiltshire Street bedrooms). Whilst the proposal would overlook the north and south facing balconies, they are already open to the street and are not considered to be secluded private open space. However, the unreasonable overlooking opportunities provided should be addressed by way of a permit condition on any permit issued, targeting views into the adjoining central courtyards and skylights to the east. As referenced in the DSE Guidelines, the standard 'ResCode' approach to overlooking should be built into any condition (i.e. minimum 1.7m high fixed obscure glazing or minimum 1.7m high, maximum 25% transparent screens).

201. The next consideration is overshadowing. The private open space areas to the east would remain unaffected by the proposal until approximately 1pm. The northern balconies however, would remain largely unaffected and the central courtyard would not be impacted by this development as the built form already overshadows itself. The main impact is on the balcony to the immediately south-east of the subject site. This space currently receives a segment of direct sunlight from 1pm onwards (before that the dwelling is overshadowing the balcony itself). However, this development would impact this afternoon direct sunlight access. Being south facing and within a MUZ however, this impact is not considered to be unacceptable. Given the orientation and position of this balcony, to achieve no impact on this balcony would almost render the subject site undevelopable above 3 storeys. As this balcony would still receive reasonable ambient daylight by virtue of its exposure along a road and then a train line (it will not be built out to the immediate south), the amenity impact on this dwelling is acceptable in this context.

202. In terms of visual bulk, the proposal has adopted approximately 3m setbacks of some eastern elements to provide some relief, along with a number of balconies and material treatments. The adjoining dwellings to the east are also either orientated to the north or south, ensuring that the proposal would not result in unreasonable visual bulk.

203. Considering equitable development, whilst it is unlikely that the sites to the east would be developed in the future (as they are different lots), this remains a relevant consideration. The proposal generally incorporates 3m setbacks along the eastern boundary (where not built on the boundary), with only a portion of windows along this 3m setback line. The majority of eastern windows are further setback behind balconies, offering an approximate 5m eastern setback. In terms of equitable development (and subject to the conditions contained in this report – including the deletion of bedroom 2 at levels 1-3 to increase the lightwell size), the proposal would not unreasonably impact the development potential of the sites to the east.

204. Finally, reduced daylight must be considered, in particular, due to the positioning of 2 habitable room windows on the eastern boundary. However, as planning permission cannot be found for these windows, and these are not the only windows providing daylight to these rooms, it is not considered necessary to amend the design to protect these windows. In any event, the increase in the light court size indirectly addresses this issue, however it is stressed by officers that this was not the intention of this condition.

205. Subject to the conditions contained in this report, the proposal would not unreasonably impact the amenity of the surrounding sites.

Environmental sustainability

206. The Applicant provided a Sustainable Management Plan, prepared by Sustainable Development Consultants. Specifically, the following commitments have been made:
    (a) solar pre-heated, gas-powered hot water system;

(b) provision of a building user's guide for residents and staff;
(c) 106% STORM compliance; and
(d) 4-star Green Star.

207. The original advice received by Council's ESD Advisor raised issue with:
(a) the number of internal bedrooms;
(b) daylight access to north and east-facing apartments;
(c) a shading strategy be applied to levels 7 and 8;
(d) STORM treatments need to be shown on plans; and
(e) 2 waste chutes should be provided (1 for rubbish and 1 for recycling).

208. Council's ESD Advisor reviewed the amended plans and found them to still be unsatisfactory from an ESD perspective. The key issues are:

(a)

- *The majority of dwellings on the lower levels either rely on light-courts, have borrowed light to dwellings, have deep 'battleaxe' or setback bedrooms or they rely on daylight via a balcony on boundary with an existing wall (and therefore presents as a primary facing an light-court and adjoining concrete wall, see apt 111, 211 and 311).*

209. Whilst it is agreed that the layout of these apartments is not ideal, apartments 111, 211 and 311 would still be afforded reasonable daylight by virtue of the unencumbered 3m deep balcony exposure. However the layouts would be improved by repositioning the bathroom/laundry where the kitchen is and extending the living or dining area adjacent to the bedroom. An additional northern window could also be added to improve daylight into this space.

- *Please reconsider floor plan layouts on the lower levels to increase access to daylight and direct sunlight to north- and east-facing apartments (101, 111, 201, 211, 301, 311, 401). These dwellings are particularly problematic.*

210. It is however, agreed that the outlook and daylight access for the south-east corner apartments is unreasonable given daylight is provided via a 3m by 3m lightwell on the eastern boundary and a southern window/balcony.
To remedy this and 'open up' daylight opportunities to these dwellings (apartments 101, 201, 301), a condition should require the deletion of 'bedroom 2' in all 3 of these dwellings, along with bedroom 2 of apartment 401 and the associated extent of the apartment 501 balcony above. This would open up the light court on the eastern boundary and afford a north facing daylight opportunity to the living areas of these apartments.

- *9 dwellings out of a total of 63 have internal bedrooms. This is 14% of dwellings, and is higher than the maximum 10% recommended by Council. Recommend redesigning the building to remove the reliance on borrowed light to bedrooms as such a prominent and reoccurring feature of the building.*

211. This issue was discussed with Council's ESD Advisor. It was agreed that the apartment 103, 203 and 303 bedrooms should be repositioned adjacent to the balcony, with the kitchen repositioned within the apartment. This would afford reasonable daylight access to both the bedrooms and living areas of these dwellings and reduce the number of dwellings with internal bedrooms to 9.5%; within the standard recommendation.

- *Recommend that an updated building design undertaken daylight modelling to demonstrate that best practice standards in daylight can be met.*

212. In light of the above recommendations, further daylight modelling is not required.

Shading

- *There are significant areas of exposed glazing to summer sun angles and unwanted solar gain. This was also raised in the previous advice with particular attention to levels 7 and 8, although the issue persists throughout the building at other levels also. There are significant areas of glazing exposed to hot summer sun and unwanted solar gain on the northern, eastern and western facades.*
- *Numerous living areas are directly on the glass façade without any shading from balconies, wingwalls or building articulation.*
- *Strongly recommend to protect all glazing on west, east and northern facades currently exposed to summer sun angles and solar gain through exterior shading (fixed or adjustable), such as fins, louvers, blinds or shutters. Shading is more effective and preferable to highly specified glazing for summer solar heat gain control. However, if shading cannot be incorporated into the current façade design then the applicant should demonstrate that reasonable levels of thermal comfort are possible in all dwellings through NatHERS cooling loads of 30MJ/m2/year or lower.*

213. To afford the permit holder a degree of flexibility as to how they achieve this outcome, a condition should be imposed on any permit issued to require confirmation that the above cooling loads are achieved by the design.

General

- *Johanna's previous recommendations for improvements to the ESD standard of this building also still stand.*
- *Copied here again from Johanna's previous ESD Referral, these are:*
    - *Consider providing fly screens and security mechanisms to openable windows/doors to allow for convenient and effective night purging (ventilation during night) during summer months.*

214. This is considered to be an onerous requirement at the planning permit stage.

    - *Please clearly indicate window operations on architectural drawings.*

215. This can be imposed by way of a permit condition.

    - *Please consider natural ventilation strategies for the ground floor car parking area.*

216. The Applicant has indicated that they are happy to accept a condition to this effect.

    - *Please indicate on the architectural drawings what window glazing will be specified. Clear glazing is preferred to maximise internal daylight levels.*

217. A condition should require details of window glazing, however the upper levels may incorporate a tint to deal with the previous cooling load issue.

    - *Please consider more extensive planting to enhance the site's ecological value.*

218. The Applicant has agreed to include landscaping on the roof deck. This should be imposed by way of a permit condition, should a permit issue.

- *Finally, an updated SMP should be provided to demonstrate best practice of the updated building design, in accordance with Clause 22.17, and include daylight modelling. If you or the applicant has any further questions regarding my comments or recommendations, do not hesitate to contact me.*

219. As previously identified, in light of the conditions recommended in this report, further daylight modelling is not necessary.

220. Subject to the conditions contained in this report, the proposal would achieve a reasonable ESD outcome in accordance with clause 22.17 of the Scheme.

Traffic and car parking

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

Car parking provision

222. The application has a statutory requirement of 82 car parking spaces (63 residential, 12 residential visitor and 7 food and drink [cafe]). With 52 provided on-site a reduction of 30 car parking spaces is sought (12 resident, 12 visitor and 6 retail spaces).

223. Having regard to the decision guidelines at clause 52.06-6 of the Scheme, the following assessment is provided:
    (a) the site is well serviced by public transport, supporting a variation to the clause 52.06 requirements;
    (b) multi-purpose trips are likely within the area given the Swan Street AC to the north and services and amenities in the area, further supporting a variation to the clause 52.06 requirements;
    (c) Council's Engineering Services Unit have calculated that the statutory parking requirement for the existing warehouse would be 12 spaces. With 5 spaces provided on-site, the existing use has a car parking credit of 7 spaces;
    (d) a car share pod is located 50m to the west of the site (Church Street) and 70m to the north-west (corner of Swan and Church Streets);
    (e) the site is well serviced by bicycle paths and 63 bicycle parking spaces are proposed on the site;
    (f) resident – The Applicant's traffic report reviewed ABS data for 2011. Applying the car ownership rates for Richmond, the dwelling component of the proposal would generate a demand for 51 car parking spaces. With 63 residential spaces being provided on-site, the residential parking demand would be accommodated on-site; and
    (g) residential visitor and café – The Applicant's traffic report has relied on on-street parking for the residential visitor and café car parking demand. The statutory requirement is for 12 visitor spaces and 7 café spaces. With 1 café space being provided on-site, the total overflow is 18 spaces.
    The Applicant's traffic survey (conducted on 19 and 26 February 2014) showed at least 60 publicly available spaces were available. However, the external traffic advice received by Council suggested that further surveys needed to be undertaken (8pm on a typical Friday and 12noon and 8pm on Saturday). The Applicant provided a subsequent traffic report with the amended plans, with an updated survey. The survey was conducted at 8pm on Friday 12 February 2016, and at 12pm and 8pm on Saturday 13 February 2016. The updated survey found at least 43 publicly available spaces within close proximity of the site. The residential visitor and café parking requirements can therefore be accommodated on-street.

224. Along with the original external referral to Traffix, Council's Engineering Services Unit have reviewed the amended plans and supported the car parking reduction sought.

Car park access and layout

225. The Application was referred to Council's Engineering Services Unit. They offered the following comments on the amended plans, which should be addressed by way of a permit condition on any permit issued:
    (a) the Wiltshire Street and Little Lesney Street vehicular entries must have a minimum 2.1m headroom clearance;
    (b) a convex mirror must be installed opposite the entrance of 254 Swan Street;
    (c) 1 in 20 ramp sections from the doorways must be provided;

(d) the 1 in 8 ramp grade at the bottom of the Little Lesney Street entrance must be a minimum length of 2.5m;
(e) the existing vehicle crossing on the north side of Little Lesney Street must be demolished and reconstructed to span the entrance width of the ramped accessway. The new vehicle crossing must be constructed in accordance with Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements. A bull-nose of up to 50 mm will be permitted for the new vehicle crossing;
(f) the column depths and setbacks from the aisles dimensioned on the drawings. The column locations must satisfy Diagram 1 Clearance to car parking spaces of Clause 52.06-8;
(g) details of the selected car stacker model, confirming design standard 4 of Clause 52.06 of the Yarra Planning Scheme is met;
(h) swept path diagrams for B85 design vehicles for entry and exit movements into and out of car stacker platforms (this is a more flexible option compared to the original external traffic advice received by Council, which suggested a particular car stacker model);
(i) swept path diagrams demonstrating that the south-west corner splay on the building would facilitate access for B99 design vehicles around the ninety-degree bend of Little Lesney Street. Whilst the external traffic advice originally received by Council requested a minimum 2m x 2m splay at this corner, the B99 exercise will ensure that the splay will be suitable for the majority of vehicles;
(j) prior to occupation of the development, the kerb and channel and asphalt infill (behind the kerb) immediately outside the property's Little Lesney Street road frontage must be reconstructed to satisfaction of the Responsible Authority and at the permit holder's expense;
(k) prior to the occupation of the development, the east-west aligned section of Little Lesney Street from the southwest corner of the development to Brighton Street must be stripped and re-sheeted to the satisfaction of the Responsible Authority and at the permit holder's expense;
(l) the north-south aligned section of Little Lesney Street from Swan Street to VicTrack land in the south must be reconstructed to the satisfaction of the Responsible Authority and at the developer's cost.
(m) prior to the commencement of development, the Permit Holder must prepare a design for a pedestrian enhancement treatment in Little Lesney Street (painted or textured) to the satisfaction of the Responsible Authority. All works associated with the pedestrian enhancement treatment of Little Lesney Street (Swan Street to VicTrack land) must be be funded by the Permit Holder.
(n) Prior to the occupation of the development, the carriageway of Wiltshire Street (from the west end to Brighton Street) must be stripped and re-sheeted to the satisfaction of the Responsible Authority. Any areas of pavement failure associated with the development works must be reconstructed. These road infrastructure works must be borne by the Permit Holder;
(o) the construction of the new easement drain and the new drain underneath Little Lesney Street must be constructed to the satisfaction of the Responsible authority and at the Permit Holder's expense;
(p) prior to the occupation of the development, the developer must prepare and submit detailed design drawings of all road infrastructure and drainage works associated with this development for assessment and approval;
(q) the designer must ensure that there is adequate public lighting along the road frontages of the site. Lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting and poles shall be funded by the developer.

226. The only remaining item raised in the external traffic advice received by Council was the request for swept path diagrams for the B99 design car to be provided for the access from Little Lesney Street into and out of the basement carpark. To ensure that vehicles can safely enter and exit the site, this should be imposed by way of a condition on any permit issued.

Traffic

227. The Applicant's traffic report adopted a traffic generation rate of 0.24 movements per peak hour per parking space. This would equate to 13 movements in each peak hour. Council's Engineering Services Unit however, do not support the abovementioned rate as this typically applies to flats. A rate of 0.4 to 0.5 vehicle trips per hour is more commonly applied for this type of development and would equate to 20-25 vehicles per hour. This rate is reasonably low for the surrounding road network. Council's Engineering Services Unit found that '*the traffic likely to be generated by the development is not unduly high*'.

228. Subject to the conditions contained in this report, the proposal is supported from a car parking provision, layout, access and traffic perspective.

Bicycle parking

229. 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.

230. The proposal has a statutory bicycle parking requirement of 12 bicycle parking spaces (13 residential, 6 residential visitor and 0 food and drink premises [cafe]). With 63 bicycle parking spaces being provided (in basement 1 and at the ground level), a reduction is not sought under this provision.

231. Council's Strategic Transport Unit raised issue with the number of bicycle hoops that would require cyclists to lift their bicycles. To address this, a condition should require at least 20% of bicycle parking spaces to be floor mounted.

232. Conditions should also require:
    (a) all resident bicycle parking spaces to be enclosed in a lockable cage;
    (b) signage as per clause 52.34-5 of the Scheme; and
    (c) confirmation that all bicycle parking spaces can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.

Loading bay waiver

233. The Applicant is seeking a waiver of the loading bay requirements associated with the retail premises. Given the size of the retail premises (185m²) it is reasonable for deliveries to occur using on-street car parking. Council's Engineering Services Unit has identified that whilst there are no on-street loading zones in the immediate vicinity of the site, there are ¼P parking bays on the west side of Brighton Street, between Swan and Wiltshire Streets. This is less than 100m from the proposed café and provides a viable option for delivery vehicles. Delivery vehicles could also utilise the short-term parking options along Swan or Church Streets, as is typical.

234. 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.

235. A variation from the clause 52.07 requirements is supported in this instance.

Waste management

236. Council's Services Contracts team does not support Council collection of waste. A number of other issues were also raised in relation to the WMP (it must outline waste storage, collection, collection routes, collection vehicle type and turning circles for vehicles). However, these concerns can be addressed by way of permit conditions.

Drainage easement

237. A permit is required under clause 52.02 of the Scheme to vary the drainage easement. The application has been referred to Council's Engineering Services Unit, who support the modified drain realignment. This modified alignment now needs to marry up with the easement as shown on the title. As the decision guideline is the 'interests of affected people' Council's Engineers support of the drain realignment satisfies this policy test.

Objector concerns

off-site amenity (overshadowing, overlooking)

238. Addressed at paragraphs 195 to 205.

equitable development

239. Addressed at paragraphs 195 to 205.

the proposal would obscure windows on the boundary to the east

240. Addressed at paragraph 204.

neighbourhood character

241. Addressed at paragraphs 131 to 148.

1 Whiltshire street should be 'heritage listed' as it was built and designed by Sir John Monash

242. Heritage is addressed at paragraphs 157 to 159. The site includes part of a Heritage Overlay due to the boundary wall to the north, not because of the building on the subject site. Council's Heritage Advisor raised no issue with the application in this regard.

overdevelopment, height and scale

243. Addressed at paragraphs 131 to 148.

design detailing and visual amenity

244. Addressed at paragraphs 151 to 156 and 166 to 167.

traffic impacts (Little Lesney is already congested/often obstructed) and associated safety concerns

245. Addressed at paragraph 227.

noise from the garage entry

246. Addressed at paragraph 184.

insufficient car parking

247. Addressed at paragraphs 222 to 224.

insufficient bicycle parking

248. Addressed at paragraphs 229 to 230.

absence of an on-site loading bay

249. Addressed at paragraphs 233 to 235.

questioning if any public realm improvements are proposed

250. Addressed at paragraph 225.

the size of the food and drinks premises should not exceed 150m² (safety and loading concerns)

251. Addressed at paragraphs 124 to 128.

waste management

252. Addressed at paragraph 236.

the application has had no regard for the Swan Street Structure Plan

253. Addressed at paragraphs 120 and 136 to 141.

construction management (noise, dust, traffic and parking)

254. Addressed at paragraph 127.

conflict between the proposed dwellings and commercial properties to the west

255. Addressed at paragraphs 175 to 186.

property devaluation

256. This is not a valid planning consideration under the Act.

Conclusion

257. 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 (PLN14/1000) be issued for 1 Little Lesney Street and 9 Wiltshire Street, Richmond VIC 3121 for the application is for the development of the land for the construction of a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café), waiver of the loading bay requirement, part demolition and variation of an easement in accordance with the advertised plans (TP05E to TP29E, prepared by Sgourakis Architects, received by Council 31 May 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 advertised plans (TP05E to TP29E, prepared by Sgourakis Architects) but modified to show:
   (a) deletion of levels 7 and 8;
   (b) replacement of circular columns to the ground floor and replacement with rectilinear forms, with other design changes to improve the ground level treatment;
   (c) the south elevation of the ground to level 3 elements to be read as a stronger podium through the use of colours and/or materials;
   (d) the bathroom/laundry of apartments 111, 211 and 311 relocated within the apartment (replacing the kitchen). An additional northern window must be installed adjacent to the original bathroom/laundry location;
   (e) deletion of 'bedroom 2' in apartments 101, 201, 301 and 401, along with the associated extent of balcony to apartment 501 above, increasing the size of the light court;
   (f) the bedrooms to apartments 103, 203 and 303 repositioned adjacent to the balcony (to provide direct access to a window);
   (g) the residential entry doors a maximum 2.5m from the west title boundary;
   (h) dwelling entry doors recessed a minimum 200mm;
   (i) treatment of internal overlooking opportunities between balconies/habitable room windows;
   (j) habitable room windows and balconies screened where views could be provided within a 9m radius and 45 degree arc of another habitable room window or balcony. This includes the skylights of the dwellings to the east along Wiltshire Street. Screening treatments may include minimum 1.7m high, fixed obscure glazing or minimum 1.7m high, fixed, maximum 25% transparent screens;
   (k) confirmation all habitable rooms will have an openable window(s);
   (l) natural ventilation to the ground floor car park;
   (m) the Wiltshire Street and Little Lesney Street vehicular entries with a minimum 2.1m headroom clearance;
   (n) a convex mirror opposite the entrance of 254 Swan Street;
   (o) 1 in 20 ramp sections from the vehicular entrances/exits;
   (p) the 1 in 8 ramp grade at the bottom of the Little Lesney Street entrance with a minimum length of 2.5m;
   (q) confirmation the existing vehicle crossing on the north side of Little Lesney Street will be demolished and reconstructed to span the entrance width of the ramped accessway. A notation must confirm that the new vehicle crossing will be constructed in accordance with Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements. A bull-nose of up to 50 mm will be permitted for the new vehicle crossing;
   (r) the column depths and setbacks from the aisles, with the column locations satisfying Diagram 1 Clearance to car parking spaces of Clause 52.06-8 of the Yarra Planning Scheme;
   (s) details of the selected car stacker model, confirming design standard 4 of Clause 52.06 of the Yarra Planning Scheme is met;

(t) swept path diagrams for B85 design vehicles for entry and exit movements into and out of car stacker platforms;
(u) swept path diagrams demonstrating that the south-west corner splay on the building would facilitate access for B99 design vehicles around the ninety-degree bend of Little Lesney Street;
(v) swept path diagrams into and out of the Little Lesney Street basement carpark, demonstrating access can be achieved for B99 design vehicles;
(w) at least 20% of bicycle parking spaces to be floor mounted (not hanging);
(x) all resident bicycle parking spaces must be enclosed in a lockable cage/cages;
(y) bicycle parking signage as per clause 52.34-5 of the Yarra Planning Scheme;
(z) confirmation that all bicycle parking spaces can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars;
(aa) the eastern end of the southern façade podium strengthened with the use of colours and/or materials;
(bb) screening to the rooftop plant;
(cc) a schedule of colours and materials, including samples, with the selection simplified and clarification of window glazing (clear is preferable);
(dd) any necessary changes as a resut of the endorsed SMP;
(ee) any necessary changes as a resut of the endorsed Acoustic report; and
(ff) any necessary changes as a resut of the endorsed WMP.

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.

General

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 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.

5. The amenity of the area must not be detrimentally affected by the development or office 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,
(e) all to the satisfaction of the Responsible Authority.

6. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

7. 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.

8. 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.

Food and drinks premises (café) use

9. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of:
   (a) 7am to 8pm (Monday to Thursday and Sunday); and
   (b) 7am to 10pm (Friday and Saturday).

10. The food and drinks premises (café) 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).

11. The food and drinks premises (café) use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Landscape plan

12. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include (or show):
   (a) landscaping at the ground level and on the roof deck;
   (b) information regarding proposed plants, the number of plants proposed (for each type), including the name, location, and plant size;
   (c) detailed design information regarding the proposed drainage, planters, and paving;
   (d) information regarding irrigation and maintenance, including the reuse of stormwater where possible.
   (e) the type, location, quantity, height at maturity and botanical names of all proposed plants;
   (f) the location of all areas to be covered by lawn or other surface materials (including the ground level planter and roof deck planting); and
   (g) a specification of works to be undertaken prior to planting.

13. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be thereafter maintained by:
   (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
   (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
   (c) replacing any dead, diseased, dying or damaged plants,
   all to the satisfaction of the Responsible Authority.

Acoustic report

14. 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 WGM dated June 2015, but modified to include (or show, or address):

   (a) façade upgrade treatments, or alternative solutions, for the measured levels of music noise. The design should address the predicted SEPP N-2 exceedances (i.e. SEPP N-2 exceedances at existing dwellings should not be taken into consideration);
   (b) design targets within bedrooms and living rooms within the development at SEPP N-2 base noise limits + 10 dB;
   (c) noise masking to be provided to habitable rooms to ensure that SEPP N-2 ‘backgroundf+8 dB’ limits are met;

(d) forced ventilation for all rooms that rely on a sealed façade for the management of music and patron noise ingress, and
(e) structure borne noise and vibration from the carpark entrance gate and car stackers for both occupants of the proposed building and existing residents.

The report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

15. 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.

Section 173 Agreement

16. Before the occupation of the development, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act* 1987, providing for the following:

(a) Make purchasers aware that the site is impacted by music and patron noise and that, while façade upgrades have been implemented to minimise noise impacts, a reduced level of acoustical amenity is to be expected.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Sustainable Management Plan

17. 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 Sustainable Management Plan prepared by Sustainable Development Consultants and dated 1 October 2014, but modified to include or show:
(a) NatHERS cooling loads of 30MJ/m²/year or lower.

18. 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.

Waste management plan

19. 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 Waste Management Plan prepared by Leigh Design dated 24 September 2015, but modified to show/include:
(a) private commercial and residential collection;
(b) details of where the commercial bins will be stored;
(c) details of where the commercial bins will be collected;
(d) details of the route to be used by the collection vehicle for the commercial bins;
(e) details of the type of vehicle to be used for commercial collections; and

(f) demonstrate that the vehicle to be used is able to enter and exit the building (radial turning diagrams).

20. 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.

Wind impact assessment

21. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.

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

Car Park Management Plan

23. 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 required by Condition 19; and
    (f) details regarding the management of loading and unloading of goods and materials.

    (g) 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.

Construction management

24. 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;

ii. materials and waste;
iii. dust;
iv. stormwater contamination from run-off and wash-waters;
v. sediment from the land on roads;
vi. washing of concrete trucks and other vehicles and machinery; and
vii. spillage from refuelling cranes and other vehicles and machinery;

(i) the construction program;
(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
i. using lower noise work practice and equipment;
ii. the suitability of the land for the use of an electric crane;
iii. silencing all mechanical plant by the best practical means using current technology;
iv. fitting pneumatic tools with an effective silencer;
v. other relevant considerations; and
vi. if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
(q) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
(r) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated; and
(s) during the construction of the approved development:
(t) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
(u) 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;
(v) vehicle borne material must not accumulate on the roads abutting the land;
(w) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
(x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

25. 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.

<u>Civil works</u>

26. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.

27. 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 kerb and channel and asphalt infill (behind the kerb) immediately outside the property's Little Lesney Street road frontage must be reconstructed;
    (b) the east-west aligned section of Little Lesney Street from the southwest corner of the development to Brighton Street must be stripped and re-sheeted;
    (c) the north-south aligned section of Little Lesney Street from Swan Street to VicTrack land in the south must be reconstructed;
    (d) the carriageway of Wiltshire Street (from the west end to Brighton Street) must be stripped and re-sheeted; and
    (e) the construction of the new easement drain and the new drain underneath Little Lesney Street.

28. 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 27) for assessment and endorsement 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, 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.

30. 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
    to the satisfaction of the Responsible Authority.

31. 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.

32. 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;
    formed to such levels and drained so that they can be used in accordance with the endorsed plans;
    (b) treated with an all-weather seal or some other durable surface; and
    (c) line-marked or provided with some adequate means of showing the car parking spaces, all to the satisfaction of the Responsible Authority.

33. 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.

34. Before the development is occupied, or by such later date as is approved by the Responsible Authority in writing, a public lighting plan must be prepared to the satisfaction of the Responsible Authority and submitted to the Responsible Authority for approval. Once approved, the plan will be endorsed and will then form part of the permit. The permit holder must provide for the lighting of the pedestrian and vehicle access ways to the satisfaction of the Responsible Authority.

Easement

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

36. The plan submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

PTV Conditions (37 to 57)

Pre-construction

37. Before the development starts, including demolition and bulk excavation, detailed construction/engineering plans and computations must be submitted to Public Transport Victoria. These plans must be to the satisfaction of Public Transport Victoria. The plans must provide the means for the protection of:-
    (a) the railway lines and corridor proximate to the hereby-approved building;
    (b) Lines-of-sight for train drivers to demonstrate what glare, if any, from the buildings will affect drivers' vision
    (c) Details of colours, materials and finishes which are selected and applied so as to not create any glare, or limit the visibility of rail signals or be so coloured as to cause rail signals to not be clearly and constantly obvious for train drivers. Such colours, materials and finishes must be maintained and never changed to be different without the written consent of Public Transport Victoria, VicTrack and all rail operators.
    (d) All tram and bus transport infrastructure proximate to the hereby-approved buildings.
        i. The plans must detail all excavation of the site, engineering methods and means to support the building and impacts on all public transport and associated infrastructure; and any other transport infrastructure proximate to the approved building.

38. Before the development starts, including demolition and bulk excavation, a Traffic Management Plan must be submitted to Public Transport Victoria and must be to the satisfaction of Public Transport Victoria, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria. All traffic management and mitigation costs will be at the full cost of the permit holder and must be implemented to the satisfaction of Public Transport Victoria.

39. Prior to the commencement of works in public transport areas, the public transport operator(s) (train, tram and bus) must be contacted to obtain the public transport operator's conditions and safety requirements for works on, over, under or adjacent to public transport land and/or easements and electrical infrastructure. Access to the public transport areas during construction must conform to all of the necessary public transport operator/s guidelines and instructions.

During Construction

In the conditions below, the term "public transport areas" means any area and space and infrastructure necessary for the safe and efficient operation and provision of public transport services or any kind.

40. Works undertaken within public transport areas should consider and apply all relevant standards and work practices for work within or under public transport areas and conform to all relevant Australian standards and Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services within those areas. This must be to the satisfaction of PTV and VicTrack.

41. No drainage, effluent, waste, soil or other materials must enter or be directed from the site to rail land, easements or licences areas in favour of Public Transport Victoria and/or VicTrack or stored or deposited on or in or over or across public transport areas.

42. Permanent soil anchors must not be installed on railway land. Temporary soil anchors may be acceptable at the discretion of Public Transport Victoria, in consultation with rail service operators. Such temporary anchors must be designed fully and approved by Public Transport Victoria in writing.

43. No lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines.

44. The permit holder must ensure that all public transport infrastructure (including overhead power and supporting infrastructure for both trains and trams) and public transport areas are not damaged during the construction period. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria and VicTrack at the full cost of the permit holder.

Post Construction

45. "As built" drawings of the buildings hereby permitted must be provided to Public Transport Victoria prior to the issuing of the Certificate of Occupancy, or at another time agreed to in writing by Public Transport Victoria. All plans must comply with Public Transport Victoria Drawing Management System (DMS) standards.

46. The permit holder must take all reasonable steps to ensure that disruption to any public transport service operating proximate to the site kept to a minimum during the construction of the development. Foreseen disruptions to operations during construction and mitigation measures must be communicated to Public Transport Victoria and service operators a minimum of fourteen days (14) prior to occurrence.

47. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

48. During occupation and normal use of the building, no lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines. Normal use of the building includes residential and commercial occupation, security devices and advertising used for sales promotion.

Structural Integrity

49. Prior to the commencement of the use or development, the permit applicant must:-
    (a) identify a suitably qualified engineer whose appointment and terms of reference are to be approved by Public Transport Victoria to advise on the structural integrity of the proposed development so as not to prejudice the railway line located adjacent to the Subject Land.
    (b) Obtain a report from the Engineer, subject to the approval of Public Transport Victoria, which demonstrates in writing that :
        i. Confirming that all and any retaining walls and load-bearing pillars for the subject proposal on the boundary of the rail corridor

ii. can be installed wholly within the applicant's land
iii. can be installed in such a way that development of the rail corridor (which may require excavation within the railway corridor, up to the boundary of the subject land), will not be prejudiced, and
iv. can be constructed so that they will remain self supporting when development of rail infrastructure within the rail corridor occurs;
v. Specifying risk mitigation design options in the event of derailment for protection of the building in the vicinity of the rail corridor;
vi. Confirming that the design of the development complies with the Derailment Loadings as set out in the Australian Standard AS 5100;
vii. Confirming that the design meets all clearance requirements from the adjacent railway tracks as per Victorian Rail Industry Operator Group (VRIOS-001-2005) Standards.

50. Prior to the commencement of works, the Rail Operator must be contacted to obtain the conditions and safety requirements of working near an operating railway and live power feeders.

51. Prior to the commencement of works, a construction management plan must be prepared and endorsed by Public Transport Victoria.

52. Prior to the commencement of works, an agreement must be entered into with the Department of Transport, VicTrack and the Rail Operator for construction, maintenance and disturbance of land abutting the railway reserve.

Building design

53. Building materials (including glass/window treatments) along the rail corridor must be non-reflective and avoid using red or green colour schemes that may interfere with driver operations. All colours, materials and finishes must be approved in writing by Public Transport Victoria prior to being used or installed.

No impact on railway land or operations

54. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

55. Permanent or temporary soil anchors must not be installed in, over or across public transport areas

56. Entry onto railway land is at the discretion of the Rail Operator and is subject to any conditions imposed by it.

Expiry

57. The variation of easement approved under this permit will expire if **(a)** A plan which varies the easement is not certified under the Subdivision Act 1988 within two years of the issue of the permit; or **(b)** A plan which varies the easement is not completed within five years of the date of certification under the Subdivision Act 1988. NOTE: If the plan is not certified within two years of the issue of the permit, the Responsible Authority may extend this period if a request is made before the permit expires or within six months after the expiry date.

58. 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:

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.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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.

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.

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

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

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

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

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

PTV NOTES:

The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week, therefore the permit applicant may wish to construct windows and built form that incorporates noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.

Should any amended plans be required to implement changes:-

a) required by Public Transport Victoria as a result of the conditions above.

it is then expected that such amended plans are to be provided to Public Transport Victoria for review and approval prior to endorsement as part of this permit.

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

Attachments

1 PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

2 PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 2

3 PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 3

4 PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4

Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

TO:
PROJ NAME: Wiltshire Apartments (9 Wiltshire St Richmond)
PROJ NUMBER: 3014
TRANSMITTAL #: 1

| | | |

Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

SGOURAKIS ARCHITECTS
EST 1978

May 11th 2016

List of amendments for proposed development at **1 Wiltshire St, Richmond** to accompany drawing set REV E:

a- Carpark and pit reconfiguration (pending changes based upon easement approval)

b- Cages: 4m3 for 1 bed apartments / 6m3+ for 2 bed apartments

c- Easement allowance to north boundary as per engineers drawings

d- Reconfiguration of ramp and deepening of basement in order to lower residential entry to natural ground level

e- New bike stack system – 63 bikes, inclusive of 4 external visitor bikes

f- Inclusion of concave mirrors to ramp and vehicle entry + (ADDITION OF DISABLE CAR WITH ACCESS TO FOYER)

g- Revised design and layout to west and south facade and residential entrance

h- Revised balcony layout and areas to west-facing podium balconies

i- Increased light well – 3m x 3m, and revised apartment layout

j- Decreased balcony depth for more light access (apts 101,201,301,401)

k- Revised balcony layouts and continuation of fenestration from above to increase light

l- Addition of both rubbish and recycle chutes to bin room from all levels

m- Increase setback to balcony for design purposes (north-west corner)

n- Continuation of balcony around south-west corner for design purposes

o- Increased balcony sizes

p- Layout changes to apt 802 and 801 to increase amenity to kitchen areas

q- Increase of balconies by 400mm to edges for design purposes

r- Deletion of 'crown' design as per councils requests

s- Redesign of lower levels to form 'podium effect' as per council's requests

t- Change to the stair well and inclusion of double waste chute

u- Balcony sizes

v- Re arrangement of bikes

w- Moved services area to avoid the drainage easement

x- Inclusion of disabled carpark

y- Loss of 1 car park

z- Enlarged light well, and subsequent minor loss of floor area to apartments

aa- Changed façade details and treatment (as per the design response drawing)

bb- Drainage easement and basement change as per agreement with engineers

2 Acacia Place, Abbotsford
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P +61 3 9041 0984

info@sgourakisarchitects.com
sgourakisarchitects.com

Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

SGOURAKIS ARCHITECTS EST 1978

*General notes:

- all balconies have min 1600mm depth
- façade treatment has be re-worked as requested

Should you have any further queries please contact my office.

Kind regards,

Peter Sgourakis
Sgourakis Architects

2 Acacia Place, Abbotsford
VIC, 3067 Australia

P +61 3 9041 0984

info@sgourakisarchitects.com
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Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

1 WILTSHIRE ST, RICHMOND

KPSG DEVELOPMENTS

TP01	NSAP
TP02	DESIGN RESPONSE
TP03	SITE CONTEXT PLAN
TP04	EXISTING CONDITIONS PLAN
TP05	DEMOLITION PLAN
TP06	BASEMENT 2
TP07	BASEMENT 1
TP08	GROUND FLOOR
TP09	LEVEL 1
TP10	LEVEL 2
TP11	LEVEL 3
TP12	LEVEL 4
TP13	LEVEL 5
TP14	LEVEL 6
TP15	LEVEL 7
TP16	LEVEL 8
TP17	ROOFTOP TERRACE
TP18	ROOF PLAN
TP19	EXISTING STREETSCAPES
TP20	PROPOSED STREETSCAPES
TP21	PROPOSED STREETSCAPES
TP22	NORTH ELEVATION
TP23	WEST ELEVATION
TP24	SOUTH ELEVATION
TP25	EAST ELEVATION
TP26	SECTION A-A
TP27	SECTION B-B
TP28	SECTION C-C
TP29	SECTION D-D
TP30	EXISTING SHADOWS
TP31	PROPOSED SHADOWS
TP32	EXTERNAL MATERIALS FINISHES

WILTSHIRE APARTMENTS

SGOURAKIS ARCHITECTS

KPSG

TOWN PLANNING

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BY:

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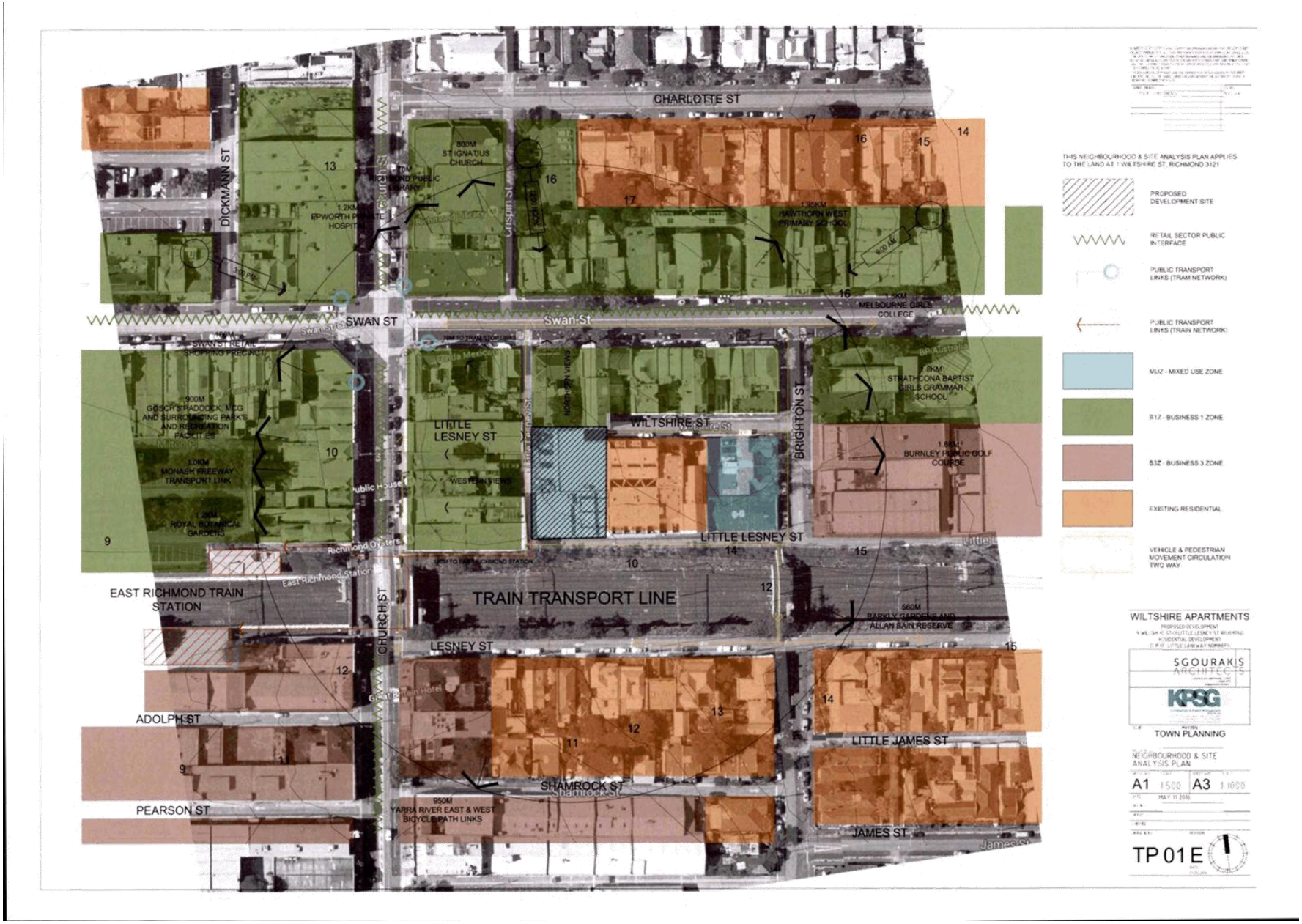
Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1



Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

1 SYMPATHETIC HEIGHTS & SETBACKS TO THE NORTHERN & EASTERN NEIGHBOURS

2 ROOFTOP COMMUNAL TERRACE FOR LIFESTYLE AMENITY

3 PROUD 7 STOREY PROFILE TO THE RAIL EDGE

4 VERTICAL FENESTRATION / BREAKS FOR RELIEF AND NATURAL LIGHT AND

5 BUILDING FORM MODULATED INTO WELL CONSIDERED PARTS WHICH RESPOND TO ORIENTATION AND INTERFACE CONDITIONS RESULTING IN A WELL THOUGHT OUT & ARTICULATED FORM

6 ORGANISED & IDENTIFIABLE ENTRY POINTS THAT ENSURE A STRONG SENSE OF ADDRESS

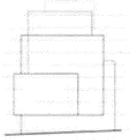
7 CHAMFERED CORNER DETAIL TO LANEWAY TO ALLOW FOR GREATER SPACE

8 GROUND FLOOR 'FOOD AND BEVERAGE' AREA LOWERED ACTIVATES STREET FRONTAGE AND CORNER

9 CUT IN PODIUM TO EMPHASIZE ENTRY

10 CUT BACK OF GROUND FLOOR CREATING UNDERCROFT THOROUGHFARE FOOTPATH FOR SAFER TRANSITION DOWN LANEWAY

DESIGN RATIONAL



WILTSHIRE APARTMENTS

SGOURAKIS ARCHITECTS

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TOWN PLANNING

DESIGN RESPONSE

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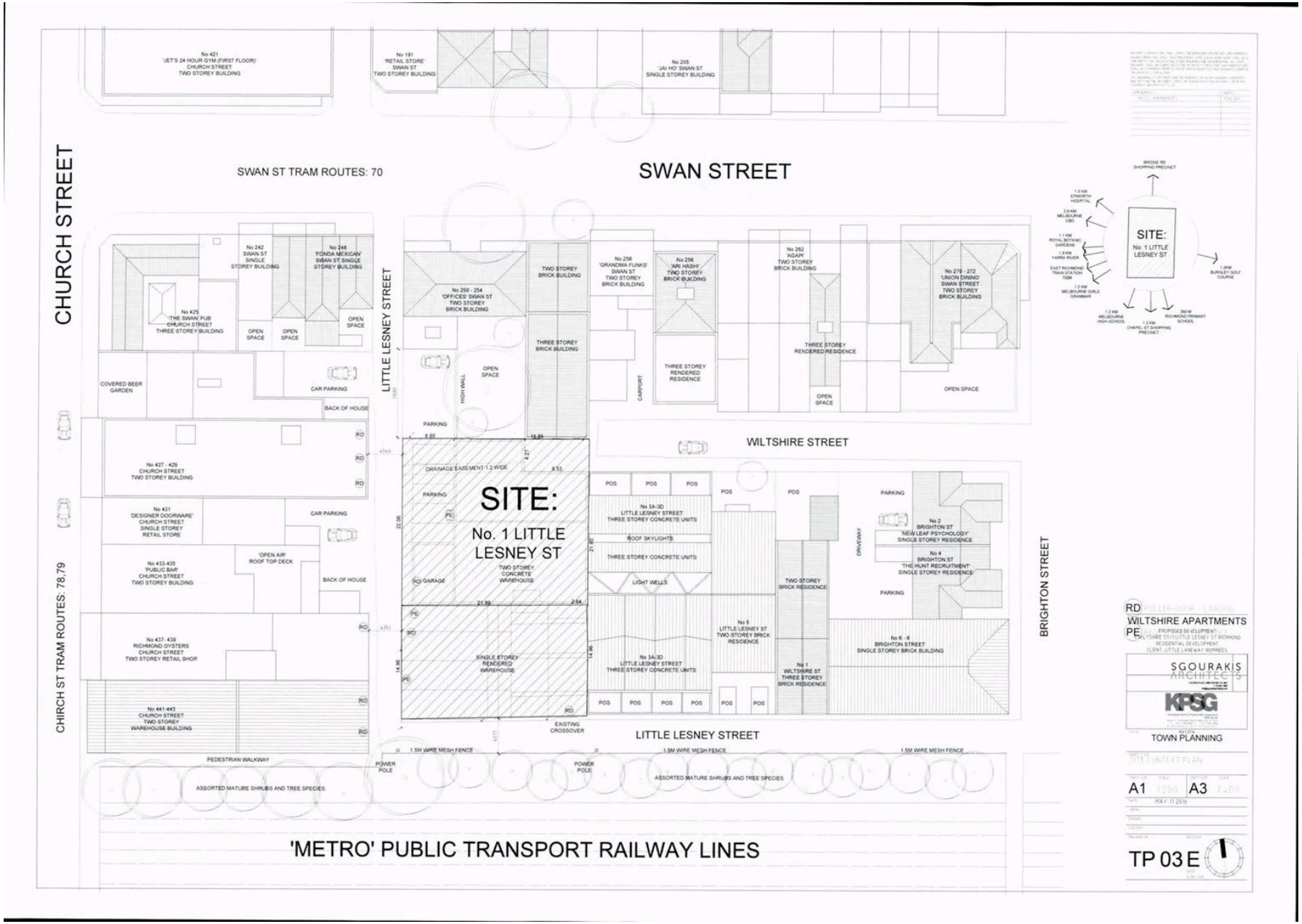
Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1



Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

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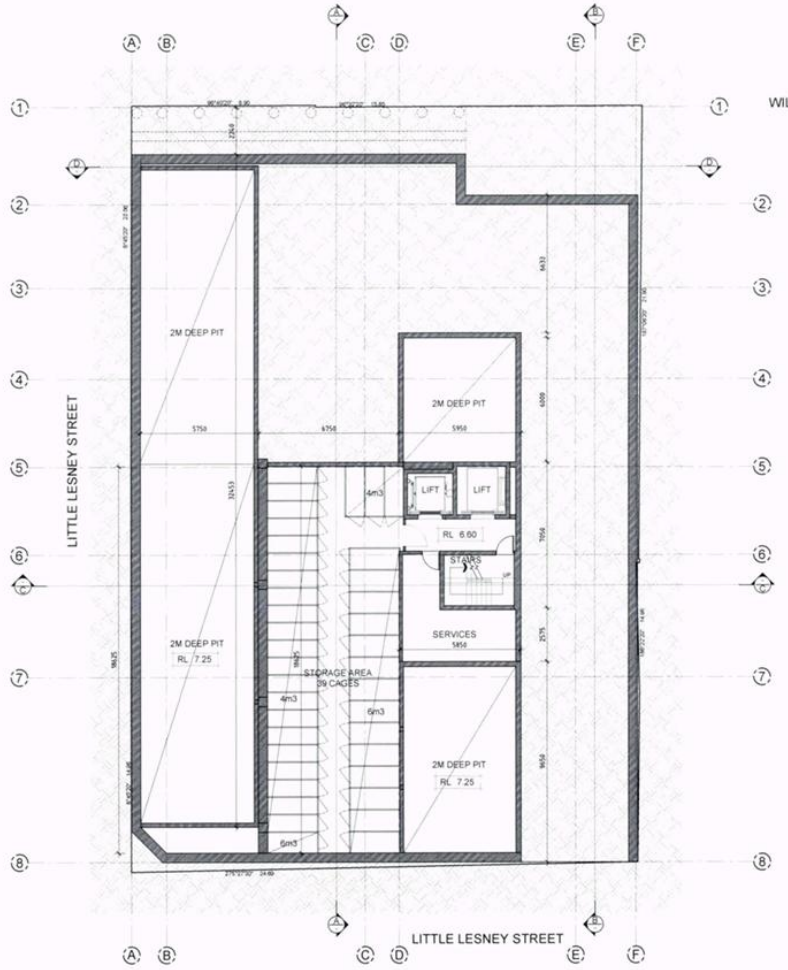
Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

WILTSHIRE APARTMENTS	
SITE AREA	904.53 sqm
Total Retail / Commercial	187.4 sqm
Total No. of Apartments	63
Total Car parking spaces	52 spaces
Total Bicycle spaces	63 spaces

Basement 2 - Pits & Cages	
Car Parking pits	291.93 sqm
Foyer/stair/lift	36.41 sqm
Storage cage area	131.69 sqm
Cages	39
GFA	460.03



WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST/1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS ARCHITECTS
KPSG

TOWN PLANNING

BASEMENT 02 - STORAGE CAGES

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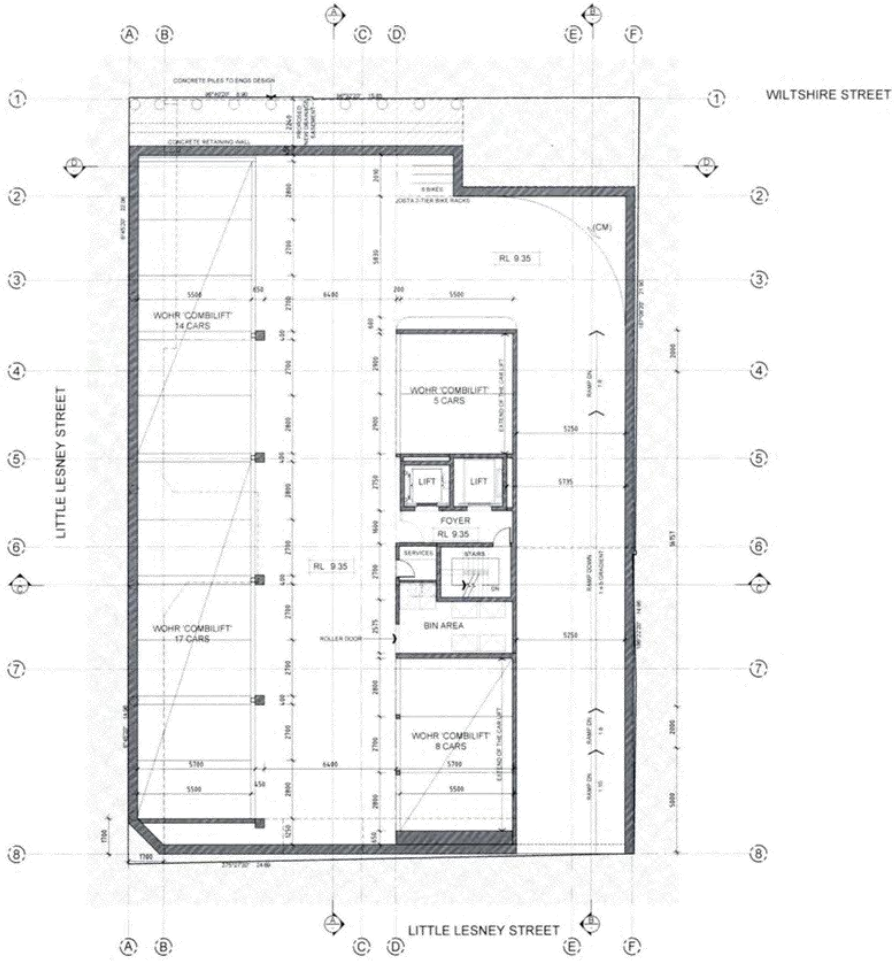
Attachment 1 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 1

WILTSHIRE APARTMENTS

SITE AREA	904.53 sqm
Total Retail / Commercial	187.4 sqm
Total No. of Apartments	63
Total Car parking spaces	52 spaces
Total Bicycle spaces	63 spaces

Basement 1 - Car parking	
Car Parking	690.69 sqm
Foyer/stair/lift/bins	53.57 sqm
Ramp Area	69.07 sqm
Parking Spaces	44
GFA	813.33



WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST/1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS ARCHITECTS
KPSG

TOWN PLANNING

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TP 07 E

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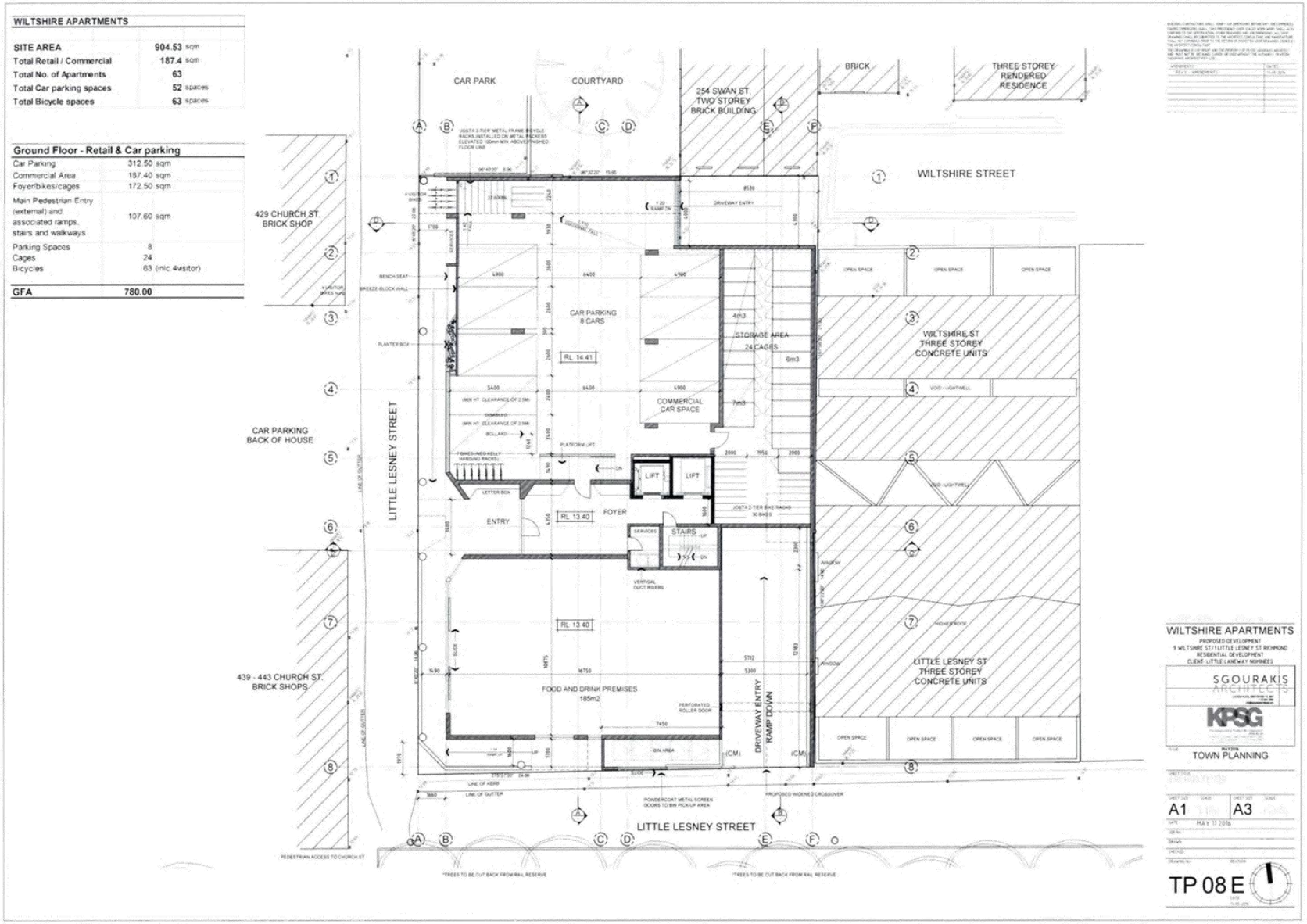

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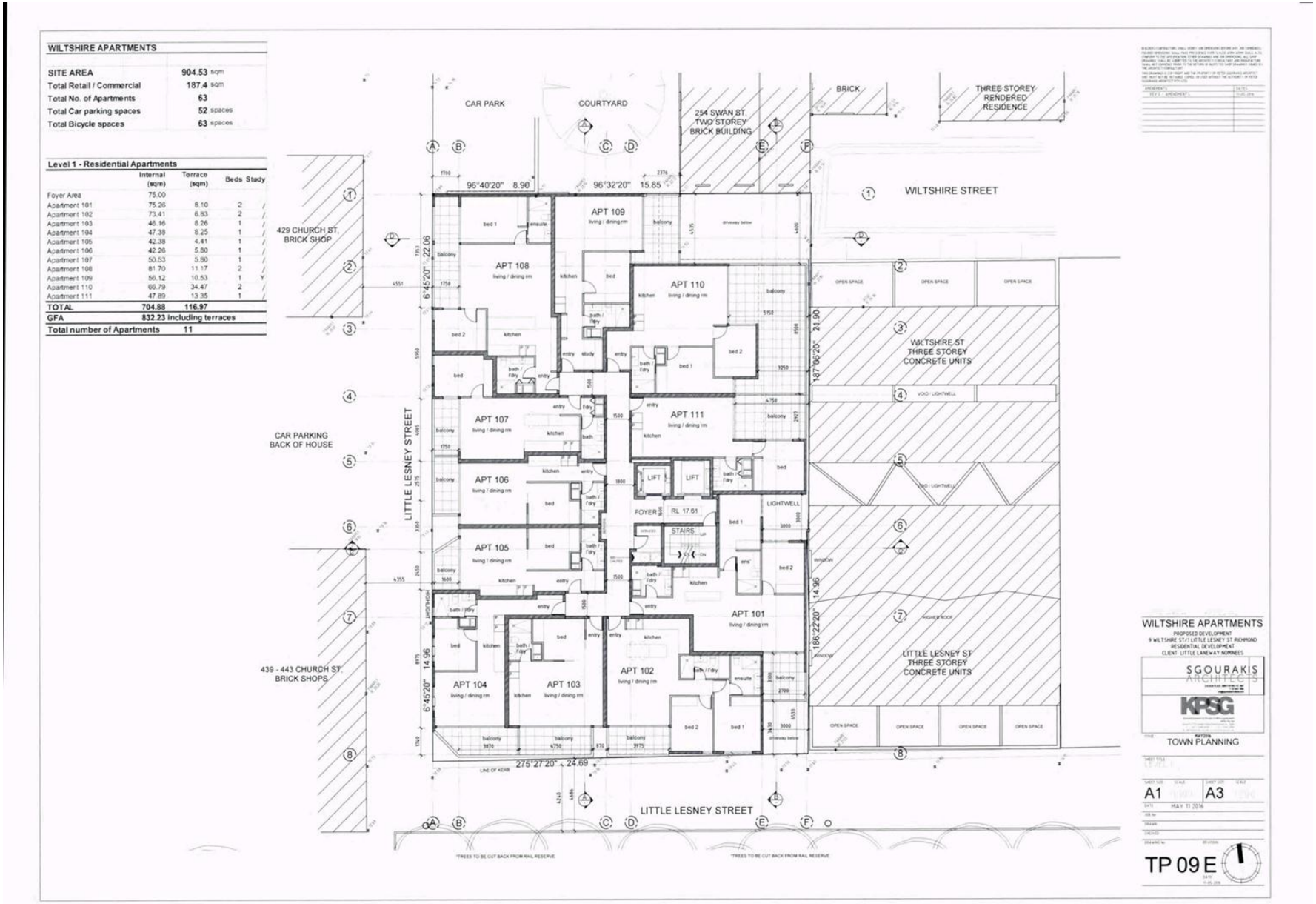

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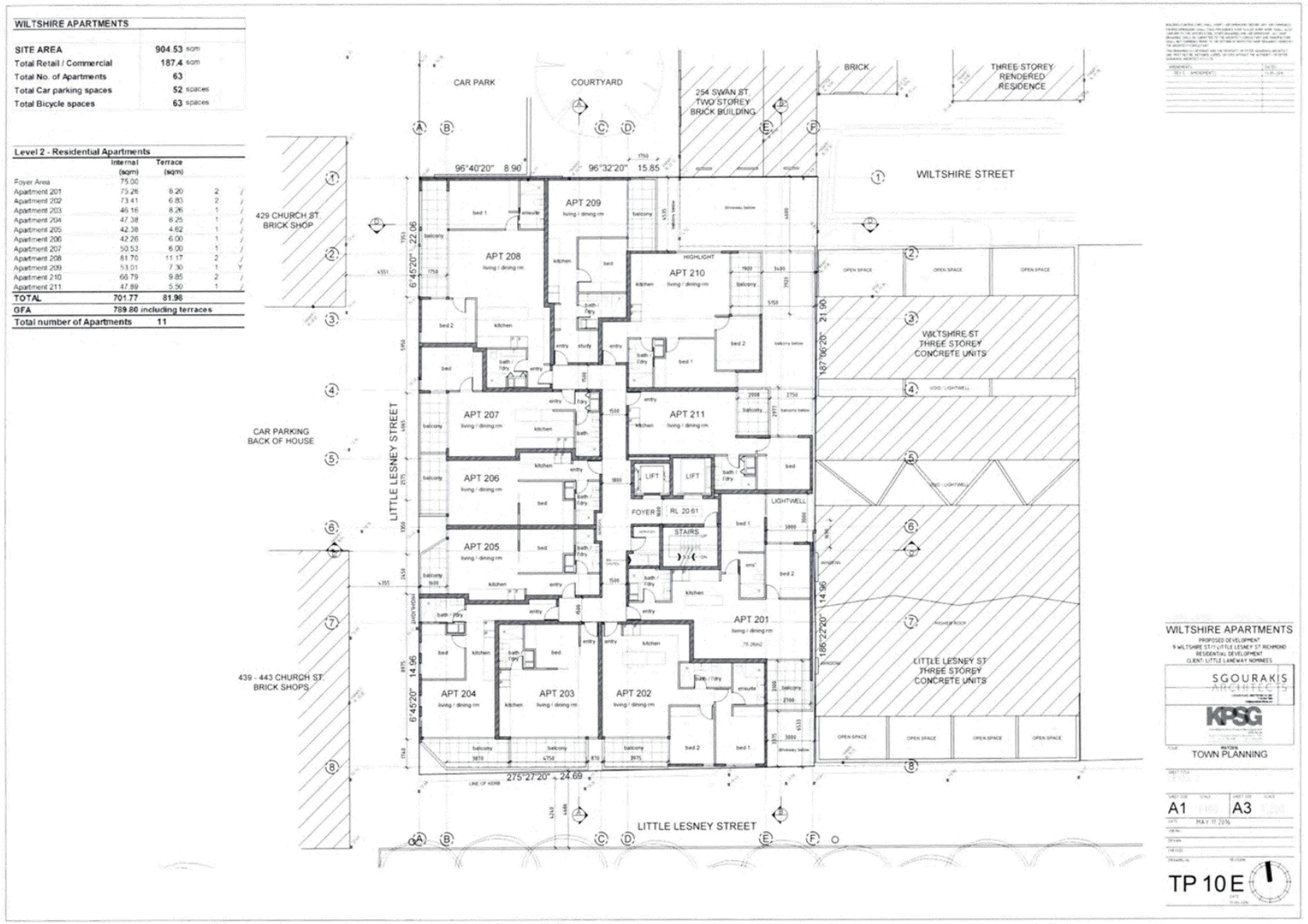

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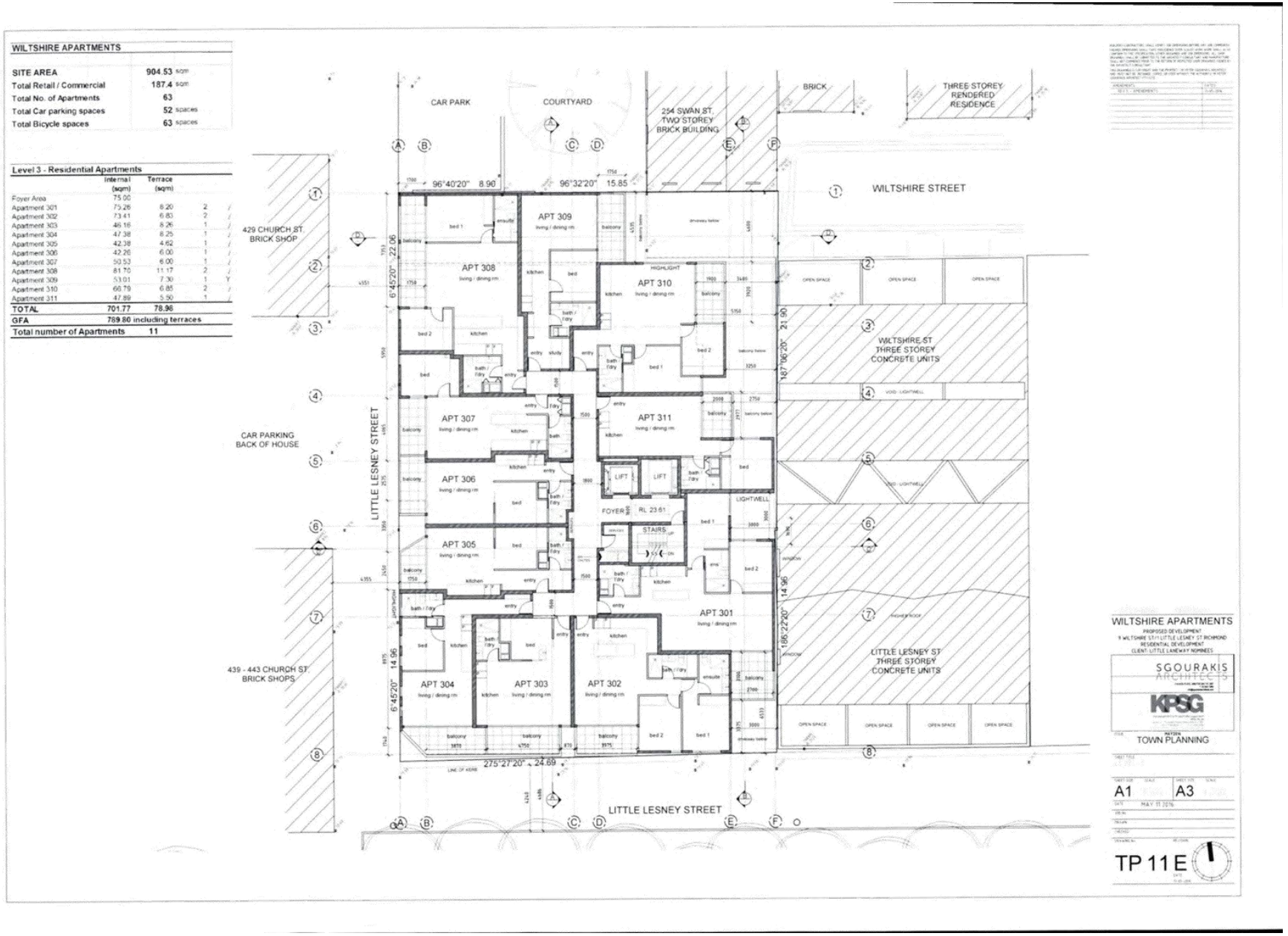

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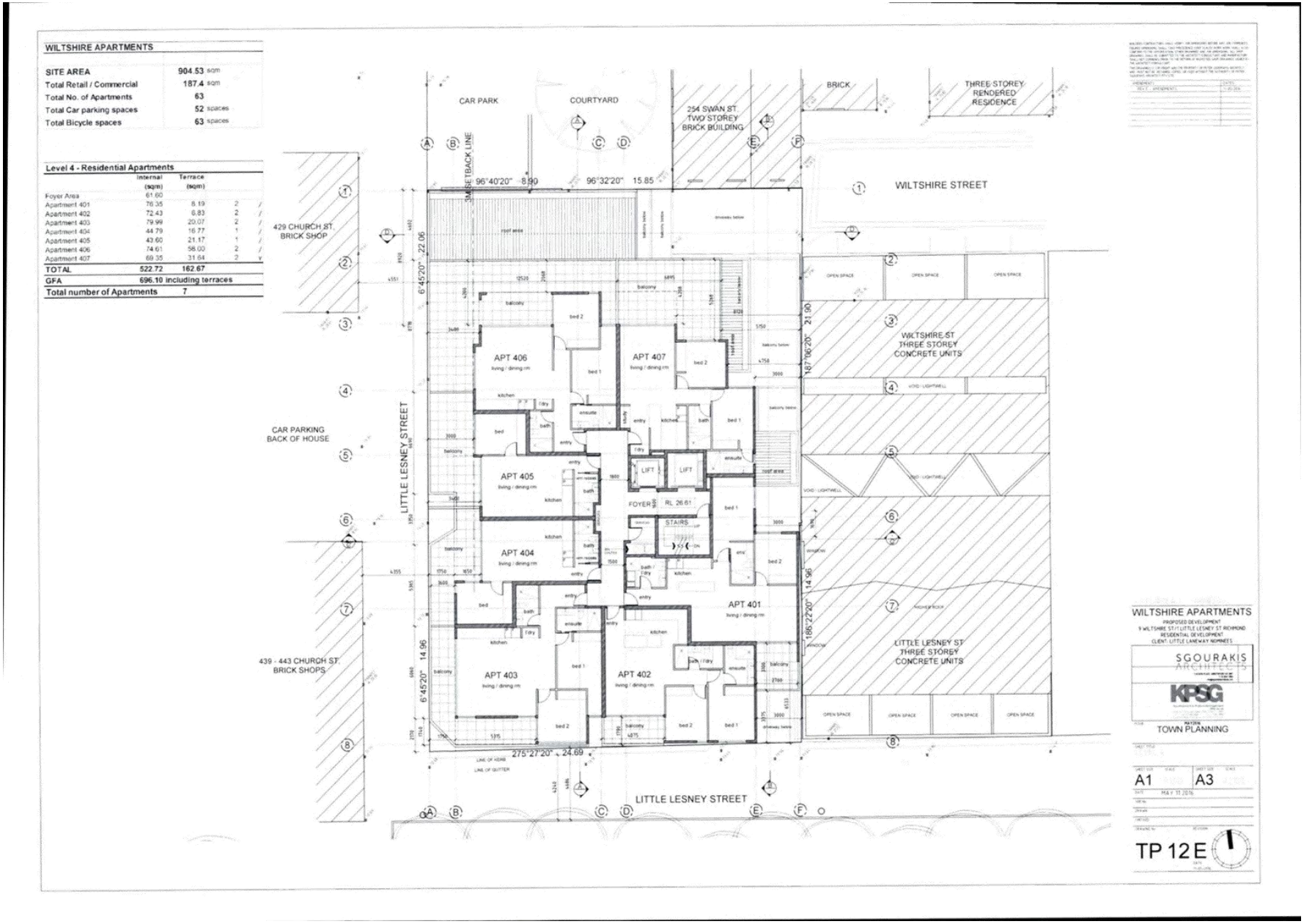

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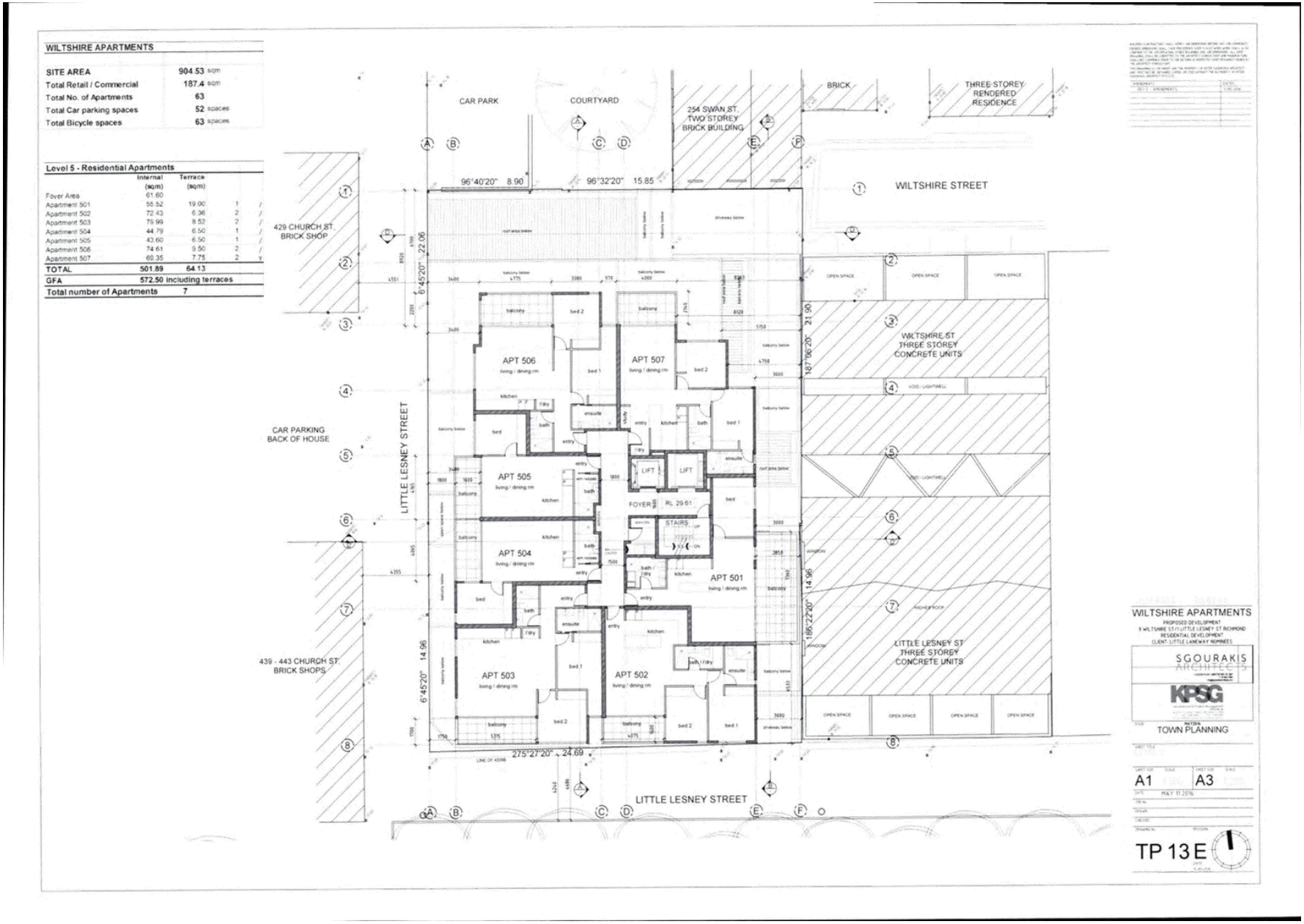

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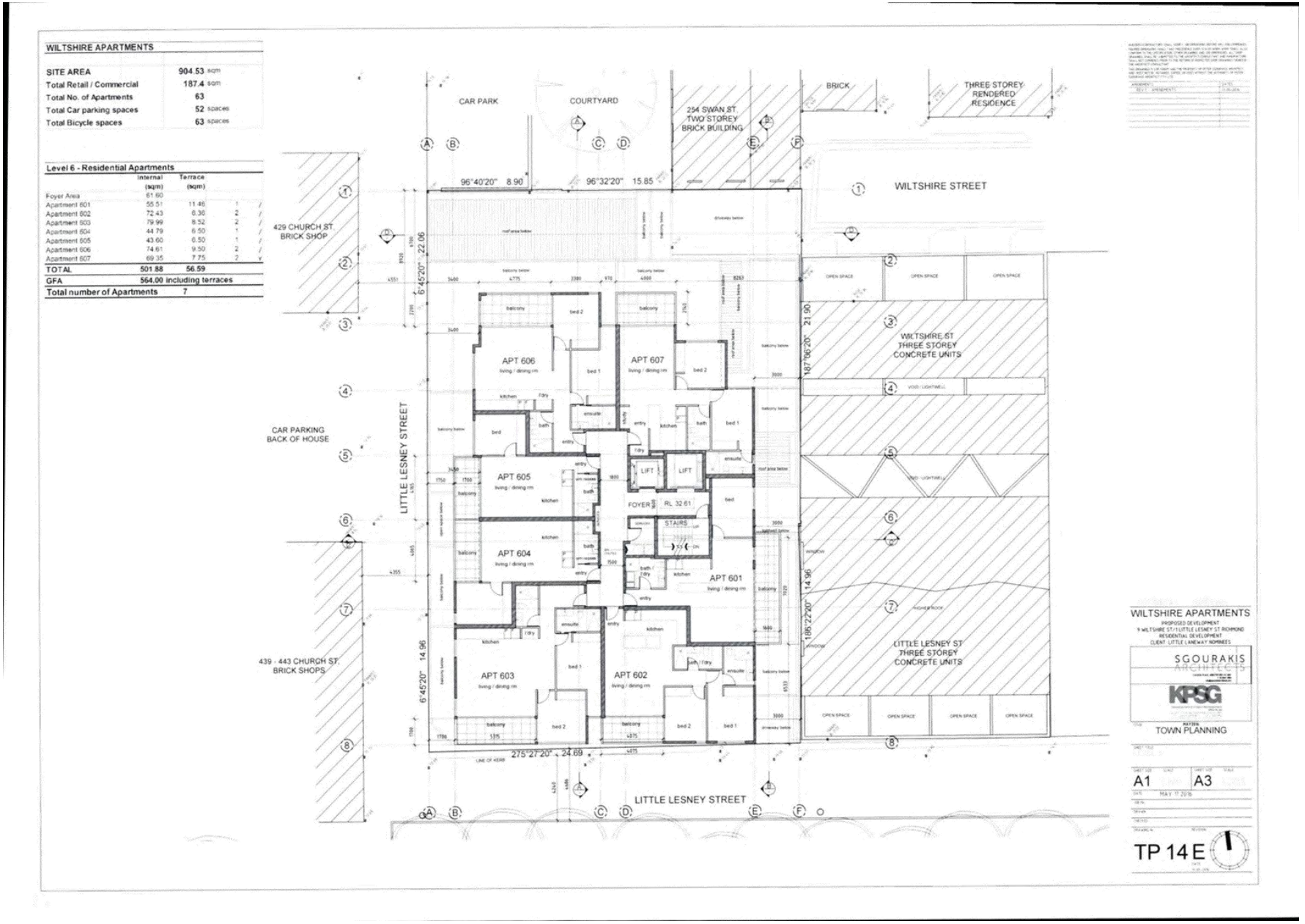

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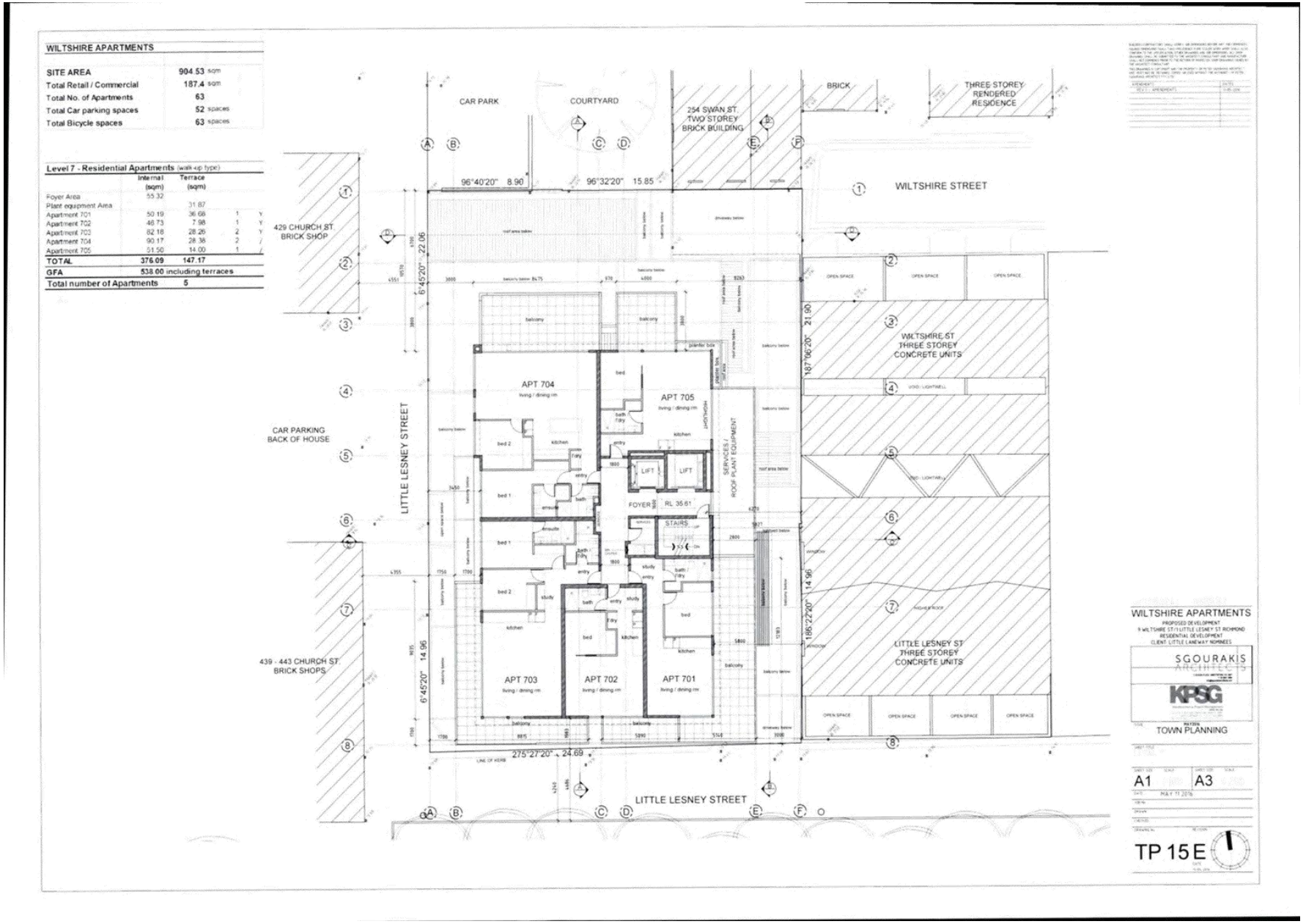

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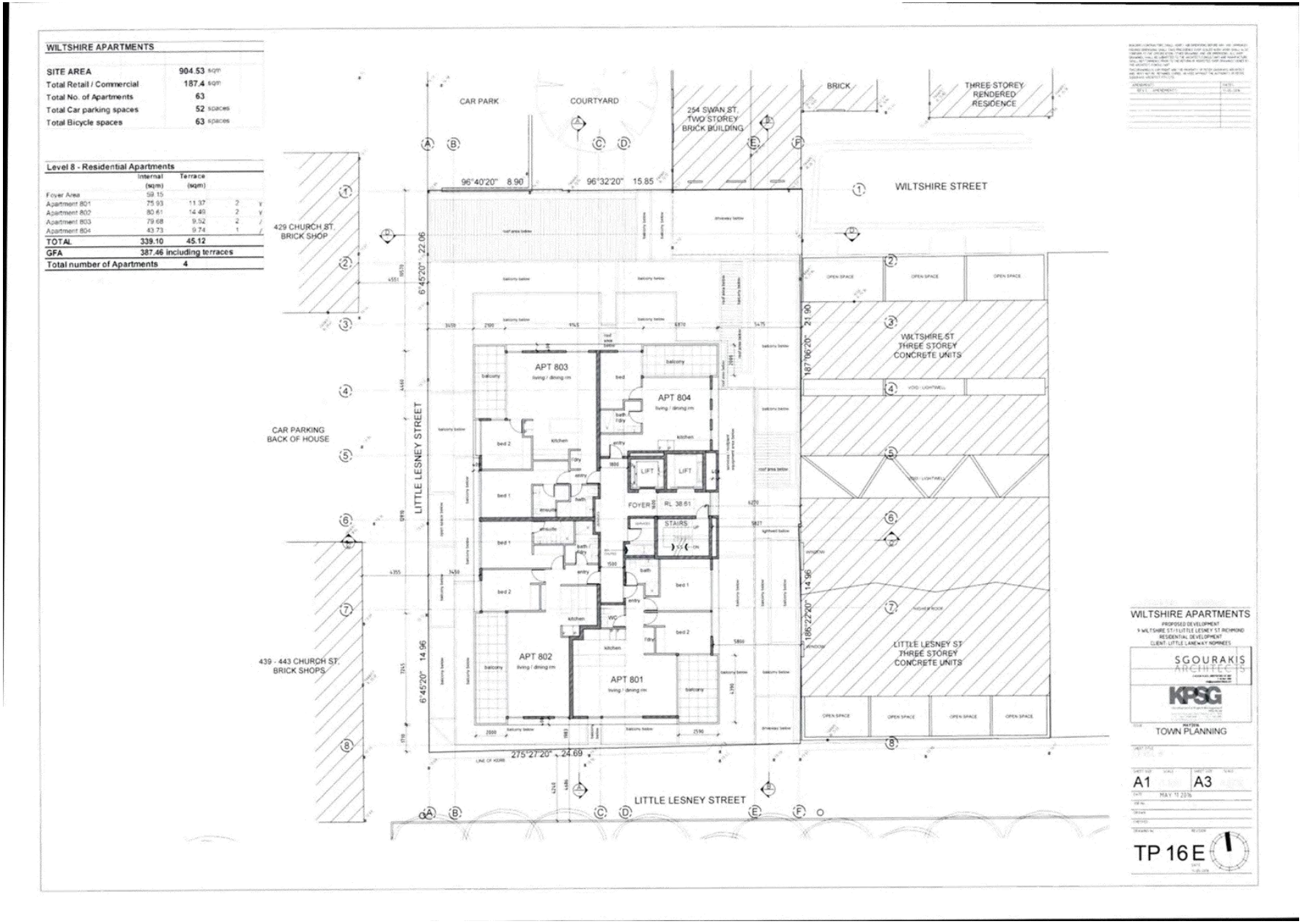

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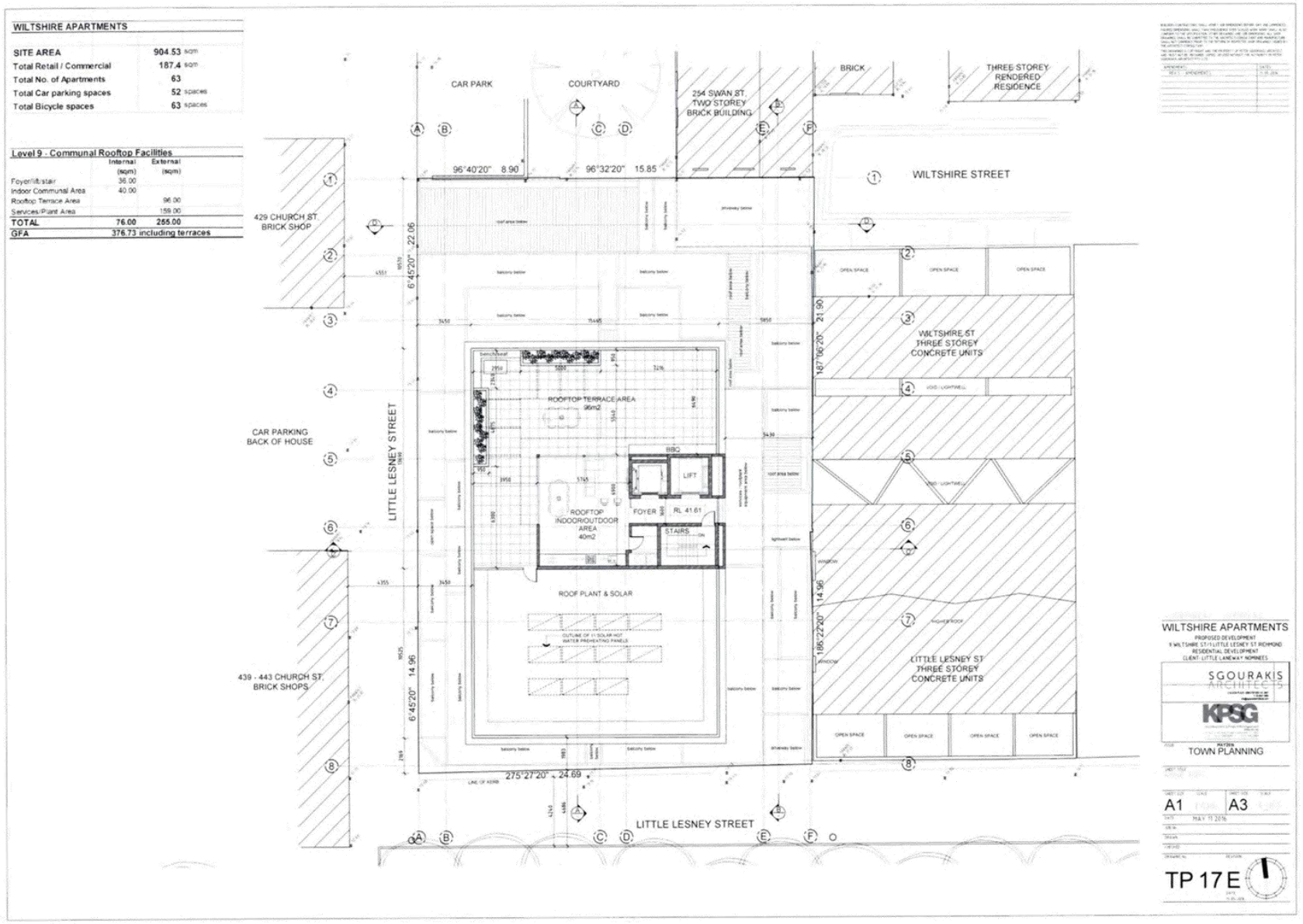

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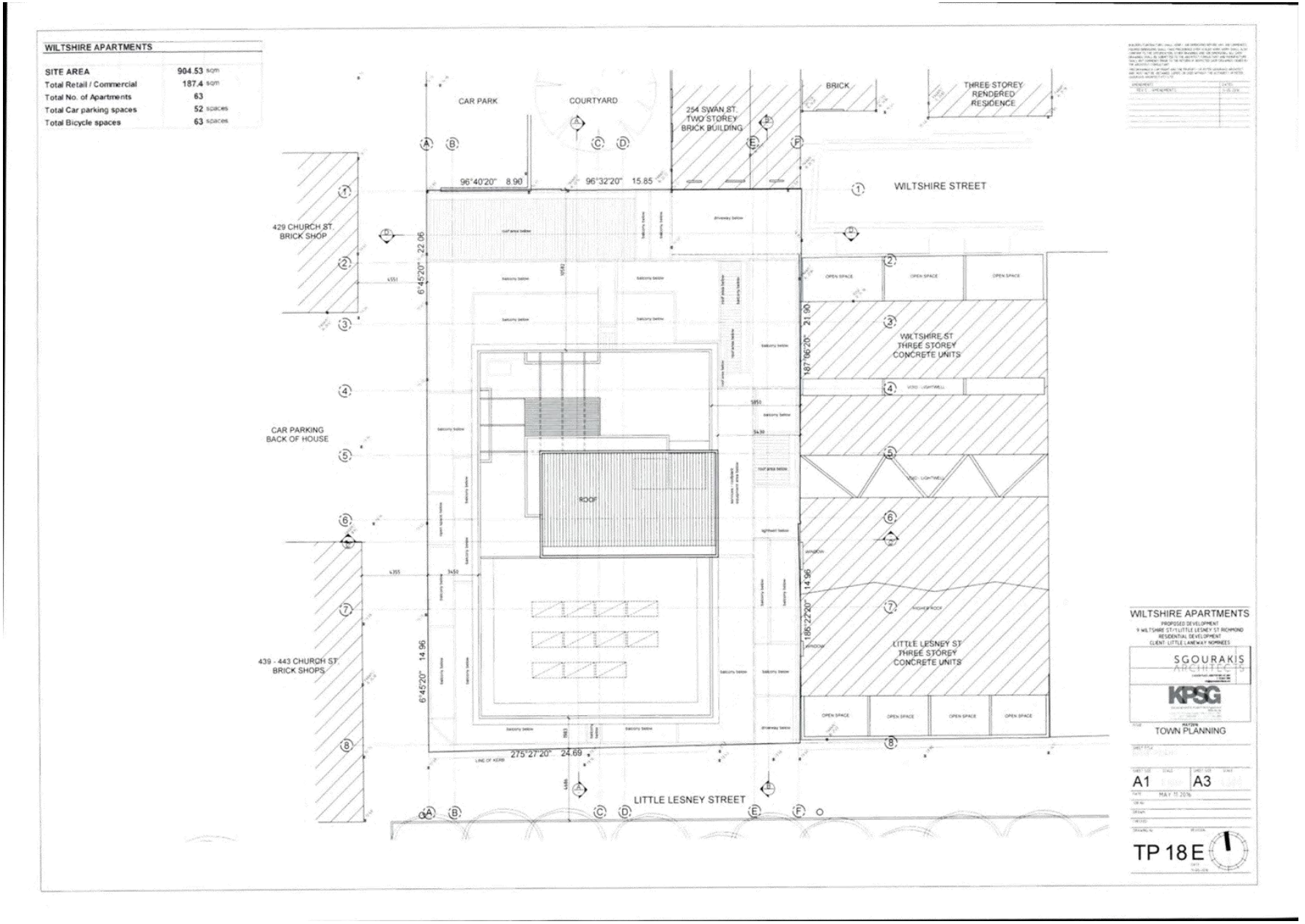

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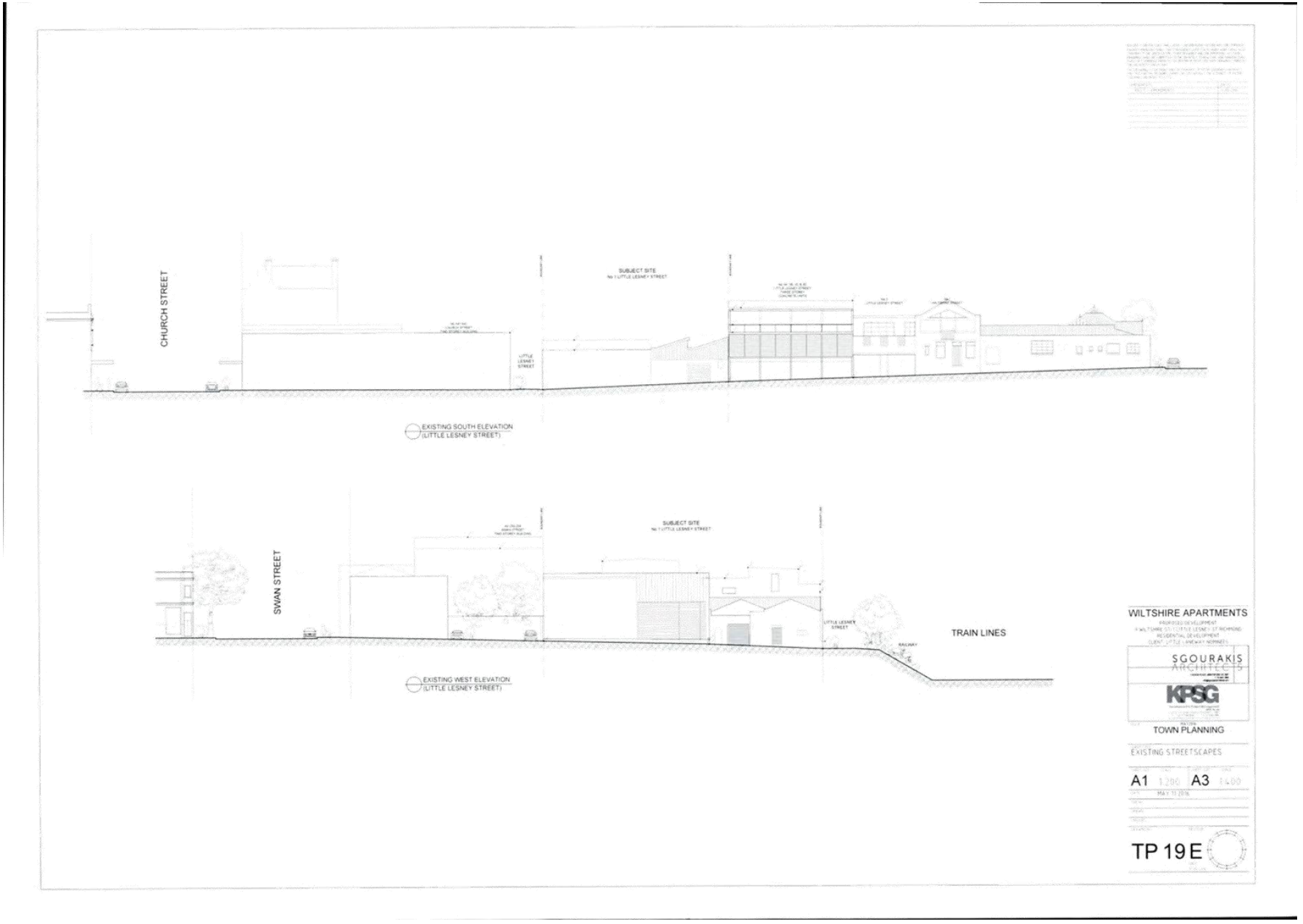

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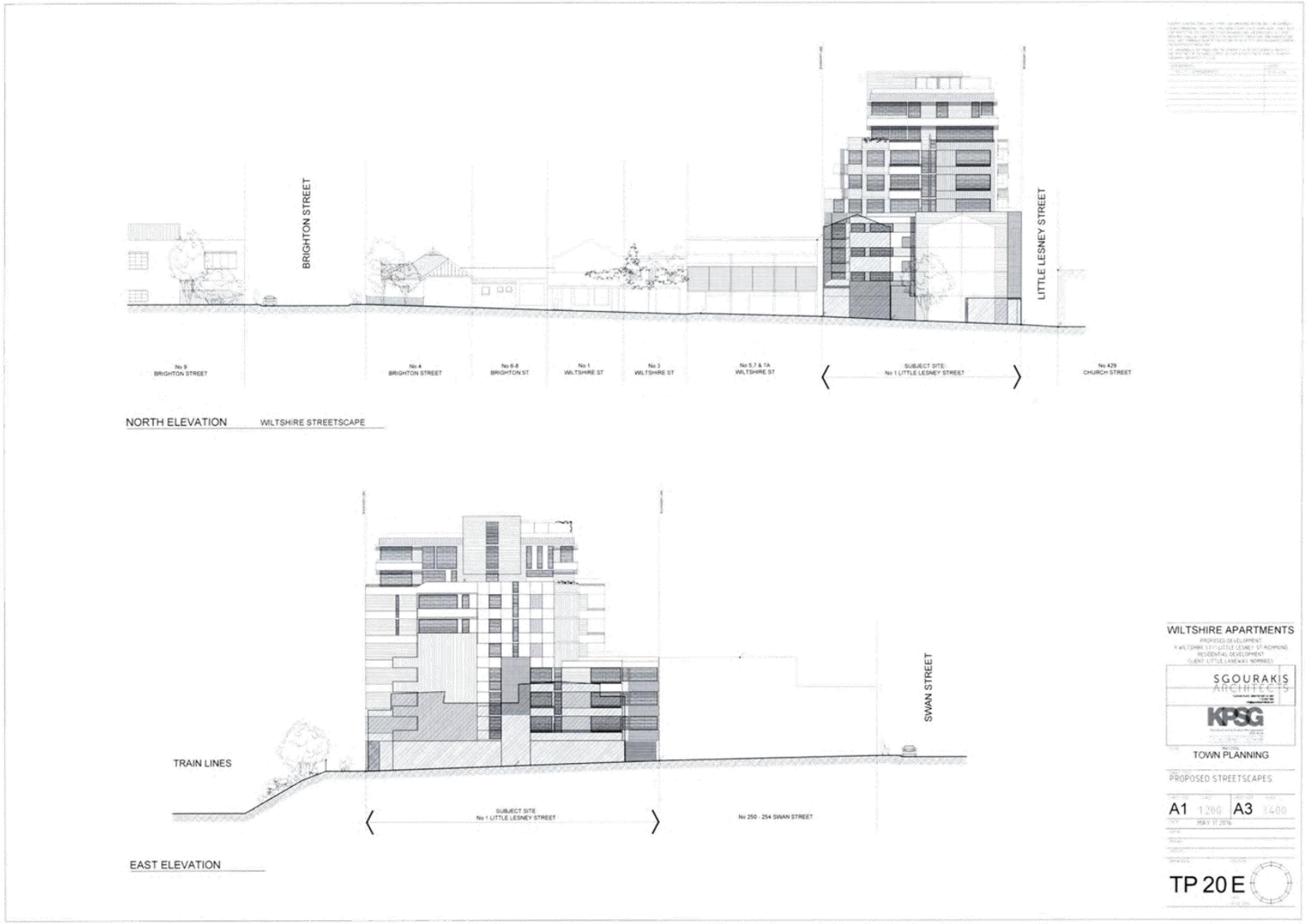

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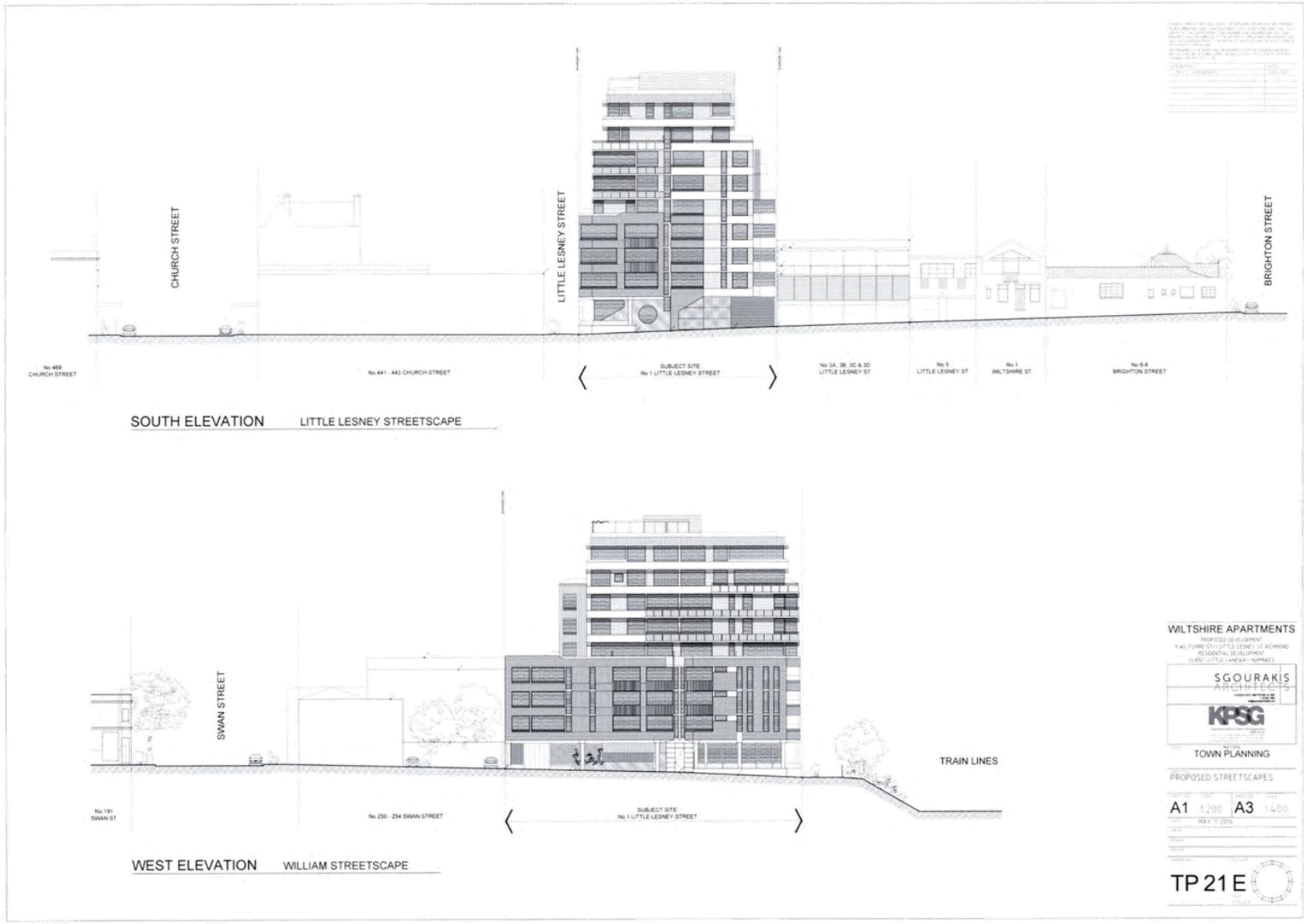

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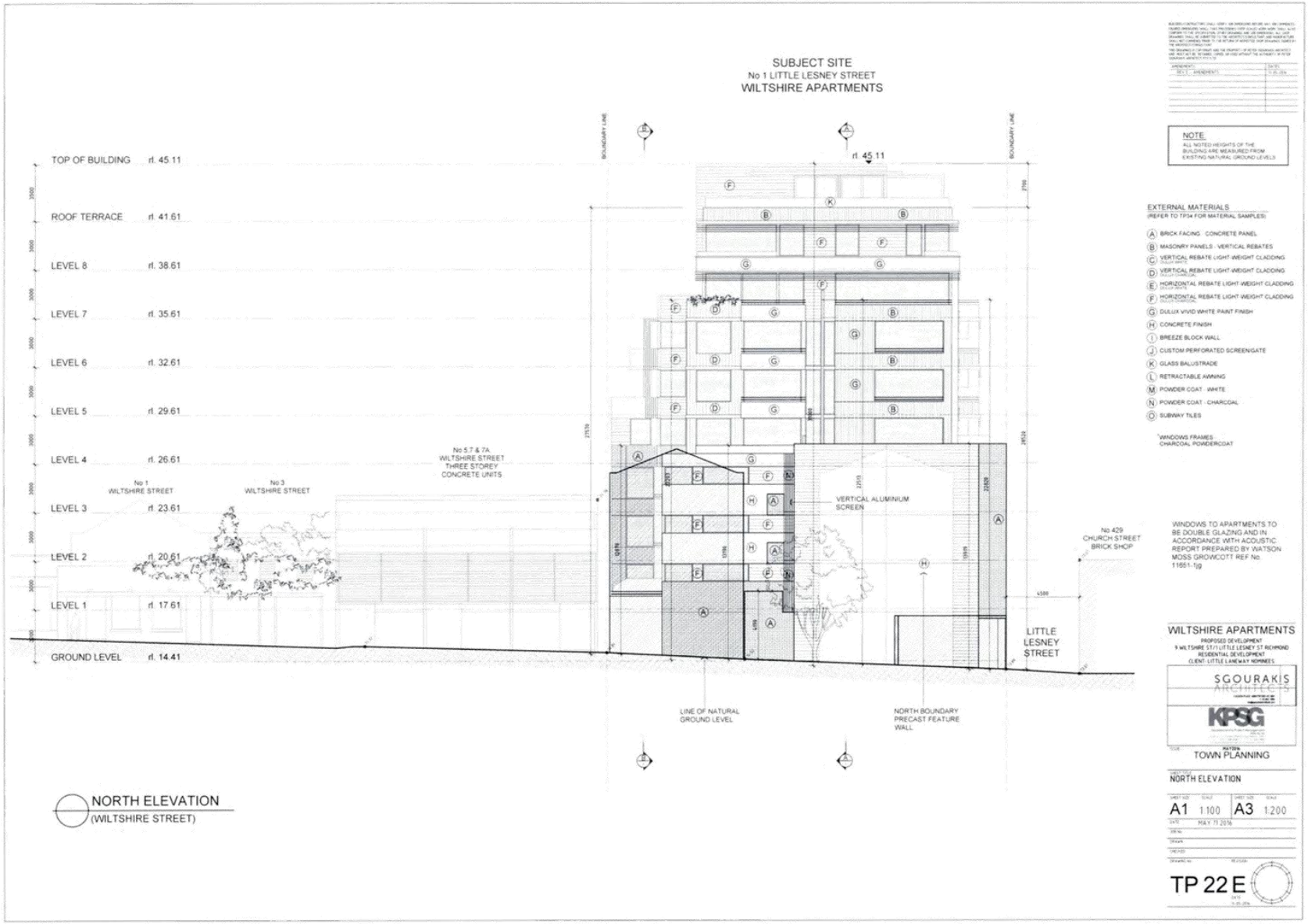

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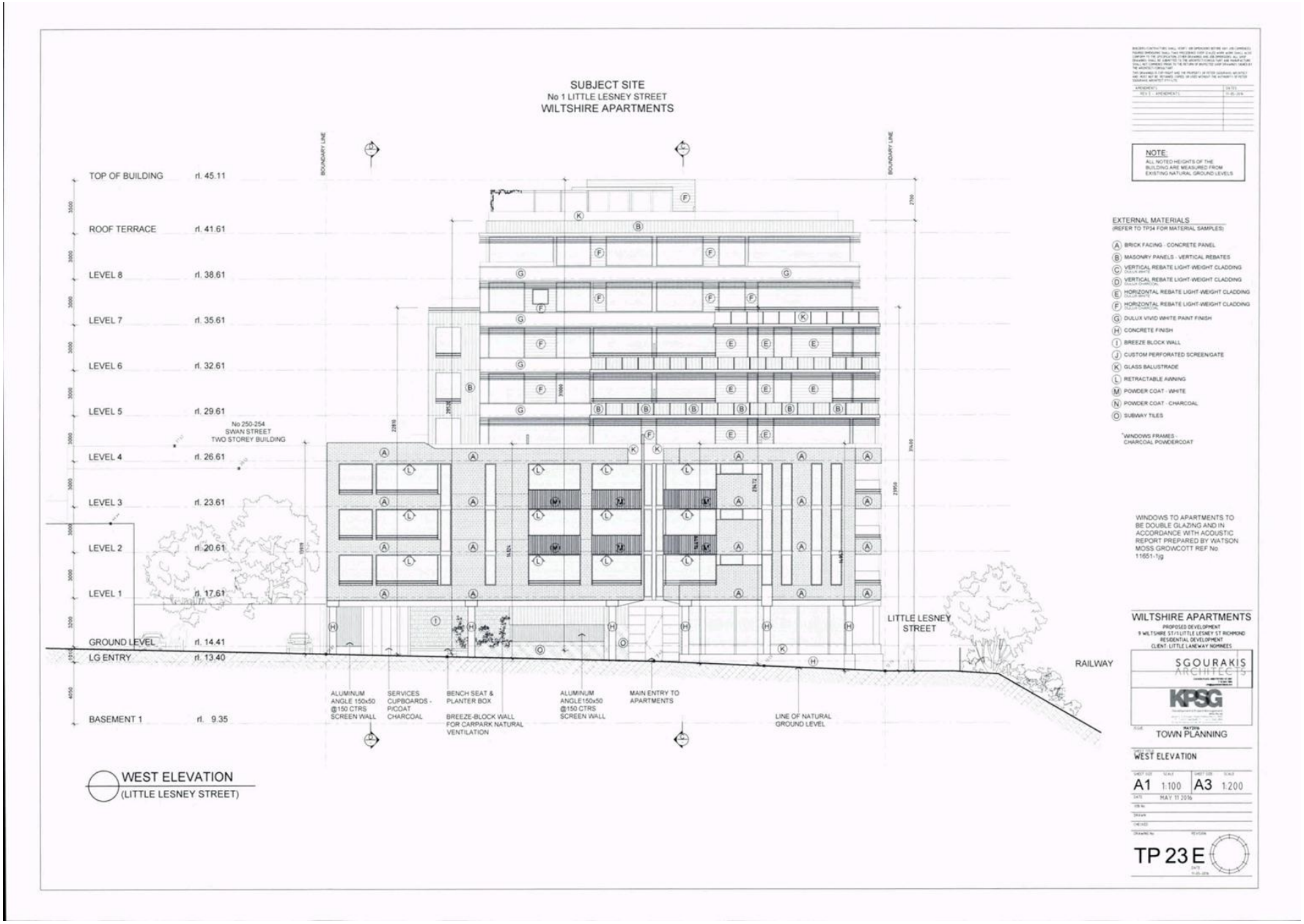

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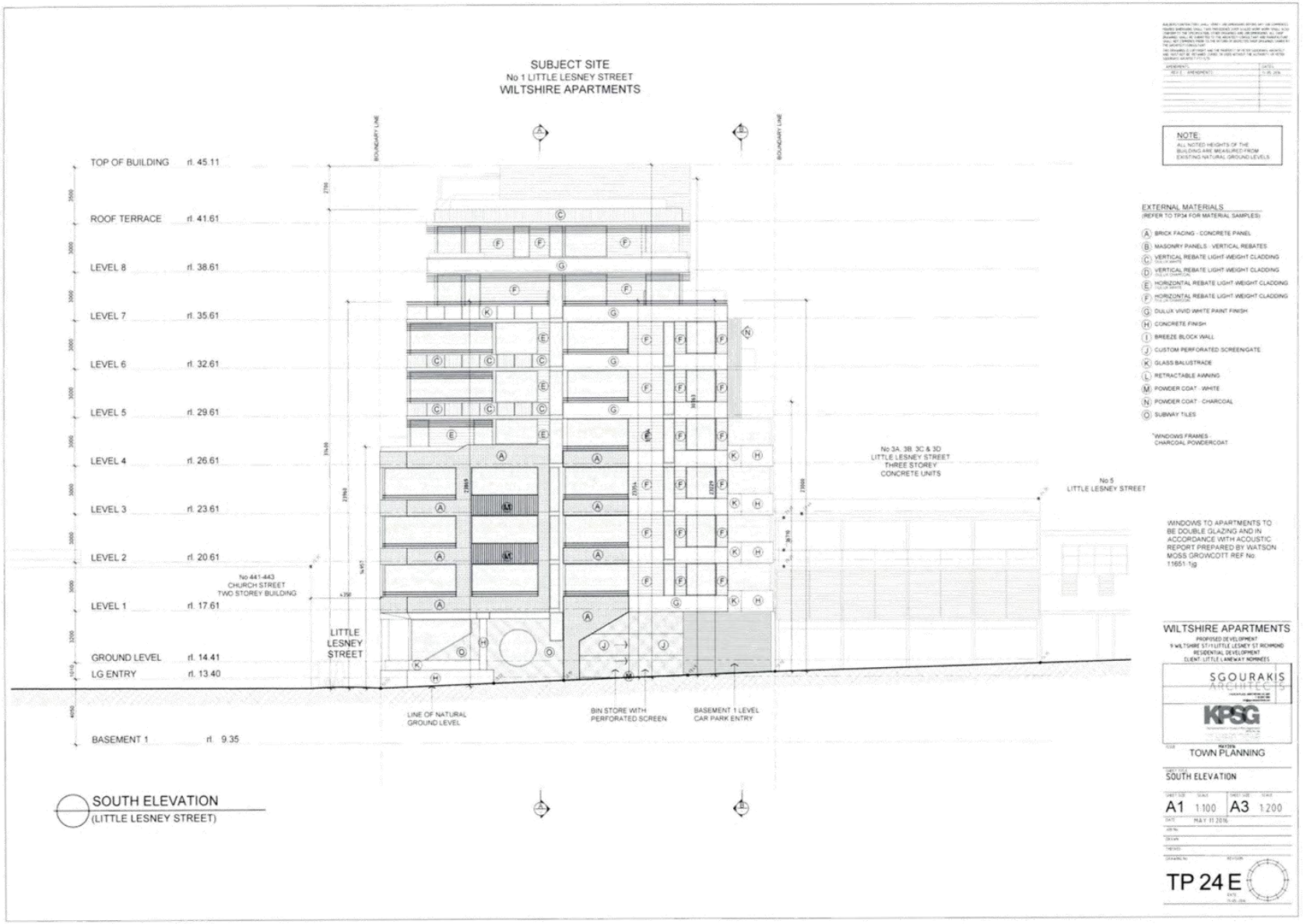

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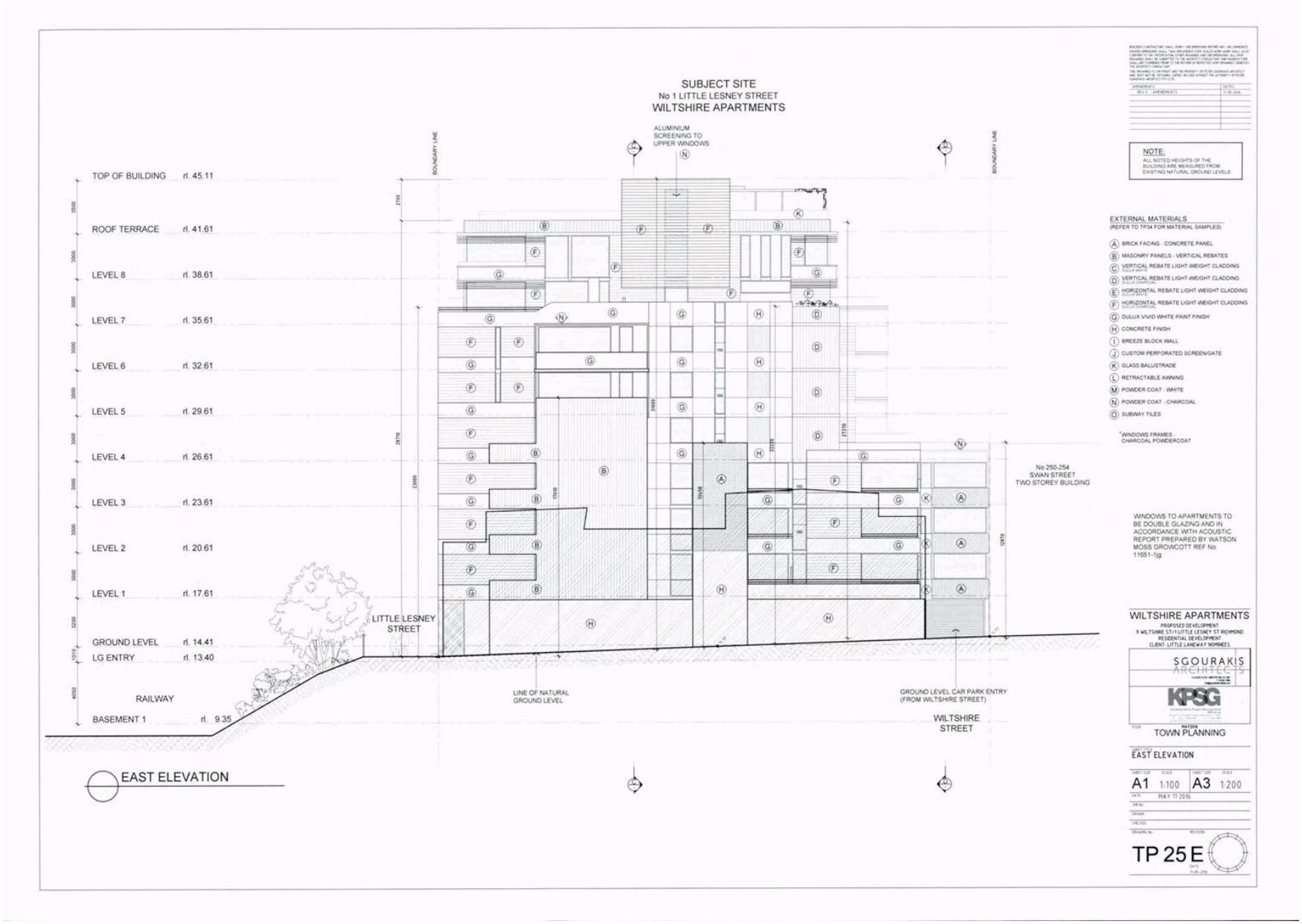

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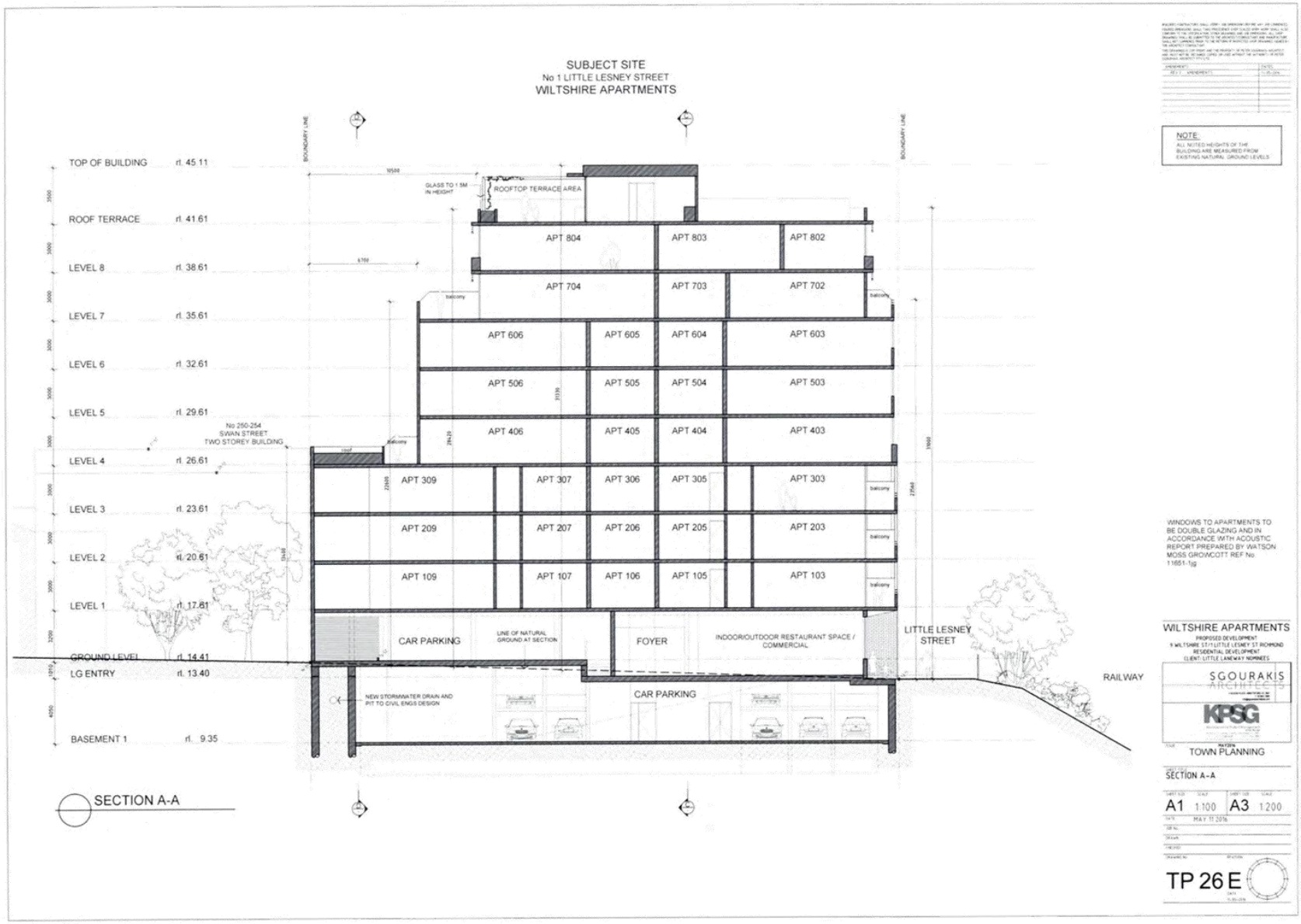

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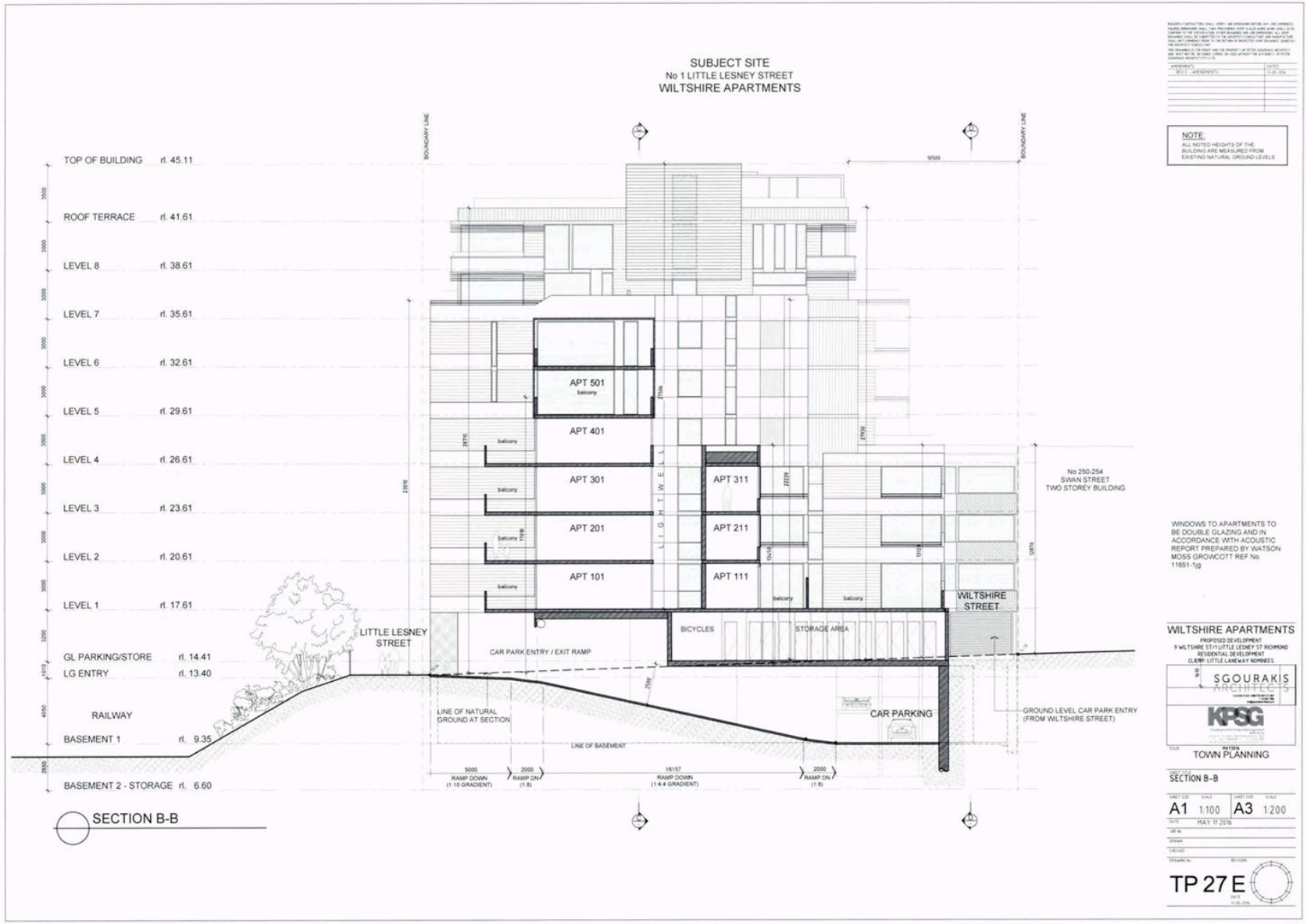

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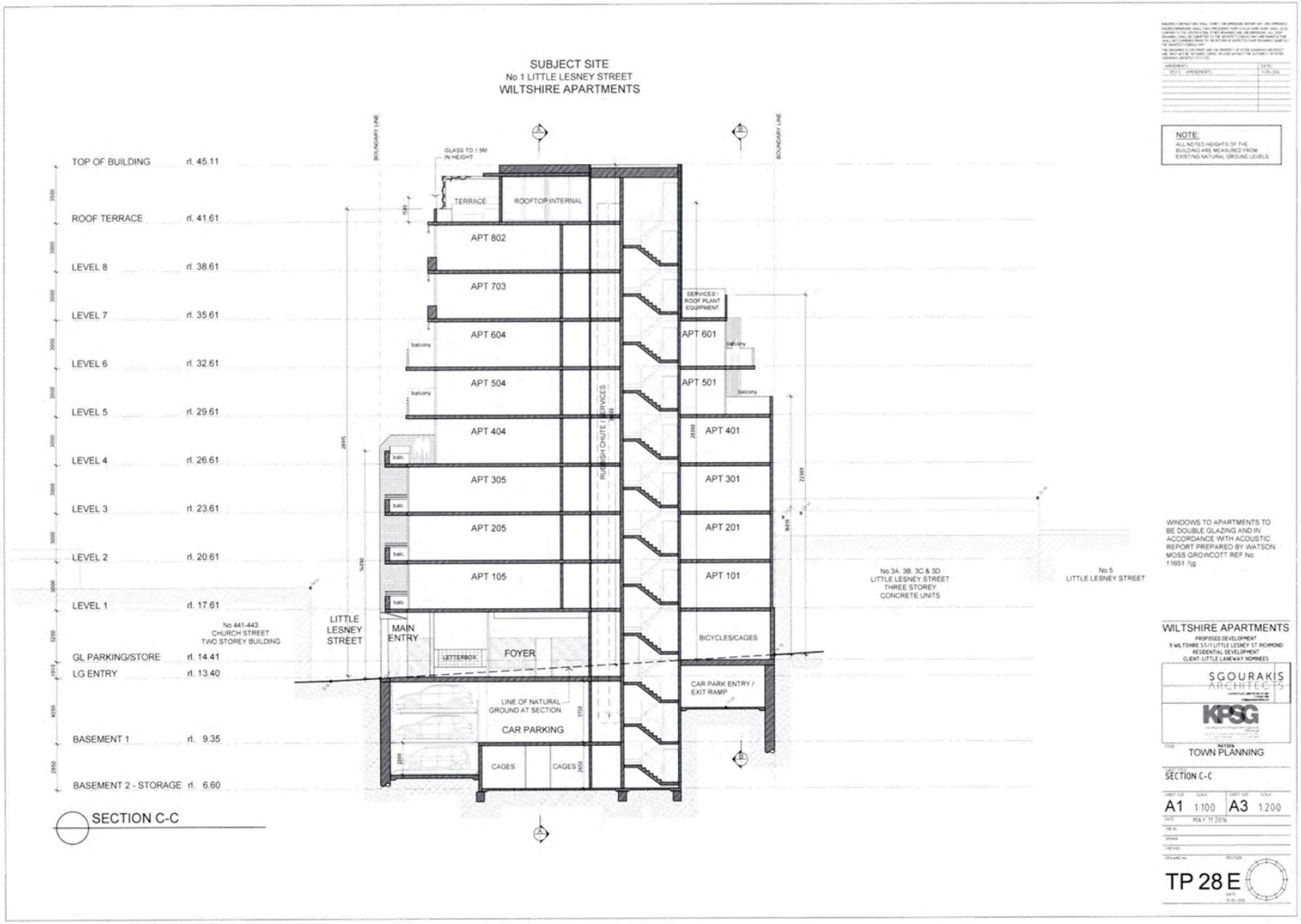

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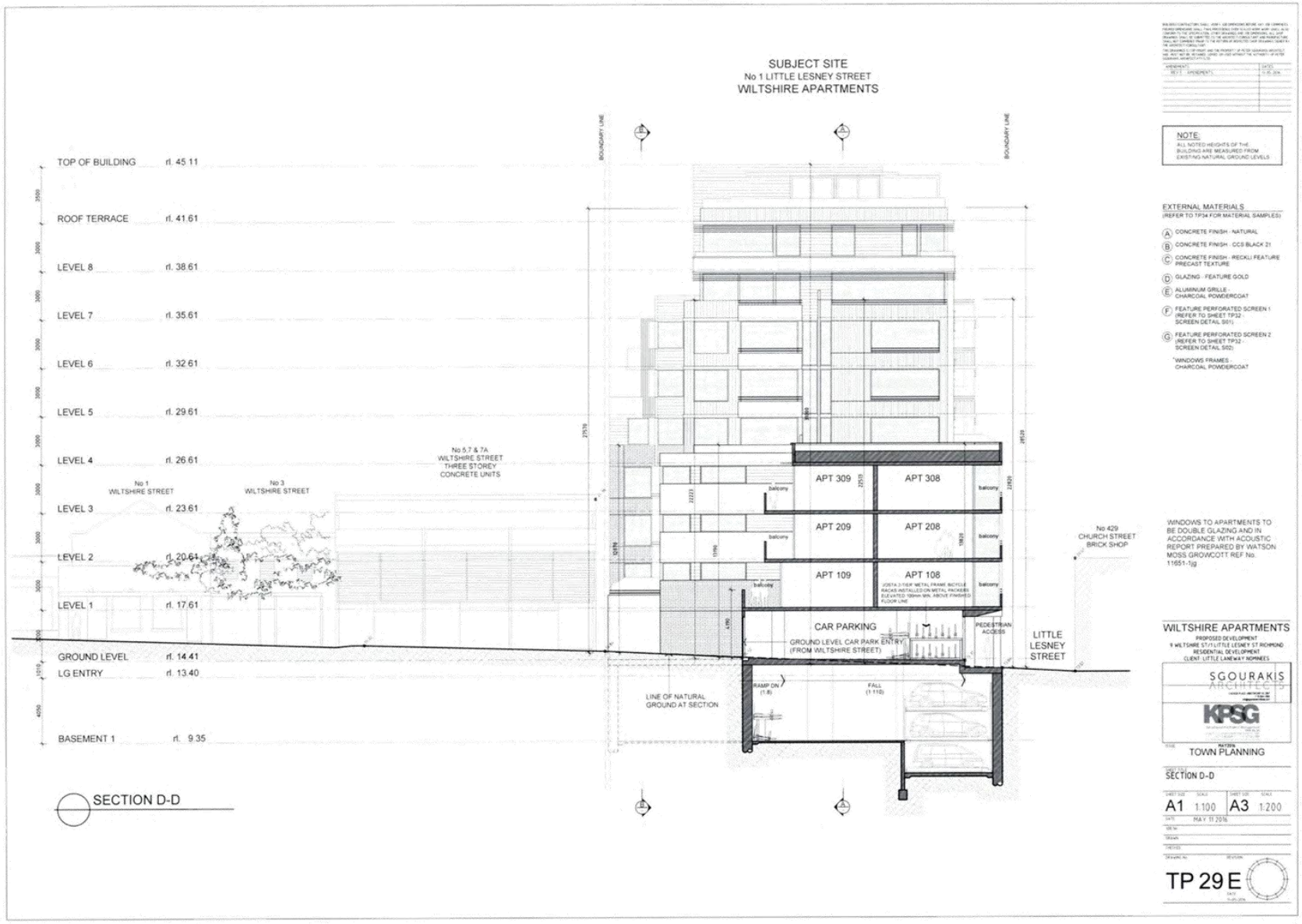
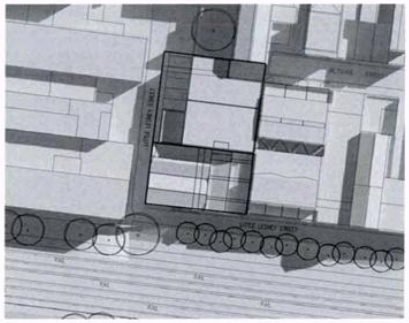
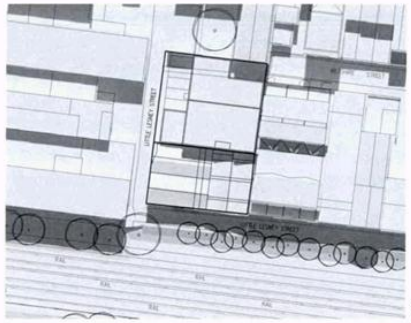


Attachment 3 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 3



9AM



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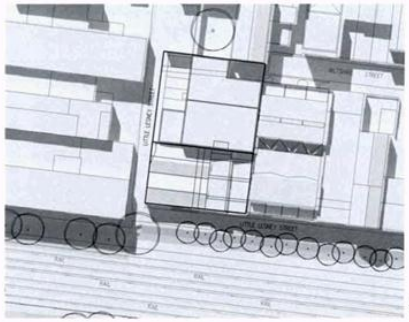

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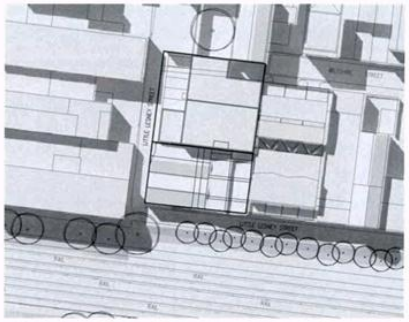

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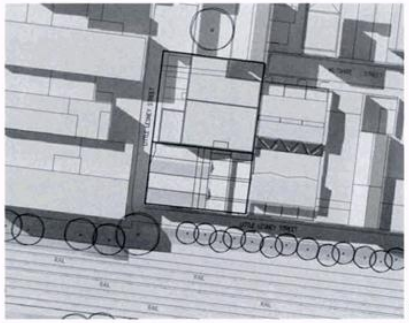
*NOTE: SHADOW DIAGRAMS AT THE SEPT. 22 EQUINOX



3PM

WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST/1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS ARCHITECTS

KPSG

TOWN PLANNING

SHADOWS - EXISTING

A1 1:500 A3 1:1000

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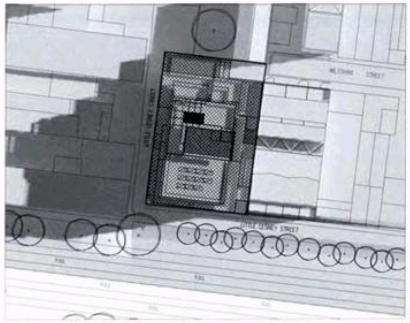
Attachment 3 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 3



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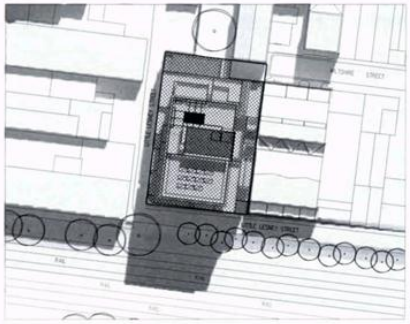

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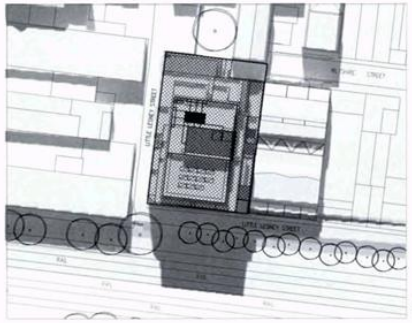

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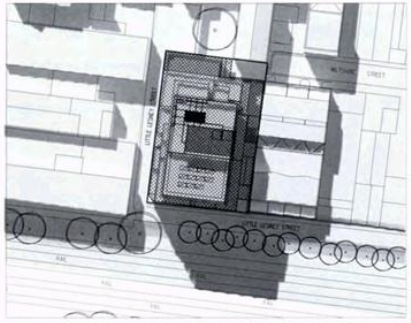
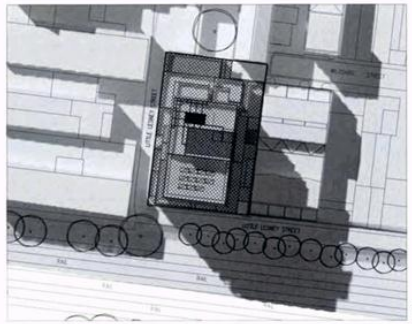


2PM

*NOTE: SHADOW DIAGRAMS AT THE SEPT. 22 EQUINOX



3PM

WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST/1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS ARCHITECTS

KPSG

TOWN PLANNING

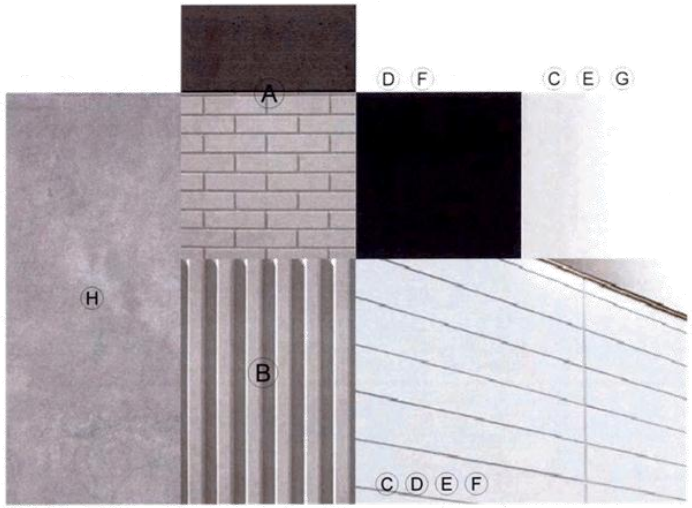
SHADOWS - PROPOSED

A1 1:500 A3 1:1000

MAY 11 2016

TP 31 E

Attachment 3 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 3

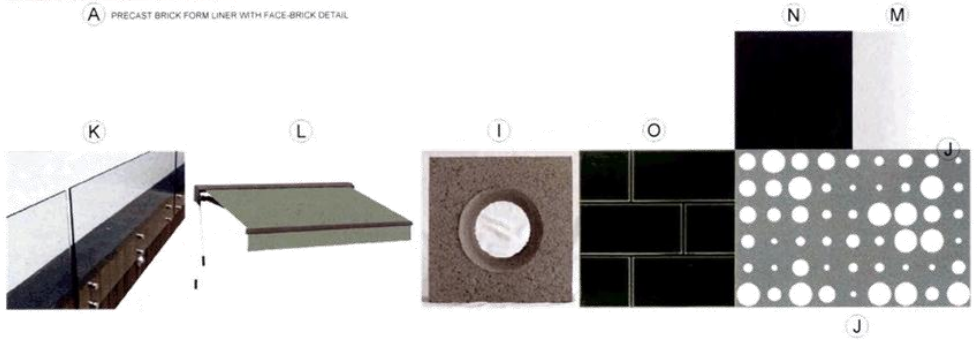


A PRECAST BRICK FORM LINER WITH FACE-BRICK DETAIL

EXTERNAL MATERIALS
(REFER TO TP34 FOR MATERIAL SAMPLES)

- A BRICK FACING - CONCRETE PANEL
- B MASONRY PANELS - VERTICAL REBATES
- C VERTICAL REBATE LIGHT-WEIGHT CLADDING DULUX WHITE
- D VERTICAL REBATE LIGHT-WEIGHT CLADDING DULUX CHARCOAL
- E HORIZONTAL REBATE LIGHT-WEIGHT CLADDING DULUX WHITE
- F HORIZONTAL REBATE LIGHT-WEIGHT CLADDING DULUX CHARCOAL
- G DULUX VIVID WHITE PAINT FINISH
- H CONCRETE FINISH
- I BREEZE BLOCK WALL - 290x290x90
- J CUSTOM PERFORATED SCREEN/GATE
- K GLASS BALUSTRADE
- L RETRACTABLE AWNING
- M POWDER COAT - WHITE
- N POWDER COAT - CHARCOAL
- O SUBWAY TILES - 150mm x 75mm

*WINDOWS FRAMES - CHARCOAL POWDERCOAT



WILTSHIRE APARTMENTS

SGOURAKIS ARCHITECTS

KPSG

TOWN PLANNING

MATERIALS SCHEDULE

A1 A3

TP 34 E

Attachment 3 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 3

Attachment 3 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 3

NOTES

GENERAL

G1. WORK IN WHICH THE COUNCIL HAVE JURISDICTION SHALL BE CONSTRUCTED TO COUNCIL REQUIREMENTS.

G2. UNLESS NOTED OTHERWISE LEVELS ARE IN METRES TO A.H.D. AND DIMENSIONS ARE IN mm. (U.N.O.)

G3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, LOCATION AND LEVEL OF ALL EXISTING SERVICES ON SITE PRIOR TO COMMENCING CONSTRUCTION.

G4. REFER ARCHITECTS DRAWINGS FOR SET-OUT DETAILS.

SUBGRADE PREPARATION AND EARTHWORKS

SP1. UNDER ALL BUILDING AND PAVEMENT AREAS STRIP ALL TOPSOIL TO A MINIMUM DEPTH OF 100mm

SP2. CUT AND FILL AS REQUIRED TO PRODUCE FINISHED SURFACE LEVELS AS SPECIFIED LESS PAVEMENT THICKNESS AS SHOWN ON DRAWINGS. THE PREPARED SUB-GRADE OF CUT AND FILL SHALL BE PROOF ROLLED WITH A VIBRATING ROLLER OF A STATIC WEIGHT OF AT LEAST 10 TONNES.

SP3. COMPACT CUT SURFACE TO 90% MODIFIED MAXIMUM DRIED DENSITY (M.M.D.D.)

SP4. PRIOR TO PLACEMENT OF FILL OR PAVING MATERIALS, REMOVE AND REPLACE SOFT OR UNSTABLE MATERIAL WITH ROAD SUB-BASE CRUSHED ROCK COMPACTED TO 92% M.M.D.D. IN 200mm LAYERS.

SP5. THE EXCAVATED SURFACE UNDER ALL BUILDINGS AND PAVEMENT AREAS SHALL BE SPRAYED WITH AN APPROVED WEED KILLER WITH RESIDUAL CAPABILITY OF KILLING WEEDS AND GRASSES. CARE MUST BE TAKEN TO AVOID CONTAMINATING GARDEN BEDS AND LAWN AREAS.

SP6. FILLING SHALL BE ROAD SUB-BASE 40 NOMINAL SIZE CRUSHED ROCK OR EQUIVALENT COMPACTED TO 95% M.M.D.D. IN 200mm LAYERS.

DRAINAGE

D1. ALL DOWNPIPE CONNECTIONS ARE TO BE 100mm DIAMETER LAID AT 1 IN 100 MINIMUM (U.N.O.)

D2. ALL STORMWATER DRAINS 150mm DIAMETER OR LARGER SHALL BE CLASS '2' REINFORCED CONCRETE PIPE (R.C.P.) RUBBER RING JOINTED SPIGOT AND FAUCET OR U.P.V.C. TO A.S.1254 (U.N.O.)

D3. "COVER LEVEL" MEANS THE LEVEL OF –
FOR SIDE ENTRY PIT – TOP OF KERB AT CENTRE OF PIT.
FOR OTHER PITS – CENTRE OF TOP OF PIT (THE COVER OTHERWISE TO MATCH GRADE SURFACE IN WHICH LOCATED).

D4. GATIC GRATES TO BE INSTALLED IN COMPATABLE FRAMES STRICTLY IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATION. SUPPLY ADDITIONAL GRATES TO MATCH EXISTING.

D5. ALL UPVC PIPES TO BE SEWER QUALITY. U.N.O.

PAVEMENTS

P1. MATERIAL USED AND METHOD OF CONSTRUCTION SHALL COMPLY WITH THE CURRENT VIC ROADS SPECIFICATIONS.

P2. CRUSHED ROCK SHALL BE PLACEDAND COMPACTED TO 95% M.M.D.D. IN 150mm LAYERS.

P3. JOINTS IN LIGHT DUTY PAVEMENTS OR FOOTPATH SHALL BE FORMED AS FOLLOWS, U.N.O. ON THE DRAWINGS.

(a) CONTRACTION JOINTS

CONTRACTION JOINTS SHALL BE FORMED AT TH E FOLLOWING SPACINGS
– NOT MORE THAN 2000mm INTERVALS IN PATHS
– NOT MORE THAN 3000mm IN NEAT REGULAR RECTANGULAR OR SYMMETRICAL PATTERN IN LARGE AREAS OF PAVEMENT.
THE JOINTS SHALL BE FORMED BY 3mm THICK STEEL PLATES OR OTHER APPROVED MATERIAL SET INTO THE FORMWORK TO EXTEND THROUGH HALF THE THICKNESS OF CONCRETE. THE JOINT FORMERSHALL BE WITHDRAWN DURING THE FINISHING OPERATION AND THE JOINT FINISHED WITH AN APPROVED JOINTING TROWEL.

(b) EXPANSION JOINTS

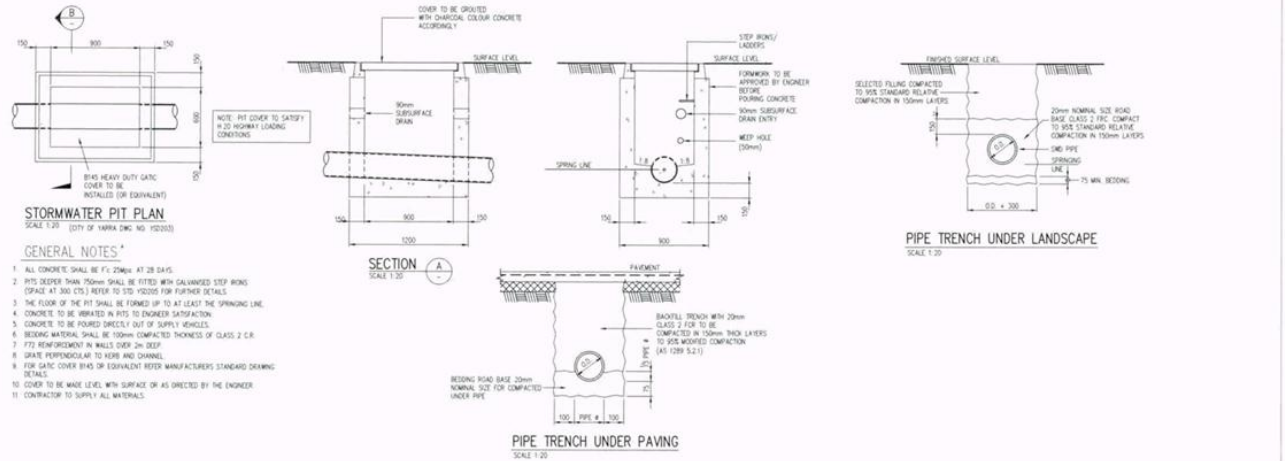
EXPANSION JOINTS SHALL BE FORMED THROUGH THE FULL THICKNESS OF CONCRETE AT NOT MORE THAN 12 METRE INTERVALS AND SHALL CONCIDE WITH THE CONSTRUCTION JOINT PATTERN. THE JOINT FILLER SHALL BE 12mm THICK BITUMEN IMPREGNATED FIBRE BOARD SET 5mm BELOW PAVEMENT SURFACE. THE BOARD SHALL BE PLACED AGAINST THE FORMED EDGE OF ONE SLAB AND THE ADJOINING SLAB POURED AGAINST IT. THE JOINT EDGES SHALL BE NEATLY FINISHED WITH A JOINTING TROWEL.

CONCRETE

CONCRETE CRUSHING STRENGTH AT 28 DAYS SHALL BE AT LEAST
– DRAINAGE WORKS 25 MPa
– PAVING WORKS 32 MPa

LEGEND

FFL 99.55	FINISHED FLOOR LEVEL
PL 99.76	PAVEMENT LEVEL
KIL 99.72	KERB INVERT LEVEL
TOK 99.87	TOP OF KERB LEVEL
IL 98.55	INVERT LEVEL
CL 98.00	COVER LEVEL
INV 99.55	EXISTING INVERT LEVEL
99.65	EXISTING SURFACE LEVEL



STORMWATER PIT PLAN
SCALE 1:20 (CITY OF YARRA DRC NO. YSD203)

SECTION A
SCALE 1:20

PIPE TRENCH UNDER LANDSCAPE
SCALE 1:20

PIPE TRENCH UNDER PAVING
SCALE 1:20

GENERAL NOTES

1. ALL CONCRETE SHALL BE f'c 25Mpa AT 28 DAYS.
2. PITS DEEPER THAN 750mm SHALL BE FITTED WITH GALVANISED STEP IRONS (SPACE AT 300 CTS.) REFER TO STD YSD205 FOR FURTHER DETAILS.
3. THE FLOOR OF THE PIT SHALL BE FORMED UP TO AT LEAST THE SPRINGING LINE.
4. CONCRETE TO BE VIBRATED IN PITS TO ENGINEER SATISFACTION.
5. CONCRETE TO BE POURED DIRECTLY OUT OF SUPPLY VEHICLES.
6. BEDDING MATERIAL SHALL BE 100mm COMPACTED THICKNESS OF CLASS 2 C.R.
7. F72 REINFORCEMENT IN WALLS OVER 2m DEEP.
8. GRATE PERPENDICULAR TO KERB AND CHANNEL.
9. FOR GATIC COVER B145 OR EQUIVALENT REFER MANUFACTURERS STANDARD DRAWING DETAILS.
10. COVER TO BE MADE LEVEL WITH SURFACE OR AS DIRECTED BY THE ENGINEER
11. CONTRACTOR TO SUPPLY ALL MATERIALS.

REV	DATE	COMMENTS	REV	DATE	COMMENTS
A	29.4.16	RESPONSE TO COUNCIL QUERIES			

ARCHITECT
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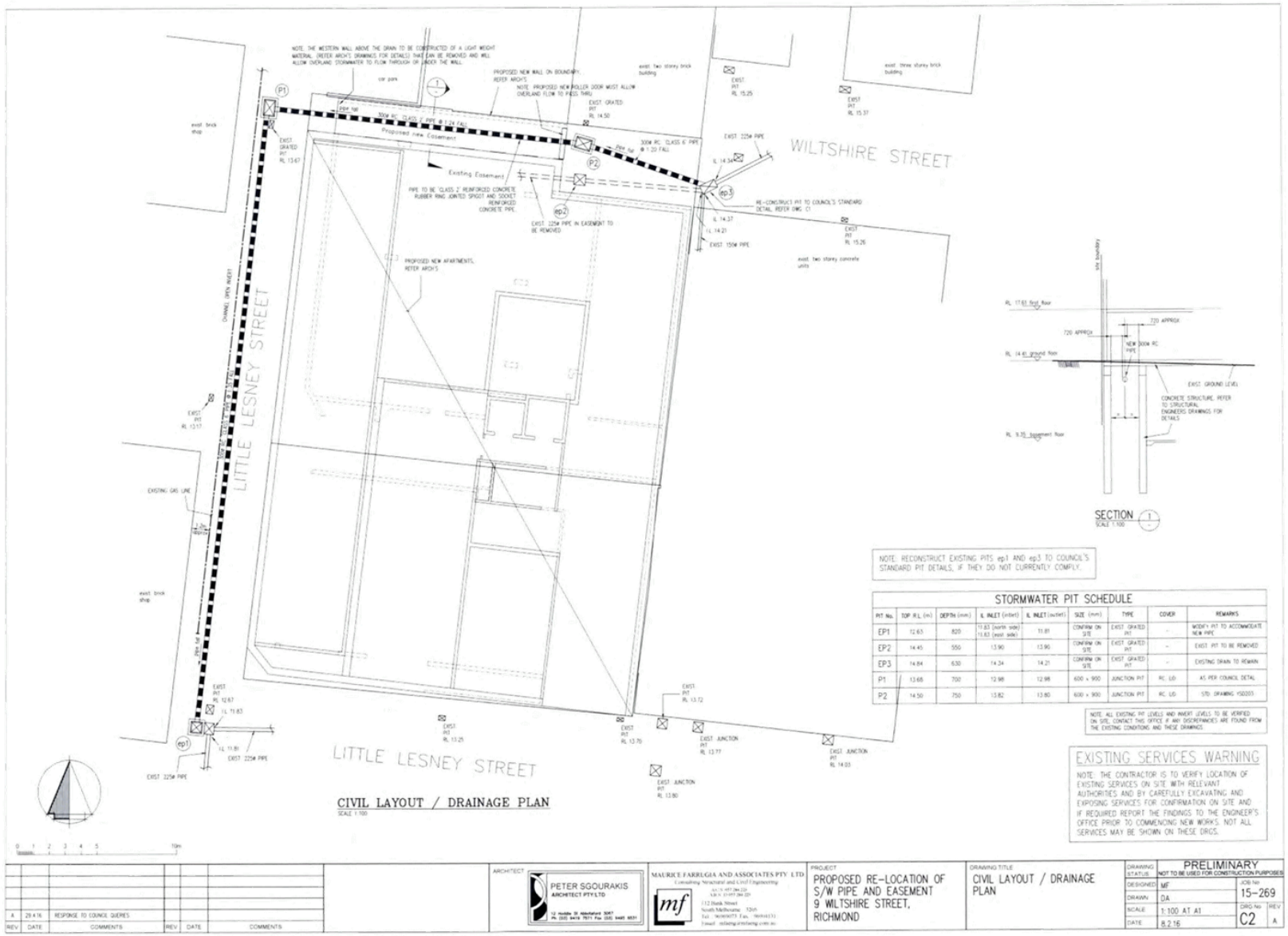
Tel: 96180373 Fax: 96184171
Email: mfarrug@mfarrug.com.au

PROJECT
PROPOSED RE-LOCATION OF S/W PIPE AND EASEMENT
9 WILTSHIRE STREET,
RICHMOND

DRAWING TITLE
CIVIL NOTES AND DETAILS

DRAWING STATUS	PRELIMINARY NOT TO BE USED FOR CONSTRUCTION PURPOSES
DESIGNED	MF
DRAWN	DA
SCALE	1:20 AT A1
DATE	8.2.16
JOB No	15-269
DRG No	C1
REV	A

Attachment 3 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 3



PIT No.	TOP R.L. (m)	DEPTH (mm)	IL INLET (inlet)	IL INLET (outlet)	SIZE (mm)	TYPE	COVER	REMARKS
EP1	12.63	820	11.83 (north side) 11.63 (east side)	11.81	CONFIRM ON SITE	EXIST GRATED PIT	-	MODIFY PIT TO ACCOMMODATE NEW PIPE
EP2	14.45	550	13.90	13.90	CONFIRM ON SITE	EXIST GRATED PIT	-	EXIST PIT TO BE REMOVED
EP3	14.84	630	14.34	14.21	CONFIRM ON SITE	EXIST GRATED PIT	-	EXISTING DRAIN TO REMAIN
P1	13.68	700	12.98	12.98	600 x 900	JUNCTION PIT	RC LID	AS PER COUNCIL DETAIL
P2	14.50	750	13.82	13.80	600 x 900	JUNCTION PIT	RC LID	STD. DRAWING YSD203

REV	DATE	COMMENTS	REV	DATE	COMMENTS
A	29.4.16	RESPONSE TO COUNCIL QUERIES			

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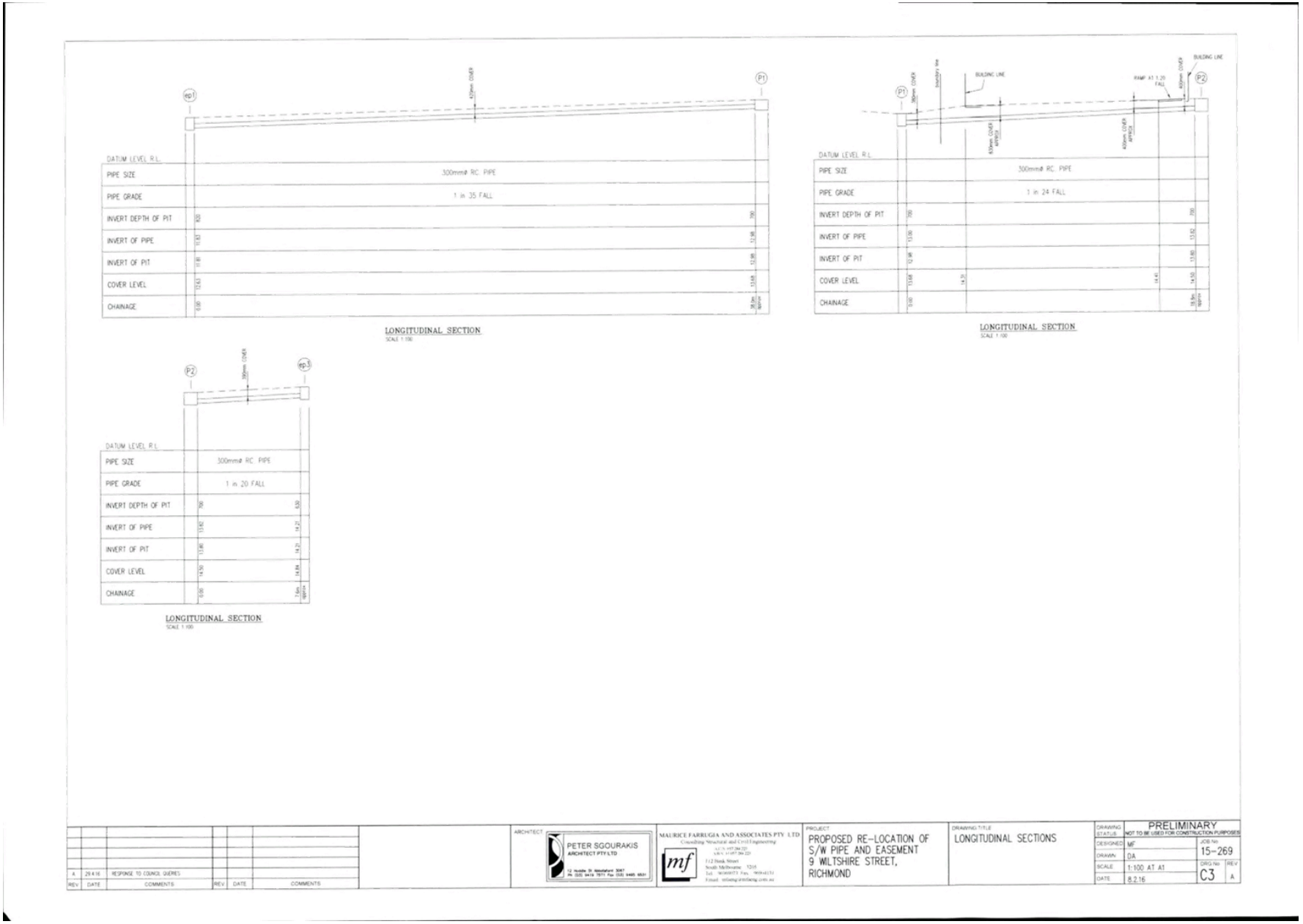

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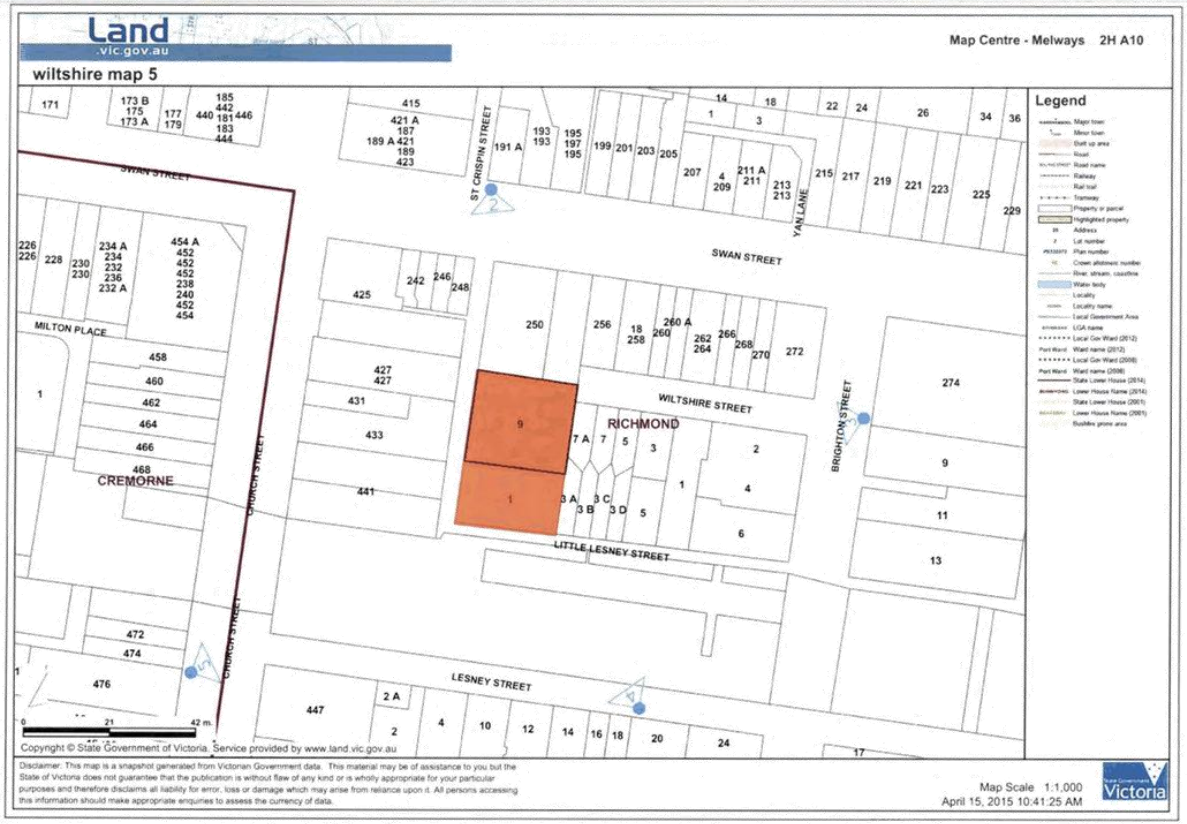

SGOURAKIS ARCHITECTS

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Abbotsford 3067
p. 03 9041 0984

www.sgourakisarchitects.com

Photo montage created by:
Henry Sgourakis

Images created using:
Rhino 3d 5, Autocad Lt 2016, Photoshop CS5.1

Camera:
Canon EOS 400d SLR

Lens:
Sigma 18-200

RECEIVED
15 JUL 2015
CITY OF YARRA

•Photos taken on
Wed 1st April, 2015
@ 12pm

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Camera locations

Project:
Residential Development
At:
9 Wiltshire St & 1 Little Lesney St, Richmond For:
Little Laneway Nominess

Drawing Name:
wiltshire/lesney
View Number:
Document Name:
Visual amenity evidence_
Version: **B**
Date: **05/07/2016**
Drawn: HS
Sheet: A3

RECEIVED
15 JUL 2016

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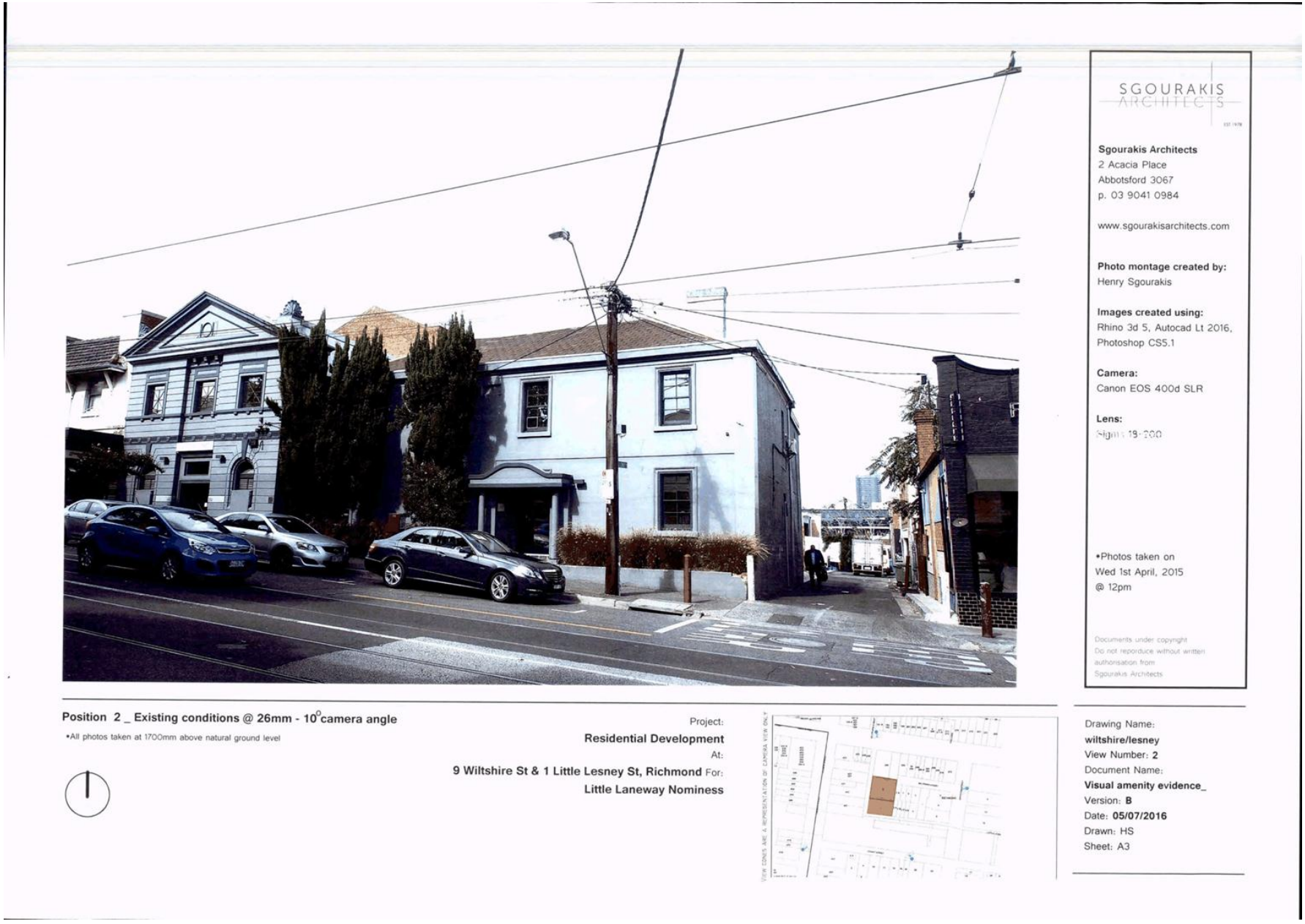

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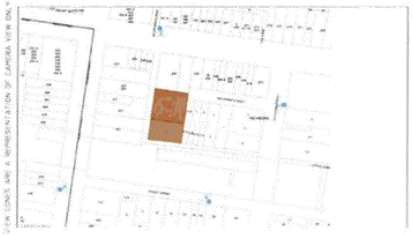
Position 3 _ Existing conditions @ 26mm - 0° camera angle

•All photos taken at 1700mm above natural ground level

Project:
Residential Development
At:
9 Wiltshire St & 1 Little Lesney St, Richmond For:
Little Laneway Nominess



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View Number: **3**
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Version: **B**
Date: **05/07/2016**
Drawn: HS
Sheet: A3

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Position 3 _ Proposed development montage @ 26mm - 0° camera angle

•All photos taken at 1700mm above natural ground level

Project:
Residential Development
At:
9 Wiltshire St & 1 Little Lesney St, Richmond For:
Little Laneway Nominess

Drawing Name:
wiltshire/lesney
View Number: **3**
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Version: **B**
Date: **05/07/2016**
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Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4

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Position 4 _ Existing conditions @ 26mm - 5° camera angle

•All photos taken at 1700mm above natural ground level

Project:
Residential Development
At:
9 Wiltshire St & 1 Little Lesney St, Richmond For:
Little Laneway Nominess

Drawing Name:
wiltshire/lesney
View Number: **4**
Document Name:
Visual amenity evidence_
Version: **B**
Date: **05/07/2016**
Drawn: HS
Sheet: A3

Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4

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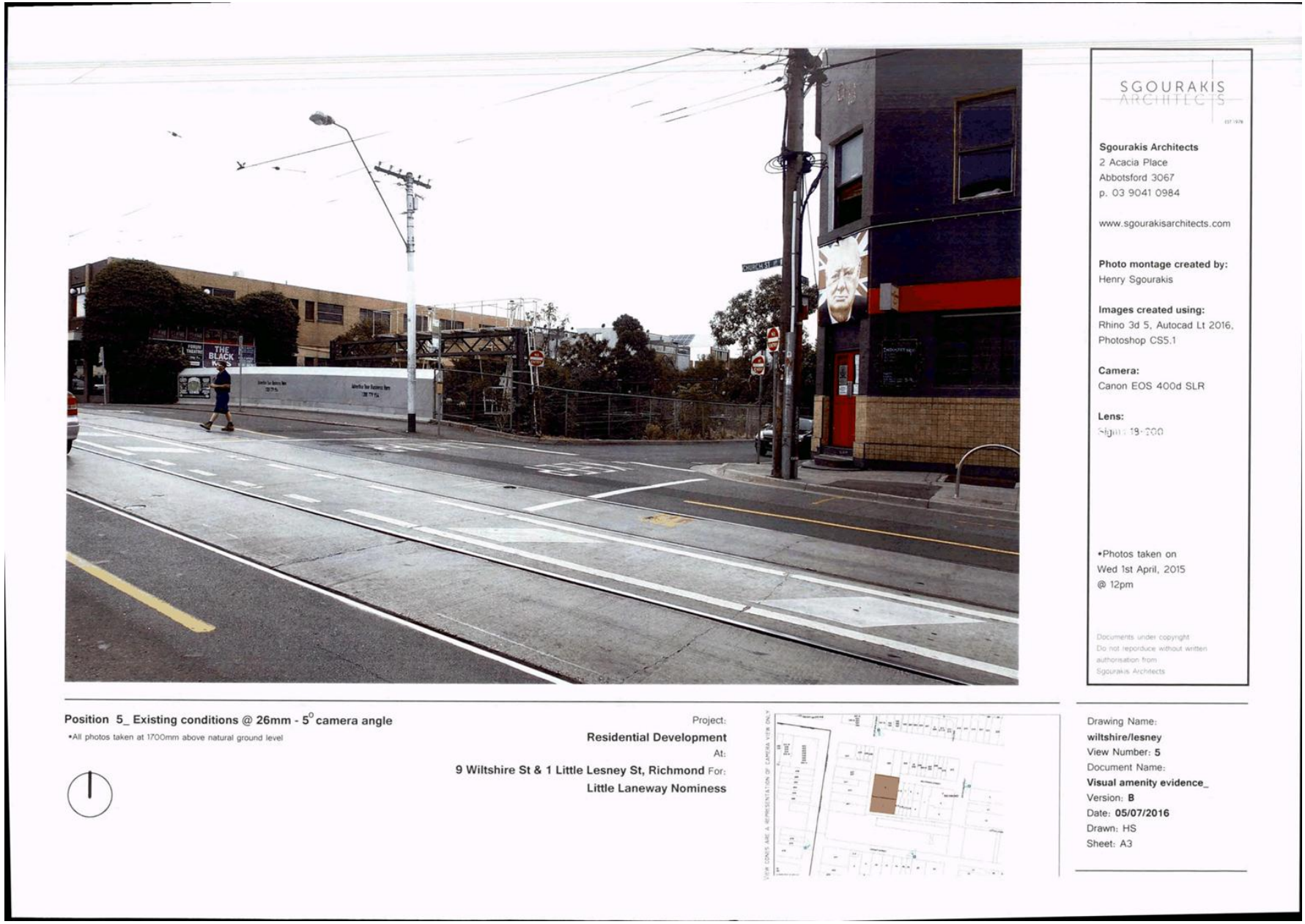

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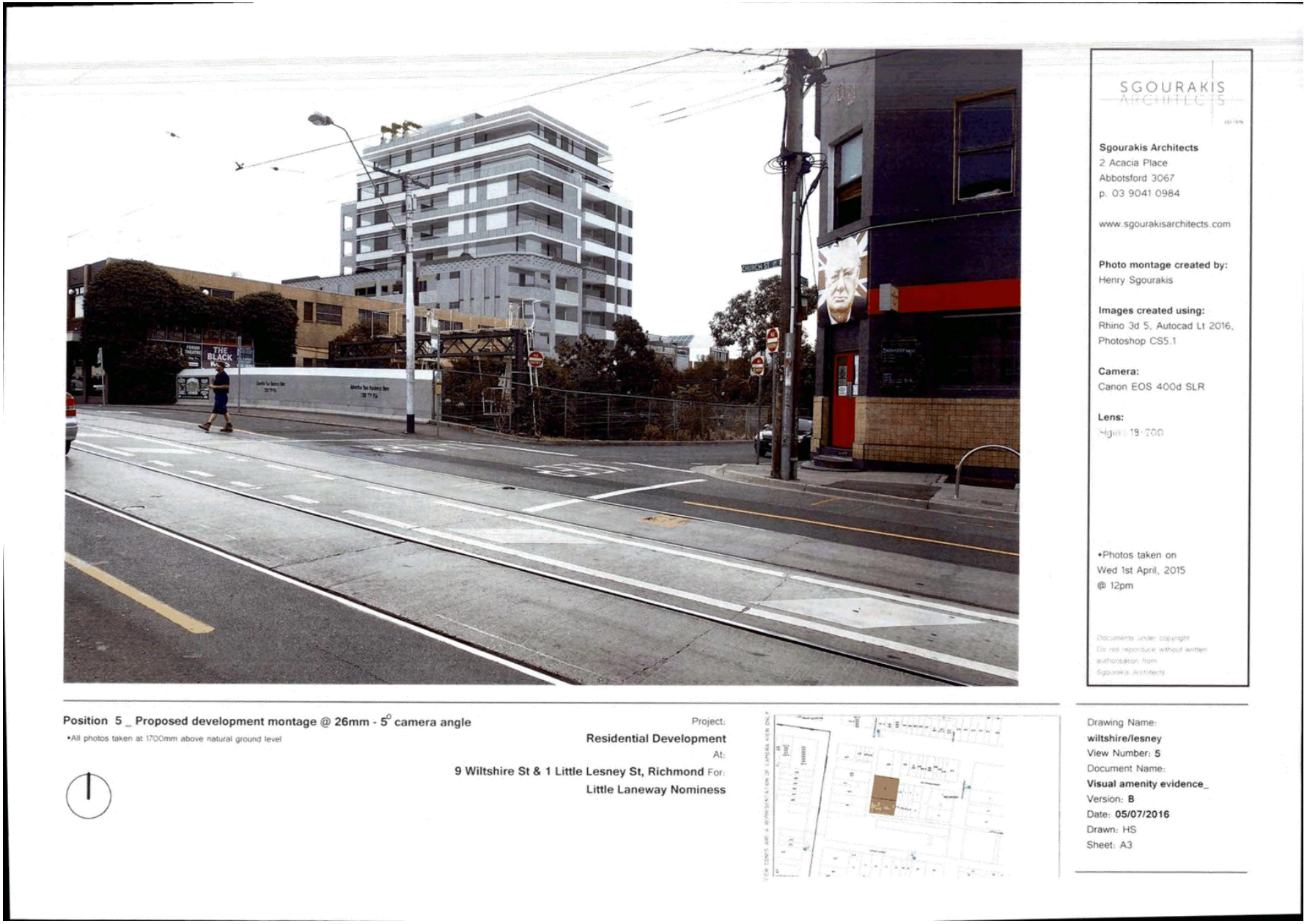

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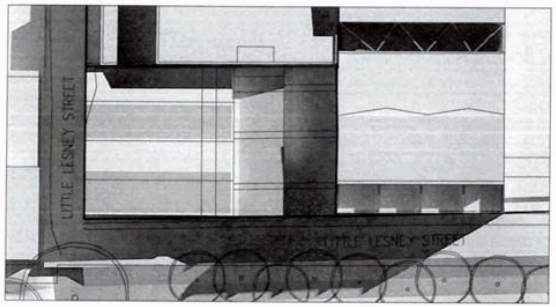
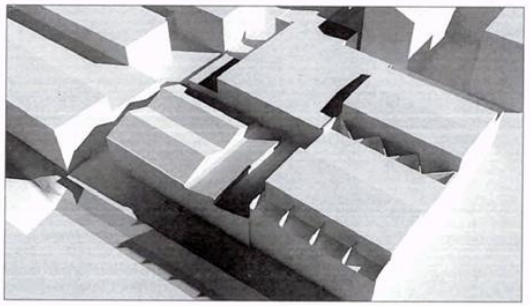
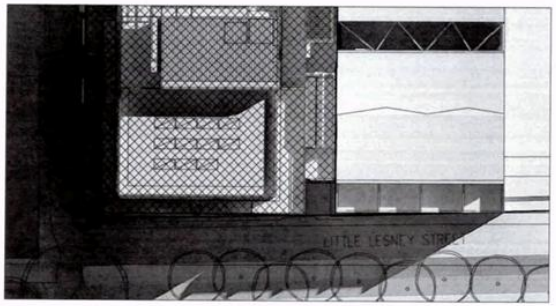


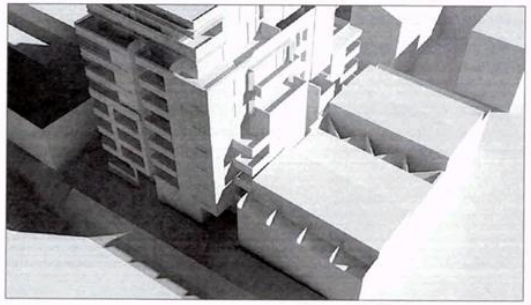
9AM_EXISTING SHADOW



9AM_EXISTING SHADOW
BIRD'S-EYE VIEW



9AM_PROPOSED SHADOW



9AM_PROPOSED SHADOW
BIRD'S-EYE VIEW

9AM	% OF BALCONY IN SUN LIGHT
EXISTING	7.21%
PROPOSED	7.21%

AREA NOT IN SHADOW

*NOTE: SHADOW DIAGRAMS AT THE SEPT. 22 EQUINOX

WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST/1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS ARCHITECTS

KPSG

TOWN PLANNING

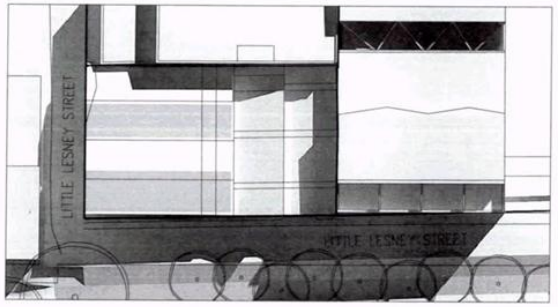
SHADOWS - 9AM

A1 1:200 A3 1:400

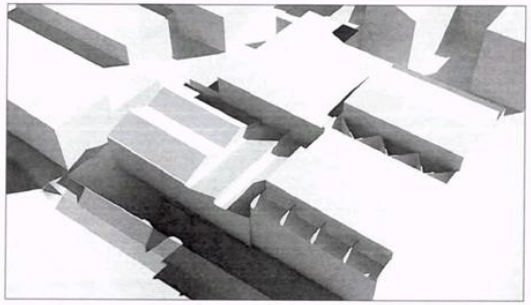
JULY 07 2016

TP 32E

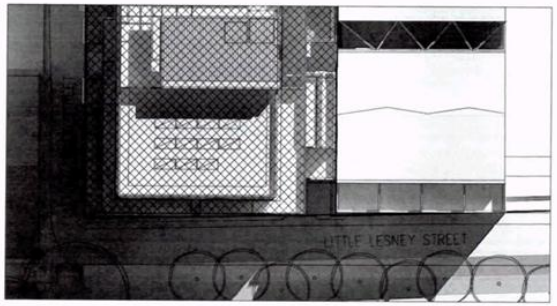
Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4



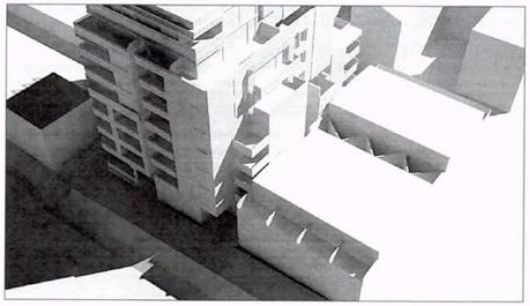
10AM_EXISTING SHADOW



10AM_EXISTING SHADOW
BIRD'S-EYE VIEW



10AM_PROPOSED SHADOW



10AM_PROPOSED SHADOW
BIRD'S-EYE VIEW

10AM	% OF BALCONY IN SUN LIGHT
EXISTING	4.34%
PROPOSED	4.34%

AREA NOT IN SHADOW

*NOTE: SHADOW DIAGRAMS AT THE SEPT. 22 EQUINOX

WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST/1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS ARCHITECTS

KPSG

TOWN PLANNING

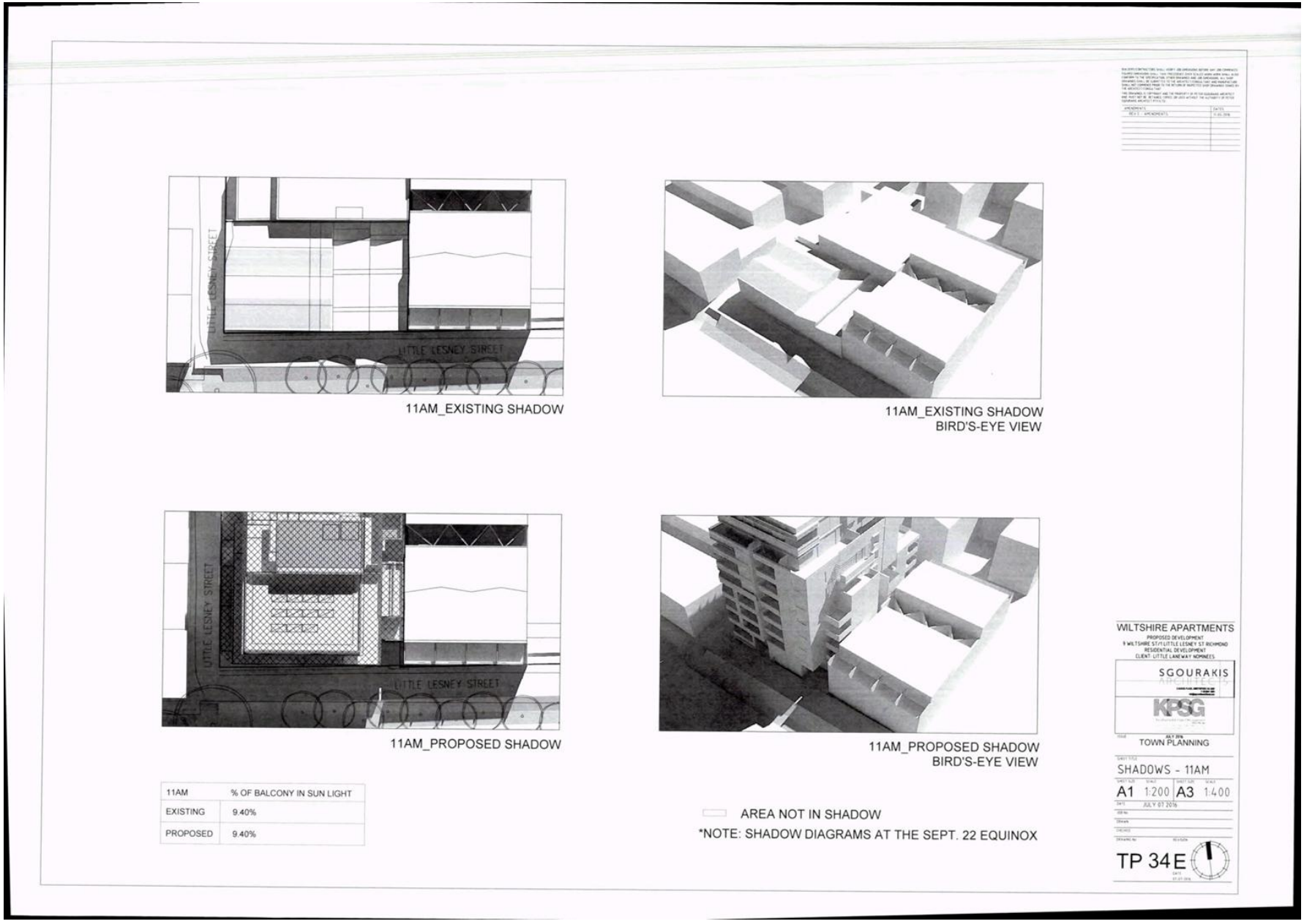
SHADOWS - 10AM

A1 1:200 A3 1:400

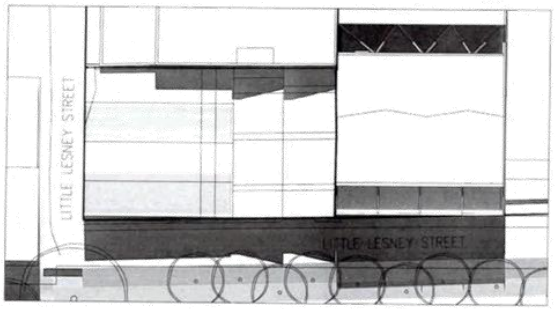
JULY 07 2016

TP 33E

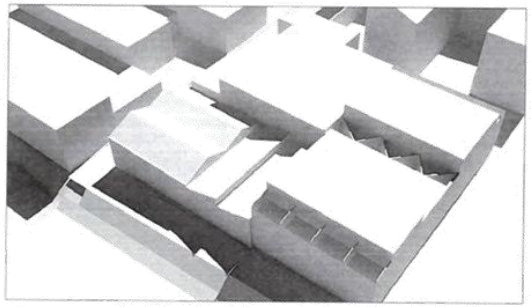
Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4



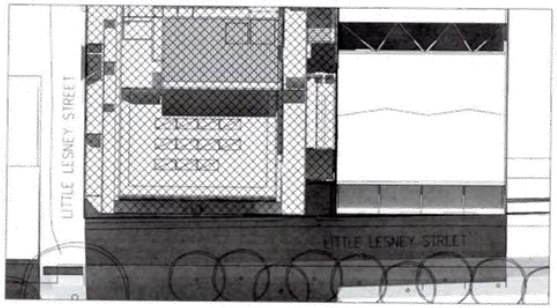
Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4



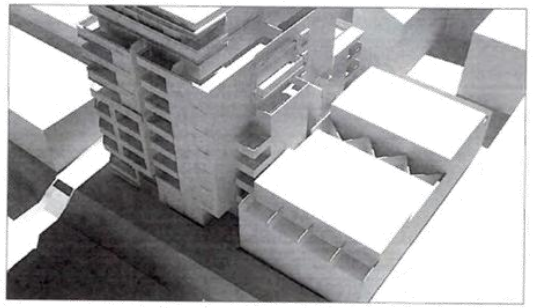
12PM_EXISTING SHADOW



12PM_EXISTING SHADOW
BIRD'S-EYE VIEW



12PM_PROPOSED SHADOW



12PM_PROPOSED SHADOW
BIRD'S-EYE VIEW

12PM	% OF BALCONY IN SUN LIGHT
EXISTING	16.05%
PROPOSED	16.05%

AREA NOT IN SHADOW

*NOTE: SHADOW DIAGRAMS AT THE SEPT. 22 EQUINOX

WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST/1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS

KPSG

TOWN PLANNING

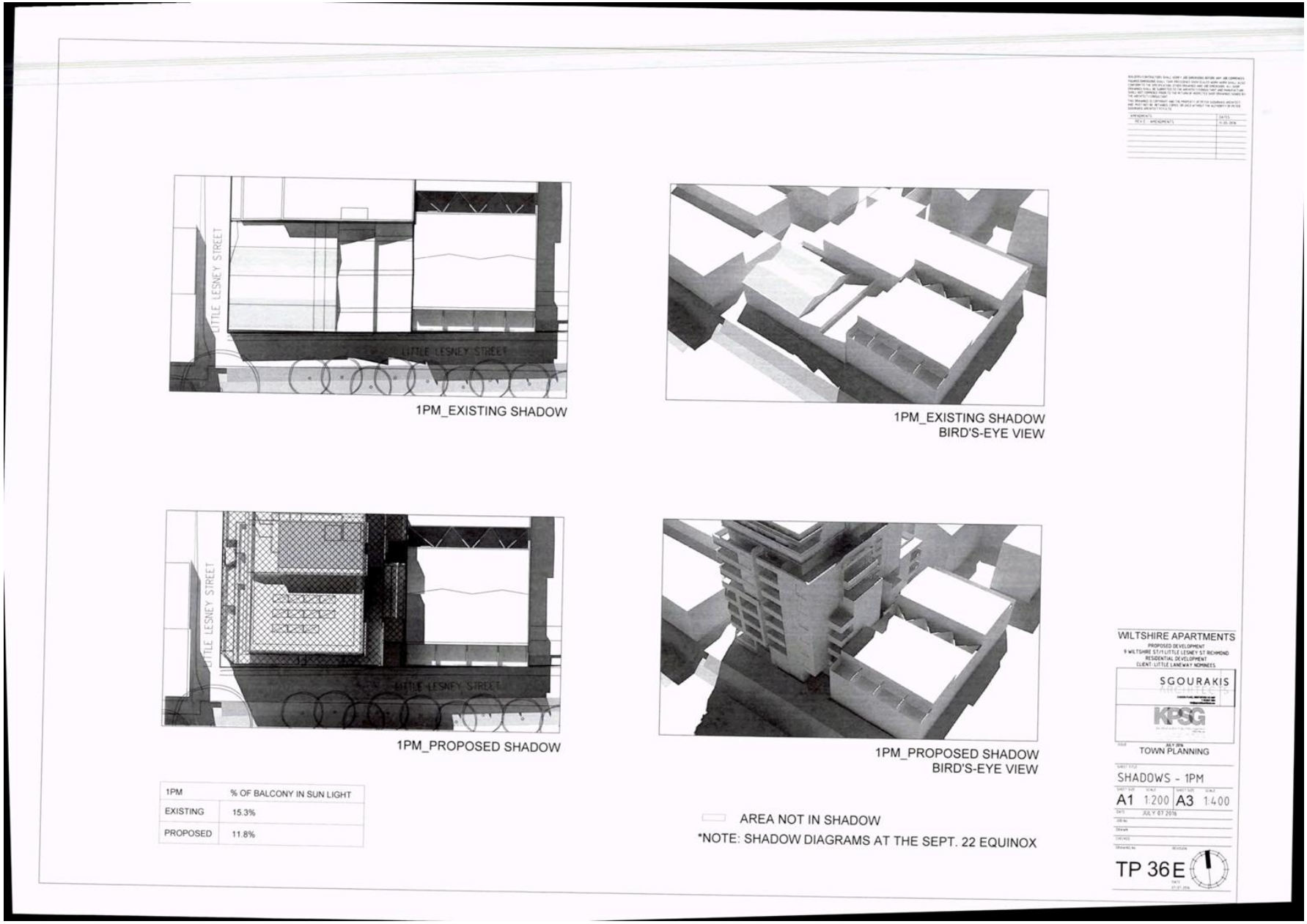
SHADOWS - 12PM

A1 1:200 A3 1:400

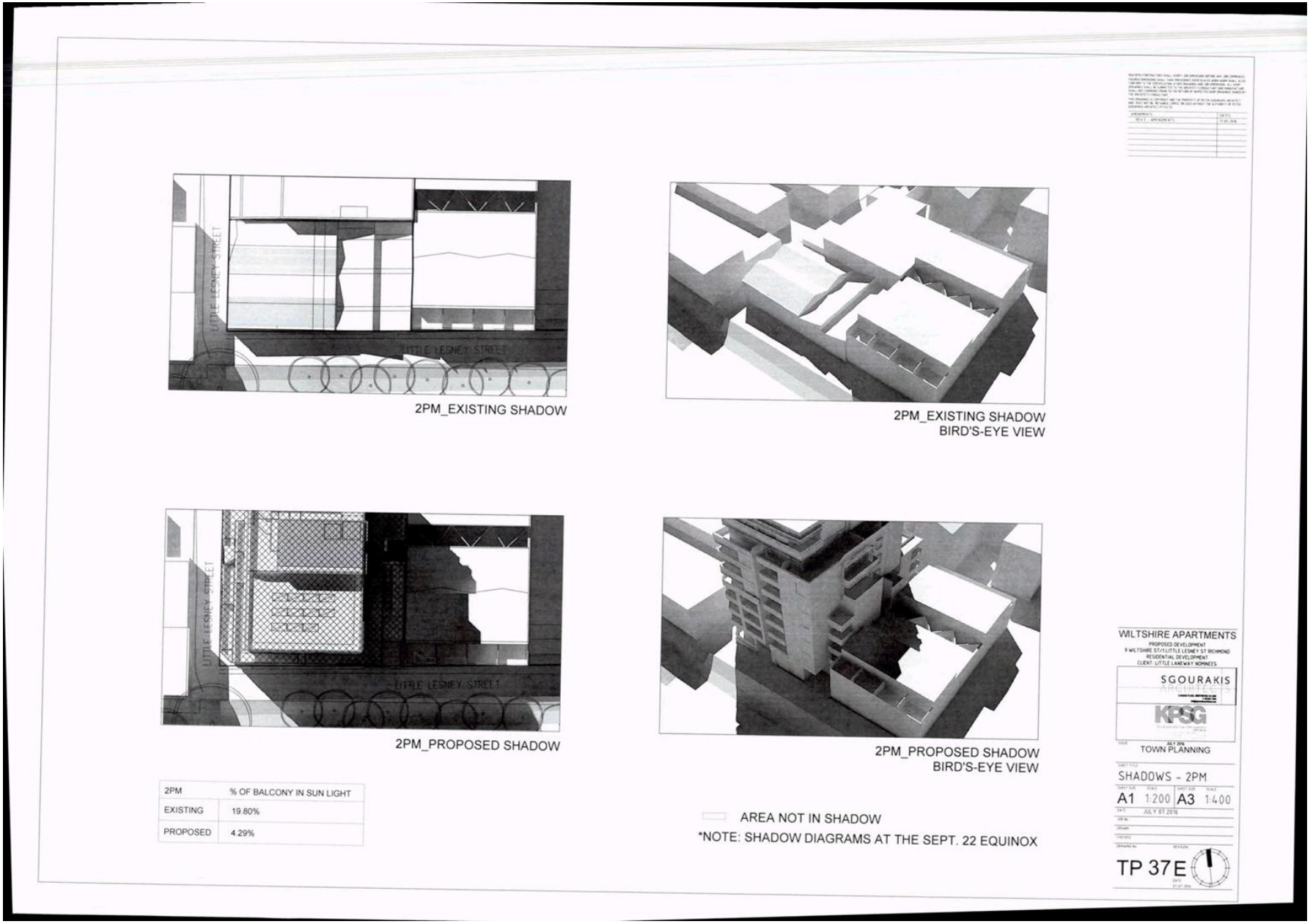
JULY 07 2016

TP 35E

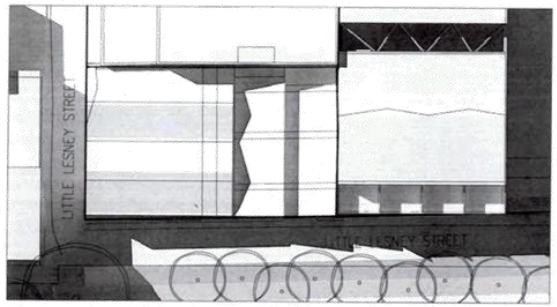
Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4



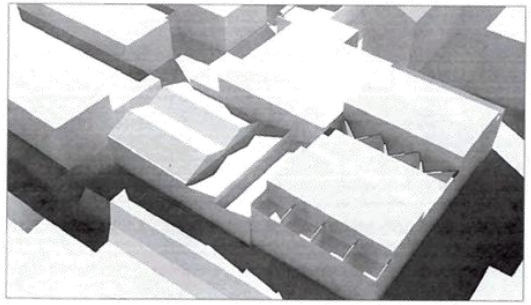
Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4



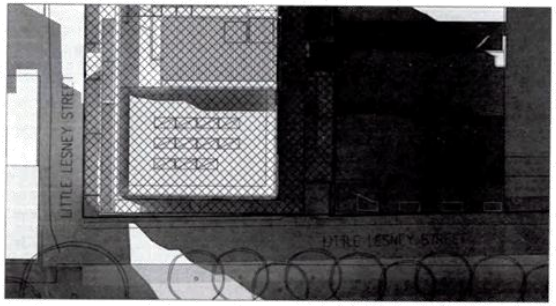
Attachment 4 - PLN14/1000 - 1 Little Lesney Street & 9 Wiltshire Street Richmond - Advertising S57B - Plans Part 4



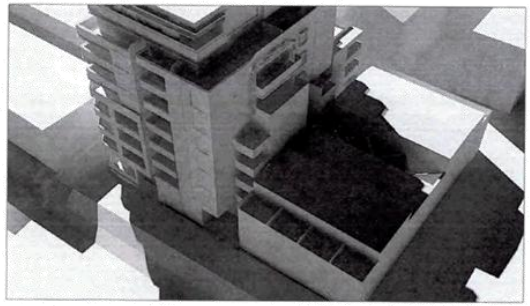
3PM_EXISTING SHADOW



3PM_EXISTING SHADOW
BIRD'S-EYE VIEW



3PM_PROPOSED SHADOW



3PM_PROPOSED SHADOW
BIRD'S-EYE VIEW

3PM	% OF BALCONY IN SUN LIGHT
EXISTING	17.20%
PROPOSED	0%

AREA NOT IN SHADOW

*NOTE: SHADOW DIAGRAMS AT THE SEPT. 22 EQUINOX

WILTSHIRE APARTMENTS
PROPOSED DEVELOPMENT
9 WILTSHIRE ST / 1 LITTLE LESNEY ST RICHMOND
RESIDENTIAL DEVELOPMENT
CLIENT: LITTLE LANEWAY NOMINEES

SGOURAKIS

KPSG

TOWN PLANNING

SHADOWS - 3PM

A1 1:200 A3 1:400

JULY 07 2016

TP 38E

1.3 76 - 78 Arnold Street, Princes Hill VIC 3054 - Planning Application Permit No. PLN15/0598 - Part demolition, construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to No. 76, alterations and additions to the building at No. 78 to allow for the use of the building as food and drink premises (Cafe), and a reduction in car parking.

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks part demolition, construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to No. 76, alterations and additions at No. 78 to allow for the use of the building as a food and drink premises (Cafe), and a reduction in the car parking requirements of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:

   (a) Clause 22.01 – Discretionary uses in the Residential 1 Zone;
   (b) Clause 22.02 – Design Guidelines for Sites Subject to the Heritage Overlay;
   (c) Clause 22.07 – Development Abutting Laneways;
   (d) Clause 43.01 – Heritage Overlay;
   (e) Clause 55 –ResCode; and
   (f) Clause 52.06 – Car parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) Use;
   (b) Heritage;
   (c) Off-site amenity impacts;
   (d) Car parking; and
   (e) Objector concerns.

Objector Concerns

4. Council received a total of twenty four (24) objections to the application, summarised as follows:

   (a) The proposal does not respond to the site context or neighbourhood character;
   (b) Off-site amenity impacts (overshadowing, overlooking and visual bulk);
   (c) The height is excessive;
   (d) Inadequate side and rear setbacks;
   (e) Site coverage is excessive;
   (f) Increased traffic congestion;
   (g) The proposal would introduce new dwellings to the laneway;
   (h) Exacerbation of noise from food and drink premises (café);
   (i) Loss of trees and vegetation.
   (j) Hours of operation of the food and drink premises are not compatible with the residential area; and
   (k) The 60 patrons associated with the food and drink premises is excessive.

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: **John Theodosakis**
TITLE: **Senior Statutory Planner**
TEL: **9205 5307**

1.3 76 - 78 Arnold Street, Princes Hill VIC 3054 - Planning Application Permit No. PLN15/0598 - Part demolition, construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to No. 76, alterations and additions to the building at No. 78 to allow for the use of the building as food and drink premises (Cafe), and a reduction in car parking.

Trim Record Number: D16/141918
Responsible Officer: Coordinator Statutory Planning

Proposal:	Part demolition, construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to No. 76, alterations and additions at No. 78 to allow for the use of the building as a food and drink premises (Cafe), and a reduction in the car parking requirements of the Yarra Planning Scheme.
Existing use:	Dwelling / Former Milk Bar
Applicant:	James Livingston
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) / Heritage Overlay (Schedule 329)
Date of Application:	24 June 2015
Application Number:	PLN15/0598

Planning history

6. Planning application no. 001215 was refused by Council on 11 December 2001 to *'demolish outbuilding, construct 2 storey unit and reduce car parking requirement associated with dual occupancy'.*

Background

7. The current planning application was received by Council on 24 June 2015. Following the submission of further information, the application was advertised on 11 November 2015.

8. Following advertising and in an attempt to address some of the objector concerns, the permit applicant submitted a set of amended plans under Section 57(a) of the *Planning and Environment Act 1987* (the 'Act'). The following are the most significant changes made to the plans:

   (a) The new dwellings have been extended to the eastern (rear) boundary with a subsequent increase from the western (Arnold Street) boundary to allow for the provision of 25sq.m. of private open space to each at the ground floor;
   (b) The first floors of the new dwellings have been shifted closer to the eastern (rear) boundary with the side setbacks from the northern and southern boundaries reduced from 1.4m to 1.39m; and
   (c) The maximum building height of the new dwellings has increased from 7.25m to 7.47m above the natural ground level.

9. The application was subsequently re-advertised to those who were previously given notice and objectors. Some objectors reiterated their original concerns.

10. A planning consultation meeting was held on 23rd August 2016, attended by planning officers, the permit applicant and objectors.

11. On 27 September 2016, Council received an email from the applicant advising that they intended to provide a lighter shade of grey to the first floor walls of the new dwellings and reduce the hours of the food and drink premises (café) to 10am to 4pm, Monday to Sunday. However, this was never formalised as Council did not receive a fee.

12. On 13 October 2016, Council received notification that the permit applicant had lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to make a decision on the application within the prescribed time. Council may only now form a position on the application, with VCAT the authority responsible for making the decision.

13. The application form and associated written documentation did not reference advertising signage. However the plans submitted include notations about signage (including internally illuminated signs). As no planning permit exists for these signs, and as a planning permit is required for signs under Clause 52.05 of the Yarra Planning Scheme, a condition will require deletion of the signs from the plans.

Existing Conditions

Subject Site

14. The subject site is located on the east side of Arnold Street, between Paterson Street to the north and Richardson Street to the south, in Princes Hill. The subject site comprises of two lots, namely Lots 1 on plans of subdivision TP700451A (i.e. property no. 76 Arnold Street southern portion) and TP372502J (property no. 78 Arnold Street – northern portion) associated with certificate of tile volume no's 03212 and 03124 and folio no's 389 and 819, respectively. The site is rectangular, with a frontage to Arnold Street of 12.2m and a depth of 50.29m, yielding an overall site area of approximately 613.5sq.m. A right-of-way (ROW) adjoins the eastern (rear) boundary of the subject site, and provides vehicular access into the garages and carports of properties fronting onto Arnold and Wilson Street, to the west and east, respectively.

15. The southern portion of the site (i.e. no 76 Arnold Street) is occupied by a single-storey, dwelling of the Edwardian era. The dwelling is setback 3.6m from the western (front) boundary. The dwelling is constructed along the southern boundary for its full length (approximately 25.1m) and is setback a minimum distance of 0.9m from the shared boundary with no. 78 Arnold Street. The dwelling contains three bedrooms, a lounge room, a dining room, a kitchen and a bathroom. Two outbuildings are located at the rear and abut the eastern (rear) boundary comprising a toilet and laundry and a garage with vehicle access from the ROW. An area of 44.2sq.m. of private open space is located between the dwelling and the outbuildings.

16. The northern portion of the site (i.e. no 78 Arnold Street) is occupied by an Edwardian-era building which presents a single-storey, hard-edged interface to Arnold Street with a tall parapet. This building is of masonry construction with a rendered surface and large shopfront windows formerly used as a shop – milk bar. A centrally located pedestrian entry is immediately accessed from Arnold Street. The former shop provides storage rooms and service amenities at the rear, including a private open space area of 31.7sq.m. and an outbuilding setback approximately 9m from the eastern (rear) boundary with a pergola structure to either side. The outbuilding is 8.7m long and is constructed to both northern and southern boundaries.

17. There are no restrictive covenants detailed on the certificates of title provided with the application. The land gradient drops approximately one metre as the site extends from the east (rear) to the west (front).

Surrounding Land

18. The surrounding area is characterised as primarily residential, and generally consists of single and double-storey Victorian and Edwardian-era dwellings, particularly on the eastern side of Arnold Street. The dwellings are generally constructed of brick with hipped roofs and front verandahs. Opposite the subject site on the west side of Arnold Street is the Princes Hill Secondary College which occupies a large parcel of land that extends from Paterson Street to the north through to Richardson Street to the south.

19. To the north of the subject site is a single-storey dwelling that has a 4.4m setback from the front title boundary, with a front garden and verandah located within the front setback. The dwelling is built to the shared title boundary for a length of approximately 17.3m with a centrally located lightcourt and a short 0.2m setback at its south-east corner. At the rear of the dwelling is a pergola and private open space area (approximately 73.6sq.m.), consisting of a number of trees, and an outbuilding that extends to the north-east corner of the site for a length of 6.1m.

20. To the south of the subject site is a single-storey dwelling that has a 3.7m setback from the front title boundary, with a front garden and verandah located within the front setback. The dwelling is setback approximately 1.8m from the shared boundary and is constructed for its full length along its southern boundary. At the rear of the dwelling is a verandah, two outbuildings and the dwelling's private open space area (approximately 147.5sq.m.).

21. Immediately to the east is a right-of-way (ROW) and on the opposite side are the outbuildings and secluded areas of private open space associated with both, single and double-storey dwellings that front onto Wilson Street. Wilson Street consists of Victorian, Edwardian and Inter-war style single and double storey dwellings with most dwellings generally of brick clad with hipped roofs and front verandahs.

22. The site is proximate to public transport, retail, public open space and recreational services and facilities, including:

    (a) Lygon Street (located approximately 390m east of the site) which includes restaurants, supermarkets and shops;
    (b) A tram line on Lygon Street; and
    (c) The Carlton Cricket Ground (MC Labour Park) located 150m west of the subject site.

The Proposal

23. The proposed development is for part demolition to allow for the construction of two new dwellings (one at the rear of No. 76 Arnold Street and one at the rear of No. 78 Arnold Street), construction of a ground and first-floor addition to No. 76 Arnold Street, alterations and additions at No. 78 Arnold Street to allow for the use of the building as a food and drink premises (Cafe), and a reduction in the car parking requirements of the Yarra Planning Scheme.

    Demolition

    (a) Partial demolition of the existing roof of the dwelling at No. 76 Arnold Street, and the rear bathroom and kitchen, including pergola and rear outbuildings;
    (b) Demolition of the verandah (only shown on the elevations) and removal of shop-front windows at No. 78 Arnold Street and the partial demolition of the rear roof above store room 2, and the demolition of the toilet, bathroom, laundry and the outbuildings and pergola structures; and
    (c) Demolition of associated boundary fences across the northern, southern and eastern boundaries;

    Existing dwelling at No. 76 Arnold Street

(d) At the ground floor, the dwelling would be reconfigured for a front bedroom, a powder room, and an open plan kitchen, lounge and meals area, with bi-fold doors to the east that would provide access to a private open space area of 40sq.m.;
(e) A stairwell would provide access to a first floor that that would provide two bedrooms, a bathroom, and study, including an east-facing balcony;
(f) The extension at the first floor would be setback approximately 11.3m from the front boundary, with setbacks that range between 0.93m and 1.67m from the shared boundary to the north with No. 78 Arnold Street, and setbacks that range between 0.51m and 1.2m from the south;
(g) A maximum building height of 6.82m is proposed (as measured above the natural ground level to the highest point of the pitched roof);
(h) The extension will incorporate the existing red masonry walls at ground floor and the first floor constructed of a combination of zincalume sheets and fibre cement panels;
(i) Provision of a water tank with a capacity of 3400lt (1.9m high);
(j) Provision of 12 solar panels above the first floor;
(k) Restoration of the masonry to the façade with the removal of the existing paint, including repainting of the existing front fence;

Existing former milk bar at No. 78 Arnold Street

(l) Construction of a new verandah that would extend over the footpath, including the installation of shop-front windows that includes a splay and central entry;
(m) Internal reconfiguration to allow for the provision of 60 seats, a serving area and amenities; and works to the rear for an outdoor deck of 31sq.m. (maximum height of 0.3m above the natural ground level) associated with the conversion of the building into a food and drinks premises (café);
(n) Construction of a new zincalume sheet roof above the rear single-storey toilets including a steel frame pergola structure with roll-out awnings over the rear courtyard / deck that would measure a maximum 3.5m to the pitch above the deck level;
(o) The café would operate from 8.00am to 6.00pm, Monday to Sunday (seven days a week);
(p) Provision of a water tank with a capacity of 1400lt (1.9m high);
(q) The retention and reuse of the existing signage frames above and below the verandah;

New dwellings at the rear

Proposed ground floor plan:

(r) The ground floor to each dwelling would provide an open plan, lounge, kitchen and dining area, pedestrian access and a hallway, including an under-croft car space and 25sq.m. of private open space located to the west;
(s) The new dwellings would be constructed side by side and would be constructed to the northern and southern boundaries for a length of 9.08m;
(t) The dwellings would be setback approximately 1.3m from the ROW, with pedestrian entries and vehicle access provided;

Proposed first floor plan:

(u) The first floor to each dwelling would provide three bedrooms, a bathroom and a toilet including french balconies to both western and eastern sides;
(v) The first floor setback from the northern and southern boundaries is 1.39m, with the eastern-most bedrooms (i.e. bedroom 2) cantilevering over the ground floor with a minimum setback of approximately 0.5m from the eastern boundary;

General:

(w) The new dwellings would provide varying heights that would range between 3.32m and 3.53m at the ground floor and between approximately 6.1m and 7.47m at the first floor;

(x) The new dwellings would adopt a contemporary design with flat and angled roofing;
(y) The new dwellings would be constructed with a combination of recycled brick, timber cladding and zincalume sheets to the walls including colourbond balustrades to the french balconies and colorbond roofing; and
(z) The ground floor plans also show the provision of underground water tanks with a capacity of 1100lt, including the provision of two bicycle spaces to each dwelling.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (NRZ) – Schedule 1

24. Pursuant to Clause 32.09-5 (NRZ) of the Yarra Planning Scheme (the 'Scheme') a planning permit is required to construct two or more dwellings on a lot. Clause 32.09-8 of the Scheme, prescribes a maximum building height of 8m above the natural ground level. The maximum building height proposed is 7.47m and is therefore compliant.

25. Pursuant to Point 4.0 of Schedule 1 of the NRZ, *the number of dwellings on a lot must not exceed 5.* The proposal would increase the number of dwellings to three, and is therefore compliant with this provision.

26. The use of the site as a food and drinks premises also requires a permit pursuant to the table of uses at Clause 32.09-1 of the Scheme. Pursuant to Clause 32.09-7 (Buildings and works associated with a Section 2 use), a *permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-1*.

Overlays

Heritage Overlay

27. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building, construct a building and construct or carry out works.

Particular Provisions

Clause 52.06 – Car Parking

28. The provisions of Clause 52.06-2 of the Scheme state that prior to a new building being occupied, *"the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority".*

29. The requirements at Clause 52.06 are outlined in the following table:

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Provided
Three-bedroom dwelling	3	2 spaces per dwelling	6	2
Food and Drink Premises	135 m^2	4 spaces per 100 m^2 of leasable floor area	5	0
		Total	**11**	**2**

30. A new dwelling with 3 or more bedrooms is required to provide two car parking spaces. In this instance one car parking space has been provided for each new dwelling and therefore a reduction of two car spaces is required for the new dwellings.

The existing dwelling at No. 76 does not trigger the provision for additional car parking however as there will be a loss of one parking space associated with this dwelling, this brings the reduction to 8 car spaces (2 for the new dwellings, plus 5 for café, plus 1 for existing dwelling).

Clause 52.34 – Bicycle facilities

31. The provisions of Clause 52.34 of the Scheme only apply to dwellings in developments of four or more storeys. The overall proposal is two storeys and therefore these provisions do not apply. However, the plans include 4 bicycle spaces for the new dwellings.

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

32. Under the provisions of the NRZ, the proposed development must satisfy the provisions of Clause 55 (ResCode).

General Provisions

33. 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. An assessment of the application against the relevant sections of the Scheme is offered later in this report.

State Planning Policy Framework (SPPF)

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

Clause 13.04 - Noise and air

35. Clause 13.04-1 (noise abatement) states the objective is *'to assist the control of noise effects on sensitive land uses'.*

36. The Strategy to achieve the objective is to *'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 15.01 - Built Environment and Heritage: Urban environment

37. The objective of Clause 15.01-1 (Urban design) of the Scheme is *"to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity"*.

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

Clause 15.01-2 - Urban design principles

38. 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

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

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

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

41. The clause has the following strategies:

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

Clause 15.03 - Heritage

42. The objective of this clause is *"to ensure the conservation of places of heritage significance".*

Clause 16.01-1 - Residential development: Integrated housing

43. It is an objective *"to promote a housing market that meets community needs".* The clause has the following strategies.

    (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
    (b) *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
    (c) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
    (d) *Encourage housing that is both water efficient and energy efficient.*

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

44. It is an objective *"to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport".* The clause includes several strategies to achieve this objective, they include:

    (a) *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
    (b) *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*
    (c) *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
    (d) *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
    (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-4 - Housing diversity

45. It is an objective *"to provide for a range of housing types to meet increasingly diverse needs".* The clause has the following strategies:

(a) *Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
(b) *Encourage the development of well-designed medium-density housing which:*

(i) respects the neighbourhood character;
(ii) improves housing choice; and
(iii) makes better use of existing infrastructure.

(c) *Improves energy efficiency of housing.*
(d) *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
(e) *Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

Clause 17.01-1 – Business

46. The objective 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 18.02-5 - Car parking

47. The objective of this clause is *"to ensure an adequate supply of car parking that is appropriately designed and located".*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

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

Clause 21.04-1 – Accommodation and housing

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

Strategy 1.1: Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in Clause 21.08.
Strategy 1.3: Support residual population increases in established neighbourhoods.
Strategy 2.2: Encourage residential development which allows people to age in their existing homes and communities by supporting a range of housing types.

Clause 21.05-2 – Built Form: Urban Design

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

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

Objective 15: To reinforce the existing urban framework of Yarra.
Objective 16: To retain Yarra's identity as a low-rise urban form with pockets of higher development.
Objective 17: To retain, enhance and extend Yarra's fine grain street pattern.
Objective 18: To create an inner city environment with landscaped beauty.
Objective 19: To ensure that new development contributes positively to Yarra's urban fabric.
Objective 21: To encourage the provision of universal access in new development.

Clause 21.05-4 – Public environment

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

Strategy 27.1 Encourage universal access to all new public spaces and buildings;
Strategy 27.2 Ensure that buildings have a human scale at street level;
Strategy 27.3 Require buildings and public spaces to provide a safe and attractive public environment; and
Strategy 27.5 Require new development to make a clear distinction between public and private spaces.

Clause 21.06 – Transport

54. The relevant objectives are as follows:

Objective 29: To provide safe and convenient pedestrian and bicycle environments.
Objective 30: To facilitate public transport usage.
Objective 31: To reduce the reliance on the private motor car.
Objective 32: To reduce the impact of traffic.

Clause 21.07.1 – Environmental Sustainability: Ecological Sustainable Development

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

Clause 21.08 - Neighbourhoods

56. The subject site is located in the 'North Carlton – Princes Hill' neighbourhood. The clause identifies the land use character as being predominantly residential. Clause 21.08-3 of the Scheme identifies that the *"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".*

57. The Princes Hill Heritage Precinct is significant:

(a) *"As a highly intact example of a mid to late 19th and early 20th century, middle-class inner Melbourne residential area, with associated perimeter commercial strip development, wide streets, regular allotment sizes and street layout - all providing a strong and well defined residential character that demonstrates the functions of daily life as they were in that era"; and*

(b) *"As a fine illustration of Victorian and Edwardian-era domestic architecture with many highly decorated one-storey attached houses, interspersed with a some of two storeys and some detached villas, most with verandahs and all with steeply pitched hipped and/or gableroofs and chimneys and some ornamental parapets, all creating a picturesque skyline which contributes to the aesthetic beauty of the streetscapes in an area of traditional high density development".*

58. Figure 10 of this clause identifies this site as being affected by the Heritage Overlay and provides the footnote, *"Ensure that development does not adversely affect the significance of the heritage place".*

Relevant Local Policies

Clause 22.01 - Discretionary Uses in the Residential 1 Zone

59. Clause 22.01-1 seeks to protect residential amenity where non-residential uses are proposed in residential zones.

60. It is an objective at Clause 22.01-2 *'to ensure that residential amenity is not adversely affected by non-residential uses'.* It is policy that:

(a) *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses;*

(b) *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone.*

(c) *Except on land adjoining and gaining direct access from a road in a Road Zone:*

(i) all required car parking should be on-site.

(ii) the scale of the proposed use should be compatible with providing service to the local residential community.

(d) *Hours of operation should be limited to 8am to 8pm except for convenience shop.*

(e) *New buildings and works should be consistent with the scale, bulk and character of the area.*

(f) *Noise emissions should be compatible with a residential environment.*

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

61. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay. The objectives of the policy include:

(a) to conserve Yarra's natural and cultural heritage;
(b) to conserve the historic fabric and maintain the integrity of places of cultural heritage significance;
(c) to retain significant view lines to, and vistas of, heritage places;
(d) to preserve the scale and pattern of streetscapes in heritage places;
(e) to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;
(f) to ensure the adaption of heritage places is consistent with the principles of good conservation practice;
(g) to ensure that additions and new woks to a heritage place respect the significance of the place;

(h) to encourage the retention of 'individually significant' and 'contributory' heritage places; and
(i) to protect archaeological sites of cultural heritage significance.

62. *Clause 22.02-5.1- Demolition*

Full demolition or removal of a building outlines that it is policy to (as applicable to this application):
(a) Generally encourage the retention of a building in a heritage place, unless
(i) The building is identified as being not contributory.

63. *Clause 22.02-5.7 (New Development, Alterations or Additions) outlines that it is policy to* (as relevant to this application) *"Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to":*

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

64. The subject site is classified as being "contributory" to the heritage overlay and forms part of the Princes Hill heritage precinct. This classification is derived from the incorporated policy document within the schedule to clause 81.01 of the Yarra Planning Scheme, *"City of Yarra Review of Heritage Overlay Areas 2007.* Levels of significance are defined at Clause 22.02-3 of the Scheme.

Clause 22.07 - Development Abutting Laneways

65. 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)

66. The proposal is for the development of the land with new dwellings and therefore applies. Four water tanks with a total capacity of 7000lt have been provided.

Clause 22.17 – Environmentally sustainable development

67. The policy requires applications to be considered against the following objectives (where applicable):

(a) Energy efficiency;
(b) Water resources;
(c) Indoor environment quality;
(d) Stormwater management;

(e) Transport;
(f) Waste management;
(g) Innovation; and
(h) Urban ecology.

68. The applicant submitted a Stormwater Management Assessment including a BESS Report which details the energy performance of the development.

Advertising

69. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [the Act] by way of 52 letters sent to the surrounding property owners and occupiers, and two signs displayed on site, one to Arnold Street and the other to the ROW.

70. A total of 24 objections have been received. The grounds of objection are summarised as follows.

(a) The proposal does not respond to the site context or neighbourhood character;
(b) Off-site amenity impacts (overshadowing, overlooking and visual bulk);
(c) The height is excessive;
(d) Inadequate side and rear setbacks;
(e) Site coverage is excessive;
(f) Increased traffic congestion;
(g) The proposal would introduce new dwellings to the laneway;
(h) Exacerbation of noise from food and drink premises (café);
(i) Loss of trees and vegetation.
(j) Hours of operation of the food and drink premises are not compatible with the residential area; and
(k) The 60 patrons associated with the food and drink premises is excessive.

71. Following advertising and in an attempt to address some of the objector concerns, the permit applicant submitted a set of amended plans under Section 57(a) of the *Planning and Environment Act 1987* (the 'Act'). The following are the most significant changes made to the plans:

(a) The new dwellings have been extended to the eastern (rear) boundary with a subsequent increase from the western (Arnold Street) boundary to allow for the provision of 25sq.m. of private open space to each at the ground floor;
(b) The first floors of the new dwellings have been shifted closer to the eastern (rear) boundary with the side setbacks from the northern and southern boundaries reduced from 1.4m to 1.39m; and
(c) The maximum building height of the new dwellings has increased from 7.25m to 7.47m above the natural ground level.

72. The application was subsequently re-advertised to those who were previously given notice and the objectors. Some objectors reiterated their original concerns.

73. A planning consultation meeting was held on 23rd August 2016, attended by planning officers, the permit applicant and objectors.

Referrals

External

74. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme.

Internal

75. The following internal referrals were made:

    (a) Engineering Services Unit; and
    (b) Council's Heritage Advisor.

76. Referral responses are contained in appendices to this report.

Planning Considerations

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

    (a) State and Local Policy Frameworks;
    (b) Clause 55 – ResCode;
    (c) Heritage;
    (d) Use and buildings and works associated with the food and drink premises (café);
    (e) Car parking; and
    (f) Objector concerns.

State and Local Policy Frameworks

78. In relation to the SPPF and LPPF it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and compliance with the relevant policies. The proposed development of two additional dwellings is afforded a high level of strategic policy support.

79. The three bedroom dwellings would provide housing opportunities consistent with Clause 16.01-2 which seeks to encourage new housing with good access to services and transport that is also encouraged by Clause 18.01. As outlined earlier, the subject site is located in Princes Hill, and is close to Lygon Street which is located approximately 390m east of the site that provides shops, restaurants and supermarkets, including a tram line. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS. This ensures efficient use of infrastructure and supports Council's preference within clause 21.04-1 (Strategy 1.3) that established residential areas experience residual increase in population and density.

80. Clause 21.04-4 encourages new development to provide for a diversity of housing types. This proposal will deliver two extra, three bedroom dwellings in an inner city location that readily contains the appropriate infrastructure to accommodate this development.

81. In summary, the subject site is considered to be appropriate for a residential development of the nature proposed. The food and drink premises (café) is also considered to meet the policies of the Scheme as detailed later in this assessment.

Clause 55 - Rescode

82. Clause 55 states that a development must meet all of the objectives, and should meet the standards. This particular provision comprises 32 design objectives and standards to guide the assessment of new residential development. Reference in relation to Clause 22.07 (Development Abutting Laneways) of the Scheme will also be included where relevant.

83. It has often been stated by the Victorian Civil and Administrative Tribunal (the VCAT) that in inner city locations, the standards of ResCode are not always able to be met, and that meeting the objectives of each standard is sufficient. For example in *Ryan v Moreland CC* [2005] VCAT 1361, the Tribunal stated:

[61] *In making this decision, it is important to note that this site is in an inner urban location, where due to the size of sites and location of existing dwellings, the standards of ResCode cannot be achieved, but the objectives can. It is unreasonable in this location to expect that all off site amenity impacts must be contained within the subject site. The best that can be achieved in a location such as this is for the impacts to be minimised*.

84. The following standards are either not applicable to the consideration of this application or are met through existing conditions:

(a) Standard B3 - Dwelling diversity – (this application is for less than ten dwellings);
(b) Standard B6 – Street setback – (the front portion of the existing dwelling would be maintained);
(c) Standard B11 – Open Space (Not applicable as there is no communal open space provided);
(d) Standard B14 – Access – (no vehicle crossovers onto any street frontages are proposed);
(e) Standard B19 - Daylight to existing windows - (the closest habitable room windows are considered under Standard B20 as they are north-facing);
(f) Standard B33 – Common property - (This standard is not applicable as there are no common areas provided); and
(g) Standard B32 – Front fences – (This standard is not applicable as there is no new front fence proposed).

Standard B1 – Neighbourhood character objectives

85. Complies with the objective. The existing dwelling at No. 76 Arnold Street would be maintained and whilst the application proposes to extend the existing dwelling with a first floor, the incorporated setback of 11.3m from the front boundary would provide a visually recessive outcome. The prominent portion of the existing dwelling would continue to make reference to the surrounding character of Arnold Street which generally consists of Victorian and Edwardian-era dwellings on the eastern side. Further consideration of the presentation of the first floor extension is provided in the 'Heritage' section of this assessment.

86. The new dwellings would be setback in excess of 30m from the front boundary and would have no impact on the appearance of the façade or side profile of the existing dwelling or the former shop, and therefore the character of the street. Council's heritage advisor raised concerns with the demolition of the rear outbuilding, which has been identified as a former stables building. This will be discussed further within the 'Heritage' section of this report.

87. The ROW to the east of the subject site is characterised by outbuildings (one to two storeys) built to the rear boundaries of properties fronting onto Arnold Street to the west and Wilson Street to the east. Further north is a two-storey dwelling that fronts onto the ROW. With this in mind, the double-storey scale of the new dwellings is not out of character with the surrounding context.

88. The proposal is also supported with regard to the pedestrian access points as these would be easily accessible from the ROW. Further, the revised car spaces have been reviewed by Council's Engineering Services Unit and comments in support have been provided.

89. The proposal would also activate the ROW through the pedestrian usage, therefore increasing the feeling of personal safety and passive surveillance. The ROW is 6.02m wide and the location of the entry points to the new dwellings is a short walking distance from Paterson Street to the north (between 40m-45m). The ROW is also used as a rear entry point to existing surrounding dwellings, including a main pedestrian point to the dwelling further north.

It is therefore considered that the proposal complies with the policy objectives of Clause 22.07 (Development Abutting Laneways) of the Scheme outlined earlier within the LPPF in this regard.

90. Overall, it is considered that the development will fit in with the existing character of the area and will respond to the features of the site, the immediate context, and the character of the ROW to the east.

Standard B2 - Residential policy

91. Generally complies. The proposal demonstrates a consistency with State policies by contributing to urban consolidation and utilising existing infrastructure without adversely affecting the existing character of the surrounding neighbourhood. The site is well placed to make such a contribution, being located within an inner city context and close to Lygon Street, with all the services that result from such a location (public transport, shops and community services).

Standard B4 – Infrastructure objectives

92. The proposed dwellings will not unreasonably overload the capacity of utility services and infrastructure, given that the proposed development will provide for two additional dwellings. The site is already connected to appropriate utility services and infrastructure. The objectives of the standard are met.

Standard B5 – Integration with the street objective

93. The existing dwelling at No. 76 Arnold Street would be maintained and its appearance renewed with the removal of the paint from the masonry façade and the first floor extension setback 11.3m. The sight lines on the plans indicate that the first floor would not be visible from the street, and that the existing dwelling would remain as the prominent portion of built form on the site, subsequently ensuring the site's ongoing integration with the street. The existing front fence at No. 76 Arnold Street would be maintained to further ensure this integration and therefore ongoing active surveillance of the public realm.

Standard B7 – Building height objective

94. The maximum height of the development is 7.47m above the natural ground level which is compliant with the maximum 8m requirement.

Standard B8 – Site coverage objective

95. The proposed development will result in site coverage of approximately 70%. This exceeds the maximum 60% recommended by the standard.

96. However, this is considered appropriate in the context of the site in an inner urban environment, and the established neighbourhood character which is characterised by high site coverage and boundary wall construction (i.e. No. 82 Arnold Street which has been developed with a second dwelling fronting onto the ROW and No. 69 Wilson Street which contains a large outbuilding fronting onto the ROW, amongst others).

Standard B9 – Permeability objectives

97. It is anticipated that the site permeability will be approximately 21%. However, the exact figure is unclear and a condition will require the ground floor plan be updated to show a minimum permeable area of 20%, in compliance with the standard.

98. The development also incorporates two underground and two above-ground rainwater tanks (four in total) with a combined storage volume of 7000lt. This will be discussed later in the report.

Standard B10 – Energy efficiency objectives

99. It is considered that the proposed development will achieve a good level of energy efficiency. The BESS report provided with the application outlines the ESD initiatives and commitments reflected in the proposal.

100. The existing and new dwellings will receive solar access from the east and west-facing windows, including north-facing windows associated with the extension to the dwelling at No. 76 Arnold Street, and skylight windows to the new dwellings. There are ample opportunities for good cross-ventilation and space for clothes lines to each dwelling.

101. An objective at Clause 22.16 (Stormwater Management (Water Sensitive Urban Design) of the Scheme is *'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)'*. The STORM report provided indicates a score of 106%, relying on four water tanks that will provide a combined storage volume of a minimum 7000lt. A condition will require these to be connected a toilet for flushing.

Standard B12 – Safety objective

102. The entrances to the new dwellings have been designed to be consistent with the relevant requirements of the standard in terms of visibility, safe access and security. The walkways are short and have clearly delineated paths with porches to the dwellings as a result of the first floor that will cantilever to the east. The pedestrian line of travel to each new dwelling is short and whilst there is a high fence in front, this is consistent with the general character of the ROW that contains high fences and hard-edged outbuildings. However, as an entry to the new dwellings, a condition will require the gates to be visually permeable so that it not only identifies the entries (as separate to solid garage walls and fences), but will also allow surveillance of the laneway from within the dwellings.

103. The plans do not identify the provision of any external lighting within the front setbacks of the new dwellings to the ROW. This will be addressed with a condition that will require the provision of adequate security and identification lighting within the front setbacks, sensor-activated and baffled to Council's satisfaction. This is required to emphasise each entry point in the evening hours, with additional lighting suggested by Council's engineer. This will further enhance the safety of the dwellings.

Standard B13 – Landscaping objectives

104. Complies with the standard and the objective. The landscape plan shows landscaping in the front setback to No. 76 Arnold Street, including to its northern side setback. Further landscaping is shown within the designated areas of private open space associated with the existing and the new dwellings, with minimal landscaping in the front setbacks of the new dwellings to the ROW. This is considered to be appropriate given the character of the ROW which is dominated by outbuildings with zero setbacks.

Standard B15 – Parking location objectives

105. The on-site car parking spaces are conveniently located for the future residents of the proposed new dwellings. A condition will require the vehicle entries to have a minimum width opening of 3m as recommended by Council's Engineering Services Unit. Subject to this condition, the openings will allow for the secure, safe and efficient movement of vehicles into the under croft car spaces. The objectives of the standard are met.

Standard B17 – Side and rear setbacks objective

106. In accordance with this standard, *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.*

107. The incorporated setback of walls to the side and rear boundaries at the first floor of the extension to the existing dwelling at No. 76 Arnold Street (as taken from the shared boundary with No. 78 Arnold Street), are as follows:

Proposed wall	**Proposed setback**	**Maximum wall height**	**Complies with Standard B17**
First floor setbacks from the north	Varies between 0.93m- 1.67m	Varies between 5.2m - 5.8m	Generally complies (1.4m -1.66m required)
First floor setbacks from the south.	Varies between 0.515m - 1.2m	Varies between 5.2m - 5.8m	Does not comply (1.4m -1.66m required)
First floor setbacks from the rear.	In excess of 24m	5.2m	Complies (1.5m required)

108. In relation to the northern setback, the above table is based on setbacks from the boundary with No. 78 Arnold Street (which forms part of the overall subject site). The table demonstrates that even if the sites were treated as separate lots, the setback would still be generally compliant.

109. To the north, the wall associated with bedroom 2 falls short of the standard. However, a variation to the standard is justified because this length of wall would be located opposite the service side of the adjoining building that is intended to be used as a food and drink premises (café), and would not have a visual bulk or shadow impact given its location to the southern side of this building.

110. The setbacks adopted to the south are also supported as the walls would sit behind the existing on-boundary masonry walls at the ground floor that already measure between 3.5m and 4.3m high above the natural ground level with minimum floor-to-ceiling heights which extend into the cavity created by the adopted pitched roof. It is considered that when viewed in combination with the existing masonry walls at the ground floor, any visual bulk impact is reduced. These walls would also be largely constructed opposite the service side of the adjoining dwelling and in part, opposite its private open space which is in excess of 140sq.m. Much of the additional shadow would be cast within the existing shadows as outlined at Standard B21.

111. The setback of the new dwellings' ground floor walls to the side and rear boundaries at the ground floor (where the wall is not on the boundary), has a setback 3.34m from the northern and southern boundaries for the length of their car space; with a minimum setback of 1.1m from the eastern boundary. These incorporated setbacks comply with the standard.

112. The first floor setbacks of the new dwellings, are as follows:

Proposed wall	**Proposed setback**	**Maximum wall height**	**Complies with Standard B17**
First floor setbacks from the north and south.	1.39m	Varies between 5.8m - 6.8m	Does not comply (1.6m – 1.9m) variation required.

113. In relation to the first floor setbacks, these are required to meet the objective which is "*to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*".

114. The setbacks of 1.39m is generally supported for the most part, however, the length of these walls (at approximately 15.9m) provide no break which would reduce the visual impact to the neighbouring properties, from their backyards. Whilst some fenestration has been provided, this is not considered to go far enough to address visual bulk as the bulk is located to the middle of the site, rather than to the eastern end where built form is normally expected. As such, a condition will require the deletion of bedrooms 1 of each dwelling. This will result in two, two-bedroom dwellings and will result in a reduction in the wall length of approximately 3.7m. By removing this bedroom, the majority of the bulk would be pushed back towards the rear of the site where it is common to have outbuildings/built form constructed boundary to boundary. This will reduce the visual impact and is considered to be critical to achieve compliance with the objective.

115. Subject to the condition described above, a variation to the setback requirement in relation to the remainder of the length of these walls is supported. To the north, the wall would sit to the southern side of the adjoining property, including a shed / outbuilding, hence not impacting this space in terms of shadows. The deletion of these rooms would reduce the shadow impact to the south, and the central corridor running between the dwellings and their outbuildings (as is typical in the area) will be further improved.

116. The subject site is also located within an urban environment in which variations to setbacks standards are common as evidences by No's. 82 and 60 Arnold Street and No. 61 Wilson Street).

Standard B18 – Walls on boundaries objective

117. Applying the standard, an on-boundary wall length of 25.8m is permitted along the northern boundary and 22m is permitted along the southern boundary (i.e. length of existing on-boundary walls). In both instances the development will increase the on-boundary wall lengths by 9m that is attributed to the new dwellings. The maximum on-boundary wall height proposed is 3.53m to the north and 3.51m to the south and this complies with the maximum 3.6m height permitted by the standard. As such, a variation to the standard is required in relation to the additional lengths proposed along both boundaries.

118. The additional wall length proposed in both instances would be constructed opposite large areas of secluded private open space. The adjoining dwelling to the north enjoys an area of 73sq.m. of private open space, whilst the southern adjoining property enjoys an area of 147sq.m. Give this context it is considered that a variation to the standard can be supported as the perception of built form on the boundary is lessened. The deletion of the upper level bedroom 1 as discussed at Standard B17 will reduce visual bulk to both adjoining properties and the shadow impact to the southern adjoining property.

Standard B20 - North-facing windows objective

119. Complies with the standard and the objective. The closest habitable room windows are those associated with the adjoining dwelling to the south, located opposite the existing dwelling at No. 76 Arnold Street. The windows are setback 1.8m from the shared boundary. The existing setback together with the adopted setback at the first floor would provide a separation distance of 3m from these windows. This separation distance complies with the standard which requires a minimum separation distance of 2.38m between the first floor wall of the extension and the north-facing windows.

Standard B21 – Overshadowing open space objective

120. According to the standard, *where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.*

    If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

121. The most significant shadow impact as a result of the proposal is evident between 9am and 12 noon at the time of Equinox within the secluded private open space of the adjoining dwelling to the south. The shadow diagrams submitted indicate that the worst case scenario is at 9am. The increase ranges between 20sq.m. to 28sq.m. of additional shadow. However, the majority of this private open space would receive solar access (i.e. to a minimum area of 65sq.m.) throughout the day at the time of Equinox and this complies with the standard. The deletion of bedroom 1 from the new dwelling whilst not technically required under this standard, will nevertheless further reduce the impact.

122. Shadows to the existing dwelling at No. 76 Arnold Street would be significant in the morning, however shadows would fall outside the private open space between 10-11am. The deletion of bedroom 1 from the new dwellings would lessen the shadowing further.

    Standard B22 – Overlooking objective

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

124. According to the application material, the first floor north and south-facing windows of the new dwellings would have sill heights of 1.7m above the floor level with the French balconies to the west associated with bedrooms 1 of each new dwelling screened with a 1.7m high screen of colourbond sheet. However, as the bedroom 1 of each new dwelling will be deleted by condition, further conditions will require screening to any further west-facing windows / openings at the first floor.

125. While not shown on the site analysis, there is built form directly to the east of the ROW which would ensure that the east-facing windows at the first floor of the new dwellings do not overlook private open space within 9m radius (aerial view below taken from Council GIS). Views to the south-east (beyond 8.6m would be screened by existing sheds and fences), therefore there is no requirement to screen these windows.

126. The north-facing windows of the first floor extension to the existing dwelling at No. 76 Arnold Street would have a sill height of 1.5m above the floor level. However as these windows would overlook the open area, service side and courtyard of the intended café to the north at No. 76 Arnold Street (i.e. a non-sensitive interface), screening in accordance with the standard is not required. The 9m radius from bedroom 1 of the first floor extension, including the northern edge of the balcony terminate at the south-west corner of the secluded area of private open space associated with the dwelling further north, and once again, these windows are not required to be screened. However, there is an overlooking opportunity provided to the southern adjoining private open space and a condition will require screening.

Standard B23 – Internal views objective

127. There is an opportunity for internal overlooking from the balcony of bedroom 1 associated with the first floor extension to the existing dwelling at No. 76 Arnold Street and a condition will address this.

Standard B24 – Noise impacts objective

128. The residential use does not require a planning permit under the zone. Any noise generated on the site as a result of this component would only be residential in nature. The noise impacts as a result of the food and drinks premises (café) at No. 78 Arnold Street will be considered later in this report.

129. With regard to the proposed dwellings and the intended hours of operation associated with the food and drink premises (café) (i.e. from 8.00am to 6.00pm, Monday to Sunday), it is considered that there is no particular internal noise reduction technique necessary.

Standard B25 – Accessibility objective

130. The entrances of the new dwellings are located at ground floor, and will be generally accessible for those with limited mobility in accordance with the standard with only between 3-4 steps provided to the east. The objective of the standard is met.

Standard B26 – Dwelling entry objective

131. The entrances to the new dwellings will be clearly visible and easily identifiable and the incorporation of external lighting by way of a condition will further improve visibility to the ROW. The individual entrances to each of the dwellings will provide a sense of personal address and will sit higher than the fence on the boundary. However, no details have been provided in relation to the external pedestrian gates and a condition will require this to be visually pervious to further enhance the pedestrian line of sight to the front entry of each dwelling from the ROW. Subject to this condition, the objective of the standard will be met.

Standard B27 – Daylight to new windows

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

Standard B28 – Private open space objective

133. Complies with the objective. The existing dwelling would be provided with 40sq.m of private open space, including a large open front yard. The new dwellings would be provided with 25sq.m. of private open space to the west. The deletion of the cantilevering bedroom (i.e. Bedroom 1) would further improve the usability of the private open spaces to the new dwellings, in that they would further be open to the sky (i.e. no cantilevered element). It is considered that these spaces, subject to the condition, will meet the objective which is to provide *adequate private open space for the reasonable recreation and service needs of residents*.

Standard B29 – Solar access to open space objective

134. Complies with the objective. The existing and the new dwellings would be provided with open spaces that have an excellent northern orientation, and will receive adequate solar access. The deletion of bedroom 1 to each of the new dwellings will further improve solar access to these areas.

Standard B30 – Storage objective

135. Whilst there is ample space to provide storage on site, these have not been shown and a condition will address this.

Standard B31 – Design detail objective

136. Complies with the standard. The first floor extension to the existing dwelling and the new dwellings will adopt a modern design with materials that include a combination of zincalume sheets, fibre cement panels and timber cladding. It is considered that the varied combination of materials and the articulation to the new dwellings through the location of windows, entries, balconies and landscaping, including a condition requiring the deletion of bedroom 1 associated with the new dwellings would reduce the visual massing. Some objectors were concerned about the dark colour scheme adopted at the first floor of the new dwellings to the north and south. It is considered appropriate to address this with a condition requiring this to be finished in a lighter colour. The applicant has previously indicated this could readily be achieved.

137. The varied materials and contemporary approach to the extension and the new dwellings will emphasize a clear delineation between the old and new fabric therefore providing an appropriate and distinguished built form outcome with the existing and surrounding heritage buildings.

B34 – Site services objectives

138. The location of the site services to the new dwellings have not been identified on the plans, and a location for the storage of bins has not been identified to the existing dwelling. As such, a condition will address this.

Heritage

139. The purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of heritage places. Clause 43.01 of the Scheme which provides the following decision guidelines (as relevant to the assessment of this application):

(a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
(b) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place;*
(c) *Any applicable statement of significance, heritage study and any applicable conservation policy;*
(d) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place;*
(e) *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place;*
(f) *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place; and*
(g) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

140. Clause 22.02 of the Scheme articulates Council's local planning policy in relation to development guidelines for sites subject to the heritage overlay and encapsulates the above decision guidelines at Clause 43.01. With this in mind the following assessment is provided.

141. No. 76 Arnold Street is occupied by a single-storey dwelling of the Edwardian-era. The proposal seeks to partially demolish the existing dwelling and as such, this is the first point of consideration. The extent of demolition would be limited to the roof and rear of the existing dwelling, commencing from approximately 11m from the front title boundary, and the demolition of the existing outbuildings and partial demolition of the existing boundary fences and walls (for new openings). No. 78 Arnold Street is also occupied by a building of the Edwardian-era. The proposal seeks to demolish the shopfront windows and the overhanding front awning, including rear sections of the existing building and the outbuildings at the rear and associated fences.

142. The demolition plan includes the terms "where possible" pertaining to the roofs that are intended for retention over both buildings. A condition will delete these terms. A further condition will require the demolition plan to include the demolition of the verandah at No. 78 Arnold Street as this has not been shown (demolition shown on elevations only).

143. Council's heritage advisor raised concerns with the extent of demolition proposed particularly as this includes the second chimney. However, this second chimney can only be seen at when standing opposite the subject site, with the main chimney (to be retained) being the more visually prominent. While the primary chimney can be seen in wider views to the south (it is blocked from views from the north given No. 78 Arnold Street is constructed to the front boundary with a high parapet), the second chimney cannot be viewed given its setback, and the intervening built form of No. 76 Arnold Street.

144. Given the limited view of this secondary chimney from Arnold Street, its demolition is supported. However, accurate demolition plans/elevations are required to clearly identify which fences will be demolished (plans and elevations show differently). The removal of paint to the façade of the dwelling is also supported, however details in relation to its methodology of removal are required to be provided to ensure no destructive methods are used and a condition will address this.

145. Council's Heritage Advisor was also concerned with the demolition of the outbuilding / former stables building at the rear of No. 76 Arnold Street and requested its retention and incorporation into the scheme. However, the outbuilding is no visible to Arnold Street and the ROW has experienced some new construction over time which has changed its character. As such the retention of the outbuilding is of no benefit as it does not form one in a consistent row of former stables buildings and has been used as a garage (i.e. has already been modified).

146. The extent of demolition proposed at No. 78 Arnold Street is also supported as this will make way for the reinstatement of the front verandah. The verandah is supported on the basis that this is restored to exhibit a traditional late Victorian and early Edwardian-era verandah as requested by Council's Heritage Advisor. A condition will address this. The demolition of the shop windows which have clearly changed over time would also be acceptable.

147. The plans also show business identification signs (including internally illuminated signs) above and below the verandah and across the decorative parapet to the building. As stated earlier, the application did not apply for advertising signs. Council's heritage adviser has requested that the signs and their supporting structures be deleted. Given that the signs do not have planning approval, and that the proposed works to the building are to improve the interface with the heritage streetscape, a condition will require the deletion of these signs and supporting structures as they would be contrary to heritage policy (as advised by Council's Heritage Adviser).

148. While Council's Heritage Adviser was not supportive of the proposed changes to the shopfront windows, the removal of the signage would largely off-set the change to the shopfront. This is seen as an improvement on existing conditions where signage interferes with the heritage façade (ie protruding from the parapet) and is visible from longer range views. The signage is not typical of the building as stated by Council's Heritage Adviser and is out of context within the residential street. The shopfront has clearly been changed over time, and the new windows (above the retained plinth) would only be visible within close proximity of the site. On balance, the removal of the signs and changes to the shopfront are considered to be an appropriate response.

149. 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. The proposed characteristics of a development such as height, setbacks and appearance are assessed in order to consider whether the scale and presentation of any new built form will appropriately integrate with and respond to the adjacent heritage area.

150. As such, and to preserve the contributory status of the existing buildings to the precinct, it is critical that the design of any new development is sympathetically designed.

151. In relation to the first floor extension associated with the existing dwelling, this would be setback approximately 11.3m from the front boundary and is generally sited within the 'envelope' created by projected sightlines as outlined at Clause 22.02-5.7.1 of the Scheme. With this in mind, it is considered that the first floor will not visually dominate the existing portion of the dwelling in terms of size, height and bulk when viewed from Arnold Street, and would read as a subservient element (i.e. given that the tip of the first floor would only be visible at a significant distance from the opposite site of Arnold Street). Council's Heritage Advisor is also supportive of the adopted upper level setback from Arnold Street, including the adopted pitched roof which is consistent with the broader character of the area.

152. In relation to the new dwellings, these are located to abut the ROW which is comprised of outbuildings and fences and are well recessed from Arnold Street and would not be seen.

The proposed use of more contemporary materials and finishes to the new built forms is appropriate to the site and surrounds and will distinguish the extension and the new dwellings from the original dwelling and surrounding built forms, as is recommended under the Scheme.

153. The associated works at the rear of No. 78 Arnold Street would not be seen from Arnold Street, and once again, are supported from a heritage perspective.

154. Overall, it is considered that the proposal, subject to the condition discussed above, will have no adverse impact on the heritage values and will achieve a high level of compliance with the Heritage Overlay and Policy at Clause 22.02, and should be supported subject to conditions.

Buildings and works associated with the food and drink premises (café)

155. The façade works associated with the food and drink premises (café) at No. 78 Arnold Street have been discussed in the above heritage section of this report and these are supported subject to the conditions outlined. In relation to the remainder of the works, these will take place at the rear of the building. These works are limited to the construction of an outdoor deck including a steel frame to allow for the provision of roll out blinds including new roof above the amenities, installation of new doors and the provision of a water tank. Given the location of these works at the rear of the exiting building and the location to the southern side of the existing on-boundary wall to the north, the adjoining property will be well protected and there are no off-site amenity impacts as a consequence. It is also considered that these works are compliant with the relevant provisions under the zone.

156. Pursuant to Clause 22.01 (Discretionary uses in the Residential 1 Zone) of the Scheme *it is policy that:*

    (g) *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses;*

    (h) *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone.*

    (i) *Except on land adjoining and gaining direct access from a road in a Road Zone:*

        (iii) all required car parking should be on-site.

        (iv) the scale of the proposed use should be compatible with providing service to the local residential community.

    (j) *Hours of operation should be limited to 8am to 8pm except for convenience shop.*

    (k) *New buildings and works should be consistent with the scale, bulk and character of the area.*

    (l) *Noise emissions should be compatible with a residential environment.*

157. In response to the above, the food and drinks premises (café) is located on Arnold Street, and whilst this is not a main road, is located opposite Princes Hill Secondary College which already attracts people into the area, including traffic. The existing building at No. 78 Arnold Street is a purpose built commercial building previously used as a shop. As such, there is some expectation that the building would continue to operate for commercial purposes. The hours of operation of Monday to Sunday from 8.00am to 6.00pm are less than those permitted under the Scheme (of 8.00am to 8.00pm) and are therefore supported.

158. The number of patrons is not considered to be of any issue and it is likely that the food and drink premises (café) will attract workers and residents from the surrounding area. It is also noted that the applicable car parking rate specified at Clause 52.06 of the Scheme for a food and drinks premises is measured by the floor area and not the number of patrons.

159. Furthermore, the food and drinks premises (café) would be operating without a liquor license. A planning permit is required for a liquor license, and should an application be made further notice as part of that application would be given to surrounding residents and occupants.

160. It is also anticipated that the noise volumes generated from such a use will be compatible with the residential environment given that the hours of operation are limited to general daytime operating hours. However, conditions requiring the use to comply with SEPP-N1 and to protect the general amenity of the area will be included.

Car parking and traffic

161. The Car parking Table at Clause 52.06-5 specifies a rate of 2 car spaces to each three or more bedroom dwellings. In this instance, 4 car spaces are required and 2 have been provided for the new dwellings. The existing dwelling will be provided with no onsite car parking as a consequence and there is a further reduction of one car space. There are no car spaces provided for the food and drink premises. As such a reduction of eight spaces is required.

162. The permit applicant submitted a Traffic Impact Assessment prepared by O'Brien Traffic. Accordingly, parking occupancy surveys were undertaken on Saturday 12 September 2015 at 11.00am and Tuesday 15 September 2015 between 8.00am and 6.00pm. The survey area includes Arnold Street, Garton Street and Wilson Street (between Pigdon Street and MacPherson Street) and Richardson Street and Paterson Street (between Wilson Street and Garton Street). An inventory of 299 spaces was identified consisting of 133 Permit Zone spaces and 166 time based spaces. The survey recorded an occupancy on Saturday of 67% of spaces occupied or 54 spaces vacant and a peak occupancy was recorded at 11.00am on Tuesday with 82% of spaces occupied or 30 spaces vacant. Although the parking occupancy was moderately high, spaces were still available to accommodate visitor and customer parking near the site.

163. With the above in mind, the proposed reduction in car parking is appropriate and Council's Engineering Services Unit is supportive. This is because the site is located within walking distance of tram services along Lygon Street (Routes 1 and 8), Nicholson Street (Route 96) and Royal Parade (Route 19). Bus services are available along Rathdowne Street (Routes 250, 251, and 504), Brunswick Road (Route 504), and Princes Street (Route 546). The site is also located opposite the Princes Hill Secondary College which has very high serviceability for pedestrians. The site also has good connectivity to the on-road and off-road bicycle network.

164. Council's engineer indicated that the development will not provide any onsite bicycle space, however the plans show provision for bicycle parking for the new dwellings and there is ample space on site for bicycle storage for the existing dwelling. There is no provision made for the food and drink premises (café), however there is no ability to include bicycle parking within the site (given access would only be through the Arnold Street door).

165. The condition to delete bedrooms 1 from each dwelling will further reduce the number of car spaces required by two spaces resulting in a total reduction of six spaces. The food and drink premises (café) was previously used as a shop and therefore has a credit of 5 car spaces (i.e. 4 spaces to each 100sq.m. of leasable floor area) further justifying the reduction.

166. Council's engineer reviewed the amended plans and indicated that the vehicle entries to the new dwellings should have a minimum width of 3m. This will be conditioned.

167. The development does not contain an off-street loading facility. Council's engineer identified that any delivery trucks should be able to park in the 15-minute parking space located south of the site which operates 7.30am-4.30pm Monday to Friday.

168. With the above in mind and based on the location of the subject site, and the proposed use of the site, a reduction in the car parking provision is supported in this instance. It is considered that the combined reduction of car parking spaces for the dwellings and the food and drink premises should not have an adverse impact on existing parking conditions in the area.

Objector concerns

169. An assessment of the proposal against relevant neighbourhood character policies including built form has been undertaken between paragraphs 85 and 160, including heritage between paragraphs 141 and 154. The development is considered to appropriately respond to the established character of the area in terms of bulk, massing, height and site coverage and is not an overdevelopment.

170. On and off-site amenity impacts have been considered against Clause 55 (ResCode) and the development is considered to comply with all of the objectives of this clause. More specifically overshadowing has been addressed at paragraphs 120-122, and overlooking has been addressed at paragraphs 123 and 126. Visual bulk, side and rear setbacks and the length of on boundary walls have been addressed between paragraphs 106 to 118. Building height and site coverage has also been addressed at paragraphs 94 and 95. Noise has been addressed at paragraphs 128-129 and 160.

171. Concerns were also raised in relation to traffic congestion as a result of the reduction in the car parking requirement. This has not been raised as a concern by Council's Engineering Services Unit. The new dwellings are appropriately sited and located within a short walking distance from Paterson or Richardson Streets to the north and south (i.e. approximately 40m and 73m), respectively.

172. Further concerns were raised in relation to the loss of vegetation and removal of waste. There are no vegetation controls on the site and there are no significant trees proposed to be removed as part of this application. The food and drinks premises (café) is supported given the daytime operating hours that are consistent with policy as outlined at paragraphs 155-160, and subject to a conditions that ensures waste collection and deliveries are not made prior to 8am.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise the VCAT that were Council in a position to do so, it would have issued a Notice of Decision to Grant a Planning Permit PLN15/0598 for part demolition to allow for the construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to the existing dwelling at No. 76, alterations and additions at No. 78 to allow for the use of the building as a food and drink premises (Cafe), and a reduction in the car parking requirements of the Yarra Planning Scheme at 76 and 78 Arnold Street, Princes Hill, North Fitzroy , 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 plans received by Council on 12 May 2015 but modified to show:

    (a) A clear set of demolition plans that scale 1:100, which also show all existing fences to be removed (and the demolition elevations to be consistent) and to show the demolition of the verandah to No. 78 Arnold Street;
    (b) The deletion of the terms "where possible" from the demolition plans;

(c) Full details of the proposed restoration works of the front verandah to No. 78 Arnold Street to exhibit a traditional late Victorian and early Edwardian-era verandah;
(d) Details in relation to the paint removal from the façade of the existing dwelling at No. 76 Arnold Street;
(e) The removal of all signs and their structural components from the façade at No. 78 Arnold Street;
(f) The deletion of bedroom 1 from each new dwelling;
(g) All first floor windows and balconies (including any new west-facing windows/balconies as a consequence of the above condition) screened in accordance with the standards at Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
(h) The external pedestrian gates to the new dwellings to the east to be visually permeable;
(i) A plan notation confirming that each water tank will be connected to a toilet for flushing;
(j) A plan notation confirming that the site will achieve a minimum permeable area of 20%;
(k) The garage entries to the new dwellings to be at least a minimum 3m wide;
(l) The provision of $6m^3$ of storage space to each dwelling;
(m) The external pedestrian gates to the new dwellings to be visually permeable;
(n) The ground floor plan to show the location of all site services, including the bin storage areas of the existing and new dwellings and the food and drink premises (café) concealed from Arnold Street;
(o) The provision of sensor lighting to each porch / entry of the new dwelling, appropriately shielded and of limited intensity so as to avoid any light spillage into adjoining properties; and
(p) An updated schedule of all external materials and finishes, with a lighter colour adopted across the northern and southern elevations of the first floor of the new dwellings (e.g. light grey or similar).

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.

Use

3. No more than 60 patrons are permitted in the food and drink premises (café) at any one time.

4. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this permit may only operate between the hours of 8.00am to 6.00pm, Monday to Sunday (seven days a week).

5. The amenity of the area must not be detrimentally affected by the food and drink premises (café) 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.

6. The food and drink premises (café) must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

7. The collection of waste from the site must be by private collection, and may only occur between 8am and 8pm on any day, unless with the prior written consent of the Responsible Authority.

8. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 8am and 6pm on any day.

9. 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.

10. 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.

11. 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 and kerb and channel:

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

12. 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.

13. 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.

14. 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.

15. This permit will expire if:

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

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

Notes:

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

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

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

All future residents, employees and occupiers within the development approved under this permit will not be permitted to obtain resident 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.

CitiPower requirements must be complied with in relation to any poles, overhead cables / power lines or the installation of new light poles. Please contact CitiPower for further information.

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

Attachments

1 Site location - 76 and 78 Arnold Street, Princes Hill
2 PLN15/0598 - 76 and 78 Arnold Street Princes Hill - Demolition Plans - Existing and Proposed floor plans - Elevations - Shadows - Landscape plan.
3 PLN15/0598 - 76 & 78 Arnold Street Princes Hill - Heritage advice
4 PLN15/0598 - 76 - 78 Arnold Street Princes Hill - Engineering comments
5 PLN15/0598 - 76 and 78 Arnold Street, Princes Hill - Engineering comments in relation to decision plans.

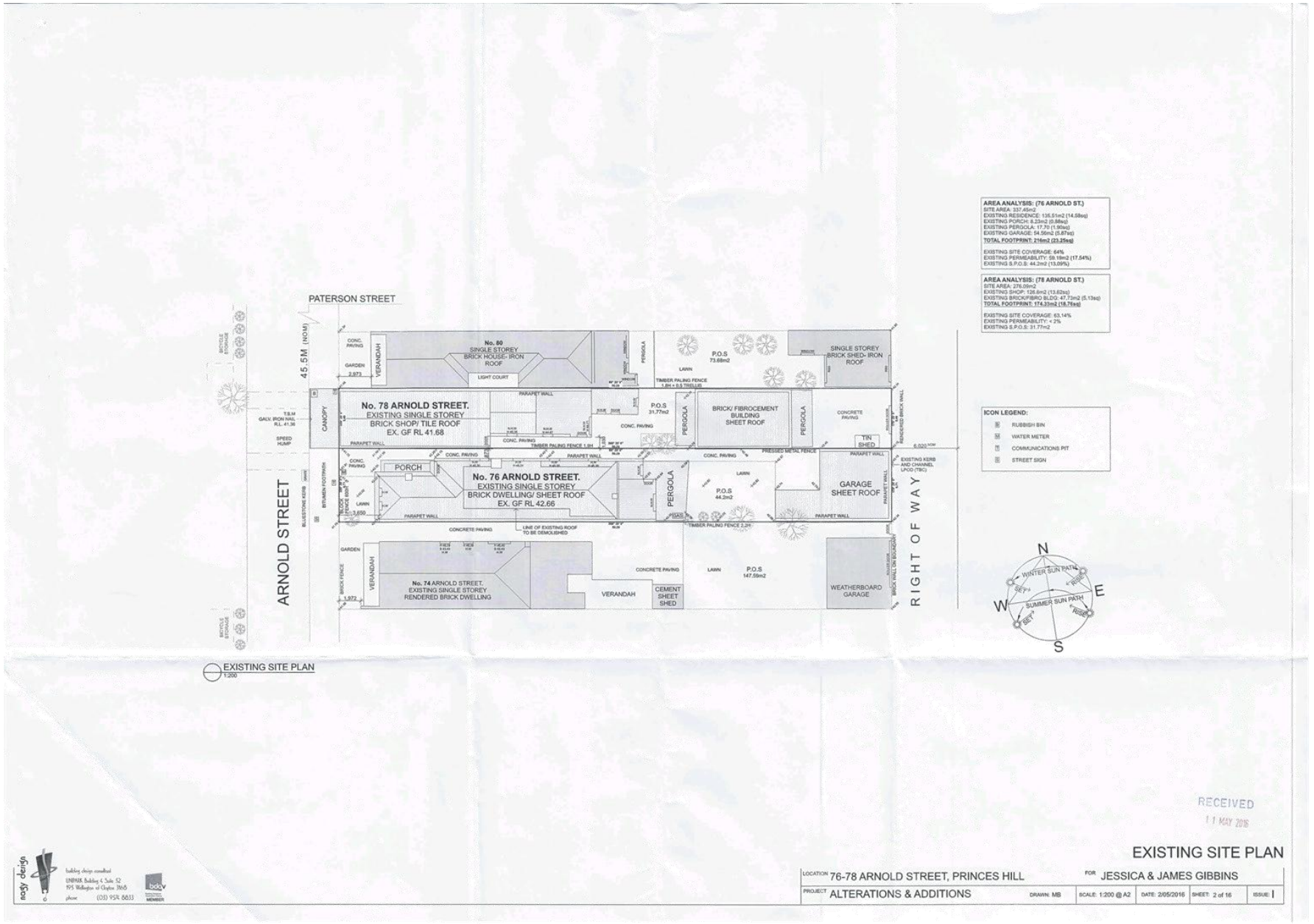
Attachment 1 - Site location - 76 and 78 Arnold Street, Princes Hill

SUBJECT LAND: 76 and 78 Arnold Street, Princes Hill

⇧ **North**

★ **Subject Site**

Attachment 2 - PLN15/0598 - 76 and 78 Arnold Street Princes Hill - Demolition Plans - Existing and Proposed floor plans - Elevations - Shadows - Landscape plan.



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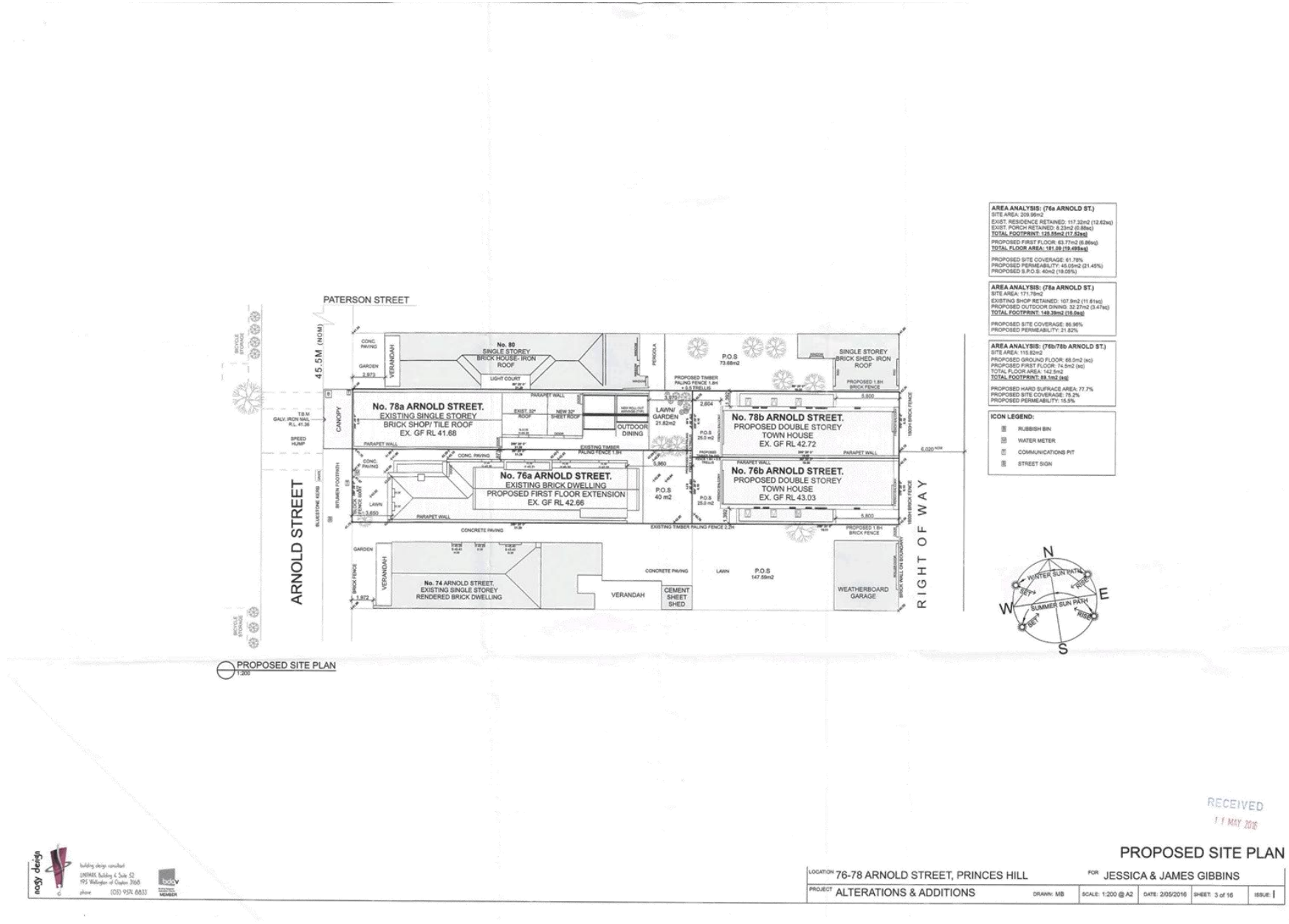

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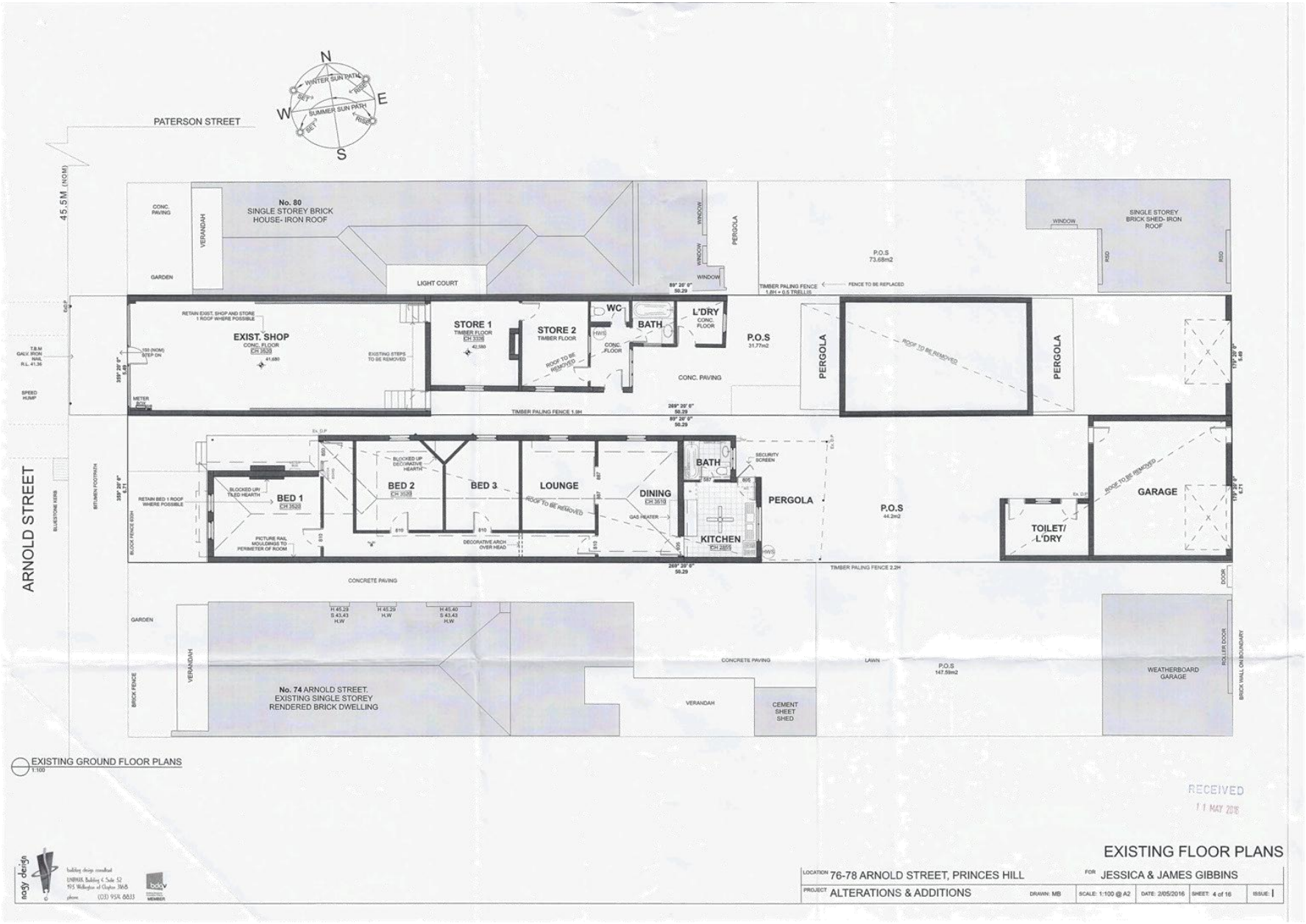

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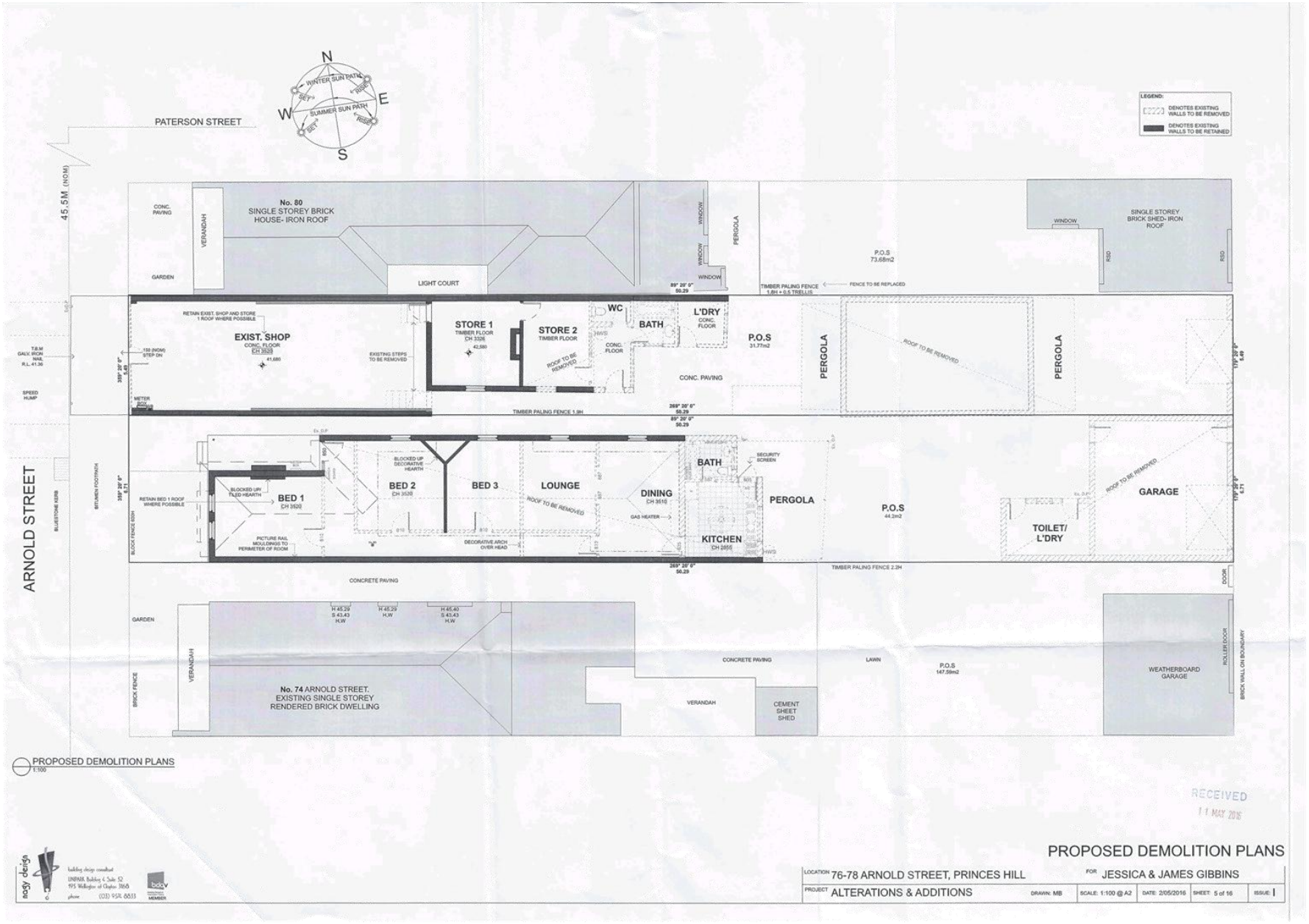

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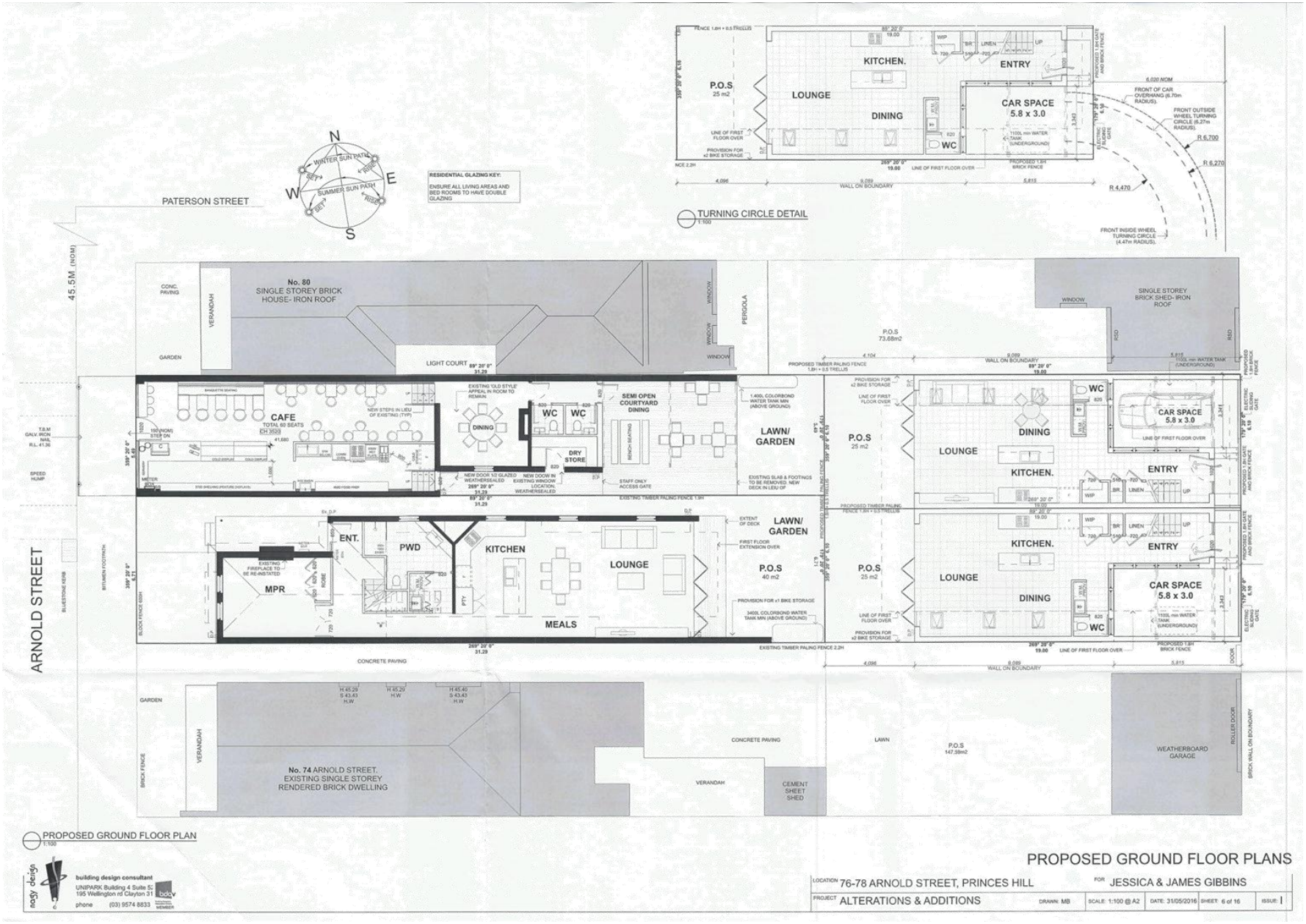

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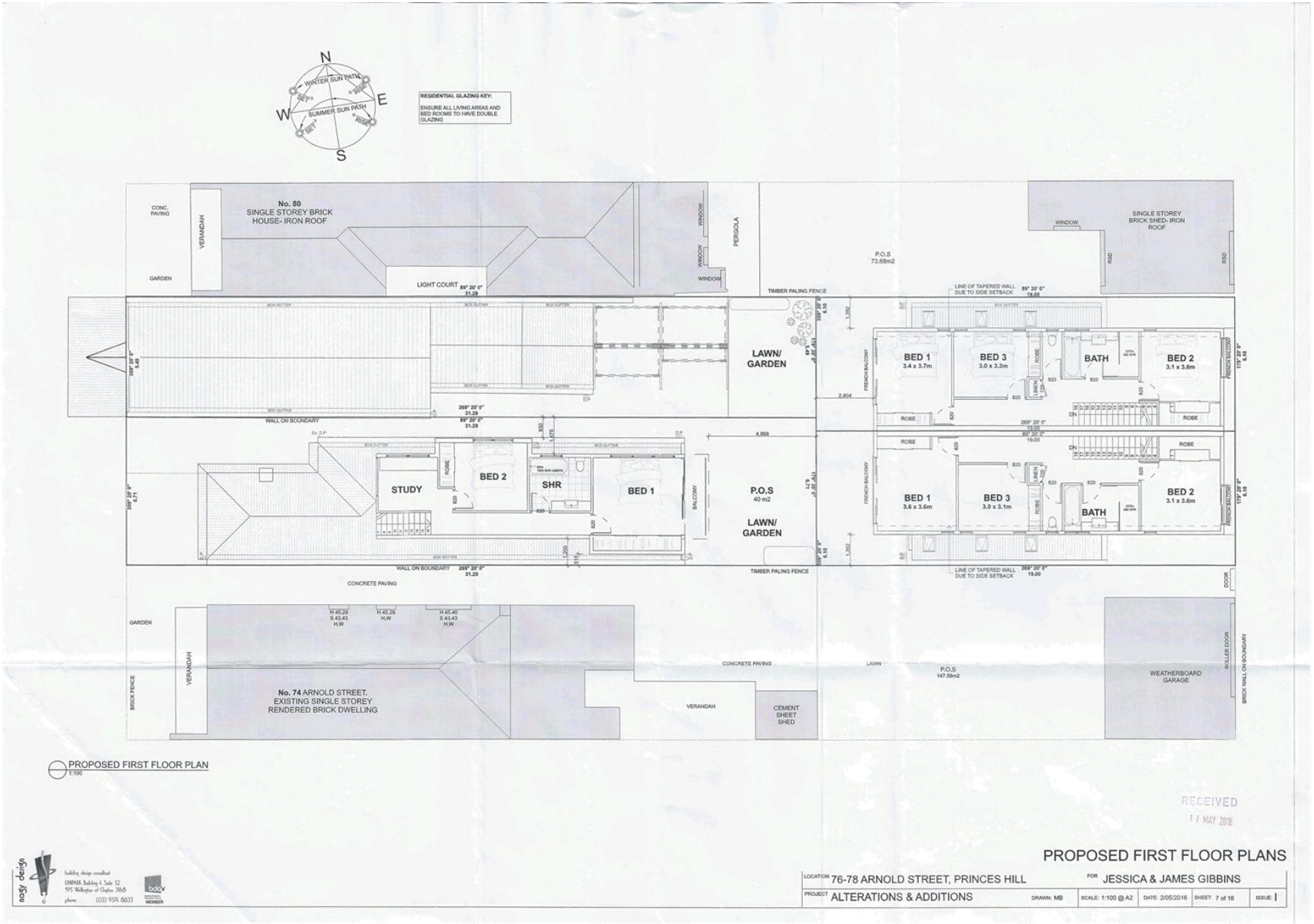

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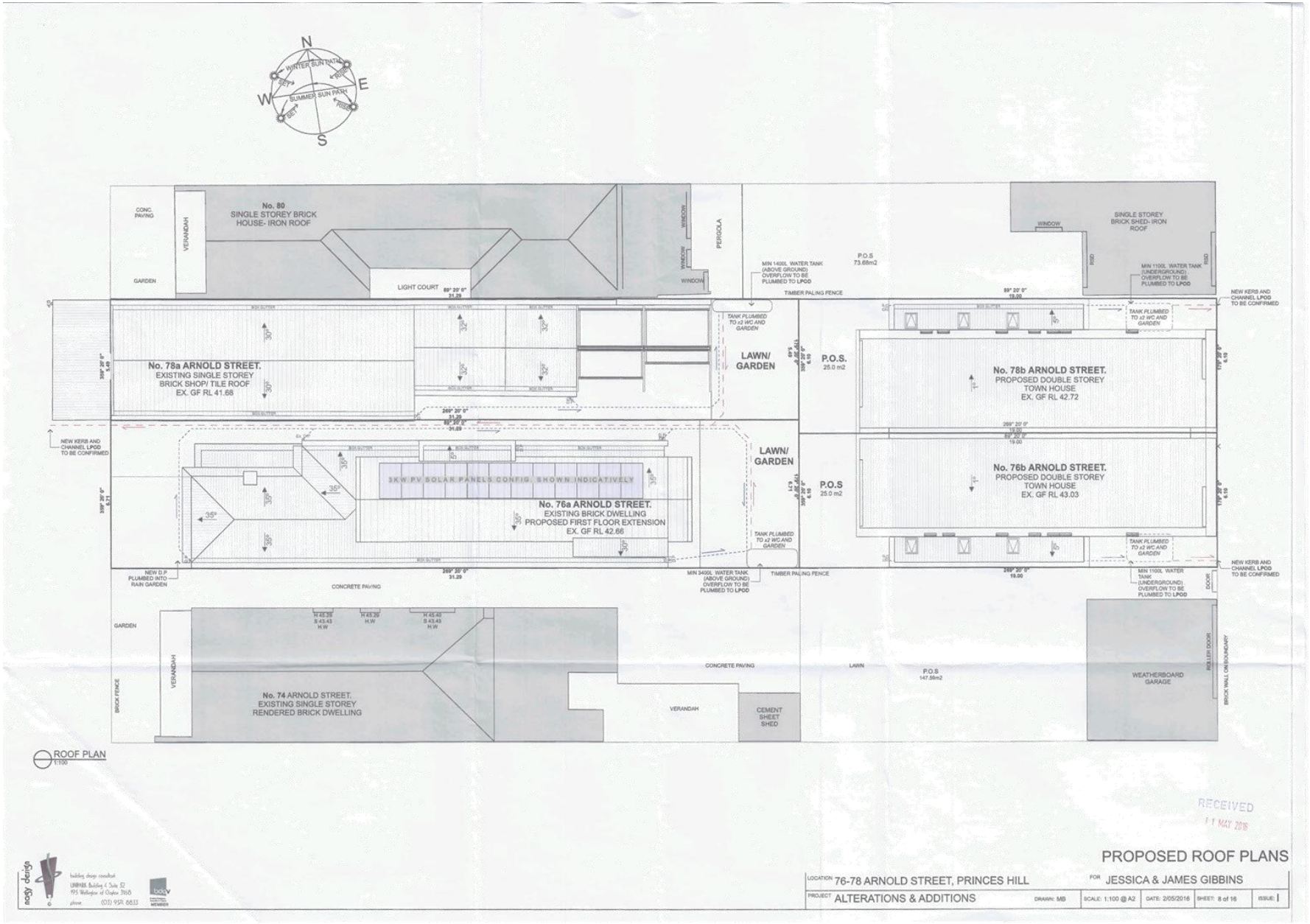

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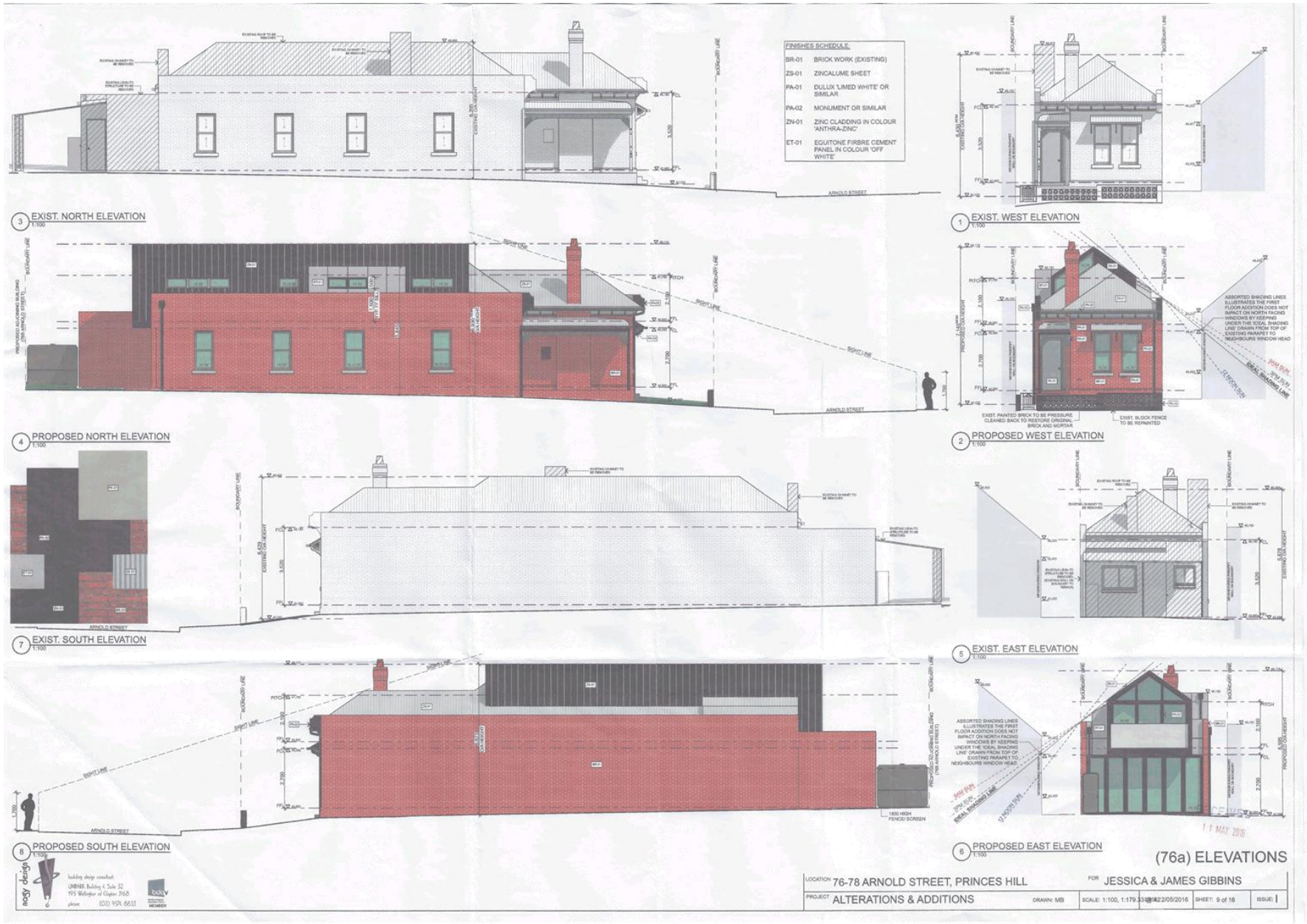

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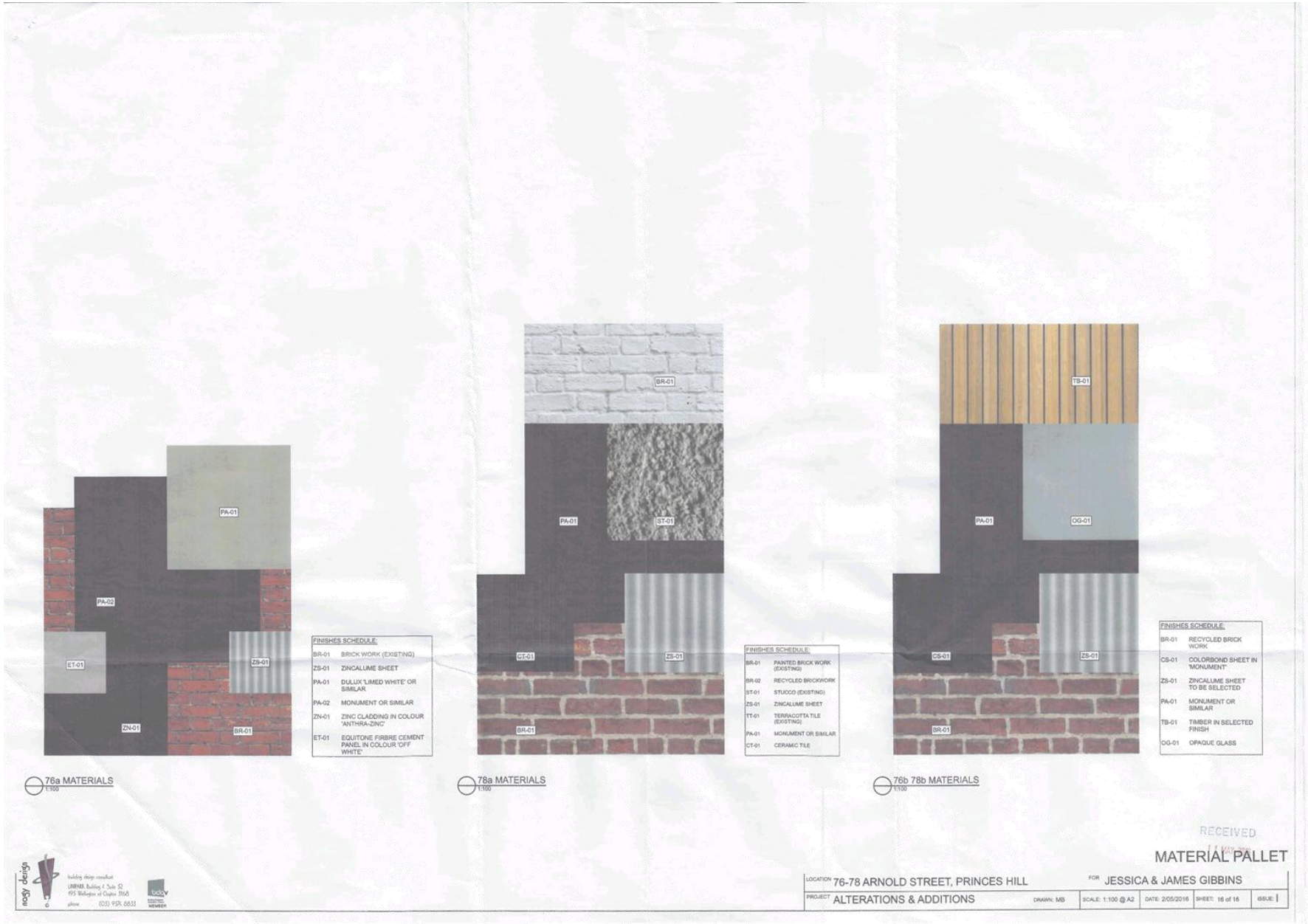

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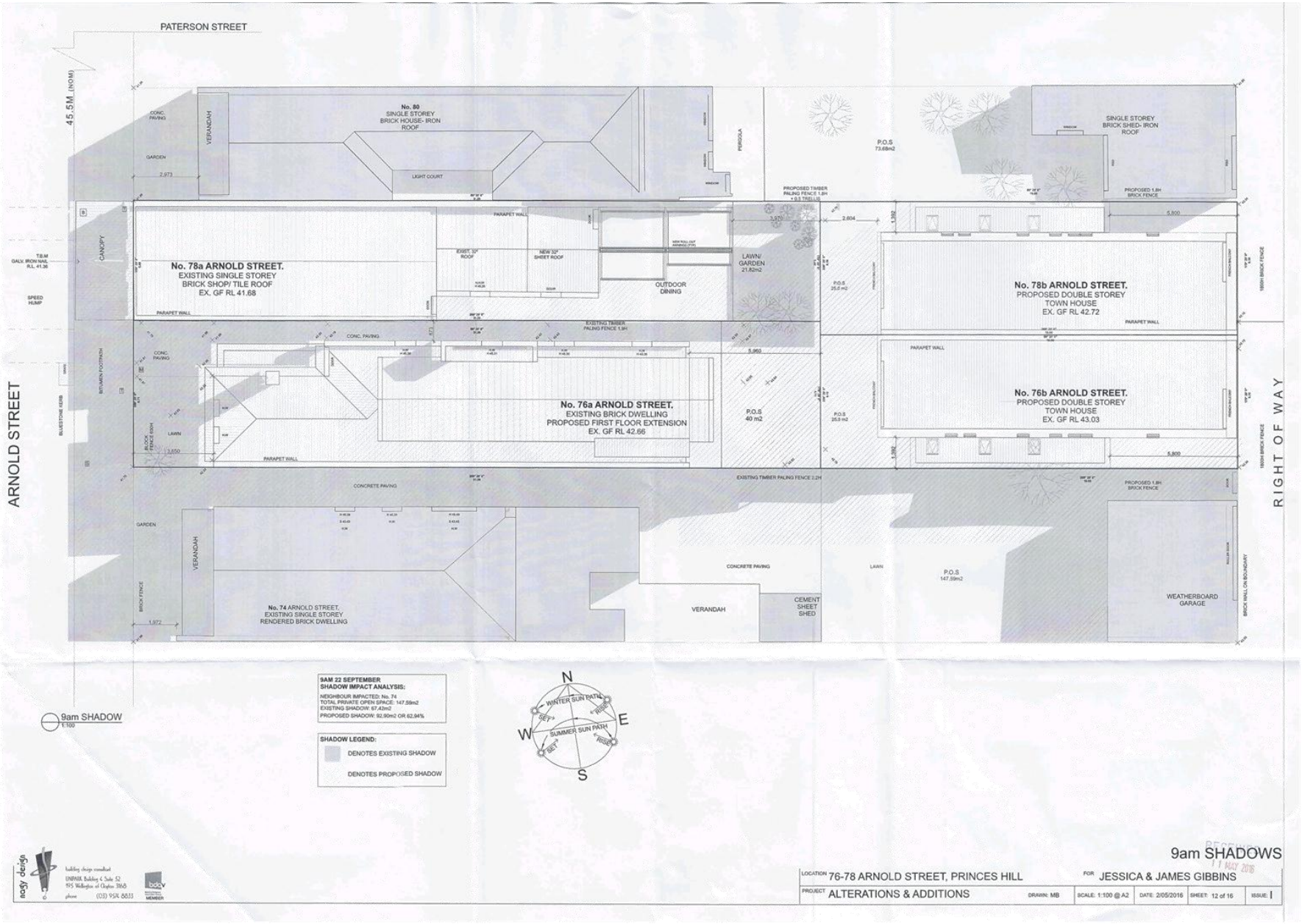

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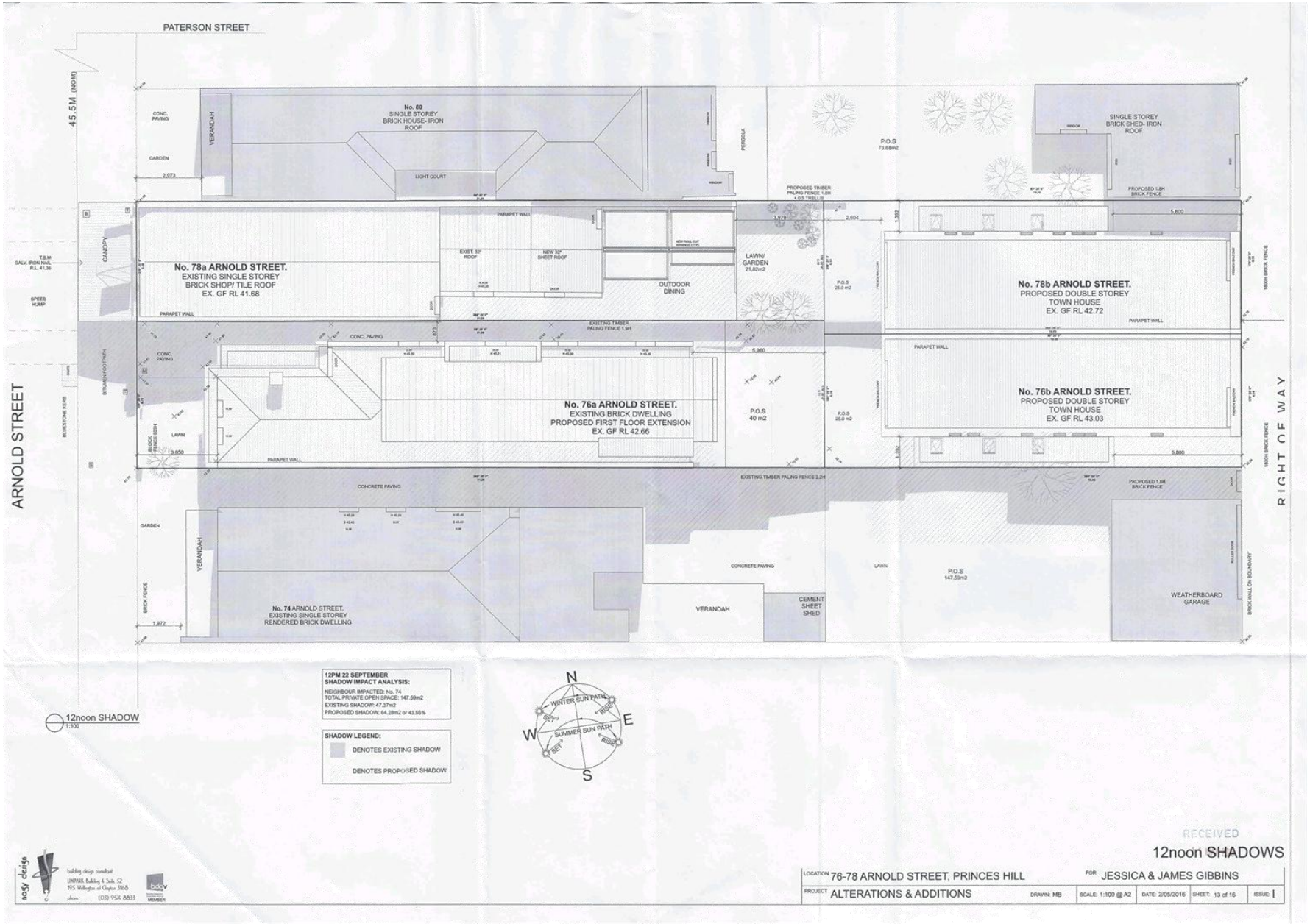

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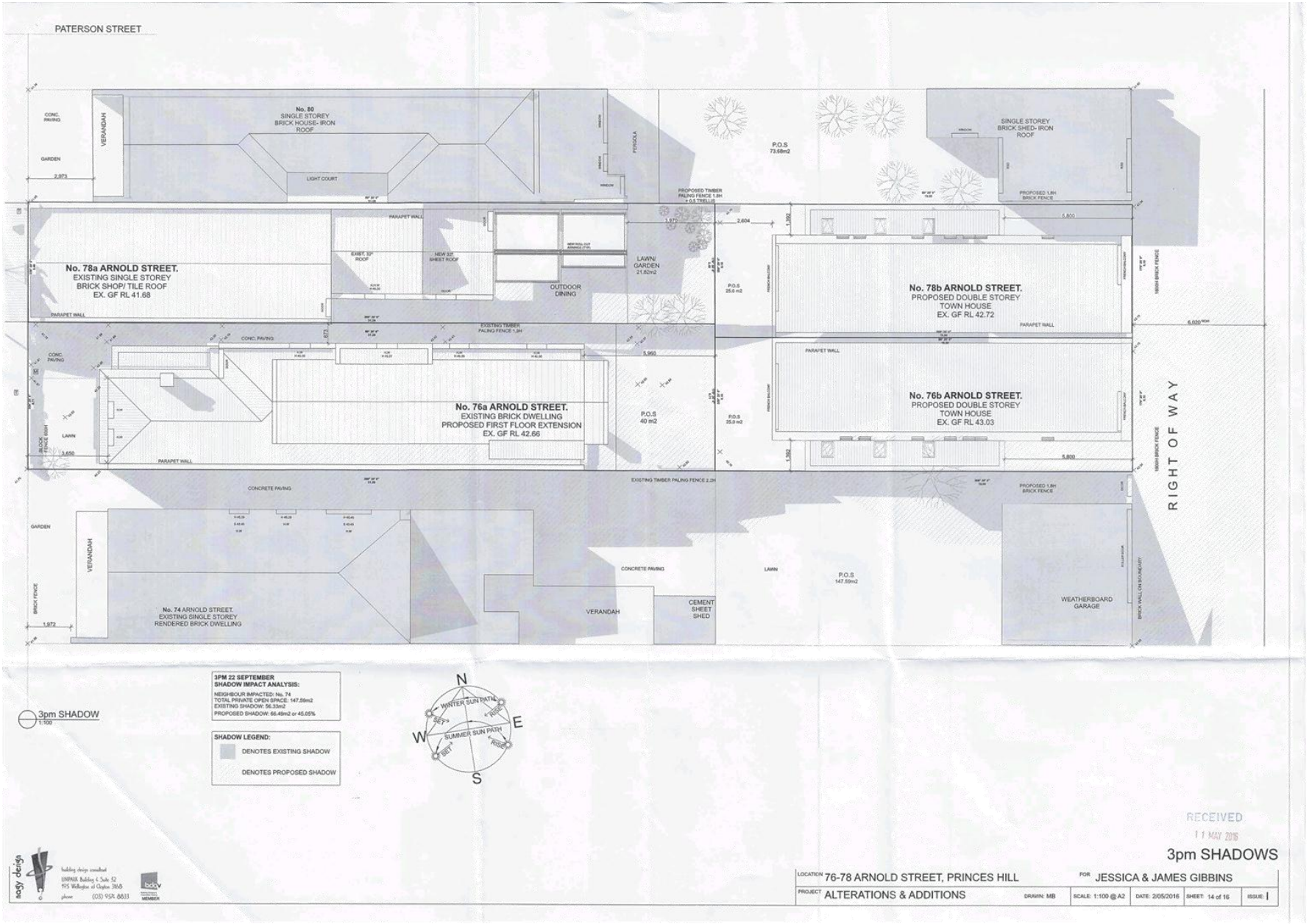

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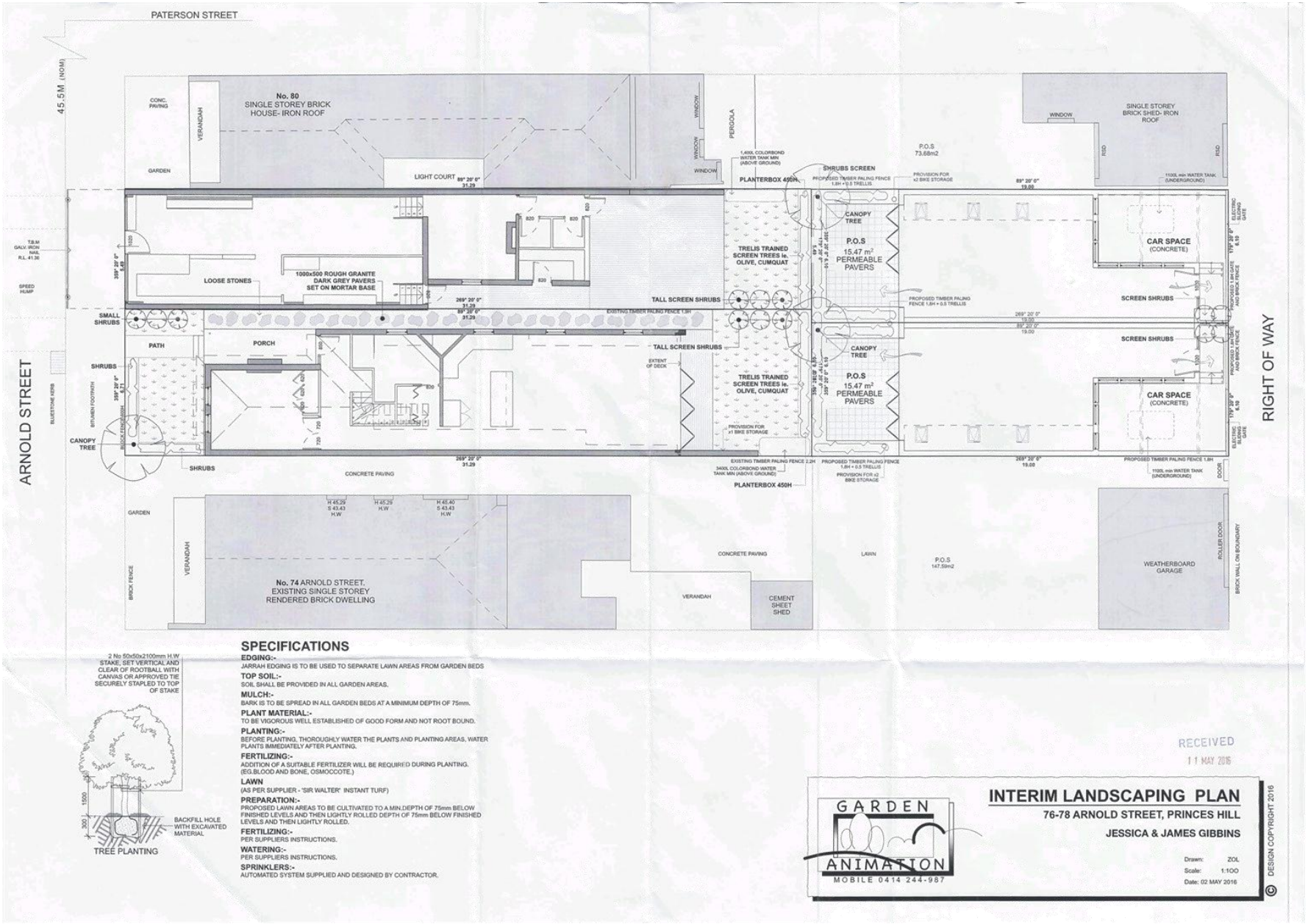


Attachment 3 - PLN15/0598 - 76 & 78 Arnold Street Princes Hill - Heritage advice

City of Yarra
Heritage Advice

Application No.:	*PLN15/0598*
Address of Property:	***76-78 Arnold Street, Princes Hill***
Planner:	*Christopher Harries*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay* • *Clause 22.03 Landmarks and Tall Structures*
Heritage Overlay No. & Precinct:	*HO329-Princes Hill Precinct*
Level of significance:	*No.76: Contributory, constructed 1900-1915* *No.78: Contributory (shop and residence), constructed 1900-1915 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007-updated March 2013)*
General description:	*Demolition at the rear for construction of: ground floor addition at 76, two new dwellings (rear of 76 and 78) and refurbishment of existing building for cafe.*
Drawing Nos.:	*Set of 15 x A2 drawings prepared by Nagy Design, and town planning report, received by Council and date stamped 14 September 2015.*

DESCRIPTION OF THE HO329 PRINCES HILL AREA
The following sections from the citation for the HO area are pertinent to this application

The Princes Hill Heritage Overlay Area is significant:

- As a **highly intact** example of a **mid to late 19th and early 20th century**, middle-class inner Melbourne **residential** area, with associated **perimeter commercial strip development**, wide streets, regular allotment sizes and street layout – all providing a strong and **well defined residential character** that demonstrates **the functions of daily life as they were in that era**;,
- As a **fine illustration of Victorian and Edwardian-era domestic architecture** with many highly decorated one-storey attached houses, interspersed with a some of two storeys and some detached villas, most with verandahs and all with steeply pitched hipped and/or gable roofs and chimneys and some ornamental parapets, all creating a **picturesque skyline** which contributes to the **aesthetic beauty of the streetscapes** in an area of traditional high density development;
- For the well-preserved **utilitarian features of the area's residential development, with many stable loft buildings that face spacious rear lanes and the deliberately siting of driveways, crossovers and stables/garages away from the street frontages, in rear lanes, as a key aspect of Victorian-era life;**
- For the large number of contributory and individually significant buildings, including the Edwardian terraces, and freestanding villas from the Victorian, Edwardian and inter-war eras that are outstanding for their extent, exuberance of the architectural detail, richness and intactness - reflecting the affluence of many of the inhabitants of this area, particularly in the late 19th century;

- For the individually significant buildings from all eras, as well as visually related and well preserved examples from key periods in the City's history, specifically the individually significant post Edwardian-era buildings, **including the 1970s Brutalist Princes Hill Secondary College** (former High School), detached inter-war villas and flat blocks, with good detached house examples set along the wider streets such as Lygon and Pigdon Streets;
- For the **early engineering and infrastructure** such as the street, **lane** and allotment layouts, **original or early materials for bluestone kerbs, guttering, lanes, crossovers, asphalt footpaths and roads**, and the presence of some mature exotic street trees, provide an important **setting** for this collection of significant buildings;
- For its distinctive urban landscape character, with the Melbourne General Cemetery, public reserves and Princes Park along three boundaries plus the school reserve along the north boundary, combining to create a spaciousness setting for the **dense urban character of the area's dominant row house development;**
- For the key views to significant urban landmarks and landscapes, including St Michael's Church and Hall, the Melbourne General Cemetery and Princes Park (as visual connections to the earlier history of the area), the Pigdon Street avenue of palms and the Gallagher Reserve (Inner Circle Railway), with physical links to the area's origins retained in the form of the former Princes Park carriage drive (now Bowen Crescent) and views to the park itself along the east-west streets of the area.

CONTEXT DESCRIPTION:
The subject sites are two rectangular allotments with principal frontage to Arnold Street and rear frontage to a wide bluestone and asphalt laneway.

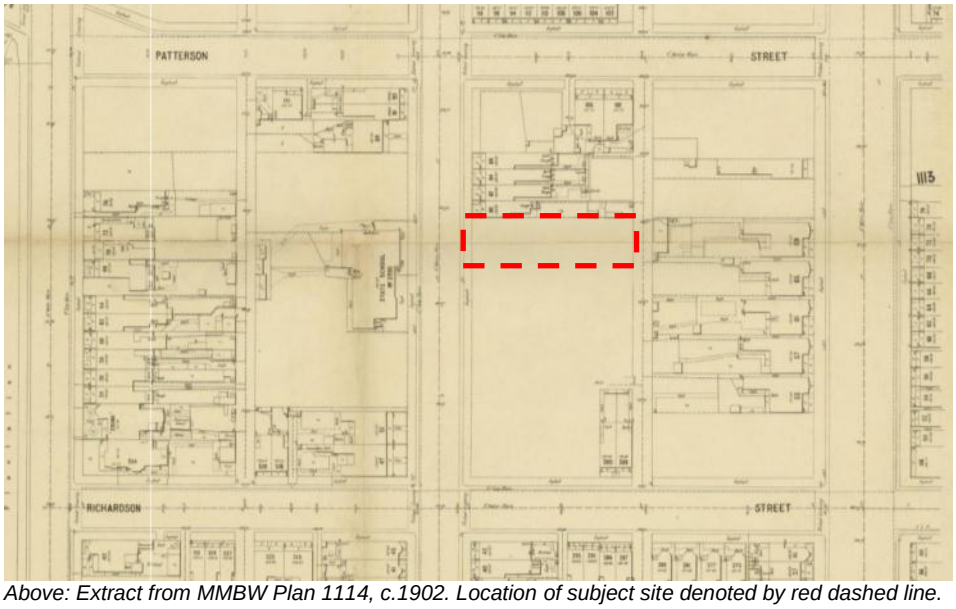
The MMBW plan for the area from 1902 shows no buildings on the sites indicating that the existing buildings were constructed in the early 20th century. The MMBW plan shows many of the lots in the immediate area as vacant, compared to a 1945 aerial image that shows a densely built-up area by this time. The area was clearly planned as fine grain development area as the majority of Victorian-era structures are attached on both sides. The 1945 Melbourne University aerial image shows structures on the site much in the same configuration as current-day aerial images, including what appears to be a stable at the rear of No.76 Arnold Street.

No.76 Arnold Street is a single fronted, Edwardian-era dwelling with painted masonry walls, a sheet metal roof and chimney which is visible from the street front. The property may have originally had a terracotta tiled roof. The property has a reconstructed bullnose porch with tiled floor flagged with bluestone and a contemporary front door. The original fence has been replaced with a low level breeze block fence and much of the front/side yard has been cemented over.

No.78 Arnold Street contains a single storey early Edwardian-era shop with residence at rear. The shopfront has been significantly altered, possibly c.1940 and exhibits an interwar arrangement with large metal framed windows, mosaic tiled plinth and piers, and a glass and timber entry door. Existing Edwardian-era features include a convex sheet metal verandah roof (original posts and decorative cast iron missing) and a rendered parapet with decorative elements in the form of textured plaster and parapet scrolls. Evidence exists of parapet urns (or orbs) but they are missing. The roof is clad in terracotta tiles and no chimneys are visible from the street front. The shop has unsympathetic signage and remnants of signage boards fixed to the front façade.

Arnold Street is a highly intact historic streetscape. Immediately across from the subject sites is Princes Hill Primary School, mentioned in the citation for the HO area for its brutalist architecture. The school occupies the entire block between Paterson and Richardson Streets to the north and south respectively, thus all of the land immediately across from the subject sites. On the eastern side of the street, contributory properties range from small attached Victorian-era terrace houses to modest and some substantial Edwardian and Inter-War dwellings.

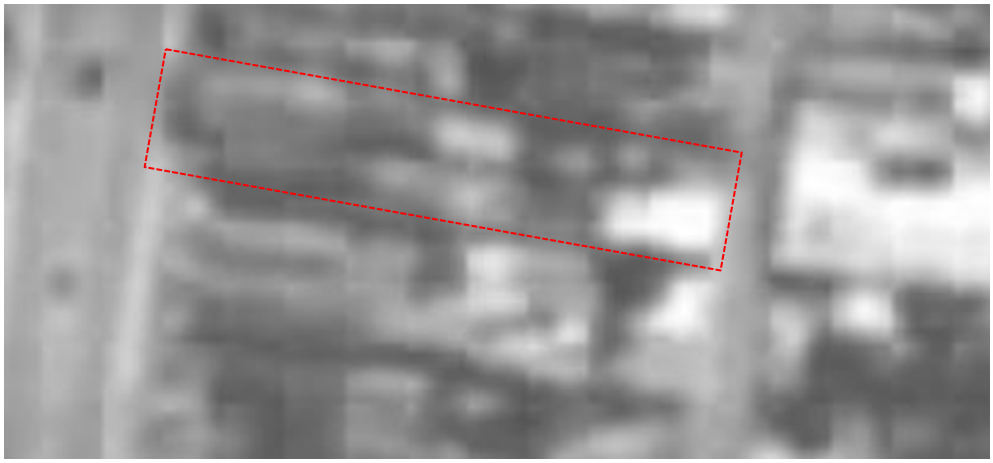
Attachment 3 - PLN15/0598 - 76 & 78 Arnold Street Princes Hill - Heritage advice



Above: Extract from MMBW Plan 1114, c.1902. Location of subject site denoted by red dashed line.

Above: Extract from Melbourne University Aerial Map, c.1945. Location of subject sites denoted by red box.

Attachment 3 - PLN15/0598 - 76 & 78 Arnold Street Princes Hill - Heritage advice



Above: Extract from Melbourne University Aerial Map, c.1945 showing indication of built forms at subject site. Subject sites denoted by red dashed line.

Above: Current aerial of subject sites.

Above (L-R): 78 and 76 Arnold Street as seen from across the street. Subject sites denoted by red dashed line.

Attachment 3 - PLN15/0598 - 76 & 78 Arnold Street Princes Hill - Heritage advice

Above (L-R): 78 and 76 Arnold Street as seen from the south-west. Subject sites denoted by red dashed line.

Above (L-R): 78 Arnold Street as seen from the north-west (building conceals No.76). Subject site denoted by red dashed line.

Above: Former stable (?) at rear of 76 Arnold Street, Princes Hill as seen from the north-east. Subject site denoted by red dashed line.

Attachment 3 - PLN15/0598 - 76 & 78 Arnold Street Princes Hill - Heritage advice

Above: Rear of 78 Arnold Street, Princes Hill as seen from the south-east. Subject site denoted by red dashed line.

ASSESSMENT OF PROPOSED WORKS:

COMMENTS REGARDING PROPOSED DEMOLITION:
The extent of demolition proposed by this application includes:

- At No. 76 Arnold Street: all of the roof beyond the first front room, a chimney, a small portion of brick wall at the rear and the entire former stable (?). Paint is to be removed from the front facade of the building.
- At No. 78 Arnold Street: the entire roof beyond the existing shop, all of the structure beyond 'store 1' and 'store 2' (existing rooms), and all of the structures in the rear yard. Removal of shopfront windows and paint from existing parapet also proposed.

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.

Planning scheme policy 22.02-5.1 discourages the demolition of part of a contributory building or removal of contributory elements unless:

- *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
- *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.*

***No. 76 Arnold Street**:* the extent of demolition is extensive and will include contributory fabric that is visible from the public realm in the form of a chimney, part of the characteristic roof form and the former brick stables (?) at the rear. The hipped roof with projected front room is an important Edwardian-era characteristic. Demolishing the main roof structure immediately behind the second ridge peak clearly leaves very little of the existing roof form, thus degrading the integrity of the structure. The existing roof structure should be retained to the full depth of the front two rooms (excluding the hallway) which equates to about 11 metres from the alignment of the front wall. At this depth the second chimney, which is clearly visible from the street, can also be retained.

The town planning report notes that implications on the rear laneway were not considered as part of this application, however the citation for HO329 clearly specifies the contribution that stables/garages located in rear lanes make as contributory elements to the HO area, being remnants of key aspects of Victorian-era life including pre-motor vehicle, horse-drawn transport and night soil collection. Accordingly, the brick fabric that faces onto the laneway, which includes a large opening and smaller door, should be at least partially retained and incorporated into the proposed development at the rear of the site.

Removal of paint from the front façade is supported, however the method must be clearly defined. Chemical peel or medium pressure water spray and cleaning with a bronze wire brush are acceptable.

Other more abrasive methods, such as high pressure water spray or sand blasting are not acceptable, as they are likely to damage the brick faces and mortar joints.

No. 78 Arnold Street*:* The extent of fabric proposed to be demolished at the rear of the shop and residence is not visible from the street front. Demolition of these elements is supported.

Planning scheme policy 22.02-5.3 encourages the reconstruction of original or contributory elements where they have been removed. Identified elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and *fittings (including windows and doors), shopfronts* and other architectural details and features. Accordingly, any works to the front of the building should be to facilitate restoring original or historically correct features. Support for the removal of existing windows is dependent on the design of the proposed replacement windows, as whilst not original the existing windows are early inter-war fabric which is considered contributory to the HO area.

The proposal includes removing paint from the parapet, however it appears that the parapet is finished in a render coat and not painted. Accordingly the parapet will only require a light clean via a light pressure water and detergent spray.

COMMENTS REGARDING NEW DEVELOPMENT, ALTERATIONS AND ADDITIONS:
The extent of new works proposed by this application includes:

- façade changes to both 76 and 78 Arnold Street;
- development of a ground and second floor additions to the rear of No.76;
- two new dwellings, one each at the rear of No.76 and No.78.

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

No. 76 Arnold Street
Proposed changes to appearance:
As mentioned above removal of paint on the front façade is supported subject to further details regarding the proposed method being provided.

The proposal also includes painting the existing brick fence. While repainting of the existing fence is acceptable, it should be recognised that the existing fence is not sympathetic to the heritage character of the house. Serious consideration should be given to replacing the fence with a new front fence that is consistent with the Edwardian architectural style of the house, i.e. timber picket (with or without a top rail) or woven wire on a timber frame.

Proposed alterations and additions:
There are no concerns regarding the proposed alterations at ground level.

Upper storey setbacks:
The currently proposed front setback for the new development will be 7.6 metres from the front façade of the existing building. The front setbacks of the nearby properties appear to be 12.6 metres for No. 60 Arnold Street and 9 metres for No.44 Arnold Street. The predominant front setback in the nearby street appears to be about 9.3 metres. As mentioned above more roof form should be retained to the depth of at least 11 metres in order to preserve the integrity of the property's roofline.

The proposed side setback for the new development will be between zero and 800mm on the northern boundary, and between 250mm to 1.2metres on the southern boundary. It is accepted that the site is relatively narrow and that traditionally buildings in the immediate area were built to the side boundaries. As such the proposed side boundaries are supported from a heritage perspective.

Upper storey scale/height:
The proposed facade height for the new development will be between 5.7 metres and 7.1 metres. The facade heights of contributory buildings within the immediate area are between 4 metres and 5.5 metres. The façade heights of adjacent properties are 5.5 metres for No.78 Arnold Street and approximately 6 metres for No.74 Arnold Street. Sightline diagrams show that with an additional 3.5 metre setback (equivalent to 11 metres from the alignment of the front wall) the proposed addition will

have little visibility from immediately across the road. The limited visibility of the new addition is not considered to adversely affect the heritage overlay area by dramatically detracting from other contributory structures, as such, the overall height is supported.

Upper storey roof form:
The proposed roof form for the new development will be a gable ended form. The roof forms of the adjacent properties are gable ended for No.76 Arnold Street and No.78 Arnold Street has a decorative parapet. The predominant roof form in the street is gable ends. The pitch of the proposed roof complements the pitches on the existing roofs. The proposed roof form is supported.

Upper storey appearance:
The proposed facade detailing for the new development will have limited visibility from the public realm, particularly if setback further as recommended. The extent that may be visible will be recessive enough not to overwhelm or detract from the existing fabric.

The proposed external materials for the new development will be dark coloured zinc cladding, fibre cement sheet and glass. The proposed materials contrast surrounding contributory materials (being masonry and timber) however given the low level of visibility the proposed material palette is supported.

No. 78 Arnold Street
Proposed changes to appearance:
The proposal includes retaining existing window openings and replacing panes of glass with vertical, sashless sliding sashes. Whilst the openings in the current façade are traditional in terms of their proportion, the window frames and glass are relatively unremarkable. The proposal to retain openings and replace glass with frameless sliding sashes is supported from a heritage perspective.

In order to enhance the front façade of No. 78 Arnold Street it is considered that a number of unsympathetic items should be removed such as all signage and bracing for signage above the verandah, and all extraneous items on the front façade including security alarm box and air conditioner unit above entry door. Traditionally positions for signage on the subject building are shown on the annotated image below. Any type of projecting signage above the existing verandah is not acceptable.

Left: Traditional locations for signage shown shaded in blue

The proposal includes upgrades to the existing verandah by way of reinstating a curved roof, a chevron pattern facia and verandah columns with decorative fretwork. The existing verandah appears to be an altered Edwardian-era verandah. The verandah should be restored to exhibit traditional late Victorian/early Edwardian-era details, viz:

- Retain and repair existing timber rafters.
- Resheet only in heritage grade Z600 corrugated steel. Zincalume will not be supported.
- Remove chevron patterned fascia and replace with timber boards.
- Install simple timber -or- Corinthian capped cast iron posts and late Victorian-era fretwork.

Attachment 3 - PLN15/0598 - 76 & 78 Arnold Street Princes Hill - Heritage advice

New buildings at the rear of 76 and 78 Arnold Street

The proposed new builds will be setback over 30metres from the front title boundary and 3metres from the rear title boundary. They are to have an overall height of between 6.3metres. The new builds will not be visible from the principal street front and the overall form and materiality is in keeping with existing conditions at the rear of Arnold Street properties.

As mentioned previously, the former brick stables (?) at the rear of No. 76 Arnold Street are contributory fabric. The existing rear wall should be integrated into the proposed new building using the existing openings to the rear lane.

RECOMMENDATIONS:

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

1) No.76 Arnold Street:
    a. That the existing roof structure must be retained to a depth of at least 11 metres from the alignment of the front wall which will include the second brick chimney;
    b. That the proposed upper level addition must be setback at least 11 metres from the front of the existing building;
    c. That the existing brick building at the rear of the property must be retained to the depth of its laneway façade as a minimum. The retained brick façade of the building at the rear must be integrated into the design of the proposed new dwelling to the rear of No. 76 Arnold Street.

2) No.78 Arnold Street:
    a. Prior to any demolition works occurring, confirm verandah details, including the following changes:
        i. Retain and repair existing timber rafters.
        ii. Re-sheet only in heritage grade Z600 corrugated steel. Zincalume will not be supported.
        iii. Remove chevron patterned fascia and replace with timber boards.
        iv. Install simple timber -or- Corinthian capped cast iron posts and late Victorian-era fretwork.
    b. Delete proposal to remove paint from front parapet and specify a light water and detergent spray only.
    c. Unsympathetic items such as all signage and bracing for signage above the verandah, and all extraneous items on the front façade must be removed;
    d. Delete all proposed projected signage above the existing verandah.
    e. Remove extraneous items from front façade

3) Specific details on how paint will be removed from No.76 and No.78 Arnold Street façades must be submitted to and approved by the responsible authority. Use the following technical sheet as a guide:
http://www.dtpli.vic.gov.au/__data/assets/pdf_file/0007/219346/CleanMasonry.pdf

Other comments:

1) Consider replacing existing front fence at No.76 Arnold Street with a historically correct timber picket or timber post and woven wire fence.

SIGNED:

Ruth Redden
DATED: 15 December 2015

Attachment 4 - PLN15/0598 - 76 - 78 Arnold Street Princes Hill - Engineering comments

CITY OF YaRRA

MEMO

To:	**Christopher Harries**	
From:	**Artemis Bacani**	
Date:	**30 November 2015**	
Subject:	**Application No:**	**PLN15/0598**
	Description:	**Construction of Two New Dwellings (Rear of No.76 and No.78); Construction of Ground and First-Floor Addition (No.76) and Change of Use to a Café (No.78)**
	Site Address:	**76-78 Arnold Street, Princes Hill**

I refer to the above Planning Application received on 11 November 2015 and the accompanying report prepared by O'Brien Traffic in relation to the proposed development at 76-78 Arnold Street, Princes Hill. Council's Engineering Services unit provides the following information:

Car Parking Provision – Residential and Café Uses

Proposed Development

The proposed development comprises the redevelopment of the existing milk bar at No.78 Arnold Street into a food and drinks premises (café), the construction of a second storey onto the existing dwelling at No.76 Arnold Street, and the construction of two three-bedroom dwellings at the rear of Nos.76 and 78 Arnold Street. The development would contain a total of two car parking spaces accessed from the Right of Way at the rear of the site. The property is located on the east side of Arnold Street between Paterson Street and Richardson Street.

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
Three-bedroom dwelling	3	2 space per dwelling	6
Food and Drink Premises	135 m^2	4 spaces per 100 m^2 of leasable floor area	5
		Total	**11**

According to the information provided by O'Brien Traffic, a car parking rate of 0.4 to each patron permitted has been used for the development's parking requirement. This rate would be more appropriate for a restaurant use. The proposed development is a food and drink premises (café), which would have a car parking rate of 4 to each 100 square metres of leasable floor area.

Since the site has a total statutory car parking requirement of 11 spaces and that 2 spaces would be provided on site, a parking dispensation of nine spaces is sought by the applicant. According to O'Brien Traffic, one space will be allocated to each of the new dwelling. The reduction in the car parking requirement consists of four resident spaces, and five spaces associated with the food and drinks premises.

Attachment 4 - PLN15/0598 - 76 - 78 Arnold Street Princes Hill - Engineering 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:

- *Availability of Public Transport in the Locality of the Land.* The site is located within walking distance of tram services along Lygon Street (Routes 1 and 8), Nicholson Street (Route 96) and Royal Parade (Route 19). Bus services are available along Rathdowne Street (Routes 250, 251, and 504), Brunswick Road (Route 504), and Princes Street (Route 546). Rail services can be obtained a few hundred metres north west from Jewel railway station.
- *Convenience of Pedestrian and Cyclist Access*. The site is located opposite the Princes Hill Secondary College which have very high serviceability for pedestrians. The site also has good connectivity to the on-road and off-road bicycle network.
- *Provision of Bicycle Parking in the Locality of the Land*. No bicycle parking will be available on-site. The applicant has indicated that there is ample on-street bicycle parking within the street.

  Observations by Council officers indicate that the existing on-street bicycle parking around Princes Hill Secondary College are heavily utilised by students during school days. It is recommended for the applicant to provide some on-street or off-street bicycle parking for customers to off-set the reduction in the car parking requirement.

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*. Parking occupancy surveys were undertaken by O'Brien Traffic on Saturday 12 September 2015 at 11.00am and Tuesday 15 September 2015 between 8.00am and 6.00pm. The survey area includes Arnold Street, Garton Street and Wilson Street (between Pigdon Street and MacPherson Street) and Richardson Street and Paterson Street (between Wilson Street and Garton Street). An inventory of 299 spaces was identified consisting of 133 Permit Zone spaces and 166 time based spaces. The survey recorded an occupancy on Saturday of 67% of spaces occupied or 54 spaces vacant and a peak occupancy was recorded at 11.00am on Tuesday with 82% of spaces occupied or 30 spaces vacant. Although the parking occupancy was moderately high, spaces were still available to accommodate visitor and customer parking near the site.
- *Car Parking Deficiency Associated with Existing Land Use*. The previous use of the site comprised a milk bar. According to the applicant, the existing land would have a parking requirement of 5 spaces. The report indicates that the site has one on-site space, which would result in a car parking deficiency of four spaces.
- *Access to or Provision of Alternative Transport Modes*. The site has very good accessibility to public transport services and the on-road and off-road bicycle network.

Other Factors Influencing a Reduced Parking Demand

- Residents and occupants of the new dwellings will not be eligible to apply for on-street residential and visitor parking permits.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of the resident spaces and café spaces are considered appropriate in the context of the development and should not have an adverse impact on existing parking conditions.

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

Access Arrangements and Internal Layout

An inspection of the Right of Way at the rear of the site revealed that it is comprised of asphalt pavement with a central bluestone invert and has an effective carriageway width of 6.14 metres.

Attachment 4 - PLN15/0598 - 76 - 78 Arnold Street Princes Hill - Engineering comments

A check of the *Proposed Ground Floor Plans* prepared by Nagy Design Building Design Consultant dated 7 September 2015 indicates that the proposed garage doorway for each dwelling has a width of 3.0 metres. An assessment of the doorway using the B85 design vehicle turning template and the reverse-in template confirms that vehicle movements into and out of each garage are satisfactory.

The two car spaces are annotated as having dimensions of 5.8 metres by 3.0 metres. However, there are two risers encroaching the spaces, therefore, it is misleading to specify the spaces having a length of 5.8 metres. Each space must have unobstructed lengths of 5.4 metres (excluding any risers/steps).

The finished floor level of each of the garage slab must be designed to provide satisfactory access and egress for a B85 design vehicles via the Right of Way.

Loading Provisions

The development does not contain an off-street loading facility. The carbon footprint of the site does not allow the provision of a loading bay. There is a 15-minute parking space located south of the site which operates 7.30am-4.30pm Monday to Friday. Outside of these times, the parking space is restricted with a Permit Zone. Delivery trucks should be able to park in this space to perform deliveries to the café.

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:

Pedestrian Access into Dwellings

- Pedestrian access into all dwellings must be DDA compliant.

Pedestrian Access and Provisions of Public Lighting

- Pedestrian access off the Right of Way must be Disability Discrimination Ace (D.D.A.) compliant and would require the developer to provide an adequate level of lighting to the pedestrian entrance. Essentially, Rights of Way, lanes, and back roads that provide primary pedestrian access to residential dwellings must be adequately lit from the nearest street to the entrances of the residential properties (Council policy).

  Public lighting for pedestrian access must comply with the minimum lighting level of P4as 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*.

  Any public lighting works that are required will require the developer to consult all nearby properties with respect to the location of any lights or poles. The placement of poles must not affect manoeuvrability into garages or off-street parking spaces. Light must not spill into the windows of the subject site or into the windows of any adjoining residences.

  Should a new luminaire and pole be required, all installation works can only be carried out by Citipower and must comply with Citipower standard requirements and regulations. The new light would be under the Citipower maintenance scheme once installed. A new light can only be sourced from the energy efficient series adopted by Citipower for standard lights.

Civil Works – Arnold Street

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

Attachment 4 - PLN15/0598 - 76 - 78 Arnold Street Princes Hill - Engineering comments

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 – Legal Point of Discharge

- 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

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 5 - PLN15/0598 - 76 and 78 Arnold Street, Princes Hill - Engineering comments in relation to decision plans.

Theodosakis, John

From: Bacani, Artemis
Sent: Wednesday, 16 November 2016 1:42 PM
To: Theodosakis, John
Cc: Pisani, Mark
Subject: TRIM: RE: HP TRIM Document : D16/92665 : PLN15/0598 - 76 and 78 Arnold Street Princes Hill - Advertising - Plans

HP TRIM Record Number: D16/166610

Hi John

The internal dimensions of the garages of 5.8 metres long by 3.0 metres wide satisfy AS/NZS 2890.1:2004.

The swept path of a B85 design vehicle was checked using the Trapeze turning template.

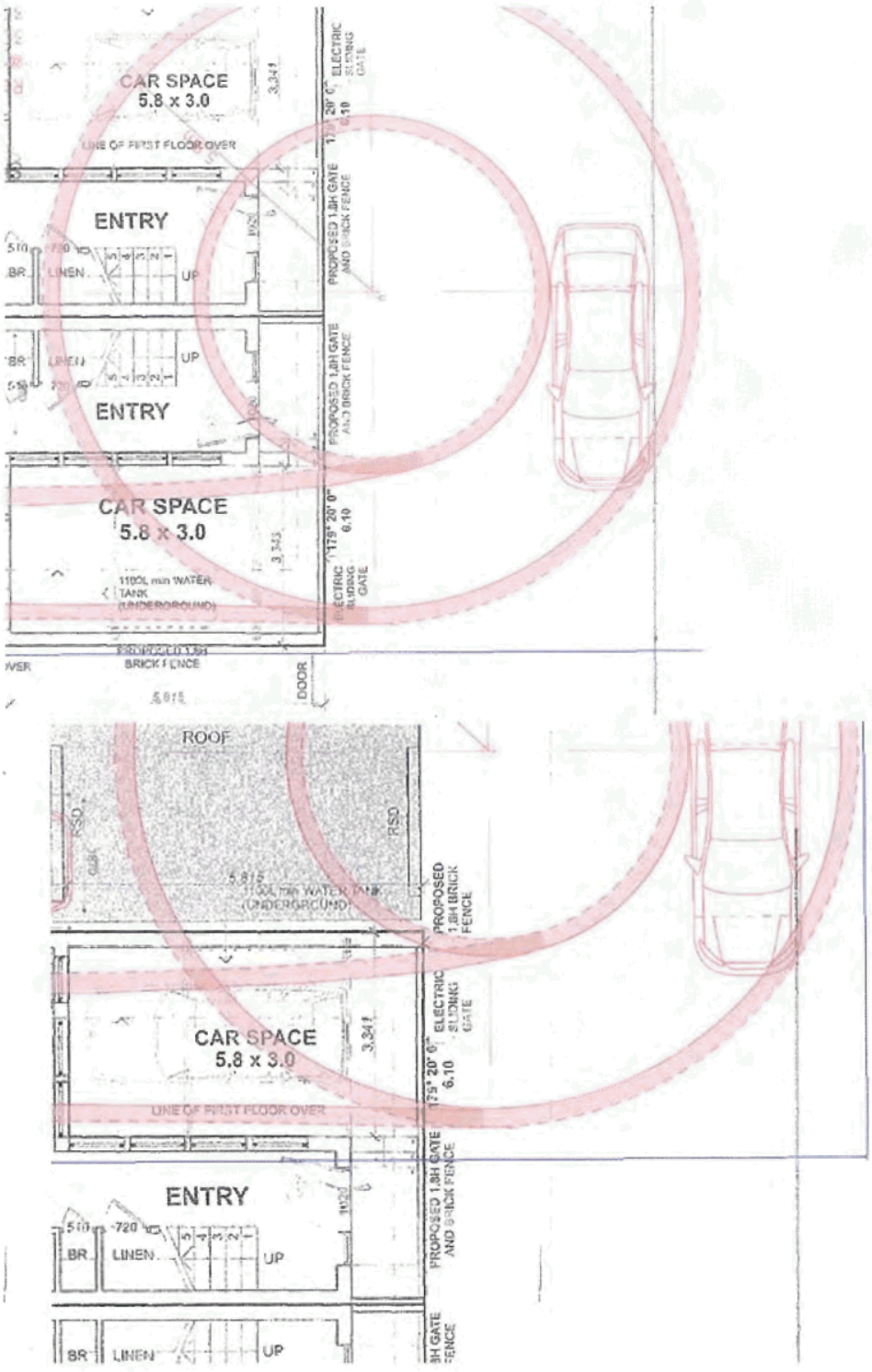
The proposed 2.7-2.8 metre wide garage doorways is insufficient and should be widened to a minimum of 3.0 metres.

Regards

Artemis Bacani
Roads Engineer
City of Yarra P.O. Box 168 Richmond 3121
T 9205 5120 F 8417 6666
E artemis.bacani@yarracity.vic.gov.au W www.yarracity.vic.gov.au

1

Attachment 5 - PLN15/0598 - 76 and 78 Arnold Street, Princes Hill - Engineering comments in relation to decision plans.



-----Original Message-----
From: Pisani, Mark
Sent: Tuesday, 15 November 2016 3:31 PM

2

Attachment 5 - PLN15/0598 - 76 and 78 Arnold Street, Princes Hill - Engineering comments in relation to decision plans.

To: Bacani, Artemis
Cc: Theodosakis, John
Subject: FW: HP TRIM Document : D16/92665 : PLN15/0598 - 76 and 78 Arnold Street Princes Hill - Advertising - Plans

Hi Artemis

Could you please assess the revised access arrangements for this site and provide some comments back to John.

Regards
Mark

Mark Pisani
Acting Coordinator Engineering Services

City of Yarra
Level 2, 31 Gleadell Street
Richmond 3121
T (03) 9205 5746
E Mark.Pisani@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Please consider the environment before printing this email

-----Original Message-----
From: Theodosakis, John
Sent: Tuesday, 15 November 2016 2:44 PM
To: Pisani, Mark
Subject: HP TRIM Document : D16/92665 : PLN15/0598 - 76 and 78 Arnold Street Princes Hill - Advertising - Plans

Hey Mark,

Hope this email finds you well.

I'm not sure whether this has previously been sent through to you by Chris. These plans provide a revised vehicle access arrangement to the new dwellings at the back.

Artemis previously provided comments in response to the original design.

Can you please follow this up.

Feel free to call me with any queries. Sorry, there is some urgency on this.

Many thanks in advance,

John

John Theodosakis
Senior Statutory Planner

Attachment 5 - PLN15/0598 - 76 and 78 Arnold Street, Princes Hill - Engineering comments in relation to decision plans.

City of Yarra PO BOX 168 Richmond VIC 3121
T: (03) 9205 5307 F: (03) 8417 6666
E: John.Theodosakis@yarracity.vic.gov.au W: www.yarracity.vic.gov.au

1.4 PLN16/0435 - 2 - 16 Northumberland Street Collingwood - Use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application No. PLN16/0435 which affects land at 2 – 16 Northumberland Street, Collingwood.
2. An application has been lodged at the Victorian Civil Administrative Tribunal (VCAT) by the applicant under section 79 of the *Planning & Environment Act* 1987 (the Act) against Council's failure to determine the application within the statutory time period.
3. The purpose of this report is to form Council's position on the application for the upcoming VCAT hearing listed for four days as of 20 March 2017.

Key Planning Considerations

4. Key planning considerations include:

   (a) Use (Clauses 34.02-7);
   (b) Interfaces uses policy (Clause 22.05);
   (c) Built form (Clauses 15.01, 21.05, 22.10, 34.02-7, 43.02 and 52.35); and
   (d) Car Parking, Bicycle Provision and Loading Bay (Clauses 52.06, 52.07 and 52.34) of the Yarra Planning Scheme.

Key Issues

5. The key issues for Council in considering the proposal relate to:
   (a) Policy and physical context;
   (b) Use;
   (c) Built form;
   (d) Environmentally Sustainable Development (ESD);
   (e) Off-site amenity impacts;
   (f) Car parking, traffic, loading, access and bicycle provision;
   (g) Waste management; and
   (h) Objector concerns.

Objector Concerns

6. 19 objections were received to the application, these can be summarised as:

   (a) Excessive height and scale/lack of setbacks;
   (b) Design Issues;
   (c) Poor interface with abutting residential area and heritage buildings;
   (d) Lack of car parking/bicycle spaces provided. Vertical bike spaces are unsuitable;
   (e) Increased traffic;
   (f) Issues with vehicle access within the surrounding street network (Northumberland/Glasgow) (congestion/safety concerns);
   (g) Off-site amenity impacts (overlooking, overshadowing, loss of daylight etc.);
   (h) Overshadowing of public realm;
   (i) Discourage cycling;
   (j) Lack of green areas and increase in air pollution;
   (k) Potential noise impacts;

(l) Errors on plans;
(m) Disruptions during the construction process.

Conclusion

7. Based on the following report, the proposal is considered to comply with the relevant planning policy and had Council been in a position to determine the application, it would have been supported, subject to conditions.

CONTACT OFFICER: **Vicky Grillakis**
TITLE: **Acting Coordinator Statutory planning**
TEL: **92055124**

1.4 PLN16/0435 - 2 - 16 Northumberland Street Collingwood - Use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements.

Trim Record Number: D16/157413
Responsible Officer: Manager Statutory Planning

Proposal:	Use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and waiver of loading bay requirements.
Existing use:	Telstra Exchange building
Applicant:	Grocon (Northumberland St) Developer Pty Ltd
Zoning / Overlays:	Commercial 2 Zone/Design and Development Overlay (Schedule 2) and (Schedule 11)
Date of Application:	18 May 2016
Application Number:	PLN16/0435

Planning History

1. No relevant planning permit history.

Background

2. The application was lodged on 18 May 2016, and further information subsequently requested in June 2016. The information was received on 20 July 2016 and the application was then advertised with 19 objections being received. A Consultation Meeting was held on 27 September 2016, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.

3. Whilst this process was occurring, Council had sought and received advice from an Acoustic Consultant, Urban Design Consultant, Wind Consultant as well as Council internal units including Urban Design, Waste Management, Engineering, Strategic Transport and Environmental Sustainable Development (ESD). Referral advice is an attachment to this report.

4. In response to objections received and concerns raised through referrals, the applicant submitted the following additional information on 20 September 2016:

   (a) Sketch plans (changes outlined below) to respond to objections, strategic transport and urban design comments;
   (b) Wind report;
   (c) Landscape & Public Realm works plan;
   (d) Acoustic report; and
   (e) ESD report.

5. The ESD and acoustic reports were subsequently found satisfactory with minor additional matters which can be addressed via conditions, should a permit be issued.

6. The sketch plans submitted on 20 September 2016 showed the following changes:

   (a) Inclusion of a larger window and seating facing Wellington Street for the ‘companion’ building;

(b) Alterations to the northern façade of the 'companion' building at ground and first floors;
(c) Reduction in the length of the wall nibs associated with the southern lifts;
(d) An additional indentation (4.08m) along the northern façade towards the west;
(e) Sunshades along the northern façade to have angular edges;
(f) Shifting the plant area 9.3m to the east towards less sensitive interfaces and subsequent reduction in the western façade height of the primary building from 57.2m to 51.2m. This is also reflected on the roof plan;
(g) Widths of the crossovers onto Northumberland Street were annotated and the width of the crossover onto Glasgow Street was narrowed to 7.9m from 10.82m;
(h) Screening to the northern end of the car parking area to block headlights from the site to the north and
(i) Improvements to bicycle access within the building.

7. The sketch plans do not form part of the decision plans but will form the basis of condition 1 requirements.

8. Within the original sketch public works plan, the applicant proposed to carry out improvements to the streetscape including pedestrian crossings, seating and vegetation planting.

9. An additional round of information was also provided by the applicant on 20 October 2016 in response to issues raised by Council's Engineers and Construction Management Units and wind consultant. The information included an amended wind report and additional traffic engineering advice from the applicant's traffic engineers.

10. The wind report and traffic advice was subsequently found satisfactory, subject to additional matters being addressed as permit conditions. These can be added to the permit, should one be issued.

11. Council planning officers and representatives from Council internal unit's including engineering, urban design and construction management met with the applicant on 20 October 2016 to discuss issues raised in referral comments and regarding the proposed public realm improvements.

12. Following this, the applicant submitted an amended sketch public realm works plan on 9 November 2016 and an outdoor lighting plan on 10 November 2016. Council planning officers sought comments from Council units including engineering, construction management, urban design and open space with regards to this information. The public realm works and outdoor lighting plans dated 9 & 10 November 2016 were found to be satisfactory, subject to a number of additional matters which have been outlined within this report, and agreed to by the applicant. These can be required by way of condition, should a permit be issued.

13. An application has been lodged at the Victorian Civil Administrative Tribunal (VCAT) by the applicant under section 79 of the *Planning and Environment Act* 1987 (the Act) for the failure of Council to determine the application within the statutory time period. The purpose of this report is to form Council's position on the application. A Compulsory Conference is scheduled for 10 February 2017. A VCAT Full Hearing is scheduled for four days as of 20 March 2017.

Existing Conditions

Subject Site

14. The subject site is located on the eastern side of Wellington Street, Collingwood and on the northern side of Northumberland Street.

15. The site has a frontage to Wellington Street of 33m and a length along Northumberland Street of 92.87m, resulting in a total area of 3067.71sqm. The site has a slightly irregular eastern boundary resulting in the southern end being slightly wider than the northern boundary.

16. The site is currently occupied by a single storey red brick warehouse facing Wellington Street which increases in height to a large double storey 'Brutalist' concrete building with recessed at-grade car parking along the eastern boundary. There is parking along the southern side of the site as well as two vehicle crossovers onto Northumberland Street. Large areas of plant and equipment are visible on the roof.

17. Along Glasgow Street, the existing buildings present as large double storey buildings with generally blank walls built to the frontage. Car parking is also visible from along the Glasgow Street frontage with access via a crossover.

18. The site is currently used by Telstra as a telephone exchange.

Surrounding Land

General

19. The surrounding area comprises a mix of built form and land uses. The site is located approximately 283m east of Smith Street which is a designated Activity Centre (AC) with a tram route to the CBD and Bundoora. The AC has a local and regional role, including retail, entertainment and service functions. The AC is undergoing substantial change with new higher density residential developments being constructed above commercial buildings.

20. The immediately surrounding area is historically focused around manufacturing, warehouse and light industry, however the area between Smith Street and the subject site has experienced substantial growth and a shift toward a more residential focus, encouraged by the Mixed Use Zone of the land on the west side of Northumberland Street. One and two storey buildings are being replaced with 6 to 13 storey buildings. A significant development within the vicinity of the site is the Yorkshire Brewery at 1-21 Robert Street east of Wellington Street (and north of the subject site) comprising four main buildings, with the tallest rising to a maximum 17 storeys high. This site is also within a pocket of Mixed Use Zone land. There are also other recent developments within the immediate surrounds and they are as follows:

    (a) 32-34 Bedford Street (4/5 storeys)
    (b) 36-38 Bedford Street (5 storeys)
    (c) 44-48 Bedford Street (5 storeys)
    (d) 4-10 Stanley Street (5 storeys)
    (e) 8 Stanley Street (5 storeys)
    (f) 18-22 Stanley Street (part 4, part 5 storeys)
    (g) 24-28 Stanley Street (7 storeys)
    (h) 34-44 Stanley Street (6 storeys)
    (i) 46-74 Stanley Street and 25-35 Napoleon Street (up to 9 storeys)
    (j) 5-7 Napoleon Street (4 storeys)
    (k) Yorkshire Brewery 1-21 Robert Street (up to 17 storeys)
    (l) 132 Smith Street (Banco Development) (9 storeys)
    (m) 9-17 Smith Street (7 storeys)
    (n) 237 Smith Street (6 storeys)
    (o) 311 Smith Street (6 storeys)
    (p) 86 Smith Street (5 storeys)
    (q) 22 Peel Street (5 storeys)
    (r) 41 Peel Street (6 storeys)
    (s) 4-12 Langridge Street (5 storeys)
    (t) 23 Little Oxford Street (4 storeys)
    (u) 195 Wellington Street (9 storeys)
    (v) 109 Wellington Street (9 storeys)
    (w) 7 and 9-15 Little Oxford Street (8 storeys)

(x) 61-71 Wellington & 37-39 Langridge (13 storeys)
(y) 73-77 Wellington Street (9 storeys)
(z) 72-90 Cambridge Street (9 Storeys)

21. In addition to these approved developments, there are three planning applications in this section of Collingwood which are currently under assessment or waiting for a hearing at VCAT:
    (a) 73-77 Wellington Street (9 storeys)
    (b) 15 – 21 Derby Street and 27 – 29 Oxford Street Collingwood (8 storeys)
    (c) 1 – 57 Wellington Street and No. 71-77 Victoria Parade (14 storeys)

22. While the area has been subject to significant redevelopment, it continues to present a hard edge character to the street with rectilinear forms and robust materials.

23. The east side of Wellington Street has not yet experienced this type of high density residential development (with the exception of the Yorkshire Brewery development) due to its Commercial 2 Zoning which encourages offices, manufacturing and industries. The built form character within this Commercial 2 Zone land is between one and four storeys, generally built to all boundaries with large car parking areas.

24. Along Victoria Parade to the south, land is zoned Commercial 1 and includes a mixture of uses including offices, residences and food and drinks premises.

25. In terms of traffic flow, Wellington Street and Langridge Street to the north are identified as major municipal roads and carrying the majority of the commuter traffic. Wellington Street has also been fitted with 'Copenhagen' bicycle lanes, which carry high volumes of cyclists.

26. The site is proximate to a variety of public transport connections including tram routes along Smith Street and Victoria Parade and bus routes along Hoddle and Johnston Streets. North Richmond and Collingwood train stations are located approximately 540m and 615m east of the site respectively. Hoddle Street is located approximately 380m to the east.

27. Aside from the services and amenities within Smith Street, the site is 300m east of the Gertrude Street Neighbourhood Centre (NC), 850m south of the Johnston Street NC, 140m south-east of Cambridge Reserve and 270m south-east of Peel Street Park.

28. Looking specifically at each direct interface with the subject site, the following apply:

    North

29. The subject site fronts onto Glasgow Street which has a laneway-style appearance dominated by the large blank walls which are the rear and side walls of warehouses, car parking areas and roller doors. A number of these buildings face Wellington, Langridge or Rokeby Streets.

30. This is with the exception of Nos. 14 and 16 Glasgow Street which both front onto the street. No. 14 Glasgow Street is a brick warehouse building with windows and doors fronting onto the street and No. 16 Glasgow Street is a purpose built dwelling.

31. No. 64 Wellington Street is directly to the north and is a large double storey red brick factory facing Wellington Street. It includes on-boundary walls with windows punctuating sideages. It is within a site specific heritage overlay (HO420).

32. The rear car park and recently constructed double storey concrete wall associated with the rear of No. 61-75 Langridge Street is also along Glasgow Street. The building associated with this site fronting Langridge Street is the former William Peatt Boot Factory and is a large double storey red brick factory. It is within a site specific heritage overlay (HO109).

West

33. Wellington Street is to the west and along its western side are buildings built to all boundaries ranging in height from single to triple storey, with taller built forms visible in the distance. As previously stated a number of recent approvals have been granted for high density buildings along the west side of Wellington Street, ranging up to 13 storeys.

34. Derby Street terminates at Wellington Street with the former Vine Hotel on the south-western corner of the intersection. The former Vine Hotel is a large double storey, decoratively designed Edwardian-era hotel which has recently been converted into a residence. It is built hard to both the Derby and Wellington Street boundaries. It is within a site specific heritage overlay (HO140).

35. Directly to the south of the former Vine Hotel is the land known as No. 1 – 57 Wellington Street and No. 71-77 Victoria Parade. There is a current planning application associated with this land for 'part demolition and development of the land for the construction of a 14 storey building (plus basement levels), use of part of the land for shops and offices and reduction in the car parking requirements'. No decision has been made at the time of this assessment.

36. Further to the west are a mixture of fine grain and hard edge buildings associated with the Mixed Use Zone land separating the subject site and Smith Street. As previously outlined, this area is experiencing significant redevelopment.

East

37. To the east of the site is are large double and triple storey brick buildings generally built to all title boundaries save for any recessed car parking areas.

South

38. To the south of the site is a large single storey building (No. 52 Wellington Street) which fronts towards the west but has a blank brick wall facing the subject site.

39. To the east of this are the former silos at No. 21 Northumberland Street which are associated with the former distillery at No. 26 Wellington Street. Both of these sites were redeveloped in 1996 and 1997. To Northumberland Street, directly to the south of the subject site, this site presents as two red brick buildings between one and two storeys in height, with the 11-storey silos setback from the street and a six storey red brick tower directly behind the single storey form. Behind these are a group of buildings also associated with this redevelopment area. This 'redevelopment area' is to the west of Byron Street which runs north-south and terminates at Northumberland Street. The 'redevelopment area' is in a 'L'-shape which includes a car parking area along the southern boundary which has an entry from Wellington Street.

40. To the east of Byron Street is a three storey red brick building, which also appears to have been renovated internally.

41. Returning to the 'redevelopment area', Planning permit 95/105 was amended on 26 March 1996 and allowed for a '20 lot subdivision, provisions of associated services and partial use as offices' for the land at No. 26 Wellington Street Collingwood. The condition 1 requirements of the permit detail various aspects of the development, one of which is that there is a 'maximum of 15 caretakers units'.

    The endorsed plans show the uses as being warehouse/storage, light industrial/manufacture, office and caretaker residential. Council planning officers were unable to locate the original permit at the time of this assessment.

42. Planning permit 97/828 was issued on 24 July 1997 for 'the purpose of alterations and a 12 lot subdivision to the existing building, provision of signage and a change of use to office, light industry and caretaker's residence' for the land at No. 26 Wellington Street however the endorsed plans relate to the former silos now known as No. 21 Northumberland Street.

43. A letter dated 23 March 199 from Council's Team Leader of Statutory Planning to the amendment applicant confirms that planning permit 95/103 was issued for caretaker's houses and not residential. At the time of the letter, the land was located in a General Industrial zone pursuant to Clause 115 of the Yarra Planning Scheme and it was proposed to become Industrial 1 Zone (gazetted on 27 May 1999). The letter explicitly states a dwelling was prohibited in both in the existing and proposed zone. At the time of the letter a caretaker's dwelling did not require a permit under the existing zone, however this was to be amended in the proposed new zoning.

44. Since the issuing of the letter, the land has been within an Industrial 1 Zone, Business 3 Zone (gazetted 30 June 2011) and is now in a Commercial 2 Zone, all of which prohibit dwellings (other than caretaker's houses). Through the course of this application it has come to light that these properties are being used as dwellings. This is now an enforcement matter.

The Proposal

45. The proposal is for the construction of two multi storey buildings. A 'companion' building of six storeys (inclusive of a roof terrace) in height facing Wellington Street and a second, 13-storey building (with plant and equipment above) built along Northumberland Street. These buildings are to be built to the south and east of retained built form.

46. These buildings are separated by an internal laneway which is constructed along the northern and eastern sides of the 'companion' building. It is 4.2m wide in its east-west portion where it separates the existing Telstra Exchange from the 'companion' building and 5.4m wide in its north-south portion where it provides separation between the two proposed buildings.

47. Below is an image of the ground floor which shows the Telstra Exchange in the north, the 'Companion' building in the south-west and the proposed main building to the south and east. The image also shows the internal laneway.

Demolition

(a) The existing red brick exchange building and its associated plant and equipment will be retained.

(b) Part demolition of built form along the southern and eastern ends of the site (no planning permit required)

Use

(c) Ground floor café tenancy within 'companion' building (172sqm). The plans do not reflect this and a condition can require a café to be shown. The café is proposed to have hours of 7am to 6pm, seven days per week.
(d) 14,937sqm of office space (no planning permit required for the use).
(e) Use of the End of Trip Facilities in partnership with Launch Housing to provide high quality clean and safely overseen shower facilities for people who are homeless in the Collingwood area. The showers will be opened during off-peak business hours during the day, for the sole use of people who are homeless. This can be required by way of a management plan condition, should a permit be issued. (no permit required for the use)

Construction

'Companion' building

(f) Construction of a six-storey building (including roof terrace and lift overrun) constructed in the south-western corner of the site, built to both of those boundaries with no setbacks. The building is 18m in length along Northumberland Street and 12.7m in length along Wellington Street.
(g) The building is constructed in precast concrete with a bronze coloured finish.

(h) Solid walls are punctuated along the Wellington Street frontage by a 2m wide and 9.5m high window and along its northern side includes a large 8.5m high window. Two circle elements are located at roof terrace level.

(i) The southern wall is presented as a large 'inverted saw tooth' glazed façade with the eastern side including a foot bridge on the fifth floor providing access to the main building from the roof terrace.

(j) It has a maximum height of 23.95m

'Main' building

(k) Construction of a 13 storey building constructed to the southern and eastern boundaries with setbacks from the fourth floor and above.

Podium

(l) A four storey car stacker system is built to the southern, eastern and north boundaries. It holds 136 cars within eight levels.

(m) The ground floor will be used for services (loading dock, waste room, substation, switch room etc) as well as providing access to the premises with two commercial lobbies. The commercial lobbies are glazed on their western and southern boundaries.

(n) The first floor provides for bike parking and end-of-trip facilities including lockers and showers.

(o) The second and third floors will be constructed over existing plant and equipment of the Telstra Exchange, resulting in a reduced foot print of office floor area (361sqm) surrounding the lift core/stairs/toilets.

(p) The podium is constructed using a bronze ventilated façade, glass fiber reinforced concrete and glazing. The ventilated façade serves as a screening mechanism to the existing plant and equipment of the Telstra Exchange.

Tower

(q) From the fourth floor and up to the tenth floor, the building widens to its full footprint.

(r) Floor plans are rectangular in shape with general setbacks of between 2m and 3.39m from the northern boundary with two indentations in the façade with setbacks of 3.63m and 4.79m.

(s) The building is setback between 3m and 3.97m (owing to the irregular side boundary) from the eastern boundary.

(t) The eastern portion of the building is setback a greater distance from the southern boundary (between 5.03m and 5.27m) with the western end having a setback of between 2m and 2.29m. Two indentations in the southern façade result in setbacks of 3.06m (associated with the loft core) and 7.6m. The building is setback 23.4m from the western boundary.

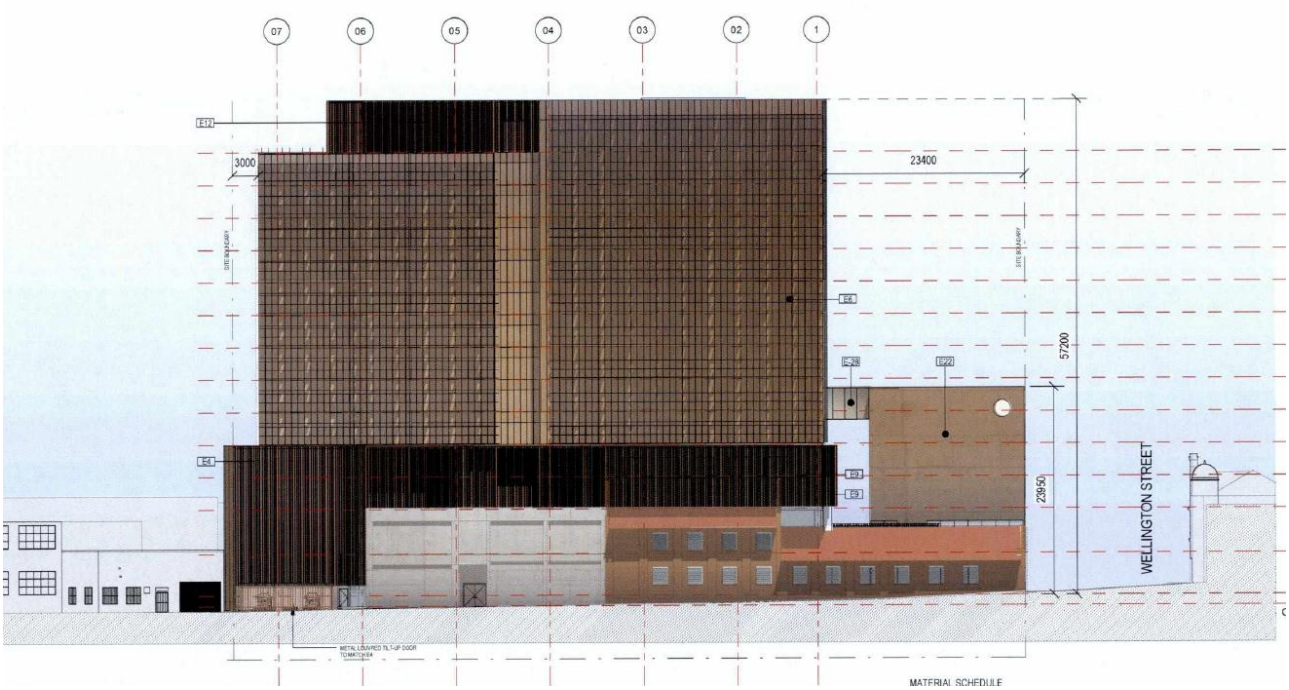
(u) The eleventh and twelfth floors have increased setbacks from the southern boundary in the eastern portion with setbacks of between 5.78m and 6.02m.

(v) There is a large roof level with lift overrun, and services which are all screened.

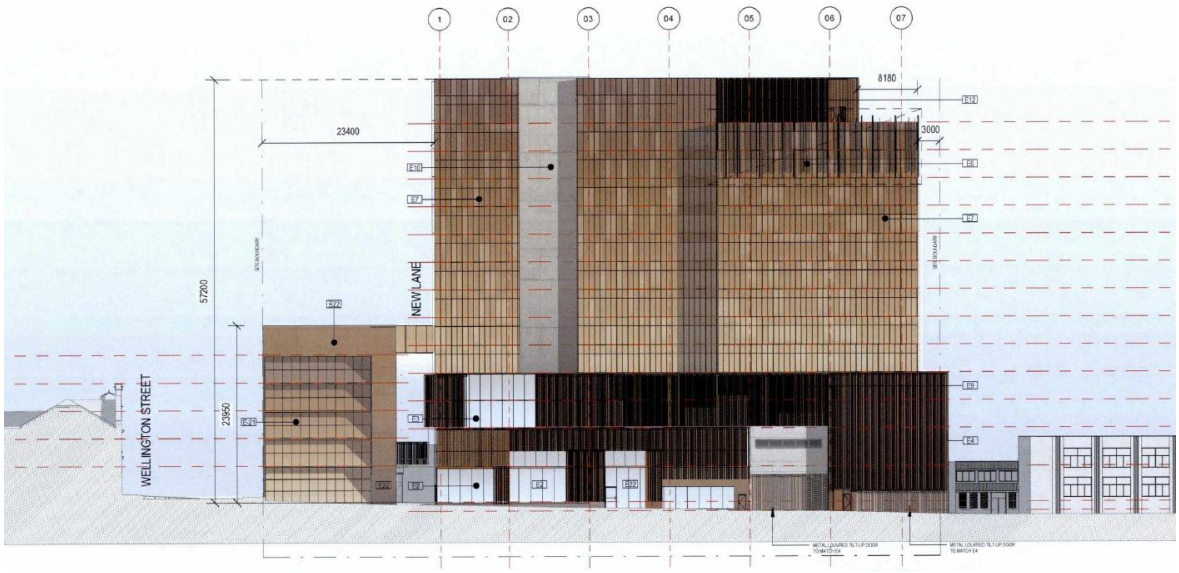
(w) The 'tower' is constructed using bronze glass with curtain wall sunshades on all elevations with the exception of the majority of the southern façade. The southern façade of the lift core is exposed.

(x) It has a maximum building height of 57.2m.

(y) Below is the northern elevation, the existing built form of the telephone exchange is visible at ground floor, with new built form above.



(z) Below is the south elevation of the proposal, both new built forms are visible. The footbridge from the 'companion' building to the main building is shown.



ESD features

(aa) 5 Star Green Star rating;

(bb) WELL Building Standard;

(cc) 5 Star NABERS Energy Office;

(dd) A 50 kWp solar PV system (this is not currently shown on the floor plans and can be required by way of condition should a permit be issued);

(ee) A 50,000 litre rainwater tank used for toilet flushing (this is not currently shown on the floor plans and can be required by way of condition should a permit be issued); and

(ff) 158 bicycle parking racks, with end of trip facilities provided.

Planning Scheme Provisions

Zoning

Commercial 2 Zone

48. Pursuant to clause 34.02-4 of the Yarra Planning Scheme, a planning permit is required to construct a building or construct or carry out works.

49. Pursuant to clause 34.02-1 of the Yarra Planning Scheme, use of the land as an office does not require a planning permit.

50. A 'Food and Drinks Premises (café)' is a Section 1 – no permit required use unless the leasable floor area would exceed 100m^2. The proposed cafe (included in the definition of Food and Drinks Premises) has a floor area of 172m^2 and therefore triggers a permit under the zone.

51. The applicant has shown the café as a 'retail' premises on the plans and this can be required by way of condition to be amended to 'café'. The proposed hours of operation are 7am to 6pm, 7 days.

Overlays

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

52. Under clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works.

53. Schedule 2 to the DDO outlines the following design objectives:

    (a) *To recognise the importance of main roads to the image of the City.*
    (b) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
    (c) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
    (d) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
    (e) *To encourage high quality contemporary architecture.*
    (f) *To encourage urban design that provides for a high level of community safety and comfort.*
    (g) *To limit visual clutter.*
    (h) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

54. Decision guidelines include:

    (a) *The contribution of the proposal to the streetscape.*
    (b) *The design, height and visual bulk of the development in relation to surrounding land uses and developments.*
    (c) *The design, height and form of the development in relation to the built form character of the street.*

Design and Development Overlay – Schedule 11 – Gipps Precinct

55. Under clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works.

56. Schedule 11 to the DDO outlines the following preferred future charachter:

    (a) A built form business and commercial environment which builds on the existing fine grain industrial nature of the area that allows for innovation and interest.
    (b) A vibrant and safe street environment due to an increasing amount of street oriented development, particularly on Gipps and Langridge Street.
    (c) A consistent streetscape with active street-frontages and well articulated buildings with street facades built to a height of up to 3-4 storeys. Taller built form will be set back from property boundaries and spaced to create new interest and variety in building forms.

57. The design objectives are:

    (a) To recognise the Precinct as a vibrant commercial precinct with a narrow street network.
    (b) To provide a pedestrian friendly environment along all street frontages.
    (c) To ensure building design responds to the inherent industrial character of the Precinct.
    (d) To ensure building design will protect the amenity of existing pockets of residential development.
    (e) To encourage improvements to the public domain, including the provision of public open space.
    (f) To ensure that new development does not adversely impact on pedestrian, cycling and vehicular accessibility.
    (g) To ensure a high standard of architectural design.

58. The following requirements are also outlined:

Building heights and setbacks

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

Building design

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

Traffic and access

(d) For any development:
  (i) the number of vehicular access points to a site should be limited and where possible, consolidated and shared with adjoining sites.
  (ii) multiple garages in a continuous row along the street frontage will not be supported and recessed parking spaces at the ground level of buildings will be discouraged.
  (iii) the impact of traffic and parking generated by the proposal on the local road network must be considered.

Permeability and public spaces

(e) Any new public open space should have a street frontage.
(f) New development should explore opportunities to create pedestrian connections and through links where the property is accessible from at least two streets.

Amenity

(g) The design and construction of buildings should minimise potential off-site impacts (including noise, light, odour and 24 hour traffic movements).

Landscaping

(h) Landscaping should be considered as a means of providing attractive street frontages.
(i) Public and private open space and other public realm areas should be appropriately landscaped.

59. The following decision guidelines are outlined:

(a) The impact of traffic generated by the proposal and whether it is likely to require additional traffic management control works in the neighbourhood.
(b) How the design, height and form of development responds to the preferred built form character of the Precinct.

(c) How the design, height and visual bulk of building/s on the site address potential negative amenity impacts on surrounding development.
(d) How the proposal improves the street environment for pedestrians along street frontages.
(e) The location of, and access to, parking facilities and their effect on the local road network.

Particular Provisions

Clause 52.06 – Car Parking

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

61. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.

62. The table below outlines the car parking requirements for the office and café facets of the development and the allocation of car parking which would be provided in association with each use.

63. Under clause 52.06-5, the following parking rates are required:

Use	Area	Rate	No. required	No. proposed	Reduction sought
Office	14,937sqm	3.5 car spaces to each 100sqm of net floor area	522	136	386
Café	172sqm	4 per 100sqm	6	0	6
Total			**528**	**136**	**392**

64. As 136 car spaces are being provided, a total of 392 car spaces being required to be reduced.

Clause 52.07 – Loading and unloading of vehicles

65. Clause 52.07 requires that "*no buildings or works may be constructed for the manufacture, servicing, storage or sale or goods or materials*" unless space is provided for loading and unloading in accordance with specified requirements. As an office does not include manufacturing, servicing, storage or sale or goods or materials, this clause is not applicable.

66. In the case of the proposed development, a loading area of 27.4sqm is required for the café to satisfy the requirement of Clause 52.07.

67. The development provides a loading area however it is below the requirements and a waiver is sought.

Clause 52.34 – Bicycle Facilities

68. Pursuant to clause 52.34, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

69. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence

or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Land Use	Units/Area proposed	Rate for staff	Rate for visitors shoppers	No. required	No. proposed	Reduction sought
Office	14,937sqm	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm	1 to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	50 staff 15 visitor	158	0
Café	172sqm	1 to each 300sqm of leasable floor area	1 to each 500sqm of leasable floor area	1 staff 0 visitor		
Total				**51 staff** **15 visitor**	**158**	**0**

70. Pursuant to clause 52.34-3, six showers and six change rooms are required on site. The development includes 16 change rooms and showers on the first floor as well as lockers. This requirement is met.

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

General Provisions

72. 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. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

State Planning Policy Framework (SPPF)

73. Clause 11 'Settlement' - *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

74. *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.*

75. Clause 11.02 'Urban growth' aims *to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

76. This clause includes several strategies to achieve this objective, including;

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

    Clause 11.02-2 'Planning for growth areas'

77. The objective is: *to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas*.

78. The clause includes several strategies to achieve this objective.

    Clause 15.01-1 – Urban design

79. 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

80. This Clause directs that the following design principles be applied to development proposals for non-residential development.

81. The relevant design principles are as follows:

    (a) Context

        (i) Development must take into account the natural, cultural and strategic context of its location.
        (ii) Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.
        (iii) A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

    (b) The public realm

        (i) The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

    (c) Safety

        (i) New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.

    (d) Landmarks, views and vistas

        (i) Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

    (e) Pedestrian spaces

(i) Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.

(f) Consolidation of sites and empty sites

(i) New development should contribute to the complexity and diversity of the built environment.
(ii) Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.
(iii) The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.

(g) Light and shade

(i) Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.
(ii) This balance should not be compromised by undesirable overshadowing or exposure to the sun.

(h) Energy and resource efficiency

(i) All building, subdivision and engineering works should include efficient use of resources and energy efficiency.

(i) Architectural quality

(i) New development should achieve high standards in architecture and urban design.
(ii) Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

(j) Landscape architecture

(i) Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.

Clause 15.01-4 – Design for safety

82. The objective of this clause is:

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

Clause 15.01-5 – Cultural identity and neighbourhood character

83. The objective of this clause is:

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

84. Relevant strategies to achieve this objective include:

(a) Ensure development responds and contributes to existing sense of place and cultural identity.
(b) Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
(b) *Ensure development responds to its context and reinforces special characteristics of*

local environment and place by emphasising:

i *The heritage values and built form that reflect community identity.*

ii *The values, needs and aspirations of the community.*

Clause 15.02-1 – Energy and resource efficiency

85. 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..*

86. Relevant strategies to achieve this objective include:

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

Clause 17.01-1 – Business

87. The objective of this clause is:

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

Clause 18.01-1 – Land use and transport planning

88. The objective of this clause is:

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

89. Relevant strategies to achieve this objective include:

(a) Develop transport networks to support employment corridors that allow circumferential and radial movements.

(b) Plan urban development to make jobs and community services more accessible by:
  (i) Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
  (ii) Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of the urban area.
  (iii) 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.
  (iv) Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.
  (v) Requiring that substantial increases in activity in employment corridors are connected to the Principal Public Transport Network.
  (vi) Providing routing, bus stop and interchange arrangements for public transport services in new development areas.
  (vii) Providing safe, convenient and direct pedestrian and cycling access to activity centres, public transport interchanges and other strategic redevelopment sites.

(c) Integrate public transport services and infrastructure into new development.

Clause 18.02-1 – Sustainable personal transport

90. The objective of this clause is:

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

Local Planning Policy Framework (LPPF)

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

Municipal Strategic Statement (MSS)

92. Relevant clauses are as follows:

Clause 21.04-3 Industry, office and commercial

93. The objective of this clause is:

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

Clause 21.05-2 – Urban design

94. The relevant objectives of this Clause are:

(a) To reinforce the existing urban framework of Yarra.
(b) To retain, enhance and extend Yarra's fine grain street pattern.
(c) To create an inner city environment with landscaped beauty.
(d) To ensure that new development contributes positively to Yarra's urban fabric

Clause 21.05-3 – Built form character

95. The general objective of this clause is:

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

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

97. The strategies to achieve the objective are to:

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

Clause 21.06 – Transport

98. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:

(a) Objective 30 – To provide safe and convenient pedestrian and bicycle environments.
  (i) Strategy 30.2 – Minimise vehicle crossovers on street frontages.
  (ii) Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.
(b) Objective 31 – To facilitate public transport usage.

(c) Objective 32 – To reduce the reliance on the private motor car.
(d) Objective 33 To reduce the impact of traffic.
(i) Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.

Clause 21.07-1 – Ecologically sustainable development

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

(a) Objective 34 – To promote ecologically sustainable development.

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

Clause 21.08-5 Neighbourhoods (Collingwood)

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

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

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

101. Within Figure 13 of Clause 21.08-5, the subject site is identified as being within the Gipps Street Precinct which was supported as being rezoned to Business 3 Zone. This occurred and has since been rezoned to Commercial 2 (formally Business 3 Zone).

102. Figure 14 of Clause 21.08-5, shows the subject site as being within a non-residential built form character area where the objective is to improve the interface of development with the street.

103. The only relevant strategies are to support the rezoning of the Gipps Street industrial precinct to the Business 3 Zone, which as previously stated has been completed.

Relevant Local Policies

Clause 22.05 – Interfaces Uses Policy

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

105. The relevant objective is:

(a) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

106. It is policy that:

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

107. A number of decision guidelines for non-residential use and development within the business zones are outlined, including the extent to which the proposal may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.

Clause 22.10 – Built form and design policy

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

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

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

(a) urban form and character;
(b) setbacks and building height;
(c) street and public space quality;
(d) environmental sustainability;
(e) site coverage;
(f) on-site amenity;
(g) off-site amenity;
(h) landscaping and fencing;
(i) parking, traffic and access; and
(j) service infrastructure.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

110. Clause 22.16-3 requires the use of measures to *"improve the quality and reduce the flow of water discharge to waterways"*, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Design

111. This policy was introduced into the Scheme on 19 November 2015 and applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance,

water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Relevant Documents

Plan Melbourne (Department of Transport, Planning and Local Infrastructure)

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

113. Relevant directions and initiatives include:

    (a) Direction 1.2 – Strengthen the competitiveness of Melbourne's employment land.

        (i) Initiative 1.2.3 – Plan for commercial land and activity centre needs;

    (b) Direction 1.4 - Plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.

        (i) Initiative1.4.2 – Grow employment in the central subregion (including Collingwood) by 1 million jobs including through new office space by 2050.

    (c) Direction 1.5 - Plan for jobs closer to where people live

        (i) Initiative 1.5.3 - Support planning of other activity centres

114. Within Map 10 and Initiative 1.1.1, the Collingwood industrial precinct (which the subject site is located within) is identified as an urban-renewal precinct (amongst others such as Cremorne).

Advertising

115. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [**the Act**] by way of 1877 letters sent to the surrounding property owners/occupiers and by three signs, one facing each street frontage.

116. 19 objections were received to the application, these can be summarised as:

    (a) Excessive height and scale/lack of setbacks;
    (b) Design Issues;
    (c) Poor interface with abutting residential area and heritage buildings;
    (d) Lack of car parking/bicycle spaces provided. Vertical bike spaces are unsuitable;
    (e) Increased traffic;
    (f) Issues with vehicle access within the surrounding street network (Northumberland/Glasgow) (congestion/safety concerns);
    (g) Off-site amenity impacts (overlooking, overshadowing, loss of daylight etc.);
    (h) Overshadowing of public realm;
    (i) Discourage cycling;
    (j) Lack of green areas and increase in air pollution;
    (k) Potential noise impacts;
    (l) Errors on plans; and
    (m) Disruptions during the construction process.

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

118. A Consultation Meeting was held on 27 September 2016, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present.

Referrals

119. External Referrals

(a) Public Transport Victoria

120. Internal departments

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

External consultants

(e) Urban Design (Rob McGauren);
(f) Acoustic (SLR Consulting);
(g) Wind (MEL Consultants);

121. Referral comments are attachments to this report.

OFFICER ASSESSMENT

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

(a) Policy and physical context;
(b) Use;
(c) Built form;
(d) Environmentally Sustainable Development (ESD);
(e) Off-site amenity impacts;
(f) Car parking, traffic, loading, access and bicycle provision;
(g) Waste management; and
(h) Objector concerns.

Policy and physical context

123. The site and adjoining land is located in the Commercial 2 Zone which specifically encourages office, retail uses and associated business and commercial services. These sites, along with those to the south, north and east form part of the Gipps Street Industrial precinct. The mixed use area to the west as well as the commercial area surrounding the subject site has been identified within Plan Melbourne as an Urban Renewal Area. The proposal complies with this strategic direction by continuing the industrial/commercial use of the site in a more intensive form to facilitate greater employment opportunities in the area.

124. The site is well connected to the public transport systems and road network supporting both cars, walking and cycling. State policy encourages the intensification of employment generating uses in areas with these locational characteristics close to where people live (clause 11.04).

125. Similarly, local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contributes to the adaptation, redevelopment and economic growth. Clause 21.04-3 also seeks to increase the number and diversity of

employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing businesses. The proposal complies with this policy and achieves these goals.

126. The subject site and the surrounding area are located within a Commercial 2 Zone which has the purpose of encouraging the integrated development of offices and manufacturing industries and associated commercial and industrial uses. This zone preferences uses such as offices to occur within this location. Therefore, the site is located within an area where higher intensity industrial and commercial uses have been directed to be located by both local and state policy. In the Tribunal decision *WAF Construction Pty Ltd v Yarra CC [2003] VCAT 1122 (29 August 2003),* the following comments were made in relation to a Business 3 Zones (now Commercial 2 Zone) in Cremorne which has similar characteristics to the Commercial 2 Zone associated with the Gipps Street Precinct :

    [33] The site's location in an identified commercial/industrial area, together with its proximity to an extensive public transport network and an Activity Centre, are factors supporting a higher density commercial development.

    [34] [Commercial 2 Zones] seek to facilitate development of the service sector, allow for more efficient utilisation of business premises and encourage the development of employment areas that are serviced by public transport and bicycle and pedestrian networks.

127. The proposed density of the development is consistent with both State and Local Policies such as clauses 15.02-1, 17.01-1, 18.01-1 which encourages concentration of development and employment opportunities in and around activity centres and intensifying development on sites well connected to public transport. This ensures efficient use of existing infrastructure. Furthermore, considering this site is surrounded by similar uses, any off-site amenity impacts would be non-existent or minimal (the site to the south will be discussed within the *Off-site amenity* section of this report).

128. Furthermore Council's local Neighbourhood's policy at Clause 21.08-5 recognises this as an area where the industrial character should be retained and offices located within. It also acknowledges that the area is relatively unconstrained by sensitive uses.

129. Finally, in addition to the substantial contribution to streetscape improvements, through the inclusion of the End of Trip Facilities Operation Management Plan as a condition on any permit granted, the proposal will result in a significant community benefit through the partnership with Launch Housing to provide facilities for homeless people in the Collingwood area, which will also form a condition on any permit.

130. Having regard to the above, the proposed re-development of the site for a mixed use, office building of this scale is considered to have strategic planning support.

    Use

131. The proposed café use triggers a planning permit under the Commercial 2 Zone on the basis of the floor area exceeding 100sqm. In respect of the appropriateness of the use, it is considered that there is support for it at the ground floor where it can be demonstrated that the scale of operation would not result in unreasonable impacts to the surrounding area or erosion of the primary purpose of the Commercial 2 Zone.

132. This consideration is relevant in terms of the objective of the Commercial 2 Zone: *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

133. The site is located within an employment cluster which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and transport. The area supports a growing employment base, and the proposed café will support this by providing a venue

where the local workers can obtain food and drinks. The café will contribute to the mixed use nature of the location which includes other commercial entities. On weekends, there is an expectation that buildings are active and provide for visitors and local residents alike. Again, the café use will play a legitimate role in meeting the needs of the area in this respect and providing seven days a week activation of the area whereas offices are generally closed and can lead to inactivity of an area.

134. The Commercial 2 Zone also required consideration of the following matters (as relevant) at clause 34.02-7, each with a response provided below:
    (a) The effect of existing uses on the proposed use – existing uses are residential (to the west in the Mixed Use Zone) and commercial/industrial in nature and are not expected to have an adverse impact on the proposed use;
    (b) The drainage of the land – the land is not located in an area with any specific drainage requirement under the Scheme and would have adequate ability to connect to relevant drainage networks;
    (c) The availability and connection to services – the site is in an existing built up urban area with easy connection to all necessary services;
    (d) The effect of traffic to be generated – this is discussed in detail later in this report;

135. In respect of amenity impacts, Clause 22.05 seeks to ensure that new non-residential uses do not unreasonably impact dwellings including through noise, light spill, emissions and rubbish.

136. The closest residentially zoned land is to the west along Wellington Street which is a major arterial road. The applicant has proposed the café open from 7am to 6pm. There is limited guidance in the Scheme as to what appropriate opening hours are in the Commercial 2 Zone. These are typical working hours and surrounding residents to the west would be awake during these times. Accordingly, this use is not expected to have unreasonable impacts on these dwellings and could be managed with appropriate conditions.

137. Rubbish would be adequately concealed within the building and any emissions would have an adequate dispersal distance from the dwellings. Conditions would have been included to ensure the amenity of the area is not unreasonably compromised due to the café use. These would normally include restrictions on hours of operation, noise, waste disposal, deliveries and emission including light spill.

Built form

138. The following is a detailed assessment of the proposal against the design objectives of Clause 22.10 – Built Form and Design Policy and Schedules 2 and 11 of the Design and Development Overlay. The assessment will also consider the decision guidelines of the Commercial 2 Zone, and the urban design principles articulated at Clause 15.01-2. In the interests of providing a concise assessment and avoiding repetition between State and local design principles, the following assessment will group similar themes where applicable.

Urban form, character and context

139. As discussed in the policy section above, the proposal is an appropriate response to the site's strategic context and makes efficient use of relatively under-utilised land. Strategically, the subject site is appropriately located for a higher-density development, being located within proximity to an Activity Centre, within a commercial zone with excellent access to public transport, services and facilities and with limited sensitive, residential interfaces. Three boundaries have at least the width of a street to provide a buffer from amenity impacts. It would be a reasonable expectation that this site (as those surrounding it are currently doing) would experience intensification in use and development.

140. The provisions of the Scheme relevant to design and built form are contained at clause 15 (Built Environment and Heritage), clause 21.05 (Built Form), clause 22.10 (Design and Built Form) and Schedule 2 and 11 of the Design and Development Overlay. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character.

141. The subject site is not located within a heritage overlay, however has some adjacent buildings within site specific heritage overlays. The proposal will not impact these as they will still be able to be read from their principal view points along Wellington and Langridge Streets. This is particularly due to the main building being significantly setback from Wellington Street which allows those views to be retained. Additionally, the proposal is provided with streets as buffers ensuring that these buildings continue to be read in the round, without influence from the proposal.

Character

142. The built form of this part of Wellington and Northumberland Streets has been guided by the traditionally industrial uses historically found in the area. New construction has generally been at least five storeys in height and constructed boundary to boundary.

143. The majority of buildings are constructed in a rectilinear form with windows and balconies facing the street and mainly flat roofs although there is a mixture of construction eras and styles. This is with the exception of the cylindrical Silos directly to the south.

144. The proposed works are an improvement to the existing streetscape along all streets. This is achieved through the demolition of out-dated buildings which offered no passive surveillance to the street for the construction of a modern and visually interesting building which is in-line with the future character envisaged for this precinct. Additionally the current conditions do not fit in with the design objectives aimed to be achieved within local policy.

Wellington Street

145. Both the 'companion' and main building will be visible from Wellington Street however with a setback of 23.4m, the main building will serve as backdrop to the aforementioned building which will be more prominent in the streetscape. The rectilinear form of the 'companion' building and choice of materials is similar to other existing buildings which the proposal builds upon. The height and construction along the boundary is similar to other developments seen along Wellington Street to the north. Whilst the 'companion' building has a street façade of greater than 3-4 storeys as preferred within DDO11, this is acceptable in this instance as the character of Wellington Street (which it faces) already has street walls greater than this further to the north near Gipps Street. Additionally Wellington Street is wider then a number of the streets which the DDO affects and as such has the capacity to accommodate a higher street wall.

146. This new building will form part of the preferred future character whilst also referencing existing elements throughout the streetscape. Council's Urban Design Consultant commended the retention and adaptive reuse of the former exchange which adds valuable 'place memory' to the project. The development of a 'campus response' of a group of buildings now occupying the site (two new buildings together with the existing) was confirmed as an attribute which aligns well with policy goals. This complies with the preferred future character as outlined with DDO11 which is to build on the existing fine grain industrial nature of the surrounding area in an innovative and interesting way. This complies with the design guidelines of clause 22.10-3.4.The future character as established within DDO11 is of taller buildings being setback from the property boundaries and spaced to create new interest and variety in building forms. The 'campus response' of this proposal allows for that and fits in with this future character and complies with DDO11.

147. The proposal responds to the inherent industrial character of the precinct as outlined within the design objectives within DDO11 by its hard edge, rectilinear form and use of robust materials. This also complies with objectives at clauses 21.05-2 and 22.10-3.2.

148. The proposal complies with the design objectives of Schedule 2 of Design and Development Overlay relating to main roads and boulevards that affects the western side of the site fronting Wellington Street. It encourages high quality contemporary architecture and also encourages urban design that provides for a high level of community safety and comfort (both of these matters will be discussed further in the report). Visual clutter is reduced as it creates a simple and modern design fronting onto Wellington Street which complies with DDO2.

Northumberland Street

149. The surrounding streetscape of Northumberland Street is also commercial/industrial in nature with high on-boundary walls and minimal openings. The southern side has older style industrial type buildings whilst the northern side includes 'Brutalist' built form. The proposal will fit in with the existing industrial character, whilst creating a far more vibrant commercial precinct (through the new construction, inclusion of a large glazed entry and variety of materials) within the narrow street network as outlined within the design objectives within DDO11. The proposal will result in a modern and innovative building which will serve to revitalise this part of Northumberland Street.

Glasgow Street

150. Glasgow Street essentially has the appearance of a laneway with high walls, rear entrances, roller doors and car parking areas facing onto it. This is with the exception of Nos. 14 and 16 Glasgow Street however these are the anomalies in the streetscape and do not fit into the preferred future character as outlined within DDO11.

151. The proposal will retain the existing built form along its northern boundary and construct a screen surrounding the existing plant and equipment of the Telstra Exchange. This is a significant improvement to the streetscape as plant and equipment will be hidden by a screening which then continues eastward and forms part of the façade treatment for the car stackers. This all forms a cohesive design which responds to the inherent industrial character of the precinct as guided by the design objectives of DDO11. The main building is then setback from the northern boundary and includes indentations which provide a visual break to the façade. The sketch plans provided on 20 September 2016 provide an additional indentation along the northern elevation, resulting in the northern side being broken up into four sections. This can be required by way of condition, on any permit issued. This complies with the design guidelines of clause 22.10-3.4.

Architectural quality

152. The development is considered of high architectural quality and in that regard responds to the design objectives clauses 15.01-2 and 22.10-3.4 as well as both Schedules 2 and 11 of the Design and Development Overlay. The contemporary design is appropriate and responds well to this part of Collingwood.

153. The two proposed buildings are both rectilinear in form however use different materials to create two unique buildings. The 'companion' building presents as an inverted saw tooth warehouse which is prevalent in these industrial areas. This form combined with the windows on the northern and western side and material choice provide a link to the areas industrial past but in a modern and innovative way. This responds to the preferred future

character as outlined within DDO11 which is to create new interest and variety in buildings in an innovative way.

154. This is in comparison with the main building which is constructed of glazing and includes high sheer walls. The applicant has provided some interest to these façades (which can often be difficult in office developments where large floor plates are typical) through the inclusion of sunshades on all facades as well as indentations on the two longer frontages. The eastern and western facades have vertical sunshades whilst the northern façade has horizontal sunshades which protrude out from the curtain wall. This creates variation and interest.

155. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises the street frontages. Numerous recent approvals have been granted for higher density developments on the west side of Wellington Street and this will be the first to provide a modern and innovative change to the commercial/industrial precinct as directed by DDO11.

156. The design of the development meets the requirements of DDO11 by being well articulated and modulated in addition to using materials and finishes which complement adjacent development and enhance the appearance of the narrow street network. The proposal is using similar materials found in the surrounding area (glazing and precast concrete) in tones (bronze) that reflect the surrounding existing materials (including red brick). The development enhances the appearance by using these materials and tones in an innovative way to improve the streetscape by creating something new and interesting.

157. Council's external Urban Designer also found the materials to be well chosen and responsive to the site and context as well as the goal of delivering a high quality development. The materials shown in the perspectives provided by the applicant show that they are an integral part of the design response which is consistent with design guidelines of clause 22.10-3.4.

Height and Massing

158. The proposed building will extend to a maximum height of 13 storeys (with plant and equipment above) with the six storey 'companion' building to its west. Whilst it is acknowledged that the building will be taller than adjoining developments (the 'companion' building is not taller than surrounding developments), there are recent approvals for higher developments in this area with some of them having been constructed or under construction. This proposal is certainly in-line with the emerging character of the area and generally consistent with local and state policy.

159. The height of the development is considered to be acceptable due to its location in an industrial area, lack of sensitive interfaces (to be discussed later in this report), the emerging character of the area and strategic redevelopment potential. Also noting that this area is earmarked as an *Urban Renewal Precinct* within the State Government's Plan Melbourne policy.

160. The transformation of this part of Collingwood has been previously discussed in a 2013 Tribunal decision (*Urbicity Pty Ltd vs City of Yarra & Ors* [2013] VCAT 592 (26 April 2013) relating to a high density residential development proposal to the west of the subject site (in the Mixed Use Zone) at No. 44-48 Bedford Street, Collingwood, the Member made the following statement:

> [9] This part of the municipality has been and continues to be the subject of substantial redevelopment which is transforming it from a traditional industrial area to a higher density mixed use environment. The built form is changing from lower profile, utilitarian buildings to development that range between four and nine stories.

161. Whilst the proposed maximum height is taller than abutting existing built form, it is comparable to recent construction in the wider Collinwood area which is part of an emerging character towards higher built form. The issue of development which is higher than surrounding built form was further discussed in the 2012 Red Dot Tribunal decision, *Pace Developments v Port Phillip CC* (includes Summary) (Red Dot) [2012] VCAT 1277:

> [58] We accept that the building will be taller and will be seen, but the notion of respectful development does not mean that new buildings must replicate that which exists nor does it imply that they will not result in change. As we have noted, change must be contemplated in an area where growth is encouraged by the MSS and chance to improve, or perhaps in this case repair, the urban environment.

162. Following on from this, the following comments were made by the Tribunal in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004):

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

163. The proposal is responding to the immediate and future height context of this part of Collingwood as well as specifically to the two principal street frontages. As such, the height is compliant with policy at clauses 15.01-1, 15.01-2, 22.10-3.2 and 22.10-3.3.

164. It is important to note that the Tribunal in *Cbus Property Collingwood Pty Ltd v Yarra CC* [2016] VCAT 1470 recently approved a 13 storey development directly to the west of the site and made the following comments:

> [23] …rather we have assessed the proposal in terms of expectations found within the policies of the planning scheme, in particular in Plan Melbourne which encourages the maximisation of development potential on sites, such as this, that are within an urban renewal precinct, can be described as a strategic redevelopment site, described as an island site, that is well separated by four streets from adjoining properties and is not constrained by any provisions within the planning scheme.

165. This is a similar scenario to the subject site, however noting the subject site has there street frontages, instead of four as per in the previous decision. It is with these considerations that the proposal must be assessed.

166. Strategy 17.2 at clause 21.05-2 of the Scheme states that development should generally be no more than 5-6 levels unless it can be demonstrated that the proposal can achieve specific benefits. Having regard to the specific benefits required to support taller built form, it is considered that the proposal makes a positive contribution to the enhancement of the public domain through the construction of a new building and additional passive surveillance opportunities. As will be discussed later, the proposal will also result in significant public realm works surrounding the site. It will achieve excellence in environmental sustainability design (confirmed by Council's ESD Advisor) as well as high architectural design excellence. Whilst the main building itself does not have significant upper level setbacks, some side setbacks are provided and well as a large setback from Wellington Street. As such, the proposal has demonstrated sufficient justifications to go beyond the general 5-6 levels.

167. This also follows on from the building height and setback requirements of DDO11 which states that development above four storeys should demonstrate a high standard of architectural design (achieved) and minimise overshadowing of adjoining streets and public

spaces (discussed under *Public Realm*). The DDO confirms that taller built form may be appropriate on larger sites provided they include adequate setbacks and avoid over overshadowing neighbouring properties. The proposal meets all of these factors. Whilst the proposal does overshadow private properties, this relates to areas within the DDO which abut residential zones.

168. The massing is considered to be well composed founded on an appropriate appreciation of the existing and future context whilst responding to immediate interfaces and includes the following elements:

    (a) retained red brick telephone exchange;
    (b) the internal laneway provides views through the 'campus' and to sideages normally hidden;
    (c) the 'companion' building provides an interesting corner element to both streetscapes;
    (d) the podium levels of the main building are designed to be a finely articulated screen;
    (e) the screen appears to float above the retained existing built form when viewed from the north and west and creates a transition to the upper levels;
    (f) all facades of the main building are broken up using sunshades;
    (g) the length lengths of wall are separated using setback indentations in the façade which physically separates the massing; and
    (h) along the southern side, the lift core is exposed.

169. This ensures the massing has been broken up thus ensuring the height is acceptable for this streetscape and easier to relate to existing built form thereby complying with clause 22.10-3.3 as well as both Schedule 2 and 11 of the DDO. These elements result in an overall built form, that at any view point along the street, the 'campus' is clearly seen as a group of elements. This, in addition to the large overall area of the site, facilitates the ability for such height and built form to be comfortably absorbed into the surrounding streetscape and to be more visually digestibly. This also achieves the design objective within clause 22.10-3.3 for massing or articulation or changes of surface treatment should be used to relate taller buildings to the scale of their surrounds, and to diminish visual bulk. The development has clearly considered how it will appear in the 'round'.

170. By acknowledging its existing context and the agreed aspirations for the future development of the area, the proposal has complied with policies within clauses 15.01-1, 15.01-2 and 22.10-3.3. Overall, the development is in an area where it is appropriate and practicable to provide a building of this height in order to achieve planning objectives, with the scale of the building aligning with all relevant policies and objectives.

Public Realm

171. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents a significant improvement in streetscape, public space quality and perceived safety. The existing façades of the buildings are industrial in nature and do not encourage passive surveillance to the streets as is typical of industrial areas. The existing built form's presentation to the street are not part of the future preferred character envisioned by Council's local policy.

172. The construction of two modern buildings with large glazed ground floor lobbies and a café tenancy is an improvement on the streetscape. The applicant has responded to comments from Council's planning officers and referral advice by adding additional glazed areas to the 'companion' building. This has been shown within sketch plans submitted on 20 September 2016 which show an additional window opening to Wellington Street. This will result in all sides of the 'companion' building having glazed areas to provide for passive surveillance and interaction at street level. It should also be noted that a seat is proposed within this window, which will further encourage street interaction. This can be required by way of condition and satisfies comments received from urban design and strategic transport.

173. Through the activation of the ground floor, the building will provide interaction at street level where there currently is none. This satisfies public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2, 21.04-2, 22.10-3.2 and 22.10-3.4. These improvements also comply with the design objectives and requirements of DDO11. The proposal has been designed to have active and attractive frontages and has provided street activity in its interface design. This has been achieved by including glazing and interesting materials along the primary frontages to Wellington Street and along Northumberland Street. It is unavoidable to have areas where services are located, however the proposal has included glazing surrounding and abutting these areas (located along the Northumberland Street frontage). The proposal has also avoided recessed parking at street level which is clearly visible in nearby sites.

174. In terms of light and shade to the public realm, due to the orientation of the site, shadows fall over public realm at all times of the day. The main areas of consideration are the western side of Wellington Street and the southern side of Debry and Northumberland Streets. The eastern side of Wellington and the northern side of Northumberland Street are already shaded by existing built form due to existing construction along boundaries.

175. The proposal will overshadow the western side of Wellington Street and the southern side of Derby Street from 9am with no impacts being felt from 11.30am onwards. This was raised as an issue by Council's external Urban Designer who suggested that the western end of the built form should be amended to minimise the shadow impacts on the western side of Wellington Street after 10am at the equinox. It was noted that Section A of the decision plans indicated the western 8m of development west of the lift core (of some 6m in height) are dedicated to plant area and that this plant area should be either lowered or relocated to the eastern end of the tower footprint where interfaces are less sensitive, thereby reducing both the scale of development to this interface and its offsite impacts.

176. The applicant has shown these changes within sketch plans submitted on 20 September 2016. This can be required by way of condition. The improved overshadowing as depicted on Drawing number AR0609 of the sketch plans which illustrates that this would result in a significant improvement on overshadowing of the public realm. The drawing clearly shows that shadows at 11am will fall on the footpath area only, which results in any pedestrians on the street, being in sun. This is compared to the original shadowing would have resulted in shadows reach up to the first floor of the buildings along the western side of Wellington Street. This constitutes a significant improvement. The southern side of Derby Street is therefore only impacted by the proposal for one hour, between 9am and 10am, with pedestrians in sun from 11am onwards along the western side of Wellington Street. This is therefore acceptable and considered to comply with the design objectives of DDO11.

177. In relation to the southern side of Northumberland Street, overshadowing is unavoidable due to the narrowness of the street. This was also confirmed by Council's external Urban Designer who stated there is a clear distinction between the southern side of Northumberland Street compared to the public realm to the east. A commercial development of two storeys would also shadow the southern side of Northumberland Street and as already discussed, built form greater than two storeys is anticipated and encouraged by State and local policy on this site. Council's external Urban Designer confirmed that "this can in part be balanced by the significant impetus in employment and economic development afforded by the development." In light of the above, the overshowing of this part of the southern side of Northumberland Street is acceptable.

178. Council's external urban design consultant commented that the applicant should contribute to an enhancement of the public realm. A number of suggestions were made however as

outlined by Mr McGauran, this is matter should be considered by Council's Urban Design Unit to Council's satisfaction. Following an initial unsatisfactory public realm sketch plan submitted to Council on 20 September 2216, a second public realm sketch plan was supplied on 20 October 2016. The sketch plan was shown to internal Council units including urban design, engineering, open space and construction management and was found to be satisfactory, subject to changes.

179. The public realm sketch plan submitted on 20 October 2016 includes the following:

    (i) Raised pedestrian crossings along Wellington Street to both Glasgow and Northumberland Streets;
    (ii) Two additional street trees along the northern side of Northumberland Street and one along the eastern side of Wellington Street with concrete wheel stops at the edge;
    (iii) Two seats along the eastern side of Wellington Street; and
    (iv) New asphalt to the northern side of the Northumberland Street footpath.

180. Additional changes were requested by Council's units and they are as follows:

    (a) The specifications/details/materials of the raised pedestrian crossing and new asphalt to the Responsible Authority's satisfaction;
    (b) Deletion of new planting at the intersection of Northumberland and Wellington Streets as it is not an appropriate location;
    (c) An additional tree within the existing 'No Stopping' area along the northern side of Northumberland Street,
    (d) An additional tree along the eastern side of Wellington Street between the two proposed seats;
    (e) Tree squares need to be 1.5m x 1.5m in size;
    (f) Plans need to show dimensions between the trees with 12m required between each tree.
    (g) Applicant to specify that the existing informal crossing point on Wellington Street is to remain;
    (h) Deletion of rain gardens;
    (i) Seating material will be to the satisfaction of the Responsible Authority;
    (j) Ensure that there is lighting to the internal laneway;
    (k) Applicant to correctly show the footway width on Northumberland Street;
    (l) The cost of the street trees is to be at the permit holders expense with the Responsible Authority carrying out the works/planting & maintenance for two years; and
    (m) Car parking spaces to be shown on the plan.

181. The works shown in the public realm sketch plan and additional requirements listed above have several benefits including providing an enhanced pedestrian experience and safety, areas for public seating and areas for additional planting. These enhancements would contribute to improving the amenity of the area as it transitions to a revitalised area which will see an increase in foot traffic. These improvements are in line with comments received from referral advice and satisfying previous concerns regarding streetscape improvements. The proposed public realm improvements can be required by condition and is considered a very significant and positive contribution to the public realm and the amenity of this changing part of Collingwood. The proposal will provide a pedestrian friendly environment in-line with policy within DDO11.

182. Council's internal units were concerned with regards to the internal laneway not being lit at night outside of typical office hours and the potential safety concerns which may arise. To address this, the applicant has submitted an outdoor lighting plan associated with the development. It confirmed that lighting would be provided to the internal laneway. Council's urban design unit stated they found the plan satisfactory however would want confirmation that the laneway would be lit at night and on weekends to increase safety. This can be required by way of condition. Council's standard lighting condition can also be included to ensure lighting is baffled.

183. Within the previously mentioned Tribunal decision, *Cbus Property Collingwood Pty Ltd v Yarra CC,* the following statement was made with regards to works to the public realm*:*

> [33] The retention of part of the existing building to the Langridge Street frontage is a positive contribution. The Tract Landscape Plan for the public realm incorporates ground level streetscape improvement works and planting within the Atrium at level 1 fronting Langridge Street. This will provide a positive contribution to the streetscape. As well, around the development at street level, it is proposed to provide two trees to the Wellington Street frontage and incorporate rain garden extensions to the kerb where existing trees are currently located. Treatment to the footpath in the area in front of the café on the north western corner to Langridge and Cambridge Streets is also proposed. This will assist in enhancing the streetscape and public realm.

184. Again, this is a similar scenario to the subject site, and one which the Tribunal found favourable to the development constituting a significant contribution to the streetscape which provides benefits to all users of the public realm and not only those occupying the development.

Site Coverage

185. The level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6. However as the existing level of site coverage in the surrounding (and immediate) area is similar, it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Collingwood.

Landscape architecture

186. Landscaping is not a typical feature of commercial developments along Wellington or Northumberland Streets or in the wider Collingwood area. The proposal has provided a roof top garden on the top level of the 'companion' building.

187. However, in an effort to soften the ground floor façade fronting Wellington Street and to provide for improvements to the streetscape, landscaping is proposed to the 'companion' building as well as additional tree plantings to Wellington and Northumberland Streets as shown in the public realm sketch plan.

188. A condition can require an additional landscape plan to show all plantings proposed both within the internal laneway and on the roof terrace. This satisfies objectives at clauses 22.10-3.2 and 22.10-3.9.

<u>Environmentally Sustainable Development (ESD)</u>

189. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce employees and visitors from relying on private vehicles. Policy at clauses 15.02-1, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

190. Originally Council's ESD Advisor had a number of concerns with the proposal as outlined in the *Referral* comments. A number of these matters were addressed within the amended documentation received on September 2016. Council's ESD Advisor confirmed that the standard of the SMP had greatly improved with the development making firm commitment to a 5 Star Green Star rating, WELL Building Standard and a 5 Star NABERS Energy Office rating.

191. Council's ESD Advisor confirmed that the proposed ESD standard for this development is high, above Council's best practice standard, and which could be considered as "excellence" in ESD based on the Green Building Council of Australia definitions.

192. There are areas of discrepancies with the following not being show on the floor plans:

    (a) the proposed 50,000L rainwater tank;
    (b) catchment area of the rainwater tank;
    (c) toilet connections; and
    (d) 50kWp solar photovoltaic array.

193. A condition can require all of these to be annotated on the plans. If the entire site cannot be connected to tank (as outlined with the SMP), a condition can require an update of both the SMP and STORM report which maintains a minimum 100% STORM score, or equivalent MUSIC model demonstrating best practice stormwater management.

194. It is considered that the proposal will achieve a high level of environmentally sustainable design and greater internal amenity for future occupants. This satisfies a number of clauses including 15.02-1, 18.02-1, 21.06 and 21.07.

    Off-site amenity impacts

195. Design objectives at *clause 22.10-3.8* aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land within a residential zone where they interface with commercial zones.

196. In this instance, the subject site is completely surrounded by land within the Commercial 2 Zone, thereby reducing the relevance of these objectives as there is no direct abuttal with private open spaces or habitable rooms from which amenity can be impacted on in terms of overlooking and overshadowing.

197. Furthermore *clause 22.05-3* aims to ensure that new non-residential use and development are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties. In this instance, the closest residential zone is approximately 20m to the west of the site, and is separated from the subject site by the width of Wellington Street. As such, any visual amenity impacts would be negligible considering the context of the site as previously described.

198. Schedule 11 of the Design and Development Overlay firmly states that the Gipps Precinct (which the subject site is within) is a business and commercial environment with an industrial nature. The preferred future character of the area does not include any description of residential uses.

199. Through the course of this application, as has previously been stated, it has come to light that the lots within the silo and distillery redevelopment area to the south are allegedly being used for residences. Dwellings are prohibited in the Commercial 2 Zone and as already outlined, the original planning permits only gave permission for caretaker's residences. At the time of the writing this report, the owners/occupiers of these lots had not provided Council with any documentation to establish existing use rights and none could be found in a search of Council records, and as such, are considered unlawful. This is now a matter with Council's enforcement unit. Additionally it should be noted that whilst Schedule 11 of the Design and Development Overlay does include some discussion regarding existing pockets of residential development, this refers to lawful uses that are established, purpose built dwellings. This is not the case with the sites to the south.

200. In any event, this is an area where commercial and light industrial uses (and hence this type of built form) is directed to be located. Hence, even if existing use rights were able to be established, these dwellings do not have the same level of amenity protection as dwellings within a residential area. Neither the zone purpose nor the decision guidelines indicate an intention that residential amenity impacts associated with development should be an issue in this zone, or residential standards of amenity applied within it. The purpose does however state "that uses do not affect the safety and amenity of adjacent, more sensitive uses".

201. This issue has been discussed in many Tribunal decisions within Commercial 2 Zones (formally Business 3 Zones) including:

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

> [97] Neither the zone purpose, nor the decision guidelines, indicate an intention that residential amenity should be an issue in this zone, or residential standards of amenity applied within it.
>
> [108] It is not for the Tribunal to refuse a commercial development which complies with the zone requirements in a *"Business"* zone on the basis that if residential standards of amenity are applied, it would have an adverse impact on a non-conforming residential use. Such assertions would render the planning controls unwieldily, cumbersome and unpredictable, and would lead to a reduction in confidence in those particular planning controls.

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

> [23] I am not suggesting that residential amenity considerations are irrelevant; however, expectations need to be tempered against the purpose of the Business 3 zone which does not include providing for residential use. On the contrary residential use is "prohibited", with caretaker's house being the exception. If the protection of the residential amenity of caretaker's houses is elevated to a matter of primary or significant importance in this type of zone, this could stifle the proper development of the area for its primary purpose.
>
> [24] The policy at Clause 22.05 referred to by Ms Miles deals with the amenity impacts at interface locations. Whilst this site is located at the interface between the Business 3 and Residential 1 zones, the proper application of the policy is with respect to with interface issues between properties within different zones, not within the same zone. Further, the site is not located in an area where a mix of residential and commercial/industrial activity is encouraged and the potential for amenity conflicts needs to be carefully managed.

202. It must be noted that each of these Tribunal cases are referring to legitimised dwellings within Commercial 2 Zones where existing use rights had been established.

203. Non-conforming residential uses cannot expect the same level of amenity as a dwelling within a residential area. Application of policies to protect their amenity to a standard associated with residential areas would result in an unreasonable limitation of the development protection of the subject site. The vision for the area under the current zoning and relevant DDO11 is for increased development to contribute to accommodating employment growth supporting the economic viability and enhancing the industrial precinct.

204. Returning to amenity impacts, for the site to the north (No 16 Glasgow Street), it is south-facing and therefore the proposal will not result in any shadowing or daylight impacts. Further to this, due to the narrow width of the street, views to the proposal in its entirety would be limited and only possible from a greater distance, further reducing any potential visual bulk impacts.

205. Therefore, while the building will be clearly visible from neighbouring residential properties, the proposed built form is consistent with the purpose of the zone and resultant built form outcomes and is therefore deemed acceptable.

Noise and light spill

206. Policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.

207. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity largely limited to Wellington and Northumberland Streets and not considered to be detrimental to the amenity of the adjacent properties. The use also ensures that deliveries to the site will be kept to a minimum. Furthermore, the majority of the office space is enclosed and the use conducted indoors. As the office use does not require a planning permit, there is no further control that can be applied in regards to the use of offices.

208. The location of services/plant equipment is shown on the roof which is a typical and acceptable location within a commercial area and responds to policy at clause 22.10-3.8. The plant deck is also screened up to 6m with a ventilated screen. A condition would also require that the noise and emissions from plant equipment must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1). It should be noted that the proposal will also be covering existing plant and equipment at the lower levels with the screen. This is an improvement as these are currently exposed.

209. In respect of car noise, the car stacker entry and exit are located opposite existing dwellings, as per existing conditions, albeit a car stacker is now proposed. Moreover, the doors would generally be used during the daytime-early evening when any noise impacts would be limited. However, conditions could have ensured it was constructed and maintained to limit noise impacts as required by State regulations. Potential light spill from cars will be reduced as the proposed use will occur during the daytime.

The applicant has also addressed this issue within sketch plans submitted 20 September 2016 by providing a screening to the northern end of the car parking area to block headlights from the site to the north. This can be required by way of condition.

210. The applicant submitted an acoustic report which confirmed that “environmental noise emission from the project site will primarily consist of noise from new building services equipment associated with the development. They include the operation of plant mounted on the roof, car park ventilation fans, and general ventilation systems.”

211. Proposed noise impacts were measured to the closest residential receptor which it noted as being No. 14 Glasgow Street. The applicant’s acoustic engineers stated that “*a full assessment of the noise from the relocated plant will be undertaken as part of the next design phase, however it is expected that the noise impacts on the immediate environment around the site will be reduced as the plant will be moved from the street frontage to be elevated and further away from noise receivers. The relocation of the plant also offers the opportunity to introduce noise mitigation measures such as attenuators, screening and possibly the selection of newer quieter plant where existing plant items require replacing.”* In response the applicant’s acoustic engineer’s comments, Council’s acoustic consultant stated that an amended acoustic report was not needed as the development is of low-risk in terms of noise impacts and including a condition requiring compliance with SEPP N-1 noise limits was sufficient.

Wind

212. The applicant's wind assessment by ViPac carried out a desktop assessment with Council's wind consultant confirming that they agreed with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment and stated that the process was consistent with their own.

213. The following recommendations were made in the applicant's wind assessment:

    (a) walking criterion for the roof terrace of the 'companion' building;
    (b) tethering of objects on the roof terrace of the 'companion' building with regard to the and any objects that are not tethered should not be left unattended or permanently on the terraces;
    (c) the west-facing entrance be either set in 2m or to be provided with a 2m canopy to improve the wind conditions to meet the standing comfort criterion; and
    (d) wind tunnel model measurements be undertaken to verify the findings of the desktop study.

214. Council's Wind Consultant agreed with these statements and these can be required by way of condition for an amended wind report. This will ensure the proposal does not result in adverse wind impacts.

Car parking, traffic, loading, access and bicycle provision

215. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 392 spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report.

Parking Availability

216. The applicant's traffic engineers conducted site inspections of the surrounding streets and confirmed that the level of on-street parking that takes place in the vicinity of the site is very high. Areas of unrestricted parking, such as Glasgow Street, are fully occupied from early morning periods. The applicant's traffic engineers confirmed that on-street parking for employees is not a practical or viable option and they will have to tailor their mode of travel to the site accordingly.

Parking Demand

217. For the food and drinks premises component, the applicant's traffic engineers (GTA Consultants) have indicated that surveys of shopping centres in the City of Port Phillip had a peak retail parking demand of 2.3 spaces per 100 square metres. For this development, the applicant's traffic engineers have adopted a retail parking rate of 2.5 spaces per 100 square metres, which is considered appropriate. Applying this rate to the site's retail component would result in four car parking spaces. Around 25 per cent of the café premises parking demand would be for employees. In this case, the retail use would have a parking demand of one staff space and three customer spaces.

218. Turning to the proposed office use, Council's Senior Traffic Engineer confirmed parking associated with such developments is generally long-stay parking for employees and short-stay parking (say up to two hours' duration) for customers and clients. Council's Senior Traffic Engineer confirmed that 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.

219. The applicant's traffic engineers have sourced 'travel to work' data for the Collingwood area from the 2011 Census conducted by the Australian Bureau of Statistics. The 'travel to work' data indicated that some 68.7% of employees that work in Collingwood travel to their place of employment by driving a car. To determine the likely number of employees working at the site, the applicant's traffic engineers have adopted an average office employee density of 25.9 square metres (based on research done by others). For the subject site, the estimated

number of employees would be 576 persons. By applying the travel to work car usage of 68.7%, the employee parking demand for the site would be 395 car parking spaces.

220. Looking at the empirical parking demand for offices, the development would have an on-site car parking provision of 0.90 spaces per 100sqm (based on 135 on-site spaces and a floor area of 14,93sqm). The approved development at 4-6 Gold Street, Collingwood (Planning Permit PLN13/0763 issued on 12 June 2014) comprises 1,541sqm of office floor space and 20 on-site car parking spaces. The parking rate for this site would equate to 1.29 spaces per 100 square metres. Whilst the parking provision of the proposed development is lower than the parking provision rate for the Gold Street office, the parking demand generated by the new site would be influenced by the constrained nature of on-street parking the surrounding area, the availability/access to off-street commercial parking and accessibility to public transport services.

221. Council's Senior Traffic Engineer confirmed that whilst the office's on-site parking provision is lower than empirical office car parking demands, the constrained on-street parking conditions would be a disincentive for employees to drive to work. The site is well serviced by public transport services. Council's Senior Traffic Engineer confirmed that the operation of the new office and food and drink premises should not adversely impact on existing parking conditions in the area, which are already constrained.

222. From a traffic engineering perspective, the reduction of the car parking requirements is 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 and the reduction being sought by the proposal is supported by the following reasons:

    (a) The site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Smith Street AC and Gertrude and Johnston Street NCs, which in turn will reduce the dependence on private vehicle ownership by future employees;

    (b) The proposal includes secure bicycle parking spaces well in excess of rates specified within the Scheme. The development also has excellent end of trip facilities which will further encourage the use of bicycles. Future employees would be able to take advantage of the Copenhagen bike lanes along Wellington Street;

    (c) Occupant or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking, this is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;

    (d) The office land use is particularly conducive to encouraging those without a car to not drive given trips are made in peak public transport availability periods, trips are known and planned in advance, on-site parking availability is known in advance, surrounding parking conditions are known in advance and do not accommodate long term daytime parking associated with an office use. These factors encourage and help facilitate those without a car to use other modes of transport.

    (e) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;

    (f) The café premises would heavily rely on walk-up trade for its primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses as well as local residents; and

(g) The location of the proposal encourages multi-purpose trips to the area.

223. Council's Senior Traffic Engineer confirmed that the limited on-site car parking provision should be managed by the site's Owners Corporation by way of a car parking management plan. On-site parking should be allocated to avoid parking overflow in the surrounding streets. These can be required by way of condition.

Traffic

224. In terms of existing conditions, the applicant's traffic engineers conducted traffic counts of Northumberland and Glasgow Street for a five day period from Monday 15 February 2016 to Friday 19 February 2016. Northumberland Street carries 400 vehicles per day, with 31 vehicles in the AM peak hour and 29 vehicles in the PM peak hour. Glasgow Street has a daily traffic volume of 101 vehicles per day and experiences 7 vehicles in the Am peak hour and 6 vehicles in the PM peak hour.

225. As development traffic would enter the site via Northumberland Street and exit via Glasgow Street, applicant's traffic engineers confirmed that the post development peak hour traffic volumes of Northumberland and Glasgow Street are expected to be 65 vehicles per hour and 40 vehicles per hour respectively. Council's Senior Traffic Engineer confirmed that the traffic generated by the development is not unduly high and it is agreed that both Northumberland and Glasgow Streets are be able to accommodate the development traffic without adversely compromising the operation of these two streets.

226. In terms of cumulative traffic impacts from the proposed development at nearby No. 61-71 Wellington Street, it is expected to add 7 vehicle trips to Wellington Street in each peak hour. In the AM peak hour, the traffic volume generated by the subject site would add 34 vehicle trips to Wellington Street. The traffic generated by both sites would add 41 vehicle trips in the peak hour to Wellington Street. It is agreed between both Council's Senior Traffic Engineer and the applicant's traffic engineer that traffic generated by these two sites should not adversely impact on Wellington Street. This complies with traffic and access policy within DDO11.

227. A number of objectors raised concerns regarding the safety on the road due to the increase in cars. The roads are a public thoroughfare and are currently being used for access. The site is located within the inner-city and within an area where Council encourages increased development. Objections were also raised in regards to pedestrian safety due to the increased use of the footpath (and lack of footpath area). The existing footpath (albeit narrow) on Northumberland Street is currently used by pedestrians and this will continue as per existing conditions. A number of sites use this footpath for primary pedestrian access. The proposal will be improving pedestrian access to the surrounding streets through the proposed public realm improvement which can be required by way of condition. This would constitute a significant improvement to existing conditions. In terms of Glasgow Street, there is no footpath currently, however the proposal only includes a secondary pedestrian access point with the primary areas being Northumberland and Wellington Streets. Glasgow Street is primary used as an exit point for the car stackers. The permit applicant has agreed to strip and re-sheet the Glasgow Street footpath, this can be required by way of condition and is an improvement on existing conditions.

Access and layout

228. The development incudes 136 on-site spaces within a mechanical parking device accessed via roller door from Northumberland Street and exiting out to Glasgow Street. The limited extent of street frontage required for car parking access satisfies design requirements within DDO11. The device is a fully automated system that parks and retrieves cars via a shuttle and car lift.

229. Additional information was provided to Council on 20 October 2016 regarding the car stacker specifications and performance. Council's Senior Traffic Engineer confirmed that the value for the 98th percentile queue length of 4.64 car lengths meets their own calculation. The proposed stacker system provides two entrance bays and room for at least four vehicles to queue clear of the Northumberland Street carriageway, giving a total queueing capacity on entry of six vehicles. A queuing area is therefore provided consistent with Section 3.5 of AS/NZS 2890.1:2004 which requires that a storage area be provided on-site to accommodate the 98th percentile queue. Council's Senior Traffic Engineer confirmed that the internal area will satisfactorily accommodate the queuing demand associated with this development. The internal layout was found to be satisfactory.

230. In terms of access arrangements to Northumberland Street, Council's Senior Traffic Engineer confirmed that the swept paths provided by the applicant with regards to the proposed doorway servicing the car stacker system are satisfactory. However, the headroom clearance was not dimensioned on the plans and this can be required by way of condition. The applicant has agreed to this. The headroom clearance for the doorway must be no less than 2.1 metres as per *Design standard 1 – Accessways* of Clause 52.06-8.

231. With regards to vehicles exiting onto Glasgow Street, Council's Senior Traffic Engineer stated that pedestrian sight triangles were not provided as required by *Design standard 1*. The applicant's traffic engineers suggested the installation of a light warning system for pedestrians to be aware of exiting vehicles. Under the provisions of the *Road Safety Road Rules* 2009, a driver entering a Public Highway from adjacent land must give way to all pedestrians on the road (which includes the footpath). Therefore, it is a motorist's responsibility to view pedestrians before entering the road. Council's Senior Traffic Engineer recommended that the applicant is to install convex mirrors to view pedestrians along the Glasgow Street footpath. This can be required by way of condition, should a permit be issued. The applicant has agreed to this.

232. As a result of vehicles exiting onto Glasgow Street, Council's Senior Traffic Engineer confirmed that to provide satisfactory vehicle exit movements, some parking would need to be prohibited along the north side of Glasgow Street as shown on the GTA swept path diagram (Drawing No. 16M 1677000-AT01-04-P5 dated 6 October 2016). To reinforce a section of prohibited parking, No Stopping signs would need to be installed.

    Therefore, the applicant should liaise with Council's Parking Services Unit. This will be required by way of condition.

233. In providing new vehicle crossings for the site, the applicant must provide council with detailed engineering drawings; this can be required by way of condition.

    Bicycle parking and facilities

234. As outlined earlier in the report the development is required to provide a total of 51 resident bicycle spaces and 15 visitor bicycle spaces under clause 52.34 of the Scheme. The development provides 158 bike racks in the first floor. As such through the provision of these spaces, the applicant has responded to the importance that State and Local policies place on encouraging low energy forms of transport such as clause 15.02-3, 18.02-1, 18.02-2 and 21.06.

235. Issues were raised by Council's Strategic Transport Unit with the applicant addressing these within additional information provided on 20 September 2016. The following is a list of the issues identified with responses to each:

    (a) There is no visitor cycle parking proposed at-grade, all bike parking is on level 1 accessed via a lift. A café and retail uses such as this will generate demand for such facilities and should be provided as part of this development at the outset.

The applicant has confirmed they will be providing four visitor bike spaces within the internal laneway. This can be required by way of condition.

(b) *Over 90% of the on-site cycle parking is racks on walls. This is not ideal and is geared to meeting the needs of a narrow demographic (people with light weight bikes, no ebikes, no bags, no paniers, no child seats, no child trailers, no issues with lifting, no mud guards etc) – council policy is to broaden the cycling demographic.*

Within the plans submitted to Council on 20 September 2016 the applicant responded to this by reconfiguring the end of trip facilities to a broader demographic of cyclists. In addition to this, the plans show an increase in the number of on-floor bicycle parks. The overall numbers associated with the bicycle parking have improved from 158 to minimum of 164. Within this total, the number of on-floor parks has improved from 30 to 56. This can be required by way of condition, should a permit be issued. This also satisfies comments received from Council's external Urban Designer. It should be noted that Council's external Urban Designer refers to bike parking being provided in a basement, however this is not the case as they are located on the first floor in the decision plans.

(c) *The footways in the area and along the frontage are narrow – this development could and should generate a significant amount of foot traffic.*

The applicant has agreed to carry out streetscape improvements. In addition to this Council's Engineering Services Unit has recommended civil works to footpaths. These can be required by way of condition.

236. The bicycle spaces have also been provided in a convenient location adjacent to the lifts and in an area where there is no potential for conflict. A Green Travel Plan can also be required by way of condition. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme.

Loading

237. It should be noted that the loading requirement is due to the proposed café use and not the office use. An on-site loading bay has been provided within the ground floor area accessed via Northumberland Street. The applicant provided swept path diagrams for the loading facility using the 8.8m medium rigid vehicle. Council's Senior traffic Engineers have confirmed that on-street parking on the north side of Northumberland Street, west of the vehicle crossing is to remain. The entry and exit swept path diagrams for the medium rigid vehicles have been found to be satisfactory following the submission of additional information on 20 October 2016.

238. Given the size of the café, it is expected that loading and unloading will be from smaller vehicles (vans and the like). The on-site loading dock or other on-street loading bays to the west along Derby Street can easily be utilised. It is not typical of most inner-city cafes to have a loading bay, and in this instance the on-site loading dock is found satisfactory and the waiver is appropriate.

Other

239. It should be noted that Council's Senior Traffic Engineer has recommended the inclusion of a number of conditions relating to civil works to Northumberland and Glasgow Streets, road protection, impacts on assets, vehicle crossings and drainage. These can be required by way of condition with the applicant agreeing to them.

<u>Waste management</u>

240. The applicant's Waste Management Plan (WMP) updated on 26 April 2016 has been found to be satisfactory by Council's Waste Management Unit. The WMP confirms that:

(a) Waste shall be stored within the development (hidden from external view).
(b) Users shall sort their waste, and dispose garbage and recyclables into bins in each office area with cleaning staff disposing of it into larger bins in the waste room at ground floor. The retail tenancy will store their bin within a back of house area with tenants transferring this into the waste room.
(c) The building manager will be responsible for organizing and coordinating the collection of garbage and recycling bins. The building manager will allow the waste collection contractor access to the waste room adjacent to the loading dock.
(d) A medium rigid collection vehicle (MRV) is expected to perform collections, the vehicle has a height clearance of 3.5m.
(e) A collection frequency of five (5) times a week is expected for garbage and three (3) times a week for the recycling waste streams.
(f) All collections are to be performed by a private contractor.

Objector concerns

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

(a) Excessive height and scale/lack of setbacks; *(paragraphs 158-170)*
(b) Design Issues; *(paragraphs 152-157)*
(c) Poor interface with abutting residential area and heritage buildings; *(paragraphs 197 and 141 respectively)*
(d) Lack of green areas; *(paragraphs 186-188)*
(e) Lack of car parking/bicycle spaces provided. *(paragraphs 215-223 and 234-236)*
(f) Vertical bike spaces are unsuitable; *(paragraph 235b)*
(g) Increased traffic; *(paragraphs 224-226)*
(h) Issues with vehicle access within the surrounding street network (Northumberland/Glasgow) (congestion/safety concerns); *(paragraphs227-233)*
(i) Off-site amenity impacts (overlooking, overshadowing, loss of daylight etc.); *(paragraphs 195-205)*
(j) Overshadowing of public realm; *(paragraphs 174-177)*
(k) Discourage cycling; *(paragraphs 234-236)*
(l) Potential noise impacts; *(paragraphs 206-211)*

242. Outstanding concerns will be discussed below, and relate to:

(a) Increase in air pollution;

The proposal is not anticipated to increase air pollution.

(b) Errors on plans;

This related to plans not showing heritage buildings and private open spaces within perspectives and floor plans. Council planning officers have taken this into consideration during their assessment.

(c) Disruptions during the construction process.

This will be dealt with at the Building Permit stage. A Construction Management Plan (CMP) will be required by way of condition and will manage impacts during the construction stage. This will be further considered during the building stage also.

Conclusion

243. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density commercial development in Activity Centres on strategic redevelopment sites and within the Gipps Street Precinct.

244. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies. Subject to conditions which the applicant has agreed to, the proposal will result in a significant improvement to the public realm and will make a substantial contribution to the streetscape.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to notify VCAT and all parties that had Council been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN16/0435 for use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements at 2 - 16 Northumberland Street Collingwood, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by John Wardle Architects received by Council on 18 May and 20 July 2016 but modified to show:

    (a) Inclusion of a larger window and seating facing Wellington Street for the 'companion' building as per the sketch plan provided on 20 September 2016;
    (b) Alterations to the northern façade of the 'companion' building at ground and first floors as per the sketch plan provided on 20 September 2016;
    (c) Reduction in the length of the wall nibs associated with the southern lifts as per the sketch plan provided on 20 September 2016;
    (d) An additional 4.08m setback indentation along the northern façade towards the west as per the sketch plan provided on 20 September 2016;
    (e) Sunshades along the northern façade to have angular edges as per the sketch plan provided on 20 September 2016;
    (f) Shifting the plant area 9.3m to the east towards less sensitive interfaces and subsequent reduction in the western façade height of the primary building from 57.2m to 51.2m as per the sketch plan provided on 20 September 2016.
    (g) Roof plan to be amended as per sketch plans submitted on 20 September 2016;
    (h) Widths of the crossovers onto Northumberland Street were annotated and the width of the crossover onto Glasgow Street was narrowed to 7.9m from 10.82m, as per the sketch plan provided on 20 September 2016;
    (i) Screening to the northern end of the car parking area to block headlight light spill from the site to the north as per the sketch plan provided on 20 September 2016;
    (j) Improvements to bicycle access within the building as per the sketch plan provided on 20 September 2016 resulting in at least 56 on-floor parks and a minimum of 168 bicycle spaces (overall) on the first floor;
    (k) Retail tenancy be re-labelled as a 'café';
    (l) The headroom clearance for the vehicular doorway is no less than 2.1m as per *Design standard 1 – Accessways* of Clause 52.06-8 of the Yarra Planning Scheme;
    (m) The installation of convex mirrors (at the vehicular exit) to view pedestrians along the Glasgow Street footpath;
    (n) Four visitor bicycle spaces to be provided within the internal laneway;
    (o) A notation confirming that the internal laneway will be lit at night and on weekends (both day and night);
    (p) Any requirement of the endorsed Sustainable Management Plan (condition 4) (where relevant to show on plans);

(q) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans);
(r) Any requirement of the endorsed acoustic report (condition 8) (where relevant to show on plans.; and
(s) Any requirement of the endorsed wind report (condition 12) (where relevant to show on plans);

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Café Use

3. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 7am and 6pm, seven days per week.

Sustainable Management Plan

4. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Aurecon prepared on 19 September 2016, but modified to include or show:

(a) The amended floor plans as per the sketch plans provided on 20 September 2016;

(b) The proposed 50,000L rainwater tank;

(c) The catchment area of the rainwater tank;

(d) Confirmation of the toilet connections associated with the rainwater tank;

(e) The 50kWp solar photovoltaic array;

(f) A STORM report confirming that the development maintains a minimum 100% STORM score, or equivalent MUSIC model demonstrating best practice stormwater management; and

(g) Confirm 5 Star Green Star rating.

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

Waste Management Plan

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

7. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic report

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

Landscape Plan

9. Before the development is occupied, a Landscape Plan (for the 'companion' building roof top and internal laneway) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

   (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;

   (b) detail the design and layout of the common area, planters and ground level planting areas;

   (c) provide a specification of works to be undertaken prior to planting; and

   (d) detail plant/planting maintenance schedules and requirements.

   to the satisfaction of the Responsible Authority.

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

    (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

    (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

    (c) replacing any dead, diseased, dying or damaged plants,

    to the satisfaction of the Responsible Authority.

11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Wind

12. Before the use and development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPAC and dated 19 October 2016, but modified to include (or show):

    (a) Walking criterion for the roof terrace of the 'companion' building;
    (b) Confirming the tethering of objects on the roof terrace of the 'companion' building and any objects that are not tethered should not be left unattended or permanently on the terraces;
    (c) The west-facing entrance be either set in 2m or to be provided with a 2m canopy to improve the wind conditions to meet the standing comfort criterion; and
    (d) Wind tunnel model measurements undertaken to verify the findings of the desktop study.

13. The provisions, recommendations and requirements of the endorsed Wind Assessment

Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm works

14. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following public realm works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:

    (a) the following public realm improvements generally as per the public realm sketch plan submitted on 20 October 2016 showing:

        (i) a raised pedestrian crossings along Wellington Street to both Glasgow and Northumberland Streets;
        (ii) two additional street trees along the northern side of Northumberland Street and one along the eastern side of Wellington Street with concrete wheel stops at the edge;
        (iii) two seats along the eastern side of Wellington Street; and
        (iv) new asphalt to the northern side of the Northumberland Street footpath.

    (b) the public realm sketch plan submitted on 20 October 2016 further modified to show:

        (i) the specifications/details/materials of the raised pedestrian crossing, new asphalt and seating;
        (ii) deletion of new planting at the intersection of Northumberland and Wellington Streets and rain gardens;
        (iii) an additional tree within the existing 'No Stopping' area along the northern side of Northumberland Street,
        (iv) an additional tree along the eastern side of Wellington Street between the two proposed seats;
        (v) tree squares as being 1.5m x 1.5m;
        (vi) 12m distances between street trees where there is car parking in between;
        (vii) a notation confirming that the existing informal crossing point on Wellington Street is to remain;
        (viii) correct dimensions of the Northumberland Street footpath;
        (ix) a notation confirming the cost of the street trees is at the permit holders expense with the Responsible Authority carrying out the works/planting & maintenance for two years; and
        (x) car parking spaces dimensioned.

End of Trip Facilities (EOTF) Operations Management Plan

15. Before the development is occupied, an EOTF Operations Management Plan prepared by an appropriately qualified person, must be submitted to and approved by the Responsible Authority. When approved, the EOTF Operations Management Plan will be endorsed and form part of this permit. The plan must cover the following points, but may include other points:

    (a) arrangements associated with the use of end of trip facilities by any person(s) or group who is not a tenant of the building (including homeless and/or disadvantaged persons);
    (b) detail how the use of these facilities will not limit the use of end of trip facilities by building occupants;
    (c) operating hours and days;
    (d) staff numbers;
    (e) security of the facility;
    (f) supervision of visitors; and
    (g) the collection of waste.

16. The EOTF Operations Management Plan must be implemented and complied with to the

satisfaction of the Responsible Authority, unless with the prior written consent of the Responsible Authority.

Road Infrastructure

17. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare a 1 in 20 scale cross sectional drawings of all new vehicle crossings. Each cross sectional drawing must include the existing building line level, the top of kerb level, the invert level, the lip level and road pavement levels. The reduced levels must be actual levels (interpolated levels from the application drawings will not be accepted). The applicant must demonstrate by way of ground clearances checks that the B99 design vehicle and the 8.8 metre service vehicle (for the loading facility) can adequately traverse the vehicle crossings. The cross sectional drawings with the ground clearance checks must be to the satisfaction of the Responsible Authority.

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

    (a) in accordance with any requirements or conditions imposed by Council;
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.

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

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

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the area/s of any damage caused by the development works and service trenches in relation to the development along Northumberland Street and Glasgow Street must be re-sheeted full width:

    (a) Any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement.
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Glasgow Street road frontage must be stripped and re-sheeted (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):

    (d) at the permit holder's cost; and
    (e) to the satisfaction of the Responsible Authority.

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Northumberland Street road frontage must be reconstructed:

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

23. 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.

24. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement

Car parking

25. Before the use and development commences, 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 of car parking spaces allocated to each tenancy and that each space is allocated;
(b) details of way-finding, cleaning and security of end of trip bicycle facilities;
(c) policing arrangements and formal agreements;
(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 required by Condition 6; and
(f) details regarding the management of loading and unloading of goods and materials.

26. 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.

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

(a) constructed and available for use in accordance with the endorsed plans;

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

to the satisfaction of the Responsible Authority.

28. 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.

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

30. Before the use and development commences, a Green Travel Plan to the satisfaction of the

Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

(a) describe the location in the context of alternative modes of transport;
(b) the provision of real time passenger information displays for nearby stops within each lobby;
(c) employee welcome packs (e.g. provision of Met Cards/Myki);
(d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
(e) details of bicycle parking and bicycle routes;
(f) details of GTP funding and management responsibilities; and
(g) include provisions to be updated not less than every 5 years.

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

Lighting

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,

    to the satisfaction of the Responsible Authority.

General

33. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

34. As part of the ongoing consultant team, John Wardle Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

    (a) oversee design and construction of the development; and
    (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

35. 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.

36. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

37. 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.

38. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

39. 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.

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

    (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
    (b) works necessary to protect road and other infrastructure;
    (c) remediation of any damage to road and other infrastructure;
    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
    (e) facilities for vehicle washing, which must be located on the land;
    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
    (g) site security;
    (h) management of any environmental hazards including, but not limited to,:
        (i) contaminated soil;
        (ii) materials and waste;
        (iii) dust;
        (iv) stormwater contamination from run-off and wash-waters;
        (v) sediment from the land on roads;
        (vi) washing of concrete trucks and other vehicles and machinery; and
        (vii) spillage from refuelling cranes and other vehicles and machinery;
    (i) the construction program;
    (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
    (k) parking facilities for construction workers;
    (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
    (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
    (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
    (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
    (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise

and Vibration Management Plan, consideration must be given to:
(i) using lower noise work practice and equipment;
(ii) the suitability of the land for the use of an electric crane;
(iii) silencing all mechanical plant by the best practical means using current technology;
(iv) fitting pneumatic tools with an effective silencer;
(v) other relevant considerations; and

(q) any site-specific requirements.

During the construction:

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

Time expiry

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

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

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

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.

No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch.

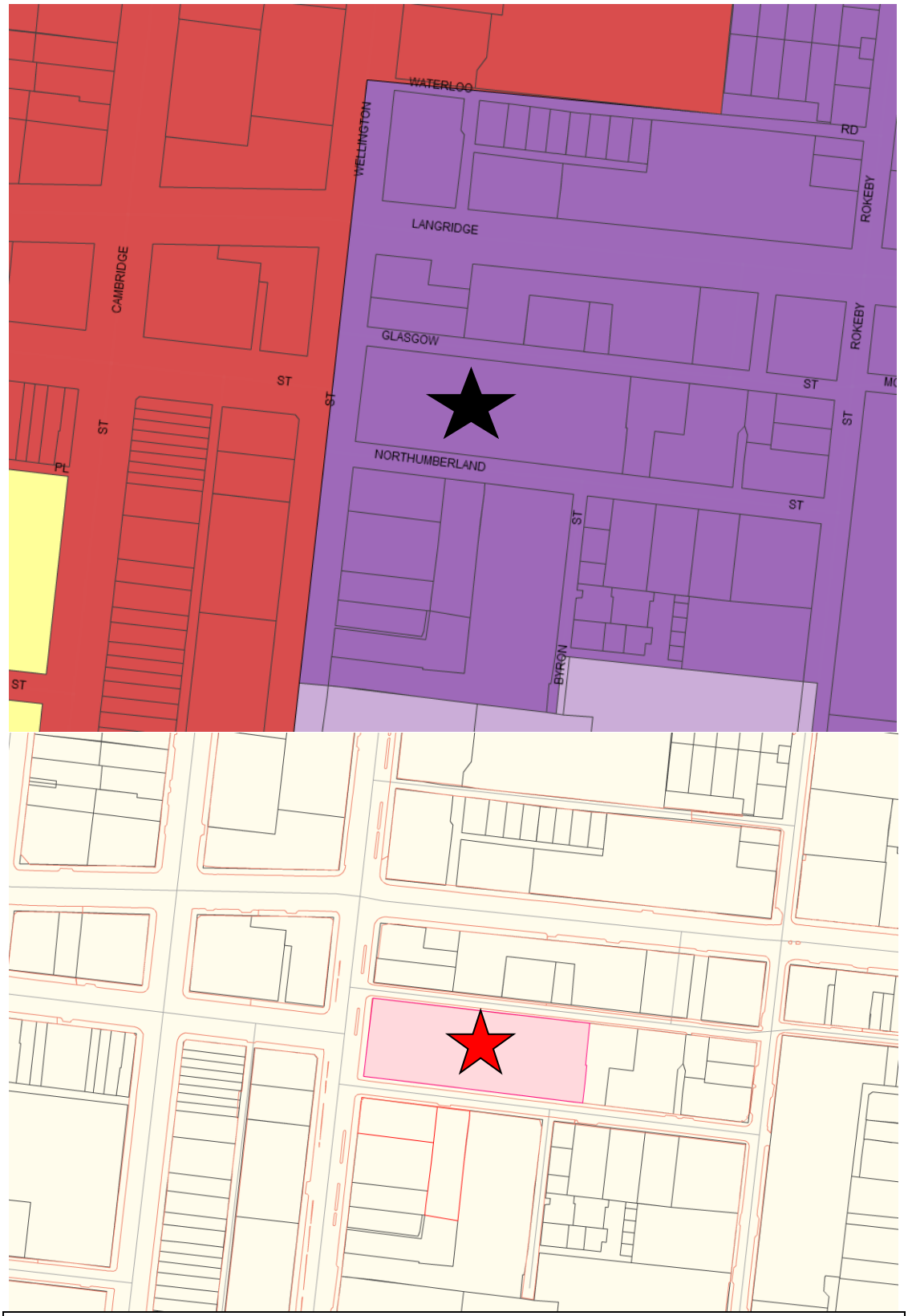
CONTACT OFFICER: **Vicky Grillakis**
TITLE: **Acting Coordinator Statutory Planning**
TEL: **92055124**

Attachments

1 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - subject land
2 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - decision plans
3 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - sketch plan 20 September 2016
4 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - sketch public realm plan
5 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Acoustic comments - Earlier
6 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Acoustic Comments - Final
7 PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering comments
8 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Engineering comments to additional information
9 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment ESD comments - Earlier
10 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment ESD comments - Final
11 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment External Urban Design comments
12 PLN16/0435 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Public Transport Victoria comments
13 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Strategic Transport comments
14 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Waste Management comments
15 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Wind comments - Earlier
16 PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Wind comments - Final

Attachment 1 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - subject land

SUBJECT LAND:



⇧ **North**

★ **Subject Site**

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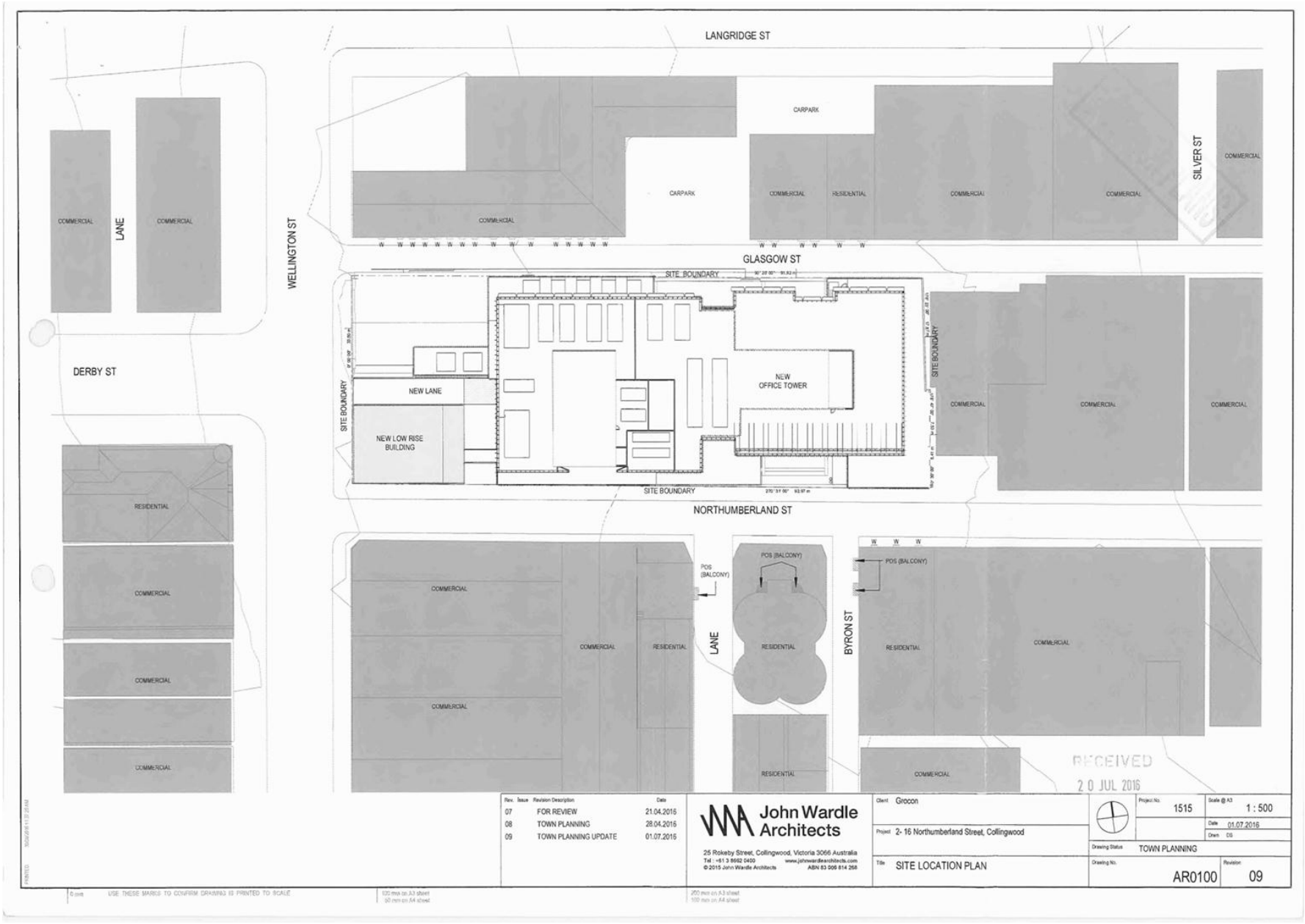

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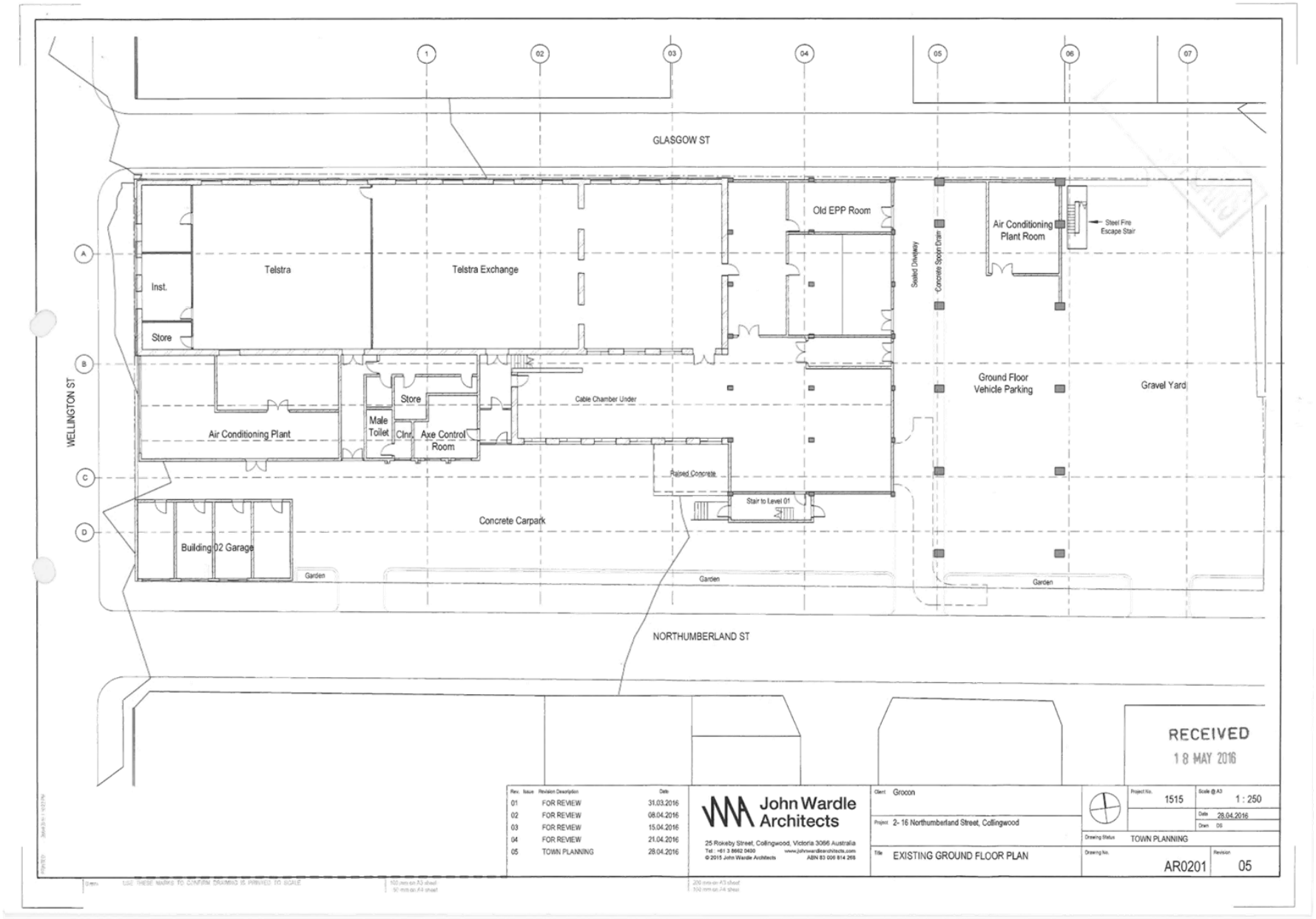

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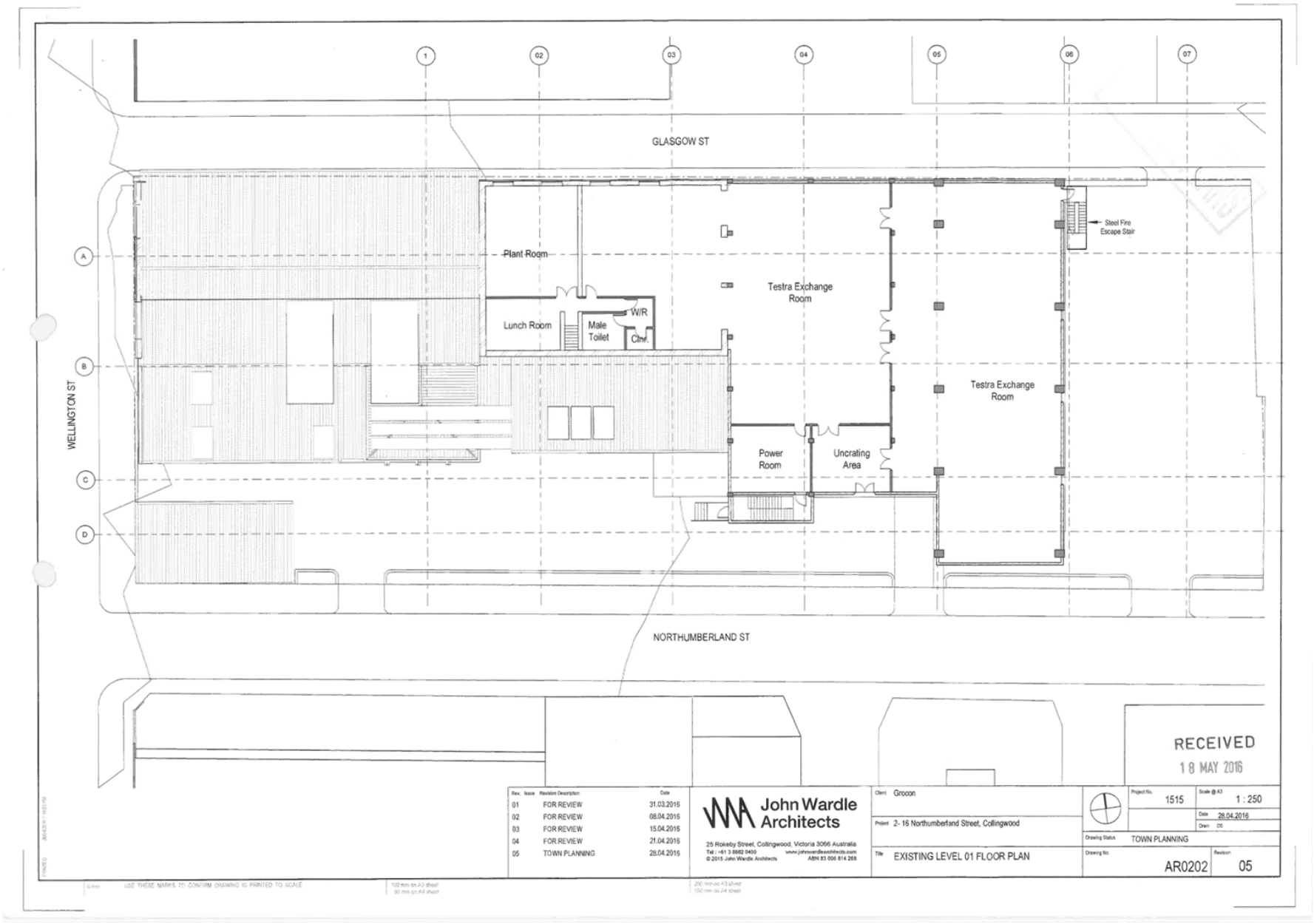

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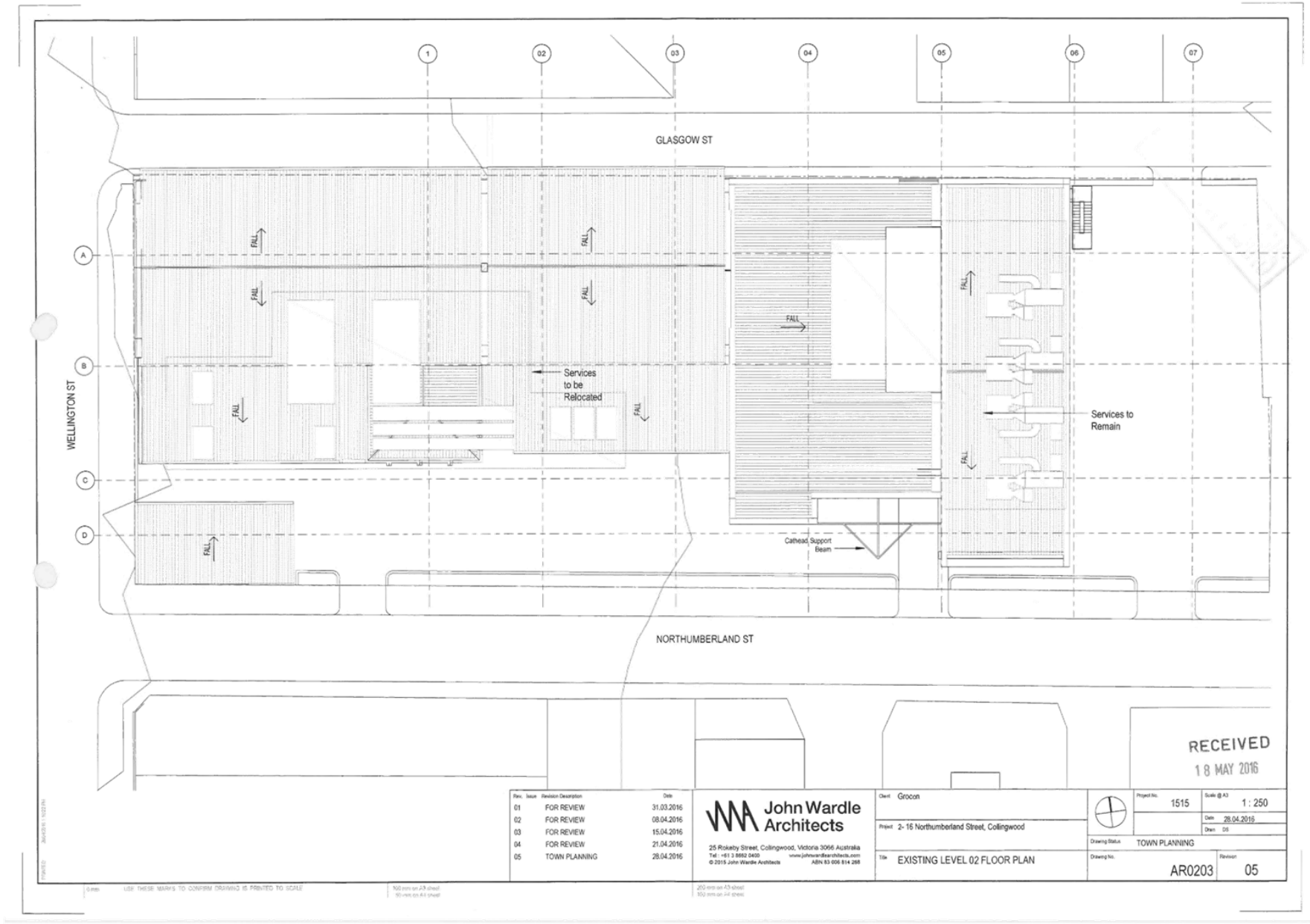

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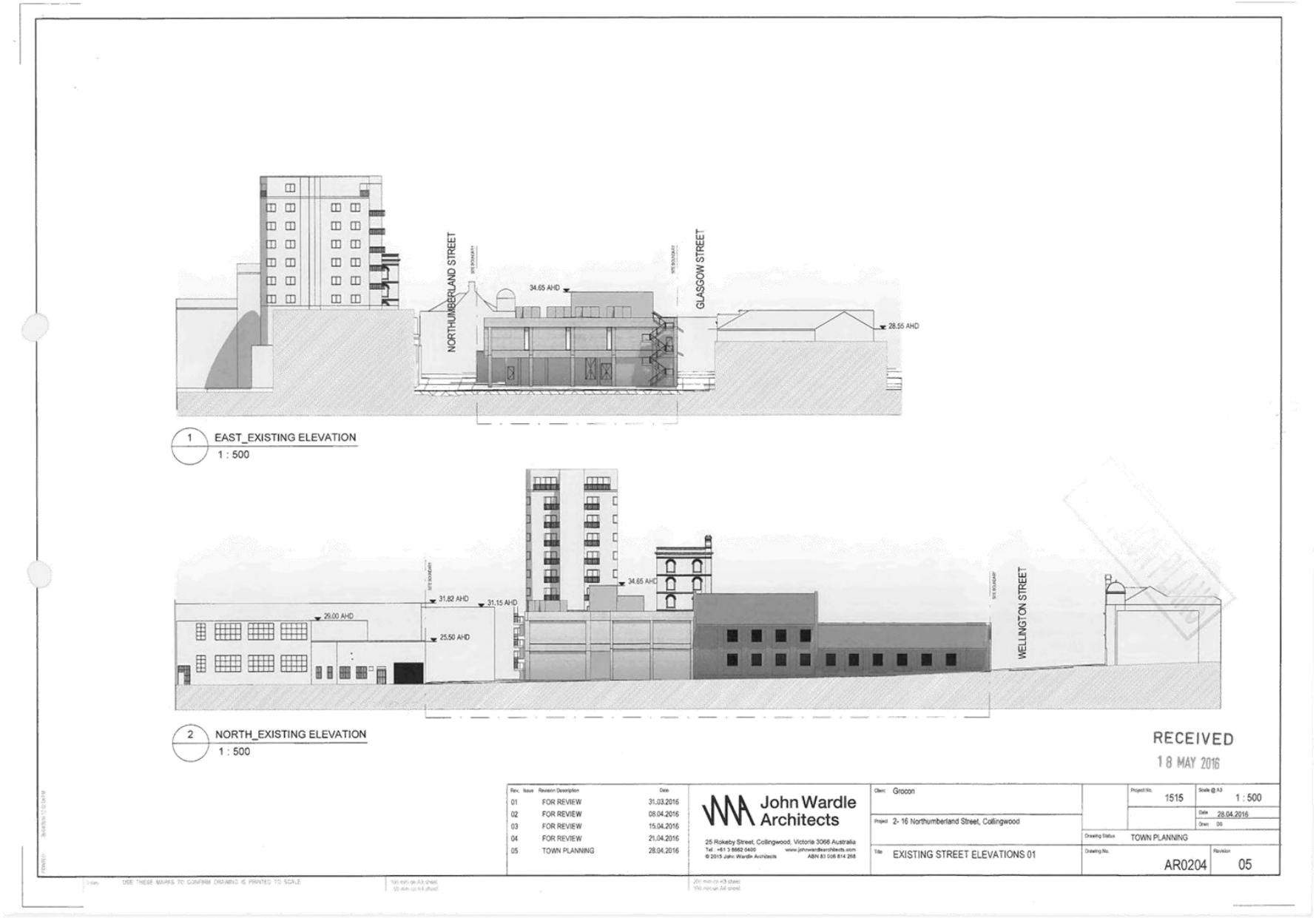

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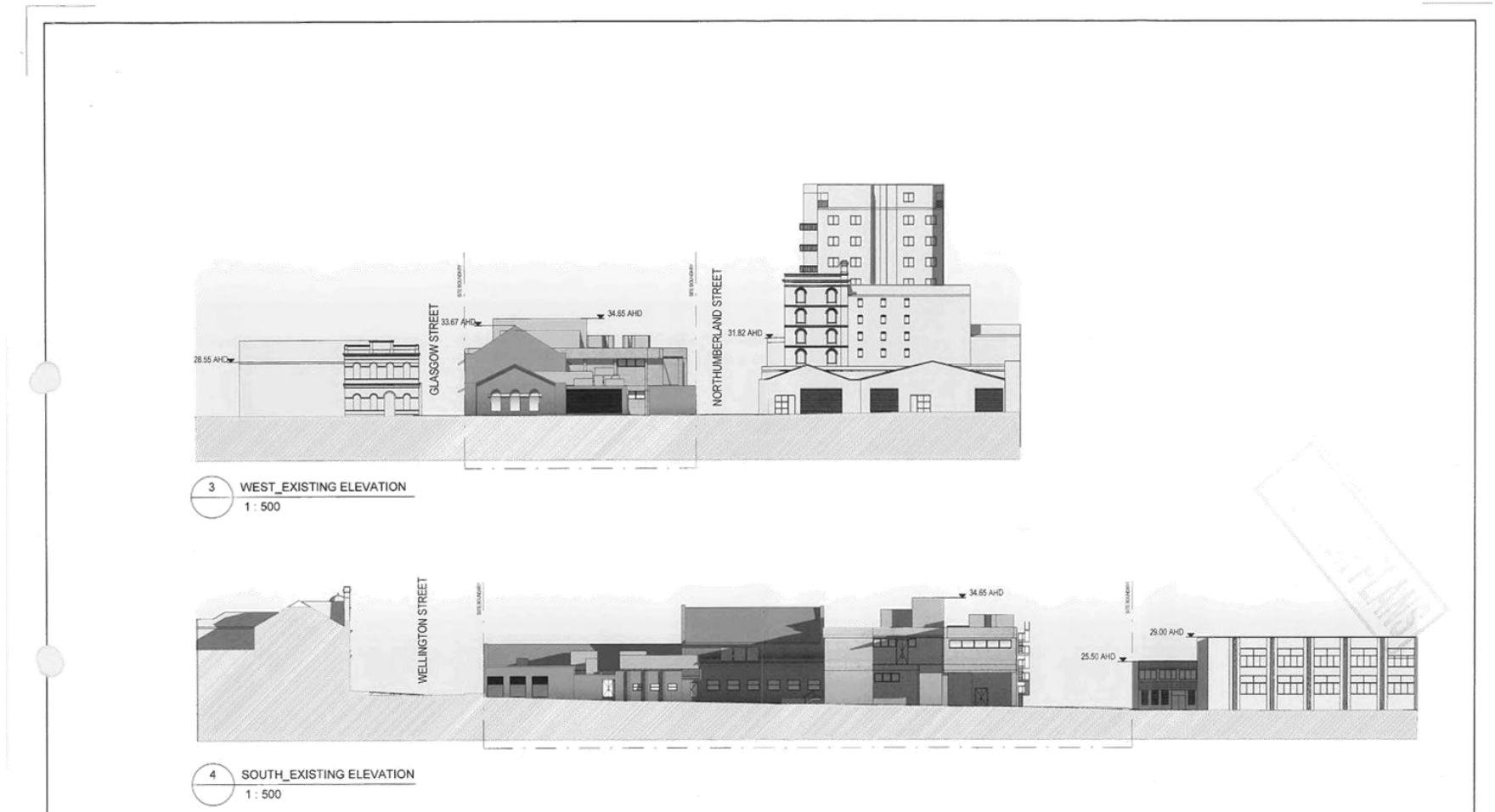

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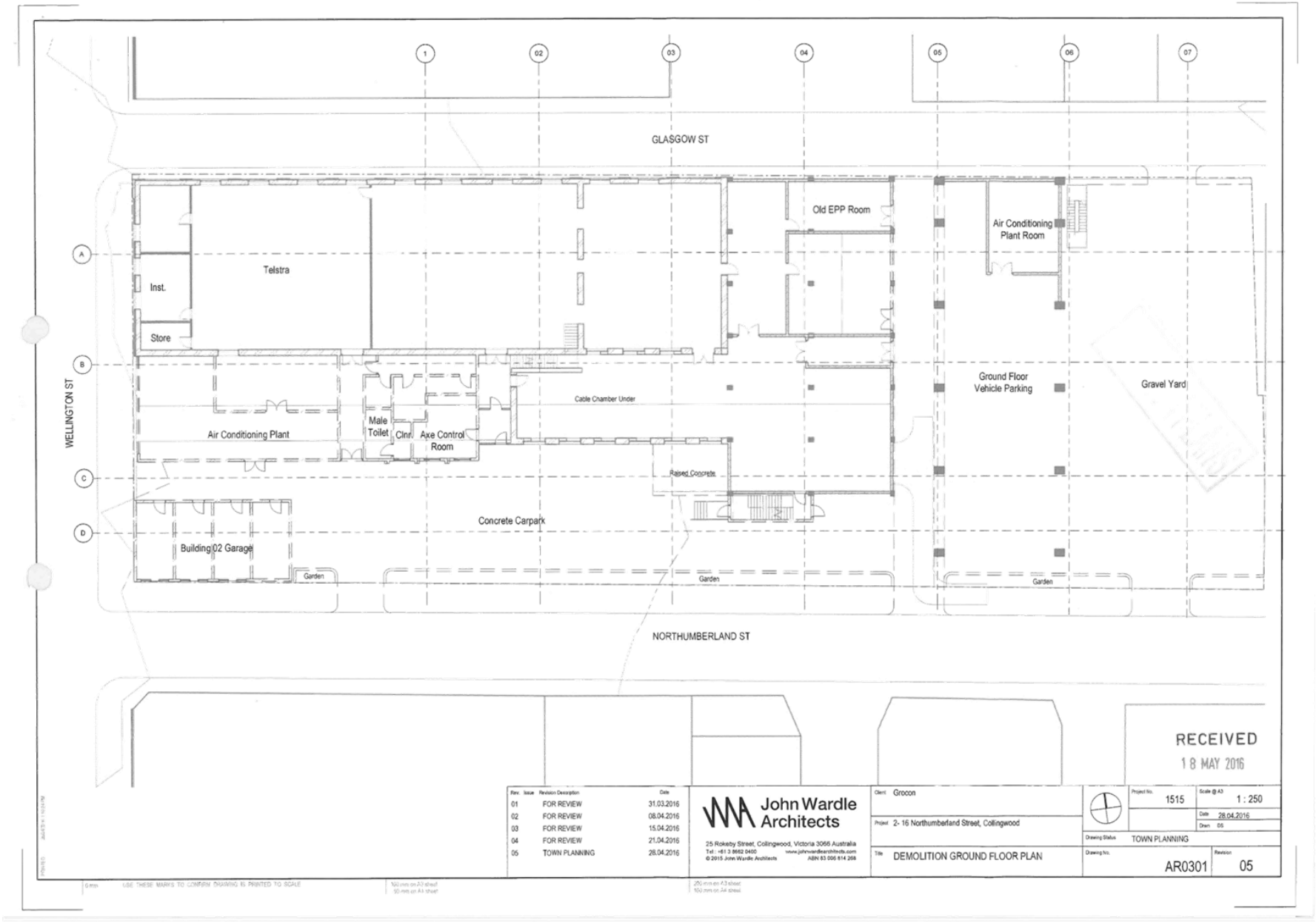

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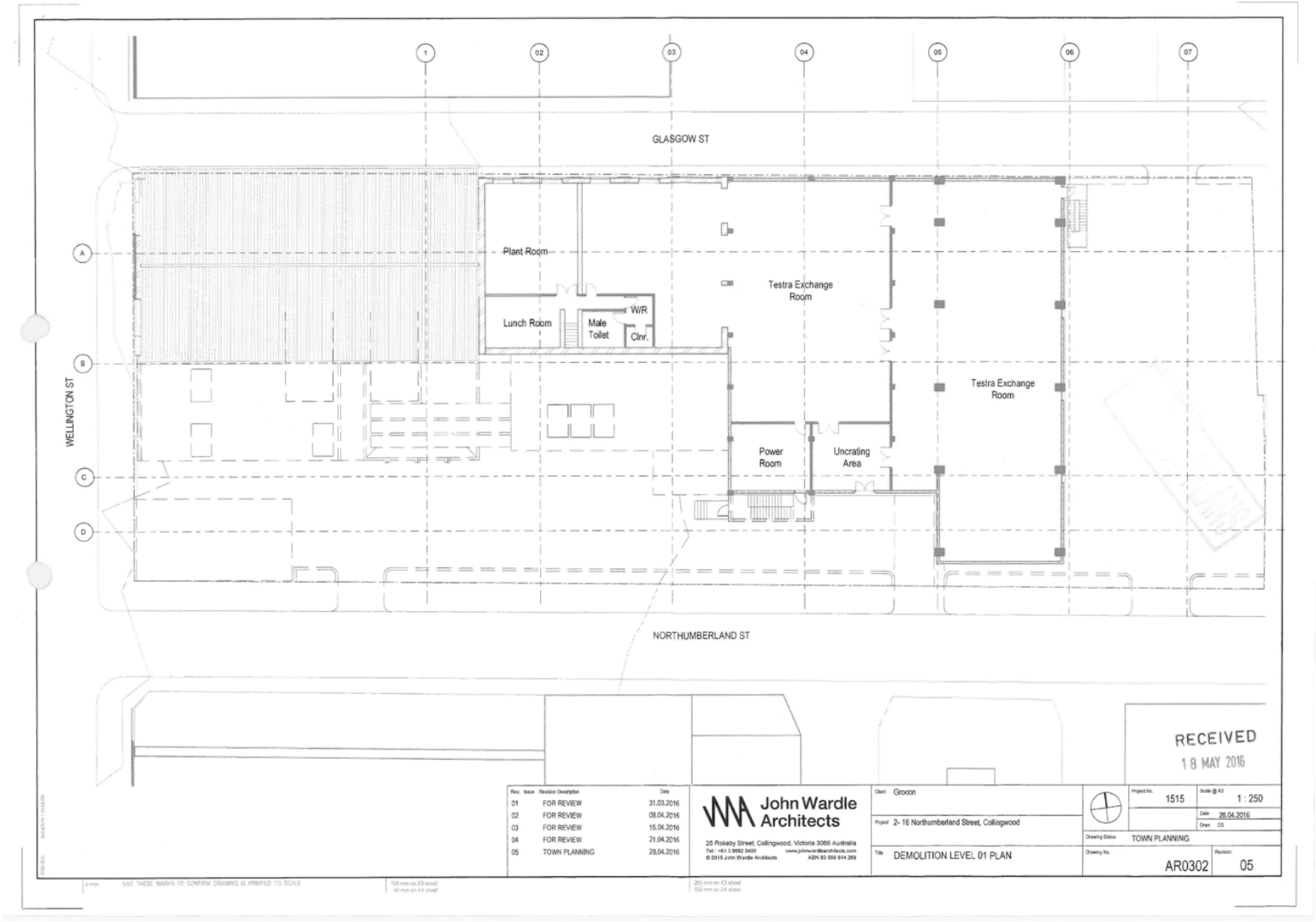

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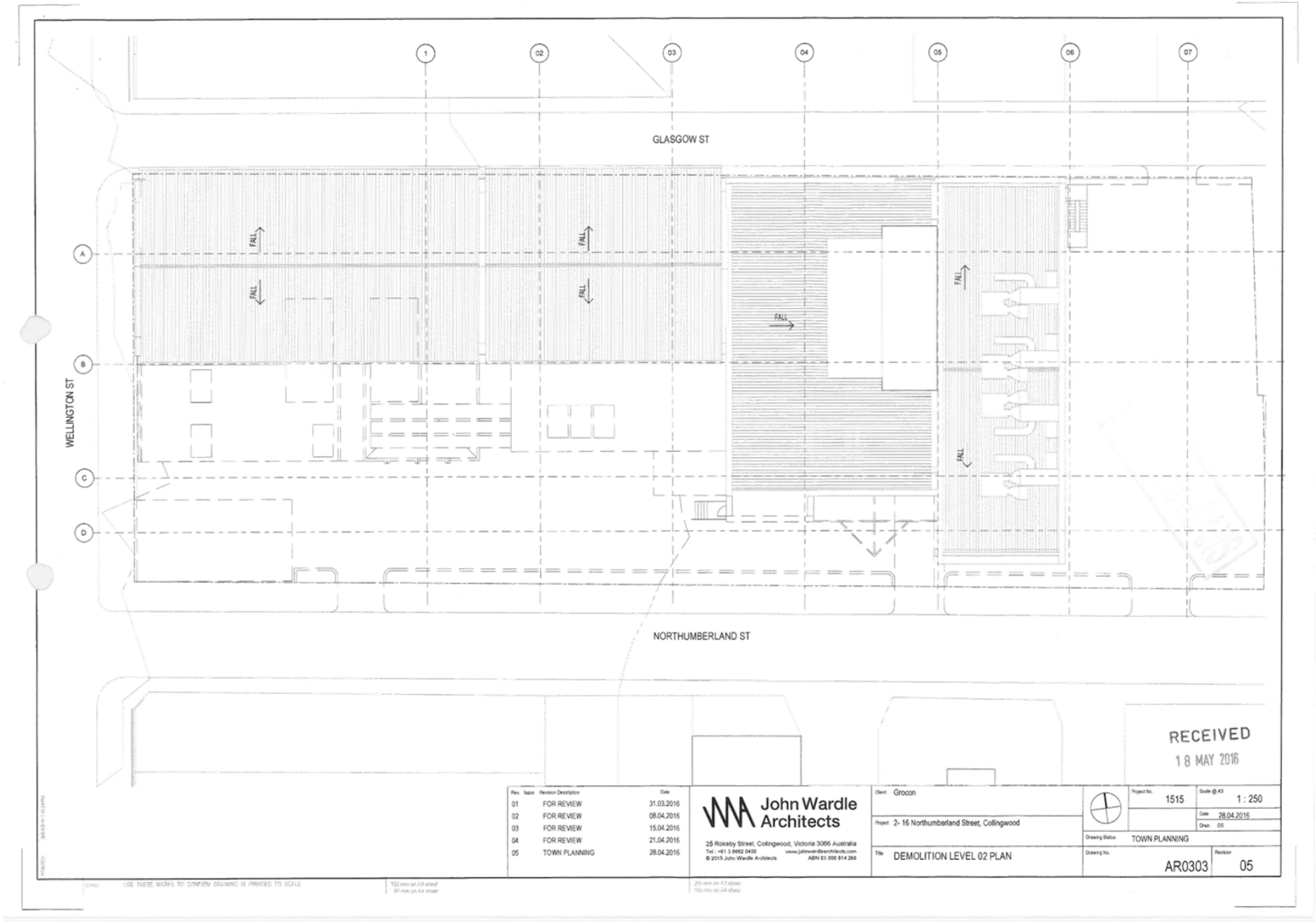

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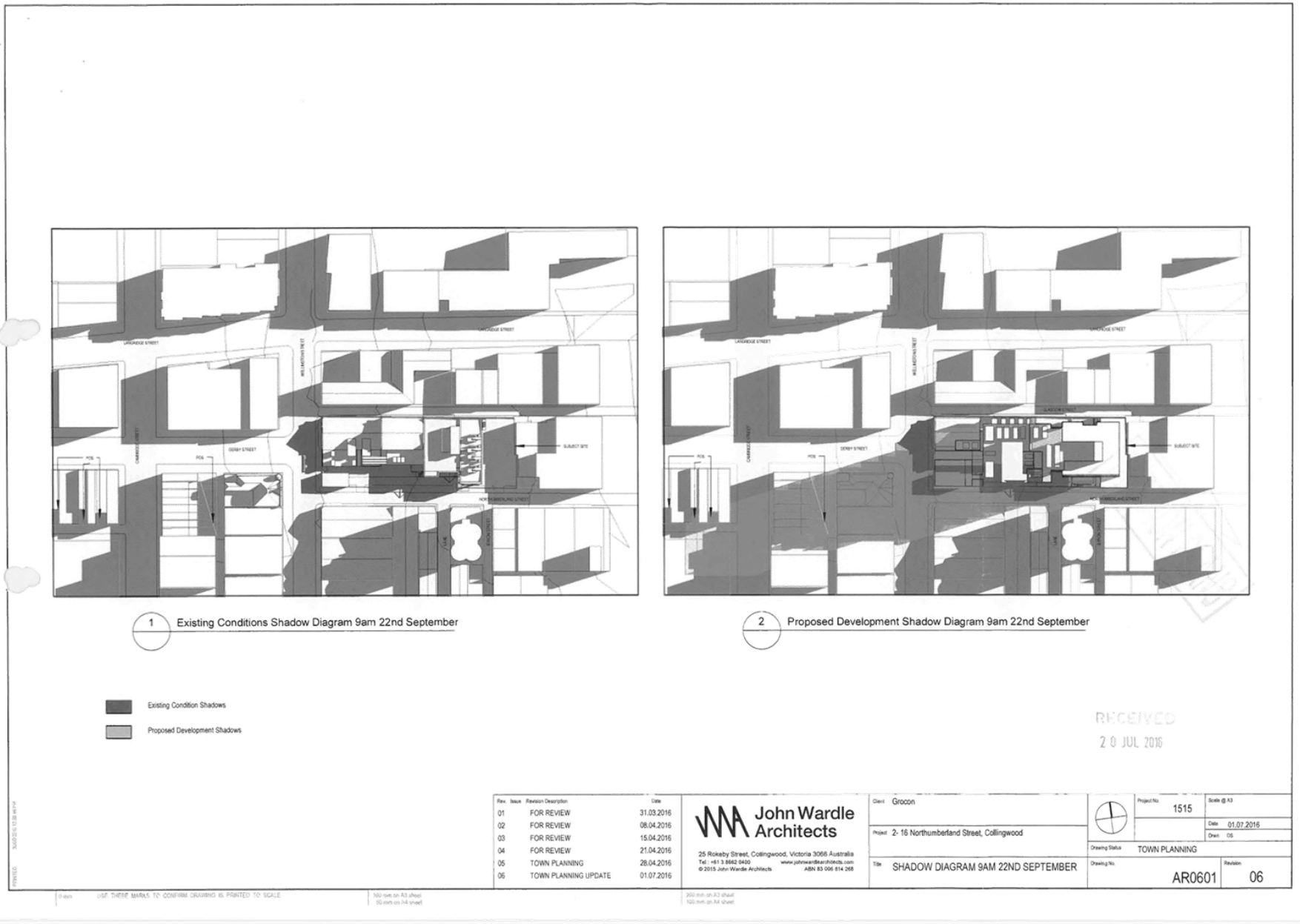

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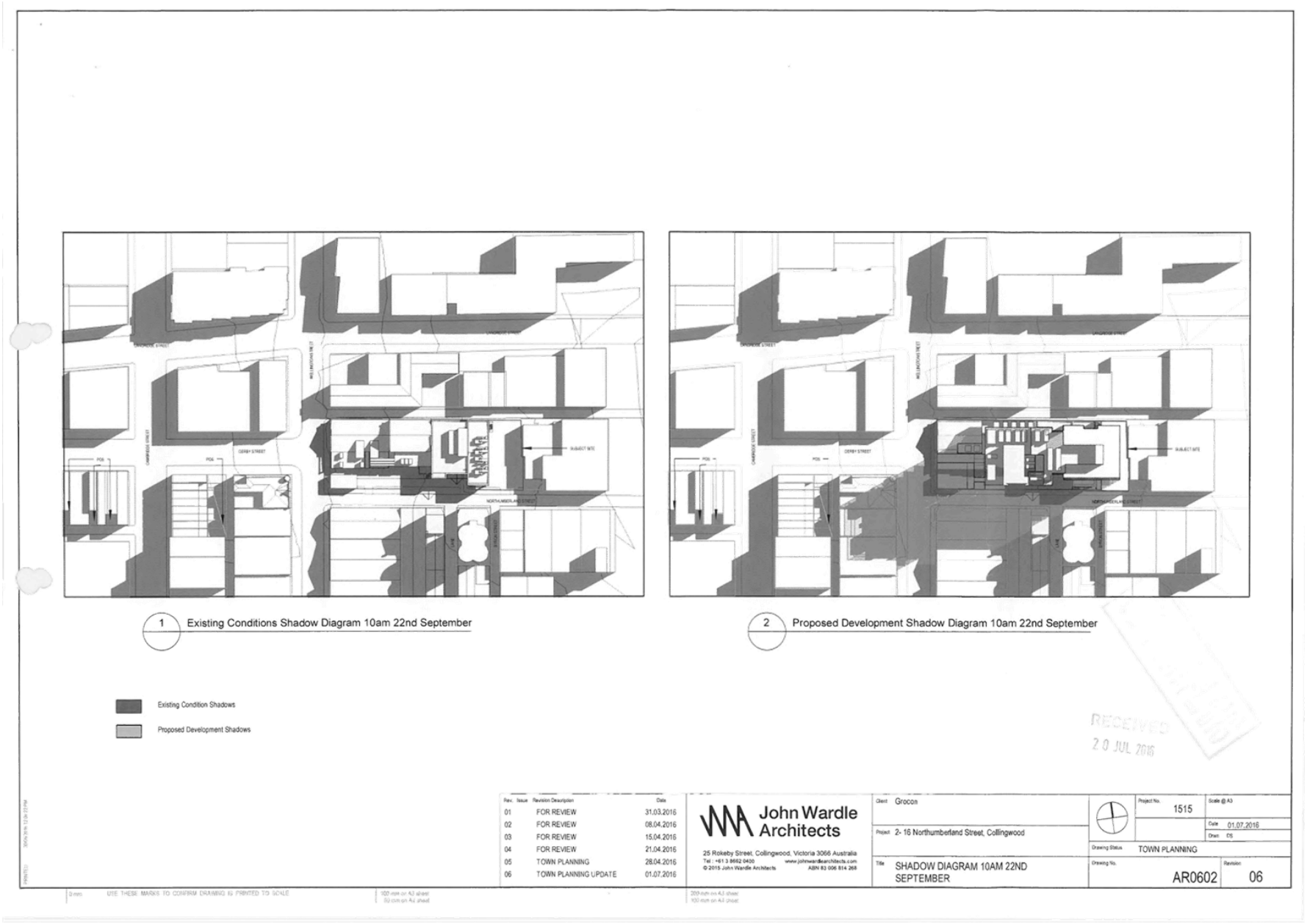

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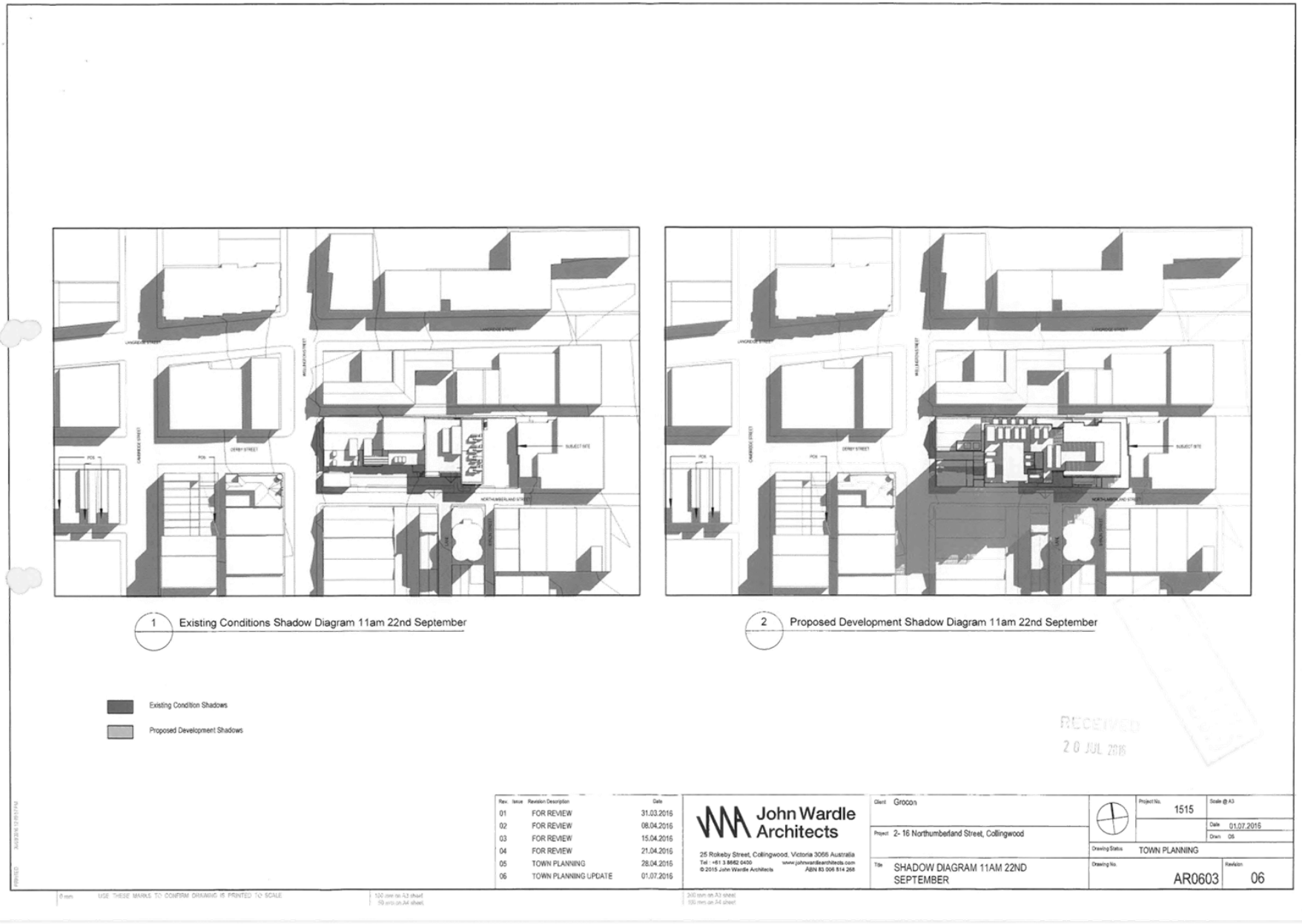

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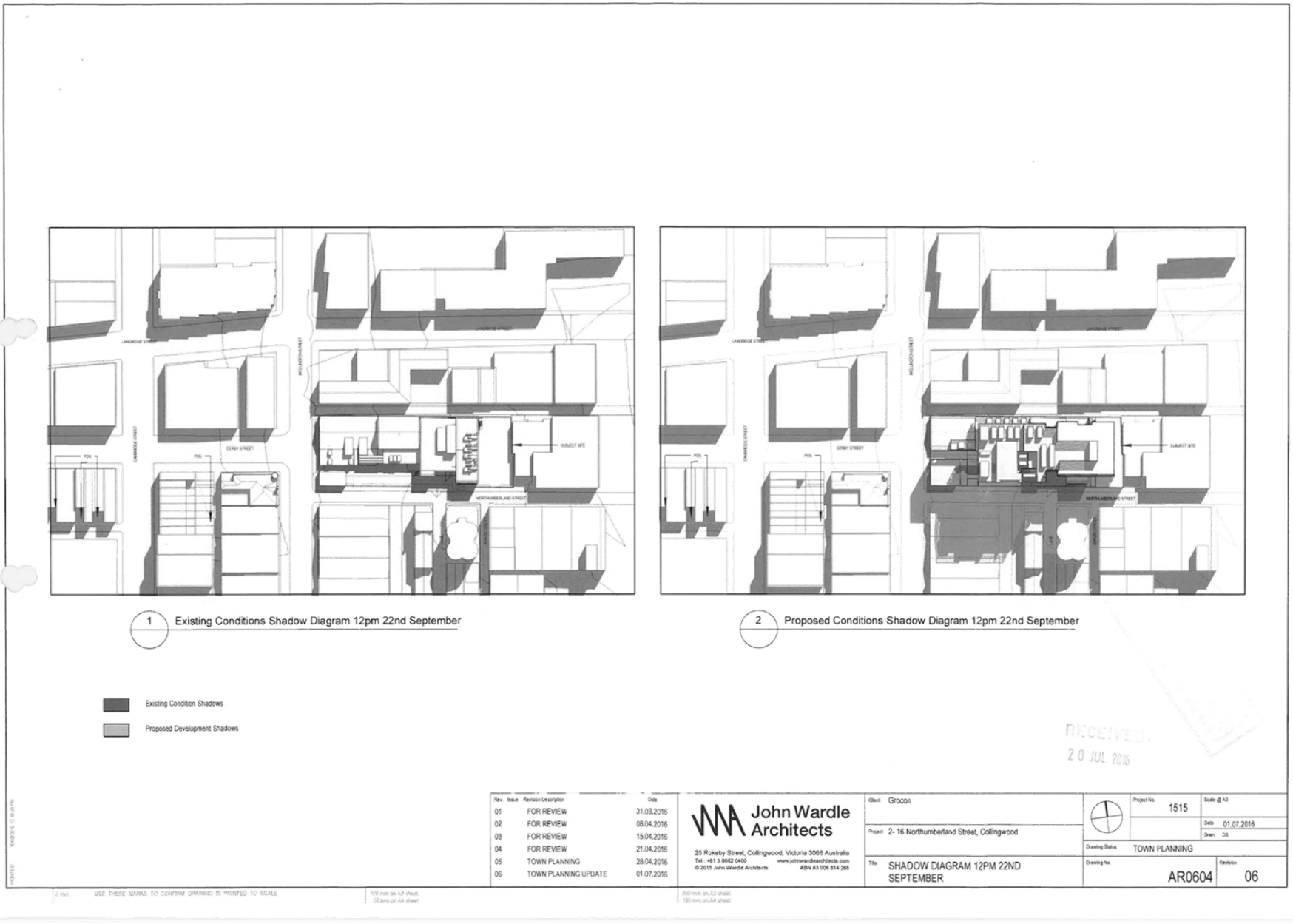

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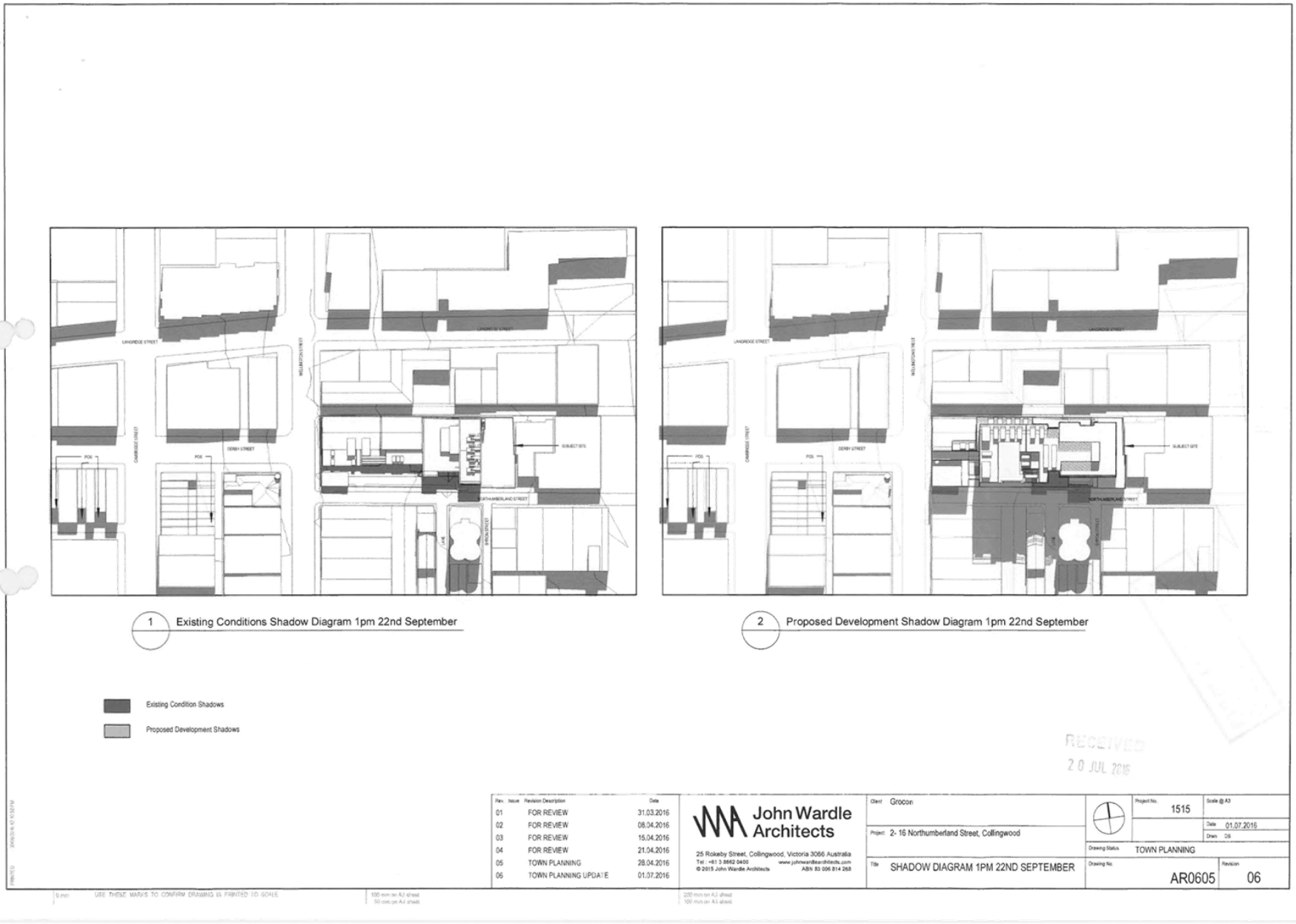

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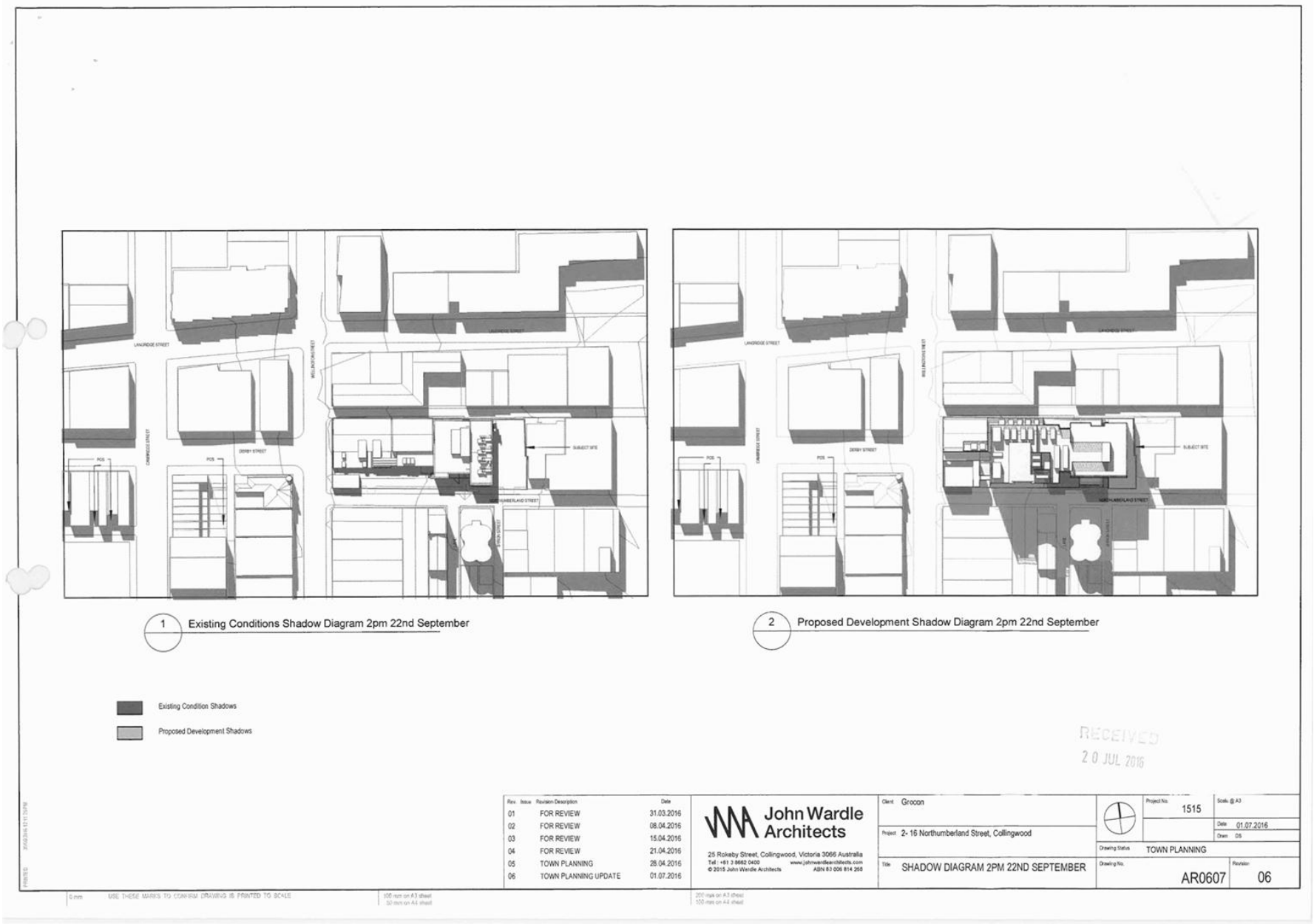

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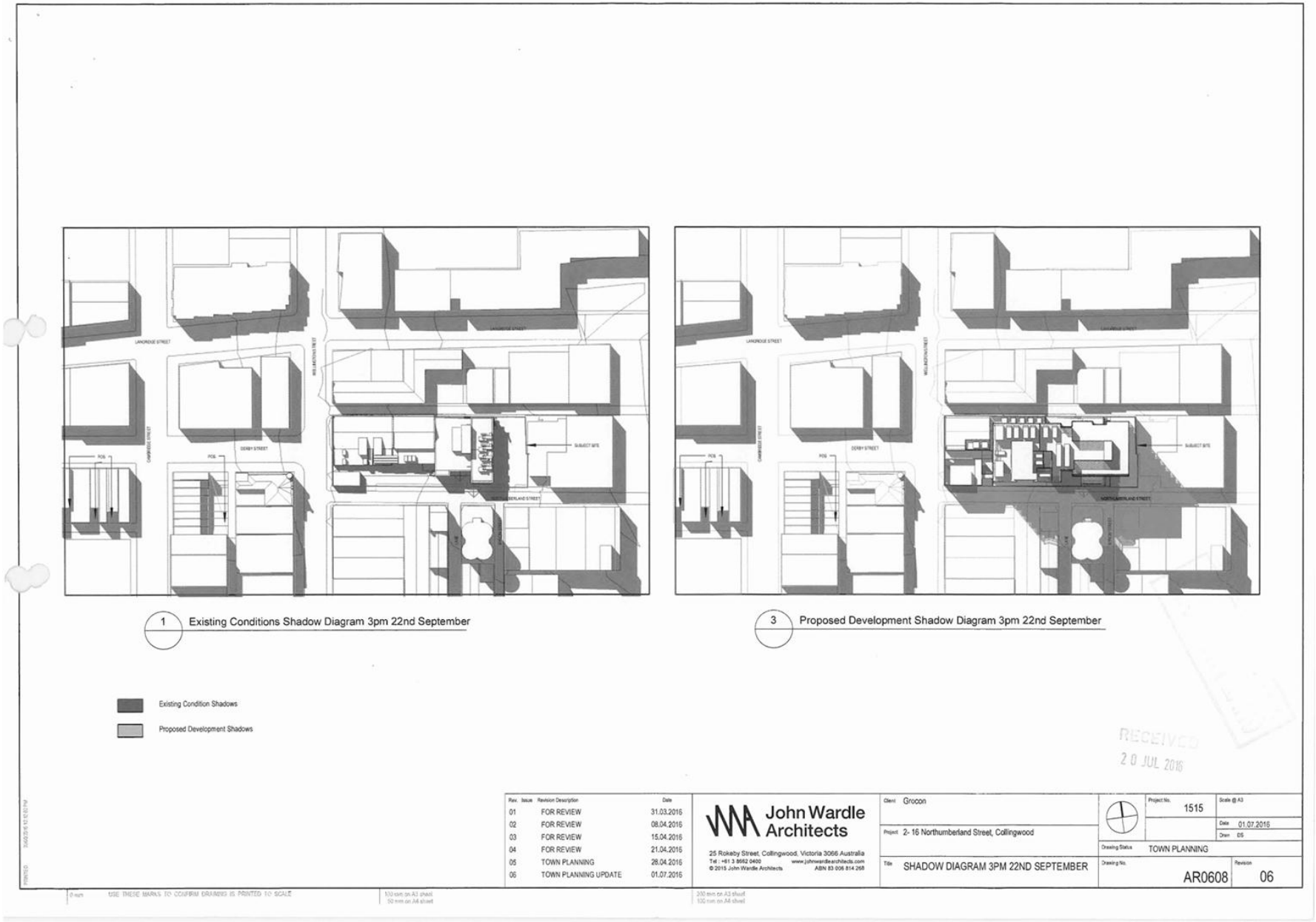

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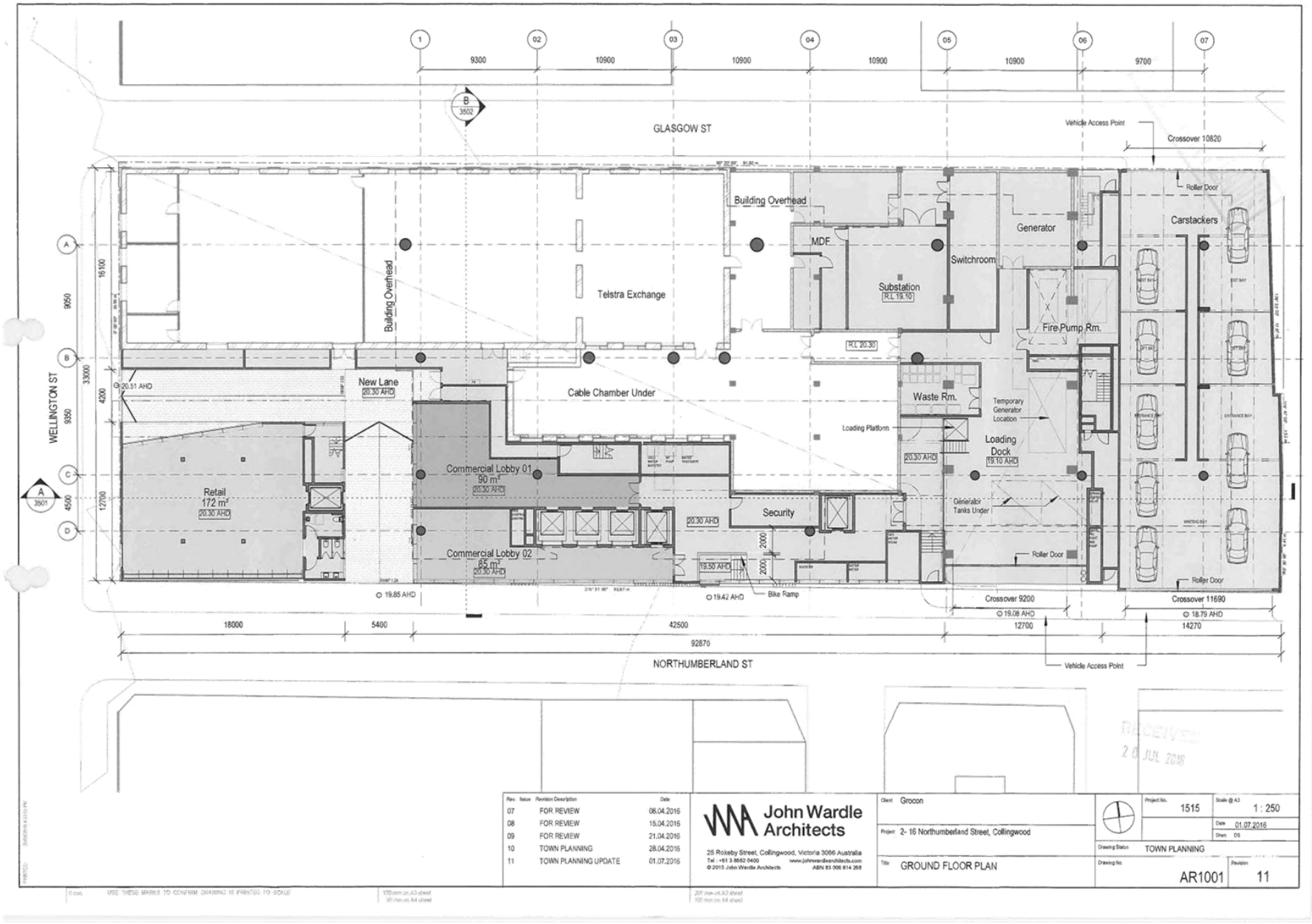

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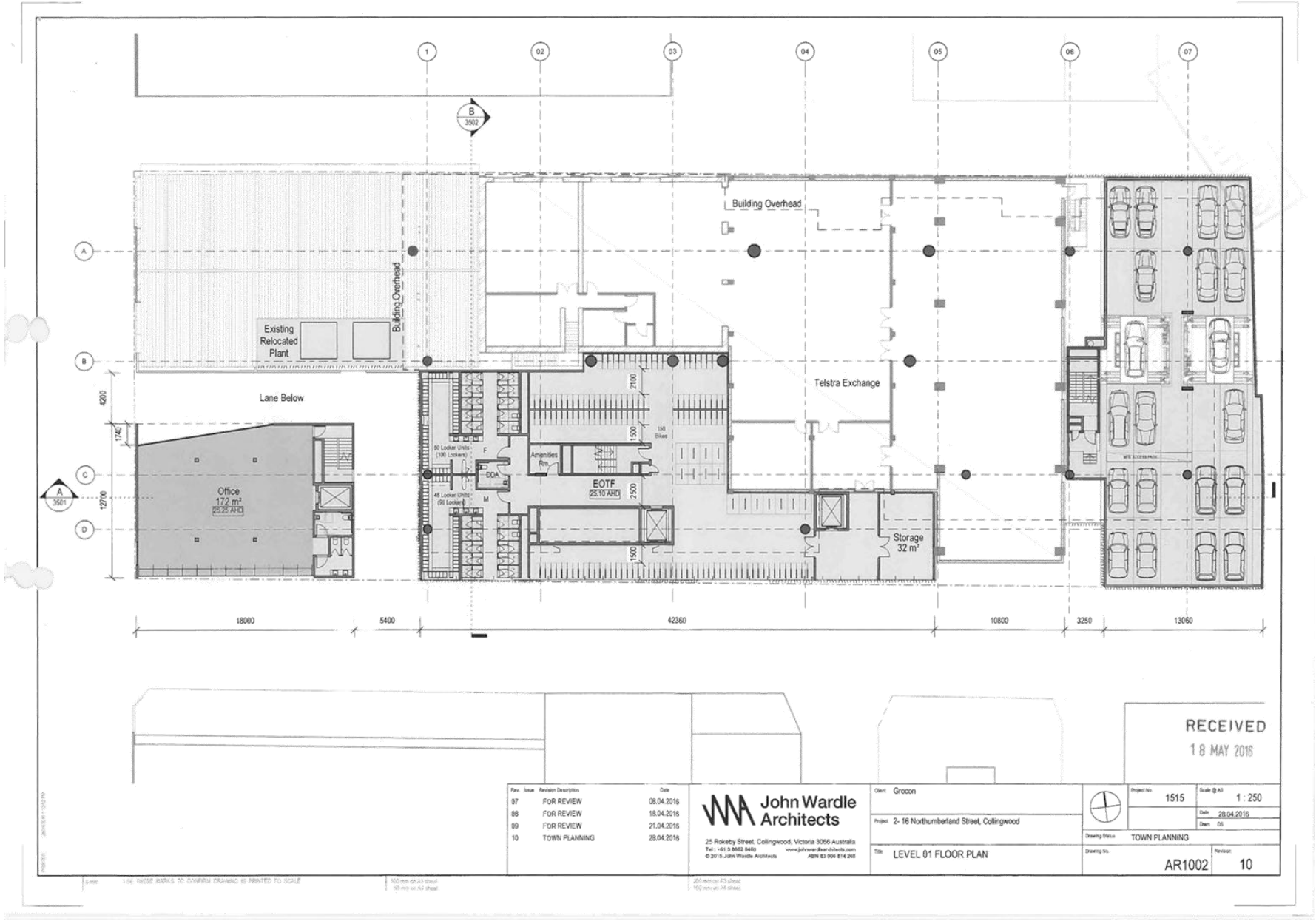

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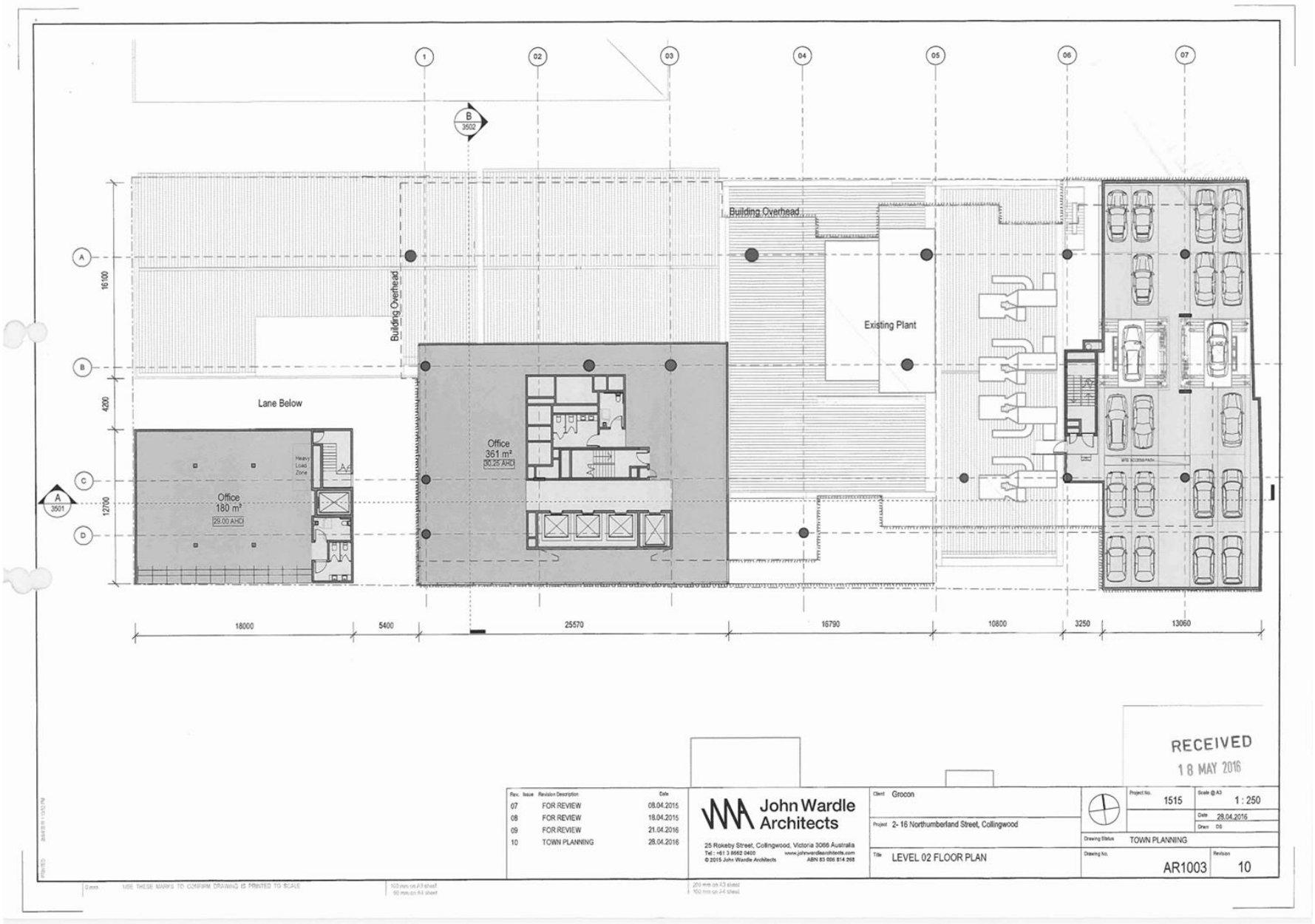

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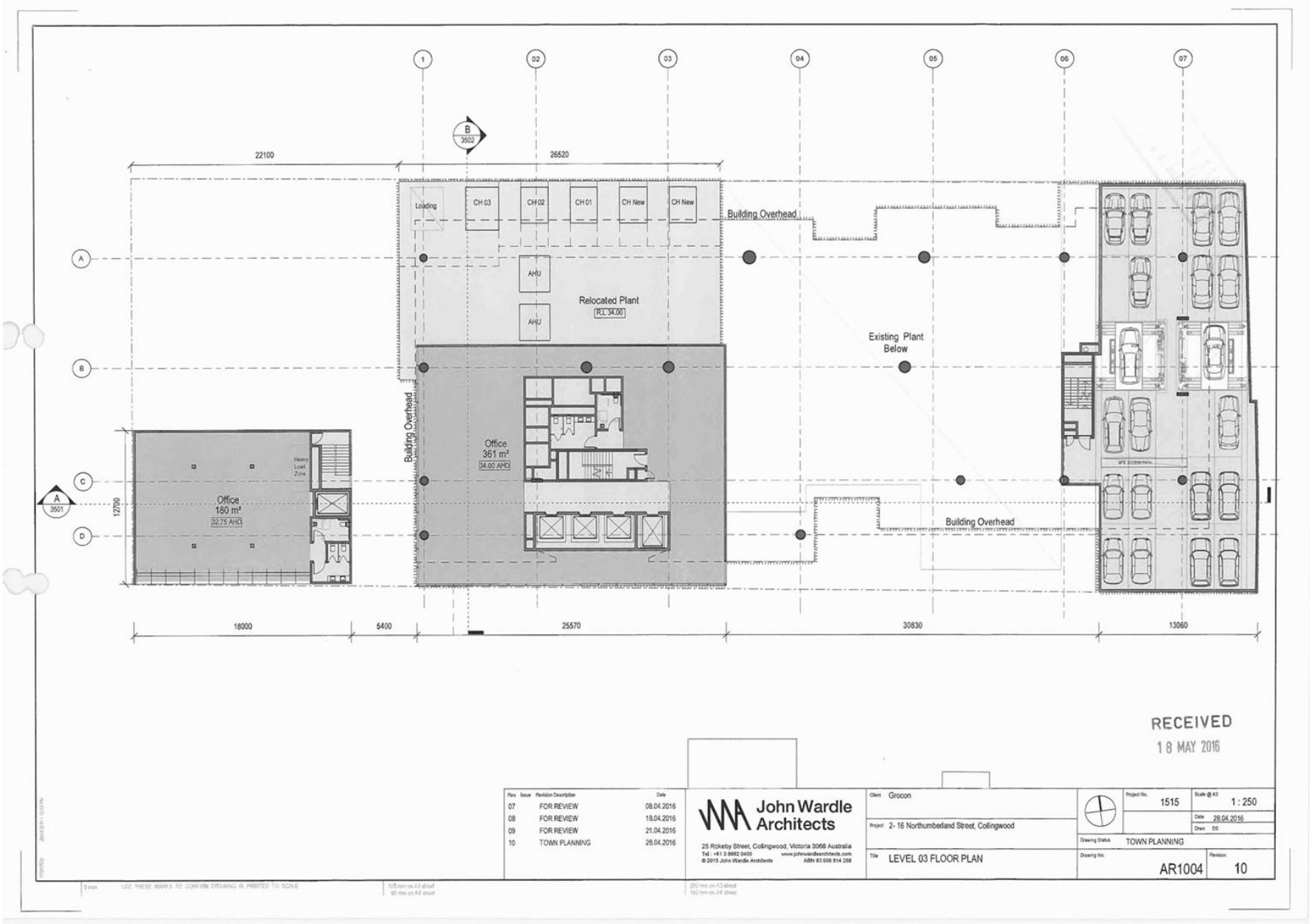

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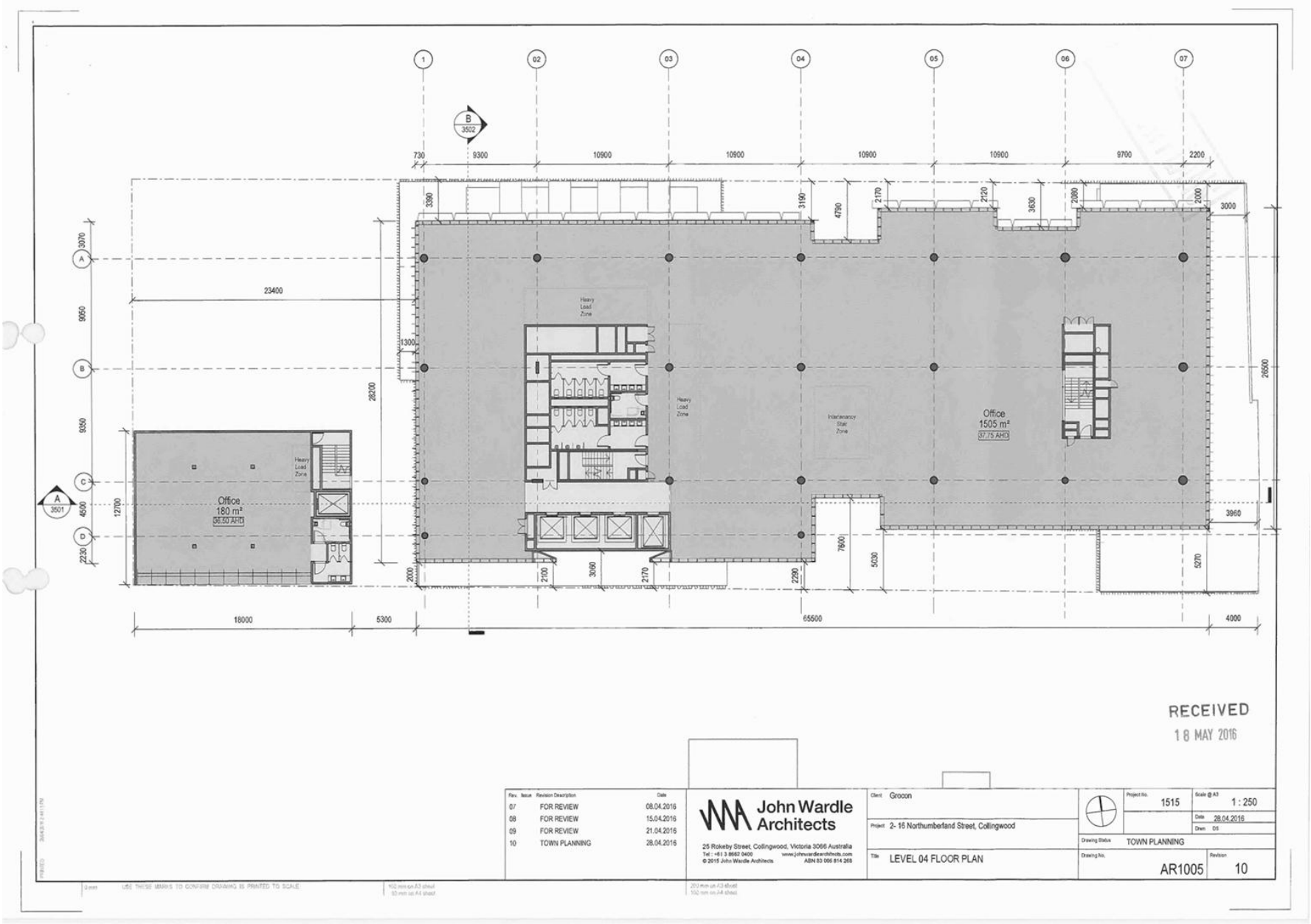

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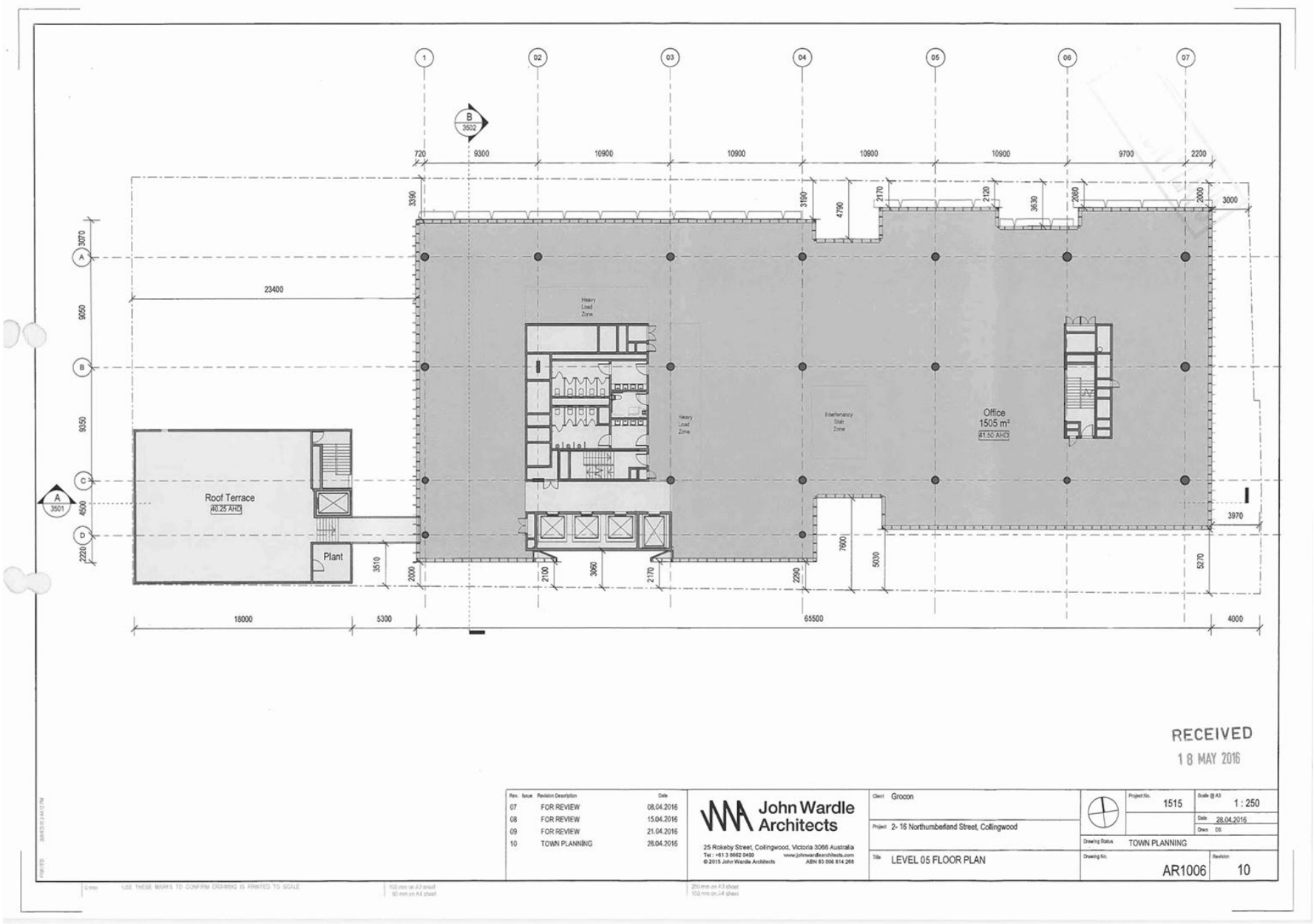

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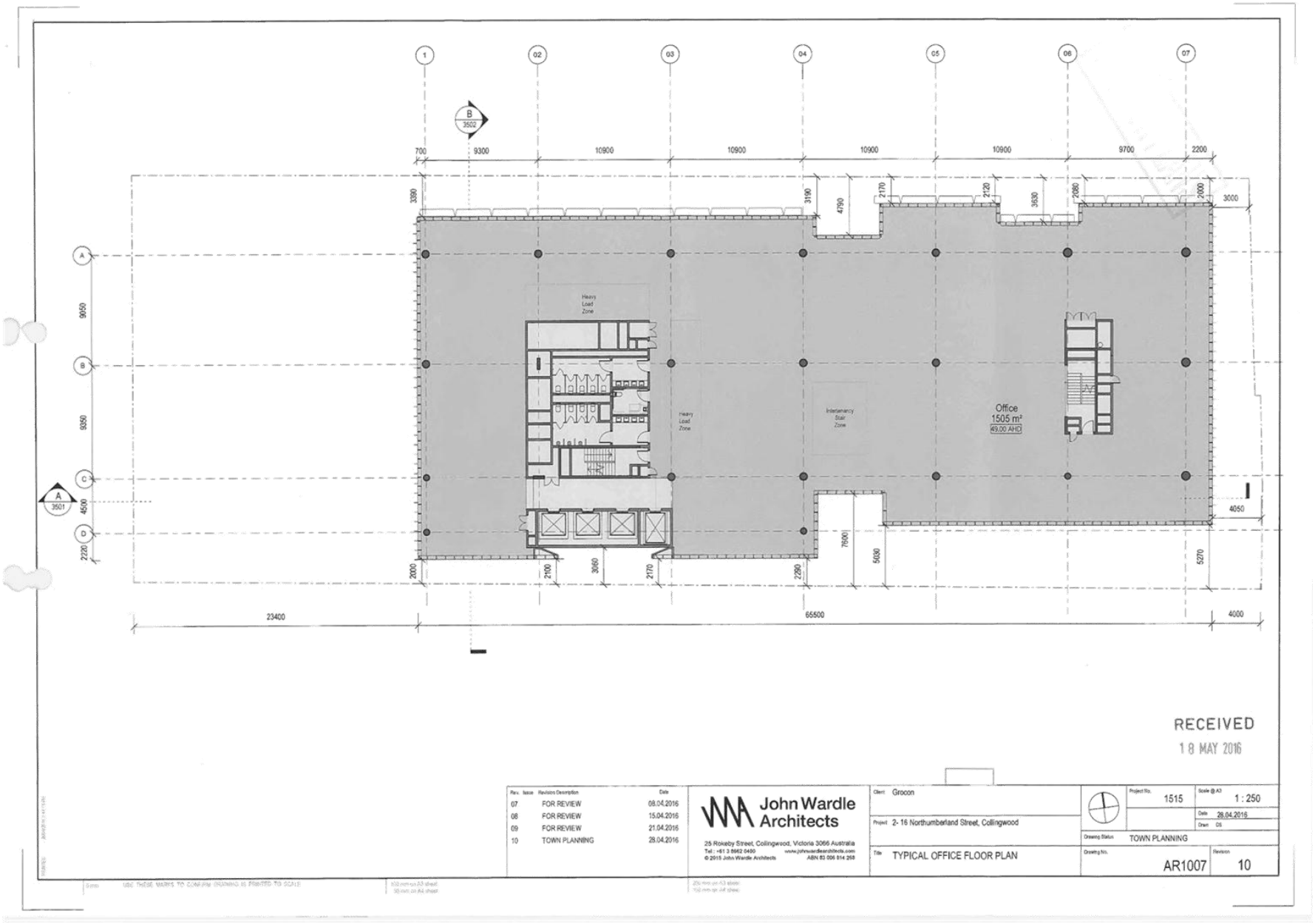

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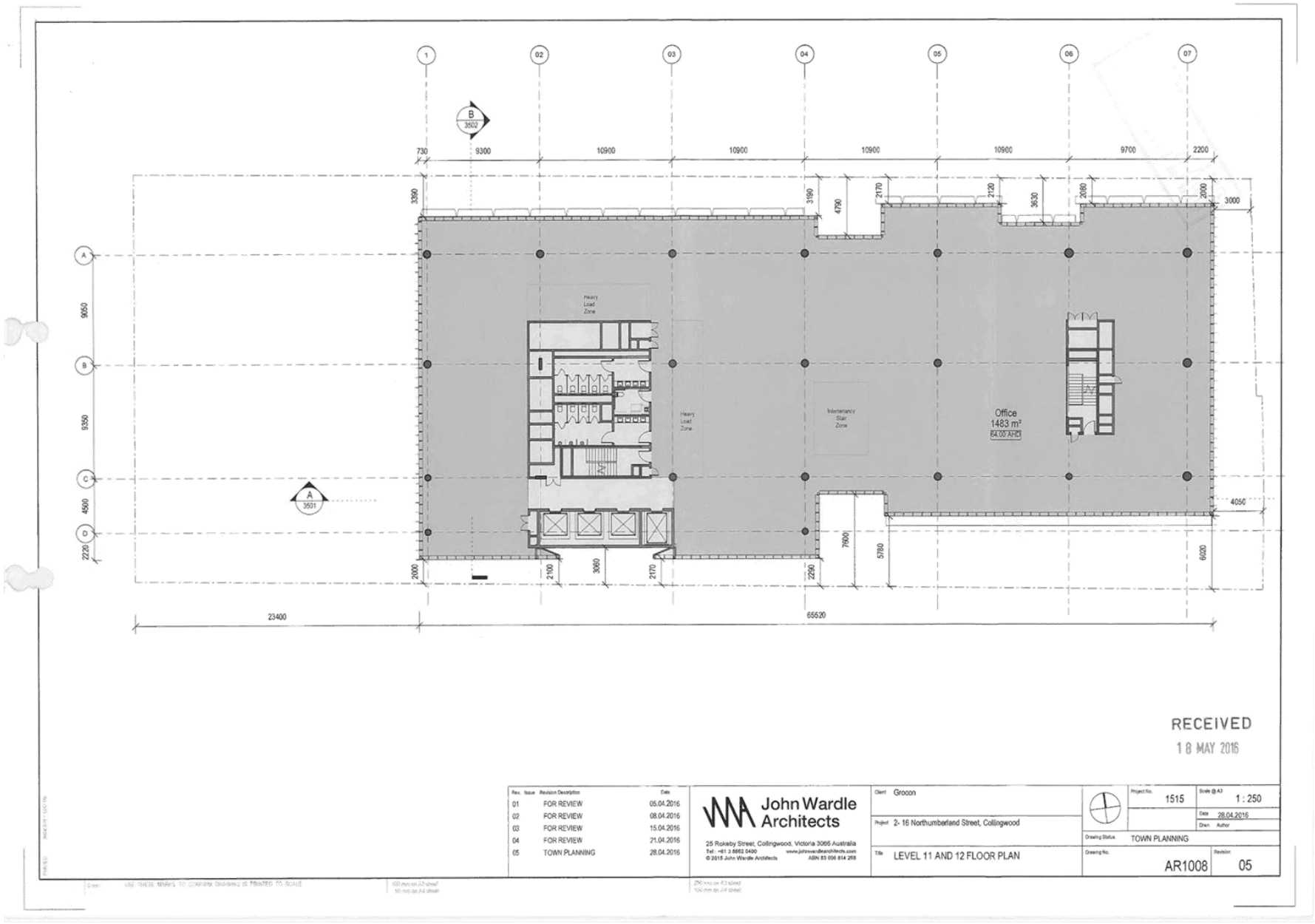

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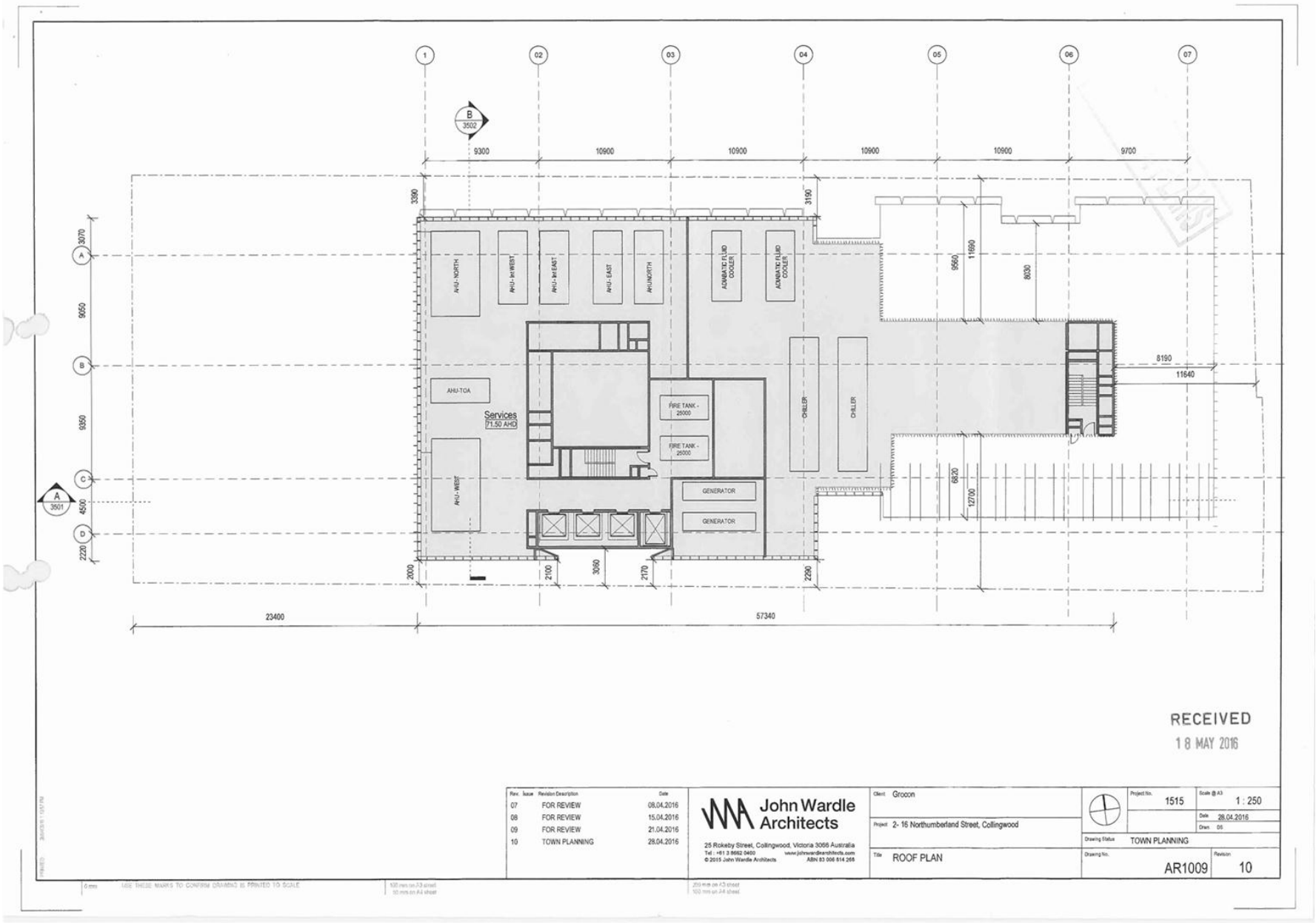

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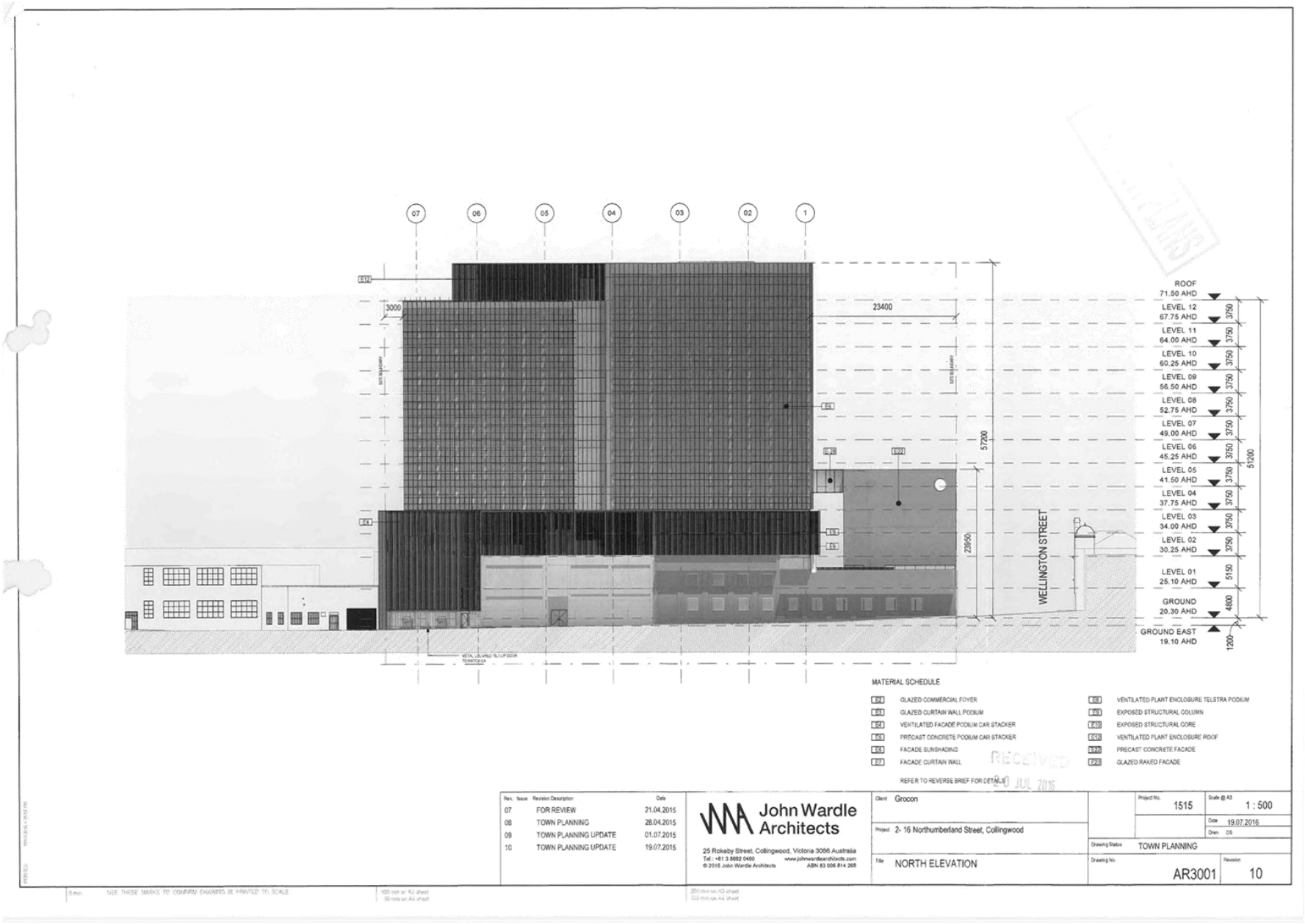

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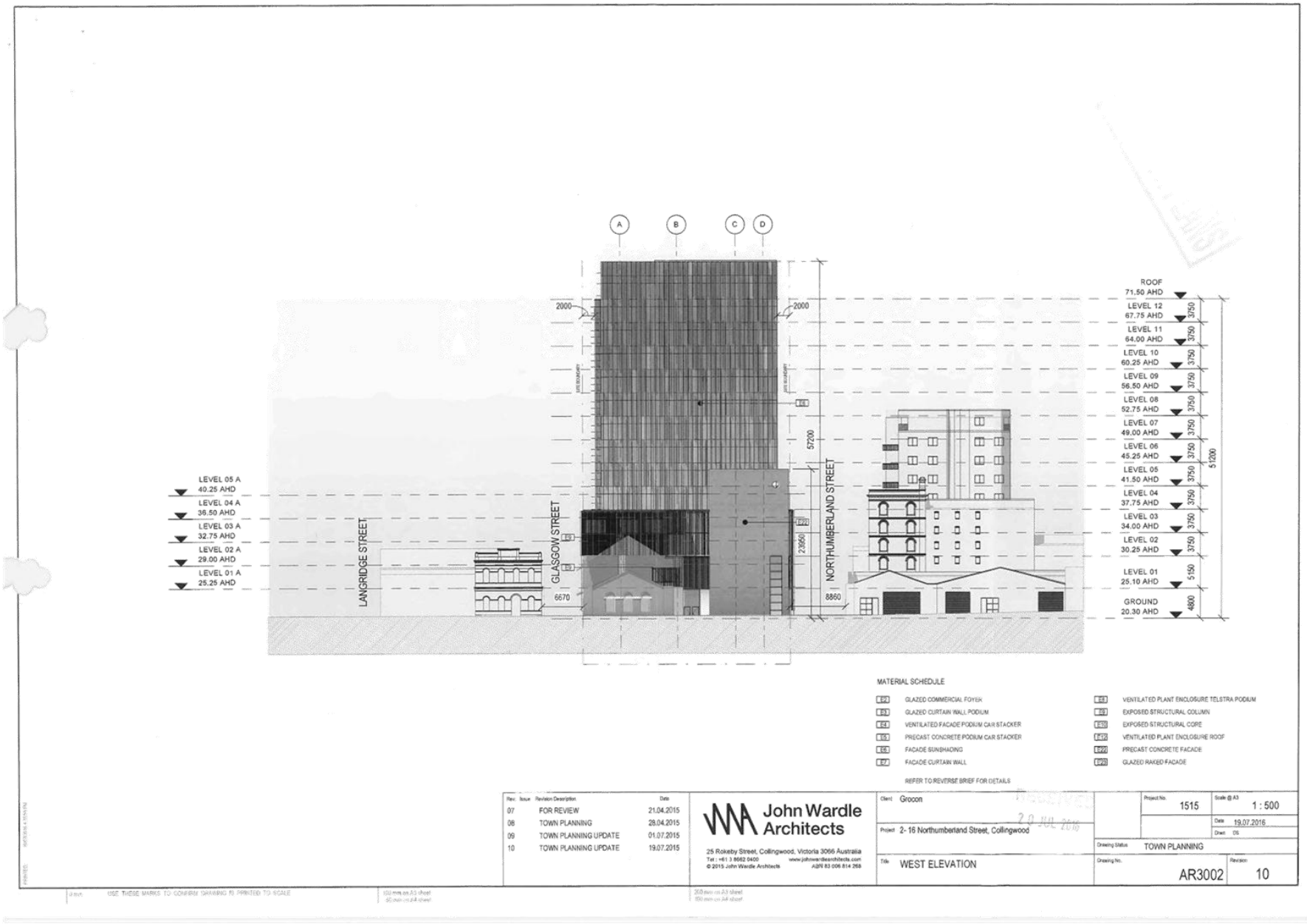

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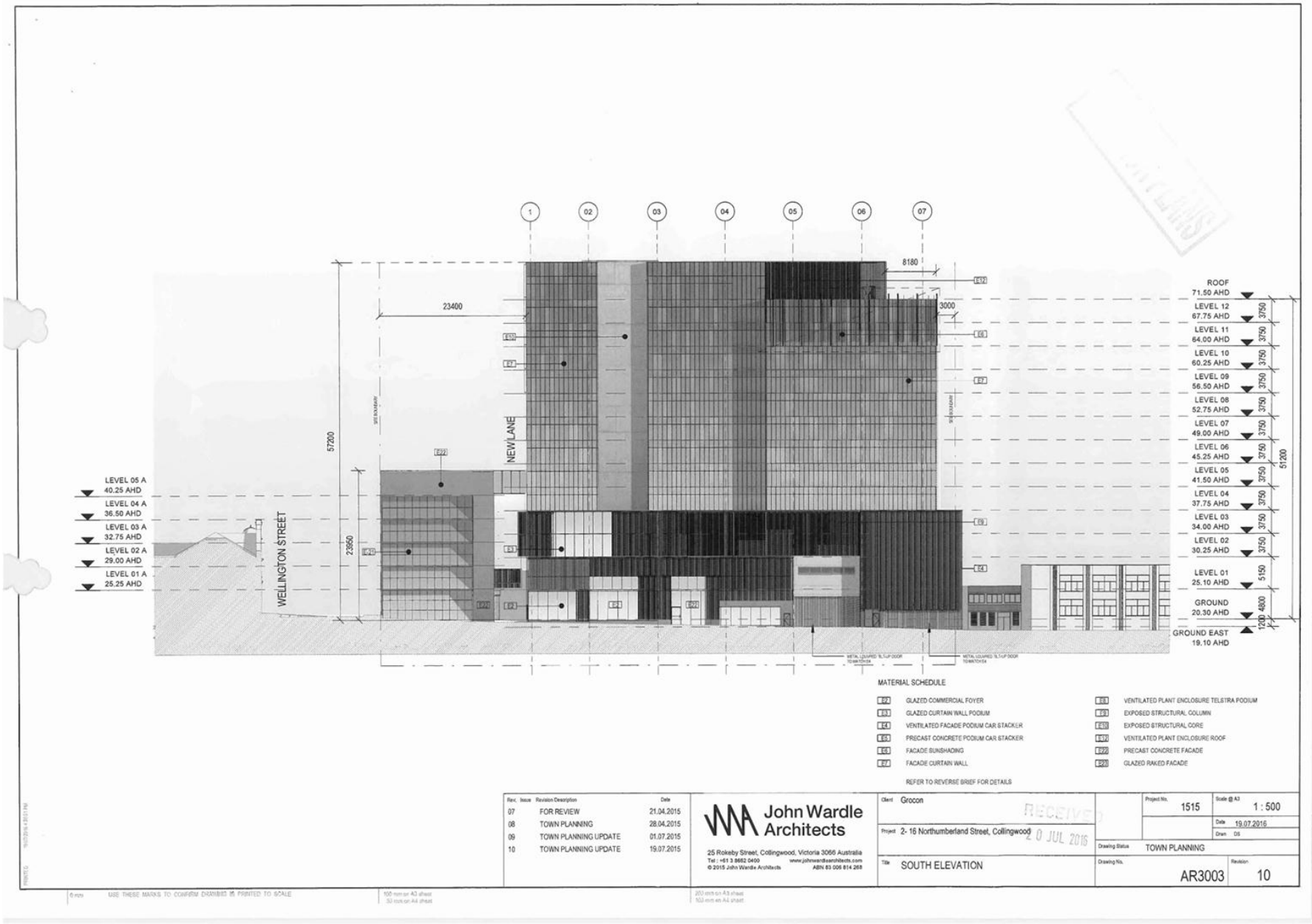

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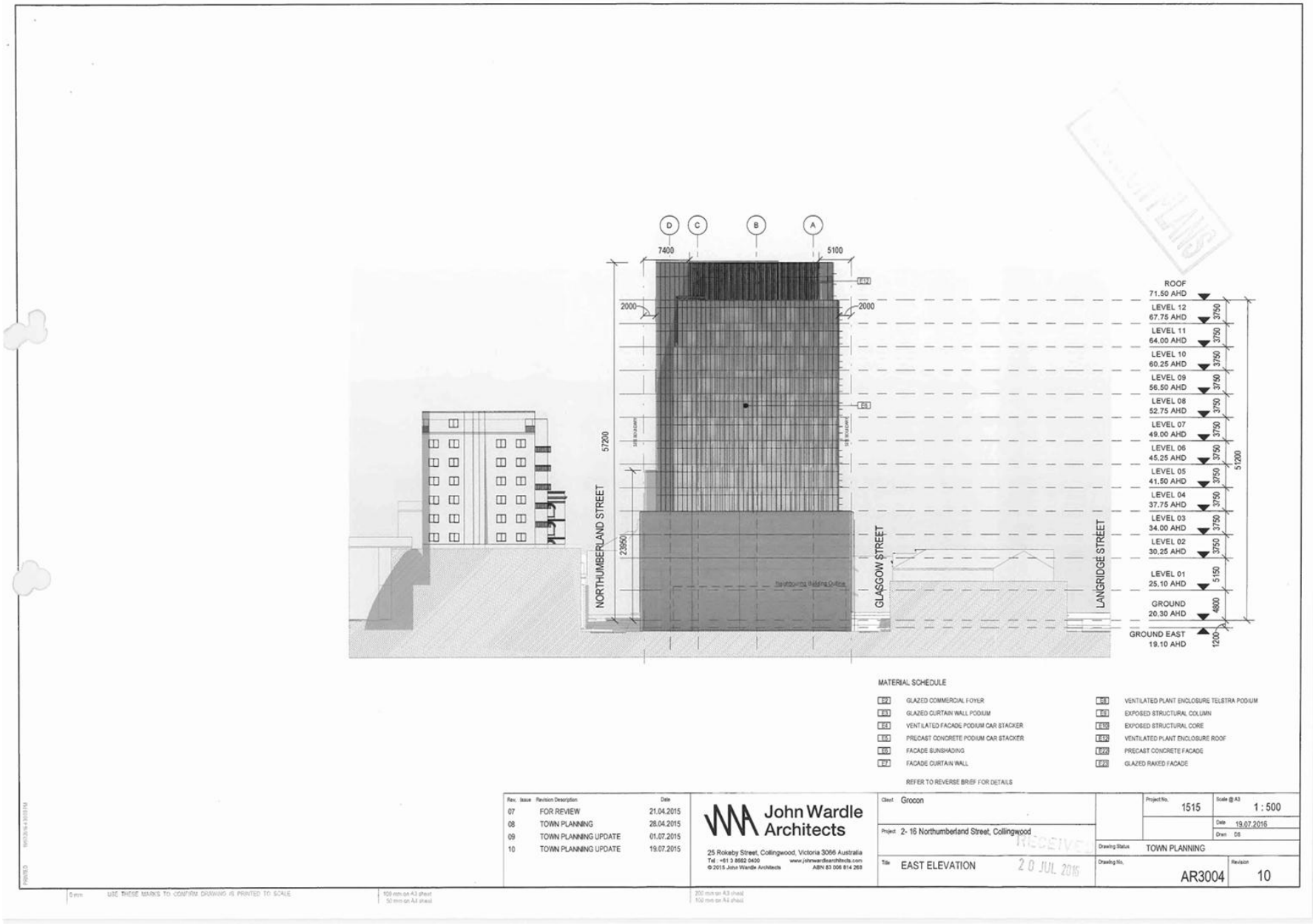

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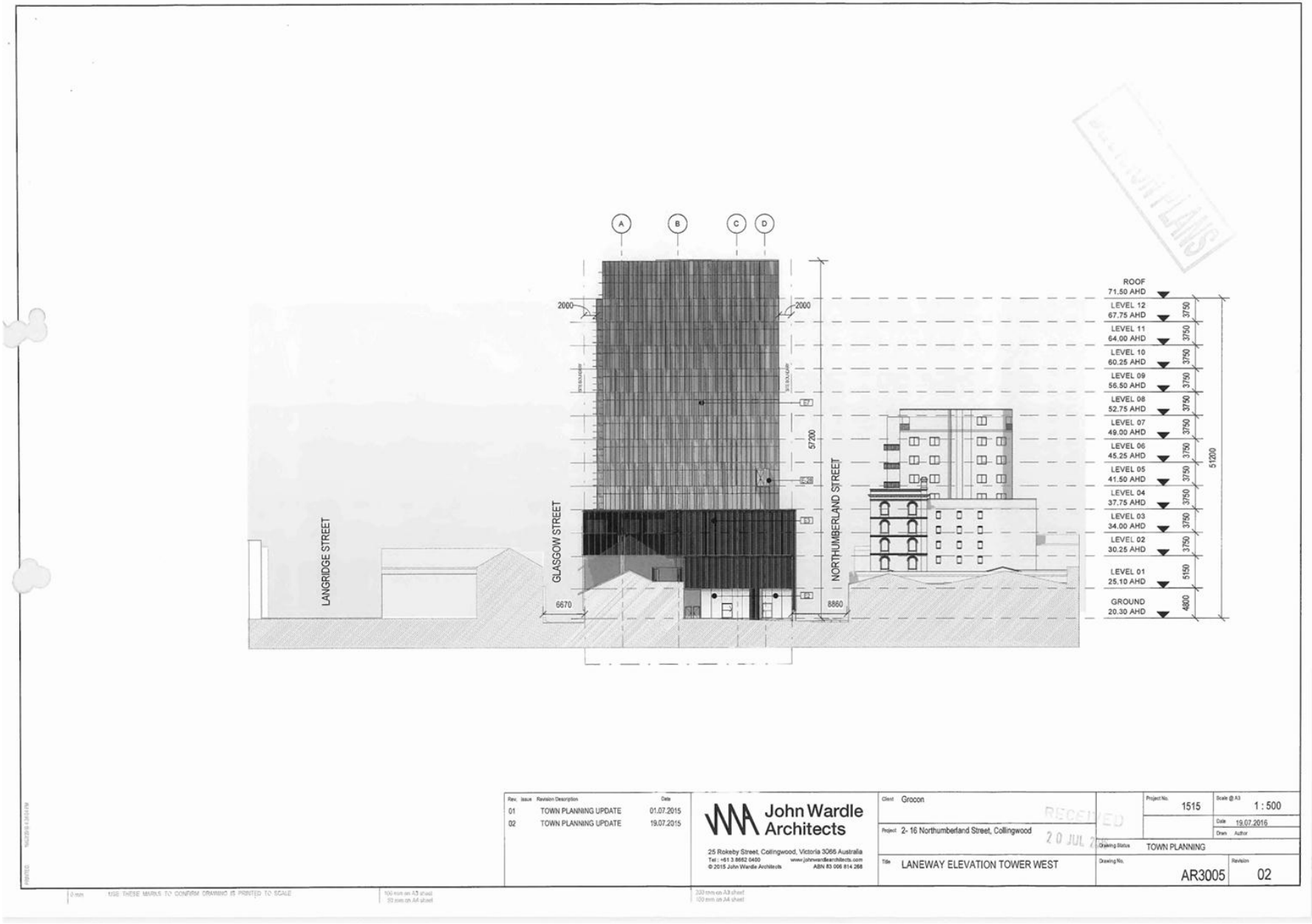

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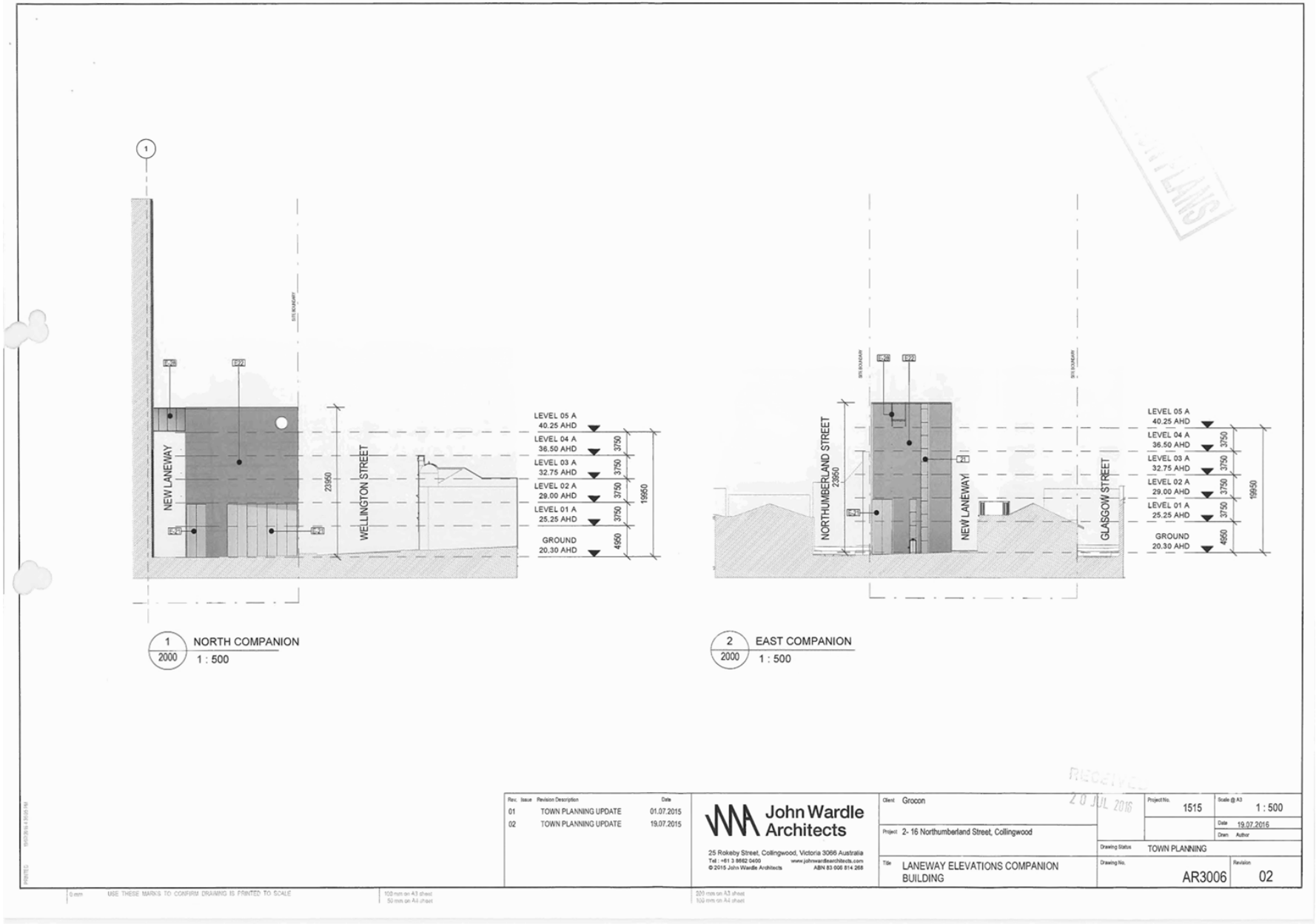

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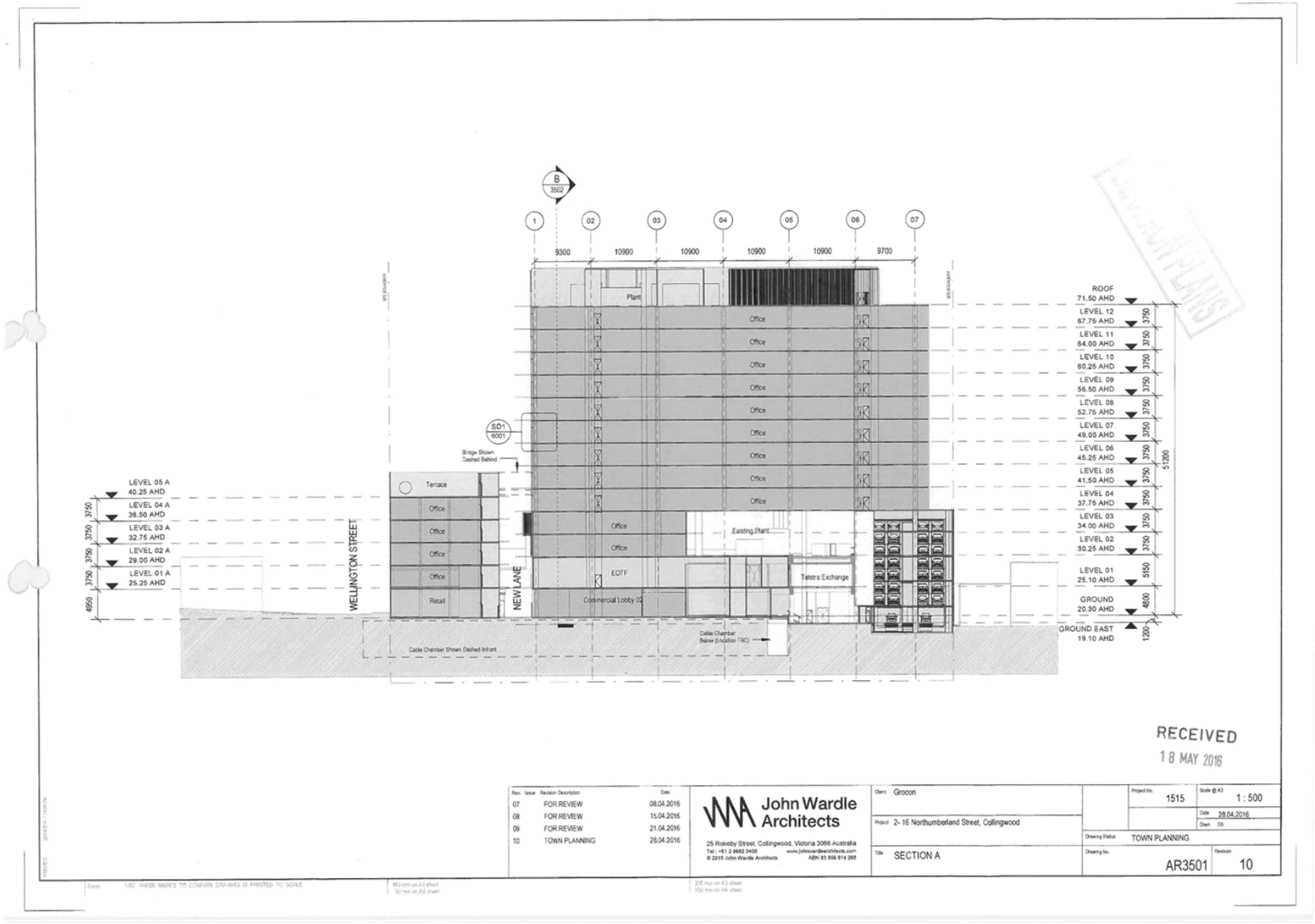

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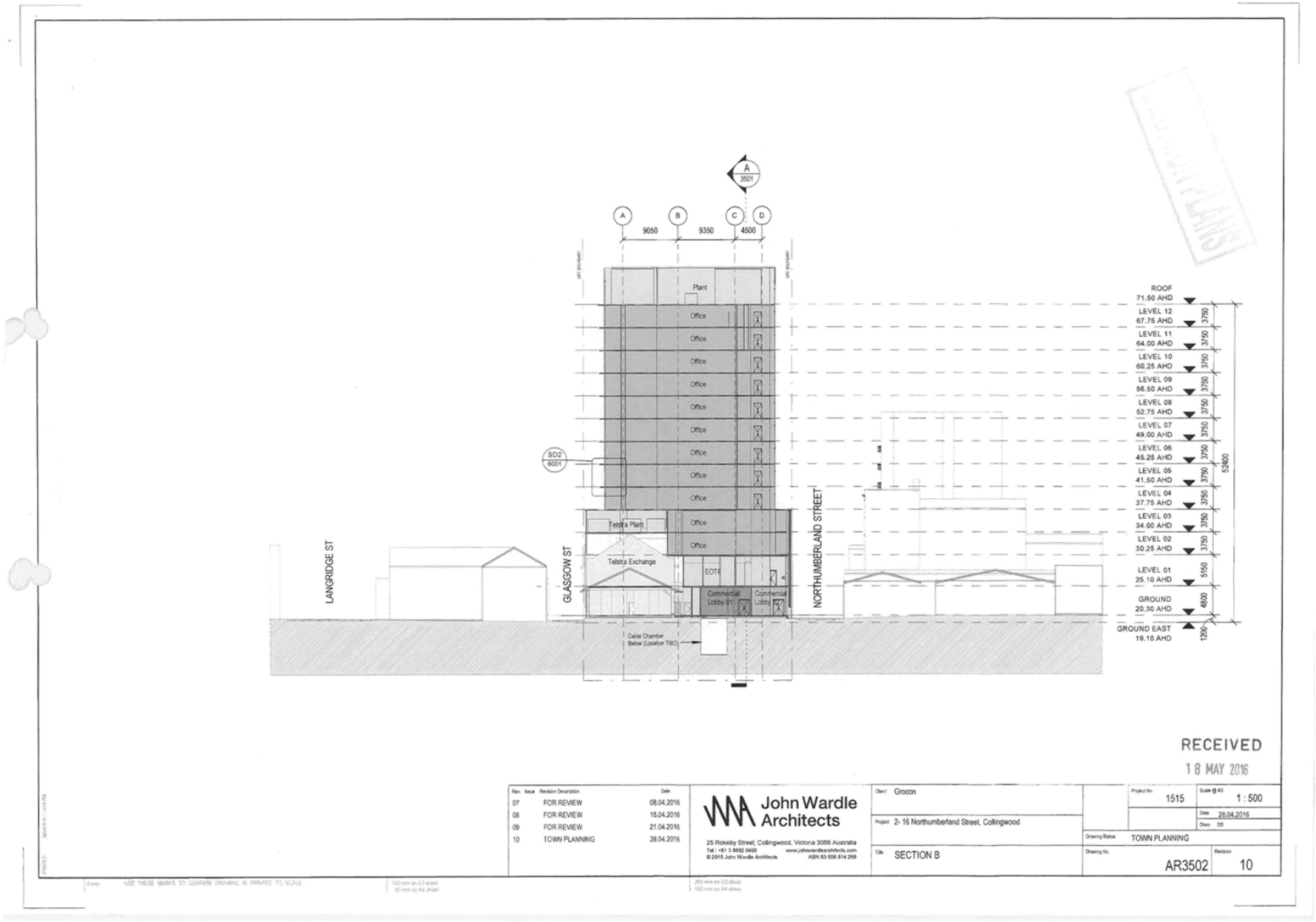

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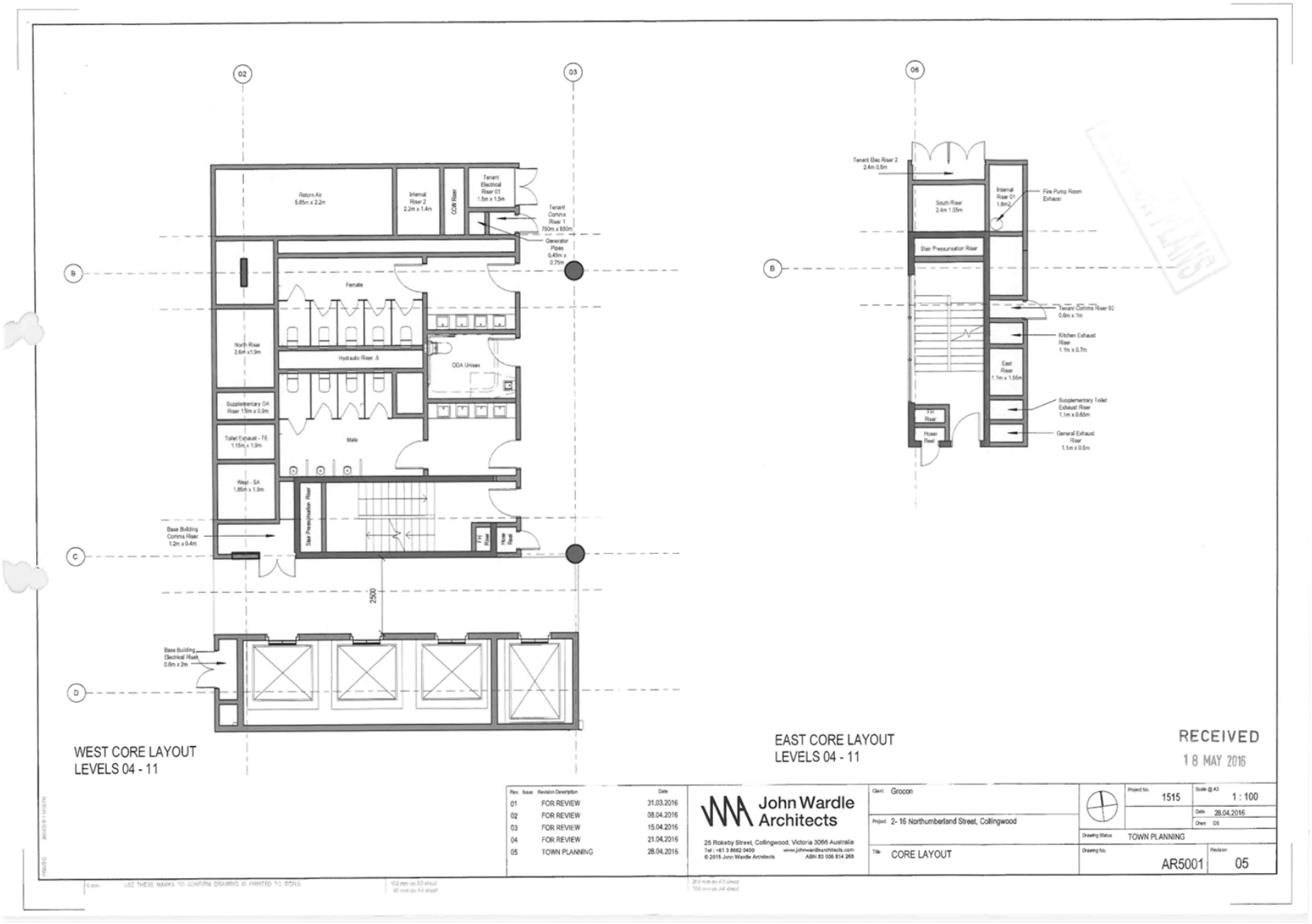

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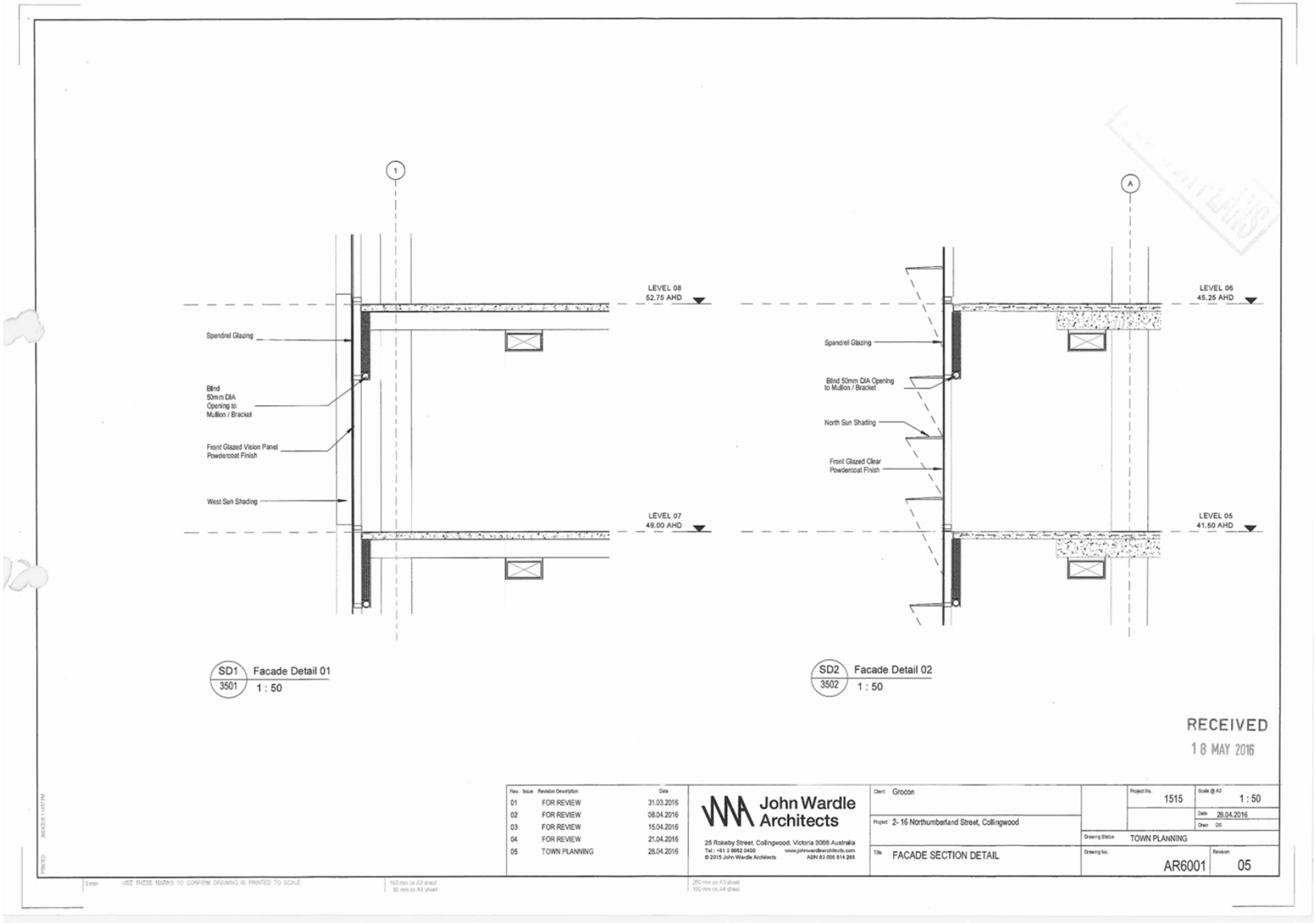

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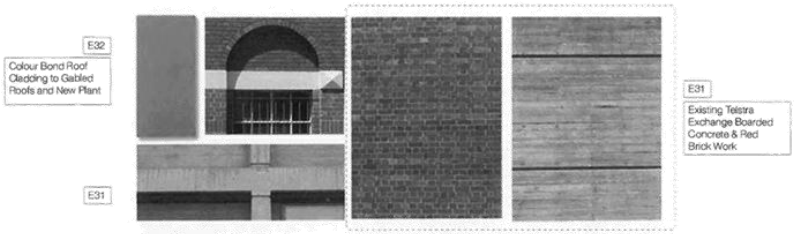
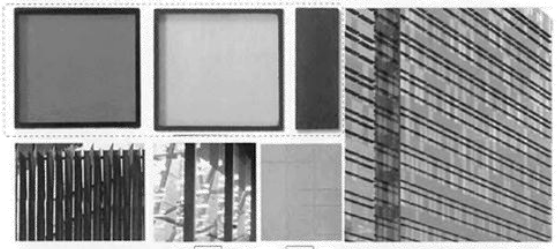


E32
Colour Bond Roof Cladding to Gabled Roofs and New Plant

E31

E31
Existing Telstra Exchange Boarded Concrete & Red Brick Work

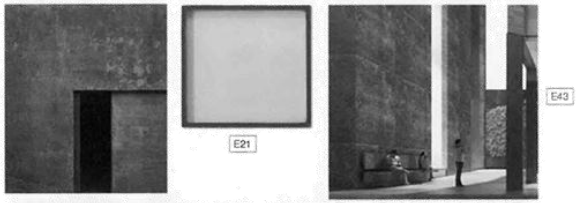


E7
Office Building Glazed Curtain Wall

E6
Curtain Wall Sun Shades

E4
E8
E12
Podium & Vetilisted Plant Enclosure Screening

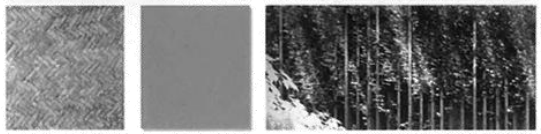
E2
E10



E22
Precast Concrete Companion Building Facades

E21

E43



E41

E42

Proposed Commercial Development for 2 - 16 Northumberland Street, Collingwood.
Town Planning Application
May 2016

GRC Screen and Louvers
PROJECT PRECEDENT: Centre for Advanced Imaging, University of Queensland - John Wardle Architects

E4
E8
E12

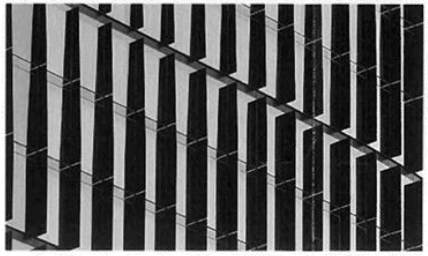
Precast Concrete Companion Building
PROJECT PRECEDENT: Verona 203A housing, Madrid - David Chipperfield Architects

E22

Curtain Wall Glass Main Building
PROJECT PRECEDENT: Luna Apartments, St Kilda - Elenberg Fraser (left)

Bonze glass sample curtain wall, Location Unspecified (right)

E7



Curtain Wall Sun Shades
PROJECT PRECEDENT: Crown Casino Metropol Tower, South Melbourne - Bates Smart

E6

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11 JUL 2016

John Wardle Architects

Page 1

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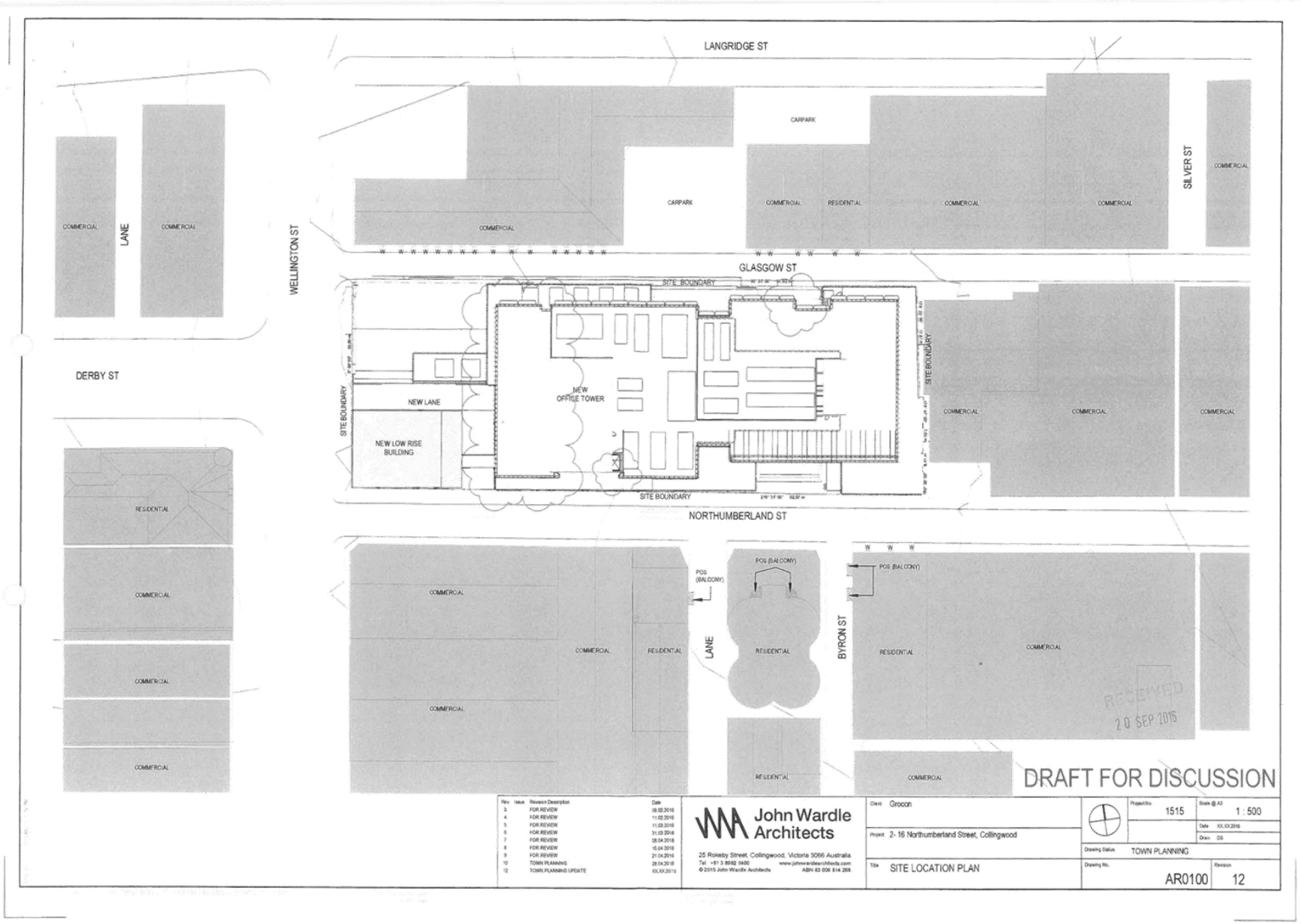

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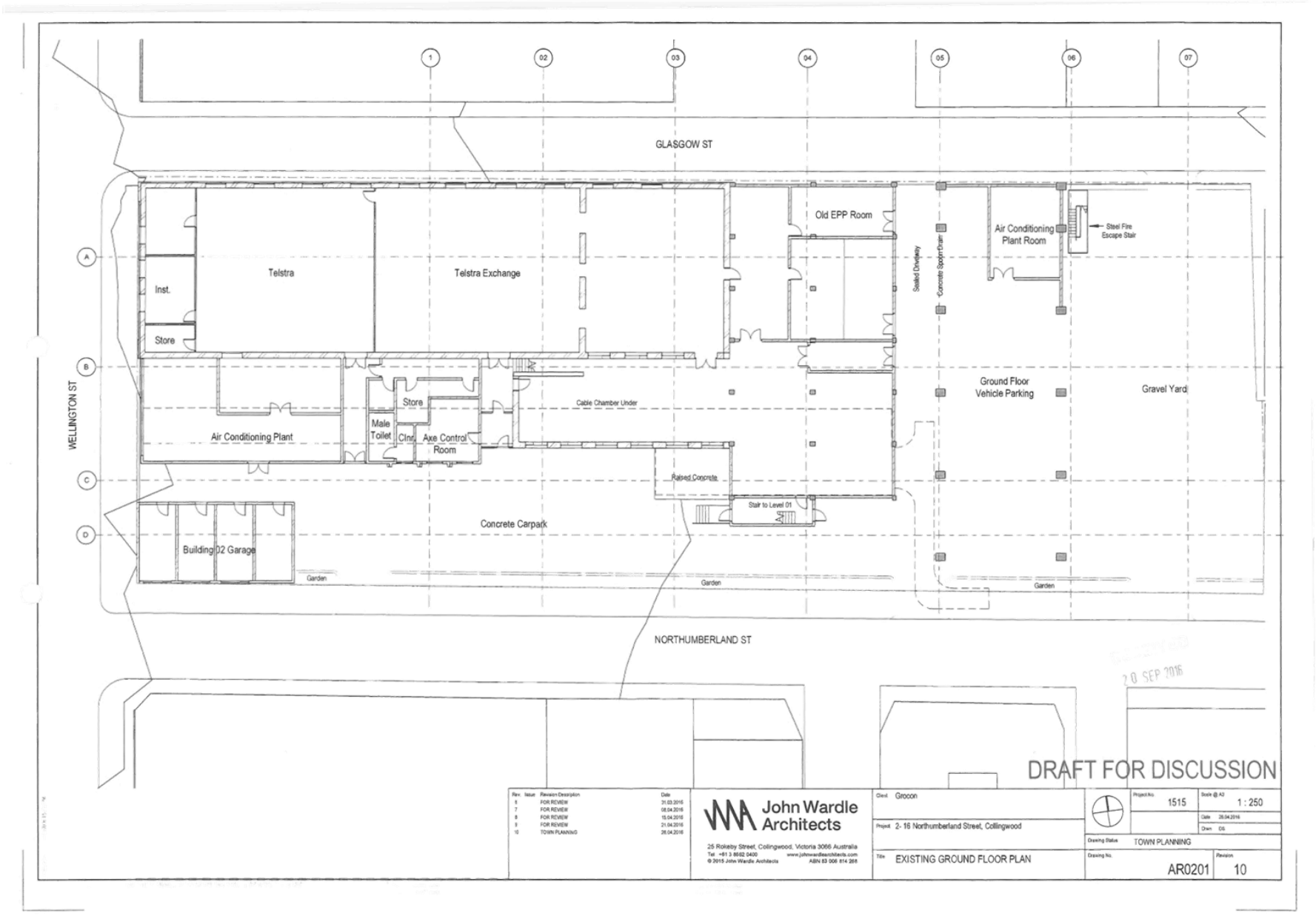

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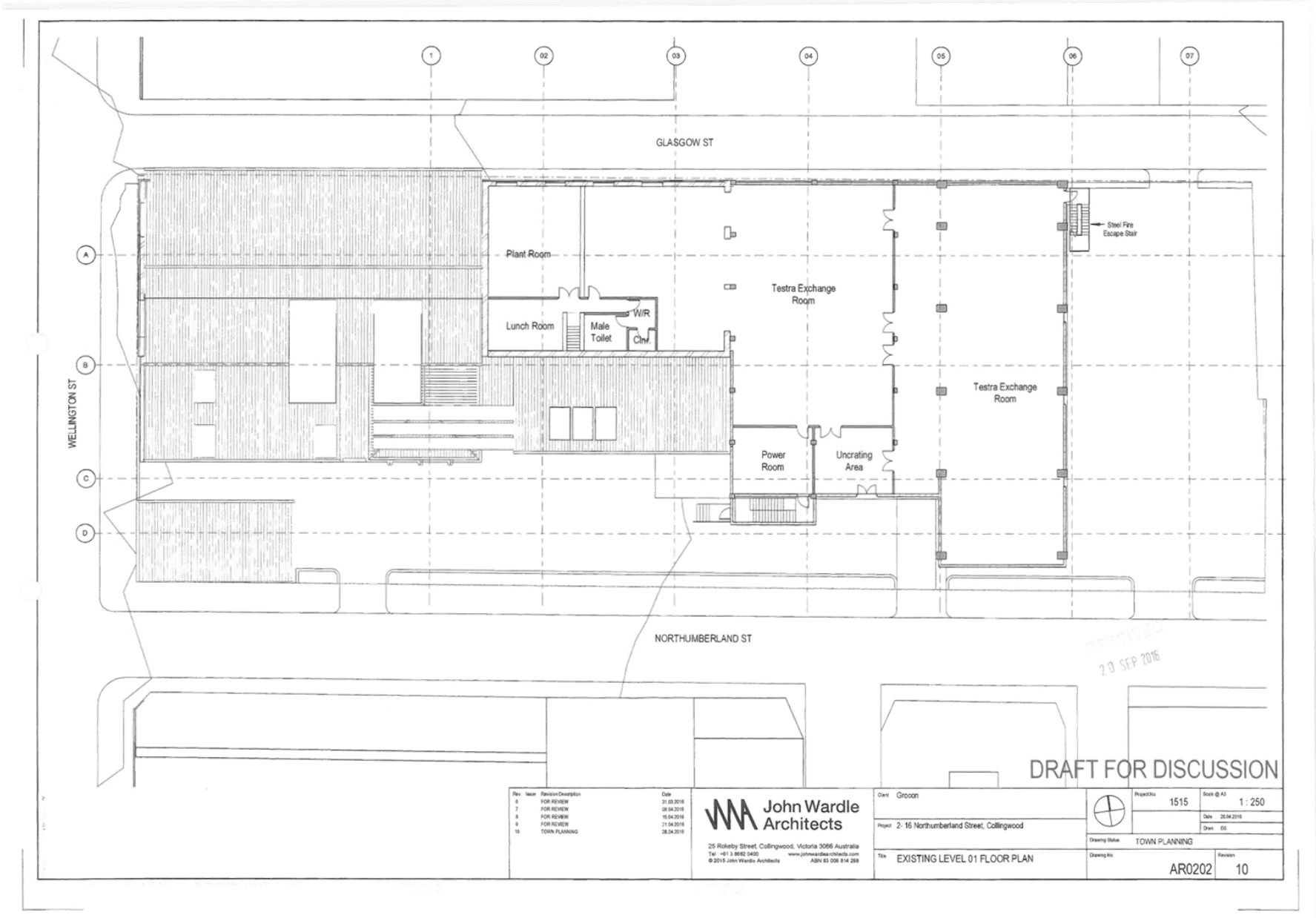

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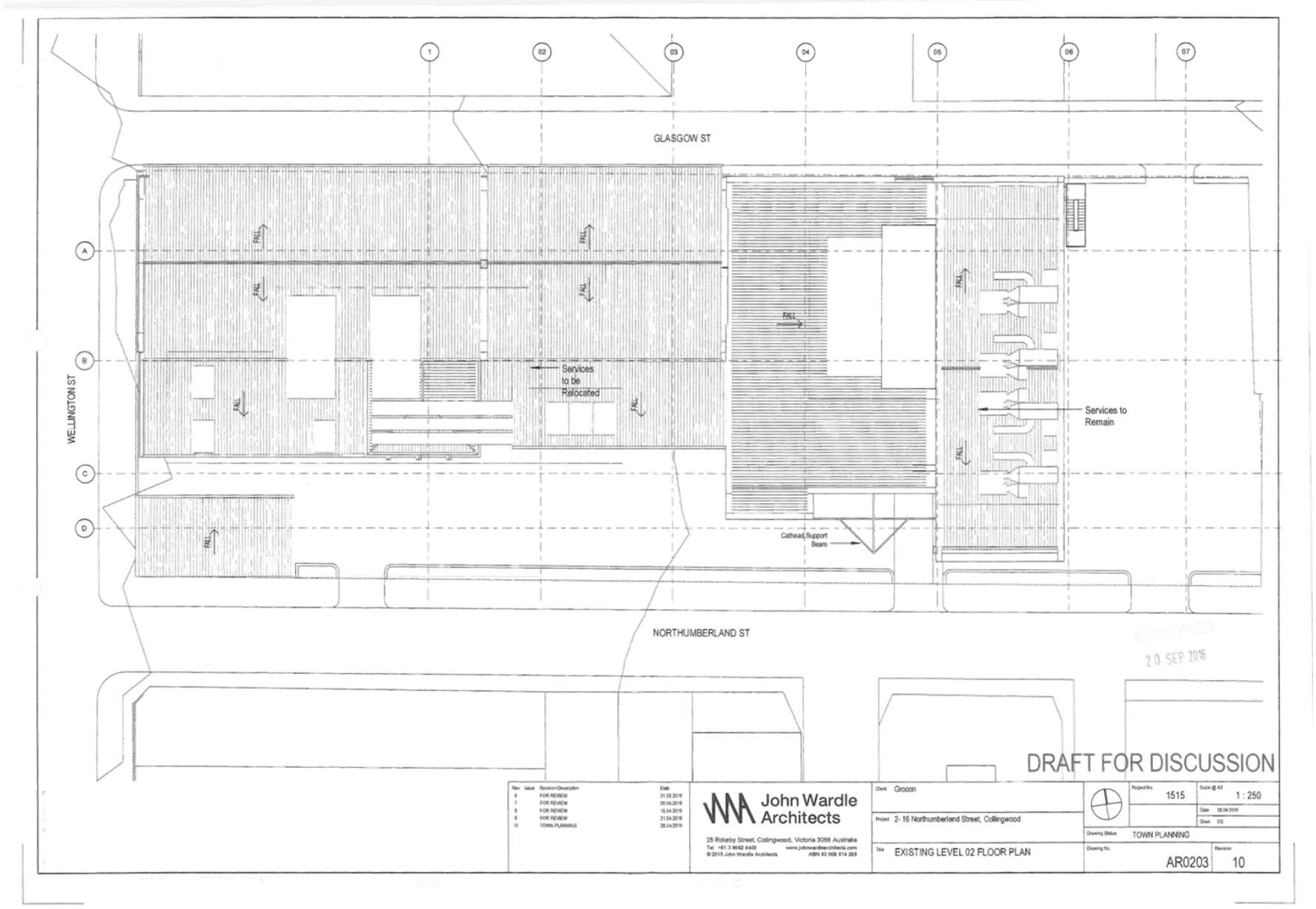

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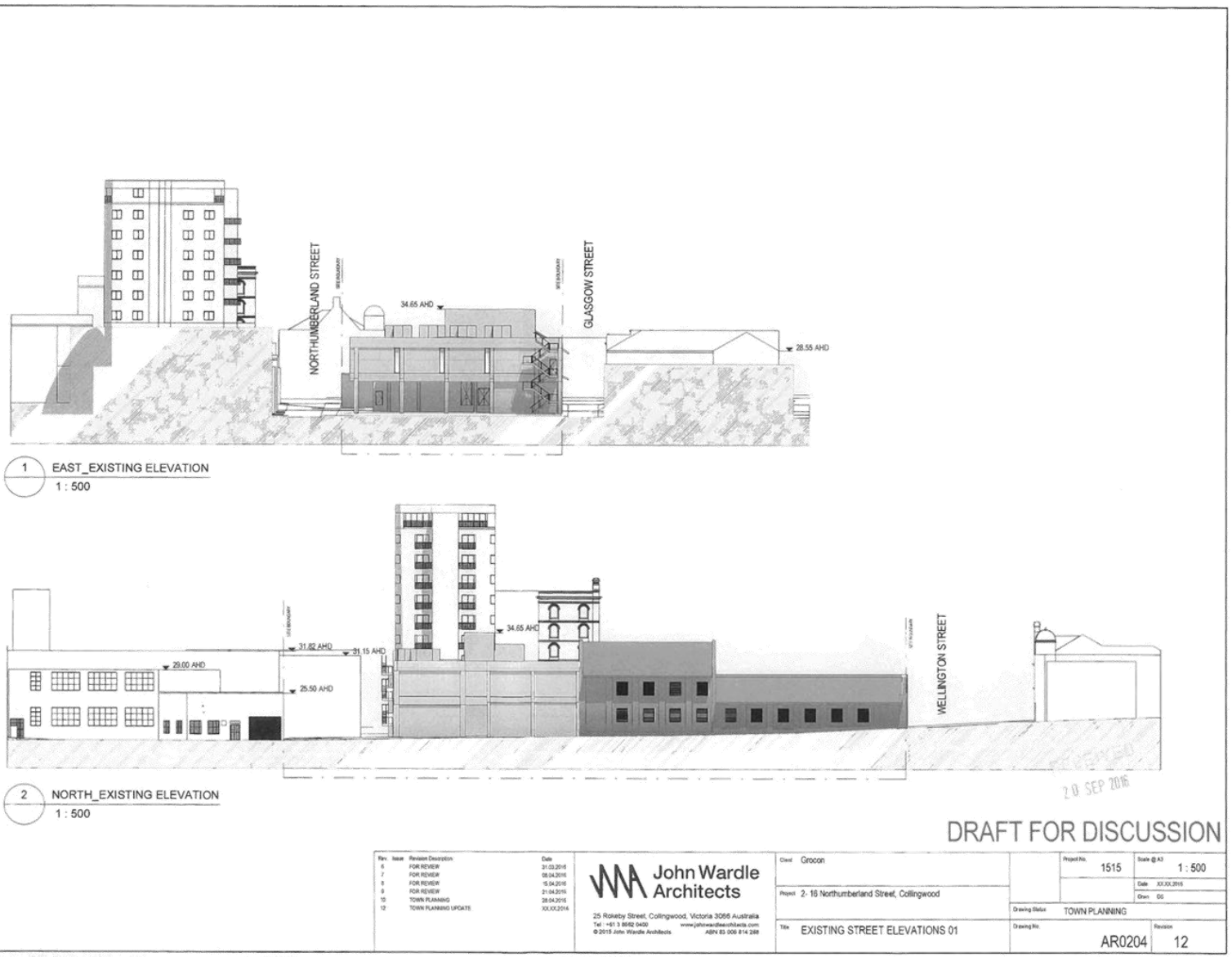

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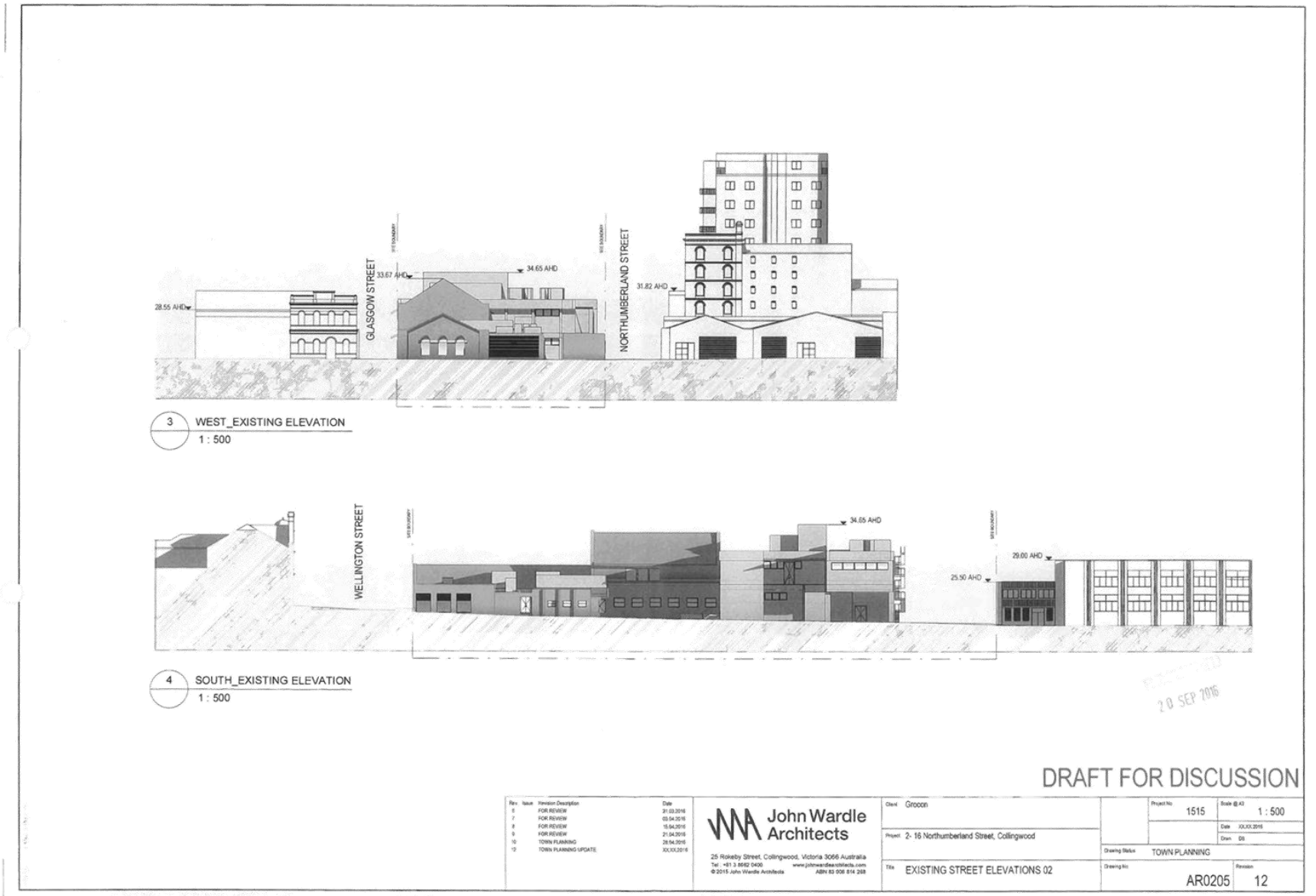

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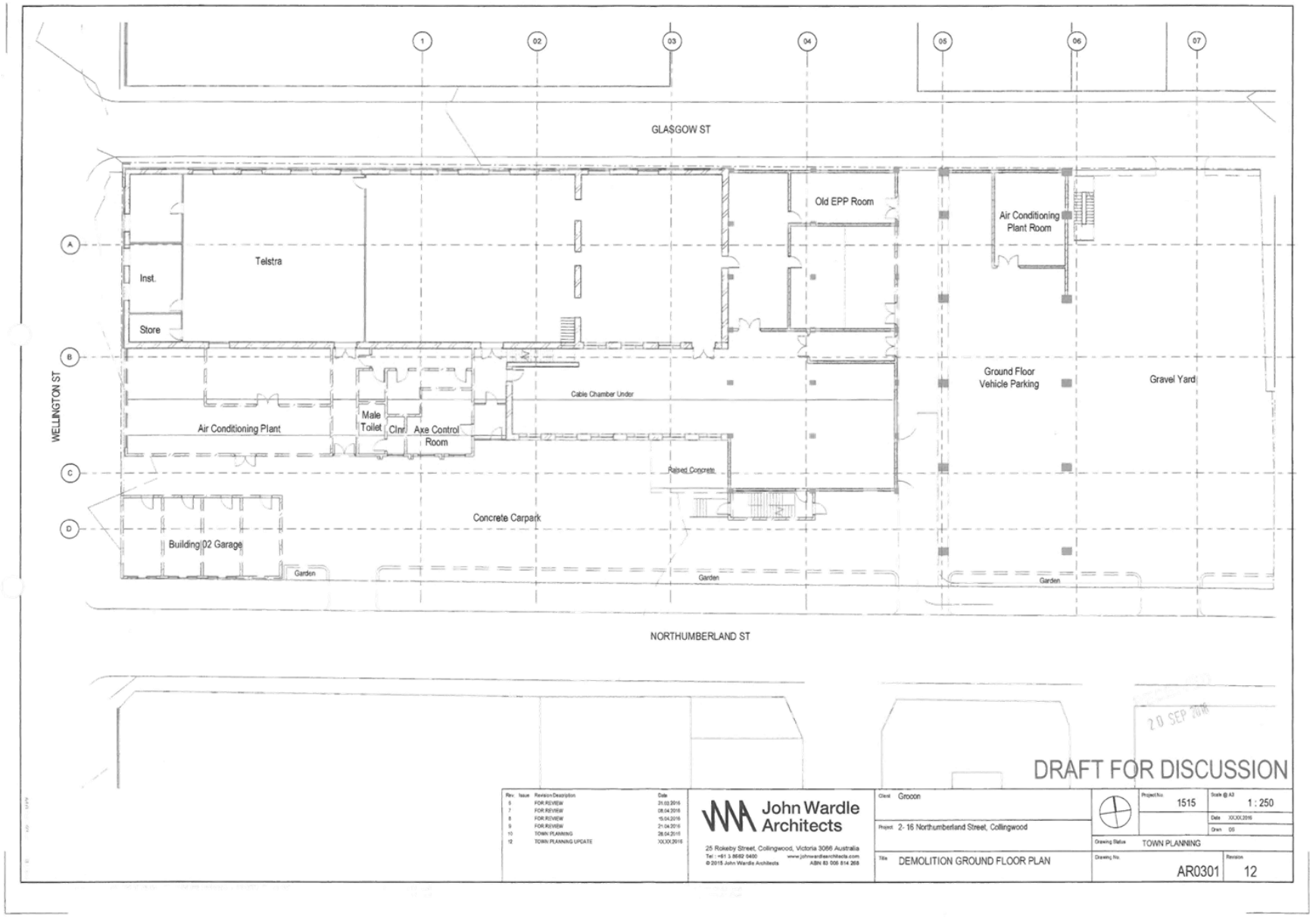

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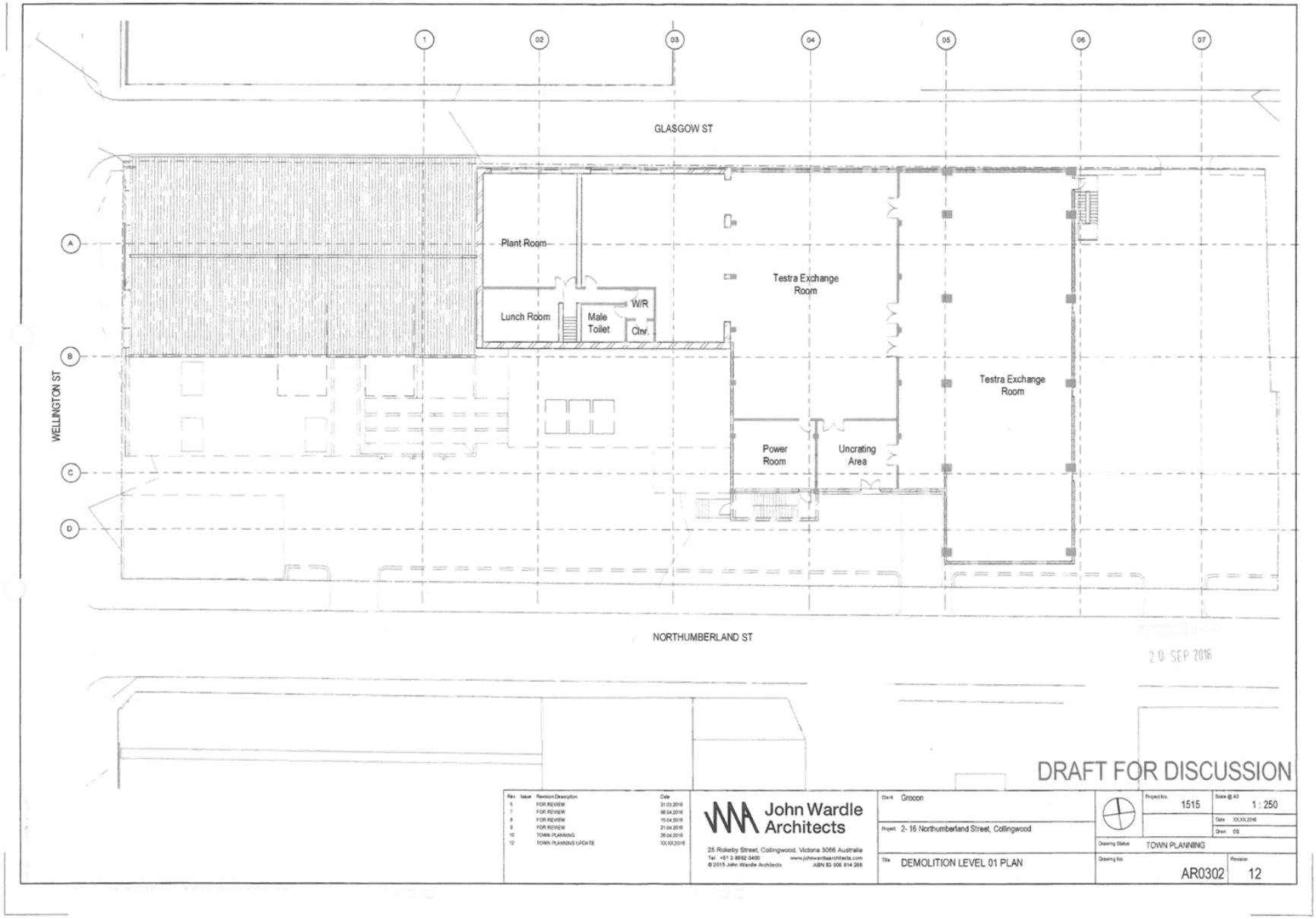

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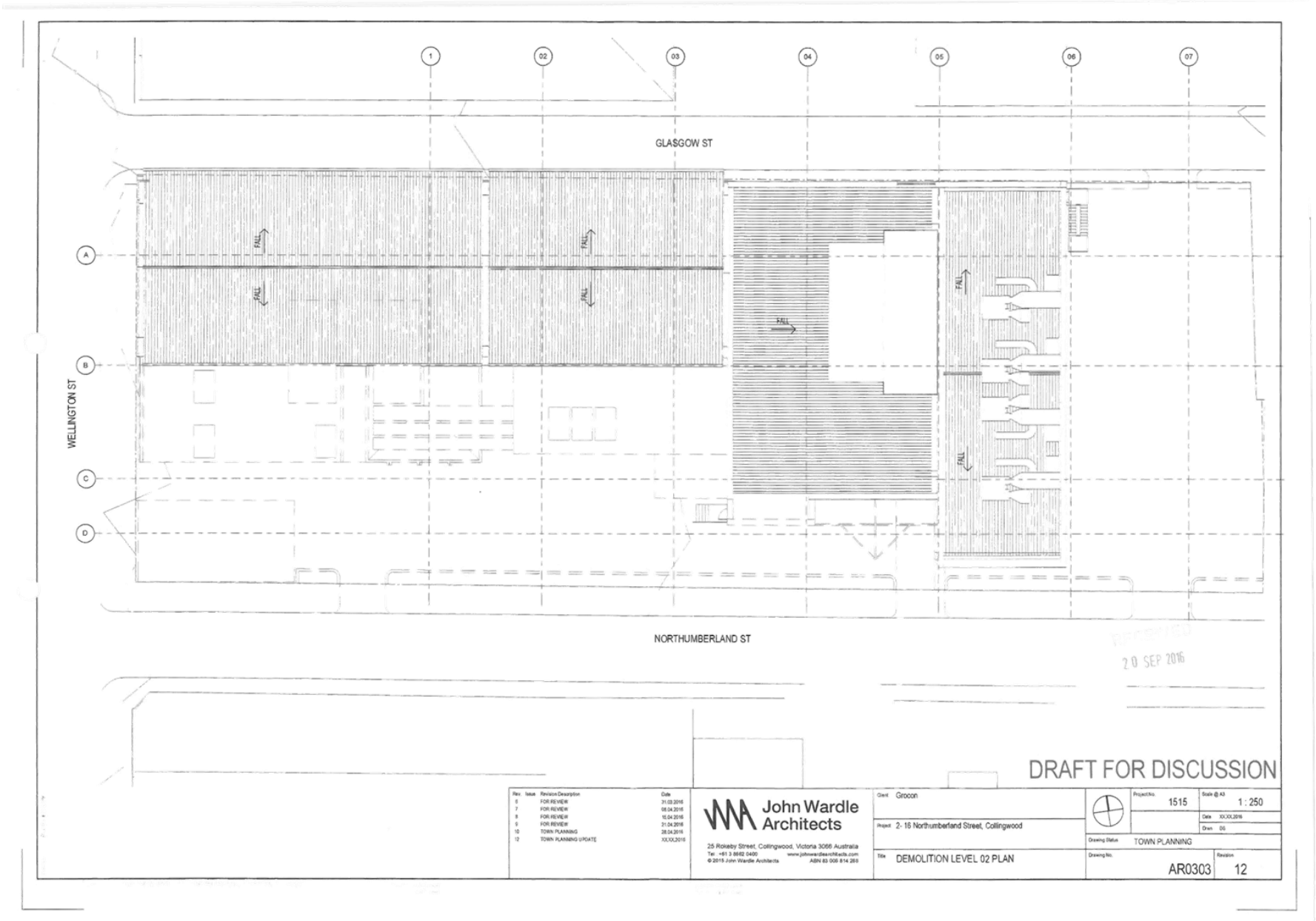

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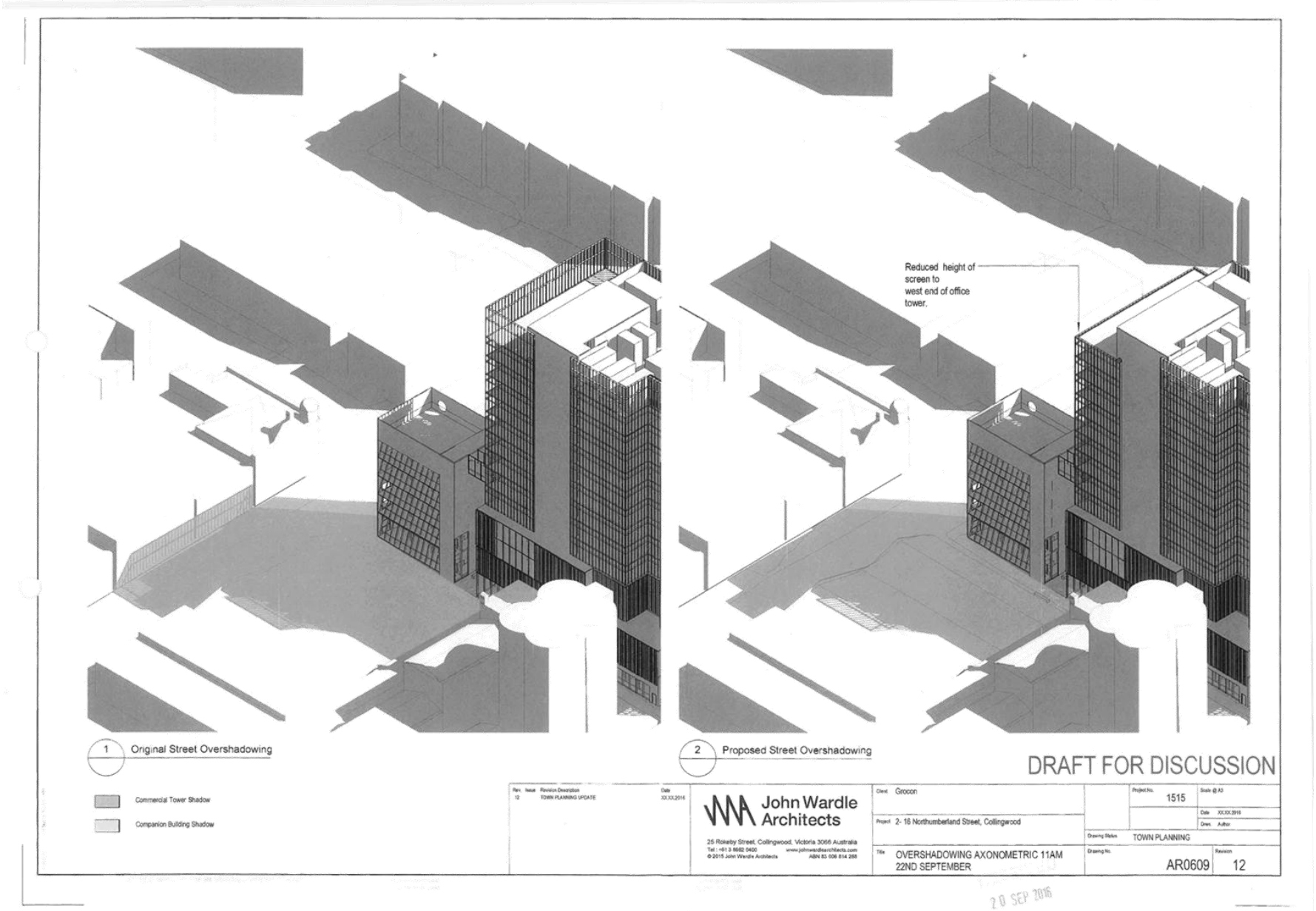

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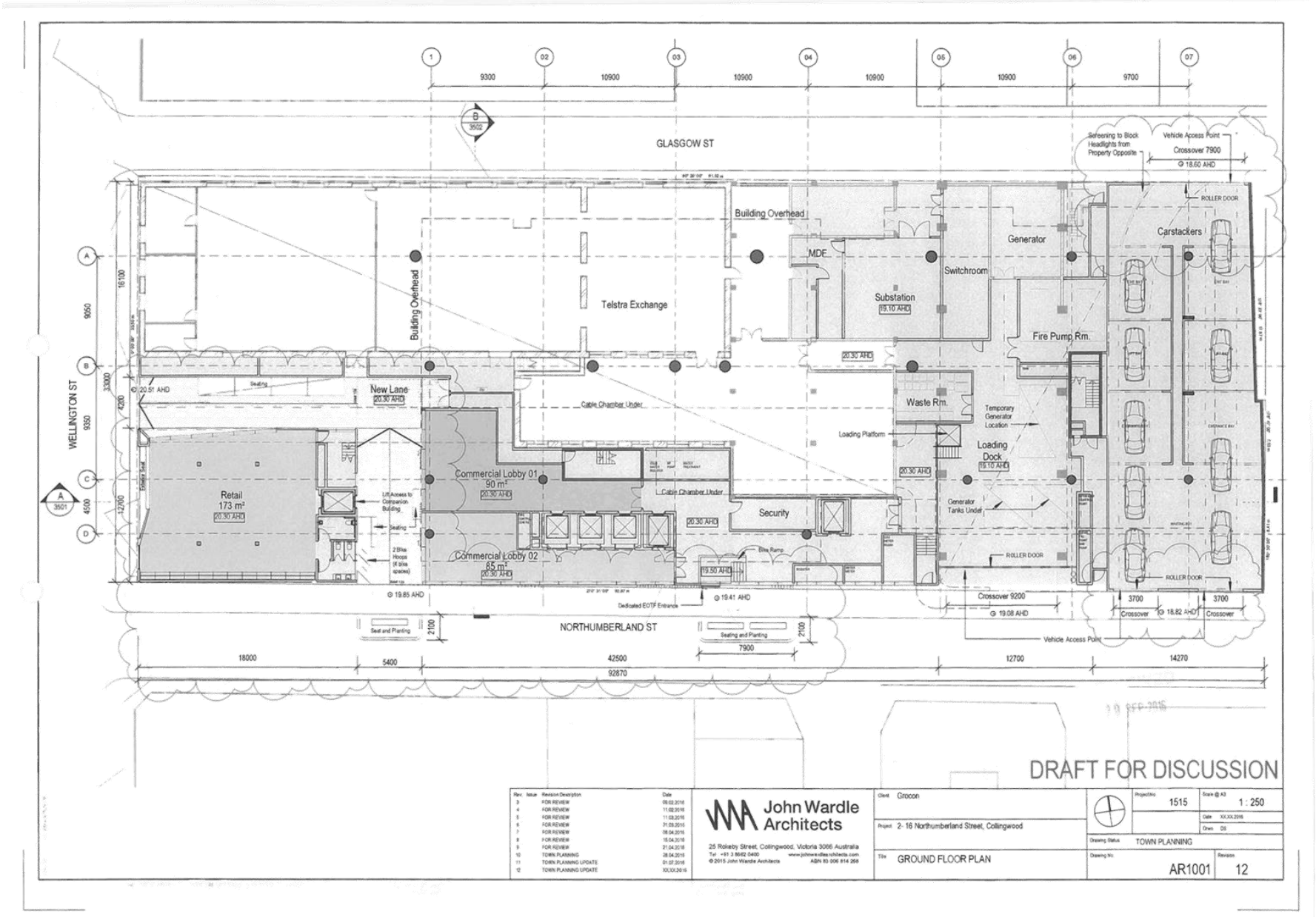

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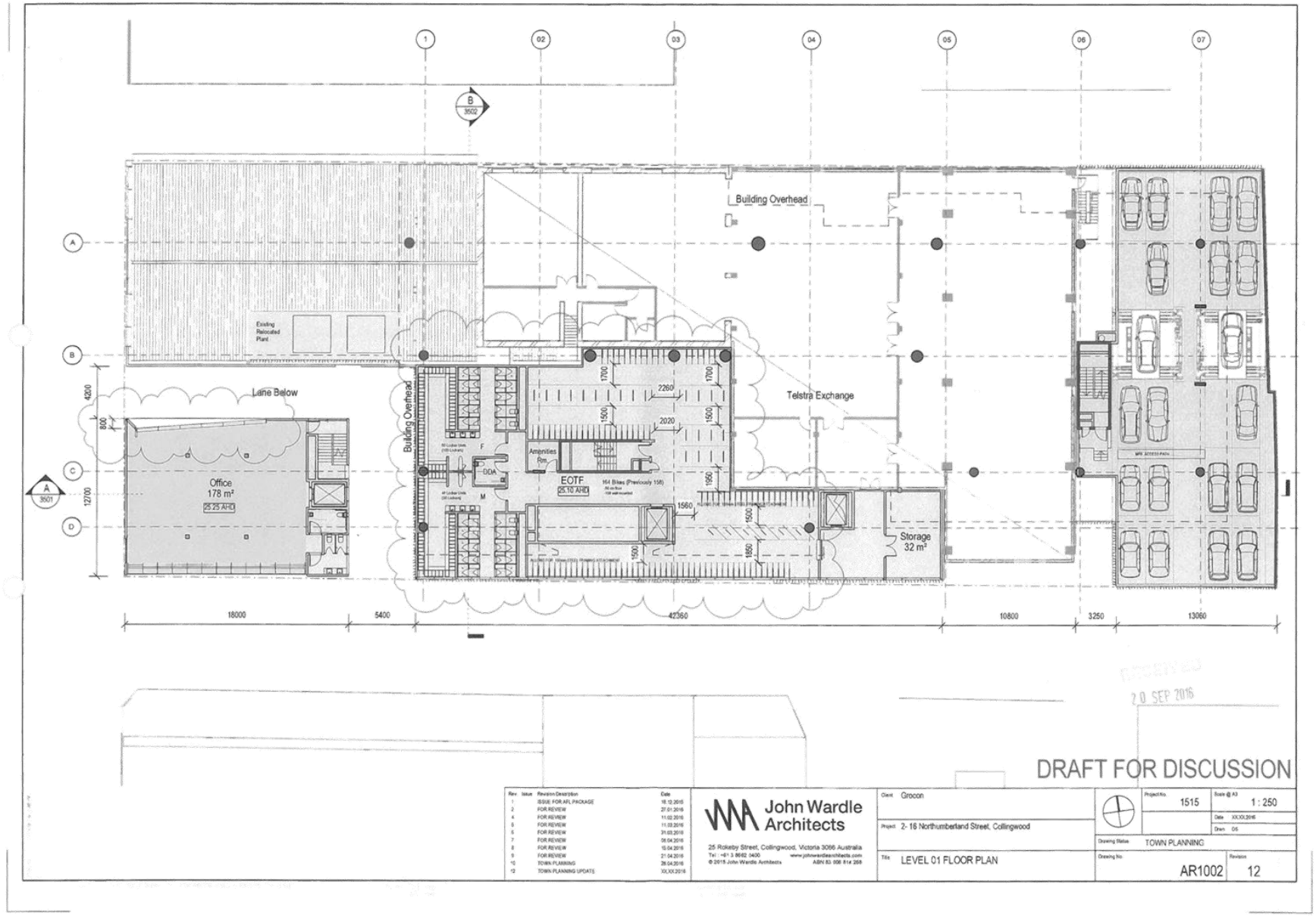

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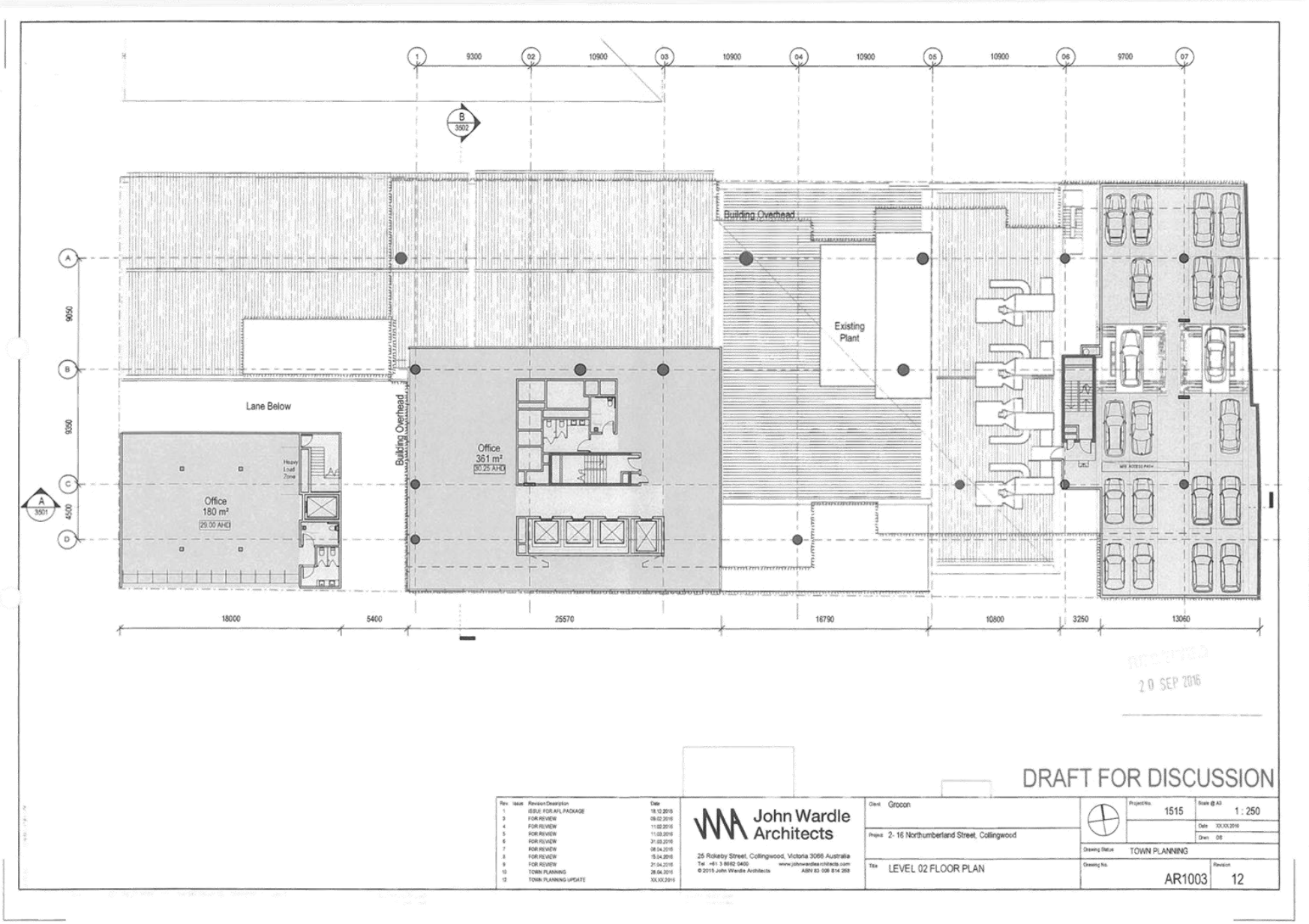

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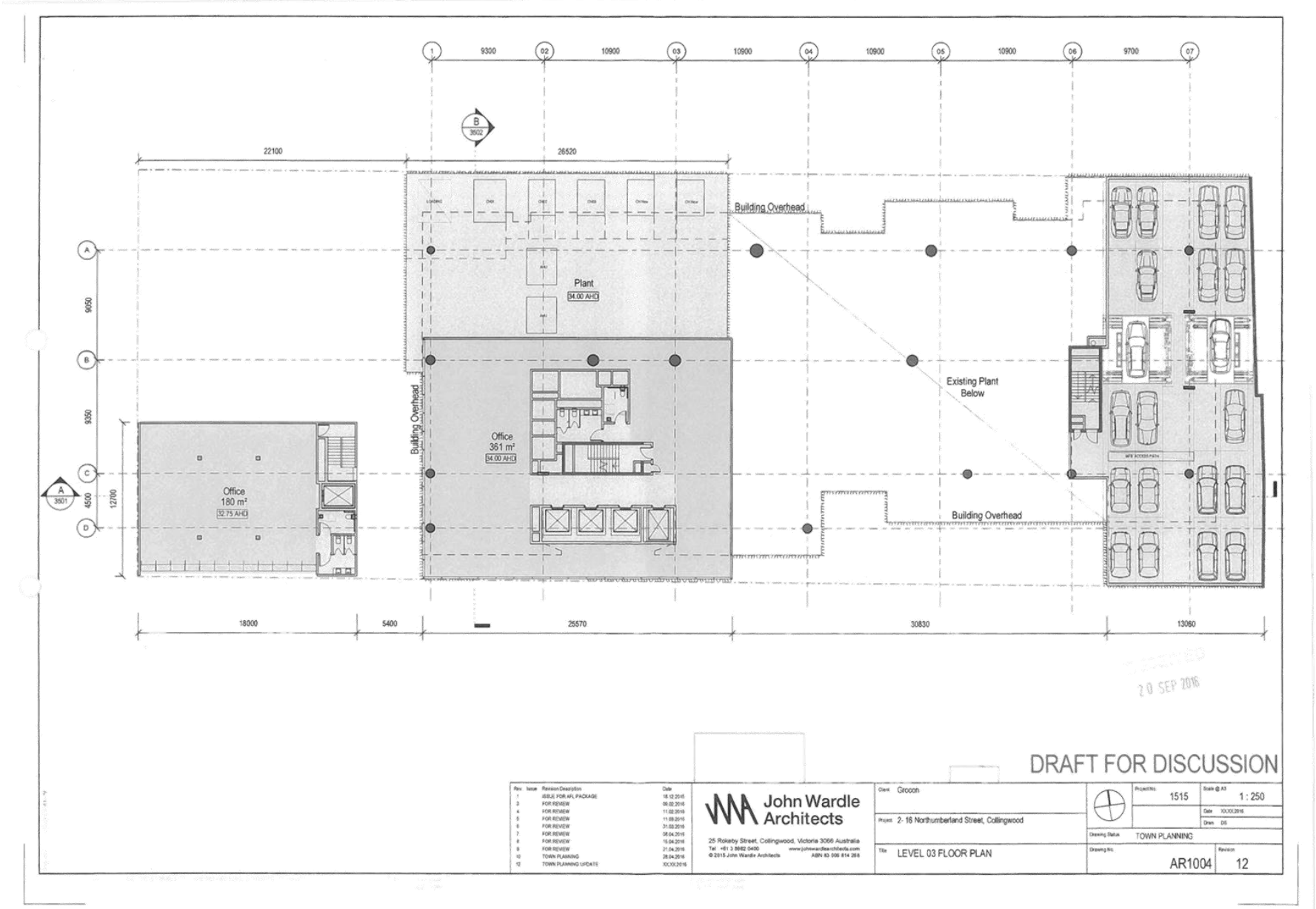

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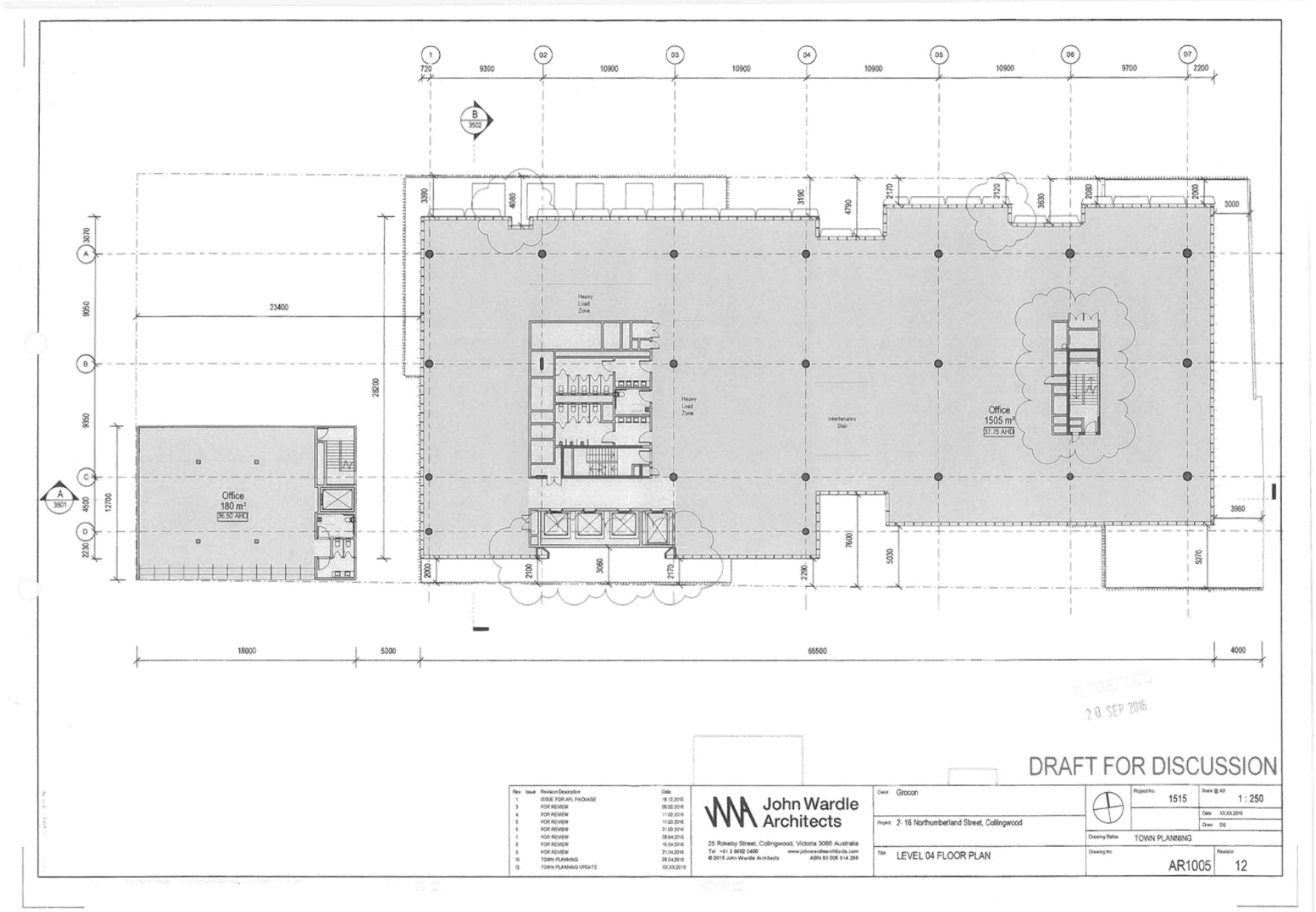

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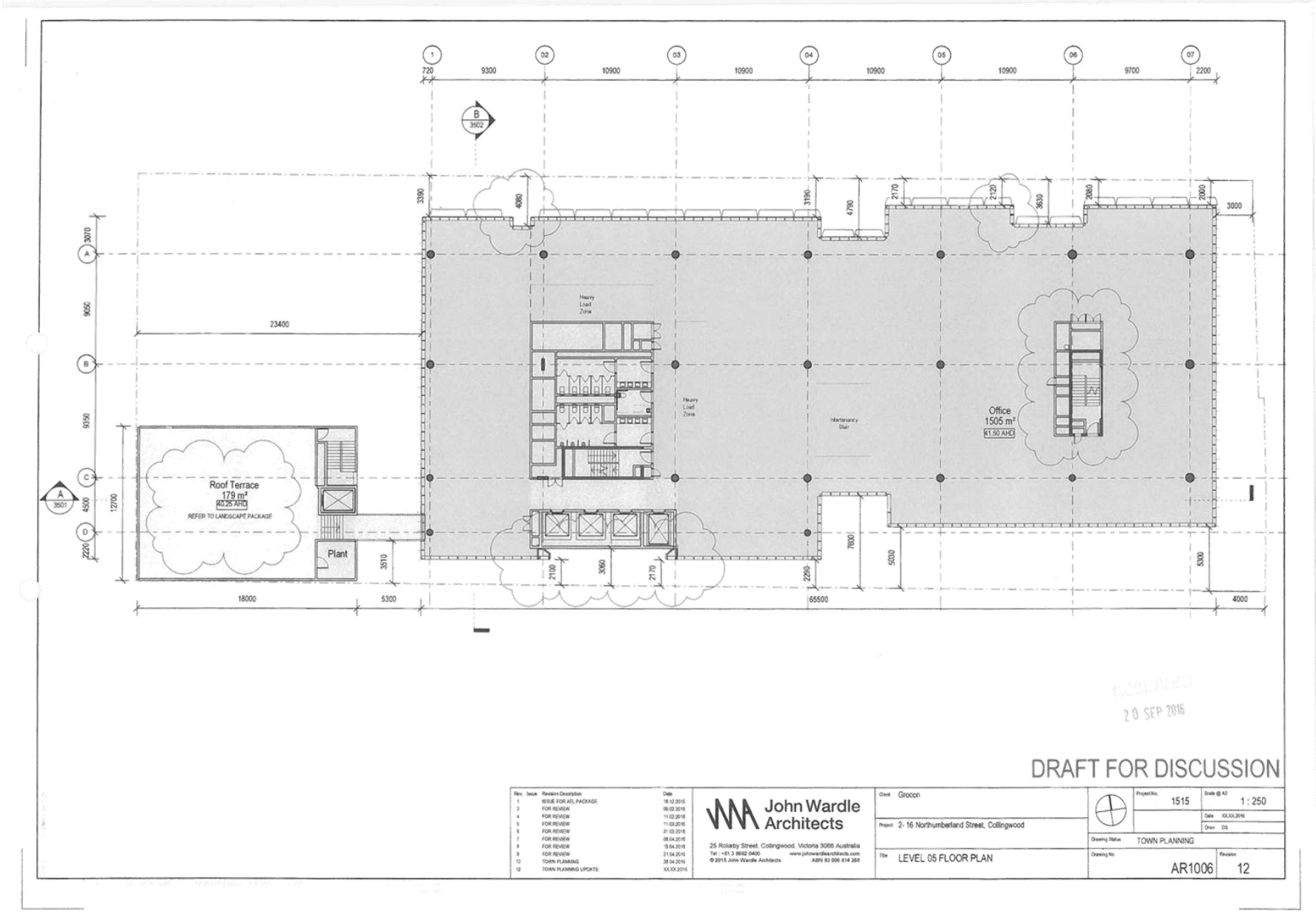

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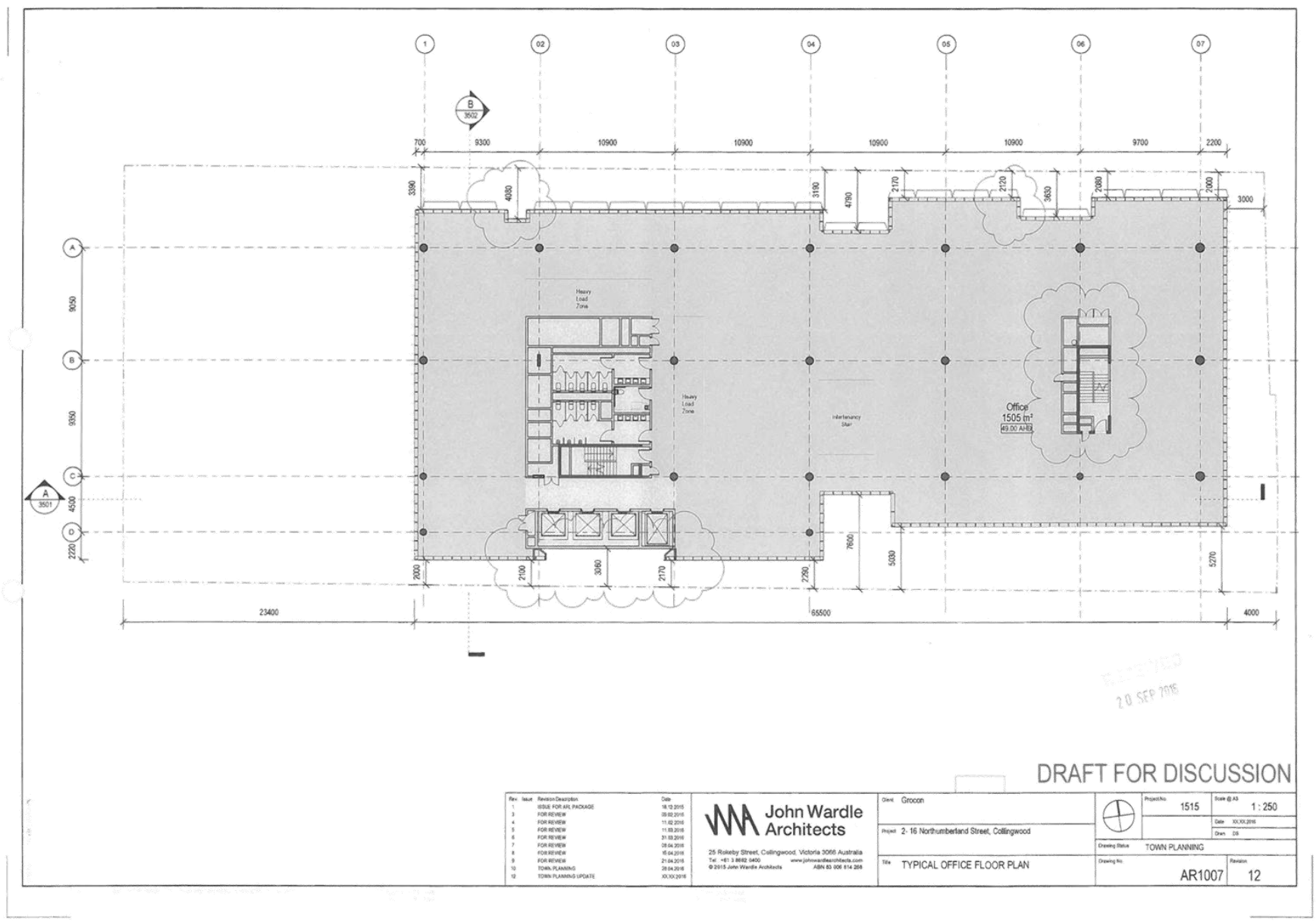

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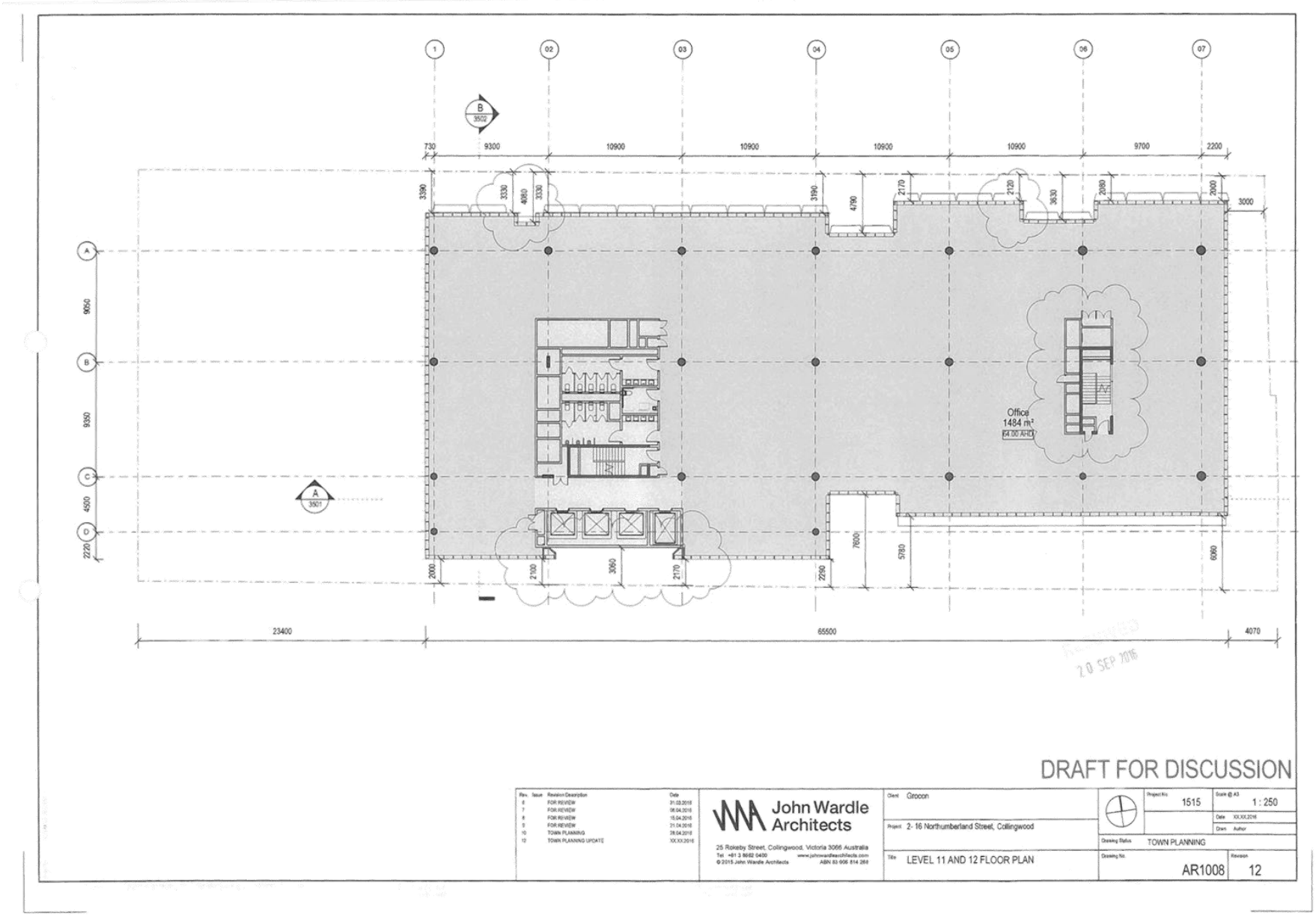

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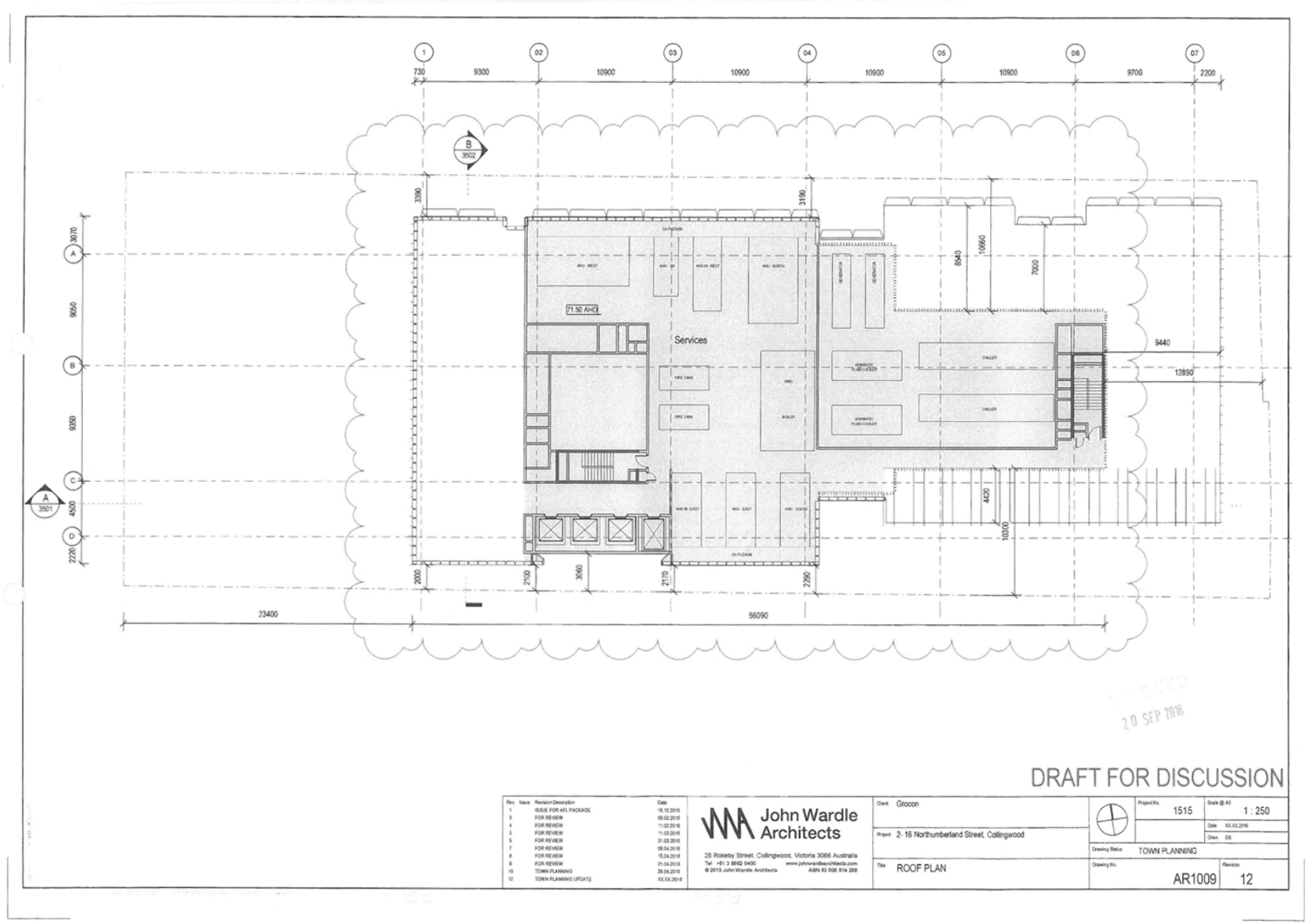

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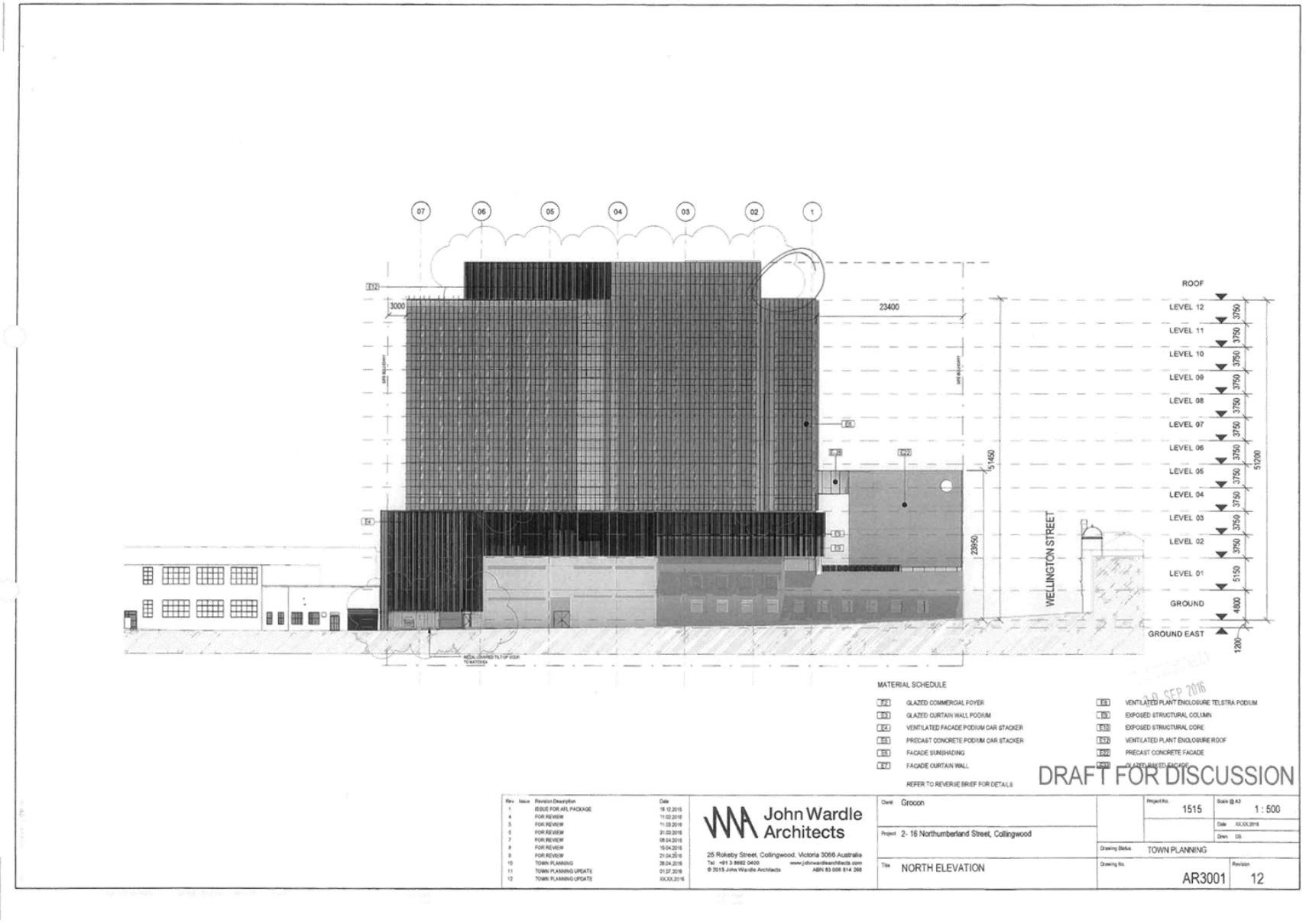

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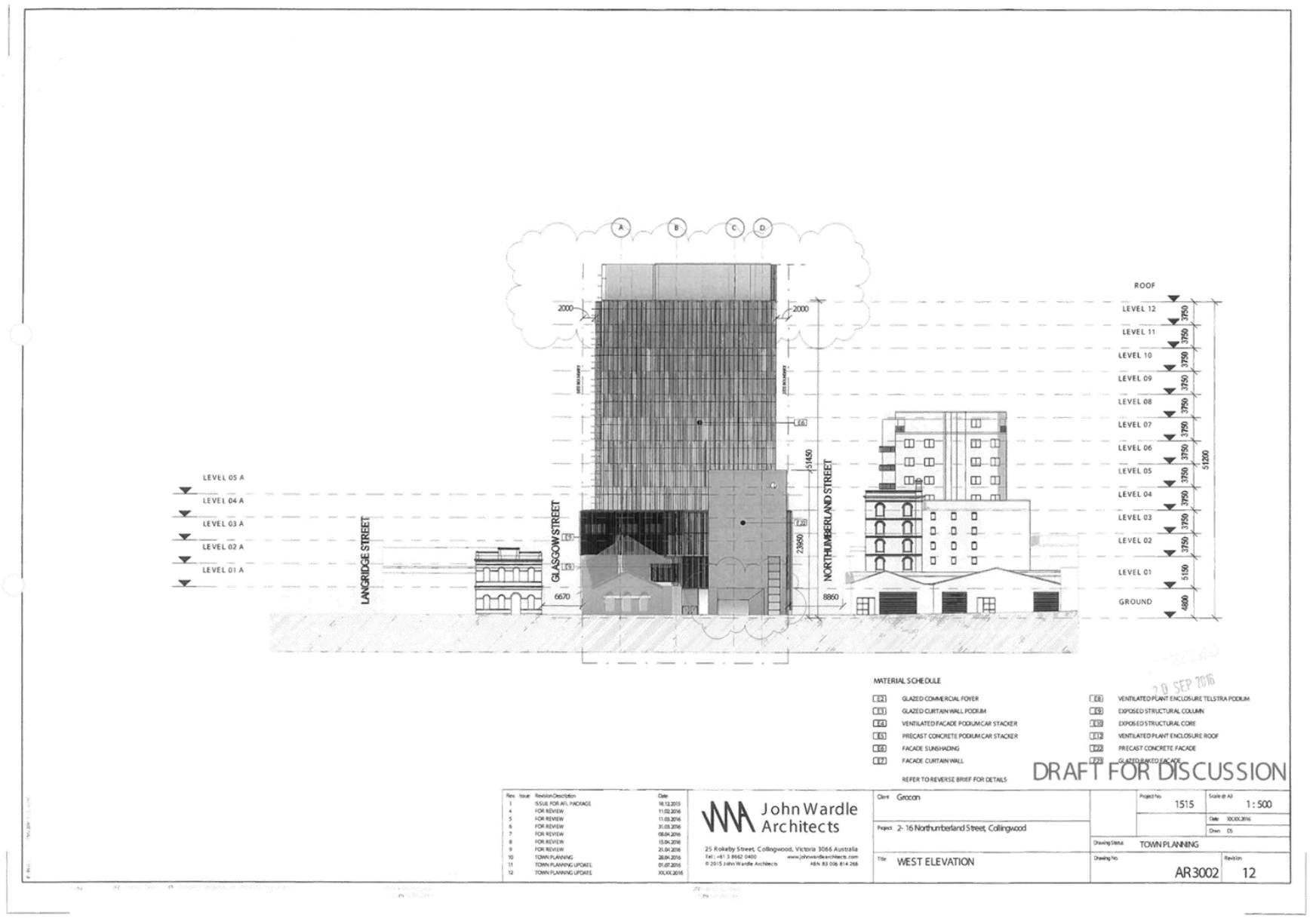

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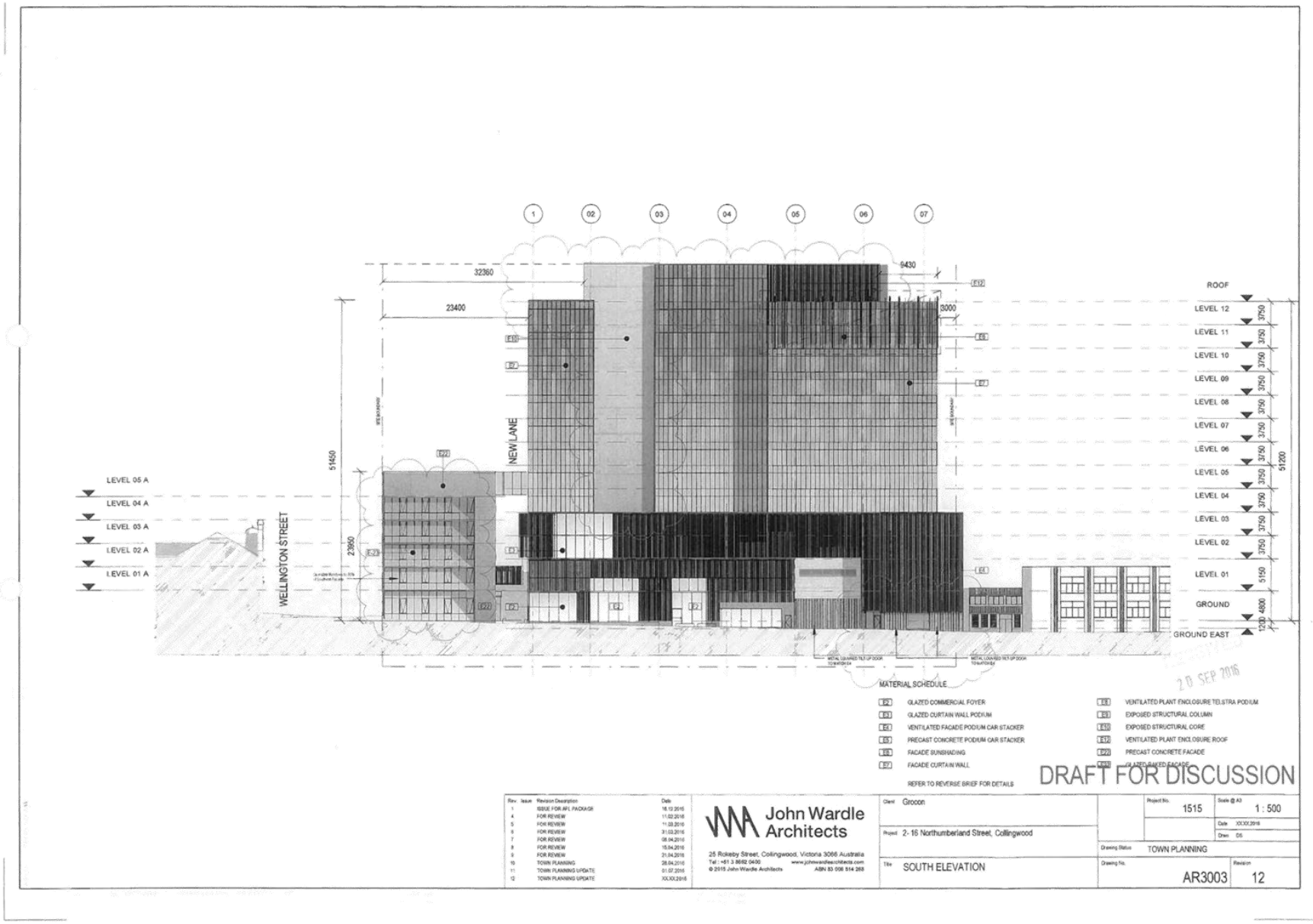

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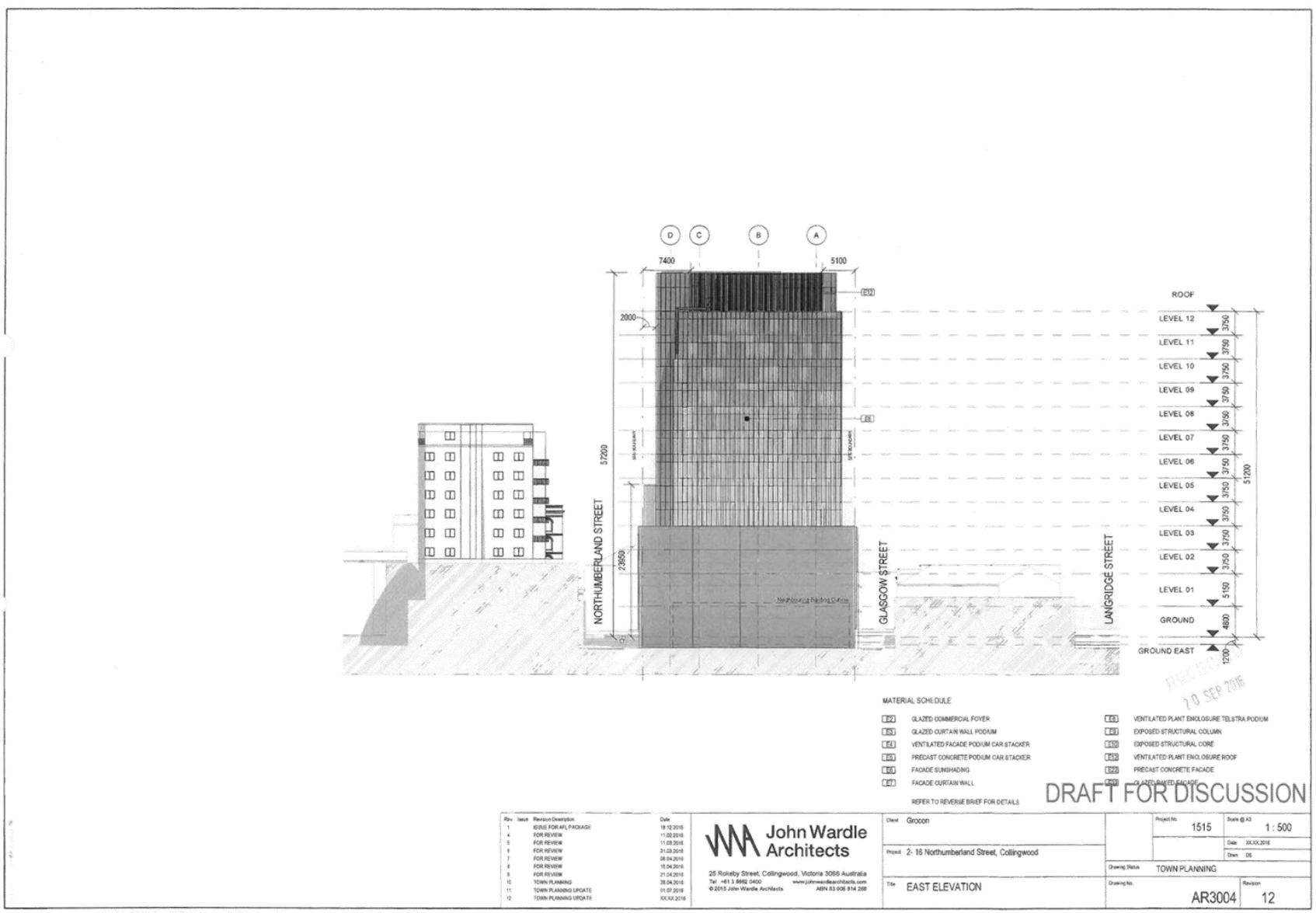

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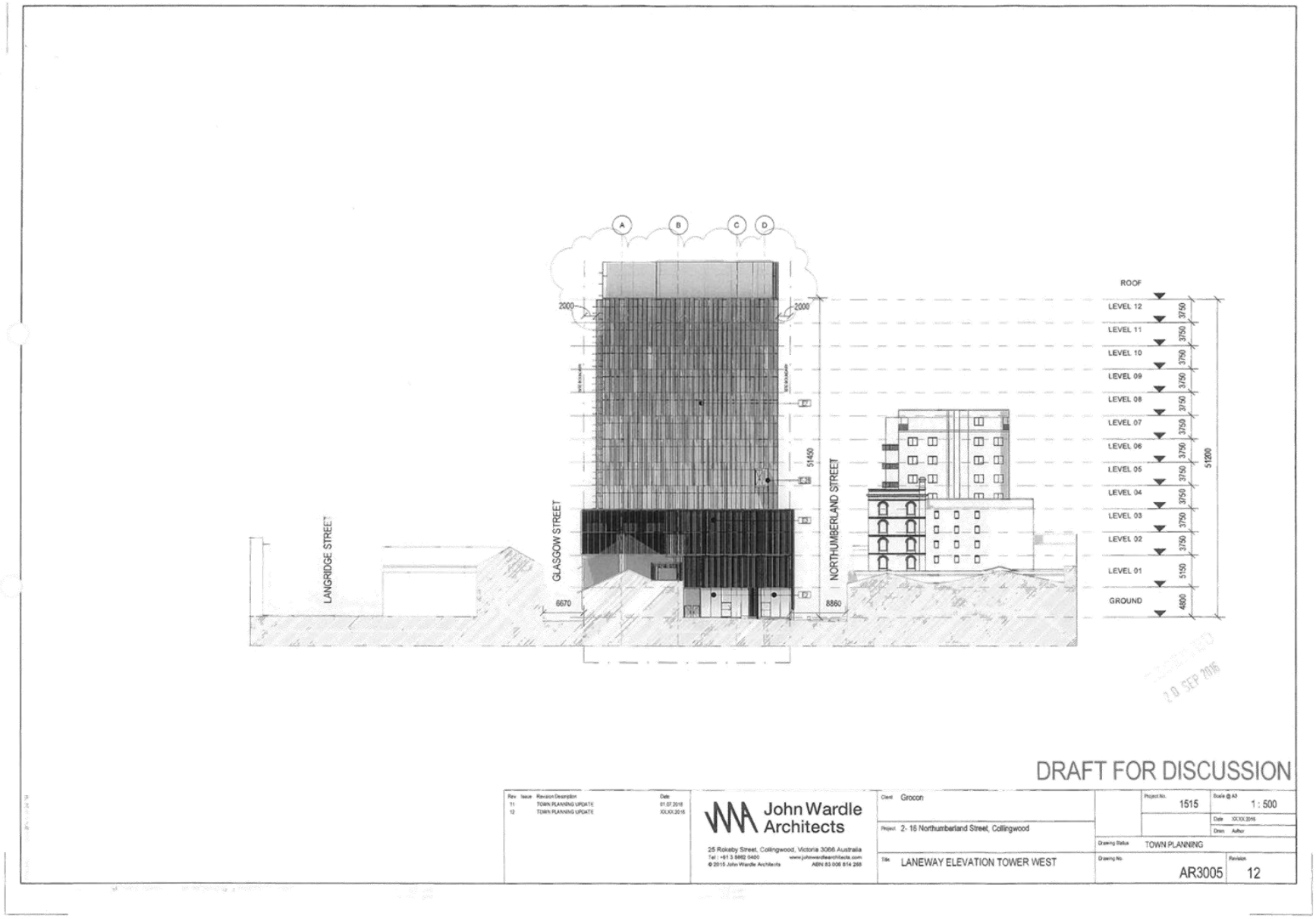

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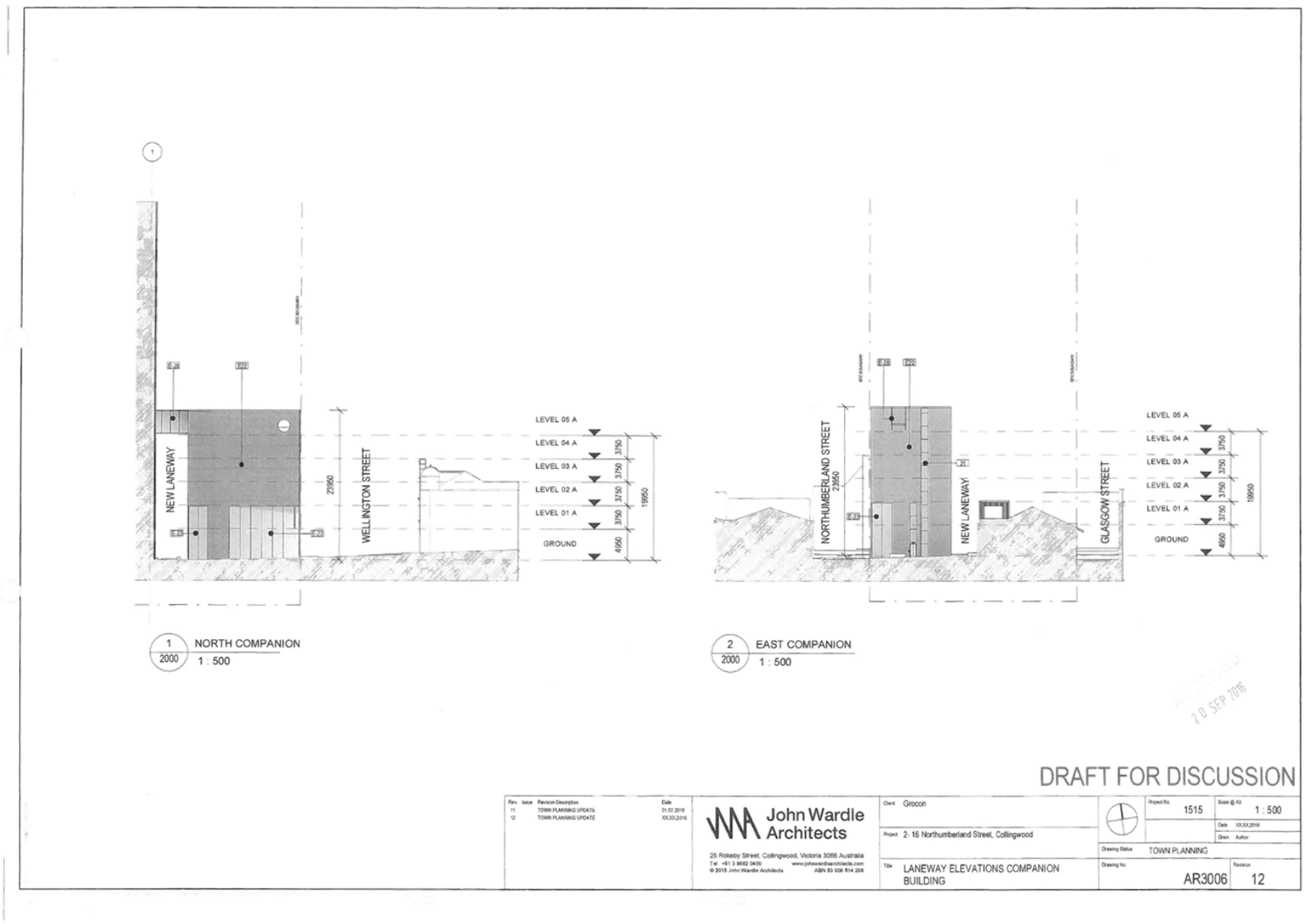

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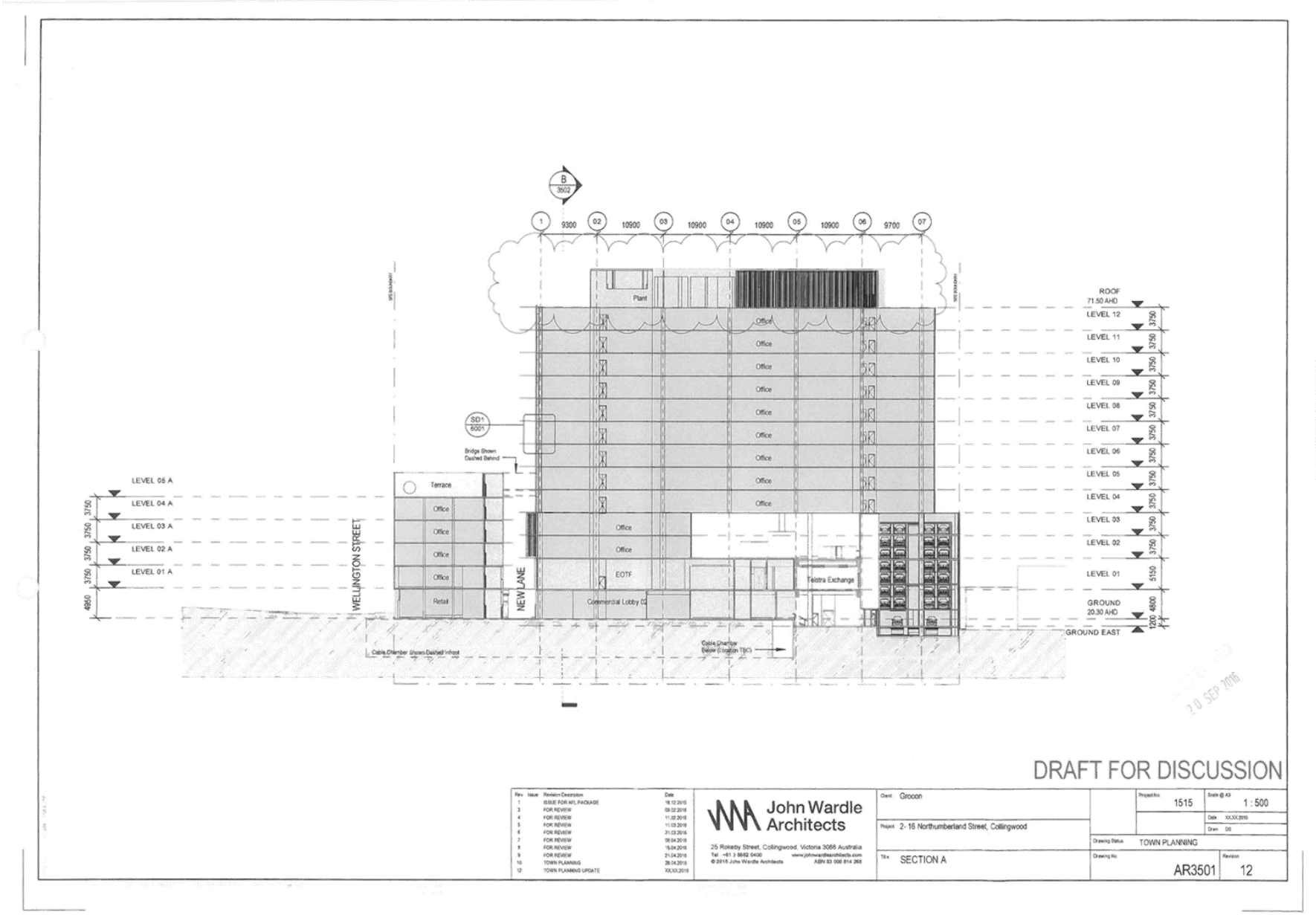

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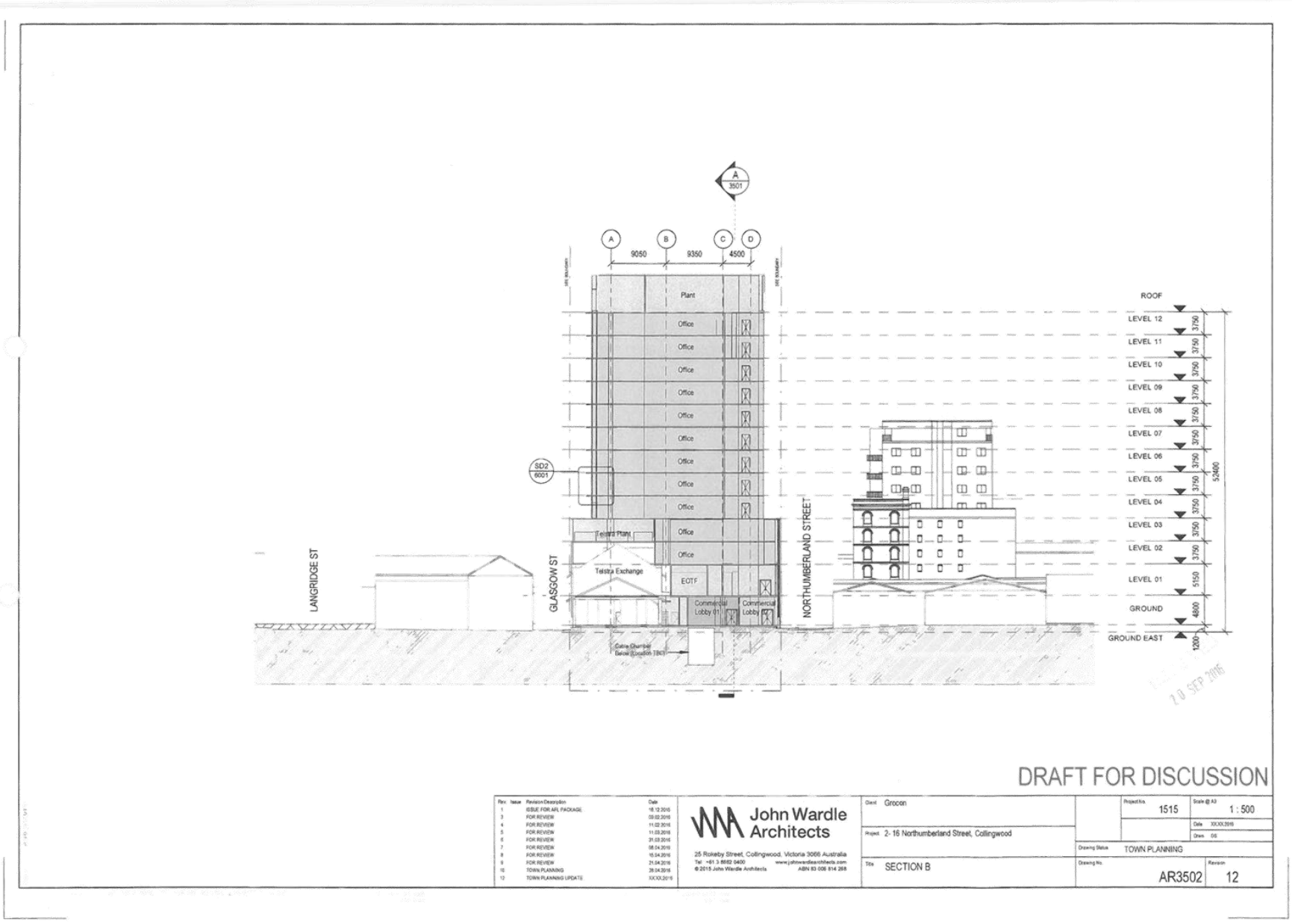
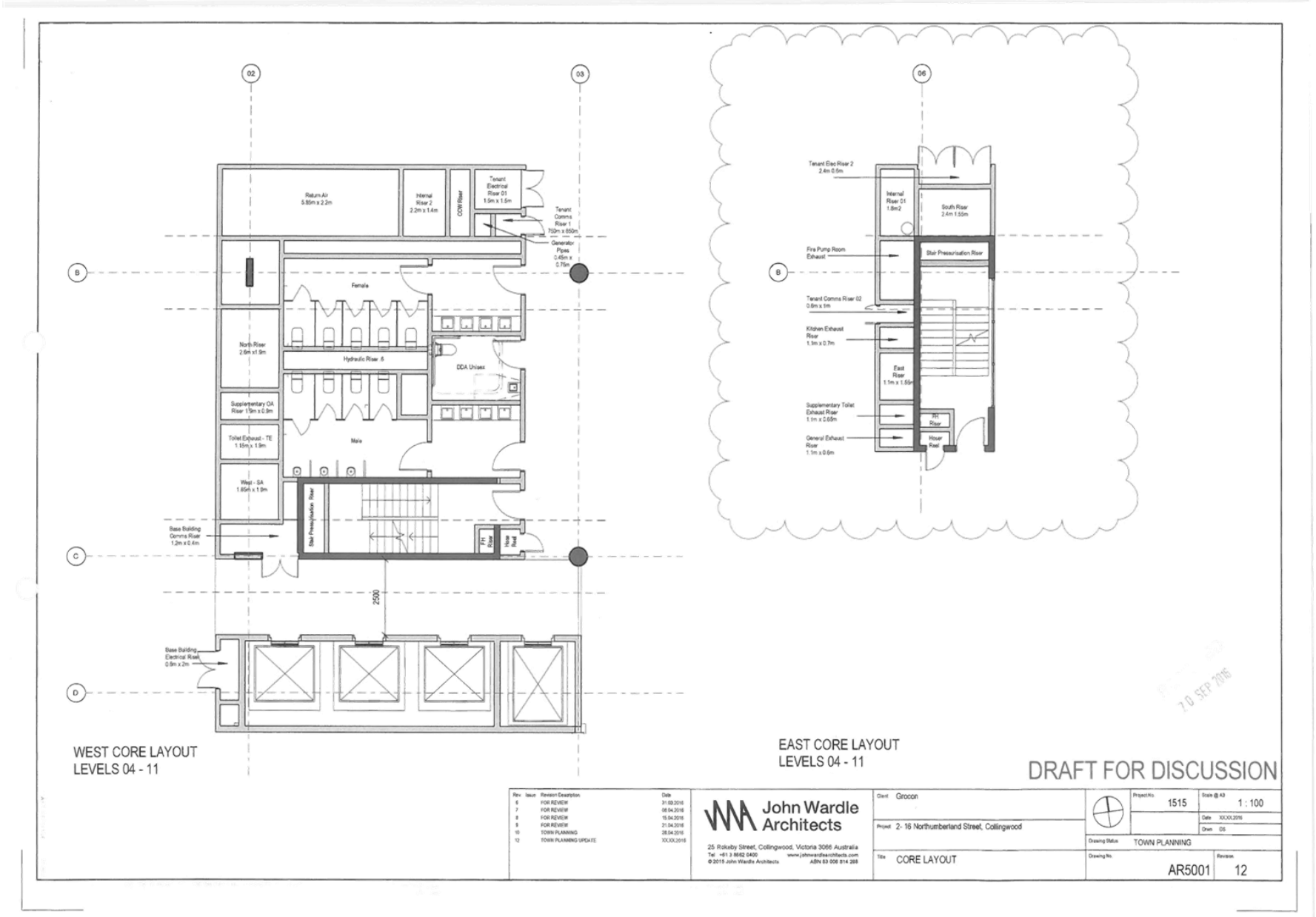
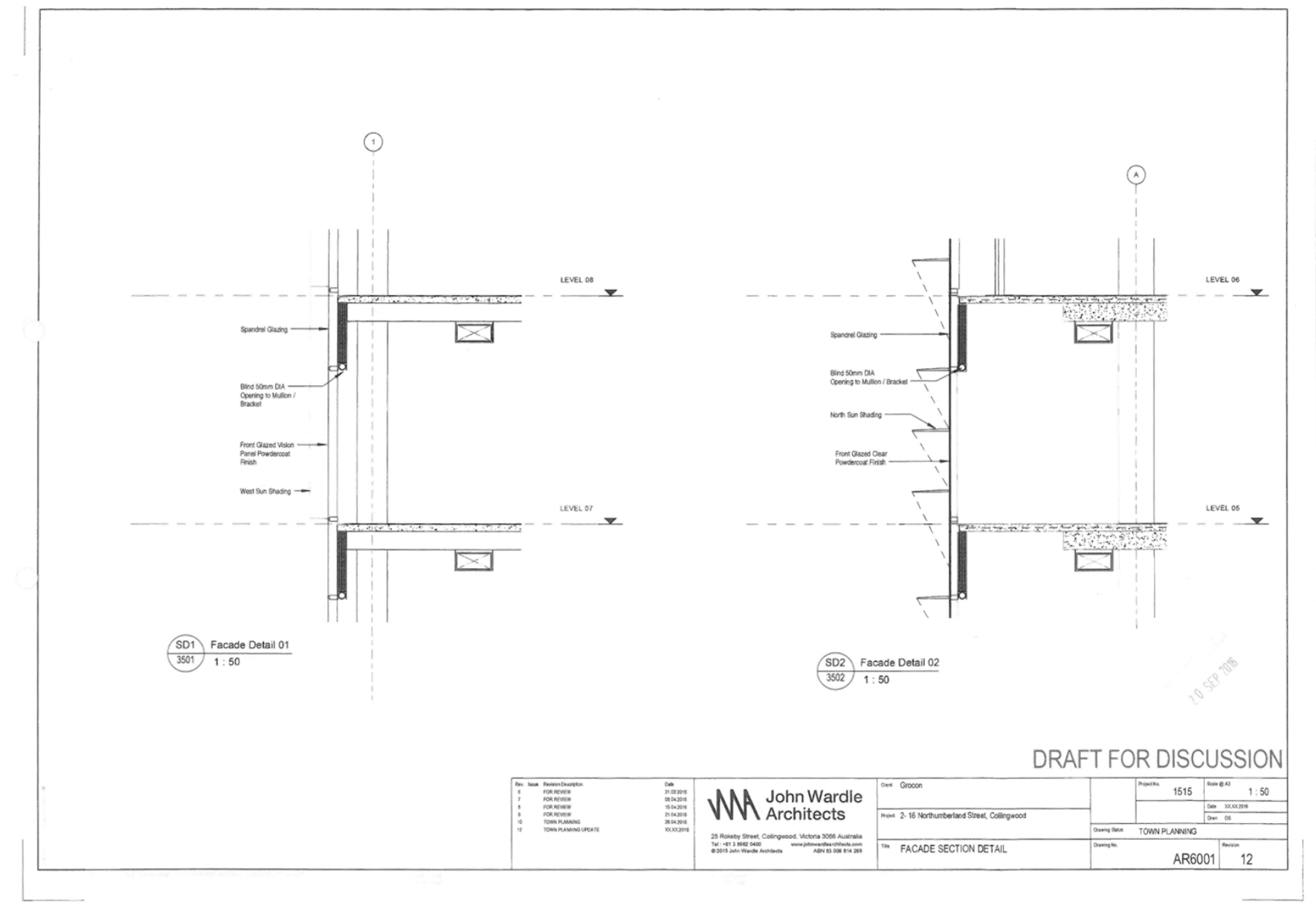


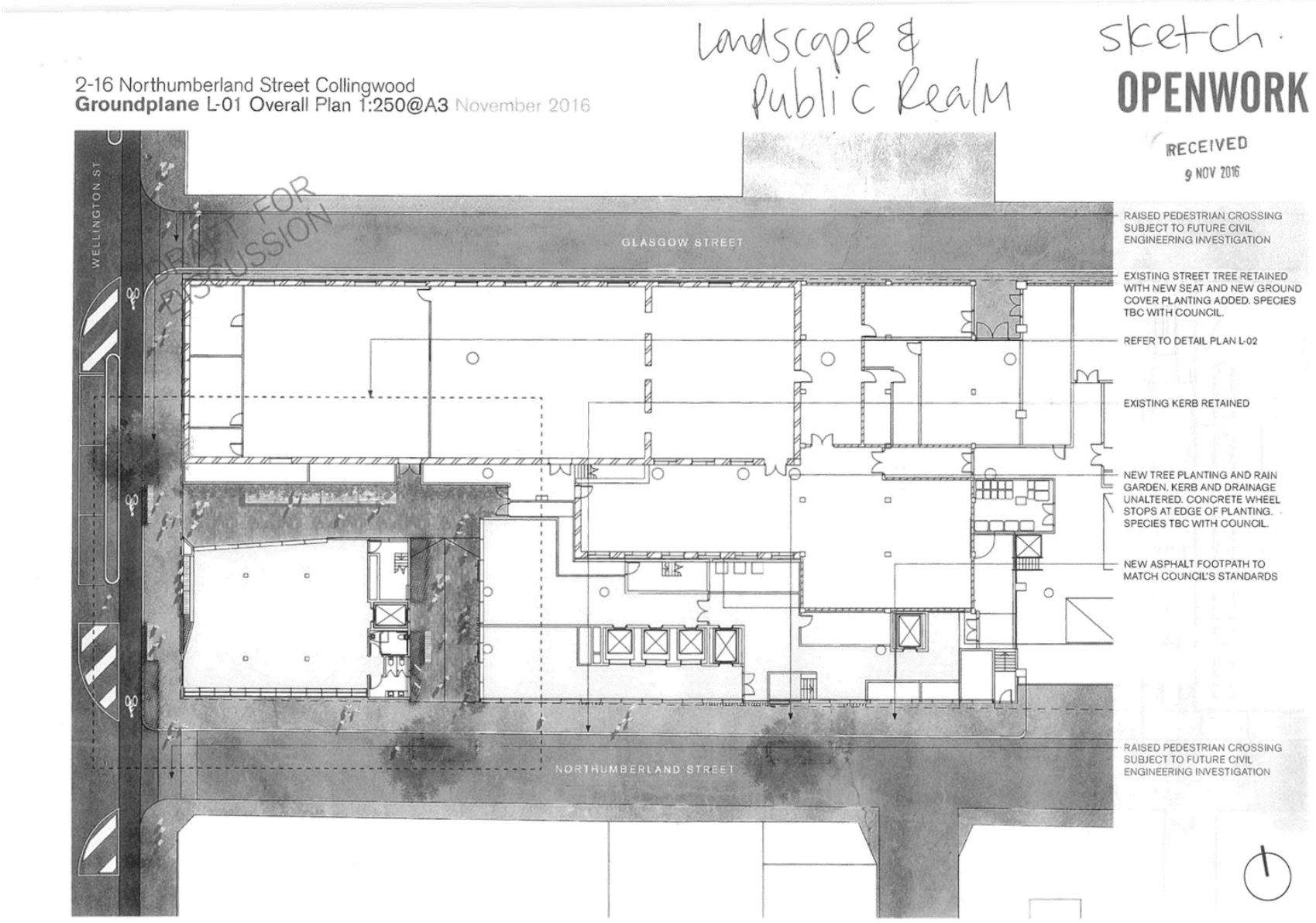
Attachment 3 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - sketch plan 20 September 2016



Attachment 3 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - sketch plan 20 September 2016



Attachment 4 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - sketch public realm plan

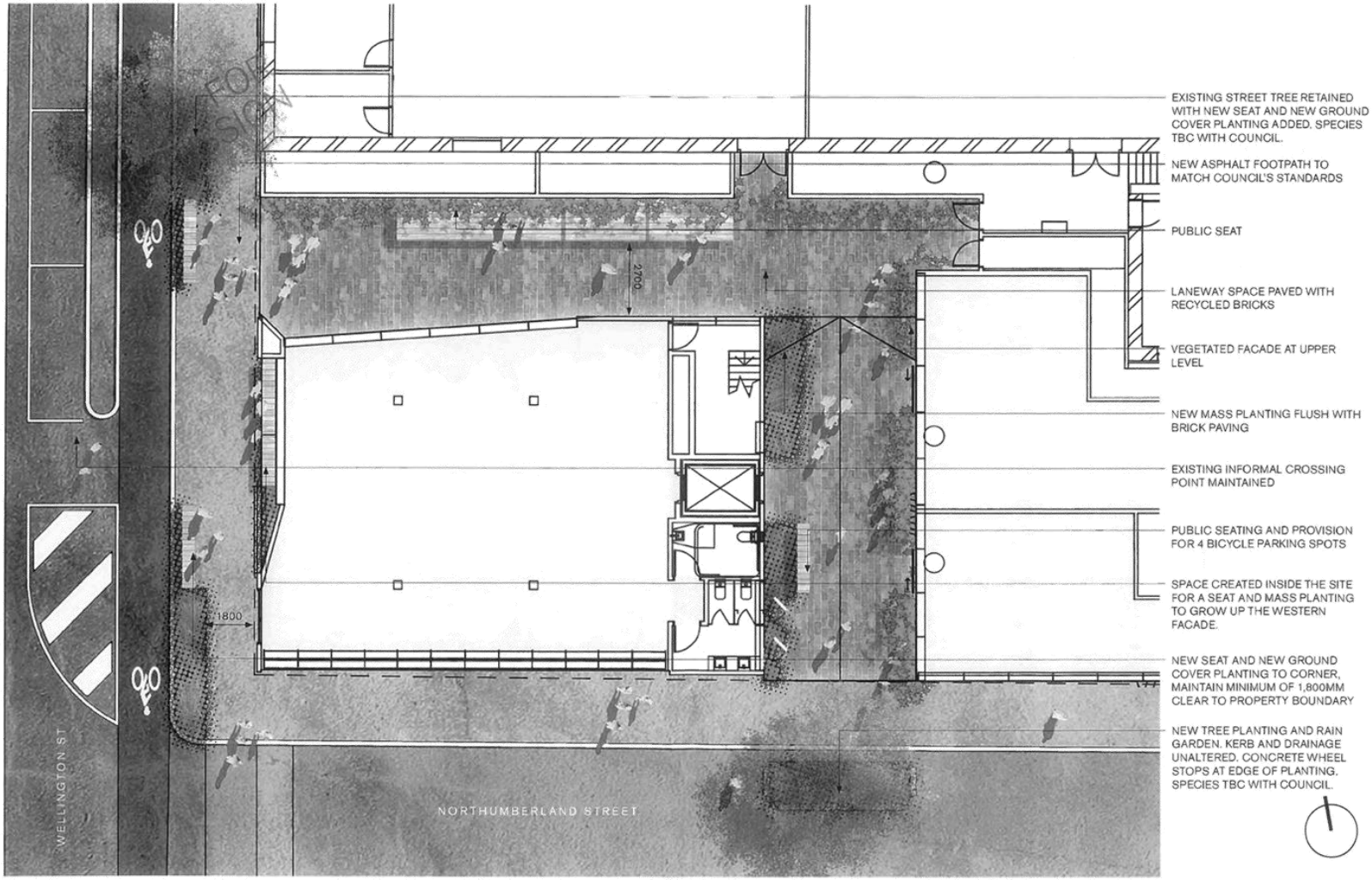


Attachment 4 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment - sketch public realm plan

2-16 Northumberland Street Collingwood
Groundplane L-02 Detail Plan 1:125@A3 November 2016

RECEIVED
9 NOV 2016

OPENWORK



Attachment 5 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Acoustic comments - Earlier

15 August 2016

640.10090.04380-L01-v1.0 1 Northumberland Review 20160815.docx

City of Yarra
PO Box 168
Richmond VIC 3121
T (03) 9205 5171 F (03) 8417 6666

Attention: Vicky Grillakis

Dear Vicky

2-16 Northumberland Street Collingwood
Planning Assessment Acoustical Review
PLN16/0435

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the proposed commercial development at 2-16 Northumberland Street Collingwood.

The report primarily addresses mechanical plant and equipment noise associated with the development. Details of the report are as follows:

- Title: Northumberland St Office Development, Project Specific Environmental Noise Assessment
- Reference: 250423 Revision 1
- Date: 12 April 2016
- Prepared by: Aurecon Australasia Pty Ltd

1 Preliminary Comments

The acoustic report indicates that the development is a commercial 11 storey building that will be built around the existing Telstra Exchange building. We note the planning report indicates a 13 storey building (this is not of any concern in relation to the acoustic impacts).

Residential receptors are identified by Aurecon located directly to the north at a single storey residential dwelling and also to the south in a multi-level residential building.

2 Noise Requirements

Section 2 of the acoustic report refers to the requirements of SEPP N-1 and determines the applicable noise limits.

The report includes the results of 3 days of noise monitoring undertaken "opposite the residence at 14 Glasgow St".

SLR Consulting Australia Pty Ltd Suite 6, 131 Bulleen Road Balwyn North VIC 3104 Australia
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E: melbourne@slrconsulting.com www.slrconsulting.com
ABN 29 001 584 612

The noise logging results and determination of noise limits are provided in Tables 1 and 2 of the report

SLR Comment:

SEPP N-1 is the appropriate noise policy to consider mechanical plant equipment emissions from the building to the nearest residential receptors.

The location of the logger is not clearly described, and there is no description of the ambient environment in the area. We have some concerns in that the L_{90} levels appear to be very similar for day, evening and night, suggesting there may be a constant level of noise from a source such as existing mechanical plant. Background levels are meant to be measured in the absence of any significant mechanical plant in the area.

The noise logging intervals used for determining the SEPP N-1 background levels are not technically in accordance with the SEPP N-1 policy as 15 minute intervals have been used instead of 1 hour intervals. In addition, it is normal practice when using SEPP N-1 to take the lowest measured background levels for any day, evening or night period, not the average over 3 days as appears to have been done by Aurecon. These anomalies probably provide minimal implications on this particular project, but nonetheless are technically not in accordance with normal SEPP N-1 procedure.

The more significant issue we have identified is that the determined zoning levels (and subsequent SEPP noise limits) appear to be too high in the report. We have conducted our own determination of these and obtain the following zoning levels:

SLR Determined Zoning Levels	*Aurecon Zoning Levels*
59	*66*
52	*59*
49	*54*

The above represents a significant anomaly and must be corrected to ensure that all mechanical plant in the building is designed to the correct levels. It would appear that Aurecon have adopted a SEPP N-1 'Type 3' zone for the C2Z zone rather than 'Type 2'.

3 Report Recommendations

Aurecon provide general discussion on the anticipated building plant and equipment, and indicative noise control options. As the building plant and equipment have not been designed or selected, the report indicates that this will be reviewed during the detailed design stage.

Section 3.1.1 of the report also comments on the potential relocation of the exchange cooling plant to the roof of the new building. While no specific treatment is recommended / designed, the report indicates that the plant will likely be further away from noise sensitive receivers than it is currently, and there will be opportunity to provide attenuators and screening.

SLR Comment:

This is generally acceptable as long as there is a commitment to undertake full review during detailed design, and ensuring the correct SEPP N-1 noise limits are used.

4 Summary

We provide the following comments in relation to this review.

- The report appears to have some technical deficiencies in relation to background monitoring, but more critically in determining the zoning levels for the site. We would recommend that Aurecon recalculate the zoning levels for the site, and adopt the zoning levels as the noise limits (i.e. assume neutral background levels).
- We do not see this as a high risk development if there is a proper acoustic review undertaken during detailed design to ensure all noise from the facility complies with the correct SEPP N-1 noise limits at all surrounding residential dwellings.

Yours Sincerely,

JIM ANTONOPOULOS BAppSc MAAS
Principal – Acoustics

Checked by: DW

Attachment 6 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Acoustic Comments - Final

Final Acoustic Comments

26 September 2016

Hi Vicky, I think this was my one.

The report has been amended to address the errors we identified, and looks fine now.

Jim Antonopoulos
Principal - Acoustics
SLR Consulting Australia Pty Ltd

Attachment 7 - PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering comments

CITY OF YaRRA

MEMO

To:	**Vicky Grillakis**	
From:	**Mark Pisani**	
Date:	**23 September 2016**	
Subject:	**Application No:**	**PLN16/0435**
	Description:	**Mixed Use Development**
	Site Address:	**2-16 Northumberland Street, Collingwood**

I refer to the above Planning Application received on 8 August 2016 and the accompanying report prepared by GTA Consultants in relation to the proposed development at 2-16 Northumberland Street, Collingwood. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

The proposed development comprises the construction of a six-storey and 13-storey building accommodating office floor space and a food and drink premises. The site would be provided with 136 car parking spaces accommodated in an automatic car stacker device. The property has road abuttals to Northumberland Street, Glasgow Street and Wellington Street.

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
Office	14,935 m^2	3.5 spaces per 100 m^2 of net floor area	522
Food and Drink Premises	172 m^2	4 spaces per 100 m^2 of leasable floor area	6
		Total	**528 Spaces**

Since 136 spaces would be provided on site, the site would have a parking shortfall of 392 car parking spaces. The parking on-site parking allocation has not been discussed in the report. However, it is assumed that the food and drink and premises would be allocated one space and the balance allocated to the office.

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 7 - PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering 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 Office Use*. Parking associated with office type developments is generally long-stay parking for employees and short-stay 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.

  GTA Consultants have sourced travel to work data for the Collingwood area from the 2011 Census conducted by the Australian Bureau of Statistics. The travel to work data indicated that some 68.7% of employees that work in Collingwood travel to their place of employment by driving a car. To determine the likely number of employees working at the site, GTA have adopted an average office employee density of 25.9 square metres (based on research done by others). For the subject site, the estimated number of employees would be 576 persons. By applying the travel to work car usage of 68.7%, the employee parking demand for the site would be 395 car parking spaces.

- *Empirical Parking Demand Rates for Office Use*. The development would have an on-site car parking provision of 0.90 spaces per 100 square metres (based on 135 on-site spaces and a floor area of 14,935 square metres). The approved development at 4-6 Gold Street, Collingwood (Planning Permit PLN13/0763 issued on 12 June 2014) comprises 1,541 square metres of office floor space and 20 on-site car parking spaces. The parking rate for this site would equate to 1.29 spaces per 100 square metres. Whilst the parking provision of the proposed development is lower than the parking provision rate for the Gold Street office, the parking demand generated by the new site would be influenced by the constrained nature of on-street parking the surrounding area, the availability/access to off-street commercial parking and accessibility to public transport services.

- *Parking Demand for Retail/Food and Drink Premises*. GTA Consultants have indicated that surveys of shopping centres in the City of Port Phillip had a peak retail parking demand of 2.3 spaces per 100 square metres. For this development, GTA have adopted a retail parking rate of 2.5 spaces per 100 square metres, which is considered appropriate. Applying this rate to the site's retail component would result in four car parking spaces. Around 25 per cent of the retail/food and drink premises parking demand would be for employees. In this case, the retail use would have a parking demand of one staff space and three customer spaces.

- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Smith Street-Gertrude Street and Victoria Parade. Bus services also operate along Victoria Parade. Employees also have the option of using rail services, which can be accessed from North Richmond railway station.

- *Convenience of Pedestrian and Cyclist Access*. The site has very good pedestrian connectivity to public transport nodes and to the on-road bicycle network.

- *Multi-Purpose Trips within the Area*. Customers to the food and drinks premises and clients to the office might combine their trips by engaging in 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*. GTA Consultants had conducted site inspections of the surrounding streets and confirmed that the level of on-street parking that takes place in the vicinity of the site is very high. Areas of unrestricted parking, such as Glasgow Street, are fully occupied and usually from early morning periods. On-street parking for employees is not a practical or viable option.

Attachment 7 - PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering comments

- *Other Relevant Considerations*. Employees to the new office development would be well aware of the severe limitations of parking on-street and would be inclined to take alternative transport in order to commute to and from the site. The limited on-site car parking provision should be managed by the site's Owners Corporation by way of a car parking management plan. On-site parking should be allocated to avoid parking overflow in the surrounding streets.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for the new site is considered appropriate in the context of the development and the surrounding area. Whilst the office's on-site parking provision is lower than empirical office car parking demands, the constrained on-street parking conditions would be a disincentive for employees to drive to work. The site is well serviced by public transport services. The operation of the new office and food and drink premises should not adversely impact on existing parking conditions in the area, which are already constrained.

Engineering Services has no objection to the reduction in the car parking requirement for this site.

TRAFFIC GENERATION

Trip Generation

For the office traffic generation, GTA Consultants have adopted a traffic generation rate of 0.25 vehicle trips per on-site car parking space per peak hour (based on other uncited studies made at sites in Melbourne and Southbank). For the development's on-site car parking, this would equate to 34 vehicle trips per peak hour.

Performance of Car Stacker System

The GTA report does not specify the type of stacker and has not provided any technical specifications. No details have been provided as to how the stacker system would work. Further details on the proposed system and the queuing analysis used to derive the 98th percentile queue lengths should be provided.

Traffic in Local Road Network

GTA Consultants had conducted traffic counts of Northumberland Street and Glasgow Street for a five day period from Monday 15 February 2016 to Friday 19 February 2016. Northumberland Street carries 400 vehicles per day, with 31 vehicles in the AM peak hour and 29 vehicles in the PM peak hour. Glasgow Street has a daily traffic volume of 101 vehicles per day and experiences 7 vehicles in the Am peak hour and 6 vehicles in the PM peak hour.

Since development traffic would enter the site via Northumberland Street and exit via Glasgow Street, the post development peak hour traffic volumes of Northumberland Street and Glasgow Street are expected to be 65 vehicles per hour and 40 vehicles per hour respectively. The traffic generated by the development is not unduly high and it is agreed that both Northumberland Street and Glasgow Street should be able to accommodate the development traffic without adversely compromising the operation of these two streets.

Wellington Street and Other Sites

According to GTA Consultants, the proposed development at nearby 61-71 Wellington Street is expected to add 7 vehicle trips to Wellington Street in each peak hour. In the AM peak hour, the traffic volume generated by the subject site would add 34 vehicle trips to Wellington Street. The traffic generated by both sites would add 41 vehicle trips in the peak hour to Wellington Street. It is agreed that traffic generated by these two sites should not adversely impact on Wellington Street.

Attachment 7 - PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering comments

DEVELOPMENT LAYOUT DESIGN

Access Arrangements – Northumberland Street

The proposed doorway servicing the car stacker system has a width of 11.69 metres. The new vehicle crossing on the north side of Northumberland Street would span the doorway.

The swept path diagrams for the B99 design vehicle demonstrate satisfactory vehicle access into the site from Northumberland Street.

The headroom clearance for the doorway must be no less than 2.1 metres as per *Design standard 1 – Accessways* of Clause 52.06-8. The headroom clearance must be dimensioned on the drawings.

Access Arrangements – Glasgow Street

The doorway on the property's Glasgow Street frontage has a width of 10.82 metres.

Pedestrian sight triangles have not been provided as required by *Design standard 1*. GTA Consultants suggest the installation of a light warning system for pedestrians to be aware of exiting vehicles. Under the provisions of the *Road Safety Road Rules* 2009, a driver entering a Public Highway from adjacent land must give way to all pedestrians on the road (which includes the footpath). Therefore, it is a motorist's responsibility to view pedestrians before entering the road.

In this instance, the applicant is to install convex mirrors to view pedestrians along the Glasgow Street footpath.

Removal of On-Street Parking – North Side of Glasgow Street

Swept path diagrams have been prepared for the Glasgow Street exit point using the B99 design vehicle. A B99 design vehicle can only exit the property onto Glasgow Street if three parking spaces on the north side of street are converted to No Stopping restrictions.

The removal of three on-street parking spaces is subject to approval by Council's Parking Management unit. The applicant must liaise directly with Council's Parking Management unit on telephone 9205 5291.

Vehicle Crossings

The design and construction of all new vehicle crossings must satisfy Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements.

In providing new vehicle crossings for the site, the applicant will be required to prepare detailed cross sectional drawings of the new vehicle crossings, the actual road profiles of Northumberland Street and Glasgow Street and the first 2.0 metres inside the property from each road. The cross sectional drawings and ground clearance checks must be submitted to Council's Construction Management branch for assessment and approval.

All redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense.

Internal Layout

The car stacker specifications must be provided.

Loading Provision

The development would be provided with an on-site loading facility accessed via Northumberland Street.

Swept path diagrams have been prepared for the loading facility using the 8.8 metre medium rigid vehicle. On-street parking on the north side of Northumberland Street, west of the vehicle crossing is to remain. The entry swept path diagram for the medium rigid vehicle is to be resubmitted showing the on-street parking envelope to the west of the loading bay's vehicle crossing.

Attachment 7 - PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering comments

The exit swept path movement from the loading facility is considered satisfactory.

Summary of Design Items to be Addressed

Item	Details
Headroom Clearance – Northumberland Street and Glasgow Street Doorways	The applicant must dimension the headroom clearance for both doorways and satisfy the headroom clearance requirements as per *Design standard 1 – Accessways*.
Pedestrian Visibility – Glasgow Street	Convex mirrors are to be installed at the exit point of the car stacker.
Removal of On-Street Parking – North side of Glasgow Street	The removal of three on-street parking spaces is subject to approval by Council's Parking Management unit. The applicant must liaise directly with Council's Parking Management unit on telephone 9205 5291.
Car Stacker Specifications and Performance	The applicant must provide the stacker specifications and provide an explanation as to how the device would work for this development. The applicant must also provide details on the assessment of the car stacker's performance and the 98th percentile queues, and ensure that there is minimal impact on Northumberland Street.
Loading Facility – Entry Manoeuvre Swept Path Diagram	The applicant must re-test and resubmit the entry manoeuvre swept path diagram for an 8.8 metre medium rigid vehicle and include the on-street parking on the north side of Northumberland Street, west of the loading facility's vehicle crossing.

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, employees, visitors and other users of the site.

During construction of the building, it is likely that the movement of construction traffic will rapidly increase the deterioration of the road 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 the Northumberland Street and Glasgow Street.

Re-sheeting of Northumberland Street (from Wellington Street to Eastern Property Boundary)

The construction works on site would result in the transportation of heavy vehicles, plant and equipment to the site via Northumberland Street. In addition, it is highly likely that underground services connections to the site would be made within Northumberland Street. The pavement surface of Northumberland Street will deteriorate after all construction and utility works for the site have been completed. Therefore, it is vital that the applicant profiles the existing wearing course of the Sackville Street pavement (from Wellington Street to the site's eastern boundary) and re-sheet it to Council's satisfaction and at the Permit Holder's cost.

Attachment 7 - PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering comments

ENGINEERING CONDITIONS

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

Civil Works – Northumberland Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Northumberland Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- All redundant property drains must be removed and reinstated as per Council requirements.
- All redundant vehicle crossings must be removed and reinstated as per Council requirements
- The kerb and channel immediately outside the property frontage must also be reconstructed to Council's satisfaction and at the developer's expense.
- The Northumberland Street road pavement, from Wellington Street to the eastern property boundary of the site, must be profiled and re-sheeted to Council's satisfaction and at the developer's expense. Any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement.

Civil Works – Glasgow Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Glasgow Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
- The kerb and channel immediately outside the property's Glasgow Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.
- The Glasgow Street road pavement immediately outside the property frontage must be profiled and re-sheeted to Council's satisfaction and at the developer's expense. Any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement.

Vehicle Crossings

- The design and construction of all new vehicle crossings must satisfy Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements.
- The applicant must prepare 1 in 20 scale cross sectional drawings of all new vehicle crossings. Each cross sectional drawing must include the existing building line level, the top of kerb level, the invert level, the lip level and road pavement levels. The reduced levels must be actual levels (interpolated levels from the application drawings will not be accepted). The applicant must demonstrate by way of ground clearances checks that the B99 design vehicle and the 8.8 metre service vehicle (for the loading facility) can adequately traverse the vehicle crossings. The cross sectional drawings with the ground clearance checks must be submitted to Council's Construction Management branch for assessment and approval.

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.

Attachment 7 - PLN16/0435-04 - 2 - 16 Northumberland Street Collingwood - Engineering comments

- 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.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch.

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 8 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Engineering comments to additional information

I refer to the additional information provided by GTA Consultants dated 20 October 2016 and provide the following information:

Headroom Clearance – Northumberland Street and Glasgow Street Doorways
The applicant must dimension the headroom clearance for both doorways and satisfy the headroom clearance requirements as per Design standard 1 – Accessways.

To be dimensioned on the drawings.

Pedestrian Visibility – Glasgow Street
Convex mirrors are to be installed at the exit point of the car stacker.

To be installed by the Permit Holder.

Removal of On-Street Parking – North side of Glasgow Street
The removal of three on-street parking spaces is subject to approval by Council's Parking Management unit. The applicant must liaise directly with Council's Parking Management unit on telephone 9205 5291.

It is agreed that in order to provide satisfactory vehicle exit movements out of the development, some parking would need to be prohibited along the north side of Glasgow Street as shown on the GTA swept path diagram (Drawing No. 16M 1677000-AT01-04-P5 dated 6 October 2016). To reinforce a section of prohibited parking, No Stopping signs would need to be installed. Therefore, the applicant should liaise with Parking Services as previously advised.

Car Stacker Specifications and Performance
The applicant must provide the stacker specifications and provide an explanation as to how the device would work for this development. The applicant must also provide details on the assessment of the car stacker's performance and the 98th percentile queues, and ensure that there is minimal impact on Northumberland Street.

The specifications and letter from the manufacturer have been provided. The device is a fully automated system that parks and retrieves cars via a shuttle and car lift.

GTA Consultants have used queuing theory to determine the performance of the system. The queue length for random arrivals and service is derived from a formula used to work out the probability of a queue with *n* number of vehicles.

The formula used to determine the queue length was not correctly depicted in the submitted information.

The formula that should have been depicted, is shown below:

Queue Length, $N = (\text{Log}_n \Pr(n>N) / \text{Log}_n \rho) - 1$

$\Pr(n>N) = \rho^{N+1}$

where ρ = r / s (utilisation factor or degree of saturation)

The value for the 98th percentile queue length of 4.64 car lengths checks out with our own calculation.

Attachment 8 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Engineering comments to additional information

The device has adequate stage to accommodate the queue length within the property.

Loading Facility – Entry Manoeuvre Swept Path Diagram
The applicant must re-test and resubmit the entry manoeuvre swept path diagram for an 8.8 metre medium rigid vehicle and include the on-street parking on the north side of Northumberland Street, west of the loading facility's vehicle crossing.

The swept path diagrams for the 8.8 metre medium rigid vehicle are considered satisfactory.

Regards
Mark

Mark Pisani
Senior Development Engineer

Attachment 9 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment ESD comments - Earlier

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 *Non-residential 1. With a gross floor area greater than 1000m^2.*

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 *John Wardle 28.04.2016 (version advertised)* and the accompanying SMP, prepared by *Aurecon 22.04.2016 (version advertised).*

Attachment 9 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment ESD comments - Earlier

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council

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Sustainable Management Plan (SMP)
Referral Response by Yarra City Council

Assessment Summary:

Responsible Planner:		Vicky Grillakis	
ESD Advisor:		Euan Williamson	
Date:	23.08.2016	Planning Application No:	PLN16/0435
Subject Site:		2-16 Northumberland Street, Collingwood	
Site Area:	Approx. 3,036m^2	Site Coverage:	100%
Project Description:		Thirteen storey office building above existing telephone exchange	
Pre-application meeting(s):		No ESD involvement.	

This application <u>does not meet</u> 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:
- Good shading provided through shading fins and façade design.
- Floor depths of offices will have good access to daylight to the majority of floor area, except the internal 30% which will have a lower amount of daylight access.

(2) Application ESD Deficiencies:
- A 6 Star Green Star Building standard has been set as an "aspirational" target. Please commit to this standard or remove this from the SMP.
- "Aspirational" WELL Building Rating. Please commit to WELL Building rating or remove this from the SMP.
- Building aiming to reach 5 Star NABERS rating. 5 Star NABERS is an appropriate standard, but the SMP does not fully commit to this standard reserving the right to review this and lower the standard. This is not acceptable. Please fully commit to the proposed NABERS rating performance standard or remove it from the SMP.
- No STORM or MUSIC report has been received. No commitment to meeting Urban Stormwater Quality Objectives or the requirements of Clause 22.16 have been made. Best practice in stormwater management must be met. Please provide a STORM report or MUSIC model to demonstrate that this standard can be met. Clause 22.16 is triggered by all development projects in Yarra larger than 50m^2, regardless of the change in site permeability.
- Energy efficient lighting to be "considered". Please make a clear commitment to an energy efficiency standard for lighting.

(3) Outstanding Information:
- A 50 kWp solar PV system is proposed for the office building, but the space allocated on the roof is not large enough to accommodate an array of this size. Please confirm system size and approximate location.
- A 50,000 litre rainwater tank "could" be incorporated into the design for toilet flushing and irrigation. Please confirm tank size location and connections.
- Combination of natural ventilation and high ventilation rates in excess of AS1668.2 are "being considered", as are operable windows on façade to enable natural ventilation and mechanical. Please confirm exactly what ventilation strategy is proposed.

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Sustainable Management Plan (SMP)
Referral Response by Yarra City Council

- Please commit to an energy efficiency standard for the HVAC system and clarify what type of chilled water system will be used.
- Please indicate the operability of glazing as proposed in the SMP clearly on the architectural drawings.
- Please indicate what type of hot water system and what standard of energy efficiency will be achieved.
- Please indicate what lighting system will be used.
- Please indicate what stormwater management will be undertaken onsite.

(4) ESD Improvement Opportunities:

- The standards that have been "considered" by the applicant are high. Please clarify and commit to what will actually be built.

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. 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	Combination of natural ventilation and high ventilation rates in excess of AS1668.2. Operable windows on façade to enable natural ventilation and mechanical. "Aspirational" WELL Building Rating.	Please commit to WELL Building rating or remove this from the SMP. Please indicate the operability of glazing as proposed in the SMP clearly on the architectural drawings.	3
Daylight & Solar Access	Floor depths from 10m to 20m across the typical floorplate. Lower levels around existing building will not have good access to daylight.	Floor depths of offices will have good access to daylight to the majority of floor area, except the internal 30% which will have a lower amount of daylight access.	1
External Views	External views from most office spaces.	-	1
Hazardous Materials and VOC	All paints, adhesives, flooring and sealants will be low VOC type. No or low formaldehyde levels in engineered timber products.	-	1
Thermal Comfort	Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. The application proposes for the office areas: - Good access to natural ventilation - Good exterior shading to manage heat gains - Reasonable thermal efficiency standards.	Please refer to section on, *NCC Energy Efficiency Requirements Exceeded* and *Effective Shading*	2

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

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

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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	Building aiming to reach 5 Star NABERS rating.	5 Star NABERS is an appropriate standard. The SMP does not fully commit to this standard reserving the right to review this and lower the standard. This is not acceptable. Please fully commit to the proposed NABERS rating performance standard or remove it from the SMP.	3
Hot Water System	Hot water system not mentioned in SMP	Please indicate what type of hot water system and what standard of energy efficiency will be achieved.	3
Peak Energy Demand	No specific information has been provided.	-	1
Effective Shading	Good shading on east, west and north facing glazing.	-	2
Efficient HVAC system	Variable Air Flow system controlling AHUs. Air or water cooled chilled water system "depending on ESD target". Space for chillers and AHUs clearly marked on plans.	Please commit to an ESD target and clarify what type of chilled water system will be used.	3
Efficient Lighting	Energy efficient lighting to be "considered" including LED lighting and occupancy/daylight sensor controls, etc.	Please make a clear commitment to an energy efficiency standard for lighting.	2
Electricity Generation	Approximately 50 kWp of solar provided.	The roof plan contains an area allocated for solar PV that is much smaller than the area required for a 50kWp array. Please confirm the size and approximate location of the solar array on the roof.	3
Other	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency
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

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 standards have been specified: • Taps: 6 Stars • Toilets: 5 Stars • Showerheads: 3 Star	-	1
Water for Toilet Flushing	A 50,000 litre rainwater tank "could" be incorporated into the design for toilet flushing.	Please clarify what the intensions are in regards to rainwater capture and reuse.	3
Water Meter	Separate metering for each level of the office building to assist with ongoing water management.	-	1
Landscape Irrigation	A 50,000 litre rainwater tank "could" be incorporated into the design for irrigation.	Please clarify what the intensions are in regards to rainwater capture and reuse.	3
Other	Waterless urinals to offices.	-	1

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

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

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	No STORM or MUSIC report has been received. No commitment to meeting Urban Stormwater Quality Objectives or the requirements of Clause 22.16 have been made.	Best practice in stormwater management must be met. Please provide a STORM report or MUSIC model to demonstrate that this standard can be met. Clause 22.16 is triggered by all projects in Yarra larger than $50m^2$, regardless of the change in site permeability.	2
Discharge to Sewer	-	-	-
Stormwater Diversion	-	-	-
Stormwater Detention	-	-	-
Stormwater Treatment	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

References and useful information:
SDAPP Fact Sheet: 4. Stormwater Management
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

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 commitment has been made in the SMP.	Please clarify what is intended and commit to a standard in ESD.	2
Embodied Energy of Concrete and Steel	40% reduction of Portland cement and substitution with industrial waste aggregate "recommended".	Please clarify what is intended and commit to a standard in ESD.	2
Sustainable Timber	All timber used onsite to be FSC accredited.	-	1
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	1
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

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

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	Basement car parking.	-	1
Bike Parking Spaces	A total of 158 bicycle parking spaces have been provided for staff of approximately 16,441m^2 of office space.	This is reasonable amount of bicycle parking space, but falls a bit short of Council's best practice standard that is one park for 10% of maximum occupancy, or a total of 164 spaces. Recommend increasing to 164 spaces.	2
End of Trip Facilities	End of trip facilities (showers and lockers) for staff.	-	1
Car Share Facilities	No information has been provided.	-	1
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

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

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	No target for recycling rate of construction and demolition waste has been set.	Recommend an 80% recycling rate target be set.	2
Operational Waste Management	Waste system with different bins for general waste and paper, glass, plastic recycling and green waste recycling.	-	1
Storage Spaces for Recycling and Green Waste	Area for waste bins can be identified on the plans.	Please check the WMP to ensure that the waste management provisions are sufficient.	3
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

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

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	There is no productive topsoil on this site.	-	NA
Maintaining / Enhancing Ecological Value	Rooftop garden has potential to marginally improve the ecological value of this site.	Please commit to a clear landscape plan and indicate on plans.	3
Reclaiming Contamin. Land	No information has been provided.	-	NA
Green roof	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

References and useful information:
SDAPP Fact Sheet: 8. Urban Ecology
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

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 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

References and useful information:
SDAPP Fact Sheet: 9. Innovation
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

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	Regular building tuning and reporting. Independent commissioning agent.	-	1
Building Users Guide	No information has been provided.	Recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.	2
Contractor has Valid ISO14001 Accreditation	No information has been provided.	-	1
Construction Management Plan	No information has been provided.	Recommend that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.	2
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

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 9 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment ESD comments - Earlier

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 10 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment ESD comments - Final

CITY OF YARRA

MeMO

TO:	**Vicky Grillakis**
cc:	
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**11.10.2016**
FILE:	**PLN16/0435 – 2-16 Northumberland St, Collingwood**
SUBJECT:	**ESD Response to Amended SMP**

Vicky,

I have reviewed the amended SMP sent by Aurecon, prepared on the 19th September 2016 and I have also considered the updated architectural drawings prepared by John Wardle Architects *Revision 12*, forwarded by Urbis on the 20th September. In summary, the standard of the SMP has greatly improved and is mostly satisfactory, the project now makes firm commitment to a 5 Star Green Star rating, WELL Building Standard and a 5 Star NABERS Energy Office rating that is clear and unambiguous.

However, there are two discrepancies that I have identified that should be addressed by the applicant in an updated set of architectural drawings, and SMP if necessary.

Stormwater Management

The proposed 50,000 rainwater tank cannot be identified on the architectural drawings, which is noted in the SMP as being on the Ground Floor. Please update plans to clearly show. The STORM report includes the entire site area (3,113m^2) draining to the tank. Please update the plans to clearly show the catchment area and also note toilet connections on plans. If the entire site cannot be connected to tank, please update the SMP and STORM report maintaining a minimum 100% STORM score, or equivalent MUSIC model demonstrating best practice stormwater management can be met.

Solar PV Array

The proposed 50kWp solar PV array cannot be identified on the architectural drawings, and instead a series of other space allocations have been identified on the roof. Please refer to Roof Plan Rev 12. This Roof Plan will need to be updated to clearly show the 50 kWp solar array and be consistent with the SMP.

If you or the applicant has any further questions regarding my comments or recommendations, do not hesitate to contact me.

Euan Williamson
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Attachment 11 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment External Urban Design comments

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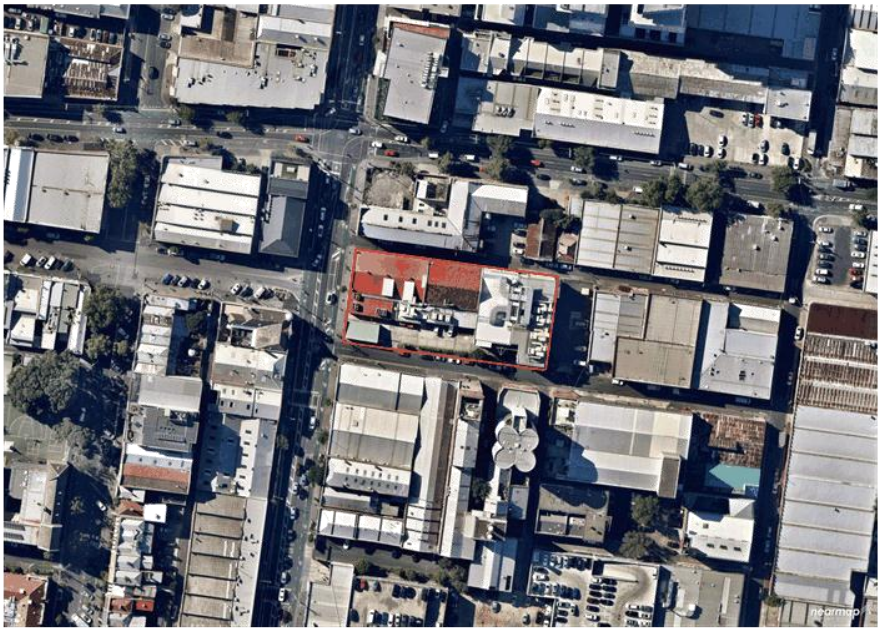
INDEPENDENT URBAN DESIGN ADVICE

2-16 Northumberland Street Collingwood
PLN 16/0435

07 September 2016



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Attachment 11 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment External Urban Design comments

BACKGROUND

1) In August 2016 I was asked by the City of Yarra to comment on the proposed development at 2-16 Northumberland Street, Collingwood.
2) My comments are made with regard to the resolution of the scheme in relation to:

   a) Appropriateness of the design treatment and streetscape impact
   b) Building height, bulk and massing and its implications.
   c) Use of colours and materials
   d) Façade treatments
   e) Whether the proposal achieves high architectural and urban design outcomes
   f) ESD Principles

THE PROPOSAL

3) This proposal seeks approval to construct:

   a) 2 new multi-storey buildings of 6 storeys + roof terrace and 13 storeys excluding plant respectively for office and food and drink premises. Additionally the plan proposes 136 car spaces within a car-stacker arrangement and 158 bicycle spaces. The proposal also retains and converts an old Telstra infrastructure facility on the site.

STATE PLANNING POLICY FRAMEWORK

4) Within Plan Melbourne there are a number of directions and relevant clauses that need to be considered when reviewing this proposal from an urban design perspective.
5) Plan Melbourne outlines a vision for Melbourne: Melbourne will be a global city of opportunity and choice achieved by five key directions.
6) Relevant to this application: *Developing in defined areas near services and infrastructure.* Population estimates indicate Melbourne could grow to a city of around 7.7 million people and require an additional 1.6 million more dwellings. An estimated 1.7 million new jobs will be created, mostly in the central city and adjacent inner suburbs. Importantly a key element of Plan Melbourne is an expanded central city in which this site resides.
7) **Direction 1.4: Plan for the expanded central city to become Australia's largest commercial and residential centre by 2040**, identifies that the wider Central Subregion with its highly diverse economic base and strengths in health, education, retail, creative industries, tourism and port-related activities has an important role to allow Melbourne's central city to become the largest business services centre in Australia.

   a) The central city will continue to play an important role as a major destination for tourism, retail, entertainment and cultural activities and to enjoy the employment diversity that come from the growth of these sectors. ...to ensure Melbourne's expanded central city becomes Australia's largest business centre, we will also need to connect, manage and grow the existing and emerging high density, mixed use neighbourhoods in the Central Subregion. …This Subregion represents Melbourne's most complex growth area with growth potential beyond 2050. By planning for this significant employment and population growth, we will take advantage of the benefits of connecting people, skills, jobs and businesses.

8) The Central Subregion includes the subject site.
9) **Direction 2.2** seeks to reduce the cost of living by increasing housing supply near services and public transport and that key areas to accommodate higher density housing are urban renewal precincts and sites, land within the new residential growth zone, the expanded central city, national employment clusters, metropolitan activity centres (existing and future) and activity centres.
10) Plan Melbourne and **Clause 11** encourage more intensive development in Activity Centres. **Clause 11.01** relates to 'Activity Centres' and seeks 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 that:

a) Comprises a range of centres that differ in size and function
b) Is a focus for business, shopping, working, leisure and community facilities
c) Provides different types of housing, including forms of higher density housing
d) Is connected by public transport and cycling networks
e) Reduces the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres
f) Improve access by walking, cycling and public transport to services and facilities for local and regional populations
g) 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
h) Encourage economic activity and business synergies.

11) **Clause 11.04-1 Delivering Jobs and Investment** includes the strategy to plan for the expanded central city to become Australia's largest commercial and residential centre by 2040.
12) **Clause 15 Built Environment and Heritage** – notably **Clause 15.01 Urban Design** – promotes good design and encourages development 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.
13) **Policy guidelines to consider where relevant include**:

a) Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005) in preparing activity centre structure plans and in assessing the design and built form of new development in activity centres.
b) Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005) in assessing the design and built form of new development.
c) Urban Design Charter for Victoria (Department of Planning and Community Development 2009).

14) **Clause 18 Transport** encourages solutions that ensure an integrated and sustainable public transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movement of goods and people and is safe.

a) Clause 18.02-1 promotes sustainable personal transport
b) Clause 18.02-2 promotes cycling and aims to integrate planning for bicycle travel with land use and development planning and to encourage cycling as an alternative mode of travel.

15) **Clause 19.01** promotes renewable energy use in development.

LOCAL PLANNING POLICY FRAMEWORK

16) Clause 21.05 Built Form
a) This clause covers heritage, urban design, built form character, and public environment. The objective of this policy is to conserve areas of heritage significance whilst providing for an adaptive reuse and change of buildings. It seeks to 'retain Yarra's identity through maintaining built and urban form as typically low-rise with pockets of higher development' and to enhance the built form character by considering the surrounding context and respecting (not dominating) existing built form. It also seeks 'to provide a public environment that encourages community interaction and activity', promoting universal access and ensuring that 'buildings have a human scale at street level'.
17) Clause 22.10 Built Form and Design Policy
a) The objectives of this clause are to ensure that any new development positively responds to and contributes to the surrounding context, including streetscape and built form character, whilst having minimal impact on the amenity of the surrounding land. Its design objectives and guidelines include (but are not limited to) the following:

> To ensure ground level façade and boundary treatments interface positively with the street.

> To provide pedestrian/human scaled design at street level.
> Use appropriate materials, finishes and colours, which add visual interest and, assist in breaking up the mass and bulk of new development.
> Matching ground floor level with street level.
> New development provides an appropriate level of natural daylight into internal communal spaces and habitable rooms.
> To minimise the use of energy and natural resources in the construction and operation of buildings.
> To ensure that new residential development provides private and / or communal open space that is well designed, functional, safe, solar oriented, well ventilated and meets the needs of residents.

18) **Zoning** –
The site sits in a Commercial 2 Zone (C2Z).

Overlays

19) The subject land is affected by 3 planning overlays:
a) **Environmental Audit Overlay**
b) **Design and Development Overlay (Schedule 2 – Main Roads and Boulevards)**
i) The objectives of Schedule 2 to the Design and Development Overlay are:
- To recognise the importance of main roads to the image of the City.
- To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.
- To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.
- To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.
- To encourage high quality contemporary architecture.
- To encourage urban design that provides for a high level of community safety and comfort.
- To limit visual clutter.
- To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.

c) Under the provisions of the Design and Development Overlay, a planning permit is required to construct or carry out works.
d) Under the provisions of Schedule 2 to the Design and Development Overlay, Council will consider the following as appropriate, prior to deciding on an application to construct a building or carry out works:
i) The contribution of the proposal to the streetscape.
ii) The design, height and visual bulk of the development in relation to surrounding land uses and developments.
iii) The design, height and form of the development in relation to the built form character of the street.

20) The eastern side of the Wellington Street is also affected by **DDO11**. This DDO whilst enabling consideration of taller built form on larger sites requires that this form be located so as able to provide adequate setbacks that respect the narrow streetscape character of the Precinct and avoid overshadowing of neighbouring properties.

21) In particular it notes that development above 4 storeys should:
    a) Demonstrate a high standard of architectural design
    b) Minimise overshadowing of adjoining streets, public spaces or private properties.
22) Properties to the east side of Wellington Street opposite and on the south side of Derby Street are also impacted by Heritage overlays. HO140 is the Vine Hotel at 59 Wellington Street and HO 336 the Victoria Parade Precinct are two of these.
23) The purpose of the overlay seeks to conserve and enhance heritage places of natural or cultural significance and to ensure development doe s not adversely affect the significance of heritage places

Other policy and documents

24) Other relevant policies and documents include:
    a) Urban Design Charter for Victoria 2012
    b) Smith Street Structure Plan which has been the subject of Amendment C140
    c) Inner Melbourne Action Plan.

SITE CONTEXT

25) Derby Street and the areas south in Cambridge Street incorporates in the immediate series of blocks a number of venues that rely on good pedestrian amenity and their lower fine grain urban scale for their appeal. The Vine Hotel incorporates its main entry and secondary entries to the Wellington Street corner and midblock along its Oxford Street frontage. The primary habitable spaces of the venue are oriented to this street interface.
26) Similarly the southeast interface of Wellington and Northumberland Streets could be anticipated to be the subject of only modest change.
    a) Wellington Street has been transformed by the inclusion of the regional cycle network and new medium rise developments to the north of typically 4-8 levels.
        i) To the western side of the street development has been approved on the basis of 3-13 levels with protection of the south footpath of east-west streets and eastern side of Wellington Street being key considerations.
27) The subject site is a large site with 3 street frontages. A campus of low-rise buildings occupies the site including the former historic exchange. The exchange is retained and adaptively reused as part of the proposal with a freestanding medium rise building occupying the southwest corner intersection of Northumberland and Cambridge Streets.
28) A new laneway network separates this building and the taller parent office building beyond and provides street access both directly from Wellington Street between the former Exchange and new corner building. This building is proposed to be finished with a concrete façade on northwest and east visible facades save for a slot element to the west frontage and lower level glazing to the laneway northern interface.
29) On its eastern boundary the site abuts Wellington Street. This street has been identified as an active transport corridor of regional significance with new high capacity Copenhagen Bike Lanes currently being completed. The status of this corridor as a premier Active Transit Corridor is now manifested in its repurposing and redevelopment and in Plan Melbourne designation as a part of the principle cycle network.
30) The cycling route, now upgraded to Copenhagen style bike lanes warranted minimisation of private vehicle access directly to this interface where alternative points of access are possible, a view affirmed in recent VCAT hearings for the site to the northwest. The site enjoys access north-south and east-west along primary routes adjoining the site.

Ref: google Maps

31) Higher density employment focused development is supported on the site within the locational and scale context, subject to meeting objectives outlined in policy for an outcome that:
    a) Promotes Architectural Excellence
    b) Mitigates offsite impacts
    c) Facilitates orderly and equitable urban renewal of abutting sites
    d) Appropriately resolves interfaces scale and urban design.
32) Already to the south of the site the former silos site and adjoining mill have been converted to residential and mixed use.
33) The principle of an employment use as the predominant use in the development, with aligned hospitality and placemaking at ground level along with the retention and adaptive reuse of useful existing buildings in the form of the former telephone exchange, are supported as an in-principle appropriate design response strategy for the site.
34) The site location within an area of change requires principles of equitable development to apply.
35) Additionally simplification of car access to the site and limiting access to one point was I thought desirable. I acknowledge that Northumberland Street is the wider of the interfacing east-west streets with Glasgow Street only a one way lane and is hence the logical street for most convenient car access. Having said that it is also the logical front door for defacto residential access as well as service sector jobs at higher intensity not only for this site but a number of adjoining developed and yet to be developed properties. Hence any new development will have to demonstrate that it has struck the right balance between optimising the development of this site and also the optimal development of the street to accommodate the increased active transport anticipated.
36) Overshadowing and related offsite impacts are raised in the relevant planning provisions for the precinct and have also been the basis of several recent decisions in which I have been involved two of which are immediately to the northeast and east of the site.
    a) Amenity standards for the eastern side of Wellington Street and those areas affected anticipate an enhanced public realm amenity for pedestrians in streets such as Wellington and Northumberland Street.
37) Street level amenity should be a key goal for an area in which a high level of pedestrian activity is encouraged and indeed relied upon if the area is to function successfully. To that end, the planning scheme would suggest that typically footpaths should not be overshadowed at the equinox as earlier noted. Such an outcome is difficult in the context of Northumberland and Glasgow Streets if employment is to grow concurrently with renewal. The same however could not be said for the wider Wellington and Derby Road contexts to the southwest where offsite impacts should not be felt from this development by way of overshadowing.
38) Additionally in a context of heightened employee numbers and visitation creation of a place, not just a campus of buildings, will need to consider the full extent of adjoining streets as part of the design response to the east, west, north and south.
39) Presently I note the proposal is narrowly defined within the project boundaries with the building built to each of its edges. Bicycle parking is provided exclusively within a basement access exclusively via commercial lobbies and lifts.

Attachment 11 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment External Urban Design comments

SUMMARY OF FINDINGS

40) The development of a major headquarters facility in this location and the development of a campus response in its execution with the introduction of an internal laneway network and high quality new spaces for the workplace are all attributes of the project that align well with policy goals.
41) Materials and finishes are also typically well chosen and responsive to the site and context and the goal of delivering a high quality development.
42) Organisation of the site with back of house areas towards the eastern end and a through block circulation network for vehicle management is also logical.
43) Incorporation of high quality end of travel bike and associated bike storage facilities are also supported.

44) The retention and adaptive reuse of the former exchange also adds a valuable patina and place memory to the project and is welcomed.

The key issues that remain at issue

Whilst well on the way to addressing many of the issues, the proposal had in my view in its current form fallen short of the goal sought in Clause 22.10 Built Form and Design Policy:

a) "to ensure that any new development positively responds to and contributes to the surrounding context, including streetscape and built form character, whilst having minimal impact on the amenity of the surrounding land. "
   i) Currently the shadow diagrams indicate that the surrounding context will be significantly effected by the development.
   ii) As noted earlier this can in part be balanced by the significant impetus in employment and economic development afforded by the development .
   iii) Having said this there are some areas of concern that I think need further work. These are:
      - Amendments to the built form that could mitigate the offsite impacts by way of overshadowing to the western side of Wellington Street and south side of Derby Street arising from the development
      - Amendments to the road design and placemaking improvements to Northumberland Street and Glasgow Street to recognise these streets must provide higher levels of amenity and access to higher numbers of cyclists, pedestrians and motroists as a result of the development
      - Design response to Wellington Street recognising this street is the focus of high levels of active transport activity and wherein informal surveillance and activation should be maximised.
      - Improved access to the cycling hub within the development to avoid the need for cleted cyclists to have to access these areas via a primary public lift foyer .

   As a result of these issues I offer the following observations and suggestions for further development by the architect.

Overshadowing

45) The shadow diagrams suggest the major impacts west of Wellington Street arise from the height and proximity of the upper towers western façade. The western end of the built form should be amended to minimise the shadow impacts on the western side of Wellington Street after 10am at the equinox.
46) Section A indicates the 8m of development west of the lift core of some 6m in height are dedicated to plant area.
47) This plant area should in my view be either lowered or relocated to the eastern end of the tower footprint where interfaces are less sensitive, thereby reducing both the scale of development to this interface and its offsite impacts.

Placemaking

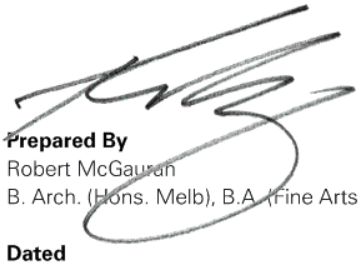
48) A landscape plan should be developed that considers the western end of Northumberland street west of the loading dock area as a shared zone to extend the perceived place available to pedestrians and other forms of transport and that better knits the concept for a an intensified campus inclusive of laneways into its surrounds. Street lighting, pubic furniture, short term bicycle parking and integrated art should form part of this response.
49) The extent of works should include the entire street width for this area of the site and be developed on conjunction with council's urban design group to the satisfaction of the responsible authority.
50) Glasgow Street should similarly be upgraded in the knowledge its role as a primary egress point will be considerably increased.
51) Safety by design principles through street and laneway lighting improvements will also be necessary.
52) The western façade of the corner building in my view needs some reconsideration. Whilst upper levels of the development may well have heightened mass relative to fenedstration there is a strrongcase in my view to wrap the proposed western glazing around onto the west façade to ensure a heightened level of engagement to wellington Street. The development of a largely blind wall down to street level as currently proposed is not supported. Some of the benefit of activation offered to users of Northumberland Street and the laneway network also in my view need to be manifested in the Wellington Street frontage either through a manifestly enlarged portal element or other means.

Green Travel

53) The development needs an enhanced resolution of bicycle access into the basement either by a dedicated ramp or lift potentially within the laneway or Northumberland Street interface directly to this area.
54) Real time information on tram and bus services should also be provided in public lobbies to ensure car use is minimised.

Internal Amenity
CONCLUSION

DOCUMENTS FORMING THE BASIS OF THE REPORT



Prepared By
Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, Architect

Dated
07 September 2016

Attachment 12 - PLN16/0435 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Public Transport Victoria comments

PUBLIC TRANSPORT VICTORIA

File: FOL/16/31445
Your ref: PLN16/0435

PO Box 4724
Melbourne Victoria 3001
Australia

Telephone 1800 800 007
ptv.vic.gov.au

DX 210018

CITY OF YARRA
1 D SEP 2016
RECEIVED

Vicky Grillakis
Acting Coordinator Statutory Planning
City of Yarra
PO Box 168
Richmond VIC 3121

Dear Vicky,

PLANNING PERMIT APPLICATION NO.: PLN 16/0435
ADDRESS: 2 – 16 Northumberland Street Collingwood
PROPOSAL: Use and development of the land for the construction of two multi storey buildings of 6 storeys and 13 storeys for office, and food and drink premises, reduction of car parking requirements and waiver of loading requirements.

Thank you for your letter dated and received on 08 August 2016 referring the above application to Public Transport Victoria pursuant to Section 55 of the *Planning and Environment Act 1987*.

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.

It is requested that a copy of Council's decision be forwarded to PTV at your earliest convenience.

Should you have any queries regarding the above, please contact Rosario Pacheco on 9027 4827 or alternatively via email, rosario.pacheco@ptv.vic.gov.au

Yours sincerely

MARK BURTON
Manager Place Planning
30/08/2016

Attachment 13 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Strategic Transport comments

Strategic Transport comments 25 August 2016

I have a look at the plans from a sustainable transport perspective – note any comments on traffic will need to be obtained from engineering services.

From my reading of the material I have the following comments

- There is no visitor cycle parking proposed at grade all bike parking is on level 1 accessed via a lift. A café and retail uses such as this will generate demand for such facilities and should be provided as part of this development at the outset.

- Over 90% of the on-site cycle parking is racks on walls. This is not ideal and is geared to meeting the needs of a narrow demographic (people with light weight bikes, no ebikes, no bags, no paniers, no child seats, no child trailers, no issues with lifting, no mud guards etc) – council policy is to broaden the cycling demographic.

- The footways in the area and along the frontage are narrow – this development could and should generate a significant amount of foot traffic.

- The development contains an 'internal laneway' – it would be better for the space to be rearranged to get a better activated frontage on Wellington St

Thanks

Simon Exon
Strategic Transport

Attachment 14 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Waste Management comments

Waste Management comments – 22 August 2016

HI Vicky

The Waste Management Plan from Wastech Services, dated 13th April 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

MEL CONSULTANTS PTY LTD
(ACN 004 230 013) (ABN 35 004 230 013)

22 CLEELAND ROAD
SOUTH OAKLEIGH VIC 3167
AUSTRALIA

9 September 2016

Vicky Grillakis
Acting Coordinator Statutory Planning
City of Yarra
PO Box 168
Richmond VIC 3121

Dear Vicky,

2-16 Northumberland Street
Review of Aurecon Pedestrian Level Wind Effects Report
Reference 250423, Revision 4, Dated 22 April 2016

We have reviewed the Pedestrian Level Wind Effects Report prepared by Aurecon (Reference 250423 Revision 40 for the town planning application associated with the 2-16 Northumberland Street development and will provide comments on the report as follows:

1. Introduction

The review of the Aurecon report is based on our experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 40 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review.

The Introduction and General Wind Effects sections show an understanding of the development and the wind flow around buildings.

2. Wind Climate and Environmental Wind Criteria

For the wind climate of Collingwood Aurecon have selected Moorabbin Airport as representative of the site wind conditions. They have noted this anemometer site is approximately 20 km southeast of the site and analysed these data to determine the wind speed and direction frequencies. They have not elaborated on the method of analysis and whether these data have been corrected for siting and shielding effects and instrumentation response as per the requirements of the Australasian Wind Engineering Society Quality Assurance Manual (AWES-QAM-1-2001) in Section A10. We would disagree that the Moorabbin Airport site would be representative of the site wind conditions for the northerly wind directions as the topographical effects of the hills to the north and east of Melbourne cause the northerly wind speeds to decrease in strength towards the south. Also, Moorabbin Airport is surrounded by suburban housing and industrial buildings that would affect the wind speeds reported by the anemometer station. Given the above, the use of these data by Aurecon could lead to under prediction of the wind effects of the proposed development on the pedestrian level wind comfort. The Aurecon report needs to expand on the analysis of wind climate data, consider other more appropriate anemometer sites that are representative of the wind climate to the north of the Melbourne Central Business District, and properly correct these data for the siting and shielding effects.

Aurecon have chosen to use the Davenport Group criteria (Unpublished Document) to assess the wind effects of the proposed development on the surrounding pedestrian realm. The Davenport Group criteria are based on the exceedance of defined hourly mean wind speeds for pedestrian comfort and safety. We are surprised by the selection of a mean wind speed to assess pedestrian safety as a pedestrian's loss of balance is more affected by the gustiness of the wind (turbulence/changes in wind speed) rather than the hourly mean wind speed. Aurecon state the safety criterion as the mean hourly wind speed exceeded once per annum, which is a probability of the 0.1%. The City of Melbourne and Department of Environment, Land, Water and Planning of the Victorian Government currently use a gust wind speed criterion for pedestrian safety of 23 ms^{-1}, which is currently under review from the C270 planning amendment (DELWP 2016) and expected to be lowered to 20 ms^{-1}. The use of the gust wind speed for pedestrian

safety is common with other city authority's such as Auckland and Wellington New Zealand, and Montreal and Ottawa, Canada. The Australasian Wind Engineering Society has produced Guidelines for Pedestrian Wind Effects Criteria (AWES 2014) focusing on the safety criterion. The society is the peak body of consulting and research wind engineers in Australia and New Zealand decided that the recommended safety criterion in public areas be the maximum 0.1% probability 3 second gust wind speed of 23 ms^{-1} at pedestrian height. Aurecon have used an hourly mean wind speed of 20 ms^{-1} with a probability 0.1% for their assessment of pedestrian safety. The issue with this approach would be in high turbulence wind flows in urban and suburban pedestrian environments (AS/NZS1170.2:2011 gives turbulence intensities for height < 5m of 27% and 34% for Terrain Categories 3 and 4 respectively) the gust wind speed is approximately twice the mean wind speed (Melbourne 1978), i.e. gust factor ~ 2, and this would mean the gust wind speed safety criteria being applied by Aurecon would be 30 or 40 ms^{-1} exceeded once per annum. This is considerably higher than the criterion used by the City of Melbourne, Department of Environment, Land, Water and Planning (DELWP) of the Victorian Government, many other municipal authorities, and recommended by the Australasian Wind Engineering Society. Based on the above we would recommend that Aurecon undertake their assessment for pedestrian safety based on the gust wind speed as per the Australian Wind Engineering Society Guidelines and the existing Melbourne City Planning Scheme using the gust wind speeds of 23 ms^{-1} or the 20ms^{-1} of the C270 amendment to the Melbourne Planning Scheme.

The assessment of pedestrian comfort has also used the hourly mean wind speed for the threshold wind speeds. We have no issue with the chosen hourly mean wind speed used for the criteria as Melbourne (1978) showed when his pedestrian comfort gust wind speed criteria were presented as an hourly mean wind speed there was agreement with the Davenport comfort criteria, which we expect is the same as the Davenport Group criteria used by Aurecon. However, there is consensus that the gust wind speed is more important for assessing the pedestrian comfort in high turbulence wind environments such as urban and sub-urban cities (Melbourne 1978, Durgin 1997, Soligo et al 1998, Willemsem and Wisse 2007). Melbourne City Council and DELWP have been using a gust wind speed based criteria for several decades. The recent

C270 amendment has proposed to change to the pedestrian comfort criteria threshold wind speeds to mean wind speeds. But the wind speeds determined around a proposed development are to be the higher of the Gust Equivalent Mean (gust wind speed / 1.85) or the mean speed. Given the above references, the assessment of the environmental wind conditions in urban and sub-urban areas with high turbulence wind conditions will be dominated by the gust wind speeds and only in areas of less turbulent wind flows would the mean wind be important. Therefore, Aurecon should undertake further work to assess the wind conditions in the surrounding public realm by determining the gust wind speeds and comparing these wind with gust criteria or the GEM criteria.

3. Use of CFD in relation to AWES Quality Assurance Manual

The assessment has used a RANS CFD method to predict the fluid flows and as stated by Aurecon; 'CFD simplifies estimates of turbulence, modelling average flow conditions well and random flow conditions with statistical method'. The upcoming AWES revision of their Quality Assurance Manual for Wind Engineering Studies of Buildings states that CFD studies need to be used with caution in external turbulent flow environments. The current state of the CFD has not got the capability where modelling of local gust (or gust equivalent) wind speeds for the assessment of pedestrian safety and comfort are required. The accuracy of CFD for this application has not yet advanced to the point where it can be reliably used to check against accepted comfort criteria. It should be noted that for a number of steady-state turbulence models, the 'mean' CFD output is an area averaged mean and does not model the transient nature of turbulence in the flow. The consequence of this is that a 'mean' CFD result would not necessarily agree with a time-averaged mean from a physical model. Cochran and Derickson (2011) concluded that CFD is a useful tool to be used in conjunction with the physical wind tunnel modelling, but has not reached a level where it can be used as a standalone assessment tool for the highly complex turbulent wind flow in urban environments. The CFD simulation undertaken by Aurecon, as they state, modelled only the average flow conditions.

The Aurecon Report states the mean wind speed profile is based on the model provided by AS1170.2:2011 and we have no issue with the use of this profile. However, the report does not state how the turbulence profile from AS1170.2:2011 was modelling in the analysis. The AWES-QAM states in section *A3 Approach Flow that the following are the minimum requirements for an acceptable simulation of a neutrally stable atmospheric boundary layer:*

(a) The variation of mean wind speed with height

(b) The variation of longitudinal component of turbulence with height

(c) The integral length scale of turbulence

(d) A zero longitudinal pressure gradient

The mean speed and turbulence intensity in the approach flow shall be modelled to within 10% of their target values. The integral scale shall be within a factor of 3 of the value determined from the chosen geometric scaling ratio.'

The Aurecon report does not provide any information as to whether the above requirements have been achieved.

The model used in the CFD simulation was initially based on a massing model supplied by the architects and this is shown in Figure 5-1. It is not stated if the later revision of the architectural information refined the building to include architectural features such as balconies. Whilst the AWS-QAM does require the overall model dimensions to be accurate within 2% and any architectural feature when their smallest full-scale plan dimension is greater than 1m to be included we tend to agree these features would have little significant effects on the environmental wind conditions in the surrounding streetscapes. The CFD domain of surrounding buildings is approximately a 300m radius, which is the minimum requirement of the AWES-QAM.

4. Wind Directionality

The CFD modelling has only be undertaken for two wind directions, southwest and north, which is quite inadequate. The AWES-QAM states in section C5 that at least 16 wind directions should be investigated for local environmental wind speeds. It is not uncommon that secondary strong wind directions could exceed the environmental wind criteria when these directions are normal to flat faces of buildings. The selection of the

southwest and north wind directions by Aurecon as the most prevalent wind directions may be incorrect due to errors in the analysis of the Moorabbin Airport data as noted earlier. It is well known that the west winds have the strongest and most frequent winds next to the north winds in the Melbourne region (AS/NZS 1170.2:2011). Aurecon needs to undertake their analysis for at least the minimum number of 16 wind directions as required by the AWES-QAM.

5. Conclusions

The above review indicates the Aurecon Pedestrian Wind Effects Report dated 22 April 2016 (Revision 4) has many deficiencies and the techniques applied do not meet the minimum requirements of the AWES-QAM – Wind Engineering Studies of Buildings. Therefore, we would advise that the Aurecon report is quite inadequate and should not be used to assess the impact of the proposed 2-16 Northumberland Street Development on the pedestrian level wind conditions in the surrounding streetscapes. The Aurecon analysis and report should be updated to address the following:

- Selection of the anemometer for the climate data and correct these data as per the requirements of the AWES-QAM
- Use a pedestrian safety criterion based on the gust wind speed as recommended by the AWES and commonly used by wind engineers and responsible authorities around the world.
- Use pedestrian comfort criteria that considers the effects of gust wind speeds on pedestrian comfort as commonly done by wind engineers around the world
- Provide details of the approach wind flow to show that it meets the requirements of the AWES-QAM for mean wind speed and turbulence profiles
- Analyse the minimum AWES-QAM requirement of 16 wind directions for the pedestrian wind comfort
- Aurecon to prove comment on the applicability of CFD RANS computational model for providing wind gust information for comparison with gust or equivalent gust mean pedestrian wind comfort criteria.

Yours sincerely,

M. Eaddy

M. Eaddy
MEL Consultants Pty Ltd

MEL Consultants D107/16

References

Australasian Wind Engineering Society, Quality Assurance Manual, Wind Engineering Studies of Buildings, 2001.

C270 Planning Amendment, Department of Environmental, Land, water and Planning (2016), http://delwp.vic.gov.au/planning/policy-and-strategy/central-city-built-form-review

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W. Melbourne, "Criteria for Environmental Wind Conditions," Journal of Industrial Aerodynamic, vol. 3, no. 3, pp. 241 - 249, 1978.

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Attachment 16 - PLN16/0435-06 - 2 - 16 Northumberland Street Collingwood - IDAC Attachment Wind comments - Final

MEL CONSULTANTS PTY LTD
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22 CLEELAND ROAD
SOUTH OAKLEIGH VIC 3167
AUSTRALIA

Ref: D107/63

7 November 2016

City of Yarra
PO Box 168
Richmond VIC 3121

Attn.: Ms V Grillakis

Dear Madam,

2-16 Northumberland Street, Collingwood
Review of VIPAC Report 30N-16-0151-TNT-484194-0
Dated 19 October 2016

The review of the Vipac Wind Effects Statement is based on our experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 40 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review. Our comments are as follows:

- The Vipac Wind Effects Statement has been prepared based on the experience of the consultancy and no wind tunnel testing by Vipac has been carried out to support the report. We have no issue with this approach for a desktop study as this is a common approach to provide architects, developers, and responsible authorities' advice on the wind effects of the design.

- We have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. Vipac has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a desktop wind impact assessment. A clear description of the proposed development has been provided along with reference drawings in the Appendix of the report.

- We agree that the development would be taller than the existing surrounding buildings and be exposed to direct wind flow for the strong northerly and westerly wind directions.

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- We have no issue with the assessment criteria and the recommended criteria for proposed activation in the surrounding streetscapes. Vipac has considered the proposed DDO Amendment C270 wind comfort criteria in the assessment and we are pleased to see they are aware of the impending changes to the wind criteria. Vipac has recommended the walking criterion for the roof terrace since these areas are not public spaces, use of these areas is optional, and it is common for these areas to experience wind conditions in the vicinity of the criterion for walking. Vipac state that wind conditions that achieve the walking criterion will be no guarantee that occupants will find the conditions in these areas acceptable. While we agree with these statements the wind conditions on roof recreation areas are often better due to the wind flow separating off the roof parapets and up over the rooftop recreation areas. Therefore, with good perimeter screening, wind break features, and canopies there would be an expectation that standing and sitting criteria could be achieved within the rooftop recreation area. Achieving these criteria would be expected to increase the utilisation of this area.

- Vipac have recommended that the entrance be set in 2m to improve the wind conditions in front to the entrance to meet the standing comfort criterion. Also, they have recommended that wind tunnel model measurements be undertaken to verify the findings of the desktop study. We would agree with both these recommendations. The wind tunnel study should quantify the environmental wind conditions in the streetscapes immediately adjacent and on the opposite sides of the surrounding streets.

- We agree with the recommendations for the high-level terraces with regard to the tethering of objects and would add that any objects that are not tethered should not be left unattended or permanently on the terraces.

In conclusion, the Vipac Wind Impact Assessment has been prepared based on the consultant's experience of wind flow around buildings and structures. We have no issues with the Analysis Approach, Site Exposure, Regional Wind Climate, and description of the development used in the preparation of the assessment. This is consistent with the approach MEL Consultants would take to prepare a similar desktop environmental wind assessment. We agree with the findings of the desktop study and the recommendations for the set-in entrances and that a wind tunnel model study be undertaken to quantify the wind conditions.

Yours sincerely,

M. Eaddy

M. Eaddy
MEL Consultants Pty Ltd

1.5 29 Little Buckingham Street, Richmond - PLN16/0611 - Development of the land for the construction of two double-storey dwellings.

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks development of the land for the construction of two double-storey dwellings at 29 Little Buckingham Street, Richmond and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 15.01-1 – Urban Design;
   (b) Clause 21.05 – Built Form;
   (c) Clause 22.10 – Built Form and Design Policy;
   (d) Clause 22.13 – Residential Built Form;
   (e) Clause 32.08 – General Residential Zone (Schedule 2);
   (f) Clause 55 – Two or more dwellings on a lot (ResCode).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Neighbourhood character and built form;
   (b) On and off-site amenity impacts;
   (c) Objector's concerns.

Background

4. The application was received by Council on 8 July 2016 and subsequently advertised, with a total of eight (8) objections received.

5. A public consultation meeting was held on 11 October 2016, with this meeting attended by the applicant, objectors and Council officers. Prior to this meeting, one objection was withdrawn, reducing the total number of objections to seven (7).

6. Following the consultation meeting, a sketch plan was submitted to Council by the applicant on 28 October 2016. This plan responded to concerns raised at the consultation meeting regarding the proposed dark finish of walls, with the sketch plan providing a lighter finish for the north, east and west elevations. The sketch plan will be referenced within the following assessment, with copies of this plan circulated to all objectors with the invitations to this meeting.

Objector Concerns

7. The grounds of objection are summarised as follows:
   (a) The proposal does not integrate with the existing neighbourhood character;
   (b) Excessive height and overdevelopment of the site;
   (c) Lack of car parking;
   (d) Potential off-site amenity impacts (overlooking, overshadowing, loss of daylight);
   (e) Waste management concerns;
   (f) Potential impacts during construction;
   (g) Potential impacts on the development of surrounding sites.

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**

1.5 29 Little Buckingham Street, Richmond - PLN16/0611 - Development of the land for the construction of two double-storey dwellings.

Trim Record Number: D16/162137
Responsible Officer: Principal Statutory Planner

Proposal:	Development of the land for the construction of two double-storey dwellings.
Existing use:	Outbuildings
Applicant:	Change of Plan
Zoning / Overlays:	General Residential Zone (Schedule 2)
Date of Application:	8 July 2016
Application Number:	PLN16/0611

Planning History

1. There is no planning history for this site.

Background

2. The application was received by Council on 8 July 2016 and subsequently advertised, with a total of eight (8) objections received.

3. A public consultation meeting was held on 11 October 2016, with this meeting attended by the applicant, objectors and Council officers. Prior to this meeting, one objection was withdrawn, reducing the total number of objections to seven (7).

4. Following the consultation meeting, a sketch plan was submitted to Council by the applicant on 28 October 2016. This plan responded to concerns raised at the consultation meeting regarding the proposed dark finish of walls, with the sketch plan providing a lighter finish for the north, east and west elevations. The sketch plan will be referenced within the following assessment, with copies of this plan circulated to all objectors with the invitations to this meeting.

Existing Conditions

Subject Site

5. The subject site is located on the northern side of Little Buckingham Street, Richmond; approximately 130m to the east of Church Street. The site extends over two titles; Lot 1 on Title Plan 834250M and Lot 2 on Title Plan 834151P. Combined, the subject site has a street frontage to Little Buckingham Street of 9.28m and a site depth of 17.38m, yielding an overall site area of approximately 161sqm. A small dogleg is located along the western boundary, with the remaining boundaries regularly shaped.

6. The site is developed with a number of outbuildings, including a large galvanised iron garage, a wood shed and a separate shelter, along with two rainwater tanks. It appears that the site was formally associated with land to the north at No. 30 Buckingham Street, with a section of the northern boundary directly abutting the rear wall of this dwelling.

7. A double vehicle crossing provides access to the garage via Little Buckingham Street, with pedestrian access also provided from this interface. The survey plan indicates that a timber

paling fence, 1.95m high, extends along the eastern boundary, with a fence measuring an overall height of 2.9m (consisting of timber palings and lattice) extending along the western boundary.

8. No restrictive covenants apply to the site.

Surrounding Land

9. The surrounding area has been substantially redeveloped, with a high number of contemporary, double-storey townhouses located in the section of the street between the subject site and Church Street. Both sides of Little Buckingham Street to the east of the site are characterised by rear boundary fences and roller doors, with additional contemporary, double-storey townhouse developments further to the east. Development along Little Buckingham Street is largely constructed hard-edge to the footpath, with the exception of entrance doors and some garage doors.

10. The site to the east contains a single-storey brick dwelling, oriented towards Buckingham Street to the north, with the site extending through to Little Buckingham Street in the south. A single-storey brick garage directly abuts the subject site for a length of 8m. Secluded private open space (SPOS) appears to be located on the eastern side of this garage.

11. Three sites further to the east, at No. 39 Little Buckingham Street (PLN14/0436) is a recently constructed double-storey contemporary development, similar to that being sought as part of this application. This development directly abuts the Little Buckingham Street boundary at both levels.

12. The site to the north contains a single-storey brick dwelling, oriented towards Buckingham Street (No. 30 Buckingham Street). As noted, the rear wall of this dwelling directly abuts the shared boundary with the subject site for a length of 5.3m. SPOS is located in the south-west corner of the site.

13. To the west of the site is a row of three contemporary townhouses; these dwellings are oriented to the west, with the side wall of one dwelling extending along Little Buckingham Street. These dwellings form the eastern part of a larger residential complex which contains a significant number of modern double-storey dwellings.

14. Each of these dwellings has a habitable room window at ground level addressing the subject site. Small courtyards/lightcourts are located on the eastern side of the sites, adjacent to the habitable room windows, with correspondence received from these dwellings (in the form of objections) indicating that the ground floor windows are associated with bedrooms. Principal living areas and balconies are located at first-floor, facing west and away from the subject site.

15. To the south of the site is Little Buckingham Street; on the southern side of the street are the rear boundaries of sites addressing Kent Street. Single-storey garages, constructed directly to these boundaries, and rear fences are evident within these sites.

16. The subject site has convenient access to public transport, open space and retail, including:
    (a) The Church Street tram services, located 130m west;
    (b) Citizens Park, located 200m south;
    (c) Bridge Road Major Activity Centre (MAC) and trams, located 500m south; and
    (d) Victoria Street MAC and trams, located 400m north.

The Proposal

17. The proposal can be summarised as follows;

Building and works

General

(a) Removal of all buildings and structures on the land (no permit required for these works);
(b) Two attached double-storey dwellings are proposed;
(c) Each dwelling will be provided with two bedrooms and one internal car parking space;
(d) The existing double vehicle crossover will be extended in width along Little Buckingham Street;
(e) The development will extend to a maximum height of 6.55m, with overall site coverage of 76%.

Dwelling 1 (western side of the site)

(f) This dwelling will extend along the western boundary at ground level for a length of 13.42m, ranging in height from 3m to 3.26m, with this level containing a single garage, laundry/WC and an open-plan living room and kitchen;
(g) A panel lift roller door will extend along the front (southern) facade for a width of 3m, with a pedestrian entrance setback 0.8m from this boundary on the western side of the vehicle entrance;
(h) A ground level courtyard (19sqm) will be located on the northern side of the dwelling;
(i) A 1.9m high timber paling fence will extend along the northern boundary of this courtyard;
(j) The first-floor of this dwelling will be set back 1m from the western boundary and will extend along the front (southern) boundary for a length of 3.29m;
(k) This level will contain two bedrooms and a central bathroom, with the rear wall set back 5.2m from the northern boundary;
(l) The dwelling will range in overall height from 6.1m to 6.45m;
(m) The roofline above the rear bedroom will be raked eastwards, with the remaining roof design to be flat;
(n) Sun-shading will be provided above all north-facing windows, with three skylights provided above the first-floor bathroom and stairwell.

Dwelling 2 (eastern side of the site)

(o) This dwelling will extend along the eastern boundary at ground level for a length of 13.5m and height of 3.32m, with this level containing a single garage, laundry/WC and an open-plan living room and kitchen;
(p) A panel lift roller door will extend along the front (southern) facade for a width of 3m, with a pedestrian entrance setback 0.8m from this boundary on the eastern side of the vehicle entrance;
(q) A ground level courtyard (17.4sqm) will be located on the northern side of the dwelling;
(r) The northern boundary of the courtyard will directly abut the dwelling wall associated with No. 30 Buckingham Street;
(s) A 1.9m high timber paling fence will extend between the two new courtyards;
(t) The first-floor of this dwelling will abut the eastern boundary for a length of 9.24m, with the remaining 4.31m set back 1m from this interface;
(u) This level will contain two bedrooms and a central study and bathroom, with the rear wall set back 3.7m from the northern boundary;
(v) The dwelling will range in overall height from 6.36m to 6.55m;
(w) This dwelling will have a flat roof form;
(x) Sun-shading will be provided above all north-facing windows, with three skylights provided above the first-floor bathroom and stairwell.

ESD Features

(y) All habitable room windows will be double-glazed;
(z) Cross-ventilation opportunities will be provided at both levels of the two dwellings;

(aa) The Sustainable Design Assessment submitted with the application indicates that each dwelling will have access to a 2,000L rainwater tank, with these tanks to be used for toilet flushing and irrigation purposes. The site plan (TP-02) indicates that the rainwater tanks will have individual capacities of 1,650L. This discrepancy will be discussed later within this report;
(bb) Permeable paving will be used within external courtyards;
(cc) Locally sourced and low embodied energy building materials will be used where possible.

Materials

18. The following materials and finishes will be incorporated into the design;
    (a) Walls – combination of render, brickwork and metal cladding;
    (b) Roofing – metal
    (c) Windows – aluminium framed;
    (d) Entrance doors – timber veneer, natural finish;
    (e) Roller doors – colorbond panel doors with polycarbonate opaque panels;
    (f) Shade canopies – aluminium and colourbond metal cladding.

19. It is noted that not all of the dimensions match the scale specified on the plans. A condition of the permit will ensure that all plans and elevations must be amended to scale and dimension consistently.

Planning Scheme Provisions

Zoning

Clause 32.08 – General Residential Zone (GRZ – Schedule 2)

20. The relevant purposes of the General Residential Zone are:
    (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
    (b) *To encourage development that respects the neighbourhood character of the area.*
    (c) *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
    (d) *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

21. Pursuant to Clause 32.08-4 of the Yarra Planning Scheme [the Scheme], a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

22. Clause 32.08-7 and Schedule 2 to the GRZ specifies that a building used as a dwelling must not exceed the height of 9m.

23. A planning permit is not required to use the land for dwellings.

Overlays

24. N/A

Particular Provisions

Clause 52.06 – Car Parking

25. As per Table 1 of Clause 52.06-5, a new two-bedroom dwelling has a statutory requirement to provide one on-site car parking space, which in this case equates to a total requirement of

two spaces. Both of the dwellings are provided with two bedrooms and each dwelling has access to one on-site car parking space. The statutory requirement is met.

Clause 55

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

General Provisions

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

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of urban land

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

Clause 11.04-2 Housing choice and affordability

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

Clause 15.01-1 Urban design

30. 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

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

Clause 15.01-5 Cultural identity and neighbourhood character

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

Clause 15.02-1 Energy and resource efficiency

33. The relevant objective of this clause is:

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

Clause 16.01-1 Residential development: Integrated housing

34. The objective of this clause is:
(a) *to promote a housing market that meets community needs.*

Clause 16.01-2 Location of residential development

35. The objective of this clause is:
(a) *to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

Clause 16.01-4 Housing diversity

36. The objective of this clause is:
(a) to provide for a range of housing types to meet increasingly diverse needs.

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

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

Clause 18.02-5 Car parking

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

Local Planning Policy Framework (LPPF)

Clause 21 Municipal Strategic Statement (MSS)

Clause 21.03 Vision

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

Clause 21.04-1 Accommodation and housing

40. The relevant objectives and strategies within this clause are as follows:
(a) Objective 1 – To accommodate forecast increases in population.
(i) Strategy 1.3 – Support residual population increases in established neighbourhoods.

Clause 21.05 Built Form

41. 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 18: To retain, enhance and extend Yarra's fine grain street pattern.

(c) Objective 20: To ensure that new development contributes positively to Yarra's urban fabric.
(d) Strategy 20.4: Apply the Built Form and Design policy at clause 22.10.

Clause 21.05-3 Built Form Character

42. This clause contains specific guidelines for built form in areas not covered by the heritage overlay, with the subject site designated as an ''*Inner Suburban Residential'* built form character type. This clause incorporates the following objectives to achieve this;
(a) Objective 23: To maintain and strengthen the identified character of each type of identified built form within Yarra
(b) Objective 24: To maintain and reinforce preferred character.

Clause 21.06 Transport

43. The relevant objective of this clause is:

(a) Objection 32 – to reduce the reliance on the private motor car.

Clause 21.07 Environmental Sustainability

(b) Objective 34 To promote ecologically sustainable development.
(i) Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Clause 21.08 Neighbourhoods

44. 21.08-9 North Richmond (area north of Bridge Road)
(a) This part of Richmond is largely residential and Victorian and Edwardian in its origins. The consistent character of the residential areas must be protected.

45. Figure 22 of this clause identifies this site as *'Inner Suburban Residential'.* This built form type encourages the maintenance of the existing pattern of front setbacks and limits variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/small development sites with generally consistent building heights.

Clause 22.10 Built Form and Design Policy

46. This clause applies to all new development not included in a heritage overlay. The policy aims to ensure that the design of new buildings limits the impact on the amenity of surrounding land while making a positive contribution to the streetscape through high standards in architecture and urban design. Relevant objectives within this clause include;
(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; and
(d) Encourage environmentally sustainable development

Clause 22.13 Residential Built Form Policy

47. This clause applies to residential zones 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.

48. As noted, the relevant built form character type relating to the subject site is "Inner Suburban Residential", where minimal areas of private open space, minimal side/rear setbacks and high site coverage are common. Clause 22.13-3.2 notes the applicable design responses for development within "Inner Suburban Residential' areas;
    (a) Maintain the existing pattern of front setbacks.
    (b) Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.
    (c) Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.
    (d) Orient buildings at right angles to the street frontage.
    (e) Provide front fencing that is open (unless the building is zero front setback).
    (f) On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.

    Relevant Local Policies

    Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

49. 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

50. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. A Sustainable Design Assessment (SDA) was submitted as part of this application.

Advertising

51. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 by way of 20 letters sent to surrounding property owners and occupiers and the display of one sign on the site.

52. Council received a total of eight objections, with one objection subsequently withdrawn, reducing the overall number of objections to seven. The grounds of objection are summarised as follows:
    (a) The proposal does not integrate with the existing neighbourhood character;
    (b) Excessive height and overdevelopment of the site;
    (c) Lack of car parking;
    (d) Potential off-site amenity impacts (overlooking, overshadowing, loss of daylight);
    (e) Waste management concerns;
    (f) Potential impacts during construction;

(g) Potential impacts on the development of surrounding sites.

53. A public consultation meeting was held on 11 October 2016, with this meeting attended by the applicant, objectors and Council officers.

54. Following the consultation meeting, a sketch plan was submitted to Council by the applicant on 28 October 2016. This plans responded to concerns raised at the consultation meeting regarding the proposed dark finish of walls, with the sketch plan providing a lighter finish for the north, east and west elevations. The sketch plan will be referenced within the following assessment, with copies of this plan circulated to all objectors with the invitations to this meeting.

Referrals

External Referrals

55. The application was not required to be referred externally to any parties.

Internal Referrals

56. The application was referred to Council's Engineering Department; these comments are attached.

OFFICER ASSESSMENT

57. The key planning considerations for Council in considering the proposal are:
    (a) Clause 55 – ResCode (incorporating a design and built form assessment – Clause 22.10 & Clause 22.13); and,
    (b) Objector's concerns.

Clause 55 – ResCode

58. The following is a detailed assessment of the proposal against the relevant provisions of ResCode (Clause 55), incorporating an assessment against the policy guidelines for sites within an Inner Suburban Residential area at Clause 22.13 (Residential built form policy) and the provisions of Clause 22.10 (Built form and design policy) where relevant.

B1 – Neighbourhood character objectives

59. The site sits at the juncture of a streetscape displaying a mixed character, with the predominant built form to the west being double-storey, contemporary dwellings constructed directly to the street at both levels, and built form to the east consisting largely of roller doors and rear boundary fences associated with properties addressing Buckingham Street to the north and Kent Street to the south. The proposal follows an increasingly common pattern of subdivision within these sites, with a number of similarly designed double-storey contemporary townhouses emerging within the streetscape to the east. Characteristics of these townhouses are double-storey height, direct abuttal or limited setback from the street, garage doors within the ground level facades and flat roof forms. The proposed development incorporates all of these characteristics into its design.

60. Given the generous size of the original allotments to the east, further subdivision and development in this manner is considered likely in the future.

61. Clause 22.10-3.2 (Urban form and character) aims to retain and extend the City's fine-grain street pattern and urban form by ensuring that developments contribute positively to the urban fabric and achieve continuity in the built form, with regard to rhythm and spacing of buildings.

The development will extend to both side boundaries at ground floor, with limited setbacks at first-floor; this is considered to be generally consistent with the pattern of development exhibited within adjacent sites, with the properties immediately to the west of the site extending to their respective boundaries. The side-by-side construction is therefore consistent with the rhythm, built form and subdivision pattern of townhouses in the street, pursuant to policy at clause 22.13-3.2 and clause 22.10-3.2 of the Scheme.

62. The dwellings will have a southern orientation to the street, as required by policy at clause 22.13-3.2 and clause 22.10-3.4 of the Scheme, and clearly defined entries, as required by policy at clause 22.10-3.2 and clause 22.10-3.3 of the Scheme. The roller doors are designed with opaque panels, providing a degree of transparency to the ground level façade. This outcome is supported.

63. The proposal incorporates design detailing that is complementary to the residential character of the area, with the building materials appropriate for the site and context and reflecting materials found within surrounding sites. A sufficient mixture of materials has been used to add visual interest and assist in breaking up the mass and bulk of the development, as well as providing a degree of vertical separation between the two dwellings to maintain the fine-grain pattern of the streetscape.

64. It is considered that the development will be respectful of the streetscape, and is in accordance with the neighbourhood character objective and standard.

B2 – Residential policy objectives

65. The development satisfies the SPPF and LPPF given:
    (a) It will provide higher density housing within close proximity to public transport, public open space and retail areas;
    (b) It takes advantage of and maximizes the existing local infrastructure; and
    (c) It supports an increase in population in established areas, consistent with Clause 21.04-1 of Council's MSS.

66. The objectives of the standard are met.

B3 – Dwelling diversity objective

67. N/A. This standard does not apply as the proposal is for less than 10 dwellings.

B4 – Infrastructure objectives

68. It is not considered that the construction of two dwellings on the lot will unreasonably overload the capacity of utility services and infrastructure. The objectives of the standard are met.

B5 – Integration with the street objective

69. The dwellings will be oriented towards Little Buckingham Street, with roller doors and separate pedestrian entrances located within the ground level façade. There is no high front fencing proposed, and both dwellings have immediate vehicle and pedestrian access at the street frontage, thereby integrating well with the surrounding context. As noted previously ground level garage entrances are a common characteristic within the streetscape.

70. The dwelling entrances will be recessed 0.8m from the street; with this minimal setback providing transitional space whilst still ensuring that the front entrances are clearly legible and visible from the street. Recessed pedestrian entrances are also a characteristic of surrounding contemporary development.

71. First-floor bedroom windows will provide views to the street and allow for a degree of passive surveillance. On this basis it is considered that the objectives of this standard and clause 22.10-3.4 (Street and public space quality) of the Scheme are achieved.

B6 – Street setback objective

72. The site to the east contains a single-storey garage; this garage has a minor setback from Little Buckingham Street of 0.71m. The dwelling to the west is largely constructed directly to the street frontage at both levels, with the exception of a recessed entrance further to the west. A relatively consistent setback pattern of minimal or no setbacks extends further along both sides of the streetscape in both directions, with this lack of setback applying to both ground and first-floor facades.

73. The lack of setbacks provided for the two dwellings ensures that the proposal is consistent with the Inner Suburban built form provisions of clauses 22.13-3.2, the objectives at clause 22.10-3.3 (Setbacks and building height) and meets the objective of the standard, which is to respect the existing neighbourhood character and make efficient use of the site.

B7 – Building height objective

74. The maximum height of the development is 6.55m above natural ground level and therefore complies with the maximum 9m height specified at Schedule 2 of the GRZ and recommended by the standard.

75. Policy at Clause 22.13-3.2 encourages building heights to be limited to a variation of one-storey when compared to adjacent properties. The garage to the east is single-storey in scale, with the townhouses to the west double-storey and higher than those proposed in this development. An appropriate transition in heights is provided along the streetscape and the objective of the standard is met.

B8 – Site coverage objective

76. The proposed development will result in site coverage of approximately 76%, which exceeds the maximum 60% recommended by the standard. A variation to the standard is considered appropriate, given the context of the site within a dense inner-urban area and the prevailing site coverage found on adjacent sites. In particular, extremely high degrees of built form are found within sites directly to the west, with adjacent townhouses all extending to their respective boundaries and providing limited areas of SPOS.

77. Clause 22.13-3.2 outlines 'inner suburban residential' areas as *'built form dominated residential areas with small gardens (if any) and minimal front and side setbacks'*. The development is considered to meet the objectives of this standard and clause 22.10-3.6 (Site coverage) of the Scheme.

B9 – Permeability objectives

78. The proposed development will result in approximately 24% site permeability, which complies with the minimum 20% recommended by the standard. Permeable pavers will be provided within the rear courtyards of each dwelling. This detail is outlined on the Design Response-Site Plan (TP-02); a permit condition can ensure that this detail is also included on the ground floor plan.

79. In addition to the degree of permeability provided within each site, rainwater tanks will be provided for each dwelling. These tanks will be connected to bathrooms and used for irrigation purposes. The capacity of the tanks on the design response plan is noted as 1,650L, with the SDA indicating that each tank will have a capacity of 2,000L. A STORM assessment was not provided with the original application; in order to ascertain the required size of the rainwater tanks, this document must be submitted as a condition of the permit.

This assessment will outline the required size of the tanks in order to achieve a STORM rating of at least 100% for each dwelling. This condition will ensure that the provisions of Clause 22.16 – Stormwater Management (Water Sensitive Urban Design) will be met. A further condition will ensure that the correct tank size is included on the ground floor plan.

B10 – Energy efficiency objectives

80. Overall, it is considered that the proposal will achieve an appropriate level of energy efficiency, consistent with the objective of the standard. The dwellings will achieve good levels of solar access and natural ventilation, incorporating windows to all principal habitable rooms and providing north-facing windows to the main living spaces within each dwelling.

81. The applicant has committed to the following energy efficiency principles within the SDA submitted with the application:
    (a) All habitable room windows will be double-glazed;
    (b) Cross-ventilation opportunities will be provided at both levels of the two dwellings;
    (c) Sun-shading will be provided to all north-facing windows to minimise heat gain;
    (d) Each dwelling will be provided with a rainwater tank, with the capacity of the tanks to be confirmed via a condition of the permit;
    (e) Permeable paving will be used within external courtyards;
    (f) Locally sourced and low embodied energy building materials will be used where possible.

82. The proposed development satisfies the requirements of Clause 22.17 – Environmentally Sustainable Development and accords with the design objectives and guidelines of Clause 22.10-3.5 of the Scheme. It is not considered that the energy efficiency of adjacent sites will be unreasonably impacted by the proposed development.

B11 – Open space objective

83. N/A. This standard does not apply as no public or communal open space is proposed.

B12 – Safety objective

84. The dwelling entrances will meet the requirements of the standard in terms of visibility, safe access and security. The entrances will be recessed 0.8m from the street frontage; this setback will provide shelter to the pedestrian entrances, whilst maintaining views to each entrance from Little Buckingham Street.

85. The plans do not identify any lighting near the doorways. As the entrances are recessed from the front façade, adequate lighting within these areas is required in order to increase safety. A condition will require the provision of lighting in accordance with the standard. This will ensure that the objectives of the standard are met.

B13 – Landscaping objectives

86. There is little to no landscaping provided along Little Buckingham Street, with the direct abuttal of built form to the street inhibiting this from occurring. The development is consistent with this character, with no front setback providing landscaping opportunities. This outcome complies with the objectives of the standard and accords with the Inner Suburban Residential built form type at clause 22.13-3.2 of the Scheme, which is *built form dominated residential areas with small gardens (if any) and minimal front and side setbacks.*

B14 – Access objectives

87. 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. An existing crossover extends along the site's street frontage; the development seeks to extend the width of this crossing to 7m to accommodate access to the new garages.

88. The standard notes that car parking spaces should not exceed 40% of the street frontage (where the width of the street frontage is less than 20m), with no more than a single-width crossover provided for each dwelling.

89. The width of the crossover equates to 75% of the overall street frontage of the site, thereby exceeding the standard. However, as crossovers are a common characteristic along both sides of Little Buckingham Street and as no on-street car parking spaces will be lost through the extension of the crossover, this outcome is acceptable.

90. To ensure that access to the garages was sufficiently addressed, the application was internally referred to Council's Engineering Services Unit. A site inspection of Little Buckingham Street revealed that the north footpath and carriageway have widths of approximately 1.02m and 4m respectively, and based on this width, the proposed 3m wide garage doorways would be insufficient to provide access for a B85 designed vehicle.

91. There are two potential solutions to address this issue. Either each garage door should be widened to at least 3.3m in width, or the garage doors could be setback 0.6m from the southern boundary. A setback of the garage doors would reflect the existing setback of the garage to the east. The applicant will be provided with these alternatives as a permit condition.

92. Engineering Services also noted that extending the vehicle crossing requires the existing grated side entry pit to be reconstructed as a grated entry pit. This will reduce the capacity of the pit and increase the likelihood of localised flooding if the pit grate is blocked with debris. Engineering advice recommends that a qualified civil engineer must demonstrate that the development will not be inundated by surface water during a severe storm if the pit is blocked and that surface water will find an overland flow path to another pit.

93. These details should include existing pits, drains, proposed connections, and size of drain, depth, grades, surface and invert levels, long-section/cross section with chainages (5m intervals) and any underground utilities that are in close proximity of the proposed drain. This level of detail will be provided at building permit stage. A standard drainage note will also be included on any permit issued, reminding the permit holders of their obligation.

B15 – Parking location objectives

94. The on-site car parking spaces for both dwellings are located within garages at ground level, with direct access from Little Buckingham Street. These garages are secure and convenient to the dwellings. The objective of the standard is met.

B17 – Side and rear setbacks objective

Eastern boundary

Location	Wall height	Setback provided	Setback required	Complies
Unit 2 – Bedroom 2	6.42m	1m	1.84m	No

95. The non-compliant setback is located opposite a small section of open space within the site to the east. This space is relatively narrow and located between the rear wall of the adjacent dwelling and the garage, with a tree within this area of land. There are no dwelling windows that directly address this new wall, with the most significant area of open space associated with this site located further to the east.

It is therefore considered that a variation to the standard is acceptable, with the proposed setback providing a good degree of articulation to the wall which will alleviate unreasonable visual impacts from this site.

96. The design of the eastern wall is therefore considered to be responsive to the context of the adjoining site and the objectives of the standard are met.

Western boundary

Location	Wall height	Setback provided	Setback required	Complies
Unit 1 – Bedroom 1	6.45m	1m	1.85m	No
Unit 1 – Bedroom 2	5.24m	2.1m	1.49m	Yes

97. The non-compliant section of wall will be located adjacent to a small courtyard within the site to the west (No. 12/22 Buckingham Street). As noted previously, these courtyards are located adjacent to ground floor bedrooms and are secondary areas of SPOS. The principal areas of SPOS associated with these townhouses are in the form of first-floor balconies on the western side of each dwelling.

98. The adjacent window is setback 2m from the boundary, resulting in an overall setback of 3m from the first-floor wall. Visually, it is not anticipated that unreasonable impacts to this site will occur. Access to daylight for this window will be discussed later, however a variation to the standard is considered acceptable based on the above.

Northern boundary

Location	Wall height	Setback provided	Setback required	Complies
Unit 1 – Ground level	3m	3.84m	1m	Yes
Unit 1 – First floor	6.1m	5.2m	1.75m	Yes
Unit 2 – Ground level	3.26m	3.88m	1m	Yes
Unit 2 – First floor	6.36m	3.7m	1.82m	Yes

99. All of the rear setbacks provided will comply with this standard.

B18 – Walls on boundaries objective

100. To comply with this standard, a new wall should not abut a boundary for a length of more than;
   (a) 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or;
   (b) Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

101. Furthermore, the height of a new wall constructed on or within 200mm of a side or rear boundary should not exceed an average of 3.2m, with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.

102. Different contexts affect the east and west boundaries, with a substantial site depth provided to the east and four individual sites abutting the western boundary.

Eastern boundary

103. The depth of the site to the east is 36.2m. To meet this standard, a wall along this boundary should not exceed 16.5m in length. The proposed length of the ground floor wall of 13.5m (with a first-floor wall length of 9.24m) accords with these provisions. Furthermore, 8m of this wall will directly abut the existing garage wall within the eastern site.

104. The ground floor wall will be 3.32m in height, with the maximum height of the first-floor wall extending to 6.56m. The majority of the first-floor wall will also abut the existing single-storey garage located on the eastern site. This will reduce off-site amenity impacts to the adjacent site, with only a limited section of the first-floor wall (0.8m) extending beyond the existing wall. As this section of wall is located directly adjacent to the narrow area of land described in paragraph 94, no unreasonable impacts are anticipated and the objectives of the standard are met.

Western boundary

105. A ground floor wall will abut the western boundary for a length of 13.4m, with this wall ranging in height from 3m to 3.53m. No part of this wall will exceed 3.6m in height. This wall will extend along the rear boundaries of four sites to the west.

106. The new wall will be located adjacent to small courtyards within these sites, with windows setback approximately 2m from the wall. Visually, it is not anticipated that unreasonable impacts to these sites will occur, with the height of the wall restricted to ground level and the principal areas of living and open space associated with these dwellings oriented to the west.

107. The wall will extend along the eastern boundary of these sites; this orientation will limit daylight and solar access impacts that may otherwise occur. It is noted that an existing boundary fence, extending in overall height to 2.9m according to the survey plan, extends along the rear boundaries of these sites. The wall will be located behind this existing fence. This outcome is not considered to result in unreasonable amenity impacts to these dwellings and the objectives of the standard are met.

B19 – Daylight to existing windows objective

108. There are three habitable room windows addressing the subject site; these windows are located within three townhouses to the west and are all at ground level. These windows are set back between 2m to 2.4m from the western boundary of the site and each window addresses a lightcourt with a minimum dimension of 3sqm. This ensures that the initial requirement of this standard is met.

109. The remainder of this standard notes that a new wall above 3m in height should be set back from the window at least 50 per cent of the height of the new wall, if the wall is within a 55 degree arc from the centre of the existing window. The proposed new walls will range in height from 5.24m at the northern-most end of dwelling 1, to 6.45m in the south. This results in required setbacks of 2.62m and 3.22m. As the new walls will be setback 3.3m and 4.6m respectively from the adjacent ground floor windows, the standard will be met.

B20 – North-facing windows objective

110. N/A. There are no north-facing habitable room windows within 3m of the boundary.

B21 – Overshadowing open space objective

111. The principal areas of SPOS associated with the townhouses to the west are located within first-floor balconies. These balconies are on the western side of the dwellings, oriented away from the subject site, with secondary areas of SPOS located within small courtyards to the east. These courtyards are restricted in size and located directly adjacent to bedrooms within these dwellings.

112. At 9am, the shared boundary fence ensures that existing conditions find these courtyards completely in shadow. These shadows decrease from 10am onwards. The development will result in additional shadows within these yards at 10am and 11am; however the most affected time will be 10am, with only minor additional shadows cast at 11am. At all other times throughout the day, the development will result in no alteration to shadow impacts within these courtyards.

113. Given the limited duration of additional overshadowing within these spaces and the secondary nature of these courtyards, this outcome is considered reasonable and the objectives of the standard will be met. No part of the principal areas of SPOS on the western side of these sites will be affected.

114. At midday, no areas of SPOS will experience additional overshadowing as a result of the development, with all shadows oriented towards Little Buckingham Street.

115. Additional shadows will begin to affect the site to the east at 2pm, with further shadows extending into the adjacent SPOS at 3pm. Within this site, the largest area of SPOS is located on the eastern side of the garage. A narrow section of land, with a dimension of 3.4m, is located between the rear of the dwelling and the garage, with a tree within this space. This area of land is directly adjacent to the shared boundary and it is generally this small section of land that will be cast in additional shadow during the afternoon.

116. The overall area of SPOS within this site is approximately 57sqm. At 3pm, an additional 11% of this area will be in shadow, with only 4% of the larger area of SPOS to the east affected. Given the limited duration of additional overshadowing within this space and the restricted scale of these shadows, off-site amenity impacts to the eastern property are considered reasonable and the objectives of the standard are met.

B22 – Overlooking objective

117. There are no east-facing windows proposed at either level of the development, with only one west-facing bedroom window provided at first-floor. This window will be located 1.7m above the finished floor level of this room, ensuring that no unreasonable overlooking will occur to western sites and the provisions of the standard will be met.

118. Large ground-floor north-facing windows will be located in both dwellings. This standard does not apply to new habitable room windows which face a property boundary where there is a visual barrier at least 1.8m high and the floor level of the habitable room is less than 0.8m above ground level. The survey plan indicates that a 2.9m high fence extends along the site's western boundary, with this fence to be retained, and a 1.9m high fence will extend along the northern and eastern boundaries of the site. With finished floor levels no greater than 0.3m above ground level, this standard does not apply to these windows. However to ensure that this outcome is adequately demonstrated, the height of the respective fences will be required via a permit condition to be clearly notated on the proposed ground floor plan.

119. Three first-floor windows will face north. These windows will be fixed and finished with opaque glazing to a height of 1.7m (with the smaller vertical window fully glazed in an opaque finish). This design will ensure that no unreasonable overlooking will occur to the north and the provisions of the standard will be met.

120. There are two south-facing windows provided at first-floor; these windows will address Little Buckingham Street and will therefore provide views largely to the public realm. However, design measures have been incorporated into these windows to ensure that overlooking to open space on the southern side of Little Buckingham Street is restricted, with downward facing louvres provided for Unit 2 and the window for Unit 1 located 1.7m above the finished floor level of this room.

121. There are no further overlooking opportunities from the development, ensuring that the standard is met.

B23 – Internal views objective

122. A 1.9m high fence will be located between the two ground floor courtyards. This will appropriately limit views between each individual area of SPOS. The overlooking measures incorporated into the north-facing first-floor windows of both dwellings will also inhibit downward views into the respective courtyards. The objective of the standard is met.

B24 – Noise impacts objective

123. Any additional noise that is generated following the construction of the two dwellings will be residential in nature; it is not considered that the proposed development of the site will generate unreasonable noise impacts on surrounding sites. The Scheme does not include reference to applicable noise control legislation, instead the *Environment Protection (Residential Noise) Regulations 2008* is the relevant legislation regarding residential noise impacts and how they can be controlled.

124. Given the location of the dwellings within a primarily residential area, it is not considered that any unreasonable noise levels will impact the internal amenity of the proposed development. The objectives of the standard will be met.

B25 – Accessibility objective

125. The entrances for both dwellings are located at ground floor and will be generally accessible for those with limited mobility in accordance with the standard; however it is acknowledged that both of the dwellings have internal staircases, with bedrooms located at first floor. This would decrease the accessibility of the dwellings. Future occupants of the dwellings would be aware of these restrictions.

B26 – Dwelling entry objective

126. The entrances to the dwellings will be clearly visible and easily identifiable within the streetscape and will provide a sense of personal address for each residence. The recessed design will ensure that a degree of shelter and transitional space will be provided around each entrance, with an earlier condition ensuring that the entrances are well-lit to increase safety and visibility. The objective of the standard is met.

B27 – Daylight to new windows

127. All new habitable room windows will receive adequate daylight in accordance with the standard, with all windows set back 1m from the respective boundaries they address. The objective of the standard is met.

B28 – Private open space objective

128. The dwellings will be provided with SPOS in the form of ground level courtyards. These yards will measure 17.4sqm and 19sqm respectively in size and will be directly accessible from the main habitable rooms of each dwelling. The objectives of this standard are met.

B29 – Solar access to open space objective

129. The two areas of SPOS will be located on the northern side of the dwellings, allowing excellent solar access and meeting the objectives of the standard.

B30 – Storage objective

130. There are no designated storage spaces shown on the plans. A permit condition can be added to ensure that adequate storage is provided for both dwellings, in line with the standard requirements.

B31 – Design detail objective

131. The proposed development is contemporary in design and incorporates a mixture of materials, including rendered walls, brickwork and metal cladding. These materials are sympathetic to the surrounding area, with the adjacent contemporary townhouses constructed of similar materials and the more traditional dwellings largely constructed of brick.

132. Concerns were raised by objectors at the planning consultation meeting about the proposed darkness in colour of the walls, and how this will affect the outlook from adjoining sites. In response, a sketch plan was submitted to Council by the applicant on 28 October 2016. This incorporated a number of changes to the proposed colour scheme of the development, with a previous dark brown render (Pure Zeal) altered to a light grey shade (Warm Granite). This change affects ground and first-floor walls on the east, west and northern elevations.

133. The proposed dark metal cladding (Ironstone) on the first-floor west elevation was also altered to a lighter shade (Dune). These changes are considered to address the concerns raised and provide a lighter finish to the development when viewed from the adjacent sites. The finishes and colours of the facades remain unchanged. In order to ensure that the objector concerns are addressed, a condition will be added to the permit to ensure that the colour scheme will be amended to match the sketch plans discussed above.

134. The building's façade is articulated through the use of differing setbacks, heights and materials. This response breaks up the overall massing of the design and provides vertical separation within the façade, ensuring that the fine-grain pattern of facades along the streetscape is maintained.

135. A flat roof form is proposed. Surrounding roof forms are predominantly flat. The proposed roof is in keeping with the contemporary design of the development and prevailing roof forms in the neighbourhood. The dimensions and proportions of windows and doors are contemporary, and integrate well with modern design details found in adjoining dwellings. The objective of the standard is met.

B32 – Front fences objective

136. N/A. No front fences are proposed.

B33 – Common property objective

137. N/A. There is no common property provided within the site.

B34 – Site services objectives

138. The plans do not identify the location of bin storage areas and mailboxes within each site. A permit condition can require this, ensuring that the standard will be met.

Objector Concerns

139. 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:

The proposal does not integrate with the existing neighbourhood character;

140. This issue has been discussed in paragraphs 59 to 64 of the above assessment.

Excessive height and overdevelopment of the site;

141. This issue has been discussed in paragraphs 74 to 77 of the above assessment.

Lack of car parking;

142. As per Table 1 of Clause 52.06-5, a new two-bedroom dwelling has a statutory requirement to provide one on-site car parking space, which in this case equates to a total requirement of two spaces. Both of the dwellings are provided with two bedrooms and each dwelling has access to one car parking space. The statutory requirement is met.

Potential off-site amenity impacts (overlooking, overshadowing, loss of daylight);

143. These issues have been discussed in the following paragraphs; Overlooking; 117 to 121, Overshadowing; 111 to 116 and loss of daylight; 108 to 109.

Waste management concerns;

144. It is not considered that additional waste collection for two dwellings will result in any unreasonable impacts.

Potential impacts during construction;

145. A construction management plan will be required as a condition of the permit. This will assist in managing potential construction issues.

Potential impacts on the development of surrounding sites.

146. It is not anticipated that the future development of adjacent sites will be impeded by the proposed development, however it is noted that any future planning applications must take into consideration the existing context of neighbouring land.

Conclusion

147. The proposal demonstrates a good 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 a Planning Permit PLN16/0611 to construct two, double-storey dwellings at 29 Little Buckingham Street, Richmond and recommends approval, 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) All dimensions to match the 1:100 scale outlined on the plans and elevations;
   (b) A notation regarding the permeable paving of the courtyard on the ground floor plan;
   (c) A STORM assessment, with a minimum score of 100% achieved;
   (d) Consistent rainwater tank sizes to be shown on the ground floor plan and outlined in the Sustainable Design Assessment, with the capacity of the tanks to be dictated by the outcome of the STORM assessment required at Condition 1(c);
   (e) The location of all bin storage areas and mailboxes;

(f) Designated storage spaces for each dwelling in line with Standard B30 of the Yarra Planning Scheme;
(g) The garage doors to either be widened to 3.3m in width, or setback 0.6m from the southern boundary;
(h) All new and existing boundary fence heights to be demonstrated on the proposed ground floor plan;
(i) An amended colour scheme to match that shown in the sketch plan received by Council on 28 October 2016, with the colours altered as follows;
    (i) Render finish 'Pure Zeal' altered to 'Warm Granite' on the east, west and north elevations at ground and first-floor;
    (ii) Metal cladding (Ironstone) on the first-floor west elevation altered to a lighter shade (Dune).

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. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with 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, 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.

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
(a) in accordance with any requirements or conditions imposed by Council;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the dwelling entrances must be provided within the property boundary. Lighting must be:
(a) located;
(b) directed;
(c) shielded; and
(d) of limited intensity,
to the satisfaction of the Responsible Authority.

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

8. 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.

9. 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.

10. 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.

11. This permit will expire if:

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

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

Notes:

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

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

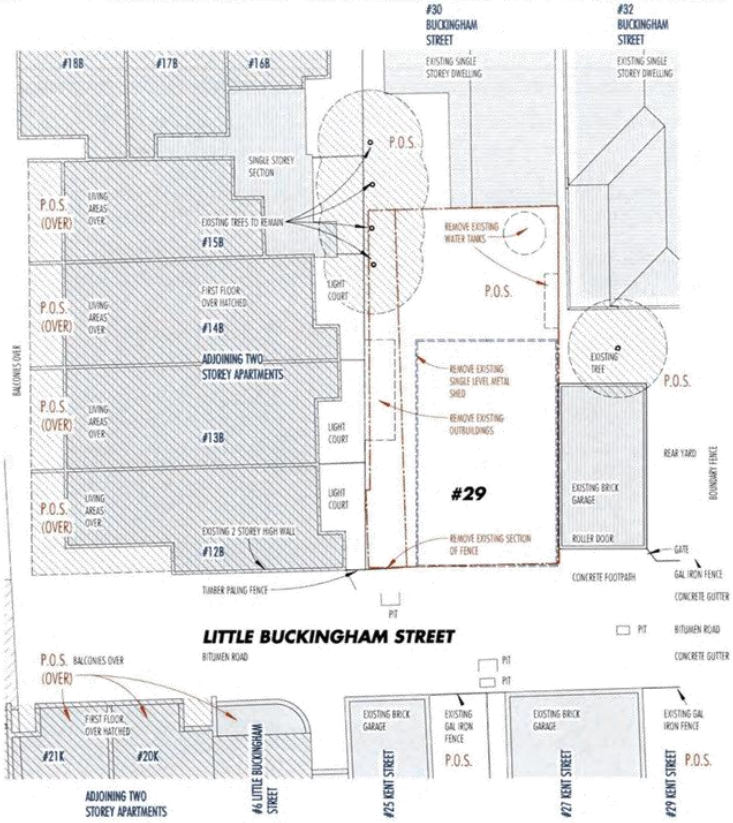
A vehicle crossing permit is required for the construction of the vehicle crossings. Please contact Council's Construction Management Branch on 9205 5585 for further information.

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

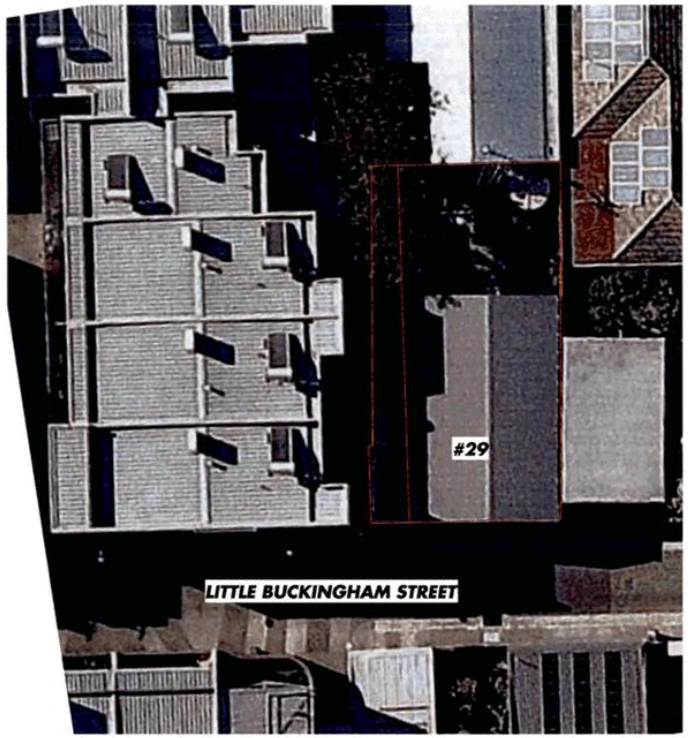
Attachments

1 PLN16/0611 - 29 Little Buckingham Street Richmond - Plans
2 PLN16/0611 - 29 Little Buckingham Street, Richmond - Sketch Plan (Colour schedule)

Attachment 1 - PLN16/0611 - 29 Little Buckingham Street Richmond - Plans



EXISTING SITE PLAN - DEMOLITION
1 : 200



EXISTING AERIAL VIEW
1 : 200

town planning

project:

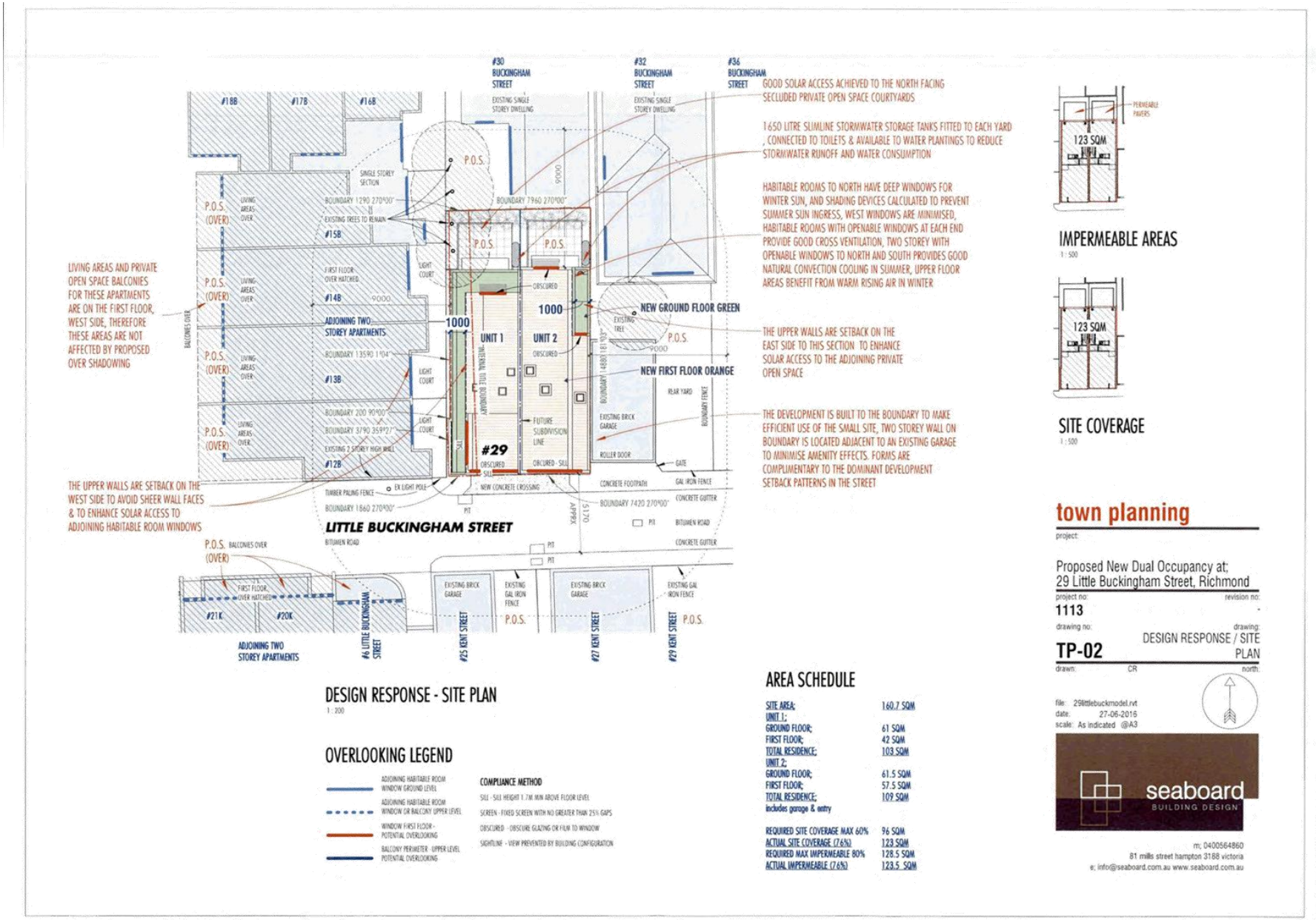
Proposed New Dual Occupancy at;
29 Little Buckingham Street, Richmond

north:

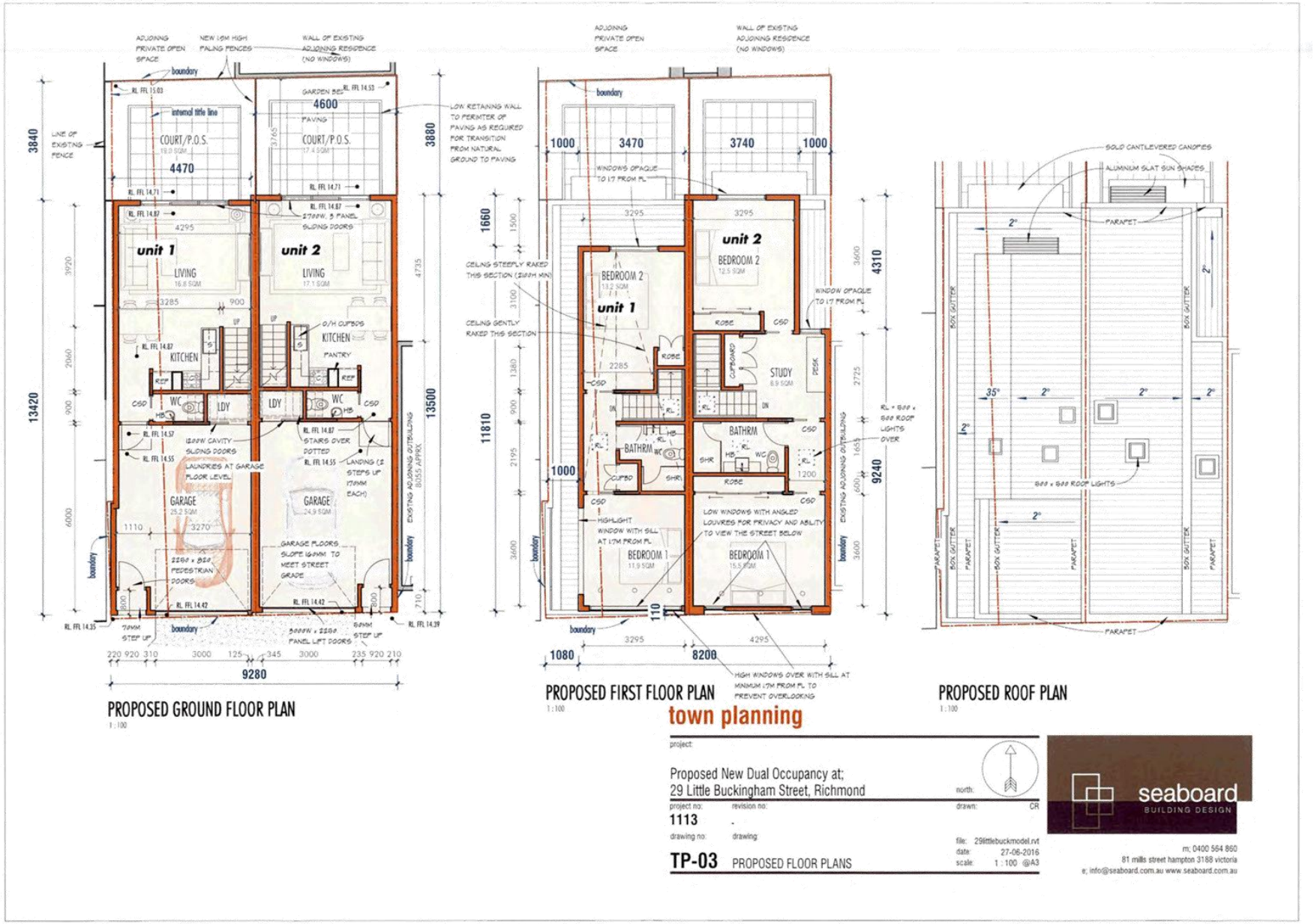
project no: 1113
revision no: -
drawn: CR
drawing no: TP-01
drawing: EXISTING SITE PLAN AND AERIAL VIEW
file: 29littlebuckmodel.rvt
date: 27-06-2016
scale: 1 : 200 @A3

seaboard
BUILDING DESIGN
m. 0400 564 860
61 mills street hampton 3188 victoria
e: info@seaboard.com.au www.seaboard.com.au

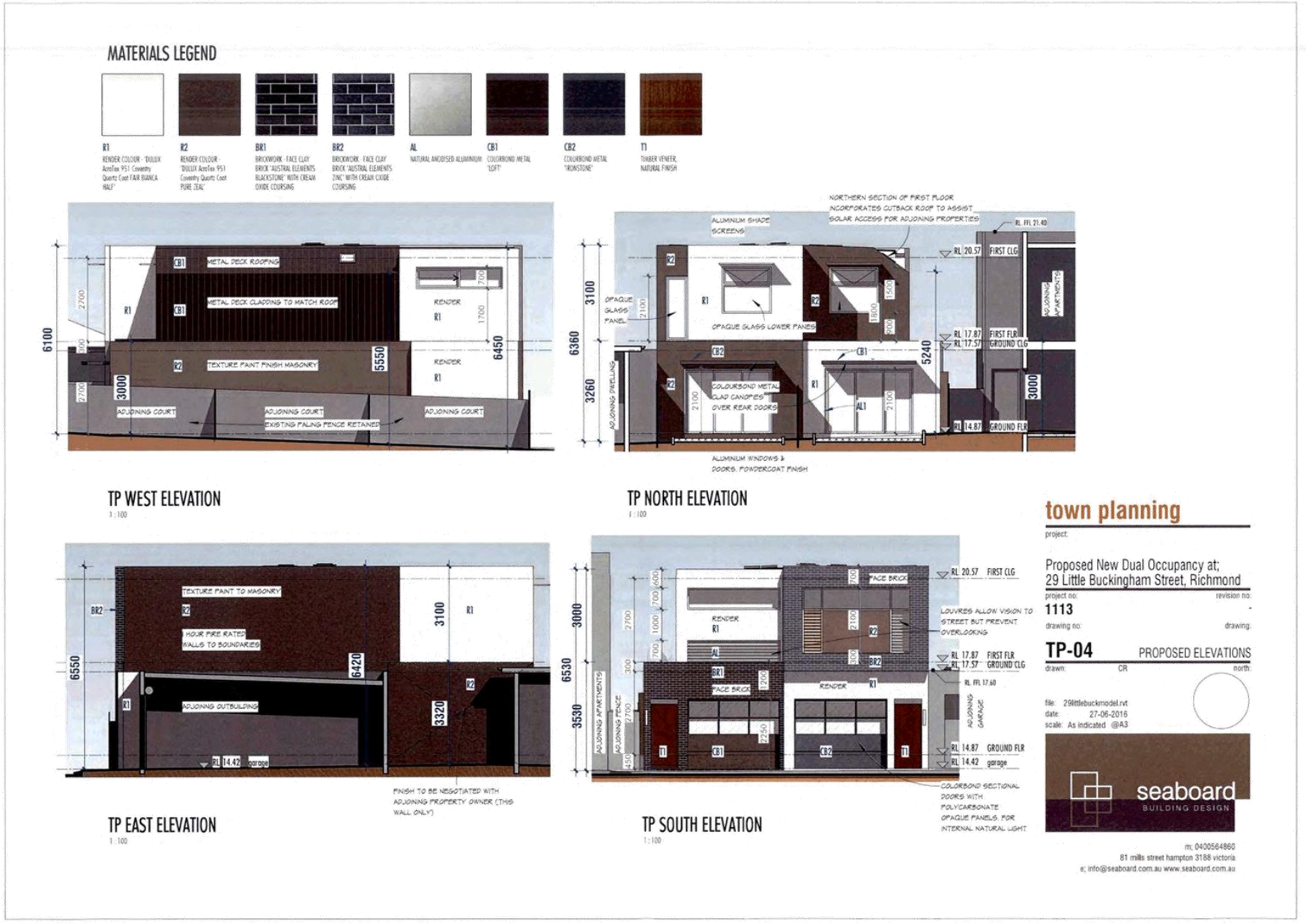
Attachment 1 - PLN16/0611 - 29 Little Buckingham Street Richmond - Plans



Attachment 1 - PLN16/0611 - 29 Little Buckingham Street Richmond - Plans



Attachment 1 - PLN16/0611 - 29 Little Buckingham Street Richmond - Plans

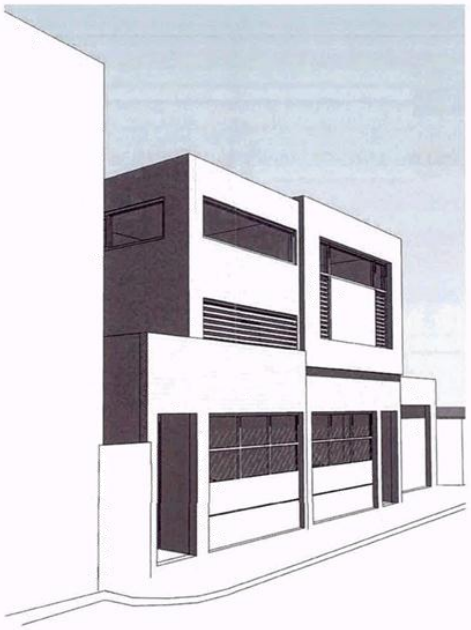


Attachment 1 - PLN16/0611 - 29 Little Buckingham Street Richmond - Plans

Attachment 1 - PLN16/0611 - 29 Little Buckingham Street Richmond - Plans

Attachment 1 - PLN16/0611 - 29 Little Buckingham Street Richmond - Plans

HIGH REAR PERSPECTIVE



STREET PERSPECTIVE FROM WEST

STREET PERSPECTIVE FROM EAST

town planning

project:

Proposed New Dual Occupancy at;
29 Little Buckingham Street, Richmond

north:

project no: 1113
revision no: -
drawn: CR

drawing no: TP-07
drawing: PERSPECTIVES

file: 29littlebuckmodel.rvt
date: 11-05-2016
scale: @A3

seaboard
BUILDING DESIGN

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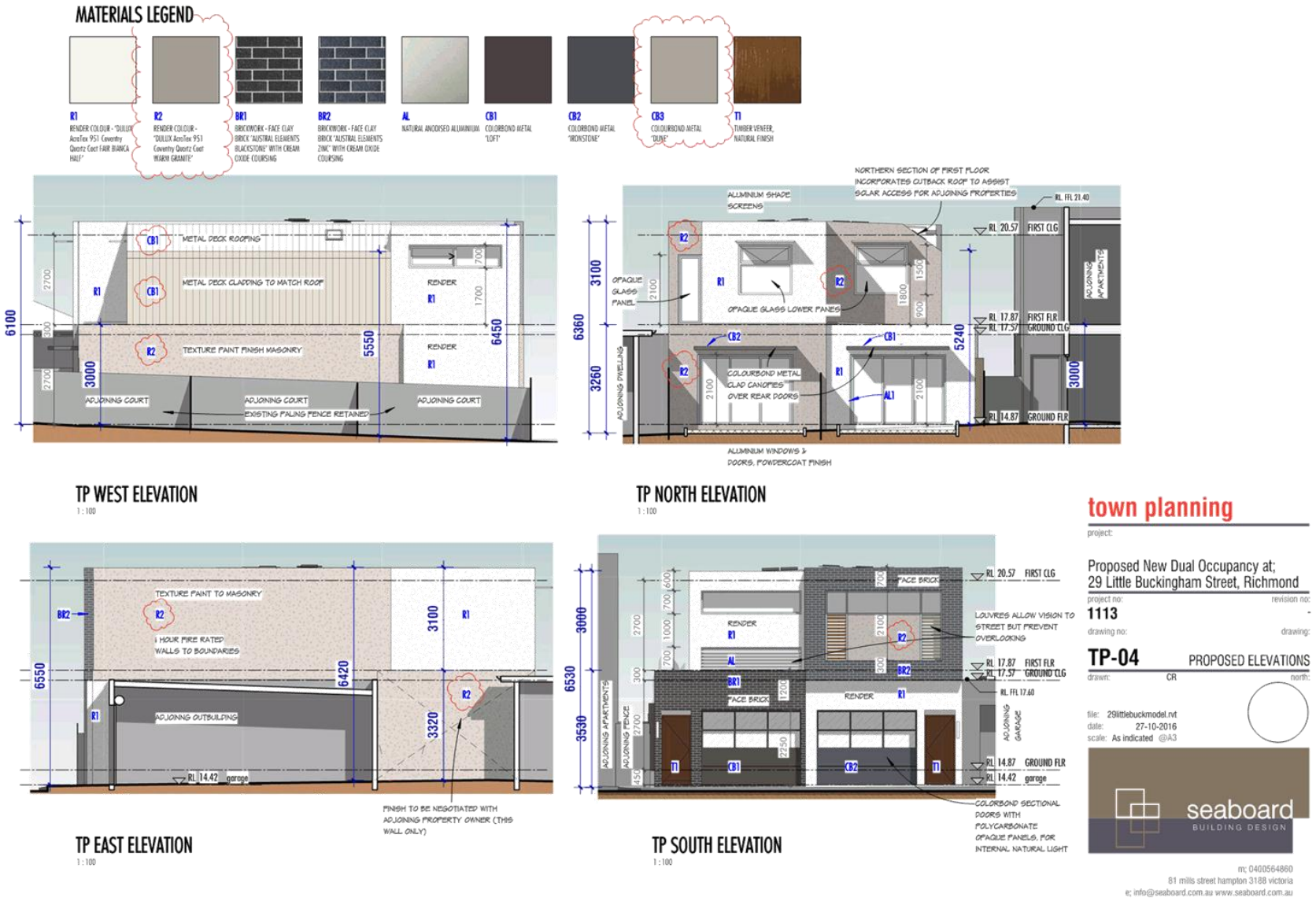
81 mills street hampton 3188 victoria
e; info@seaboard.com.au www.seaboard.com.au

Attachment 2 - PLN16/0611 - 29 Little Buckingham Street, Richmond - Sketch Plan (Colour schedule)



1.6 149-159 Swan Street, Richmond, VIC 3121 - Planning Permit Application No. PL06/0603.05

Executive Summary

Purpose

1. This report provides Council with an assessment of an application to amend planning permit PL06/0603.05 and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 11.01 – Activity Centres
   (b) Clause 15.03 – Heritage
   (c) Clause 17.01 – Economic Development
   (d) Clause 18.01 – Integrated Transport
   (e) Clause 21.04 – Land Use
   (f) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
   (g) Clause 22.05 – Interfaces Uses Policy
   (h) Clause 22.09 – Licensed Premises
   (i) Clause 34.01 – Commercial 1 Zone
   (j) Clause 43.01 – Heritage Overlay
   (k) Clause 52.06 – Car Parking
   (l) Clause 52.27 – Licensed Premises

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic justification.
   (b) Built form and design and heritage impacts.
   (c) Amenity impacts.
   (d) Traffic and access.
   (e) Objector concerns.

Objector Concerns

4. Six objections were received to the application, these can be summarised as:
   (a) Reduced safety.
   (b) Noise impacts.
   (c) Patron behaviour after leaving the premises.
   (d) Excessive increase in patrons.
   (e) Saturation of outdoor beer gardens.
   (f) Increase in car parking.
   (g) Increase in traffic.
   (h) Increase in pedestrian traffic.
   (i) Waste collection.

Conclusion

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

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TITLE: **Principal Statutory Planner**
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1.6 149-159 Swan Street, Richmond, VIC 3121 - Planning Permit Application No. PL06/0603.05

Trim Record Number: D16/164352
Responsible Officer: Principal Statutory Planner

Proposal:	Part demolition, buildings and works to extend the ground floor tavern into the bottle shop building and convert the drive-thru component into a beer garden, an increase in patron numbers from 360 to 510 patrons, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street.
Existing use:	Tavern
Applicant:	Enth Degree Architects
Zoning / Overlays:	Commercial 1 Zone Design and Development Overlay (Schedule 5) Heritage Overlay (Schedule 332) (part) Heritage Overlay (Schedule 335) (part)
Date of Application:	18 September 2015
Application Number:	PL06/0603.05

Planning History

1. The subject site has an extensive history of planning applications, those relevant are listed below:

   (a) Planning permit 542 was issued by the former City of Richmond for the purpose of a tavern and drive-in bottle shop. This is the permit which the tavern currently operates under. No hours of operation are detailed on the permit, rather hours are controlled by the current liquor license.
   (b) Planning permit 6478 was issued under the Richmond Planning Scheme on 9 June 1992 for an increase to the liquor shop floor area and buildings and works to an existing tavern.
   (c) Planning permit 7030 was issued under the Richmond Planning Scheme on 10 December 1993 for the purpose of constructing additions and alterations to an existing tavern.
   (d) Planning permit PL06/0603 was issued on 21 December 2006 for buildings and works including the construction of an internal courtyard, roller shutter doors for the drive-thru bottle shop, external stair case, including a reduction in the car parking requirement, a reduction of the loading bay requirement and partial demolition.
   (e) An amendment to planning permit (PL06/0603.01) was issued on 23 December 2009 in accordance with the order of the Victorian Civil and Administrative Tribunal (reference: P2012/2009) by revising the permit preamble, including a new condition 1(b), (c), (d), (e), 2, 3 and a revised condition 6.
   (f) An amendment to planning permit (PL06/0603.02) was issued on 20 March 2014 to allow the modification of the endorsed plans.
   (g) An amendment to planning permit (PL06/0603.03) was issued on 16 December 2014 to allow changes to the permit preamble, deletion of conditions 1(b) and 1(c), addition of conditions 1(f) and 2-8, subsequent renumbering of conditions, and modifications to the endorsed plans.
   (h) Planning permit PLN12/0183 was issued on 26 April 2012 for alterations and additions to an existing tavern, including partial demolition.

Background

2. The site currently operates as a tavern under the existing late night (general) liquor license number 31915185 issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The license permits an overall maximum capacity of 360 patrons, with a maximum of 100 patrons allowed in the gaming room and the bistro/lounge area at any one time between 3:00am and 7:00am. The current liquor license allows the venue to operate the following hours:

(a)	For consumption off the licensed premises:		
	(i)	Sunday	Between 10:00am and 11:00pm
	(ii)	Good Friday and ANZAC Day	Between 12:00 noon and 12:00 midnight
	(iii)	On any other day	Between 7:00am and 12:00 midnight
(b)	For consumption on the licensed premise:		
	(i)	In the lounge/bistro and gaming area: At any time on any day except for the period between 3:00am and 12:00 noon on the morning of ANZAC Day.	
	(ii)	In the remainder of the premises:	
		Sunday	Between 10:00am and 11:00pm
		Good Friday and ANZAC Day	Between 12:00 noon and 11:00pm
		Monday and Tuesday	Between 7:00am and 12:00 midnight
		Wednesday to Saturday	Between 7:00am and 1:00am the following morning.

3. This application to amend a planning permit was received by Council on 18 September 2015. Council requested further information on 8 October 2015 and the applicant satisfied the request for further information on 26 February 2016. The application to amend the planning permit was subsequently advertised in March 2016 and six objections were received.

4. Following the advertising period, a consultation meeting was held on 26 April 2016. No resolution was reached at the meeting. However, the applicant submitted a Section 57A amendment on 25 July 2016 in response to feedback from Council officers, referral comments and objectors' concerns. The following main changes were made:

   (a) Revised acoustic report detailing additional acoustic measures, including an acoustic wall to the proposed beer garden.

5. The amended application was readvertised in August 2016 and no additional objections were received.

Existing Conditions

Subject Site

6. The subject site is nominally rectangular in shape and located on the northern side of Swan Street, approximately 106 metres west of Church Street, in Richmond. The site has a primary frontage to Swan Street of 34.76 metres, a secondary frontage to Docker Street to the east of 30.35 metres and to Waverley Street in the west of 30.39 metres, and an overall site area of approximately 1,020 square metres.

7. The subject site is currently developed with a double storey Victorian-era hotel occupying the eastern portion of the site, while the western portion contains a single storey bottle shop with an ancillary drive-thru section and three car parking spaces accessed from Waverley Street.

8. The ground floor portion of the building currently operates as a bar/bistro and gaming room with ancillary kitchen, amenities and storage rooms, with the bottle shop and drive-thru component operating from the western portion of the site. Pedestrian entrance is currently gained from Docker Street for the gaming room and from the splayed south-east corner of the building for the bistro/lounge area. The first floor is used for office and storage purposes in accordance with the established tavern use.

9. Vehicle access to the site is currently gained via two crossovers, one to the west of the Swan Street frontage and one to the north of the Waverley Street frontage.

10. The subject site is legally described as Lot 1 on Title Plan 592473K and is not affected by any restrictive covenants or easements.

Surrounding Land

11. To the immediate north of and sharing a boundary with the subject site are two double storey commercial buildings, one facing Docker Street to the east used as an office and one facing Waverley Street to the west used as a gym. Further north are residential dwellings of varied built form.

12. The nearest dwelling is located to the north-west of the subject site, on the western side of Waverley Street in the Neighbourhood Residential Zone 1, at 32 Waverley Street. This dwelling is constructed to the front property boundary with bedroom windows facing the street.

13. To the west of the site is Waverley Street, a one-way local road heading in a northerly direction from Swan Street in the south to Richmond Terrace in the north, with a width of approximately 10 metres. A south bound bicycle lane is provided adjacent to the east kerb. On the western side of Waverley Street and on the corner with Swan Street is a double storey commercial building with a take-away food premises at ground floor and a dancing studio on the first floor.

14. To the south of the site is Swan Street, which has a road 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 Swan Street.

15. Directly opposite the site, on the southern side of Swan Street, are predominantly double storey commercial buildings with uses including a chemist, bakery, restaurant, bottle shop, medical centre and shops.

16. To the east of the site is Docker Street, a north-south local road providing a single lane of traffic in each direction extending between Swan Street in the south and Richmond Terrace in the north. Docker Street has a width of approximately 20 metres.

17. On the eastern side of Docker Street and on the corner with Swan Street is a double storey commercial building containing an optometrist at ground floor and a combined gym and medical centre on the first floor. To the north of the double storey building is a Council-owned public car park.

The Proposal

18. This proposed amendment seeks part demolition, buildings and works to extend the ground floor tavern into the bottle shop building and convert the drive-thru component into a beer garden, an increase in patron numbers from 360 to 510 patrons, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street. The proposed amendment can be summarised as follows:

Use

(a) Increase the overall maximum number of patrons permitted on the premises from 360 to 510, with a maximum of 100 patrons in the beer garden.
(b) Hours of operation for the proposed bar area:
    (i) At any time on any day except for the period between 3:00am and 12:00 noon on ANZAC Day.
(c) Hours of operation for the proposed beer garden area:

(i)	Sunday	10:00am to 11:00pm
(ii)	Good Friday and ANZAC Day	12:00 noon to 11:00pm
(iii)	Monday to Wednesday	7:00am to 10:00pm
(iv)	Thursday	7:00am to 11:00pm
(v)	Friday and Saturday	7:00am to 12:00 midnight

(d) The floor area of the tavern increased by 121.8 square metres into the bottle shop building.
(e) No amplified or loud music will be played in the proposed beer garden.

Demolition

(f) Demolish part of the south-facing bottle shop wall for a new window.
(g) Removal of a window from the Swan Street façade to be replaced with a door.
(h) Removal of the west-facing windows and entrance from the bottle shop to be replaced with new windows and doors.
(i) Demolition of the west facing cool room wall to be replaced with windows.

Buildings and Works

(j) Internal alterations to convert the bottle shop and cool room into bar and indoor seating area, including changes to the layout of the amenities area.
(k) External alterations to convert the drive-thru area into a beer garden, including a 3 metre high wall around the perimeter consisting of a 2.05 metre high brick veneer and quiet stone wall with 0.95 metre high timber palings atop.
(l) External alterations to install a window and reintroduce a door in the Swan Street façade.
(m) External alterations to introduce new windows and doors to the east facing bottle shop and cool room walls.
(n) Materials and finishes including aluminium windows, glass balustrades, brick veneer and quiet stone panels.
(o) Rearrange the three car parking spaces to be directly accessed from Waverley Street.

Legislative Provisions

19. The amendment has been requested pursuant to Section 72 of the Planning and Environment Act 1987 [the Act]. Section 72 of the Act states:

> *(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
>
> *(2) This section does not apply to—*
> *(a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
> *(b) a permit issued under Division 6.*

20. The original planning permit PL06/0603 was issued on 21 December 2006 and was not issued at the direction of the Tribunal or under Division 6 of the Act.

21. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit. Accordingly, the relevant sections will be addressed in this report.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

22. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a retail premises is a section 1 use. As a tavern is nested under the broader definition of a retail premises, a planning permit is therefore not required to use the land for a tavern.

23. Under clause 34.01-4 of the Scheme, a planning permit is required for buildings and works.

Overlays

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

24. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a planning permit is not required. Clause 2.0 of Schedule 5 states a planning permit is not required to construct a building or construct or carry out works.

25. Clause 4.0 of Schedule 5 states that where a planning permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this Scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.

26. The schedule to Clause 66.06 requires notification of an application to be given to the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation (Vic Roads). However, as notification of previous amendments to this planning permit have been given to these authorities and no objections have been raised in the past, in the opinion of the Responsible Authority, the proposed amendment satisfies the authorities requirements. This discretion is permitted with Clause 66 of the Yarra Planning Scheme.

Heritage Overlay (Schedules 332 and 335)

27. 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.

28. The existing hotel on the eastern portion of the site is identified as a contributory building within the Swan Street Precinct as outlined in the incorporated document (*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015*). The bottle shop component located on the western portion of the site is identified as 'not contributory' to the Swan Street Precinct.

29. The rear third of the site is located within the Heritage Overlay (Schedule 332) which relates to the Richmond Hill Precinct. The balance of the site is located within the Heritage Overlay (Schedule 335) which relates to the Swan Street Precinct, Richmond.

Particular Provisions

Clause 52.06 – Car Parking

30. 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.

31. Pursuant to Clause 52.06-5, the car parking requirements for the proposed amendment are as follows:

Use:	Rate:	Additional patrons:	Spaces required:	Proposed:	Reduction sought:
Tavern	0.4 to each patron	150	60	0	**60**

32. With a shortfall of 60 car parking spaces, this application therefore seeks a reduction in the car parking requirement.

Clause 52.07 – Loading and Unloading of Vehicles

33. 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 tavern does not currently provide a loading bay on-site and no loading bay is proposed, a planning permit is required to waive these requirements.

Clause 52.27 – Licensed Premises

34. Pursuant to clause 52.27 (Licenced Premises) of the scheme, a planning permit is required to use land to sell or consume liquor if the number of patrons allowed under a licence is to be increased. The requirement to obtain a planning permit is therefore triggered.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1

35. Pursuant to Clause 52.29, a planning permit is required to create or alter access to a Road Zone, Category 1. Swan Street is a road in a Road Zone, Category 1 and the existing crossover to Swan Street will become redundant as a result of the proposed amendment. As such, the removal of the crossover results in altering the access to a Road Zone, Category 1 and triggers a planning permit requirement.

General Provisions

Clause 63 – Existing Uses

36. An existing use right is established in relation to use of land under this scheme if any of the following apply:
    (a) The use was lawfully carried out immediately before the approval date
    (b) Proof of continuous use for 15 years is established under Clause 63.11.

37. The existing use of the site as a tavern was lawfully established and has continued to the present. There is no question of existing use rights, given the continuous planning permits issued associated with the tavern, as detailed earlier in the report.

Clause 65 – Decision Guidelines

38. 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)

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

Clause 11.01 – Activity Centres

40. 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

41. The relevant objectives of this clause include:
    (a) To create a city structure that drives productivity, supports investment through certainty and creates more jobs.
    (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

42. The objective of this clause is:
    (a) To assist the control of noise effects on sensitive land uses.

Clause 15.01 – Urban Environment

43. 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.
    (d) To recognise and protect cultural identity, neighbourhood character and sense of place.

Clause 15.02 – Sustainable Development

44. 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

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

Clause 17.01 - Commercial

46. 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

47. 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

48. 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

49. The relevant objectives of this clause are:
    (a) To reduce potential amenity conflicts between residential and other uses.
    (b) To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
    (c) To maintain the long term viability of activity centres.
    (d) To increase the number and diversity of local employment opportunities.

Clause 21.05 – Built Form

50. 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, enhance and extend Yarra's fine grain street pattern.
    (d) To ensure that new development contributes positively to Yarra's urban fabric.
    (e) To enhance the built form character of Yarra's activity centres.

Clause 21.06 - Transport

51. 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

52. The relevant objective of this Clause is:
    (a) To promote environmentally sustainable development.

Clause 21.08 – Neighbourhoods

53. Clause 21.08-10 describes the central Richmond area (between Bridge Road and Swan Street) 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*.

54. Within Figure 23 of Clause 21.08-10, the subject site is identified as being within the Swan Street 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

55. 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.
    (f) To encourage the retention of 'individually significant' and 'contributory' heritage places.

Clause 22.05 – Interface Uses Policy

56. 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 22.09 – Licensed Premises

57. 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

58. The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 [the Act] by way of 365 letters sent to the surrounding property owners/occupiers and by three signs on the site. Six objections were received. The concerns raised in the objections can be summarised as:
    (a) Reduced safety.
    (b) Noise impacts.
    (c) Patron behaviour after leaving the premises.
    (d) Excessive increase in patrons.
    (e) Saturation of outdoor beer gardens.
    (f) Increase in car parking.
    (g) Increase in traffic.
    (h) Increase in pedestrian traffic.
    (i) Waste collection.

59. Following the advertising period, a consultation meeting was held on 26 April 2016. No resolution was reached at the meeting. However, the applicant submitted a Section 57A amendment on 25 July 2016 in response to feedback from Council officers, referral comments and objectors' concerns. The following main changes were made:
    (a) Revised acoustic report detailing additional acoustic measures, including an acoustic wall to the proposed beer garden.

60. The amended application was readvertised in August 2016 in accordance with Section 52 of the Act and no additional objections were received.

Referrals

External Referrals

VicRoads

61. The application was referred under Section 55 of the Act to the Roads Corporation (VicRoads) pursuant to Clause 52.29 as the proposal includes the reinstatement of a crossover to Swan Street, a road in a Road Zone, Category 1. VicRoads have verbally confirmed they are supportive of the reinstatement of the crossover, however their formal response was not available at the time of writing this report. It is expected that VicRoads formal response will be received prior to the Internal Development Approvals Committee meeting of 30 November 2016 and any conditions can be included at that time.

Internal Referrals

62. 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) Amenity enforcement.
    (c) Acoustic consultant.

OFFICER ASSESSMENT

63. The primary considerations for this assessment are as follows:
    (a) Strategic justification.
    (b) Built form and design and heritage impacts.
    (c) Amenity impacts.
    (d) Traffic, access and loading.
    (e) Objector concerns.

Strategic Justification

64. The subject site is located within the Commercial 1 Zone and within the Swan Street Major Activity Centre. The purpose of the Commercial 1 Zone includes creating vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The ongoing use of the land for the purpose of a tavern is therefore considered to be consistent with the zone provisions and appropriate for the site at 149-159 Swan Street, Richmond.

65. More broadly, the State and Local planning policy, at Clause 11.01, Clause 17.01-1 and Clause 21.04-2, seeks to encourage the aggregation and sustainability of commercial facilities in activity centres. These policies seek to cluster employment, entertainment and service functions within identified centres that meet the needs of local residents, providing that a balance is achieved in relation to off-site amenity impacts.

66. Clause 13.04-1, Clause 21.04-2 and Clause 22.05 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 400 metres of an activity centre.

67. The MSS, at Clause 21.04-2, 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. Furthermore, the site has excellent access to surrounding train, tram and bus networks, in accordance with relevant objectives found at Clause 21.06 relating to transport.

68. In relation to the proposed buildings and works, Clause 15.03-1 and Clause 21.05-1 seek to ensure the conservation of places of heritage significance and protect and enhance Yarra's heritage places. Council's local policy at Clause 22.02 provides further guidance on the assessment of additions and alterations to a heritage place.

69. From a policy context, it is considered that the proposed amendment is generally consistent with relevant provisions of the State and Local planning policy frameworks in relation to economic development, is suitably respectful of the identified heritage place and will not unreasonably impact on the orderly planning or amenity of the surrounding area, as outlined in further detail in the following sections of this report.

Built Form and Design and Heritage Impacts

General

70. The proposed development is generally consistent with the decision guidelines for buildings and works within the Commercial 1 Zone, including the consideration of the movement of pedestrians and vehicles and the provision of car parking which are discussed in more detail later in this report.

71. Additionally, the decision guidelines require the consideration of the streetscape. To Swan Street, the proposal introduces a new window facing Swan Street from the proposed bar area, a new entrance to replace an existing window and a 1.8 metre high glass balustrade to the proposed beer garden. The proposal will therefore activate the street, increase passive surveillance and will not have any unreasonable impacts on the streetscape. The proposal also provides sufficient areas for the storage of rubbish and recycling.

72. The proposed amendment will also result in the removal of the crossover to Swan Street. This further improves the public realm, removing a conflict point between pedestrians and vehicles along Swan Street.

73. Given the existing building's built form, the proposal poses no concerns in relation to defining the responsibility for the maintenance of buildings, landscaping and paved areas, while the subject site benefits from no immediate abuttal to a residential zone, removing any overlooking and overshadowing impacts. All appropriate utility services are available and connected to the existing building, while the design of the proposed beer garden does not impact on solar access.

Heritage Impacts

74. The assessment will be guided by the relevant decision guidelines at Clause 43.01 (Heritage Overlay) and the relevant local policy at clause 22.02 of the Scheme (Development Guidelines for Sites Subject to the Heritage Overlay).

Demolition

75. The level of demolition work associated with the proposed development is considered to comply with the decision guidelines of the Heritage Overlay when viewed in conjunction with the policy under Clause 22.02-5.1 relating to demolition. The extent of demolition is reasonable as the elements to be demolished are either part of the non-contributory building at 149-155 Swan Street or non-original fabric of the contributory building. The proposed demolition will not detract from the heritage values of the existing building or negatively affect the significance of the place.

Alterations and Additions

76. The retention of the majority of the original contributory building as viewed from Swan Street maintains the integrity of the heritage building. This level of retention also results in the proposed additions, located to the rear of the existing building being clearly distinguished from the contributory building when viewed from Swan Street. As the proposed additions and alterations are largely to the non-contributory building, the proposed use of contemporary materials and finishes for the alterations are considered appropriate for the site and will distinguish the original fabric of the contributory building from the new additions.

77. The amendment also proposes the removal of a window from the contributory building and the reinstatement of a door onto Swan Street in its location. This is considered appropriate as the window is not original fabric to the contributory building and the proposed reinstatement of the doors will return the opening to its original function.

78. Overall, the proposal will not have an unreasonable adverse impact on the heritage significance of the heritage place and will achieve a high level of compliance with the provisions of the Heritage Overlay and the local policy at Clause 22.02 and should be supported.

Amenity Impacts

Off-site Amenity Impacts

79. Clause 22.09 (Licensed Premises Policy) and Clause 52.27 (Licensed Premises) provide the relevant guidance in relation to considerations of the proposed sale and consumption of liquor on off-site amenity impacts, including cumulative impacts. Clause 22.09 of the Scheme is Council's local policy to guide the assessment of new or extended licensed premises within the municipality. It contains six key elements that will be considered in the following section.

22.09-3.1 – Location and Access

80. The subject site is located in a Commercial 1 Zone and the Swan Street Major Activity Centre, with a mix of both commercial and residential uses in close proximity. The site is also abutting the Swan Street tram line. The location is considered appropriate given the activity centre location, the tram line in front of the site and the close proximity of both Richmond and East Richmond train stations.

81. There is a main pedestrian entrance into the building from both Swan Street and Docker Street. Given the corner nature of the site, queuing can be managed along either street frontage. This area is considered sufficient to allow for an appropriate buffer zone and also for sufficient surveillance. Patron dispersal and movements from the site should therefore be contained along Swan Street and, to a lesser extent, Docker Street, both of which allow patrons easy access to catch taxis, trains or trams.

82. Toilet facilities are readily available for patrons within the building, as are smoking areas, which are available at ground floor level and in the proposed beer garden.

22.09-3.2 – Hours of Operation

83. This application does not seek to extend the current hours for the sale and consumption of liquor on the premises.

22.09-3.3 – Patron Numbers

84. The application seeks an increase of 150 patrons associated with the proposed bar area and beer garden, increasing the overall capacity of the venue from 360 to 510. Within the beer garden, a maximum of 100 patrons are proposed. It should be noted that no increase in patron numbers can be sought to the tavern after 1:00am due to the Victorian Government's freeze on new post-1:00am liquor licences being issued in the City of Yarra, City of Melbourne (including the Docklands), City of Port Phillip and City of Stonnington.

85. While a number of exemptions were introduced in June 2015 to allow liquor licenses after 1:00am, they do not apply to this application as the capacity already exceeds 200 patrons, therefore the proposed increase in patron numbers cannot apply after 1:00am. A condition of any planning permit that issues will restrict the patron numbers accordingly.

86. Council's compliance unit has reviewed the proposal and noted that there have been no recent amenity concerns with the existing use of the site. However, the application includes a beer garden and an increase in patron numbers which may have an impact to the amenity of the surrounding area.

87. Additionally, the venue will need to progressively reduce the number of patrons on the premises over the course of a night. This is a result of the earlier closing time that will apply to the proposed beer garden compared to the bar area, the limitation of increasing patron numbers after 1:00am and the current restriction on the liquor license limiting the number of patrons to 100 between 3:00am and 7:00am. The below table outlines the closing times and capacity for each time of the day:

Day	Beer Garden Closes	Remainder of the Premises* Closes	Capacity Until 1:00am	Capacity 1:00am-3:00am	Capacity 3:00am-7:00am
Monday	10:00pm	12:00 midnight	510	360	100
Tuesday	10:00pm	12:00 midnight	510	360	100
Wednesday	10:00pm	1:00am	510	360	100
Thursday	11:00pm	1:00am	510	360	100
Friday	12:00 midnight	1:00am	510	360	100
Saturday	12:00 midnight	1:00am	510	360	100
Sunday	11:00pm	11:00pm	510	360	100

*With the exception of the gaming room and bistro/lounge area which can operate at any time on any day except for the period between 3:00am and 12:00 noon on ANZAC Day as per the current liquor license trading hours.

88. This staggering of closing times and gradual reduction in patron numbers should result in a gradual dispersal of patrons that will assist in reducing the off-site amenity impacts and ensure that all patrons are not leaving the venue at the same time, limiting potential anti-social behaviour outside of the venue.

89. Overall, the proposed increase in patron numbers does not exceed the safe operating capacity of the premises and will not unreasonably affect the amenity of the surrounding area, subject to the recommended conditions.

22.09-3.4 – Noise

90. The noise and amenity action plan (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 planning permit that issues. In regards to managing amplified music, the NAAP outlines the following measures to minimise the possible impact on nearby residents:
    (a) Management personnel to monitor the behaviour of patrons utilising the area.
    (b) Management personnel to use their best endeavours to ensure patrons leave the premises in an orderly manner and that no patrons associated with the venue congregate in the surrounding area.
    (c) No amplified or loud music will be played in the proposed beer garden.
    (d) Compliance with the recommendations I the acoustic report submitted with the application.
    (e) Compliance with existing conditions on the liquor license,

91. In addition to the NAAP, an acoustic report was submitted with the application demonstrating compliance with the relevant EPA requirements, notably SEPP N-1 and N-2 which control commercial noise and music from public premises. Measures incorporated in the proposed amendment to minimise noise impacts include the 3 metre high acoustic wall and an airlock to keep noise within the venue during entertainment.

92. The acoustic report was reviewed by Council's acoustic consultant, who noted the acoustic report prepared for the proposed amendment generally addresses the issue of noise impacts. Overall, through the measures outlined in the NAAP, compliance with the acoustic report and limiting the operating hours of the proposed beer garden, the proposal is not expected to unreasonably impact on the surrounding area through the emission of noise.

Clause 22.09-3.5 – Car Parking

93. As mentioned previously, this application seeks a reduction in the car parking requirement. This is discussed in more detail under the heading of car parking reduction later in this report.

Clause 22.09-3.6 – Noise and Amenity

94. Many of the requirements of clause 22.09-3.6 of the Scheme in relation to the provision of a NAAP are addressed in other sections of this report. The provisions within the submitted NAAP are considered appropriate to manage the extended operation of the tavern without causing undue detriment to the amenity of the area. Measures to minimise amenity impacts of the proposal as indicated in the NAAP that are not addressed elsewhere in this report include:

    (a) The NAAP states that in the event of complaints being made against the venue either by a member of the public, the police, an authorised officer of Council or an officer of the liquor licencing authority, a manager will be on the premises during all operating hours to receive and deal with complaints.
    (b) The applicant has stated that adequately trained staff, including security staff and a manager would be on site, as appropriate. All bar staff will be trained in a relevant 'Responsible Service of Alcohol' program.
    (c) Additional lighting will be required as part of the proposed beer garden. A balance between designing for safety and avoiding nuisance will be achieved in the design of any security light strategy.

Cumulative Impacts

95. The decision guidelines set out in Clause 52.27 of the Yarra Planning Scheme require consideration of the following:
    (a) The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
    (b) The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
    (c) The impact of the hours of operation on the amenity of the surrounding area.
    (d) The impact of the number of patrons on the amenity of the surrounding area.
    (e) The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

96. In relation to the first dot point, the proposal has been assessed against all relevant provisions of the State and Local Planning Policy Framework as discussed throughout this report and is considered to be generally consistent with relevant provisions.

97. In addition to Council's licensed premises policy (Clause 22.09), it is necessary to give consideration to potential cumulative impacts associated with a proposal for a new or expanded 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.

98. Since the “Corner Hotel” decision, Council has developed an assessment tool to determine the likelihood of cumulative impacts occurring as a result of a proposal based on risk factors associated with the type of premises, size of premises and closing hours of the premises, to help determine what level of assessment is appropriate.

99. It is considered that a cumulative impact assessment is warranted for this application, as the proposal scores a seven on the determinative risk factors. Applying the matrix of risk below, a reasonable consideration would suggest that a score of one to three would be no risk, but that a score higher than three 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	1
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

100. The subject site operates as an existing licenced premise with additional patrons sought on the proposed bar and beer garden. As discussed above, the site is within a Commercial 1 Zone and in the Swan Street Major Activity Centre, adjacent to a road in a Road Zone, Category 1 with a tram line. There is no change to the overall hours of operation.

101. Additionally, Practice Note 61 – Licensed Premises: Assessing Cumulative Impact provides further guidance on assessing the cumulative impact of a licensed premise. The practice note applies to new or expanded licensed premises that will be licensed after 11:00pm and in an area where there is cluster of licensed premises. The proposal seeks to increase the patron numbers and operates after 11:00pm. The site is also located within a cluster of licensed premises. As such, a cumulative impact assessment is also required under the criteria set by the Practice Note.

102. A review of the density of licensed premises in an area, the mix and type of licensed premises and existing amenity levels has been undertaken. The Swan Street Major Activity Centre contains a wide range of commercial and entertainment uses. The precinct contains in excess of 40 licensed premises within 500 metres (radius) of the subject site. The Swan Street precinct contains a high concentration of licensed premises, predominantly comprising late night venues, but also including a high concentration of restaurants and cafes, many of which are only open during daytime trading hours.

103. Given the zoning of the land, its location within the Swan Street Major Activity Centre and the existing level of activity during both daytime and night time trading hours, the amenity of dwellings within the area cannot reasonably be expected to be of the same level as dwellings located within a residential hinterland. Furthermore, the amenity of these dwellings is already likely to be affected by existing noise sources including traffic and transport services on Swan Street, the Richmond train station and commercial uses operating along Cremorne Street.

104. The proposed expansion of the existing use is not considered to result in any significant off-site amenity impacts, particularly given the location of the site adjacent to an arterial roadway and both light and fixed rail public transport and its physical separation from residential land uses to the north.

105. Additionally, all patrons leaving the site from the proposed beer garden will exit onto Swan Street through the proposed new entry/exit point shown on the proposed ground floor plan. Patrons are therefore unlikely to enter the nearby residential area due to the availability of public transport, taxis and public car parking located along Swan Street. It is also relevant that permit parking applies in the nearby residential area which discourages patrons from entering and parking within residential areas.

106. Overall, it is anticipated that the venue's potential to contribute to a negative cumulative impact will be limited, provided that the conditions discussed throughout this report aimed at minimising any off-site amenity impacts are applied to any planning permit that issues and the recommendations contained within the acoustic report are complied with.

Traffic, Access and Loading

107. Pursuant to Clause 52.06 of the Scheme, a reduction of 60 car parking spaces is sought in association with the increase of a maximum 150 patrons.

108. As detailed earlier in the report, a reduction in the reliance on the private motor vehicle is one of the broader strategic objectives of Council's Municipal Strategic Statement. Allowing for a reduction in the car parking provision to new or expanding development can assist in achieving this objective. However, the proposed reduction will be subject to a more detailed assessment below.

109. The applicant’s traffic consultant prepared a travel mode survey for the premises, which indicated that between 11 and 23 per cent of patrons would arrive as a driver of a private vehicle depending on the time of day. Applying those rates per patron, the proposed increase in patron numbers would likely generate a demand of between 16 and 34 additional car parking spaces. The traffic consultant has further assumed that around 50 per cent of trips to the hotel would be multi-purpose trips, thus reducing the rates by half.

110. Council’s engineering services unit consider a more conservative rate for patron car parking would be around 0.15 spaces per patron, a rate that is consistent with other travel mode studies reviewed in the past. By adopting this rate, the car parking for the 150 patrons would equate to 22 spaces. Council’s Engineering Services Unit agrees that the tavern would not operate at full capacity on most occasions.

111. Council's Engineering Services Unit have noted that the tavern is positioned within the Swan Street Major Activity Centre and that it is highly likely that patrons would already have parked in the area and be engaged in other activities or business. The site also has excellent exposure to high pedestrian numbers and much of the tavern's source of patrons would be pedestrians. The site also has good connectivity to the on-road bicycle network.

112. Additionally, the site is very well positioned in terms of public transport services, with tram services operating along both Swan Street and Church Street. Bus services are available along Punt Road and rail services can also be obtained from both Richmond and East Richmond train stations.

113. Council's traffic engineers commented that whilst parking levels are very high in the area, the time based parking controls in the surrounding streets and their enforcement would ensure that parking turns over and provide some opportunity for visitors to park on-street. The expected short stay car parking demand of the development (around 22 car parking spaces) can therefore be accommodated on-street. The peak car parking demand will only occur when the tavern is operating at full capacity.

114. The site has very good access to public transport and the on-road bicycle network, as outlined previously. Patrons would be inclined to use alternative transport modes as the site is licensed. The stringent enforcement of drink driving laws would influence patrons to travel responsibly to the venue (e.g. public transport, taxi, private driver service, etc.) if they intend to imbibe alcohol. The amendment also retains the three existing car parking spaces accessed from Waverley Street and there is no loss of on-street car parking resulting from the proposed crossovers to Waverley Street with a bicycle lane located on the eastern side of the street.

115. From a traffic engineering perspective, Council's Engineering Services Unit have concluded that the waiver of the car parking requirement for the tavern is considered appropriate in the context of the development and the surrounding area. The car parking demand associated with this site should not adversely impact on existing car parking conditions in the area. The high pedestrian volumes in the Swan Street Major Activity Centre and the easy accessibility to public transport services are major factors in reducing the number of parking spaces required for the development.

116. For the reasons provided, it is considered that a reduction in the car parking requirement is consistent with the purpose of Clause 52.06 and is supported. Council's traffic engineers have recommended the car parking spaces be a minimum length of 5.4 metres. A condition contained in the recommendation ensures this will be shown on amended plans.

117. The proposal also seeks a waiver of the loading bay requirement. Given the site has never historically had an on-site loading bay and the location of on-street loading bays on Swan Street approximately 50 metres to the east and 70 metres to the west, the waiver of the loading bay requirement is considered acceptable in this instance.

Objector Concerns

118. The majority of the issues which have been raised by the objectors have been addressed within this report, as outlined below:
    (a) Noise impacts (paragraphs 90-92 and 94).
    (b) Patron behaviour after leaving the premises (paragraph 105).
    (c) Excessive increase in patrons (paragraphs 84-89).
    (d) Increase in car parking (paragraphs 107-116).

119. Outstanding concerns raised in the objections are discussed below, and relate to:
    (a) Reduced safety.
    Council's Civic Compliance Coordinator has noted that no recent amenity concerns have been received in relation to 149-159 Swan Street.

Additionally, compliance with the noise and amenity action plan should ensure the premises is operated so to minimise any off-site amenity impacts and the safety is not compromised in the surrounding area.

(b) Saturation of outdoor beer gardens.

The use of the land as a tavern is as of right under the provisions of the Commercial 1 Zone. The purpose of the zone encourages a range of land use activities. That there are similar developments to that proposed in proximity of the site is not adequate justification to refuse the application. The decision guidelines of the Planning Scheme and the *Planning and Environment Act 1987* require the consideration of the cumulative impacts of licensed premises, which is discussed in earlier sections of this report (paragraphs 95-106).

(c) Increase in traffic.

Council's Engineering Services Unit has not raised any concerns relating to an increase in traffic from the proposed increase in patron numbers. Additionally, the proposal includes the removal of the drive-thru bottle shop, which previously allowed vehicles to enter and exit the site onto Waverley Street, a local street. The removal of the drive-thru bottle shop will therefore reduce the number of vehicles using Waverley Street to access or egress the drive-thru bottle shop.

(d) Increase in pedestrian traffic.

Council's MSS encourages alternative forms of personal transport, including walking, and the surrounding infrastructure is able to accommodate any increase in pedestrians as a result of the proposed amendment. In relation to pedestrian safety, the proposal removes a crossover to Swan Street, removing a conflict point between pedestrians and vehicles. Patron behaviour outside the venue has been covered in earlier sections of this report (paragraph 105).

(e) Waste collection.

The collection of waste from the premises will continue as per the existing arrangements. Nevertheless, the collection of trade waste must comply with Council's General Local Law Clause 58.1 which states that a person must not without a permit, deliver or collect goods or provide a service to a commercial enterprise or allow a refrigeration unit mounted on a vehicle to run after 10:00pm on any day; before 7:00am on a Monday to Saturday (inclusive); and before 9:00 am on a Sunday or public holiday.

Conclusion

120. The proposed amendment is considered to demonstrate a high level of compliance with the policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposed amendment will not result in unreasonable impacts on the surrounding area through the implementation of the NAAP, compliance with the recommendations in the acoustic report and restrictions on operating hours and patron numbers.

121. Based on the above report, the proposed amendment is considered to comply with the relevant Planning Scheme provisions and planning policy and is therefore supported, subject to conditions outlined in the recommendation below.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL06/0603.05 for Part demolition, buildings and works to extend the ground floor tavern into the bottle shop building and convert the drive-thru component into a beer garden, an increase in patron numbers from 360 to 510 patrons, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street at 149-159 Swan Street, Richmond, subject to the following changes to the permit preamble and the following conditions:

Permit Preamble

Current:
Develop the land for the purpose of a smoker courtyard, vehicle doors for the drive thru bottle shop, external staircase including the reduction of the required car spaces, reduction of the loading bay requirements, partial demolition, buildings and works and the construction and display of internally-illuminated promotion signage.

Proposed:
Develop the land for the purpose of a smoker's courtyard, extension of the bar into the bottle shop building and conversion of the drive-thru to a beer garden, buildings and works, part demolition, the display of internally illuminated promotional signage, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street.

Conditions (amended or new conditions in bold)
Amended Plans

1. Before the use and/or development approved in amendment PL06/0603.05 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 planning 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 14 October 2016) but modified to show:
   (a) The car parking spaces with a minimum length of 5.4 metres.
   (b) The vehicle crossing to Swan Street removed.

2. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

4. The signs must not include any flashing or intermittent light.

5. Prior to the erection of signage authorised by this permit, the following signs must be removed:
   (a) All signage indicated on Plan TP04 as 'to be removed').

VicRoads (Condition 6 and 7)

6. The signs must not be flashing or reflective.

7. The luminance of the advertising signs must be such that they do not give a veiling luminance (to the driver) greater than 0.25cd/m2 while approaching the advertising sign.

8. The signage component of this permit expires 15 years from the date of the permit.

9. This permit will expire if the sign is not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Acoustic Report

10. The provisions, recommendations and requirements of the endorsed acoustic report prepared by Audiometric and Acoustic Services and dated 7 October 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.

11. No loud speakers are to be permitted on the exterior of the building or in the smoking areas.

12. 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.

13. Car parking spaces must be maintained at all times to the satisfaction of the Responsible Authority and must not be used for any other purpose, except with the written consent of the Responsible Authority.

14. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.

15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Noise and Amenity Action Plan

16. The provisions, recommendation and requirements of the endorsed noise and amenity action plan received by Council on 14 October 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.

17. Background music only is allowed in the proposed beer garden until 10:00pm. No music is allowed in the proposed beer garden after 10:00pm.

18. The proposed beer garden approved by this planning permit may only operate between the following hours:

(a)	**Sunday**	**10:00am to 11:00pm**
(b)	**Good Friday and ANZAC Day**	**12:00 noon to 11:00pm**
(c)	**Monday to Wednesday**	**7:00am to 10:00pm**
(d)	**Thursday**	**7:00am to 11:00pm**
(e)	**Friday and Saturday**	**7:00am to 12:00 midnight**

19. No more than 510 patrons are permitted on the land at any one time between 7:00am and 1:00am the following day.

20. No more than 100 patrons are permitted within the proposed beer garden at any one time.

Civil Works

21. Within two (2) months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Swan Street must be demolished and re-instated as standard footpath and kerb and channel:

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

22. Within two (2) months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Waverley Street footpath for the width of the property frontage and the reconstruction of the concrete kerb and channel from the property's northern boundary to Swan Street if required by the Responsible Authority):

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

23. 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.

24. 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.

Permit Expiry

25. This amended planning permit will expire if:

(a) the development is not commenced within two years of the date the amended planning permit PL06/0603.05 was approved;
(b) the development is not completed within four years of the date the amended planning permit PL06/0603.05 was approved; or
(c) the use is not commenced within five years of the date the amended planning permit PL06/0603.05 was approved.

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.

NOTE: These premises are required to comply with the *Food Act 1984.* No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5166

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air-conditioning units, solar panels and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

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

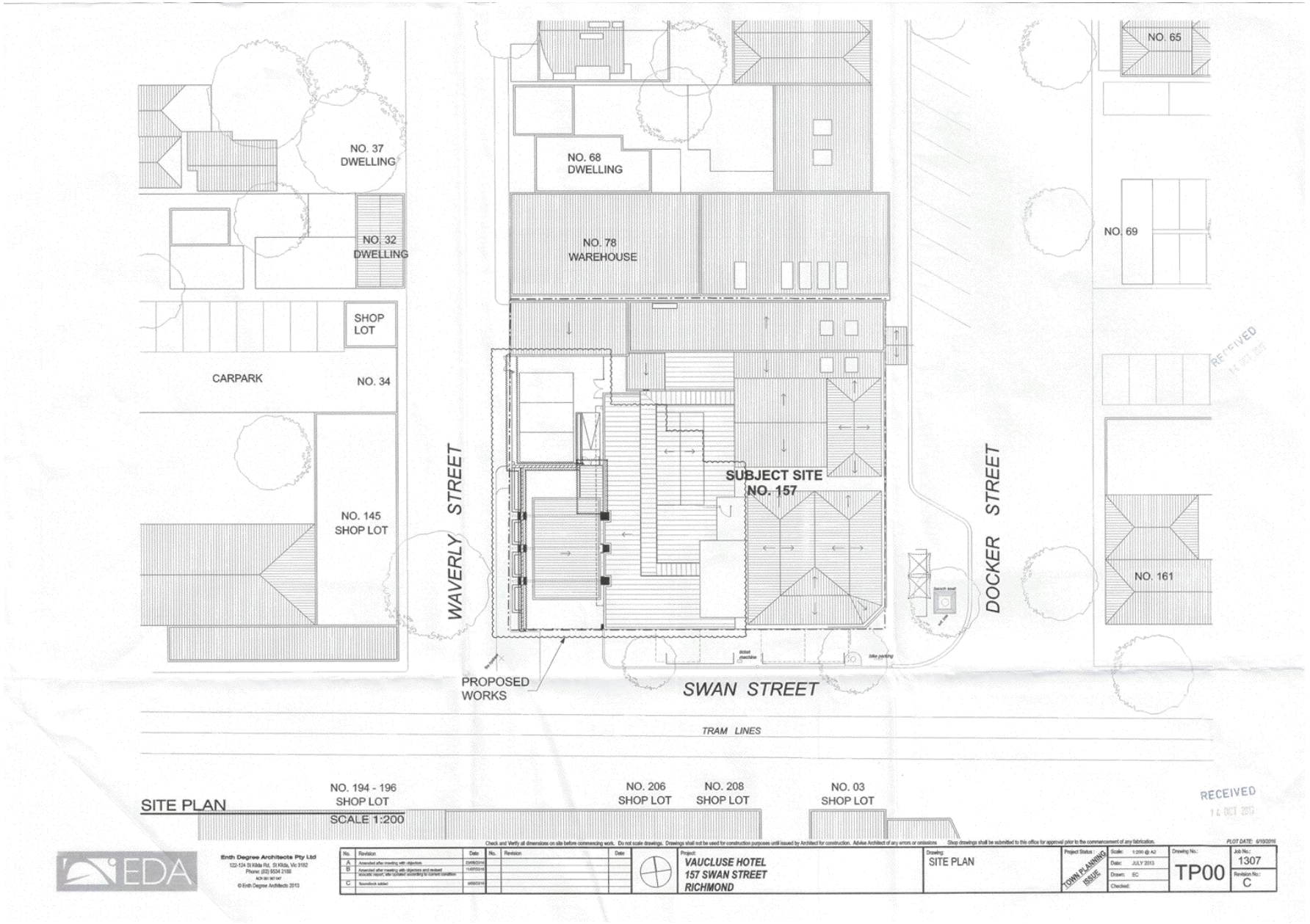
NOTE: Storm water drainage of the property must be provided to the nearest Council pit.

CONTACT OFFICER: **Nikolas Muhllechner**
TITLE: **Principal Statutory Planner**
TEL: **9205 5373**

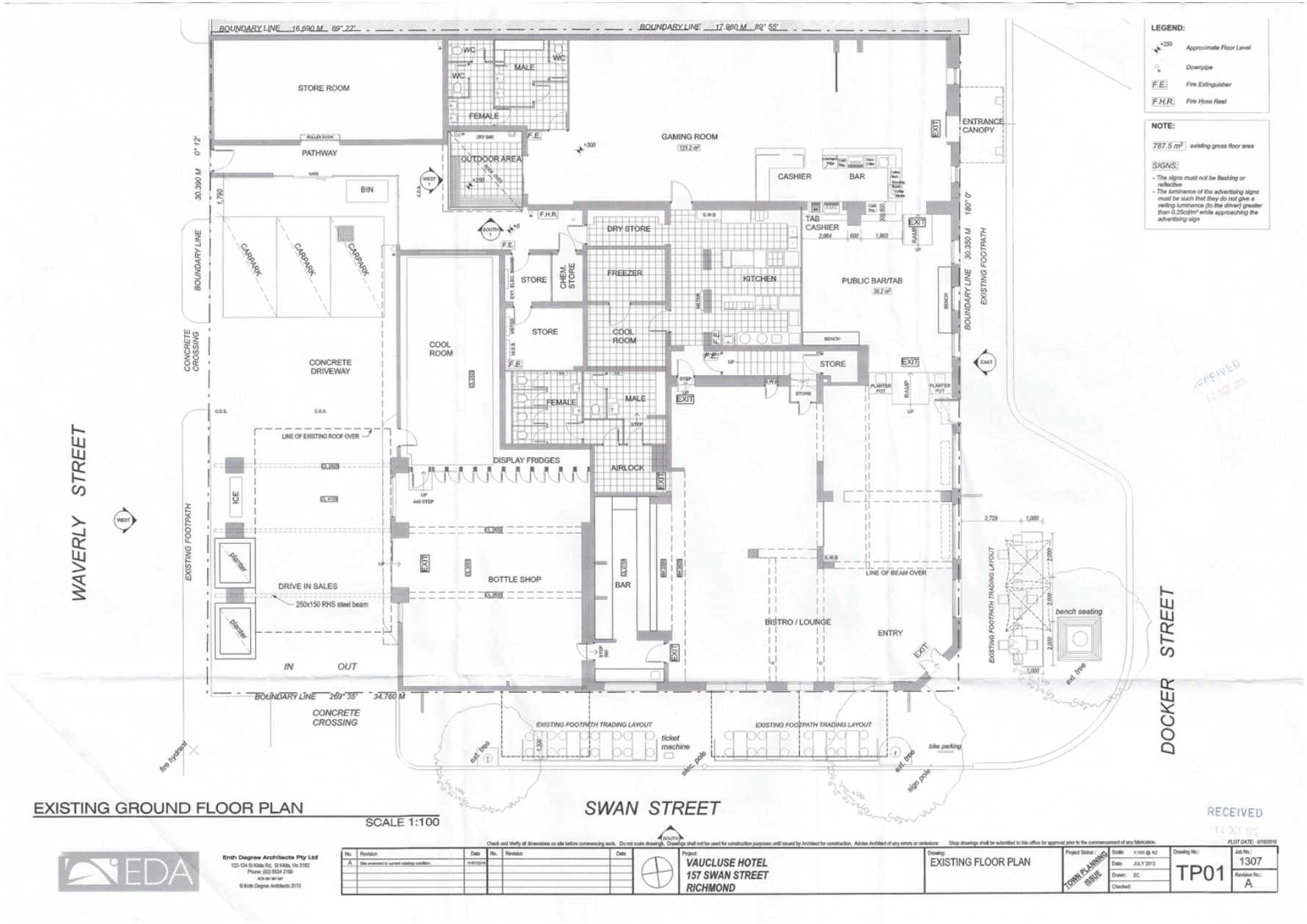
Attachments

1 PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans
2 PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic Report
3 PL06/0603.05 - 149-159 Swan Street Richmond - Noise and Amenity Action Plan
4 PL06/0603.05 - 149-159 Swan Street Richmond - Engineering services unit comments
5 PL06/0603.05 - 149-159 Swan Street Richmond - Amenity Enforcement Referral Comments
6 PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



EXISTING GROUND FLOOR PLAN

SCALE 1:100

Enth Degree Architects Pty Ltd
122-124 St Kilda Rd, St Kilda, Vic 3182
Phone: (03) 9534 2166
ACN 061 867 647
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No.	Revision	Date
A	Site amended to current existing condition.	11/07/2016

Project: VAUCLUSE HOTEL
157 SWAN STREET
RICHMOND

Drawing: EXISTING FLOOR PLAN

Project Status: TOWN PLANNING ISSUE

Scale: 1:100 @ A2
Date: JULY 2013
Drawn: BC
Checked:

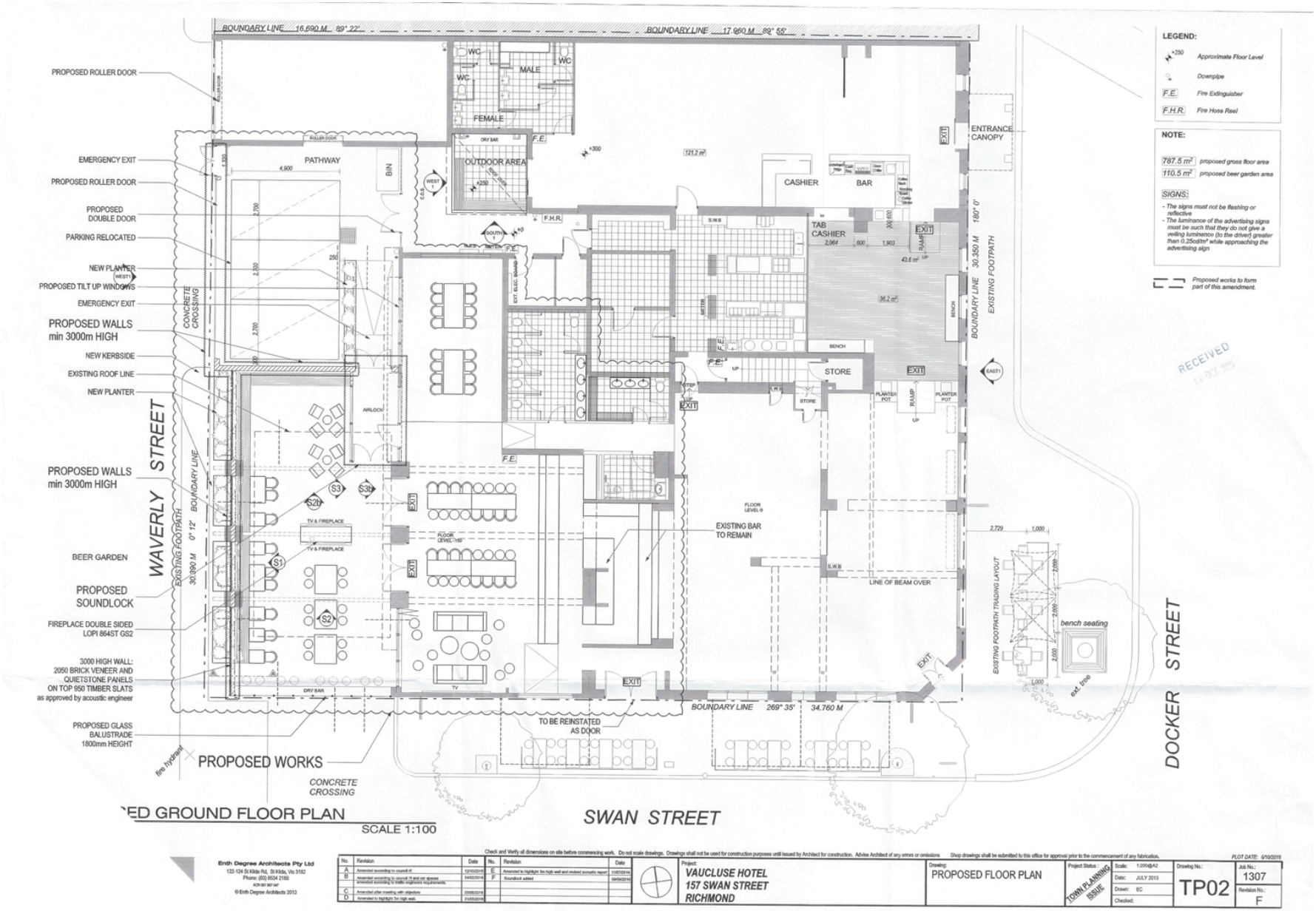
Drawing No.: TP01

Job No.: 1307

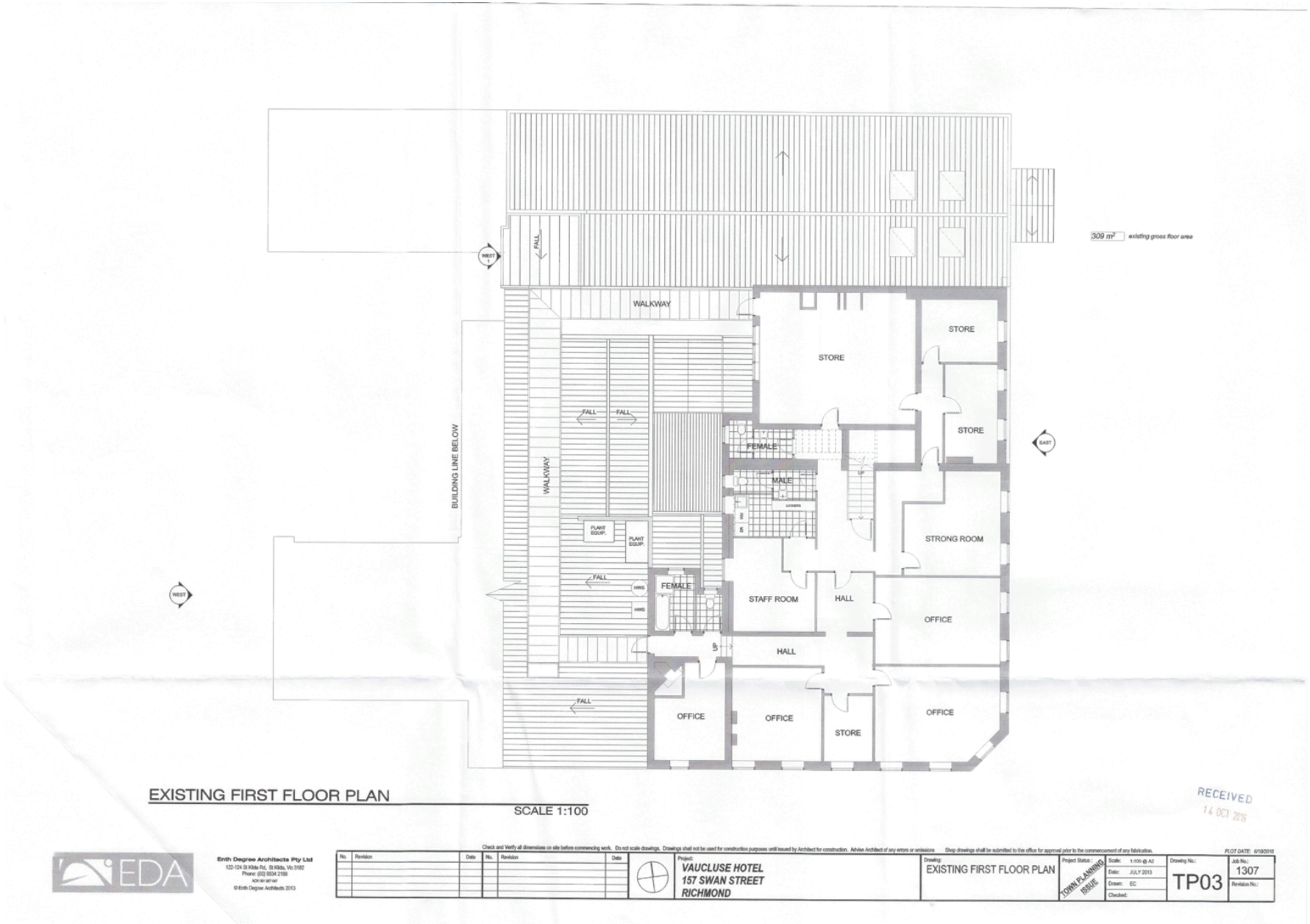
Revision No.: A

PLOT DATE: 6/10/2016

Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



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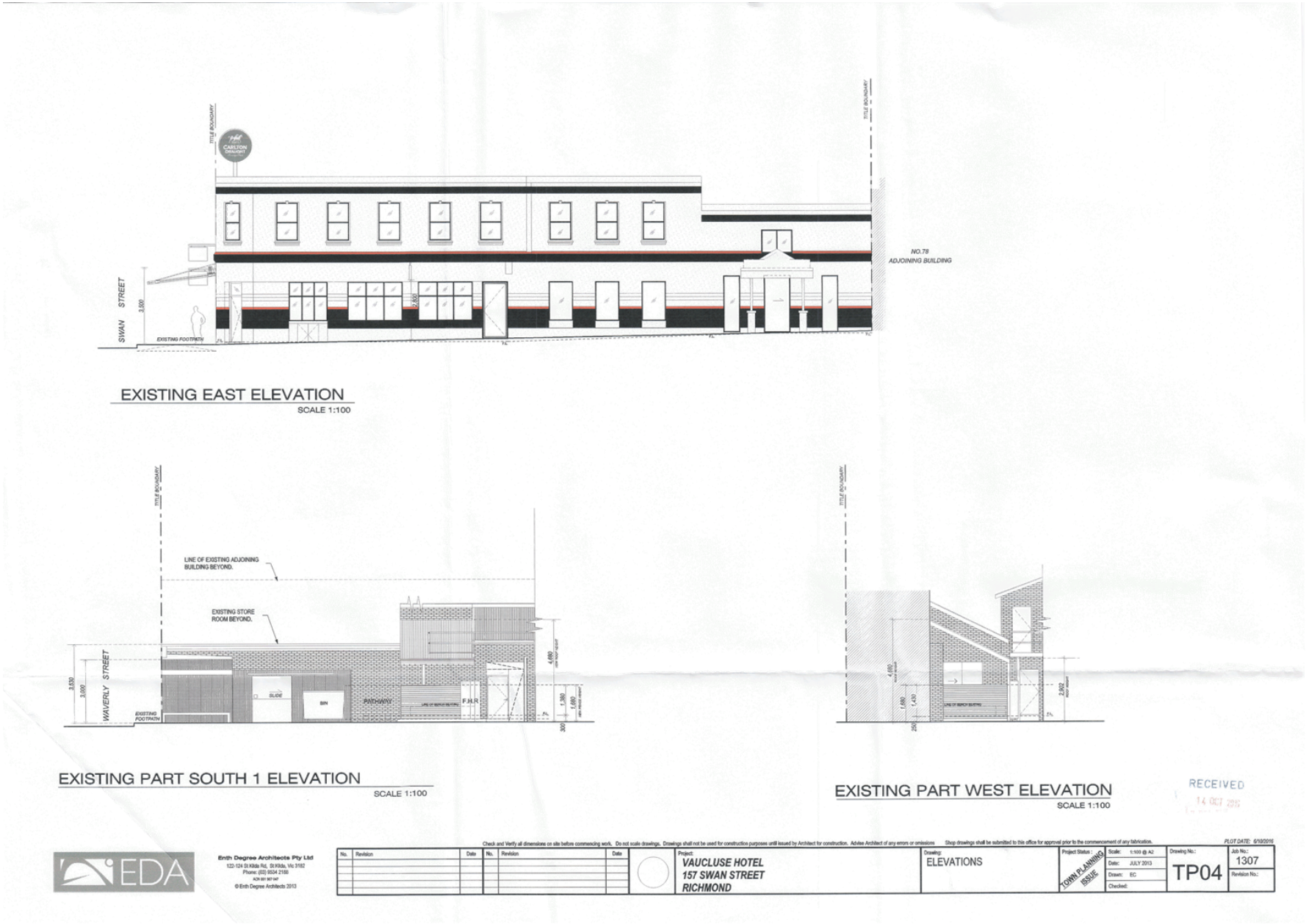

Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans

EXISTING SOUTH ELEVATION

SCALE 1:100

EXISTING WEST ELEVATION

SCALE 1:100

RECEIVED
14 OCT 2016

EDA

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Check and Verify all dimensions on site before commencing work. Do not scale drawings. Drawings shall not be used for construction purposes until issued by Architect for construction. Advise Architect of any errors or omissions. Shop drawings shall be submitted to this office for approval prior to the commencement of any fabrication.

PLOT DATE: 6/10/2016

No.	Revision	Date	No.	Revision	Date

Project: VAUCLUSE HOTEL
157 SWAN STREET
RICHMOND

Drawing: ELEVATIONS

Project Status: TOWN PLANNING ISSUE

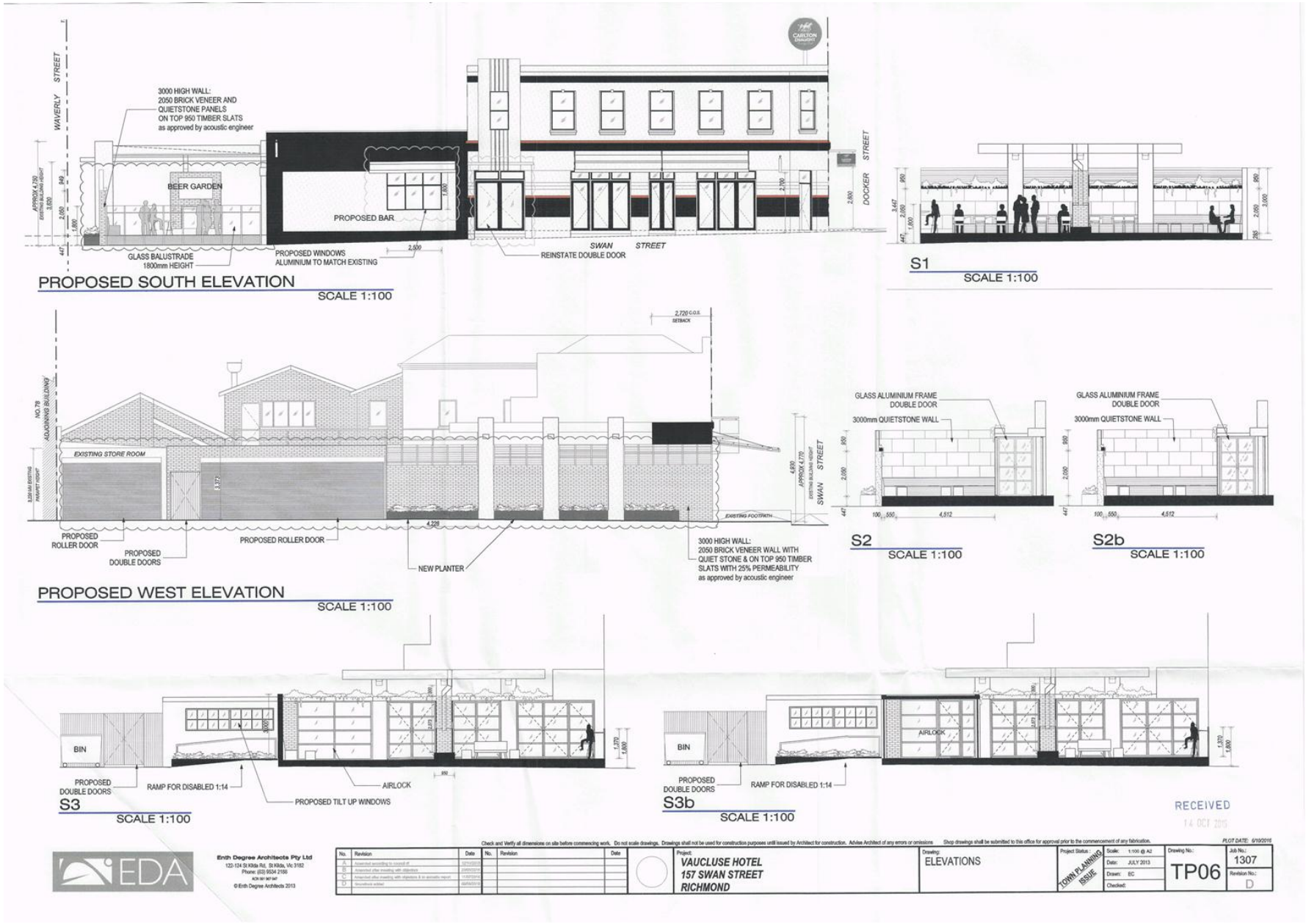
Scale: 1:100 @ A2
Date: JULY 2013
Drawn: EC
Checked:

Drawing No.: TP05

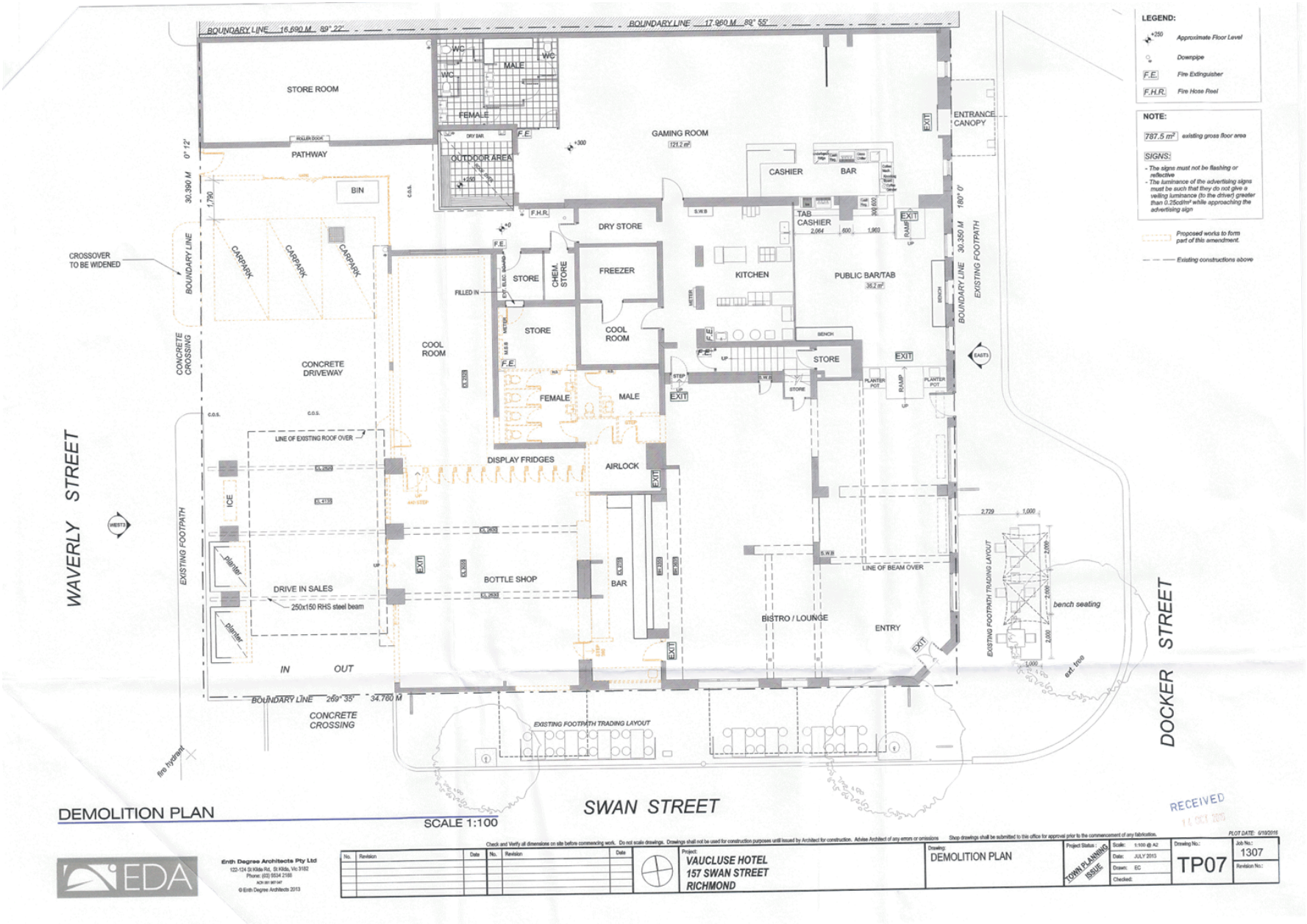
Job No.: 1307

Revision No.:

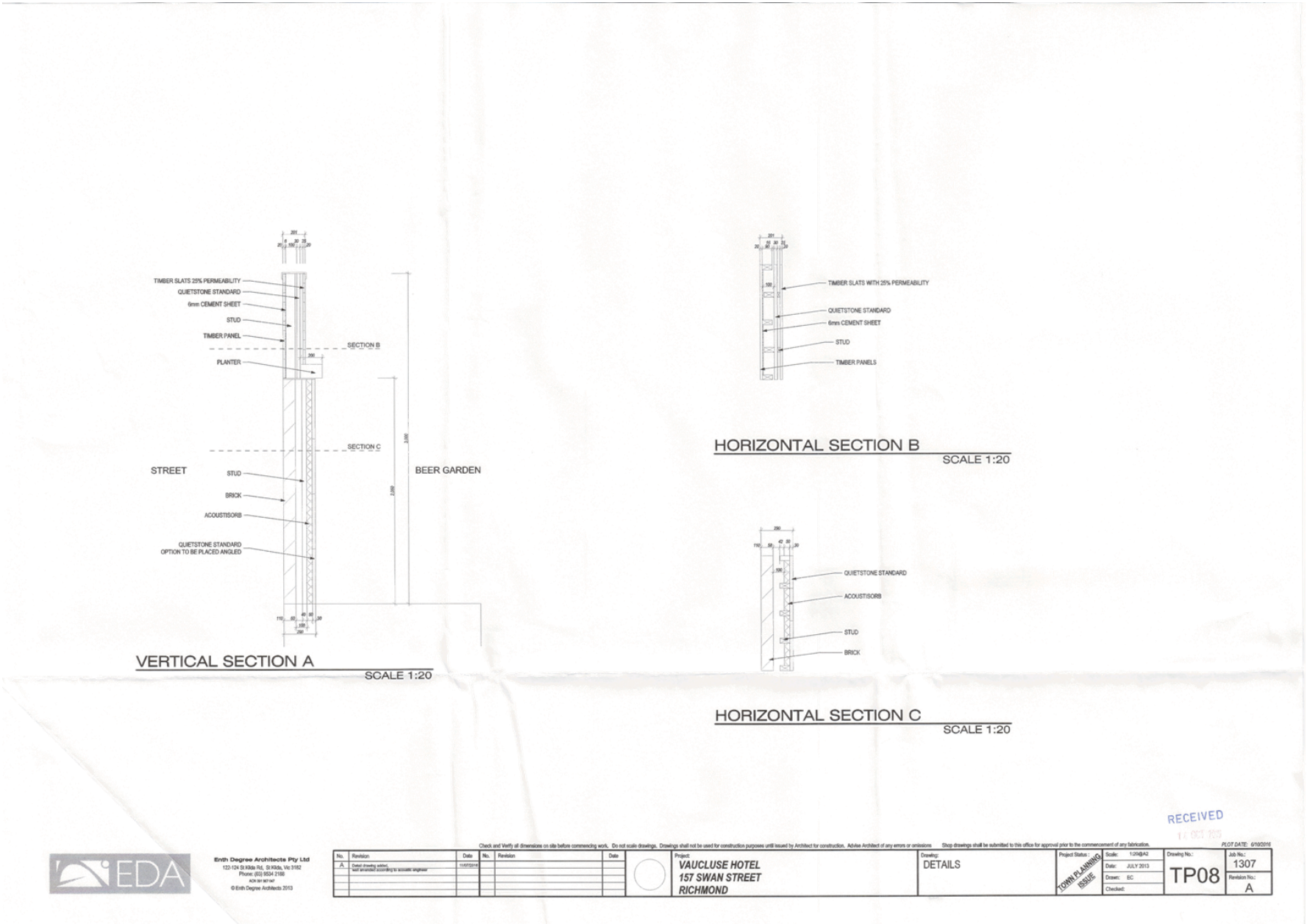
Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



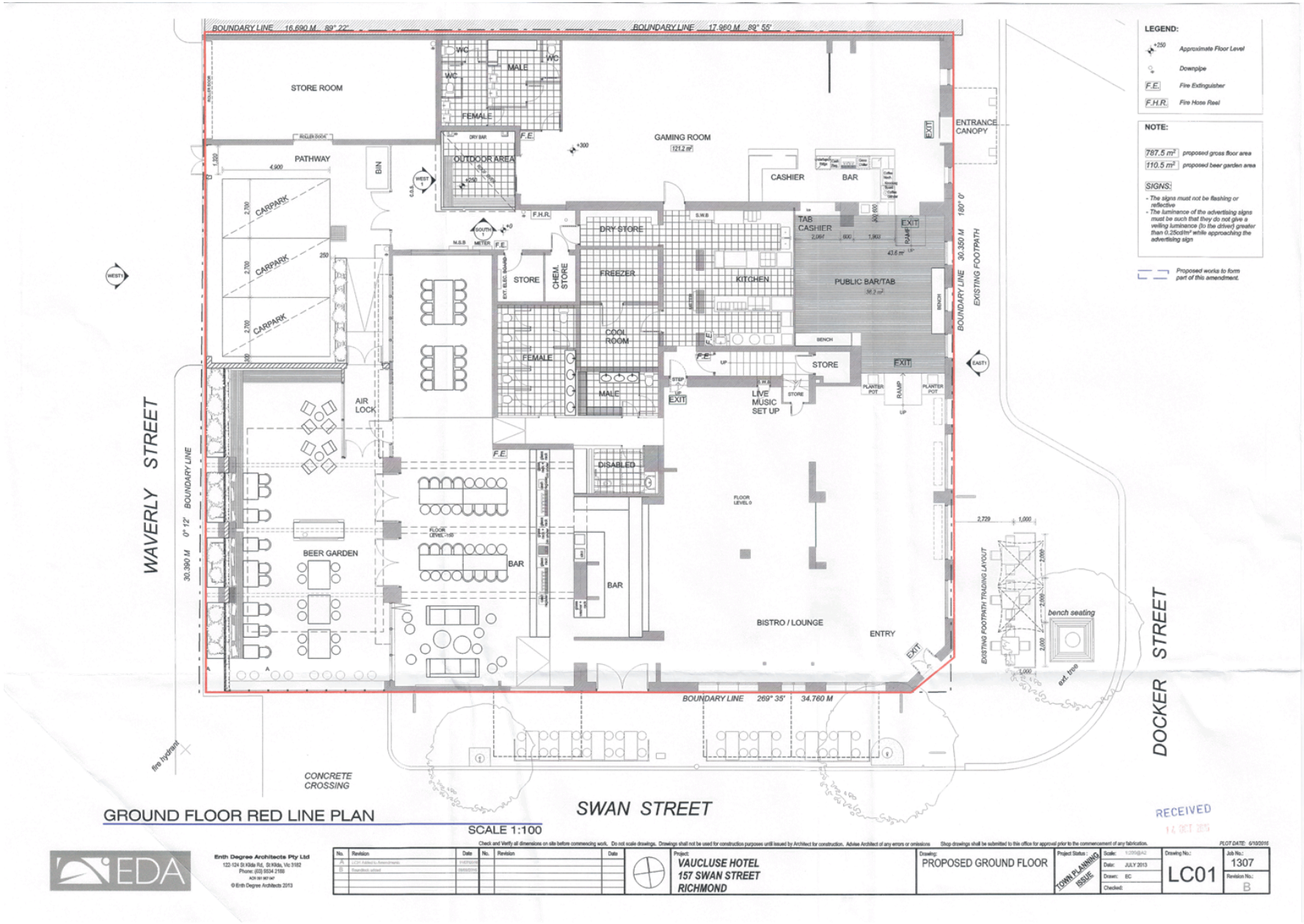
Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



GROUND FLOOR RED LINE PLAN

SCALE 1:100

RECEIVED

Enth Degree Architects Pty Ltd
122-124 St Kilda Rd, St Kilda, Vic 3182
Phone: (03) 9534 2188
ACN 061 867 647
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No.	Revision	Date
A	VCAT Added to Amendments	14/07/2016
B	Town Planning Issue	06/09/2016

Project: VAUCLUSE HOTEL
157 SWAN STREET
RICHMOND

Drawing: PROPOSED GROUND FLOOR

Project Status: TOWN PLANNING ISSUE

Scale: 1:200@A2
Date: JULY 2013
Drawn: EC
Checked:

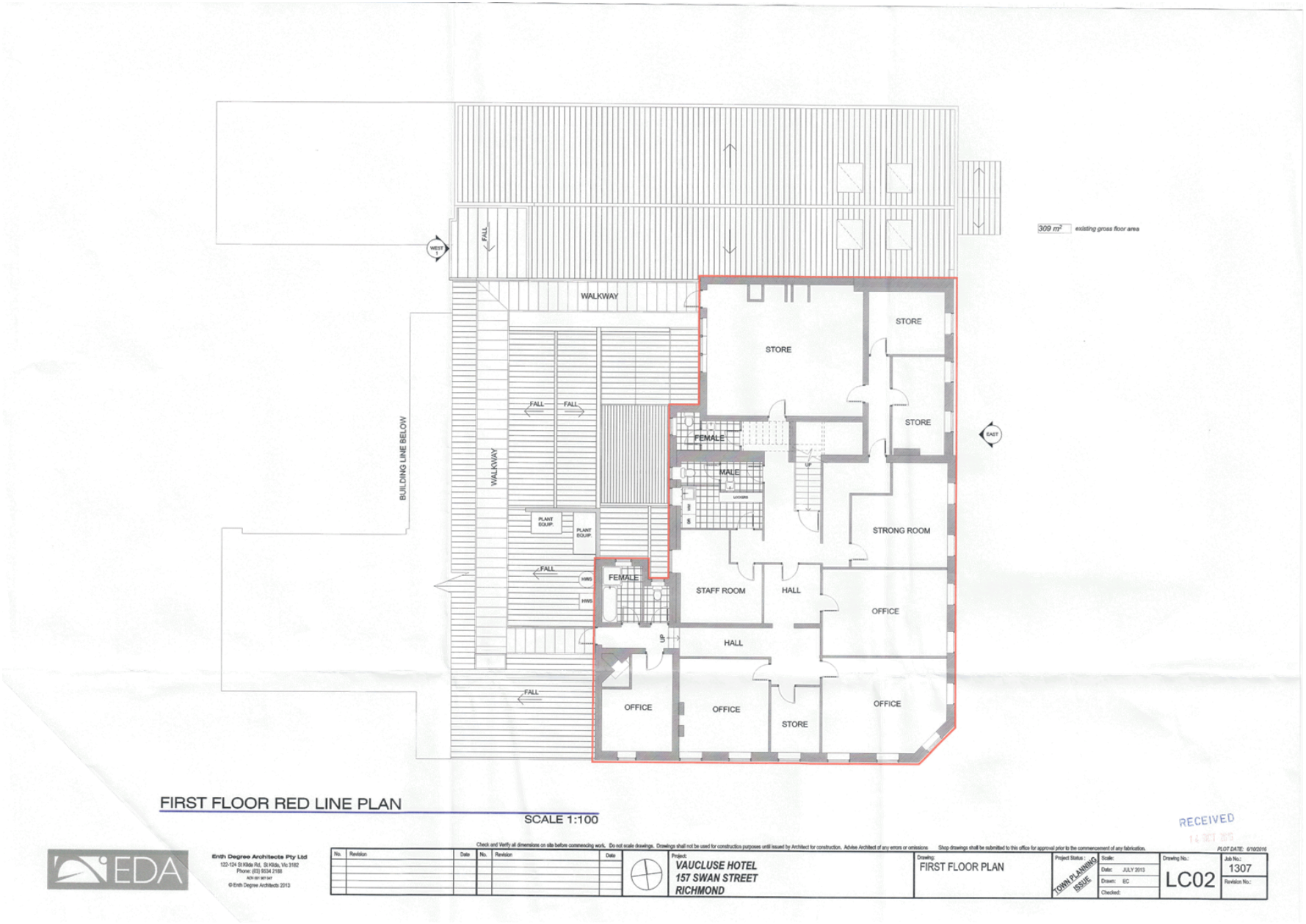
Drawing No.: LC01

Job No.: 1307

Revision No.: B

PLOT DATE: 6/10/2016

Attachment 1 - PL06/0603.05 - 149-159 Swan Street Richmond - Decision Plans



Attachment 2 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic Report

HEAR DATA PTY LTD ABN 39 006 317 924 Trading as
AUDIOMETRIC & ACOUSTIC SERVICES
Telephone: (03) 9817 5517 28 Hilda Street, Balwyn, Victoria, 3103 Facsimile: (03) 9817 5411
Email: noiseconsult@bigpond.com

7th October, 2016 Ref. 5099.3

Title: Revision of Assessment of proposed Beer Garden area at The Vaucluse Hotel located at 157 Swan St, Richmond re compliance with SEPP N1 and SEPP N-2 (Music) and Patron Noise to address issues raised in the Marshall Day Acoustics peer review (Reference Lt 001 2016146ML_Peer Review_Acoustics_Vaucluse Hotel_157 Swan Street, Richmond).

Brief: Assess and calculate noise levels relating to proposed Beer Garden area and provide recommendations where needed re compliance with SEPP N1 and SEPP N-2 (Music) and Patron Noise including feedback from the Peer Review.

Client: T.A.G. Constructions Pty. Ltd.
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430 – 436 Sydney Road
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Designers: Enth Degree Architects
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St Kilda 3182

Contacts: Esther Choi – Enth Degree Architects
Ph: (03) 9534 2188
E: esther@enth.com.au

Documents Provided: Lt 001 2016146ML_Peer Review_Acoustics_Vaucluse Hotel_157 Swan Street, Richmond. Dated 22 April 2016. Prepared by Simon McHugh.

TP02 PROPOSED FLOOR PLAN - received 31/5/16
TP04-06 ELEVATIONS - received 31/5/16
NAAP Vaucluse - received 6/10/16
TP08 DETAILS – received 20/7/16
TP00 SITE PLAN – received 12/9/16
TP02 PROPOSED FLOOR PLAN – received 12/9/16
TP06 ELEVATIONS – received 12/9/16

Attachment 2 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic Report

Report Ref 5099.3

1.0 Introduction

This firm was requested to test and make recommendations associated with possible noise from the proposed beer garden area and adjacent bar at The Vaucluse Hotel located at 149-159 Swan St, Richmond. The amendment application # PL06/0603.05 issued by the City of Yarra Council requires the building and proposed outdoor beer garden to be designed to accommodate the prevailing noise levels at the site to ensure adequate amenity for the surrounding residents. The condition is quoted below:

12. An acoustic report, prepared by a suitably qualified Acoustic Consultant, addressing the impact of the proposal (particularly the proposed beer garden) on the surrounding residential properties. The report must specifically address, but not be limited to, an assessment of the impact of any doors/openable windows and open areas and provide recommendations regarding any non-compliance in terms of patron noise levels.

Council has also asked the Client for a Noise and Amenity Action Plan (NAAP) as below. This has been provided to this firm by Enth Degree Architects. Therefore, we will make reference to the NAAP and recommendations as to additional methods to comply with the NAAP throughout the report where applicable.

14. A Noise and Amenity Action Plan (NAAP) detailing the following information:
    (a) The location, type and details of existing licensed premises in the locality.
    (b) 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 property.
    (c) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
    (d) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or an officer of Liquor Licensing Victoria.
    (e) Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters, on-premises manager, and other staff.
    (f) Details of training provided for bar staff in the responsible serving of alcohol.
    (g) Hours of operation for all parts of the premises.
    (h) Lighting within the boundaries of the premises.
    (i) Security lighting outside the premises.
    (j) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
    (k) Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises.
    (l) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.

Since the initial report A&AS Reference 5099, Council has had the report peer reviewed by Marshall Day Acoustics as is common industry practice. This report will provide more detail and address concerns from both Council and Marshall Day Acoustics (MDA).

2.0 Proposed Operations

It is proposed that the premises will operate as per the existing Liquor License with the proposed beer garden being run under provision of a suitable management plan including the NAAP.

Live music will be nonexistent in the beer garden or proposed additional bar and seating area. Only background music will be provided in the proposed beer garden space. The level of the background music must not interfere with normal

conversation taken to be at 60-65 dBA at 1m. The performance location has been marked on the drawings however location of speakers has not been specified but are expected to be calibrated individually once installed and then collectively assessed for compliance with SEPP N-2. Current late night (general) license #31915185 already specifies allowable music sources and types for the Bistro area.

The combined beer garden and adjacent bar have proposed seating for 150 patrons although a number will be able to stand. It is assumed as per proposed plans that seating for the beer garden is at some 75 persons with room for an additional 25 to stand. The adjacent bar will accommodate the remaining 50 patrons.

a) Hours of operation for all parts of the premises.

These are the trading hours for Vaucluse hotel in the existing liquor licence.
FOR CONSUMPTION ON THE LICENSED PREMISES
In the Lounge/Bistro & Gaming Areas -
At any time on any day except for the period between 3 a.m. and 12 noon on the morning of Anzac Day.

In the Remainder of the Premises –
Sunday Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day Between 12 noon and 11 p.m.
Monday and Tuesday Between 7 a.m. and 12 midnight.
Wednesday to Saturday Between 7 a.m. and 1 a.m. the following morning.

The proposed bar will follow the hours for Lounge/Bistro & Gaming Areas.

The proposed beer garden will follow the hours recommended by the acoustics engineer:

Sunday between 10am and 11pm
Good Friday & ANZAC Day between 12noon and 11pm
Monday through Wednesday between 7am and 10pm
Thursday between 7am and 11pm
Friday and Saturday 7am and Midnight

Entry to the Beer Garden is taken to be from inside the venue nominally the southern entry point on Swan Street. There is also an emergency exit from the north of the beer garden.

Two additional security guards are required as per NAAP from 6pm till close but their presence will be subject to trade requirements.

The following has been outlined in the most current NAAP supplied to this firm on **6/10/16**:

*For the proposed beer garden, **no live music** will be played. Meaning that the background music noise emitted from the outdoor area can be considered to be at restaurant conversation level (60-65dB at 1m). Recommendations regarding the construction of the proposed bar/beer garden area are contained in the acoustic report (Audiometric and Acoustic Services Reference: 5099.3) and will be implemented. Accordingly, the noise from the proposed bar/beer garden area will be contained and/or attenuated so that the noise emissions from the Vaucluse Hotel is at the same or lower nominal level as the noise emitted by Swan Street (trams, cars) and the railway line that are within the 100m radius Hotel.*

In the existing liquor licence 31915185 of the Hotel it defines what live music is allowed on the premises:

"In the bistro - (a) background music, or (b) light acoustic music, or (c) lightly amplified instrumental music is permissible until 1 a.m. on Friday, Saturday and Sunday mornings.
Background music only is allowed in the outdoor area until 10 p.m.
No music is allowed in the outdoor area after 10 p.m.
No live music is allowed in the remainder of the premises at any time.
No live entertainment is allowed in any part of the premises between 3 a.m. and 7 a.m. on any morning."

The proposed bar and beer garden will be following the existing liquor license.
With the bar following the bistro conditions and the beer garden following the outdoor area conditions.

Any music on the premises will comply with State Environment Protection Policy (SEPP N-2) Control of Music noise from Public Premises. The recommendations in the acoustic report will be implemented in full.

Background music is defined as not to interfere with normal conversation of 60-65dBA at 1m. This will be calibrated by a Limiter installed in-situ and set-up to ensure compliance with the requirements of SEPP N-2 in accordance with the acoustic report recommendations and as a function of the liquor license.

Light acoustic music is defined as unamplified and light or soft in nature. This excludes drum kits and horns but conversely would include low level percussive and wind instruments. An example of suitable light acoustic would be a two-piece acoustic guitar and acoustic bass act with unamplified vocals.

Lightly amplified instrumental music will not include any vocals amplified or other. The lightly amplified instruments will be governed by the Limiter as per acoustic report thus ensuring compliance with the requirements of SEPP N-2 in accord with the liquor license.

The intent is to use the outline of proposed operations in the NAAP to make recommendations as to the Limit for music noise and activities within the premises directly associated with the music sources, with regard to SEPP N-2. Our understanding of amplified music includes both live and pre-recorded music.

3.0 EPA – Victoria Policy

The current EPA - Victoria policies do not enunciate objective limits or recommendations to cover noise associated with the human voice or from crowd noise. The exception is the State Environment Protection Policy N-2 (Music), which technically could be applied if the persons concerned were singing. However, we view this as an unlikely event.

In short there is no EPA Policy that would apply in this case with respect to patron noise. Regardless, it does seem appropriate to define a reasonable limit to the possible patron noise from the areas in question. As a general rule, the EPA's in various Australian states and Territories often use 5dBA above the prevailing background noise.

We have taken compliance with the State Environment Protection Policy N-2 (Music) to be a suitable criteria against which to judge any loss of amenity from any music source. It should be noted that a licensed premises already has an obligation to comply with the SEPP N-2 as part of the standard conditions for a Liquor License, so to an extent this must be seen as a reinforcement of the Liquor License conditions.

After 2200hrs the Noise Limit under the Policy becomes quite stringent, as after 2200hrs the period is defined as Night Time by EPA - Victoria. SEPP N-2 applies a tight limit on noise levels across the octave bands during the Night Period, i.e. after 2200hrs. This requires the measurement of the prevailing background noise as an L_{90} in dBC across the Octave Bands, and the Permissible Noise Limit is the L_{10} at a level 8dB greater than the L_{90} for each Octave Band. The reason for this approach is to identify music with a strong beat (often in the lower frequencies) which traditionally has been the source of complaints in almost all cases.

Naturally if a noise source is inaudible at a residential receptor then there is no question that the source is compliant with the relevant EPA Policy. In this case SEPP N-2 will apply to music sources in particular background music proposed at 60-65dBA at 1m as per NAAP in the Beer Garden.

Patron Noise shall be quantified in the proposed beer garden space using the Marshall Day Acoustics in-house, background noise based targets for patron noise as application of EPA SEPP N-1 is not applicable.

Accordingly, by the use of a noise logger, we undertook a measurement of the background noise levels from the late afternoon of 26th October 2015 through till the 29th of October 2015. The data yielded from the noise logger then allows us to determine the permissible Noise Limit.

The measurement was taken from 1545hrs on the 26th of October 2015 to 1115hrs on the 29th of October 2015. The logger was positioned on top of the existing north west store room as depicted below in Figure 1. It was felt this was the closest most practicable position available relative to the closest residence located at 32 Waverly St, Richmond. The weather over the noise logging period was mild and no wind was apparent. We consider the environmental conditions to be quite neutral for the purpose of the background noise assessment. Questions have been raised in the MDA Peer Review document as to the proximity and effect of noise emitted by refrigeration and AC units to the logger, our data shows standard and expected fluctuations during the measurement periods that are relative to trams and traffic in the area. A significant change would be expected to the logger data relative to the opening hours of the venue if the AC units and compressors were being turned on and off as would be expected during trading in early summer – there is no significant change reflected in the data associated with operation of the AC units and compressors.

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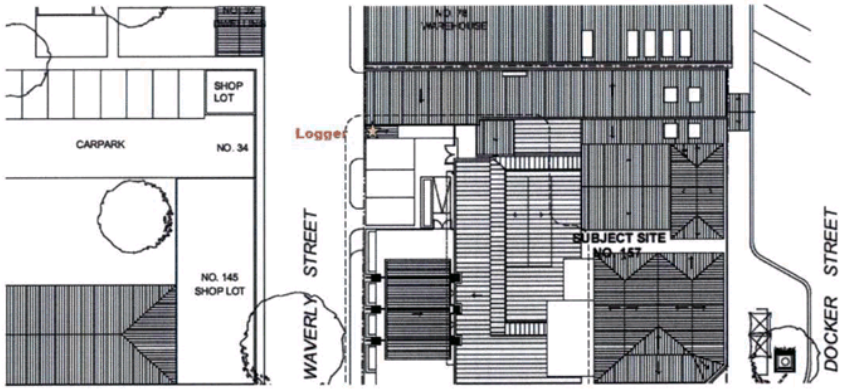
Figure 1: Location of logger measurement point and the closest residence at 32 Waverley Street Richmond.



4.0 Discussion of results – October 2015 and additional measurements June 2016

The logger results and site attendance identified that the major noise emissions in the area is from traffic and trams rather than any other source with trams being somewhat more dominant than traffic noise. No other sources of significance were identified however the location of refuse bins and possible stock deliveries has been considered. We estimate that a Monday night through to Thursday night would be quieter than weekend nights and thus provide more conservative figures. In a general sense air conditioning, cooling units, general traffic, pedestrian and trams were noted as being part of the sound-scape in the area but not emitted from the premises in question.

The main concern with the proposed development of the beer garden and the adjacent bar area is for any patron noise and background music noise in the beer garden. Therefore, the figures in Table 1 for the Night Period have previously (A&AS Reference 5099) been aligned with the opening hours rather than the full Night Period (2200hrs-0700hrs) so as not to dilute the L_{90} by averaging the entire Night Period and including times when the premises in question is not trading. In this document, we have used the Background L_{90} from 2200hrs-0700hrs as the benchmark for the Night Period Limit as we have been advised in the MDA Peer Review document to align with the 24hr license rather than the current or proposed operating times.

The remainder of the venue operates as per the existing Liquor License and NAAP. Currently the venue only operates until midnight or 1am on Thursday, Friday and Saturday nights depending on trade. However, the venue does currently hold a 24 hour license to operate with the exception of the period between 3am and midday on ANZAC day. The gaming area is advertised on the venue website as being open until 5am from Thursday to Saturday however this is not an area of concern for this report due to the location of the gaming area and amount of acoustic attenuation between the gaming area and the area under consideration in this document. Further, the bistro and gaming areas are assumed to be currently compliant with SEPP N-2 under the current liquor license.

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The noise logger results (dB(A)) for the background levels are as follows:

4.1 Background Noise Measurement – Noise Logger Results 26/10/2015 - 28/10/2015

Logger located on the roof of the existing north west store room as per Figure 1 above.

Table 1: Background Level Measurement – Noise Logger Results 26/10/2015 - 28/10/2015

Date	*Time*	*L90 Average (dBA)*
26/10/2015	1800-2200	**56**
26/10/2015	2200-0700	**51**
27/10/2015	0700-1800	**56**
27/10/2015	1800-2200	**56**
27/10/2015	2200-0700	**51**
28/10/2015	0700-1800	**55**
28/10/2015	1800-2200	**57**
28/10/2015	2200-0700	**51**
Average 0700 – 1800hrs		**56**
Average 1800 – 2200hrs		**56**
Average 2200 – 0700hrs		**51**

In response to MDA's peer review and objection to the location at which the logger was installed – in particular the logger measurement point and it's proximity to the subject premises AC Units and compressors, this firm has re-logged the site using two separate noise loggers. One logger was placed above the closest bedroom window at 32 Waverly Street and one was placed at the original location used in the previous report (see Figure 1 above). The data collected was consistent with our belief that the two positons were likely to have a similar Background measurement. The measurements were found to be very close in magnitude with observed variation between the two sights of no more than a 1.5dBA as an L_{Aeq} for the periods measured.

The additional measurement period was from the 9th of June 2016 until the 14th of June 2016. Weather was moderate to calm for the measurement period and considered to not adversely affect the accuracy of the noise logging assessment.

The dBA results for the Background levels at 32 Waverley Street are as follows. Note that the Night Background has been averaged from 2200 – 0700hrs as per MDA request for both Table 1 and Table 2. Averaging for the whole Night Period gives a more conservative figure even though the beer garden will only operate until 1am on the weekend.

Table 2: Background levels (L_{90} – dBA) as measured at 32 Waverley Street, Richmond

Average 0700 – 1800hrs	**55**
Average 1800 – 2200hrs	**55**

Average 2200 – 0700hrs	**49**

While the location of the logger measurement point is a legitimate concern for someone unfamiliar with the site, comparison of the 2 data sets and the similarity in the measured data indicates that the logger measurement points chosen are both suitable for the quantification of the background noise in the area and in particular the background noise incident on the nearest residence at 32 Waverley Street.

It is worth noting, the second measurement period (2016) fell over the Queen's Birthday long weekend. Results fell in line with expectation of a quieter than normal weekend due to the 3-day weekend with the Monday being a public holiday.

The original Background measurement was taken on a typical week in October 2015. It was already considered conservative as the measurement was taken from Monday through to Thursday. We see reworking a report to adjust for a 1-2dBA difference as shown in Table 3, would not only penalise the Client for an unusually quiet weekend but also be a misuse of time and money for the Client.

We will therefore be continuing to use the original 2015 data as per Table1.

Table 3: Background Noise Measurement (L_{90} – dBA)

	Vaucluse Hotel Oct 2015	**32 Waverley St June 2016**
Average 0700 – 1800hrs	**56**	**55**
Average 1800 – 2200hrs	**56**	**55**
Average 2200 – 0700hrs	**51**	**49**

4.2 Expected Patron Noise

SLR Acoustics have previously provided this firm an Association of Australian Acoustical Consultants (AAAC) Guideline entitled 'Consideration of Patron Noise at Entertainment Venues' drafted by Watson, Moss and Growcott Acoustics in June 2009 as part of a previous peer review requested by Yarra City Council. As per the AAAC guideline mentioned above, the following calculation is used to estimate patron noise:

Base Patron noise in dBA: L_{eq} = 21 log (Patron Numbers) + 43dBA

Although the Watson, Moss and Growcott method is a guideline, it is however this firm's belief that this method is reasonable, appropriate and adequate to other approaches in the absence of an accepted acoustical industry standard/guideline or Victorian regulation.

With seating for 150 patrons in both the beer garden and bar, a base patron noise is estimated through performing the calculation presented above as an equivalent continuous noise level (L_{Aeq}) emitted from 150 patrons of 89dBA. This is a worst case scenario with all openable doors and windows open. We feel this is an unlikely occurrence and a more accurate estimation would be to calculate the estimated patron equivalent continuous noise level (L_{eq}) for the main area of concern: the Beer Garden.

An estimated base patron equivalent continuous noise level for the beer garden with 100 persons would be an L_{eq} of **85dBA**. This figure is already quite significant and

upon discussion with Enth Degree Architects, the capacity of the beer garden has been reduced to 80 persons giving a patron noise estimation L_{Aeq} of **83dBA.** Accordingly, the management documentation and NAAP is to be updated to reflect this change.

The L_{Aeq} in laymen's terms is commonly referred to as the average. With greater numbers of persons a more broad-band and steady noise-level is apparent. Fewer people are observed to have more interruptive or impulsive outbursts that would therefore be of more annoyance.

The Watson, Moss and Growcott method suggested adjustments be made for the character of the emitted noise for gatherings of less than 10 persons for late evening bars, bistros and clubs of +2dBA. This is to accommodate the occurrence of a gathering that is celebratory in nature and consequently louder. No adjustment is made for groups of more than 10 persons as the noise is seen as more of a steady in level, broadband babble rather than an impulsive and interruptive.

MDA has not used the same Watson, Moss and Growcott paper in their critique and has informed this firm via the peer review document and phone conversation that the method used by MDA is a sleep disturbance regulation related to traffic noise (NSW Road Noise Policy - 2011). This firm believes that with a larger crowd of 80 persons that the character of the noise is more steady in level and less impulsive than that suggested by the NSW Road Noise Policy.

Our starting figure for the emitted patron equivalent continuous noise level from 80 patrons in the Beer Garden area is **83dBA** for the Day, Evening and Night periods.

This **83dBA** is applied as a point source in the middle of the seating area in question and then the emitted levels calculated incrementally as a function of distance. Sound levels dissipate at 6dBA for a doubling of distance through which propagation occurs in a free field. However, we have used a decrease of 3dBA within the covered area and then 5dBA after that as the particular area through which the noise propagated cannot be said to be true free-field due to the presence of buildings and standard street objects such as signs and trees etc.

Table 4: Effective Equivalent Continuous Noise Level emitted by 80 patrons in the Beer Garden area as attenuated by distance travelled.

Distance (m)	dBA	Notes
1	**83**	Point Source
2	80	
4	77	
8	72	
16	67	
27	**64**	32 Waverley Street

The Effective Equivalent Continuous Noise Level emitted by 80 patrons in the Beer Garden area at 32 Waverley Street is therefore estimated at **64dBA**

Table 5 Recommended Levels

	Evenings	Night (10pm to 1am Friday and	Evening	Night

		Saturday)	Exceedance	Exceedance
Background Level, L90	56	51		
MDA Guide	66 (b/g+10)	56 (b/g+5)	-2	**8**

*All units in the table above are in dBA

Marshall Day Acoustics use a Background Level plus 10 in the Evening Period and Background Level plus 5dBA in the Night Period for patron noise emission. We feel the MDA margins are well suited to a busy inner city suburb such as Richmond. With a regular sporting clientele due to the proximity of the Vaucluse Hotel to the Melbourne Sporting Precinct (MCG, Tennis Centre etc) and possible overflow from other venues in the area such as The Corner Hotel and The Precinct Hotel, it is thought that the Vaucluse Hotel is likely to attract a number of people.

The results show an effective patron noise level at the nearest residence (32 Waverley Street, Richmond) of **64dBA**. Table 5 outlines a compliance margin of 2dBA in the evening and a likely exceedance of **8dBA** after 10pm.

4.3 Acoustic Wall Design

Due to the close proximity of the nearest residence and the projected **8dBA** exceedance during the Night Period, it is necessary to create a suitable barrier to reflect/attenuate the emitted noise. Through collaboration with the architects we have arrived at a model wall system as per preliminary drawings quoted on the cover page of this document. The northern and western wall is proposed as double brick with a height of 3m. The eastern side is bordered by the building itself. The southern side faces Swan Street of which we are not overly concerned with due to the absence of dwellings and relatively high Background Level due to the traffic and trams.

For acoustic purposes a 3m wall gives a very minimal Effective Height therefore we have chosen to also increase the absorbency by using a wall-facing product with a high sound absorbent coefficient – Quiet Stone Standard (QS). We have estimated this to reduce our starting figure from **83dBA** to an L_{Aeq} of **80dBA.**

Quiet Stone (QS) Standard has been chosen as a lining to the inner side of the wall in order to reduce reflection, reverberation and act as an absorber to minimise the reflected ambient patron noise in the beer garden itself. The QS panels will need to be applied to west and north walls of the proposed acoustic walls to a minimum height of 3m from ground level thus completely covering the beer garden side of the wall. Construction should be as per the specification for Test 2 in Figure 2 below with a 30mm panel, 50mm Acoustisorb 3 and a 100mm air gap to achieve the desired co-efficient. 50mm Acoustisorb 3 will need to be used in place of Rockwool due to the external nature of the acoustic barrier wall.

The wall has originally been proposed to be constructed of double brick however the inclusion of the QS panels deems the internal beer garden side brick veneer to be somewhat redundant. Substitution of the external Waverley Street side brick component can be replaced by a minimum 6mm cement sheet and a min 19mm timber cladding. A suitable steel frame will need to be used as part of the wall system to support the QS face to create the 100mm gap and support the Acoustisorb 3 as required.

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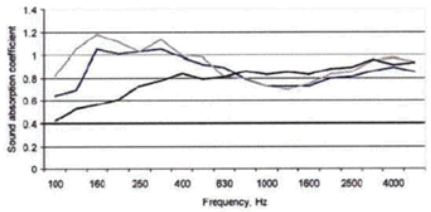
The Architect has also requested that timber cladding be used in addition to the Quiet Stone system. As the Quiet Stone is an absorber we can only allow the top third of the internal wall to have a timber façade however, the timber slats need to be spaced as to be at least 25% permeable and provide and air gap of at least 25mm between the timber and the Quiet Stone panels.

Figure 2: Acoustic Absorption Performance of Quiet Stone Wall System – Test 2

Acoustic performance

- Data provided by the University of Salford and the TNO, Delft. Please contact us should you require copies of results. BS EN ISO 354: 2003



Test 1: 30mm panel, 50mm Rockwool, 40mm air gap.

Test 2: 30mm panel, 50mm Rockwool, 100mm air gap.

Test 3: 30mm panel, 50mm air gap, 50mm Rockwool.

	Sound absorption coefficients, α_p						EN-ISO 11654 α_w
	125 Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz	
Test 1	0,60	1,05	0,95	0,75	0,80	0,65	0,80 (L); class B
Test 2	1,00	1,10	0,95	0,75	0,80	0,95	0,85 (L, H); class B
Test 3	0,50	0,70	0,80	0,85	0,85	0,95	0,85; class B

The Effective Height for calculations of the sound attenuation over the acoustic barrier is 1.2m. The knowledge of the Effective Height of the recommended noise barrier enables us to calculate the estimated sound level at the neighbouring residence. The specific receiver point to which the estimated barrier-attenuated level is calculated has been chosen to be the top of the closest bedroom window at 32 Waverley Street Richmond with the inclusion of the change in ground level between the beer garden source position and the slightly higher in altitude Waverley Street bedroom window to be at + 3.0m height.

The methods used to calculate the estimated Effective Noise Level at 32 Waverley Street Richmond is described in Sharland, Ian (1973) 'Woods Practical Guide to Noise Control', Woods Acoustics - Chapter 4, Pg 61. The distances used to perform the calculation are as follows:

Effective Height	= 1.2m
Distance to wall	= 7m
Distance from wall to residence	= 20m
Wall Height	= 3m
Window Height inc change in ground level	= 3m

Table 6: Octave band calculation of the estimated Effective Noise Level at 32 Waverley Street Richmond

Note: The initial patron noise level of 83dBA has been expanded into octave bands for the purpose of this assessment through in-house patron noise measurements taken simultaneously in octave bands and in broad-band. The attenuated octave band data is then summed together to give the estimated **Effective Noise Level** calculated over the covered and pseudo-free field noise propagation paths in broad-band dBA.

Octave Bands	**63**	**125**	**250**	**500**	**1K**	**2K**	**4K**
SPL	57	71	71	77	79	75	67
Attenuation w/ distance	-19	-19	-19	-19	-19	-19	-19
SPL	38	52	52	58	60	56	48
H_e/λ	0.21	0.43	0.86	1.7	3.4	7	13
Attenuation w/ barrier	-6	-8	-9	-12	-14	-16	-16
SPL at distance w/ barrier	32	44	43	46	46	40	32

The **estimated Effective Noise Level** calculated over the covered and pseudo-free field noise propagation paths (as detailed in Section 4.2 above) with the barrier installed equates to an L_{Aeq} of **51dBA** at the top of the closest window at 32 Waverley Street.

Table 7: Estimated effective noise levels from patron noise at 32 Waverley St.

	Evenings	**Night (10pm to 1am Friday and Saturday)**	**Evening Exceedance**	**Night Exceedance**
Background Noise Level, L_{90}	56	51		
MDA Guide	66 (b/g+10)	56 (b/g+5)	**-15**	**-5**

*All units in the table above are in dBA

Again Marshall Day Acoustics use a Background L_{90} plus 10dBA in the Evening period and Background L_{90} plus 5dBA in the Night period.

The results in Table 6 show an effective noise level at the nearest residence (32 Waverley St) of **51dBA** in the Night period. Table 5 outlines a compliance margin of 15dBA in the Evening Period and 5dBA in the Night period. It should be noted that this is below the measured Background Level for both Periods concerned as presented in Table 7 above.

MDA have raised some issue as to an increase in patron noise while the windows of the adjacent bar are open as may be likely on a warm night. With a compliance margin of 5dBA during the Night Period and 15dBA during the Evening Period we see room for a marginal increase in level on occasion.

5.0 EPA Policy SEPP N-1: Operation of Mechanical plant

EPA Policy SEPP N-1 in the case of the proposed beer garden and adjacent bar at the Vaucluse Hotel, would apply to the operation of mechanical plant such as air conditioning units and compressors. Upon inspection of the relevant mechanical plants on the site, it was found that the plant installations were inaudible at the nearest receptor and taken to currently be compliant. If the external components were to be relocated after the proposed construction it is advised that the current distance from the nearest residence (32 Waverley Street) be maintained or increased. If the plant is upgraded or relocated closer to the nearest neighbour we recommend that we are advised of the details and location of the equipment be provided to this firm for calculation and verification of compliance with recommendations if required with respect to the SEPP N-1 Noise Limits. Additionally we recommend regular plant maintenance be performed to ensure that there is no additional noise emitted from the plant resulting from general operation.

At the request of MDA, a Limit for any SEPP N-1 related items has been set. By applying the zoning levels and influencing factor specified in SEPP N-1 the Noise Limits based on high Background Levels has been applied and provides the following Limits as detailed below in Table 8:

Table 8: SEPP N-1 Limits

	Day	**Evenings**	**Night (10pm to 1am Friday and Saturday)**
Background Noise Level, L90	56	56	51
SEPP N-1 Limit	62 (b/g+6)	59 (b/g+3)	54 (b/g+3)

*All units in the table above are in dBA

6.0 EPA SEPP N-2

6.1 Music as per Liquor License

The following has been provided as part of the NAAP under point c):

In the existing liquor licence 31915185 of the Hotel it defines what live music is allowed on the premises:

Report Ref 5099.3

"In the bistro - (a) background music, or (b) light acoustic music, or (c) lightly amplified instrumental music is permissible until 1 a.m. on Friday, Saturday and Sunday mornings.
Background music only is allowed in the outdoor area until 10 p.m.
No music is allowed in the outdoor area after 10 p.m.
No live music is allowed in the remainder of the premises at any time.
No live entertainment is allowed in any part of the premises between 3 a.m. and 7 a.m. on any morning."

The proposed bar and beer garden will be following the existing liquor license.
With the bar following the bistro conditions and the beer garden following the outdoor area conditions.

Any music on the premises will comply with State Environment Protection Policy (SEPP N-2) Control of Music noise from Public Premises. The recommendations in the acoustic report will be implemented in full.

Item j of the NAAP is as below

a) Details of the provision of music including the frequency and hours of entertainment provided by live music.

Pre-recorded and live music is to adhere to point c) in this NAAP and be controlled by a Level Limiter as per 6.4 of the acoustic report.

Live music is outlined to run at the following times:
Friday afternoon and evening from 5pm until 11pm
Saturday afternoons and evening from 3pm until 11pm
Sunday afternoons and evening from 2pm until 10pm

No live music is to occur in the proposed bar or beer garden. Acts will only perform from the marked location in the Bistro only.

When live music is being played the glazed doors to the beer garden will be closed. Access to the beer garden will be from the airlock doors only.

The "Live" music component will need to be unamplified light acoustic or lightly amplified instrumental and follow the definitions in the NAAP. This means that the musician(s) cannot use a microphone for vocals at any time through any speaker system or amplification and that heavy/loud percussion instruments or other impulsive musical instruments are also not permitted.

In this case at this venue the following the live music definitions apply as per proposed NAAP:

Background music is defined as not to interfere with normal conversation of 60-65dBA at 1m. This will be calibrated by a Limiter installed in-situ and set-up to ensure compliance with the requirements of SEPP N-2 in accordance with the acoustic report recommendations and as a function of the liquor license.

Report Ref 5099.3

Light acoustic music is defined as unamplified and light or soft in nature. This excludes drum kits and horns but conversely would include low level percussive and wind instruments. An example of suitable light acoustic would be a two-piece acoustic guitar and acoustic bass act with unamplified vocals.

Lightly amplified instrumental music will not include any vocals amplified or other. The lightly amplified instruments will be governed by the Limiter as per acoustic report thus ensuring compliance with the requirements of SEPP N-2 in accord with the liquor license.

The Bistro is the only part of the venue that "Live" music can occur. The Architect has marked on the plans the location of the stage.

The beer garden will have background music until 10pm. No music at all is allowed in the beer garden area after 10pm."

6.2 SEPP N-2 Limits

The following Limits are calculated using the Background Level as an L_{90} from the previous logger data (Table 1) and Permissible Noise Limits as an L_{10} dBC as provided by MDA as part of a conservative approach. We have been informed that the Background Level measurement for the Night Period was taken on Tuesday 12th April 2016 – between 0145-0200hrs on the Botherambo Street side of the roof top at the Corner Hotel, Richmond.

Table 9: SEPP N-2 Limits for the Day/Evening Period

EPA SEPP N-2: Day/Evening Period Limit = L_{A90} + 5

	Day/Evenings
Background Noise Level, L90	56
SEPP N-2 Limit	**61 (b/g+5)**

*All units in the table above are in dBA

Table 10: Noise Limits for Night Period

Note: The following data and Permissible Noise Limits (L_{10} – dBC) has been provided by MDA and forms a conservative approach to setting the Permissible Noise Limits from the emitted music noise at the nearest resident at 32 Waverley Street.

EPA SEPP N-2: 2200-0700hrs – Night Period Limit = L_{C90} + 8

Octave Band Hz	**63**	**125**	**250**	**500**	**1k**	**2k**	**4k**
Background L_{90} dBC	45	42	39	35	33	29	23

Permissible Noise Limits L_{10} dBC	53	50	47	43	41	37	31

*All units in the table above are in dBC

6.3 Calculated Noise Levels for Lightly Amplified Music at the Nearest Residence.

In house data gives the following results for typical lightly amplified music.

Table 11: Test Data from Typical Lightly Amplified Music (5min) at 1m

Octave Band Centre Frequency (Hz):	63	125	250	500	1000	2000	4000	Total
C- weighted	54	73	71	68	66	66	63	77
A-weighted	28	57	62	65	66	67	64	72

Table 12 gives the results from the calculated attenuation of music noise from the denoted Stage in the Bistro Area (on drawings provided) through open doors on the western façade of the proposed bar to the middle of the beer garden area.

Table 12: Test Data from Typical Lightly Amplified Music (5min) at 1m in Beer Garden with all Doors Open

Octave Band Centre Frequency (Hz):	63	125	250	500	1k	2k	4k	Total
C- weighted	44	61	58	54	51	51	48	63.9

The methods used to calculate the estimated Effective Noise Level at 32 Waverley Street Richmond is described in Sharland, Ian (1973) 'Woods Practical Guide to Noise Control', Woods Acoustics - Chapter 4, Pg 61. The distances used to perform the calculation are as follows:

Effective Height	= 1.2m
Distance to wall	= 7m
Distance from wall to residence	= 20m
Wall Height	= 3m
Window Height inc change in ground level	= 3m
Angle	= 10 degrees

The attenuation of the music noise from the beer garden to the residence is then calculated using Table 13 overleaf.

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Table 13: Octave Band Calculation of the Estimated Effective Noise Level at 32 Waverley Street Richmond from Music Noise emanating in the Bistro area and transmitting through the proposed beer garden area.
Note: All doors and windows open.

Octave Bands	63	125	250	500	1K	2K	4K	Total
SPL	44.0	61.0	58.0	54.0	51.0	51.0	48.0	63.9
Attenuation w/ distance	19	19	19	19	19	19	19	
SPL at distance without barrier	25.0	42.0	39.0	35.0	32.0	32.0	29.0	44.9
Wavelength	5.5	2.8	1.4	0.7	0.35	0.17	0.1	
H_e/λ	0.22	0.43	0.86	1.71	3.43	7.06	13.33	
Attenuation w/ barrier	6	7	9	11	13	16	18.5	
SPL at distance w/ barrier	19	35	30	24	19	16	10.5	36.6

*All units in the table above are in dBC

Table 14: Comparison of Estimated Effective Noise Level with MDA Noise Limits for Night Period

The following Permissible Noise Limits as an L_{10} dBC and Background L_{90} dBC have been provided by MDA. We have been instructed to use these Limits as part of a conservative approach:

EPA SEPP N-2: 2200-0700hrs Limit = L_{C90} + 8

Octave Band Hz	63	125	250	500	1k	2k	4k
Background L_{90} dBC	45	42	39	35	33	29	23
Permissible Noise Limits L_{10} dBC	53	50	47	43	41	37	31

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SPL at Nearest Residence	19	35	30	24	19	16	11
Compliance Margin	34	15	17	19	22	21	20

*All units in the table above are in dBC

Table 14 shows compliance across all octave bands with a compliance margin ranging from 17 to 34dBC.

The SPL as an L_{Ceq} at the nearest residence of 32 Waverley Street is **36.6dBC** as per Table 13. Before 10pm the Limit is set as A weighted therefore the octave band data is A-weighted and then summed with a resulting level of **27dBA**. Table 15 shows a compliance margin of **34.2 dBA.**

Table 15: SEPP N-2 Limits for the Day/Evening Period

EPA SEPP N-2: Day/Evening Limit = L_{A90} + 5

	Day/Evenings
Background Noise Level, L_{90}	56
SEPP N-2 Limit	**61 (b/g+5)**
Calculated Sound Level from Lightly Amplified Music at 32 Waverley Street	**27**
Compliance Margin	**34**

EPA SEPP N-2, Part II - Beneficial Uses Protected and Premises of Application states the following:

"8. In this policy the music noise assessed may include, in addition to noise from music sources, noise from human voices and activities within the premises that are associated with the music sources."

It is our understanding that this is referring to possible crowd noise, cheering, clapping and singing along with the acts. In this case we would consider the application of a margin to be added to the sound source in the Bistro to be relative. However small light acoustic or lightly amplified music falls more along the lines of background music rather than a rock concert or electronic dance music (EDM).

With a compliance margin of **34.2 dBA** during the Day/Evening Period as per Table 14 and compliance across all octave bands ranging from **17 to 34dBC** as per Table 15 for the Night Period we believe there is room for a small contribution of associated music/entertainment-related crowd noise from the Bistro that would not be in exceedance of the SEPP N-2 Limits.

6.4 Level Limiter

We are aware of a range of different sound limiting devices available on the market including power cut-off devices and power limiting devices. Due to the prevalent use of modern digital devices and their susceptibility to damage with sudden power loss, we are recommending a device being installed which, assuming that all of the management related music guidelines contained in the NAAP are adhered to, will ensure the noise limit from the stage area is not exceeded.

For the above reasons and the nature of the music defined in the NAAP and Liquor License we believe it to be heavy-handed to install a "power cutting" device. The estimated music noise is calculated to be well within SEPP N-2 compliance margins and we believe any control measures should be handled through management and passive design measures such as airlocks and upgrading of construction materials where possible.

A Level Limiter must still be installed to the house PA to ensure SEPP N-2 limits are not exceeded at the nearest residence. Any "amplified" music, pre-recorded or live will need to run through the house PA. This will mean that instruments such as guitars must be D.I'ed (direct input) into the mixing desk. No externally supplied instrument amplification will be permitted. This is reflected in the NAAP.

The bar/bistro Level Limiter will need to be set up with the following pre-set Limits as per Table 16. Times for the Day, Evening and Night Periods must align with the EPA time periods, ie, on a Saturday the Evening Period runs from 1300hrs as opposed to the weekday Evening Period starting at 1800hrs.

Table 16 Level Limiter Settings

EPA Time Period	Door Operation
Day	Doors open
Evening	Doors open
Night	Doors open
Day	Doors closed
Evening	Doors closed
Night	Doors closed

A switch to assign doors open/closed can be incorporated into the door frame to lower/raise the pre calibrated sound level automatically if a manual switch is not desirable.

Master control panels should be in a secure location in either a locked cabinet or a manager accessible office to discourage tampering.

The beer garden will have a separate limit assigned for the EPA Day/Evening Periods.

Proficient units such as the "Allen and Heath idr," "Bose Control Space ESP 88" and "Silica" models should be readily available for set up from companies such as RTR Productions and Group Technologies. These units come with architectural design software capable of zoning and time period allocation. Accordingly, such a unit will be set-up and connected to the different noise level zones to reflect the different noise Limits for different noise sources in the Bistro/Bar (door open/closed) and Beer Garden (Background Music only until 10pm). It is recommended that the Limiter set-

up be performed in conjunction with verification that the SEPP N-2 limits are not exceeded at the nearest residence.

7.0 Recommendations

We do not see any compliance issues with SEPP N-1 if the recommendations in Section 5: EPA Policy SEPP N-1 Operation of Mechanical plant are rigorously implemented and managed. It is worth noting that there might be a reduction in the noise levels observed due to removal of the cool room in the existing Bottle Shop. Current plant noise emissions and management practices are understood to be compliant so reason stands that there should be no major concern unless additional plant(s) or movement of the plant is to be part of the renovations. We have not been informed of any plans to change or move the existing plant - the noise Limits are stated accordingly in Table 8.

SEPP N-2 compliance should not be an issue as only background music will be present in the beer garden until 10pm. All other pre-recorded music noise will be contained within the main building of the venue (Bistro, Adjacent Bar) and controlled by a Level Limiter connected to the house PA system and speaker system(s).

The live music test data used is for typical lightly amplified music and aligns with the proposed usage according to the NAAP and Liquor License. However, we believe a conservative approach should be used. We therefore believe it is suitable that when live music is performed in the allocated space in the Bistro area that the glazed doors to the beer garden must be closed. Access to the beer garden will be from the airlock doors only as per NAAP.

Greatest glazing performance would be achieved by 12.5mm Vlam Hush with PVC frames however all glazing, including the airlock and glazed doors, on the western façade of the Bistro/Beer Garden will need to be a minimum of 8.5mm Vlam hush or equivalent with aluminium frames. Upon installation, care will need to be taken to ensure there are no gaps around the frame and a tight acoustic seal is achieved between the doors/windows and the frames/mounts. Acoustic perimeter seals and a drop seal will be required to ensure a good acoustic seal around the perimeter of the air-lock doors. Regular servicing of the seals to ensure the on-going acoustic performance of the seals will also be required.

The access doors to the beer garden are to be fitted with standard hydraulic self-closing mechanisms and installed to ensure there is no noise emitted from the closing door.

This firm deems it necessary to install a "Level Limiter" as per Section 6.4 of this document to the in-house PA/speaker systems. Each discrete speaker system will need to be independently calibrated by a specialist and then collectively calibrated by a specialist as per venue speaker usage scenarios to ensure compliance with SEPP N-2. A number of small speakers installed at head height would provide a more satisfactory and uniform sound level throughout the venue.

Regarding Patron noise (see Section 4.2 and 4.3), the results show an effective noise level at the nearest residence (32 Waverley St) of **51dBA** with the beer garden at full capacity and the recommended acoustic wall installed. Table 5 outlines a compliance margin of **15dBA** in the Evening Period and **5dBA** after 10pm in the Night Period

We are aware that patron noise is not legislatively regulated and we are reliant on accepted industry practices to calculate an estimate of the noise emitted by patrons. It is important to note that the patron noise estimates presented in this document has many unforeseeable variables. Even though our estimates have placed the patron noise below the Background Level, it is advisable for management to be pre-emptive in addressing any noise-generating activities as they arise in line with compliance with the relevant EPA policies and in maintaining the amenity of the surrounding neighbourhood.

Swan Street is a busy main road with a high Background Level at peak times. In line with maintaining the existing amenity of the area, it is this firm's recommendation that the indoor component of venue complies with current licensed hours of the Bistro/Lounge and Gaming Areas.

The Beer Garden should adhere to the following trading times as below from the NAAP:

Sunday: 10am to 11pm
Good Friday & ANZAC Day: 12noon to 11pm
Monday through Wednesday: 7am to 10pm
Thursday: 7am to 11pm
Friday and Saturday: 7am to Midnight

No sports or gaming programmes should be played on televisions in the beer garden. We feel this may add to the celebratory nature of the calculated patron noise and cause interruptive peaks in speech that would be above the calculated L_{Aeq}.

It is also recommended that when selecting fittings, furnishings and decoration for the beer garden and adjacent bar that the designer(s) utilise acoustically absorbent materials where possible. Certainly an acoustically absorbent floor covering and an adequate area of acoustically absorptive panels hanging from the ceiling would attenuate airborne sound thereby reducing reflection and echo within the space. Acoustically absorbing panels should be incorporated into the ceiling of the beer garden.

Marshall Day Acoustics (MDA) have mentioned a concern for sleep disturbance from noise emissions that are subjectively interruptive in nature. We believe that if Council feels this is still an issue then a practicable remedy would be for the Client to upgrade the two street front bedroom windows at 32 Waverley Street, Richmond. We would suggest an upgrade from the presumed existing 4mm single glazing to minimum Weighted Sound Reduction Index (R_w) value of 33dB for the upgraded glazing unit.

8.0 Summary

We view the situation as one of low to moderate risk of any adverse situation regarding patron noise from the proposed establishment if recommendations contained in this document are followed. If the mandatory Responsible Service of Alcohol (RSA) requirements are met and the provided NAAP is implemented there should be no reason why patron noise levels would exceed the estimated levels in the beer garden area.

With the current bottle shop operating similar hours to the proposed beer garden outlined in Section 7.0, we see minimal additional impact on the neighbouring residences with respect to the noise emissions of the venue and in particular the proposed beer garden and adjacent bar area.

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Compliance with respect to SEPP N-2 for future use in regards to background music and live music will need to include implementation of the recommendations outlined in Section 6.4 and Section 7. Upon implementation of the recommendations, it is recommended for further measurements to be performed to confirm compliance with SEPP N-2.

Steps have been recommended to minimise breakout noise from adjacent areas of the venue to ensure external noise emissions for the venue as a whole will be reduced to an acceptable level. Fine tuning of any sound system installed internally or in the proposed beer garden is necessary and should be done post-installation with said Limiter(s) to ensure optimum levels for ambiance are achieved internally and that the Permissible Noise Levels outside are not exceeded in line with SEPP N-2. A real world test post-installation (Night time) is the most prevalent confirmation with absolute certainty of compliance with SEPP N-2. This firm is happy to assist in any certification during the initial operation period.

There should be no change in compliance to EPA SEPP N-1 with regards to noise from the air conditioning and refrigeration units. We have however set Limits according to the measured Background Level and will need to be adhered to as to ensure compliance if any changes are to be made.

The analysis presented in this document utilises figures that have been calculated using "worst possible case" scenarios including maximum capacities and off peak weekday Background Levels which we believe to be a conservative approach. Ultimate responsibility will remain with management and in-situ working staff to ensure that sound levels from patrons emanating from the beer garden are kept at reasonable levels of conversation. Staff and management must fully understand and be proactive in ensuring the maintenance of a good neighbour policy is an integral part of their duties, especially so in the Evening and Night period.

Please feel free to contact us should any additional detail be required. This applies to any other parties that have legitimate access to this report.

Respectfully,

Scott Henderson
BEnv DipDes

Attachments Technical Appendix I
Technical Appendix II

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TECHNICAL APPENDIX I

Definitions of Terminology

Sound Pressure Level:	The root-mean-square values of the pressure fluctuations above and below atmospheric pressure caused by the passage of a sound wave, usually expressed in deci Bels (re 20 μ Pa)
deci Bel:	Unit usually used to define sound pressure level relative to a reference pressure. $$dB = 20 \log_{10} \left(\frac{P}{Pref} \right)$$
(A):	Reference to particular weighting network within a Sound Level Meter which modifies the linear response. 'A' weighting is designed to approximate the response of the human ear.
(C):	Reference to a weighting network within a Sound Level Meter. Modifies the Linear response only slightly on the lower frequency range.
Rw	Weighted Sound Reduction Index. A single figure rating of the acoustic attenuation of materials either singly or as multiples.
L_{10}	The noise level exceeded for 10% of a measurement period. Often used as a measurement of occasional interruptive noise, such as traffic.
$L_{A1018hr}$	The 18 hour Traffic Noise average. Arithmetic average of the A weighted L_{10} sound levels from 0600hrs to 0000hrs.
L_{90}	The noise level exceeded for 90% of a measurement period. Commonly accepted as the natural Background Noise Level.
Leq:	Equivalent Continuous Sound Level. This is calculated on the basis of average of the Sound Pressure Level (acoustic energy) over a period of time and is expressed in deci Bels.
LAeq:	The 'A' weighted Equivalent Continuous Sound Level.
LAeq8hr	The equivalent of 8 hours exposure to an LAeq of 85dB. The actual exposure period may be longer or shorter than 8 hours.
Slow - S:	Dynamic characteristics of a Sound Level Meter which employs a time saving averaging constant of 1 second.
Fast - F:	Dynamic characteristic - time averaging constant is 125m sec.
Impulse - Imp:	Dynamic characteristic - time averaging constant is 33m sec.
Peak - Pk:	Dynamic characteristic - time averaging constant is 1m sec.

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TECHNICAL APPENDIX II

Equipment Used

ARL	Type 1 – 316 Noise Logger Serial No. 16 - 306 - 001
ARL	Windshield

NATA Laboratory calibration due 10th July May 2016

Convergence Instruments	Noise Logger - Type 2 (S1rtw) Serial No. ANP2rvW6WXWVgJti78rZvD
Convergence Instruments:	Windshield
Convergence Instruments	Noise Logger - Type 2 (S2 rtw) Serial No. CPL0h90aUfU3qrnyb8BxtD
Convergence Instruments:	Windshield

Calibration checked before and after measurements against the Quest Calibrator (details below). There was no significant drift in the calibration levels before and after the measurements.

Quest	Calibrator Serial No. J.1060008

NATA Laboratory calibration due 11th November 2017

SVAN 957	Type 1 Sound Analyser Serial No. 14578
Aco Pacific	Type 7052H Microphone Serial No. 40821
SVAN	Windshield

NATA Laboratory calibration due 29th August 2016

BSWA CA106	Acoustic Calibrator Serial No. 45228

NATA Laboratory calibration due 7th August 2016

The instruments were calibrated before and after the measurements. No significant change was found to have occurred.

Attachment 3 - PL06/0603.05 - 149-159 Swan Street Richmond - Noise and Amenity Action Plan

Noise and Amenity Action Plan

New Proposed Beer Garden and Bar at Vaucluse Hotel 149-159 Swan Street Richmond

This Noise and Amenity Action Plan (NAAP) has been prepared with respect to the proposal of changing the bottle shop and drive-through respectively into a bar and beer garden at the Vaucluse Hotel located at 149-159 Swan Street Richmond.

This Noise and Amenity Action Plan has been prepared in accordance with Clause 22.09 – Licensed Premises of the Yarra City Council Planning Scheme. The document aims to provide transparency in the operation of the Vaucluse Hotel and to encourage open communication with the local community. The main reason is to ensure that successful operation of the proposed beer garden and bar can occur without detriment to any aspect of the current amenity with respect to existing nearby residents.

Recommendations from the acoustic engineer are incorporated into this NAAP.

a) The location, type and details of existing licensed premises in the locality.

Vaucluse hotel is located on Swan Street. Swan Street is a busy street with a vast amount of shops and restaurants. Within the surrounding locality of a 100 metre radius of the Vaucluse hotel alone, many licensed premises can be found. Most licensed premised are restaurant and bars, operation under an on-premises license.

There is a bottle shop Liquorland just 150 metres away operating under a packaged liquor license. The Swan Hotel on the corner of Swan Street/Church Street operates under a General Hotel License.

b) The identification of all noise sources associated with the premises likely to impact on nearby residential property.

Noise sources associated with the premises would be: patron noise, music, deliveries, rubbish collection.

c) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.

The primary patron entry is on the corner of Swan Street and Docker Street.
Smoking patrons will make use of the existing outdoor area at the back of the hotel, the licensed footpath area on Swan and Docker Street and the proposed beer garden.
Management personnel will monitor the behaviour of the patrons utilising this area.
There are no residential properties immediately adjoining the site. The closest residential property that has windows where noise can travel to is facing the beer garden diagonally, the residence is located on Waverley street approx. 30 metres away. (Please refer to D02&D03)
The rest of the residences are further away and have openings that are set back and not facing the beer garden.

Please note that noise emanating from the premises is required to comply with the liquor license where it states:

Attachment 3 - PL06/0603.05 - 149-159 Swan Street Richmond - Noise and Amenity Action Plan

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) (SEPP N-2).

Hence the proposed bar and beer garden will also fall under this amenity.
Management personnel will use their best endeavours to ensure that patrons leave the premises at the closing time each night, that patrons disperse in an orderly manner and that no patrons associated with the venue congregate in the surrounding area, to the satisfaction of the Responsible Authority.

Accordingly, any noise associated with the Vaucluse Hotel operation including the proposed bar and beer garden, will be contained and/or attenuated on premises so that any noise emissions from the premises are in compliance with state environmental protection policies SEPP N-1 and SEPP N-2 and that there is no reduction in amenity in the vicinity of the hotel from patron noise. The operation of the licensed premises with the proposed bar and beer garden will not permit or cause a reduction in the amenity of the area to occur out of or in connection with the use of the premises. The licensed premises will undertake measures to limit noise emissions from the premises.

*For the proposed beer garden, **no live music** will be played. Meaning that the background music noise emitted from the outdoor area can be considered to be at restaurant conversation level (60-65dB at 1m). Recommendations regarding the construction of the proposed bar/beer garden area are contained in the acoustic report (Audiometric and Acoustic Services Reference: 5099.3) and will be implemented. Accordingly, the noise from the proposed bar/beer garden area will be contained and/or attenuated so that the noise emissions from the Vaucluse Hotel is at the same or lower nominal level as the noise emitted by Swan Street (trams, cars) and the railway line that are within the 100m radius Hotel.*

In the existing liquor licence 31915185 of the Hotel it defines what live music is allowed on the premises:

"In the bistro - (a) background music, or (b) light acoustic music, or (c) lightly amplified instrumental music is permissible until 1 a.m. on Friday, Saturday and Sunday mornings.
Background music only is allowed in the outdoor area until 10 p.m.
No music is allowed in the outdoor area after 10 p.m.
No live music is allowed in the remainder of the premises at any time.
No live entertainment is allowed in any part of the premises between 3 a.m. and 7 a.m. on any morning."

The proposed bar and beer garden will be following the existing liquor license.
With the bar following the bistro conditions and the beer garden following the outdoor area conditions.

Any music on the premises will comply with State Environment Protection Policy (SEPP N-2) Control of Music noise from Public Premises. The recommendations in the acoustic report will be implemented in full.

Background music is defined as not to interfere with normal conversation of 60-65dBA at 1m. This will be calibrated by a Limiter installed in-situ and set-up to ensure compliance with the requirements

Attachment 3 - PL06/0603.05 - 149-159 Swan Street Richmond - Noise and Amenity Action Plan

of SEPP N-2 in accordance with the acoustic report recommendations and as a function of the liquor license.

Light acoustic music is defined as unamplified and light or soft in nature. This excludes drum kits and horns but conversely would include low level percussive and wind instruments. An example of suitable light acoustic would be a two-piece acoustic guitar and acoustic bass act with unamplified vocals.

Lightly amplified instrumental music will not include any vocals amplified or other. The lightly amplified instruments will be governed by the Limiter as per acoustic report thus ensuring compliance with the requirements of SEPP N-2 in accord with the liquor license.

d) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or an officer of Liquor Licensing Victoria.

Either the manager, or an authorised manager on duty, will be on the premises during all operating hours to receive and deal with complaints.
In the event of a complaint, the licensed premises will have a developed standard procedure to be undertaken by all staff members in response to the complaint. The operation of the bar and beer garden will comply with the relevant requirements of its Liquor License.
The proprietor or manager will be responsible for ensuring that to their best endeavours no disturbance occurs or emanates from the premises which would be likely to cause a nuisance to adjoining occupier or cause detriment to the amenity of the neighbourhood.

e) Details of staffing arrangements

Staffing arrangements for the new bar and outdoor area,
Kitchen staff, 1.5 additional person required each day totalling 81 hours per week
Kitchen hours, Mon - Thu 11.30am - 3pm, 5pm - 9.30pm. Fri - Sun 10am - 10pm.
Bar Staff, 4 additional persons required totalling 100 hours per week totalling 174 hours.
Bar hours, Mon - Thu 11am - 11pm, Fri - Sun 10am - 11pm or later as required. All bar closing hours are subject to trade.
Security Staff, 2 additional guards required. Hours, each day from 6pm until close. Approximately 70 hours per week. The security presence is subject to trade requirements.

Manager, 2.5 Additional managers required. Additional hours are 98. Anticipated hours of work are from 9am each day until close of business.

f) Details of training provided for bar staff in the responsible serving of alcohol.

All staff will be trained in the responsible service of alcohol, in accordance with the requirements of the Liquor Reform Control Act and any other applicable legislative requirements

g) Hours of operation for all parts of the premises.

These are the trading hours for Vaucluse hotel in the existing liquor licence.
FOR CONSUMPTION ON THE LICENSED PREMISES
In the Lounge/Bistro & Gaming Areas -
At any time on any day except for the period between 3 a.m. and 12 noon on the morning of Anzac Day.

Attachment 3 - PL06/0603.05 - 149-159 Swan Street Richmond - Noise and Amenity Action Plan

In the Remainder of the Premises –
Sunday Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day Between 12 noon and 11 p.m.
Monday and Tuesday Between 7 a.m. and 12 midnight.
Wednesday to Saturday Between 7 a.m. and 1 a.m. the following morning.

The proposed bar will follow the hours for Lounge/Bistro & Gaming Areas.

The proposed beer garden will follow the hours recommended by the acoustics engineer:

Sunday between 10am and 11pm
Good Friday & ANZAC Day between 12noon and 11pm
Monday through Wednesday between 7am and 10pm
Thursday between 7am and 11pm
Friday and Saturday 7am and Midnight

h) Lighting within the boundaries of the premises.

The lighting within the premises will generally comprise of low voltage recessed downlights in addition to a few feature lighting in the gaming room.

i) Security lighting outside the premises.

External lighting will comprise of recessed low voltage downlights to the beer garden.

Security lighting will be provided internally and externally as according to existing premises. Details of the security lighting for the beer garden will be resolved in the future, during the project detailed design development. A balance between designing for safety and avoiding nuisance will be achieved in the design of any security lighting strategy.

j) Details of the provision of music including the frequency and hours of entertainment provided by live music.

Pre-recorded and live music is to adhere to point c) in this NAAP and be controlled by a Level Limiter as per 6.4 of the acoustic report.

Live music is outlined to run at the following times:
Friday afternoon and evening from 5pm until 11pm
Saturday afternoons and evening from 3pm until 11pm
Sunday afternoons and evening from 2pm until 10pm

No live music is to occur in the proposed bar or beer garden. Acts will only perform from the marked location in the Bistro only.

When live music is being played the glazed doors to the beer garden will be closed. Access to the beer garden will be from the airlock doors only.

k) Details of waste management plan associated with the licensed premises.

Attachment 3 - PL06/0603.05 - 149-159 Swan Street Richmond - Noise and Amenity Action Plan

All rubbish and refuse generated by the Hotel activities will be stored on the ground level store room and bins located north-west corner of the building. Waste collection will be by private contractor and collected from the Waverley Street frontage in accordance with the endorsed Waste Management Plan.

l) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.

As recommended in the acoustics report, the design for the Beer garden will incorporate soft absorbent materials where possible, as well as acoustically absorptive panels.

For the safety of the patrons and the neighbourhood, the maximum number of patrons permitted on the licensed premises will be limited to the safe and amenable operating capacity of the premises as set out in the Building Regulations 2006. Licensed premises operators will ensure that the maximum number of patrons allowed on the premises is not exceeded.

Furthermore the current situation is already operating under these conditions on the existing liquor license:
The licensee shall install and maintain a surveillance recording system able to clearly identify individuals which shows time and date and provides continuous images of all entrances and exits, bars, bistro floor area and entertainment areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation , or otherwise retained for at least 1 month.
The positioning of cameras is to be to the satisfaction of the Licensing Inspector.

Signs shall be erected near all entrances/exits to the hotel requesting patrons to depart in a quiet and orderly manner and requesting patrons not to park in front of residential houses in Docker Street.

The licensee shall engage a crowd controller licensed under the Private Security Act 2004 to be present on the street outside the licensed premises to monitor the behaviour of the patrons arriving at and departing from the premises from 9 p.m. until 1 hour after trade ceases when live entertainment is being provided in the Bistro Area on any Thursday, Friday or Saturday evenings. The licensee shall also provide adequate security in the Bistro Area when live entertainment is provided in the Bistro Area.

The operation of the proposed licensed premises will not impact on the safety of the surrounding area and in particular, the safety of persons residing in, or travelling through that area.

Attachment 4 - PL06/0603.05 - 149-159 Swan Street Richmond - Engineering services unit comments

CITY OF YARRA

MEMO

To:	**Vicky Grillakis**	
From:	**Mark Pisani**	
Date:	**6 June 2016**	
Subject:	**Application No:**	**PL06/0603.05**
	Description:	**Section 72 Amendment**
	Site Address:	**149-159 Swan Street, Richmond**

I refer to the above Planning Application received on 18 April 2016 and the accompanying report prepared by Ratio Consultants in relation to the proposed development at 149-159 Swan Street, Richmond. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Amended Proposal

The proposal comprises the conversion of the existing bottle shop and drive through of the existing tavern (The Vaucluse Hotel) to a bar and beer garden. The floor area for the tavern use would increase to a total of 535.2 square metres (an increase of 121.8 square metres). The Hotel's patron numbers would increase by 150 persons (currently at a maximum capacity of 360 patrons). The three on-site parking spaces would be reconfigured on the property and be accessed via an existing vehicle crossing on Waverley Street. The site is located on the north side of Swan Street, approximately 106 metres west of Church Street, and also has road abuttals to Waverley Street and Docker Street.

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
Tavern	150 patrons	0.4 spaces pare patron permitted	60 spaces

The increase in patron number at the hotel would result in a parking reduction of 60 spaces in the statutory car parking requirement. A waiver of these spaces is sought by the applicant.

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:

- *Multi-Purpose Trips within the Area*. The site is located within the Swan Street activity centre. Patrons visiting The Vaucluse Hotel would potentially combine their visit to the site with visits to other establishments, restaurants, cafés, shops, businesses and events at the Melbourne Sports and Entertainment Precinct.
- *Variation of Car Parking Demand over Time*. According to the submitted report by Ratio Consultants, an empirical assessment of the hotel identified that the number of patron vehicle trips to the hotel was greater before 7:30pm. After 7:30pm, the number of vehicle trips to the Hotel tended to decline.

- *Short-Stay and Long-Stay Parking Demand*. The parking associated with the hotel is generally short-stay parking for patrons and long-stay parking for employees. Patrons to the hotel would attempt to park in time restricted streets or off-street car parks (usually ticketed). Given the scarcity of long-stay on-street parking, employees/staff would make other travel arrangements to the site.
- *Availability of Public Transport in the Locality of the Land*. The site has very good access to public transport services, with trams operating along Swan Street and Church Street and rail services accessed from the Richmond and East Richmond railway stations. Bus services along Punt road can also be reached on foot.
- *Empirical Assessment*. Ratio had conducted a patron travel mode survey of The Vaucluse Hotel on Saturday 13 February 2016 between 6:30pm and 9:00pm. At the time of the survey, an A-League football match was played at AAMI Park. Prior to 7:30pm, 53 patrons were interviewed with 12 of those patrons having arrived to the hotel as a driver. After 7:30pm, 19 patrons were interviewed and only two patrons had arrived as a driver. Of the seven employees interviewed, only one had driven to the hotel. The submitted report indicated that a number of patrons at the hotel prior to 7:30pm had left to attend the football match at AAMI Park.
- *Parking Demand at the Subject Site*. The parking rates for patrons from the above travel mode study equates to 0.23 spaces per patron (prior to 7:30 pm) and 0.11 spaces per patron (after 7:30pm). The staff parking rate would be 0.14 spaces per patron. Ratio Consultants have assumed that around 50 percent of trips to the hotel would be multi-purpose trips and that more appropriate rates would be 0.12 spaces per patron prior to 7:30pm and 0.06 spaces per patron after 7:30pm. We consider these rates to be low and assuming that 50 percent of trips would be multi-purpose trips does not reduce the actual physical amount of parking that takes place in the surrounding streets. A more conservative rate for patron parking would be around 0.15 spaces per patron – a rate that is consistent with other travel mode studies we have reviewed in the past. By adopting this rate, the parking for the 150 patrons would equate to 22 parking spaces. It is agreed that the hotel would not operate at full capacity on most occasions.

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*. Ratio Consultants had conducted an on-street car parking occupancy survey on Friday 5 February 2016 and on Saturday 6 February 2016 (from 11:00am to 1:00am the following day; on both days). The survey area encompassed Gipps Street (from Stanley Street to Church Street), Swan Street (Church Street to Dando Street) and sections of Dando Street, Clifton Street, Waverly Street, Docker Street and the west side of Church Street. The off-street car parks at Docker Street and Milton Place were also included in the survey. An inventory ranging from 293 to 434 public parking spaces was identified. The extent of the survey is considered appropriate. It appears that no sporting events took place during the times of the survey. The survey results indicated that on-street parking occupancy ranged from 41 percent to 57 percent on the Friday, and 45 percent to 70 percent on the Saturday. These occupancy rates seem quite low for the Swan Street area. In reality, the demand for on-street parking in the surrounding area is very high. Within say, 500 metres' radius of the site, the street network should be able to cater for the expected car parking demand (estimated to be 22 spaces). Whilst parking levels are very high in the area, the time based parking controls in the surrounding streets and their enforcement would ensure that parking turns over and provide some opportunity for visitors to park on-street.

- *Access to or provision of Alternative Transport Modes*. The site has very good accessibility to public transport. The high level of on-street parking taking place in the area, together with stringent enforcement of drink driving laws, would likely encourage patrons to take alternative transport modes. Taxis and private driver services would also be a potential travel mode for some patrons, especially if they intend to imbibe alcohol.

Attachment 4 - PL06/0603.05 - 149-159 Swan Street Richmond - Engineering services unit comments

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of 60 spaces for The Vaucluse Hotel is considered appropriate in the context of the site and the surrounding area. The parking demand generated by the increase in patrons has been estimated to be 22 spaces. Factors that would influence whether patrons drive to the site would include the high on-street parking occupancy levels, stringent enforcement of drink driving laws, easy accessibility to the site by public transport and taxis and private driver services. The parking associated with the increase in patron numbers should not further impact on existing on-street parking, which is already very high in the area.

DEVELOPMENT LAYOUT DESIGN
Access Arrangements
The *Existing Ground Floor Plan* prepared by Enth Design Architects (TP01 dated July 2013) does not accurately depict the existing vehicle crossing arrangement along the property's Waverley Street road frontage. The existing vehicle crossing on the east side of Waverley Street extends from the south side of store room to the existing north column supporting the roof structure of the drive through.

For the proposed ground floor and the reconfiguration of the three car parking spaces, the vehicle crossing must span the three spaces. The existing vehicle crossing must be demolished and reconstructed. The redundant vehicle crossing on the north side of Swan Street and any portions of redundant vehicle crossing along Waverley Street must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense.

In Waverley Street, on-street parking takes place along the west side of the street whilst the east side contains prohibited parking .For the three reconfigured parking spaces, the applicant must provide swept path diagrams using the B85 design vehicle for vehicle entry and exit movements into the spaces via Waverley Street.

A vehicle crossing must not be constructed in front of the store room, as depicted on the *Proposed Ground Floor Plan*. The applicant must correct the drawing to accurately depict the vehicle crossing spanning the three spaces. The new vehicle crossing must be dimensioned on the drawing.

Internal Layout
The lengths of the three spaces must be no less than 5.4 metres as per the Australian/New Zealand Standard AS/NZS 2890.1:2004 since these bays immediately abut a Public Highway.

Summary of Design Items to be Addressed

Item	Details
Vehicle Crossing - Waverley Street	The new vehicle crossing on the east side of Waverley Street must span the three reconfigured spaces. The vehicle crossing must be dimensioned on the *Proposed Ground Floor Plan*. The vehicle crossing must not span across the store room. This is to be corrected on the drawings (which currently show a crossing).
Turning movements – Reconfigured Car Parking Spaces	Swept path diagrams using the B85 design vehicle must be provided for the three reconfigured parking spaces off Waverley Street.
Parking Space Length	The length of the parking spaces must be no less than 5.4 metres as per the Australian/New Zealand Standard AS/NZS 2890.1:2004 since these bays immediately abut a Public Highway.

Attachment 4 - PL06/0603.05 - 149-159 Swan Street Richmond - Engineering services unit comments

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

Civil Works – Waverley Street

- Upon the completion of all building and refurbishment works, the footpath immediately outside the property's Waverley Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
- The concrete kerb and channel from the property's northern boundary to Swan Street must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- The existing vehicle crossing on the east side of Waverley Street must be demolished and reconstructed in accordance with Council's Standard Drawings.
- Any remaining sections of redundant vehicle crossing must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense.

Reinstatement of Vehicle Crossing on Swan Street

- The existing vehicle crossing on the north side of Swan Street must be demolished and reinstated 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.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 5 - PL06/0603.05 - 149-159 Swan Street Richmond - Amenity Enforcement Referral Comments

CITY OF YARRA

MeMO

TO:	**Vicky Grillakis**
cc:	
FROM:	**Steve Alexander**
DATE:	**08/04/16**
APPLICATION:	**PL06/0603.05**
SUBJECT:	**Amenity Enforcement Referral – 149 – 159 Swan Street Richmond**

Dear Vicky,

Thank you for your referral PL06/0603.05 dated 07 April 2016. This has been sent to me for consideration and reply.

Planning Enforcement has not received any recent amenity concerns in relation to 149 – 159 Swan Street Richmond, however I note that this is an application which includes a beer garden and increase in numbers which may have an impact to the amenity.

In consultation with the Planning Enforcement Officers I have reviewed the proposal and recommend the following:

1. No music after 10pm at any outdoor area including the beer garden Sunday to Thursday
2. No music after 11pm at any outdoor area including the beer garden Friday and Saturday
3. Any outdoor area including the beer garden area to close 11pm Sunday to Thursday
4. Any outdoor area including the beer garden area to close 12 midnight Friday and Saturday

The above recommendation was made with consideration to the fact noise will generally carry further from an open area. Experience tells us that open areas in particular beer gardens have a tendency to impact the amenity. The times suggested where no music is allowed was based on keeping consistent with the Environment Protection (Residential Noise) Regulations 2008 schedule for amplified music.

An additional hour to operate was suggested for any outdoor area including the beer garden to allow the proprietor to ease out patrons. Given the total numbers proposed the staggered approach should also assist in having patrons leave the venue at various times rather that all at once after closing.

Points 1-4 are only for the any outdoor areas and beer garden area.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Steve Alexander
Coordinator – Civic Compliance

Attachment 6 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

MARSHALL DAY Acoustics

6 Gipps Street
Collingwood VIC 3066
Australia
T: +613 9416 1855
ABN: 53 470 077 191
www.marshallday.com

18 October 2016

City of Yarra
PO Box 168
Richmond VIC 3121
AUSTRALIA

Attention: Ms Amy Hodgen

Dear Amy

VAUCLUSE HOTEL – AUDIOMETRIC AND ACOUSTICS PEER REVIEW

It is proposed to renovate the existing Vaucluse Hotel which is located at 157 Swan Street in Richmond. The project will remove the current bottle shop and replace it with a bar and beer garden. The renovation does not yet have a current planning permit and it is understood that the application is being administered by varying the existing approval (PLN06/0603.05).

Audiometric and Acoustic Services (A&AS) was engaged to provide an acoustic report in response to an RFI from The City of Yarra, which requested:

12. *An acoustic report, prepared by a suitably qualified Acoustic Consultant, addressing the impact of the proposal (particularly the proposed beer garden) on the surrounding residential properties. The report must specifically address, but not be limited to, an assessment of the impact of any doors/openable windows and open areas and provide recommendations regarding any non-compliance in terms of patron noise levels*

Marshall Day Acoustics Pty Ltd (MDA) was originally engaged by The City of Yarra in April 2016 to undertake a peer review of the following A&AS report:

- Report number 5099 *'Assessment of proposed beer garden area at the Vaucluse Hotel located at 157 Swan Street, Richmond re compliance with SEPP N-1 and SEPP N-2'*, dated 27th November 2015 (included as Appendix A).

In addition, the following briefing documents formed the basis of the original peer review, which was detailed in MDA Letter Lt 001 2016146ML which was dated 22 April 2016:

- Request for peer review services by e-mail from City of Yarra to MDA, dated 7th April 2016
- Town planning drawings, prepared by Enth Degree Architects and dated 24th February 2016
- Town planning report, prepared by the proponents (undated)
- Response to RFI, prepared by Enth Degree Architects and dated 15th December 2015
- Noise and Amenity Action Plan (NAAP), prepared by the proponents (undated)
- The Vaucluse Hotel website, accessed on Wednesday 20th April 2016.

Since that time, A&AS has made extensive revisions to the report. Therefore this letter is written with reference to version three of the A&AS report (5099.3).

MDA has reviewed the above documents and asserts that the A&AS assessment has broadly adopted the appropriate legislation, guidelines and comments made by MDA as part of their review. It should be noted the report references a revised Noise and Amenity Action Plan, which MDA have not had sight of.

Notwithstanding this, MDA is content to accept the conclusions and recommendations contained within version three of the A&AS report without further comment.

Certified System ISO 9001

Attachment 6 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

MARSHALL DAY Acoustics

We trust that this information is commensurate to your needs at this time. If you have any comments or questions then please do not hesitate to call.

Yours faithfully

MARSHALL DAY ACOUSTICS PTY LTD

Simon McHugh

Senior Consultant

Attachment 6 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

MARSHALL DAY Acoustics

APPENDIX A A&AS REPORT: 5099.3

Attachment 6 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

HEAR DATA PTY LTD ABN 39 006 317 924 Trading as
AUDIOMETRIC & ACOUSTIC SERVICES
Telephone: (03) 9817 5517 28 Hilda Street, Balwyn, Victoria, 3103 Facsimile: (03) 9817 5411
Email: noiseconsult@bigpond.com

7th October, 2016 **Ref. 5099.3**

Title: **Revision of Assessment of proposed Beer Garden area at The Vaucluse Hotel located at 157 Swan St, Richmond re compliance with SEPP N1 and SEPP N-2 (Music) and Patron Noise to address issues raised in the Marshall Day Acoustics peer review (Reference Lt 001 2016146ML_Peer Review_Acoustics_Vaucluse Hotel_157 Swan Street, Richmond).**

Brief: **Assess and calculate noise levels relating to proposed Beer Garden area and provide recommendations where needed re compliance with SEPP N1 and SEPP N-2 (Music) and Patron Noise including feedback from the Peer Review.**

Client: **T.A.G. Constructions Pty. Ltd.**
Level 1
430 – 436 Sydney Road
Brunswick 3056
Ph: (03) 9388 8000

Designers: **Enth Degree Architects**
122 – 124 St Kilda Rd
St Kilda 3182

Contacts: **Esther Choi – Enth Degree Architects**
Ph: (03) 9534 2188
E: esther@enth.com.au

Documents Provided: **Lt 001 2016146ML_Peer Review_Acoustics_Vaucluse Hotel_157 Swan Street, Richmond. Dated 22 April 2016. Prepared by Simon McHugh.**

TP02 PROPOSED FLOOR PLAN - received 31/5/16
TP04-06 ELEVATIONS - received 31/5/16
NAAP Vaucluse - received 6/10/16
TP08 DETAILS – received 20/7/16
TP00 SITE PLAN – received 12/9/16
TP02 PROPOSED FLOOR PLAN – received 12/9/16
TP06 ELEVATIONS – received 12/9/16

Attachment 6 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

Report Ref 5099.3

1.0 Introduction

This firm was requested to test and make recommendations associated with possible noise from the proposed beer garden area and adjacent bar at The Vaucluse Hotel located at 149-159 Swan St, Richmond. The amendment application # PL06/0603.05 issued by the City of Yarra Council requires the building and proposed outdoor beer garden to be designed to accommodate the prevailing noise levels at the site to ensure adequate amenity for the surrounding residents. The condition is quoted below:

12. An acoustic report, prepared by a suitably qualified Acoustic Consultant, addressing the impact of the proposal (particularly the proposed beer garden) on the surrounding residential properties. The report must specifically address, but not be limited to, an assessment of the impact of any doors/openable windows and open areas and provide recommendations regarding any non-compliance in terms of patron noise levels.

Council has also asked the Client for a Noise and Amenity Action Plan (NAAP) as below. This has been provided to this firm by Enth Degree Architects. Therefore, we will make reference to the NAAP and recommendations as to additional methods to comply with the NAAP throughout the report where applicable.

14. A Noise and Amenity Action Plan (NAAP) detailing the following information:
    (a) The location, type and details of existing licensed premises in the locality.
    (b) 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 property.
    (c) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
    (d) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or an officer of Liquor Licensing Victoria.
    (e) Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters, on-premises manager, and other staff.
    (f) Details of training provided for bar staff in the responsible serving of alcohol.
    (g) Hours of operation for all parts of the premises.
    (h) Lighting within the boundaries of the premises.
    (i) Security lighting outside the premises.
    (j) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
    (k) Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises.
    (l) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.

Since the initial report A&AS Reference 5099, Council has had the report peer reviewed by Marshall Day Acoustics as is common industry practice. This report will provide more detail and address concerns from both Council and Marshall Day Acoustics (MDA).

2.0 Proposed Operations

It is proposed that the premises will operate as per the existing Liquor License with the proposed beer garden being run under provision of a suitable management plan including the NAAP.

Live music will be nonexistent in the beer garden or proposed additional bar and seating area. Only background music will be provided in the proposed beer garden space. The level of the background music must not interfere with normal

Attachment 6 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

conversation taken to be at 60-65 dBA at 1m. The performance location has been marked on the drawings however location of speakers has not been specified but are expected to be calibrated individually once installed and then collectively assessed for compliance with SEPP N-2. Current late night (general) license #31915185 already specifies allowable music sources and types for the Bistro area.

The combined beer garden and adjacent bar have proposed seating for 150 patrons although a number will be able to stand. It is assumed as per proposed plans that seating for the beer garden is at some 75 persons with room for an additional 25 to stand. The adjacent bar will accommodate the remaining 50 patrons.

a) Hours of operation for all parts of the premises.

These are the trading hours for Vaucluse hotel in the existing liquor licence.
FOR CONSUMPTION ON THE LICENSED PREMISES
In the Lounge/Bistro & Gaming Areas -
At any time on any day except for the period between 3 a.m. and 12 noon on the morning of Anzac Day.

In the Remainder of the Premises –
Sunday Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day Between 12 noon and 11 p.m.
Monday and Tuesday Between 7 a.m. and 12 midnight.
Wednesday to Saturday Between 7 a.m. and 1 a.m. the following morning.

The proposed bar will follow the hours for Lounge/Bistro & Gaming Areas.

The proposed beer garden will follow the hours recommended by the acoustics engineer:

Sunday between 10am and 11pm
Good Friday & ANZAC Day between 12noon and 11pm
Monday through Wednesday between 7am and 10pm
Thursday between 7am and 11pm
Friday and Saturday 7am and Midnight

Entry to the Beer Garden is taken to be from inside the venue nominally the southern entry point on Swan Street. There is also an emergency exit from the north of the beer garden.

Two additional security guards are required as per NAAP from 6pm till close but their presence will be subject to trade requirements.

The following has been outlined in the most current NAAP supplied to this firm on **6/10/16**:

*For the proposed beer garden, **no live music** will be played. Meaning that the background music noise emitted from the outdoor area can be considered to be at restaurant conversation level (60-65dB at 1m). Recommendations regarding the construction of the proposed bar/beer garden area are contained in the acoustic report (Audiometric and Acoustic Services Reference: 5099.3) and will be implemented. Accordingly, the noise from the proposed bar/beer garden area will be contained and/or attenuated so that the noise emissions from the Vaucluse Hotel is at the same or lower nominal level as the noise emitted by Swan Street (trams, cars) and the railway line that are within the 100m radius Hotel.*

Attachment 6 - PL06/0603.05 - 149-159 Swan Street Richmond - Acoustic consultant comments from Marshall Day Acoustics

In the existing liquor licence 31915185 of the Hotel it defines what live music is allowed on the premises:

"In the bistro - (a) background music, or (b) light acoustic music, or (c) lightly amplified instrumental music is permissible until 1 a.m. on Friday, Saturday and Sunday mornings.
Background music only is allowed in the outdoor area until 10 p.m.
No music is allowed in the outdoor area after 10 p.m.
No live music is allowed in the remainder of the premises at any time.
No live entertainment is allowed in any part of the premises between 3 a.m. and 7 a.m. on any morning."

The proposed bar and beer garden will be following the existing liquor license.
With the bar following the bistro conditions and the beer garden following the outdoor area conditions.

Any music on the premises will comply with State Environment Protection Policy (SEPP N-2) Control of Music noise from Public Premises. The recommendations in the acoustic report will be implemented in full.

Background music is defined as not to interfere with normal conversation of 60-65dBA at 1m. This will be calibrated by a Limiter installed in-situ and set-up to ensure compliance with the requirements of SEPP N-2 in accordance with the acoustic report recommendations and as a function of the liquor license.

Light acoustic music is defined as unamplified and light or soft in nature. This excludes drum kits and horns but conversely would include low level percussive and wind instruments. An example of suitable light acoustic would be a two-piece acoustic guitar and acoustic bass act with unamplified vocals.

Lightly amplified instrumental music will not include any vocals amplified or other. The lightly amplified instruments will be governed by the Limiter as per acoustic report thus ensuring compliance with the requirements of SEPP N-2 in accord with the liquor license.

The intent is to use the outline of proposed operations in the NAAP to make recommendations as to the Limit for music noise and activities within the premises directly associated with the music sources, with regard to SEPP N-2. Our understanding of amplified music includes both live and pre-recorded music.

3.0 EPA – Victoria Policy

The current EPA - Victoria policies do not enunciate objective limits or recommendations to cover noise associated with the human voice or from crowd noise. The exception is the State Environment Protection Policy N-2 (Music), which technically could be applied if the persons concerned were singing. However, we view this as an unlikely event.

In short there is no EPA Policy that would apply in this case with respect to patron noise. Regardless, it does seem appropriate to define a reasonable limit to the possible patron noise from the areas in question. As a general rule, the EPA's in various Australian states and Territories often use 5dBA above the prevailing background noise.

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We have taken compliance with the State Environment Protection Policy N-2 (Music) to be a suitable criteria against which to judge any loss of amenity from any music source. It should be noted that a licensed premises already has an obligation to comply with the SEPP N-2 as part of the standard conditions for a Liquor License, so to an extent this must be seen as a reinforcement of the Liquor License conditions.

After 2200hrs the Noise Limit under the Policy becomes quite stringent, as after 2200hrs the period is defined as Night Time by EPA - Victoria. SEPP N-2 applies a tight limit on noise levels across the octave bands during the Night Period, i.e. after 2200hrs. This requires the measurement of the prevailing background noise as an L_{90} in dBC across the Octave Bands, and the Permissible Noise Limit is the L_{10} at a level 8dB greater than the L_{90} for each Octave Band. The reason for this approach is to identify music with a strong beat (often in the lower frequencies) which traditionally has been the source of complaints in almost all cases.

Naturally if a noise source is inaudible at a residential receptor then there is no question that the source is compliant with the relevant EPA Policy. In this case SEPP N-2 will apply to music sources in particular background music proposed at 60-65dBA at 1m as per NAAP in the Beer Garden.

Patron Noise shall be quantified in the proposed beer garden space using the Marshall Day Acoustics in-house, background noise based targets for patron noise as application of EPA SEPP N-1 is not applicable.

Accordingly, by the use of a noise logger, we undertook a measurement of the background noise levels from the late afternoon of 26th October 2015 through till the 29th of October 2015. The data yielded from the noise logger then allows us to determine the permissible Noise Limit.

The measurement was taken from 1545hrs on the 26th of October 2015 to 1115hrs on the 29th of October 2015. The logger was positioned on top of the existing north west store room as depicted below in Figure 1. It was felt this was the closest most practicable position available relative to the closest residence located at 32 Waverly St, Richmond. The weather over the noise logging period was mild and no wind was apparent. We consider the environmental conditions to be quite neutral for the purpose of the background noise assessment. Questions have been raised in the MDA Peer Review document as to the proximity and effect of noise emitted by refrigeration and AC units to the logger, our data shows standard and expected fluctuations during the measurement periods that are relative to trams and traffic in the area. A significant change would be expected to the logger data relative to the opening hours of the venue if the AC units and compressors were being turned on and off as would be expected during trading in early summer – there is no significant change reflected in the data associated with operation of the AC units and compressors.

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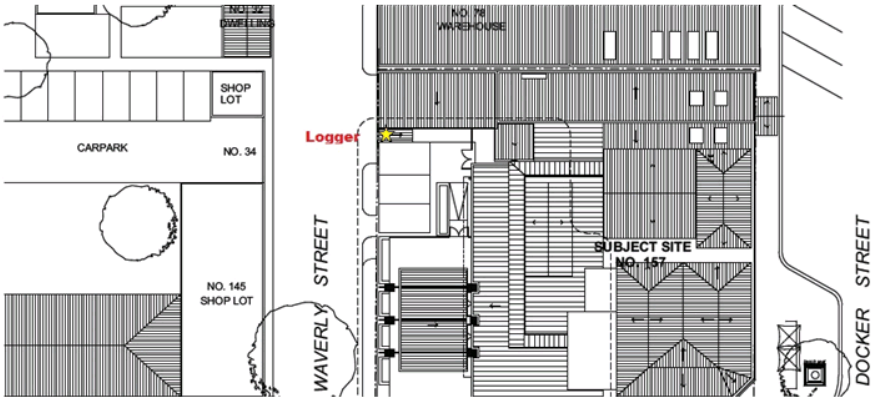
Figure 1: Location of logger measurement point and the closest residence at 32 Waverley Street Richmond.



4.0 Discussion of results – October 2015 and additional measurements June 2016

The logger results and site attendance identified that the major noise emissions in the area is from traffic and trams rather than any other source with trams being somewhat more dominant than traffic noise. No other sources of significance were identified however the location of refuse bins and possible stock deliveries has been considered. We estimate that a Monday night through to Thursday night would be quieter than weekend nights and thus provide more conservative figures. In a general sense air conditioning, cooling units, general traffic, pedestrian and trams were noted as being part of the sound-scape in the area but not emitted from the premises in question.

The main concern with the proposed development of the beer garden and the adjacent bar area is for any patron noise and background music noise in the beer garden. Therefore, the figures in Table 1 for the Night Period have previously (A&AS Reference 5099) been aligned with the opening hours rather than the full Night Period (2200hrs-0700hrs) so as not to dilute the L_{90} by averaging the entire Night Period and including times when the premises in question is not trading. In this document, we have used the Background L_{90} from 2200hrs-0700hrs as the benchmark for the Night Period Limit as we have been advised in the MDA Peer Review document to align with the 24hr license rather than the current or proposed operating times.

The remainder of the venue operates as per the existing Liquor License and NAAP. Currently the venue only operates until midnight or 1am on Thursday, Friday and Saturday nights depending on trade. However, the venue does currently hold a 24 hour license to operate with the exception of the period between 3am and midday on ANZAC day. The gaming area is advertised on the venue website as being open until 5am from Thursday to Saturday however this is not an area of concern for this report due to the location of the gaming area and amount of acoustic attenuation between the gaming area and the area under consideration in this document. Further, the bistro and gaming areas are assumed to be currently compliant with SEPP N-2 under the current liquor license.

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The noise logger results (dB(A)) for the background levels are as follows:

4.1 Background Noise Measurement – Noise Logger Results 26/10/2015 - 28/10/2015

Logger located on the roof of the existing north west store room as per Figure 1 above.

Table 1: Background Level Measurement – Noise Logger Results 26/10/2015 - 28/10/2015

Date	*Time*	*L90 Average (dBA)*
26/10/2015	1800-2200	**56**
26/10/2015	2200-0700	**51**
27/10/2015	0700-1800	**56**
27/10/2015	1800-2200	**56**
27/10/2015	2200-0700	**51**
28/10/2015	0700-1800	**55**
28/10/2015	1800-2200	**57**
28/10/2015	2200-0700	**51**
Average 0700 – 1800hrs		**56**
Average 1800 – 2200hrs		**56**
Average 2200 – 0700hrs		**51**

In response to MDA's peer review and objection to the location at which the logger was installed – in particular the logger measurement point and it's proximity to the subject premises AC Units and compressors, this firm has re-logged the site using two separate noise loggers. One logger was placed above the closest bedroom window at 32 Waverly Street and one was placed at the original location used in the previous report (see Figure 1 above). The data collected was consistent with our belief that the two positons were likely to have a similar Background measurement. The measurements were found to be very close in magnitude with observed variation between the two sights of no more than a 1.5dBA as an L_{Aeq} for the periods measured.

The additional measurement period was from the 9th of June 2016 until the 14th of June 2016. Weather was moderate to calm for the measurement period and considered to not adversely affect the accuracy of the noise logging assessment.

The dBA results for the Background levels at 32 Waverley Street are as follows. Note that the Night Background has been averaged from 2200 – 0700hrs as per MDA request for both Table 1 and Table 2. Averaging for the whole Night Period gives a more conservative figure even though the beer garden will only operate until 1am on the weekend.

Table 2: Background levels (L_{90} – dBA) as measured at 32 Waverley Street, Richmond

Average 0700 – 1800hrs	**55**
Average 1800 – 2200hrs	**55**

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Average 2200 – 0700hrs	**49**

While the location of the logger measurement point is a legitimate concern for someone unfamiliar with the site, comparison of the 2 data sets and the similarity in the measured data indicates that the logger measurement points chosen are both suitable for the quantification of the background noise in the area and in particular the background noise incident on the nearest residence at 32 Waverley Street.

It is worth noting, the second measurement period (2016) fell over the Queen's Birthday long weekend. Results fell in line with expectation of a quieter than normal weekend due to the 3-day weekend with the Monday being a public holiday.

The original Background measurement was taken on a typical week in October 2015. It was already considered conservative as the measurement was taken from Monday through to Thursday. We see reworking a report to adjust for a 1-2dBA difference as shown in Table 3, would not only penalise the Client for an unusually quiet weekend but also be a misuse of time and money for the Client.

We will therefore be continuing to use the original 2015 data as per Table1.

Table 3: Background Noise Measurement (L_{90} – dBA)

	Vaucluse Hotel Oct 2015	**32 Waverley St June 2016**
Average 0700 – 1800hrs	**56**	**55**
Average 1800 – 2200hrs	**56**	**55**
Average 2200 – 0700hrs	**51**	**49**

4.2 Expected Patron Noise

SLR Acoustics have previously provided this firm an Association of Australian Acoustical Consultants (AAAC) Guideline entitled 'Consideration of Patron Noise at Entertainment Venues' drafted by Watson, Moss and Growcott Acoustics in June 2009 as part of a previous peer review requested by Yarra City Council. As per the AAAC guideline mentioned above, the following calculation is used to estimate patron noise:

Base Patron noise in dBA: L_{eq} = 21 log (Patron Numbers) + 43dBA

Although the Watson, Moss and Growcott method is a guideline, it is however this firm's belief that this method is reasonable, appropriate and adequate to other approaches in the absence of an accepted acoustical industry standard/guideline or Victorian regulation.

With seating for 150 patrons in both the beer garden and bar, a base patron noise is estimated through performing the calculation presented above as an equivalent continuous noise level (L_{Aeq}) emitted from 150 patrons of 89dBA. This is a worst case scenario with all openable doors and windows open. We feel this is an unlikely occurrence and a more accurate estimation would be to calculate the estimated patron equivalent continuous noise level (L_{eq}) for the main area of concern: the Beer Garden.

An estimated base patron equivalent continuous noise level for the beer garden with 100 persons would be an L_{eq} of **85dBA**. This figure is already quite significant and

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upon discussion with Enth Degree Architects, the capacity of the beer garden has been reduced to 80 persons giving a patron noise estimation L_{Aeq} of **83dBA.** Accordingly, the management documentation and NAAP is to be updated to reflect this change.

The L_{Aeq} in laymen's terms is commonly referred to as the average. With greater numbers of persons a more broad-band and steady noise-level is apparent. Fewer people are observed to have more interruptive or impulsive outbursts that would therefore be of more annoyance.

The Watson, Moss and Growcott method suggested adjustments be made for the character of the emitted noise for gatherings of less than 10 persons for late evening bars, bistros and clubs of +2dBA. This is to accommodate the occurrence of a gathering that is celebratory in nature and consequently louder. No adjustment is made for groups of more than 10 persons as the noise is seen as more of a steady in level, broadband babble rather than an impulsive and interruptive.

MDA has not used the same Watson, Moss and Growcott paper in their critique and has informed this firm via the peer review document and phone conversation that the method used by MDA is a sleep disturbance regulation related to traffic noise (NSW Road Noise Policy - 2011). This firm believes that with a larger crowd of 80 persons that the character of the noise is more steady in level and less impulsive than that suggested by the NSW Road Noise Policy.

Our starting figure for the emitted patron equivalent continuous noise level from 80 patrons in the Beer Garden area is **83dBA** for the Day, Evening and Night periods.

This **83dBA** is applied as a point source in the middle of the seating area in question and then the emitted levels calculated incrementally as a function of distance. Sound levels dissipate at 6dBA for a doubling of distance through which propagation occurs in a free field. However, we have used a decrease of 3dBA within the covered area and then 5dBA after that as the particular area through which the noise propagated cannot be said to be true free-field due to the presence of buildings and standard street objects such as signs and trees etc.

Table 4: Effective Equivalent Continuous Noise Level emitted by 80 patrons in the Beer Garden area as attenuated by distance travelled.

Distance (m)	dBA	Notes
1	**83**	Point Source
2	80	
4	77	
8	72	
16	67	
27	**64**	32 Waverley Street

The Effective Equivalent Continuous Noise Level emitted by 80 patrons in the Beer Garden area at 32 Waverley Street is therefore estimated at **64dBA**

Table 5 Recommended Levels

	Evenings	Night (10pm to 1am Friday and	Evening	Night

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		Saturday)	Exceedance	Exceedance
Background Level, L90	56	51		
MDA Guide	66 (b/g+10)	56 (b/g+5)	-2	**8**

*All units in the table above are in dBA

Marshall Day Acoustics use a Background Level plus 10 in the Evening Period and Background Level plus 5dBA in the Night Period for patron noise emission. We feel the MDA margins are well suited to a busy inner city suburb such as Richmond. With a regular sporting clientele due to the proximity of the Vaucluse Hotel to the Melbourne Sporting Precinct (MCG, Tennis Centre etc) and possible overflow from other venues in the area such as The Corner Hotel and The Precinct Hotel, it is thought that the Vaucluse Hotel is likely to attract a number of people.

The results show an effective patron noise level at the nearest residence (32 Waverley Street, Richmond) of **64dBA**. Table 5 outlines a compliance margin of 2dBA in the evening and a likely exceedance of **8dBA** after 10pm.

4.3 Acoustic Wall Design

Due to the close proximity of the nearest residence and the projected **8dBA** exceedance during the Night Period, it is necessary to create a suitable barrier to reflect/attenuate the emitted noise. Through collaboration with the architects we have arrived at a model wall system as per preliminary drawings quoted on the cover page of this document. The northern and western wall is proposed as double brick with a height of 3m. The eastern side is bordered by the building itself. The southern side faces Swan Street of which we are not overly concerned with due to the absence of dwellings and relatively high Background Level due to the traffic and trams.

For acoustic purposes a 3m wall gives a very minimal Effective Height therefore we have chosen to also increase the absorbency by using a wall-facing product with a high sound absorbent coefficient – Quiet Stone Standard (QS). We have estimated this to reduce our starting figure from **83dBA** to an L_{Aeq} of **80dBA.**

Quiet Stone (QS) Standard has been chosen as a lining to the inner side of the wall in order to reduce reflection, reverberation and act as an absorber to minimise the reflected ambient patron noise in the beer garden itself. The QS panels will need to be applied to west and north walls of the proposed acoustic walls to a minimum height of 3m from ground level thus completely covering the beer garden side of the wall. Construction should be as per the specification for Test 2 in Figure 2 below with a 30mm panel, 50mm Acoustisorb 3 and a 100mm air gap to achieve the desired co-efficient. 50mm Acoustisorb 3 will need to be used in place of Rockwool due to the external nature of the acoustic barrier wall.

The wall has originally been proposed to be constructed of double brick however the inclusion of the QS panels deems the internal beer garden side brick veneer to be somewhat redundant. Substitution of the external Waverley Street side brick component can be replaced by a minimum 6mm cement sheet and a min 19mm timber cladding. A suitable steel frame will need to be used as part of the wall system to support the QS face to create the 100mm gap and support the Acoustisorb 3 as required.

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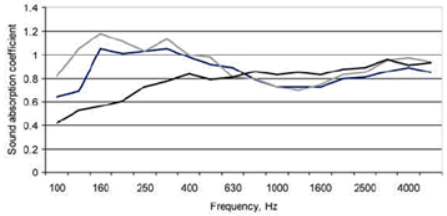
The Architect has also requested that timber cladding be used in addition to the Quiet Stone system. As the Quiet Stone is an absorber we can only allow the top third of the internal wall to have a timber façade however, the timber slats need to be spaced as to be at least 25% permeable and provide and air gap of at least 25mm between the timber and the Quiet Stone panels.

Figure 2: Acoustic Absorption Performance of Quiet Stone Wall System – Test 2

Acoustic performance

- Data provided by the University of Salford and the TNO, Delft. Please contact us should you require copies of results. BS EN ISO 354: 2003



Test 1: 30mm panel, 50mm Rockwool, 40mm air gap.

Test 2: 30mm panel, 50mm Rockwool, 100mm air gap.

Test 3: 30mm panel, 50mm air gap, 50mm Rockwool.

	Sound absorption coefficients, α_p						EN-ISO 11654 α_w
	125 Hz	250Hz	500Hz	1000Hz	2000Hz	4000HZ	
Test 1	0,60	1.05	0,95	0,75	0,80	0,85	0,80 (L); class B
Test 2	1,00	1.10	0,95	0,75	0,80	0,95	0,85 (L H); class B
Test 3	0,50	0.70	0,80	0,85	0,85	0,95	0,85; class B

The Effective Height for calculations of the sound attenuation over the acoustic barrier is 1.2m. The knowledge of the Effective Height of the recommended noise barrier enables us to calculate the estimated sound level at the neighbouring residence. The specific receiver point to which the estimated barrier-attenuated level is calculated has been chosen to be the top of the closest bedroom window at 32 Waverley Street Richmond with the inclusion of the change in ground level between the beer garden source position and the slightly higher in altitude Waverley Street bedroom window to be at + 3.0m height.

The methods used to calculate the estimated Effective Noise Level at 32 Waverley Street Richmond is described in Sharland, Ian (1973) 'Woods Practical Guide to Noise Control', Woods Acoustics - Chapter 4, Pg 61. The distances used to perform the calculation are as follows:

Effective Height	= 1.2m
Distance to wall	= 7m
Distance from wall to residence	= 20m
Wall Height	= 3m
Window Height inc change in ground level	= 3m

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Table 6: Octave band calculation of the estimated Effective Noise Level at 32 Waverley Street Richmond

Note: The initial patron noise level of 83dBA has been expanded into octave bands for the purpose of this assessment through in-house patron noise measurements taken simultaneously in octave bands and in broad-band. The attenuated octave band data is then summed together to give the estimated **Effective Noise Level** calculated over the covered and pseudo-free field noise propagation paths in broad-band dBA.

Octave Bands	**63**	**125**	**250**	**500**	**1K**	**2K**	**4K**
SPL	57	71	71	77	79	75	67
Attenuation w/ distance	-19	-19	-19	-19	-19	-19	-19
SPL	38	52	52	58	60	56	48
H_e/λ	0.21	0.43	0.86	1.7	3.4	7	13
Attenuation w/ barrier	-6	-8	-9	-12	-14	-16	-16
SPL at distance w/ barrier	32	44	43	46	46	40	32

The **estimated Effective Noise Level** calculated over the covered and pseudo-free field noise propagation paths (as detailed in Section 4.2 above) with the barrier installed equates to an L_{Aeq} of **51dBA** at the top of the closest window at 32 Waverley Street.

Table 7: Estimated effective noise levels from patron noise at 32 Waverley St.

	Evenings	**Night (10pm to 1am Friday and Saturday)**	**Evening Exceedance**	**Night Exceedance**
Background Noise Level, L_{90}	56	51		
MDA Guide	66 (b/g+10)	56 (b/g+5)	**-15**	**-5**

*All units in the table above are in dBA

Again Marshall Day Acoustics use a Background L_{90} plus 10dBA in the Evening period and Background L_{90} plus 5dBA in the Night period.

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The results in Table 6 show an effective noise level at the nearest residence (32 Waverley St) of **51dBA** in the Night period. Table 5 outlines a compliance margin of 15dBA in the Evening Period and 5dBA in the Night period. It should be noted that this is below the measured Background Level for both Periods concerned as presented in Table 7 above.

MDA have raised some issue as to an increase in patron noise while the windows of the adjacent bar are open as may be likely on a warm night. With a compliance margin of 5dBA during the Night Period and 15dBA during the Evening Period we see room for a marginal increase in level on occasion.

5.0 EPA Policy SEPP N-1: Operation of Mechanical plant

EPA Policy SEPP N-1 in the case of the proposed beer garden and adjacent bar at the Vaucluse Hotel, would apply to the operation of mechanical plant such as air conditioning units and compressors. Upon inspection of the relevant mechanical plants on the site, it was found that the plant installations were inaudible at the nearest receptor and taken to currently be compliant. If the external components were to be relocated after the proposed construction it is advised that the current distance from the nearest residence (32 Waverley Street) be maintained or increased. If the plant is upgraded or relocated closer to the nearest neighbour we recommend that we are advised of the details and location of the equipment be provided to this firm for calculation and verification of compliance with recommendations if required with respect to the SEPP N-1 Noise Limits. Additionally we recommend regular plant maintenance be performed to ensure that there is no additional noise emitted from the plant resulting from general operation.

At the request of MDA, a Limit for any SEPP N-1 related items has been set. By applying the zoning levels and influencing factor specified in SEPP N-1 the Noise Limits based on high Background Levels has been applied and provides the following Limits as detailed below in Table 8:

Table 8: SEPP N-1 Limits

	Day	**Evenings**	**Night (10pm to 1am Friday and Saturday)**
Background Noise Level, L90	56	56	51
SEPP N-1 Limit	62 (b/g+6)	59 (b/g+3)	54 (b/g+3)

*All units in the table above are in dBA

6.0 EPA SEPP N-2

6.1 Music as per Liquor License

The following has been provided as part of the NAAP under point c):

In the existing liquor licence 31915185 of the Hotel it defines what live music is allowed on the premises:

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"In the bistro - (a) background music, or (b) light acoustic music, or (c) lightly amplified instrumental music is permissible until 1 a.m. on Friday, Saturday and Sunday mornings.
Background music only is allowed in the outdoor area until 10 p.m.
No music is allowed in the outdoor area after 10 p.m.
No live music is allowed in the remainder of the premises at any time.
No live entertainment is allowed in any part of the premises between 3 a.m. and 7 a.m. on any morning."

The proposed bar and beer garden will be following the existing liquor license.
With the bar following the bistro conditions and the beer garden following the outdoor area conditions.

Any music on the premises will comply with State Environment Protection Policy (SEPP N-2) Control of Music noise from Public Premises. The recommendations in the acoustic report will be implemented in full.

Item j of the NAAP is as below

a) Details of the provision of music including the frequency and hours of entertainment provided by live music.

Pre-recorded and live music is to adhere to point c) in this NAAP and be controlled by a Level Limiter as per 6.4 of the acoustic report.

Live music is outlined to run at the following times:
Friday afternoon and evening from 5pm until 11pm
Saturday afternoons and evening from 3pm until 11pm
Sunday afternoons and evening from 2pm until 10pm

No live music is to occur in the proposed bar or beer garden. Acts will only perform from the marked location in the Bistro only.

When live music is being played the glazed doors to the beer garden will be closed. Access to the beer garden will be from the airlock doors only.

The "Live" music component will need to be unamplified light acoustic or lightly amplified instrumental and follow the definitions in the NAAP. This means that the musician(s) cannot use a microphone for vocals at any time through any speaker system or amplification and that heavy/loud percussion instruments or other impulsive musical instruments are also not permitted.

In this case at this venue the following the live music definitions apply as per proposed NAAP:

Background music is defined as not to interfere with normal conversation of 60-65dBA at 1m. This will be calibrated by a Limiter installed in-situ and set-up to ensure compliance with the requirements of SEPP N-2 in accordance with the acoustic report recommendations and as a function of the liquor license.

Light acoustic music is defined as unamplified and light or soft in nature. This excludes drum kits and horns but conversely would include low level percussive and wind instruments. An example of suitable light acoustic would be a two-piece acoustic guitar and acoustic bass act with unamplified vocals.

Lightly amplified instrumental music will not include any vocals amplified or other. The lightly amplified instruments will be governed by the Limiter as per acoustic report thus ensuring compliance with the requirements of SEPP N-2 in accord with the liquor license.

The Bistro is the only part of the venue that "Live" music can occur. The Architect has marked on the plans the location of the stage.

The beer garden will have background music until 10pm. No music at all is allowed in the beer garden area after 10pm."

6.2 SEPP N-2 Limits

The following Limits are calculated using the Background Level as an L_{90} from the previous logger data (Table 1) and Permissible Noise Limits as an L_{10} dBC as provided by MDA as part of a conservative approach. We have been informed that the Background Level measurement for the Night Period was taken on Tuesday 12th April 2016 – between 0145-0200hrs on the Botherambo Street side of the roof top at the Corner Hotel, Richmond.

Table 9: SEPP N-2 Limits for the Day/Evening Period

EPA SEPP N-2: Day/Evening Period Limit = L_{A90} + 5

	Day/Evenings
Background Noise Level, L90	56
SEPP N-2 Limit	**61 (b/g+5)**

*All units in the table above are in dBA

Table 10: Noise Limits for Night Period

Note: The following data and Permissible Noise Limits (L_{10} – dBC) has been provided by MDA and forms a conservative approach to setting the Permissible Noise Limits from the emitted music noise at the nearest resident at 32 Waverley Street.

EPA SEPP N-2: 2200-0700hrs – Night Period Limit = L_{C90} + 8

Octave Band Hz	**63**	**125**	**250**	**500**	**1k**	**2k**	**4k**
Background L_{90} dBC	45	42	39	35	33	29	23

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Permissible Noise Limits L_{10} dBC	53	50	47	43	41	37	31

*All units in the table above are in dBC

6.3 Calculated Noise Levels for Lightly Amplified Music at the Nearest Residence.

In house data gives the following results for typical lightly amplified music.

Table 11: Test Data from Typical Lightly Amplified Music (5min) at 1m

Octave Band Centre Frequency (Hz):	63	125	250	500	1000	2000	4000	Total
C- weighted	54	73	71	68	66	66	63	77
A-weighted	28	57	62	65	66	67	64	72

Table 12 gives the results from the calculated attenuation of music noise from the denoted Stage in the Bistro Area (on drawings provided) through open doors on the western façade of the proposed bar to the middle of the beer garden area.

Table 12: Test Data from Typical Lightly Amplified Music (5min) at 1m in Beer Garden with all Doors Open

Octave Band Centre Frequency (Hz):	63	125	250	500	1k	2k	4k	Total
C- weighted	44	61	58	54	51	51	48	63.9

The methods used to calculate the estimated Effective Noise Level at 32 Waverley Street Richmond is described in Sharland, Ian (1973) 'Woods Practical Guide to Noise Control', Woods Acoustics - Chapter 4, Pg 61. The distances used to perform the calculation are as follows:

Effective Height	= 1.2m
Distance to wall	= 7m
Distance from wall to residence	= 20m
Wall Height	= 3m
Window Height inc change in ground level	= 3m
Angle	= 10 degrees

The attenuation of the music noise from the beer garden to the residence is then calculated using Table 13 overleaf.

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Table 13: Octave Band Calculation of the Estimated Effective Noise Level at 32 Waverley Street Richmond from Music Noise emanating in the Bistro area and transmitting through the proposed beer garden area.
Note: All doors and windows open.

Octave Bands	63	125	250	500	1K	2K	4K	Total
SPL	44.0	61.0	58.0	54.0	51.0	51.0	48.0	63.9
Attenuation w/ distance	19	19	19	19	19	19	19	
SPL at distance without barrier	25.0	42.0	39.0	35.0	32.0	32.0	29.0	44.9
Wavelength	5.5	2.8	1.4	0.7	0.35	0.17	0.1	
H_e/λ	0.22	0.43	0.86	1.71	3.43	7.06	13.33	
Attenuation w/ barrier	6	7	9	11	13	16	18.5	
SPL at distance w/ barrier	19	35	30	24	19	16	10.5	36.6

*All units in the table above are in dBC

Table 14: Comparison of Estimated Effective Noise Level with MDA Noise Limits for Night Period

The following Permissible Noise Limits as an L_{10} dBC and Background L_{90} dBC have been provided by MDA. We have been instructed to use these Limits as part of a conservative approach:

EPA SEPP N-2: 2200-0700hrs Limit = L_{C90} + 8

Octave Band Hz	63	125	250	500	1k	2k	4k
Background L_{90} dBC	45	42	39	35	33	29	23
Permissible Noise Limits L_{10} dBC	**53**	**50**	**47**	**43**	**41**	**37**	**31**

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SPL at Nearest Residence	19	35	30	24	19	16	11
Compliance Margin	34	15	17	19	22	21	20

*All units in the table above are in dBC

Table 14 shows compliance across all octave bands with a compliance margin ranging from 17 to 34dBC.

The SPL as an L_{Ceq} at the nearest residence of 32 Waverley Street is **36.6dBC** as per Table 13. Before 10pm the Limit is set as A weighted therefore the octave band data is A-weighted and then summed with a resulting level of **27dBA**. Table 15 shows a compliance margin of **34.2 dBA.**

Table 15: SEPP N-2 Limits for the Day/Evening Period

EPA SEPP N-2: Day/Evening Limit = L_{A90} + 5

	Day/Evenings
Background Noise Level, L_{90}	56
SEPP N-2 Limit	**61 (b/g+5)**
Calculated Sound Level from Lightly Amplified Music at 32 Waverley Street	**27**
Compliance Margin	**34**

EPA SEPP N-2, Part II - Beneficial Uses Protected and Premises of Application states the following:

"8. In this policy the music noise assessed may include, in addition to noise from music sources, noise from human voices and activities within the premises that are associated with the music sources."

It is our understanding that this is referring to possible crowd noise, cheering, clapping and singing along with the acts. In this case we would consider the application of a margin to be added to the sound source in the Bistro to be relative. However small light acoustic or lightly amplified music falls more along the lines of background music rather than a rock concert or electronic dance music (EDM).

With a compliance margin of **34.2 dBA** during the Day/Evening Period as per Table 14 and compliance across all octave bands ranging from **17 to 34dBC** as per Table 15 for the Night Period we believe there is room for a small contribution of associated music/entertainment-related crowd noise from the Bistro that would not be in exceedance of the SEPP N-2 Limits.

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6.4 Level Limiter

We are aware of a range of different sound limiting devices available on the market including power cut-off devices and power limiting devices. Due to the prevalent use of modern digital devices and their susceptibility to damage with sudden power loss, we are recommending a device being installed which, assuming that all of the management related music guidelines contained in the NAAP are adhered to, will ensure the noise limit from the stage area is not exceeded.

For the above reasons and the nature of the music defined in the NAAP and Liquor License we believe it to be heavy-handed to install a "power cutting" device. The estimated music noise is calculated to be well within SEPP N-2 compliance margins and we believe any control measures should be handled through management and passive design measures such as airlocks and upgrading of construction materials where possible.

A Level Limiter must still be installed to the house PA to ensure SEPP N-2 limits are not exceeded at the nearest residence. Any "amplified" music, pre-recorded or live will need to run through the house PA. This will mean that instruments such as guitars must be D.I'ed (direct input) into the mixing desk. No externally supplied instrument amplification will be permitted. This is reflected in the NAAP.

The bar/bistro Level Limiter will need to be set up with the following pre-set Limits as per Table 16. Times for the Day, Evening and Night Periods must align with the EPA time periods, ie, on a Saturday the Evening Period runs from 1300hrs as opposed to the weekday Evening Period starting at 1800hrs.

Table 16 Level Limiter Settings

EPA Time Period	Door Operation
Day	Doors open
Evening	Doors open
Night	Doors open
Day	Doors closed
Evening	Doors closed
Night	Doors closed

A switch to assign doors open/closed can be incorporated into the door frame to lower/raise the pre calibrated sound level automatically if a manual switch is not desirable.

Master control panels should be in a secure location in either a locked cabinet or a manager accessible office to discourage tampering.

The beer garden will have a separate limit assigned for the EPA Day/Evening Periods.

Proficient units such as the "Allen and Heath idr," "Bose Control Space ESP 88" and "Silica" models should be readily available for set up from companies such as RTR Productions and Group Technologies. These units come with architectural design software capable of zoning and time period allocation. Accordingly, such a unit will be set-up and connected to the different noise level zones to reflect the different noise Limits for different noise sources in the Bistro/Bar (door open/closed) and Beer Garden (Background Music only until 10pm). It is recommended that the Limiter set-

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up be performed in conjunction with verification that the SEPP N-2 limits are not exceeded at the nearest residence.

7.0 Recommendations

We do not see any compliance issues with SEPP N-1 if the recommendations in Section 5: EPA Policy SEPP N-1 Operation of Mechanical plant are rigorously implemented and managed. It is worth noting that there might be a reduction in the noise levels observed due to removal of the cool room in the existing Bottle Shop. Current plant noise emissions and management practices are understood to be compliant so reason stands that there should be no major concern unless additional plant(s) or movement of the plant is to be part of the renovations. We have not been informed of any plans to change or move the existing plant - the noise Limits are stated accordingly in Table 8.

SEPP N-2 compliance should not be an issue as only background music will be present in the beer garden until 10pm. All other pre-recorded music noise will be contained within the main building of the venue (Bistro, Adjacent Bar) and controlled by a Level Limiter connected to the house PA system and speaker system(s).

The live music test data used is for typical lightly amplified music and aligns with the proposed usage according to the NAAP and Liquor License. However, we believe a conservative approach should be used. We therefore believe it is suitable that when live music is performed in the allocated space in the Bistro area that the glazed doors to the beer garden must be closed. Access to the beer garden will be from the airlock doors only as per NAAP.

Greatest glazing performance would be achieved by 12.5mm Vlam Hush with PVC frames however all glazing, including the airlock and glazed doors, on the western façade of the Bistro/Beer Garden will need to be a minimum of 8.5mm Vlam hush or equivalent with aluminium frames. Upon installation, care will need to be taken to ensure there are no gaps around the frame and a tight acoustic seal is achieved between the doors/windows and the frames/mounts. Acoustic perimeter seals and a drop seal will be required to ensure a good acoustic seal around the perimeter of the air-lock doors. Regular servicing of the seals to ensure the on-going acoustic performance of the seals will also be required.

The access doors to the beer garden are to be fitted with standard hydraulic self-closing mechanisms and installed to ensure there is no noise emitted from the closing door.

This firm deems it necessary to install a “Level Limiter” as per Section 6.4 of this document to the in-house PA/speaker systems. Each discrete speaker system will need to be independently calibrated by a specialist and then collectively calibrated by a specialist as per venue speaker usage scenarios to ensure compliance with SEPP N-2. A number of small speakers installed at head height would provide a more satisfactory and uniform sound level throughout the venue.

Regarding Patron noise (see Section 4.2 and 4.3), the results show an effective noise level at the nearest residence (32 Waverley St) of **51dBA** with the beer garden at full capacity and the recommended acoustic wall installed. Table 5 outlines a compliance margin of **15dBA** in the Evening Period and **5dBA** after 10pm in the Night Period

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We are aware that patron noise is not legislatively regulated and we are reliant on accepted industry practices to calculate an estimate of the noise emitted by patrons. It is important to note that the patron noise estimates presented in this document has many unforeseeable variables. Even though our estimates have placed the patron noise below the Background Level, it is advisable for management to be pre-emptive in addressing any noise-generating activities as they arise in line with compliance with the relevant EPA policies and in maintaining the amenity of the surrounding neighbourhood.

Swan Street is a busy main road with a high Background Level at peak times. In line with maintaining the existing amenity of the area, it is this firm's recommendation that the indoor component of venue complies with current licensed hours of the Bistro/Lounge and Gaming Areas.

The Beer Garden should adhere to the following trading times as below from the NAAP:

Sunday: 10am to 11pm
Good Friday & ANZAC Day: 12noon to 11pm
Monday through Wednesday: 7am to 10pm
Thursday: 7am to 11pm
Friday and Saturday: 7am to Midnight

No sports or gaming programmes should be played on televisions in the beer garden. We feel this may add to the celebratory nature of the calculated patron noise and cause interruptive peaks in speech that would be above the calculated L_{Aeq}.

It is also recommended that when selecting fittings, furnishings and decoration for the beer garden and adjacent bar that the designer(s) utilise acoustically absorbent materials where possible. Certainly an acoustically absorbent floor covering and an adequate area of acoustically absorptive panels hanging from the ceiling would attenuate airborne sound thereby reducing reflection and echo within the space. Acoustically absorbing panels should be incorporated into the ceiling of the beer garden.

Marshall Day Acoustics (MDA) have mentioned a concern for sleep disturbance from noise emissions that are subjectively interruptive in nature. We believe that if Council feels this is still an issue then a practicable remedy would be for the Client to upgrade the two street front bedroom windows at 32 Waverley Street, Richmond. We would suggest an upgrade from the presumed existing 4mm single glazing to minimum Weighted Sound Reduction Index (R_w) value of 33dB for the upgraded glazing unit.

8.0 Summary

We view the situation as one of low to moderate risk of any adverse situation regarding patron noise from the proposed establishment if recommendations contained in this document are followed. If the mandatory Responsible Service of Alcohol (RSA) requirements are met and the provided NAAP is implemented there should be no reason why patron noise levels would exceed the estimated levels in the beer garden area.

With the current bottle shop operating similar hours to the proposed beer garden outlined in Section 7.0, we see minimal additional impact on the neighbouring residences with respect to the noise emissions of the venue and in particular the proposed beer garden and adjacent bar area.

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Compliance with respect to SEPP N-2 for future use in regards to background music and live music will need to include implementation of the recommendations outlined in Section 6.4 and Section 7. Upon implementation of the recommendations, it is recommended for further measurements to be performed to confirm compliance with SEPP N-2.

Steps have been recommended to minimise breakout noise from adjacent areas of the venue to ensure external noise emissions for the venue as a whole will be reduced to an acceptable level. Fine tuning of any sound system installed internally or in the proposed beer garden is necessary and should be done post-installation with said Limiter(s) to ensure optimum levels for ambiance are achieved internally and that the Permissible Noise Levels outside are not exceeded in line with SEPP N-2. A real world test post-installation (Night time) is the most prevalent confirmation with absolute certainty of compliance with SEPP N-2. This firm is happy to assist in any certification during the initial operation period.

There should be no change in compliance to EPA SEPP N-1 with regards to noise from the air conditioning and refrigeration units. We have however set Limits according to the measured Background Level and will need to be adhered to as to ensure compliance if any changes are to be made.

The analysis presented in this document utilises figures that have been calculated using "worst possible case" scenarios including maximum capacities and off peak weekday Background Levels which we believe to be a conservative approach. Ultimate responsibility will remain with management and in-situ working staff to ensure that sound levels from patrons emanating from the beer garden are kept at reasonable levels of conversation. Staff and management must fully understand and be proactive in ensuring the maintenance of a good neighbour policy is an integral part of their duties, especially so in the Evening and Night period.

Please feel free to contact us should any additional detail be required. This applies to any other parties that have legitimate access to this report.

Respectfully,

Scott Henderson
BEnv DipDes

Attachments Technical Appendix I
Technical Appendix II

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TECHNICAL APPENDIX I

Definitions of Terminology

Sound Pressure Level:	The root-mean-square values of the pressure fluctuations above and below atmospheric pressure caused by the passage of a sound wave, usually expressed in deci Bels (re 20 μ Pa)
deci Bel:	Unit usually used to define sound pressure level relative to a reference pressure. $$dB = 20 \log_{10} \left(\frac{P}{Pref}\right)$$
(A):	Reference to particular weighting network within a Sound Level Meter which modifies the linear response. 'A' weighting is designed to approximate the response of the human ear.
(C):	Reference to a weighting network within a Sound Level Meter. Modifies the Linear response only slightly on the lower frequency range.
Rw	Weighted Sound Reduction Index. A single figure rating of the acoustic attenuation of materials either singly or as multiples.
L_{10}	The noise level exceeded for 10% of a measurement period. Often used as a measurement of occasional interruptive noise, such as traffic.
$L_{A1018hr}$	The 18 hour Traffic Noise average. Arithmetic average of the A weighted L_{10} sound levels from 0600hrs to 0000hrs.
L_{90}	The noise level exceeded for 90% of a measurement period. Commonly accepted as the natural Background Noise Level.
Leq:	Equivalent Continuous Sound Level. This is calculated on the basis of average of the Sound Pressure Level (acoustic energy) over a period of time and is expressed in deci Bels.
LAeq:	The 'A' weighted Equivalent Continuous Sound Level.
LAeq8hr	The equivalent of 8 hours exposure to an LAeq of 85dB. The actual exposure period may be longer or shorter than 8 hours.
Slow - S:	Dynamic characteristics of a Sound Level Meter which employs a time saving averaging constant of 1 second.
Fast - F:	Dynamic characteristic - time averaging constant is 125m sec.
Impulse - Imp:	Dynamic characteristic - time averaging constant is 33m sec.
Peak - Pk:	Dynamic characteristic - time averaging constant is 1m sec.

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TECHNICAL APPENDIX II

Equipment Used

ARL	Type 1 – 316 Noise Logger Serial No. 16 - 306 - 001
ARL	Windshield

NATA Laboratory calibration due 10th July May 2016

Convergence Instruments	Noise Logger - Type 2 (S1rtw) Serial No. ANP2rvW6WXWVgJti78rZvD
Convergence Instruments:	Windshield
Convergence Instruments	Noise Logger - Type 2 (S2 rtw) Serial No. CPL0h90aUfU3qrnyb8BxtD
Convergence Instruments:	Windshield

Calibration checked before and after measurements against the Quest Calibrator (details below). There was no significant drift in the calibration levels before and after the measurements.

Quest	Calibrator Serial No. J.1060008

NATA Laboratory calibration due 11th November 2017

SVAN 957	Type 1 Sound Analyser Serial No. 14578
Aco Pacific	Type 7052H Microphone Serial No. 40821
SVAN	Windshield

NATA Laboratory calibration due 29th August 2016

BSWA CA106	Acoustic Calibrator Serial No. 45228

NATA Laboratory calibration due 7th August 2016

The instruments were calibrated before and after the measurements. No significant change was found to have occurred.