

**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 2 May 2018 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**Rostered Councillor membership**

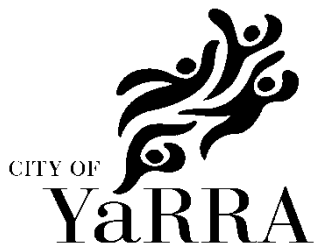
Councillor Amanda Stone  
Councillor Jackie Fristacky  
Councillor James Searle (substitute for Cr Chen Yi Mei)

- I. ATTENDANCE**  
Chris Stathis (Senior Statutory Planner)  
Danielle Connell (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**

**Printed on 100% recycled paper**

***"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	11 Brunswick Street, Fitzroy - PLN17/0694 - Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.	5	40
1.2	18 Clark Street, Richmond - Planning Application No. PLN17/0542 - Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.	95	116
1.3	21 Mollison Street Abbotsford - Planning Permit Application PLN16/0046 - Development of the land for alterations to the existing dwelling, including a first and second floor addition.	171	192
1.4	Confidential Item - Supplementary Report - 12-18 Albert Street, Richmond - Planning Application No. PLN17/0284 - Development of the land for the construction of a seven-storey building and a reduction in the car parking requirement associated with offices and a food and drink premises (cafe) (no permit required uses).	217	221

---

**1.1 11 Brunswick Street, Fitzroy - PLN17/0694 - Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.**

---

**Executive Summary**

**Purpose**

1. This report provides Council with an assessment of Planning Permit Application PLN17/0694 which affects the land at 11 Brunswick Street, Fitzroy and recommends approval, subject to conditions.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 15.01 – Urban Environment;
  - (b) Clause 21.05-2 – Urban Design;
  - (c) Clause 22.05 – Interface uses policy;
  - (d) Clause 32.04 – Mixed Use Zone;
  - (e) Clause 52.06 – Car Parking;
  - (f) Clause 58 – Apartment Developments.

**Key Issues**

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

**Objector Concerns**

4. Nine objections were received to the application, these can be summarised as:
  - (a) Height;
  - (b) Neighbourhood character; and
  - (c) Heritage concerns.

**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:** Lara Fiscalini  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5372

---

**1.1 11 Brunswick Street, Fitzroy - PLN17/0694 - Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.**

---

Trim Record Number: D18/29973

Responsible Officer: Coordinator Statutory Planning

**Proposal:** Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.

**Existing use:** Ground Floor – Commercial;  
First/Second Floors – Residential

**Applicant:** Beverly Waldegrave-Knight

**Zoning / Overlays:** Mixed Use Zone/Heritage Overlay (HO151)

**Date of Application:** 25/08/2017

**Application Number:** PLN17/0694

**Planning History**

1. Council records indicate that there is no planning history associated with this site.

**Background**

2. The application was lodged on 25 August 2017, with additional information submitted on 12 October 2017. The application was subsequently advertised, with 9 objections received.
3. A Consultation Meeting was held on 13 February 2017, where the key issues raised in the objections were discussed with the Permit Applicant, one Objector and Planning Officers. There were no changes made to the proposal following this meeting.

**Existing Conditions**

Subject Site

4. The subject site is located on the western side of Brunswick Street, approximately 85m to the north of Victoria Parade, in Fitzroy. It has access to a rear laneway, connecting to Fitzroy Street to the west.
5. The site is rectangular, with the title outlining a frontage to Brunswick Street of 9.14m and a depth of 40.23m, yielding an overall site area of approximately 372sqm. The plans indicate respective front and rear boundary lengths of 9.2m and 9.21m. To ensure consistency with the title dimensions, amended plans can be required by a condition if a planning permit is to issue.
6. The site contains a triple-storey Victorian terrace of heritage significance, known as 'Arbirlot'. An original double-storey wing is located to its rear, along the northern boundary. A modern double-storey building forms a rear extension, which includes a garage accessed from the rear laneway.
7. The building has a modest front setback and is located behind an ornate iron picket and bluestone front fence. A commercial art gallery 'Alcaston Gallery' operates from the building at ground level, with a dwelling occupying the two upper floors.



Figure 1 – Subject building

### Surrounding Land

8. The site is located at the southern end of the Brunswick Street Major Activity Centre (MAC), and 150m to the south of the Gertrude Street Neighbourhood Activity Centre (NAC). Victoria Parade and the Melbourne CBD are approximately 100m to the south. Planning controls surrounding the site are mixed, as can be seen in Figure 2, with commercially zoned land to the east (Commercial 1 Zone), residentially zoned land (Neighbourhood Residential Zone) to the west and the Mixed Use Zone (MUZ) to the north, south and north-east.

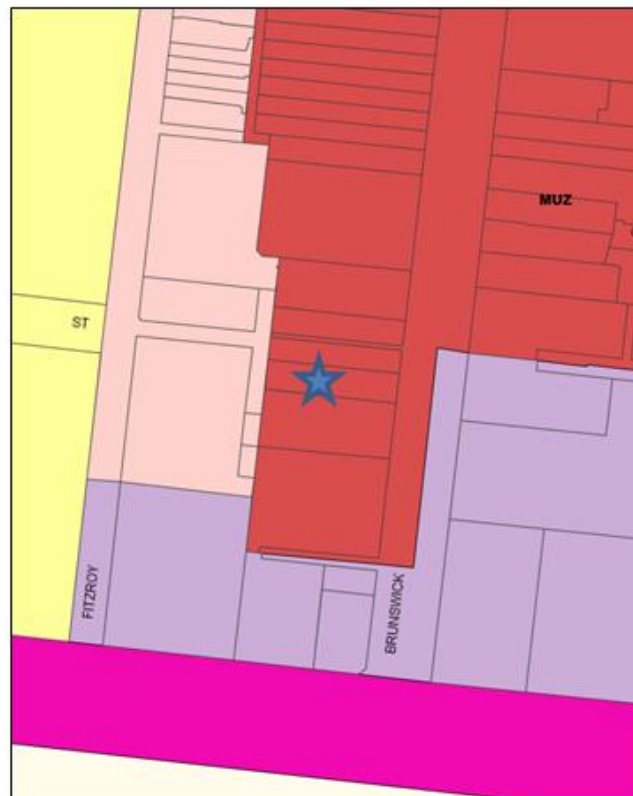


Figure 2 – Zoning map

9. The land is within close proximity to the St Vincent's Hospital and Australian Catholic University (ACU) environs, with part of the hospital located within the Public Use Zone further to the west (shown in Figure 2). It is noted that the majority of land uses within the NRZ immediately to the west of the site (addressing Fitzroy Street) are also associated with the hospital use, including a seven-storey car park.



Figure 3 – Surrounding land

10. A description of the immediate interfaces is:

*North*

11. Immediately to the north of the site, at No. 13 Brunswick Street, is a double-storey Victorian building used as an office. This building directly abuts the Brunswick Street interface at both levels and is constructed along both side boundaries. An at-grade car park is located at the rear of the building, accessed from the laneway. Further to the north are a dentist and a restaurant.

*East*

12. Brunswick Street extends along the eastern boundary and is the commercial spine of the Brunswick Street MAC. On the eastern side of Brunswick Street is a large forecourt (St Mary of the Cross Square) which is located in front of a 9-storey building associated with the ACU. The ACU campus contains numerous buildings including:
  - (a) A double-storey building at the corner of Brunswick Street and Victoria Parade;
  - (b) A 6-storey building addressing Victoria Street, to the south-east;
  - (c) A multi-level car park.
13. The ACU is currently in the process of seeking planning approval to amend the approved Development Plan for the campus, with the following development proposed;
  - (a) A 12 storey building on the corner of Victoria Parade and Napier Street, including 7 basement levels;
  - (b) A triple-storey building on Young Street (further to the east).



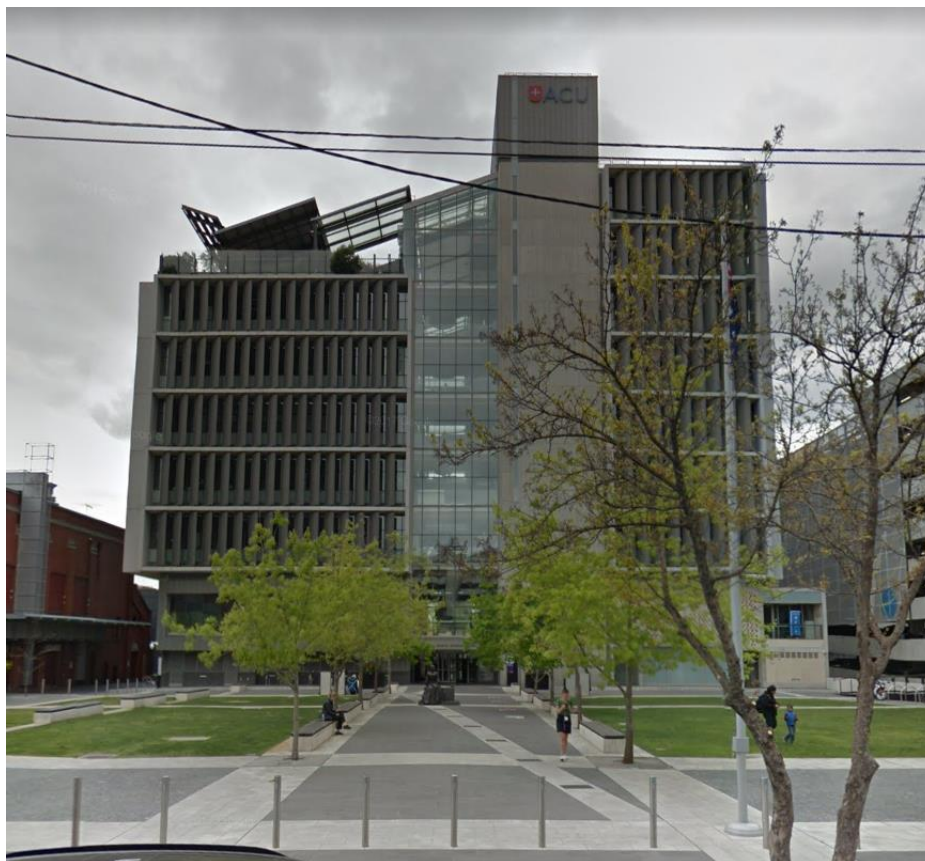


Figure 4 – Main ACU building addressing the subject site.

#### South

14. Immediately to the south of the site is No. 9 Brunswick Street, 'Depaul House'. This contemporary, double-storey building contains a drug and alcohol rehabilitation service operated by St Vincent's Hospital. Short-term accommodation is provided as part of this service.
15. Further to the south are multi-level buildings associated with St. Vincent's Hospital, with Victoria Parade on the southern side of these buildings. Victoria Parade is a major east-west boulevard containing 8-9 lanes of traffic and a central grassed median with large canopy trees. On the southern side of Victoria Parade is the 10-storey Eye and Ear Hospital. Beyond this building is St Patrick's Cathedral.

#### West

16. A laneway extends along the rear boundary of the site, accessed from Princes Street and Fitzroy Street, further west. A 7-storey car park associated with St Vincent's Hospital is located on the opposite side of the laneway. To the south-west is a 12-storey hospital building, addressing Fitzroy Street and Victoria Parade.
17. Planning Permit PLN16/0925 was issued by Council on 11 August 2017 in association with a number of the hospital sites for *development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site*. The approved building would be a maximum height of 15-storeys.
18. The wider area contains and is characterised by the following:
  - (a) The Brunswick Street MAC and Gertrude Street NAC to the north and north-east, which contain a wide range of retail, food and drink, dining, pubs and bars and services;

- (b) Tram Route 11 operating along Brunswick Street, directly in front of the site;
- (c) Tram Routes 12 & 109 and many bus routes operating along Victoria Parade, approximately 85m to the south;
- (d) Tram Route 86 operating along Gertrude Street, approximately 150m to the north;
- (e) Parliament Train Station, approximately 520m to the south-west;
- (f) The Royal Victorian Eye & Ear Hospital, approximately 150m to the south;
- (g) St Patrick's Cathedral, approximately 280m to the south;
- (h) Carlton Gardens, approximately 280m to the west;
- (i) Fitzroy Gardens, approximately 330m to the south-east;
- (j) Sacred Heart Primary School, approximately 580m to the north;
- (k) The Melbourne CBD which commences on the southern side of Victoria Parade (100m to the south).

## **The Proposal**

19. The application seeks development of the land for the construction of an 8-storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling. In summary, the following works are proposed;

### *Demolition*

- (a) All built form to the rear of the site will be demolished, including some rear walls associated with the original building and internal walls;
- (b) Two sections of roof at the rear of the site will be demolished.

### *Building and works*

#### *Ground level*

- (c) The principal residential entrance will remain on the northern side of the original façade, with a separate internal entrance provided to the existing dwelling, which will be maintained at first and second floors of the existing building. This dwelling will contain living areas at first-floor, with two bedrooms at second floor. Open space will be provided in the form of the existing first-floor façade balcony and a new first-floor terrace at the rear, covering 55sqm;
- (d) A second entrance, including a small lounge area and a 30sqm office, will be located within the remainder of the ground floor of the existing building. The lounge will provide access to the residential lobby associated with the new building at the rear;
- (e) The central and rear ground floor space will contain bicycle storage (10 bikes), waste storage, individual storage for each new apartment, a lift and staircase and eight car spaces in a mechanical stacker system. This level will be constructed to the side and rear boundaries of the site;
- (f) The garage will be accessed via the rear laneway, with a secondary pedestrian entrance also provided within this interface;

#### *Levels 1-5*

- (g) Units 1 to 5 will contain the same floor plan, with one apartment located at each level (Levels 1-5). These dwellings will each contain 3 bedrooms, dining room, kitchen and living space, constructed to both side boundaries and part of the rear (western) boundary. The only difference will be the scale and setbacks of balconies, with each dwelling provided with two terraces, oriented to the east and west;

#### *Levels 6-7*



- (h) Unit 6 is set over two levels, with one bedroom and living space at the lower level, and three bedrooms at the upper level. This dwelling has access to three balconies, with the largest being adjacent to the upper level bedrooms. This dwelling will be constructed to both side boundaries and part of the rear (western) boundary;
- (i) A plant room and lift overrun is located on the eastern side of this dwelling at Level 7.

#### *General*

- (j) The development proposes a total of 7 dwellings, with one of these existing in the original building. The break-down of bedrooms will be as follows;
  - (i) Existing dwelling - 2 bedrooms;
  - (ii) Five dwellings – 3 bedrooms (or 2 bedrooms/study);
  - (iii) One dwelling – 4 bedrooms.
- (k) The proposed 8-storey building would have an overall height of 27.88m; with the roof angled from south to north (highest point to the north);
- (l) Various reconstruction and repair works to the original façade of the building.

#### *External finishes and materials*

- (m) Northern and southern walls – horizontal and vertical textured concrete (containing arched designs), render (in various shades of grey);
- (n) East and west walls – cladding of various finishes and colours, vertical timber look batten screens, metal framing and glazed balustrades.
- (o) Garage door – solid ‘timber look’.

#### *ESD Measures*

- (p) Natural ventilation has been provided throughout, with all habitable rooms having access to natural daylight;
- (q) An average apartment energy rating of 6 stars will be achieved, with high efficiency gas hot water systems and water efficient fixtures and fittings used;
- (r) A total of 10 secure bicycle spaces (for residential use) will be provided at ground level;
- (s) A commitment to providing two new bicycle hoops on the Brunswick Street footpath for visitor use;
- (t) Light sensors will be provided in external areas;
- (u) Landscaping will be incorporated into the building design through the use of planter boxes, roof gardens and vertical gardens, with the SMP stipulating that 11% of the site will be covered in vegetation.
- (v) A 3,000L rainwater tank will be connected to toilets within the development, achieving a STORM rating of 102%. It is noted that the SMP and STORM Assessment outcomes are based on a 3,000L rainwater tank; however the proposed ground floor plan specifies that a 200L and 2,000L tank will be suspended above the bicycle storage racks. It is not clear on the plans where the remaining tanks will be located (or whether this is a mistake). The STORM Assessment also refers to reliance on a raingarden to achieve the 102% rating; however the location of the raingarden is not specified on the plans. If a planning permit is issued, these details can require clarification via permit conditions.
- (w) The development achieves a BESS Score of 55%, with 50+ being best practice.

### **Planning Scheme Provisions**

#### Zoning

##### *Clause 32.04 – Mixed Use Zone*

- 20. The subject site is located within the Mixed Use Zone (MUZ). Pursuant to Clause 32.04-2 of the Yarra Planning Scheme (the Scheme) the use of the land for dwellings and an office (with a floor area less than 250sqm) does not require a planning permit.

21. Pursuant to Clause 32.04-6, a permit is required to 'construct two or more dwellings on a lot'.
22. An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.
23. Pursuant to Clause 32.04-10, a building must not be constructed that exceeds the maximum building height specified in a schedule to this zone. With no maximum height requirement outlined in the Schedule, there are no height restrictions within this zone.

#### Overlays

##### *Clause 43.01 – Heritage Overlay*

24. The subject site is included on the Victorian Heritage Register (No. H149).
25. Clause 43.01-2 states that a planning permit is not required *to develop a heritage place which is included on the Victorian Heritage Register*.
26. On this basis, matters of heritage are not relevant and cannot be considered as part of this application. All heritage aspects of the development are assessed by Heritage Victoria under a separate application process. At the time this report was written, Heritage Victoria had not issued a planning permit for this development.

#### 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	1 x 2 bedroom apartment	1 space per 2 bedroom dwelling	1	1	0
	6 x three- bedrooms or more apartment	2 spaces per 3 bedroom or more dwelling	12	7	5
		1 space for visitors to every 5 dwellings for developments	1	0	1
Office	30sqm	3.5 spaces per 100sqm of net floor area	1	0	1
<b>Totals</b>			<b>15</b>	<b>8</b>	<b>7</b>

29. In this instance a planning permit is required to reduce the statutory requirement by 7 spaces.

*Clause 52.34 Bicycle Facilities*

30. Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, the development's bicycle parking requirements are as follows:

Use	Area	Rate	No. required	No. proposed	Reduction sought
Dwelling	7 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings.	1 resident	10 spaces	0
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	1 visitor	0	1
Office	30sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm	0	0	0
		1 visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	0	0	0
<b>Total</b>			<b>2</b>	<b>10</b>	<b>1</b>

31. Whilst the table indicates that a reduction of 1 visitor bicycle space is required, the development exceeds the statutory requirement for residential spaces by 9.

*Clause 58 – Apartment Developments*

32. 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.*

33. 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*

34. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider, 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*

*Clause 11.02-1 – Supply of Urban Land*

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

*Clause 11.02-3 – Planning for growth areas*

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

*Clause 11.03 – Activity centre network*

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

*Clause 11.03-2 – Activity centre planning*

37. The objective is: *to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

*Clause 15.01 – Built Environment and Heritage*

*Clause 15.01-1 – Urban design*

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

*Clause 15.01-2 – Urban Design Principles*

39. 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.

40. 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*

41. 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*

42. 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*

43. 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*

44. 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*

45. 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*

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

*Clause 17 – Economic development*

*Clause 17.01-1 – Business*

47. 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*

48. 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)

49. 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*

50. 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*

51. The subject site is located within the Brunswick Street Major Activity Centre (MAC).
52. 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*

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

*Clause 21.05-2 – Urban design*

54. 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 21.06-1 – Walking and cycling*

55. 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*

56. 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 21.08-7 Neighbourhoods (Fitzroy)*

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

- (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*
- (b) *The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.*

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

58. 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 22.07 – Development Abutting Laneways*

59. The objectives at Clause 22.07-2 include;

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

*Clause 22.12 – Public Open Space Contribution*

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

61. This policy applies to new buildings and contains the following (relevant) objectives;

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended);*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
- (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*

*Clause 22.17 – Environmentally Sustainable Design*

62. 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.

## **Advertising**

63. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 319 letters sent to the surrounding property owners/occupiers and by two signs, one facing Brunswick Street and the second addressing the rear laneway (and Princes Street).
64. A total of 9 objections were received to the application which can be summarised as follows:
- (a) Height;
  - (b) Neighbourhood character; and
  - (c) Heritage concerns.
65. The grounds of objections will be considered and addressed where relevant throughout the following assessment.

## **Referrals**

### External Referrals

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

### Internal Referrals

67. The application has been referred to the following units within council:
- (a) Urban Design (External);
  - (b) Urban Design (Internal);
  - (c) ESD advisor;
  - (d) Traffic Engineering Unit;
  - (e) Strategic Transport Unit; and
  - (f) Services and Contracts Unit.
68. The comments have been included as attachments to this report.

## **OFFICER ASSESSMENT**

69. The following key issues and policies will be used to frame the assessment of this planning permit application:
- (a) Strategic policy support;
  - (b) Built form and design;
  - (c) Clause 58;
  - (d) Off-site amenity;
  - (e) Car parking, bicycle parking, traffic; and
  - (f) Objector concerns.

### Strategic policy support

70. State and local planning policies are consistent in outlining that the subject land is located in an area where an increased intensity of development is encouraged. The context of the site; within the MUZ, within a MAC and within close proximity to the CBD, creates an excellent opportunity for increased residential densities and higher built form.



The MUZ specifically identifies the purpose of the land as an area where higher residential density developments are anticipated and expected, with growth also specifically directed to occur within the MAC. Further, Clause 11.01 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and social facilities.

71. The dwellings would provide increased housing opportunities consistent with Clause 11.01 and Clause 16.01-2, which seeks to encourage new housing with good access to services and transport. This outcome is also encouraged by Clause 18.02 of the Scheme. The site has direct access to trams along Brunswick Street and is within proximity to trams along Gertrude Street, Nicholson Street and Victoria Parade. Parliament Train Station is within easy walking distance to the site. The site has excellent access to shops, restaurants, community facilities and supermarkets. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS.
72. The provision of a small office tenancy at ground level, addressing Brunswick Street, with the existing single dwelling maintained in the levels above, retains the existing presentation of the building to Brunswick Street. The design response of creating a clear separation between the original and new development allows the building to retain its existing heritage integration with the Brunswick Street interface. This outcome reflects an existing characteristic in the vicinity, whereby contemporary development is located behind original heritage built form.
73. The site is located in a precinct where taller buildings have, and will continue to; emerge (due to the proximity of St Vincent Hospital and the ACU). The location of the proposed development at the western end of the site integrates the higher built form with these taller interfaces and sits within the strategic context of the existing and proposed multi-level development surrounding it.
74. The application includes an increased density of dwellings while avoiding unreasonable amenity impacts, as will be assessed in detail later in this report. 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 *clause 58* (to assess on and off-site amenity impacts).

#### Built form and design

75. The relevant permit trigger for the development is the MUZ, and the primary considerations for the proposed development are the decision guidelines at clause 32.04-13 of the Scheme. Furthermore, the urban design assessment for this proposal is guided by State and Local policies at *Clause 15.01-2 Urban design principles* and *Clause 21.05 Urban design*.
76. 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 context, height and massing, relationship to adjoining buildings, energy efficiency and architectural quality. These matters, and others, will be assessed in turn below.

#### Context

77. As discussed, the existing character of the surrounding area is varied, with higher built form clearly visible along Brunswick Street and Victoria Parade. The site is surrounded by a 9-storey building to the east, a 7-storey building to the west and an 11-storey building to the south-west. Given the proximity of the site to the CBD, clear views to higher built form further to the south are also evident within this section of Brunswick Street. Images of these view-lines are available within Figures 5, 6 & 7 on the following pages.

78. These taller contemporary buildings are interspersed with low-scale heritage built form, with the majority of the heritage buildings addressing the Brunswick Street interface. As outlined in urban design advice prepared by David Lock Associates on behalf of Council; *'the dynamic between each extreme (transformative change and character retention) is already evident within Brunswick Street, which - where proximate to the subject site – generally comprises taller commercial and institutional built form .....set back behind 2-3 storey high street walls (including intact heritage fabric);*
79. The proposed development of the site reflects this characteristic, with the existing heritage fabric addressing Brunswick Street retained in the form of the triple-storey building, and the proposed contemporary development clearly separated from this fabric at the rear of the land. The differentiation between the old and new will allow the existing building to maintain its prominence within the streetscape, whilst the modern addition will sit comfortably with the emerging heights to the west. This outcome is demonstrated in Figures 8 & 9 on the following pages.
80. Based on the existing and emerging context of development immediately surrounding the site, the addition of this higher built form is considered to be an acceptable outcome.



Figure 5 – view southward along Brunswick Street

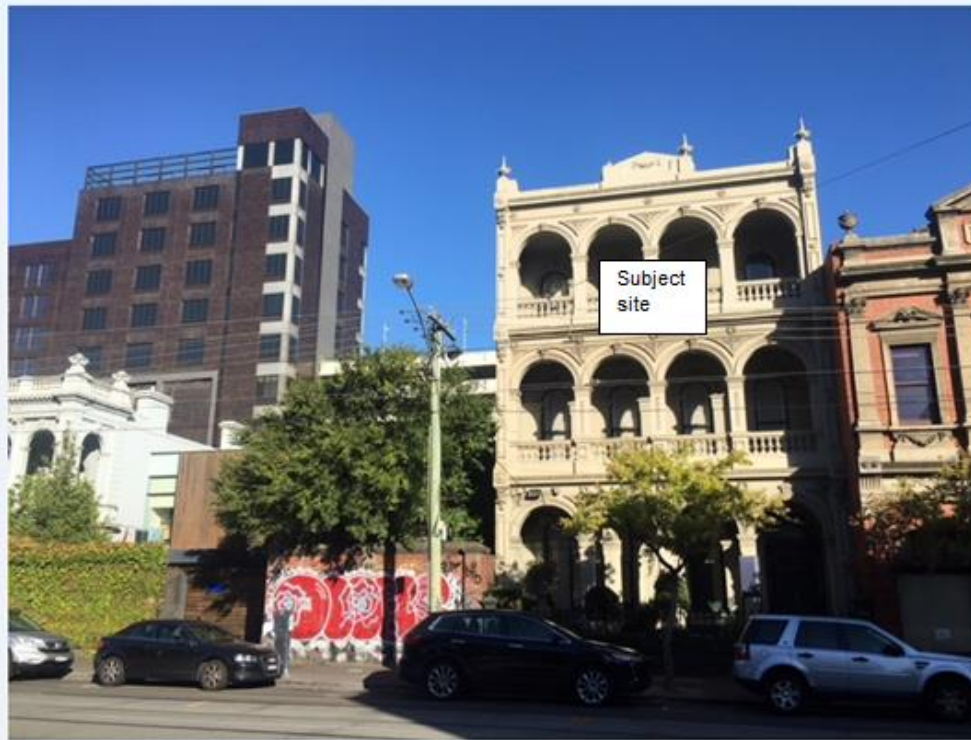


Figure 6 – view to the west



Figure 7 – view to the west, including 7 storey car-park at the rear of the site



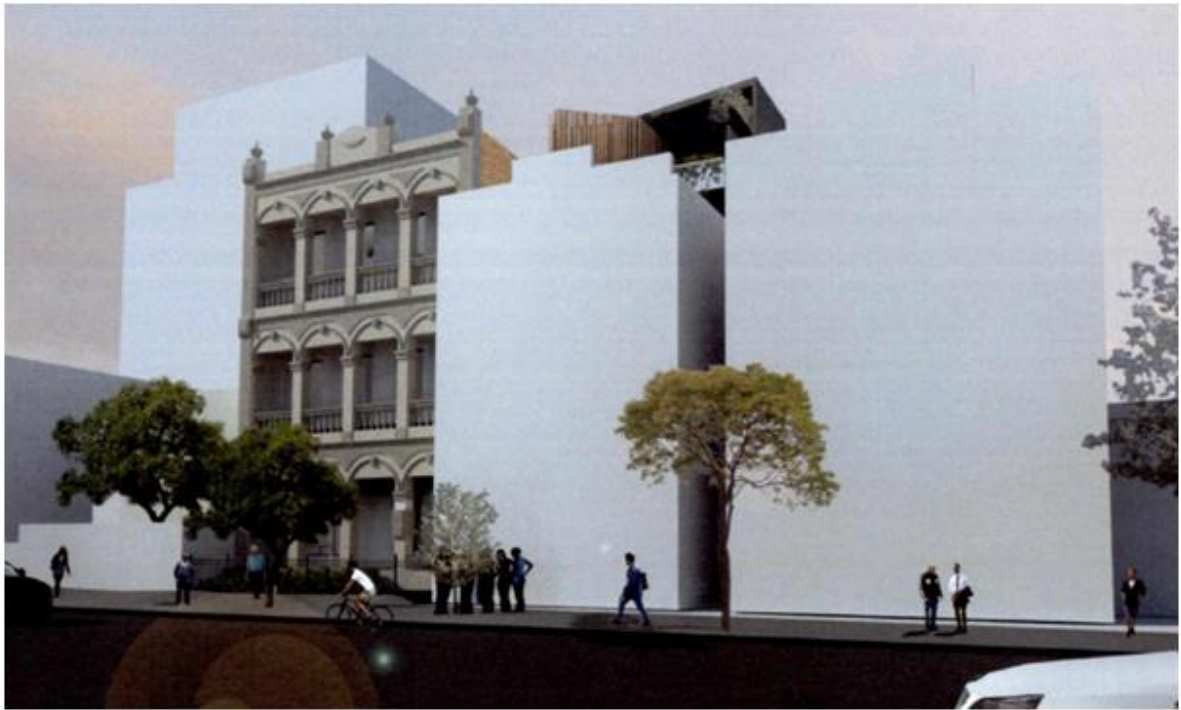


Figure 8 – view from Brunswick Street (looking south-west)



Figure 9 – view from Brunswick Street (looking north-west)

### *Height, Scale and Massing*

81. With no specific built form guidance or height limits associated with the land, it is important for the assessment of building height 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. A number of these aspects have been discussed previously within this report.

82. 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*. Strategy 17.2 of this objective relates specifically to development within Activity Centres and 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*
83. 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. These will be discussed in turn below.
84. The proposed building is comparable to other developments in proximity to the subject site with regards to height. The overall height is appropriately recessed through setbacks of over 23m to Brunswick Street; given this; it is not considered necessary for the building to incorporate further setbacks. The sight-line diagram at figure 10 clearly demonstrates the separation provided between the existing triple-storey building and the proposed addition, with the siting of the proposed development allowing the existing building to maintain its dominance within the street.
85. Additional setbacks at the upper levels are not considered to achieve any beneficial outcome with regards to the overall design of the building. The design of the existing higher built form surrounding the site adopts a similar approach, with these buildings predominantly provided with sheer walls and no distinct podium/tower elements, based on substantial setbacks from the respective streets.

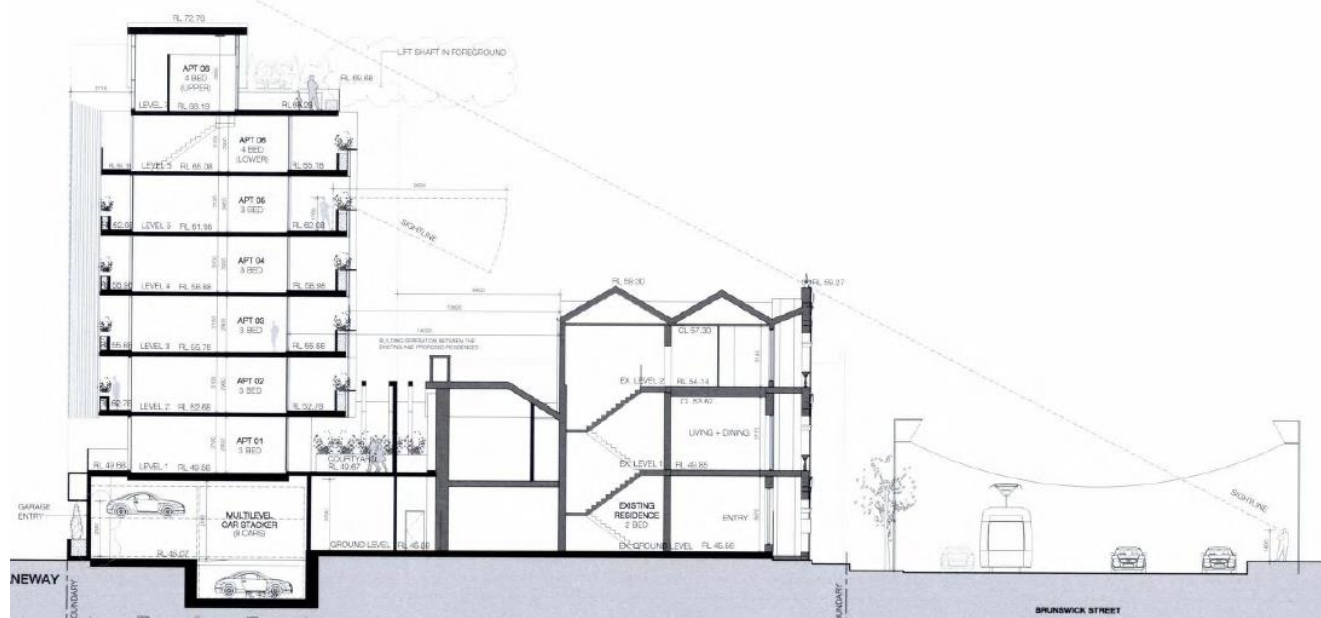


Figure 10 – sightline diagram from the eastern side of Brunswick Street

86. The proposed addition provides a contemporary and high quality architectural outcome, with external Urban Design advice stating *'the pursuit of predominantly 'timber look' vertical batten screening....will introduce a 'tactile' form of materiality into the local area that is currently lacking, and the sloping roof form atop this will provide skyline interest/variation where visible in longer range views'*.

Whilst minor recommendations to the finishes of the north and south walls were recommended (to be discussed in the 'Architectural Quality' section of this report) this advice noted that the proposal *'constitutes an exceptionally high standard outcome that will fit comfortably into the existing and emerging Brunswick Street streetscape'*.

87. Whilst Council's ESD advisor recommended further sustainability measures be incorporated into the design, this can readily be done via conditions of the permit, if one is to issue. A number of ESD commitments, along with the degree of natural daylight and ventilation provided to each apartment, establish a solid base on which to achieve Council's best practise standards for ESD outcomes.
88. The heritage aspect of this proposal will be assessed via a separate planning application process; however it is acknowledged that the development will incorporate restoration works to the heritage façade of the existing building. The reconstruction of original fabric will enhance the character and appearance of the heritage building. This will result in a positive contribution to the enhancement of the public domain and the heritage streetscape.
89. There is no 'affordable' housing specifically proposed as part of this application; however it does provide a mix of two, three and four-bedroom dwellings which would contribute to the provision of mixed housing stock within the Fitzroy area.
90. In light of the policy guidance under Strategy 17.2, the height of the proposed addition is supported, with the criteria outlined above satisfactorily fulfilled. The building is sufficiently set back from the principal streetscape, thereby providing a recessive response that allows the original fabric to maintain its place within the heritage precinct. The proposed height sits comfortably within the existing higher built form to the west and will generally be viewed in the context of the multi-storey car park directly to its rear, with only one level difference between these buildings. The development is considered to provide an acceptable presentation within the surrounding area at the scale proposed.

#### *The Public Realm & Pedestrian spaces*

91. The interface of the building to Brunswick Street will not be altered as part of the development; however the provision of an office at ground floor will contribute to surveillance and activation of the street. The existing dwelling also addresses the street, with a first-floor balcony providing a degree of interaction with the public realm.

#### *Landmarks, Views and Vistas*

92. It is policy at clause 15.01-2 of the Scheme that important landmarks, views and vistas be protected. The proposed development does not compete with any identified landmarks within the vicinity, with the Fitzroy Town Hall and the Spire of St Marks Church approximately 700m to the north-east of the site. To the south, St Patricks Cathedral is over 300m from the site, with the Royal Exhibition Building approximately 500m to the west.
93. The context of the new built form, being at the rear of the site and directly adjacent to the existing 7-storey car park, ensures that view lines to the north and south along Brunswick Street will not be impacted. This includes views to the CBD. This is an acceptable response to the policy direction under clause 22.03-4 of the Scheme.

#### *Light and Shade*

94. Due to the setback of the proposed building from Brunswick Street, the development will result in negligible overshadowing impacts to the public realm throughout the day.
95. The shadow diagrams provided with the application demonstrate that a small section of additional overshadowing will affect the footpath on the western side of Brunswick Street at 3pm.

It is clear however that the existing built form, in the form of the heritage buildings constructed directly to their front boundaries, provide greater shadow impacts to this footpath. This is demonstrated in Figure 11, with the additional shadows limited to the darker hatched area on this footpath.

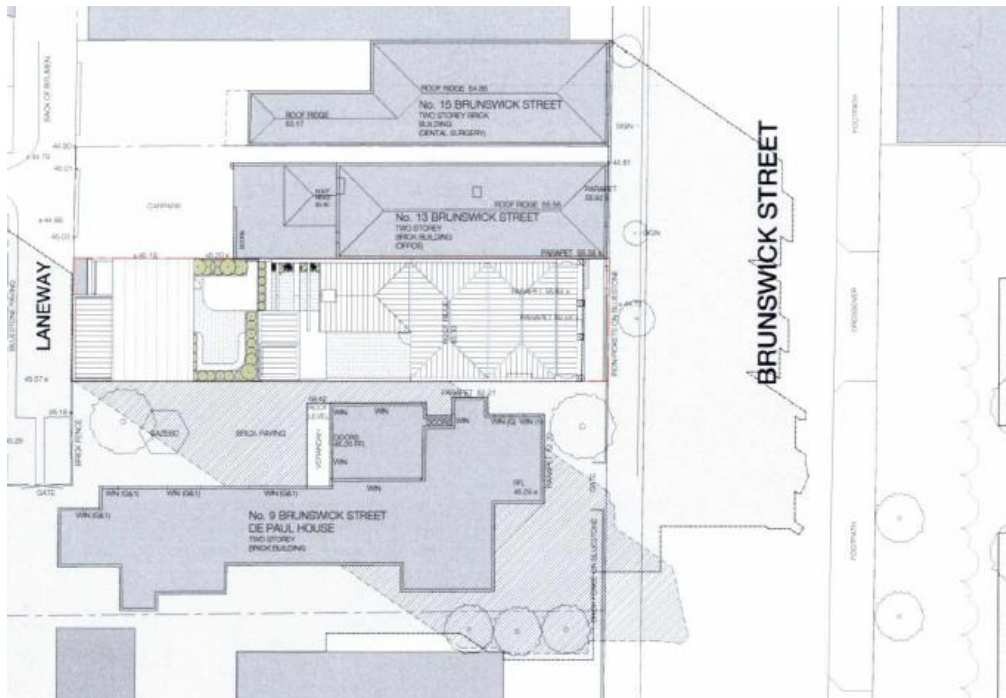


Figure 11 – Proposed 3pm shadows

96. Figure 11 also demonstrates that the development will result in no shadowing of the eastern footpath of Brunswick Street at any time.
97. It is also noted that the proposed shadow diagrams do not differentiate between the existing shadows already cast on the western footpath by the high solid fence along the front boundary of the site to the south (No. 9 Brunswick Street). Additional shadows cast by the development would largely fall within these existing shadows, with a small amount on the road reserve. This outcome is acceptable and unlikely to result in any increased detriment to nearby public space.

#### *Energy and Resource Efficiency*

98. 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 a rainwater tank to reticulate stormwater in the toilet facilities. As outlined earlier, updated details on the capacity of the rainwater tank, along with the location of the proposed raingarden, will be required via permit conditions, if a planning permit is to issue.
99. The design of the building accommodates window/door openings that will allow for cross-ventilation and good access to natural daylight for the majority of habitable rooms. The majority of apartments are dual-aspect, which results in these favourable outcomes. The only exception to this, as highlighted by the ESD advice, is a potential lack of daylight provided to bedroom 3/study of Units 1-5.

The size of windows to these rooms is unclear. It was recommended that floor to ceiling glazing is provided for these windows, to ensure adequate natural daylight can permeate these habitable spaces. A condition can be placed on a permit to require this design outcome, should a permit be issued.



100. While acknowledging that the above features will contribute to meeting Council's best practise ESD standard, Council's ESD advisor recommended the inclusion of additional features to ensure the building is designed appropriately with regard to energy efficiency. These are outlined below;
  - (a) *Consider a solar PV array to contribute to common area electricity consumption;*
  - (b) *Consider electric vehicle charging infrastructure;*
  - (c) *Consider that all timber to be certified by FSC as sustainable;*
  - (d) *Consider recycled concrete component and low embodied energy steel;*
  - (e) *Consider recycled materials in building components such as insulation;*
  - (f) *Recommend providing a composting system for dwellings.*
101. A number of these recommendations are supported and can be facilitated via permit conditions, if one is to issue.
102. It is acknowledged that the degree of roof space associated with the new building may be somewhat limited, which could make it difficult to provide sufficient solar panels as recommended. As an alternative, Council's ESD Advisor suggested that a solar hot water unit could be installed. This option was explored by the Applicant, however given the southern slope of the proposed roof form, the infrastructure associated with constructing a north-facing solar panel was considered to be problematic and highly visible.
103. The only alternative was to construct solar panels on the roof of the existing building. Given the heritage significance of this building, and the fact that the location of panels on this building would limit the capacity to provide energy to the new development, this outcome was not considered practical.
104. The provision of electric vehicle charging infrastructure is not feasible, given the full reliance on stacker units for the car parking spaces. To compensate, electric charging for bicycles could be accommodated in the bicycle storage area. This can be facilitated via a permit condition, should one issue.
105. Beyond these additional ESD features, Council's ESD Advisor acknowledged some mistakes and inconsistencies to the documentation submitted in support of the application. These are outlined below;
  - (a) *Low VOC content materials are claimed in the SMP and BESS report as 'Innovative', but in fact they are standard practice form most development in Yarra and across Victoria, and are not considered 'Innovative'. Innovation points in BESS are not valid; please re-issue the BESS report without attempting to claim these points.*
  - (b) *No communal spaces can be identified on the plans. Please update BESS report to be accurate and do not attempt to claim points for Communal Spaces in BESS that do not exist.*
  - (c) *Minimum 6.0 Star average NatHERS Star rating for dwellings. Strongly recommend exceeding the minimum NCC energy efficiency requirements. Consider an average NatHERS Star rating of at least 6.5 Stars;*
  - (d) *Update BESS report with a 'Published', not 'Draft' report.*
106. A permit condition will require an amended BESS report to include these changes, if a planning permit is to issue.
107. Overall, it is considered that subject to the conditions discussed, the proposed development would achieve best practice in environmentally sustainable development in accordance with the overarching objectives under *Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)* and *Clause 22.17 – Environmentally Sustainable Development* of the Scheme.

#### Site Coverage



108. The proposal will occupy almost 100% of the site area, resulting in a higher level of site coverage from that of the existing conditions. The front setback will be maintained. High site coverage is considered to be appropriate and consistent with the mixed character of the area, which accommodates predominantly hard-edged built form with little or no areas of open space or landscaping. The subject site is one of few sites within this section of Brunswick Street to provide vegetation within its front setback. This will be maintained as part of this proposal.

#### *Architectural Quality*

109. It is considered that the proposed development would achieve a high level of architectural quality, with the materials and design response supported by external Urban Design advice received from David Lock Associates. In particular, this advice considers that *'the proposal adopts a clearly contemporary and high quality architectural expression for the contemporary rear insertion that will generally juxtapose with the retained heritage fabric'*.
110. The only alteration recommended by this advice was the replacement of the proposed 'arched textured concrete finish' provided to the north and south elevations of the new development. It is assumed that these designs intend to create a contemporary re-interpretation of the arched façade within the heritage building. As this may *'dilute the distinction between the contemporary insertion and heritage host'*, it was recommended that the arched motifs be replaced with a more horizontal design, still providing articulation to these walls whilst referencing patterns in the surrounding contemporary built form. This alteration can be facilitated via a condition of the planning permit, if one is to issue.
111. Given this change, the proposal would significantly contribute to the surrounding area based on its architectural quality and well perceived design. In addition, a condition can be added to any permit issued requiring the ongoing engagement of Clarke Hopkins Clarke Architects (or an architectural firm to Council's satisfaction) to ensure that the level of architectural quality is maintained.

#### Clause 58

##### *Standard D1 – Urban context*

112. 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 area. These aspects have been discussed in detail earlier within this report, with the proposed building considered to be an acceptable response within the existing and emerging character of the neighbourhood.
113. The additional built form responds to the features of the site and the surrounding area, with the development located to the rear of an existing heritage building, with direct interfaces to higher built form. The Standard is met.

##### *Standard D2 – Residential Policies*

114. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the MUZ and local policies of the Scheme. The site can clearly support higher density residential development, based on its proximity to public and community infrastructure and services. The Standard is met.

##### *Standard D3 – Dwelling diversity*

115. This Standard is not applicable for developments with fewer than 10 dwellings.

##### *Standard D4 - Infrastructure*

116. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services.
117. To confirm this, a preliminary Electrical Site Infrastructure Review was undertaken by Erbas on behalf of the Applicant, with this review concluding (based on the scale of the proposal and maximum service requirement of future dwellings) that it is unlikely an HV substation would be required on-site. The purpose of the Standard is considered to have been met.

*Standard D5 – Integration with the street*

118. The site would maintain its existing integration with the street, with the original building and front fence maintained and new development located to the rear of the site. The Standard is met.

*Standard D6 – Energy efficiency*

119. The orientation of the subject site somewhat dictates that proposed dwellings would be orientated to face east or west, with north-facing windows compromising equitable development opportunities within the site to the north. Where possible however, SPOS and principal habitable room windows have been located on the northern side of the site, to maximise sunlight to this space.
120. The layout of each 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. Appendix B within the BESS report provided with the application indicates that the average cooling load for the development would be 12.0MJ/M2 per annum, with this meeting the requirement (less than 30) outlined in Table 1 – Cooling load of this Standard.

*Standard D7 – Communal open space*

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

*Standard D8 – Solar access to communal open space*

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

*Standard D9 – Safety*

123. The proposed residential lobby would be clearly visible from Brunswick Street, with the existing entrance maintained as the principal residential entrance. The entrance will not be obscured or isolated from the street.
124. Whilst the rear pedestrian entrance is only available from the ROW, this is a secondary entrance and unlikely to be highly utilised. To increase the safety of this entrance, a condition can be placed on any permit issued specifying that external lighting capable of illuminating access to the car park and rear entrance must be provided within the property boundary.
125. It is considered that the proposed development would achieve a satisfactory outcome against the objective of this Standard.

*Standard D10 – Landscaping*

126. Landscaping does not play a significant role in the character of the surrounding area. The development will maintain the existing front setback addressing Brunswick Street, with vegetation provided within this space.

127. The new addition will provide planter boxes at each level, thereby softening the built form response. The provision of deep root planting is not required, given the limited size of the site (less than 750sqm). However to ensure that the proposed vegetation and irrigation provided for the planter boxes is acceptable, a landscape plan can be required via a condition of a permit, should one be issued. The Standard is achieved.

*Standard D11 – Access*

128. The proposed development would be accessed via the rear ROW. There will be no alteration to the Brunswick Street frontage, with the two on-street car parking spaces to remain.
129. Access for service, emergency and delivery vehicles is available. The Standard is met.

*Standard D12 – Parking location*

130. The location of parking at the rear of the land is considered to achieve an acceptable design response. The ground floor garage is easily accessible from the central lobby area, with direct access to the pedestrian entrance at the rear of the site. It is not clear whether a mechanical ventilation system will be provided for the garage; clarification of how ventilation is achieved will be required via a condition of any permit issued.
131. An objective of this Standard is to protect residents from vehicular noise within developments. Two bedrooms associated with Unit 1 will be located directly above the proposed stacking system; it is unclear whether these rooms will be unreasonably impacted by noise generated from this mechanical equipment. To ensure that such amenity impacts are managed effectively, a condition of any permit issued will require the submission of an acoustic report. This report will be required to demonstrate that the operation of the proposed car stacker and garage door will not result in unreasonable amenity impacts to the residents within the development and offer solutions if they are found to do so.

*Standard D13 – Integrated water and stormwater management*

132. The application proposes the installation of a 3,000L rainwater collection tank which would be connected to all toilets within the development. The STORM report provided with the application achieves a score of 102%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. Conditions have been incorporated into any permit issued to ensure that all details of the rainwater tank are shown correctly on the plans. On this basis, the Standard will be met.

*Standard D14 – Building setbacks*

133. As outlined earlier in this report, the height and setbacks of the building are considered to achieve an acceptable design response to the character of the surrounding area. The direct abuttal of the addition to both side boundaries provides opportunities for future development on both adjacent sites, with the setback of the new building from the original building on the site ensuring that reasonable outlooks from the new dwellings will be provided and maintained.
134. This Standard aims to avoid direct views into habitable room windows and private open space of new and existing dwellings, thereby reducing the reliance on screening to inhibit these views. The separation provided between the new development and existing building is over 10m, thereby limiting overlooking to a reasonable extent
135. The laneway separation ensures that views and daylight will not be unreasonably impacted if buildings to the west are to develop further. The Standard will be met.

*Standard D15 – Internal views*

136. There is limited screening required to new windows or balconies, given the separation between dwellings and the lack of sensitive interfaces on adjoining sites. The existing dwelling at the front of the site is more than 9m from any habitable areas within the new development. The only area of concern is at Level 1; where the terrace of Unit 1 directly abuts the terrace of the existing dwelling. It is not entirely clear how these spaces will be divided, although Section AA at Drawing TP17 indicates that a high wall will separate each terrace. If a planning permit is to issue, clarification of this can be required via a permit condition.
137. Balcony ledges will prevent downward views within the new development. The Standard will be met.

*Standard D16 – Noise impacts*

138. The proposed development would not be located in proximity to a noise influence area specified in Table D3 to this Standard, with the busiest road near the site being Victoria Parade. According to VicRoads, Victoria Parade is not a road that generates in excess of 40,000 Annual Average Daily Traffic Volume, thus does not meet the threshold for a noise influence area in Table D3 of this Standard.
139. An existing multi-level car park is located directly to the west of the site, with a number of habitable rooms and balconies proposed to address this neighbouring building. The top section of each level of car park is open to the sky; a design which may result in unreasonable noise impacts to the proposed dwellings.
140. The provision of an acoustic report has already been required via a condition of any permit issued. To ensure compliance with this Standard, the report must also include any potential off-site noise impacts that may affect the new dwellings, along with any design treatments that may be required to mitigate these impacts. This will ensure compliance with *Clause 22.05 Interface Uses Policy*, which seeks to enable the development of new residential uses within activity centres and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.

*Standard D17 – Accessibility objective*

141. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide;
  - (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
  - (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
  - (c) *A main bedroom with access to an adaptable bathroom;*
  - (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*
142. The plans indicate that Units 1, 2 & 6 will have floor templates which comply with the requirements of *Table D4 – Bathroom Design* under this Standard. Based on the plans, Units 1 & 2 appear to comply with Design Option B of this Table, with Unit 6 based on Design Option A. However, the locations of the toilets within each bathroom do not meet the requirements outlined in these designs. The alterations required to meet the Standard are relatively minor and can be amended via permit conditions, if a planning permit is to issue.
143. Based on changes to the position of the toilets within each accessible bathroom, 50% of new dwellings will meet this Standard.

*Standard D18 – Building entry and circulation*

144. The proposed residential lobby would be readily visible within views along Brunswick Street and would therefore provide an adequate sense of address and identity for the building.
145. Whilst the internal layout of the building will provide for the safe, functional and efficient movement of residents with full mobility, the existing step at the front of the building does not provide an accessible entrance for residents or visitors with restricted mobility. A secondary entrance has been provided from the rear laneway for this purpose, with an internal ramp providing direct access to the lift. This entrance will be set back 1m from the site's rear boundary.
146. To improve the interface of this entrance with the laneway, external Urban Design advice recommended that either the recess be removed, and the entrance relocated to sit on the boundary, or the roof above the entrance be removed to open it 'clear to the sky'. Given the lack of visibility of this secondary entrance from any adjacent site or street, and the reliance on this entrance to provide potential wheelchair access, the appearance of this entrance is considered secondary to its functionality. Council's Urban Design Unit recommended that this entrance should be further refined to fully comply with the Australian Standards, with an entrance door of 1.8m and minimum passing space of 2m. In this instance it would be more beneficial for the setback and roof cover to be maintained, with the roof cover providing a transitional area with weather protection.
147. Alterations to the rear pedestrian entrance can be required via a condition, should a permit be issued.

*Standard D19 – Private open space*

148. Of relevance to this development, a dwelling should provide balconies meeting the dimensions outlined in Table 5 of this Standard. This table specifies that a 3 (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4sqm, with convenient access from a living room.
149. Units 1 & 6 will meet this Standard, as will the existing residence, which will have access to a 55sqm terrace directly adjacent to the main habitable rooms at level 1.
150. Unit 1 is provided with a 30sqm balcony, with a dimension of 5.4m, as well as a secondary terrace measuring 6sqm (and depth of 2m).
151. Unit 6 will have access to three balconies, with two of these directly accessible from the living areas at Level 6. These terraces will be 10sqm and 4sqm, with respective depths of 2.4m and 1.45m. A third terrace at Level 7 will also be provided. This terrace will be 48sqm, with a depth of 5.2m, and will be accessed from a stair landing leading up from the living room and adjacent to a bedroom. This will ensure that the Standard is met.
152. Four of the dwellings (Units 2, 3, 4 & 5) require a variation, with primary balconies of 10sqm, being 2sqm less than prescribed under the Standard for three bedroom dwellings. These balconies will have depths of 2.4m and will be directly accessible from living rooms. The four dwellings will have access to secondary balconies of 4sqm with access from dining rooms. Given the minor degree of non-compliance and the provision of a second balcony for each dwelling, a variation to the Standard is considered acceptable.

*Standard D20 – Storage*

153. Each of the proposed dwellings will have access to a minimum 12 cubic metres of internal storage, and 6 cubic metres of external storage. All of the storage for the 4 bedroom dwelling will be located internally, with a total of 25 cubic metres provided. The Standard will be met.

*Standard D21 – Common property*

154. 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*

155. Site services would be located within the building, adjacent to the bin storage room. This location is acceptable.

*Standard D23 – Waste and recycling*

156. A Waste Management Plan (WMP) was prepared by Leigh Design (dated 14 July 2017) and referred to Council's Services and Contracts Unit, who considered this document and associated management procedures to be satisfactory.
157. The WMP specifies private collections will be undertaken for both the residential and commercial components, with all waste to be stored internally in a communal waste area and collected from the rear laneway. The WMP confirms that Council is unable to undertake waste collection from this laneway.
158. As noted, Council's ESD Officer recommended the provision of a composting system for dwellings; this has been added as a permit condition. The WMP will require amending to include this provision.
159. 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, if a permit is to issue.

*Standard D24 – Functional layout*

*Bedrooms*

160. This Standard notes that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions. The Standard is met for all dwellings, as follows;
- (a) Units 1 & 2;
    - (i) Master bedrooms – 3m x 3.7m;
    - (ii) Other bedrooms – 3m x 3m;
  - (b) Units 3-5;
    - (i) Master bedrooms – 3m x 3.4m;
    - (ii) Other bedrooms – 3m x 3m;
  - (c) Unit 6;
    - (i) Master bedroom – 3.1m x 4m;
    - (ii) Bedroom 1 – 3.1m x 3.4m;
    - (iii) Bedrooms 2 & 3 – 3m x 3m.

*Living areas*

161. Living area dimensions also comply with the relevant requirements outlined at Table D8 of this Standard (for a 2 or more-bedroom dwelling), with all dwellings having minimum widths of 3.6m and overall floor areas of 12sqm.

*Standard D25 – Room depth*

162. The only new single-aspect habitable rooms proposed within each dwelling are the bedrooms. Given these rooms have average depths of 3m; they do not exceed a depth of 2.5m x the ceiling height, ensuring the Standard is met. All main living areas within the new dwellings are dual-aspect; the Standard does not apply to dual-aspect rooms.

163. The existing dwelling will maintain its current living rooms, with a number of these being single aspect, however as no changes are being made to the internal layout of these rooms, this outcome is acceptable. Irrespective of this, these rooms would meet the Standard, with each room having relatively limited depths and good access to natural daylight.

*Standard D26 – Windows*

164. All habitable rooms within the proposed development contain a window within an external wall to the building, with no reliance on 'borrowed light' for any habitable rooms.
165. Whilst a number of principal habitable room windows are located beneath a balcony overhang associated with dwellings above, Council's ESD Advisor confirmed that this outcome was acceptable, given the dual-aspect of these living spaces. Each main living room will have access to both east and west-facing windows. This outcome was considered to be a good response.
166. One recommendation was to provide large windows (floor to ceiling glazing) to each bedroom 3/study of Units 1-5. This has been required via a permit condition. On this basis, the Standard will be met.

*Standard D27 – Natural ventilation*

167. Appendix 6 to the ESD report indicates that all new dwellings will have breeze paths less than 15m in length, allowing for good natural ventilation. Council ESD Advisor confirmed that given the dual-aspect provided to the new dwellings, cross-ventilation will be excellent. The Standard is met.

Off-site amenity

168. The context of the site, being surrounded by commercial, institutional and other non-residential uses, will ensure that the proposed built form will not result in direct impacts on dwellings. This provides a good opportunity for higher density built form and limits the following discussion surrounding off-site amenity impacts to adjacent sites.
169. It is noted that the site to the south, 'DePaul House', is utilised for short-term accommodation and provides drug and alcohol rehabilitation in conjunction with St Vincent's Hospital. Whilst patients do reside within the building and therefore may be impacted by potential off-site amenity impacts, these impacts would be temporary given the short-term nature of each stay (as opposed to being a permanent resident). It is highlighted that St Vincent's Hospital did not object to this application.

*Visual bulk*

170. The proposed development would be visible from various points along Brunswick Street; however the additional built form is setback more than 23m from the Brunswick Street footpath. Whilst the development would be clearly visible above the existing building from oblique angles, the setback provided is considered to reduce any 'visual bulk' perceived from Brunswick Street.
171. The transition in height provided by the multi-level car park to the west and the higher built form associated with St Vincent's Hospital provides a reasonable design response with regards to minimising visual bulk.
172. The context of the site ensures that it has no sensitive interfaces with adjoining dwellings, thereby further limiting visual impacts on adjacent sites. An area of open space associated with DePaul House is located directly to the south of the additional built form. Visual impacts to this space will occur.

However, as outlined above, the short-term nature of patients who reside on this site will ensure that no on-going visual impacts will occur. Further, this open space is located directly to the west of the existing 7 storey car park building. Given the existing built form context surrounding this site, and the specialised use of the land, this outcome is considered acceptable.

#### *Daylight to windows*

173. The proposed development is not located in proximity to any habitable room windows associated with neighbouring dwellings, although a number of north-facing windows within DePaul House directly address the site. Of these windows, the closest (set back approximately 1m from the shared boundary) are already located directly opposite a triple-storey wall associated with the subject building. This section of wall will not increase substantially as a result of the development, ensuring that any associated impacts are acceptable.
174. Additional ground and first-floor windows are oriented towards the development at the rear of the neighbouring building. These windows are set back approximately 8m from the shared boundary. Given the reasons outlined within paragraph 171, this outcome is acceptable.
175. The only direct residential interface is with the existing dwelling maintained at the front of the site. The 10m to 14m separation provided between the west-facing windows of the existing dwelling and the new addition will ensure that adequate daylight to this dwelling will be maintained.

#### *Overlooking*

176. As with above, the lack of residential uses and sensitive interfaces surrounding the site ensures that the development would not result in unreasonable overlooking opportunities to adjacent sites. There are no south-facing windows proposed, therefore overlooking to DePaul House would be reasonably restricted.

#### *Overshadowing*

177. Given the context of the surrounding land, there would be limited areas of secluded private open space affected by shadows as a result of the development. Shadows within the area of outdoor space provided to DePaul House would increase, however this space is already largely overshadowed due to the scale of surrounding built form. Again, given the short-term occupancy associated with this use of this site, this outcome is acceptable.

#### *Noise*

178. 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.
179. The location of services/plant equipment is shown on the roof plant, at Level 7. 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).
180. Noise associated with the operation of the office is not anticipated to create unreasonable impacts, given the minor scale of this office and its location within a MUZ.

#### Car parking, access, traffic and bicycle parking



181. Under the provisions of Clause 52.06-5 of the 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	1	1 space to each dwelling	1	1
Three or more bedroom dwellings	6	2 spaces to each dwelling	12	7
Residential visitors	7	1 space per 5 dwellings	1	0
Office	30 m <sup>2</sup>	3.5 spaces to each 100 m <sup>2</sup> of net floor area	1	0
<b>Total</b>			<b>15</b>	<b>8</b>

182. All of the 8 on-site spaces would be designated for residential use, with 2 spaces designated to the 4 bedroom dwelling. The site would therefore have a parking shortfall of five resident spaces, one residential visitor space, and one car space for the office.

#### Parking Availability

183. A Traffic Engineering Assessment was undertaken by Traffix Group, with this report providing information on parking availability in the area. It noted that on-street parking along Brunswick Street is typically restricted ticketed parking (2P and 4P), with on-street parking along Fitzroy Street to the west generally short-term in duration (1/4P or 2P). Short-term parking is also available along Gertrude Street, to the north.
184. A car parking survey was carried out on Tuesday 6 December, 2016, with the morning (8am) and evening (6.45pm) parking availability assessed. The survey area extended to the north and south along Brunswick Street, and included sections of Gertrude Street to the east and west. A maximum of 150 available on-street car parking spaces were located within this survey area.
185. The survey results concluded that demand for on-street parking in the area is very high, with occupancy ranging between 76%-90%. Whilst the time-based restrictions would ensure a relatively regular turnover of vehicles within these spaces, Council's Traffic Engineers noted that the high parking demand in the area would be a disincentive to visitors or employees to drive to the area. The restricted parking would also discourage residents from owning more than one car, with little, if any, options for long-term parking.
186. To determine whether the on-site provision for the development is acceptable, a detailed car parking demand assessment will be undertaken.

#### Parking Demand

##### *Residential*

187. The existing two-bedroom dwelling will retain one on-site car parking space. This will ensure that the statutory rate for this dwelling is achieved. The remaining 6 dwellings will all have access to at least one on-site space and of these 6 dwellings, the four-bedroom dwelling will have access to two on-site spaces, ensuring that the statutory rate is also achieved for this dwelling.

188. The Traffic Assessment identified the average car ownership rates for apartments in the Fitzroy area from the 2011 Census conducted by the Australian Bureau of Statistics. For three-bedroom dwellings in Fitzroy, it was found that 76% of these dwellings own one car or less. The data therefore suggests that there is a demand to own one car or less for this size of dwelling. The provision of seven spaces for the six three-bedroom dwellings would therefore be consistent with the statistical trend for this size of dwelling to own less than two cars.

*Visitors*

189. It is noted that peak parking for residential visitors generally occurs on weekday evenings and at weekends. Given the small scale of the development, the parking demand for the residential visitors would be one space as per the statutory requirement.
190. In this instance, it is not considered practical for on-site visitor parking to be provided. The location of the car park and the mechanical nature of the car stacking system reduce the feasibility and likelihood that visitors would use these spaces, particularly as any visitors would be unfamiliar with the operation of the car stacking system.
191. In the context of the surrounding area, the peak demand of one visitor parking space off-site should not be detrimental to existing on-street parking conditions in the area. Visitors would also be aware of the car parking constraints in the area; this would discourage driving for alternative modes of transport.

*Office*

192. There is no on-site car parking proposed for the office. The office is 30sqm and limited in scale, with this floor area generating a statutory requirement of 1 space. As with the visitor parking, the car parking constraints in the area would discourage driving for alternative modes of transport, with a distinct lack of long-term parking options in the immediate area. It is noted that the existing Art Gallery on the site does not have provision for on-site car parking.

*Adequacy of Car Parking*

193. From a traffic engineering perspective, the reduction in the car parking requirement for the proposed dwellings and office is considered appropriate in the context of the development and the surrounding area. Council's Engineering Services Unit has no objection to the reduction in the car parking reduction being sought by the proposal, based on the following:
- (a) The site has excellent access to the public transport network. The site is within walking distance of Parliament railway station. Tram services operate along Victoria Parade, Brunswick Street, Gertrude Street, Smith Street, and Nicholson Street, and bus services are also within walking distance from Victoria Parade.
  - (b) The proposal includes secure bicycle parking spaces exceeding rates specified within the Scheme;
  - (c) The site is located within proximity to a number of car share pods, with two within a 200m walk of the site. A further 13 are located within a 500m radius of the site;
  - (d) The site has previously accommodated an art gallery, with no on-site car parking provided for the existing use. The statutory car parking rate attributed to an art gallery is connected to patron numbers (with an art gallery considered to be a Place of Assembly when assessing car parking rates). The statutory car parking rate is 0.3 spaces per patron. Whilst there is no maximum patron numbers attributed to the existing gallery, it would only require 4 patrons to generate the requirement for 1 car parking space.

It is likely that more than 4 patrons would visit the gallery, thereby exceeding the statutory rate of 1 space required by the proposed office space;

- (e) Any short-stay parking deficiencies that were generated by the previous uses could potentially be transferrable to the new development.
- (f) 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;
- (g) The site has excellent pedestrian accessibility to shops, businesses, supermarkets, essential facilities and potential places of education and employment, with pedestrian access easily available to the CBD and additional resources. This accessibility will reduce the dependence on private vehicle ownership by future residents and visitors;
- (h) 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 reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

#### *Access and layout*

- 194. Council's Traffic Engineering Unit has reviewed the proposed car parking and vehicle access design and is supportive of the arrangements. Vehicle access is provided to the site via a 6.1m wide ROW, which extends along the western boundary of the site. The ROW is connected to Fitzroy Street in the west, via Princes Street.
- 195. Engineering comments considered the incidence of pedestrians using the ROW would be low, with minimal connectivity to pedestrian entrances to surrounding sites available from this interface. This ensures that sight triangles, as required in *Design standard 1 – Accessways* for road frontages, are not required off this ROW. It is acknowledged however that the rear entrance is the only entrance to provide DDA compliant access, and should therefore be safely accessible for people using this entrance.
- 196. The ROW contains an existing pedestrian infrastructure which provides a smooth pavement for pedestrians along the west side of the laneway, then continues along the north side of Princes Street to Fitzroy Street.
- 197. To further improve the link between the rear entrance and the existing asphalt walkway along the western side of the ROW, it is considered reasonable for the Applicant to construct a 1.2m to 1.8m wide smooth bluestone pavement as shown on Figure 12. This can be required via a condition of the permit, if one is to issue.

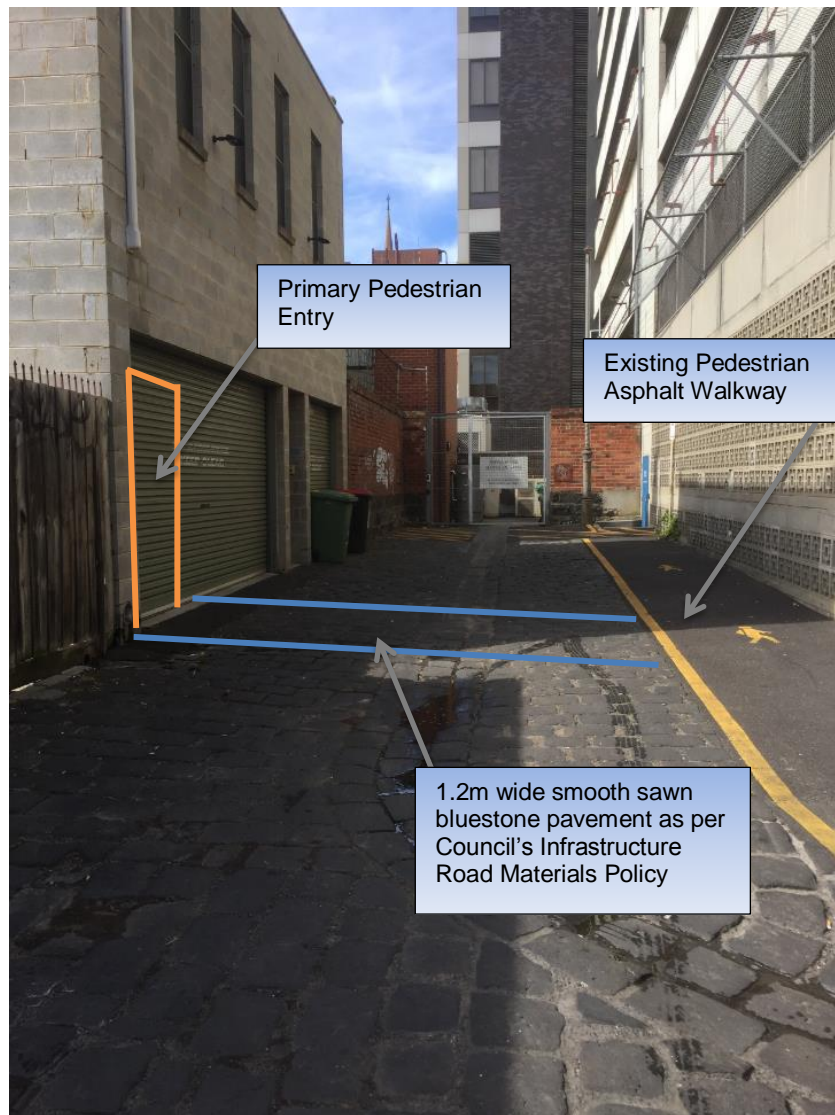


Figure 12 – Proposed footpath on ROW

198. With regards to the mechanical stacking systems, two shuffle car-stacker systems have been proposed in a tandem arrangement; the Hercules Expanderpark and the Klaus Trendavario 4300. Both models require a floor to ceiling height of 3.8m, with a floor to ceiling height of 4.1m provided within the internal garage. This ensures that both stacker models would satisfy the vehicle clearance height requirements in *Design standard 4: Mechanical parking*.
199. Access to the car stacker from the ROW has been assessed as satisfactory, based on swept path diagrams for the B85 design vehicle entering and exiting the stacker platforms. The only condition recommended by Council Engineers regarding the internal garage is that the finished floor levels along the edge of the internal concrete slab must be set 40mm above the edge of the Right of Way. This can be required via a permit condition, if a planning permit is to issue.
200. Council's Traffic Engineers have also recommended the inclusion of a number of conditions which are related to matters such as the re-sheeting of road surfaces in the rear ROW and Princes Street. These conditions are considered to be unreasonable and beyond the scope of this development.

#### *Traffic*

201. Traffic counts were undertaken by Traffix Group on Tuesday 6 December, during the morning peak (8-9am) and the evening peak (5-6pm). The results of this survey identified 3 vehicles entering Princes Street (which accesses the site's ROW) during the morning peak, with 1 vehicle entering and 3 vehicles exiting this street during the evening peak. It was assumed that if 10% of the daily traffic along Princes Street occurs during these peak times, approximately 30-40 vehicles access this street throughout the day.
202. To determine the traffic generated by the proposed development, Council's Engineers adopted the following rates:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential Dwellings (Allocated with 1 space)	3.0 trips per dwelling per day (six dwellings) Peak hour volume is 10% of daily volume	18	2	2
Residential Dwellings (Allocated with 2 spaces)	4.0 trips per dwelling per day (one dwelling) Peak hour volume is 10% of daily volume	4	1	1
<b>Total</b>		22	3	3

203. Given the low peak hour traffic volumes, the potential for vehicle conflict within the ROW is considered to be remote, with it also considered unlikely that vehicle queuing outside the property boundary would occur.
204. The traffic volumes generated are not unduly high and can be easily accommodated in the surrounding road network. 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.

#### *Bicycle parking and facilities*

205. As outlined earlier, the development is required to provide a total of 2 bicycle spaces under Clause 52.34 of the Scheme. The development provides ten internal bicycle racks at ground level, within a secure space and with easy access to the entrances at the front and rear of the site. Best-practice requires a rate of 1 resident space to each dwelling and 0.25 visitor spaces to each dwelling, resulting in a recommended minimum of 10 spaces. This best-practice goal has been achieved.
206. Referral comments from Council's Strategic Transport Unit noted that the internal spaces are to be hanging designs (Ned Kelly wall mounted). Pursuant to *Australian Standard AS2890.3*, 20% of bicycle storage spaces should be provided as horizontal spaces. However, it was acknowledged that as the site is somewhat limited with regards to size and development opportunities (based on the original heritage building) and as most of the proposed dwellings appear to be large enough to comfortably fit a bicycle in (accessible via the lift-shaft), this outcome is acceptable.
207. 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.

#### Objector concerns

208. 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) This aspect has been discussed within paragraphs 81 to 90 of this report.
- (b) *Neighbourhood Character;*
  - (i) This aspect has been discussed within paragraphs 77 to 80 of this report.
- (c) *Heritage;*
  - (i) The subject site is included on the Victorian Heritage Register (No. H149). Clause 43.01-2 states that a planning permit is not required *to develop a heritage place which is included on the Victorian Heritage Register*. On this basis, matters of heritage are not relevant and cannot be considered as part of this application. All heritage aspects of the development are assessed by Heritage Victoria under a separate application process. At the time this report was written, Heritage Victoria had not issued a planning permit for this development.

## Conclusion

- 209. 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.
- 210. 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 (PLN17/0694) for development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling at 11 Brunswick Street, Fitzroy 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 09/10/17) but amended to include:
  - (a) all boundary dimensions to be consistent with the Title Plan, with no works to occur outside the title boundaries;
  - (b) the location and capacity of the 3,000L rainwater tank and rain-garden (as outlined in the SMP and STORM report) with a notation confirming that the rainwater tank will be connected to toilets within the development;
  - (c) the north-facing windows of bedrooms 3/study of Apartments 1-5 as full height, illustrated via sectional elevations;
  - (d) the 'arched textured patterns' on the north and south elevations of the new building to be replaced with textured horizontal pattern;
  - (e) clarification of how the internal garage will receive adequate ventilation;
  - (f) any alterations to the development required by the updated Sustainable Management Plan at Condition 4;

- (g) any alterations to the development required by the Acoustic Report requested under condition 6;
  - (h) clarification of how internal overlooking will be addressed between the rear terrace of the existing dwelling and Unit 1;
  - (i) the rear pedestrian entrance door increased in width to 1.8m, with an internal minimum passing space of 2m within the rear corridor;
  - (j) 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 (specifically the location of toilets within each bathroom);
  - (k) the internal garage finished floor levels along the edge of the internal concrete slab to be set 40mm above the edge of the Right of Way.
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. As part of the ongoing consultant team, Clarke Hopkins Clarke Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
    - (a) oversee design and construction of the development; and
    - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
  4. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by F2 Design and dated 1 August 2017, but modified to include or show:
    - (a) electric charging system for bicycles;
    - (b) the provision of a composting system;
    - (c) all timber to be certified by FSC as sustainable;
    - (d) the use of recycled concrete component and low embodied energy steel;
    - (e) the use of recycled materials in building components such as insulation;
    - (f) an updated BESS report to include:
      - (i) the removal of the 'Innovation' points in association with the Low VOC content materials;
      - (ii) the removal of the 'Communal Spaces' points;
      - (iii) an average NatHERS Star rating of at least 6.5 Stars;
      - (iv) report as 'Published'.
  5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  6. 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) the car stacker and vehicle entrance door operation on the internal amenity of Unit 1;
    - (b) noise from the multi-level car park to the west and any external mechanical equipment on adjacent sites on the internal amenity of Units 1-6.



7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. 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:
  - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (c) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
10. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 14 July 2017, but modified to include:
  - (a) the provision of a composting system.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost, to the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
14. 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.

15. 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.
16. 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.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
18. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a 1.2m to 1.8m wide smooth bluestone pavement must be provided from the pedestrian entrance within the western wall to the existing asphalt walkway along the west side of the Right of Way.
20. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
- (ii) the suitability of the land for the use of an electric crane;
- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations.

21. During the construction:

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

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

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

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

24. This permit will expire if:

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

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

Notes:

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

This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

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.

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

**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.

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

#### **Attachments**

- 1**   PLN17/0694 - 11 Brunswick Street, Fitzroy - UD advice DLA external
- 2**   PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments
- 3**   PLN17/0694 - 11 Brunswick Street Fitzroy - Strategic Transport Comments
- 4**   PLN17/0694 - 11 Brunswick Street, Fitzroy - WMP Referral comments
- 5**   PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1
- 6**   PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 2
- 7**   PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

# Attachment 1 - PLN17/0694 - 11 Brunswick Street, Fitzroy - UD advice DLA external



## 11 Brunswick Street, FITZROY Urban Design Referral

<b>Date</b>	28 <sup>th</sup> November 2017
<b>Planning Scheme</b>	Yarra
<b>Council Reference</b>	PLN17/0694
<b>Proposal</b>	Partial demolition and construction of an eight storey residential building

### BACKGROUND

In November 2017, City of Yarra ('Council') requested that David Lock Associates ('DLA') undertake an urban design assessment of a proposed development at 11 Brunswick Street, Fitzroy (the 'subject site'). This referral is based on the following considerations:

<b>Existing Use / Condition</b>	Three storey Victorian terrace ('Arbirlot') comprising lower level commercial use ('Alcaston Gallery') and residential upper levels
<b>Site Area</b>	372m <sup>2</sup> (approx.). No significant slope through site.
<b>Zone</b>	MUZ (Clause 32.04)
<b>Overlays</b>	HO151 – 11 Brunswick Street, Fitzroy (Clause 43.01)
<b>Other Policy Considerations</b>	<ul style="list-style-type: none"> <li>• Clause 21.03 – Vision;</li> <li>• Clause 21.05 – Built Form;</li> <li>• Clause 21.08 – Neighbourhoods;</li> <li>• Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;</li> <li>• Clause 22.07 – Development Abutting Laneways; and</li> <li>• The 'Victorian Urban Design Guidelines (2017)'.</li> </ul>
<b>Documents Reviewed</b>	<ul style="list-style-type: none"> <li>• The town planning and architectural plans prepared by Clarke Hopkins Clarke architects (project reference 16025, dated 9<sup>th</sup> October 2017);</li> <li>• The Heritage Impact Statement prepared by Bryce Raworth Consultants (dated August 2017); and</li> <li>• The town planning report prepared by Ratio Consultants (dated August 2017).</li> </ul>

### ASSESSMENT

#### Character

- **Overall Height and Massing:** The proposal seeks planning approval for retention of the existing Brunswick Street heritage fabric, and the construction of an eight storey residential

## Attachment 1 - PLN17/0694 - 11 Brunswick Street, Fitzroy - UD advice DLA external



tower at the rear of the site (approx. 27.7m high, with 2.9m floor-to-ceiling heights) set back between 8.4m -10.9m (approx.) behind the heritage facade.

Whilst we are that Council is currently pursuing the broader '*Brunswick Street and Smith Street Built Form Review*', currently there is no specific built form guidance for the subject site's portion of Brunswick Street (such as through built form overlays) and instead built form guidance stems from an assessment of physical context tempered by heritage considerations (insofar as heritage nexuses with urban design). To this extent, we note that Brunswick Street is identified as a Major Activity Centre (MAC) under Clause 21.03, where growth is specifically directed and which Clause 21.05 envisions evolving to a future built form character comprise of heights of a minimum of 5-6 storeys. However, the implication for a more intensive future built form character must be tempered other considerations, such as heritage (particularly the site's inclusion on the Victorian Heritage Register) and the Brunswick Street-specific aspirations of Clause 21.08.

The dynamic between each extreme (transformative change and character retention) is already evident within Brunswick Street, which – where proximate to the subject site - generally comprises taller commercial and institutional built form (such as the ACU campus and St Vincent's Hospital) set back behind 2-3 storey high street walls (including intact heritage fabric). Recent approvals and proposals that we are aware of – including that at 44 Brunswick Street Fitzroy (5 storeys), as well as the current planning permit application for 11 storeys at 77 Victoria Parade – will only further reinforce this. In response, the proposal's fundamental design concept responds to the existing/emerging character of the southern portion of Brunswick Street through retention of existing on-site heritage fabric to Brunswick Street (which will perpetuate the subject site's existing streetscape contribution and height) and the massing of contemporary rear form behind – which will read as both visually recessive (in direct views above the retained heritage parapet) and sufficiently distinct (in longer range oblique views). Refer below. This is supported.

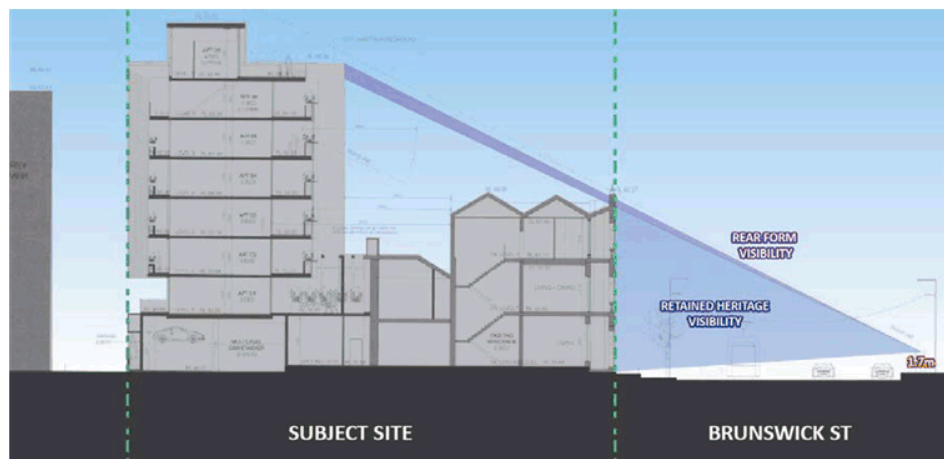


Figure 1 – Rear form visibility in direct views from Brunswick Street above retained heritage façade, updated to include lift core and visibility above parapet (rather than pediment) (Source: CHC Architects, with emphasis added)



To the rear of the subject site, we note that the proposal has elected to rise sheer to a rear laneway accessible from Fitzroy Street. However, the existing character of this laneway is distinctly 'back of house' and comprised of sheer commercial built form, and consequently the proposal's massing strategy at this interface is consistent with reasonable character expectations.

Finally, the contemporary insertion proposed by the development also seeks to rise sheer to the subject site's northern and southern side boundaries, which again is to be expected given the fine-grained subdivision pattern of the subject site's broader area. This too is logical from a character perspective, and is discussed further in the '*Offsite Amenity*' and '*Equitable Development*' sections of this referral.

- **Design Detail:** Clause 21.05 and 22.02 of the Yarra Planning Scheme both seek high standards of architecture and urban design, and – in response – the proposal adopts a clearly contemporary and high quality architectural expression for the contemporary rear insertion that will generally juxtapose with the retained heritage fabric (where visible obliquely from Brunswick Street and beyond). The pursuit of predominantly 'timber look' vertical battern screening to this element will introduce a 'tactile' form of materiality into the local area that is currently lacking, and the sloping roof form atop this will provide skyline interest/variation where visible in longer range views. Council should satisfy itself of the extent of battern screen encroachment beyond the subject site's title boundaries above the rear laneway.

Whilst the bulk of the proposal will be obliquely visible from Brunswick Street, it will only be until such time as the balance of the future development sites on the western side of Brunswick Street redevelop. The extent of built form change may also be limited given the prevailing heritage values in proximity to the subject site, and consequently consideration should also be given to the treatment of the rear component's sheer northern and southern elevations. Within this context, we presume that the applicant's pursuit of an 'arched' textured finished concrete finish to each is a contemporary re-interpretation of the arching heritage façade of Arbirlot. However, this dilutes the distinction between the contemporary insertion and heritage host and fails to respond to the existing prevailing grain within the viewshed of each elevation. We therefore recommend deleting the arched motif and replacing with a 'finer' grain of design resolution, which could be as simple as pursuing a resolution that incorporates expressed floor slabs as a contextual interpretation of the 'horizontal' of built form within prevailing viewsheds (ie. the existing western adjoining hospital car park).

#### Public Realm and Offsite Amenity Impacts

- **Public Realm Amenity:** At the Ground Floor, the proposal is logically designed with respect to 'fronts' and 'backs', with the primary communal residential lobby from Brunswick Street being distinctly legible within the context of the heritage confines of the subject site. Secondary 'back of house' pedestrian access (and all proposed vehicle access) is provided



## Attachment 1 - PLN17/0694 - 11 Brunswick Street, Fitzroy - UD advice DLA external



to the subject site's rear laneway, which is inherently logical and responsive to the provisions of Clause 22.07. CPTED design refinement – such as a permeable car stacker garage door and deletion of the recess to the pedestrian entrance (or deletion of the roofing above the recess so that it is 'open to the sky' above) – would further enhance this interface.

Above this, whilst the proposal will result in a minimal contribution to the activation and passive surveillance of Brunswick Street (above and beyond that which currently exists), this is an inevitable consequence of the proposal's approach to massing. Conversely, at the rear of the property, the contemporary insertion has been designed in a manner that will concentrate a number of secondary balconies as close as possible to the terminus of the 'T' of the laneway (where greater internal outlook amenity is available), which is an effective design response that will contribute to the activation and passive surveillance of this interface. This is supported.

Importantly, the shadow diagrams provided by the applicant (TP22) confirm that no unreasonable overshadowing of the Brunswick Street public realm will occur between 9am and 3pm of the Equinox. This too is supported, as is the proposed overshadowing of the rear laneway given it is of limited public realm amenity consequence.

- **Offsite Amenity:** The subject site is in abuttal to two residentially-zoned properties to the north and south at 13 Brunswick Street and 9 Brunswick respectively - the latter of which is used quasi-residentially (De Paul House). Consideration should therefore be given to overshadowing, visual bulk and overlooking respectively.

With respect to overshadowing, the shadow diagrams provided confirm that a rear paved outdoor area 9 Brunswick Street (to the south of the proposed contemporary insertion) will be overshadowed to various degrees throughout the Equinox. However, a judgement call needs to be made regarding reasonable MUZ-amenity expectations for quasi-residential uses within an identified MAC, particularly within the context of Clause 21.05's commensurate built form aspirations (which would result in a comparable degree of overshadowing). We are therefore comfortable with the extent of offsite overshadowing proposed within this context.

With respect to visual bulk, 13 Brunswick Street is used commercially and therefore visual bulk considerations again pertain primarily to 9 Brunswick Street. As with overshadowing, expectations must again be tempered by the property's MAC location as well as the existing calibre of visual bulk experience of the sensitivities of this property (existing sheer interfaces by way of the hospital car park and existing built form at the rear of the subject site). The proposal's visual bulk approach is acceptable within this context.

Finally, with respect to overlooking, the proposal does not seek to re-orientate any existing primary residential outlook within the retained heritage fabric. At the rear of the subject site, the primary orientations of all proposed dwellings are channelled east-west where



they will either overlook the non-sensitive western abutting hospital car park (to the west) or be directed internally into and above the retained heritage fabric and abutting commercial uses (13 Brunswick Street). This is logical and supported.

### Equitable Development

- **Equitable Development:** Both 13 Brunswick Street and 9 Brunswick Street are comparable to the subject site in that they are relatively undeveloped, similarly zoned MUZ, within an identified MAC, and identified on the Victorian Heritage Register. The subject application demonstrates that likely future redevelopment of each is possible, and that any likely future redevelopment of each property would similarly be of a form and massing to that which is now proposed for the subject site. Consideration should be given to the equitable development opportunities of these properties.

Conversely, the western adjoining hospital car park could similarly redevelop in the future. Although zoned NRZ1 (where Amendment VC110 has mandated a maximum two storey height control), future development of this property is permissible to the existing height under Clause 32.09-9. In response, the proposal reasonably facilitates the equitable development of the subject site's northern and southern abutments through benign, sheer side interfaces for the full length of each common boundary (including retained heritage fabric) that maximise the development envelopes of both 9 and 13 Brunswick Street. This is logical and supported.

To the west, a 'base case' equitable development scenario would be to set back all balconies and habitable room windows 4.5m from the centrepiece of the laneway. However, clearly the adjoining hospital car park is unusually large in size (within the context of the broader prevailing subdivision pattern) and would therefore be capable of responding to the amenity needs of the subject site's proposal without unreasonably jeopardising future development potential. For this reason, we support the proposal's current approach to equitable development at this interface.

### Other

- **Other:** Please note we have not assessed any aspect of the proposal's internal program. Council should also satisfy itself of the internal daylight outcome to all proposed dwellings, particularly in the event that the western adjoining car park redevelops with a 'sheerer' form of development than that which currently exists (ie. no 'permeable' levels).

### SUMMARY

There are many aspects of the subject site that support more intensive built form outcomes, such as the site's location within an identified MAC, the character of existing and emerging built form surrounding the subject site, the absence of overtly sensitive interfaces and the absence of specific

## Attachment 1 - PLN17/0694 - 11 Brunswick Street, Fitzroy - UD advice DLA external



built form guidance within the Planning Scheme. However, this must also be tempered with clear policy guidance for consideration of heritage matters.

Whilst heritage considerations are a clear driver for this application (and we defer entirely to the expertise of others with respect to heritage), from an urban design perspective our view is that the proposal constitutes an exceptionally high standard outcome that will 'fit' comfortably into the existing and emerging Brunswick Street streetscape.

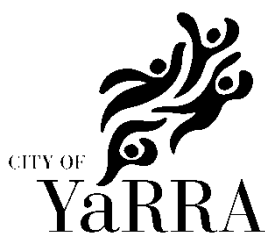
The proposal's urban design response would be enhanced through the following:

- **Reconsider the arched textured concrete design motif along the northern and southern boundary walls of the rear residential component. Consider pursuing an alternate design strategy that further reinforces the distinction between 'old' and 'new' on site and which better responds to the existing built form grain within prevailing visibility viewsheds; and**
- **Enhance the proposal's CPTED design response at the proposal's rear Ground Floor interface through minor design amendments.**

Should you have any queries on the above or wish to discuss any aspect of this referral further, please do not hesitate to contact Brodie Blades at [brodieb@dlaaust.com](mailto:brodieb@dlaaust.com) or on (03) 9682 8568.

**DAVID LOCK ASSOCIATES**

## Attachment 2 - PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments



## MEMO

**To:** Lara Fiscalini  
**From:** Artemis Bacani  
**Date:** 22 November 2017  
**Subject:** Application No: PLN17/0694  
 Description: Mixed Use  
 Site Address: 11 Brunswick Street, Fitzroy

I refer to the above Planning Application received on 19 October 2017 and the accompanying report prepared by Traffix Group in relation to the proposed development at 11 Brunswick Street, Fitzroy. 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	1	1 space to each dwelling	1	1
Three or more bedroom dwellings	6	2 spaces to each dwelling	12	7
Residential visitors	7	1 space per 5 dwellings	1	0
Office	30 m <sup>2</sup>	3.5 spaces to each 100 m <sup>2</sup> of net floor area	1	0
<b>Total</b>			<b>15</b>	<b>8</b>

The site would have a parking shortfall of five resident spaces, one residential visitor space, and one car space for the office. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

## **Attachment 2 - PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments**

### **Car Parking Demand Assessment**

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Parking Demand for the Three-Bedroom Dwellings.*  
Trafrix Group has sourced the average car ownership rates for flat type dwellings in the Fitzroy area from the 2011 Census conducted by the Australian Bureau of Statistics. For three-bedroom flat type dwellings in Fitzroy, some 76% of these dwellings own one car or less. The data suggests that there is a demand to own one car or less for this size of dwelling. The provision of seven spaces amongst the six three-bedroom dwellings would be consistent with the statistical trend for this size of dwelling to own less than two cars.
- *Parking Demand for Residential Visitors.*  
Peak parking for residential visitors generally occurs on weekday evenings and at weekends. Given the small scale of the development, the parking demand for the residential visitors would be one space as per the statutory requirement.

The applicant proposes to accommodate all residential visitor parking off-site, since the site will be containing mechanical parking - 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 peak demand of one residential visitor parking space off-site should not be detrimental to existing on-street parking conditions in the area.

- *Parking Demand for the Office.*  
The proposed office would be providing on-site parking at a rate of 3.33 spaces per 100 square metres. By comparison, the nearby development at 4-6 Gold Street, Collingwood, was approved with an on-site car parking provision of 1.29 spaces per 100 square metres with an office floor area of 1,541 square metres with 20 on-site car parking spaces (Planning Permit PLN13/0763 issued on 12 June 2014). The subject's site's office parking rate is considerably higher with that of 4-6 Gold Street and we are satisfied that the office parking rate of 3.33 spaces per 100 square metres for the proposed development is appropriate for the Fitzroy area.
- *Availability of Public Transport in the Locality of the Land.*  
The site is very well located in terms of public transport services. The site is within walking distance of Parliament railway station. Tram services operate along Victoria Parade, Brunswick Street-Gertrude Street, Smith Street, and Nicholson Street, and bus services are also within walking distance from Victoria Parade.
- *Convenience of Pedestrian and Cyclist Access.*  
The site has excellent pedestrian accessibility to shops, businesses, supermarkets, essential facilities and potential places of education and employment.

### **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 at an Alternate Site.*  
The on-street parking in the Fitzroy area is very high during business hours. All the streets in the Fitzroy area contain time based parking restrictions. The high parking demand in the Fitzroy area would be a disincentive to visitors or employees to drive to the area. The visitor parking demand for the site can be accommodated in the local area.

## Attachment 2 - PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments

### - *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 reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

### - *Car Parking Deficiency associated with Existing Land Use.*

The site had previously accommodated an art gallery and a residential dwelling. Two on-site car spaces were available for the dwelling. Any short-stay parking deficiencies that were generated by the previous uses could potentially be transferrable to the new development.

## Adequacy of Car Parking

From a traffic engineering perspective, the waiver in the car parking requirement for the proposed three-bedroom dwellings and office is considered appropriate in the context of the development and the surrounding area. The site has the advantage of being located close to public transport nodes.

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

## TRAFFIC GENERATION

To determine the traffic generated by the proposed development, the following rates could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential Dwellings (Allocated with 1 space)	3.0 trips per dwelling per day (six dwellings) Peak hour volume is 10% of daily volume	18	2	2
Residential Dwellings (Allocated with 2 spaces)	4.0 trips per dwelling per day (one dwelling) Peak hour volume is 10% of daily volume	4	1	1
<b>Total</b>		22	3	3

The traffic volumes generated are not unduly high and can be easily accommodated in the surrounding road network.

## Queuing and Conflict

The development's parking would be contained in a shuffle type car stacker.

It is highly unlikely that vehicle queuing would take place outside the curtilage of the property.

Given the low peak hour traffic volumes, we envisage the potential for vehicle conflict within Right of Way to be very remote.

**Attachment 2 - PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments****DEVELOPMENT LAYOUT DESIGN****Layout Design Assessment**

Item	Assessment
<b>Access Arrangements</b>	
Development Entrance	The doorway width has not been dimensioned on the drawings.
Visibility	The car park entrance abuts a Right of Way and the incidence of pedestrians using the Right of Way would be low. Sight triangles, as required in <i>Design standard 1 – Accessways</i> for road frontages, are not required off this Right of Way.
<b>Car Parking Modules and Car Stacker</b>	
Car Stacker Device	The applicant has proposed two shuffle type car stacker systems, the Hercules Expanderpark and the Klaus Trendavario 4300. Both models require a floor to ceiling height of 3.8 metres. Pit lengths range from 5.5 to 5.7 metres. The useable platform width must be no less than 2.4 metres.
Floor to Ceiling Height	A minimum floor to ceiling height of 4.1 metres has been provided.
Vehicle Clearance Height	Both stacker models satisfy the vehicle clearance height requirements in <i>Design standard 4: Mechanical parking</i> .
Vehicle Turning Movements	The swept path diagrams for the B85 design vehicle entering and exiting the stacker platforms and the Right of Way are considered satisfactory.
<b>Other Items</b>	
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.

**IMPACT ON COUNCIL ROAD ASSETS**

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

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

**Reconstruction of rear Right of Way & Princes Street (east of Fitzroy Street)**

Construction works at the development site will deteriorate the condition of the bluestones in the Right of Way and Princes Street, potentially leading to pavement heaving and failure. The vehicle crossing that services Princes Street and the Right of Way would also be damaged. Therefore, it is vital that the development reconstructs the Right of Way and Princes Street which would ensure that it is usable by development traffic on a daily basis.



## **Attachment 2 - PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments**

### **ENGINEERING CONDITIONS**

#### **Civil Works**

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

- The Right of Way abutting the western boundary of the site must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The section of Princes Street (east of Fitzroy Street) must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The strip of asphalt along the western boundary of the site must be reinstated with bluestone pavement.

#### **Pedestrian Access off the Right of Way**

- The new dwellings would have primary pedestrian entry off the bluestone Right of Way abutting the western boundary of the site.

The Right of Way contains an existing pedestrian infrastructure which provides a smooth pavement for pedestrians along the west side of the Right of Way, then continues along the north side of Palmer Street to Fitzroy Street.

To further improve the link between the site's primary pedestrian entry to the existing asphalt walkway, the applicant would be required to construct a 1.2 to 1.8 metre wide smooth bluestone pavement from the main pedestrian entrance to the existing asphalt walkway along the west side of the Right of Way as shown on Diagram 1 below.

## Attachment 2 - PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments

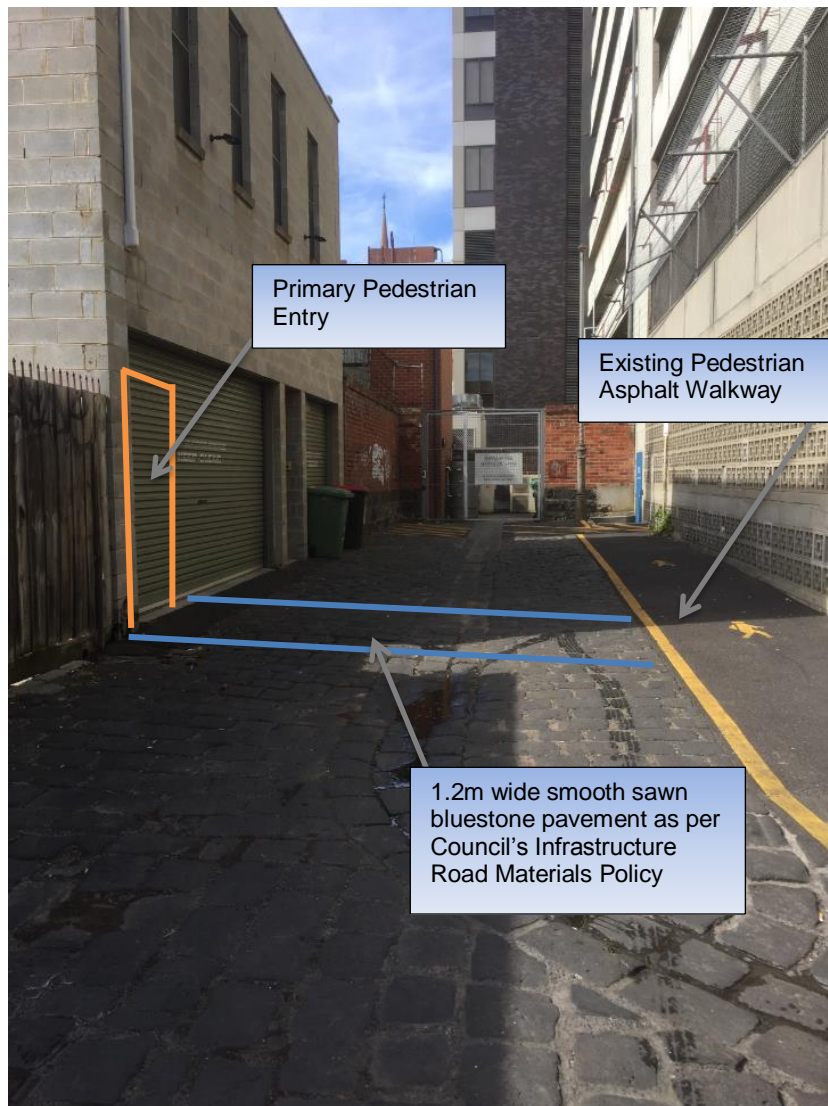


Diagram 1

### Car Stacker Device

- The car stacker devices must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.
- No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

### 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.

## **Attachment 2 - PLN17/0694 - 11 Brunswick Street Fitzroy - Engineering comments**

- 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.

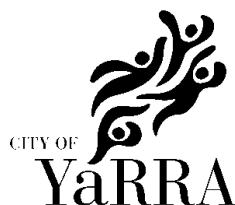
Should a new luminaire and pole be required, all installation works can only be carried out by Citipower and must comply with Citipower standard requirements and regulations. The new light would be under the Citipower maintenance scheme once installed. A new light can only be sourced from the energy efficient series

Regards

Artemis Bacani  
Roads Engineer  
Engineering Services Unit

---

## Attachment 3 - PLN17/0694 - 11 Brunswick Street Fitzroy - Strategic Transport Comments



## MEMO

**To:** Lara Fiscalini  
**From:** Julian Wearne  
**Date:** 03/11/2017  
**Subject:** Strategic Transport Comments  
**Application No:** PLN17/0694  
**Description:** Development of the land for the construction of an 8 storey building at the rear of the site, including a reduction in the car parking requirement and partial demolition of the existing dwelling.  
**Site Address** 11 Brunswick Street, Fitzroy

I refer to the above Planning Application referred on 19/10/2017, and the accompanying Traffic report prepared by Traffix Group in relation to the proposed development at 11 Brunswick Street, Fitzroy. Council's Strategic Transport unit provides the following information:

### ***Bicycle Parking Provision***

#### **Statutory Requirement**

Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	7 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	1 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	1 visitor spaces.	
Office (other than specified in the table)	30 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	0 employee spaces	
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	0 visitor spaces.	
Bicycle Parking Spaces Total			1 resident space	10 resident spaces
			1 visitor spaces	0 visitor spaces

The development provides a total of 9 additional resident/employee spaces above what is required by the planning scheme but does not provide any visitor spaces.

#### **Adequacy of spaces**

##### *Number of spaces*

Whilst the proposal includes a surplus of 9 resident spaces above the requirements of the planning scheme, it is noted:

### **Attachment 3 - PLN17/0694 - 11 Brunswick Street Fitzroy - Strategic Transport Comments**

- A reduction of 7 car parking spaces is sought (53% of the statutory requirement);
- the subject site is located in an inner-urban area with already high cycling-to-work demand, and trends indicate demand will continue to increase; and
- both local and state planning policies include objectives to promote sustainable transport modes, including cycling.
- Given the above, best-practice requires a rate of 1 resident space to each dwelling<sup>1</sup> and 0.25 visitor spaces to each dwelling. Therefore it is recommended a minimum of 10 spaces be provided. 10 spaces have been proposed.
- It is best practice to separate visitor and resident spaces, to minimise the risk of theft to resident bicycles, whilst ensuring visitor spaces are readily accessible to visitors for their use; however given the constraints to the site including the small lot size, proposed access arrangements and heriage, it is accepted no separate visitor spaces are provided.

#### *Design and location of employee spaces and facilities*

Employee and resident spaces are adequately located and designed for the following reasons:

- All spaces are provided at ground-floor in a secure space, with easy access to the site entrance.
- All spaces are located within a secure facility.
- It is noted that all spaces appear to be hanging spaces. Pursuant to Australian Standard AS2890.3, 20% of bicycle storage spaces should be provided as a horizontal spaces, however due to the site constraints identified above, and given most apartments appear to be large enough to comfortably fit a bicycle in (accessible via the lift-shaft) this is acceptable.
- All access-ways appear to meet the requirements of Australian Standard AS2890.3.

#### **Conclusion**

Strategic Transport is comfortable with the proposal in its current iteration and raises no issues.

Regards

#### **Julian Wearne**

Sustainable Transport Officer  
Strategic Transport Unit

---

<sup>1</sup> Category 6 of the BESS offers the following for best-practice guidance for resident and visitor bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings" and "Residential developments should provide 0.25 visitor spaces per dwelling."

**Attachment 4 - PLN17/0694 - 11 Brunswick Street, Fitzroy - WMP Referral comments**



**File Note**

**Date: 30/10/2017**

**Property Address: 11 Brunswick Street, Fitzroy**

**Application No: PLN17/0694**

**Waste comments on WMP**

**COMMENTS:**

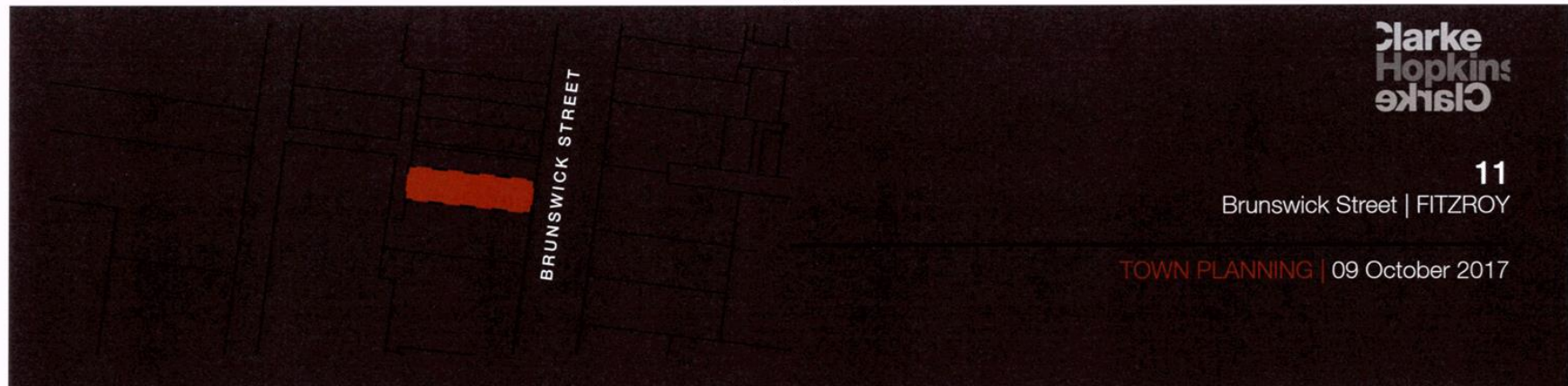
The Waste Management Plan prepared by LEIGH DESIGN dated 14th July 2017 for 11 Brunswick Street Fitzroy is satisfactory from the City Works Branch's perspective. This WMP supersedes all previous WMP's. If you have any queries please give me a call.

Kind Regards

Joseph Agostino  
Project Officer  
City Works  
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121  
T(03) 9205 5540 F(03) 8417 6666  
E [Joe.Agostino@yarracity.vic.gov.au](mailto:Joe.Agostino@yarracity.vic.gov.au) W [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1





**Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1**

**TABLE OF CONTENTS**

**SITE INFORMATION**

Location Plan	/ 1
Site Connectivity	/ 2
Site Surroundings	/ 3
Nearby Developments	/ 4

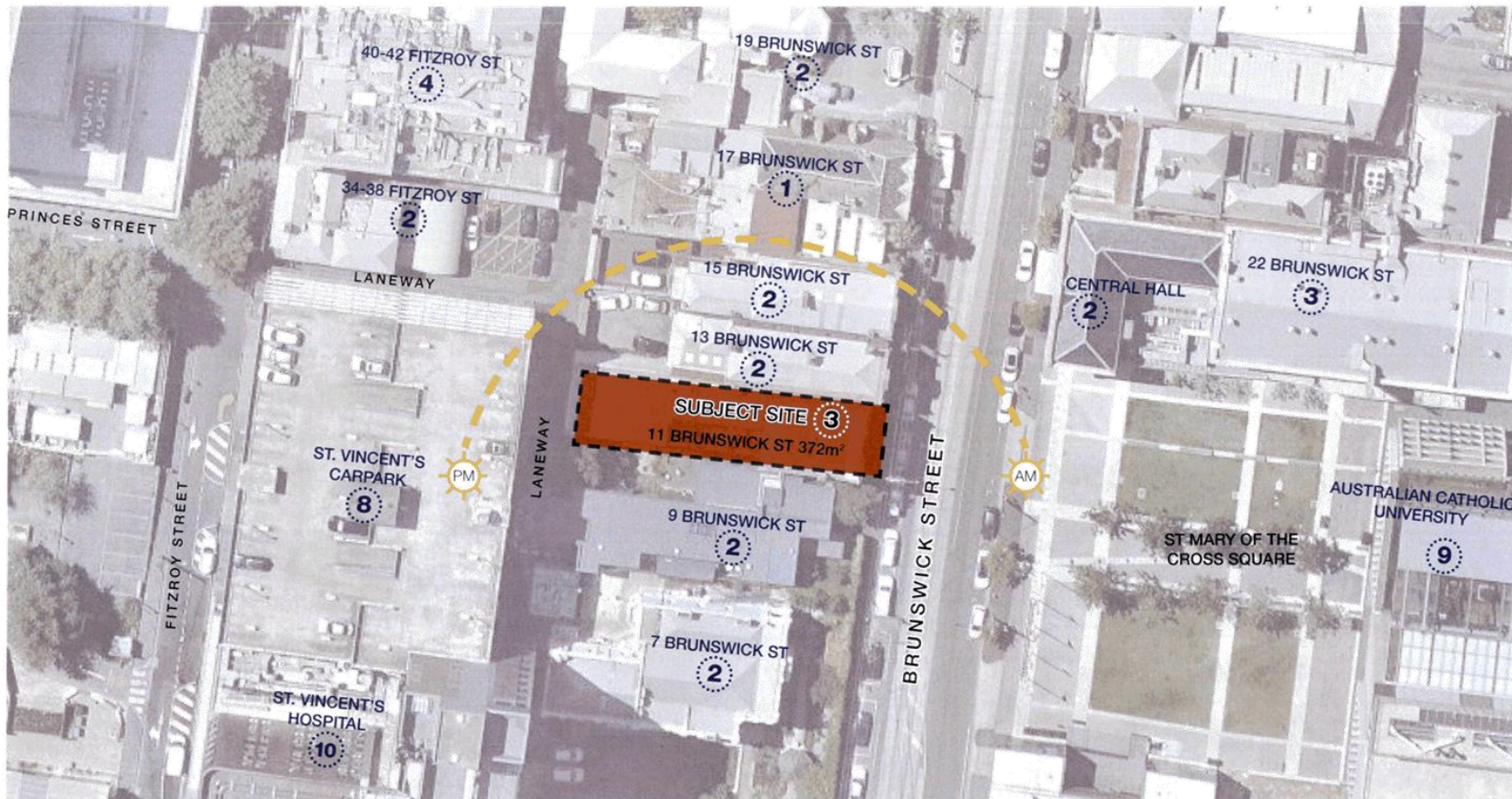
**ARCHITECTURAL DRAWINGS**


	/ TP01b
Neighbourhood & Site Analysis	/ TP02b
Design Response	/ TP03b
Street Elevations (Existing & Proposed)	/ TP04b
Existing & Demolition Ground Floor Plan	/ TP05b
Existing & Demolition First Floor Plan	/ TP06b
Existing & Demolition Second Floor Plan	/ TP07b
Proposed Ground Floor Plan	/ TP08b
Proposed Level 1 Floor Plan	/ TP09b
Proposed Level 2 Floor Plan	/ TP10b
Proposed Level 3-5 Floor Plan	/ TP11b
Proposed Level 6 Floor Plan	/ TP12b
Proposed Level 7 Floor Plan	/ TP13b
Elevations - Sheet 01	/ TP14b
Elevations - Sheet 02	/ TP15b
Elevations - Sheet 03	/ TP16b
Sectional Elevations	/ TP17b
Section A	/ TP18b
Shadow Diagrams @ 9am	/ TP19b
Shadow Diagrams @ 12pm	/ TP20b
Shadow Diagrams @ 3pm	
	/ 2.01
Development Schedule	/ 2.02
Exterior Finishes	/ IM01
Perspective Image 1	/ IM02
Perspective Image 2	/ IM03
Perspective Image 3	/ IM04
Perspective Image 4	/ IM05
Perspective Image 5	


**11 Brunswick Street, Fitzroy**  
MIXED USE DEVELOPMENT

Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1

LOCATION PLAN



 SUBJECT SITE

 NO. STOREYS

11 Brunswick Street, Fitzroy  
MIXED USE DEVELOPMENT



16025 / 1



Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1



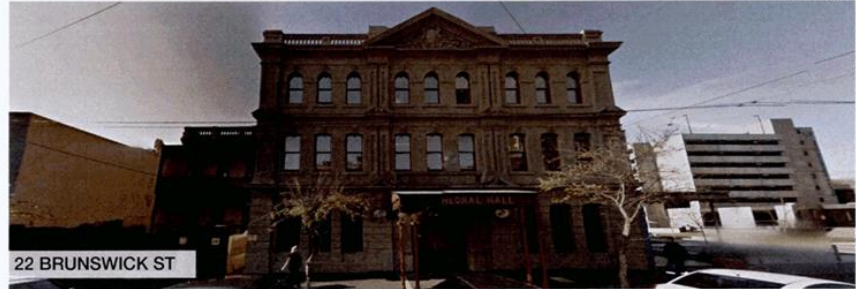


Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1

SITE SURROUNDINGS



11 BRUNSWICK ST



11 Brunswick Street, Fitzroy  
MIXED USE DEVELOPMENT

16025 / 3



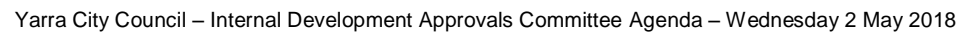
Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1

NEARBY DEVELOPMENTS



**11 Brunswick Street, Fitzroy**  
MIXED USE DEVELOPMENT

16025 / 4





Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1



Mixed Use Development  
11 Brunswick Street, Fitzroy

Design Response

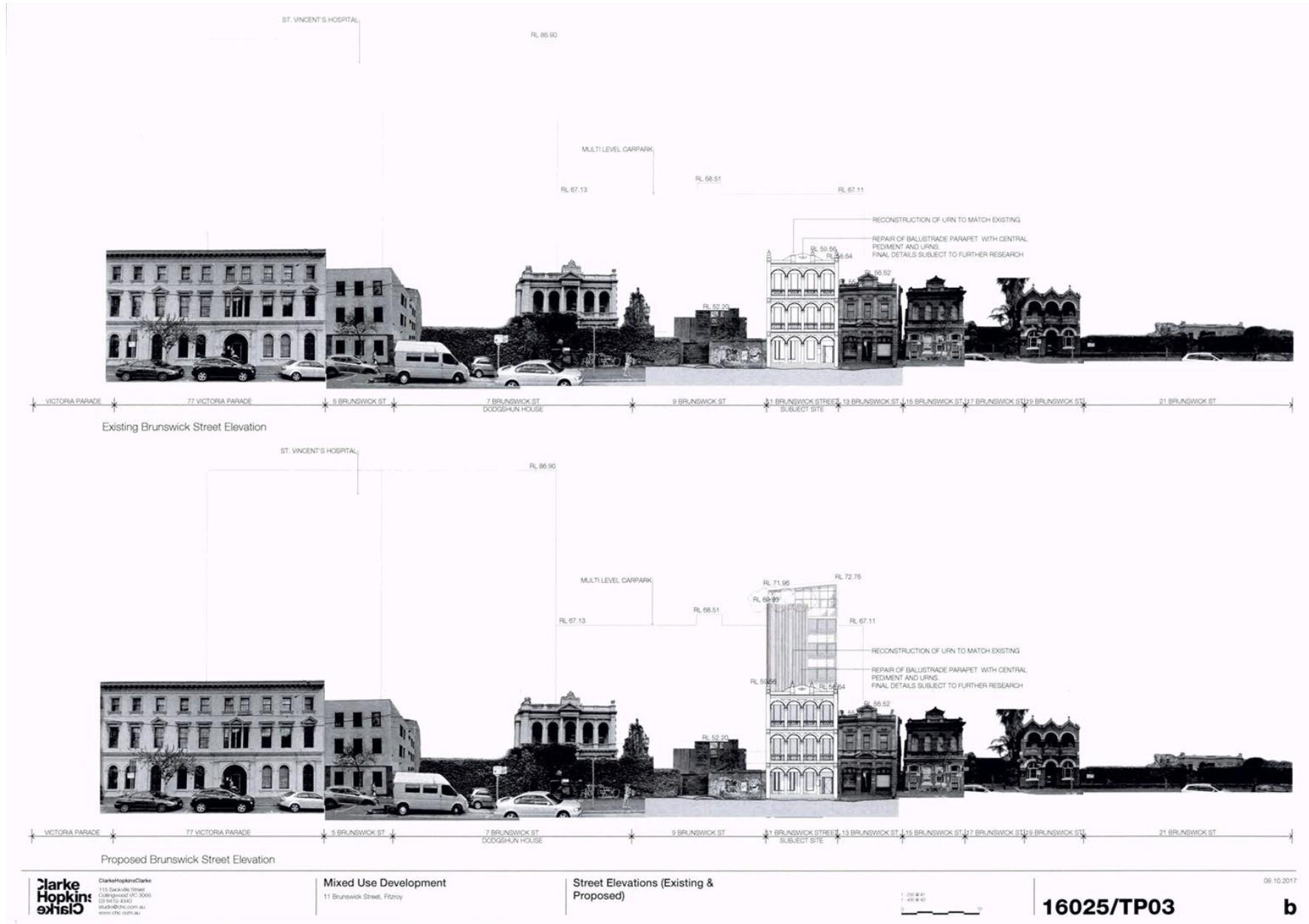
16025/TP02

05.10.2017

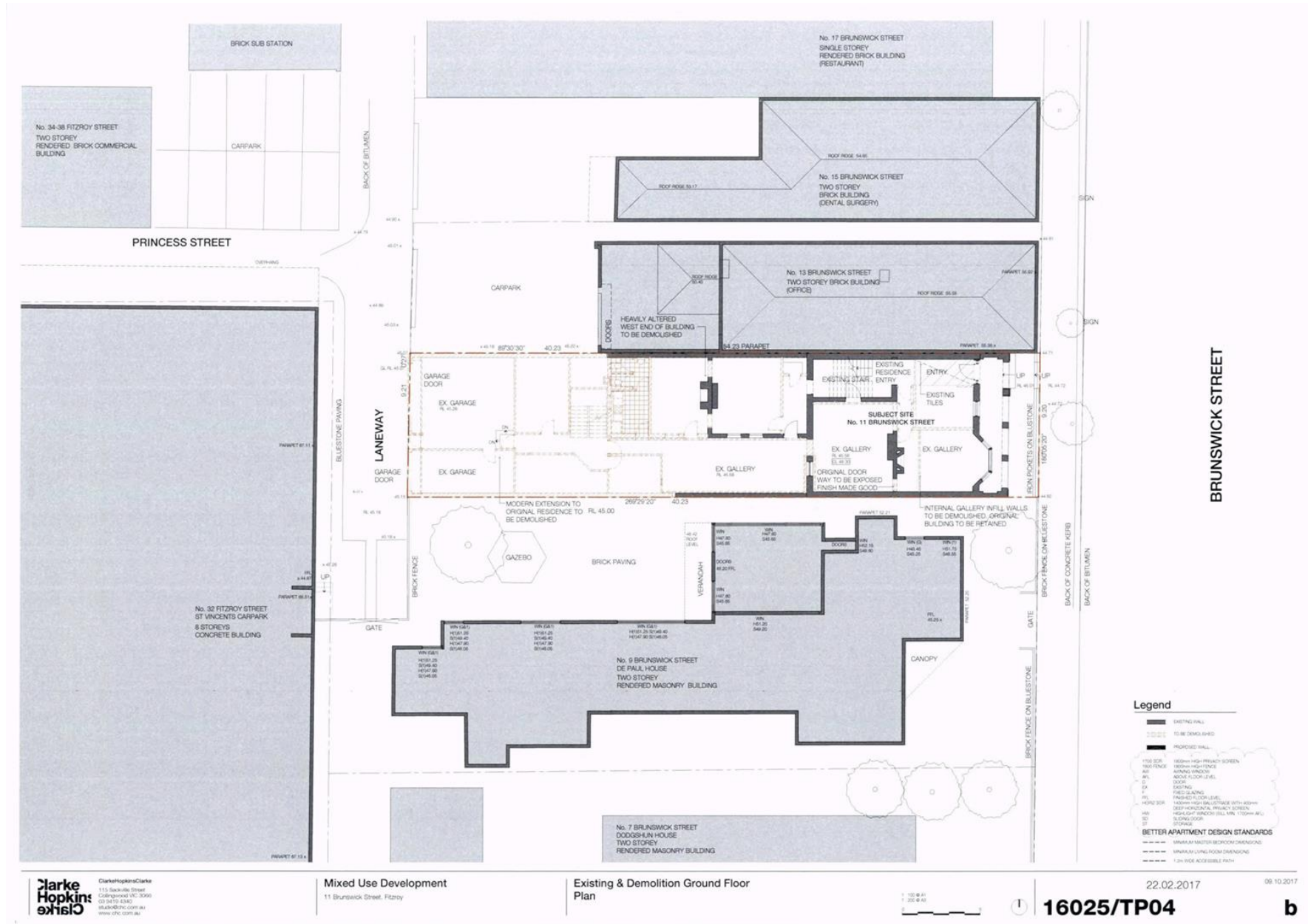
b

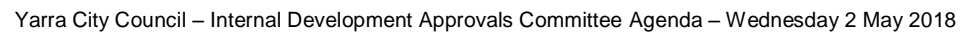


Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1

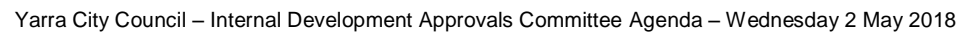


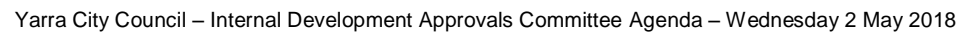
**Attachment 5 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 1**



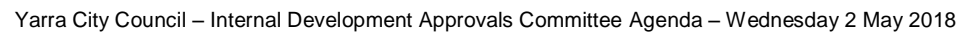


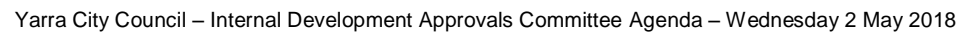




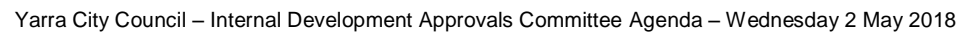


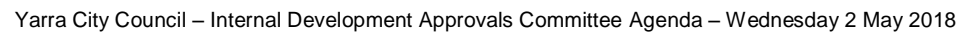


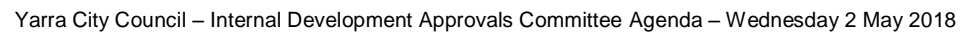








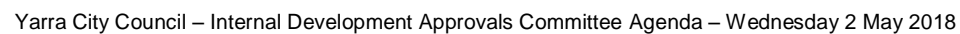




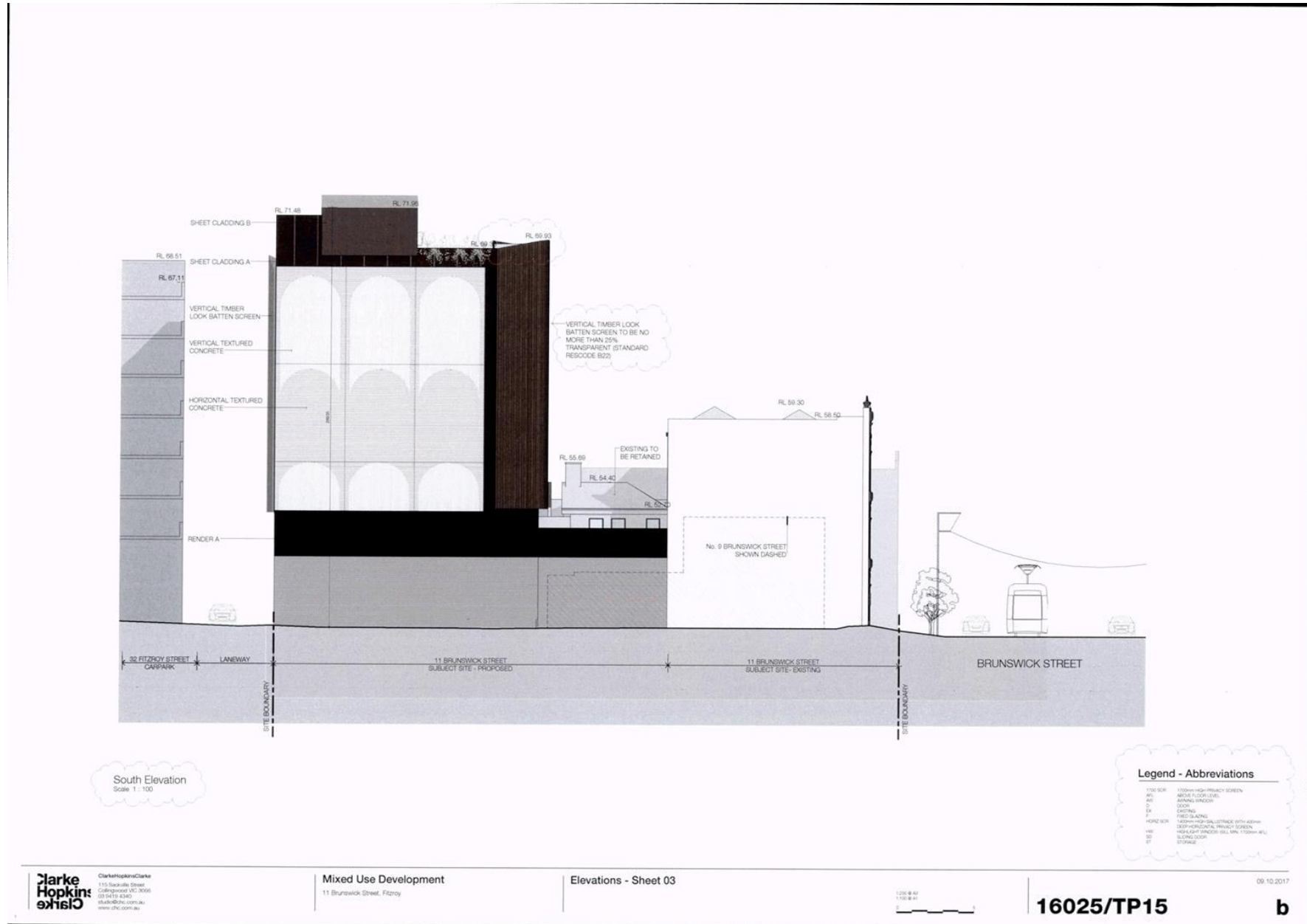




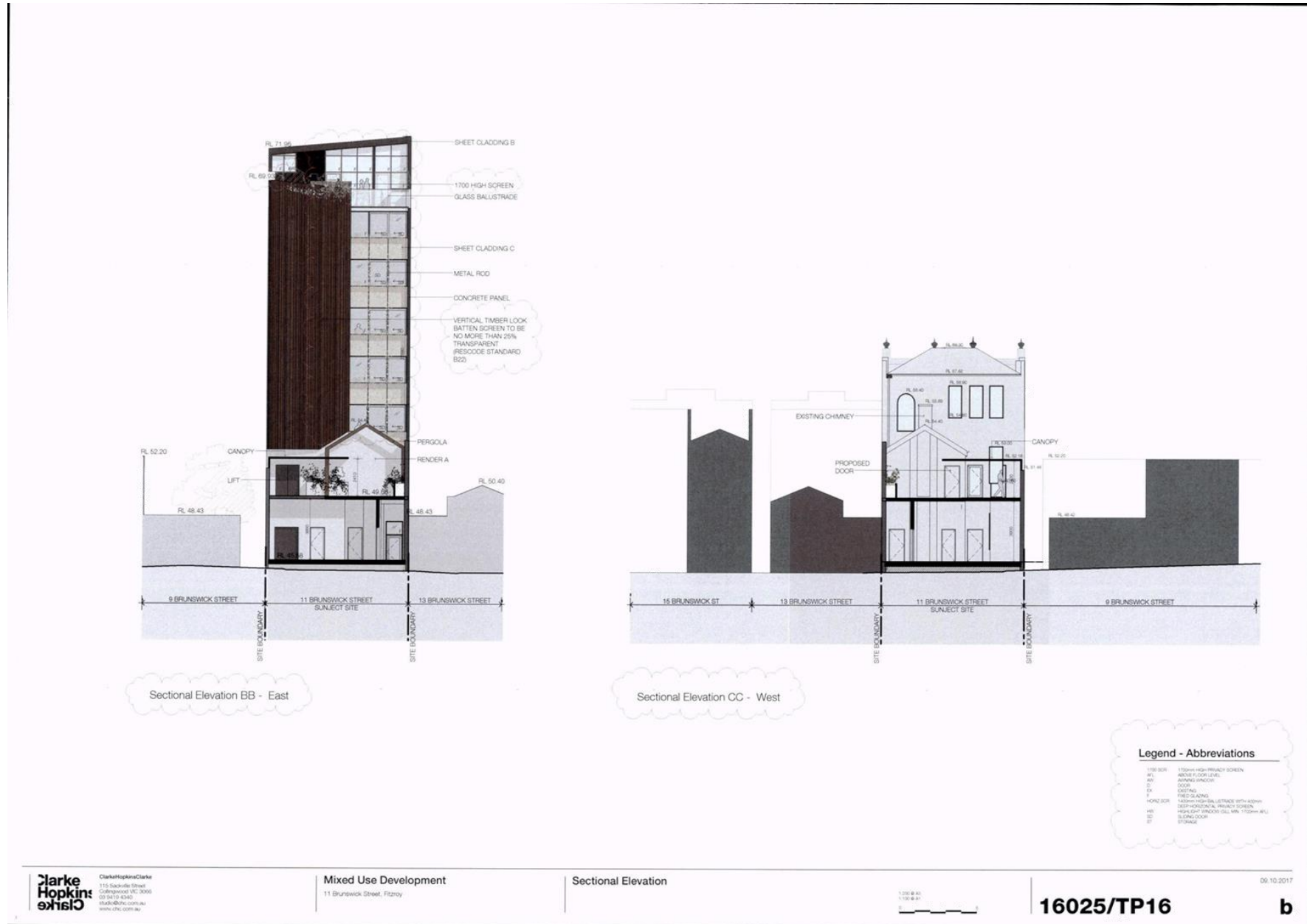
1700 SCR	1700H: HIGH-PRIVACY SCREEN
AL	ALUMINUM SCREEN LEAD
C	GLASSING WINDOW
LA	DOOR
F	FIXING
HOPE SCR	HOPE: HIGH-BALANCE WITH 4000H
HO	HOPE: HIGH-BALANCE WITH 4000H
ST	STORAGE



Attachment 6 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 2



Attachment 6 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 2



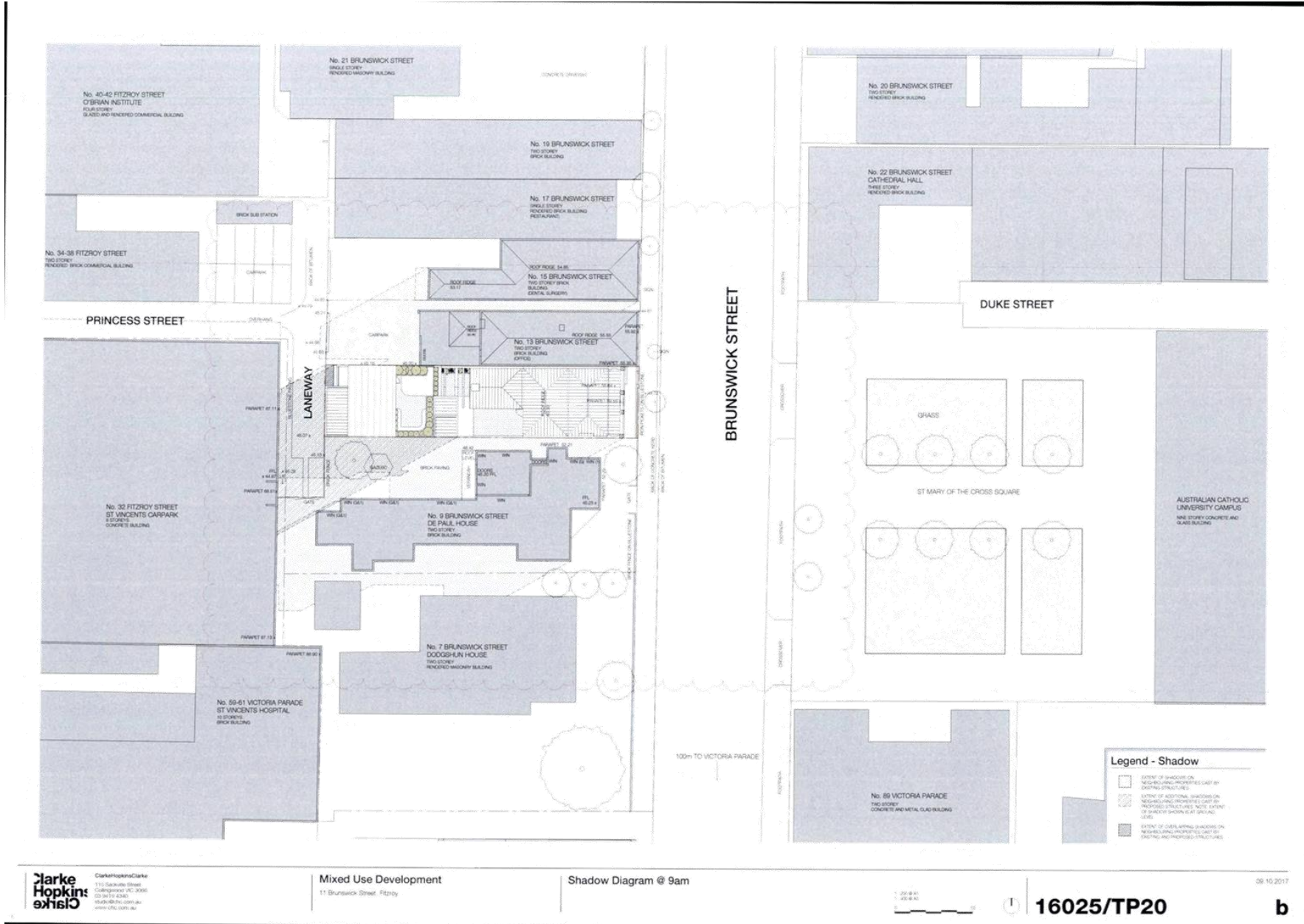




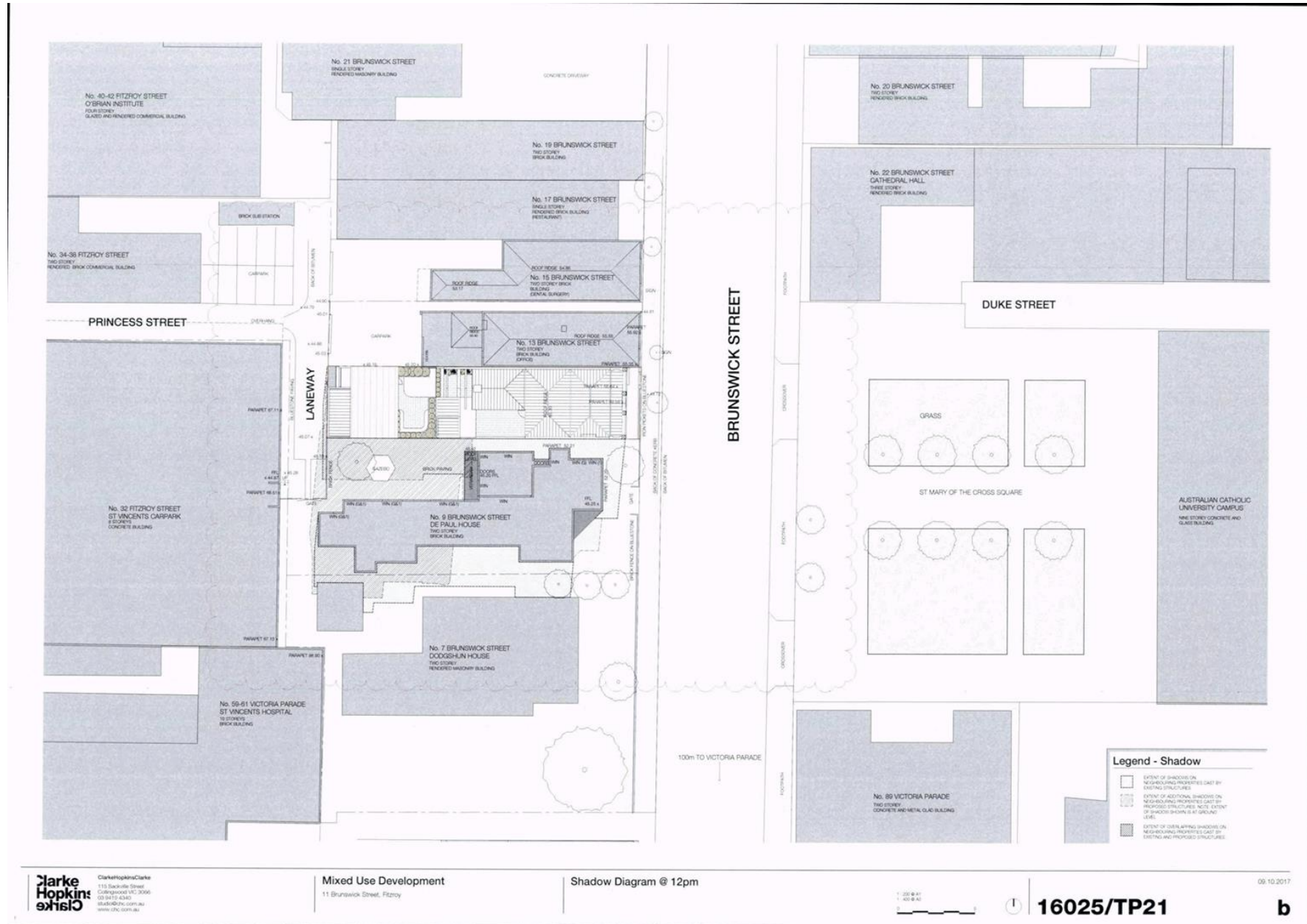
### Legend - Abbreviations

[illegible]

Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

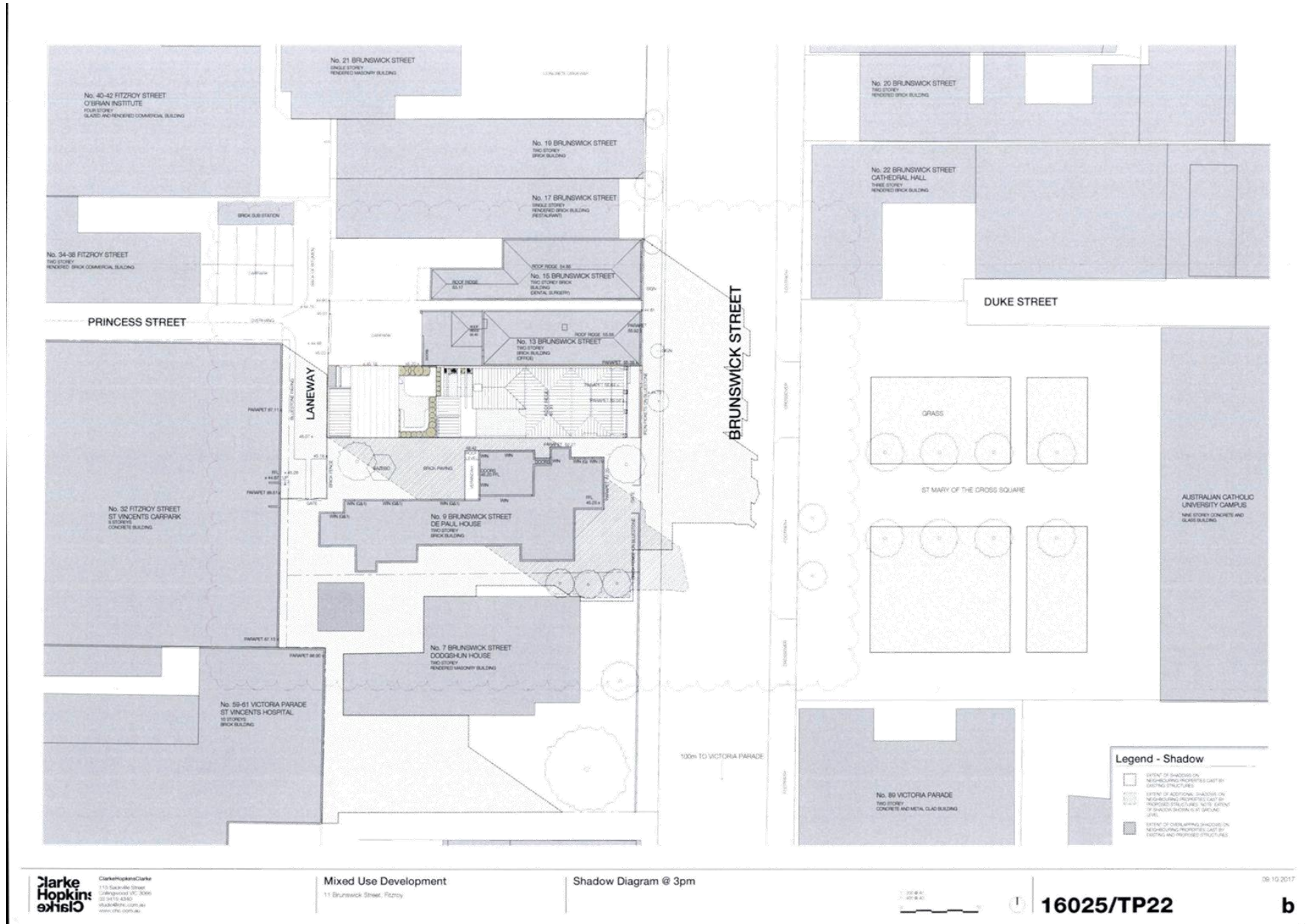


Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3





Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3



Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

ClarkeHopkinsClarke  
ABN 18 146 947 762

115 Sackville Street  
Collingwood Victoria Australia 3066  
Telephone (03) 9419 4340  
Facsimile (03) 9419 4345  
Email studio@chc.com.au  
www.chc.com.au

(Note: Refer 16025 TP01-22)

REV D

Development Schedule

160025

11 Brunswick St, Fitzroy

01.08.2017

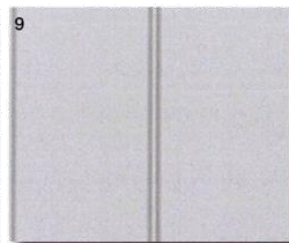
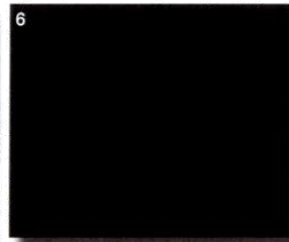
Level	No	Description	Apartment Area	Balcony Area	Storage		Carparks Provided
					Internal	External	
Ground Floor							
		Office	30 m <sup>2</sup>				\
		Garage (Multi-stacker)					8
		Ex. Residence	Existing 3 Storey, 2 Bed Residence	225 m <sup>2</sup>	55 m <sup>2</sup>		1
Total	1		225 m <sup>2</sup>	55 m <sup>2</sup>			
Level 1	Apartment 01	2 Bed + Study Apartment	106 m <sup>2</sup>	36 m <sup>2</sup>	12 m <sup>2</sup>	6 m <sup>3</sup>	1
Level 2	Apartment 02	2 Bed + Study Apartment	106 m <sup>2</sup>	14 m <sup>2</sup>	12 m <sup>2</sup>	6 m <sup>3</sup>	1
Level 3	Apartment 03	2 Bed + Study Apartment	106 m <sup>2</sup>	14 m <sup>2</sup>	12 m <sup>2</sup>	6 m <sup>3</sup>	1
Level 4	Apartment 04	2 Bed + Study Apartment	106 m <sup>2</sup>	14 m <sup>2</sup>	12 m <sup>2</sup>	6 m <sup>3</sup>	1
Level 5	Apartment 05	2 Bed + Study Apartment	106 m <sup>2</sup>	14 m <sup>2</sup>	12 m <sup>2</sup>	7.5 m <sup>3</sup>	1
Level 6	Apartment 06	4 Bed Apartment Loft (Lower)	106 m <sup>2</sup>	14 m <sup>2</sup>	25 m <sup>2</sup>	0 m <sup>3</sup>	2
Level 7	Apartment 06	4 Bed Apartment Loft (Upper)	71 m <sup>2</sup>	48 m <sup>2</sup>	\	\	\
Total	7		707 m <sup>2</sup>	154 m <sup>2</sup>			8
Summary - (5 Level Development)							
	1	Tenancies	30 m <sup>2</sup>				
	7	Residences	932 m <sup>2</sup>	209 m <sup>2</sup>			
	1	Existing Residence					
	5	2 Bed + Study Apartment					
	1	4 Bed Apartment Loft					

11 Brunswick Street, Fitzroy  
MIXED USE DEVELOPMENT

16025 / 2.01

## Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

1, 2 &amp; 3



## ITEM/ LOCATION

## MATERIAL / FINISH

- |                                  |   |
|----------------------------------|---|
| 1 - Window and Door Frames       | Powdercoat Finish, Colour: Dulux "Domnio"   |
| 2 - Metal Canopy                 | Powdercoat Finish, Colour: Dulux "Domnio"   |
| 3 - Metal Clad Pergola Frame     | Powdercoat Finish, Colour: Dulux "Domnio"   |
| 4 - Vertical Textured Concrete   | Concrete Render Colour: Light Grey          |
| 5 - Horizontal Textured Concrete | Concrete Render Colour: Light Grey          |
| 6 - Sheet Cladding A             | "Monument" Colour Finish                    |
| 7 - Sheet Cladding B             | "Basalt" Colour Finish                      |
| 8 - Vertical Batten Screen       | Metal batten screen with timber-look finish |
| 9 - Sheet Cladding C             | "White Haven" Colour Finish                 |
| 10 - Timber-look cladding        | Metal cladding with timber-look finish      |
| 11 - Render A                    | Sand Finish, Colour: Dulux "Domnio"         |
| 12 - Garage Door                 | Timber-look metal garage door               |
| 13 - Metal Rods                  | Finish to match sheet cladding C finish     |

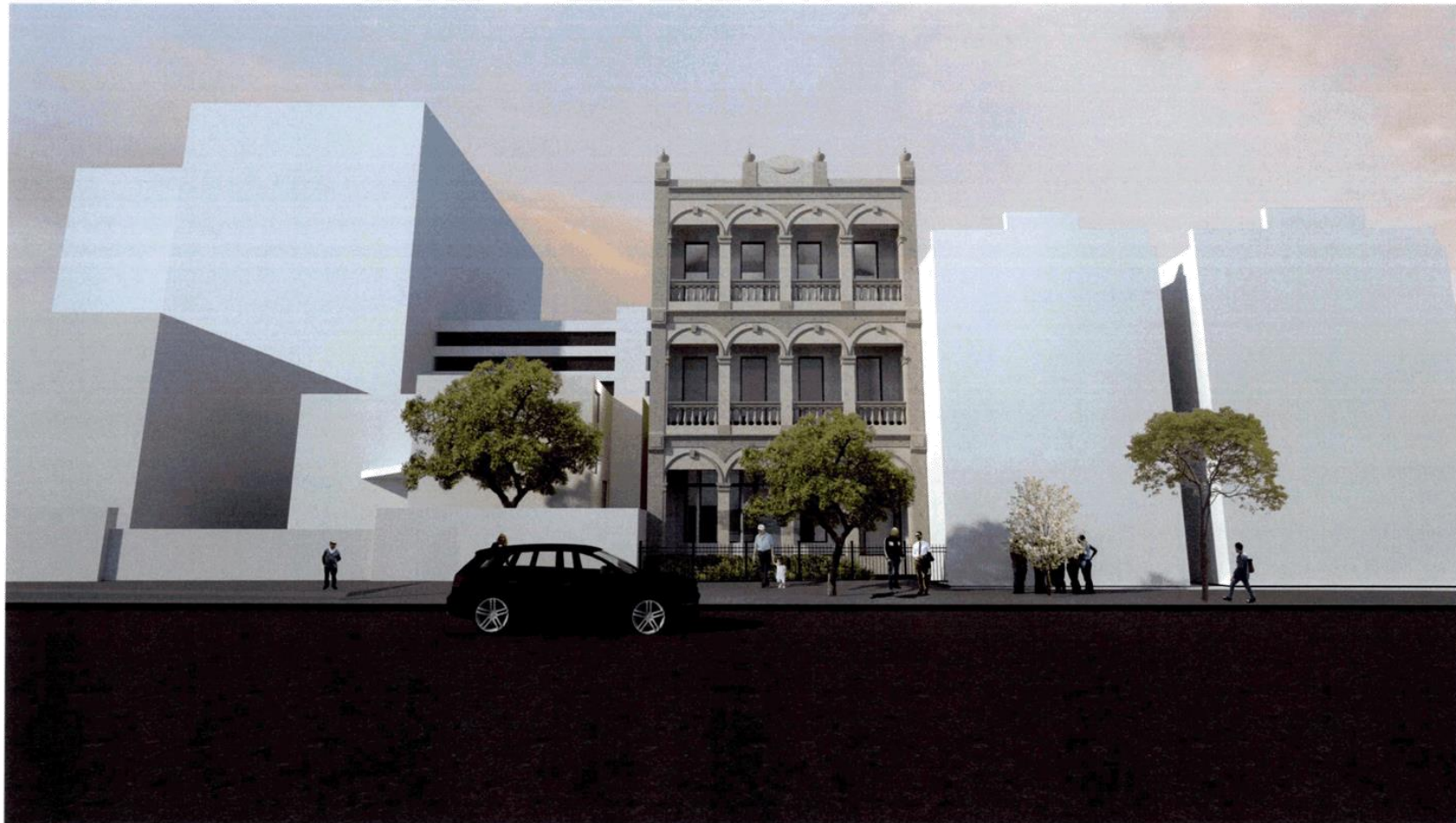
11 Brunswick Street, Fitzroy  
MIXED USE DEVELOPMENT

16025 / 2.02



**Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3**

PERSPECTIVE IMAGE



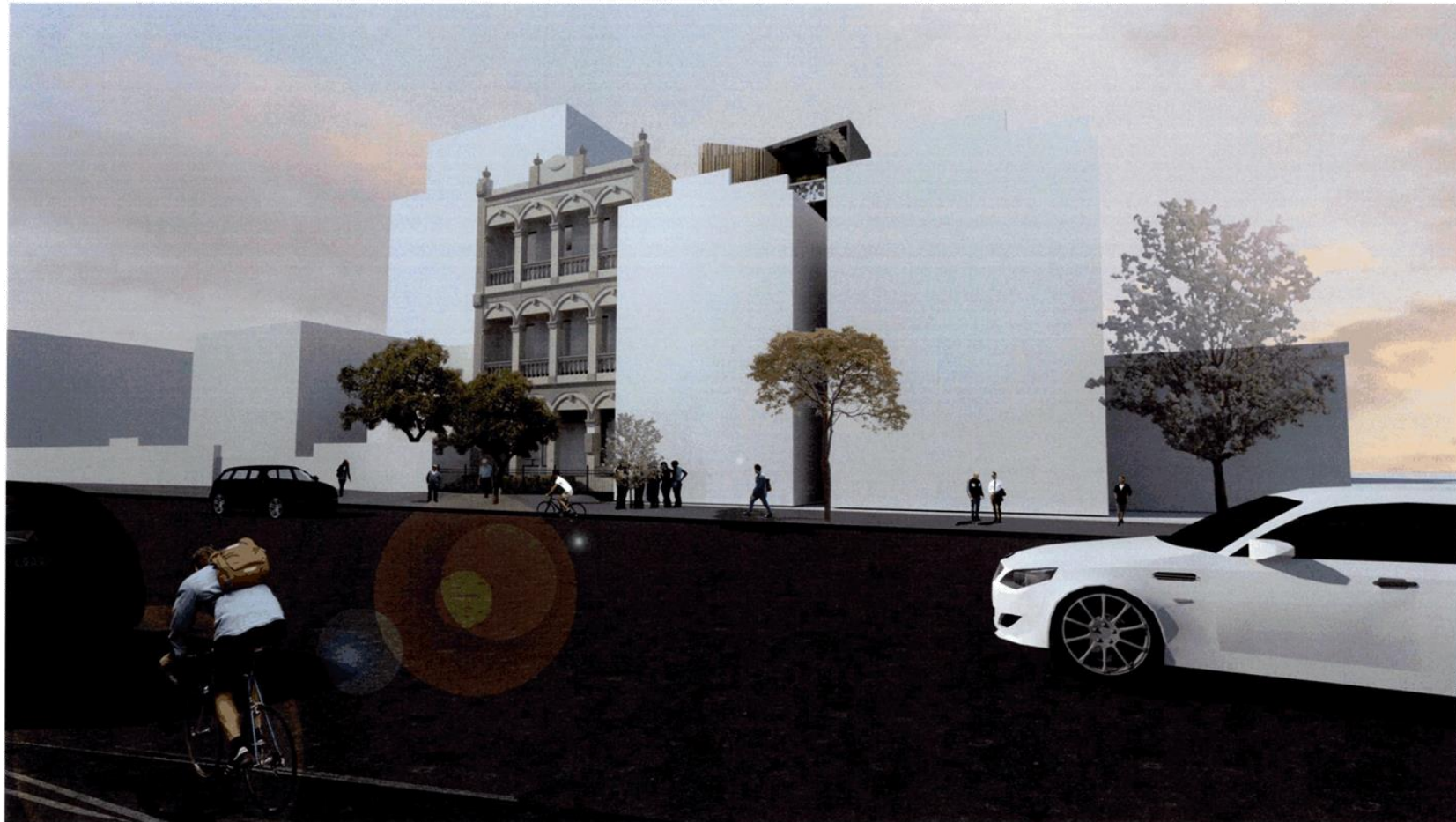
**11 Brunswick Street, Fitzroy**  
MIXED USE DEVELOPMENT

16025 / IM01



Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

PERSPECTIVE IMAGE

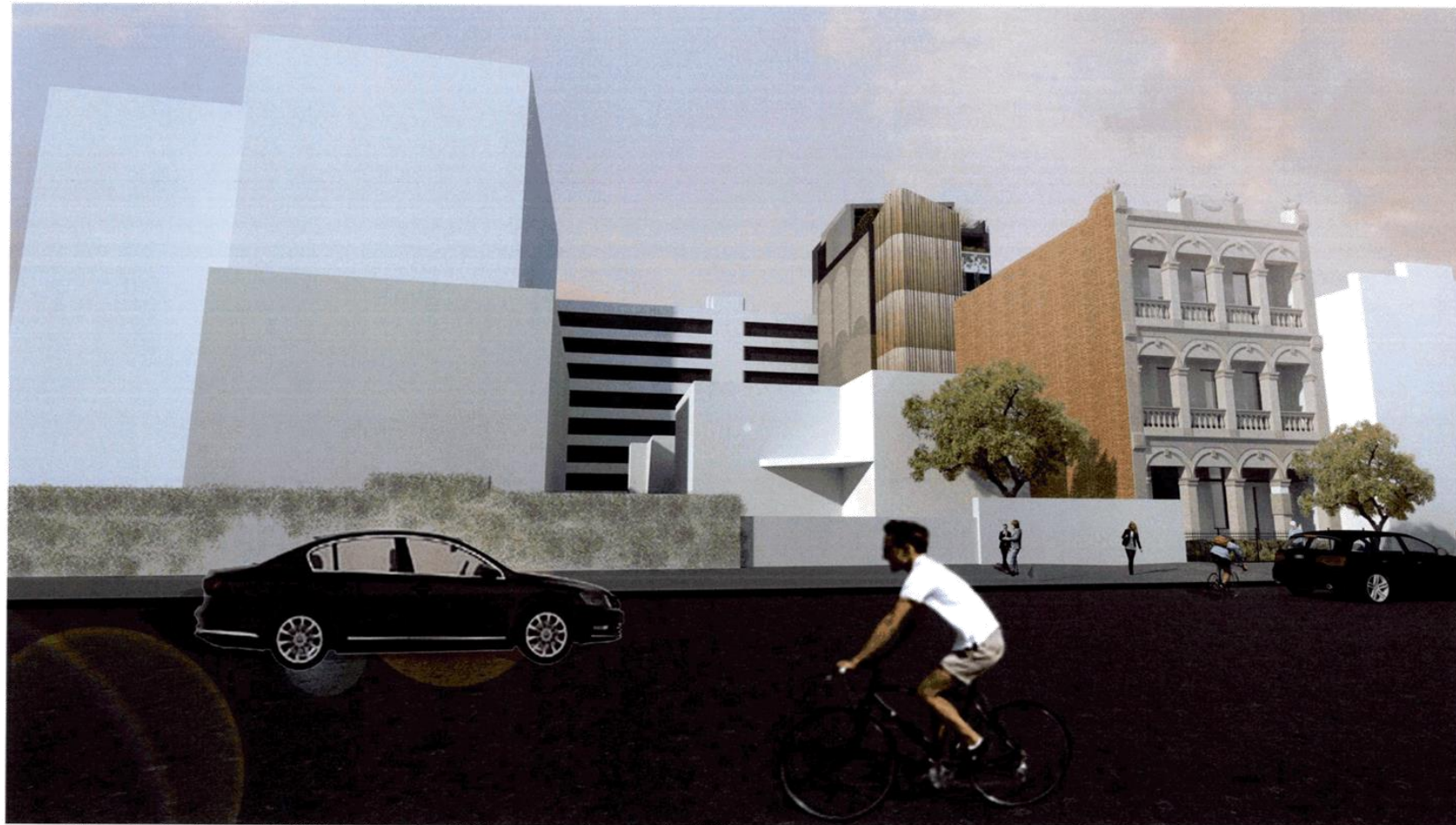


**11 Brunswick Street, Fitzroy**  
MIXED USE DEVELOPMENT

16025 / IM02

Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

PERSPECTIVE IMAGE



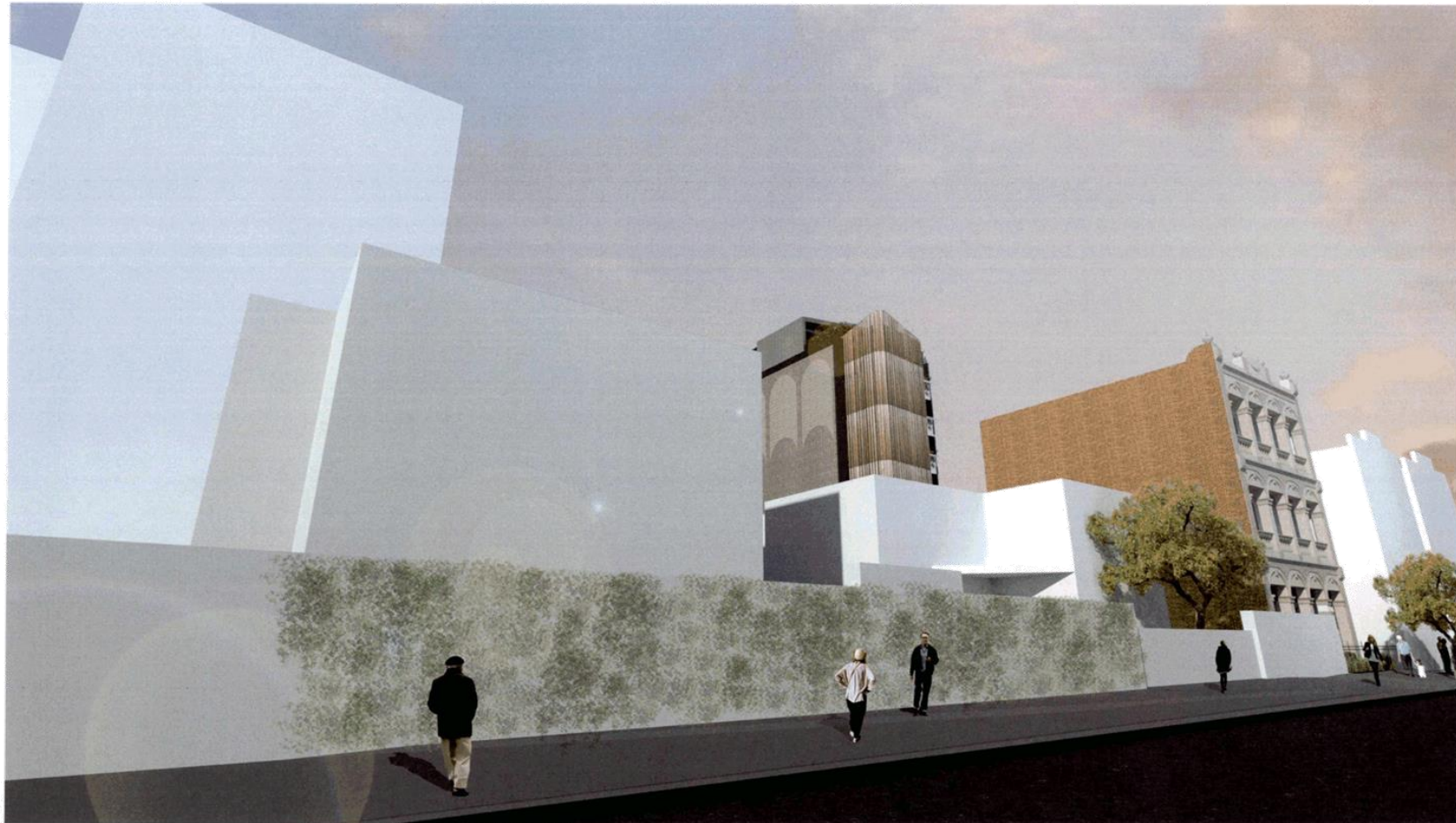
11 Brunswick Street, Fitzroy  
MIXED USE DEVELOPMENT

16025 / IM03



Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3

PERSPECTIVE IMAGE

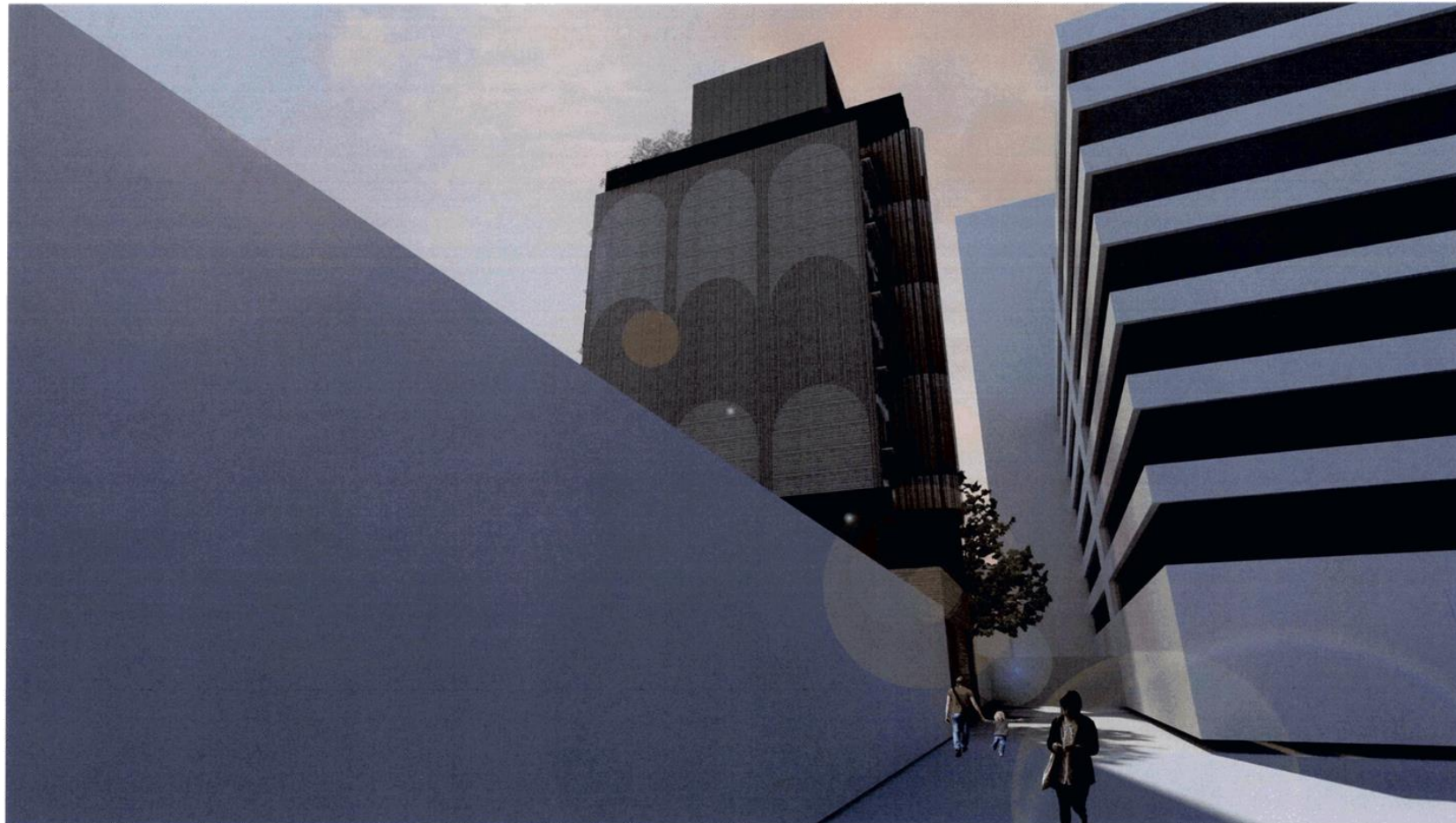


**11 Brunswick Street, Fitzroy**  
MIXED USE DEVELOPMENT

16025 / IM04

**Attachment 7 - PLN17/0694 – 11 Brunswick Street Fitzroy - Advertising S52 - Plans Part 3**

PERSPECTIVE IMAGE



**11 Brunswick Street, Fitzroy**  
MIXED USE DEVELOPMENT

16025 / IM05

---

**1.2 18 Clark Street, Richmond - Planning Application No. PLN17/0542 - Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.**

---

**Executive Summary**

**Purpose**

1. This report provides Council with an assessment of Planning Application no. PLN17/0542 at 18 Clark Street, Richmond and recommends approval, subject to conditions.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 21.05 – Built Form;
  - (b) Clause 22.05 – Interface Uses Policy;
  - (c) Clause 22.10 – Built Form and Design Policy;
  - (d) Clause 33.01 – Industrial 1 Zone; and
  - (e) Clause 52.06 – Car Parking.

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification;
  - (b) Built form;
  - (c) On-site amenity;
  - (d) Off-site amenity;
  - (e) Traffic, access, bicycle parking and car parking reductions;
  - (f) Waste management; and
  - (g) Objector concerns.

**Objector Concerns**

4. Eight (8) objections were received to the application that are summarised as:
  - (a) Out of keeping with neighbourhood character as a result of building height, bulk and lack of setbacks;
  - (b) Overshadowing and overlooking;
  - (c) Inadequate on-site parking and loading areas and traffic impacts on the broader area;
  - (d) Potential conversion of offices into dwellings;
  - (e) Damage to surrounding properties during the construction phase; and
  - (f) Office buildings inappropriate in Industrial 1 zones.

**Conclusion**

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

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



---

**1.2 18 Clark Street, Richmond - Planning Application No. PLN17/0542 - Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.**

---

Trim Record Number: D18/65383

Responsible Officer: Senior Coordinator Statutory Planning

**Proposal:** Development of the land for the use and construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme.

**Existing use:** Former warehouse

**Applicant:** Alistair Nancarrow – Claire Cousins Architects

**Zoning / Overlays:** Industrial 1 Zone / No overlays

**Date of Application:** 10 July 2017

**Application Number:** PLN17/0542

**Background**

1. The application before Council was lodged on the 10 July 2017. Following the submission of further information, the application was advertised and objections were received.
2. A consultation meeting was held on the 24<sup>th</sup> October 2017 and was attended by the applicant, objectors and planning officers. At the meeting, the Permit Applicant agreed to consider some screening to the windows. The Permit Applicant has since advised they would like to proceed based on the advertised plans.

**Existing Conditions**

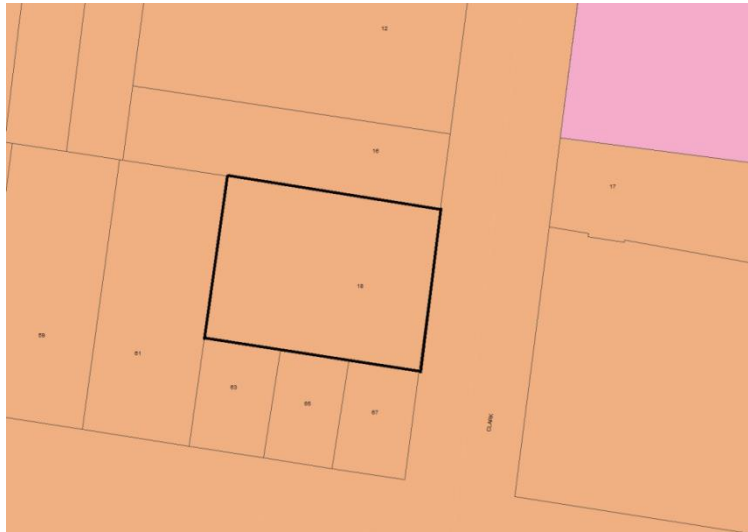
Subject Site

3. The subject site is located on the western side of Clark Street, between Appleton Street to the north and North Street to the south. The site is rectangular in shape having a frontage to Clark Street of 18.73, a depth of approximately 24.5m with an overall site area of 458.8sqm.



View looking north-west towards subject site from Clark Street (Subject site outlined in black).

4. The site is occupied by a single-storey, industrial building, built to all boundaries. The building is constructed of masonry with a saw-tooth roof form with a large open area used as a warehouse. Vehicle and pedestrian access are provided from Clark Street. This site is zoned Industrial 1 and is not covered by any overlays.



Subject Site outlined in black.

#### Surrounding Land

5. The area contains a range of businesses including light industry, manufacturing, warehousing and other commercial uses. The area comprises a mix of allotment sizes and building types ranging from industrial to warehouses, office and commercial reflecting the historic industrial nature of the area, including dwellings. The closest dwelling is located approximately 12.4m to the north-west; fronts onto Appleton Street to the north and is zoned Industrial 1 (i.e. no. 60 Appleton Street). Further dwellings are located to the west of this dwelling zoned Industrial 1 and the north-east approximately 25m from the subject site zoned General Residential (Schedule 3).



Subject site identified with a yellow outline

6. To the north of the subject site and extending across the full length of the northern boundary is a double-storey warehouse building of masonry construction. The building is built hard to the street and provides both vehicle and pedestrian access via a crossover to Clark Street.
7. To the west, the subject site has an abuttal with a double-storey building that extends across the full length of the boundary and is addressed to North Street to the south. The building is built hard to North Street and provides under-croft car parking for staff with separate vehicle access into the warehouse through a roller door.
8. To the south are three, double-storey commercial buildings, addressed to North Street that extend to the intersection of Clark and North Street to the east. The buildings are built hard to the street (with the side wall presenting to Clark Street) and are constructed of masonry at the ground floor and galvanised steel at the first floor. Vehicle and pedestrian access is generally provided to North Street, with the exception of a crossover at the north-east corner that provides vehicle access from Clark Street.
9. To the east is Clark Street and opposite that are single and double-storey, commercial buildings. Most of these buildings are built hard to the street with the exception of one building immediately opposite that has an open air, at grade car park accessed from Clark Street in its front setback. The buildings are generally used as offices with some light industrial and warehouse uses.
10. Beyond Clark Street are dwellings located along River Street and the Yarra River approximately 100m to the east. The Victoria Street and Bridge Road Major Activity Centres (MACs) are located 540m and 400m to the north and south, respectively and include a number of commercial uses as well as tram routes. The Victoria Gardens Shopping Centre, forming part of the Victoria Street MAC is located 380m north-west of the subject site.

## **The Proposal**

11. The application proposes to develop the site through the construction of a six-storey office building and a reduction in the car parking requirement. The key elements of the development can be summarised as follows:

### *Use*

12. Overall, the building would provide up to 1,143sq.m. of office floor area across five floors (i.e. first through to the fifth floor). The office would operate from 7.30am to 7.00pm - Monday to Friday with 16 office tenancies.
13. The building would contain the following:

### *Layout*

- (a) The retention of the southern and western on-boundary wall;
- (b) Vehicular access from Clark Street to 21 car spaces, located in a car stacker system at the ground floor, including 16 bicycle spaces also located at the ground floor;
- (c) A lobby, lift and stairwell in the north-east would provide pedestrian and staff access to the offices at the first through to the fifth floors;
- (d) Four office tenancies at the first and second floors, with service amenities and a communal outdoor deck at the first floor to the west of 26sq.m.;
- (e) Three office tenancies at the third and fourth floors with service amenities and outdoor areas to all sides at the third floor equating to a total of 115.3sq.m. of outdoor space;
- (f) Two office tenancies at the fifth floor with service amenities and a communal outdoor area at the north-west corner of 45.6sq.m.;

### *Building Massing*

- (g) A maximum building height of 23m high above the natural ground level to the highest point of the saw-tooth roof form with the building maintaining the on-boundary walls of the existing building to both western and southern boundaries;
- (h) The building would extend to all four boundaries at the first and second floors (with the exception of the setback of 4.58m for a length of 5.92m to the west at the second floor and an outdoor deck at the first floor);
- (i) From the third through to the fifth floors the building would be setback between 1.2m and 5.2m from the northern boundary; setback between 3.5m and 3.7m from the western (rear) boundary; setback 1.4m from the southern boundary; and setback between 3m and 3.49m from the eastern (front) boundary with the exception of decks / communal areas / balconies extending into these setbacks at the third and fifth floors;

#### *Materials and Finishes*

- (j) The walls of the ground through to the second floors of the building would be constructed of a combination of concrete panels, with the façade constructed of red masonry emphasised by horizontal framing elements across the first and second floors;
- (k) The third through to the fifth floors of the building would be constructed of red colourbond cladding and would support a saw-tooth roof form;
- (l) The building is articulated by fenestration across the façade, including at the upper levels of the building across the northern, western and eastern sides;

#### *ESD Features*

14. The development would incorporate the following ESD commitments:
  - (a) Exceed the minimum NCC energy efficiency standards;
  - (b) A STORM score of 100% that is reliant on 377sq.m. of roof draining to a 3,500 litre tank for toilet flushing and irrigation;
  - (c) Access to natural ventilation and daylight to most office spaces, through the deck areas and balconies / setbacks;
  - (d) A minimum 6 kWp solar PV array to contribute to electricity consumption;
  - (e) 16 bicycle spaces located at the ground floor; and
  - (f) Water efficient fixtures and taps.

### **Planning Scheme Provisions**

#### Zoning

#### *Clause 33.01 – Industrial 1 Zone*

15. Pursuant to Clause 33.01-1 of the Scheme:
  - (a) a planning permit is required for the use of the land for offices subject to the floor area not exceeding that specified in the schedule. In this instance there is none specified, therefore a planning permit is required.
16. Pursuant to Clause 33.01-4 (buildings and works) of the Scheme, a planning permit is required to construct a building or construct or carry out works.
17. Clause 33.01-4 of the Yarra Planning Scheme exempts an application for buildings and works from the notice requirements of Section 52 of the Planning and Environment Act, 1987 (the Act) if the works are not *within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre*. In this instance the buildings and works component was not exempt as the closest dwelling on land zoned residential (i.e. General Residential – Schedule 3) is approximately 25m to the north-east.

Overlays

18. The site is not covered by any overlays.

Particular Provisions*Clause 52.06 – Car parking*

19. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. A permit is required to reduce the number of car parking spaces required under this clause.
20. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.
21. The table below outlines the car parking requirements for the office use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	1,143sq.m. net floor area	3.5 car parking spaces per 100sq.m. of net floor area	40	21	19
<b>Total</b>			<b>40</b>	<b>21</b>	<b>19</b>

22. A total of 21 car spaces are proposed on site, therefore the application seeks a reduction of 19 car spaces.

*Clause 52.34 – Bicycle facilities*

23. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
24. The table below outlines the bicycle parking requirements for the proposed uses:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	1,143sq.m. net floor area	1 to each 300sq.m. net floor area (if the net floor area exceeds 1000sq.m.)	4	16	Surplus of 11
		1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000sq.m.)	1		

25. As indicated in the table above, the proposal would provide a surplus of 11 bicycle parking spaces above the requirements of this clause.

General Provisions



*Clause 65 – Decision Guidelines*

26. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. 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 13.04-1 – Noise abatement*

27. The objective under this clause is *'to assist the control of noise effects on sensitive land uses'*.

*Clause 15.01-1 – Urban Design*

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

*Clause 15.01-2 – Urban design principles*

29. Policy objective is *'to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*.

*Clause 15.01-4 – Design for safety*

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

*Clause 15.01-5 – Cultural identity and neighbourhood character*

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

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

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

33. The clause has the following strategies:

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

*Clause 15.03-2 - Aboriginal cultural heritage*

34. The objective of this clause is *'to ensure the protection and conservation of places of Aboriginal cultural heritage significance'*.

35. This clause has the following strategies:

- (a) *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme;*
- (b) *Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*
- (c) *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

36. Planning must consider as relevant:

- (a) *The Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage;*
- (b) *The findings and recommendations of the Aboriginal Heritage Council;*
- (c) *The findings and recommendations of the Victorian Heritage Council for post - contact Aboriginal heritage places where relevant.*

37. The subject site is located within 200m of the Yarra River as defined in Division 3 of the *Aboriginal Heritage Regulations 2007*. The permit applicant has indicated that the development of this site does not trigger the need for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

*Clause 17.01-1 – Business*

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

*Clause 18.02-2 – Cycling*

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

40. The clause includes several strategies to achieve this objective including requiring the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

*Clause 18.02-5 – Car parking*

41. The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located.

42. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

Local Planning Policy Framework (LPPF)

*Municipal Strategic Statement*

43. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

Relevant clauses are as follows:

*Clause 21.04-3 – Industry, office and commercial*

44. Within Yarra the volume of commercial and associated uses is so significant that they form clusters of interrelated activity. The commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base. The objective of this clause is to increase the number and diversity of local employment opportunities.

*Clause 21.05-2 – Urban design*

45. 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 21.05-3 – Built form character*

46. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.
- (a) The general objective of this clause is to maintain and strengthen the identified character of each type of identified built form within Yarra.
    - (i) *Strategy 23.1 - Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*

*Non Residential Areas*

- (b) *Objective 27 - To improve the interface of development with the street in non-residential areas.*

- (i) *Strategy 27.1 - Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes); and*
- (ii) *Strategy 27.2 Require new development to integrate with the public street system.*

*Clause 21.05-4 Public environment*

47. 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 21.06-3 – The road system and parking*

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

- (a) *To reduce the reliance on the private motor car; and*
- (b) *To reduce the impact of traffic.*

*Clause 21.07 – Environmental sustainability*

49. This clause seeks to promote ecologically sustainable development with the following strategies:

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

*Clause 21.08 – Neighbourhoods (North Richmond – area north of Bridge Road)*

50. Figure 22 – Built Form Character Map under clause 21.08 of the Scheme identifies the subject site as being located in a non-residential area which includes the objective to:

- (a) *Improve the interface of development with the street.*

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

51. Pursuant to Clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Business and Industrial Zones (amongst others). A relevant objective is *‘to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity’.*

*Clause 22.10 – Built Form and Design Policy*

52. Pursuant to Clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

- (a) *Setbacks and building heights;*
- (b) *Street and public space quality;*
- (c) *Environmental sustainability;*
- (d) *On-site amenity;*
- (e) *Off-site amenity;*
- (f) *Landscaping and fencing; and*
- (g) *Parking, traffic and access.*

53. The policy has the following objectives:

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Encourage environmentally sustainable development.*

#### *Clause 22.16 – Stormwater Management*

54. The objectives under this clause are:

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use*
- (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
- (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

#### *Clause 22.17 – Environmentally Sustainable Development*

55. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this policy.

56. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

### **Advertising**

57. The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* (the 'Act') by way of 295 letters sent to surrounding owners and occupiers and one notice displayed on site, at the Clark Street frontage.



58. A total of eight (8) objections were received and the grounds are summarised as follows:
- (a) Out of keeping with neighbourhood character as a result of building height, bulk and lack of setbacks;
  - (b) Overshadowing and overlooking;
  - (c) Inadequate on-site parking and loading areas and traffic impacts on the broader area;
  - (d) Potential conversion of offices into dwellings;
  - (e) Damage to surrounding properties during the construction phase; and
  - (f) Office buildings inappropriate in Industrial 1 zones.
59. A planning consultation meeting was held on the 24<sup>th</sup> October 2017 and was attended by the applicant, objectors and planning officers. There was no agreement reached at the meeting.

## Referrals

### External Referrals

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

### Internal Referrals

61. The application was referred to Council's Traffic Engineering Unit, Waste Management and ESD advisor. The comments are generally supportive but with several recommendations for changes. These comments have been included as attachments to this report.
62. The application was also referred to Council's Urban Design Unit who provided comments generally supportive of the development. These comments have been included as an attachment to this report.

## OFFICER ASSESSMENT

63. The primary considerations for this application are:

- (a) Strategic justification;
- (b) Land Use;
- (c) Built form;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Traffic, access, bicycle parking and car parking reductions;
- (g) Waste management; and
- (h) Objector concerns.

### Strategic justification

64. The subject site is located within an Industrial 1 Zone (IN1Z). The IN1Z has the objective *to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities*.
65. Under the zone, a planning permit is required for buildings and works, office use and reduction in the car parking requirement. In this instance there is strong strategic support for a development of the scale proposed over this site.
66. State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport to ensure efficient use of existing infrastructure.

67. The application proposes the construction of a six storey, office building on land which is currently underutilized in an area that can carry greater built form. The proposal is consistent with the purpose of the industrial zone and strategic intent for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities. In fact, the zone anticipates a much more intense use than an office, but given the site's location within close range to land zoned residential, it is considered that the office use is better suited given that it is of less risk to the amenity of the area.
68. Furthermore whilst not a strategic redevelopment site, the subject site has the characteristics of one whereby strategy 17.2 of Clause 21.05-2 (Urban Design) encourages development to be no more than 5-6 storeys unless as outlined earlier in the LPPF section. The building would be six storeys and hence, compliant with this policy.
69. The site is well connected to public transport infrastructure being in proximity to tram services along Victoria Street and Bridge Road, hence encouraging the use of alternative modes of transport to and from the site rather than reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*.
70. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy and direction under clauses 22.05 – *Interface uses* and 22.10 - *Built Form and Design Policy* of the Scheme also outline that consideration must be given to the design of the building and its interface with the surrounding area.

#### Land Use

71. In accordance with the purpose of the Industrial 1 zone including its decision guidelines at Clause 33.01-2 of the Scheme and the relevant State and Local Planning Policy Provisions, as outlined earlier, the proposed 'office' can be supported given that it:
  - (a) It will help support and broaden the mixed use function and economic viability of this precinct;
  - (b) It will provide employment opportunities as required by Objective 8 at Clause 21.04-3 of the Scheme;
  - (c) It will be surrounded by non-sensitive interfaces and uses that provide an appropriate buffer to other more sensitive land uses i.e. dwellings to the north-west but zoned Industrial 1, and dwellings to the north-east and zoned General Residential further complying with the decision guidelines at Clause 33.01-2;
  - (d) There will be no adverse overlooking opportunities given the proximity of the closest secluded area of private open space to a dwelling zoned Industrial 1 located approximately 12.4m north-west (i.e. outside the 9m radius);
  - (e) It would operate between 7.30am to 7.00pm, Monday to Friday (i.e. within typical commercial hours);
  - (f) Noise generated is expected to be limited to arriving and leaving staff and clients and will otherwise be contained within the site within typical daytime commercial hours. Due to the nature of the use and Industrial 1 zoned land to the north and west of the site that prohibit dwellings, it is expected that it will generate limited noise volumes / impacts and is compliant with policy at Clause 22.05 (Interface Uses policy) of the Scheme; and
  - (g) Generally in accordance with the policy guidelines at Clause 22.05-4.3, rubbish and recycling must be managed to ensure no adverse impact on surrounding land. Therefore, it is necessary that all rubbish is stored on site and concealed from external view, does not spill out onto the street reserves. These requirements will be addressed via standard conditions;
  - (h) Can be connected to readily available services and infrastructure; and
  - (i) Can be supported with regard to the traffic generated and the on-site parking provision as explored in greater detail later in this assessment.

### Built form

72. The development requires a planning permit under the provisions of the IN1Z, with the primary considerations being the decision guidelines at clause 33.01-4. 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* and 22.05 - *Interface uses policy*; 22.10 - *Built form and design policy*.
73. 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.
74. Consideration of the built form and design is assessed under the following headings with regard to the relevant decision guidelines of the IN1Z:

#### *Context*

75. The existing character of the surrounding area is predominantly one and two storeys in height with taller built forms interspersed (between three and four storeys i.e. along River Street and the south-west intersection of River and North Streets). Most commercial buildings are built hard to the street with limited, or no setbacks.
76. The direct interfaces to the subject site include hard-edged walls of two-storey commercial buildings to the north, south and west and single-storey commercial buildings on the opposite side of Clark Street. The subject site, together with land surrounding it, is zoned Industrial 1.
77. The subject site includes a single-storey commercial building that will be largely demolished (with the exception of the on-boundary walls to the west and south). While the proposed six-storey building would be taller than buildings immediately interfacing the site and in the broader areas, this is consistent with the strategic direction provided by policy in an area which is generally underutilised and has scope to be further developed with taller built form.
78. Clause 33.01-4 of the Scheme requires *a landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area*. However, surrounding land does not include landscaping and is generally hard edged. The proposal would provide a hard-edged building that is consistent with this character.
79. Given the site's industrial zoning combined with that immediately surrounding it, it is expected that higher built form would take place 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. While this may be the case, the site's context requires careful consideration with the built form objectives for its presentation, particularly to Clark Street.

#### *Height, scale and massing of the development*

80. It is important for any 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.
81. 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*.
82. Strategy 17.2 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*

83. Based on the policy above, the proposed development must be able to demonstrate specific benefits to gain policy support for a height which is more than six (6) storeys. At six storeys, the height for the proposed building can be supported given:

- (a) The proposed building would provide significant upper level setbacks from the third floor through to the fifth floor (between 3m and 3.4m from the eastern boundary) that combined with the side setbacks from both northern and southern boundaries would assist in the building providing an appropriate transition with the adjoining double-storey built forms. The ground floor through to second floor would provide a three-storey podium and would be emphasised by a framing element which responds to the adjacent two-storey buildings;
- (b) The development is considered of high architectural quality and in that regard responds to the design objectives at clause 15.01-2. The contemporary design is appropriate and responds well to this part of Richmond which is seeing growth in employment opportunities and built form;
- (c) Council's ESD advisor has commented that the application largely meets best practise standards for ESD outcomes, and any deficiencies outlined later in this assessment can be addressed by condition; and
- (d) The design detail and overall choice of materials are supported given the varied approach to the façade with the red masonry walls and delineating framing elements and recessive design at the upper levels with walls constructed of colourbond cladding.

84. With the above in mind, the proposal creates a façade that will be six-storeys with recessive upper levels to Clark Street and whilst greater in height than most surrounding buildings, the broader area is seeing substantial change in terms of taller built forms. It is considered that the design has been well considered in relation to its context, by providing a three-storey podium to the street with a wall height to 12.5m and hence an appropriate transition with surrounding two-storey built forms.

85. The three-storey podium would also reduce the development to a human scale when viewed from Clark Street. This is considered to achieve the policy direction under clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme which requires developments to provide pedestrian/human scaled designs at street level. It suffices to state that there is no reason to indicate that a three-storey podium effect is unacceptable in this particular instance, where there is policy direction for a more robust design approach and taller building. Council's Urban Designer provided comments of support in relation to the overall building height and the three-storey podium, but recommended a darker framing element to the podium. However a darker colour is unnecessary as the current colour already goes far enough to emphasise the podium.

86. Furthermore, the Tribunal (*Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004)) has previously stated:

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

87. The development would be developed to the northern, western and southern boundaries and while taller than adjoining built-forms, these sites are also zoned Industrial 1, and are not sensitive interfaces. Council's Urban Designer recommended that the precast concrete walls on the side boundaries (i.e. to the north and south of the development) that extend above the building heights of surrounding commercial buildings at the second floor should be textured where these are visible to the street to provide some further visual interest. The west-facing wall would be visible from the secluded area of private open space associated with a dwelling and should also be treated. As such, a condition will also address this.
88. Council's Urban Designer also recommended that the northern portion of the roof which is flat and caps the lift and stairwell shaft be redesigned to continue the saw-tooth profile. However, this small portion of flat roof also makes appropriate reference to the surrounding area and therefore is supported in its current form.
89. Overall, and subject to the conditions discussed, it is considered that the development is massed so that it appropriately references its surrounding context. The development would also use materials that include masonry with generous openings to the street and colourbond cladding with framing that are of a good quality. It is also worth highlighting that the subject site and properties within the Industrial 1 Zone are not covered by a Heritage Overlay and therefore the policy direction at clause 21.05 of the Scheme which calls for higher built form outcomes are not as tempered as other sections where a more curtailed approach is required (i.e. properties fronting onto Appleton Street, zoned Industrial 1, but in a Heritage Overlay).

#### *The Public Realm & Pedestrian spaces*

90. The opening at the ground floor of the eastern elevation combined with the extensive glazing at the first and second floors and communal areas at the third floor would substantially improve surveillance and activation of Clark Street. This outcome is encouraged as outlined as the policy direction at Clause 22.10-3.4 of the Scheme. The building is also designed with a recessive entry and lobby area at the ground floor that would also improve the level of interaction and pedestrian experience between the subject site and the street providing some weather protection.
91. Another concern raised by Council's Urban Designer related to the number of brick columns in front of the bicycle parking spaces at the ground floor, suggesting that the columns would get in the way of access. However, Council's engineers did not raise this as an issue.

#### *Landmarks, Views and Vistas*

92. 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. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the policy direction under clause 22.03-4 of the Scheme. The proposed building would not result in the loss of any significant view lines to landmarks.

#### *Light and Shade*



93. Due to the west-east orientation of the site the proposed development would result in overshadowing to Clark Street to the east, with most shadows cast over the roofs of adjoining built forms to the west and south. The shadows would extend to the eastern side of Clark Street in the afternoon and within the front setback of a commercial building opposite. This level of overshadowing is acceptable given the surrounding context of hard-edged built form and industrial zoning of land. Further, Clark Street runs north-south and will continue to receive adequate levels of light and solar access. It is also considered that shadowing from the development would not affect the usability of Clark Street.
94. It is also acceptable given that there will be no overshadowing of secluded private open space associated with any dwellings that are located to the north-west, north and north-east. This is because of the sites location, south of these more sensitive areas.

#### *Energy and Resource Efficiency*

95. The proposed development includes commitments to exceed the minimum BCA energy rating requirements by incorporating energy and water efficient appliances; through the provision of a water tank to reticulate stormwater in the toilet facilities and irrigation; installation of solar panels to contribute to energy consumption; and on-site bicycle parking. The design of the building also provides for good access to daylight and ventilation.
96. While outlining that project's commitments, Council's ESD advisor has recommended the following improvements :
- (a) Use of the entire available rooftop space for the provision of solar panels;
  - (b) At least a 70% recycling/reuse of construction and demolition waste;
  - (c) More extensive landscaping and ecological creation through green infrastructure;
  - (d) Provision composting or similar organic waste system;
  - (e) Consider using recycled materials and post-industrial components to the concrete mixes; and
  - (f) Consider energy storage.
97. While these specific points would provide improvements it is considered onerous to require these in light of the fact that the building is already designed to exceed the minimum BCA energy rating requirements as a whole.
98. A condition requiring an amended Sustainable Management Plan (SMP) will be included requiring the Water section that describes a 5,000 litre tank to be amended to reflect that of the plans and STORM report that indicate a 3,500 litre tank or the plans to show a 5,000 litre tank. A further condition will also require the terms used in the Materials section of the SMP to provide a clear commitment to materials with the deletion of the words "wherever possible", "avoided where possible" and "should be" as these terms are ambiguous and vague and not suitable for town planning submission.

#### *Site Coverage*

99. The proposal occupies 100% of the site area, resulting in the same level of site coverage as existing conditions.
100. Full site coverage is considered to be appropriate and consistent with the industrial character of the area that accommodates predominantly hard-edged built form with little or no areas of open space or landscaping.

#### *Architectural Quality*

101. The development subject to the conditions outlined within this assessment, is considered to be of high architectural quality and in that regard responds to the design objectives of clause 15.01-2 of the Scheme. The contemporary design is appropriate and responds well to this part of Richmond with the design offering a modern built form that revitalises the street frontage by activating with generously sized openings, including upper level communal areas. The development provides articulation and activation through the inclusion of windows / glazing and generous recesses to the entry and lobby area allowing for staff to congregate in and around the building, at the north-east corner.
102. Overall it is considered that the proposed development (subject to conditions) will provide appealing aesthetics and improve the building's interface to the street through an active and transparent frontage and use of good quality materials. A condition will also require the ongoing engagement of Claire Cousins Architects (or an architectural firm to the Council's satisfaction) to ensure that the level of architectural quality is maintained.

#### On-site amenity

103. In accordance with the design objectives of the On-site Amenity heading outlined in Clause 22.10 of the Scheme, the office building has been designed to include appropriate services for future users. In addition, the design incorporates a generous display of glazing that will provide daylight/solar access to staff. Each floor would be provided with service amenities and accessible to staff with lifts and a stairwell.
104. The proposed design response and site coverage negates the need for any significant landscaping or fencing, which is appropriate within the industrially zoned site context of Clark Street and provides bicycle parking in excess of the requirements at Clause 52.34 of the Scheme. The development would also provide 21 on-site car spaces.

#### Off-site amenity

105. The policy framework for external amenity considerations is contained within Clauses 22.10-3.8 – *Off-site amenity* and 22.05 - *Interface uses policy*, including Clause 33.01-4 – *Buildings and works* of the Scheme. Clause 22.10-3.8 - *Off-Site Amenity* outlines objectives and decision guidelines for considering whether a development has adequate regard to the site's context and surrounding pattern of development. Following is an assessment of the development against the potential off-site amenity impacts.
106. As previously outlined, the subject site is zoned Industrial 1 as is surrounding land to the north, south and west, including that on the opposite side of Clark Street. The closest land zoned residential is located approximately 16m to the north-east. Dwellings to the north-west and north fronting onto Appleton Street are zoned Industrial 1.
107. The appropriateness of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context, with the site being located on land zoned Industrial 1. With this in mind, the following assessment is provided:

#### *Noise*

108. Clause 22.05 – *Interface uses policy* of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.
109. The proposal is unlikely to result in unacceptable noise emissions given that the building would be used for offices. Furthermore, the majority of the office space is enclosed and the use will be restricted to accepted business operating hours, Monday to Friday only.
110. A condition will also require that the noise and emissions from plant equipment comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).

111. In light of the above it is considered unlikely that the use of the building would result in any unreasonable amenity impacts to the surrounding area, including on residential properties.

*Visual bulk and overlooking*

112. With the north, west and east interfaces with the subject site being to commercial buildings which are largely built to boundaries, the development would not be subject to unreasonable visual bulk impacts and would not result in unreasonable overlooking. In relation to overlooking, it is an accepted principle that overlooking only occurs between habitable rooms (i.e. bedrooms and living rooms) and private open space. The proposed development is for an office and does therefore not require any screening. Further, overlooking is tested to within a 9m radius at a 45 degree arc. In this instance, there are no secluded private open spaces within a 9m radius of the subject site with the bulk of the height of the proposed building facing onto roofed areas of adjoining commercial premises to the north, west and south.

*Overshadowing*

113. As discussed earlier in the report, the proposed development would increase the shadow impact into the public domain to the east only. There is no secluded area of private open space associated with any existing dwelling that would be impacted by the additional shadows cast.
114. The accepted principle in relation to shadowing is at the Equinox (September 22<sup>nd</sup>). The Permit Applicant's shadow diagrams show an additional impact on the eastern side of Clark Street at 3pm and in part, within the car park of a commercial property on the opposite side. All other shadows would fall over the roofs of adjoining commercial properties to the west and south, without impacting North Street further south. Given these non-sensitive interfaces and limited shadow impacts across Clark Street, the extent of additional shadow is acceptable.

Traffic, access, loading and car parking reductions

115. Clauses 18.02-5 - *Car parking*, 21.06 - *Transport*, and Clause 52.06 - *Car parking*, of the Scheme will be used to frame this car parking assessment for the proposed development.
116. Before a requirement for car parking is reduced (including reduced to zero), the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to the requirements of Clause 52.06-6 of the Scheme. A car parking reduction is considered to be justified in this instance based on the above decision guidelines for the following reasons:

*Car parking demand*

117. Council's Traffic Engineering Unit has indicated that the proposed office would have a car parking provision rate of 1.23 spaces per 100sq.m. and have identified a similar development at No.9-11 Cremorne Street, Cremorne that was approved (i.e. planning permit no. PLN16/0171) with an on-site provision of 0.85sq.m. per 100sq.m. with an office floor area of 2,329sq.m.
118. Council's Traffic Engineering Unit is satisfied with the office parking rate of 1.23 spaces per 100sq.m. for the proposed development (that equates to a requirement of 14 car spaces for 1,143sq.m.) given the site's accessibility to public transport services.

*The availability of car parking in the surrounding area*

119. A Transport Impact Assessment was prepared by One Mild Grid traffic engineering and this accompanied the original application. On observation, One Mile Grid concluded that there is little spare car parking availability in the surrounding streets.
120. According to One Mile Grid, the proposed onsite car spaces would meet the long term parking demands of the office. Council's Traffic Engineering Unit is also satisfied with these findings and has supported a reduction in the car parking requirement.  
*The availability of public transport in the locality and convenient access*
121. The subject site is well connected to public transport being closely located to the Victoria Street and Bridge Road MACs that include a number of commercial uses as well as tram routes.
122. These public transport services are all in walking distance of the subject site (i.e. 500m) and provide viable transport options. Reducing the rate of car parking provided for an office use based on the surrounding transport options is also generally in line with the policy direction under clause 21.03 – *Vision (Transport)* which states that in the City Of Yarra in 2020, *most people will walk, cycle or use public transport for the journey to work.*

*State and Local Policy consideration*

123. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not encourage sustainable transport options as outlined in clauses 18.02 and 21.06 of the Scheme.

*Traffic and local amenity*

124. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion.
125. The findings of the level of traffic generated by the proposed development within the traffic report were reviewed by Council's Engineer who responded favourably.
126. In conclusion, and with the above in mind, the reduction in the car parking requirement being sought is considered appropriate for the following reasons:
- (a) The subject site has good access to public transport facilities with established tram routes, and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources particularly along the Victoria Street and Bridge Road MACs.
  - (b) Employee or visitor permits will not be issued for the development, which will encourage employees to use alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with local policy such as Clause 21.06;
  - (c) Pressure on traffic and congestion is not exacerbated through the provision of more car spaces; and
  - (d) The level of traffic associated with the proposed development would be catered for by the existing road networks without unreasonable traffic impacts to the surrounding area.

*Car park design*

127. Clause 52.06-8 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

128. These details, along with the proposed ramp designs have been reviewed by Council's Traffic Engineering Unit who is satisfied with the layout of the car parking area. Council's Engineer has requested that the plans be revised to include the following details / dimensions that will be addressed with a condition:
- (a) The headroom clearance at the entrance of the car park;
  - (b) The aisle width from the stacker device to the southern wall;
  - (c) The installation of a bollard in the shared area near the accessible parking space;
  - (d) Details and specifications of the car stacker device; and
  - (e) Grades of the car park area.
129. A further condition will require all of the car spaces to be numbered on the plans for clarity.
130. Overall, the proposed reduction in car parking numbers and design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Traffic Engineering Unit.

*Bicycle parking*

131. The development would provide bicycle parking that exceeds the requirements of the Scheme. Council's ESD advisor is also supportive of this.

Waste management

132. The Waste Management Plan (WMP) has been reviewed by Council's Waste Management Unit who has provided comments of support.

Objector concerns

133. Objector concerns have been addressed within the body of this report. The following section provides a summary of the assessed outcomes discussed earlier:

*Out of keeping with neighbourhood character as a result of building height, bulk and lack of setbacks;*

- (a) The height, bulk and setbacks of the proposed building have been assessed as an appropriate response to the context of the subject site (discussed at paragraphs 80-89).

*Overshadowing and overlooking*

- (b) Overshadowing has been addressed at paragraphs 113 to 114 and overlooking has been discussed at paragraph 112.

*Inadequate on-site parking and loading areas and traffic impacts on the broader area*

- (c) Issues relating to car parking have been assessed earlier in this report under paragraphs 115 to 130 and found to achieve an acceptable outcome. There is no requirement under the Scheme for the provision of a loading bay onsite.

*Potential conversion of offices into dwellings*

- (d) The zoning of the land prohibits accommodation / dwellings.

*Damage to surrounding properties during the construction phase*

- (e) This is considered during the building permit stage and is not a planning consideration.



*Office buildings inappropriate in Industrial 1 zones.*

- (f) The zoning of the land does not prohibit the office use and is considered to be responsive to the decision guidelines of the zone as discussed at paragraph 71.

## **Conclusion**

134. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the zoning of the land and relevant Particular Provisions under the Yarra Planning Scheme as outlined in the above assessment and should therefore be approved, subject to conditions.

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0542 for the use and development of the land for the construction of a six-storey building for offices and a reduction in the associated car parking requirement of the Yarra Planning Scheme at 18 Clark 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 received by Council on 10 July 2017 but modified to show:
  - (a) a textured finish to the exposed walls at the second floor of the northern, western and southern elevations;
  - (b) the headroom clearance, grades and aisle widths of the car park, including the provision of a bollard near the accessible car parking space;
  - (c) all 21 car parking spaces numbered;
  - (d) floor plans to show only one vehicle crossover (ie. southern-most);
  - (e) wall and overall heights to be shown from ground level;
  - (f) location and correct water tank size (as required by condition 3); and
  - (g) details and specifications of the car stacker device.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by NJM design Consulting Engineers date 27 June 2017, but modified to include or show:
  - (a) the "Water" section that describes a 5,000 litre tank to be amended to reflect that of the plans and STORM report that indicate a 3,500 litre tank or vice versa; and
  - (b) the "Materials" section of the SMP to provide a clear commitment to materials with the deletion of the words "wherever possible", "avoided where possible" and "should be".

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

#### Waste Management Plan

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

#### Use

6. Except with the prior written consent of the Responsible Authority, the office authorised by this permit may only operate between the hours of Monday to Friday - 7.30am to 7.00pm.
7. The amenity of the area must not be detrimentally affected by the shop or office use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

8. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

#### Road Infrastructure

9. 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.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) 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 damage to Council infrastructure resulting from the development must be reinstated, including re-sheeting of the footpath for the entire width of the property:
  - (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 relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### Car parking

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
14. 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.

### Lighting

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

### General

16. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
18. As part of the ongoing progress and development of the site, Claire Cousins Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
19. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
20. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. 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.

22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### Construction Management

25. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to, :
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

#### Time expiry

26. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit;
- (c) the "office" use is not commenced within five years of the date of this permit.

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

#### Notes:

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

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

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

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

**All future employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.**

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



**Attachments**

- 1** Site location map - 18 Clark Street, Richmond
- 2** Site context, Materials schedule, Proposed ground, first, second and third floor plans.
- 3** Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.
- 4** Urban Design comments
- 5** Engineering comments
- 6** ESD Referral comments

**Attachment 1 - Site location map - 18 Clark Street, Richmond**

**SUBJECT LAND: 18 Clark Street, Richmond**



↑ North

## Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.

# CLARK STREET OFFICE

CLIENT: PROVANBUILT

DRAWING NO.	DRAWING NAME	REVISION
TP01	INDEX	A
TP02	MATERIALS BOARD	A
TP03	GREATER CONTEXT ANALYSIS	A
TP04	EXISTING SITE ANALYSIS PLAN	A
TP05	PROPOSED SITE ANALYSIS PLAN	A
TP06	SITE ANALYSIS PHOTO SURVEY	A
TP07	EXISTING GROUND FLOOR PLAN	A
TP08	PROPOSED SUB FLOOR PLAN	A
TP09	PROPOSED GROUND FLOOR PLAN	A
TP10	PROPOSED FIRST FLOOR PLAN	A
TP11	PROPOSED SECOND FLOOR PLAN	A
TP12	PROPOSED THIRD FLOOR PLAN	A
TP13	PROPOSED FOURTH FLOOR PLAN	A
TP14	PROPOSED FIFTH FLOOR PLAN	A
TP15	PROPOSED ROOF PLAN	A
TP16	EXISTING/ DEMOLITION ELEVATIONS	A
TP17	PROPOSED ELEVATION	A
TP18	PROPOSED ELEVATION	A
TP19	PROPOSED ELEVATION	A
TP20	PROPOSED ELEVATION	A
TP21	PROPOSED SECTION	A
TP22	PROPOSED SECTION	A
TP23	SHADOW DIAGRAMS	A
TP24	SHADOW DIAGRAMS	A
TP25	VISUALISATIONS	A

### CLARE COUSINS ARCHITECTS

28 Blackwood Street  
North Melbourne  
Victoria Australia 3041

03 9329 2888  
studio@clarecousins.com.au  
clarecousins.com.au

### TOWN PLANNING

REV	ISSUE DATE	BY	REASON FOR ISSUE
A	28/06/2017	AN	TOWN PLANNING


PROJECT  
**CLARK STREET OFFICE**  
18 CLARK STREET RICHMOND 3121








PROPOSAL  
**NEW SIX STOREY OFFICE BUILDING**

ALL WORKS TO BE CARRIED OUT TO AUSTRALIAN STANDARDS AND TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.

TITLE  
**INDEX**

SCALE AT A3 1:1	JOB NUMBER 472	DRAWN BY AN	DRAWING NO. TP01
--------------------	-------------------	----------------	---------------------

**Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.**

EXISTING FINISHES		PROPOSED FINISHES	
<p><b>BR-X</b> RED BRICKWORK TO BE DEMOLISHED</p>		<p><b>CN-1</b> CONCRETE FLOORING</p>	
<p><b>RF-X</b> CORRUGATED STEEL ROOF SHEETING TO BE DEMOLISHED</p>		<p><b>CN-2</b> PRE-CAST CONCRETE PANELS &amp; COMPONENTS</p>	
<p><b>GL-X</b> STEEL WINDOWS &amp; DOORS TO BE DEMOLISHED</p>		<p><b>RN-1</b> RENDERED CONCRETE FINISH</p>	<p><b>GL-1</b> RED ALUMINIUM FRAMED CLEAR GLAZED WINDOWS &amp; DOORS</p>
<p><b>CN-X</b> CONCRETE FLOORING TO BE DEMOLISHED</p>		<p><b>BR-1</b> FACE BRICKWORK</p>	<p><b>PC-1</b> RED POWDERCOATED STEEL TRIMS</p>
		<p><b>BR-2</b> RED BRICK FLOORING/ FACES</p>	

**CLARE COUSINS  
ARCHITECTS**  
26 Blackwood Street  
North Melbourne  
Victoria Australia 3061  
03 9329 2888  
studio@clarecousins.com.au  
clarecousins.com.au

**TOWN PLANNING**

REV	ISSUE DATE	BY	REASON FOR ISSUE
1	28/06/2017	AN	TOWN PLANNING

PROJECT  
**CLARK STREET OFFICE**  
18 CLARK STREET RICHMOND 3121

PROPOSAL  
**NEW SIX STOREY OFFICE BUILDING**

ALL WORKS TO BE CARRIED OUT TO AUSTRALIAN STANDARDS AND TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.

TITLE  
**MATERIALS BOARD**

SCALE AT A3	JOB NUMBER 472
ISSUE DATE 28/06/2017	DRAWN BY AN
	DRAWING NO. TP02

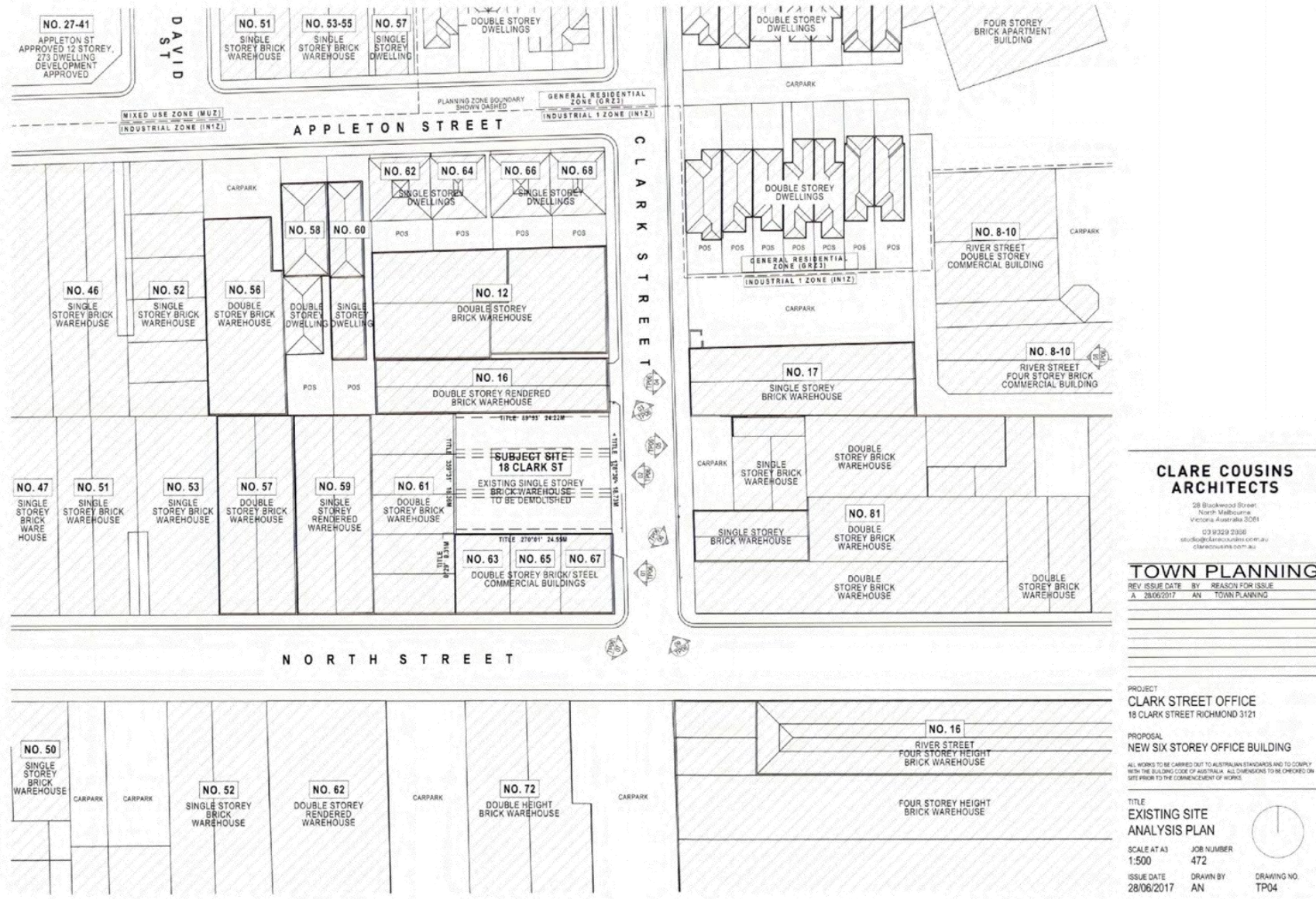


Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.



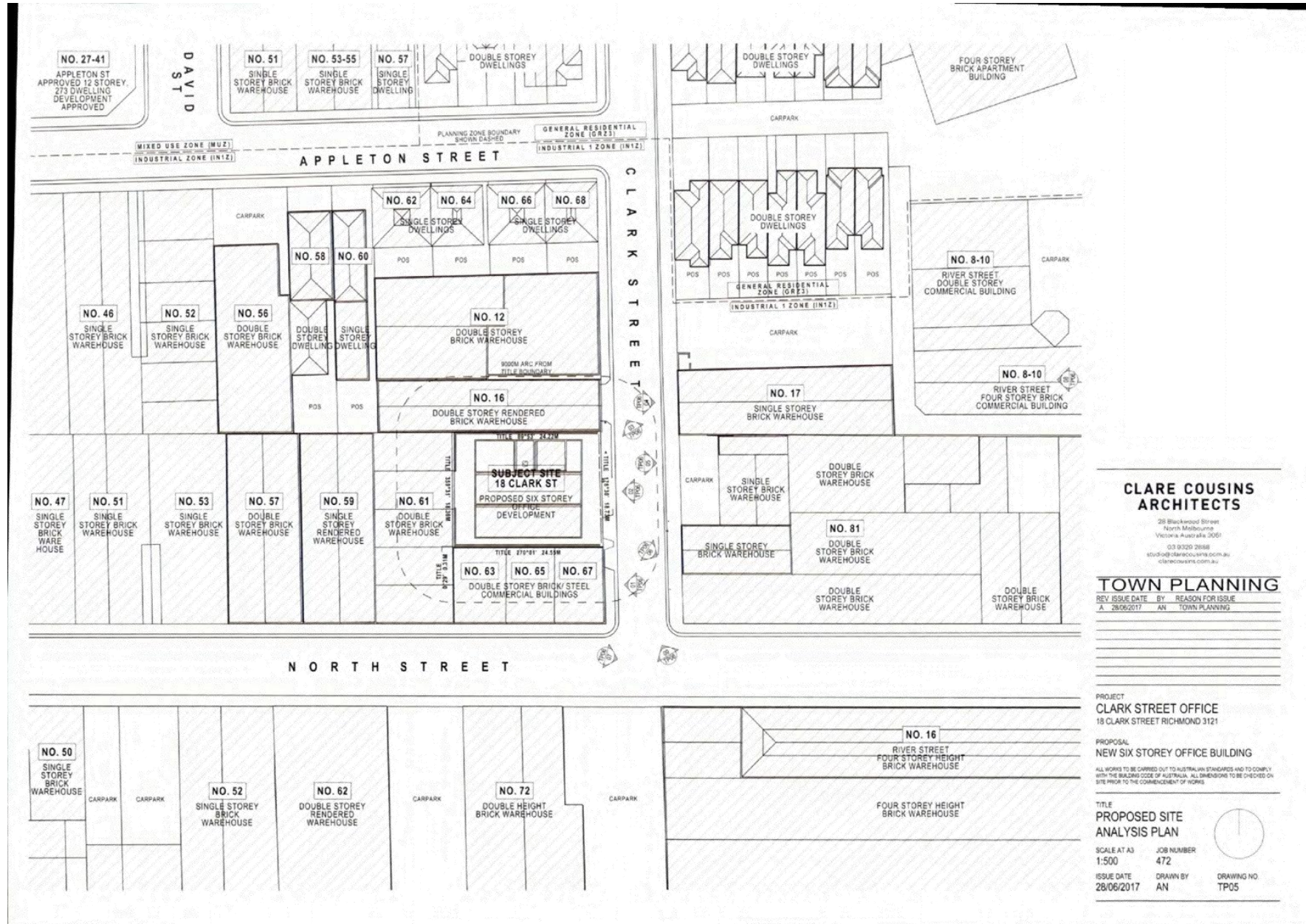


**Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.**





Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.





**Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.**



**NO. 67 NORTH STREET**  
ADJACENT DOUBLE STOREY WAREHOUSE BUILDING SOUTH OF THE SUBJECT SITE, CORNER NORTH & CLARK STREETS



**SUBJECT SITE - NO. 18 CLARK STREET**  
EXISTING SINGLE STOREY BRICK WAREHOUSE TO BE DEMOLISHED



**NO. 16 & 14 CLARK STREET**  
ADJACENT DOUBLE STOREY WAREHOUSE BUILDINGS NORTH OF THE SUBJECT SITE



**NO. 17 CLARK STREET**  
SINGLE STOREY BRICK WAREHOUSE OPPOSITE SUBJECT SITE



**NO. 81 NORTH STREET**  
SINGLE STOREY BRICK WAREHOUSE OPPOSITE SUBJECT SITE



**NO. 81 NORTH STREET**  
SINGLE STOREY BRICK WAREHOUSE OPPOSITE SUBJECT SITE, CORNER CLARK & NORTH STREETS



**NO. 16 RIVER STREET**  
VIEW FROM CORNER NORTH & CLARK STREET, LARGE MULTI-STOREY BRICK WAREHOUSE PROXIMATE TO THE SUBJECT SITE, CHARACTERISTIC OF DEVELOPMENT WITHIN THE IMMEDIATE CONTEXT



**NO. 8-10 RIVER STREET**  
FOUR STOREY COMMERCIAL DEVELOPMENT PROXIMATE TO THE SUBJECT SITE, CHARACTERISTIC OF DEVELOPMENT EAST & NORTH OF THE SUBJECT SITE



**CLARK ST STREETScape**  
VIEW OF CLARK STREET EASTERN STREETScape FROM NORTH STREET

**CLARE COUSINS ARCHITECTS**

28 Blackwood Street  
North Melbourne  
Victoria Australia 3010  
03 9329 3888  
studio@clarecousins.com.au  
clarecousins.com.au

**TOWN PLANNING**

REV	ISSUE DATE	BY	REASON FOR ISSUE
A	28/06/2017	AN	TOWN PLANNING


PROJECT  
**CLARK STREET OFFICE**  
18 CLARK STREET RICHMOND 3121

PROPOSAL  
**NEW SIX STOREY OFFICE BUILDING**

ALL WORKS TO BE CARRIED OUT TO AUSTRALIAN STANDARDS AND TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.

TITLE  
**SITE ANALYSIS  
PHOTO SURVEY**

SCALE AT A3  
1:8204.17

ISSUE DATE  
28/06/2017

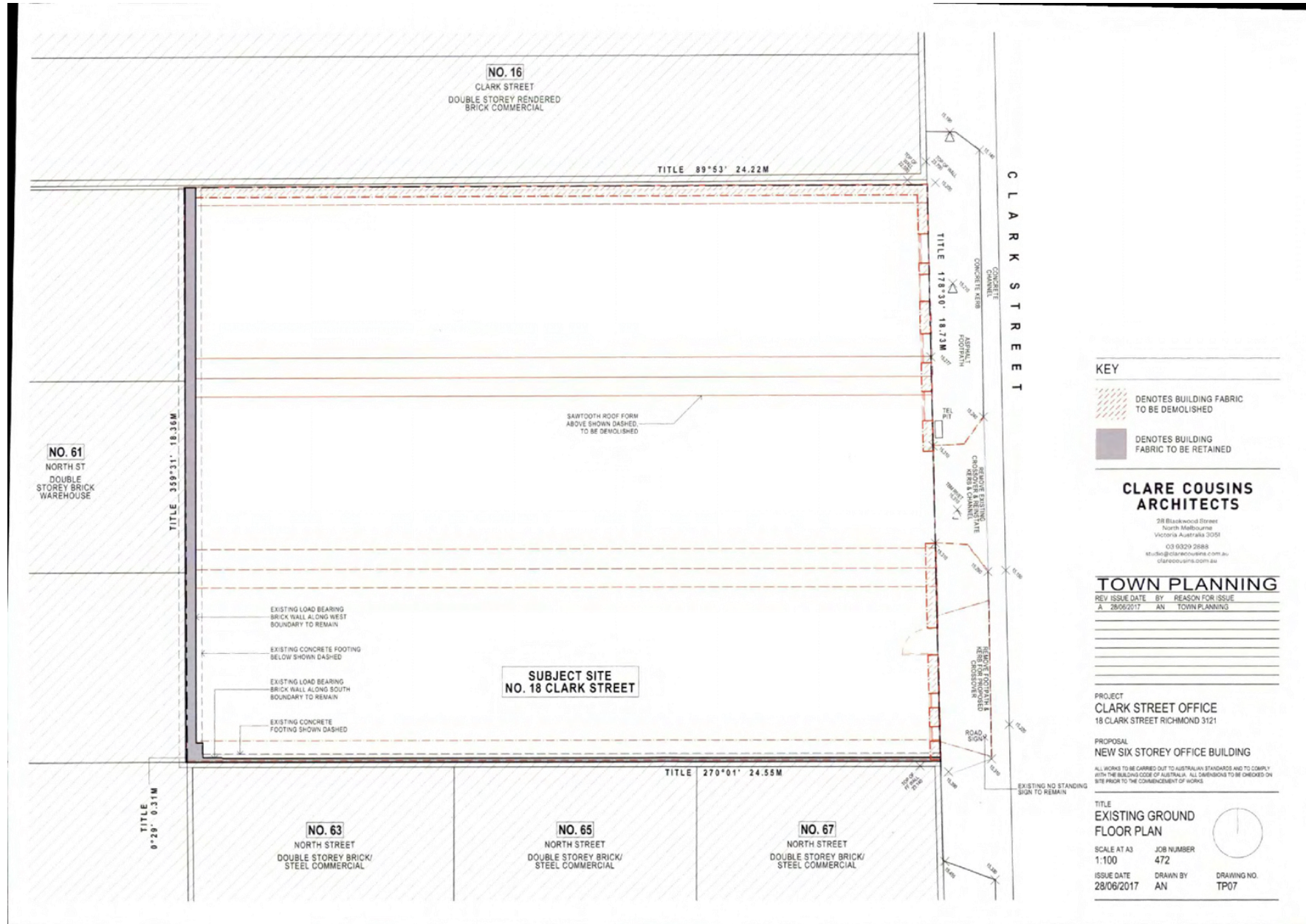
JOB NUMBER  
472

DRAWN BY  
AN

DRAWING NO.  
TP06

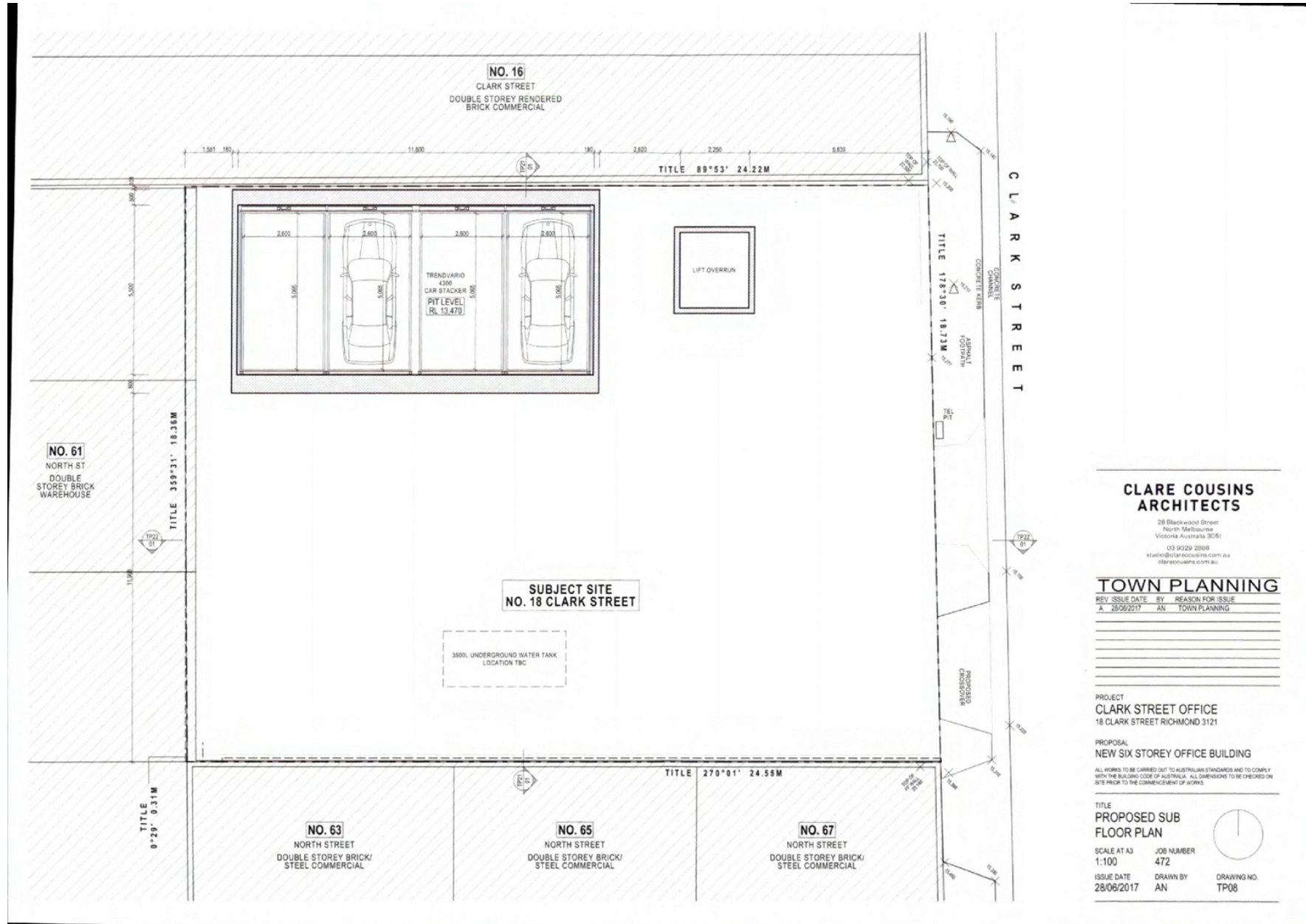


Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.

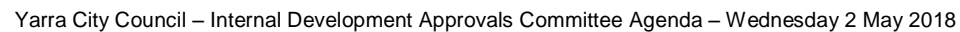




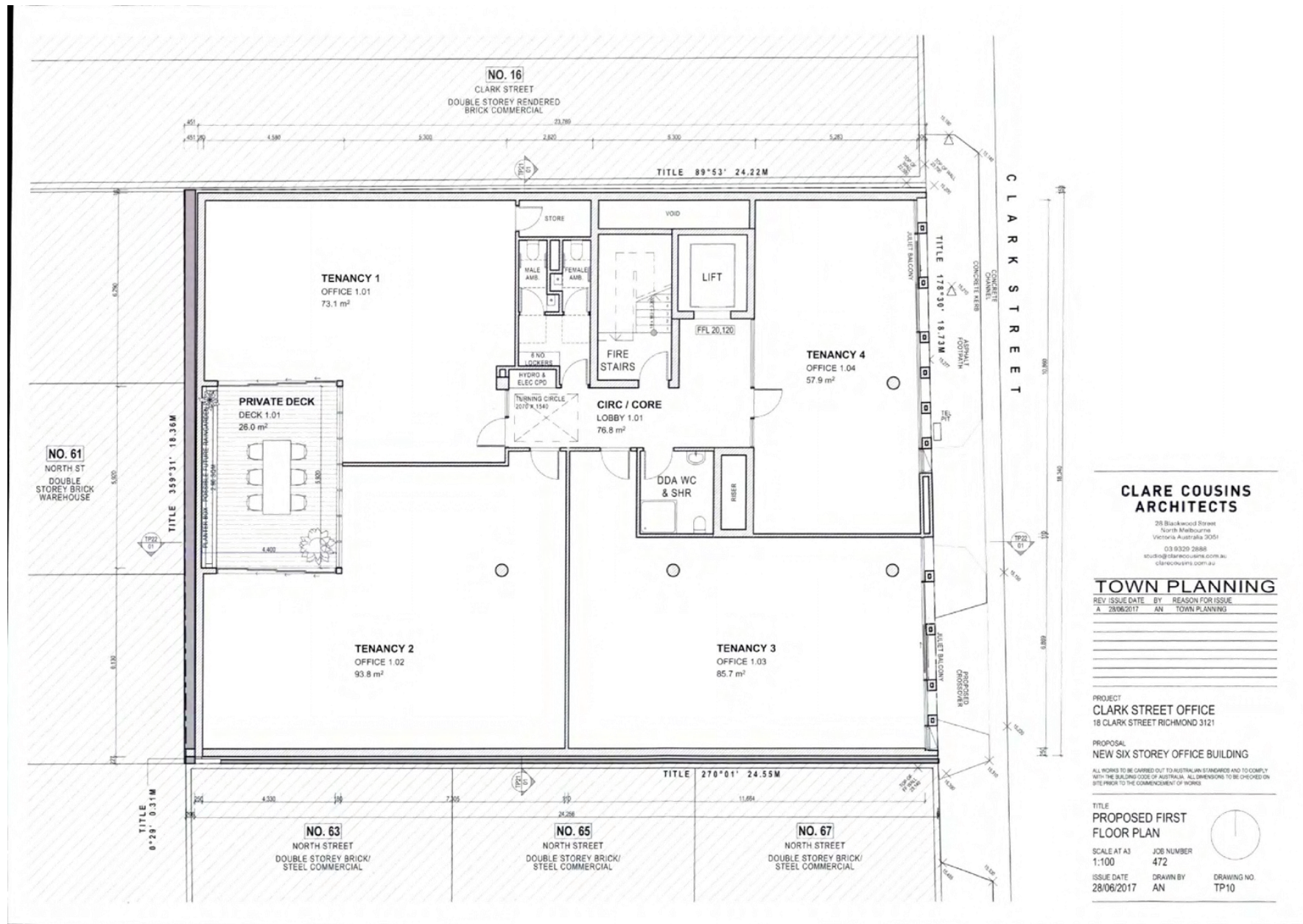
Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.





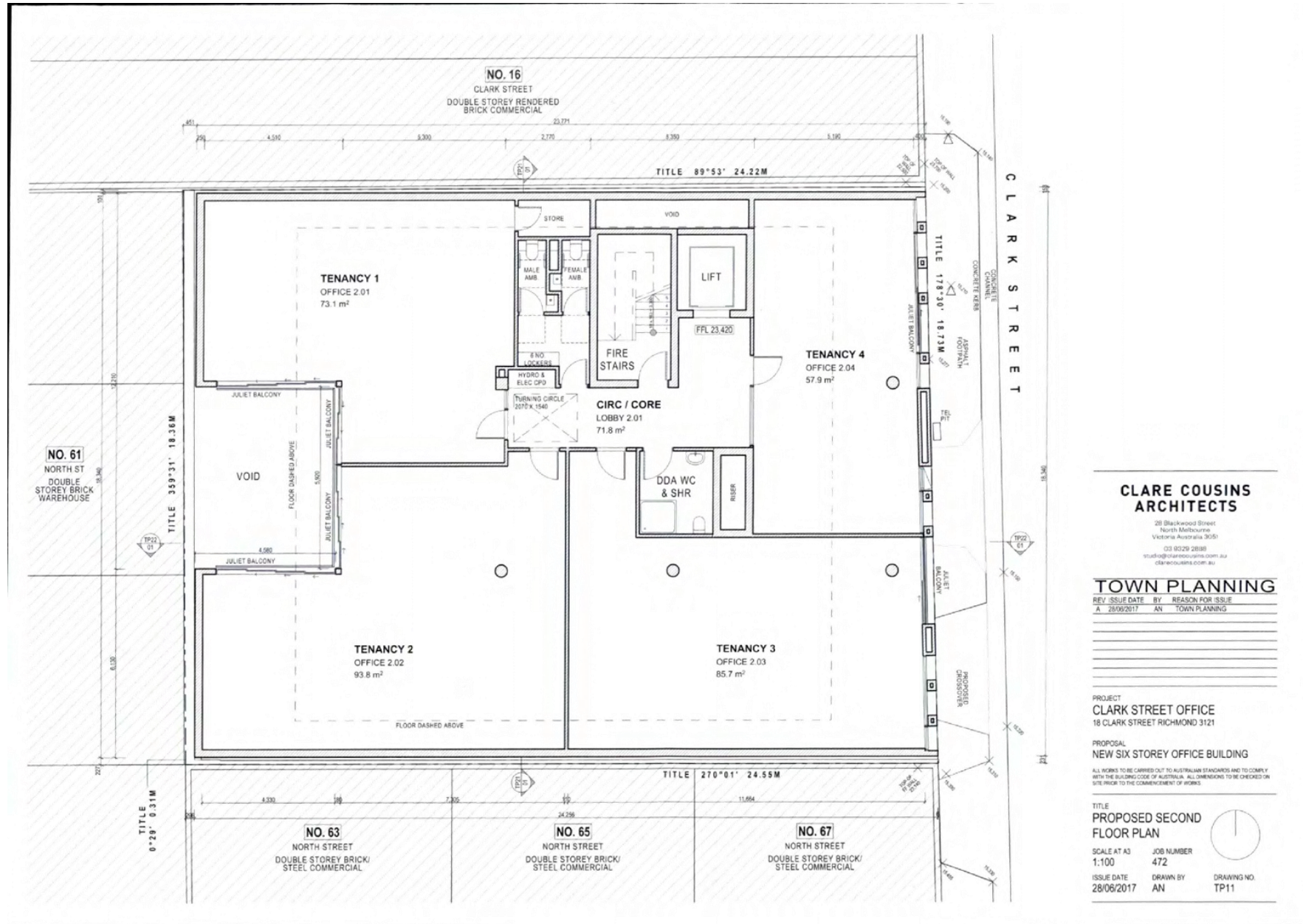


Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.

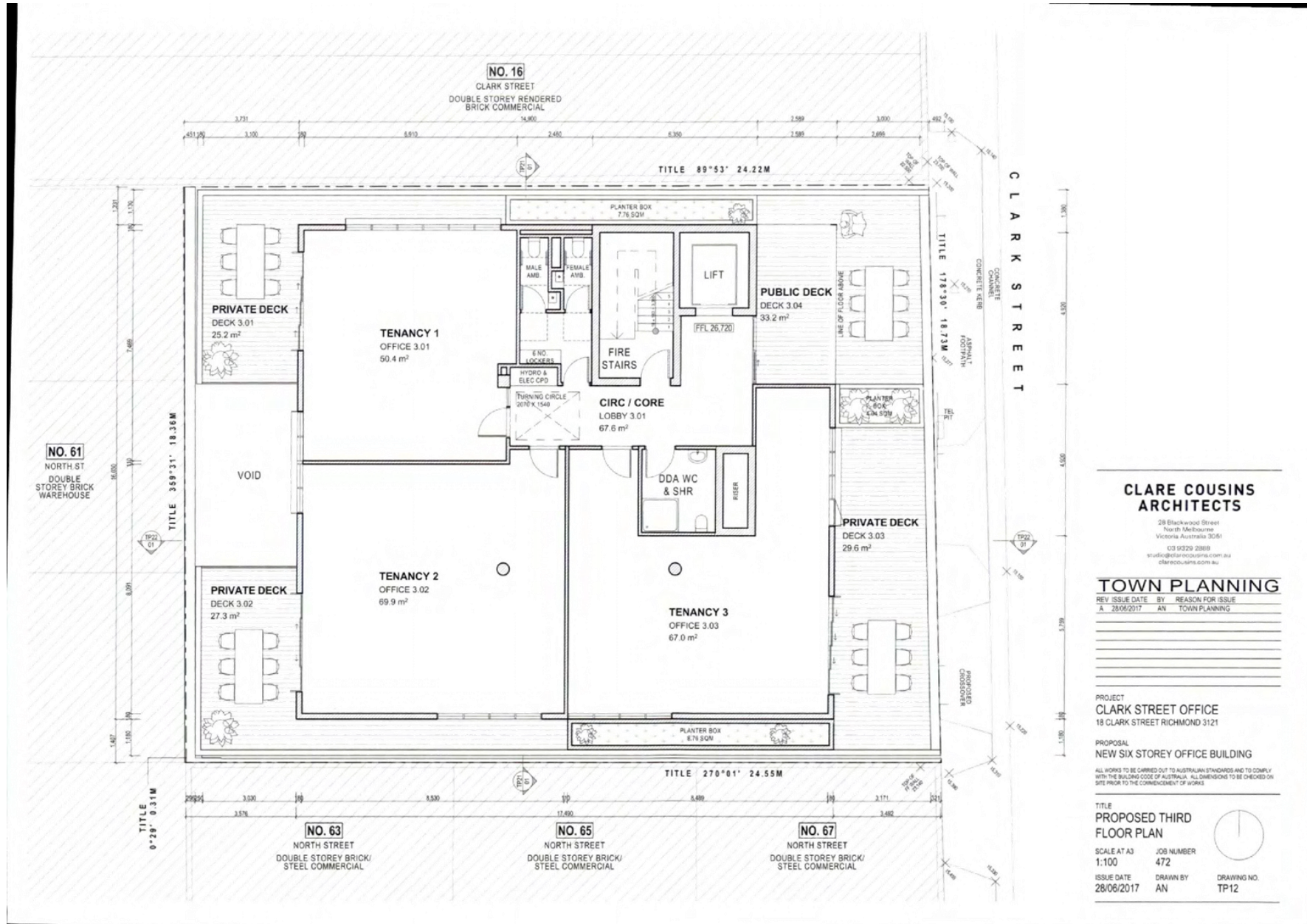




Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.

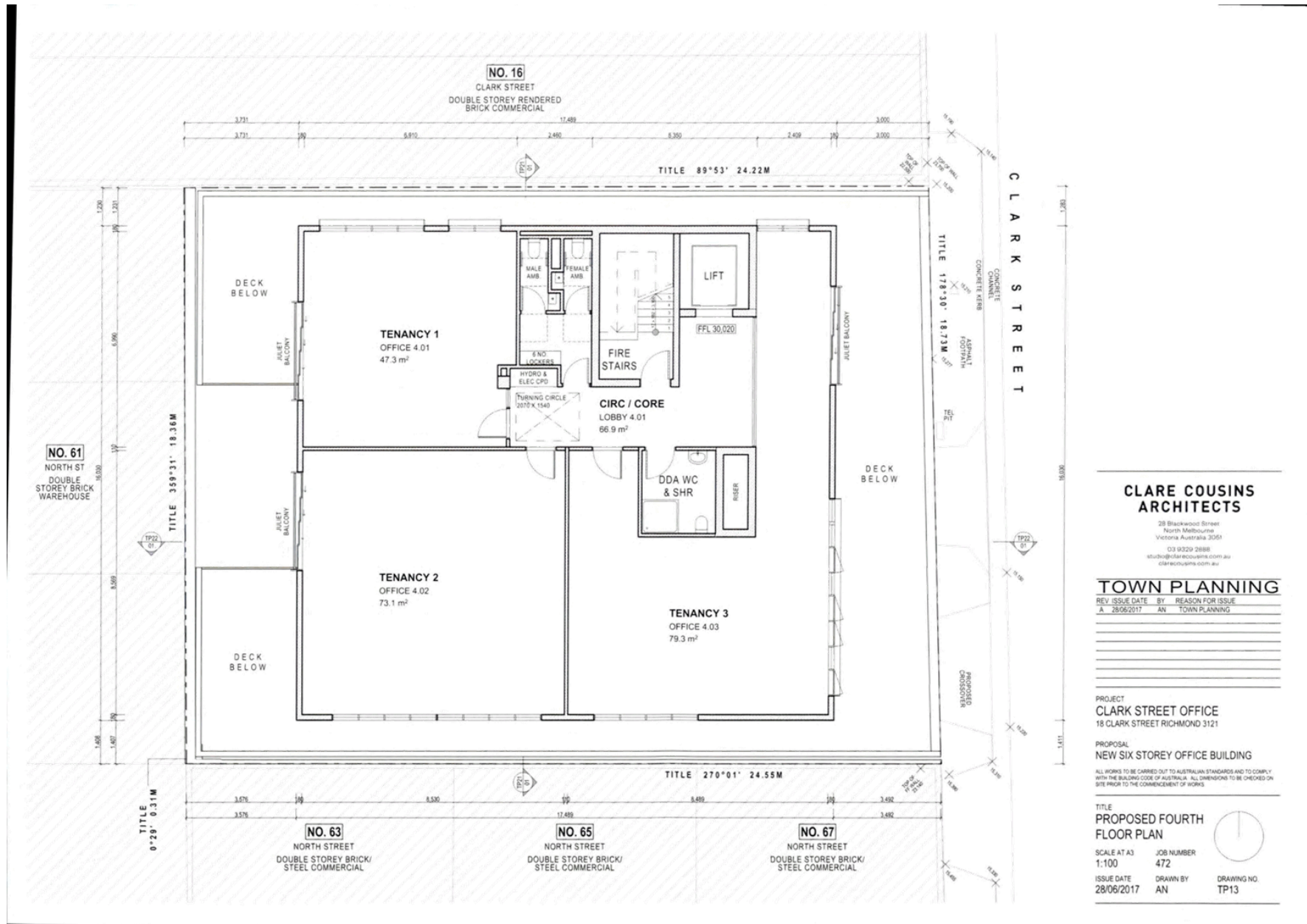


Attachment 2 - Site context, Materials schedule, Proposed ground, first, second and third floor plans.



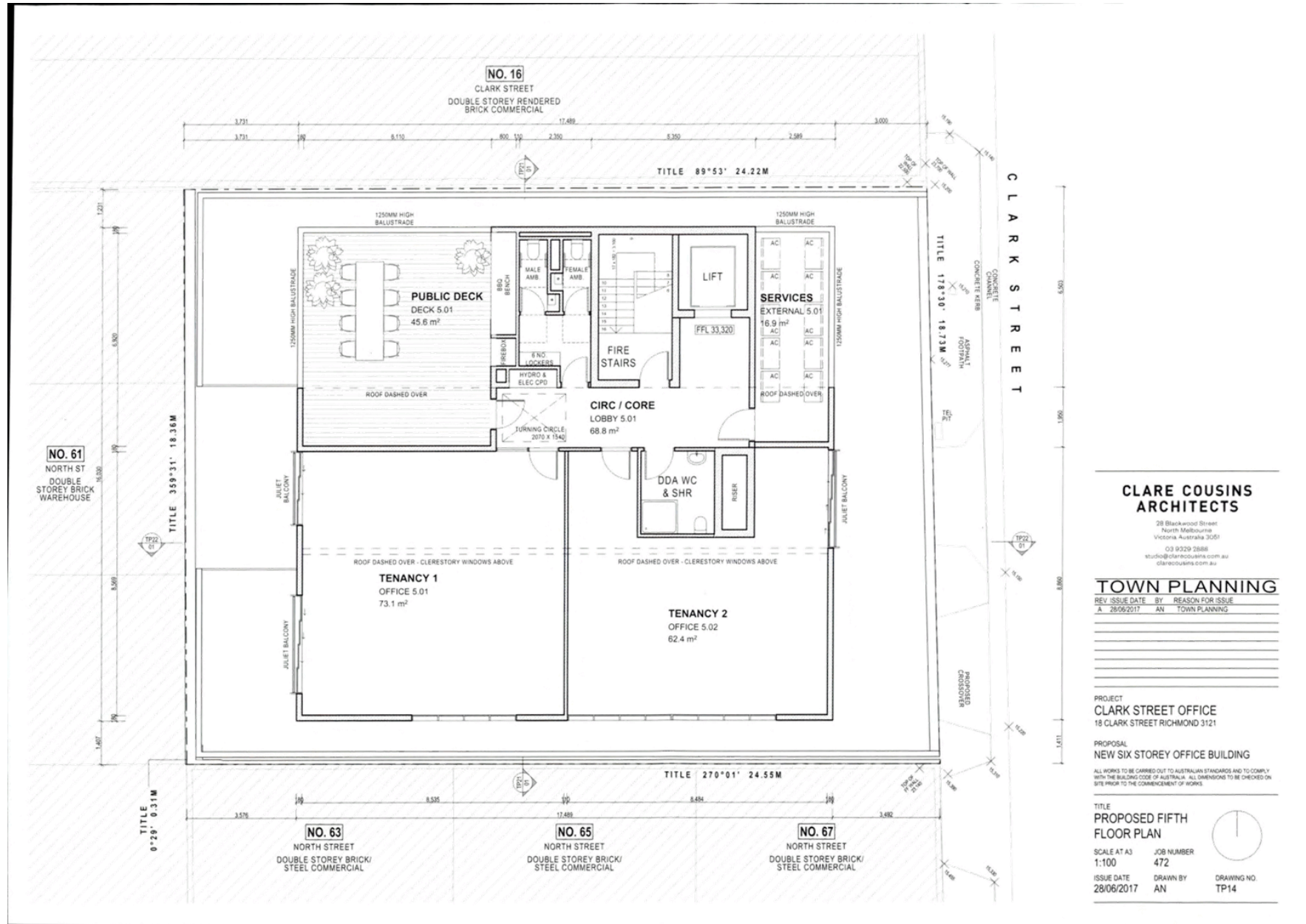


**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**

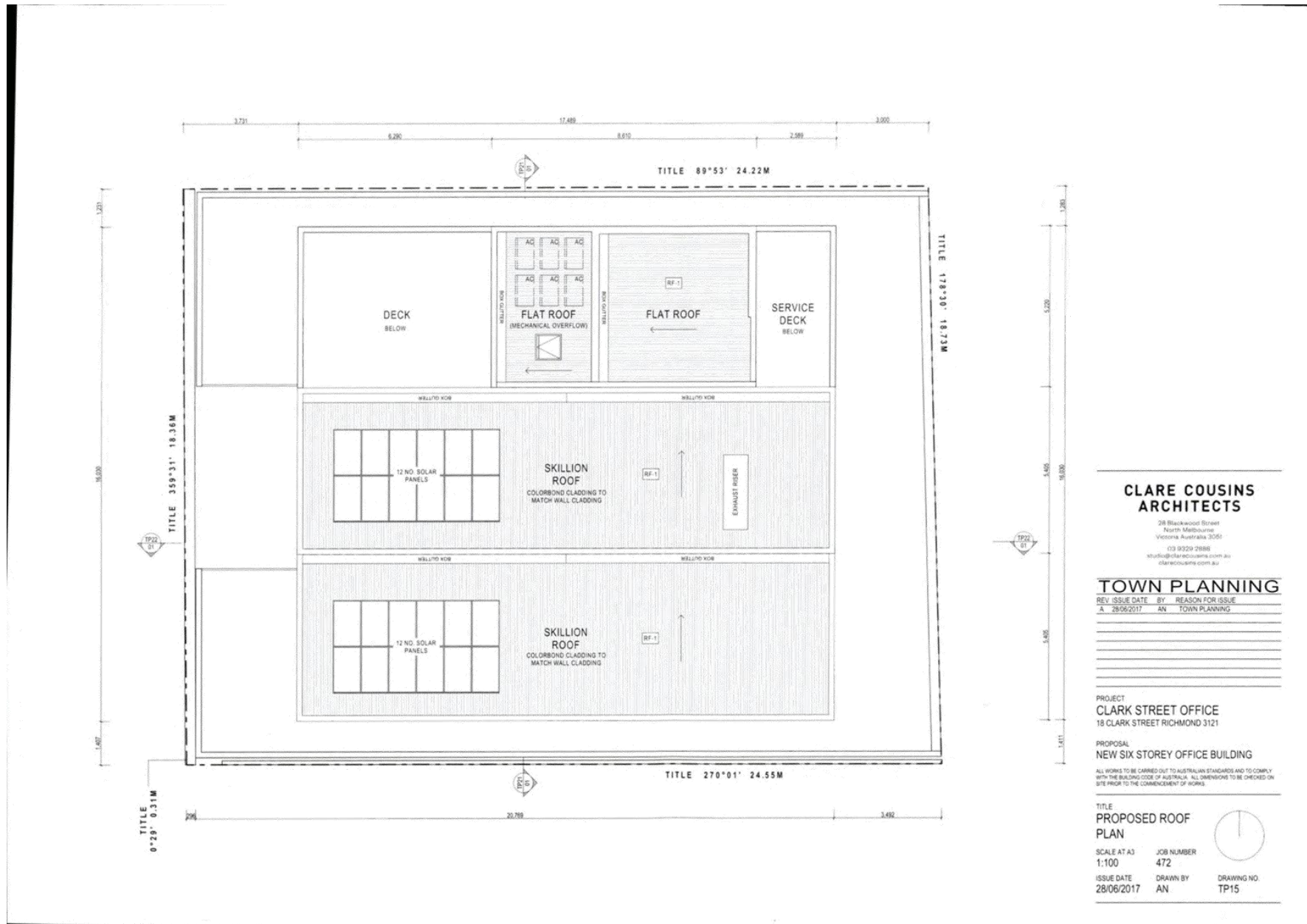




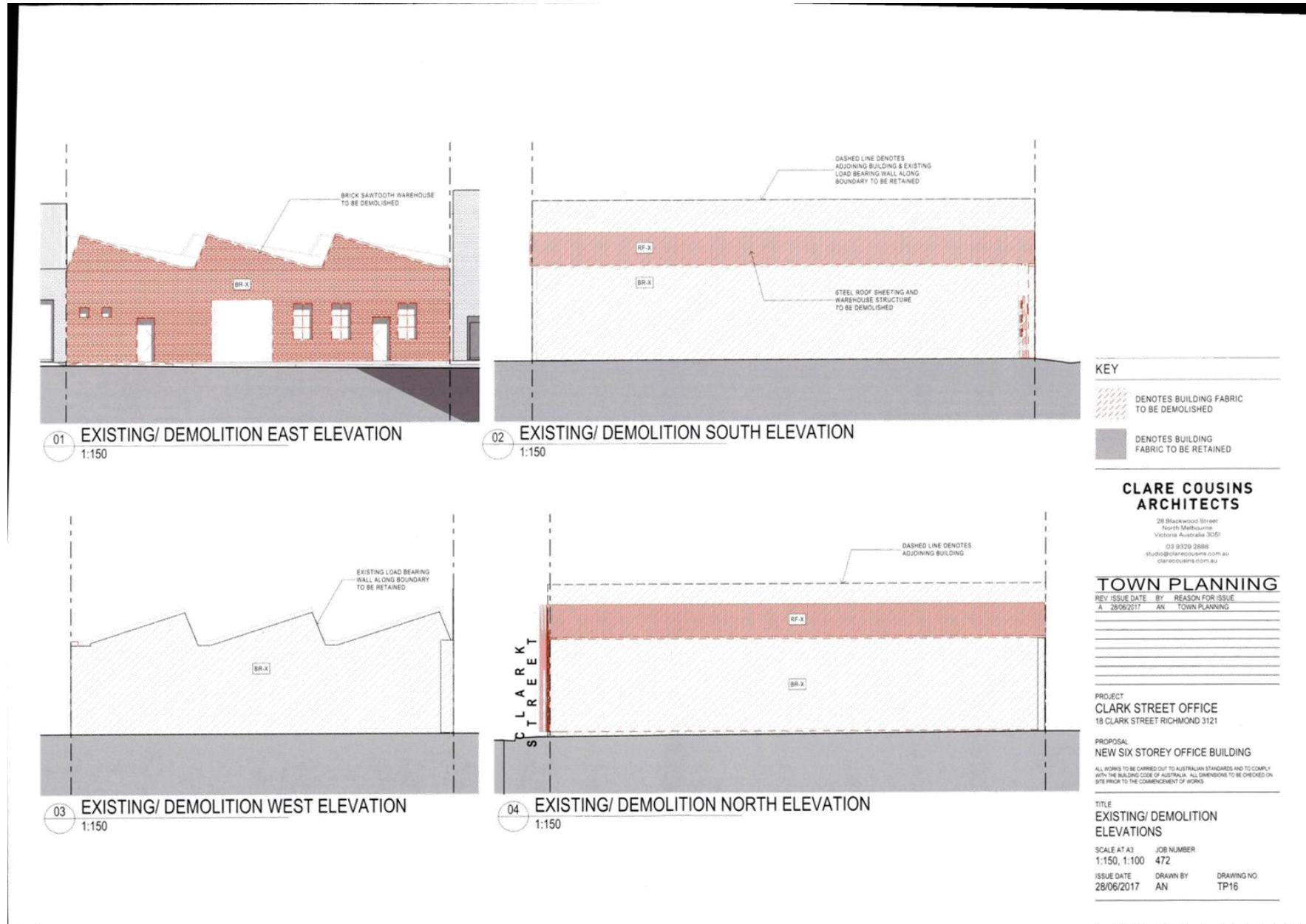
**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**



**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**



**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**

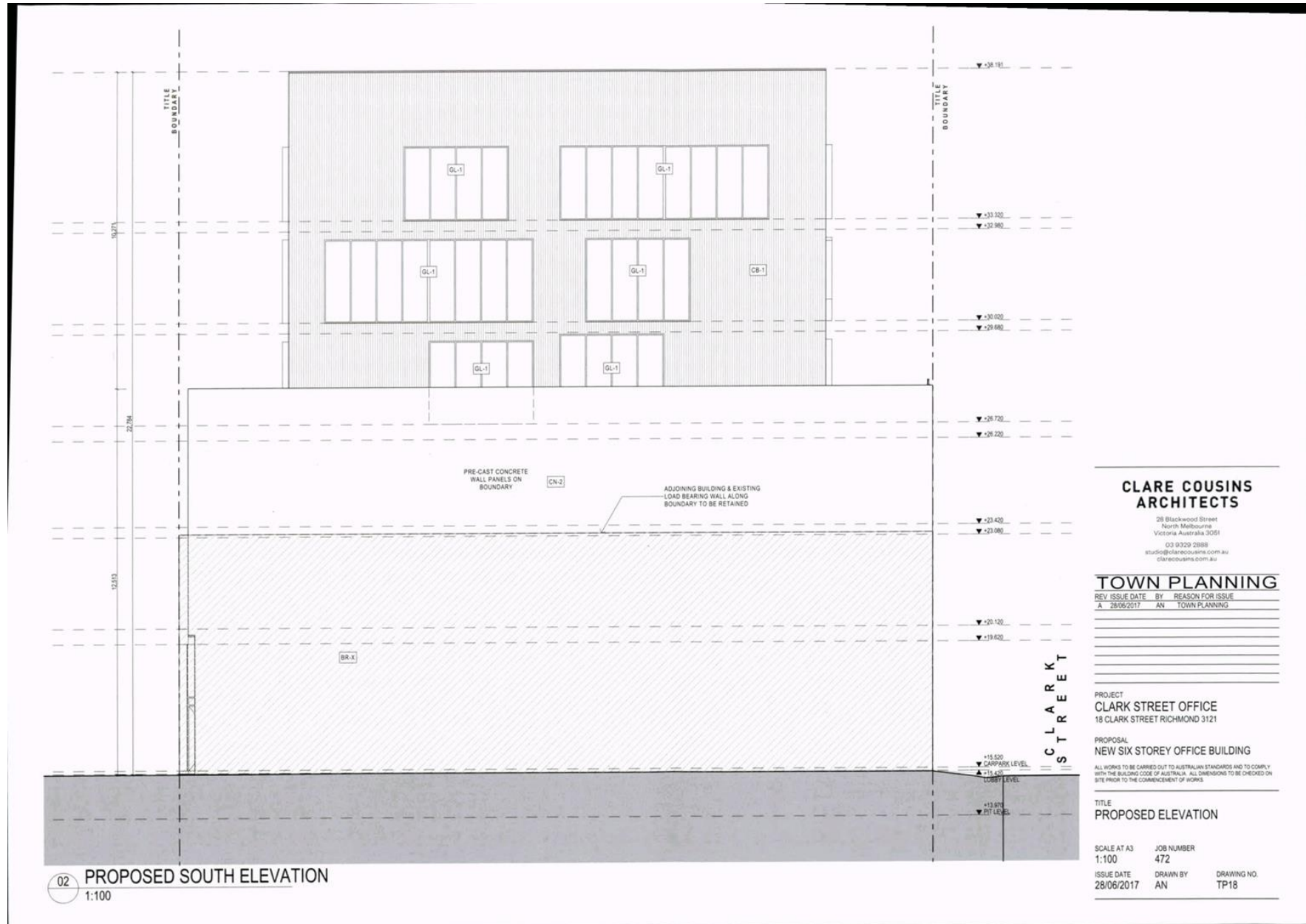




**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**

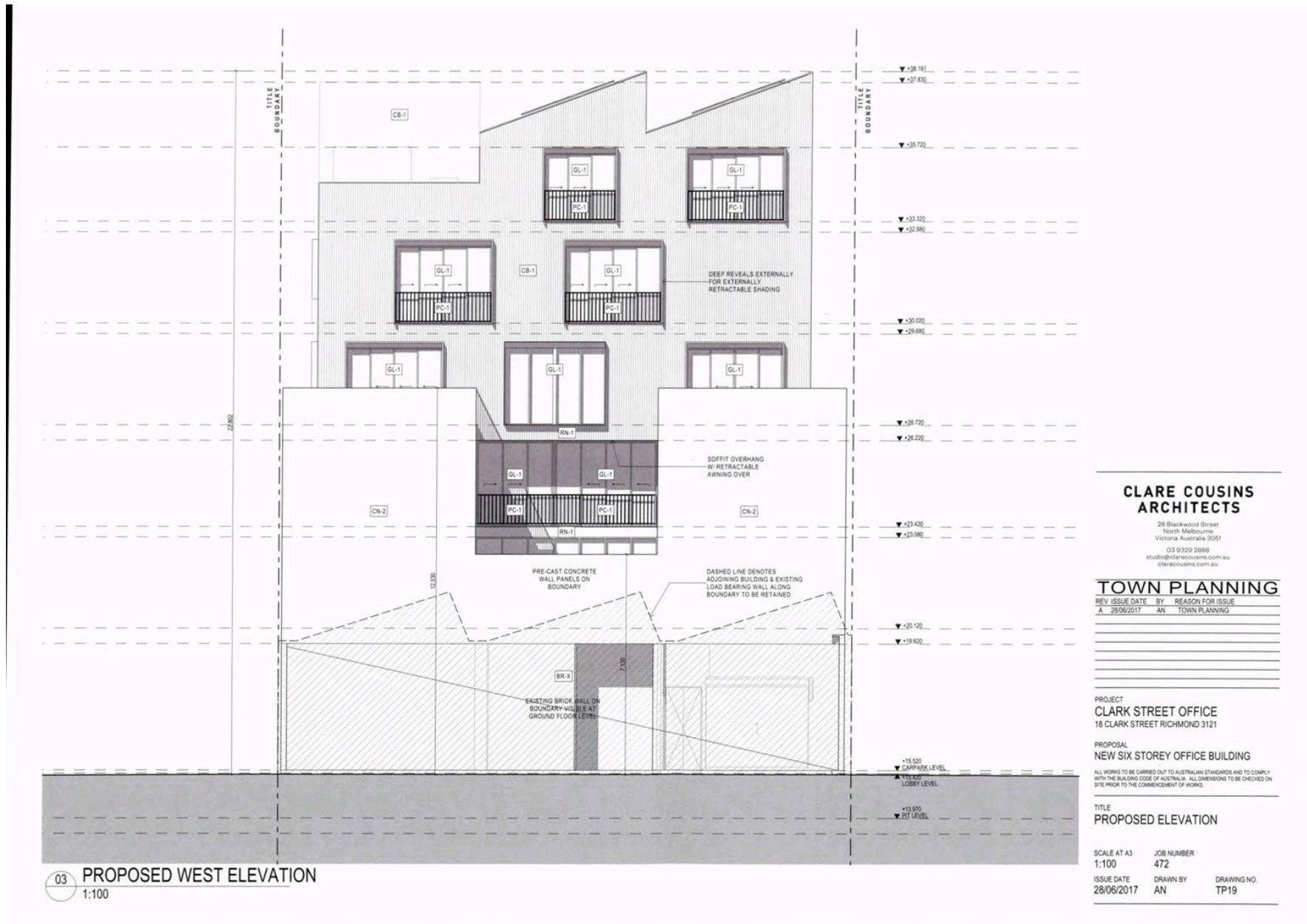


**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**

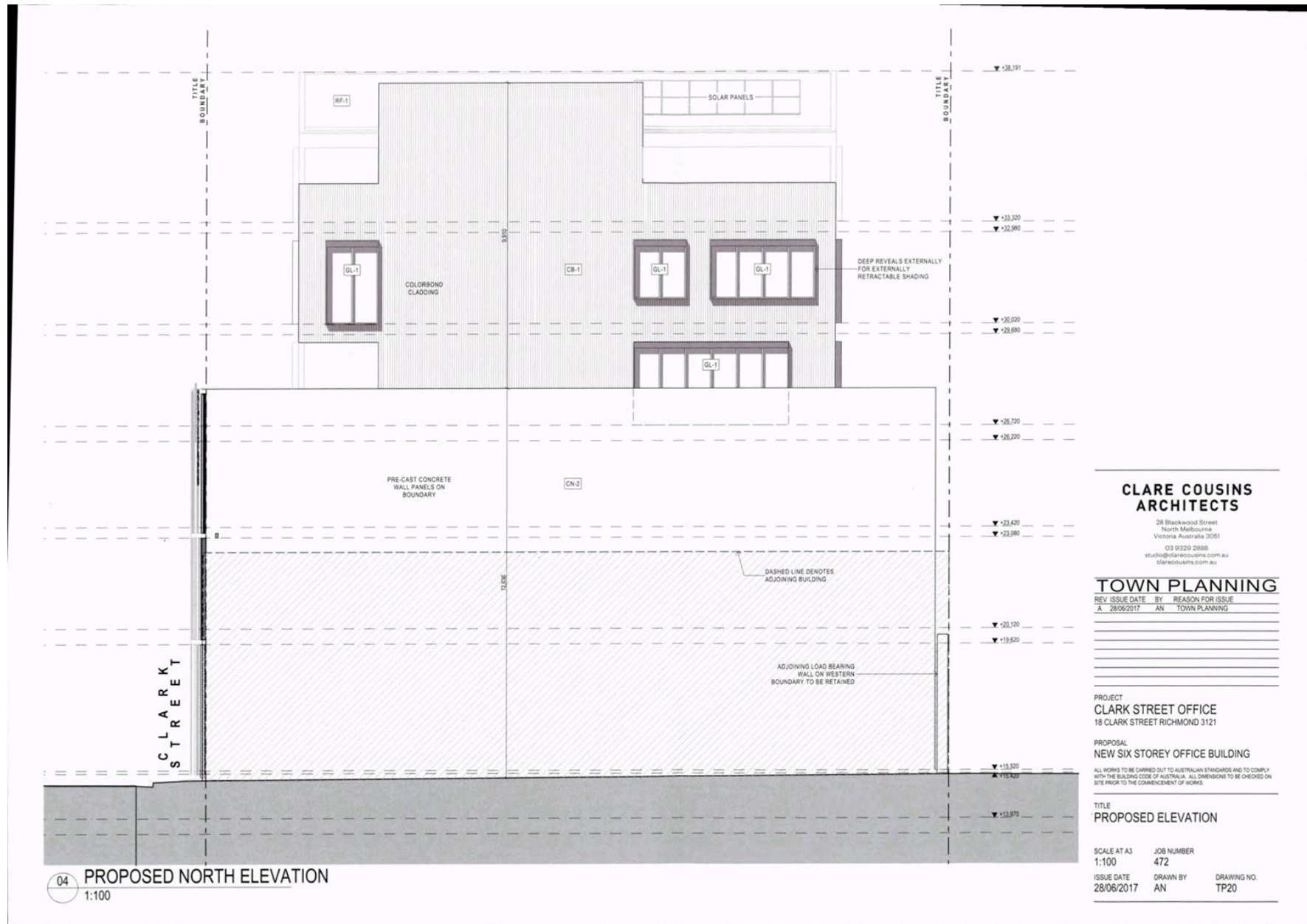




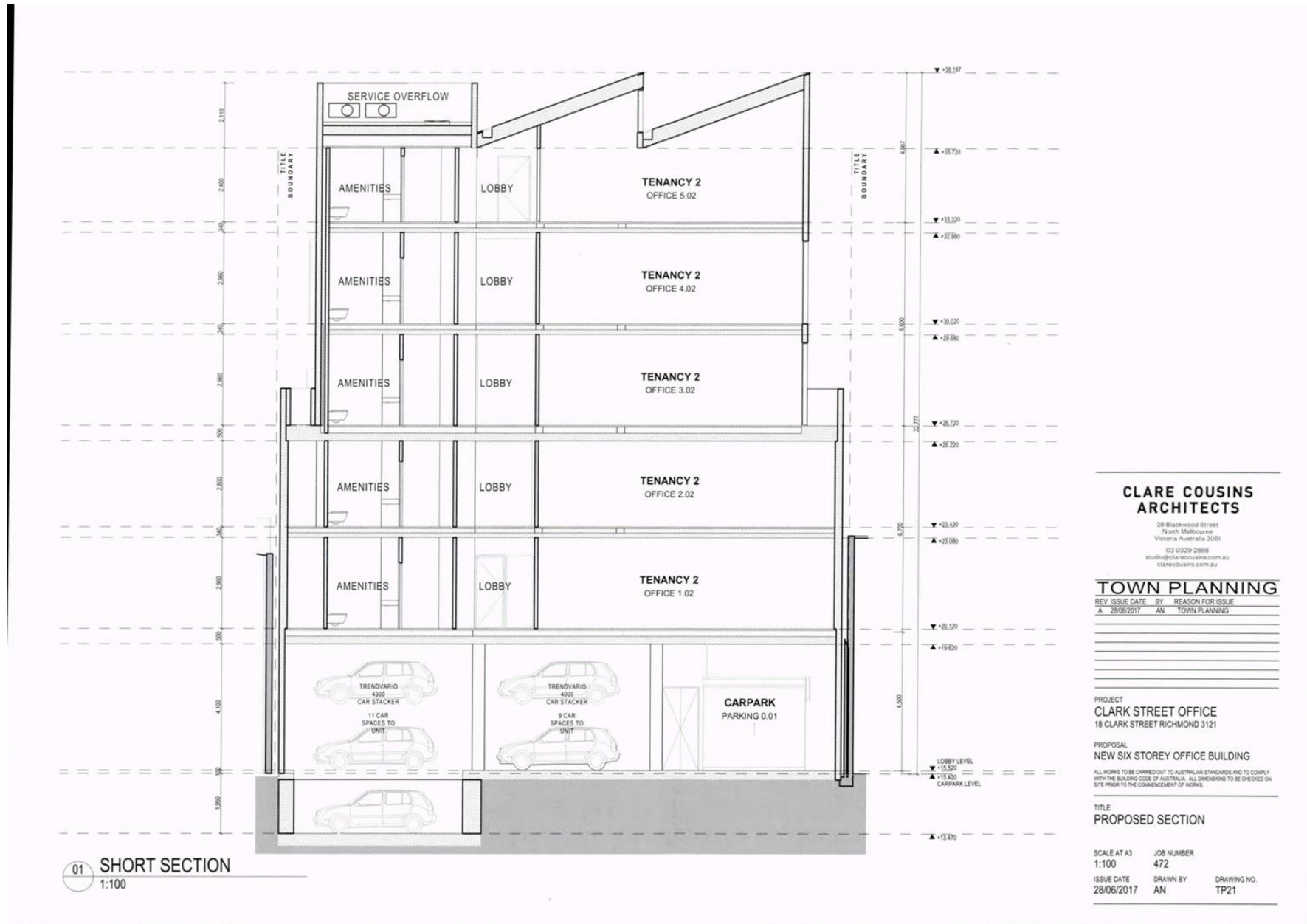
**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**



**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**

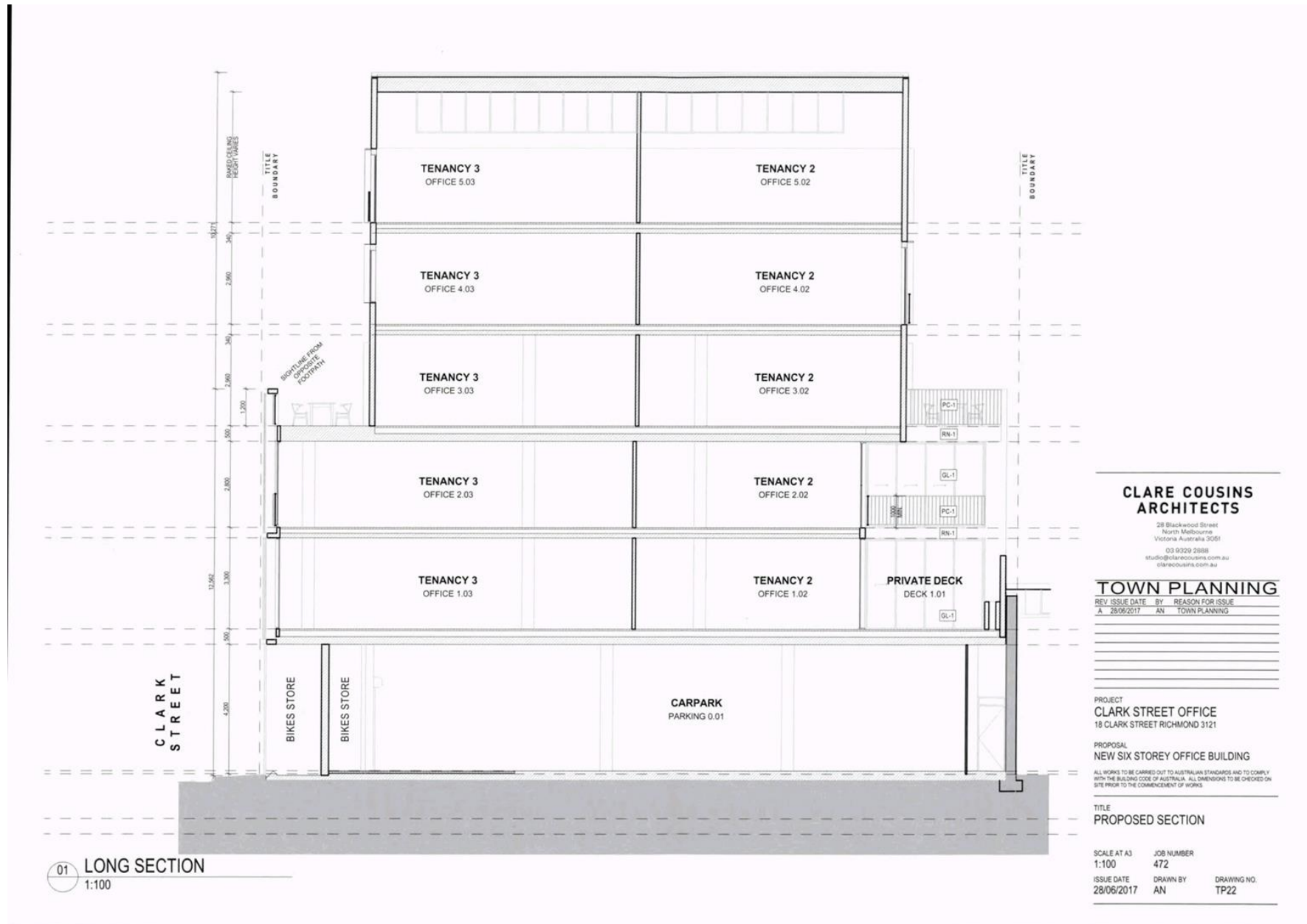


**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**



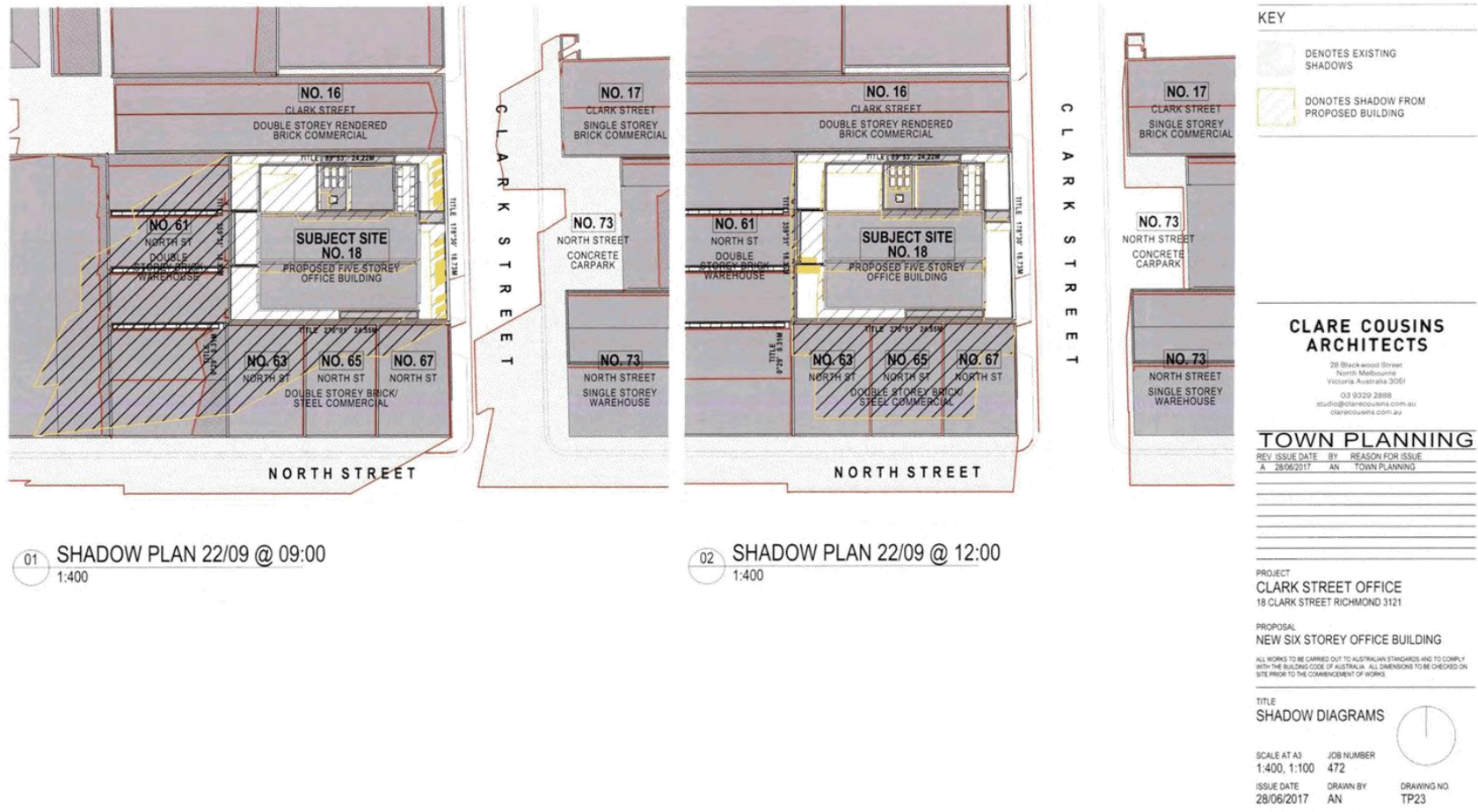


**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**

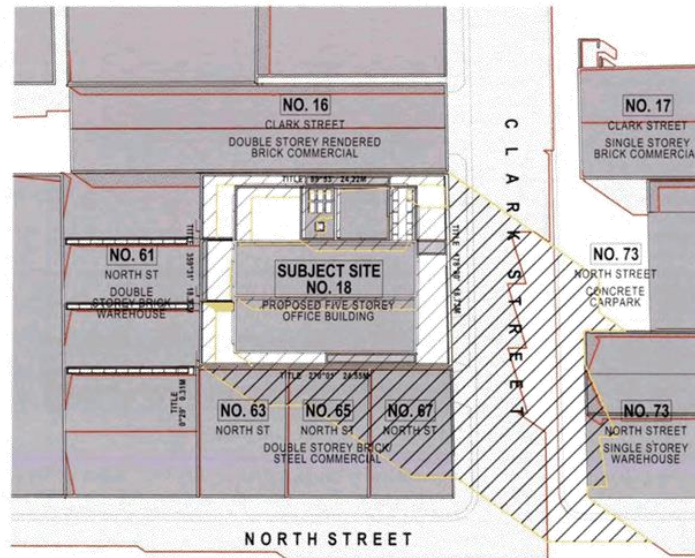




**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**





**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**



03 SHADOW PLAN 22/09 @ 15:00  
1:400

**KEY**

-  DENOTES EXISTING SHADOWS
-  DENOTES SHADOW FROM PROPOSED BUILDING

**CLARE COUSINS ARCHITECTS**

28 Blackwood Street  
North Melbourne  
Victoria Australia 3061  
03 9329 2889  
studio@clarecousins.com.au  
clarecousins.com.au

**TOWN PLANNING**

REV	ISSUE DATE	BY	REASON FOR ISSUE
A	28/06/2017	AN	TOWN PLANNING

PROJECT  
**CLARK STREET OFFICE**  
18 CLARK STREET RICHMOND 3121

PROPOSAL  
**NEW SIX STOREY OFFICE BUILDING**

ALL WORKS TO BE CARRIED OUT TO AUSTRALIAN STANDARDS AND TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.

TITLE  
**SHADOW DIAGRAMS**

SCALE AT A3  
1:100, 1:400

ISSUE DATE  
28/06/2017

JOB NUMBER  
472

DRAWN BY  
AN



DRAWING NO.  
TP24

**Attachment 3 - Proposed fourth and fifth floors, Roof plan, Existing elevations, Proposed elevations, Cross-sections, Shadow diagrams and Visualisation.**





## Attachment 4 - Urban Design comments



# MeMO

---

TO: John Theodosakis (Statutory Planning)  
 FROM: Hayley McNicol (Urban Design)  
 DATE: 18 September 2017  
 SUBJECT: 18 Clark Street, Richmond 3121  
 APPLICATION NO: PLN17/0542  
 DESCRIPTION: Six storey office building

---

Urban Design comments have been sought on the above application, in particular on the presentation of the building with regard to its built form and massing to the street, including articulation. Confirmation is also sought about any capital works planned around the site.

Comments are provided below and are based on the drawings received 10 July 2017.

---

### Built form and massing

- The area surrounding the site is industrial / mixed use in character with many warehouse buildings. Along Clark Street, the buildings are generally one and two storeys in height to the street, although there is some variation of the street wall in terms of its height and its setback from the front boundary. It is noted that the site and immediate context are not in a heritage overlay. In the wider area the emerging character is more varied due to more recent developments. For example River Street directly to the east has a number of three and four storey buildings to the street. It is also noted that there is an approval for the site on the corner of Appleton and David Streets (to the north-west of the site) for a 13 storey building, which comprises a two storey street wall.
- We note that Clause 22.10-3.2 seeks *"to ensure that developments contribute positively to the urban fabric and public realm"*. Furthermore 22.10-3.3 seeks *"to ensure that the setbacks of new development complement the desired neighbourhood character of the area"* and *"to ensure that the height of new development is appropriate to the context of the area ... and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character"*.
- Whilst it is acknowledged that the development is not equivalent to the built form along Clark Street, we do not object to the proposed built form given the existing and emerging character in the wider context and considering that the properties along Clark Street are not in a heritage overlay which in our view allows for some variation in built form.



## Attachment 4 - Urban Design comments

- The proposed three storey street wall is slightly higher than the adjacent street walls (which are two storeys), however this is considered to be reasonable given that the increase in street wall is only by one storey, and because the development provides a high quality and engaging street elevation.
- The upper floors provide a minimum front setback of approximately 3 metres which helps to distinguish between the street wall and the upper form, and reinforces the street wall as the more dominant element in the streetscape.
- The saw-tooth roof profile is proposed, which references the roof form of the existing building on the site. We ask whether it is possible to complete this roof form pattern at the northern part of the site where the lift and stairs are, and note that if so it would be useful to see a 3D oblique image to understand how this part of the development will appear from the street.

### Additional comments

- A number of brick columns are positioned in front of the cycle parking area, making it difficult for people to get their bicycles in and out of this space. This should be reviewed.
- The 3D render below shows the use of white framing on the street wall elevation. It is recommended that a darker framing be used as it is considered that this would better complement the brickwork (see example image below of a similar building on River Street).
- The side boundary walls comprise pre-cast concrete wall panels, and some of this will be visible from the street as they sit above the adjoining buildings. Where these panels are exposed at the third storey, it is recommended that a more textured material is used to provide visual interest and complement the other materials used on the building.

### Capital works

- There are no known planned/approved capital works around the site which are being led by the Urban Design team.



**3D render image**



**Example of building on River Street**

## Attachment 5 - Engineering comments



## MEMO

**To:** John Theodosakis  
**From:** Mark Pisani  
**Date:** 28 September 2017  
**Subject:** Application No: PLN17/0542  
 Description: Office Development  
 Site Address: 18 Clark Street, Richmond

I refer to the above Planning Application received on 16 August 2017 and the accompanying report prepared by One Mile Grid traffic engineering consultants in relation to the proposed development at 18 Clark Street, Richmond. 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
Office	1,706 m <sup>2</sup>	3.5 spaces per 100 m <sup>2</sup> of net floor area	59	21

The development would have a shortfall of 38 spaces. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

**Car Parking Demand Assessment**

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Parking Demand for Office Use.* Parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. The actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3.5 spaces per 100 square metres of floor space, since the area has very good access to public transport services.

The proposed office would have a car parking provision rate of 1.23 spaces per 100 square metres (21 on-site spaces for 1,706 square metres of floor area). By comparison, the development at 9-11 Cremorne Street, Cremorne, was approved with an on-site car parking provision of 0.85 spaces per 100 square metres with an office floor area of 2,329 square metres with 20 on-site car parking spaces (Planning Permit PLN16/0171 issued on 13 June 2017). We are satisfied that the office parking rate of 1.23 spaces per 100 square metres for the proposed development is appropriate given the site's excellent accessibility to public transport services.

## Attachment 5 - Engineering comments

- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services operating along Victoria Parade and Bridge Road.
- *Multi-Purpose Trips within the Area.* Clients and customers to the site who choose to drive might combine their visit by engaging in other business or activities whilst in the area.

### Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.* The streets in the surrounding area contain a mix of short-stay parking restrictions and unrestricted parking. The demand for on-street parking in the area is very high and opportunities to park on-street are limited during business hours. The constrained parking conditions in the area would be disincentive to drive to the site (if employees have no access to an on-site parking space).
- *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 reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.
- *Car Parking Deficiency associated with Existing Land Use.* The existing site is occupied by a single storey warehouse. Any car parking deficiency associated with this site could potentially be transferrable to the new site.

### Adequacy of Car Parking

From a traffic engineering perspective, the waiver of 38 office parking spaces is considered in the context of the development and the surrounding area. The proposed on-site parking rate for the office is not dissimilar to that of approved offices within the Richmond/Cremorne area.

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

## TRAFFIC GENERATION

### Trip Generation of Site

The traffic generation for the site adopted by One Mile Grid is as follows:

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Office	AM Peak: 0.5 trips/space (inbound) + 10% of peak direction volume PM Peak: 0.5 trips/space (outbound) + 10% of peak direction volume	12	12

The traffic generation rates are considered reasonable. The volumes of traffic generated by the proposal are not unduly high and should not adversely impact on the surrounding road network.

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

Item	Assessment
<b>Access Arrangements</b>	
Development Entrance	The proposed 3.3 metre wide entrance satisfies <i>Design standard 1 – Accessways</i> of Clause 52.06-9.
Visibility	Sight triangles have not been provided at the entrance
Headroom Clearance	Headroom clearance at entrance has not been dimensioned.
<b>Car Parking Modules and Mechanical Parking</b>	
Accessible Parking Space	The dimensions of the at-grade accessible parking space and shared area comply with the Australian/New Zealand Standard AS/NZS 2890.6:2009.
Aisle	A minimum aisle width of 5.66 metres has been provided (measured from the south wall to the face of the columns). The aisle width from the edge of the stacker devices to the south wall has not been dimensioned.
Blind Aisle Extension	A blind aisle extension of 1.18 metres has been provided, which satisfies AS/NZS 2890.1:2004.
Car Stacker Device	The car stacker device to be used is the TrendVario 4300 shuffle type stacker in combination with the TrendVario 4000 stacker. No specifications have been supplied. The car park area has a floor to ceiling height of 4.1 metres. The device has not been clearly drawn on the plans.
Vehicle Turning Movements	The submitted swept path diagrams for the B85 design vehicle depict the individual stacker platforms. The vehicle turning movements into and out of the stacker device are considered satisfactory.
Vehicle Clearance Height	According to One Mile Grid traffic engineering consultants, the middle rows of the stacker device have vehicle clearance heights of 1.8 metres, which would satisfy the vehicle clearance height requirement in <i>Design standard 4: Mechanical parking</i> .
<b>Gradients</b>	
Grades	Not depicted on the drawings. One Mile Grid consultants have indicated that the aisle has a longitudinal grade of 1 in 20, which would satisfy AS/NZS 2890.1:2004.



## Attachment 5 - Engineering comments

### Design Items to be Addressed

Item	Details
Headroom Clearance	The headroom clearance at the development entrance must be dimensioned on the drawings.
Aisle	The aisle width (from the edge of the stacker device to the southern wall) must be dimensioned on the drawings.
Accessible Parking Space	A bollard must be inserted in the shared area as required by AS/NZS 2890.1:2004.
Car Stacker Device	Specifications for the car stacker device must be submitted for this application. The specific model type is to be selected. The useable platform widths are to be specified. The stacker device and the individual platforms must be clearly drawn on the plans prior to endorsement.
Grades	Grades within the car park are to be depicted on the drawings.

## ENGINEERING CONDITIONS

### Civil Works

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

- The footpath along the property's Clark Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- The redundant vehicle crossing must be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.
- The kerb and channel along the property's Cremorne Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The existing No Stopping sign on the west side of Clark Street and in the area to be occupied by the new vehicle crossing, must be relocated to the satisfaction of Council and at the Permit Holder's cost.

### Car Stacker Device

- The car stacker device must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.
- No pipes, ducting or protrusions from the ceiling or walls are to be installed within the space clearance envelopes for the car stacker devices.

### 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.

## Attachment 5 - 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.

### 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 cavities or 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 or cavities 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 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 Clark 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 Clark Street and the accessway 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.

**Attachment 5 - Engineering comments**

Regards

Mark Pisani  
Senior Development Engineer  
Engineering Services Unit

---

## Attachment 6 - ESD Referral 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, this application is a 'large' planning application as it meets the category *Non-residential - 1,000m<sup>2</sup> floor area or greater*.

#### 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 *Clare Cousins (drawn 28.06.2017)* and the accompanying SMP, prepared by *NJM Design (prepared 27.06.2017)*.



## Attachment 6 - ESD Referral comments

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



#### Table of Contents

Assessment Summary: .....	3
1. Indoor Environment Quality (IEQ).....	5
2. Energy Efficiency .....	6
3. Water Efficiency .....	7
4. Stormwater Management .....	8
5. Building Materials.....	9
6. Transport .....	10
7. Waste Management .....	11
8. Urban Ecology .....	12
9. Innovation .....	13
10. Construction and Building Management .....	14
Applicant Response Guidelines.....	15

## Attachment 6 - ESD Referral comments

## Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



## Assessment Summary:

Responsible Planner:	John Theodosakis		
ESD Advisor:	Euan Williamson		
Date:	08.09.2017	Planning Application No:	PLN17/0572
Subject Site:	175 Burnley Street, Richmond, VIC		
Site Area:	Approx. 459m <sup>2</sup>	Site Coverage:	100%
Project Description:	Six storey office building.		
Pre-application meeting(s):	None.		

**The standard of the ESD is close to meeting 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:**

- Energy efficiency to exceed NCC requirements by at least 10%.
- A STORM report demonstrating best practice in stormwater management has been provided that relies on a minimum of 377m<sup>2</sup> of roof connected to a 3,500 litres tank for toilet flushing and irrigation.
- There is access to natural ventilation to most office spaces, through access to deck areas and Juliet balconies
- Good access to daylight through courtyards and setbacks.
- A minimum 6 kWp solar PV array to contribute to electricity consumption.
- Reverse cycle heat split ACs with an EER/COP of at least 3.5.
- Glazing specification and facade articulation will assist in heat gain and glare control.
- 11 bicycle spaces for staff, plus an additional 8 visitor bike spaces.
- Energy efficient lighting system at least a 20% improvement on NCC requirements.
- Water efficient fixtures and taps.

**(2) Application ESD Deficiencies:**

- The proposed stormwater management system and rainwater collection system includes a first flush diversion that will invalidate the urban stormwater quality objectives. Ensure that any flush water is filtered before being directed into the stormwater LPD.
- The terms used in the Materials section of the SMP; "wherever possible", "avoided where possible" and "should be" are ambiguous and vague and not suitable for town planning submission. Please re-word this section to ensure a clear commitment to materials selection.

**(3) Outstanding Information:**

- The architectural drawings and STORM report state 3,500 litre, the SMP Water section describes it as a 5,000 litre tank. Please confirm and amend documents to be consistent.
- Please show area for waste and recycling on plans.

**(4) ESD Improvement Opportunities**

- Consider maximising the onsite solar PV generation by using all available rooftop space.
- Consider at least a 70% recycling/reuse of construction and demolition waste.

## Attachment 6 - ESD Referral comments

### Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



- Consider more extensive landscaping and ecological creation through green infrastructure.
- Consider providing composting or similar organic waste system.
- Consider using recycled materials and post-industrial components to the concrete mixes.
- Consider energy storage.

#### **Further Recommendations:**

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

## Attachment 6 - ESD Referral 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	There is access to natural ventilation to most office spaces, through access to deck areas and Juliet balconies	-	1
Daylight & Solar Access	Good access to daylight through rear light court deck area and side and rear setbacks.	-	1
Glare	Glazing specification and facade articulation will assist in glare control.	-	1
Hazardous Materials and VOC	All paints, varnishes and protective coatings, adhesives, sealants and carpet to be low VOC type, and all engineered timber contain no/low formaldehyde.	-	1
Thermal Comfort	Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation. The application proposes for the office areas: - Access to natural ventilation - Shading, façade & glazing to manage heat gains - Good 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](http://www.geca.org.au)  
Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)  
Residential Flat Design Code [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)  
Your Home [www.yourhome.gov.au](http://www.yourhome.gov.au)



## Attachment 6 - ESD Referral 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	Energy efficiency to exceed NCC requirements by at least 10%	-	1
Hot Water System	Efficient electric hot water systems, at least 10% above the minimum NCC requirements.	-	1
Peak Energy Demand	Peak demand reduced through various initiatives.	-	1
Effective Shading	Glazing specification and façade articulation and overhangs to reduce solar heat gain.	-	1
Efficient HVAC system	Reverse cycle split ACs with an EER/COP of 3.5 or better.	-	1
Efficient Lighting	Energy efficient lighting system at least a 20% improvement on NCC requirements.	-	1
Electricity Generation	A 6 kWp solar PV array to contribute to electricity consumption.	Consider maximising the onsite solar generation by using all available rooftop space.	4
Other	-	Consider energy storage system	4

**\* 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](http://www.makeyourhomegreen.vic.gov.au)  
 Building Code Australia [www.abcb.gov.au](http://www.abcb.gov.au)  
 Window Efficiency Rating Scheme (WERS) [www.wers.net](http://www.wers.net)  
 Minimum Energy Performance Standards (MEPS) [www.energyrating.gov.au](http://www.energyrating.gov.au)  
 Energy Efficiency [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

## Attachment 6 - ESD Referral 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	Water efficient taps and fittings with the following WELS ratings/flow rates: <ul style="list-style-type: none"> <li>- 3 Star WELS 6.0 litre/min shower heads</li> <li>- 6 Star WELS rated bathroom taps</li> <li>- 5 Star WELS rated kitchen taps</li> <li>- 5 Star WELS rated toilets</li> </ul>	-	1
Water for Toilet Flushing	A rainwater tank will be provided connected to all toilets onsite.	The architectural drawings and STORM report state 3,500 litre, the SMP Water section describes it as a 5,000 litre tank. Please confirm and amend documents to be consistent.	3
Water Meter	Sub-metering of water and energy for all tenancies and major common area uses.	-	1
Landscape Irrigation	Water efficient planter box irrigation from rainwater tank.	-	1
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: [3. Water Efficiency](#)

Water Efficient Labelling Scheme (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)

Water Tank Requirement [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)

Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)

Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

## Attachment 6 - ESD Referral 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 report demonstrating best practice in stormwater management has been provided that relies on a minimum of 377m <sup>2</sup> of roof connected to a 3,500 litres tank for toilet flushing and irrigation.	The proposed system includes a first flush diversion that will invalidate the urban stormwater quality objectives. Ensure that any flush water is filtered before being directed into the stormwater LPD.  There is a discrepancy in tank sizes proposed – see <i>water section above</i> .	2
Discharge to Sewer	-	-	-
Stormwater Diversion	-	-	-
Stormwater Detention	-	-	-
Stormwater Treatment	-	-	-
Others	-	-	-

### \* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

### References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)  
 Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)  
 Water Sensitive Urban Design Principles [www.melbournewater.com.au](http://www.melbournewater.com.au)  
 Environmental Protection Authority Victoria [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

## Attachment 6 - ESD Referral 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	Recycled materials chosen "wherever possible".	The term "wherever possible" is ambiguous and vague and not suitable for town planning submission. Please re-word this section to ensure a clear commitment to materials selection.	2
Embodied Energy of Concrete and Steel	High embodied energy materials to be "avoided where possible".	The term "avoided where possible" is ambiguous and vague and not suitable for town planning submission. Please re-word this section to ensure a clear commitment to materials selection.	2
Sustainable Timber	All timbers "should be" FSC or PEFC certified.	The term "should be" is ambiguous and vague and not suitable for town planning submission. Please re-word this section to ensure a clear commitment to materials selection.	2
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
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: [5. Building Materials](#)

Building Materials, Technical Manuals [www.yourhome.gov.au](http://www.yourhome.gov.au)

Embodied Energy Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)

Good Environmental Choice Australia Standards [www.geca.org.au](http://www.geca.org.au)

Forest Stewardship Council Certification Scheme [www.fsc.org](http://www.fsc.org)

Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)

## Attachment 6 - ESD Referral 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	Car parking in basement levels.	-	1
Bike Parking Spaces	11 bicycle spaces for staff, plus an additional 8 visitor bike spaces.	-	1
End of Trip Facilities	End of trip facilities include showers and lockers.	-	1
Car Share Facilities	No information has been provided.	-	1
Electric vehicle charging	No information has been provided.	Consider electric car charging facilities.	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: [6. Transport](#)

Off-setting Car Emissions Options [www.greenfleet.com.au](http://www.greenfleet.com.au)

Sustainable Transport [www.transport.vic.gov.au/doi/internet/icy.nsf](http://www.transport.vic.gov.au/doi/internet/icy.nsf)

Car share options [www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/](http://www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/)

Bicycle Victoria [www.bv.com.au](http://www.bv.com.au)



## Attachment 6 - ESD Referral 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	50% of the existing building will be re-used.	Consider at least a 70% recycling/reuse of construction and demolition waste.	4
Operational Waste Management	Separate waste streams collected across the building will include general waste and recycling.	Consider providing composting or similar organic waste system.	4
Storage Spaces for Recycling and Green Waste	Area for separate recycling and general waste bins cannot be identified on the plans.	Please show area for waste and recycling on plans	3
Others	-	-	-

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

**References and useful information:**

SDAPP Fact Sheet: [7. Waste Management](#)

Construction and Waste Management [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au)

Preparing a WMP [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

Waste and Recycling [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Waste reduction in office buildings (2002) [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

## Attachment 6 - ESD Referral 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	Landscaping and planter boxes will marginally improve the ecological value of the site.	Consider more extensive landscaping and ecological creation through green infrastructure.	4
Heat Island Effect	No information has been provided.	-	1
Communal Spaces	Communal spaces provided.	-	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](http://www.dse.vic.gov.au)

Australian Research Centre for Urban Ecology [www.arcue.botany.unimelb.edu.au](http://www.arcue.botany.unimelb.edu.au)

Greening Australia [www.greeningaustralia.org.au](http://www.greeningaustralia.org.au)

Green Roof Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)

## Attachment 6 - ESD Referral 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](http://www.gbca.org.au)  
 Victorian Eco Innovation lab [www.ecoinnovationlab.com](http://www.ecoinnovationlab.com)  
 Business Victoria [www.business.vic.gov.au](http://www.business.vic.gov.au)  
 Environment Design Guide [www.environmentdesignguide.com.au](http://www.environmentdesignguide.com.au)

## Attachment 6 - ESD Referral 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 tuning to all building services.	-	1
Building Users Guide	A building users' manual explaining optimal usage of sustainability features within the development including rainwater tanks, energy systems, etc.	-	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](http://www.melbournewater.com.au)

## Attachment 6 - ESD Referral 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.



---

**1.3 21 Mollison Street Abbotsford - Planning Permit Application PLN16/0046 - Development of the land for alterations to the existing dwelling, including a first and second floor addition.**

---

### **Executive Summary**

#### **Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for 21 Mollison Street Abbotsford, which seeks approval for the development of the site for alterations to the existing dwelling, including a first and second floor addition. The report recommends approval, subject to conditions.

#### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 15.01-1 – Urban design;
  - (b) Clause 21.05 – Built form;
  - (c) Clause 22.07 – Development Abutting Laneways;
  - (d) Clause 22.10 – Built form and design policy;
  - (e) Clause 22.13 – Residential Built Form Policy;
  - (f) Clause 32.08 – General Residential Zone (Schedule 2); and
  - (g) Clause 54 – Rescode.

#### **Key Issues**

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

#### **Objector Concerns**

4. Seven (7) objections were received to the application, these can be summarised as:
  - (a) Proposed design, including the materials are not appropriate with regards to the existing neighbourhood character;
  - (b) Over development of the site (height, site coverage, lack of setbacks);
  - (c) Amenity impacts (visual bulk, daylight to habitable room windows, overshadowing and overlooking);
  - (d) Inaccuracies on plans; and
  - (e) Inappropriate location of plant equipment.

#### **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: Nish Goonetilleke**  
**TITLE: Senior Statutory Planner**  
**TEL: 9205 5005**

---

**1.3 21 Mollison Street Abbotsford - Planning Permit Application PLN16/0046 - Development of the land for alterations to the existing dwelling, including a first and second floor addition.**

---

Trim Record Number: D18/61941

Responsible Officer: Senior Coordinator Statutory Planning

**Proposal:** Development of the land for alterations to the existing dwelling, including a first and second floor extension.

**Existing use:** Dwelling

**Applicant:** Justin Malkiewicz

**Zoning / Overlays:** General Residential Zone (Schedule 2)

**Date of Application:** 25 January 2016

**Application Number:** PLN16/0046

### Planning History

1. Planning Permit PL09/0116 was issued by Council on 17 April 2009 for the development of the land for the purpose of the construction of a new boundary fence, pedestrian gate and deck.

### Background

2. The application was received by Council on 25 January 2016, with additional information received on 24 June 2016, 07 September 2016, 11 November 2016 and 13 December 2016. The application was advertised on 19 December 2016, with nine (9) objections received.

#### Section 57A Plans

3. In response to the concerns raised by Council and objectors, the Applicant submitted revised plans under the Section 57(A) of the *Planning and Environment Act* 1987 (the Act) on 30 October 2017, with further information provided on 05 December 2017. The amended plans incorporated the following changes:
  - (a) Provision of a site survey plan to eliminate inaccuracies which appeared on the previously advised plans;
  - (b) Provision of a 1,500Ltr rainwater tank within the southern setback at ground floor;
  - (c) No changes to the existing paving and landscaping within the eastern and southern setbacks or installation of plant equipment within the south-eastern corner of the site as previously proposed;
  - (d) The wall associated with the stairs at first and second floors setback 0.45m from the front (northern) boundary (previously the majority proposed to be built to the boundary);
  - (e) The eastern (side) setback of the second floor reduced from 4m to 3.6m;
  - (f) The southern (rear) setback of the first floor, amended to 1.78m - 3.88m (previously between 1.4m - 2.3m), with the proposed wall along the western boundary reduced from 8.5m to 7m in length;
  - (g) Rear setback of the second floor amended to a minimum of 3m (previously 1.4m), with the proposed wall along the western boundary reduced to match the first floor;
  - (h) Internal layout of the first floor altered to increase the area of the living room, the void near the stairs relocated further north-east, near the terrace and inclusion of planter boxes along the northern and eastern boundaries;
  - (i) Internal layout of the second floor reconfigured, and the walk-in-robe deleted;
  - (j) Window fenestrations on all façades and skylights altered in size; and

- (k) Materials and finishes changed from Alucobond painted masonry and metal cladding (charcoal/light grey) to Metal screening (white).
- 4. The amended plans were advertised to the abutting dwellings and all objectors on 15 December 2017.
- 5. A planning consultation meeting was held on 13 February 2018, attended by the applicant, owners, objectors and Council officers.
- 6. Subsequent to the consultation meeting, two objections were withdrawn with the number of objections reduced from nine (9) to seven (7).
- 7. On this basis, the assessment of the application will be based on the amended plans lodged on 05 December 2017.

#### Amendment VC110

- 8. Amendment VC110 was gazetted on 27 March 2017, and varies the provisions of the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ), Residential Growth Zone (RGZ) and Mixed Use Zone (MUZ). More relevantly to this site which is in a GRZ, the amendment includes the following:
  - (a) A mandatory minimum garden area requirement for lots greater than 400sqm and above, ranging from between 25 to 35 percent of lot area; and
  - (b) The maximum height and the maximum number of storeys of a building used for the purpose of a dwelling must not exceed 11 metres or three-storeys, with potential to exceed this height in particular circumstances. However the Schedule to the zone states a maximum height of 9m.
- 9. The subject site is only 113sqm in area; therefore the minimum garden area requirement does not apply.
- 10. Whilst the proposal is three-storeys, meeting the mandatory number of storeys, it does not meet the maximum height. Due to the topography of the land, the proposed development will have a varied height between 10.34m to a maximum height of 10.45m above natural ground level (NGL).
- 11. Pursuant to *Clause 32.08-14* of the Yarra Planning Scheme (the Scheme), the maximum building height requirements of *Clause 32.08-9* of the Scheme introduced by Amendment VC110 do not apply to *a planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110*. Even though the application was lodged prior to 27 March 2017, i.e. on 25 January 2016, the amended plans under a S57A of the Act were lodged on 05 December 2017 which is after the gazetted date. Therefore, transitional provisions do not apply to this application.
- 12. However, *Clause 32.08-8 (Maximum building height requirement for a dwelling or residential building)* of the Scheme provides a number of scenarios where a site can exceed the applicable maximum building height. The Schedule to the GRZ (Schedule 2) provides the exemption applicable to this particular site as the schedule to the zone overrides the exemptions outlined in *Clause 32.08-8* of the Scheme. Pursuant to 3.0 of *Schedule 2 to Clause 32.08 General Residential Zone* (relevantly):
  - (a) *A building used as a dwelling or residential building must not exceed the height of 9 metres. This does not apply to:*
    - (i) *An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.*

13. Given the overall height of the immediately adjacent site to the west (No. 21A Mollison Street) which faces the same street as the subject site is 11.44m above NGL, the proposed height of 10.45m is acceptable. However, to the east of the subject site, across Little Charles Street is a double-storey building with a maximum height of 7.1m above NGL, facing the same street.
14. The Applicant sought legal advice from Best Hooper regarding the definition of 'immediately adjacent' and was provided to Council on 24 June 2016. The legal advice outlines that the interpretation of these two words need to be defined separately, stating that:
  - (a) *Pursuant to the Macquarie Dictionary, sixth edition, the words "immediately adjacent" are individually defined as:*
    - (i) *'Immediately': 1. without lapse of time, or without delay; instantly; at once. 2. without intervening medium or agent; concerning or affective directly. 3. With no object or space intervening. 4. Closely: immediately in the vicinity. —conj. 5. Immediately that; the moment that; as soon as.*
    - (ii) *'Adjacent': lying near, close, or contiguous; adjoining; neighbouring; a field adjacent to the main road.*
15. The legal advice provided goes on to state the following:
  - (a) *In our opinion, the most relevant definition for "Immediately" in this context is "2. Without intervening medium or agent; concerning or affective directly. 3. With no object or space intervening". In our view, the presence of the road in between the review site and No. 23 Mollison would be characterised as both "an intervening medium or agent" and "space intervening".*
  - (b) *Whilst the definition of "Adjacent" does include the words "or contagious", the balance of the words used to define the term, favour, in our view, an outcome that is more flexible than the word "immediately".*
  - (c) *The word "Adjacent" on its own, without the use of the word "immediately", may give rise to an argument that No. 23 Mollison Street is adjacent to the review site given it enables a more flexible interpretation (i.e. "close), however, the imposition of the word "immediately" to the exemption which is purposefully included, in our view, makes it clear that the intention and effect of the words read together is that the exemption relates to consideration of buildings which face the same street and share a title boundary. To interpret the exemption any other way, would render the inclusion of the word "immediately" superfluous and without purpose.*
16. In summary, between the two different words, 'immediately' is the more flexible term which relates to, in this context, having no 'intervening medium' or 'with no object or space'. The inclusion of 'immediately' in front of 'adjacent' in the provision makes it clear that the intent is to apply this mandatory height requirement to sites that face the same street and share a title boundary. Therefore, given that the double-storey dwelling at No. 23 Mollison Street is separated from the subject site by Little Charles Street, the height of this dwelling cannot be considered when imposing the mandatory height requirement of the zone.

#### Amendment VC142

17. Amendment VC142 was gazetted on 16 January 2018 and changes the Victorian Planning Provisions (VPP) and all Planning Schemes in Victoria by removing excessive provisions and permit requirements, clarification of unclear provisions, updated planning provisions and use of contemporary land use terms. This amendment does not impact this application.

## Existing Conditions

### Subject Site

18. The subject site is located on the southern side of Mollison Street, at the intersection with Little Charles Street, in Abbotsford. Nicholson Street is approximately 66m to the east, Hoddle Street approximately 300m to the west, and Victoria Street approximately 280m to the north of the site.
19. The site has a frontage of 10.73m to Mollison Street and a maximum depth of approximately 11m, constituting an overall area of approximately 113sqm. The eastern boundary abuts a 5m wide laneway known as Little Charles Street.



20. The site is occupied by a single-storey, red-brick building constructed along a section of the northern (front) and western boundaries, with the exception of a 1.7m to 2.59m setback from the southern (rear) boundary and a setback between 1.7m to 2.6 from the eastern boundary, including a splay in the north-eastern corner. Secluded private open space (SPOS) is located within the rear setback. The southern boundary consists of 2.9m to 3.9m high boundary fencing. The existing dwelling has a height of 4.5m above NGL.
21. The dwelling consists of two bedrooms, a bathroom and an open plan dining/kitchen area. Access to the SPOS is provided from one of the bedrooms and via the eastern setback.
22. There is no on-site car parking available.
23. The land slopes downward from west to east.
24. There are no restrictive covenants or easements listed on the title provided.

### Surrounding Land

25. The surrounding neighbourhood is largely residential, with a mixture of single to triple-storey dwellings, and an increasing number of contemporary developments. Industrial and commercial uses are found further east and west of the subject site. While building types vary substantially between the northern and southern sides of Mollison Street, high site coverage and the construction of walls on boundary are common elements, with the majority of buildings being constructed on or in close proximity to at least one side boundary. A number of these dwellings on the southern side of Mollison Street are built abutting their boundaries, with smaller front setbacks. Whereas the northern side of Mollison Street consists of Victorian-era dwellings with setbacks of approximately 3m from their front title boundary to accommodate small front gardens.



Areas of secluded private open space (SPOS) are predominantly located to the rear of these dwellings at ground floor or within roof terraces.



#### *North*

26. To the north of the subject site and across Mollison Street, are a number of Victorian-era, single-storey dwellings; some with first or second-storey additions. A part two and three-storey apartment building containing 78 dwellings is located further north-east of the subject site, at the corner of Mollison and Nicholson Streets.

#### *South*

27. Abutting the subject site to the south are two, single-storey dwellings; Nos. 270 and 272 Langridge Street, Abbotsford.

#### *No. 270 Langridge Street (South-west)*

28. This is a single-storey, weatherboard dwelling, fronting Langridge Street. The dwelling is setback between 1.62m to 3.16m from the northern boundary; i.e. the common boundary shared with the subject site to accommodate a verandah and their principal SPOS.

#### *No. 272 Langridge Street (South-east)*

29. Similar to No. 270 Langridge Street, this is a single-storey, weatherboard dwelling, setback between 1.55m to 2.44m from the common boundary shared with the subject site to accommodate a verandah and their principal SPOS. Two north-facing windows associated with the bathroom and laundry face the subject site.

#### *East*

30. To the east of the subject site and across Little Charles Street is a double-storey warehouse conversion. This building is built to all title boundaries, with one of the dwellings being directly opposite the subject site. This dwelling has a west-facing, window associated with the powder-room/laundry and a double carport/covered courtyard facing the subject site at ground floor. At first floor, the dwelling consists of one west-facing bathroom window, one bedroom window and a rooftop deck facing the subject site.

## West

31. Abutting the subject site to the west are No. 21A Mollison Street and No. 268 Langridge Street; a three-storey warehouse conversion with two dwellings, approved under Planning Permit PL08/0735 issued by Council on 21 November 2008. The western boundary of the subject site directly abuts No. 21A Mollison Street, with less than 0.3m of this boundary abutting No. 268 Langridge Street. No. 21A Mollison Street (the northern dwelling), has a 9.46m to 11.44m high street wall and is built to the majority of the boundaries at all floors, with the exception of a 2.56m setback from the common boundary shared with the subject site, which accommodates a ground floor courtyard for each dwelling. The first floor is setback 3.25m from the street wall to accommodate a balcony. At second floor No. 21A Mollison Street is setback 2.6m from the street wall and setback 2.79m from the eastern boundary to accommodate a balcony which wraps around the front portion of the dwelling. A number of east-facing, habitable room windows of No. 21A Mollison Street face the subject site.
32. Further west of No. 21A Mollison Street, at the corner of Mollison and Charles Street, is a triple-storey building containing 10 dwellings.

## The Proposal

33. The proposed double-storey extension above the existing dwelling will have a rectangular form with a flat roof. The materials proposed are a mix of metal screening, rendered and exposed brick. The extension will have a maximum height of 10.45m above NGL. Details of the proposed extension are as follows:

### Demolition (no permit required)

- (a) Demolition of the existing roof, and a number of windows at ground floor; and
- (b) Internal alterations.

### Construction

- (c) Ground floor will continue to contain two bedrooms, a bathroom and an open plan dining/kitchen area. The ground floor will continue to have 36sqm of private open space (POS) located within the eastern and southern setbacks, including a 1,500L water-tank located to the rear of the site. Access for pedestrians will remain from Mollison Street;
  - (d) First floor will consist of a laundry, WC, a living room with access to a 24sqm, north-facing terrace. The terrace at first floor cantilevers 0.45m over the front portion of the ground floor and the eastern wall of the first floor cantilevers 0.4m over the ground floor; and
  - (e) Second floor will consist of a study, the master bedroom and ensuite.
34. There will be no changes to the existing setbacks and extent of walls on boundaries of the existing ground floor, aside from replacing the east-facing bedroom windows and south-facing bathroom windows with wall. The double-storey extension above the existing ground floor is constructed to the western boundary at both levels for a length of 7m and at an overall height of 10.45m above NGL. The first and second floors are setback between 1.78m to 3.38m from the rear boundary and setback between 1.36m to 3.6m from the eastern boundary. The wall associated with the stairs at first floor will be setback 0.45m from the front boundary, with the terrace being built abutting the northern boundary for a length of 6.4m. The second floor will be setback 0.45m from the front boundary, with the exception of a window shroud of the master bedroom, abutting the northern boundary.

## Planning Scheme Provisions

### Zoning

#### *Clause 32.08 General Residential Zone (Schedule 2)*

35. Pursuant to *Clause 32.08-5* of the Scheme, a planning permit is required to extend one dwelling on a lot less than 300sqm. As the subject site is approximately 113sqm, a planning permit is required. A development must meet the requirements of *Clause 54*.
36. As highlighted earlier in the report, the proposal complies with the mandatory requirements of the zone as the development is for a three-storey extension on a site less than 400sqm, with a maximum height of 10.45m; meeting the exemptions outlined in 3.0 of Schedule 2 of the zone.

### Overlays

37. None.

### Particular Provisions

#### *Clause 54 One Dwelling on a lot*

38. Pursuant to *Clause 54* of the Scheme the provisions apply for an extension of a dwelling on a lot in a General Residential Zone.

### General Provisions

#### *Clause 65 Decision guidelines*

39. 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*

40. 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*

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

#### *Clause 15.01-4 – Design for safety*

42. The objective of this clause is:

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

*Clause 15.01-5 Cultural identity and neighbourhood character*

43. 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*

44. The objective of this clause is:

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

*Clause 16.01-4 – Housing diversity*

45. The objective of this clause is:

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

*Clause 18.02-1 – Sustainable personal transport*

46. The objective of this clause is:

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

Local Planning Policy Framework (LPPF)

*Clause 21 – Municipal Strategic Statement (MSS)*

47. The MSS provides a broad demographic summary of the municipality and is structured into 4 main themes; land use, built form, transport and sustainability.
48. In relation to housing, Yarra has a higher percentage of flats and units and the MSS acknowledges that demand for inner-city living is high. An increased proportion of new housing development is to be encouraged on strategic redevelopment sites and in areas that are well located, close to public transport and activity centres.

*Clause 21.04 – Land use*

*Clause 21.04-1 – Accommodation and Housing*

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

- (a) *Objective 1 To accommodate forecast increases in population.*
  - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
  - (ii) *Strategy 1.3 Support residual population increases in established neighbourhoods;*

*Clause 21.05 – Built form*

*Clause 21.05-2 Urban Design*

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

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra.*
  - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
  - (i) *Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.*
  - (i) *Strategy 18.1 Encourage the re-establishment of streets and laneways through new development sites where such links were part of the historic street pattern, except where this will cause detrimental traffic impacts.*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*
  - (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
  - (ii) *Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
  - (iii) *Strategy 20.4 Apply the Built Form and Design policy at Clause 22.10.*
- (e) *Objective 22 - To encourage the provision of universal access in new development.*
  - (i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

*Clause 21.05-3 Built Form Character*

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

- (a) *Objective 23 To maintain and strengthen the identified character of each type of identified built form within Yarra.*
  - (i) *Strategy 23.1 Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*
- (b) *Objective 24 To maintain and reinforce preferred character.*
  - (i) *Strategy 24.1 Apply the Residential Built Form policy at Clause 22.13.*

*Clause 21.07 Environmental Sustainability*

52. The relevant objective and strategies 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.*
- (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.*

*Clause 21.08-1 Abbotsford*

53. The neighbourhood character statement for this area states:

- (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.*

54. The map at Figure 6: Built-form character Map: Abbotsford shows that the subject site is located in an 'Inner Suburban – Urban Residential Mix' area. The strategy for this area is:

- (a) *Maintain the hard urban edge of development along main roads.*
- (b) *Reflect the fine grain of the subdivision pattern in building design where this exists along main roads.*

Relevant Local Policies

*Clause 22.10 - Built form and design policy*

55. This policy applies to all new development not included in a heritage overlay. The relevant objectives of this policy are:

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
- (e) *Create a positive interface between the private domain and public spaces.*
- (f) *Encourage environmentally sustainable development.*

56. The clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The relevant design objectives and guidelines relate to:

- (a) *Urban form and character;*
- (b) *Setbacks and building heights;*
- (c) *Street and public space quality; and*

(d) *Environmental sustainability.*

*Clause 22.13 - Residential Built Form Policy*

57. This policy includes design responses which relate to the built form character types at *Clause 21.08* of the Scheme. The subject site is within an “Inner Suburban – Urban Residential Mix”, area described as “*built form dominated residential areas with mostly no front and side setbacks*”. This policy encourages the following design responses for developments within “Urban Residential” areas:
- (a) *Maintain the existing pattern of front setbacks (zero front setback often includes ground floor verandah insets).*
  - (b) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
  - (c) *Orient buildings at right angles to the street frontage.*
  - (d) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

58. This policy applies to applications for extensions to existing buildings which are 50sqm in floor area of greater and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways. The relevant objectives of this Clause are as follows:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
  - (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
  - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
  - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
  - (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.*

**Advertising**

59. The original application was advertised in accordance with Section 52 of the Act by way of 38 letters sent to surrounding property owners and occupiers and the display of two signs; one on the Mollison Street frontage and the other on the Little Charles Street frontage.
60. Council received a total of nine (9) objections. The grounds of objection are summarised as follows:
- (a) Proposed design, including the materials are not appropriate with regards to the existing neighbourhood character;
  - (b) Over development of the site (height, site coverage, lack of setbacks);

- (c) Amenity impacts (visual bulk, daylight to habitable room windows, overshadowing and overlooking);
- (d) Inaccuracies on plans; and
- (e) Inappropriate location of plant equipment.

61. These issues will be discussed later within this report.
62. As highlighted earlier in the report, amended plans were submitted on 05 December 2017 under S57A of the Act. The amended plans were advertised to the abutting neighbours and all objectors. Two (2) objections were withdrawn as a result of the amended proposal, leaving seven (7) objections in total.
63. This assessment is based on the amended plans, dated 05 December 2017.

## Referrals

### External Referrals

64. The application was not required to be referred to external parties under the Scheme.

### Internal Referrals

65. The application was not required to be referred to internal departments.

## OFFICER ASSESSMENT

66. The key planning considerations for Council in considering the proposal are:

- (a) Clause 54 (Rescode);
- (b) Development abutting a laneways; and
- (c) Objector concerns.

### Clause 54 – Rescode

67. The following is a detailed assessment of the proposal against the relevant provisions of ResCode (*Clause 54*), incorporating an assessment against the policy guidelines for sites within an Inner Suburban Residential area at *Clause 22.13 (Residential built form policy)* and the provisions of *Clause 22.10 (Built form and design policy)*.
68. Clause 54 comprises of 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.

### *A1 – Neighbourhood character objective*

69. The immediate streetscape character is diverse, with a variety of dwelling designs, all with varying heights and setbacks. There are a number of examples of contemporary buildings or warehouse conversion to dwellings along both sides of Mollison Street. Along the southern side of Mollison Street are Nos. 21A and 23 Mollison Street, as well as the triple-storey development containing 10 dwellings at the corner of Mollison and Charles Streets. On the northern side of Mollison Street are a number of single-storey Victorian-era dwellings with first or second-storey additions, as well as a part two and part three-storey apartment building at the corner of Mollison and Nicholson Streets.
70. The existing site coverage will not be drastically altered as a result of the proposed extension; however it continues to be generally consistent with the character of the street which is typically high given the minimal setbacks, extent of boundary walls and small lot sizes.

71. The design objective of *Clause 22.10-3.3* of the Scheme seeks to *ensure new roof forms respect any prevailing roof forms in the area and contribute to the skyline silhouette*. The proposed flat roof is consistent with other dwellings along the southern side of Mollison Street, where the majority of the roof forms of contemporary dwellings are flat. The existing single-storey dwelling on the subject site is itself a contemporary looking dwelling with a flat roof.
72. Overall, the proposal is a site and neighbourhood responsive design response, meeting the objective of the Standard.

*A2 – Integration with the street objective*

73. The proposed dwelling will continue to be orientated to Mollison Street. The proposed extension above the existing single-storey dwelling will positively integrate with the street and promote passive surveillance through the provisions of large habitable room windows at both first and second floors, including the north and east-facing terrace at first floor.
74. Similar to other contemporary buildings along Mollison Street, including the subject site, minimal landscaping exists within the front setback. Consistent with *Clause 22.13-3.3* of the Scheme which recommends maintaining *the existing pattern of front setbacks (zero front setback often includes ground floor verandah insets)*, the existing zero setback of a section of the ground floor will not be altered. Whilst the terrace at first floor is to be constructed abutting the northern boundary with transparent metal screening, the proposed plan shows vegetation along the northern and eastern parts of the first floor, behind this screening which will further soften the proposed addition when viewed from Mollison Street.
75. As a guide, *Clause 22.13-3.3* of the Scheme states, *on single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties*. The proposal increases the existing number of storeys, from one to three. As such, the design of the development as a three-storey building is considered to be generally consistent with the existing pattern of surrounding development, providing a similar height as the abutting development to the west and a single-storey transition in height with the double-storey development to the east of the site, across Little Charles Street.
76. *Clause 22.10-3.4* recommends the provision of *a reasonable level of transparent treatment (e.g. windows, voids etc.) within the front street elevations*. The use of transparent, metal screening along the dwelling's façade at first and second floors, combined with habitable room windows at both floors would allow for a degree of interaction between the dwelling's facade and the streetscape. The combination of transparent metal screening along with the proposed north-facing terrace at first floor will further enhance the level of passive surveillance. In addition, as a result of using this material, the first and second floors will not appear to dominate the existing ground floor, providing an appropriate contrast between the existing brick and new metal, and will be generally consistent with the policy direction under *Clause 21.08*, *Clause 22.10* and *Clause 22.13* of the Scheme. Furthermore, the proposed material is appropriate given the context of the site, with many former warehouse conversions.

*A3 – Street setback objective*

77. The proposed works do not alter the existing ground floor which is built abutting the northern boundary for a length of approximately 8m, followed by a splay. The first floor will be constructed for a length of 6.5m along the front boundary, with the exception of a 0.45m setback of the wall associated with the stairs. The second floor will be setback 0.45m from the front boundary, aside from a window shroud which abuts the northern boundary.

The construction of walls along the front boundary, with minimal setbacks is consistent with the lack of front setbacks found in the existing dwelling on the subject site, as well as other developments along Mollison Street. Most notably the abutting dwelling to the west; zero setbacks at ground floor, with the first and second floors setback 3.25m and 2.6m, respectively, behind the existing high street wall. As such, the proposal complies with *Clause 22.13-3.2* of the Scheme which states *maintain the existing pattern of front setbacks*.

78. In addition, the use of transparent materials allows the upper level additions to not dominate the existing ground floor, providing an appropriate visual impact of the dwelling when viewed from the street and from adjoining properties.

*A4 – Building height objective*

79. The proposed maximum building height is 10.45m above NGL. Whilst this does not achieve compliance with the maximum 9m specified under the Standard, the proposed height is considered to meet the objective of the standard, which is to ensure that the height of buildings respects the existing or preferred neighbourhood character.
80. As discussed in the neighbourhood character assessment above, the height of the proposed extension is considered to be generally consistent with the surrounding neighbourhood character, which includes two to three-storey buildings. The transition by an additional single-storey compared to the double-storey dwelling to the east of the subject site, across Little Charles Street, and matching the number of storeys of the sites further west of the subject site is considered to be appropriate in terms of the surrounding properties.

*A5 – Site coverage objective*

81. This Standard states that the site area covered by buildings should not exceed 60%. As a result of the first floor cantilevering over the ground floor, the existing site coverage increases from approximately 66% to 70% and as such continues to exceed the requirement of the Standard (including the area allocated for the rainwater tank). However, the design response is considered reasonable in the context of the site in an inner-urban environment, and the established neighbourhood character which is characterised by high site coverage and small open space areas. In particular, similar degrees of site coverage are found within the adjacent sites to the east and west, at Nos. 21A and 23 Mollison Street.

*A6 – Permeability objectives*

82. A minimum of 20% site permeability is recommended by this Standard. The plans do not show the existing or proposed permeable surfaces within the subject site. However an aerial view of the site shows some landscaping along the eastern and southern setbacks. Whilst the proposed ground floor plan shows landscaping within the south-eastern corner of the site it is unclear whether there will be permeable surfaces on site. As it appears that the Applicant is no longer proposing to remove the existing paving along the eastern and southern setbacks, it is unreasonable to require compliance with the 20% required under Standard A6 (Permeability objective) of Clause 54 of the Yarra Planning Scheme. However, a condition will require all permeable surfaces to be annotated on the plans.
83. Furthermore, the proposed floor plan indicates that there will be a 1,500Ltr rainwater tank within the rear setback. The STORM report provided shows a STORM rating of 105%; which exceeds best practice and would reduce water-runoff. However, the use of the proposed rainwater tank has not been annotated on the floor plans; e.g. connected for sanitary purposes. A condition will require the use of the proposed rainwater tank to be annotated on the plans.

*A7 – Energy efficiency protection objectives*

84. The proposed development will have a good level of energy efficiency given:



- (a) The proposal incorporates a north-facing terrace at first floor providing access to direct sunlight throughout the day, and is located directly off the main living room, thereby achieving good solar access and reducing the reliance on artificial lighting;
- (b) Cross-ventilation opportunities will be provided via the operable windows on all three floors;
- (c) Each floor cantilevers over the preceding floor below towards the front of the site and as such this would protect each habitable room from the northern and eastern sun, especially during harsh summer months;
- (d) A 1,500 litre rainwater tank is proposed;
- (e) The addition of skylights at the first floor will reduce the reliance on artificial lighting; and
- (f) The majority of the built form of the proposed dwelling at first and second floors will be setback from sensitive interfaces such as SPOS and habitable room windows. Therefore, not unreasonably impacting daylight or solar access to adjoining properties. This will be discussed in detail in other sections of the Rescode assessment.

85. Overall, the proposed development is considered to achieve an appropriate design response with regard to energy efficiency objectives.

*A8 – Significant trees objective*

86. No tree removal has been proposed under this application.

*A10 – Side and rear setbacks objective*

87. The proposal incorporates built form which will be setback from the eastern, western (side) and southern (rear) title boundaries. A condition will require a proposed western elevation to be provided, with heights of all works annotated above NGL.

88. The following table compares the proposed building setbacks with those required by the standard.

Wall location	Wall height	Setback required	Setback provided	Complies?
<u>Eastern wall</u>				
First floor	7.6m	2.69m	1.36m	Variation required (-1.33m)
Second floor	10.45m	5.54m	3.6m	Variation required (-1.94m)
<u>Western wall</u>				
First floor	6.65m	1.91m	2.8m	Complies
<u>Southern wall</u>				
First floor	6.65m to 7.49m	1.91m to 2.58m	1.78m to 3.88m	Variation required (-0.13m, + 1.3m)
Second floor	9.5m	4.59m	3.03m to 3.88m	Complies

89. As demonstrated above, all setbacks comply with the standard; with the exception of the setback of the proposed first and second floors from the eastern boundary and the setback of the proposed first floor from the southern boundary. The setback of the first floor from the western boundary has not been annotated, which will be required by way of condition.

*Eastern setback*

90. Clause 54.01-4 of the Scheme seeks to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. As shown in the table above, the proposed conditions fall short of the requirements set under the standard.

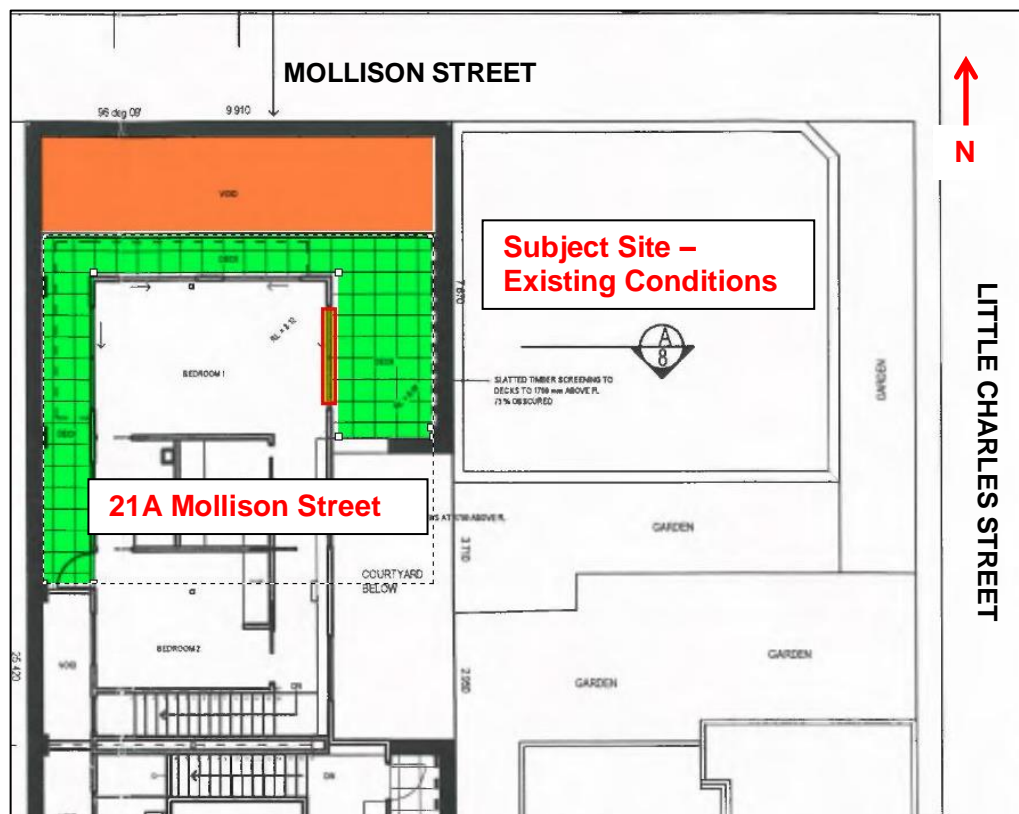
Based on the proposed eastern walls having a direct interface with Little Charles Street, which provides a 5.2m separation from the adjacent property to the east, there will be no impact on any sensitive interfaces such as the one habitable room window (bedroom) and the rooftop deck of No. 23 Mollison Street. Furthermore, the use of a number of different materials (existing brick and permeable metal screening), including the addition of windows would provide an appropriate level of articulation of the addition when viewed from the habitable spaces of the dwelling to the east. Therefore the variation to this standard is acceptable.

*Southern setback*

91. The proposed southern wall at first floor will be adjacent to the SPOS, including a north-facing window of No. 272 Langridge Street, and a part of the SPOS of No. 270 Langridge Street. However, a variation of between 0.13m to 0.8m is acceptable as these SPOS and window are already impacted by an existing 2.9m to 3.9m high boundary wall/fence which straddles the shared boundary. Furthermore, the southern elevation will not be appreciated as a two dimensional plane given the varying setbacks at the upper levels. This element coupled with the permeable screening, will assist in reducing perception of any visual bulk impacts.
92. Therefore this proposal will not cause any unreasonable off-site, visual bulk impacts when viewed from the SPOS and habitable room windows of the dwellings to the east and south.

*A11 – Walls on boundaries objective*

93. To comply with this standard, any new wall constructed along the western boundary should not exceed 10.25m in length. The standard also notes that the average wall height should not exceed 3.2m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.
94. As stated previously, a condition will require a proposed west elevation to be provided. The existing wall along the western boundary at ground floor runs along for a length of 8.5m of this boundary and is shared with the majority of the existing 9m high eastern boundary wall of No. 21A Mollison Street, with the exception of a length of 1m x 2.4m high of this wall, which abuts the courtyard of No.21A Mollison Street. As such, the existing conditions meet the maximum allowable length and height set by the standard.
95. The 10.45m high wall associated with the proposed first and second floors will be built for a length of 7m and abut the existing 9m high (lowest point) to 9.9m high (highest point to the privacy screening) boundary wall of No. 21A Mollison Street. Therefore, whilst the length meets the length of 10.25m set by the standard, the height varies by 0.55m.



Above: Void (shown in orange), Roof deck (shown in green) and Window (shown in red) of No. 21A Mollison Street, Abbotsford

96. As shown in the above plan, the proposed wall will abut an existing void, followed by a roof deck, including an east-facing bedroom window of No. 21A Mollison Street. This window is currently setback 2.79m from its eastern boundary. The variation of 55cm is acceptable as this roof deck and bedroom continues to have uninterrupted views to the north (Mollison Street) as well as an outlook to the west. Therefore, this roof deck and bedroom will not feel closed in as a result of the proposed wall along the shared boundary.

97. Based on the above; the location, lengths, heights of these walls, the proposal will meet the objectives of the standard.

*A12 – Daylight to existing windows objective*

98. Standard A12 requires a light-court to be provided with a minimum area of 3sqm and a minimum dimension of 1m clear to the sky.

99. No. 21A Mollison Street has one, east-facing window at second floor which would face the second floor of the subject site. Given this window is at the same level as the proposed second floor wall, a setback of 1.42m is required under the standard. This existing window of the abutting site to the west is already setback 2.79m from its eastern boundary and as such meets the setback requirement of the standard.

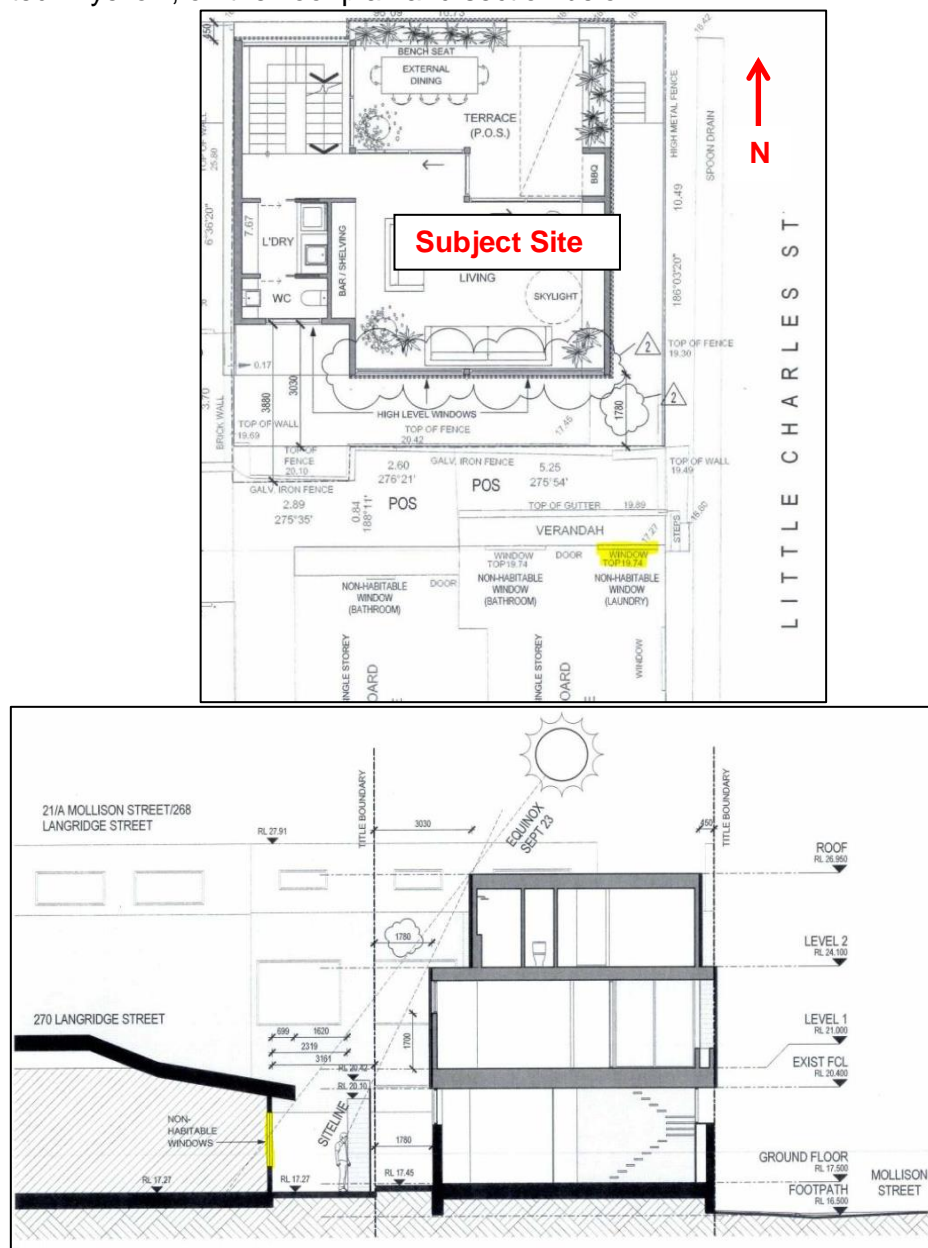
100. It is considered that the proposed development has been sited and designed to ensure that the abovementioned existing habitable room window of the dwelling to the east will continue to receive an adequate level of daylight access.

*A13 – North-facing windows objective*

101. Standard A13 requires a wall within 3m of a north-facing habitable room window to be setback 1m from the boundary, plus 600mm for every metre of height over 3.6m.

102. No. 272 Langridge Street has two north-facing windows; one to a bathroom and the other to a laundry. However, a section of the laundry appears to be part of an open plan kitchen/dining area, with no wall in between the laundry and the habitable room. Therefore, in this instance, whilst the plans state this window is not habitable, a more conservative approach will be taken, with this window being considered as a habitable room window.

This window is currently setback between 2.3m to 3.16m from the northern boundary. This shared boundary consists of a 2.9m to 3.9m high wall along the shared boundary at ground floor. The relevant north-facing, habitable room window of this dwelling to the south has been highlighted in yellow, on the floor plan and section below.



Above: North-facing habitable room window (highlighted in yellow) of No. 270 Langridge Street, Abbotsford

103. The following table compares the proposed building setbacks of the first floor from the southern boundary, adjacent to this north-facing window, with those required by the standard. The proposed second floor will not be adjacent to or located within 3m of this window, and therefore will not be discussed within the table.

Wall Description	Proposed height	Required setback	Proposed setback	Compliance?
First floor	6.65m to 7.49m	2.83m to 3.57m	1.78m	Variation required

104. Under the existing conditions, this north-facing window at ground floor of No. 272 Langridge Street is already impacted by the existing 2.9m to 3.9m high wall shared with the subject site. However, this window is part of an open plan dining/ kitchen area, with an alternate, east-facing window providing solar access. In addition, less than 0.4m of the length of this window will be adjacent to the proposed first floor, providing uninterrupted solar access for the remainder of this window.

105. Overall, it is considered that the proposed development has been sited and designed to ensure that this habitable room window of the dwelling to the south will continue to receive an adequate level of solar access.

*A14 – Overshadowing open space objective*

106. The proposed development will not result in additional overshadowing to the east-facing courtyards of No. 21A Mollison Street and No. 268 Langridge Street, as they are already overshadowed by an existing 2.4m high boundary wall shared along the common boundary. In addition, the proposed extension will not impact the existing SPOS of No. 270 Langridge Street in terms of additional shadowing as this small SPOS is already heavily shadowed by the existing 2.9m to 3.9m high wall/fence which runs along the common boundary.

*No. 272 Langridge Street*

107. However, the proposed development would result in additional overshadowing to the SPOS areas of No. 272 Langridge Street, at the September Equinox. This dwelling consists of approximately 11sqm of SPOS located within the northern (rear) setback, with a walkway located within the western setback.
108. Given the orientation of the subject site and the location of the SPOS of No. 272 Langridge Street, this area is already heavily shadowed. As illustrated on the shadow diagrams provided by the Applicant, this SPOS will be impacted between 9am to 12noon. The dotted line denotes the location of the existing shadows cast from existing development surrounding this SPOS, including boundary walls/fences.
109. At 9am, this SPOS is completely overshadowed, with the exception of 1sqm located further south of this SPOS. As a result of the proposed extension, the additional shadows will fall on existing shadows, including this small unshadowed area. The minimal, additional shadowing at 9am is not considered unreasonable in this particular instance with the morning shadows not significantly altering the use of the neighbouring POS area, which is already heavily affected by shadows cast under the existing conditions.
110. Similar to 9am, at 12 noon, this SPOS is completely overshadowed by existing built form. The additional shadows of 1.8sqm will cast on the walkway located within the western setback of No. 272 Langridge Street.
111. By 3pm, this SPOS is completely shadowed by the existing, three-storey development at No. 21A Mollison Street.
112. Given the narrow lot sizes, high built form in the area and the site's orientation; it is common to see some level of increased overshadowing. The impact of the additional overshadowing on the SPOS of the adjacent dwelling to the south is not unreasonable, given that the proposal will not drastically alter the existing conditions, and is generally in accordance with the objective.

*A15 – Overlooking objective*

113. The standard states that a habitable room window should be located and designed to avoid direct views into the SPOS of an existing dwelling (or a habitable room window) within a horizontal distance of 9 metres (measured at ground level) of the window. Views should be measured within a 45 degree angle from the plane of the window and from a height of 1.7m above floor level. If there is overlooking, windows need to be screened.

*Ground floor*

114. Whilst the floor levels at ground floor are approximately 1m above natural ground, overlooking opportunities at ground level from the new windows would be suitably limited by existing boundary walls and fences that are over 2.8m in height.

*First floor*



115. The south-facing, living room windows at first floor will have a sill height of 1.7m above floor level. As such, meeting the requirements of the standard.
116. The proposed south-facing window of the WC at first floor does not require screening as this is not a habitable room window.
117. The northern and eastern façades at first floor does not require compliance with the standard as there are no sensitive interfaces within the 9m overlooking arc.

*Second floor*

118. The proposed, south-facing study room window constructed from obscure glazing is operable. There are possible overlooking opportunities into the north-facing habitable room window and courtyard at ground floor of No. 268 Langridge Street and the SPOS of No. 270 Langridge Street. Therefore, a condition will require this window to demonstrate compliance with the objective of the standard.
119. The northern and eastern windows at second floor do not require compliance with the standard as there are no sensitive interfaces within the 9m overlooking arc.

*A16 – Daylight to new windows objective*

120. All of the proposed windows will face an area with a minimum 3sqm and minimum dimension of 1m clear to the sky, thereby complying with the standard.

*A17 – Private open space objective*

121. The standard states that a dwelling should have POS of an area consisting of 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm. Furthermore, at least one part of the POS should consist of SPOS with a minimum area of 25sqm and a minimum dimension of 3m at the side or rear of the dwelling with convenient access from a living room.
122. The dwelling would provide approximately 36sqm of POS at ground floor and 24sqm of POS within the terrace at first floor; bringing the total to 60sqm of POS. The SPOS of 20sqm at the rear of the ground floor, including the 24sqm located within the covered terrace at first floor provides a total of 44sqm of SPOS. This complies with the minimum area of 25sqm required by the standard for SPOS and is easily accessible from the main living area at first floor and provides satisfactory recreational space for the dwelling occupants.

*A18 – Solar access to open space objective*

123. This standard does not apply to extensions to existing dwellings.

*A19 – Design detail objective*

124. The proposal is an appropriate response to the mixed neighbourhood character along Mollison Street, and can be supported on the following grounds:
  - (a) The presentation of the proposed development is considered to achieve a design response which respects the existing neighbourhood character of the area. As described earlier in this report, the lack of front setbacks, as well as the use of highly visually permeable screening at first and second floors, is considered to be acceptable in light of the established, mixed character of dwellings, with limited front setbacks along Mollison Street.
  - (b) The proposed development is modern and will be complementary to a streetscape which consists of a mix of single and triple-storey dwellings, and supports an emerging contemporary housing stock and as such will not appear out of context. The use of brick and metal screening will clearly differentiate the contemporary build from the existing brick dwelling on site, as well as the mix of built form along both sides of Mollison Street.
  - (c) Utilising a flat roof for the development would ensure the building presents in a similar fashion to the surrounding developments.

- (d) As the materials and finishes annotated on the proposed elevations do not show the proposed colours, and is only shown on the example images, a condition will require a separate materials and finishes schedule, including colours.

*A20 – Front fences objective*

- 125. No changes proposed to the existing front fence.

Objector Concerns

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

- 127. *Proposed design, including the materials are not appropriate with regards to the existing neighbourhood character.*

The dwelling's integration with the neighbourhood character and the surrounding area has been discussed at paragraphs 69 to 80 and paragraph 125.

- 128. *Over development of the site (height, site coverage, lack of setbacks).*

The site coverage is discussed at paragraph 81, side and rear setbacks, including walls on boundaries at paragraphs 87 to 97, and the height of the proposal is discussed at paragraph 79 to 80.

- 129. *Amenity impacts (visual bulk, daylight to habitable room windows, overshadowing, and overlooking).*

Off-site amenity impacts have been discussed at paragraphs 87 to 120.

- 130. *Inaccuracies on plans.*

As part of the S57A plans, the Applicant provided a site survey plan and amended plans, clearly depicting adequate information to assess this application.

- 131. *Inappropriate location of plant equipment.*

As part of the S57A plans, the Applicant removed the plant equipment such as a gas hot water system, which was proposed to be located within the south-eastern corner of the site.

It is also important to note that pursuant to *Clause 62.02-2* of the Scheme, any requirement in this scheme relating to the construction or carrying out of works, does not apply to *domestic services normal to a dwelling*. Therefore, a planning permit is not required for the installation of plant equipment, such as a hot water system, which is considered as *services normal to a dwelling*.

**Conclusion**

- 132. The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the above report, the proposal is considered to comply with relevant planning policy and is supported, subject to conditions.

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0046 for development of the land for alterations to the existing dwelling, including a first and second floor addition at 21 Mollison Street Abbotsford VIC 3067 subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must be generally in accordance with the plans prepared by Taylor Pressly Architects, dated 04.12.2017 (TP09, TP10, TP11, TP08, TP12, TP13 and TP14), but modified to show:

- (a) all permeable surfaces to be annotated on the plans.
  - (b) a notation confirming the proposed rainwater tank is connected for sanitary purposes and/or irrigation.
  - (c) the setback of the first floor from the western boundary.
  - (d) a proposed western elevation, annotating heights of all works above natural ground level.
  - (e) a schedule of all materials and finishes including colours.
  - (f) the south-facing study room window at second floor to demonstrate compliance with the objective of Standard A15 (Overlooking objective) of Clause 54 of the Yarra Planning Scheme:
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 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.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
6. 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.
7. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

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

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

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

NOTE: 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:** Nish Goonetilleke  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5005

**Attachments**

- 1 PLN16/0046 - 21 Mollison Street Abbotsford - Site Location Plan
- 2 PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

**Attachment 1 - PLN16/0046 - 21 Mollison Street Abbotsford - Site Location Plan**

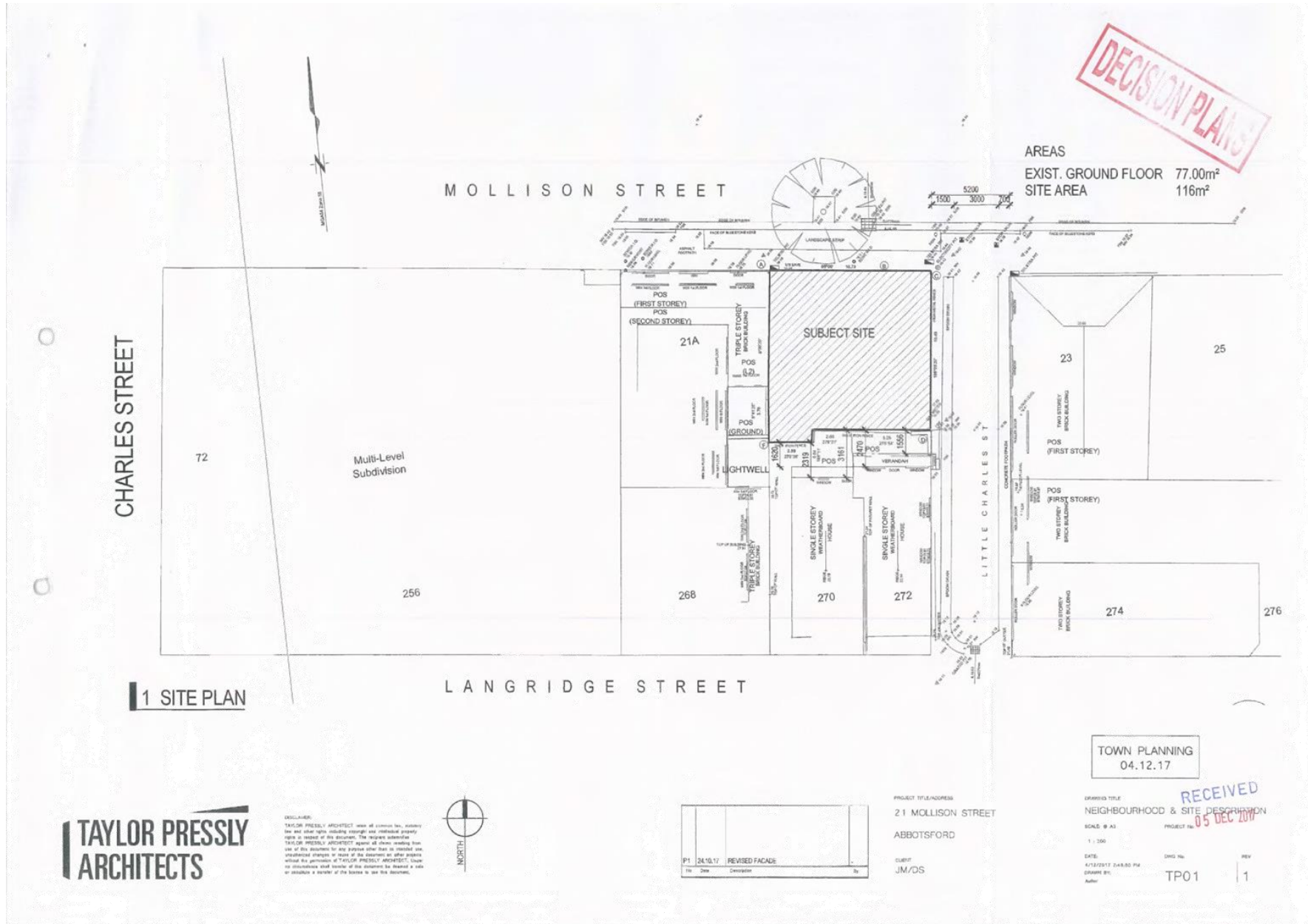
**SUBJECT LAND: 21A Mollison Street Abbotsford**

↑ North  Subject Site

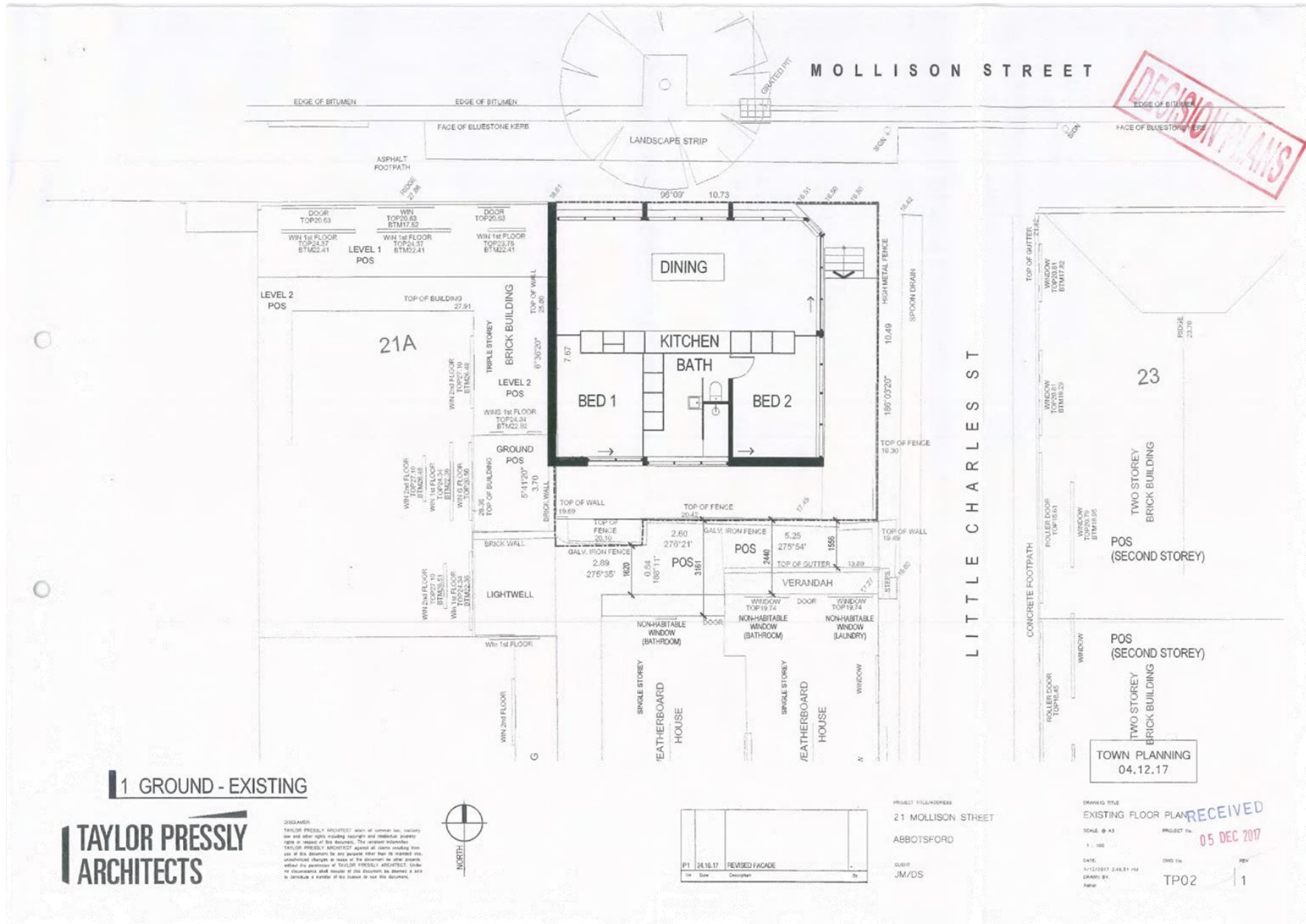




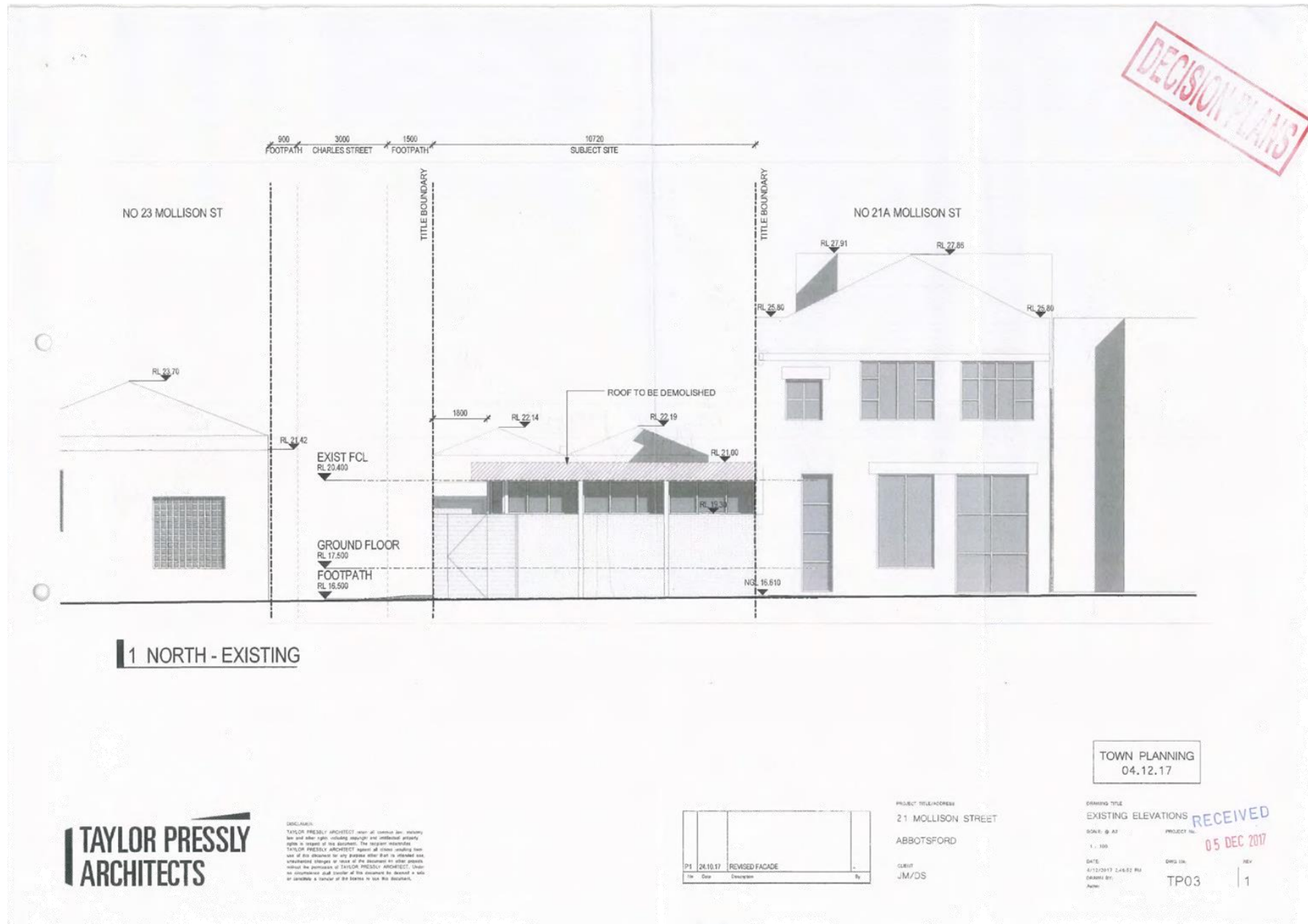
Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

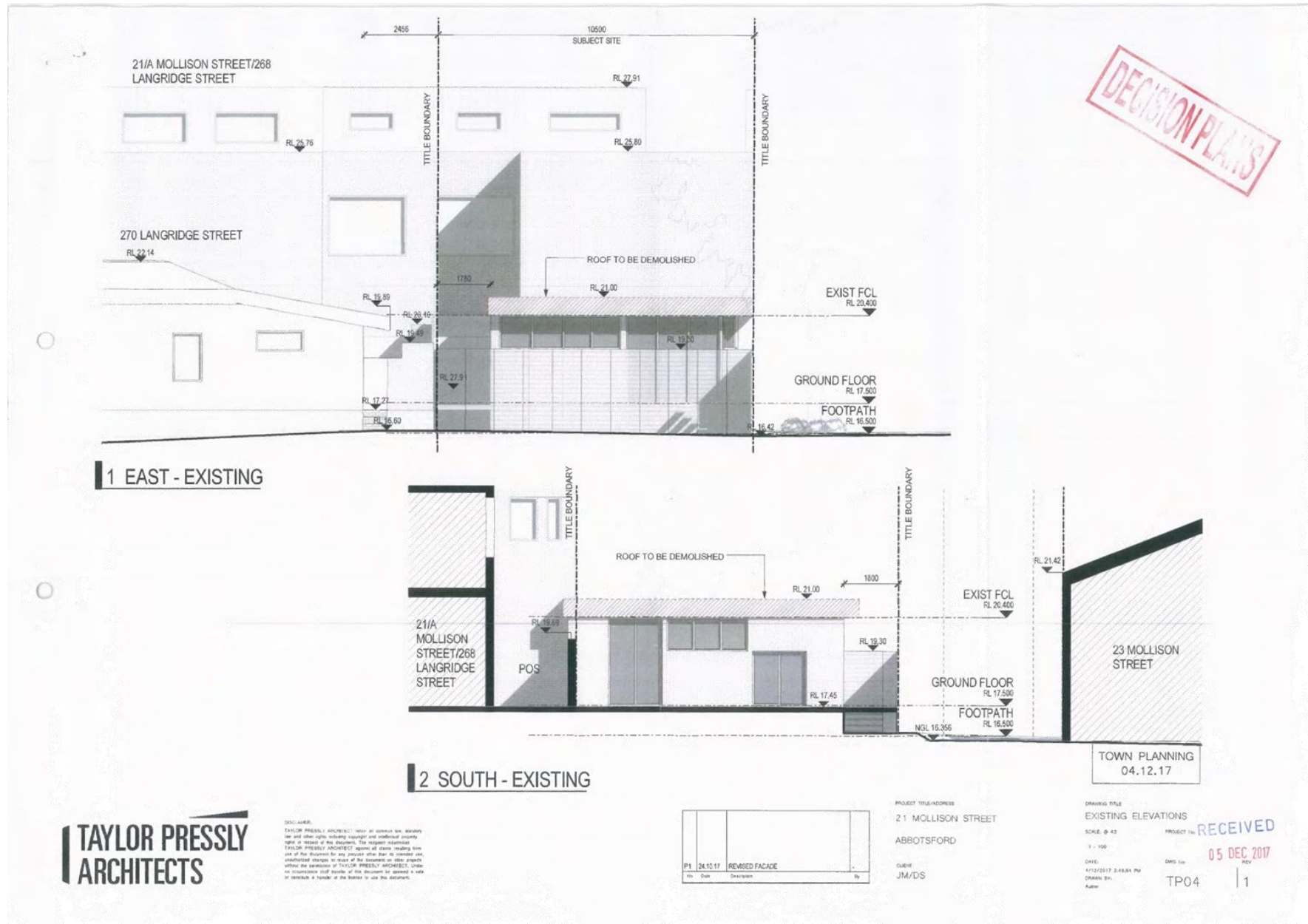


**Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans**

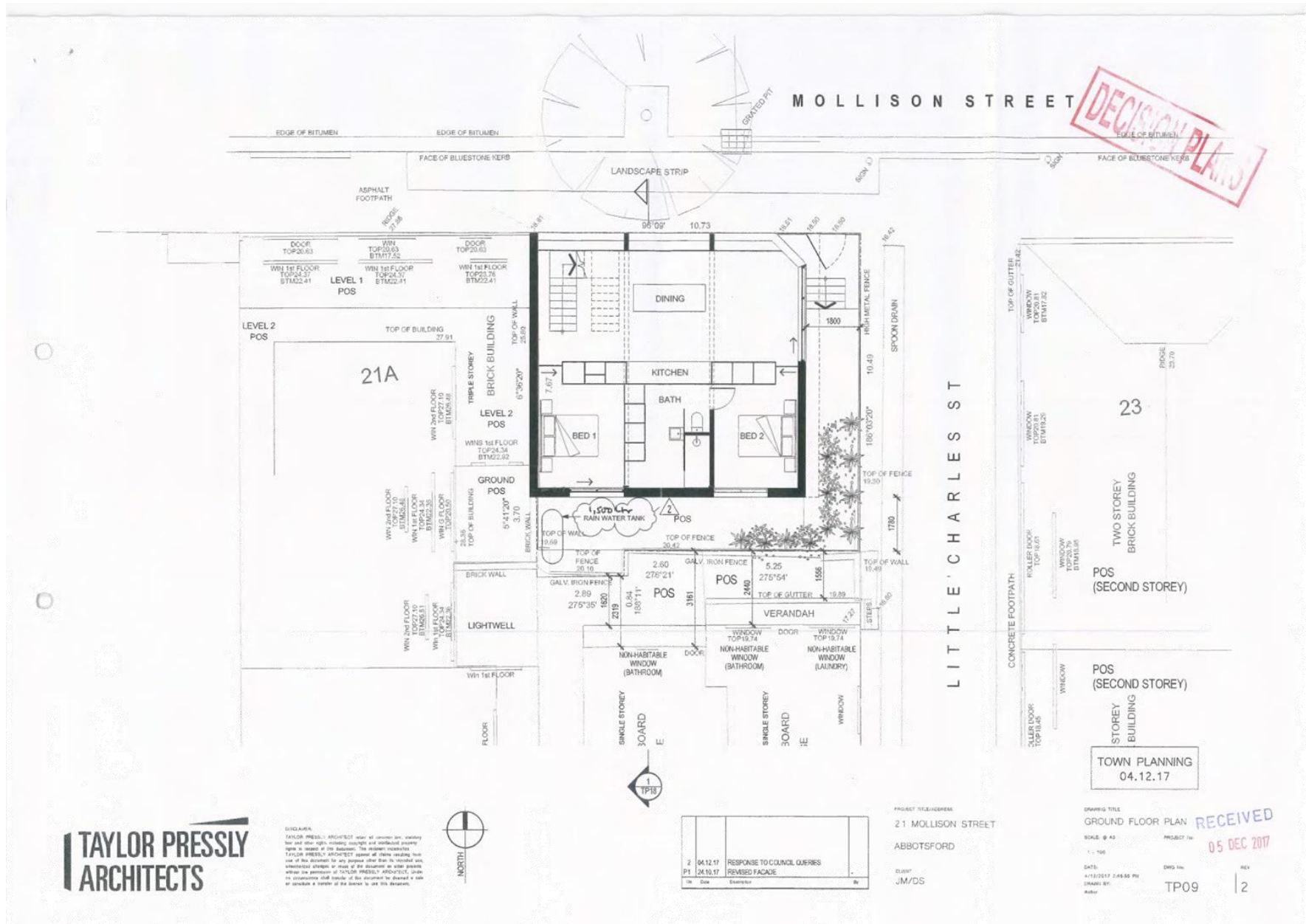




Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

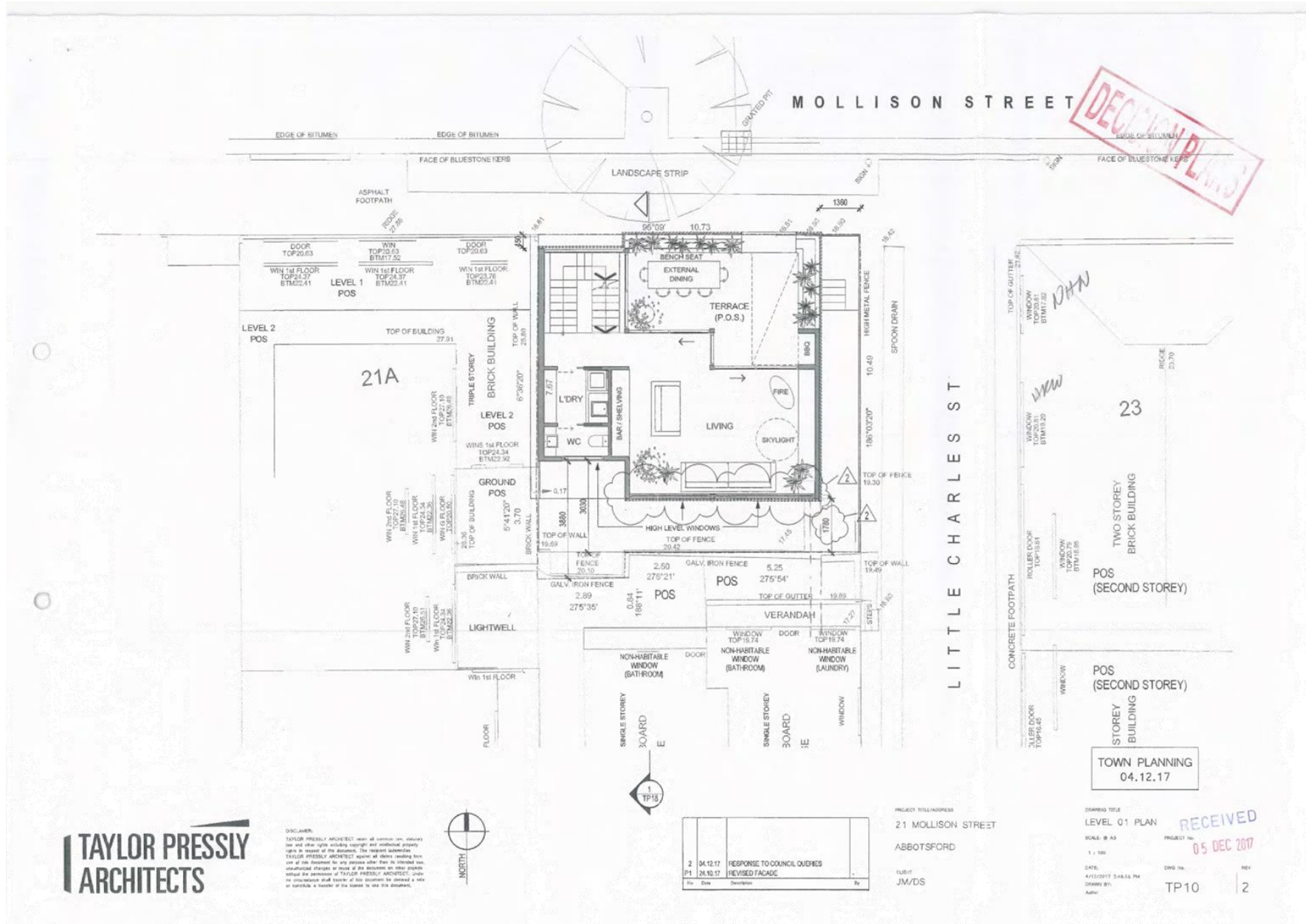


Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

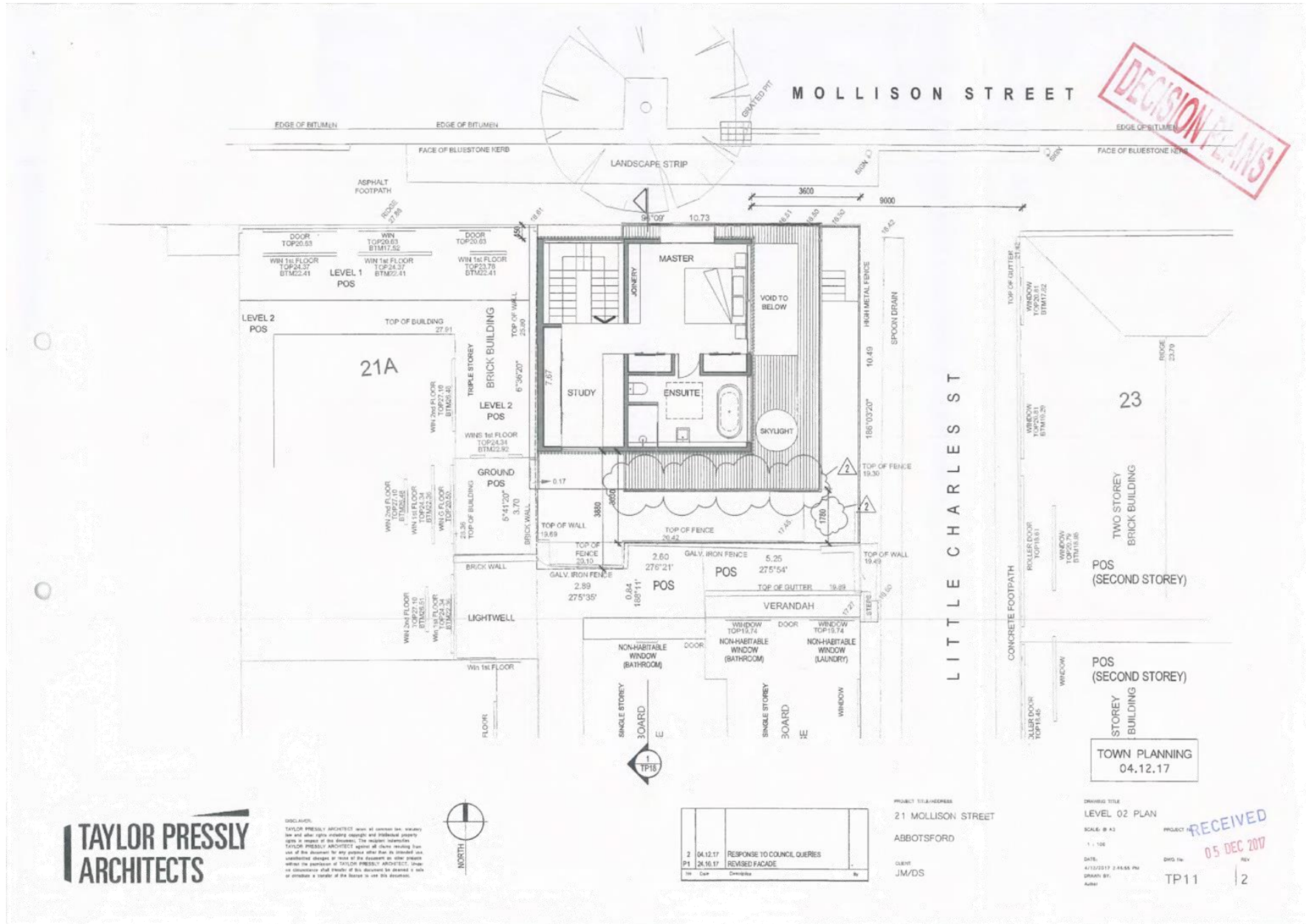




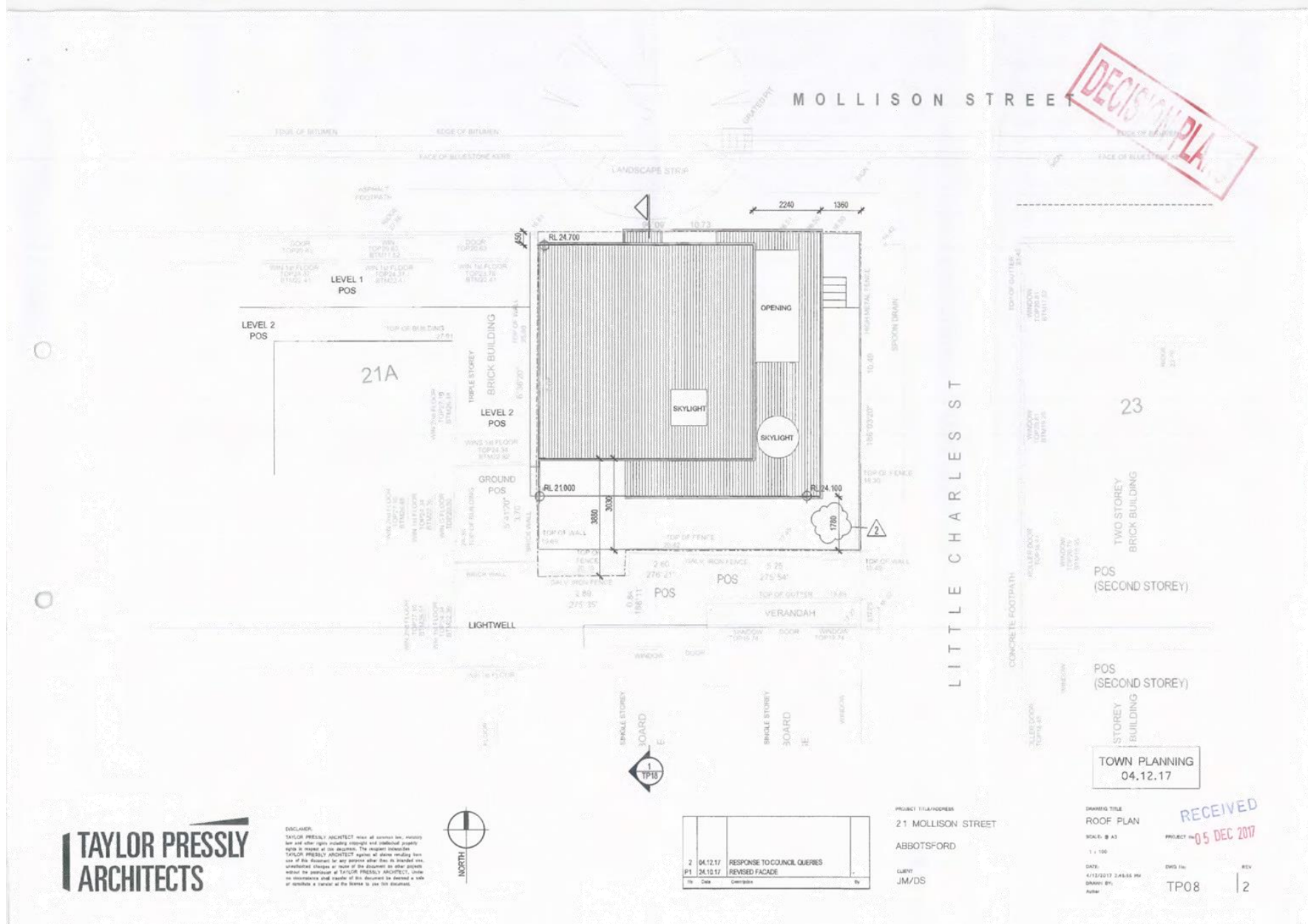
Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

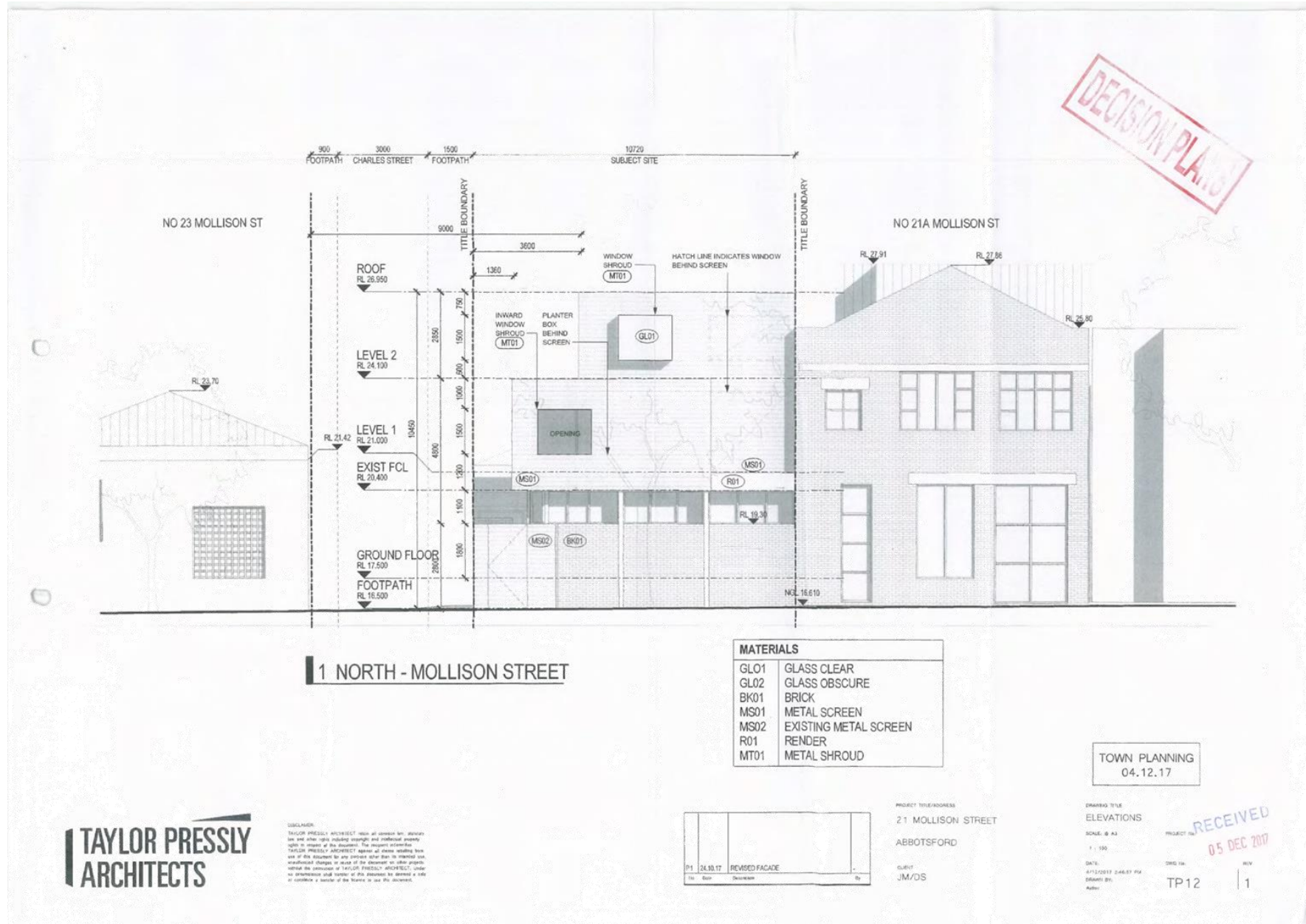


Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

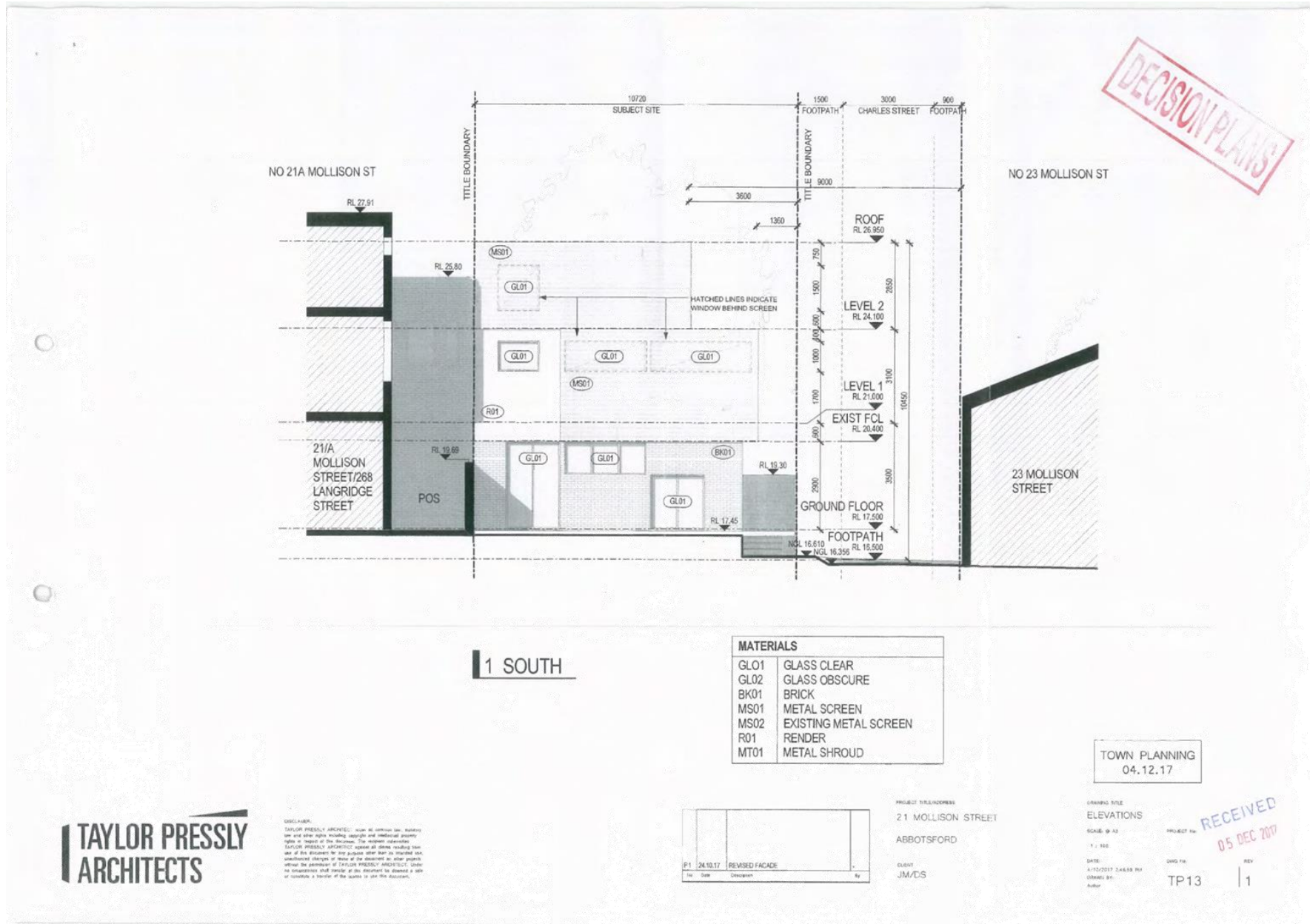




Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

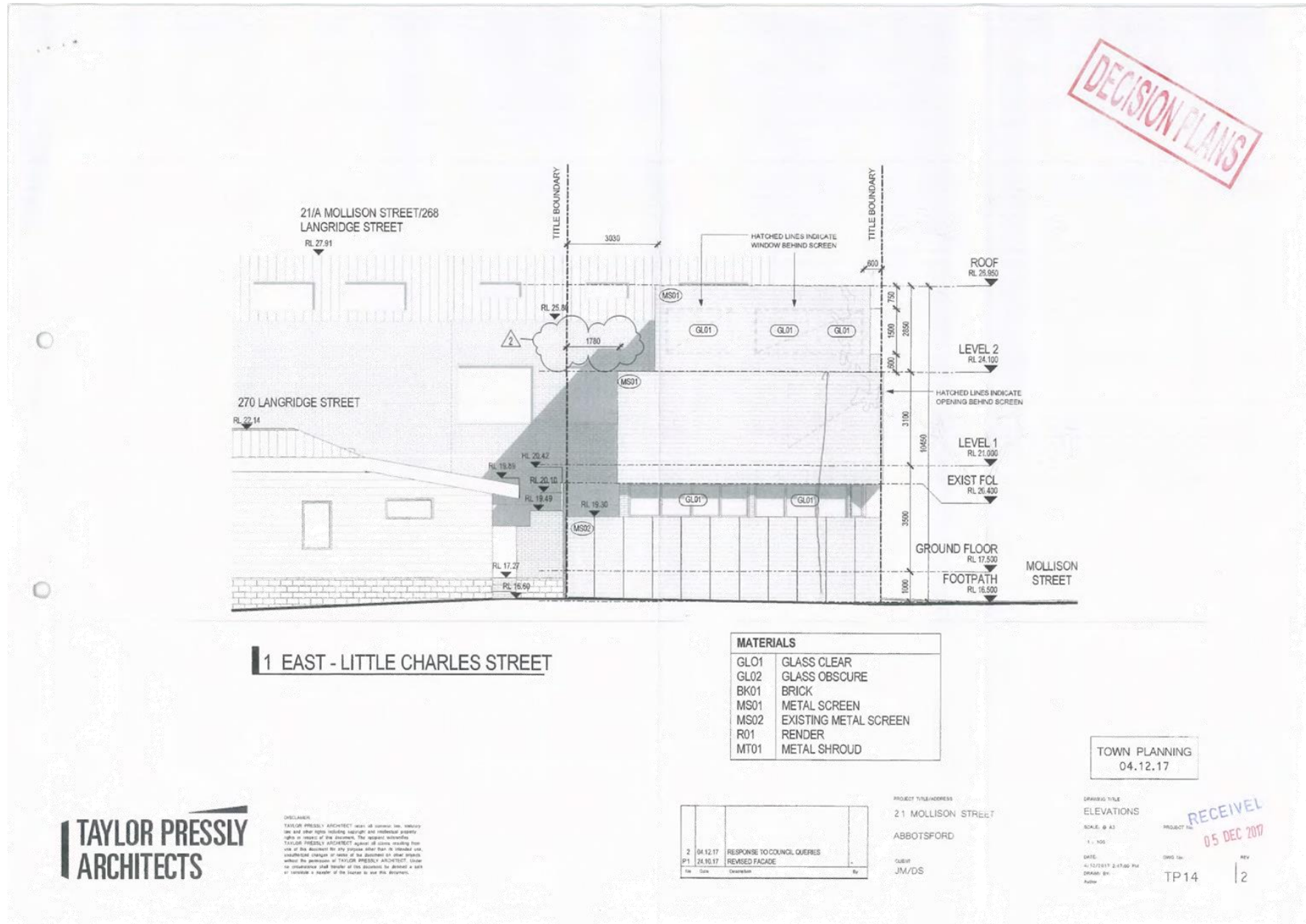


Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

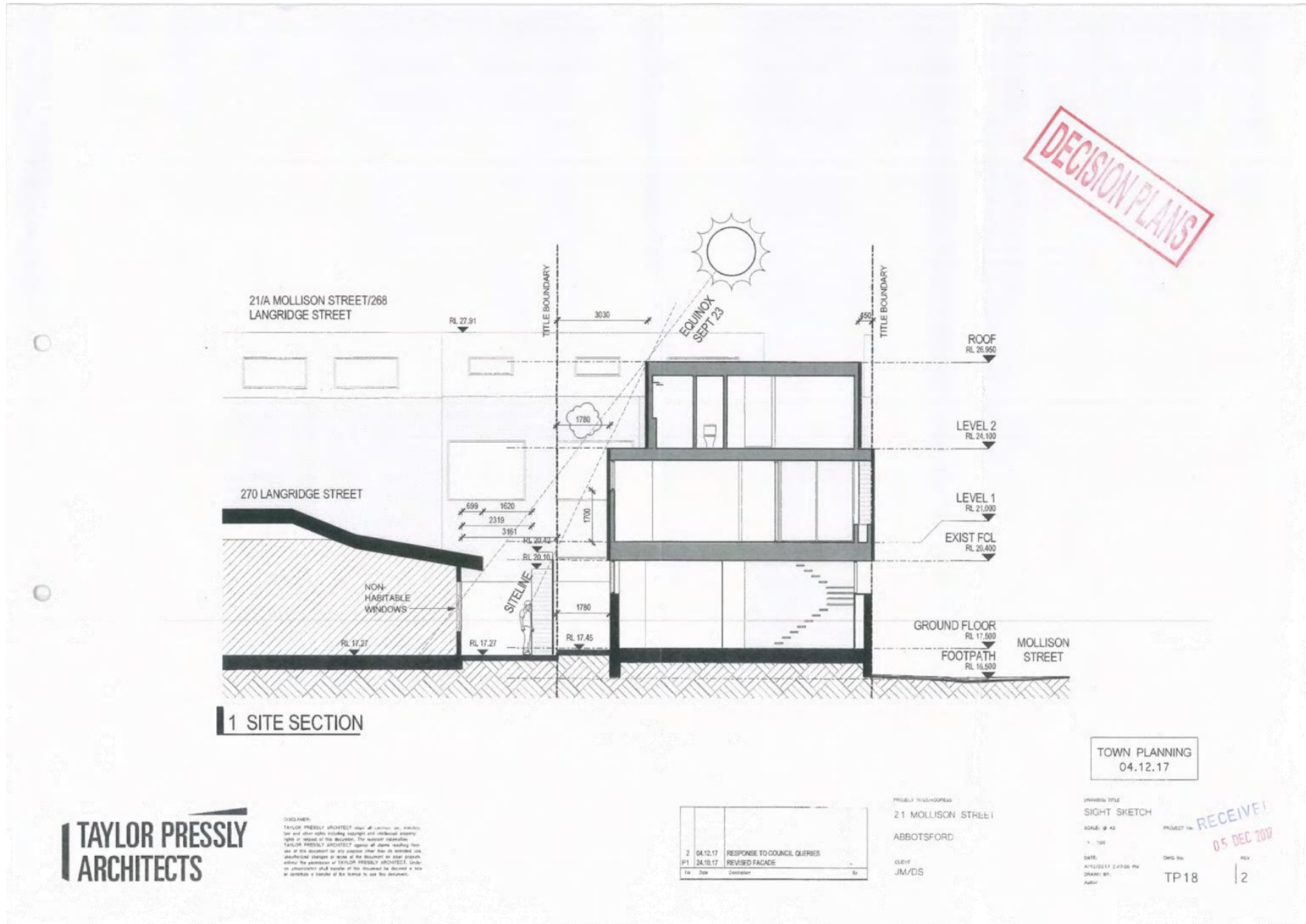




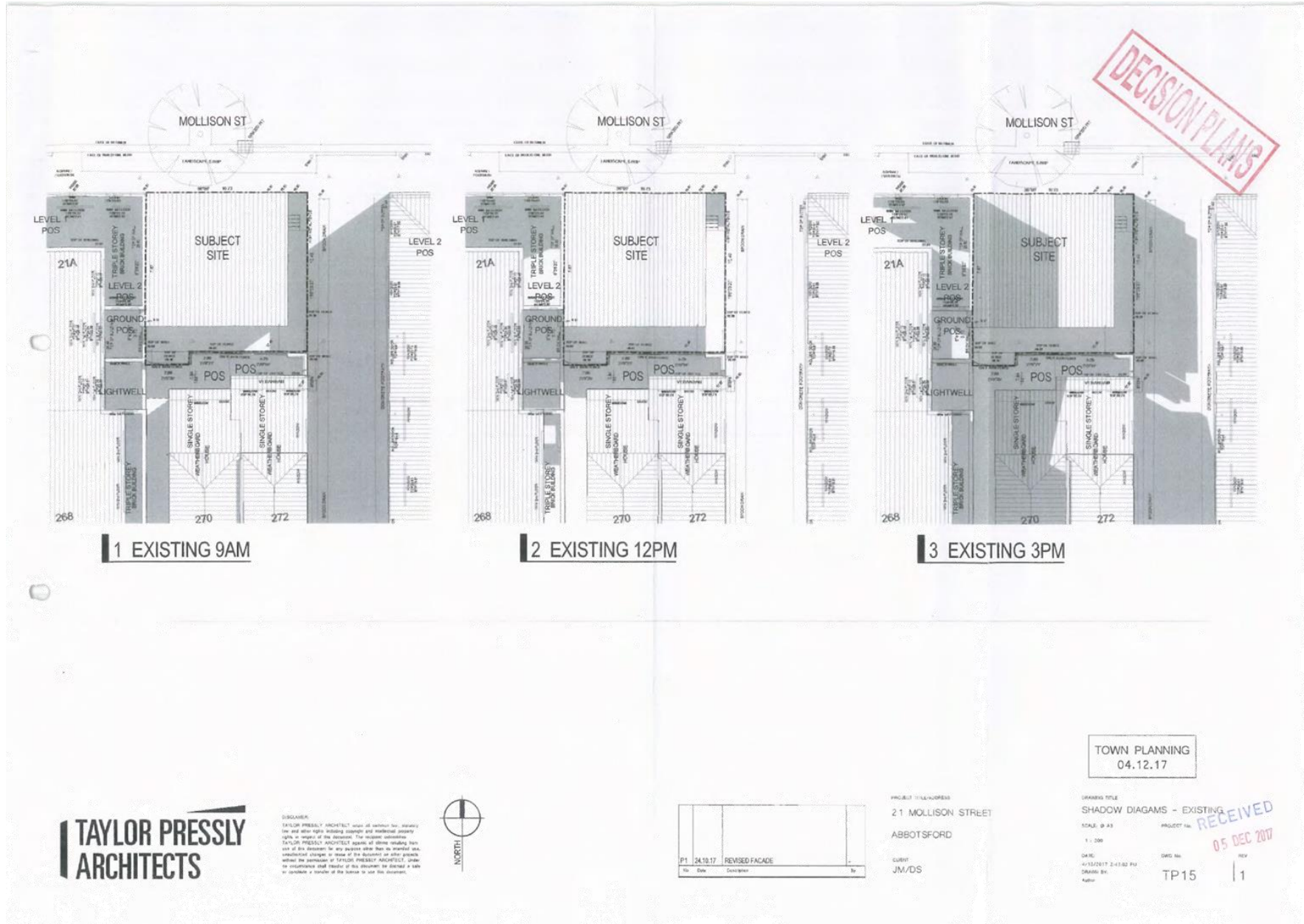
Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

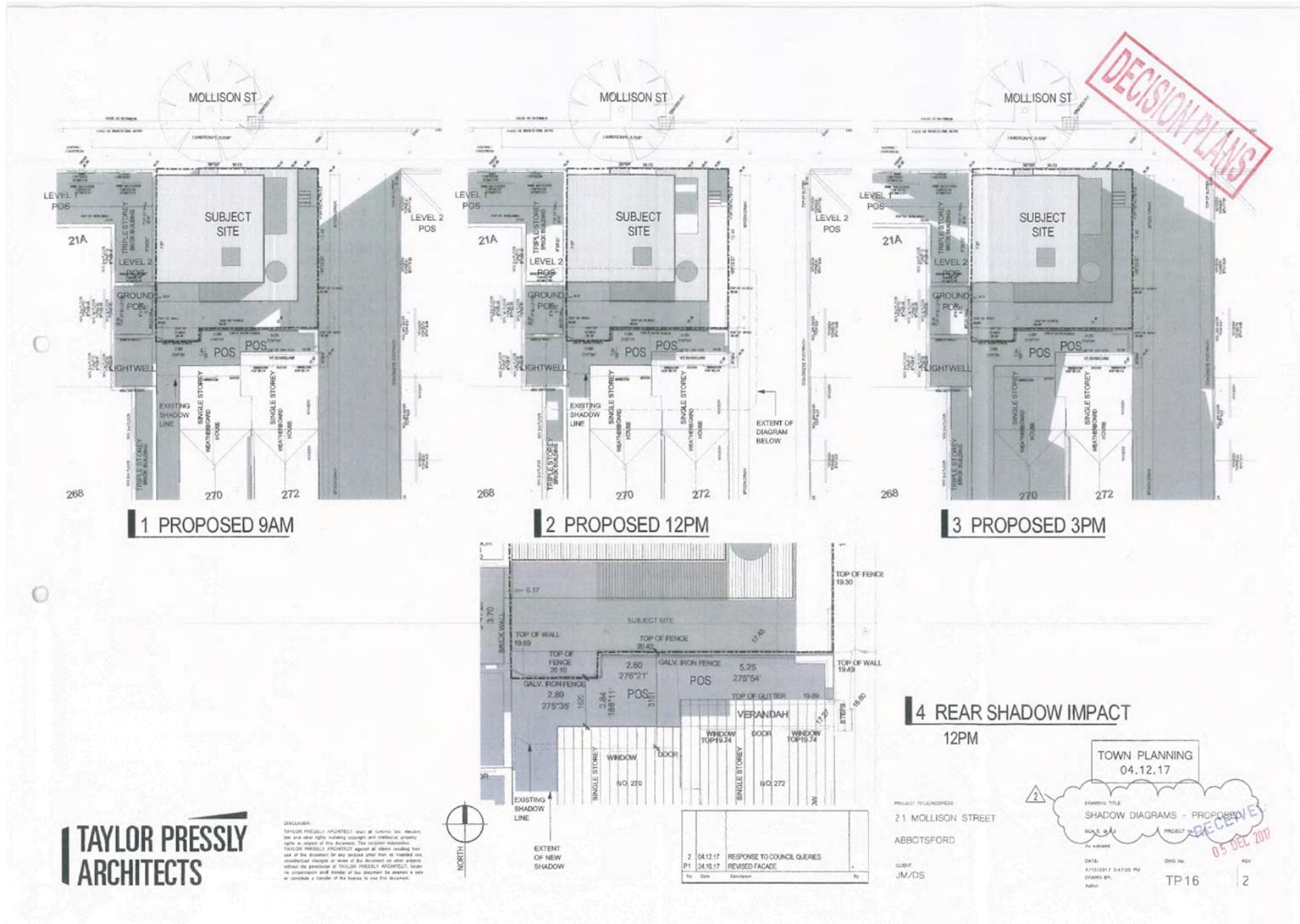


Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans





Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans





Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

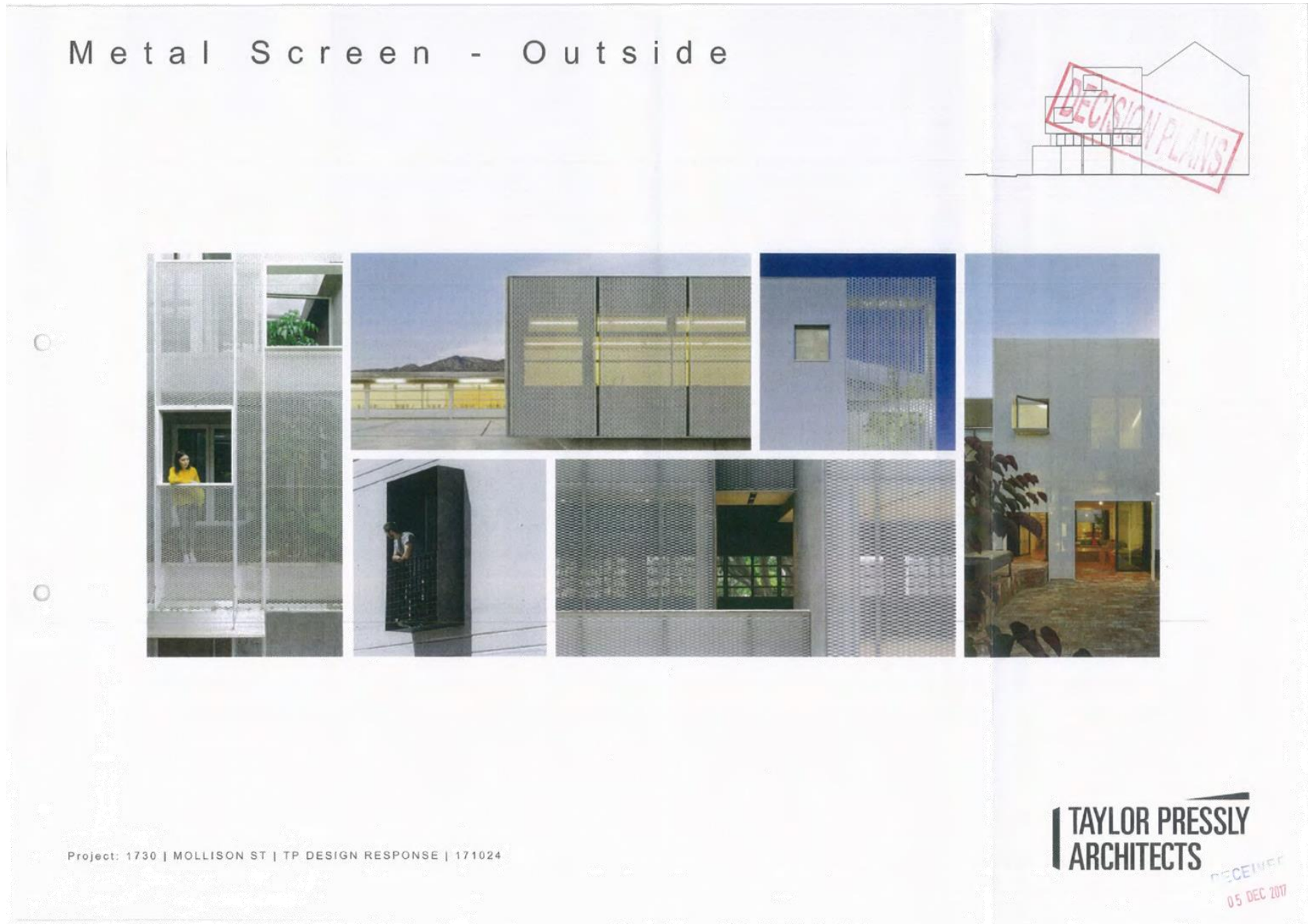


Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



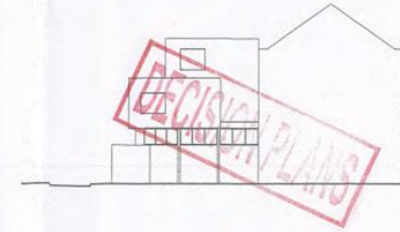


Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans

# Metal Screen - Inside



Project: 1730 | MOLLISON ST | TP DESIGN RESPONSE | 171024

**TAYLOR PRESSLY  
ARCHITECTS**  
RECEIVED  
05 DEC 2017



Attachment 2 - PLN16/0046 - 21 Mollison Street Abbotsford - Decision Plans



---

**1.4 Confidential Item - Supplementary Report - 12-18 Albert Street, Richmond - Planning Application No. PLN17/0284 - Development of the land for the construction of a seven-storey building and a reduction in the car parking requirement associated with offices and a food and drink premises (cafe) (no permit required uses).**

---

## **Executive Summary**

### **Purpose**

1. The purpose of this report is to seek Council approval to consent to modification of condition 1(h) of the planning permit and amendment to the planning permit preamble as set out below, based on a set of "Without Prejudice Plans" provided at the compulsory conference held at the Victorian Civil and Administrative Tribunal (VCAT) on 11 April 2018.

### **Key Planning Considerations**

2. Key planning considerations with particular regard to the changes in built form include:
  - (a) Clause 21.05 – Built Form;
  - (b) Clause 22.05 – Interface Uses Policy;
  - (c) Clause 22.10 – Built Form and Design Policy; and
  - (d) Clause 34.02 – Commercial 2 Zone.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Built form; and
  - (b) Amenity Impacts.

### **Objector Concerns**

4. Twenty nine (29) objections were received to the application, these can be summarised as:
  - (a) Excessive building height;
  - (b) Development would be out of character with the area;
  - (c) Visual bulk;
  - (d) Inadequate on-site parking and traffic impacts on the broader area;
  - (e) Overshadowing of neighbouring properties; and
  - (f) Overlooking from the upper level balconies.
5. No objectors joined as parties to the proceedings at VCAT.

### **Conclusion**

6. Based on the following report, the "Without Prejudice Plans" are considered to comply with the relevant planning policy and should therefore be supported.

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

---

**1.4 Confidential Item - Supplementary Report - 12-18 Albert Street, Richmond - Planning Application No. PLN17/0284 - Development of the land for the construction of a seven-storey building and a reduction in the car parking requirement associated with offices and a food and drink premises (cafe) (no permit required uses).**

---

Trim Record Number: D18/67242

Responsible Officer: Senior Coordinator Statutory Planning

<b>Proposal:</b>	Development of the land for the construction of a seven-storey building, a reduction in the car parking requirement associated with offices and a food and drink premises - cafe (no permit required uses) and a waiver of the loading and unloading requirements.
<b>Existing use:</b>	Dwellings / commercial
<b>Applicant:</b>	Cremorne Properties Pty Ltd C/- Contour Consultants
<b>Zoning / Overlays:</b>	Commercial 2 Zone, Design and Development Overlay (Schedule 5) and City Link Project Overlay.
<b>Date of Application:</b>	10 April 2017
<b>Application Number:</b>	PLN17/0284

### Planning History

1. At its meeting on 15 November 2017, IDAC determined to issue a Notice of Decision to grant a Planning Permit for the above site subject to the deletion of one level from the building (to six storeys) and installation of electric vehicle charging points (conditions 1(h) and 1(i)).
2. On 14 December 2017, the planning permit issued which allows for construction of a six storey office building and a reduction in the car parking requirements.
3. On 27 of December 2017, Council was advised that the applicant had lodged a review with VCAT under Section 80 of the *Planning and Environment Act* (1987) against the preamble of the planning permit, including conditions 1, 3, 5, 11, 22 and 27. Conditions No objector parties joined the VCAT proceedings.
4. On 11 April 2018, a Compulsory Conference was held at VCAT at which the applicant circulated a set of "without prejudice plans" which show a maximum two-level street wall to the laneway with an acutely angled screen and subsequent two-storey podium to Albert Street.
5. The "Without Prejudice Plans" provided to Council show:
  - (a) Delineation of a café tenancy of 96sq.m. at ground floor (in response to condition 1(c));
  - (b) Electric charging points in the basement car park (in response to condition 1(i));
  - (c) Varied door treatments (at all levels);
  - (d) Clarified materials (in response to condition 1(g));
  - (e) Increased setbacks from the eastern boundary (and northern boundary at level 2) to create a two-level street wall (previously three-level street wall) to Gibbons Street of approximately 8.7m, with an acutely angled screen commencing from the second floor and subsequent changes to the façade resulting in a two-storey podium and retained height of seven storeys.
6. Most critical to the consideration of this matter is the modification of Condition 1(h) that was imposed by IDAC on 15 November 2017 which requires:

- (h) *The deletion of level 2 and the subsequent reduction of the overall building height to six storeys.*

## VCAT Process

7. As a result of the compulsory conference, Council officers are seeking to consent to the “Without Prejudice Plans” and the issue of an amended permit with a modified Condition 1(h) from:

- (h) *The deletion of level 2 and the subsequent reduction of the overall building height to six storeys.*

To:

- (h) *The east elevation of Levels 1 to roof (inclusive) modified generally in accordance with the plans TP02.101 to TP02.107 (inclusive), TP07.001 and TP02/002, all Rev C and prepared by Bates Smart Architects Pty Ltd, including any consequential changes.***

8. And a modified permit preamble from:

*Development of the land for the construction of a six-storey building, a reduction in the car parking requirement associated with offices and a food and drink premises – café (no permit required for uses) and a waiver of the loading and unloading requirements.*

To:

*Development of the land for the construction of a **seven**-storey building, a reduction in the car parking requirement associated with offices and a food and drink premises – café (no permit required for uses) and a waiver of the loading and unloading requirements.*

9. If Council consents to the modified condition 1(h), the Tribunal will direct for an amended planning permit to issue.
10. If the change is not accepted by Council, the matter (in relation to the merits of condition 1(h)) will proceed to a full hearing on the 23<sup>rd</sup> of May 2018.

## Existing Conditions

### Subject Site

11. As per attached original report to the IDAC on 15<sup>th</sup> of November 2017.

### Surrounding Land

12. As per attached original report to the IDAC on 15<sup>th</sup> of November 2017.

## Planning Scheme Provisions

13. As per attached original report to the IDAC on 15<sup>th</sup> of November 2017.

## OFFICER ASSESSMENT

14. The original report (included as an attachment) provides an assessment against the full suite of relevant policies and it is the purpose of this report to assess the changes made to meet the intent of Council's original condition 1(h).

15. As indicated earlier, the “Without Prejudice Plans” show a two-level street wall to Gibbons Street, and subsequent two-storey podium to Albert Street. This is achieved by increasing setbacks from the eastern boundary and commencing the acutely angled screen to Gibbons Street from the second floor at an approximate height of 8.7m, and limiting the previous framing element across the façade to the first floor only.

#### Built form

16. The original design of the development provided a three-storey podium to Albert Street and three-storey wall height to Gibbons Street to the east. This was not supported by IDAC on 15<sup>th</sup> of November 2017, hence imposing a condition deleting Level 2 i.e. Condition 1(h).
17. The changes proposed within the “Without Prejudice Plans” provide an alternate solution that maintains Level 2, but modifies the three-storey podium to two storeys. This is considered to meet the intent of the condition which was to reduce the scale of the building at the residential interface to the east (dwellings fronting Brighton Street) by providing a transition of one storey; with the upper levels recessing away. While the development would be taller than buildings in the area, this is consistent with the strategic direction for this area as outlined in the previous IDAC report.
18. To accommodate the changes, the building’s previous setbacks from the third level through to the sixth level (which ranged between 2.87m and 15.1m from the eastern boundary), have changed to between 5.16m and 13.45m from the eastern boundary with the screen extending across this interface (similar to that previously considered but commencing at Level 2). The sixth level (being the upper-most level) whilst slightly increased in floor area (approx. 2 metres), would remain within the viewline created by the screen of the lower levels from the dwellings to the immediate east. Therefore not creating any new form above that previously considered.
19. The development as shown on the “Without Prejudice Plans” is considered to maintain a high architectural quality and continues to respond to the design objectives at clause 15.01-2 of the Scheme detailed in the original report. The two-storey podium created to Albert Street as a result of the “Without Prejudice Plans” would also create a more human scale to the commercial area, while maintaining the cafe windows/doors at ground level and horizontal louvers and sunshades at the upper levels. These treatments with the two storey podium to Albert Street also meet the intent of Condition 1(h).

#### Amenity impacts

20. As indicated in the previous report to IDAC, the policy framework for external amenity considerations is contained within Clauses 22.10-3.8 – (*Off-site amenity*) and 22.05 - *Interface uses policy*. Clause 22.10-3.8 - *Off-Site Amenity* outlines objectives and decision guidelines for considering whether a development has adequate regard to the site’s context and surrounding pattern of development.
21. The subject site is zoned Commercial 2, as are the properties to the north (opposite side of Albert Street) west, and south (opposite Gibbons Street). The most sensitive interface is that to the east (on the opposite side of Gibbons Street) which includes secluded areas of private open space associated with three dwellings fronting onto Brighton Street and zoned Neighbourhood Residential. Amenity impacts in relation to these dwellings are addressed below.

#### *Visual bulk*



22. The primary consideration with regards to visual bulk is the appearance of the building to the east from dwellings on the opposite side of Gibbons Street. The “Without Prejudice Plans” provide a two-storey street wall to the east, separated by a minimum distance of 3.96m from the rear boundaries of the properties opposite. This is a significant improvement on the way the building was originally massed, and provides a one-storey height transition from the dwellings. While the three-storey height was previously considered to be appropriate by planning officers (given the commercial zoning of the subject site and limited overshadowing), the reduced visual bulk to present a two-storey wall (which would be typical in a residential setting) with recessing levels above is considered to meet the intent of Condition 1(h) that sought a two-storey street wall appearance. The ground floor is articulated with windows and service openings that, combined with the perforation to the screen above, will reduce the visual impact across this interface.

#### *Overlooking*

23. The screen that includes transparency of up to 25% at the first level and between 45% to 80% at the upper levels, will effectively screen the upper level balconies and prevent unreasonable overlooking into the secluded areas of private open spaces of the dwellings opposite. As mentioned in the previous IDAC report, overlooking is considered from habitable rooms only (ie. bedrooms and living rooms) and as the building is for office uses there is no ability to further screen the building. It is worth noting that the screening detail has not altered from that previously considered.

#### *Overshadowing*

24. A comparison of the corresponding shadow diagrams included in the “Without Prejudice Plans” against the shadows previously considered by IDAC (i.e. those emailed to Council on 01 November 2017 - included as an appendix), indicate that there is no increase in the shadow impact in any secluded areas of private open space of dwellings fronting onto Brighton Street. In fact, the only shadowing to these dwellings (as measured at the September Equinox) would be between 2- 3pm.
25. Based on the accepted residential amenity test for overshadowing between residential properties (where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September), the proposal is considered to respond sensitively given the commercial interface.

### **Conclusion**

26. Given the reasons above, it is recommended that Council consent to the modified Condition 1(h).

### **RECOMMENDATION**

That having considered all relevant matters the Committee resolves to advise VCAT that Council consents to the Tribunal making an order to issue an amended Planning Permit PLN17/0284 for the development of the land for the construction of a **seven**-storey building, a reduction in the car parking requirement associated with offices and a food and drink premises – café (no permit required for uses) and a waiver of the loading and unloading requirements at 12 – 18 Albert 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 dated 24.03.17, Rev A prepared by Bates Smart

Architects Pty Ltd but modified to show:

- (a) any requirement of the VicRoads endorsed Engineering report (Condition 12) (where relevant to be shown on the plans) and consistency with the VicRoads approved plans as required by 13;
  - (b) the perforated screen detail across the eastern elevation in accordance with the Façade Concept Study' received by Council on 20 September 2017;
  - (c) the ground floor plan clearly delineating the food and drinks premises (café) and the office area;
  - (d) the entrance ramp width, headroom clearances, "parallel space" dimensions, and the column setbacks, depths and clearances to the walls of the basement car park annotated;
  - (e) the installation of a convex mirror on the column between parking spaces 2 and 3 on the ground floor to improve the visibility for a motorist when exiting car parking space 1;
  - (f) any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to be shown on the plans);
  - (g) a schedule of materials (and the relevant elevations updated) generally in accordance with the materials schedule prepared by Bates Smart Architects Pty Ltd and submitted to the Responsible Authority on 12.02.2018 and identified as "Schedule A" dated 11.04.2018; and
  - (h) **the east elevation of Levels 1 to roof (inclusive) modified generally in accordance with the plans TP02.101 to TP02.107 (inclusive), TP07.001 and TP02.002, all Rev C and prepared by Bates Smart Architects Pty Ltd, including any consequential changes;** and
  - (i) installation of electric vehicle charging points.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Sustainable Management Plan

3. Before the development commences, a Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will form part of this permit. The Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Waterman AHW (Vic) Pty Ltd prepared on 29 March 2017, but modified to include or show:
- (a) at least 20% 'on-ground' bike racks in line with AS2890; and
  - (b) the type of hot water system.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

5. The provisions, recommendations and requirements of the endorsed Waste Management Plan (prepared by Lid Consulting dated 29.03.2017) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Road Infrastructure

6. 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.
- 7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

#### Car parking

- 10. 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.

#### Green Travel Plan

- 11. The provisions, recommendations and requirements of the endorsed Green Travel Plan (prepared by Cardno dated 03.04.2017) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### VicRoad's Conditions

- 12. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact on the City Link / Burnley Tunnel is to be submitted to VicRoads for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:
  - (a) that the development will not compromise the structural integrity of the City Link / Burnley Tunnel;
  - (b) what is the load applied to the ground by the development;
  - (c) that the development will not cause changes to groundwater conditions that will result in adverse effect on the tunnel;

- (d) any holding points requiring VicRoads inspection and approval prior to releasing the hold points.
- 13. Before the development commences, excluding demolition works, detailed design drawings must be submitted to and approved by VicRoads. When approved by VicRoads, the drawings may be endorsed by the Responsible Authority and will then form part of the permit. The drawings must be drawn to scale with dimensions and three copies must be provided. The drawings must show:
  - (a) all excavation, loading and footing details must accord with the approved Engineering Report described at the condition above;
  - (b) excavation depths to be shown at Australian Height Datum (AHD);
  - (c) all sub surface basement levels to be shown at AHD on floor plans and elevation plans.
- 14. All design, excavation and construction must accord with the approved Engineering Report described at Condition 13 (above).
- 15. The layout of the site and the size, levels design and location of buildings and works which may impact CityLink/Burnley Tunnel must not be modified without the prior written consent of VicRoads.

#### Lighting

- 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 pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

#### General

- 17. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 18. As part of the ongoing progress and development of the site, Bates Smart or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
- 19. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 20. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 21. 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.

22. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to limit 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.
23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
24. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### Construction Management

26. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;



- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008.

The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

#### Time expiry

27. This permit will expire if:

- (a) the development is not commenced within three (3) years of the date of this permit; or
- (b) the development is not completed within five (5) 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 (6) months afterwards for commencement or within twelve (12) months afterwards for completion.

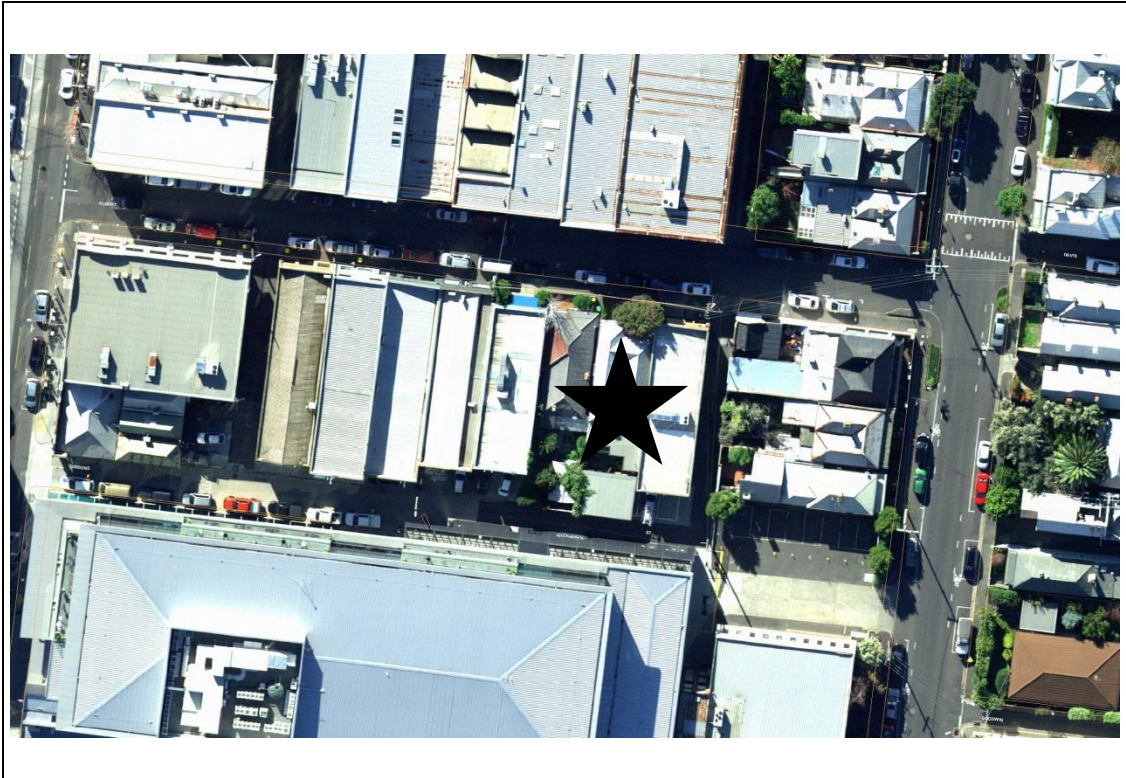
**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5307

#### **Attachments**

- 1 Site location - 12-18 Albert Street, Richmond
- 2 Original IDAC report
- 3 Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.
- 4 Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.
- 5 Shadow plans emailed to Council 01/11.
- 6 "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond

**Attachment 1 - Site location - 12-18 Albert Street, Richmond**

**SUBJECT LAND: 12 – 18 Albert Street, Richmond**



↑ North

★ Subject Site

## Attachment 2 - Original IDAC report

---

**12 - 18 Albert Street, Richmond - Planning Application No. PLN17/0284 – Development of the land for the construction of a seven-storey building, a reduction in the car parking requirement associated with offices and a food and drink premises (cafe) (no permit required uses) and a waiver of the loading and unloading requirements.**

---

### Executive Summary

#### Purpose

1. This report provides Council with an assessment of Planning Application PLN17/0284 at 12 – 18 Albert Street, Richmond and recommends approval, subject to conditions.

#### Key Planning Considerations

2. Key planning considerations include:
  - (a) Clause 21.05 – Built Form;
  - (b) Clause 22.05 – Interface Uses Policy;
  - (c) Clause 22.10 – Built Form and Design Policy;
  - (d) Clause 34.02 – Commercial 2 Zone;
  - (e) Clause 52.06 – Car Parking; and
  - (f) Clause 52.07 – Loading and unloading of vehicles.

#### Key Issues

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification;
  - (b) Built form;
  - (c) On-site amenity;
  - (d) Off-site amenity;
  - (e) Traffic, access, bicycle parking and car parking reductions;
  - (f) Waste management; and
  - (g) Objector concerns.

#### Objector Concerns

4. Twenty nine (29) objections were received to the application, these can be summarised as:
  - (a) Excessive building height;
  - (b) Development would be out of character with the area;
  - (c) Visual bulk;
  - (d) Inadequate on-site parking and traffic impacts on the broader area;
  - (e) Overshadowing of neighbouring properties; and
  - (f) Overlooking from the upper level balconies.

#### Conclusion

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

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

## Attachment 2 - Original IDAC report

---

### 12 - 18 Albert Street, Richmond - Planning Application No. PLN17/0284

---

Trim Record Number: D17/172097

Responsible Officer: Coordinator Statutory Planning

[Help](#)

<b>Proposal:</b>	Development of the land for the construction of a seven-storey building, a reduction in the car parking requirement associated with offices and a food and drink premises - cafe (no permit required uses) and a waiver of the loading and unloading requirements.
<b>Existing use:</b>	Dwellings / commercial
<b>Applicant:</b>	Cremorne Properties Pty Ltd C/- Contour Consultants
<b>Zoning / Overlays:</b>	Commercial 2 Zone, Design and Development Overlay (Schedule 5) and City Link Project Overlay.
<b>Date of Application:</b>	10 April 2017
<b>Application Number:</b>	PLN17/0284

### Planning History

1. There are no previous planning applications which are relevant to the proposed development.

### Background

2. The application was lodged on the 10 April 2017. Following the submission of further information, the application was advertised and twenty nine (29) objections were received.
3. A consultation meeting was held on the 08 August 2017 and was attended by the applicant, objectors and council officers.
4. In response to the issues raised by council officers and objectors with regard to the perforation of the screen across the eastern interface, a 'Façade Concept Study' was emailed to Council on 20 September 2017 that provided further details (included as an appendix).
5. The concept study has not been formally introduced to the application material and has not been circulated to objectors, but will be utilised for discussion purposes through the body of this report and is included as an appendix.
6. In response to Council's Officer's request, updated shadow diagrams were emailed on 01 November 2017 confirming the extent of additional shadows cast to the east. These have been included as an appendix. It is highlighted that the additional shadow diagrams were submitted for clarity only and are not dissimilar in their impact to the shadow diagrams that formed part of the material previously advertised to surrounding neighbours.
7. The assessment undertaken in this report is based on the advertised material (received by Council 10 April 2017).

### Existing Conditions

#### Subject Site

**Attachment 2 - Original IDAC report**

8. The subject site is located on the southern side of Albert Street, between Church Street to the west and Gibbons Street to the east. Gibbons Street runs adjacent to the rear (southern) boundary of the subject site and extending along the eastern boundary, intersecting with Albert Street at the north-east property boundary.
9. The site is rectangular in shape and comprises of the following titles.

Address	Title Vol/ Folio number	Easements or restrictions
12 Albert Street	Vol. 01783 Fol. 519	None
16 Albert Street	Vol. 01999 Fol. 652	None
18 Albert Street	Vol. 09937 Fol. 303	None

10. Combined, the site has a frontage to Albert Street of approximately 23.7m, a depth of 31m with a site area of approximately 734.7sqm.



11. The site is occupied by two, single-storey purpose-built dwellings (i.e. at property No's. 12 and 16 Albert Street) and a single-storey warehouse building (i.e. No. 18 Albert Street). Vehicle access is provided into a brick garage associated with No. 16 Albert Street from Gibbons Street at the rear, and from Albert Street into the commercial building at No. 18 Albert Street.

Surrounding Land

12. The subject site is located within a former industrial pocket in Richmond which is experiencing some built form change. Large office buildings have been constructed over recent years, with most industrial buildings in the immediate area converted into office and warehouse for retailing purposes. Albert Street contributes to the Church Street business/showroom precinct (located approximately 70m to the west) consisting of largely single and double-storey showrooms, office buildings, art galleries and motor repair workshops. The subject site is also located approximately 350m south of the Swan Street Major Activity Centre (MAC) that also provides access to a range of urban infrastructure, including shops and community services and public transport within easy walking distance.
13. The built form within the surrounding area varies substantially. To the east are largely single-storey residential buildings that are in the Neighbourhood Residential zone. Land to the north, west and south is zoned Commercial 2. Single and double-storey built forms surrounded by taller commercial buildings is an established theme within the surrounding streetscapes. Examples of this, is the existing five-storey building opposite Gibbons Street to the south and the seven-storey building with the large 'X' design detail fixed to it that faces Church Street. Landscaping does not make a significant contribution to the character along Albert Street.



## Attachment 2 - Original IDAC report



14. To the north is Albert Street and on the opposite side are single and double-storey commercial buildings, with under-croft car parking areas and with crossovers that extend across their front boundaries. The buildings are of masonry construction and are hard-edged to the street. Albert Street itself contains on-street parking on both sides that is restricted.
15. To the immediate west are commercial buildings that are constructed of masonry and are generally single-storey. Typically these buildings are constructed to their front boundary and extend to the rear.
16. To the south is Gibbons Street and opposite is a hard-edged wall of a car park associated with a five-storey, mixed use building, which is built to all boundaries, fronting onto Church Street to the west.
17. To the east, on the far side of Gibbons Street are the secluded areas of private open space, including outbuildings of three dwellings facing Brighton Street. Brighton Street is mostly residential in nature, comprising a mix of single and double storey period dwellings (mostly Victorian and Edwardian) and infill residential development of varying eras. Richmond Primary School is located on the eastern side of the street and extends through to Mary Street, south-east of the site. To the immediate south of the three dwellings opposite, is an open air car park with a double-storey commercial building further south.

### The Proposal

18. The proposed development is for a seven-storey office building, with a Food and Drinks Premises (café) at ground floor, reduction in car parking requirements and waiver of loading bay requirements. The key elements of the development can be summarised as follows:

#### *Use*

19. The building would contain 2804sq.m. of office floor area (no permit required use).
20. A 96sq.m. food and drinks premises is proposed at ground floor (no permit required use);

#### *Building*

21. The proposed building would contain the following:

#### *Layout*

- (a) A glazed ground floor would be provided to Albert Street, associated with a café that would occupy 96sq.m. of the ground floor area, and in part across the perimeter of the meeting areas associated with the office component to the north and east. Services, waste rooms, substation and a switch room are also located on the ground floor.

## Attachment 2 - Original IDAC report

The recessed pedestrian entrance at the north-west corner of the ground floor would provide immediate access into a lobby with a double lift core and stairwell to the upper floors;

- (b) Vehicular access is provided to four car spaces, located in the rear setback to Gibbons Street and to the basement (also accessed via Gibbons Street to the south) that would accommodate seventeen (17) car spaces;
- (c) On-site bicycle parking is provided in the basement and on the ground floor (total of 29 bicycle spaces);
- (d) Office space is provided on the ground floor and across a further six levels with amenities positioned centrally along the western boundary;

### *Building Massing*

- (e) A maximum building height of 26.2m high above the natural ground level;
- (f) A recessed ground floor to Albert Street of 3m; with cantilevering first and second levels setback 0.6m; the third through to the fifth levels setback 1.5m; and the sixth level setback 7m from the northern boundary;
- (g) The building would extend to the western boundary;
- (h) The building would extend to the eastern boundary at the ground floor and would be setback from the first through to the sixth floors between 1.15m and 15.11m. Terraces and balconies would extend into these setbacks;
- (i) The building would be constructed to the southern boundary with the upper-most level setback a minimum 2m;

### *Materials and Finishes*

- (j) External walls would be constructed with light coloured concrete, masonry and perforated, metal panels with the upper portions of the building treated with dark perforated, metal frames;
- (k) The ground level would be recessive to the north with the upper two levels emphasised with a framing element; and
- (l) The eastern façade would include a large perforated screen that would be constructed to the boundary at the first and second levels and would be acutely angled as it progresses to the upper most level;

### *ESD Features*

22. The proposed development would incorporate the following ESD commitments:

- (a) Access to natural ventilation through operable windows;
- (b) Exceed the minimum BCA/NCC energy efficiency standards;
- (c) A STORM report with a score of 125% which relies on 144sq.m. of roof connected to a 5,000lt water tank for flushing of all toilets;
- (d) A 6 kW solar PV array installed on the rooftop;
- (e) Energy efficient lighting systems; and
- (f) Water efficient fixtures throughout.

## Planning Scheme Provisions

### Zoning

#### *Clause 34.02 – Commercial 2 Zone*

23. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme):

- (a) a planning permit is not required for the use of the land for offices; and
- (b) a 'Food and Drinks Premises' is a Section 1 – no permit required use unless the leasable floor area exceeds 100sq.m. The proposed food and drinks premises (cafe) has a floor area of 96sq.m. and does not require a planning permit.

## Attachment 2 - Original IDAC report

24. For assurance, a condition will require the food and drinks premises (café) to be clearly delineated. This is to ensure that the café does not exceed the maximum area permitted that would otherwise require a planning permit (i.e. if at any point it exceeds 100sq.m.).
25. Pursuant to Clause 34.02-4 (buildings and works) of the Scheme, a planning permit is required to construct a building or construct or carry out works.

### Overlays

#### *Design and Development Overlay – Schedule 5*

26. Under Clause 43.02 of the Scheme, a planning permit is not required for use of the land or buildings and works. The purpose of DDO5 is to ensure that the development of land around the City Link exhaust stack is not adversely affected by – and does not affect – the operation of the stack. The DDO5 triggers referral of development applications to CityLink, VicRoads and the Environmental Protection Authority.

#### *City Link Project Overlay*

27. Pursuant to Clause 45.07-6 of the Scheme, an application must be referred to the relevant Roads Corporate, in this instance, being VicRoads.

### Particular Provisions

#### *Clause 52.06 – Car parking*

28. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.
29. A permit is required to reduce the number of car parking spaces required under this clause.
30. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.
31. The table below outlines the car parking requirements for the office and café facets of the development and the allocation of car parking which would be provided in association with each use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
<b>Office</b>	2900sq.m. net floor area	3.5 car parking spaces per 100sq.m. of net floor area	98	21	77
<b>Food and Drinks</b>	150sq.m. leasable floor area	3.5 car parking spaces per 100m <sup>2</sup> leasable floor area	3	0	3
<b>Total</b>			<b>101</b>	<b>21</b>	<b>80</b>

32. A total of twenty one (21) car spaces are proposed on site, therefore the application seeks a reduction of seventy nine (80) car spaces.

#### *Clause 52.07 - Loading and Unloading of Vehicles*

**Attachment 2 - Original IDAC report**

33. Clause 52.07 of the Scheme states: no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
- (a) *Space is provided on the land for loading and unloading vehicles as specified in the table below.*
  - (b) *The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.*
  - (c) *The road that provides access to the loading bay is at least 3.6 metres wide.*
34. The application has not proposed any loading facilities in association with the proposed café and accordingly a waiver is sought.

*Clause 52.34 – Bicycle facilities*

35. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
36. The table below outlines the bicycle parking requirements for the proposed uses:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
<b>Office</b>	2900sq.m. net floor area	1 to each 300m <sup>2</sup> net floor area (if the net floor area exceeds 1000m <sup>2</sup> )  1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000m <sup>2</sup> )	10  3	29	Surplus of 16
<b>Food and Drinks</b>	96sq.m. leasable floor area	N/A	N/A	N/A	N/A

37. As indicated in the table above, the proposal would provide a surplus of eleven (16) bicycle parking spaces above the requirements of this clause.

General Provisions*Clause 65 – Decision Guidelines*

38. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. 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 13.04-1 – Noise abatement*

39. The objective under this clause is *'to assist the control of noise effects on sensitive land uses'*.

## **Attachment 2 - Original IDAC report**

### *Clause 15.01-1 – Urban Design*

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

### *Clause 15.01-2 – Urban design principles*

41. Policy objective is *'to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*.

### *Clause 15.01-4 – Design for safety*

42. The objective is *'to improve community safety and encourage neighbourhood design that makes people feel safe'*. The clause includes several strategies to achieve this objective.

### *Clause 15.01-5 – Cultural identity and neighbourhood character*

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

### *Clause 15.02-1 – Sustainable development: Energy and resource efficiency*

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

45. The clause has the following strategies:

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

### *Clause 17.01-1 – Business*

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

### *Clause 18.02-2 – Cycling*

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

48. The clause includes several strategies to achieve this objective including requiring the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

### *Clause 18.02-5 – Car parking*

49. The policy is relevant to the proposal because the application seeks a reduction in the standard car parking requirement of the Scheme. The objective is to ensure an adequate supply of car parking that is appropriately designed and located.



## Attachment 2 - Original IDAC report

50. It is also required to allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. Proposals are also encouraged to facilitate the use of public transport.

### Local Planning Policy Framework (LPPF)

#### *Municipal Strategic Statement*

51. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

Relevant clauses are as follows:

#### *Clause 21.04-3 – Industry, office and commercial*

52. Within Yarra the volume of commercial and associated uses is so significant that they form clusters of interrelated activity. The commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base. The objective of this clause is to increase the number and diversity of local employment opportunities.

#### *Clause 21.05-2 – Urban design*

53. 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 21.05-3 – Built form character*

54. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.
- (a) The general objective of this clause is to maintain and strengthen the identified character of each type of identified built form within Yarra.

## Attachment 2 - Original IDAC report

- (i) *Strategy 23.1 - Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*

### *Non Residential Areas*

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

### *Clause 21.05-4 Public environment*

55. 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 21.06-3 – The road system and parking*

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

- (a) *To reduce the reliance on the private motor car; and*
- (b) *To reduce the impact of traffic.*

### *Clause 21.07 – Environmental sustainability*

57. This clause seeks to promote ecologically sustainable development with the following strategies:

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

### *Clause 21.08 – Neighbourhoods (Burnley, Cremorne, South Richmond)*

58. Figure 8 – Built Form Character Map under clause 21.08 of the Scheme identifies the subject site as being located in a non-residential area which includes the objective to:

- (a) *Improve the interface of development to the street.*

### Relevant Local Policies

#### *Clause 22.05 – Interface Uses Policy*

## Attachment 2 - Original IDAC report

59. Pursuant to Clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Business and Industrial Zones (amongst others). A relevant objective is *'to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity'*.

### *Clause 22.07 – Development abutting laneways*

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

### *Clause 22.10 – Built Form and Design Policy*

61. Pursuant to Clause 22.10 of the Scheme, this policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:
- (a) Setbacks and building heights;
  - (b) Street and public space quality;
  - (c) Environmental sustainability;
  - (d) On-site amenity;
  - (e) Off-site amenity;
  - (f) Landscaping and fencing; and
  - (g) Parking, traffic and access.
62. The policy has the following objectives:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood.*
  - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
  - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
  - (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*
  - (e) *Encourage environmentally sustainable development.*

### *Clause 22.16 – Stormwater Management*

63. The objectives under this clause are:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
  - (b) *To promote the use of water sensitive urban design, including stormwater re-use*
  - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
  - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*

## Attachment 2 - Original IDAC report

- (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

### *Clause 22.17 – Environmentally Sustainable Development*

- 64. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy.
- 65. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

### Other documents

#### *Swan Street Structure Plan*

- 66. Council adopted the Swan Street Structure Plan (Structure Plan) at its Council meeting in December 2013. The intent of the Structure Plan is to be used as a guide for Council in the consideration of planning applications for new development in the area; and it will also be used to improve planning controls for the study area. At this stage, the Structure Plan does not form part of the Scheme.
- 67. Most recently (17 October), Council developed a design and development overlay which adopted changes to four of the precincts (all related to Swan Street and unrelated to the subject site) and moved a motion to put the Design and Development Overlay to exhibition if authorisation is received from the Minister for Planning.
- 68. The subject site is located within the Church Street Precinct (i.e. Precinct 9). Accordingly, the Built Form Map for Precinct 9 illustrates a preferred height of five to six storeys (19m) for the subject site. In terms of built form, the following objectives and strategies are of note in relation to use, built form, the public realm and access and movement:
  - (a) *To consolidate the Precinct's role as a location for office and showroom retail activities and employment;*
  - (b) *To provide a mixture of complementary activities that support the role and function of the precinct and add to the general amenity and improved activation of the area;*
  - (c) *To ensure built form provides passive surveillance of the street;*
  - (d) *To ensure new built form minimises off-site amenity impacts at the interface with existing residential areas;*
  - (e) *Promote public realm improvements through redevelopment opportunities; and*
  - (f) *To create a pedestrian and cycle friendly environment.*
- 69. The question of how much weight should be given to the Structure Plan, has been previously discussed in (March 2016) *429 Swan Street Pty Ltd v Yarra CC [2016] VCAT 370*. In summary, the Tribunal determined that only limited weight could be attributed to the Structure Plan, given:
  - (a) Uncertainty about the content of any amendment and whether there will ultimately be support for planning scheme provisions which translate to the Structure Plan;
  - (b) The surrounding context has changed since the development of the Structure Plan; and
  - (c) Provisions in the Structure Plan relating to the subject land are inconsistent with the Yarra Planning Scheme regarding the projected height of development.
- 70. Furthermore, in paragraph 21 of the decision, Member Davies states '*my primary duty is to give effect to what is in the planning scheme*'...and '*I should give limited weight to the adopted Structure Plan, particularly its site-specific provisions*'.

## **Attachment 2 - Original IDAC report**

71. On this basis, the Structure Plan cannot be relied upon to dictate a design response for redevelopment of the subject land. Nevertheless it is referenced as relevant.

### **Advertising**

72. The application was advertised pursuant to Section 52 of the *Planning and Environment Act* 1987 (the Act), by way of 258 letters sent to adjoining and neighbouring owners and occupiers and notices displayed on site, at the Albert and Gibbons Street frontages.
73. A total of twenty nine (29) objections were made to Council, the grounds of which are summarised as follows:
- (a) Excessive building height;
  - (b) Development would be out of character with the area;
  - (c) Visual bulk;
  - (d) Inadequate on-site parking and traffic impacts on the broader area;
  - (e) Overshadowing of neighbouring properties; and
  - (f) Overlooking from the upper level balconies.
74. A planning consultation meeting was held on the 08 August 2017 and was attended by the applicant, objectors and council officers.
75. In response to the issues raised by council officers and objectors with regard to the level of perforation of the screen across the eastern interface, a 'Façade Concept Study' was emailed to Council on 20 September 2017.

### **Referrals**

#### External Referrals

76. Notice of the application was provided to VicRoads, the EPA and CityLink Transurban (being located within the Design and Development Overlay – Schedule 5). VicRoads and CityLink initially objected to the application and advised that the proposal had serious risk implications given its location above the CityLink tunnel. Transurban had been in contact with VicRoads over the need to submit geo-technical information in order to determine the impact this development will have on their assets.
77. The permit applicant has since provided a geotechnical report to VicRoads. VicRoads and CityLink have since withdrawn their objection and support the application subject to conditions (i.e. Condition 13).
78. The EPA also responded and did not raise any objection to the application.
79. A copy of the full referral comments has been included as an attachment to this report.

#### Internal Referrals

80. The application has been referred to council's Traffic Engineering Unit, Waste Management and ESD advisor. The comments are generally supportive but with several recommendations for changes. These comments have been included as an attachment to this report.
81. The application was also referred to Council's Urban Design Unit who raised several concerns that will be addressed in the body of the assessment. These comments have been included as an attachment to this report.

## **OFFICER ASSESSMENT**



## Attachment 2 - Original IDAC report

82. The primary considerations for this application are:

- (a) Strategic justification;
- (b) Built form;
- (c) On-site amenity;
- (d) Off-site amenity;
- (e) Traffic, access, bicycle parking and car parking reductions;
- (f) Waste management; and
- (g) Objector concerns.

### Strategic justification

- 83. The subject site is located within a Commercial 2 Zone (C2Z) which has the objective of encouraging development of commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- 84. An office use and the food and drinks premises (café use that is less than 100sq.m.) do not require a planning permit in the C2Z (indicating strong strategic support); however the construction of buildings and works does.
- 85. In regards to the proposed building and works, State and Local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport to ensure efficient use of existing infrastructure. While it is not relied upon, Council's Swan Street Structure Plan provides further specific guidance for the preferred direction for land use and development on the subject site and the surrounding land, which reinforces current State and Local policy to increase the number and diversity of employment opportunities within and around activity centres.
- 86. The application proposes the construction of a seven storey, office building on a site which is currently underutilized in an area identified for increased development under the Swan Street Structure Plan. The proposal is highly consistent with the purpose of the zone and strategic intent for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities.
- 87. The site is well connected to public transport infrastructure being in proximity to train and tram services along Swan Street, and tram services along Church Street, hence encouraging the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, are encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*.
- 88. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy and direction under clauses 22.05 – *Interface uses* and 22.10 - *Built Form and Design Policy* of the Scheme also outline that consideration must be given to the design of the building and its interfaces with the surrounding area.

### Built form

- 89. The relevant permit trigger for the development is the Commercial 2 Zone, and the primary considerations for the proposed development are the decision guidelines at clause 34.02-7 – *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*; 22.10 - *Built form and design policy*.

## Attachment 2 - Original IDAC report

90. 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.

91. Consideration of the built form and design is assessed under the following headings:

### *Context*

92. The existing character of the surrounding area is predominantly one and two storeys in height with taller built forms interspersed. Most commercial buildings are hard edged to the street.

93. The direct interfaces to the subject site includes blank walls of one and two-storey commercial buildings, with dwellings on the opposite side of Gibbons Street to the east and a five-storey commercial building on the opposite side of Gibbons Street to the south.

94. The subject site, together with land on the opposite side of Albert Street, to the south and west is zoned Commercial 2. The purpose of this zone includes '*to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services*'.

95. Single-storey dwellings are located to the east and north-east of the site and two-storey, hard-edged warehouse / commercial buildings are to the west and north fronting onto Albert Street. The subject site includes two, purpose-built dwellings that will be demolished (no permit required for demolition). The purpose-built dwellings on the subject site are anomalous to the zoning of the land, which prohibits 'accommodation' and the proposal is considered to be an improvement in this regard. The proposal would adhere to the zoning of the land through the development of the site with commercial uses which are as-of-right to the zone (i.e. a food and drinks premises (café) and office).

96. The proposed seven storey building would be taller than the buildings immediately interfacing the site and those in the broader area. However this is consistent with the strategic direction provided by policy in this area.

97. Given the site's commercial zoning it is expected that higher built form than the residential areas to the east will occur, 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. While this may be the case, the site's context requires careful consideration with the interplay with residential areas/interfaces to the east and built form objectives for the presentation to Albert and Gibbons Streets important.

### *Height, scale and massing of the development*

98. It is important for any 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.

99. 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.

100. 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*.

101. Strategy 17.2 reads as follows:

## Attachment 2 - Original IDAC report

- (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*
102. Based on the policy above, the proposed development must be able to demonstrate specific benefits to gain policy support for a height which is more than six (6) storeys.
103. It is considered that the height for the proposed building can be supported in light of the policy guidance under Strategy 17.2 with the development proposing significant upper-level setbacks, architectural design excellence, best practise ESD outcomes and positive contributions to the public realm as follows:
  - (a) The proposed building would provide significant upper level setbacks from the third level through to the sixth level that range between 2.87m and 15.1m from the eastern boundary (i.e. the most sensitive interface). The sixth level, being the upper-most level would be set back 15.1m from the eastern boundary and 7m from the Albert Street frontage and would therefore have a smaller floor template than the levels below and therefore presents as a recessive 'cap' on the western side of the building;
  - (b) The development is considered of high architectural quality and in that regard responds to the design objectives at clause 15.01-2. The contemporary design is appropriate and responds well to this part of Richmond which is growing;
  - (c) Council's ESD advisor has commented that the application largely meets council's best practise standards for ESD outcomes, and any deficiencies and outlined later in this assessment can be addressed by condition; and
  - (d) The design detail and overall choice of materials are supported, given the generous void ratio to Albert Street, varied approach to the façade with ground level, shop-front windows and horizontal louvers and sunshades that would extend at the upper levels and emphasising framing elements that would divide the building into three components, thus making a positive contribution to the public realm, and particularly to Albert Street which is the primary frontage.
104. These elements will be expanded upon in the following sections of this report, but indicate that the height of the proposed building is supportable at seven storeys under the policy direction at clause 21.05 of the Scheme. Furthermore, the Tribunal (*Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004)) has previously stated:
  - [54] If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.
105. With the above in mind, the proposal creates a façade that will be six-storeys with a recessive upper level to Albert Street and whilst greater in height than most surrounding buildings, the broader area is seeing substantial change in terms of taller built forms. It is considered that the design has been well considered in relation to its context, by pushing the taller section to the west and reducing the wall height to 12m across the eastern boundary, clearly marking this section as the end of the Commercial 2 zone.

## Attachment 2 - Original IDAC report

106. To the north, the ground level would be setback 3m and the first and second levels would cantilever above and would be setback 600mm. The first and second levels would be framed to give the impression of a three-storey podium, reducing the development to a human scale when viewed from Albert Street. This is considered to achieve the policy direction under clause 22.10-3.4 – *Street and Public Space Quality* of the Scheme which requires developments to provide pedestrian/human scaled designs at street level. It suffices to state that there is no reason to indicate that a three-storey podium effect is unacceptable in this particular instance, where there is policy direction for a more robust design approach and taller building.
107. Council's Urban Designer found the 1.5m front setbacks of the levels above the podium to be insufficient and recommended a setback of a minimum of 3m to provide a more recessive approach. However, the surrounding physical context can comfortably absorb the height and setbacks without appearing dominating and creating visual bulk. Additionally, these levels above the podium have been softened through the adopted glazing. The three-storey podium is also emphasised with a framing element at the first and second levels that will assist in creating a visual connection at the lower levels to the surrounding streetscape. The horizontality of the podium will assist in blending the proposal into the surrounding neighbourhood at the lower levels and the overall choice in materials combined with the design is considered to provide a high standard of architecture.
108. To the south, the development would extend to the boundary at the first through to the fifth levels and would be setback 2m at the sixth level. Council's Urban Designer recommended the adoption of a minimum 2m setback above the first three levels and identified Gibbons Street as a pedestrian thoroughfare. However, in the absence of a footpath, with similar characteristics to a laneway; with the hard-edged interface of the five-storey building opposite; and with surrounding car spaces; the presentation of the building to the south, with vehicle access to under-croft car and bicycle spaces and the access ramp to the basement, can be supported.
109. The development would be developed to the western boundary and would be five-storeys taller than the adjoining built-form, however the adjoining site is also zoned Commercial 2, and is subject to the same controls, and is not a sensitive interface.
110. To the east, where the development interfaces the Neighbourhood Residential Zone, the development has adopted a recessive design with setbacks that range between 1.15m and 15.11m with a screening device that would extend into these setbacks along the boundary up to the first three levels before angling away. This is considered to be an appropriate response to this side as the setbacks at the upper levels are generous and would reduce the visual massing of the development to the east. Gibbons Street also continues along the eastern perimeter of the subject site and provides a further 3.96m distance from the rear boundaries of dwellings fronting onto Brighton Street.
111. Overall, it considered that the development is massed so that it appropriately references its surrounding context. The development would also use materials that include light coloured concrete, masonry and perforated metal panels with the upper portions of the building treated with dark perforated, metal frames that are of a good quality. It is also worth highlighting that the subject site and properties within the Commercial 2 Zone are not covered by a Heritage Overlay and therefore the policy direction at clause 21.05 of the Scheme which calls for higher built form outcomes are not as tempered as other sections where a more curtailed approach is required (i.e. properties fronting onto Brighton Street, zoned Neighbourhood Residential and in a Heritage Overlay).

### *The Public Realm & Pedestrian spaces*

112. The interface of the building to Albert Street and the extensive glazing to the northern elevation and in part across the eastern elevation associated with the Food and Drinks premises (café) and a section of the office at the ground floor would substantially contribute to (and improve) surveillance and activation of Albert and Gibbons Street.

## Attachment 2 - Original IDAC report

This outcome is encouraged within commercial areas, as outlined as a decision guideline of the zone at clause 34.02-7 and under the policy direction at clause 22.10-3.4 of the Scheme. The building is also designed with cantilevered upper levels to Albert Street, to provide weather shelter outside of the subject site which in conjunction with the use of the ground floor premises for a food and drinks premises (café) would improve the level of interaction and pedestrian experience between the subject site and the street.

113. Council's Urban Designer provided comments of support in relation to the method of activation to Albert Street, but raised concerns in relation to the under-croft car spaces at the rear to Gibbons Street. However, Gibbons Street is commonly used as a vehicle access point by other properties and this forms part of its character. As such, there is no concern with the location of the under-croft car spaces in this location.

### *Landmarks, Views and Vistas*

114. 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. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the policy direction under clause 22.03-4 of the Scheme. The proposed building would not result in the loss of any significant view lines to heritage buildings and/or landmarks.

### *Consolidation of Sites and Empty Sites*

115. The subject site is somewhat under-utilised and provides two purpose-built dwellings and a warehouse that will be replaced with built form that is encouraged by the policy within the Scheme as discussed in this report and where hard edged development to the street is a desired outcome (as identified under clause 21.08 of the Scheme).

### *Light and Shade*

116. Due to the north-south orientation of the site the proposed development would result in overshadowing to Gibbons Street to the south, and east (including the secluded areas of private open space associated with the dwellings to the east and the open-air car park to the south-east, fronting onto Brighton Street that will be discussed later in this assessment). While this may be the case, the level of shadowing cast by the proposed development is acceptable given that Gibbons Street is largely used by vehicles and is not a street that encourages pedestrians to congregate. The shadow would extend over Gibbons Street, and across the wall associated with the car park to the five-storey building opposite that is hard-edged to Gibbons Street.
117. The subject site is located in a commercial location and some degree of overshadowing is inevitable due to the hard-edge built form character which has been established. It is considered that the shadowing from the development would not affect the usability of the public realm and the amount of overshadowing to Gibbons Street is considered to be reasonable.

### *Energy and Resource Efficiency*

118. 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.
119. While outlining that the project largely meets Council's best practise ESD standard, council's ESD advisor has recommended some changes to ensure the building is designed appropriately with regard to energy efficiency.



## Attachment 2 - Original IDAC report

120. 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 issues:
- (a) *All bicycle racks appear to be hanging. Please include at least 20% 'on-ground' bike racks inline with AS2890.3.*
    - (i) This will be addressed with a condition.
  - (b) *Hot water system type unknown. Please indicate what type of hot water system will be specified.*
  - (c) *Please check the WMP to ensure that the waste management provisions are sufficient.*
    - (i) A condition will require the submission of an amended SMP that will include the details of the hot water system. A WMP was provided by the permit applicant that was reviewed by Council's Waste Management Advisor who provided comments of support.
  - (d) *Consider providing facilities for electric vehicle charging.*
  - (e) *Consider using low-VOC adhesives, sealants as well as floor/wall/ceiling coverings.*
  - (f) *Consider a % reduction of Portland cement and substitution with industrial waste aggregate or other.*
    - (i) Points 'd' to 'f' above have been suggested by council's ESD advisor as opportunities for improvement to energy efficiency outcomes within the development. While these specific points would provide improvements it is considered onerous to require these particular points in light of the fact that the building is already designed to exceed the minimum BCA energy rating requirements as a whole.
121. Overall, it is considered that subject to the conditions discussed above, 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

122. The proposal occupies 100% of the site area, resulting in a higher level of site coverage from that of the existing conditions.
123. While this may be the case, full site coverage is considered to be appropriate and consistent with the commercial character of the wider area that accommodates predominantly hard-edged built form with little or no areas of open space or landscaping.

### Architectural Quality

124. The development is considered of high architectural quality and in that regard responds to the design objectives of clause 15.01-2 of the Scheme. The contemporary design is appropriate and responds well to this part of Richmond where it is sandwiched between an evolving commercial area to the west and south and a more sensitive residential interface to the east. The proposed design is offering a modern built form that revitalises the street frontage by activating this with a food and drinks premises (café) and provides articulation and activation through the inclusion of windows, balconies and the clear glazing above the podium level.

## Attachment 2 - Original IDAC report

125. The screening element across the eastern interface varies in terms of its perforation and provides an appropriate design response to the surrounding commercial area whilst acknowledging the sensitive interface to the east, and screening the upper level balconies. A condition of permit will also require the elevations and floor plans to reflect the perforated screen detail across the eastern elevation in accordance with the Façade Concept Study' received by Council on 20 September 2017 that was submitted to provide some clarity on the detail and degree of perforation.
126. The western elevation requires further articulation until such time as the adjoining property is developed (as would be anticipated and encouraged by policy), this elevation would present a blank masonry wall with no articulation. As such, a condition will require this wall to provide visual interest and articulation with colours and/or materials.
127. Overall it is considered that the proposed development (subject to appropriate conditioning of the western elevation) would achieve a high level of architectural quality. It provides appealing aesthetics by contributing to and improving the streetscape through an active frontage and use of high quality materials, that will be further improved visually to the west with a condition. A condition will also require the ongoing engagement of Bates Smart (or an architectural firm to the Council's satisfaction) to ensure that the level of architectural quality is sustained.

### On-site amenity

128. In accordance with the design objectives of the On-site Amenity heading outlined in Clause 22.10 of the Scheme, the office building has been designed to include appropriate services for future users. In addition, the design incorporates openings to all four elevations, including balcony areas to the east and a large terrace at the sixth level allowing daylight/solar access and ventilation and recreation areas available to staff. Each floor level would be provided with service amenities and accessible to staff with lifts and a stairwell.
129. The proposed design response and site coverage negates the need for any landscaping or fencing, which is appropriate within the commercially zoned site context of Albert Street and provides bicycle parking in excess of the requirements at Clause 52.34 of the Scheme. The development would also provide 21 on-site car spaces in a basement that has also been adequately designed.

### Off-site amenity

130. The policy framework for external amenity considerations is contained within Clauses 22.10-3.8 – (*Off-site amenity*) and 22.05 - *Interface uses policy*. Clause 22.10-3.8 - *Off-Site Amenity* outlines objectives and decision guidelines for considering whether a development has adequate regard to the site's context and surrounding pattern of development. Following is an assessment of the development against the potential off-site amenity impacts.
131. The subject site is zoned Commercial 2, as are the properties to the north (opposite Albert Street) west, and south (opposite Gibbons Street). Sites to the east are in the Neighbourhood Residential Zone (Schedule 1). The nearest residences are the dwellings to the east, immediately opposite Gibbons Street. These are the sensitive interfaces that will be considered.
132. The appropriateness of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context, with the site being located within a Commercial 2 Zone. This issue is further discussed within the Tribunal matter of *Calodoukas v Moreland CC* [2012] VCAT 180:

## Attachment 2 - Original IDAC report

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

133. With the above in mind the following assessment is provided:

### Noise

134. 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.
135. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Furthermore, the majority of the office space is enclosed and the use will be conducted indoors. As the office use does not require a planning permit, there is no further control that can be applied in regards to this. Similarly the food and drinks premises (café) is also a no-permit required use because it is less than 100sq.m.
136. The location of services/plant equipment is shown adjacent to the western boundary at the sixth level (19.6m west of the residential land to the east) which abuts commercial premises within the neighbouring building. A condition will require that the noise and emissions from plant equipment comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N1).
137. In light of the above it is considered unlikely that the use of the building would result in any unreasonable amenity impacts to the surrounding area, including the residential area to the east.

### Visual bulk

138. With the north, west and southern interfaces with the subject site being to commercial premises, these interfaces would not be subject to unreasonable visual bulk impacts with the height of the proposed building facing onto roofed areas of adjoining commercial premises or the five-storey wall of the building to the south, or hard-edged commercial buildings on the opposite side of Albert Street to the north.
139. The primary consideration with regards to visual bulk is the appearance of the building to the east where dwellings on the opposite side of Gibbons Street have westerly views. The development has adopted a recessive design approach to the east with setbacks from the first through to the sixth floors that range between 1.15m and 15.11m, and has applied an aluminium screen across the eastern elevation with interesting design detail and degree of perforation.

The building will provide a three-storey podium to the east, separated a minimum distance of 3.96m from the rear boundaries of the properties opposite (i.e. as measured to the edge of the screen combined with the width of Gibbons Street) with the upper levels separated 5.96m at the third level, 6.96m at the fourth level, 11.44m at the fifth level and 14.9m, at the sixth level. The ground floor is articulated with windows, and service openings that combined with the interesting design detail of the perforation to the screen above will reduce the visual impact.

### Overlooking

140. The design detail applied to the screen that includes transparency of up to 25% at the first and second levels and between 45% to 80% at the upper levels (i.e. where this is acutely angled), will screen the upper level balconies and prevent unreasonable overlooking into the secluded areas of private open spaces of the dwellings opposite.

## Attachment 2 - Original IDAC report

141. The method of screening also complies with policy under clause 22.05 – *Interface Uses Policy* that contains the direction to: *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens.*
142. Overall, it is considered that the interface between the proposal and the secluded areas of private open spaces of dwellings to the east would not be unreasonable with the physical buffer already provided by Gibbons Street further justifying the design response.
143. Given that the subject site and remaining interfaces with commercial land uses, the proposed building is considered to avoid unreasonable impacts for the reasons outlined above.

### *Overshadowing*

144. The proposed development would increase the shadow impact into the secluded areas of private open spaces of the dwellings opposite Gibbons Street to the east. Revised shadows that provide a clear analysis of the increased shadow impact into the secluded areas of private open space at the equinox were emailed to Council on 01 November 2017 (included as an appendix). These indicate that there would be an increase to the existing shadows between 1.30pm and 3pm at the equinox (September 22<sup>nd</sup>). The additional impact limited to the two afternoon hours at the equinox, is considered reasonable when having regard to the site's inner city context and policy support for a taller built form on the subject site.

### Traffic, access, loading and car parking reductions

145. Clauses 18.02-5 - *Car parking*, 21.06 - *Transport*, and Clause 52.06 - *Car parking*, of the Scheme will be used to frame this car parking assessment for the proposed development.
146. Before a requirement for car parking is reduced (including reduced to zero), the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to an assessment requirements of Clause 52.06-6. A car parking reduction is considered to be justified in this instance based on the above decision guidelines for the following reasons:

### *Car parking demand:*

147. Council's Traffic Engineering Unit have indicated that the proposed office would have a car parking provision rate of 0.75 spaces per 100 square metres (21 on-site spaces for 2,804 square metres of floor area) and have identified a nearby development at 33 Balmain Street, Cremorne, that was approved with an on-site car parking provision of 0.78 spaces per 100 square metres with an office floor area of 1,788sq.m. with 14 on-site car parking spaces (Planning Permit PLN15/0309 issued on 21 October 2015).
148. Council's Traffic Engineering Unit are satisfied that the office parking rate of 0.75 spaces per 100sq.m. for the proposed development is appropriate given the site's excellent accessibility to public transport services.

### *The availability of car parking in the surrounding area:*

149. Directly in front of the site along Albert Street there are only two on-street car parking spaces available, with on-street parking within the surrounding street network being occupied at high rates with 2P restrictions.
150. It is noted to detail that the removal of the existing vehicle cross-overs into Albert Street would provide additional on-street car parking directly in front of the subject site.

### *The availability of public transport in the locality and convenient access:*

## Attachment 2 - Original IDAC report

151. The subject site is well connected to public transport being closely located to the Swan Street Major Activity Centre (MAC) and 70m east of Church Street that provide tram services, including within easy walking distance of two train stations.
152. These public transport services are all in ready walking distance of the subject site and provide viable transport options in north-south and east-west corridors. Reducing the rate of car parking provided for an office use based on the surrounding transport options is also generally in line with the policy direction under clause 21.03 – *Vision (Transport)* which states that in the City Of Yarra in 2020, *most people will walk, cycle or use public transport for the journey to work.*

### *State and Local Policy consideration:*

153. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not provide any encouragement towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.

### *Traffic and local amenity:*

154. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing significant traffic and parking congestion.
155. The level of traffic generated by the proposed development within Albert Street is suggested to be in the order of eleven (11) vehicle movements during the peak commuter periods. The findings in the traffic report were reviewed by Council's Engineer who responded favourably.
156. With the above comments in mind, it is considered that the level of traffic which would be associated with the proposed development would be catered for by the existing road networks without unreasonable traffic impacts to the surrounding area.
157. In conclusion and with the above in mind, the reduction in the car parking requirement being sought is considered appropriate for the following reasons:
  - (a) For the food and drinks premises (café) dedicated off-street parking for customers and patrons is not usually provided for these types of uses in Yarra and areas of inner metropolitan Melbourne and it is highly likely that it would attract people who work or reside locally.
  - (b) For the offices:
    - (i) The subject site has good access to public transport facilities with established tram routes, and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources;
    - (ii) Resident, employee or visitor permits will not be issued for the development, which will encourage employees to use alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with local policy such as Clause 21.06; and
    - (iii) 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.

### *Car park design:*

158. Clause 52.06-8 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.



## Attachment 2 - Original IDAC report

159. These details, along with the proposed ramp design have been reviewed by council's Traffic Engineering Unit who are generally satisfied with the layout of the vehicle access arrangements. Council's Engineer has requested that the plans be revised to include additional details that also include a ground clearance check for the length of the ramped access-way and the profile of Gibbons Street (directly in front of the access-way). A condition will address this.
160. Council's Engineer has also requested the installation of a convex mirror on the column between parking spaces 2 and 3 on the ground floor to improve the visibility for a motorist when exiting car parking space 1. This will also be requested through a condition.
161. Overall, the proposed reduction in car parking numbers and design and configuration of access and car parking areas are considered to achieve a satisfactory outcome.

### *Green Travel Plan (GTP)*

162. The permit applicant has also submitted a GTP that will be endorsed as part of the material. A condition has been included requiring the provisions, recommendations and requirements of the GTP to be implemented and complied with.

### *Bicycle parking*

163. The development would provide bicycle parking, with most securely provided in the basement. The bicycle spaces to Gibbons Street would be located in a secure location and will be subject to a condition requiring that *at least 20% of these bicycle spaces are 'on-ground' bike racks in line with AS2890.3* (as requested by Council's ESD advisor).
164. The number of bicycles provided exceed the requirements of the Scheme with the, further complying with the objectives under clause 22.10-3.7 of the Scheme.

### *Loading bay*

165. The waiver of an on-site loading bay has been reviewed by council's Traffic Engineering Unit who offered no objection to this aspect of the proposed development.
166. The closest loading bay is located on the eastern side of Church Street, just south of Gibbon Street that could also be used by the site if necessary.

### Waste management

167. This WMP has been reviewed by council's Waste Management Unit who have provides comments of support.

### Objector concerns

168. Objector concerns have been addressed within the body of this report, the following section provides a summary of the assessed outcomes discussed earlier:

### *Excessive building height*

- (a) The height of the proposed building has been assessed as an appropriate response to the context of the subject site and with regards to its sensitive interfaces earlier in this report under paragraphs 98 to 111 and found to achieve an acceptable outcome.

### *Development would be out of character with the area*

## **Attachment 2 - Original IDAC report**

- (b) The proposed development has been assessed against the relevant character policies of the Scheme earlier in this report under paragraphs 98 to 111 and found to achieve an acceptable outcome.

### *Visual bulk;*

- (c) Visual bulk impacts with sensitive interfaces to adjoining lots has been assessed earlier in this report under paragraphs 138 to 139 and found to achieve an acceptable design response.

### *Inadequate on-site parking and traffic impacts on the broader area*

- (d) Issues relating to car parking have been assessed earlier in this report under paragraphs 145 to 161 and found to achieve an acceptable outcome.

### *Overshadowing of neighbouring properties*

- (e) Overshadowing has been addressed at paragraph 144.

### *Overlooking from the upper level balconies.*

- (f) Overlooking has been addressed at paragraphs 139 to 142.

## **Conclusion**

169. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the Commercial 2 Zone and relevant Particular Provisions under the Yarra Planning Scheme as outlined in the above assessment and should therefore be approved, subject to conditions.

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0284 for the development of the land for the construction of a seven-storey building, a reduction in the car parking requirement associated with offices and a food and drink premises - cafe (no permit required uses) and a waiver of the loading and unloading requirements at 12 – 18 Albert 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 received by Council on 10 April 2017 but modified to show:
  - (a) Any requirement of the VicRoads endorsed Engineering report (Condition 13) (where relevant to be shown on the plans) and consistency with the VicRoads approved plans as required by 14;
  - (b) The perforated screen detail across the eastern elevation in accordance with the Façade Concept Study' received by Council on 20 September 2017;
  - (c) The ground floor plan clearly delineating the food and drinks premises (café) and the office area;
  - (d) The entrance ramp width, headroom clearances, "parallel space" dimensions, and the column setbacks, depths and clearances to the walls of the basement car park annotated;
  - (e) The installation of a convex mirror on the column between parking spaces 2 and 3 on the ground floor to improve the visibility for a motorist when exiting car parking space 1;

## **Attachment 2 - Original IDAC report**

- (f) Any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to be shown on the plans); and
  - (g) A schedule of materials (and the relevant elevations updated) that includes a combination of colours and materials to the west-facing, on-boundary wall to break up its visual bulk.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Waterman AHW Pty. Ltd. prepared on 29 March 2017, but modified to include or show:
- (a) at least 20% 'on-ground' bike racks in line with AS2890; and
  - (b) the type of hot water system.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Waste Management Plan

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

### Road Infrastructure

6. 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.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (c) at the permit holder's cost; and

## **Attachment 2 - Original IDAC report**

- (d) to the satisfaction of the Responsible Authority.

### Car parking

10. 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.

### Green Travel Plan

11. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### VicRoad's Conditions

12. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact on the City Link / Burnley Tunnel is to be submitted to VicRoads for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:
- (a) That the development will not compromise the structural integrity of the City Link / Burnley Tunnel;
  - (b) What is the load applied to the ground by the development;
  - (c) That the development will not cause changes to groundwater conditions that will result in adverse effect on the tunnel;
  - (d) Any holding points requiring VicRoads inspection and approval prior to releasing the hold points.
13. Before the development commences, excluding demolition works, detailed design drawings must be submitted to and approved by VicRoads. When approved by VicRoads, the drawings may be endorsed by the Responsible Authority and will then form part of the permit. The drawings must be drawn to scale with dimensions and three copies must be provided. The drawings must show:
- (a) All excavation, loading and footing details must accord with the approved Engineering Report described at the condition above;
  - (b) Excavation depths to be shown at Australian Height Datum (AHD);
  - (c) All sub surface basement levels to be shown at AHD on floor plans and elevation plans.
14. All design, excavation and construction must accord with the approved Engineering Report described at Condition 13 (above).
15. The layout of the site and the size, levels design and location of buildings and works which may impact CityLink/Burnley Tunnel must not be modified without the prior written consent of VicRoads.

### Lighting

## **Attachment 2 - Original IDAC report**

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 pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.

### General

17. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
18. As part of the ongoing progress and development of the site, Bates Smart or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
19. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
20. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. 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.
22. 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.
23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
24. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### Construction Management

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



## Attachment 2 - Original IDAC report

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

During the construction:

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

## **Attachment 2 - Original IDAC report**

### Time expiry

27. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

### **Attachments**

- 1** Site location - 12-18 Albert Street, Richmond
- 2** PLN17/0284 - Existing conditions, site plan, Proposed basement plans, Level 1 and 2 plan, Level 3 and Level 4 plans.
- 3** PLN17/0284 - Level 5, Level 6, Roof Plan and Elevations.
- 4** PLN17/0284 - Original Shadow diagrams
- 5** PLN17/0284 - EPA Referral Response
- 6** PLN17/0284 - VicRoad's and CityLink's response
- 7** PLN17/0284 - Council's Engineering comments.
- 8** PLN17/0284 - Council's ESD Referral
- 9** PLN17/0284 - Council's urban design advice
- 10** PLN17/0284 - Facade concept study (received by Council 20 September 2017)
- 11** PLN17/0284 - Existing Shadow diagram (received by Council 01 November 2017)
- 12** PLN17/0284 - Proposed shadow (received by Council 01 November 2017)

**Attachment 3 - Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.**

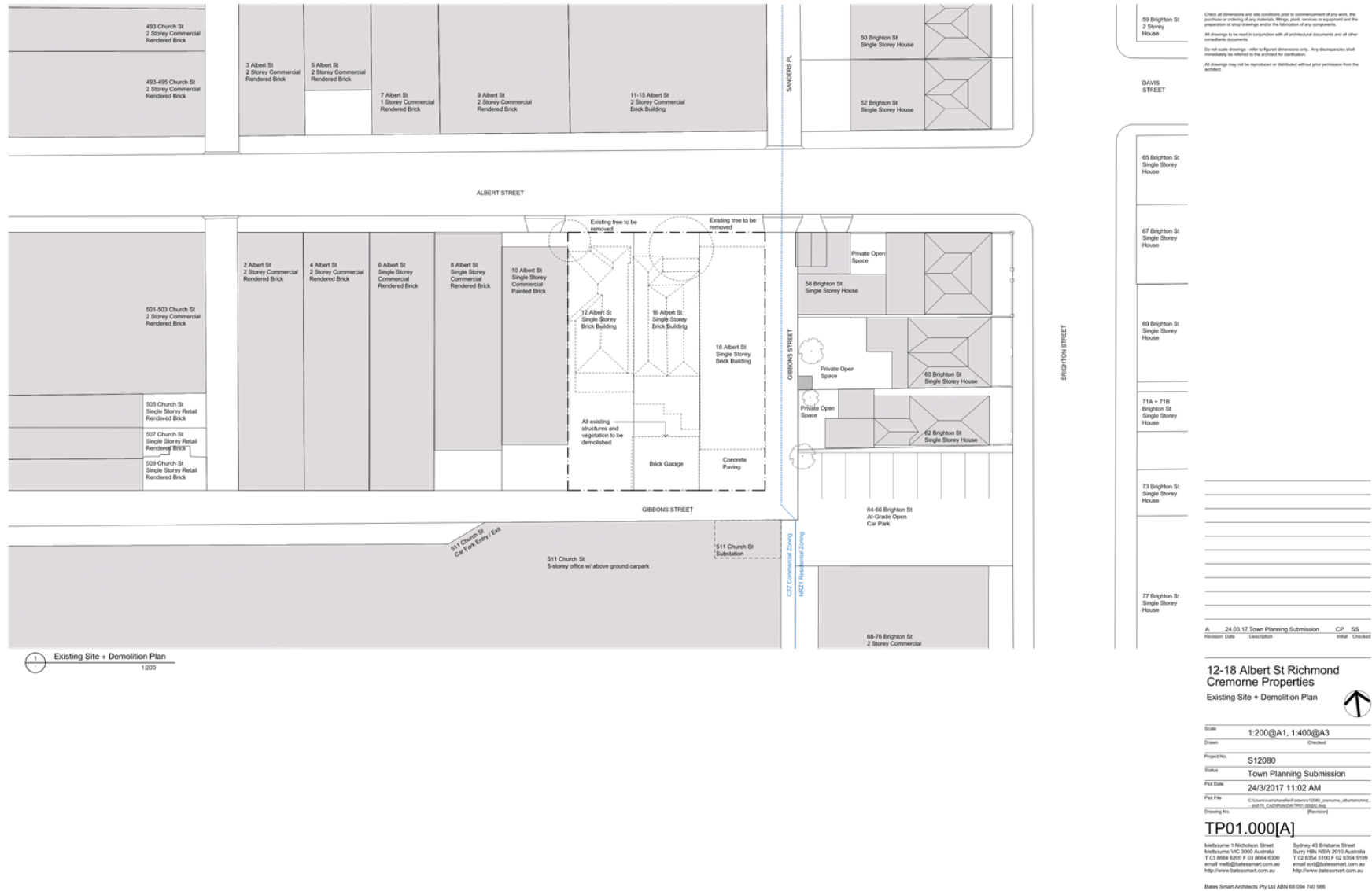
**12-18 ALBERT ST, RICHMOND  
TOWN PLANNING SUBMISSION**

**DRAWING SCHEDULE**

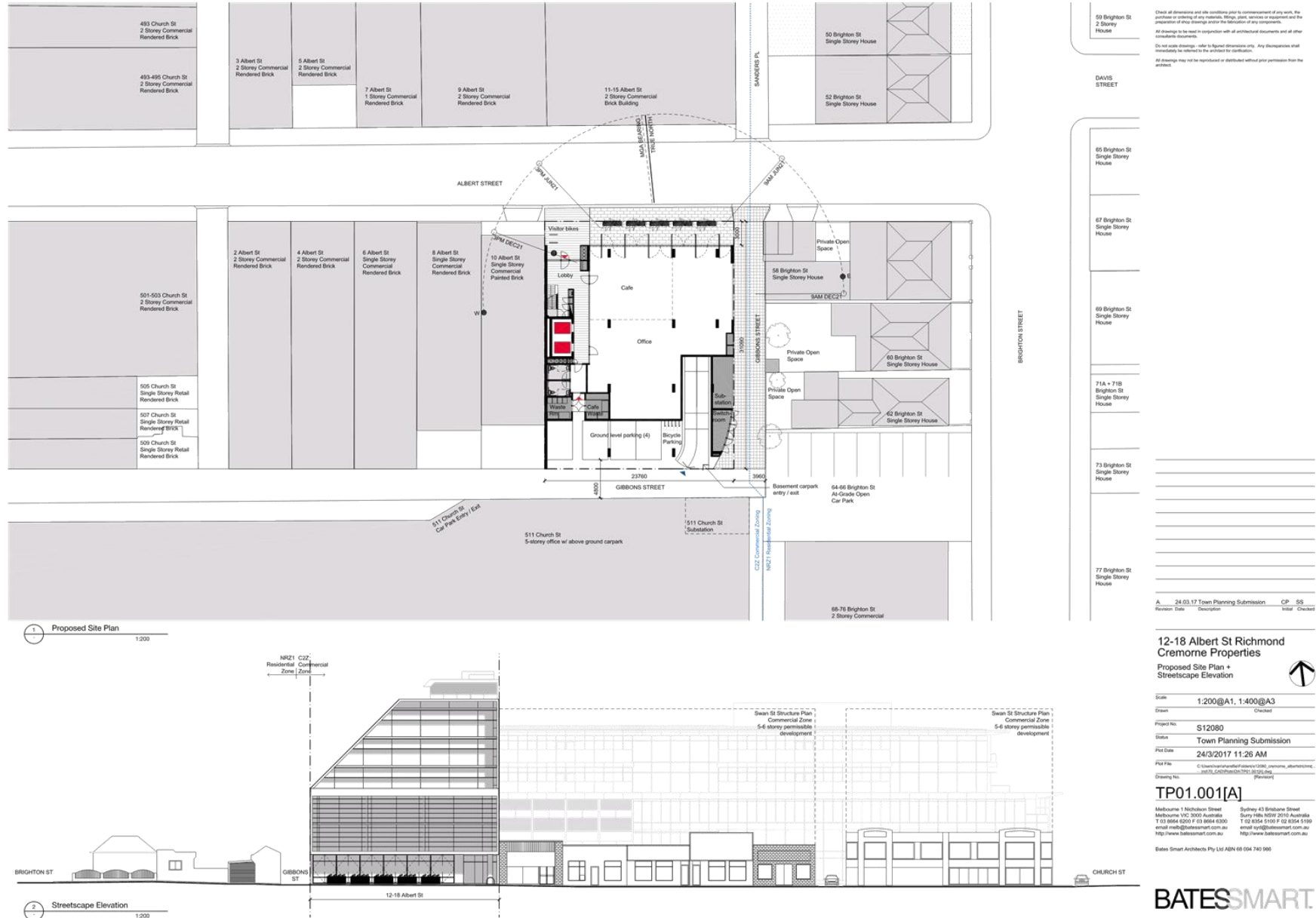
DWG NO.	REV	DRAWING TITLE
TP00.001	A	Cover Sheet + Drawing Schedule
TP01.000	A	Existing Site + Demolition Plan
TP01.001	A	Proposed Site Plan + Streetscape Elevation
TP02.001	A	Key Plan - Basement B1
TP02.100	A	Key Plan - Ground Level
TP02.101	A	Key Plan - Typical Podium, Level 1 + 2
TP02.103	A	Key Plan - Level 3
TP02.104	A	Key Plan - Level 4
TP02.105	A	Key Plan - Level 5
TP02.106	A	Key Plan - Level 6
TP02.107	A	Key Plan - Roof
TP07.001	A	Elevations - North + East
TP07.002	A	Elevations - South + West
TP08.001	A	Section AA
TP08.002	A	Section BB
TP10.001	A	Existing Shadow Diagrams - Spring Equinox September 22
TP10.002	A	Proposed Shadow Diagrams - Spring Equinox September 22



**Attachment 3 - Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.**



# Attachment 3 - Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.



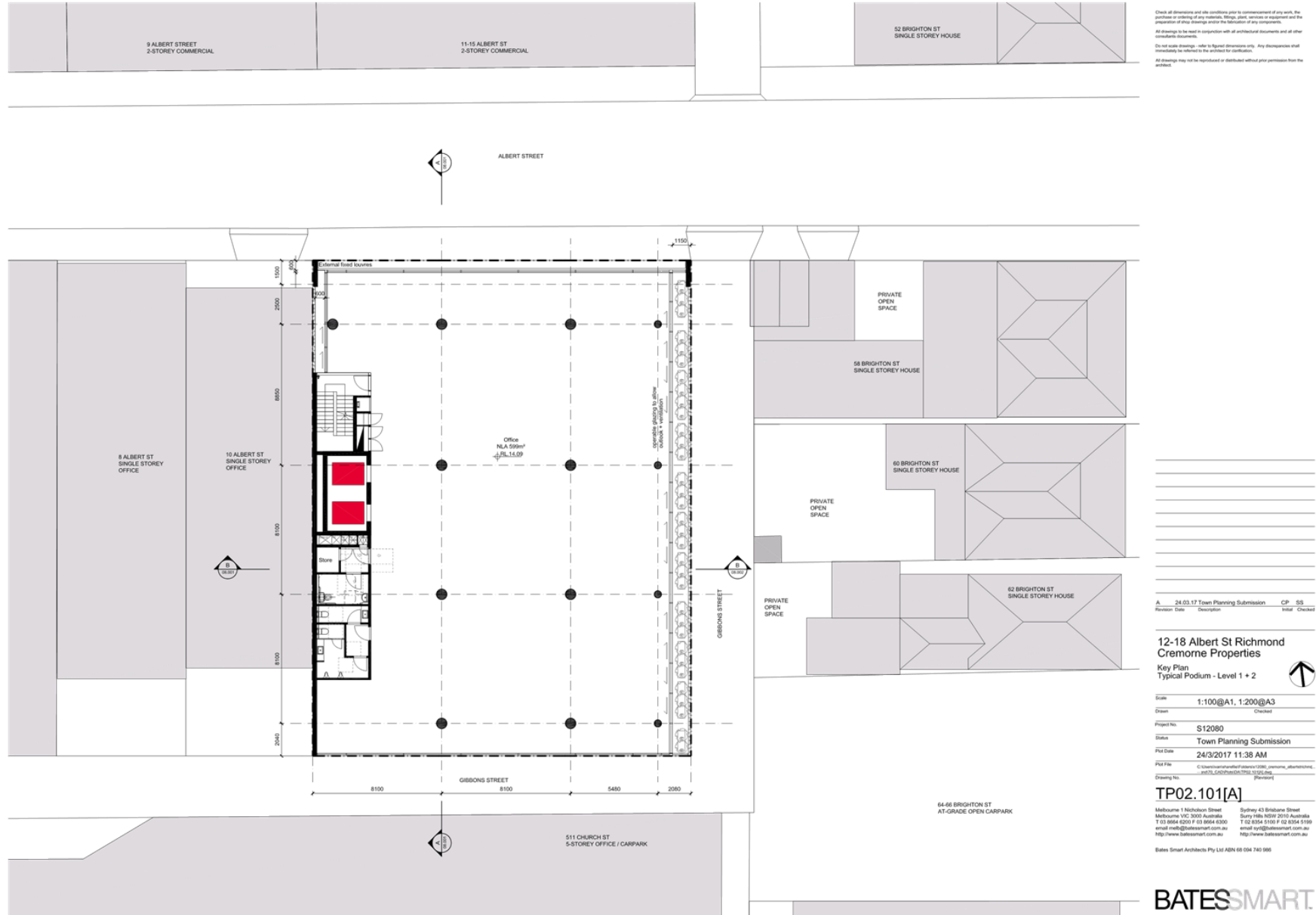


# Attachment 3 - Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.

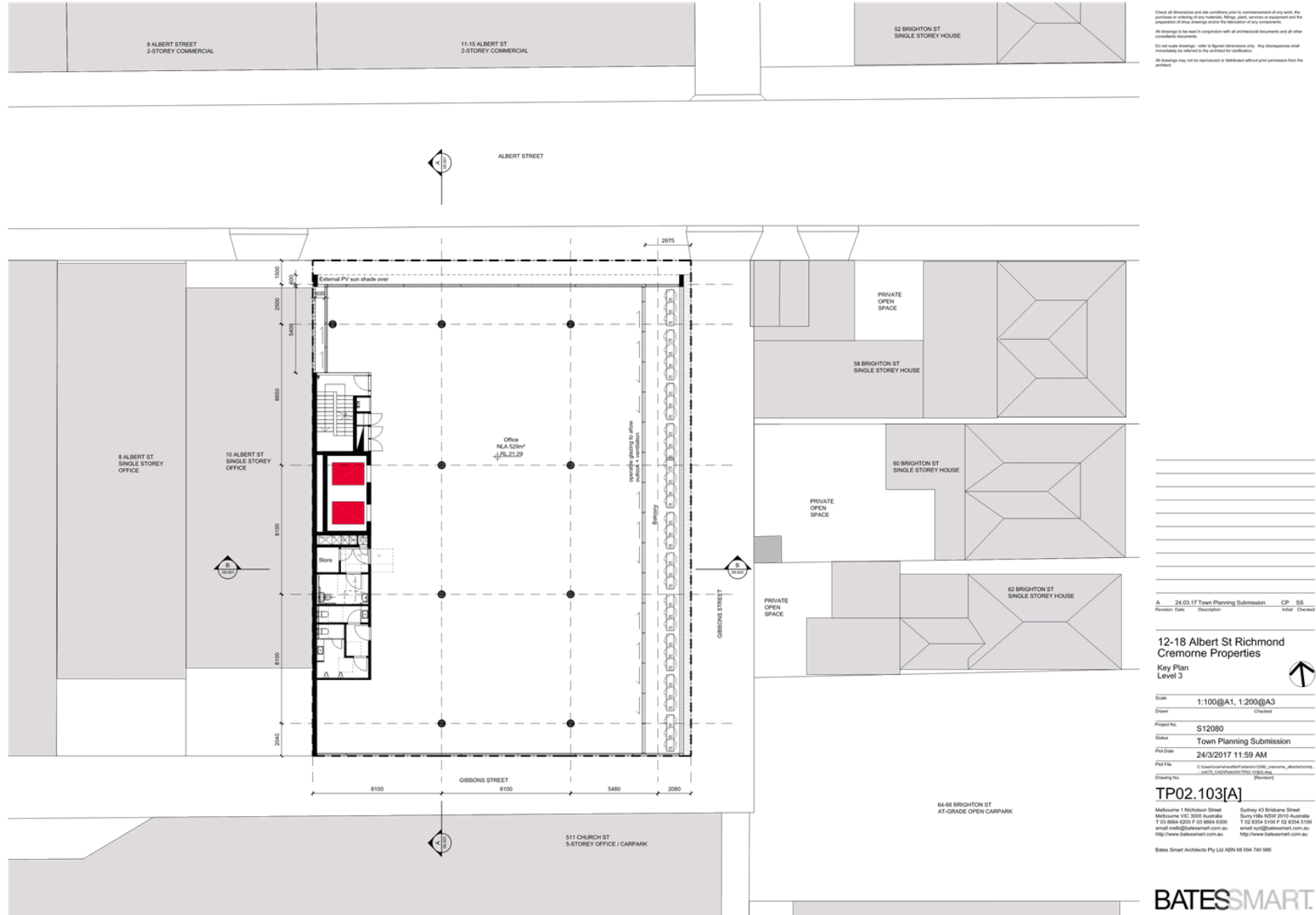




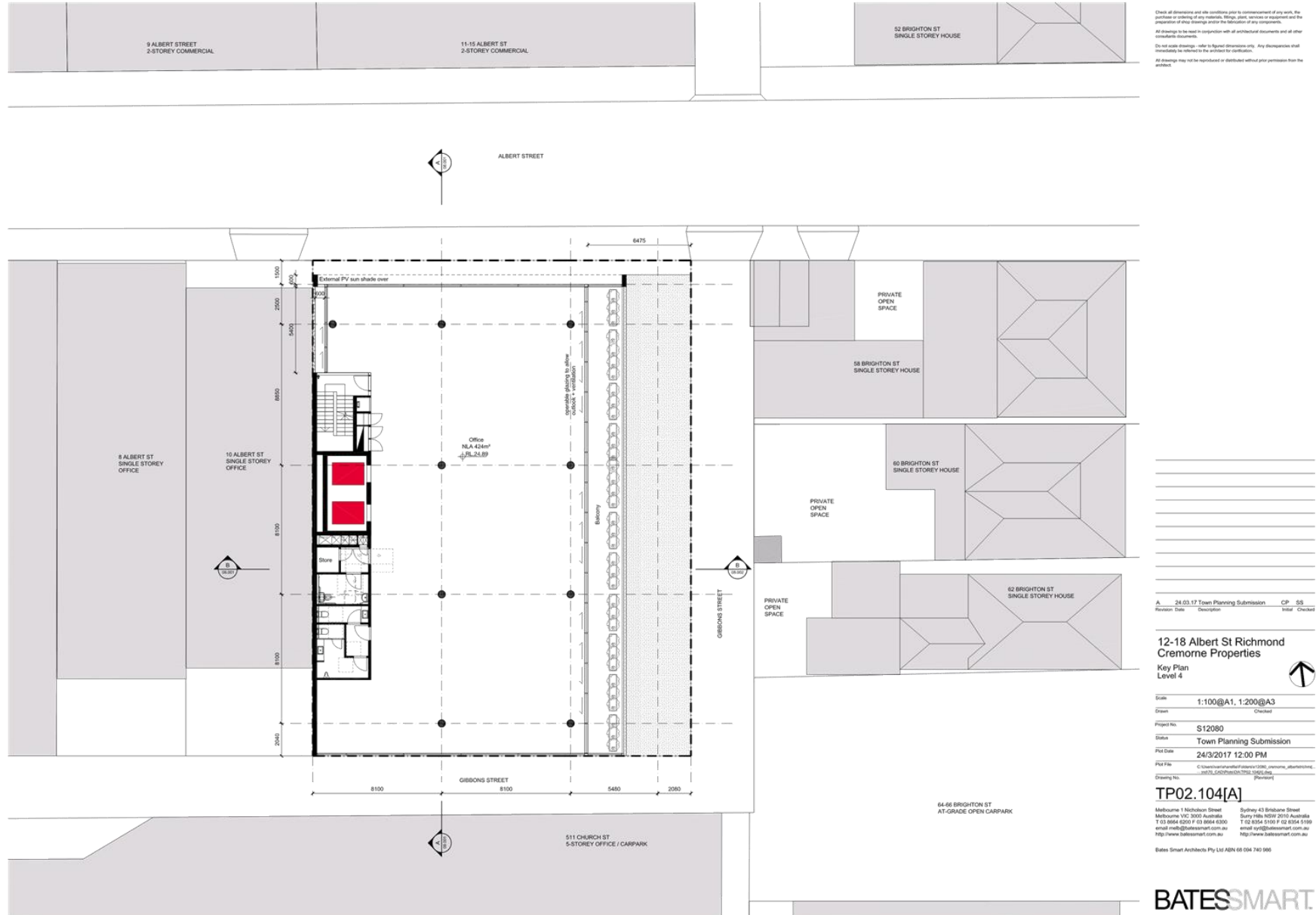
# Attachment 3 - Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.



# Attachment 3 - Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.

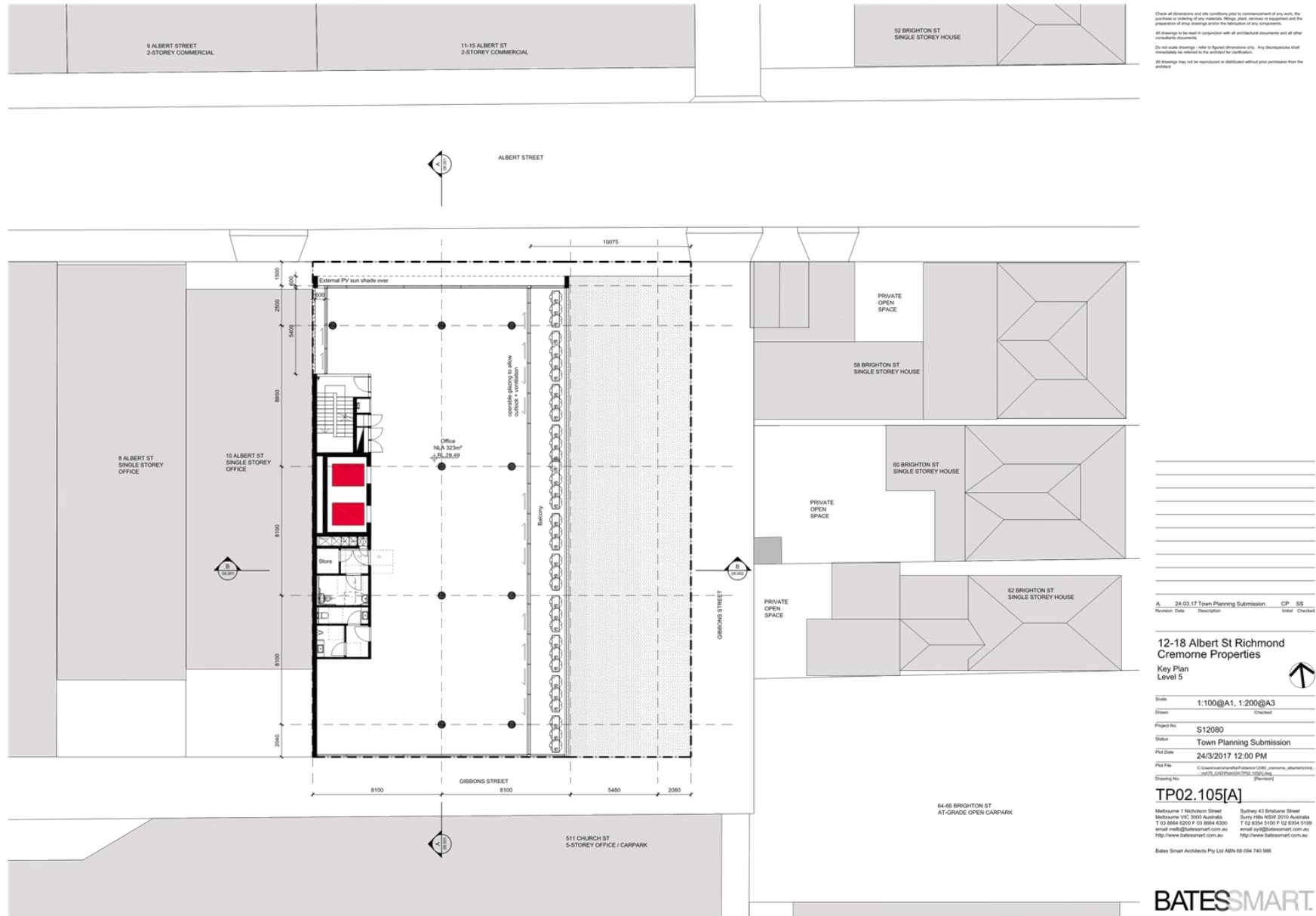


# Attachment 3 - Original Decision Plans- Existing conditions, site plan, basement, Levels 1, 2, 3 and 4.

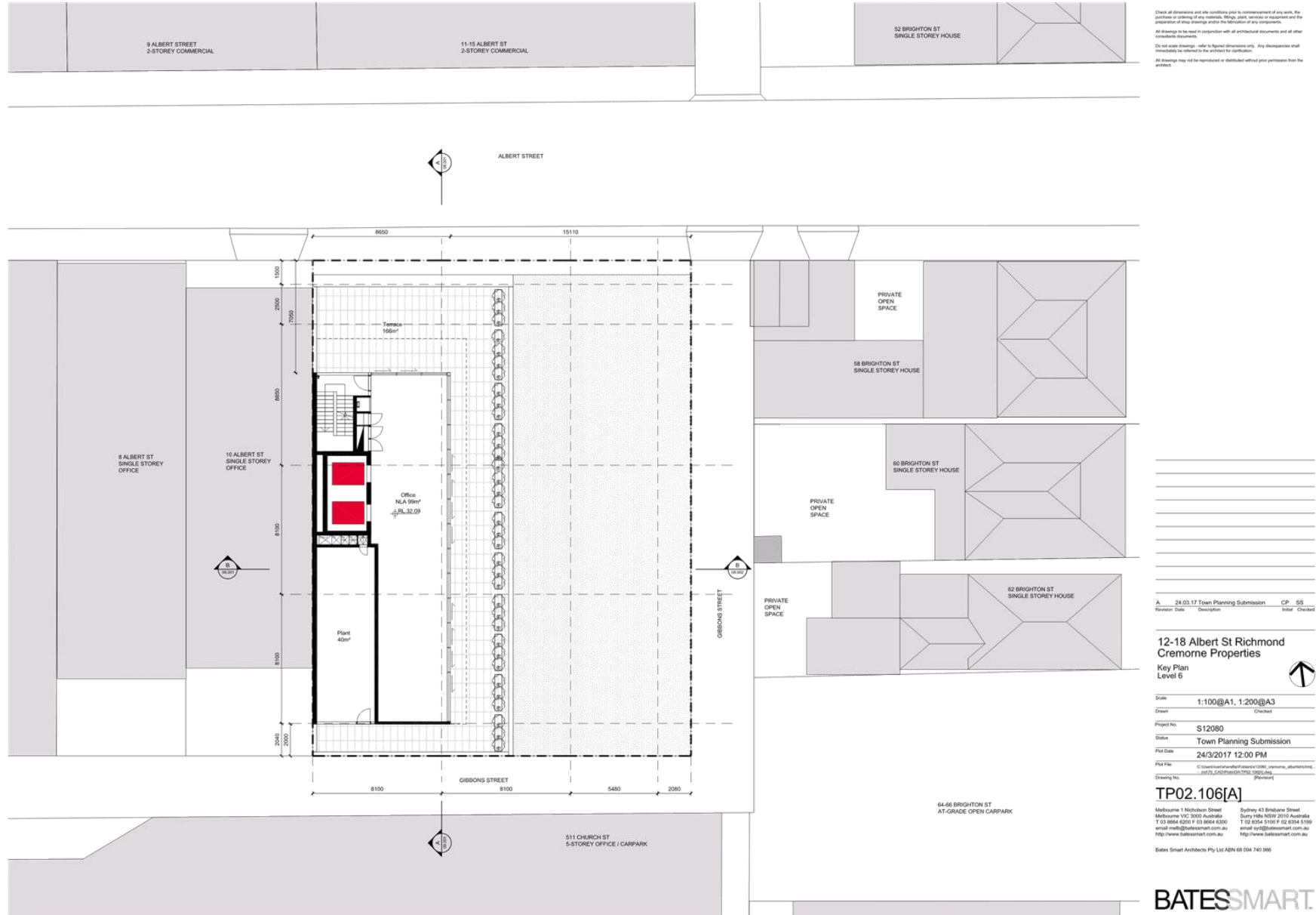




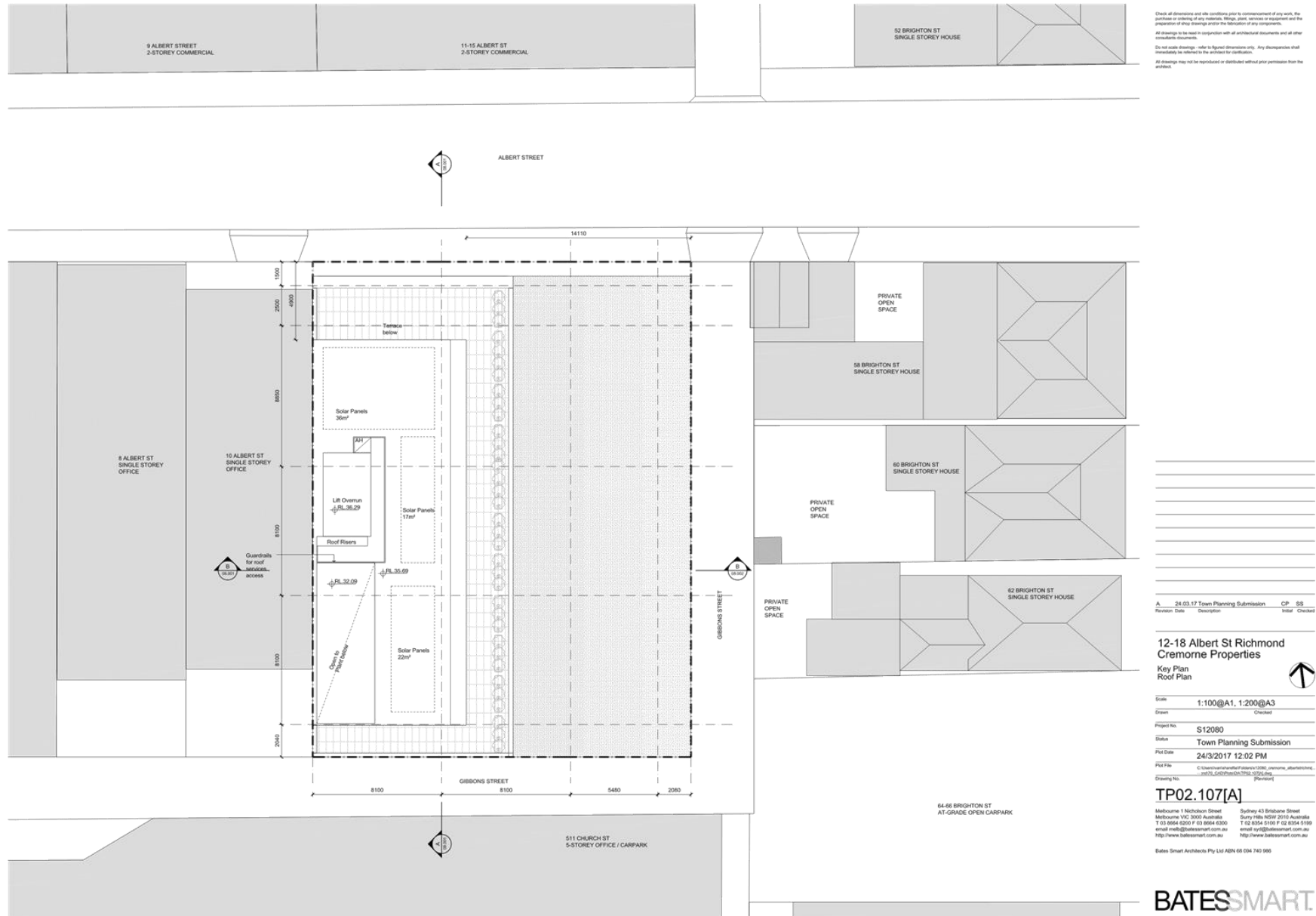
# Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.



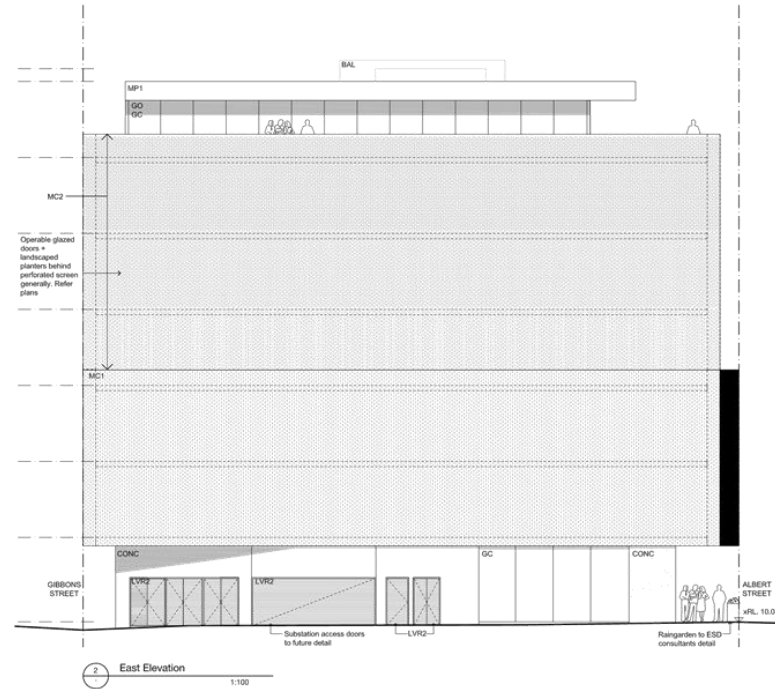
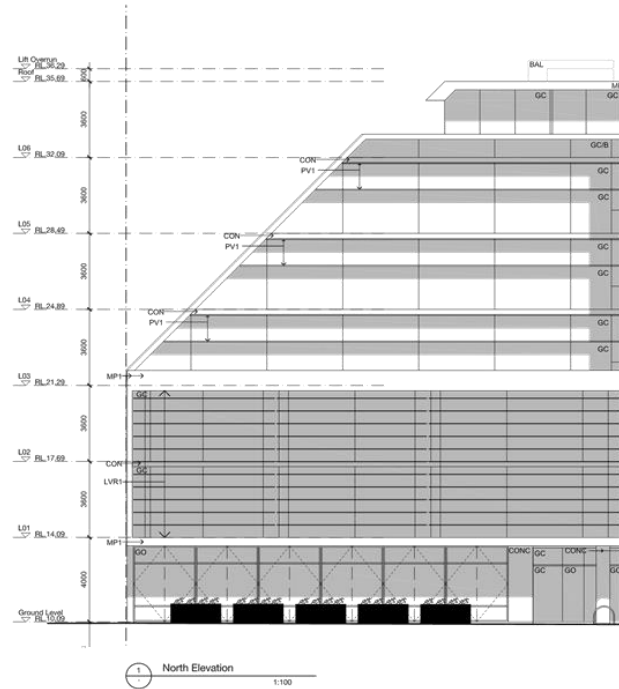
# Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.



# Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.



# Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, things, plant, services or equipment and the preparation of any drawings and/or the fabrication of any components.

All drawings to be used in conjunction with all architectural documents and all other relevant documents.

Do not make drawings - refer to figure dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

**Legend:**

- BAL Roof guard rail balustrade
- GC Fixed clear glazing
- GC/B Fixed balustrade clear glazing
- GO Operable clear glazing
- CONC Concrete finish
- MC1 Perforated metal cladding type 1 to detail - approximately 10% opening
- MC2 Perforated metal cladding type 2 to detail - approximately 25-50% graduated opening across facade
- MC3 Perforated metal cladding type 3 to detail - approximately 50% opening
- MP1 Metal cladding to detail - profile to match MC3 perforation patterning
- LVR1 Powdercoated fixed sun-shade louvers to match MP1
- LVR2 Powdercoated louvers to match MP1
- PV1 Horizontal photovoltaic glazed panels

Revision	Date	Description	CP	SS
A	24.03.17	Town Planning Submission		

12-18 Albert St Richmond  
Cremorne Properties  
Elevations  
North + East

Scale	1:100@A1, 1:200@A3
Drawn	Checked
Project No.	S12080
Status	Town Planning Submission
Plot Date	30/3/2017 11:22 AM
Plot File	C:\Users\matt\Documents\12-18_albert_st_richmond_elevations.dwg
Drawing No.	(Previous)

**TP07.001[A]**

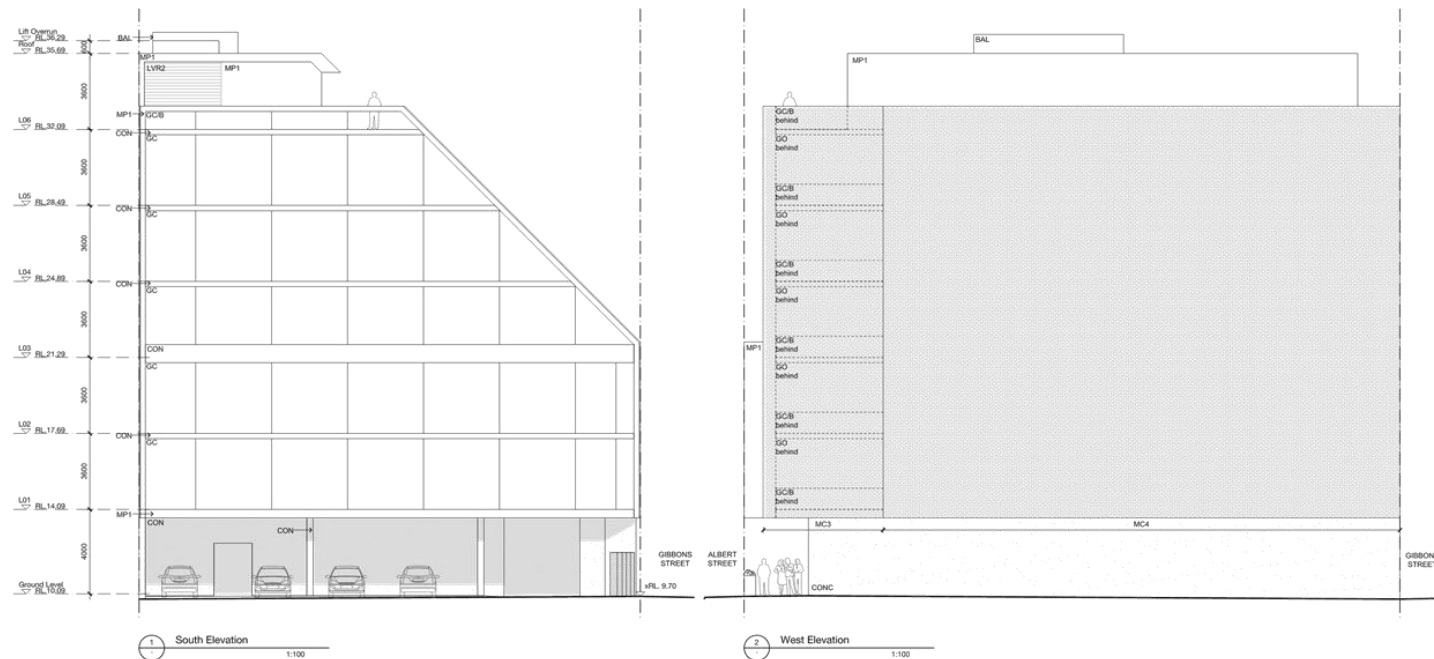
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email mab@batesmart.com.au  
http www.batesmart.com.au

Sydney 43 Brisbane Street  
Sydney NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 66 094 740 986

**BATESSMART.**

# Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, things, plant, services or equipment and the preparation of any drawings and/or the fabrication of any components.

All drawings to be used in conjunction with all architectural documents and all other relevant documents.

Do not make drawings - refer to signed dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

**Legend:**

- BAL Roof guard rail balustrade
- SC Fixed clear glazing
- GCB Fixed balustrade clear glazing
- GO Operable clear glazing
- CONC Concrete finish
- MC1 Perforated metal cladding type 1 to detail - approximately 10% opening
- MC2 Perforated metal cladding type 2 to detail - approximately 25-50% graduated opening across facade
- MC3 Perforated metal cladding type 3 to detail - approximately 50% opening
- MC4 Metal cladding to detail - profile to match MC3 perforation patterning
- MP1 Powdercoated metal in selected dark recessive colour
- LVR1 Powdercoated fixed sun-shade louvers to match MP1
- LVR2 Powdercoated louvers to match MP1
- PY1 Horizontal photovoltaic glazed panels

A 24.03.17 Town Planning Submission CP SS

12-18 Albert St Richmond  
Cremorne Properties  
Elevations  
South + West

Scale 1:100@A1, 1:200@A3  
Drawn Checked  
Project No. S12080  
Status Town Planning Submission  
Plot Date 30/3/2017 11:23 AM  
Plot File C:\Users\matt\Documents\12-18 Albert St\12-18 Albert St\12-18 Albert St.dwg  
Drawing No. (Preliminary)

**TP07.002[A]**

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 5200 F 03 8664 4300  
email matt@bates-smart.com.au  
http://www.bates-smart.com.au

Sydney 43 Brisbane Street  
Sydney NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5189  
email syd@bates-smart.com.au  
http://www.bates-smart.com.au

Bates Smart Architects Pty Ltd ABN 66 094 740 986

**BATESSMART**



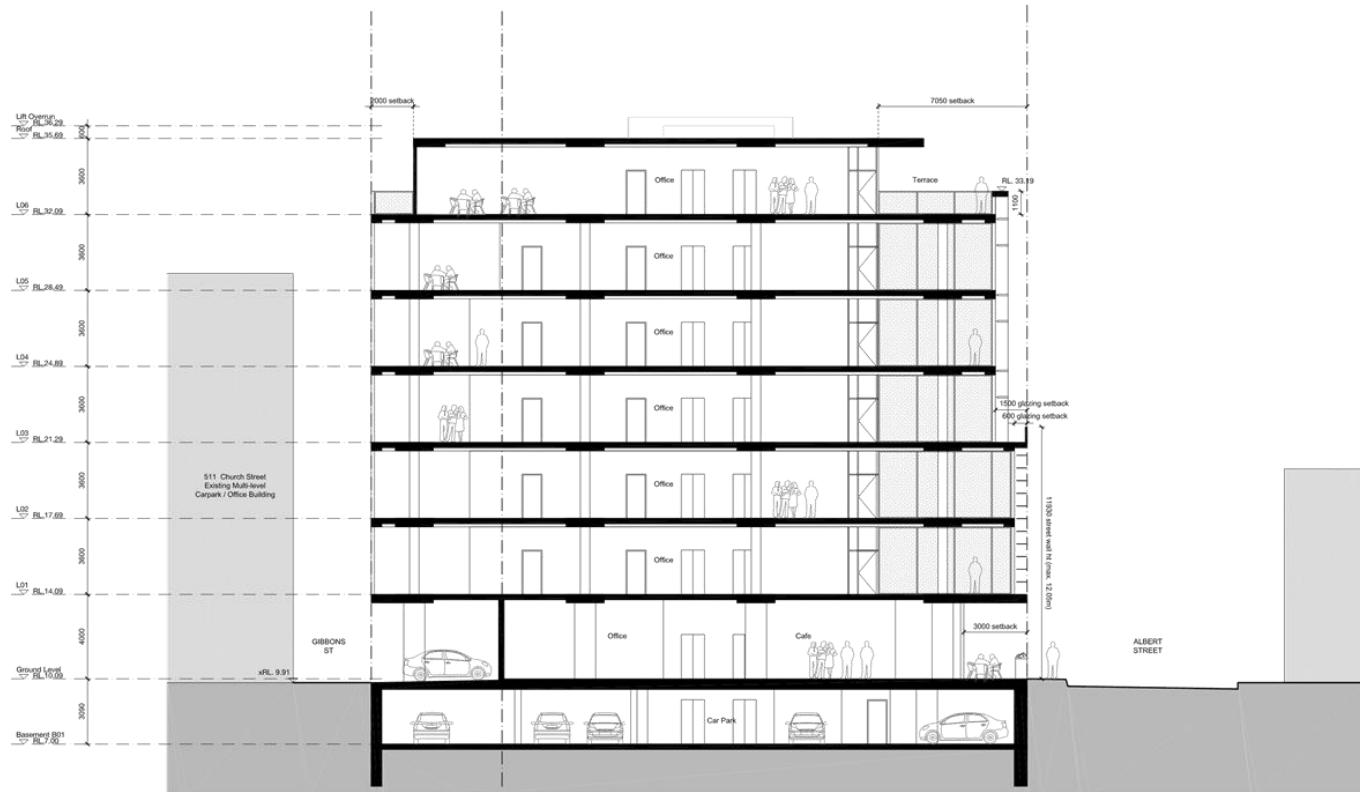
**Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.**

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be used in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



A	24.03.17 Town Planning Submission	CP	SS
Revision	Date	Description	Initial Checked

12-18 Albert St Richmond  
Cremorne Properties  
Section  
AA

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

Project No. **S12080**

Status	Town Planning Submission
--------	--------------------------

Plot Date 24/3/2017 12:17 PM

Plot File C:\Users\varian\My Documents\12060\_csmome\_aberinchnc...  
 --int79\_CADPlot.Dwg  
 Drawing No. (Pension)

TP08.001[A]

Melbourne 2 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email [melb@batesmart.com.au](mailto:melb@batesmart.com.au)  
<http://www.batesmart.com.au>

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email [sydt@batesmart.com.au](mailto:sydt@batesmart.com.au)  
<http://www.batesmart.com.au>

Bates Smart Architects Pty Ltd ABN 66 004 740 986

BATESSMART

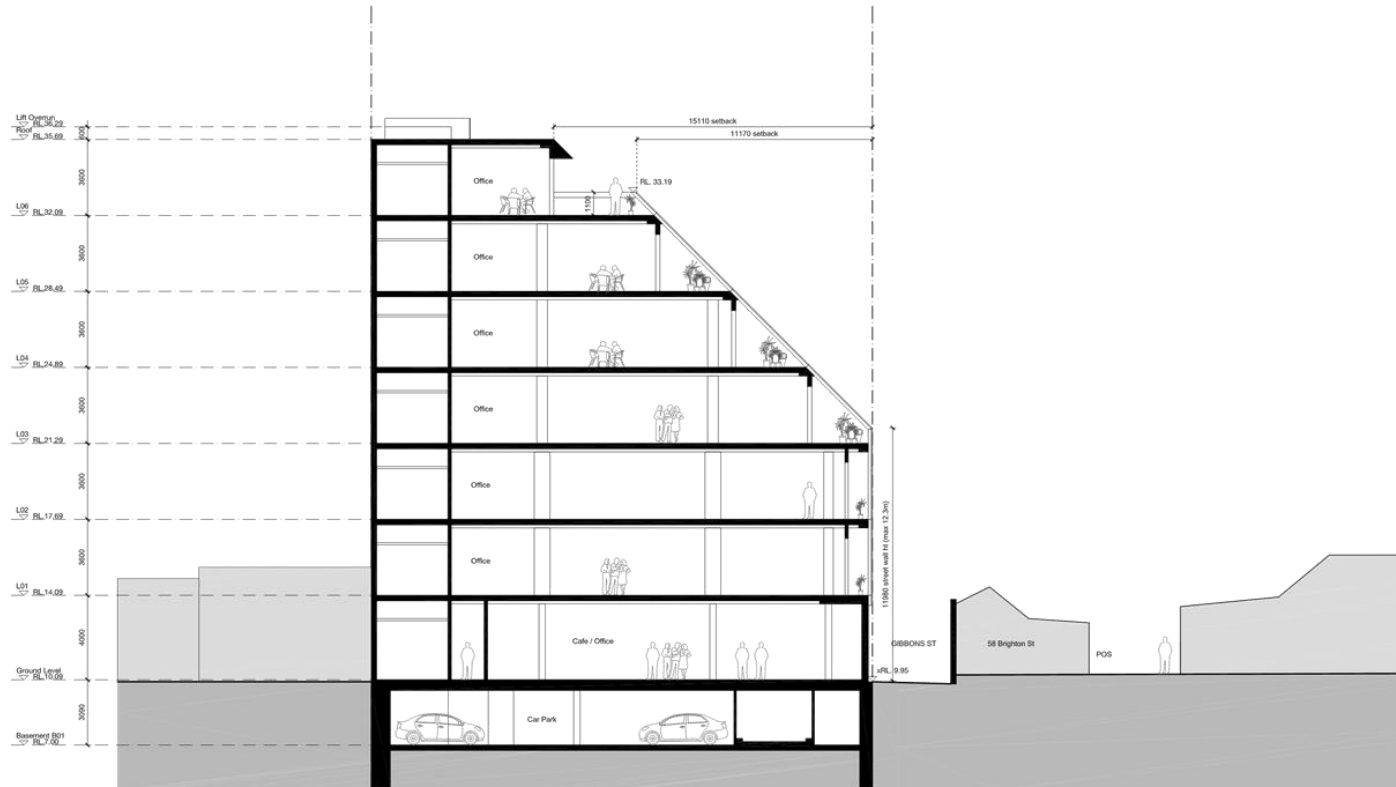
**Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.**

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.

All drawings to be used in conjunction with all architectural documents and all other consultants documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

[illegible]

12-18 Albert St Richmond  
Cremorne Properties  
Section  
BB

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

Original \_\_\_\_\_ Checked \_\_\_\_\_

Project No. S12080

Status	Town Planning Submission
--------	--------------------------

Plot Date 24/3/2017 12:17 PM

Plot File	C:\Users\varishare\Documents\1080_cenome_alberich\img... ..._inst_20_CAD\Plot\Dr\TPO8_0020.dwg
Drawing No.	[Revision]

TP08.002[A]

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 6200 F 03 8664 6300  
email [melb@batesmart.com.au](mailto:melb@batesmart.com.au)  
<http://www.batesmart.com.au>

Sydney 43 Brisbane Street  
Surry Hills NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email [syd@batesmart.com.au](mailto:syd@batesmart.com.au)  
<http://www.batesmart.com.au>

Bates Smart Architects Pty Ltd ABN 66 004 740 986

BATESSMART.

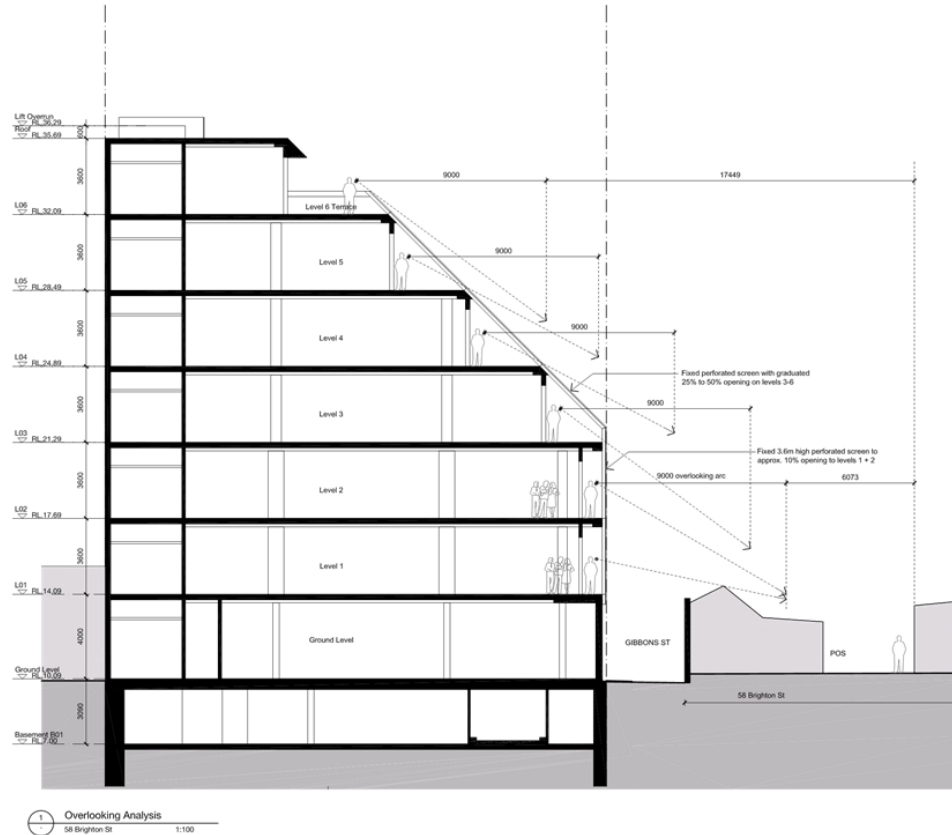
# Attachment 4 - Original Decision Plans - Levels 5 and 6, Roof plan, Elevations and Sections.

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, things, plant, services or equipment and the preparation of any drawings and the fabrication of any components.

All drawings to be used in conjunction with all architectural documents and all other relevant documents.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.



A 24.03.17 Town Planning Submission CP SS

12-18 Albert St Richmond  
Cremorne Properties  
Overlooking Analysis  
58 Brighton St

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

Drawn Checked

Project No. S12080

Status Town Planning Submission

Plot Date 30/3/2017 11:25 AM

Plot File C:\Users\michael.bates\Documents\12-18 Albert St Richmond\12-18 Albert St Richmond\12-18 Albert St Richmond.dwg

Drawing No. TP08.005[A]

TP08.005[A]

Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 8200 F 03 8664 8300  
email mel@batesmart.com.au  
http://www.batesmart.com.au

Sydney 43 Brisbane Street  
Sydney NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5189  
email syd@batesmart.com.au  
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 58 094 740 985

BATESSMART

2

Overlooking Analysis

62 Brighton St 1:100

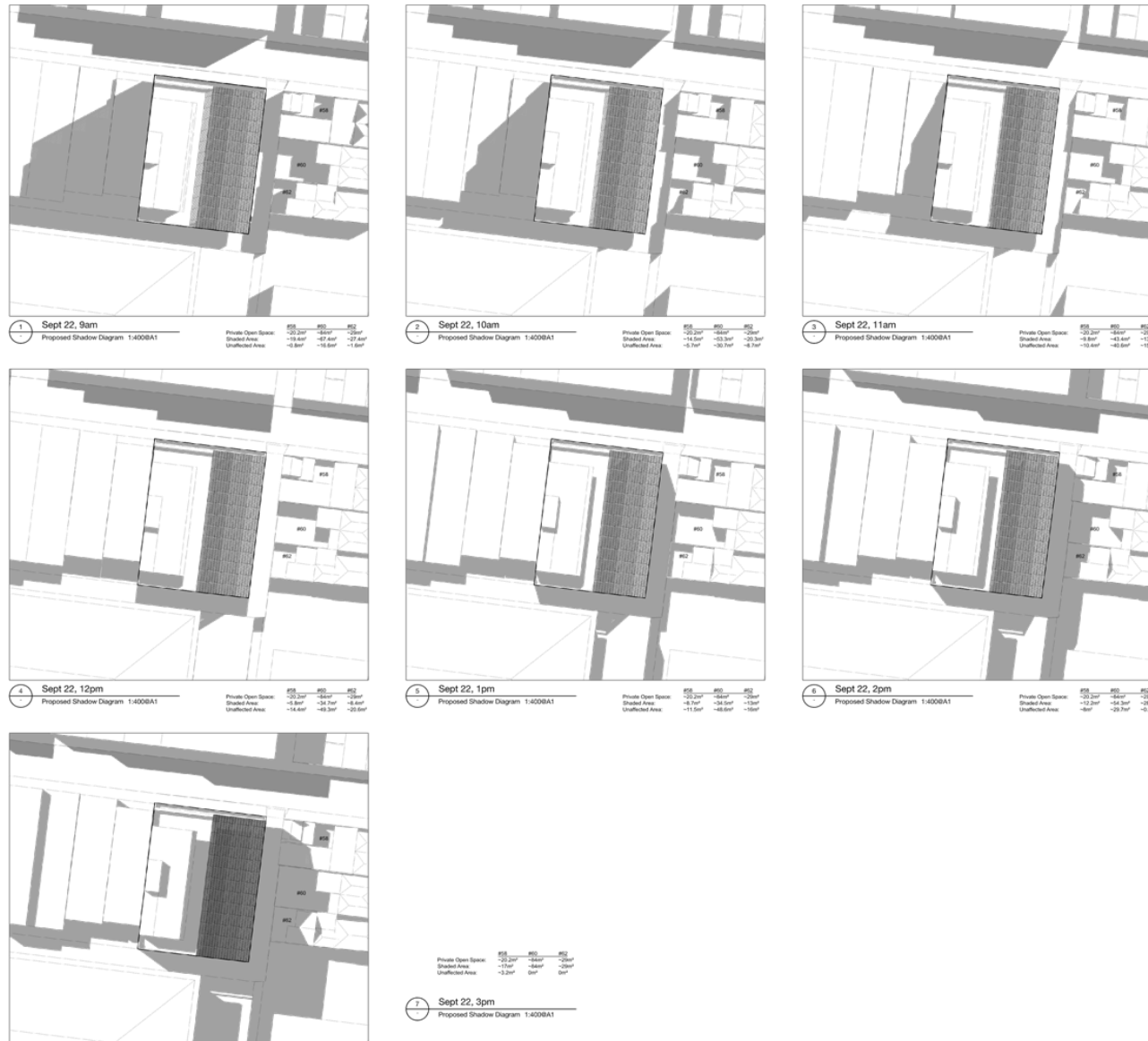
**TP08.006[A]**

Melbourne 1 Nicholson Street Melbourne VIC 3000 Australia T 03 8664 6200 F 03 8664 6300 email <a href="mailto:mel@batesmart.com.au">mel@batesmart.com.au</a> <a href="http://www.batesmart.com.au">http://www.batesmart.com.au</a>	Sydney 43 Brisbane Street Surry Hills NSW 2010 Australia T 02 8354 5100 F 02 8354 5199 email <a href="mailto:syd@batesmart.com.au">syd@batesmart.com.au</a> <a href="http://www.batesmart.com.au">http://www.batesmart.com.au</a>
--	---

Bates Smart Architects Pty Ltd ABN 68 004 746 986

Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 2 May 2018

# Attachment 5 - Shadow plans emailed to Council 01/11.



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, things, plant, services or equipment and the preparation of any drawings and the fabrication of any components.

All drawings to be used in conjunction with all architectural documents and all other relevant documents.

Do not scale drawings - refer to figure dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the architect.

Revision	Date	Description	Initial	Checked
B	1.11.17	additional information	CP	SS
A	24.03.17	Town Planning Submission	CP	SS

12-18 Albert St Richmond  
Cremorne Properties  
Proposed Shadow Diagrams  
Spring Equinox September 22

Scale: 1:400@A1  
Drawn: \_\_\_\_\_  
Project No: S12080  
Status: Town Planning Submission  
Plot Date: 1/11/2017 12:37 PM  
Plot File: C:\Users\matt\Documents\12080\12080\_01\matt\_smart\_architects\12080.dwg  
Drawing No: 12080\_01

**TP10.002[B]**  
Melbourne 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 8200 F 03 8664 8300  
email matt@batesmart.com.au  
http://www.batesmart.com.au  
Sydney 43 Brisbane Street  
Sydney NSW 2010 Australia  
T 02 8354 5100 F 02 8354 5199  
email syd@batesmart.com.au  
http://www.batesmart.com.au  
Bates Smart Architects Pty Ltd ABN 58 094 740 985

**BATESSMART.**



Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond

12-18 ALBERT ST, RICHMOND  
TOWN PLANNING SUBMISSION  
SCHEME 3 - 2 STOREY STREET WALL HEIGHT (7/2)

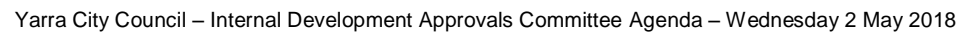
DRAWING SCHEDULE

DWG NO.	REV	DRAWING TITLE
TP00.001	D	Cover Sheet + Drawing Schedule
TP01.000	B	Existing Site + Demolition Plan
TP01.001	C	Proposed Site Plan + Streetscape Elevation
TP02.001	C	Key Plan - Basement B1
TP02.100	D	Key Plan - Ground Level
TP02.101	C	Key Plan - Typical Podium Level 1
TP02.102	C	Key Plan - Typical Podium Level 2
TP02.103	C	Key Plan - Level 3
TP02.104	C	Key Plan - Level 4
TP02.105	C	Key Plan - Level 5
TP02.106	C	Key Plan - Level 6
TP02.107	C	Key Plan - Roof
TP07.001	C	Elevations - North + East
TP07.002	C	Elevations - South + West
TP08.001	C	Section AA
TP08.002	C	Section BB
TP08.005	B	Overlooking Analysis - 58 Brighton St
TP08.006	B	Overlooking Analysis - 60, 62 Brighton St
TP10.001	C	Existing Shadow Diagrams - Spring Equinox September 22
TP10.002	C	Proposed Shadow Diagrams - Spring Equinox September 22

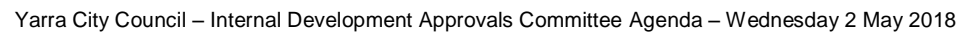
SCHEDULES  
Material Schedule

BATES<sup>TM</sup>SMART

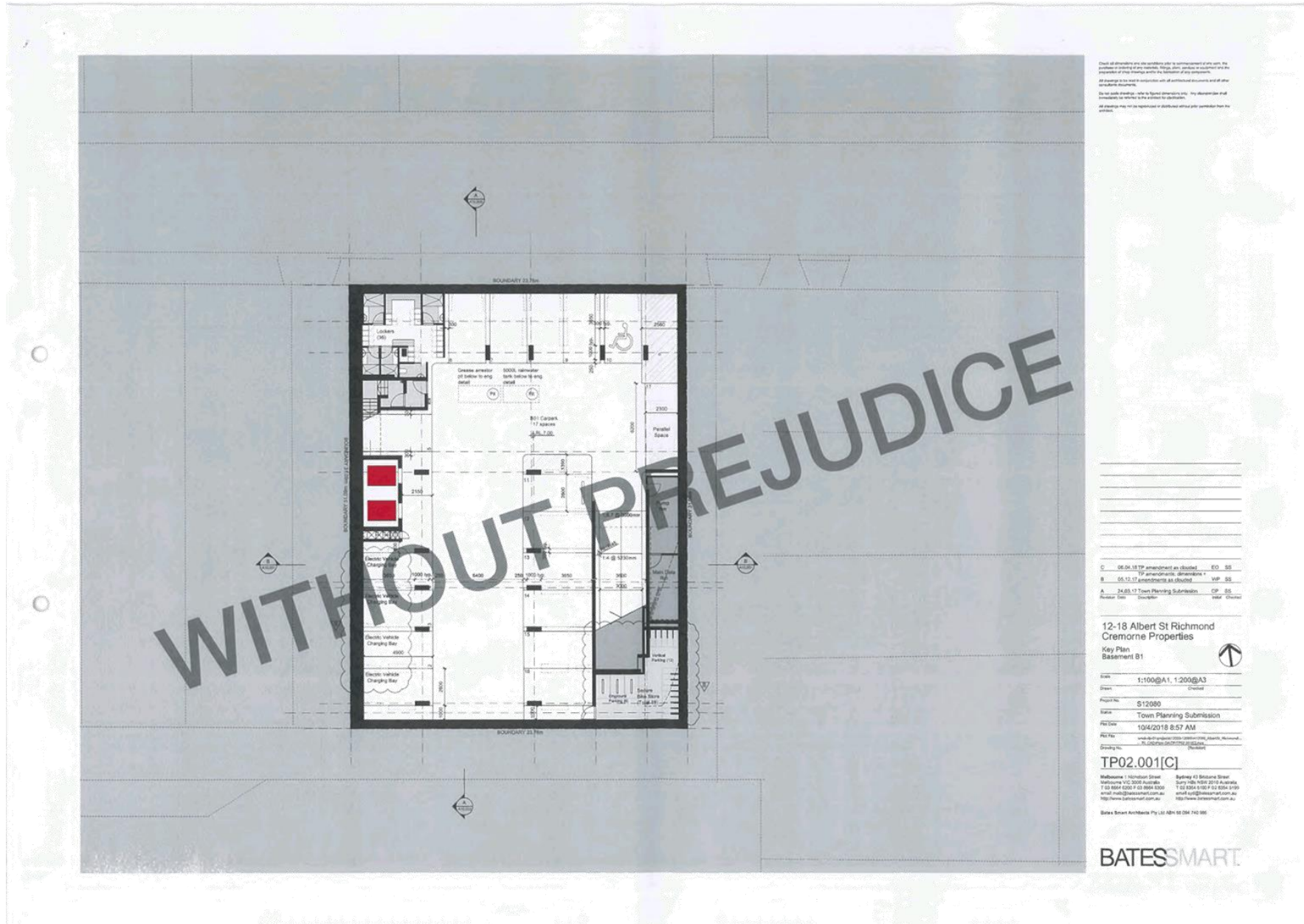
S12080 12-18 Albert St, Richmond Town Planning Issue



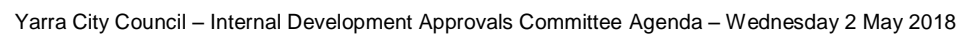




Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond

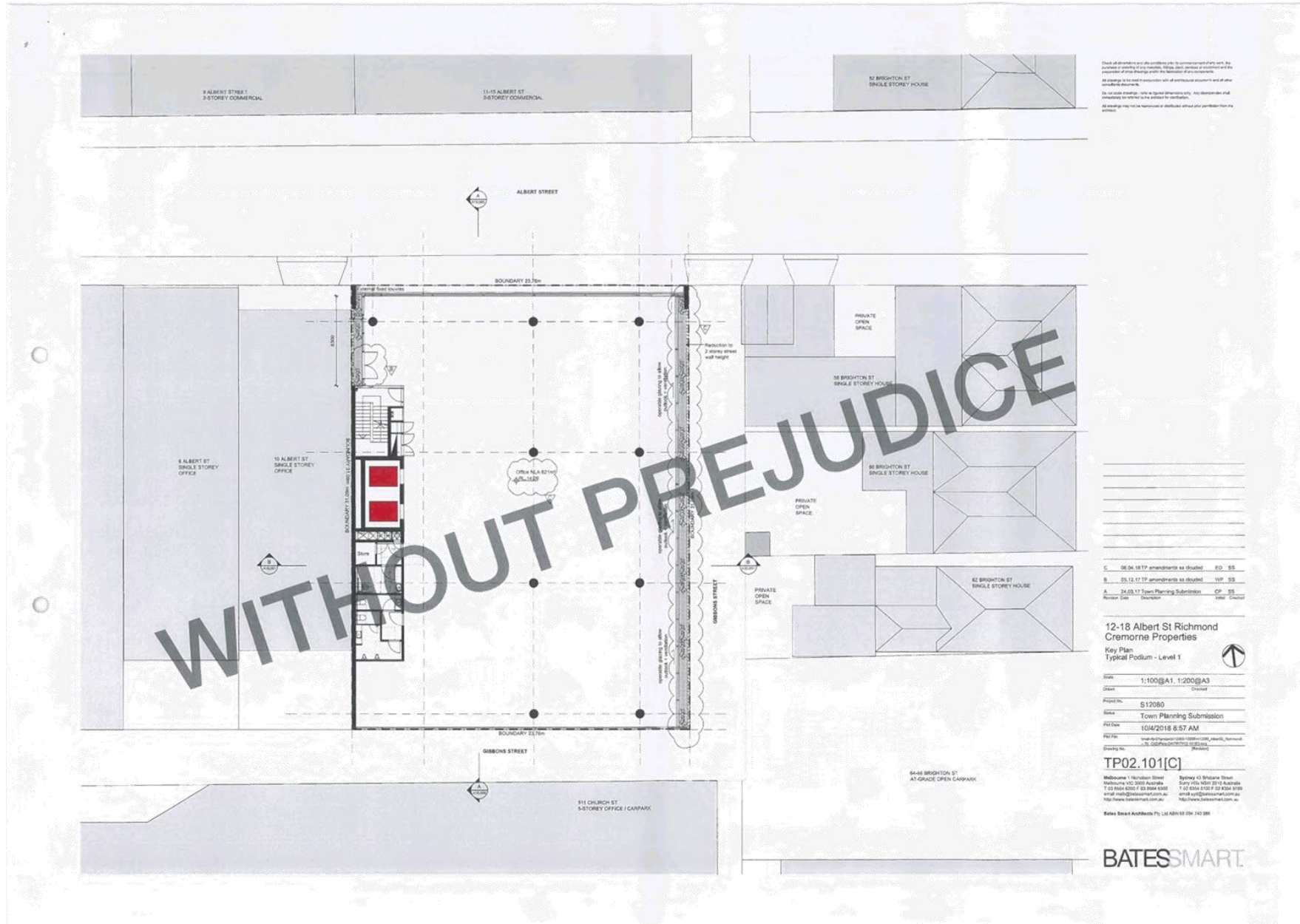




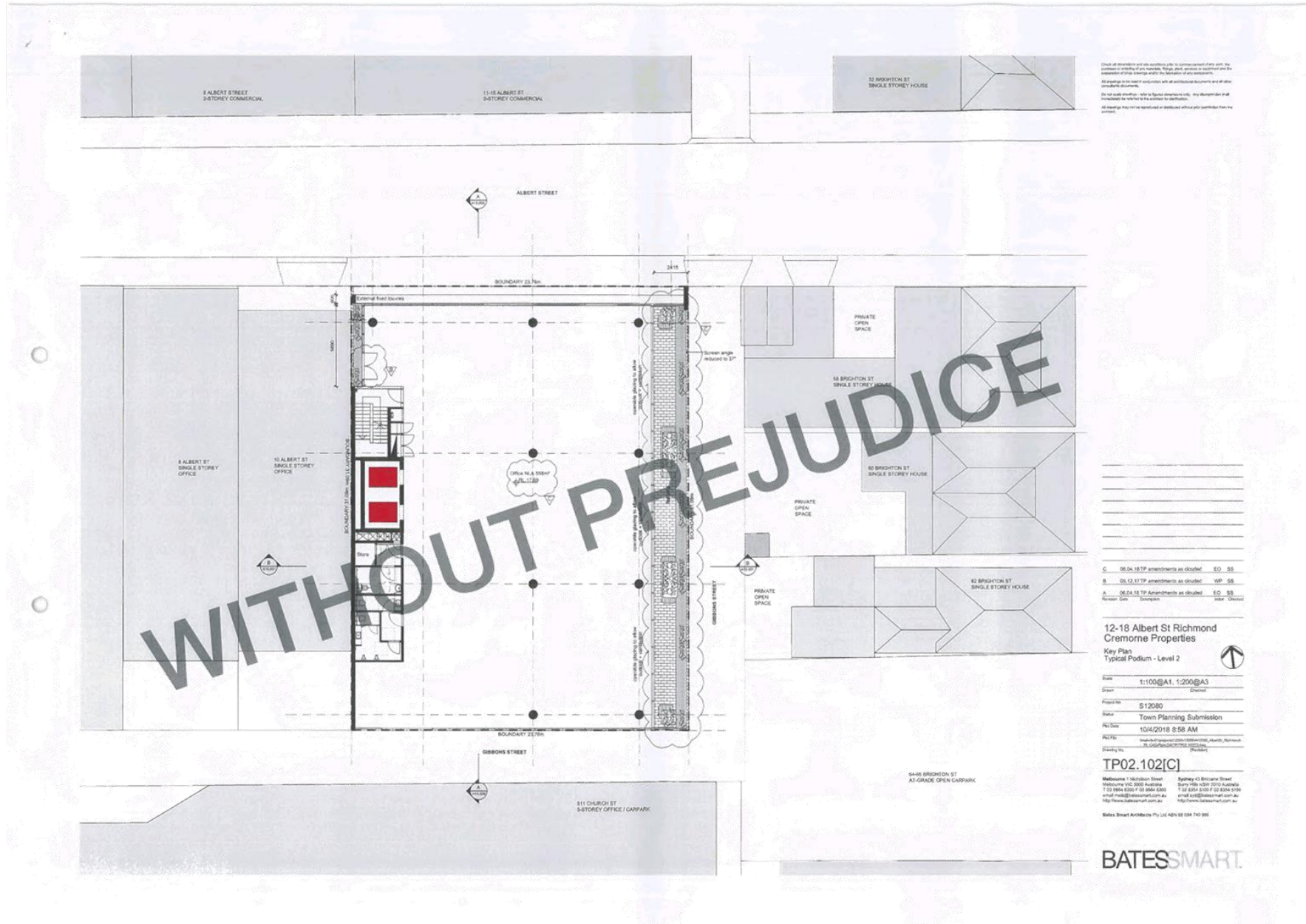




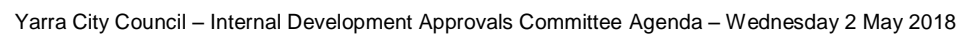
Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond



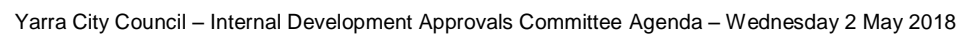
Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond



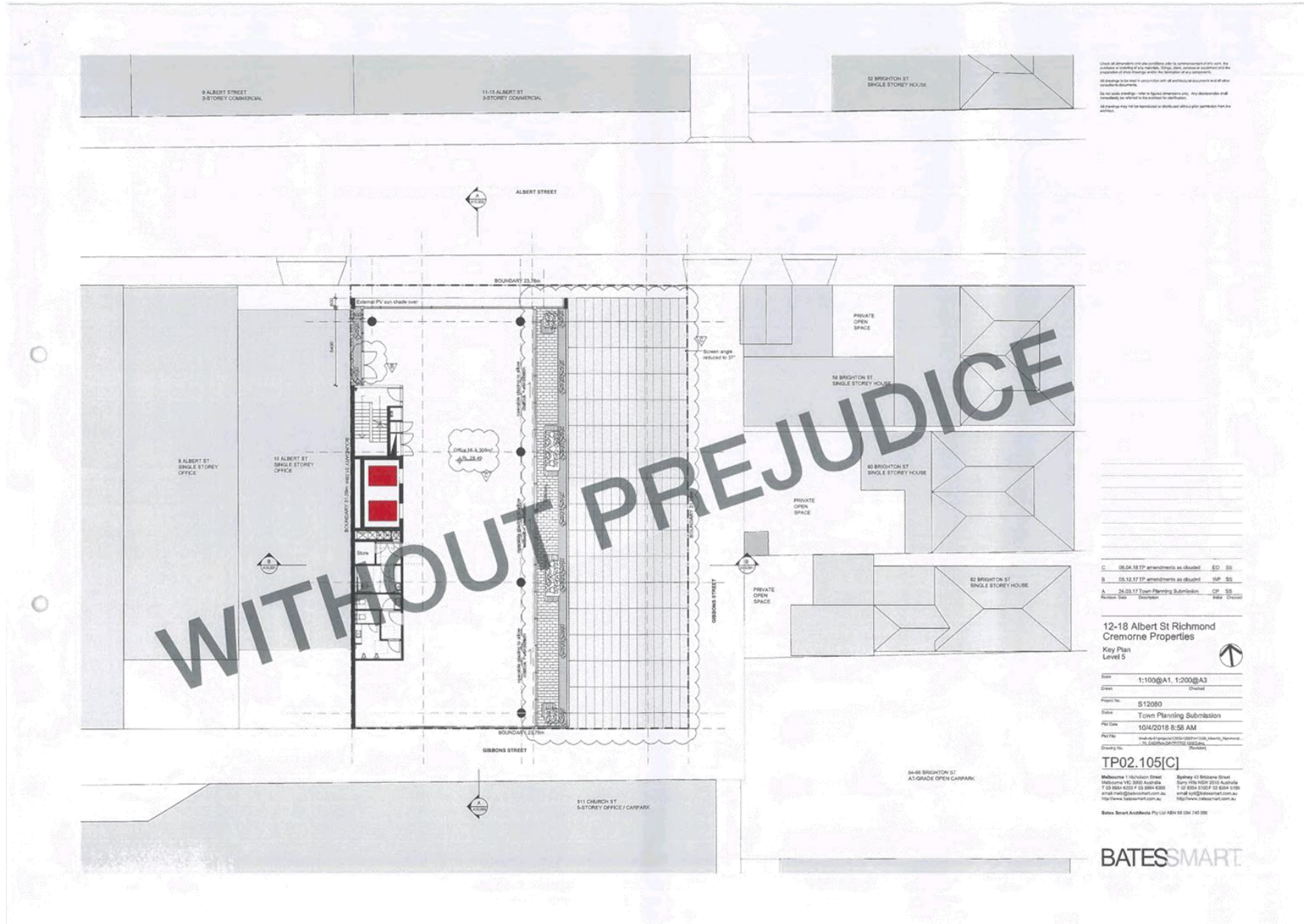




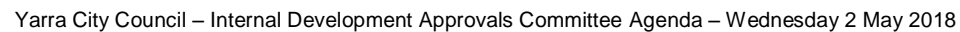




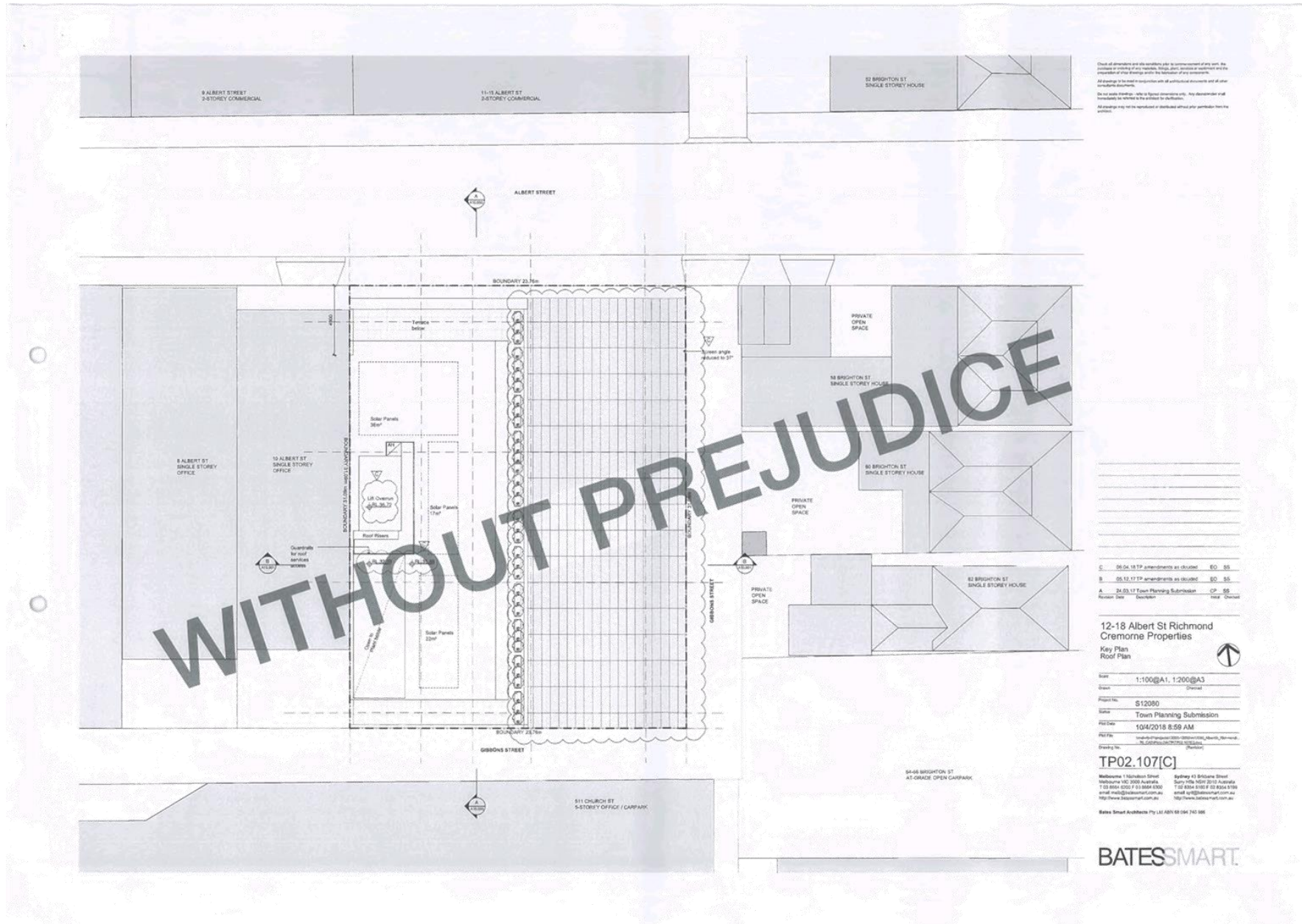
Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond



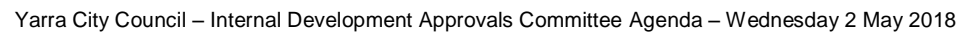




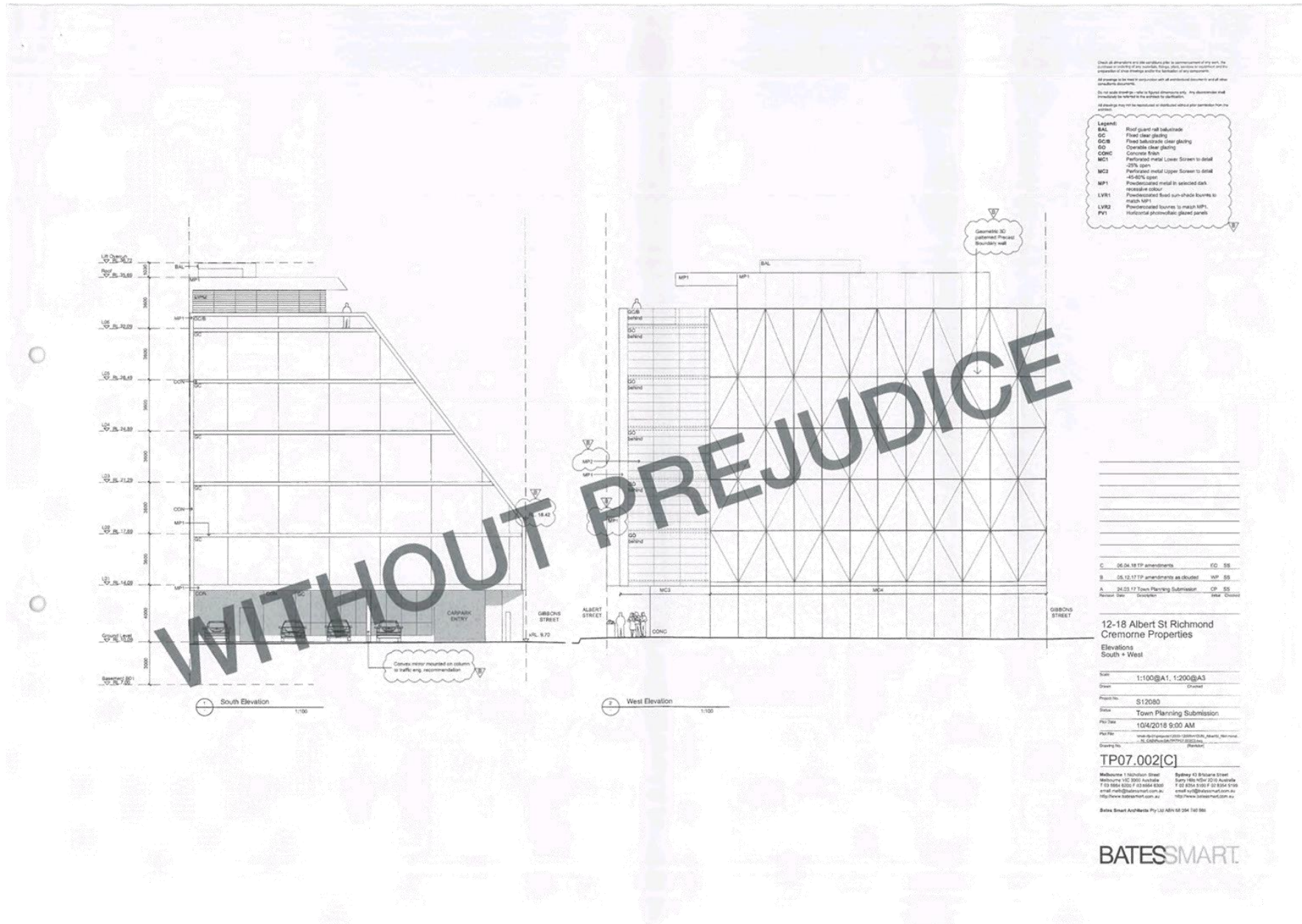
Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond





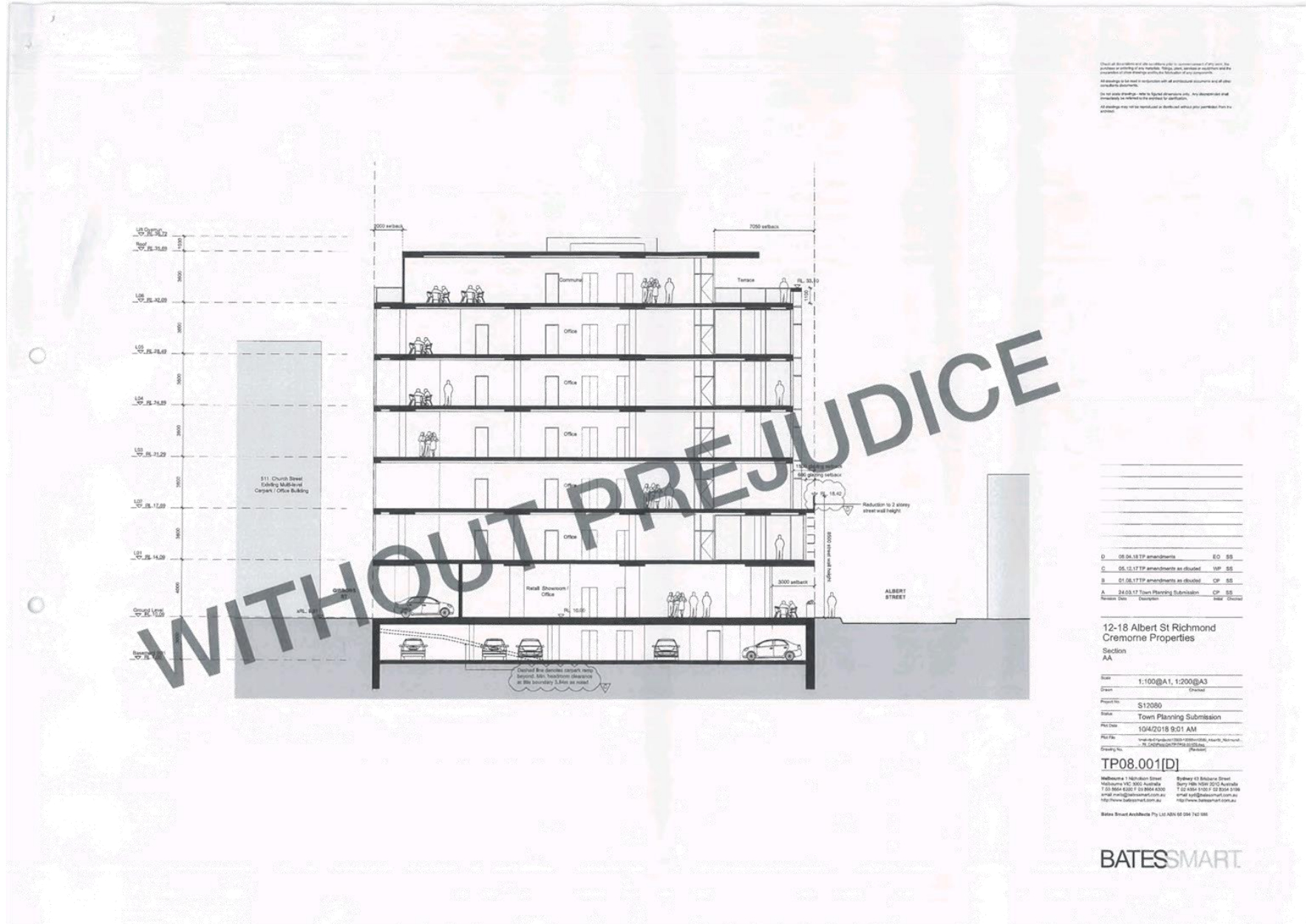


Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond

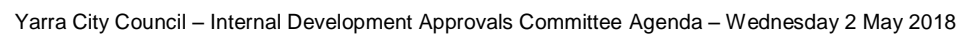


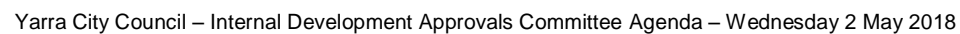


Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond

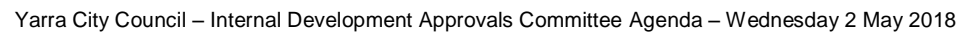


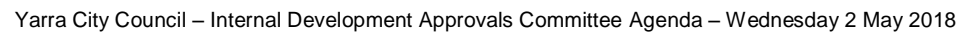














Attachment 6 - "Without Prejudice Plans" - 12 - 18 Albert Street, Richmond

