

YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 29 November 2017
at 6.30pm in Meeting Rooms 1 & 2
at the Richmond Town Hall**

Rostered Councillor membership

Councillor Danae Bosler
Councillor Misha Coleman
Councillor James Searle (substitute for Cr Nguyen)

- I. ATTENDANCE**
Patrick Sutton (Senior Statutory Planner)
Ally Huynh (Senior Co-Ordinator Statutory Planning)
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	Rear 304 - 308 Queens Parade & Rear 312 Queens Parade Fitzroy North - Planning Permit Application No. PLN16/1201 - Use and development of the land for construction of two dwellings and a reduction of car parking	5	38
1.2	PLN17/0313 32-34 Bedford Street, Collingwood - Development of the land for dwellings within a seven-storey building, use of the ground floor as a Food and Drinks Premises and an associated reduction in car parking and loading bay requirements.	78	119
1.3	PLN17/0598 - 31 Leslie Street Richmond - Development of the land for partial demolition and the construction of an extension to the existing dwelling.	197	214
1.4	PLN15/1137 – 8 Murray Street, Abbotsford – Use of the land as a restaurant and for the sale and consumption of liquor (Restaurant and Café Licence), buildings and works, display of signage and reduction in the car parking requirement associated with a restaurant	262	285

1.1 Rear 304 - 308 Queens Parade & Rear 312 Queens Parade Fitzroy North - Planning Permit Application No. PLN16/1201 - Use and development of the land for construction of two dwellings and a reduction of car parking

Executive Summary

Purpose

1. This report provides the Internal Development Approvals Committee with an assessment of a planning application for use and development of the land for construction of two dwellings at the "Rear 304-308 Queens Parade, Fitzroy North"; including demolition of the existing building on this site, and a section of wall associated with the "Rear 312 Queens Parade, Fitzroy North"; and an associated reduction of the statutory car parking requirement.

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 22.07 – Development Abutting Laneways;
 - (d) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design);
 - (e) Clause 22.17 – Environmentally Sustainable Development;
 - (f) Clause 32.01 – Commercial 1 Zone;
 - (g) Clause 43.01 – Heritage Overlay;
 - (h) Clause 52.06 – Car Parking; and
 - (i) Clause 55 – Two or more dwellings on a lot.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) State and Local Planning Policy Framework;
 - (b) Use of the land;
 - (c) Clause 55 of the Yarra Planning Scheme (Rescode);
 - (d) Heritage;
 - (e) Car parking;
 - (f) Development abutting laneways (Clause 22.07); and
 - (g) Objector concerns.

Objector Concerns

4. Sixty-seven (67) objections were received to the application, these can be summarised as:
 - (a) Excessive height;
 - (b) Visual bulk;
 - (c) Overdevelopment;
 - (d) Adverse impact on laneway safety for pedestrians and vehicles;
 - (e) Inadequate emergency service access;
 - (f) Overlooking;
 - (g) Overshadowing;
 - (h) Adverse impact on the heritage area;
 - (i) Construction outside title boundaries;
 - (j) Inconsistent with the Queens Parade Built Form Review; and
 - (k) Does not comply with heights specified in a comparable precinct in the Design & Development Overlay Schedule 16.

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: Madeleine Moloney
TITLE: Statutory Planner
TEL: 92055009

1.1 Rear 304 - 308 Queens Parade & Rear 312 Queens Parade Fitzroy North - Planning Permit Application No. PLN16/1201 - Use and development of the land for construction of two dwellings and a reduction of car parking

Trim Record Number: D17/180319

Responsible Officer: Principal Statutory Planner

Proposal: Use and development of the land for construction of two dwellings at "Rear 304-308 Queens Parade, Fitzroy North"; including demolition of the existing building on this site, and a section of wall associated with "Rear 312 Queens Parade, Fitzroy North" and an associated reduction of the statutory car parking requirement.

Existing use: Warehouse

Applicant: Brett Coad
C/- Tract Consultants Pty Ltd

Zoning / Overlays: Commercial 1 Zone / Heritage Overlay Schedule 327

Date of Application: 23 December 2016

Application Number: PLN16/1201

Planning History

1. Planning Permit PL04/0457 was issued on 22 February 2005, by Council, for *the use of the site as a dwelling, part demolition, alterations and additions to building to accommodate single dwelling* at rear 304-308 Queens Parade, Fitzroy North. This permit was not acted upon and has since expired.
2. Planning permit PLN15/0350 was issued on 8 June 2016, at the direction of VCAT, for *use and development of the land for a triple-storey dwelling, including part demolition* at rear 304-308 Queens Parade, Fitzroy North. The development approved under this permit involved retention of the existing outer walls of the single storey building, the first floor constructed to the southern boundary with a north-facing terrace extending to the northern boundary; and a recessive third storey inset from all boundaries with adjoining roof terrace. The permit has not been acted upon and is still valid.
3. Planning Permit PLN16/0078 was issued on 22 June 2017, at the direction of VCAT, for *use and development of the land for a three (3) storey building (plus roof terraces) accommodating dwellings, associated demolition and a reduction in the car parking requirements of the Yarra Planning Scheme* at Rear 312, 316-318 Queens Parade, Fitzroy North. Plans are yet to be endorsed in compliance with condition 1 of the permit. An application to amend this permit under Section 72 of the *Planning and Environment Act 1987* ("the Act") was recently lodged with Council on 26 October 2017. This proposes to change the layout of the dwellings and a reduce the number of dwellings from five to four. The proposed changes will be discussed as relevant.

Background

4. The application was received on 23 December 2016. Further information was satisfied on 6 July 2017.
5. The application was amended under Section 50 of the Act on 31 July 2017 to make a minor change to the site context plan to accurately describe the approved development to the east-adjointing site under planning permit PLN16/0078 (to reflect the recent VCAT decision).

6. After further information was satisfied, the application was then advertised in August 2017 with 67 objections received.
7. A consultation meeting was held on 26 September 2017, attended by planning officers, the permit applicant and their representatives, and two objectors.

Existing Conditions

Subject Site

8. The subject site is located to the rear of properties fronting Queens Parade, approximately 40m to the north of Queens Parade and adjoining properties forming part of the Queens Parade Neighbourhood Activity Centre (NAC).
9. The site comprises two adjoining lots, with the western lot addressed as Rear 304-308 Queens Parade, Fitzroy North and the eastern lot addressed as Rear 312 Queens Parade, Fitzroy North.
10. The site has frontages to two laneways, with these laneways accessed from Michael Street to the north-east and McKean Street to the north-west. The site has no direct street frontage.
11. The northern laneway is formally known as Koormiel Lane and the southern laneway is formally known as Barruth Lane. Both have been signposted, with Barruth Lane only recently formalised (previously an unnamed laneway).
12. The site is not oriented along a direct north-south axis but rather is skewed to the west. However, for ease of reference, the south-eastern boundary will be referred to as the southern boundary; the north-western boundary will be referred to as the northern boundary, the north-eastern boundary will be referred to as the eastern boundary and the south-western boundary will be referred to as the western boundary throughout the remainder of this report. However, it is noted that the elevations submitted reference the more specific orientation.
13. The western lot (Rear 304 – 308 Queens Parade) has a southern boundary of 19.88m; a northern boundary of 19.76m; a depth of 13.41m; and an overall area of approximately 265sqm. The eastern lot (Rear 312 Queens Parade) has a southern boundary of 14.26m, a northern boundary of 14.38m; a depth of 13.41m; and an overall area of approximately 192sqm. Therefore, the subject site has an overall area of approximately 457sqm. However, as described in the proposal section, all new buildings are restricted to the western lot (Rear 304-308 Queens Parade), with only partial demolition of the eastern lot proposed.
14. Rear 304-308 Queens Parade is occupied by a single-storey brick warehouse building, constructed to all boundaries apart from a splay to the south-east corner of the building, which provides vehicle access from Barruth Lane. The warehouse has a pitched roof form and extends to an overall height of approximately 5.3m.
15. The eastern lot (Rear 312 Queens Parade) is also occupied by a single-storey brick warehouse building, constructed along the northern and eastern boundaries and with an open yard located in the south-west corner of the site.
16. The certificates of title for both properties do not indicate any restrictive covenants applicable to the subject site. However, the two lots have a corresponding party wall easement along their shared boundary, extending for a length of 4.57m from the northern laneway (Koormiel Lane).

The party wall easement corresponds to a slight “dog-leg”, in the otherwise generally rectangular shaped lots, where the shared boundary deviates slightly to the west and it is the demolition of this party wall that necessitates the inclusion of the land at Rear 312 Queens Parade in the application.

Surrounding Land

17. The surrounding neighbourhood contains a mixture of residential and commercial uses, reflecting the site's location within commercial zoned land but interfacing residential zoned land to the north.
18. Existing built form surrounding the subject site is typically low scale - from one to two storeys in height. Development along Koormiel Lane and Barruth Lane has a hard-edged and utilitarian character, reflecting its historical use primarily as a secondary frontage for access purposes. Development immediately abutting the laneways tends to be composed mainly of high fencing bordering secluded private open space /service yards or one to two storey buildings (generally outbuildings) from a range of eras.
19. Beyond the laneway context, the surrounding streets contain predominantly Victorian and Edwardian-era buildings, with a fine-grained pattern of subdivision. The nearest streets to the subject site, Michael Street and McKean Street have relatively intact residential heritage streetscapes (typically one to two-storeys) and Queens Parade has a relatively intact commercial heritage streetscape (typically two storeys).
20. More specifically, to the east of the subject site (east of Rear 312 Queens Parade) is a single-storey brick warehouse which is built to the shared boundary with the subject site and is otherwise built to all boundaries, with a splay to the north-east corner. This site forms part of the approved re-development under planning Permit PLN16/0078. Further east again, separated by a section of right-of-way connecting Koormiel Lane and Barruth Lane, are double-storey dwellings fronting Michael Street, with secluded private open space at the rear.
21. To the south of the subject site is Barruth Lane - a bluestone laneway, approximately 3.1m wide. Opposite are a number of commercial properties fronting Queens Parade (some with shop-top dwellings), located within the Commercial 1 Zone. Built form in this direction is predominantly double-storey in height towards Queens Parade, with single-storey built form at the rear. The rear portion of these properties abutting the laneway largely comprises open car parking and service areas.
22. To the west of the subject site is an open car parking area associated with a double-storey commercial premises fronting Queens Parade (currently used as an optometrist/medical centre), located within the Commercial 1 Zone. This eastern boundary of this site is partially abutted by the western termination of Barruth Lane.
23. To the north is Koormiel Lane - a bluestone laneway approximately 3m wide. On the northern side of the laneway are properties fronting McKean Street, located within the Neighbourhood Residential Zone (Schedule 1). These properties contain a mixture of single and double-storey dwellings and associated rear secluded private open space. Most dwellings have rear outbuildings (one to two storeys) along all or part of their rear boundary abutting Koormiel Lane.
24. The site is within proximity to the following:
 - (a) Immediately north of the Queens Parade Neighbourhood Activity Centre (properties fronting Queens Parade);
 - (b) 40m north of tram routes along Queens Parade;
 - (c) 180m north of the Darling Gardens and 360m to the east of the Edinburgh Gardens;
 - (d) 550m north of the Clifton Hill Railway Station.

The Proposal

25. The application is for use and development of the land for construction of two dwellings at "Rear 304-308 Queens Parade, Fitzroy North"; including demolition of the existing building on this site, and a section of wall associated with "Rear 312 Queens Parade, Fitzroy North"; and an associated reduction of the statutory car parking requirement. Further details are provided below.

Demolition

26. The existing building on the land at Rear 304-308 Queens Parade (western lot) is to be demolished in its entirety, in addition to the 4.57m long party wall that is shared with the existing building on land at Rear 312 Queens Parade (eastern lot)

Development - General Details

27. Two dwellings are proposed to be constructed on the land at Rear 304-308 Queens Parade. They are to be townhouse-style dwellings and attached side-by-side with a shared central wall, each with laneway frontage to front and rear. Each townhouse is provided with a garage at ground floor.
28. The eastern townhouse (Townhouse 1) is three storeys, plus a roof terrace and contains two bedrooms and a study (or third bedroom) and a single car space.
29. The western townhouse (Townhouse 2) is three storeys and comprises approximately two-thirds of the site. It contains three bedrooms and tandem (dual) car spaces.
30. The maximum overall height of the development is 12.35m, as measured at the south-east corner of Townhouse 1.
31. The building extends to all boundaries at ground floor with the exception of a void at the north-west corner of the site, which contains a ground floor courtyard associated with Townhouse 2, and is bordered by a 2.66m high brick boundary fence.
32. The maximum height of walls to side boundaries are 10.18m to the western boundary and 12.35m to the eastern boundary.
33. At the north boundary, abutting Koormiel Lane, the development has a maximum height of 4.81m (ground floor plus first floor balcony screening). The first floor facade and upper levels of the development are set back from the lane, with greater setbacks provided to Townhouse 2 (4.8m to the first floor facade; and between 4.8m and 8.4m to the second floor). Townhouse 1 has lesser setbacks (1.98m to the first floor facade; 0.78m to second floor (excluding projecting window privacy screen); and 1.78m to the roof (third floor) terrace balustrade, with the roofed section set back 4.57m.
34. At the south boundary, abutting Barruth Lane, the building extends hard-edged to the boundary for three storeys, apart from some shallow recesses for pedestrian and garage entries and small lightcourts/terraces, with the roof terrace associated with Townhouse 1 set back a minimum of 1m and the covered section of the terrace and stairwell set back 3.37m. A portion of the second floor also cantilevers over Barruth Lane by 0.5m, to create a traversable box window to the proposed second floor retreat to Townhouse 2.
35. Townhouse 1 general layout is as follows:
 - (a) Ground floor - Pedestrian entry from Koormiel Lane; a single car garage accessed from Barruth Lane; a study (or third bedroom) and bathroom.
 - (b) First floor - open plan living, kitchen and meals areas, and an adjoining 9sqm north-facing balcony.
 - (c) Second floor - Two bedrooms and a bathroom.
 - (d) Third floor - A roof terrace (partly roofed).
 - (e) Access to all floors is via internal stairs along the eastern boundary.
36. Townhouse 2 general layout is as follows:
 - (a) Ground floor - Main pedestrian entry from Barruth Lane and a secondary entry from Koormiel Lane; a tandem garage accessed from Barruth Lane; two bedrooms; a study nook; and 40sqm northern courtyard including pool.

- (b) First floor - open plan living, kitchen and meals areas; separate sitting room; a laundry; and a 42 sqm north-facing terrace adjoining the various living areas.
- (c) Second floor - master bedroom and ensuite; separate retreat; and a 46sqm north-facing terrace with retractable awning over.
- (d) Access to all floors is via a central staircase and also via a lift adjacent the southern boundary.

37. Materials include:

- (a) External walls: Dark brick cladding; natural finish blockwork; and pre-finished metal cladding (charcoal)
- (b) Door/window frames: Aluminium with powdercoat finish (colour: charcoal)
- (c) Garage doors: "Panel lift:" with powdercoat finish (colour: charcoal)
- (d) Balustrades/privacy screening: Aluminium screen battens with powdercoat finish (colour: charcoal).

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

38. The relevant purpose of this zone is;

- (a) To provide for residential uses at densities complementary to the role and scale of the commercial centre.

39. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme) a planning permit is required to use the site for accommodation (dwelling) if the frontage at ground floor level exceeds 2m. On this basis, a planning permit is required, with the proposed frontages to each of the dwellings on the laneways exceeding 2m.

40. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are at Clause 34.01-8.

Overlays

Heritage Overlay (HO327)

41. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct a building or construct or carry out works.

Particular Provisions

Clause 52.06 – Car Parking

42. Pursuant to the car parking requirement table at clause 52.06-5 of the Scheme, dwellings are required to provide on-site car parking spaces as follows:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings	2 dwellings:	2 to each 3 or more-bedroom/study dwelling.	4	3	1
- Residents	[Townhouse 1 - Two bedrooms plus one study; & Townhouse 2 - Three bedrooms]				
-Visitors		1 to every 5 dwellings	0	0	0
Total			4 spaces	3 spaces	1 space

43. The proposal generates a required reduction for 1 car space (pertaining to townhouse 1). Clause 52.06-3 states that a permit may be granted to reduce the car parking requirement. The relevant decision guidelines are at clause 52.06-6.

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. The provisions of Clause 52.34 of the Scheme only apply to dwellings in developments of four or more storeys, with 1 resident space required to 5 dwellings and 1 visitor space required to every 10 dwellings. The total requirement for bicycle spaces for the two dwellings is therefore zero.

Clause 55 - Rescode

45. As the proposed works relate to the construction of two or more new dwellings on a lot, this clause will be used as a guideline to assess relevant built form outcomes and amenity impacts.

General Provisions

46. 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)

Clause 11 – Settlement

47. The relevant policy objective is to *'encourage a diversity of housing types at higher densities in and around activity centres'*.

Clause 11.02 - Urban growth

Clause 11.02-1 – Supply of urban land

48. The clause includes several strategies to achieve this objective including *'planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas'* and *'neighbourhood character and landscape consideration'*.

Clause 11.02-3 – Planning for growth areas

49. The policy 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 11.03 – Activity Centres

Clause 11.03-2 – Activity Centre Planning

50. The policy 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'* and a relevant strategy is to *'encourage a diversity of housing types at higher densities in and around activity centres'*.

Clause 11.06 – Metropolitan Melbourne
Clause 11.06-2 – Housing Choice

51. The objective of this clause is *'to provide housing choice close to jobs and services.'* Of particular relevance to this application are the following strategies:
- (a) *Support new housing in activity centres and other places that offer good access to jobs, services and public transport.*
 - (b) *Deliver more housing closer to jobs and public transport.*

Clause 11.06-3 – Integrated transport

52. The objective of this clause is *'to provide an integrated transport system connecting people to jobs and services, and goods to market.'* Of particular relevance to this application are the following strategies:
- (a) *Provide for increased density of development, particularly around transport nodes, to support the viability of services.*

Clause 11.06-4 - Place and identity

The objective of this clause is 'The objective of this clause is 'to create a distinctive and liveable city with quality design and amenity'.

Clause 11.06-5 – Neighbourhoods

53. The objective of this clause is *'to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.'*

Clause 11.06-6 - Sustainability and resilience

54. The objective of this clause is *'to create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way.'*

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

55. 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 15.01-4 – Design for safety

56. The objective of this clause is *'to improve community safety and encourage neighbourhood design that makes people feel safe'.*

Clause 15.01-5 – Cultural identity and neighbourhood character

57. 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

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

Clause 16 – Housing

Clause 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

60. The objective of this clause is '*to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport*'.

Clause 16.01-4 – Housing diversity

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

Clause 18.02-1 - Sustainable personal transport

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

Clause 18.02-2 - Cycling

63. It is an objective '*to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel*'.

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

64. 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 – Land Use

65. The relevant objectives and strategies of this clause are '*to accommodate forecast increases in population*' and to '*support residual population increases in established neighbourhoods*'.

Clause 21.04-1 – Accommodation and housing

66. The relevant Objectives of this Clause are:

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

Clause 21.04-2 – Activity Centres

67. The relevant objectives of this Clause are:

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

Clause 21.05-1 – Built Form: Heritage

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

- (a) *Strategy 14.1: Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
- (b) *Strategy 14.8: Apply the Development Guidelines for sites subject to a Heritage Overlay policy at Clause 22.02.*

Clause 21.05-2 – Urban design

69. This clause incorporates the following relevant objectives to achieves:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development*
- (c) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - (i) *Significant upper level setbacks*
 - (ii) *Architectural design excellence*
 - (iii) *Best practice environmental sustainability objectives in design and construction*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings*
 - (v) *Positive contribution to the enhancement of the public domain*
 - (vi) *Provision of affordable housing.*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.05-4 Public environment

70. The relevant objective of this clause is:

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

Clause 21.06 – Transport

Clause 21.06-1 – Walking and cycling

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

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecologically sustainable development

72. The relevant objective of this clause is:

- (a) *Objective 34 To promote ecologically sustainable development.*

Clause 21.08 Neighbourhoods

73. Both the North Fitzroy and Clifton Hill neighbourhoods are relevant to the subject site as while the site is located in Fitzroy North, it is on the interface with Clifton Hill (the southern side of Queens Parade).

74. Clause 21.08-8 (North Fitzroy) includes the following description: *the neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.*
75. Clause 21.08-4 (Clifton Hill) includes the following description: *largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood. The Queens Parade centre is a mixed use centre with strong convenience retailing. There is an opportunity to create stronger linkages between the community facilities to the east and the centre.*
76. Figure 11 of clause 21.08-4 indicates that the site adjoins the Queens Parade Neighbourhood Activity Centre.

Relevant Local Policies

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

77. The applicable objectives of this policy are:
- (a) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (b) *To retain significant view lines to, and vistas of, heritage places.*
 - (c) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (d) *To ensure that additions and new works to a heritage place respect the significance of the place.*
 - (e) *To encourage the retention of ‘individually significant’ and ‘contributory’ heritage places.*
78. 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*’:
- (a) Land at rear 304-308 Queens Parade Fitzroy North is omitted from the Appendix does not have any grading; and
 - (b) Land at rear 312 Queens Parade Fitzroy North (listed as 312 Queens Parade) is nominated as “contributory”. However, it is understood that this rating relates to the shopfront at 312 Queens Parade.

Clause 22.02-5.1 Demolition

79. In relation to full demolition or removal of a building, it is policy to:
- (a) *Generally encourage the retention of a building in a heritage place, unless the building is identified as being not contributory.*
80. In relation to removal of part of a heritage place or contributory elements, it is policy to:
- (a) *generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
 - (i) *for a contributory building:*
 - *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
 - *the removal of the part would not adversely affect the contribution of the building to the heritage place.*

Clause 22.02-5.7 New Development, Alterations or Additions

Clause 22.02-5.7.1 - General

81. *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; and*
 - (e) *Not remove, cover, damage or change original historic fabric.*

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

82. *Industrial, Commercial and Retail Heritage Place or Contributory Elements*
- (a) *Encourage new upper level additions and works to:*
 - (i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
 - (ii) *Incorporate treatments which make them less apparent.*

Clause 22.05 – Interface Uses Policy

83. Objectives at Clause 22.05-2 aim:
- (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.*
84. Clause 22.05-3 outlines the following policy:
- (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.*

Clause 22.07 – Development Abutting Laneways

85. 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; and*
 - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

86. This policy applies to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. The relevant objective of this policy is to achieve the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999*.

Clause 22.17 – Environmentally sustainable development

87. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The following objectives should be satisfied where applicable:
- (a) *Energy performance;*
 - (b) *Water resources;*
 - (c) *Indoor environment quality;*
 - (d) *Stormwater management;*
 - (e) *Transport;*
 - (f) *Waste management;*
 - (g) *Urban ecology.*

Other relevant documents

Draft Queens Parade Built Form Review – February 2017

88. As a result of a Council Meeting on 22 November 2016, Council resolved to authorise officers to undertake a three stage urban design and heritage assessment of Queens Parade with a view to preparing new planning provisions to guide the future development of the area.
89. The first two stages were to urgently pursue an urban design and heritage analysis (Queens Parade Built Form Review) of the Queens Parade precinct with a view of seeking a Design and Development Overlay (DDO) in the Yarra Planning Scheme for the precinct at the western end of Queens Parade.
90. Stage 3 was to have other key areas of the Queens Parade precinct assessed with the view to these areas of the Queens Parade corridor also being included in a Design and Development Overlay in the Yarra Planning Scheme. The subject site forms part of the third stage.
91. In line with the first two stages, DDO (Schedule 16) was gazetted on 28 March 2017 within the Yarra Planning Scheme. This DDO specifically relates to Queens Parade West. The "Queens Parade Clifton Hill Built Form Review (February 2017)" is a reference document within this schedule. The subject site is not affected by the DDO (Schedule 16), however, it is contained in the referenced document.
92. The subject site is part of the area designated as Precinct 4 in the draft document. The draft document suggests this area to be one where moderate change is anticipated, with mid-rise infill being the preferred typology and includes the following built form guidelines:
- (a) 4 storey / maximum 13m height limit;
 - (b) 0m side setbacks (except where there is a residential interface)
 - (c) Rescode Standard B17 setbacks from side boundaries (where there is a residential interface) and from rear boundaries.
93. The draft document has limited weight within the Planning Scheme as it has not yet undergone public consultation or the review of an independent Planning Panel. This report will consider the document as a recent piece of research on the area and make reference to it, as relevant.

94. At the time of writing, Council's Strategic Planning Branch is in the process of preparing draft Design & Development Overlay controls for sections of the Queens Parade corridor. The draft DDO controls and supporting documentation (including a final version of a Queens Parade Built Form Review) will shortly be put to Council for adoption and approval to seek authorisation from the Minister for Planning for exhibition, in the new year.

Balconies and Public Spaces Policy

95. At its Ordinary Meeting of 4 May 1998 Council adopted a "Balconies and Public Spaces Policy" which pertains to balconies projecting into public spaces.
96. The objectives of the policy are:
- (a) that balconies be located to ensure they do not compromise community safety;
 - (b) that balconies be located to ensure they do not compromise efficient vehicular movement; and
 - (c) that balconies enhance the existing character of the streetscape.
97. The policy sets out design criteria for where balconies projecting into public space may be supported and conditions that any such approval should be subject to.
98. This policy will be referred to in this report, as relevant to proposed projections over the southern laneway.

Advertising

99. The application was advertised in August 2017 under the provisions of Section 52 of the Act by way of 64 letters sent to surrounding owners and occupiers and by two signs, one to each laneway frontage. Sixty-seven (67) objections to the application were received which can be summarised as follows:
- (a) Excessive height;
 - (b) Visual bulk;
 - (c) Overdevelopment;
 - (d) Adverse impact on laneway safety for pedestrians and vehicles;
 - (e) Inadequate emergency service access;
 - (f) Overlooking;
 - (g) Overshadowing;
 - (h) Adverse impact on the heritage area;
 - (i) Construction outside title boundaries;
 - (j) Inconsistent with the Queens Parade Built Form Review; and
 - (k) Does not comply with heights specified in a comparable precinct in the Design & Development Overlay Schedule 16.

Referrals

External Referrals

100. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme.

Internal Referrals

101. The following internal referrals were made:
- (a) Engineering Services Unit – traffic and car parking; and
 - (b) Urban Design Unit
102. Informal comments were also sought from Council's Heritage Adviser (via email) and Council's Open Space Unit.

103. Referral responses and informal comments are contained in the appendices to this report.

OFFICER ASSESSMENT

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

- (a) State and Local Planning Policy Framework;
- (b) Use of the land;
- (c) Clause 55 of the Yarra Planning Scheme (Rescode);
- (d) Heritage;
- (e) Car parking;
- (f) Development abutting laneways (Clause 22.07); and
- (g) Objector concerns.

State and Local Planning Policy Frameworks

105. The proposal is consistent with State and Local Strategic Planning Policy. As suggested by policy at Clauses 11, 16.01, 17, 21.04 and 21.05 of the Scheme, the development is consistent with the concentration of activities and development in activity centres, given the benefit of the range of services, public transport options, and other existing infrastructure supported by these areas. Furthermore, Strategy 17.2 of Clause 21.05 encourages development in activity centres generally up to 5 to 6 storeys.
106. The provision of increased housing must be balanced with neighbourhood character objectives and on and off-site amenity impact objectives of the Scheme, such as at Clause 55 and Clause 22.05 of the Scheme. These will be discussed later in the report against the relevant policies and provisions of the Scheme.
107. The proposal's statutory shortfall of on-site car parking is considered appropriate given the site's location in an inner city location with excellent access to public transport and cycling infrastructure. This aligns with State and Local policies, at clauses 18 and 21.06-3, which encourage reduced car dependency, increased use of public transport; and minimising traffic impacts. A more detailed analysis will be undertaken in the car parking assessment later in the report.
108. The proposal is considered to achieve a balanced outcome with regards to the strategic direction of the Yarra Planning Scheme in providing additional housing opportunities an increase in density, albeit modest, adjoining an established activity centre within close proximity to services and amenities without unreasonable off site amenity impacts and traffic/parking conditions. A detailed assessment will be carried out against the relevant particular provisions and local policies.

Use for dwellings

109. The subject site is commercially zoned and adjoining the Queens Parade Neighbourhood Activity Centre.
110. The Commercial 1 Zone includes the following purposes:
- (a) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - (b) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
111. Hence new development and use in the zone must provide a balance between protecting the commercial focus of the area, but also enabling residential use and development that complements this role.

112. The need for a permit for residential use arises solely because the frontage to the dwellings exceeds 2m at ground floor. This reflects that in Commercial 1 Zone streetscapes (such as Queens Parade) it is sought to maintain an active commercial street interface.
113. However, in this instance, the subject site has no direct street abuttal but rather is located adjacent the rear laneway behind Queens Parade. Given the site's seclusion from the main commercial interface, the ground floor residential activity will not detrimentally impact the commercial focus of the activity centre.
114. Furthermore, the conversion to residential use is appropriate in this instance given the site's interface with the Neighbourhood Residential Zone to the north.
115. The site's location provides an ideal opportunity for redeveloping an underutilised commercial site for residential purposes with existing connection to infrastructure, public transport networks and community services, without compromising the commercial function of the adjoining Activity Centre or amenity of other residences in the area.
116. The Commercial 1 Zone decision guidelines for a proposed use include the affect that existing uses may have on the proposed use. Clause 22.05 (Interface uses policy) also focuses on reducing possible interface conflicts between uses and zones. It also recognises the need to protect the viability of commercial areas by ensuring that residents do not have unrealistic expectations of the level of amenity that can be achieved. It is not anticipated that the proposed use of the site for dwellings will result in any impingement on the continued commercial uses of the surrounding sites. Design measures to ensure that amenity impacts within the dwelling will be limited as will be discussed further within the Noise Impacts Objective assessment of Clause 55 of the Scheme later in the report.
117. Dwellings along laneways are becoming an increasingly common feature within the inner-city environment. As outlined in the background section, a permit has already issued for a single dwelling on the subject site and five dwellings on land immediately to the east. Furthermore, there are four recently constructed dwellings fronting Koormiel Lane approximately 16m to the west of the subject site (also within the Commercial 1 Zone). This reflects the acceptance of the residential use of the Commercial 1 Zoned land in this location.

Clause 55 of the Yarra Planning Scheme (Rescode)

118. Clause 55 (ResCode) provides an assessment tool for the appropriateness of the design of two or more dwellings on a lot. As the site is located in the Commercial 1 Zone, the objectives, standards and decision guidelines of Clause 55 form a consideration. However, it is not mandatory that the objectives are achieved.
119. Furthermore, given the site's location within a built up inner city area, application of the standards will not always be appropriate or necessary to meet the objective.. The following provides an assessment against the relevant standards of ResCode and shows that nonetheless, the proposal achieves a high level of compliance with relevant standards and objectives.

Standard B1 – Neighbourhood character objectives

120. These objectives encourage development to respect and respond to existing neighbourhood character or contribute to a preferred neighbourhood character.
121. In relation to the scale of the development (overall height) this is discussed in more detail in relation to Standard B7 - Building Height. However, in summary, it is considered that the overall height of the proposed development is appropriate considering the Commercial 1 Zoning of the site and the emerging character. Also noting that the triple-storey dwelling has already been approved on the site under planning permit PLN15/0350 and a similar scaled development was also approved to the east, at Rear 312,316-318 Queens Parade under planning permit PLN16/0078.

122. In relation to the permit issued for the subject site, the Tribunal found that the proposed triple storey height was acceptable and would not look out of context in the neighbourhood and was supported on the site (Ciullo & Yarra CC & Ors [2016] VCAT 921:9) noting:

I find that there are various factors that combine to result in the proposed building height and design as being appropriate to its setting. These include:.....

its inclusion in the commercial zone where such building height is discretionary – this being a key distinguishing factor. Even though the buildings fronting Queens Parade are included in the Heritage Overlay, I consider that they maintain capacity for increased height, particularly to the rear in line with planning policies that seek to activate commercial areas and increase the potential of sites within activity centres. The built form proposed would be consistent with these expectations of emerging built form character and would provide a reasonable transition between these more substantial commercial buildings and the ‘finer grain’ character of narrow residential properties further north.

123. Furthermore, the development has been massed to be sensitive to surrounding features, such as providing greater setbacks from the north where opposite secluded private open space. The following Rescode assessment demonstrates that the height and setbacks of the building will not have unreasonable amenity impacts on the residential properties to the north.
124. The zero setback form of the building is also acceptable given the more robust hard-edged character of development along the laneways, contributed by former commercial/industrial building on the surrounding commercial sites and rear garages and outbuildings associated with the residential interface to the north.
125. Heritage matters will be discussed in detail in the heritage assessment later in the report, as will design details under the relevant Standard.

Standard B2 - Residential policy

126. Local policy objectives have been discussed in detail in the *State and Local Planning Policy Framework* assessment. A heritage assessment is also provided further in this report.
127. The site is well-situated to take advantage of public transportation options and existing services, being located in an established residential/commercial area adjacent the Queens Parade NAC and 40m from a tramline and in close proximity to other forms of transportation.

Standard B3 – Dwelling diversity objective

128. The objective of this standard encourages a variety of dwelling sizes and types in developments of 10 or more dwellings. With 2 dwellings proposed, this standard is not applicable.

Standard B4 – Infrastructure objectives

129. It is expected that the dwellings can be supported by the existing utility services and infrastructure available to the subject site. Council's Engineering Services Unit also did not raise any concerns in relation to the development exceeding the capacity of utility services and infrastructure in the area.

Standard B5 – Integration with the street objective

130. While the dwellings do not have a direct street abuttal, the development is considered to adequately integrate with the laneway, as will be discussed under the relevant objectives pertaining to access, safety and dwelling entries.

Standard B6 – Street setback objective

131. This standard is not applicable to the application as the site does not have direct frontage to the street. However the new dwellings will respect the existing character of the surrounding neighbourhood, with built form abutting laneways appropriate in the context of surrounding settlement patterns. Setbacks at upper levels are designed to reduce off-site amenity impacts, in particular to dwellings to the north. This will be discussed in greater detail within the relevant amenity standards.

Standard B7 – Building height objective

132. The standard suggests a maximum height limit of 9m, however, there is no height restriction applicable to the Commercial 1 Zone. The maximum height of the proposed building is 12.35m, with the majority of the development (Townhouse 2) no higher than 10.2m.
133. Whilst little weight can be placed on the draft Queens Parade Built Form Review (February 2017) at this stage, the height limit of four storeys (or 13m) for this precinct is stipulated. The proposal is therefore consistent with the anticipated higher built form typology in this area. This is also reflected by the discretionary nature of building heights within the Commercial 1 Zone and other strategic imperatives to provide increased density of housing in areas with good access to services and infrastructure.
134. As already mentioned, previous approvals under planning permit PLN16/0078 and PLN15/0350, have also supported a higher scale of built form than exists presently in the immediate context.
135. The proposed building provides a respectful transition by locating higher built form towards the south-east of the site which will appropriately transition to the development approved at Rear 312, 316-318 Queens Parade.
136. It is noted that there is an error on some sections (Section C and Section A) in relation to the uppermost parapet, which indicates an overall height of RL47.65 (instead of RL47.55 as indicated on the proposed elevations) – i.e. 0.1m higher. The applicant has confirmed that the proposed elevations are correct and a condition of any approval will ensure that the uppermost parapet will have a consistent height of RL47.55 on all elevations and sections.

Standard B8 – Site coverage objective

137. The estimated site coverage will be approximately 90%. This exceeds the maximum 60% site coverage prescribed by the standard, however given the existing building is has a similar degree of site coverage (the only open area being the splayed vehicular access) the degree of site coverage is acceptable.
138. Furthermore, the development already approved for the site had a site coverage of approximately 95%; and the development immediately to the east has been approved at around 80% site coverage.

Hence, the degree of proposed site coverage is acceptable.

Standard B9 – Permeability objectives (including Clause 22.16 Stormwater Management)

139. There are no permeable surfaces proposed within the development (the applicant has confirmed that vegetation to the ground floor courtyard will not be planted within subsoil). However, given the existing site permeability is also zero and additional stormwater management features are proposed, the level of permeability is acceptable.

140. A STORM report has been submitted for each of the dwellings as part of the Sustainable Design Assessment (SDA). These stipulate that a 500L rainwater tank is to be provided to Townhouse 1 and two rainwater tanks (total of 3000L capacity) are to be provided to Townhouse 2. The rainwater tanks are shown on the plans with a note on the ground floor plan stating “all harvested rainwater to be re-used for toilets with mains backup”.
141. While the STORM reports for each dwelling indicate that a rating of over 100% is achieved (which indicates best practice stormwater management) there are some errors or inconsistencies in the report data, as follows:
- (a) Neither of the reports includes all impermeable surfaces (as the building footprint covers the whole site there is 0% permeability);
 - (b) The report for Townhouse 2 indicates that the two tanks are to service a total of 6 bedrooms whereas there are only 3 bedrooms proposed.
142. A condition of any permit that issues will therefore be required that an updated STORM report be provided that includes all impermeable areas to each dwelling and correctly indicates total number of bedrooms to Townhouse 2, generating a minimum score of 100%. This will need to be included in an amended BESS report.
143. It is feasible that the size of the proposed water tanks would have to be increased to achieve the 100% rating, or some additional treatment measures introduced (such as rainwater gardens). Any changes to the plans resulting from the revised STORM assessment will also need to be updated on the plans.
144. *Standard B10 – Energy efficiency objectives, including Clause 22.17 Environmentally Efficient Design (EED)*
145. The following proposed sustainable design features are proposed as outlined in the submitted SDA, which includes a “BESS” report:
- (a) Best practice stormwater management (as noted above, plans and the associated STORM report will be required to be updated to ensure this is met)
 - (b) Good access to daylight and natural ventilation.
 - (c) Double-glazing provided to all living areas and bedrooms;
 - (d) Efficient (6 star rated) gas instantaneous water heater.
 - (e) Solar photovoltaic array to contribute up to 20% of energy consumption of the building.
 - (f) Water efficient fixtures.
 - (g) On site bicycle storage for both dwellings.
 - (h) “Nathers” energy rating of 6.1 stars for Townhouse 1 and 6 stars for Townhouse 2.
 - (i) Eaves provided to most north-facing windows.
146. The associated BESS report confirms that the development achieves a “pass” in the four critical areas of water, energy, stormwater and indoor environmental quality. However, an overall BESS rating of only 48% is achieved, which is 2% under the best practice standard set out at clause 22.17. An amended BESS report is required to incorporate the updated STORM reports outlined above. The amended BESS report will also be required to include additional measures to achieve a minimum 50% overall rating. In addition, the BESS report will be required to be a final version (rather than a draft as provided) to ensure that values contained within the report can be relied upon.

Standard B12 – Safety objective

147. The objective of this standard is *to ensure the layout of development provides for the safety and security of residents and property.*
148. As the site does not have a street frontage due to the pattern of subdivision, by necessity, access to the dwellings must be from the abutting laneways. The proposed entries meet the objective given that:

- (a) Both laneways are signposted from adjoining side streets.
 - (b) The main dwelling entries are provided with sensor lights which will enhance safety for occupants.
 - (c) As will be discussed in the dwelling entries objective, subject to additional features agreed to by the applicant, the dwellings will be clearly legible as residential spaces;
 - (d) The recessed dwelling entries will enable pedestrians to seek refuge from the vehicles using the laneway.
 - (e) The creation of a pedestrian pathway to meet the adjoining development to the east will contribute to the accessibility and usability of the laneway and encourage pedestrian use.
 - (f) The dwellings have secure parking and pedestrian entries and will be provided with lighting which will improve safety for occupants.
149. The development would allow for passive surveillance to both Koormiel Lane and Barruth Lane from habitable rooms and/or terrace areas. In particular:
- (a) The first and second floor terrace to Townhouse 2 (where not screened) would enable views to parts of Koormiel Lane.
 - (b) Views to Barruth Lane could be gained from the south-facing glazing to the first floor living room to Townhouse 1 and the second floor retreat to Townhouse 2. Views from the second floor retreat would be enhanced by the condition requiring sidelight glazing to the eastern side of this window. The small first and second floor south-facing lightcourts/balconies to Townhouse 2 would also provide opportunities for surveillance of the laneway by occupants of the dwelling.
150. The inclusion of glazing within the main pedestrian doors and the requirement that the security gate to Townhouse 2 be visually permeable (no less than 50% transparent), via conditions, will further enhance passive surveillance and improve visual connection between internal areas of the dwelling and the adjoining public laneway.
151. Furthermore, whilst there is some existing lighting at intervals to both abutting laneways (including a light on Barruth Lane at its western termination directly south of the subject site), the applicant will be required to ensure that lighting to the laneway meets relevant Australian Standard for lighting to roads and public spaces, as stipulated in advice from Council's Engineering Services Unit. This will be included as a condition of any approval.

Standard B13 – Landscaping objectives

152. Landscaping is not a feature of the site context. Minimal vegetation is evident from the adjoining laneways given the largely hard-edged built form, high solid fencing to secluded private open space areas, and generally concreted rear service yards to commercial premises.
153. In this context, the small planter boxes adjacent the front pedestrian entries proposed are considered to be acceptable to meet the landscaping objectives. However, Council's Open Space Unit has suggested that further details of the planters be provided including size, plant species and irrigation to ensure the vegetation can be sustained in this location. This will be required by condition on any permit that issues.

Standard B14 – Access objectives and Standard B15 – Parking location objectives

154. The proposed development does not front a street but rather abuts two laneways and therefore standard B14 is not strictly applicable (i.e. no vehicle crossovers are required). Nonetheless, the proposed garages to the new dwellings do not occupy more than 40% of the (lane) frontage as suggested by the standard and the garages to each of the dwellings are only single width. There are no existing car parking spaces in the laneway so the vehicle access will not result in any loss of on-street parking.

155. Most service and delivery vehicles will be able to access the site from the laneway. Larger vehicles (such as a fire engine or Council garbage trucks) may not be able to directly access the site. However, this is something to be managed rather than a precluding factor for development of the site.
156. The applicant has agreed to place garbage bins for Council collection at the Michael Street frontage (as per the existing practice for the warehouse building at Rear 304-308 Queens Parade) which is discussed further in the Site Services Standard assessment (B34).
157. The issue of emergency service access has been dealt with by the Tribunal in the previous proposal on the site (Ciullo & Yarra CC & Ors [2016] VCAT 921), with comments as follows:
- [23] While I appreciate the concern of objectors to ensure that there is safe access to the site by emergency services vehicles such as the fire brigade, with respect, I regard these concerns as overstated and unproven in the planning process.
 - [24] I also note that there are more direct processes by which this issue can be considered. In any event, even if I was to seek to apply the guidelines referred to by objectors (which sit outside the planning scheme and are administered by a specialist authority), there is a process by which consent could be given by the relevant authority even if the preferred parameters were not met.
 - [25] In these circumstances, I do not regard this allegation as a reliable reason to refuse to grant a planning process in the absence of a clear indication from the relevant authorities that the site is not accessible to fire fighting apparatus, especially when the site is within an existing urban area, is accessed via a 3 metre bluestone surfaced laneway, is proximate to nearby formed roads and does not exhibit any greater than average susceptibility. For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant State and Local Planning policies.
158. The approach taken by VCAT is applicable to the current proposal. Emergency access will be further assessed by the relevant authority if a permit is to issue.
159. In regards to parking facilities, these are conveniently located in compliance with the objectives of this standard. It is policy that vehicles can access the site in a safe and convenient manner. In this regard Council engineers are satisfied that cars can ingress and egress safely. However, they have requested that the width of the garage door be dimensioned and the unobstructed internal dimensions of the car spaces be provided on the plans, to comply with *Design standard 2: Car parking spaces* of Clause 52.06-8 of the Yarra Planning Scheme. Conditions will require that the dimensions are noted on the plans.
160. Council's engineers have also requested that the finished floor levels along the edges of the concrete slab of the car parking areas be set 40mm above the edges of the bluestone pavements of the Rights of Way. The 40mm lip will enable Council engineers to adjust pavement levels in the Rights of Way in event of any road rehabilitation, drainage or maintenance works that may be required in the future. A condition of any permit issued can require this.
161. Standard B15 also encourages car parking facilities to be secure and well-ventilated if enclosed. Security of the parking spaces is achieved through provision of panel doors to each of the garages. The tandem car garage to Townhouse 2 is provided with operable windows to the northern façade and thus would benefit from cross-ventilation. The single car garage to Townhouse 2 adjoins the entry foyer to the dwelling which is separated from the garage by a door. Cross-ventilation can be achieved via the pedestrian entry door if required, noting that the adjacent study can be closed off from the front entry by a door. The degree of ventilation provided to both garages is considered acceptable.

Standard B17 – Side and rear setbacks objective and Standard B18 – Walls on boundaries objective

162. The proposed walls to the development do not comply with these standards, if measured from the site boundaries. However, given the separation offered by laneways to the south and north, and location of the site within the Commercial 1 Zone, it is appropriate to include the width of the laneway in the analysis.

163. A side and rear setbacks analysis from the north and south boundaries (laneway abuttals) is offered in the table below, inclusive of laneways.

Proposed wall/structure	Proposed side/rear setback (taken from property boundary on opposite side of laneway)	Setback required to comply with B17	Compliance (Yes/No) & Variation required
Townhouse 1			
North-facing ground floor wall plus first floor balcony privacy screen above (4.81m height)	3.05m	1.36m	Yes
North-facing first floor façade (6.11m height)	5.03m	1.75m	Yes
North-facing second floor façade including parapet (approx. 10m height)	4.09m	5.09m	No 1m variation required.
North-facing privacy screen to roof terrace (10.81m height)	5.09m	5.9m	No 0.81m variation required
Northern face of roof/stair to roof terrace (12.01m)	7.62m	7.10m	Yes
South-facing wall up to second floor (approx. 10.2m height)	3.05m	5.29m	No 2.24m variation required
South-facing roof terrace balustrade (approx.10.6m height)	4.05m	5.69m	No 1.64m variation required
Roof/stair to roof terrace (12.35m height)	6.42m	7.44m	No 1.02m variation required
Townhouse 2			
North-facing ground floor wall plus first floor balcony privacy screen above (4.81m height)	3.05m	1.36m	Yes
North-facing second floor façade to bedroom 1 projecting over the first floor below (9.83m height)	7.85m	4.92m	Yes
North-facing second floor balustrade (7.44m height)	4.8m	2.53m	Yes
South-facing wall up to second floor (10.18m height)	3.05m	5.27m	No 2.22m variation required

North

164. In relation to the northern, Townhouse 2 would achieve compliance. In relation to north walls associated with Townhouse 1, the area of non-compliance is located directly opposite the garage at the rear of No. 188 McKean Street. This garage is approximately 5.7m deep (as scaled by Officers) and extends across the full width of the rear boundary. This additional separation from the principal private open space area is sufficient to mitigate negative amenity impacts. Whilst oblique views would be possible from other areas of rear secluded private open space, the built form would not dominate the outlook from these areas.
165. In addition, the use of different materials and the lightweight vertical screening devices to parts of the façade would create articulation to the façade, thus ameliorating potential visual bulk.

South

166. In relation to the proposed southern walls, the areas of non-compliance are more significant. However, the properties to the south are in the Commercial 1 Zone and the rear of these properties contain commercial service areas and car parking (non-sensitive) areas only and therefore this is considered acceptable. Any first floor habitable room windows to shop-top dwellings would be at first floor and with generous setbacks from the proposed development and thus would not be adversely impacted in relation to visual bulk.
167. Council's Urban Design Unit has raised concerns with the potential for a "canyon" effect in the event of future development on the southern side of Barruth Lane (at the rear of properties fronting Queens Parade) and/or at the western end of Barruth Lane. Hence, it was recommended in their advice that a setback of at least 1.5m from the southern boundary be provided from the second floor and above.
168. In this instance the additional setback is not considered warranted. The proposed recommendation is based on an assumption of a "mirror-image" scenario on the opposite side of the laneway. However, it is more probable that development of the sites to the south would set back from the laneway to maximise opportunities for north-facing balconies. As a consequence, it is unlikely a "canyon" effect would result.
169. The eastern and western boundary walls are constructed to a height of 12.35m and 10.18m, respectively. This exceeds the maximum height prescribed under the Standard B18 of 3.6m. However, given the adjoining sites to the east and west are within Commercial 1 Zoned land and used for non-sensitive (commercial/industrial) purposes, the wall height is acceptable. In regards to the western interface, future development is likely to abut this higher wall on the boundary, thus is unlikely to impact future amenity and equitable development opportunities.
170. There is already an approved development on the site to the east (planning permit PLN16/0078 for Rear 312, 316-318 Queens Parade), while endorsed plans are yet to issue, the decision plans have been taken into account.
171. The decision plans propose balconies along the northern and southern sides of the development at first and second floor, with a depth of 1m and offset from the shared boundary by 1m and a roof terrace above. While the proposed wall will be visible from the balconies the visual impact is considered limited and not unreasonable based upon:
- (a) The balconies are elevated at first floor and above, thus would not be impacted by the full height of the wall;
 - (b) The balconies at these levels are associated with bedrooms and are not the primary open space area;
 - (c) These balconies are oriented to face the laneway, with only a 1m setback adjacent the subject site.
172. Impacts from the proposal on any retained roof terrace above the second floor (resulting from compliance with permit conditions) would be limited and reasonable given the roof terrace level would be expected to be similar to that of the proposed development.

173. The amended plans submitted this planning permit include north and south-facing balconies at first floor, as well as deeper north-facing and south-facing balconies at second floor (to living areas) and roof terraces.
174. The proposed development would not adversely impact this revised scheme through visual bulk (were it to be approved) given that the site context and zoning enables a more robust built form character and furthermore:
- (a) Proposed north and south-facing first floor balconies have enclosed sides that extend to the relevant laneway abuttal, thus would not be affected by construction along the shared boundary;
 - (b) Due to the profile of the proposed western boundary wall, it would extend approximately 2.5m above the solid 1.7m high wing wall to the second floor balconies and approximately 1m above the solid wall to the roof terrace – thus its height relative to these spaces is limited.
175. It is noted that the applicant for the adjoining development would also have been aware of the application to the adjoining site when the amendment application was lodged.

Standard B19 – Daylight to existing windows objective

176. The standard requires buildings opposite an existing habitable room window provide for a light court to the existing window of 3sqm (minimum) and dimension of 1m (minimum) clear to the sky (and may include land on the adjoining lot). For walls over 3m height, a setback from an adjacent habitable room window is required for half the height of the proposed wall. There are no habitable room windows within 6.2m of the building (half the maximum height of the building) and thus the building is compliant with the standard.
177. In relation to concerns raised by Council's Urban Design Unit regarding equitable development of the southern side of Barruth Lane, it is considered that the laneway separation is sufficient to achieve adequate daylight to both sites if developed. Alternatively, the southern side could be set back further if a greater level of daylight was desired without compromising a reasonable development potential. Thus, the proposed development does not raise inequitable development concerns in relation to daylight access to land to the south.

Standard B20 – North-facing windows objective

178. It is not proposed to construct opposite any north-facing habitable room windows within 3m of a boundary on an abutting lot, in compliance with the requirement of the standard.

Standard B21 – Overshadowing open space objective

179. The proposed development will only cast additional shadow on the commercial properties and car parking spaces to the west, south and south-west of the subject site. Overshadowing will not affect any areas of secluded private open space associated with residentially zoned sites to the north and east.
180. Concern was raised in an objection in regard to overlooking to the dwelling at the first floor of No. 310 Queens Parade, which indicates a part-residential use of this property. However, the most recent planning permit for this site (planning permit PL04/0503 issued on 20 December 2004 for a liquor licence for the cafe/restaurant at the ground floor) indicates the open area at the rear provides access to externally accessible toilets for patrons of the café and waste storage areas. The appearance of this area from aerial photographs reflects this use. Thus this rear area is considered as a service yard rather than secluded private open space associated with the first floor dwelling.
181. In relation to the recently approved development at Rear 312, 316-318 Queens Parade, immediately to the east of the two proposed dwellings, any overshadowing from the proposed development to this development (regardless of final form which at this stage is not clear) would be limited to 3pm at September Equinox, due to the orientation of the site.

Standard B22 – Overlooking objective and Standard B23 – Internal views objective

182. In relation to internal views, the shared wall between the two dwellings prevents such views. This wall extends up to a height of 1.7m at the roof terrace level of Townhouse 1 preventing overlooking to secluded private open space areas to Townhouse 2 on the levels below, in accordance with the standard for internal views (which directs that views should not be possible to more than 50% of secluded private open space).
183. Overlooking must also be considered to surrounding areas of secluded private open space and habitable room windows within 9m, from the first floor and above (given ground floor areas will have outlook only onto public laneways).
184. The only existing sensitive areas within 9m of the site are to the north associated with dwellings fronting McKean Street.
185. Overlooking to these areas of secluded private open space to the north is addressed as follows:
 - (a) The first floor balcony to Townhouse 1 is screened by a 1.7m high privacy screen (no more than 25% transparent) and solid walls to either side.
 - (b) The second floor north-facing habitable room window to Townhouse 1 is screened in accordance with the standard (1.7m high and with a maximum transparency of 25%).
 - (c) The roof terrace to Townhouse 1 is screened in compliance with the standard (to a minimum height of 1.7m and no more than 25% transparent) on its northern side.
 - (d) The first floor terrace to Townhouse 2 is screened in accordance with the standard (1.7m high and no more than 25% transparent) where it abuts the northern boundary. The western portion which is set back from the northern boundary is unscreened given it does not allow overlooking within 9m.
 - (e) The second floor north-facing habitable room windows and northern terrace to Townhouse 2 are set back sufficiently to avoid overlooking secluded private open space within 9m - most views fall over rear outbuildings. Section B on drawing TP11 indicates that downward views from the terrace to the rear secluded private open space of No. 186 McKean Street (the only rear open space area which extends partly to the rear boundary) would be blocked by the existing rear roller door, such that views would be limited to a vertical height of approximately 2.1m natural ground level at a distance of 9m – thus meeting the standard.
186. Views to the south from habitable room windows and the roof terrace to Townhouse 1, within 9m, fall over the rear of commercial properties fronting Queens Parade.
187. Whilst there was an objection raised in regards to overlooking to the south to the first floor “shop-top” dwelling at No. 310 Queens Parade, the first floor of this building is well over 9m from the subject site (approximately 17m) and therefore the standard is still met in regard to any habitable room windows to this building.
188. Council’s Urban Design Unit raised concerns in relation to equitable development in regard to overlooking to potential future development to the south of the site. Whilst overlooking to future development cannot be considered as part of the overlooking assessment, it is considered that the design of the development does not unreasonably compromise development opportunities of adjoining sites to the south, as sensitive areas of any dwellings could be screened or, alternatively, set back to negate the need for screening.
189. The proposed development would also be sufficiently screened to prevent overlooking to any future development to the east-adjointing site under planning permit PLN16/0078.

Standard B24 – Noise impacts objective

190. The proposed dwellings are considered to be set back sufficiently from Queens Parade (approximately 40m) to mitigate against external noise sources from activities and traffic along that frontage and shopfronts along Queens Parade would also provide a buffer to noise. The neighbouring sites within the commercial zone to the south comprise a number of cafés/restaurants, shops and a medical centre and these would not be anticipated to create significant noise emissions that would interfere with liveability of the dwellings. There are no outdoor dining areas on the opposite side of the laneway associated with cafés/restaurants.
191. Clause 22.05 (Interface uses policy) aims to reduce possible interface conflicts between commercial and residential uses and recognises the need to protect the viability of commercial areas by ensuring that residents do not have unrealistic expectations of the level of amenity that can be achieved. In this regard, the development has incorporated design features that would reduce the potential for conflict. All but one of the proposed bedrooms are located away from the southern laneway, and are thus provided with a buffer from the commercial interface. The bedroom facing the laneway is separated from the rear of commercial properties by 3m, which will provide a further buffer from noise emissions. This will maintain the amenity of the proposed dwelling, and ensure that the growth and operation of these areas as service, economic and employment precincts will not be impeded.
192. Furthermore, the Sustainable Design Assessment (SDA) has committed to providing double-glazing to all bedrooms and living areas. This would reduce noise transmission internally to the dwelling and thus reduce the potential for disturbance from any plant equipment or deliveries associated with commercial uses opposite. The SDA will be endorsed as part of any approval. This detail is also included as a notation on the proposed elevations. This will ensure that the dwellings are adequately protected from noise disturbance and that the new use will not disadvantage the operation of businesses within the Commercial 1 Zone along Queens Parade.
193. Existing dwellings in the vicinity would not be anticipated to be adversely affected by noise generated by the proposed dwellings. Noise generated would be that of a typical residence and thus not unreasonable and as of right within the adjoining residential zone. Services are shown to be located on the southern side of the second floor roof and the southern side of the roof terrace, thus noise would be directed away from existing dwellings to the north.
194. To ensure that noise and other disturbances such as road closures, movement of machinery etc. are managed during the construction process, a Construction Management Plan would be required by condition, on any permit that issues.

Standard B25 - Accessibility objective

195. The dwellings are accessible via natural ground level which would suit the needs of individuals with limited mobility. However, while Townhouse 2 is provided with lift access to living areas on upper levels, only stairs are provided for Townhouse 1, making it less accessible for the mobility impaired. Overall, the level of accessibility is considered acceptable given that only two dwellings are proposed.
196. The dwellings are accessible only via laneways to the north and south. Council's traffic engineers have requested a 1.2m to 1.8m wide section of the bluestone laneway be smoothed out to form an accessible pedestrian path that can also be traversed by vehicles. The referral comments suggest that this should extend along one side of the laneway to the nearest side street (in this case Michael Street).

Given that Townhouse 1 has its main pedestrian entry to the northern laneway and Townhouse 2 has its pedestrian entry to the southern laneway this would entail smoothing of both laneways up to Michael Street.

197. However, the development approved under planning permit PLN16/0078 is already required to provide the same type of accessible pathway around the perimeter of their site (north-west, north-east and south-east abutting laneways) and extending to Michael Street. It is considered unnecessary to require the permit applicant for this development to duplicate these works. Furthermore, given the development to the east is a larger development (with five dwellings) it is reasonable that they bear more the of the cost.
198. Therefore, a condition of any permit that issues will require that the developer construct a 1.2m to 1.8 metre wide smooth bluestone pavement must be constructed on one side of the Right of Way (at the permit holder's cost):
- (a) Extending from outside the northern pedestrian entry to Townhouse 1 and extending to the north-east title boundary of Rear 304-308 Queens Parade and
 - (b) Extending from outside the southern pedestrian entry to Townhouse 2 and extending to the north-east title boundary of Rear 304-308 Queens Parade.
199. This would meet up with the pathway to be constructed by the developer to the east-adjointing site. It would improve pedestrian safety in the laneway, including for people with limited mobility. This is considered to sufficiently address the issue of pedestrian safety in the laneway.

Standard B26 – Dwelling entry objective

200. This objective of this standard is to *provide each dwelling or residential building with its own sense of identity.*
201. In respect of this objective, the entrances to the dwellings have some features that would help provide a sense of address and safety. In particular, both dwellings are provided with a sensor light to their entries, a planter, and the entries are recessed from the laneway to provide refuge for pedestrians and a sense of transition.
202. However, Council's Urban Design Unit expressed some concerns with the proposed entries to the dwellings and recommended that these be improved so they are *legible, well-lit and foster a sense of safety.*
203. Discussions with the applicant have resulted in the applicant confirming that they would be prepared to include the following additional elements to each of the dwelling entries:
- (a) a glazed door/door with glazed elements;
 - (b) street number;
 - (c) letter box;
 - (d) security screen (to Townhouse 2 entry) to be confirmed to be no less than 50% transparent.
204. The above commitments will be required by condition of any permit that issues to be shown on the plans. With these inclusions it is considered that the dwellings will be readily identifiable as dwellings and will create an adequate sense of transition and safety. The recessed entries will ensure that pedestrians can also seek shelter from any vehicles in the laneway if needed.
205. In addition, as previously outlined, confirmation of details of the planter box will be required by permit condition, if one is to issue, to ensure that vegetation will be sustained in this location and will contribute to the sense of identity for the dwellings.
206. It is also noted that both laneways are now formally signposted. This signposting will assist visitors to locate the dwellings.

Standard B27 – Daylight to new windows

207. To satisfy the requirements of this standard, habitable room windows should be located to face an outdoor space clear to the sky or a light court with a minimum area of 3sqm and a minimum dimension of 1m clear to the sky. The only habitable room windows that do not comply with this requirement are:
- (a) The north-facing ground floor windows/doors to bedrooms 2 and 3 of Townhouse 2 which are cantilevered by the first floor by 1.3m.
 - (b) The north-facing first floor windows/doors which are cantilevered by the second floor by 1.1m
 - (c) The south-facing first floor window to the kitchen of Townhouse 2, which is cantilevered by a 0.5m deep projecting window.
208. However, in all the above instances, these windows will still have access to a large open area beyond that will provide light to these windows and the habitable rooms will have excellent daylight access. The cantilever will also act as solar-protection. Thus the objective is achieved.
209. It is noted that, whilst not specifically dealt with by this standard, the dual aspect of the development will further protect the development from adverse daylight impacts if the adjoining properties to the south were developed in the future.

Standard B28 – Private open space objective

210. The standard requires at least 40sqm of private open space of which 25sqm is to be provided at the side or rear of the dwelling with at least 3m dimension, or a balcony of 8sqm with a minimum width of 1.6m and with convenient access from a living room.
211. Both dwellings comply with the standard. Townhouse 2 has a 40sqm courtyard at ground floor, 42sqm terrace at first floor and 46sqm terrace at second floor (providing 128sqm total of open space), with the first floor and second floor terraces accessible from living areas. Townhouse 1 has a 9sqm terrace at first floor (with a minimum depth of 1.98m) adjoining the dwelling's living area. This is supplemented by a 40 sqm roof terrace (49sqm total of open space).

Standard B29 – Solar access to open space objective

212. The primary areas of open space are located to the north of the dwellings, at upper levels, with excellent solar access. The objective is therefore met.

Standard B30 – Storage objective

213. This standard requires that each dwelling be provided with a minimum of 6 cubic metres of externally accessible storage space. The proposal provides storage areas within garages and in other parts of each dwelling. The site plan provides a table which confirms compliance for both dwellings (Townhouse 1 has 6.5 cubic metres of storage at ground floor and Townhouse 2 has 19.4 cubic metres of storage also at ground floor) with additional storage areas provided at upper levels. This will be required to be shown on floor plans which would then be endorsed.

Standard B31 – Design detail objective

214. The design detail in relation to the heritage context has been found to be acceptable by Council's Heritage Adviser (see heritage assessment later in the report).
215. Given the mixture of built form styles and materials evident from the laneway, and limited visibility from the surrounding streets, there is flexibility for a variety of forms and materials to be included.

216. The chosen flat-roofed, rectilinear form with a mixture of metal cladding and face brickwork will give the building a contemporary appearance and the use of metal and brick are also appropriate given the laneway context which tends to have a utilitarian character to built form.
217. The use of vertical metal screening to much of the balconies will counter-balance some of the horizontal forms in the building and help the building relate more to the finer-grained subdivision pattern surrounding the site.
218. However, Council's Urban Design Unit raised concerns regarding the dark colour of the building would create a dark environment along the laneway. In response to these concerns, the applicant has agreed to modify the proposed palette of the upper storeys of the development from a "charcoal" coloured metal cladding to a lighter coloured metal cladding "Surfmist" (or similar) – a light beige/grey tone. By substituting the dark cladding with this lighter colour, this would improve the ambient light to the abutting laneways. This will be required by condition if any permit is to issue.
219. It is considered acceptable to retain the lower levels of the building in the existing (darker) colour scheme. Given the nature of laneways and propensity for graffiti and the like, this will reduce the likelihood of tagging or visible accumulation of dirt on surfaces. A condition will also require that the ground floor external walls facing the laneway be treated in a graffiti proofing coating.
220. Overall, the proposed detailing is considered to be acceptable, subject to the condition regarding upper level cladding detailed above.

Standard B32 – Front fences objective

221. No front fences are proposed given there is no direct street abuttal.

B33 – Common property objectives and B34 – Site services objectives

222. Each dwelling will have bin storage in their respective garages. The applicant's original submission indicated that Council waste services would collect bins from the laneway, however, they have since clarified that bins would be transported to Michael Street (as per current practices for the existing building which relies on Council services). As the development proposes only two dwellings with their own separate garages for storing bins (hence it is unlikely that there would be common management of services), the proposed reliance on Council waste collection (from Michael Street) would be appropriate, as confirmed by Council's Waste Service Unit. However, to ensure the location of the waste collection point is clear, this will be required to be indicated on the plans by condition of any permit issued.

Heritage

223. The decision guidelines of the Heritage Overlay at clause 43.01 of the Scheme are incorporated in the requirements of clause 22.02 of the Scheme (*Development Guidelines for sites subject to the Heritage Overlay*). The following assesses this policy along with the reference to comments made by Council's Heritage Advisor.
224. In relation to the proposed demolition, it is agreed (in line with heritage advice) that the proposed demolition is acceptable. The full demolition of Rear 312 Queens Parade (graded as contributory) has been previously approved under planning permit PLN16/0078, hence remove of part of the western boundary party wall is acceptable. Council's Heritage Adviser has previously confirmed that the buildings at Rear 312 Queens Parade are of no heritage value and full demolition is acceptable. The building at Rear 304-308 Queens Parade is not graded. However, Council's Heritage Adviser has also found demolition of these buildings to be acceptable on the basis that the buildings have been constructed over several stages and are not recognisable as any particular style or form of building.

225. In relation to the proposed building, the relevant purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of the heritage place - in this case the North Fitzroy Heritage Precinct – noting that the site also adjoins the Queens Parade Heritage Precinct (located directly to the south) so consideration will also be given to this streetscape.
226. As the location has no direct street frontage, but rather is bound by laneways to the north and south, the development will have little impact upon the heritage streetscapes of Michael Street, McKean Street or Queens Parade. The most direct views would be from Michael Street, via Barruth Lane. However, such views would be distant and oblique and the development would be further concealed by future development on the east-adjoining development at rear 312-318 Queens Parade under planning permit PLN16/0078.
227. The attached row of two storey parapet walls of commercial buildings fronting Queens Parade would conceal the building from view from this street.
228. From McKean Street, views to the building would be blocked by masonry parapet walls to single-storey terrace houses to the direct north of the subject site (one of which has a rear first floor addition). Oblique views from further west along McKean Street may be possible over single storey hipped roof dwellings, however, as per Council's Heritage Adviser's advice, any such glimpses would be read as separate development at the rear of Queens Parade and would not dominate the heritage streetscape.
229. Council's heritage advisor found the proposed external materials and colours to be acceptable and indicated that the use of face brickwork to the ground floor provides an appropriate link with other brick structures along the laneway. The substitution of the dark metal cladding with light would not be anticipated to have an adverse impact on the development from a heritage perspective.
230. Overall, the proposal appropriately responds to the policy at Clause 22.02 (*Development Guidelines for sites subject to the Heritage Overlay*) and Clause 43.01 (*Heritage Overlay*) of the Scheme, and therefore is considered acceptable in relation to the heritage context.

Car parking

231. A statutory reduction of one car space is required for the development associated with Townhouse 1, which contains one rather than two spaces.
232. The car parking reduction has been supported by Council's Traffic Engineers who have referred to Census data from 2011 which found an average car ownership of 1.5 per 3 bedroom dwelling in North Fitzroy. Given the more modest size of Townhouse 1 and that one of the bedrooms is also intended to function as a study, one car space is considered sufficient.
233. A note would also be included on any approval reminding the permit holder that residents and visitors of the dwellings will be ineligible to obtain on-street resident or visitor car parking permits, thus deterring potential occupants who own more than one car.
234. In addition to the above, the site is well-located for bicycle access (there are bicycle lanes on both the road network and access to the off-road Capital City Trail nearby) enabling access to the CBD and various other destinations. Both townhouses are provided with a bike rack in the garage which would facilitate bicycle use.
235. In compliance with policy objectives, tram services can be easily accessed from Queens Parade and rail services can be accessed from Clifton Hill railway station. The site also has very good access to shops, essential facilities and amenities along Queens Parade and is also within walking distance of the Darling and Edinburgh Gardens.

236. The reduction of a single car space is consistent with overarching objectives in the SPPF and LPPF which look to reduce reliance on private motor vehicles. Based on Council's Traffic Engineers support for the application and the above assessment, it is considered that the proposed reduction of parking strikes an acceptable balance between encouraging sustainable transport and not unreasonably impacting the amenity of the surrounding area.

Development Abutting Laneways (Clause 22.07)

237. Much of the report has already addressed a number of the policies contained at clause 22.07, in particular:
- (a) The height and walls on boundaries/side and rear setbacks objectives have dealt with issues of scale to the laneway and determined this to be appropriate.
 - (b) Vehicle ingress/egress and pedestrian safety has been found to be appropriately addressed, subject to conditions.
 - (c) Bins have been confirmed to be stored in the garage and thus will not block the laneways.
 - (d) Emergency service arrangements have been found to be adequate, and will be subject to further review by the relevant authorities if a permit were to issue.
 - (e) Pedestrian entries are provided with sensor lights.
238. In relation to other relevant policies not yet addressed. The following assessment is offered:
- (a) New lighting to the dwelling will be required to be appropriately baffled. It is noted that the VCAT issued permit for planning permit PLN15/0350 imposed a condition in this regard and this will be replicated in any approval.
 - (b) Pedestrian entries to the dwellings are separate from vehicle entries in line with policy.
 - (c) Garage doors are panel lift doors and hence will not project into the laneway.
239. Policy supports surveillance to laneways, whilst seeking to protect habitable room windows and secluded private open space from overlooking. Council's Urban Design Unit raised concerns with the lack of passive surveillance available from the ground floor level – it was suggested that lowering windows would improve the outcome. In this regard the applicant has agreed to provide glazed doors or doors with glazed elements to the main pedestrian entries of the dwellings. Furthermore, the security door to Townhouse 2 will be a minimum of 50% visually permeable to ensure the visual connection can be maintained. This would enable some passive surveillance from within the building, without compromising privacy or the sense of safety of occupants.
240. The applicant has also agreed to provide sidelight windows to the eastern side of the projecting southern window form of the retreat to the second floor of Townhouse 2. This would improve surveillance of the laneway from this level. However, it is noted that this window projects over the laneway by approximately 0.5m, and appears to allow (based on the sill height) occupants of the dwelling to potentially stand or sit on the portion that extends over the right-of-way – i.e. it has a trafficable base.
241. Although the proposed projecting window is not a balcony per se, it raises similar issues in regards to the overhanging of public space from a trafficable area. Council adopted a policy regarding balconies at its ordinary meeting of 4 May 1998. The policy does not support balconies over Right-of-Ways.
242. A condition will therefore require that the south-facing window of the second floor retreat be modified such that any part projecting over the right-of-way is non-trafficable. This could be achieved by raising the sill level or raking the window in at an angle. The projecting window is located within approximately 0.5m from an existing light pole. It is not clear if this pole would interfere with the proposed development including the projecting window, however, this would be a matter for discussion between the relevant authority (Citipower) and the developer. As per Council's Engineering Services' advice, a condition will be included that stipulates that 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.

243. It is noted that the south-facing window to Bedroom 1 and 2 of Townhouse 2 has a projecting frame (approximately 250mm). As this is an architectural feature and is located with a clearance of approximately 6m above the laneway it is considered acceptable. The applicant would still need to seek any relevant approval from Council's Building Department for construction of elements over the right-of-way and these may not be granted. If it was required to be removed by Council's Building Department it would have a limited impact on the design of the building or its presentation to the lane.
244. Subject to the conditions outlined, it is considered that the proposal adequately meets the development abutting laneways clause.

Objector Concerns

245. Sixty-seven (67) objections to the application were received which can be summarised as follows:
- (a) *Excessive height;*
Height has been discussed at paragraphs 132-136.
 - (b) *Visual bulk;*
Visual bulk has been addressed at paragraphs 162-175.
 - (c) *Overdevelopment;*
The strategic justification for the development has been addressed at paragraphs 105 to 108. In addition, refer to paragraphs cited in relation to "excessive height" above.
 - (d) *Development does not meet laneway safety objectives for pedestrians and vehicles or meet emergency service access requirements;*
This has been discussed in paragraphs 147 to 151, 195-199 and 239 of the report.
 - (e) *Overlooking;*
This has been discussed in paragraphs 182-189 of the assessment.
 - (f) *Overshadowing;*
This has been discussed in paragraphs 179 to 181 of the assessment.
 - (g) *Adverse impact on the heritage area;*
This has been discussed in paragraphs 223-230 of the assessment.
 - (h) *Construction outside title boundaries;*
Construction over the laneway has been discussed at paragraphs 241 to 244 and addressed by condition. This issue was raised specifically in regard to the western (south-western) title boundary of the subject site and a concern that the proposed building was encroaching outside this boundary. The applicant's planning drawings show title boundaries in accordance with the title boundary dimensions shown on the Certificate of Title provided for Rear 304-308 Queens Parade and that all proposed works are to be constructed within title boundaries. Hence there does not appear to be any discrepancies in relation to title boundaries. Any permit issued for the site would not grant permission for construction outside title boundaries of the subject land.
 - (i) *Inconsistent with the Queens Parade Built Form Review.*
Relevant parts of the draft Queens Parade Built Form Review have been addressed throughout the report, including at paragraphs 161-165 in relation to setbacks from north-adjointing dwellings and paragraph 133 which addresses height.
 - (j) *Does not comply with heights specified in a comparable precinct in the Design & Development Overlay Schedule 16.*

The height controls set out of the Design & Development Overlay (Schedule 16) for Precinct 1B are specific to that site (Nos 8 – 56 Queens Parade & 460 – 494 Brunswick Street, Fitzroy North) and cannot be arbitrarily applied to another site. As outlined earlier in the report, there is ongoing strategic planning work to prepare draft Design & Development controls for Queens Parade, however, until such time as Council adoption, no consideration can be given to potential future controls.

Conclusion

246. The proposal demonstrates a reasonable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/1201 for use and development of the land for construction of two dwellings at "Rear 304-308 Queens Parade, Fitzroy North"; including demolition of the existing building on this site, and a section of wall associated with "Rear 312 Queens Parade, Fitzroy North"; and an associated reduction of the statutory car parking requirement at Rear 304-308 and Rear 312 Queens Parade, Fitzroy North, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the decision plans (received by Council on 31 July 2017) but modified to show:
 - (a) Metal cladding to external walls (above ground floor) to be modified to be a lighter colour - "Windspray" or similar.
 - (b) A notation that the finished floor levels along the edges of the concrete slab of the car parking areas will be set 40mm above the edges of the bluestone pavements of the Right of Ways.
 - (c) Unobstructed dimensions of the car spaces to be notated to show compliance with Design standard 2: Car parking spaces of Clause 52.06-8 of the Yarra Planning Scheme.
 - (d) Width of the garage doors dimensioned, accounting for any structural supports.
 - (e) The proposed location of general waste and recycling bins, for Council collection, along Michael Street.
 - (f) The main pedestrian entries to the dwellings provided with:
 - (i) clearly identifiable street number;
 - (ii) letter box;
 - (iii) glazing;
 - (iv) security screen for Townhouse 2 to be no more than 50% transparent.
 - (g) Any changes to the plans required to reflect the amended Sustainable Design Assessment, pursuant to condition 3, including revised STORM report (as necessary).
 - (h) Glazing provided to the east side of the projecting south-facing window to the second floor retreat to Townhouse 2.
 - (i) The south-facing projecting window bay to the second floor retreat modified such that any part projects over the right-of-way is not a trafficable area.
 - (j) The volume of storage to each dwelling shown on the floor plans, with a minimum 6m³ provided to each dwelling.
 - (k) All sections to have an upper parapet height consistent with proposed elevations (i.e. RL47.55).

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Certified Energy and received by Council on 13 June 2017, but modified to include or show:
 - (a) The BESS report to be a final version (rather than a draft version).
 - (b) Additional measures to achieve a minimum 50% overall rating in the BESS report;
 - (b) A revised STORM report achieving a minimum score of 100% for each Townhouse, updated to include all impermeable surfaces for both dwellings, and referring to the correct number of bedrooms to Townhouse 2.
4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must provide details of planters adjacent main pedestrian entries to Townhouse 1 and 2, including height, width and depth of planters, proposed plant species, and irrigation and drainage specifications, to the satisfaction of the Responsible Authority.
6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a 1.2m to 1.8 metre wide smooth bluestone pavement must be constructed on one side of the Right of Way:
 - (a) Extending from outside the northern pedestrian entry to Townhouse 1 and extending to the north-east title boundary of Rear 304-308 Queens Parade and
 - (b) Extending from outside the southern pedestrian entry to Townhouse 2 and extending to the north-east title boundary of Rear 304-308 Queens Parade.at the permit holder's cost; and to the satisfaction of the Responsible Authority.
7. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the lighting levels of all existing public lights within Koormiel Lane and Barruth Lane adjacent to 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.
8. 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.
9. 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.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

11. Before the building is occupied, any wall located on a boundary facing public property at ground floor level must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
13. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
14. 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.
15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire laneways for the width of the property frontages if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the dwelling entrance must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
17. All external lighting must be located, treated or baffled to prevent light spill into secluded private open space and/or habitable rooms of residential properties to the north, to the satisfaction of the Responsible Authority.
18. 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;

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

19. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
21. 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.
 - (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

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

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

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

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

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

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.

CONTACT OFFICER: Madeleine Moloney
TITLE: Statutory Planner
TEL: 92055009

Attachments

- 1 PLN16/1201 - Rear 304 - 308 Queens Parade & Rear 312 Queens Parade - Site Context Plan
- 2 PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans
- 3 PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Engineering comments
- 4 PLN16/1201 - Rear 304-308 & Rear 312 Queens Parade Urban Design Advice
- 5 PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Informal Advice - Open Space Unit
- 6 PLN16/1201 - Rear 304 -308 (& rear 312) Queens Pde Fitzroy North - Informal Heritage Advice

Attachment 1 - PLN16/1201 - Rear 304 - 308 Queens Parade & Rear 312 Queens Parade - Site Context Plan

**SUBJECT LAND:
Rear 304-308 Queens Parade & Rear 312 Queens Parade,
Fitzroy North.**



↑ North

★ Subject Site (outlined in red)

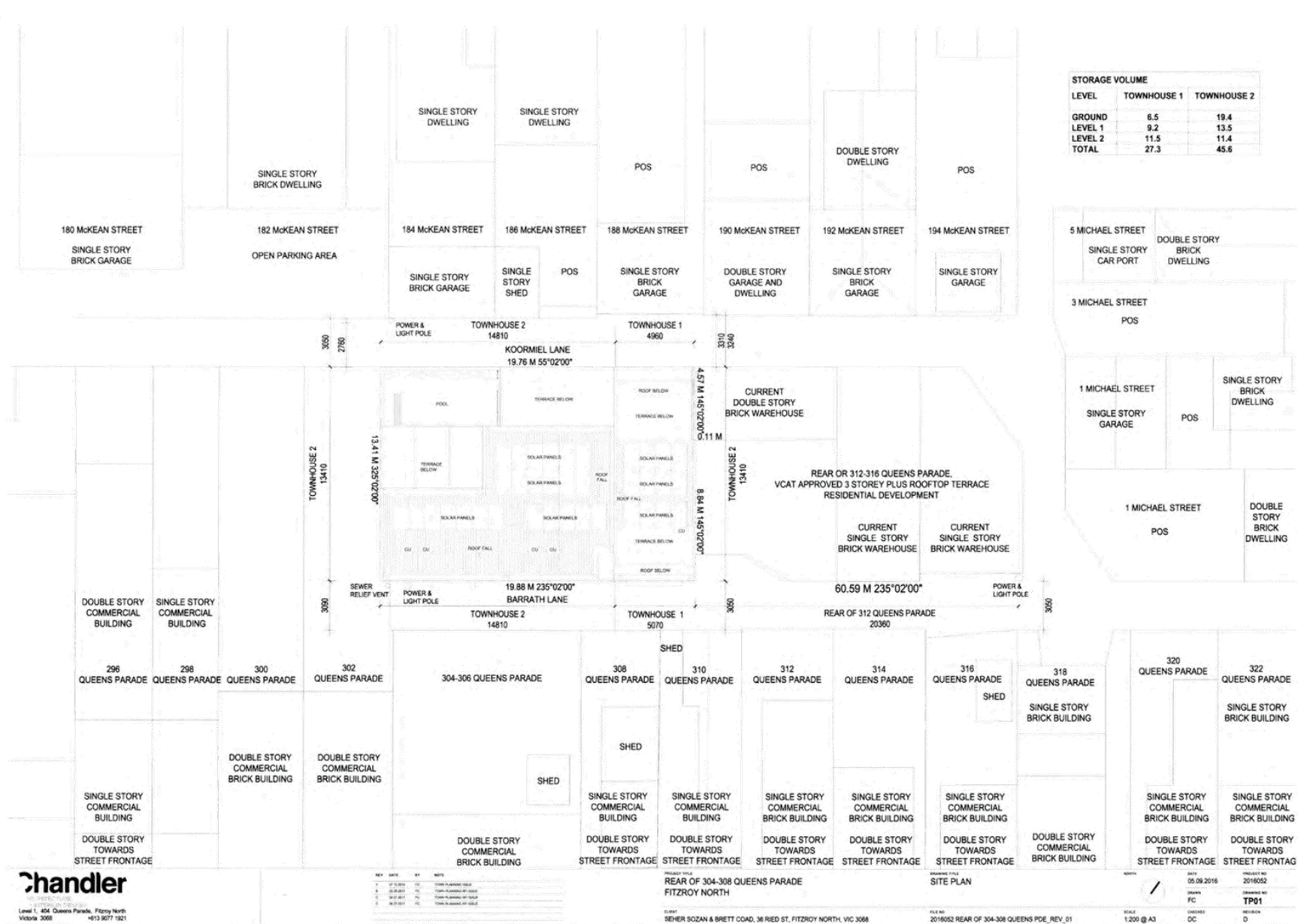
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**TOWN PLANNING APPLICATION - RFI ISSUE
 REAR OF 304-308 QUEENS PDE, FITZROY NORTH, VIC 3068
 27.07.2017**

DRAWING	TITLE	SCALE
TP01	SITE PLAN	1:200
TP02	EXISTING NORTH-WEST ELEVATION	1:100
TP03	EXISTING SOUTH-EAST ELEVATION	1:100
TP04	DEMOLITION PLAN GROUND FLOOR	1:100
TP05	GROUND FLOOR PLAN	1:100
TP06	FIRST FLOOR PLAN	1:100
TP07	SECOND FLOOR	1:100
TP08	THIRD FLOOR	1:100
TP09	ROOF PLAN	1:100
TP10	SECTION A	1:100
TP11	SECTION B	1:100
TP11.1	SECTION C	1:100
TP11.2	SECTION D	1:100
TP12	NORTH-WEST ELEVATION	1:100
TP13	NORTH-EAST ELEVATION	1:100
TP14	SOUTH-EAST ELEVATION	1:100
TP15	SOUTH-WEST ELEVATION	1:100
TP16	MATERIAL SCHEDULE	-
TP17	SHADOW DIAGRAMS - 8AM & 10AM	1:400
TP18	SHADOW DIAGRAMS - 11AM & 12AM	1:400
TP19	SHADOW DIAGRAMS - 1PM, 2PM & 3PM	1:400



Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



STORAGE VOLUME		
LEVEL	TOWNHOUSE 1	TOWNHOUSE 2
GROUND	6.5	19.4
LEVEL 1	9.2	13.5
LEVEL 2	11.5	11.4
TOTAL	27.3	45.6

andler
 Level 1, 404 Queens Parade, Fitzroy North
 Victoria 3068

REV	DATE	BY	NOTE
1	07.10.2016	FC	ISSUE FOR PERMIT
2	23.08.2017	FC	ISSUE FOR PERMIT
3	04.07.2017	FC	ISSUE FOR PERMIT
4	04.07.2017	FC	ISSUE FOR PERMIT

PROJECT TITLE
**REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH**

CLIENT
 SEHER SOZAN & BRETT COAD, 38 RED ST, FITZROY NORTH, VIC 3068

DRAWING TITLE
SITE PLAN

FILE NO
 2016052 REAR OF 304-308 QUEENS PDE_REV_01

DATE
 05.09.2016

DESIGNED BY
 FC

CHECKED BY
 DC

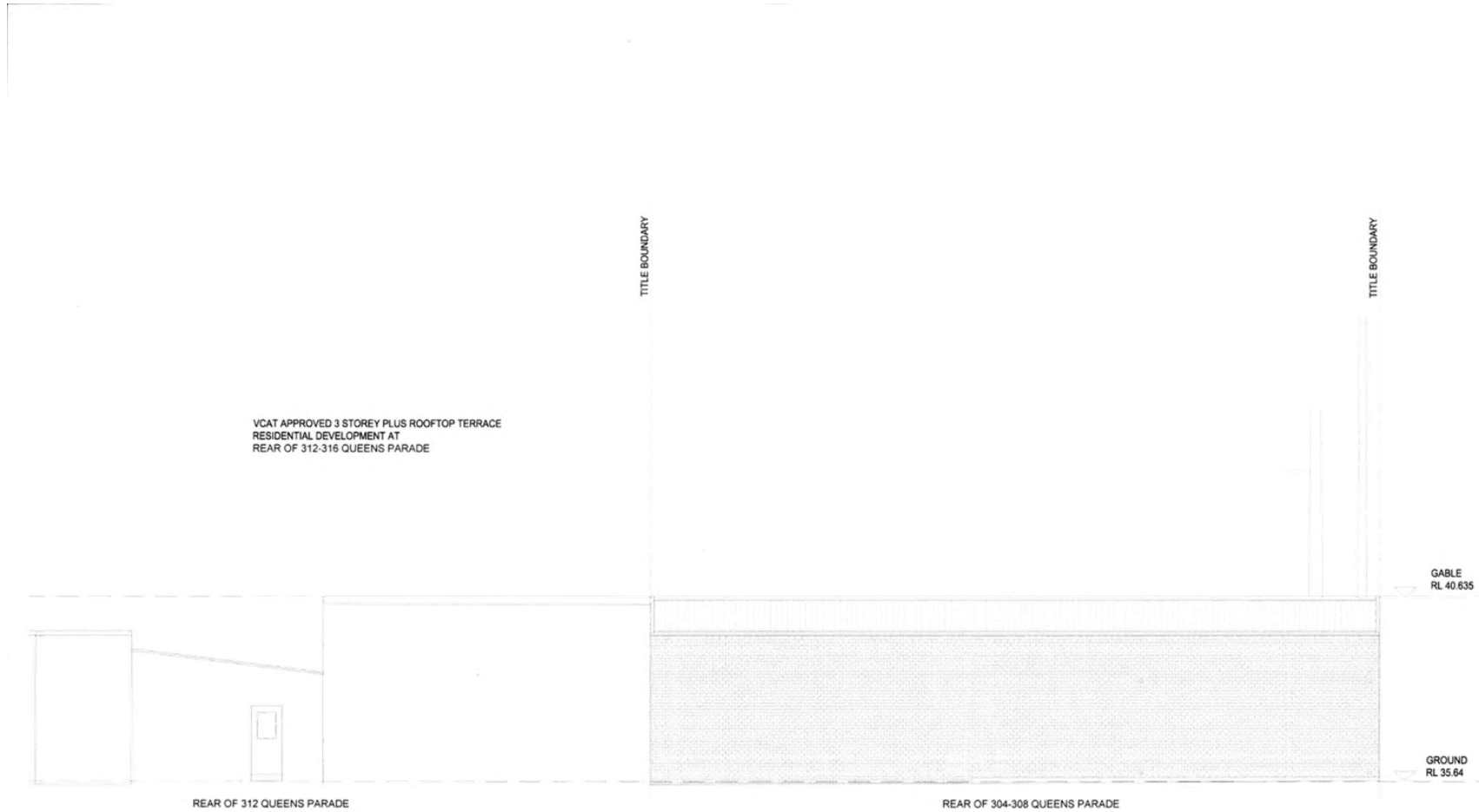
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SCALE
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



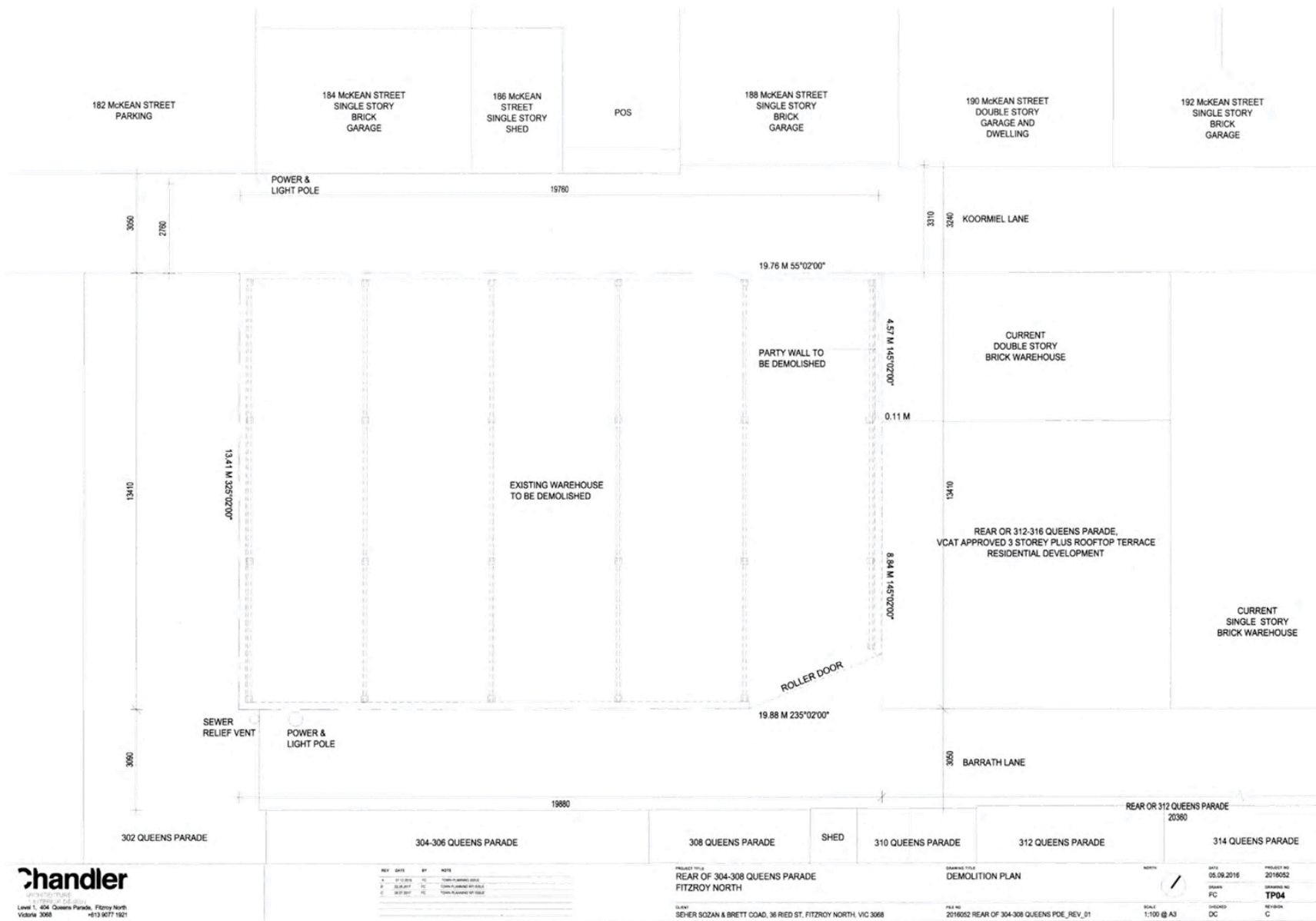
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C	04/07/17	FC	TOTAL PLANNING SALE																		
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



<p>CHANDLER ARCHITECTS Level 1, 504 Queens Parade, Fitzroy North Victoria 3068 +61 3 9077 1921</p>	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>BY</th> <th>NOTE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>07.12.2014</td> <td>DC</td> <td>ISSUE FOR PERMIT</td> </tr> <tr> <td>2</td> <td>08.08.2015</td> <td>FC</td> <td>ISSUE FOR PERMIT</td> </tr> <tr> <td>3</td> <td>20.07.2017</td> <td>FC</td> <td>ISSUE FOR PERMIT</td> </tr> </tbody> </table>	REV	DATE	BY	NOTE	1	07.12.2014	DC	ISSUE FOR PERMIT	2	08.08.2015	FC	ISSUE FOR PERMIT	3	20.07.2017	FC	ISSUE FOR PERMIT	<p>PROJECT TITLE REAR OF 304-308 QUEENS PARADE FITZROY NORTH</p> <p>CLIENT SEHER SOZAN & BRETT COAD, 36 RIED ST, FITZROY NORTH, VIC 3068</p>	<p>DRAWING TITLE EXISTING SOUTH-EAST ELEVATIONS</p> <p>FILE NO 2016052 REAR OF 304-308 QUEENS PDE_REV_01</p>	<p>DATE 05.09.2016</p> <p>SCALE 1:100 @ A3</p>	<p>PROJECT NO 2016052</p> <p>PERMIT NO TP03</p> <p>REVISION C</p>
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



Chandler
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 Level 1, 404 Queens Parade, Fitzroy North
 Victoria 3068 +61 3 9077 1921

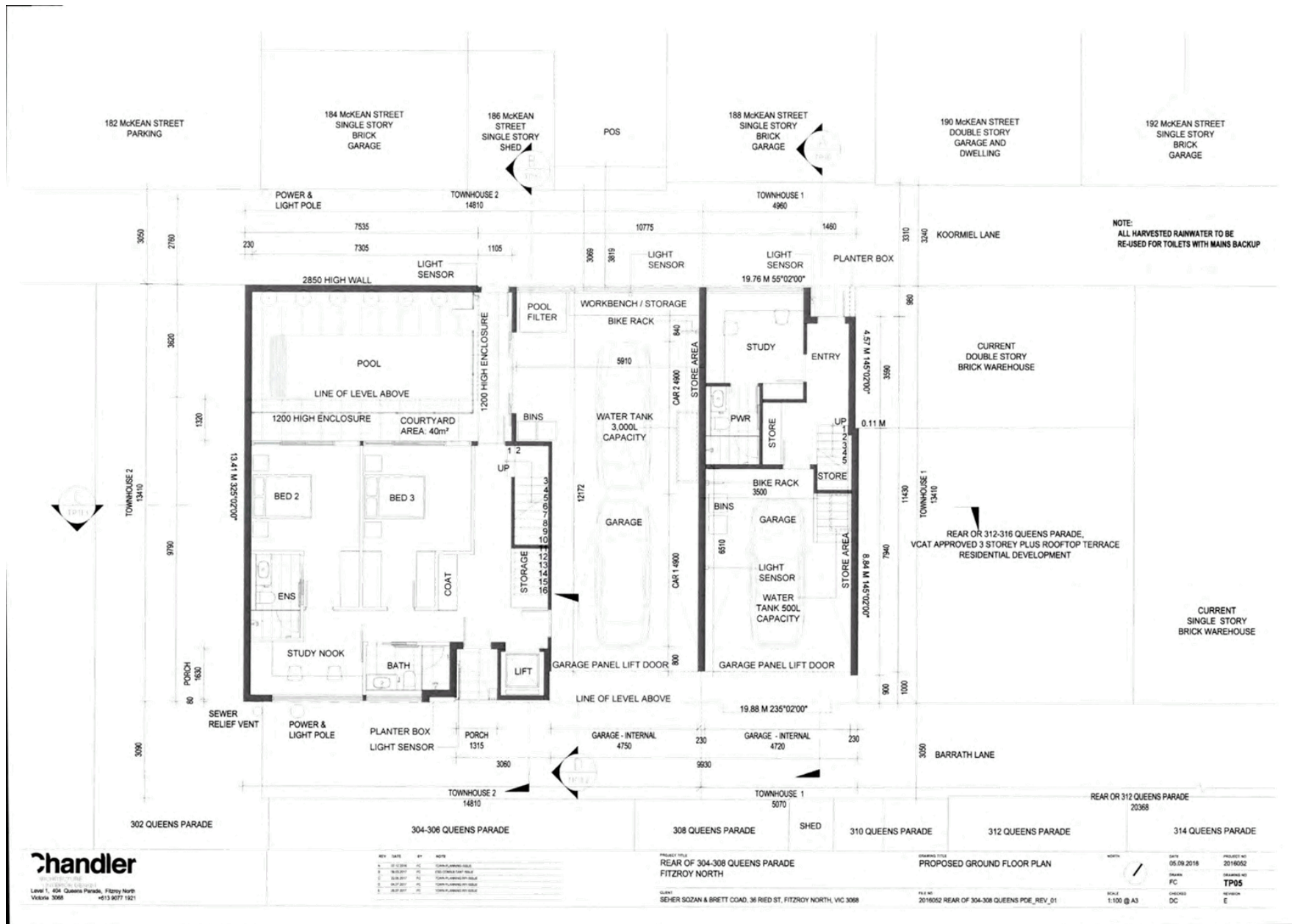
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 REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH
 CLIENT:
 SEHER SOZAN & BRETT COAD, 36 RED ST. FITZROY NORTH, VIC 3068

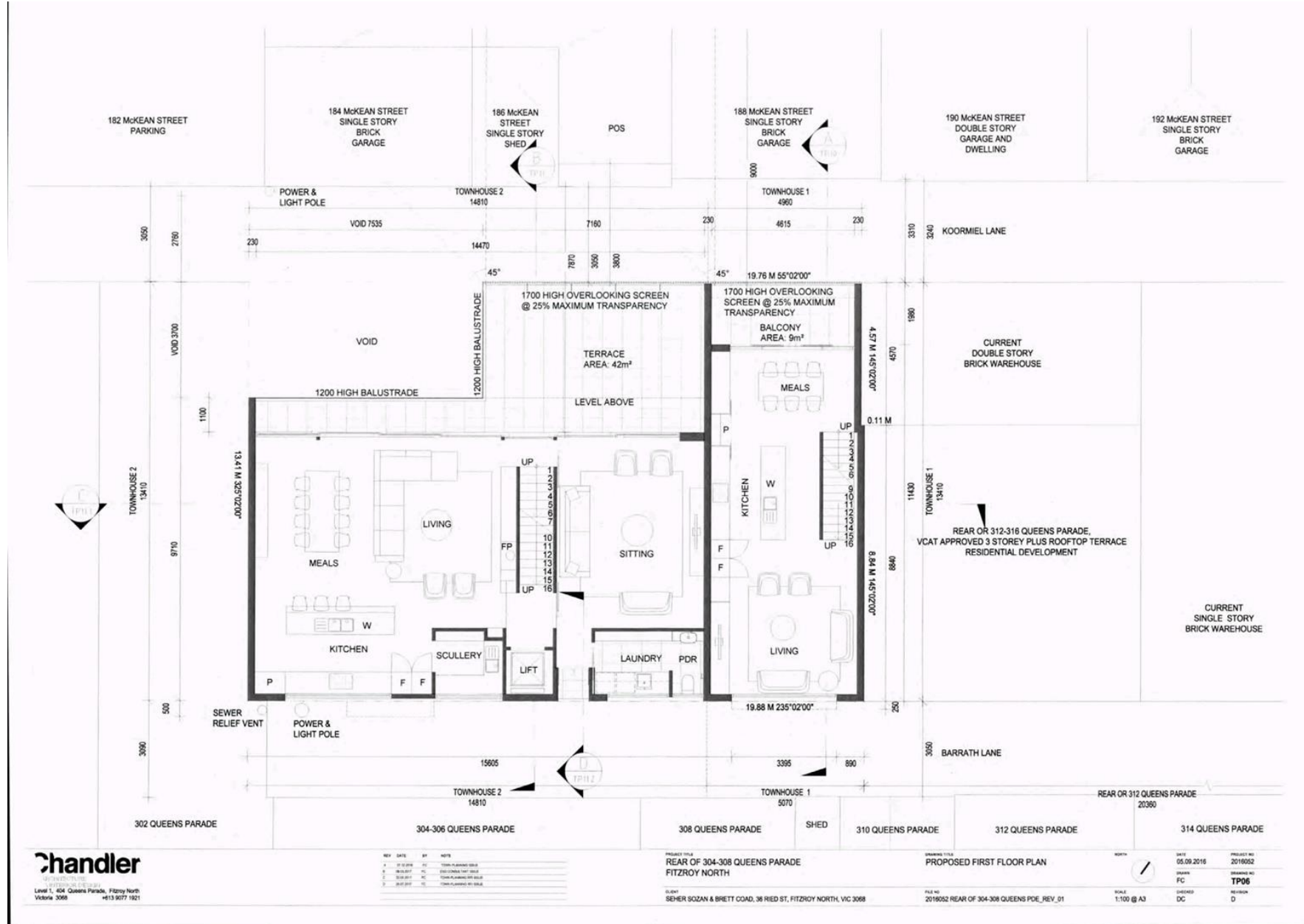
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 FILE NO:
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DATE:
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 REVISION:
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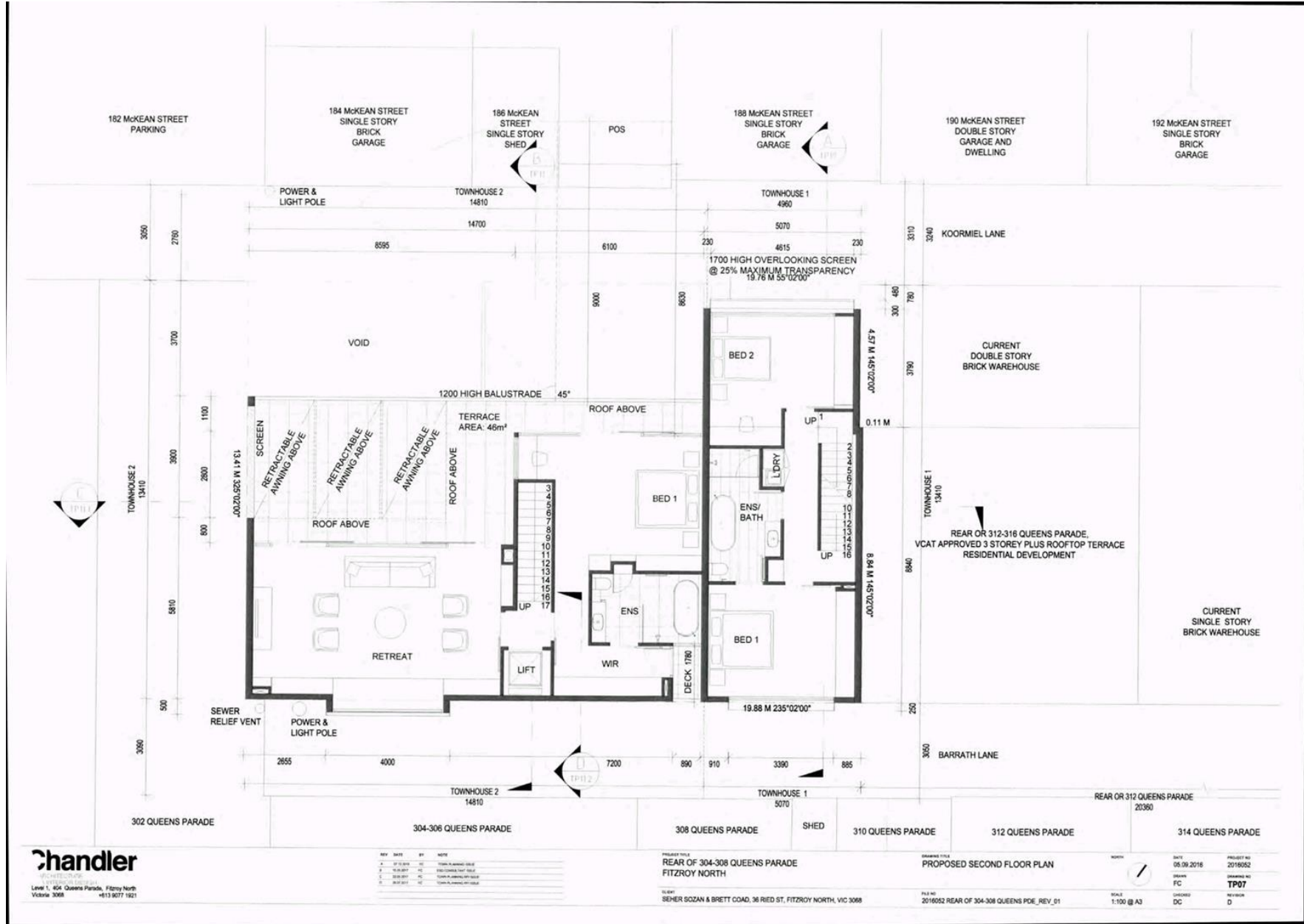
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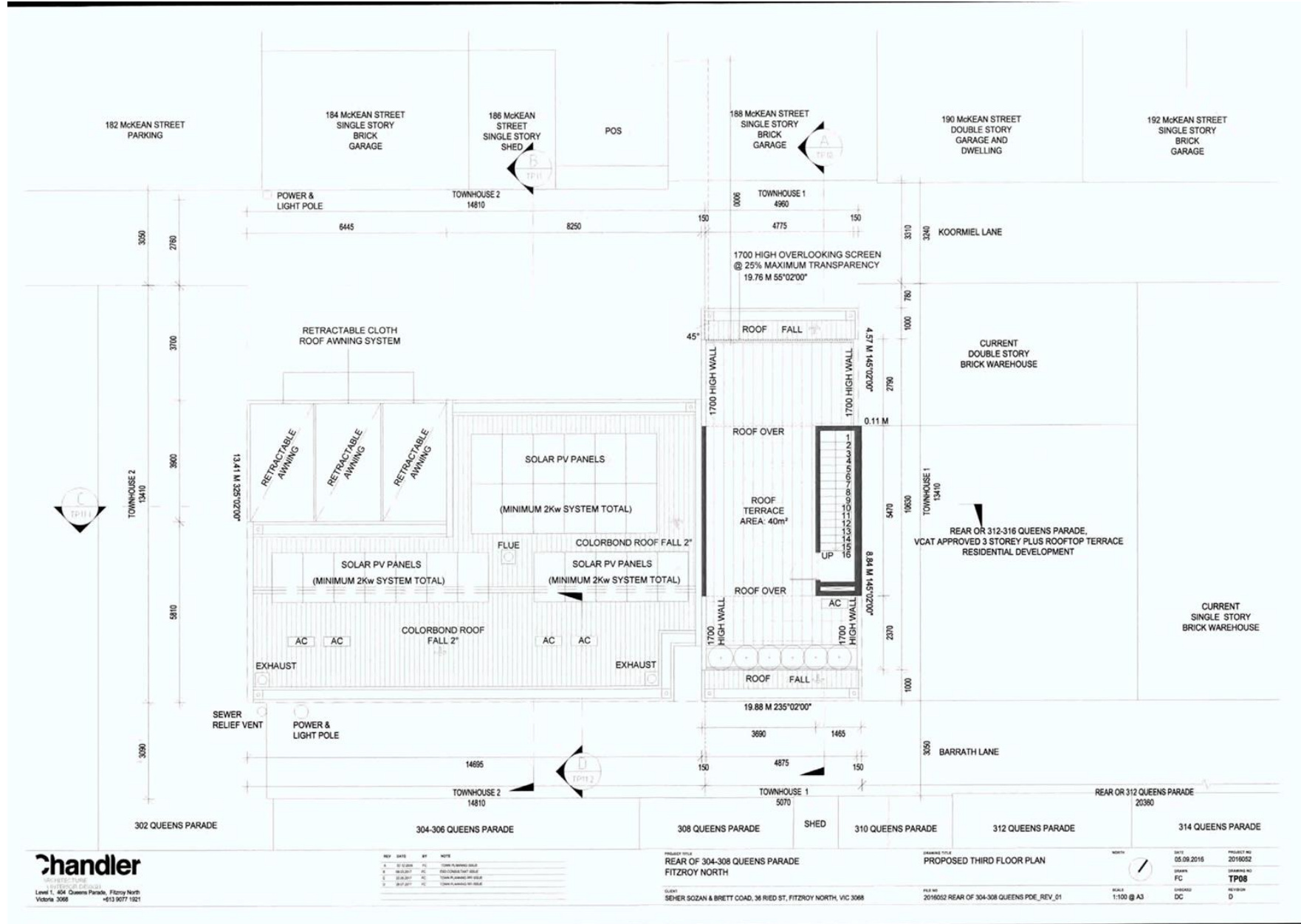
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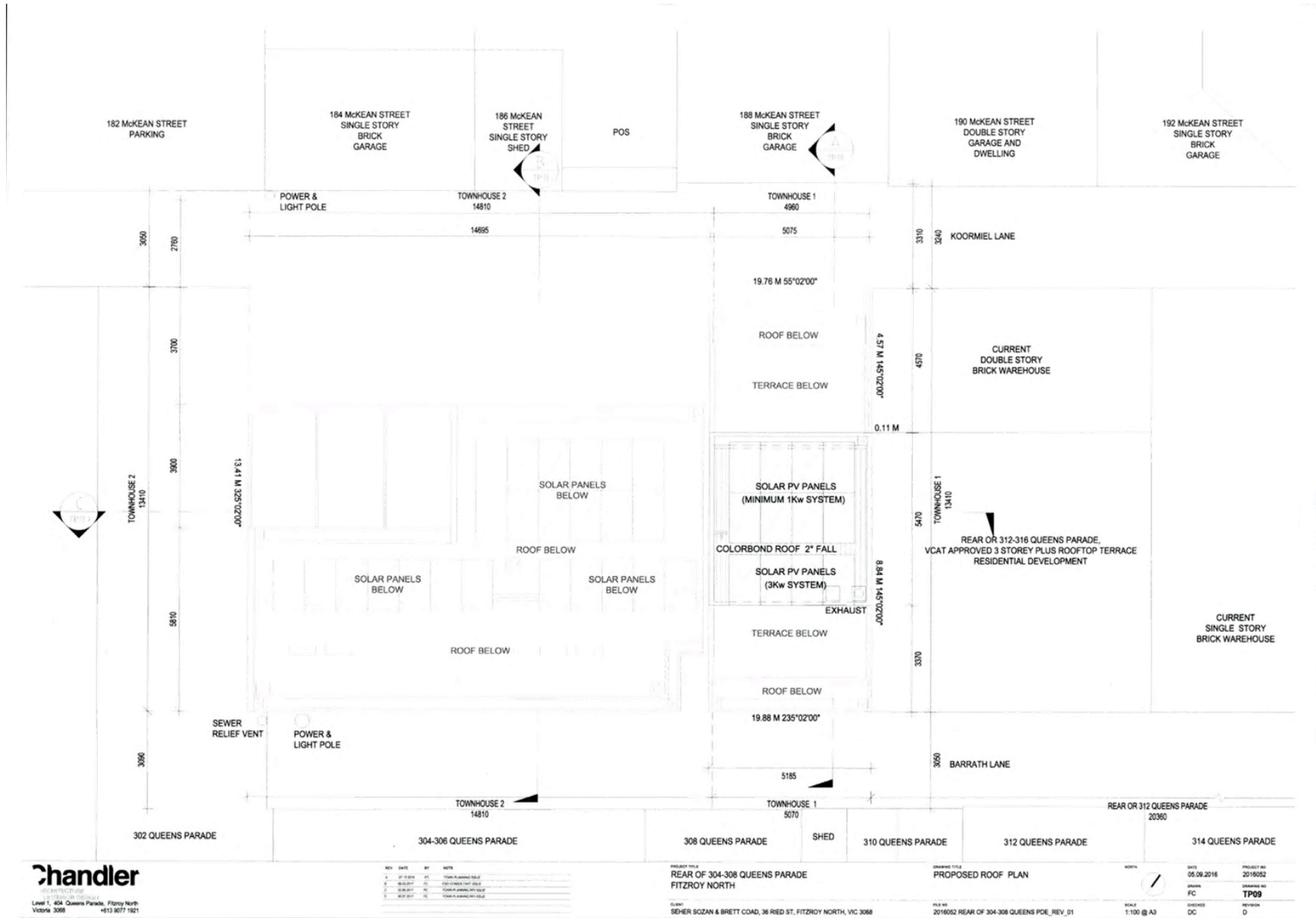
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



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 ARCHITECTURE
 1/3 STANBROOK DRIVE
 Level 1, 404 Queens Parade, Fitzroy North
 Victoria 3068
 +613 9077 1921

REV	DATE	BY	NOTE
1	27/05/2016	FC	ISSUE FOR APPROVAL
2	05/06/2016	FC	ISSUE FOR APPROVAL
3	05/06/2016	FC	ISSUE FOR APPROVAL
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PROJECT TITLE
**REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH**

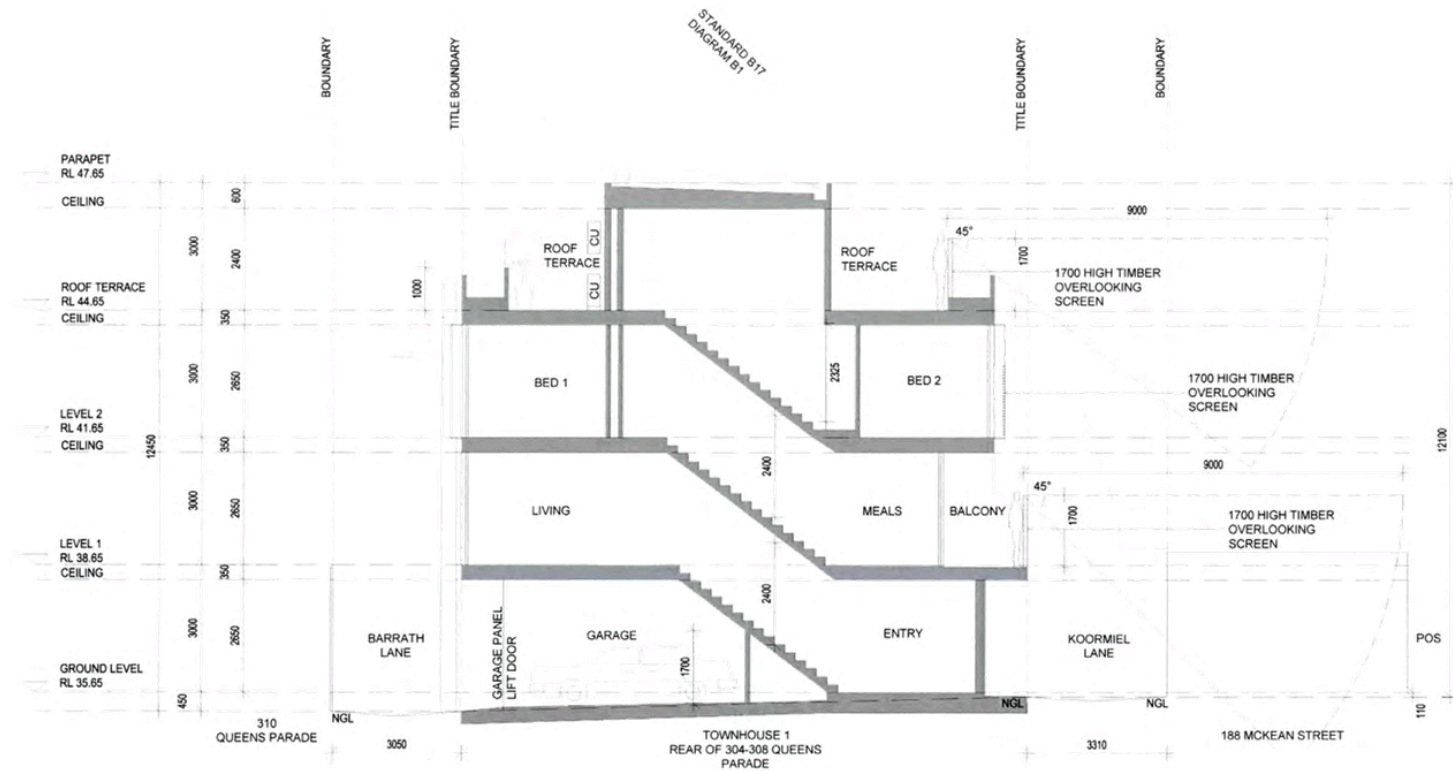
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DRAWING TITLE
PROPOSED ROOF PLAN

FILE NO
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DATE	PROJECT NO
05/06/2016	2016052
SCALE 1:100 @ A3	REVISION D

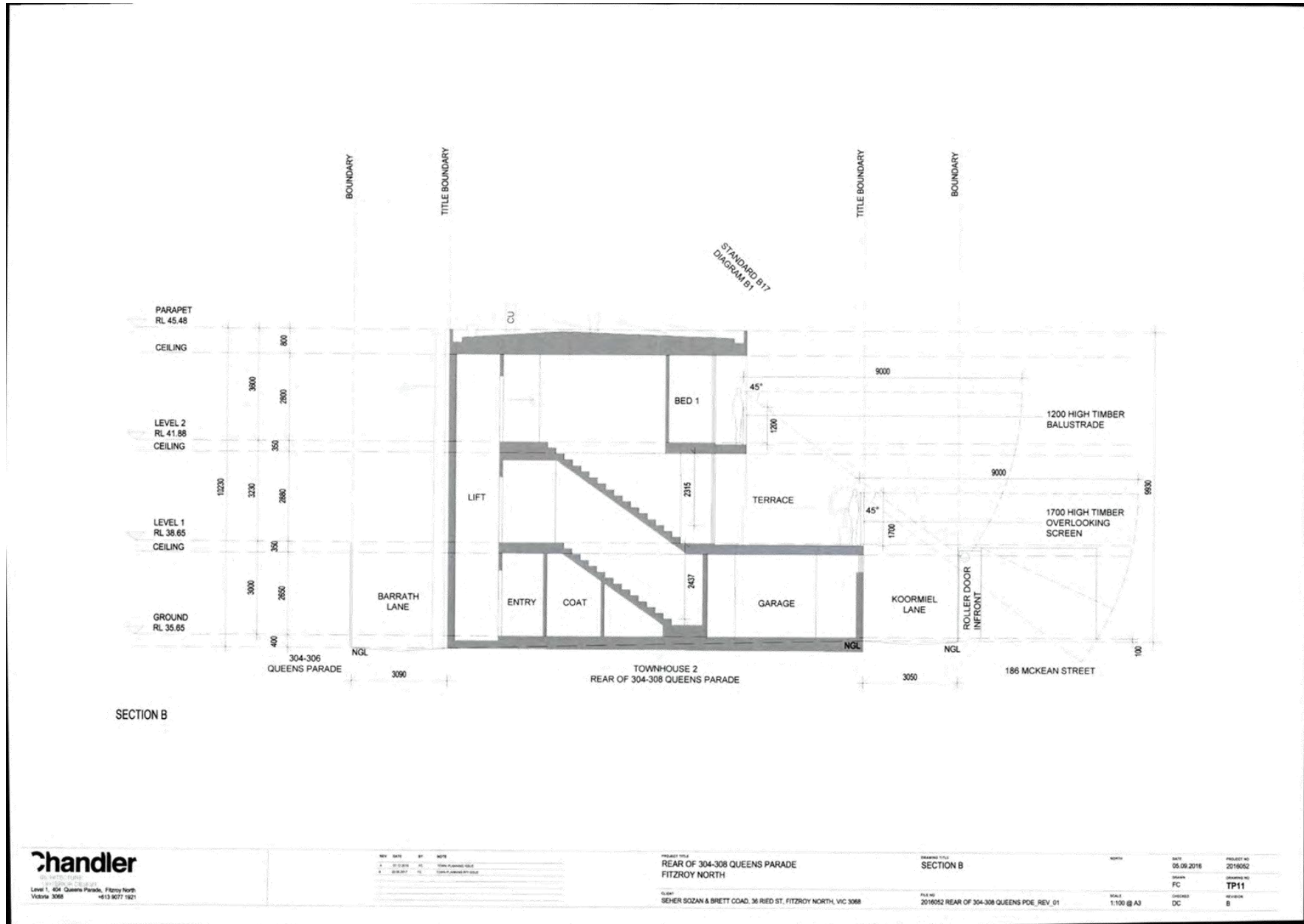
Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



SECTION A

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2	23.03.2017	FC	TOWNHOUSE DESIGN																		
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



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 ARCHITECTS
 Level 1, 604 Queens Parade, Fitzroy North
 Victoria 3068
 +613 9077 1921

REV	DATE	BY	NOTE
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2	09.09.17	FC	ISSUE FOR PERMIT

PROJECT TITLE
**REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH**

SUBJECT
 SEHER SOZAN & BRETT COAD, 36 RIED ST, FITZROY NORTH, VIC 3068

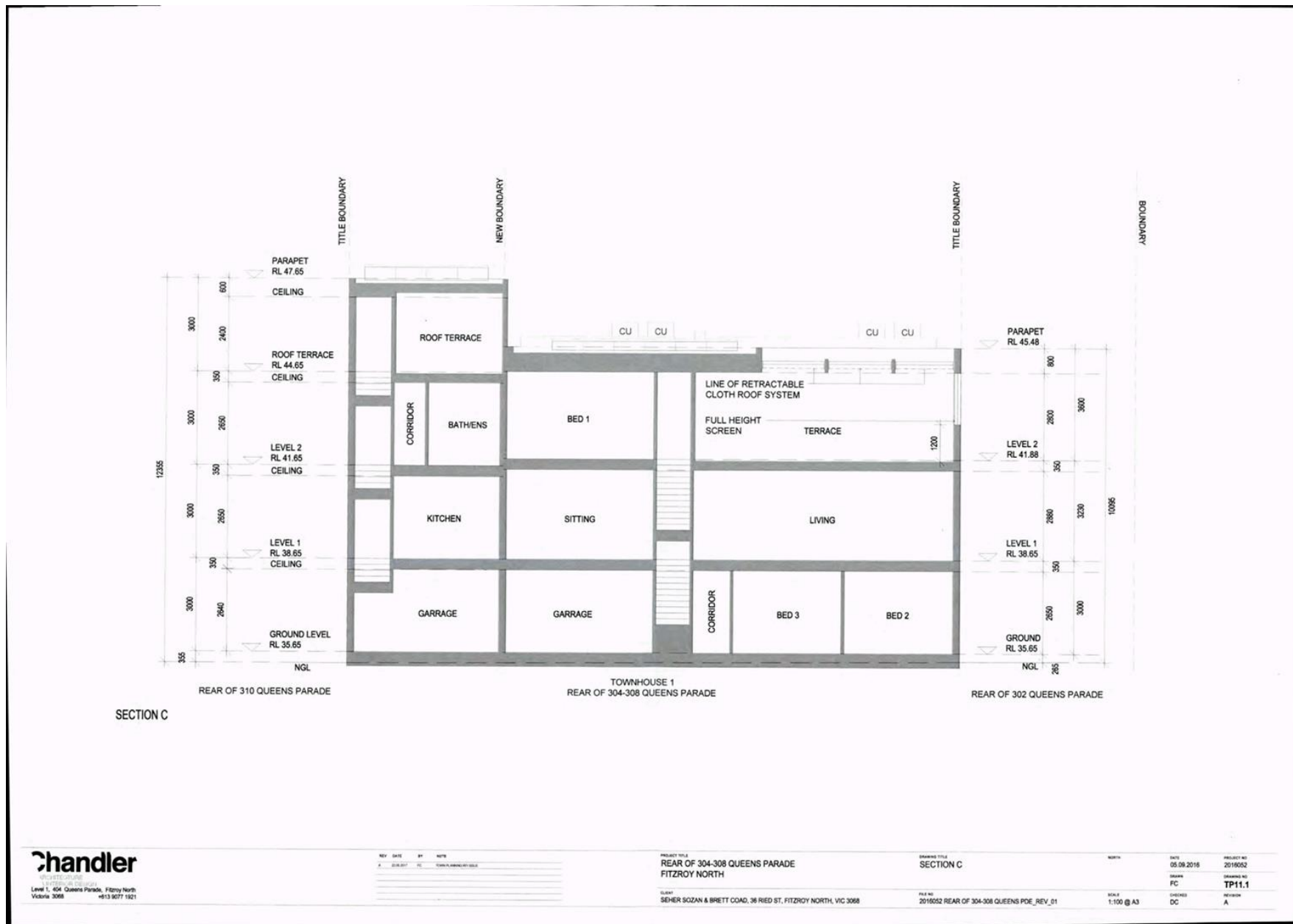
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DATE	ISSUE NO
FC	TP11
DRAWN	REVISION
DC	B

SCALE
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



SECTION D

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 ARCHITECTURE
 11 SPYGLASS PLACE
 Level 1, 304 Queens Parade, Fitzroy North
 Victoria 3068
 +613 9577 1921

REV	DATE	BY	NOTE
1	20/06/17	FC	FORM PLANNING BY SHL

PROJECT TITLE
 REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH

DRAWING TITLE
 SECTION D

DATE
 05.06.2016

PROJECT NO
 2016052

CLIENT
 SEHER SOZAN & BRETT COAD, 36 RIED ST, FITZROY NORTH, VIC 3068

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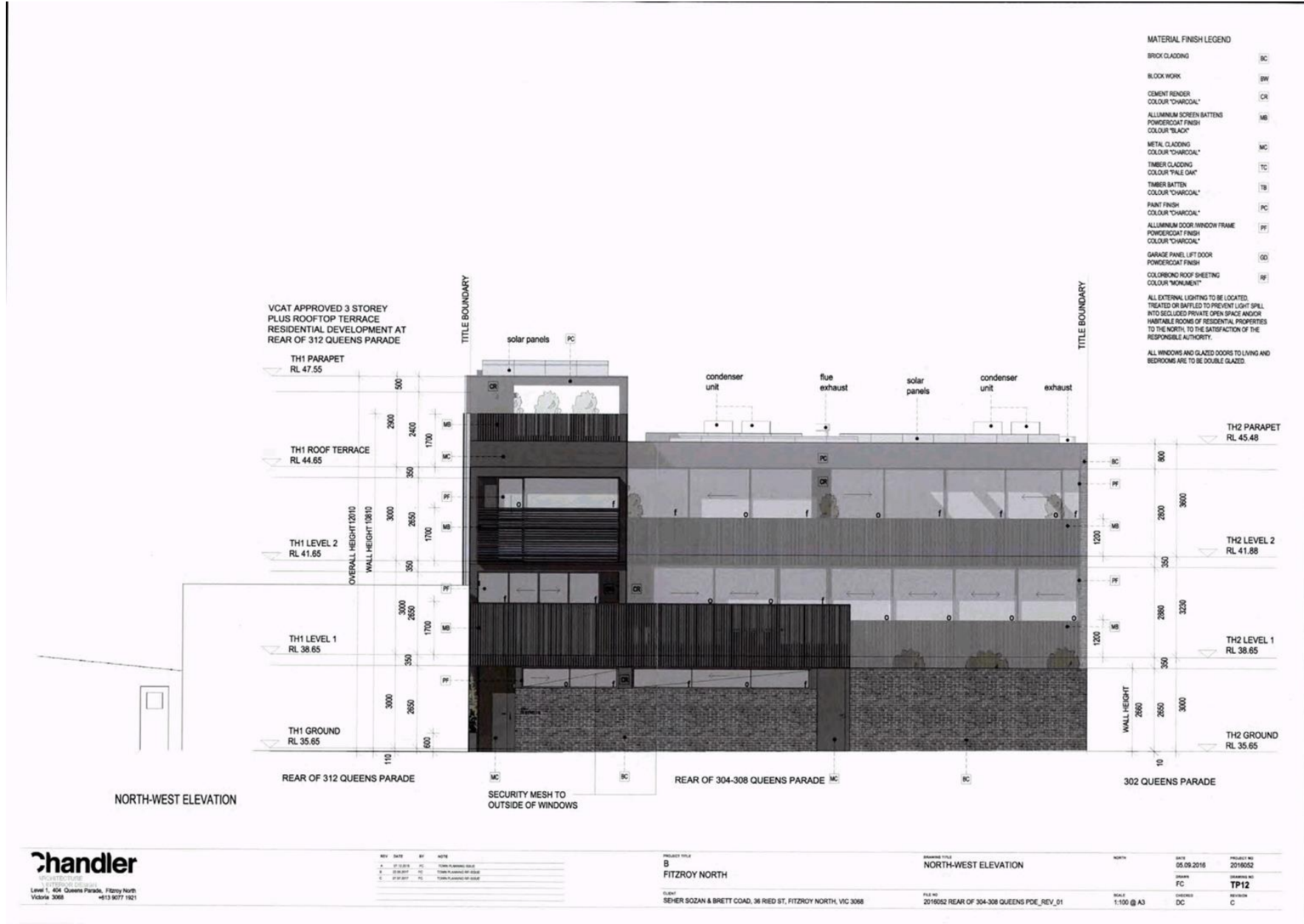
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



Chandler
 ARCHITECTURE
 11 FITZROY NORTH
 Level 1, 404 Queens Parade, Fitzroy North
 Victoria 3068
 +61 3 9077 1921

REV	DATE	BY	NOTE
A	27/02/2016	FC	ISSUE FOR PERMIT
B	05/09/2016	FC	ISSUE FOR PERMIT
C	07/07/2017	FC	ISSUE FOR PERMIT

PROJECT TITLE
 B
 FITZROY NORTH

CLIENT
 SEHER SOZAN & BRETT COAD, 36 RIED ST, FITZROY NORTH, VIC 3068

DRAWING TITLE
 NORTH-WEST ELEVATION

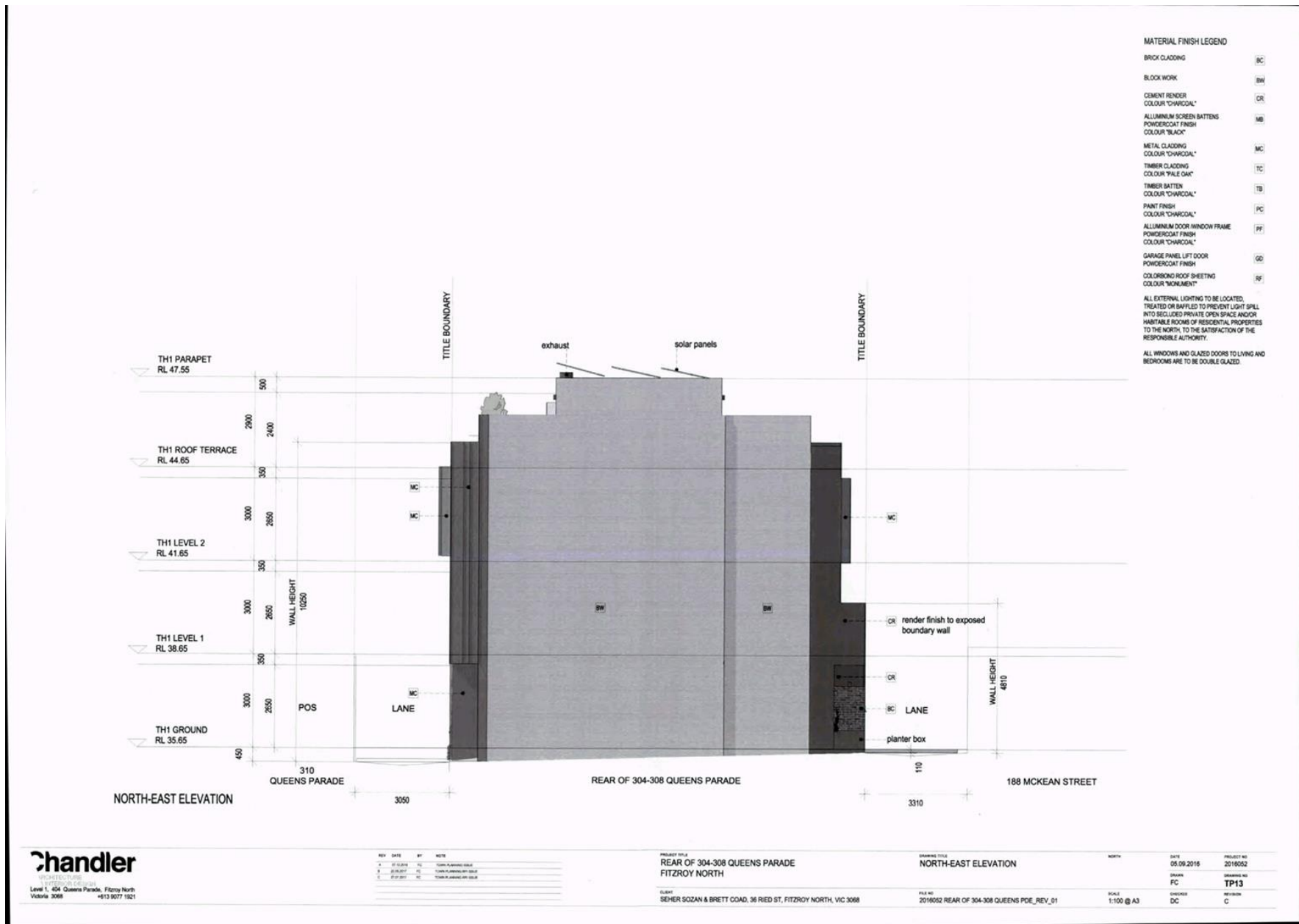
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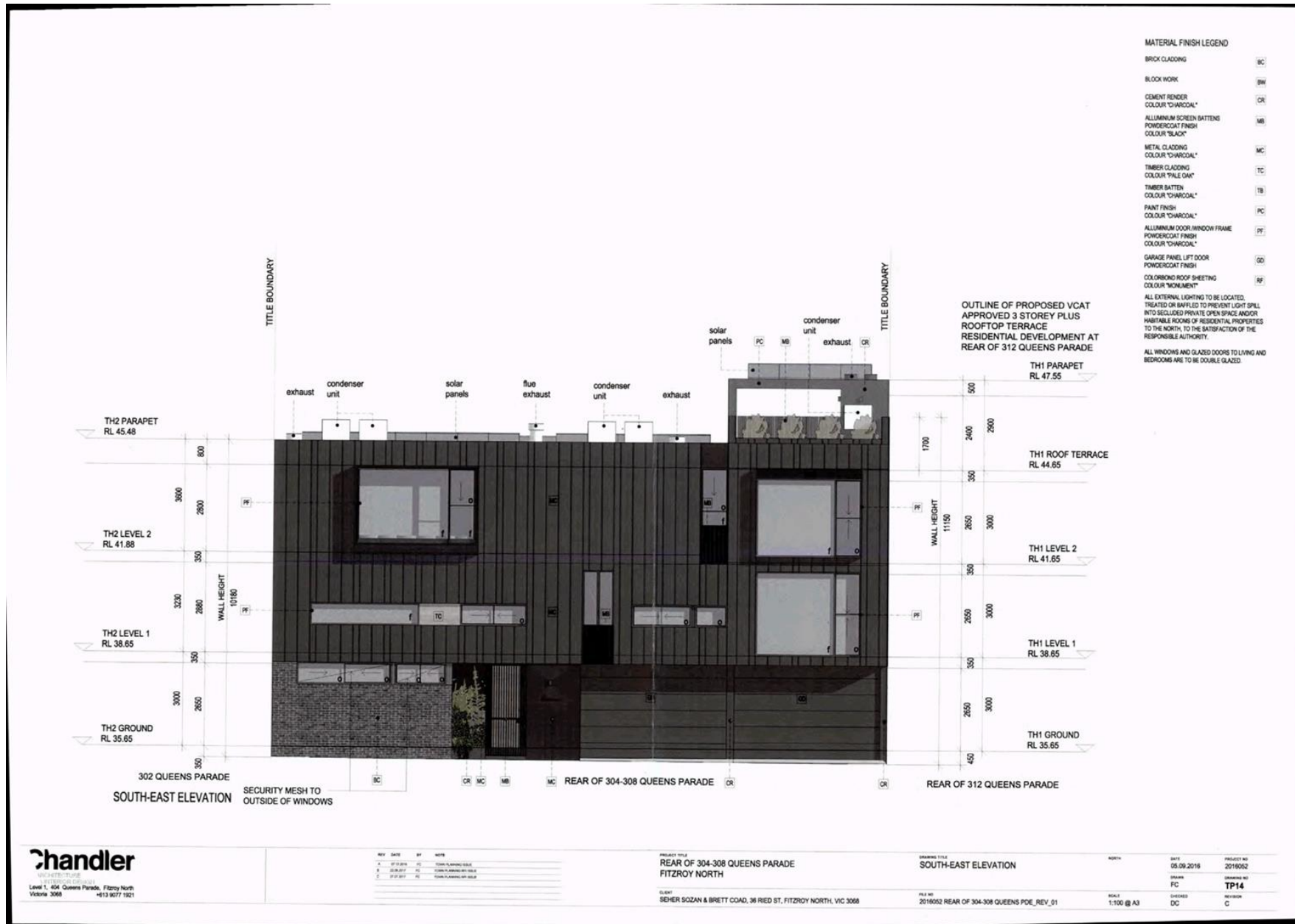
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REVISION
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Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



andler
 ARCHITECTS
 Level 1, 404 Queens Parade, Fitzroy North
 Victoria 3068
 +613 9077 1921

REV	DATE	BY	NOTE
1	27.12.2016	AS	ISSUE FOR PERMIT
2	28.08.2017	AS	ISSUE FOR APPROVAL BY SHED
3	27.02.2017	AS	ISSUE FOR APPROVAL BY SHED

PROJECT TITLE
**REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH**

CLIENT
 SEHER SOZAN & BRETT COAD, 36 RIED ST, FITZROY NORTH, VIC 3068

DRAWING TITLE
SOUTH-EAST ELEVATION

FILE NO
 2016502 REAR OF 304-308 QUEENS POE_REV_01












DATE
 05.09.2016

PROJECT NO
 2016502

SCALE
 1:100 @ A3

REVISION
 C

Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans

 <p>PF ALUMINIUM WINDOW/DOOR FRAMES POWDERCOTE FINISH COLOUR: "CHARCOAL"</p>	 <p>CR CEMENT RENDER COLOUR: "CHARCOAL"</p>	 <p>PC PAINT FINISH COLOUR: "CHARCOAL"</p>	 <p>TF STONE TILES NATURAL FINISH</p>
 <p>RF COLOURBOND ROOF SHEETING COLOUR: "MONUMENT"</p>	 <p>GD GARAGE PANEL LIFT DOOR POWDERCOTE FINISH COLOUR: "CHARCOAL"</p>	 <p>MC METAL CLADDING PRE-FINISHED COLOUR: "CHARCOAL"</p>	 <p>MB ALUMINIUM SCREEN BATTENS POWDERCOAT FINISH COLOUR: "CHARCOAL"</p>
 <p>TC TIMBER CLADDING STAIN FINISH COLOUR: "PALE OAK"</p>	 <p>BW STRUCK FLUSH BLOCKWORK COLOUR: "NATURAL"</p>	 <p>BC BRICK CLADDING</p>	



REV	DATE	BY	NOTE
1	07/08/2016	FC	ISSUE FOR APPROVAL
2	20/09/2016	FC	ISSUE FOR APPROVAL

PROJECT NO:
REAR OF 304-308 QUEENS PARADE
FITZROY NORTH

CLIENT:
SEHER SOZAN & BRETT COAD, 36 RED ST, FITZROY NORTH, VIC 3068

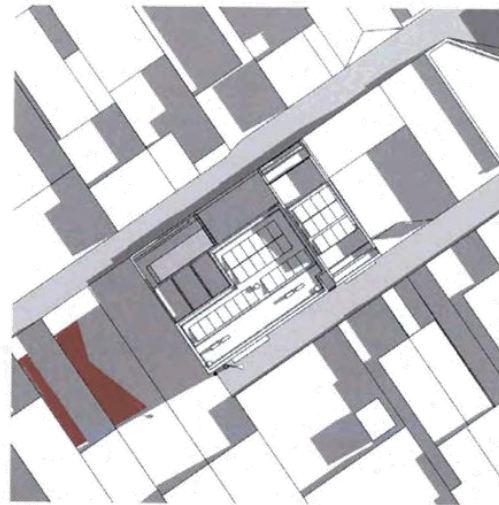
DRAWING TITLE:
MATERIAL FINISHES

FILE NO:
2016052 REAR OF 304-308 QUEENS POE_REV_01

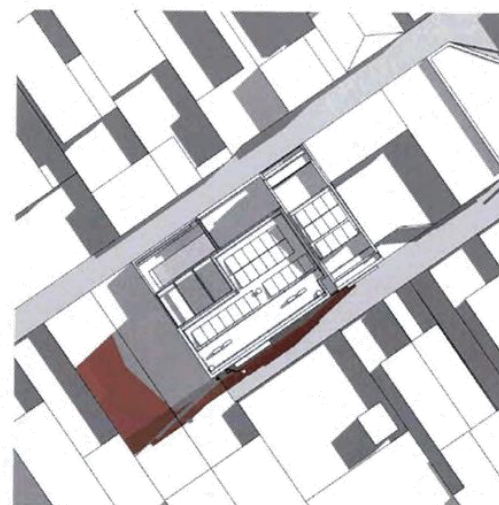
DATE	PROJECT NO
05/09/2016	2016052
DESIGNER	DRAWING NO
FC	TP16
CHECKED	REVISION
DC	B

Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans

LEGEND
 ■ EXISTING SHADOW
 ■ NEW SHADOW



SHADOW DIAGRAM - 9AM



SHADOW DIAGRAM - 10AM

Chandler
 215 QUEEN STREET
 Level 1, 404 Queens Parade, Fitzroy North
 Victoria 3068 +613 9077 1821

REV	DATE	BY	NOTE
1	22.11.2016	FC	ISSUE FOR PUBLIC CONSULTATION
2	28.01.2017	FC	ISSUE FOR PUBLIC CONSULTATION

PROJECT TITLE
**REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH**

SUBJECT
 SEHER SOZAN & BRETT COAD, 38 RIED ST, FITZROY NORTH, VIC 3068

DRAWING TITLE
**SHADOW DIAGRAMS
 9AM & 10AM**

FILE NO
 2016052 REAR OF 304-308 QUEENS PDE_REV_01

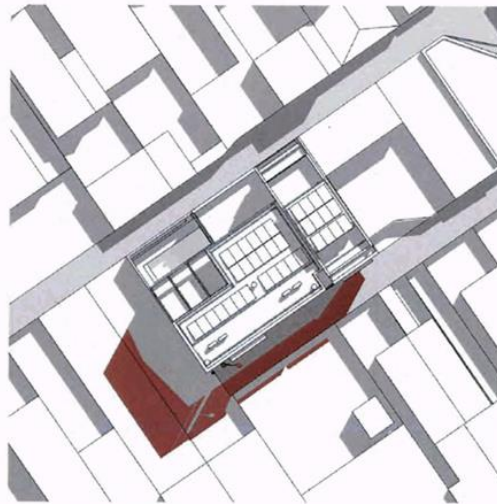


DATE	PROJECT NO
05.09.2016	2016052
DRAWN	CHECKED BY
FC	TP17
DRAWN	REVISION
DC	B

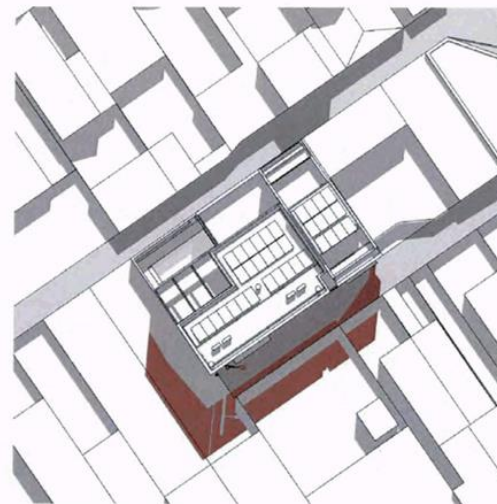
Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans

LEGEND

- EXISTING SHADOW
- NEW SHADOW



SHADOW DIAGRAM - 11AM



SHADOW DIAGRAM - 12AM

Chandler
 ARCHITECTURE
 1 WATERLOO GARDENS
 Level 1, 304, Queens Parade, Fitzroy North
 Victoria 3068
 +613 9077 1921

REV	DATE	BY	NOTE
1	05.09.2016	FC	ISSUE FOR PRELIMINARY REVIEW
2	05.09.2016	FC	ISSUE FOR PRELIMINARY REVIEW

PROJECT TITLE
**REAR OF 304-308 QUEENS PARADE
 FITZROY NORTH**

SUBMIT
 SEHER SOZAN & BRETT COAD, 38 RIED ST, FITZROY NORTH, VIC 3068

PROJECT TITLE
**SHADOW DIAGRAMS
 11AM & 12AM**

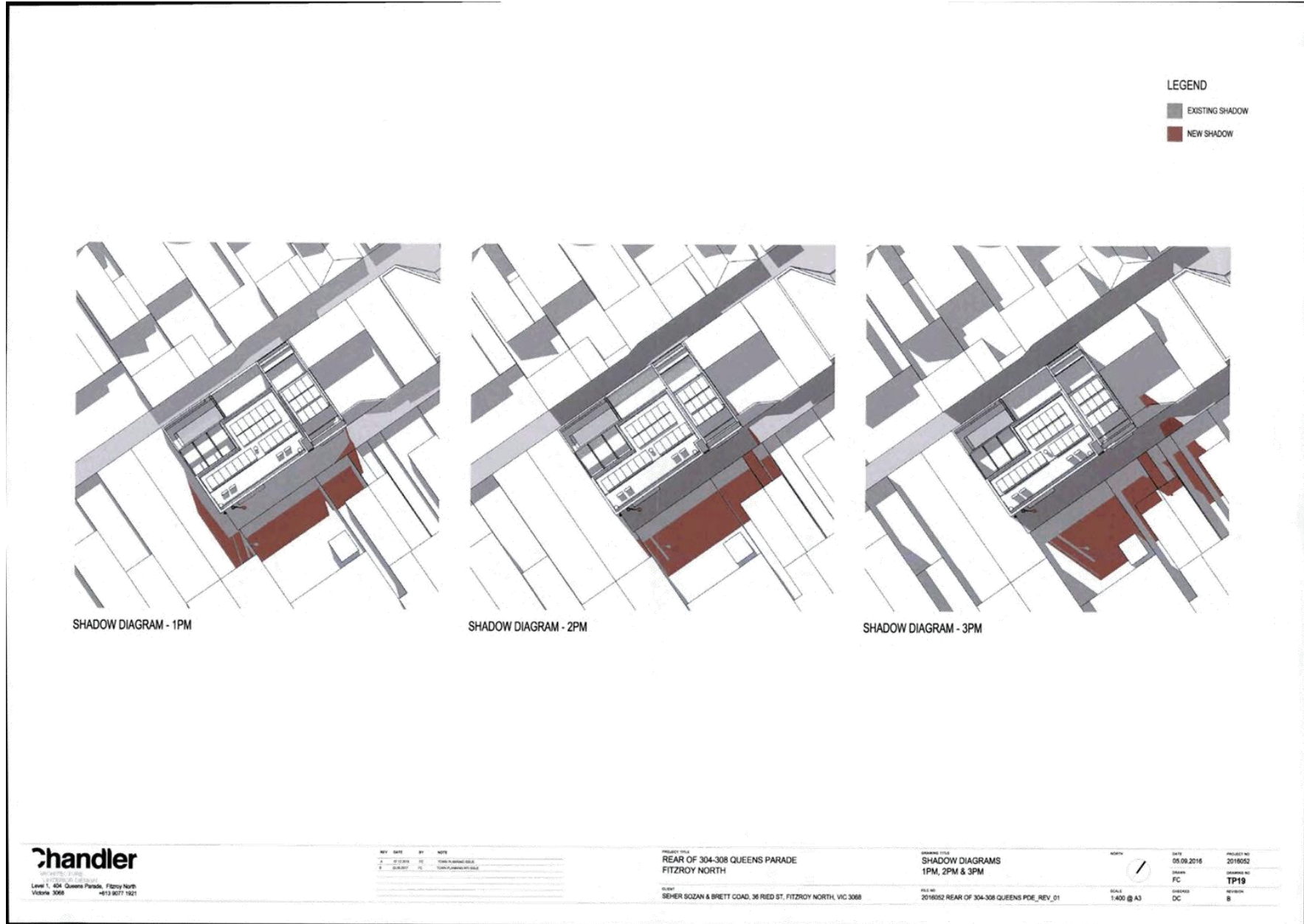
FILE NO
 2016052 REAR OF 304-308 QUEENS PDE_REV_01



SCALE
 1:400 @ A3

DATE	PROJECT NO.
05.09.2016	2016052
DESIGNER	DRAWING NO.
FC	TP18
DRAWN	REVISION
DC	B

Attachment 2 - PLN16/1201 - Rear 304 - 308 & Rear 312 Queens Parade Fitzroy North - Decision Plans



Attachment 3 - PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Engineering comments



MEMO

To: Madeleine Moloney
From: Artemis Bacani
Date: 18 September 2017
Subject: Application No: PLN16/1201
 Description: Two Dwellings
 Site Address: Rear 304-308 Queens Parade, Fitzroy North

I refer to the above Planning Application received on 15 August 2017 in relation to the proposed development at Rear 304-308 Queens Parade, Fitzroy North. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling plus study	1	2 spaces to each dwelling	4	3
Three-bedroom dwelling	1			

A car parking reduction of one space is sought.

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 Three-Bedroom Dwellings.*
 For the average car ownership of three-bedroom dwellings in the Fitzroy North area, the ABS Census data from 2011 for Fitzroy North recorded an average car ownership of 1.5 cars per dwelling. The data also recorded that some 26% of three-bedroom dwellings in Fitzroy North did not own a motor car. This suggests that there is a market for a reduced car parking provision for this size of dwelling. We consider the provision of one on-site space for the two-bedroom plus study dwelling to be acceptable, having regard to the site's very good access to public transport services, shops, facilities etc.

Attachment 3 - PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Engineering comments

- *Availability of Public Transport in the Locality of the Land.*
The site is within walking distance of tram services operating along Queens Parade-High Street. The bus interchange on Hoddle Street is also within walking distance of the site. Located a few hundred metres east and north of the site are rail services at Clifton Hill and Rushall railway stations.
- *Multi-Purpose Trips within the Area.*
Visitors to the site might combine their visit by engaging in other business or activities whilst in the Queens Parade activity centre.
- *Convenience to Pedestrian and Cycling Access to the Site.*
The Queens Parade activity centre would have a very high serviceability for pedestrians. The site has good connectivity to the on-road bicycle network. It is highly probable that some visitors to the site would either live or work locally. Pedestrians and cyclists should be able to access the site conveniently.

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.*
To determine the car parking demand in the surrounding area of the site, parking occupancy survey data from a previous Town Planning application has been referenced for the development at 318 and 320 Queens Parade, Fitzroy North (Planning Application No.PLN13/0859.01). Solutions Traffic Engineers carried out parking occupancy surveys on Thursday 14 July, Friday 15 July, and Saturday 16 July between 5pm and 9pm. The survey area included all on-street car spaces within a 250 metre radius of the site. An inventory of 634 spaces was identified. The days and period of the surveys are considered appropriate for the development. The results of the parking occupancy surveys indicate that the parking occupancy recorded ranges from 61 % to 74 %. The peak parking occupancy was observed at 8pm on Friday and Saturday with 74 % of parking spaces occupied or 164 spaces vacant.

Since the area is predominantly covered in short-stay parking and parking has a high demand during the day time, it would encourage visitors to travel to the site by alternative mode of transportation such as catching public transport or ride a bicycle or walk to the site.

- *Access to or Provision of Alternative Transport Modes.*
The site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is also in proximity to on-street car share pods. A Flexicar car share pod is located in Rowe Street (near the corner of Michael Street), approximately 300 metres north-west of the site.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of one parking space associated with the two-bedroom plus study dwelling is considered appropriate in the context of the development and the surrounding area. The parking overflow generated by the site can be accommodated on-street.

Engineering Services has no objection to the reduction in the car parking requirement for this site.

Attachment 3 - PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Engineering comments

**DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment**

Item	Assessment
Access Arrangements	
Right of Way (Barrath Lane)	A site inspection of the bluestone Right of Way revealed that it has a carriageway width 3.09 metres.
Garage Doorway Width	Not dimensioned on the drawings.
Car Parking Modules	
Internal Dimension of Garages	The unobstructed internal dimensions of the garages must be shown on the drawings to comply with <i>Clause 52.06-9</i> of Yarra's Planning Scheme.

Design Items to be Addressed

Item	Details
Garage Doorway Width	To be dimensioned on the drawings.
Internal Dimension of Garages	The unobstructed internal dimension of each garage must be shown on the drawings.
Internal Concrete Slab	For any new internal concrete works, the finished floor levels along the edge of the slab must be set 40 mm above the edge of the Right of Way – Council Infrastructure requirement.

Capital Works Programme

A check of the Capital Works Programme for 2017/18 indicates that no infrastructure works have been approved or proposed within the area of the site at this time

ENGINEERING CONDITIONS

Pedestrian Access off the Right of Way

- The two dwellings on the site would have primary pedestrian access off the bluestone Right of Way.

Under Council's Infrastructure Material's Policy (approved by Council on 19 May 2015), pedestrian access off a bluestone Right of way in a Heritage Overlay Area will require the developer to construct a 1.2 to 1.8 metre wide smooth bluestone pavement on one side of the Right of Way, from the development to the nearest abutting street (in this case, Michael Street). A copy of the policy is appended to this memo.

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.

Attachment 3 - PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Engineering comments

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.
- 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

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.

Pedestrian Access and Provisions of Public Lighting

Pedestrian access off the Right of Way must be Disability Discrimination Act (DDA) 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 properties must be adequately lit from the nearest street the entrances of the residential properties (Council policy).

Public 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*.

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

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 4 - PLN16/1201 - Rear 304-308 & Rear 312 Queens Parade Urban Design Advice



MEMO

TO: Madeleine Moloney (Statutory Planning)
FROM: Amruta Pandhe (Urban Design)
DATE: 11 October 2017
SUBJECT: Rear 304-308 (& Rear 312) Queens Pde Fitzroy North VIC 3068
APPLICATION NO: PLN16/1201
DESCRIPTION: Development of two dwellings and an associated reduction of car parking requirements for one of the dwellings

COMMENTS SOUGHT

Urban Design comments have been sought on:

- The scale, massing and design of the development.
- The interface with the right-of-way, in particular at ground level.
- The materials and finishes.
- Any other relevant matters from an urban design perspective.

Whether there are any capital works approved or proposed within the area of the subject site.

These set of comments are provided on the plans dated 27 July 2017

COMMENTS SUMMARY

The proposal is not supported in its current form. Urban Design comments have been sought on the above proposal. In summary, the following changes are recommended to make the proposal more acceptable from an urban design perspective. The rationale behind these changes is explained in more detail overleaf.

- The second floor of both townhouses should be setback at least by 1.5m from Barrath Lane to avoid creating canyon effect.
- The proposed ground floor interface should provide permeable spaces. Hence, it is recommended to lower as many windows as possible along both laneways.
- The pedestrian entries play an important role for this site as it doesn't have a direct street frontage. Their designs should be improved so it is legible, well-lit and foster a sense of safety.
- The upper levels are acceptable, except the window for retreat room for Townhouse 2 which extends beyond the property line.
- The material palette is overall supported. It is recommended to use lighter shades of colours so a dark environment is not created along the lane.
- Townhouse 1 presents equitable development issues and should be considered.

It is understood that there are no planned capital works within the area of the subject site. However, the development will benefit with upgrading the laneway as the main pedestrian entrances are provided from the laneways.

Attachment 4 - PLN16/1201 - Rear 304-308 & Rear 312 Queens Parade Urban Design Advice

DEVELOPMENT PROPOSAL

The development proposes demolition of existing building and construction of two dwellings. The proposal provides pedestrian entrance from both laneways and vehicular entrance from Barrath Lane.

URBAN DESIGN FEEDBACK

- **Built Form and Massing**

Clause 22.07 provides number of objectives and policies for developments abutting laneways. The proposed development will have to ensure providing a safe environment for pedestrians, respect the scale of the surrounding built form and acknowledges its unique character.

The site has two laneways as its primary frontage. Koormiel Lane has the garages of residential dwellings fronting McKean Street and Barrath Lane has rear of commercial properties fronting Queens Parade. The development proposes a three storey form along the laneways, particularly Barrath Lane. The current character of these laneway presents a sense of openness as there are predominantly 1-2 storey buildings on either side of the lane. Properties along Queens Parade have development potential and if all get developed in a similar format it will create a canyon effect along Barrath Lane. This is not an acceptable outcome.

It is acknowledged that Rear 312-316 Queens Parade has an approval for a four storey development, where the upper levels are set back by a metre from Barrath Lane. The subject site presents a slightly different context as it has a direct abuttal to 302 Queens Parade where Barrath Lane ends. As 302 Queens Parade has a development potential similar to the subject site it will enclose the lane, this will further contribute to the canyon effect. In this circumstance a metre setback will not be sufficient to reduce the canyon effect and hence a minimum of 1.5m setback for second floor is recommended from Barrath Lane.

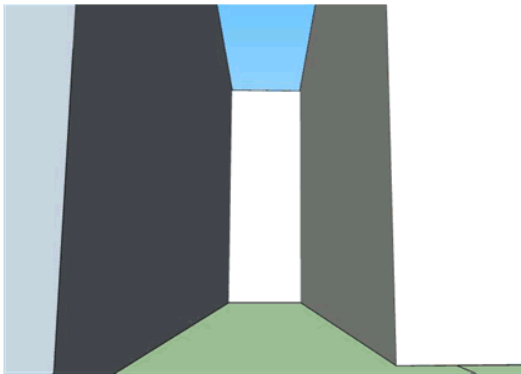
The comparison on next page of the existing character of laneway, character created with the proposed development pattern and the character that will be created with Council's recommended setbacks. It is clearly evident from this analysis that a 3 storey streetwall along the laneway will create a canyon effect. This does not comply with Clause 22.07 and hence is not acceptable. The recommended setbacks for upper level will respect the existing character of the laneway.

Clause 22.10 requires new development to provide outlook and an appropriate level of natural daylight into habitable rooms. The increase in setback will also contribute in improving the amenity of living room and bedroom for Townhouse 1. Further, it will also contribute in avoiding any inherent conflicts with any potential development of Queens Parade sites.

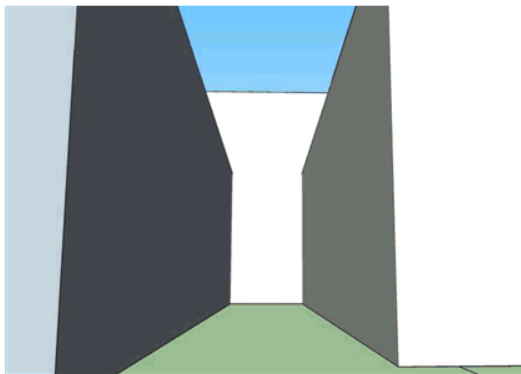
Attachment 4 - PLN16/1201 - Rear 304-308 & Rear 312 Queens Parade Urban Design Advice



Existing character of laneway



Canyon effect created with proposed development - 3 storey streetwall on both side of laneways



Character created with Council's recommended form - ground and first floor at zero setback and second floor setback by at least 1.5m

Attachment 4 - PLN16/1201 - Rear 304-308 & Rear 312 Queens Parade Urban Design Advice

- **Laneway Interface**

Clause 22.07 provides number of objectives and policies for developments abutting laneways. The proposed development will have to ensure providing a safe environment for pedestrians, respect the scale of the surrounding built form and acknowledges its unique character. It also seeks pedestrian entries be well lit to foster a sense of safety and address to a development.

Ground Floor Interface

The existing character of laneway provides an ordinary public realm amenity and is primarily used by vehicles, however, with the development of subject site and neighbouring property there will be increase in pedestrian movement. Hence, there is a need to provide permeable spaces at ground floor interface to provide a safe pedestrian environment. The proposed ground floor interface presents large portion of blank walls and garage entrances, which is not acceptable. It is acknowledged that the garage entrances cannot be avoided; however, the other windows provided can be lowered so there is some contribution of buildings to the social and visual experience of the public realm.

Pedestrian Entrance

Both lanes consists pedestrian entries to the townhouses that are not very legible. The pedestrian entries play an important role for this site as it doesn't have a direct street frontage. Hence, it is important they should be designed such that are easy to find and foster a sense of safety. It is highly recommended that the design of pedestrian entrances is improved so it can be clearly identified. It is also important to consider that the entries are well-lit and do not create hidden areas. The elevations show some landscaping that currently help identify the entries but it appears that there is not enough space provided to grow the landscaping. It is recommended to get this reviewed with the Open Space team.

Upper Level Interface

The proposal provides number of windows and balconies overlooking laneways which is highly supported. This complies with Clause 22.07 and is supported. The window for retreat room for Townhouse 2 extends beyond the property line which is not supported.

- **Material and Colour**

Clause 22.10 seeks new development to use sympathetic materials and finishes to ensure new development positively responds to the context. The materials proposed are supported. However, it is highly recommended to use lighter shades so the development does not create a very dark environment along the lane and responds appropriately to the surrounding context.

- **Equitable Development**

Due to the site locations it is important to consider the proposed development gets adequate access to outlook, daylight, ventilation and avoids overlooking issues if the Queens Parade properties get developed.

Townhouse 1 presents habitable room windows built till boundary. This raises future overlooking and potential daylight concerns if 308, 310, 312 Queens Parade get developed and also provide habitable windows or balconies fronting the lane. Even if the development is setback by 1.5m from the boundary the amenity issues still remain.

- **Public Realm Quality**

As the development proposes to provide pedestrian entries from both laneways it will beneficial to upgrade the laneway.

Attachment 5 - PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Informal Advice - Open Space Unit

Moloney, Madeleine

From: Lindsay, Carrie <Carrie.Lindsay@yarracity.vic.gov.au>
Sent: Friday, 3 November 2017 2:09 PM
To: Moloney, Madeleine
Subject: RE: Rear 304 - 308 Queens Parade Fitzroy North - query regarding proposed planter boxes

Follow Up Flag: Follow up
Flag Status: Completed

Hi Madeleine,

I have had a look at the plans.

The applicant should provide details of the height, width and depth of the planters, as well as the species proposed. They will also need to consider irrigation and drainage.

I would be concerned about the impact overshadowing will have on the opportunity for solar access to the proposed plantings.

Let me know if you need anything else.

Thanks, Carrie

From: Moloney, Madeleine
Sent: Friday, 3 November 2017 1:15 PM
To: Lindsay, Carrie <Carrie.Lindsay@yarracity.vic.gov.au>
Subject: Rear 304 - 308 Queens Parade Fitzroy North - query regarding proposed planter boxes

Hi Carrie,

I've got a development application at the above site (two dwellings) and it includes planter boxes at the front entries to the dwellings which are proposed to contain planters (apparently these will contain creepers).

Our Urban Designer has questioned whether the planters are big enough to accommodate landscaping.

I was wondering if you wouldn't mind taking a look at the plans (see link attached) and letting me know what sort of detail might be required, as part of a landscape plan or the like, to ensure that such plantings can be sustained.


There is a planter box to one entry on the north side and one entry on the south side.

Please let me know if you need any clarification or further information to assist.

Kind regards,

Madeleine Moloney
Statutory Planner
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5009 F (03) 8417 6666
E Madeleine.Moloney@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 5 - PLN16/1201 - Rear 304 - 308 Queens Parade Fitzroy North - Informal Advice - Open Space Unit

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BESS is now live!

If you're applying for a planning permit, use the Built Environment Sustainability Scorecard to prepare your sustainable design assessment.

Visit www.bess.net.au to get started.

Attachment 6 - PLN16/1201 - Rear 304 -308 (& rear 312) Queens Pde Fitzroy North - Informal Heritage Advice

Moloney, Madeleine

From: McIntosh, Diahnn <Diahnn.McIntosh@yarracity.vic.gov.au>
Sent: Wednesday, 25 October 2017 2:06 PM
To: Moloney, Madeleine
Subject: RE: PLN16/1201 - Rear 304 -308 (& rear 312) Queens Pde Fitzroy North

Dear Madeleine

I have considered the documents you have referred in regard to the redevelopment of the separate site at the rear of nos. 304-308 Queens Parade that also involves minor demolition of the adjoining property known as 'rear of 312 Queens Parade'.

I have no concerns regarding the complete demolition of the building currently on the site on the basis that the existing structure appears to have evolved over several stages of development and as a consequence is longer recognisable as any particular style or form of building.

I also note that the site's location, between the rear of shops fronting Queens Parade and the rear of residential properties facing McKean Street, means that visibility from the public realm is extremely limited except for within the accessing laneway. Potential glimpses of the subject development from Michael Street will be obscured when the neighbouring property (which has approval for redevelopment as a 3 storey building + roof terrace) is constructed.

The building will have very limited visibility from within the heritage precinct. From Queens Parade, it appears that the new development will be completely obscured by the existing two-storey shops. The limited potential visibility from McKean Street will not have a dramatic impact on the residential character of that street as the new development will be well setback and will most likely seen in the context of the rears of the properties fronting Queens Parade.

I have no particular concerns regarding the external materials and colours. It is noted however that the nearby laneways are currently characterised by a number of brick structures at the rears of various properties so the use of face brickwork, particularly for the ground floor level of the new development would be appropriate.

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

Kind regards,

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

From: Moloney, Madeleine
Sent: Wednesday, 25 October 2017 2:06 PM
To: McIntosh, Diahnn
Subject: PLN16/1201 - Rear 304 -308 (& rear 312) Queens Pde Fitzroy North

Hi Diahnn,

As discussed, some time ago, I would appreciate some brief comments, from a heritage perspective, on the proposed development at this site (the main site is Rear 304-308 Queens Parade, with the inclusion of rear 312 due to demolition of a shared wall).

The proposal is for *Use and development of the land for construction of two dwellings (up to four-storeys) at "Rear 304-308 Queens Parade", including demolition of the existing building (and a section of wall associated with "Rear 312 Queens Parade") and an associated reduction of the statutory car parking requirement for one of the dwellings.*

Attachment 6 - PLN16/1201 - Rear 304 -308 (& rear 312) Queens Pde Fitzroy North - Informal Heritage Advice

I've attached the proposed plans to this email.

Relevant recent planning approvals are as follows:

- VCAT has approved partial demolition of the existing building and a new dwelling at Rear 304-308 Queens Pde under planning permit PLN15/0350. Endorsed plans are found on TRIM at D16/121089
- VCAT has approved demolition of the existing building and a multi-unit residential development at Rear 312-318 Queens Pde under planning permit PLN16/0078. The permit is found on TRIM at D17/86921 Plans are yet to be endorsed, however the decision plans are found on TRIM at D16/138843

Please let me know if you require anything further.

Kind regards,

Madeleine Moloney

Statutory Planner
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5009 F (03) 8417 6666
E Madeleine.Moloney@yarracity.vic.gov.au

W www.yarracity.vic.gov.au



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1.2 PLN17/0313 32-34 Bedford Street, Collingwood - Development of the land for dwellings within a seven-storey building, use of the ground floor as a Food and Drinks Premises and an associated reduction in car parking and loading bay requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application No.PLN17/0313 which affects the land at 32-34 Bedford Street, Collingwood.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 15.01 – Urban Environment & *Urban Design Guidelines for Victoria* (2017);
 - (b) clause 22.10 – Built Form and Design Policy;
 - (c) Clause 22.05 – Interface uses policy; and
 - (d) clause 52.06 – Car Parking;
 - (e) Clause 58 – Apartment Developments.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy and physical context,
 - (b) Built form and design;
 - (c) Internal amenity;
 - (d) Off-site amenity;
 - (e) Car parking, bicycle parking, traffic, access and loading; and
 - (f) Objector concerns

Objector Concerns

4. Forty-eight (48) objections were received to the application, these can be summarised as:
 - (a) Excessive building height;
 - (i) Visual bulk impacts;
 - (ii) Loss of views;
 - (b) Insufficient car parking;
 - (c) Overshadowing;
 - (d) Overlooking;
 - (e) Issues with bin collection and rubbish;
 - (f) Impacts from the Food and Drinks Premises;
 - (i) Noise;
 - (ii) Rubbish;
 - (iii) Queuing;
 - (iv) Excessive hours of operation;
 - (g) Lack of landscape plantings;
 - (h) Possible wind tunnel affects; and
 - (i) Disruption during construction phase.

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: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 9205 5357

1.2 PLN17/0313 32-34 Bedford Street, Collingwood - Development of the land for dwellings within a seven-storey building, use of the ground floor as a Food and Drinks Premises and an associated reduction in car parking and loading bay requirements.

Trim Record Number: D17/158166

Responsible Officer: Senior Coordinator Statutory Planning

Proposal: Development of the land for dwellings within a seven-storey building, use of the ground floor as a Food and Drinks Premises and an associated reduction in car parking and loading bay requirements

Existing use: Two and three-storey office building.

Applicant: Planning Property Partners

Zoning / Overlays: Mixed Use Zone;
Environmental Audit Overlay.

Date of Application: 21 April 2017

Application Number: PLN17/0313

Planning History

1. Planning Permit PLN12/0972 was issued for the subject site on the 13th of May 2013 for development of the land for the construction of a two-level extension, buildings and works, providing six (6) dwellings and reduction in associated car parking requirements of the Yarra Planning Scheme.
2. A recent extension of time for the commencement of works approved under this permit has been issued, stipulating that the works must commence no later than the 13th of May 2018.

Existing Conditions

Subject Site

3. The subject site is located on the eastern side of Bedford Street, approximately 26m south of the intersection with Otter Street in Collingwood. The site also has frontage to Napoleon Street that runs parallel to the eastern boundary of the site.
4. The site is rectangular with a frontage to Bedford Street of 15.26m, with a depth of 30.48m and covering a total area of approximately 465sqm. The site is currently occupied by a double-storey, brick office building which presents as three storeys to Napoleon Street due to a 2.2m fall in the land (from west to east).
5. Pedestrian and vehicle access is provided via both street frontages with the building otherwise occupying 100% of the subject site. The building is constructed with brown brick as shown in the photograph below:



Figure 1 – Subject site (Napoleon Street interface)



Figure 2 – Subject site (Bedford Street interface)

Surrounding Land

6. The surrounding area is genuinely mixed in terms of its land uses and built form. The site is located within a Mixed Use Zone with General Residential Zone (Schedule 2) immediately to the north and with Commercial 1 Zone properties located on the opposite side of Bedford Street to the west. These areas include residences as well as light industrial, offices, education centre, and warehouse uses.
7. This site is located adjacent to the Smith Street Major Activity Centre (MAC) with Smith Street itself being located approximately 60m to the west of the subject site. The locality is well served by various modes of public transport (including tram routes along Smith Street and Victoria Parade as well as bus routes along the latter) and a variety of community and commercial services and facilities. The site is also located to the north of the Gertrude Street Neighbourhood Centre (NC) and to the south of the Johnston Street NC.
8. The built form types in the area contain a mix of some older style, industrial buildings, remnant workers cottages, modern residential developments and warehouse residential conversions. Heights range from single storey to six storeys in the immediate vicinity, with taller buildings further in the distance forming a backdrop to the more immediate streetscape. Recent residential development, former industrial buildings and warehouses are generally constructed with boundary-to-boundary development and are hard-edged in appearance. Typical materials found in the area are brick and render. A number of single and double storey dwellings are also located in the surrounding area, typically characterised by on-boundary walls, with small front yards.

9. The surrounding area has changed considerably within the last decade. There are a number of developments in this southern end of Collingwood which have obtained a planning permit, are currently under construction, or are fully constructed. Nearby developments sites are as follows:

- (a) 32-34 Bedford Street (4/5 storeys - approved)
- (b) 36-38 Bedford Street (5 storeys - constructed)
- (c) 44-48 Bedford Street (5 storeys - constructed)
- (d) 4-10 Stanley Street (5 storeys - constructed)
- (e) 8 Stanley Street (5 storeys - constructed)
- (f) 18-22 Stanley Street (part 4, part 5 storeys - constructed)
- (g) 24-28 Stanley Street (7 storeys - constructed)
- (h) 34-44 Stanley Street (6 storeys - constructed)
- (i) 46-74 Stanley Street and 25-35 Napoleon Street (up to 9 storeys - constructed)
- (j) 5-7 Napoleon Street (4 storeys - constructed)
- (k) Yorkshire Brewery 1-21 Robert Street (up to 17 storeys - constructed)
- (l) 132 Smith Street (Banco Development 9 storeys - constructed)
- (m) 9-17 Smith Street (7 storeys - constructed)
- (n) 237 Smith Street (6 storeys - constructed)
- (o) 305-311 Smith Street (6 storeys - approved)
- (p) 86 Smith Street (5 storeys - approved)
- (q) 22 Peel Street (5 storeys - constructed)
- (r) 41 Peel Street (6 storeys - constructed)
- (s) 4-12 Langridge Street (5 storeys - approved)
- (t) 23 Little Oxford Street (4 storeys - approved)
- (u) 195 Wellington Street (9 storeys - constructed)
- (v) 109 Wellington Street (9 storeys - constructed)
- (w) 7 and 9-15 Little Oxford Street (8 storeys – under construction)
- (x) 1-3 Otter Street (7 storeys – under construction)
- (y) 61-71 Wellington & 37-39 Langridge Street (14 storeys – approved)
- (z) 73-77 Wellington Street (10 storeys – under construction)
- (aa) 72-90 Cambridge Street (9 storeys – under construction)

10. There are also a number of sites towards the northern end of Collingwood, beyond Johnston Street which have planning approval, are about to undergo construction or have been constructed.

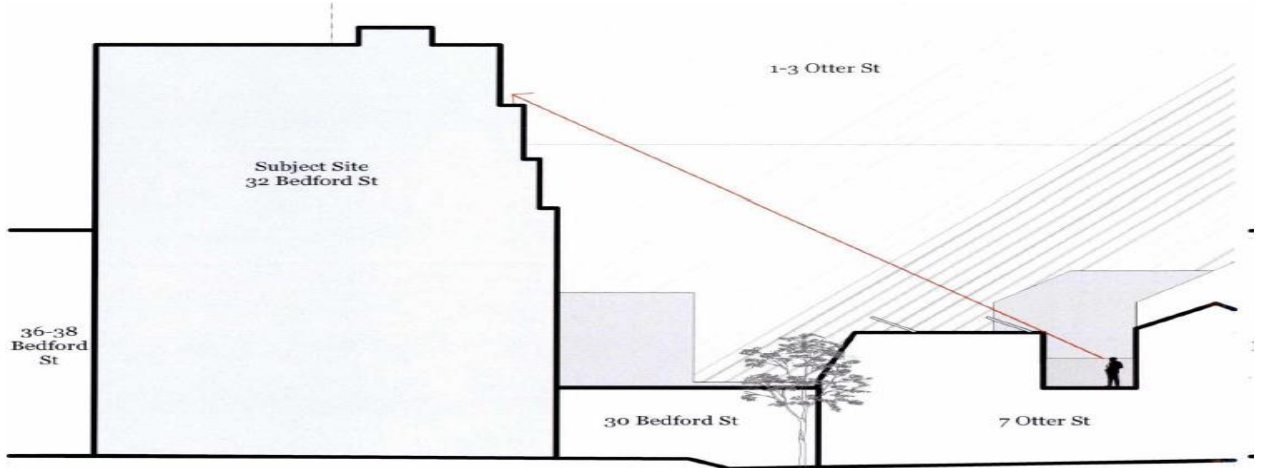
11. The immediately adjoining lots are described as follows:

North – No's 30 Bedford Street, 5, 7 & 9 Otter Street

12. To the immediate north of the subject site (western half) within No.30 Bedford Street is a three-storey townhouse with a tandem car space abutting the common boundary. The dwelling has its private open space located within west-facing balconies at first and second floor, overlooking Bedford Street. This building is constructed along the common boundary shared with the subject site with windows facing away from the proposed development to the north and/or west.

13. Further north is No.5 Otter Street located on the south-eastern corner of Bedford and Otter Streets. This lot is developed with a double-storey townhouse incorporating zero lot lines to Otter Street and Bedford Street, a car space is accessed off Bedford Street and an area of open space in the south-east corner of the site with a south-facing terrace also located at first floor.

14. No.7 Otter Street contains a double-storey dwelling orientated north towards Otter Street. This property has been developed with additions to the rear of the lot, creating a centrally located area of open space within a first floor terrace as illustrated in the section below:



15. On the south-west corner of Otter Street and Napoleon Street, at No.9 Otter Street is a double-storey block of units. The building is set back approximately 1.5m from the common boundary with the subject site, and the same from the common boundary with No. 30 Bedford Street to its west. These areas are used for services and clothes drying. The area to the east of the building is occupied by an at-grade car parking apron facing onto Napoleon Street as shown in the photograph below:



16. To the east of the subject site, across Napoleon Street, is Little Wellington Street (which runs east to Wellington Street) and a double storey brick building which has been converted into a number of units. There are garage doors, vehicle crossovers, entries and windows at ground and first floor, interfacing with the subject site as shown in the photograph below:



17. To the immediate south of the subject site is No. 36 Bedford Street, which contains a five storey residential development approved under planning permit PL08/0568 which allowed 8 dwellings. The layout of the approved development incorporates a hard edge to the subject site, and outward facing balconies (east and west) at each level above ground floor.
18. To the west of the subject site, across Bedford Street within No.1-3 Otter Street is a single-storey brick warehouse which extends approximately 40m along the street (from the intersection with Otter Street). As outlined earlier in this report, this lot has been issued with a planning permit which approves development of the land for a seven storey mixed use building (currently under construction).
19. To the south of this site is a row of single-storey cottages (Purfleet Cottages) covered by an individual Heritage Overlay (HO-96). The warehouse and cottages are located within a Commercial 1 Zone shown in the photograph below:



Figure 3 – Purfleet Cottages

The Proposal

20. The application proposes full demolition of the building on site to allow the construction of a seven storey building, built to all boundaries at levels ground to 4, with upper level setbacks. The proposal is described in more detail below:

Use

- (a) A food and drinks premises (183sqm) is proposed at ground floor, presenting onto Bedford Street.
 - (i) Hours of operation proposed between 7:00am to 7:00pm – seven days;
 - (ii) Maximum of forty (40) patrons
 - (iii) Maximum of five (5) staff.
- (b) Twenty-two (22) dwellings are proposed (2 x one-bedroom, 18 x two-bedroom & 2 x three-bedroom).

Development

Demolition

- (c) Demolish all structures on site (no permit triggered for demolition).

Layout, setbacks and height

- (d) A four storey podium is constructed to all boundaries with the exception of 4.8m wide north and south-facing light courts which separate the building into an east and western wing.
- (e) Due to the slope of the land, the height of the western portion of the building presents as a taller element than the eastern section but with both parts of the building containing seven storeys.
- (f) The Bedford Street (west-facing) podium has a maximum wall height of 13.8m to the street. Windows punctuate the façade with centrally located balconies behind.
 - (i) Levels 4, 5 & 6 are set back between 1m and 3m behind the podium wall.
- (g) The Napoleon Street (east-facing) podium has a maximum wall height ranging between 12.9m and 13.3m also with punctuated windows and centrally located balconies behind.
 - (i) Levels 3, 4 & 5 are set back between 1m and 3m behind the podium wall.
- (h) The south-facing walls would be constructed to the boundary with heights ranging between 12.8m at the eastern side of the building and 24.2m to its western end.
 - (i) The east-facing dwellings are set back between 2.7m (level 3) and 6.3m (level 5) from the southern boundary with a maximum height of 22.8m.
 - (ii) Dwellings fronting Bedford Street at the western end of the building are constructed to the southern boundary.
- (i) The north-facing walls would be constructed to the boundary with heights ranging between 13.2m and 14.5m with levels 4 and above being set back between 0.6m (level 4) and 2m (level 6).
- (j) A centrally located lift core/stair well provides access to upper levels via the lobby (accessed via Napoleon Street).
- (k) The overall maximum building height is 26.14m including lift overrun and stair well.

Basement and Lower Ground Levels

- (l) The basement would contain a car stacker system for eighteen (18) car spaces, twenty-two (22) storage areas (ranging between 5 and 6.3 cubic metres capacity), 23 bicycle parking racks and back of house/service areas.
- (m) On the eastern side of the building the residential lobby and vehicle entrance are both accessed via Napoleon Street.
- (n) One (1) dwelling (LG-01) is located at Lower Ground Level, fronting onto Napoleon Street.

Ground level

- (o) A Food and Drinks Premises (183m²) would front onto Bedford Street with a gas meter and a booster hydrant also facing onto Bedford Street.
- (p) Two dwellings would front Napoleon Street with east-facing terraces abutting the street.

Levels 1 & 2

- (q) Each of these levels includes four dwellings, two orientated to Bedford Street, two orientated to Napoleon Street each having an east or west-facing terrace.

Level 3

- (r) Level 3 contains two dwellings orientated towards Bedford Street in the same configuration as the levels below.
- (s) The two east-facing dwellings face onto Napoleon Street, but with Unit 3.02 setback 2.7m from the southern boundary.

Level 4

- (t) The west-facing dwellings would be set back 1m from Bedford Street and 0.6m from the northern boundary.
- (u) The east-facing dwellings would be set back 2m from Napoleon Street, between 1m and 2.4m from the northern boundary and 4.4m from the southern boundary.

Level 5

- (v) The west-facing dwellings would be set back 1.2m from the northern boundary and 1.8m from the Bedford Street boundary.
- (w) One (1) east-facing dwelling would face onto Napoleon Street with a setback of 3m from the Napoleon Street boundary.

Level 6

- (x) One (1) dwelling fronting onto Bedford Street would be located at level 6. This dwelling would have a rooftop terrace extending east over the roof associated with level 5 dwellings.

Roof plan

- (y) The roof plan shows solar panels and water heater plant located on the roof.

Architectural design and materials

- (z) The proposal is constructed of light grey brick, with bronze tinted glass used for the upper three levels.
- (aa) The building is rectilinear in form with a flat roof.

Environment Sustainable Development (ESD) initiatives

- (bb) Exceedance of the NCC standard for thermal efficiency – achieving a NatHERS rating of 6.5 stars;
- (cc) Connection of a 7,000lt rainwater tank for reuse as toilet flushing within the development;
- (dd) 1.5kW solar PV array to rooftop areas;
- (ee) Energy efficient heating and cooling and water saving appliances included throughout;

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone

- 21. 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; and*
 - (d) *to encourage development that responds to the existing or preferred neighbourhood character of the area.*
- 22. Pursuant to the Table of Uses under clause 32.04-2 of the Yarra Planning Scheme (the Scheme) a permit is triggered for use of the land as a Food and Drinks Premises where the leasable floor area exceeds 150sqm.
 - (a) The proposed Food and Drinks Premises would have a leasable floor area of 183sqm and therefore triggers a permit for its use within the Mixed Use Zone (being greater than 150m²).
- 23. Pursuant to clause 32.04-6 of the Scheme, a permit is required to construction two or more dwellings on a lot. Clause 55 is not applicable in this instance as the development is more than five storeys in height.
- 24. An apartment development of five or more storeys must meet the requirements of Clause 58.

Overlays

Clause 45.03 – Environmental Audit Overlay

- 25. Pursuant to Clause 45.03-1 it is a requirement of the Scheme 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.*

26. In the event a permit is to be granted, the above requirements will be included as a note to the permit.

Particular Provisions

Clause 52.06 - Car Parking

27. 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.
28. The Clause 52.06-5 requirements, the proposal provision and the subsequent shortfall are shown below:

Use	Bedrooms/ Area	Rate	No. required	No. proposed	Reduction sought	
Dwelling	2 x one-bedroom; 18 x two-bedroom	1 space per 1 and 2 bedroom dwelling	20	18 in total for residences	6	
		2 spaces per 3 bedroom dwelling	4			
	2 x three-bedroom	1 space for visitors to every 5 dwellings for developments	4		0	4
Food and drinks premises	183sqm	4 spaces per 100sqm of leasable floor area	7	0	7	
Totals			35	18	17	

29. 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.

Clause 52.07 – Loading and unloading of vehicles

30. The purpose of this Clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and to manage road safety. 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. The proposal does not provide any on-site loading space, and accordingly, a planning permit is required to waive this requirement.

Clause 52.34 Bicycle Facilities

31. 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 5 resident bicycle spaces and 2 visitor bicycle spaces are required.

32. The development proposes 23 bike racks in the basement accessible via lift from the residential lobby. Therefore, the resident bicycle provision has been met/exceeded.

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

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

Clause 58 – Apartment Developments

34. The purpose of this clause is:

- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- (b) *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- (c) *To encourage apartment development that is responsive to the site and the surrounding area.*

35. A development must meet of the objectives of this clause and should meet all of the standards of this clause.

General Provisions

Clause 65 General Provisions

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

State Planning Policy Framework (SPPF)

Clause 11.02 – Urban Growth

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

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

Clause 11.02-3 (Planning for growth areas)

38. The objective is:

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

Clause 11.03 (Activity centre network)

39. The objective is:

- (a) *To build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres.*

Clause 11.03-2 (Activity centre planning)

40. The objective is:

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

Clause 13.03-1 (Soil Degradation – use of contaminated and potentially contaminated land)

41. 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.”

42. The land is located in an Environmental Audit Overlay, and an environmental audit will be required to confirm that the land is suitable for a sensitive land use such as dwellings.

Clause 13.04 (Noise and air)

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

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

44. 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)

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

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

Clause 15.01-2 – Urban Design Principles

46. 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.

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

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*
- (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*
- (c) *Urban Design Charter for Victoria (Department of Planning and Community Development 2009).*

Clause 15.01-4 (Design for safety)

48. The policy objective is:

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

Clause 15.01-5 – (Cultural identity and neighbourhood character)

49. 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)

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

Clause 16.01-2 – (Location of residential development)

51. The objective of this clause is *'to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs services and transport'*.

Clause 16.01-3 – (Housing opportunity areas)

52. The objective of this clause is *'to identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne'*.

Clause 16.01-4 – (Housing diversity)

53. 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)

54. 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)

55. 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)

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

Local Planning Policy Framework (LPPF)

57. 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)

58. 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)

59. The subject site is located adjacent to the Smith Street Major Activity Centre (MAC).

60. 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)

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

Clause 21.05-2 – (Urban design)

62. 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

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

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
(i) *Strategy 28.2 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

64. 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

65. The relevant objective of this clause is:

- (a) *Objective 34 To promote ecologically sustainable development:*
 - (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation; and*

Clause 21.08-5 Neighbourhoods (Collingwood)

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

- (a) *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys.*
- (b) *The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.*
- (c) *Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes.*

67. Within Figure 13 of Clause 21.08-5, the subject site is identified as being adjacent to the Smith Street Major Activity Centre. 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.

- (a) *The implementation of built form strategies in clause 21.05 includes supporting development that maintains and strengthens the preferred character of the relevant Built Form Character Type.*

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

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

Clause 22.10 – Built form and design policy

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

Clause 22.12 – Public Open Space Contribution

70. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3066B). However considering the size of the site, it is not practical to provide the preferred area of land (300sqm) and therefore cash will be provided.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

71. This policy applies to applications for new buildings (amongst others).

72. Under this clause it is policy to:

- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - (i) *collection and reuse of rainwater and stormwater on site*
 - (ii) *vegetated swales and buffer strips*
 - (iii) *rain gardens*
 - (iv) *installation of water recycling systems*
 - (v) *multiple uses of water within a single manufacturing site*
 - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*
- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
 - (i) *appropriately designed waste enclosures and storage bins, and*
 - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*
- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

Clause 22.17 – Environmentally Sustainable Design

73. This policy 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 documents

Smith Street Structure Plan

74. In November 2008, Council adopted the *Smith Street Structure Plan* (SSSP). Specific to the subject site, the SSSP aims to maintain the mix of uses in the area, whilst embracing opportunities for new housing and protecting residential amenity. In the SSSP, the subject site is shown as being part of the Smith Street Shopping Strip and contains the following relevant guidance:
- (a) *Future character statement*
 - (i) *The existing heritage character of this traditional strip retained and reinforced, while ensuring that the dominance of the higher emporia buildings continues.*
 - (ii) *Southern sections of the street with non-heritage buildings rebuilt in scale with nearby and adjacent properties on the street.*
 - (b) *Built form guidelines*
 - (i) *The street frontage façade of infill development must match the predominant street frontage height of nearby and abutting buildings.*
 - (ii) *Upper levels of buildings must not dominate.*
 - (iii) *Emporia and identified landmarks must remain dominant in the streetscape.*
 - (c) *Preferred maximum building height*
 - (i) *Two to three storeys to the street frontage.*
 - (ii) *Upper level development must be set back so as to appear recessive from street view.*
 - (iii) *The overall height of buildings in the section between Gertrude and Johnston Streets must be at least one storey lower than emporia and identified landmarks, so as to maintain the dominance of these buildings in the streetscape.*

Amendment C140

75. In 2011, Council prepared Amendment C140 to implement some of the objectives of the Smith Street Structure Plan. The Amendment proposed to update the MSS to reference the Smith Street Structure Plan at clause 21.08 (Neighbourhoods) and include it as a reference document at clause 21.11. A new schedule to the Design and Development Overlay (DDO14) was to apply to the Smith Street Activity Area, effectively implementing the built form vision, objectives and strategies of the Smith Street Structure Plan. The Smith Street Structure Plan was the sole strategic basis for Amendment C140.
76. An independent planning panel, appointed by the Minister for Planning [**Minister**] considered the amendment in June 2012 and recommended that it be abandoned. The Panel report was highly critical of a number of aspects of the Amendment, including that the MAC context of Smith Street has not been fully appreciated within the framing of the Smith Street Structure Plan and Amendment C140. In summary (page 22):
- ... the Panel is not convinced of the strategic basis of the Smith Street Structure Plan. In particular, it is not convinced that the Structure Plan is consistent with the state and metropolitan policy settings for Major Activity Centres. The Panel agrees with those submitters who suggested that this would lead to a 'restrained' development potential in the Activity Centre.*
77. In light of the above, Council at its Meeting on 17 September 2013, resolved to abandon Amendment C140 (the planning scheme changes), though the SSSP remains an adopted Council position. Accordingly, whilst this document can be considered, it has very limited statutory weight and is not relied upon in the assessment of this application.

Advertising

78. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987 [the Act]* by way of 342 letters sent to the surrounding property owners/occupiers and by two signs, one facing Napoleon Street and another facing Bedford Street.
79. A total of 48 objections were received to the application which can be summarised as follows:
- (a) Excessive building height;
 - (i) Visual bulk impacts;
 - (ii) Loss of views;
 - (b) Insufficient car parking;
 - (c) Overshadowing;
 - (d) Overlooking;
 - (e) Issues with bin collection and rubbish;
 - (f) Impacts from the Food and Drinks Premises;
 - (i) Noise;
 - (ii) Rubbish;
 - (iii) Queuing;
 - (iv) Excessive hours of operation;
 - (g) Lack of landscape plantings;
 - (h) Possible wind tunnel affects; and
 - (i) Disruption during construction phase.
80. The grounds of objections will be considered and addressed where relevant throughout the following assessment.
81. A consultation meeting was held on 22nd of August 2017, where the key issues raised in the objections were discussed with the Permit Applicant, Objectors and Planning Officers present. No resolutions were reached at the meeting.

Referrals

External Referrals

82. The proposed development does not trigger referral to any external authorities under the requirements of the Yarra Planning Scheme.

Internal Referrals

83. The application has been referred to the following units within council:
- (a) Urban Design Unit;
 - (b) ESD advisor;
 - (c) Traffic Engineering Unit; and
 - (d) Services and Contracts Unit.
84. The comments have been included as attachments to this report.

OFFICER ASSESSMENT

85. The following key issues and policies will be used to frame the assessment of this planning permit application:
- (a) Strategic policy support;
 - (b) Food and drinks use;
 - (c) Built form and design;
 - (d) Clause 58;
 - (e) Off-site amenity;

- (f) Car parking, bicycle parking, traffic, access and loading; and
- (g) Objector concerns.

Strategic policy support

- 86. The State and local planning policies are consistent in their message that the subject land is located in an area where an increased intensity of development is encouraged. The Mixed Use Zone specifically identifies the purpose of the land as an area where higher residential density developments are encouraged.
- 87. At a local level, the MSS identifies Yarra containing a built form character based on low-rise urban form punctuated by pockets of higher development. Specifically, Objective 17 at clause 21.05 of the MSS seeks to retain this identity through directing new development on strategic redevelopment sites to generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits to sanction a higher built form.
- 88. Although the site is not specifically earmarked as a 'strategic redevelopment site', the subject land contains the attributes of a strategic redevelopment site (namely being in proximity to public transport services and able to contain more than 10 dwellings) and therefore an increased height can be supported on this basis where significant upper-level setbacks, architectural excellence, best practise ESD outcomes, positive contributions to the public realm and provision of affordable housing are achieved.
- 89. It is considered that the proposed development meets the above criteria and therefore holds strategic support for a development in excess of five storeys. The design of the building will be assessed in detail under the 'built form' assessment section, later in this report.
- 90. Clause 16.01-4 of the Scheme encourages developments to provide for a variety of housing types, which this proposal does by adding to the wider spread of dwelling types in the area. The development itself offers a variety of dwelling sizes, providing one, two and three-bedroom apartments with a variety of open space provisions.
- 91. The application includes an increased density of dwellings while also avoiding unreasonable amenity impacts as will be assessed in detail later in this report. There is strong strategic support within clauses 11.03 and 16.01 for the further intensification of such a large site in an inner-city location. Considering the current demand for housing in existing urban areas, the proposal satisfies a number of the previously discussed State and Local policies regarding intensification.
- 92. To guide the process of redevelopment and urban renewal of the subject site and surrounding land, a range of built form controls apply to the land. The eleven design principles outlined within clause 15.01 - *Urban Environment* and the *Urban Design Guidelines for Victoria, (2017)* will be used to assess the appropriateness of the built form along with clauses 22.05 - *Interface Uses Policy* and clause 58 used to assess on and off-site amenity impacts.

Food and drinks use

- 93. With regards to the proposed use of the land as a Food and Drinks Premises (183sqm), it is considered that the Scheme provides for a high level of support given that the permit trigger for this use only comes into effect at 150sqm of leasable floor area.
- 94. With the above point in mind, it is considered that there is a general level of support for the use of the ground floor premises as café 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 Zone: *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*

95. The site is located directly adjacent to a Major Activity Centre but with a residential focus for the areas immediately adjoining the subject site. The proposed café would support this by providing a venue where the local residents and employees can obtain food and drink. On weekends, there is an expectation of increased patronage from residents of wider Collingwood, rather than employees, as many of the commercial/industrial uses will not be operating. Again, the cafe would play a legitimate role in meeting the needs of residents in this respect.
96. While this may be the case, where the scale exceeds this associated role, there is scope for the premises to become a 'destination venue'. That is, its role would extend beyond servicing the local needs to one where it would have a broader regional catchment. This type of premises is supported by policy under the Scheme to be located within an activity centre, as opposed to being located on its periphery.
97. This issue has been discussed in previous VCAT decisions such as *Krolkowski & Anor v Yarra CC & Anor* [2014] in which Member Sibonis states at Paragraph 34:
- I consider that the use of the land for a food and drink premises is appropriate but find that the proposed patron capacity to be too great having regard to the strategic context... I have formed the view that the previously offered patron capacity of 99 persons represents an appropriate outcome having regard to the physical and strategic context of the review site. It represents a scale or intensity that acknowledges both the role that the establishment will play in supporting the local employment and residential function of the area, and its location outside of an activity centre.*
98. It is considered that 40 patrons sought under the application within the proposed restaurant reaches an acceptable outcome in terms of ensuring the development would not result in a "destination venue" and the premises is therefore afforded a general level of support under the relevant policy direction.
99. Following from the points above, the hours of operation are considered to be generally acceptable within the mixed use context of the area. Noise and other impacts associated with patron movements to and from the premises are considered unlikely to result in unreasonable amenity impacts based on the modest patron numbers and the hours being proposed between 7am and 7pm, avoiding more sensitive times during the evening.
100. The Waste Management Plan (WMP) has been reviewed by Council's Contract Cleansing Services Unit who are satisfied with the document which outlines waste collection to be via private contractor with these collections not occurring between 8pm Sunday and 7am the following Monday; 8pm on any day between Monday and Friday and 7am the following day in accordance with Council's Local Law No.3. The WMP would be endorsed to form part of the permit.
101. Conditions limiting the emptying of bottles into waste receptacles and deliveries to the premises to the hours between 7am and 10pm would reduce the impact to these activities, avoiding noise being generated during evening periods.
102. More general conditions which require the premises to not result in detriment through storage of rubbish, vermin, odours and limiting any music noise to background level and in compliance with SEPP requirements would also act to ensure impacts from the food and drinks premises are not unreasonable.
103. Overall, it is considered that the proposed food and drinks premises would be an appropriate addition within the Mixed Use context of the subject site with conditions included to ensure its operation would not result in unreasonable amenity impacts to the surrounding area generally in line with the policy direction under clause 22.05 – *Interface uses policy* of the Scheme.

Built form and design

104. The relevant permit trigger for the development is the Mixed Use Zone, and the primary considerations for the proposed development are the decision guidelines at clause 32.04-13 – *Decision Guidelines*. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at clauses 15.01-2 - *Urban design principles*; 21.05 - *Urban design*; 22.05 - *Interface uses policy* and 22.10 - *Built form and design policy, Urban Design Guidelines for Victoria* – sections 5.1, 5.2 & 5.4.
105. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the height and massing, street setbacks, relationship to adjoining buildings, and existing context.
106. Consideration of the built form and design will be assessed under the following applicable headings of Clause 15.01-2 – *Urban Design Principles* of the Scheme which incorporates several relevant LPPF objectives under the headings: *Context, The Public Realm, Safety, Landmarks, views and vistas; Pedestrian spaces; Consolidation of sites and empty sites; Light and shade; Energy and resource efficiency; Architectural quality and Landscape architecture.*

Context

107. The existing character of the surrounding area is a mix of building sizes and heights varying between single and six-storey buildings presenting as a backdrop to the immediate area, with some larger commercial buildings with hard edged forms built to street frontages.
108. In order to understand the site and its context, Clause 21.08 - *Neighbourhoods* of the Scheme describes the area as being a 'Non-residential' area with the accompanying objective included under the clause '*to improve the interface of development with the street*'.
109. While clause 21.08 identifies the subject site as being located within a non-residential area, the street is in fact mostly residential, especially considering the land at No.1-3 Otter Street being issued with a planning permit for the development of dwellings, and the subject site now also proposing to replace the existing office building with dwellings and a food and drinks premises.
110. While the objectives under clause 21.08 are considered to be generally appropriate in terms of improving the streetscape, the more relevant context which is emerging in relation to the subject site is a residential one. This is in clear contrast to the commercial focus of the areas directly associated with Smith Street which are clearly geared towards commercial activities along the Major Activity Centre.
111. The proposed seven storey building would be taller than the buildings immediately interfacing the site and would also be one of the taller buildings within the surrounding area. However this is not at odds with the strategic direction for the subject site and the level of built form change which is anticipated for the Collingwood locality, and for the Mixed Use Zone.
112. Given the site's 'Mixed Use' zoning it is expected to have higher built form than the residential areas to the north which are located within a General Residential Zone, especially if development is to achieve State and Local strategic policy of increased development and employment opportunities near activity centres and public transport as outlined earlier in this report.

Height, Scale and Massing of the development

113. It is important for the assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development of the area.
114. The Scheme provides guidance to assist in determining whether the proposed height is acceptable within the site context. In relation to the SPPF, building heights are best derived from specific design objectives; the aspirations for urban consolidation and issues of minimising adverse off-site amenity impacts rather than outlining arbitrary height limits.
115. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain Yarra’s identity as a low-rise urban form with pockets of higher development.*
116. Strategy 17.2 (which relates to development in Activity Centres) under Objective 17 reads as follows:
- (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - (i) *Significant upper level setbacks*
 - (ii) *Architectural design excellence*
 - (iii) *Best practice environmental sustainability objectives in design and construction*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings*
 - (v) *Positive contribution to the enhancement of the public domain*
 - (vi) *Provision of affordable housing*
117. Based on the policy above, the proposed development must be able to demonstrate these benefits to gain policy support for a height more than six (6) storeys.
118. Following from the above, the comments received from Council’s Urban Design Unit cite the height of the proposed building as being at least one level too high with regard to the hierarchy of development potential between areas to the west (namely No.1-3 Otter Street) in comparison to the subject site which interfaces with residential areas to the north and the Mixed Use Zone covering the subject site.
119. While this may be the case, it is considered that the height for the proposed building has achieve a satisfactory design response with regards to the ‘significant upper level setbacks’ in and with the height generally acceptable in terms of its presentation to the surrounding area.
120. Acknowledging that the land within No.1-3 Otter Street is larger and has less immediate, sensitive interfaces, this is not considered sufficient rationale to reduce the height of the building when the proposed design response has generally addressed these constraints.
121. In light of the policy guidance under Strategy 17.2, the height of the building is supported with the development proposing upper-level setbacks, architectural design excellence, best practise ESD outcomes and positive contributions to the public realm as follows:
- (a) The proposed development would provide upper level setbacks above the building’s street podium to allow the lighter glass framed elements to presents a smaller floor template than the levels below and therefore presents as a ‘cap’ to the building’s lower podium.
 - (b) With regards to the design detail, choice of materials and overall design excellence of the building, the comments received from Council’s Urban Design Unit are supportive of the development in these areas.

- (c) Council's ESD advisor has commented that the application largely meets Council's best practise standards for ESD outcomes.
- (d) The replacement of the existing office building with new and improved street interfaces would be a significant improvement to the streetscape in which the existing building makes little contribution.
- (e) While no 'affordable' housing is specifically proposed as part of this application, it does provide a mix of one and two-bedroom dwellings which would contribute to the provision of a mixed housing stock within the Collingwood area.

122. These elements will be expanded upon in the following sections of this report, but indicate that the height of the proposed building is supportable under the policy direction at clause 21.05 of the Yarra Planning Scheme.

Bedford Street wall

123. The comments from Council's Urban Design Unit has outlined that the development's four-storey street wall to Bedford Street is generally acceptable, stating:

The interface of the proposal to Bedford Street comprises a four storey (approximately 16m) street wall with the upper level marginally setback. The existing streetwall character of Bedford Street contains a mix of 1-4 storey streetwalls with the new Otter Street presenting 4 storey (approximately 16m). Considering the existing and emerging character the streetwall height proposed along Bedford Street is supported. The podium form presents high quality architecture with recessed balconies, window pattern and material composition contributing positively to the local character of the area. However, it is recommended to set back Level 4 by at least 2m from Bedford Street to clearly distinguish between the lower form and the upper form.

- 124. At four storeys, the street wall would not result in a significant level of additional shadowing to the footpath on opposite side of Bedford Street in comparison to the development currently approved under Planning Permit PLN12/0972.
- 125. At 13.6m in height, the Bedford Street wall would provide a ratio between the height of the wall and the width of the street at just in excess of 1:1 (Bedford Street being 10m wide). With regards to the Urban Design Units suggestion that level 4 should be set back to at least 2m to 'clearly distinguish between the lower form and the upper form', the 2m setback would achieve concealment of level 4 from views taken from the opposite side of Bedford Street but would also have the effect of making the upper levels disproportionate to the base of the building in wider views of the building from Otter Street.
- 126. It is considered that the 1m setback of level 4 is appropriate as proposed but is also required to ensure the presentation of the building does not become top-heavy with regards to the glazed levels atop the lower (brick) portion of the building.
- 127. Requiring further setbacks is not considered to be necessary in this instance with views from the opposite side of Bedford Street relating to a narrow footpath where pedestrians are unlikely to spend any considerable time, directly in front of the vehicle access points associated with the development under construction at No.1-3 Otter Street.
- 128. In light of the points above, it is considered that the presentation of wall heights to Bedford Street already present a high quality outcome which adequately responds to the scale of the Street. These outcomes are reflected in the policy direction under clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme which aims to ensure that developments provide pedestrian/human scaled designs at street level. It suffices to state that there is no reason to indicate that a four-storey podium is unacceptable in this particular instance.

Purfleet Cottages

129. With regards to views past the subject site from the north to south, the Bedford Street wall would not result in the loss of any views to the heritage buildings further south and specifically would not obscure any significant view of the Purfleet Cottages located on the opposite (western) side of Bedford Street.
130. Visibility of the cottages was subject to assessment under the Tribunal's decision for the development No.1.3 Otter Street in which the Member states at paragraph 29:

The proposed building is constructed to the boundary including to the corner of Otter and Bedford Streets, and will replace a building that is set back from that intersection. However because Bedford Street is quite narrow and due to the location of the terraces beyond the existing building, there are already limited views of the terraces. This will not change significantly. Existing views to the Cottages will continue to be largely maintained. The historic significance of the Purfleet Cottages will continue to be recognised and appreciated as being part of a robust and changing environment.

131. With the subject site also being located on the opposite side of Bedford Street from the cottages, it is considered that there would not be any unreasonable visual impact on these heritage buildings.

Napoleon Street wall

132. Similar to the assessment of the Bedford Street wall above, Council's Urban Design Unit are supportive of the wall height to the street commenting:

The interface of the proposal to Napoleon Street comprises a four storey (approximately 13m) street wall with the upper level marginally setback. The proposal presents a contrasting and more lightweight form on the upper levels, which is supported. This will provide the transition required to the residential form along Otter Street, Little Wellington Street and Napoleon Street. Similar to above assessment it is recommended to set back Level 3 by at least 2m to clearly distinguish between the lower form and the upper form.

133. Again, it is considered that the change in materials, coupled with the 1m setback behind the lower podium level is sufficient to distinguish the upper and lower portions of the building when viewed from the street.

The Public Realm & Pedestrian spaces

134. The interface of the dwellings to Bedford Street and the extensive glazing to the western elevation at street level associated with the Food and Drinks premises would contribute to (and improve) surveillance and activation of the street from the existing conditions. This outcome is encouraged under the policy direction at clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme.
135. The comments from Council's Urban Design Unit strongly support this outcome for the street level, stating:

Clause 21.05 seeks new development to make a positive contribution to the enhancement of the public domain. The glazed ground floor retail along Bedford Street will provide an engaging frontage to street. The apartment entry, balcony and window will contribute in providing a safe environment.

136. The building design in conjunction with the use of the ground floor premises for a food and drinks premises would improve the level of interaction and pedestrian experience between the subject site and the street. This would be a substantial improvement where the building is largely shut off from the street with shutters and roller doors presenting a poor interface with both streets under the existing condition.

Landmarks, Views and Vistas

137. It is policy at clause 15.01-2 of the Scheme that important landmarks, views and vistas be protected or enhanced, or where appropriate, created by new additions to the built form. Within the Collingwood area, the Clock tower (Collingwood Town Hall – Hoddle Street) is identified as a significant landmark to which views should be protected.
138. The proposed development does not compete with the identified landmark and is considered to be an acceptable response to the policy direction under clause 22.03-4 of the Scheme.

Consolidation of Sites and Empty Sites

139. The proposed development would improve the existing conditions through removing vehicle access to a single point on Napoleon Street where the existing building to both street frontages creates a poor sense of street address, replacing it with an activated frontage with a hard edge to the street which is both consistent with the character of the area and appropriate in terms of achieving increased surveillance to the street.

Light and Shade

140. Due to the east-west orientation of the site the proposed development would result in some additional overshadowing to the street throughout the day in comparison to the approved development under Planning Permit PLN12/0972.
141. While this may be the case, the level of shadowing cast by the proposed development to the public realm is not considered to be unreasonable with regards to the narrow width of both Napoleon and Bedford Streets. The shadow diagrams provided with the application material demonstrate that shadowing cast to the footpath on both streets results from the lower 'podium' levels and not the upper portion of the building.
142. The subject site is within in a location where a degree of overshadowing from a newly created street wall is inevitable due to the hard-edge built form character which has been established in this area. It is considered that the shadowing from the development would not affect the usability of the public realm, noting that both streets do not form major pedestrian thoroughfares or areas where pedestrians are likely to stop and therefore amount of overshadowing is considered to be reasonable in this case.

Energy and Resource Efficiency

143. The proposed development includes commitments to exceed the minimum BCA energy rating requirements by incorporating energy and water efficient appliances; and through the provision of water tanks to reticulate stormwater in the toilet facilities. The design of the building also accommodates window openings that will allow for cross-ventilation.
144. While outlining that the project largely meets Council's best practise ESD standard, Council's ESD advisor has recommended the resolution of some issues to ensure the building is designed appropriately with regard to energy efficiency.
145. These comments from Council's ESD advisor are considered to address the requirements of the policy under clause 22.16 – *Stormwater Management* and clause 22.17 – *Environmentally Sustainable Development*. The following section of this report will address each of these in turn:

- (a) *Balcony overhangs, wing walls and deep reveals will give reasonable shading from summer sun angles, however significant areas of glazing on upper levels are exposed to summer sun angles and high levels of summer solar gain. This is reflected in the cooling load of dwelling 5.02 which is 49.2, well above the BADS standard D6 of Clause 58.03-1. Recommend providing exterior adjustable shading to all north, west and east facing glazing exposed to summer sun angles through fins, louvers, retractable awnings or similar. Demonstrate that all upper level dwellings (401, 501, 503, and 601) have a cooling load less than 30 MJ/m²/pa.*
- (i) This matter would be addressed through a condition for the Sustainability Management Plan to be updated to demonstrate that all upper level dwellings would be designed to achieve a cooling load as outlined above.
- (ii) This condition would be coupled with a requirement for any details to external finishes, blinds etc to be shown within revised drawings.
- (b) *Windows into common area foyers lift lobbies appear to have fixed glazing. Recommend that windows to all common area foyer and lift lobbies are operable, and clearly noted on plans.*
- (i) This issue would be addressed through a condition.
- (c) *Recommend avoiding dark tinted (black) glass to the common foyers and lift lobbies. Recommend a VLT of 60% of better.*
- (i) This issue would be addressed through a condition.

146. Overall, it is considered that subject to the conditions discussed above, that the proposed development would achieve best practice in environmentally sustainable development in accordance with the overarching objectives under clause 22.17 – *Environmentally Sustainable Development* of the Scheme.

Site Coverage

147. The proposal occupies 100% of the site area, matching that of the existing conditions. Full site coverage is considered to be appropriate and consistent with the mixed residential/commercial character of the area that accommodates predominantly hard-edged built form with little or no areas of open space or landscaping.

Architectural Quality

148. In terms of built form, the proposal creates an on-street facade wall to Bedford and Napoleon Street(s) which is considered to be acceptable as discussed earlier in this report. The use of materials reflects the mixed nature of the adjoining buildings and provides a level of architectural quality which is supported by Council's Urban Design Unit who have stated:

The podium form presents high quality architecture with recessed balconies, window pattern and material composition contributing positively to the local character of the area.

149. Overall it is considered that the proposed development would achieve a high level of architectural quality. The proposal would significantly contribute to and improve the streetscape through active frontages and use of high quality materials which the existing building within the subject site currently lacks.

Clause 58

Standard D1 – Urban context

150. The purpose of this standard is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the areas while also responding to the features of the site and the surrounding area as discussed earlier in this report under paragraphs 86-92.

Standard D2 – Residential Policies

151. As outlined earlier in this report under paragraphs 86-92 the proposed development is considered to hold strong policy support under the purpose of the Mixed Use Zone and local policies of the Yarra Planning Scheme.

Standard D3 – Dwelling diversity

152. The application would contain a mix of dwelling types and sizes as encouraged under this Standard.

Standard D4 - Infrastructure

153. The proposal is located within an existing residential area with existing utility services and infrastructure – there is no evidence to suggest that the proposed development would impact on the operation of these existing services and therefore the purpose of the Standard is considered to have been met.

Standard D5 – Integration with the street

154. The proposed development would provide a significant improvement in terms of the subject site's interface with both Bedford and Napoleon Streets as discussed under paragraphs 113-122 earlier in this report.

Standard D6 – Energy efficiency

155. The orientation of the subject site and with two abutting street frontages somewhat dictates that proposed dwellings would be orientated to face east or west onto the street. The layout of each proposed dwelling is considered to provide adequate opportunities for access to daylight and natural ventilation to reduce reliance on artificial heating/cooling, generally in accordance with the requirements of this Standard as discussed earlier in this report under paragraphs 143-146.

Standard D7 – Communal open space

156. This Standard only applies to developments which propose forty (40) or more dwellings.

Standard D8 – Solar access to communal open space

157. No communal open space is proposed as part of this development.

Standard D9 – Safety

158. The proposed residential lobby would be clearly visible within viewlines along Napoleon Street and would not include any inset areas which would be obscured from view when approaching the entrance. Coupled with the improvements to the level of passive street surveillance from the dwellings, it is considered that the proposed development would achieve a satisfactory outcome against the objective of this Standard.

159. In addition to the points above, a condition would require the residential lobby and basement ramp areas to be provided with lighting to ensure visibility to these spaces is maintained during the evening.

Standard D10 – Landscaping

160. Landscaping does not play a significant role in the character of the surrounding area and therefore no requirement for a landscaping plan will be required.

Standard D11 – Access

161. The proposed development would result in the removal of one (1) vehicle crossover from the Bedford Street frontage and relocation of the existing Napoleon Street crossover further to the north.
162. With the Napoleon Street boundary being 15.3m wide, this Standard recommends that vehicle crossovers should not exceed 40% of the frontage (6.1m). With the proposed vehicle crossover being 3.6m wide, the Standard is met.

Standard D12 – Parking location

163. The location of parking within the basement level is considered to achieve an acceptable design response to the objective of this Standard with the basement being readily accessible from the central lobby area.
164. A condition will require the submission of an acoustic report which demonstrates that the operation of the proposed car stacker (basement door and lift) will not result in unreasonable amenity impacts to the residents both within this development and those in proximity to the subject site.

Standard D13 – Integrated water and stormwater management

165. The application proposes the installation of a 7,000lt rainwater collection tank which would be connected to all lower ground and ground floor toilets, bin washroom and lightcourt areas for landscape irrigation.
166. The STORM report provided with the application details these elements achieving a score of 103% which is generally in line with the policy direction under clause 22.16 – *Stormwater Management* and is therefore also considered to be generally in line with the objectives of this Standard.

Standard D14 – Building setbacks

167. As outlined earlier in this report under Paragraphs 113-122 & 191-208, the height and setbacks of the building are considered to achieve an acceptable design response to the character of the surrounding area.
168. With the building orientated to provide either an east or westerly outlook for the proposed dwellings, it is considered that each residence within the development would be provided with adequate amenity in terms of outlook and access to daylight. This is reflected in the comments received from Council's ESD advisor who is generally supportive of the access to daylight provided within the development.
169. Overlooking with regards to neighbouring dwellings will be assessed later in this report within the 'off-site amenity' section.

Standard D15 – Internal views

170. The internal light court arrangement between east and west-facing living room and bedroom windows located on opposite sides of the central light courts would provide opportunities for overlooking between the dwellings. This issue would be resolved through a condition for these windows to be treated to avoid direct lines of sight between one-another.

Standard D16 – Noise impacts

171. The proposed development would not be located in proximity to noise generating areas as listed under this Standard.
172. An acoustic report to demonstrate that the operation of the car stacker, and basement door will be required to ensure no unreasonable impacts (discussed later in this report).

Standard D17 – Accessibility objective

173. Drawing TP508 has been provided to demonstrate a floor template which complies with the requirements of Table D4 – Bathroom Design under this Standard. This floor template is readily adaptable within the proposed floor plans for each individual unit (subject to clarification for the shower screen detail and location of toilets).
174. A condition would require the floor plans to be amended to detail which of the units will be provided with the floor template, requiring a minimum of 50% of the total dwellings are included to meet the requirements under this Standard.

Standard D18 – Building entry and circulation

175. As assessed earlier in this report, the proposed residential lobby would be readily visible within views along Napoleon Street and would therefore provide adequate sense of address for the building without requiring separate entrances via both frontages.
176. The lobby areas would be provided with reasonable access to daylight and natural ventilation through the central courtyards facing onto these common areas. The main lobby and those at each upper level would be sufficiently dimensioned to service residents coming and going to a development of this scale and is generally in line with the objectives under this Standard.

Standard D19 – Private open space

177. While the majority of units would meet the area and minimum dimension provisions under this Standard, units 4.01 & 5.01 trigger a variation for having a depth less than prescribed under the standard.
178. Unit 4.01 would be provided with a 19.6m², north-facing terrace which would have widths varying between 1m and 2.4m which includes planter box areas which would effectively reduce these widths again. Being a 3-bedroom dwelling, the minimum width under the Standard should be 2.4m. Based on the generous area which is provided to this terrace overall, and the partial compliance in the width (excluding areas utilised for planter boxes) this outcome is considered to be acceptable in terms of providing adequate open space for this dwelling.
179. Unit 5.01 has a width which varies between 1.93m and 2.15m, triggering a variation to the minimum width of 2m specified under the Standard. With the variation relating to a modest dimension of only 0.07m and the remaining portions being in compliance, it is considered that the depth of the balcony is acceptable in this case.

Standard D20 – Storage

180. Each of the proposed dwellings would be provided with a storage cage of no less than 5 cubic metres, located within the basement. In addition to these areas, the dwellings are provided with typical cupboard and robe areas.
181. Drawings TP-506 & 507 provided with the application material demonstrates storage capacities meeting the volume suggested under this Standard.

Standard D21 – Common property

182. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The lobby and vehicle access areas are well conceived and are generally cohesive with the overall building design and are therefore considered to be in line with the objectives of this Standard.

Standard D22 – Site services

183. Site services and meters would be located within the building, avoiding these areas having to face out onto the street. The services room and meters area would be readily accessible from the main lobby and are therefore considered to provide a good design response to the objective of this Standard.

Standard D23 – Waste and recycling

184. The bin room located within the basement level would provide for recycling in addition to general waste reciprocals. This outcome is considered to provide an appropriate design response to the objective of this Standard.

Standard D24 – Functional layout

Living areas

185. The living areas within each unit would comply with the suggested dimensions under this Standard.

Bedrooms

186. The proposed development is largely compliant with the bedroom dimensions suggested under this Standard. While this may be the case, Units 4.01, 5.01 & 5.03 each trigger a variation to the minimum depth (3.4m) with each of these rooms only achieving a 3.1m depth. The variation is considered to be acceptable in this instance with each 'main' bedroom providing a function bedroom space no less than 3m x 3.1m.

Standard D25 – Room depth

187. The single aspect rooms within the proposed development all relate to bedrooms which would comply with the room depths suggested under this Standard.

Standard D26 – Windows

188. All habitable rooms within the proposed development contain a window within an external wall to the building – meeting the Standard.

Standard D27 – Natural ventilation

189. The comments received from Council's ESD advisor have highlighted the windows associated with common areas (foyers and light courts) appear to be treated with fixed glazing. A condition would require that operation be included to each of these areas which would significantly improve the level of cross-ventilation opportunities throughout the development as a whole.
190. In conjunction with the conditions outlined above, the proposed development would comply with this Standard.

Off-site amenity

Setbacks and visual bulk

191. The proposed development would be visible from various points along Bedford, Napoleon and Otter Streets. While this may be the case, the ‘visibility’ of the building does not amount to unreasonable visual bulk in itself. This issue was outlined in the Tribunal’s assessment of the neighbouring development at No.1-3 Otter Street in which Member Hewett states at paragraph 21:

As concluded above, we accept that the building will be dominant in the immediate location. There is also no question that the redevelopment of this site would have a visual impact on the Purfleet Cottages and surrounding residential properties.

The visual context of this location is changing with the redevelopment of former industrial sites. This will continue to occur. This site is in an activity centre context, not a residential hinterland context. The visual impact of the proposed building needs to be considered having regards to these circumstances.

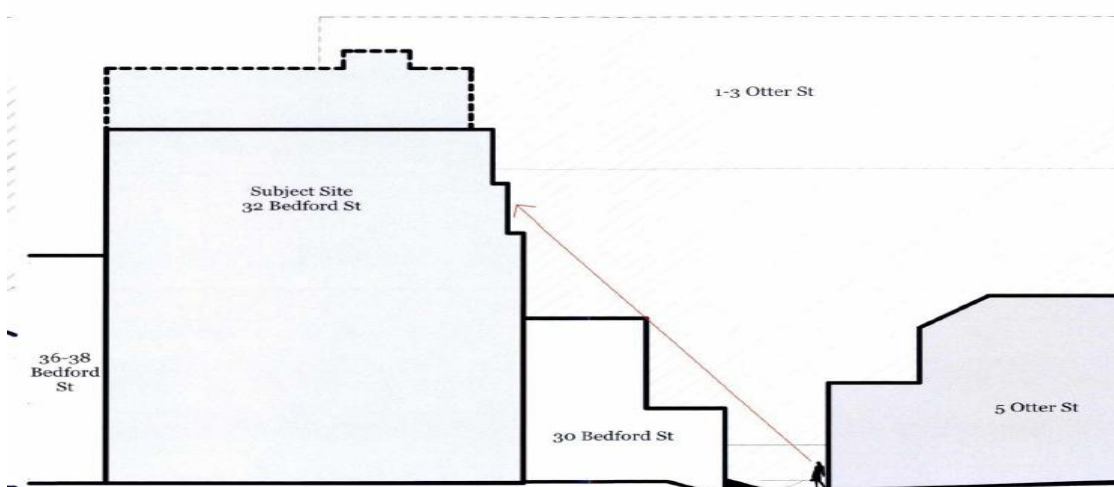
192. The following section of this report will assess the visibility of the proposed building from sensitive interfaces with adjoining dwellings.

North – No.30 Bedford Street

193. This property contains a three-storey dwelling with west-facing terraces which face onto Bedford Street. These terrace areas would not be subject to unreasonable visual bulk impacts as a result of the proposed development with the outlook over Bedford Street remaining relatively unchanged from these areas.

No.5 Otter Street

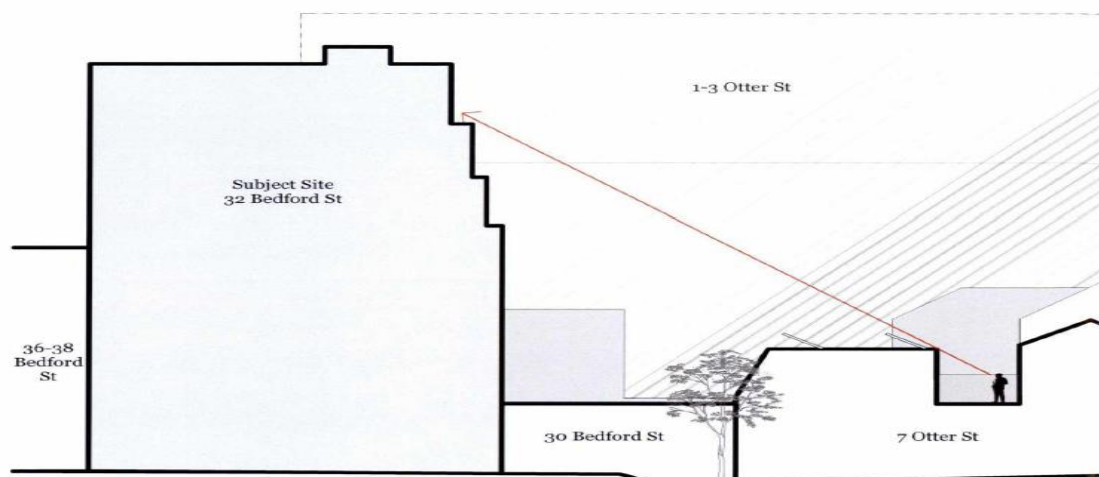
194. As discussed earlier in this report, the neighbouring lot at No.5 Otter Street contains a double-storey dwelling with an area of at grade secluded private open space (SPOS) on the southern side of the building and also with a south-facing terrace at first floor.
195. It is considered that the transition in height provided by the dwelling within No.30 Bedford Street and the SPOS associated with No.5 Otter Street provides a reasonable design response with regards to minimising visual bulk. This outcome is demonstrated within Drawing TP-504 as shown in the Figure below:



196. While acknowledging that the proposed development would be visible above this neighbouring dwelling, it is considered that the presentation of the proposed north-facing walls towards this space would be read as a backdrop to the more immediate interface with the dwelling within No.30 Bedford Street.
197. Views of the proposed development from the first floor terrace are also considered to be acceptable with regard to the degree of physical separation provided between these areas (approximately 10m) and the elevated nature of the terrace which would retain open aspects on all but its northern side where it is attached to the dwelling.

No.7 Otter Street

198. The proposed development would be set back approximately 14m from the SPOS associated with this dwelling which is located within a terrace area at first floor as shown in the figure below:



199. It is considered that the limited portion of the building visible from the terrace would not constitute unreasonable visual bulk due to the degree of physical separation and the limited portion of the building visible from this area.

No.9 Otter Street

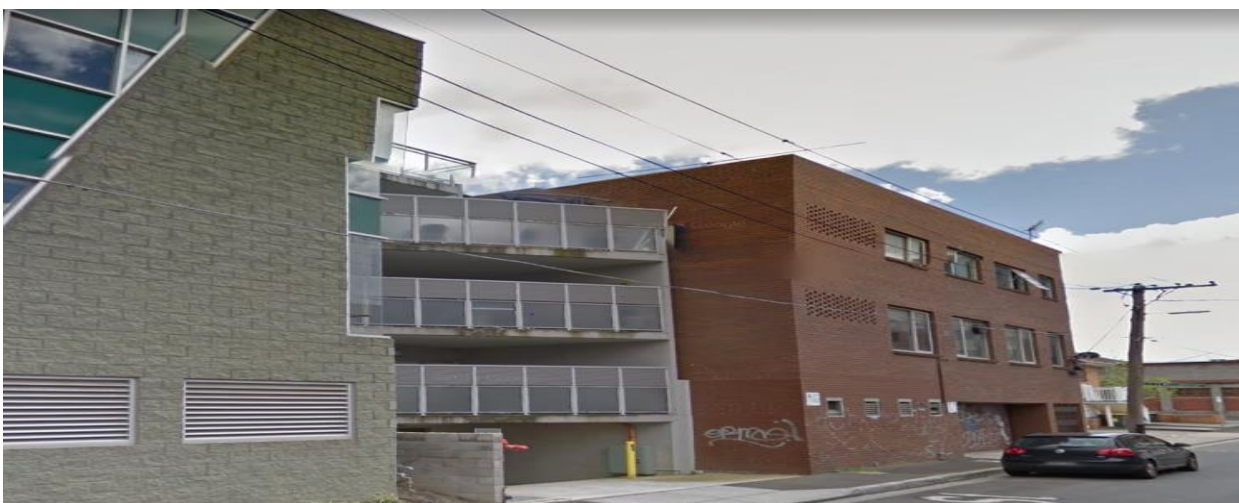
200. The open space around the south and western perimeters to the apartment building are associated with service areas (clothes drying and other services) and therefore the presentation of the proposed development would not result in unreasonable visual bulk impacts due to the non-sensitive nature of these areas.

South – No.36 Bedford Street

201. The apartment building to the south contains east and west-facing balconies with aspects to Napoleon and Bedford Streets respectively.
202. With regard to the Bedford Street (west-facing) balconies, the proposed building would be constructed against the northern perimeter which is considered to provide a reasonable design response in light of these areas being enclosed at their northern end as shown in the photograph below:



- 203. While the proposed development would extend the height of the southern, on-boundary walls, it is considered that this would not result in unreasonable visual bulk impacts with the westerly aspect over Bedford Street being retained relatively unchanged minus a narrow loss of wider, sky views over and above where the existing building is constructed.
- 204. For the east-facing balconies, the proposed development would increase the height of on-boundary walls presenting onto these balconies at third floor and introduce a boundary wall to the terrace at level 4 which is currently open on its northern side as shown in the image below:



- 205. The additional height of the proposed boundary walls is considered reasonable in context where on-boundary construction is a common element of the established built form character and the use of setbacks from the boundary at levels 4 and above.
- 206. The setbacks from the southern boundary limit the height of on-boundary walls to the level 3 balcony to approximately 4.8m. With the primary aspect of this balcony being to the south-east, over Napoleon Street, it is considered that the presentation of the south-facing walls is not unreasonable in this instance.
- 207. The south-facing walls located opposite the neighbouring terrace at level 4 would be limited to approximately 1.9m in height compared to the terrace FFL before being set back 2.7m from the boundary as shown in the elevation below:



208. The limited wall height adjoining the terrace at level 4 is considered reasonable at this height.

Daylight to windows

209. The apartment building to the south at No.5-7 Napoleon Street (approved under Planning Permit PL01/1313) contains multiple north-facing, habitable room windows which face onto the neighbouring apartment building at No.36 Bedford Street as shown in the photograph below:



210. With the subject site being located approximately 8m to the north of these windows, it is considered that there would not be any unreasonable loss of sunlight to these habitable room windows which are associated with bedrooms at first and second floor and a secondary window to the eastern elevation associated with a living room at second floor.

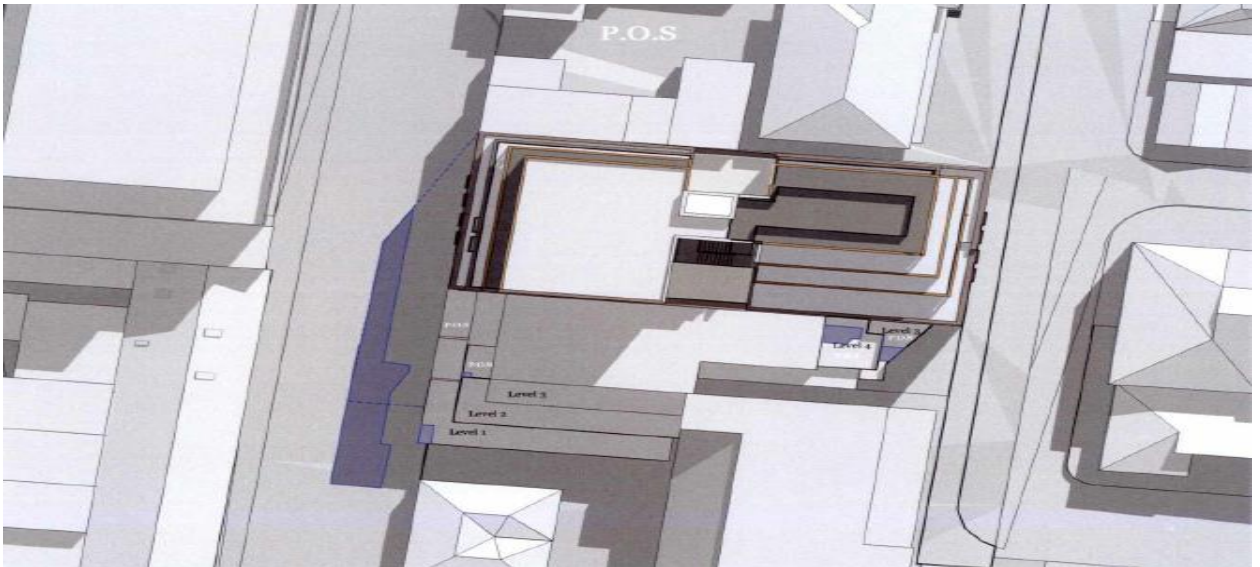
211. The proposed development is not located in proximity to any other habitable room windows associated with neighbouring dwellings. Any remaining habitable room windows which face onto the subject site are either located on the opposite side of Bedford or Napoleon Street or located in excess of 8m to the north.

Overlooking

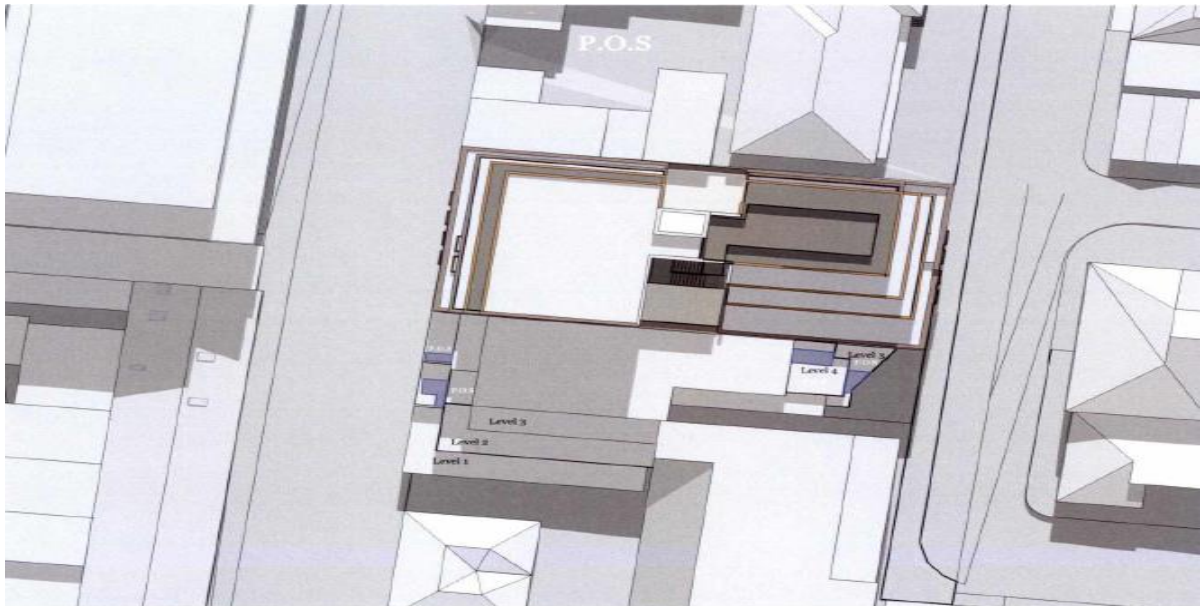
212. The proposed development would not result in unreasonable overlooking opportunities to the north, east or west with no direct lines of sight being provided from habitable room windows or balconies (including the rooftop terrace associated with Unit 6.01) to sensitive interfaces within 9m (inclusive of the opposite side of Napoleon and Bedford Streets).
213. The rooftop terrace associated with No.36-38 Bedford Street would be located approximately 10m from the east-facing bedroom windows associated with the southern light court of the proposed development. Being in excess of 9m from these windows, this is considered to avoid unreasonable overlooking opportunities, reflecting the overlooking outcomes sought under the Rescode provisions at clause 55 of the Yarra Planning Scheme.
214. The southern perimeter to balcony areas on the eastern wing of the building would be treated with obscure glazing to 1.7m above FFL and would therefore also avoid a direct line of sight down to the rooftop terrace within No.36-38 Bedford Street.

Overshadowing

215. The proposed development would result in additional overshadowing to east and west-facing terrace areas associated with the apartment building to the south at No.36 Bedford Street.
 - (a) West-facing terraces
216. With regards to the west-facing terraces, two (2) first floor areas would be affected by additional overshadowing at 11:00am and 12:00pm as shown in the images below (additional shadowing from the proposed development shown blue):



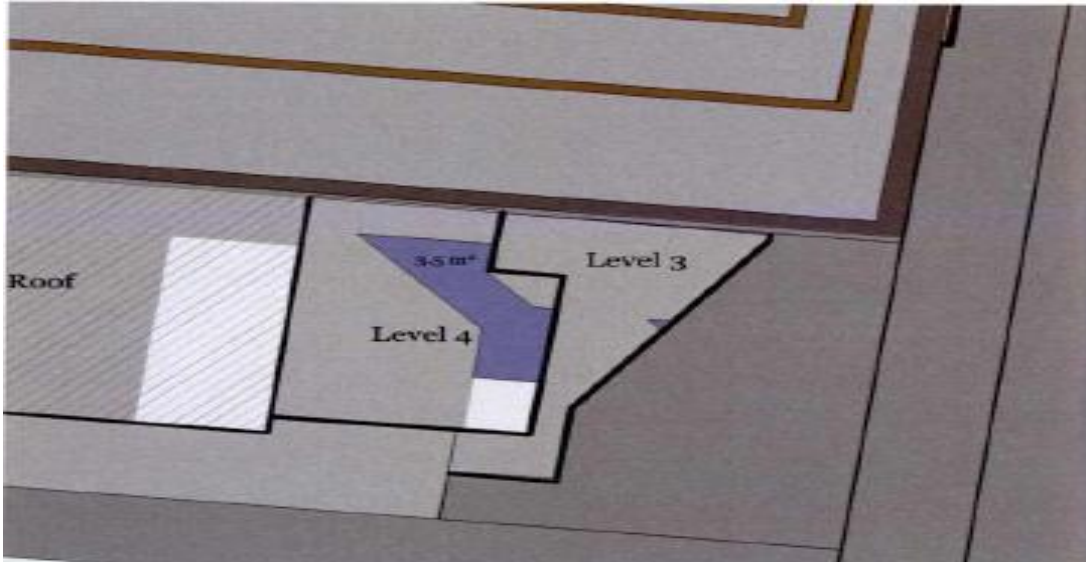
217. The extent of additional shadowing cast to the terraces at 11am (above) is not considered to be unreasonable due the modest area affected and limited change to how this space is currently utilised/enjoyed as an outdoor space.
218. These west-facing terraces are currently compromised in terms of their access to sunlight as a result of having been constructed to the south of the existing office building which has extensive wall heights on the common boundary between the two lots and being partially enclosed with a roof.



219. The additional shadowing at 12:00noon (in blue) would affect two first floor terraces as shown in the figure above. This additional shadowing would dissipate by 1:00pm and in light of the modest areas involved and the limited timeframe which the impact would occur; this impact is not considered to be unreasonable.
220. For the southern of the two terraces, this area would be affected by additional shadowing at midday from the podium level of the south-facing wall associated with the proposed development. Any additional shadowing cast from the proposed development would also dissipate by 1:00pm. It is considered that in light of the limited timeframe in which this impact would occur that the impact would not be unreasonable.
- (a) East-facing terraces
221. Two east-facing balconies (one at level 3 and another at level 4) would be affected by additional shadowing cast from the proposed development.
222. The balcony at level 3 would be subject to additional shadowing between 10:00am to 1:00pm on the September equinox (being the specified time for assessment). The extent of additional shadowing (detailed in drawing TP-522) illustrates the impacted areas ranging in area between 0.9m² and 1.8m².
223. This balcony is currently affected by extensive shadowing cast from existing buildings and the areas which retain access to direct sunlight are irregularly shaped and do not constitute a space which is highly useable due to the irregular/narrow dimensions.
224. The height of the proposed on-boundary wall located opposite this balcony would be 1.2m higher than the existing on-boundary wall and with substantial setbacks from the interface from level 4 and above.
225. While the proposed development would further reduce the level of sunlight, it is considered that the impact is not unreasonable in light of the actual change to the use of this SPOS and the limited sunlight which it currently receives.
226. At level 4, the terrace would also be subject to additional shadowing throughout the day, with the extent ranging between 0.5m² at 3:00pm and 3.5m² at 2:00pm.
227. The shadowing impacts shown within Drawing TP-522 illustrate that while shadowing is cast to this terrace throughout the day, between the hours of 9:00am and 1:00pm, a rectangular area of approximately 6m² would be retained with access to direct sunlight.

The impact between 9:00am and 1:00pm is not considered to be unreasonable in light of the retained areas which would continue to provide an acceptable level of amenity for this dwelling.

228. In contrast to the point above, the extent of additional shadowing (3.5m^2) at 2:00pm would result in the retention of an area of only approximately 1m^2 with access to direct sunlight as shown in the figure below:



229. While eliminating the majority of areas with sunlight from the edge of the terrace at 2:00pm, this impact is acceptable in this particular instance due to the limited impact created throughout earlier hours.
230. This approach is also considered to be acceptable in light of the setbacks provided by the proposed development from the southern boundary where opposite this SPOS to avoid a more extensive shadowing which in the context of the Mixed Use Zone, where increased densities are encouraged under the purpose of the zoning.

Noise

231. Policy at Clause 22.05 – *Interface uses* of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses and visa versa.
232. It is considered that the residential facet to the proposal is unlikely to result in unacceptable noise emissions to the nearby commercial properties given the nature of residential use generally not creating significant noise levels. Furthermore, as the dwelling use does not require a planning permit, there is no further control that can be applied in regards to the use of dwellings.
233. The location of services/plant equipment is shown above the western wing to the building which abuts dwellings to the north. A condition would 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).
234. Noise associated with the operation of the Food and Drinks premises is governed by the applicable State Environment Protection Policy – conditions to this effect would also be included within the planning permit.
235. Additionally, any music associated with the proposed uses would also be subject to a condition of permit limiting any associated music noise to 'background' level only.

236. As outlined earlier in this report, the hours of operation for the Food and Drinks Premises would be limited between 7:00am and 7:00pm – these hours are considered to be reasonable within the ‘mixed use’ context of the location (given that policy under Clause 22.01 “Discretionary uses within a Residential 1 zone” allows operation between 8am and 8pm) and would be enforced through conditions.
237. In light of the conditions discussed above and in conjunction with the proposed hours of operation, it is considered unlikely that the use of the building would result in any unreasonable amenity impacts to the surrounding area, including the residential areas to the north.

Waste management

238. The Waste Management Plan specifies private contract collections for both the residential facet and commercial premises and that these collections must be undertaken in line with council’s Local Law No.3 which specifies that:

Waste shall not be collected between: 8pm Sunday and 7am the following Monday; 8pm on any day between Monday and Friday inclusive and 7am on the following day; or 8pm any Saturday and 9am the following Sunday. Also, the waste collector shall protect the acoustic amenity by minimising noise during the collection.

239. The WMP has been reviewed by council’s Waste Management Unit who are satisfied with the outcomes. A condition would require the waste collection to be undertaken in accordance with the WMP which would be endorsed to form part of the planning permit.

Car parking, bicycle parking, traffic, access and loading

240. Under clause 52.06 of the Scheme, the applicant is seeking a technical parking reduction of seventeen spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report.

Parking Availability

241. The applicant’s traffic engineers conducted parking surveys on Friday 24th March, 2017 and Saturday 25th March, 2017 and included Otter, Bedford, Napoleon and Little Wellington Street(s). The peak occupancy recorded during these times was between 69% and 97% (3-36 vacant spaces).
242. Council’s Senior Traffic Engineer confirmed that although the availability of vacant on-street parking is very limited, the time-based restrictions ensure there is a regular turnover of cars within these on-street spaces.

Parking Demand

243. For the Food and Drinks Premises component, council’s traffic engineers have suggested that adopting a rate of parking rate of 3 car spaces per 100 square metres of floor area for retail use and food and drink premises which would result in a parking demand of five (5) spaces for the commercial use.
244. The car parking reduction for residents is based on four (4) units not being provided with an on-site car parking space and for both of the 3-bedroom units only being provided with a single car parking space. The applicant’s Car Parking Demand Assessment provides justification for this approach utilising ABS Statistics which demonstrate a significant demand in the Collingwood locality for units with no on-site car parking and/or rates lower than those prescribed under clause 52.06 of the Scheme.

245. The statistics for Collingwood show that between 47% & 50% of one-bedroom units are being occupied by residents who do not own a vehicle and between 36% and 47% of two-bedroom units being occupied by residents who own a single vehicle. Significantly, only 22% of three-bedroom apartments in the Collingwood area are associated with ownership of 2 or more vehicles.
246. Council's Traffic Engineering Unit have confirmed that the rate of car parking provided on-site within the proposed development is generally in line with the rates reflected within the statistics outlined above.
247. In terms of visitor demand for the residential component, the applicant's traffic engineers adopted a rate of 0.12 spaces per dwelling which resulted in a peak visitor parking demand of three visitor spaces. Council's Traffic Engineer did note that that this typically quoted rate of 0.12 spaces per dwelling would also be lessened during 'non-peak' times during regular business hours. Council's Senior Traffic Engineer confirmed that visitor parking cannot be accommodated on the subject site due to the proposed stacker parking arrangement to be used.
248. The Car Parking Demand Assessment provided by the applicant outlines that the existing office building which has a leasable floor area of approximately 930m² would generate a requirement for thirty-two (32) car parking space pursuant to the requirements under clause 52.06 of the Planning Scheme and with only four (4) car parking spaces provided on-site, a credit of twenty-eight (28) spaces exists in association with this use.
249. This credit is significant in that it is actually higher than the reduction in car parking requirements triggered under the proposed development.
250. From a traffic engineering perspective, the waiver of the food and drinks premises and residential/visitor spaces is considered appropriate in the context of the development and its surrounding area. Council's Engineering Services Unit 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 MAC and Gertrude and Johnston Street NCs, which in turn will reduce the dependence on private vehicle ownership by future residents;
 - (b) The proposal includes secure bicycle parking spaces exceeding rates specified within the Scheme. Future residents would be able to take advantage of the Copenhagen bike lanes nearby along Wellington Street;
 - (c) Resident or visitor parking permits will not be issued for the development, which will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;
 - (d) 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 for the new dwellings;
 - (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) With regard to the relatively modest scale of the proposed food and drinks premises, it is likely that it 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;
- (g) A number of car-sharing facilities are located within proximity to the site, these include the following intersections:
 - Otter and Smith Streets;
 - Smith and Kerr Streets;
 - Smith and Hotham Streets;
 - Easey and Wellington Streets;
 - Gold Street;
 - 2 x Stanley Street;
 - Napier and Condell Streets;
 - Oxford and Langridge Streets;
 - Wellington Street; and
 - Smith and Peel Streets;
 - Wellington Street and Victoria Parade;
- (h) The location of the proposal encourages multi-purpose trips to the area, consolidating the function of the Smith Street Activity Centre; and
- (i) Additional on-street car parking space provided on Bedford Street for public use resulting from the deletion of existing vehicle crossover.

Traffic

251. According to the applicant's traffic report, traffic generation for the overall development would be 3 trips per day per dwelling, resulting in 54 trips per day with 5-6 vehicle trips in each peak hour. This number of trips is low and should not have an adverse impact on the surrounding road network as confirmed within the comments received from council's Traffic Engineering Unit.

Access and layout

252. Council's Traffic Engineering Unit has reviewed the proposed car parking and vehicle access design and are generally supportive of the arrangements. While this may be the case, it was noted that the northern side of the proposed vehicle entrance would abut an existing electrical pole to which Council's Traffic Engineering Unit have specified a 1m lateral clearance must be achieved from the edge of the crossover's splay. This matter would be addressed through a condition.
253. Council's Traffic Engineering Unit has recommended the inclusion of a number of conditions which are related to matters (eg re-sheeting of road surfaces) dealt with at later stages through other Council mechanisms and have therefore been addressed through standard conditions only.

Bicycle parking and facilities

254. As outlined earlier in the report the development is required to provide a total of six (6) residential bicycle spaces and one (1) associated with the food and drinks premises under clause 52.34 of the Scheme. The development provides twenty-three (23) bike racks in the basement floor and as such through the provision of these spaces, the applicant has responded to the objectives under State and Local transport policies geared towards encouraging low energy forms of transport such as clause 15.02-3, 18.02-1, 18.02-2 and 21.06.

255. The bicycle spaces have also been provided in a reasonably convenient location adjacent to the lobby and in an area where there is no potential for conflict of movements. Inclusion of at grade bicycle parking on either footpath (Bedford or Napoleon Streets) is not considered to be viable due to the narrow width of these areas which would result in a poor outcome for pedestrians.

Loading bay waiver

256. An on-site loading bay has not been provided for the food and drinks premises and the requirements of clause 52.07 are therefore required to be waived. Given the size of food and drinks premises, it is expected that loading and unloading will be from smaller vehicles (vans and the like). On-street spaces can be utilised for this purpose. These spaces will be able to accommodate the loading and unloading needs of the proposed use as it does a number of the surrounding businesses. It is also typical of most inner-city shops to not have a loading bay and this waiver is appropriate.

257. Council's Traffic Engineering Unit has agreed that the use of the on-street loading bay west of Bedford Street is acceptable in light of the points above.

Objector concerns

258. The majority of the issues which have been raised by the objectors have been addressed within this report, the following section provides a recap of the issues raised by objectors:

(a) *Excessive building height;*

(i) Issues associated with the height of the building have been assessed under paragraphs 113-122 earlier in this report and found to achieve an acceptable design response within the relevant context of the subject site and surrounding area.

(b) *Visual bulk impacts and loss of views;*

(i) While 'views' are not protected under the Yarra Planning Scheme, the presentation of the proposed building to sensitive interfaces with adjoining dwellings has been assessed with regard to visual bulk impacts in detail under paragraphs 191-208 and found to achieve an acceptable outcome.

(c) *Insufficient car parking;*

(i) The proposed reduction in car parking has been assessed under paragraphs 241-250 and found to achieve an acceptable outcome.

(d) *Overshadowing;*

(i) Additional overshadowing to areas of SPOS has been assessed under paragraphs 215-230 and found to achieve an acceptable outcome.

(e) *Overlooking;*

(i) The proposed development would not result in unreasonable overlooking opportunities subject to the conditions discussed under paragraphs 212-214.

(f) *Issues with bin collection and rubbish;*

(i) The Waste Management Plan has been reviewed by Council's Contract Cleansing Services Unit who is satisfied with the arrangements as discussed under paragraphs 238-239.

(g) *Impacts from the Food and Drinks Premises;*

(i) The use of the food and drinks premises has been assessed under paragraphs 93-103 and found to achieve an acceptable outcome within the mixed use context of the subject site and surrounding area.

- (h) *Lack of landscape plantings;*
 - (i) The limited use of landscaping for the development is considered acceptable within the context of the subject site as has been assessed earlier in this report under paragraphs 107-113.
- (i) *Possible wind tunnel affects;*
 - (i) There is no evidence to suggest that the proposed development would result in unacceptable wind impacts, noting that the existing building on the subject site currently has a three-storey street wall to Napoleon and Bedford Streets, and is only marginally higher than the approved streetwall under Planning Permit PLN12/0972.
- (j) *Disruption during construction phase.*
 - (i) While impacts during the construction phase are not able to be directly addressed through the requirements of the Planning Scheme, a condition of permit for a Construction Management Plan would be included to assist with minimising disruption to the area.

Conclusion

259. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives and council's preference to direct higher density residential development in Activity Centres on strategic redevelopment sites.
260. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant council policies.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/0313) for development of the land for dwellings, use of the ground floor as a food and drinks premises and an associated reduction in car parking and loading bay requirements at 32-34 Bedford Street, Collingwood subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (dated 21/06/17) but amended to show/include:
 - (a) Replacement of dark tinted glass to the common foyers and lift lobbies with clear glazing;
 - (b) Windows to all light courts, common area foyer and lift lobbies containing operable sections;
 - (c) Any works required to comply with recommendations from the acoustic report requested under condition 5;
 - (d) The habitable room windows facing onto central light courts treated to avoid a direct line of sight into habitable room windows located on the opposite side of the light court;
 - (e) Floor plans to demonstrate no less than 50% of dwellings to meet the bathroom design requirements under Standard D17 – *Accessibility* under clause 58 of the Yarra Planning Scheme;

- (f) The edge of the splay for the new vehicle crossing having a minimum 1m clearance from face of the electrical pole in Napoleon Street;
 - (g) Any works, screening or other detail required to comply with the outcomes under condition 3(a);
 - (h) Lighting to lobby entrance and basement ramp.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the development commences, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by GIW and dated 19 April, 2017, but modified to include or show:
 - (a) Demonstrate that all upper level dwellings (401, 501, 503, and 601) have a cooling load less than 30 MJ/m²/pa;
 - (b) Bikes correctly numbered to correspond with the plans at 23 spaces.
 4. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) car stacker and vehicle entrance door operation;
 - (b) lift noise;
 - (c) noise from the Food and Drinks Premises to residents within the approved development;
 6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
 7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the Napoleon and Bedford street footpaths, kerb and channel and half width pavement for the width of the property frontage):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 9. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
 10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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 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.
13. 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 basement car park, and 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.
14. 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.
15. 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.
16. 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.
17. 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.

Use

- 18. No more than forty (40) patrons are permitted on the land at any one time.
- 19. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 7:00am to 7:00pm – seven days.
- 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. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 22. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 23. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.

24. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
25. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
26. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
27. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
28. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.
 - (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.

A building permit may be 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.

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

All future property owners, residents, 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.

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.

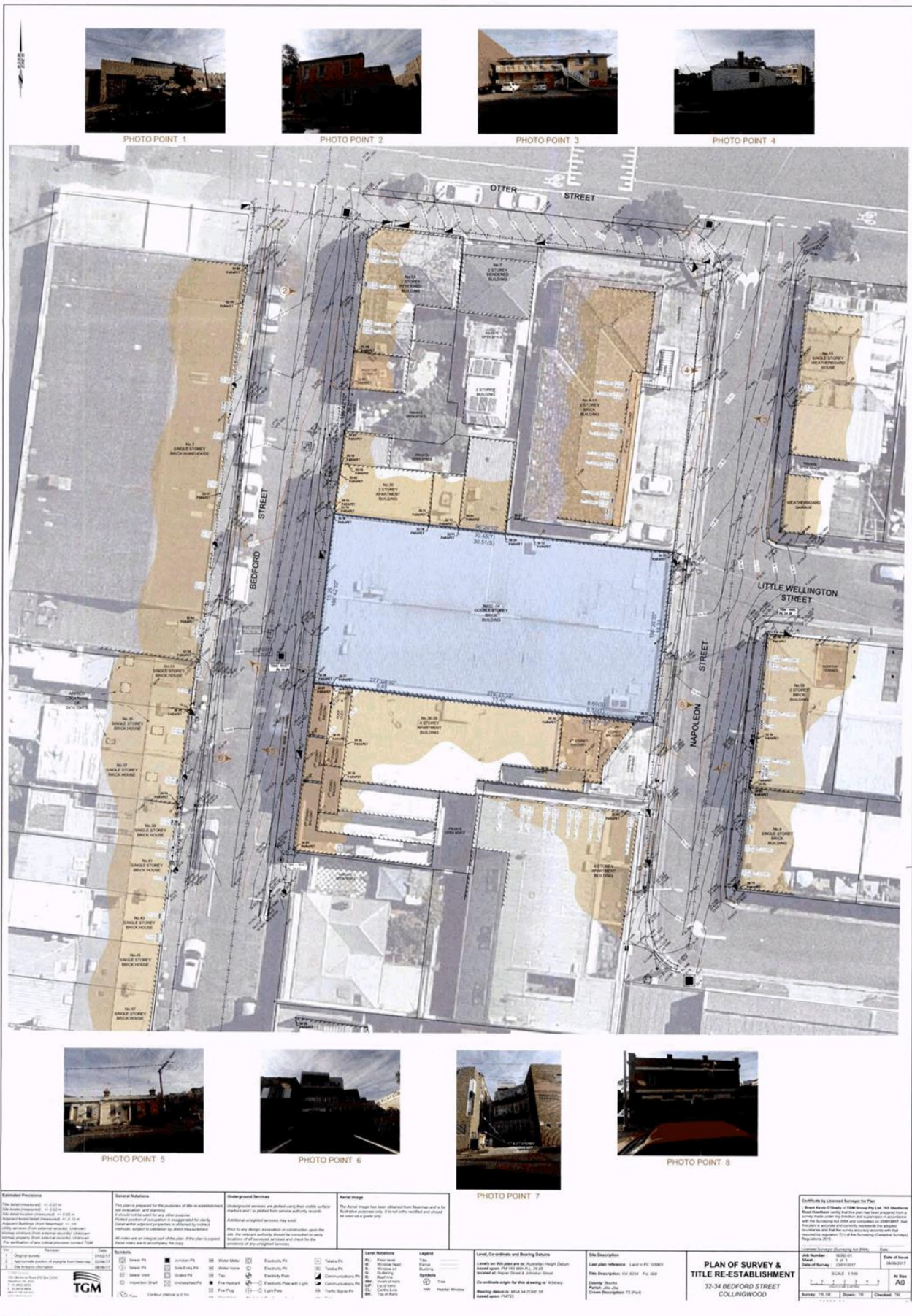
These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

CONTACT OFFICER: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 9205 5357

Attachments

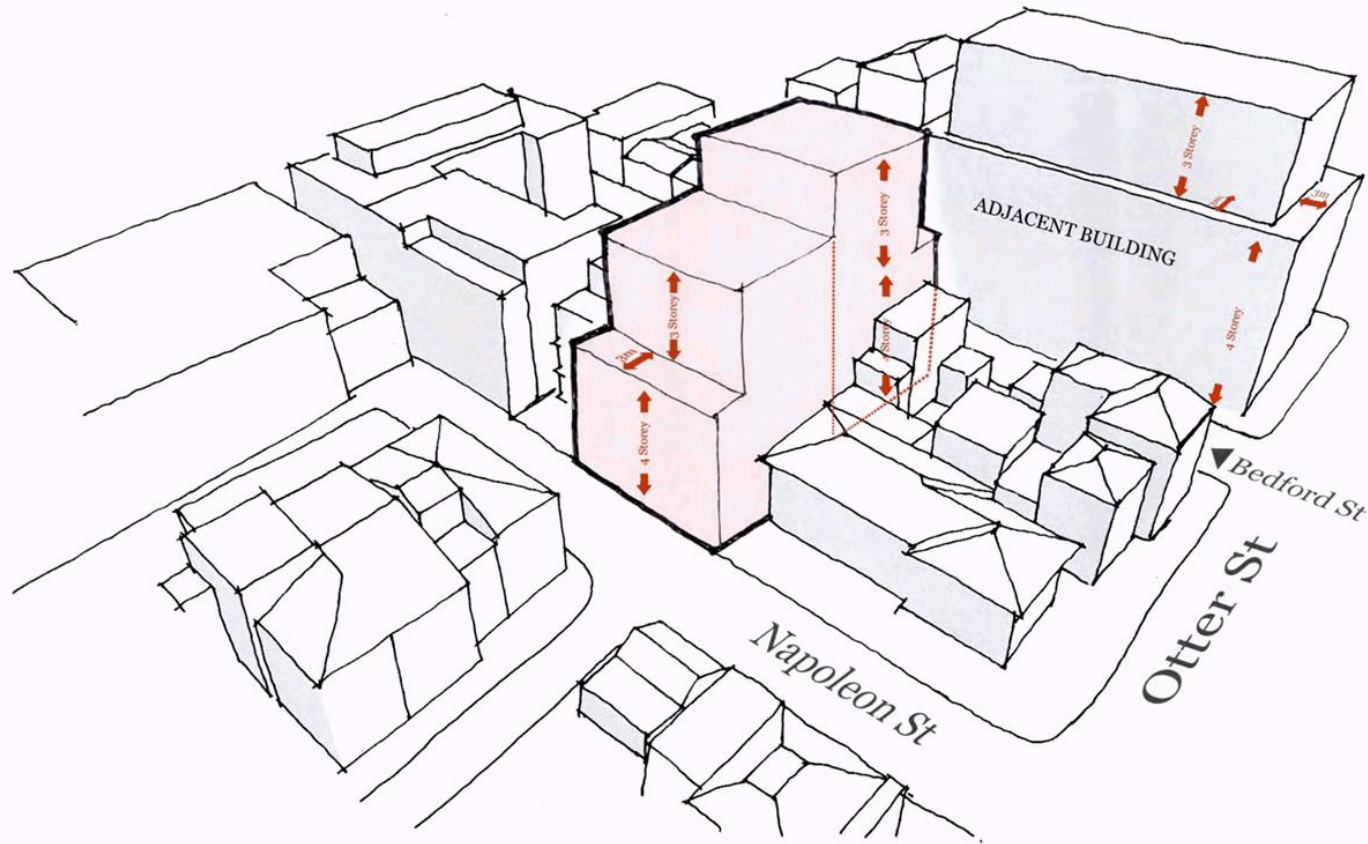
- 1 Plans
- 2 Plans
- 3 Plans
- 4 Plans
- 5 Traffic Engineering Unit comments
- 6 ESD comments
- 7 Urban Design comments

Attachment 1 - Plans



<p>Established Positions</p> <p>Original measurement: 10/02/14 Date last measured: 10/02/14 Date field notes prepared: 10/02/14 Address: 32-34 Bedford Street, Collingwood Project: Title Re-establishment</p>	<p>General Notations</p> <p>This plan is prepared for the purpose of title re-establishment and is not intended for any other purpose. All dimensions are in metres and rounded to the nearest millimetre. All bearings are in degrees, minutes and seconds, measured clockwise from the previous line. The plan is subject to any other plans or documents that may affect the land.</p>	<p>Underground Services</p> <p>Underground services are indicated using their usual surface markings and/or symbols for water, electricity, gas, sewer, stormwater, and telecommunications. Additional unmarked services may exist. The plan is subject to any other plans or documents that may affect the land.</p>	<p>Aerial Image</p> <p>This aerial image has been obtained from Google Earth and is for illustrative purposes only. It is not intended to be used as a guide.</p>	<p>Level Notations</p> <p>PL: Plane level RL: Reduced level TL: True level CL: Centre line SL: Surface level BL: Benchmark HL: Height of land FL: Finish level LL: Low level UL: Upper level DL: Down level AL: Above level BL: Below level CL: Centre line SL: Surface level BL: Benchmark HL: Height of land FL: Finish level LL: Low level UL: Upper level DL: Down level AL: Above level BL: Below level</p>	<p>Legend</p> <p>---: Boundary ---: Easement ---: Right of Way ---: Other</p>	<p>Level, Coordinates and Bearing Details</p> <p>Level: 100m Datum: MGA 2011 Coordinate system: MGA 2011 Bearing: True Conversion: MGA 2011 to MGA 1984</p>	<p>Site Description</p> <p>Lot 1: 32-34 Bedford Street, Collingwood Lot 2: 32-34 Bedford Street, Collingwood Lot 3: 32-34 Bedford Street, Collingwood Lot 4: 32-34 Bedford Street, Collingwood Lot 5: 32-34 Bedford Street, Collingwood Lot 6: 32-34 Bedford Street, Collingwood Lot 7: 32-34 Bedford Street, Collingwood Lot 8: 32-34 Bedford Street, Collingwood</p>
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Attachment 1 - Plans



TRADITIONAL BUILT FORM



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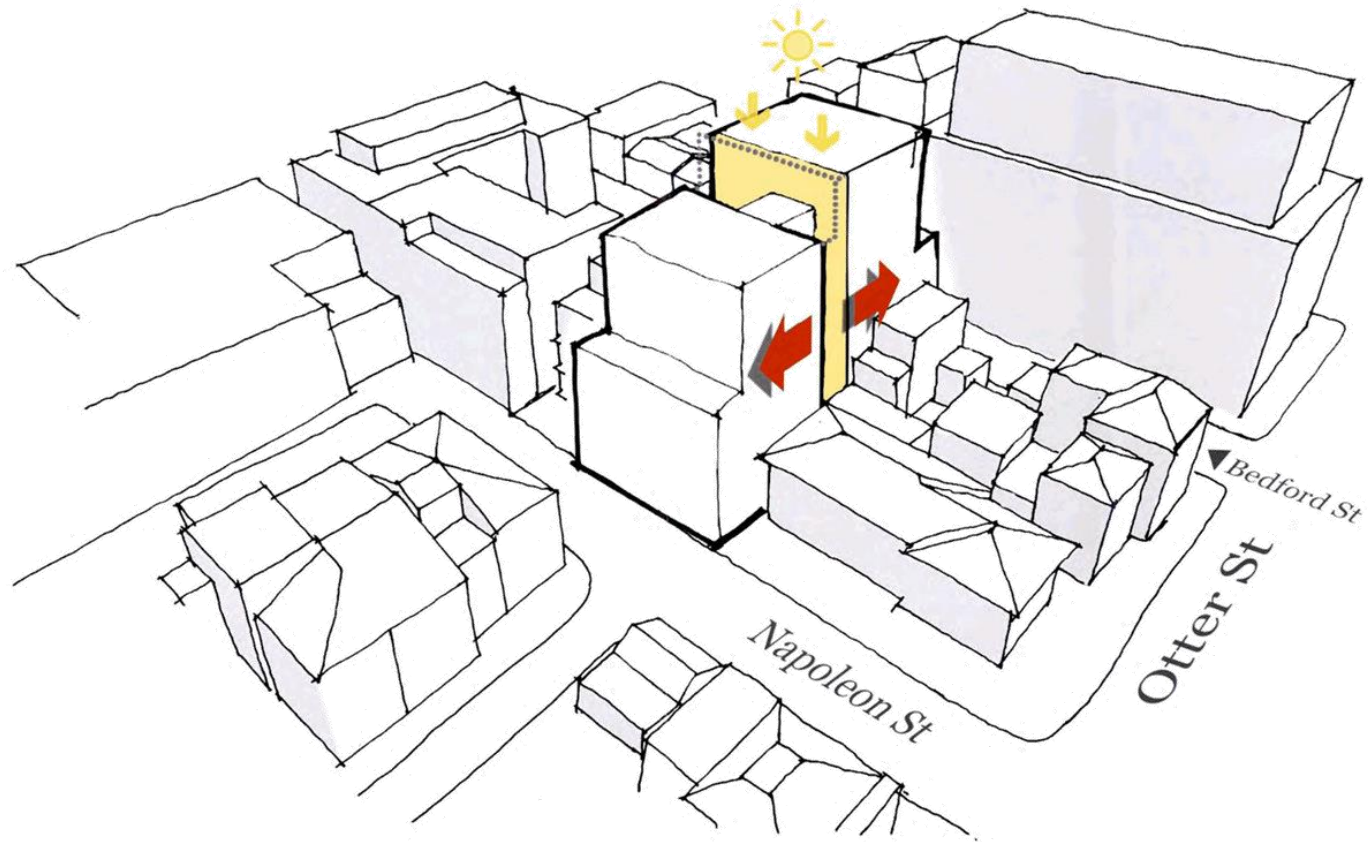
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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name
Drawing Number
Revision

Design Response diagram
TP200
B

Attachment 1 - Plans



Breaking up the built form & introducing light courts to the centre of the site.



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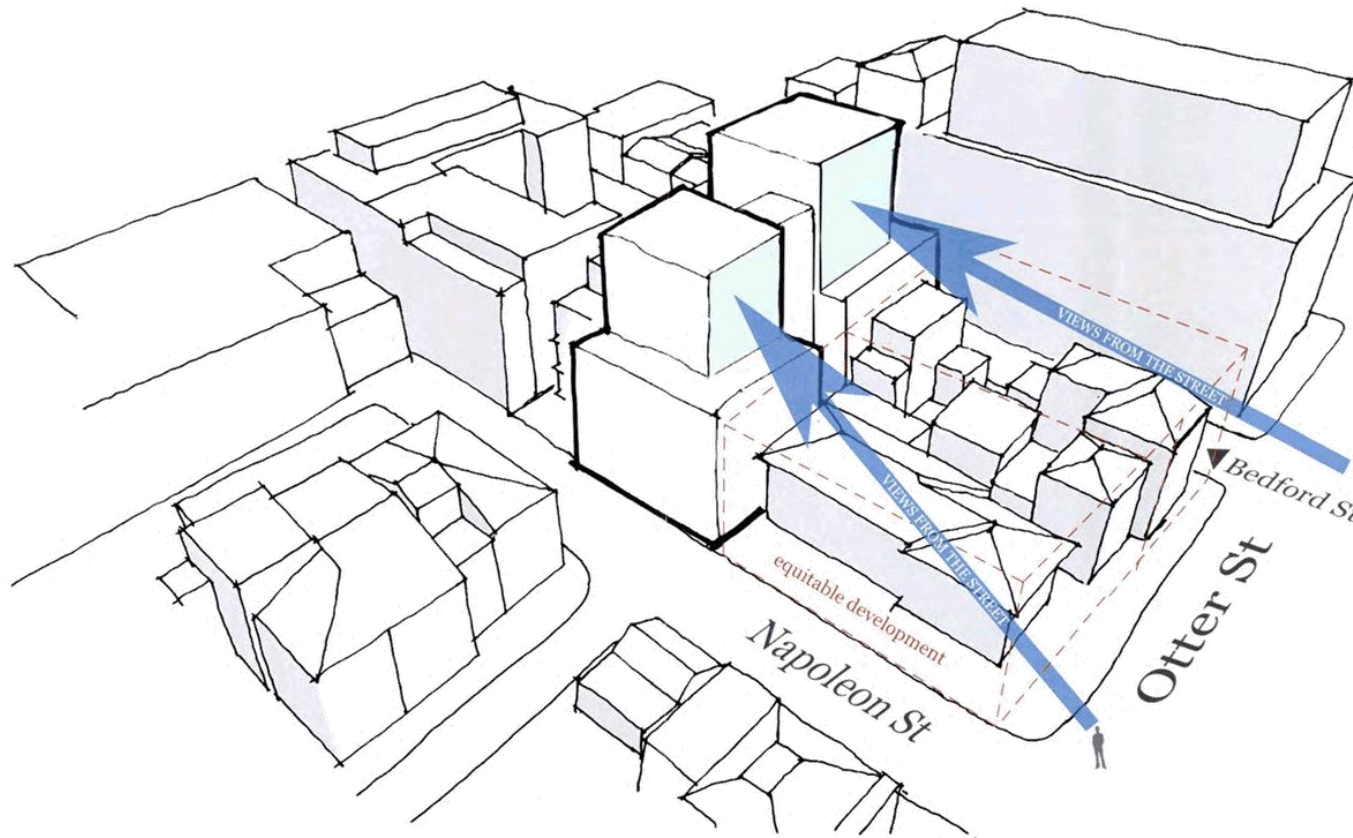
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Date 21/06/2017

Drawing Name
Drawing Number
Revision

Design Response diagram
TP201
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Attachment 1 - Plans



Views from Otter Street



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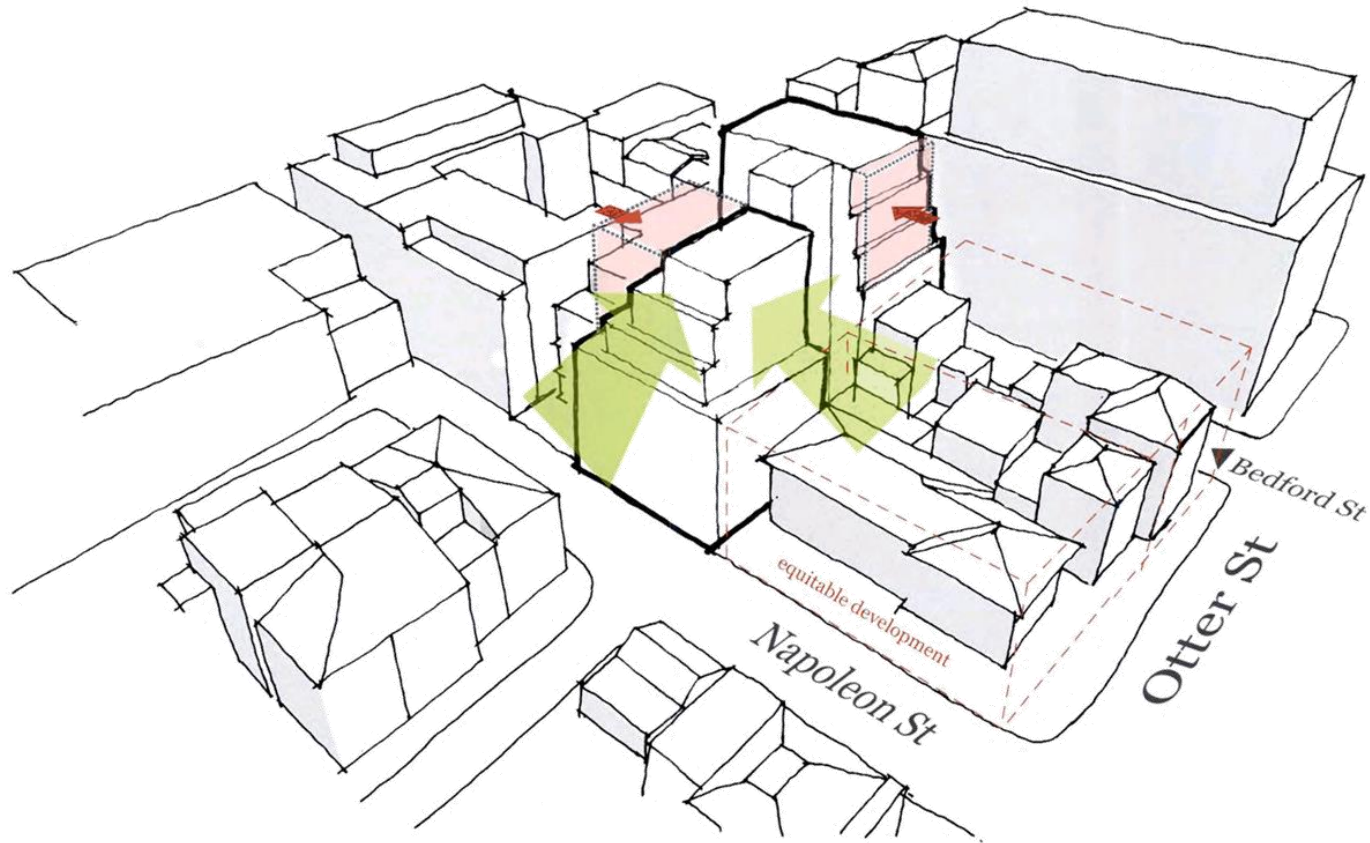
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Revision

Design Response diagram
TP202
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Attachment 1 - Plans



Shaped building mass to create interest to streetscape.



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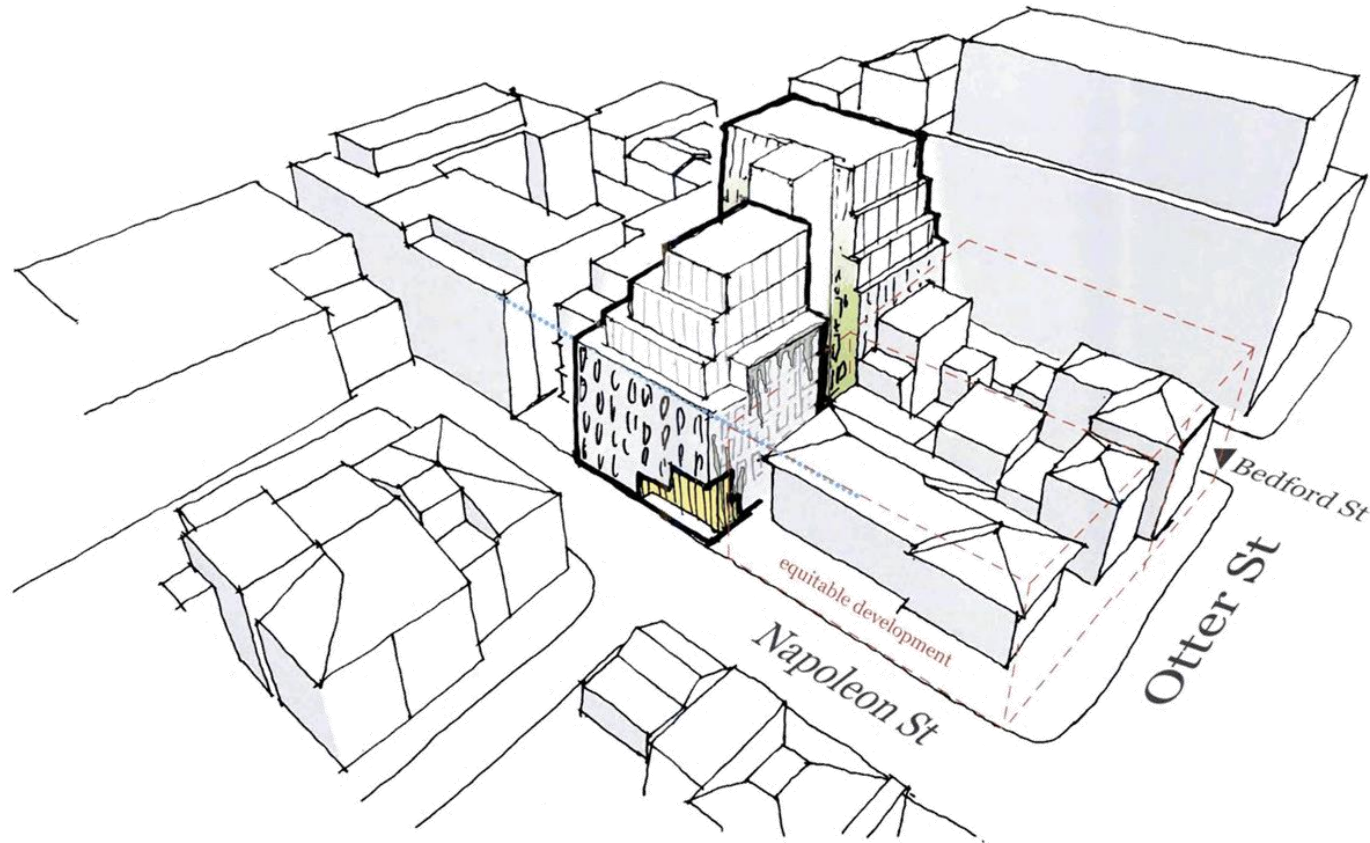
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Drawing Number
Revision

Design Response diagram
TP203
B

Attachment 1 - Plans



Further articulated to reduce building mass & avoid a blank wall to the boundary.



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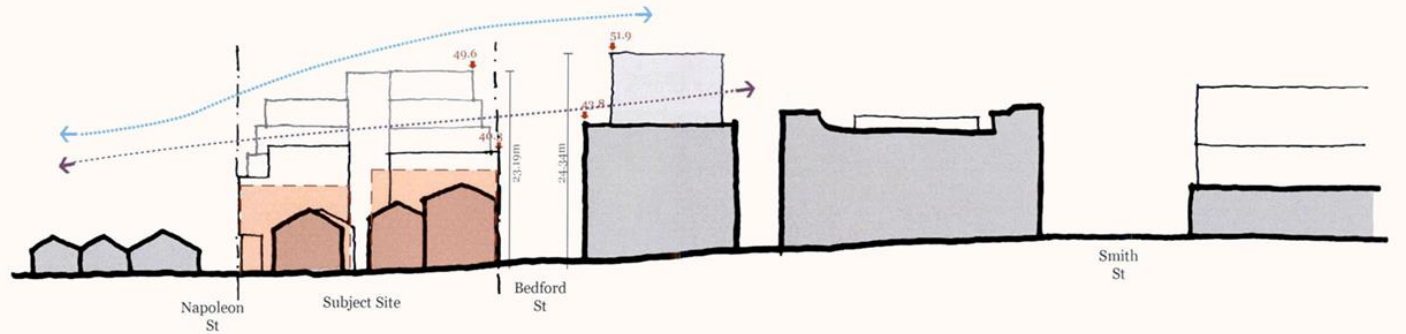
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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name
Drawing Number
Revision

Design Response diagram
TP204
B

Attachment 1 - Plans



- LINE OF STREETScape PODIUM HEIGHT
- LINE OF STREETScape BUILDING HEIGHT
- POTENTIAL DEVELOPMENT (11m under GRZ2)



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Project Name 32 Bedford Street
 Project Number 11576
 Date 21/06/2017

Drawing Name Design Response section
 Drawing Number TP205
 Revision B

Built form + Materiality

CONTEXTUAL INSPIRATION + PRECEDENTS



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Project Name 32 Bedford Street
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Date 21/06/2017

Drawing Name
Drawing Number
Revision

Contextual Inspiration
TP206
B

Attachment 1 - Plans

Contextual Inspiration: Materials

Strong warehouse form of brick, stone + glass



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Drawing Name
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Contextual Inspiration
TP207
B

Attachment 1 - Plans

Contextual Inspiration: built form
Recessed windows, staggered rooflines + integrated balconies



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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name
Drawing Number
Revision

Roof line & Built Form
Contextual Inspiration
TP208
B

Attachment 1 - Plans

Architectural Precedents; built form

Strong masonry form with changing fenestration, curtain wall/brick interface



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Date 21/06/2017

Drawing Name
Drawing Number TP209
Revision B

Attachment 1 - Plans

Architectural Precedents; materiality

Fenestration proportions + depth, hanging planters + bronze balustrades



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Project Number 11576
Date 21/06/2017
Scale

Drawing Name
Drawing Number
Revision

Precedents
TP210
B

Attachment 2 - Plans

Architectural Precedents; light court
Integration of courtyard spaces + green interfaces



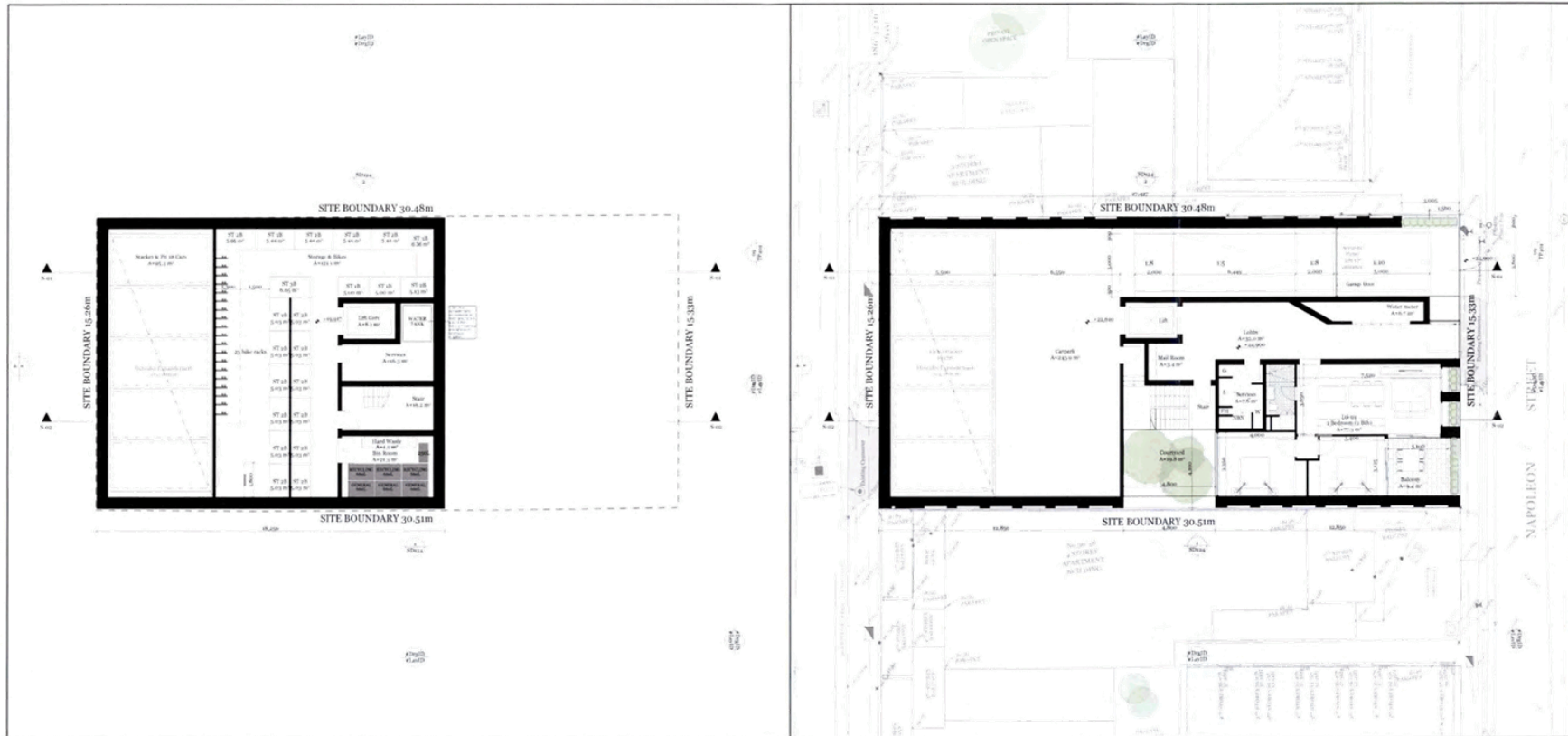
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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name Precedents
Drawing Number TP211
Revision B

Attachment 2 - Plans



Basement

Lower Ground

Rev.	Date	By	Chk	Description
1	08/12/17	JK	DK	Engineering
2	08/12/17	JK	DK	RTI

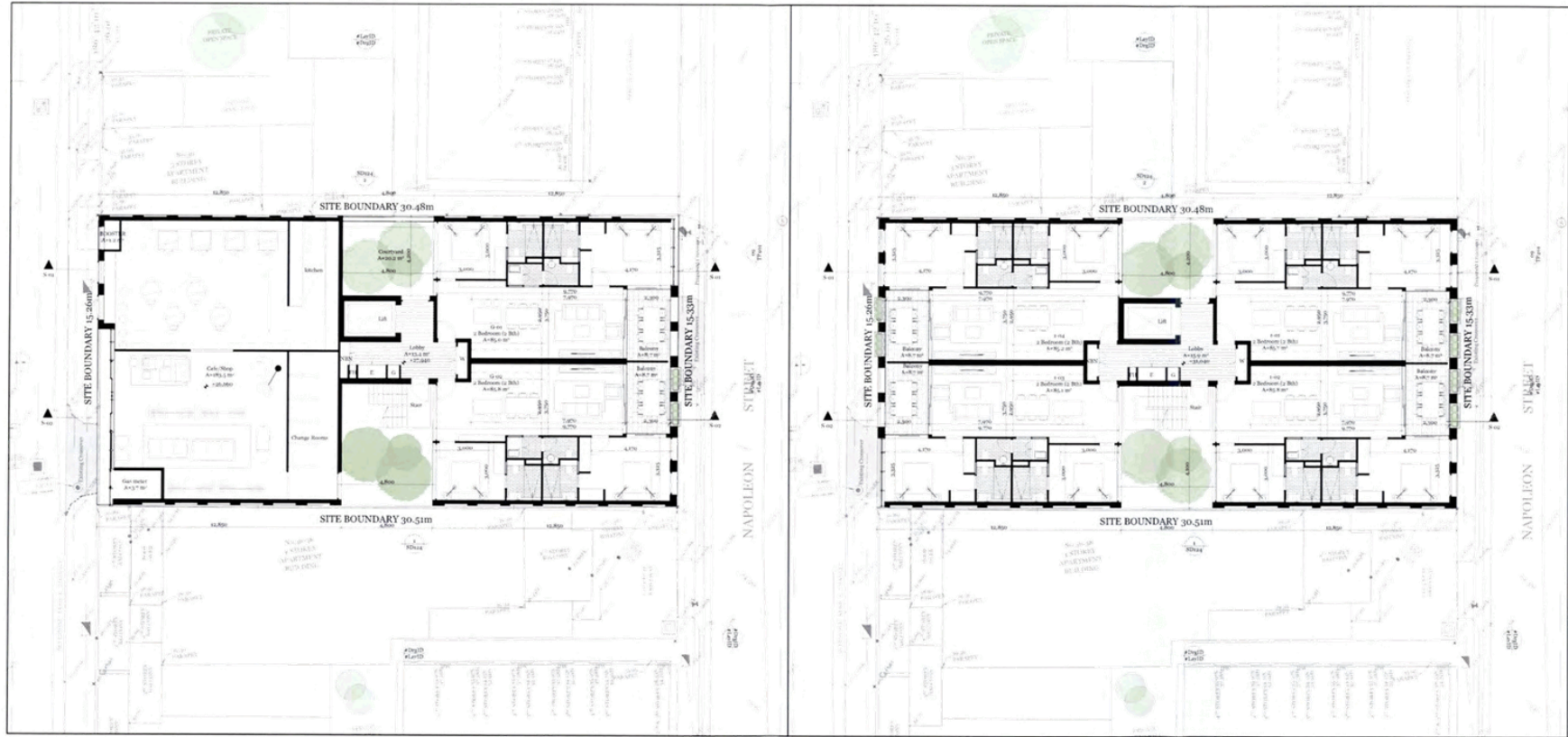
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 144 Southport, VIC 3208
 Tel: 03 9497 4444
 www.dko.com.au
 A/NZ: 03 9497 4444

DKO

Project Name: 44 Bedford Street
 Project Address: 44 Bedford Street, Melbourne, VIC 3006
 Client: Client Company

Project Number: 10276
 Drawing Name: Basement/Lower Ground
 Date: 22/08/17 1:30:00 AM
 Drawing Number: **TP300**
 Revision:

Attachment 2 - Plans



Ground

Level 1

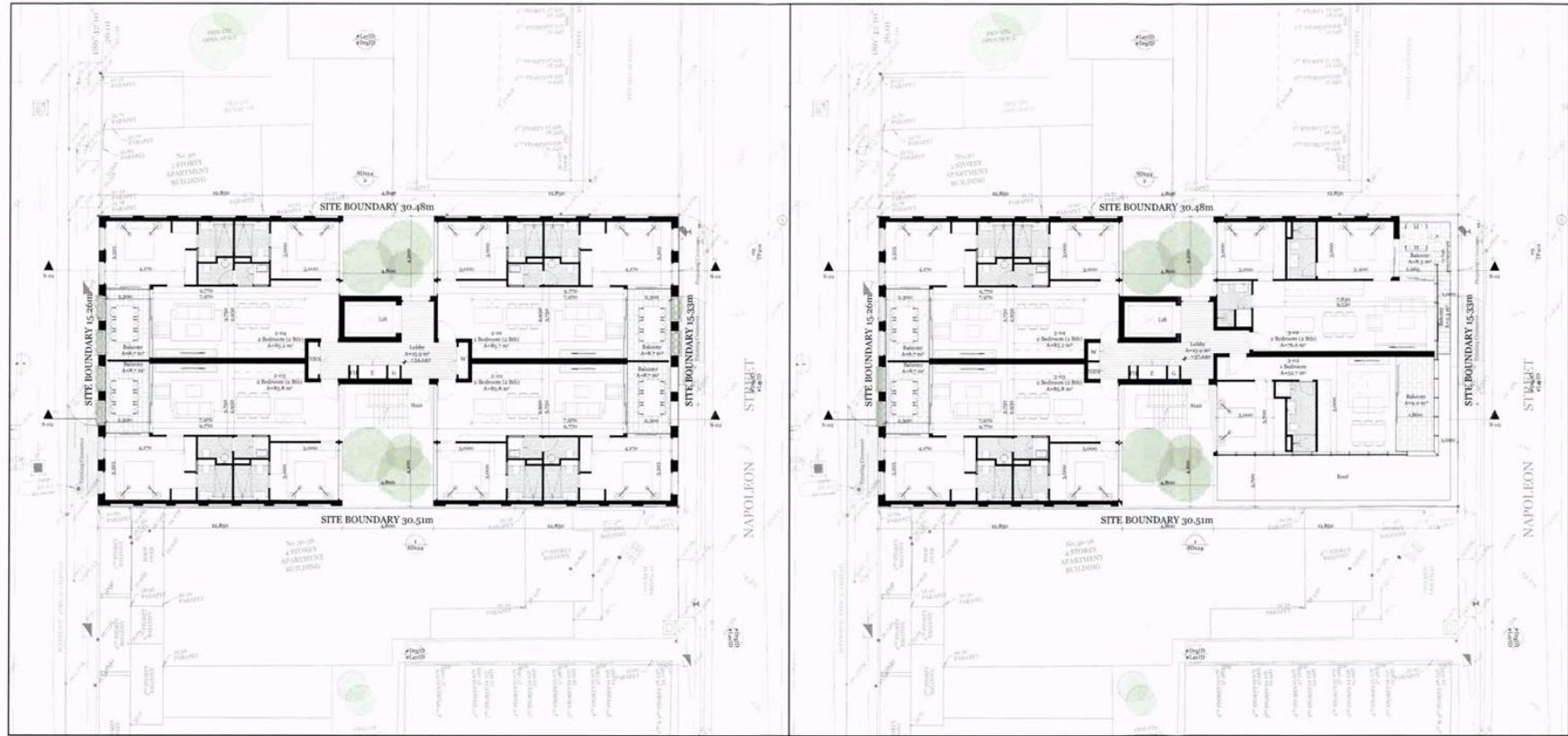
Rev	Date	By	Chk	Description
1	20/11/17	JK	DK	Transmittal

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Project Name: 20 Bedford Street
 Project Address: 20 Bedford Street, Melbourne, VIC 3000
 Project Number: 14575
 Drawing Name: Ground Lvl Floor Plan
 Date: 20/11/17
 Client: Clear
 Client Company: Clear
 Drawing Number: TP301
 Revision:

Attachment 2 - Plans

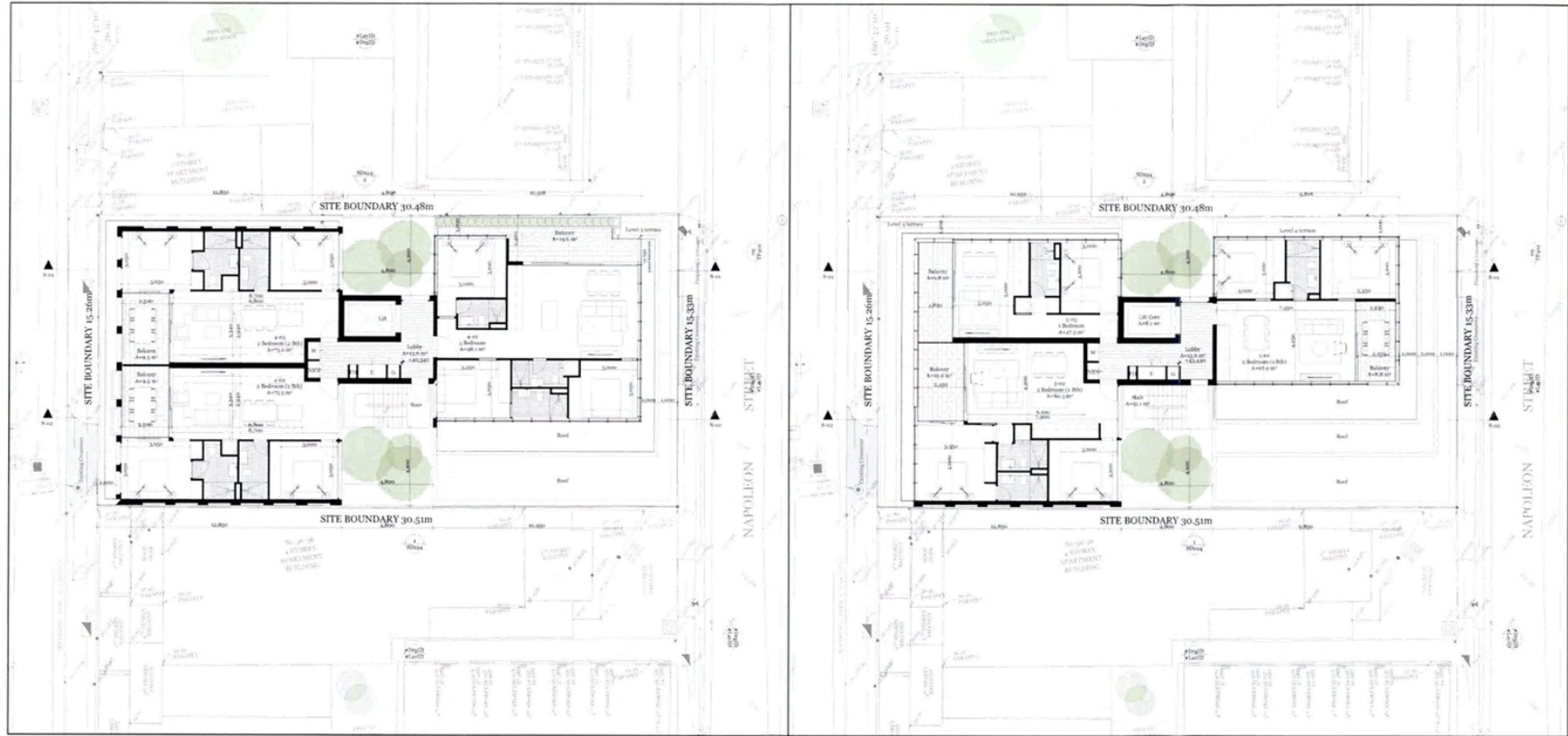


Level 2

Level 3

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Rev	Date	By	Chd	Description																																		
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2	20/11/17	JK	PC	R1																																		
Project Name	30 Balliol Street	Project Number	4338																																			
Project Address	30 Balliol Street, Melbourne, VIC 3006	Drawing Name	1st/3rd Floor Plan																																			
Client	Client Complete	Scale	1:2000/1:1000/As Shown																																			
		Drawing Number	TP302																																			
		Revision																																				

Attachment 2 - Plans



Level 4

Level 5

No.	Rev.	Date	By	Chk	Description
1		20/11/17	JK	DK	Design/Issuing

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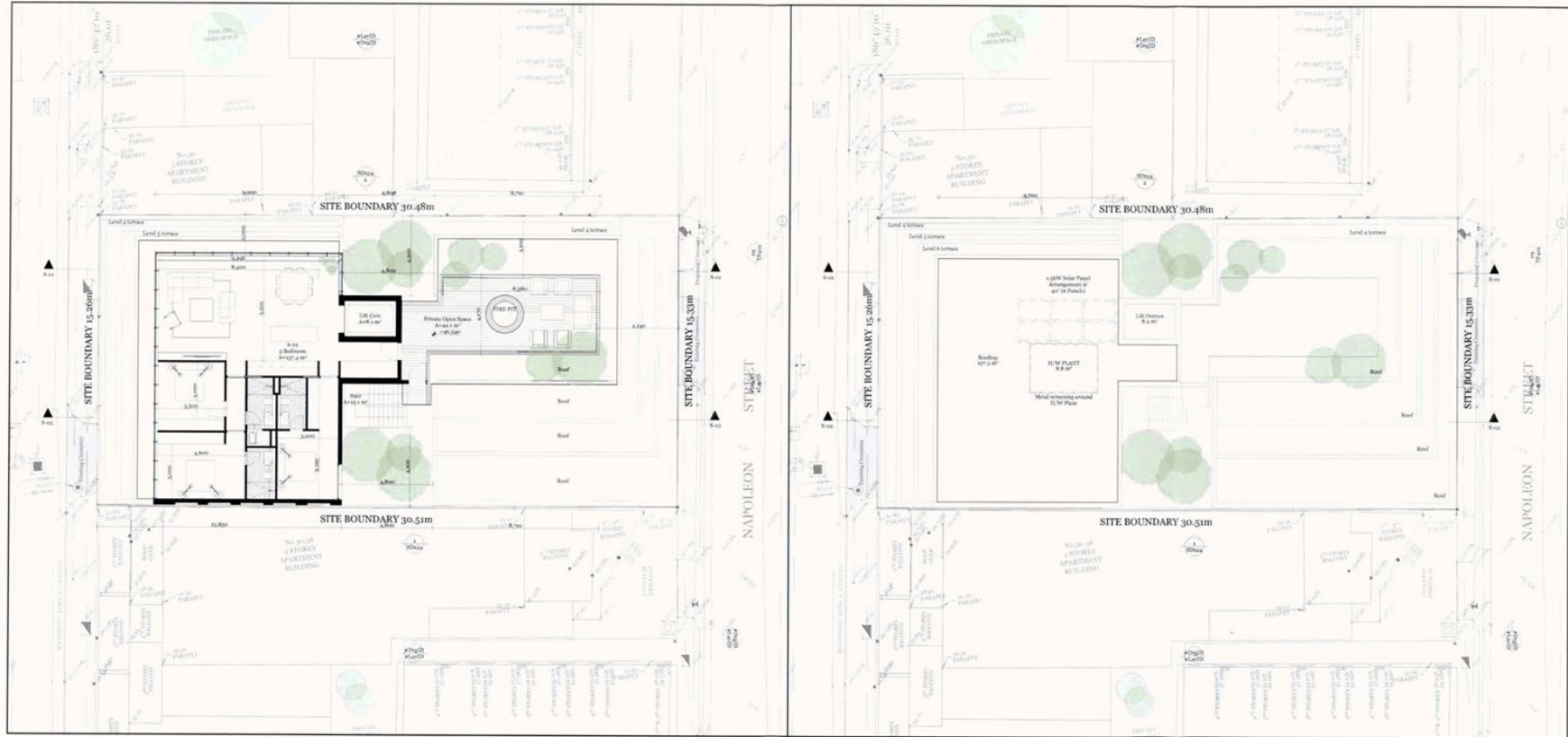


Project Name
 Project Address
 Client
 Client Company

Project Number
 Drawing Name
 Date
 Drawing Number
 Revision

TP303

Attachment 2 - Plans



Level 6

Roof

Rev	Date	By	Chk	Description
1	20/11/17	AL	DC	Transferring
2	20/11/17	AL	DC	RFI

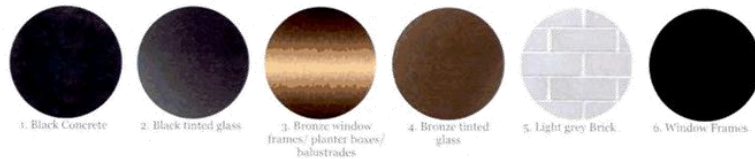
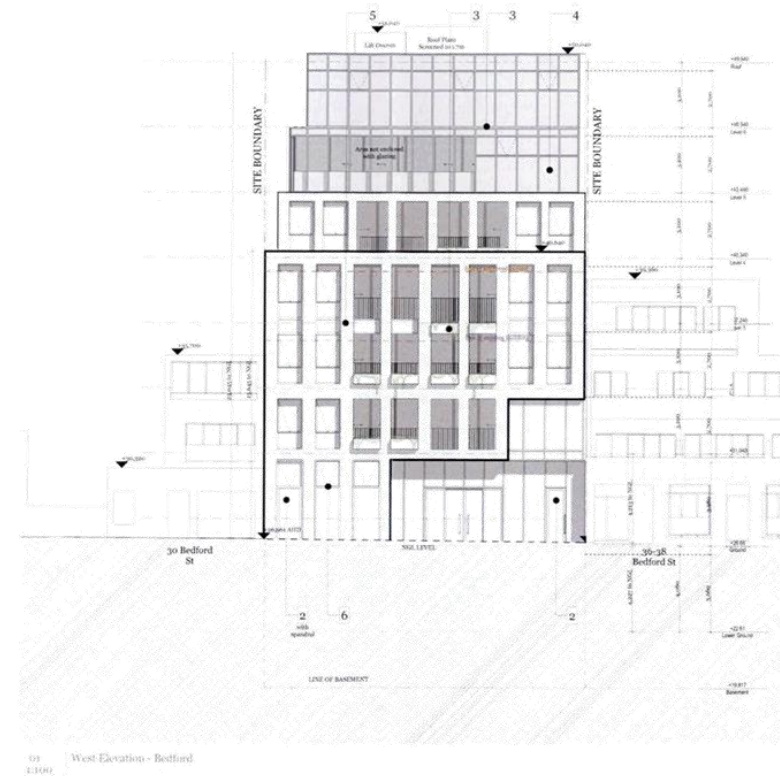
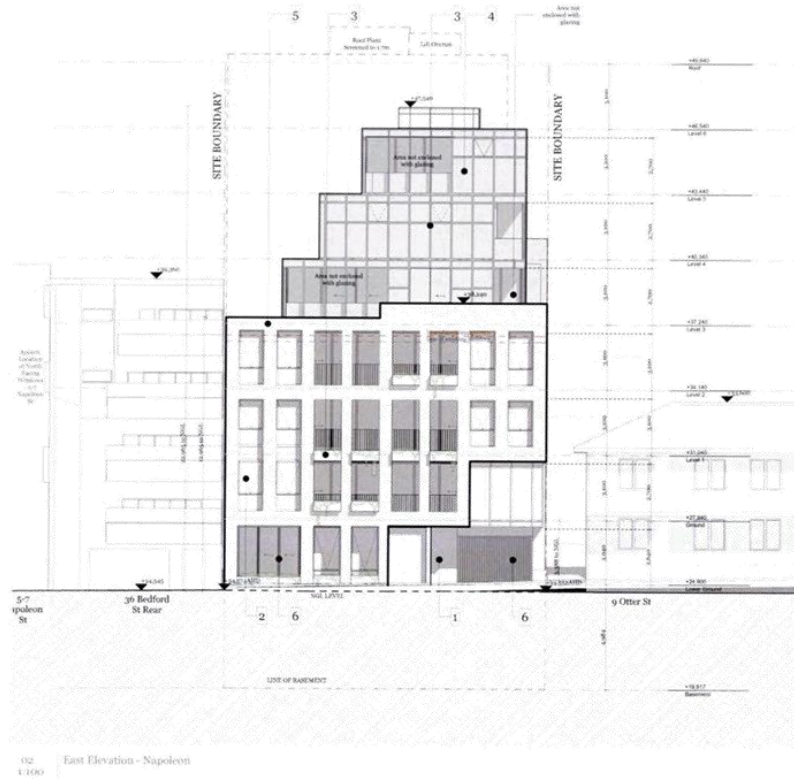
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 7-11 St, Melbourne, VIC 3006
 Australia
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Project Name: 22 Bedford Street
 Project Address: 22 Bedford Street, Melbourne, VIC 3006
 Client: Client Company

Project Number: 1020
 Drawing Name: L6 & Roof Floor Plan
 Date: 14/08/17
 Drawing Number: TP304
 Revision:

Attachment 2 - Plans

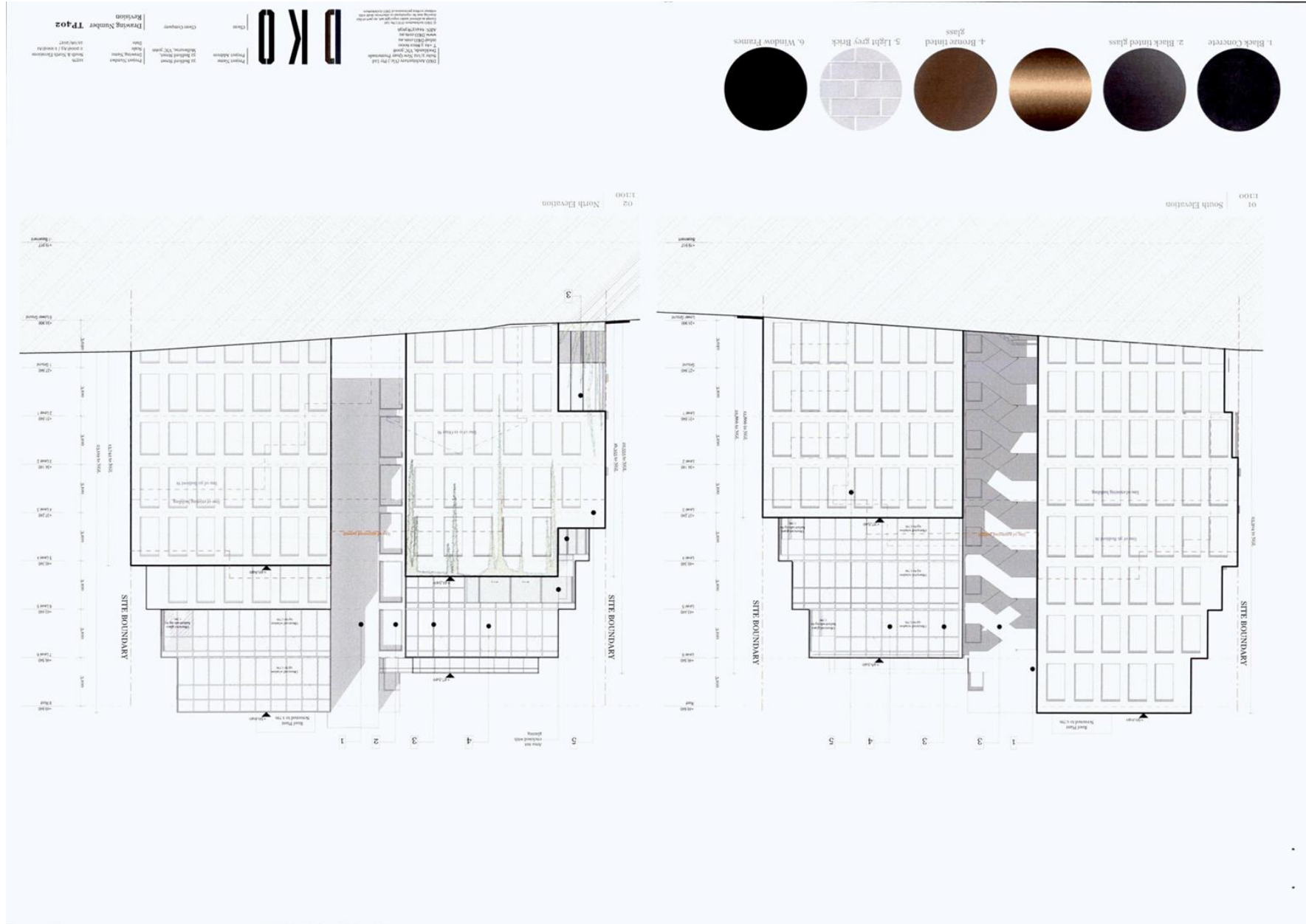


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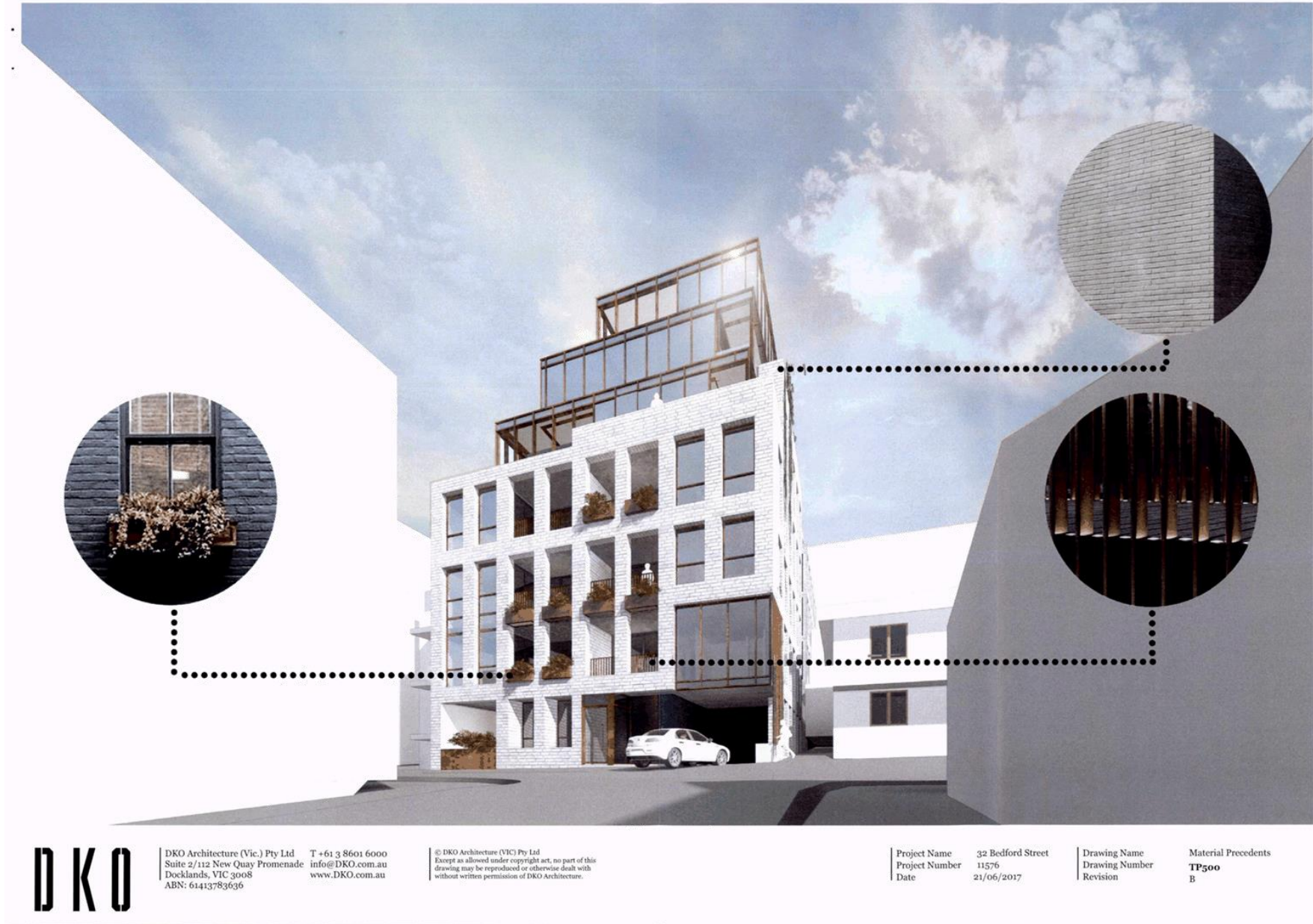
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Project Name	30 Bedford Street	Project Number	1027
Project Address	30 Bedford Street, Melbourne VIC 3000	Drawing Name	East & West Elevations
Client		Date	12/04/2017
Client Company		Drawing Number	TP401
		Revision	

Attachment 2 - Plans



Attachment 2 - Plans



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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name
Drawing Number
Revision

Material Precedents
TP500
B

Attachment 2 - Plans



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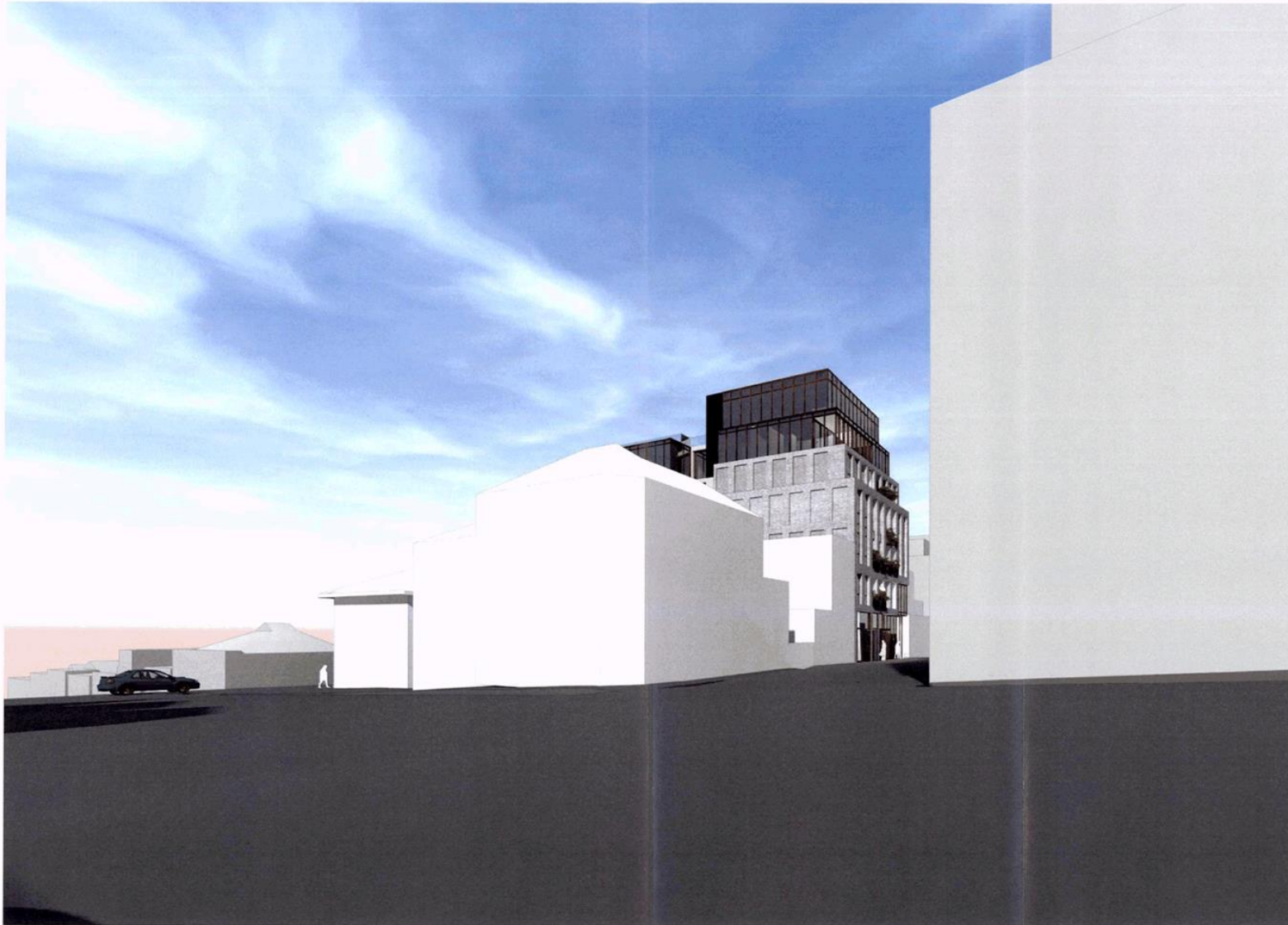
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Drawing Name
Drawing Number
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Artists Impression
TP501
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Attachment 2 - Plans



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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name
Drawing Number
Revision

Urban Views
TP502
B

Attachment 2 - Plans



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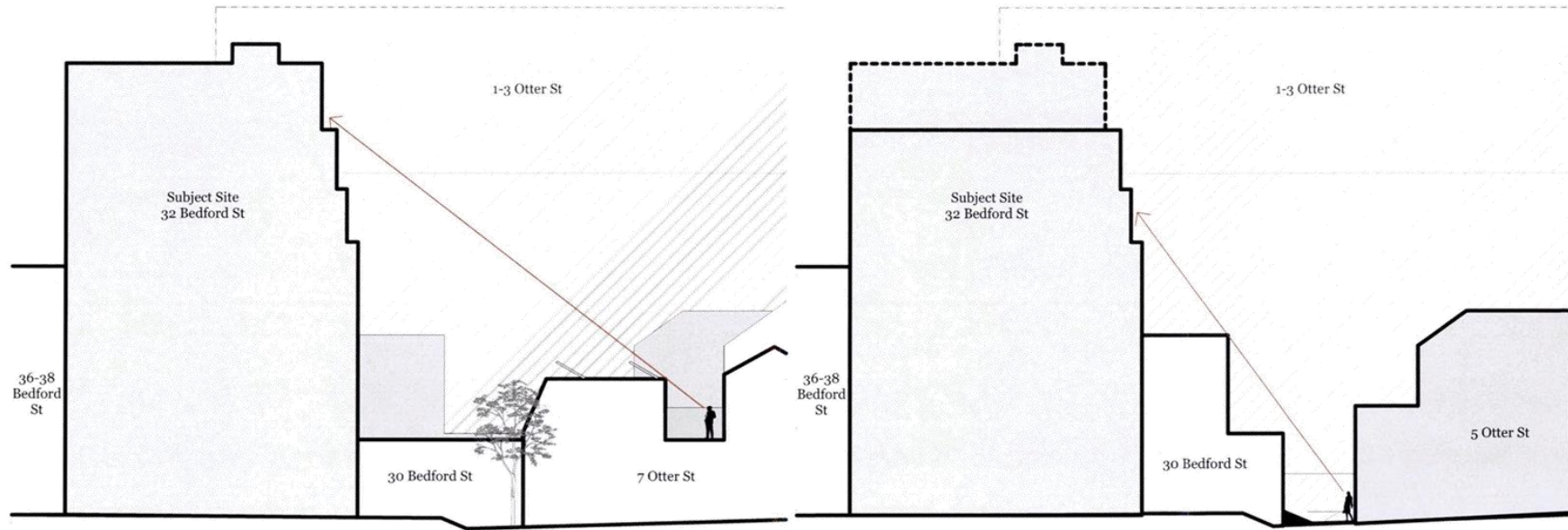
Project Name	32 Bedford Street
Project Number	11576
Date	21/06/2017

Drawing Name	Urban Views
Drawing Number	TP503
Revision	B

Project Name	32 Bedford Street
Project Number	11576
Date	21/06/2017

Attachment 3 - Plans

Urban View - 5-7 Otter Street P.O.S



View 1
Through 7 Otter St

View 2
Through 5 Otter St



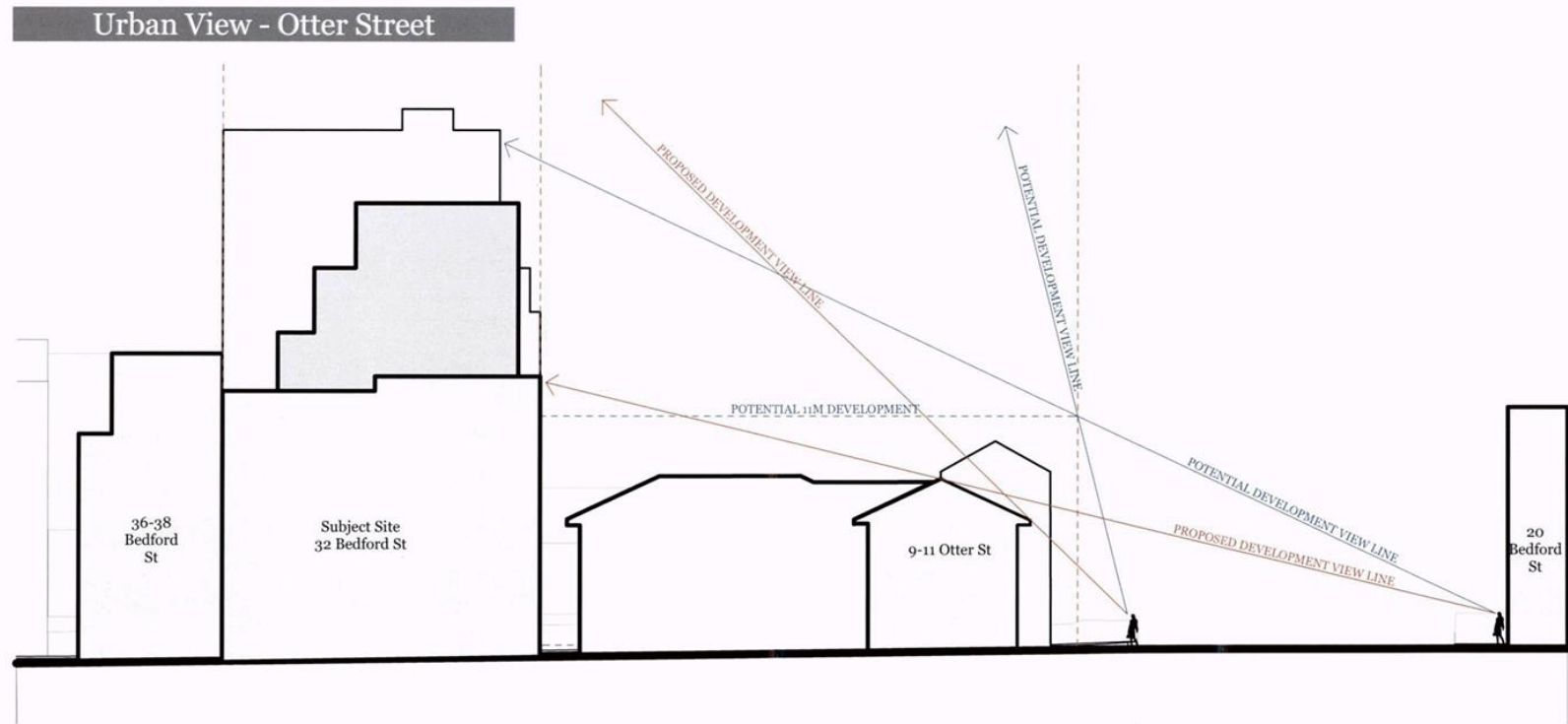
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Project Name 32 Bedford Street
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 Date 21/06/2017
 Scale 1:200@A3 / 1:100@A1

Drawing Name Urban View
 Drawing Number TP504
 Revision B

Attachment 3 - Plans



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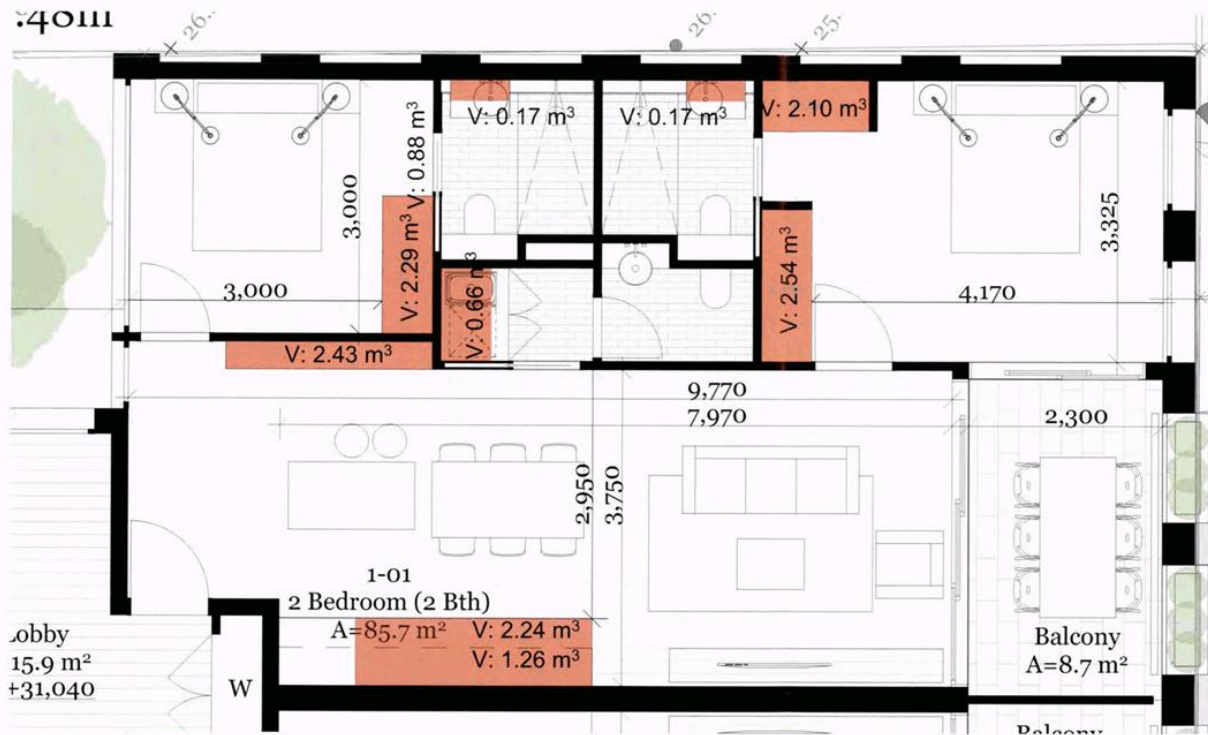
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 Scale 1:200@A3 / 1:100@A1

Drawing Name Urban View
 Drawing Number TP505
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Attachment 3 - Plans

Typical Plan - Storage Analysis



Required storage volume within dwelling: 9m³
Proposed storage volume within dwelling: ~13.86m³



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Project Name 32 Bedford Street
Project Number 11576
Date 23/06/2017
Scale 1:50

Drawing Name
Drawing Number TP506
Revision B

Attachment 3 - Plans

Alternate Accessible Plan



Requirements

- 850mm wide door openings - front, 1 x bed & 1 x bath
- 1200mm clear access to main bedroom & accessible bath
- 2700 x 1000mm clear from toilet & basin

Proposed

- 920mm door openings - front, 1 x bed & 1 x bath
- 1200mm clear access to bedroom & accessible bath
- 3325 x 1000mm clear from toilet & basin



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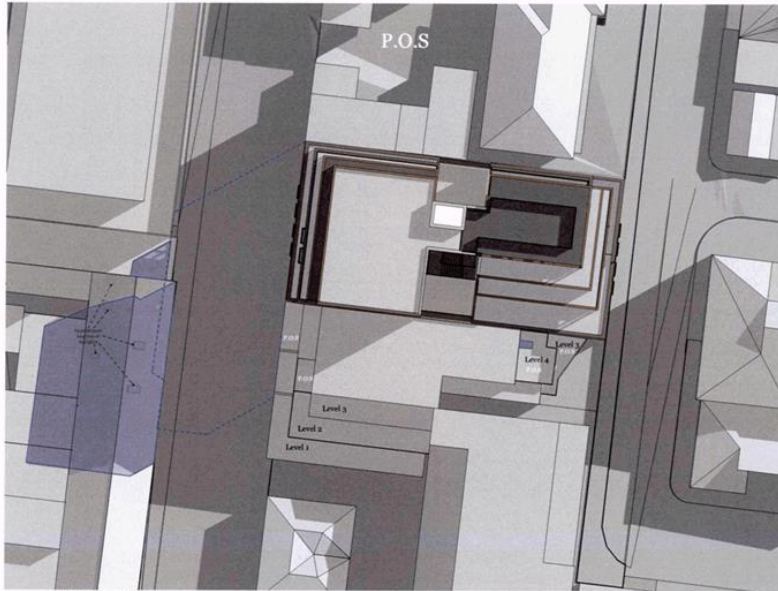
Project Name 32 Bedford Street
 Project Number 11576
 Date 21/06/2017
 Scale 1:50

Drawing Name
 Drawing Number
 Revision

Alternate Accessible Plan
 TP508
 B

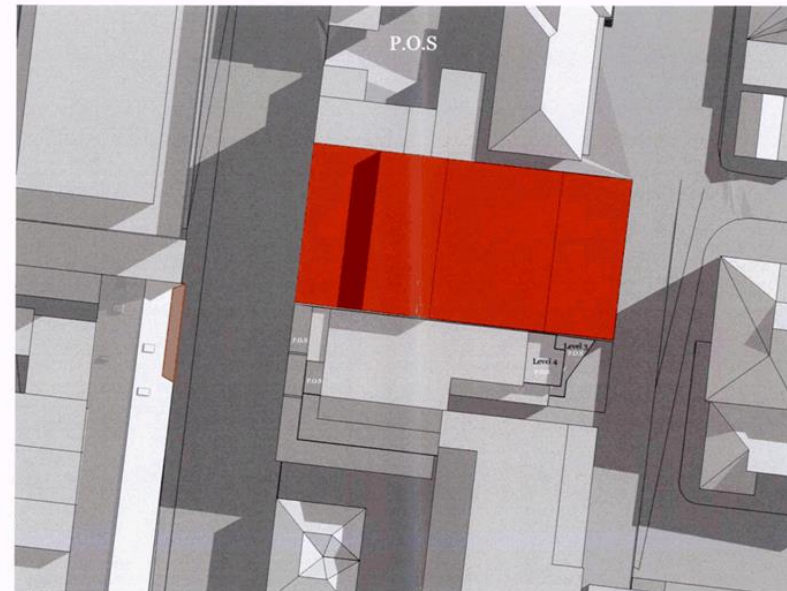
Attachment 3 - Plans

9AM



PROPOSED

- Additional Shadow
- Existing Shadow
- Podium extent



APPROVED PERMIT (PLN12/0972)

- Additional Shadow
- Existing Shadow



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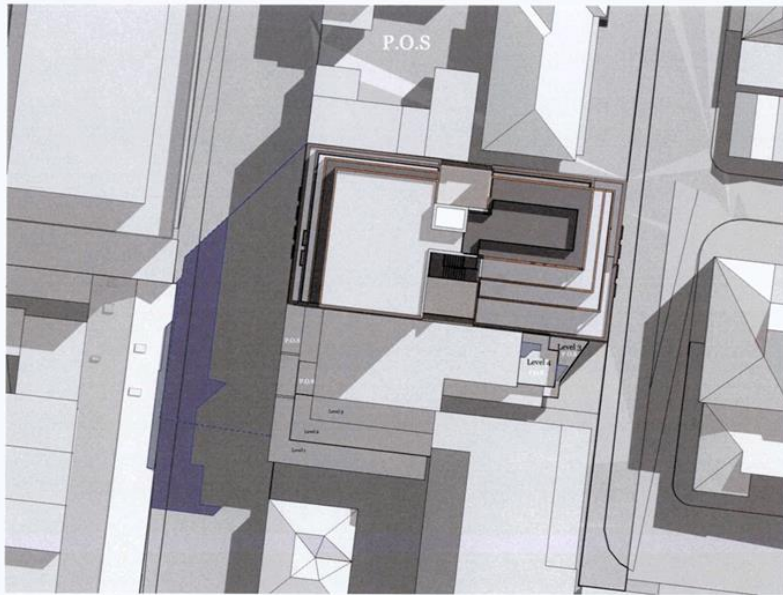
Project Name 32 Bedford Street
 Project Number 11576
 Date 21/06/2017
 Scale 1:400@A3 / 1:200@A1

Drawing Name
 Drawing Number
 Revision

Shadows Sept 9AM
TP509
 B

Attachment 3 - Plans

10AM

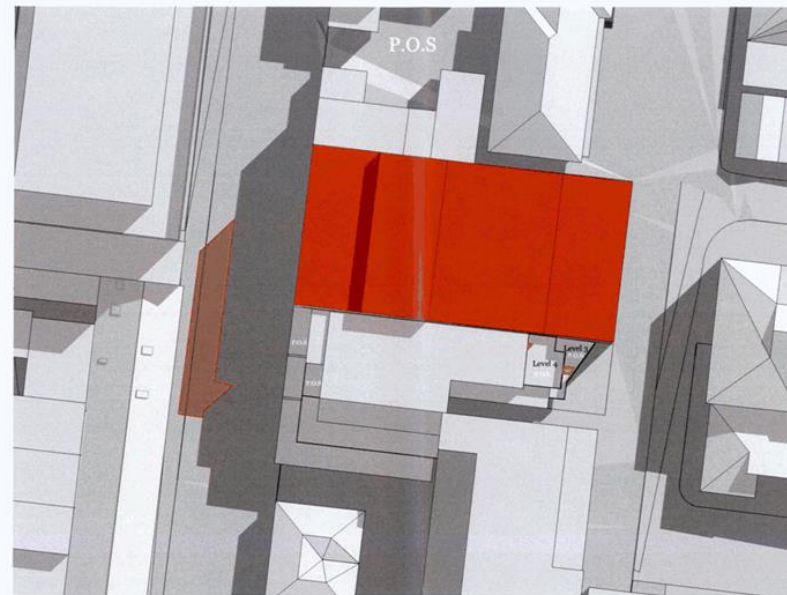


PROPOSED

 Additional Shadow

 Existing Shadow

--- Podium extent



APPROVED PERMIT (PLN12/0972)

 Additional Shadow

 Existing Shadow



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Drawing Name
 Drawing Number
 Revision

Shadows Sept 10AM
TP510
 B

Attachment 3 - Plans

11AM



PROPOSED

- Additional Shadow
- Existing Shadow
- Podium extent



APPROVED PERMIT (PLN12/0972)

- Additional Shadow
- Existing Shadow



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Drawing Name
 Drawing Number
 Revision

Shadows Sept 11AM
TP511
 B

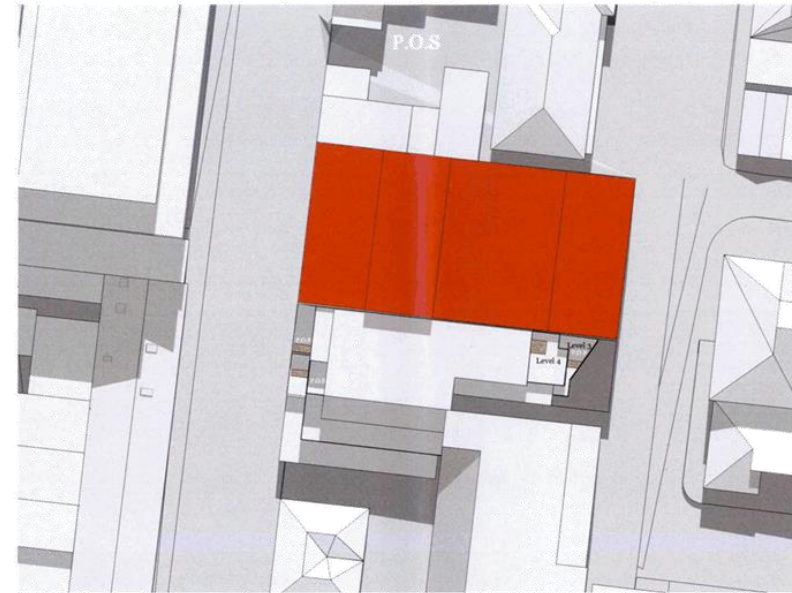
Attachment 3 - Plans

12PM



PROPOSED

- Additional Shadow
- Existing Shadow
- Podium extent



APPROVED PERMIT (PLN12/0972)

- Additional Shadow
- Existing Shadow



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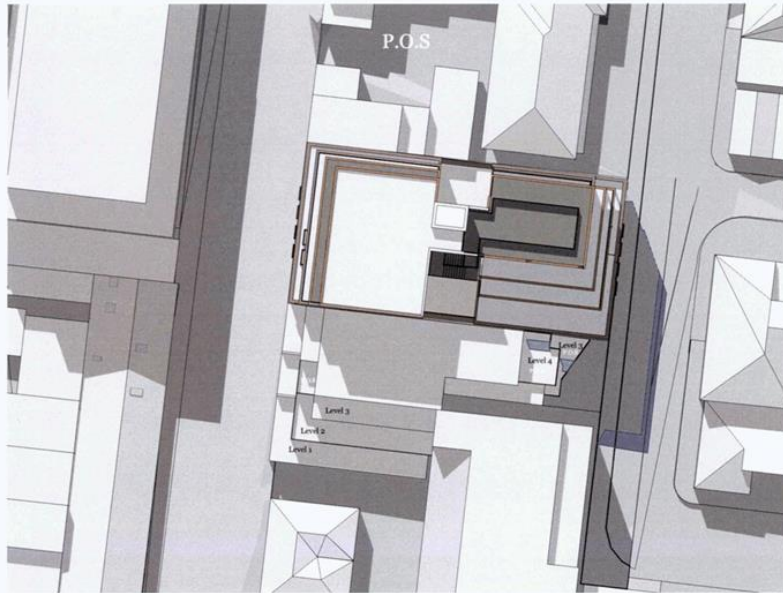
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 Project Number 11576
 Date 21/06/2017
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Drawing Name
 Drawing Number
 Revision

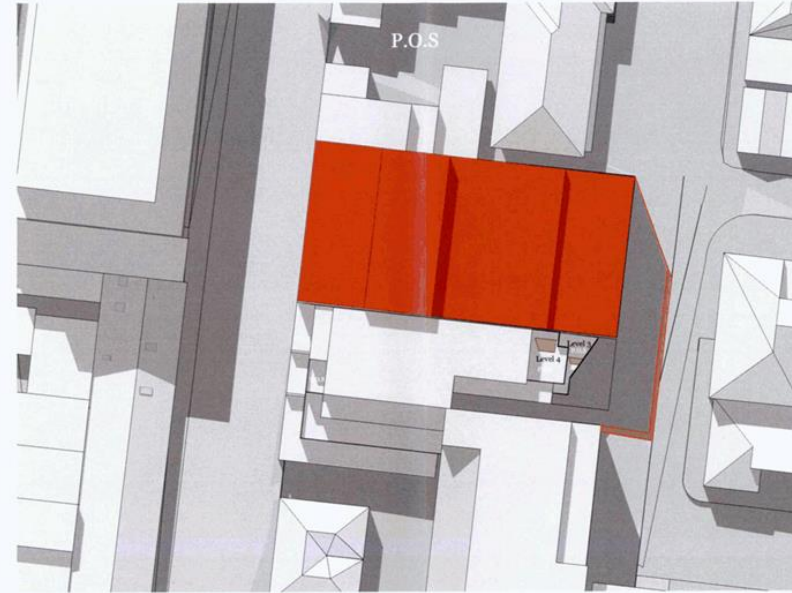
Shadows Sept 12PM
TP512
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Attachment 3 - Plans

1PM



PROPOSED



APPROVED PERMIT (PLN12/0972)

- Additional Shadow
- Existing Shadow
- Podium extent

- Additional Shadow
- Existing Shadow



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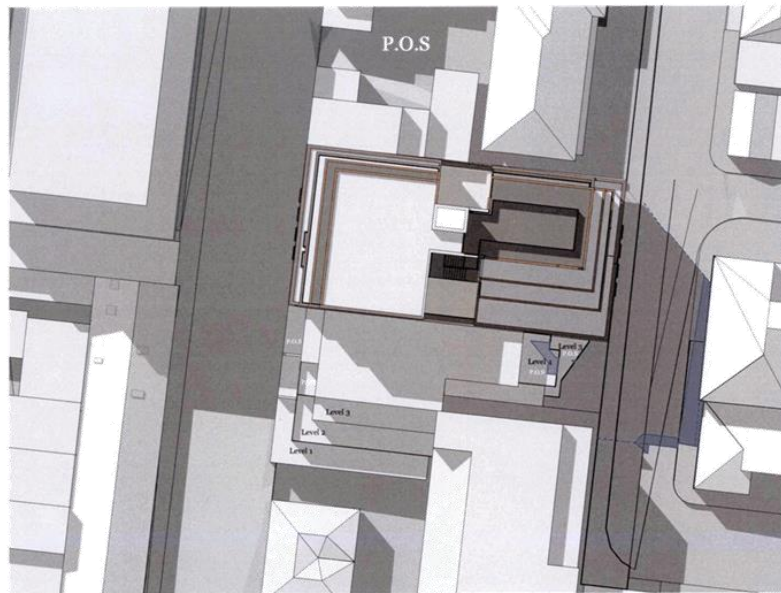
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 Drawing Number
 Revision

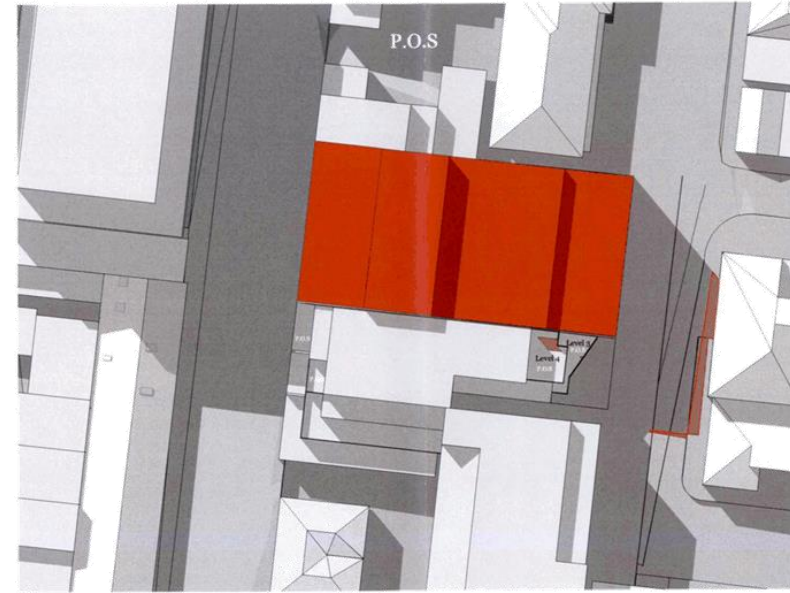
Shadows Sept 1PM
TP513
 B

Attachment 3 - Plans

2PM



PROPOSED



APPROVED PERMIT (PLN12/0972)

- Additional Shadow
- Existing Shadow
- Podium extent

- Additional Shadow
- Existing Shadow



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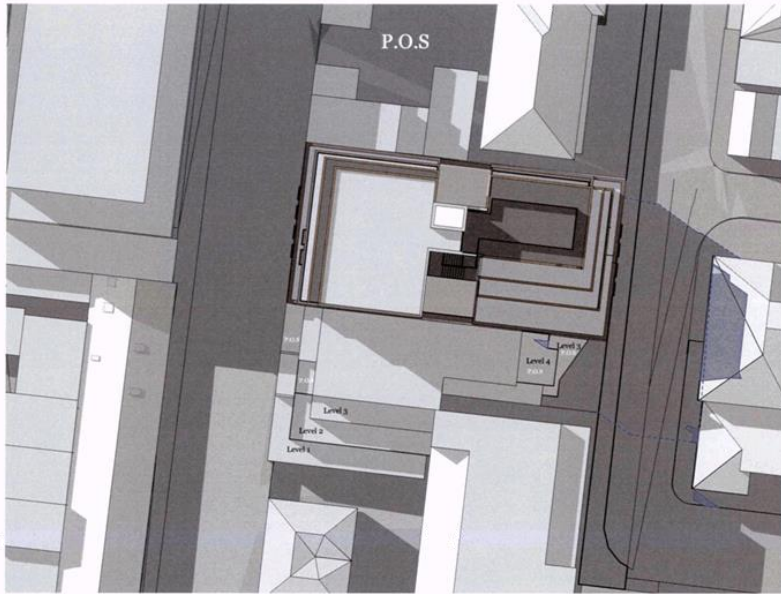
Project Name	32 Bedford Street
Project Number	11576
Date	21/06/2017
Scale	1:400@A3 / 1:200@A1

Drawing Name	Shadows Sept 2PM
Drawing Number	TP514
Revision	B

Drawing Name	Shadows Sept 2PM
Drawing Number	TP514
Revision	B

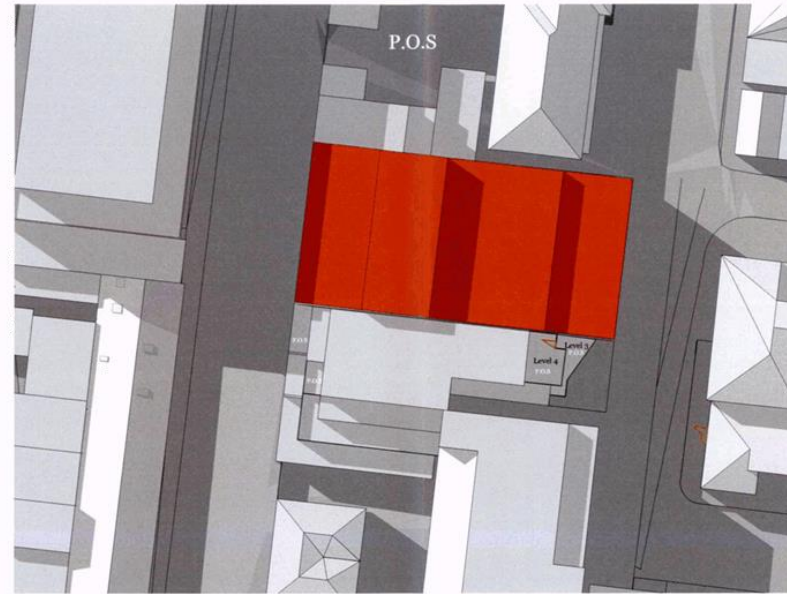
Attachment 3 - Plans

3PM



PROPOSED

- Additional Shadow
- Existing Shadow
- Podium extent



APPROVED PERMIT (PLN12/0972)

- Additional Shadow
- Existing Shadow



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 Date 21/06/2017
 Scale 1:400@A3 / 1:200@A1

Drawing Name
 Drawing Number
 Revision

Shadows Sept 3PM
TP515
 B

Attachment 3 - Plans

9AM



- 1. Screened window
- 2. Frosted window



- 3. Frosted window



- 4. Window
- 5. Screened Window
- 6. Window



- 7. Screened Window
- 8. Screened Window

LOCATION KEY



-  Shadow to habitable windows
-  Bedford Street Residences



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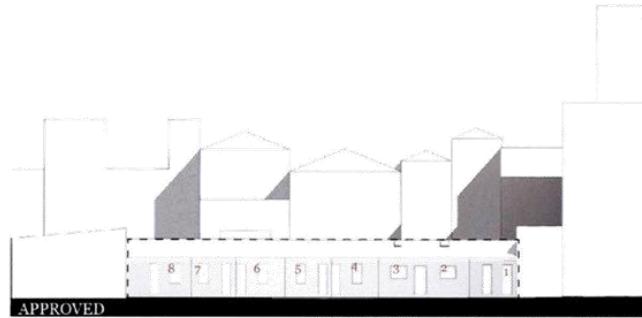
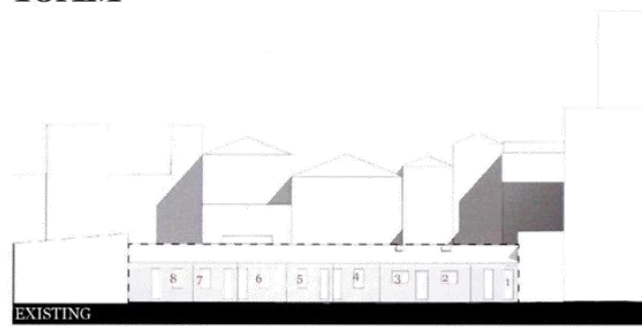
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 Date 21/06/2017

Drawing Name Bedford St -9AM
 Drawing Number TP516
 Revision B

Attachment 3 - Plans

10AM



- 1. Screened window
- 2. Frosted window



- 3. Frosted window



- 4. Window
- 5. Screened Window
- 6. Window



- 7. Screened Window
- 8. Screened Window

LOCATION KEY



-  Shadow to habitable windows
-  Bedford Street Residences



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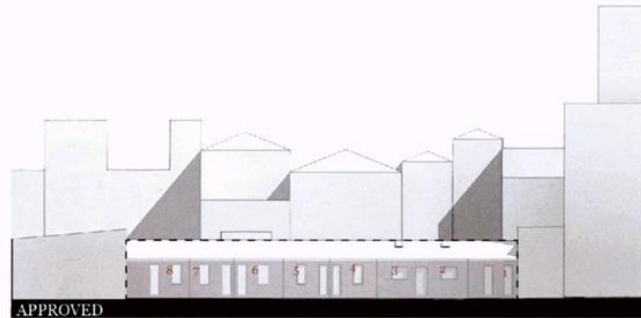
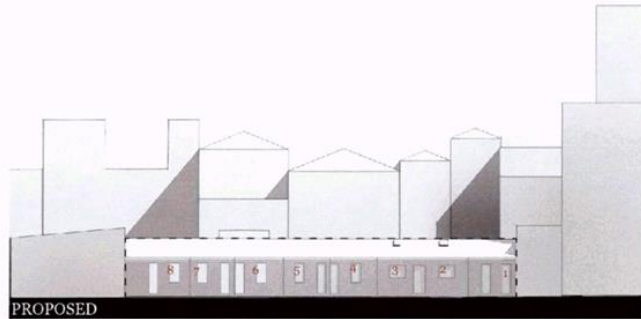
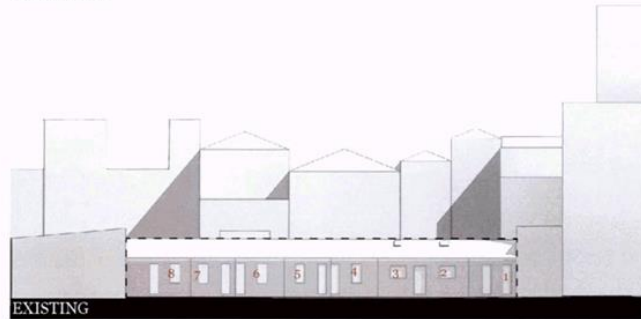
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 Project Number 11576
 Date 21/06/2017

Drawing Name Bedford St -10AM
 Drawing Number TP517
 Revision B

Attachment 3 - Plans

11AM



- 1. Screened window
- 2. Frosted window



- 3. Frosted window



- 4. Window
- 5. Screened Window
- 6. Window



- 7. Screened Window
- 8. Screened Window

LOCATION KEY



-  Shadow to habitable windows
-  Bedford Street Residences



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 Project Number 11576
 Date 21/06/2017

Drawing Name Bedford St -11AM
 Drawing Number TP518
 Revision B

Attachment 4 - Plans

1PM



1. Screened window



2. Window
3. Window
4. Window



5. Window



6. Screened Window
7. Screened Window

LOCATION KEY



-  Shadow to habitable windows
-  Napoleon Street Residences



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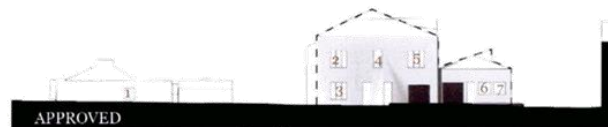
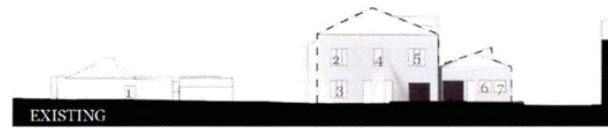
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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017
Scale

Drawing Name Napoleon St -1PM
Drawing Number TP519
Revision B

Attachment 4 - Plans

2PM



1. Screened window



2. Window
3. Window
4. Window





5. Window



6. Screened Window
7. Screened Window

LOCATION KEY



-  Shadow to habitable windows
-  Napoleon Street Residences



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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name Napoleon St -2PM
Drawing Number TP520
Revision B

Attachment 4 - Plans

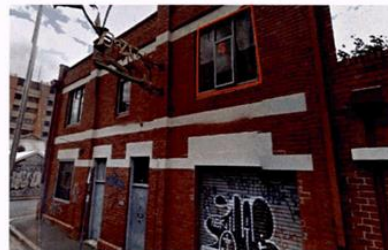
3PM



1. Screened window



2. Window
3. Window
4. Window





5. Window



6. Screened Window
7. Screened Window

LOCATION KEY



-  Shadow to habitable windows
-  Napoleon Street Residences



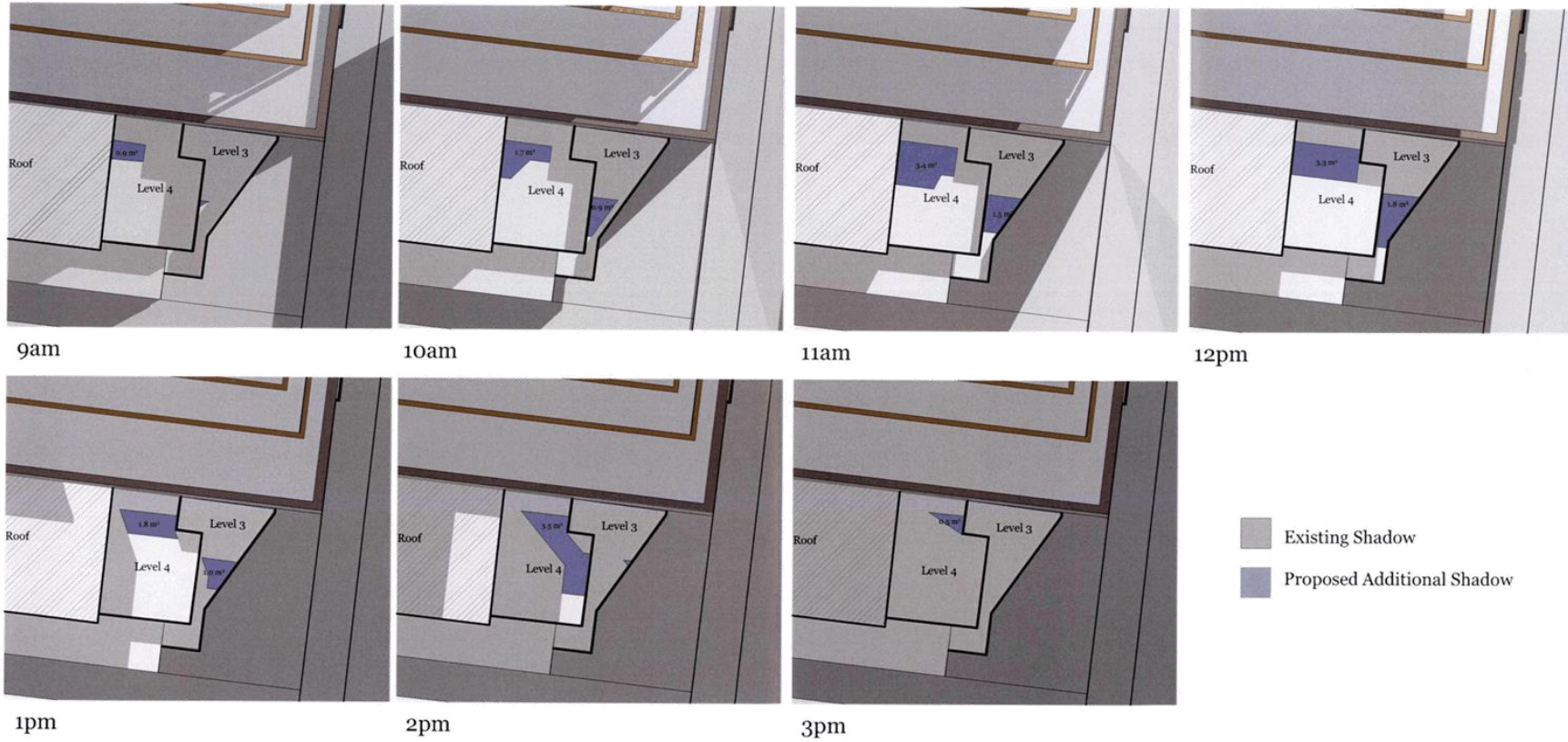
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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name Napoleon St-3PM
Drawing Number TP521
Revision B

Attachment 4 - Plans



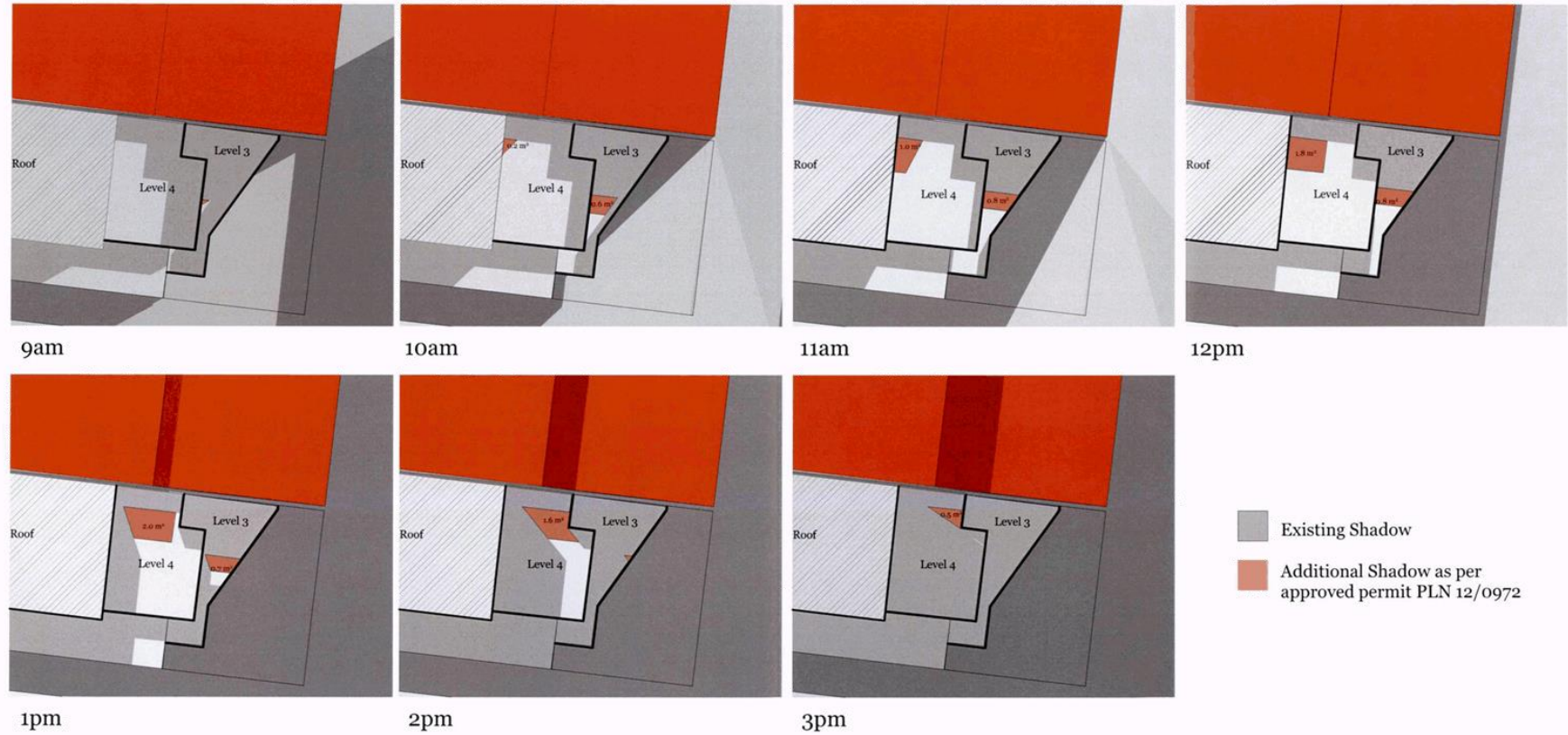
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Project Name 32 Bedford Street
 Project Number 11576
 Date 21/06/2017
 Scale

Drawing Name Balcony shadows
 Drawing Number TP522
 Revision B

Attachment 4 - Plans



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Project Name 32 Bedford Street
 Project Number 11576
 Date 21/06/2017
 Scale

Drawing Name Approved Balcony shadows
 Drawing Number TP523
 Revision B

Attachment 4 - Plans

Development Summary

32 Bedford St, Collingwood

Job No. 011576
7/06/2017



Site Area: 463 sqm

	CARPARK			RETAIL AREA sqm	LOBBY/CIRC/ SERVICES AREA sqm	APARTMENTS				AREA PER LEVEL (EXCL. CARS & BALCONIES)		
	CARS	BICYCLES	AREA			AREA	1B	2B	3B	BALC/ C'YARD	NSA	GFA
	no.	no.	sqm			sqm	no.	no.	no.	sqm	sqm	sqm
Basement		23	121		40						161	
Lower Ground	18		310		70	77		1	10	77	380	
Ground Level				184	64	171		2	20	355	419	
Level 01					42	342		4	41	342	384	
Level 02					42	343		4	41	343	385	
Level 03					42	301	1	3	45	301	343	
Level 04					39	247		2	41	247	286	
Level 05					39	195	1	2	31	195	234	
Level 06					23	137		1	44	137	160	
TOTAL	18	23	310	184	361	1813	2	18	2	1997	2752	
						TOTAL UNIT NO. = 22						
						APT.UNIT%	9%	82%	9%			



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Project Name 32 Bedford Street
Project Number 11576
Date 21/06/2017

Drawing Name
Drawing Number

Development Summary
TP524
B

Attachment 5 - Traffic Engineering Unit comments



MEMO

To: Patrick Sutton
From: Mark Pisani
Date: 7 August 2017
Subject: Application No: PLN17/0313
 Description: Mixed Use Development
 Site Address: 32-34 Bedford Street, Collingwood

I refer to the above Planning Application received on 28 June 2017 and the accompanying report prepared by Traffix Group in relation to the proposed development at 32-34 Bedford Street, Collingwood. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION**Proposed Development**

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	2	1 space per dwelling	2	0
Two-bedroom dwelling	18	1 space per dwelling	18	16
Three-bedroom dwelling	2	2 spaces per dwelling	4	2
Residential visitors	22 Dwellings	1 space per 5 dwellings	4	0
Food and Drink	183.5 m ²	4 spaces per 100 m ² of leasable floor area	7	0
Total			35 Spaces	18 Spaces

The development would have a parking shortfall of six resident spaces, four residential spaces and seven spaces associated with the food and drink 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 One- and Two-Bedroom Dwellings.* Traffix Group has sourced car ownership rates in Collingwood from the 2011 Census data conducted by the Australian Bureau of Statistics. The data suggests that one-, two- and three-bedroom flat type dwellings in Collingwood owns an average of 0.6, 0.9 and 1.0 vehicles per dwelling respectively. Some 47% of one-bedroom dwellings in Collingwood do not own a motor vehicle. For the proposed development, the two- bedroom dwellings have been provided with an on-site parking at a rate of 0.89 spaces per dwelling whereas the three-bedroom dwellings have been provided with

Attachment 5 - Traffic Engineering Unit comments

one space each. In summary, the proposed dwellings have been provided with car parking that is fairly consistent with the statistical car ownership averages for the Collingwood area.

- *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 has been often quoted in other traffic impact reports we have reviewed in the past. Applying this rate would result in a peak residential visitor parking demand of three visitor spaces. It is agreed that during normal business hours, the visitor parking rate would be much less than the 0.12 spaces per dwelling. Daytime visitor parking would be 0.07 spaces per dwelling, which would result in one to two spaces.

The applicant proposes to accommodate all residential visitor parking off-site, since the site's parking would be contained within mechanical parking devices - not practical for use by residential visitors. For mixed use and multi-unit residential developments that are located along or near activity centres, we would normally encourage applicants to provide some residential visitor parking on-site. In this instance, the proposed car parking arrangement cannot practically allow for residential visitor parking to be accommodated on the property. In the context of the surrounding area, the demand of one to three residential visitor parking spaces off-site should not be detrimental to existing on-street parking conditions in the area.

- *Parking Demand for the Food and Drink Use.* For the food and drink premises, a rate of 3.0 spaces per 100 square metres could be adopted.
- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services operating along Smith Street and Brunswick Street. Bus services operating along Johnston Street can also be accessed by foot.
- *Multi-Purpose Trips within the Area.* Customers to the food and drink premises would likely be already parked 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.* Traffix Group had conducted on-street parking occupancy surveys of the surrounding area on Friday 24 March 2017 at 11:00am, 12:00pm and 7:00pm and on Saturday 25 March 2017 at 12:00pm and 7:00pm. The survey area encompassed Bedford Street (south end to Perry St), Otter Street, Napoleon Street, Little Napoleon Street and Wellington Street (Napoleon St to Otter St). The extent and times of the surveys are considered appropriate. An inventory ranging from 96 to 115 publicly available spaces was identified. The results of the survey indicate that the minimum number of vacant on-site spaces was recorded on the Saturday at 12:00pm with three spaces available (a car parking occupancy level of 97%). The development of the site would result in a reinstatement of four on-street car parking spaces. We agree that the short-stay parking overflow from the site would be minimal and should not adversely impact on existing parking conditions in the area.
- *Relevant Local Policy or Incorporated Document.* The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking would discourage private motor vehicle ownership and use.
- *Practicality of Providing Car Parking on the Site.* The site does not have the physical capacity to accommodate further off-street parking.
- *Car Parking Deficiency associated with Existing Land Use.* Historically, the site had accommodated a commercial business which provided four on-site spaces. Customer parking would have likely been accommodated off-site. Any existing short-stay parking deficiency of this site could potentially be transferrable to the new site.

Attachment 5 - Traffic Engineering Unit comments

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of six resident spaces, four residential spaces and seven spaces associated with the food and drink premises is considered appropriate in the context of the development and the surrounding area. The short-stay parking overflow that would be generated from the site should not adversely impact on existing parking conditions in the area.

Engineering Services has no objection to the reduction in the car parking requirement for this site.

TRAFFIC GENERATION

The traffic generation for the site adopted by Traffix Group is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential Dwellings (with on-site parking)	3.0 trips per dwelling per day (18 dwellings) Peak hour volume is 10% of daily volume	54 trips	5-6 trips	5-6 trips

The volume of traffic generated by the development in the peak hours is not unduly high and could be accommodated on the local road network without adversely impacting on its operation.

Attachment 5 - Traffic Engineering Unit comments**DEVELOPMENT LAYOUT DESIGN****Layout Design Assessment**

Item	Assessment
Access Arrangements	
Entrance Width	The proposed 3.6 metre wide entrance width satisfies <i>Design standard 1 – Accessways</i> of Clause 52.06-8.
Entrance and Vehicle Crossing Location	The north side of the proposed vehicle crossing immediately abuts an existing electrical pole and does not satisfy council's requirements for constructing a new vehicle crossing. The edge of the splay of the new vehicle crossing must have a minimum clearance of 1.0 metre from the face of the electrical pole.
Visibility	The accessway contains no sight triangles for pedestrians. There is no objection to the installation of two convex mirrors to help exiting motorists view the footpath of Napoleon Street.
Headroom Clearance	A minimum ground clearance of 3.06 metres has been provided and satisfies AS/NZS 2890.1:2004.
Ramped Accessway Width	The ramped accessway has a carriageway width of 3.0 metres and additional 300 mm wide kerbs on either side. This satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Car Parking Modules and Mechanical Parking	
Car Stacker Device	The car stacker device is a shuffle type stacker. The system would be used by residents only, as mechanical parking is not suitable for residential visitors.
Aisle/Manoeuvring Width	An aisle width of 6.55 metres would be provided, which satisfies <i>Design standard 2: Car parking spaces</i> .
Stacker Platforms	Each platform has a usable width of 2.5 metres and a pit length of 5.5 metres. The device can accommodate vehicles the size of a B85 design vehicle.
Vehicle Clearance Height	All platforms have vehicle clearance heights of 1.88 metres and satisfy <i>Design standard 4: Mechanical parking</i> .
Vehicle Turning Movements	The submitted swept path diagrams for the B85 design vehicle satisfactorily demonstrate vehicle entry and exit movements into and out of each stacker platform.
Gradients	
Gradient for the first 5.0 metres inside the Property	The grade of the ramp for the first 5.0 metres inside the property is no steeper than 1 in 10 and satisfies <i>Design standard 3: Gradients</i> .
Ramp Grades and Changes of Grade	The grades and changes of grade satisfy <i>Design standard 3</i> .
Loading Provision	
Loading Arrangement	For the deliveries of goods to the site, Traffix Group identified an on-street Loading Zone on the west side of Bedford Street, just north of Otter Street. There is no objection to the use of this on-street facility and to the waiver of the loading bay under Clause 52.07.

Attachment 5 - Traffic Engineering Unit comments

Design Items to be Addressed

Item	Details
Entrance and Vehicle Crossing Location	The applicant must either reposition the proposed entrance and vehicle crossing such that there is a minimum lateral clearance of 1.0 metre from the edge of the crossing splay to the face of the electrical pole, or relocate the power pole to the satisfaction of the relevant power authority and Council. For the pole relocation option, the Permit Holder must consult affected property owners. The Permit Holder must fully fund the relocation of the pole. Any shielding or baffling required for the relocated pole must also be funded by the Permit Holder.

ENGINEERING CONDITIONS

Civil Works

Upon the completion of all building works and connections for underground utility services,

- The footpath immediately outside the property's Bedford Street and Napoleon Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath cross-fall must be no steeper than 1 in 40.
- The new vehicle crossing on the west side of Napoleon Street must have a minimum lateral clearance of 1.0 metre from the edge of the crossing splay to the face of any electrical pole.
- The kerb and channel along the Bedford Street and Napoleon Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- All redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.
- The half width pavement of Napoleon Street along the property frontage must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's cost. Any areas of failure must be reinstated in full depth asphalt to Council's satisfaction.

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.

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.

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

Attachment 5 - Traffic Engineering Unit comments

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.
- Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

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

NON-PLANNING ADVICE FOR THE APPLICANT

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.

Vehicle Crossing – Cross Sectional Drawing

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 to three decimal places (not interpolated levels from the application drawings) of the Napoleon Street road profile (from the centre line to the property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Napoleon Street and the ramp inside the property must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle 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.

Protection of Basement

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

The excavation for the basement would be to a depth of in excess of 10.0 metres and it is possible that groundwater would be encountered.

In the event that any contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

Attachment 5 - Traffic Engineering Unit comments

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

Additional Comments provided by Construction Management

- Power pole No. 21670 (west side of Napoleon Street) may need to be relocated for proposed vehicle crossing on Napoleon St. The luminaire on the pole needs to be replaced to avoid light spillage.
- Restricted and difficult access on Bedford Street for large construction vehicles.
- Power lines on Napoleon Street are in close proximity to building's façade and may not comply with "No Go Zone Requirements". Performing crane lifts at this location would be difficult. Recommend applicant considers the undergrounding of cables.
- Pedestrian clearance on the Napoleon Street footpath at the site is currently 870mm, due to location of existing power pole. Minimum of 1200mm clearance required as part of DDA requirements. Full width of footpath is 1200mm.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 6 - ESD comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development*.

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, all **large** planning permit applications with Yarra City Council are required to include a Sustainable Management Plan (SMP). This application is a 'large' planning application as it meets the category *Residential: 10 or more dwellings*.

What is a Sustainable Management Plan (SMP)?

An SMP is a detailed sustainability assessment of a proposed design at the planning stage. An SMP demonstrates best practice in the 10 Key Sustainable Building Categories and;

- Provides a detailed assessment of the development. It may use relevant tools such as BESS and STORM or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identifies achievable environmental performance outcomes having regard to the objectives of Clause 22.17 (as appropriate); and
- Demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- Documents the means by which the performance outcomes can be achieved.

An SMP identifies beneficial, easy to implement, best practice initiatives. The nature of larger developments provides the opportunity for increased environmental benefits and the opportunity for major resource savings. Hence, greater rigour in investigation is justified. It may be necessary to engage a sustainability consultant to prepare an SMP.

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice. The following comments are based on the review of the architectural drawings, prepared by *DKO Architects (received 23.06.2017)*, and the accompanying SMP prepared by *GIW Environmental Solutions (prepared 19.04.2017)*.

Attachment 6 - ESD comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council



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Attachment 6 - ESD comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council




Assessment Summary:

Responsible Planner:	Patrick Sutton		
ESD Advisor:	Euan Williamson		
Date:	19.07.2017	Planning Application No:	PLN17/0313
Subject Site:	32-34 Bedford Street, Collingwood, VIC 3121		
Site Area:	Approx. 436m ²	Site Coverage:	100%
Project Description:	Seven storey mixed use building. 22 apartments and ground floor cafe.		
Pre-application meeting(s):	No ESD involvement.		

This application largely meets Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

(1) Applicant ESD Commitments:

- Exceeding minimum NCC standards for thermal energy efficiency with an average NatHERS rating of 6.5 Stars.
- STORM rating of 100% has been received which relies on a minimum of 352m² of roof catchment connected to a 7,000 litre tank for toilet flushing on lower ground, ground floor and irrigation
- Reasonable access to natural ventilation to all dwellings.
- Access to daylight is reasonable and using a bronze glazing product with a VLT of 60%.
- A 1.5 kW solar PV array is marked on the rooftop.
- Energy efficient heating / cooling and lighting systems.
- Energy efficient gas hot water.
- Water efficient fixtures throughout.
- A total of 23 bicycle parking spaces have been provided for 22 dwellings, staff and visitors.
- Northern façade to include a creeper into façade design.

(2) Application ESD Deficiencies:

- Balcony overhangs, wing walls and deep reveals will give reasonable shading from summer sun angles, however significant areas of glazing on upper levels are exposed to summer sun angles and high levels of summer solar gain. This is reflected in the cooling load of dwelling 5.02 which is 49.2, well above the BADS standard D6 of Clause 58.03-1. Recommend providing exterior adjustable shading to all north, west and east facing glazing exposed to summer sun angles through fins, louvers, retractable awnings or similar. Demonstrate that all upper level dwellings (401, 501, 503, 601) have a cooling load less than 30 MJ/m²/pa.
- Windows into common area foyers lift lobbies appear to have fixed glazing. Recommend that windows to all common area foyer and lift lobbies are operable, and clearly noted on plans.
- Recommend avoiding dark tinted (black) glass to the common foyers and lift lobbies. Recommend a VLT of 60% of better.

(3) Outstanding Information:

- The BESS daylight calculator has not been completed correctly, please review and perhaps provide our calculations to demonstrate access to daylight.
- Please update the BESS report and SMP to note the solar PV that is clearly marked on the roof plans.

Attachment 6 - ESD comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council





- Please correct and update page 12 of the SMP in relation to HVAC systems.
 - SMP states there are 24 bike parking spaces, the plans show 23. Please confirm and update accordingly.
- (4) ESD Improvement Opportunities:**
- It appears that change rooms have been provided for staff adjacent to café. Please confirm Recommend end of trip facilities (showers and lockers) also.
 - Consider concrete with a recycled component of materials and water. Consider steel with a recycled component.
 - Consider that all paints, adhesives, flooring and sealants will be low VOC type, and no formaldehyde in engineered timber products.
 - Recommend all timber used onsite to be FSC or PEFC accredited.
- Further Recommendations:**
- The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendation.

Attachment 6 - ESD comments

1. Indoor Environment Quality (IEQ)

Objectives:

- to achieve a healthy indoor environment quality for the wellbeing of building occupants.
- to provide a naturally comfortable indoor environment will lower the need for building services, such as artificial lighting, mechanical ventilation and cooling and heating devices.

Issues	Applicant’s Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	Reasonable access to natural ventilation to all dwellings. Windows into common area foyers lift lobbies appear to have fixed glazing.	Recommend that windows to all common area foyer and lift lobbies are operable, and clearly noted on plans.	2
Daylight & Solar Access	Access to daylight is reasonable and using a bronze glazing product with a VLT of 60%.	<p>The dimensions of the lightcourts are adequate to provide daylight into the bedrooms.</p> <p>The BESS daylight calculator has not been completed correctly, please review and perhaps provide our calculations to demonstrate access to daylight.</p> <p>Recommend avoiding dark tinted (black) glass to the common foyers and lift lobbies. Recommend a VLT of 60% of better.</p>	2
External Views	External views from dwellings.	-	1
Hazardous Materials and VOC	No information has been provided.	Consider that all paints, adhesives, flooring and sealants will be low VOC type, and no formaldehyde in engineered timber products.	4
Thermal Comfort	<p>Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation.</p> <p>The application proposes for the office areas:</p> <ul style="list-style-type: none"> - Good access to natural ventilation - Varying levels of exterior shading - Reasonable thermal efficiency standards. 	Please refer to section on, <i>NCC Energy Efficiency Requirements Exceeded and Effective Shading</i>	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: [1. Indoor Environment Quality](#)
 Good Environmental Choice Australia Standards www.geca.org.au
 Australian Green Procurement www.greenprocurement.org
 Residential Flat Design Code www.planning.nsw.gov.au
 Your Home www.yourhome.gov.au

Attachment 6 - ESD comments

2. Energy Efficiency

Objectives:

- to ensure the efficient use of energy
- to reduce total operating greenhouse emissions
- to reduce energy peak demand
- to minimize associated energy costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	An average NatHERS rating of 6.5 Stars for dwellings.	-	1
Hot Water System	Energy efficient 6 Star instantaneous gas or central gas hot water system with 90% efficiency or better.	-	1
Peak Energy Demand	No specific information has been provided.	-	1
Effective Shading	Balcony overhangs, wing walls and deep reveals will give reasonable shading from summer sun angles, however significant areas of glazing on upper levels are exposed to summer sun angles and high levels of summer solar gain. This is reflected in the cooling load of dwelling 5.02 which is 49.2, well above the BADS standard D6 of Clause 58.03-1.	Recommend providing exterior adjustable shading to all north, west and east facing glazing exposed to summer sun angles through fins, louvers, retractable awnings or similar. Demonstrate that all upper level dwellings (401, 501, 503, 601) have a cooling load less than 30 MJ/m ² /pa.	2
Efficient HVAC system	Energy efficient split reverse cycle heating and cooling systems within one star of best available.	Please correct and update page 12 of the SMP in relation to HVAC systems.	3
Efficient Lighting	Energy efficient lighting with LEDs and sensor controls and lighting timers.	-	1
Electricity Generation	A 1.5 kW solar PV array is marked on the rooftop.	Please update the BESS report and SMP to note the solar PV.	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

Attachment 6 - ESD comments

3. Water Efficiency

Objectives:

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Applicant proposes the following WELS water efficiency ratings: <ul style="list-style-type: none"> • Bathroom/Kitchen Taps: 5 Stars • Toilets: 4 Stars (7.5 litres/min) • Showerheads: 3 Star • Dishwashers: 5 Star 	-	1
Water for Toilet Flushing	All toilets on lower ground and ground floor to be connected to 7,000 rainwater tank for flushing.	-	1
Water Meter	Separate metering for all dwellings.	-	1
Landscape Irrigation	Rainwater tank also used for irrigation and bin washout.	-	1
Other	-	-	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

Attachment 6 - ESD comments

4. Stormwater Management

Objectives:

- to reduce the impact of stormwater runoff
- to improve the water quality of stormwater runoff
- to achieve best practice stormwater quality outcomes
- to incorporate Water Sensitive Urban Design principles.

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM rating of 100% has been received which relies on a minimum of 352m ² of roof catchment connected to a 7,000 litre tank for toilet flushing on lower ground, ground floor and irrigation.	-	1
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

Attachment 6 - ESD comments

5. Building Materials

Objectives:

- to minimise the environmental impact of materials used by encouraging the use of materials with a favourable lifecycle assessment.

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	No information has been provided.	Consider other materials that have a recycled component, such as insulation.	4
Embodied Energy of Concrete and Steel	No information has been provided.	Consider concrete with a recycled component of materials and water. Consider steel with a recycled component.	4
Sustainable Timber	No information has been provided.	Recommend all timber used onsite to be FSC or PEFC accredited.	4
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

Attachment 6 - ESD comments

6. Transport

Objectives:

- to minimise car dependency
- to ensure that the built environment is designed to promote the use of public transport, walking and cycling.

Issues	Applicant’s Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Basement car parking.	-	1
Bike Parking Spaces	A total of 23 bicycle parking spaces have been provided for 22 dwellings, staff and visitors.	SMP states there are 24 bike parking spaces, the plans show 23. Please confirm and update accordingly.	3
End of Trip Facilities	No information has been provided.	It appears that change rooms have been provided for staff adjacent to café. Please confirm Recommend end of trip facilities (showers and lockers) also.	3
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

Attachment 6 - ESD comments

7. Waste Management

Objectives:

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria.

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	An 80% recycling rate target for construction and demolition waste has been set.	-	1
Operational Waste Management	Different bins for general waste, recycling and hard waste.	-	1
Storage Spaces for Recycling and Green Waste	Area for waste bins can be identified on the ground floor. Space for hard waste can be identified.	Please check the WMP to ensure that the waste management provisions are sufficient.	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: [7. Waste Management](#)
 Construction and Waste Management www.sustainability.vic.gov.au
 Preparing a WMP www.epa.vic.gov.au
 Waste and Recycling www.resourcesmart.vic.gov.au
 Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002) www.environment.nsw.gov.au
 Waste reduction in office buildings (2002) www.environment.nsw.gov.au

Attachment 6 - ESD comments

8. Urban Ecology

Objectives:

- to protect and enhance biodiversity
- to provide sustainable landscaping
- to protect and manage all remnant indigenous plant communities
- to encourage the planting of indigenous vegetation.

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	NA
Maintaining / Enhancing Ecological Value	Some landscaping will marginally improve the ecological value of this site.	-	1
Reclaiming Contamin. Land	No information has been provided.	-	NA
Green roof or façade	Northern façade to include a creeper into façade design.	-	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: [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

Attachment 6 - ESD comments

9. Innovation

Objective:

- to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	-	-	-
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

- 1 – Design Response is **SATISFACTORY**; 2 – 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

Attachment 6 - ESD comments

10. Construction and Building Management

Objective:

- to encourage a holistic and integrated design and construction process and ongoing high performance

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	Comprehensive commissioning and regular building tuning and reporting in accordance with CIBSE and ASHRAE.	-	1
Building Users Guide	A Building Users Guide will be developed and distributed to residents and users of the building.	-	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	-	1
Construction Management Plan	An Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.	-	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: [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 6 - ESD comments

Sustainable Management Plan (SMP)
for planning applications being considered by Yarra Council



Applicant Response Guidelines

Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.

Attachment 7 - Urban Design comments

MEMO

TO: Patrick Sutton (Statutory Planning)
 FROM: Amruta Pandhe (Urban Design)
 DATE: 7 August 2017
 SUBJECT: 32-34 Bedford Street, Collingwood
 APPLICATION NO: PLN117/0313
 DESCRIPTION: 7 storey building (plus basement) to be used for retail and dwellings

COMMENTS SOUGHT

Urban Design comments have been sought on:

- Height and presentation of the proposed building to Napoleon and Bedford Street:
 - Podium heights and upper level setbacks
 - Graduation of built form adjoining lots to the north
 - Overall presentation to the area
- Entrance points and their presentation to the street
- Use of materials

Whether there are any capital works approved or proposed within the area of the subject site.

These set of comments are provided on the plans received by Council on 23 June 2017.

COMMENTS SUMMARY

The proposal is not supported in its current form. Urban Design comments have been sought on the above proposal. In summary, the following changes are recommended to make the proposal more acceptable from an urban design perspective. The rationale behind these changes is explained in more detail overleaf.

- The overall height is not acceptable in response to the local character of the area and with regards to providing an appropriate transition to the residential properties. It is recommended to remove Level 5 and 6 from the overall development.
- The podium form presents high quality architecture with recessed balconies, window pattern and material composition contributing positively to the local character of the area.
- Set back Level 4 by 2m from northern and western boundary and Level 3 by 2m from eastern boundary to provide a visual recessiveness of the upper form and to clearly distinguish between the lower form and the upper form.
- Ground floor presentation to the street and materials are supported.

It is understood that there are planned works to upgrade the kerb and channel for both sides and along the complete length of Bedford Street. This work is being delivered by Engineering Services (contact: Darul Islam).

Attachment 7 - Urban Design comments

DEVELOPMENT PROPOSAL

The development proposes demolition of existing building and construction of a 7 storey (plus lower ground level) mixed use development incorporating retail on ground floor and apartments in the levels above. The proposed design is divided in two wings, the western wing presenting 23m towards Bedford Street and the eastern wing presenting 21.6m towards Napoleon Street. The overall average height of the proposal is 23.8m with streetwall ranging between 13-14m along Bedford Street and Napoleon Street.

The proposal provides entries to the retail tenancies from Bedford Street and vehicular and pedestrian access to the apartments from Napoleon Street.

URBAN DESIGN FEEDBACK

- HEIGHT**
Height in response to local character

Clause 22.10 seeks to ensure that the height of new development should be appropriate to the context of the area and respect the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character.

The subject site is located in an area that is emerging with some new developments happening in pockets of MUZ land, along Smith Street activity centre and the properties rear of Smith Street. The policy context, physical characteristics and the development pattern between these three areas vary a lot, hence reflecting upon the prevailing heights of development. The MUZ pocket presents larger lot sizes with less sensitive interfaces and accommodating 8-10 storeys; Smith Street presents a heritage streetscape character with smaller lots and accommodating 6-8 storeys and properties at the rear of the retail strip consist medium size lots with some sensitive interfaces and accommodating 3-7 storeys. The subject is located at the rear of Smith Street and on the edge of the MUZ pocket. 1 Otter Street is a recent development that is located on the rear of Smith Street and shares a similar context to the subject site. Hence to ensure the proposed development responds appropriately to the context of the area a comparative assessment between these two sites is done in the below table.

	1 Otter Street	32-34 Bedford Street (subject site)
<i>Streetscape Character</i>	Otter Street presents a mixed character with NMIT (7 storey) and St Joseph Primary School on its eastern end. The western end of the street contains 1-3 storey commercial buildings.	Bedford Street consists of mix of commercial and residential buildings ranging from one to five storey, and the recently approved 7 storey development (1 Otter Street). This section of Napoleon Street presents a predominantly residential character with buildings ranging from one to three storey.
<i>Street width</i>	Otter Street is 20m wide	Both streets are 10m wide
<i>Street connectivity</i>	Otter Street is two-way street connecting Smith Street and Wellington Street	Bedford Street is a no through road. Napoleon Street is a one-way street turning east to connect to Wellington Street.
<i>Sensitive Interfaces</i>	No direct sensitive interface	Sensitive residential zoned land to the north
<i>Location</i>	Sits adjacent to Smith Street activity centre	Sits in-between growth area (activity centre and MUZ) and residential area
<i>Lot Size</i>	700 sqm	450 sqm

The above comparison clearly demonstrates that the Otter Street site presents fewer constraints hence allowing the site to accommodate a higher form.

Attachment 7 - Urban Design comments

The overall proposed height along Bedford Street is 23m (7 storeys) and along Napoleon Street is 21.6m (7 storeys) with the upper three levels being setback ranging from 1m to 3m. The overall form proposed presents almost an 8 storey (average 23.8m in height) form due to the slope on the site. The overall height of Otter Street development (approximately 25m) is 1.3 times the street width, hence maintaining the sense of openness of the street. The overall height of the proposal is approximately 2.1-2.3 times of the street widths, which will change the spatial definition of the streets. This will also overwhelm the existing character of the street and create a more enclosed street environment. Further, the upper levels of Otter Street are setback between 3m-7m making them less dominant.

Taking into consideration the site constraints and all above factors the proposed height is not acceptable and hence it is recommended to reduce the overall height of the building by at least a level. This means that Level 6 from the western wing should be removed.

Height in response to visual bulk

The subject site directly abuts the side and rear of two residential properties. 9-11 Otter Street consists of a two-storey block of flats setback 1.3m from its rear boundary and 30 Bedford Street consists of three storey apartment building built to its side boundary. It is also important to consider the visual bulk impact on other residential properties fronting Otter Street. All these properties are within GRZ2 that seeks a height limit of 9m. Hence, the location of subject site demands for a gradual transition between the mixed-use pocket and the residential area.

The existing building on site consists of three-storey building (approximate 10m in height) built to boundary. The proposed development comprises of a podium and upper level form, with the podium ranging from 13.7m to 16.3m in height. The podium level is higher than the existing building on site and the surrounding existing buildings. However, the subject site sits within an area that is undergoing change and hence the podium form is acceptable.

The upper levels of the proposal are setback ranging from 0.5m to 2m along the northern boundary; 1m to 3m along eastern and western boundary and 0.3m along the southern boundary. The overall upper levels present a 'wedding cake' built form, which is high discouraged. The rationale of setting back the upper level is to provide a visual recessiveness of the upper form that will create an appropriate transition to sensitive interfaces. The setbacks should also allow to reduce the dominance of upper levels. It is unclear about the purpose of the 0.3m setback along the southern boundary. The current setbacks along the other boundaries clearly do not contribute in achieving an appropriate transition and hence the setbacks are not supported.

The upper levels of 1 Otter Street presents setbacks ranging between 3m to 7m which provides a clear distinction between podium and upper forms and also contributes in reducing the off-site amenity impacts like visual bulk, overlooking and overshadowing. As discussed above the podium form is acceptable, however, the upper levels are very dominant and distract from the cohesiveness of the architecture. Further, the site is not large enough to accommodate greater setbacks that will provide an appropriate transition to the sensitive residential interfaces. Hence, it is recommended to remove Level 5 from eastern and western wings and to set back all of Level 4 by at least 2m from the northern boundary. This means that an overall form of 6 storeys (including lower ground level) is acceptable, as it will ensure visual impacts are appropriate to the context.

- **Bedford Street Interface**

The interface of the proposal to Bedford Street comprises a four storey (approximately 16m) street wall with the upper level marginally setback. The existing streetwall character of Bedford Street contains a mix of 1-4 storey streetwalls with the new Otter Street presenting 4 storey (approximately 16m). Considering the existing and emerging character the streetwall height proposed along Bedford Street is supported. The podium form presents high quality architecture with recessed balconies, window pattern and material composition contributing positively to the local character of the area. However, it is recommended to set back Level 4

Attachment 7 - Urban Design comments

by at least 2m from Bedford Street to clearly distinguish between the lower form and the upper form.

- **Napoleon Street Interface**

The interface of the proposal to Napoleon Street comprises a four storey (approximately 13m) street wall with the upper level marginally setback. The proposal presents a contrasting and more lightweight form on the upper levels, which is supported. This will provide the transition required to the residential form along Otter Street, Little Wellington Street and Napoleon Street. Similar to above assessment it is recommended to set back Level 3 by at least 2m to clearly distinguish between the lower form and the upper form.

- **Ground Level Interface**

Clause 21.05 seeks new development to make a positive contribution to the enhancement of the public domain. The glazed ground floor retail along Bedford Street will provide an engaging frontage to street. The apartment entry, balcony and window will contribute in providing a safe environment.

It is recommended to explore providing planting in the area next to the water meter and carpark entrance.

- **Material**

The materials proposed are supported.

1.3 PLN17/0598 - 31 Leslie Street Richmond - Development of the land for partial demolition and the construction of an extension to the existing dwelling.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN17/0598 which affects the land at 31 Leslie Street, Richmond.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (b) Clause 22.07 – Developments abutting Laneways;
 - (c) Clause 43.01 - Heritage Overlay; and
 - (d) Clause 54 – Extension to one dwelling on a lot (ResCode).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54;
 - (b) Heritage;
 - (c) Objector concerns.

Objector Concerns

4. Nine objections were received to the application, these can be summarised as:
 - (a) Design, scale and materiality of the extension is out of character with the existing streetscape.
 - (b) Design, scale and materiality of the extension does not appropriately respond to the heritage value of the subject site or the streetscape.
 - (c) Car parking concerns.
 - (d) Overlooking, particularly with regard to the proposed roof terrace area.
 - (e) Overshadowing into the south-adjoining property.
 - (f) The location of the proposed boundary fences.

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: Chris Stathis
TITLE: Senior Statutory Planner
TEL: 9205 5352

1.3 PLN17/0598 - 31 Leslie Street Richmond - Development of the land for partial demolition and the construction of an extension to the existing dwelling.

Trim Record Number: D17/176768
 Responsible Officer: Coordinator Statutory Planning

Proposal: Development of the land for partial demolition and the construction of an extension to the existing dwelling.
Existing use: Residential
Applicant: DX Architects
Zoning / Overlays: Neighbourhood Residential Zone (Schedule 1)
 Heritage Overlay (Schedule 478)
Date of Application: 25 July 2017
Application Number: PLN17/0598

Planning History

6. Planning permit PLN15/0427 was granted on 22 October 2015 for partial demolition of the existing dwelling and the construction of two, double storey dwellings and outbuildings, and a reduction in the car parking requirement of the Yarra Planning Scheme.
7. The plans were endorsed on 06 June 2016; the ground and first floor of which are provided below:

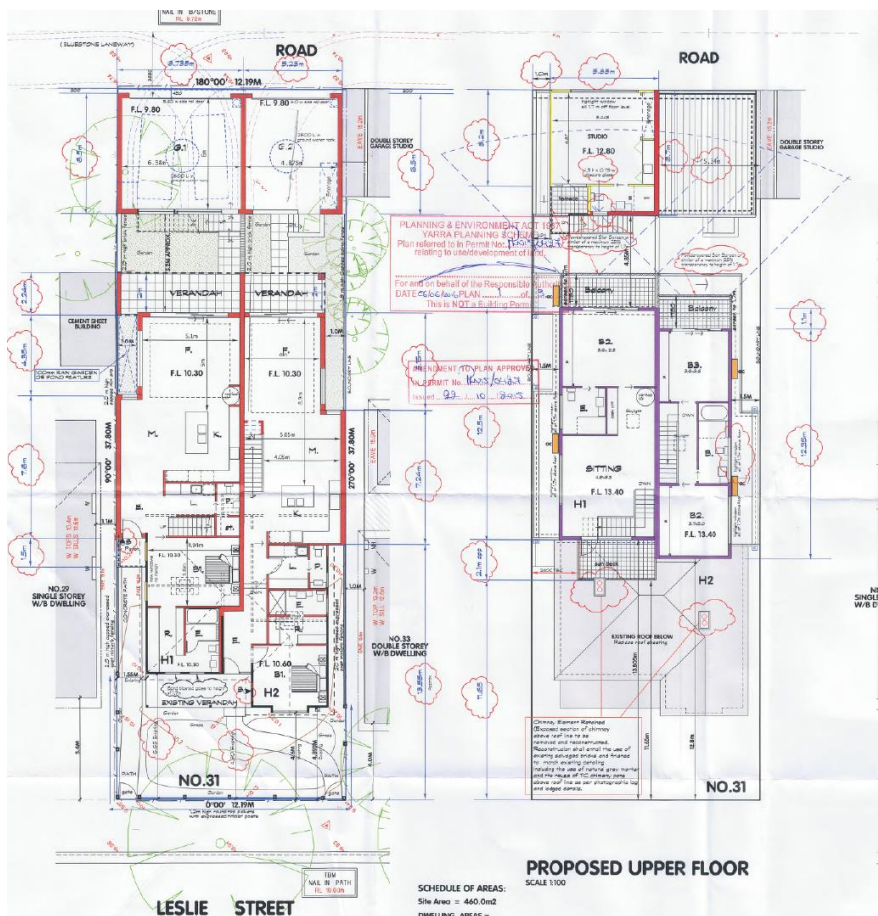


Figure 1: Excerpt of the endorsed plans for the previous approval at the site (PLN15/0427).

Background

8. Application No. PLN17/0598 was received on 25 July 2017 and was advertised during the months of August and September 2017. Nine objectors were received. A consultation meeting was held on 10 October 2017; during which the applicant indicated that sketch plans would be submitted to Council seeking to address the concerns raised.
9. The plans produced by DX Architects dated 25 August 2017 are the decision plans.
10. Sketch plans were submitted to Council by the applicant on 01 November 2017 in response to the issues raised during the consultation meeting. The following changes to the plans were made:
 - (a) 1.7m-high screening applied to the eastern, northern and southern perimeters of the rooftop terrace.
 - (b) The width of the rear gate opening (associated with the proposed car space) increased to 4.5m.
11. The sketch plans were circulated to all objectors via mail on 02 November 2017.

Existing Conditions

Subject Site

12. The subject site is located on the eastern side of Leslie Street, between Coles Terrace to the north and Buckingham Street to the south in Richmond. The site is rectangular, with a frontage to Leslie Street of 12.19m and a depth of 37.8m, yielding an overall site area of approximately 460.7sq.m. A laneway adjoins the eastern (rear) boundary of the subject site, and provides vehicular access. The land gradient is relatively flat but drops approximately 500mm as the site extends from the north-east corner to the north-west.
13. The subject site is occupied by a single storey, Edwardian-era dwelling of weatherboard construction with a pitched roof and front verandah. The dwelling has a front setback of 4.6m, is setback 1.37m from the northern boundary and 0.9m from the southern boundary. The dwelling is setback approximately 16.2m from the rear (eastern) boundary where a large area of secluded private open space is provided. The dwelling comprises three bedrooms, a lounge room, a kitchen, a bathroom, a storage area, laundry and toilet.
14. There are no restrictive covenants detailed on the certificate of title provided with the application.

Surrounding Land

15. The site is located within a residential pocket west of Burnley Street, south of Victoria Street, east of Church Street and north of Bridge Road.
16. Whilst the dominant pattern of development along Leslie Street is low scale and typically one storey, there are a number of anomalies, including:
 - (a) Three and four storey post-war apartment developments located between 5 and 9 Leslie Street.
 - (b) A double storey dual occupancy development at 43 Leslie Street, likely constructed during the 1990s-2000s.
 - (c) A double storey development of four townhouses at 20 Leslie Street likely constructed during the 1980s-1990s.
 - (d) A three storey post-war apartment building at 34 Leslie Street.
 - (e) A contemporary double storey dual occupancy development at 43 Leslie Street.

(f) Numerous post-war apartment developments along the western side of Davison Street.

17. Double storey extensions are prevalent in the surrounding area. Aerial imagery indicates that the majority of double storey extensions have been well set back from the principal street boundary.



Figure 2: showing subject site and surrounding area (October 2017)

18. To the immediate north of the subject site is a single-storey, Edwardian era dwelling, similar in appearance to the subject dwelling. This dwelling is setback 5.4m from the west (front) boundary and is setback 1.1m from the shared boundary to the north with the exception of a cement sheet outbuilding constructed for a length of 4.8m along the boundary at the rear. A large area of private open space is located to the eastern (rear) side of this dwelling, and two habitable room windows present towards the subject site.
19. To the immediate south of the subject site is a double-storey, Edwardian era dwelling. This dwelling is also of weatherboard construction and is setback 4m from the west (front) boundary and one metre from the shared boundary with the exception of a double-storey, outbuilding constructed for a length of 5.6mm at the north-east corner of this site. A large area of private open space is located to the eastern (rear) side of this dwelling, and one habitable room window presents towards the subject site.
20. On the west side of Leslie Street are further dwellings, primarily of the Edwardian era. The dwellings have a consistent presentation to the street, primarily constructed of weatherboard with high pitched roofs and front verandahs, and generously setback from their front boundary.
21. Beyond the laneway to the east of the site is the rear of dwellings fronting Davison Street, including the open air car park areas of six, three-storey walk-up flats.

The Proposal

22. The proposal is for development of the land for partial demolition and the construction of an extension to the existing dwelling. The proposal, based on the decision plans, is summarised as follows:

Demolition

- (a) Demolition of the rear lean-to, which includes the bathroom, study, kitchen, dining area, water closet and laundry.
- (b) Demolition of all boundary fences.
- (c) Partial demolition of sections of the southern, eastern and northern gradients of the primary roof form.

Development

- (d) The ground floor will be extended to accommodate an open plan living, dining and kitchen area, laundry, bathroom water closet and pantry. The ground floor will also include an alfresco area attached to the living/dining area.
- (e) The first floor will accommodate three bedrooms, an ensuite, walk in robe, bathroom and retreat. The master bedroom will have access to a balcony. The first floor extension will also be connected to the attic space of the existing dwelling (which is to be repurposed as a storage area). A narrow passageway will connect the two spaces.
- (f) At ground floor, the extension will be set back 0.92m from the southern boundary, 1.37m from the northern boundary and 9.4m from the rear boundary.
- (g) At first floor, the extension will be set back 1.98m from both side boundaries and 10.26m from the rear boundary. The first floor balcony will have a rear setback of 6.97m.
- (h) The roof top terrace will be set back 2.55m from each side boundary and 11.37m from the rear boundary.
- (i) A maximum building height of 8.13m is proposed.

Alterations

- (j) Removal of the roof material of the existing dwelling and its replacement with Zinalume.
- (k) Installation of two skylights on the primary roof form of the existing dwelling.

General

- (l) The design of the extension is contemporary, incorporating a flat roof form and a mix of materials including rendered surfaces and metal cladding.
- (m) The first floor windows and balcony will be provided with 1.7m-high screening.
- (n) The rooftop terrace will be screened with planter boxes (with a width of 0.8m and a height of 1m above the rooftop terrace level) along the southern and northern perimeters. The eastern and western perimeters will be screened with storage cupboards (with a width of 1m and a height of 1m).
- (o) One on-site car parking space is accessed from the rear laneway. The decision plans show a 3.6m-wide gate to allow for access.
- (p) New fencing including 2.0m-high timber paling fence along both side boundaries, 2.4m-high rendered fence along the rear boundary and a 1.5m-high front picket fence with a minimum permeability of 50%.

Planning Scheme Provisions

Zoning

Neighborhood Residential Zone 1 [NRZ1]

23. The subject site is in the Neighbourhood Residential Zone Schedule 1. The following provisions apply:

- (a) Pursuant to clause 32.09-5 of the Scheme, a permit is required to extend one dwelling on a lot of less than 500m². A development must meet the requirements of clause 54.
- (b) Pursuant to clause 32.09-4 of the Scheme, for lots of between 400 – 500 square metres, a minimum 25% of a lot must be set aside as garden area. The proposal satisfies this requirement given that the proposal will retain approximately 40% of the site as garden area.
- (c) Pursuant to clause 32.09-9 of the Scheme, the height of a building must not exceed 9m. The proposal as per the decision plans complies with this requirement, with a maximum building height of 8.13m. It is noted that the submitted sketch plans also comply with this provision, with an overall height of 8.83m.
- (d) Pursuant to clause 32.09-4 of the Scheme, a building must contain no more than 2 storeys at any point. The proposal incorporates a double storey extension with a rooftop terrace (which does not constitute a third storey). Therefore the proposal is in accordance with this provision.

Overlays

Heritage Overlay (HO478 – 31 Leslie Street, Richmond) [HO478]

- 24. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building and to construct a building or construct or carry out works.

Particular Provisions

Clause 52.06 – Car parking

- 25. Pursuant to clause 52.06-1, this provision does not apply to the subject application given that it is for an extension of one dwelling in the Neighbourhood Residential Zone.

Clause 54 – ResCode

- 26. Pursuant to Clause 54 of the Scheme, the requirements of Clause 54, a development:
 - (a) *Must meet all of the objectives of this clause.*
 - (b) *Should meet all of the standards of this clause*

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 15.01-1 – Urban design

- 28. 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

29. 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 15.01-5 - Cultural identity and neighbourhood character*
30. 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*
31. The relevant objective of this clause is:
(a) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*
- Clause 15.03 – Heritage*
32. The objective of this clause is:
(a) *To ensure the conservation of places of heritage significance*
- Clause 15.01-4 – Design for safety*
-
33. The objective of this clause is:
(a) *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Local Planning Policy Framework (LPPF)

Clause 21.05-1 Heritage

34. The objective of this clause is:
(a) *To protect and enhance Yarra's heritage places;*
- Clause 21.05-2 - Urban Design*
35. The relevant objectives of this clause are:
(a) Objective 16 – *To reinforce the existing urban framework of Yarra.*
(b) Objective 20 – *To ensure that new development contributes positively to Yarra's urban fabric.*
- Clause 21.07 - Environmental Sustainability*
36. 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 21.08-9 – North Richmond (area north of Bridge Road) (Neighbourhoods)

37. The following is offered for this suburb (as relevant):
(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.*
38. Figure 22 (Built Form Character Map), shows the subject site is located within what has been designated as an *Inner Suburban Residential* area which has the following objectives:

- (a) Maintain the existing pattern of front setbacks.
- (b) Limit variations in height to a maximum of one storey compared to the adjacent properties.

Relevant Local Policies

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

39. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay.

Clause 22.02-5.1 – Demolition

Removal of Part of Heritage Place or Contributory Elements

40. *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place. Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*

- (a) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
- (b) *For a contributory building:*
 - (i) *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or,*
 - (ii) *the removal of the part would not adversely affect the contribution of the building to the heritage place.*

Clause 22.02-5.7 – New Development, Alterations and Additions

41. *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.*

- (h) *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.*
- (i) *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.*

42. Clause 22.02-5.7.2 (Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)) offers the following relevant policy guidance:

Residential Upper Storey Additions

- (a) *Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:*
 - (i) *Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.*
 - (ii) *Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.*

Sightlines should be provided to indicate the 'envelope' from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.2)

Front Fences and Gates

- (b) *Encourage front fences and gates to be designed to allow views to heritage places or contributory elements from surrounding streets be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)*

Ancillaries and Services

- (c) *Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.*
- (d) *Where there is no reasonable alternative location, ancillaries and services which will reduce greenhouse gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.*
- (e) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.*

Clause 22.07 – Development Abutting Laneways

43. This policy applies to development that is accessed from a laneway or has laneway abuttal. The relevant 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.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

44. 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.

Incorporated Documents

45. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 identifies this site as being non-contributory.

Advertising

46. The application was advertised in accordance with Section 52 of the *Planning and Environment Act (1987)* by way of 30 letters sent to surrounding property owners and occupiers and the display of two signs on-site (one on Leslie Street and the other on the rear laneway).
47. A total of nine (9) objections were received, and raised the following concerns:
- (a) Design, scale and materiality of the extension is out of character with the existing streetscape.
 - (b) Design, scale and materiality of the extension does not appropriately respond to the heritage value of the subject site or the streetscape.
 - (c) Car parking concerns.
 - (d) Overlooking, particularly with regard to the proposed roof terrace area.
 - (e) Overshadowing into the south-adjoining property.
 - (f) The location of the proposed boundary fences.
48. A planning consultation meeting was held on 10 October 2017, with planning officers, the applicant and objectors in attendance. Overlooking was the primary issue discussed. A resolution was not reached; however there was a discussion about the possibility of producing sketch plans to revise the screening mechanisms of the roof top terrace area. Following the consultation meeting, revised sketch plans were submitted on 01 November 2017 which address the overlooking concerns by providing 1.7m-high screening along the eastern, northern and southern perimeters of the rooftop terrace.

Referrals

External

49. The application was not required to be referred to any external Referral Authorities.

Internal

50. The following referral advice was received from Council's:
- (a) Heritage Advisor who confirmed that the proposal is appropriate from a heritage perspective subject to the following conditions:

- (i) Deletion of the proposed Zinalume roof material (including the roof material for the front window hood) and its replacement with Heritage Grade Z600 or one of the following painted Zinalume (Colorbond) colours:
 - 'Manor Red'
 - 'Cottage Green'
 - 'Dune'
 - 'Pale Eucalypt'
 - (ii) Clarification that the front door is to be retained. If the proposal seeks to provide a new front door, it must be a timber, high-waisted, Edwardian-era front door.
- (b) Environmental Sustainability Design officer, who commented that the proposal achieved acceptable energy efficiency outcomes, but was concerned about the proposal's storm water management performance. This will be expanded upon at paragraph 59.
- (c) Engineering Department, who confirmed that:
- (i) The originally-proposed rear gate opening width (3.6m – as shown in the decision plans) was insufficient for appropriate car access from the narrow laneway.
 - (ii) The revised rear gate opening width (4.5m - as shown in the sketch plans) would allow for appropriate car access from the laneway.

OFFICER ASSESSMENT

51. The considerations for this application are:

- (a) Clause 54 (ResCode);
- (b) Heritage;
- (c) Objector concerns; and
- (d) Other matters

Clause 54 (ResCode)

52. This particular provision comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. Where relevant, assessment will also be made in this section against clause 22.16 (Stormwater Management).

Standard A1 – Neighbourhood Character

54. The existing neighbourhood character is largely formed by the heritage overlay and the proposal will be considered further in that section. However, in principal, the scale of the proposed extension is considered to be appropriate in terms of the wider neighbourhood character. Specifically, the proposal will:

- (a) Retain a large portion of the original dwelling, a single Edwardian dwelling that contributes towards the surrounding character.
- (b) Include a number of restoration works to the original dwelling, enhancing its contribution to the streetscape.
- (c) Set the new works back from the street so as to minimise views of the proposed extension.

- (d) Not be an unreasonable response to the overall mixed character of the surrounding area, which, as identified at paragraphs 16-18, features both low-scale, single storey dwellings as well as larger-scale, three-four storey residential developments.

Standard A2 - Street integration objective

- 55. The proposed extension will allow the dwelling to continue integrate with Leslie Street. Low, 1.5m-high fencing at the front of the dwelling will ensure observation of the street. As the front section of the dwelling is being retained, the proposal will continue to provide a strong habitable room presence facing the street.

Standard A3 – Street Setback objective

This provision is not relevant to the subject application as the proposal does not seek to alter the street setback of the existing dwelling on site.

Standard A4 - Building height objective

- 56. The proposal as per the decision plans complies with this requirement, with a maximum building height of 8.13m. It is noted that the submitted sketch plans also comply with this provision, with an overall height of 8.83m.

Standard A5 - Site coverage objective

- 57. The proposed site coverage is 60%, meeting the requirements of this Standard.

Standard A6 - Permeability objectives

- 58. The proposed site permeability is approximately 33%, exceeding the 20% suggested by this standard.
- 59. In addition, a 100mm deep raingarden will achieve a 101% STORM rating, which meets the 100% rating requirements under Clause 22.16 *Stormwater Management*. Council's ESD Officer was shown the original plans (these were submitted prior to the decision plans). The officer queried the fact that rainwater from the entire roof area of the proposal is to be drained to a single point - the rain garden. The officer stated that this was possible but can be quite difficult to achieve. The advisor recommended for the plans to specifically state that all rainwater is to be drained to the raingarden. This feedback was provided to the applicant as part of the preliminary assessment, and they responded by providing the recommended annotations on the decision plans. The proposal therefore meets the requirements of Clause 22.16 and will generally improve stormwater management across the site.

Standard A7 - Energy Efficiency

- 60. The design of the building includes the following sustainable features:
 - (a) Good access to daylight and natural ventilation, via operable doors and windows throughout;
 - (b) High utilisation of north-facing walls for windows;
 - (c) Shading to north-facing glazing through metal screens;
 - (d) No west-facing windows;
 - (e) The provision of a raingarden within the front setback of the dwelling, and,

Standard A8 – Significant Trees

61. There are no significant trees affected by the proposal.

Standard A10 - Side and rear setbacks objective

62. The following table assessing the proposal's performance against this Standard:

Wall	Wall Height*	Required Setback	Proposed Setback	Complies?	Shortfall/Surplus
Southern (Ground Floor)	3.81m	1.06m	0.92m	No	-0.14m
Southern (First Floor)	7.21m	2.09m	1.98m	No	-0.11m
Southern (Roof Terrace)	8.22m	2.78m	2.55m	No	-0.23m
Northern (Ground Floor)	3.72m	1.03m	1.37m	Yes	+0.34m
Northern (First Floor)	7.18m	2.07m	1.98m	No	-0.09m
Northern (Roof Terrace)	8.18m	2.76m	2.55m	No	-0.21m

*It is noted that from east to west, there is some minor change in the natural ground level at the subject site. The wall heights used for the above calculations are based on the maximum height above natural ground level, ensuring a conservative numerical assessment.

The table above illustrates that in all instances of non-compliance; the variation sought is relatively minor (ranging from shortfalls of 0.09m to 0.23m). The variations to Standard A10 sought are considered justified given:

- (a) The design response has provided setbacks which factor in the amenity of the adjoining properties. The design response in this instance seeks a minor variation from the Standard that is considered to be negligible.
- (b) The non-compliance is not expected to result in unreasonable amenity impacts to adjoining properties, particularly given the proposal's full compliance with the Standard A14 (Overshadowing - discussed later in this report) and its appropriate response to habitable room windows on adjoining properties (discussed later in this report).
- (c) With respect to the north-adjointing property, it is noted that part of the non-compliance with this Standard occurs opposite the southern boundary wall of a shed within the property's area of secluded private open space, thereby minimising potential visual bulk impacts.
- (d) Finally, it is noted that the proposal results in greater setbacks (and thereby reduced amenity impacts) from the adjoining properties when compared to the previous approval at this site. The endorsed plans show that side setbacks of 1.5m (as opposed to the proposal's 1.98m) had been approved at first floor. The proposal will extend further towards the rear of the subject site than had been proposed by the previous planning permit; however the net impact is considered to be comparable and acceptable.

Standard A11 - Walls on boundaries objective

63. This provision does not apply to the subject application given boundary walls do not form part of the proposal.

Standard A12 – Daylight to existing windows objective

64. There are three habitable room windows opposite the subject site on adjoining properties:

- (a) No. 33 Leslie Street – the westernmost window along the property's northern wall. This window is not affected by the scope of works and therefore does not require an assessment against the Standard.

- (b) No 29 Leslie Street – the westernmost window along the property’s northern wall. This window is not affected by the scope of works and therefore does not require an assessment against the Standard.
- (c) No. 29 Leslie Street – the easternmost window along the property’s northern wall. This window will be affected by the proposal and has been assessed in the tables below:

Light Court Requirements

Habitable Room Window	Proposed Light Court Dimensions	Required Light Court Dimensions	Complies?
No. 29 Leslie Street-easternmost window along southern wall	Greater than 3sqm with a minimum dimension of 2.2m	3sqm with a minimum dimension of 1m	Yes

Setback Requirements

Habitable Room Window	Height of proposed wall opposite	Proposed Setback	Required Setback	Complies?	Shortfall/Surplus
No. 29 Leslie Street-easternmost window along southern wall	3.81m (ground floor)	1.92m	1.90m	Yes	+0.02m
	7.18m (first floor)	2.98m	3.59m	No	-0.61m
	8.18m (roof terrace)	3.55m	4.09m	No	-0.54m

65. The non-compliance identified above is considered justified given:

- (a) The design response has set the extension back from the principal street boundary. In doing, the scope of works does not affect the majority of habitable room windows on adjoining properties.
- (b) The window in question is south-facing and is located opposite an existing 3.5m-high wall of the subject site (this wall is set back 1.37m from the common boundary with the affected property). Thus under existing conditions, the window in question is not considered to be have a high level of daylight amenity.
- (c) The impact on amenity is considered to be minimal, particularly given that the window in question will retain a light court with a minimum dimension of 2.2m – 1.2m in excess of the Standard requirements.
- (d) Finally it is noted that the proposal results in greater side setbacks when compared to the previous approval at the site. The proposal therefore represents an improvement in terms of daylight access to the habitable room windows of adjoining properties.

Standard A13 – North-facing windows objective

66. The property at No. 33 Leslie Street features one north-facing window at ground floor opposite the subject site. The eastern edge of this window is located 3m from the proposed works. Therefore, this Standard does not apply to the subject application. The north-facing window at No. 33 Leslie will continue to enjoy appropriate access to daylight.

Standard A14 - Overshadowing of open space objective

67. The proposal results in some new shadowing into the secluded private open space of No. 33 Leslie Street. The proposal has been assessed against this Standard in the table below:

Time (22 September)	Existing Shadows	Proposed Shadows	Net increase	Proposed Unshaded SPOS
9am	78sqm	87sqm	9sqm	53sqm
12pm	39sqm	61sqm	22sqm	79sqm
3pm	76sqm	88sqm	12sqm	52sqm

68. The proposal meets the Standard as the dwelling at No.33 Leslie Street will retain greater than 40sqm of its secluded private open space as unshaded for greater than the required 5 consecutive hours between 9am and 3pm on the equinox.

Standard A15 – Overlooking objective

69. The proposed first floor of the extension has been designed to be fully compliant with the Standard by:
- (a) providing metal screening to all north and south-facing windows to a height of 1.7m above the finished first floor level. The plans fail to specify the level of permeability proposed for the screening to the windows. A permit condition is therefore recommended for annotation indicating a maximum screen permeability of 25% for the north and south-facing windows at first floor.
 - (b) providing obscure-glass screening to all balustrades of the rear balcony.
70. The decision plans show that the roof terrace would provide the following screening mechanisms:
- (a) 1m-high planter boxes with a minimum width of 0.8m along the northern and southern lengths of the roof terrace.
 - (b) 1m-high storage cupboards with a minimum width of 1m along the eastern and western ends of the roof terrace.
71. Concerns were raised by the planning officer about the extent of overlooking from the roof terrace area, particularly with regard to the east-facing first floor window of No.33 Leslie Street. In response, the applicant has produced sketch plans that address this issue by providing 0.7m-high glass louvre screening attached to 1m-high balustrades (total height 1.7m above terrace floor level) along the eastern, northern and southern boundaries of the roof terrace area. The sketch plans do not propose new screening to the western edge of the roof terrace area. In assessing the revised rooftop terrace screening, the following is of note:
- (a) The new screening will ensure full compliance with the Standard along the northern, southern and eastern perimeters of the rooftop terrace area.
 - (b) The lack of additional screening at the western perimeter of the rooftop terrace area is considered to meet the objective given that the sketch plans continue to provide the storage cupboards shown on the decision plans. These provide a non-trafficable area to appropriately restrict unreasonable views into the habitable room windows of the adjoining properties.
 - (c) Whilst the new screening will result in an increased overall height, it is not expected to result in any new material detriment given the translucent materiality. It is not anticipated to cast any new overshadowing. It is also considered that the material will blend in with the sky and not create unreasonable new visual bulk impacts. Finally, the revised overall height will not exceed the mandatory maximum building height of 9m prescribed by the Neighbourhood Residential Zone.
72. Overall, the sketch plans are considered to satisfy the objective. A permit condition is recommended to provide glass-louvre screening along the eastern, northern and southern perimeters of the roof terrace in accordance with sketch plans received 01 November 2017.

Standard A16 – Daylight to new windows objective

73. The proposed design of the dwelling ensures that the majority of habitable room windows have a minimum dimension of 1m and area of 3sqm clear to the sky. The only variation to this Standard pertains to the south-facing habitable room windows at ground floor. These windows will enjoy access to a long light court which has an area of greater than 3 square metres. However the light court has a minimum dimension of 0.92m in lieu of the required minimum 1m – this is considered to be a negligible shortfall that has resulted from continuing the setback of the existing dwelling. The proposal is thus considered to satisfy this objective.

Standard A17 – Private open space objective

74. The proposed extension will result in 77sqm of ground floor secluded private open space for the subject site, thereby fully in accordance with the Standard.

Standard A18 – Solar access to open space objective

75. This is not applicable to the subject application given that it only pertains to new dwellings.

Standard A19 - Design detail objective

76. The design of fenestration and roof form for the proposed extension is of a contemporary aesthetic and references the post-war and contemporary development in the surrounding area. It is noted that the design detail of the existing dwelling (particularly those which front the principal street) will remain unchanged and continue to provide an appropriate response to the existing neighbourhood character.

Standard A20 – Front fence objective

77. A 1.5m-high front fence (as shown on floor plans) is proposed, thereby complying with the maximum height of 1.5m. The design is of a simple picket fence, similar to other fences along Leslie Street. Subject to a condition for timber construction, it is considered to be appropriate from a heritage perspective, as discussed later in this report.

Heritage

78. The primary heritage considerations for this application relate to whether compliance is achieved with Clause 43.01-4 (Heritage Overlay: Decision guidelines) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme.

Demolition

79. The scale of demolition is considered appropriate given:
- (a) The existing dwelling will be retained to a depth of two bedrooms
 - (b) The entire roof form of the front two rooms will be preserved bar a small passageway to the attic storage area. This passageway will have low visibility from the street given its location behind the ridge line of the roof and its modest design.

Front and side setbacks

80. The proposed extension will be set back approximately 15.5m from the front boundary – a generous setback that will ensure minimal views from the street.
81. At ground floor, the extension will be set back 0.92m from the southern boundary and 1.37m from the northern boundary. Both of these setbacks are in line with the respective side walls of the existing dwelling and are considered to result in minimal views from the street.

82. At first floor, the extension will be set back 1.98m from both side boundaries. At the roof terrace, side setbacks of 2.55m are proposed. Combined with the generous front setback discussed above, these side setbacks are considered to be appropriate for the heritage place. All of the first and roof terrace setbacks have been designed so as to recess behind the respective side walls of the existing dwelling.

Scale/ height

83. Given the generous front setback proposed for the rear extension, the height is not expected to result in significant views from the street. This is illustrated by the sightline diagram (pursuant to figure 1 of Clause 22.02- see below) that illustrated that the overall design achieves almost full compliance with the sightline diagram. A small section of the western rooftop terrace storage cupboard fails to comply with the diagram. This non-compliance is considered to be negligible and unlikely to result in any significant views from the street.
84. It is acknowledged that the new screening required by condition 1(b) will result in some new non-compliance with the sightline diagram. However, as outlined in earlier sections of this report, the new screening will generally blend in with the sky and will also be located behind the proposed storage cupboards. It is therefore unlikely to result in significant views from the street.

Materiality & Alterations

85. The proposed roof material (including the front window hood) is Zinalume. Discussions with Council's Heritage Advisor confirmed that this material is not appropriate given that it produces a high sheen that detracts from the heritage place. Council's heritage advisor recommended the following options:
- (a) Heritage Grade Z600
 - (b) Painted Zinalume (Colorbond) in any of the following colours:
 - (i) 'Manor Red'
 - (ii) 'Cottage Green'
 - (iii) 'Dune'
 - (iv) 'Pale Eucalypt'
86. Discussion with the applicant confirmed that the preferred option would be the Painted Colorbond in 'Dune'. A planning permit is therefore recommended for the deletion of proposed Zinalume and its replacement with Colorbond in the colour 'Dune'.
87. The front elevation shows a generic, contemporary-style front door with no annotations. Further, the demolition plan does not propose to demolish the existing front door. This was discussed with the applicant and found that the intention is for the existing front door to be retained. Given the lack of specificity on the plans with regard to this matter, a condition is recommended for an annotation to state that the door will be retained.
88. The proposal seeks to install two skylights to be installed into the roof of the existing dwelling. These are considered appropriate from a heritage perspective given that they will generally be flush with the existing roof line and therefore will not result in significant views from the street.
89. The proposal seeks a new picket front fence with a height of 1.5m. The height and style are considered appropriate for the site. The plans however, fail to provide a proposed material. A permit condition will require that the front fence be of timber construction. Timber picket front fencing is typical of the Edwardian era and will enhance the heritage place and streetscape.

90. The proposal seeks a new raingarden to be located within the front setback of the existing dwelling. This is considered to be appropriate as such items are typically quite low and is not expected to unreasonably obscure views of the dwelling from the street.

The proposed elevations, however, have failed to show the raingarden. A permit condition is recommended to address this.

Other Matters

91. It is acknowledged that pursuant to Clause 52.06-1, car parking considerations are not assessed for extensions to single dwellings. However, Council's Engineering Department has indicated that the width of the proposed rear gate (3.6m as per the decision plans) will result in difficult car manoeuvrability. The sketch plans received 01 November 2017 show a new gate width of 4.5m. This was shown to the Engineering department and it was confirmed to provide appropriate access. This will be included in the permit conditions.

Objector concerns

92. Objector concerns have been addressed as follows:

- (a) *Design, scale and materiality of the extension is out of character with the existing streetscape* – This has been addressed at paragraph 54.
- (b) *Design, scale and materiality of the extension does not appropriately respond to the heritage value of the subject site or the streetscape* – This has been addressed at paragraph 76.
- (c) *Car parking and traffic concerns* – Pursuant to Clause 52.06-1, car parking considerations are not assessed for extensions to single dwellings.
- (d) *Concerns regarding the functionality of the proposed rear car access* – This has been addressed at paragraph 91.
- (e) *Overlooking, particularly with regard to the proposed roof terrace area* – This has been addressed at paragraphs 69-72.
- (f) *Overshadowing into the south-adjoining property* – This has been addressed at paragraphs 67 & 68.
- (g) *The location of the proposed boundary fences* – This is not a planning matter. Disputes over the location of boundary fencing is a civil matter and must be dealt with outside of the planning process.

Conclusion

93. Based on the above report, the proposal is considered to substantially comply with the relevant Planning Scheme provisions and planning policy and therefore should be supported subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit (PLN17/0598) for development of the land for partial demolition and the construction of an extension to the existing dwelling at 31 Leslie 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 but modified to show:
 - (a) Screening attached to the south-facing and north-facing habitable room window of the first floor provided with a maximum permeability rate of 25%.
 - (b) Deletion of the planter boxes and the eastern storage cupboard of the roof top terrace and their replacement with a 1.7m-high screening composed of a 1m-high balustrade and 0.7m-high obscure glass louvres, all in accordance with the Sketch Plans produced by DX Architects, received by Council on 01 November 2017.
 - (c) Roofing (including the roofing of the front window hood) of the existing dwelling to be Colorbond in the 'Dune' colour.
 - (d) Annotation to state that the front door is to be retained.
 - (e) Front picket fence to be of timber construction.
 - (f) Rear gate opening width of 4.5m in accordance with the Sketch Plans produced by DX Architects, received by Council on 01 November 2017.
 - (g) Elevations corrected to show the raingarden within the front setback of the existing dwelling.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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. 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.
6. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

CONTACT OFFICER: Chris Stathis
TITLE: Senior Statutory Planner
TEL: 9205 5352

Attachments

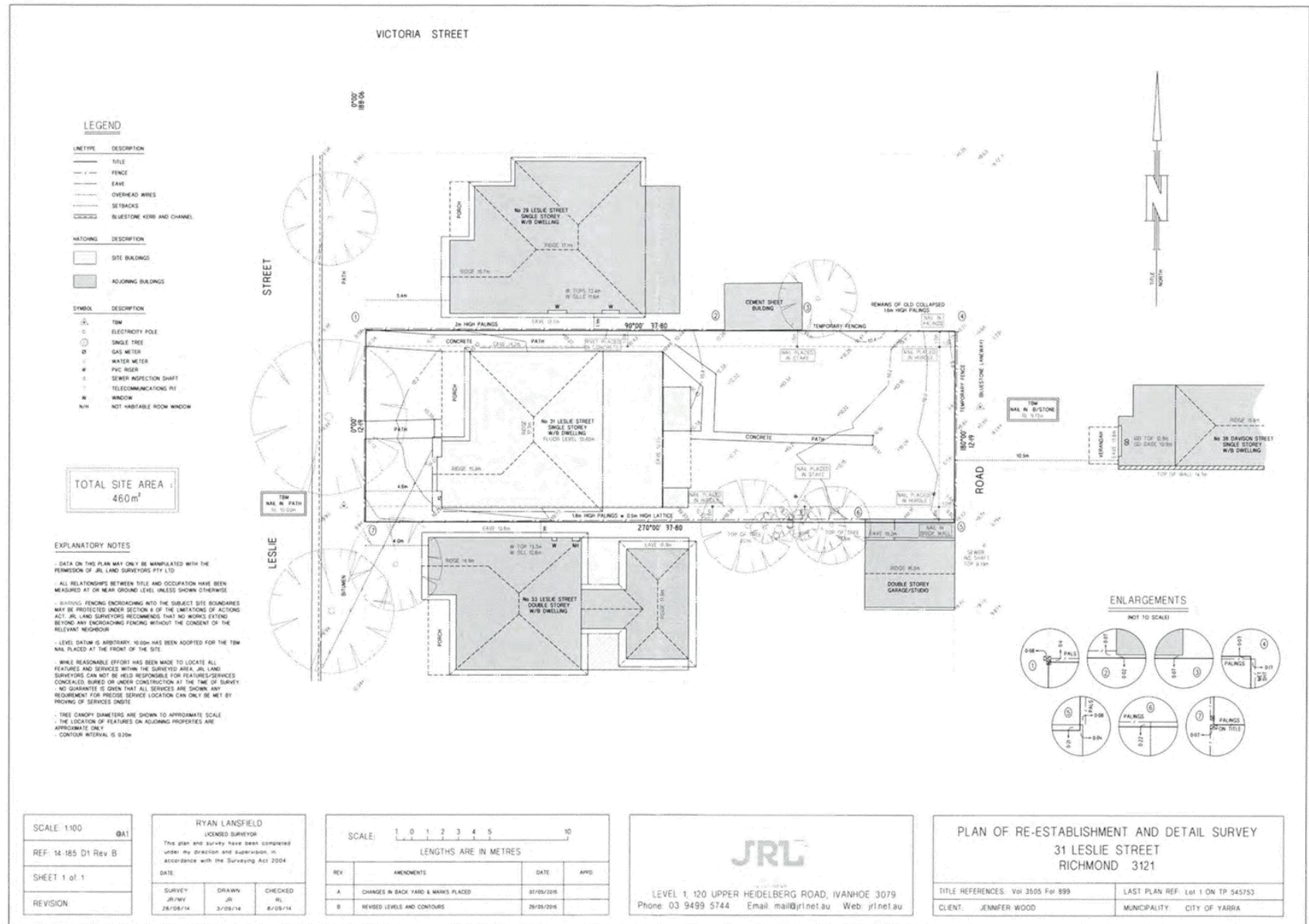
- 1 PLN17/0598 - 31 Leslie Street Richmond - Site and Context Aerial Imagery
- 2 PLN17/0598 - 31 Leslie Street Richmond - Survey Plan
- 3 PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)
- 4 PLN17/0598 - 31 Leslie Street Richmond - Shadow Analysis
- 5 PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report
- 6 PLN17/0598 - 31 Leslie Street Richmond - Sketch Plans (Received 01 November 2017)

Attachment 1 - PLN17/0598 - 31 Leslie Street Richmond - Site and Context Aerial Imagery

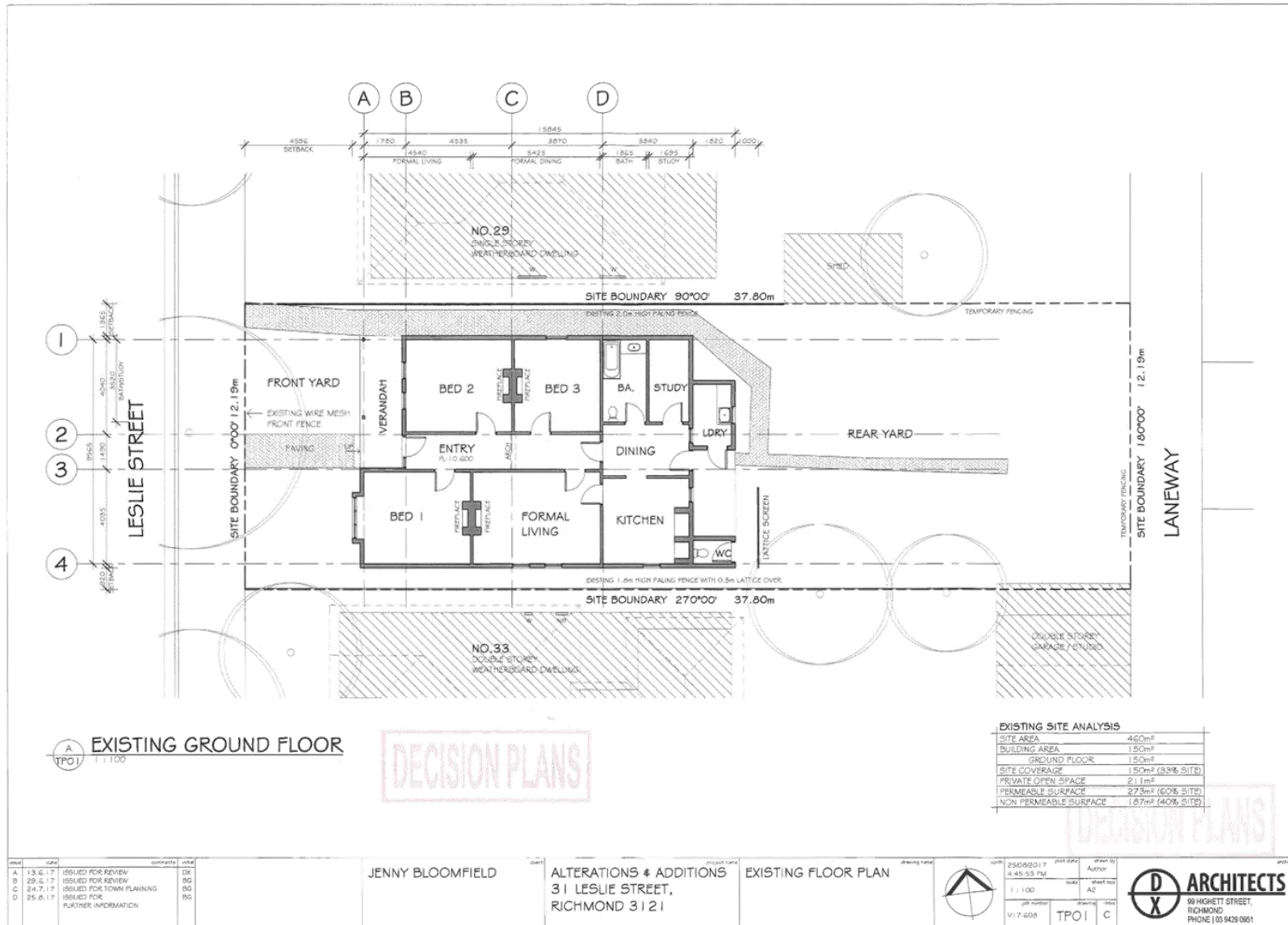
Attachment 1 – Site and Context Aerial Imagery



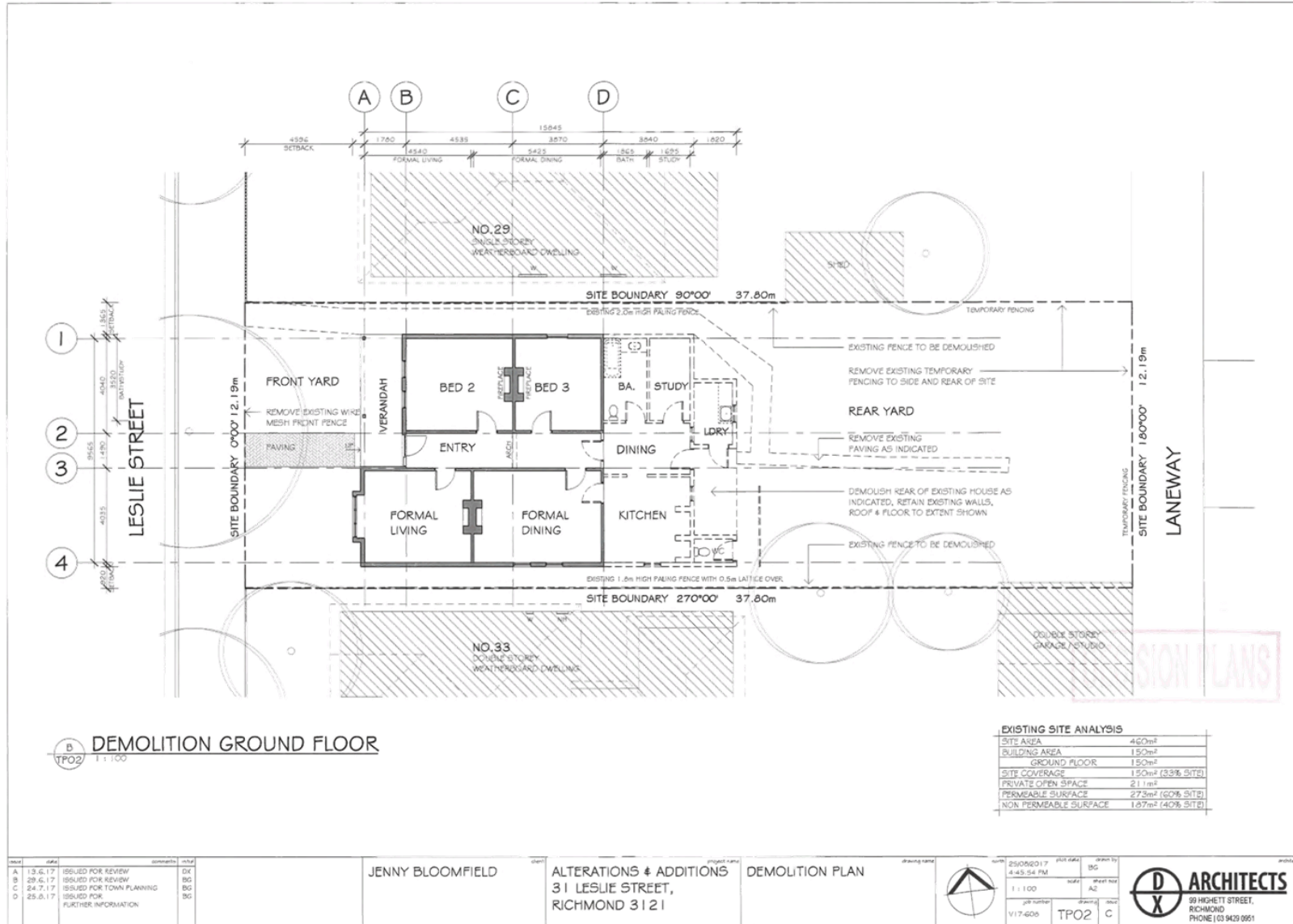
Attachment 2 - PLN17/0598 - 31 Leslie Street Richmond - Survey Plan



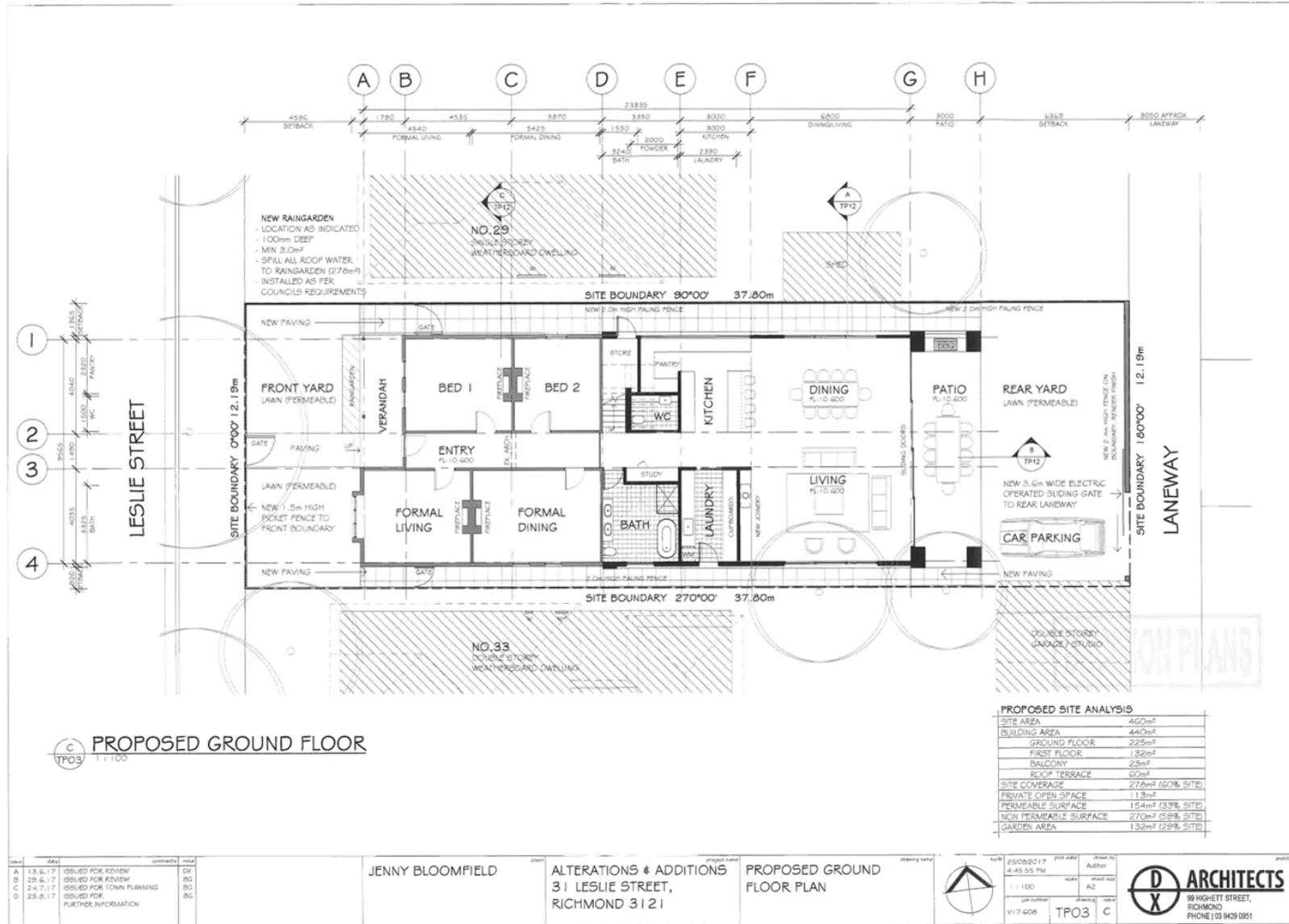
Attachment 3 - PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)



Attachment 3 - PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)

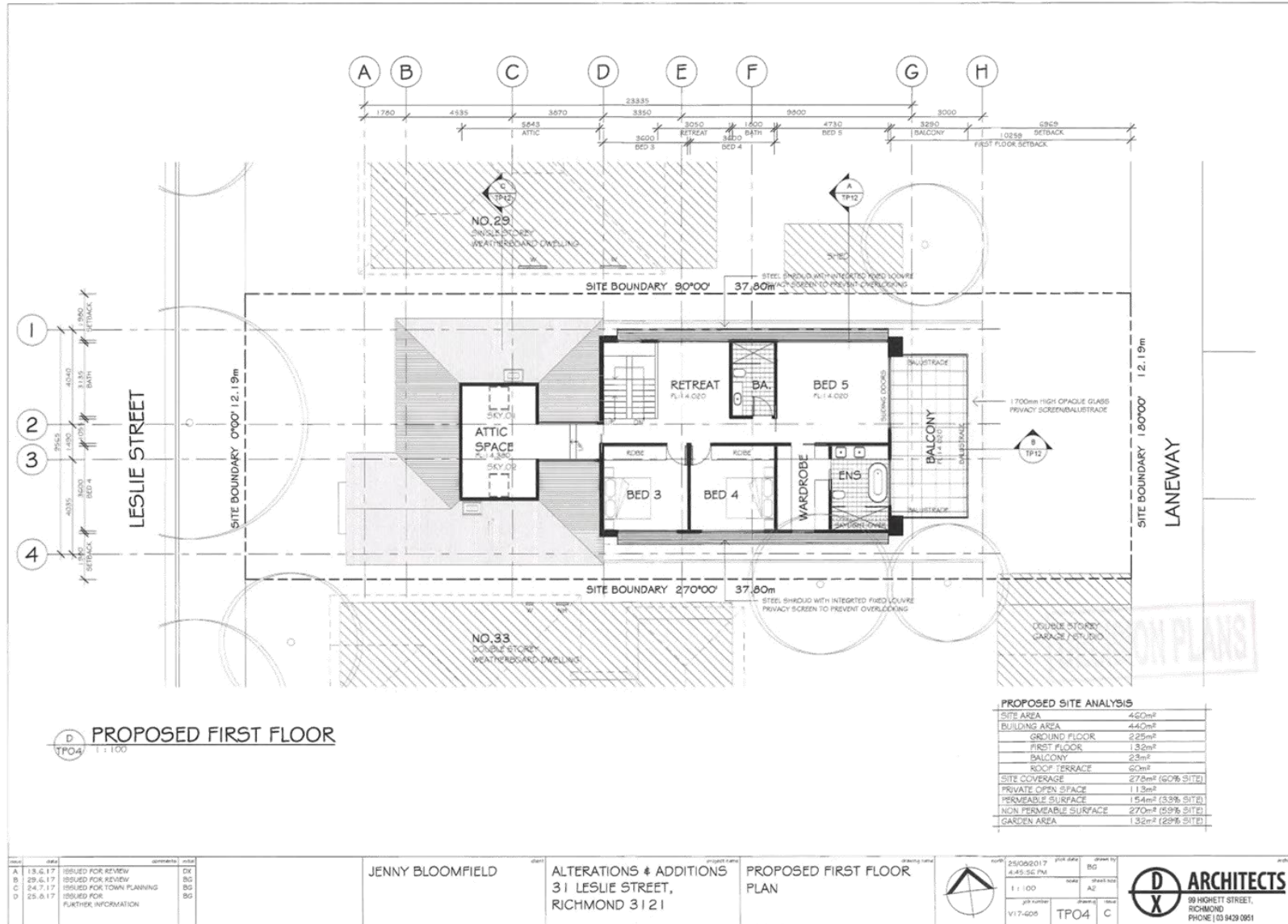


Attachment 3 - PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)



<table border="1"> <tr> <th>date</th> <th>issued for</th> <th>comment</th> <th>status</th> </tr> <tr> <td>15.6.17</td> <td>ISSUED FOR REVIEW</td> <td></td> <td>DY</td> </tr> <tr> <td>29.6.17</td> <td>ISSUED FOR REVIEW</td> <td></td> <td>BG</td> </tr> <tr> <td>24.7.17</td> <td>ISSUED FOR TOWN PLANNING</td> <td></td> <td>BG</td> </tr> <tr> <td>25.8.17</td> <td>ISSUED FOR FURTHER INFORMATION</td> <td></td> <td>BG</td> </tr> </table>	date	issued for	comment	status	15.6.17	ISSUED FOR REVIEW		DY	29.6.17	ISSUED FOR REVIEW		BG	24.7.17	ISSUED FOR TOWN PLANNING		BG	25.8.17	ISSUED FOR FURTHER INFORMATION		BG	<p>JENNY BLOOMFIELD</p>	<p>ALTERATIONS & ADDITIONS 31 LESLIE STREET, RICHMOND 3121</p>	<p>PROPOSED GROUND FLOOR PLAN</p>	<p>scale: 1:100</p> <p>sheet: A3</p> <p>job number: V17-608</p> <p>project name: TPO3</p>	<p>author: Jenny Bloomfield</p> <p>checked: AD</p> <p>drawn: C</p>	<p>D X ARCHITECTS</p> <p>99 HIGHETT STREET, RICHMOND PHONE 03 9429 0951</p>
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Attachment 3 - PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)



no.	date	comments	initial
A	13.6.17	ISSUED FOR REVIEW	DK
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D	25.8.17	ISSUED FOR FURTHER INFORMATION	BG

JENNY BLOOMFIELD

ALTERATIONS & ADDITIONS
31 LESLIE STREET,
RICHMOND 3121

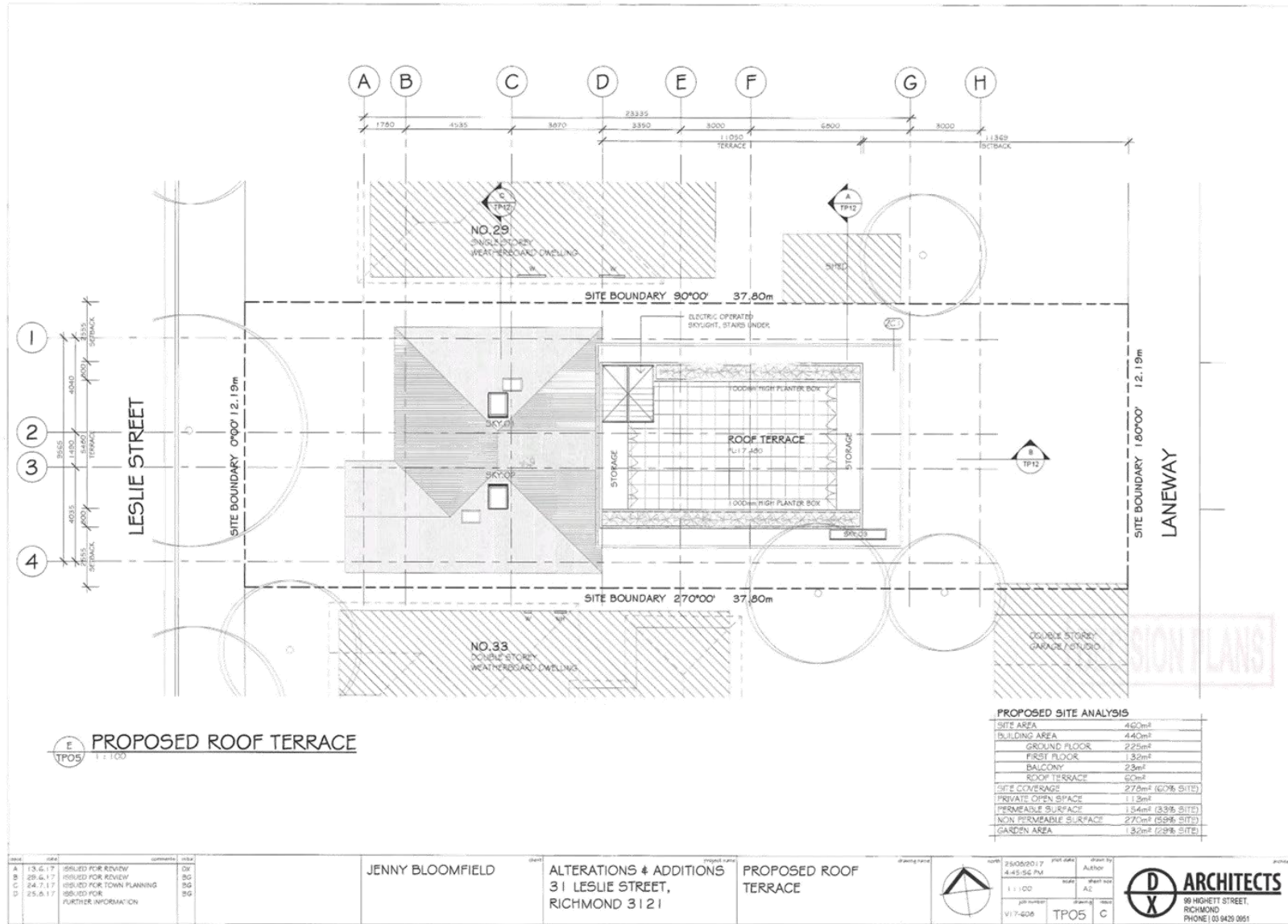
PROPOSED FIRST FLOOR
PLAN



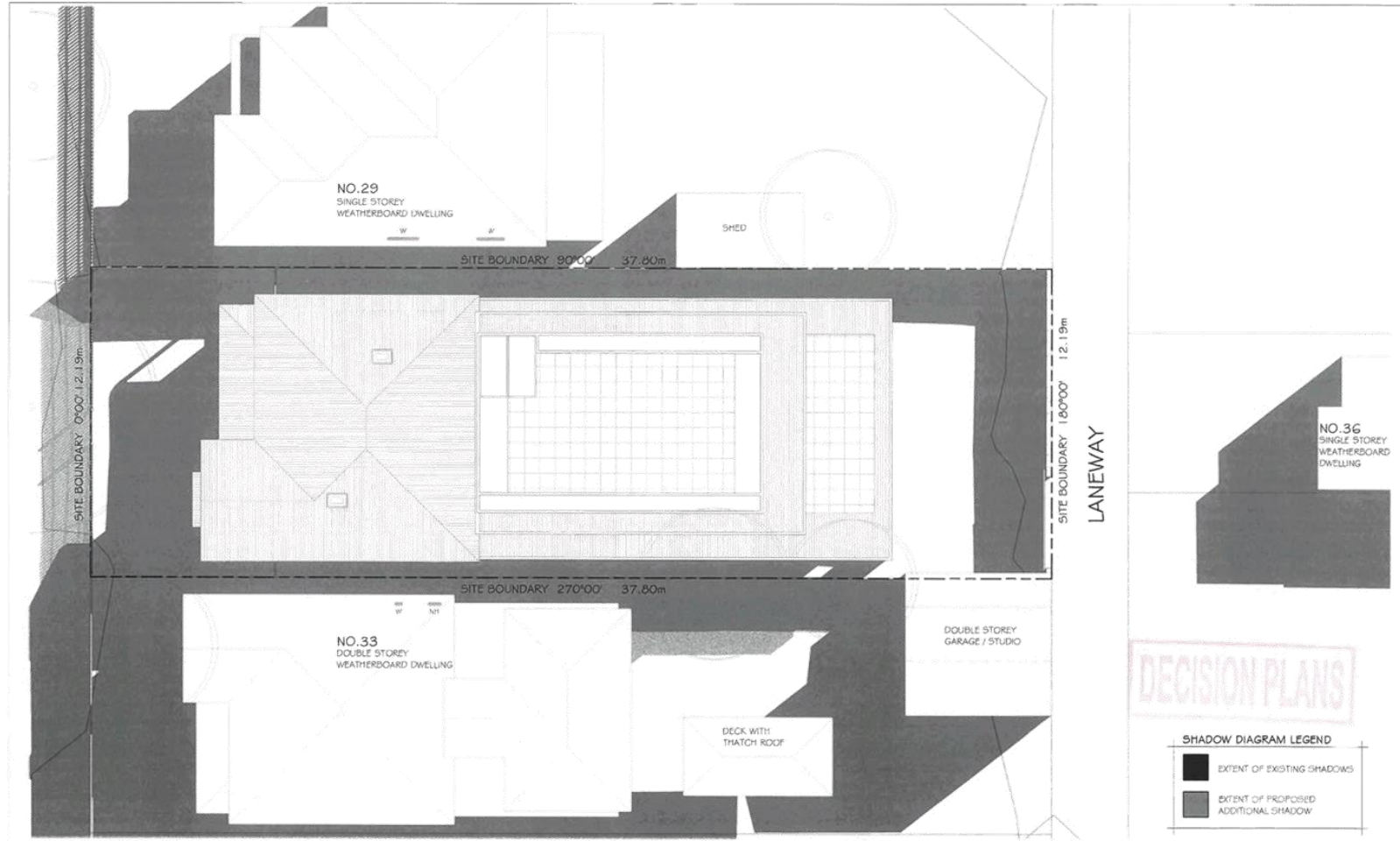
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sheet	TPO4
date	C

ARCHITECTS
89 HIGHETT STREET,
RICHMOND
PHONE (03) 9429 0951

Attachment 3 - PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)



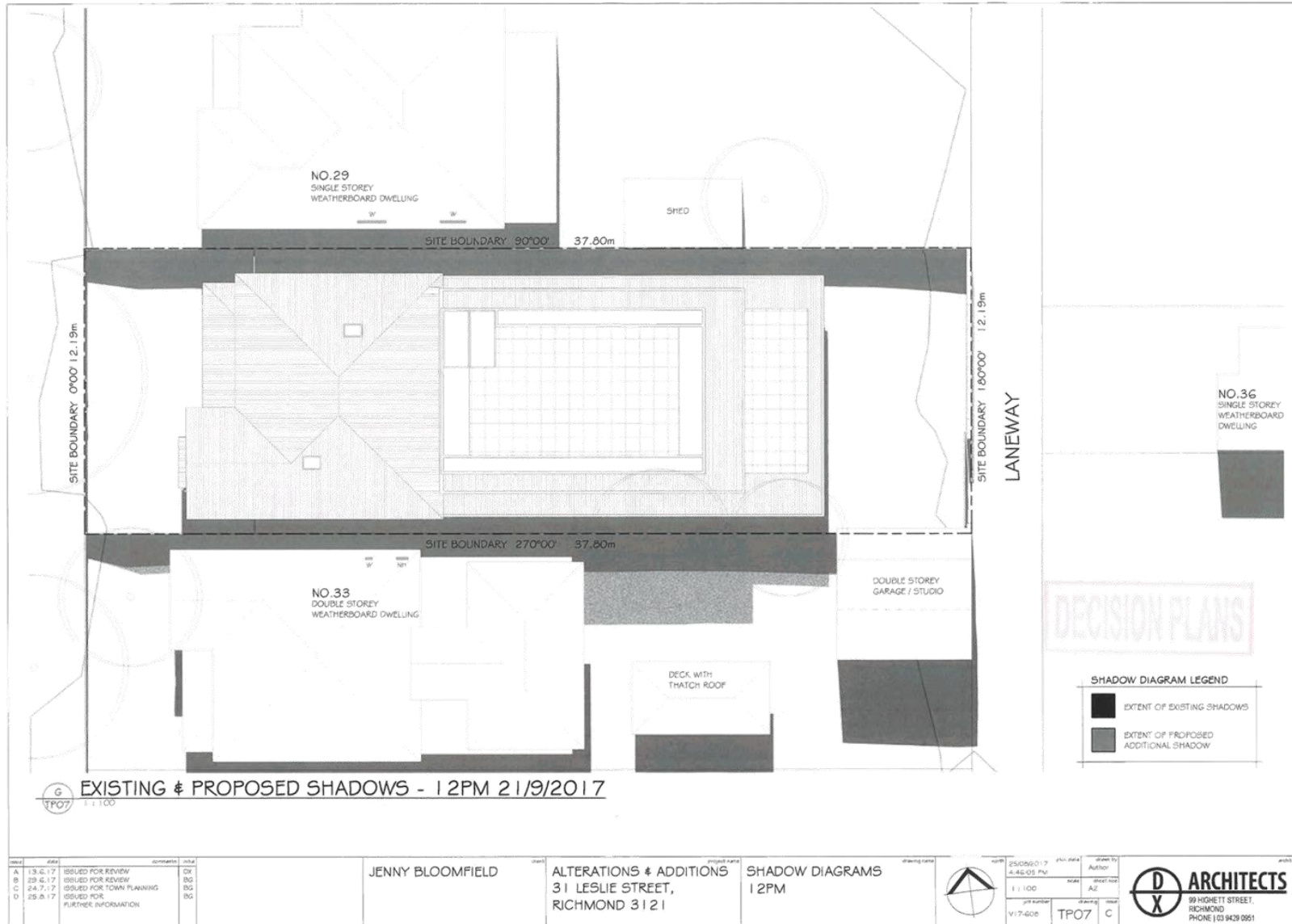
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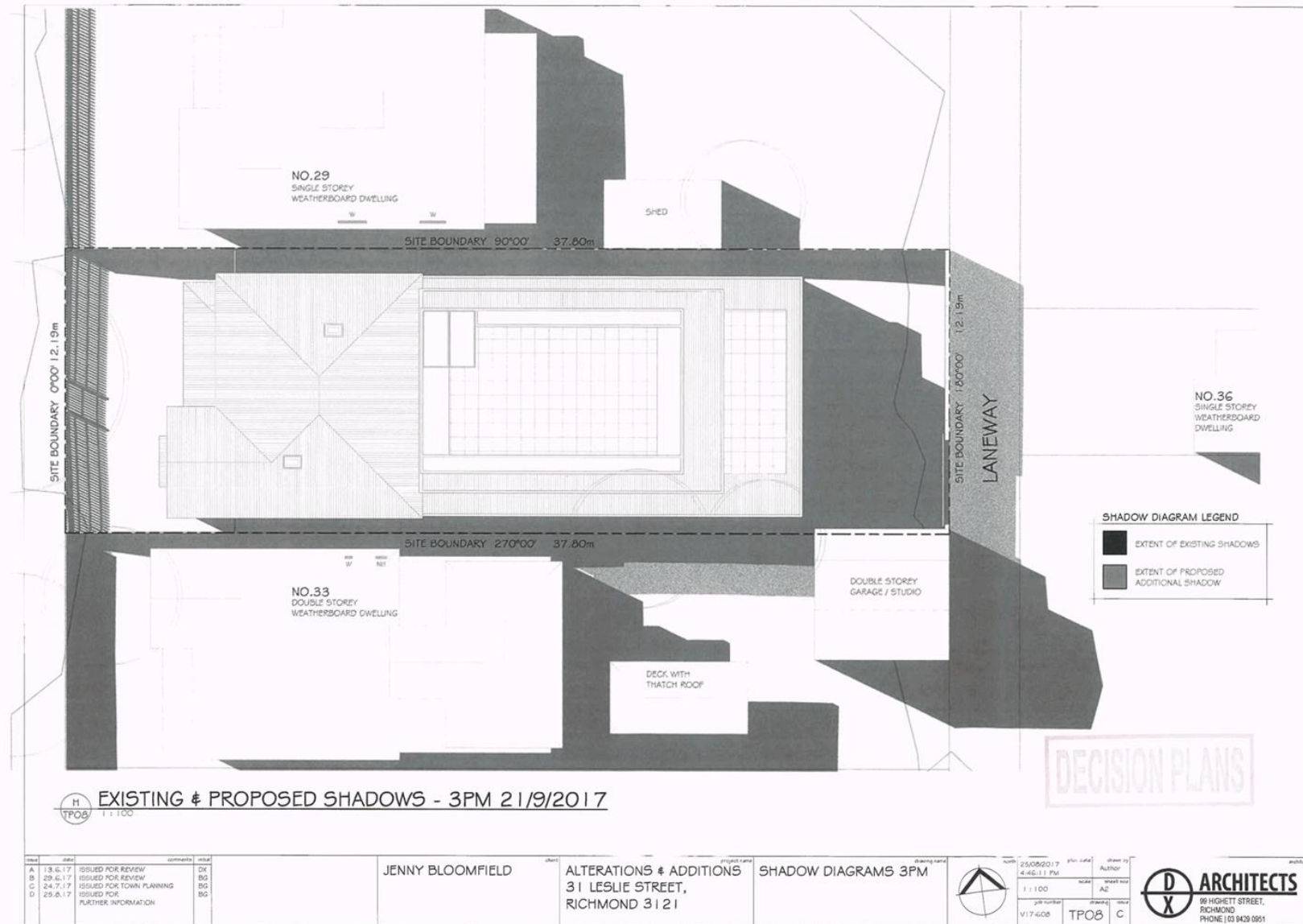
EXISTING & PROPOSED SHADOWS - 9AM 21/9/2017

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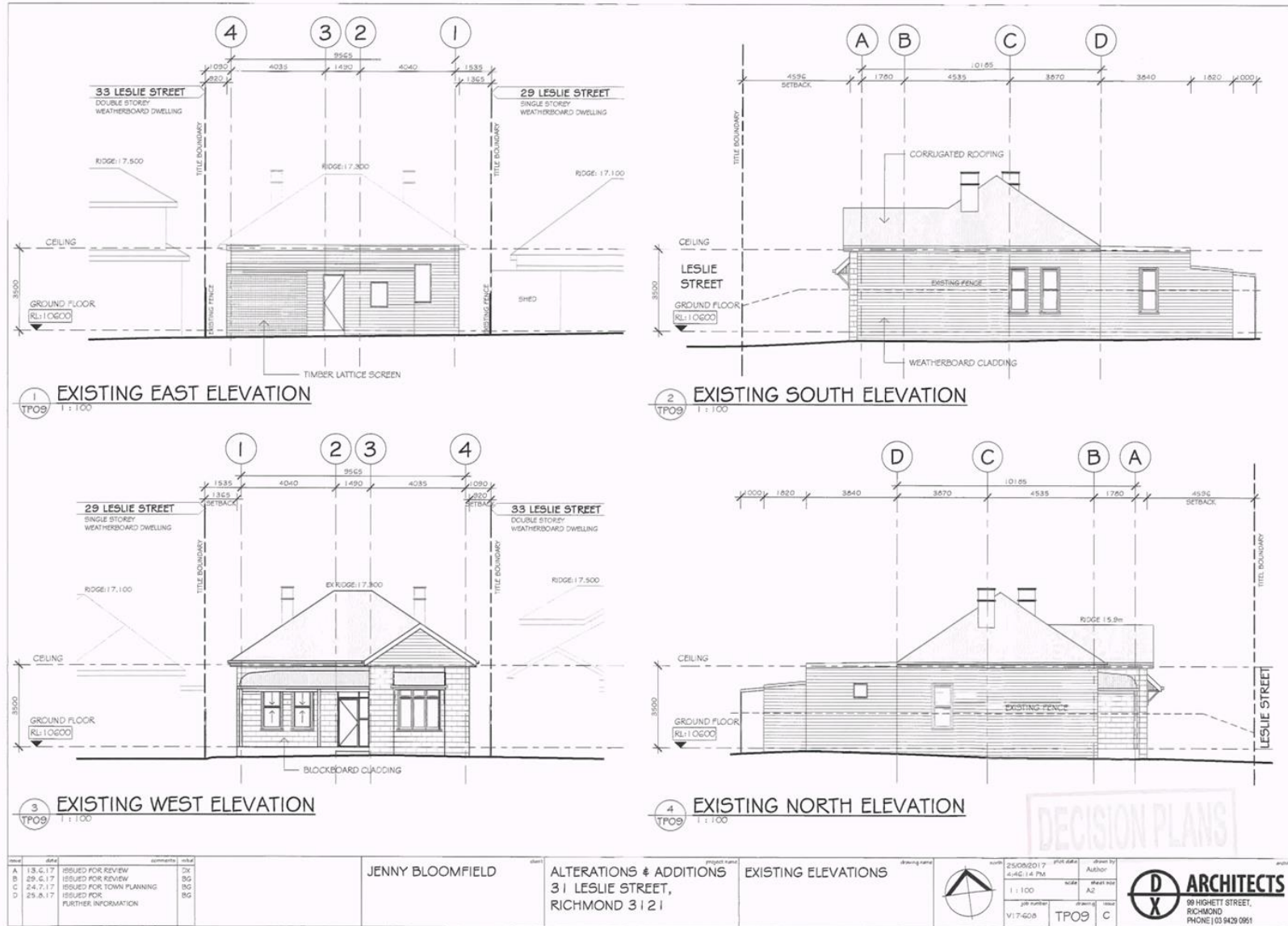
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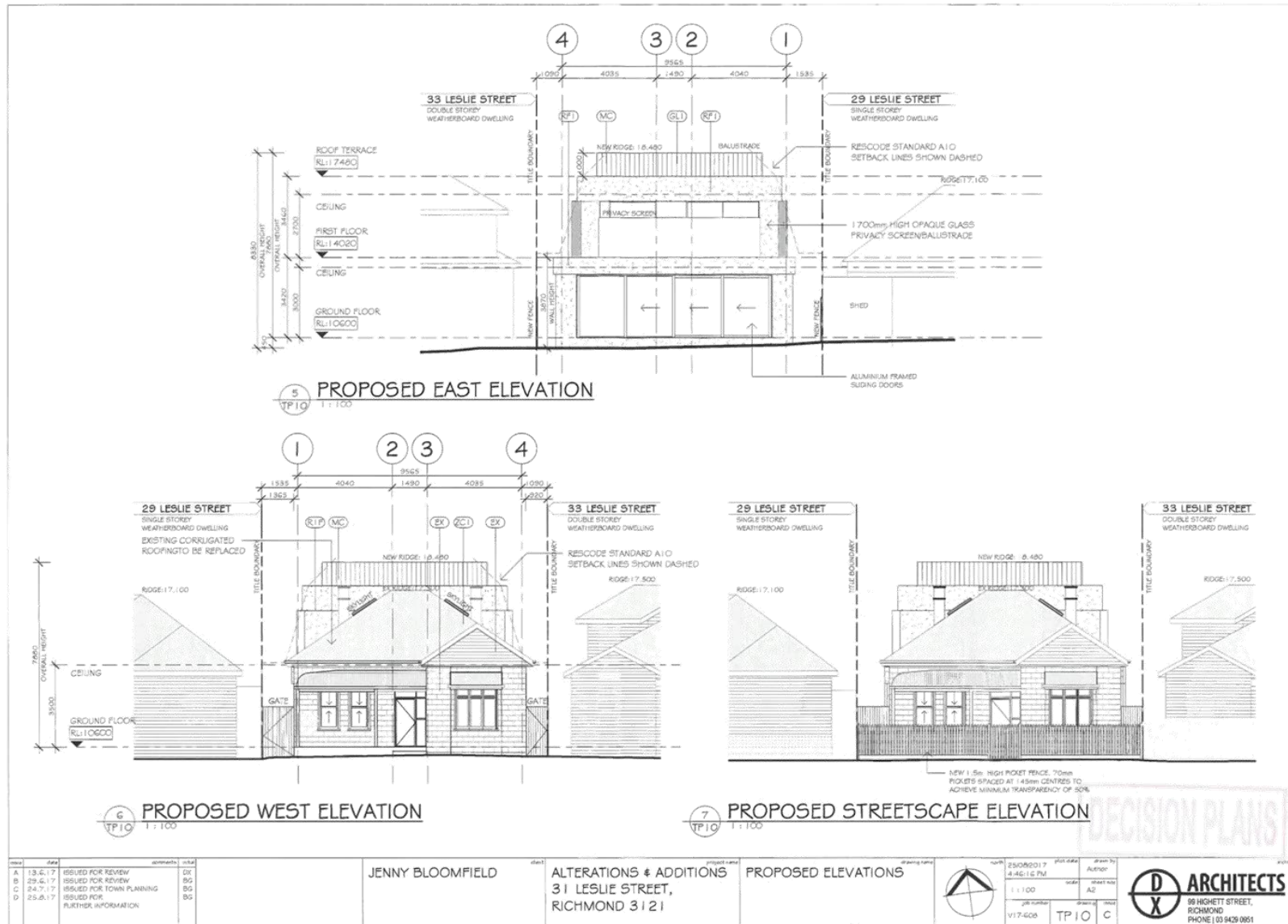
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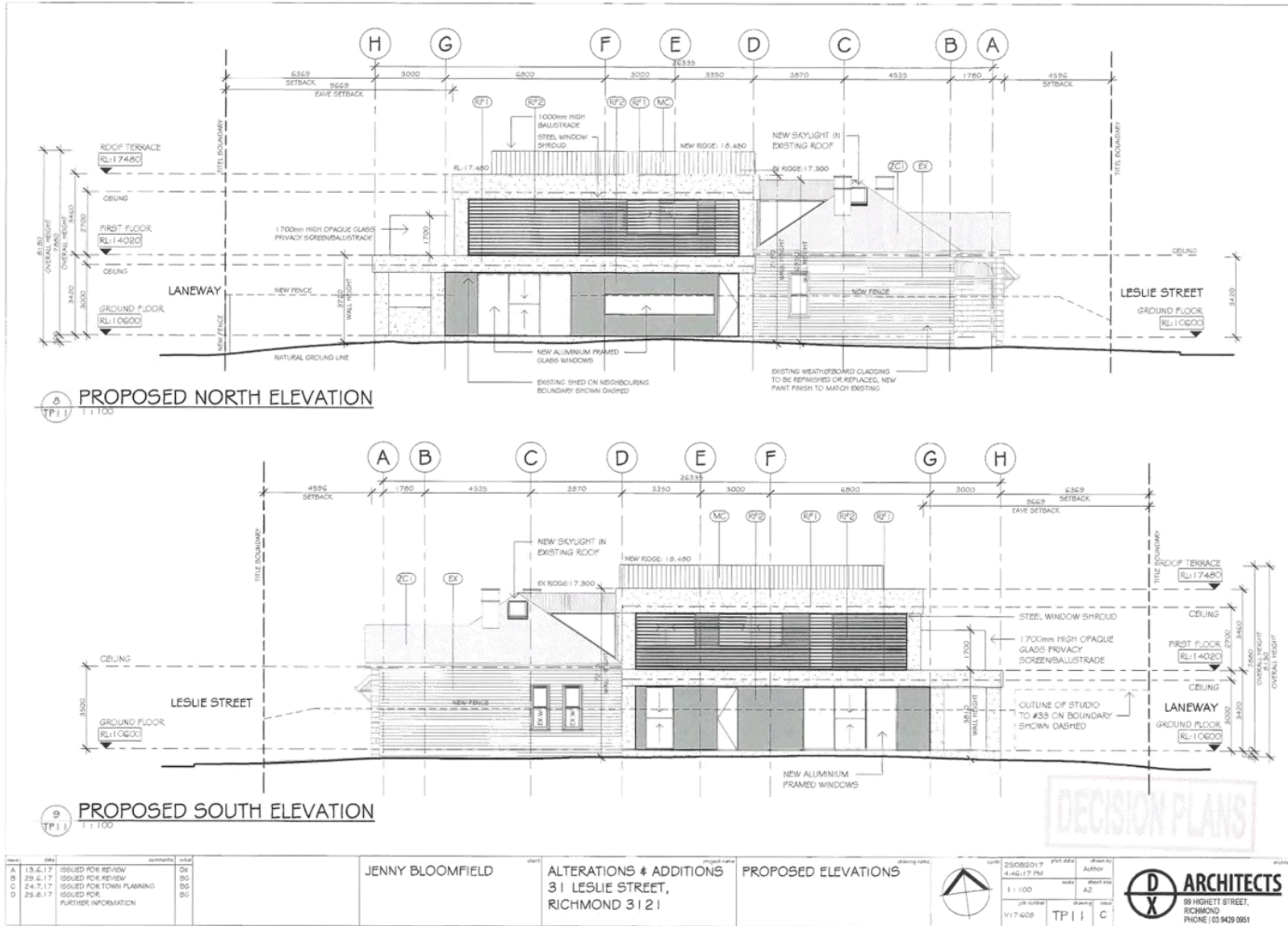
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JENNY BLOOMFIELD	client	ALTERATIONS & ADDITIONS 31 LESLIE STREET, RICHMOND 3121	project name	PROPOSED ELEVATIONS	drawing name
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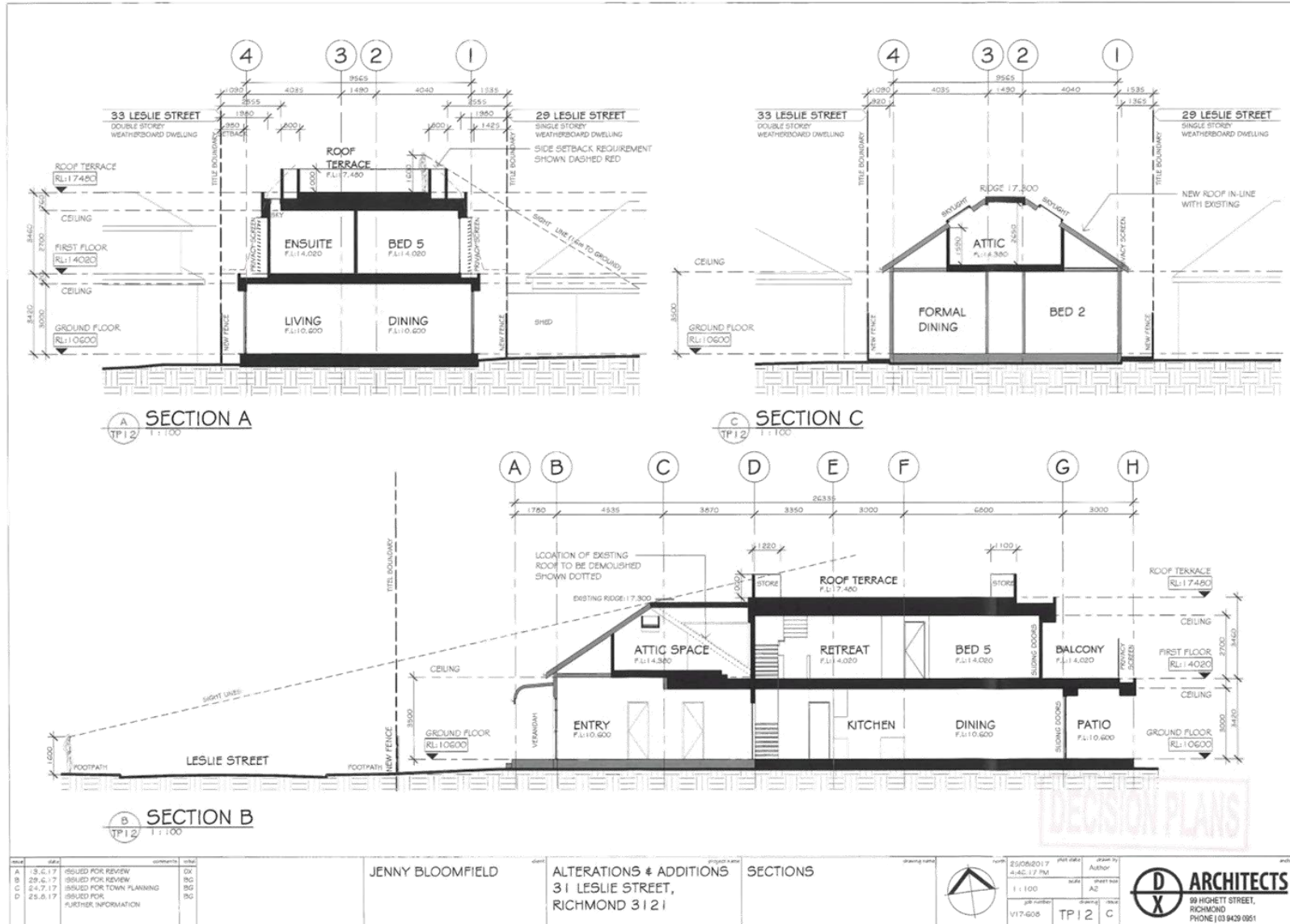
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Attachment 3 - PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)



Attachment 3 - PLN17/0598 - 31 Leslie Street Richmond - Advertised Plans (Decision Plans)



Attachment 4 - PLN17/0598 - 31 Leslie Street Richmond - Shadow Analysis

Shadow Calculations Schedule B
31 Leslie Street, Richmond

Date: 23.8.2017

Adjoining Property Address - 33 Leslie Street, Richmond
 POS/Private Open Space:(m²) **140.43**

	Existing Shadow (m ²)		Proposed Shadow (m ²)		Net Increase (m ²)		Unshaded POS (m ²)
9am Shadow	85.8	61%	92.13	66%	6.33	5%	48.3
12pm Shadow	56.71	40%	75.75	54%	19.04	14%	64.68
3pm shadow	89.38	64%	101.41	72%	12.03	9%	39.02

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

 **Melbourne Water** **STORM Rating Report**

TransactionID: 491687
 Municipality: YARRA
 Rainfall Station: YARRA
 Address: 31 Leslie Street
 Richmond
 VIC 3121
 Assessor:
 Development Type: Residential - Extension
 Allotment Site (m2): 460.00
 STORM Rating %: 101

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Paving	38.00	None	0.00	0	0.00	0.00
Roof	278.00	Raingarden 100mm	3.00	0	114.40	0.00

Date Generated: 18-Jul-2017

Program Version: 1.0.0

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

BESS Report



This BESS report outlines the sustainable design commitments of the proposed development at 31 Leslie St Richmond VIC 3121. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Yarra City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.

31 Leslie St, Richmond 3121 Richmond

Site area: 460 m² · **Building Floor Area:** 401 m² ·
Date of Assessment: 18 Jul 2017 ·
Version: V3, 1.5.0-B148 ·
Applicant: info@dxarchitects.com.au

Project number
8977

Draft
<http://bess.net.au/projects/8977>

Your BESS score is

+ 50%

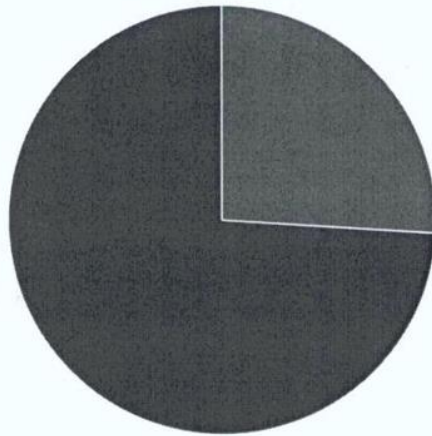
% of Total	Category	Score	Pass
0 %	Management	0 %	
1 %	Water	14 %	✗
9 %	Energy	36 %	✗
13 %	Stormwater	100 %	✓
11 %	IEQ	68 %	✓
4 %	Transport	50 %	
5 %	Waste	100 %	
3 %	Urban Ecology	71 %	
0 %	Innovation	0 %	

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Building Composition

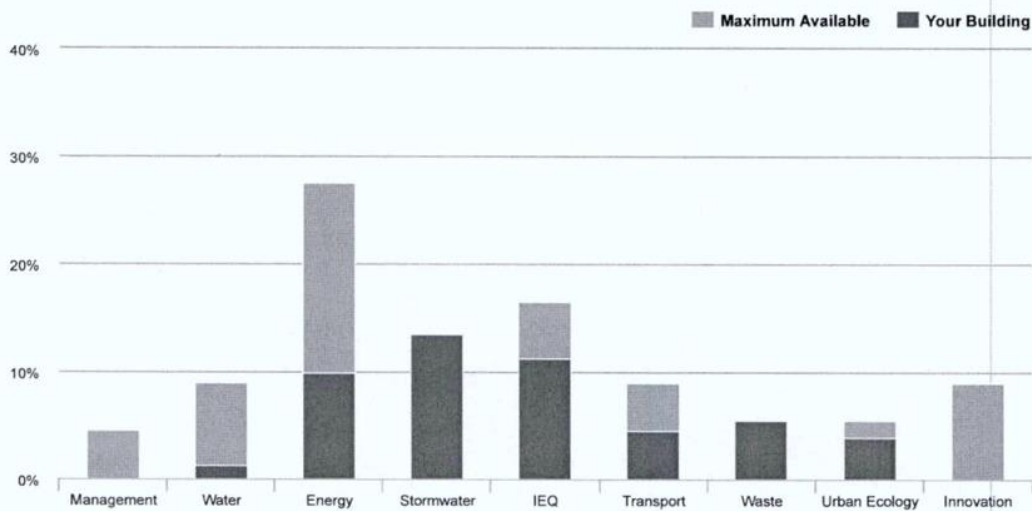


■ Single dwelling (Existing) ■ Extension only

Dwellings

Type	Name	Quantity	Area
Single dwelling (Existing)	Existing Dwelling	1	104 m ²
Extension only	new extension only	1	297 m ²

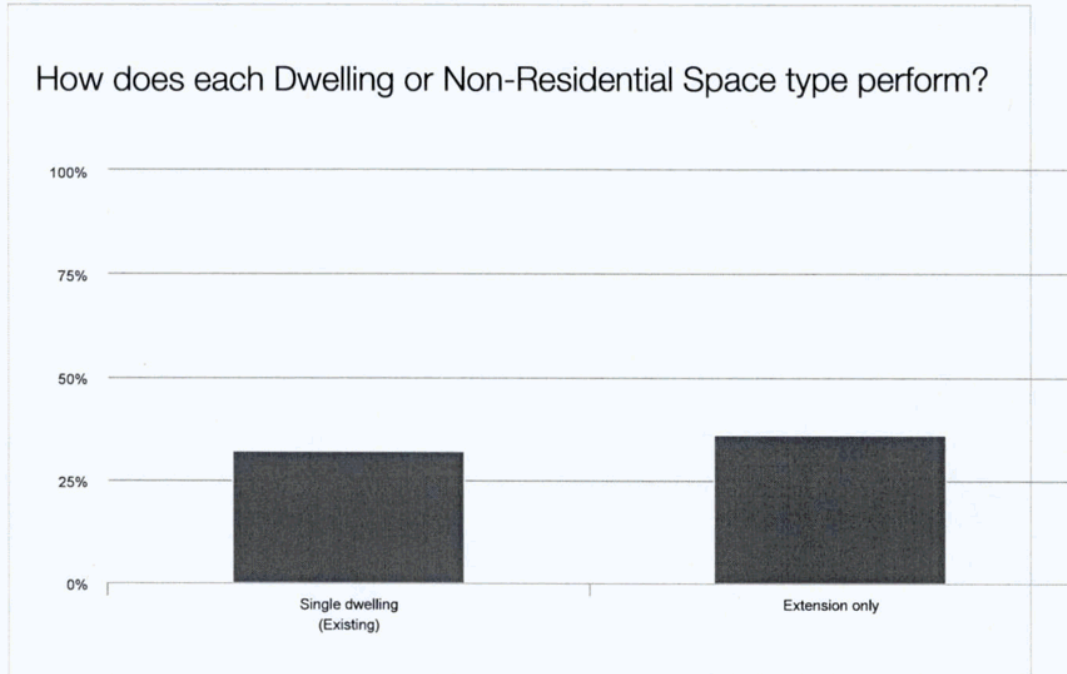
How did this Development Perform in each Environmental Category?



Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia



Sustainable design commitments by category

The sustainable design commitments for this project are listed below. These are to be incorporated into the design documentation and subsequently implemented.

Management	0% - contributing 0% to overall score		
Water	14% - contributing 1% to overall score		
Credit	Disabled	Scoped out	Score
Water 3.1 Water Efficient Landscaping			100 %
Water 4.1 Building Systems Water Use Reduction			N/A
Water Approachs			
What approach do you want to use Water?	Use the built in calculation tools		

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Project Water Profile Questions

Do you have a reticulated third pipe or an on-site water recycling system?	No
Are you installing a swimming pool?	No
Are you installing a rainwater tank?	No

Water fixtures, fittings and connections

	Existing Dwelling	new extension only
Showerhead	Scope out	3 Star WELS (> 7.5 but <= 9.0) (minimum requirement)
Bath	Scope out	Medium Sized Contemporary Bath
Kitchen Taps	> 6 Star WELS rating	> 3 Star WELS rating
Bathroom Taps	> 6 Star WELS rating	> 5 Star WELS rating
Dishwashers	Scope out	> 5 Star WELS rating
WC	> 5 Star WELS rating	> 5 Star WELS rating
Urinals	Scope out	Scope out
Washing Machine Water Efficiency	Scope out	> 5 Star WELS rating
Connected to which Tank	-	-
Rainwater connected to: Toilets	-	-
Rainwater connected to: Laundry (washing machine)	-	-
Rainwater connected to: Hot Water System	-	-

Water 3.1 Water Efficient Landscaping 100%

Score Contribution	This credit contributes 14% towards this section's score.	
Aim	Are water efficiency principles used for landscaped areas? This includes low water use plant selection (e.g. xeriscaping) and specifying water efficient irrigation (e.g. drip irrigation with timers and rain sensors). Note: food producing landscape areas and irrigation areas connected to rainwater or an alternative water source are excluded from this section.	
Questions	Will water efficient landscaping be installed?	
Project wide	Single dwelling (Existing)	Extension only

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Yes - -

Water 4.1 Building Systems Water Use Reduction N/A

This credit was scoped out: n/a

Aim Will the project minimise water use for building systems such as evaporative cooling and fire testing systems?

Energy 36% - contributing 9% to overall score

Credit	Disabled	Scoped out	Score
Energy 2.1 Greenhouse Gas Emissions			100 %
Energy 2.3 Electricity Consumption			74 %
Energy 2.4 Gas Consumption			25 %
Energy 2.5 Wood Consumption			N/A
Energy 3.2 Hot Water			25 %
Energy 3.3 External Lighting			100 %
Energy 3.4 Clothes Drying			74 %
Energy 3.5 Internal Lighting - Residential Single Dwelling			100 %

Dwellings Energy Approaches

What approach do you want to use for Energy? Use the built in calculation tools

Project Energy Profile Questions

Are you installing a solar photovoltaic (PV) system? No

Are you installing any other renewable energy system(s)? No

Gas Supply Natural Gas

Dwelling Energy Profiles

	Existing Dwelling	new extension only
Below the floor is	Ground or Carpark	Ground or Carpark
Above the ceiling is	Outside	Outside
Exposed sides	3	3

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

	Existing Dwelling	new extension only
NatHERS Annual Energy Loads - Heat MJ/sqm	-	-
NatHERS Annual Energy Loads - Cool MJ/sqm	-	-
NatHERS star rating	-	-
Type of Heating System	D Reverse cycle space	D Reverse cycle space
Heating System Efficiency	5 Star	5 Star
Type of Cooling System	Refrigerative space	Refrigerative space
Cooling System Efficiency	5 Stars	5 Stars
Type of Hot Water System	I Gas Instantaneous 5 star	I Gas Instantaneous 5 star
% Contribution from solar hot water system	0 %	0 %
Clothes Line	A No drying facilities	D Private outdoor clothesline
Clothes Dryer	A No clothes dryer	K Clothes dryer 6 stars

Energy 2.1 Greenhouse Gas Emissions 100%

Score Contribution	This credit contributes 10% towards this section's score.
Aim	Reduce the building's greenhouse gas emissions
Criteria	Are greenhouse gas emissions >10% below the benchmark

Questions

Criteria Achieved ?

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Calculations

Reference Building with Reference Services (BCA only) kg CO2		
Project wide	Single dwelling (Existing)	Extension only
-	1248.6	6354.8

Proposed Building with Proposed Services (Actual Building) kg CO2		
Project wide	Single dwelling (Existing)	Extension only
-	924.9	2977.8

% Reduction in GHG Emissions Percentage %		
Project wide	Single dwelling (Existing)	Extension only
-	-	-

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

-	25 %	53 %
---	------	------

Energy 2.3 Electricity Consumption 74%

Score Contribution	This credit contributes 10% towards this section's score.	
Aim	Reduce consumption of electricity	
Criteria	Is the annual electricity consumption >10% below the benchmark	

Questions

Criteria Achieved ?

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Calculations

Reference kWh

Project wide	Single dwelling (Existing)	Extension only
-	637.5	2993.0

Proposed kWh

Project wide	Single dwelling (Existing)	Extension only
-	587.5	347.1

Improvement Percentage %

Project wide	Single dwelling (Existing)	Extension only
-	7 %	88 %

Energy 2.4 Gas Consumption 25%

Score Contribution	This credit contributes 10% towards this section's score.	
Aim	Reduce consumption of electricity	
Criteria	Is the annual gas consumption >10% below the benchmark?	

Questions

Criteria Achieved ?

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

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BESS - 31 Leslie St, Richmond VIC 3121, Australia

Project wide	Single dwelling (Existing)	Extension only
-	-	-
Calculations		
Reference MJ		
Project wide	Single dwelling (Existing)	Extension only
-	9546.5	54415.7
Proposed MJ		
Project wide	Single dwelling (Existing)	Extension only
-	4397.3	49965.9
Improvement Percentage %		
Project wide	Single dwelling (Existing)	Extension only
-	53 %	8 %

Energy 2.5 Wood Consumption N/A

This credit was scoped out: No wood heating system present

Aim	Reduce consumption of wood
Criteria	Is the annual wood consumption >10% below the benchmark?

Energy 3.2 Hot Water 25%

Score Contribution	This credit contributes 5% towards this section's score.
Criteria	Does the hot water system use >10% less energy (gas and electricity) than the reference case?

Questions

Criteria Achieved ?

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Calculations

Reference MJ

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Project wide	Single dwelling (Existing)	Extension only
-	2651.8	15115.5
Proposed MJ		
Project wide	Single dwelling (Existing)	Extension only
-	1223.4	13926.4
Improvement Percentage %		
Project wide	Single dwelling (Existing)	Extension only
-	53 %	7 %

Energy 3.3 External Lighting 100%

Score Contribution This credit contributes 5% towards this section's score.

Questions

Is the external lighting controlled by a motion detector?

Project wide	Single dwelling (Existing)	Extension only
-	Yes	Yes

Energy 3.4 Clothes Drying 74%

Score Contribution This credit contributes 5% towards this section's score.

Criteria Does the combination of clothes lines and efficient dryers reduce energy (gas+electricity) consumption by more than 10%?

Questions

Criteria Achieved ?

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Calculations

Reference kWh

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

-	566.5	2434.4
Proposed <small>kWh</small>		
Project wide	Single dwelling (Existing)	Extension only
-	566.5	214.6
Improvement <small>Percentage %</small>		
Project wide	Single dwelling (Existing)	Extension only
-	0 %	91 %

Energy 3.5 Internal Lighting - Residential Single Dwelling 100%

Score Contribution	This credit contributes 5% towards this section's score.	
Aim	Reduce energy consumption associated with internal lighting	

Questions

Does the development achieve a maximum illumination power density of 4W/sqm or less?

Project wide	Single dwelling (Existing)	Extension only
-	Yes	Yes

Stormwater 100% - contributing 13% to overall score

Credit	Disabled	Scoped out	Score
Stormwater 1.1 Stormwater Treatment			100 %

Which stormwater modelling are you using? Melbourne Water STORM tool

Stormwater 1.1 Stormwater Treatment 100%

Score Contribution	This credit contributes 100% towards this section's score.	
Aim	To achieve best practice stormwater quality objectives through reduction of pollutant load (suspended solids, nitrogen and phosphorus)	
Criteria	Has best practice stormwater management been demonstrated?	

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Questions

STORM score achieved

Project wide	Single dwelling (Existing)	Extension only
100	-	-

Flow (ML/year) % Reduction

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Total Suspended Solids (kg/year) % Reduction

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Total Phosphorus (kg/year) % Reduction

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Total Nitrogen (kg/year) % Reduction

Project wide	Single dwelling (Existing)	Extension only
-	-	-

Calculations

Min STORM Score

Project wide	Single dwelling (Existing)	Extension only
100	-	-

IEQ

68% - contributing 11% to overall score

Credit	Disabled	Scoped out	Score
IEQ 3.1 Thermal comfort - Double Glazing			100 %
IEQ 3.3 Thermal Comfort - Orientation			74 %

IEQ 3.1 Thermal comfort - Double Glazing 100%

Score Contribution This credit contributes 50% towards this section's score.

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Aim To provide comfortable indoor spaces and reduce energy needed for heating and cooling

Questions

Is double glazing (or better) used to all living areas and bedrooms?

Project wide	Single dwelling (Existing)	Extension only
-	Yes	Yes

IEQ 3.3 Thermal Comfort - Orientation 74%

Score Contribution This credit contributes 25% towards this section's score.

Aim To provide comfortable indoor spaces and reduce energy needed for heating and cooling

Questions

Are at least 50% of living areas orientated to the north?

Project wide	Single dwelling (Existing)	Extension only
-	No	Yes

Transport 50% - contributing 4% to overall score

Credit	Disabled	Scoped out	Score
Transport 1.1 Bicycle Parking - Residential			100 %

Transport 1.1 Bicycle Parking - Residential 100%

Score Contribution This credit contributes 50% towards this section's score.

Aim To encourage and recognise initiatives that facilitate cycling

Criteria Is there at least one secure bicycle space per dwelling?

Questions

Bicycle Spaces Provided ?

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Project wide	Single dwelling (Existing)	Extension only
-	1	1

Calculations

Min Bicycle Spaces Required

Project wide	Single dwelling (Existing)	Extension only
-	1	1

Waste

100% - contributing 5% to overall score

Credit	Disabled	Scoped out	Score
Waste 1.1 - Construction Waste - Building Re-Use			100 %
Waste 2.1 - Operational Waste - Food & Garden Waste			100 %

Waste 1.1 - Construction Waste - Building Re-Use 100%

Score Contribution	This credit contributes 50% towards this section's score.
Aim	To recognise developments that re-use materials on-site

Questions

If the development is on a site that has been previously developed, has at least 30% of the existing building been re-used?

Project wide	Single dwelling (Existing)	Extension only
Yes	-	-

Waste 2.1 - Operational Waste - Food & Garden Waste 100%

Score Contribution	This credit contributes 50% towards this section's score.
Aim	To minimise organic waste going to landfill

Questions

Are facilities provided for on-site management of food and garden waste?

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Project wide	Single dwelling (Existing)	Extension only
Yes	-	-

Urban Ecology

71% - contributing 3% to overall score

Credit	Disabled	Scoped out	Score
Urban Ecology 2.1 Vegetation			100 %
Urban Ecology 3.1 Food Production - Residential			100 %

Urban Ecology 2.1 Vegetation 100%

Score Contribution	This credit contributes 57% towards this section's score.
Aim	To encourage and recognise the use of vegetation and landscaping within and around developments
Criteria	How much of the site is covered with vegetation, expressed as a percentage of the total site area.

Questions

Percentage Achieved ? Percentage %

Project wide	Single dwelling (Existing)	Extension only
33 %	-	-

Urban Ecology 3.1 Food Production - Residential 100%

Score Contribution	This credit contributes 14% towards this section's score.
Aim	To encourage the production of fresh food on-site
Criteria	Is there at least 0.25m ² of space per resident dedicated to food production?

Questions

Food Production Area Square Metres

Project wide	Single dwelling (Existing)	Extension only
-	1.0	8.0

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

BESS - 31 Leslie St, Richmond VIC 3121, Australia

Calculations

Min Food Production Area Square Metres

Project wide	Single dwelling (Existing)	Extension only
-	1	3

Innovation

0% - contributing 0% to overall score

Items to be marked on floorplans

0 / 9 floorplans & elevation notes complete.

Energy 3.4: External lighting sensors annotated	Incomplete
Water 3.1: Water efficient garden annotated	Incomplete
Stormwater 1.1: Location of any stormwater management systems used in STORM or MUSIC modelling (e.g. Rainwater tanks, raingarden, buffer strips)	Incomplete
IEQ 3.1: Glazing specification to be annotated	Incomplete
IEQ 3.3: North-facing living areas	Incomplete
Transport 1.1: All nominated residential bicycle parking spaces	Incomplete
Waste 2.1: Location of food and garden waste facilities	Incomplete
Urban Ecology 2.1: Vegetated areas	Incomplete
Urban Ecology 3.1: Food production areas	Incomplete

Documents and evidence

0 / 5 supporting evidence documentation complete.

Energy 3.5: Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.	Incomplete
Stormwater 1.1: STORM report or MUSIC model	Incomplete

Attachment 5 - PLN17/0598 - 31 Leslie Street Richmond - Environmental Sustainability Report and Storm Report

7/18/2017

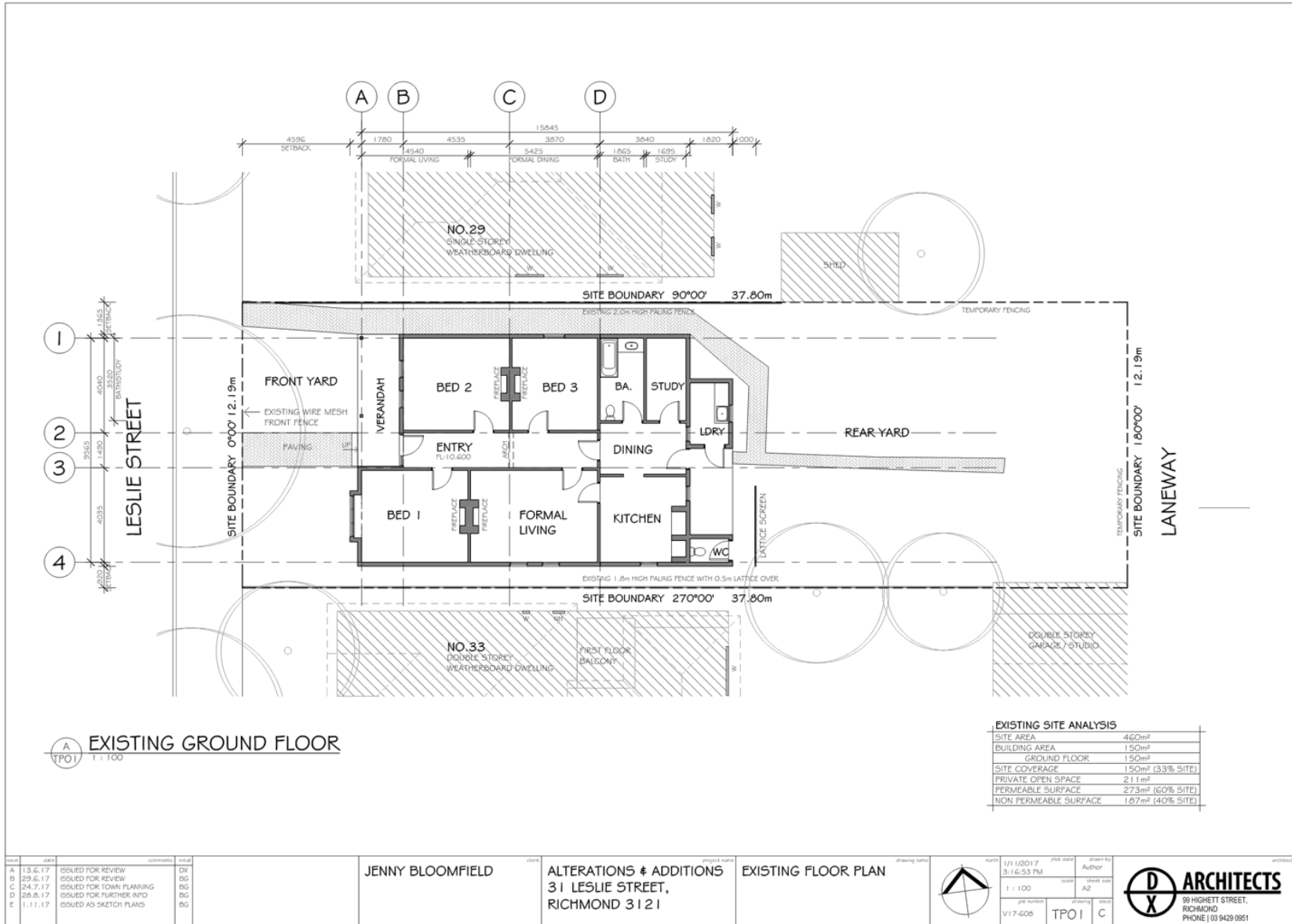
BESS - 31 Leslie St, Richmond VIC 3121, Australia

IEQ 3.1: Reference to floor plans or energy modelling showing the glazing specification (U-value and Solar Heat Gain Coefficient, SHGC)	Incomplete
IEQ 3.3: Reference to the floor plans showing living areas orientated to the north.	Incomplete
Waste 1.1: Report detailing how the existing building is being reused on-site	Incomplete

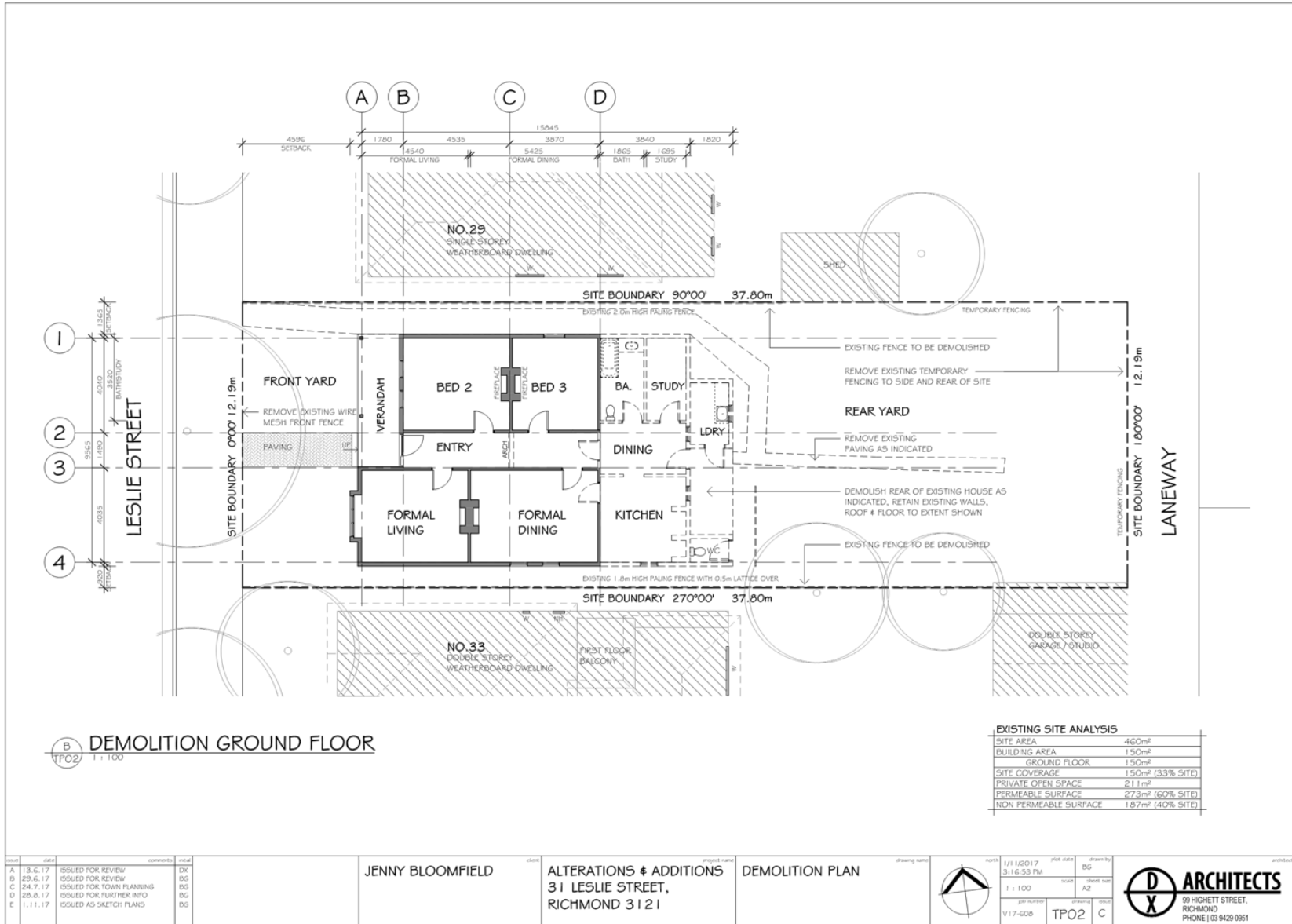
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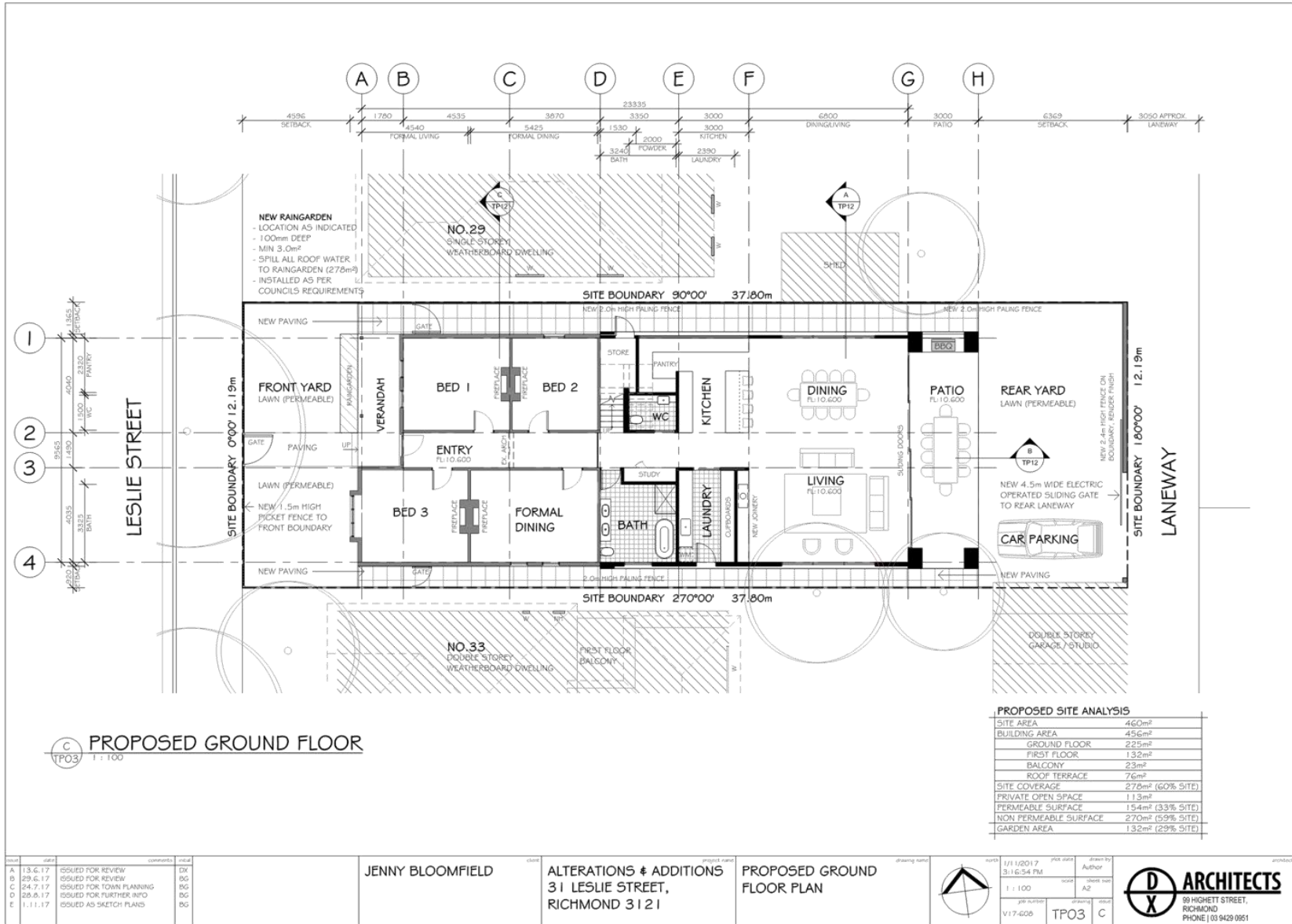
Attachment 6 - PLN17/0598 - 31 Leslie Street Richmond - Sketch Plans (Received 01 November 2017)



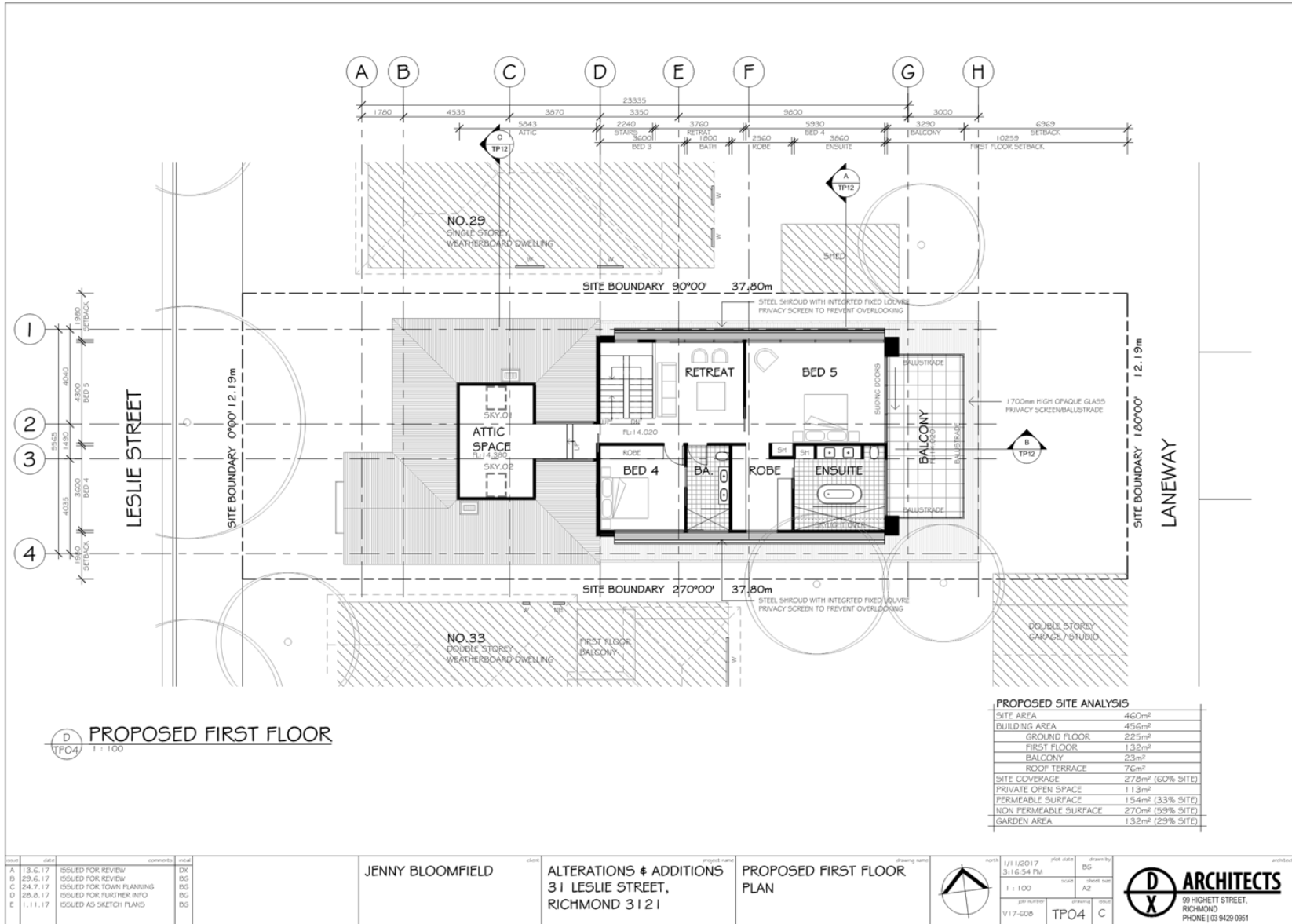
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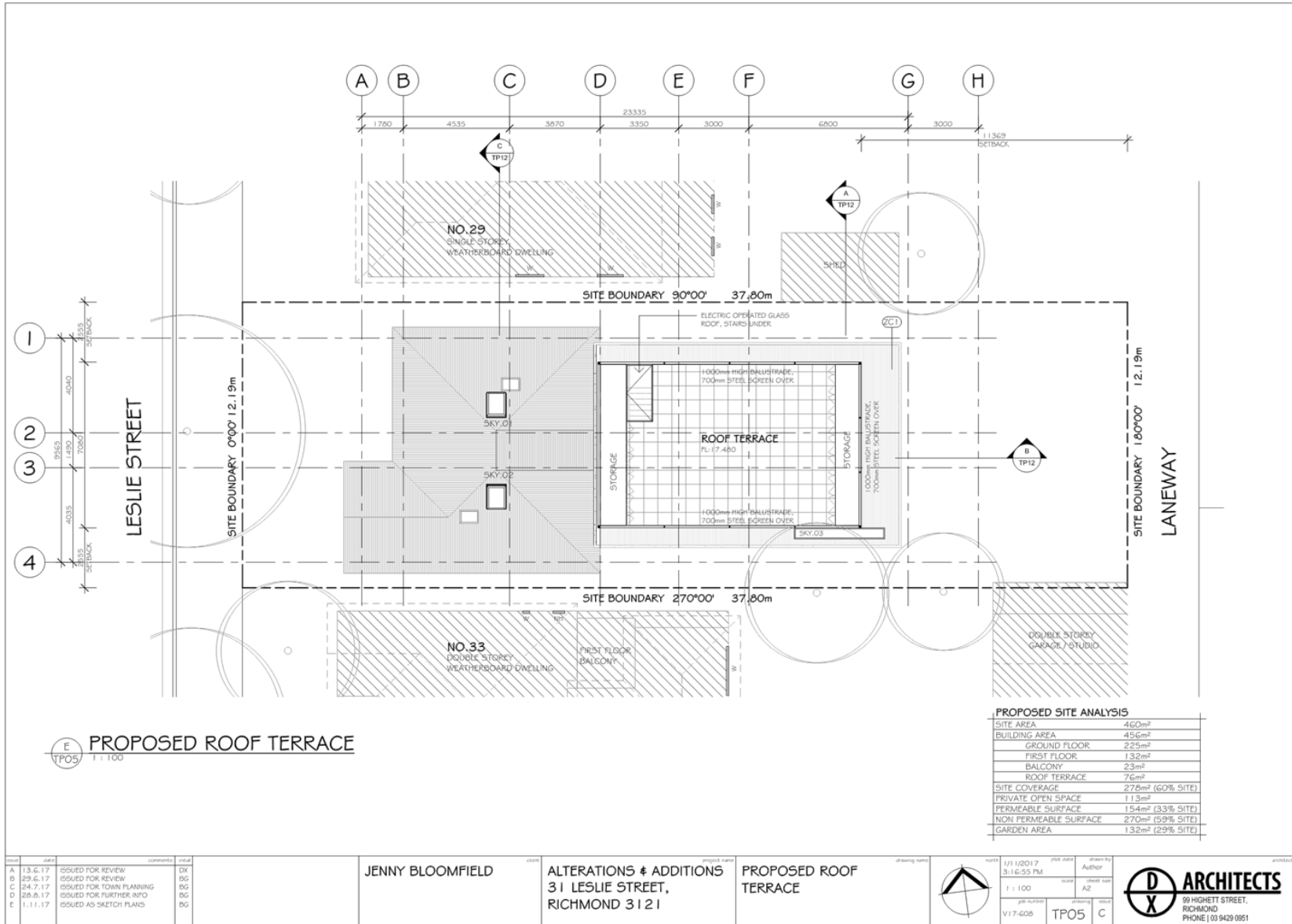
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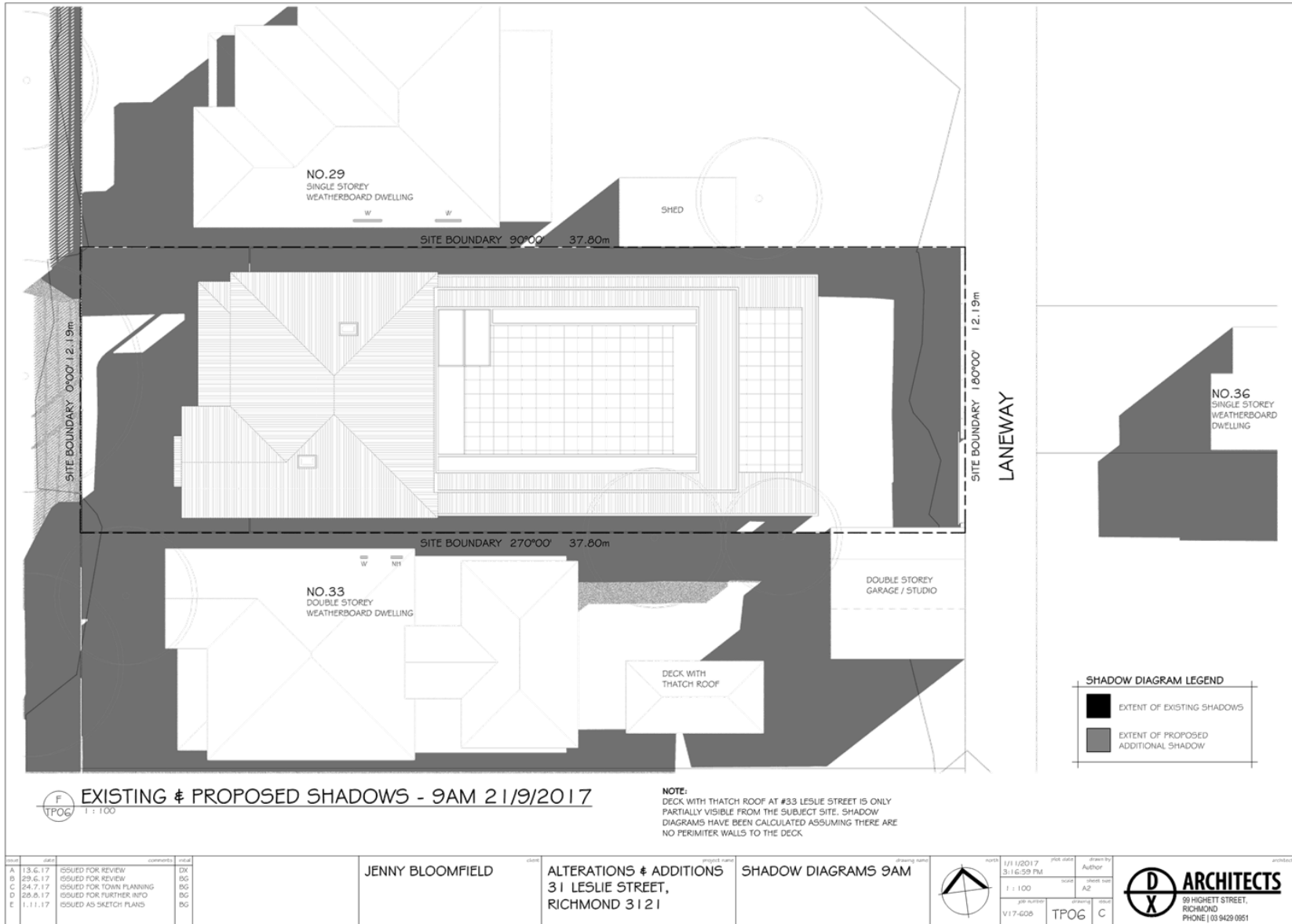
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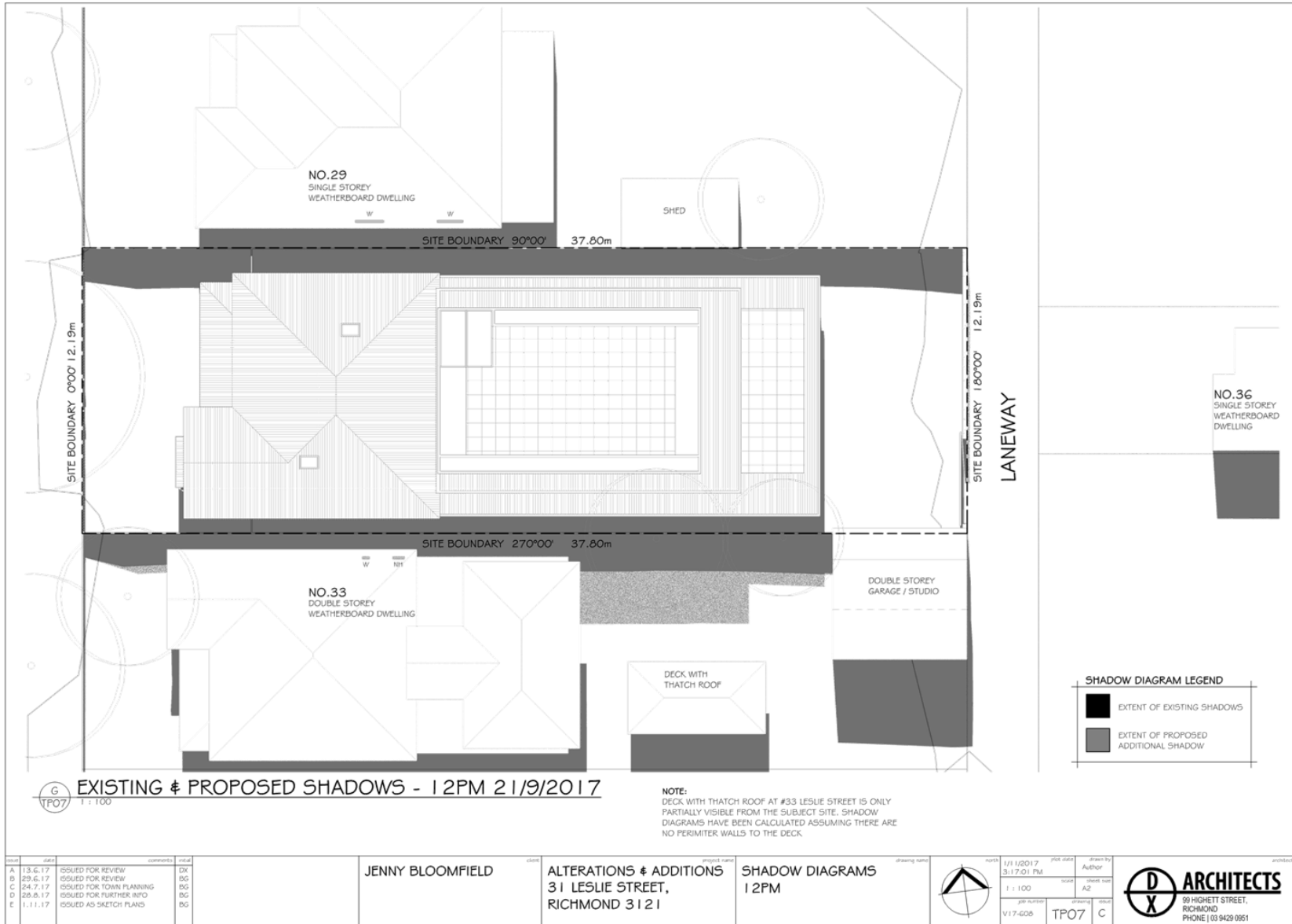
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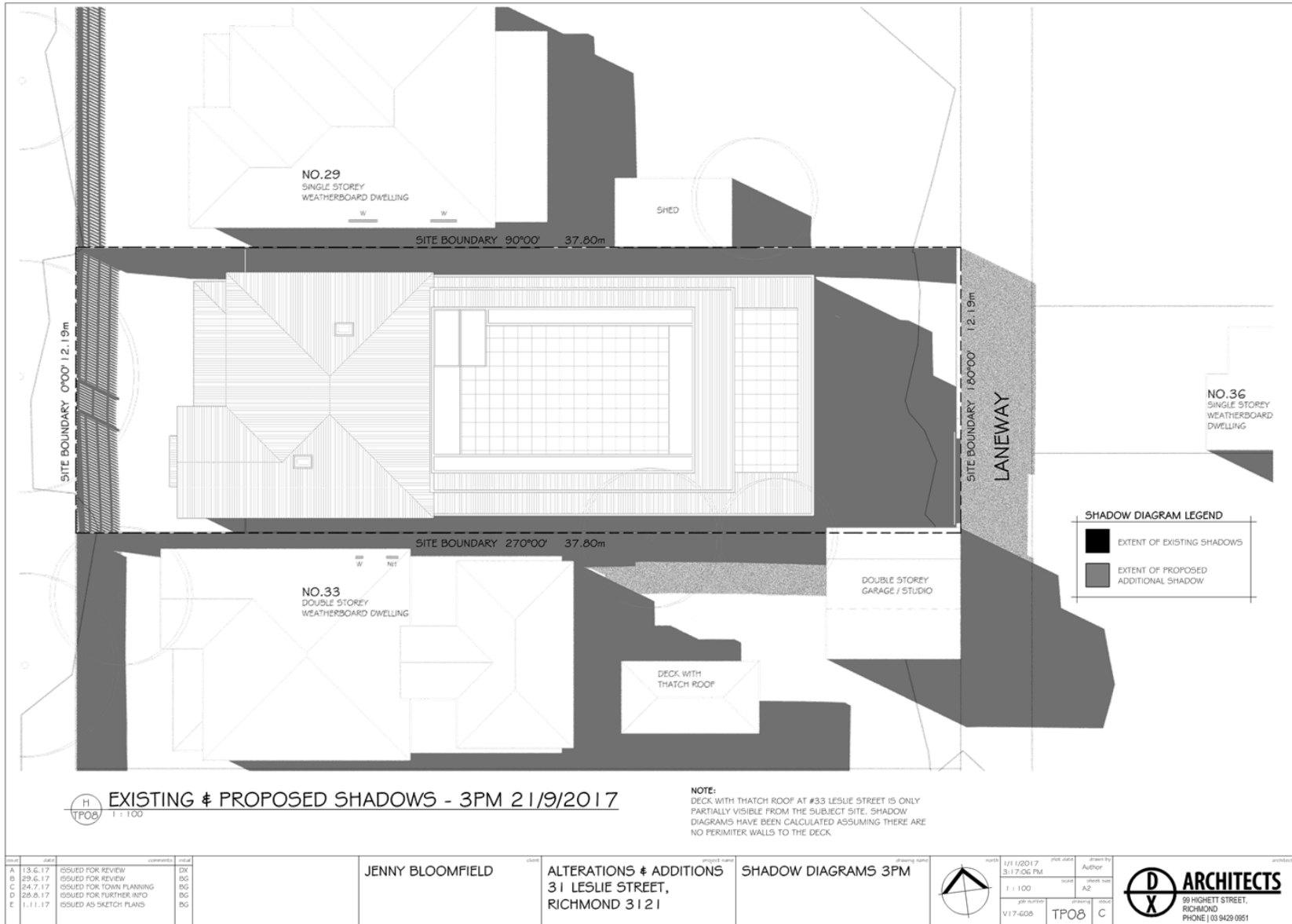
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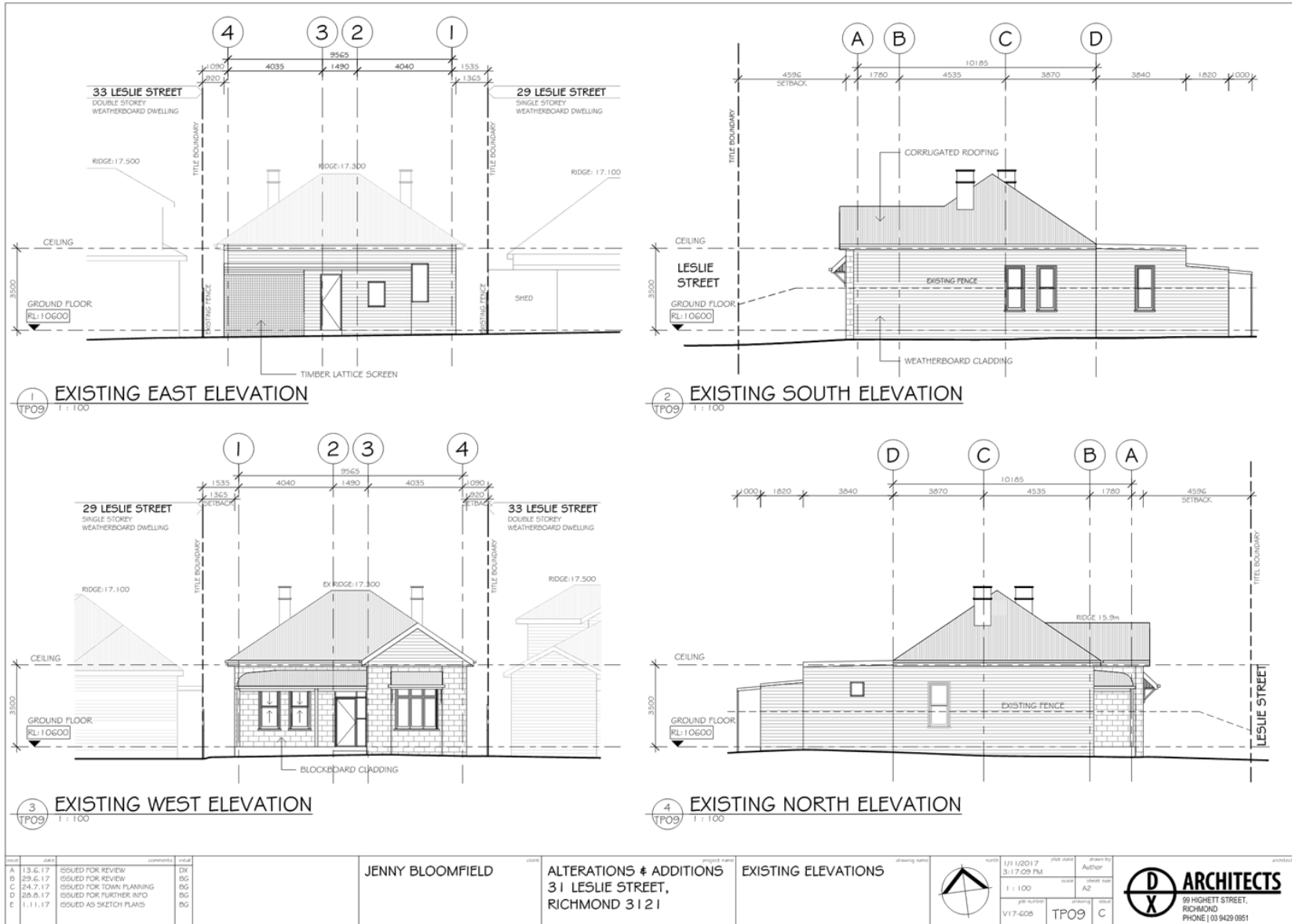
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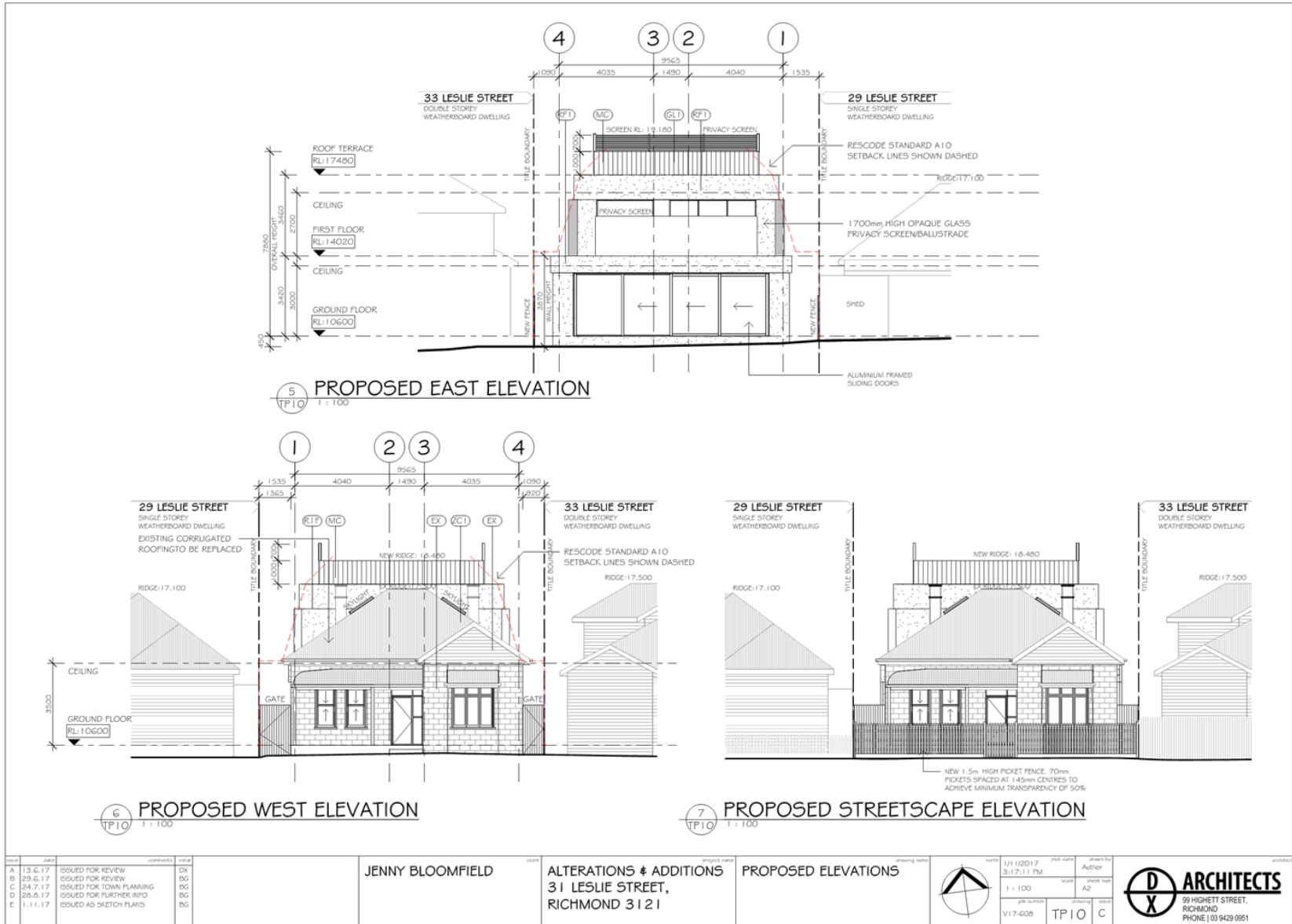
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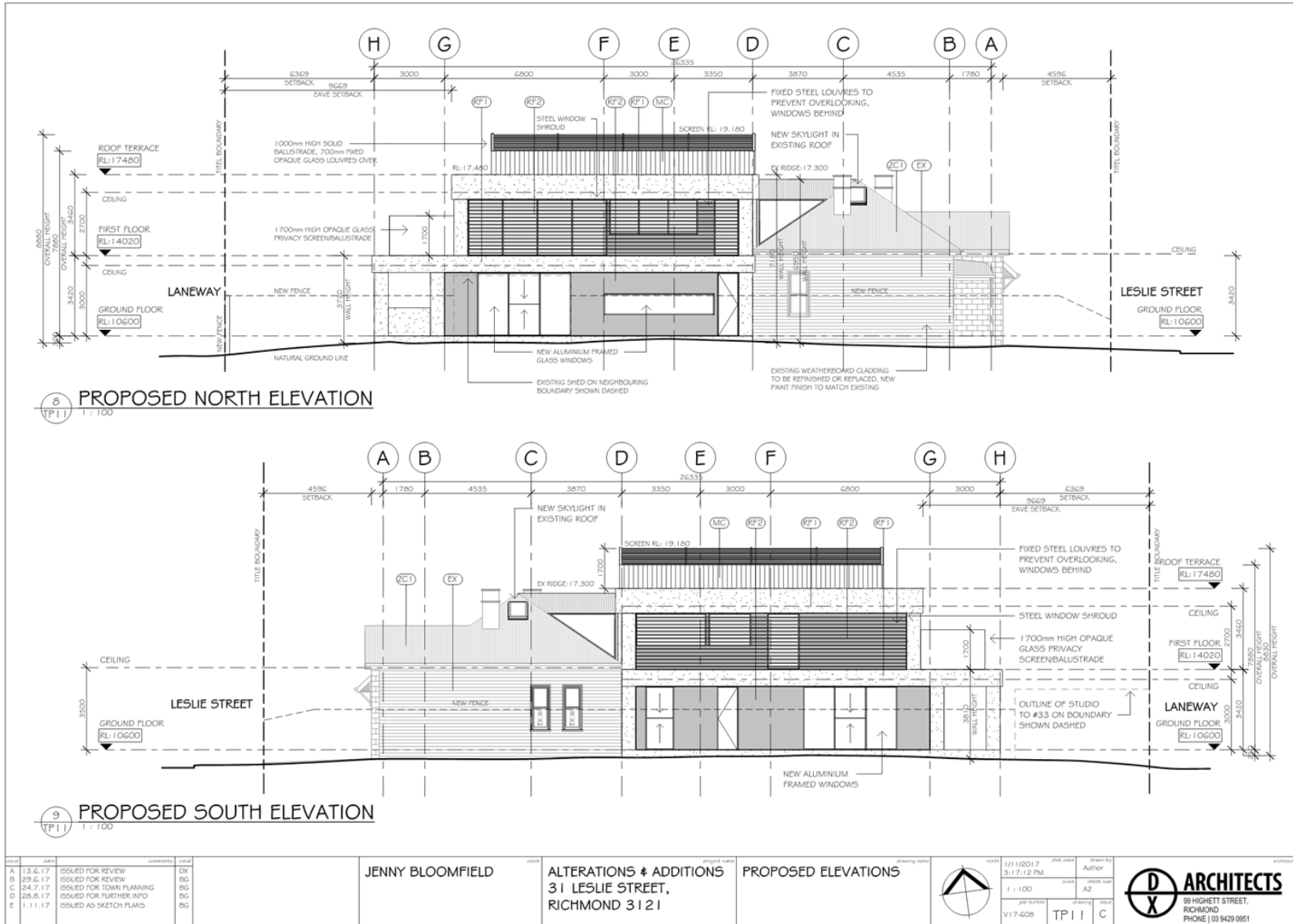


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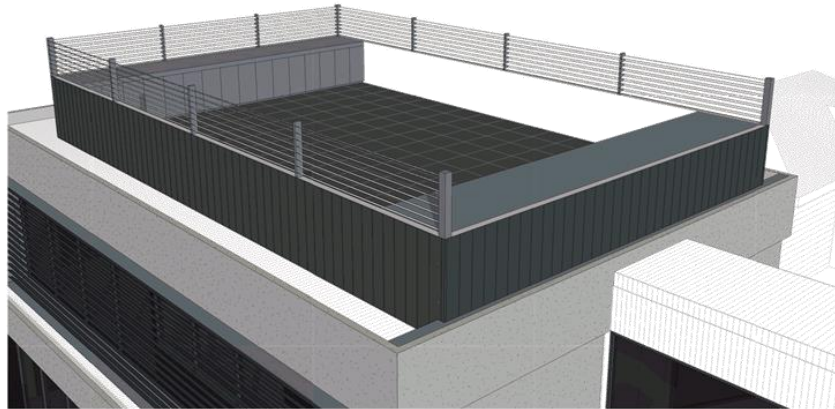


issue	date	comments	initial	client	project name	drawing name	north	date	scale	author	check	drawn by	architect
A	13.6.17	ISSUED FOR REVIEW	DK	JENNY BLOOMFIELD	ALTERATIONS & ADDITIONS	PROPOSED ELEVATIONS		1/1/2017	1:100	Author			 89 HIGHETT STREET, RICHMOND PHONE 03 9429 0851
B	29.6.17	ISSUED FOR REVIEW	DG					3.11.17 PM					
C	24.7.17	ISSUED FOR TOWN PLANNING	DG										
D	28.8.17	ISSUED FOR FURTHER INFO	DG										
E	1.11.17	ISSUED AS SKETCH PLANS	DG										

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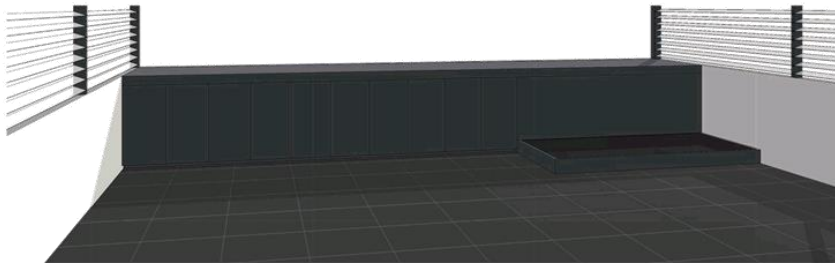
Attachment 6 - PLN17/0598 - 31 Leslie Street Richmond - Sketch Plans (Received 01 November 2017)



PROPOSED SCREEN, LOOKING SOUTH EAST



VIEW TOWARDS 33 LESLIE STREET



PROPOSED SCREEN, LOOKING WEST



VIEW TOWARDS 29 LESLIE STREET

issue	date	comments	initial	client	project name	drawing name	scale	date	author	checked by	approved
A	13.6.17	ISSUED FOR REVIEW	DK	JENNY BLOOMFIELD	ALTERATIONS & ADDITIONS	IMPRESSIONS		1/1 1/2017			
B	23.6.17	ISSUED FOR REVIEW	DG		31 LESLIE STREET,			3:11 7:17 PM			
C	24.7.17	ISSUED FOR TOWN PLANNING	DG		RICHMOND 3121						
D	28.8.17	ISSUED FOR FURTHER INFO	DG								
E	1.11.17	ISSUED AS SKETCH PLANS	DG								



1.4 PLN15/1137 – 8 Murray Street, Abbotsford – Use of the land as a restaurant and for the sale and consumption of liquor (Restaurant and Café Licence), buildings and works, display of signage and reduction in the car parking requirement associated with a restaurant

Executive Summary

Purpose

1. This report provides Council with an assessment of an application at 8 Murray Street, Abbotsford for the use of the land as a restaurant, sale and consumption of liquor (Restaurant and Café Licence), buildings and works, display of signage and reduction in the car parking requirement associated with a restaurant. The report recommends approval of the application subject to a number of conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 17 – Economic Development;
 - (b) Clause 18 – Transport;
 - (c) Clause 22.01 – Discretionary Uses in the Residential 1 Zone;
 - (d) Clause 22.05 – Interface Uses Policy;
 - (e) Clause 22.09 – Licensed Premises Policy;
 - (f) Clause 22.17 – Development Abutting Laneways;
 - (g) Clause 32.08 – General Residential Zone;
 - (h) Clause 52.06 – Car parking;
 - (i) Clause 52.27 – Licensed premises;
 - (j) Clause 52.34 – Bicycle Facilities; and
 - (k) Clause 65 – Decision guidelines.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Land use;
 - (b) Sale and consumption of liquor;
 - (c) Buildings and works;
 - (d) Advertising signs;
 - (e) Car parking, traffic and bicycle parking; and
 - (f) Objector concerns.

Objector Concerns

4. Eight (8) objections were received to the application, these can be summarised as:
 - (a) Noise impacts from music and patron noise
 - (b) Anti-social behaviour (Drunken/disorderly behaviour on the street and loitering);
 - (c) Traffic and parking (including lack of loading area)
 - (d) Misleading information in the revised acoustic report
 - (e) Inadequacy of acoustic control measures (canopy limited to the northern boundary)
 - (f) Monitoring/enforcing of maximum patron capacity
 - (g) Lack of toilet facilities for patrons

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: Catherine Balagtas
TITLE: Statutory Planner
TEL: 9426 1425

1.4 PLN15/1137 – 8 Murray Street, Abbotsford – Use of the land as a restaurant and for the sale and consumption of liquor (Restaurant and Café Licence), buildings and works, display of signage and reduction in the car parking requirement associated with a restaurant

Trim Record Number: D17/181759

Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Use of the land as a restaurant, sale and consumption of liquor (Restaurant and Café Licence), buildings and works, display of signage and reduction in the car parking requirements associated with a restaurant
Existing use:	Café
Applicant:	Marty Perry
Zoning / Overlays:	General Residential Zone (Schedule 2), no overlays
Date of Application:	17 November 2015
Application Number:	PLN15/1137

Planning History

1. Planning Permit PL01/0768 was issued on 28 December 2001 for “*construction of five new dwellings (one, two storey and four, three storey)*”. This permit was not acted on and has since expired.
2. Planning Permit PLN11/0173 was issued on 29 July 2011 for “*partial change of use to a cafe, associated building and works and the display of advertising signs*”. This permit allowed for the two front rooms to the western side of the building to be converted to a café and the eastern side of the building to be retained as a dwelling. The café was approved with an outdoor seating area to the southern half of the open space area on site. The permit allowed for the café to operate between 6am and 6pm Monday to Friday, and 8am and 6pm Saturday and Sunday. It does not contain any condition restricting patron numbers.
3. An amendment to Planning Permit PLN11/0173 was approved on 6 July 2012 for “*buildings and works to the existing building*”, which allowed for a bathroom window on the western wall of the building to be converted to a single doorway for access to a disabled bathroom.
4. A second amendment to Planning Permit PLN11/0173 was approved on 6 September 2012 to “*relocate the front gate*” along the Murray Street frontage.
5. Planning Permit No. PLN17/0255 was issued on 11 September 2017 for “*display of internally-illuminated business identification signs*”.
6. Planning Application PLN17/0496 was submitted on 26 June 2017 for “*development of the land for construction of verandah to the front of the existing building*”. This application has been withdrawn.

Background

7. The application was received by Council on 17 November 2015. Following the submission of further information, the application was advertised and eight (8) objections were received.
8. A consultation meeting was held on 25 October 2016 and was attended by the applicant, one (1) objector and Council officers.

9. In response to objectors' and Council's planning officer's and acoustic engineer's concerns, the applicant submitted amended plans on 24 March 2017 pursuant to Section 57A of the *Planning and Environment Act 1987* (the Act). In summary, the changes to the application include:
 - (a) The maximum patron capacity reduced from 60 to 45;
 - (b) The construction of a canopy and acoustic fence along the northern (rear) boundary;
 - (c) The hours of operation amended as follows:
 - (i) Hours of operation in the original application – 12noon to 9pm, seven days a week;
 - (ii) Amended hours of operation:
 - Monday to Sunday, 7am to 8pm for the restaurant use; and
 - Monday to Sunday, 9am to 7pm for the licensed hours.
 - (d) A revised acoustic report submitted to accord with the updated hours, patronage and installation of acoustic attenuation measures.
10. The amended application was advertised and further comments were received from two existing objectors.
11. It is noted that the application was initially advertised to include a “reduction in the loading bay requirements”. However, further investigation has since revealed that the extent of works proposed do not trigger loading bay requirements under Clause 52.07.
12. On 3 November 2017, further amended plans were submitted under Section 57A of the Act. In summary, the changes to the application include:
 - (a) Installation of a new verandah with retractable awning/sunblinds along the Murray Street frontage;
 - (b) Details of the acoustic canopy structure (i.e. height and construction materials) noted on the plans;
 - (c) Installation of five (5) bicycle racks within the outdoor area to the north-west of the site;
 - (d) Seeking retrospective approval for:
 - (i) Construction of deck, handrails and table bench along the Murray Street frontage;
 - (ii) Installation of two retractable awnings on the west-facing windows of the main restaurant building;
 - (iii) Construction of skillion roof structure, decking and outdoor shelving to the north-east of the site with a flue installed for the pizza oven;
 - (iv) Replacement of doors on the western side of the main building to sliding doors;
 - (v) Construction of an extension to the north (rear) of the shed;
 - (vi) Installation of bi-fold windows on the south (front) side of the shed;
 - (vii) Installation of A/C condenser unit on the roof of the shed with a new black powder-coated screening to be installed; and
 - (viii) Installation of a business identification sign on the eastern side of the shed and a blackboard sign on the southern side of the shed.
13. These amended plans received on 3 November 2017 will now form basis of the following assessment.

Existing Conditions

Subject Site

14. The subject site is located on the north-west corner of Murray Street and Mayfield Street in Abbotsford. The subject site consists of Lots 1 and 2 of Title Plan 858317V, which together has a frontage to Murray Street of 16.66m, a frontage to Mayfield Street of 21.34 and a total site area of 350sqm (approx.). It has a rear abuttal to a right-of-way (ROW).

15. The site is developed with a single-storey hipped-roofed, weatherboard building constructed to the eastern boundary and fronts Murray Street. It has a lean-to addition and verandah to the rear and a single-storey outbuilding constructed to the south-west corner of the site, fronting Murray Street. It also has an open space area to the north-west of the site.
16. The site is currently used as a café, which was known as 'Mayfield Café' when the application was first submitted and has since changed name to 'Abbotsford Pantry'/'A Pantry'. The café was approved as a partial use of the site, with the two front rooms to the western side of the former dwelling and the southern half of the private open space area converted to seating areas of the café. A site visit has revealed that the entire site has been operating as a café. It continues to be subject to the conditions of Planning Permit PLN11/0173, with the hours of operation permitted between 6am and 6pm, Mondays to Fridays and 8am and 6pm Saturdays and Sundays. It also operates with an existing BYO permit, which allows for consumption of liquor on the premises during the following hours:
 - (a) Sunday – Between 10am and 6pm
 - (b) Monday To Friday – Between 7am and 6pm
 - (c) Saturday – Between 8am and 6pm
 - (d) Good Friday & ANZAC day – Between 12noon and 6pm

Surrounding Land

17. The surrounding land comprises of mixed residential, commercial and industrial land uses, with built form ranging from single- to triple-storey buildings. The surrounding land to the west, along the western end and southern side of Murray Street and south-western end of the Mayfield Street, are zoned General Residential, while the surrounding land along the eastern side and northern end of Mayfield Street are zoned Industrial 3, as shown in the image below. The Carlton & United Brewery site is located approximately 75m further to the east.



18. Murray Street is a relatively busy thoroughfare, used as a popular route linking Victoria Street in the south to Johnston Street in the north. It is located approximately 250m north of Victoria Street Activity Centre, where a range of restaurants, bars, taverns and other entertainment venues operate. It is also within close proximity to public transport services, with tram routes 12 and 109 servicing Victoria Street and tram route 78 servicing Church Street. On-street parking in the immediate area consists of 2P parking along Murray Street, a mix of 1P and 4P parking along Albert Street and 4P parking along the northern end of Church Street. These on-street parking spaces are generally unrestricted after 5.30pm on weekdays, after 12.30pm on Saturdays and whole day on Sundays.

19. The immediate surrounds are described as follows:

West

20. To the immediate west of the site is a single-storey brick dwelling, which fronts Murray Street and has a minimal setback from the shared boundary. It has secluded private open space to the north and direct abuttal to the same rear laneway as the subject site. Further to the west are single-storey dwellings fronting Albert Street, with secluded private open space areas to the rear (east) of the dwellings. On the western side of Albert Street is the Abbotsford Primary School.

North

21. To the north is a 3.05m wide right-of-way (ROW), which serves as vehicle access to properties along Murray, Mayfield and Albert Streets. Further to the north, across the ROW, are two triple-storey townhouses, with balconies at second floor level, opposite the open space area of the site.

East

22. To the east is Mayfield Street, a two-way road with on-street parking on the south-western end of the street. Further to the east, across Mayfield Street, is a vacant parcel of land, which is currently used as a car park by surrounding commercial properties. Further to the east of the car park is a double-storey commercial building, currently used as an office.

South

23. To the south is Murray Street, a two-way road with on-street parking along the northern side of the site. Further to the south, across Murray Street, is a large vacant residential block of land. Further to the south-west are three detached, single-storey dwellings fronting Murray Street, with secluded private open space areas to the rear.

Licensed Premises

24. There are a number of existing licensed premises within 500m of the subject site, particularly along Victoria Street. These licensed premises predominantly have restaurant and café licences and BYO permits trading until 11pm. The nearest licensed premises are located approximately 250m of the site, which include:
- (a) No. 35-45 Lithgow Street (to the south-west), Harbottle & Co. Pty. Ltd, which has a Pre-retail Licence authorising wholesale supply of liquor to other licensees.
 - (b) No. 397 Victoria Street (to the south), Li Jing Xuan Seafood Restaurant, which has a Restaurant and Café Licence trading until 11pm every day with 170 patron capacity.
 - (c) No. 391 Victoria Street (to the south), Thaiger Rabbit Restaurant, which has a Restaurant and Café Licence trading until 11pm every day with 46 patron capacity.
 - (d) Shop 2, No. 409 Victoria Street (to the south), The E Lounge, which has a Restaurant and Café Licence trading until 11pm every day.
 - (e) Shop 3, No. 409 Victoria Street (to the south), Killiney Kopitiam, which has a Restaurant and Café Licence trading until 11pm every day with 35 patron capacity.
 - (f) No. 441 Victoria Street (to the south), Tien Loi, which has an On-Premises Licence trading until midnight on Fridays and Saturdays and until 10pm on Sundays to Thursdays with 50 patron capacity.
 - (g) No. 387 Victoria Street (to the south), Vinh Vinh Restaurant, which has a Restaurant and Café Licence trading until 11pm with 50 patron capacity.

The Proposal

25. The proposal is to use the land as a restaurant and sale and consumption of liquor (Restaurant and Café Licence), buildings and works, display of signage and reduction in the car parking requirement associated with a restaurant. Details of the proposal are as follows:

Restaurant use

- (a) The entire site is proposed to be used as a restaurant with a maximum capacity of 45 patrons and operating during the following hours:
 - (i) Monday to Sunday, 7am to 8pm.
- (b) The change of use of the site from a café to a restaurant involves seeking retrospective approval for converting the habitable rooms on the eastern side of the building (which were formerly the bedroom and living room of the dwelling) into seating areas available to patrons and extending the outdoor patron areas to the entire open space area of the site. Retrospective approval is also being sought for converting the storage shed on the south-west corner of the site to a café/ serving area containing food display counters, coffee machines and no seating area.
- (c) Only background music will be played, no live or amplified music is proposed.

Sale and consumption of liquor

- (d) A Restaurant and Café Licence is being sought to allow for the sale and consumption of liquor in conjunction with serving of meals on the premises.
- (e) The red line plan shows the majority of the site (except for the kitchen, stock room and toilet areas) is to be licensed.
- (f) The proposed hours for the sale and consumption of liquor on the premises are:
 - (i) Monday to Sunday, 9am to 7pm

Buildings and works

- (g) Construction of an acoustic fence/canopy structure on the north-west corner of the site, as follows:
 - (i) The existing corrugated iron fence along the northern boundary will be implemented as the external face of the proposed structure. A new lightweight firewall will also be installed on the western boundary. These fence/walls along with timber posts will hold up a new 7.3m long, 5m wide and 2.25m high canopy providing a cover for the outdoor area.
 - (ii) The external face of the canopy will be constructed of 4.8mm thick Colorbond or similar galvanised steel sheeting.
 - (iii) Internally, it will have R2.0 fibrous insulation and 6mm cement sheeting on the underside of the roof and inner side of the rear fence. An absorbent material is to be fixed to the underside of the awning.
- (h) Installation of a new verandah with retractable awning/sunblinds along the Murray Street frontage with a maximum height of 3.64m;
- (i) Construction of timber deck, handrails and table bench along the Murray Street frontage. The deck has a finished floor level of 0.6m above ground;
- (j) Installation of two retractable awnings on the west-facing windows of the main restaurant building;
- (k) Construction of skillion roof structure, decking and outdoor timber shelving to the north-east of the site with a flue installed for the pizza oven;
- (l) Replacement of doors on the western side of the main building to sliding doors;
- (m) Construction of an extension to the north (rear) of the shed. The extension to the shed has a length of 2.81m, width of 3.11m and height of 2.73m matching the width and height of the existing shed;
- (n) Installation of bi-fold windows on the south (front) side of the shed; and

- (o) Installation of A/C condenser unit on the roof of the shed with a new black powder-coated screening to be installed.

Advertising sign

- (p) Installation of a circular-shaped non-illuminated business identification sign on the eastern wall of the shed. The sign has a diameter of 1m and advertising area of 0.79sqm.
- (q) Installation of a rectangular blackboard sign on the southern wall of the shed for menu display. The sign is approximately 0.5m x 1m and has an advertising area of approximately 0.5sqm.

Car parking and bicycle parking

- (r) There are no on-site car parking spaces proposed.
- (s) Five (5) bicycle racks are proposed to be installed within the outdoor area on the north-western part of the site.

Planning Scheme Provisions

Zoning

General Residential Zone (Schedule 2)

- 26. Pursuant to Clause 32.08-2 of the Yarra Planning Scheme [**the Scheme**], a planning permit is required for the use of the site as a ‘restaurant’ – a section 2 ‘permit required’ use (nested within ‘food and drink premises’).
- 27. Pursuant to Clause 32.08-8 of the Scheme, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
- 28. Pursuant to Clause 32.08-13 of the Scheme, advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Overlays

- 29. There are no overlays that affect the subject site.

Particular Provisions

Clause 52.05 – Advertising signs

- 30. Pursuant to Clause 52.05-9 of the Scheme, a permit is required for business identification signs.

Clause 52.06 – Car parking

- 31. Pursuant to Clause 52.06-2 of the Scheme, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. Where the required number of car parking spaces is not provided, Clause 52.06-3 allows a planning permit to be granted to reduce the requirement (including a reduction to zero).
- 32. The use of the land for a restaurant generates the requirement for the provision of 18 spaces, as the below table demonstrates:

Use	Car parking measure	Statutory	Reduction
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		Requirement	sought
Restaurant (45 patrons)	0.4 to each patron permitted	18	18

33. Given no on-site car parking spaces are provided, a planning permit is required for a reduction of 18 spaces.
34. As indicated in the officer's report of Planning Permit PLN11/0173, the car parking for the existing café did not generate a statutory car parking requirement, instead it was assessed to Council's satisfaction. Whilst this permit does not contain a maximum patron capacity condition, the car parking demand of the existing café was assessed against 26 seats/patrons.

Clause 52.07 – Loading and unloading of vehicles

35. Pursuant to Clause 52.07 of the Scheme:
- (a) *"No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:*
- (i) *Space is provided on the land for loading and unloading vehicles as specified in the table below.*
- (ii) *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.*
- (iii) *The road that provides access to the loading bay is at least 3.6 metres wide.*
- A permit may be granted to reduce or waive these requirements if either:*
- (iv) *The land area is insufficient.*
- (v) *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority."*
36. Given the proposed works are minor in nature (i.e. not an entire new building) and the restaurant will utilise an existing building already approved for partial use as a cafe, the loading bay requirements of Clause 52.07 do not apply.

Clause 52.27 – Licensed premises

37. The purpose of this Clause is:
- (a) *To ensure that licensed premises are situated in appropriate locations.*
- (b) *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*
38. A permit is required to use the land to sell and consume liquor given (relevantly):
- (a) *A licence is required under the Liquor Control Reform Act 1998.*
39. Decision guidelines at Clause 52.27 include:
- (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 cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Clause 52.34 – Bicycle facilities

40. Pursuant to Clause 52.34 of the Scheme, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
41. The use of the land for a restaurant generates the following bicycle requirements:

Use	Bicycle spaces measure	Statutory Requirement	Number of spaces proposed	Reduction sought
Restaurant with 295sqm of floor area available to the public	1 employee/staff space to each 100sqm of floor area available to the public	3	5	0
	2 visitor spaces plus 1 visitor space to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.	2		

42. Given five (5) on-site bicycle parking spaces are proposed, which meets the statutory requirement of 5 on-site spaces for the restaurant, the application does not require a reduction in bicycle parking requirement.

General Provisions

Clause 65 – Decision Guidelines

43. The decision guidelines outlined in Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider 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 11.06-1 – Jobs and Investment

44. The objective of this Clause is:

(a) *To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.*

45. Strategies of this Clause include:

- (a) *Support the Central City to become Australia’s largest commercial and residential centre by 2050, by planning for office, retail, education, health, entertainment and cultural activity spaces.*
- (b) *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*

Clause 13.04-1 - Noise abatement

46. The objective of this Clause is:

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

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

Clause 17 – Economic development

Clause 17.01-1 – Business

48. 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’.*
49. A strategy of this Clause includes:
- (a) *Locate commercial facilities in existing or planned activity centres.*

Clause 18 – Transport

Clause 18.01-2 – Transport system

50. A strategy of this Clause includes:
- (a) *Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to, and where possible enhance the service, safety and amenity desirable for that transport route in the short and long terms.*

Local Planning Policy Framework (LPPF)

Clause 21.03 – Vision

51. The following is offered in this Clause:

In the City of Yarra in 2020:

Land Use

- (a) *The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community*
- (b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*

Clause 21.04-1 – Accommodation and housing

52. The objective of this Clause is *‘Objective 3 – to reduce potential amenity conflicts between residential and other uses’.*

Clause 21.08-1 - Neighbourhoods (Abbotsford)

53. This clause describes the area in the following way (as relevant):
- (a) *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.*

(b) *There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.*

54. The subject site is identified in Figure 5 of Clause 21.08-1 as being in an area where the industrial precinct is to be supported.
55. In terms of built form, the subject site is identified in Figure 6 of Clause 21.08-1 as having an 'Inner Suburban – Urban Residential Mix' Built Form Character, where built form is encouraged to:
- (a) Maintain the existing pattern of front setbacks.
 - (b) Limit variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/ small development sites in areas with generally consistent building heights.

Relevant Local Policies

Clause 22.01 – Discretionary Uses in the Residential 1 Zone

56. This policy applies to land in the Residential 1 Zone, or now known a General Residential Zone.
57. The objective of this policy is:
- (a) *To ensure that residential amenity is not adversely affected by non-residential uses.*
58. Under Clause 22.01-3, 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 22.04 – Advertising Signs Policy

59. This policy applies to all permit applications for advertising signs or for development which incorporates an advertising sign.
60. The objectives of this clause are:
- (a) *To allow for the promotion of goods and services.*
 - (b) *To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.*
 - (c) *To minimise visual clutter.*
 - (d) *To ensure that signs are not the dominant element in the streetscape.*
 - (e) *To protect and enhance the character and integrity of places of heritage significance.*
 - (f) *To protect major view corridors and vistas.*
 - (g) *To maintain vehicular and pedestrian safety.*

Clause 22.05 – Interface Uses Policy

61. This policy applies to applications for use or development within a Residential 1 Zone (albeit now General Residential Zone) where the subject site is within 30 metres of a Business or Industrial Zone. The policy supports the objectives of the MSS by protecting Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity.
62. The policy has the following objective (as relevant):
 - (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.09 – Licenced premises

63. This policy applies to all applications for new licensed premises and for the extension (including the extension of hours and the extension of patron numbers) of existing licensed premises.
64. 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.*
65. This policy outlines a range of guidance at Clause 22.09-3 (including location and access and hours of operation).

Other Relevant Documents

Amendment C209

66. Amendment C209 proposes changes to the Licensed Premises Policy contained within Clause 22.09 of Council's Local Planning Policy. The proposed changes are intended to improve the way licensed venues are managed in the City of Yarra and make various changes to the current content of the policy.
67. Relevant to this application, the amendment proposes the following policy changes:
 - (a) Licensed premises be located such that (amongst others): they are not located in Residential zones (other than a Mixed Use Zone).
 - (b) Licensed premises be located such that there are appropriate opportunities to manage or buffer potential amenity impacts, provide a high level of public safety and not result in unreasonable cumulative impacts.
 - (c) Licensed premises (including packaged liquor outlets) not commence the sale and consumption of liquor before 9am.
 - (d) Licensed premises in a residential zone (other than a Mixed Use Zone) not provide for the sale and consumption of liquor beyond 8pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
 - (e) Appropriate hours for deliveries and the collection of waste have been outlined to accord with Council's Local Law.
68. At its meeting on 15 August 2017, Council considered the panel report for the amendment and adopted its recommendations. The amendment has been submitted to the Minister for Planning and is currently awaiting final approval.

Advertising

69. The application was originally advertised in accordance with Section 52 of the Act with letters sent to the owners and occupiers of the adjoining and surrounding land and public notice signs displayed at the Murray Street and Mayfield Street frontages.
70. Council received a total of eight (8) objections. The grounds of objection are summarised as follows:-
- (a) Noise impacts from music and patron noise
 - (b) Anti-social behaviour (Drunken/disorderly behaviour on the street and loitering);
 - (c) Traffic and parking (including lack of loading area)
 - (d) Misleading information in the revised acoustic report
 - (e) Inadequacy of acoustic control measures (canopy limited to the northern boundary)
 - (f) Monitoring/enforcing of maximum patron capacity
 - (g) Lack of toilet facilities for patrons
71. The amended application submitted under section 57A of the Act on 24 March 2017 was re-advertised with letters sent to the owners and occupiers of the adjoining and surrounding land (including objectors) and public notices displayed at the Murray Street and Mayfield Street frontages.
72. No new objections were received other than additional comments from two existing objectors.
73. The amended application submitted under section 57A of the Act on 3 November 2017 was granted a discretionary exemption from advertising at Council's internal Development Assessment Panel (DAP) on 14 November 2017. However, the amended plans were circulated to all objectors via post prior to this meeting.

Referrals

74. External Referrals
- (a) The application was not required to be referred to any external parties.
75. Internal Referrals
- (b) Community Amenity Unit
 - (a) Engineering Services Unit
 - (b) Acoustic Engineer (SLR)
76. Referral comments are attachments to this report.

OFFICER ASSESSMENT

77. In assessing this application, the primary planning considerations are:
- (a) Land use;
 - (b) Sale and consumption of liquor;
 - (c) Buildings and works;
 - (d) Advertising signs;
 - (e) Car parking, traffic and bicycle facilities; and
 - (f) Objector concerns.

Land use

78. The application proposes to change the use of the site from a 26-seat café (which was approved as a partial use of a former dwelling) to a licensed restaurant with a maximum 45 patrons. The restaurant will continue to serve food and drinks to customers, similar to the existing café, with some differences being the proposed restaurant will occupy the entire site and be able to serve liquor in conjunction with the serving of meals. The operating hours are also proposed to change as follows:

(a) *Café hours as approved under Planning Permit PLN11/0173:*

- (i) 6am to 6pm, Monday to Friday
- (ii) 8am to 6pm, Saturday to Sunday

(b) *Proposed restaurant hours:*

- (i) 7am to 8pm, Monday to Sunday

79. The subject site is located within a General Residential Zone. This zone recognises the need to allow for a limited range of non-residential uses to serve local community needs in appropriate locations. The proposed restaurant use requires a planning permit under the General Residential Zone to ensure the residential amenity is not adversely affected by the non-residential use. Also, policies at Clauses 22.01 (Discretionary Uses in the Residential 1 Zone) and 22.05 (Interface Uses Policy) provide guidance on the performance standards to be met by such non-residential uses.

80. Clause 22.01 seeks to ensure that residential amenity is not adversely affected by non-residential uses by locating non-residential uses abutting a Road Zone, or (where it does not have direct access to a Road Zone) operating in a scale compatible with providing service to the local residential community with car parking spaces provided on site. It also encourages hours of operation to be limited to 8am and 8pm and for noise emissions to be compatible with the residential environment.

81. Clause 22.05 requires new non-residential use and development within a Residential 1 Zone (i.e. General Residential Zone) where the subject site is within 30 metres of a Business or Industrial Zone to be designed to minimise impacts upon nearby existing residential properties relating to visual amenity, noise, odour and air emissions, light spill, loading and unloading, rubbish removal and storage, and construction noise and other disruptions.

82. Relevant issues relating to the proposed use are as follows:

Location

83. While the subject site is located in a General Residential Zone, the surrounding land is far from a residential hinterland with industrial-zoned land to the east and north-east of the site. The surrounding residential properties would already be experiencing reduced amenity due to the mixed-use nature of the area. The subject site itself is located at the periphery of General Residential Zoned land and interfaces Industrial Zoned land to the east. It also adjoins Murray Street, which is a relatively busy thoroughfare linking Victoria Street (to the south) with Johnston Street (to the north). The subject site, which is adjacent to existing residential properties and businesses, is considered an appropriate location for a restaurant as it would provide convenient access to dining and catering services for the local community.

Scale

84. The proposed restaurant will also operate in a scale compatible with the residential environment given only a maximum of 45 patrons is proposed. This is conservative for a building (not including outdoor areas), which has a maximum capacity of 75 patrons based on the submitted patron capacity assessment prepared by registered building surveyor.

Hours of operation

85. While the proposed hours of operation, being 7am to 8pm Monday to Sunday, does not strictly comply with the policy at Clause 22.01, the proposed 7am start time is considered acceptable as it would be later than the 6am start time approved on weekdays for the existing café and only an hour earlier than the approved 8am start time on weekends. The proposed hours are considered appropriate as they are primarily during daytime when the noise levels from the proposed use would be less discernible, as discussed further below.

Noise

86. Given the site directly abuts residential properties (to the north and west) and noise complaints have been received from local residents due to a past private function held on the premises, noise impacts should be carefully considered to ensure proposed use do not cause further noise issues to nearby residences in the future.
87. An acoustic report was undertaken by Audiometric & Acoustic Services on behalf of the applicant, with a review of this report carried out by SLR Consulting. This report assessed the potential noise impacts on nearby residential land from the premises' music and patron noise.
88. With regards to minimising music noise, the acoustic report recommended the following:
- (a) A total of 6 speakers in the outdoor patron area should be installed at distances of at least 5m apart and 2 additional small speakers can be fitted to the front of the building along Murray Street; and
 - (b) The speakers should be set to no more than 68dB(A) or 73 dB(C), with the monitoring of music levels facilitated by the venue operator using sound level meters.
89. In review, SLR Consulting confirmed that the above measures would minimise music noise from the premises. However, they have also suggested that music noise would need to comply with SEPP N-2 evening limit of 49dBA L_{eq} at the nearest residential dwellings. Given the number of past noise complaints regarding the premises, it would be prudent for the entire sound system to be checked by a qualified acoustic consultant/ engineer prior to commencement of use. This will assist in setting the music levels to the recommended limits and ensure music from the premises remain at background level. Hence, this will be included as a requirement on any permit to issue.
90. With respect to noise emissions from patrons, the report recommended that the outdoor patron area on the north-west corner of the site should be covered with an acoustic canopy to minimise patron noise to nearby residential properties, particularly to the worst-case noise receivers at the two townhouses at 1 Mayfield Street where an acoustic fence alone would not have been adequate. Details of the acoustic canopy construction have been outlined in the acoustic report and mostly supported by SLR Consulting, except for depth of the canopy which was inconsistent across the application documents. SLR Consulting recommended that the acoustic canopy should be to a depth of 5m as shown on the plans, as opposed to the 3.5m depth (in page 3) and 4m depth (in page 5) stated in the acoustic report. In addition, a few other inconsistencies were found in the acoustic report regarding the thickness of the galvanised steel sheeting on the external face of the acoustic fence/ canopy structure, with 0.48mm and 4.8mm thickness outlined at two different sections in page 5; and, the patron numbers being stated as 50 patrons. Hence, a condition will be included in any permit to issue requiring the acoustic report to correct these inconsistencies.
91. As confirmed by SLR Consulting, with the provision of acoustic canopy along the north-western corner of the site, the predicted noise level to the noise sensitive receivers at 1 Mayfield Street will generally comply with the patron noise limit of 54dB, with only a 1dB predicted excess. This is a small exceedance of the noise limit which, given the conservative noise level predictions based on 50 patrons (more than the 45 patrons proposed), would be considered a reasonable outcome.

The applicant has also offered to restrict the restaurant use to internal areas only after 7pm, which would further reduce noise emissions to nearby residential properties to the north and west of the site. Hence, this will form as a condition on any permit to issue.

92. Standard conditions will also require the use to comply with the requirements of the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2) and State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
93. With the above conditions, it is considered that the noise impacts from the operation of the restaurant can be appropriately managed in respect to the amenity of the surrounding residential properties.

Odour and air emissions

94. The proposed restaurant is not associated with any activities that produce harmful odour and air emissions. It is not an industrial use.

Light spill

95. The plans do not show any external lighting proposed for the restaurant. However, a standard condition will be included on any permit requiring any external lighting to be baffled and appropriately located on site to ensure that it does not cause light spill to residential properties.

Loading and unloading

96. As previously discussed, there is no formal requirement for an on-site loading area for the proposed restaurant. However, as confirmed with Council's engineers, the restaurant (similar to the existing café) would likely require vans or light trucks to transport goods and the on-street parking spaces along Murray and Mayfield Streets can accommodate for parking of these vehicles.

Waste disposal and storage

97. As indicated in the submitted Noise and Amenity Action Plan (NAAP), storage of waste bins is located to the north of the site. However, the plans do not show this waste storage area; hence, a condition will require this to be shown on the plans.
98. The submitted NAAP also indicates that waste collection will take place twice a week, with bottles emptied into bins between 6pm and 7pm. The applicant has since realised that these hours are too restrictive for carrying out waste management on the premises. Instead, a standard condition will be included any permit to issue restricting the hours for emptying bottles into bins as per Council's local law requirements. A condition will also be included to update the NAAP for consistency.

Construction management

99. Given the proposed works are minor in nature, a full Construction Management Plan is not required. However, a standard condition will be included to ensure the works are undertaken during appropriate hours in accordance with Council's local law.

Sale and consumption of liquor

100. The policy framework for licensed premises is contained within Clauses 22.09 (Council's Licensed Premises Policy) and 52.27 (State Licensed Premises Policy). Having regard to the decision guidelines of Clauses 22.09 and 52.27, the relevant considerations are as follows:

Location and access

101. The subject site is located in a General Residential Zone. While the policy at Clause 22.09-3.1 seeks to avoid new licensed premises in Residential Zones, it is considered that locating a new licensed premise on site is acceptable as the subject site is at the periphery of General Residential Zoned land with direct interface to industrial and commercial properties to the east and north-east. The adopted policy under Amendment C209 also recognises Mixed Use Zones as an acceptable location for new licensed premises with Clause 22.09-3.1 proposed to be updated to reflect this. While the site is technically not in a Mixed Use Zone, the immediate area is mixed-use in nature and the site adjoins Murray Street, which is a busy thoroughfare, where non-residential use is appropriate. With entry to the proposed restaurant being via Murray Street, patron access will be focused towards a currently busy interface of the site, away from residential areas to the rear.
102. Given the location of the premises within Murray Street and limited scale of the proposed use, it is expected that the proposal will not have a detrimental impact on the surrounding area.

Licensed hours

103. The licensed hours proposed, being 9am to 7pm on any day, are consistent with the 11pm closing hour encouraged under Clause 22.09-3.2 of the Scheme for licensed premises. It would also satisfy the 9am commencement and 8pm closure (for licensed premises in a residential zone) as encouraged under the proposed Clause 22.09-3.2 in Amendment C209. Accordingly, it is considered that the proposed licensed hours are appropriate.

Patron numbers

104. The policy guidelines at Clause 22.09-3.3 encourage *the number of patrons to not exceed the safe and amenable operating capacity of the premises.*
105. As previously discussed, a maximum capacity of 45 patrons is proposed for the licensed restaurant. The proposed maximum capacity of 45 patrons is considered acceptable given the premises is large enough to accommodate this capacity without negatively impacting on surrounding properties. As confirmed in the submitted patron capacity assessment prepared by a registered building surveyor, the internal areas of the premises alone can accommodate a maximum of 75 patrons, which is a lot more than the requested patron capacity. A condition will also be included on any permit to issue restricting the number of patrons on site.
106. As previously discussed in the Noise assessment of this report, the operation of the licensed restaurant would be restricted to internal areas after 7pm to minimise noise impacts to nearby residential properties. Hence, the internal areas of the premises should be able to contain the maximum capacity of 45 patrons during the evening. The amended floor plan and redline plan shows that 36 seats will be provided internally to accommodate for 80% of the patrons. This ensures that the premises can continue to safely accommodate the maximum capacity of 45 patrons internally in the evenings and comply with VCGLR's requirement for licensed restaurants of having at least 75% of patrons seated. Hence, the patron capacity of the proposed licensed premise is considered appropriate.

Noise and Amenity Action Plan (NAAP)

107. Clause 22.09-3.6 requires all licensed premises be managed in accordance with a NAAP, which aims to ensure that business activities associated with the premises do not cause adverse impacts to neighbouring properties.
108. In addition to the noise attenuation measures outlined in the Noise assessment of this report, the applicant has submitted a NAAP, which includes the following initiatives:

- (a) The premises will provide background music only, with no live music or DJ music to be played and no internal or external amplified music.
 - (b) The manager of the business will be at the premises at all times during business hours to manage complaints. Staff will report any complaints to the appointed manager, who will liaise directly with the complainant with the aim of achieving expeditious resolution of the complaints for all parties concerned.
 - (c) A maximum of five staff will be on duty at any time, including a manager, kitchen and waiting staff. Security staff will not be required due to the nature and capacity of the business.
 - (d) All staff serving liquor will be trained in the Responsible Serving of Alcohol (RSA). Intoxicated patrons will not be supplied with alcohol and drunk/disorderly patrons will be refused entry.
 - (e) Internal and external lighting on the premises will be maintained. Security lighting to the rear of the site will not be required given there will be no public access with the rear lane.
 - (f) Any noise level emitted from mechanical equipment will comply with SEPP N-1.
 - (g) Signage will be displayed within the premises reminding patrons to leave in an orderly manner.
109. In terms of delivery of goods to the premises, while there is no statutory requirement for an on-site loading bay, measures should be undertaken to ensure loading activities do not cause amenity impacts to adjoining properties. Objections received raised a concern with delivery trucks/vans of the existing café parking in the laneway and blocking off vehicular access to other properties. It is therefore appropriate for the NAAP to require the delivery and loading of goods to and from the site to occur only on Murray Street or Mayfield Street and for delivery vans to not park on the laneways. Hence, this will be included on any permit to issue.
110. A condition will also require an amended NAAP to be submitted, which show the updated operating hours and licensed hours of the premises, as well as updated hours for emptying bottles into bins in accordance with Council's local law requirements as previously discussed.
111. The amended NAAP would be endorsed as part of any permit to be issued and conditions will require the premises to be managed in accordance with the NAAP at all times to ensure that the proposed licensed premise is appropriately managed and the sale and consumption of liquor would not be detrimental to the amenity of the area.

Cumulative impact

112. The State Government has prepared Practice Note 61 ('Licensed premises: Assessing cumulative impact') which provides guidance for assessing the cumulative impact of licensed premises under Clause 52.27 of the Scheme. According to the practice note, 'Cumulative Impact' refers to both the positive and negative impacts that can result from the clustering of licensed premises. It is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate these venues.
- (a)
113. The practice note states that it 'should' be used for new or expanded licensed premises that will trade past 11pm and are located in a 'cluster' of licensed premises, i.e. where there are three or more licensed premises within a radius of 100m from the subject land; or, 15 or more licensed premises within a radius of 500m from the subject land. While the proposed restaurant is located in a cluster of licensed premises (with majority of this cluster located along Victoria Street), the proposed restaurant will not trade past 11pm; therefore, the practice note does not apply to this application.

114. Furthermore, a planning decision made by the Victorian Civil and Administrative Tribunal (VCAT) known as the *Corner Hotel* decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) formulated a potential assessment methodology for considering applications that may result in cumulative impacts, which developed a risk factor matrix as follows:

Type of premise	Risk Factor
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Nightclub	3
Place of assembly	2

Size of premise	Risk Factor
0-49 patrons	0
50-99 patrons	1
100-199 patrons	2
200+	3

Closing hours of premise	Risk Factor
11.00 pm	0
12.00 am	1
1.00 am	2
2.00 am	3
3.00 am	3
Beyond 3.00 am	4

115. Applying the risk factor matrix, a reasonable consideration would suggest a score of 0-3 would be no risk, higher than three (3) would be a potential risk and requires a cumulative impacts assessment.
116. The proposal is afforded a risk factor score of zero (0) for the proposed licensed restaurant. Accordingly, a cumulative impact assessment is not warranted for the proposal.
117. In addition, Council's Compliance Branch did not raise concerns with the location, hours of operation and maximum patron capacity of the proposed licensed restaurant.
118. Subject conditions outlined above, it is considered that the proposed licensed premises will not detrimentally impact on the amenity of nearby residential properties, satisfying the objectives of Clauses 22.09 and 52.27 of the Scheme.

Buildings and works

119. The policy objectives in Clauses 22.05-4.2 and 22.07 refer to impacts on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space (POS), visual bulk or loss of daylight to habitable room windows. The decision guidelines of the zone in Clause 32.08-12 also require consideration of the design, height, setback and appearance of the proposed buildings and works.
120. It is considered that the proposed buildings and works will not cause unreasonable visual and amenity impacts to the surrounding properties due to the following reasons:
- (a) The height of the proposed acoustic canopy will match the height of the existing fence on the western boundary. Hence, it will not cause visual bulk or overshadowing impacts to the secluded private open space of the western adjoining property.

- (b) The proposed acoustic canopy in the north-west corner and the skillion roof structure in the north-eastern side of the site are single-storey in height and of similar appearance as the verandahs to dwellings to nearby residential properties. These structures will not protrude onto the laneway nor will it be adjacent to the street frontages of the site.
- (c) The rear extension to the shed is constructed adjacent to the party wall of the western adjoining property, which is higher than the western wall of the shed extension.
- (d) The proposed verandah with retractable awnings/sunblinds along the Murray Street frontage is in keeping with other front verandahs in the street. The proposed front verandah is also lower in height than the existing building.
- (e) The timber deck, handrails and table bench along Murray Street frontage are consistent with the timber construction of the existing building.
- (f) The two retractable awnings and sliding doors on the west-facing windows of the main restaurant building, timber decking and outdoor shelving to the rear of the site are all internal to the site and not highly visible from public realm.
- (g) The flue installed to the rear of the site for the pizza oven is consistent with the existing kitchen flue. This ancillary service is considered normal to a food and drink premises.
- (h) The bi-fold windows on the south (front) side of the shed are minor alterations to the outbuilding and are common in food and drink premises with takeaway component.
- (i) The A/C condenser unit on the roof of the shed will be provided a black powder-coated screening to improve its presentation to the street.

Advertising signs

121. Having regard to the objectives and decision guidelines of Clauses 22.04 and 52.05, the proposed signs are considered appropriate for the following reasons:

- (a) The size of the signs is compatible with the host building.
- (b) The signs do not obscure views of existing signs or vistas.
- (c) The sign on the eastern side of the shed is located internal to the site and does not face any residential properties. Also, while the blackboard sign to the southern side of the shed is visible from the street, it is small in size and non-illuminated.
- (d) The colour, shape and lettering of the sign are in keeping with the advertising theme on site.
- (e) The signs do not have any major supporting structures.

Car parking, traffic and bicycle parking

122. The use of land as a restaurant has a statutory car parking requirement of 0.4 spaces to each patron permitted under Clause 52.06-5 of the Scheme. Given the application is requesting a maximum capacity of 45 patrons for the restaurant and no on-site car parking spaces are provided, a planning permit is required for reduction of 18 car parking spaces.

123. Relevant decision guidelines in Clause 52.06-7 include:

- (a) *The availability of alternative car parking in the locality of the land, including:*
 - (i) *Public car parks intended to serve the land.*
 - (ii) *On street parking in non-residential zones.*
 - (iii) *Streets in residential zones specifically managed for non-residential parking.*
- (b) *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- (c) *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- (d) *Any car parking deficiency associated with the existing use of the land.*
- (e) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- (f) *The need to create safe, functional and attractive parking areas.*
- (g) *Access to or provision of alternative transport modes to and from the land.*

- (h) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
124. It is policy at Clause 22.09-3.5 that car parking for licensed venues does not detrimentally impact local roads and parking, and patrons are discouraged from parking in residential areas.
125. The submitted car parking assessment report prepared by TTM Consulting specified that the proposed restaurant use would generate a car parking rate of 0.1-0.35 spaces per patron (i.e. 4-15 spaces for a 45-patron restaurant). These figures are based on the empirical assessment undertaken of existing restaurants at Elwood and Mentone by TTM Consulting. This is lower than the rate for a restaurant in Clause 52.06 as outlined above which is a state-wide policy. The report also provides an assessment of car parking space availability in the area on a Friday between 11:30am and 12:30pm and on a Saturday between 11:30am and 1pm. The report found that there are 192 car parking spaces in total in the area, with vacancies of 6-9 spaces on the Friday and 179 car parking spaces in total in the area, with vacancies of 25-27 on the Saturday.
126. Council's Engineering Services Unit has reviewed the proposed use and commented that the empirical rate of 0.1-0.35 spaces was acceptable and reasonable rate for a restaurant.
127. Having regard to policy at Clauses 18, 22.09-3.5 and 52.06-7, the proposed car parking reduction is considered acceptable for the following reasons:
- (a) Clause 21.06-3 of the Scheme encourages the reduction in the reliance on private motor cars. One approach to achieving this is to not provide additional spaces for patrons to park in.
 - (b) The site has good access to public transport, with tram routes 12 and 109 (along Victoria Street) and tram route 78 (along Church Street) available 300m south of the site. These provide alternatives to car use and the need for car parking.
 - (c) The site is highly accessible on foot and by bike being well connected to the bicycle network, with the Main Yarra Trail located within 500m of the site through Victoria Crescent. This would assist patrons in accessing the site without a car.
 - (d) The site is positioned adjacent to other industrial and commercial properties to the east and located near the Victoria Street Activity Centre. It is highly likely that patrons to the restaurant either would be local to the area or would have already parked in the area and be engaged in other activities or businesses particularly during daytime.
 - (e) The parking occupancy surveys undertaken by TTM Consulting indicate that there was a minimum of 6 vacant spaces in the study area (including Murray, Mayfield, Princes, Albert and Church Streets) on the Friday at 11:30am and a minimum of 25 spaces on the Saturday at 1pm. It is expected that the larger vacancy rate on the Saturday was resulted from surrounding businesses and the Abbotsford Primary School (on Albert Street) being closed and not generating a parking demand. It is anticipated that the parking vacancy rate of 25 spaces on the Saturday would be similar to that in the evenings on weekdays when surrounding businesses are also closed. Hence, the car parking demand associated with the restaurant, which is likely to peak in the evenings of up to 15 spaces (based on the empirical rate of 0.35 space per patron), can be accommodated within the unrestricted on-street parking in the area.
 - (f) It would be difficult to detect any noticeable impact of on-street parking associated with the operation of the restaurant alone. Throughout the entire municipality, on-street parking (a public asset) is shared by a multitude of different user classes. The current restrictions in place reflect the nature of parking and needs of various stakeholders who live or work in the area, with the surrounding on-street parking generally shared parking and not limited to residential parking only.

- (g) The site is currently operating as a food and drink premises (café) which was approved on the basis of having a total of 26 seats. In applying the empirical rate of 0.1-0.35 space per patron to the number of seats, the existing café would have required 2-9 spaces. This parking deficiency of the site would have been already accommodated on the surrounding streets.
- (h) It is impractical to provide the additional car parking spaces on site given the total site area is only 350sqm in area and it is commonplace that restaurants in inner-city locations do not provide on-site car parking, especially where viable alternative transport options exist.
- (i) Council's Engineering Services Unit has reviewed the car parking reduction associated with the proposed restaurant and commented that it would not unreasonably impact on car parking in the area.

128. Based on the requirements of Clause 52.34-6 (Bicycle Facilities), the restaurant with a 295sqm floor area available to patrons would generate a requirement of five (5) bicycle parking spaces on site, which include 3 staff spaces and 2 visitor spaces. As shown on the amended plans, five (5) on-site bicycle spaces will be provided which will be available to both staff and patrons.
129. It is therefore considered that the availability of public transport, local parking options and the bicycle racks to be provided are sufficient for the proposed use of the site.

Objector Concerns

130. The majority of issues raised by objectors have been addressed throughout the assessment section of this report. For ease of reference, the concerns raised and corresponding report sections and or paragraph numbers are outlined below as relevant:

- (a) Noise impacts from music and patron noise

This has been considered at paragraphs 86-93.

- (b) Anti-social behaviour (Drunken/disorderly behaviour on the street and loitering)

The amenity impacts of the proposal were assessed throughout the report and specifically in the assessment of the use and licensed premises sections. The proposal is considered acceptable and unlikely to result in detrimental impact to surrounding properties given it is small in scale and its primary purpose will continue to be serving of food. The premises is also proposed to be managed effectively and would need to comply with permit conditions and the NAAP. Also, Victoria Police would have the duty to respond to issues of patron behaviour on the street.

- (c) Traffic and parking (including lack of loading area)

Car parking and traffic have been considered in paragraphs 122-129. Concerns relating to the delivery and collection of foods to and from the land have been addressed in paragraphs 96 and 109.

- (d) Misleading information in the revised acoustic report

Further comments received following the advertising of the amended application indicate that the measurement of the background noise level in the revised acoustic report may be misleading and may have been made purposefully elevated in favour of the application. To address this concern, Council's acoustic consultant (SLR Consulting) has undertaken their own measurements of the background noise level in the area, which resulted in similar measurements indicated in the revised acoustic report provided by the applicant.

- (e) Adequacy of acoustic control measures (canopy limited to the northern boundary)

One of the objections received raised a question on whether the installation of an acoustic canopy on the northern boundary is enough to address noise impacts to surrounding property, particularly to nearby residences to the west. This has been addressed in paragraphs 90-91 of this report, in which SLR Consulting has supported the provision of an acoustic canopy along the northern boundary and recommended its depth to be at least 5m, reducing noise impacts to residential properties to the north and west of the site.

(f) Monitoring/enforcing of maximum patron capacity

Conditions on the permit will restrict the maximum patron capacity of the premises and limit the use of the outdoor patron areas to 7pm. This would ensure noise emissions associated with the patrons of the restaurant will be contained within the premises in the evenings to minimise impacts to residential properties, without the need for a patron counter.

(g) Lack of toilet facilities for patrons

The submitted patron capacity report prepared by a registered building surveyor indicates that the two unisex toilets on the premises are adequate for up to 75 patrons, particularly for the maximum capacity of 45 patrons proposed.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/1137 be issued for use of the land as a restaurant and for the sale and consumption of liquor (Restaurant and Café Licence), buildings and works, display of signage and reduction in the car parking requirements in accordance with the decision plans and 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 (prepared by Rauhaus, project no. 17027, drawing nos. A-0.00 to A-0.10, date: 16.10.2017) but modified to show:
 - (a) The waste storage area on the northern part of the site.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. No more than 45 patrons are permitted on the land at any one time.
4. The restaurant use may only occur between the following hours:
 - (a) Internal areas - Monday to Sunday, 7am to 8pm; and
 - (b) External areas - Monday to Sunday, 7am to 7pm.
5. The sale and consumption of liquor may only occur between the following hours:

- (a) Monday to Sunday, 9am to 7pm.
6. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Swindon Town Planning and dated 29 February 2016, but modified to include (or show, or address):
- (a) The hours of operation and licensed hours in accordance with Conditions 4 and 5 of this permit.
 - (b) Delivery and collection of goods to and from the land must only occur on Mayfield Street or Murray Street. Delivery vehicles must not park on the laneways.
 - (c) The hours for emptying bottles and cans into bins updated to accord with Condition 16 of this permit.
7. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
9. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
10. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Audiometric and Acoustic Services and received by Council on 23 May 2017, but modified to include (or show, or address):
- (a) The depth of the acoustic canopy to be 5m, consistent throughout the report.
 - (b) The thickness of the colorbond or galvanised steel sheeting of the external face to the acoustic fence/canopy structure to be 4.8mm thick, consistent throughout the report.
 - (c) The maximum patron number updated to 45 patrons.
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the use commences, the speaker systems must:
- (a) be set at a level specified by a qualified acoustic engineer, with music levels checked at noise receiver locations during the process of setting up to ensure that SEPP N-2 limits are not exceeded; and
 - (b) be maintained at all times to the satisfaction of the Responsible Authority.

13. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
14. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
15. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level only.
16. Emptying of bottles and cans into bins may only occur between 7am and 10pm Monday to Saturday, and 9am and 10pm Sunday or public holiday.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
18. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
19. Before the use commences, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkway, laneway and 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.
20. Before the use commences, or by such later date as approved in writing by the Responsible Authority, five (5) bicycle parking spaces must be installed:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner,to the satisfaction of the Responsible Authority.
21. The bicycle rack as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
22. The location and details of the sign, including the supporting structure, 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.
23. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
24. The signage component of this permit expires 15 years from the date of the permit.
25. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use is not commenced 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:

These premises will be required to comply with the Food Act 1984. The use must not commence until approval has been granted by Council's Health Protection Unit.

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

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

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

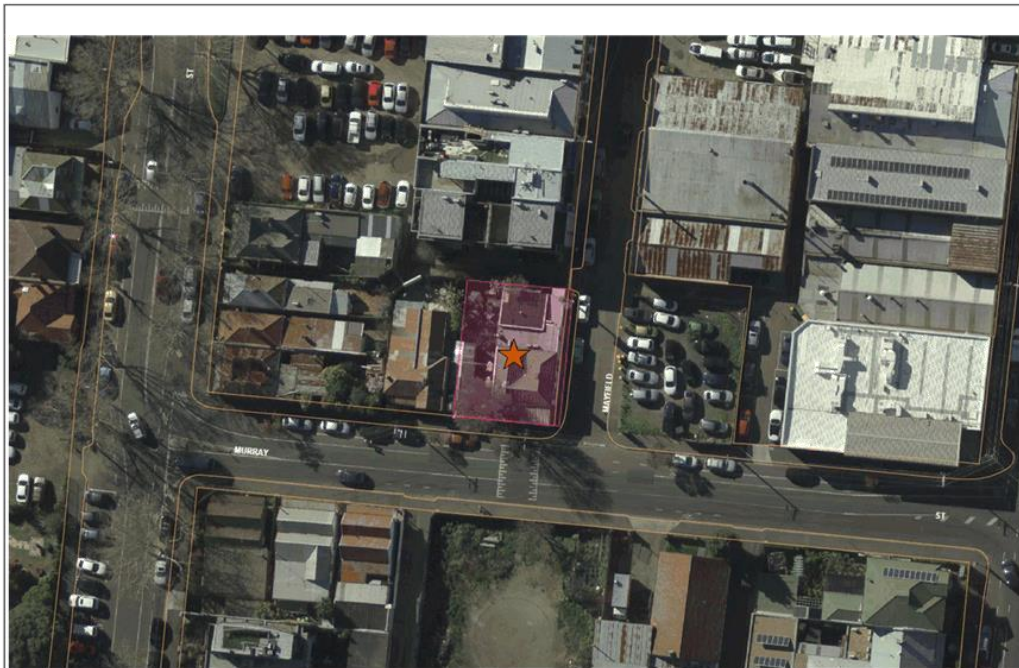
CONTACT OFFICER: Catherine Balagtas
TITLE: Statutory Planner
TEL: 03 9426 1425

Attachments

- 1 PLN15/1137 - 8 Murray Street Abbotsford - Locality Map
- 2 PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans
- 3 PLN15/1137 - 8 Murray Street Abbotsford - Noise and Amenity Action Plan
- 4 PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report
- 5 PLN15/1137 - 8 Murray Street Abbotsford - Compliance comments
- 6 PLN15/1137 - 8 Murray Street Abbotsford - Engineering comments
- 7 PLN15/1137 - 8 Murray Street Abbotsford - SLR Consulting comments

Attachment 1 - PLN15/1137 - 8 Murray Street Abbotsford - Locality Map

SUBJECT LAND: 8 Murray Street, Abbotsford



★ Subject Site

Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

P7 PLANNING PERMIT ISSUE

TOWN PLANNING CHANGE OF USAGE APPLICATION - 27/10/2017

ABBOTSFORD PANTRY - APPLICATION PLN15/1137
8 MURRAY ST. ABBOTSFORD VIC

CONTENTS		
SHEET NUMBER	SHEET NAME	CURRENT REVISION/DESCRIPTION
A.0.00	COVER	PP
A.0.01	EXISTING SITE PLAN/PROPOSED SITE PLAN	PP
A.0.02	EXISTING & CONSTRUCTION GROUND FLOOR PLAN	PP
A.0.03	EXISTING & CONSTRUCTION PROPOSED ROOF PLAN	PP
A.0.04	EXISTING & CONSTRUCTION ELEVATIONS	PP
A.0.05	EXISTING & CONSTRUCTION ELEVATIONS	PP
A.0.06	PROPOSED GROUND PLAN	PP
A.0.07	PROPOSED ELEVATIONS	PP
A.0.08	PROPOSED ELEVATIONS	PP
A.0.09	PROPOSED ELEVATION SHEETS	PP
A.0.10	PROPOSED PERSPECTIVE	PP

SUBJECT SITE
ABBOTSFORD PANTRY
8 MURRAY ST. ABBOTSFORD VIC



1 AERIAL VIEW
A.0.00 1:500

SUBJECT SITE
ABBOTSFORD PANTRY
8 MURRAY ST. ABBOTSFORD VIC



3 SITE & LOCALITY PLAN
A.0.00 1:500



2 EXISTING CONDITION PHOTOS
A.0.00



2 PROPOSED NEW PIZZA OVEN AND NEW ACCESS TO THE TOILETS AT THE REAR
A.0.00

rauhaus
PLANNING PERMIT ISSUE

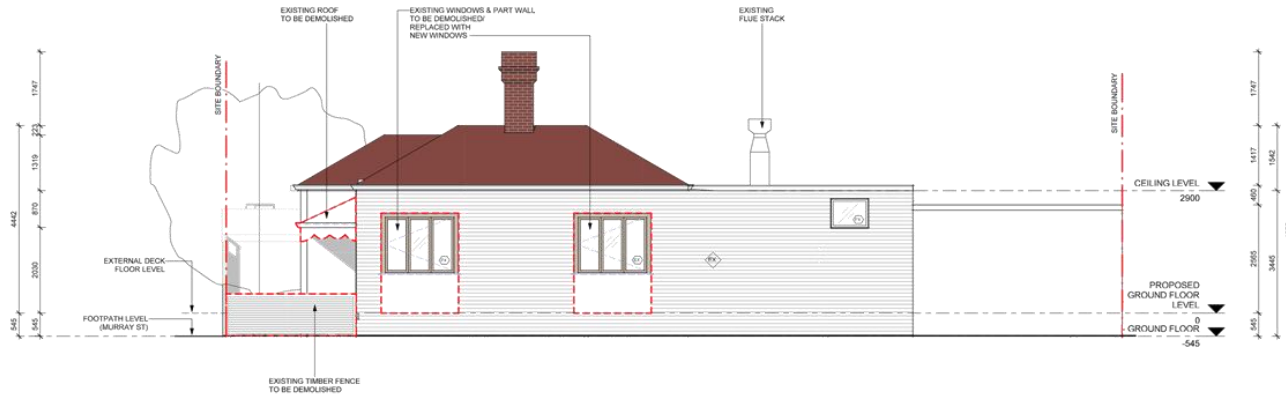
ABBOTSFORD PANTRY PROJECT
8-8 MURRAY ST. ABBOTSFORD VIC ADDRESS
COVER DRAWINGS
CLIENT: DATE:
16/10/2017
PROJECT NO: 11027 DRAW: A1
DRAWN BY: RAUHOUS SCALE: 1:500
DATE: 16/10/2017 4:02:34 PM

Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans



Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

P7 PLANNING PERMIT ISSUE



1 EXISTING & DEMOLITION EAST ELEVATION (MAYFIELD STREET)
A-0.03' 1:50



2 EXISTING & DEMOLITION SOUTH ELEVATION (MURRAY STREET)
A-0.03' 1:50

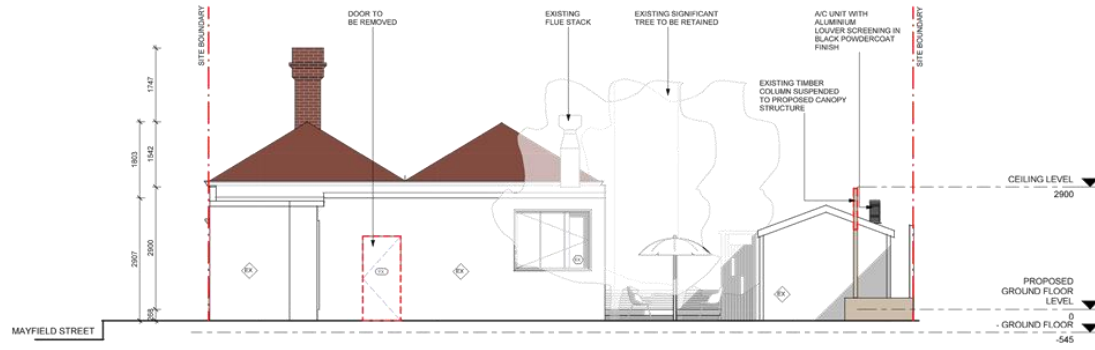
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(D02)	FLUSH PANEL DOOR 770x1995mm
(SD)	FLUSH PANEL CAVITY SLIDING DOOR 910x2020mm
(SD1)	GLAZED SLIDING DOOR 900-1000mm/WIDE-1800mm
WALL TYPES	
(W01)	BRICK VENEER TIMBER STUD WALL 110mm
(W02)	TIMBER STUD WALL 90mm
WINDOW TYPES	
(W03)	AWNING WINDOW WITH OPERABLE SASHES
(W04)	FULL HEIGHT FIXED WINDOW
(W05)	FIXED WINDOW FROSTED /TRANSLUCENT/ OBSCURED GLAZED WINDOW

rauhaus
PLANNING PERMIT ISSUE

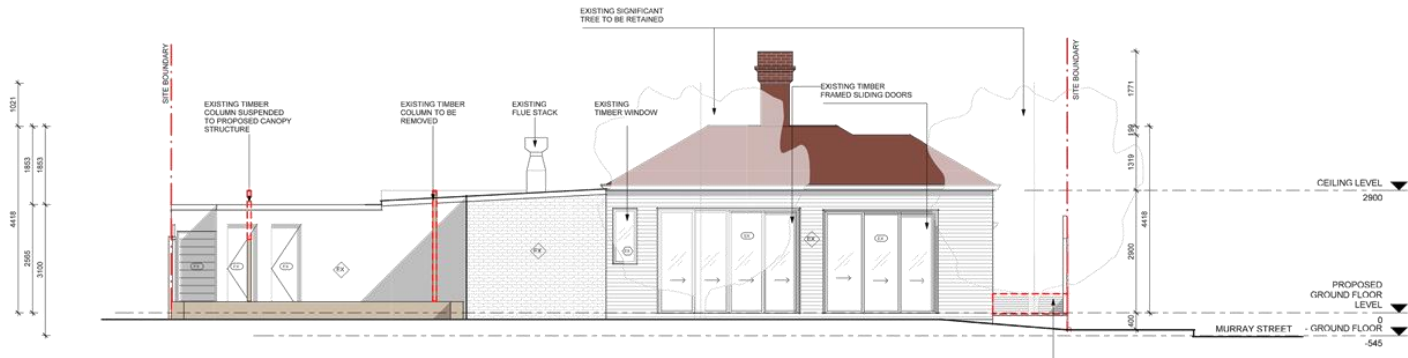
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CLIENT: [REDACTED]
DATE: 16.10.2017
DRAWN BY: RAUHOUS
CHECKED BY: [REDACTED]
SCALE: A1
FORMAT: 1:50

Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

P7 PLANNING PERMIT ISSUE



1 EXISTING & DEMOLITION NORTH ELEVATION
A-0.04
1:50



2 EXISTING & DEMOLITION WEST ELEVATION
A-0.04
1:50

DOOR TYPES	
(D01)	FLUSH PANEL DOOR W750x900mmxH2100mm
(D02)	FLUSH PANEL DOOR 775x1955mm
(D03)	FLUSH PANEL CAVITY SLIDING DOOR 913x2020mm
(D04)	GLAZED SLIDING DOOR 900-1000mmWIDE-1800mm
WALL TYPES	
(W01)	BRICK VENEER TIMBER STUD WALL 110mm
(W02)	TIMBER STUD WALL 50mm
WINDOW TYPES	
(AW)	AWNING WINDOW WITH OPENABLE SASHES
(FW)	FULL HEIGHT FIXED WINDOW
(FK)	FIXED WINDOW FROSTED / TRANSLUCENT / OBSCURED GLAZED WINDOW

rauhaus

PLANNING PERMIT ISSUE

PROJECT: ABBOTSFORD PANTRY

ADDRESS: 8-8 MURRAY ST. ABBOTSFORD VIC

CLIENT: EXISTING & DEMOLITION ELEVATIONS

DATE: 16.10.2017

PROJECT NO: 11027

DATE: 16.10.2017

FORMAT: A1

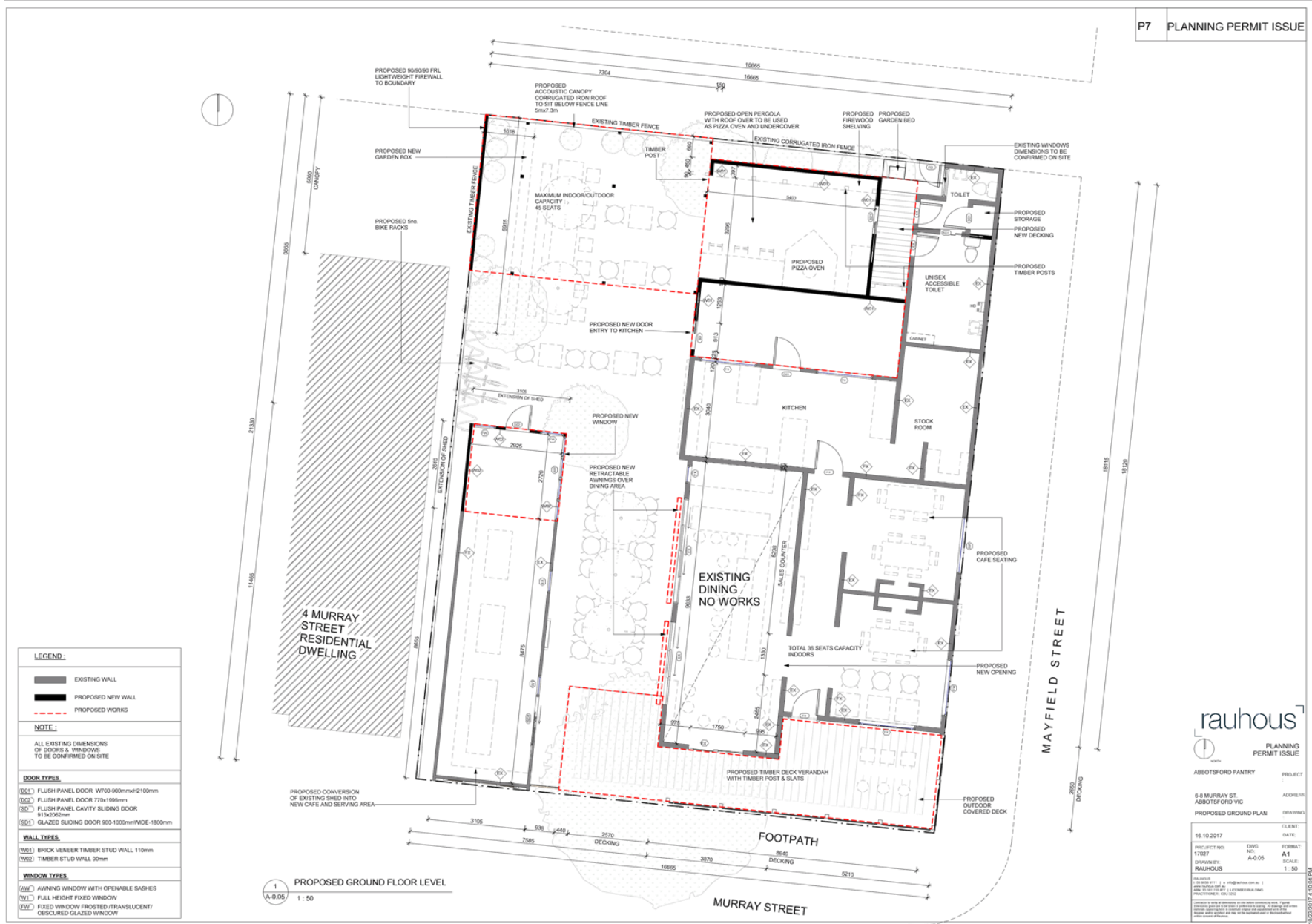
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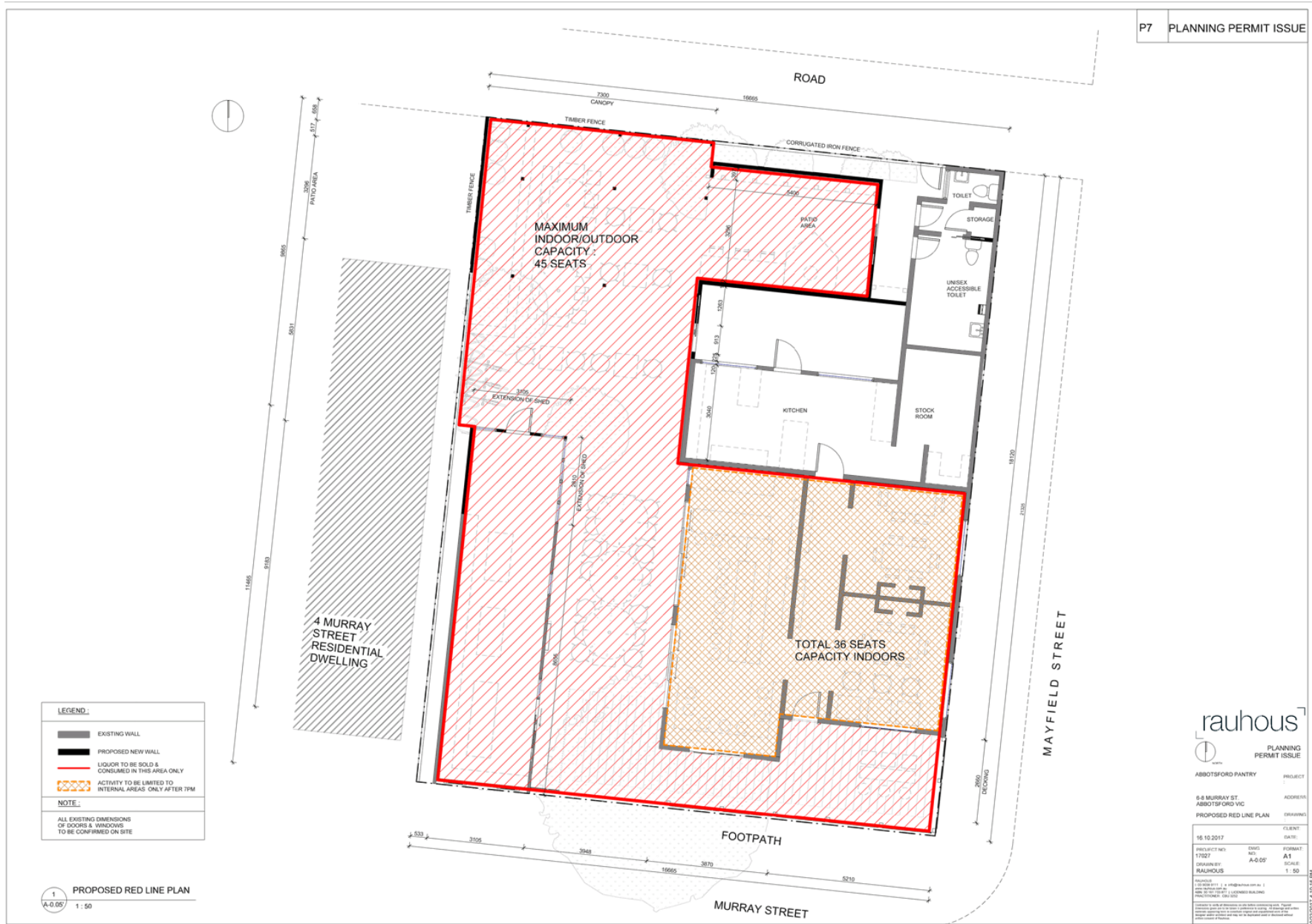
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Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

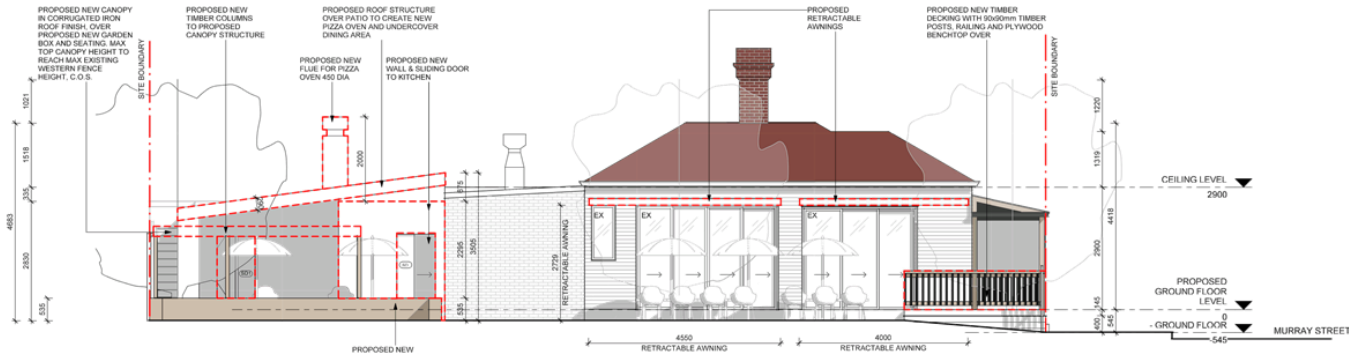


Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

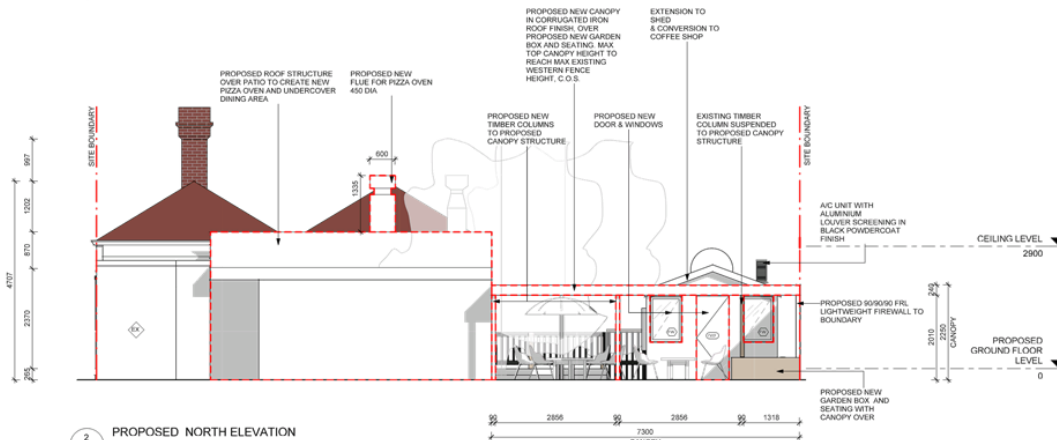


Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

P7 PLANNING PERMIT ISSUE



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2 PROPOSED NORTH ELEVATION
A-0.06 1:50

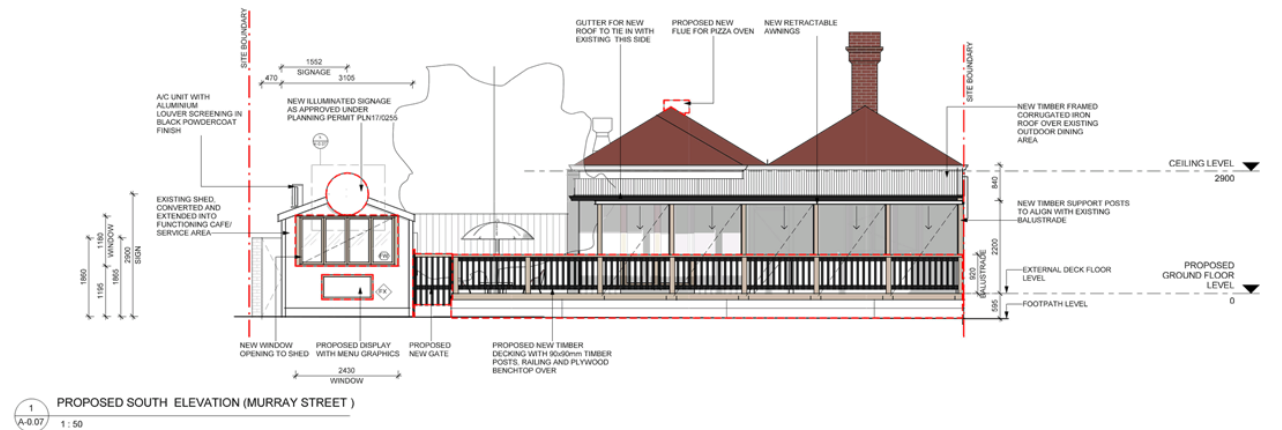
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3002	GLAZED SLIDING DOOR 900-1000mm WIDE-1800mm
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V002	TIMBER STUD WALL 90mm
WINDOW TYPES	
A001	AWNING WINDOW WITH OPENABLE SASHES
W001	FULL HEIGHT FIXED WINDOW
F001	FIXED WINDOW FROSTED / TRANSLUCENT / OBTAINED GLAZED WINDOW

rauhaus
PLANNING PERMIT ISSUE

PROJECT NO:	DATE:	FORMAT:
11027	16.10.2017	A1
DRAWN BY:	SCALE:	
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Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

P7 PLANNING PERMIT ISSUE



DOOR TYPES	
SD11	FLUSH PANEL DOOR W700-600mmxH100mm
SD2	FLUSH PANEL DOOR 770x1955mm
SD	FLUSH PANEL CAVITY SLIDING DOOR 113x2052mm
SD11	GLAZED SLIDING DOOR 600-1000mmxWIDE-1800mm

WALL TYPES	
WD1	BRICK-VENEER TIMBER STUD WALL 110mm
WD2	TIMBER STUD WALL 90mm

WINDOW TYPES	
AW	AWNING WINDOW WITH OPENABLE SASHES
FW	FULL HEIGHT FIXED WINDOW
FW	TUMED WINDOW FROSTED TRANSLUCENT/ OBTURED GLAZED WINDOW

rauhaus

PLANNING PERMIT ISSUE

CLIENT: ABBOTSFORD PANTRY PROJECT

ADDRESS: 8-8 MURRAY ST, ABBOTSFORD VIC DRAWINGS

PROPOSED ELEVATIONS

CLIENT: 16.10.2017 DATE:

PROJECT NO: 11027 DWG NO: A1 SCALE: As indicated

DRAWN BY: RAUHOUS

PROJECT NO: 11027

DATE: 16.10.2017

SCALE: As indicated

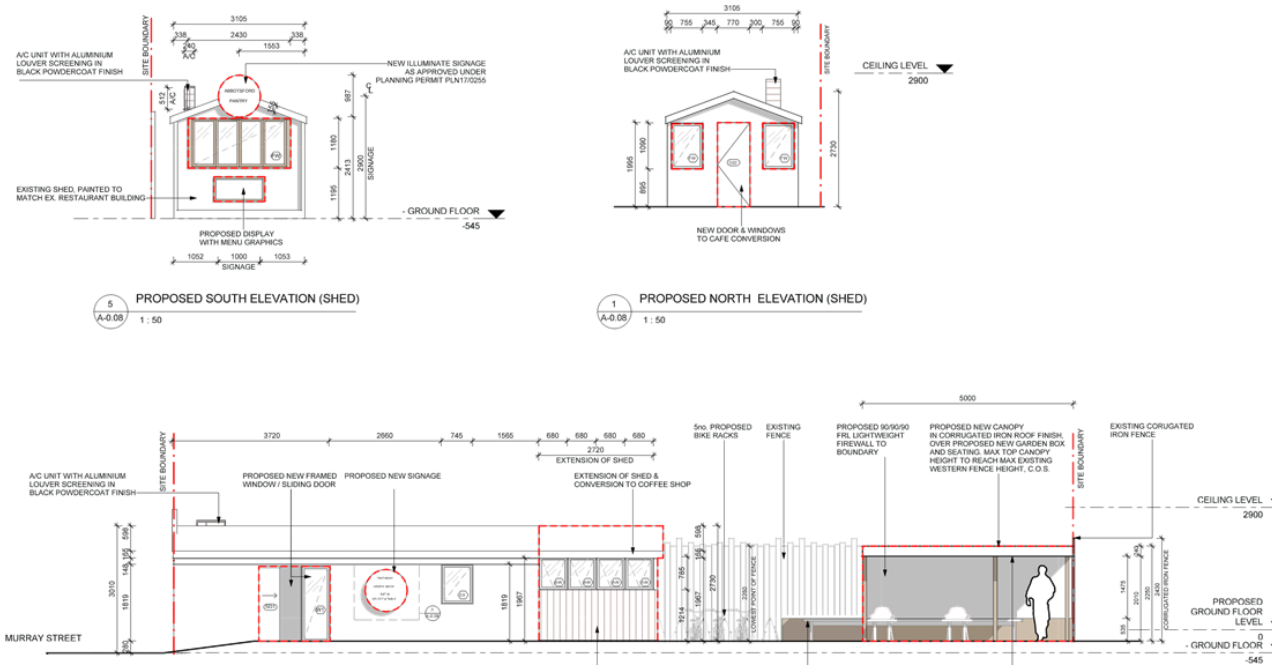
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Attachment 2 - PLN15/1137 - 8 Murray Street Abbotsford - S57A Plans

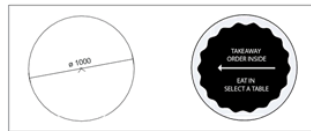
P7 PLANNING PERMIT ISSUE



5 PROPOSED SOUTH ELEVATION (SHED)
A-0.08 1:50

1 PROPOSED NORTH ELEVATION (SHED)
A-0.08 1:50

3 PROPOSED EAST ELEVATION (SHED)
A-0.08 1:50



2 PROPOSED EAST ELEVATION (SHED) - SIGNAGE CALLOUT
A-0.08 1:20

DOOR TYPES	
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(SD1)	FLUSH PANEL CAVITY SLIDING DOOR 913x2052mm
(SD2)	GLAZED SLIDING DOOR 900-1000mmWIDE-1800mm
WALL TYPES	
(W1)	BRICK VENEER TIMBER STUD WALL 110mm
(W2)	TIMBER STUD WALL 90mm
WINDOW TYPES	
(AW)	AWNING WINDOW WITH OPENABLE SASHES
(F1)	FULL HEIGHT FIXED WINDOW
(FW)	FIXED WINDOW FROSTED (TRANSLUCENT)/ OBTURATED GLAZED WINDOW

rauhaus

PLANNING PERMIT ISSUE

PROJECT: ABBOTSFORD PANTRY
ADDRESS: 8-8 MURRAY ST, ABBOTSFORD VIC
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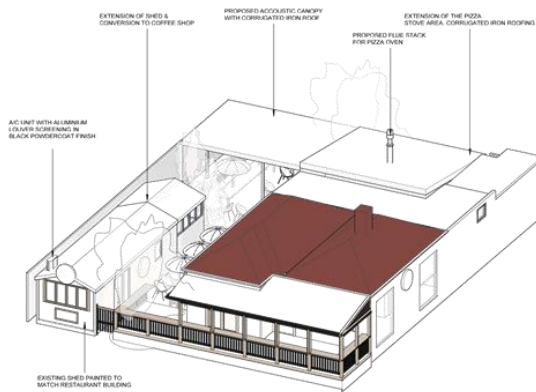
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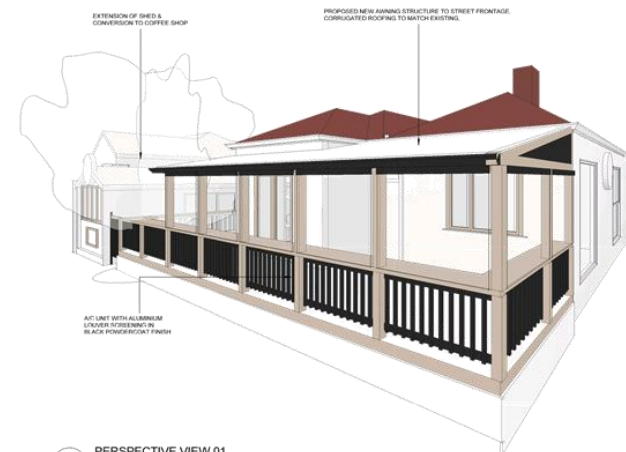
P7 PLANNING PERMIT ISSUE



3 PERSPECTIVE VIEW 03
A-0.10



1 PERSPECTIVE VIEW
A-0.10



2 PERSPECTIVE VIEW 01
A-0.10

rauhaus

PLANNING PERMIT ISSUE

ABBOTSFORD PANTRY PROJECT

6-8 MURRAY ST. ABBOTSFORD VIC ADDRESS

PROPOSED PERSPECTIVE DRAWING

CLIENT: DATE:

16.10.2017

PROJECT NO: DWG: NO: FORMAT:

11027 A-0.10 A1 SCALE:

DRAWN BY: RAUHOUS

10/20/2017 4:10:51 PM

2 March 2016



36 Mountain View Road
Montmorency Victoria 3094
Mobile 0411 226 606
Fax 03 9435 2909
Email aswindon1@bigpond.com

Noise & Amenity Action Plan

Attached is a Noise & Amenity Action Plan

Decision Guidelines

The land is zoned Residential – Schedule 2 (GRZ2)

The site is at the interface of an Industrial zone (IN3Z) to the east where the use of adjacent properties are both residential and commercial/industrial.

The site adjoins residential properties to the west and also to the north with a right of way bordering the rear boundary.

The site is currently used as a restaurant/cafe.

The proposed use is to be a licensed restaurant/cafe operating from 10am to 9pm 7 days a week.

This corner site faces south and adjoins a residence on the west side. The site backs onto a right of way which separates a three storey apartment block. Directly opposite to the south are vacant residential lots.

On the opposite Murray/Mayfield Street corner is a vacant industrial site consisting of 387m². There is no onsite parking for the premises and the industrial site is being used for restaurant parking.

The attached Noise & Amenity Action Plan indicates the adequate measures to be undertaken when necessary.

There will be minimal impact on the amenity of the surrounding area by the proposed use because of the present mixture of combined residential/commercial/industrial uses and the fact that the restaurant/cafe is primarily for day time trading. Consumption of liquor will be ancillary to the dominant use of serving snacks and meals.

A waste storage area is provided at the rear of the site with access via the rear R.O.W. where rubbish removal occurs at the end of the day twice weekly.

29 February 2016



36 Mountain View Road
Montmorency Victoria 3094
Mobile 0411 226 606
Fax 03 9435 2909
Email aswindon1@bigpond.com

NOISE & AMENITY ACTION PLAN

Mayfield Cafe 8 Murray Street Abbotsford 3067

1. It is intended to conduct the business by an experienced licensee who has been employed and operating in similar venues in the past .i.e. the dominant activity is the serving of food in the form of traditional and modern European cuisine.
2. Noise is to be limited to conversations among patrons. There is to be no internal or external amplified music, only background music. Entry and exit is via Murray Street.
3. The dining area is situated at the front of the premises fronting Murray Street and adjoins other residential uses on the north and west sides. The nearest habitable rooms would be adjoining the restaurant to the west and north, which includes three storey residential apartments at the rear and separated by a right of way.
4. A manager of the business will be on duty at all times when the premises are trading, and will act positively to any harmful noise source that may arise. The manager will ensure that satisfactory commercial, occupational and residential harmony is maintained, so as to avoid a detrimental impact on the existing amenity. Staff will report any complaints to the appointed manager who will liaise directly with the complainant, as practicable as possible, with the aim of achieving an expeditious resolution of the complaint, for all parties concerned.
5. There will be a staggering of rostering of staff with an anticipated maximum of five persons on duty at any one time, comprising a manager, kitchen and waiting staff. The nature and capacity of the business will not require security staff.
6. All staff dispensing liquor will be required to complete the one day responsible Serving of Alcohol course at an approved training institution or through an approved provider by the Director of Liquor Licensing. The operators have completed the Licensee's First Step Course, which is in addition to the above RSA course. Staff will not serve intoxicated patrons and staff will have an adequate understanding of liquor law and best practice in managing the licensed premises.

Attachment 3 - PLN15/1137 - 8 Murray Street Abbotsford - Noise and Amenity Action Plan

29 February 2016



36 Mountain View Road
Montmorency Victoria 3094
Mobile 0411 226 606
Fax 03 9435 2909
Email aswindon1@bigpond.com

7. The premises incorporating the Liquor licence will operate to serve patrons from 10am to 9pm seven days a week.
8. Adequate lighting will be provided internally and externally to ensure a safe and secure environment for staff and patrons. Sufficient lighting will be available over the entry of the building to create a safe environment and easy access for patrons.
9. Security lighting for the restaurant will not be necessary as there is no rear access for the public and the premises are adjoining an industrial zone to the east.
10. The provision of music will be at a minimum, as it is not intended to create an entertainment venue, and there will be no live bands or DJs as such. Any provision of music will be background.
11. The storage of waste bins is located in a secure communal waste collection area at the north of the restaurant. There will be separate recyclable bins for bottles and cardboard. Waste collection will take place twice a week. Bottles will be emptied into bins early in the evening between 6pm and 7pm and all bins will be washed regularly. Appropriate health and safety measures will be observed in accordance with the requirements of Council's Public Health Unit.
12. Any noise level emitted from mechanical equipment will comply with SEPP (Control of Noise Industrial, Commercial and Trade Premises) N1.
Appropriate signage will be erected requesting patrons to respect other businesses, persons and residents in the neighbourhood.
The business will be managed with the intention of avoiding conflict and detriment by maintaining the existing amenity of the area.

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report



10th May 2017

Ref 17033.2

Title: Revision of Report Ref 6025.1 post peer review for the Mayfield Café

Brief: Review of Report Ref 6025.1 post peer review for the Mayfield Café

**Client: The Defit Group for The Mayfield Cafe
8 Murray Street
Abbotsford 3067**

**Contact: Dean Djokic
Mob 0419 323 932
E: dean@thedefitgroup.com.au**

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

1.0 Introduction

This firm has previously undertaken an acoustic assessment Ref 6025.1 of the proposed changes for the Mayfield Café with respect to its operating hours and restrictions on the number of patrons in the external dining area.

That report has subsequently been peer reviewed by SLR Consulting. This firm is in general agreement with the approach detailed in the SLR review.

2.0 Acoustic Considerations Raised by SLR

The following matters were brought to Council's attention for renewed consideration:

- 1) Noise from background music
- 2) Patron noise

We will address these in turn.

2.1 Background noise from music

Concern was raised requesting more detail for the provision of the music.

We recommend a total of 6 speakers in the main (west side) external area. These should be spaced at distances of at least 5m from each other. An additional 2 speakers can be fitted to the small area bordering Murray Street at the front of the building, facing Murray Street.

SLR has suggested that the setting of the sound levels from the external speakers be set and monitored by the client. This can be undertaken by relatively simple and inexpensive sound level meters which can be found on the internet or available from stores such as JB Electronics.

The speakers should be set to produce no more than 68dB(A) or 73dB(C) on the Slow scale at a distance of 1m from each speaker. Note the meter chosen must measure both dB(A) and dB(C). Whilst we recommend a Type 2 meter (Industrial Grade) these meters usually do not come with NATA Certification unless requested at extra expense. We do suggest that the meter be checked against a calibrator that does have NATA Certification prior to use. This firm can assist if required.

2.2 Patron Noise – Background Noise Recheck

The starting point for any review is the existing acoustic environment. SLR have suggested a recheck of the prevailing background noise. The prime area of concern is the Unit 2 at #1 Mayfield Street, Abbotsford, from both a general viewpoint and the particular sensitivity of the current resident. In fact the adjacent townhouse at 1/1 Mayfield Street is also potentially affected to virtually the same degree. The area of concern is that both of the 3 level townhouses have a top level balcony which can be overview the café.

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

Because of the high level above the café the use of an acoustic fence is not of significant assistance. The approach has been to review the numbers of patrons externally and to reduce the operating hours.

The proposed opening hours of the rear seating area are as follows:

Restaurant trading hours – Monday to Sunday, 7am to 8pm

Licencing hours – Monday to Sunday, 9am to 7pm

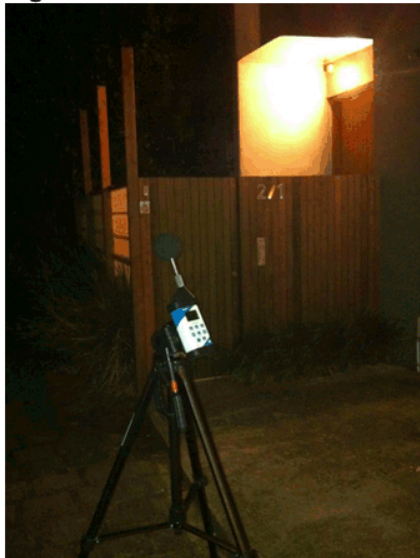
Application of any music or patron noise will apply to the EPA's Day and Evening Periods.

In accord with the SLR suggestion we have remeasured the background noise. SLR suggests that the background noise be remeasured, preferably on a Monday or Tuesday evening for the last period of trade. Our own view is that a full house on a Monday or Tuesday evening is a most unlikely event, however agree that this would be a most conservative approach.

The Client had originally discussed a 9pm closure of the outdoor area and so the background measurement was taken post 9pm. This has since been reduced to 8pm in an interest of conservatism.

This firm undertook the measurement of the prevailing background noise on the evening of Wednesday 19th April from 9.19pm to 9.34pm in the rear lane between the Mayfield Café's rear fence and the 2 properties at 1 Mayfield Street Abbotsford. The meter was able to be placed in excess of 2.5m from any major reflecting surface. The resultant L₉₀ was 44 dB(A). The source was all traffic noise in the near distance.

Figure 1 – Measurement Position in rear lane



Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

Based on the usual criteria of an acceptable level of patron noise pre 2200hrs of background noise + 10dB(A) we arrive at an acceptable Limit of **54dB(A)**.

3.0 Changes to Premises

SLR have suggested that the barrier provided by the area near the rear fence be upgraded with partially roofed over structure to provide additional shielding for transmission to the critical roof top balcony.

We view this concept favorably and believe that it would have some additional benefits in that the use of the outside area can be extended into the cooler months by use of a suitable heater in the covered area. Therefore we suggest that the rear most 3.5m of the open area be covered with a suitable roof but open to the south, i.e. the remainder of the outdoor area. Refer Figure 2 below.

Figure 2 – Canopy area illustration



It should be noted that the mid and southern area of the western side outdoor area was occupied by tables for 4 persons on the night of the site visit. Of the 2 long tables one is full underneath the proposed canopy and the other is half under, being orientated north south.

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

Based on this almost half of the patrons would be under the canopy, which will easily attenuate any patron noise on a direct path to the balconies, and the remainder would have a shadow angle of at least 45° and so has been calculated to naturally attenuate the noise on a direct path by at least 12dB(A).

Although the floor plan provide by the Client on the 10th of May 2017 illustrates a differing layout of tables, the number of seats for patrons remains the same with 20 seats under the canopy and nominally 2 dozen in what is referred to as the western open area.

3.1 Patron Noise Calculations

Our calculations are based on the following spread of patrons.

- a) 25 patrons in the western open area
- b) 20 patrons under the proposed canopy
- c) The current arrangement of smaller tables being provided in the non covered area
- d) 5 patrons in the southern area adjacent Murray Street
- e) distance of 15m from centre of uncovered area to the 3rd level balcony

By us if the formula

Base patron noise $L_{eq}dBA = 21 \log(\text{patron numbers}) + 43dBA$

We arrive at a base patron noise level of 72dB(A). At a distance of 15m this will attenuate to a sound level of some 52dB(A).

To this must be added the contribution from the covered area and the patrons at the front.

25 patrons in open area	52dB(A)
Plus 20 under canopy	40dB(A)
Plus 5 at front	<30dB(A)
Total	52dB(A)

Based on a compliance figure of background +10dB(A) being quite reasonable for a facility that closes at 2100hrs the provision of the proposed canopy would provide a suitable environment for the neighbours. As a general industry rule background +10dB(A) is mostly used by consultants for the EPA's Evening period, namely up to 2200hrs.

Note that this formula has been derived from a young person's pub outdoor area and surrounded by reflective walls to some 4m high. The recorded noise was at the plane at the top of the surrounding walls. The area was some 8m x 8m so it is reasonably similar to the Mayfield Café layout in layout but reflects a scenario that is much more

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

prone to noise generation over a period later in the night. Accordingly we view this as an acceptable approach.

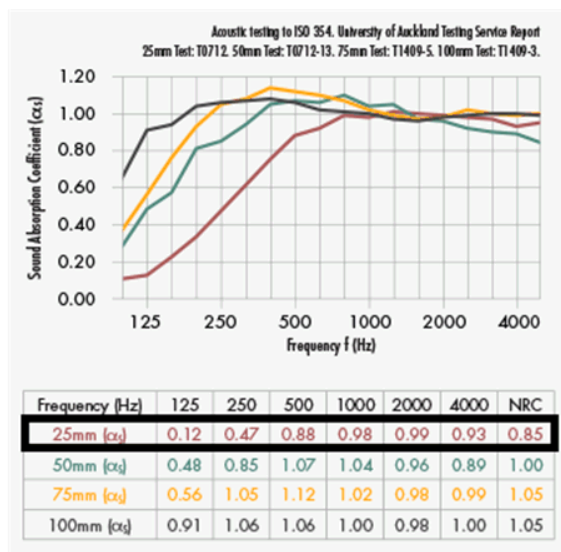
3.2 Construction of rear fence and canopy

The existing corrugated iron rear fence can be implemented as part of the proposed structure. Therefore we recommend the rear fence and the canopy (nominally 7.3m wide and 4.0m long (north south) be made of the same construction.

The recommended structure is based on the following having a minimum surface density of 15kg/m² :

- 1) External face – Colourbond or similar galvanized steel sheet min thickness 0.48mm
- 2) Internal insulation – R2.0 fibrous insulation
- 3) Under side of roof and inner of rear fence – 6mm cement sheet (LED downlights can be incorporated in the “ceiling”)
- 4) An absorbent material is required to be fixed to minimum 95% of the underside of the awning. We would suggest Autex Quiet Space 25mm panels or similar as per Figure 7 below with an NRC of 0.85.

Figure 3 Acoustic Data for Autex Quiet Space 25mm panels



Standard Colorbond at 4.8mm thick is estimated at 6kg/m². Therefore we estimate an inner lining of 6mm cement sheet at a surface density of 9.8kg/m² to be suitable.

We are recommending all gaps to be sealed either by flashings or structural members.

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

3.3 Additional Notation

We are unsure of how Council will word the permit, but we believe that the permit should only permit use to 2000hrs, regardless of the use being commercial or non commercial use, nominally for what can be described as private parties. Our understanding is that one neighbour has been aware of after hours use and reported that this use resulted in a loss of perceived amenity. Therefore we can only recommend use of the outdoor dining area to 2000hrs regardless of the nature of the use.

Our patron noise calculations are based around the SEPP N-1 time periods for the Day, Evening and Night. Therefore due to the compliance during the Day and Evening Periods as per this report we see that any further restriction of hours would be a conservative approach by both Council and the Client. This statement refers to the estimated compliance until 10pm as per the EPA's Evening Period however the application by the Client is only until 8pm.

4.0 Summary

We appreciate the input from SLR Consulting to assist arrival at a solution that can assist all interested parties.

Whilst music background noise is easily controlled, patron noise is potentially more variable. However with closure by 2000hrs and serving of alcohol until 1900hrs, this reduces the opportunity for social lubrication. This plus the use of calculation formula that reflects a potentially louder outcome provides a fair and reasonable.

The operators must also ensure that staff are well versed in their responsibilities regarding the responsible serving of alcohol.

Bearing in mind the above changes we believe that the amenity of locals can be maintained at levels that are fair to all concerned.

Respectfully



Richard Unkles M.A.A.S.
Engineer

This report has been amended in the absence of the Author by

Scott Henderson
BEnv DipDes A.A.S
Acoustical Consultant

Attachments Technical Appendix I
 Technical Appendix II

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

TECHNICAL APPENDIX I

Definition 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.

$$DB = 20 \log_{10} \left(\frac{P}{P_{ref}} \right)$$

(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.

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.

L10

The noise level exceeded for 10% of a measurement period. Often used as a measurement of occasional interruptive noise, such as traffic.

L90

The noise level exceeded for 90% of a measurement period. Commonly accepted as the natural Background Noise Level.

Slow:

Dynamic characteristics of a Sound Level Meter which employs a time saving averaging constant of 1 second.

Fast:

Dynamic characteristic – time averaging constant is 125m sec.

Peak:

Dynamic characteristic – time averaging constant is 1m sec.

Attachment 4 - PLN15/1137 - 8 Murray Street Abbotsford - Acoustic Report

Report Ref 17033.2

TECHNICAL APPENDIX II

Equipment Used

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

Quest CA22 Acoustic Calibrator
Serial No. J1060008

NATA Laboratory calibration due 11th November 2017

The noise logger and sound level analyser were calibrated before and after the measurements. No significant change was found to have occurred.

Attachment 5 - PLN15/1137 - 8 Murray Street Abbotsford - Compliance comments

TO: Catherine Balagtas
cc:
FROM: Steve Alexander
DATE: 29/08/17
APPLICATION: PLN/151137
SUBJECT: Amenity Enforcement Referral

Dear Catherine,

Following my referral of 29 July 2016 in relation to 8 Murray Street Abbotsford I note that there has been an amendment to the application reducing the numbers from 60 to 45. I also note the new proposed hours are:

- Monday to Sunday, 7am to 8pm for the restaurant use; and
- Monday to Sunday, 9am to 7pm for the licensing hours.

The Compliance branch does not have any concern with the proposal for the sale and consumption of liquor.

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 - PLN15/1137 - 8 Murray Street Abbotsford - Engineering comments



MEMO

To: Catherine Balagtas
From: Artemis Bacani
Date: 29 August 2016
Subject: **Application No:** PLN15/1137
Description: Addendum; Restaurant - Reduction in the Car Parking Requirements
Site Address: 8 Murray Street, Abbotsford

Statutory Planning has requested for a revision in the engineering comments in relation to the reduction in a patron capacity from 60 to 45 and the amendment to the hours of operation from 12 noon to 9pm seven days a week to 7am to 8pm Monday to Sunday (restaurant use) and 9am to 7pm (licensing hours).

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	No.	Statutory Parking Rate	No. of Spaces
Restaurant	45 Patrons	0.4 spaces to each patron permitted	18

The amendment seeks a reduction of 18 car spaces in the car parking requirement.

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

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

- *Parking Demand Associated with the Restaurant*
 In a previous Town Planning application for 95-105 Victoria Street & 277 Brunswick Street (PLN15/0712), TTM Consulting had undertaken a number of travel mode surveys of licensed venues, including the Corner Hotel in Richmond. The proportion of patrons surveyed where travel to a venue as a driver ranged from 11% to 20%. These figures are fairly consistent with other travel mode surveys we have reviewed in the past for tavern/licensed venue applications. By comparison, an empirical case study conducted by another consultant for The Precinct Hotel in Richmond had a parking generation in the order of 0.16 spaces per patron or 16% of patrons arrived to the venue as a driver. It is agreed that typically taverns and licensed venues would generate 0.10 to 0.20 spaces per patron. Adopting the more conservative rate of 0.20 spaces per patron for the proposed licensed restaurant would equate to nine spaces (on the assumption that the venue was operating at full capacity of 45 patrons).

Attachment 6 - PLN15/1137 - 8 Murray Street Abbotsford - Engineering comments

Given the area's coverage of short-stay parking spaces, patrons who choose to drive to the site should be able to find an on-street parking space in the surrounding streets.

In addition, some businesses in the area are unlikely to be operating after 5pm. This would free-up some of the on-street spaces in the area and allow patrons to find an on-street parking space near the site.

- *Availability of Public Transport in the Locality of the Land.*
The site is positioned within walking distance of tram services along Victoria Street and Church Street. Easy access to public transport services would reduce the demand for parking on-site.
- *The Likelihood of Multi-Purpose Trips within the Area.*
The restaurant is positioned near the Victoria Street activity centre. It is highly likely that patrons to the site would already have parked in the area and be engaged in other activities or business.
- *Convenience to Pedestrian and Cycling Access to the Site.*
The catchment area surrounding the site includes residential properties and local business that would provide a source of local patrons. The site has excellent exposure to high pedestrian numbers and much of the restaurant's source of patrons would be pedestrians. The site also has good connectivity to the on-road bicycle network.

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 in the Area.*
TTM Consulting carried out parking occupancy surveys on a Friday at 11.30am and 12.30pm, and a Saturday at 11.30am and 1pm. TTM Consulting did not provide the dates the surveys were undertaken. The survey area encompassed sections of Murray Street and Princes Street (Albert Street to Church Street), Albert Street (Victoria Street to Victoria Crescent), west side of Church Street (Victoria Street to the Yarra River), and the west side of Mayfield Street (Murray Street to mid-block). An inventory of between 179 to 192 spaces was identified. It is noted that the surveys were carried out until 1pm only. It would have been useful for the applicant to have provided parking survey data for the evening periods.

To obtain the likely parking demands for the evening periods, the results of a previous parking occupancy survey undertaken by Council officers have been sourced. The parking surveys were carried out in Albert Street between Murray Street and Princes Street on Friday 15 August 2014 and Saturday 16 August 2014 between 6.45pm-7.15pm. The surveys indicate that on the Friday 72 % of spaces were occupied or 10 spaces vacant. On the Saturday 89 % of spaces were occupied or four spaces vacant.

Since the streets surrounding the site are covered with time based parking restrictions (1P, 2P, and 4P), as well as sections of unrestricted parking, it would provide some opportunities for some patrons to find an on-street parking space near the site.

- *Access to or Provision of Alternative Transport Modes.*
The site has very good accessibility to public transport and good connectivity to the on-road bicycle network. Car share pods are also within reach of the site and provide an alternate mode of transport for staff and patrons.
- *Car Parking Deficiency Associated with Existing Land Use.*
According to the TTM Consulting Parking Assessment Report, the site is currently operating as a food and drink premises with a total floor area of 295 m². Under the provisions of Clause 52.06-5, a food and drink premises has a parking rate of 4 spaces to each 100 m² of leasable floor area. Since the previous use had a leasable floor area of 295 m², the use would have had

Attachment 6 - PLN15/1137 - 8 Murray Street Abbotsford - Engineering comments

a car parking credit of 11 spaces. The parking deficiency of the site would have been accommodated on the street.

▪ *Other Relevant Considerations*

The stringent enforcement of drink-driving laws would be a disincentive for patrons to drive to the site, particularly if they intend to imbibe alcohol. Patrons would be inclined to travel to and from the site with public transport, taxis and private driver services.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for the proposed restaurant is considered appropriate in the context of the development and the surrounding area. The area's coverage of short-stay and long-stay parking, and high parking demand would encourage some staff and patrons to utilise public transport to the site. The high pedestrian services and access to public transport would be major factors in reducing the number of parking spaces required for the development.

Engineering Services has no objection to the reduction in the car parking requirements for this site.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 7 - PLN15/1137 - 8 Murray Street Abbotsford - SLR Consulting comments



1 August 2017

640.10090.04370 8 Murray St Abbotsford 20170728.docx

City of Yarra
 PO Box 168
 RICHMOND 3121

Attention: Catherine Balagtas

Dear Catherine

**8 Murray Street, Abbotsford
 Planning Application Acoustic Report Review
 PLN15/1137**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the revised acoustic assessment report for the events spaces proposed for 8 Murray Street, Abbotsford.

Details of the report are as follows:

- Title: Revision of Report Ref 60215.1 post peer review for the Mayfield Cafe
- Date: 19 June 2016
- Prepared by: Audiometric and Acoustic Services

The cafe at 8 Murray Street, Abbotsford currently has a license to operate during the day period, and does not have a liquor license. The current and proposed hours of operation are provided in the table below.

Table 1 Current and proposed operating hours and conditions

Days / conditions	Current	Proposed
Monday to Friday	6 am to 6 pm	7 am to 8 pm
Saturday and Sunday	8 am to 6 pm	7 am to 8 pm
Liquor licence hours	None	9 am to 7 pm

The main changes proposed are the extension of operations from 6 pm to 8 pm, and the serving of alcohol up until 7 pm.

The café includes a large external courtyard which is overlooked by three level dwellings to the north.

The current acoustic report was prepared to address the issues raised in the SLR review of the 19 June 2016 acoustic report for the application. A review of the acoustic report in relation to items raised in our original review is provided below.

Attachment 7 - PLN15/1137 - 8 Murray Street Abbotsford - SLR Consulting comments

City of Yarra
8 Murray Street, Abbotsford
Planning Application Acoustic Report Review
PLN15/1137

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1 Background Noise Levels and Noise Limits

Background noise measurements conducted for the purpose of determining noise limits were originally measured by A&AS on a Thursday night. SLR recommended that background noise monitoring be conducted on a Sunday or Monday night given that the application is for seven days a week and these nights are likely to be quieter. An additional measurement was conducted by A&AS on Wednesday 19 April, from 9:19 pm to 9:34 pm in the lane between the subject site and the dwellings. A&AS state that the measurement was conducted on a Wednesday night rather than on a Monday or Sunday (as recommended by SLR) on the grounds that the café is unlikely to be full early in the week. The measured level was **44 dBA L₉₀**. The result is classified as 'free field' in the report on the grounds that it is at least 2.5 m from any reflective surface. This level has been used by A&AS to determine noise limits for the project

At the request of the City of Yarra SLR undertook independent measurements of background noise in the same area. Our measurement as undertaken in the lane at the location indicated in **Figure 2**, at a height of 2.6 m. An elevated microphone was used in an attempt to achieve a similar level of exposure to road traffic noise to that of upper levels of the dwellings and to obtain a 'free field' result (measurements conducted below the fenceline of the lane are both shielded from road traffic and are potentially subject to multiple reflections of noise entering the lane from the Mayfield Street end).

Results are provided in the following table.

Figure 1 Measurement Results

Time and Date	Location	Measurement results, dBA	Comments
Sunday 30 July 2017 7:30 pm to 7:43 pm (10 minutes duration)	A (free field) ¹	43.4 L₉₀ 48.3 L _{eq} 78.0 L _{max}	Light cloud, calm conditions, traffic noise dominant. Measurement paused for aircraft flyover and during operation of mechanical equipment at the rear of café. Low level tone audible from transformer however analysis indicates that this did not contribute to the overall A-weighted noise level.
Sunday 30 July 2017 7:43 pm to 8:00 pm (10 minutes duration)	A (free field) ¹	43.5 L₉₀ 47.6 L _{eq} 59.7 L _{max}	Light cloud, calm conditions, traffic noise dominant. Measurement paused for operation of mechanical equipment at the rear of café.

Note 1: Measurement conducted with a SVAN 945 sound level meter, SN 3592. Calibration of meter was confirmed with Rion NC-74 calibrator SN 34546617 on 30 July 2017.

Note 2: An additional measurement was conducted on Wednesday 26 July 2017 with the microphone at a height of 1.3 m, however this data was deemed unsuitable due to the combination of shielding from Murray Street and reflections from the laneway fences. The measurement was repeated with a taller tripod on Sunday 30 July.

Attachment 7 - PLN15/1137 - 8 Murray Street Abbotsford - SLR Consulting comments

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Figure 2 SLR Measurement Location



Microphone location, 2.6 m high

The measured levels of approximately 43.5 dBA L90 were extremely close to the level of 44 dBA L90 used by A&AS to determine noise limits.

Due to the similarity in our measurements and those presented by A&AS, we agree that the background noise level used to determine noise limits in the A&AS report is reasonable.

2 Music Noise (SEPP N-2)

Advice is provided in the report for speaker locations and for maximum allowable music levels within 1 m of loudspeakers. The recommended maximum levels are 68 dBA and 73 dBC. Indicative advice for the café to facilitate self-monitoring of music levels is provided in the report.

SLR Comment: *The advice provided in the report generally addresses our concerns on this matter. The proposed speaker layout and recommended maximum music levels are likely to result in SEPP N-2 compliance. Further, irrespective of the advice provided in the acoustic report, the café will be required to comply with SEPP N-2 noise limits at dwellings. The SEPP N-2 evening noise limit is equal to 49 dBA L90 at the residential location, based on the measured background noise level of 44 dBA L90.*

SLR Consulting Australia Pty Ltd

Attachment 7 - PLN15/1137 - 8 Murray Street Abbotsford - SLR Consulting comments**3 Patron Noise****3.1 Noise Limits**

A revised patron noise limit of 54 dB L_{Aeq} is provided in the acoustic report (5 dB lower than originally proposed). The revised limit is based on the measured background noise level of 44 dBA L₉₀, and is equal to the background noise level + 10 dB.

SLR Comment: *In our review we raised concerns about applying the 'background noise + 10 dB' noise limit to a largely residential area. However, our objection was in part to the high noise limit identified in the report (59 dBA) and to the late (9 pm) closing time. The currently proposed limit of 54 dBA and the further restriction on operating hours helps to address our concerns about the proposed 'background + 10 dB' noise limit.*

3.2 Additional Noise Controls

It is proposed to provide a canopy over the rear most 3.5 m of the outdoor courtyard. The canopy location is shown in Figure 2 of the acoustic report.

Advice is provided in Section 3.2 of the report for upgrading the existing rear fence and for the construction of the canopy. Acoustic absorption material is proposed to be applied to the underside of the canopy to assist in the control of reverberant sound.

SLR Comment: *The proposed building works can be expected to assist in the control of patron noise to the potentially most affected dwellings. However, there appear to be inconsistencies between the extent of the treatments as shown in Figure 2; in the marked up architectural plans, and in the description provided in the body of the report. Whereas a depth of 3.5 m is proposed in the report, the covered area in Figure 2 appears to be closer to 5 m deep. The marked up architectural plans also appear to show treatment to a depth of 5 m, although the dimensions on the drawing state that the depth of treatment is 4.0 m.*

3.3 Revised Patron Noise Predictions

Taking into consideration the proposed acoustic upgrades and a distribution of 50 patrons such that a maximum of 25 are in the uncovered outdoor area, A&AS predict a patron noise level of 72 dBA L_{eq} throughout the open area, and a level of 52 dBA L_{eq} at noise sensitive receiver locations.

SLR Comment: *Assuming the same levels of patron noise in the open courtyard, our predictions of noise at sensitive receiver locations are slightly higher (55 dBA L_{eq,free field}, as opposed to A&AS predicted level of 52 dBA). However, there are many assumptions in these calculations, and the predicted levels are a guide to, rather than a guarantee of noise impacts. A discrepancy of 3 dB is not significant in this context. Also, our calculated level of patron noise is still only 1 dB over the identified noise limit.*

In our opinion it would be reasonable for the proposal to proceed generally as detailed in the report on the understanding that a patron evening noise limit of 54 dBA L_{eq} applies to the operation. If this level is exceeded, particularly early in the week, further administrative controls could be applied to the operation. These may include restricting access to the open area from earlier in the evening.

Attachment 7 - PLN15/1137 - 8 Murray Street Abbotsford - SLR Consulting comments

City of Yarra
8 Murray Street, Abbotsford
Planning Application Acoustic Report Review
PLN15/1137

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4 Summary

A summary of our recommendations and findings with respect to the acoustic report is provided below.

Background Noise Levels and Noise Limits

No further issues on this item. We agree that a background noise level of 44 dBA L₉₀ can reasonably be used to determine evening limits for patron and music noise.

The identified patron noise limit of 54 dBA L_{eq} is considered appropriate.

Music Noise

Advice is provided in the report for managing music within the venue. This advice generally addresses our concerns, however we note that the venue is also required to comply with SEPP N-2 and that the SEPP N-2 evening limit should be based on the 44 dBA L₉₀ measured background (i.e. a SEPP N-2 evening limit of 49 dBA L_{eq} at dwellings).

Noise Control Measures

There are discrepancies between the proposed noise control measures and those shown on the drawings for the project. The consultant should confirm their requirements on this matter. Given the potential for nuisance, our preference would be for the depth of the covered area to be in the order of 5 m, as appears to be shown on the marked up aerial and architectural drawing.

Patron Noise Assessment

We have reviewed the patron noise assumptions and calculations and agree that patron noise emissions are likely to comply with the identified limit during most operations if noise control measures are carried out.

Yours faithfully
SLR Consulting Australia Pty Ltd



Dianne Williams
Associate – Acoustics

Checked/ Authorised by: JA
