YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda – Volume 1

to be held on Wednesday 12 December 2018 at 6.30pm in Meeting Rooms 1 & 2 at the Richmond Town Hall

Rostered Councillor membership

Councillor Stephen Jolly
Councillor Mike McEvoy
Councillor James Searle

I. ATTENDANCE
Mary Osman (Manager Statutory Planning)
Vicky Grillakis (Co-ordinator Statutory Planning)
Ally Huynh (Senior Co-ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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

Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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

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

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

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

Governance Branch
2008

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN18/0267 - 218 - 228 Hoddle Street Abbotsford - Development of the land for the construction of an eleven storey (plus three basement levels) building for use as office and food & drink premises (no permit required for use) and a reduction in the car parking requirements, and building and works and alteration of access to a Road Zone Category 1 Road.	5	56
1.2	PLN17/0833 - 69-71 Smith Street, Fitzroy - Partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant (no permit required for use).	142	178
1.3	PLN17/1016 - 221 Swan Street Richmond - Full demolition of the existing building and construction of a multi-storey building with roof terraces, display of internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)	222	254
1.4	PLN17/0276 – 262-264 Bridge Road, Richmond – Demolition of the existing building, construction of a part three and part four storey building plus roof terraces (including a shop canopy over a Road Zone, Category 1) containing a shop and five dwellings, removal of easements and a reduction of the car parking and visitor bicycle parking requirements.	329	370

1.1 PLN18/0267 - 218 - 228 Hoddle Street Abbotsford - Development of the land for the construction of an eleven storey (plus three basement levels) building for use as office and food & drink premises (no permit required for use) and a reduction in the car parking requirements, and building and works and alteration of access to a Road Zone Category 1 Road.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN18/0267 which affects land at 218-228 Hoddle Street Abbotsford and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:

   (a) Interfaces uses policy (Clause 22.05);
   (b) Built form (Clauses 15.01, 21.05, 22.10, 34.02-7, 36.04, 43.02 and 52.29); and
   (c) Car Parking and Bicycle Provision (Clauses 52.06 and 52.34) of the Yarra Planning Scheme.

Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) Strategic context;
   (b) Built form;
   (c) Environmentally Sustainable Development (ESD);
   (d) Off-site amenity impacts;
   (e) Car parking, traffic, access and bicycle provision;
   (f) Waste management; and
   (g) Objector concerns.

Submissions Received

4. A total of 26 objections were received to the application, these can be summarised as:

   (a) Neighbourhood character/Heritage;
   (b) Height/Massing/Scale – not in line with the Johnston Street Local Area Plan;
   (c) Overdevelopment;
   (d) Amenity impacts (access to daylight, overlooking, overshadowing, light spill, equitable development opportunities, wind, heat island, views);
   (e) Lack of green spaces/landscaping;
   (f) Inappropriate materials;
   (g) Car parking/traffic/parking implications/access from Stafford Street/impact new P-turns on Hoddle Street;
   (h) Property devaluation;
   (i) Construction issues (disruption);
   (j) Errors on plans;
   (k) Overshadowing of the public realm;

5. One letter of support was received to the application.

Conclusion

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

(a) Deletion of the ninth floor with a reduction in building height (not inclusive of the parapet and lift core) from 43m to 39.15m;

(b) A 1.5m setback from the northern boundary, above the sixth floor;

(c) An additional 3m setback from the eastern boundary, between the sixth and eighth floors (resulting in a total setback form the eastern boundary of 7.07m);

(d) Additional employee and visitor bike spaces;

(e) Streetscape improvements along Hoddle and Stafford Streets; and

(f) Deletion of the proposed two-way traffic access along Stafford Street, and retention of the existing one-way conditions.

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

1.1 PLN18/0267 - 218 - 228 Hoddle Street Abbotsford - Development of the land for the construction of an eleven storey (plus three basement levels) building for use as office and food & drink premises (no permit required for use) and a reduction in the car parking requirements, and building and works and alteration of access to a Road Zone Category 1 Road.

Trim Record Number: D18/177532
Responsible Officer: Manager Statutory Planning

Proposal:	Development of the land for the construction of an eleven storey (plus three basement levels) building for use as office and food & drink premises (no permit required for use) and a reduction in the car parking requirements, and building and works and alteration of access to a Road Zone Category 1 Road.
Existing use:	Motor cycle dealership
Applicant:	H & F Property Group c/o Pro Urban Planning
Zoning / Overlays:	Commercial 2 Zone/Road Zone/Design and Development Overlay (Schedule 2)
Date of Application:	20 April 2018
Application Number:	PLN18/0267
Ward:	Langridge

Planning History

1. Planning Permit No. 000582 was issued on 1 August 2000 to use the existing building for mixed use purposes (including motor repairs, offices, car showroom and sales).

2. Planning Application No. PLN14/0726 was withdrawn on 12 February 2015. The application was for the 'use and development of the land for a service station including the construction of buildings and works, business identification signage (internally illuminated and electronic), reduction in the loading and unloading requirements, variation to the requirements of clause 52.12 (Service Stations) and creation of access to a Road Zone'. The proposed use and development would have required changing approximately 40m of Stafford Street into a two-way road to allow vehicles to access Hoddle Street from a new exit from the site onto Stafford Street as well as the removal of on-street car parking and a loading zone.

3. Planning permit PLN16/1076 was issued on 13 February 2017 for the 'development of the land to construct and display internally-illuminated advertising signage'.

Background

4. The application was lodged on 20 April 2018 and further information subsequently requested in May 2018. The information was received on 25 June 2018 and the application was then advertised with 26 objections being received, and one letter of support. A consultation meeting was held on 25 September 2018. The Permit Applicant, Planning Officers and objectors were present however none of the Ward Councillors attended the meeting.

5. Whilst this process was occurring, Council had sought and received advice from VicRoads and Transport for Victoria, external urban design and wind consultants as well as Council internal units including Urban Design, Waste Management, Engineering, Streetscape and Natural Values Unit, Strategic Transport and Environmental Sustainable Development (ESD). Referral advice is an attachment to this report.

6. Following receiving referral comments from Council's Waste Management Unit and ESD advisor, an amended Waste Management Plan and Sustainability Management Plan were

submitted on 10 August 2018 and 18 October 2018 respectively. Additional comments were received from Council's internal units with regards to these.

Public Realm Sketch Plan

7. The applicant also provided a public realm works plan on 2 November 2018 in response to comments from Council's external urban design advisor. Comments were sought from Council's internal units (Open Space, Urban Design, Engineering and Construction Management). A number of issues were identified with the specifics of the plan (eg. material choices, seating design, location of street trees etc) whilst the overall principal of providing public realm improvements to this corner was supported. A condition will require an amended public realm works plan to be provided which shows streetscape improvements to the satisfaction of the Responsible Authority. The applicant has agreed to this, as have Council's aforementioned internal units.

8. The public realm works plan also showed an altered internal layout for the western side of the ground floor (where it faces Hoddle Street) in response to Council's external urban designer's comments. The internal reconfiguration is supported and is considered an improvement compared to the decision plans (discussed later in the report). As such, a condition will require that internal areas to be shown as per the sketch plan dated 2 November 2018.

9. The sketch plan shows an area of the ground floor setback from the northern boundary where it interfaces with the northern laneway. Council's internal units supported this, subject to additional conditions being in-place to improve safety of any patrons. These will be required by way of condition.

10. Finally, with regards to the ground floor decision plan, the plan currently shows a portion used for 'retail'. The applicant had previously confirmed this was a food and drinks premises and was advertised accordingly. The public realm sketch plan submitted on 2 November 2018 continues to show the food and drinks premises as 'retail'. A condition will require it to be shown as a food and drinks premises. It should be noted however, that neither the retail or food and drinks premises uses are 'permit required' uses under the zone (discussed later in the report).

<u>Planning Scheme Amendments</u>

Amendment VC148

11. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.

12. The introduction of VC148 amended Clause 52.06 (Car parking) so that the car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).

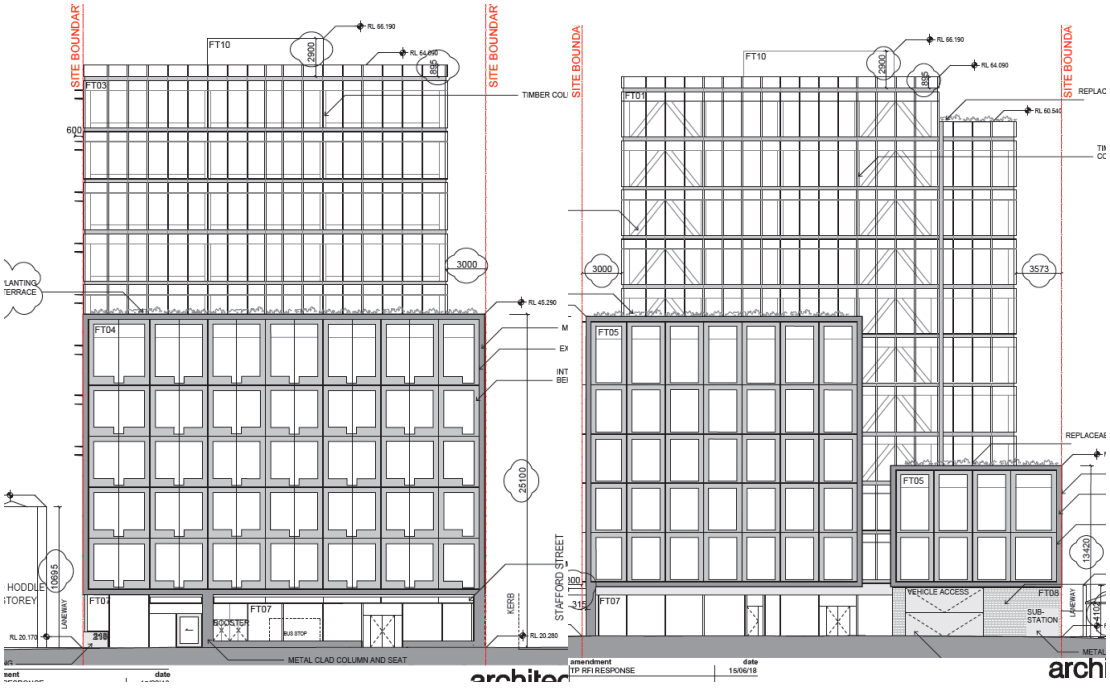
13. The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply to this planning permit application which means that instead of the office car parking being provided at 3.5 spaces per 100sqm, the requirement is 3 spaces per 100sqm and the food and drinks premises is 3.5 spaces per 100sqm, instead of 4.

The Proposal

14. The proposal is rectilinear in form, with a six-storey podium facing Hoddle Street which wraps around to Stafford Street, before stepping down to a three-storey podium along the eastern end of the southern elevation. Above each street wall is a 3m-4m setback.

15. The proposal peels away from the north-eastern corner above ground floor, retains a three-storey wall along its eastern side, with setbacks provided at the third floor from the east, and increasing at the tenth floor. The proposal is sheer along its northern side.

16. The two images below show the proposal from Hoddle Street on the left, and from Stafford Street on the right:



Demolition

(a) All structures on site and existing crossovers (no planning permit required).

Use

(b) A ground floor, food and drinks premises (café) fronting Stafford Street– 52sqm – no permit required.

(c) The office space has a net floor area of 7,980sqm (not including any access-ways, lifts etc but including terraces and the shared lobby)- no planning permit required

Construction

Basements

(d) Three basement levels built to title boundaries accessed via Stafford Street with services and 70 car parking spaces (inclusive of 1 x DDA space).

Ground floor

(e) The ground floor includes a shared lobby area (northern end), co-working space (southern end) facing Hoddle Street and the food and drinks premises facing Stafford Street.

(f) To the rear of these active areas are back of house, including lifts, stairs, car access, a loading area, waste room and substation.

(g) End-of-trip facilities and bike spaces are located in the north-east corner with access from the northern laneway.

(h) The ground floor is generally built to title boundaries, except where it provides a setback of between 1m and 1.2m from Hoddle Street (in addition to the existing 4.5m width) and 1m to Stafford Street (total of 3m in width) for a widened footpath. Canopies are provided along the Hoddle Street side.

(i) The first and second floors are constructed similarly, being built to the boundaries, save for a 2.6m wide and 3m deep indent along the southern boundary and setbacks between 3m (northern boundary) and 4.07m (eastern boundary) in the north-eastern corner of the site.

(j) This north-eastern corner setback is continued up the building, with additional setbacks provided from the third floor and above, resulting in a 4.07m setback from the eastern boundary for the full extent of this elevation. A terrace is located within this setback on the third floor, with no built form above.

(k) To facilitate a stepping down of the podium along the southern boundary, a 3m setback is provided along the southern boundary at its eastern-most end, from the third floor and above. A terrace is located within this space.

(l) At the sixth floor, to create the Hoddle Street six storey street wall, the building provides a 3m setback from its western boundary, and a 3m setback from the southern boundary at its western end.

(m) The seventh to tenth floors are constructed similarly, except for an additional 6m setback from the eastern boundary at the tenth floor to facilitate a terrace.

(n) The roof plan includes a lift overrun.

(o) The podium will be constructed using dark glazed brick and metal cladding in a dark grey, with the entire building being constructed externally of a silvery-grey curtain wall with black metal framing and powder coat spandrel panels with a timber finish. The northern side also includes horizontal shading fins and the eastern side includes bronze mesh screening.

(p) It has a maximum building height of approximately 43m and an additional 0.9m for a parapet and 2.9m for the lift core.

Existing Conditions

Subject Site

17. The subject site is located on the eastern side of Hoddle Street and the northern side of Stafford Street, Abbotsford. The site is generally regular in shape and has a 30.48m frontage onto Hoddle Street with a depth of 38.1m, yielding a total site area of 1161.28sqm.

18. The site contains a single-storey building which is built to all title boundaries and is used for motor vehicle sales and repairs. The building is constructed of red/brown brick with glazing. The building has two crossovers along the eastern end of its Stafford Street frontage.

19. The existing building is currently constructed outside of title boundaries in the north-east corner of the site where it protrudes northwards onto the laneway. The current application rectifies this with the proposed development constructed only within title boundaries (with the exception of the canopy).

No planning permit is required for demolition and no part of the building which is outside of title boundaries is within a heritage overlay (which requires a planning permit for demolition).

20. The subject site is shown below:



Restrictive Covenants

21. There are no restrictive covenants listed against the certificate of title provided.

Surrounding Land

22. The surrounding area comprises a mix of built form and land uses. The site is located immediately south of the Commercial 1 Zoned land associated with the Johnston Street Neighbourhood Activity Centre (NAC). The NAC has numerous taverns, cafes and shops along it. The NAC and its broader context is undergoing substantial change with new higher density residential developments being constructed up to 12 storeys in height.

23. This statement is supported within Council's adopted document, the Johnston Street Local Area Plan (JSLAP) (to be further discussed later in this report) which describes the area as follows (page 4):

    (a) Over the past five to ten years, Johnston Street has experienced signs of revitalisation with changes in land use activity, increased development pressure and a number of planning permits issued as well as the construction of new buildings within the study area. The Johnston Street Activity Centre has the potential to accommodate a greater mix of activities including residential, retail, offices and other commercial uses that enhance the character and amenity of the street and local area, as well as the existing mix of activity. Johnston Street has the potential to play a more significant commercial role whilst accommodating a growing population and business community that has good access to areas of open space and public transport.

    (b) There is the opportunity to provide a stronger retail and commercial environment along the street, supported by a growing population. There are already a numbers of bars, cafes and restaurants that have created a sense of vibrancy at some locations along Johnston Street, as the street starts to create an identity as a vibrant, eclectic activity centre.

24. The surrounding area is shown below:



25. Generally speaking, the built form of the area is hard-edged or with minimal front setbacks, with fine grain residences to the east and south-east with lots having high site coverage and high on-boundary walls. This part of Abbotsford is well known as being quite intensely developed where “cheek by jowl” development is already common. The residential pockets of Abbotsford are also generally built to their side boundaries with small private open spaces. Existing building heights in this area are primarily low rise, between one and three storeys with some taller structures to the south-west associated with public housing.

26. In terms of public transport, Victoria Park Train Station is to the north-east (80m) as well as Hoddle Street having numerous bus routes with a bus stop directly outside the property’s western boundary.

North

27. To the north of the site is a narrow Right of Way (approximately 2.8m wide) which services the rear of properties at Nos. 230 Hoddle Street and Nos. 219-223 Johnston Street. The laneway terminates along the western boundary of No. 223 Johnston Street which has a west-facing roller door.

28. No. 230 Hoddle Street is a double storey terrace on a narrow lot, currently occupied by a take away shop. To its north is No. 217 Johnston Street which is an irregularly shaped double storey brown brick building occupying the corner with Hoddle Street. Nos. 219 – 223 Johnston Street are a triplet of similarly constructed double storey, attached Victorian-era terraces with commercial uses occupying the ground floor facing the NAC and dwellings at the rear and at first floor. No. 223 Johnston Street has a ground floor garage built abutting the subject site.

29. To their east are Nos. 225A-227 Johnston Street, which is a single storey warehouse which has a high parapet facing the street with a saw tooth roof behind. It is currently occupied by the ‘Lulie Street Tavern’. It has a liquor license for a maximum of 145 patrons, with the sale and consumption of liquor between the hours of 10am to 11pm Sunday to Tuesday and

10am to 1am, the following day, Wednesday to Saturday. This was approved under planning permit PLN17/0405 issued on 27 November 2017.

30. On the opposite side of Johnston Street are single and double storey attached commercial buildings with high site coverage. Beyond these, are a number of single and double storey warehouses and industrial buildings. Further north is the Eastern Freeway and the suburb of Clifton Hill.

31. As part of the Design and Development Overlay (Schedule 15) (to be further discussed later in the report), a new Heritage Overlay (HO505) has been applied to the section of Johnston Street in between Hoddle Street and the railway line at Victoria Park Station to the east.

32. Currently, Nos. 219 – 223 and 258 -260 Johnston Street are graded 'individually significant' within site specific heritage overlays (HO409 and HO411 respectively).

East

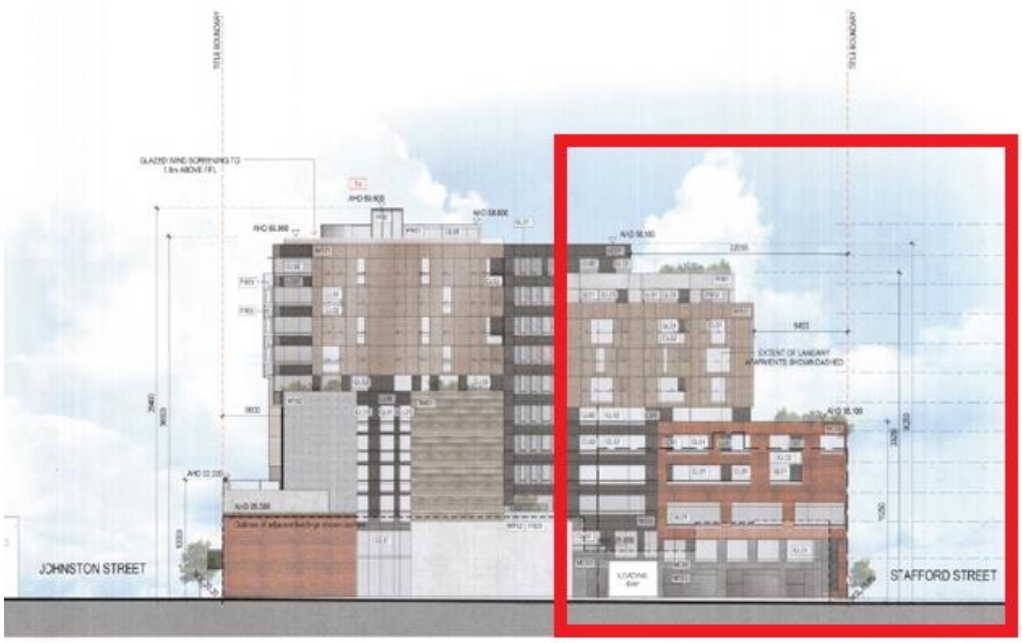
33. To the east of the site is a narrow 1m wide pedestrian laneway which connects to another laneway at the rear of the Stafford Street properties. To the east of this are a row of attached single fronted, attached dwellings between Nos. 2-14 Stafford Street. No. 16 Stafford Street is a double fronted dwelling. Each of these dwellings are built deep into their respective sites, with small private open spaces at the rear and north-facing windows. These are all located within the Commercial 2 Zone where dwellings are prohibited. No. 18 Stafford Street are two, double storey dwellings at the rear of No. 16 Stafford Street and No. 239-241 Johnston Street.

34. Further east, beyond the elevated railway line is a double storey warehouse which extends from Johnston Street to Stafford Street located at No. 243-245 Johnston Street. Planning Permit PLN16/0974 was issued on 14 July 2017 for 'the sale and consumption of liquor on and off the premises, buildings and works and a reduction in the statutory car parking requirement associated with a food and drinks premises (hotel)'. The permit has not been acted upon.

35. To its east is No. 247-259 Johnston Street & 36-40 Stafford Street which has a current planning permit (PLN15/0612) issued on 24 July 2017 for a 12 storey residential building which is under construction. It has an overall maximum height of 39.5m from Johnston Street. The render below shows its presentation to Johnston Street:



36. The image below is the western side elevation which shows that the building will be five storeys (18.25m) to Stafford Street with another five storeys (overall height of 33.25m) setback at least 9.455m from Stafford Street. A red square highlights the area referred to:



37. This land is zoned Commercial 1 but has a residential zone to its south directly across Stafford Street.

38. Beyond these sites is Park Street and other commercial and residential properties facing Johnston Street and Stafford Street.

South

39. To the south of the site, is Stafford Street, a one-way street, with traffic entering from Hoddle Street. On-street parking is along the northern side of the street. To the south-east of the subject site is a speed hump. Footpaths are approximately 2m wide.

40. Beyond this, across the street are two, double storey buildings, Nos. 212-216 Hoddle Street and No. 1 Stafford Street. The former is currently vacant and the latter is an office building with an at-grade car park area to its east where it abuts the elevated train line. No. 1 Stafford Street is listed as “individually significant” within a site specific heritage overlay (HO415 - Whybrow’s Boot Factory).

41. To their south is a laneway and the three-storey red brick building at No. 198-210 Hoddle Street within a site specific heritage overlay (HO18 - Whybrow’s Shoe Factory). This site is currently vacant also. To its east are single and double storey warehouses. Beyond this, further to the south are single and double storey buildings, Collingwood Town Hall and Victoria Street Major Activity Centre (MAC) (1km distance). The MAC includes a number of commercial uses such as cafés, restaurants, supermarkets, pubs and bars, with a primarily Vietnamese/Asian focus. Tram routes are available along Victoria Street.

West

42. To the west is Hoddle Street which is 45m in width (property boundary to property boundary). It is a Category 1 Road Zone which has five lanes in either direction. Immediately outside the subject site’s property boundary is a bus stop which services a number of routes: 246, 302-305, 309, 318, 350, 905-908 and 961. The bus stop includes a shelter.

43. On the opposite side of Hoddle Street are a number of single and double storey dwellings within a General Residential Zone (Schedule 1). To their south are two, 21-storey public housing towers and associated parkland as well as Harmsworth Reserve. Collingwood College is adjacent to this area.

44. Further west is Wellington Street and the Smith Street MAC.

Planning Scheme Provisions

<u>Zoning</u>

Commercial 2 Zone

45. Pursuant to clause 34.02-1 of the Yarra Planning Scheme, use of the land as an office does not require a planning permit.

46. A 'Food and Drinks Premises' is a Section 1 – no permit required use unless the leasable floor area would exceed 100m^2. As the floor area is 52sqm, a planning permit is not required.

47. Pursuant to clause 34.02-4 of the Yarra Planning Scheme, a planning permit is required to construct a building or construct or carry out works.

Road Zone

48. The proposal includes awnings along the Hoddle Street footpath. Hoddle Street is categorised as a Road Zone, Category 1.

49. Pursuant to Clause 36.04-2, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1. The proposed uses are not listed in Section 1 or 3 and are therefore a Section 2 use (permit required). The views of the relevant road authority are part of the decision guidelines for this zone.

Overlays

Design and Development Overlay – Schedule 2 – Main Roads and Boulevards

50. Under clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works.

51. Schedule 2 to the DDO outlines the following design objectives:

    (a) *To recognise the importance of main roads to the image of the City.*
    (b) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
    (c) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
    (d) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
    (e) *To encourage high quality contemporary architecture.*
    (f) *To encourage urban design that provides for a high level of community safety and comfort.*
    (g) *To limit visual clutter.*
    (h) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

52. Decision guidelines include:

    (a) *The contribution of the proposal to the streetscape.*
    (b) *The design, height and visual bulk of the development in relation to surrounding land uses and developments.*
    (c) *The design, height and form of the development in relation to the built form character of the street.*

Clause 52.06 – Car Parking

53. 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.

54. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.

55. It is noted that the introduction of VC148 amended Clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this planning permit application.

56. Within Clause 52.06-5 policy states that if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

57. Under clause 52.06-5, the following parking rates are required:

Use	**Floor Area**	**Rate**	**No. required**	**No. proposed**	**Reduction sought**
Office	7980sqm	3 car spaces to each 100sqm of net floor area	239	69 (inclusive of one DDA space)	**170**
Food and drinks	52	3.5 per 100sqm of leasable floor area	1	1	**0**
Totals			**240**	**70**	**170**

58. As 70 car spaces are being provided, a total of 170 office car spaces are required to be reduced.

Differences in office floor area and car parking calculation

59. Due to the introduction of Amendment VC148 which amended Clause 52.06, there is also a significant difference between Council's planning officer's car parking rate assessment and the assessment of Council's Senior Traffic Engineer and the applicant's traffic report. As a result of the amendment, car parking rates of Column B applies if any part of the subject site is identified as being within the Principal Public Transport Network Area (PPTN).

60. The subject site is located within the PPTN Area and, therefore, the Column B car parking rates apply to this planning permit application. As a result, the office car parking requirement is now 3 spaces per 100sqm instead of 3.5 and the requirement for a food and drinks premises is now 3.5 spaces per 100sqm instead of 4.

61. In addition to this, it appears that the calculations within Council's Senior Traffic Engineer and the applicant's traffic report are based on a larger provision of floor area. Council's planning officer has calculated the floor area of the office - not including any access-ways, lifts etc but including terraces and the shared lobby, as per the definition of 'net floor area' under Clause 73.01:

    (a) The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.

62. The discrepancy results in Council's Senior Traffic Engineer stating that there is an office floor area of 9,326sqm, resulting in a total office car parking requirement of 279, and a subsequent overall car parking reduction of 210 office spaces. Whereas Council' planning

officer has calculated the office car parking requirement as 240 spaces, with a 170 space reduction. This discrepancy is acceptable as Council's Senior Traffic Engineer has assessed a higher reduction rate.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road.

63. The purpose of this clause is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads.

64. Pursuant to Clause 52.29 a permit is required to create or alter access to a road in a Road Zone, Category 1.

65. Hoddle Street is a Road Zone, Category 1 and the application proposes to alter access from Stafford Street to create two-way traffic where there is currently only one way from Hoddle Street, therefore, a planning permit is required to alter access.

66. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the authority responsible for acquiring the land, must be referred to the Roads Corporation under Section 55 of the Act.

67. Clause 52.29-5 exempts an application under this clause from notice requirements.

68. The decision guidelines for this clause are:

(a) The Municipal Planning Strategy and the Planning Policy Framework
(b) The views of the relevant road authority.
(c) The effect of the proposal on the operation of the road and on public safety.
(d) Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

Clause 52.34 – Bicycle Facilities

69. Pursuant to clause 52.34, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Land Use	**Units/Area proposed**	**Rate for staff**	**Rate for visitors/ shoppers**	**No. required**	**No. proposed**	**Reduction sought**
Office	7,980sqm	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm	1 to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	27 staff 8 visitor	46 staff 8 visitor	None

Retail – **Food and drinks**	52sqm	1 to each 300sqm of leasable floor area	1 to each 500sqm of leasable floor area	0 staff 0 visitor		
Total				**27 staff** **8 visitor**	**27 staff** **8 visitor**	**None**

70. As previously outlined, there are some discrepancies in the office area calculations which resulted in Council's Strategic Transport Planner stating there was an office floor area of 5,246sqm. The figures shown above are correct.

71. Pursuant to clause 52.34-3, the rate for the provision of showers/change rooms is 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces. Therefore, 3 showers and 3 change rooms are required.

72. The development includes 12 change rooms and showers at ground floor as well as 34 lockers. This requirement is well exceeded.

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

General Provisions

74. 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 Municipal Planning Strategy and the Planning Policy Framework., as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

Planning Policy Framework (PPF)

75. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

76. The objective is:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S (Activity Centres)

77. The relevant objectives of this clause include:

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

Clause 11.03-1R (Activity centres – Metropolitan Melbourne)

78. Relevant strategies are:

(a) Support the development and growth of Metropolitan Activity Centres by ensuring they:

(i) Are able to accommodate significant growth for a broad range of land uses.
(ii) Are supported with appropriate infrastructure.
(iii) Are hubs for public transport services.
(iv) Offer good connectivity for a regional catchment.
(v) Provide high levels of amenity

Clause 13.05-1S (Noise abatement)

79. The relevant objective of this clause is:

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

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

Clause 13.07 (Amenity)

Clause 13.07-1S (Land use compatibility)

81. The objective of this clause is:

(a) To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

82. The relevant objective of this clause is:

(a) To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-1R (Urban design - Metropolitan Melbourne)

83. The objective is:

(a) To create distinctive and liveable city with quality design and amenity.

Clause 15.01-2S (Building design)

84. The relevant objective of this clause is:

(a) To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

85. Relevant strategies of this clause are:

(a) Require a comprehensive site analysis as the starting point of the design process.
(b) Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.
(c) Ensure development responds and contributes to the strategic and cultural context of its location.

(d) Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
(e) Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
(f) Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
(g) Ensure development is designed to protect and enhance valued landmarks, views and vistas.
(h) Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
(i) Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
(j) Encourage development to retain existing vegetation.

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

(a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S (Healthy neighbourhoods)

87. The objective is:

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

Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)

88. The strategy is:

(a) Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

Clause 15.01-5S (Neighbourhood character)

89. The relevant objective of this clause is:

(a) To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

90. The objective of this clause is:

(a) To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 17.01 – (Employment)

Clause 17.01-1S – (Diversified economy)

91. The objective of this clause is:

(a) To strengthen and diversify the economy.

92. The relevant strategies of this clause are:

    (a) Protect and strengthen existing and planned employment areas and plan for new employment areas.
    (b) Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
    (c) Improve access to jobs closer to where people live.

    Clause 17.02 – (Commercial)

    Clause 17.02-1S – (Business)

93. The relevant objective of this clause is:

    (a) To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

94. The relevant strategies of this clause is:

    (a) Plan for an adequate supply of commercial land in appropriate locations.
    (b) Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
    (c) Locate commercial facilities in existing or planned activity centres.

    Clause 18.01 (Integrated Transport)

    Clause 18.01-1S – (Land use and transport planning)

95. The objective of this clause is:

    (a) To create a safe and sustainable transport system by integrating land use and transport.

96. Relevant strategies to achieve this objective include:

    (a) Develop transport networks to support employment corridors that allow circumferential and radial movements.

    (b) Plan urban development to make jobs and community services more accessible by (as relevant):

        (i) Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
        (ii) Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.
        (iii) Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.

    (c) Integrate public transport services and infrastructure into new development.

    Clause 18.02 (Movement Networks)

    Clause 18.02-1S – (Sustainable personal transport)

97. The relevant objectives of this clause is:

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

98. Relevant strategies of this policy are:

(a) Encourage the use of walking and cycling by creating environments that are safe and attractive.
(b) Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.
(c) Ensure cycling routes and infrastructure are constructed early in new developments.
(d) Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.
(e) Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.
(f) Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.
(g) Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.
(h) Ensure provision of bicycle end-of-trip facilities in commercial buildings

Clause 18.02-1R – (Sustainable personal transport- Metropolitan Melbourne)

99. Strategies of this policy are:

(a) Improve local travel options for walking and cycling to support 20 minute neighbourhoods.
(b) Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network

Clause 18.02-2S (Public Transport)

100. The objective of this clause is:

(a) To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

Clause 18.02-2R (Principal Public Transport Network)

101. A relevant strategy of this clause is to:

(a) Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

Clause 18.02-4S – (Car Parking)

102. The objective of this clause is:

(a) To ensure an adequate supply of car parking that is appropriately designed and located.

103. A relevant strategy is:

(a) Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

Municipal Strategic Statement

104. The relevant policies in the Municipal Strategic Statement can be described as follows:

Municipal Strategic Statement (MSS)

105. Relevant clauses are as follows:
Clause 21.04-2 (Activity Centres)

106. The relevant objectives of this clause are:

(a) To maintain the long term viability of activity centres.

107. Relevant strategies to achieve this objective include:

(a) Strategy 5.2 - Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.
(b) Strategy 5.3 - Discourage uses at street level in activity centres which create dead frontages during the day.

Clause 21.04-3 (Industry, office and commercial)

108. The objective of this clause is:

(a) To increase the number and diversity of local employment opportunities.

Clause 21.05-2 – (Urban design)

109. 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:
1. Significant upper level setbacks
2. Architectural design excellence
3. Best practice environmental sustainability objectives in design and construction
4. High quality restoration and adaptive re-use of heritage buildings
5. Positive contribution to the enhancement of the public domain
6. Provision of affordable housing.

(c) Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;
(d) Objective 19 To create an inner city environment with landscaped beauty;
(e) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;
(f) Objective 21 - To enhance the built form character of Yarra's activity centres;

(i) Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; 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)

110. The general objective of this clause is:

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

111. The subject site is located within a non-residential area and also along a transport corridor, where the built form objective is to *"improve the interface of development with the street"* and *"to improve the built form character of transport corridors"*.

112. The strategies to achieve the objective are to:

(a) Strategy 26.3 - Improve the consistency of the built form along Hoddle Street–Punt Road
(b) Strategy 26.4 - Strengthen the built form definition of the main road intersections along Hoddle Street-Punt Road within the prevailing scale of development in Yarra.
(c) Strategy 27.1 - Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).
(d) Strategy 27.2 - Require new development to integrate with the public street system.

Clause 21.05-4 (Public environment)

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

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

(i) Strategy 28.1 - Encourage universal access to all new public spaces and buildings
(ii) Strategy 28.2 - Ensure that buildings have a human scale at street level.
(iii) Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.
(iv) Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.
(v) Strategy 28.8 - Encourage public art in new development.

Clause 21.06 – (Transport)

114. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:

(a) Objective 30 – To provide safe and convenient pedestrian and bicycle environments.
(i) Strategy 30.2 – Minimise vehicle crossovers on street frontages.
(ii) Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.

(b) Objective 31 – To facilitate public transport usage.

(c) Objective 32 – To reduce the reliance on the private motor car.

(d) Objective 33 To reduce the impact of traffic.
(i) Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.

Clause 21.07-1 – Ecologically sustainable development

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

    (a) Objective 34 – To promote ecologically sustainable development.

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

Clause 21.08-1 Neighbourhoods (Abbotsford)

116. Figure 6 – Built Form Character Map under clause 21.08 of the Scheme identifies the subject site as being located in the 'Hoddle Street-Punt Road' area which includes the objective to:

    (a) Maintain the hard edge on the eastern side of Hoddle Street-Punt Road and improve consistency of built form.

Relevant Local Policies

Clause 22.03 Landmarks Policy

117. It is policy to:

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

118. The subject site sits 370m to the north of the Clocktower of Collingwood Town Hall, which is listed within this policy as a landmark.

Clause 22.05 – Interfaces Uses Policy

119. This policy applies to applications within the Commercial Zones (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

120. It is policy that:

    (a) New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.

121. Decision guidelines at clause 22.05-6 include:

    (a) Before deciding on an application for non-residential development, Council will consider as appropriate:

(i) The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.
(ii) Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.

Clause 22.07 – Development abutting laneways

122. This policy applies to applications for development that is accessed 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

123. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:

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

124. The Clause includes various design objectives and guidelines that can be implemented to achieve the above objectives. The design elements relevant to this application relate to:

(a) urban form and character;
(b) setbacks and building height;
(c) street and public space quality;
(d) environmental sustainability;
(e) site coverage;
(f) on-site amenity;
(g) off-site amenity;
(h) landscaping and fencing;
(i) parking, traffic and access; and
(j) service infrastructure.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

125. Clause 22.16-3 requires the use of measures to *"improve the quality and reduce the flow of water discharge to waterways"*, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Design

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

Other Documents

127. Clause 15.01-2S states that planning must consider as relevant:

(a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (UDG)*

Johnston Street Local Area Plan

128. The Johnston Street Local Area Plan (JSLAP) was adopted by Council on December 2015. This document is intended as a high-level strategy arranged around land use, public spaces, access and movement and built form.

129. The subject site is located within Precinct 4 (Hoddle Street South).

130. Pursuant to section 4.9 (Built Form Guidelines and Principles), the relevant future character for Precinct 4 (Hoddle Street South) is:

(a) A finer grained, mixed use precinct. Incremental residential and office development and refurbishment has revitalised this fine grained commercial precinct and enlivened the narrow streets. Taller development along Hoddle Street complements the boulevard character of the wide street reservation.

131. Built Form Guidelines are as follows:

(a) Strengthen the appearance of the street wall façade which is in scale with the wide Hoddle Street reserve to reinforce a boulevard character.
(b) Ensure the ground level of buildings fronting Hoddle Street are designed for active uses.
(c) Design ground floor entries to upper levels to be visible and easy to access from the street level.
(d) Design the street wall façade of larger developments to be in scale with the wide Hoddle Street road reserve.
(e) Setback upper levels.
(f) Provide a scale transition where new development is adjacent to fine grained residential areas.

132. It should be noted that the 'fine grain residential areas' in the above refers to residential zones, not dwellings within Commercial 2 Zoned land.

133. Also contained within Section 4.9 are the following maximum height and setback requirements for Precinct 4:

(a) 6 storey (24m) street wall façade on Hoddle Street;
(b) 3-4 storeys (16m) street wall façade (along narrower side streets);

(c) 6-7 (28m) Storeys on sites able to accommodate upper level setbacks (a minimum of 3m setback from the street facade)

134. Council has prepared Planning Scheme Amendment C220 which affects land in and around Johnston Street (Collingwood and Abbotsford), including Sackville Street in Collingwood.

135. The amendment introduces planning controls to implement the JSLAP. Amendment C220 proposes to apply planning controls to the Johnston Street activity centre in the form of a Design and Development Overlay (DDO15) which contains design guidelines and building height and setback controls for new development proposals.

136. This amendment recently went to a Planning Panel in the weeks starting 15 and 22 October 2018. The Panel Report is released no later than 28 days after being received by Council and will be considered at a future meeting of Council, most likely in early 2019. To date the report has not been released.

137. Council also prepared Planning Scheme Amendment C237 to provide a DDO with mandatory and discretionary built form provisions for a period of 2 years while permanent provisions undergo the full planning scheme amendment process via Amendment C220, including exhibition, planning panel, adoption, and approval. The Amendment will ensure that future development and land use change is in accordance with the vision, objectives and strategies outlined in the Johnston Street Local Area Plan, 2015.

138. Interim Design and Development Overlay Schedule 15 (DDO15) was recently applied (gazetted 2 March 2018) to the land along Johnston Street, however it does not apply to the subject site.

Advertising

139. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [**the Act**] by way of 1169 letters sent to the surrounding property owners/occupiers and by two signs, one sign facing each of the two street frontages (Hoddle and Stafford).

140. 26 objections were received to the application, these can be summarised as:

(a) Neighbourhood character/Heritage ;
(b) Height/Massing/Scale – not in line with JSLAP;
(c) Overdevelopment;
(d) Amenity impacts (access to daylight, overlooking, overshadowing, light spill, equitable development opportunities, wind, heat island, views);
(e) Lack of green spaces/landscaping;
(f) Inappropriate materials;
(g) Car parking/traffic/parking implications/access from Stafford Street/impact new P-turns on Hoddle Street;
(h) Property devaluation;
(i) Construction issues (disruption);
(j) Errors on plans; and
(k) Overshadowing of the public realm.

141. One letter of support was received.

142. The letters of support stated the following:

(a) High architectural quality building.

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

144. A consultation meeting was held on 25 September 2018. The Permit Applicant, Planning Officers and objectors were present however none of the Ward Councillors attended the meeting.

Referrals

145. The referral comments are based on the advertised plans.

External Referrals

146. The application was referred to the following authorities:

(a) Head, Transport for Victoria;
(b) VicRoads;

Internal Referrals

147. The application was referred to the following units within Council:

(a) Urban Design;
(b) Engineering Services Unit;
(c) Strategic Transport;
(d) Streetscapes and Natural Values;
(e) Waste Services;
(f) ESD Advisor;

148. The application was referred to the following external consultants:

(a) Urban Design (MGS Architects); and
(b) Wind (MEL Consultants).

149. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

(a) Strategic context;
(b) Built form;
(c) Environmentally Sustainable Development (ESD);
(d) Off-site amenity impacts;
(e) Car parking, traffic, access and bicycle provision;
(f) Waste management;
(g) Other matters; and
(h) Objector concerns.

Strategic context

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

152. The subject site and part of the surrounding area are located within a Commercial 2 Zone which has the purpose of encouraging the integrated development of offices and manufacturing industries and associated commercial and industrial uses. The proposal complies with this strategic direction by continuing the industrial/commercial use of the site in a more intensive form to facilitate greater employment opportunities in the area.

153. The Planning Policy Framework (such as clause 11.02-1S) encourages the concentration of development near activity centres and intensifying development on sites well connected to

public transport. In this instance the site is abutting the Johnston Street activity centre and close to several public transport options. Victoria Park Train Station is located 80m to the north-east and bus services are directly outside of the subject site's title boundary to the west along Hoddle Street.

154. The proposal also includes facilities for bicycle spaces and end of trip facilities including shower/change rooms and lockers, encouraging staff to utilise the existing bicycle path network in the local area to travel to work. This access to bicycle parking and public transport encourages the use of alternative modes of transport to and from the site rather than reliance on motor vehicles, as per policy within clauses 18.02-1S (Movement Networks-Sustainable Personal Transport); 18.02-2S (Public Transport), 18.02-2R (Principal Public Transport Network) and 21.06-1 (Walking and Cycling).

155. Local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contributes to the adaptation, redevelopment and economic growth. Clause 21.04-3 also seeks to increase the number and diversity of employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing businesses. The proposal complies with this policy and achieves these goals. The proposal will facilitate increased employment close to residential areas as well as the new residential developments along Johnston Street. This will increase opportunities for people to work close to where they live.

156. Looking at the Johnston Street Local Area Plan (JSLAP), the future character of Hoddle Street South is envisaged as having office developments with taller development to Hoddle Street. Figure 14 within the JSLAP identifies the subject site (and Precinct 4) as being within a 'Substantial Change' area, similarly to the portion of Hoddle Street to the north of Johnston Street (within Precinct 3). The area is identified as having the capacity to accommodate a greater mix of activity. Council's document stated that the clustering of activities in the existing commercial areas can create a vibrant economic base for the area. The proposal would fit in with this future character envisaged by Council's adopted plan.

157. The proposal is consistent with the purpose of the zone and strategic intent for this area that seeks to encourage intensification of commercial uses and provision of diverse employment opportunities. While there may be strong strategic direction for intensified development and car parking reductions within the subject site, the built form policy also outlines that consideration must be given to the design of the building and its interfaces with the surrounding area. The following Built Form assessment will consider these issues.

Built form

158. The following is a detailed assessment of the proposal against the design objectives of Clause 22.10 – Built Form and Design Policy and Schedule 2 of the Design and Development Overlay. The assessment will also consider the decision guidelines of the Commercial 2 Zone, and the urban design principles articulated at clause 15.01-2S (Building Design) and clause 21.05-2S (Urban design).

Context

159. The built form of the surrounding area is a mixture of architectural styles, eras and materials. Most of the surrounding buildings are constructed with minimal or zero setback from the street, high levels of site coverage and significant walls on the boundaries. The existing character of the surrounding area is predominantly one and two storeys in height. Taller built form is being constructed further to the north-east and south-west associated with the Johnston Street NAC.

160. The direct interfaces to the subject site include hard-edged side walls, as well as the rear of the two-storey commercial buildings along Johnston Street, finer grain dwellings to the east and bulkier, light industrial and office buildings to the south.

161. Apart from the public housing to the south-west, this development will be one of the first taller buildings along the eastern side of Hoddle Street with the surrounding buildings being largely undeveloped for the time being. The Tribunal decision *9-17 Smith Street Developer Pty Ltd v Yarra CC* (Correction) [2014] VCAT 77 discussed the issue of emerging higher density built form within an existing low-scale, with the following comments made:

> [67] The proposal before us is the first application in this southern section of the Smith Street MAC that rises above the prevailing 2 to 3 storey scale of existing buildings. It is unlikely to be the last. Having regard to the locality's inclusion in the Smith Street MAC, and also having regard to the locality's other strategic attributes, including access to public transport, this is a locality in which the planning scheme specifically contemplates redevelopment of a type and scale that exceeds the existing 2 to 3 storeys.
>
> [68] In this context, we are not troubled by the fact that upon construction, this proposal will be significantly higher than its immediate neighbours and will therefore assume a high level of visual prominence in the Smith Street Streetscape.
>
> …
>
> It does however successfully emphasise the point that in a locality such as this part of Smith Street, in which the planning scheme encourages significant levels of redevelopment, the assessment of a proposal in terms of its response to an existing context, is also of little value.

162. It is noted that the previously mentioned Tribunal decision related to a site within a MAC whereas this site is located in proximity to a NAC. Considering the strategic direction given by the Commercial 2 zoning, and the site's Hoddle Street location, the expectation for intensive development of the site would be similar, if not greater.

163. Turning back to the specifics of this site, the strip of C2Z land along the eastern side of Hoddle Street is an area ripe for redevelopment with a number of older, low-scale, bulkier style industrial buildings being located upon it. These existing buildings are an underutilisation of inner-city land adjacent to this wide boulevard (45m) which can accommodate robust built form.

164. As already acknowledged, whilst the proposal will be one of the first taller buildings along the eastern side of Hoddle Street, over time, as other sites are also similarly developed, this building will form part of an emerging character along this boulevard. The existing low-scale, bulky and outdated buildings with minimal presence onto Hoddle Street are not a desirable built form outcome for such a prominent main road and are not in-line with the design objectives of the Design and Development Overlay (DDO2).

165. Following on from this, in terms of Council's future preferred character for the area, the subject site is located within Precinct 4 within the JSLAP which is identified has having a preferred maximum height of 28m. The specifics around height will be discussed later in this report. Nevertheless, this shows that Council envisages this precinct as experiencing substantial change in terms of built form. This is also confirmed within Figure 14 of the JSLAP.

166. In terms of character, one issue with JSLAP is that it identifies Precinct 4 as having a "finer grain" of development and as being a "fine grained commercial precinct". However, Council's planning officer and external urban designer disagree, and submit that the subject site and

the two sites to its south are not “fine grain” properties. Council planning officers agree that the sites further to the south, beyond Studley Street are finer grain, however between the subject site and the north side of Studley Street, the three buildings have more robust built form. The image below depicts this the robust built form within the red rectangle, and the finer grain on the right hand side in the green rectangle:



167. Council planning officers submit that these three sites are more akin to the properties to the north of Johnston Street which are typically low scale warehouses, officers and showroom buildings, just as these sites are. This is an important consideration to the context of this site and the future emerging character expectations. The land along Hoddle Street, to the north of Johnston Street is nominated as Precinct 3 with a preferred maximum height of 42m (west of the railway line). These two precincts have similar built form guidelines within the JSLAP such as:

    (a) Strengthen the appearance of the street wall façade which is in scale with the wide Hoddle Street reserve to reinforce a boulevard character.
    (b) Design the street wall façade of larger developments to be in scale with the wide Hoddle Street road reserve.

168. Council planning officers believe this is an important consideration when considering the future character of the area.

169. Council’s external urban designer made the following comments about the future emerging character of the area:

    (a) Generally speaking and as noted in my submission on behalf of Council to the East West Link provisions I am of the view that the Johnston Street and Victoria Park areas offer substantial potential for urban transformation that is positive, distinctive and different from its currently discordant attributes at present.

Podium

170. Looking at the specifics of the development, the proposed works are an improvement on the existing streetscape along both streets. This is achieved through a widening of both footpaths, increased passive surveillance and active frontages along Stafford and Hoddle Streets. The proposal currently presents as a sideage to Stafford Street with no street interaction. The proposal complies with the Built Form Guidelines for Precinct 4 within the Johnston Street LAP regarding street activation.

171. The proposal will result in a six-storey podium (25.1m in height) facing Hoddle Street which wraps around the Stafford Street intersection before stepping down to a three-storey (13.42m) scale adjoining the finer grain built form to the east.

172. The proposal follows the Built Form Guidelines for Precinct 4 within the JSLAP by providing a taller street wall to Hoddle Street which reinforces the wide boulevard character whilst still providing a transition scale for the dwellings in Stafford Street. Not only does the proposal scale down in height along Stafford Street, but it also provides a vertical separation between the two podium elements through a 2.6m wide indent.

    This serves to provide additional articulation along this street frontage to respond to the finer grain of existing development. This also complies with policy within Clause 22.10-3.3 as the street wall has responded to both of the different site contexts. It also responds to the future character envisaged along Stafford Street which will likely be taller built form than what currently exists.

173. The JSLAP recommends a 24m street wall to Hoddle Street and a 16m street wall along narrow side streets. The proposed street wall along Stafford Street is well below the maximum and slightly higher along Hoddle Street, however considering the width of the street, this is acceptable. It's important to note that the Built Form Guidelines for Precinct 3 also suggest a 6 storey (24m) street wall to Hoddle Street. Council's external urban designer was supportive of the street wall heights of both streets.

174. The proposal reflects some existing built form elements which are visible along Stafford and Hoddle Streets including hard-edged surfaces, high on-boundary walls and rectilinear forms with predominantly flat roofs. This has shown that the proposal has responded to its context as per objectives of clause 15.01-1S.

    Height

175. The proposed building will extend to a maximum height of 11 storeys which equates to approximately 43m with an additional 2.9m in height for the lift core. Above the street wall, the proposal provides setbacks of 3m above both streets, which also complies with the setbacks suggested in the Built Form Guidelines for Precinct 4 within the JSLAP. The image below is of the proposal, along Hoddle Street, from the north, looking south.



176. The issue of development which is higher than surrounding built form was further discussed in the Red Dot Tribunal decision, *Pace Developments v Port Phillip CC* (includes Summary) (Red Dot) [2012] VCAT 1277:

> [58] We accept that the building will be taller and will be seen, but the notion of respectful development does not mean that new buildings must replicate that which exists nor does it imply that they will not result in change. As we have noted, change must be contemplated in an area where growth is encouraged by the MSS and chance to improve, or perhaps in this case repair, the urban environment.

177. Continuing the discussion regarding visibility of taller built form, the following comments were made by the Tribunal in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004):

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

178. The subject site has no heritage value, nor do the sites to its east and the Hoddle Street building to its south. The sites to the south are also generally surrounded by commercial/industrial uses and therefore will have fewer restrictions to limit future development. An additional aspect of this site that will allows it to accommodate more robust development than existing conditions is that Hoddle Street is 45m in width.

179. The proposal is well above the recommended height within the JSLAP (28m), however both Council's planning officer and external urban designer believe this site is more similar in attributes to the sites to the north of Johnston Street along Hoddle Street. In that precinct, the heights are envisaged to be 42m. With regards to this issue, Council's external urban designer made the following comments:

> *(a) The proposed provisions within the Local Area Plan for a scale in the Hoddle Street North Precinct of 10-12 storeys suggest that arrival from the north is going to be characterised by similar taller built form and is an outcome with which I concur.*

180. Council's external urban designer also considers that the sites to the south are "substantial sites wherein complimentary taller scale built form could be envisaged with little if any impact on adjoining residential areas, owing to the elevated nature of the intervening rail separating this arterial corridor from adjoining areas*."* Continuing in this vein, it was also stated that the subject site, and those to its south, could accommodate "substantial transformation more easily than smaller sites such as 217-223 Johnston Street wherein more modest development potential might exist". This is in-line with Council's planning officer's earlier analysis that the sites to the south were similarly robust and would be likely to be developed more intensely then existing conditions.

181. Council should ensure it provides opportunities for increased employment opportunities on sites that are able to accommodate it, such as the subject site, due to other sites having limited development potential.

182. Council's external urban designer stated "it would be desirable to encourage transformation of this precinct to this new taller scale."

183. Nevertheless, whilst Councils planning officer and external urban designer agree that substantial built form can be accommodated on this site, the latter has recommended a reduction of the building height through the deletion of the ninth floor with its replacement to

be similar to the current tenth floor to retain the greater setback from the east at the upper-most floor. This will result in a reduction in building height (not inclusive of the parapet and lift core) from 43m to 39.15m.

184. This recommendation will be required by way of condition and is seen acceptable, as this will bring the proposal more in-line with the heights envisaged further to the north.

Massing

185. Whilst it is acknowledged that the proposal is significantly taller than the existing built form to its east, the proposal has attempted to mitigate the visual impact through the incorporation of side setbacks. This is seen in the image below which depicts the southern elevation on the left, and on the right is a render from further to the east:

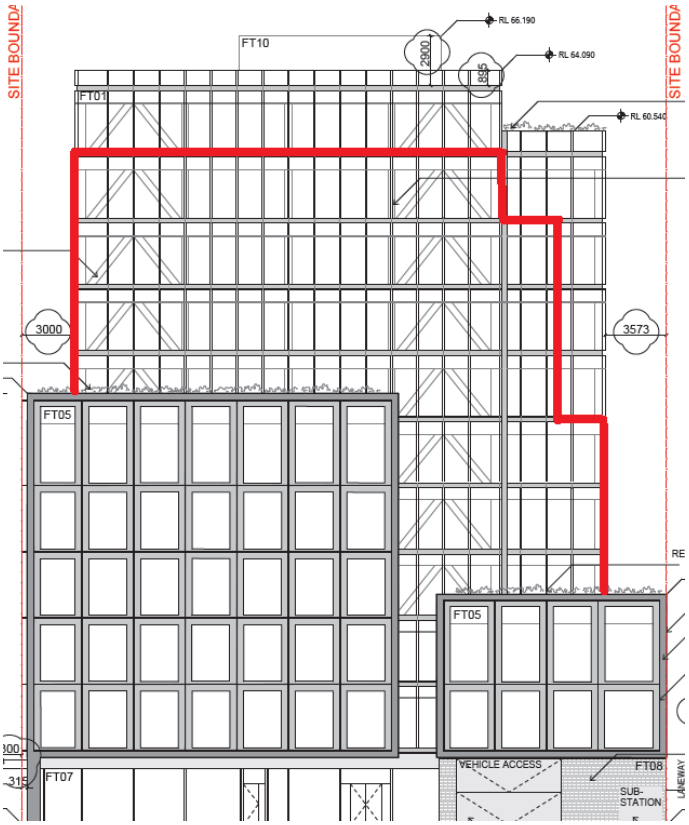


186. The proposal has retained a three-storey form along the eastern boundary with any built form above this setback approximately 4m, as well as a 3m setback from the southern boundary. This is in addition to the 1m wide pedestrian laneway separating the site from No. 2 Stafford Street. This ensures the proposal "peels" away from its south-eastern corner, reducing the visual dominance in the narrow street. In the north-east corner of the site, the proposal will be only single storey where it aligns with the private open spaces to the east. The dwellings to the east do not have any heritage restrictions, and in the future may be developed more intensely following site consolidation. This has occurred in pockets of Cremorne where there is a similar context. The JSLAP also includes these dwellings within the same precinct as the subject site and those to the south, with the same preferred maximum height.

187. Council's external urban designer had recommended that the eastern side of the building, should be setback from the passageway for the podium levels. However, Council's planning officers believe that the inclusion of the three-storey street wall along the eastern boundary is appropriate, as it is in-line with the built form to the east and Council does not support the widening of the passageway (to be discussed later in this report).

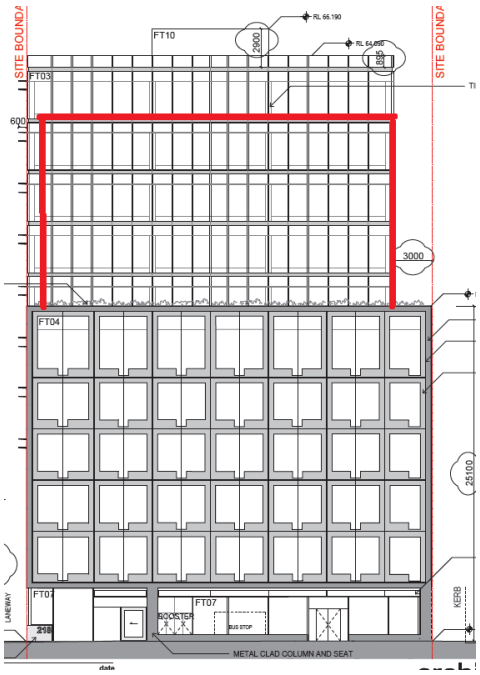
188. Above the podium, the proposal provides a 4m setback. To improve the proposal's transition to the lower scale built form, Council's external urban designer has suggested a 3m indent at the sixth floor (with this continuing to the upper floors). Council planning officer's support this. This will also reduce the extent of sheer wall visible along the eastern side.

189. The image below shows the proposal within its southern elevation, with one floor deleted and the additional setbacks:



190. Council planning officers acknowledge that this will result in changes to the toilets on each of these floors, however, as seen on the proposed tenth floor plan, a reduce toilet area is able to be accommodated. The tenth floor on the plans is setback 10m from the eastern boundary.

191. Turning to the northern façade, the proposal presents as a sheer wall for its full extent, with projecting horizontal shading (0.6m in width) from the second floor and above. Council planning officers are concerned with the visual impact this will create when seen from the north. Council's external urban designer also raised this as an issue. As a resolution, Council planning officers will include a permit condition which requires a setback of the proposal, above the sixth floor, of 1.5m from the northern boundary. This will allow the Hoddle Street street wall to wrap around the northern side, as it does the southern side. Whilst Council's external urban designer had recommended the additional setback from the ground floor and above, this was to provide for a widened northern laneway and connection to the east. This desired connection is not possible (discussed later in the report), and as such, the setback will be provided above the sixth floor. The image below shows the reduction in height and increased northern setback, when viewed along the western elevation:



Architectural Quality

192. Given the height and massing have been discussed at length above, the architectural quality really comes down to the materials and finishes, fenestration patterns and the ability to combine the various components of the building into a cohesive design.

193. Policy at clause 15.01-2S encourages high standards in architecture and urban design. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises the existing frontages to the streets. Council's external urban designer found the building to be of "good quality office space" and that the proposal will make a "useful contribution to the area*".*

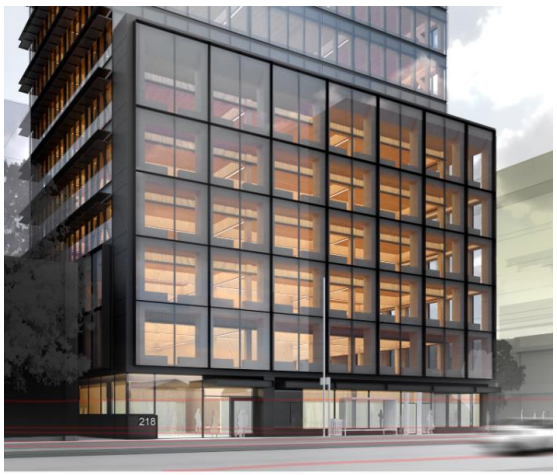
194. The proposal will present as a robust built form using metal, glazing, brick and concrete. Above ground floor the podium is articulated by numerous windows which are surrounded by aluminium framing. Further up the building, the horizontal floors are divided by vertically orientated, narrow windows with the northern side also including horizontal shading fins. By doing this, the proposal provides both a hard edge and fine grain response to its surrounds to respond to the width and 'bulk' of Hoddle Street and the dwellings to the east.

195. Additionally, the windows are set in from the edge due to the metal frame surrounding them resulting in a recess which provides opportunities for light and shadow within the window frame. The proposal has provided a bronze mesh treatment to the eastern wall where the curtain wall would interface with the toilets on each floor. These elements also ensure that each façade has visual interest and shows that the building has been considered 'in the round'. Council's external urban designer stated that "there is considerable merit in the architectural design language, the architectural specification for a high performance, environmentally responsible building as a showcase building within this transit oriented precinct and as an early sampler of design standards sought for the precinct*."*

196. The image below depicts the metal frames on the left, and a render of the podium on the right:



Podium - External metal framing



197. Council's external urban designer supported the location of the core as it centralises the tallest part of the building. However it was noted that the proposed plant and equipment was not shown on plan with Council's external urban design raising concerns with the visual impact of any proposed plant and equipment. To address both of these issues, a condition will require the plant and equipment to be shown with it being obscured from views from the public realm.

198. Due to the highly transparent nature of the building, the internal areas will be visible. These will have a softer, timber appearance which will be in contrast to the grey/silver exterior. The form and proposed materials are typical of the area both in terms of existing and future built form.

Public realm, light and shade and pedestrian spaces

199. Policy at Clauses 15.01-2S and 22.10-3.4 require the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. The JSLAP also includes guidelines for this precinct to ensure that the ground level of buildings fronting Hoddle Street are designed for active uses.

200. The proposal incorporates active uses along both street frontages as well as an additional 1m footpath width for both streets and sections of awnings above the footpath on Hoddle Street. This will be an improvement to the streetscape. Council's external urban designer supported the widening of the pavement areas.

201. Council's internal urban design supported the widening of the footpaths as well as the inclusion of the seat along Hoddle Street, however noted that the portion in front of the boosters should be removed. This will be required by way of condition.

202. Council's internal urban designer was not supportive of the extent of glazing to the ground floor as it precludes from providing sufficient visual interest. Council planning officers do not agree, and submit that the extent of glazing complies with the policy intent of increased passive surveillance to Hoddle Street.

203. It is also proposed to include a condition to provide a perforated metal to the vehicle entry to create visual transparency and that it should have a pattern or decorative work that integrates with the overall façade. This was recommended by Council's internal urban designer.

204. In terms of local landmarks, the proposed development will not impact view lines to the Clock tower of Collingwood Town Hall as identified at clause 22.03 (Landmarks and Tall Structures) of the Scheme. The most prominent view down the main boulevard of Hoddle Street will not be impacted.

Awning

205. As the footpath is quite wide, Council's internal urban designer recommended that the Hoddle Street awning is at least 3m wide (from the property boundary) so it provides enough depth to protect from rain and sun. As part of the building regulations, awnings should be set back not less than 750mm from the kerb, hence the awning along Stafford Street is recommended to be 1.25m wide (from the property boundary). The breaks in the proposed awning are not supported by Council's internal urban designer and it is recommended that a continuous awning is provided along both street frontages. Council's external urban designer also recommended that the awnings were shown on the first floor plan to show the design intent clearly. All of these matters will be required by way of condition.

Street Trees

206. As a result of the proposal, two street trees will have to be removed from Stafford Street (one of which is newly planted). The applicant will be required to replace the two existing trees, with new trees along Stafford Street. A condition will require the existing trees to be shown on the existing site plan, with a notation confirming they are to be removed. Council's Streetscape and Natural Values Unit confirmed that the total monetary value associated with the two Stafford Streets to be removed is $2,299, and the total cost of the two new plants is $560.75. These costs are adjusted to current CPI and are exclusive of GST. This will be required by way of condition.

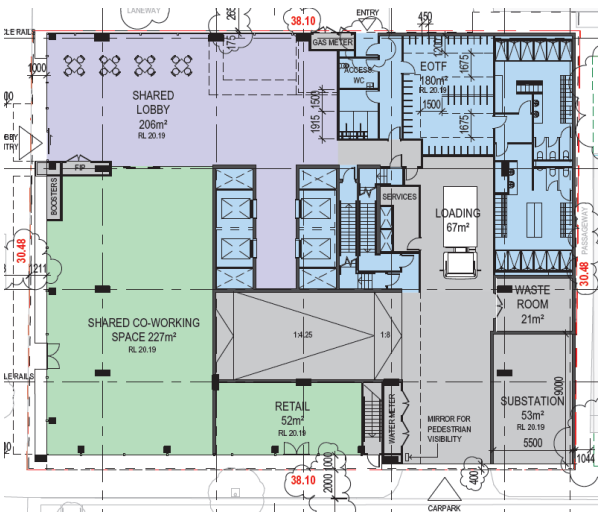
207. Due to the proximity of the proposal to the Plane tree along the Hoddle Street frontage, a tree bond of a minimum of $5,000 will be required by way of condition also.

208. A condition will require the new tree plantings to be shown on the ground floor plan.

Ground floor/Public Realm Improvements

209. In relation to the ground floor, Council's external urban designer stated "it would be preferable to see better engagement between the proposed retail space and the shared lobby areas as a shared mediating area … where heightened level of pedestrian activity might reasonably be envisaged". It should be noted that the 'retail space' referenced above is the proposed food and drinks premises. An improved arrival for the proposed bike facilities was recommended to allow for outside pedestrian access. It was also recommended that the proposal should provide high quality public realm, walkability and accessibility around the building.

210. As a result of these comments, the applicant submitted a public realm sketch plan on 2 November 2018. This plan showed public realm works to Hoddle Street and Stafford Street as well as an internal reconfirmation of the lobby, co-working space and café. This plan is an attachment to this report. The internal reconfigurations are supported as they result in a more open-plan ground floor as per Council's external urban designer's comments. A comparison of the two internal ground floor areas is shown below, with the advertised plan being on the left and the sketch plan on the right:





211. In terms of the public realm improvements proposed within the sketch plan, the applicant has included additional tree plantings, public seating, and new footpath treatments. Comments were sought from Council's internal urban designer, civil engineering unit, and streetscapes unit. A number elements of the proposal were found to be not satisfactory (such as the use of the red bricks and customised public seating), however the over-arching principal of the improvements is supported. A condition will require an amended public realm plan to be provided with the following information to be detailed on the plan, to Council's satisfaction:

    (a) Plans updated to reflect current on site conditions, following civil works that have been carried out as part of the Streamlining Hoddle St project;
    (b) Surface materials, treatments, fixtures (tactile) and TGSIs (to council satisfaction) ;
    (c) Location of stormwater drainage pits;
    (d) Location of the bus stop, post box, light poles, utility cabinets;
    (e) Location of vehicle and pram crossings. Dimensions to be shown on plan;
    (f) Dimensioned footpath clearances, where street furniture or trees encroach on useable footpath space;
    (g) The delineation between public and privately owned land, through the use of alternating surface materials or treatments. Title Boundary shown in different colour or line style;
    (h) Location and clearance distances from laneway/kerbs etc for bicycle hoops; and
    (i) Location of new street trees and on-street parking.

212. In addition to the above, an external landscape plan will be required via a condition as part of the public realm improvements. Council's Open Space Unit supported this. The plan will show the following, all to Council's satisfaction:

    (a) Detailed planting plan showing the location, species, quantity, mature height and spread, of all proposed trees and raised garden bed planting on the ground floor;
    (b) Details including a section through the raised planter beds and tree planting, providing information on height, materials, depth of planting media, irrigation and drainage methods;
    (c) Further information on height and span of the trellis and vertical green system;
    (d) Details on the furniture proposed; and
    (e) Spot levels, including any information on level changes and the top heights of planter beds and furniture.

213. A Section 173 Agreement will also be required via condition, with regards to public liability of the widened footpath.

214. Finally, the sketch plan also showed an area of café seating provided through a widened north-west corner of the site. Council's internal urban designer and civil engineering unit reviewed this and were generally supportive subject site a physical segregation between the moving traffic and the café seating. This could be in the form of a planter box on wheels. This will be required to be shown by way of condition. Council's Senior Traffic Engineer confirmed that "vehicles would be travelling along this Right of Way at minimal speeds and providing a visual cue such as a temporary barrier or plantation box would influence a motorist negotiating the Right of Way. The presence of outdoor seating would encourage motorists to exercise additional care."

Shadows to the public realm

215. In terms of shadows to the public realm, the proposal will shadow the eastern side of the Hoddle Street footpath in the morning as well as both sides of the Stafford Street footpath in the morning and afternoon. Shading along the northern side of Stafford Street is not a concern as any building along the northern side would shade the footpath. In terms of the southern side, this is also acceptable as the street is quite narrow, and avoiding shading to the southern side would be difficult whilst allowing taller built form I this location. Additionally, the height also suggested in the JSLAP would shadow the southern side also.

Widening of laneways

216. Finally, Council's external urban designer recommended that the proposed development setback from its northern and eastern laneways to provide for improved vehicle access and connectivity. With regards to the northern laneway, this is unable to occur as No. 223 Johnston Street is built to its shared boundary with the subject site, therefore, even if this proposal were to setback from the laneway, the desired connectivity would not be facilitated.

217. Whilst the applicant has proposed to widen a portion of the northern laneway, it is not for improved access/connectivity, but rather for a covered seating area for the café.

218. In terms of the laneway widening to the east, Council external urban designer recommended combining the vehicle crossover with the passageway. However, currently the passageway does not have a crossover onto Stafford Street. It was also recommend that the widening of the passageway would enable shared access for pedestrians, cyclists and vehicles. In this instance, Council planning officers do not support these recommendations as Council would prefer to retain separate access for pedestrians and vehicles. Cyclists will continue to also have access from the north to their end of trip facilities.

Site Coverage

219. The level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6. However as the existing level of site coverage in the surrounding and immediate area is similar, it is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Abbotsford.

Landscape architecture

220. Landscaping is not a typical feature of commercial developments or in the wider Abbotsford area. The proposal includes notations which state that there are plantings on terraces, however these are not clearly shown and a landscape plan has not been provided. A condition will require these to be shown. Council's Open Space Unit requested details of the upper terrace planting is and how this will affect the façade of the building and public realm. A condition will also require a planting plan and detailed sections through the upper levels.

221. Council's external urban designer recommended that the roof area shown on the first floor plan is to include planter zones for at least a width of 1.5m. This will not be required, as due to the likelihood of future developments to the north, plants may not survive.

<u>Environmentally Sustainable Development (ESD)</u>

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

223. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

224. Council's ESD Advisor originally outlined concerns and deficiencies with the proposal, however following the submission of an amended Sustainability Management Plan (SMP) on 18 October 2018, it was confirmed that all previous concerns were now addressed. The proposed ESD standard for this development is high, is above Council's best practice standard, and which could be considered as "excellence" in ESD based on the Green Building Council of Australia definitions. The development will have a 5 Star Green Star accredited rating.

225. Council's ESD Advisor also identified areas of improvement opportunities:

(a) *Recommend including an independent commissioning agent.*

(b) *Recommend a COP for HVAC (VRV) within one Star or 85% of best available of suitably designed size and capacity.*
(c) *Recommend providing a composting system.*
(d) *Recommend providing electric vehicle charging facilities.*
(e) *Recommend a minimum 80% recycling/reuse target for construction and demolition waste.*

226. Within the amended SMP, the applicant committed to the first two dot points above, with Council requiring the remaining improvement opportunities via permit conditions on any permit to be issued.

Off-site amenity impacts

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

228. Design objectives at clause 22.10-3.8 aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land within a residential zone where they interface with commercial/industrial zones. Therefore this application must consider both the off-site amenity impacts for residential land as well as any potential impacts to existing commercial/industrial uses.

229. Having regard to amenity impacts on nearby existing residences, policy within clause 22.05 acknowledges that in order to maintain the viability of industrial and business areas, residences which abut business areas should not have unrealistic expectations of the level of amenity which can be achieved.

230. The appropriateness of amenity impacts including setbacks, walls on boundaries, shadowing and overlooking need to be considered within their strategic context, with the site being located within a Commercial 2 Use Zone. In addition, the local character shows a high level of site coverage and boundary-to-boundary development within the subject site and those surrounding it.

231. In terms of sensitive interfaces, to the north in the Commercial 1 Zone land, there are three shop-top dwellings facing Johnston Street (each with ground floor private open spaces) and to the east, within the Commercial 2 Zone land are dwellings. To the south and also for a portion of the northern boundary, are commercial buildings.

232. This off-site amenity assessment will have regard to the following:

(a) Dwellings within the Commercial 2 Zone;
(b) Dwellings within the Commercial 1 Zone; and
(c) Commercial businesses.

Dwellings within the Commercial 2 Zone

233. As already outlined, there a row of single storey dwellings to the east of the site between it and the elevated railway line that are located within the Commercial 2 Zone. Separating the subject site from No. 2 Stafford Street to its east is a 1m wide pedestrian laneway which connects to the 3m wide rear lane to the north of Nos. 2-12 Stafford Street. The rear boundary fences are clearly visible in some instances.

234. Below is an aerial image with the private open spaces outlined in red on the right, and the subject site on the left:



235. This is an area where commercial and light industrial uses (and hence this type of built form) is directed to be located. Hence, even if existing use rights were able to be established for the dwellings along Stafford Street, these dwellings are not afforded the same level of amenity protection as dwellings within a residential area. Neither the zone purpose nor the decision guidelines indicate an intention that residential amenity impacts associated with development should be an issue in this zone, or residential standards of amenity applied within it. The purpose does however state "that uses do not affect the safety and amenity of adjacent, more sensitive uses".

236. This issue has been discussed in many Tribunal decisions within Commercial 2 Zones (formally Business 3 Zones) where dwellings are also prohibited including:

W Huczek & D Starkiewicz v Yarra CC [1999] VCAT 45 (31 August 1999)

> [97] Neither the zone purpose, nor the decision guidelines, indicate an intention that residential amenity should be an issue in this zone, or residential standards of amenity applied within it. …..
>
> [108] It is not for the Tribunal to refuse a commercial development which complies with the zone requirements in a *"Business"* zone on the basis that if residential standards of amenity are applied, it would have an adverse impact on a non-conforming residential use. Such assertions would render the planning controls unwieldily, cumbersome and unpredictable, and would lead to a reduction in confidence in those particular planning controls.

Burrett v Yarra CC [2005] VCAT 978 (24 May 2005)

> [23] I am not suggesting that residential amenity considerations are irrelevant; however, expectations need to be tempered against the purpose of the Business 3 zone which does not include providing for residential use. On the contrary residential use is "prohibited", with caretaker's house being the exception. If the protection of the residential amenity of caretaker's houses is elevated to a matter of primary or significant importance in this type of zone, this could stifle the proper development of the area for its primary purpose.
>
> [24] The policy at Clause 22.05 referred to by Ms Miles deals with the amenity impacts at interface locations. Whilst this site is located at the interface between the Business 3 and Residential 1 zones, the proper application of the policy is with respect to with interface issues between properties within different zones, not within the same zone. Further, the site is not located in an area where a mix of residential and commercial/industrial activity is encouraged and the potential for amenity conflicts needs to be carefully managed.

237. It must be noted that each of these Tribunal cases are referring to legitimised dwellings within Commercial 2 Zones where existing use rights had been established.

238. Non-conforming residential uses cannot expect the same level of amenity as a dwelling within a residential area. Application of policies to protect their amenity to a standard associated with residential areas would result in an unreasonable limitation of the development potential of the subject site. The vision for the area under the current zoning is for increased development to contribute to accommodating employment growth supporting the economic viability and enhancing the industrial precinct.

239. The Stafford Street dwellings are each constructed deep into their lots with each of them being generally setback from their rear boundary between 3m and 6m. No.8 Stafford Street has the greatest setback of 10m, however this is an anomaly. The subject site is currently occupied by a red brick building which includes high side walls. Along the western boundary, closest to these dwellings, the existing wall is approximately 4m in height.

Daylight to windows/outlook

240. In terms of amenity impacts, the proposal will not impact their north-facing windows in terms of daylight and outlook as none of the dwellings face the subject site.

Overshadowing to secluded private open space

241. Looking at overshadowing to secluded private open spaces, as the proposal is to the west of these dwellings, shadows would not fall to the east until 1pm. The applicant provided shadow diagrams which show that between 1pm and 3pm at the September Equinox, shadows fall primarily over the roof forms of the building and not over their secluded private open spaces. This is due to the proposal being only single storey in the north-eastern corner of the site, with setbacks provided from the eastern boundary from the third floor and above.

242. No. 2 Stafford Street will experience a decrease in shadows at 2pm in its secluded private open space due to a lowering of the on-boundary wall in the north-east corner of the subject site, compared to existing conditions. At 3pm, shadows from the proposal fall over existing shadows.

243. Looking at No. 4 Stafford Street, the applicant's shadow diagram shows that they will receive a reduction in shadows at 3pm to the secluded private open space also. However it is noted that the shadow diagrams do not include their boundary fencing which would be creating shadows over their private open space at this time.

244. Finally, from aerial imagery, the only dwelling with solar panels to be impacted is No. 8 Stafford Street, however the portion of roof with solar panels is not impacted until 3pm. This is not unreasonable. Any shadows to front yards are not considered as these are not secluded private open spaces, and would be overshadowed by their own built form nevertheless.

Overlooking

245. The proposal has limited overlooking opportunities, as typically even the more stringent Recode requirements only consider potential views within 9m. Within commercially zoned land for non-residential development, it is encouraged within policy that they are designed to minimise the potential for unreasonable overlooking.

246. In terms of overlooking, the only portion of the site which is within 9m of any private open spaces are the lower levels, from the ground up to the sixth floor. Above the sixth floor, setbacks are at least 8m (inclusive of the pedestrian laneway). In terms of overlooking at these upper most levels, and any overlooking would be unlikely.

247. The applicant has not provided sufficient details with regards to how unreasonable overlooking will be avoided to the private open spaces to the east (within 9m). A condition will required this to be shown.

Visual Bulk

248. As already outlined, none of these dwellings face the subject site, with any views being at oblique angles from their rear yards and not their primary outlook which is north-ward. To address visual bulk, the proposal has retained a single storey form in the north-east corner of the site, with the eastern boundary wall being setback from the northern boundary in line with the built form of No. 2 Stafford Street.

249. The proposal is setback 4m from its eastern boundary between the first and ninth floors, where this increases to 10m for the tenth floor. It should be noted that Council planning officers will be requiring an additional 3m setback from the east, between the sixth and eighth floors, with the ninth floor deleted. The replacement ninth floor will have the same side setbacks as the tenth floor. These setbacks are in addition to the addition 1m width the pedestrian carriageway provides also.

250. While the building will be clearly visible from neighbouring residential properties, the proposed built form is consistent with the purpose of the zone and resultant built form outcomes and is therefore deemed acceptable.

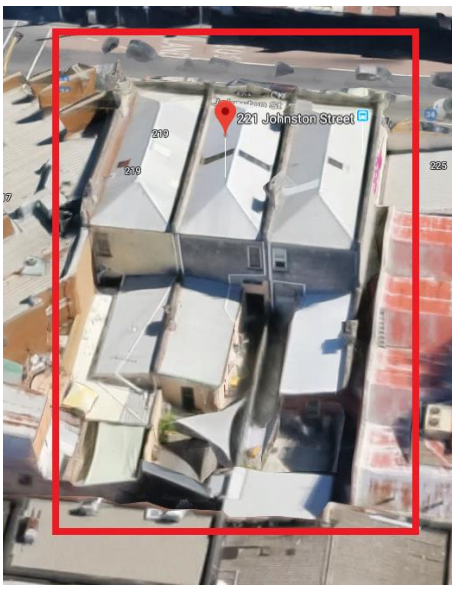
Dwellings within the Commercial 1 Zone

251. Nos. 219 – 223 Johnston Street are a triplet of similarly constructed double storey, attached Victorian-era terraces with commercial uses occupying the ground floor facing the NAC and dwellings at the rear and at first floor. No. 223 Johnston Street has a ground floor garage built abutting the subject site. These are separated from the subject site by a 3m wide laneway. The image below shows the three sites, and it is quite clear that they are quite intensely developed where “cheek by jowl” development is already common.

252. Below is an aerial image of the three sites outlined in red:



253. Below is a 3D image of the three sites outlined within a red rectangle. This image clearly shows that each only has one, first floor south-facing window. Additionally, the outdoor areas appear to be of low amenity and substantially covered by built form.



254. The amenity considerations for dwellings within a Commercial 1 Zone are similar to those already outlined for the Commercial 2 Zone, albeit dwellings are not prohibited within this zone.

255. Amenity impacts associated with the proposal in relation these properties must be measured in the context of the future development of the land and that the zoning of the land encourages intensification.

256. This issue was discussed within the Tribunal decision *RPC Architects v Glen Eira CC* [2009] VCAT 1608 where there was a low scale residential property within a Commercial 1 Zone (formally Business 1 Zone):

> [54] I have a different view about the impact on the property to the south. The reality is that Ms Rawadi's property is zoned Business 1. Policy encourages redevelopment. The zone purpose encourages intense development. Unlike the property to the north of the site, Ms Rawadis' property has land zoned Business 1 on both sides. What is on the Ms Rawadi's property, and the dwelling to its south, is not what policy envisages is being the future of that land.
>
> [55] That is not to say that the residents of those properties should not be able to live there, however, that should not be at the expense of allowing development and use on adjacent land that represents a fair response to the site attributes, zoning and policy context. I think that the expectations on this side of the fence need to be different. That does not however mean that I think the amenity of Ms Rawadi's property should be "sacrificed at the altar", but expectations need to be tempered.
>
> [Emphasis Added]

257. As the subject site is to the south of these properties, it will not result in any shadowing impacts. In terms of daylight impacts, the proposal would be at least 10m in distance from the ground floor, south-facing windows and approximately 18m in distance from the first floor south-facing windows. The proposal will also be setback a further 1.5m form its northern boundary via permit condition. This is a reasonable distance, considering the site context to continue to allow adequate diffuse daylight access and to also avoid visual bulk impacts.

258. Finally, in terms of visual bulk from these private open spaces, looking individually at these sites:

No. 219 Johnston Street

259. Its rear private open space is covered which would restrict views to the proposal.

No. 221 Johnston Street

260. The proposal is setback between 3m and 4m from the rear private open space due to its splayed rear access. With the proposal providing an additional setback, this is seen as sufficient. Expectations that ground floor private open spaces in Commercial 1 Zones should be protected from visual bulk impacts is unrealistic within this strategic context.

No. 223 Johnston Street

261. It includes a garage which separates the private open space from the proposed development. This is a reasonable 5m buffer and would require views to be over the garage. Additionally, where the proposal abuts this site, it provides a 3m setback from its north-eastern boundary from the first floor and above. This is a total 8m distance from any built form above ground floor. The proposed built form outcome is acceptable and is considered to be a reasonable buffer considering the context of the site.

Commercial businesses

262. In terms of off-site amenity impacts to local businesses, amenity impacts are limited as these are not considered to be sensitive uses.

Equitable development

263. The sites to the south will not be impacted by the proposal from an equitable development consideration as they are separated by the width of the street which provides a reasonable buffer.

264. To the east, whilst these sites are currently occupied by dwellings, they are not protected by a heritage overlay, and in the future, could potentially be developed in accordance with the purpose of the zone. If this were to occur, the proposal has provided a reasonable equitable shared of development opportunities by being setback 4m from the eastern boundary, with this increasing at the sixth and ninth floors (as per conditions), with the pedestrian laneway providing a further 1m.

265. The sites to the north front both Hoddle Street and Johnston Street. No. 230 Hoddle Street is a small and narrow site which has limited development potential without being consolidated with another property. The Johnston Street properties along the subject site's northern boundary all have heritage significance which somewhat limits their development potential also. This is in addition to their narrow width which would also result in requiring consolidation with additional lots to achieve greater development potential.

266. Nevertheless, these sites all have the width of the laneway, with the proposal providing an additional 1.5m above the sixth floor. As previously outlined, within the site's north-eastern corner it is setback 3m from its northern boundary. This would provide for a reasonable equitable shared of development opportunities with adjoining sites.

Noise and Light Spill

267. Policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.

268. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices. Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity largely limited to Hoddle and Stafford Street and not considered to be detrimental to the amenity of the adjacent properties. The use also ensures that deliveries to the site will be

kept to a minimum. The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor terraces).

269. Considering the low risk of this use adversely impacting surrounding residences (all of whom are in commercially zoned land), the applicant did not provided an acoustic report at application stage. Looking specifically at the noise sources, the location of services/plant equipment are not shown. A condition will require these to be shown on plan and that 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).

270. In respect of car noise, the car park entry and exit are located to the west of No.2 Stafford Street, separated by the substation. Conditions can also ensure it is constructed and maintained to limit noise impacts as required by State regulations.

271. An acoustic report will be required via condition to address potential noise impacts to ensure the proposal does not result in adverse noise impacts.

272. Light spill will also be limited due to the uses primarily operating during the day. Again, this is another area where residents must temper their expectations when they face a zone where these types of uses are encouraged.

Wind

273. The applicant's wind consultant (ViPAC) carried out a desktop assessment with Council's wind consultant (Mel Consultants) confirming that they agreed with the analysis approach, assessment criteria, wind environment and exposure estimate. The report analysed wind effects on the streetscapes and reported the potentially critical wind effect areas. It was acknowledged that the height of the proposed development compared to the surrounding buildings result in the wind conditions around building corners to be marginally on the walking criteria. Council's wind consultant recommended a wind tunnel model study of the environmental wind conditions and this should explore the wind conditions on the terraces. This will be required by way of condition.

274. The applicant's wind consultant has recommended an increased balustrade height for the tenth floor terrace but no changes to the terraces on the third and sixth floors. The wind flow at the tenth floor would be up over the building and the taller balustrade would assist with deflecting the wind flow over the terrace. However, the third to sixth floors would be expected to be exposed to downwash and acceleration of wind flow around the building corners. Council's wind consultant stated that there would be an expectation of a requirement for additional mitigation treatments for these terraces, such as increased balustrade heights. It was confirmed that whether these additional features are required can be explored during the wind tunnel model study. This can form part of a condition.

275. It should also be noted that the tenth floor terrace will become the ninth floor terrace by way of condition.

276. Council's wind consultant agreed that the utilisation of terraces will require the need to educate users on the usage of these spaces, include the tethering of objects, and that any objects that are not tethered should not be left unattended or permanently on the terraces.

<u>Car parking, traffic, access and bicycle provision</u>

277. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of total of 170 spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report.

278. A recent Red Dot VCAT decision (*Ronge v Moreland CC [2017]* VCAT 550) made numerous statements with regards to car parking reductions. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this.

Whilst this decision pertains to a site in Brunswick, the context is similar, being located within proximity to train stations and tram routes. In this instance, the subject site is closer to public transport opportunities and the Melbourne CBD than the review site.

279. Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows;

(a) State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.

(b) Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.

(c) A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.

(d) However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.

(e) Policy tells us the future must be different.

(f) Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.

(g) One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.

280. The *Ronge v Moreland* decision also confirms that in inner city areas where there is access to alternative forms of transport, we need to drastically change how we are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.

281. Given the location of the site adjacent to the Johnston Street NAC and with direct access to public transport opportunities to access additional services and facilities, the site is considered to be an excellent candidate for the reduction in car parking being sought.

Parking Availability

282. The applicant's traffic engineers, Traffix Group conducted site inspections on Thursday 14 September 2017 between 10:00am and 3:00pm. The survey area encompassed the east side of Hoddle Street (Johnston Street to Studley Street) and Stafford Street (Hoddle Street to Park Street). Council's Senior Traffic Engineer confirmed the times and extent of the

survey are considered appropriate. These times were chosen to cover peak times for commercial developments.

283. An on-street parking inventory of 23 publicly available spaces was identified consisting of a mixture of short-term, medium term and some unrestricted parking. There are also three car parking spaces along the subject site's Stafford Street frontage. No parking is permitted along the site's Hoddle Street frontage as there is 'No Stopping' and 'Bus Zone' restrictions. The results of the survey indicate that on-street parking occupancy is high and that it had peaked at 12pm and 1pm with all publically available spaces being occupied.

284. Of the 23 spaces surveyed, a maximum of five vacant spaces was recorded at 2:00pm. Council's Senior Traffic Engineer confirmed that the limited opportunity to park on-street would encourage customers, clients and employees to travel by alternative forms of transport.

Parking Demand

285. Council's Senior Traffic Engineer confirmed parking associated with office developments is generally long-stay parking for employees and short-stay parking (say up to two hours' duration) for customers and clients. Council's Senior Traffic Engineer confirmed that the actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3 spaces per 100sqm of floor space, since the area has very good access to public transport services. With a provision of 69 spaces for the office component, and an overall net floor area of 7,980sqm, the proposal is providing 0.87 space per 100sqm. Council has approved other car parking rates of between 0.41 and 0.85 spaces per 100sqm. The proposed office rate falls within these comparisons and is considered acceptable considering the context.

286. Within a recent Tribunal decision (*Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [2017] VCAT 753) regarding the office development to the south at No. 2 – 16 Northumberland Street, the Tribunal Member also supported a significantly reduced office car parking rate (405 spaces reduction) and made the following comments:

> [54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.
>
> [55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole. This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.

287. Accordingly, the reduction being sought by the proposal is supported by the following:

(a) Objective 32 of Council's MSS facilitates parking reductions by advocating reduced reliance on private motor vehicles.

(b) The site is within walking distance of bus services operating along Hoddle Street and Johnston Street. Rail services can be obtained from Victoria Park railway station. Tram services on Victoria Parade could also be accessed on foot;

(c) The site has excellent access to bicycle facilities and a wide range of retail, dining and commercial services within the Johnston Street NAC, which in turn will reduce the dependence on private vehicle ownership by future employees;

(d) The proposal includes secure bicycle parking spaces well in excess of rates specified within the Scheme. The development also has excellent end of trip facilities which will further encourage the use of bicycles. Future employees would be able to take advantage of the bike lanes along the Yarra River;

(e) Occupant or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking, this is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1S and 21.06-1 of the Scheme;

(f) The office land use is particularly conducive to encouraging those without a car to not drive given trips are made in peak public transport availability periods, trips are known and planned in advance, on-site parking availability is known in advance, surrounding parking conditions are known in advance and do not accommodate long term daytime parking associated with an office use. These factors encourage and help facilitate those without a car to use other modes of transport;

(g) Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;

(h) The food and drinks premises/retail would heavily rely on walk-up trade for its primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses as well as local residents; and

(i) The location of the proposal encourages multi-purpose trips to the area.

288. From a traffic engineering perspective, the reduction in car parking spaces is considered appropriate in the context of the development and the surrounding area. The site is very well positioned in terms of public transport services.

289. Engineering Services acknowledged that the scarcity of available unrestricted on-street parking in the area would be a disincentive for employees to drive to the site by private motor vehicle (if not allocated any on-site parking). Providing a reduced provision would encourage a modal shift from private vehicle use to more sustainable travel. Engineering Services has no objection to the proposed reduction in the car parking requirement.

Traffic

290. In terms of traffic, the applicant's traffic engineers adopted the following summary for the traffic generation for the site:

Proposed Use	***Traffic Generation***	***Daily Traffic***	***Peak Hour***
Office (70 spaces)	*0.5 trips per space in each AM and PM peak hour* *4 trips per car space per day*	*280*	*35*

291. The post development traffic volume turning left into Stafford Street would be expected to be between 48-56 vehicles during peak hour. Council's Engineering Services Unit confirmed that the post development traffic volume of Stafford Street would be well within the operating capacity of the street (which would be equivalent to an Access Street – Level 1, as defined in Clause 56.06 Access and Mobility Management of the Yarra Planning Scheme). An Access Street – Level would have a target volume of 1,000 to 2,000 vehicles per day.

292. The approved development at 247-259 Johnston Street & 36-40 Stafford Street would also utilise Stafford Street to provide access to their site. It is understood that the aforementioned development would generate daily traffic volume of around 578 vehicles per day. This, in addition to the post development traffic volume is still within the operating capacity of the street. It is also important to note that due to their different uses, these buildings would most likely not have similar peak hours as office staff would be arriving later in the morning, compared to future residents leaving their apartment, and vice versa in the afternoon.

293. The applicant's traffic report suggest altering Stafford Street from a one-way street, to two-way to reduce the number of office staff who would travel east along Stafford Street. However both Council's Engineering Services Unit and VicRoads do not support this, and as such, there will be no change to traffic conditions to Stafford Street. VicRoads stated that this will ensure conflict the intersection of Hoddle Street is minimised with regards to the operation of the bus lane, the south bound merger lane and also those northbound motorists required to safely cross multiple lanes on Hoddle Street to reach the next intersection to undertake a 'U' turn.

294. Council's Engineering Services Unit stated their concerns were as follows:

    (a) *The proposed two-way traffic treatment will only benefit staff and visitors at the site as traffic from the site will be able to exit on to Hoddle Street from Stafford Street. It does not benefit the public.*

    (b) *Some traffic originating from properties east of the site could potentially travel illegally in a west direction to exit on to Hoddle Street.*

    (c) *Part-time restrictions operate on the south side of Stafford Street, which narrows the carriageway width.*

295. The applicant's traffic engineers indicated that either traffic arrangement was acceptable for the development. With the one-way traffic being retained, it will result in an increase of 35 vehicles in the peak hours. Council's Engineering Services Unit confirmed that this increase should not have a material impact on the traffic operation of Stafford Street, east of the site.

Access and layout

296. The development incudes 70 on-site spaces over three basement levels accessed via Stafford Street. There are not any car stackers within this development. Council's Senior Traffic Engineer assessed the access arrangements, the car parking modules, gradients and the

loading and waste collection. The majority of matters were satisfactory, however the following design items need to be shown:

(a) Dimensions of the doorway entrance width, ramp grade sections (cross sections of the internal ramps should be provided to show the minimum headroom clearance), the headroom clearance at the doorway and above the accessible parking space and the shared area.
(b) The depth of the accessible parking space and shared must be a minimum of 5.4 metres.
(c) Swept path diagrams for vehicle turning movements via Stafford Street for a B99 design vehicle and an on-coming B99 design vehicle at the car park entrance.
(d) Swept path diagrams for a B99 design vehicle and an on-coming B85 design vehicle entering and exiting at the access ramps within the Basement Level 1 and 2 car parks.
(e) The water meter cabinet adjacent to the entrance doorway must swing 180-degrees and be latched to the building when opened.

297. Following the receipt of additional information on 27 November 2018 from the applicant which included additional swept path diagrams, Council's Senior Traffic Engineer confirmed the following no longer was required with a response provided for each:

(a) The depth of the accessible parking space and shared must be a minimum of 5.4 metres.

The depths of the accessible parking spaces and shared area are 4.9 metres, which satisfies Design standard 2: Car parking spaces of Clause 52.06-9. The Planning Scheme permits an additional 500 mm for the accessible parking spaces to encroach into the aisle. The accessible spaces provided on the drawings satisfy Design standard 2.

(b) Swept path diagrams for vehicle turning movements via Stafford Street for a B99 design vehicle and an on-coming B99 design vehicle at the car park entrance.

The swept path diagrams provided by Traffix Group satisfactorily demonstrate vehicle turning movements for a B85 design vehicle and an oncoming B99 design vehicle at the development entrance via Stafford Street.

(c) Swept path diagrams for a B99 design vehicle and an on-coming B85 design vehicle entering and exiting at the access ramps within the Basement Level 1 and 2 car parks.

The swept path diagrams provided by Traffix Group satisfactorily demonstrate vehicle passing movements for a B85 design vehicle and an oncoming B99 design vehicle negotiating the access ramps.

298. All of the remaining issues can be required by way of condition should a permit be granted.

Bicycle parking and facilities

299. As outlined earlier in the report the development is required to provide a total of 27 staff and eight visitor bicycle spaces under clause 52.34 of the Scheme. The development provides 46 employee bicycle spaces within the ground floor end of trip facilities areas. A further eight on-street visitor spaces are provided. Council's Strategic Transport Officer confirmed that 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.

300. In terms of the staff spaces, Council's Strategic Transport Officer confirmed that these numbers were insufficient to meet Council's best practice rate which is one space to each 100sqm of office floor space and the statutory rates for other uses. As reductions in built form are recommended within this report, a condition with require that this best practice rate is met. The design and location of the employee spaces were found to be satisfactory with

the exception of an overabundance of vertical hanging spaces. Pursuant to Australian Standard, AS2890.3 at least 20% of bicycle storage spaces in any facility should be provided as horizontal at ground-level spaces. Council's Strategic Transport Officer also stated that bicycle storage space dimensions are not noted on the plans. Notations will be required by way of condition indicating the typical spacing between bicycle storage devices and these should comply with AS2890.3.

301. Looking at the visitor spaces, these are provided in the form of four bicycle hoops along Hoddle Street. Council's Strategic Transport Officer stated that "whilst it is usually preferred that at least the majority of visitor bicycle spaces are provided within the subject site title boundaries, it is noted the Hoddle Street footpath at this location is very wide and already includes a number of obstructions which limit the effective path width" and that this "provides opportunity to provide the bike parking hoops in the shadow of existing obstacles retaining the same effective walking path." This will also allow these spaces to be used out-of-office hours and on weekends for the general public who visit the area. All hoops on the footpath should be aligned with the existing bus shelter and bus signage to retain the same trafficable path width. This will be required by way of condition.

302. Additionally, Council's best practice provision for visitor bike spaces is one space per 500sqm of office floor area. As reductions in built form are recommended within this report, a condition with require that this best practice rate is met.

303. Council's Strategic Transport Unit made many recommendations regarding the Green Travel Plan and these will be included as part of the condition. This satisfies the requirements of clause 52.34 of the Yarra Planning Scheme.

Electric vehicles / Shared Vehicles

304. Council's Strategic Transport Officer also recommended that the basements be fitted with electric wiring for electric vehicles. A minimum 40A single phase electrical sub circuit will be required to be installed to the basement levels for this purpose.

Other

305. It should be noted that Council's Senior Traffic Engineer has recommended the inclusion of a number of conditions relating to civil works to, road protection, impacts on assets, vehicle crossings and drainage. Many of these have either been included as notes on the permit or can be required by way of condition.

Waste Management

306. The original Waste Management Plan (WMP) dated 5 April 2018 was found to be unsatisfactory by Council's Waste Management Unit. The applicant submitted an amended WMP dated 31 July 2018. This was been found to be satisfactory. The WMP confirms that:

(a) Waste shall be stored within the development (hidden from external view).
(b) Users shall sort their waste, and dispose garbage and recyclables into collection bins.
(c) Waste shall be collected from within the development. The collection contractor will transfer bins between the waste area and the truck.
(d) A 2-man team will collect the waste due to the limited space within the ground floor. The truck will have reversing buzzers.
(e) Organic food waste will also be collected.
(f) A private contractor shall provide waste collection services.

Objector concerns

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

    (a) Neighbourhood character/Heritage (paragraphs 159-169);
    (b) Height/Massing/Scale – not in line with JSLAP (paragraphs 159-191);
    (c) Overdevelopment (paragraphs 151-158 & 159-191);
    (d) Amenity impacts (access to daylight, overlooking, overshadowing, light spill, equitable development opportunities, wind) (paragraphs 227-276);
    (e) Lack of green spaces/landscaping (paragraphs 220-221)
    (f) Inappropriate materials (paragraphs 192-198)
    (g) Car parking/traffic/parking implications/access from Stafford Street (paragraphs 277-305)
    (h) Overshadowing of the public realm (paragraph 215).

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

    (a) Impact on new P-turns on Hoddle Street:

        Council's planning officer referred the application to VicRoads who provided comments outlined in paragraph 293 (referral comments are an attachment to this report). They stated that they supported the proposal, subject to Stafford Street remaining as a one-way street. This has been required by way of condition.

    (b) Heat island effect;

        Council's ESD Advisor did not raise this as an issue.

    (c) Impact on Views;

        Views are not protected within the Yarra Planning Scheme. Views to landmarks and outlook have been discussed in paragraphs 204 and 240 and 257-261 respectively.

    (d) Property devaluation;

        This is not a relevant planning consideration.

    (e) Construction issues (disruption);

        This will be dealt with at the Building Permit stage. A Construction Management Plan (CMP) will be required by way of condition and will manage impacts during the construction stage. This will be further considered during the building stage also.

    (f) Errors on plans;

        This relates to the plans incorrectly stating the sites to the north were used for commercial purposes only. Council's planning officer was aware that they are also used for residential and considered this in their assessment.

Conclusion

309. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives, Council's preference to direct higher density commercial development in commercial precincts and aligns with the State Policy as well as the direction given by the Tribunal.

310. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies. Additionally, the proposal will result in a significant improvement to Hoddle and Stafford Streets and will make a substantial contribution to the streetscape.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0267 for development of the land for the construction of a multi-storey building, a reduction in the car parking requirements, and building and works to a Road Zone Category 1 Road at 218 – 228 Hoddle Street, Abbotsford, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Architectus received by Council on 25 June 2018 but modified to show:

    (a) deletion of the ninth floor with a reduction in building height (not inclusive of the parapet and lift core) from 43m to 39.15m;
    (b) a 1.5m setback from the northern boundary, from the sixth floor and above;
    (c) an additional 3m setback from the eastern boundary, between the sixth and eighth floors (resulting in a total setback from the eastern boundary of 7.07m);
    (d) a notation on the ground floor plan confirming the retention of the existing one-way conditions along Stafford Street;
    (e) a continuous awning along the Hoddle Street frontage with a width of at least 3m wide from the property boundary (taking into consideration any existing or future street tree locations);
    (f) a continuous awning along the Stafford Street frontage with a width of at least 1.25m wide from the property boundary, but setback no less then 750mm from the kerb;
    (g) a roof plan showing all plant and equipment with screening provided ensuring views from the public realm are obscured;
    (h) the ground floor plan to show the ‘retail’ area as a ‘food and drinks premises’.
    (i) the awnings depicted on the first floor plan to show their design intent;
    (j) the ground floor plan to show all existing trees to be removed or retained and all new street trees;
    (k) the vehicle entry constructed of a perforated metal to provide visual transparency with a pattern of decorative work that integrates with the overall façade;
    (l) deletion of any seating in front of boosters;
    (m) unreasonable overlooking will be avoided to the private open spaces to the east (within 9m);
    (n) the internal configuration of the ground floor as per the sketch plan provided to Council on 2 November 2018;
    (o) an enhanced end of trip entry along the northern laneway;
    (p) the ground floor setback from the northern laneway to provide for a widened public area as per the sketch plan provided to Council on 2 November 2018, but modified further to show a physical segregation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited top) planter boxes on wheels;

(q) dimensions of the doorway entrance width, ramp grade sections (cross sections of the internal ramps provided to show the minimum headroom clearance);
(r) dimensions of the headroom clearance at the doorway and above the accessible parking space and the shared area;
(s) the water meter cabinet adjacent to the entrance doorway to swing 180-degrees and be latched to the building when opened*;*
(t) all secure bicycle compounds provided with reasonable access to end of trip facilities and building entrances;
(u) at least 20% of employee bicycle spaces provided as horizontal-at-ground-level spaces;

(v) access ways and storage space dimensions and spacing designed to comply with AS2890.3;
(w) the best practice provision of visitor bicycle spaces at a rate of one space per 500sqm of office floor area;
(x) the best practice provision of staff bicycle spaces at a rate of one space per 100sqm of office floor area;
(y) bicycle hoops aligned with the existing bus shelter on the footpath to not reduce the effective trafficable width of the footpath;
(z) bicycle hoop spacing designed to comply with AS2890.3;
(aa) any requirement of the endorsed Sustainable Management Plan (condition 4) (where relevant to show on plans);
(bb) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
(cc) any requirement of the endorsed Acoustic Report (condition 9) (where relevant to show on plans;
(dd) any requirement of the endorsed Landscape Plan report (condition 13) (where relevant to show on plans;
(ee) any requirement of the endorsed Wind Report (condition 17) (where relevant to show on plans);
(ff) any requirement of the endorsed Streetscape Works plan (condition 19) (where relevant to show on plans); and
(gg) any requirement of the endorsed Streetscape Works Landscape plan (condition 20) (where relevant to show on plans).

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

3. As part of the ongoing consultant team, Architectus 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.

Sustainable Management Plan

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 ADP (18th October 2018) but modified to include or show:

(c) A composting system;
(d) Electric vehicle charging facilities; and
(e) A minimum 80% recycling/reuse target for construction and demolition waste.

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.

SMP Implementation Report

6. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

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

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

Acoustic report

9. 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) Compliance of the plant and equipment and vehicle entrance door operation with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1).

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

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

11. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:

    (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 9 have been implemented;

    (b) Assess mechanical plant noise to SEPP N-1; and

(c) If non-compliance with Condition 10b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.

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

Landscape Plan

13. 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) include a planting plan;

(b) show the type, location, quantity, height at maturity and botanical names of all proposed plants;

(c) further details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage;

(d) confirm any green façade elements;

(e) show the materiality of the proposed spaces;

(f) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;

(g) provide a specification of works to be undertaken prior to planting;

(h) further detail on any sustainable treatments and water harvesting methods ;and

(i) detail plant/planting maintenance schedules and requirements.

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 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.

Street Trees

15. Before the development commences, the permit holder must make a one off contribution of $2,859.75 (costs are adjusted to current CPI and are exclusive of GST) to the Responsible Authority to be used for:

(a) the cost of supply, planting and establishment maintenance of all new street tree that are required as a result of the development; and
(b) for the removal of the two street trees along the subject site's Stafford Street frontage.

16. Before the development starts, the permit holder must provide a security bond of $5,000 for the Hoddle Street Plane tree street trees to the Responsible Authority. The security bond:

    (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
    (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
    (c) in accordance with the requirements of this permit; or
    (d) otherwise to the satisfaction of the Responsible Authority.

Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.
    The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPac and prepared on 10 April 2018, but modified to include (or show):

    (a) a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.

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

Streetscape Works

19. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Works plan (inclusive of the widening of Hoddle and Stafford Street footpaths) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscape Works plan will be endorsed and will form part of this permit. The plan is to show/include the following:

    (a) Plans updated to reflect current on site conditions, following civil works that have been carried out as part of the Streamlining Hoddle St project;
    (b) Surface materials, treatments, fixtures (tactile) and TGSIs (to council satisfaction) ;
    (c) Location of stormwater drainage pits;
    (d) Location of the bus stop, post box, light poles, utility cabinets;
    (e) Location of vehicle and pram crossings. Dimensions to be shown on plan;
    (f) Dimensioned footpath clearances, where street furniture or trees encroach on useable footpath space;
    (g) The delineation between public and privately owned land, through the use of alternating surface materials or treatments. Title Boundary shown in different colour or line style;
    (h) Location and clearance distances from laneway/kerbs etc for bicycle hoops; and
    (i) Location of new street trees and on-street parking.

20. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Works Landscape Plan (inclusive of the widening of Hoddle and Stafford Street footpaths) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Streetscape Works Landscape plan will be endorsed and will form part of this permit. The plan is to show/include the following:

(a) Detailed planting plan showing the location, species, quantity, mature height and spread, of all proposed trees and raised garden bed planting on the ground floor;
(b) Details including a section through the raised planter beds and tree planting, providing information on height, materials, depth of planting media, irrigation and drainage methods;
(c) Further information on height and span of the trellis and vertical green system;
(d) Details on the furniture proposed; and
(e) Spot levels, including any information on level changes and the top heights of planter beds and furniture.

Section 173 Agreement (widened Hoddle and Stafford Street footpaths)

21. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act* 1987, providing for the following:

(a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened Hoddle and Stafford Street footpaths;
(b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 21(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
(c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 21 (a).

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

Transport for Victoria Conditions (23 to 24)

23. The permit holder must take all responsible steps to ensure that disruption to bus operation along Hoddle Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigations must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au

24. The existing bus stop and associated infrastructure on Hoddle Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads Condition (No. 25 Only)

25. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Hoddle Street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Hoddle Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

Road Infrastructure

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

(a) to accommodate the ground clearance of the B99 design vehicle;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

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

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

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

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the east-west Right of Way to the north of the subject site, (including the grated pit located inside the Right of Way) must be reconstructed:

(a) with the grated pit be converted to a bike safe grate;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the north-south Right of Way to the east of the subject site, must be made good:

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

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Hoddle Street frontage must be reconstructed:

(a) with road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Stafford Street frontage must be stripped and re-sheeted:

(a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Stafford Street frontage must be reconstructed with bluestone:

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

(b) to the satisfaction of the Responsible Authority.

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

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

Car parking

35. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

(a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
(b) details of way-finding, cleaning and security of end of trip bicycle facilities;
(c) policing arrangements and formal agreements;
(d) details of the electric car charging points;
(e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
(f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 7; and
(g) details regarding the management of loading and unloading of goods and materials.

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

37. 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.

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

39. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Green Travel Plan

40. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

(a) a description of the location in the context of alternative modes of transport;
(b) employee welcome packs (e.g. provision of Myki/transport ticketing);
(c) the provision of real time passenger information displays for nearby stops within each lobby;
(d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
(e) a designated 'manager' or 'champion' responsible for coordination and implementation;
(f) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
(g) details of GTP funding and management responsibilities;
(h) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
(i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
(j) security arrangements to access the employee bicycle storage spaces; and
(k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
(l) provisions for the Green Travel Plan to be updated not less than every 5 years.

41. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

(a) located;
(b) directed;
(c) shielded; and
(d) of limited intensity,

to the satisfaction of the Responsible Authority.

General

43. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

44. The amenity of the area must not be detrimentally affected by the use, including through:

(a) the transport of materials, goods or commodities to or from land;
(b) the appearance of any buildings, works or materials;
(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
(d) the presence of vermin.

to the satisfaction of the Responsible Authority.

45. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

46. 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.

47. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

48. 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.

49. 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

50. 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; 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

51. This permit will expire if:

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

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

Notes:

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

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

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

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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

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

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

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

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.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

VicRoads Note:

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Hoddle Street). Please contact VicRoads prior to commencing any works

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

Attachments

1 PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - subject land - idac attachment
2 PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment
3 PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - public realm sketch plan
4 PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - referral comments - idac attachment
5 PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - public realm referral comments - idac attachment

Attachment 1 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - subject land - idac attachment

SUBJECT LAND:





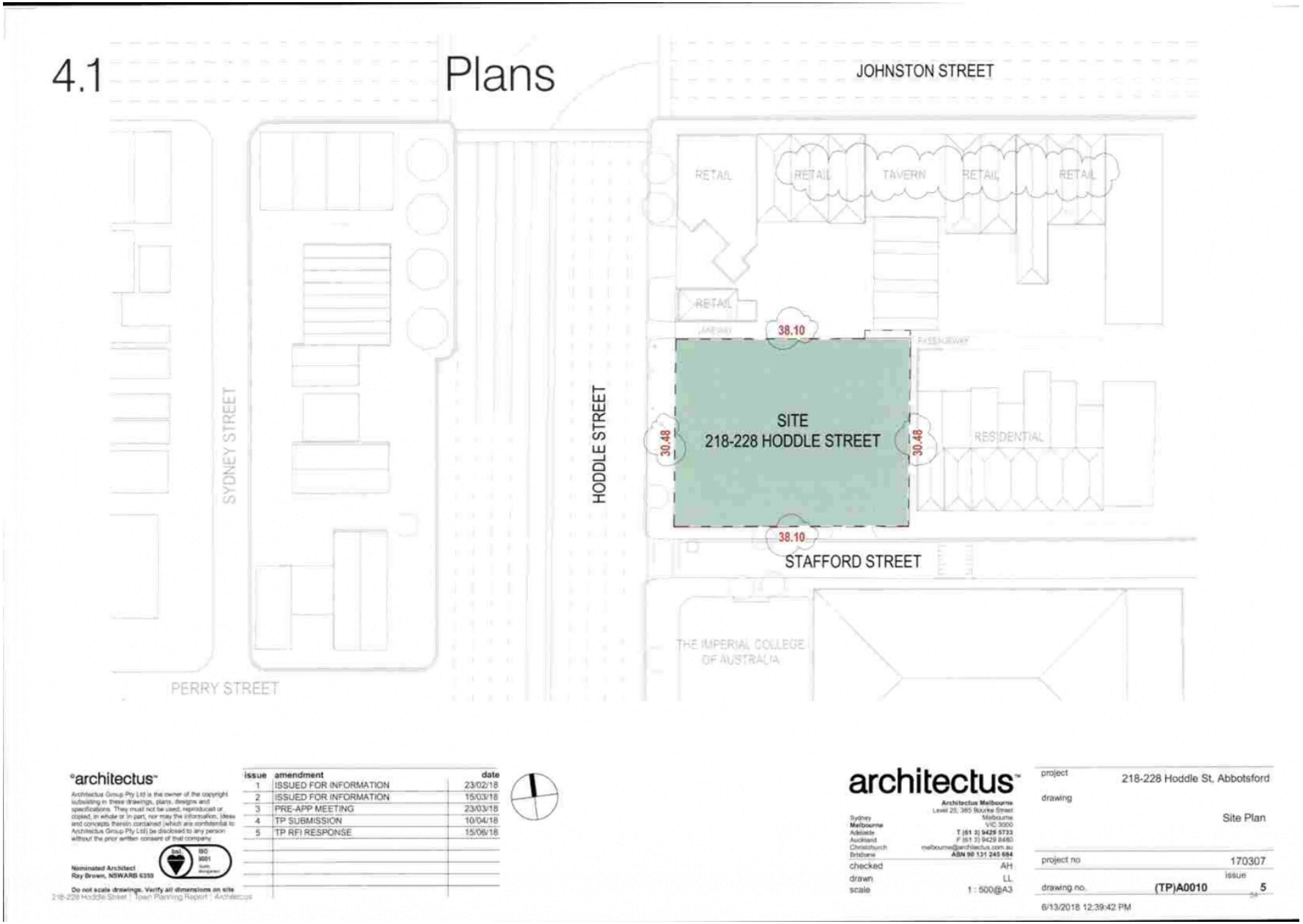
⇧ North

★ Subject Site

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



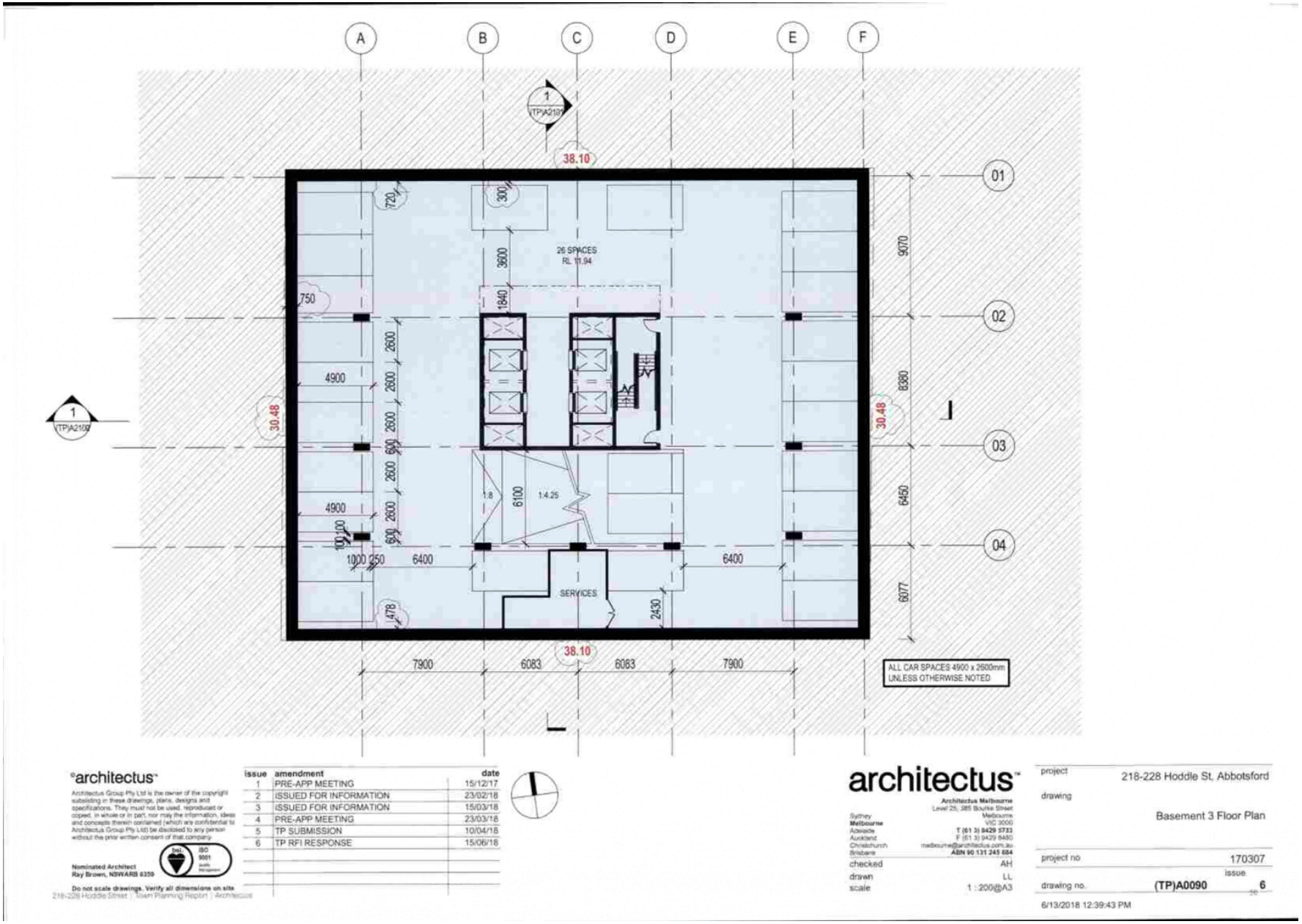
Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



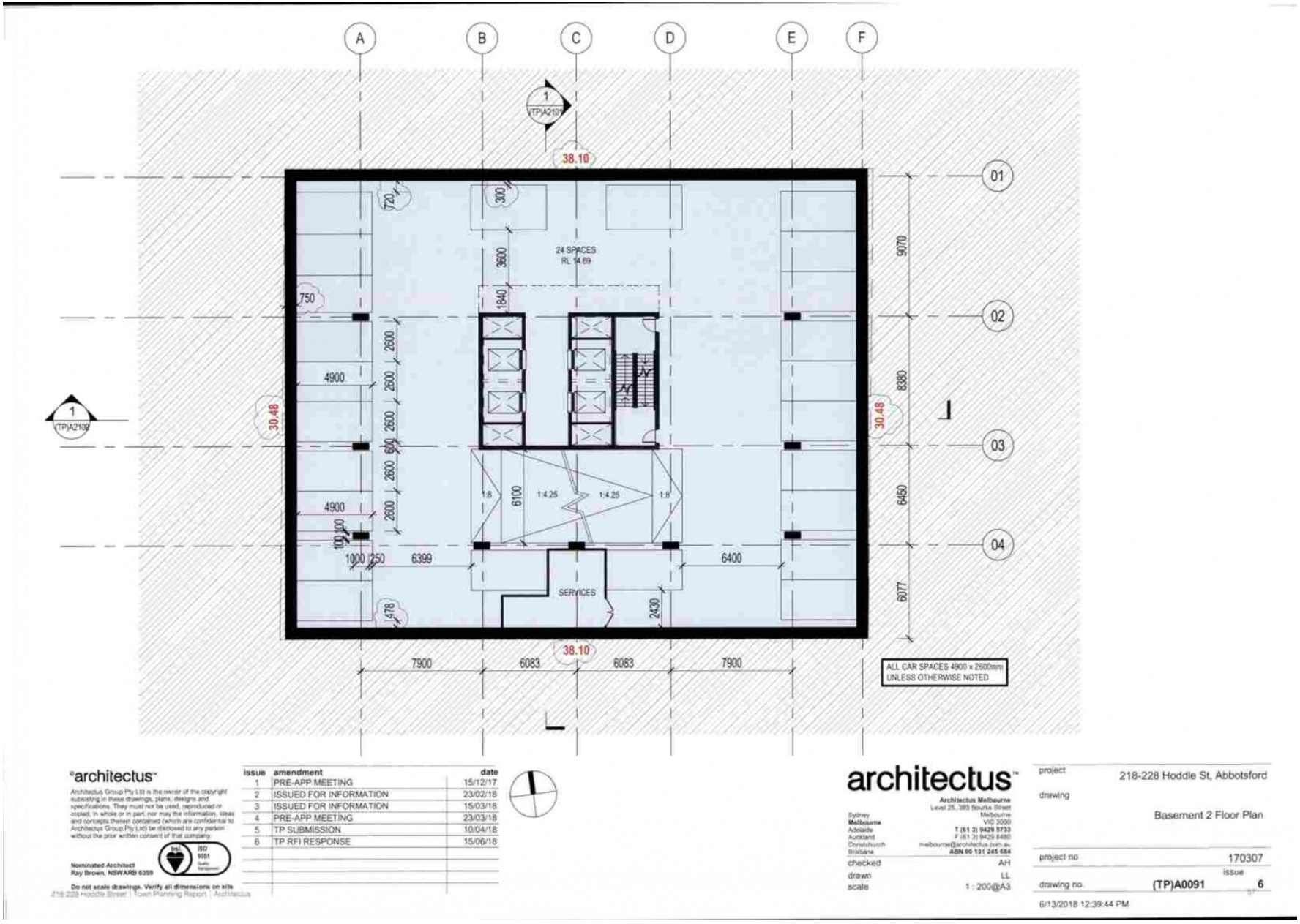
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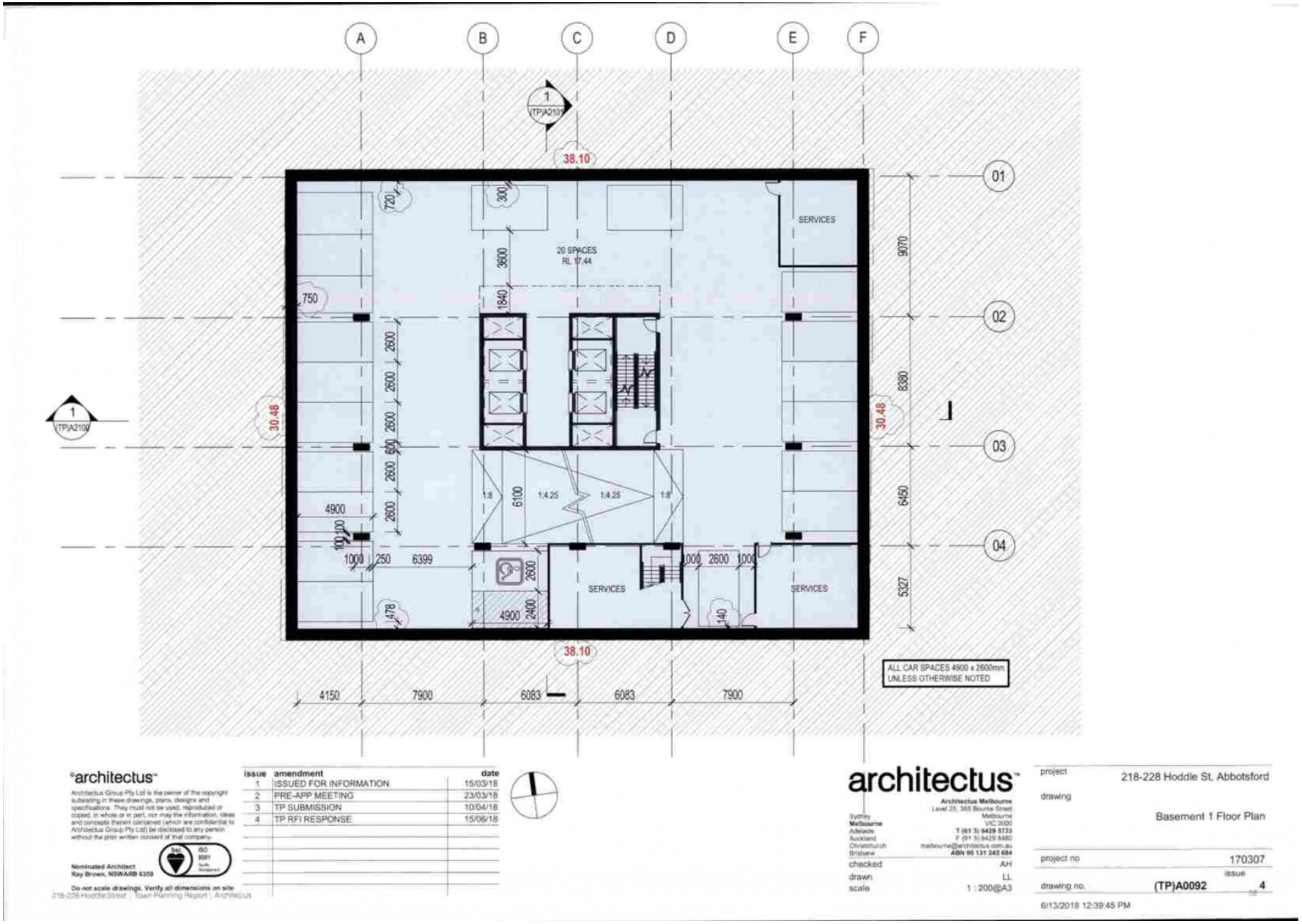
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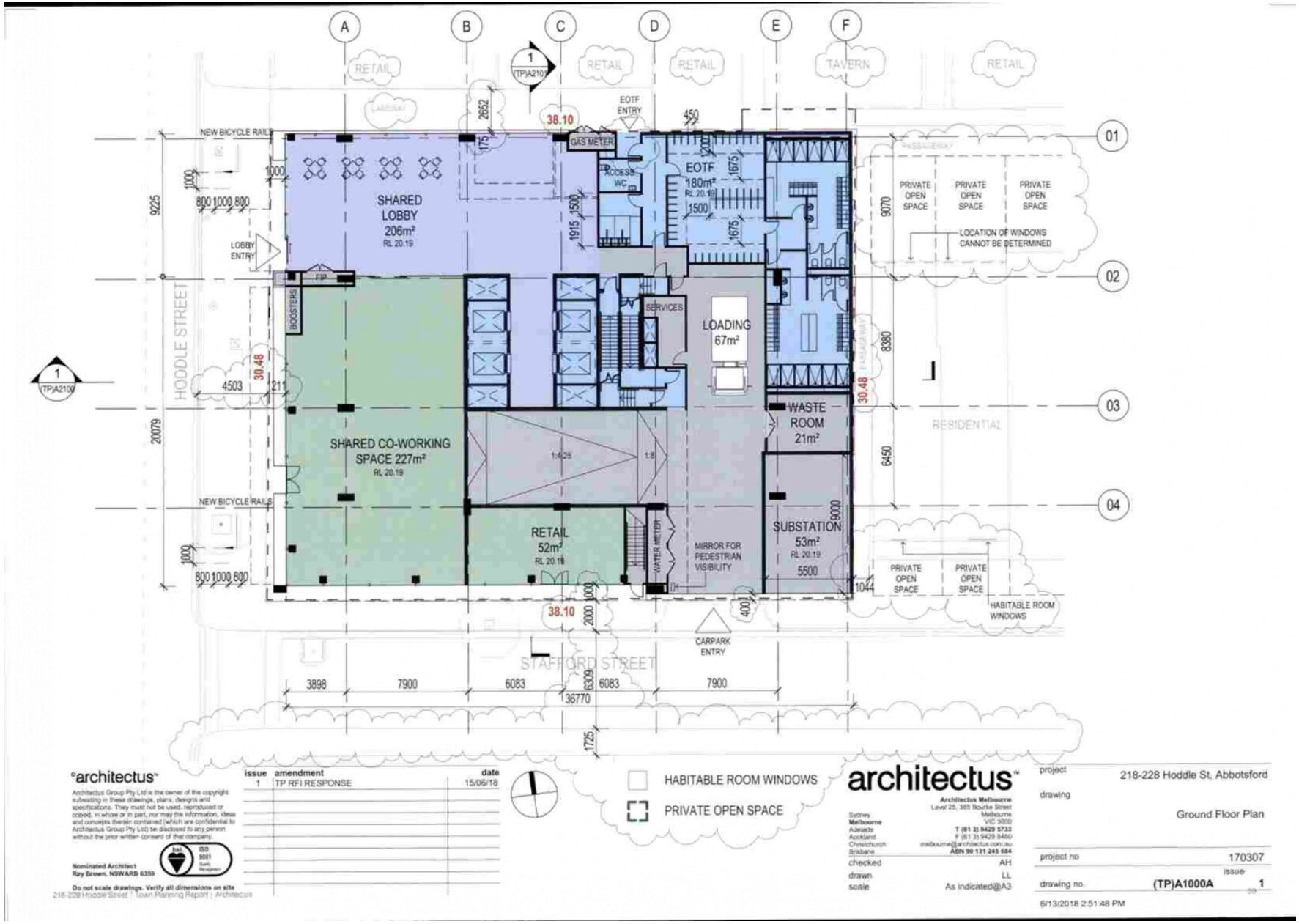
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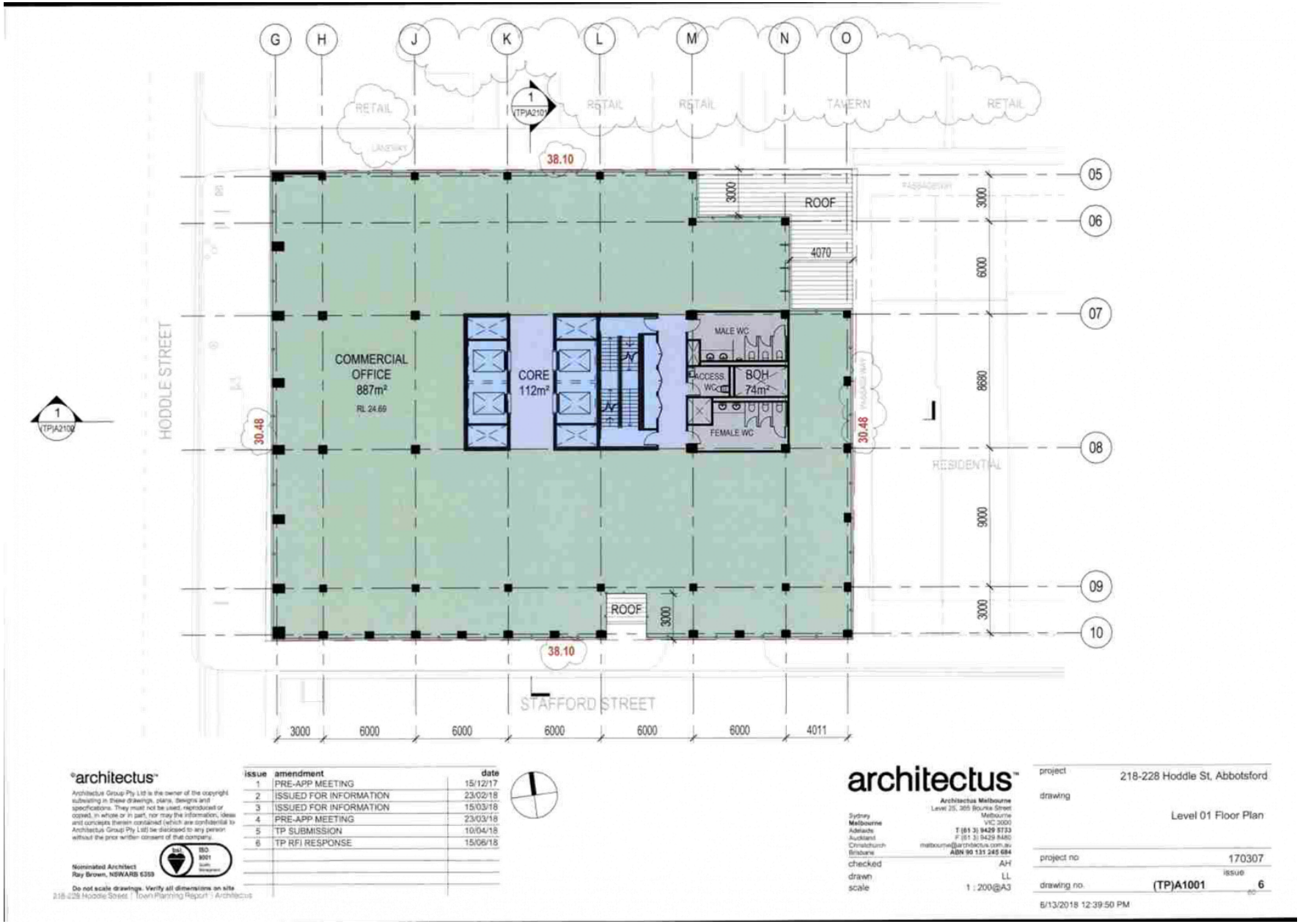
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Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



issue	amendment	date
1	PRE-APP MEETING	15/12/17
2	ISSUED FOR INFORMATION	23/02/18
3	ISSUED FOR INFORMATION	15/03/18
4	PRE-APP MEETING	23/03/18
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6	TP RFI RESPONSE	15/06/18

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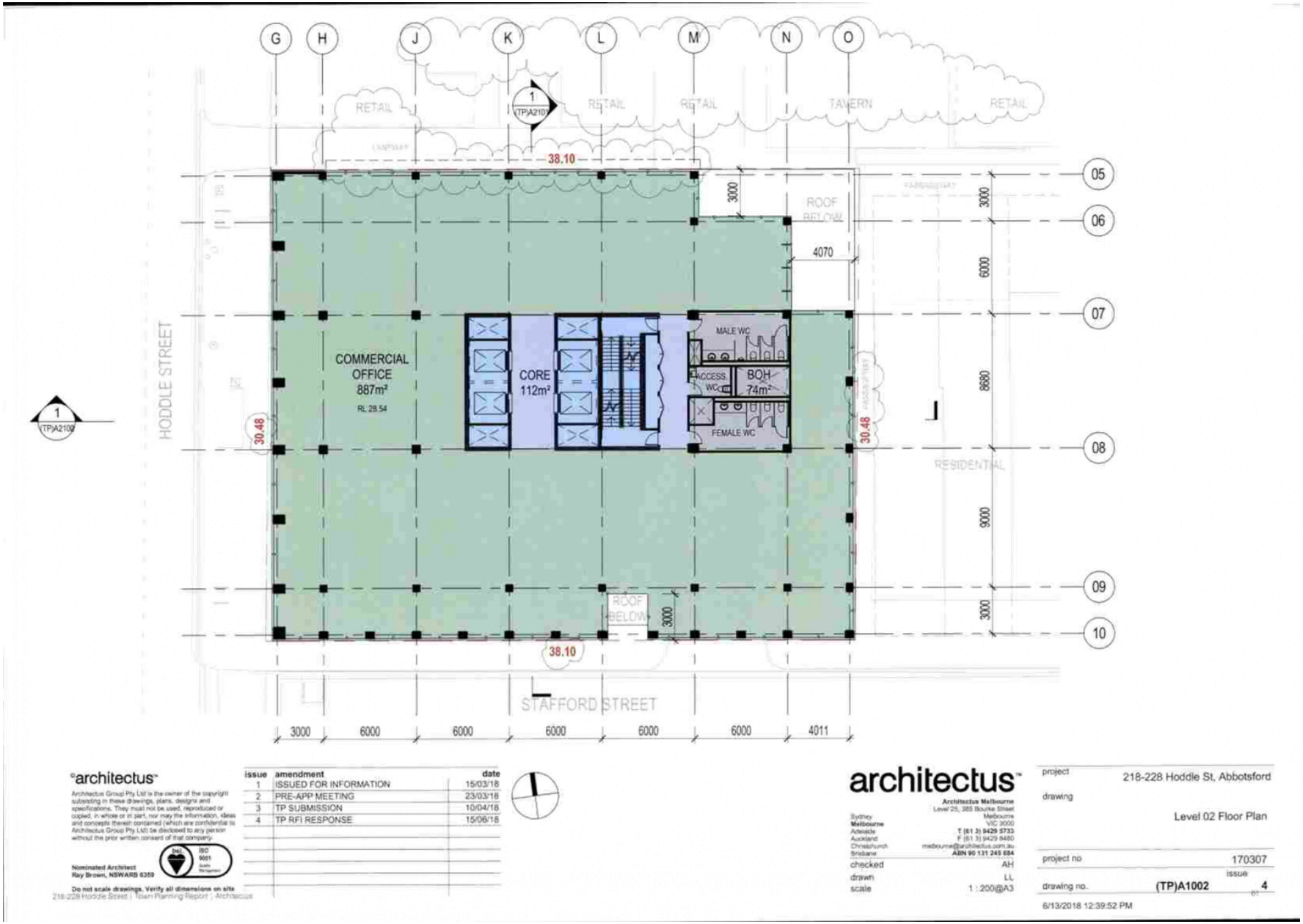
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Auckland
Christchurch
Brisbane

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drawn	LL
scale	1 : 200@A3

project	218-228 Hoddle St, Abbotsford
drawing	Level 01 Floor Plan
project no	170307
drawing no.	(TP)A1001
issue	6

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3	TP SUBMISSION	10/04/18
4	TP RFI RESPONSE	15/06/18

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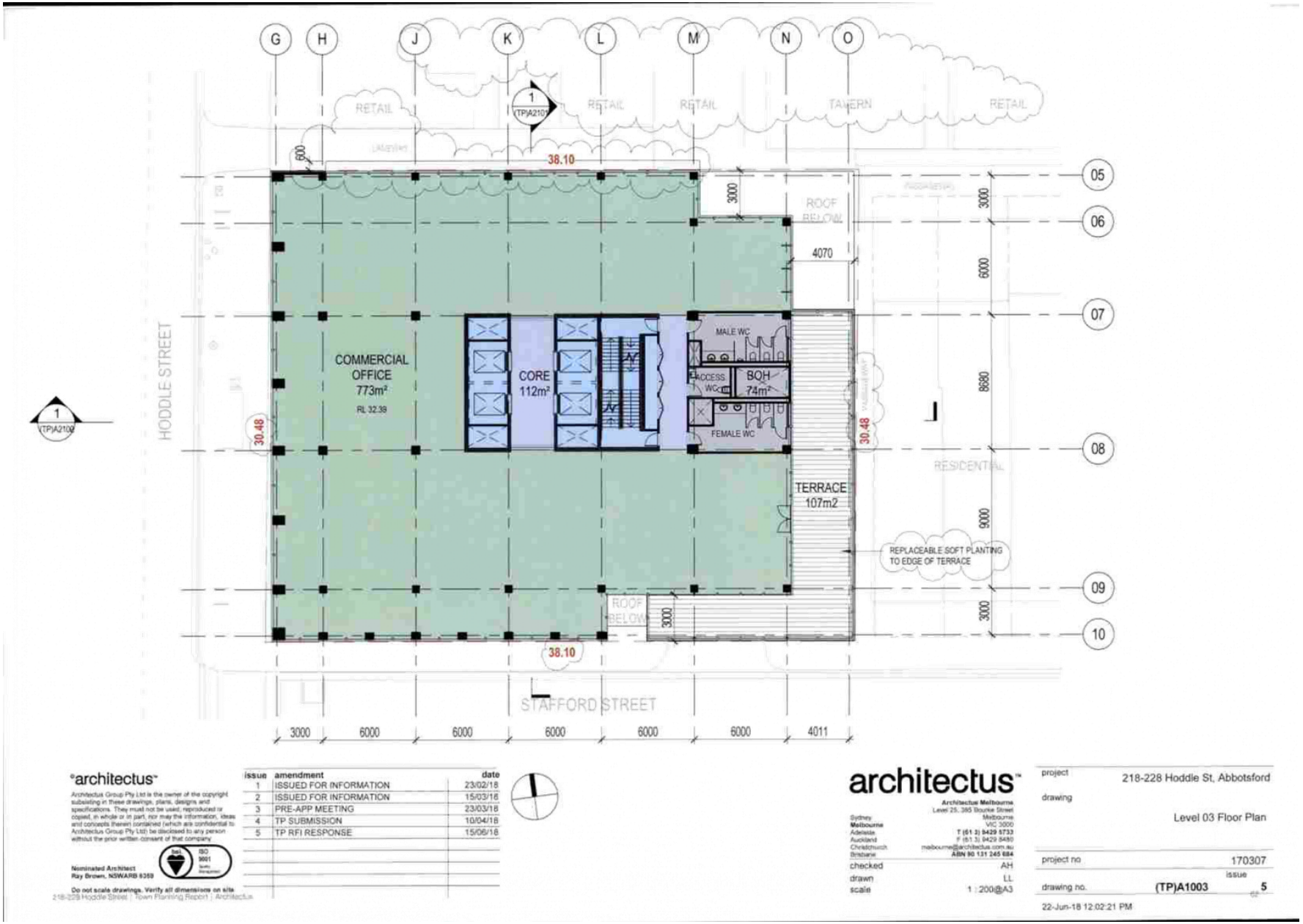
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drawn LL
scale 1 : 200@A3

project 218-228 Hoddle St, Abbotsford
drawing Level 02 Floor Plan
project no 170307
drawing no. (TP)A1002
issue 4
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2	ISSUED FOR INFORMATION	15/03/18
3	PRE-APP MEETING	23/03/18
4	TP SUBMISSION	10/04/18
5	TP RFI RESPONSE	15/06/18

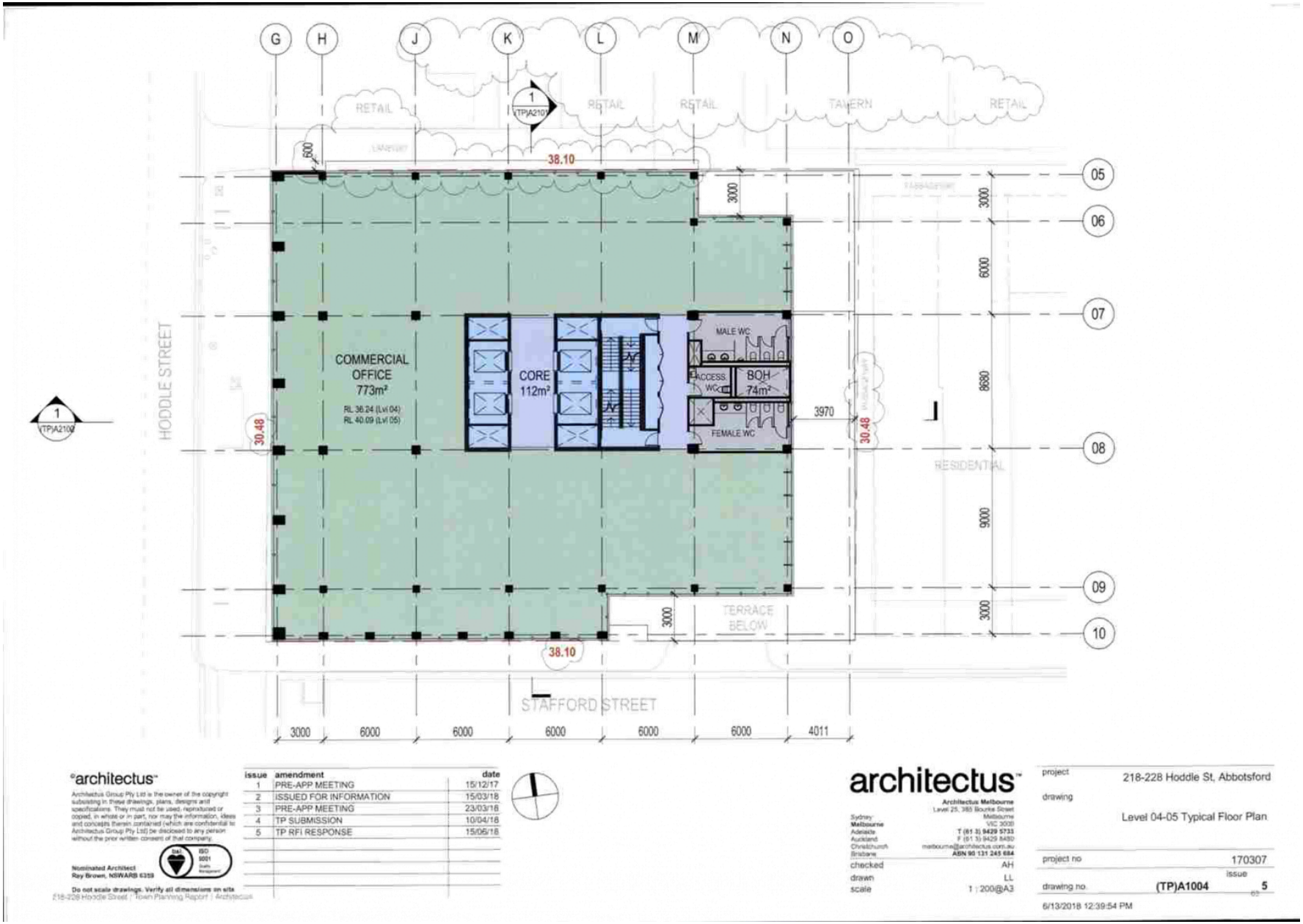
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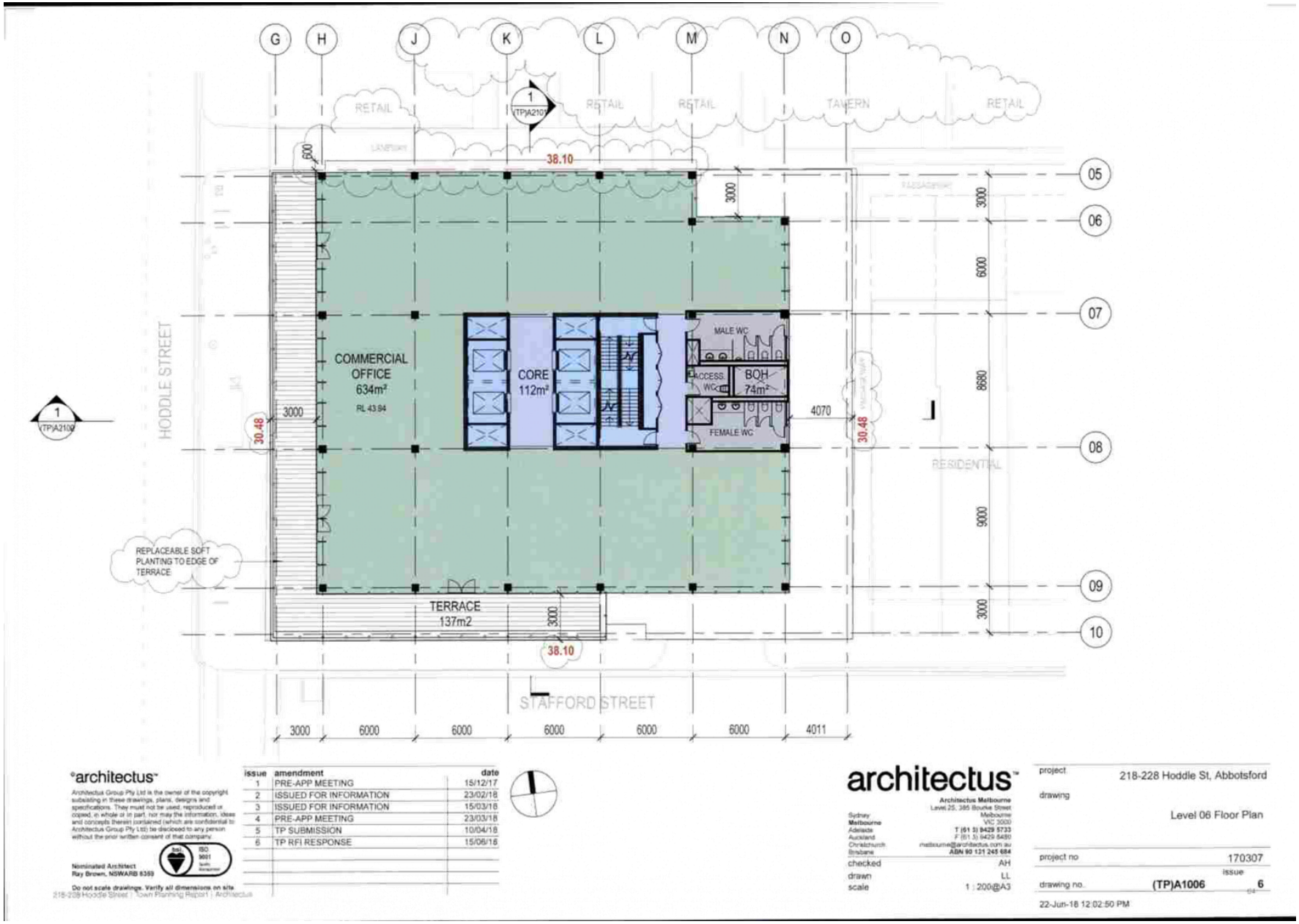
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drawing	Level 03 Floor Plan
project no	170307
drawing no.	(TP)A1003
issue	5

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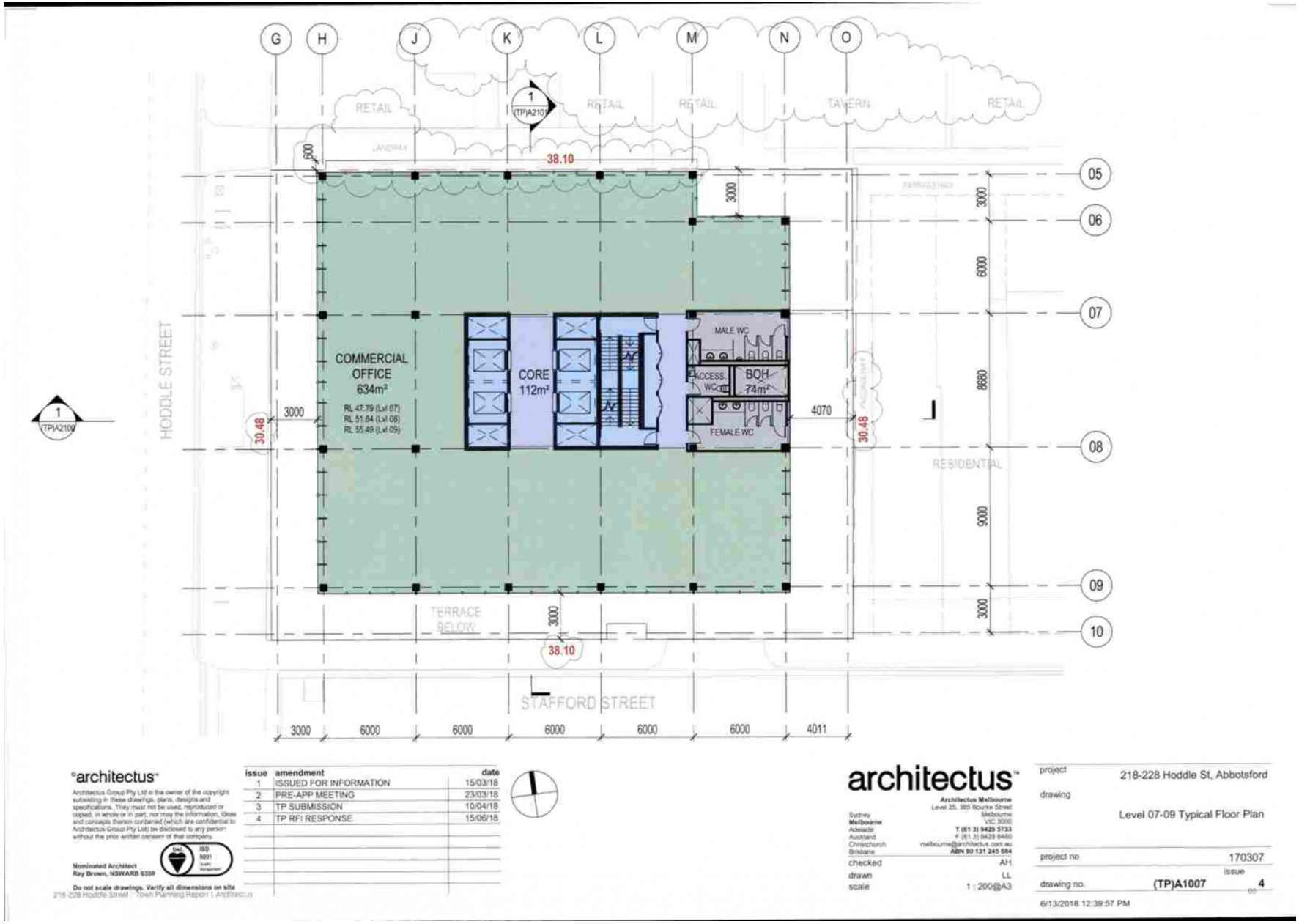
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Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



issue	amendment	date
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3	TP SUBMISSION	10/04/18
4	TP RFI RESPONSE	15/06/18

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checked	AH
drawn	LL
scale	1 : 200@A3

project	218-228 Hoddle St, Abbotsford
drawing	Level 07-09 Typical Floor Plan
project no.	170307
drawing no.	(TP)A1007
issue	4

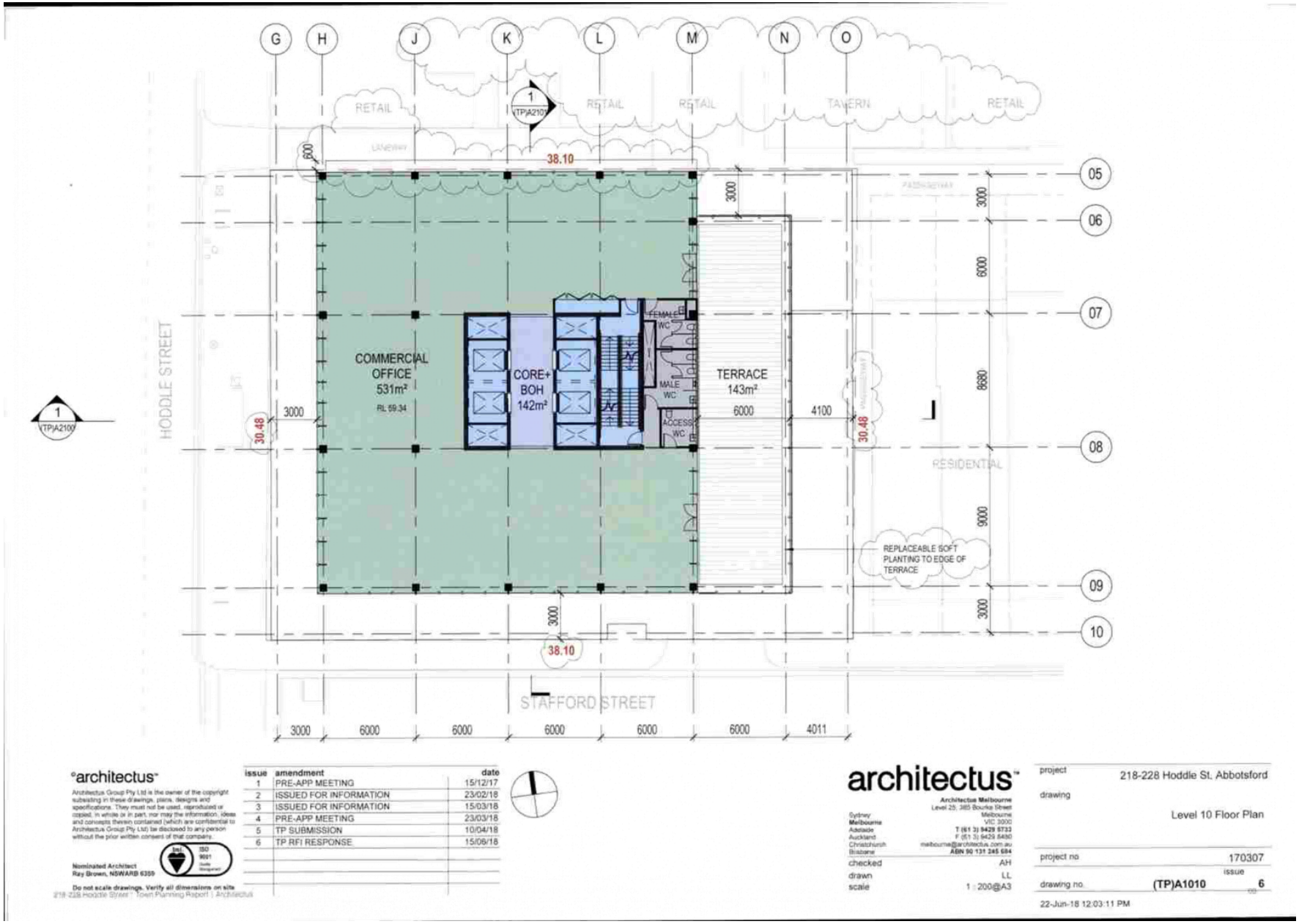
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3	ISSUED FOR INFORMATION	15/03/18
4	PRE-APP MEETING	23/03/18
5	TP SUBMISSION	10/04/18
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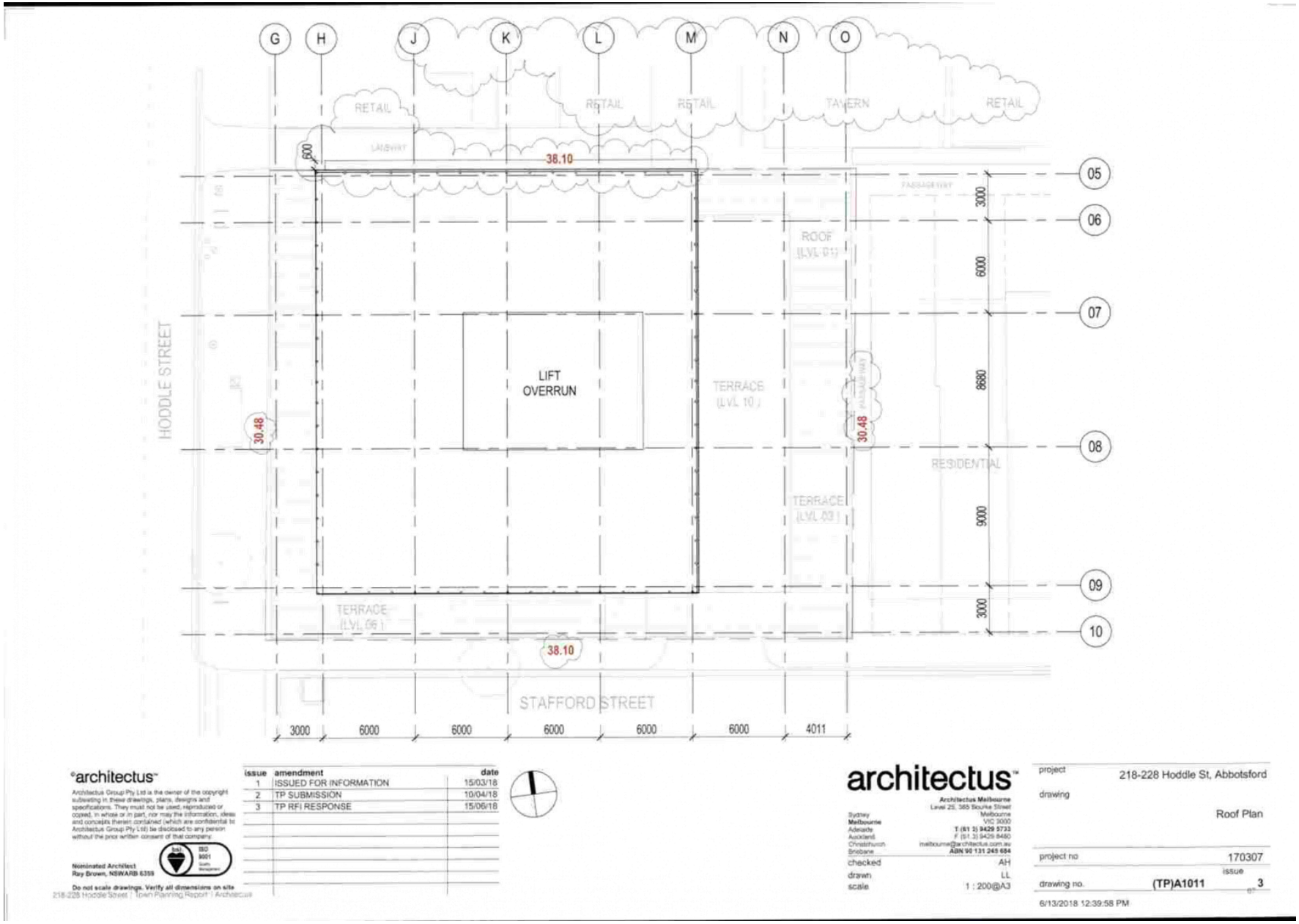
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project	218-228 Hoddle St, Abbotsford
drawing	Level 10 Floor Plan
project no	170307
drawing no	(TP)A1010
issue	6
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drawn	LL
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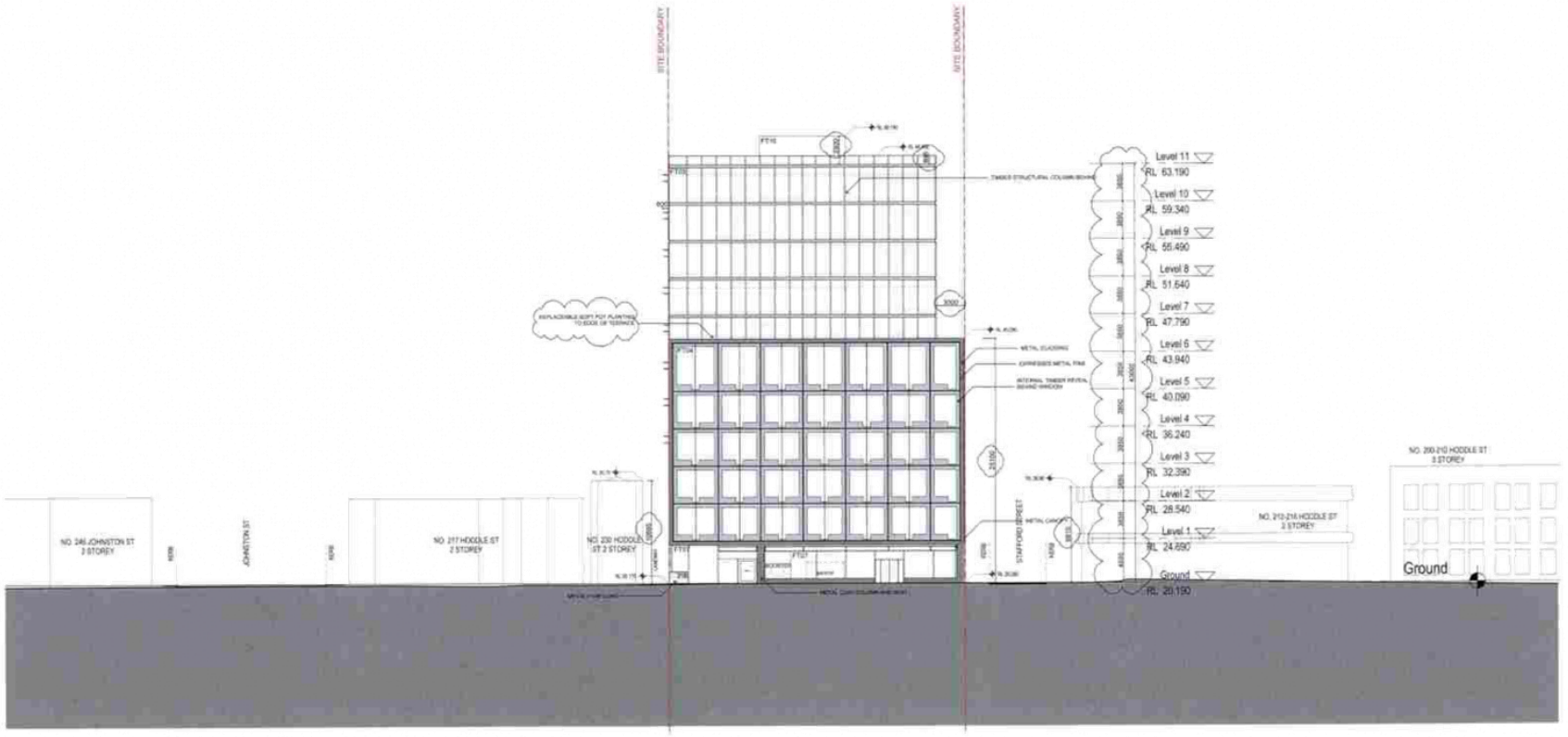
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4.2 Elevations



issue	amendment	date
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2	TP SUBMISSION	10/04/18
3	TP RFI RESPONSE	15/06/18

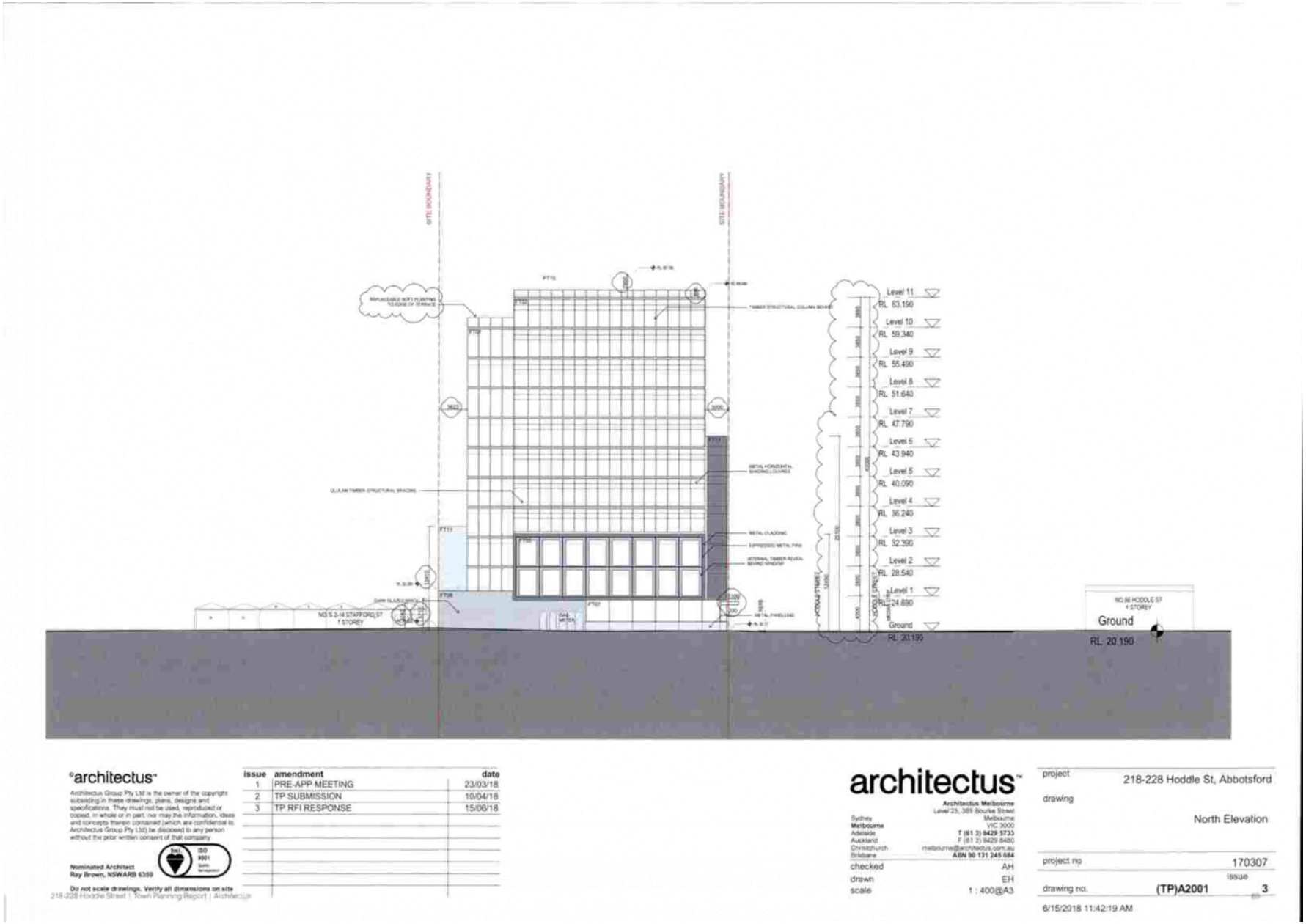
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project	218-228 Hoddle St, Abbotsford
drawing	West Elevation
project no	170307
drawing no.	(TP)A2000
issue	3
checked	AH
drawn	EH
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2	TP SUBMISSION	10/04/18
3	TP RFI RESPONSE	15/06/18

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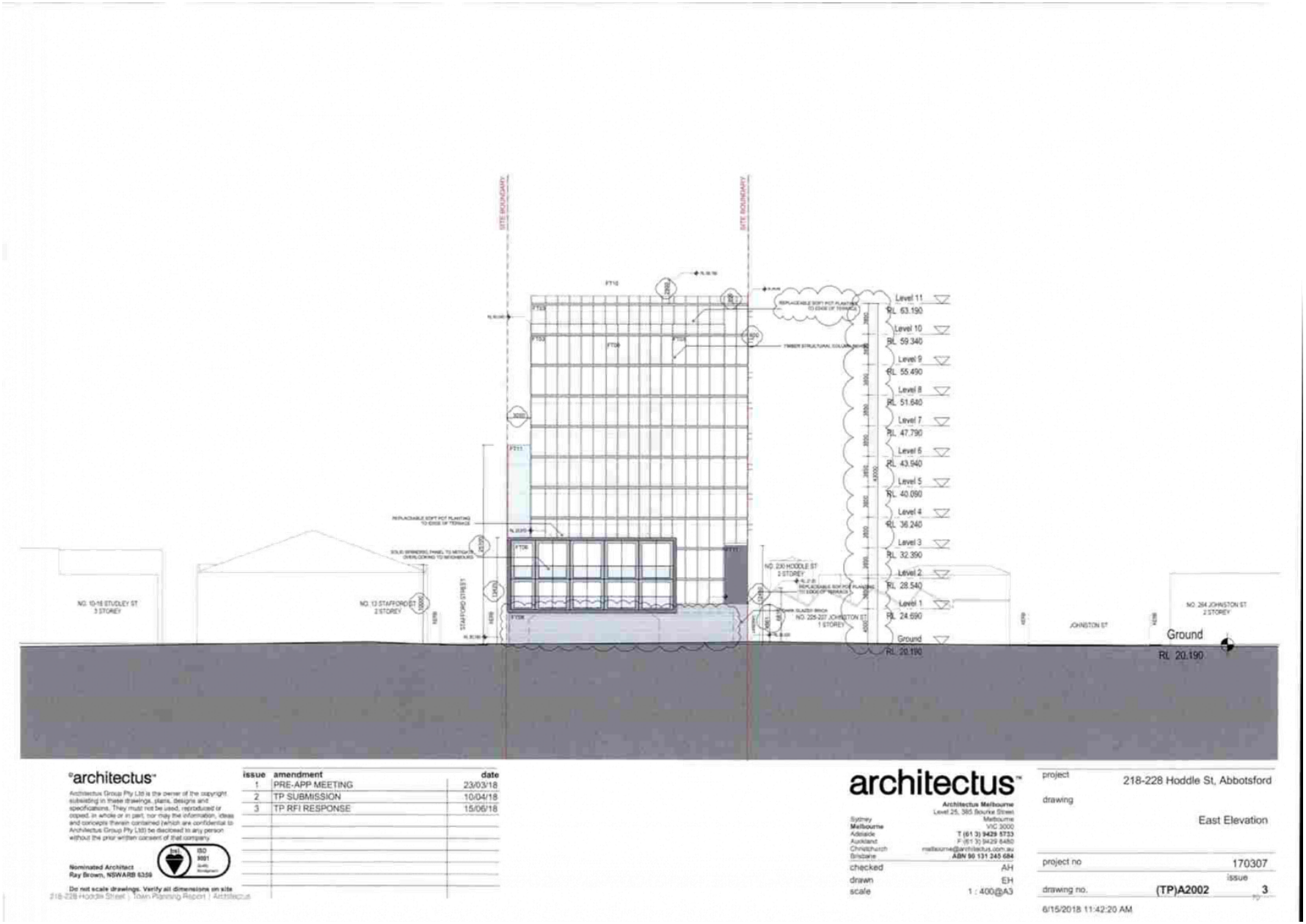
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project	218-228 Hoddle St, Abbotsford
drawing	North Elevation
project no	170307
drawing no.	(TP)A2001
issue	3

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3	TP RFI RESPONSE	15/06/18

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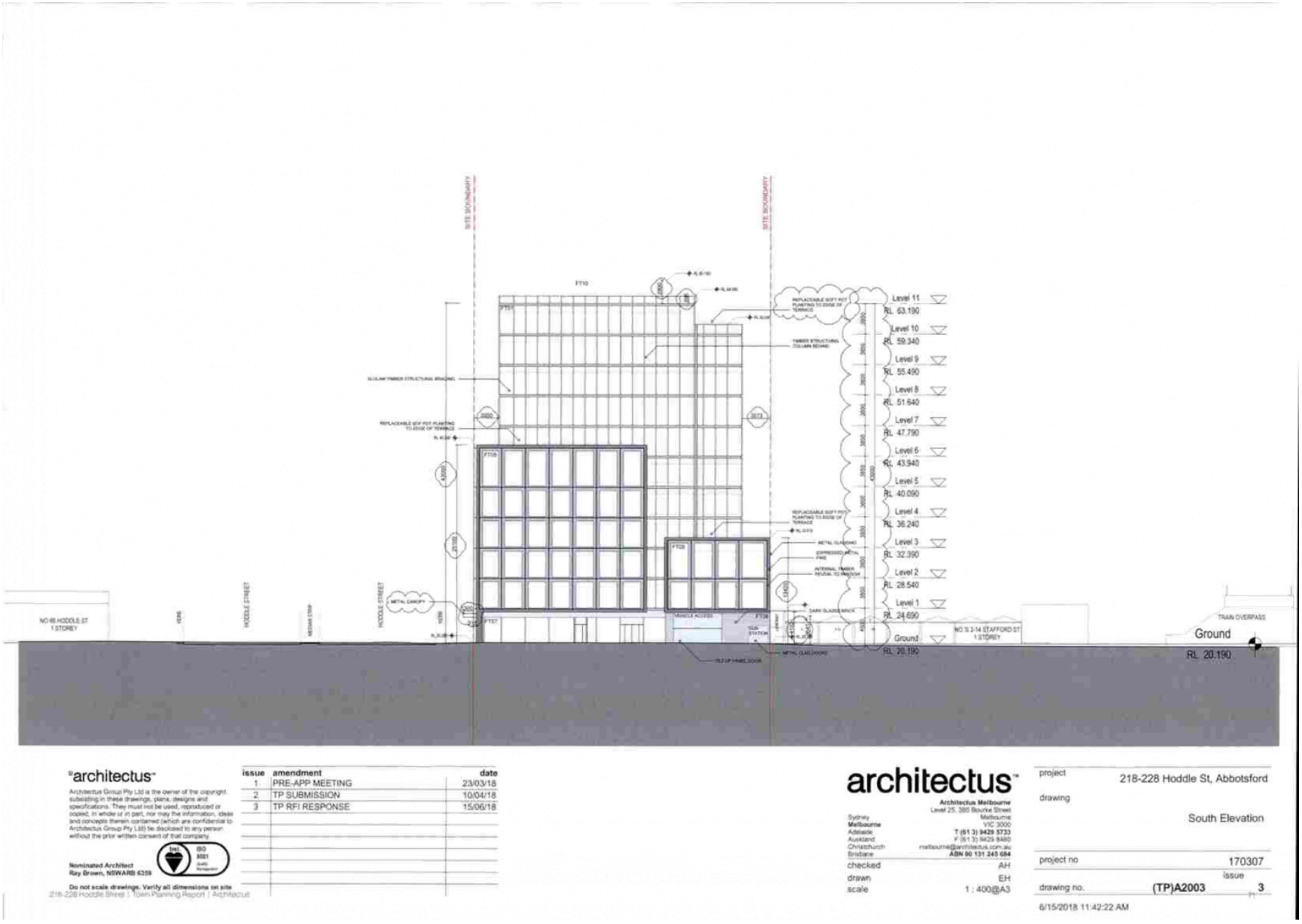
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drawn	EH
scale	1 : 400@A3

project	218-228 Hoddle St, Abbotsford
drawing	East Elevation
project no	170307
drawing no.	(TP)A2002
issue	3

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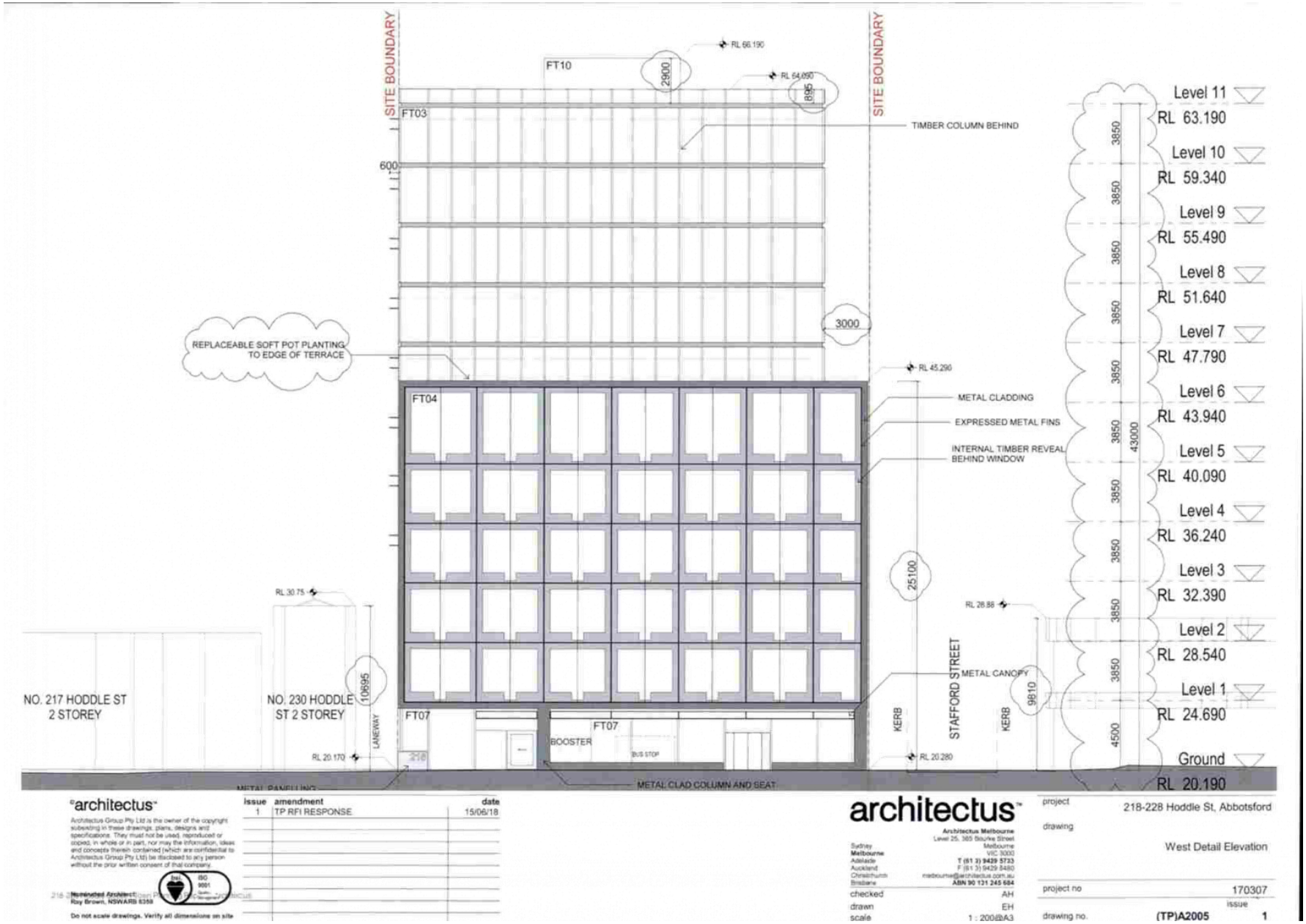
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3	TP RFI RESPONSE	15/06/18

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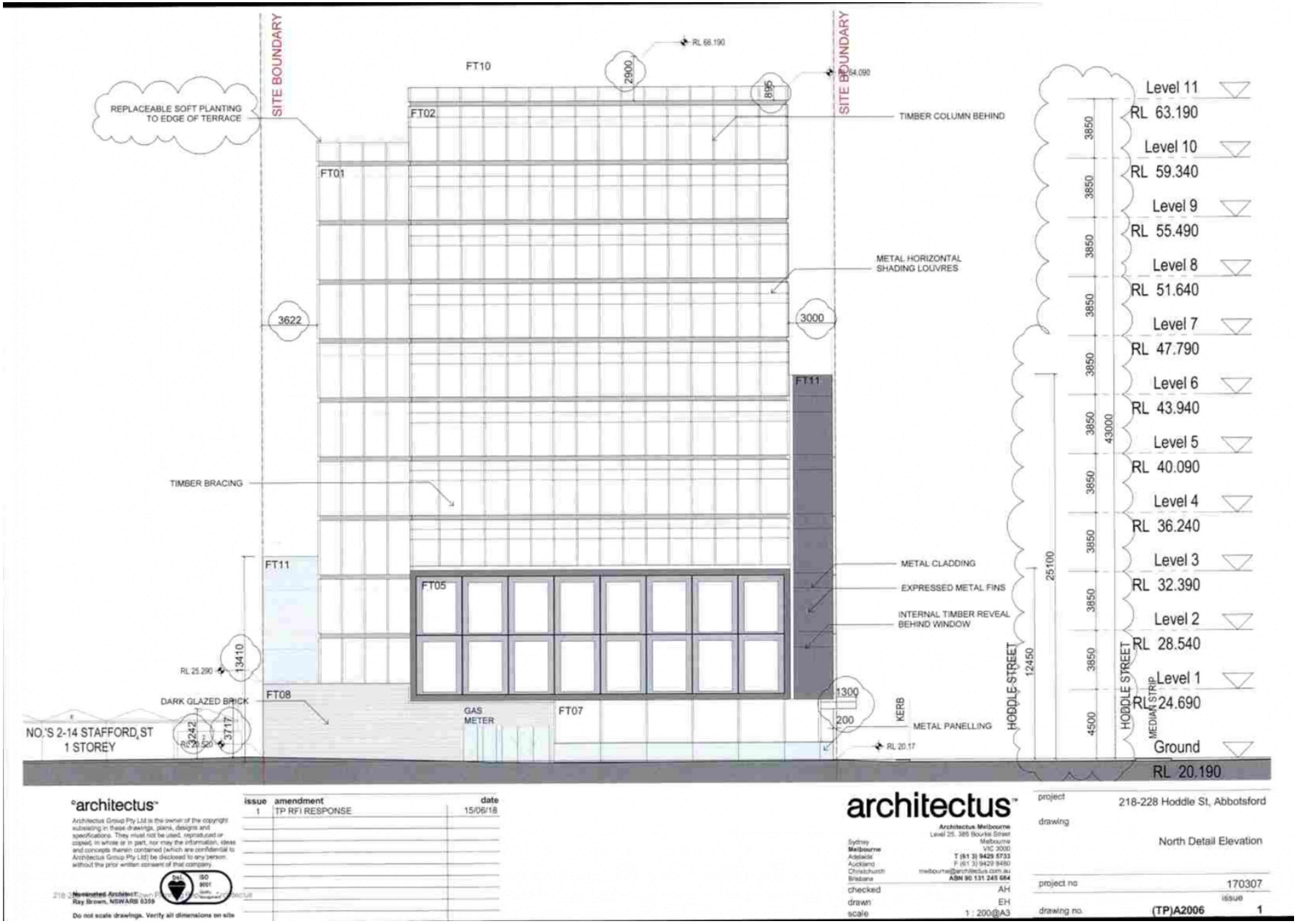
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project 218-228 Hoddle St, Abbotsford
drawing South Elevation
project no 170307
drawing no. (TP)A2003
issue 3
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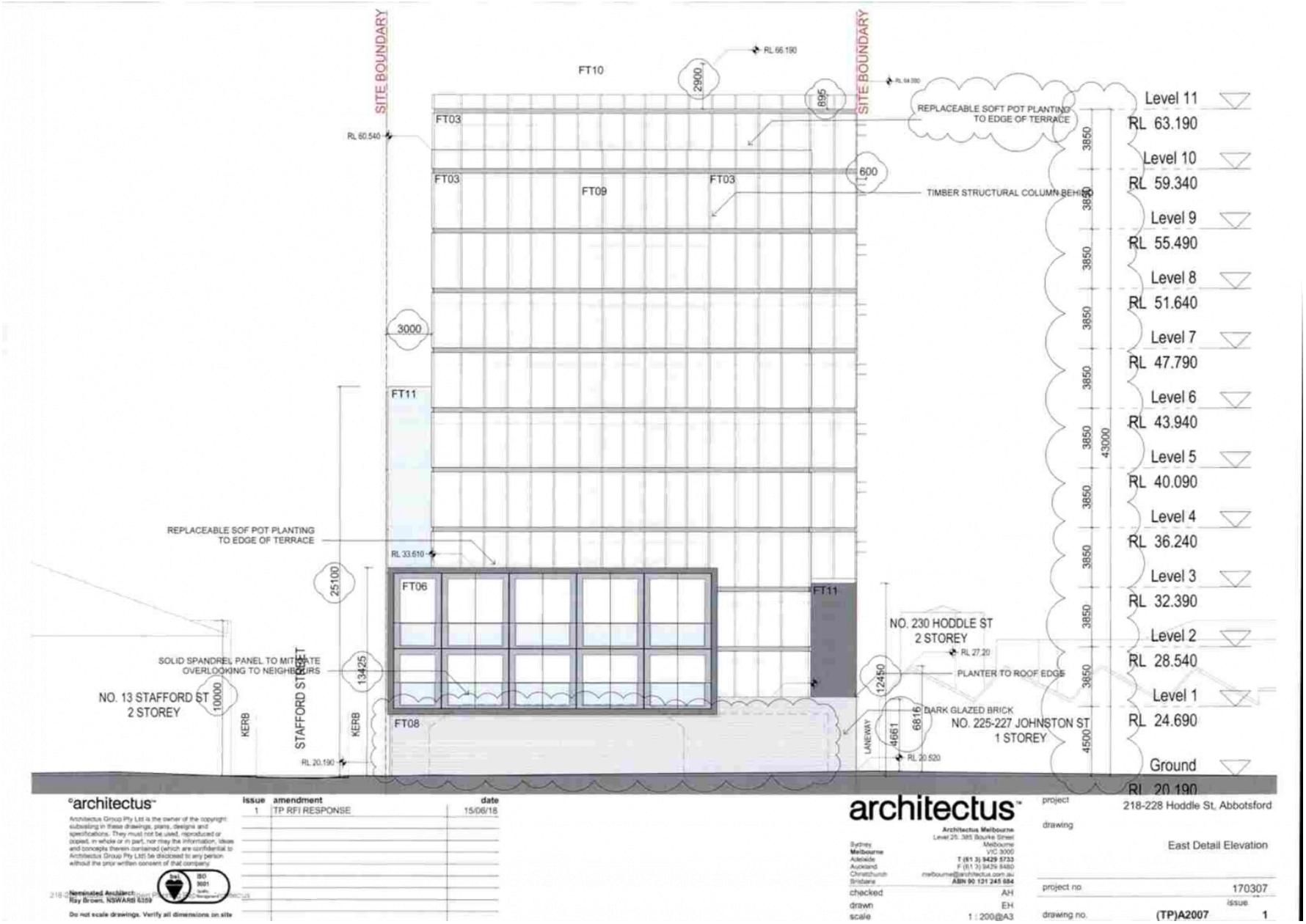
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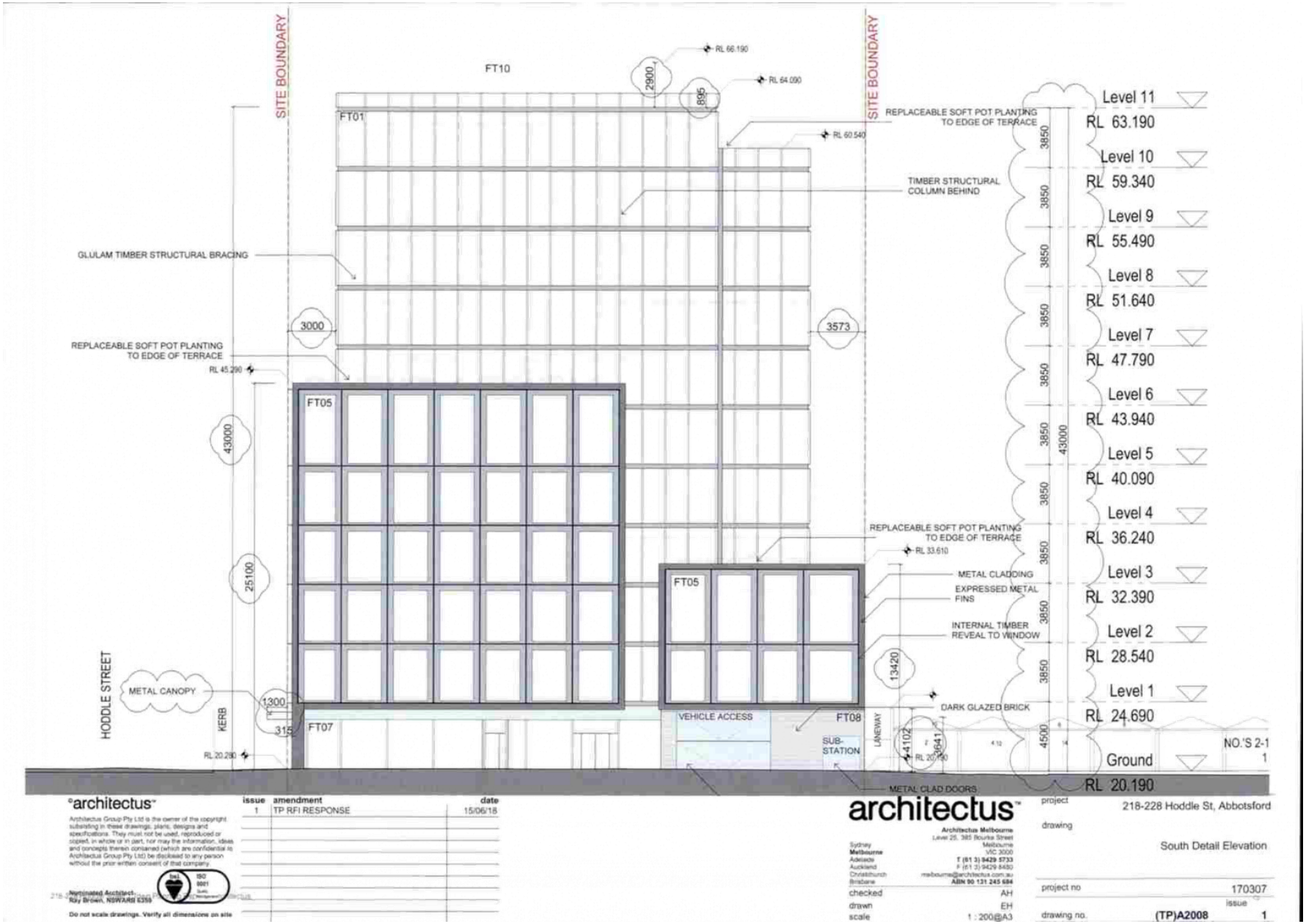
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project	218-228 Hoddle St, Abbotsford
drawing	North Detail Elevation
project no	170307
drawing no.	(TP)A2006
issue	1

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issue	amendment	date
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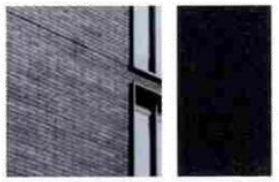
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scale	1 : 200@A3

project	218-228 Hoddle St, Abbotsford
drawing	South Detail Elevation
project no	170307
drawing no.	(TP)A2008
issue	1

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EXTERNAL FINISHES SCHEDULE			
		DESCRIPTION	SPECIFICATION
FT01	Tower curtain wall - south façade	Structurally glazed curtain wall with blind mullions. High performance IGU - clear with low-e coat and body tint to inner pane. Integrated shadowbox spandrel panel, expressed shadow gap.	Black powdercoat finish (internal mullions and framing). Translucent silver-grey glass. Spandrel panel - powdercoat, colour to match timber finish.
FT02	Tower curtain wall - north façade	Structurally glazed curtain wall with blind mullions. High performance IGU - clear with low-e coat and body tint to inner pane. Integrated shadowbox spandrel panel, expressed shadow gap. Double horizontal shading louvre - powdercoat black metal finish.	Black powdercoat (internal mullions and framing). Translucent silver-grey glass. Spandrel panel - powdercoat, colour to match timber finish.
FT03	Tower curtain wall - west + east façades	Structurally glazed curtain wall with blind mullions. High performance IGU - clear with low-e coat and body tint to inner pane. Integrated shadowbox spandrel panel, expressed shadow gap. Internal timber joinery seat, internal vertical shading fins.	Black powdercoat finish (internal mullions and framing). Translucent silver-grey glass. Spandrel panel - powdercoat, colour to match timber finish.
FT04	Podium - west façade	Structurally glazed curtain wall with blind mullions. High performance IGU - clear with low-e coat and body tint to inner pane. Internal reveals visible behind. External metal framing - powdercoat black finish.	Black powdercoat finish. Translucent silver-grey glass. Spandrel panel - powdercoat, colour to match timber finish.
FT05	Podium - north + south façades	Structurally glazed curtain wall with blind mullions. High performance IGU - clear with low-e coat and body tint to inner pane. Internal reveals visible. External metal framing - powdercoat black finish.	Black powdercoat finish. Translucent silver-grey glass. Spandrel panel - powdercoat, colour to match timber finish.
FT06	Podium - east façade	Structurally glazed curtain wall with blind mullions. High performance IGU - clear with low-e coat and body tint to inner pane. Integrated shadowbox detail to 1500mm high to limit vision out. Internal reveals visible, external metal framing - powdercoat black finish.	Black powdercoat finish. Translucent silver-grey glass. Spandrel panel - powdercoat, colour to match timber finish.
FT07	Shopfront glazing	Structurally glazed curtain wall with blind mullions. High performance IGU - clear shopfront glazing.	Black powdercoat finish. Clear shopfront glazing.
FT08	Podium - masonry finish	Dark glazed brick wall with natural finish.	230 x 110 x 50mm brick size, glaze colour - 'Caviar'.
FT09	Tower - mesh screening	Structurally glazed curtain wall with blind mullions and high performance IGU. Internal bronze metal mesh screen with anodized finish and concealed fixings. Integrated shadowbox spandrel panel.	Black powdercoat finish Glass spec TBC. Spandrel panel - powdercoat, colour TBC. Metal screen - GKD creative weave mesh profile. Mesh behind glass. Bronze colour.
FT10	Lift overrun finish	Painted render finish to lift overrun.	Dulux acratex render finish, low profile nap finish. Dark grey colour- 'Black Caviar'.



Podium - dark glazed brick
FT08



Podium - metal cladding
FT04, FT05, FT06



Tower - bronze metal mesh screening
FT09



Podium - External metal framing
FT04, FT05, FT06



Horizontal shading
FT02



Structurally glazed curtain wall with integrated shadowbox, spandrel panel
FT01, FT02, FT03



Tower - internal vertical shading fins - FT03

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issue	amendment	date
1	PRE-APP MEETING	23/03/18
2	TP SUBMISSION	10/04/18

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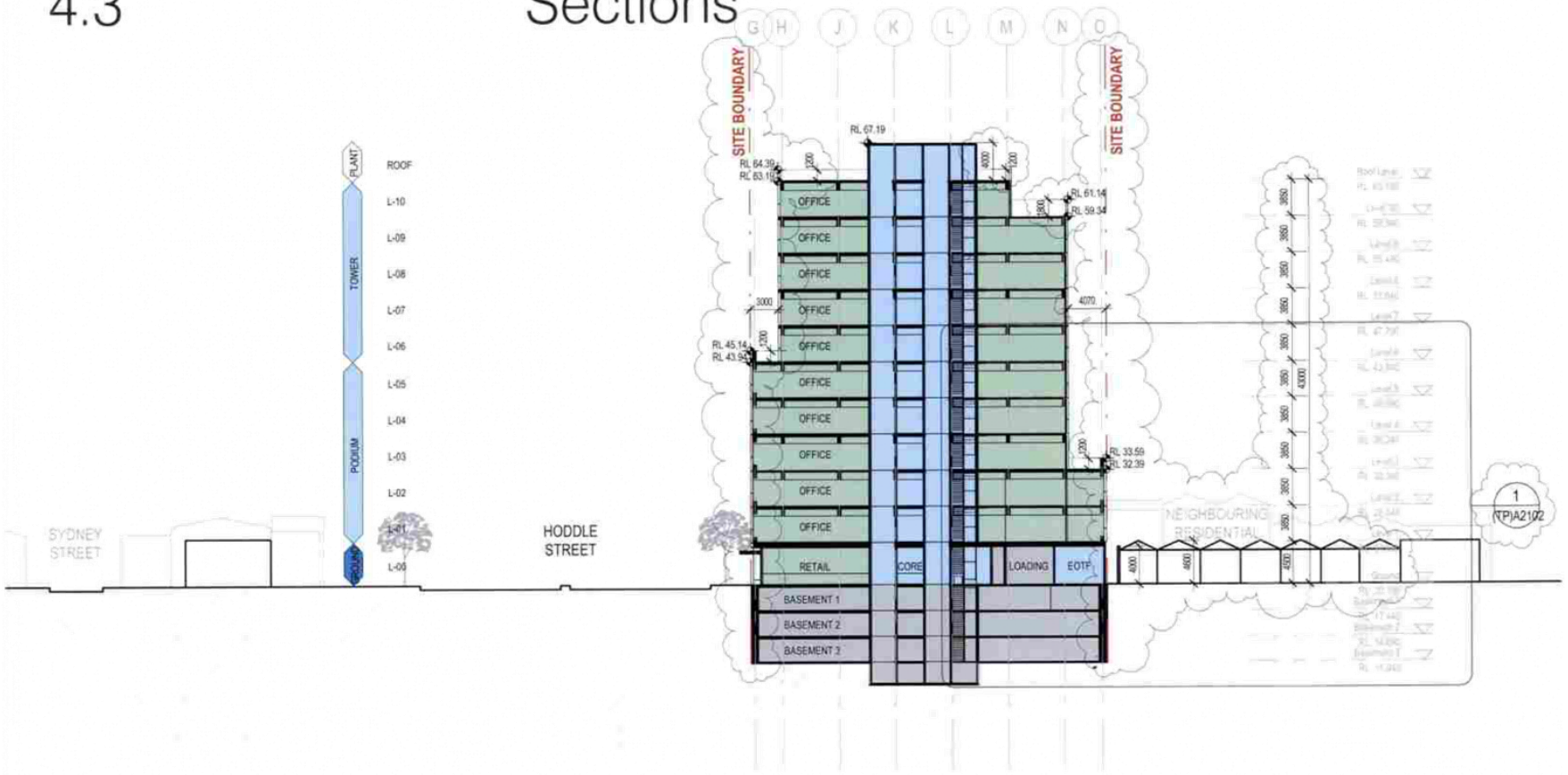
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drawing	Elevations Key
project no	170307
drawing no.	(TP)A2004
issue	

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4.3 Sections



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3	ISSUED FOR INFORMATION	15/03/18
4	PRE-APP MEETING	23/03/18
5	TP SUBMISSION	10/04/18
6	TP RFI RESPONSE	15/06/18

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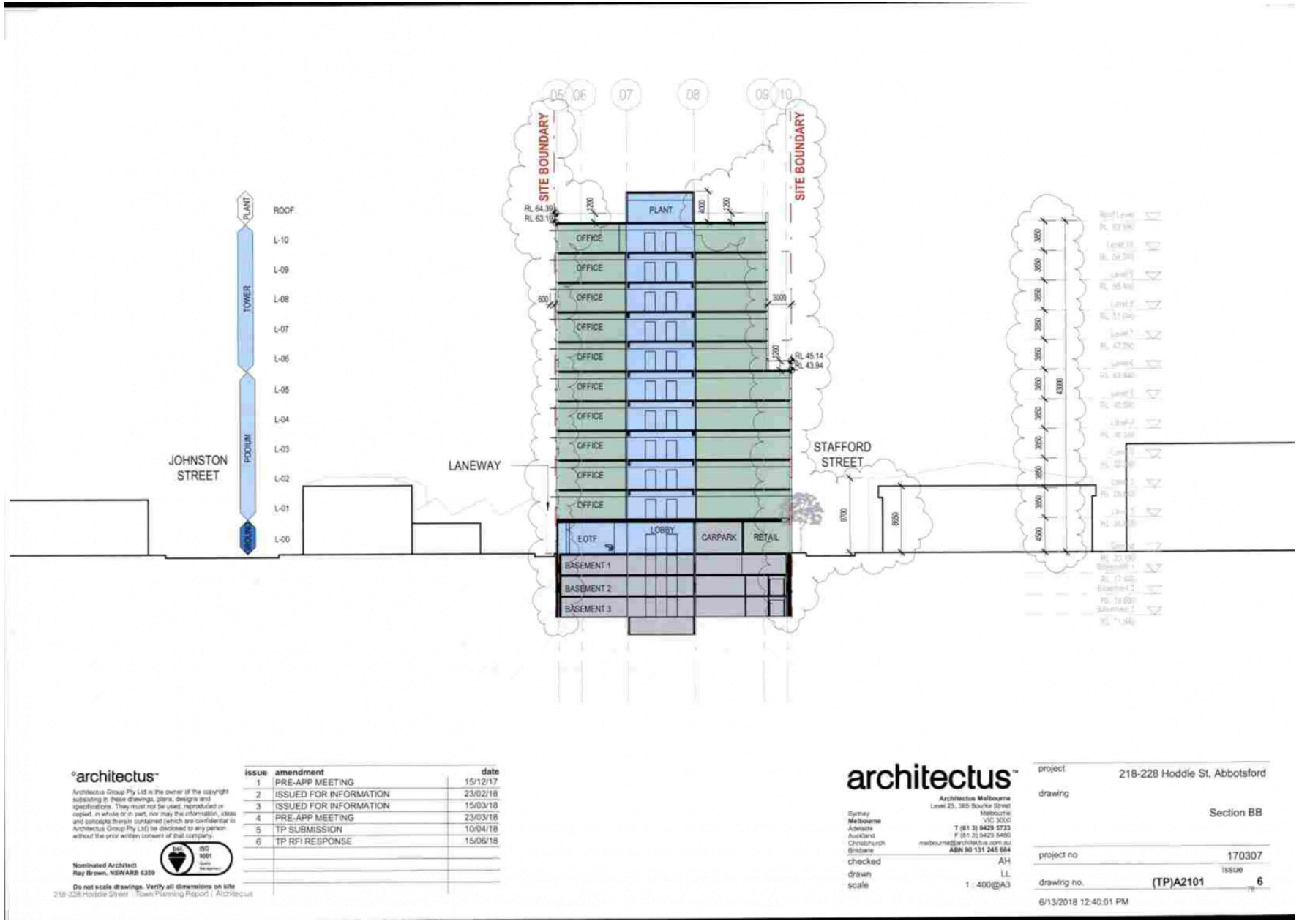
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project	218-228 Hoddle St, Abbotsford
drawing	Section AA
project no	170307
drawing no.	(TP)A2100
issue	6

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4	PRE-APP MEETING	23/03/18
5	TP SUBMISSION	10/04/18
6	TP RFI RESPONSE	15/06/18

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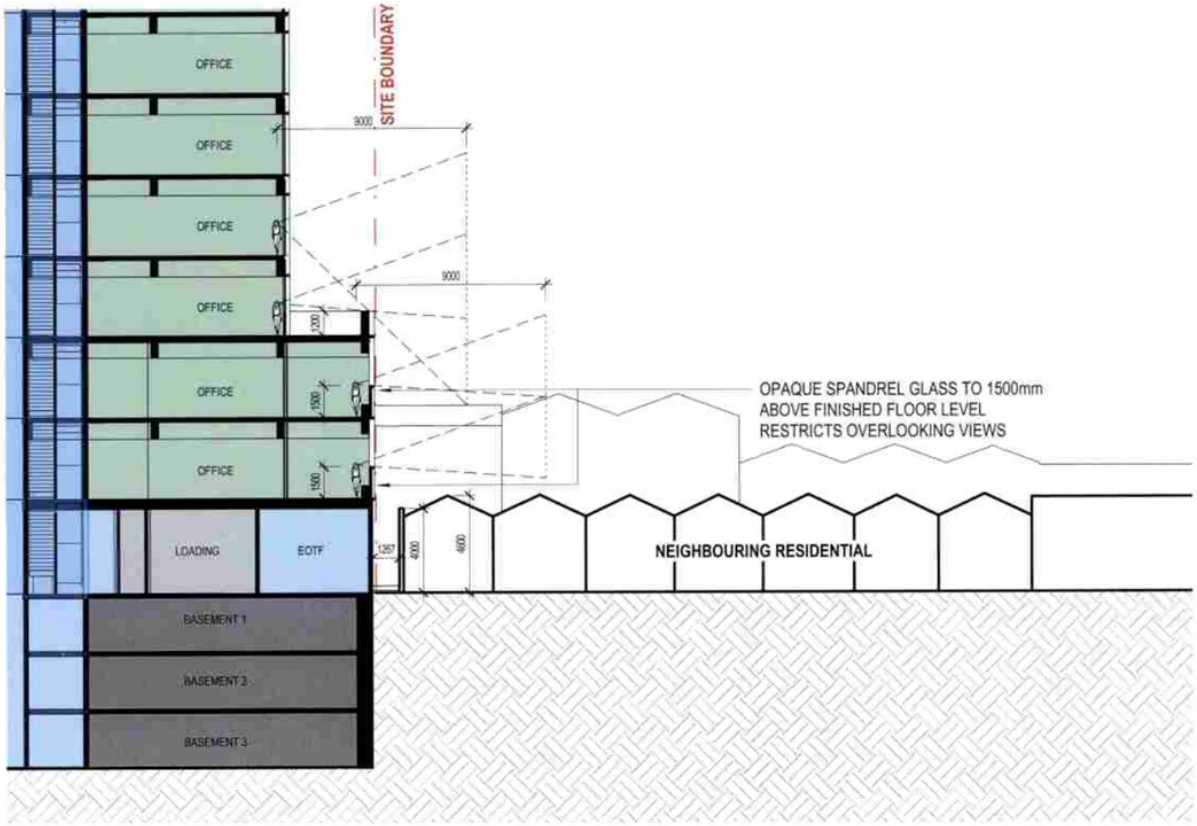
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project 218-228 Hoddle St, Abbotsford
drawing Section BB
project no 170307
issue
drawing no. (TP)A2101 6

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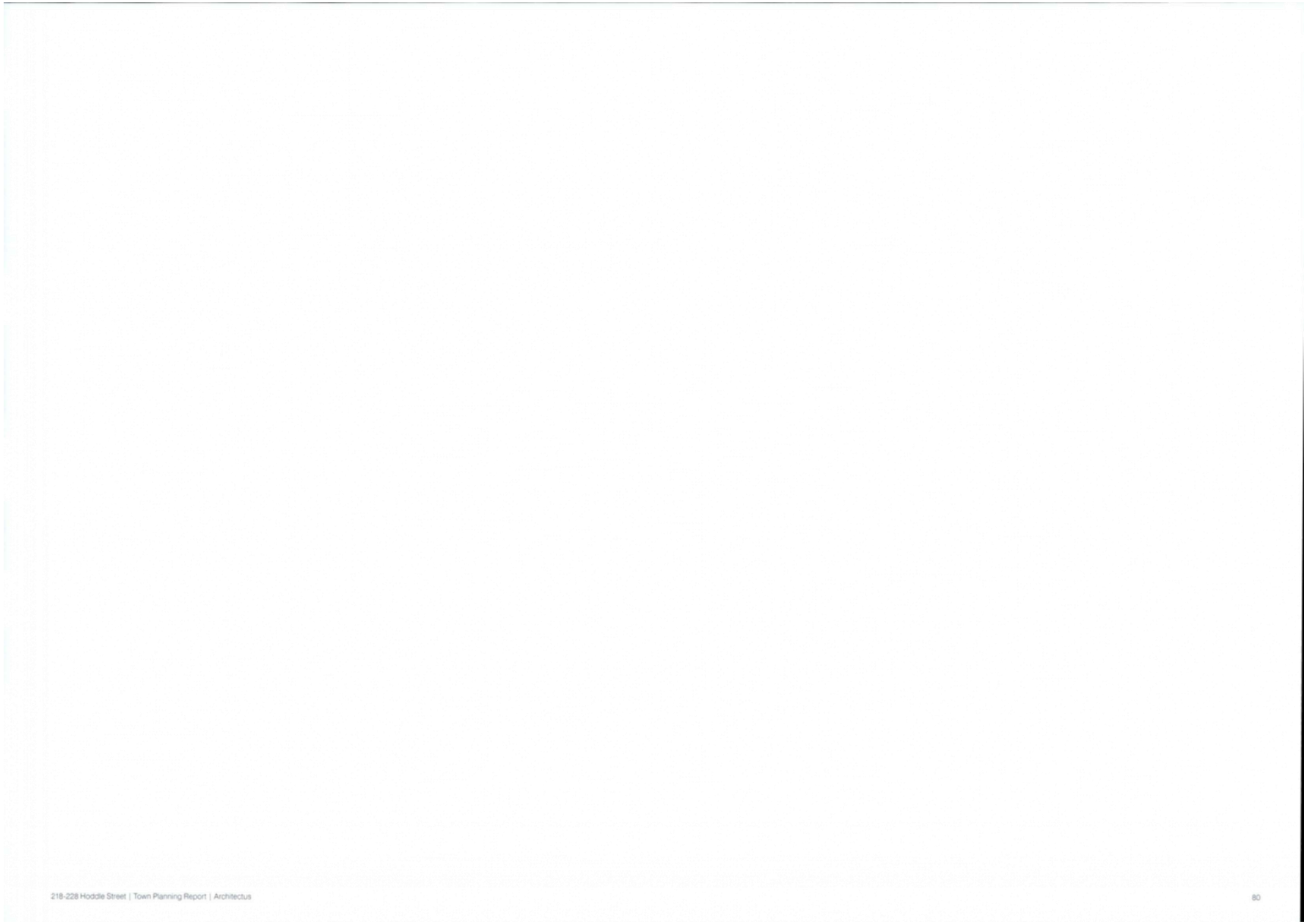
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drawing	Section East Boundary Interface
project no	170307
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issue	1

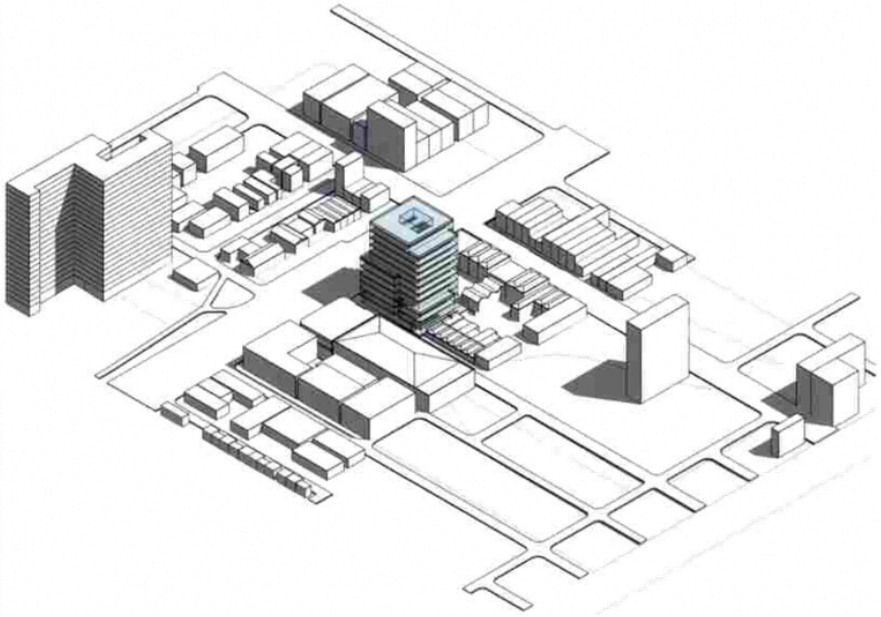
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Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment

4.4 Development Summary



218-228Hoddle St, Abbotsford

DEVELOPMENT SUMMARY

1161 m² Site Area

11.9 :1 Floor Area Ratio

10-04-2018 Rev_10

Basement

LEVEL	PROGRAM	GBAm² **	GFAm² *	CORE / BOH / CIRCULATION ETC.m²	NLAm² ***	TERRACE m²	RETAIL / LOBBY m²	EFFICIENCY (NLA / GFA)	FLOOR TO FLOOR HEIGHT	PARKING m²	CAR SPACES	BIKE SPACES
Basement 3	Carpark	1,149	1,149	101					2.75	1,048	26	
Basement 2	Carpark	1,149	1,149	101					2.75	1,048	24	
Basement 1	Carpark -	1,149	1,149	101					2.75	1,048	20	
	TOTAL	3,447	3,447	303	0	0	0	0%	8.25	3,144	70	0

Podium

LEVEL	PROGRAM	GBAm² **	GFAm² *	CORE / BOH / CIRCULATION m²	NLAm² ***	TERRACE m²	RETAIL / LOBBY m²	EFFICIENCY (NLA / GFA)	FLOOR TO FLOOR HEIGHT	PARKING m²	CAR SPACES	BIKE SPACES
Ground	Retail/Lobby/Carpark/BOH	1,147	1,147	889	227		258	42%	4.5			60
Level 01	Office	1,147	1,089	186	887			81%	3.85			
Level 02	Office	1,089	1,089	186	887			81%	3.85			
Level 03	Office	1,089	976	186	773	107		79%	3.85			
	TOTAL	4,472	4,301	1,447	2,774	107	258	64%	16.05	0	0	60

Tower

LEVEL	PROGRAM	GBAm² **	GFAm² *	CORE / BOH / CIRCULATION m²	NLAm² ***	TERRACE m²	RETAIL / LOBBY m²	EFFICIENCY (NLA / GFA)	FLOOR TO FLOOR HEIGHT	PARKING m²	CAR SPACES	BIKE SPACES
Level 04	Office	976	976	186	773			79%	3.85			
Level 05	Office	976	976	186	773			79%	3.85			
Level 06	Office	976	828	186	636	137		77%	3.85			
Level 07	Office	828	828	186	634			77%	3.85			
Level 08	Office	828	828	186	634			77%	3.85			
Level 09	Office	828	828	186	634			77%	3.85			
Level 10	Office	828	681	142	531	143		78%	4			
Roof	Plant	681	104	104					4			
Lift Overrun		101										
	TOTAL	7,022	6,049	1,362	4,615	280	0	76%	31.10	0	0	0

SUMMARY

	PROGRAM	GBAm² **	GFAm² *	CORE / BOH / CIRCULATION ETC.m²	NLAm² ***	TERRACE m²	RETAIL / LOBBY m²	EFFICIENCY (NLA / GFA)	BUILDING HEIGHT	PARKING m²	CAR SPACES	BIKE SPACES
BASEMENT	Car Park	3,447	3,447	303	0	0	0	0%	0.00	3,144	70	0
PODIUM	Lobbies / BOH / Office	4,472	4,301	1,447	2,774	107	258	64%	16.05	0	0	60
TOWER	Commercial Office	7,022	6,049	1,362	4,615	280	0	76%	31.10	0	0	0
	TOTAL	14,941	13,797	3,112	7,389	387	258	85%	47.15	3,144	70	60

NOTE:

1 All figures have been based on preliminary information and are subject to verification.

2 GBA ** = Gross Building Area including voids and basement car parking

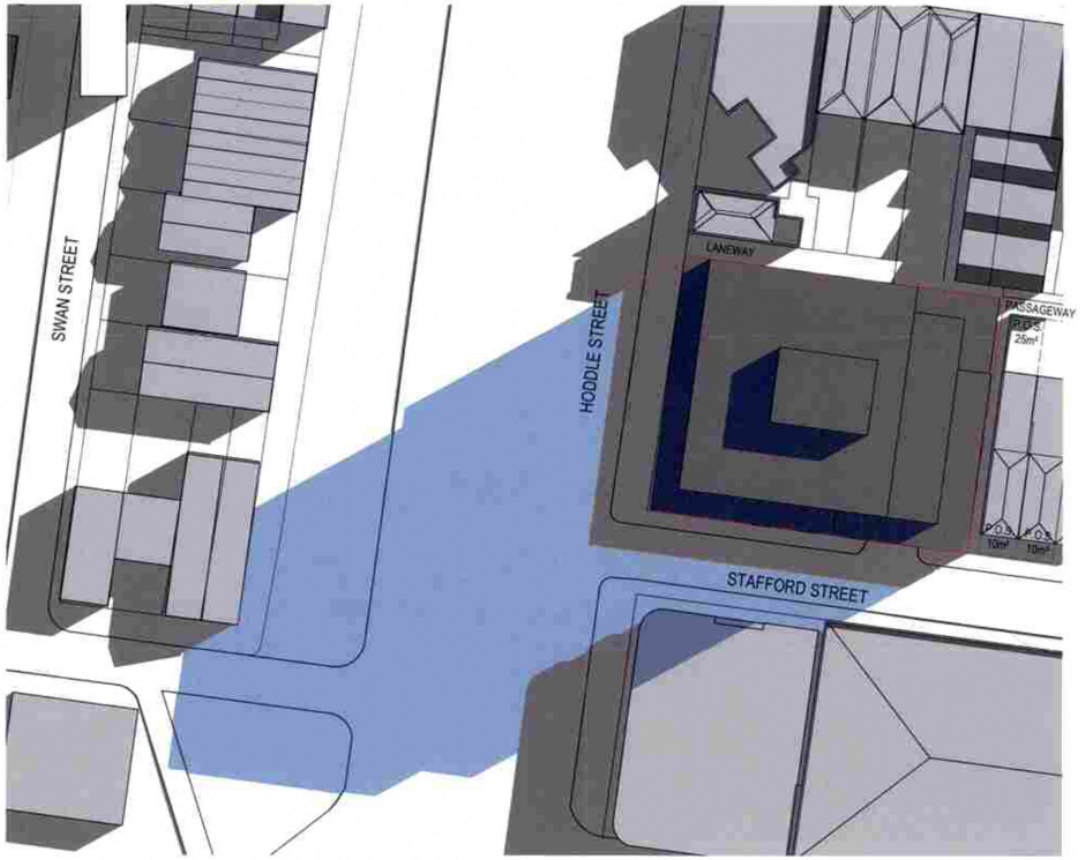
3 GFA * is calculated in accordance with the Property Council of Australia guidelines

4 GFA * excluded void area and basement car parking

5 NLA *** is calculated in accordance with the Property Council of Australia guidelines as defined in PCA Method of Measurement for Lettable Area - Commercial

6 Information provided in this feasibility study has been based on Existing Conditions Plan provided by Hellier McFarland on 07/09/2017

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



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New Shadows

Existing Shadows

Outline of Shadow from Existing Building on Site

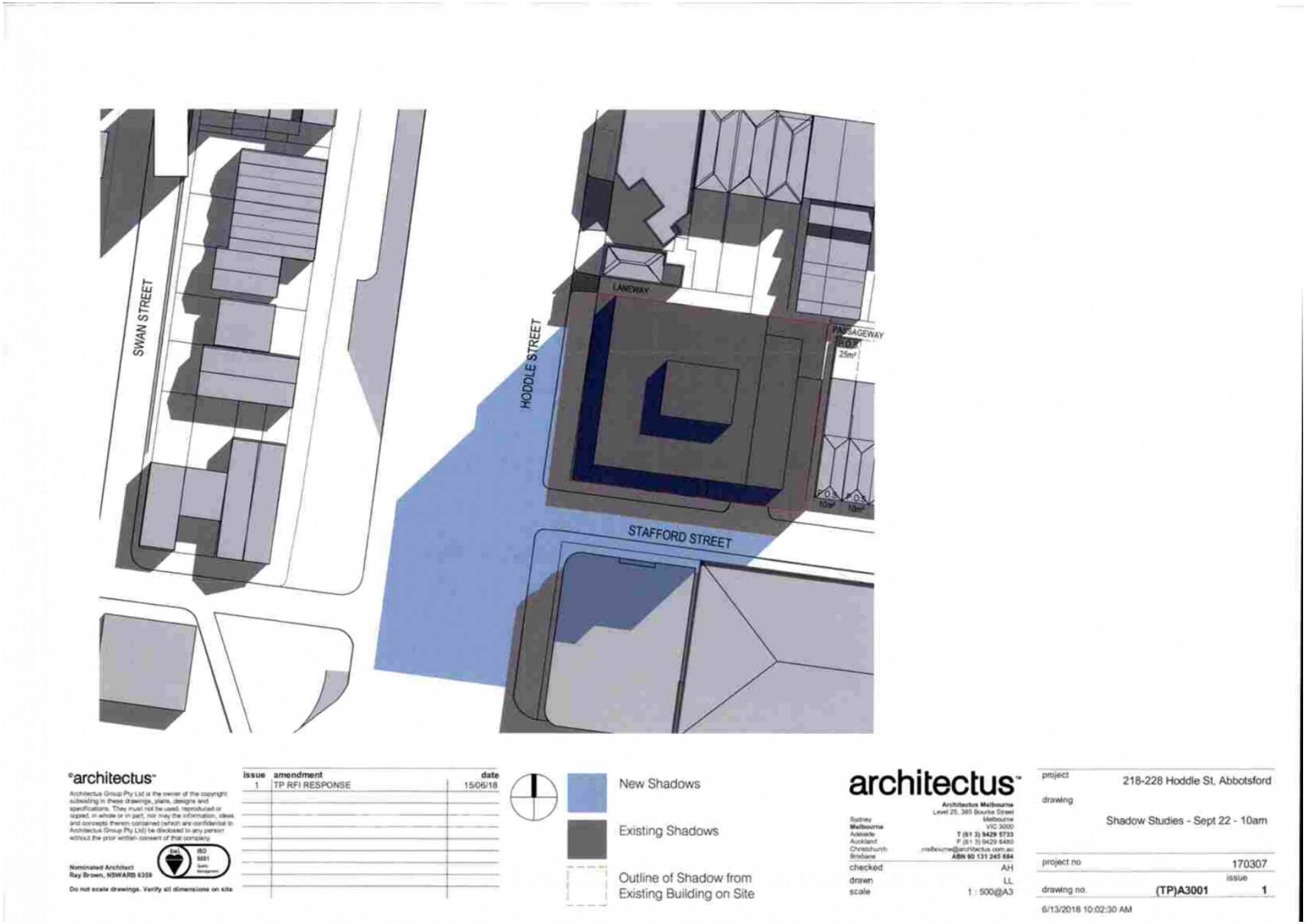
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drawing	Shadow Studies - Sept 22 - 9am
project no	170307
drawing no	(TP)A3000
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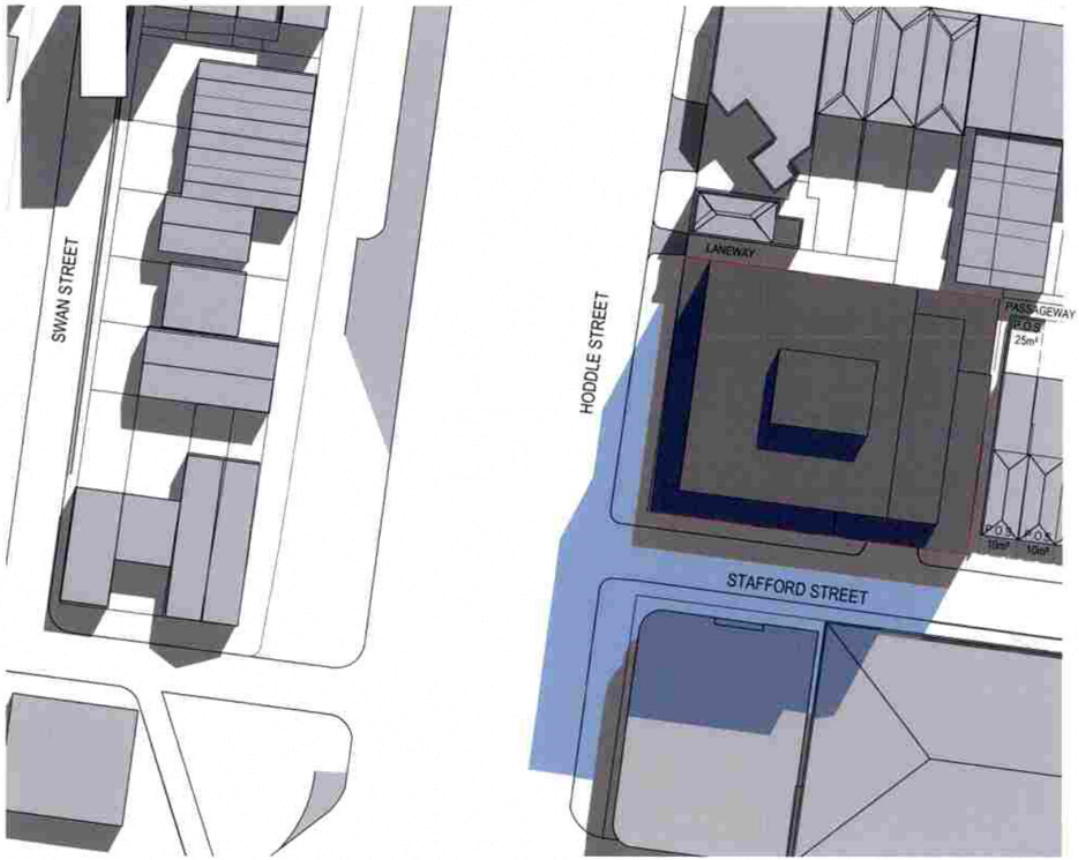
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drawing Shadow Studies - Sept 22 - 10am
project no 170307
drawing no. (TP)A3001
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1	TP RFI RESPONSE	15/06/18

New Shadows

Existing Shadows

Outline of Shadow from Existing Building on Site

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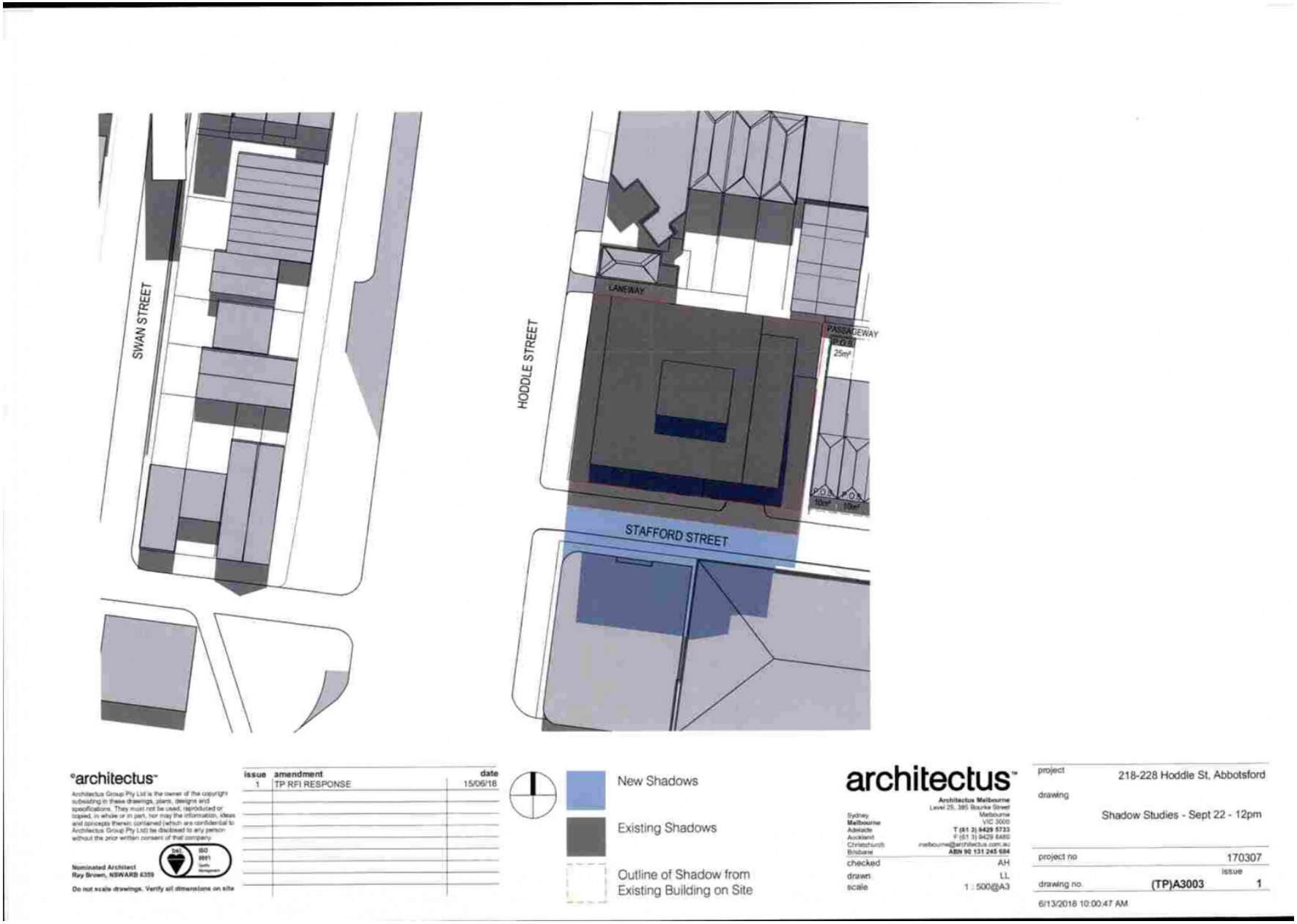
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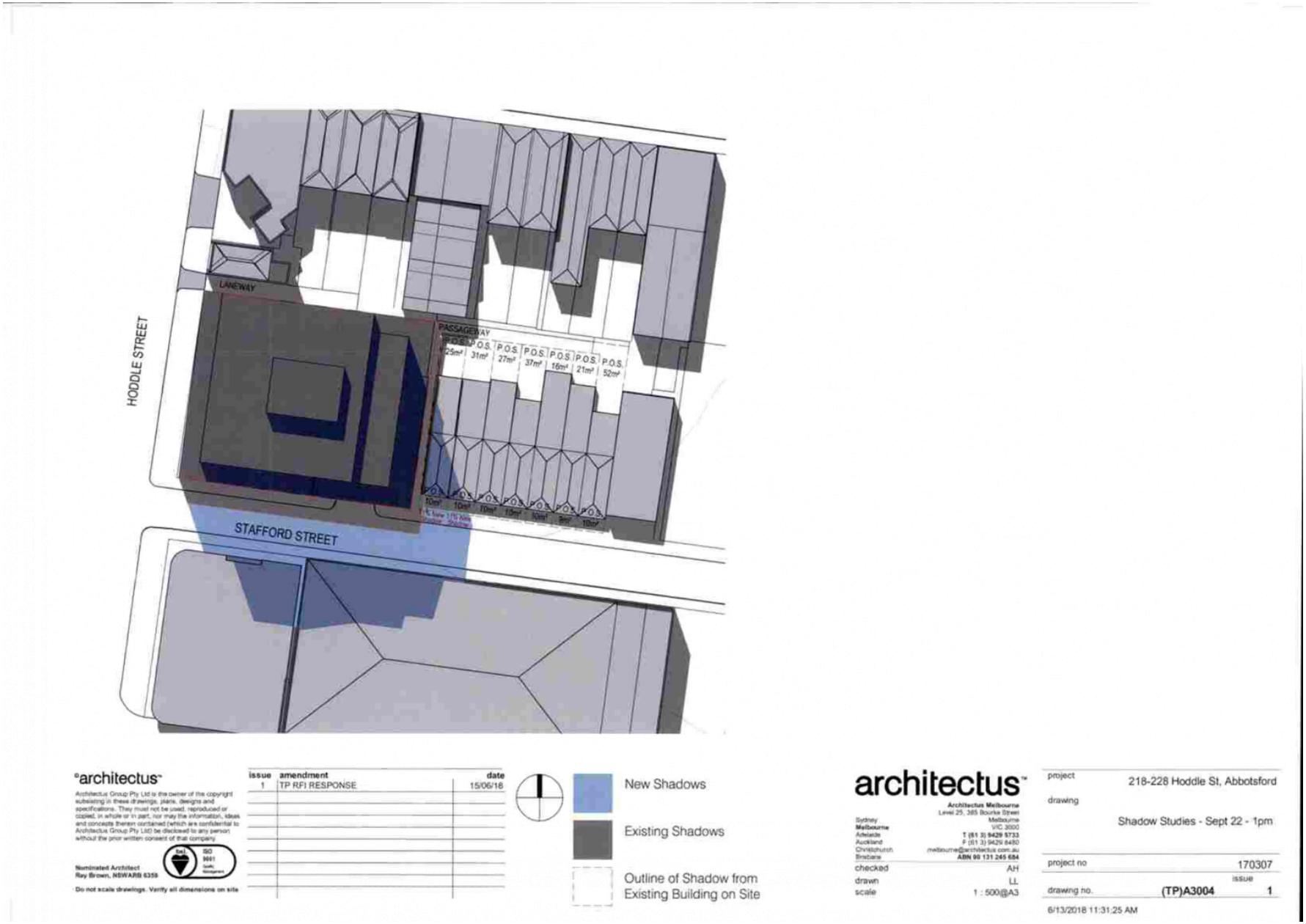
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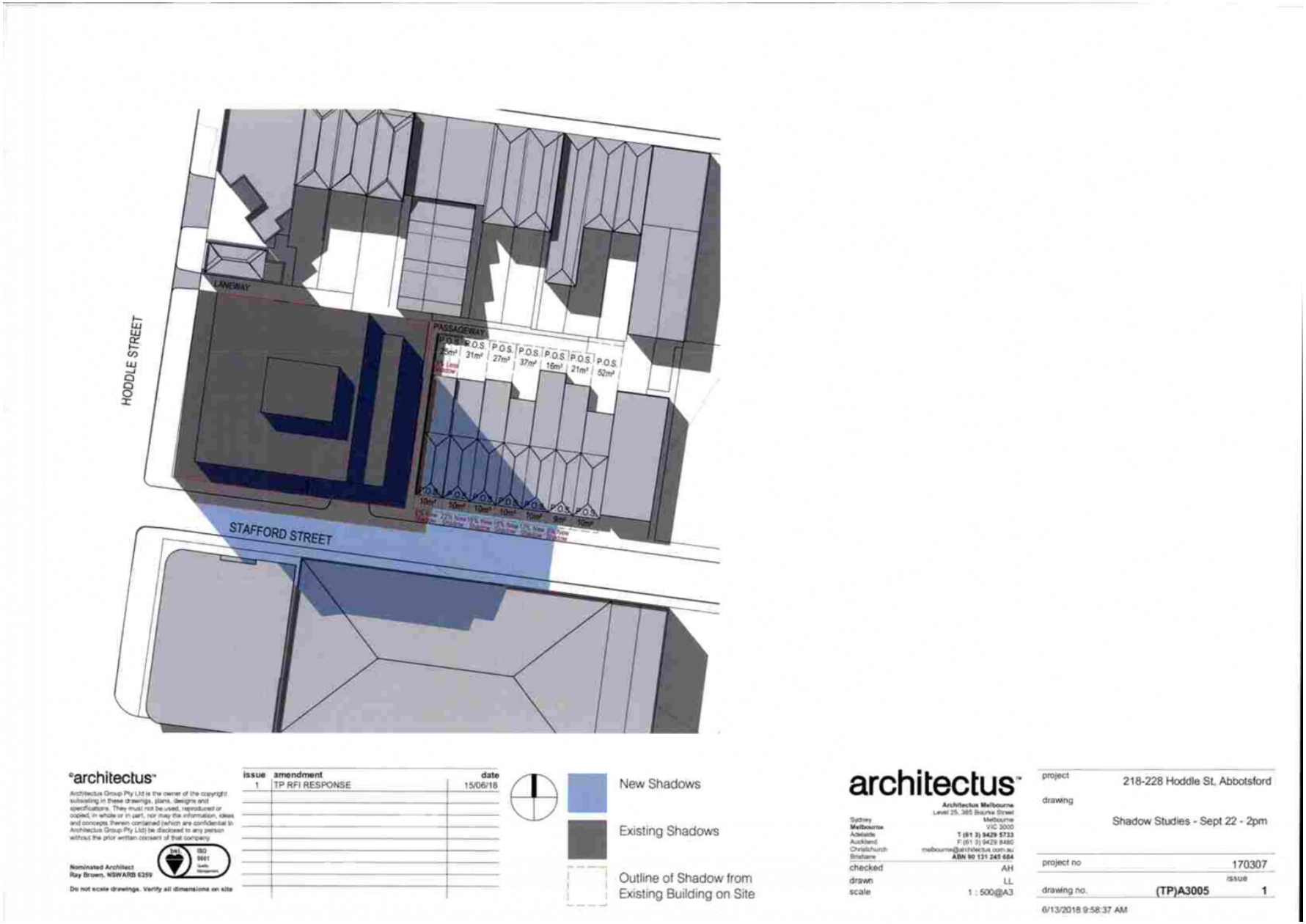
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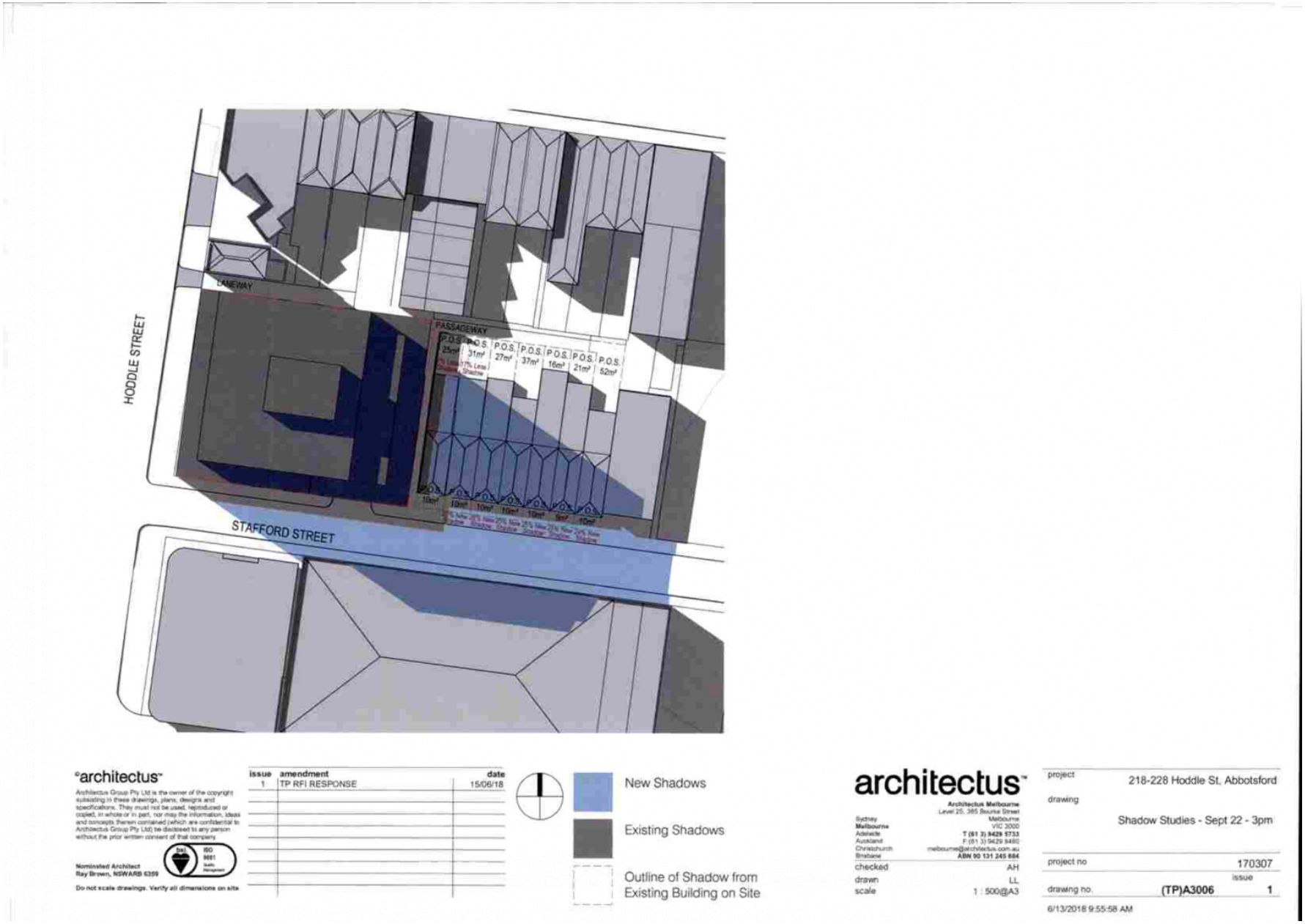
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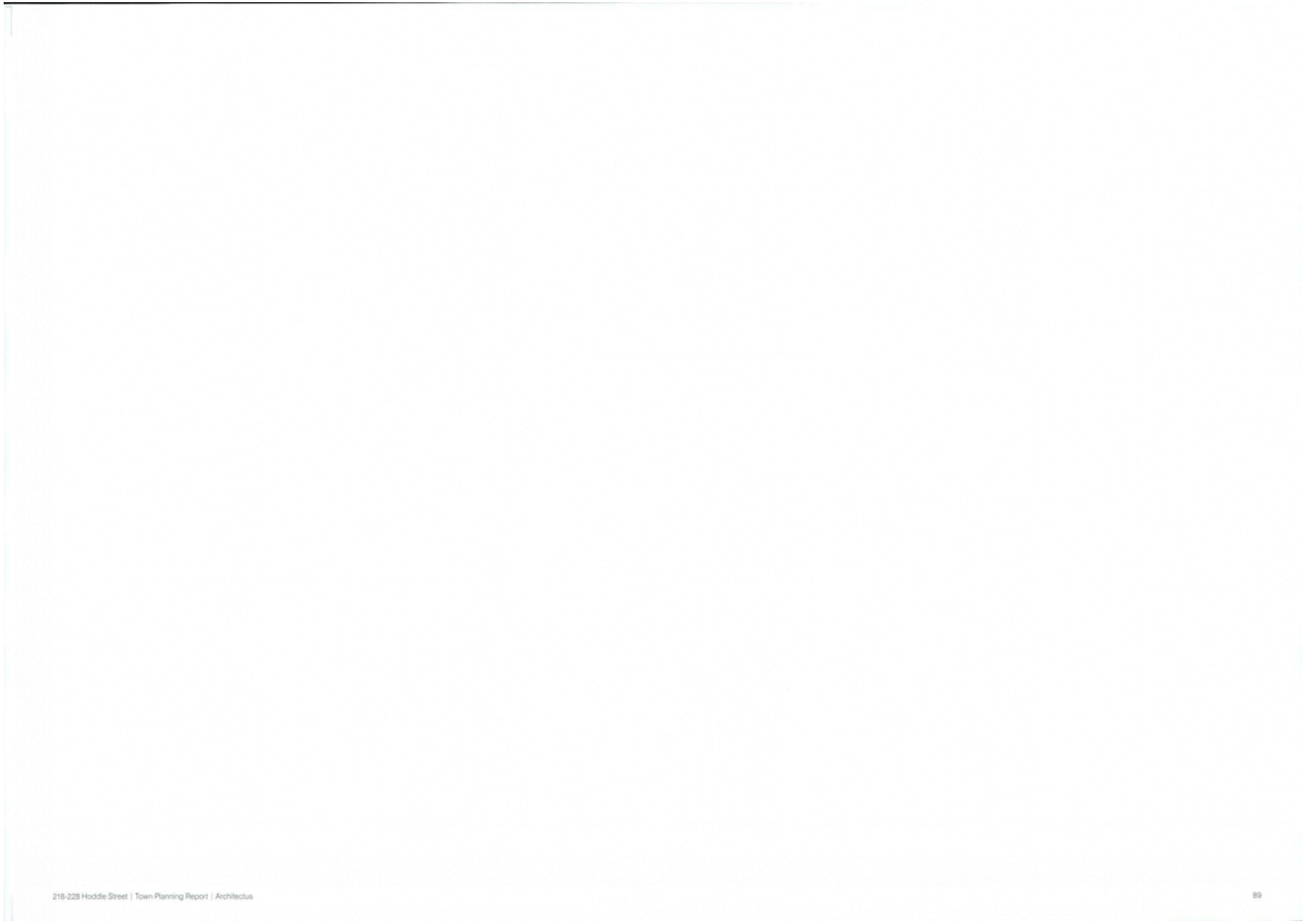
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Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



1. View South-East from Johnston Street

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment

4.6 Design Renders



Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



2. View North-West from Stafford Street

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



3. View North-West from Stafford Street showing proposed context massing

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment

= 7 storeys proposed maximum height,
4 storey street wall



Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



3. View North-West from Stafford Street with morning sun

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



= 7 storeys proposed maximum height

= 7 storeys proposed maximum height

= 7 storeys proposed maximum height, 6 storey street wall



4. View South along Hoddle Street

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



= 7 storeys proposed maximum height

= 7 storeys proposed maximum height

= 7 storeys proposed maximum height, 6 storey street wall



5. View North along Hoddle Street

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



= 7 storeys proposed maximum height

= 7 storeys proposed maximum height

= 7 storeys proposed maximum height, 6 storey street wall



6. View North-East from corner of Perry and Hoddle Streets

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



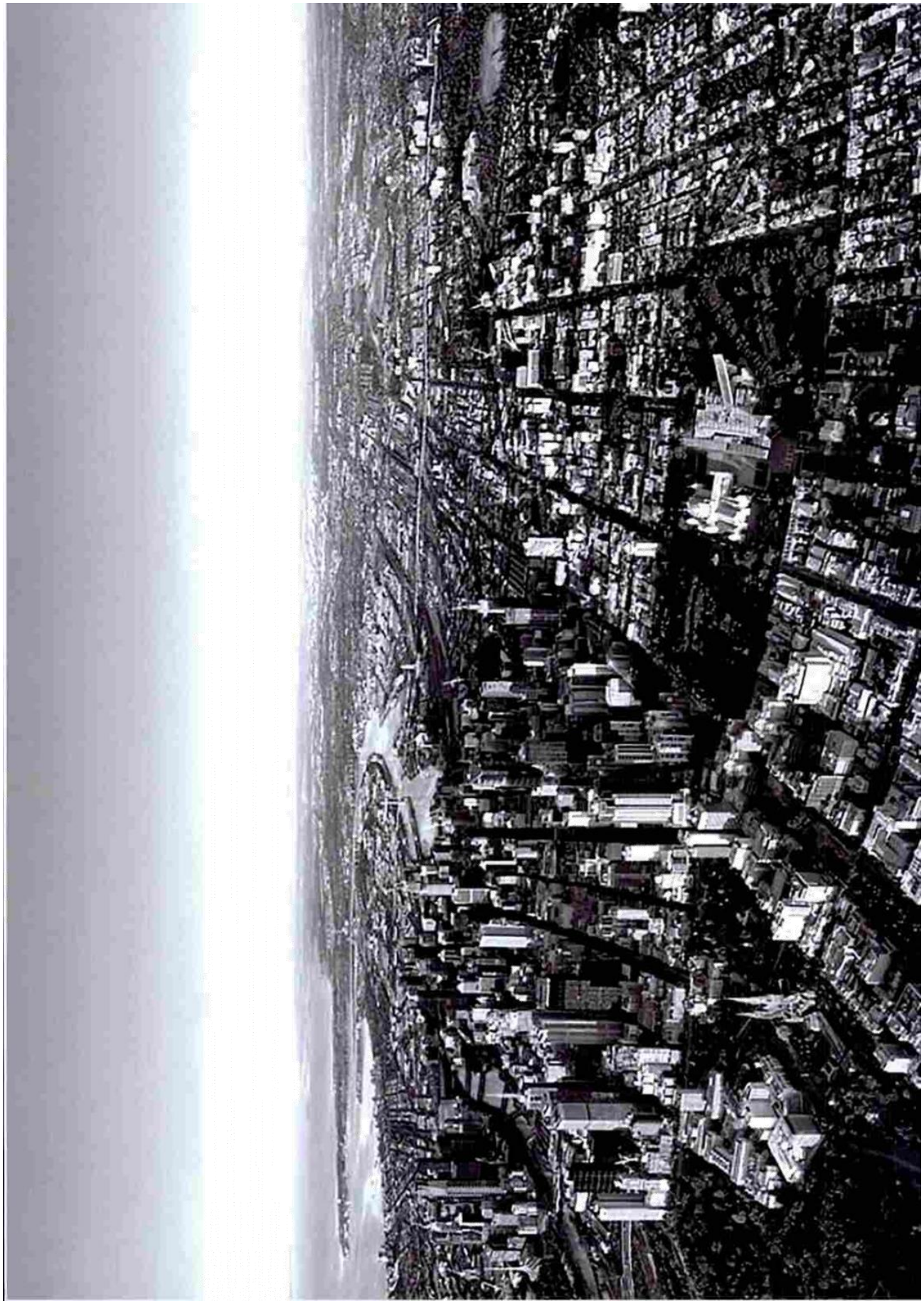
= 7 storeys proposed maximum height

= 7 storeys proposed maximum height, 6 storey street wall



7. View East on Hoddle Street

Attachment 2 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - decision plans - idac attachment



Attachment 3 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - public realm sketch plan



Landscape Vision

The landscape vision is to create a green outlook that references the local character and context of Abbotsford.

The landscape includes public realm at ground floor and a hierarchy of green terraces to upper levels.

The design will aim to provide 'green moments' throughout the building in the form of leafy terraces. An array of seating opportunities aims to provide gathering, meeting, and work spaces as an extension to the internal function of the building. The ground floor presents an opportunity to unlock the public realm and blur the public/private boundary.

DRAFT

SCALE 1:100 (A1)

0 1 2 5

Landscape Vision
218 Hoddle Street, Abbotsford

PROJECT_DRG NO 0318-0863 REV 00 DRWN DD CHKD AI APPROV MV DATE 31.10.2018 Tract

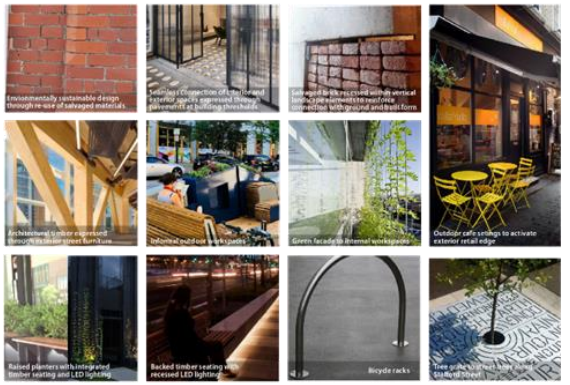
Attachment 3 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - public realm sketch plan



Ground Floor & Public Realm

The landscape proposes a design response that grounds the proposed built form within its rich context. Through materiality and a key focus on environmentally sustainable design, the landscape design seeks to connect past use and character with the present and future, and blur the divide between interior and exterior spaces and functions of the the new built form.

Landscape Context and Precedents



Indicative Plant Palette



Indicative Materials Palette



SCALE 1:100 (A1)

0 1 2 5

Ground Level

218 Hoddle Street, Abbotsford

PROJECT_DRG NO 0318-0863 REV 00 DRWN DD CHKD AI APPROV MV DATE 31.10.2018

Tract

Attachment 4 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - referral comments - idac attachment

External Referrals

- **Head, Transport for Victoria;**
- **VicRoads;**

Internal departments

- **Urban Design;**
- **Engineering Services Unit;**
- **Strategic Transport;**
- **Streetscapes and Natural Values;**
- **Waste Services;**
- **ESD Advisor;**

External consultants

- **Urban Design (MGS Architects); and**
- **Wind (MEL Consultants).**

External Referrals

Head, Transport for Victoria

The Head, Transport for Victoria pursuant to Section 56(1) of the Planning an Environment Act 1987 does not object to the grant of a planning permit subject to the following conditions:

1. *The permit holder must take all responsible steps to ensure that disruption to bus operation along Hoddle Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigations must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au*

2. *The existing bus stop and associated infrastructure on Hoddle Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.*

VicRoads

VicRoads do not object to the development in its current form provided Stafford Street, Abbotsford retains its current one way east bound status. This will ensure conflict at the intersection of Hoddle Street is minimised having regards to matter including the operation of the bus lane, south bound merger lane in addition to those northbound motorists required to safely cross multiple lanes on Hoddle Street to reach the next intersection to undertake a 'U' turn.

Council may wish to consider improving signage facing southbound motorists along Hoddle Street to create greater separation between the one way sign and the signs above, including further mitigation works to reinforce the one way operation of Stafford Street.

Council is to include the following condition in its determination/assessement:

1. *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the*

approved development that project more than 300mm beyond the land's Hoddle Street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Hoddle Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

Note: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Hoddle Street). Please contact VicRoads prior to commencing any works

Internal departments

Urban Design

Urban Design comments have been sought on the above application, in particular on the proposed public realm impacts and any public works proposed in the area.

Comments are provided below and are based on the drawings dated 13th June 2018.

Street interface and public realm

The Built Form and Design policy at Clause 22.10-2 seeks to "design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces".

Ground Floor Interface

The plans and elevations demonstrate that the ground floor provides clear glazing along all of the Hoddle Street frontage. The Stafford Street frontage provides glazing for more than half of the frontage and metal cladding for the other half. The use of glazing for ground floor is highly supported, however, the proposal presents too much gazing along Hoddle Street frontage which precludes from providing sufficient visual interest in the ground floor interface. Hence, it is recommended to have a ground floor frontage that provides an engaging facade with right balance of glazing and non-glazing materials. The pattern created by internal timber contributes in breaking the façade. The design will benefit by continuing some of the timber reveal to the lower level to create a finer grain architecture.

The ground floor is setback by a metre from the property boundary. This setback is supported, particularly along Stafford Street as the existing footpath is very narrow and the setback will provide more space for pedestrian movement. The setback along Hoddle Street provides integrated seating in the building frontage, which is supported. The height of the seat appears to be approximately 0.4m which is acceptable. Provision of seat in front of boosters is not acceptable and needs to be removed.

Awning

The ground floor plan shows that an awning is proposed along Hoddle Street frontage. Given that the footpath along Hoddle Street is 4.5m wide it is recommended that the awning is at least 3m wide (from the property boundary) so it provides enough depth to protect from rain and sun. As part of the building regulations awnings should be set back not less than 750mm from the kerb, hence the awning along Stafford Street is recommended to be 1.25m wide (from the property boundary). The breaks in proposed awning are not supported and it

is recommended that a continuous awning is provided along both street frontages. The clearance between awning and footpath appears to be 3m which is an acceptable distance.

Vehicle and Pedestrian Access

The proposal presents pedestrian entrance from Hoddle Street and Stafford Street and vehicle access (including delivery) is from Stafford Street. The proposal has replaced two cross-overs with one cross-over which is supported. The design will benefit by providing perforated metal for car parking entry so there is some level of transparency. Further, it is recommended to have some pattern or decorative work on the perforated mesh and metal cladding that integrates with the design of overall façade.

Street Tree

The development proposes to remove an existing tree on Stafford Street footpath. The existing tree needs to be shown on the Site Plan and the Existing Conditions Plan. Further, it is understood that the development is proposing to make the section of Stafford Street between Hoddle Street and proposed vehicle entrance for two-way traffic. This will also impact the existing street tree on the corner of Hoddle Street and Stafford Street.

It is required that the development replaces the two existing trees with two new trees along Stafford Street as part of their application. Plans showing location and design of street tree planting must be provided for further assessment.

Any capital works

There are no planned capital works led by the Urban Design team which are in proximity to the site.

There are planned capital works for Streamlining Hoddle Street project led by VicRoads and it is recommended that the applicant coordinates with VicRoads regarding public realm upgrades along Hoddle Street.

Engineering Services Unit

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	9,326 m^2	3 spaces per 100 m^2 of net floor area	279	69
Food and Drink	52 m^2	3.5 spaces per 100 m^2 of leasable floor area	1	1
		Total	280 Spaces	70 Spaces

[These figures have since been updated. Additionally, there were differences between the floor area calculations which impacted the car parking requirement total– refer to the

planning officer's assessment under Clause 52.06 of the *Particular Provisions* section of this report]

The site would have a parking shortfall of 210 office parking 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 the 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 development would be providing office car parking at a rate of use would be 0.74 spaces per 100 square metres of floor area. Throughout the municipality, a number of developments have been approved with reduced office rates, as shown in the following table:

Development Site	*Approved Office Parking Rate*
Collingwood	
2-16 Northumberland Street PLN16/1150 issued 14 June 2017	*0.89 spaces per 100 m^2 (135 on-site spaces; 15,300 m^2)*
71-93 Gipps Street PLN16/1150 issued 30 August 2017	*0.96 spaces per 100 m^2 (86 on-site spaces; 8,923 m^2)*
Cremorne	
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	*0.85 spaces per 100 m^2 (233 on-site spaces; 27,306 m^2)*

  Although the proposed parking rate is slightly lower than the rates quoted in the table above, the proposed on-site office parking rate of 0.74 spaces is considered appropriate, having regard to the site's very good accessibility to public transport services and its proximity to Melbourne. The scarcity of available unrestricted on-street parking in the area would be a disincentive for employees to drive to the site by private motor vehicle (if not allocated any on-site parking).

- *Availability of Public Transport in the Locality of the Land. The site is within walking distance of bus services operating along Hoddle Street and Johnston Street. Rail services can be obtained from Victoria Park railway station. Tram services on Victoria Parade could also be accessed on foot.*

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:

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- *Availability of Car Parking. Traffix Group had undertaken an on-street parking occupancy survey of the surrounding area on Thursday 14 September 2017 between 10:00am and 3:00pm. The survey area encompassed the east side of Hoddle Street (Johnston Street to Studley Street) and Stafford Street (Hoddle Street to Park Street).The times and extent of the survey are considered appropriate. An inventory of 23 publicly available parking spaces was identified in the study area. The results of the survey indicate that the on-street parking was fully occupied at 12:00pm and 1:00pm. Of the 23 spaces surveyed, a maximum of five vacant spaces was recorded at 2:00pm. The limited opportunity to park on-street would encourage customers, clients and employees to travel by alternative forms of transport.*

- *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 land is occupied by a vehicle showroom with a floor area of 1,161 m^2. Under the provisions of Clause 52.06-5, no car parking rate is provided for a vehicle showroom. As a guide, the RTA Guide to Traffic Generating Developments Version 2.2 - October 2002 was referenced to calculate the car parking requirement for the previous use. Accordingly, a motor showroom has a customer/visitor car parking rate of 0.75 spaces per 100 m^2. The previous use would have had a car parking credit of eight car spaces which would have been accommodated on the street.*

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of 210 car spaces is considered appropriate in the context of the development and the surrounding area. The lack of all-day parking in the Abbotsford area as well as the high parking demand during business hours would encourage staff and visitors to commute to and from the site by using alternative forms of transport.

The Civil Engineering unit has no objection to the reduction in the car parking requirement for this site.

TRAFFIC GENERATION

Trip Generation

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

Proposed Use	*Traffic Generation*	*Daily Traffic*	*Peak Hour*
Office (70 spaces)	*0.5 trips per space in each AM and PM peak hour* *4 trips per car space per day*	*280*	*35*

For this analysis, Traffix Group has combined all of the car spaces.

The post development traffic volume turning left into Stafford Street would be expected to be between 48-56 vehicles during peak hour. The post development traffic volume of Stafford

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Street would be well within the operating capacity of the street (which would be equivalent to an Access Street – Level 1, as defined in Clause 56.06 Access and Mobility Management of the Yarra Planning Scheme). An Access Street – Level would have a target volume of 1,000 to 2,000 vehicles per day.

The approved development at 247 Johnston Street would also utilise Stafford Street to provide access to their site. It is understood that 247 Johnston Street would generate daily traffic volume of around 578 vehicles per day. Providing the two-way section as suggested by Traffix Group has merit in that the majority of traffic from the subject site would exit back onto Hoddle Street and not infiltrate the local street network.

Before Council can approve the proposed two-way section, the applicant should explain how this section would operate and what countermeasure is proposed to prevent traffic east of the site from travelling towards Hoddle Street.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Entrance Width	*Not dimensioned on the drawings.*
Visibility	*Sight triangles have not been provided at the development's entrance. The applicant has proposed a convex mirror on the west side of the entrance to improve visibility for motorists exiting the site.*
Headroom Clearance at Doorway	*Not dimensioned on the drawings.*
Internal Ramped Accessways	*The wall-to-wall width of the ramped accessways of 6.1 metres satisfies AS/NZS 2890.1:2004.*
Car Parking Modules	
At-grade Parking Spaces	*The dimensions of the car parking spaces (2.6 metres by 4.9 metres) satisfy Design standard 1: Car parking spaces of Clause 52.06-9.*
Accessible Parking Space	*The depth of the accessible parking space and shared area does not satisfy AS/NZS 2890.6:2009.*
Headroom Clearance – Accessible Parking Space	*A minimum headroom clearance of 2.5 metres must be provided for the accessible parking space and the adjacent shared area. A minimum headroom clearance of 2.5 metres must be provided for the accessible parking space and the adjacent shared area.*
Aisles	*The 6.4 metre wide aisles satisfy Table 2: Minimum dimensions of car parking spaces and accessways of Clause 52.06-9.*
Column Depths and Setbacks	*The column depths and setbacks satisfy AS/NZS 2890.1:2004.*

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Clearances to Walls	*A minimum clearance of 478 mm has been provided for spaces adjacent to walls which satisfies AS/NZS 2890.1:2004*
Vehicle Turning Movements – Car Spaces	*The swept path diagrams for the B85 design entering and exiting the car spaces in the basement car parks are considered satisfactory.*
Gradients	
Ramp Grade for First 5.0 metres inside Property	*The flat section at the entrance satisfies Design standard 3: Gradients.*
Ramp Grades and Changes of Grade	*The length of each ramp section is not dimensioned.*
Other	
Ground Floor Entrance – Small Rigid Vehicle	*According to the applicant, trucks to be used for the development would be a 6.4 metre long Small Rigid Vehicle. The swept path diagram for truck entry and exit movements into and out of the loading dock via Stafford Street is considered satisfactory.*

Design Items to be Addressed

Item	*Details*
Entrance Doorway Width	*The doorway width is to be dimensioned on the drawings.*
Headroom Clearance at Doorway	*To be dimensioned on the drawings.*
Depth of the Accessible Parking Space	*The depth of the accessible parking space and shared must be a minimum of 5.4 metres.*
Headroom Clearance - Accessible Parking Space	*The applicant must indicate on the drawings the headroom clearance above the accessible parking space and the shared area.*
Ramp Grade Sections	*To be dimensioned on the drawings. Cross sections of the internal ramps should be provided to show the minimum headroom clearance.*
Car Park Entrance - Vehicle Turning Movements via Stafford Street	*A swept path diagram for a B99 design vehicle and an on-coming B99 design vehicle at the car park entrance must be submitted.*
Vehicle Turning Movements – Basement Level 1 and 2	*A swept path diagram for a B99 design vehicle and an on-coming B85 design vehicle entering and exiting at the access ramps within the Basement Level 1 and 2 car parks must be submitted.*
Service Cabinet	*The water meter cabinet adjacent to the entrance doorway must swing 180-degrees and be latched to the building when opened.*

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Two-Way Traffic	*The applicant should explain how this section would operate and what countermeasure is proposed to prevent traffic east of the site from travelling towards Hoddle Street.*

INFRASTRUCTURE AND CONSTRUCTION ITEMS

Item	*Details*
General Items	
East-West Aligned Right of Way	*The east-west Right of Way, including the grated pit located inside the Right of Way, must be reconstructed to Council's satisfaction and at the Permit Holder's cost.* *The grated pit must be converted to a bike safe grate.*
North-South Aligned Right of Way (1.0 metre wide)	*Upon the completion of all building works, the applicant must make good of the Right of Way.*
Footpath - Hoddle Street Road Frontage	*All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement.*

GENERAL ENGINEERING CONDITIONS

Civil Works

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

- *The kerb and channel along the property's Stafford Street road frontage must be reconstructed with bluestone to Council's satisfaction and at the Permit Holder's cost.*
- *The footpath along the property's Stafford Street road frontage must be stripped and re-sheeted 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 new vehicle crossing on the north side of Stafford Street must be constructed in accordance with Council's Standard Drawings, Council's Infrastructure Road Materials Policy and engineering requirements. The vehicle crossing must satisfy the ground clearance requirements for the B99 design vehicle.*
- *All redundant vehicle crossings are to be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.*

Road Asset Protection

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

Construction Management Plan

- *A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed*

dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

Impact of Assets on Proposed Development

- *Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.*
- *Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.*

ADDITIONAL ENGINEERING 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.

Discharge of Water from Development

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

Updated Comments received on 12 November 2018 regarding the two-way traffic:

The proposed two-way traffic treatment will only benefit staff and visitors at the site as traffic from the site will be able to exit on to Hoddle Street from Stafford Street. It does not benefit the public.

Some traffic originating from properties east of the site could potentially travel illegally in a west direction to exit on to Hoddle Street – this is a concern for Council.

Part-time restrictions operate on the south side of Stafford Street, which narrows the carriageway width.

Retaining a one-way operation in Stafford Street will result with an increase of 35 vehicle in the PM peak hour. This increase should not have a material impact on the traffic operation of Stafford Street, east of the site.

It should be noted that in the Traffix report they have indicated that either traffic arrangement is acceptable for the development.

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Updated Comments received on 28 November 2018 regarding draft conditions associated with the swept path diagrams and accessible parking spaces:

DRAFT CONDITIONS

Item	Details
Condition 1(s) *the depth of the accessible parking space and shared must be a minimum of 5.4 metres;*	The depths of the accessible parking spaces and shared area are 4.9 metres, which satisfies *Design standard 2: Car parking spaces* of Clause 52.06-9. The Planning Scheme permits an additional 500 mm for the accessible parking spaces to encroach into the aisle. The accessible spaces provided on the drawings satisfy *Design standard 2*. This condition could be deleted.
Condition 1(t) *swept path diagrams for vehicle turning movements via Stafford Street for a B99 design vehicle and an on-coming B99 design vehicle at the car park entrance;*	The swept path diagrams provided by Traffix Group satisfactorily demonstrate vehicle turning movements for a B85 design vehicle and an oncoming B99 design vehicle at the development entrance via Stafford Street. This item has been addressed and the condition could be deleted.
Condition 1(u) *swept path diagrams for a B99 design vehicle and an on-coming B85 design vehicle entering and exiting at the access ramps within the Basement Level 1 and 2 car parks;*	The swept path diagrams provided by Traffix Group satisfactorily demonstrate vehicle passing movements for a B85 design vehicle and an oncoming B99 design vehicle negotiating the access ramps. This item has been addressed and the condition could be deleted.

Strategic Transport

Access and Safety

No access or safety issues have been identified.

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:

(Please note the traffic report cites significantly more office floor area than referenced below. It is assumed the development has been reduced in scale since this report was written, and the figures below reflect floor plans areas noted on the planning drawings).

Proposed Use	*Quantity/ Size*	*Statutory Parking Rate*	*No. of Spaces Required*	*No. of Spaces Allocated*

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Office (other than specified in the table)	*5346 sqm*	*1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm*	*18 employee spaces*	
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	*5 visitor spaces.*	
Retail premises (other than specified in this table)	*52 sqm*	*1 employee space to each 300 sqm of leasable floor area*	*0 employee spaces*	
		1visitor space to each 500 sqm of leasable floor area	*0 visitor spaces.*	
Bicycle Parking Spaces Total			*18 employee spaces*	*46 employee spaces*
			5 visitor spaces	*8 visitor spaces*
Showers / Change rooms		*1 to the first 5 employee spaces and 1 to each additional 10 employee spaces*	*2 showers / change rooms*	*12 showers / change rooms*

The development provides a total of 28 additional employee spaces and 3 additional visitor spaces above the requirements of the planning scheme.

Adequacy of visitor spaces

8 spaces are suitable for visitor bicycle parking use. These are all provided on the Hoddle Street footpath. The design and location of the visitor spaces is acceptable given:

- *All spaces are provided as horizontal bicycle rails suitable for visitor use, in an easily accessible location;*
- *All spaces are located on the Hoddle Street footpath. Whilst it is usually preferred that at least the majority of visitor bicycle spaces are provided within the subject site title boundaries, it is noted the Hoddle Street footpath at this location is very wide and already includes a number of obstructions which limit the effective path width. This provides opportunity to provide the bike parking hoops in the shadow of existing obstacles retaining the same effective walking path.*
-
    - *All hoops on the footpath should be aligned with the existing bus shelter and bus signage to retain the same trafficable path width.*

However whilst the design and location of visitor hoops is acceptable, an additional hoop should be provided given, best-practice recommends a rate of 1 visitor spaces to each 500sqm of office floor area[1], generating a requirement of 10 visitor spaces for the office.

Adequacy of employee spaces

Number of spaces

Whilst the proposal includes a surplus of 28 employee spaces above the requirements of the planning scheme, it is noted:

- *A reduction of 258 car parking spaces is sought (78% 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*

[1] *Category 6 of the Built Environment Sustainability Scorecard (BESS) offers this advice.*

- *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 space to each 100sqm of office floor space[2] and the statutory rates for other uses. This generates a recommended minimum rate of 54 employee spaces. Therefore a minimum of 54 employee spaces should be provided.*
- *The number of change rooms/showers is adequate.*

Design and location of employee spaces and facilities
The following aspects of the employee bicycle storage appears satisfactory:

- *All employee bicycle storage is easily accessible, and provided at ground-floor with easy access to end-of-trip facilities and building lifts.*
- *All employee bicycle storage is provided within what appears to be a secure compound.*
- *Access ways and aisle widths appear to comply with AS2890.3.*

*However, employee **(sic)** spaces remain inadequately designed for the following reasons:*

- *All but 4 (11.5%) employee bicycle storage spaces appear to be provided as vertical hanging spaces. Pursuant to AS2890.3 at least 20% of bicycle storage spaces in any facility should be provided as horizontal at ground-level spaces.*

Further to the above concerns bicycle storage space dimensions are not noted. Notations should be added indicating the typical spacing between bicycle storage devices and these should comply with AS2890.3.

Electric vehicles / share cars / other relevant topics?
Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Additionally, the applicants EDS report indicates at least 15% of vehicle parking spaces will be dedicated for fuel efficient vehicles, however how this will be achieved is not indicated. Given this, it is recommended a number of EV charging points be provided as part of the development. EV charging locations should be noted on the plans.

Green Travel Plan
It is noted most required information regarding travel options is provided within the Traffic Impact Assessment, however no Green Travel Plan (GTP) has been provided. Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a GTP must be provided. The following information should be included:

(a) a description of the location in the context of alternative modes of transport;
(b) employee and/or resident welcome packs (e.g. provision of Myki/transport ticketing);
(c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
(d) a designated 'manager' or 'champion' responsible for coordination and implementation;
(e) details of bicycle parking and bicycle routes;

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[2] *Category 6 of the BESS offers the following for best-practice guidance for 'Non-residential buildings should provide spaces for at least 10% of building occupants.' Assuming a floor-space occupancy of 1 staff member to 10sqm (which is the maximum rate allowed under the National Construction Code for fire safety), providing bicycle spaces for 10% of occupants results in a rate of 1 space per 100sqm of floor area.*

(f) *details of GTP funding and management responsibilities;*
(g) *the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);*
(h) *the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;*
(i) *security arrangements to access the employee bicycle storage spaces;*
(j) *signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;*
(k) *Reference to EV charging points within the basement car park; and*
(l) *provisions for the Green Travel Plan to be updated not less than every 5 years.*

Recommendations
The following should be shown on the plans before endorsement:

1. *At least 10 visitor bicycle parking spaces on the Hoddle Street footpath, (or an equivalent rate if the scale of the development is altered):*
2. *At least 54 employee bicycle parking spaces (or an equivalent rate if the scale of the development is altered)::*
    a. *All employee bicycle spaces should continue to be provided at ground-level within secure bicycle parking compounds;*
    b. *All secure bicycle compounds should continue to be provided with reasonable access to end of trip facilities and building entrances;*
    c. *At least 20% of employee bicycle spaces should be provided as horizontal-at-ground-level spaces;*
    d. *Access ways and storage space dimensions and spacing should be designed to comply with AS2890.3.*
3. *Some of the car parking spaces should be equipped with EV charging capability.*

A Green Travel Plan should be provided with the information outlined previously.

Streetscapes and Natural Values

The Plane tree located on Hoddle St should have a minimum $5000.00 bond attached

The following costs apply to the Stafford St trees

Amenity value	*$ 1,327.00*	*$ 28.00*
Removal cost	*$ 320.35*	*$ 71.24*
Stump	*$ 46.80*	*$ -*
reinstatement asphalt	*$ 255.50*	*$ 250.00*

New plants will be costed as per below

new cut out	*$ 97.76*
Supply tree	*$ 204.00*
Planting cost	*$ 94.65*
Maintenance 2 years	*$ 164.34*

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Above are schedule of rates adjusted to current CPI, exclusive of GST

Waste Services

The waste management plan for 218-228 Hoddle St, Abbotsford authored by LID Consulting and dated 31/07/2018 is satisfactory from a City Works branch's perspective.

ESD Advisor

Original comments dated 17 August 2018

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.

Applicant ESD Commitments:

- *10% improvement above the NCC energy efficiency requirements for energy efficiency and at least a 25% reduction of greenhouse gases based on various initiatives.*
- *A STORM report has been submitted with a 104% score that demonstrates best practice and relies on 733m2 of roof connected to 20,000 litres of rainwater storage proposed to flush toilets for equivalent of 35 people.*
- *Some vertical and horizontal shading elements and high performance double glazing.*
- *Reasonable daylight to most areas.*
- *Energy efficient HVAC with variable air volume (VAV), or air cooled VRF.*
- *At least 58 bike parking spaces for 5,398m2 of NLA, plus visitor spaces*
- *A 50 kW solar PV array to contribute to onsite electricity demands.*
- *Energy efficient lighting.*
- *Water efficient fixtures and taps.*
- *Water efficient irrigation.*
- *12 showers and at least 67 lockers to support cyclists riding to work.*
- *50m2 of landscaping on terraces and ground floor will marginally improve the ecological value of the site.*
- *Some communal spaces for staff and building users on terraces and ground floor co-working space and lobby lounge area.*

Application ESD Deficiencies:

- *No access to natural ventilation to most spaces. Recommend operable windows to provide access to natural ventilation or ensure that fresh air supply is in excess of AS1668 air flow rates by at least 50%.*
- *A waste room can be identified but little detail has been included. Ensure that the WMP has sufficient spaces allocated to recycling and all waste streams. Ensure that recycling is just as convenient at general garbage. Recommend providing a composting system.*

Outstanding Information:

- *No rainwater tank can be identified on the plans, please update to clearly show approximately location, volume and toilet connections. Please update the figures in the SMP (toilet connection to 20 occupants) to be consistent with the STORM report (toilet connection to 35 occupants).*

- *Please provide a completed JV3 energy modelling report, or equivalent, prior to occupation demonstrating10% improvement in energy efficiency and at least 25% reduction in NCC requirements.*
- *Please provide details of proposed efficiency of hot water system. Recommend a minimum 85% efficiency / 5 Star equivalent.*
- *Please mark approximate size and location of solar PV array on roof and elevations.*
- *Cross laminated timber is currently being considered for this project. Please commit to the CLT or remove reference to it from the SMP.*

ESD Improvement Opportunities

- *Recommend including an independent commissioning agent.*
- *Recommend a COP for HVAC (VRV) within one Star or 85% of best available of suitably designed size and capacity.*
- *Recommend providing a composting system.*
- *Recommend providing electric vehicle charging facilities.*
- *Recommend a minimum 80% recycling/reuse target for construction and demolition waste.*

Supplementary comments dated 22 October 2018 – regarding a revised SMP

I have reviewed the updated SMP prepared by ADP (18th October 2018), and I can confirm that it addresses the concerns raised in the previous ESD advice.

External consultants

Urban Design (MGS Architects)

SUMMARY OF FINDINGS

I am generally supportive of the proposed podium treatments adopted by the applicant, with a six level scale to the Hoddle Street frontage stepping down to a three level scale in Stafford Street and the adjoining properties to the east.

Where I am not supportive is in the lack of provision within the siting strategy and setback response for the project to be an appropriate catalyst for this precinct warranting the scale and visual prominence and prioritisation sought by the applicant over the adjoining site and areas and preferred planning vision for the location.

I am supportive of the proposed land use mix for the development with the inclusion of good quality office space in buildings with a strong ESD mission showcased in this precinct. A proposition that I see making a useful contribution to the area.

I am also supportive of the proposed widening of the pavement area to Hoddle Street and the suggested widening of the western end of the Stafford Street frontage.

The inclusion of the proposed core and hence tallest part of the building in the central part of the footprint is also a matter that I support.

Areas where I do not support the proposal as a response are where the opportunities to broaden adjoining laneways relied on and enjoyed by the applicant for amenity and aspect particularly to the north, are not enhanced in their capacity within the proposal or interconnected.

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A widening of the adjoining laneway to the north for example with a 1.5m setback from the northern boundary from gridline F to the Hoddle Street interface would interconnect the two laneways east-west at the west of the frontage and provide future enhanced potential for the engagement of adjoining properties along Johnston Street to this shared resource.

Additionally the opportunity would then exist for outside pedestrian access in conjunction with bicycle access to this frontage and an enhanced arrival into the proposed bike facilities.

I am not supportive of a crossover from Stafford Street replicating the adjoining existing passageway to the east. Logically the adjoining passageway to the east would be widened to include the crossover within the single zone that could also provide an enhanced interface between the subject land and the adjoining site and the potential also for access from the south to the shared bike amenity facilities by 5m to provide for shared access for pedestrians, cyclists and vehicles into the subject site to adjoining areas. This will require a reconfiguration of the ground floor area.

At first floor level I am concerned that the proposal does not provide for any setbacks from the northern laneway or from the eastern interface with the proposed passageway south of gridline

This severely compromises the potential for adjoining development to the north and east of the laneway respectively into the future with there being in my view the need for both parties to contribute to future amenity. Whilst I accept that in each instance these are commercial adjacencies they are nevertheless critical in place making provision. To this extent I would recommend a setback above ground level of 3m from the centre of the northern laneway for the frontage west of gridline M and similarly a setback of 3m from the centre of the laneway for the areas east of gridline N.

To the other frontages I am satisfied that the development of the building out to the title boundaries is acceptable. I note that the proposal incorporates some canopy provision to the Hoddle Street frontage. I would encourage this provision to be detailed on first floor level plans to reflect design intent.

I would encourage the use of the exposed roof areas on level 1 in the north eastern corner of the development to be developed as planter zones and set back a minimum 1.5m from gridline 5 to provide for informal surveillance of the adjoining laneway east to west.

*To the frontage to the existing eastern **(sic)** laneway, outdoor terrace arrangements to the title boundary are in my view acceptable at first floor level.*

The concerns I have regarding setbacks from the eastern laneway apply to upper levels and in my view require similar mediation of the building fabric to that contemplated by the applicant in transitioning from the lower level podiums to upper level forms i.e. typically 3m indentations between lower level form and upper level setback form at levels 3 and 6.

The inclusion of a shared co-working space and retail space at ground level is also supported in principle. Having said this it would be preferable to see better engagement between the proposed retail space and the shared lobby areas as a shared mediating area between the lobby and the shared co-working space where heightened level of pedestrian activity might reasonably be envisaged. With a widening of the northern laneway the opportunity could be considered to create this venue along this interface.

Finally the issue of height needs to be considered. In this context the issues I think relate to amenity within Stafford Street and the potential of adjoining development sites to be developed to provide for a coherent overall anchoring form. Generally speaking and as

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noted in my submission on behalf of Council to the East West Link provisions I am of the view that the Johnston Street and Victoria Park areas offer substantial potential for urban transformation that is positive, distinctive and different from its currently discordant attributes at present.

The Harmsworth Street Reserve to the south of the site and western side of Hoddle Street provides a scaling area from the south along Hoddle Street that visually anchors the precinct.

The adjoining school to its south east could be envisaged to be redeveloped in the future under an urban school model to a higher density as the inner city area continues to develop and the transit rich nature of this particular corridor is fully realised.

The proposed provisions within the Local Area Plan for a scale in the Hoddle Street North Precinct of 10-12 storeys suggest that arrival from the north is going to be characterised by similar taller built form and is an outcome with which I concur. The suggested 6 storey street wall scale to Hoddle Street is also a scale I agree with as is the step down at the eastern end of the site to 3 storeys to better accommodate the transition to finer grain built form to the east of the subject site.

Stafford Street provides a shared transit opportunity free from the high traffic conditions of Hoddle Street for east-west movement within the neighbourhood with likely substantial change in the future as existing walk up accommodation within large public housing areas immediately east of the bridge are developed and the warehousing to the southern side of the street and mid-century relatively poor quality office space is similarly reimagined. Both are substantial sites wherein complimentary taller scale built form could be envisaged with little if any impact on adjoining residential areas, owing to the elevated nature of the intervening rail separating this arterial corridor from adjoining areas.

To the north of the subject site flanking bank and freestanding built form could similarly be reimagined as candidates for renewal as could adjoining commercial properties to the east of 223 Johnston Street with 225-241 Johnston Street, all sites where there are no constraints arising from Heritage Overlays and where there has already been some substantive consolidation in the case of 225 and 225A Johnston Street. In these circumstances it would be desirable to encourage transformation of this precinct to this new taller scale.

The subject site, 1 Stafford Street and 212 Hoddle Street are all relatively speaking substantive sites that could with quality place making accommodate substantial transformation at a scale more easily than the smaller sites such as 217-223 Johnston Street wherein more modest development potential might exist. However to achieve this there must be alignment between the execution of the development as an unequivocally high quality place making outcome wherein car provision does not come at the cost of enhanced pedestrian amenity and where the future enabling of the smaller surrounding sites is manifestly enhanced through the tactics adopted by the applicant in this instance.

In this case the reduction of the ground floor footprint to the perimeter would be a key determinate that like earlier developments such as the Hamton Property re-imagination of the Haven precinct in Victoria Street, provide broader benefits to the precinct that can then form the cues for adjoining development. In these instances there has been some provision for offsetting increases in height to reflect the lost ground plane. In this instance it is my view that the development could be supported up to 10 levels, recognizing that the corner building at 217 could reasonably be developed to 5 to 6 levels and that developments at 1 Stafford Street and 212 Hoddle Street could similarly be of an enlarged scale in the future but also recognising that the finer grain of properties immediately to the north and to the east require careful transitioning arrangements.

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To this end I would recommend the removal of level 9 from the development with the replacement of this level as envisaged in what is currently described as level 10. This would mitigate morning impacts of the development to the western side of Hoddle Street at 9.00am and off site impacts to the south.

The proposal does not include indications of the proposed lift overrun on all elevations nor does it indicate where proposed plant and equipment is to be proposed within upper levels of the building. This is likely to have substantial impacts on the proposal for the perceived height and scale.

In other developments I have reviewed recently I have seen examples of where the uppermost floor has incorporated plans with a walk-up level linking this uppermost level as a penthouse arrangement for office accommodation purposes. In so doing, minimizing the visual impact of proposed plant. I would ask that clarification be provided from the applicant of proposed plant and that views are marked up before finalising my recommendations but intuitively see that with the proposed suggested reductions and the proposed enhanced place making that such an arrangement is likely to be acceptable as a draft recommendation at this stage having regard for Council's desire to get advice on this expeditiously.

CONCLUSION

The applicant should be encouraged to review the recommendations herein and provide an amended proposal addressing the issues raised in this report. There is considerable merit in the architectural design language, the architectural specification for a high performance, environmentally responsible building as a showcase building within this transit oriented precinct and as an early sampler of design standards sought for the precinct.

Having said this the aspiration for a reduced environmental footprint also have to be matched with the potential to create a high quality pedestrian realm, walkability and accessibility around the building and to adjoining sites if greater scale is to be supported in this area with this application as the lynchpin for the southern Hoddle Street precinct.

Wind (MEL Consultants)

Our comments are as follows:

- *The Vipac Wind Effects Statement has been prepared based on the experience of the consultancy and no wind tunnel testing by Vipac has been carried out to support the report. We have no issue with this approach for a desktop study as this is a common approach to provide architects, developers, and responsible authorities' advice on the possible wind effects of the design.*

- *We have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. Vipac has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a desktop wind impact assessment. A clear description of the proposed development has been provided along with reference drawings in the Appendix of the report.*

- *The desktop assessment has identified the adjacent developments as the heights of the existing and future buildings that will be considered in the desktop assessment of the wind conditions.*

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- *We have no issue with the assessment criteria that Vipac have used for the desktop assessment. The recommended criteria for the immediate surroundings streetscapes would be walking comfort and the standing criteria for the entrances to the building.*

- *We agree with Vipac's rationale assessing that the wind conditions in the surrounding streetscapes and at the entrances would achieve the recommended criteria. However, the height of the proposed development compared to the surrounding buildings would be expected to have the wind conditions around building corners to be marginally on the walking criteria and we would also agree with Vipac's recommendation that a wind tunnel study be undertaken to quantify and verify the wind conditions achieve the recommended criteria.*

- *Vipac has recommended an increased balustrade height for the Level 10 terrace but no changes to the terraces on Levels 3 and 6. The wind flow at Level 10 would be up over the building and the taller balustrade would assist with deflecting the wind flow over the Level 10 terrace. However, the Levels 3 and 6 would be expected to be exposed to downwash and acceleration of wind flow around the building corners. There would be an expectation of a requirement for additional mitigation treatments for these terraces, such as increased balustrade heights. Whether these additional features are required can be explored during the wind tunnel model study.*

- *We agree with Vipac's general commentary on the utilisation of terraces; the need to educate users on the usage of these spaces, the tethering of objects, and would add that any objects that are not tethered should not be left unattended or permanently on the terraces.*

In conclusion, the Vipac Wind Impact Assessment has been prepared based on the consultant's experience of wind flow around buildings and structures. We have no issues with the Analysis Approach, Site Exposure, Regional Wind Climate, and description of the development used in the preparation of the assessment. This is consistent with the approach MEL Consultants would take to prepare a similar desktop environmental wind assessment. We agree with Vipac's assessment of environmental wind conditions for the surrounding streetscapes and recommendations for the Level 10 Terrace. We also agree with the Vipac's recommendation for a wind tunnel model study of the environmental wind conditions and this should explore the wind conditions on the terraces.

Attachment 5 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - public realm referral comments - idac attachment

Referral Comments for the Public Realm Improvement Plan

Engineering

- *A physical segregation between moving traffic and the café seating could be in the form of temporary barriers that are commonly seen on arterial roads for footpath trading. Perhaps a planter box with wheels (similar to the ones used outside St James; 314-316 Bridge Road, Richmond) might be a suitable treatment. Reviewing this in context, vehicles would be travelling along this Right of Way at minimal speeds and providing a visual cue such as a temporary barrier or plantation box would influence a motorist negotiating the Right of Way. The presence of outdoor seating would encourage motorists to exercise additional care.*

- *In reference to providing tighter turning splays for a vehicle crossing on a major highway such as Punt Road, I suspect this may not be supported by VicRoads. On a road with lower vehicle operating speeds, this would certainly be feasible (for example Bridge Road).*

Construction Management Unit and Urban Design – combined

The items to be shown on the plan are as follows:

- *Plans updated to reflect current on site conditions, following civil works that have been carried out as part of the Streamlining Hoddle St project*
- *Surface materials, treatments, fixtures (tactile) and TGSIs (to council satisfaction)*
- *Location of stormwater drainage pits*
- *Location of the bus stop, post box, light poles, utility cabinets*
- *Location of vehicle and pram crossings. Dimensions to be shown on plan.*
- *Dimensioned footpath clearances, where street furniture or trees encroach on useable footpath space.*
- *The delineation between public and privately owned land, through the use of alternating surface materials or treatments. In addition to this it will be good to have Title Boundary shown in different colour or line style*
- *Location and clearance distances from laneway/kerbs etc for bicycle hoops*
- *Location of new street trees and on-street parking*

Open Space

- *Detailed planting plan showing the location, species, quantity, mature height and spread, of all proposed trees and raised garden bed planting on the ground floor.*
- *Details including a section through the raised planter beds and tree planting, providing information on height, materials, depth of planting media, irrigation and drainage methods.*
- *Further information on height and span of the trellis and vertical green system.*
- *Details on the furniture proposed.*
- *Spot levels, include any information on level changes and the top heights of planter beds and furniture.*
- *Details on the upper terrace planting and how this will affect the façade of the building and public realm. Include a planting plan and detailed sections through the upper levels.*

Attachment 5 - PLN18/0267-04 - 218 - 228 Hoddle Street Abbotsford - public realm referral comments - idac attachment

1.2 PLN17/0833 - 69-71 Smith Street, Fitzroy - Partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant (no permit required for use).

Executive Summary

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN17/0833 which affects the land at 69-71 Smith Street, Fitzroy and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Liquor Licence (Clauses 22.09 and 52.27);
   (b) Built form and heritage (Clauses 34.01 and 22.02);
   (c) Off-site amenity impacts (Clause 22.05);
   (d) Car parking/Bicycle parking (Clauses 52.06 & 52.34).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Sale and consumption of liquor
   (b) Built form and heritage;
   (c) Off-site amenity impacts;
   (d) Car Parking/Bicycle Parking; and
   (e) Objector concerns.

Submissions Received

4. A total of 22 objections were received to the application. Issues raised in these objections can be summarised as follows:
   (a) Heritage concerns;
   (b) Obstruction of rear laneway (Little Smith Street);
   (c) Waste management issues within Little Smith Street;
   (d) Proposed patron access via Little Smith Street;
   (e) Off-site amenity impacts (noise, safety within Little Smith Street, overshadowing, overlooking etc.);
   (f) Proximity to residential land (to the west);
   (g) Too many patrons proposed;
   (h) Proposed operating hours;
   (i) Lack of car parking;
   (j) Impacts on surrounding businesses during construction.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to the following key recommendations:
   (a) The door in the northern wall of No. 69 Smith Street to be used as an emergency exit only, with no patron access available at any other time;

(b) A solid roof over the western-most section of the ground floor courtyard must be provided, along with the provision of a 1m high barrier above this roof;

(c) Notations confirming that the retractable roof above the ground floor courtyard will be closed at 6pm every day and the retractable roof above the first-floor terrace will be closed at 10pm every day.

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

1.2 PLN17/0833 - 69-71 Smith Street, Fitzroy - Partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant (no permit required for use).

Trim Record Number: D18/149198
Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant (no permit required for use).
Existing use:	No. 69 Smith Street – Vacant No. 71 Smith Street – Retail premises
Applicant:	Perry Town Planning
Zoning / Overlays:	Commercial 1 Zone (C1Z) Heritage Overlay (Schedule 464 – Smith Street South Precinct)
Date of Application:	05/10/2017
Ward:	Langridge
Application Number:	PLN17/0833

Planning History

1. Planning Permit PL01/0439 was issued on 6 August 2001 for *buildings and works* at No. 69 Smith Street.

Amendment VC148

2. Amendment VC148 was gazetted on 31 July 2018 and made changes to the Victorian Planning Provisions (VPP) and all Planning Schemes arising from the Victorian Government's Smart Planning Program. The assessment of this application is against the provisions of the Scheme after the introduction of VC148.

3. The most relevant change affecting the application under this amendment is the method by which the statutory car parking rate is calculated for restaurant use. At the time the application was lodged, the statutory car parking rate was based on the number of patrons proposed. Following the introduction of Amendment VC148, the statutory car parking rate is based on the floor area of the premises. This will be discussed further under the Clause 52.06 (Car Parking) assessment within this report.

Background

4. The application was submitted in October 2017, and following the submission of additional information, was advertised in March 2018. A total of 22 objections were received, with the issues raised outlined in paragraph 4 of the Executive Summary.

5. A planning consultation meeting was held on 25 June 2018 and attended by the applicant, objectors and planning officers. No changes were made to the proposal following this meeting; however a set of shadow diagrams were submitted by the applicant on 19 September 2018, as no shadow diagrams had been submitted as part of the original set of plans. The shadow diagrams are attached to this report and were circulated to all objector parties along with the invitations to this meeting.

The Proposal

6. The proposal seeks partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant. In summary, the following is proposed;

Use

7. The sale and consumption of liquor between the following hours within all parts of the premises (internal and external);
   (a) Sunday to Thursday 7am to 11pm;
   (b) Friday & Saturday 7am to 1am.

8. A total of 225 patrons, with a maximum of 20 patrons in the ground floor courtyard and 15 in the roof top terrace (standing). A total of 190 seats are proposed.

9. The restaurant will be located over three levels;
   (a) Basement (20 patrons)– dining room, toilet facilities & waste plant room;
   (b) Ground floor (162 patrons) – internal dining rooms, kitchen and waste storage area and rear courtyard (partially uncovered and with a retractable roof to the uncovered section);
   (c) First-floor (43 patrons) – internal dining rooms and roof-top terrace (with a retractable roof);

10. Music to be played within internal and external areas at background levels. No live music is proposed.

Development

Demolition

11. The proposed extent of demolition includes the following:
   (a) Internal demolition works to create openings between the two shops at ground and first floor levels, with internal staircases, walls and flooring to be removed (no permit required for these works);
   (b) Removal of glazing and entrance door within the ground floor façade of No. 71 Smith Street (retention of all tiling in the façade);
   (c) Demolition of rear stairs and fencing at No. 71 Smith Street;
   (d) Demolition of the one-storey section of building at the rear of at No. 69 Smith Street;
   (e) Removal of the single-storey garage/studio to the rear of No. 69 Smith Street and fences along the north and south boundaries.

Buildings and works

   (f) The construction of a maximum three-level addition to the rear of No. 69 Smith Street;
   (g) These works will contain a basement level, extending to the rear of the site and abutting both side boundaries (of No. 69). This level will contain one dining room, a seating area and toilet facilities, along with a central staircase/lift well and waste plant room;
   (h) The ground floor of both buildings will combine to form the main dining/bar area at the front of the site, with one pedestrian entrance retained in the façade of No. 69 Smith Street;
   (i) The façade of No. 71 Smith Street will be altered to include glazing only;
   (j) The existing pine flooring of No. 69 Smith Street will be re-laid, with the existing concrete flooring of No. 71 Smith Street also to be replaced. The proposed material for the flooring of No. 71 Smith Street has not been confirmed in the application;

(k) The kitchen and services area will be located at ground level, with an external courtyard/waste storage area at the rear of No. 71 Smith Street;
(l) A roller door will be located along the rear boundary of No. 71 Smith Street, providing direct access to the adjacent laneway;
(m) The ground level will extend to abut the rear boundary and both side boundaries of No. 69 Smith Street, with a courtyard bar at the rear;
(n) The walls along both side boundaries will range in height from 2.75m (at the western boundary) to 3.59m towards the centre of the site (given the fall in the land to the east);
(o) The majority of this courtyard will be covered, with open areas extending along the northern and western boundaries (a retractable roof will sit above these open sections);
(p) A second entrance is proposed within the northern boundary wall, providing access to the adjacent laneway;
(q) The first-floor will contain two adjacent dining rooms, with a separate bar and external terrace. A retractable roof will be located above the terrace;
(r) This level will also contain a toilet, storage area and office;
(s) The lift and stairs will provide access to all levels, with a roof garden located at the rear of the first-floor, above the ground-floor courtyard. This roof garden is not available for patron access, with the red-line plan excluding the sale and consumption of liquor from this area;
(t) The highest point of the new building will be the central lift core. The lift overrun will be surrounded by the roof garden and will extend to a maximum height of 8.9m (based on the northern elevation), with a setback of 16.3m from the front boundary;
(u) The addition will be constructed of brick with a weave pattern along the rear lane, and concrete to the lift/stair core and parapets.
(v) No on-site car parking or bicycle parking is proposed.

Existing Conditions

Subject Site

12. The subject site is located on the western side of Smith Street, approximately 25m to the south of Gertrude Street, and comprises two separate lots containing attached buildings. The land has a combined street frontage to Smith Street of 9m, with No. 69 Smith Street extending through to Little Smith Street to a depth of 39m. No. 71 Smith Street extends to 18.6m in depth, with the rear of this site abutting a bluestone laneway. The land has an appreciable fall from west to east.

13. Both buildings are double-storey and form one half of separate pairs, with No. 69 Smith Street matching No. 67 Smith Street to the south, and No. 71 Smith Street consistent with the design of No. 73 Smith Street to the north.

14. The building at No. 69 Smith Street is red-brick, with a corrugated steel hipped roof form located behind a rounded brick parapet. At ground level the shopfront retains original glazed tiling to the stallboard and walls, an original tiled and recessed entry and non-original metal framed glazing. A verandah extends across the full width of the facade. A single-storey wing is located to the rear of the original double-storey building, with a small yard beyond and a single-storey brick garage/studio abutting the rear boundary. A corrugated iron fence extends along both side boundaries.

15. Internally the building at No. 69 Smith Street retains an original pressed metal ceiling and timber floor boards.

16. The building at No. 71 Smith Street is a double-storey bluestone and brick building with a corrugated steel transverse gable roof form, located behind an ornate parapet and central pediment. This building is understood to have been constructed in the late nineteenth century. The ground level shopfront features non-original glazed tiles and an altered metal framed shopfront.

The upper level bluestone façade has been painted, with a verandah extending across the full width of the facade. A small courtyard is located to the rear of the building.

17. No. 69 Smith Street is vacant and has most recently operated as an art gallery. No. 71 Smith Street is a retail premises.



Figure 1: No. 69 Smith Street (left) and No. 71 Smith Street.


Figure 2: Rear of site from Little Smith Street

Surrounding Land

18. The subject site is located within the Smith Street Major Activity Centre (MAC) and is well serviced by retail facilities, public transport and community facilities, including;

(a) Immediate access to the shopping and entertainment facilities of the Smith Street MAC.
(b) Access to Smith Street, Gertrude Street, Brunswick Street and Victoria Parade tram services;
(c) Convenient access to the Melbourne CBD.

19. Built form surrounding the land is generally single to double-storey in scale, with higher elements of built form visible to the north and south (along Smith Street). Commercial uses extend along Smith Street to the north and south, with Gertrude Street also providing a high number of commercial, retail and entertainment uses.

20. The site is located on the interface of a Neighbourhood Residential Zone (NRZ) (see Figure 3 below). This zone is located on the western side of Little Smith Street.



Figure 3: Zoning map of site and surrounding context

21. The immediate interfaces to the site are outlined below;

North

22. Immediately to the north of the subject site is No. 73 Smith Street, with this building forming half of the matching pair with No. 71 Smith Street. This building has a modified shopfront at ground level, with the original bluestone façade retained at first-floor. The double-storey building is attached to the subject site for its full length, with a small service yard at the rear. A clothing boutique is located within this site.

23. Along the remainder of the site's northern boundary is the rear access to a number of shops addressing Gertrude Street. A single-storey shed is located within part of this area, with the remaining space consisting of at-grade car parking spaces and waste storage.

South

24. Immediately to the south of the subject site (in the front section of this land) is No. 67 Smith Street, with this building forming half of the matching pair with No. 69 Smith Street. This building has a modified shopfront, with a curved redbrick parapet above. The building is attached to the subject building along the shared boundary for a length of 15m, with the remaining northern wall set back 2.4m and 3.2m from this interface. A concrete courtyard is located within this setback. This building operates as a restaurant/bar, with associated offices at first-floor.

25. To the rear of this building, and abutting the southern boundary of the subject site at ground and first-floor, is No. 44 Little Smith Street. This is a triple-storey dwelling, approved under Planning Permit PL08/0070, with this dwelling located within the Commercial 1 Zone (C1Z). Endorsed plans for this dwelling indicate that a garage and bedroom are located at ground level, with primary living areas at first-floor and a second bedroom at second-floor. A west-facing balcony addresses Little Smith Street at first-floor, with a small secondary balcony facing east at this level. A number of double and triple-storey dwellings have been developed within the C1Z, further to the south along Little Smith Street.



Figure 4: Aerial image of site and surrounding context

West

26. No. 69 Smith Street extends through to Little Smith Street to the west, with No. 71 Smith Street abutting a secondary laneway, which runs east-west from Little Smith Street. This context is demonstrated in Figure 2 on the previous page. A triple-storey residential

development is located directly to the west of the site (No. 47 Little Smith Street). This development is located within the N1Z.

27. The remainder of Little Smith Street is characterised by rear boundary fences and roller doors of sites addressing Gore Street to the west.

East

28. On the opposite side of Smith Street, to the east, are single and double-storey commercial buildings. Derby Street is a local street directly opposite the site, running east-west, with a mixture of commercial and residential uses along both sides of this street.

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

29. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme) a planning permit is not required to use the land as a retail premises, with 'restaurant' use nested under retail at Clause 73.04-11 of the Scheme.

30. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building and construct or carry out works. Decision guidelines are located at Clause 34.01-8.

Overlays

Clause 43.01 – Heritage Overlay (HO464 – Smith Street South Precinct, Fitzroy and Collingwood)

31. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and construct a building or construct or carry out works. External paint controls apply to this precinct, with internal alteration controls affecting the building at No. 69 Smith Street. The internal controls are based on the significant elements identified in the Statement of Significance for this precinct, with this limited to the pressed metal ceiling.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)

32. Both of the buildings affected by this application are identified as 'individually significant' to the Smith Street South Heritage Precinct (Schedule 464).

Particular Provisions

Clause 52.06 - Car Parking

33. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.

34. As noted, the introduction of Amendment VC148 on 31 July 2018 altered Clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is located within this area and therefore the Column B car parking rates apply to this application.

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

Use	Floor Area	Rate	No. required	No. proposed	Reduction sought
Restaurant	478sqm	3.5 to each 100sqm of leasable floor area	**16**	**0**	**16**
Total			**16**	**0**	**16**

36. In this instance a planning permit is required to reduce the statutory requirement by 16 spaces.

Clause 52.34 Bicycle Facilities

37. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

38. The Clause 52.34-5 requirements are shown below:

Use	Floor Area	Rate	No. required	No. provided
Restaurant	478sqm	Employee – 1 to each 100sqm of floor area available to the public	5	0
		Visitor – 2 plus 1 to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.	4	0
Totals			**9**	**0**

39. No on-site bicycle parking spaces are proposed.

40. Table 2 to Clause 52.34-5 specifies that 1 shower is required for the first 5 employee bicycle spaces, and Table 3 to Clause 52.34-5 specifies that 1 change room must be provided. These facilities have not been provided.

41. Pursuant to 52.34-2 of the Scheme a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

Clause 52.27 Licensed Premises

42. Pursuant to Clause 52.27 of the Scheme, a planning permit is required to use land to sell or consume liquor if (in this instance) a licence is required under the *Liquor Control Reform Act 1998.* The application is for a 'restaurant and café liquor licence'.

General Provisions

Clause 65 Decision Guidelines

43. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. This clause notes '*because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause'.*

Clause 65.01 Approval of an application or plan

44. *Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

(a) *The matters set out in section 60 of the Act.*
(b) *The Municipal Planning Strategy and the Planning Policy Framework.*
(c) *The purpose of the zone, overlay or other provision.*
(d) *Any matter required to be considered in the zone, overlay or other provision.*
(e) *The orderly planning of the area.*
(f) *The effect on the amenity of the area.*
(g) *The proximity of the land to any public land.*
(h) *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Policy Framework (PPF)

Clause 11.03-1S Activity Centres

45. The objective of this clause is:
    (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Clause 13.05-1S Noise abatement

46. The objective of this clause is:
    (a) *To assist the control of noise effects on sensitive land uses.*

Clause 13.07 Amenity and safety
Clause 13.07-1S Land use compatibility

47. The objective of this clause is:
    (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15.01-2S Building design

48. The objective of this clause is:
    (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S Neighbourhood character

49. The objective of this clause is:
    (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02 Sustainable Development
Clause 15.02-1S Energy and resource efficiency

50. The objective of this clause is:
    (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 15.03 Heritage
Clause 15.03-1S Heritage conservation

51. The relevant objective and strategies of this clause are:
    (a) *To ensure the conservation of places of heritage significance.*
        (i) *Retain those elements that contribute to the importance of the heritage place.*

(ii) *Encourage the conservation and restoration of contributory elements of a heritage place.*

Clause 17.02 Commercial
Clause 17.02-1S Business

52. The relevant objective of this clause is:
    (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

Clause 18.01 Integrated Transport
Clause 18.01-1S Land use and transport planning

53. The objective of this clause is:
    (a) *To create a safe and sustainable transport system by integrating land use and transport.*

Clause 18.02 Movement Networks
Clause 18.02-1S Sustainable personal transport

54. The objective of this clause is:
    (a) *To promote the use of sustainable personal transport.*

Clause 18.02-2R Principal Public Transport Network

55. A relevant strategy of this clause is to;
    (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-2S Public Transport

56. The objective of this clause is:
    (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Local Planning Policy Framework (LPPF)

Clause 21.04-1 Accommodation and housing

57. The relevant objective and strategies of this clause are:
    (a) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
        (i) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
        (ii) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*
        (iii) *Strategy 3.4 Discourage late night and 24 hour trading activities located near residential zones to minimize impacts on residential amenity.*
        (iv) *Strategy 3.6 Apply the Licensed Premises policy at clause 22.09.*

Clause 21.04-2 Activity Centres

58. The relevant objective and strategies of this clause are:
    (a) *Objective 5 To maintain the long term viability of activity centres.*
        (i) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*

(ii) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.04-3 Industry, Office and Commercial

59. The objective of this clause is:
    (a) *To increase the number and diversity of local employment opportunities.*

Clause 21.05 Built Form
Clause 21.05-1 Heritage

60. The relevant objectives and strategies of this clause are:
    (a) *Objective 14 To protect and enhance Yarra's heritage places.*
        (i) *Strategy 14.2 Support the restoration of heritage places.*
        (ii) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
        (iii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*

Clause 21.05-2 Urban design

61. The relevant objectives and strategies of this clause are:
    (a) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
    (b) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
        (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
    (c) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
    (d) *Objective 21 To enhance the built form character of Yarra's activity centres.*
        (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*
        (ii) *Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of subprecincts, each of which may have a different land use and built form character.*
        (iii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.06-2 Public transport

62. The relevant objective and strategy of this clause are:
    (a) *Objective 31 To facilitate public transport usage.*
        (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 The road system and parking

63. The relevant objective of this clause is:
    (a) *To reduce the reliance on the private motor car.*

Clause 21.07 Environmental Sustainability
Clause 21.07-1 Environmentally sustainable development

64. The relevant objective of this clause is:
    (a) *To promote environmentally sustainable development.*

Clause 21.08 Neighbourhoods

65. Clause 21.08-7 of the Scheme describes the Fitzroy neighbourhood as *'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. The Smith Street centre borders on Collingwood and is discussed in clause 21.08-5.*

66. Clause 21.08-5 includes the following description; *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes. The southern precinct, south of Gertrude Street is home to an array of galleries and clothing stores.*

67. Figure 18 - Built Form Character Map: Fitzroy shows the subject site located within the heritage overlay. The guiding urban design principle is to *'ensure that development does not adversely affect the significance of the heritage place'*.

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

68. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.

Clause 22.05 Interface Uses Policy

69. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The relevant objectives of this clause are:
    (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
    (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.07 Development Abutting Laneways

70. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.09 Licensed Premises

71. The objectives of this Clause are:
    (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*
    (b) *To encourage best practice venue design and venue operation for licensed premises.*
    (c) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*

(d) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*

Clause 22.17 Environmentally Sustainable Development

72. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. 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

73. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [the Act] by way of 109 letters sent to the surrounding property owners/occupiers and three signs displayed on site, two facing Smith Street and the third addressing Little Smith Street.

74. Whilst Clause 34.01-7 of the Scheme notes that an application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, this exemption does not apply to land within 30m of land which is in a residential zone. As the site has an immediate interface with the NRZ to the west, the exemption does not apply.

75. A total of 22 objections were received to the application. Issues raised in these objections can be summarised as follows:
    (a) Heritage concerns;
    (b) Obstruction of rear laneway (Little Smith Street);
    (c) Waste management issues within Little Smith Street;
    (d) Proposed patron access via Little Smith Street;
    (e) Off-site amenity impacts (noise, safety within Little Smith Street, overshadowing, overlooking etc.);
    (f) Proximity to residential land (to the west);
    (g) Too many patrons proposed;
    (h) Proposed operating hours;
    (i) Lack of car parking;
    (j) Impacts on surrounding businesses during construction.

76. A planning consultation meeting was held on 25 June 2018 and attended by the applicant, objectors and planning officers. No changes were made to the proposal following this meeting; however, a set of shadow diagrams were submitted by the applicant on 19 September 2018 as there were no shadow diagrams submitted with the original set of plans. The shadow diagrams are attached to this report, and were circulated to all objectors with the invitations to this meeting.

Referrals

77. The application was not required to be referred to any external authority.

78. The application was referred to the following internal departments:
    (a) Heritage;
    (b) Engineering Services Unit;
    (c) City Works;
    (d) Social Policy and Research;

(e) Community Amenity; and
(f) Acoustic (External).

79. All comments have been included as attachments to this report.

OFFICER ASSESSMENT

80. The considerations for this application are as follows:
(a) Sale and consumption of liquor
(b) Built form and heritage;
(c) Off-site amenity impacts;
(d) Car Parking/Bicycle Parking; and
(e) Objector concerns.

Sale and consumption of liquor

81. To evaluate the appropriateness of the restaurant in terms of the sale and consumption of liquor, clause 22.09 (Licensed Premises Policy) and clause 52.27 (Licensed Premises) contain the relevant policy guidelines.

Clause 22.09-3

Location and access

82. *Licensed premises with a capacity of more than 200 patrons should locate in the following Core Entertainment Precincts (defined by the Commercial 1 Zone and limited to properties fronting (and with pedestrian access) from the listed main streets.):*
(a) *Swan Street west of Church Street*
(b) *Bridge Road west of Burnley Street*
(c) *Victoria Street west of Burnley Street*
(d) *Smith Street between Gertrude Street and Alexandra Parade*
(e) *Brunswick Street between Gertrude Street and Alexandra Parade*

83. *Licensed premises should be located where:*
(a) *The land is not zoned Residential (excluding the Mixed Use Zone).*
(b) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered.*
(c) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.*
(d) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*

84. This policy notes that licensed premises with a capacity of more than 200 patrons should be located in Core Entertainment Precincts (CEP), with these precincts defined by the C1Z and limited to properties fronting (and with pedestrian access to) particular streets. The subject site is located 25m to the south of the specific area nominated as a CEP within Smith Street.

85. Like all sections of this policy, the part relating to the CEP is discretionary; with it recognised that there may be instances where it is suitable to allow venues with a capacity of over 200 patrons to locate outside these precincts. The proximity of the site to an identified CEP and within a MAC, along with its Smith Street frontage and Commercial 1 Zoning, provides strategic justification for the location of a restaurant with a large capacity for patrons, and complies with Clause 22.09-3, which discourages licensed premises within residential or mixed use zones.

86. Clause 22.09-3 states that licensed premises should be located where potential amenity impacts from patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons and dispersal of patrons from the site can be appropriately managed or buffered. It also recommends such venues to be located where there is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises. The location of the premises fulfils these criteria.

87. Whilst the site is within proximity to a number of dwellings, the dwellings directly to the south of the site (addressing Little Smith Street) are located within the C1Z. The land to the west, including the dwelling at No. 47 Little Smith Street, is located within the NRZ1.

88. The interface between commercial buildings and residential properties in or near a commercial zone has been discussed in detail in previous VCAT cases, with the Tribunal generally noting that residents living in or near commercial and industrial zones cannot expect the same level of amenity as residents living in a wholly residential area. In RPC Architects v Glen Eira CC [2009] VCAT 108, Member Cimino noted;

> *That is not to say that the residents of those properties should not be able to live there, however, that should not be at the expense of allowing redevelopment and use on adjacent land that represents a fair response to the site attributes, zoning and policy context…...*

89. As discussed previously, it is clear that the proposed licenced premises is an acceptable response to the immediate context of the neighbourhood and has strategic and policy support.

90. It is considered that the venue has largely been designed so as to limit unnecessary impacts to any nearby dwellings. It is noted that a second entrance is proposed within the northern wall of the ground floor courtyard, providing patron access to the adjacent laneway, and subsequently to Little Smith Street. This outcome is not supported, given the location of dwellings along this street and particularly within the NRZ to the west.

91. A condition will restrict patron access through this doorway. It may be used as an emergency exit, however at no other times is the doorway to be used for patrons to enter or exit the premises, or to use the adjacent laneway as a smoking area. A condition to this affect will be added to the permit, should one be issued.

92. The venue will operate from 7am each day. These operating hours will provide an active frontage to Smith Street, with the large areas of glazing further enhancing the site's integration with the public realm. Whilst this opening time is acceptable for the restaurant use, the acceptable time at which the liquor licence can commence will be discussed later within this report.

93. Based on the above, the proposal satisfies the requirements of the policy, with the premises located in a C1Z, within a MAC, and directly adjacent to a CEP, where licensed premises of this scale are encouraged.

Venue Design

94. Policy states the following;
    (a) *The layout and design of new licensed premises incorporate safe design principles as detailed in the Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017).*
    (b) *The entry and exits points of a licensed premise and the areas for queuing of patrons are located away from sensitive land uses.*
    (c) *Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.*

95. As outlined above and based on the condition discussed, patron access will be restricted to the Smith Street entrance, with no entry or exit points for patrons located adjacent to the sensitive residential uses to the west.

96. Waste will be stored on-site, within an enclosed courtyard at the rear of No. 71 Smith Street. This location provides a good degree of separation from the residential uses to the west, and allows for a secure space that can only be accessed by employees. The location of the waste storage will allow for the collection of waste to occur without causing obstruction of Little Smith Street (to be discussed in detail later within this report) and provides an enclosed area to reduce any associated noise impacts to surrounding sites.

Hours of operation

97. The relevant provisions of this policy are outlined below;
    (a) *Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
    (b) *Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
    (c) *For outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
    (d) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*
    (e) *Deliveries to and waste collection from a licensed premises should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.*
    (f) *Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.*

98. The proposed hours of operation associated with the licenced restaurant are consistent with the above guidelines, with the restaurant operating until 11pm from Sunday to Thursday and closing at 1am for two nights of the week (Friday and Saturday). These hours are considered acceptable within the context of the site's location within a MAC and the commercial zoning of the land.

99. Comments received from Council's Social Policy and Research Unit raised concerns with the 1am closing time on Friday and Saturday nights, noting that there are ongoing compliance issues with larger restaurants morphing into bars later in the evening, when alcohol rather than food becomes the focus. Whilst this may be a possibility, the provision of food at all times, in combination with seating for over 75% of patrons, assists in mitigating this risk and retaining the focus of the venue primarily as a restaurant. This is further alleviated through the restriction in music levels to background levels within all sections of the premises. The extent of seating and an assessment against noise levels will occur in turn under this policy.

100. There are two outdoor areas proposed within the premises, one at ground level and the second at first-floor. These spaces are to cater for 20 and 15 patrons respectively. The policy states that the sale and consumption of liquor in outdoor spaces should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area. Retractable roofs will be located above both of these outdoor spaces, with the Acoustic Report submitted with the application (prepared by Acoustic Logic) noting that the ground floor roof will be closed at 6pm each day, and the first-floor courtyard covered at 10pm. In addition, the report notes that windows in the western and southern walls will be

closed at 6pm each day, with the sliding door to the ground floor courtyard closed after 10pm, except for patron egress. To ensure that this occurs, specific conditions outlining that these procedures are undertaken will be included on the permit, should one issue.

101. The plans indicate that limited seating will be provided within the ground floor courtyard, with no seating within the first-floor terrace. This outcome is considered acceptable within the context of the external areas, given they are both limited in scale, restricted in patron numbers and will be enclosed via retractable roofs after a certain time each day. Based on these factors it is considered that there will be no unreasonable amenity impacts generated by the use of the outdoor spaces, and they may operate in line with the remainder of the premises with regards to hours.

102. Policy states that licenced premises should not commence the sale and consumption of liquor before 9am. In this instance, the restaurant seeks to serve alcohol at 7am each day. Whilst it is acceptable for the restaurant to operate from this time (given the as-of-right use in the C1Z) it is not considered necessary for alcohol to be served from this time. A condition will ensure that the policy is met, by restricting the sale and consumption of liquor from 9am each day.

103. Standard conditions will control the hours of deliveries and waste collection from the premises, with a further condition restricting the times and location of where the emptying of bottles may occur.

104. The remainder of this policy will be assessed in detail within the cumulative impact assessment later within this report. The cumulative impact assessment will address, amongst other matters, the types of licenced premises surrounding the land, the availability of public transport and the impact of patrons arriving and leaving the premises.

Patron Numbers

105. Policy at Clause 22.09 states;
    (a) *The number of patrons should not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016).*
    (b) *The number of patrons reflects the strategic and physical context of the site and will not adversely affect the amenity of nearby properties and the surrounding area, including by any unreasonable cumulative impact.*

106. An assessment of the venue was undertaken by a Registered Building Surveyor, who determined that the site had a maximum capacity for 342 patrons, based on the red-line plan which encompasses 342sqm. This provides a ratio of 1sqm per patron. The facilities provided at basement level allow for a maximum of 350 patrons on the premises. Based on these calculations, the venue has the physical capacity to cater for the 225 patrons proposed.

107. With regards to patron seating, to provide seating for 75% of patrons (as required under a restaurant and café licence) a total of 169 seats would be required. Based on the Town Planning Report and Patron Capacity Report, a total of 190 seats, or 84%, will be provided. This includes both internal and external seating (with only 4 external seats provided in the open section of the ground floor courtyard). This outcome is considered acceptable and will ensure that the focus of the venue is not on ‘vertical drinking’, with the majority of patrons able to be seated.

108. Council’s Social Policy and Research Unit noted that external seating should not be included in this calculation, given these areas are exposed to the elements and not always available for use. However, in this instance both of the external areas are equipped with retractable

roofs and provide only limited seating as outlined above. This allows these areas to be used at all times if necessary, and it is therefore considered reasonable to include external seating numbers in the overall equation. It is noted however that even if the 4 external seats were not included in this equation, a total of 186 seats, or 82.6%, are still available.

109. Council's Community Amenity Branch raised no concerns with the proposed patron numbers or hours of operation of the premises.

110. The impact of patron numbers on the amenity of the area is a cumulative impact issue which will be discussed later within this report.

Noise

111. This policy states;
    (a) *Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.*
    (b) *Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.*
    (c) *On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed activities.*
    (d) *Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.*

112. This clause notes that the operation of licensed premises should have minimal noise impacts on the amenity of the area. The Acoustic Report submitted with the application outlines a number of noise attenuation measures that will be incorporated into the building design. These include the following;
    (a) A solid roof over the western-most section of the ground floor courtyard (composed of no less than 0.5mm thick steel);
    (b) A retractable roof over the remainder of the ground floor outdoor area, with the roof constructed of 0.5mm thick steel louvres or similar. The retractable roof is to be closed after 6pm each day;
    (c) A 1m high barrier above the roof to assist in shielding noise from the courtyard area to dwellings to the west;
    (d) Upgraded operable glazing to the courtyard bar, with the sliding door to be closed after 10pm each day except for patron egress;
    (e) Acoustically absorptive panels to be provided in the outdoor courtyard.

113. The diagram below demonstrates the attenuation measures to be incorporated into the ground floor courtyard. It is noted that the floor plans do not clearly demonstrate the section of solid imperforate roofing constructed to the western boundary (shown in red in the diagram below), or the 1m high barrier (in blue). As these features are recommended in the Acoustic Report, they will be required to be replicated on the plans. A condition of the permit, if one is issued, will ensure this occurs, with a detailed roof plan also required as part of this condition.

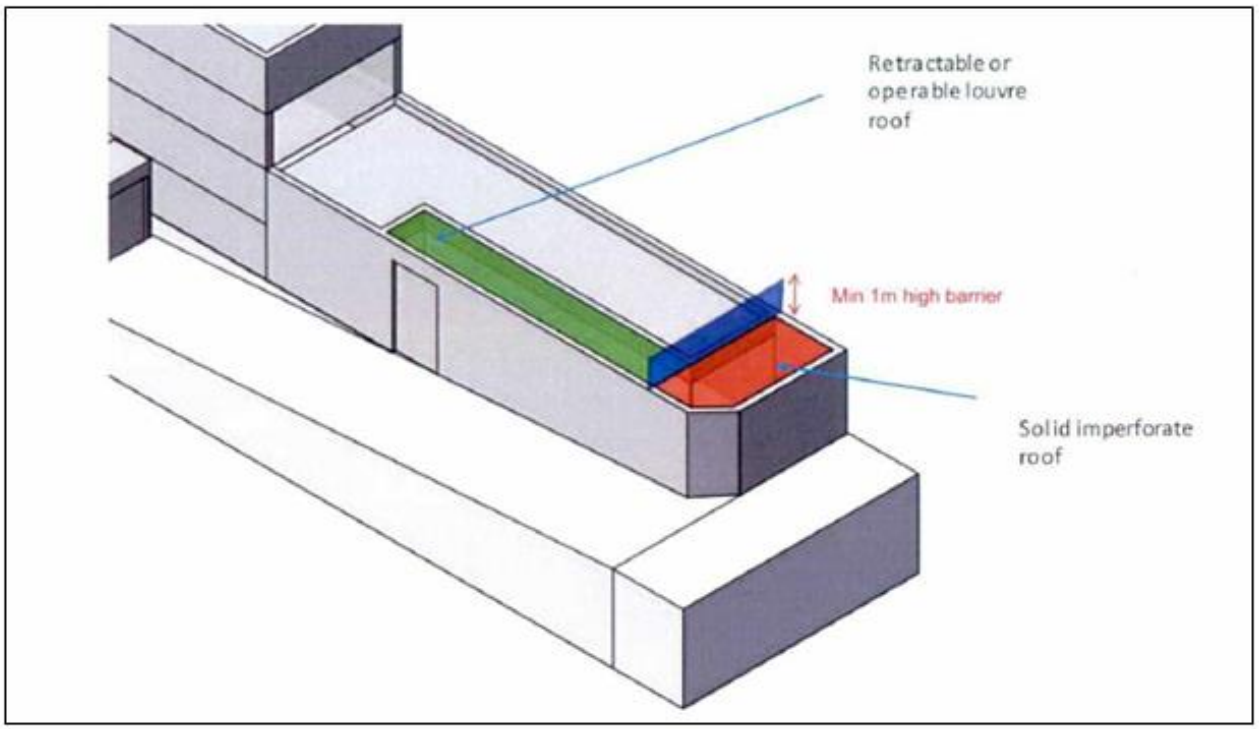


Figure 5: Noise attenuation measures at ground level

114. The Acoustic Report outlined two options for attenuation works for the first-floor terrace. These include either;
    (a) A 1.5m high (min) barrier above the wall on the southern side of the courtyard; or,
    (b) A retractable roof, to be closed after 10pm each day.

115. Of these options, the Planning Officer prefers the provision of the retractable roof, as this allows the external space to be completely covered after 10pm and for associated noise impacts to be managed accordingly. The provision of the roof is an enforceable outcome that could also be appropriately managed by Council and will be facilitated via a permit condition, should one be issued.

116. In addition to these measures, the Acoustic Report recommends that all windows within the western and southern walls are to be fitted with a minimum of 10.38mm thick laminated glass with acoustic seals, and all windows are to be closed after 6pm. Again, these measures will be required via a condition, should a permit be issued.

117. With regards to management controls, the Acoustic Report provided recommendations as to when and how waste is to be collected from the site. This report specifies the following;
    (a) The collection of waste and recycling must only occur between 7am and 6pm Monday to Saturday;
    (b) Glass must not be emptied/transferred from one receptacle to another anywhere externally after 6pm or before 7am Monday to Saturday. Outside this time, all glass must be emptied/transferred within the premises and removed in containers;
    (c) Staff are to be instructed not to drop heavy garbage items/bottles into bins – they should be placed to minimise impact noise; and;
    (d) Deliveries shall not occur before 7am or after 6pm Monday to Saturday.

118. The Acoustic Report was referred by Officers to SLR Consulting for a peer review. Whilst there were a number of questions raised in the SLR report about the methodology behind some of the noise measurements, at all times it was found that the final results were reasonable and the indicative calculations undertaken by SLR achieved the same outcomes as outlined in the Acoustic Report prepared by Acoustic Logic.

119. The Acoustic Report and SLR's review confirmed that the two most noise sensitive areas within proximity to the venue are the dwellings immediately to the south (No. 44 Little Smith Street) and to the west (No. 47 Little Smith Street). The impact of noise levels on these dwellings were assessed accordingly.

120. In general, SLR was satisfied that the applicable SEPP N-1 targets would be met for patron noise within both dwellings, with music noise levels also meeting the SEPP N-2 requirements. These findings were based on the strict enforcement of management procedures outlined in the application, which include the use of the retractable roofing at the specified times, management of patron numbers within the outdoor areas and the closing of windows and doors at 6pm and 10pm as specified in the Acoustic Report. All of these requirements will be enforced via permit conditions, should a permit be issued.

121. A number of additional recommendations were made by SLR to further ensure that these noise levels would be met. These include the following;
    (a) An Rw specification to be provided for any operable barriers or roofs;
    (b) A minimum surface area for any sound absorption material installed;
    (c) Overall barrier heights specified as a minimum level above finished floor level to avoid confusion;
    (d) An acoustic specification provided for the roof of the courtyard bar to ensure that noise from within the bar does not appreciably contribute to overall levels at receiver locations;
    (e) The installation of a music noise limiter, with this system to be calibrated to ensure that the specified noise levels for SEPP N-2 are not exceeded. This calibration must be undertaken by a qualified acoustic consultant.

122. All of these recommendations will be incorporated into any permit issued, via separate conditions, with an amended Acoustic Report also required and endorsed when approved. Based on the noise attenuation measures outlined in the Acoustic Report, and with the additional requirements outlined by SLR, the relevant guidelines will be met and noise impacts to the two adjacent dwellings are considered to be reasonable.

123. Whilst the recommendations regarding the management and removal times of waste and deliveries are more restrictive than Council's standard conditions; as they have been specifically recommended within the Acoustic Report it is considered reasonable to implement these restrictions. An amended Waste Management Plan and relevant conditions of the permit will ensure this occurs.

124. Mechanical plant noise was not included as part of the assessment, as the final design has not yet been undertaken. SLR did not raise concerns with this, noting that compliance with SEPP N-1 noise levels can be achieved through conventional noise control means at that time.

Noise and Amenity Action Plan (NAAP)

125. Clause 22.09-3.6 notes that all licenced premises should comply with a detailed NAAP; accordingly a NAAP was submitted as part of this application and contains details outlining procedures to be followed in the daily operation of the premises.

126. The NAAP references the noise attenuation works proposed within the venue, the procedures to be undertaken by staff in the event of complaints being received, details of staff numbers and training, hours of operation throughout the premises and details of waste collection, security lighting and patron management. The NAAP outlines the specific noise attenuation procedures to be undertaken, with regards to retractable roofing and windows being closed at specific times, however it doesn't specify that a retractable roof will be the required option for the first-floor courtyard. This detail can be updated via a condition, should a permit be issued.

127. The NAAP states that general rubbish would be collected during the hours the premises would be closed, and later specifies this period to be between 11pm – 7am. Overnight waste collection is not supported by Council due to off-site noise impacts and is inconsistent with the times outlined in the Acoustic Report. A condition can ensure that the NAAP is amended to state that the collection of waste from the site will occur only between 7am and 6pm Monday to Saturday.

128. The NAAP states that two security staff will be employed to manage patrons between 6pm to 2am on Friday and Saturday nights. The security staff will remain on-site after the 1am closing time to assist with patron dispersal and reduce the likelihood of off-site amenity impacts occurring within proximity to the site. The NAAP will be endorsed as a stand-alone document, should a planning permit be issued.

Cumulative impact

129. In relation to the cumulative impact of licensed premises, the Corner Hotel decision of the Victorian Civil and Administrative Tribunal (VCAT) (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) advanced an assessment methodology for considering applications that may generate cumulative impacts.

130. Applying the matrix of risk below, a reasonable consideration would suggest that a score of 1-3 would be no risk, but that a score higher than 3 would be a potential risk and require a cumulative impact assessment.

    In this instance, the application triggers a cumulative impact assessment, as the proposal is afforded a maximum score of 6 pursuant to the determinative risk factors formulated by Council Officers (based on the outcome of the Corner Hotel decision).

Type of Premise	**Risk Factor**
Café / Restaurant	0
Bar / Restaurant / Café	**1**
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2

Size of Premise	**Risk Factor**
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	**3**

Closing hours	**Risk factor**
11pm	0
12am	1
1am	**2**
2am	3
3am	3
After 3am	4

131. The mix of licensed premises in an area can influence potential cumulative impacts, as can the night-time trading hours of surrounding venues, with licenced premises open after 11pm

considered a greater risk to the surrounding area. In addition, licenced premises with a patron capacity over 200 may pose a greater risk of alcohol-related harm and result in a negative cumulative impact.

132. *Practice Note 61 – Licensed premises: Assessing cumulative impact* was released by the Department of Planning and Community Development (DPCD) in March 2011, and provides a framework for assessing cumulative impact. The Practice Note states that the applicable guidelines should be used for assessing all new premises that will be licensed after 11pm, and are in an area where there is a cluster of licensed premises. The Practice Note outlines the following matters to be considered when assessing the cumulative impact of licensed premises:
    (a) Planning policy context
    (b) Surrounding land use mix and amenity
    (c) The mix of licensed premises
    (d) Transport and dispersal
    (e) Impact mitigation

133. These considerations will frame the assessment of the cumulative impact of the proposal. It is noted that the planning policy context has already been discussed at the beginning of this assessment.

    Surrounding land use mix and amenity

134. The site is located within the Smith Street MAC and is surrounded by a wide variety of land uses, including restaurants, bars, pubs, live music venues and retail outlets. This, and the prevalence of licenced venues within the area directly to the north of Gertrude Street (within 25m of the proposal) results in this area of Smith Street being a recognised late-night entertainment precinct in its own right.

135. The Commercial 1 Zoning of the land and the site's inclusion within a MAC are important factors, since they are the designated areas for activity within the municipality, and entertainment uses such as the proposed venue are encouraged to be located within them. Accordingly, any potentially negative amenity impacts must be weighed against this strategic policy support and context.

    The mix of licensed premises

136. As identified in Practice Note 61, the mix of licensed premises in an area can influence potential cumulative impacts. The practice note refers to a cumulative impact assessment area as being land within a 500m radius of the site. This distance encompasses a significant number of premises along Smith Street, predominantly to the north of Gertrude Street, with a smaller number along Gertrude Street and to the north-west, on Brunswick Street.

137. These venues encompass a wide range of liquor licences, incorporating a mixture of BYO, General, Late Night (general), Late Night (on-premises), On-premises, Restaurant and Café and Packaged Liquor licences. The mixture of the types of licenses is reflective of the strategic direction for the Smith Street MAC as a CEP.

138. In terms of the existing licences, there are several that operate with a patron capacity of more than 200 and beyond 11pm as shown in Table 1 below. Venues which cease trading prior to or at 11pm and restaurants with less than 200 patrons have been specifically excluded from Table 1 in light of the minimal risk which these venues are seen to contribute to cumulative impact in the surrounding area. These types of venues are typically focused on food and drink as opposed to 'vertical drinking'. The proposed restaurant use of the site is

also expected to focus on the service of food, with less emphasis placed on the consumption of liquor.

Table 1 – Mix of licenced premises within 500m to the subject site

Business name	Address	License Type	(Maximum) closing time	Patron capacity
Yah Yah's	99 Smith Street	Late night (general)	5am Thursday, Friday and Saturday	250
Grumpy's Green	125 Smith Street	On premises	1am	120
Grace Darling Hotel	114 Smith Street	General	1am	300
Union Club Hotel	164 Gore Street	General	1am	150
The Workers Club	51 Brunswick Street	General	1am	340
The Elysian Whisky Bar	113 Brunswick Street	General	1am	40
The Fitzroy Beer Garden	243-245 Gertrude Street	General	1am	156
Greenwood Loft	83-87 Smith Street	Late night (on premises	4am	100
Pixel Alley	95 Smith Street	On-premises	1am	100
Sircuit Bar	103-105 Smith Street	Late night (general)	3am	460
The 86 Bar	185 Smith Street	Late night (on-premises)	3am	100
The Vine Collingwood	59 Wellington Street	General	1am	114
The Everleigh Melbourne	Level 1, 150-156 Gertrude Street	On-premises	1am	85
The British Crown Hotel	14-18 Smith Street	General	1am	449
Forester's Beer and Music Hall	64 Smith Street	Late night (on-premises)	4am	400
The Builders Arms	211 Gertrude Street	General	1am	290
Mr Wow's Emporium	97B Smith Street	On premises	1am	200
Bar SK	90 Smith Street	On premises	1am	70

139. From the above table, there are 8 venues which operate after 11pm with more than 200 patrons. Of these, 6 are located on Smith Street, with one on Gertrude Street and one on Brunswick Street. These late-night venues can generally be categorised as pubs or bars, some with live music as a component, as in the case of the Workers Club Hotel or Grumpy's Green. Each venue has a varied degree of food service associated with it; however this food service will generally be limited after 11pm. The venues all have a mix of standing room and seating provided.

140. Given the location of these venues, there will be no need for patrons from the proposed restaurant to travel through residential zones to access them. Of the three main

entertainment areas described, Smith Street is the most prevalent late-night hub, further restricting the possibility that people would travel along Gertrude Street or even to Brunswick Street, given the number of venues immediately to the north of the site. This will limit amenity and noise impacts associated with patrons moving to new venues to the main thoroughfares, and predominantly to Smith Street, within the CEP.

141. The proposed premises will operate as a restaurant with 225 patrons and, when compared to existing venues, the proposal is considered to have less of an impact, with a focus on food service, patron seating and no provision for live music. The applicant has confirmed that the restaurant kitchen will be operational until 11pm Mondays to Thursdays and 1am Friday and Saturday. The addition of a large restaurant providing food to patrons within the activity centre up until 1am on Fridays and Saturdays is considered to be a good alternative and may assist in reducing amenity impacts associated with existing venues in the area.

Do licensed premises commonly operate at capacity and is queuing outside common?

142. Due to the proposed use of the site as a restaurant and the large provision of seating available, it is considered unlikely that queuing will occur outside the premises. A number of the larger venues further to the north along Smith Street do operate at capacity (particularly on weekends) and queuing can occur outside. However, it is not considered that the proposed venue will contribute to this occurrence.

Are there any local laws regulating consumption of liquor in public spaces?

143. In terms of drinking in public, Council's Local Law No.8 prohibits the consumption of liquor in public places as follows:
A person must not in a public place:
(a) *consume liquor; or*
(b) *be in possession of liquor in an open container.*

144. Council's Community Amenity Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner. Victoria Police generally focus on patron behaviour on the street and Council's Community Amenity Unit generally deal with issues of noise from within premises.

Is there any evidence of problems apparent in the area, such as property damage or littering that may be attributed to alcohol related incidences?

145. Amenity impacts associated with the entertainment function of the Smith Street area are generally well understood as being associated with noise, anti-social behaviour, litter, safety and car parking.

Does the proposal contribute to the diversity of activities and vibrancy in the area?

146. The venue provides a focus on food service and on that basis will differ from the larger scale bars within the immediate area. The proposed restaurant will contribute to the current diversity of activities and vibrancy within the Smith Street MAC.

Will the proposal reinforce any existing or create any new impacts arising from the mix of uses in the area?

147. The proposed restaurant is not considered to alter the mix of venues in the area, nor create any new impacts associated with existing uses.

Transport and dispersal

148. The Practice Note recognises that how patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area, especially if patrons need to move through sensitive areas to reach their destination. A concentration of high risk licenced premises closing at similar times may lead to difficulties in safe and orderly patron dispersal. This can be addressed by staggering the operating hours because there will be fewer people on the street trying to leave the area at one time.

149. The 11pm closing time during the week does not constitute a 'high risk' use, with the focus on the service of food instead of alcohol. A number of restaurants within proximity to the site will close at similar times; however none of these restaurants have the capacity for over 200 patrons, and it is unlikely that all of these venues will be at full capacity at 11pm.

150. Based on the figures in Table 1 (paragraph 135 of this report), the venues closing at 1am are further to the north along Smith Street, thereby providing sufficient space so as to mitigate any unreasonable impacts from occurring, with transport options and open venues in the vicinity capable of absorbing any patrons that remain.

151. Practise Note 61 poses the following questions to be reviewed by the Responsible Authority in regards to transport and dispersal:

Do closing hours between venues coincide closely or is there a spread of closing hours?

152. The closing hours associated with the larger venues outlined in Table 1 are generally between 1am and 3am. As the proposed use is not as a tavern but as a dedicated restaurant, the closing hours are not considered to be as sensitive. However, it is considered that there is generally an even spread of closing times in and around the larger venues in the area, with the proposed closing hours of the restaurant integrating well with these times.

Is there a high number of patrons on the streets after 11pm?

153. There is a wide range of restaurants in the area with closing hours of 11pm, however it is considered unlikely that all of the patrons associated with these restaurants will remain on-site until 11pm, with patrons tending to disperse at different times throughout the night. The prevalence of late-night taverns and bars along Smith Street does result in a relatively high number of people on the streets after 11pm, however these people are largely restricted to the areas north of Gertrude Street. This outcome is reasonable given the designation of Smith Street within a MAC and as a CEP.

What public transport is available to patrons leaving the licensed premises at closing time?

154. The subject site has access to a number of public transport options, including trams, taxis and uber. Trams operate along Smith Street and Gertrude Street, 25m to the north of the site, with trams also available along Victoria Parade, 215m to the south.

155. The No. 86 tram route, between Bundoora and the CBD, provides tram services until 11.35pm (to the CBD) and 12.34am (to Bundoora) from Mondays to Thursdays. On Friday, these services operate until 3.45am; with Saturday night trams operating until 4.14am (both to the CBD). These public transport options will provide patrons with a number of alternative transport methods and will sufficiently cater for the proposed number of patrons associated with the venue.

Are taxi ranks conveniently available to patrons leaving the licensed premises at closing time?

156. The corner of Smith Street and Gertrude Street is a popular location for taxis to congregate, with the entire area well serviced by taxi and uber services.

Is there car parking available and where is it located?

157. The application would trigger a requirement for 16 car parking spaces under the requirements of clause 52.06 the Scheme. The application has sought a reduction of these requirements in light of the absence of any on-site car parking. The availability of car parking within the immediate area will be discussed later within this report.

How do people disperse from the area after leaving a licensed premises?

158. Given the nature of the premises, it can be expected that the primary modes of dispersal would be by walking, public transport and taxi/uber. Whilst some car travel from the venue could be expected, it is unlikely to be the main mode of transport for patrons.

159. Given there is only one main entry/exit from the venue onto Smith Street, patrons are likely to disperse along the main thoroughfare to access public transport and taxis or other licensed venues within the area.

Is the movement of patrons through the area known to be an existing problem?

160. Given the condition to restrict any access from the rear of the land (as discussed earlier within this report), there is no clear path from the subject site to any residential areas (particularly to the west of the site), and patrons from the restaurant are unlikely to filter into these residential areas when exiting the site from Smith Street. In this instance, it is considered that the main dispersal routes for patrons leaving the venue would be along Smith Street, with public transport, taxi zones and late-night venues along this thoroughfare. This would be in line with the current routes of dispersal used by patrons from Smith Street venues.

Impact mitigation

161. As outlined above, cumulative impacts are associated with the cluster of venues within a concentrated area. Many of these issues can be related to how the venue is managed, with internal management policies and procedures often contributing to the alleviation or reduction of potential amenity issues within and without the licensed premises.

162. To ensure a venue is managed appropriately, Council's local policy at clause 22.09 requires submission of a Noise and Amenity Action Plan (NAAP) which outlines management procedures aimed at ensuring good patron management. The NAAP has been discussed earlier within this assessment and as noted, the NAAP will be endorsed by way of planning permit condition.

163. Also outlined within this assessment are the various noise attenuation measures and operational procedures that will be undertaken via the management of the premises, in order to reduce off-site amenity impacts to surrounding sites. These measures include the provision of retractable roofing above the open-air courtyards, to be closed as specific times each night, along with the closure of windows and the management of patron numbers within external areas.

164. Additional features such as the provision of a noise limiter and the presence of security staff until 2am on Friday and Saturday nights will effectively manage the operation of the proposed venue in an appropriate manner.

<u>Buildings and works/Heritage</u>

165. Relevant decision guidelines for development in a C1Z are outlined at Clause 34.01-8 of the Scheme. These guidelines require consideration of the buildings and works to be undertaken as part of the development, along with any off-site amenity impacts that may occur.

Consideration of waste storage and collection, loading and unloading and car parking is also required. All of these aspects will be addressed under alternative provisions in the Scheme, with buildings and works (including demolition) assessed under Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay), off-site amenity impacts assessed under Clause 22.05 (Interface Uses Policy) and car parking assessed under the Clause 52.06 (Car Parking) section of this report.

166. The site is located within the Smith Street South Heritage Precinct, with both buildings classified as 'individually significant' to this precinct. External paint controls apply to this precinct and internal alteration controls affect the property at No. 69 Smith Street. The internal controls are based on the significant elements identified in the Statement of Significance for this precinct, with this limited to the pressed metal ceiling within the main section of building at No. 69 Smith Street.

Demolition

167. The proposed extent of demolition includes the removal of built form at the rear of the site, fencing, internal sections of walls, staircases and flooring within each building and sections of the shopfront of No.71 Smith Street.

168. Clause 22.02-5.1 of the Scheme generally discourages the demolition of part of an individually significant building, unless that part of the heritage place has been changed beyond recognition of its original or subsequent contributory character and for an individually significant building, it can be demonstrated that the removal of part of the building does not negatively affect the significance of the place.

169. The proposed external demolition at the rear of both buildings involves the removal of non-original fabric, including a single-storey garage, stairs, door and fencing. The removal of this fabric is acceptable and will have no impact on the significance of either property.

170. The single-storey section of built form immediately to the rear of No. 69 Smith Street consists of original fabric, however only the western-most section of this building will be removed. The chimney and section of northern boundary wall will be retained. The heritage report submitted with the application and prepared by Lovell Chen noted that the partial demolition of this secondary structure will not compromise the contribution of the subject site to the broader heritage precinct.

171. Council's Heritage Advisor supported this outcome, noting that views to this area of built form are limited from the public realm. The fabric to be removed makes little contribution to the overall significance of the two buildings within the precinct and does not contribute to the principal presentation of the buildings along Smith Street. On this basis, the demolition of this section of building will not result in any negative impact on the individual significance of the buildings within the Smith Street South Precinct.

172. The internal demolition works within both buildings are considered acceptable, with the pressed metal ceiling at No. 69 Smith Street (acknowledged in the Statement of Significance for this precinct) to be retained. The original floor boards of this building will also be maintained (albiet removed and re-laid).

173. No internal controls apply to the building at No. 71 Smith Street. The proposal includes the removal of the concrete flooring, along with the main shopfront window, highlight windows and door within the ground floor façade. Clause 22.02-5.3 of the Scheme encourages restoration of a heritage place if evidence exists to support its accuracy and encourages the reconstruction of a building or works which previously existed in a heritage place if:
    (a) *The reconstruction will enhance the heritage significance of the heritage place*
    (b) *Evidence exists to support the accuracy of the reconstruction.*

174. This clause encourages the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

175. Whilst the removal of the concrete flooring is acceptable, Council's Heritage Advisor has recommended the use of timber as a replacement material. This accords with Clause 22.02-5.3, and allows for consistency between the two buildings. As no material for the new floor has been specified on the plans, the requirement to use timber is considered reasonable and will be facilitated via a permit condition, should a permit be issued.

176. The most visible demolition works at No. 71 Smith Street involve the removal of the door and window within the shopfront. The demolition works are only supported by Council's Heritage Advisor if particular sections of the shopfront are maintained, including the retention of the metal framing, tiled pilasters and stallboard beneath the main glazing. The proposed shopfront elevation indicates that this original heritage fabric will be retained, and on this basis, the extent of demolition of the proposed glazing and entrance door is acceptable.

177. Further, Clause 22.02-5.4 of the Scheme encourages the removal of paint from originally unpainted masonry surfaces. It is noted that the original bluestone first-floor façade of No. 71 Smith Street has been painted over in the past; the removal of this paintwork is recommended to form part of the proposed works to the façade of this building and will therefore match the original bluestone appearance of the building immediately to the north, at No. 73 Smith Street. The applicant has agreed to undertake these works.

178. To facilitate this, Council's Heritage advice noted that the removal of this paint must be carried out via chemical peel process and light water spray only. No sand blasting or heavy jet sprays may be used, and if repointing is required, mortar in accordance with AS3700 mortar class M2 is to be used, with the colour and aggregate to match the original mortar. A condition will ensure this occurs, should a planning permit be issued.

Buildings and works

179. Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development and alterations and additions to a heritage place to (where relevant):
    (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
    (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
    (c) *Be visually recessive and not dominate the heritage place.*
    (d) *Be distinguishable from the original historic fabric.*
    (e) *Not remove, cover, damage or change original historic fabric.*
    (f) *Not obscure views of principle façades.*
    (g) *Consider the architectural integrity and context of the heritage place or contributory element.*

180. In particular, Clause 22.02-5.7.2 states (with regards to industrial, commercial and retail heritage places) that it is policy to: *encourage new upper level additions and works to:*
    (a) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
    (b) *Incorporate treatments which make them less apparent.*

181. The proposed additions at the rear of the buildings comply with this policy. The highest point of the new building will be the central lift core. This element will be set back 16.3m from the front boundary and will extend to a maximum height of 8.9m (based on the northern

elevation). This height will be 0.755m higher than the existing façade parapet of No. 69 Smith Street. Given the generous setback provided for this addition and the retention of the main roof form, views to this element will be restricted and the existing presentation of both buildings in Smith Street will be maintained.

182. The addition will be visible in the rear streetscape along Little Smith Street, however has been designed to respond to the character of the streetscape, with the single-storey height of the rear courtyard building appropriate in a streetscape that exhibits a significant degree of higher built form. The flat roof form and accompanying roof garden, along with the contemporary design of the proposed addition, is an acceptable outcome in the context of this streetscape, with a high number of contemporary in-fill buildings directly opposite and to the south of the site. The contemporary design will ensure that the new works are clearly distinguishable from the original fabric of both buildings.

183. The addition will be constructed of brick and concrete, with the proposed brickwork to match existing (including a hit-and-miss pattern for some sections of these walls). These materials will sit comfortably within the traditional palette of the area.

184. The proposed modifications to the rear of No. 71 Smith Street will also have no impact on the presentation of this building in the Smith Street streetscape. The works will be visible from Little Smith Street and involve the modification of a non-original door to a window opening and the creation of a waste storage area within the rear courtyard. The waste storage will be concealed by a fence and roller door which will replace the existing fencing. These minor additions will have no impact on the significance of the building within the Little Smith Street streetscape.

185. Based on the conditions discussed, it is not considered that the proposed demolition or buildings and works will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Landscaping

186. A roof garden is proposed as part of the application, with the plans indicating that this garden will not be accessible to restaurant patrons. The roof garden will extend over part of the ground-floor courtyard and around the lift overrun. A limited Landscape Plan has been provided, with this plan providing information on the types of species proposed within the garden, and the provision of a timed irrigation system.

187. Detailed information on the location of each species, the construction and maintenance of the garden and specific details of the irrigation system will be required via the provision of a detailed Landscape Management Plan. This plan will be facilitated via a condition of the permit, should one be issued.

<u>Off-site amenity impacts</u>

188. Clause 22.05 of the Scheme applies to applications for use and development within the C1Z, with Clause 22.05-1 noting that while the mix of land use creates a diverse and interesting inner-city character, it may create conflict at the interface between different types of uses. The site is located directly adjacent to a residential zone (NRZ), with residential sites on the western side of Little Smith Street, to the rear of the site. There are also a number of dwellings immediately to the south of the site, addressing Little Smith Street. These dwellings are located within the C1Z.

189. Issues of concern that are relevant to this application and have not already been addressed include;
    (a) Odour and air emissions
    (b) Overlooking;

(c) Overshadowing;
(d) Loading and unloading; and
(e) Rubbish removal and storage

190. These will be discussed in turn below.

Odour and air emissions

191. The use of the land as a restaurant is an as-of-right use within the C1Z, with any odours associated with the use anticipated to be associated with the cooking of food. The waste storage room is enclosed; this will limit odours permeating from this space.

Overlooking

192. Clause 22.05-4.2 states that new non-residential development is to be designed 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 screens.

193. A roof garden is proposed at the rear of the building; this garden will be located above the ground floor courtyard and around the lift overrun. The plans indicate that this garden will not be accessible to patrons, thereby ensuring that no unreasonable overlooking will occur from this space.

194. The proposed first-floor terrace will be fully enclosed by walls at all sides, thereby inhibiting views into adjacent sites.

195. One objection noted that upward views may be available from the ground-floor courtyard into the first-floor east-facing windows within No. 47 Little Smith Street (on the western side of the laneway). Whilst unreasonable views to these windows are considered unlikely, given the distance and difference in floor levels between these spaces, the provision of the fixed roof on the western side of the courtyard, as outlined in the Acoustic Report and required via a permit condition, will fully restrict any overlooking from occurring to these windows.

Overshadowing

196. Clause 22.05-4.2 notes that the location, length and height of any wall built to a boundary should not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of daylight to habitable room windows.

197. Shadow plans submitted by the Applicant demonstrate the increase in shadows that will occur within the site to the south at the September equinox. It is acknowledged that additional shadows will affect this site, with the courtyard in the centre of the adjacent site primarily affected at 12midday. The endorsed plans associated with this land indicate that this space is shared between the commercial property at the front of the site, and the residential dwelling addressing Little Smith Street to the west. Given that part of the courtyard is associated with a restaurant/bar, it is not considered unreasonable that this space will be overshadowed throughout the day.

198. Whilst additional overshadowing will affect the section of courtyard associated with the dwelling, it is noted that the endorsed plans for this property indicate that the primary area of secluded private open space (being directly adjacent to the principal habitable living rooms) is located within a first-floor balcony, facing west. This is demonstrated within the floor plan below, which confirms that a west-facing deck is located directly adjacent to the first-floor living room.

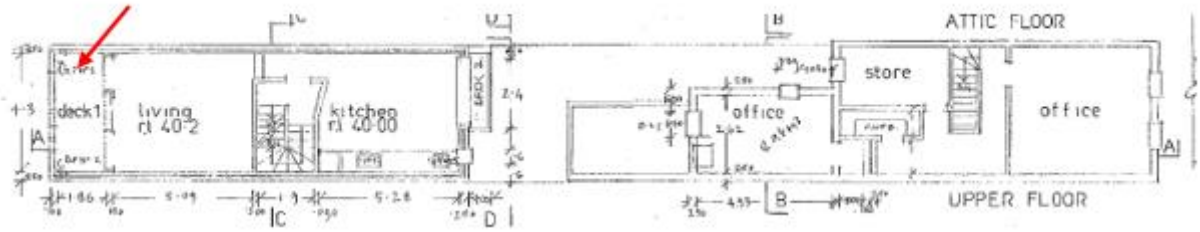


Figure 6: First-floor layout of No. 44 Little Smith Street

199. The development of the subject site will result in no alteration to daylight or solar access to this balcony. Further, as outlined in the VCAT decision quoted in paragraph 88 of this report, the Tribunal recognises that residents living in commercial zones cannot expect the same level of amenity as residents living in a wholly residential area. Based on these factors, the extent of overshadowing within the site to the south is acceptable.

Loading and unloading

200. There is no provision for on-site loading and unloading. There is a loading zone directly to the north of the site, on Smith Street. In addition, the laneway at the rear of No. 71 Smith Street offers an alternative location that will not obstruct traffic along Little Smith Street. These options will provide acceptable loading and unloading opportunities for the proposed restaurant, with a permit condition ensuring that all deliveries will occur between 7am to 6pm, Monday to Saturday.

Rubbish removal and storage

201. A Waste Management Plan (WMP) was prepared by One Mile Grid, with this report specifying where the restaurant waste will be stored and how it will be collected. An enclosed bin storage room will be provided at the rear of No. 71 Smith Street, with internal access provided from the restaurant.

202. It is proposed to utilise a private waste contractor to manage the collection and disposal of garbage and recycling associated with the restaurant. On collection days, the waste contractor will drive along Little Smith Street to then subsequently reverse down the bluestone laneway, and prop adjacent to the access point to the bin storage area. Once collection is completed, the bins will be immediately returned to the bin storage area and the truck will depart the site via Little Smith Street in a forward direction.

203. In addition to these procedures, conditions restricting the hours during which bottles can be emptied and waste can be collected would be added to any permit issued, as discussed earlier within this report.

204. The WMP was referred to Council's City Works Branch. Whilst no issues were raised with the proposed private collection and location of the storage room, additional information was requested in the form of swept path diagrams to clearly demonstrate the movements required by the collection vehicle. This information was subsequently provided and approved. The WMP will be endorsed and all procedures outlined within this document will be enforced.

<u>Car Parking</u>

205. Under clause 52.06 of the Scheme, the proposed restaurant is seeking a car parking reduction of 16 spaces, with no on-site car parking provided.

Use	Floor Area	Rate	No. required	No. proposed	Reduction sought
Restaurant	478sqm	3.5 to each 100sqm of leasable floor area	16	0	16
Total			**16**	**0**	**16**

206. As outlined in paragraph 3 of this report, the method by which the statutory car parking rate is calculated for a restaurant altered after the introduction of Amendment VC148. Whereas previously the car parking rate was associated with patron numbers, the rate is now calculated by the floor area of the restaurant. This change has reduced the formal statutory car parking rate from 90 spaces to 16 spaces. The comments provided by Council Engineers were based on the more conservative rate of 90 spaces. This ensures that the comments will continue to comply with the reduced rate of 16 spaces.

207. 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 to the assessment requirements of Clause 52.06-6.

Availability of Car Parking.

208. Parallel kerbside parking is available along both sides of Smith Street and Gertrude Street, with these spaces generally time-restricted (2 hours) and ticketed during standard business hours. Car parking is prohibited along both side of Little Smith Street. Derby Street is a local street directly opposite the site, on the eastern side of Smith Street. Angled kerbside parking is provided along the southern side of Derby Street, with parallel parking provided along the northern side. Parking within this street is restricted to 2P and 'permit only' parking.

209. To determine the availability of car parking within the immediate area, a parking occupancy survey was undertaken on Friday 16 June and Saturday 17 June 2017 between 12:00pm and 12:00am, at one-hour intervals. The survey area encompassed sections of Smith Street, Little Gore Street, Gore Street, Little Smith Street, Little Oxford Street, Oxford Street, Cambridge Street, Mason Street, Victoria Parade, Derby Street, Langridge Street, Peel Street, and Webb Street, with Council Engineers confirming that the times and extent of the survey was appropriate.

210. In assessing the survey results, any permit zones, loading zones, or time restrictions allowing for less than 1-hour were excluded from the results, as it was considered that these spaces would not be suitable for use by patrons. Based on this, a parking inventory of between 487 and 523 spaces was identified (with slightly different numbers on the Friday and Saturday due to varying parking restrictions at these times). The survey results indicated that on the Friday, parking occupancy ranged from 415 occupied spaces at 1pm, to 424 occupied spaces at 9pm. The maximum available spaces were 74. On the Saturday, peak parking occupancy occurred at 8.00pm, with 82 spaces vacant.

211. The survey indicated that limited on-street car parking is available within the vicinity throughout the day; however the area's coverage of parking restrictions would provide regular turnover of parking to improve the opportunities for patrons to park near the site.

Car parking demand

212. To ascertain the car parking demand associated with the proposed restaurant use, Council's Engineers reviewed past travel mode surveys for licenced restaurants, which generally equated to 0.10 to 0.20 spaces per patron. Adopting the more conservative rate of 0.20 spaces per patron for the proposed restaurant would equate to 45 spaces (on the assumption that the venue was operating at full capacity of 225 patrons). As outlined earlier, the statutory rate is now 16 spaces. Given the availability of car parking outlined above, it is

considered that the shortfall in car parking associated with the proposed use could be accommodated off-site.

213. It is noted that restaurants in the City of Yarra are regularly approved with little or no on-site parking, particularly within activity centres. The area's coverage of parking restrictions will provide a regular turnover of parking within vicinity of the site. The high parking demand in the Fitzroy/Collingwood area would also be a disincentive for staff and patrons to commute to the site by car.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

214. The reduction in car parking being sought by the proposal is supported by the following:
    (a) The car parking reduction is in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regards to sustainable transport alternatives and the lack of on-site car parking would discourage private motor vehicle use;
    (b) *Practice Note 22 – Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as Smith Street, where spare on-street car parking capacity would be shared amongst sites within the area;
    (c) Given the location of the site within an activity centre, it is highly likely that patrons to the restaurant would already have parked in the area and be engaged in other activities or business;
    (d) Council's Engineering Unit noted that as with many other similar type establishments in the area, the licenced restaurant would rely heavily on walk-up trade. Pedestrians in the area and employees at local businesses would account for the majority of patrons to the restaurant throughout the day;
    (e) The site is within walking distance of tram services operating along Gertrude Street, Smith Street, Brunswick Street and Victoria Parade. Buses are also available along Victoria Parade and Johnston Street, within walking distance of the site;
    (f) The site is located within an area which consists of a high number of retail, entertainment and commercial premises, with the majority of these uses offering no on-site car parking provision;
    (g) The lack of opportunities to park on-street in the surrounding area would be a disincentive for employees to commute to work by car, with the short-term parking restrictions allowing restaurant patrons to park for limited periods;
    (h) The stringent enforcement of drink-driving laws would be a disincentive for patrons to drive to the restaurant, particularly if they intend to consume alcohol. Patrons would be inclined to travel to and from the site with public transport, taxis and private driver services.

215. The Smith Street locality is strongly characterised by diverse commercial uses, consisting of hotels, restaurants and shops, and including many licensed premises. As such, the positive influence of public transport, very high pedestrian volumes in the area and multi-purpose trips would substantially lessen the need for parking around the subject site and justify the reduction of the parking requirement associated with the premises. From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the site and the surrounding area.

<u>Bicycle Parking</u>

216. There is no provision for on-site bicycle parking within the site, with a total of 9 spaces required under Clause 52.34 of the Scheme. This outcome is acceptable, with good opportunities for on-street bicycle parking provided within proximity to the land and with the majority of venues along Smith Street providing no on-site bicycle parking.

217. A double-sided bicycle rail is located in front of the site on the Smith Street footpath, with additional double-sided rails located on the eastern side of Smith Street, as demonstrated in Figure 6 below. The provision of bicycle parking to this extent is unusual and provides excellent opportunities for patrons to park within proximity to the site. This outcome is acceptable.



Figure 7: bicycle parking on the eastern side of Smith Street

218. Whilst these facilities provide good opportunities for patron bicycle parking, it would be beneficial if a degree of on-site bicycle parking for employees is provided. These could be accommodated in the ground level service courtyard at No. 71 Smith Street, with the applicant confirming that five spaces (to meet the statutory requirement) can be located within this courtyard. If a planning permit is issued, a condition can be added to facilitate this.

Objector Concerns

219. *Heritage concerns;*

(a) Heritage issues have been discussed within paragraphs 165 to 185 of this report.

220. *Obstruction of rear laneway (Little Smith Street);*

(a) This issue has been discussed within paragraphs 90 and 91, with reference to the restriction of patron access to Little Smith Street via a permit condition. The issue is also addressed in the waste management discussed at paragraphs 201 to 204 of this report.

221. *Waste management issues within Little Smith Street;*

(a) This issue has been discussed within paragraphs 201 to 204 of this report.

222. *Proposed patron access via Little Smith Street;*

(a) A condition has been recommended to restrict all patron access to the Smith Street entrance.

223. *Off-site amenity impacts (noise, safety within Little Smith Street, overshadowing, overlooking etc.);*

(a) Potential noise impacts have been discussed within paragraphs 111 to 122, with additional off-site amenity impacts discussed within paragraphs 185 to 196 of this report.

224. *Proximity to residential land (to the west);*

(a) This issue has been discussed throughout this report, with particular reference to patron management procedures, restriction of patron access to Little Smith Street and the off-site amenity impacts outlined in the paragraphs above.

225. *Too many patrons proposed;*

(a) Patron numbers have been discussed within paragraphs 105 to 110 of this report.

226. *Proposed operating hours;*

(a) Hours of operation have been discussed within paragraphs 97 to 104 of this report.

227. *Lack of car parking;*

(a) This issue has been discussed within paragraphs 205 to 215 of this report.

228. *Impacts on surrounding businesses during construction.*

(a) This issue is not captured by the planning assessment and cannot be addressed as part of the planning process.

Conclusion

229. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. 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 (PLN17/0833) for partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant at 69-71 Smith Street, Fitzroy subject to the following conditions:

1. Before the sale and consumption of liquor and 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, prepared by George Livissianis, received by Council on 20/03/2018 (Drawings Nos. 01.01-01.06, 02.01.01-02.01.02, 02.02.01-02.02.02, 02.03, 03.01, 03.02 & SCH-00.01) but amended to include:

(a) A notation confirming that the door in the northern wall of No. 69 Smith Street will be used as an emergency exit only, with no patron access available at any other time;

(b) A solid roof over the western-most section of the ground floor courtyard (not less than 0.5mm thick steel) and the provision of a 1m high barrier above this roof, as shown in the Acoustic Report prepared by Acoustic Logic (dated 07/09/2017 (Revision 2);

(c) A roof plan, indicating all proposed areas of roofing, including sections of retractable roofing outlined in Condition (b);

(d) Notations confirming that the retractable roof above the ground floor courtyard will be closed at 6pm every day and the retractable roof above the first-floor terrace will be closed at 10pm every day;

(e) A notation confirming that the sliding doors to the ground floor courtyard bar will be closed at 10pm every day, except for patron egress;

(f) A notation confirming that all windows within the western and southern walls are to be fitted with a minimum of 10.38mm thick laminated glass with acoustic seals, with all windows to be closed after 6pm every day;

(g) The provision of timber flooring for No. 71 Smith Street;

(h) The removal of paint on the first-floor façade of No. 71 Smith Street. The removal of this paint may only be carried out via chemical peel process and light water spray. No sand blasting or heavy jet sprays may be used, and if repointing is required, mortar in accordance with AS3700 mortar class M2 is to be used, with the colour and aggregate to match the original mortar;

(i) Provision for five employee bicycle parking spaces within the external ground floor courtyard;

(j) Any alterations to the development required by the updated Acoustic Report at Condition 5;

(k) Any alterations to the development required by the Landscape Management Plan at Condition 21.

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

<u>Liquor Licence</u>

3. No more than 225 patrons (overall) are permitted on the land at any time liquor is being sold or consumed, with a maximum of 20 patrons permitted within the ground floor courtyard and a maximum of 15 patrons permitted within the first-floor terrace.

4. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
   (a) Sunday to Thursday 9.00am – 11.00pm
   (b) Friday and Saturday 9.00am – 1.00am

Acoustic Report

5. Before the sale and consumption of liquor and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 07/09/2017 (Revision 2), but modified to include;
   (a) An Rw specification for any operable barriers or roofs;
   (b) A minimum surface area for any sound absorption material;
   (c) Overall barrier heights specified as a minimum level above finished floor level;
   (d) An acoustic specification provided for the roof of the courtyard bar to ensure that noise from within the bar does not appreciably contribute to overall levels at receiver locations;
   (e) The installation of a music noise limiter, with this system to be calibrated to ensure that the specified noise levels for SEPP N-2 are not exceeded. This calibration must be undertaken by a qualified acoustic consultant.

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

Noise and Amenity Action Plan

7. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Perry Town Planning and dated March 2018, but modified to include the following;
   (a) The licensed operating hours to be Sunday to Thursday 9.00am – 11.00pm and Friday and Saturday 9.00am – 1.00am;
   (b) Confirmation that the retractable roof above the first-floor roof terrace will be closed at 10pm every night;
   (c) The collection of waste and recycling will only occur between 7am and 6pm Monday to Saturday;
   (d) Glass must not be emptied/transferred from one receptacle to another anywhere externally after 6pm or before 7am Monday to Saturday. Outside this time, all glass must be emptied/transferred within the premises and removed in containers;
   (e) Staff are to be instructed not to drop heavy garbage items/bottles into bins – they should be placed to minimise impact noise; and;
   (f) Deliveries shall not occur before 7am or after 6pm Monday to Saturday

8. The provisions, recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

9. Before the sale and consumption of liquor 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 One Mile Grid and dated 17 August 2017 but modified to include the following;

(a) The collection of waste and recycling will only occur between 7am and 6pm Monday to Saturday;
(b) Glass must not be emptied/transferred from one receptacle to another anywhere externally after 6pm or before 7am Monday to Saturday. Outside this time, all glass must be emptied/transferred within the premises and removed in containers;
(c) Staff are to be instructed not to drop heavy garbage items/bottles into bins – they should be placed to minimise impact noise.

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

General

11. The amenity of the area must not be detrimentally affected by the use, including through:
(a) the transport of materials, goods or commodities to or from land;
(b) the appearance of any buildings, works or materials;
(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
(d) the presence of vermin.
to the satisfaction of the Responsible Authority.

12. Prior to the commencement of the sale and consumption of liquor, a Noise Limiter must be installed on the land. The Noise Limiter must:
(a) be set at a level specified by a qualified acoustic engineer;
(b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
(c) be maintained and operated at all times.
to the satisfaction of the Responsible Authority.

13. The provision of music and entertainment on the land must be at a background noise level.

14. Speakers external to the building must not be erected or used.

15. The sale and consumption of liquor and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

16. The sale and consumption of liquor and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

17. The external emptying of bottles and cans into bins may only occur between 7am and 6pm on Monday to Saturday. At all other times, emptying of all bottles and cans must occur within the premises.

18. The collection of waste and recycling will only occur between 7am and 6pm Monday to Saturday.

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

20. Delivery and collection of goods to and from the land may only occur between 7am and 6pm Monday to Saturday.

Landscape Plan

21. Before the sale and consumption of liquor and development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
    (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
    (b) indicate the location of all areas to be covered by lawn or other surface materials; and
    (c) provide a specification of works to be undertaken prior to planting,
    to the satisfaction of the Responsible Authority.

22. 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.

    Building and works

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the reconstruction of the laneway/footpath immediately outside the property's Little Smith Street frontage if required by the Responsible Authority):
    (a) at the permit holder's cost,
    (b) to the satisfaction of the Responsible Authority.

24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

    Time expiry

27. 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 sale and consumption of liquor is not commenced within two years from the date of this permit; or
    (d) The sale and consumption of liquor is discontinued for a period of two years.

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

Notes:

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

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

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.

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

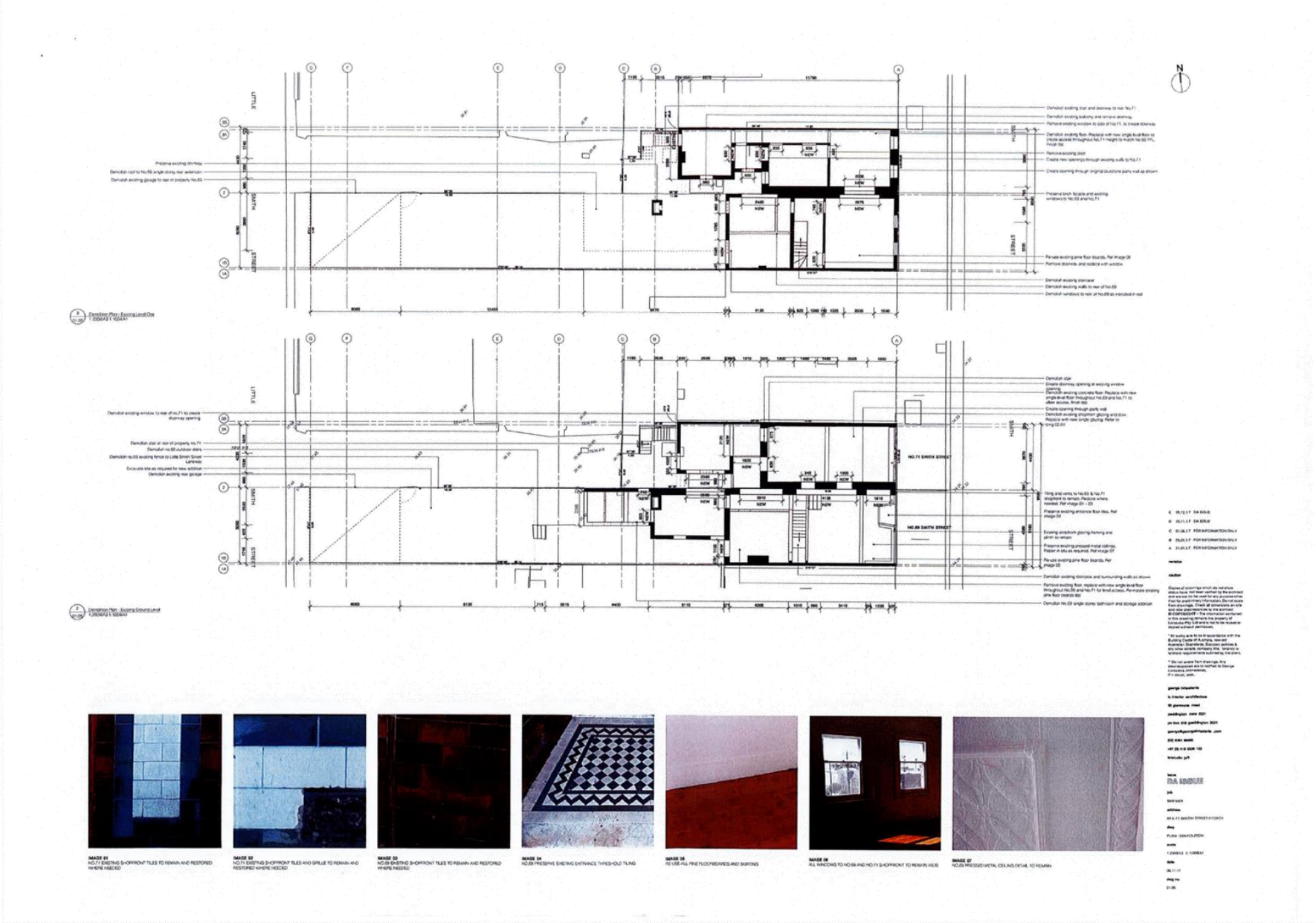
Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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.

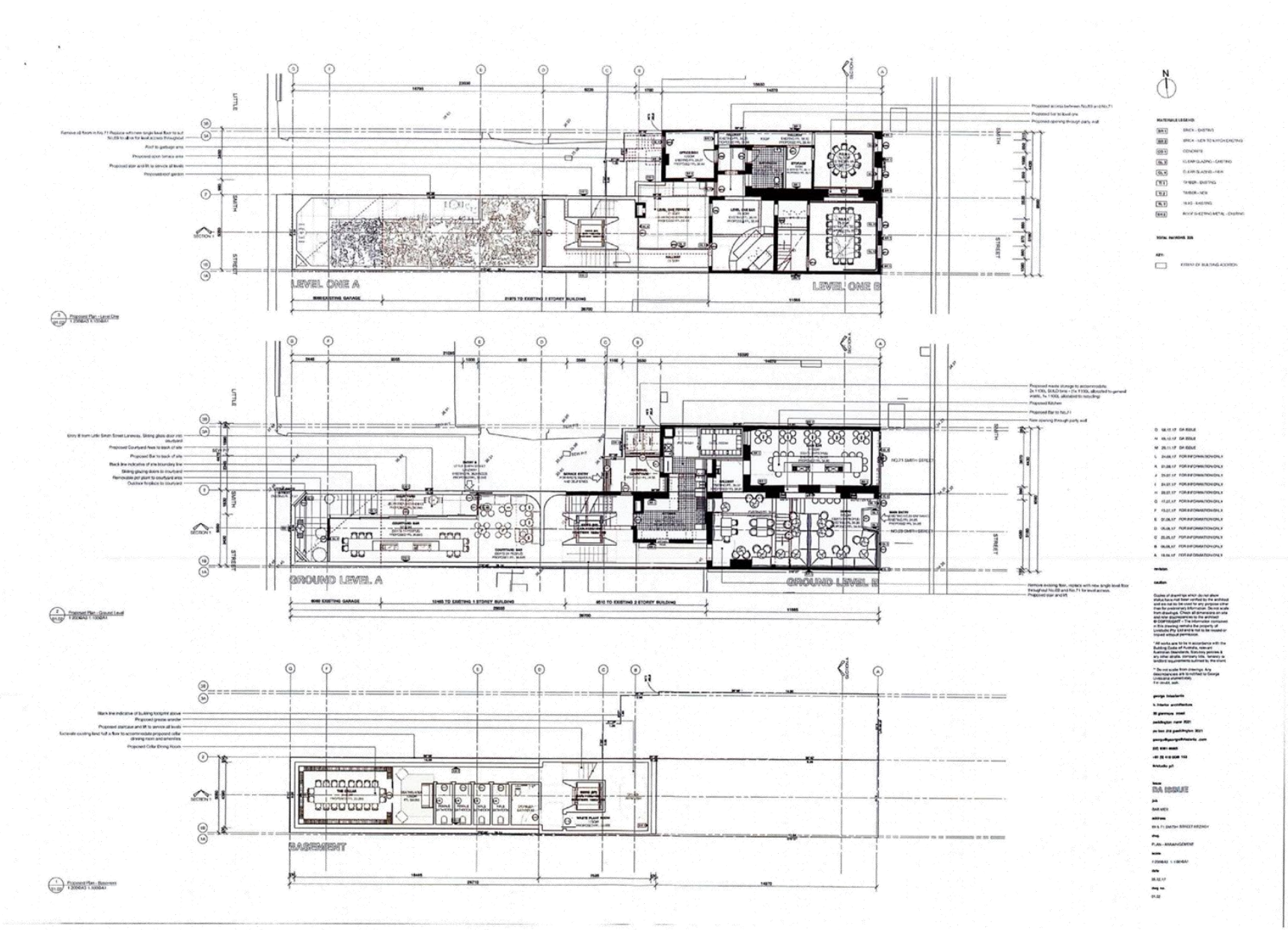
CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

Attachments
1 PLN17/0833 - 69-71 Smith Street, Fitzroy - Plans and Elevations
2 PLN17/0833 - 69-71 Smith Street, Fitzroy - Shadow Diagrams
3 PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice
4 PLN17/0833 - 69 - 71 Smith Street Fitzroy - Engineering comments
5 PLN17/0833 - 69-71 Smith Street, Fitzroy - Social Planning comments
6 PLN17/0833 - 69-71 Smith Street, Fitzroy - Community Amenity comments
7 PLN17/0833 - 69-71 Smith St Fitzroy - SLR Acoustic Review
8 PLN17/0833 - 69-71 Smith Street Fitzroy - WMP satisfactory

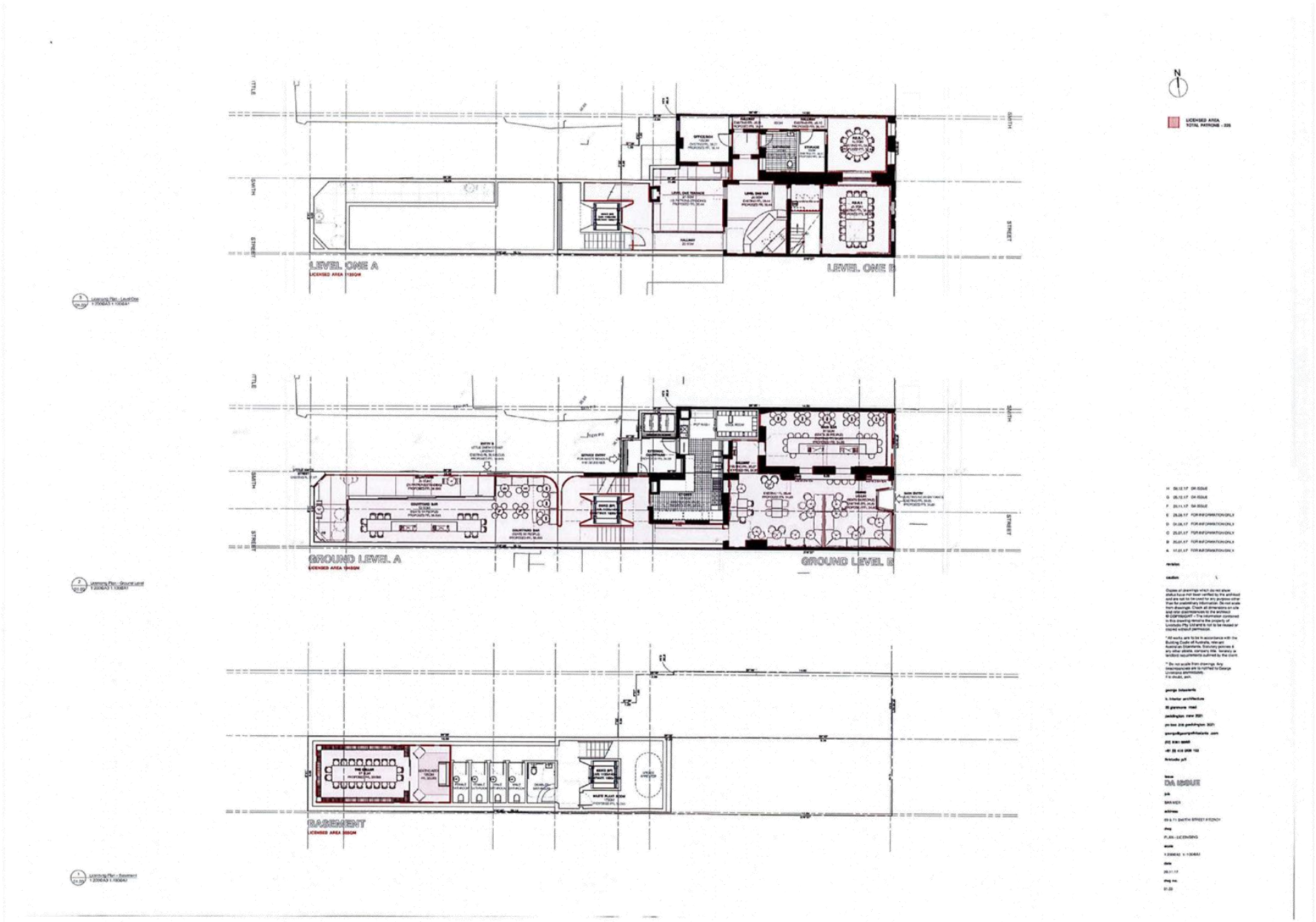
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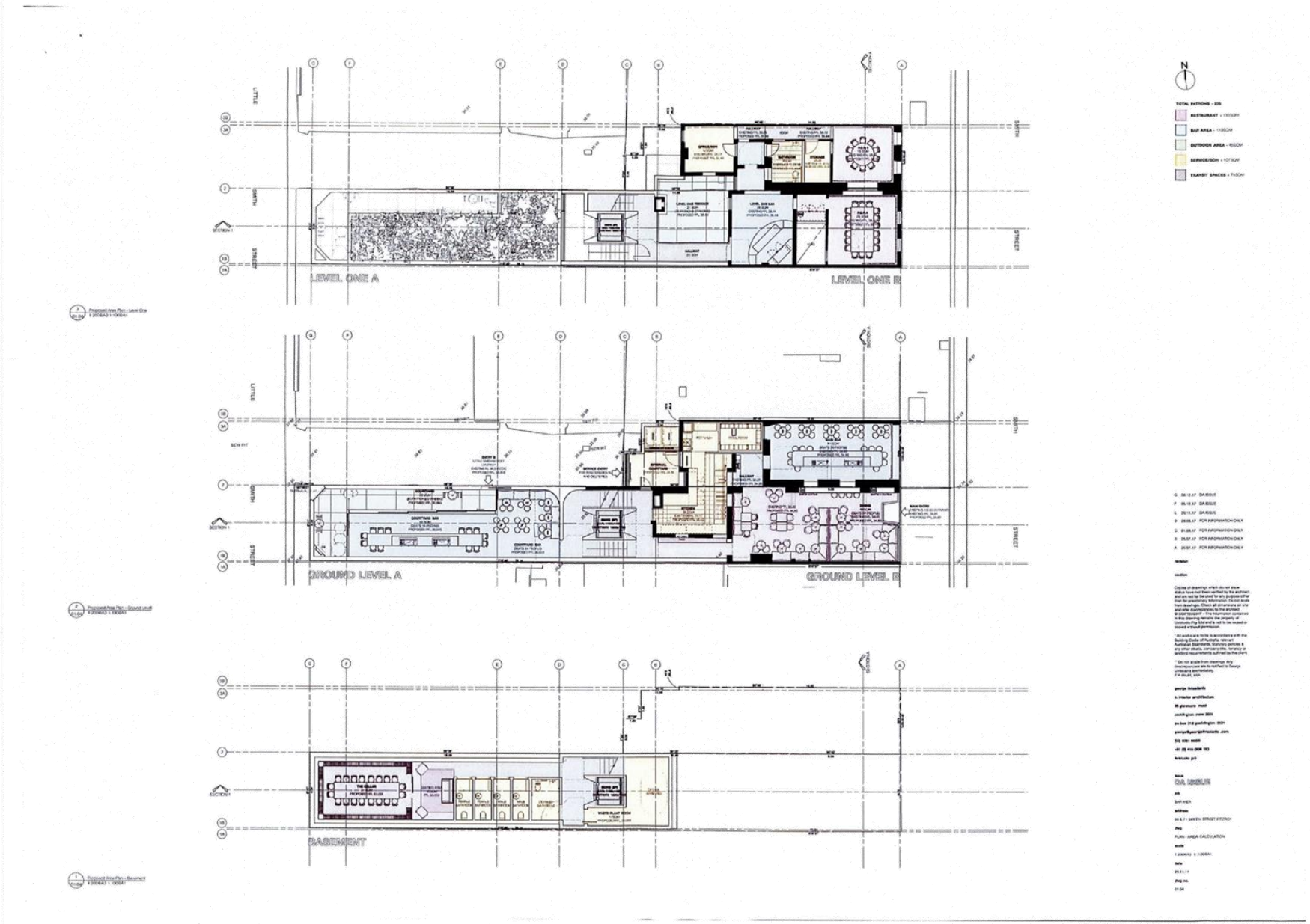
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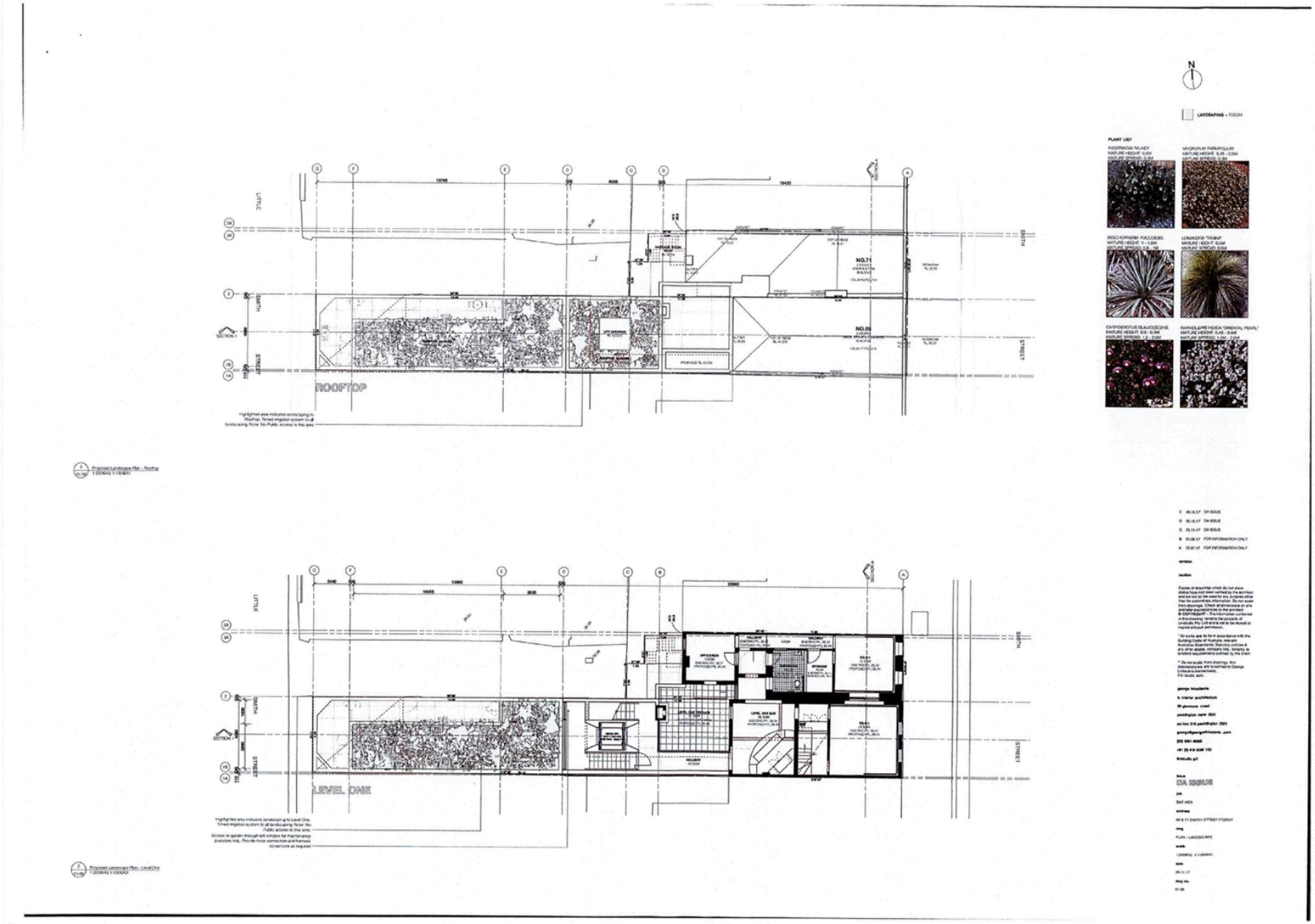
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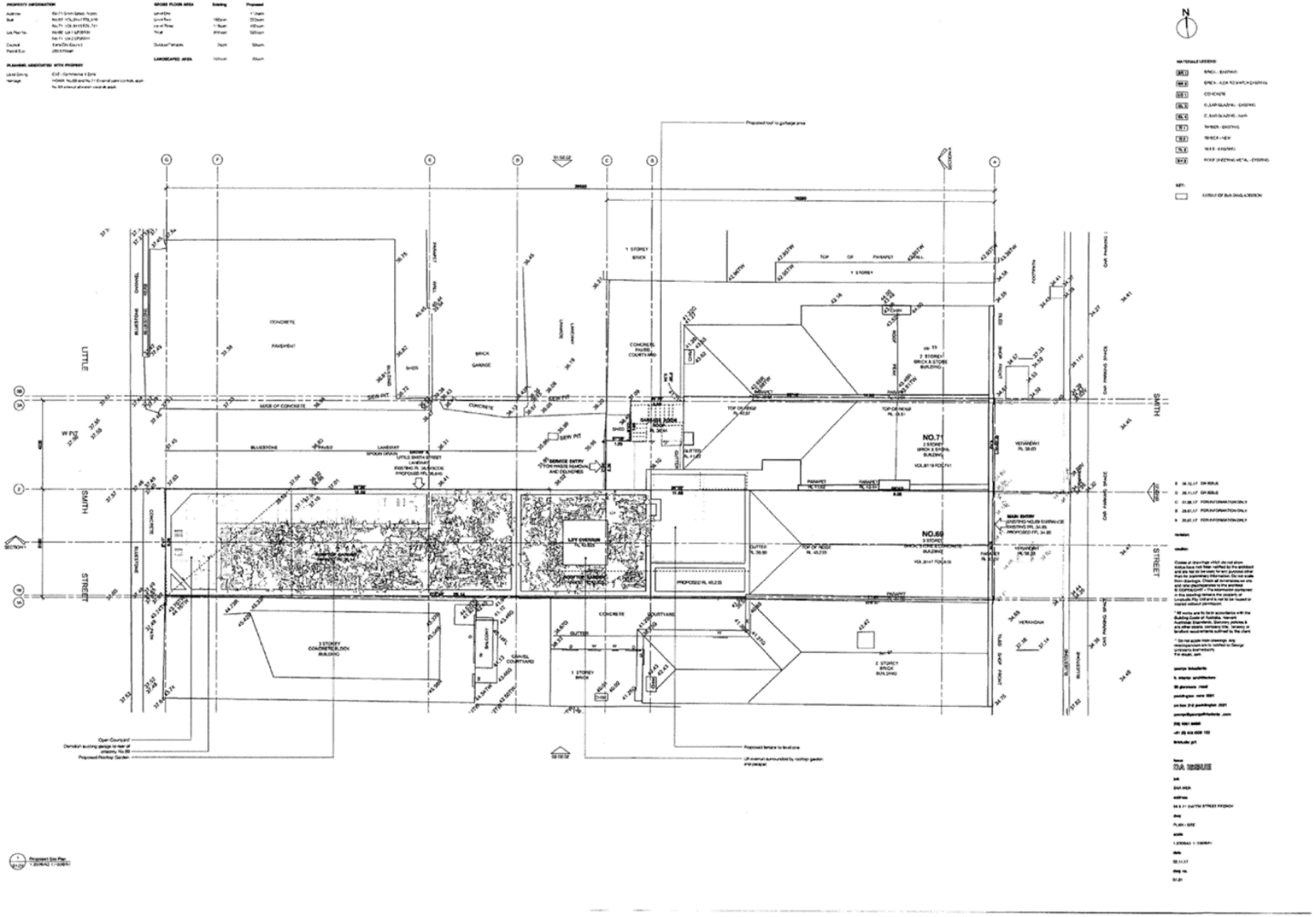
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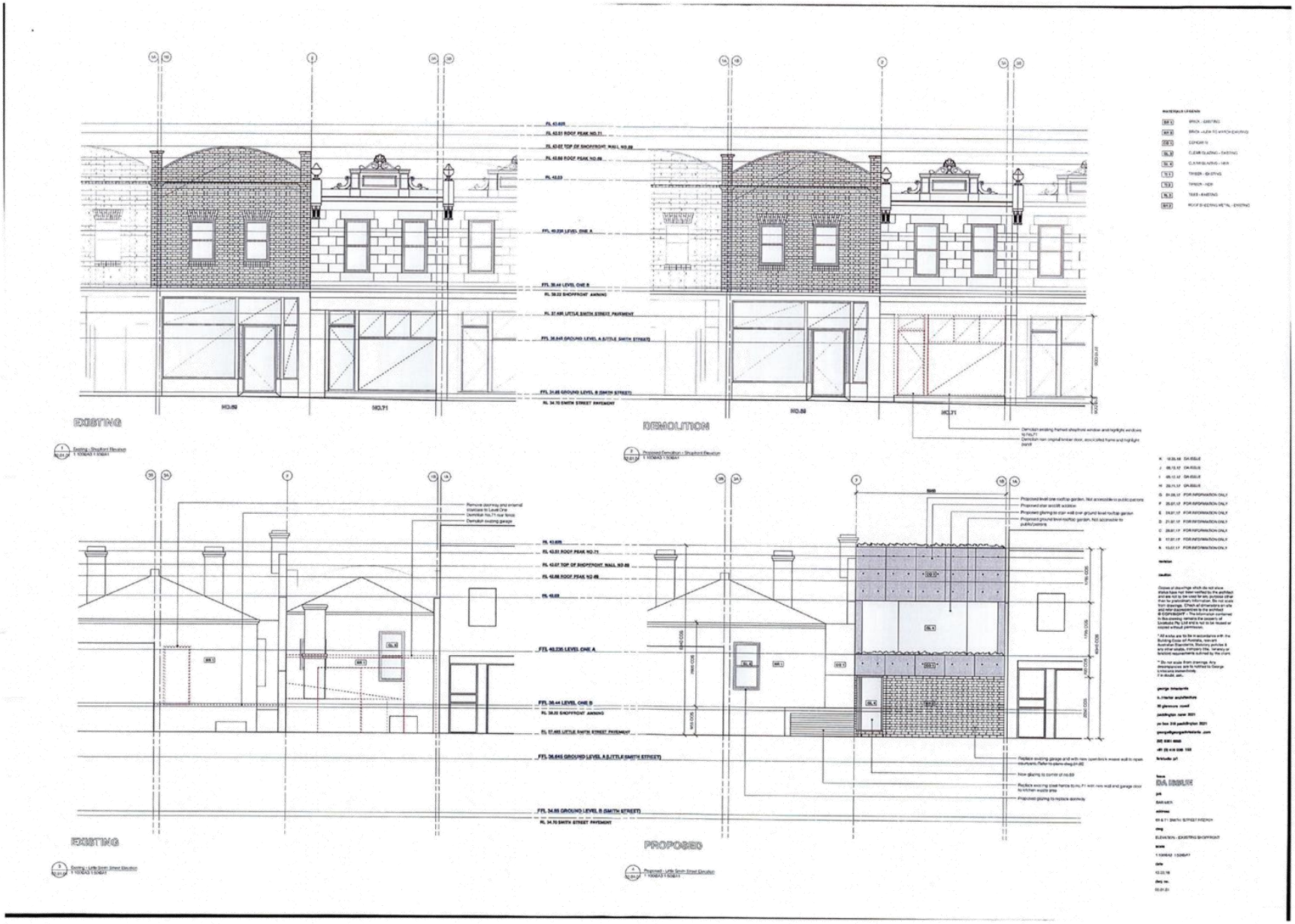
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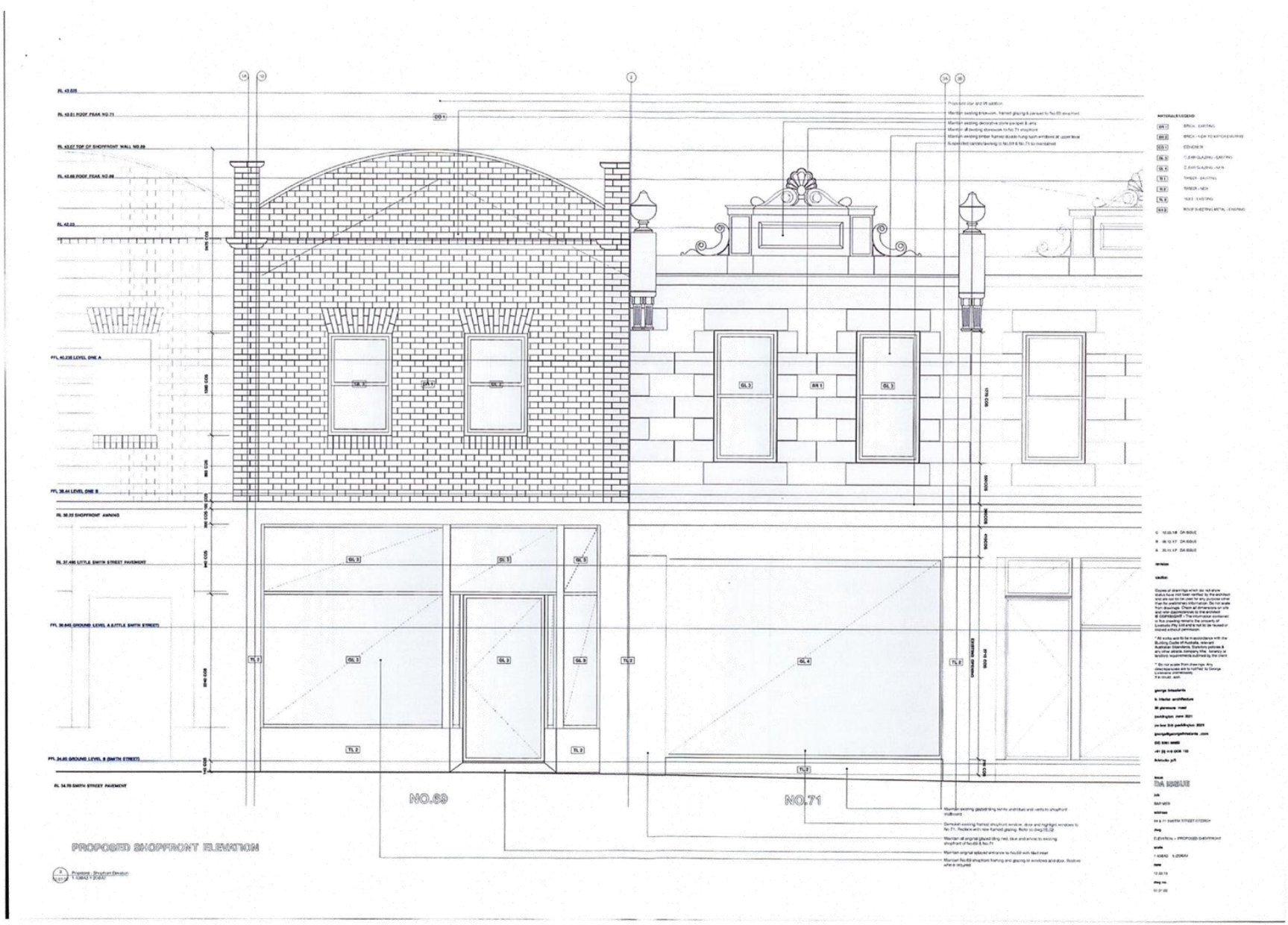
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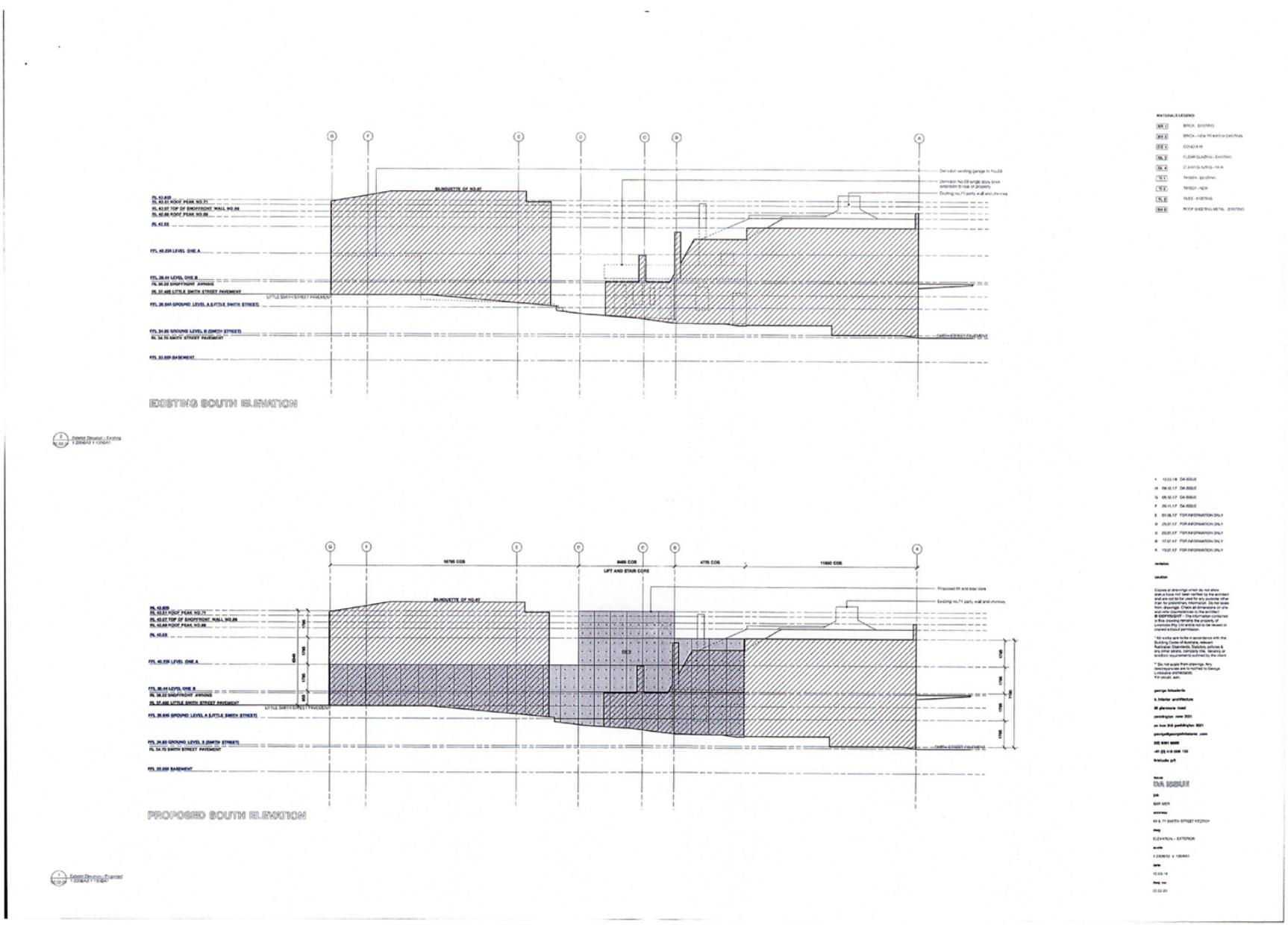
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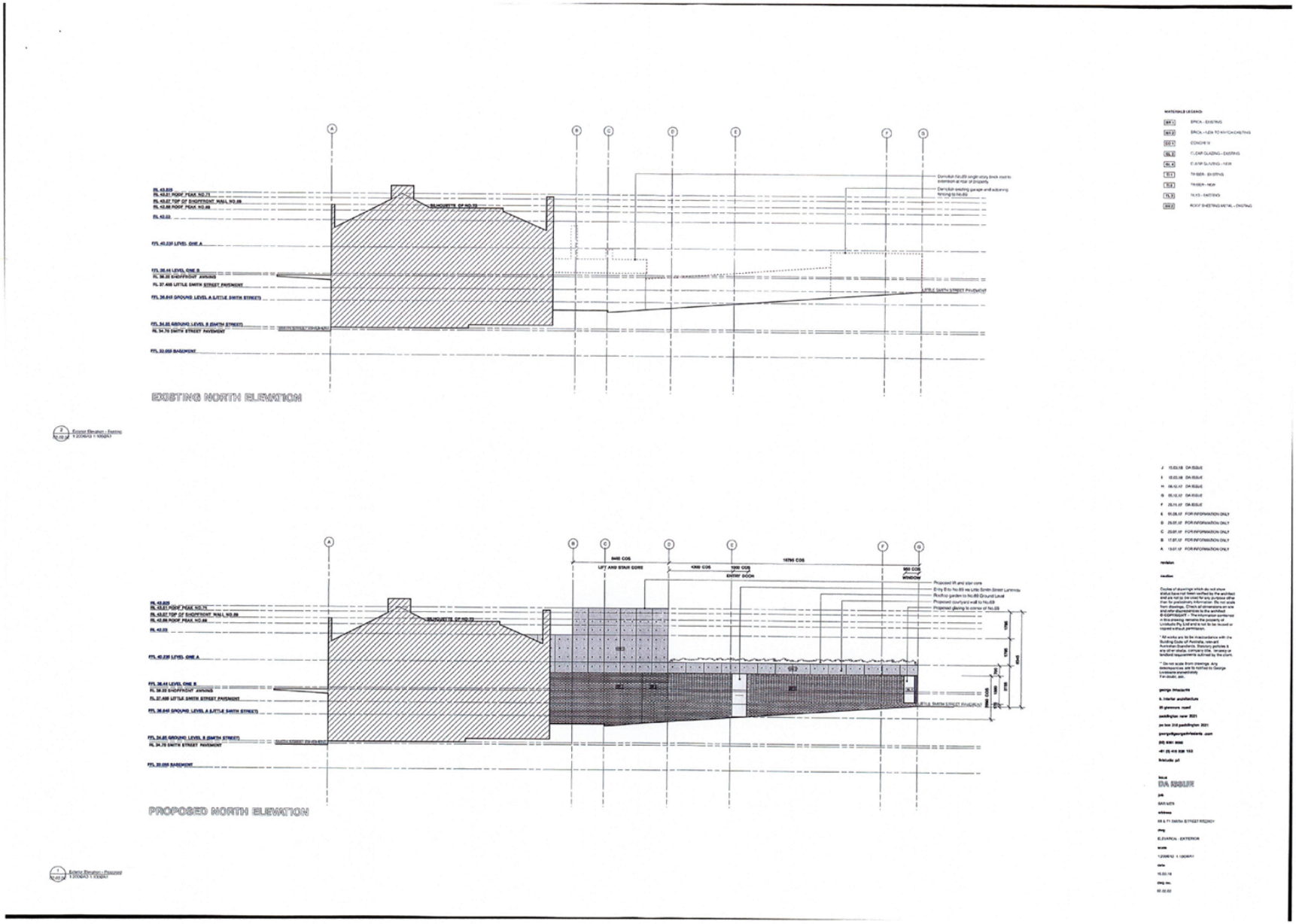
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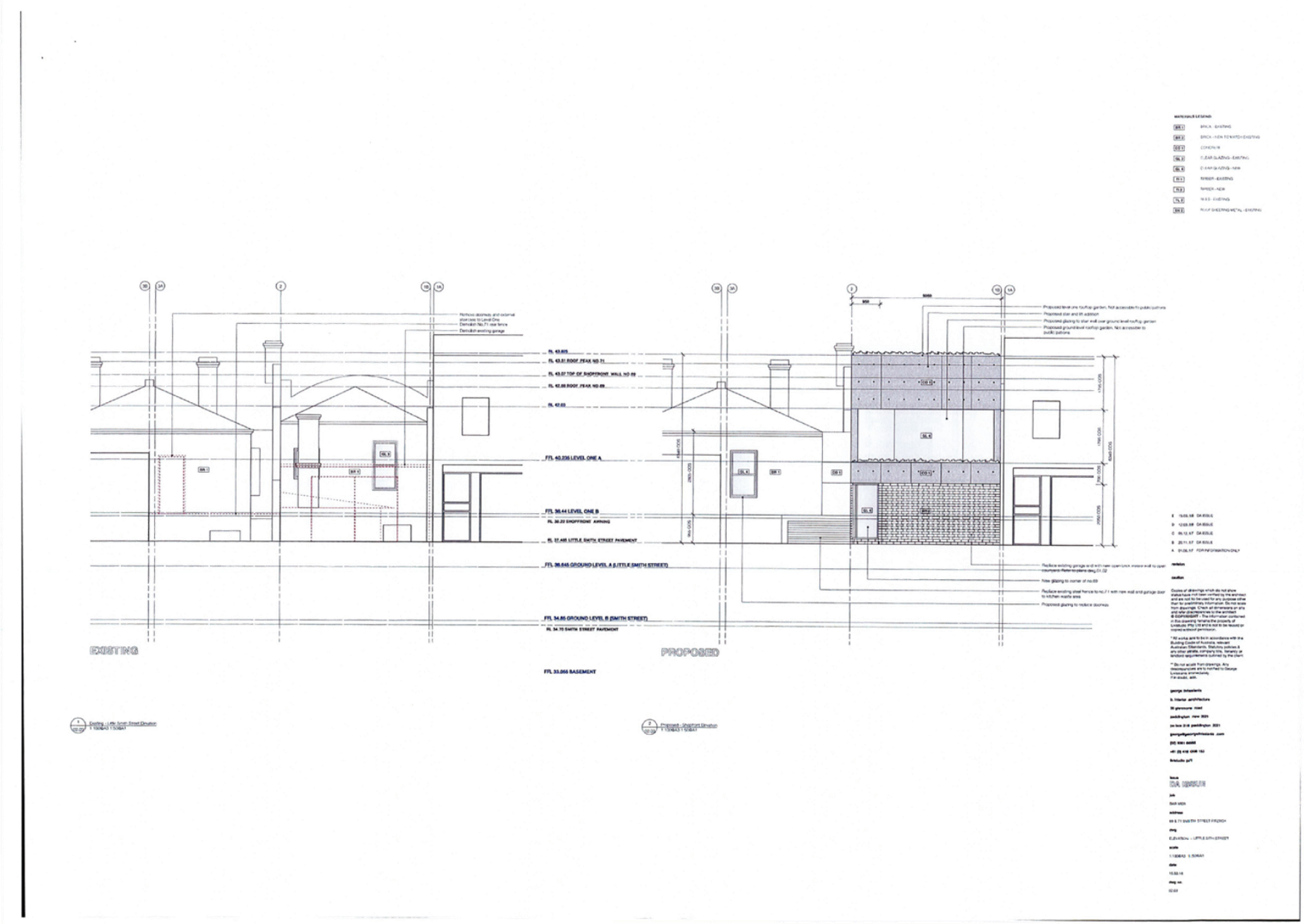
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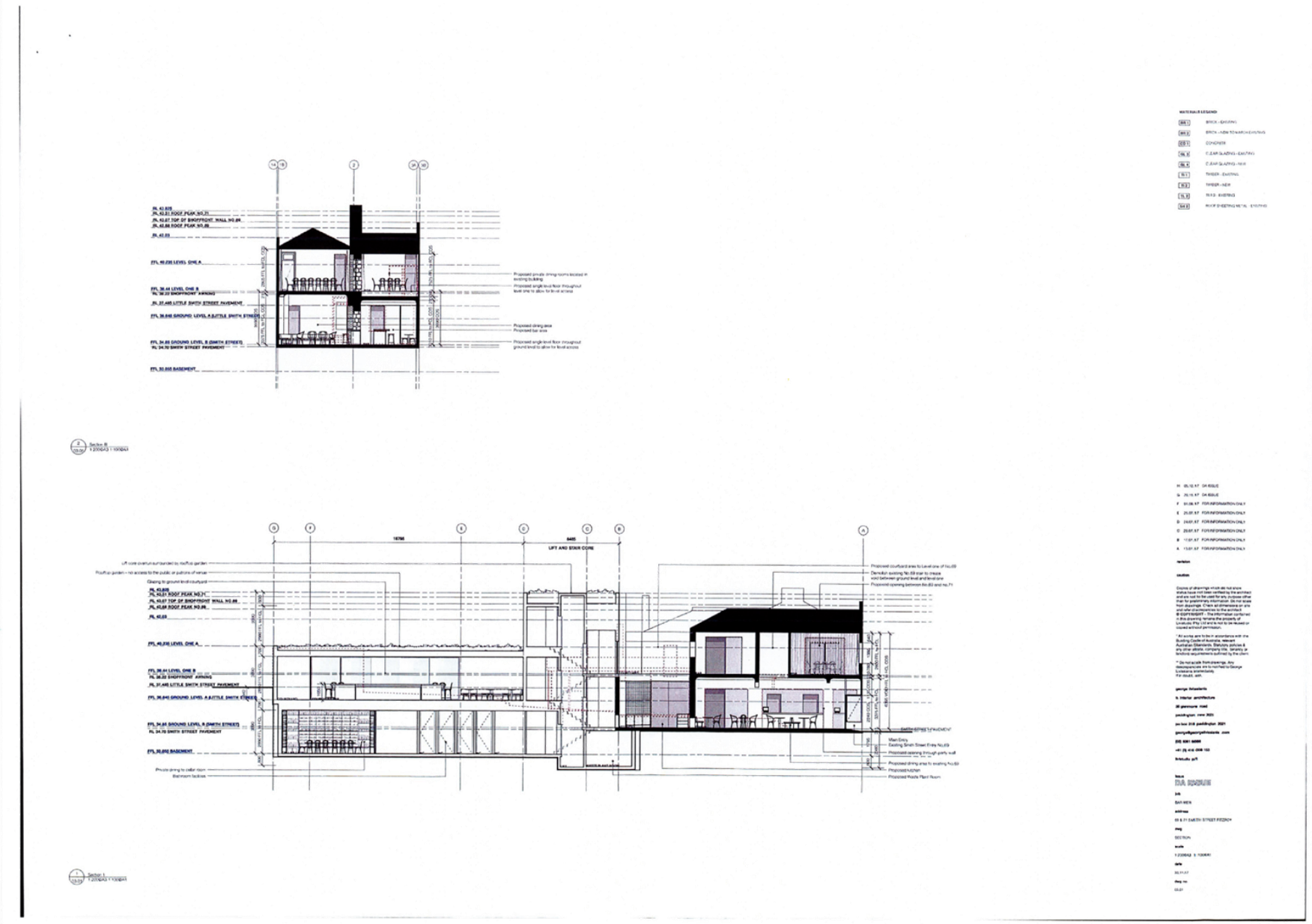
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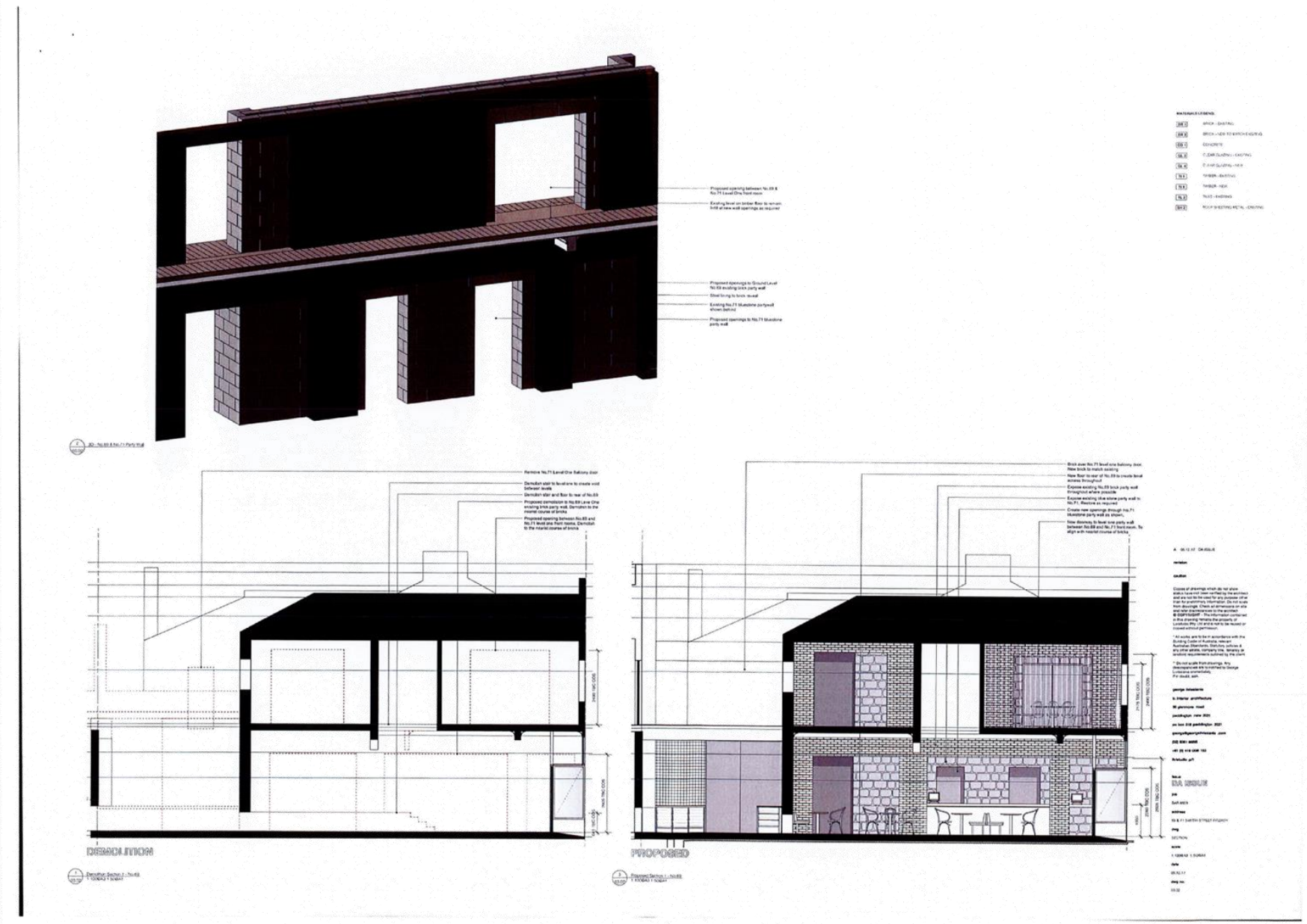
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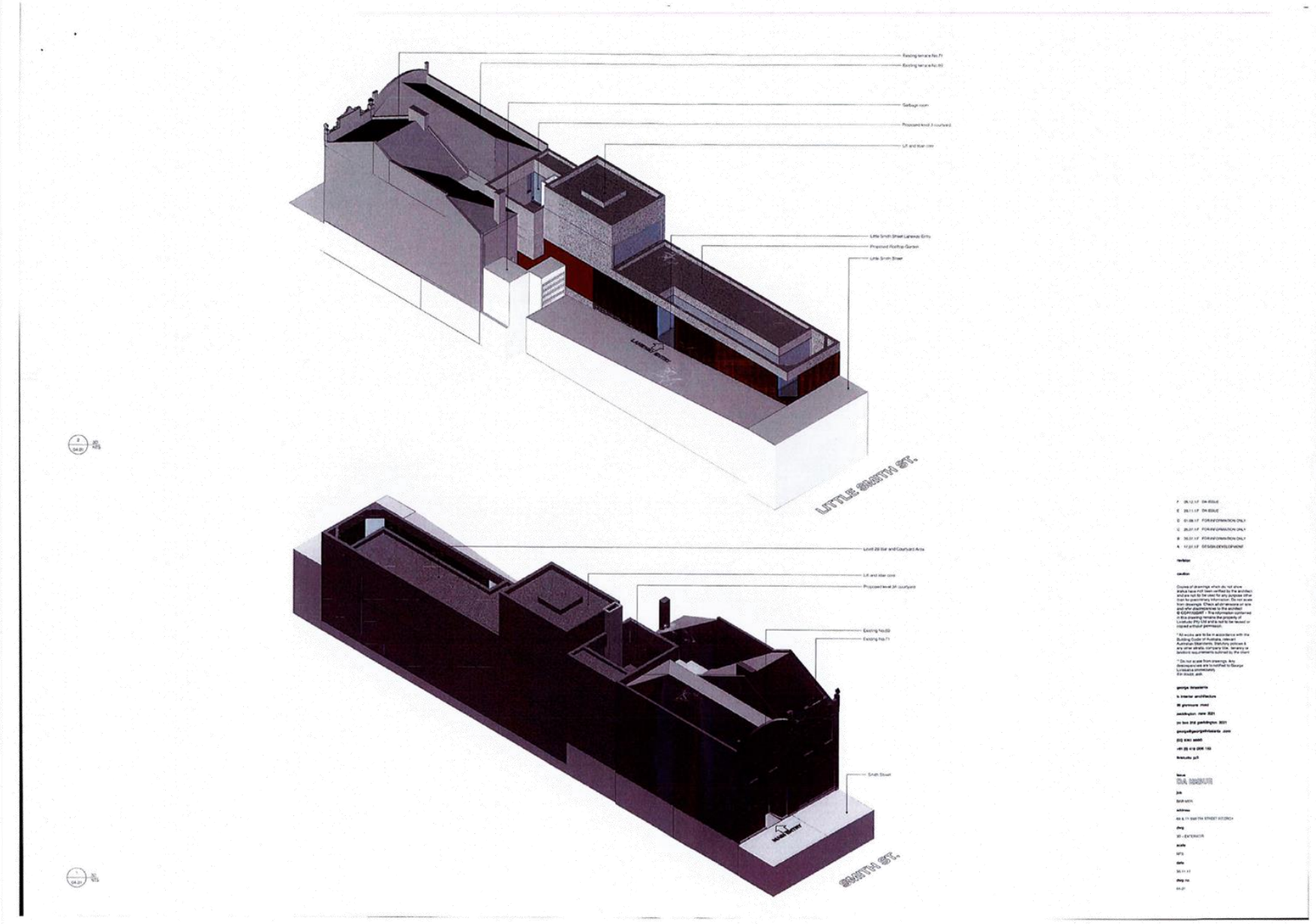
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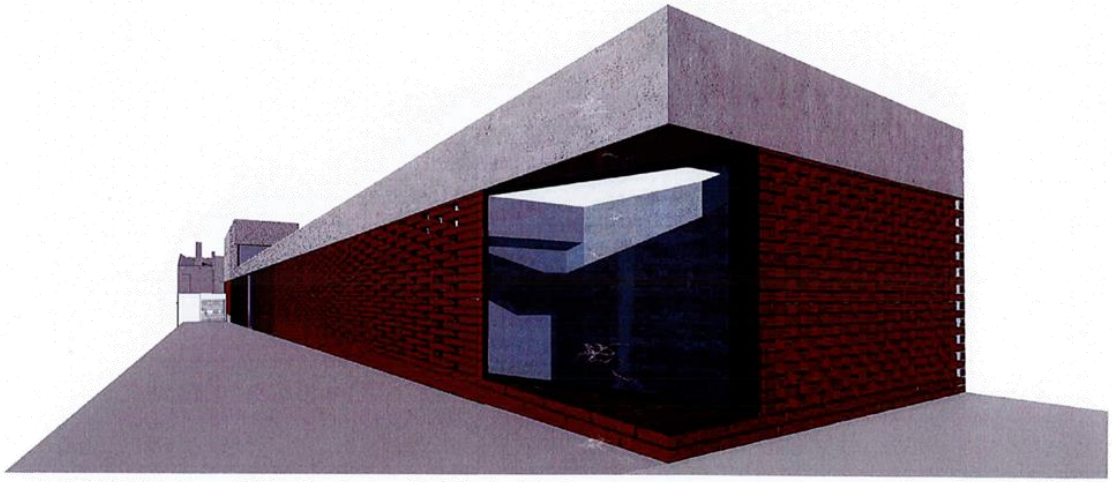
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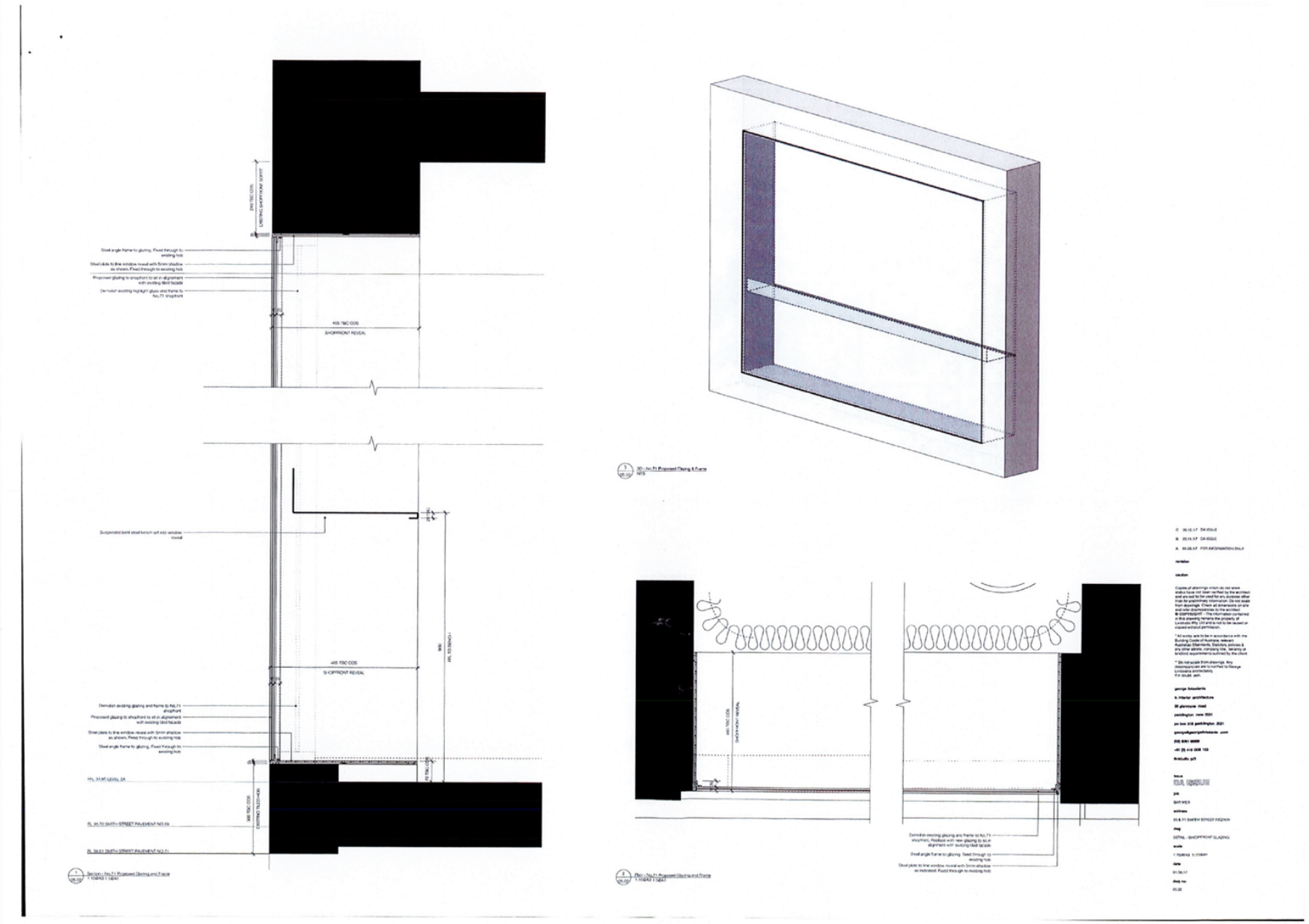
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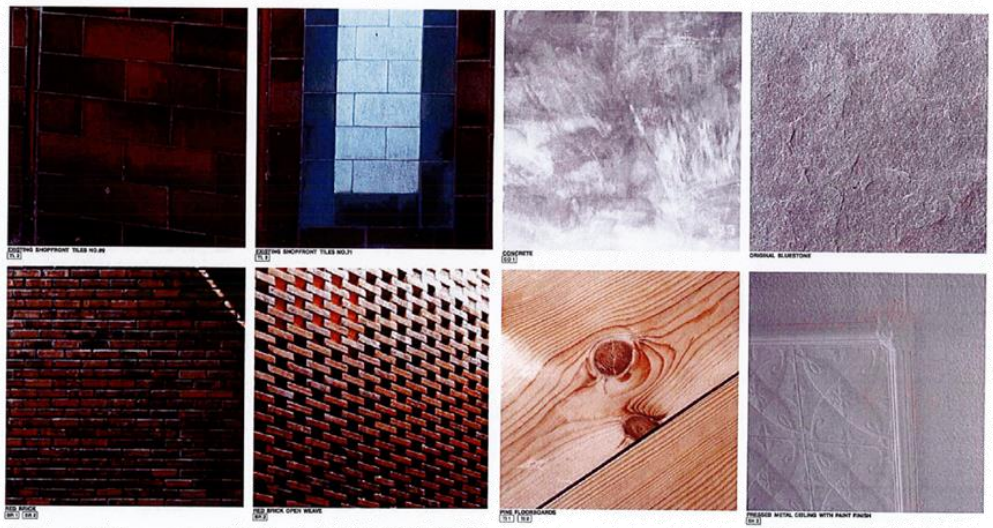
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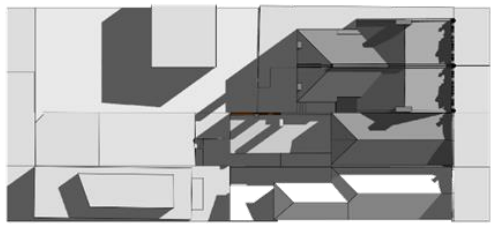
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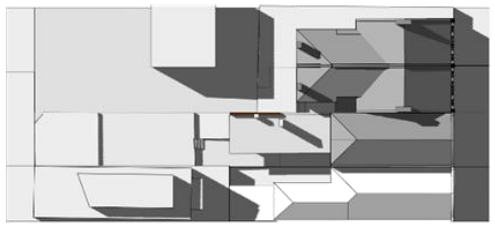
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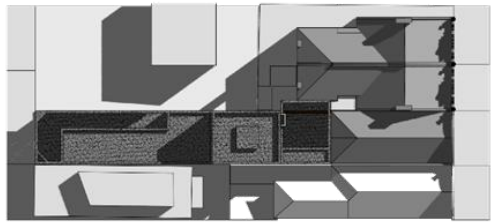


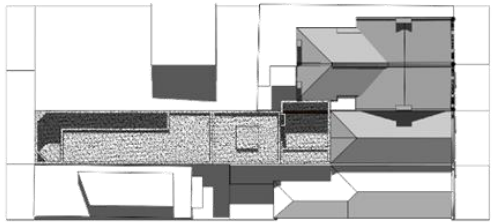
Attachment 2 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Shadow Diagrams

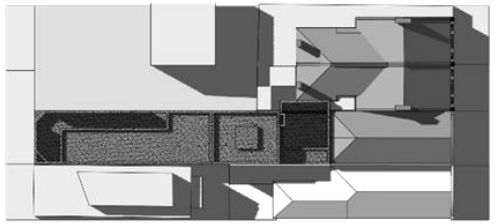












Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice

City of Yarra
Heritage Advice

Application No.:	*PLN17/0833*
Address of Property:	***Nos. 69 and 71 Smith Street, Fitzroy***
Planner:	*Lara Fiscalini*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO464-Smith Street South Precinct* • *External paint controls apply* • *Internal controls for No.69 only*
Level of significance:	*No.69 - Individually significant constructed 1883-1913; and* *No.71 - Individually significant constructed 1883/84* *(Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Feb 2017)*
General description:	*Part demolition for construction of double storey additions including roof terrace, lift over run and façade alterations.*
Drawing Nos.:	*Set of 19 x A1 drawings prepared by George Livissianis, received by Council and date stamped 20 March 2018* *Heritage Impact Statement by Lovell Chen Architects, date stamped as received by Council 5 October 2017.*

CONTEXT DESCRIPTION:

The subject sites are two rectangular allotments on the western side of the street, between Gertrude Street to the north and Derby Street to the south-east. The rear of the sites face onto Little Smith Street, which is covered by a separate heritage overlay (HO334). Smith Street is a relatively wide street, measuring 16.8metres footpath to footpath.

No. 69 Smith Street is one of a pair of double-storey brick shops (with no. 67), most probably incorporating additions, constructed c.1920s and which are probably the second structures on the site. No. 67 has an original shopfront including a two-leaf glazed timber door. The splayed entrance contains original tiling and marble step and sill. Internally the shop contains its pressed metal ceiling. The shopfront framing to No. 69 is not original however the glazed tiling and recessed entry is original and is the same as No. 67. Internally the shop contains its original pressed metal ceiling.

No. 71 Smith Street is one of a pair of double-storey pair of shops (with no. 73) is constructed from brick and stone and are most probably the same shops dating from prior to 1883/84. They are rare as stone buildings and as stone shops and are also distinctively embellished with exuberant stucco ornament. The shopfront framing to No. 71 is not original however the glazed tile pilasters at each side are probably original.

All adjoining individually significant and contributory properties retain full roof forms at the front and are free from multi-storey development at the rear.

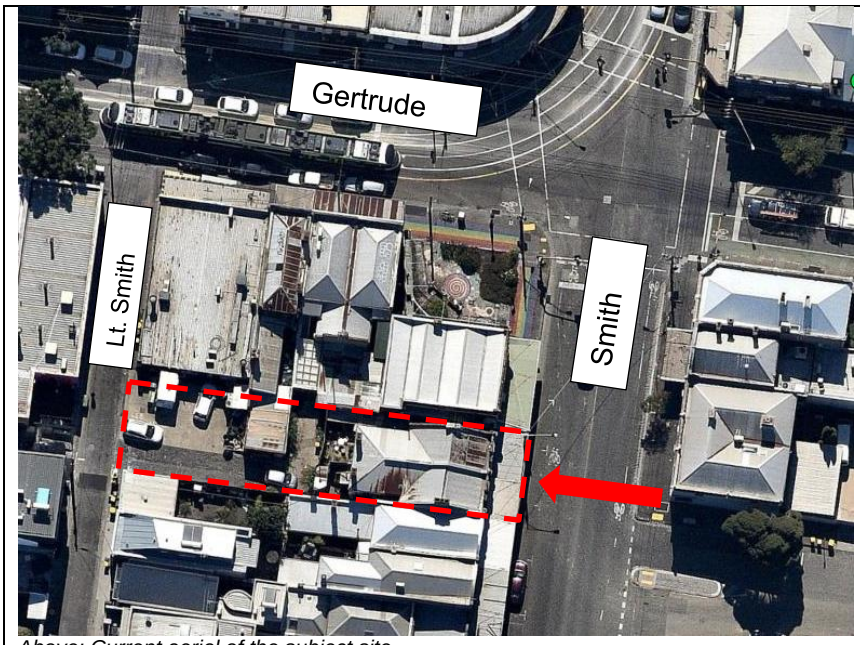
The shops at Nos. 6 Smith Street, Collingwood and Nos. 21, 33 – 35, 51 – 53, 55 – 61, 63 – 65, 67 – **69**, **71** – 73, and 75 - 77 Smith Street, Fitzroy are of local historical significance. The west side of Smith Street, south of Gertrude and Langridge Streets, shares the same common history as the east (Collingwood) side opposite, and also that of the remainder of Smith Street, further north, added to

Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice

which is its distinctively different specific history, which emanated from a slower pace of development which culminated in a later phase of development which completed the street. Collectively they span the Victorian, Edwardian and inter-War eras and individual examples from each era are the original, or first substantial, building, including additions, on the site.

Each of the sub-groups of buildings has a high degree of integrity to their eras, demonstrating aesthetic and architectural characteristics of the Victorian, Edwardian and inter-War eras, often in a less exuberant style as befitting their periods. The latter two eras are generally not well-represented in Yarra. The concentration of original architectural elements including shopfronts, entrances, tiling, detailing and pressed metal ceilings and soffits are demonstrative of shop design and shop fitting of the era of which examples are now rare in Smith Street, certainly as compositions, and generally in other contemporary shopping strips.

For a more detailed description of the buildings and surrounding context see 'Section 3 (Description)' of *Lovell Chen Heritage Impact Statement*.



Above: Current aerial of the subject site.



Above: View towards subject site from across Smith Street.

Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice



Above: View towards subject site from the north-east.



Above: Tiled splayed entrance to No.69 Smith Street.

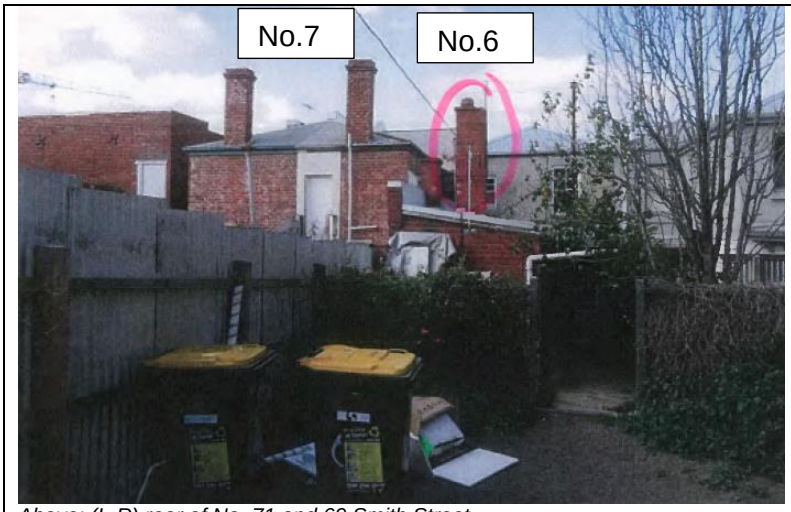


Above: Interior of No.69 Smith Street (note pressed metal ceiling and timber floors).



Above: No.71 Smith Street shopfront. Note tiled plinth and piers.

Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice



Above: (L-R) rear of No. 71 and 69 Smith Street.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes demolition of fabric at the rear; sections of wall internally; and the early 20th century shopfront at No.71 Smith Street.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme encourages the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place; and generally discourages the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For individually significant building or works, **it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place**.

Clause 22.02-5.3 of the Yarra Planning Scheme encourages restoration of a heritage place or contributory element if evidence exists to support its accuracy; and encourages the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

The clause encourages the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), **shopfronts** and other architectural details and features.

Clause 22.02-5.4 of the Yarra Planning Scheme encourages:

- the **removal of paint from originally unpainted masonry surfaces**;
- the retention of historic painted signs.

The clause discourages the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces; and encourages paint colours to be consistent with the period of the heritage place.

Accordingly, it is considered that:

In regard to No.69 Smith Street-

- The extent of demolition at the rear is supported, including parts of the skillion-roof addition at the rear of No.69 Smith Street. The former services wing will be retained for the extent of: the tallest chimney, the party wall (north) and southern walls (to include new openings). Whilst

original fabric, part demolition of the secondary (original) structure will not compromise the contribution of the subject site to the broader HO precinct.

- Proposed internal demolition, which DOES NOT include pressed metal ceilings, is supported.

In regard to No.71 Smith Street-

- The proposal includes removal of the concrete floor at No.71 Smith Street. The concrete floor is not original and will be causing damp issues for the original walls (by pushing ground water away and not allowing the subfloor to ventilate). In accordance with the above mentioned clauses, it is highly recommended that the floor in No.71 Smith Street be replaced with a timber floor which will have better ventilating properties underneath. Depending on available room, a raised timber floor may also offer concealment of electrical wiring etc.
- **Demolition of the remaining early-twentieth century metal shop front framing and flanking tiled pilasters is not supported,** as it will diminish the historic appearance and integrity of the individually significant building. The remaining original fabric should be retained, repaired and incorporated in a sympathetic new shopfront design.

No works are proposed for the building façade, however it is assumed that the existing graffiti on both façades and bluestone at No.71 will be removed.

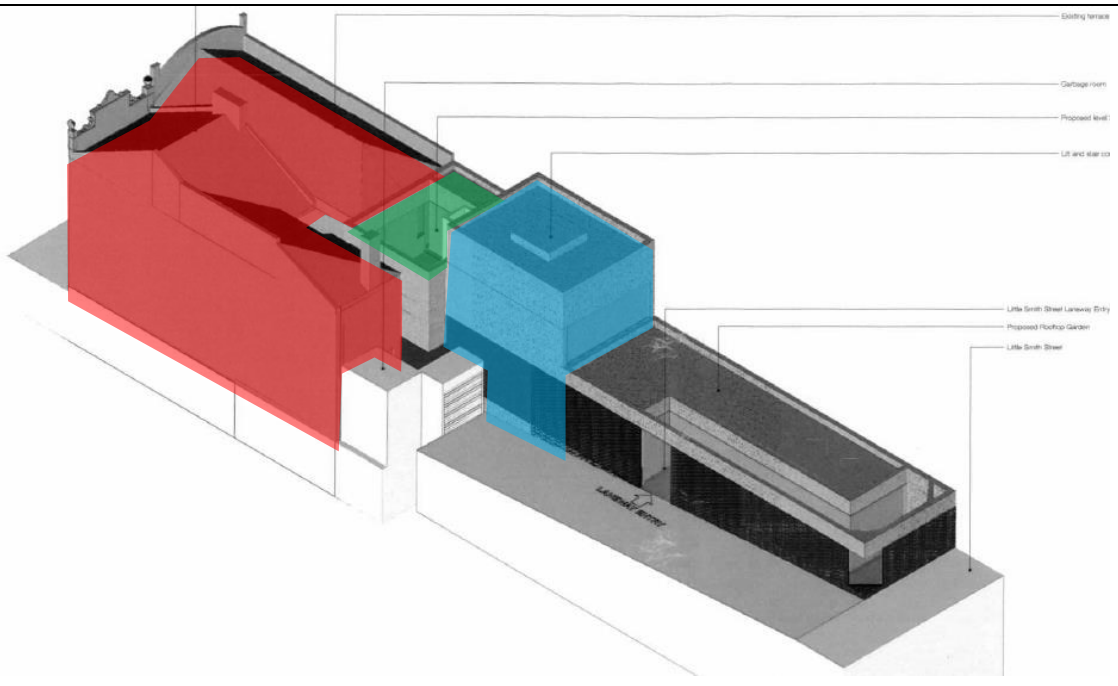
<u>Comments regarding new development, alterations and additions:</u>

The extent of new works proposed by this application includes development of a double storey addition, including a lift run (essentially a third level) and roof gardens. As discussed the proposal also includes internal alterations.

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

Setbacks:

The proposed new works are setback beyond the main roof form at the front of the properties, 11.6metres. The third (bulkiest) level, the lift run, is setback from the rear hip of No.69 by an enclosed courtyard, 16.3metres from the façade. The proposed front setbacks are supported. Building to the side boundaries is also supported.



Above: Axonometric model of proposal showing original building (beyond façade in red), two storey courtyard (in green) which separates bulk of lift core (blue) from existing building (red).

Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice

Scale/height:

The overall height of the new development will be 8.8metres (to the top of the lift run). The existing building (no.69) has an overall height of 7.9metres **excluding** the parapet. Given the proposed front setback (16.3metre), and fact that new development will only be 750mm taller than the parapet, the overall height of the development is supported.

Roof form:

The proposed roof form for the new development will be contemporary flat roofs with roof gardens. Again, given the reasonable setback; limited visibility from the street front; and limited bulk over existing building, the proposed roof form is supported.

Appearance:

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

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

A contemporary design approach has been adopted for the proposed new building. This approach is supported given the reasonable setback and limited visibility from the street front. Enclosing the existing service wing in a concrete box is not ideal, but supported as keeping original fabric for interpretation from within the space.

The proposed brickwork to match existing (including what appears to be a hit-and-miss pattern), with concrete and roof garden above is supported as clearly being a new addition, but with materials that will sit comfortably within the traditional palette of the area.

As stated earlier, the proposed new shopfront for No.71 Smith Street is not supported and must be redesigned to retain the surviving original fabric.

The proposal to 'maintain' street front facades (See Drawing No.02.01.02) is supported, on the condition that maintenance includes removal of unsympathetic paint as discussed above.

RECOMMENDATIONS:

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

1) That the remaining early-twentieth century metal shop front framing and flanking tiled pilasters associated with no. 71 Smith Street must be retained, repaired and incorporated in a sympathetic new shopfront design in keeping with the architectural style of the remaining shopfront elements;
2) That removal of paint from originally unpainted masonry components must be carried out as part of the proposed external works to the building façade via chemical peel process and light water spray only. Do not sand blast or use heavy jet sprays. Where repointing is required, use only mortar in accordance with AS3700 mortar class M2 and ensure mortar colour and aggregate matches original;
3) Reinstate a timber floor to ground level of No.71 Smith Street.

Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice

SIGNED:



Diahnn McIntosh

DATED: 21 May 2018

Attachment 4 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Engineering comments

CITY OF YARRA

MEMO

To:	**Lara Fiscalini**	
From:	**Artemis Bacani**	
Date:	**7 May 2018**	
Subject:	**Application No:**	**PLN17/0833**
	Description:	**Construction of a Triple-Storey Building - Restaurant**
	Site Address:	**69-71 Smith Street, Fitzroy**

I refer to the above Planning Application received on 27 March 2018 and the accompanying Transport Impact Assessment prepared by **one**mile**grid** in relation to the proposed development at 69-71 Smith 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	No. of Patrons	Statutory Parking Rate	No. of Spaces Required
Restaurant	225	0.4 spaces to each patron permitted	90 spaces

A full waiver in the car parking requirement is sought. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

Car Parking Demand Assessment

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

- *Parking Demand for the Restaurant.*
  The proposed restaurant use would have a car parking demand of 90 spaces. Travel mode surveys we have reviewed in the past for tavern/licensed venue applications typically generate 0.10 to 0.20 spaces per patron. Adopting the more conservative rate of 0.20 spaces per patron for the proposed restaurant would equate to 45 spaces (on the assumption that the venue was operating at full capacity of 70 patrons). Much of the patronage to the restaurant would be drawn from nearby businesses and residents, and by persons who are already in the Smith Street activity centre.

  As with many other restaurants in Yarra, patrons would park on-street. In recent times, restaurants in Yarra have been approved with little or no on-site parking along activity centres, as illustrated in the table below:

Attachment 4 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Engineering comments

Development Site	Approved Restaurant Parking
Collingwood	
236-238 Smith Street PLN16/0056 issued 16 August 2016	No on-site parking (140 patrons permitted)

The shortfall with the site's car parking (90 spaces) would be accommodated off-site. The area's coverage of parking restrictions provides regular turnover of parking to improve opportunities for patrons to park near the site. The high parking demand in the Fitzroy/Collingwood area would also be a disincentive for staff and patrons to commute to the site by car.

- *Multi-purpose Trips to the Area*.
  The restaurant is positioned within the Smith Street activity centre. It is highly likely that patrons to the restaurant would already have parked in the area and be engaged in other activities or business.

- *Availability of Public Transport in the Locality of the Land*.
  The site is within walking distance of tram services operating along Gertrude Street-Smith Street and Victoria Parade. Buses are available along Victoria Parade also within walking distance of the site.

- *Convenience of Pedestrian and Cyclist Access*.
  The catchment area surrounding the site includes residential properties and local businesses that would provide a source of local patrons. The site has excellent exposure to high pedestrian numbers and much of the restaurant's source of patrons would be pedestrians. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*.
  onemile**grid** had commissioned on-street parking occupancy surveys in the surrounding area on Friday 16 June and Saturday 17 June between 12:00pm and 12:00am at one hour intervals. The survey area encompassed sections of Smith Street, Little Gore Street, Gore Street, Little Smith Street, Little Oxford Street, Oxford Street, Cambridge Street, Mason Street, Victoria Parade, Derby Street, Langridge Street, Peel Street, and Webb Street. The times and extent of the survey is considered appropriate for this development. A parking inventory of between 463 and 520 spaces was identified. The survey results indicate peak parking occupancy occurred at 9.00pm on Friday with 83 % of spaces occupied or 88 vacant spaces. On the Saturday, peak parking occupancy occurred at 8.00pm with 85 % of spaces occupied or 80 spaces vacant. Patrons to the site would be fully aware of the high parking demand in the surrounding area and would instead choose to commute to the site by using alternative transportation modes such as catch public transport or use a private driver service.

- *Access to or Provision of Alternative Transport Modes*.
  The site has very good access to public transport and the on-road bicycle network. Car share pods are located within walking distance of the site and provide an alternative option of transport for both staff and patrons. A Flexicar car share pod is located in Langridge Street, Collingwood, west of Oxford Street, approximately 130 metres north-east of the site.

- *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.

- *The Future Growth and Development of an Activity Centre*.
  Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as Smith Street, where spare on-street car parking capacity would be shared amongst sites within the activity centre.

- *Other Relevant Considerations*
  The stringent enforcement of drink-driving laws would be a disincentive for patrons to drive to the restaurant, particularly if they intend to consume alcohol. Patrons would be inclined to travel to and from the site with public transport, taxis and private driver services.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of car parking spaces associated with the restaurant is considered appropriate in the context of the site and the surrounding area. The area's high parking demand and lack of long-stay parking would be disincentives for staff and patrons to commute to the site by car.

The Civil Engineering unit has no objection to the reduction in the car parking requirement for this site.

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

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 5 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Social Planning comments

CITY OF YaRRA

MeMO

TO:	Lara Fiscalini, Senior Statutory Planner
FROM:	Erika Russell, Senior Planner (Community Health and Safety)
DATE:	3 April 2018
ADDRESS:	69-71 Smith Street, Fitzroy
APPLICATION NO:	PLN17/0833
DESCRIPTION:	Development of the land for the construction of a triple-storey building, including part demolition, sale and consumption of liquor (225 patrons, operating Sunday-Thursday 7am-11pm, Friday & Saturday 7am-1am) and a reduction in the car parking requirement associated with a restaurant (no permit required for use).

Social Policy and Research has been requested to make comments on the proposal from a social planning perspective.

PROPOSAL

Key aspects of the site and proposal include:

- The site is located in the Commercial 1 Zone.
- The proposal is for the sale and consumption of liquor associated with restaurant. A maximum of 225 patrons are proposed along with hours of Sunday to Thursday 7am-11pm, and Friday and Saturday 7am-1am.

COMMENTS / RECOMMENDATIONS

- A restaurant and café liquor licence requires the predominant activity, at all times, to be the preparation and serving of meals for consumption on the premises. It also requires tables and chairs to be available for at least 75% of patrons attending the premises at any one time. The definition of a restaurant in the planning scheme also includes the 75% seating requirement. The applicant states that *"The development provides for 190 seats, significantly exceeding the requirement that tables and chairs are set out for at least 75% of patrons (143 seats)."* Based on 225 patrons, 169 seats are required. Based on the plans provided and the patron breakdown in the town planning report, it appears that only 142 internal seats are being provided (48 are outside).
- External seating should not be included in the calculation given that they are exposed to the elements and therefore not always available for usage. The seating requirement should also be included as a condition on any planning permit issued, and the licence type should also be clearly stated (restaurant and café) to ensure it is clear in the event that they apply for changes in the future (change of licence type is a planning permit trigger).

Attachment 5 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Social Planning comments

- For this proposal, the key considerations relate to the sale and consumption of alcohol for the 225 patrons, combined with late hours on Fridays and Saturdays (1am) which is commonly not typical for a restaurant (more typical for a bar use and an on-premises liquor licence). Under a restaurant and café liquor licence standard trading hours are only to 11pm and this indicates that the supply and consumption of alcohol past 11pm is better suited to another (higher risk) licence type.
- There are ongoing compliance issues with larger restaurants morphing into bars later in the evening, as alcohol rather than food becomes the focus. A restaurant and café liquor licence is recognised as being a lower risk licence type (and has lower fees) due to the stricter conditions imposed on the licence and also because staff do not require responsible service of alcohol (RSA) training.
- Clause 22.09 acknowledges that: *Higher risk venues which operate late at night and encourage vertical drinking through having a low proportion of seating and a limited food offering have a greater capacity to cause adverse impacts compared to lower risk venues including restaurants and cafes which have a substantial food focus and a high proportion of seating.*
- The floor plans provided show a substantial amount of floor space as bar areas. This along with the hours indicates that the venue may not be operating with the most suitable licence type.
- In terms of patron numbers, Council's revised licensed premises policy (clause 22.09) was recently gazetted as part of Amendment C209 to the Yarra Planning Scheme. The policy identifies Core Entertainment Precincts which are identified as the preferred locations for larger venues with over 200 patrons. The site sits outside the identified Smith Street precinct (is limited to between Gertrude Street and Alexandra Parade).
- Like all parts of the revised clause 22.09 policy, the part relating to the Core Entertainment Precincts is discretionary, which essentially means that there may be applications where it is suitable to allow venues with a capacity of over 200 patrons to locate outside the Core Entertainment Precincts.
- For a restaurant use (which is considered lower risk) there may not necessarily be an issue with having over 200 patrons. However given that it appears that they do not meet the seating requirement, combined with hours of 1am, exceeding 200 patrons is not considered appropriate. At a minimum the applicant should reduce the number of patrons to ensure that the seating requirement is met.

Attachment 6 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Community Amenity comments

TO:	**Lara Fiscalini**
cc:	
FROM:	**Brad Speechley**
DATE:	**1/10/2018**
APPLICATION:	**PLN17/0833**
SUBJECT:	**Community Amenity Enforcement Referral**

Dear Lara,

Thank you for your referral dated 27 March 2018, in relation to 69-71 Smith St Fitzroy VIC 3065 - PLN17/0833.This has been sent to me for consideration and reply.

Planning Enforcement has not received any recent amenity concerns in relation to 69 Smith St Fitzroy, however I note the number of proposed patrons will be (225) and the operational hours are from Sunday-Thursday 7am-11pm & Friday & Saturday 7am-1am.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,



Brad Speechley
Senior Team Leader – Civic Compliance

1 May 2018

640.10090.05310 69-71 Smith St Fitzroy 20180423.docx

City of Yarra
P.O. Box 168
Richmond VIC 3121

Attention: Lara Fiscalini

Dear Lara

69-71 Smith Street, Fitzroy
Development Application Acoustical Review

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the three storey restaurant and bar proposed for 69-71 Smith Street, Fitzroy.

Details of the report are as follows:

- Title: 69-71 Smith Street, Fitzroy, Acoustic Assessment
- Reference: 20170834.1/0709A/R2/BAW
- Date: 7 September 2017
- Prepared for: Bar Mer
- Prepared by: Acoustic Logic Consultancy (ALC)

1 Preliminary

(Sections 1 to 3 of the report)

The project and proposed operating conditions are described in these sections of the report. The acoustically significant information is summarised below:

- Restaurant and bar over three levels - shown on the plans to include:
  - basement dining room and amenities;
  - ground floor bars / dining and outdoor patron area to the rear
  - Level 1 bars, dining room and terrace
- The venue is proposed to occupy two shop fronts and one of the buildings (69 Smith Street) is proposed to extend through to Little Smith Street.
- 225 patrons in total
- Two outdoor areas: rooftop (15 patrons) and ground floor rear (20 patrons)
- Proposed operating hours:
  - 7 am to 11 pm Sunday to Thursday
  - 7 am to 1 am the following morning, Friday and Saturdays

SLR Consulting Australia Pty Ltd Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia
T: +61 3 9249 9400 F: +61 3 9249 9499 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

- Music to be played within internal and external areas

The nearest noise sensitive receivers are identified as:

- 47 Little Smith Street, being a three level residential building 5 m west of the site, and
- 44 Little Smith Street, being a two or three level residential building abutting the development site to the south.

The details of noise sensitive receiver locations are also shown in Figures 2 and 3 of the report, which displays the heights and orientations of dwelling windows relative to the subject development.

SLR Comments: *The proposal is reasonably described and the noise sensitive receivers have generally been clearly identified. We are, however, unclear as to whether the third floor of 44 Little Smith Street has north facing windows.*

The potential noise impacts from the use are not explicitly identified in this section however the report goes on to consider the main impacts from the site, being patron, music and mechanical plant noise.

We note that the courtyard bar to the rear has large sliding doors opening out onto the courtyard, effectively forming one larger space when these doors are open.

2 Existing Background Noise Levels

(Section 5 of the acoustic report)

Unattended measurements of background noise were conducted at the rear of the subject site from 27 June to 6 July 2017. The results are summarised in Table 2 of the report and the noise logging data is attached.

SLR Comments: *Much of the logging data appears to be affected by noise from mechanical plant (background noise levels are generally very steady). The report does not provide any information about the ambient acoustic environment, and attended noise measurements and observations at night do not appear to have not been conducted. These measures would have helped to identify the source of any extraneous noise and determine whether the logging location was suitable.*

However, ALC appear to have used the lowest measured background noise levels to determine noise limits, and presumably this data is less affected by equipment noise. It is also likely that the most impacted receiver locations (which are elevated) will be exposed to more ambient noise that the measurement location. In summary, while the data is not ideal, noise limits based on the background levels ALC have presented are likely to be reasonable.

3 Proposed Building Works for Noise Control

The building works proposed to manage noise from the subject site are described in the following sections.

3.1 Rear External Court

- Solid roof over the western most section of the outdoor court (not less than 0.5 mm thick steel).
- Retractable roof over the remainder of the ground floor outdoor area, with the roof constructed of 0.5 mm thick steel louvres or similar. The retractable roof is to be closed after 6 pm.

- 1 m high barrier above the roof (to assist in shielding noise from the courtyard area without a permanent roof to dwellings to the west).
- Upgraded operable glazing to the courtyard bar, with windows to be closed after 10 pm except for patron egress.
- Acoustically absorptive panels to be provided in the outdoor courtyard (locations indicated in Figure 5).

3.2 Rooftop Terrace Treatments

Two options are provided:

- 1.5 m high (min) barrier above the wall on the south of the courtyard (helping to shield noise from the area to the dwelling at 42 Little Smith Street), OR
- Retractable roof to the outdoor area, with the roof to be closed after 10 pm. Indicative options for construction are provided.

3.3 Other Building Works

- Windows to the west and south of the building are to be not less than 10.38 mm thick laminated glass with acoustic seals. All windows are to be closed after 6 pm.

SLR Comments: *The proposed works are generally clearly described. However we recommend the following to help ensure that the noise control treatments are effectively installed:*

- *An Rw specification to be provided for any operable barriers or roofs.*
- *A minimum surface area for any sound absorption material installed.*
- *Overall barrier heights should be specified as a minimum level above finished floor level to avoid confusion (it is unclear, for example, what the effective overall height of the roof court barrier will be).*
- *An acoustic specification should be provided for the roof of the courtyard bar to ensure that noise from within the bar does not appreciably contribute to overall levels at receiver locations.*

4 Patron Noise

4.1 Noise Targets

(Section 7 of the acoustic report)

Patron noise has been assessed to SEPP N-1 noise limits. The identified limits are: 57 dBA (day); 50 dBA (evening) and 45 dBA (night).

SLR Comments: *We agree that SEPP N-1 targets are reasonable for assessing amenity impacts from patron noise.*

4.2 Assessment

(Section 7.1 of the acoustic report)

A 3-D noise model has been prepared to predict patron noise to residential receiver locations. Details of the model are as follows:

- Voice noise from 225 patrons spread throughout the venue (inside and out) has been modelled
- 50% of patrons are assumed to be speaking at any one time
- 20 patrons are modelled in the ground floor external courtyard
- 15 patrons are modelled on the first floor terrace
- Music is modelled at ambient 'conversation' levels (identified in Section 9.3 as 60 dBA)
- The sound power level used in the model is 77 dBA L_{10} for one person talking. An octave band noise spectrum is also provided.
- The acoustic works described in Section 9 of the report and reproduced in Section 3 of this review.
- The retractable roof to the ground floor court is to be closed after 6 pm.
- The glass doors between the courtyard bar and the outdoor area are modelled as closed after 10 pm.

The identified patron noise limits are predicted to be met.

SLR Comments: *The sound power level for one person talking correspondes to a level midway between 'raised voice' and 'loud'. Based on the information provided, the overall sound power levels of the outdoor patron areas equate to 85 dBA for patrons on the terrace, and 84 dBA Leq for patrons on the roof. These sound power levels are commensurate with a voice noise level above the crowd in the order of 72 dBA. They are reasonable for outdoor smoking areas, however we would anticipate higher levels for drinking crowds.*

When the glass doors are open the ambient level in the outdoor area is more likely to be in the order of 80-82 dBA Leq due to the increased voice effort that typically takes place in larger groups. The corresponding sound power level would be in the order of 93 dBA Leq. In our opinion, this level should be used for patrons in the ground floor outdoor area when the doors are open (i.e. before 10 pm)

Noise does not appear to have been assesed to the upper (third) level of the dwelling at 44 Little Smith Street, directly south of the subject site, which may have residential windows.

However, our indicative calculations of noise from patrons in the outdoor areas are consistent with the results provided in the ALC report, and with the administrative controls recommended in the report in place, we agree that compliance with the patron noise limits is likely for all assessment times.

5 Music Noise

(Section 9.3 of the acoustic report)

An explicit assessment of music noise is not provided in the report. However ALC recommend that music levels be restricted to 60 dBA Leq, and note that music of this level is likely to comply with SEPP N-2.

SLR Comments: *The specified music levels are equal to very low background music levels, and will be well below the level of patron noise most of the time. We agree that they are likely to comply with the SEPP. Due to the close proximity of residential residents and the potential for higher levels to be played, we recommend that a music noise limiter be included in the audio chain and calibrated to ensure that the specified levels (or SEPP N-2 compliant alternative levels) are not exceeded. Calibration should be undertaken by a suitably qualified acoustical consultant.*

6 Mechanical Plant

(Section 8 of the acoustic report)

Noise limits have been identified for mechanical plant however the design is not yet undertaken. ALC note that compliance with SEPP N-1 can be achieved through conventional noise control means.

SLR Comments: *Agreed. Due to the proximity of residential dwellings we recommend that any significant new mechanical plant be reviewed and approved by the acoustical consultant during the design phase.*

We also note that the ground floor courtyard bar will probably require forced ventilation for operation after 6 pm, when the louvre roof is proposed to be closed.

7 SLR Summary

A summary of our findings and recommendations with respect to the acoustic report prepared to support the application for a three level bar and restaurant at 69-71 Smith Street is provided below.

Background Noise Monitoring

Much of the background noise data obtained appears to be affected by ambient mechanical plant noise. However the identified SEPP N-1 noise limits are equal to the zoning levels (and not directly affected by background noise). On these grounds we have not requested further background noise measurements. However, if higher levels of music than currently proposed occur, the background noise levels at residential receiver location will need to be more accurately determined, as music noise limits are directly affected by the background level.

Building Works for Noise Control

We recommend the following to tighten up the acoustical specification for building works:

- An Rw specification to be provided for any operable barriers and roofs
- A minimum surface area and NRC rating for any sound absorption material installed.
- Overall barrier heights should be specified as a minimum level above finished floor level to avoid confusion (it is unclear, for example, what the effective overall height of the roof court barrier will be).
- An acoustic specification should be provided for the roof of the courtyard bar to ensure that noise from within the bar does not appreciably contribute to overall levels at receiver locations.

Patron Noise

Patron noise impacts have generally been addressed in the report. However, we note that achieving compliance with the identified noise limits relies heavily on administrative controls, including: the limitation of numbers in the outdoor areas; closure of the ground floor courtyard operable roof after 6 pm; closure of courtyard bar glass doors after 10 pm, and strict controls over the level of music played with the courtyard bar and outdoor areas. Ensuring ongoing compliance will require the cooperation and vigilance of staff.

Music Noise

Very low levels of music are proposed for the courtyard bar and outdoor areas. To ensure that these levels are not exceeded we recommend that a music noise limiter is included in the audio chain, and that the limiter is calibrated by a suitably qualified acoustical consultant.

If higher levels of music are proposed for the venue a full SEPP N-2 assessment should be conducted.

Mechanical Plant Noise

Due to the proximity of residential dwellings we recommend that any significant new mechanical plant proposed to be installed be reviewed and approved by the acoustical consultant.

Regards,



Dianne Williams
Associate - Acoustics

Checked/
Authorised by: JA

Attachment 8 - PLN17/0833 - 69-71 Smith Street Fitzroy - WMP satisfactory

CITY OF YARRA **File Note**

Date: 1 October 2018

Property Address: 69-71 Smith Street, Fitzroy

Application No: PLN17/0833

CITY WORKS BRANCH – COMMENTS ON WMP

PATRICK ORR

COMMENTS:

Initial comments received from Council's City Works branch noted that the Waste Management Plan for 69-71 Smith St, Fitzroy authored by One Mile Grid and dated August 2017 is unsatisfactory from a City Works branch's perspective. The plans should include swept path diagrams to illustrate that the named collection vehicle can complete the movement described in the plan.

A swept path diagram was subsequently provided, with this document demonstrating that the required vehicle movements could be undertaken. The City Works branch confirmed that this information was satisfactory.

1.3 PLN17/1016 - 221 Swan Street Richmond - Full demolition of the existing building and construction of a multi-storey building with roof terraces, display of internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN17/1016 and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 34.01 – Commercial 1 Zone;
   (b) Clause 43.01 – Heritage Overlay;
   (c) Clause 52.05 – Signs;
   (d) Clause 52.06 – Car Parking;
   (e) Clause 52.34 – Bicycle Facilities; and
   (f) Clause 52.27 – Licensed Premises.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) strategic justification;
   (b) built form, design and heritage;
   (c) off-site amenity impacts from built form and licensed premises;
   (d) car parking and bicycle facilities;
   (e) signs;
   (f) objector concerns; and
   (g) other matters.

Objectors' Concerns

4. A total of 20 objections were received to the application, these can be summarised as follows:
   (a) Off-site amenity impacts including additional noise, loss of privacy, overshadowing and smell.
   (b) Anti-social behaviour including increased litter, graffiti, reduced safety, security risk and property damage.
   (c) Increased car parking pressures.
   (d) Impact on heritage streetscape/ overdevelopment.
   (e) Inaccuracy of plans submitted.

Conclusion

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

CONTACT OFFICER: **Catherine Balagtas**
TITLE: **Statutory Planner**
TEL: **03 9426 1425**

1.3 PLN17/1016 - 221 Swan Street Richmond - Full demolition of the existing building and construction of a multi-storey building with roof terraces, display of internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)

Trim Record Number: D18/184836
Responsible Officer: Senior Co-ordinator Statutory Planning

Proposal:	Full demolition of the existing building and construction of a multi-storey building with roof terraces, display of internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)
Existing use:	Vacant building
Applicant:	Swan Rise Pty Ltd Metropol Planning Solutions Pty Ltd
Zoning / Overlays:	Commercial 1 Zone Heritage Overlay (Schedule HO335) Design and Development Overlay (Schedule 5)
Date of Application:	24 November 2017
Application Number:	PLN17/1016

Planning History

1. The site has no previous planning history.

Background

2. The application was received by Council on 24 November 2017. Following the submission of further information the application was advertised and seventeen (17) objections were received.

3. A consultation meeting was held on 12 June 2018 and was attended by the applicant, nine (9) objectors, Council planning officers and Cr James Searle (Ward Councillor). At the consultation meeting, the applicant committed to submitting an amended acoustic report and associated plans, and an updated parking survey to address objector concerns in relation to noise and car parking.

4. Following the commitment given at the consultation meeting, the applicant submitted amended plans to Council on 10 July 2018 and on 1 August 2018 pursuant to Section 57A of the *Planning and Environment Act 1987* (the Act). In summary, the changes to the application (advertised plans) include the following:

   (a) Updated plans and acoustic report identifying the western adjoining property (No. 219 Swan Street) as containing a first floor dwelling.
   (b) Updated parking assessment to include an additional parking survey on Saturday 23 June 2018 (not within any public or school holiday period).
   (c) The addition of a light court (3m long and 1.55m wide) to the western side of the building, adjacent to the east-facing window of No. 219 Swan Street.
   (d) The addition of acoustic treatments along the western boundary of the lower and upper level roof terraces.
   (e) Reduction in the height of the northern acoustic wall located above the toilet/storage structure by 0.3m (from 1.8m to 1.5m).

(f) Relocation of the staircase to the roof terrace from the eastern side to the western side of the building.
(g) The addition of a storage room under the staircase on the second floor.
(h) Reduction in the total number of restaurant patrons by 8 patrons (from 200 to 192).

5. The amended application was advertised to the surrounding owners/occupiers and existing objectors. Three (3) additional objections were received (increasing the total number of objections received to 20), along with further comments from original objectors based on the findings in the amended acoustic report submitted.

6. In response to further queries raised by Council's planning officers, Council's acoustic consultant, arborist and objectors, the applicant submitted (emailed) 'sketch plans' and information to Council on 17 September 2018 and 12 October 2018 for 'discussion purposes only'. These sketch plans and information show the following changes to the advertised plans:

(a) A further updated acoustic report with the following recommendations:
    (i) Installing a ventilation duct running from Swan Street frontage to the acoustic canopy above the proposed light court adjacent to the window of No. 219 Swan Street;
    (ii) Avoiding the use of music with high bass content during the SEPP N-2 'Night' period (the applicant has also agreed to a condition to ensure that the proposed sound system will not consist of bass speakers);
    (iii) Installation of an acoustic noise limiter rather than marking a maximum volume on the music system controls;
    (iv) An acoustic consultant to review the noise emissions from the mechanical plant equipment once the equipment selections are finalised;

    and the following updated diagrams/tables which show:
    (v) The location of the mechanical plants and associated acoustic screens in accordance with the architectural drawings;
    (vi) In Table 5, the SEPP N-1 'Day' and 'Evening' period background noise levels based on lulls in the extraneous noise as per SLR recommendation, resulting in reduction of -2dB to each period;
    (vii) In Table 7, the evening target for SEPP N-1 (mechanical plant and patron noise) based on neutral backgrounds of 49dB;
    (viii) In Table 8, the SEPP N-2 'Day/ Evening' limits (music noise) based on the lowest background level interval (15min), resulting in a -4dB reduction to the limit;
    (ix) In Table 15, the maximum allowable music levels reduced by 4dB.

(b) An updated arborist report which shows:
    (i) correct labelling of tree numbers 6 and 7 (which are located on the eastern and northern adjoining property, respectively) in Appendix 3 in accordance with the Discussion section; and
    (ii) additional protection measures for Tree 7 (i.e. the tree affected/encroached by the development by 17.5%).

(c) A landscape plan which provide further landscaping details for the roof terrace, including an additional canopy tree in a planter box on the lower level roof terrace to replace the four trees proposed for removal at the rear of the subject site.

7. The sketch plans and information were to inform Council's planning officer and were not formally lodged and do not amend the application; hence, they were not re-advertised. The amended plans (57A plans) that were advertised in 18 July 2018 form the basis of the following assessment and are the 'decision plans' for the application.

8. Council's planning officer also identified discrepancies between the title boundaries shown on the decision plans and those on the submitted certificate of title. This matter was raised with the applicant and will be addressed in paragraphs 180-182 of this report.

Planning Scheme Amendments

Amendment VC148

9. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes, the Amendment has deleted the State Planning Policy Framework (SPPF) and replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Yarra Planning Scheme (the Scheme).

10. Relevant to this application VC148 amended Clause 52.06 (Car parking) of the Scheme so that the car parking rates of Column B apply if any part of a subject site is identified as being within the Principal Public Transport Network Area (PPTN).

11. The subject site is located within the PPTN Area and therefore the Column B car parking rates apply to this planning permit application. This means the proposed development has a car parking requirement of 3.5 spaces to each 100sqm of leasable floor area (as opposed to 0.4 space to each patron permitted which was the rate applicable when the application was originally lodged to Council on 24 November 2017).

Amendments C191 and C236

12. Amendment C191, considered by Council at its Ordinary Meeting on 17 October 2017, seeks to introduce a planning control known as a Design and Development Overlay Schedule 17 (DDO17) into the Scheme, which will guide the heights and setbacks of new development so that their scale and form responds to the heritage character of Swan Street and the adjoining low scale residential areas. This amendment is currently awaiting authorisation from the Minister for Planning to proceed with public exhibition.

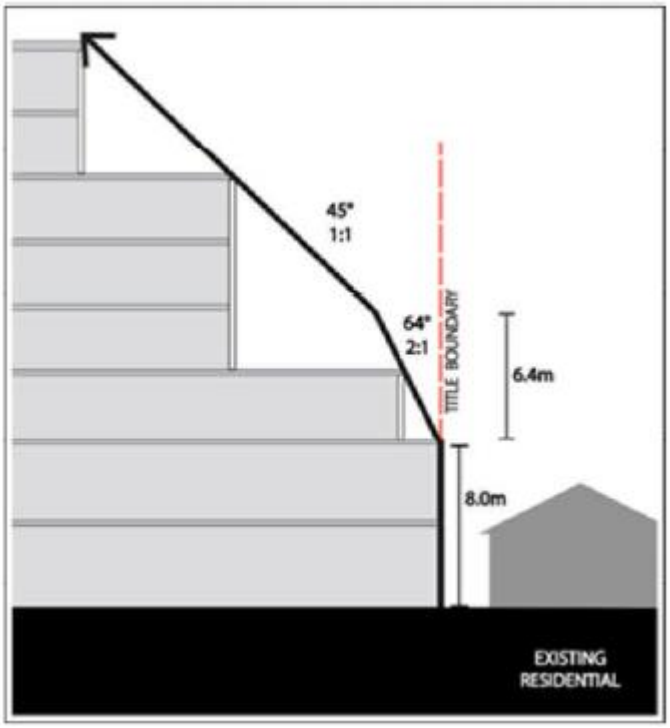
13. Council requested an interim DDO control via Amendment C236 for a period of two years until such time as the permanent DDO control goes through the amendment process.

14. Amendment C236 was gazetted on 22 November 2018 and introduced the interim DDO17 into the Scheme and this interim DDO17 identifies the subject site as being located within Precinct 2 – Swan Street Activity Centre and incorporates the following design requirements as relevant to the subject site:
    (a) Development must not exceed the mandatory building height of 21m shown on Plan 3.
    (b) Development must not exceed the relevant mandatory street wall height requirements or reduce the mandatory setbacks specified in Table 2 and shown on Plan 3 as follows:
        (i) Street wall height - 11m maximum (3 storeys) or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum
        (ii) Street wall setback – 0m
        (iii) Upper level setback – 5m minimum setback
    (c) Development should be designed to adopt the same setback from all street interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form.
    (d) Where development shares a common boundary and no interface treatment is shown in Plan 3, upper level development should:
        (i) be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed; and
        (ii) be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.
    (e) Frontages at ground floor and within the street wall should be designed with floor to floor ceiling heights suitable to accommodate commercial activity.
    (f) Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

(g) Upper level development should be designed to ensure buildings are expressed in the round and designed to provide detail on facades when viewed from all directions.

(h) Side and rear walls should not exceed the maximum height of 8m where they are on a common boundary with a property in a residential zone.

(i) Development must be setback in accordance with Figure 2 (below). Development should minimise stepped form.



(j) Development must not overshadow any part of the southern footpath of Swan Street (measured as 4.0 metres from the southern road boundary of Swan Street between 10am and 2pm at 22nd September).

(k) Vehicle and pedestrian access must be in accordance with the requirements of Clause 2.2.4 and Plan 4 – i.e. no vehicle access is preferred for the subject site, but 'Left in, Left out' access would be permitted.

(l) For development within and immediately adjoining a Heritage Overlay the requirements in Table 5 apply as follows.

Table 5 to Schedule 17 - General design requirements for development on land affected by a Heritage Overlay or immediately adjacent to a heritage overlay

Design Element	Design Requirement
Building facades and street frontages	Development should retain the existing heritage facade of individually significant and contributory buildings. **Infill Buildings and Development Adjoining a Heritage Building** Façade treatments and the articulation of infill buildings on land affected by a heritage overlay or immediately adjoining a heritage building should: • Adopt a high quality and respectful contextual design response by interpreting the historic façade rhythm of the heritage streetscape and/or adjoining heritage building including fenestration patterns and proportions, the relationship between solid and void, and the module of structural bays • not compete with the more elaborate detailing of the adjoining nineteenth century heritage buildings, in particular avoid the replication of existing decorative features and architectural detail • respect the vertical proportions of nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building • avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts • maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building • avoid the use of unarticulated curtain glazing or highly reflective glass **Contributory or Individually Significant Buildings** Adaptation of contributory or individually significant buildings should: • avoid highly reflective glazing in historic openings • maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings • avoid balconies behind existing openings • retain original or early shop fronts.
Upper Levels (above street wall height)	Upper level development on land within a heritage overlay and immediately adjoining a heritage building should: • retain the roof form of individually significant buildings between the parapet and new development where this contributes to the significance of the place and/or is visible from the public realm • incorporate an angled splay comparable with that of the heritage street wall where present on a corner site • utilise visually lightweight materials and finishes that are recessive in texture and colour, and provide a juxtaposition with the heavier masonry of the heritage facades • incorporate simple architectural detailing that does not detract from significant elements of the existing building or streetscape • be articulated to reflect the fine grained character of narrow sites and avoid highly articulated facades with recessed and projecting elements.

15. Amendment C236 also applied the Heritage Overlay to the following places on an interim basis:
    (a) 30-42 Swan Street, Cremorne (new Swan Street West Precinct HO524)
    (b) 273A Swan Street, Richmond (new HO522)
    (c) 323-325 Swan Street, Richmond (new HO523)
    (d) 223-239 Swan Street, Richmond (Swan Street Precinct HO335) – properties directly to the east of the subject site

16. With the Heritage Overlay applying to Nos. 223-239 Swan Street Richmond, the Swan Street Precinct has been extended further east, which previously finished at the subject site. The subject site is therefore no longer at the boundary of the Heritage Overlay.

Existing Conditions

Subject Site

17. The subject site is located on the north side of Swan Street, approximately 100m east of Church Street and 120m west of Mary Street, in Richmond.

18. The subject site is rectangular in shape and has a frontage to Swan Street of 7.62m, a depth of 27.43m and overall area of approximately 209sqm.

19. The subject site is occupied by a single-storey commercial building with shopfront windows, central double doors fronting the street and it appears to have been unsympathetically altered by the addition of a high metal parapet. The building is constructed to the street frontage and western boundary and setback approximately 1m from the eastern site boundary and 8m from the northern (rear) boundary. Open space is located to the rear of the building and includes four mature Tree of Heaven *(Ailanthus altissima)* trees.

20. The building on the subject site is currently vacant. Based on a 2016 Google street view image, it was formerly used as a shop (flooring specialist).

Title

21. There are no restrictive covenants or easements shown on the copy of title provided with the application.

Surrounding Land

22. The subject site is located within the Swan Street Major Activity Centre (MAC). It is surrounded by other commercial uses concentrated along Swan Street and residences to the north fronting Charlotte Street. The area is well serviced by public transport with trams running along Swan Street, between Burwood and the CBD, and along Church Street (100m west of the site), between North Richmond and Prahran. The subject site is also within 300m from the East Richmond Station which is serviced by multiple train lines (i.e. Alamein, Glen Waverley, Lilydale and Belgrave lines).

23. Surrounding built form is predominantly single- and double-storey in scale, with commercial buildings constructed hard edge to Swan Street. The immediate area is characterised by commercial buildings of mixed appearance – some which are Victorian-style while others are more contemporary. High site coverage and on-boundary construction are common in the street, with the majority of buildings constructed on or in close proximity to at least one side boundary (as shown in the image below).



24. Business identification signs along Swan Street are a mix of types and in a variety of locations. Illuminated signage is generally found beneath verandahs and non-illuminated signage is prevalent on shopfront windows, verandah fascias or flushed on the buildings above verandah height.

25. Within the Swan Street MAC, there are a number of existing licensed premises, particularly further west towards Church Street. The majority of these premises are licensed restaurant and cafes which trade until 11pm. Others are pubs and bars, which have on-premises or general licences and are predominantly located at street intersections.

26. The direct abuttals of the subject site are as follows:

    (a) To the east (No. 223 Swan Street) is Commercial 1 Zoned land occupied by a single storey commercial building constructed to both side boundaries, which is graded as 'non-contributory' to the Swan Street Heritage Precinct. The building has a high metal parapet similar to that on the subject site, a recessed front entry with non-illuminated sign above and an outdoor dining area to the front. The building is currently used as a food and drink premises (café).

    (b) To the west (No. 219 Swan Street) is Commercial 1 Zoned land occupied by a double storey Victorian-era commercial building, which is graded as 'Individually-significant' to the Swan Street Heritage Precinct. The building is constructed to the street frontage with a verandah projecting onto the footpath and is constructed to its eastern (shared) boundary with a first floor window facing the subject site. It is currently used as a hairdresser at ground floor and a dwelling at first floor. Signage for the hairdresser consists of decals on the shopfront window and a light box sign below the verandah. Secluded private open space for the first floor dwelling is located to the rear.

    (c) To the north (No. 26-30 Charlotte Street) is General Residential Zoned land occupied by a detached, double-storey brick residential building fronting Charlotte Street. The building contains 8 dwellings and has habitable room windows facing the subject site. The building has communal open space to the rear with a single-storey shed constructed abutting the subject site.

    (d) To the south, across Swan Street (No. 274-282 Swan Street), is Commercial 1 Zoned land occupied by a petrol station and car wash. To the south-west (at the corner of Swan and Brighton Streets) is the Union House Hotel, which has an On-premises Licence allowing the sale and consumption of liquor on the premises until 1am on any day with a maximum of 228 patrons.

The Proposal

27. This application is for the full demolition of the existing building and construction of a multi-storey building with roof terraces, display of internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use).

28. Specifically, the proposal incorporates the following elements:

    Demolition

    (a) Full demolition of the entire building on the site (graded as 'non-contributory').

    Buildings and works

    (b) Construction of a three-storey building with an overall height of approximately 11.9m.

(c) The building will have a two-storey wall constructed to the street (to a maximum height of approximately 8m) and a third-storey setback 7.9m-8.2m from the street. The street setback of the third storey serves as a lower roof terrace with an open dining area and above the third-storey is an upper level roof terrace with a pergola with a retractable fabric roof.
(d) The building will be constructed to the eastern and western site boundaries, except for a light court (3m long and 1.55m wide) at the second floor located adjacent to the boundary window of the western adjoining property at No. 219 Swan Street.
(e) The building will be setback 0-0.28m from the northern site boundary at ground floor and setback 6m-6.3m from the northern site boundary at the upper floors.
(f) The building is contemporary and its façade is constructed of one-way vision glass, concrete and powder-coated metal cladding in Monument, White and natural concrete colour palette.
(g) The building will be used as a restaurant (an as-of-right use in the zone and therefore no planning permit required) with a total leasable floor area of 423.3sqm, which includes:
    (i) 64.9sqm dining area, 82.7sqm kitchen/back of house facilities and 13.3sqm bin storage/toilet facilities at ground floor;
    (ii) 42.3sqm dining area and 34.5sqm toilet facilities at first floor;
    (iii) 113.8sqm dining area (which is partly outdoor and partly indoor) and 22.5sqm toilet facilities/storage at second floor; and
    (iv) 49.3sqm dining area on the roof terrace.
(h) The main entry for patrons to access the dining area at ground floor is via an internal door which is setback 2m from the building. The 2m setback between the façade and dining area would serve as an internal queuing area for patrons.
(i) The building is provided with two waste storage rooms at ground floor – one along the eastern side, middle part of the building and one at the north-east (rear) corner of the building. The plans show waste collection is via Council pick up at the Swan Street frontage, which is inconsistent with the submitted Waste Management Plan which indicates that waste will be collected by a private contractor.
(j) No car parking spaces are provided on site.

Business Identification Sign

(k) A neon sign (3.5m wide by 0.6m high) installed on the front façade, 4.4m above ground level, containing “Aint’s Peter’s” lettering.

Sale and consumption of liquor associated with the restaurant use

(l) The proposed hours for the sale and consumption of liquor on-premises are between 11:00am and 11:00pm, seven days a week. The proposed licensed hours are consistent with the operating hours for the restaurant.
(m) The ‘red line’ area includes all internal and outdoor areas within the building.
(n) A total of 192 restaurant patrons (maximum) on site at any given time (internally and within the outdoor seating areas). Seats will be available for all patrons on site in the form of 36 seats at ground floor, 40 seats at first floor, 20 indoor seats at second floor, 48 outdoor seats at the lower level roof terrace and 48 outdoor seats at the upper level roof terrace.
(o) Music will be played at background music level (no live music), with external speakers installed in the outdoor dining areas and internal speakers installed within the indoor dining area.

Other works

(p) Installation of bicycle racks (to accommodate 6 bicycle spaces) on the kerbside for staff and patrons of the restaurant.
(q) Removal of four Tree of Heaven *(Ailanthus altissima)* trees at the rear of the site, as indicated in the submitted arborist report (no planning permit is required).

(r) Installation of AC units on a plant platform above the roof of the northernmost part of the ground floor.
(s) 1.8m high noise barriers along the perimeter of the plant platform (note: a planning permit is required for the plant platform and noise barriers only, not the AC units).

Planning Scheme Provisions

Commercial 1 Zone

29. Pursuant to Clause 34.01-1 of the Scheme, Retail premises (which includes a Restaurant) is a Section 1 use; hence, the proposed restaurant use does not require a planning permit.

30. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works. This does not however include the following buildings and works as they are exempt under Clause 62.02-2 (Buildings and works not requiring a permit unless specifically required by the planning scheme) of the Scheme:
(a) Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

31. As such, the AC units do not require a planning permit and therefore no further consideration will be given to this.

32. Pursuant to Clause 34.01-9 of the Scheme, sign requirements are at Clause 52.05 of the Scheme. The zone is in Category 1.

Overlays

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

33. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to (as relevant):
(a) Demolish or remove a building;
(b) Construct a building or construct or carry out works, including services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park; and
(c) Construct or display a sign.

34. Given the proposed AC units to the rear of the site will not be visible from the street, they do not require a planning permit under the heritage overlay. However, the plant platform and noise barriers around the AC units are not permit exempt; therefore they require a planning permit under the heritage overlay.

Design and Development Overlay (Schedule 5)

35. Pursuant to Clause 43.02-2 of the Scheme a permit is not required to *construct a building or to construct and carry out works.*

36. Schedule 5 (City Link Exhaust Stack Environs) specifically exempts buildings and works from requiring a planning permit. Pursuant to Clause 43.02 of the Scheme, where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1) (c) of the *Planning and Environment Act 1987* to the person or body specified as a person or body to be notified in clause 66.06 or a schedule to that clause.

37. Notice of the application must therefore be given to the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation (VicRoads). Notice was given and their comments are provided in the *Referrals* attachment to this report.

Particular Provisions

Clause 52.05 – Signs

38. Pursuant to Clause 52.05-11, a planning permit is required to (as relevant) display an internally-illuminated sign which:
    (a) exceeds a total display area of 1.5sqm,
    (b) has a height of more than 3.7m above pavement level; and
    (c) is located within 30m from a residential zone.

39. The proposal includes business identification sign displaying the lettering “Aint’s Peter’s”. Given the proposed sign has a display area of 2.1sqm, has a height of 4.38m above pavement level and is within 28m from a residential zone to the north, a planning permit is required for the proposed sign under Clause 52.05 of the Scheme.

Clause 52.06 - Car Parking

40. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.

41. VC148 amended Clause 52.06 so that the car parking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network (PPTN) Area. As the subject site is within the PPTN area, the Column B car parking rates now apply to this planning permit application. At the time of lodgement, the Scheme required the Column A car parking rate of 0.4 car spaces to each patron permitted. As such, the car parking rate specified in the Car Parking Demand Assessment submitted with the original application is outdated.

42. The current Clause 52.06-5 Scheme requirements, the proposal provision of zero on-site car spaces and the subsequent shortfall are shown in the table below:

Use	Floor Area	Rate	No. required	No. proposed	Reduction sought
Restaurant	423.3sqm	3.5 spaces to each 100sqm of leasable floor area	14	0	14

43. In this instance, a planning permit is required pursuant to Clause 52.06-3 to reduce the statutory requirement by 14 spaces.

Clause 52.34 – Bicycle Facilities

44. Pursuant to Clause 52.34-1, 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.

45. The Clause 52.34-5 requirements are shown below:

Use	Floor Area	Rate	No. required
Restaurant	423.3sqm (327.3sqm	1 employee space to each 100sqm of leasable floor area, and	4 employee spaces and 2 visitor spaces

	available to the public)	2 visitor spaces plus 1 visitor space to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.	
Total			**6**

46. Six (6) bicycle spaces are proposed on the kerbside footpath immediately to the front of the building, for use by staff and patrons of the restaurant. Given the proposed bicycle spaces are on Council land and not within the title boundaries, the requirements of the Scheme are not met and a planning permit is therefore required to reduce the bicycle parking requirement under Clause 52.34.

Clause 52.27 – Licensed Premises

47. Pursuant to clause 52.27 (Licenced Premises) of the Scheme, a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control reform Act 1998*. The requirement to obtain a planning permit is therefore triggered under Clause 52.27 of the Scheme.

48. Before deciding on an application, the Responsible Authority must consider as appropriate:
    (a) The Municipal Planning Strategy and the Planning Policy Framework.
    (b) The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
    (c) The impact of the hours of operation on the amenity of the surrounding area.
    (d) The impact of the number of patrons on the amenity of the surrounding area.
    (e) The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

General Provisions

Clause 65 – Decision Guidelines

49. 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.

Planning Policy Framework (PPF)

50. The following PPF provisions of the Scheme are relevant:

Clause 11.03-1S Activity Centres

51. The relevant objectives of this clause include:
    (a) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Clause 13.05-1S Noise abatement

52. The relevant objective of this clause is:
    (a) To assist the control of noise effects on sensitive land uses.

Clause 13.07 Amenity
Clause 13.07-1S Land use compatibility

53. The objective of this clause is:
    (a) To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 15.01-1S Urban design

54. The relevant objective of this clause is:
    (a) To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-2S Building design

55. The relevant objective of this clause is:
    (a) To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S Neighbourhood character

56. The relevant objective of this clause is:
    (a) To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02 Sustainable Development

57. The objective of this clause is:
    (a) To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 15.03 Heritage

58. The objective of this clause is:
    (a) To ensure the conservation of places of heritage significance.

Clause 17.02 Commercial

59. The relevant objective of this clause is:
    (a) To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

Clause 18.02 Movement Networks

60. The relevant objectives of this clause are:
    (a) To promote the use of sustainable personal transport.
    (b) Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.
    (c) Ensure provision of bicycle end-of-trip facilities in commercial buildings.

Clause 18.02-2S Public Transport

61. The objective of this clause is:
    (a) To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

Clause 18.02-2R Principal Public Transport Network

62. The objective of this clause is:
    (a) Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

Local Planning Policy Framework (LPPF)

Clause 21.04-2 Activity Centres

63. The relevant objectives of this clause are:
    (a) To increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.
    (b) To maintain the long term viability of activity centres.

Clause 21.04-3 Industry, Office and Commercial

64. The objective of this clause is:
    (a) To increase the number and diversity of local employment opportunities.

Clause 21.05 Built Form

65. The relevant objectives of this clause are:
    (a) To protect and enhance Yarra's heritage places.
    (b) To reinforce the existing urban framework of Yarra.
    (c) To retain Yarra's identity as a low-rise urban form with pockets of higher development.
    (d) 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.
    (e) To ensure that new development contributes positively to Yarra's urban fabric.
    (f) 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.
    (g) Support new development that contributes to the consolidation and viability of existing activity centres.

Clause 21.06 Transport

66. The objectives of this clause are:
    (a) *Use rear laneway access to reduce vehicle crossovers.*
    (b) To facilitate public transport usage.
    (c) Require new development that generates high numbers of trips to be easily accessible by public transport.
    (d) To reduce the reliance on the private motor car.

Clause 21.07 Environmental Sustainability

67. The relevant objectives of this clause are:
    (a) To promote environmentally sustainable development.

Clause 21.08 Neighbourhoods

68. Relevant to this application, Clause 21.08-2 describes Swan Street west (where the subject site is located) as a precinct which *'incorporates the core retail area of Swan Street and includes East Richmond Station. Swan Street, unlike the other major activity centres within Yarra, has a smaller pool of non-local visitors, reflecting its stronger orientation towards servicing the needs of local residents'*.

69. The Figure 24 - Built Form Character Map: Central Richmond shows the subject site is located within the heritage overlay. The guiding urban design principle is to *'ensure that development does not adversely affect the significance of the heritage place'*.

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

70. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause include:
    (a) To conserve Yarra's natural and cultural heritage.
    (b) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
    (c) To retain significant view lines to, and vistas of, heritage places.
    (d) To preserve the scale and pattern of streetscapes in heritage places.
    (e) To ensure that additions and new works to a heritage place respect the significance of the place.

Clause 22.04 Advertising Signs Policy

71. This policy applies to all permit applications for advertising signs or for development which incorporates an advertising sign. The objectives of this clause are:
    (a) To allow for the promotion of goods and services.
    (b) To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.
    (c) To minimise visual clutter.
    (d) To ensure that signs are not the dominant element in the streetscape.
    (e) To protect and enhance the character and integrity of places of heritage significance.
    (f) To protect major view corridors and vistas.
    (g) To maintain vehicular and pedestrian safety.

Clause 22.05 Interface Uses Policy

72. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The objectives of this clause are 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 and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.09 – Licensed Premises

73. The policy applies to applications under Clause 52.27 (Licensed premises). The objectives of this clause are:
    (a) To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.
    (b) To encourage best practice venue design and venue operation for licensed premises.
    (c) To protect residential and other commercial uses from excess noise, traffic and car parking issues.
    (d) To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

74. This policy applies to applications for new buildings and aims to achieve the best practice water quality performance objectives and to promote the use of water sensitive urban design, including stormwater re-use.

Clause 22.17 Environmentally Sustainable Development

75. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. 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

76. The originally submitted application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 129 letters sent to surrounding owners and occupiers and by a sign displayed on the Swan Street frontage.

77. Council received 17 objections to the originally submitted application, the grounds of which are summarised as follows:
    (a) Off-site amenity impacts including additional noise, loss of privacy, overshadowing, smell.
    (b) Anti-social behaviour including increased litter, graffiti, reduced safety, security risk and property damage.
    (c) Increased car parking pressures.
    (d) Impact on heritage streetscape / overdevelopment.
    (e) Inaccuracy of plans.

78. The amended plans submitted pursuant to Section 57A of the Act (referenced at paragraph 4 of this report) were advertised under the provisions of Section 57B by letters sent to surrounding owners and occupiers and objectors.

79. Three (3) new objections were received raising issues relating to noise and car parking. Additional comments were also received from some of the original objectors, which reiterated existing concerns relating to noise, car parking, overdevelopment, overlooking, overshadowing, odour emissions and anti-social behaviour. They also raised additional issues in relation to the amended acoustic report submitted to Council on 10 July 2018 and in particular about how the patron noise levels were calculated and the mitigation measures being inadequate and causing further off-site amenity impacts (i.e. the acoustic canopy proposed adjacent to the window of No. 219 Swan Street impeding natural ventilation to this adjacent window).

80. A total of 20 objections were therefore received for the application. The grounds of objection set out at paragraph 76 of this report set out all of the issues raised.

Referrals

81. The originally submitted application was referred and most of the following referral comments are based on the original set of plans advertised. The only exceptions are the referral comments from SLR Consulting (acoustic engineering) which are based on the amended (Section 57A) advertised plans, and the referral comments from Council's Open Space Unit (Landscape Architect), which are based on the sketch landscape plans submitted on 12 October 2018. The Section 57A plans were not re-referred to all referral authorities and

internal departments as most of the changes made on the S57A plans mainly relate to the further noise assessment undertaken. Also, other referral authorities and internal departments have not raised any objection to the original application.

82. External Referrals (S.52 Notice under DDO5)
    (a) Vicroads
    (b) Transurban (no comments received)
    (c) EPA (no comments received)

83. Internal Referrals
    (a) Heritage Advisor
    (b) ESD Advisor
    (c) Streetscapes and Natural Values (Arborist)
    (d) Open Space (Landscape Architect)
    (e) City Works (Waste Services)
    (f) Compliance (Community Amenity)
    (g) Engineering Services Unit
    (h) Strategic Transport

84. External Consultants
    (a) SLR Consulting (Acoustic Engineering)

85. Referral comments are included as attachments to this report.

OFFICER ASSESSMENT

86. The primary considerations for this application are as follows:
    (a) Strategic justification;
    (b) Built form, design and heritage;
    (c) Off-site amenity impacts from built form and licensed premises;
    (d) Car parking and bicycle facilities;
    (e) Signs;
    (f) Objector concerns; and
    (g) Other matters.

Strategic justification

87. The subject site is located within the Commercial 1 Zone, with the purpose of the zone including to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The proposed use and development of the land for the purpose of a restaurant, including the provision of liquor, is generally consistent with the purpose of the zone, the zone provisions and for the site context. Strategically, the site is a good location for a redevelopment of this scale and type, within a Major Activity Centre, being within proximity to major thoroughfares, good public transport links, local infrastructure and community services.

88. Policy support for development in commercial areas also needs to be balanced with built form and heritage guidance at Clauses 15.03, 21.05-1 and 21.05-2 of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character and cultural heritage. More specifically, Council's local policy at Clause 22.02 seeks to maintain and conserve the significant historic character of the area. As will be discussed in detail within this report, it is considered that the proposal sufficiently achieves State and local policy guidance in relation to high quality developments and protection of heritage values.

89. The Planning Policy Framework and Local Planning Policy Frameworks also encourage development which meets the communities' needs for retail, entertainment, office and other

commercial services, provided that a balance is achieved in relation to off-site amenity impacts. Specifically, Clauses 13.05 and 22.05 of the Scheme identify that noise and the interface between uses must be managed appropriately. The relevant planning permit triggers in this instance are Clauses 34.01 and 52.27, which together with the local policy at Clauses 22.05 and 22.09, articulates the decision guidelines relating to off-site amenity impacts and land use conflict considerations. As will be discussed in detail within this report, the proposed building and sale of liquor for consumption on premises for a restaurant use are considered to comply with Council's vision and neighbourhood strategies in the Scheme and will serve the needs of the local community without unreasonably impacting on adjoining properties or residential amenity, subject to conditions.

90. Overall, it is considered that the proposed development achieves the various development objectives in the Scheme and achieves a sound level of compliance with the relevant policies, subject to conditions. It is on this basis that the submitted proposal should be supported.

Built form, design and heritage

91. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) as well as the decision guidelines associated with the Commercial 1 Zone and Heritage Overlay.

92. The subject site is located in the Swan Street Precinct Richmond. The site and immediately surrounding built form are predominantly single- and double-storey in scale and are of varied heritage significance, with the property to the east graded as 'not contributory' to the Swan Street Precinct and the property to the west graded as 'Individually significant'.

Demolition

93. Under the Heritage Overlay, the key consideration for assessing proposed demolition is whether it will adversely affect the significance of the heritage building or the broader heritage precinct. Clause 22.02-5.1 generally *encourage the retention of a building in a heritage place, unless the building is identified as being not contributory*. Given the existing building on site is graded 'not contributory' to the Swan Street Precinct, the proposed demolition of the entire building on site is supported by policy.

Buildings and works

94. Clause 22.02-5.7.1 of the Scheme encourages the design of new development to:
    - *(a) Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
    - *(b) Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
    - *(c) Be visually recessive and not dominate the heritage place.*
    - *(d) Be distinguishable from the original historic fabric.*
    - *(e) Not remove, cover, damage or change original historic fabric.*
    - *(f) Not obscure views of principle façades.*
    - *(g) Consider the architectural integrity and context of the heritage place or contributory element.*
    - *(h) Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
    - *(i) Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

95. The proposed development is considered to achieve these outcomes in the following ways.

96. The new development will match the hard-edge built form which is consistent along Swan Street. The proposed 8m high street wall will provide a good transition between the taller double-storey façade of the individually significant heritage building to the west and the single storey building to the east. The articulation of the façade at ground floor also corresponds well with the scale of ground levels of heritage buildings to the west. At the second floor and upper roof terrace, the building will be set back between 7.9m and 8.2m from the front (street) boundary, which meets the requirements of the interim DDO17. The upper level setback of 7.9m-8.2m proposed will also reduce the visibility of the higher built form along Swan Street and ensure that the upper levels will not dominate the heritage streetscape.

97. While Council's heritage advisor raises concerns with the upper roof terrace (and its shade structures) due to the height difference from the west adjacent individually significant building, on balance it is considered that the height or the upper level will not necessarily dominate the heritage streetscape. The upper roof terrace is open-sided and substantially setback from the street (by approximately 8m), which will assist in ensuring it reads as secondary to the main double-storey form of the building. Importantly, the 11.9m overall height created by the shade structures on the upper roof terrace is well below the mandatory 21m height limit allowable for this part of Swan Street under the interim DDO17. Views of the upper roof terrace from the south-east of the site would eventually be concealed once the east adjoining property is developed. Accordingly, the height, scale and setbacks of the proposed building is appropriate for the site and is respectful to the heritage streetscape.

98. The simple and contemporary design of the building is also appropriate for new developments in a heritage overlay. The proportions of the proposed window openings, the proposed materials and the colours (subject to minor changes that will be addressed by way of permit conditions) will be consistent with the façades of adjacent buildings.

99. At ground level, the proportion of glazing is consistent and in keeping with adjacent shopfront windows. The one-way vision glass proposed is however not appropriate as it will prevent views into the site, resulting in poor pedestrian amenity and lack of passive surveillance. A condition will therefore require the glazing at ground level to be clear to allow visual interaction between the interior spaces of the building and the street. This is consistent with the recommendation of Council's heritage advisor.

100. At first floor, the provision of one-way vision glass is acceptable as it will assist in reading the façade as a more solid structure, consistent with the masonry first floor facades of adjacent heritage buildings to the west.

101. While Council's heritage advisor recommends that the entire ground floor façade be finished in natural concrete *"to positively reflect the character of the external materials of adjacent heritage buildings to the west, in contrast with the proposed dark colouring which will create a strong contrast"*, it is considered that the proposed glazing with metal framing in 'Monument' colour will not necessarily be in contrast to the adjacent buildings. In fact, the dark metal framing will be consistent with the dark-coloured ground floor facades of adjoining buildings to the west and east of the site and is not much different from the existing façade which appears to be in 'Deep Indian Red' colour. The metal finish is also not out of character in the area, particularly as the existing building on the subject site and the east adjoining building currently have metal parapets and metal framing around windows. Therefore, based on the site context, the proposed metal framing in 'Monument' is considered to be acceptable.

102. Subject to a condition requiring the ground floor façade to be modified to clear-glazing, the proposed development will integrate well with the heritage character of the streetscape and respects the significance of the heritage place. Compliance with the provisions of Clause 22.02, subject to this condition, is achieved.

Energy and Resource Efficiency

103. Referral comments provided by Council's ESD Officer confirm that the development meets Council's ESD standards. This is based on the following commitments outlined on the plans and in the Sustainable Management Plan (SMP) submitted with the application:
    (a) A BESS Score of 50% (indicating best practice is achieved)
    (b) A STORM report with a score of 101% (best practice) that relies on at least 125sqm in total of roof connected to 3,000 litre rainwater tank provided for all toilet-flushing
    (c) Energy efficient building and services, exceeding NCC energy efficiency requirements by at least 10% calculated via JV3 energy modelling
    (d) 1.5kW solar PV array to contribute to common area electricity consumption
    (e) Energy efficient lighting, heating, cooling and hot water
    (f) Water efficient fixtures and taps
    (g) 6 new bicycle parking spaces on the street frontage (although, only 1 bicycle hoop accommodating for 2 spaces can be installed on the street frontage as advised by Council's Strategic Transport Unit)

104. Council's ESD Officer recommends the solar PV array to be shown the roof plan. This will be required via a condition, if a permit is to issue.

105. Council's ESD Officer also recommends, prior to occupation of the building, the provision of the JV3 energy modelling report, demonstrating that the 10% energy efficiency target will be reached. Again, a condition will require this, if a permit is to issue.

106. Overall, it is considered that subject to conditions, the proposed development will 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, and is therefore supported.

Landscaping

107. Landscaping is not a typical feature of commercial buildings in Richmond, however the proposal includes landscaping with a canopy tree and planter box at second floor. This proposed landscaping will help soften the appearance of the building from the street, which is improvement compared to existing site conditions.

108. The proposed development also requires the removal of four mature trees at the rear of the site and excavation works which are in close proximity to the existing trees of the adjoining properties. While there is no planning permit requirement for tree removal or pruning, addressing the impact of the development on existing trees is an appropriate response to site context.

109. The submitted arborist report provides an assessment of the trees to be removed at the rear of the site, classifying the trees as environmental weeds and recommending replacement planting. The proposed tree removal is supported by Council's Arborist, subject to appropriate replacement planting on the roof terrace and provision of landscape plan detailing the species, size, irrigation system and tree planting space requirements of the replacement trees to be planted. In response to Council's Arborist comments, a landscape plan was submitted by way of a sketch plan on 12 October 2018. The sketch plan shows the provision of two trees (rather than the one as proposed) and planters on the second floor and upper level roof terrace of the building. As confirmed by Council's Open Space Unit (Landscape Architect), the landscape plan would satisfy the Council's standard requirement and would provide for adequate replacement planting on site. Hence, it is appropriate for this landscape plan to be submitted for endorsement to satisfy the objectives at clause 21.05-2 which seeks to *"require well resolved landscape plans for all new development"* and *"encourage opportunities for planting*

suitable trees and landscape areas in new development". This will be required as a condition on any permit to be issued.

110. The submitted arborist report also confirms that the proposed development will encroach into the tree protection zones (TPZs) of trees at No. 223 Swan Street (identified as Tree 6 in the Discussion section of the submitted arborist report) by 6.7% and at No. 26-30 Charlotte Street (Tree 7) by 17.5%. Encroachment into a TPZ by no more than 10% is generally considered minor and would not impact on the health of the tree; hence, the development's encroachment into the TPZ of Tree 6 is found to be acceptable. However, to ensure the development does not adversely impact on the health of Tree 7, Council's Arborist required additional tree protection measures for Tree 7 to include exploratory excavation or an arborist to be on site at the time of excavation to ensure due care to any roots.

    The updated arborist report submitted by way of a sketch plan on 12 October 2018 addresses this requirement and as such a condition will require the arborist report prepared by Bluegum dated 13 February 2018 and 11 October 2018 to be submitted for endorsement so that it can form part of the permit.

111. Furthermore, there is one street tree abutting the subject site located on the kerbside of the footpath on Swan Street. Council's Arborist recommends that an Asset Protection Bond of $2,193.45 be required to offset the cost of repairing any damage incurred during construction and/or for non-compliance with the tree protection management plan. This is considered to be reasonable and appropriate and will be required by way of condition.

    Off-site amenity impacts from built form and licensed premises

112. The policy framework for assessing off-site amenity impacts associated with the proposed building is within Clause 22.05 (Interface uses policy) of the Scheme. Clause 55 of the Scheme also provides some guidance on these matters (although not strictly applicable given the proposal is for commercial development and not a multi-unit residential development). In terms of proposed development, particular regard must be given to visual impact, overshadowing, overlooking and impact on daylight and ventilation to existing windows. These matters, and others, will be addressed in turn below.

    Visual bulk

113. The subject site abuts residential zoned land to the north (rear). The side and rear wall height and upper level requirements of the interim DDO17 provide the relevant tests for assessing visual impact of new walls with a direct abuttal to a property in a residential zone. Under the interim DDO17, side and rear walls directly abutting a residential zoned land should not exceed a maximum height of 8m on the common boundary and should be setback in accordance with Figure 2 in the DDO17 (refer to paragraph 14(i) of this report).

114. The proposed rear ground floor boundary wall has a height between 2.53m and 3.16m, which is well within the 8m maximum height encouraged under DDO17. At the upper levels, the rear wall, at a height of 8.74m-9.17m, is setback 6m-6.3m from the rear boundary. This fully complies with the 0.37m-0.59m setback under Figure 2 of DDO17.

115. The noise barriers proposed around the plant platform at the rear of the site will be setback a minimum of 1.43m from the rear boundary, 1.38m from the western boundary and 1.88m from the eastern boundary. While the height of these noise barriers are yet to be finalised as they are dependent on the height of the mechanical plants which have not been confirmed, it is unlikely that the height of the noise barriers will exceed the 8m height (above ground level) allowed for a boundary wall adjacent to a residential land. Nonetheless, it is appropriate for the final height of the noise barrier to be shown on the plans to ensure that it is in compliance with Figure 2 of DDO17. This detail will be included as a condition on any permit to issue.

116. Furthermore, the siting and height of the side boundary walls of the proposed building are acceptable given they are adjacent to existing built form and not abutting residential zoned land. Therefore, the side boundary walls will not cause unreasonable visual impact on the adjoining properties.

Overshadowing

117. Given the north-south orientation of the subject site with the residential zoned land located to the north, the proposed development will not cause overshadowing impact to the adjoining residential zoned land.

118. The shadows of the proposed development will be mainly cast over existing built form or existing shadows. The only exception is at 9am when the proposed development will cast a sliver of additional shadow to the ground level private open space of the first floor dwelling at No. 219 Swan Street (to the west). The extent of overshadowing to this private open space is considered acceptable as the western adjoining dwelling is also provided with a large deck at first floor which has direct access from the first floor dwelling and will not be overshadowed by the proposed development. The level of additional overshadowing is also consistent with inner-city overshadowing situations where it is often difficult to avoid any additional overshadowing due to narrow lot sizes and the orientation of lots. Furthermore, expectations of overshadowing should be tempered for those who live within the Commercial 1 Zone, where dwellings are located within a built up area.

Overlooking

119. The proposed development will not create unreasonable overlooking opportunities to the adjacent residential properties given the north-facing windows of the proposed development will have sill heights of at least 1.7m above finished floor level and the upper level roof terrace is more than 9m away from the secluded private open spaces of dwellings to the north and those further west. The upper level roof terrace will also not have direct views to the first floor deck of the western adjoining property as it will be obstructed by existing built form.

Daylight and ventilation to existing windows

120. The proposed development will be constructed adjacent to the on-boundary window of the first floor dwelling at No. 219 Swan Street (to the west). As raised by one of the objectors, this boundary window serves a bedroom to the first floor dwelling. Given this adjacent window is constructed on the boundary, it currently relies on borrowed amenity from the subject site. If the boundary window was constructed today, it would not comply with current standards which require new habitable room windows to be setback at least 1m from the boundary.

121. Section 195 of the Property Law Act 1958 is commonly applied as exempting boundary windows from having any rights to light where these have been constructed after 7 October 1907. Section 195 states: *"after the seventh day of October One thousand nine hundred and seven no right to the access or use of light to or for any building shall be capable of coming into existence by reason only of the enjoyment of such access or use for any period or of any presumption of a lost grant based upon such enjoyment*." This means that a development constructed pre-1907 may be able to establish a right.

122. Given the western adjoining property is Victorian-era (which is estimated to have been constructed between 1870 and 1890), it is likely to be able to establish a right to light and air to its boundary window. With this in mind, the proposed development should be designed so that the said window will continue have reasonable access to daylight and air.

123. Clause 55 (Rescode) provides guidance on how new walls should be setback to maintain reasonable daylight access to existing habitable room windows (although it is not strictly applicable given the proposal is not a multi-unit development). In particular, Standard B19 (Daylight to existing windows) specifies that *"walls more than 3 metres in height opposite an existing habitable room window should be setback from the window at least 50 percent of the height of the new wall (as measured from the finished floor level of the room containing the window) if the wall is within a 55degree arc from the centre of the existing window".*

124. Based on the plans, the proposed development will be provided with a 3m-by-1.5m void adjacent to the boundary window of No. 219 Swan Street. The void will be enclosed by obscure-glazed acoustic barriers and canopy. While the void will not be open to the sky, its 1.5m width would be compliant with Standard B19 and its translucent glazing would allow filtered light to pass through. The provision of the void with obscure-glazing is therefore acceptable and would allow reasonable daylight access to the adjacent boundary window.

125. In relation to ventilation to the adjacent window, the sketch plans received by Council on 17 September 2018 shows that a vent and duct system will be installed running from the void to the Swan Street façade. This is considered adequate to allow ventilation to the adjacent boundary window; hence, it will be required as a condition on any permit to issue.

Construction management

126. A standard condition will require a construction management plan to be prepared prior to the commencement of the development. This will ensure that any emissions and road disruptions during construction will be appropriately managed.

Sale and consumption of liquor

127. Clause 22.09 (Licensed Premises Policy) of the Scheme provides the relevant guidance in relation to off-site amenity impacts associated with the proposed sale and consumption of liquor on premises. Clause 22.09 of the Scheme is Council's local policy which guides the assessment of all new or extended licensed premises within the municipality and contains key elements that must be considered. This will be done in the following paragraphs of this assessment.

Location and access

128. Policy at Clause 22.09-3 states that:

    (a) *Licensed premises with a capacity of more than 200 patrons should locate in the following Core Entertainment Precincts (defined by the Commercial 1 Zone and limited to properties fronting (and with pedestrian access) from the listed main streets):*
        (i) *Swan Street west of Church Street*
        (ii) *Bridge Road west of Burnley Street*
        (iii) *Victoria Street west of Burnley Street*
        (iv) *Smith Street between Gertrude Street and Alexandra Parade*
        (v) *Brunswick Street between Gertrude Street and Alexandra Parade*

    (b) *Licensed* premises *should be located where:*
        (i) *The land is not zoned Residential (excluding the Mixed Use Zone).*
        (ii) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered.*
        (iii) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.*
        (iv) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*

129. The subject site is located within Commercial 1 Zone and is within the Swan Street Major Activity Centre, where licensed premises are encouraged by policy. The proposed licensed restaurant will have a maximum patron capacity of less than 200 patrons and its primary purpose will be serving of food, which is appropriate for this part of Swan Street.

130. Also, with the main entry to the premises located on Swan Street and dining areas sited to the southern (front) part of the site, patron activity will be focused towards a currently busy interface, away from residential areas to the rear. The external areas available to patrons are also at second floor and upper level roof terrace, which are setback at least 6m from the north (rear) boundary, providing a reasonable buffer from the residential zoned land to the north. Acoustic attenuation measures are also proposed on-site to minimise patron noise from the premises. This will be discussed further in the Noise assessment section of this report.

131. Accordingly, the location and pedestrian access of the proposed licensed premises is considered appropriate.

Venue Design

132. The relevant policies seek to ensure that the layout and design of licensed premises incorporates safe design principles, that entry and exit points and areas for queuing of patrons are located away from sensitive land uses and that waste management and storage is provided on-site and noise enclosures are provided where bottle crushers are to be used.

133. The proposed building will be provided with a 2m wide entry way serving as an internal queueing area for patrons. This would minimise conflict between queueing patrons and passers-by using the footpath and noise impacts associated with queueing areas. The internal areas also have 3.1m high ceilings which would create a spacious feel to the venue. It also has wide passageways and toilet facilities on three level to minimise cross-flow of patrons. Also, as previously discussed, a condition will require the ground floor façade to be clear glazed which will maximise surveillance between the venue and the street in line with policy to a safe, active frontage to the venue.

134. In addition, the proposal provides a dedicated internal waste storage area at ground floor. The Waste Management Plan (WMP) prepared by Leigh Design outlines all management procedures to be undertaken with regard to waste storage and collection and confirms that waste will be collected by a private contractor from this internal area during off-peak traffic periods. The WMP was referred to Council's City Works Branch, who determined it as generally satisfactory subject to modification. Given that the bins need to be collected from the bin room in a very busy section of Swan Street they recommend that the WMP be updated to include the following:
    (a) Bin collection times rather than saying 'outside of peak hours'.
    (b) How the private collection contractor will avoid double parking in Swan Street during collection.
    (c) How the private collection contractor will avoid causing delays to trams along Swan Street during bin collection.

135. Officers also require the notation on the ground floor plan which states *"bins to be placed here for Council pick-up"* be deleted given the private waste collection commitment. This will also be required by condition on any permit to issue.

136. A condition will therefore require the submission of an amended WMP to include all of the above requirements. The WMP will then be endorsed to form part of the permit.

Licensed hours

137. A relevant policy at Clause 22.09-3 is that:

    (a) Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
    (b) *Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
    (c) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*

138. The proposed licensed hours for the restaurant are between 11am and 11pm on any day. These hours are fully consistent with policy.

    Patron Numbers

139. Policy at Clause 22.09 relating to patrons numbers aims to ensure that the number of patrons does not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue is based on the *VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016)*. Additionally, the number of patrons should reflect the strategic and physical context of the site and should not adversely affect the amenity of nearby properties or the surrounding area, including by any unreasonable cumulative impact.

140. The licensed restaurant is proposed to have maximum of 192 patrons. As confirmed in the submitted patron capacity assessment prepared by a registered building surveyor, the internal areas of the premises can safely accommodate a maximum of 200 patrons, which is more than the requested patron capacity. The plans also show the provision of tables and chairs for all patrons, which complies with minimum 75% seated patrons required for a restaurant and café licence. These seating details on the plans will be endorsed and a condition will be included on any permit to issue restricting the number of patrons on site at any given time.

    Noise

141. It is policy at Clause 22.09-3 that:

    (a) Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.
    (b) Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.
    (c) On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed activities.
    (d) Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.

142. Given the restaurant ‘use’ does not require a planning permit in the Commercial 1 Zone, noise consideration is limited to the *licensing* of the restaurant.

143. The sale and consumption of liquor on the premises between 11am and 11pm is not considered to cause unreasonable noise impacts given the type of licence sought (Restaurant and Café Licence) is low risk as defined in Council’s risk factor matrix (as further detailed in paragraph 156 of this report). The sale and consumption of alcohol will be ancillary to the preparation and serving of meals for restaurant patrons, which will be the primary activity on site. No live music or entertainment is proposed and patron numbers will

be limited by the number of covers and seating arrangement in the venue. In addition, patron noise associated with a licensed restaurant is not considered to result in a perceptible difference to those associated with a restaurant which is as-of-right in the zone (i.e. can operate 24 hours a day). In other words, a restaurant has a primary focus of providing food for seated patrons and noise levels, with or without patrons drinking alcohol, would be commensurate.

144. That said, the submitted acoustic report prepared by Cogent Acoustics and dated 02 July 2018 considers music, mechanical plant equipment and patron noise levels from the sale and consumption of liquor on the premises. The recommendations of the acoustic report include the following:
    (a) An acoustic screen to be installed around the mechanical plant area;
    (b) An acoustic silencer to be installed to the outlet of the kitchen exhaust fan and bin exhaust fan;
    (c) Further acoustic review of the mechanical plants to confirm compliance with SEPP N-1 to be undertaken if:
        (i) More than two exhaust fans, two air-conditioning condenser units, and two refrigeration compressor units are to be used at the site;
        (ii) Any mechanical plant items are proposed at locations closer than 1.5m to the northern or western boundary;
        (iii) The selected mechanical plant items have sound power levels greater than predicted in the report;
        (iv) Any parameters (layout, height, material) of the proposed acoustic screen cannot be met; or
        (v) The elected acoustic silencer does not meet the minimum insertion loss requirements.
    (d) Installation of acoustic-rated walls along the western boundary of the roof terraces as well as construct a noise barrier above the toilet/storage structure at second floor;
    (e) Constructing an acoustic canopy over the noise barriers around the void adjacent to the east-facing first floor bedroom window of western adjoining property (No. 219A Swan Street);
    (f) Limiting the maximum number of patrons at the lower and upper level roof terraces in accordance with the proposal during the Day/Evening periods and reducing the patron numbers at the lower roof terrace from 48 to 22 and at the upper roof terrace from 48 to 20 during the Night period.
    (g) Limiting the maximum number of loudspeakers in each dining area, with no loudspeaker to be installed 5m of the existing east-facing bedroom window or skylights of No. 219A Swan Street;
    (h) Setting the music noise levels from the sound system (i.e. speakers in the indoor and the outdoor dining areas) to comply with SEPP N-2 limits by marking them on the system controls and briefing staff on the volume level requirements; and
    (i) Prohibiting live music on the premises.

145. In advertising the submitted acoustic report along with the S.57A plans, objectors have questioned how the reduction of patron numbers at the lower roof terrace from 48 to 22 and at the upper roof terrace from 48 to 20 during the Night period will be managed. Given the licensed premise is a restaurant which will accommodate patrons in seated areas only, the restaurant manager will be able to limit patron numbers by seats and close off half of the seating areas at both roof terraces after 10pm. The applicant has also confirmed in their letter dated 4 July 2018 that *"patrons will vacate the roof top seating area between 10pm and 11am"* to further reduce patron noise from the venue beyond the recommendations of the acoustic report. Conditions will therefore be included on any permit to issue to reflect the reduction in patron numbers to the lower level roof terrace (as recommended in the submitted acoustic report) and the commitment by the applicant for patrons to vacate the upper level roof terrace between 10pm and 11am.

146. Upon review of the submitted acoustic report prepared by Cogent Acoustics dated 02 July 2018, Council's acoustic consultant noted that the acoustic report *'has demonstrated that noise from the venue has the potential to exceed noise limits and amenity targets, and have provided a number of recommendations for building treatments and venue management to achieve an acceptable outcome'.* The recommendations outlined in the acoustic report are therefore considered appropriate to put in place in order to minimise noise impacts from the premises.

147. However, to ensure the noise limits are appropriate in the context of the development and surrounding area and the mitigation measures are manageable, Council's acoustic consultant recommends that the following aspects be implemented / amended in the acoustic report:
    (a) *The evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels), making the evening targets 2dBA lower than currently shown in the report;*

    (b) *The operator undertake a full acoustical review of the mechanical plant (by an acoustic consultant) to ensure the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance, due to the close proximity of the plant to existing residents (less than 15m);*
    (c) *The lowest 15 minute background level collected for the day/evening period be used for setting the day/evening period SEPP N-2 noise limits, which may result in a reduced noise limit in the order of 3dBA;*
    (d) *The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue given the close proximity of the outdoor dining areas to residents, with setup guided by an acoustic consultant prior to operations commencing;*
    (e) *The music levels must have minimal bass content during the SEPP N-2 Night period.*

148. The above recommendations will ensure the noise from the venue will comply with EPA requirements, notably SEPP N-1, which controls mechanical plant noise and guides patron noise limits, and SEPP N-2 which controls music from public premises. Therefore, a condition will be included on any permit to issue requiring an amended acoustic report to address the above recommendations.

149. Also, the submitted acoustic report prepared by Cogent Acoustics and dated 02 July 2018 will need to be updated so that it is consistent with the plans ultimately lodged for endorsement which are required to show the ventilation duct system running along the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street frontage and the setbacks of the mechanical plant acoustic barriers from the boundaries. A condition on any permit to issue will reflect this.

150. All of the abovementioned conditions, combined, will assist in minimising noise impacts from the restaurant to nearby residences to a reasonable level. This, combined with the restriction of hours for the sale and consumption of liquor on the premises, will appropriately regulate the licenced restaurant premises in terms of noise emission levels.

Noise and Amenity Action Plan

151. At the time of lodgement (24 November 2017), Council's local policy at Clause 22.09 of the Scheme relating to licenced premises required the submission of a 'noise and amenity action plan' for all licenced premises. However, as of 1 February 2018, Planning Scheme Amendment C209 introduced an updated licenced premises policy at Clause 22.09 into the Scheme which specifically exempts a planning permit application for a liquor licence associated with a restaurant or a packaged liquor outlet from requiring to submit a 'noise and amenity action plan' as part of any application.

152. However, a 'noise and amenity action plan' (NAAP) was submitted as part of this planning application, and it sets out measures that the restaurant premises will put into place in order to limit the impact of the sale and consumption of liquor on and off the premises to the residential amenity of the surrounding area. The 'measures' outlined in the submitted 'noise and amenity action plan' include the following:
    (a) Carrying out responsible serving of alcohol on the premises and management procedures for handling complaints.
    (b) Prohibiting amplified music, live bands or DJs on the premises, with the music limited to background levels.
    (c) Control of music and noise in accordance with an acoustic report prepared by an acoustic engineer.
    (d) Ensuring internal lighting will not be directed into the public realm.
    (e) Deliveries and private waste collection to be carried out at the front of the premises.

153. The measures outlined in the submitted 'noise and amenity action plan' are considered appropriate to manage the operation of the premises during its licensed hours, and limit unreasonable detriment on the amenity and safety of the surrounding area. Given the current Clause 22.09 exempts restaurants from the requirement of a NAAP, the submitted NAAP will not require endorsement; nonetheless, it is useful information which assists with the assessment of the application.

Cumulative impact

154. Practice Note 61 *('Licensed premises: Assessing cumulative impact'*), prepared by the State Government, provides guidance for assessing the cumulative impact of licensed premises under Clause 52.27 of the Scheme. According to the practice note, 'Cumulative Impact' refers to both the positive and negative impacts that can result from the clustering of licensed premises and is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate these venues.

155. The practice note states that it should be used for new or expanded licensed premises that will trade past 11pm and are located in a 'cluster' of licensed premises, i.e. where there are three or more licensed premises within a radius of 100m from the subject land; or, 15 or more licensed premises within a radius of 500m from the subject land. While the proposed restaurant is located in a cluster of licensed premises (with the majority of this cluster located along Smith Street), the proposed restaurant will not trade past 11pm. Therefore, the practice note does not technically apply to this application.

156. Furthermore, a planning decision made by the Victorian Civil and Administrative Tribunal (VCAT) known as the *Corner Hotel* decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) formulated a potential assessment methodology for considering applications that may result in cumulative impacts. It developed the following risk factor matrix:

Type of premise	***Risk Factor***
Café / Restaurant	0
Bar / Restaurant / Café	**1**
Bar	3
Hotel / Tavern	3
Nightclub	3
Place of assembly	2

Size of premise	***Risk Factor***
0-49 patrons	0
50-99 patrons	1

100-199 patrons	**2**
200+	3

Closing hours of premise	***Risk Factor***
11.00 pm	**0**
12.00 am	1
1.00 am	2
2.00 am	3
3.00 am	3
Beyond 3.00 am	4

157. Applying the risk factor matrix to any relevant proposal, a reasonable consideration would suggest a score of 0-3 would be no risk, higher than three (3) would be a potential risk and requires a cumulative impacts assessment.

158. For this proposal, a risk factor score of three (3) is afforded for the licensed restaurant. Based on this, a cumulative impact assessment is not required.

159. Nonetheless, a 'cumulative impact assessment' was submitted with the application, and it confirms that the proposed licensed premises will not result in unreasonable impacts on the amenity of the area.

160. Based on the details in the information submitted with the application (the noise amenity action plan and the cumulative impact assessment) while not technically required now for a licensed restaurant posing a low risk, it is anticipated that the potential for the proposed licensing of the restaurant to contribute to any negative cumulative impact will be limited. Council's Compliance Branch raised no concern with the proposed licensed restaurant from a community amenity perspective and furthermore, the conditions of permit discussed throughout this assessment will ensure that off-site amenity impacts are minimised and are reasonable for the site context.

Car parking and bicycle facilities

161. Pursuant to Clause 52.06-5 of the Scheme, the proposed restaurant with a leasable floor area of 423.3sqm generates a statutory car parking requirement of 14 spaces. As there are no on-site spaces proposed on site, a reduction of 14 spaces is being sought.

162. Based on the information provided, which includes parking occupancy surveys prepared by BVY Pty Ltd, and in response to the relevant guidelines at Clause 52.06-7 of the Scheme, the proposed car parking reduction of 14 spaces is considered acceptable for the following reasons:

    (a) The site has good access to public transport, with tram route 70 available along Swan Street, tram route 78 along Church Street (which is within 200m) and multiple train lines (i.e. Alamein, Glen Waverley, Lilydale and Belgrave lines) available from the East Richmond Station which is within 300m from the site. These methods of transport provide alternatives to car use and ultimately the need for car parking at the venue.
    (b) Given the site's location in the Swan Street MAC, it is likely that patrons reside or work within walking distance of the site or already visiting the area for multi-purpose trips.
    (c) The site has good connectivity to the on-road bicycle network and will be provided with bicycle spaces on the footpath for patrons and staff.
    (d) One approach to achieving the requirements of Clause 21.06-2 of the Scheme (which seeks to facilitate public transport usage) is to reduce the number of car spaces provided on-site in areas which have good alternative modes of transport.
    (e) It is impractical to provide the additional car parking spaces on site given it has no existing vehicle crossover. Also, under the interim DDO17, it is preferred that the site is not provided with vehicle access.

(f) The parking occupancy surveys undertaken by BVY Pty Ltd indicate that there was a minimum of 59 vacant spaces in the study area (including Swan, Church, Mary, Harvey, Charles, Charlotte and Brighton Streets) on Saturday 23 June 2018 at 1pm and a minimum of 67 spaces on the Saturday at 6pm. Hence, the car parking demand associated with the restaurant during peak hours can be accommodated within the on-street parking in the area.
(g) It would be difficult to detect any noticeable impact of on-street parking associated with the operation of the restaurant alone. Throughout the entire municipality, on-street parking (a public asset) is shared by a multitude of different user classes. The current restrictions in place reflect the nature of parking and needs of various stakeholders who live or work in the area, with the surrounding on-street parking generally shared parking and residential parking available on residential streets.
(h) The site was formerly used as a shop which did not have on-site car parking facilities. This parking deficiency of the site would have been already accommodated on the surrounding streets and affords the restaurant with a technical 'credit'.
(i) Council's Engineering Services Unit support the car parking reduction and state that it *would not unreasonably impact car parking in the area*.

163. Based on all of the above, it is considered that the lack of on-site car parking, the site context and the availability of public transport, local parking options and provision of bicycle spaces are sufficient to support a car parking reduction in this instance.

Bicycle parking and facilities

164. As outlined earlier in the report, the development is required to provide a total of 4 staff and 2 visitor bicycle spaces under clause 52.34 of the Scheme. Given no bicycle parking spaces are proposed on site a reduction in bicycle parking requirement is sought.

165. It is acknowledged that the proposal includes 6 bicycle parking spaces located on the footpath immediately outside the premises, for staff and patrons of the restaurant. This is not taken into account as it is located on Council land and not within the title boundaries of the subject site.

166. Council's Strategic Transport Unit acknowledge that while the provision of on-site bicycle parking spaces is preferred, it is not a suitable or possible option in this instance. There is no rear access to the site and it is not appropriate for staff or patrons of the restaurant to wheel bikes through a restaurant. In relation to the provision of bicycle parking spaces on the footpath directly outside the subject site, Council's Strategic Transport Unit state that while this technically meets the statutory requirement prescribed in the Scheme, it is unsuitable in this instance given the following:
(a) An existing street tree limits opportunity for spaces.
(b) The plans do not accurately reflect the dimensions of bicycle spaces. At most, two bicycle hoops could be installed directly outside the subject site, which would allow for 4 bicycle spaces. This however results in significant footpath clutter and creates a 'pedestrian barrier' for people looking to cross the street. This is exacerbated by the existing street tree, parking pole and nearby footpath trading to the east.
(c) Too many hoops in this location would leave little space for bin storage prior to collection, which would further contribute to clutter and a "pedestrian barrier".
(d) Many visitors to the site are likely to be in the area for multi-purpose trips, and expected cycling demand associated with the use are likely to be satisfactorily accommodated at existing hoops and informal bicycle parking locations.
(e) The location is well serviced by public transport and walking, so alternative sustainable travel modes to the subject site are easy and convenient.

167. Council's Strategic Transport Unit therefore recommend that only one bicycle hoop be installed on the footpath, providing accommodation for two bicycle spaces, and they require it to be

aligned with the nearby awning posts of the western adjoining property. This will be reflected in a condition of permit.

168. In light of the above, the provision of one bicycle hoop on the footpath (accommodating 2 bicycle spaces) and ultimately the reduction of four bicycle spaces is supported in this instance.

Sign

169. Signage policy are contained within Clause 22.04 (Advertising Signs) and Clause 52.05 (Signs) of the Scheme and having regard to the objectives and decision guidelines at these clauses, the proposed signs are considered appropriate for the following reasons:

The character of the area

170. The site is located in a Commercial 1 Zone and the sensitivity of the area is impacted by surrounding commercial properties and the road infrastructure to the south. The proposed sign (business identification) faces Swan Street and is not directly opposite any residential area, hence, the proposal would not result in any adverse amenity impacts to any residential uses.

171. While internally-illuminated signs are generally discouraged in heritage areas, the proposed neon sign is acceptable given internally-illuminated signs are a common feature along Swan Street on commercial buildings adjacent to the subject site. The proposed sign is, therefore, compatible with the commercial, built-up character of the existing area.

The relationship to the streetscape, setting or landscape

172. The proposed signage would not be an overbearing feature in the streetscape and is appropriately sized for both pedestrian and vehicular traffic.

173. Displaying the sign on the building façade at first floor is appropriate to provide adequate visibility to pedestrians and motorists travelling along either direction of Swan Street.

The relationship to the site and building; and impact of structures associated with the sign

174. The proposed sign will be installed within the glazed façade at first floor. The sign will not project beyond the site.

Impact on views and vistas

175. The sign would not obstruct views from other existing signage in the area. It is located more than 150m away from the traffic lights on the Church/Swan Street intersection.

176. The proposed sign will be displayed in an orderly manner. Given only one sign is proposed on the premises, the proposal will not result in visual disorder or clutter of signs.

The impact of any illumination and impact on road safety

177. The proposed sign will be located 150m from the nearest traffic lights and will not display any logo or text that could be mistaken for traffic signals.

178. A condition will also be included on any permit issued prohibiting any flashing or intermittent light on the neon sign to ensure it would not cause any traffic hazard or loss of amenity of the area.

Objector concerns

179. The majority of issues raised by objectors have been addressed throughout the assessment section of this report. For ease of reference, the concerns raised and corresponding report sections and/or paragraph numbers are outlined below, as relevant:

(a) Off-site amenity impacts including additional noise, loss of privacy, overshadowing, impact on daylight access and ventilation, additional smell.

The majority of these matters have been addressed in the report at paragraphs 141-150 (noise) and paragraphs 117-125 (overshadowing, overlooking and impact on daylight access and ventilation. Also, additional smells/fumes associated with the restaurant is not a consideration of this application given that in this instance a restaurant use does not require a planning permit under the zone.

(b) *Anti-social behaviour including increased litter, graffiti, reduced safety, security risk and property damage.*

The amenity impacts of the proposal are assessed throughout the report and specifically in the assessment of the use and licensed premises sections. The proposal is considered acceptable and unlikely to result in any unreasonable detrimental impact to surrounding properties given its primary purpose is for preparation, serving and consuming of food.
The premises will also be managed effectively and will be required to comply with permit conditions which are enforceable by Council's Planning Enforcement Unit. Also, Victoria Police would have the duty to respond to issues of anti-social patron behaviour on the street as a result of this venue or others along Swan Street.

(c) Increased car parking pressures

Car parking matters have been considered in paragraphs 161-163. The lack of on-site parking provision and the proposed reduction in car parking requirement of 14 spaces is considered acceptable in the context of the development and the surrounding area.

Some of the parking concerns raised are borne out of unlawful parking activities, such as parking on residential permit zones without a permit or public parking on private commercial land. While it is acknowledged that the proposal will increase parking demand in the area, as confirmed in the submitted parking occupancy surveys, the parking demand associated with the proposed use can be accommodated within the existing on-street public parking in the area. Requiring a Patron Management for the premises to discourage patrons from parking on nearby private commercial land (as requested by an objector) would be excessive and beyond the considerations of planning application for reduction in car parking requirements. Illegal parking on public land would be addressed by Council's Parking Enforcement Unit and Victoria Police. Also, private car park owners can display signage to clearly outline the terms and conditions of use for their car park to discourage parking on unauthorised vehicles.

(d) Impact on heritage streetscape/ overdevelopment

Built form and heritage considerations have been addressed in paragraphs 91-102.

(e) Inaccuracy of plans/Misleading information

Concerns were raised by Objectors regarding the originally submitted acoustic report not accurately identifying the first floor dwelling on the west adjoining property. The amended acoustic report submitted under the S.57A application addresses this issue and it formed part of the advertising material re-advertised on 18 July 2018.

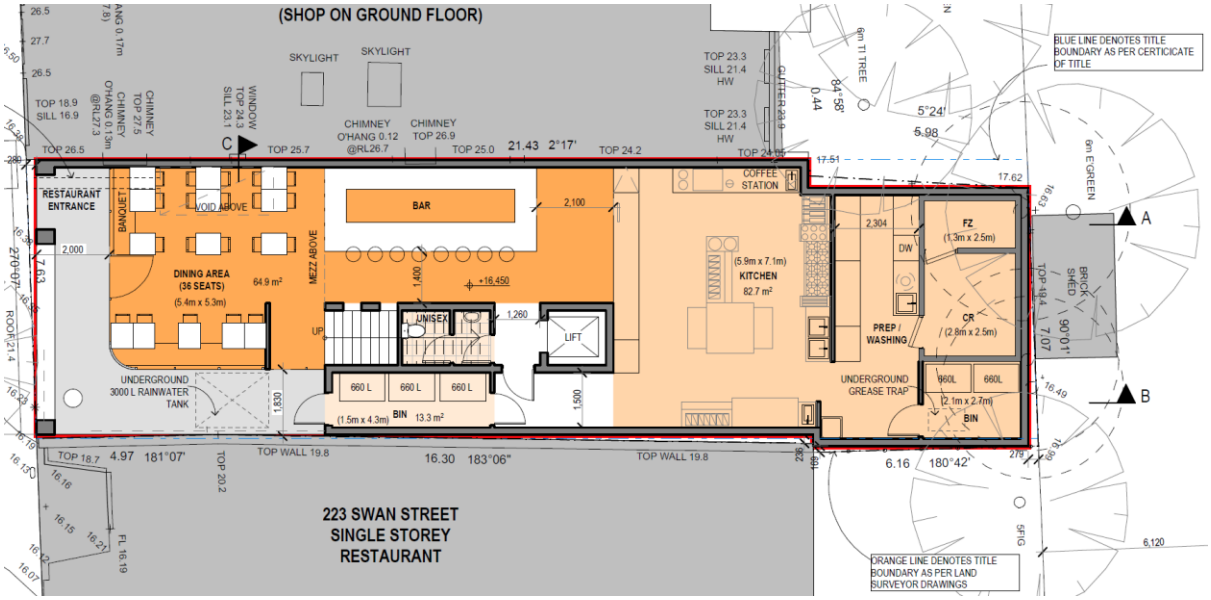
Concerns were raised regarding the parking occupancy surveys being undertaken during Melbourne Cup weekend, which Objectors deemed to not be reflective of the typical parking occupancy in the area. This has since been addressed with the submission of an updated parking occupancy survey undertaken on 23 June 2018, (which is not a public holiday weekend) lodged as part of the S.57A application which formed part of the advertising material re-advertised on 18 July 2018.

Other matters

Title discrepancies

180. The title boundaries on the decision plans do not reflect the title boundaries shown on the submitted title, moreover, the boundaries are based on a re-establishment survey of the site, which show the current locations of the existing building and boundary fences.

181. The image below demonstrates the differences in the title boundary locations at the subject site. The blue dotted line shows the boundaries as per the current submitted title and the red solid line shows the boundaries as per the re-establishment survey (yet to be registered).



182. The applicant has confirmed to Officers that an application has been lodged with the titles office to register the re-established boundaries on title (in other words the boundaries shown by the red line). However, given the application for planning permit has yet to be approved, the proposed building is technically located outside the title boundaries of the site based on the current submitted title. To rectify this, it is appropriate to require, via condition, the buildings, works and licensed area to all be located within the title boundaries shown on the title produced at the time that condition 1 plans are submitted to Council for endorsement. In the event that the application submitted to the titles office is rejected, the proposed building would need to be reduced where it currently projects outside the title boundaries.

Conclusion

183. Based on this report, the proposal is considered to substantially comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval, 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 PLN17/1016 for full demolition of the existing

building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use), at 221 Swan Street, Richmond, subject to the following conditions:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by YBL Remmus, Job No. 17062, Drawing Nos. TP-05 to TP-12 and TP-21, Rev. No. C, received by Council on 10 July 2018) but modified to show the following:

    (a) Details depicted on the sketch plans prepared by YBL Remmus received by Council on 12 October 2018, as follows:
        (i) A vent and duct system running from the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street façade;
        (ii) Two canopy trees and planters on the second floor, lower level and upper level roof terraces.
    (b) Clear transparent glazing to the ground floor front façade.
    (c) The solar PV array on the roof plan in accordance with the commitments in the Sustainable Management Plan (referenced at condition 15 of this planning permit).
    (d) The notation *"bins to be placed here for Council pick up*" deleted from the ground floor plan.
    (e) The height of the acoustic barriers to the mechanical plant.
    (f) The installation of one bicycle hoop on the footpath in accordance with condition 21 and deletion of all plan notations referencing 6 bicycle hoops.
    (g) All buildings, works and licensed area within the title boundaries of the subject site.

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

Restaurant and Café Liquor Licence

3. The sale and consumption of liquor on the premises must only occur between the hours of 11:00am and 11:00pm, seven days a week.

4. No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed, and further restricted as follows:
    (a) From 10pm to 11pm, patron numbers within the lower level roof terrace reduced from 48 to 22.

5. No patrons are permitted within the upper level roof terrace beyond 10:00pm on any night, as per the commitment reference in the correspondence from Metropol Planning Solutions dated 4 July 2018.

6. The predominant activity in the restaurant, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.

7. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

8. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

Acoustic Report

9. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 02 July 2018, but modified to include (or show, or address) the following:

    (a) The evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels), making the evening targets 2dBA lower than currently shown in the report.
    (b) The operator to undertake a full acoustical review of the mechanical plant (by an acoustic consultant) to ensure the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance.
    (c) The lowest 15 minute background level collected for the day/evening period be used for setting the day/evening period SEPP N-2 noise limits.
    (d) The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue with setup guided by an acoustic consultant prior to operations commencing.
    (e) The music levels to have minimal bass content during the SEPP N-2 Night period.
    (f) The ventilation duct system running along the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street frontage in accordance with the architectural drawings.
    (g) The setbacks of the mechanical plant acoustic barriers from the boundaries in accordance with the architectural drawings.

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

11. The provision of music and entertainment on the land must be at a background noise level.

12. The sound system on the premises must not consist of bass speakers.

Waste Management Plan

13. Before the use and 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 10 January 2018, but modified to include the following:

    (h) The collection times for the bins rather than saying outside of peak hours.
    (i) How the private collection contractor will avoid double parking in Swan Street during collection.
    (j) How the private collection contractor will avoid causing delays to trams operating along Swan Street during collection.

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

Sustainable Management Plan

15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Sustainable Development Consultants, dated December

2017) must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

16. Before the building is occupied, a completed JV3 energy modelling report must be prepared by a suitably qualified person and submitted to the Responsible Authority demonstrating that the 10% energy efficiency target committed to in endorsed Sustainable Management Plan will be reached.

Landscaping Plan Required

17. 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) be in accordance with the draft landscape plan prepared by TT Design, dated 01/10/2018 showing two trees and planters on the second floor and lower level and upper level roof terraces, including details of species, size, irrigation method and plant spacing.

18. 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.

Arborist Report

19. Before the development commences, an amended Arborist Report prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must:

    (a) be in accordance with the draft arborist report prepared by Bluegum, dated 13 February 2018 & 11 October 2018, identifying Trees 6 and 7 consistently throughout the report and showing additional tree protection measures for Tree 7.

Street Trees

20. Before the development starts, the permit holder must provide an Asset Protection Bond of $2,193.45 (or an amount as agreed with Council's Streetscapes and Natural Values Unit) for the street tree to the Responsible Authority. The bond:

    (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
    (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
    (c) in accordance with the requirements of this permit; or
    (d) otherwise, to the satisfaction of the Responsible Authority.

Bicycle hoop provision

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one (1) bicycle hoop must be installed:

    (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
    (b) at the permit holder's cost and all costs borne by the permit holder; and
    (c) in a location and manner, all to the satisfaction of the Responsible Authority.

Sign

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

23. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

24. The sign must not include any flashing or intermittent light.

Construction Management Required

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

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

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

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

General

27. The sale and consumption of liquor must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

28. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

29. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.

30. 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.

31. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected including through:

    (a) The transport of materials, goods or commodities to or from land;
    (b) The appearance of any buildings, works or materials; and
    (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.

32. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

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

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

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

Permit Expiry

34. This permit will expire if:

    (a) the development is not commenced within two years of the date of this permit;
    (b) the development is not completed within four years of the date of this permit; or
    (c) the sale and consumption of liquor is not commenced within five years of the date of this permit.

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

35. The signage approved under this permit expires 15 years from the date of the permit.

NOTES:

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

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

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

A 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.

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

CONTACT OFFICER: **Catherine Balagtas**
TITLE: **Statutory Planner**
TEL: **03 9426 1425**

Attachments

1 PLN17/1016 - 221 Swan Street Richmond - Locality map
2 PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans
3 PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018
4 PLN17/1016 - 221 Swan Street Richmond - Vicroads comments
5 PLN17/1016 - 221 Swan Street Richmond - Heritage Advisor comments
6 PLN17/1016 - 221 Swan Street Richmond - ESD Advisor comments
7 PLN17/1016 - 221 Swan Street Richmond - Streetscapes and Natural Values (Arborist) Comments
8 PLN17/1016 - 221 Swan Street Richmond - Open Space (Landscape Architect) comments
9 PLN17/1016 - 221 Swan Street Richmond - City Works (Waste Management) comments
10 PLN17 1016 - 221 Swan Street Richmond - Compliance (Community Amenity) comments
11 PLN17/1016 - 221 Swan Street Richmond - Engineering Services Unit comments
12 PLN17/1016 - 221 Swan Street Richmond - Strategic Transport Comments
13 PLN17/1016 - 221 Swan Street Richmond - SLR Acoustic Consultant Comments

Attachment 1 - PLN17/1016 - 221 Swan Street Richmond - Locality map

SUBJECT LAND: 221 Swan Street, Richmond



★ Subject Site

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans

YBL Remmus



DRAWING REGISTER

TP-00 COVERPAGE
TP-01 PHOTOS OF EXISTING CONDITIONS
TP-02 SITE ANALYSIS
TP-03 DESIGN RESPONSE - STREETSCAPE
TP-04 DESIGN RESPONSE - SITE PLAN
TP-05 DEMOLITION PLAN
TP-06 PROPOSED GROUND FLOOR PLAN
TP-07 PROPOSED FIRST FLOOR PLAN
TP-08 PROPOSED SECOND FLOOR PLAN
TP-09 PROPOSED ROOF TERRACE PLAN
TP-10 ROOF TERRACE CANOPY LEVEL
TP-11 ELEVATIONS
TP-12 SECTIONS
TP-13 SHADOW DIAGRAM 22 SEPT 9AM
TP-14 SHADOW DIAGRAM 22 SEPT 10AM
TP-15 SHADOW DIAGRAM 22 SEPT 11AM
TP-16 SHADOW DIAGRAM 22 SEPT 12PM
TP-17 SHADOW DIAGRAM 22 SEPT 1PM
TP-18 SHADOW DIAGRAM 22 SEPT 2PM
TP-19 SHADOW DIAGRAM 22 SEPT 3PM
TP-20 PERSPECTIVES
TP-21 DESIGN CONCEPTUAL IMAGES AND DIAGRAMS

Do not scale from these drawings.
Verify all dimensions on site before commencing construction or shop drawings.
This drawing is copyright. No part may be reproduced or otherwise dealt with without the permission of the Architect

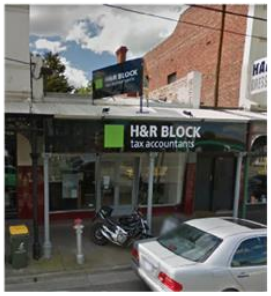
TOWN PLANNING SUBMISSION
TOWN PLANNING ISSUE C: MAR 2018

221 SWAN STREET RICHMOND
PROPOSED COMMERCIAL BUILDING

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



#1. 215A SWAN STREET
TWO STOREY RENDERED BRICK OFFICE



#2. 217 SWAN STREET
ONE STOREY BRICK OFFICE



#3. 219A SWAN STREET
TWO STOREY RENDERED BRICK SHOP



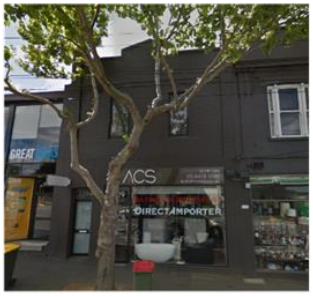
#4. SUBJECT SITE - 221 SWAN STREET
ONE STOREY BRICK SHOP



#5. 223 SWAN STREET
ONE STOREY BRICK RESTAURANT



#6. 225-227 SWAN STREET
TWO STOREY BRICK OFFICE



#7. 229 SWAN STREET
TWO STOREY BRICK SHOP



#8. 266-272 SWAN STREET
TWO STOREY BRICK RESTAURANT



#8. 274-282 SWAN STREET
PETROL STATION



KEY PLAN

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

PHOTOS OF EXISTING CONDITION

N/A

JAN 2018

VT PA

17062

TOWN PLANNING

TP-01 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



EXISTING SITE PLAN

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SITE ANALYSIS

1:200@A1 , 1:400@A3

JAN 2018

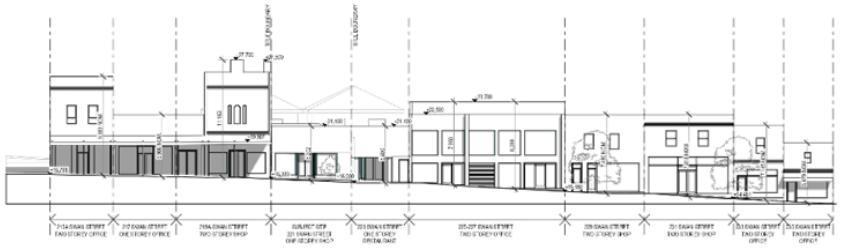
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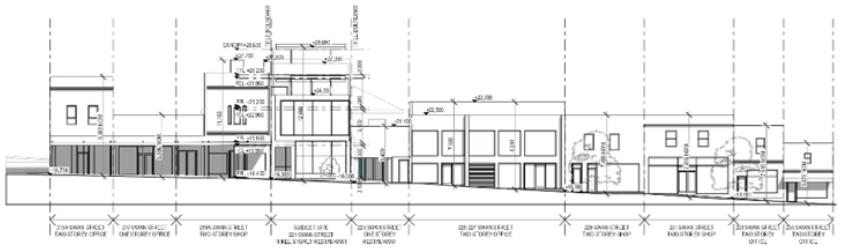
TOWN PLANNING

TP-02 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



EXISTING STREET ELEVATION



PROPOSED STREET ELEVATION

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

DESIGN RESPONSE - STREETSCAPE

1:200@A1 , 1:400@A3

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JAN 2018

17062

TOWN PLANNING

TP-03 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



PROPOSED SITE PLAN

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

DESIGN RESPONSE - SITE PLAN

1:200@A1 , 1:400@A3

JAN 2018

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TOWN PLANNING

TP-04 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



DEMOLITION PLAN

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

DEMOLITION PLAN

1:200@A1 , 1:400@A3

JAN 2018

VT PA

17062

TOWN PLANNING

TP-05 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



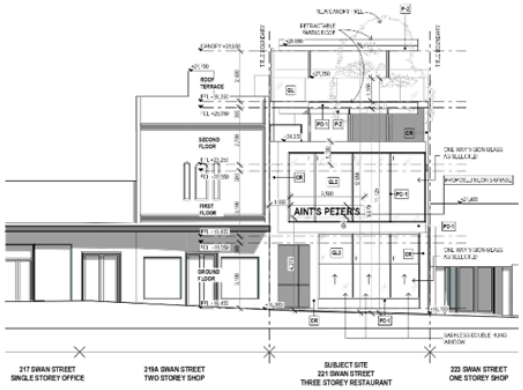
Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



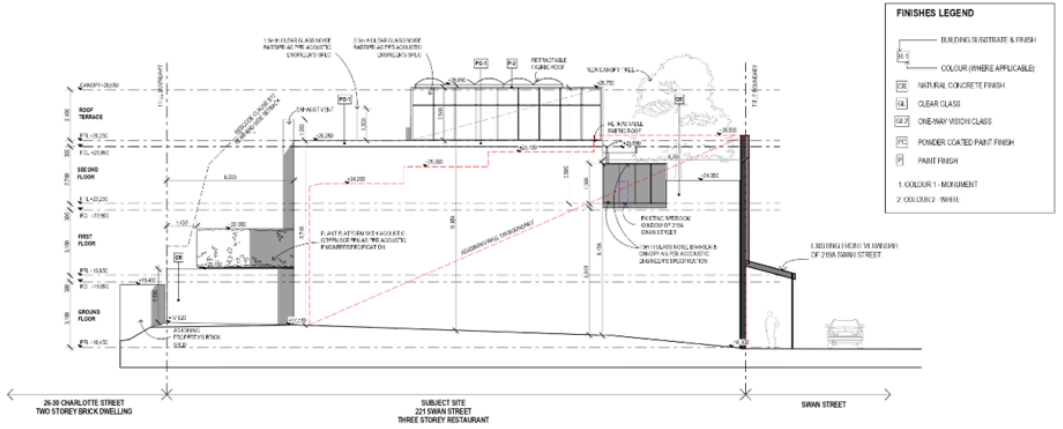
Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



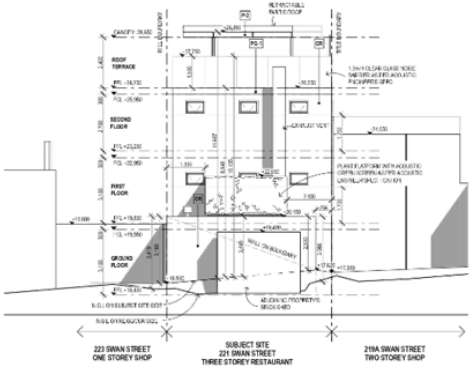
Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



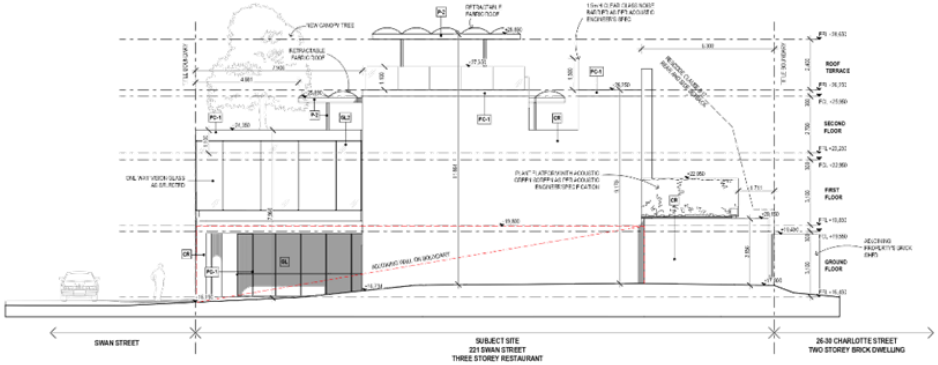
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

ELEVATIONS

1:100@A1 , 1:200@A3

JAN 2018

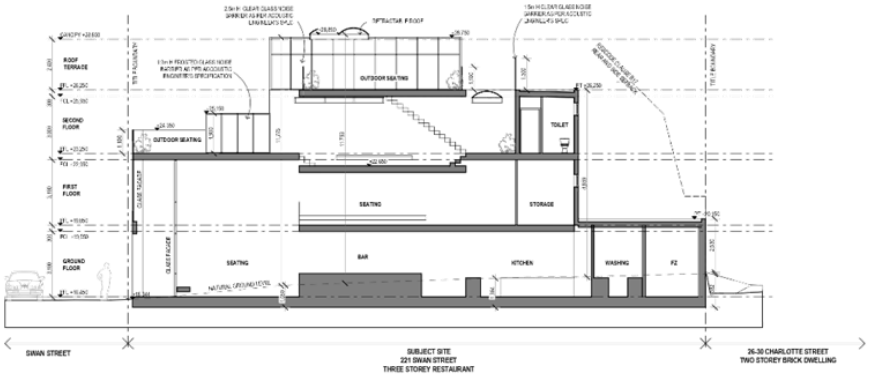
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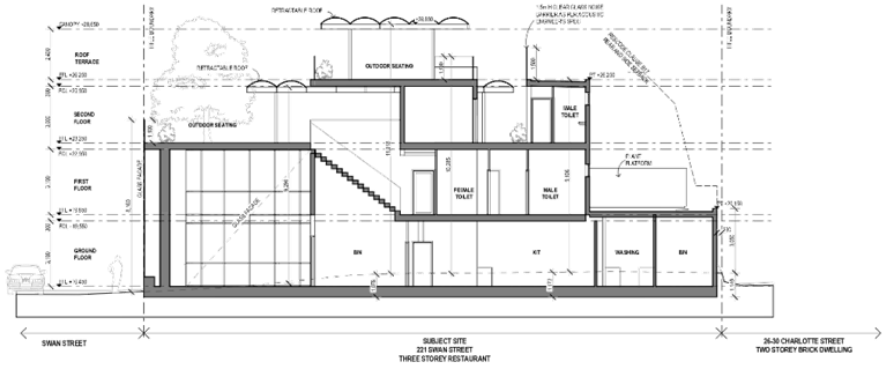
TOWN PLANNING

TP-11 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



SECTION A-A



SECTION B-B

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SECTIONS

1:100@A1 , 1:200@A3

JAN 2018

VT PA

17062

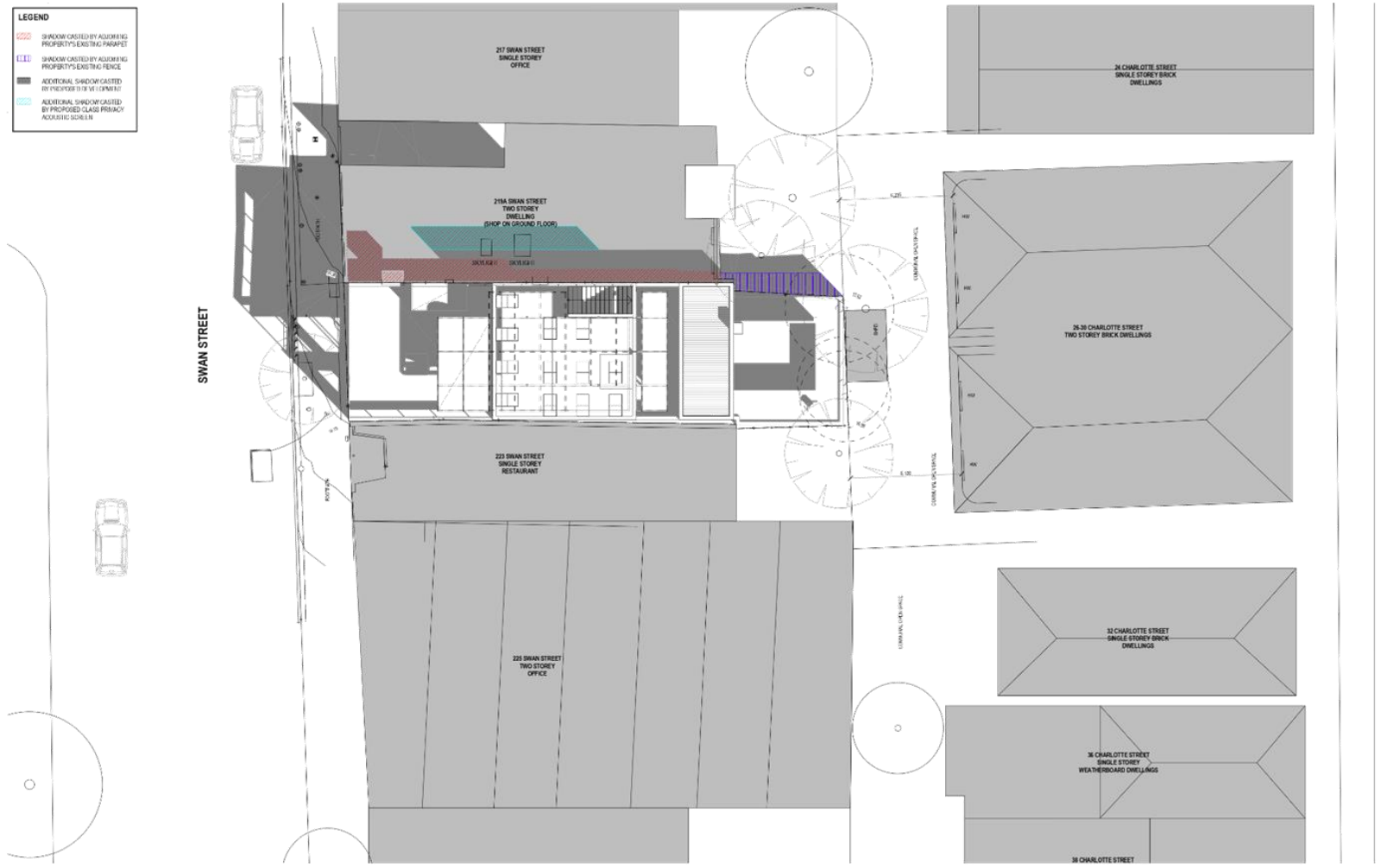
TOWN PLANNING

TP-12 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



SHADOW DIAGRAM 22 SEP - 10AM

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SHADOW DIAGRAM 22 SEP - 10AM

JAN 2018

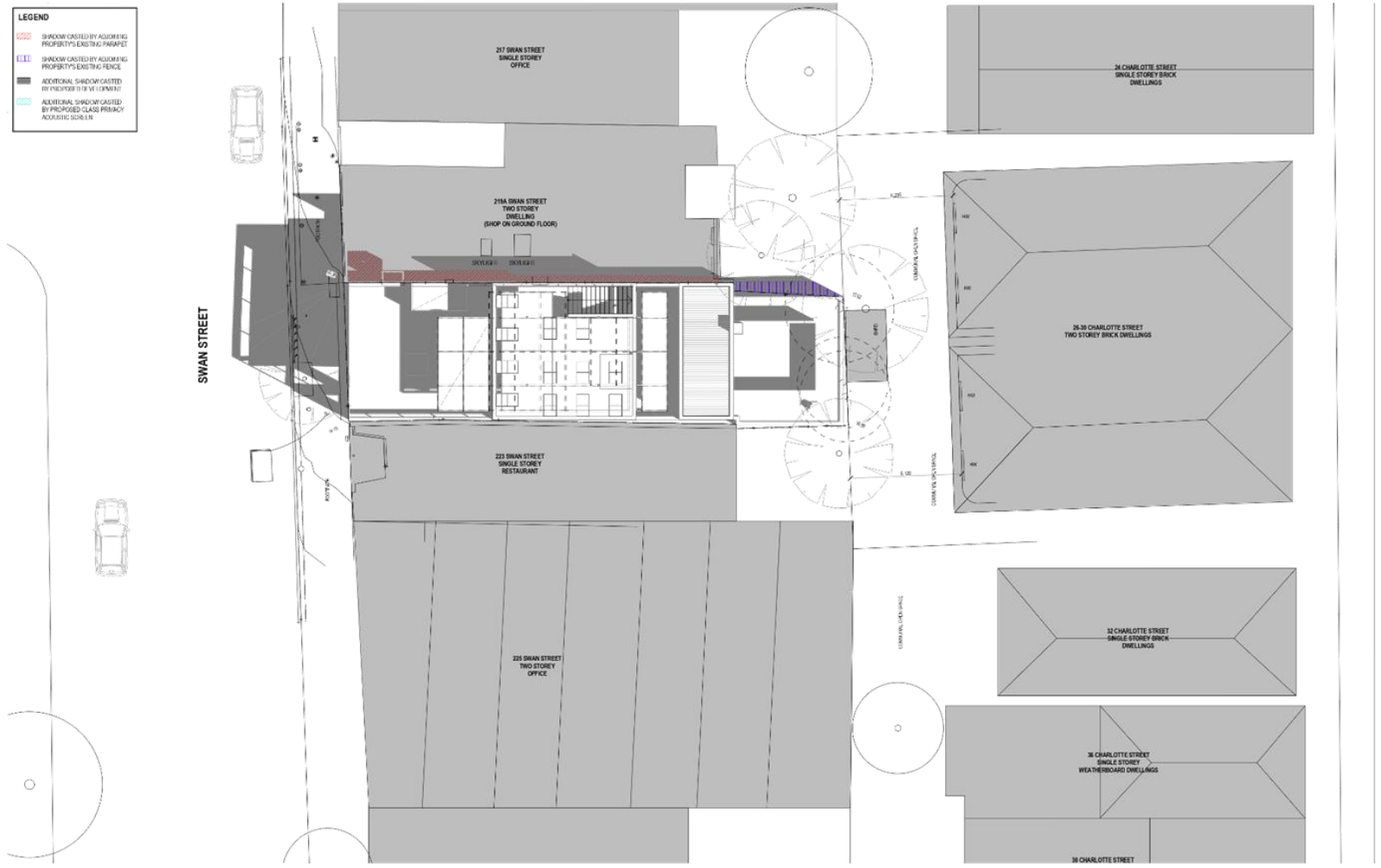
VT PA

17062

TOWN PLANNING

TP-14 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



SHADOW DIAGRAM 22 SEP - 11AM

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SHADOW DIAGRAM 22 SEP - 11AM

1:100@A1 , 1:200@A3

JAN 2018

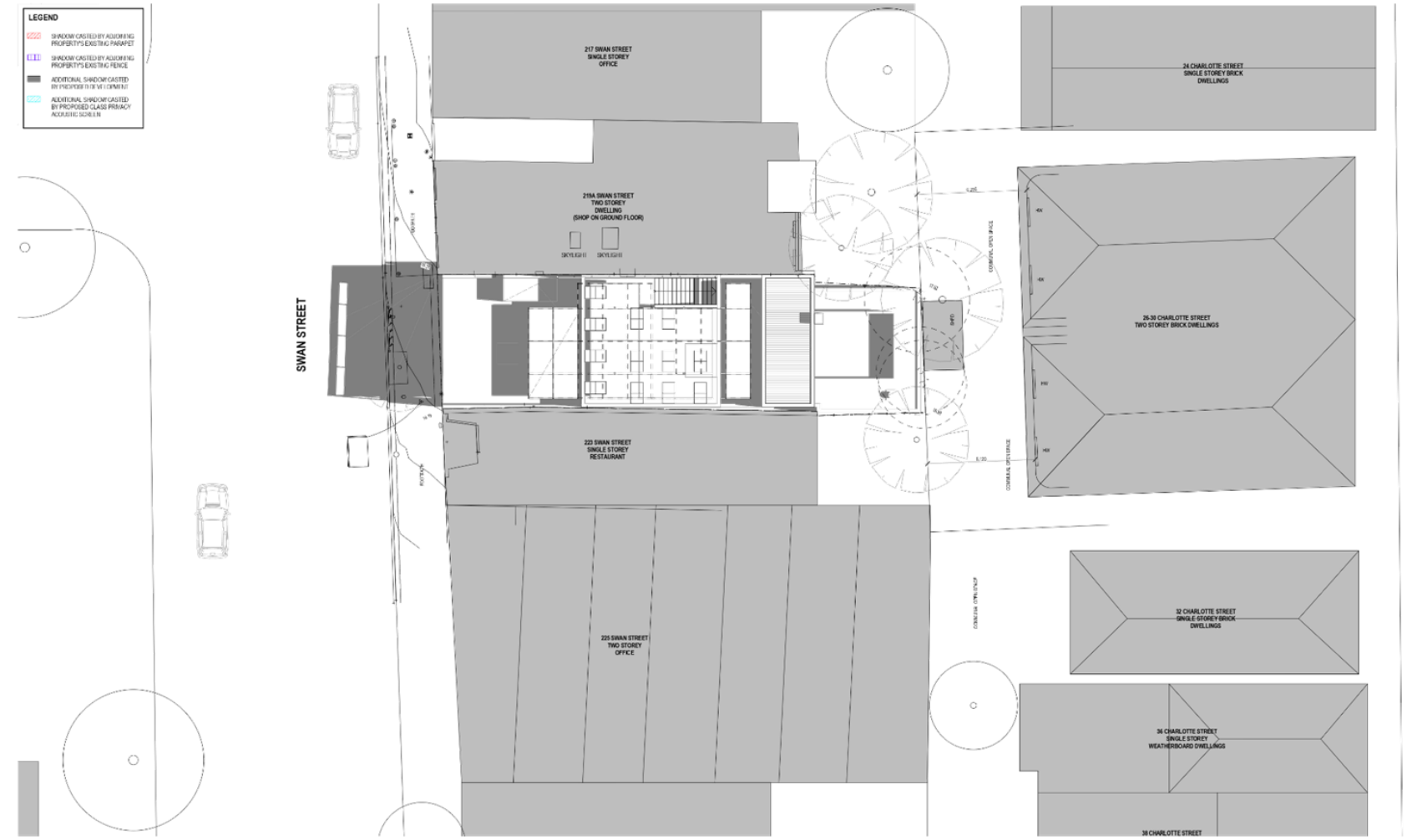
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17062

TOWN PLANNING

TP-15 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



SHADOW DIAGRAM 22 SEP - 12PM

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SHADOW DIAGRAM 22 SEP - 12PM

JAN 2018

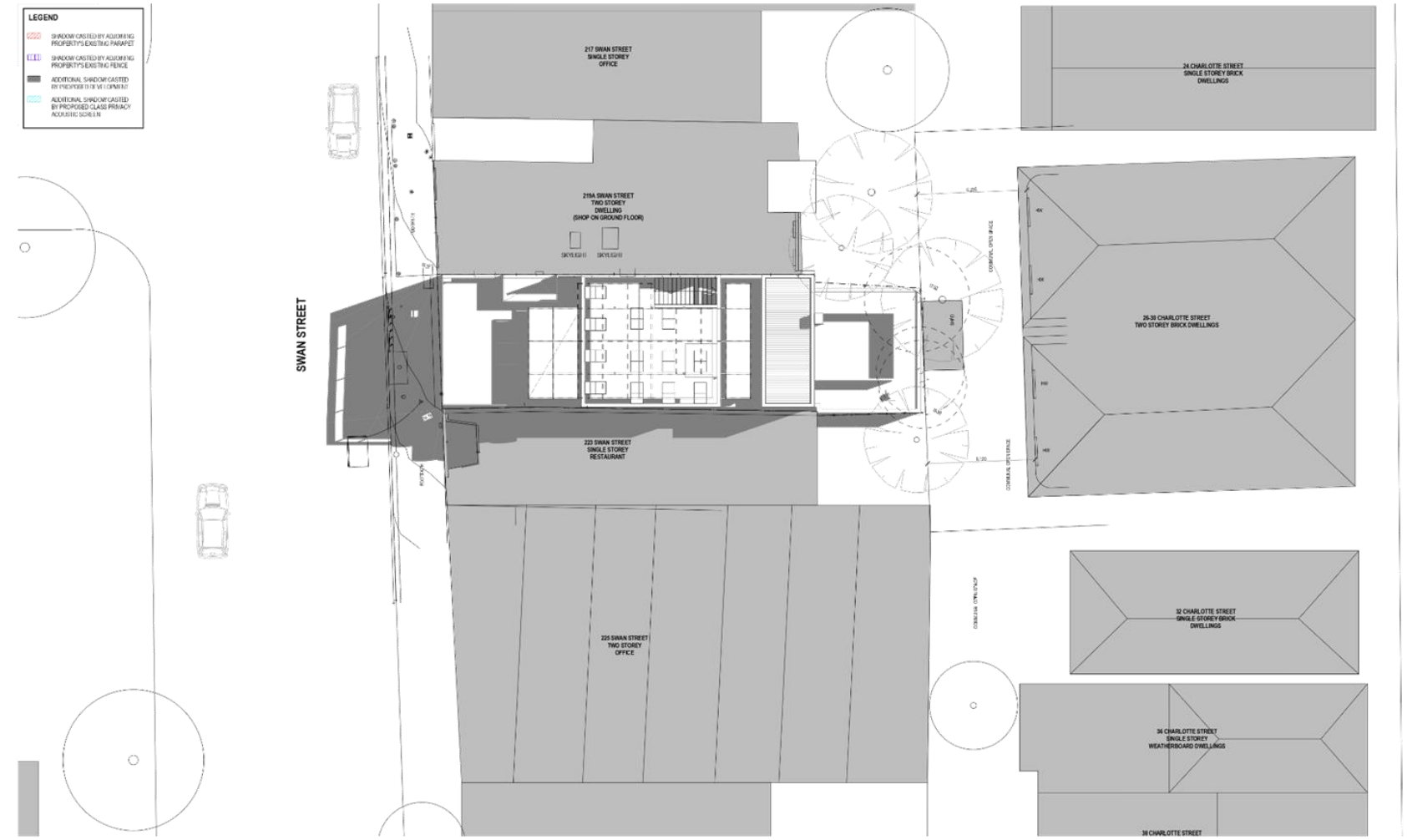
VT PA

17062

TOWN PLANNING

TP-16 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



SHADOW DIAGRAM 22 SEP - 1PM

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SHADOW DIAGRAM 22 SEP - 1PM

1:100@A1 , 1:200@A3

JAN 2018

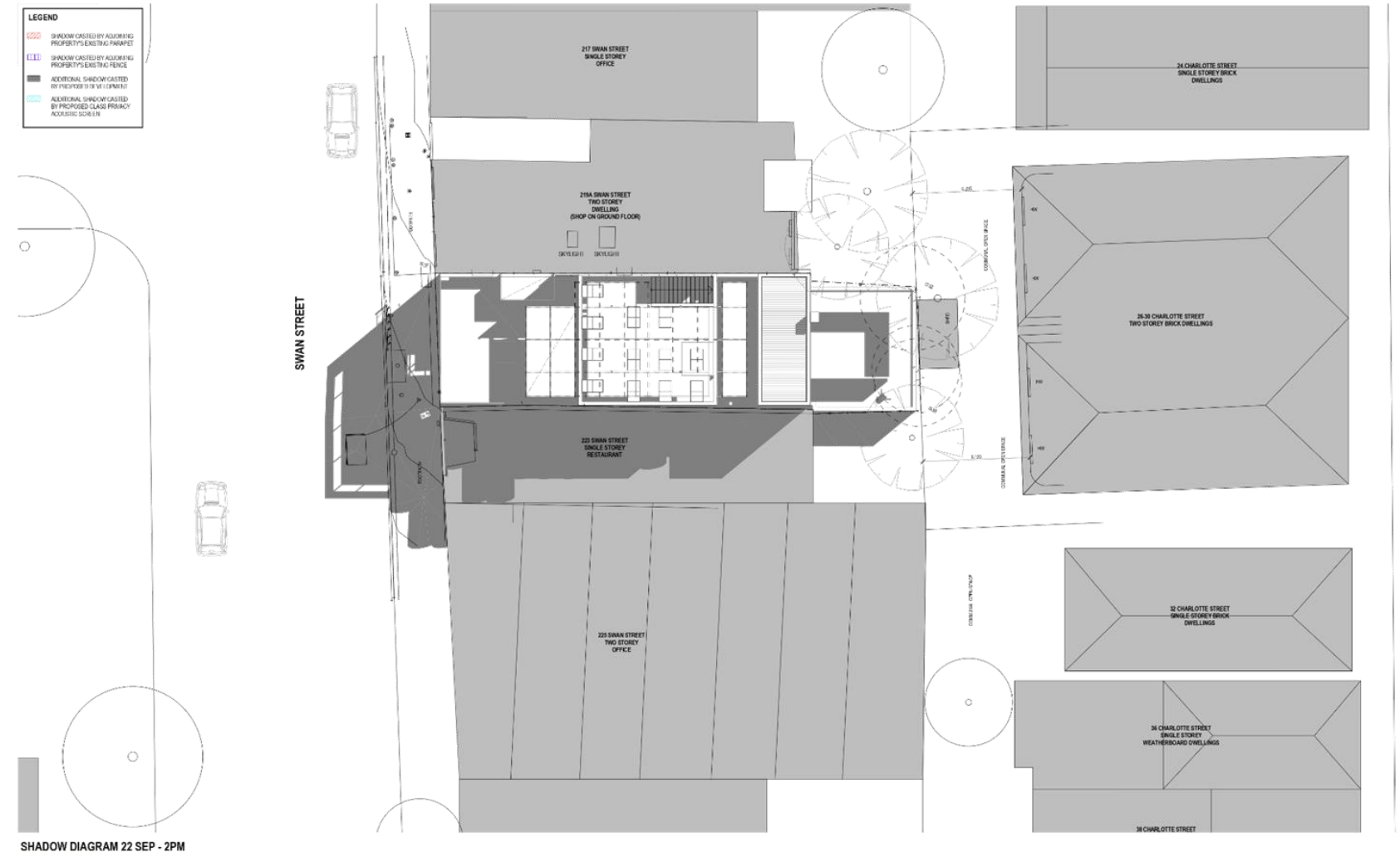
VT PA

17062

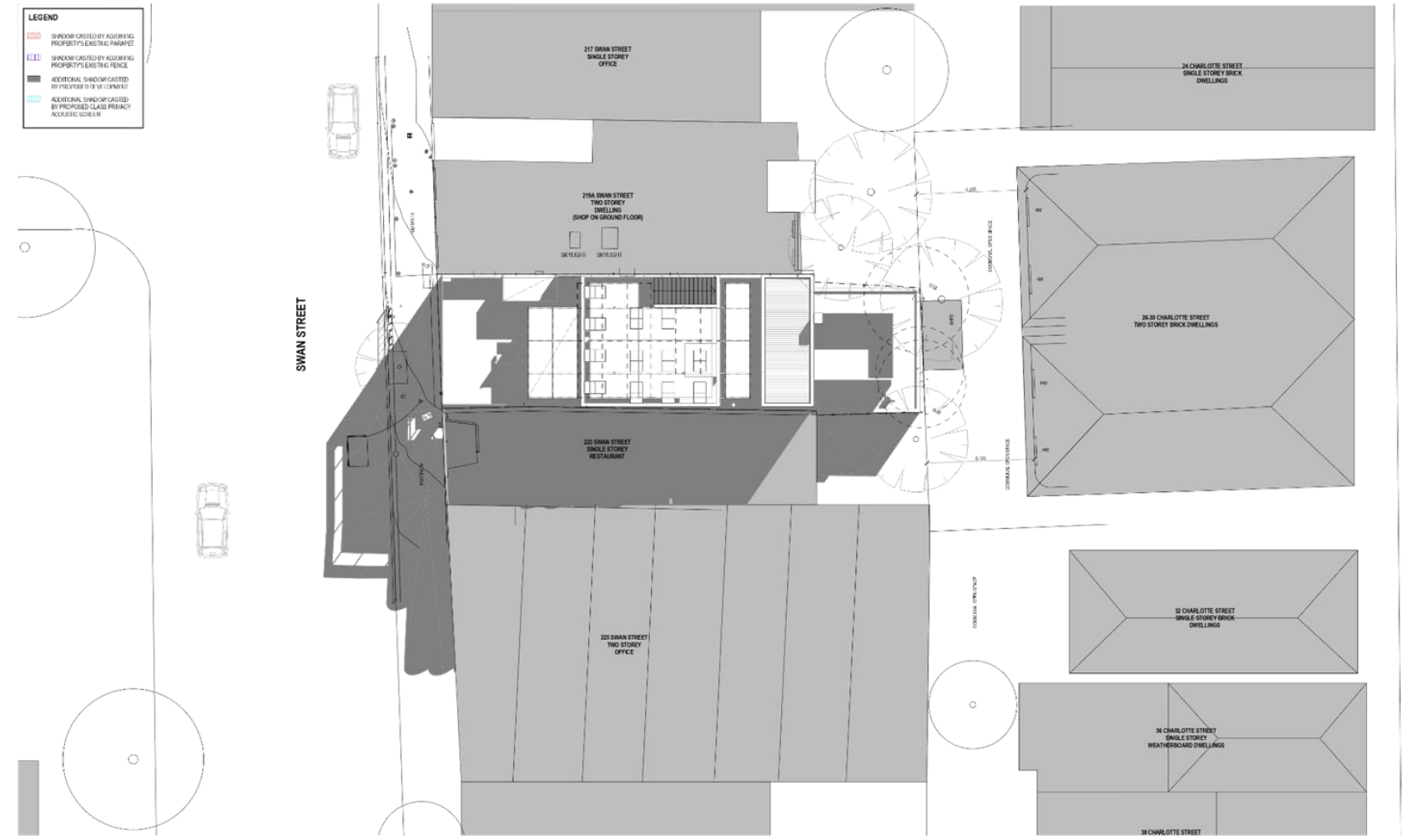
TOWN PLANNING

TP-17 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



SHADOW DIAGRAM 22 SEP - 3PM

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SHADOW DIAGRAM 22 SEP - 3PM

1:100@A1 , 1:200@A3

JAN 2018

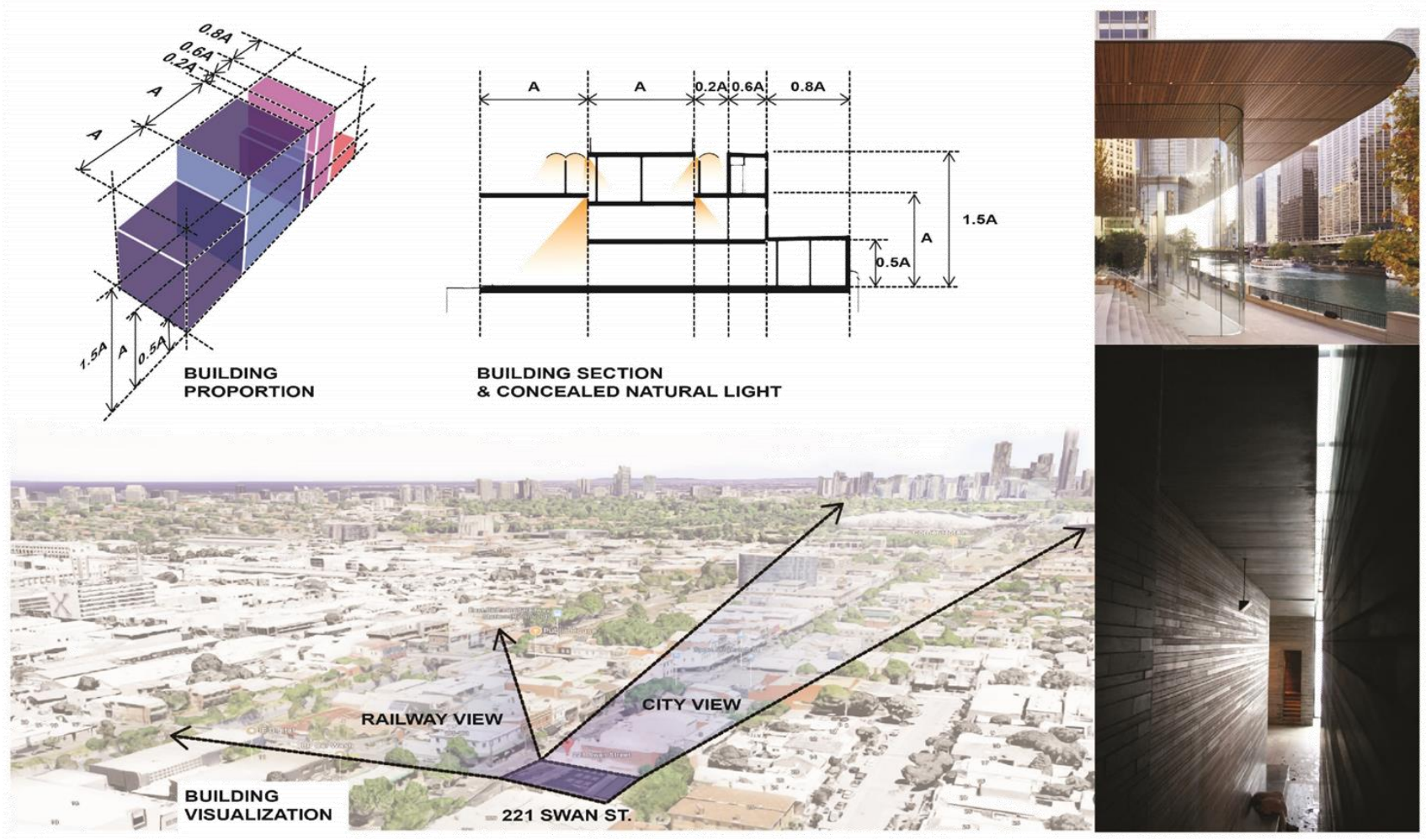
VT PA

17062

TOWN PLANNING

TP-19 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

DESIGN CONCEPTUAL IMAGES AND DIAGRAMS

N/A

JAN 2018

VT PA

17062

TOWN PLANNING

TP-20 C

Attachment 2 - PLN17/1016 - 221 Swan Street Richmond - Advertising S57A - Decision Plans



PERSPECTIVE 1

CR
NATURAL CONCRETE

PC-1
PAINT - MONUMENT

PC-2
PAINT - WHITE

GL2
ONE-WAY VISION GLASS

TL
POCERLAIN TILE -
DARK GREY



PERSPECTIVE 2



PERSPECTIVE 3



PERSPECTIVE 4

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

PERSPECTIVES

SCALE @ A1: NA
DATE: JAN 2018
DRAWN: VT
CHECKED: PA
JOB NO: 17062
PROJECT STATUS: TOWN PLANNING
DRAWING NO: TP-21
REV NO: C

Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018

YBL Remmus



DRAWING REGISTER

TP-00 COVERPAGE
TP-01 PHOTOS OF EXISTING CONDITIONS
TP-02 SITE ANALYSIS
TP-03 DESIGN RESPONSE - STREETSCAPE
TP-04 DESIGN RESPONSE - SITE PLAN
TP-05 DEMOLITION PLAN
TP-06 PROPOSED GROUND FLOOR PLAN
TP-07 PROPOSED FIRST FLOOR PLAN
TP-08 PROPOSED SECOND FLOOR PLAN
TP-09 PROPOSED ROOF TERRACE PLAN
TP-10 ROOF TERRACE CANOPY LEVEL
TP-11 ELEVATIONS
TP-12 SECTIONS
TP-13 SHADOW DIAGRAM 22 SEPT 9AM
TP-14 SHADOW DIAGRAM 22 SEPT 10AM
TP-15 SHADOW DIAGRAM 22 SEPT 11AM
TP-16 SHADOW DIAGRAM 22 SEPT 12PM
TP-17 SHADOW DIAGRAM 22 SEPT 1PM
TP-18 SHADOW DIAGRAM 22 SEPT 2PM
TP-19 SHADOW DIAGRAM 22 SEPT 3PM
TP-20 PERSPECTIVES
TP-21 DESIGN CONCEPTUAL IMAGES AND DIAGRAMS

TOWN PLANNING SUBMISSION
TOWN PLANNING ISSUE C: MAR 2018

221 SWAN STREET RICHMOND
PROPOSED COMMERCIAL BUILDING

ISSUED FOR DISCUSSION PURPOSES

Do not scale from these drawings. Verify all dimensions on site before commencing construction or shop drawings.
This drawing is copyright. No part may be reproduced or otherwise dealt with without the permission of the Architect

Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



#1. 215A SWAN STREET
TWO STOREY RENDERED BRICK OFFICE



#2. 217 SWAN STREET
ONE STOREY BRICK OFFICE



#3. 219A SWAN STREET
TWO STOREY RENDERED BRICK SHOP



#4. SUBJECT SITE - 221 SWAN STREET
ONE STOREY BRICK SHOP



#5. 223 SWAN STREET
ONE STOREY BRICK RESTAURANT



#6. 225-227 SWAN STREET
TWO STOREY BRICK OFFICE



#7. 229 SWAN STREET
TWO STOREY BRICK SHOP



#8. 266-272 SWAN STREET
TWO STOREY BRICK RESTAURANT

ISSUED FOR DISCUSSION PURPOSES



#8. 274-282 SWAN STREET
PETROL STATION



KEY PLAN

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

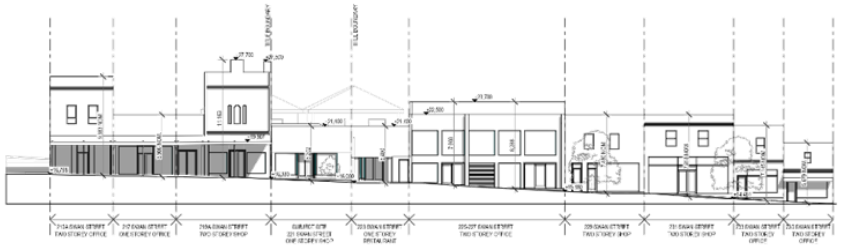
PHOTOS OF EXISTING CONDITION

SCALE	N/A
DATE	JAN 2018
DRAWN	VT
CHECKED	PA
JOB NO.	17062
PROJECT STATUS	TOWN PLANNING
DRAWING NO.	TP-01
REV. NO.	D

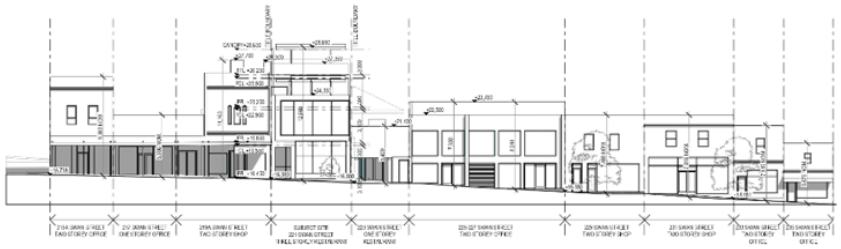
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



EXISTING STREET ELEVATION



PROPOSED STREET ELEVATION

ISSUED FOR DISCUSSION PURPOSES

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

DESIGN RESPONSE - STREETSCAPE

1:200@A1 , 1:400@A3

JAN 2018

VT PA

17062

TOWN PLANNING

TP-03 D

Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



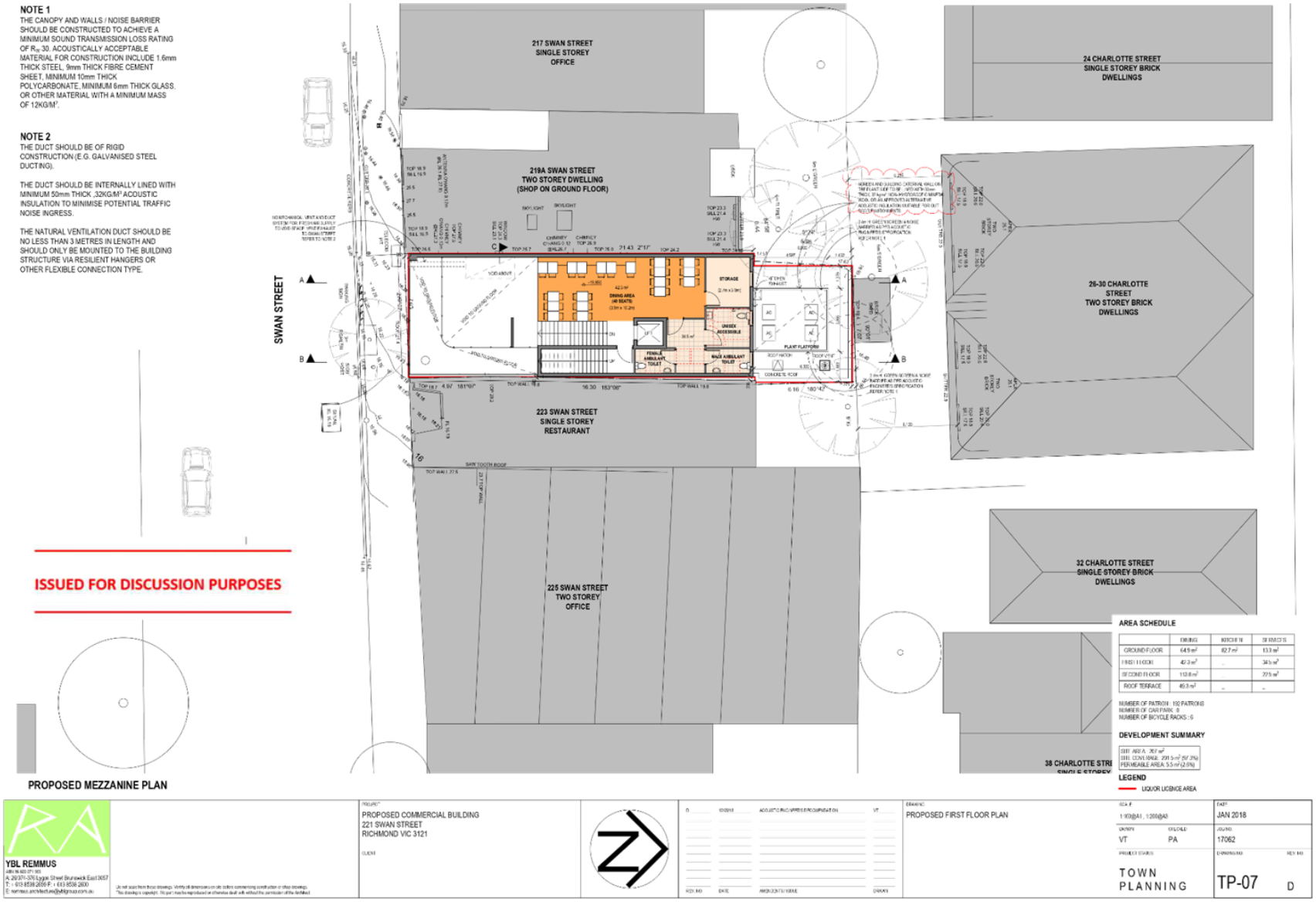
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



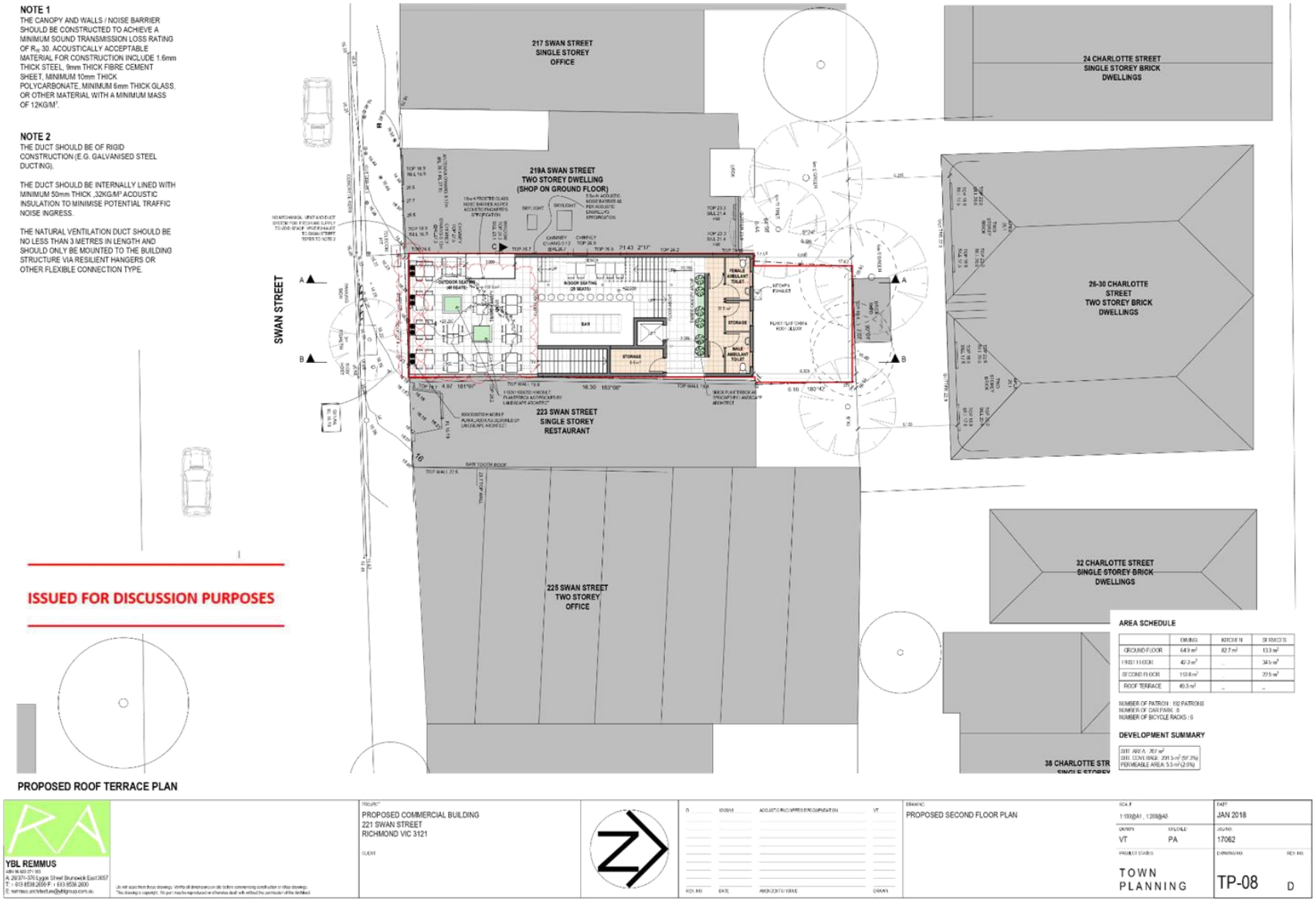
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



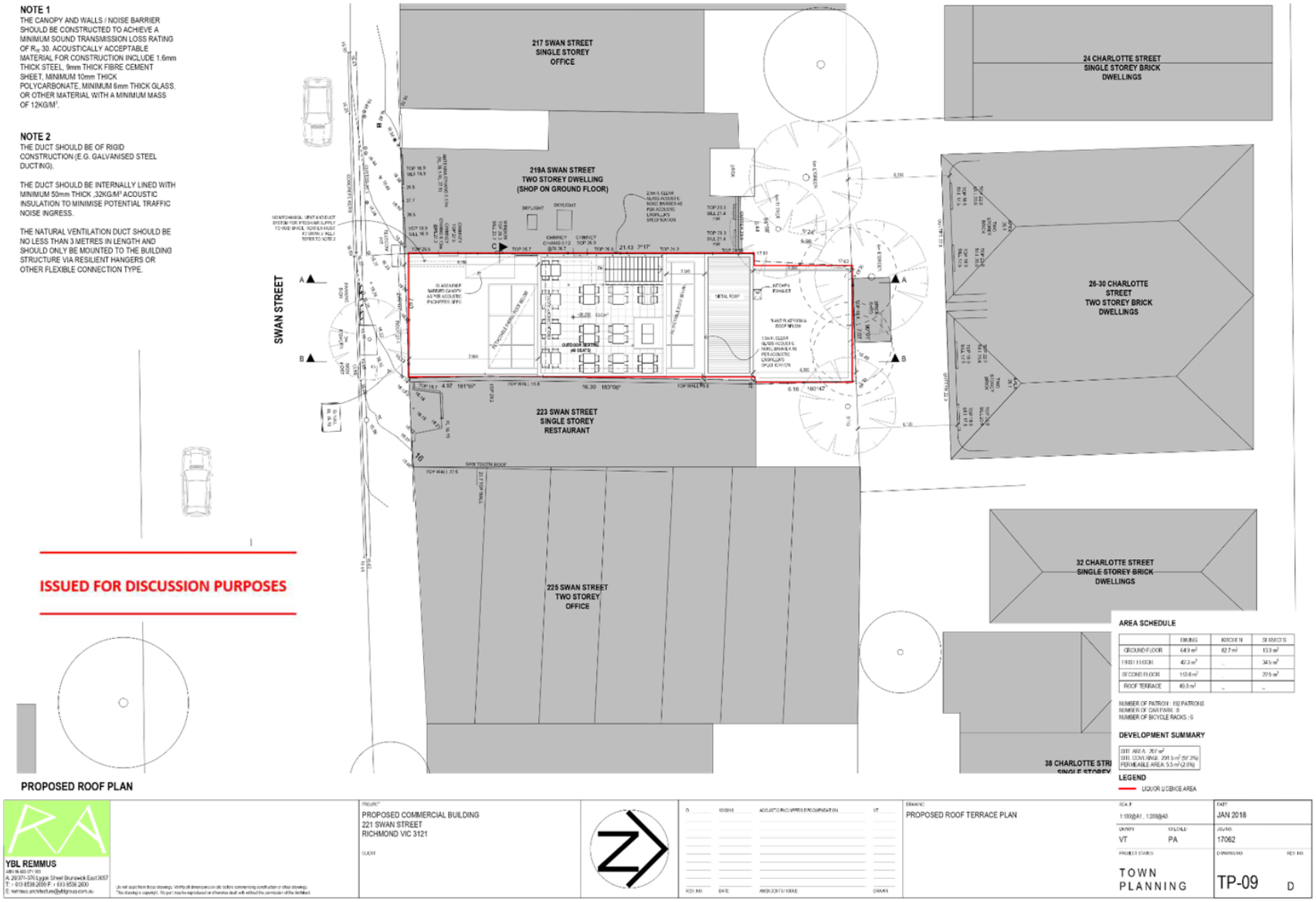
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



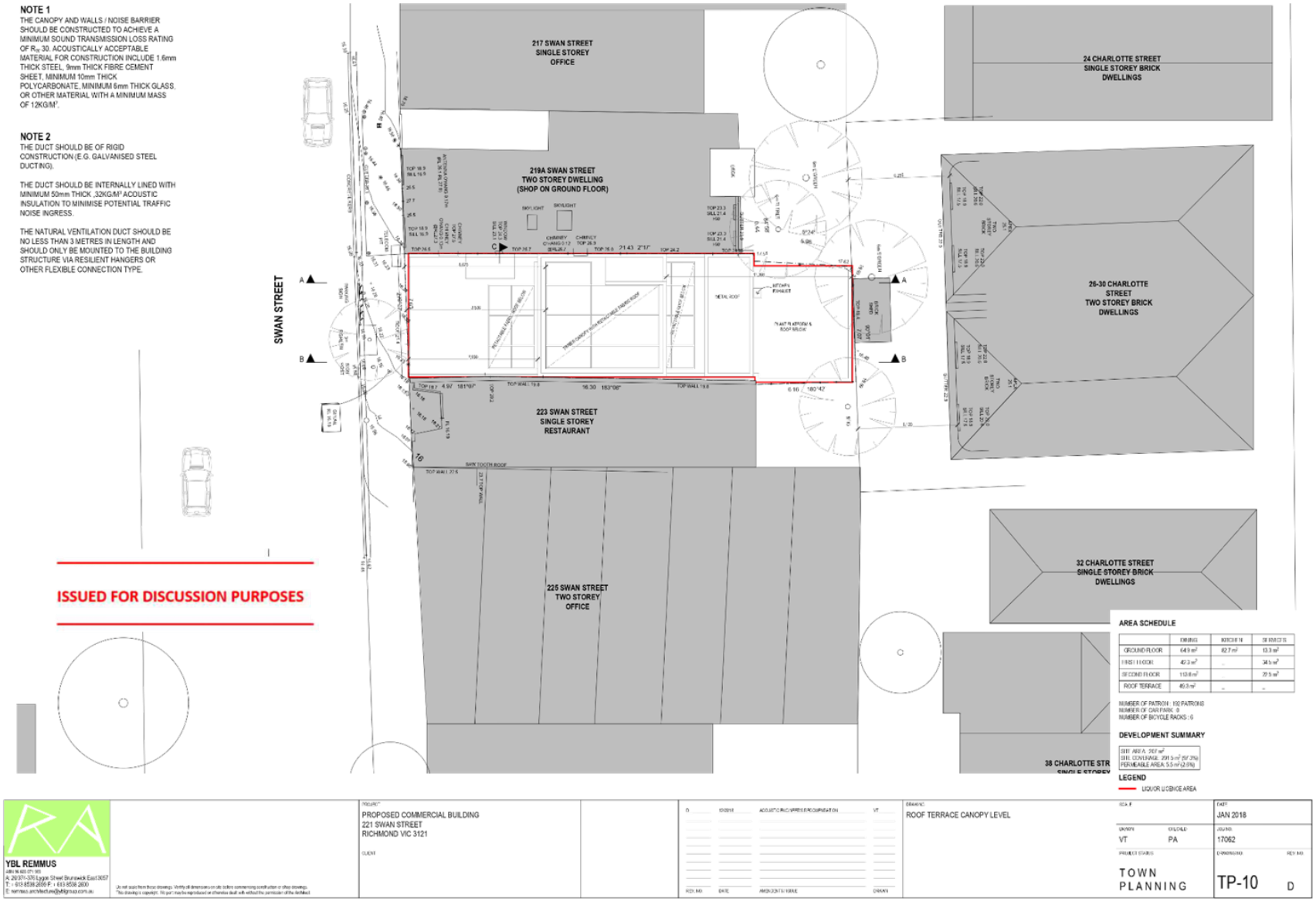
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



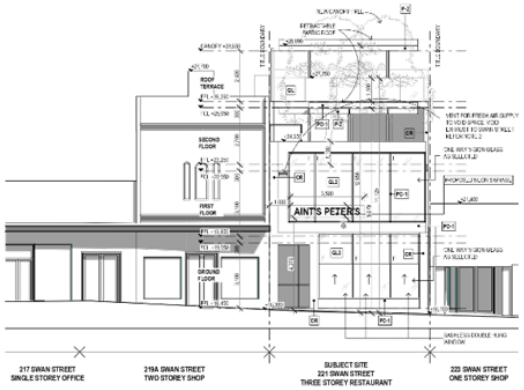
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



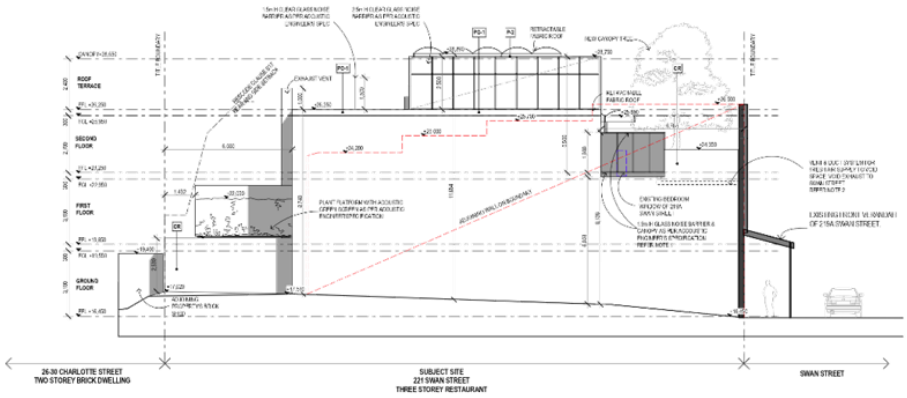
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



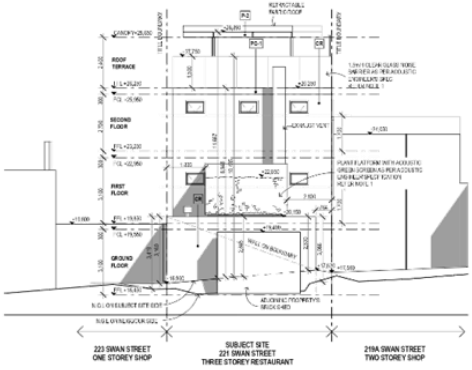
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



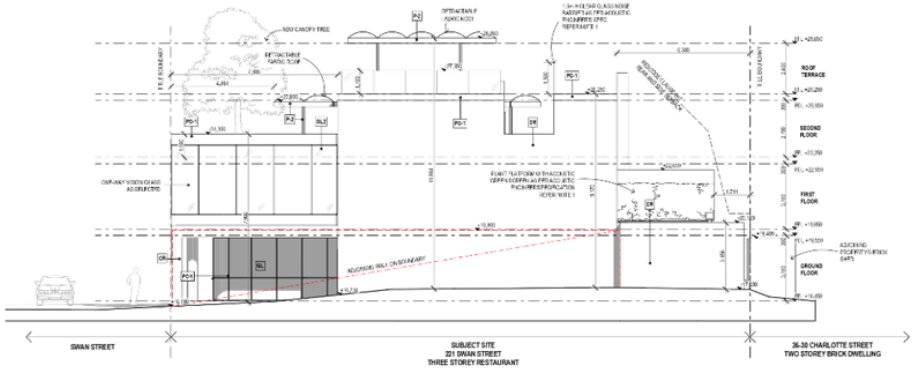
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION

FINISHES LEGEND

- BUILDING SUBSTRATE & FINISH
- COLOUR (WHERE APPLICABLE)
- CR — NATURAL CONCRETE FINISH
- GL — CLEAR GLASS
- OP-1 — ONE-WAY VISION GLASS
- PC — POWDER COATED PAINT FINISH
- P — PAINT FINISH

1 COLOUR 1 - MONUMENT
2 COLOUR 2 - WHITE

NOTE 1
THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF R_w 30. ACOUSTICALLY ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 1.6mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 10mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS, OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M^2.

NOTE 2
THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).

THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK ,32KG/M^3 ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.

THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

ISSUED FOR DISCUSSION PURPOSES

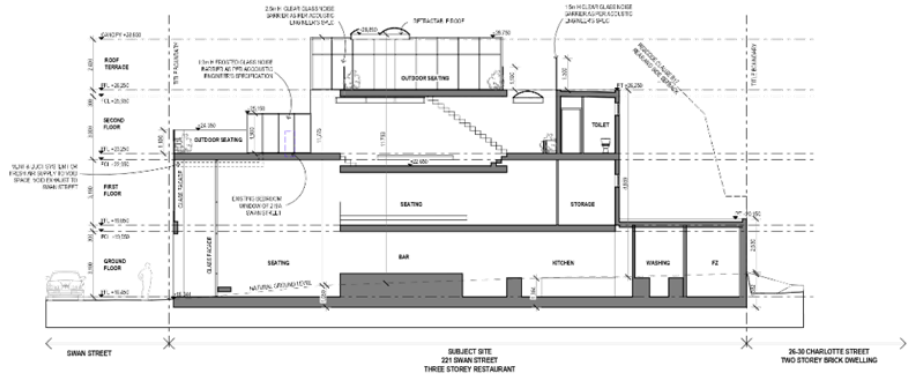
YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

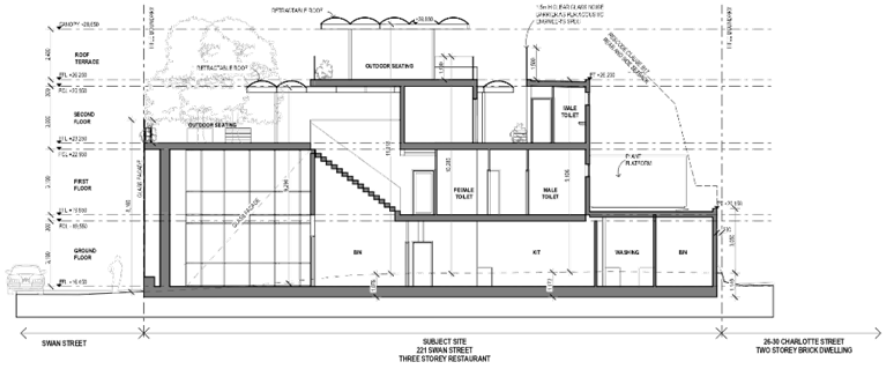
ELEVATIONS

1:100@A1 , 1:200@A3 | JAN 2018
DRAWN: VT | CHECKED: PA | JOB NO: 17062
PROJECT STATUS: TOWN PLANNING
DRAWING NO: TP-11 | REV NO: D

Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



SECTION A-A



SECTION B-B

ISSUED FOR DISCUSSION PURPOSES

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SECTIONS

1:100@A1, 1:200@A3

VT PA

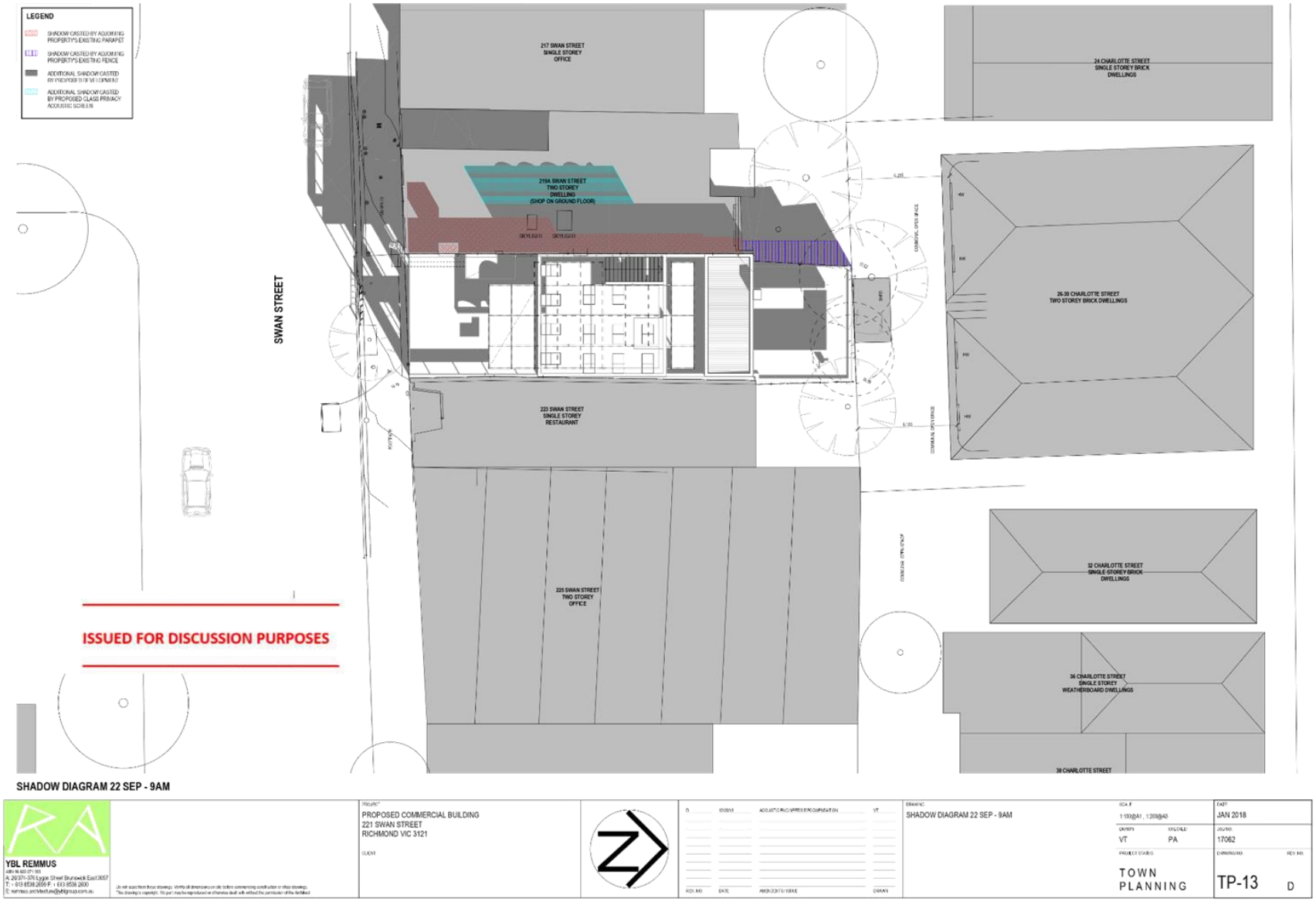
JAN 2018

17062

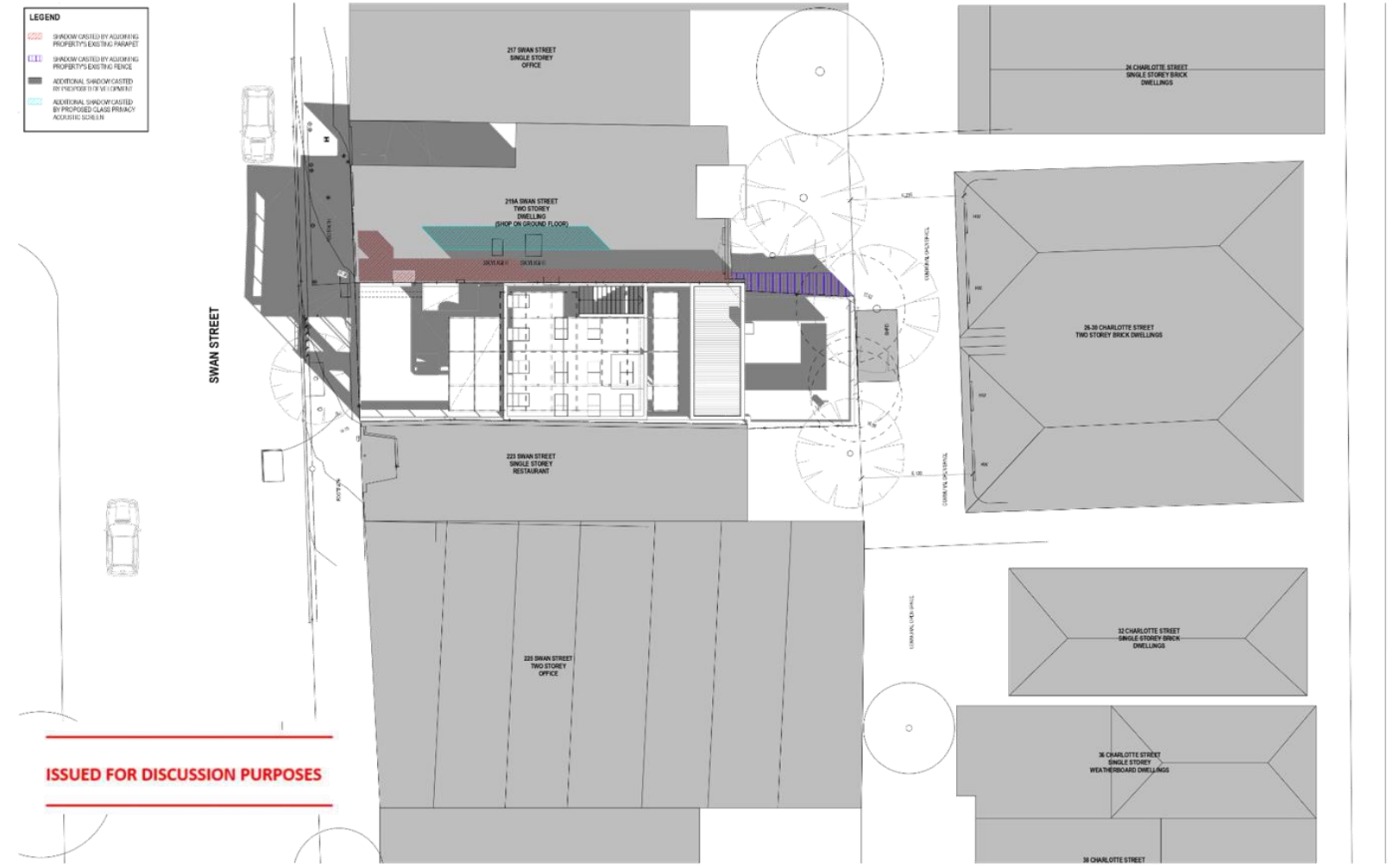
TOWN PLANNING

TP-12 D

Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



SHADOW DIAGRAM 22 SEP - 10AM

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

SHADOW DIAGRAM 22 SEP - 10AM

JAN 2018

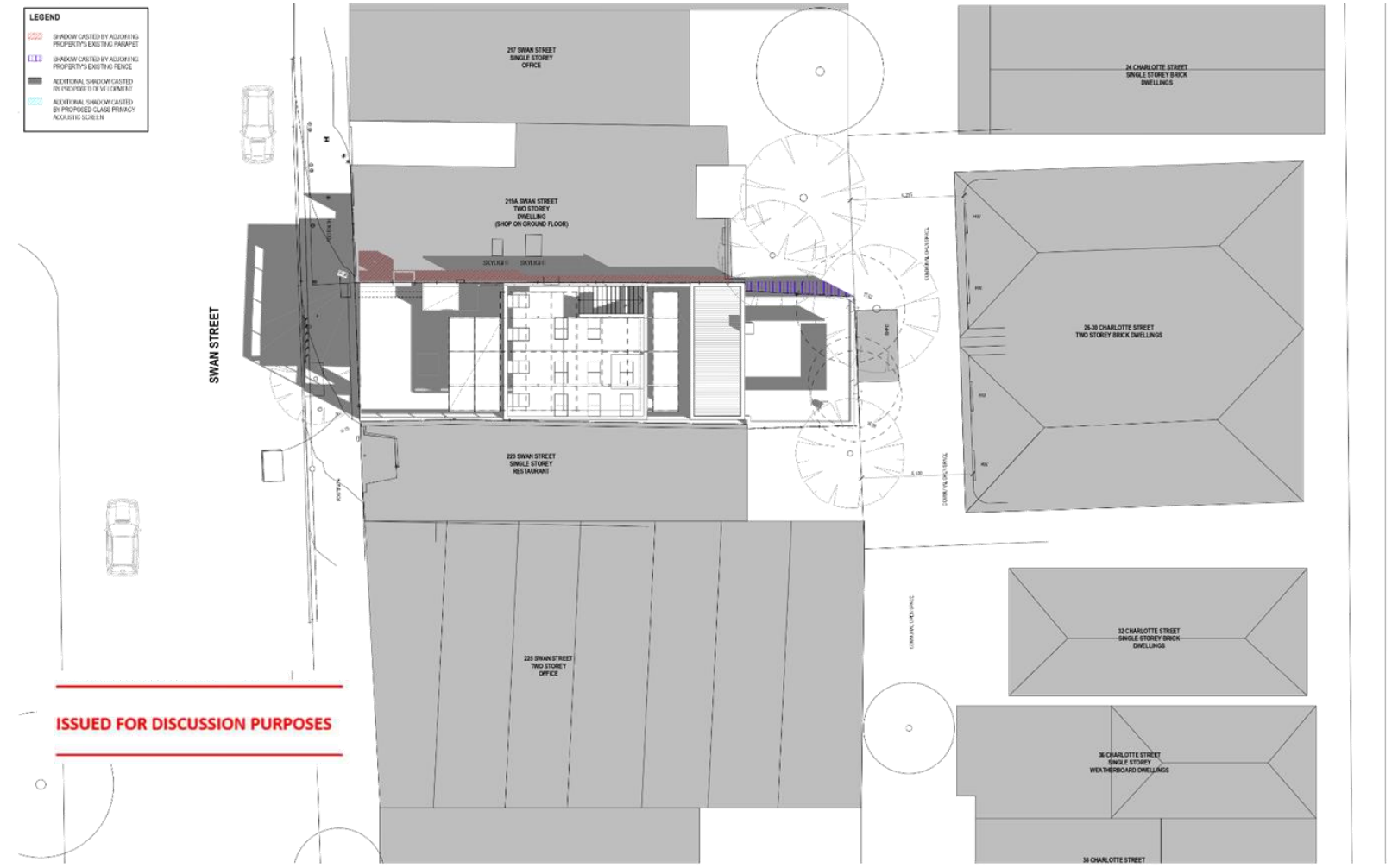
VT PA

17062

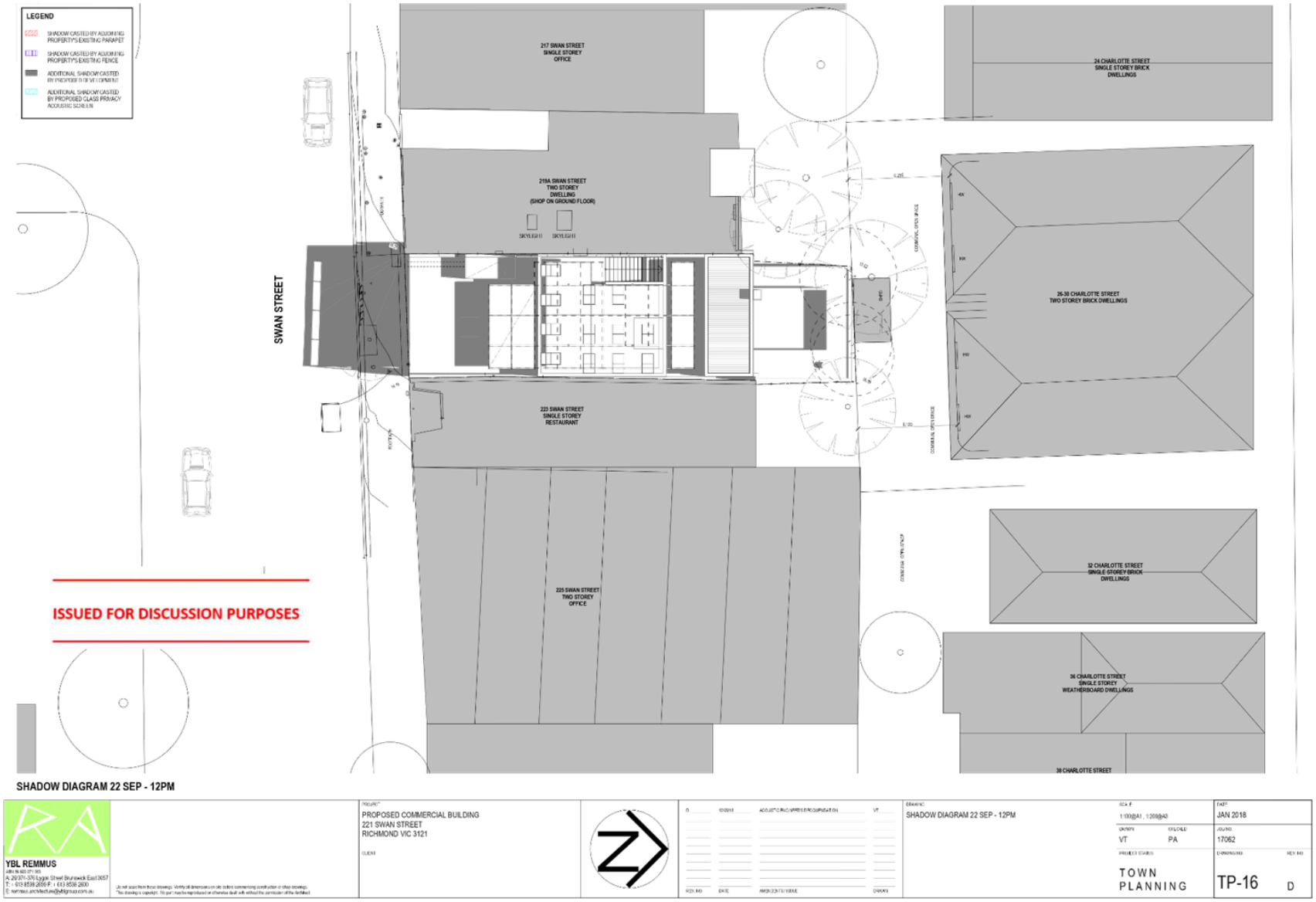
TOWN PLANNING

TP-14 D

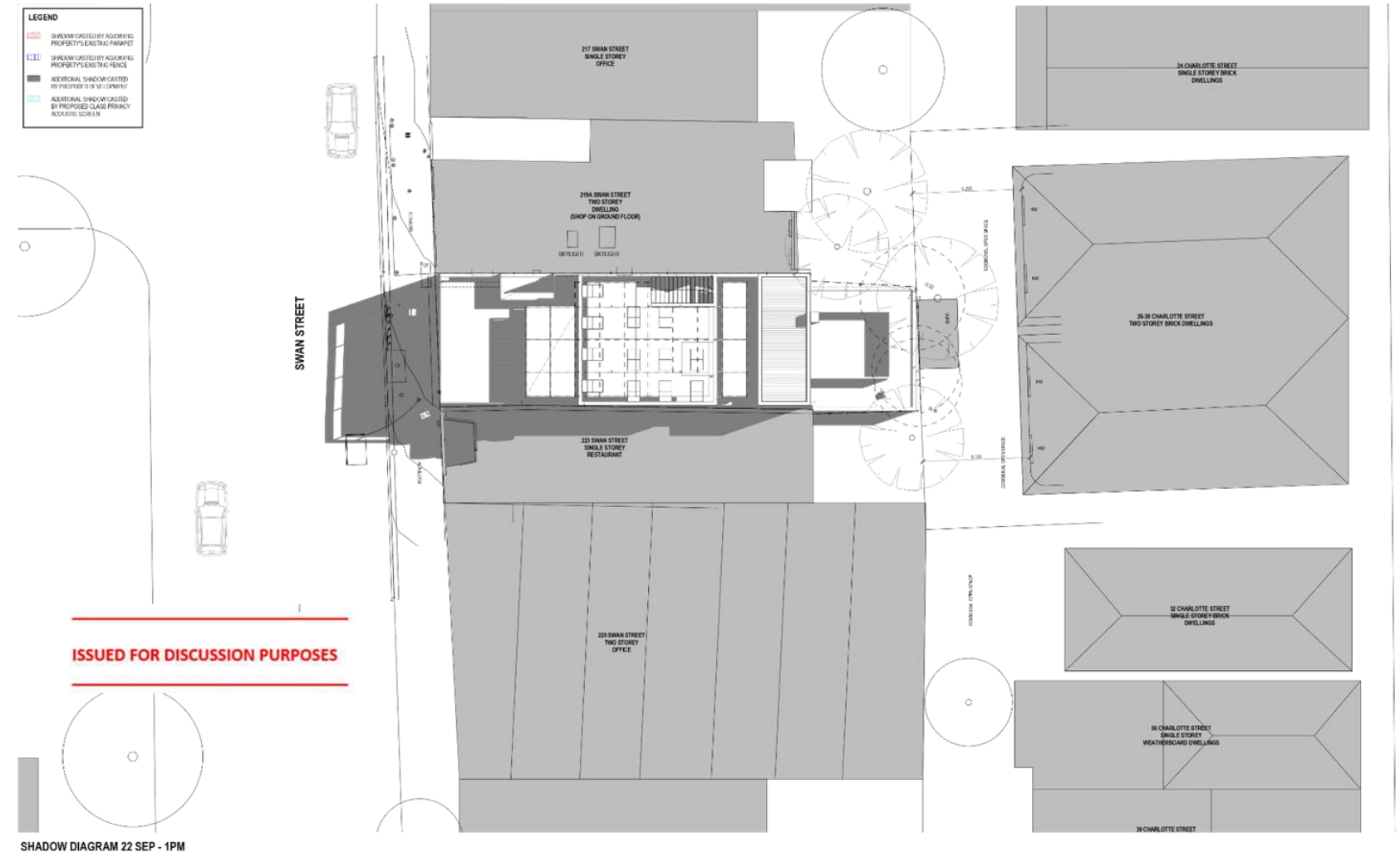
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



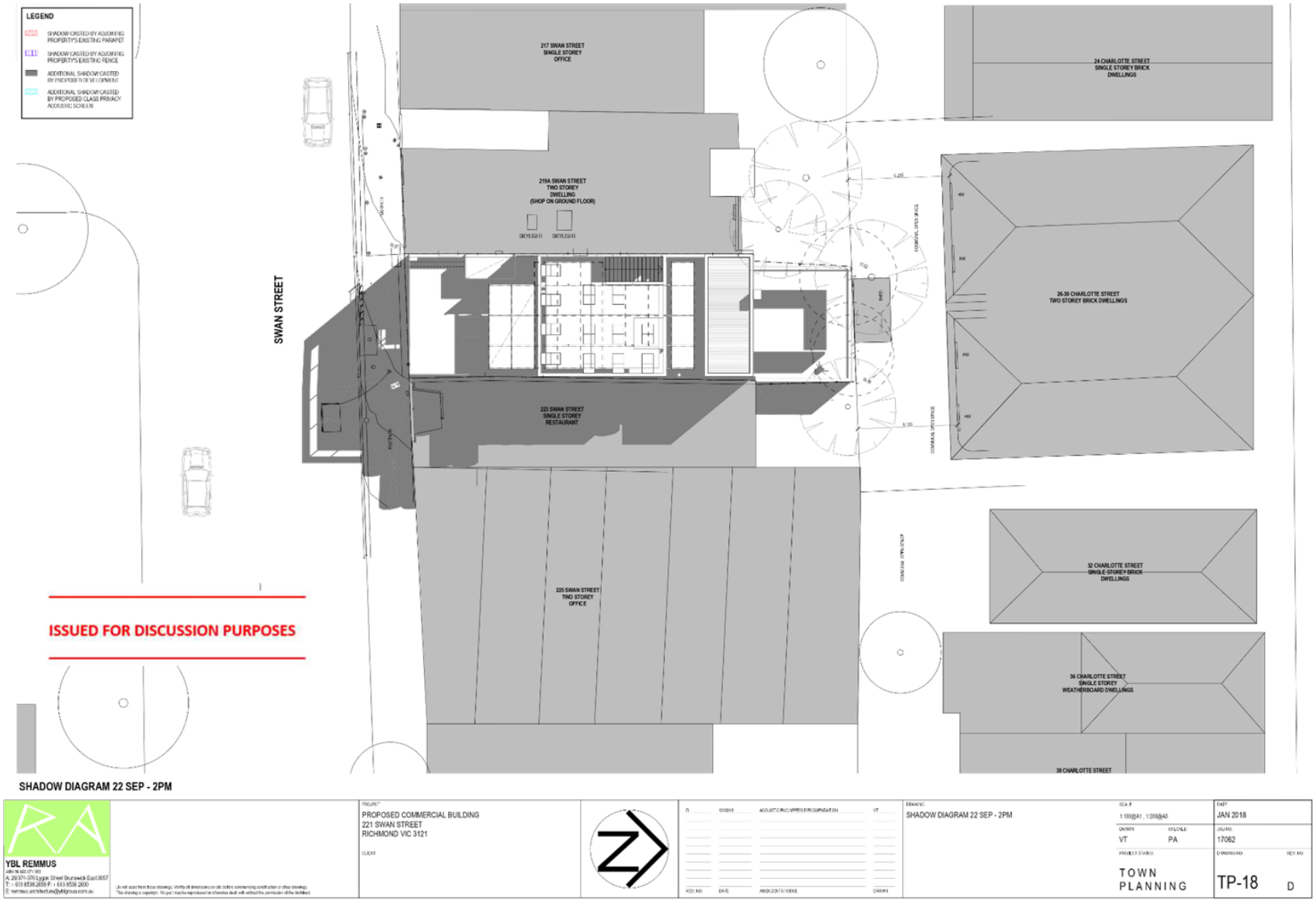
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



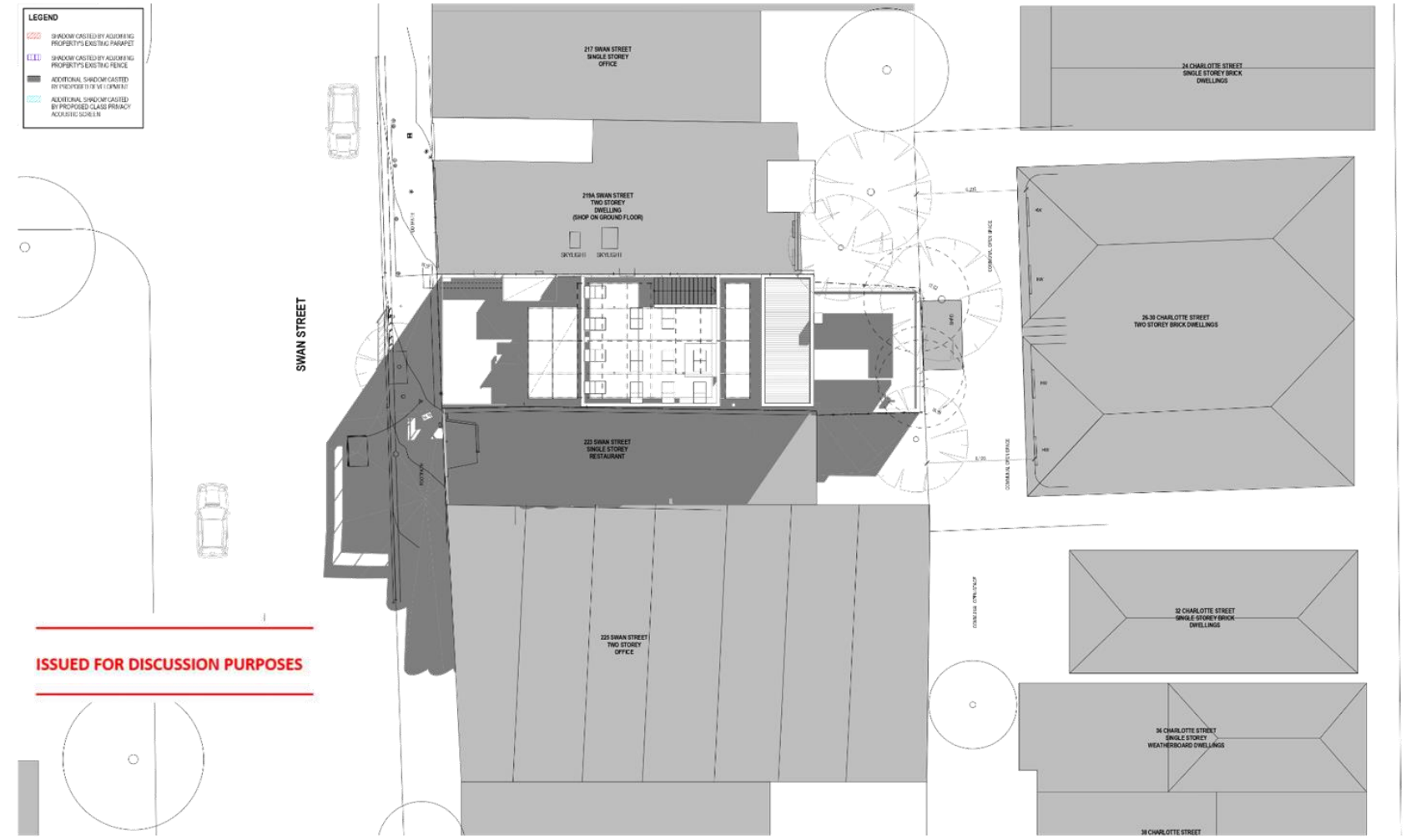
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



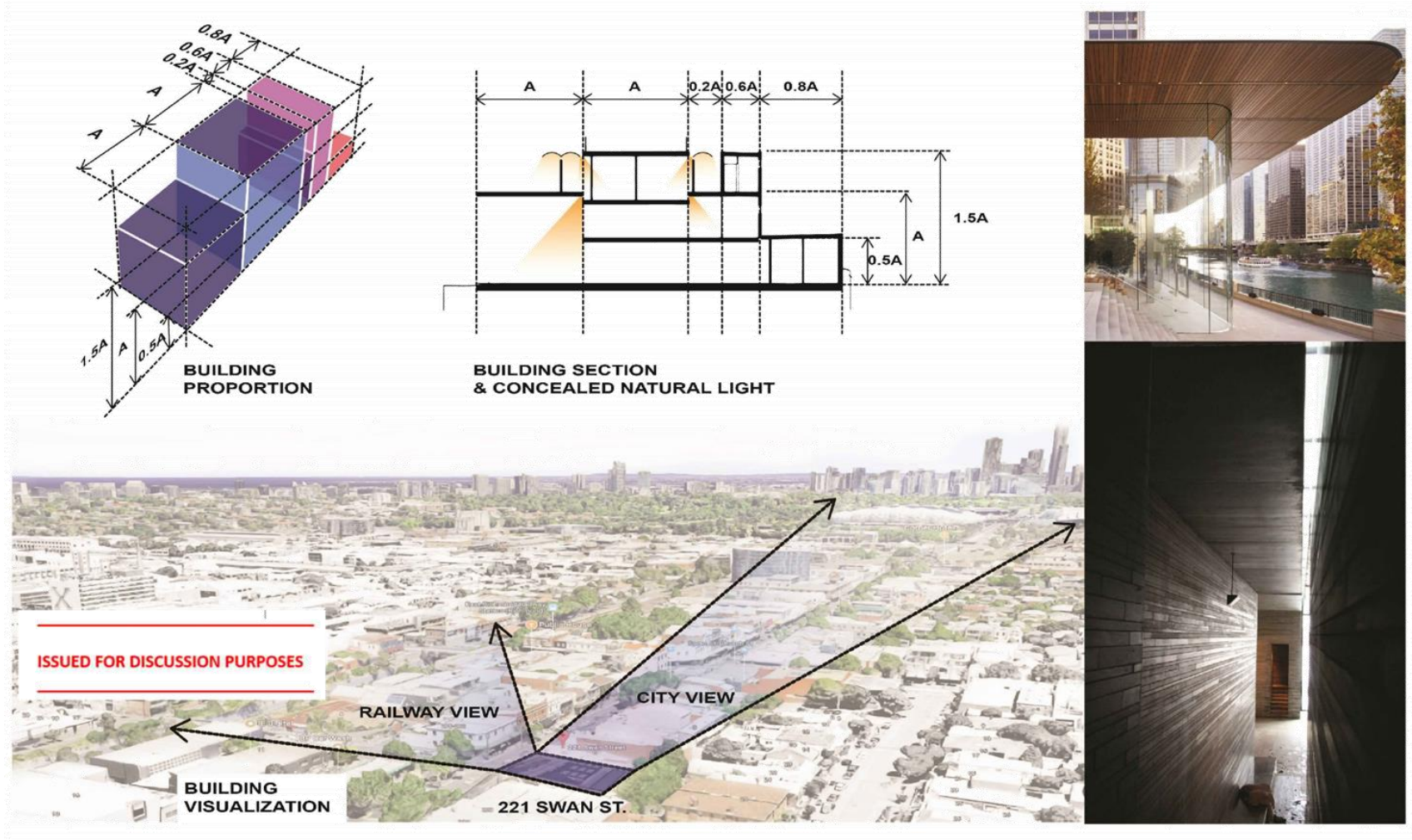
Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

DESIGN CONCEPTUAL IMAGES AND DIAGRAMS

JAN 2018

TOWN PLANNING

TP-20 D

Attachment 3 - PLN17/1016 - 221 Swan Street Richmond - Sketch plans dated 12 October 2018



PERSPECTIVE 1

CR
NATURAL CONCRETE

PC-1
PAINT - MONUMENT

PC-2
PAINT - WHITE

GL2
ONE-WAY VISION GLASS

TL
POCERLAIN TILE -
DARK GREY



PERSPECTIVE 2

ISSUED FOR DISCUSSION PURPOSES



PERSPECTIVE 3



PERSPECTIVE 4

YBL REMMUS

PROPOSED COMMERCIAL BUILDING
221 SWAN STREET
RICHMOND VIC 3121

PERSPECTIVES

SCALE	N/A
DATE	JAN 2018
DRAWN	VT
CHECKED	PA
JOB NO.	17062
PROJECT STATUS	TOWN PLANNING
DRAWING NO.	TP-21
REV. NO.	D

Attachment 4 - PLN17/1016 - 221 Swan Street Richmond - Vicroads comments

vicroads
ABN 61 760 960 480

24 April 2018

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Catherine Balagtas

Dear Ms Balagtas,

PLANNING APPLICATION NO.: **PLN17/1016**
VICROADS REFERENCE NO: **24911/18**
PROPERTY ADDRESS: **221 SWAN STREET, RICHMOND**

Section 52 – No objection

Thank you for forwarding planning permit application PLN17/1016 pursuant to Section 52 of the Planning and Environment Act 1987.

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

Should you have any enquiries regarding this matter, please contact our Planning Department on (03) 9313 1187 or MNWPlanning@roads.vic.gov.au

Yours sincerely

Ewa Fiebelkorn

EWA FIEBELKORN
STATUTORY PLANNING SUPPORT OFFICER

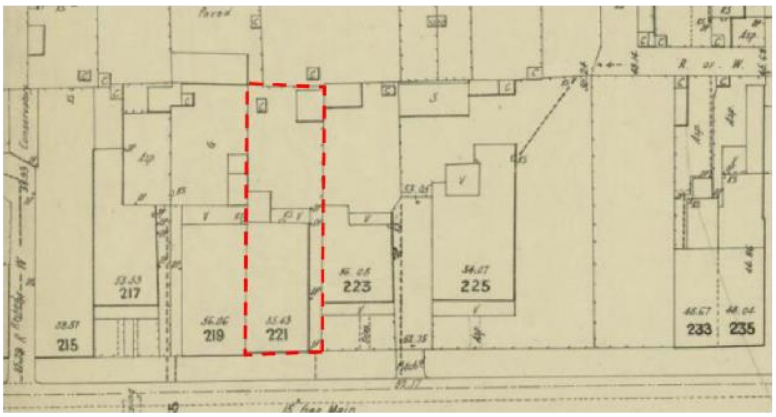
Attachment 5 - PLN17/1016 - 221 Swan Street Richmond - Heritage Advisor comments

City of Yarra
Heritage Advice

Application No.:	*PLN17/1016*
Address of Property:	***221 Swan Street, Richmond***
Planner:	*Catherine Balagtas*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO335 Swan Street Precinct, Richmond*
Level of significance:	*Not contributory, constructed 1950-1960? (City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time))*
General description:	*Full demolition and construction of a three-storey commercial building with a roof terrace*
Drawing Nos.:	*Set of 18 drawings prepared by Remmus Architecture, received by Council and date stamped 28 Mar 2018*

CONTEXT DESCRIPTION:

The subject site is a regular rectangular allotment with a principal frontage to Swan Street. There is no rear lane access.



Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1065, City of Richmond, dated 1896. Subject site outlined in red.

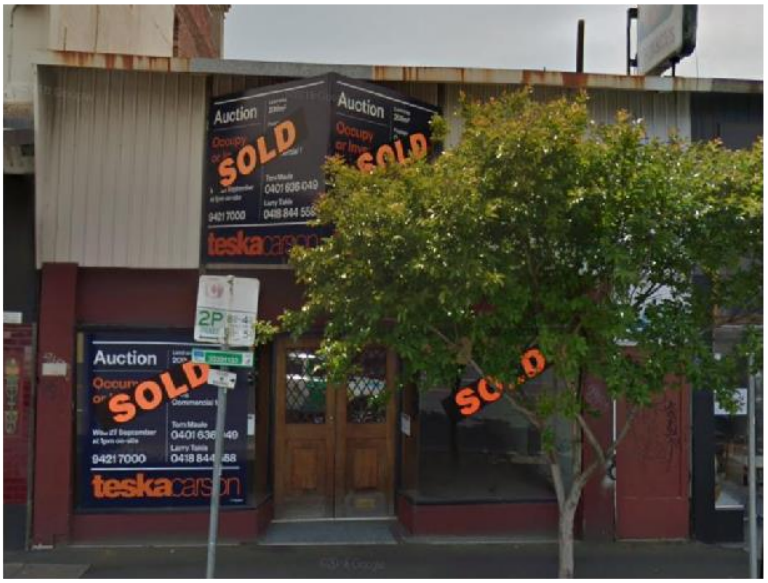
Historically the site has been developed over a number of stages. The first two stages of development are outlined in the MMBW plan above. Looking at an aerial of the site, it appears that these two stages of the building may still exist (refer to hatched area on aerial photograph below).

Attachment 5 - PLN17/1016 - 221 Swan Street Richmond - Heritage Advisor comments



Above: Current aerial of the subject site. Earliest parts of the building shown hatched in red.

The front of the building has been unsympathetically altered by the addition of a high metal parapet, c.1960s in style. The parapet extends to the façade of the adjoining building at no. 223 indicating that they may have been utilised jointly at one time.



Above: Subject site at 221 Swan Street



Above: Heritage status of adjacent properties



Above: Street view of the subject site

The immediate area is characterised by commercial buildings of mixed appearance. The subject site is located on the boundary of the heritage overlay. To the west, the subject site abuts a tall two-storey Victorian style commercial building that is considered to be of Individual heritage significance. The properties to the east of the subject site are a mix of single and two-storey commercial buildings that are not of heritage value.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the full demolition of all the built structures on the subject site.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme states that it is policy to generally encourage the retention of a building in a heritage place, unless:

- The building is identified as being not contributory

As the subject building has been identified as being non-contributory, full demolition of the existing building is considered acceptable.

Comments regarding new development:

The extent of new works proposed by this application includes development of a two-storey commercial building including a two-storey roof terrace.

The key consideration for assessing this aspect of the works is whether the proposed new development will

- Be in keeping with the character or appearance of nearby heritage buildings of contributory significance; AND
- Not adversely affect the significance of the broader heritage precinct.

Setbacks:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

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

The proposed front setback for the new development will be zero metres at ground level and first floor level. The proposed roof terraces will be setback zero metres from the street at the lower level and setback about 8 metres for the upper level terrace.

The zero front setback for the main building is appropriate as it is consistent with the character of the street.

The setbacks of the roof terraces will make them generally concealed (apart from plants or other items such as shade structures) from directly opposite in Swan Street. Due to the single-storey scale of the adjoining property to the east, there will be clear visibility of the proposed roof decks. Any increase in height of the adjoining property will most likely obscure a majority of the views of the proposed roof decks from the street.

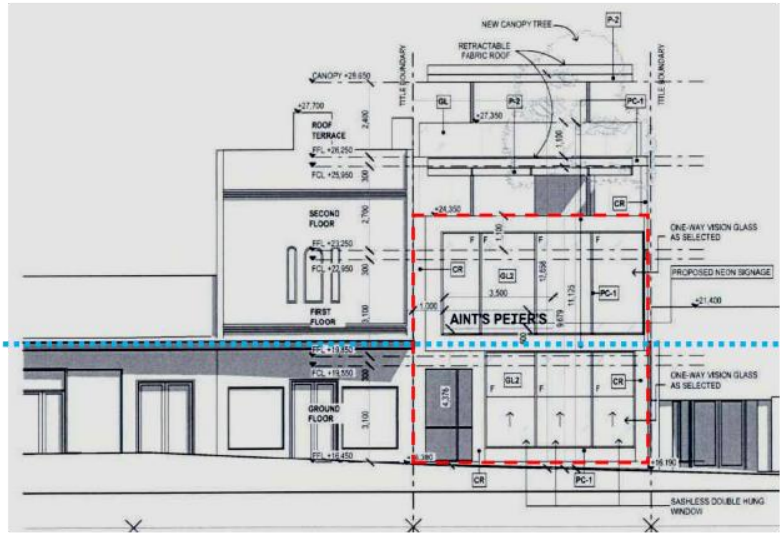
Scale/height:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

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

The scale of the proposed street façade will be substantially lower than the adjacent Individually significant building to the west. The height of the new façade will provide a good transition to the adjacent single-storey building (until such time as that building is redeveloped).

The articulation of the new building relates well to the existing scale of the ground levels of the heritage buildings to the west (refer to blue line on the diagram below).



Above: Extract from Drawing no.TP-11 showing the scale of the street façade outlined in red.

The height of the two roof terraces above the main building will add considerable height to the overall building, especially as it will be clearly visible from the south-east of the site. This is despite the proposed setbacks. Given that the lower terrace with its shade structures will be consistent with the height of the adjacent heritage building, it is considered that this floor level could be justified. The upper terrace level with its proposed shade structures, will however introduce a building height that is substantially taller than the adjacent Individually significant heritage building and is not characteristic of the heritage precinct further west along Swan Street. It is therefore considered that the upper terrace level should be deleted.

Attachment 5 - PLN17/1016 - 221 Swan Street Richmond - Heritage Advisor comments

Appearance:

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

The adjacent properties to the west mainly consist of Contributory heritage buildings of traditional appearance.

The proposed external materials for the new development will be mainly 'one-way vision glass' with metal framing in 'Monument' colour. The main entrance will emphasised by framing in a natural concrete finish.

The articulation of the proposed Swan Street façade is considered generally acceptable for a commercial streetscape. At ground level, it is considered that the proportions of the proposed front window will respond well to the character of the adjacent shopfronts. It would however be preferable for the entire ground floor façade to be finished in the natural concrete finish to positively reflect the character of the external materials of adjacent heritage buildings to the west, in contrast with the proposed dark colouring which will create a strong contrast.

Insufficient details have been provided to comment on the appropriateness of the proposed 'one-way vision glass'. A typical application of one-way vision glass is an interview room where people can be observed without being aware of it. This is usually achieved by applying a film or decorative graphic to ordinary glass. There is no suggestion in the submitted documents of what may be applied and therefore it is impossible to assess its visual impact. Irrespective of how the one-way vision glass appears, it is however unlikely to be considered an appropriate response to a heritage streetscape where glass is typically clear and the visibility of internal activity, particularly at ground level, is a character of the commercial strip.

Further details regarding the proposed glass must be submitted however it should be noted that the ground floor level should be predominantly clear to allow the typical visual interaction between the building's interior and pedestrians passing by.

RECOMMENDATIONS:

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

1. That the proposed upper terrace level (third floor level) must be deleted;
2. That the façade of the proposed Swan Street façade must be finished in the natural concrete finish – or similar;
3. That further details regarding the proposed one-way glass must be submitted. At ground floor level the glass must however be predominantly clear to allow the typical visual interaction between the building's interior and pedestrians passing by.

SIGNED:



Diahnn McIntosh

DATED: 28 May 2018

Attachment 6 - PLN17/1016 - 221 Swan Street Richmond - ESD Advisor comments

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

Assessment Summary:

Responsible Planner:		Catherine Balagtas	
ESD Advisor:		Euan Williamson	
Date: 16.04.2018		Planning Application No: PLN17/1016	
Subject Site:		221 Swan Street Richmond VIC 3121	
Site Area:	Approx. 209m^2	Site Coverage:	100 %
Project Description:		Development of a restaurant over three storeys plus roof terrace.	
Pre-application meeting(s):		Unknown	

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

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

(1) Application ESD Commitments:
- Energy efficient building and services, exceeding NCC requirements by at least 10% calculated via JV3 energy modelling.
- A STORM report with a score of 101% (best practice) has been submitted that relies on at least 125m^2 of roof area draining to a 3,000L rainwater storage connected to all toilets for flushing.
- 1.5 kW solar PV array to contribute to electricity consumption.
- 6 new bicycle parking spaces on the street frontage.
- Energy efficient heating/cooling, hot water and lighting.
- Water efficient taps and fittings.

(2) Application ESD Deficiencies:
There are no outstanding deficiencies identified at this time.

(3) Outstanding Information and
- Please submit the completed JV3 energy modelling report prior to occupation.
- Please clearly mark the solar PV array on the roof plan.

(4) ESD Improvement Opportunities:
- Consider a larger solar PV array to make a larger contribution on onsite electricity consumption.

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 7 - PLN17/1016 - 221 Swan Street Richmond - Streetscapes and Natural Values (Arborist) Comments

Memo

To: Catherine Balagtas

Cc: Carrie Lindsay, Paul Whitten and Glen Williames

From: Craig Lupton

Date: 7 June 2018

Subject: PLN17/1016 - 221 Swan Street, Richmond - Streetscapes and Natural Values Team

diverse

vibrant

exciting

inclusive

Hi Catherine

Thank you for the opportunity to review Planning Application PLN17/1016 - 221 Swan Street, Richmond in relation to tree removal on site, construction of the building within close proximity to trees on the northern adjoining properties and landscaping and tree planting on the roof terraces. The following comments are provided by the Streetscapes and Natural Values Team.

Arborist Report

- The TPZ encroachment has been mixed up between trees 6 and 7 in Appendix 3 and Part 4: Discussion. The author needs to confirm which tree is which.
- The author needs to show additional protection measures for the tree with 17.5% incursion, i.e. exploratory excavation or an arborist to be on site at time of excavation to ensure due care of any roots found.

Street Tree Bond

- The street tree on Swan Street, Crepe Myrtle (*Lagerstroemia indica*), will be retained and must be protected during construction works. An Asset Protection Permit Bond of $2,139 (ex GST) (see table below) should be applied to the tree to offset the cost of repairing any damage incurred during construction and/or for non-compliance with the tree protection management plan.

Melbourne valuation (amenity value)	$ 654.00
Removal 4-7	$ 313.45
Stump	$ 23.00
Reinstatement of asphalt	$ 250.00
New cut out / m2	$ 95.66
Supply tree 100L	$ 330.00
Planting cost	$ 118.05
Maintenance 2 years	$ 160.80
Sub Total	**$ 1,944.96**
GST	**$ 194.49**
Total	**$ 2139.45**

Attachment 7 - PLN17/1016 - 221 Swan Street Richmond - Streetscapes and Natural Values (Arborist) Comments

Roof Top Garden

- A rooftop landscape plan/report should aim to replace the tree canopy lost through the development by planting suitable tree species as a part of the rooftop garden. The plan should specify tree species, size, irrigation system and tree planting space requirements.

If you have any further questions, please do not hesitate to contact me on 0419 099 547.

Kind Regards

Craig Lupton
Coordinator Streetscapes and Natural Values

Attachment 8 - PLN17/1016 - 221 Swan Street Richmond - Open Space (Landscape Architect) comments

CITY OF YARRA

MeMO

TO:	**Catherine Balagtas**
cc:	
FROM:	**Kevin Ayrey**
DATE:	**26/11/18**
APPLICATION:	**PLN17/1016**
SUBJECT:	**Landscape Plan Referral**

Dear Catherine,

The submitted landscape plan (TT Design – 01/10/2018) covers off the standard requirements we would have –

- Planting plan showing botanical and common names of plants, plant size at installation and maturity, plant numbers and locations.
- Details for the planter boxes.
- The plant species look okay, although I notice that there is some reference to the trees being 'canopy' trees. The lemon and olive trees will not be 'canopy' trees, though will be fine in the proposed planters, if they have drainage and are maintained. Also, it would be difficult to have 'canopy' trees when using planter boxes of this size – the trees wouldn't grow that big, or be very stable.
- The lemon and olive trees are as much as you might hope for given the scenario, and given the trees being removed aren't desirable to retain.

Regards,

Kevin Ayrey
Landscape Architect – Open Space Planning & Design

Attachment 9 - PLN17/1016 - 221 Swan Street Richmond - City Works (Waste Management) comments

CITY OF YARRA

MeMO

TO:	**Catherine Balagtas**
cc:	
FROM:	**Joe Agostino**
DATE:	**12/04/18**
APPLICATION:	**PLN17/1016**
SUBJECT:	**Waste Management Referral**

Dear Catherine,

The Waste Management Plan for 221 Swan Street Richmond prepared by LEIGH DESIGN and dated 10 January 2018 is satisfactory from the City Works Branch's perspective, however given that the bins need to be collected from the bin room in a very busy section of Swan Street it is conditional to the inclusion of the following:

1. The WMP must specify the collection times for the bins rather than saying outside of peak hours
2. The WMP must specify how the private collection contractor will avoid double parking in Swan Street while collecting the bin
3. The WMP must specify how the private collection contractor will avoid causing delays to Trams in Swan Street while collecting the bin
4. An updated WMP must be submitted to include these requirements

Regards,

Joe Agostino
Project Officer – City Works

Attachment 10 - PLN17 1016 - 221 Swan Street Richmond - Compliance (Community Amenity) comments

CITY OF YARRA

MeMO

TO:	**Catherine Balagtas**
cc:	
FROM:	**Brad Speechley**
DATE:	**08/06/18**
APPLICATION:	**PLN17/1016**
SUBJECT:	**Amenity Enforcement Referral**

Dear Catherine,

Thank you for your referral dated 27 March 2018, in relation to 221 Swan Street Richmond.

I note this application includes the sale and consumption of liquor from 11:00am – 11:00pm, 7 days a week with a maximum of 200 patrons. The Compliance branch does not have any concern with the proposal to change the use to a restaurant for the sale/ and or consumption of liquor.

Considering the hours are no later than 11pm and the branch has not received any recent complaints in relation to amenity, Compliance does not have any concern.

I've also had an opportunity to review the NAAP and given background music is only proposed, this will have a minimal adverse impact on community amenity.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

Brad Speechley
Acting Coordinator – Civic Compliance

Attachment 11 - PLN17/1016 - 221 Swan Street Richmond - Engineering Services Unit comments

MEMO

To:	**Catherine Balagtas**	
From:	**Artemis Bacani**	
Date:	**26 April 2018**	
Subject:	**Application No:**	**PLN17/1016**
	Description:	**Restaurant**
	Site Address:	**221 Swan Street, Richmond**

I refer to the above Planning Application received on 27 March 2018 and the accompanying Parking Assessment prepared by BVY Pty Ltd in relation to the proposed development at 221 Swan 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
Restaurant	200 patrons	0.4 spaces to each patron	80	0

A full waiver in the car parking requirement is sought. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

- *Parking Demand for Restaurant Use*.
  BVY Pty Ltd has adopted a peak restaurant parking rate of 0.15 spaces per seat during lunchtime periods and 0.30 spaces per seat during the evening periods. Application of this rate would result in 30 spaces during lunchtime and 60 spaces during the evening periods (on the assumption that the venue was operating at full capacity). Much of the patronage to the restaurant would be drawn from nearby businesses and by persons who are already in the Swan Street activity centre.

  As with many other restaurants in Yarra, patrons would park on-street. In recent times, restaurants in Yarra have been approved with little or no on-site parking along activity centres, as illustrated in the table below:

Development Site	Approved Restaurant Parking
Richmond	
95 Swan Street PLN17/0064 issued 14 June 2017	No on-site parking (60 patrons permitted)

Attachment 11 - PLN17/1016 - 221 Swan Street Richmond - Engineering Services Unit comments

The shortfall with the site's car parking (80 spaces) would be accommodated off-site. The area's coverage of parking restrictions provides regular turnover of parking to improve the opportunities for patrons to park near the site. The high parking demand in the Richmond area would also be a disincentive for staff and patrons to drive to the site.

- *Availability of Public Transport in the Locality of the Land*.
  The site is within walking distance of tram services operating along Swan Street and Church Street. The East Richmond and Richmond railway stations and bus services operating along Punt Road are also within walking distance of the site.

- *Multi-Purpose Trips within the Area.*
  Patrons to the site who choose to drive might combine their visit by engaging in other business or activities whilst in the area.

- *Convenience of Pedestrian and Cyclist Access.*
  The site is within walking distance of shops, businesses, essential facilities and public transport services. The site also has very good connectivity to the Principal Bicycle Network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*.
  BVY Pty Ltd had conducted on-street parking occupancy surveys in the surrounding area on Wednesday 1 November 2017 and Saturday 4 November 2017 between 10:00am and 8:00pm. The survey area encompassed sections of Swan Street, Church Street, Charles Street, Mary Street, Harvey Street, and Brighton Street. The times and extent of the survey is considered appropriate for this development. A parking inventory ranging between 137 and 199 spaces was identified. The survey results indicate that the peak occupancy was observed at 5.00pm on Wednesday with 104 spaces occupied or 33 spaces vacant. The data suggests that the parking demand in the surrounding area is moderate to high. Patrons would be fully aware of the lack of parking near the site and choose consider catching public transport which are conveniently located near the site.

- *Access to or Provision of Alternative Transport Modes*.
  The site has very good access to public transport and the on-road bicycle network. Car share pods are located within walking distance of the site and provide an alternative option of transport for staff and patrons. A Flexicar car share pod is located in Church Street, approximately 160 metres west of the site.

- *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.

- *The Future Growth and Development of an Activity Centre*.
  Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as Swan Street, where spare on-street car parking capacity would be shared amongst sites within the activity centre.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The area's high parking demand and lack of long-stay parking would be disincentives for staff and patrons to commute to the site by car.

Attachment 11 - PLN17/1016 - 221 Swan Street Richmond - Engineering Services Unit comments

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

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

Regards

Artemis Bacani
Road Development Engineer
Civil Engineering Unit

Attachment 12 - PLN17/1016 - 221 Swan Street Richmond - Strategic Transport Comments

Planning Referral

To:	Catherine Balagtas
From:	Julian Wearne
Date:	27/04/2018
Subject:	Strategic Transport Comments
Application No:	PLN17/1016
Description:	A reduction of car parking requirements (80 spaces) associated with a 200-patron restaurant and installation of bike racks (6 spaces) on the footpath at Swan Street
Site Address	221 Swan Street, Richmond

I refer to the above Planning Application referred on 27/03/2018, and the accompanying Traffic report prepared by BVY Pty. Ltd. in relation to the proposed development at 221 Swan Street, Richmond. Council's Strategic Transport unit provides the following information:

Access and Safety
No safety or access issues have been identified.

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
Restaurant	267 sqm	1 employee space to each 100 sqm of floor area available to the public	3 employee spaces	6 spaces
		2 plus 1 visitor space to each 200 sqm of floor area available to the public if the floor area exceeds 400 sqm	2 visitor space	
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**0 showers / change rooms**	**0 showers / change rooms**

The development proposes a total of 1 additional bicycle space for both employees and visitors.

Adequacy of spaces
All spaces are proposed as combined visitor/employee spaces and are proposed to be on the footpath outside of the subject site. The following considerations are relevant:

- Whilst it is usually preferred that employee bicycle spaces are contained within secure facilities onsite, it is acknowledged the proposed use and existing built form would likely prohibit onsite employee bicycle parking from being functional. It would be unsuitable for staff to wheel bikes through a restaurant while it was trading and there is no rear access to the site.
- Whilst 6 spaces meets and exceeds the total statutory requirement, providing this many spaces within the footpath directly outside the subject site is unsuitable in this instance.
    - An existing street tree limits opportunity for spaces;

  - What is assumed to be the bicycle spaces are shown on the plan as short 'dashes' at the curb's edge. These dashes do not accurately reflect the dimensions of bicycle spaces.
  - At most, two bicycle hoops could be installed directly outside the subject site, which would allow for 4 bicycle spaces (Figure 1). This however results in significant footpath clutter, and creates a 'pedestrian barrier' for people looking to cross the street. This is exacerbated by the existing street tree, parking pole and nearby footpath trading to the east.
  - Too many hoops in this location would leave little space for bin storage prior to collection, which would further contribute to clutter and a "pedestrian barrier".
- Many visitors to the site are likely to be in the area for multi-purpose trips, and expected cycling demand associated with the use are likely to be satisfactorily accommodated at existing hoops and informal bicycle parking locations.
- The location is well serviced by public transport and walking, so alternative sustainable travel modes to the subject site are easy and convenient.
- It is recommended only one bicycle hoop be installed in the location shown on Figure 1.
  - This space should be aligned with the nearby awnings posts.

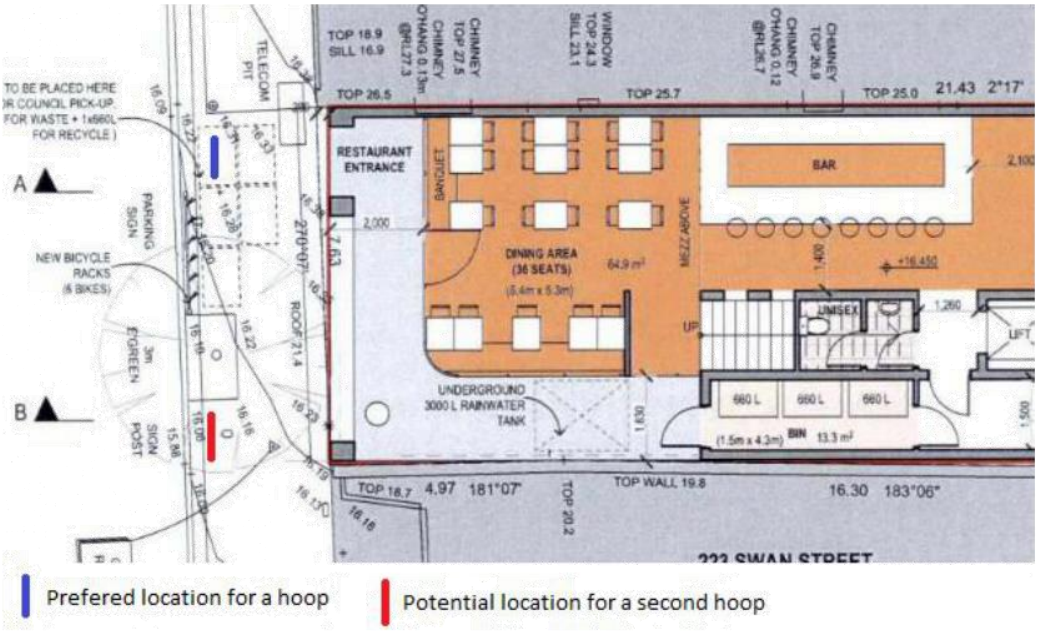


Figure 1 – Two potential locations for bicycle hoops are shown. It is recommended only one hoop is installed in the preferred location.

Recommendations

The following should be shown on the plans before endorsement:

1. 1 bicycle hoop to be installed on the footpath, aligned with the nearby awning post, between the awning post and the existing parking sign pole.

Regards

Julian Wearne

Sustainable Transport Officer

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Attachment 12 - PLN17/1016 - 221 Swan Street Richmond - Strategic Transport Comments

Strategic Transport Unit

Attachment 13 - PLN17/1016 - 221 Swan Street Richmond - SLR Acoustic Consultant Comments

6 August 2018

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City of Yarra
PO Box 168
RICHMOND VIC 3121

Attention: Catherine Balagtas

Dear Catherine,

221 Swan Street Richmond
Development Application Acoustical Review
PLN17/1016

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the proposed restaurant and bar at 221 Swan Street Richmond.

Details of the report are as follows:

- Title: 221 Swan Street, Richmond, Acoustic Engineering Report
- Reference: 17317
- Date: 2 July 2018
- Prepared for: Peter Koutroulis
- Prepared by: Cogent Acoustics

A previous report (from 23 February 2018) was reviewed by SLR but a newly identified residential receiver has now been incorporated in the assessment.

The report was prepared to address the following City of Yarra condition / RFI (8 December 2017):

An acoustic report prepared by a suitably qualified acoustic engineer assessing the noise impacts of the proposed use (including music noise, patron noise and plant equipment) against the relevant State Environment Protection Policies.

1 Background Information

(Section 2 and 5 of the report)

The application is for 3 level restaurant and bar with rooftop seating and a capacity of 192 patrons.

The proposed operating times are 11 am to 11 pm 7 days a week.

Extracts from the architectural drawings are provided in the acoustic report showing:

- ground level bar, dining and kitchen,

SLR Consulting Australia Pty Ltd Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia
T: +61 3 9249 9400 F: +61 3 9249 9499 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

- mezzanine floor dining areas, with a large plant platform also located to the rear,
- roof terrace outdoor area (48 seats) and bar (20 seats),
- rooftop plan with outdoor area (48 seats).

The nearest noise sensitive areas are identified as:

- dwellings to the north of the site, along Charlotte Street. A two storey brick apartment building is identified at 26-30 Charlotte Street as being the likely most impacted out of these dwellings.
- Dwelling directly to the west on the 1st floor (above ground commercial use) at 219A Swan Street Richmond

The report provides assessment of music noise, patron noise and mechanical plant noise.

SLR Comments: *The site and use have in general been described and nearest noise sensitive receivers have been identified, including the new identified shop-top residence at 219A Swan Street. The critical noise issues are also identified (music, patron and mechanical plant noise).*

2 Background Noise

(Section 6 of the acoustic report)

Noise logging was undertaken from 17 to 22 January 2018 near the rear of the site (ground level, NW corner). Logger results are included in the appendix B of the report.

Cogent explain that the noise logging results exhibit very steady L90 background levels for the entire day, which may be influenced by mechanical noise, although there was no obvious source at the time of their equipment deployment. Cogent advise that they believe the data is sufficiently representative for the purposes of setting noise limits.

Octave band background levels are presented in Table 6 of the report and shown as the minimum 15 minute background level from 10 pm to 11 pm over the logging period. These form the basis of SEPP N-2 based noise limits.

A-weighted overall background levels are also provided in Table 5 of the report for the relevant SEPP N-1 based periods.

SLR Comments: *The measurement period and location are suitable for obtaining background noise data for the site. The details of the measurement and description of the ambient environment are clearly provided, as is the noise logging data.*

On the issue of the background levels being potentially affected by extraneous noise, the data does appear to have very steady levels for the most part, which would imply a continuous mechanical type source. However, there are also some short periods of lulls (eg around 1300h to 1400h on most days and around 2100h on some days). It may have been more appropriate to consider these lulls for the basis of setting noise limits for the site. This is especially relevant in the context of mechanical plant potentially associated with cooling being seasonal (the noise logging was undertaken during hot to warm weather conditions).

The octave band background levels in Table 5 appear reasonable for the area, and are appropriately determined assuming the venue will operate untill 11 pm.

3 Assessment Criteria

3.1 Patron and Mechanical Plant Noise

(Section 7.1 of the acoustic report)

Patron noise is proposed to be assessed to SEPP N-1. The night noise limits are determined as 44 dBA and the evening limits are 51 dBA for the nearest dwellings to the north of the subject site.

***SLR Comments**: We agree that assessment of patron noise to SEPP N-1 will provide a reasonable amenity outcome. Our calculations of zoning levels are within 1dB of Cogents. We note that the day and night limits are based on neutral background levels, whereas the evening limits are based on high backgrounds. Given the potential issue of extraneous mechanical noise affecting the background levels, it would be preferred that the evening limit is also based on neutral backgrounds which would make the evening target 49 dBA instead of 51 dBA. This is a minimal change but considered appropriate.*

3.2 Music Noise

(Section 7.2 of the report)

Music is proposed to be assessed to SEPP N-2. Noise limits have been determined from the measured A-weighted and octave band background noise levels, and are presented in Table 7 of the report.

The limit for the day / evening is 53 dBA.

The limit for the night is the previously presented octave band background levels + 8 dB.

***SLR Comments**: We generally agree with the night period limits, but have some concerns with the presented day/evening limit. The limit appears to be based on the long term averaged background levels (i.e. 48 dBA for day and evening) + 5 dBA. This is not the appropriate approach for setting SEPP N-2 limits. The lowest background level interval (15 min) should be used, which appears to be more like 45 dBA based on our indicative review of the noise logging data. As such, the day / evening limit should be approximately 50 dBA. Again, this is a small difference from Cogents limit, with minimal implications to the final assessment outcome given the night period assessment is the most critical. The correct limit should however be determined and provided in the report.*

4 Noise Predictions and Assessment

(Sections 9, 10 and 12 of the acoustic report)

4.1 Mechanical Plant Noise (Section 9)

Cogent provide an indicative assessment using representative air conditioning, ventilation and refrigeration equipment that can be expected to be used at the site within the plant area zone. Actual equipment selections, and the final design have not yet been developed for the site.

The preliminary assessment provided by Cogent indicates that the equipment will exceed the night period noise limits by a significant 11 dB, at the nearest resident.

Noise control options and advice, including perimeter screening, acoustic attenuators and the like, are provided in Section 13.1.1 of the report to address the excess. This section also provides information on triggers for further acoustic review (e.g. if plant equipment is noisier than assumed, more items of plant proposed, different layout etc.).

SLR Comments: *The approach, findings and recommendations provided for the mechanical equipment appear reasonable and appropriate. Given the close proximity of residents, and the predicted potential excess from the SEPP N-1 noise limits, our preference would be that the applicant be required to have the final mechanical plant design fully reviewed by an acoustical consultant. Ultimately, the operator will have to ensure compliance with SEPP N-1 if complaints are ever received.*

4.2 Patron Noise (Section 10)

Cogent provide the results of a predictive assessment of patron noise in Section 10 of their report. The basis of their noise emissions is the Watson Moss Growcott document (2009), and Cogent present the determined sound pressure level in each of the outdoor areas, as used in their calculations.

Cogent predict the highest noise levels of 61-64 dBA to the east facing window and skylight of 219A Swan Street. Noise levels up to 55 dBA are predicted to the residential dwelling to the north. These predictions significantly exceed the night period noise limit of 44 dBA (and evening limit). Cogent proceed with providing noise control recommendations in Section 13.2 to address the excess. The recommendations include:

- Provision of a range of barriers and screens along the western and northern edge of the outdoor areas,
- Restrictions on the number of patrons in the outdoor areas. The night period restricts patrons to the main outdoor areas to 20-22 patrons.

SLR Comments: *The assessment approach and the patron reference sound levels are considered appropriate. Due to the complexity of the building arrangement and number of outdoor areas, we cannot undertake our own independent calculations but the general approach and advice appears reasonable and includes extensive shielding structures.*

4.3 Music Noise (Section 12)

Cogent advise that music will be played on all levels of the bar at 'background levels'.

An assessment is provided based on representative music levels measured at a similar venue that is multi-level and has background style music in a rooftop terrace area.

Cogent determine that background music can be played (at the levels presented in their Table 13) and comply with day / evening and night period SEPP N-2 noise limits.

SLR Comments: *The assessment approach is considered reasonable. However, we make the following comments:*

- *The music levels used must have minimal bass content to comply during the night.*

- *As previously noted, day / evening period SEPP N -2 noise limits may need to be in the order of 3 dBA lower than currently provided in the report. As such, the allowable music levels will likely need to be reduced by 3 dB for the day / evening assessment.*
- *The venue has outdoor areas that are within 15 m of the nearest residents. This is a minimal buffer distance, and the risk of non compliance is high if the venue operator is not diligent in managing their music levels. The measures recommended in the acoustic report to manage the music levels include; setting of the sound system by an acoustical consultant, setting maximum volume on the system controls or electronic noise limiter installation, management only allowed to access sound system, and no live music in outdoor areas. We would recommend that the noise limiter be installed rather than relying on 'marking' of the volume on the sound system.*
- *We assume that live music is not proposed to be played.*

5 SLR Summary

SLR have reviewed the acoustic report for the proposed restaurant and bar at 221 Swan Street, Richmond.

Cogent have demonstrated that noise from the venue has the potential to exceed noise limits and amenity targets, and have provided a number of recommendations for building treatments and venue management to achieve an acceptable outcome.

We generally agree that with appropriate implementation of Cogent's advice, an acceptable outcome can be achieved for a venue that operates up to 11 pm. However, we recommend the following aspects be implemented / amended in the report, or reflected in permit conditions:

- We recommend that the evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels). This will make evening targets 2 dBA lower than currently shown in the report.
- We recommend that the lowest 15 minute background level collected for the day / evening period be used for setting the day / evening period SEPP N-2 noise limits. This may result in a reduced noise limit by in the order of 3 dBA.

It is not anticipated that the above will make a significant change in the assessment outcomes, as the night period criteria are the most stringent.

- We recommend that the operator / applicant undertake a full acoustical review of the mechanical plant (by an acoustical consultant) to ensure that the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance. We recommend this due to the close proximity of the plant to existing residents (less than 15 m).
- Similarly, given the close proximity of the entertainment and outdoor areas to residents, we would recommend implementation of electronic noise limiters/compressors on the amplifiers in the venue, and advice / setup by an acoustical consultant prior to operations commencing.

Yours sincerely

JIM ANTONOPOULOS BAppSc MAAS
Principal – Acoustics

Checked by: DW

1.4 PLN17/0276 – 262-264 Bridge Road, Richmond – Demolition of the existing building, construction of a part three and part four storey building plus roof terraces (including a shop canopy over a Road Zone, Category 1) containing a shop and five dwellings, removal of easements and a reduction of the car parking and visitor bicycle parking requirements.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN17/0276 which affects the land at 262-264 Bridge Road, Richmond and recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Built form and heritage (Clause 15.01, 21.05, 22.02, 22.03, 22.07, 22.16, 22.17, 43.01 and 43.02);
   (b) Off-site amenity impacts (Clause 55); and
   (c) Car parking (Clause 18.02, 21.06 and 52.06).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic context;
   (b) Built form, design and heritage (including consideration of DDO21 and buildings and works over the Road Zone Category 1);
   (c) Commercial 1 Zone (including Clause 55);
   (d) Clause 22.05 Interface uses policy;
   (e) Car parking, bicycle parking and traffic;
   (f) Removal of easement;
   (g) Objectors concerns.

Submissions Received

4. A total of eighteen (18) objections were received to the application, these can be summarised as:
   (a) Off-site amenity impacts, including loss of outlook and visual bulk impacts, overlooking, overshadowing, loss of solar/daylight access and noise.
   (b) Built form and massing, including height of the southern end of the building where interfacing with the development at 4 Tullo Place, lack of setbacks to the south and excessive overall height.
   (c) Heritage, including lack of heritage conservation of the existing building.
   (d) Neighbourhood character, including lack of activation and presentation of garages along Tullo Place, and overall height being out of character in Bridge Road and Tullo Place.
   (e) Road and pedestrian safety issues along Tullo Place due to garages.
   (f) Traffic impacts along Tullo Place, Bridge Road and at the Tullo Place/Bridge Road intersection.
   (g) Parking congestion.

(h) Increased carbon emissions.

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 the following key recommendation:

(a) Deletion of Level 2 from Dwelling 5 (rear dwelling);

CONTACT OFFICER: **Michelle King**
TITLE: **Senior Statutory Planner**
TEL: **9205 5333**

1.4 PLN17/0276 – 262-264 Bridge Road, Richmond – Demolition of the existing building, construction of a part three and part four storey building plus roof terraces (including a shop canopy over a Road Zone, Category 1) containing a shop and five dwellings, removal of easements and a reduction of the car parking and visitor bicycle parking requirements.

Trim Record Number: D18/178018
Responsible Officer: Senior Coordinator Statutory Planning

Proposal:	Demolition of the existing building, construction of a part three and part four storey building plus roof terraces (including a shop canopy over a Road Zone, Category 1) containing a shop and five dwellings, removal of easements and a reduction of the car parking and visitor bicycle parking requirements
Existing use:	Commercial tenancy
Applicant:	Change of Plan
Zoning / Overlays:	Commercial 1 Zone Road Zone Category 1 Heritage Overlay – Schedule 310 (Bridge Road Precinct, Richmond) Design and Development Overlay (DDO21 Bridge Road Activity Centre)
Date of Application:	6/04/2017
Application Number:	PLN17/0276

Planning History

1. On 12 January 1968, Planning Permit 49066 was issued to have buildings and works erected thereon in accordance with the endorsed plan.

2. On 6 April 1983, Planning Permit 2376 was issued for the construction of an illuminated sign.

3. On 8 March 2006, Planning Permit PL06/0066 was issued for development of the land through the construction and display of advertising signage (includes partial demolition).

4. On 30 November 2007, Planning Permit PL07/0806 was issued for development of the land for the construction and display of advertising signs (includes partial demolition).

5. On 13 May 2010, Planning Permit PL09/0890 was issued for partial demolition, building and works, construction and display of advertising signage and a waiver of car parking requirements.

Background

Planning Scheme Amendments

6. Planning Scheme Amendment VC142 came into effect on 16/01/2018 as the first phase of Smart Planning's reforms and amongst other things deleted Clause 52.07 Loading and unloading of vehicles and made consequential changes to other provisions in the Victorian Planning Provisions (VPPs). Deleting Clause 52.07 removes the permit trigger for a reduction of loading bay requirements. The permit preamble will be amended to this effect.

7. Planning Scheme Amendment VC148 came into effect on 31/07/2018 and made changes to the VPPs and all Planning Schemes arising from the Victorian Government's Smart Planning Program. The Section 57A Amended Plans were submitted on 27/08/2018. Assessment of this application is made against all provisions of the Scheme as at after the introduction of VC148.

8. Amendment VC148 also amended Clause 52.06 Car parking provisions to reduce car parking requirements for uses in commercial areas and for land within walking distance of high-quality public transport. Under Clause 52.06-5 Column B car parking rates apply to sites within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, 2018). The site is included in the Principle Public Transport Network Area. As such, the rate in Column B applies. The required reduction in car parking is reduced from 8 car spaces to 7 car spaces. This will be discussed in greater detail later in the report.

9. Planning Scheme Amendment C248 came into effect on 15/11/2018 and introduced a new interim Design and Development Overlay – Schedule 21 (DDO21) to the Yarra Planning Scheme, relating to the Bridge Road Activity Centre. The requirements of this schedule will cease to have effect after 01/10/2020. The DDO21 control generally includes requirements that help to ensure that the height and the setbacks of new buildings respond to the heritage qualities of the Bridge Road Activity Centre and minimise the impact on adjoining residential properties. The interim DDO21 also works to promote high quality design, maintain views to landmarks, maintain reasonable solar access to footpaths and public spaces, and limits impacts of vehicular movements on trams, cyclists and pedestrians.

Lodgment of Section 57A plans

10. Following advertising and the consultation meeting on 23/01/2018, and in response to concerns raised by Council's planning officers, internal units and objectors, amended plans were submitted under Section 57A of the *Planning and Environment Act 1987* on 30/04/2018. Following a request for further information, amended plans were submitted on 27/08/2018. The key changes are as follows:

    (a) Modifications to Dwellings 1 and 2 above the shop, including relocation of the outdoor terraces to Level 2 directly behind the parapet, in lieu of Level 3;

    (b) Built form modifications to the rear of Dwelling 5 including modified south facing windows, reduction of the southern boundary wall height, greater rear setback to roof terrace, reduced setback of the first, second and third level balconies to the south and modification of the crossover location;

    (c) A modified 1.14m setback from the eastern boundary to Dwellings 3, 4 and 5.

11. The Section 57A amended plans received on 27/08/2018 (the "decision plans") will form the basis of the following assessment.

The Proposal

12. The proposal is for the:

    (a) Full demolition of the existing building;

    (b) Construction of a part three and part four storey building plus roof terraces (including a shop canopy over a Road Zone, Category 1) containing a shop and five dwellings;

    (c) Removal of easements E-1, E-2 and E-3;

    (d) Reduction of the car parking requirements; and

    (e) Reduction of the visitor bicycle parking requirements.

13. In more detail, the following is proposed:

    Use

    Ground Level

    (a) Retail/shop, with 74m^2 floor area and no onsite car parking.

    Ground Level to Level 3

    (b) Five dwellings (townhouses), of which 2 dwellings will consist of 2 beds and no on-site car parking, and 3 dwellings will consist of 3 beds and 1 onsite car space.

Development

Demolition

(c) The proposal includes the full demolition of the site, including all buildings, fences, front canopy, and surface treatment.

Buildings and works

(d) Construction of a 3-4 storey building (plus roof terraces) consisting of a two storey/8.9m high street wall at the Bridge Road frontage. At the Bridge Road frontage the building will comprise of three levels (Ground, Level 1 and Level 2) contained within a two storey building envelope. Level 3 and roof terraces associated within Dwellings 3, 4 and 5 are setback 10.85m from the Bridge Road frontage and comprise a maximum 13.0m high front facade. The recessed stairwell shafts to the roof terraces above project approximately 1.5m above this height.

(e) The development will be constructed to all four title boundaries, except for a 1.0m recess to the garages and dwelling entries at ground level along the Tullo Place interface, the staggered and cantilevering two storey wintergarden/balcony architectural elements at Levels 1-3 along the Tullo Place interface to the west, and lightwells provided along the eastern wall at Levels 1-3 toward the rear of the site.

(f) The retail/shop tenancy at the Bridge Road frontage will consist of a glazed shopfront window, recessed central glazed entry and approx. 3.0m deep canopy over the Bridge Road footpath. The retail/shop tenancy will also comprise of two large west facing windows along the Tullo Street interface. A canopy is proposed over the Bridge Road footpath, to be 4.2 metres in height above finished footpath level to match the adjoining properties canopy height.

(g) Three vertical windows are provided along the Bridge Road frontage at first level. The dwellings will comprise large habitable room windows looking over Tullo Place to the west. Various bedroom and bathroom windows are located along the eastern and southern walls at the rear of the site.

(h) The development will be boxy and contemporary in design and will comprise of a predominate building height of 13.0m, with the stair access to the roof terraces of Dwellings 3, 4 and 5 a maximum of 14.46 metres in height.

(i) The building will consist of a white rendered finish to the front, side and rear walls, projecting two storey shroud elements to the western winter gardens/balconies and a matching shroud element to Dwelling 1's west facing windows in a medium grey alucobond cladding finish with operable glass louvres, a light grey vertical standing seam metal finish to the third level and roof terrace balustrades, and a feature dark grey ('monument') miniorb profile colourbond sheet finish to the rear and west walls at ground level and west facing garage doors. The finishes to the projecting roof terrace stairwell shafts has not been specified. The finishes to the operable shading over west facing windows has not been specified.

Tenancy particulars

(j) The ground level retail/shop tenancy is accessed at the Bridge Road frontage and comprises a waste room and amenities.

(k) Dwellings 1 and 2 are located above the shop tenancy, accessed via a communal pedestrian entry off Tullo Place to the west, with communal bin store at the ground level entry. At Level 1 both dwellings contain two bedrooms with ensuite facilities and a laundry. At Level 2 both dwellings contain an open plan kitchen/living/dining area with a 12sqm north facing terrace behind the approx. 2.75m high parapet to the front and side walls.

(l) Dwellings 3, 4 and 5 are four storey dwellings, constructed side-by-side along the Tullo Place interface. At ground floor these dwellings will consist of separate pedestrian entries accessed off Tullo Place, a single car garage with two bike racks and 17m^3

storage space. At Level 1 each dwelling will contain two bedrooms, one with access to a street facing winter garden and a shared bathroom.

At Level 2 each dwelling contains a master suite with access to a street facing winter garden and a separate laundry. At Level 3 each dwelling will contain an open plan kitchen/living area with access to a street facing balcony and wash room. Level 4 contains a rooftop terrace, 25sqm in area for both Dwelling 3 and 4 and 20sqm for Dwelling 5.

ESD measures

(m) 5 x roof mounted solar hot water units.

(n) 3 x 2000 litre water tanks for toilet flushing (STORM Score 104%).

(o) Operable blinds to west facing windows, reducing cooling loads to 30MJ/m^2.

(p) Natural daylight and ventilation for all tenancies.

(q) Onsite bicycle parking for three dwellings.

Removal of easement

(r) The application includes the removal of the partywall easements (E-1 and E-2) along the common boundary of Lots 1 and 2 on Plan of Subdivision 45956 and the redundant sewerage easement (E-3) affecting Lot 1 on Plan of Subdivision 45956 (western lot).

Reduction in car parking

(s) With a total three (3) car spaces provided onsite, a reduction of seven (7) car spaces is being sought.

Existing Conditions

Subject Site

14. The site is located on the southern side of Bridge Road, at the south-eastern corner of the Bridge Road/Tullo Place intersection, in Richmond. The site comprises a rectangular configuration with 8.56m frontage to Bridge Road, a 27.7m depth and a site area of 237m^2.

15. The site comprises a high single storey commercial building, constructed c.1990s. The building is constructed to the Bridge Road frontage and two side boundaries. The building comprises render and brick finishes, a high parapet along the front facade, a verandah with corrugated iron bullnose roof constructed over the Bridge Road footpath, a large shopfront window and glazed entry at the Bridge Road frontage, a row of north facing square windows above and vertical west facing windows along Tullo Place. A double carport is located at the rear of the building, accessed via a double crossover and gate off Tullo Place. The building was originally used as a bank, more recently it was used as a retail store, and is now vacant.

16. The site consists of two titles, Lots 1 and 2 on Plan of Subdivision 45956. The titles submitted with the application do not show any covenants. However dual 0.11m wide partywall easements (E-1 and E-2) affect the common boundary of the lots, in part, and a 1.2m wide redundant sewerage easement (E-3) traverses Lot 1 (western lot).

Surrounding Land

17. Bridge Road is a traditional retail strip consisting of commercial use and development, largely comprising a single and double storey street wall interface. Many shopfronts are Victorian and graded contributory and individually significant to the Bridge Road Heritage Precinct, Richmond. Projecting canopies and verandahs over the Bridge Road footpath is characteristic of the commercial strip. Higher development has emerged to the rear of lower rise commercial/shop buildings. The Richmond Town Hall clocktower is a prominent landmark building in the Activity Centre closet to the subject site.

18. To the east of the site is a pair of attached two-storey Victorian-era shopfront terraces with residences above at 266 and 268 Bridge Road. The buildings are late Victorian, consist of an 8.5m high front facade (excluding the projecting pediment), are constructed of rendered

brickwork with canopy over the Bridge Road footpath and graded contributory to the Bridge Road Heritage Precinct.

Beyond these two Victorian-era shopfronts is a wide single storey shopfront located at 270 Bridge Road, this building has no heritage significance and graded as not contributory.

19. To the west of the site is a laneway known as Tullo Place. Beyond Tullo Place is a row of three originally matching double storey shopfronts. Whilst noted as having an apartment on the first floor it is noted that the first floor of No. 260 Bridge Road is utilised by the ground floor business and not used for residential purposes. This development is constructed in 1871, consists of a 9.4m high front facade (excluding the projecting pediment), a rendered brick finish, a canopy over the Bridge Road footpath and is graded individually significant. Beyond this to the west is the double storey Vine Hotel, also graded as individually significant.

20. Opposite the site, on the northern side of Bridge Road, is a row of intact Victorian-era double storey shopfronts graded individually significant to the precinct.

21. To the south of the site is a 3.7m wide laneway. Beyond this laneway to the south is a three storey apartment building with various north facing habitable room windows at ground, first and second level, north facing courtyards at ground level and north facing balconies at first and second levels.

22. The site is well serviced by retail facilities, public transport, public open space and employment opportunities, including:

    (a) Immediate access to the Bridge Road Activity Centre and tram services;

    (b) Church Street tram services, located 50m from the site;

    (c) Citizens Park, located 150m from the site; and

    (d) Melbourne CBD, located 3km from the site.

23. Bridge Road comprises 2P and clearway parking restrictions. Tullo Place is affected by no standing parking restrictions. Nearby Church Street comprises 1P and 2P parking restrictions.

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone (C1Z)

24. Pursuant to Clause 34.01.1, a permit is not required for the following uses on the land:

    (a) Accommodation (including dwellings), as the dwellings do not comprise of a frontage at ground floor greater than 2m along Bridge Road; and

    (b) Retail premises (including shop).

25. Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.

26. Pursuant to Clause 34.01-4, an apartment development must meet the requirements of Clause 58. Under the Clause 73.01 General Terms, an apartment is defined as *'a dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings'.* Under the proposed development scheme the five dwellings are not located above or below one another, rather the dwellings are configured as multi level townhouses, with Dwellings 1 and 2 being double storey above the shop, and Dwellings 3, 4 and 5 being four stories with roof top terraces to the rear. As such, Clause 58 provisions do not apply.

27. Pursuant to Clause 34.01-4, all buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority. This will be included as a condition on permit.

28. The relevant decision guidelines are at Clause 34.01-8 and include consideration of Clause 55 objectives, standards and decision guidelines.

Clause 36.04 – Road Zone

29. Pursuant to Clause 36.04-2 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04.1. Under Clause 36.04-1 'shop' is an innominate use and therefore falls into the Section 2 - Permit required category. As such, a permit is required for the shop canopy constructed over the Bridge Road footpath.

30. Pursuant to Clause 36.04-3, Council must consider the views of the relevant road authority.

Overlays

Clause 43.01 – Heritage Overlay Schedule 310 (HO310)

31. Pursuant to Clause 43.01-1, a permit is required to demolish or removal a building or construct a building or construct or carry out works. External paint controls apply to the Bridge Road Precinct, Richmond.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)

32. The building on the subject site is located within the Bridge Road Precinct, Richmond (Schedule 310) and identified as 'not contributory' to this precinct as outlined in the incorporated document.

Clause 43.02 – Design and Development Overlay (Schedule 21)

33. Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works. Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay.

34. The DDO21 schedule provides specific controls relevant to the overall Bridge Road Activity Centre, dividing the centre into 5 precincts. The subject site is located in Precinct 2.

35. The design objectives for Precinct 2 – Bridge Road South requires development to:

    (a) Retain the visual prominence of heritage buildings in the streetscape and the significant 'High Street' streetscape in the vista along the Bridge Road;

    (b) Retain the visual prominence of the return facades of corner buildings;

    (c) Be consistent in form, massing and façade treatment as existing upper level development (where this exists) for any upper level development behind rows of identical or similar residences;

    (d) Maintain and reinforce the prominence of the street wall character of Bridge Road and Church Street;

    (e) Maintain a sense of openness along Bridge Road and Church Street.

36. Specific to the subject site, as shown in the figure below, are maximum building heights and maximum street wall heights and minimum upper level setbacks all of which are mandatory.

Building Heights and Setbacks – Precinct 2



37. The mandatory street wall height, upper level setback and overall building height are as follows, for the subject site within an identified significant heritage streetscape:

    (a) Maximum 11 metre street wall with a 6 metre setback above; and

    (b) Maximum 18 metre overall building height.

38. In addition to the above, the control outlines a number of general requirements to be met including general design guidelines including residential interface and setbacks, views to landmarks, overshadowing, access and building design requirements.

39. Over and above the heritage overlay which applies to the site, the DDO also includes a section relating to Heritage building design requirements which apply to the subject site which requires the following (relevant sections only):

Design Element	Design Requirement
Building facades and street frontages	***Infill Buildings and Development Adjoining a Heritage Building*** *Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:* ▪ *Ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s);* ▪ *Respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s);* ▪ *Avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts;* ▪ *Maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building;*

	▪ *Be articulated to reflect the fin grained character of the streetscape.*
Upper Levels (above street wall height)	***Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:*** ▪ *Be visually recessive and not visually dominate the heritage building and the heritage streetscape;* ▪ *Retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism';* ▪ *Utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage* ▪ *facades;* ▪ *Incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape;* ▪ *Be articulated to reflect the fine grained character of the streetscape.*

Particular Provisions

Clause 52.02 – Easements, restrictions and reserves

40. Clause 52.02 requires a permit to remove an easement.

41. Pursuant to Clause 52.02 Council must consider the interests of affected people.

Clause 52.06 – Car Parking

42. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.

43. It is noted that Amendment VC148 amended Clause 52.06 so that the car carking rates of Column B applies if any part of the land is identified as being within the Principal Public Transport Network Area. The subject site is within this area and therefore the Column B car parking rates apply to this application.

44. Under the Clause 52.06-5 requirements, the proposal provision and the subsequent shortfall are shown below:

Land Use	Quantity/size	Statutory Rate	Required car spaces	Proposed car spaces	Reduction Sought
Retail/Shop	74m^2	3.5 car spaces to each 100m^2 of LFA	2	0	2
Dwelling:					
Resident	2 x 2 Bed dwellings	1 space to each 2 bed dwelling, plus	2	0	2
	3 x 3 bed dwellings	2 spaces to each 3 or more bed dwelling, plus	6	3	3
Visitor		0 visitor spaces to every 5 dwellings.	0	0	0
Total	**-**	**-**	**10**	**3**	**7**

45. In this instance, a planning permit is required to reduce the statutory requirements by seven (7) spaces.

Clause 52.34 – Bicycle facilities

46. Pursuant to Clause 52.34, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

47. The Clause 52.34 requirements are shown below:

Land Use	Quantity/size	Statutory Rate	Required bicycle spaces	Proposed bicycle spaces	Reduction Sought
Retail/Shop	N/A – Bicycle spaces requirements for a shop relate to shops exceeding 1000m^2. As the shop is 74m^2 Clause 52.34 does not apply.				
Dwelling:	5 dwellings				
Resident		In developments of four or more storeys, 1 to each 5 dwellings	1	6	0
Visitor		In development of four or more storeys, 1 to each 10 dwellings	1	0	1
Total	**-**	**-**	**2**	**6**	**1 (visitor)**

48. As demonstrated in the table above, the dwellings would generate a shortfall of 1 visitor bicycle space.

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

49. Although Clause 55 provisions do not strictly apply to residential development in the C1Z, the C1Z decision guidelines direct Council to consider the Clause 55 objectives, standards and decision guidelines. A detailed assessment of the proposal against the Clause 55 provisions will be provided later in the report.

General Provisions

Clause 65 – Decision Guidelines

50. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. This clause notes '*because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause'.*

Clause 65.01 – Approval of an application or plan

51. *Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*
    (a) The matters set out in section 60 of the Act.
    (b) The Municipal Planning Strategy and the Planning Policy Framework.
    (c) The purpose of the zone, overlay or other provision.
    (d) The orderly planning of the area.
    (e) The effect on the amenity of the area.
    (f) *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Planning Policy Framework (PPF)

Clause 11.03-1S - Activity Centres

52. The relevant objective of this clause is:

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

Clause 13.05-1S - Noise abatement

53. The relevant objective of this clause is:
(a) To assist the control of noise effects on sensitive land uses.

Clause 13.07 - Amenity and safety
Clause 13.07-1S - Land use compatibility

54. The objective of this clause is:
(a) To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 15.01-1S - Urban design

55. The relevant objective of this clause is:
(a) To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-2S - Building design

56. The relevant objective of this clause is:
(a) To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S - Neighbourhood character

57. The objective of this clause is:
(a) To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02-1S - Energy and resource efficiency

58. The objective of this clause is:
(a) To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 15.03-1S - Heritage conservation

59. The objective of this clause is:
(a) To ensure the conservation of places of heritage significance.

Clause 16.01S - Integrated housing

60. The relevant objective and strategy of this clause are:
(a) To promote a housing market that meets community needs.
(b) Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

Clause 16.01-2S - Location of residential development

61. The objective of this clause is:

(a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

Clause 16.01-3S – Housing diversity

62. The objective of this clause is:
(a) *To provide for a range of housing types to meet diverse needs.*

Clause 17.02-1S - Business

63. The relevant objective of this clause is:
(a) To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

Clause 18.01-1S – Land use and transport planning

64. The objective of this clause is:
(a) To create a safe and sustainable transport system by integrating land use and transport.

Clause 18.02-1S - Sustainable personal transport

65. The relevant objective of this clause is:
(a) To promote the use of sustainable personal transport.

Clause 18.02-2S - Public Transport

66. The objective of this clause is:
(a) To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

Clause 18.02-4S - Car parking

67. The objective of this clause is:
(a) To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

Clause 21.04-1 - Accommodation and Housing

68. The objectives and strategies of this clause are:
(a) To accommodate forecast increases in population.
(b) Support residual population increases in established neighbourhoods.
(c) To retain a diverse population and household structure;
(d) To reduce potential amenity conflicts between residential and other uses.
(e) Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.
(f) Apply the Interface Uses policy at clause 22.05.

Clause 21.04-2 - Activity Centres

69. The relevant objectives and strategies of this clause are:
(a) To maintain the long term viability of activity centres.
(b) Permit residential development that does not compromise the business function of activity centres.

Clause 21.04-3 - Industry, Office and Commercial

70. The objective of this clause is:
    (a) To increase the number and diversity of local employment opportunities.

Clause 21.05 - Built Form (Heritage & Urban Design)

71. The relevant objectives and strategies of this clause are:
    (a) To protect and enhance Yarra's heritage places.
    (b) Apply the Development Guidelines for sites subject to a Heritage Overlay policy at Clause 22.02;
    (c) Apply the Landmarks and Tall Structures policy at Clause 22.03;
    (d) To reinforce the existing urban framework of Yarra.
    (e) To retain Yarra's identity as a low-rise urban form with pockets of higher development.
    (f) 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.
    (g) To ensure that new development contributes positively to Yarra's urban fabric.
    (h) 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.
    (i) To enhance the built form character of Yarra's activity centres.
    (j) Support new development that contributes to the consolidation and viability of existing activity centres.

Clause 21.06 - Transport

72. The objectives and strategies of this clause are:
    (a) *To provide safe and convenient pedestrian and bicycle environments.*
    (b) *Use rear laneway access to reduce vehicle crossovers.*
    (c) To facilitate public transport usage.
    (d) Require new development that generates high numbers of trips to be easily accessible by public transport.
    (e) To reduce the reliance on the private motor car.

Clause 21.07 - Environmental Sustainability

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

Clause 21.08 - Neighbourhoods

74. Clause 21.08-10 of the Scheme describes the Bridge Road Activity Centre as an important regional centre, and can be split into three districts. The central district, Church Street to Coppin Street, '*is diverse in its array of land uses with cafes, bars and restaurants dominating the south side and the Town Hall dominating the north side. This part of the centre does not have a consistent built form'.*

75. Figure 24 - Built Form Character Map: Central Richmond shows the subject site located within the heritage overlay. The guiding urban design principle is to *'ensure that development does not adversely affect the significance of the heritage place'*.

Relevant Local Policies

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

76. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause are:

(a) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;
(b) To retain significant view lines to, and vistas of, heritage places;
(c) To preserve the scale and pattern of streetscapes in heritage places;
(d) To ensure that additions and new works to a heritage place respect the significance of the place; and
(e) To encourage the retention of 'individually significant' and 'contributory' heritage places.

77. This policy refers to an incorporated document (City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8 (as updated from time to time), which identifies the level of significance for all buildings/sites within the Heritage Overlay. Notably, the subject site is nominated as being of 'no contributory' value to the Bridge Road Heritage Precinct.

78. At clause 22.02-5.7.1 (General), it is policy to:

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

(i) Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;

(ii) Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;

(iii) Be visually recessive and not dominate the heritage place;

(iv) Be distinguishable from the original historic fabric;

(v) Not remove, cover, damage or change original historic fabric;

(vi) Not obscure views of principle façades; and

(vii) Consider the architectural integrity and context of the heritage place or contributory element.

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

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

(d) Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

79. At clause 22.02-5.7.2 (Specific Requirements [where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail]), it is relevant policy to:

Corner Sites and Sites with Dual Frontages

(a) Encourage new *building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character*

of the heritage place and adjoining or adjacent contributory elements to the heritage place; and

(b) Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

Industrial, Commercial and Retail Heritage Place or Contributory Elements

(c) *Encourage new upper level additions and works to:*

(i) Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms; and

(ii) Incorporate treatments which make them less apparent.

Carports, Car Spaces, Garages, and Outbuildings

(d) *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.*

(e) *Discourage:*

(iii) new vehicle crossovers in streets with few or no crossovers;

(iv) high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area; and

(v) new vehicle crossovers in excess of 3 metres wide in residential streets.

Ancillaries and Services

(f) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building; and*

(g) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

Clause 22.03 – Landmarks and tall structures

80. The objective of this clause is:

(a) To maintain the prominence of Yarra's valued landmarks and landmark signs

81. The clause continues to state that (relevant elements):

(a) New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference:
(i) Clocktower of Richmond Town Hall.

Clause 22.05 - Interface Uses Policy

82. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:

(a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*

(b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

83. At clause 22.05-3 it is policy that:

(a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*

(b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.07- Development Abutting Laneways

84. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this clause are:

(a) To provide an environment which has a feeling of safety for users of the laneway;

(b) To ensure that development along a laneway acknowledges the unique character of the laneway;

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

(d) To ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.12 – Public Open Space Contribution

85. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:

(a) *To implement the Yarra Open Space Strategy.*

(b) *To identify when and where land contributions for public open space are preferred over cash contributions.*

(c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

86. The site is located in an area where land in lieu of cash is the preferred method of contribution (area 3121D), however, it is not practical to provide the preferred area of the land and therefore cash would be required. Should the site be subdivided, a cash contribution would be required.

Clause 22.16 - Stormwater Management (Water Sensitive Urban Design)

87. This policy applies to applications for new buildings and aims to achieve the best practice water quality performance objectives and to promote the use of water sensitive urban design, including stormwater re-use, to mitigate the detrimental effect of development on downstream

waterways; minimise peak stormwater flows; reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

Clause 22.17 - Environmentally Sustainable Development

88. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

89. The considerations are energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

Other Documents

Urban Design Guidelines for Victoria (DELWP, 2017)

90. These guidelines are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines must be considered when assessing the design and built form of new development where relevant. The guidelines use best practice knowledge and advice underpinned by sound evidence.

Advertising

91. The original application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 96 letters sent to surrounding owners and occupiers and by two signs displayed on site.

92. Council originally received thirteen (13) objections, the grounds of which are summarised as follows:

    (a) Off-site amenity impacts, including loss of outlook and visual bulk impacts, overlooking, overshadowing, loss of solar/daylight access and noise.

    (b) Built form and massing, including height of the southern end of the building where interfacing with the development at 4 Tullo Place, lack of setbacks to the south and excessive overall height.

    (c) Heritage, including lack of heritage conservation of the existing building.

    (d) Neighbourhood character, including lack of activation and presentation of garages along Tullo Place, and overall height being out of character in Bridge Road and Tullo Place.

    (e) Road and pedestrian safety issues along Tullo Place due to garages.

    (f) Traffic impacts along Tullo Place, Bridge Road and at the Tullo Place/Bridge Road intersection.

    (g) Parking congestion.

    (h) Increased carbon emissions.

93. A planning consultation meeting was held on 23/01/2018 and was attended by applicant, objectors, planning officers and Councillors to discuss issues and concerns raised in the letters of objection.

94. Following advertising and the 23/01/2018 consultation meeting, and in response to concerns raised by Council planning officers, internal units and objectors, amended plans were submitted under Section 57A of the *Planning and Environment Act 1987* on 30/04/2018, following a request for further information further plans were submitted on 27/08/2018.

95. The amended application was re-advertised under Section 57B of the *Planning and Environment Act 1987*. An additional five (5) objections were received. The additional objections did not raise new issues. No objections were withdrawn.

96. A total eighteen (18) objections were received to the application.

97. The reduction of one visitor bicycle space was exempt from notice requirements pursuant to Clause 52.34-3.

Referrals

98. The referral comments are primarily based on the Section 57A amended plans ("decision plans") received by Council on 27/08/2018 with the exception of the VicRoads comments and ESD comments.

99. The ESD comments are based on the originally submitted Section 57A plans received by Council on 30/04/2018, prior to the further information submission on 27/08/2018. The VicRoads comments are based on the originally advertised plans. It was considered re-referral was not required to these authorities due to the extent of changes made in the amendments and relevance to these authorities.

External Referrals

100. The application was referred to the following authorities:

(a) City West Water (CWW). City West Water advised by email on 24 October 2018 that the proposal would eliminate the need for the easement and therefore CWW has no objection to the easement removal. It is noted CWW is not a determining referral authority pursuant to Section 55 of the *Planning and Environment Act* 1987.

(b) VicRoads. VicRoads advised on does not object to the development in its current form provided the following condition and note is included on any planning permit issued:

(i) *Condition: Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Bridge Road street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Bridge Road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.*

(ii) *Note: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Bridge Road). Please contact VicRoads prior to commencing any works.*

(c) It is noted VicRoads is not a determining referral authority pursuant to Section 55 of the *Planning and Environment Act* 1987.The VicRoads conditions and notes will have no discernible impact on the development and will be included on the permit.

(d) A copy of the VicRoads response is included as an attachment to this report.

Internal Referrals

101. The application was referred to the following units within Council:

(a) Heritage;

(b) Urban Design;

(c) ESD advisor;

(d) Engineering Services Unit.

102. Internal unit comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

    (a) Strategic context;

    (b) Built form, design and heritage (including consideration of DDO21 and buildings and works over the Road Zone Category 1);

    (c) Commercial 1 Zone (including Clause 55);

    (d) Clause 22.05 Interface uses policy;

    (e) Car parking and traffic;

    (f) Removal of easement; and

    (g) Objectors concerns.

    Strategic context

104. The proposal is consistent with the various development objectives outlined in the PPF and LPPF by providing an acceptable level of compliance with the relevant policies within the Scheme and is considered to provide a positive strategic opportunity for development within a well serviced inner city, urban environment.

105. State and Local Policies encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport such as the subject site. Clause 16.01-1S (amongst others) provides strong state policy support for increased housing yields within existing urban areas.

106. The provision of a mixed-use development including shop at ground level and dwellings above and to the rear is consistent with the general strategies contained within the Scheme. These strategies encourage urban consolidation and employment generating uses in such locations, where full advantage can be taken of existing settlement patterns and transport, communication, water, sewerage and social facilities that already exist.

107. The proposal meets the objectives and strategies of the LPPF by incorporating a range of uses including active space on the ground floor to create and reinforce an active street environment and increased housing.

108. The subject land is located within the Bridge Road Activity Centre and is located close to several public transport options with trams operating along Bridge Road, the nearby West Richmond train station as well as the Hoddle Street/Punt Road bus routes, meeting the objectives of clauses 11.02-1S, 11.03-1 and 18.01-1S of the Scheme. The C1Z which applies to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints.

109. It is noted that policy support for more intensive residential development needs to be balanced with built form and heritage guidance at Clauses 15.01, 15.03, 21.05-1 and 21.05-2 of the Scheme. Council's Local Policy Clause 22.02 seeks to maintain and conserve the significant historic character of the area. The recently implemented DDO12 provides mandatory requirements for Precinct 2 in response to the identified significant heritage streetscape. These policies call for development that responds to the surrounding context with regard to urban character and cultural heritage.

110. As will be discussed in detail within this report, it is considered that the proposal sufficiently achieves State and Local policy guidance in relation to high quality developments and protection of heritage values. It is on this basis that the submitted proposal should be supported.

    Built form, design and heritage

111. In considering the design and built form of the proposed development, the relevant aspects of the Scheme are provided at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form), Clause 22.03 (Landmarks and tall structures), Clause 22.07 (Development Abutting Laneways), Clause 22.16 (Stormwater Management (Water Sensitive Urban Design)), and Clause 22.17 (Environmentally Sustainable Development).

112. More specific to the Bridge Road Activity Centre and the site is the interim DDO21, recently introduced. The DDO21 provides relevant design objectives and guidelines, including prescribed requirements for building and street wall height; setbacks; building separation; views to landmarks; overshadowing to the street; vehicular access; building design; and heritage building design. Due to its precinct specific and detailed design guidance, the DDO21 will be largely relied upon for the assessment of this application in relation to built form, design and heritage.

Context

113. Considering the strategic direction of the Activity Centres and the C1Z to encourage higher density developments, the expectation for intensive development of the site and surrounding land within the Bridge Road Activity Centre is anticipated.

114. As identified earlier in the report, Bridge Road is a traditional retail strip consisting of commercial use and development, largely comprising a single and double storey street wall interface. Many commercial buildings are Victorian and graded contributory and individually significant to the Bridge Road Precinct, Richmond.

    Projecting canopies and verandahs over the Bridge Road footpath are characteristic of the commercial strip. Numerous higher density developments have emerged to the rear of lower scale commercial/shop buildings, such as to the rear of 276-278, 290-292 and 310-312 Bridge Road.

115. Overall, the proposal is a considered development scheme, whereby a double storey street wall is maintained and is consistent with the street wall of eastern and western adjoining developments along Bridge Road. The levels above Level 2 are well recessed and setback from the Bridge Road frontage and provides an appropriate separation to the low scale heritage streetscape. The proposal includes a shopfront at ground level to ensure an active frontage along Bridge Road. The development will sit comfortably with the Bridge Road Activity Centre context.

116. Of importance it is identified that insufficient consideration is given to the sensitive residential interface to the south with respect to the overall building mass and scale. This will be addressed in greater detail in the following section of the report.

Height, scale and massing

117. At Clause 43.02-2 the Design and Development Overlay states that buildings and works must be constructed in accordance with any requirements in a schedule to the overlay. However, a permit may be granted to construct a building or construct or carry out works which are not mandatory requirements of the schedule.

118. The DDO21 provides guidelines for the Bridge Road Activity Centre with regard to building heights, street wall heights and upper level setbacks behind, setbacks with residentially zoned land and building separation. Under the DDO21 control, the site is located within Precinct 2 of the Bridge Road Activity Centre.

119. As defined on the Building Heights and Setbacks – Precinct 2 plan mandatory requirements for the site include the following:

    (a) A maximum building height of 18.0m;

    (b) A maximum street wall height of 11m (where there is no heritage frontage); and

    (c) Must consist of a minimum 6.0m upper level street setback behind the street wall.

120. The proposal achieves a high level of compliance with the mandatory requirements of the Overlay. The maximum building height of 14.46 metres, with a predominant building height of

13 metres, is well below the maximum allowable of 18 metres. The street wall height of 9 metres does not exceed the maximum street wall height of 11 metres. The street wall height has been designed with regard to the adjoining buildings and is supported both by Council's Urban Design and Heritage advisors. The upper level behind the street wall is setback a total 10.85 metres from the street frontage, exceeding the 6 metre minimum requirement.

121. It is of note that the western and eastern elevations show a projecting element at the northern perimeter of Dwelling 3's roof top terrace (not identified/defined on the northern elevation). For clarity, this element should be deleted from the plans and the maximum building height should be maintained as being to the top of the solid roof terrace balustrade as discussed throughout the balance of the report. This will be facilitated via condition of permit.

122. In addition to the mandatory requirements relating to the street presentation, the DDO21 includes a discretionary requirement for buildings to be setback from residentially zoned land as shown in Figure 1 below.

Figure 1 – Setback for Interface with Residential Zoned Land

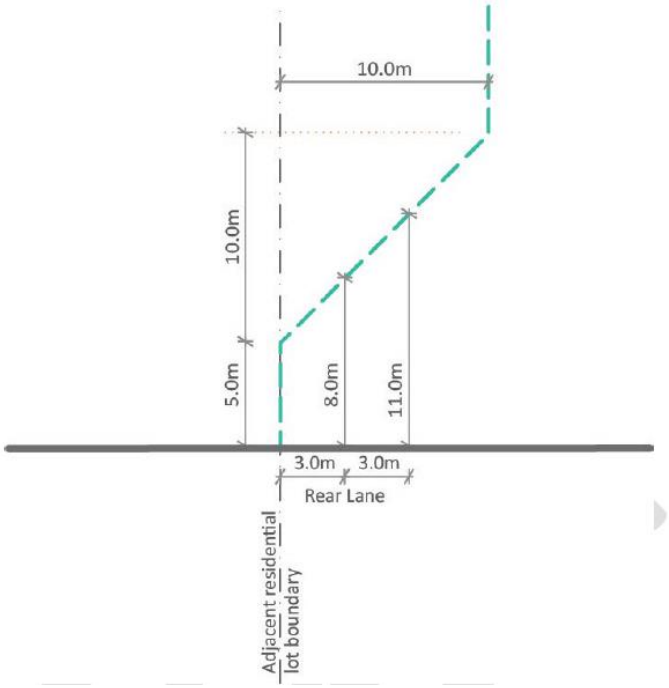


Figure 1 – DDO21 setback for interface with residential zoned land

123. The southern adjoining land is included in the General Residential Zone, Schedule 2. Therefore the DDO21 setback for interface with residential zoned land requirement applies to the southern interface of the development. It is evident that the development will project above the suggested building envelope, as demonstrated below:

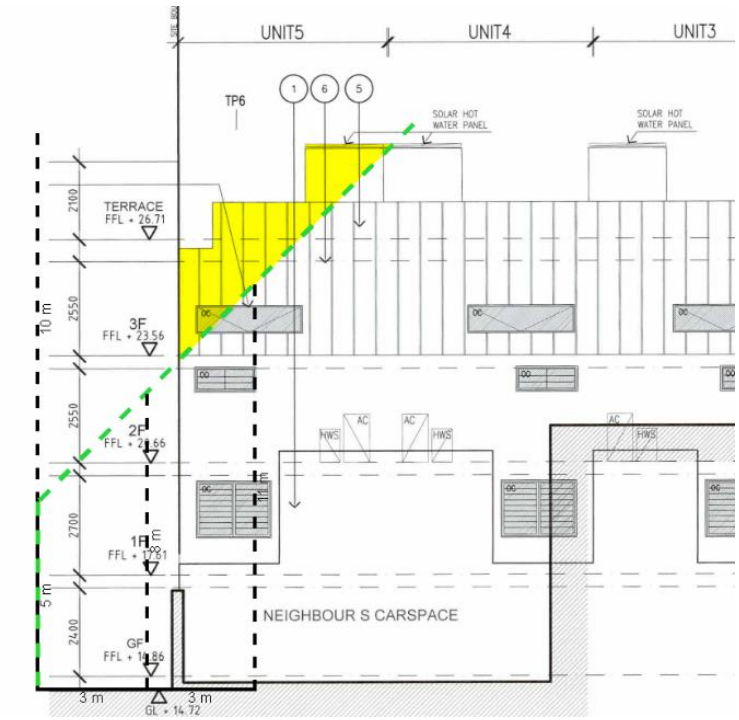


Figure 2 Eastern elevation drawing with DDO21 setback for interface with residential zone land to the south superimposed

124. The DDO21 setback for interface with residential zoned land is superimposed onto the eastern elevation in Figure 2. It is evident that the development will project above the suggested building envelope to the south.

125. It is evident that the site is within a transitional zone, located within the Commercial 1 Zone and abutting the General Residential Zone directly to the south. It is expected that over time this site, along with other sites on the southern side of Bridge Road, will be redeveloped with taller built form. Therefore, expectations of properties adjacent to the Bridge Road MAC need to be tempered with strategic policy in support of urban consolidation on sites such as this. Conversely, development will need to respond to adjoining land uses to provide an adequate transition and provide a reasonable outcome with regard to massing and visual bulk.

126. Having regard to the particular site context, and regardless of the rear setback provision of the recently introduced DDO21, the proposed development is not appropriately massed to ameliorate unreasonable visual bulk. The orientation of the southern apartment building results in the primary outlook of these dwellings facing the north, the rear of the subject site. It is identified that the areas that are most sensitive to visual bulk (i.e. main living spaces and principal private open space areas) would directly face the site. The proposed development would appear overbearing from these locations.

127. With reference to the Figure 1 of DDO21 it is clear that built form is to taper down where abutting residential land to avoid unreasonable amenity impacts. In this context it is considered appropriate that a stepped built form is provided as a means of offsetting bulk presented to the rear. This will assist in minimising the full appreciation of the building height to the General Residential Zone to the south.

128. To reduce the building mass with regard to the DDO21 building envelope requirements it is considered that Level 2 to Dwelling 5 be deleted, resulting in a 2 bed, 3 level dwelling with roof top terrace. In doing so, the building envelope would generally comply with the DDO21 setback for interfaces with residentially zone land as demonstrated by the superimposed red line in the below figure.

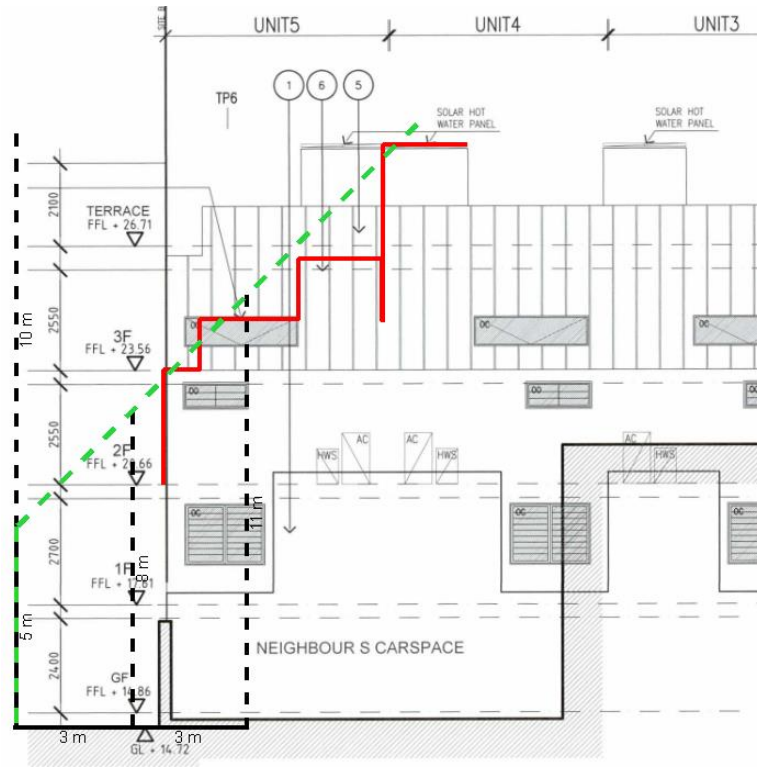


Figure 3 Eastern elevation drawing with DDO21 setback for interface with residential zone land to the south superimposed and recommended building envelope shown

129. As demonstrated, whilst there are minor encroachments outside of the required setback these are considered inconsequential and the amended built form provides an appropriate transition to the more sensitive zoning to the south. With regard to the anticipated future development of this site and surrounding sites, overall heights of 18 metres, it is considered that the reduction of the building to three storeys on the southern boundary is an appropriate built form outcome. Where greater heights are anticipated it is considered that a more robust built form can also be supported at a rear residential interface.

130. It is noted that the amended scheme would result in a three storey building, with a similar height as the apartment building to the south. Accordingly, the deletion of Level 2 to Dwelling 5 is recommended to be required via condition of permit.

131. In relation to building separation, the DDO21 control requires that where development shares a common boundary upper level development must:

    (a) Be setback a minimum 4.5m from the common boundary, where a habitable window or balcony is proposed; and

    (b) Be setback a minimum of 3.0m from the common boundary where a non habitable window is proposed.

    Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

132. Where upper levels are setback from the common boundary with 266 Bridge Road to the east, a setback of 1.14m is provided, falling short of the DDO21 building separation requirements. However the 1.14m setback will ensure reasonable daylight access to the east facing windows of the proposed development and will reasonably ensure daylight access to the west facing windows of any future development at No. 266 Bridge Road to the east.

133. With regard to the western wall, the upper levels are generally constructed along Tullo Place, contrary to the DDO21. However it is considered that the setback provided by the laneway will allow for adequate buffer distance to ensure that any future development to the west will receive adequate daylight access and outlook. There is no particular concern in this regard and it is a dominant feature of corner developments to adopt a zero setback to the side street.

134. With regard to the Tullo Place 'lanescape character', Policy at Clause 22.07 (Development abutting laneways) requires development to respect the scale of the surrounding built form. Local policy also seeks to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges its unique character, to ensure that where development is accessed off a laneway, all services can be provided to the development, and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

135. Opposite the site in Tullo Place is the sideage of the corner shop located at 260 Bridge Road, presenting as an approximately 9.0m high eastern wall before scaling down to single storey where opposite the rear. As the following images demonstrate, the Tullo Place character consists of rear entries to buildings fronting Church Street and primary entrances to dwellings fronting Tullo Place that commonly provide blank, sheer side walls and car parking access.







136. There is no character of high pedestrian amenity along Tullo Place. The 'dead end' nature of Tullo Place lends itself to have a laneway function, used for vehicles of residents/business owners with primary access to the street. Beyond the southern abutting ROW to the south is a triple storey 8.8m high apartment building constructed to Tullo Place to its western side.

137. The main entry to the active shop tenancy is maintained at the Bridge Road frontage, this ensures pedestrian safety in accordance with policy at Clause 22.07. Pedestrian entry for all five dwellings is off Tullo Place consistent with policy at Clause 22.07.

138. Towards the Bridge Road frontage (north) the proposed development comprises a 9.0m high wall constructed to Tullo Place, stepping up to a four storey height. Along the Tullo Place interface the building comprises a pattern of four 9.5m high shroud elements, three of which project forward of Dwellings 3, 4 and 5 ensuring that the Level 4 appears somewhat recessive.

139. In addition, and as discussed earlier in the report, to minimise visual bulk and overshadowing impacts to the southern adjacent residential land Level 2 to Dwelling 5 is recommended to be deleted thereby reducing the southern portion of the building to three stories in scale.

140. Therefore, in the immediate site context, it is considered that an adequate transition in building height will be achieved and the overall building scale will be adequately respectful of the Tullo Place 'lanescape'.

141. With regard to equitable development the proposed development abuts commercially zoned land to the east, a public lane to the south and public streets to the west and north. The development prospects of the northern, southern and western interfaces are therefore protected by virtue of the separation provided by the lane/streets.

142. With regards to the eastern adjoining property it is considered this property could reasonably be expected to develop in the future in accordance with the intent for the Bridge Road MAC within the Yarra Planning Scheme. The proposed development generally responds to this by proposing light courts and sheer walls to the east which can be matched by future development of the neighbouring sites to maximise their development potential.

143. Furthermore, with regard to the narrow width of No. 266 Bridge Road, even if combined with No. 268 Bridge Road, it is more likely that the development would orientate itself in a northern and southern orientation for primary outlooks. Having regard to the equitable development principles and the reasonable development opportunities of the site to the west, the proposed eastern interface as currently proposed is considered acceptable.

Heritage

144. The primary heritage considerations for this application relate to whether compliance is achieved with Clause 43.01-4 (Heritage Overlay) and Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay). The DDO21 also provides guidance with regard to heritage building design.

Demolition

145. With regard to full demolition of a building, policy at Clause 22.02-5.1 states that a building in a heritage place should be retained, unless:

    (a) *The building is identified as being not contributory.*

    (b) *An application for demolition is to be accompanied by an application for new development.*

146. The proposal includes the full demolition of the site, including all buildings, fences, front canopy, and surface treatment.

147. Council's Heritage Advisor confirms that the existing building on site is 'not contributory'. Therefore, it is considered that full demolition of this building will have no impact on the cultural significance of the heritage precinct. Furthermore, the proposal for demolition is accompanied by a new development proposal. Therefore the full demolition of the site, including all buildings, fences, front canopy, and surface treatment is supported.

Buildings and works

148. Clause 22.02-5.7.1 seeks to encourage the design of new development to a heritage place to respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape. The policy also seeks designs that are articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place, is visually recessive and does not dominate the heritage place, and is distinguishable from original historic fabric.

149. The recently implemented DDO21 also provides further heritage guidance, as identified earlier, in regards to building facades and street frontages as well as upper level development and setbacks above the street wall.

150. The proposed front setback will be 0m at ground and first levels. At second level Terrace 1 and 2 are constructed to Bridge Road and the associated dwellings are setback 3.1m from the street, all concealed behind a high 2.75m parapet. The development adopts a 8.9m-9.0m facade height and is comparable to the adjoining site and consistent with the contributory and individually significant shops/commercial buildings found along Bridge Road that all have 0m

front setbacks. This modern approach will retain the dominant heights within the streetscape to ensure it complements the existing built form.

151. The proposed overall height of the building is to be 13 metres to the top of the terrace balustrading and 14.46 metres to the top of the stair enclosures of Dwellings 3, 4 and 5. As previously discussed the proposed heights are in compliance with the mandatory 18 metres height as prescribed by DDO21.

152. The higher built form associated with the rear three dwellings third floor and roof terraces will be setback 10.85m from Bridge Road, as previously discussed well in excess of the 6 metre recommended setback contained with DDO21.

153. It is noted that Council's Heritage Advisor in their initial comments raised concern with the overall height and recommended a maximum 12 metre height at the rear including roof terraces on the basis that no multi-storey recent developments to shop buildings with four of five storey rear additions.

    It is considered that this is not the case, with the development at the rear of No. 310 Bridge Road clearly five storeys in height (one more than the proposal) with visible balconies facing Bridge Road.

154. As demonstrated in the submitted West Elevation - Tullo Place Streetscape/ Bridge Road View Line Diagram, the third floor and roof terraces will be concealed from view when viewed from the opposite (northern) side of Bridge Road at a height of 1.7m above the pavement and will not dominate the heritage place. It is noted that this sight line diagram would be more conservative than what is recommended by Clause 22.02, where a sight line taken from a height of 1.6m is the relevant test.

155. On this basis, the 0m front setback and the 13m – 14.46m higher built form is consistent with the character of the commercial strip and the principal and upper level setbacks are adequately respectful of the heritage values in the precinct.

156. In relation to Tullo Place, the development will have a 0m setback to the laneway for the front (northern) portion. Toward the rear there will be a minor 1.0m setback at ground level however the winter garden/balcony shroud elements will occupy this setback above. In the earlier heritage comments provided, Council's Heritage Advisor advised that within a commercial strip, a 0m side setback to the laneway is considered consistent with the character of the area.

157. The roof form of the proposed development is flat. As the area consists of parapet roof forms, the concealed flat roof form will be adequately respectful of heritage values. Council's Heritage Advisor raised no concern in this regard.

158. With regard to architectural presentation, the development is contemporary in design. This is not unacceptable, provided that adequate respect is given to the heritage character of the precinct through details such as fenestration, proportions and materials.

159. The proposed development provides a large shopfront at the Bridge Road frontage at ground level. This recreates the traditional shopfronts of nearby contributory and individually significant buildings along Bridge Road and will help to integrate the new building into the heritage streetscape at ground level. The double shopfront presentation at the street frontage is also similar to existing site conditions and other double fronted shopfronts in the commercial strip and is considered to be reasonably consistent with the fine grained character of the street, pursuant to the DDO21 requirements.

160. At first level along the Bridge Road frontage, the building comprises three north facing vertical windows. The vertical proportions are considered to be respectful of the nineteenth and early twentieth century facades of the heritage streetscape and adjoining buildings, pursuant to the DDO21 heritage building design requirements. In the Section 57A Amended Plans, the proposal has raised the height of the floor structure toward the frontage so that it no longer intersects with the visible part of the front windows at first level, as shown in Figure 4. This improves the fenestration presentation and is consistent with the character of the area.

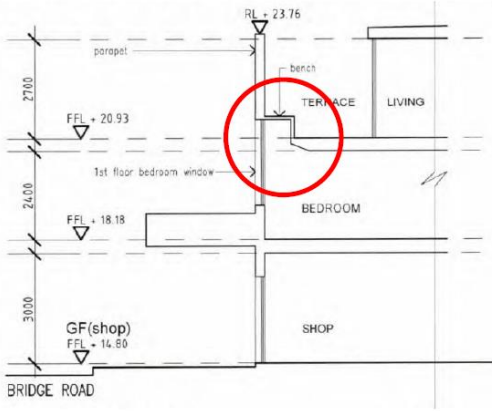


Figure 4 Section drawing showing raised height of floor structure toward the frontage so that it no longer intersects the front windows.

161. It is of note that Council's Urban Design Officer has queried whether this arrangement is buildable once other requirements (such as insulation and drainage for the terrace above) are taken into account. However Council's Heritage Advisor confirms that this is a typical solution often used for heritable buildings. There is no reason to believe that this arrangement cannot be accommodated. A scenario whereby the floor intersects the window will not be supported. It is recommended that the eastern and western elevation plans be updated to show the stepping of the floor to ceiling height at the front of the building to accord with the section shown above.

162. The front canopy of the proposal matches the height of the front canopies to the eastern and western adjoining heritage buildings along Bridge Road and is consistent with the heritage streetscape, pursuant to the DDO21 heritage building design requirements.

163. Large shop and dwelling windows are provided at the Bridge Road and Tullo Place frontages, pursuant to the DDO21 requirements. As identified by Council's Urban Design Officer, the western facade comprises a window opening to Terrace 1. This would allow views to the sky when looking through the window from the street. Council's Urban Design Officer has advised that to strengthen the front portion of the building as a more solid three dimensional building, this window should be deleted. It is considered that the deletion of this window would also respect the scale and form of the adjoining heritage places by strengthening the two storey character of buildings along Bridge Road, concealing the third floor behind. This can be required via condition of permit.

164. The upper levels of Dwellings 3, 4 and 5 (Level 3 and roof terraces) consist of a simple boxy design when viewed from Bridge Road and will not detract from the significant elements of the heritage streetscape, pursuant to the DDO21 Heritage building design requirements.

165. With regard to the development presentation along Tullo Place, Council's Heritage Advisor has previously advised that the western facade detailing is of limited heritage concern to the character of the Bridge Road streetscape. No further consideration is required in this regard.

166. The contemporary design, built form and finishes will clearly distinguish the development from the original built form along Bridge Road as required by policy, whilst blending in appropriately with the Bridge Road streetscape. No concern was raised by Council's Heritage Advisor with regard to the proposed finishes and colours.

167. As identified earlier, the DDO21 heritage building design requirements require upper levels to utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry finish of heritage facades. This is generally achieved in the proposed development scheme whereby the upper level (i.e. Level 3 and the balustrades to the roof terraces of dwellings 3, 4 and 5) consists of a light grey colorbond or zinc coloured vertical standing metal cladding finish. This provides a lightweight contrast to the more solid white rendered finish of the principal built form at the Bridge Road frontage. Whilst colorbond and zinc are similar in appearance to ensure a uniform material is applied to the

upper levels a condition can be included for either colorbond or zinc be used, rather an option for both. In this regard, the DDO21 requirements are satisfied.

168. In addition to the above considerations, Policy at Clause 22.02-5.7.1 discourages elements which detract from the heritage fabric or are not complimentary with the era of the building including unroofed or open upper level decks or balconies.

169. The proposed scheme includes Terrace 1 and Terrace 2 at the Bridge Road frontage and roof top terraces to the rear. Whilst open/roof terraces are generally not supported in a heritage overlay area, Terrace 1 and 2 will be positioned directly behind the 2.75m high parapet and will be concealed from streetview. Roof Terraces 3, 4 and 5 will be recessive and will not be immediately visible in the Bridge Road streetscape, as demonstrated in the submitted West Elevation – Tullo Place Streetscape / Bridge Road View Line Diagram. As such, the open terraces are supported. No concern was raised by Council's Heritage Advisor in this regard.

Views to landmarks

170. Policy at Clause 22.03 (Landmarks and tall structures) identifies the Clocktower of Richmond Town Hall as a prominent landmark in the municipality and requires new buildings within the vicinity of the Clocktower to be designed to ensure that this landmark remains as the principal built reference in the area. The approved DDO21 provides specific guidance in this regard.

171. The DDO21 requires new development to maintain existing views to the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from the following viewing points:

    (a) The south west corner of Lennox Street and Bridge Road intersection;

    (b) The south east corner of Burnley Street and Bridge Road intersection; and

    (c) Citizens Park at the entrance from Highett and Gleadell Street intersection and the central entry from Highett Street.

    Where a landmark is currently viewed from the above viewing points with a "clear sky" backdrop, the development must maintain views to some clear sky between the landmark and the proposed development.

172. As demonstrated in Figure 4 below, due to the site's location along the southern side of Bridge Road, there will be no impact on the protected view lines to the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall. Furthermore, due to the site being offset to the west of the Richmond Town Hall and due to the modest four storey height of the proposed development, there will be no risk of interfering with the "clear sky" backdrop to the Clocktower and Richmond Town Hall when viewed from the Citizens Park viewing points. Refer to Figure 5.

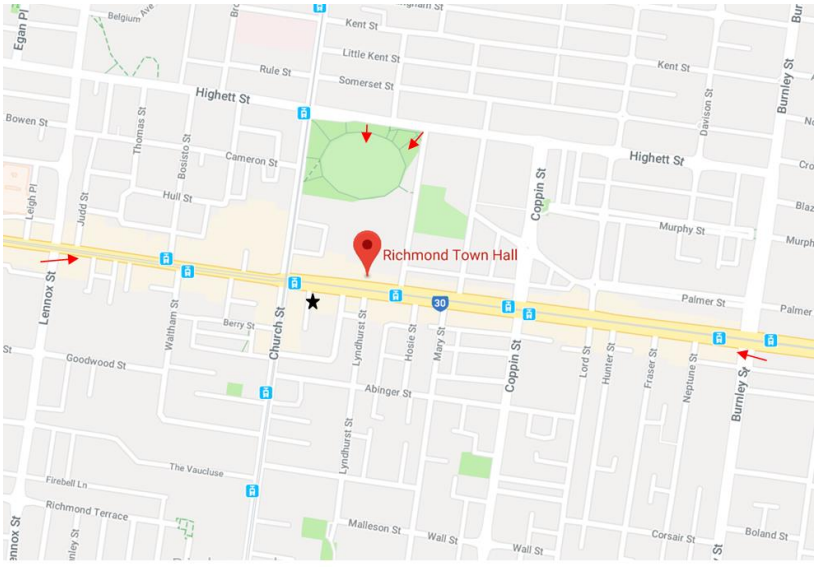


Figure 5 The DDO21 viewing points for the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall. Subject site marked with black star.

Public Realm & Pedestrian Spaces

173. The glazed shopfront at the Bridge Road frontage allows for internal views from the street to enhance the pedestrian experience and provides an active frontage in the Activity Centre. This outcome is consistent with the public realm and pedestrian spaces policies at clause 15.01-1S and 15.01-2S and the activity centres policies at Clause 21.04-2 of the Scheme.

174. In terms of pedestrian safety, the recessed shop entry is only 600mm deep, is visible through the glazed shop front windows and will be adequately illuminated by street lighting during evening times. There are no lighting requirements at this area.

175. The dwelling garages are setback 1.0m from Tullo Place, allowing additional space for vehicle movements. Council's Engineers have confirmed that subject to the doorway widths being suitably dimensioned, this setback will facilitate good vehicle ingress and egress movements.

In addition, Council's Engineering Services Unit confirmed that the additional vehicle movements generated by the proposed development are not expected to be detrimental to the operation of Tullo Place in anyway.

176. The building will be contained on site and the west facing garage doors are either roller doors or panel tilt doors and are not expected to encroach into the laneway, obstruct access to other properties in Tullo Place or obstruct emergency vehicle access in any way, pursuant to policy.

177. The west facing habitable room windows, winter gardens and balconies at first, second, and third levels and the roof terraces to Dwellings 3, 4 and 5 allow for passive surveillance of Tullo Place and do not overlook private open space on the opposite side of Tullo Place, generally in accordance with policy. Potential for overlooking to the south will be assessed in detail later in the report.

178. On-site bin storage is provided to the shop and dwellings. Therefore, the bins are expected to be stored on site, off the laneway. To ensure the appropriate collection of waste, a Waste Management Plan (WMP) is required. This will be required via condition of permit.

Light and shade

179. With regard to light and shade, the DDO21 states that *a development must not overshadow any part of the southern footpath of Bridge Road to a distance of 3.0m from the kerb between 11am and 2pm at 22nd September.* As the development is located on the southern side of the street, the DDO21 requirement is satisfied.

Energy and Resource Efficiency

180. It is reiterated that the ESD referral comments are based on the amended plans received by Council on 30/04/2018. The only difference between these plans and the "decision plans" is the modifications made to Dwellings 1 and 2, including relocation of the outdoor terraces to Level 2 directly behind the front parapet, in lieu of Level 3. Based on the earlier amended plan and the latest MC^2 Energy Consultants Environmental Sustainable Design Assessment (SDA) dated 25/05/2018 Council's ESD officer advises that the Council's ESD standards are met. The following commitments are outlined on the development plan and in the submitted SDA:

    (a) Operable glass louvres to west facing winter gardens and windows with operable shading over to all west facing windows, reducing cooling loads to less than 30MJ/m^2;

    (b) Good access to daylight and natural ventilation;

    (c) Water efficient fixtures and taps;

    (d) Energy efficient heating and cooling;

    (e) Six (6) on-site bicycle spaces for residents;

    (f) 3 x 2000 litre water tanks, for toilet flushing;

(g) A BESS Score of 56% (representing best practice); and

(h) A STORM Rating Score of 104% (representing best practice).

181. It is acknowledged that with a narrow 8.56m wide north-south aligned lot it is difficult to achieve an arrangement whereby all dwellings will consist of internal living areas and private open space with a northerly aspect. Despite this, Dwellings 1 and 2 comprise of a north facing living room and terrace, and Roof Terrace 3 consists of a northerly aspect and will receive ample solar access.

182. It is acknowledged that the 2.75m high parapet at the Bridge Road frontage will largely obstruct sunlight access to Terraces 1 and 2, however there will be some solar access via the three vertical windows. This is considered to be an acceptable arrangement as it preserves the built form characteristics of the heritage streetscape.

183. Aerial images indicate that the southern property does not comprise roof mounted solar panels. There is no impact in this regard to the surrounding properties.

184. Based on the above, the proposed development would achieve best practice in environmentally sustainable design 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 Planning Scheme.

185. The submitted MC^2 Energy Consultants SDA report dated 25/05/2018 will need to be updated to reflect the S.57A decision plans received on 27/08/2018. This can be facilitated via condition of permit.

Site Coverage

186. The development will occupy 90% of the site area. Whilst this increases the existing site coverage, this would be inevitable for any development proposed on the site given the moderate extent of development currently found on the land. The degree of built form coverage proposed is similar to that found on many sites within the Bridge Road Activity Centre and is acceptable.

Architectural design and quality

187. The development is considered to be of high architectural quality and integrates well with the existing streetscape. The contemporary design is appropriate with a number of features incorporated into the scheme that reflect heritage characteristics found within adjoining buildings. The building maintains a shopfront, canopy over the Bridge Road footpath and a good proportion of solid to void (windows) along the front facade at first level. This is consistent with other commercial buildings commonly found along the Bridge Road Activity Centre and is supported in this regard.

188. The shop tenancy comprises a floor to floor height of approximately 3.3m, falling short of the minimum 4.0m height recommended under the DDO21. Council's Urban Design Officer has raised that the minimum floor to ceiling heights may create poor amenity and less flexibility for the two levels at the Bridge Road frontage.

189. In this instance the shopfront windows reasonably align with the shopfront windows to the east and west of the site and the front canopy matches the projecting canopies to the eastern and western commercial buildings. In this regard, the proposed development will be reasonably in keeping with the architectural arrangement and detailing of other shopfronts in the commercial strip. It is also noted that the floor to ceiling heights proposed are standard and Council's ESD Officer is satisfied with the internal amenity provided. This aspect is not considered fatal to the development and it is considered the raising the shop floor to floor height is not considered necessary.

190. Along the western (Tullo Place) elevation, the building is well articulated with a graduated fourth level, a pattern of four 9.5m high shroud elements with openable glass louvres, three of which project forward of Dwellings 3, 4 and 5 ensuring that the Level 4 is also somewhat

recessive along the Tullo Place interface, and an array of west facing windows is also provided. When viewed along Tullo Place the building will present as a well articulated, high quality design.

191. Council's Urban Design Officer has recommended deeper awnings to the west facing dwelling entries along Tullo Place. However the awnings are 600mm deep and will adequately provide for shelter to residents and visitors. There will be no particular requirement in this regard.

192. The white rendered finish to the front, side and rear walls is in keeping with the rendered finish to the eastern and western adjacent heritage buildings along Bridge Road. In other regards the development will include projecting two storey shroud elements to the western winter gardens/balconies and a matching shroud element to Dwelling 1's west facing windows in a medium grey alucobond cladding finish with operable glass louvres, a light grey vertical standing seam metal finish to the third level and roof top terrace balustrades, and a feature dark grey ('monument') miniorb profile colourbond sheet finish to the southern and western walls at ground level and the west facing garage doors. These finishes are considered to be adequately compatible with the finishes and colours found in the area and will achieve a high quality architectural result.

193. Council's Urban Design Officer is generally satisfied with the colours and finishes schedule, however recommended minimising the heavy commercial appearance of the western shroud elements by providing a finer frame and suggested that the finish could be changed to a material with a softer appearance. It is considered that the proposed shroud elements in alucobond cladding finish as proposed is adequately in keeping with the building finishes and colours in the area and is not of particular concern. Therefore modification to this design detail will not be required.

194. A standard condition can be included on any permit issued to ensure that the walls located on the boundaries, where facing public property, be treated with a graffiti proof finish. This will futureproof the building against vandalism and protect the integrity of the materials proposed.

195. Council's Urban Design Officer has also suggested that the crossovers and drop kerb could be paved in a higher quality material to avoid the appearance of one large crossover. However sealed crossovers is a characteristic in the local area and crossovers and garages proliferate the side streets off Bridge Road. Furthermore, as previously identified Tullo Place as it exists does not exude a high level of pedestrian amenity due to its function as a dead end road, providing primary access for vehicles not only to individual tenancies but to the larger development at 4 Tullo Place. As such, this is not considered to be required.

196. It is of note that the finishes to the recessive stairwell shafts and the operable shading over west facing windows has not been specified on the plans. To ensure an overall high quality result, these finishes must be specified, ensuring adequate on-site compatibility to the satisfaction of Council. This can be required via condition of permit.

197. The proposed development provides one shopfront at the street frontage, similar to existing site conditions and similar to other double fronted shopfronts in the commercial strip. This is considered to be adequately in keeping with the subdivision pattern in the street.

198. The development incorporates a projecting canopy over the Bridge Road footpath for the full width of the street frontage and will continue the existing canopy cover from the east, pursuant to the DDO21.

Commercial 1 Zone (including Clause 55)

199. The relevant considerations from a buildings and works perspective include the decision guidelines under *Clause 34.01-8* (*Commercial 1 Zone*). The majority of decision guidelines have been addressed within the report. The outstanding areas to be addressed include car parking, the storage or rubbish and materials for recycling and the objectives, standards and decision guidelines of Clause 55 including the consideration of overlooking and overshadowing to the adjoining residential zone.

200. Car parking will be discussed further, later in the report. With regard to waste removal, the applicant would need to submit a WMP. The WMP would need to be prepared to the

satisfaction of Council, and if endorsed will form part of the permit. This can be facilitated via condition of permit.

201. Clause 55 comprises 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.

202. It is noted that the majority of aspects in regards to neighbourhood character and infrastructure, site layout and building massing and design detail have been addressed within the Built Form, Design and Heritage section of this report. Only the outstanding matters, as well as, an assessment on the relevant standards pertaining to Amenity Impacts, On-Site Amenity and Facilities, will be discussed as follows:

Permeability

203. The proposed permeable surface area is 2%, less than the minimum 20% prescribed by the standard. However this is a marginal improvement on the current site conditions whereby no permeable surface area is provided, and will thereby not increase stormwater runoff on the drainage system, pursuant to the objective.

204. It is also of note that in conjunction with 3 x 2000 litre rainwater tanks used for toilet flushing, the development will achieve a STORM Score of 104%, representing best practice.

205. Overall, the objective is satisfied and a variation to the standard is acceptable in this instance.

Landscaping

206. The 0m front setback and absence of soft landscaping at the Bridge Road frontage is considered to be in keeping with the established streetscape character. Landscaping to the rear is limited to four small planter boxes along the Tullo Place interface at ground level, and appears to be provided to mark the four dwelling entries along this street. In the context of the robust Tullo Place 'lanescape' (northern end), this is considered to be acceptable. The objective and standard are satisfied.

Access

207. Discounting the non-operational crossover adjacent to the shop, the crossovers along Tullo Place occupy 38.6% of the street frontage, in excess of the maximum 33% prescribed by the standard. However as identified earlier in the report, in this area crossovers proliferate the side streets off Bridge Road. The proposed crossovers are therefore considered to be in keeping with the character of the area, pursuant to the objective, and a variation to the standard is considered acceptable

208. In other regards, one single width crossover is provided to Dwellings 3, 4 and 5, pursuant to the standard requirements.

209. As Tullo Place is affected by no standing parking restrictions, there will be no impact on on-street parking in the area, generally in accordance with the standard.

Side and rear setbacks

210. The proposal results in the following non-compliances with Standard B17:

(a) The eastern wall above the Ground Floor and up to Level 3 is setback 1.14m from the eastern boundary, falling short of the minimum 7.99m setback prescribed by the standard;

(b) Stairwell shafts 3, 4 and 5 are setback 1.14m from the eastern boundary, falling short of the minimum 9.43m setback prescribed by the standard; and

(c) Stairwell shaft 5 is setback 3.54m from the southern boundary, falling short of the minimum 9.53m setback prescribed by the standard.

211. The eastern property at 266 Bridge Road is occupied by a double storey Victorian era terrace building with shop at ground level and residence at first level. The residence comprises no west facing habitable room windows and no evident outdoor private open space. Therefore,

the non-conforming eastern setbacks will have no adverse visual bulk impacts to the east. Furthermore, boundary walls and narrow side setbacks are characteristic of the Bridge Road commercial precinct. On this basis, the objective is satisfied and a variation to the standard is accepted.

212. To the south of the site is a 3.7m wide laneway. Beyond the laneway to the south is a triple storey apartment building. Whilst Stairwell shaft 5 does not conform with the minimum 9.45m setback prescribed by the standard, it is recessive and presents as a moderate sized ancillary. Stairwell shaft 5 is not in itself expected to result in adverse visual bulk impacts to the south, generally in accordance with the objective. The four storey southern boundary wall is more the concern. This is discussed in the following section of the report. With regard to the southern Stairwell shaft setback, a variation to the standard is considered acceptable.

Walls on boundaries

213. The eastern boundary wall is constructed along the eastern boundary for a length of 27.61m, beyond the length of the eastern abutting wall at 266 Bridge Road, and the eastern boundary wall comprises a staggered 8.9m, 3.0m and 6.1m height and extends higher than the eastern abutting boundary wall toward the rear of the site, contrary to the standard requirements.

However, it is re-iterated that the eastern adjoining property at 266 Bridge Road is occupied by a double storey Victorian-era terrace building with shop at ground level and residence at first level. The residence comprises no west facing habitable room windows and no evident outdoor private open space. Therefore, the non-conforming eastern boundary wall will have no adverse visual bulk impacts to the east. Furthermore, it is noted that boundary walls are characteristic of the Bridge Road commercial precinct. On this basis, the objective is satisfied and a variation to the standard is considered acceptable.

214. The southern boundary wall is constructed along the full length of the southern boundary (being a length of 8.44m) in accordance with the maximum 10m prescribed by the standard, however the southern boundary wall extends to an approx. height of 11.6m, in excess of the maximum 3.6m height prescribed by the standard and will result in adverse visual bulk impacts to the southern adjacent apartment building at No. 4 Tullo Place.

215. As previously described the design of the apartment building located in 4 Tullo Place is so that the primary outlook of these dwellings faces north and the subject site. The respective courtyard and balconies are connected to living spaces that are more sensitive to visual bulk as they are expected to be habited for longer periods of time throughout the day. The proposed development appear overbearing from these areas. .

216. It is reiterated that the Clause 55 provisions do not technically apply to land in the C1Z. Strict application of Standard B18 (Walls on boundaries) is not justified in this instance due to the zoning of the land. However, the visual amenity of the southern adjacent apartment building is a valid consideration.

217. As previously discussed within the report it is considered that a primary outlook from these dwellings to a four storey sheer wall is unreasonable. This is supported by the introduction of a recommended setback from residentially zoned land contained within the DDO21. In brief, to ensure that the southern wall provides an adequate transition to the residentially zoned land, Level 2 to Dwelling 5 is recommended to be deleted. This will reduce the southern boundary wall to an estimated 8.9m height.

218. The resultant 8.9m boundary wall height, combined with the buffer distance provided by the 3.7m wide laneway to the south, will help to protect the visual amenity and outlook of the southern adjoining apartment building, generally in accordance with the objective at Clause 55.04-2. It is noted that this building itself adopts an overall height of 8.8 metres and therefore the two buildings would be commensurate in height.

Daylight to existing windows

219. There are adjacent habitable room windows to the south of the site to consider. It is noted that the first floor windows of the two storey building to the west, whilst shown to be associated with

an apartment have been confirmed to form part of the business at this address and therefore are not habitable room windows and do not require assessment against this clause.

220. As discussed in the report, the southern boundary wall is recommended to be reduced in height to an estimated 8.9m with the recessed southern balustrade to Roof Terrace 5 to have an estimated height of 9.9m, via a permit condition. Based on this revised development scheme, the 8.9m high southern boundary wall will be setback a minimum 4.6m from the southern adjacent habitable room windows, in excess of the minimum 4.45m setback prescribed by the standard. The southern 9.9m high Roof Terrace 5 balustrade will be setback a minimum 5.6m from the southern adjacent habitable room windows, in excess of the minimum 4.95m setback prescribed by the standard. On this basis, all southern adjacent habitable room windows will receive uninterrupted daylight access, pursuant to the objective and standard.

221. Based on the above assessment, the southern adjacent habitable room windows will continue to receive uninterrupted daylight access, pursuant to the objective and standard.

Overshadowing open space

222. The triple storey apartment building to the south of the site comprises north-facing courtyards at ground level and north facing balconies at first and second levels. The submitted shadow diagrams show the extent of additional overshadowing as hatching. It is noted an error on the shadow diagrams has been made, where the shadow cast clearly extends beyond the balconies, the balconies are not shown as hatched.

223. To clarify, the westernmost balconies would be completely shaded at 12PM and all balconies but the westernmost balconies would be shaded at 3PM. The north facing balconies currently receive uninterrupted solar access.

224. The standard requires that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m^2 with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

225. The ground level courtyards are shown on the shadow diagrams to currently be in shade throughout from 12PM. It is noted that whilst the north-western corner of the westernmost courtyard would be shadowed at 9AM by the proposal the high front fencing in this location would already cast shadow in this area. Therefore the proposed development will have no increased overshadowing impact here.

226. The submitted shadow diagrams show that the proposed development will overshadow the north-facing balconies at first and second levels. There will be no overshadowing impact to all north-facing balconies at 9am. By 12 noon, the western most balconies will be in shadow, only. By 3pm the shadow will move to the eastern balconies. While sunlight access will be reduced from 12 noon onwards, all balconies will continue to receive uninterrupted sunlight access at different parts of the day.

227. Based on the submitted shadow diagrams it is considered that the overshadowing impact to the north facing balconies of the southern adjoining apartment building will not unreasonably affect the use of these outdoor spaces for passive recreation and service needs, generally in accordance with the objective. This is considered to be a reasonable outcome for a General Residential Zone where directly adjoining a Commercial 1 Zone. It is noted that this building was designed to face the Commercial 1 Zone and therefore it is unlikely any proposed development on the subject site would not result in overshadowing to the south.

228. Furthermore, it is noted that with the recommended deletion of Level 2 to Dwelling 5, the southern wall will be reduced from 11.6m to 8.9m in height and it is expected that the overshadowing impact to the southern apartment building will be reduced.

229. Overall, it is considered that the objective is met where it is stated that a new building should not significantly overshadow secluded private open space. A variation to the standard is acceptable.

Overlooking

South:

230. The southern adjacent triple storey apartment building comprises north facing habitable room windows, courtyards at ground level and balconies at Levels 1 and 2.

231. At first level, Dwelling 5 comprises a south facing Bed 1 window. This window will consist of a sill height up to 1.7m above finished floor level, complying with the Standard requirement.

232. The shroud element to Dwelling 5's west facing winter gardens and balcony at Levels 1, 2 and 3 is solid along the southern side. This will prevent overlooking to the southern apartment building and its associated secluded private open spaces.

233. Based on the recommended condition to delete Level 2 of Dwelling 5, there will be unobstructed views from Roof Terrace 5 to the southern adjacent apartment building and its associated secluded private open space areas. As such, it is considered that a privacy screen up to a height of 1.7m should be provided along the southern perimeter of Roof Terrace 5. It is considered that this privacy screen should be of an obscure glass finish to minimise the perception of visual bulk to the south. This can be required via condition of permit.

234. Roof Terrace 4 is beyond 9.0m from the southern apartment building and its associated secluded private open space. There will be no overlooking from Roof Terrace 4 to the south.

West:

235. The plans submitted with the application show No. 260 Bridge Road to the west, beyond Tullo Place, comprises a shop and apartment. An employee of the shop at this address advised that this was incorrect with the first floor associated with the ground floor business. Therefore, there are no habitable room windows or secluded private open space to the west at No. 260 Bridge Road and therefore no overlooking concerns to the west.

East:

236. There are no adjacent habitable room windows or secluded private open space to the east at No. 266 Bridge Road and therefore no overlooking concerns to the east.

Internal views

237. The standard requires windows and balconies to be designed to prevent overlooking of more than 50% of the secluded private open space of a lower level dwelling directly below and within the same development.

238. The built form of Dwellings 1 and 2 will obstruct internal viewing from Roof Terrace 3 down to Terrace 1 and 2 at Level 2, in accordance with the standard.

239. The west facing winter garden/balcony shroud elements will consist of solid sides and will reasonably prevent internal viewing between the west facing winter gardens and balconies to Dwellings 3, 4 and 5, pursuant to the standard.

240. There is possible internal viewing from Roof Terraces down to adjacent west facing balconies. Furthermore with the deletion of Level 2 to Dwelling 5, Roof Terrace 5 will sit one level lower than Roof Terrace 4. This will allow for internal viewing of Roof Terrace 5, contrary to the standard requirements. To address this, a condition can require demonstration of compliance with Standard B23.

241. In addition to the above requirements, to reasonably limit internal viewing a privacy screen up to 1.7m in height should be provided between Terraces 1 and 2. To address this, a condition can require demonstration of compliance with Standard B23.

Noise impacts

242. The subject site is located within an activity centre and within proximity of a number of noise sources which may result in unreasonable internal noise levels to the new dwellings. The most prominent noise sources include the following;
    (a) Tram and traffic noise along Bridge Road; and
    (b) Noise from the on-site commercial premises and other commercial premises in the Activity Centre.

243. Amongst other things, the standard requires noise sensitive rooms and secluded private open space should take into account noise sources on immediately adjacent properties and dwellings close to busy roads should be designed to limit noise levels in habitable rooms. To ensure that the dwellings on site will be reasonably protected from on-site and external noise, an acoustic impact assessment should be submitted and any recommendations of the report must be incorporated into the design. This can be required via condition of permit.

Accessibility

244. The proposed dwellings are not designed to cater to those with limited mobility given internal living areas are accessed via stairs. However in the interest of increasing higher density housing in the Activity Centre, whilst maintaining the primary commercial function of the site and commercial strip, a variation to the standard will be supported in this instance.

Dwelling entry

245. Dwelling entries will be provided along Tullo Place and will be easily identifiable with awning over and marked with an adjacent planter box in each instance. The 600mm awning over will also provide for adequate shelter to residents and visitors. The objective and standard are satisfied.

Daylight to new windows

246. The habitable room windows that are not oriented to face public land (street or lane) will either face an outdoor space clear to the sky, a light court at least 3m^2 with minimum 1.14m dimension, or a winter garden that has at least one third of its perimeter open and will therefore receive adequate daylight access. The objective and standard are satisfied.

Private open space

247. Amongst other things, the standard requires a dwelling to consist of an 8m^2 balcony with minimum 1.6m dimension and convenient access from a living room or a 10m^2 roof top area with minimum 2m dimension and convenient access from a living room.

248. Pursuant to the standard, Dwellings 1 and 2 will consist of a 12m^2 terrace, with minimum 3.1m depth and immediate access from living rooms. Dwellings 3, 4 and 5 will consist of a 20m^2 – 25m^2 roof terrace with minimum 2.6m dimension and will be reasonably accessible from the living room via stairwell. The objective and standard are satisfied.

Solar access to open space

249. The southern perimeter to Roof Terrace 3 is setback 4.3m from the northern solid balustrade, in excess of the minimum 2.9m setback prescribed by the standard and will receive ample solar access.

250. The position of Terrace 1 and 2 behind the 2.75m high parapet to the north, the position of Roof Terrace 4 to the south Dwelling 3's stairwell shaft and the recommended lowering of Roof Terrace 5 will not receive solar access in accordance with the standard requirements. However these outdoor spaces will be open to the sky and will receive adequate daylight access to ensure that these outdoor areas can be reasonably used for passive recreation and service needs, generally in accordance with the decision guidelines.

251. In addition to this, it is considered that some amenity trade-offs are acceptable given the aim of the C1Z, the PPF and LPPF is to achieve urban consolidation within an Activity Centre.

252. For the reasons provided, a variation to the standard is accepted.

Storage

253. The development plans indicate that Garage 3, 4 and 5 comprise 17m^3 accessible storage, in excess of the minimum 6m^3 required by the standard.

254. No externally accessible storage space is provided to Dwellings 1 and 2, contrary to the standard. However it is considered that Dwellings 1 and 2 comprise adequate internal storage for the inner city living lifestyle. A variation to the standard is considered acceptable in this instance.

Common property

255. The common property areas within the development are clearly delineated and would not create areas which are difficult to maintain into the future. The objective and standard are satisfied.

Site services

256. With regard to site services, all bins will be stored in designated bin store areas and will be concealed from street view. Council's Engineering Services Unit have required that areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters, generally in accordance with the standard requirements. This will be required via condition of permit. Mailboxes have not been located. It is considered that mailboxes should be located adjacent to the residential entrances, to the satisfaction of Council. This can be required via condition of permit.

Clause 22.05 Interface uses policy

257. Amongst other things, the Interface uses policy at Clause 22.05 applies to an application for development within Mixed Use, Business and Industrial Zones and aims to:

    (a) Enable development of new residential uses within activity centres while not impeding the growth and operation of these areas as service, economic and employment nodes; and

    (b) Ensure that residential uses within or near commercial centres enjoy a reasonable level of amenity.

258. In accordance with policy, to ensure that the proposed dwellings on site are not adversely affected by noise impacts, an acoustic impact assessment has been recommended. This assessment must consider the impact of noise sources on site and within the Activity Centre including noise from on-site and surrounding commercial premises and tram and traffic noise. Any recommendations of the report must be incorporated into the design.

259. Given the site is located within a retail/dining precinct, it is expected that the dwellings will not be adversely affected by fumes, air emissions or vibration impacts.

260. As the proposed dwellings are located at Levels 1, 2, 3 and 4 and recessed from the main Bridge Road frontage, it is expected that the dwellings will not be affected by adverse light spill from surrounding commercial premises.

261. With regard to off-site amenity impacts, the retail/shop tenancy is located at the active Bridge Road frontage and is accessed via Bridge Road, away from the sensitive residential interface to the rear of the site. Due to the position, entry and nature of the use, the operation of the retail/shop tenancy will have no foreseeable adverse amenity impacts to nearby residences with regard to overlooking, noise and light spill, in accordance with policy guidelines at Clause 22.05-4.2.

262. Matters of overshadowing, overlooking, visual bulk and daylight access have been addressed earlier in the report.

263. Policy at Clause 22.05-4.3 requires that commercial waste management practices, storage and disposal are carried out with a minimum of odour and noise disruption to nearby residences. It is reiterated that the retail/shop tenancy will consist of a waste store, as such bin storage will be appropriately located on site and concealed. However with regard to waste

collection practices, a WMP will be required to the satisfaction of Council. This can be required via condition of permit.

264. Policy at Clause 22.05-4.4 requires construction times, storage and disposal methods to minimise disruption to nearby residential and business uses. A Construction Management Plan (CMP) will be required, to the satisfaction of Council. Once endorsed the CMP will form part of the permit. This can be required via condition of permit.

Car parking, bicycle parking and traffic

Reduction of car parking requirements

265. Council's Engineering Unit relied on statutory car parking rates prior to Amendment VC148 and have assessed the reduction of car parking requirements as being a short fall of five resident spaces, one residential visitor space and two spaces associated with the shop use (i.e. a total of reduction of 8 car spaces).

266. As outlined earlier in the report, as part of Amendment VC148 Clause 52.06 Car parking provisions have been amended to reduce car parking requirements for uses in commercial areas and for land within walking distance of high-quality public transport. The site is included in the Principle Public Transport Network Area. As such, the rate in Column B of Table 1 at Clause 52.06-5 applies. Based on the Column B rates, the proposal comprises a shortfall of five resident spaces and two spaces associated with the shop use (i.e. a total of reduction of 7 car spaces).

267. Notwithstanding, the car parking demand assessment provided by Council's Engineering Services Units continues to be reliable and useful to this assessment.

Car parking demand for dwellings

268. Council's Engineering Services Unit advised that the proposed on-site parking provision for the subject site, i.e. the two x 2 bed dwellings consisting of no on-site car parking and the three x 3 bed dwellings consisting of one on-site car space reflects the statistical trend for car ownership in the Richmond and therefore the on-site resident parking is considered appropriate.

269. As detailed above, there is no requirement for resident visitor parking on site.

Car parking demand for the retail/shop tenancy

270. Council's Engineering Services Units confirm that the shop would have a car parking demand of two spaces. Engineering Services expects that employees of the shop would make their own travel arrangements to commute to and from the site and customers would be inclined to park on-street.

271. With regard to movement of vehicles for supplies, deliveries to this size shop would be made by small vans or commercial vehicles. These vehicles can easily access the site along the street network and would park on-street, similar to other commercial tenancies along the commercial strip. Council's Engineering Services Unit confirms that on the east side of Church Street, just south of Bridge Road, there is a public on-street Loading Zone which could be used for deliveries to the site. There is no concern in this regard.

272. Furthermore, with a street frontage to Bridge Road to the north and interface to Tullo Place to the west, it is expected that emergency services vehicles will have good access to the site.

Appropriateness of providing fewer spaces than the likely parking demand

273. The reduction in car parking being sought by the proposal is supported due to the following:

(a) The site has immediate access to tram services and the on-road bicycle network along Bridge Road and is within 50m walking distance from tram services along Church Street. This offers convenient alternative modes of transport to residents, staff and customers and is expected to reduce the overall impact on the local car parking conditions;

(b) The site has convenient access to shops, businesses, essential facilities and amenities and will thereby reduce resident reliance on private vehicle use/ownership;

(c) Customers and visitors to the site who choose to drive might combine their visit by engaging in other business or activities whilst in the area. On this basis, the overall demand for parking would be less than the sum of individual demands for each premises in the area;

(d) Council's Engineering Services Unit confirmed that although the demand for on-street parking in Richmond is generally very high, customers and visitors to the site have the option of parking on-street (outside of peak period clearway times). The short term 1P and 2P parking restrictions along Bridge Road and nearby Church Street will ensure a turnover of car parking for customers and visitors to the site;

(e) 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;

(f) Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such Bridge Road, where spare on-street car parking capacity would be shared amongst sites within the centre.

274. Council's Parking Permit Policy provides that no parking permit will be granted by Council to any occupier of a mixed use or commercial development where the development was not lawfully available for occupation after 10 December 2003. This policy ensures that all future property owners, residents, business owners and employees within the development approved under permit approvals are not be permitted to obtain resident, employee or visitor parking permits. This can be included as a Note on the permit.

275. Council's Engineering Services Unit advised that a reduction of eight (8) car spaces is appropriate in the context of the site and surrounding area. Following Amendment VC148, the applicant is now seeking a lesser reduction of seven (7) car spaces. This is an improvement to the expired car parking rates. There is no concern in this regard.

276. Overall, the reduction in car parking requirements associated with the retail/shop tenancy and dwellings on site is considered appropriate in the context of the development and the surrounding area.

Car park access and layout

277. The proposed car parking layout and access was assessed by Council's Engineering Services Unit who have confirmed that the internal dimensions and headroom clearance meet the relevant standards. However Council's Engineering Services Unit have required garage doorways to be dimensioned to ensure adequate access. This will be required via condition of permit.

278. Council's Engineering Services Unit have confirmed that a check of the Proposed Ground Floor Plan using the Trapeze plan management tool indicates that a B85 design vehicle can enter and exit each garage. Vehicle manoeuvrability is of no concern.

Bicycle parking

279. It is reiterated that Garage 3, 4 and 5 comprise of two bicycle spaces each (i.e. a total 6 on-site resident bicycle spaces).

280. In this instance the Clause 52.34 Bicycle facilities requirements apply to the dwellings only as the retail/shop tenancy is below the floor area trigger at Clause 52.34.

281. As outlined earlier in the report, pursuant to the Clause 52.34 Bicycle facilities requirements the dwellings would generate one resident bicycle space and one resident visitor bicycle space. Therefore the dwellings would have a short fall of 1 resident visitor bicycle space.

282. As Dwellings 3, 4 and 5 comprise of 6 bicycle spaces, in excess of the minimum 1 resident bicycle space prescribed by Clause 52.34, it is considered that the visitor bicycle parking short fall can be readily accommodated within Garage 3, 4 or 5. Due to the proximity of the site to

the Bridge Road Activity Centre it is considered visitors to Dwellings 1 and 2 could find bicycle parking on street. This is an acceptable arrangement.

Traffic

283. Given all on site car parking is allocated to dwellings, any traffic generated by the site will be limited to residential use. Council's Engineering Unit have estimated that Dwellings 3, 4 and 5 would generate 3.0 vehicle trips per day, which is a total of 9.0 vehicle trips per day. Council's Engineering Services Unit have advised that the volume of traffic generated by the site is low and is not expected to adversely impact on the traffic operation of Tullo Place or Bridge Road.

Removal of easement

284. As outlined earlier in the report, pursuant to Clause 52.02 a permit is required to create, remove or vary an easement or restriction.

285. Pursuant to Clause 52.02 before deciding on an application the Responsible Authority must consider the affected people.

286. The application includes the removal of the narrow partywall easements (E-1 and E-2) along the common boundary of Lots 1 and 2 on Plan of Subdivision 45956 on site. The partywall easements are applicable to the subject site and current landowner, only. With the construction of the proposed building, the partywall easements are irrelevant. Therefore the proposed removal of the partywall easements is supported.

287. The application also seeks to remove the redundant sewerage easement (E-3) affecting Lot 1 on Plan of Subdivision 45956 (western lot). This easement is designated as a sewerage easement in favour of City West Water. The application was referred to City West Water in this regard. City West Water responded raising no issue with the easement removal.

Objections

288. Off-site amenity impacts, including loss of outlook and visual bulk impacts, overlooking, overshadowing, loss of solar/daylight access and noise.

(a) Matters of visual bulk and outlook with regard to the southern adjacent apartment building are addressed at paragraphs 122-130 and 213-218.

(b) Overlooking is addressed at paragraphs 230-236.

(c) Overshadowing is addressed at paragraphs 222-229.

(d) Daylight access to existing habitable room windows is addressed at paragraphs 219-221.

(e) Off-site noise impacts in relation to the retail/shop tenancy is addressed at paragraph 242-243. With regard to the dwellings, the residential use does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling (including associated vehicular movements) is considered normal and reasonable in an inner city and urban setting. Any future issues of amenity, if they arise, should be pursued as a civil matter.

(f) With regard to solar access, there are no north facing windows within 3.0m of the site. Therefore, there will be no foreseeable impact with regard to sunlight access to existing north facing windows.

289. Built form and massing, including height of the southern end of the building where interfacing with the development at 4 Tullo Place, lack of setbacks to the south and excessive overall height.

(a) The overall height and mass of the development is addressed at paragraphs 117-133, with visual bulk to the south also addressed at paragraphs 213-218.

290. Heritage, including lack of heritage conservation of the existing building.

(a) All relevant heritage considerations, including the relationship of the shopfront in the heritage streetscape, are addressed at paragraphs 144-169.

(b) With regard to conservation of the existing building, this building was constructed in the 1990s and is graded 'not contributory' to the Bridge Road Precinct, Richmond. From a heritage perspective, there is no reason to conserve the front facade.

291. Neighbourhood character, including lack of activation and presentation of garages along Tullo Place, and overall height being out of character in Bridge Road and Tullo Place.

(a) Neighbourhood character (including the built form, scale and mass) and architectural detail are discussed at length at paragraphs 111-143.

(b) With regard to the objector's concern regarding a lack of activation and presentation of garages along Tullo Place, it is considered that the building is adequately active along the Tullo Place interface at ground level with two large west facing shop windows toward the northern end and vertical windows provided next to each of the four dwelling entrances toward the south. It is also considered that the three single width garages are adequately broken up with the four entry doors and adjacent planter boxes.

292. Road and pedestrian safety issues along Tullo Place due to garages.

(a) The application was referred to Council's Engineering Services Unit. No concern was raised with regard to road and pedestrian safety along Tullo Place.

293. *Traffic impacts along Tullo Place, Bridge Road and at the Tullo Place/Bridge Road intersection.*

(a) Traffic impact in Tullo Place and Bridge Road has been addressed at paragraph 283.

294. *Parking congestion.*

(a) The application was referred to Council's Engineering Services Unit. Council's Engineering Services Unit have considered that the proposed reduction in car parking is acceptable for the area. This matter is discussed in detail at paragraphs 273-276.

(b) Furthermore, it is re-iterated that under Council's Parking Permit Policy no parking permit will be granted by Council to any owner or occupier of a residetia, mixed use or commercial development where the development was not lawfully available for occupation until after 10 December 2013. This will help to minimise impact on the surrounding car parking conditions.

295. *Increased carbon emissions*.

(a) Increased carbon emissions is not a valid planning consideration under the Yarra Planning Scheme. Notwithstanding, Council's Engineering Unit have confirmed that the proposed development will generate an estimated 9.0 vehicle trips per day. This is not expected to increase the carbon emissions in the immediate area to any appreciable extent.

Conclusion

296. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for demolition of the existing building, construction of a multi-storey building (including a canopy over a Road Zone, Category 1), removal of easements and a reduction of the car parking and visitor bicycle parking requirements at 262-264 Bridge Road, Richmond generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved,

the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by MC^2 Architects Pty Ltd, Issue No. TP7, dated 22.08.2018, but modified to show:

(a) Level 2 to Dwelling 5 deleted.

(b) The projecting element along the northern perimeter of Roof Terrace 3 as shown on the east and west elevations deleted.

(c) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the roof terrace of Dwelling 5 into the secluded private open space areas and habitable room windows within 9 metres. Any additional measures used to achieve compliance are to be shown.

(d) Detailed diagrams demonstrating compliance with Clause 55.04-7 Internal Views (Standard B23) between:

(i) The roof terraces of Dwellings 3, 4 and 5; and

(ii) The balconies of Dwellings 1 and 2.

Any additional measures used to achieve compliance are to be shown.

(e) The eastern and western elevations updated to show the staggered floor to ceiling height between level 2 and 3 in accordance with the 'Part Section' shown on TP-13A.

(f) The garage door widths dimensioned.

(g) Mailboxes located adjacent to residential entrances.

(h) A complete schedule of colours and finishes specifying:

(i) The colours and finishes to the operable shading over west facing widows and the projecting stairwell shafts;

(ii) Material 5 to be nominated as colorbond or zinc, not both.

All materials selected are to blend in with the overall development to the satisfaction of the Responsible Authority.

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

Sustainable Design Assessment

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by MC^2 Energy Consultants and dated 25/05/2018, but updated to reflect the amended development plans received on 27/08/2018, to the satisfaction of the Responsible Authority.

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

Acoustic Report

5. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to

and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

(a) Noise impacts from the surrounding non-residential uses (vehicles, trams and commercial premises) and the proposed ground floor tenancy to the proposed dwelling uses within the development.

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

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

Waste Management Plan

7. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.

8. 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

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:

(a) in accordance with any requirements or conditions imposed by Council;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

10. All redundant property drains must be removed and reinstated to Council's satisfaction and at the Permit Holder's cost.

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Tullo Place frontage must be reconstructed:

(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, 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:

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

13. The public light directly facing the development (on the west side of Tullo Place) should be provided with baffling or shielding to minimise light spilling into the habitable windows of the development. The supply and installation of any baffling or shielding is to be funded by the Permit Holder.

14. 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.

    General

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

16. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

17. 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.

18. 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.

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating 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.

    VicRoads Condition (Condition 20)

20. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Bridge Road street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Bridge Road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

    Construction Management

21. 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 detailed dilapidation report to detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
    (b) works necessary to protect road and other infrastructure;
    (c) remediation of any damage to road and other infrastructure;
    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

(e) facilities for vehicle washing, which must be located on the land;
(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
(g) site security;
(h) management of any environmental hazards including, but not limited to,:
    (i) contaminated soil;
    (ii) materials and waste;
    (iii) dust;
    (iv) stormwater contamination from run-off and wash-waters;
    (v) sediment from the land on roads;
    (vi) washing of concrete trucks and other vehicles and machinery; and
    (vii) spillage from refuelling cranes and other vehicles and machinery;
(i) the construction program;
(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

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

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. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any assets necessary to facilitate the development must be undertaken:

(a) in accordance with any requirements or conditions imposed by the relevant authority;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

24. 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.

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

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

Permit Expiry

26. This permit will expire if:

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

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

Notes:

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

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

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

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.

Under the provisions of the *Building Regulations* 2006 (Reg. 310), a Report and Consent of a service authority is required to construct a building over an easement vested in that service authority. In this case, City West Water is the relevant authority vested in the easement at the subject site and not Council.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

It is proposed to relocate the existing speed limit sign on the east side of Tullo Place. Before authorisation can be granted to relocate the sign, the applicant/land owner must consult with VicRoads and Council's Traffic unit.

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.

VicRoads Note:

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Bridge Road). Please contact VicRoads prior to commencing any works.

CONTACT OFFICER: **Michelle King**
TITLE: **Senior Statutory Planner**
TEL: **9205 5333**

Attachments

1 PLN17/0276 - 262 - 264 Bridge Road Richmond - Site Plan
2 PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans
3 PLN17/0276 - 262 - 264 Bridge Road Richmond - VicRoads Response
4 PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Decision Plans)

5 PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)
6 PLN17/0276 - 262 - 264 Bridge Road Richmond - Urban Design Referral (Decision Plans)
7 PLN17/0276 - 262 - 264 Bridge Road Richmond - Urban Design Referral (Initial Advice)
8 PLN17/0276 - 262 - 264 Bridge Road Richmond - ESD Referral (Amended Plans)
9 PLN17/0276 - 262 - 264 Bridge Road Richmond - ESD Referral Response (Initial Advice)
10 PLN17/0276 - 262 - 264 Bridge Road Richmond - Engineering Referral

Attachment 1 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Site Plan

ATTACHMENT 1

SUBJECT LAND: 262-264 Bridge Road, Richmond



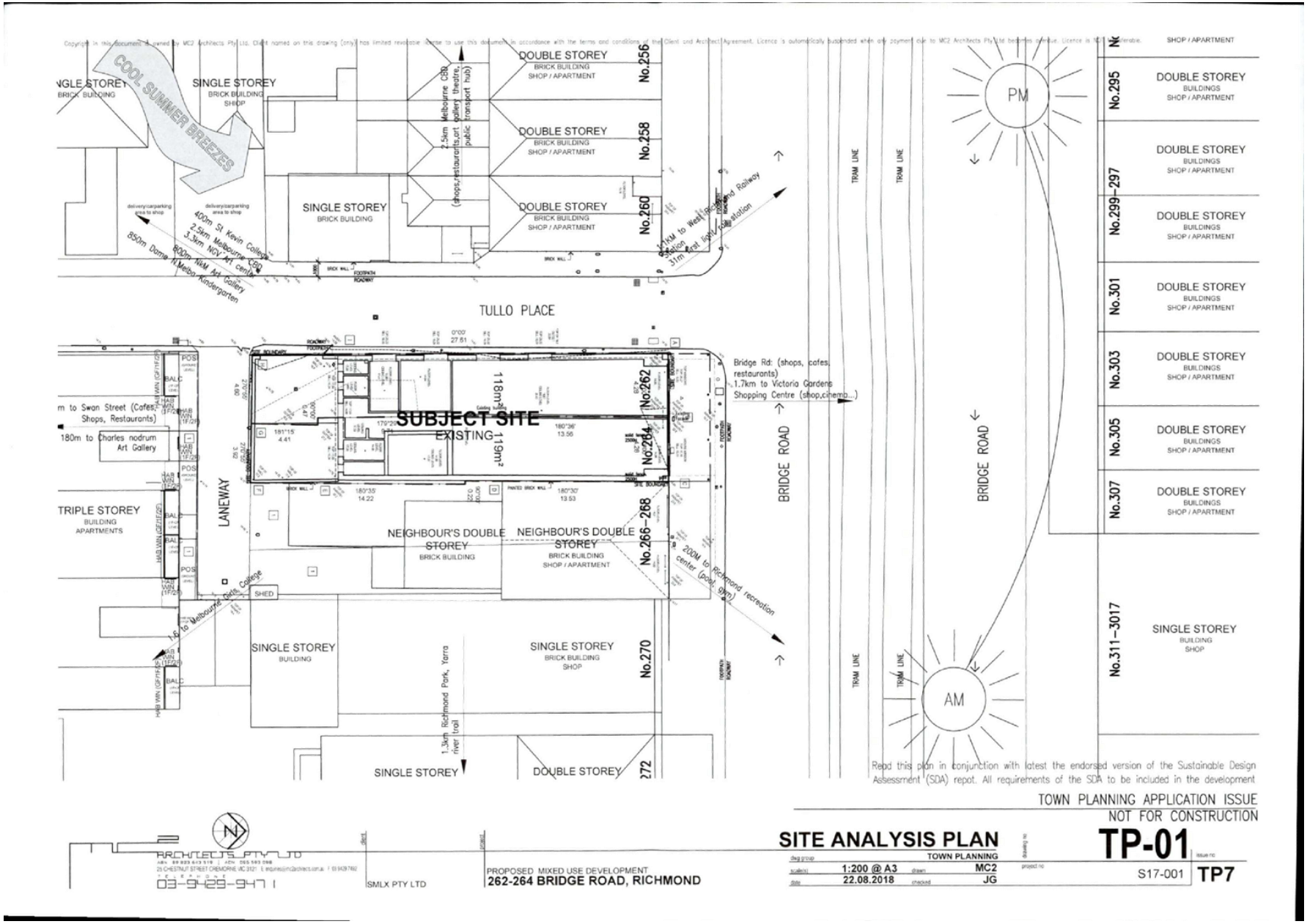


North

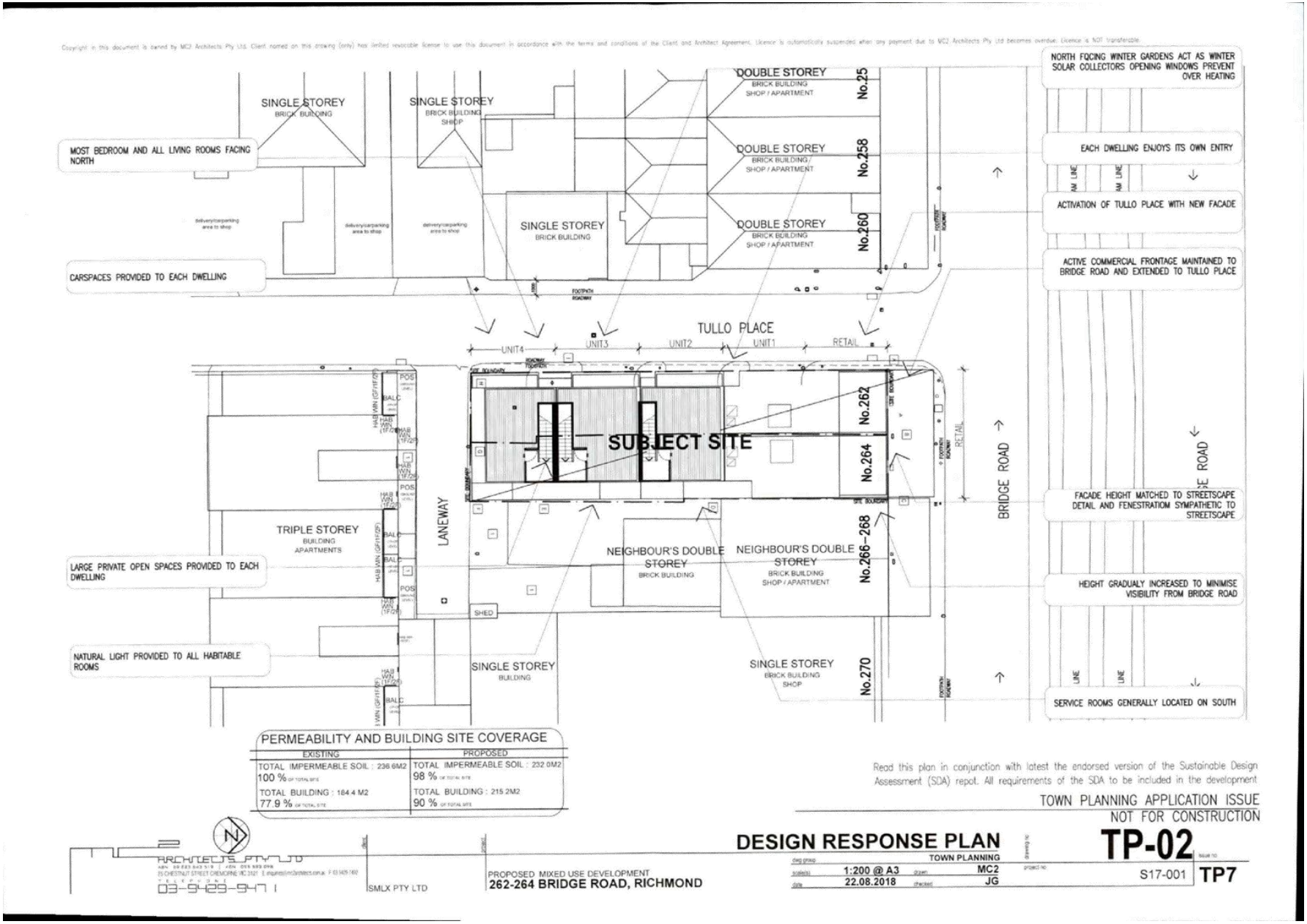
Attachment 1 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Site Plan

Subject Site

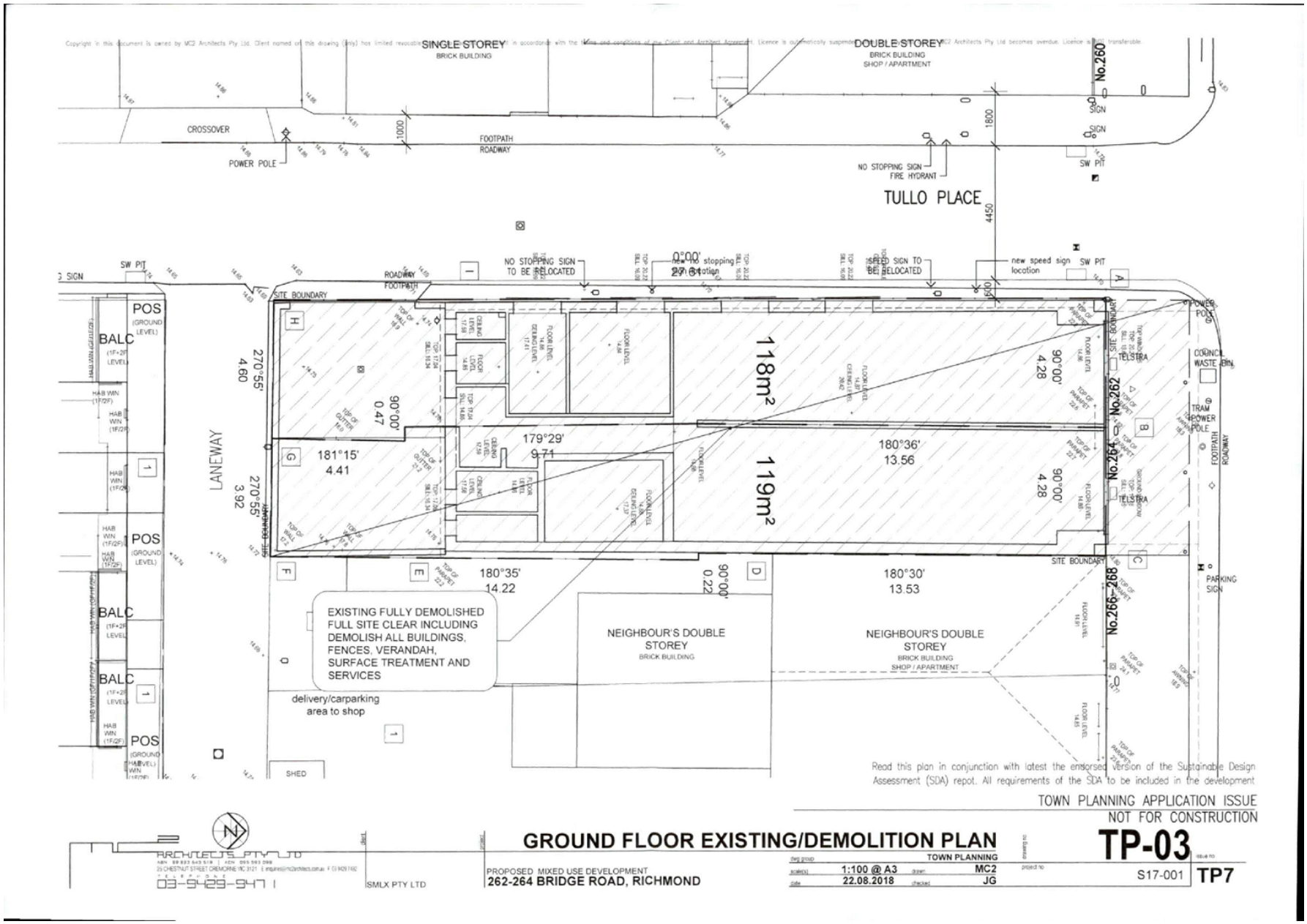
Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans



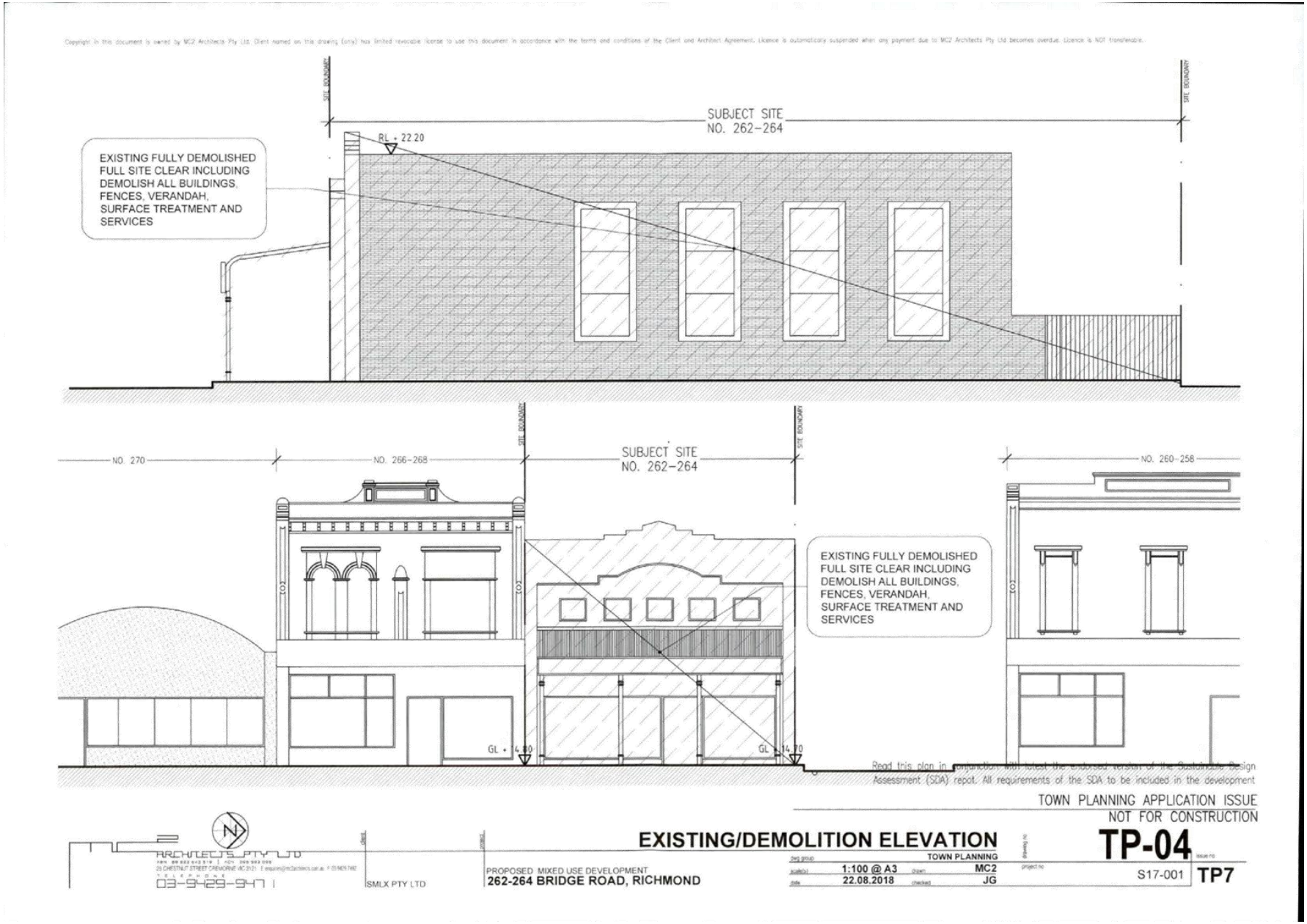
Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans



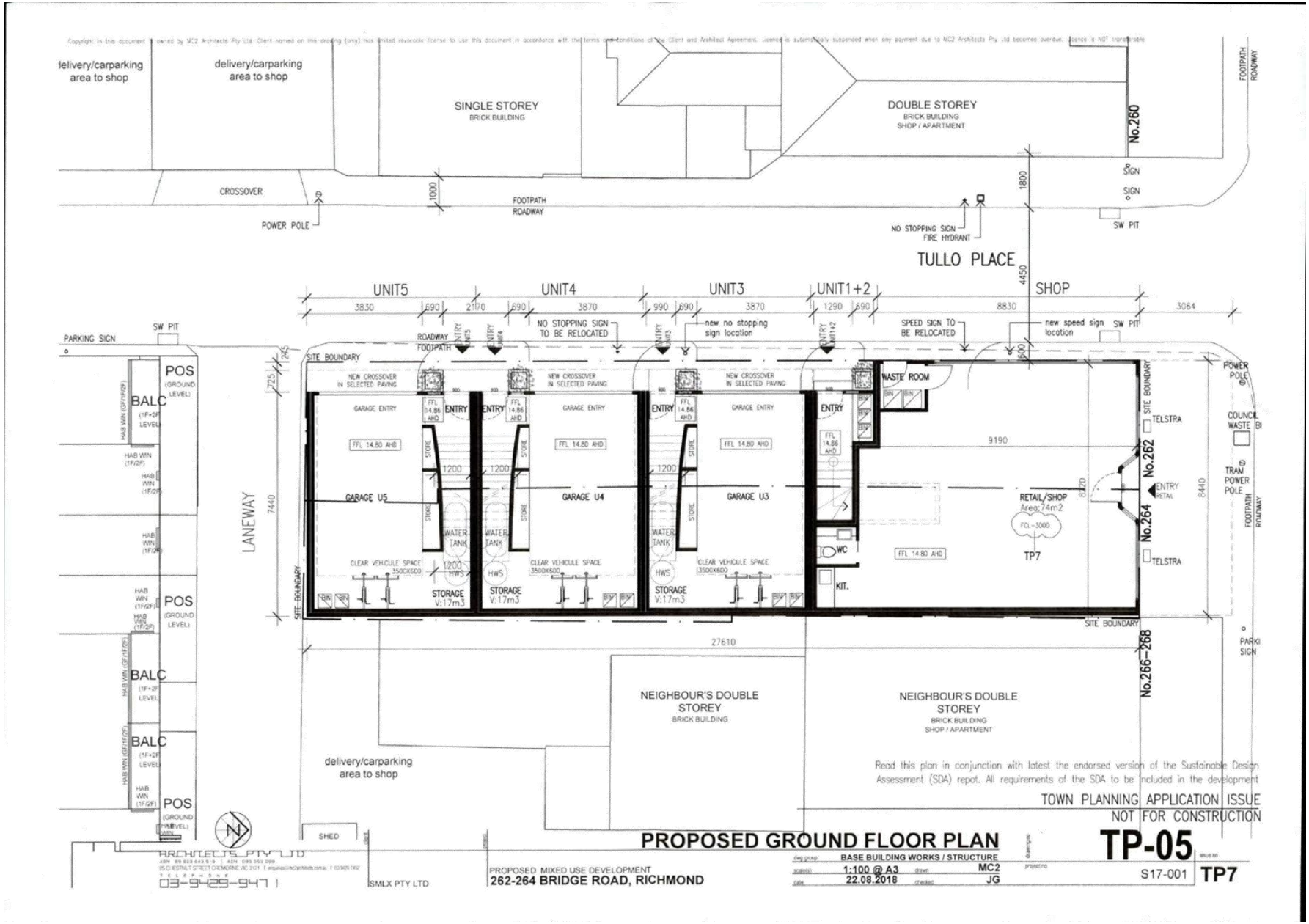
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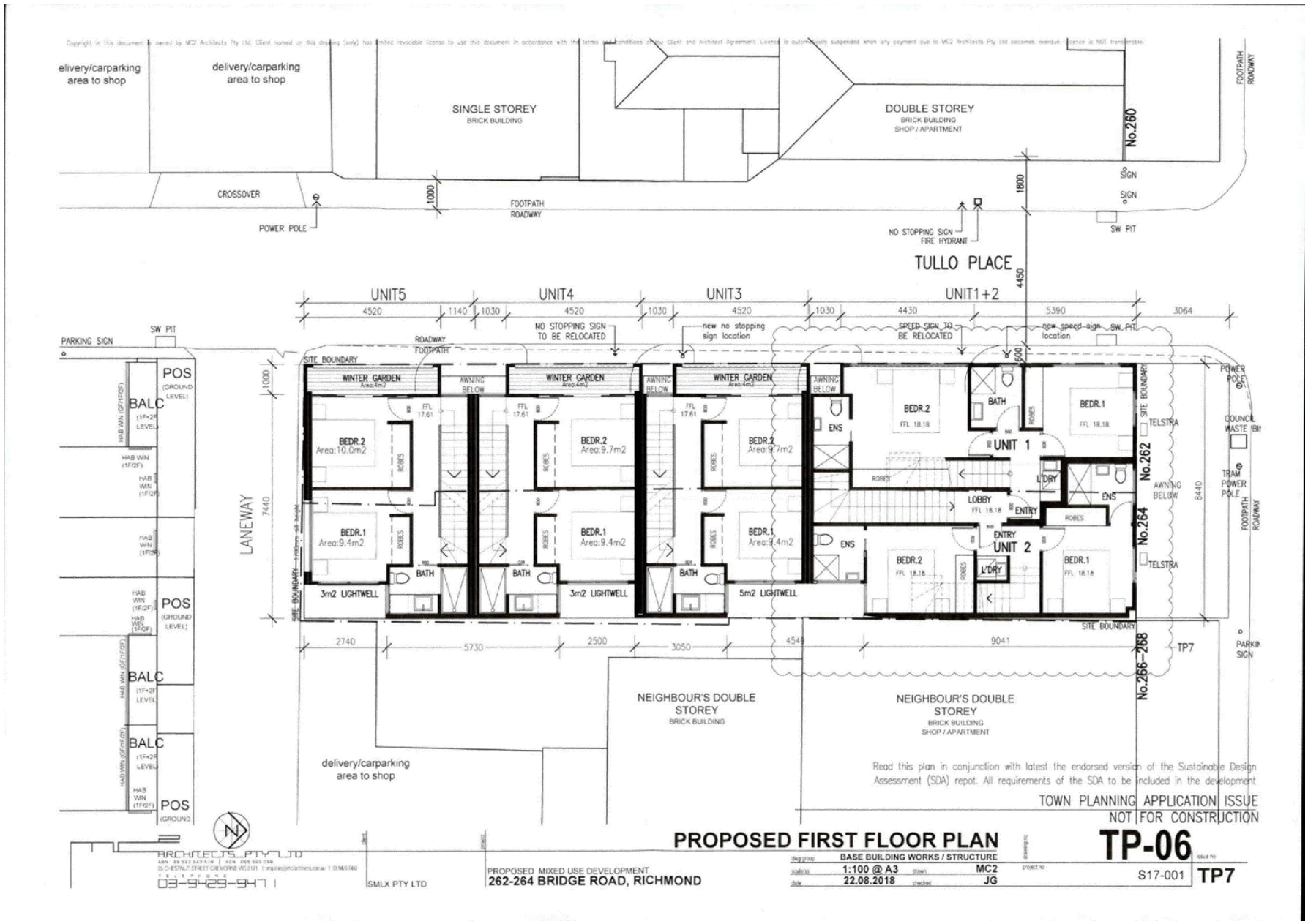
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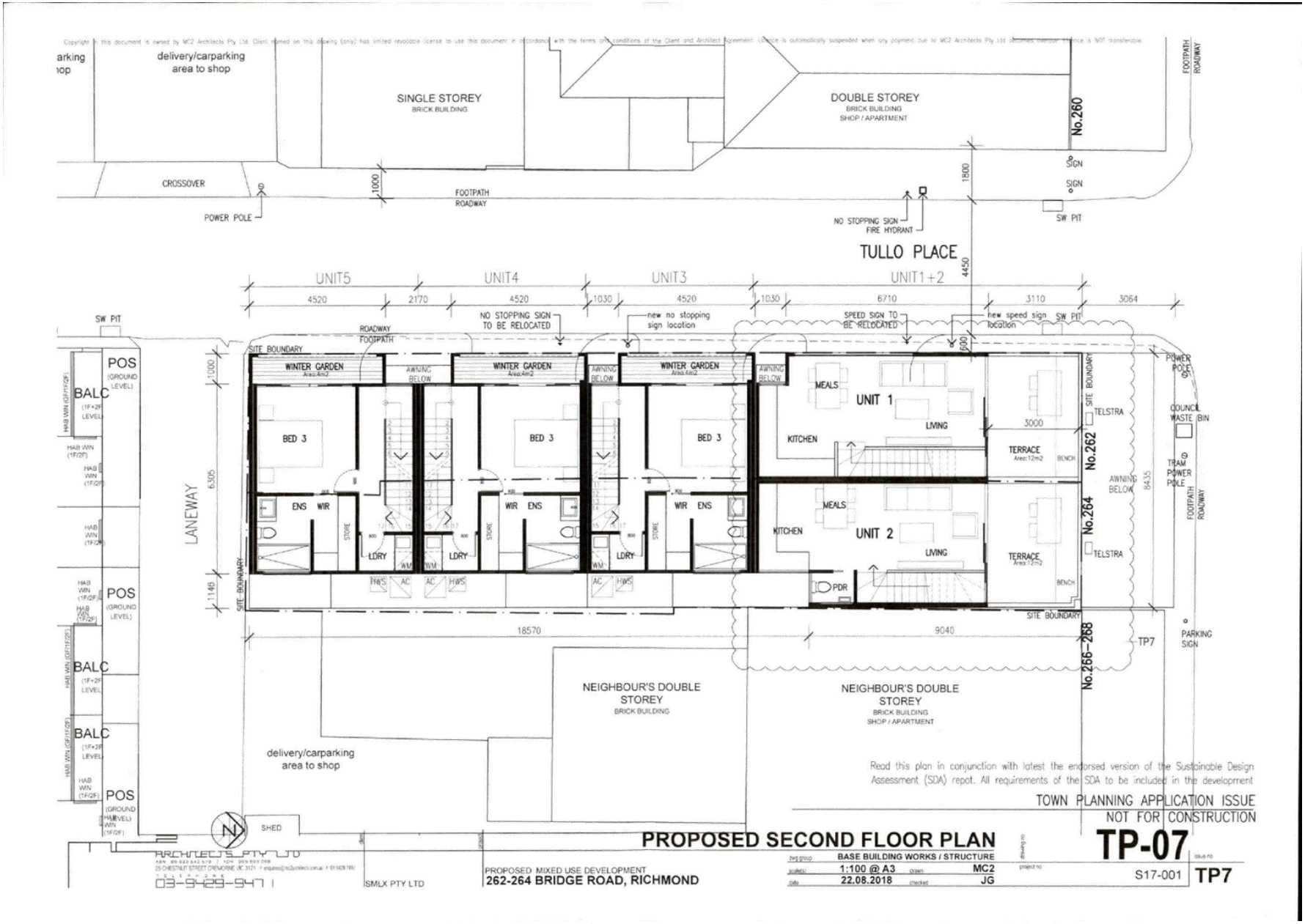
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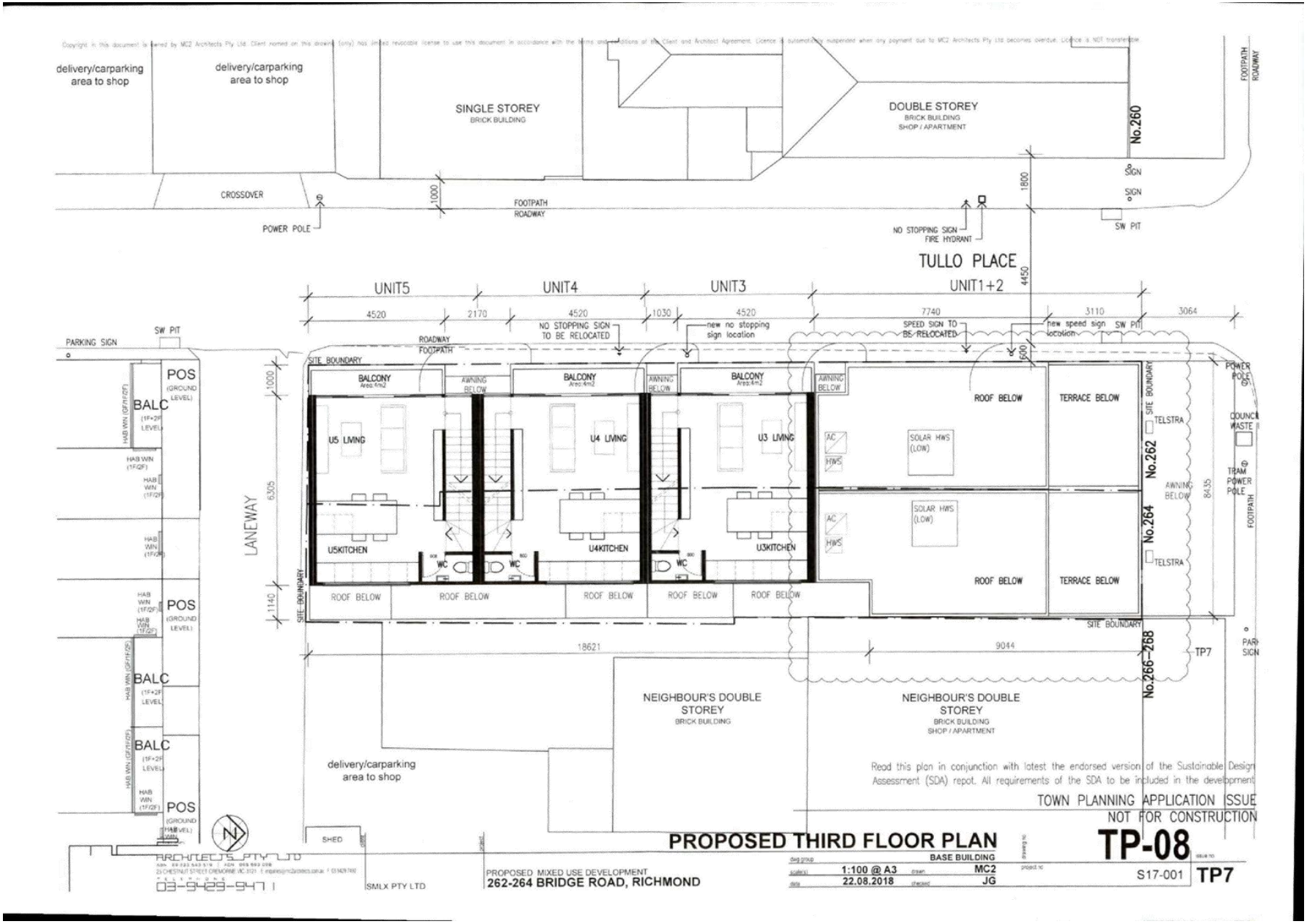
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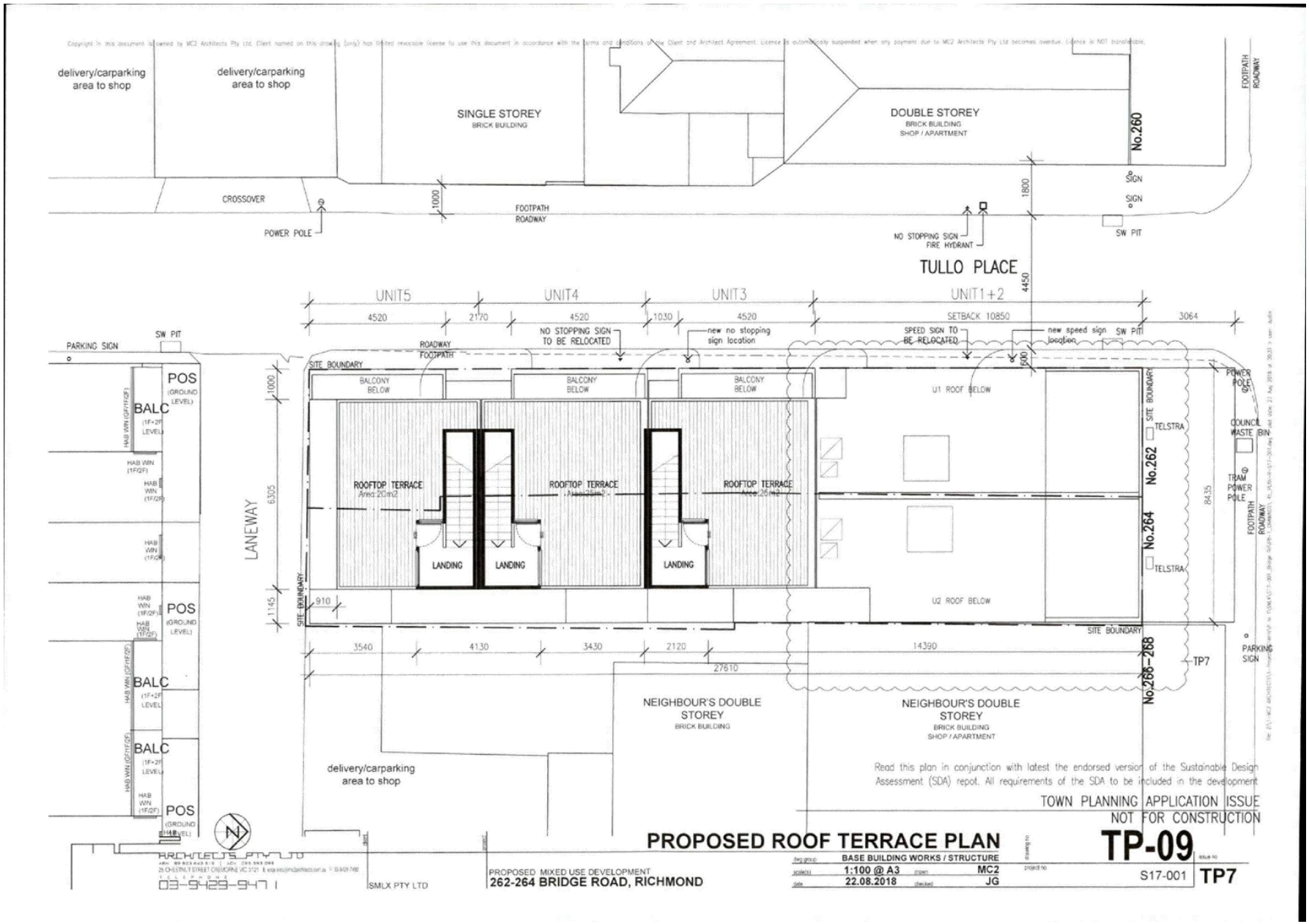
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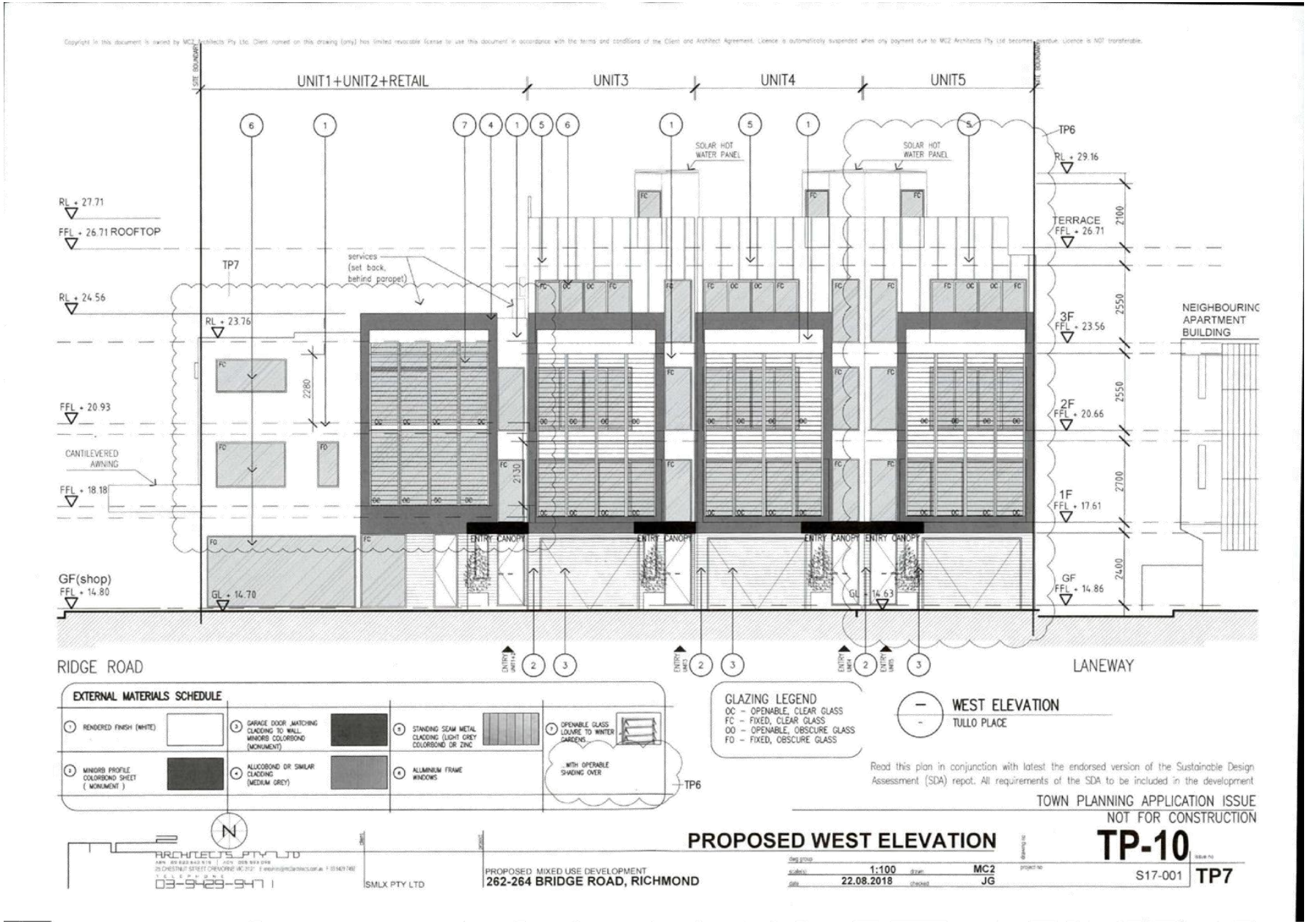
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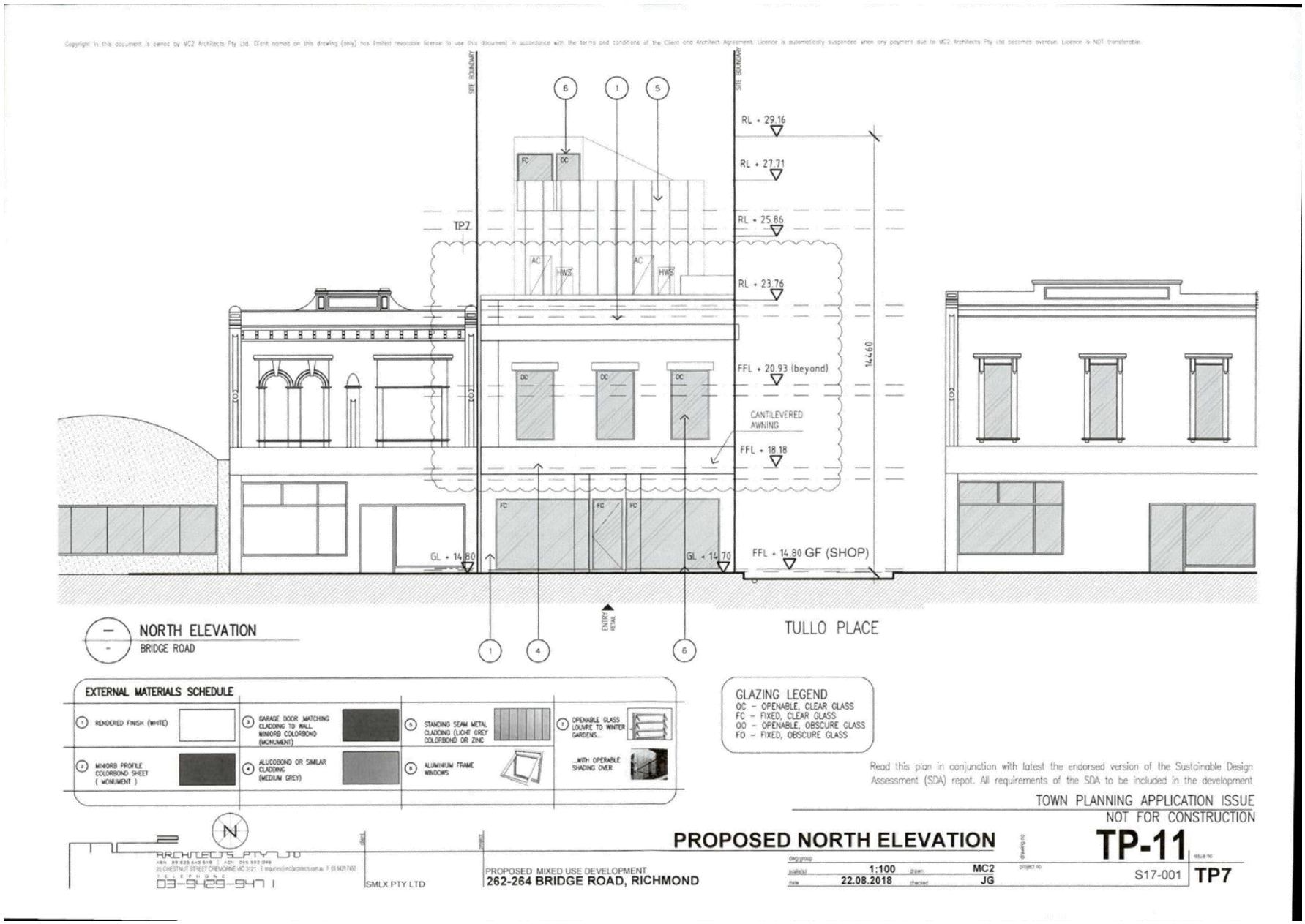
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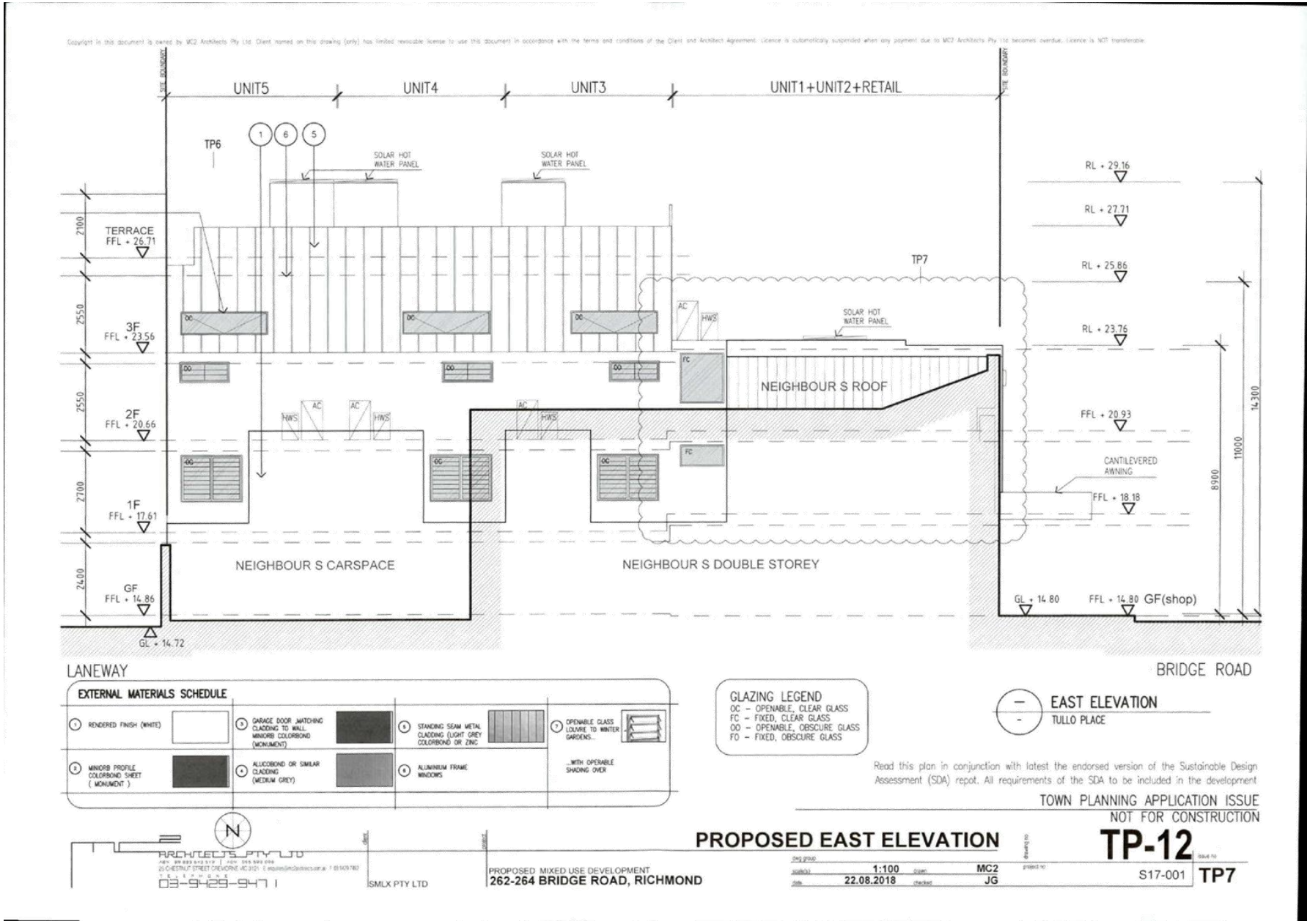
Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans



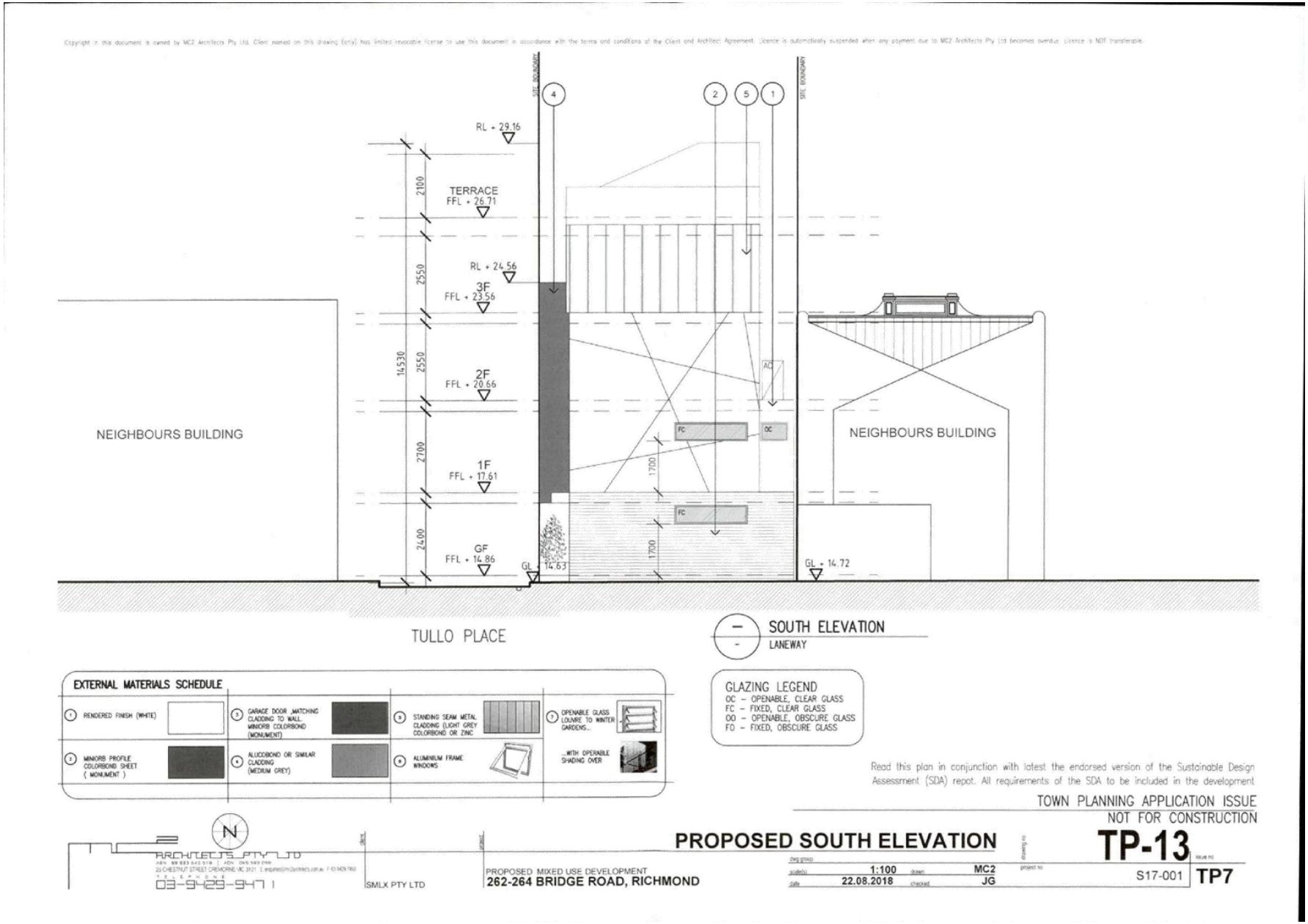
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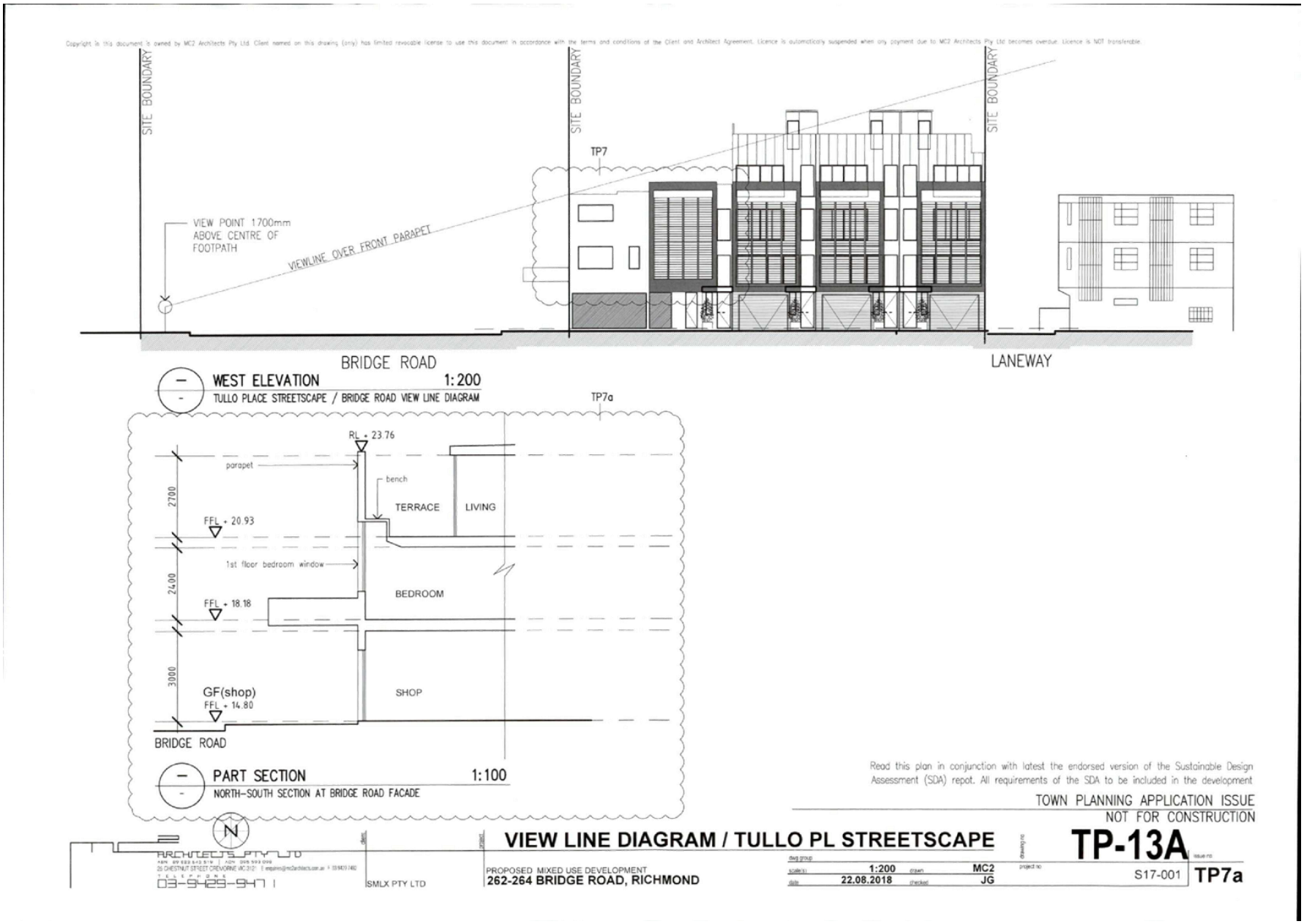
Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans



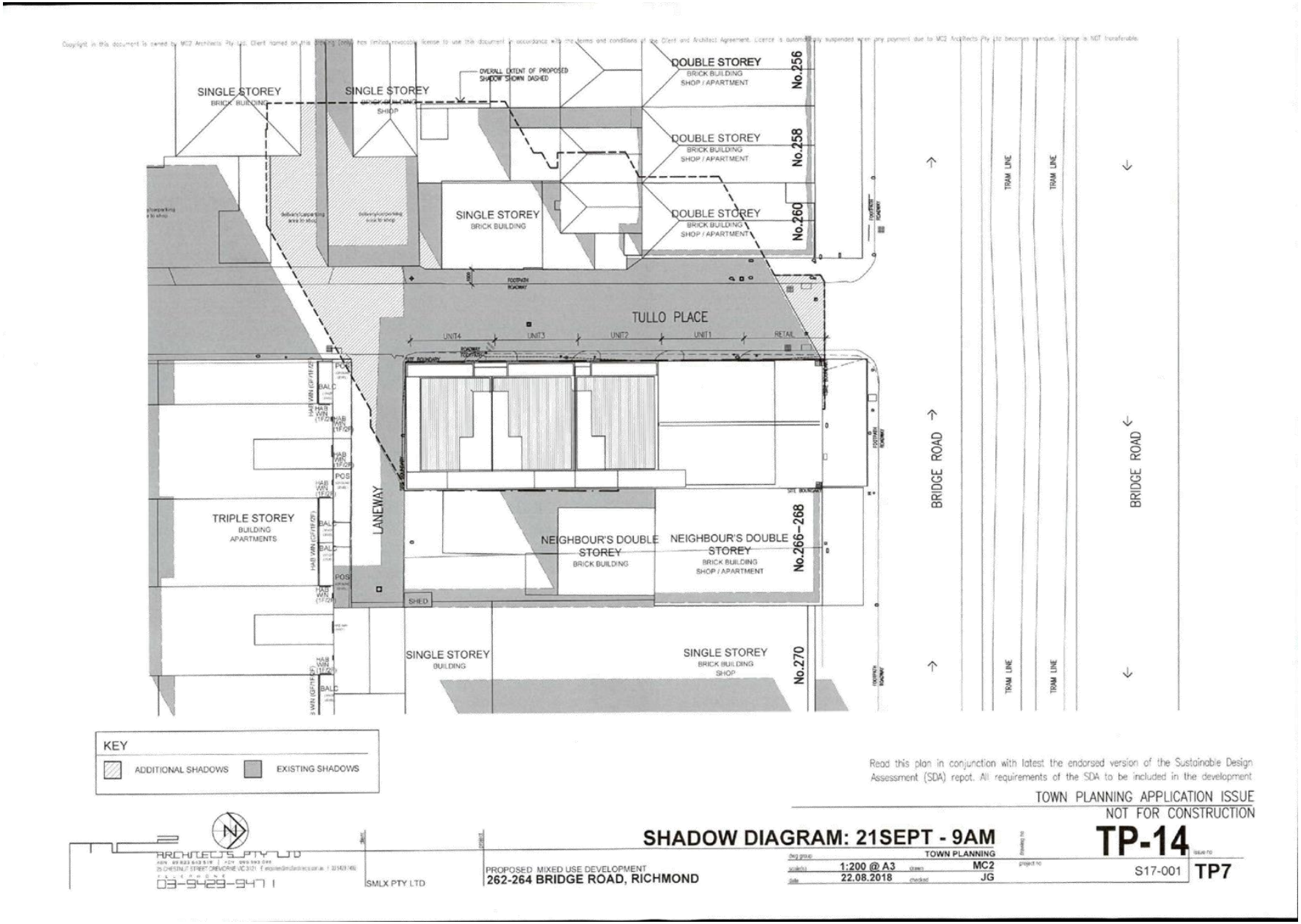
Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans



Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans

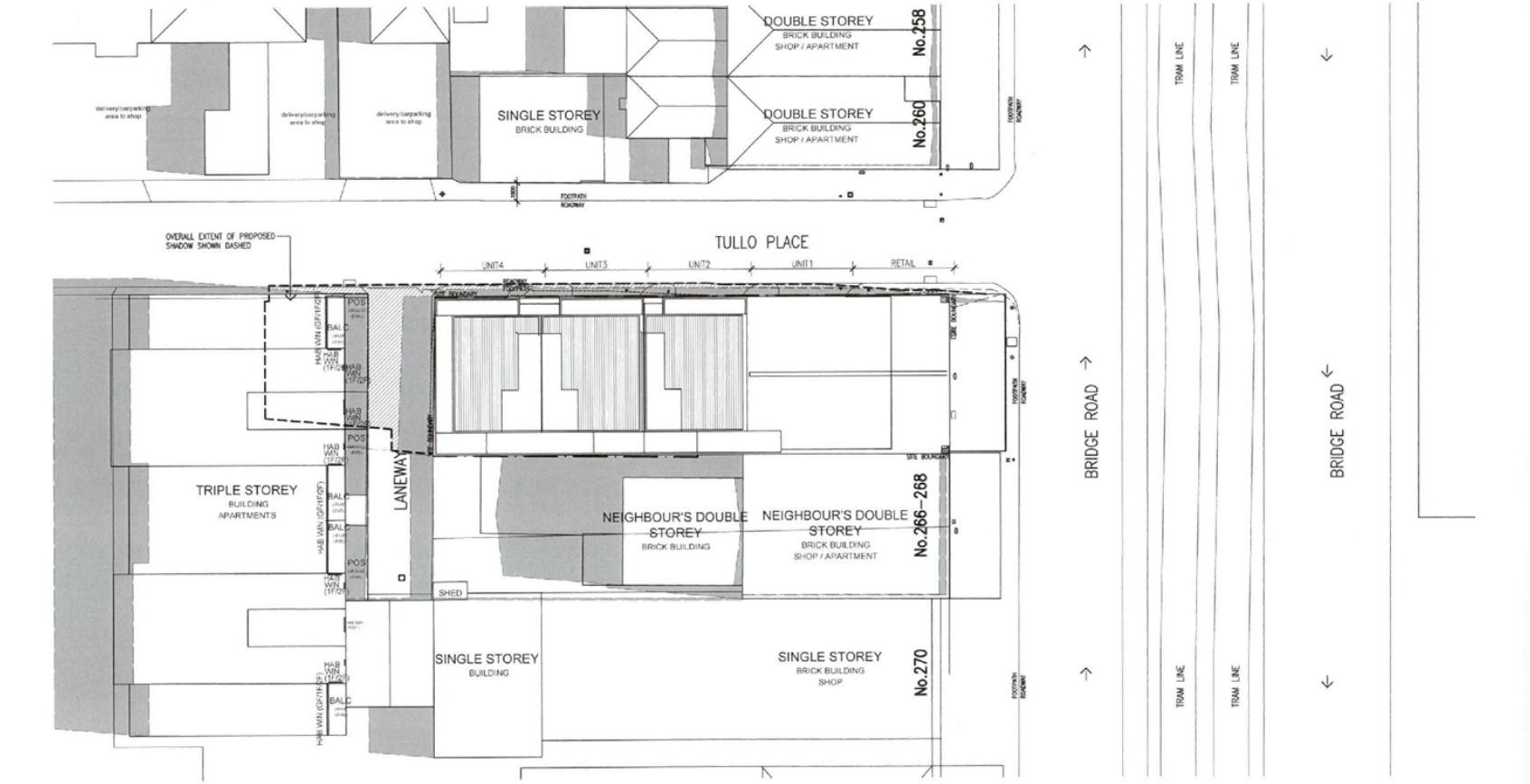


Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans



Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans

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Read this plan in conjunction with latest the endorsed version of the Sustainable Design Assessment (SDA) repot. All requirements of the SDA to be included in the development

TOWN PLANNING APPLICATION ISSUE
NOT FOR CONSTRUCTION

mc2 ARCHITECTS PTY LTD
03-9429-9471

SMLX PTY LTD

PROPOSED MIXED USE DEVELOPMENT
262-264 BRIDGE ROAD, RICHMOND

SHADOW DIAGRAM: 21SEPT - 12PM

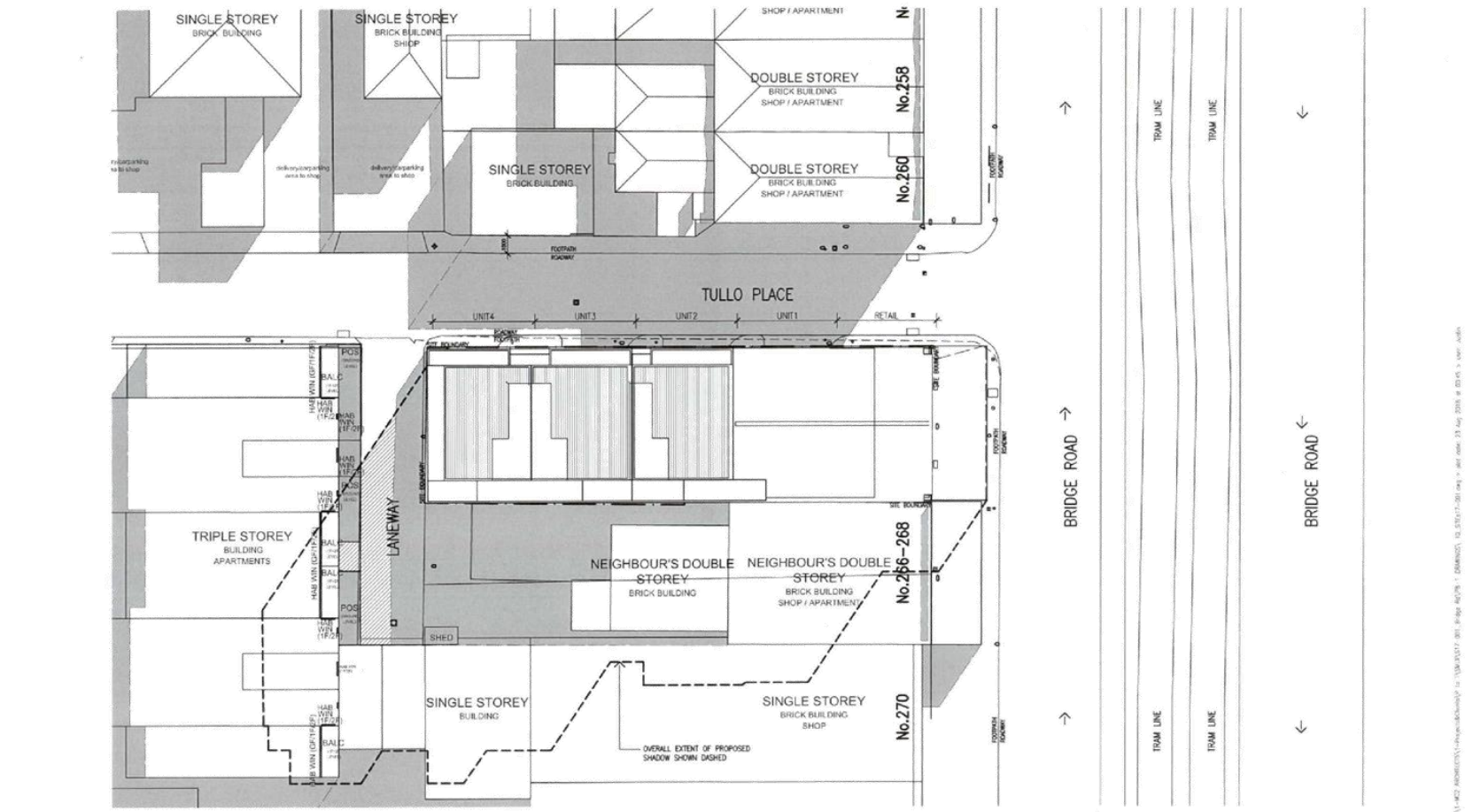
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1:200 @ A3 drawn MC2
22.08.2018 checked JG

S17-001

TP-15 issue no **TP7**

Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans

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Read this plan in conjunction with latest the endorsed version of the Sustainable Design Assessment (SDA) repot. All requirements of the SDA to be included in the development

TOWN PLANNING APPLICATION ISSUE
NOT FOR CONSTRUCTION

MC2 ARCHITECTS PTY LTD
75 CHESTNUT STREET CREMORNE VIC 3121
TELEPHONE 03-9429-9471

SMLX PTY LTD

PROPOSED MIXED USE DEVELOPMENT
262-264 BRIDGE ROAD, RICHMOND

SHADOW DIAGRAM: 21SEPT - 3PM

dwg group	TOWN PLANNING		
scale(s)	1:200 @ A3	drawn	MC2
date	22.08.2018	checked	JG

drawing no **TP-16** issue no
project no S17-001 **TP7**

Attachment 2 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Decision Plans

PLAN OF REMOVAL OF EASEMENT

EDITION 1

LOCATION OF LAND

PARISH : Jika Jika
TOWNSHIP : -
SECTION : -
CROWN ALLOTMENT : -
CROWN PORTION : 27 (Part)

TITLE REFERENCE : V.8252 F.179, V.8464 F.614
LAST PLAN REFERENCE : Lots 1 & 2, LP 45956
POSTAL ADDRESS : 262-264 Bridge Road, Richmond 3121
(At time of subdivision)
MGA94 Co-ordinates (of approx centre of land in plan) E 323 940 ZONE: 55
N 5 812 395 GDA 94

COUNCIL NAME: Yarra City Council

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
Nil	Nil

NOTATIONS

DEPTH LIMITATION: Does not apply

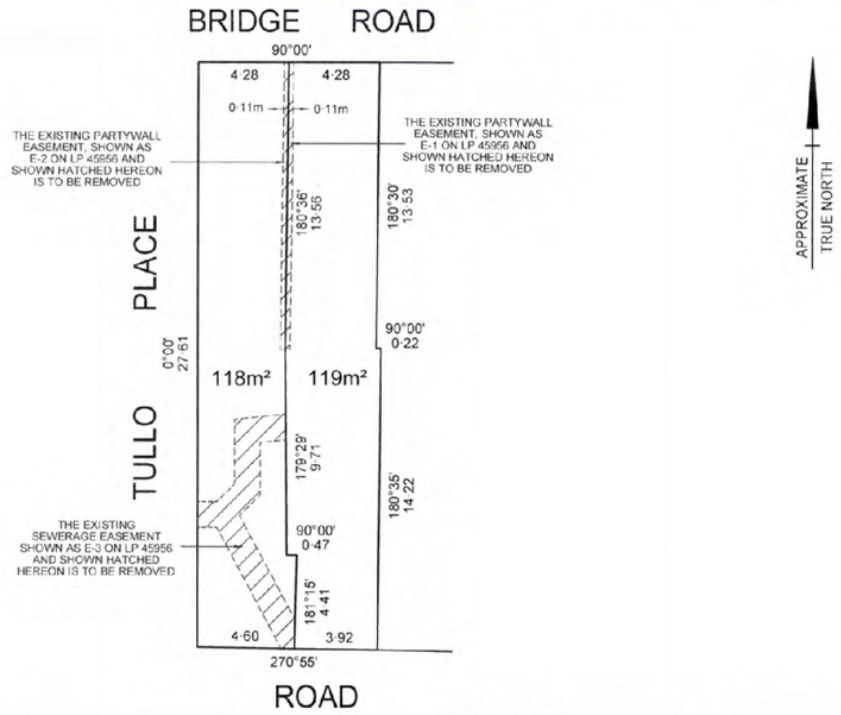
Purpose of the plan:
Removal of the partywall easements shown as E-1 & E-2 and the sewerage easement shown as E-3 on LP 43720 and not shown on the diagram hereon

Grounds for removal:
Planning Permit No.
Survey: This plan is not based on survey

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of



B.R.SMITH SURVEYORS
P O Box 14, Ringwood East 3135
Ph: (03) 9870 6602 Fax: (03) 9870 6603
E: office@brsmith.com.au www.brsmith.com.au

SURVEYORS FILE REF: 6706 VERSION: 01

SCALE 1:200

2 0 2 4 6 8
LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE: A3

SHEET 1 OF 1 SHEETS

DIGITALLY SIGNED BY LICENSED SURVEYOR: BARRY ROBERT SMITH

REF 6706 VERSION 01

Attachment 3 - PLN17/0276 - 262 - 264 Bridge Road Richmond - VicRoads Response

25 June 2018

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Michelle King

Dear Ms King,

PLANNING APPLICATION NO.:	**PLN17/0276**
VICROADS REFERENCE NO:	**23746/17**
PROPERTY ADDRESS:	**262 BRIDGE ROAD, RICHMOND**

Section 52 – Suggested conditions

Thank you for referring this matter to the Roads Corporation for its consideration under Section 52 of the Planning and Environment Act 1987.

VicRoads does not object to the development in its current form provided the following condition is included in any Planning Permit issued for the property.

If Council regards the proposed development favourably, VicRoads suggests that the following conditions be included to address its concerns if Council were inclined to issue a Notice of Decision to issue a Planning Permit:

1. *Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Bridge Road street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Bridge Road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.*

   Note: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Bridge Road). Please contact VicRoads prior to commencing any works.

This condition has been included to safeguard against any potential issues pertaining to public liability.

Should you have any enquiries regarding this matter, please contact Gillian Menegas on 03 9313 1148 or Gillian.Menegas@roads.vic.gov.au

Yours sincerely

GILLIAN MENEGAS

Attachment 4 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Decision Plans)

City of Yarra
Heritage Advice on S57 Amendment

Application No.:	*PLN17/0276*
Address of Property:	***262-264 Bridge Road, Richmond***
Planner:	*Michelle King*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO310 Bridge Road Precinct, Richmond*
Level of significance:	*Non-contributory, constructed 1990-2000 (City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8, Revised May 2017)*
General description:	*Full demolition of the existing building and construction of new four-storey mixed use building with roof terraces.*
Drawing Nos.:	*Set of 17 drawings entitled "Mixed Use Development 262-264 Bridge Road, Richmond", prepared by MC2 Architects, received by Council and date stamped 27 Aug 2018*

CONTEXT DESCRIPTION:

The context of this site has not changed since the previously issued heritage advice dated 13 November 2017.

ASSESSMENT OF PROPOSED AMENDED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application continues to include the full demolition/removal of the existing building and all associated structures

The subject building is identified as being not contributory. Therefore it is considered that full demolition of this building will have no impact on the cultural significance of the heritage precinct.

Comments regarding amended new development, alterations and additions:

The extent of new works proposed by this application continues to include development of a new part 3, part 4-storey building containing a shop and five apartments.

The key differences between the previous and this amended proposal are:

1. That the upper level of the principal Bridge Road façade has been redesigned to avoid the visibility of floor structures cutting across window openings while maintaining the impression of a two-storey structure.
2. Deletion of the third floor level close to Bridge Road, including stair access enclosures;

Attachment 4 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Decision Plans)

3. Relocation of open roof terraces from third floor level to second floor level, directly behind the parapet

Window details:

The amended proposal has raised the height of the floor structure so that it is no longer intersecting with the visible part of the front windows. This is a typical solution often used for heritage buildings.

There are no heritage concerns regarding this aspect of the amended works.

Third floor level:

The proposed deletion of the third floor level component of the new building close to Bridge Road will reinforce the existing scale of the heritage built form in this part of Bridge Road. Removal of the third floor level has also resulted in the removal of the access stairs which is a good outcome.

Roof terraces:

The relocation of the proposed roof terraces to the second floor level and their positioning directly behind the parapet is supported as these will be fully concealed from Bridge Road.

RECOMMENDATIONS:

On heritage grounds the works proposed in this application may be approved without any further heritage conditions.

SIGNED:



Diahnn McIntosh

DATED: 10 October 2018

Attachment 5 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)

City of Yarra
Heritage Advice

Application No.:	*PLN17/0276*
Address of Property:	***262-264 Bridge Road, Richmond***
Planner:	*Michelle King*
Yarra Planning Scheme References:	*STATE POLICY:* • *Clause 15.03 Heritage* *LOCAL POLICY:* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 43.01 Heritage Overlay* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO310 Bridge Road Precinct, Richmond*
Level of significance:	*Non-contributory, constructed 1990-2000 (City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8, Revised May 2017)*
General description:	*Full demolition of the existing building and construction of new four-storey mixed use building with roof terraces.*
Drawing Nos.:	*Set of A3 drawings entitled "Mixed Use Development 262-264 Bridge Road, Richmond", prepared by MC2 Architects, received by Council and date stamped 4 Aug 2017 and 23 October 2017*

CONTEXT DESCRIPTION:

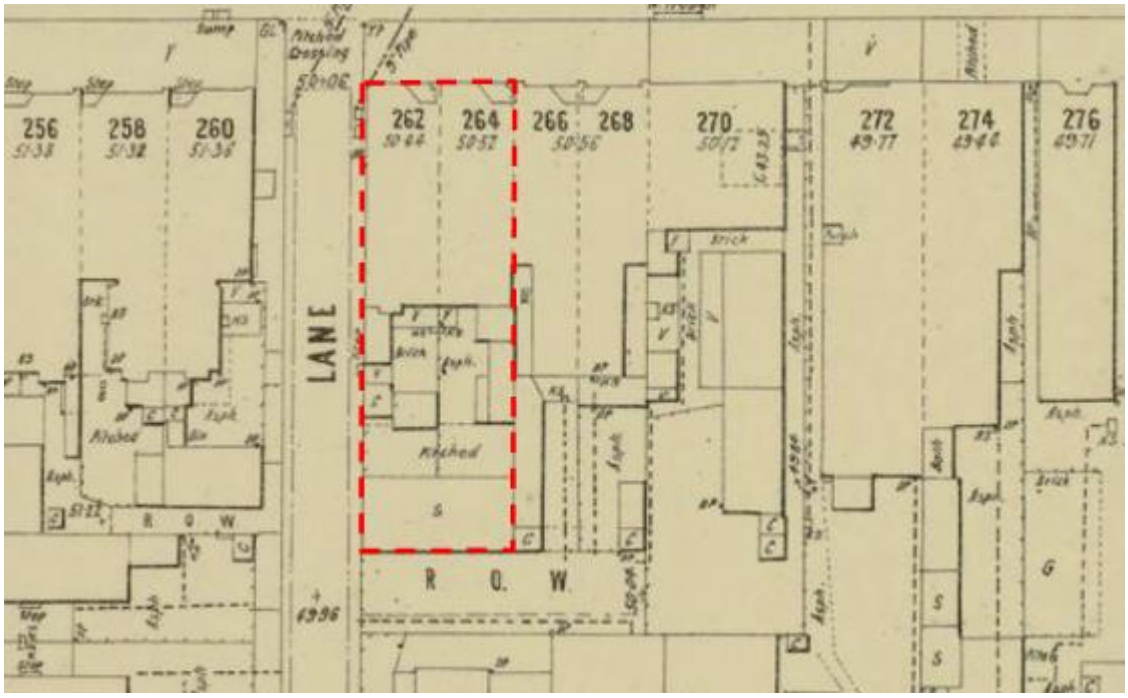
The subject site is a rectangular allotment, originally comprising of two separate allotments, with a principal frontage to Bridge Road, a side frontage to Tullo Place and a laneway at the rear.



Above: Current aerial of the subject site

Attachment 5 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)

Historically the site consisted of two adjoining shops of possibly matching appearance. These shops were probably demolished when the existing building was constructed c.1990s



Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1060, City of Richmond Subject site outlined in red.

The subject site currently contains a two-storey building that was originally constructed as a bank. More recently it was used as a retail store but is now vacant.



Above: Subject site at 262-264 Bridge Road

The adjoining properties to the east are a pair of attached two-storey commercial buildings with former residences above. The buildings are late Victorian in architectural style and constructed of rendered brickwork. The pair of buildings are of contributory heritage significance. Beyond that is a wide single-storey shop that is non-contributory.

Attachment 5 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)



Above: View eastwards beyond the subject site

The properties to the west of the subject site are separated by the laneway known as Tullo Place. The building on the opposite corner consists of nos.256, 258 and 260 which are a row of three originally matching shops with residences that were constructed in 1871. The group of three are considered individually significant. Beyond these is the individually significant Vine Hotel.



Above: View westwards beyond the subject site

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the full demolition/removal of the existing building and all associated structures

The subject building is identified as being not contributory. Therefore it is considered that full demolition of this building will have no impact on the cultural significance of the heritage precinct.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of a new part 3, part 4-storey building containing a shop and five apartments.

The key consideration for assessing this aspect of the works is whether the proposed new development will

- Be in keeping with the character or appearance of nearby heritage buildings of contributory significance; AND
- Not adversely affect the significance of the broader heritage precinct.

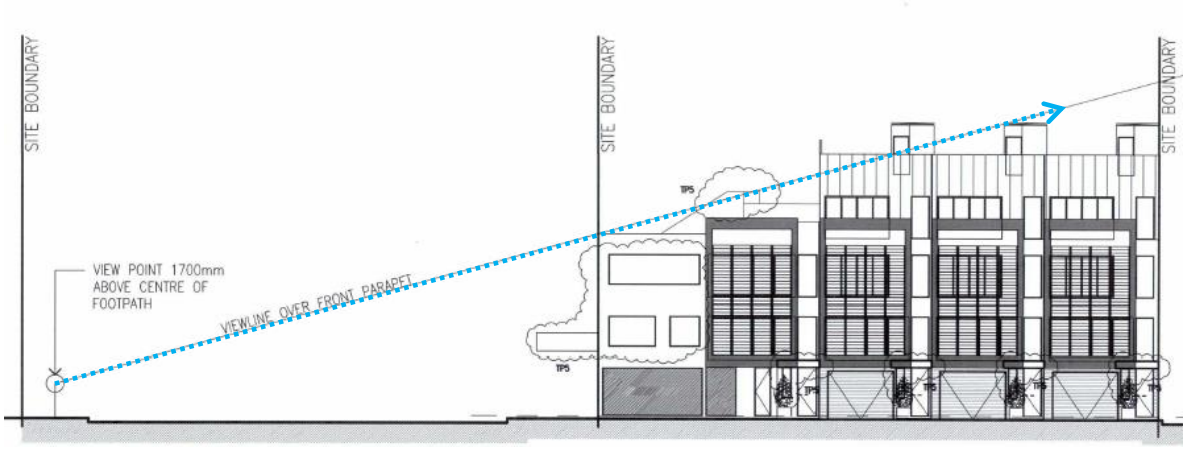
Attachment 5 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)

Setbacks:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

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

The proposed front setback for the new development will be zero metres at ground, first and second floor levels from Bridge Road. The third floor will be set back from Bridge Road 5.3 metres and the fourth floor (roof terraces) will be setback 10.8 metres from Bridge Road.



Above: Extract from submitted drawings showing sightline from opposite side of Bridge Road

The ground, first and second floor levels will be consistent with the nearby front setbacks of the adjacent contributory properties that all have zero front setbacks.

The sightline tool implies that the third floor level will be concealed from the opposite side of the road. The fourth floor level will be partially visible but will be set back to an extent that the front portion of the building will appear to be about the depth of adjacent contributory buildings. The parapet to the fourth floor appears to conceal the roof terraces (fifth floor).

The proposed side setback for the new development will be zero metres for the front portion of the development fronting Tullo Place. Towards the rear there will be a minor 1 metre side setback at ground level however balconies will occupy this setback on the floor levels above.

Within a commercial strip, zero front and side setbacks are considered consistent with the character of the area.

Scale/height:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

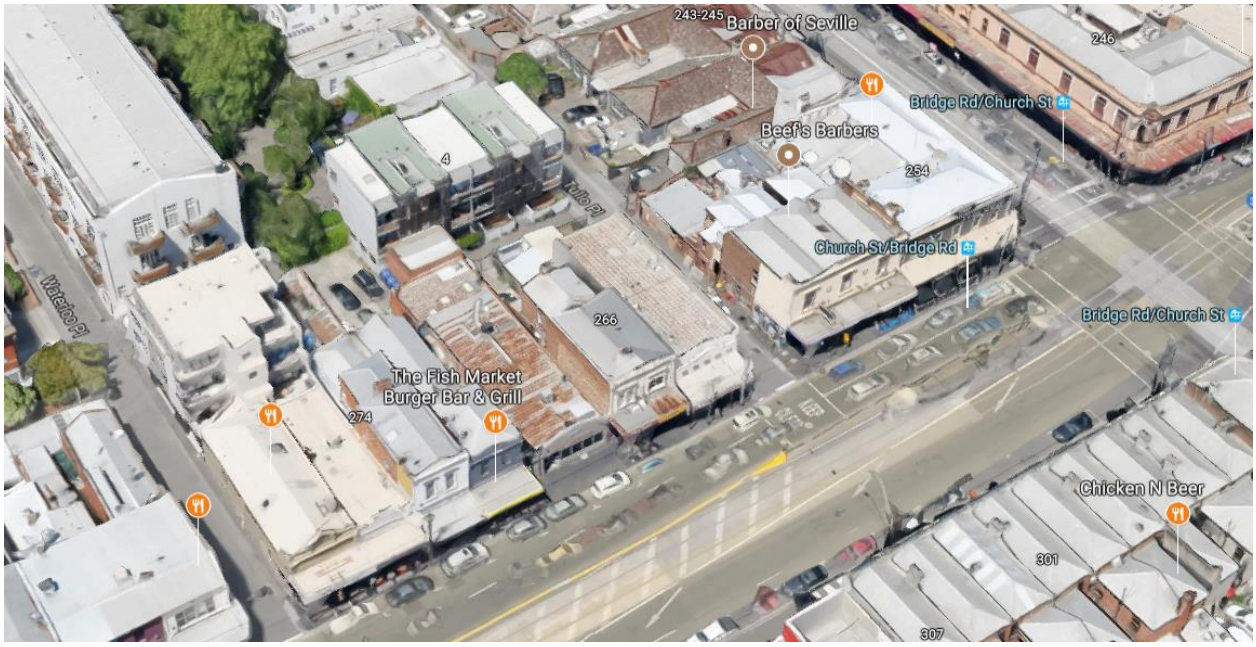
> similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height

The proposed facade height for the new development will be about 9 metres. The facade heights of the adjacent properties are about 8.6 metres (no. 266-268 Bridge Road) and about 9.4 metres (no. 260 Bridge Road). As the height of the proposed street façade is between the heights of the two adjacent buildings, it is considered appropriate.

The proposed development will have parts taller than the facade height. Within the surrounding area, there are no shop buildings with four or five storey rear additions. The closest multi-storey recent developments are the three-storey residential building behind (no. 4 Tullo Place) and the four-storey buildings in Waterloo Place (nos. 2 and 33). None of these have open roof terraces.

Attachment 5 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)

Based on its location, it is consider that the maximum height of the proposed new building should be reduced to about 12 metres which is roughly equivalent to four-stories without roof terraces or three-stories with roof terraces.



Above: Aerial showing the comparative heights of neighbouring properties

Roof form:

The proposed roof form for the new development will be flat. On the basis that the roofed areas will be generally concealed, there is no concern regarding the proposed roof form.

Appearance:

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

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

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.
The proposal to recreate shopfronts fronting Bridge Road that are in the character with the original heritage style shopfronts of nearby contributory buildings is considered appropriate as it will help to integrate the new building into the heritage streetscape at ground level.

At the upper levels of the Bridge Road façade, there is a concern that the proposed floor levels of the new building will visibly cut across the window openings in a manner that is not consistent with the character of the nearby contributory buildings. The detailing of this needs to be carefully considered to

Attachment 5 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)

avoid this issue or else the building should be redesigned to more generally match the proportions of the surrounding buildings.

The Façade detailing to the side laneway is of limited heritage concern to the character of the Bridge Road streetscape.

Attachment 5 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Heritage Referral (Initial Advice)

RECOMMENDATIONS:

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

1. That the maximum height of the proposed new building must be reduced to be no greater than 12 metres at the rear including any proposed roof terraces;
2. That the upper level of the principal Bridge Road façade must be redesigned to avoid the visibility of floor structures cutting across window openings while maintaining the impression of a two-storey structure.

SIGNED:



Diahnn McIntosh

DATED: 13 November 2017

Attachment 6 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Urban Design Referral (Decision Plans)

CITY OF YARRA

MeMO

TO:	Michelle King (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	11 October 2018
SUBJECT:	262-264 Bridge Road, Richmond 3121
APPLICATION NO:	PLN17/0276
DESCRIPTION:	Demolition of existing shop, and construction of part three / part four storey building containing a shop and five dwellings (each with a roof top terrace)

Urban Design comments have previously been provided on the above application, on 12 September 2017. Revised plans have been submitted, and feedback is now being sought on whether the revised drawings (dated 22 September 2018) address concerns previously raised.

The comments below are structured around the headings of the 12 September 2018 memo.

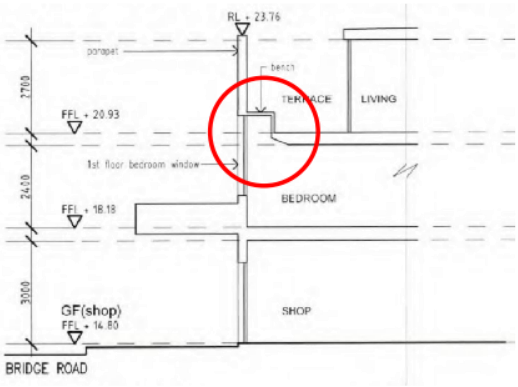
1. Presentation of building to the street

- Our previous comments supported the street wall height. There appear to be no changes to the street wall height that would affect these comments.
- Previous comments raised the following concern about the front portion of the building:

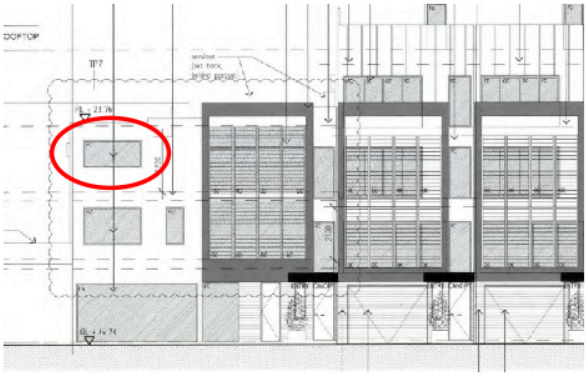
  The proposal attempts to fit three levels of the development within the 9 metre street wall height – in our view this does not work and results in the building having inconsistent proportions and pattern compared to the surrounding streetscape (contrary to Clause 22.02-4) and insufficient floor to ceiling heights. Considering that the street wall needs to remain at about 9 metres (and no higher than the main parapet wall of the building on the opposite corner of Bridge Road / Tullo Place), we recommend that the development is two storeys at the front of the site. This will allow for better floor to floor proportions to complement the adjacent street wall, maintain the pattern of the streetscape, and provide flexible floor to floor heights to support the role and function of Bridge Road as an Activity Centre. In amending the design to accommodate two storeys at the front, the following matters should be addressed:

- *The proportion of solid to void (windows) on the upper floor facade which is currently proposed complements the adjacent buildings, and this aspect of the design should be maintained.*
- *The proposed awnings and window sill heights should match the adjacent properties.*
- *The proposed windows should not extend in front of floors or party walls (this is currently proposed and would have an uncomfortable appearance to the street).*

- In response to the above concerns, the proposed front element has been changed from three storeys to two storeys, which is supported. However the floor to ceiling heights are still at a minimum, which creates poor amenity and less flexibility for these two floors. Furthermore, to accommodate the front windows, the ceiling of the first floor level steps down directly behind the window (as circled in the section below). We are not convinced that this would be buildable once other requirements (such as insulation and drainage for the terrace above) are taken into account. We therefore recommend that the floor to ceiling heights of the ground and first floor level are adjusted (raised) so that it more comfortably sits behind the window without having to rely on more complex construction methods. This would also ensure improved amenity for these internal spaces.



- The west elevation retains a window opening at second floor level (circled below), which would now open onto the roof terrace, and would allow for views of the sky when looking through the window from the street. We suggest that this window is removed to strengthen the front portion of the building as a more solid and three dimensional building. The windows of the first floor level would need to be adjusted as part of the changes recommended above to raise the floor levels, and these windows would need to consider how they relate to the windows on both the Bridge Road and Tullo Place elevations.



2. Built form and massing

- The previous comments raised concerns about the angled stairwell structures that were positioned within the front setback. These structures have now been removed which is supported.

3. Materials and finishes

- The previous comments noted:

  The materials and finishes are generally acceptable and are consistent with materials in the local area. The one suggestion we make relates to the Alucobond on Tullo Place, which has a heavy and more commercial appearance. We have already suggested above making these frames finer in shape, and we also suggest that the Alucobond could be changed to a material which has a softer appearance.

  As no changes appear to be made on the materials, these comments still apply.

4. Building layout and interface

- The previous comments noted:

  Apart from the north-west corner of the site, the ground floor frontage along the remainder of Tullo Place is inactive and dominated by the garages/crossovers. We make the following suggestions to help improve this:

  - *The crossovers and drop kerb detail could be paved with higher quality materials so that it does not have the appearance of one large crossover.*
  - *The awnings over the entrances are quite shallow, and could be extended to the western edge of the winter gardens so that provides a bigger protected space.*

  As no changes appear to be made on the garages, these comments still apply.

Attachment 7 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Urban Design Referral (Initial Advice)

CITY OF YaRRA

MeMO

TO:	Michelle King (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	12 September 2017
SUBJECT:	262-264 Bridge Road, Richmond 3121
APPLICATION NO:	PLN17/0276
DESCRIPTION:	Demolition of existing shop, and construction of part three / part four storey building containing a shop and five dwellings (each with a roof top terrace)

Urban Design comments have been sought on the above proposal, in particular on the following matters:

- Presentation of the development to Bridge Road and Tullo Place with particular regard to the relationship within the streetscape
- The proposed materials and finishes and overall built form, articulation, and setbacks within the surrounding context
- Proposed crossovers along Tullo Place and interface with Tullo Place
- Any planned capital works around the site

Urban Design comments are provided below, and are based on the application drawings stamped 4 August 2017.

1. Presentation of building to the street

- The proposed new street wall to Bridge Road is an appropriate height and supports the surrounding streetscape (which is characterised by predominately two storey heritage buildings to the street with an overall street wall height of about 9 metres), thereby supporting Clause 22.02-4, which seeks *"to preserve the scale and pattern of streetscapes in heritage places"*.
- The proposal attempts to fit three levels of the development within the 9 metre street wall height – in our view this does not work and results in the building having inconsistent proportions and pattern compared to the surrounding streetscape (contrary to Clause 22.02-4) and insufficient floor to ceiling heights. Considering that the street wall needs to remain at about 9 metres (and no higher than the main parapet wall of the building on the

opposite corner of Bridge Road / Tullo Place), we recommend that the development is two storeys at the front of the site. This will allow for better floor to floor proportions to complement the adjacent street wall, maintain the pattern of the streetscape, and provide flexible floor to floor heights to support the role and function of Bridge Road as an Activity Centre. In amending the design to accommodate two storeys at the front, the following matters should be addressed:

- The proportion of solid to void (windows) on the upper floor facade which is currently proposed complements the adjacent buildings, and this aspect of the design should be maintained.
- The proposed awnings and window sill heights should match the adjacent properties.
- The proposed windows should not extend in front of floors or party walls (this is currently proposed and would have an uncomfortable appearance to the street).

- In general it is considered that the Tullo Place façade design is acceptable, and some minor changes have been suggested below to improve the appearance:
  - The upper floor windows (near the north-west corner) would benefit from being similar in proportion to the windows proposed on the Bridge Road / Tullo Place frontages.
  - The Alucobond framing has a heavy appearance and would benefit from being finer in shape (comments are also made about the use of Alucobond material below).

2. Built form and massing

- As mentioned above, the street wall is appropriate in height and complements the valued streetscape character. We note that the first floor plan shows a slight setback from the front boundary (which may be an error on the drawing) – in any case we recommend that the entire street wall is built up to the front boundary.
- The proposed upper floor setback of 5.3 metres from the front above the street wall to the terrace is supported and will help to reinforce the street wall as the more dominant element in the streetscape. If the third floor is moving up (to address the previous issues under item 1), a similar front setback would work well.
- The front stairwell to the roof terrace (in particular Unit 2) sits within the front setback, and has an angled form which reads as a separate element and makes the upper form appear more cluttered. This stairwell should be pushed further back so that it is less visible, and maintains a clear setback between the street wall and upper form.

3. Materials and finishes

- The materials and finishes are generally acceptable and are consistent with materials in the local area. The one suggestion we make relates to the Alucobond on Tullo Place, which has a heavy and more commercial appearance. We have already suggested above making these frames finer in shape, and we also suggest that the Alucobond could be changed to a material which has a softer appearance.

4. Building layout and interface

- The proposal provides an engaging ground floor interface with Bridge Road and at the north-west corner where the ground floor shop wraps around Tullo Place.

- Apart from the north-west corner of the site, the ground floor frontage along the remainder of Tullo Place is inactive and dominated by the garages/crossovers. We make the following suggestions to help improve this:
  - Windows should be provided next to each of the entrance doors (behind the planter boxes) to let some light through at each dwelling entrance.
  - The crossovers and drop kerb detail could be paved with higher quality materials so that it does not have the appearance of one large crossover.
  - The awnings over the entrances are quite shallow, and could be extended to the western edge of the winter gardens so that provides a bigger protected space.

5. Capital works

- Whilst there are no approved capital works led by Urban Design planned for this section of Bridge Road and Tullo Place, the following projects are worth noting:
  - The Council has developed a Bridge Road Streetscape Masterplan, which has been consulted on recently and is expected to be adopted by Council in October 2017. It recommends improving landscaping (i.e. planters) along the south side of Bridge Road, including in front of the site. For Tullo Place it recommends improving the pedestrian amenity and safety of the street and exploring the opportunity for public art. No funding has been secured at this stage for these improvements, and we note that the proposed ground floor shop window on Tullo Place will help to improve the pedestrian safety and amenity here.
  - VicRoads is proposing to improve the pedestrian safety of a number of side street off Bridge Road (between Church Street and Yarra Boulevard), by providing raised threshold treatments. It is noted that Tullo Place already has a raised threshold treatment, but there may potentially be some additional works to provide higher quality materials. The designs for these are currently being developed, and VicRoads intends to implement this project this financial year.

Attachment 8 - PLN17/0276 - 262 - 264 Bridge Road Richmond - ESD Referral (Amended Plans)

CITY OF YaRRA

MeMO

TO:	**Michelle King**
cc:	
FROM:	**Euan Williamson, ESD Advisor**
DATE:	**16.10.2018**
FILE:	**262-264 Bridge Road, Richmond – PLN15/1082**
SUBJECT:	**Amended SDA and updated comments**

Michelle,

I have reviewed the amended SDA prepared by MC^2 Energy Consultants (Issue 2a dated 25.05.2018) and architectural drawings and in summary I find the standard of ESD proposed is acceptable.

The previous issues regarding shading and high cooling loads in summer have been resolved with the inclusion of the correct cooling loads and preliminary NatHERS ratings and also through notation of the aluminium louvers.

If you would like to discuss this further, don't hesitate to contact me.
Euan.

Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5366 **F** (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 9 - PLN17/0276 - 262 - 264 Bridge Road Richmond - ESD Referral Response (Initial Advice)

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

Assessment Summary:

Responsible Planner:		Michelle King	
ESD Advisor:		Euan Williamson	
Date:	05.12.2017	Planning Application No:	PLN17/0276
Subject Site:		262-264 Bridge Road, Richmond	
Site Area:	Approx. 236m^2	Site Coverage:	100%
Project Description:		Part 3, part 4 Storey building comprising five dwellings and a shop.	
Pre-application meeting(s):		No ESD involvement.	

This application does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are 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:

- A STORM report with a score of 104% has been received demonstrating best practice in urban stormwater management, incorporating ~143m^2 of roof draining to 6,000 litres in rainwater storage connected to toilets for flushing in dwellings 3, 4 and 5.
- Good ventilation to all dwellings.
- Energy efficient heating / cooling and lighting systems.
- Water efficient fixtures throughout.

(2) Application ESD Deficiencies:

- Bedrooms on eastern façade (Units 2, 3, 4 & 5) are extremely vulnerable to development on the adjoining site to the east. Reconfigure light court design to increase the distance from habitable windows and demonstrate that under a future equitable development scenario that best practice standards for access to daylight will be provided to both the proposed and future development on the site to the east. Consider re-designing Unit 5 internal design to utilities the southern façade to gain bedroom daylight/ventilation access.
- Unprotected glazing to west facing winter gardens will lead to over heating and extreme internal temperatures in summer. Strongly recommend that west facing winter garden façade be better protected with adjustable external shading to protect it from summer sun angles. Recommend exterior adjustable blinds, solid louvers, screens or similar. Ensure that external shading reduce cooling loads to 30MJ/m^2 at an absolute maximum in all dwellings.
- Unprotected glazed winter garden are not deemed an ESD Innovation, but an unquantified thermal load, and a poor design feature that can lead to overheating and potential health hazards in summer time. Please remove this claim from your BESS report.
- The two dwellings (Unit 1 & 2) appear not to have any bike parking. Provide at least one bike parking space for each dwelling.

(3) Outstanding Information:

- Solar hot water has been entered into BESS for all dwellings, but appears not to be included for Unit 1 & 2 that face bridge road. Please clearly note the approximate location of all solar hot water systems, or change the hot water system type in BESS and ensure that the result demonstrates best practice in energy efficiency.

Attachment 9 - PLN17/0276 - 262 - 264 Bridge Road Richmond - ESD Referral Response (Initial Advice)

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



- The Water section in BESS relies on water efficient landscaping, but only 4 small 850mm planter boxes are included in the proposal. Please provide more detail on water efficient landscaping to justify claiming this credit in BESS.
- Please include the preliminary Section J Glazing calculator results, claimed in the BESS Management section.

(4) ESD Improvement Opportunities:

- Consider a solar PV array to each townhouse to contribute to onsite electricity consumption.

Further Recommendations:

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

Attachment 10 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Engineering Referral

CITY OF YaRRA

MEMO

To:	**Michelle King**	
From:	**Mark Pisani**	
Date:	**27 December 2017 (Amended 24 September 2018)**	
Subject:	**Application No:**	**PLN17/0276**
	Description:	**Shop and Five Dwellings**
	Site Address:	**262-264 Bridge Road, Richmond**

I refer to the above Planning Application received on 24 November 2017 in relation to the proposed development at 262-264 Bridge Road, 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
Two-bedroom dwelling	2	1 space per dwelling	2	0
Three-bedroom dwelling	3	2 spaces per dwelling	6	3
Residential visitors	5 dwellings	1 space per 5 dwellings	1	0
Retail	74 m^2	4 spaces per 100 m^2 of leasable floor area	2	0
		Total	**11 Spaces**	**3 Spaces**

The development would have a parking shortfall of five resident spaces, one residential visitor space and two spaces associated with the retail use. 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 the Two- and Three-Bedroom Dwellings*. The two bedroom dwellings would not be provided with on-site parking whereas the three three-bedroom dwellings would each be allocated one space. Car ownership rates for residential dwellings in Richmond can be sourced from the 2011 Census conducted by the Australian Bureau of Statistics. For flat type dwellings, two-bedroom dwelling (in a three-storey block) have an average car ownership of 1.0 car per dwelling. Some 23% of two-bedroom dwellings do not own a motor vehicle. Three-bedroom dwellings have an average car ownership of 1.4 cars per dwelling and at least 47% of these dwellings own one vehicle. The data suggests that there is a proportion of two-bedroom households that do not own a motor vehicle and that a sizable number of three-

bedroom dwellings own at least one vehicle. The proposed on-site parking provision for the subject site reflects the statistical trend for car ownership in the Richmond. The on-site parking is considered appropriate.

- *Parking Demand for Residential Visitors*. Peak parking for residential visitors generally occurs on weekday evenings and at weekends. The development would have a parking demand of one residential visitor space.

  The applicant proposes to accommodate the one visitor parking space off-site. We would normally encourage applicants to provide some on-site parking for residential visitors for developments on or near activity centres. In this instance, the scale of the development and the footprint of the property cannot practically accommodate one on-site space for visitors.

- *Parking Demand for Retail Use*. The retail use for the site would have a car parking demand of two spaces. Employees of the shop would be required to make their own travel arrangements to commute to and from the site. Customers would be inclined to park on-street.

- *Availability of Public Transport in the Locality of the Land*. The site is within walking distance of tram services operating along Church Street and Bridge Road.

- *Multi-Purpose Trips within the Area*. Customers to the site who choose to drive might combine their visit by engaging in other business or activities whilst in the area.

- *Convenience of Pedestrian and Cyclist Access*. The site has very good walking accessibility to public transport nodes and is within walking distance of shops, businesses, essential facilities and amenities. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*. Although the demand for on-street parking in Richmond is generally very high, customers to the site have the option of parking on-street along Bridge Road (outside of peak period Clearway times).

- *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.

- *The Future Growth and Development of an Activity Centre*. Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such Bridge Road, where spare on-street car parking capacity would be shared amongst sites within the centre.

- *Other Relevant Matters*. The occupants of the residential dwellings will not be eligible to apply for on-street residential and visitor parking permits.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of five resident spaces, one residential visitor space and two spaces associated with the retail use is considered appropriate in the context of the development and the surrounding area. The site's very good accessibility to public transport services and the Bridge Road activity centre can enable the dwellings and shop to function with little or no parking.

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

Attachment 10 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Engineering Referral

TRAFFIC GENERATION

The traffic generation for the site adopted could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (Three dwellings with on-site parking)	3.0 vehicle trips per on-site space per day. (3 spaces) Peak hour volume is 10% of daily volume	9	1	1

The volume of traffic generated by this site is low and should not adversely impact on the traffic operation of Tullo Place or Bridge Road.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Doorway Widths	Not dimensioned on the drawings. Dimensions for the doorway openings should be provided before the drawings are endorsed.
Access via Tullo Place	A site inspection of Tullo Place revealed that the east footpath and road carriageway have widths of approximately 0.57 metres and 4.57metres respectively. A check of the Proposed Ground Floor Plan using the Trapeze plan management tool indicates that the B85 design vehicle can enter and exit each single garage.
Headroom Clearance	The doorways have heights of approximately 2.1 metres and satisfy *Design standard 1 – Accessways* of Clause 52.06-9.
Car Parking Modules	
Garages	The internal dimensions of the single garages (3.5 metres by 6.0 metres) satisfy *Design standard 2: Car parking spaces*.
Other Items	
Loading Arrangements	The site does not have the footprint to accommodate an on-site loading bay for the shop. Deliveries to this size of shop would be made by small vans or commercial vehicles which could park on-street. On the east side of Church Street, just south of Bridge Road, there is a public on-street Loading Zone which could also be used for deliveries to the site. Engineering Services has no objection to the waiver of the loading bay requirement under Clause 52.07.
Vehicle Crossing outside of Shop Tullo Place	The Proposed Ground Floor Plan depicts a vehicle crossing on the east side of Tullo Place (outside the shop). This crossing would need to be deleted from the drawings prior to endorsement.

Attachment 10 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Engineering Referral

ENGINEERING CONDITIONS

Civil Works

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

- The new vehicle crossings must be constructed in accordance with Council's Standard Drawings and engineering requirements. The splays of the new vehicle crossings must be clear of the pedestrian entries of the dwellings.
- The existing vehicle crossing on the property's Tullo Place frontage must be demolished.
- All redundant property drains must be removed and reinstated to Council's satisfaction and at the Permit Holder's cost.
- The kerb and channel along the site's Tullo Place frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Bridge Road frontage must be stripped and re-sheeted 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.

Public Lighting (on Roads)

- The public light directly facing the development (on the west side of Tullo Place) should be provided with baffling or shielding to minimise light spilling into the habitable windows of the development. The supply and installation of any baffling or shielding is to be funded by the Permit Holder.

Road Asset Protection

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

Construction Management Plan

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

Impact of Assets on Proposed Development

- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Attachment 10 - PLN17/0276 - 262 - 264 Bridge Road Richmond - Engineering Referral

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.

Existing Sewerage Easement

A check of the title for the subject site (Vol 04387 Fol 378) indicates that there is an existing sewerage easement (E-3) which has a width of 1.22 metres, extending from the south side of the property at an oblique angle.

Under the provisions of the *Building Regulations* 2006 (Reg. 310), a Report and Consent of a service authority is required to construct a building over an easement vested in that service authority. In this case, City West Water is the relevant authority vested in the easement at the subject site and not Council.

The applicant needs to consult City West Water with respect to building over the sewerage easement or whether the easement can be removed.

Relocation of Speed Zone Sign in Tullo Place

Speed limit signs are Major Traffic Control Devices whose installation requires authorisation from VicRoads.

The applicant proposes to relocate the existing speed limit sign on the east side of Tullo Place. Before authorisation can be granted to relocating the sign, the applicant must consult with VicRoads and Council's Traffic unit.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit