YARRA CITY COUNCIL

Planning Decisions Committee

Agenda

to be held on Wednesday 9 September 2020 at 6.30pm in MS Teams

Rostered Councillor membership

Councillor Misha Coleman
Councillor Danae Bosler
Councillor Mi-Lin Chen Yi Mei (substitute for Cr Daniel Nguyen)

I. ATTENDANCE

Julian Larkins (Co-Ordinator Statutory Planning)
Nish Goonetilleke (Senior Planner)
Rhys Thomas (Senior Governance Advisor)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. COMMITTEE BUSINESS REPORTS

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Acknowledgement of Country

"Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future."

Planning Decisions Committee Submissions

"Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received."

Extract from the Council Meeting Operations Policy, September 2019

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Development of the land for the construction of a seven storey building (plus basement and rooftop plant), a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage	5	68
1.2	PLN12/1110.01 - 326 - 348 Church Street Richmond - Section 72 Amendment to allow for part of the ground floor to be used as a secondary school.	173	187
1.3	PLN20/0077 - 378-380 Smith Street, Collingwood - Partial demolition, construction of a multi-level, mixed-use building and a reduction in the statutory car parking requirement.	199	256
1.4	PLN19/0924 - 88 Neptune Street Richmond - Construction of a new dwelling	402	421
1.5	PLN19/0918 - 121 Burnley Street, Richmond - Partial demolition and construction of an addition to the rear of the existing building for the use as an office and warehouse, display of business identification signage and a reduction in car parking associate with the office use	469	491

1.1 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Development of the land for the construction of a seven storey building (plus basement and rooftop plant), a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage

Executive Summary

Purpose

1. This report provides an assessment of the proposal at 4-6 Adolph Street and 3-5 Pearson Street, Cremorne for the construction of a seven storey building (plus basement and rooftop plant), a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage

Key Planning Considerations

2. Key planning considerations include:

   (a) Interfaces uses policy (Clause 22.05);
   (b) Built form (Clauses 15, 21.05, 22.10 and 34.02-7); 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) Policy and Strategic Support;
   (b) Built form and Urban Design;
   (c) Advertising signage;
   (d) On-site amenity;
   (e) Off-site amenity;
   (f) Car parking and traffic;
   (g) Bicycle facilities and strategic transport;
   (h) Waste management; and
   (i) Objector concerns.

Submissions Received

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

   (a) Built form and design
      (i) No built form transition to the west, such as seen as 508-510 Church Street;
      (ii) Height inconsistent with surrounding low-rise heritage;
      (iii) Impacts to public realm;
      (iv) Design is displeasing;
      (v) Landscape drawings are required;
      (vi) Lack of stormwater management; and
      (vii) Concern that the design elements will be value managed in the future with a request for a façade strategy.

   (b) Off-site amenity impacts
      (i) Shadowing to residentially zoned land (SPOS areas);
      (ii) Shadowing to non-conforming residences (SPOS areas, windows and solar panels);
      (iii) Shadow diagrams do not show shadowing across a broader range of dates;
      (iv) Loss of privacy and overlooking;

(v) Loss of daylight;
(vi) Visual bulk to surrounding non-conforming residences/care taker residences;
(vii) Erosion of community feel within C2Z enhanced by non-conforming residential uses;
(viii) Noise impacts to surrounding non-conforming residential from garage/car stackers;
(ix) Waste arrangements are confusing.

(c) Traffic and Car parking
(i) Loss of on-street car parking to cater to new crossover on Pearson Street;
(ii) Queuing in Pearson Street due to the stacker system;
(iii) Too many car parks provided on-site, additional traffic cannot be supported within local road network; and
(iv) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development.

(d) Other
(i) Disruption during construction; and
(ii) Soil contamination from previous mechanical workshop use.

Conclusion

5. Based on the following report, the proposal as shown within the plans amended pursuant to Section 57A is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:

(a) A Façade Strategy and Materials and Finishes Plan including details of:
(i) The architectural projections of the podiums to protrude no more than 0.24 metres into Adolph and Pearson Streets, maintaining depth and articulation;
(ii) The southern internal boundary wall to incorporate patterning and variation in materials such as proposed on the eastern and western boundary walls;
(iii) Further details on the ground floor Pearson Street façade providing articulation, definition and interest as indicated on the southern elevation.
(b) Direct access provided between Adolph Street and the building lobby.
(c) Post occupational acoustic testing demonstrating compliance of the mechanical plant, car park entrance door and car stackers with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.

CONTACT OFFICER: **Michelle King**
TITLE: **Principal Planner**
TEL: **9205 5333**

1.1 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Development of the land for the construction of a seven storey building (plus basement and rooftop plant), a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage

Reference: D20/123971
Authoriser: Senior Coordinator Statutory Planning

Ward:	Melba
Proposal:	Construction of a seven storey building (plus basement and rooftop plant), a reduction in car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage.
Existing use:	Motor bike sales/dwellings
Applicant:	ProUrban Advisory Planning & Management Wilmac Cremorne Fund Ltd
Zoning / Overlays:	Commercial 2 Zone Design and Development Overlay, Schedule 5 City Link Project Overlay
Date of Application:	20 November 2019
Application Number:	PLN19/0827

Planning History

4 – 6 Adolph Street, Cremorne

1. Planning Permit PL01/0392 was issued on 26 July 2001 for part use of the land for motor bike sales.

3 Pearson Street, Cremorne

2. No planning permit history.

5 Pearson Street, Cremorne

3. Planning property enquiry PPE14/0077 confirmed on 3 June 2014 that No. 5 Pearson Street retained existing-use-rights as a dwelling.

Background

Lodgment of S57A plans

4. The application was formally amended on 18 June 2020 pursuant to Section 57A of the *Planning and Environment Act* 1987 (the Act). The amended plans made the following key changes:

   (a) Extension of the basement with modifications to suit modified car parking at ground level and the relocation of the end-of-trip facilities from the ground floor;
   (b) At ground floor, the inclusion of a 38sqm office tenancy facing Pearson Street. The previous end-of-trip facility room modified to a 53sqm office tenancy;
   (c) At Levels 4 – 6, the setback from Adolph Street is increased to 2 metres.

(d) At levels 5 and 6, the setback from the west is increased by 2 metres for the northern half. The southern half is setback 1 metre from the northern split boundary.
(e) The same number of car parking spaces is accommodated on site and due to the floor area reduction, the car parking reduction is reduced by 4 spaces.

Lodgment of without prejudice shadow diagrams

5. On 10 August 2020 the applicant prepared without prejudice shadow diagrams to show the impact of shadowing to the secluded private open space / outdoor unenclosed areas of the non-conforming dwellings on the southern side of Pearson Street.

6. The shadow diagrams also updated the properties on the southern side of Pearson Street, to show the open space at No. 4 Pearson Street (previously shown roofed) and the three storey development with roof terrace at No. 8 Pearson Street (previously shown as a single-storey dwelling).

7. These plans are provided without prejudice for information purposes. These plans are included as an attachment to this report.

Proposed signage

8. On 18 August 2020 the applicant confirmed that as a result of the plans amended via Section 57A, Sign 03 as shown on the proposed signage plan is no longer required and should be deleted via Condition 1.

The Proposal

9. The proposal is to construct a seven storey building (plus basement and rooftop plant), a reduction in car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage. Key features of the proposal include:

Use and layout

10. The building has two frontages, to Adolph Street and Pearson Street. At the ground floor the building contains a food and drinks premises (café) of 53sqm. The café is accessed from the main vehicle entrance on the western side of the allotment, through the building lobby.

11. Two office tenancies are also located on the ground floor, one 53sqm tenancy facing Adolph Street and a 38sqm tenancy facing Pearson Street. The upper levels accommodate 2,587sqm of office floor area.

12. A total of 25 car spaces are accessed at the ground level in car stacker systems. The car parking area is accessed from Pearson Street with egress to Adolph Street. A total of 22 on-site bicycle spaces and end-of-trip facilities are provided at the basement level, with access from the main lift lobby/stairwell. An additional two bicycle spaces are accommodated in the building setback at ground floor facing Pearson Street.

Construction

Demolition

13. All structures on site are to be demolished (no permit required).

Basement

14. One basement level accessed internally via lift and stairwell. The basement area houses the substation, a range of service cupboards, the waste room and the rainwater tank (total 10,000 litres) as well as the car stacker pits. The basement also contains the end-of-trip facilities for the development, including 22 bicycle spaces (10 horizontal) with four showers and 28 lockers. The basement is generally constructed to all title boundaries, with the exception of an approximate 3.3 metre setback from the eastern boundary for the Adolph Street portion.

Ground Floor

15. The ground floor is built to the Adolph Street boundary for the entire length of the boundary with vehicle access located toward the western edge, through the provision of a single-width crossover. To Adolph Street the building proposes a series of curved windows that are setback a maximum 0.5 metres from the street.

16. The building is built to the eastern boundaries and internal southern boundary for the full length. Similarly, the building is built to the western boundaries and internal northern boundary for the full length.

17. To Pearson Street, centrally along the ground floor a double-width vehicle crossover is accommodated. To the east of this, the building is setback approximately 1.1 metres from the street with a bicycle rail accommodated within the setback. To the west of the vehicle crossover the building is setback approximately 1.1 metres from the street, with concealed building services located on the street boundary.

First and Second Floor

18. The building is built to the Adolph Street boundary with architectural fins protruding a maximum of 0.5 metres into the street.

19. At these levels, the building is built to the eastern boundaries and internal southern boundary for the full length. Similarly, the building is built to the western boundaries and internal northern boundary for the full length.

20. The building is built to the Pearson Street boundary with architectural features protruding a maximum 0.5 metres into the street.

Third Floor

21. The building is built to the Adolph Street boundary with architectural features protruding a maximum 0.5 metres into the street.

22. At this level, the building is built to the eastern boundaries and internal southern boundary for the full length with the exception of a minimum 1.7 metre setback from Pearson Street. Similarly, the building is built to the western boundaries and internal northern boundary for the full length with the exception of a minimum 1.7 metre setback from Pearson Street. Architectural projections of 0.5 metres in length encroach into this setback.

23. The building is setback a minimum 1.7 metres from the Pearson Street boundary with a 22 sqm terrace and architectural features (maximum 0.5m) situated within this setback.

Fourth Floor

24. The building is setback 2 metres from the Adolph Street boundary with architectural features protruding 0.5 metres into the setback. A terrace approximately 40 sqm facing Adolph Street is accommodated at this level within the setback with a 0.5 metre wide planter located along the street edge.

25. At this level, the building is built to the eastern boundaries and internal southern boundary for the full length with the exception of a 2 metre setback to Adolph Street and minimum 1.7 metre setback to Pearson Street. Similarly, the building is built to the western boundaries and internal northern boundary for the full length with exception of a 2 metre setback to Adolph Street and minimum 1.7 metre setback to Pearson Street.

26. The building is setback a minimum 1.7 metres from the Pearson Street boundary with architectural features protruding 0.5 metres into this setback.

Fifth Floor

27. The building is setback 2 metres from the Adolph Street boundary with architectural features protruding 0.5 metres into the setback.

28. At this level, the building is built to the eastern boundaries and internal southern boundary for the full length with the exception of a 2 metre setback to Adolph Street and a 5 metre setback to Pearson Street. Architectural features protrude 0.5 metres into these setbacks.

29. The building is setback from the western boundaries by 2 metres (northern portion) and 3 metres (southern portion) with a 1 metre setback from the internal northern boundary. A 0.9 metre wide planter box is located along the western and internal northern boundaries with terraces located in the setback area.

30. The building is setback 5 metres from the Pearson Street boundary with architectural features protruding 0.5 metres into this setback. A terrace approximately 55 sqm in area facing Pearson Street is accommodated at this level within the setback area.

Sixth Floor

31. The building is setback 2 metres from the Adolph Street boundary with architectural features protruding 0.5 metres into the setback.

32. At this level, the building is built to the eastern boundaries and internal southern boundary for the full length with the exception of a 2 metre setback to Adolph Street and a 5 metre setback to Pearson Street. Architectural features protrude 0.5 metres into these setbacks.

33. The building is setback from the western boundaries by 2 metres (northern portion) and 3 metres (southern portion) with a 1 metre setback from the internal northern boundary.

34. The building is setback 5 metres from the Pearson Street boundary with architectural features protruding 0.5 metres into this setback.

Roof Level

35. Above the sixth floor is the roof top level. The lift core and stair enclosure are located along the internal southern boundary, centrally on the site, with the solar panels located to the north. East and west of the lift core and stair enclosure are two roof plant areas that are screened by 1.2 metre and 1.8 metre high screening, respectively.

36. The stair enclosure is the highest point of the overall building, with an RL of 36.40 (overall 28.07 metres above Natural Ground Level).

Elevations

37. To Adolph Street, a four storey podium with an overall height of 16.3 metres is proposed. A three storey podium with an overall height of 12.9 metres is proposed to Pearson Street.

38. The building will be seven storeys with an overall height of 28.07 metres (including plant).

Materials and Finishes

39. At the ground floor the building comprises mainly glazing with stone cladding pillars and metal (copper colour) accents and doorways where facing Adolph Street; and metal (copper colour) façade and glazing to Pearson Street.

40. The upper levels are proposed to be glazed, with concrete exposed aggregate finish and concrete finish framing. The architectural projections will have vertical fin detailing with metal (copper colour) accents.

41. The side boundary walls will be clad in “board marked” concrete with detailing provided in a metal finish (copper colour) and concrete finish. The internal southern boundary wall is proposed to be “board marked” concrete with no detailing.

Advertising Signage

42. The application proposes three internally illuminated signs as follows:
    (a) Sign 01: A 0.315m wide x 0.48m high and 0.96m wide x 0.36m high internally illuminated business identification sign with a total area of 0.4968sqm is proposed. The sign specifies the address of the building ‘4 Adolph’ and is attached to the internal wall within the accessway as shown on the northern elevation plan.
    (b) Sign 02: A 0.55m wide x 0.2m high internally illuminated sign with a total area of 0.11sqm. The sign includes an image of a coffee cup (to identify the location of the café). The sign will be a minimum 2.98 metres above the pavement.
    (c) Sign 03: A 0.55m wide x 0.2m high internally illuminated sign with a total area of 0.11sqm. The sign includes an image of a bike. The sign will be 2.3 metres above the pavement. As previously identified, this sign is no longer required due to the amendments made to the plans via Section 57A and should be deleted via condition.

Existing Conditions

Subject Site

43. The subject site fronts onto two streets, Pearson and Adolph Streets in Cremorne with Church Street to the east and Walnut Street to the west. The site is located on the northern side of Pearson Street and the southern side of Adolph Street.

44. The site consists of three allotments that currently form three addresses, as follows:

    (a) Lot 1 PS 423183F 4 – 6 Adolph Street, Cremorne;
    (b) Lot 1 TP 845598G 3 Pearson Street, Cremorne; and
    (c) Lot 1 TP 832516K 5 Pearson Street, Cremorne.

45. The lots are connected in an irregular shape with a collective frontage to Pearson Street of 17.68 metres and a frontage to Adolph Street of 28.84 metres (Figure 1). The site has an overall area of 598sqm.

Figure 1: The subject site with a frontage to both Adolph Street (north) and Pearson Street (south)
(Source: City of Yarra GIS: Dec 2019)

46. The site fronting Adolph Street is currently occupied by a double-storey commercial building constructed of brick (Figure 2) and operating as a motor vehicle repair shop. The building is built to both side boundaries and the rear boundary, setback from the street by approximately 1.6 metres. Crossovers are present for 47% of the site frontage, generally within the western half along Adolph Street.

Figure 2: No. 4 – 6 Adolph Street, Cremorne
(Source: Officer image, taken 05/07/2019)

47. Both No. 3 Pearson Street (Figure 3) and No. 5 Pearson Street (Figure 4) are both occupied by single-storey Victorian-era cottages. Both dwellings are setback from Pearson Street by approximately 1.1 metres; are generally constructed to their respective eastern side boundaries and setback from their respective western side boundaries by 1.2 metres. Both dwellings also locate their secluded private open space to the rear of the allotments.

Figure 3: No. 3 Pearson Street, Cremorne
(Source: Google Maps, Streetview)

Figure 4: No. 5 Pearson Street, Cremorne
(Source: Google Maps, Streetview)

Title

48. The three titles submitted with the application do not show any covenants, restrictions or easements.

Surrounding Land

49. The site sits south of Swan Street, a Major Activity Centre containing a wide range of retail, entertainment, dining and service offerings and west of Church Street, a lower order Activity Centre containing a wide range of furniture and homeware premises, professional business services as well as dining and service offerings.

50. The subject site is located within a Commercial 2 Zone (C2Z), and the existing development in the wider area is mixed, consisting of residential, commercial and industrial uses resulting in diverse built form. Within the C2Z are existing built forms of 1 – 6 storeys. The area to the west of the C2Z is characterized by 1-2 storey dwellings within the Neighbourhood Residential Zone, Schedule 1 (NRZ1) as shown below.

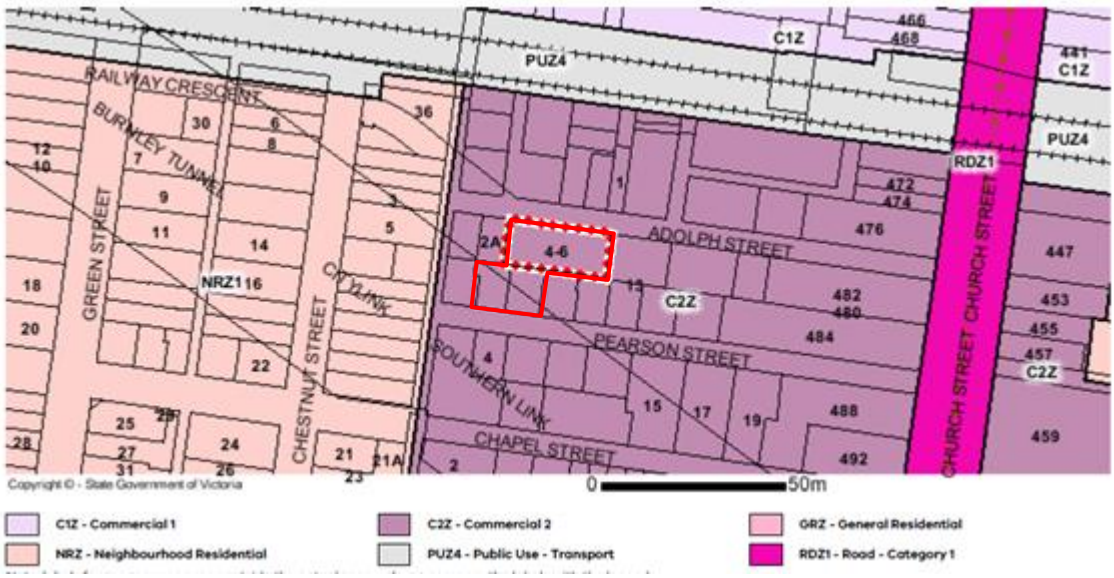


Figure 5: The subject site and surrounding land shown as C2Z, with NRZ1 to the west
(Source: DELWP)

Figure 6: Aerial imagery of the subject site and surrounding built form
(Source: City of Yarra GIS: Dec 2019)

51. The site's immediate interfaces are as follows:

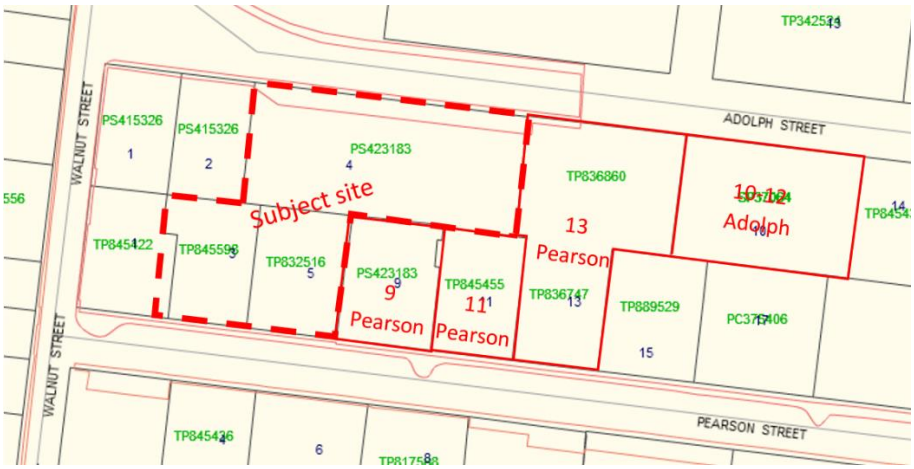
North

52. Adolph Street is a one-way (eastbound) street, approximately 6m wide, with a narrow pedestrian footpath on each side. There is no on-street car parking and Adolph Street has a hard-edge commercial/industrial built form character, which reflects the current land uses. The northern side of Adolph Street has a consistent 1-2 storey scale and street wall for most of its length; but is open at the western end, and directly opposite the subject site, where the at-grade car park for the East Richmond Station is located.

53. The southern side is more varied, with smaller sites of 1-2 storeys at the western end and a larger building up to 5 storeys at the eastern end extending to Church Street (No. 480-482 Church Street, which was developed under planning permit PL08/0297). Garages and associated vehicle crossovers are commonly associated with commercial/industrial buildings along its length.

East

54. There are a number of sites located to the east, for clarity the street addresses are provided below:



55. To the east of the northern portion of the site at No. 11-13 Pearson Street, is a vacant lot. The site is subject to two planning permits, as follows:

Planning Permit PLN17/0044 - 11-13 Pearson Street

(a) Planning permit PLN17/0044 was issued at the direction of VCAT on 6 April 2018. The permit allowed for the construction of a mixed use building (office and four dwellings with existing use rights) and a reduction in car parking requirements.

(b) The approved development is rectilinear in form with concrete and metal cladding finishes to external walls. The building is seven levels in height and built to all side boundaries. To Adolph Street, the building is built to the street from the ground floor to level 3 and setback 2.1 metres at levels 4-6. At levels 5-6 two projecting balconies are built to the boundary, both approximately 6 metres in length. To Pearson Street, the building is built to the street from the ground floor to level 2. Levels 3-4 are setback 1.7 metres from the street, with levels 5-6 setback 5 metres from the street. Projecting balconies are accommodated at both levels in these setbacks, at level 5 the setback of the terrace is 1.7 metres and the setback is 3 metres at level 6.

(c) The development as it presents to Adolph and Pearson Streets is shown below:

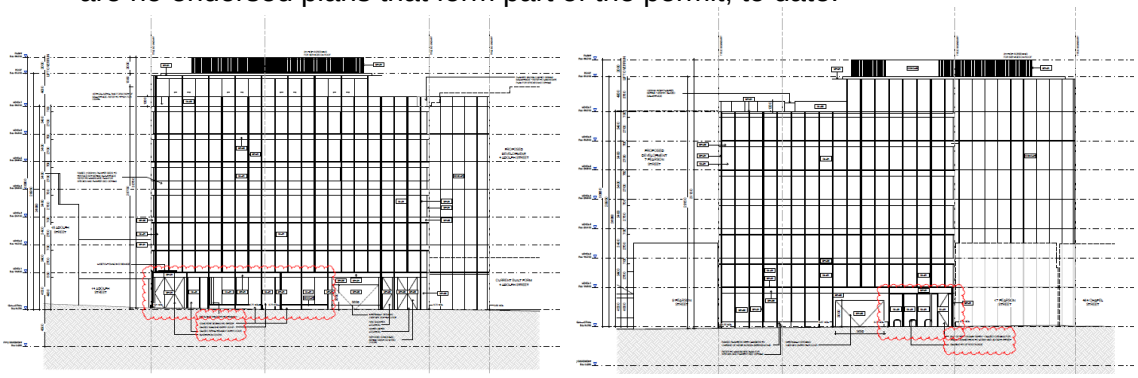
Planning Permit PLN19/0886 - 11-13 Pearson Street and 10-12 Adolph Street

(d) Planning permit PLN19/0886 was issued by Council on 30 June 2020. The permit allowed the construction of a mixed use building and a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses).

(e) The approved development is rectilinear in form with concrete and galvanized metal finishes to external walls. The building is eight levels in height and built to all side boundaries with exception of level 7 which is setback approximately 7.5 metres and 15 metres from its western boundary. A 1 metre eastern boundary setback has also conditionally been included to Level 7 where opposite No. 14 Adolph Street. To Adolph Street, the building is built to the street from the ground floor to level 3 and setback 2.1 metres at levels 4-6. Level 7 is setback 3.8 metres from Adolph Street with a terrace within the setback.

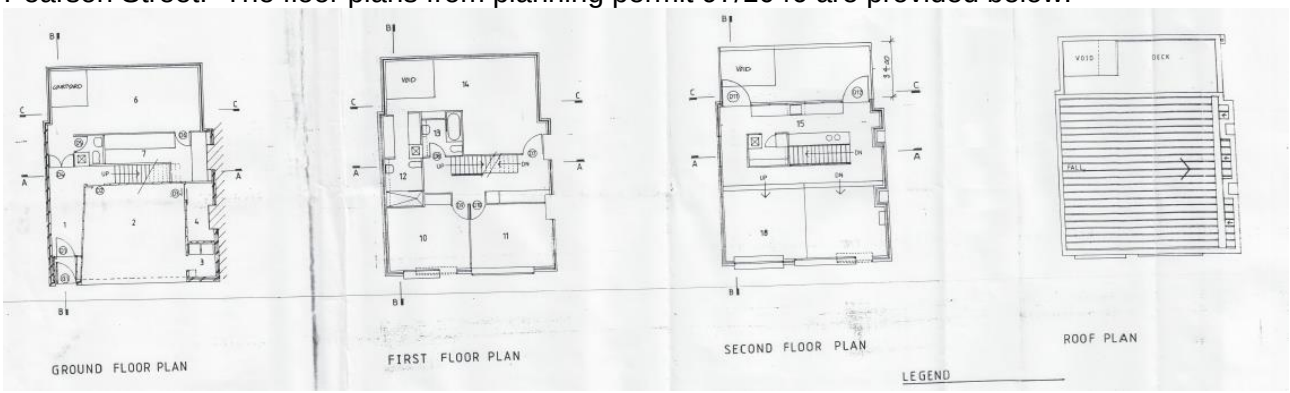
(f) To Pearson Street, the building is built to the street from the ground floor to level 2. Levels 3-4 are setback 1.7 metres (conditionally) from the street, with levels 5-6 setback 3 metres (conditionally) from the street and level 7 setback 5 metres (conditionally) from the street.

(g) The development as it presents to Adolph and Pearson Streets (as presented in the delegate report and not including the conditional setbacks above) is shown below. There are no endorsed plans that form part of the permit, to date.



56. The site adjoining the southern portion to the east is No. 9 Pearson Street, a three storey brick building with flat roof utilized as a photography studio with caretakers dwelling. The building was approved under planning permit 97/1046 for a 'photographic studio and caretaker's dwelling' by the Victorian Civil and Administrative Tribunal/ Administrative Appeals Tribunal of Victoria.

57. The building is constructed to the side boundaries and the street on all three floors with a setback from the northern boundary for a second floor deck which appears to have a canopy over. A ground floor courtyard is located in the north-western corner of the building. The building contains a roller door that provides access to the ground floor car parking space from Pearson Street. The floor plans from planning permit 97/1046 are provided below:



58. The dwelling has an on-boundary window along the common boundary at the second floor. The title for this property is encumbered by Section 173 Agreement V715317P, which states:

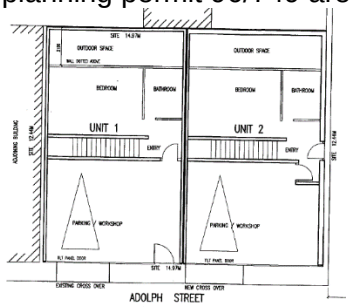
(a) *The Owner covenants and agrees if a building is to be constructed on the neighboring property to the west of the Land, which would enclose the window in the west elevation of the building proposed to be constructed on the Land pursuant to the Permit, (the "Window"), it shall remove the Window and seal up the opening created by the removal of the window.*

59. In summary, the Section 173 Agreement anticipates that development on the subject site may be built up against this window and the presence of the window would not prejudice such development from occurring.

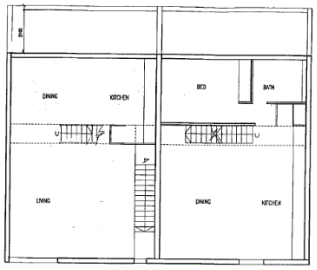
West

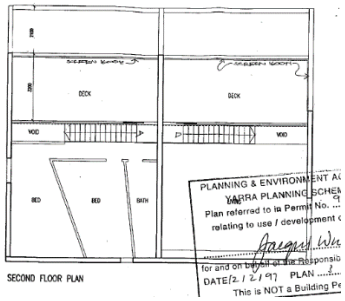
60. To the west of the northern portion at No. 1 Walnut Street and No. 2A Adolph Street are two, three storey brick buildings built to all boundaries. Planning permit 96/749 was issued by Council on 10 February 1997 for the construction of two caretaker's residences at 2 Adolph Street (subsequently subdivided).

61. At the ground floor both buildings are occupied by vehicular entries (one crossover to each property) with south-facing deck areas at the ground and third floors. The floor plans from planning permit 96/749 are provided below.



SITE PLAN & GROUND FLOOR PLAN


FIRST FLOOR PLAN



SECOND FLOOR PLAN

62. To the west of the southern portion at No. 1 Pearson Street is a single-storey weatherboard dwelling setback approximately 1.1 metres from Pearson Street. The dwelling is built to the common boundary for the full length with secluded private open space located in the north-western corner abutting Walnut Street. A review of Council records indicates that this site has not established existing use rights to lawfully use the land as a dwelling.

South

63. Pearson Street is approximately 6m wide, with a narrow footpath on each side. There is parallel parking (restricted) along the northern side of the street at the western end.

64. Pearson Street is more varied in character than Adolph Street. Closer to Church Street it has a commercial/industrial built form typology and land use and zero front and side setbacks. The western end has a finer grained pattern of subdivision and intersperses commercial/industrial built form with residential built form, including a number of traditional single-storey Edwardian or Victorian era dwellings incorporating small front and side setbacks with projecting front verandahs. Development along Pearson Street is predominantly 1-2 storeys, with a number of buildings at 3-4 storeys. Garages and associated vehicle crossovers are commonly associated with commercial/industrial buildings along its length.

65. To the south of the site are a row of dwellings between Nos. 4 – 10 Pearson Street.

66. No. 4 Pearson Street is a single storey, attached dwelling constructed of brick and weatherboard. A double storey warehouse is to the west of No. 4 Pearson Street at its intersection with Walnut Street; whilst No. 6 Pearson Street is of a commercial style mid-1960s era of construction (both dwellings do not appear to have established existing use rights pursuant to clause 63 of the Scheme).

67. No. 8 Pearson Street is a three-storey dwelling with roof terrace above which was recently constructed under planning permit PLN16/0190 issued on 6 February 2017 and has established existing use rights for the dwelling use (see extract from endorsed floor plans below).

68. No. 10 Pearson Street is an Edwardian period brick dwelling which is an "individually significant" graded building within a site-specific Heritage Overlay which also covers a former stables building at No. 11 Chapel Street (this dwelling does not appear to have established existing use rights pursuant to clause 63 of the Scheme).

69. Further east, towards Church Street at Nos. 15 & 17 Chapel Street are matching four storey office buildings (constructed under planning permits PLN13/1063 and PLN13/1062, respectively). The buildings have garage access from Pearson Street; a projecting first floor balcony; and recessive third and fourth storeys also with terraces to Pearson Street. Further east are hard-edged commercial/industrial buildings of 1-2 storeys with a retail component to Church Street and with the Pearson Street frontage dominated by car parking.

Broader area

70. The Cremorne area is currently going through a period of transition from lower scale buildings to higher density development. In addition to the two approvals identified above, there have been a number of approvals within this eastern side of Cremorne and also the western part of Cremorne for larger scale developments.

71. Recently constructed developments within proximity to the site are as follows:

    (a) 17 William Street, Cremorne (6 Storeys);
    (b) 19 William Street, Cremorne (7 storeys);
    (c) 'X' Building, 534 Church Street (7 storeys); and
    (d) 561-563 Church Street, Richmond (6 storeys).

72. Other recently approved larger scale developments in the vicinity that have commenced construction or recently received planning permits include:
    (a) PLN17/0278 – 506 & 508-510 Church Street, Cremorne (10 storeys plus roof terrace);
    (b) PLN18/0328 – 459 - 471 Church St & 20-26 Brighton St, Richmond (10 storeys);
    (c) PLN17/0456 – 594 - 612 Church St, Cremorne (8 storeys plus roof terrace);
    (d) PLN19/0886 – 11 - 13 Pearson Street and 10 - 12 Adolph Street (8 storeys); and
    (e) PLN19/0404 – 10 Chapel Street, Cremorne (7 storeys).

73. Further afield there have been planning permit approvals in the western section of Cremorne, some of which are under construction or already constructed including:
    (a) PLN12/0894 – 69 - 77 Stephenson Street, Cremorne (7 storeys);
    (b) PLN16/0171 – 9 - 11 Cremorne Street, Cremorne (8 storeys plus roof terrace);
    (c) PLN18/0619 – 7 Dover Street, Cremorne (8 storeys);
    (d) PLN14/0267 – 13 Cremorne Street, Cremorne (8 storeys);
    (e) PLN15/0476 – 16 Dover Street, Cremorne (7 storeys plus roof terrace);
    (f) PLN17/1117 – 49 Stephenson Street, Cremorne (7 storeys plus roof terrace);
    (g) PLN17/0389 – 16A - 17A/64 Balmain Street, Cremorne (9 storeys);
    (h) PLN17/0177 – 57 Balmain Street, Cremorne (7 storeys);
    (i) PLN17/0626 – 60 - 88 Cremorne Street, Cremorne (7 storeys);
    (j) PLN17/0650 – 2 - 6 Gwynne Street, Cremorne (6 storeys);

(k) PLN18/0498 – 1 - 11 Gordon Street, Cremorne (7 Storeys plus roof terrace);
(l) PLN18/0756 – 84 Cubitt Street, Cremorne (7 storeys);
(m) PLN18/0913 – 68 - 88 Green Street, Cremorne (8 storeys);
(n) PLN18/0989 – 118, 120 & 122 - 124 Balmain Street, Cremorne (9 storeys);
(o) PLN19/0664 – 19 Cubitt Street, Cremorne (7 storeys); and
(p) PLN19/0527 – 22 - 26 Gordon Street, Cremorne (8 storeys plus roof terrace).

74. The above recently constructed, under construction, and recently approved planning applications show that Cremorne is an area which can sustain larger scale developments compared to the more long-established building stock.

Planning Scheme Provisions

Zoning

Clause 32.04 – Commercial 2 Zone

75. The site is located within the Commercial 2 Zone (C2Z). The relevant purposes of the C2Z is as follows:

(a) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
(b) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

76. Pursuant to clause 34.02-1, a planning permit is not required to use the land as an office.

77. Pursuant to clause 34.02-1, a planning permit is not required to use the land as a food and drinks premises as the total leasable floor area does not exceed 100sqm.

78. Pursuant to clause 34.02-4, a planning permit is required to construct a building or construct or carry out works. The decision guidelines are set out at Clause 34.02-7.

79. Pursuant to Clause 34.02-8, sign requirements are at Clause 52.05. This zone is in Category 1 (minimum limitation).

Overlays

Clause 43.02 – Design and Development Overlay
(Schedule 5 – City Link Exhaust Stack Environs) (DDO5)

80. The site is located within the DDO5. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay. This does not apply:

(a) *If a schedule to this overlay specifically states that a permit is not required.*

81. Section 2.0 of Schedule 5 specifically states that a permit is not required for buildings and works

82. Section 4.0 of Schedule 5 states that where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the *Planning and Environment Act* 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.

83. Clause 66.06 of the Scheme identifies that the Environment Protection Authority (EPA), Transurban City Link Limited and the Roads Corporation (Transport for Victoria).

84. The City of Yarra has entered into an agreement with the EPA on 10 July 2019 regarding the requirement for notice to be given to the EPA under Schedule 5 to Clause 43.02. The agreement is to exempt certain applications from being required to be referred to the EPA.

85. These application exemptions are as follows:

    (a) *An application to use land or for the construction of a building or the construction or carrying out of works does not require notice to be given to the EPA if the following requirements are met:*

        (ii) *The title boundary of the subject site is more than 50 metres from the centre of the Burnley Tunnel exhaust stack (located at Barkley Ave. Richmond. Latitude -37.8295434, Longitude 145.0018514); and*

        (iii) *The proposed building height is less than 10 stories or 30 metres, whichever is lesser.*

    (b) Regardless of clause 3(a) of this Agreement, an application for carrying out of works specified in clause 62.02-2 of the Yarra Planning Scheme (even if a permit is specifically required for any of these matters) does not require notice to be given to the EPA.

86. As the subject site is over 500 metres from the centre of the Burnley Tunnel exhaust stack and the proposed overall height of the building being limited to 28.07 metres above NGL (seven storeys), notice to the EPA was not required to be given.

    Clause 45.07 - City Link Project Overlay (CLPO)

87. Pursuant to Clause 45.07-1, a planning permit is not required to use or develop land in the:

    (a) *City Link Project area if the use or development is part of the Melbourne City Link Project or the Exhibition Street Extension Project.*

    (b) *CityLink Tulla Widening Project Area if the use or development is part of, or associated with, the CityLink Tulla Widening Project.*

88. As there is no specific requirement for a planning permit for use or development under the overlay, a permit is not required for the proposed development.

89. Pursuant to Clause 45.07-6 and clause 66.03, an application must be referred under Section 55 of the Act to the Roads Corporation.

    Particular Provisions

    Clause 52.05 – Signs

90. Pursuant to Clause 34.02-8 of the C2Z, advertising sign requirements are at Clause 52.05. This zone is in Category 1.

91. Pursuant to Clause 52.05-11, a planning permit is not required for internally illuminated signage if the following is met:

    (a) *The total display area to each premises must not exceed 1.5 sqm.*
    (b) *No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.*

(c) *The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.*

92. Sign 01 and Sign 02, both internally illuminated, are within 30 metres of the neighbourhood residential zone located to the west and trigger the requirement for a permit.

93. Sign 03 is located in excess of 40 metres from the neighbourhood residential zone located to the west and therefore does not trigger the requirement for a permit. As previously identified, this sign is no longer required and will be deleted via condition.

Clause 52.06 – Car parking

94. 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.
95. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.

96. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.

97. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.

Proposed Use	**Size**	**Statutory Parking Rate**	**No. of Spaces Required**	**No. of Spaces Allocated**
Office	2,894 sqm	3 spaces to each 100m^2 of net floor area	86	25
Food and Drink	53 sqm	3.5 spaces per 100 m^2 of leasable floor area	1	0

98. A total of 25 car spaces are proposed on site, therefore the application seeks a total reduction of 62 car spaces.

Clause 52.34 – Bicycle Facilities

99. Pursuant to clause 52.34, a new use must not commence 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

100. Under the provisions of Clause 52.34-3 of the 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
Office (other than specified in the table)	2,894 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	10 employee spaces	22 employee spaces
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	3 visitor spaces.	2 visitor spaces
Retail premises (other than specified in this table)	53 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			**10 employee spaces**	**22 employee spaces**
			3 visitor spaces	**2 visitor spaces**
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		2 showers / change rooms	4 showers / change rooms

101. The development proposes a total of 12 additional employee spaces above the statutory requirements of the Scheme. The proposal also provides 2 additional showers / change rooms from that required by the Scheme.

102. The application did not include a request for a bicycle parking reduction for the visitor spaces (1 visitor space short). A condition will require the bicycle parking provision to be as per clause 52.34 of the Scheme, with this discussed further under the bicycle facilities and strategic transport section of this report.

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

Clause 53.18 – Stormwater Management in Urban Development

104. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

(a) *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.*
(b) *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*

General Provisions

Clause 65 – Decision Guidelines

105. 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.

Clause 66.03 – Referral of Permit Applications Under Other State Standard Provisions

106. In accordance with clause 66.03 of the Scheme, an application under clause 45.07-6 (CLPO) must be referred to the Roads Corporation (Transport for Victoria). The Roads Corporation (Transport for Victoria) is a determining referral authority for this application.

Clause 66.06 – Notice of Permit Applications Under Local Provisions

107. In accordance with Section 1.0 of clause 66.06 of the Scheme, notice must be provided to the EPA, Transurban City Link Limited and the Roads Corporation (Transport for Victoria) where the application is within the DDO5 and triggered under another provision of the Scheme.

108. As previously identified, notice of the application is not required to be given to the EPA with regard to the 10 July 2019 agreement between the City of Yarra and the EPA.

Planning Policy Framework (PPF)

109. Relevant clauses are as follows:

Clause 11.02 (Managing Growth)
Clause 11.02-1S (Supply of Urban Land)

110. 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)

111. 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)

112. 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)

113. The relevant objective of this clause is:

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

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

Clause 13.07 (Amenity and Safety)
Clause 13.07-1S (Land use compatibility)

115. 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)

116. 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)

117. The objective is:

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

Clause 15.01-2S (Building design)

118. 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.*

119. 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.*

120. 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)

121. 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)

122. 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)

123. The relevant objective of this clause is:

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

124. Relevant strategies are:

    (a) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
    (b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*

        (i) Pattern of local urban structure and subdivision.
        (ii) Underlying natural landscape character and significant vegetation.
        (iii) Heritage values and built form that reflect community identity.

    Clause 15.02 (Sustainable Development)
    Clause 15.02-1S (Energy Efficiency)

125. 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)

126. The objective of this clause is:

    (a) *To strengthen and diversify the economy.*

127. 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)

128. The relevant objective of this clause is:

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

129. 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)

130. The objective of this clause is:

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

131. 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)

132. The relevant objectives of this clause is:

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

133. 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)

134. 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)

135. 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)

136. 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)

137. The objective of this clause is:

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

138. A relevant strategy is:

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

<u>Municipal Strategic Statement</u>

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

Municipal Strategic Statement (MSS)

140. Relevant clauses are as follows:

Clause 21.04-2 (Activity Centres)

141. The relevant objectives of this clause are:

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

142. 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)

143. The objective of this clause is:

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

Clause 21.05-2 – (Urban design)

144. 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:

            (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

    (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;*
        (i) Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
        (ii) Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.
        (iii) Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.
        (iv) Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.

    (f) *Objective 21 - To enhance the built form character of Yarra's activity centres;*

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

145. The general objective of this clause is:

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

146. The subject site is located within a non-residential area, where the built form objective is to *"improve the interface of development with the street"*.

147. The strategies to achieve the objective are to:

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

Clause 21.05-4 (Public environment)

148. 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)

149. 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 21.06-1 – (Walking and cycling)

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

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

151. 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 21.08-2 - Burnley-Cremorne- South Richmond

152. This clause outlines the Cremorne neighbourhood as follows;

(a) *The neighbourhood provides a range of residential opportunities:*

(i) the Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered

(b) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*

153. Figure 8 shows the subject site is a '*non-residential area'* where the built form character objective is to improve the interface of development with the street.

154. The implementation of land use strategies in clause 21.04 includes:

(a) Supporting the mixed use nature of development in the Cremorne area.
(b) Supporting offices and showrooms fronting Church Street south of Swan Street

155. The implementation of built form strategies in clause 21.05 includes:

(a) Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.

Relevant Local Policies

Clause 22.03 – Landmarks and Tall Structures

156. This policy applies to all development. Whilst the site is not within proximity to an identified sign or landmark within the policy, the following is relevant: *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

Clause 22.04 – Advertising Signs Policy

157. This policy applies to all permit applications for advertising signs or for development which incorporates an advertising sign. The main objectives sought to be achieved through the policy:

    (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 – Interfaces Uses Policy

158. 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. 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.*

159. 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 22.10 – Built form and design policy

160. 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.*

161. 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)

162. 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

163. 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 Policies

Plan Melbourne 2017-2050

164. The plan outlines the vision for Melbourne's growth to the year 2050 and seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city's growth. It is a blueprint for Melbourne's future prosperity, liveability and sustainability. In respect of commercial land, the plan identifies the following:

(a) *Between now and 2031 it is estimated that approximately 11.9 million square metres of commercial floorspace will be required across metropolitan Melbourne to meet projected demand.*

Of this total, 57 per cent would be required for office uses.

165. In respect of the subject site, several precincts within Yarra were identified in the 2014 document as 'other urban renewal areas' including Collingwood (Gipps Street), the North Richmond to Victoria Park corridor, East Richmond Station and Cremorne.

Melbourne Industrial and Commercial Land Use Plan (MICLUP)

166. The MICLUP identifies Cremorne as a key commercial area, stating the following:

(a) *The Cremorne precinct is strategically located adjacent to CityLink and Richmond Station and is emerging as one of Melbourne's premier destinations for creative design, particularly tech and digital design. It is an area that has experienced a transition from manufacturing uses to more contemporary uses such as small creative industry firms as well as large web-based companies. It is home to global companies as well as small to medium sized firms, start-ups and co-working spaces.*

The Victorian Planning Authority is currently working with the City of Yarra to support Cremorne's continued growth as a thriving enterprise precinct.

167. The strategy identifies that there is a need to carefully balance conflicts that can arise from the delivery of intensified commercial and industrial uses within proximity to residential areas, as follows:

    (a) *There is also a need to carefully balance planning for industrial and commercial areas with pressure for ongoing residential development. New residential or mixed-use development adjacent to industrial areas will need careful consideration, so as not to limit the ability of businesses to continue to operate. Consideration should be given to ways in which any potential conflicts can be mitigated or managed.*

168. The strategy identifies that planning within the Inner Metro Region (inclusive of Melbourne City Council, Port Phillip Council and Yarra City Council) should *retain and support areas in and around Collingwood, Cremorne and South Melbourne to continue to develop as key locations creative industry uses.*

169. Map 4 within the document shows the industrial land within the inner metro region, identifying the site and those within the C2Z as existing regionally significant industrial land (see image below, with subject site as red dot).

170. The MICLUP anticipates an additional 4 million square metres of commercial floor space will be required across the Inner Metro Region by 2031. Of this, approximately 3.3 million square metres is anticipated to be required for office uses and the remaining floor space to be allocated for retail. Whilst the City of Melbourne is anticipated to accommodate the majority of the additional floor spaces required, the City of Yarra is expected to provide, in addition to the existing 933,400sqm of commercial floor space identified in 2018, an additional 548,000sqm of commercial floor space by 2031.

Spatial Economic and Employment Strategy

171. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.

172. In regards to the site, the Strategy 2 of the SEES aims to retain and grow Yarra's Major Employment Precincts, providing the following:

    (a) *To accommodate projected demand for commercial floor space Yarra's two large consolidated employment precincts at Gipps Street, Collingwood and Cremorne/Church Street South, Richmond should be retained for employment activities. These areas have made a gradual transition from predominantly industrial uses to a wider mix of activities that include professional services, creative industries, medical-related activities and small-scale manufacture. Zoning should continue to exclude residential development to retain the core employment function of these precincts.*

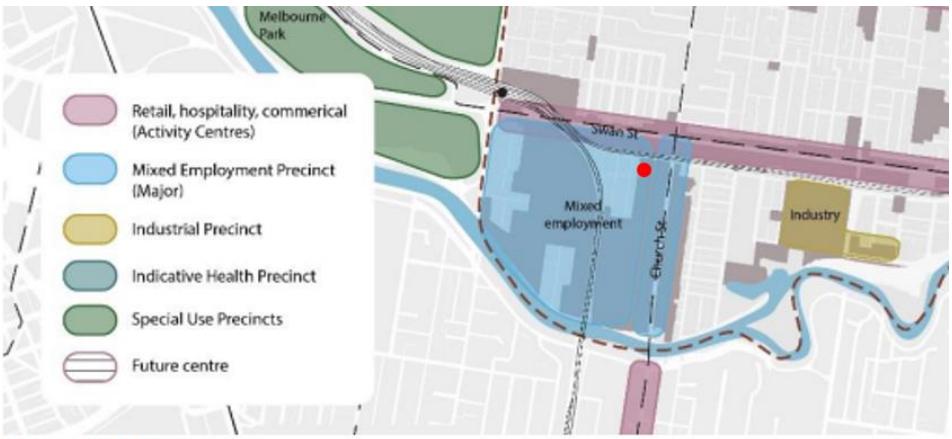
173. Strategy 2 further identifies the key characteristics of the area, as follows:

    (a) *The precincts are characterised by a variety of lot sizes, a diversity of building stock and building condition, and variable public realm quality. This physical diversity and urban character are important elements in attracting and supporting a diversity of economic activities. This older morphology – which includes many buildings that might be described as 'life-long-loose-fit' – is conducive to attracting innovative businesses, a deeper mix of businesses, and a degree of informality that is lacking from other existing and emerging (and potential) employment precincts in inner Melbourne. Although the C2 zoning in these precincts prevents residential development, these areas will be subject to pressure for residential conversion. This may have been exacerbated by their designation in earlier iterations of Plan Melbourne as 'Other Renewal Areas' with little guidance on the nature or type of renewal envisaged (see Figure 2). Precincts such as Cremorne/Church Street South are attracting major businesses and investment, which is evident by the recent surge in planning applications and approvals for office developments that has occurred. Compared to other Councils within the inner city region, Yarra has a large amount of C2 zoned land (around 100 hectares) dispersed across most of the municipality which is being used for a variety of commercial and business purposes. The C2 zoning provide opportunities for a different range of uses and businesses than occurs in Yarra's activity centres which are predominantly based around retailing and services.*

    …

    Major employment areas, such as the Cremorne/Church Street South and the Gipps Street precinct, are highly sought after and highly valued as business locations due to their location and proximity to central Melbourne, access to transport, business synergies and the vibrancy of Yarra. They have proven particularly attractive to creative- and technology-oriented business that a non-but-near-CBD location.

174. As identified within Figure 23 of the SEES (see image below, with subject site as red dot), the subject site is located within a Major Mixed Employment Precinct:



Source: SGS, 2015.

Cremorne and Church Street Precinct Urban Design Framework

175. The *Cremorne and Church Street Precinct Urban Design Framework* [UDF] was adopted by Council at its meeting in September 2007. The intent of the UDF was to support redevelopment that contributes to Cremorne as a mixed-use area, while supporting strategic aims to develop employment opportunities in the area.

176. The Vision and aims for Cremorne as set out in the UDF are as follows:

(a) *Cremorne is a precinct in transition from traditional small manufacturing and service industry uses to higher order office, business services and educational functions, interspersed with residential pockets.*

(b) *The vision for Cremorne is to:*

(i) Recognise and maintain the mixed urban grain and character of the precinct, where a range of building forms and typologies co-exist, complemented by a variety of industrial and commercial activities, intermingled with residential development.
(ii) Maintain and enhance the role of the precinct as a successful business hub, while recognising and acknowledging the rich mix of uses in the precinct, in particular existing dwellings.
(iii) Encourage and provide opportunities for the redevelopment of underutilised former industrial sites within the precinct, while protecting the amenity of lowrise residences and recognising their contribution to the valued character of the area.
(iv) Support and work in partnership with the State government towards the redevelopment of the Kangan Batman TAFE complex to strengthen its role as the key activity and community hub and a 'heart' for Cremorne, including high quality public open spaces and plazas.
(v) Create new and reinforce existing pedestrian and cycle links throughout Cremorne and to the key transport hubs serving the precinct, and improve access to the nearby Yarra River and regional public open spaces.
(vi) Maintain and protect the sense of community within the neighbourhood by improving streetscape quality and treating them as public spaces and limiting through traffic in the area.

(c) *The UDF is therefore motivated by four aims:*

(i) to support appropriate redevelopment and ensure that it contributes to, rather than undermines, Cremorne's valued characteristics such as the mixed use environment and its sense of place;
(ii) to encourage activities that fit comfortably with the desired future character of the precinct, complementing its distinctive character, while also supporting strategic aims to develop employment opportunities in Yarra.

(iii) to identify public domain improvements that can be realised through the private and public development process; and
(iv) to better connect Cremorne with surrounding areas.

177. Council prepared Amendment C97 to the Scheme which proposed to rezone the study area from Business 3 Zone to Business 2 Zone, in order to provide for some residential development in the precinct. The Amendment was abandoned by Council at its February 2010 meeting, however the UDF remains as an adopted document.

Swan Street Structure Plan

178. The SSSP was adopted by Council at its meeting on 17 December 2013 and is relevant to the site.

179. The site is located within the 'Church Street' Precinct of the Plan's study area. The Structure Plan prepared for the Swan Street Major Activity Centre [MAC] was in response to the State Government sustainable growth policy, *Melbourne 2030*; a plan for the growth and development of the Melbourne metropolitan area. One of the principal aims of the policy was to provide a network of activity centres throughout Melbourne, with these centres providing a focus for development and urban expansion in areas well serviced by public transport, existing infrastructure and community services. The Swan Street Structure Plan aims to manage this growth within the Swan Street MAC and the surrounding area.

180. Of relevance to this application are proposed revisions to the built form guidelines that will provide guidance on future built form and how that would be in keeping with the longer term vision for Swan Street and surrounds, along with guidance on urban intensification within the precinct. The plan provides guidance on maximum building heights within each precinct, with 5-6 storeys the suggested height for this area within the Church Street neighbourhood.
181. The SSSP acknowledges that the area is functioning well and provides significant employment opportunities and that with the right support, these activities are likely to continue. The SSSP also acknowledges that the current zoning does not allow residential development.

182. Council's rationale for this precinct included:

(a) Consolidation of commercial and retail uses will strengthen the current land use activities along Church Street and support the precinct's important employment role
(b) Retention of the existing zoning will support the consolidation of the precinct's increasing specialisation in furniture and homewares

183. The SSSP includes the following built form strategies:

(a) Ensure upper levels are visually recessive.
(b) Ensure a transition in building heights at the interface with existing residential areas • Provide active frontages to the street.
(c) Ensure new buildings are built to the street boundary and both side boundaries at the street interface.

184. The SSSP also includes objectives to consolidate the Precinct's role as a location for offices and employment, provide high quality pedestrian orientated public realm along Church Street, as well as promote public realm improvements through redevelopment opportunities.

185. Whilst adopted, the SSSP has yet to progress to the formal amendment stage and technically has limited statutory weight. Compliance with the structure plan will be discussed later within this assessment.

Amendment C191 – Swan Street Major Activity Centre

186. Amendment C191 to the Yarra Planning Scheme proposes new planning controls for Swan Street Richmond (between Punt Road and Park Grove) and the surrounding area. The amendment includes a proposed new Design & Development Overlay (Schedule 17). The amendment seeks to guide new development within the Swan Street Activity Centre ensuring heritage character is protected and the amenity of surrounding residential areas.

187. The amendment has been exhibited by Council and the Planning Panels Victoria Panel hearing commenced on 27 July 2020 and concluded on 2 September 2020. Council are currently waiting to receive the Panel Report.

188. The subject site is not included within the proposed Design and Development Overlay, which applies to the land north of the railway line.

Advertising

189. The application was advertised under the provisions of Section 52 of the Planning and Environment Act (1987) by 297 letters sent to surrounding owners and occupiers and by signs displayed on site. Council received 14 objections, the grounds of which are summarised as follows:

    (a) Built form and design
        (i) No built form transition to the west, such as seen as 508-510 Church Street;
        (ii) Height inconsistent with surrounding low-rise heritage;
        (iii) Impacts to public realm;
        (iv) Design is displeasing;
        (v) Landscape drawings are required;
        (vi) Lack of stormwater management; and
        (vii) Concern that the design elements will be value managed in the future with a request for a façade strategy.

    (b) Off-site amenity impacts
        (i) Shadowing to residentially zoned land (SPOS areas);
        (ii) Shadowing to non-conforming residences (SPOS areas, windows and solar panels);
        (iii) Shadow diagrams do not show shadowing across a broader range of dates;
        (iv) Loss of privacy and overlooking;
        (v) Loss of daylight;
        (vi) Visual bulk to surrounding non-conforming residences/care taker residences;
        (vii) Erosion of community feel within C2Z enhanced by non-conforming residential uses;
        (viii) Noise impacts to surrounding non-conforming residential from garage/car stackers;
        (ix) Waste arrangements are confusing.

    (c) Traffic and Car parking
        (i) Loss of on-street car parking to cater to new crossover on Pearson Street;
        (ii) Queuing in Pearson Street due to the stacker system;
        (iii) Too many car parks provided on-site, additional traffic cannot be supported within local road network; and
        (iv) Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development.

    (d) Other
        (i) Disruption during construction; and
        (ii) Soil contamination from previous mechanical workshop use.

190. The Section 57A amended plans increase setbacks and reduce the scale of the proposal and therefore have not been re-advertised as they would not cause further detriment to any person. However, the plans were made available to objectors with the invitations to this PDC meeting.

Clause 43.02 – Design and Development Overlay (Schedule 5)

191. In accordance with the requirements of Clause 66.06, this application was advertised to the Transurban City Link Limited and the Roads Corporation (Transport for Victoria). As previously identified, notice of the application was not required to be given to the EPA with regard to the 10 July 2019 agreement between the City of Yarra and the EPA.

192. The Roads Corporation (Transport for Victoria) in response to the Section 55 Referral made pursuant to clause 66.02-11, on the plans amended pursuant to Section 57A, advised the following:

    (a) *In consultation with Transurban, the Head, Transport for Victoria has considered this application and does not object to the grant of a permit.*

Referrals

External Referrals

193. The application was referred to the following authorities:

    (a) Head, Transport for Victoria

        (i) The Head, Transport for Victoria advised that they had no objection to the proposal (based on the plans amended pursuant to Section 57A) on 22 July 2020.

Internal Referrals

194. The application was referred to the following units within Council and external consultants:

    (a) Streetscapes and Natural Values Unit;
    (b) Open Space Unit;
    (c) Urban Design Unit;
    (d) Engineering Unit;
    (e) Strategic Transport Unit;
    (f) City Works Unit; and
    (g) ESD Advisor.

External Consultants

    (h) Acoustics (SLR Consulting).

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

196. All referral comments are based on the original (now superseded) plans, however supplementary advice was received on the plans amended pursuant to Section 57A from the Engineering Unit and the Strategic Transport Unit. The supplementary advice is also included as attachments to the report.

OFFICER ASSESSMENT

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

    (a) Policy and Strategic Support;
    (b) Built form and Urban Design;
    (c) Advertising signage;
    (d) On-site amenity including Environmentally Sustainable Design;
    (e) Off-site amenity including City Link Exhaust Stacks;
    (f) Car parking and traffic;
    (g) Bicycle facilities and strategic transport;
    (h) Waste management; and
    (i) Objector concerns.

Policy and Strategic Support

198. The proposed development has strong strategic support at State and local level for the construction of a larger scale office building. The site and adjoining land is located in the C2Z which specifically encourages office, retail uses and associated commercial services. Specifically, the office use does not require a planning permit in the C2Z and due to the limited size of the food and drink premises, this also does not require a planning permit.

199. Council's vision for this area is to maintain and enhance the role of the precinct as a successful business hub (recognised within the Cremorne and Church Street Precinct UDF and Clause 21.08-2). An office development with small scale food and drink premises to complement this use is consistent with this vision.

200. Council's local policy at Clause 21.04-3 states that the commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base. It acknowledges that there is a continuing demand for industrial and commercial land and that residential uses are not supported as their amenity requirements are a threat to the survival of ongoing industrial activities. In addition, this policy aims to increase the number and diversity of local employment opportunities by maintaining this land for the purpose it was intended for.

201. The Swan Street Structure Plan (SSSP) is also relevant to the site and whilst it is acknowledged that it is has limited weight, and cannot be relied upon to determine this application, it does set out a vision for the future land use of this part of Cremorne. The SSSP acknowledges that the area is functioning well and provides significant employment opportunities and that with the right support these activities are likely to continue.

202. The State and Local Planning Policy Frameworks also seek to promote sustainable personal transport. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists. The site fulfils these criteria as it has excellent accessibility to public transport (Church Street and Swan Street tram services and the adjacent East Richmond Railway Station).

203. Clauses 11.03-1R and 18.01-1S of the Scheme encourage the concentration of development near activity centres and more intense development on sites well connected to public transport. As outlined within the *site and surrounds* section of this report, the Cremorne neighbourhood is undergoing significant change, with a number of higher-density developments approved and under construction within the immediate and wider Cremorne area. The C2Z zoning of the subject site and adjoining land facilitates the provision of greater density and higher built form, subject to individual site constraints, given the purpose of the zone.

204. Similarly, local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contributes to the adaptation, redevelopment and economic growth. Clause 21.04-3 also seeks to increase the number and diversity of employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing businesses. The proposal complies with this policy and achieves these goals.

205. This zone preferences uses such as offices to occur within this location and accordingly, the site is located within an area where higher intensity industrial and commercial uses have been directed to be located by both local and state policy. This is also acknowledged in the Tribunal decision *WAF Construction Pty Ltd v Yarra CC [2003] VCAT 1122 (29 August 2003),* where the following comments were made in relation to built form expectations within a Business 3 Zones (now Commercial 2 Zone) in Cremorne:

    [33] The site's location in an identified commercial/industrial area, together with its proximity to an extensive public transport network and an Activity Centre, are factors supporting a higher density commercial development.

    [34] [Commercial 2 Zones] seek to facilitate development of the service sector, allow for more efficient utilisation of business premises and encourage the development of employment areas that are serviced by public transport and bicycle and pedestrian networks.

206. Council's local Neighbourhood's policy at Clause 21.08-2 recognises Cremorne as an *important metropolitan business cluster which must be fostered.* In recent years, Cremorne has become home to many creative companies with technology companies starting to emerge.

207. Having regard to the above, the proposed re-development of the site for a mixed use building of this scale is considered to have strategic planning support.

Built form and Urban Design

208. The urban design assessment for this proposal is guided by State and Local policies at clause 15.01-2S (Building Design), clause 21.05-2 (Urban design), clause 22.05 (Interface uses policy) and clause 22.10 (Built form and design policy). In the interests of providing a concise assessment and avoiding repetition between State and local design principles, the following assessment will group similar themes where applicable.

Urban form, character and context

209. As already outlined in the *Surrounding Land* description of this report, the surrounding neighbourhood character is mixed comprising older single and double storey buildings both commercial and residential interspersed with modern developments. More recently constructed buildings are at least five storeys in height.

210. The built form of the wider surrounding area is dominated by its location within a commercial zone and its proximity with the Swan Street Activity Centre. This mixture in built form types and heights is typical of the Cremorne area as discussed within the Clause 21.08-2 description. These areas have and will continue to experience an intensification of use and development.

211. Considering the recent approvals of larger scale developments, the street's proximity to the Swan Street MAC, its location opposite a train station and that the majority of sites are not located within a heritage overlay to restrict development, it would be a reasonable expectation that this site and others in the street, would experience further intensification in use and development.

212. Furthermore, there is an undeniable trend for larger scale commercial developments within the immediate area at a scale of 7 to 10 storeys, as evidenced through planning approvals, some of which are currently under construction or have been completed as identified previously in the report.

213. The proposal provides a satisfactory outcome with regards to continuity with the existing built form character. The overall rectilinear form and construction to side boundaries and the street frontage at lower levels is consistent with development along most of Pearson and Adolph Street and the built form typology in other commercial/industrial areas in Cremorne. Setbacks of upper levels will be discussed in more detail in the following sections of the report.

214. In respect of the proposed street wall heights, the lower street wall of three-storeys (12.9 metres) to Pearson and four-storeys (16.3 metres) to Adolph Street provides an appropriate transition to existing lower built form, and the façade height responds to the adjoining three-storey building at No. 9 Pearson Street (to the east).

215. Council's Urban Design Unit in reviewing the original plans for a seven storey street wall to Adolph Street recommended a four storey street wall be incorporated into the design. This design modification was included within the plans amended via Section 57A and is considered to have been adequately addressed. In respect of Pearson Street, Council's Urban Design Unit made the following comment on the proposed street wall (issues regarding upper level setbacks will be discussed further, later in the report):

    (a) *The three storey street wall is considered appropriate given the finer grain lower scale character along Pearson Street.*

216. In further support of the proposed street wall heights to both streets, in the VCAT Decision *Gantal Investments Pty Ltd v Yarra CC [2018]* VCAT 482, in respect of the site to the east at 11 – 13 Pearson Street, the Tribunal made the following statement:

    [79] We have considered the height (with respect to the number of levels) of the building carefully. At street level, the proposed building presents as a three storey building to Pearson Street and a four storey building to Adolph Street. We consider that this scale is consistent with the intention of increasing employment opportunities in the area. It is not out of place with the size and scale of development intended for the area.

217. The proposed podium heights are therefore considered acceptable. The streetwall is also consistent with the more recent approval for Nos. 11 – 15 Pearson Street and 10 – 12 Adolph Street where a four storey podium to Adolph Street and three storey podium to Pearson Street was also approved.

218. Council's Engineering Unit have identified that the architectural projections must not protrude more than 0.24 metres beyond the property boundary for narrow streets that are defined as being 6 metres or less in width. As both Adolph and Pearson Streets fall into this category, a condition will require the architectural projections that project 0.5 metres into the street be reduced to 0.24 metres. As these architectural projections provide depth and articulation to the street wall facades, further conditions within a façade strategy will require the development to demonstrate adequate articulation and depth is maintained with the recued architectural projections.

219. While the building differs considerably in terms of its overall appearance and scale from other existing adjoining buildings, this is to be expected as it represents an emerging built form character. While this is to be expected in an area that is undergoing significant renewal, the transition in height to the residential area to the west requires a greater sensitivity and will be discussed later in the report.

220. As outlined previously, there is no dispute that strategically the subject site is well-located for a higher-density development, being located in the C2Z and within proximity to a MAC, with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.

Height, scale and massing of the development

221. The application proposes development which provides a four-storey street wall to Adolph Street and a three storey podium to Pearson Street with upper levels that rise to an overall height of seven storeys. With a maximum height of seven storeys, the proposal is in-line with the emerging character of the area, with the plans amended via Section 57A incorporating setbacks to ensure the building scales down to the western boundary to provide a transition towards residentially zoned land.

222. The proposed seven storey form also has received support from Council's Urban Design Unit. Whilst there are recommendations for additional upper level setbacks (that will be discussed further in this report), the overall height is considered to be acceptable.

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

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

224. Considering the street's proximity to the Swan Street MAC, convenient access to East Richmond train station and tram routes combined with the lack of heritage overlay across the land, it would be a reasonable expectation that this site and others within this pocket of C2Z land would experience further intensification in use and development. This is further evidenced through the existing planning permits for the site to the east, approving seven and eight storeys in height respectively.

225. While the area has been subject to substantial redevelopment, it continues to present a hard edge character to the street with rectilinear forms and robust materials. There is no doubt that its current use as double storey commercial building and two single-storey dwellings is an underutilisation of land in an inner city location.

226. It is important to acknowledge that the subject site is noted within the SSSP as having a preferred 5 to 6 storey overall height. Whilst it is an adopted document, it can only be given very limited weight as it has not progressed to a planning scheme amendment. This has been repeatedly stated by the Tribunal in numerous decisions, one of which being *Shaw and Wangaratta Street Pty Ltd v Yarra CC* [2017] VCAT 758:

> *[20] Parties also made reference to the Swan Street Structure Plan adopted by Council in 2013 but not yet incorporated into the Planning Scheme, either as a specific Design and Development Overlay or as an incorporated document. The Structure Plan has suggested heights of 5-6 storeys (19 metres) on the eastern side of Wangaratta Street and 7-10 Storeys (30 metres) on the western side.*
>
> *[21] I agree with Council and Mr McGurn that I should give little weight to the Structure Plan given it has not been incorporated into the Planning Scheme in some form. I therefore agree with the Tribunal's comments in 429 Swan Street Pty Ltd v Yarra CC [2016] VCAT 370 that:*

[21] I should give limited weight to the adopted Structure Plan, particularly its site-specific provisions. Ultimately my assessment needs to be based on the particular circumstances of the existing, and likely future, physical context.

[22] On balance, I consider there is strong policy support for more intensive built form on the review site. Although local policy is suggesting heights of 5 to 6 storeys in activity centres and strategic redevelopment sites, that cannot be used as a defacto height control and needs to be considered along with site context and all other relevant State and local policies.

227. This view is further held in the VCAT Decision *Gantal Investments Pty Ltd v Yarra CC [2018]* VCAT 482, in respect of the site to the east at Nos. 11 – 13 Pearson Street, as follows:

[62] The Swan Street Structure Plan is not part of the Planning Scheme. It is strategic work that Council adopted in 2013 which may form the basis of a future planning scheme amendment. Any planning scheme amendment would involve public exhibition, submissions, an independent panel hearing if there are adverse submissions, review by Council before adoption and Ministerial approval. The Structure Plan is, at the moment, neither a planning requirement nor policy in the planning scheme.

228. With regard to policy direction under the Scheme, clause 21.05 – *Urban Design* contains Objective 17: *to retain* Yarra's *identity as a low-rise urban form with pockets of higher development.*

(a) Strategy 17.2 reads as follows:

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

229. Whilst the site is not designated as a strategic redevelopment site and is not located within an activity centre the criteria identified above provides a benchmark against which the assessment of a permit application for a development of height above 5 – 6 storeys can be assessed against. This is considered to be appropriate and was confirmed within VCAT Decision *Gantal Investments Pty Ltd v Yarra CC [2018]* VCAT 482.

230. In regards to (ii), (iii) and (v), these items are all considered to have been met and will be discussed later in the report. Items (iv) and (vi) are not relevant, given that the buildings on site are not of heritage significance and this is a commercial proposal.

231. It is clear that the proposed height in this location is acceptable, however the transition of the building mass and whether the development provides significant, and appropriate, upper level setbacks is key to its acceptability within this specific context. The upper level setbacks will be discussed in turn below in relation to the presentation to Adolph and Pearson Streets respectively.

Adolph Street

232. As the Adolph Street streetscape is less sensitive and has a more coarse grained and hard-edged industrial character it is considered that a more robust built form and massing can be supported to upper levels in addition to the podium.

233. In relation to setbacks from the street frontages, Council's Urban Design Unit has recommended a minimum 3m setback to the upper levels to Adolph Street with the intention being *to provide a more appropriate built form to the street and a clear distinction between the street wall and upper form.*

234. The upper level setbacks of the building for levels 4 – 6 are 2.2 metres (excluding the 0.5 metre architectural projections). This setback is similar to the development approved under planning permit PLN17/0044 which provided a 2.1 metres setback for these levels and included balconies (with enclosed sides) occupying substantial portions of the façade at the two upper levels which projected to the street frontage. This setback is also greater than that approved pursuant to planning permit PLN19/0886 which provided a setback of 1.8 metres for levels 4 – 6 with a recessed 7th level setback 7.5 metres from Adolph Street.

235. As identified within Figure 8, the 2.2 metre setback provides a clear distinction between the street wall and the upper form. The provision of a 0.5 metre planter box along the periphery of the Level 4 terrace will also provide landscaping to assist in the delineation between the street wall and the upper levels.

Figure 8: Render of the development incorporating a 2.2 metre upper level setback (applicant submission)

236. With regard to the above, it is considered that the proposed upper level setbacks as the development presents to Adolph Street are satisfactory.

Pearson Street

237. The Pearson Street streetscape has a more fine-grained, low-rise and less robust streetscape context. In relation to setbacks from the street frontages, Council's Urban Design Unit has recommended a minimum 3m setback to levels 3 - 4 to Pearson Street with the intention being *to provide a better outcome in terms of defining the street wall and upper levels.*

238. The upper level setbacks of the building for levels 3 – 4 are setback a minimum 1.7 metres and for levels 5 – 6 the upper levels are setback by 5 metres (excluding the 0.5 metre architectural projections at all levels).

239. This setback is similar to the development approved pursuant to planning permit PLN17/0044 which provided a 1.7 metre setback for levels 3 – 4 and a setback of 5 metres for levels 5 - 6. This setback is also consistent with the development approved pursuant to planning permit PLN19/0886 which provides a setback of 1.7 metres for levels 3 – 4 with 3 metres for levels 5 – 6 with the upper level setback 5 metres, conditionally.

240. As identified within Figure 9 (which is the originally proposed development and does not show the increased setbacks to the west or north), the proposed setbacks provide a clear and adequate distinction between the street wall and the upper forms. The utilisation of two staggered upper level setbacks also respond to the more sensitive lower order street.

Figure 19: Diagram showing the Pearson Street setbacks.

241. Furthermore, the minimum 1.7 metre setback in lieu of the recommended 3 metre setback at levels 3 – 4 provide greater concealment of the upper levels. Should levels 3 – 4 be setback to the recommended 3 metres, the upper levels would be more prominent within the street.

242. This approach is further supported by the findings of VCAT Decision *Gantal Investments Pty Ltd v Yarra CC [2018]* VCAT 482, as follows:

[96] We consider that Council's position that the building should have a flat plane 3 metre setback to both streets for the levels above the podium represents an unacceptable design outcome. We prefer the progressive setbacks at the upper levels in the form proposed along Pearson Street as this means the taller elements are set back making them less apparent. We are also satisfied that the design detailing provided by these staggered setbacks provides a high degree of urban amenity.

243. The screening to rooftop services are adequately setback from the street and are integrated with the design of the overall building, clad in 'L01 – Plant Screen,' pictured as louvres. A detailed materiality board will be discussed later in the report. Whilst the lift core and stairwell sit proud of the building, these elements are situated centrally on the site along the internal southern boundary and will be adequately concealed from view from Adolph Street. Whilst visible from Pearson Street due to the existing three level building at No. 9 Pearson Street, it is considered that over time as the sites in the surrounds develop these elements will be sufficiently blocked from view. No materiality has been identified for the stairwell and lift core and this will therefore be required by condition to generally respond to the treatment of other boundary walls proposed.

244. In regards to side boundary setbacks, Council's Urban Design Advisor when reviewing the initially lodged and advertised plans recommended upper level setbacks be incorporated to the east to create space and separation between buildings and also for greater setbacks to be provided to the west to provide an appropriate transition to the residential zone further west.

245. The setbacks as proposed within the plans amended via Section 57A are considered to address the concern by Council's Urban Design Unit regarding the built form transition to the west. The additional setbacks to the west acknowledge that the adjoining sites have a reduced capacity to accommodate such a robust form and it is considered that the potential development scenario as shown in Figure 10 is an acceptable scenario.

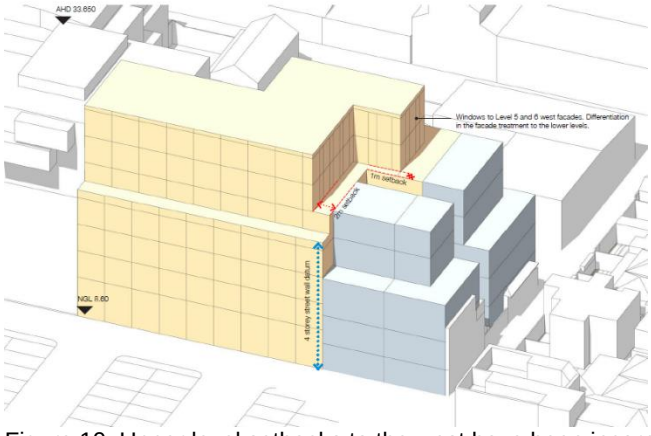


Figure 10: Upper level setbacks to the west have been incorporated to ensure adequate transition to the west

246. Whilst Council's Urban Design Unit recommended upper level side setbacks to the east be incorporated, it is considered that given the narrow width of both Pearson and Adolph Streets, from most vantage points at street level, provision of upper level side setbacks would not be readily perceived or appreciated. It is considered that setbacks from the street frontage are more effective in reducing the bulk of built form in this context. Furthermore, due to the unusually shaped development sites that wrap around other development sites there would be no possibility for appreciable views between developments.

247. In addition, the development responds to the existing approvals for the site to the east of the northern portion of the site that is also proposed to be built to the boundary for seven levels before adopting a side setback for the topmost level. With regard to the site to the east of the southern portion, it is considered that the blank walls provide an equitable development scenario that anticipates future development to be built along the blank boundary walls.

248. It is acknowledged that the eastern wall of the southern portion (and the south facing internal on-boundary wall) interface with a three storey brick building used for the purpose of a photographic studio and caretakers dwelling. Off-site amenity impacts will be discussed later in this report.

249. Within a previous Tribunal decision, *WAF Constructions Pty Ltd v Yarra CC [2003] VCAT 1122 (29 August 2003)*, regarding a multi-level office building in Cremorne the following statement was made:

[36] I appreciate that the buildings in the immediate vicinity of the subject site have a relatively low scale. However, there is consensus that this is an area in transition. As described by Mr Tweedie, it is an area "crying out for redevelopment and renewal" given the state of the building stock and its convenient location. I consider it is appropriate to consider the likely future built form in the area. It does not amount to "crystal ball gazing" to predict that many other properties in the area will be redeveloped or extended. Much higher buildings are likely to be the norm, especially as policies support change and sites are not constrained by heritage considerations or residential amenity considerations.

[Emphasis Added]

250. In supporting the development at Nos. 11-13 Pearson Street approved under planning permit PLN17/0044 (VCAT Decision *Gantal Investments Pty Ltd v Yarra CC [2018]* VCAT 482) the Tribunal noted various qualities of that site that lend it to higher scale development that also apply to this site:

[83] The review site is relatively distant from dwellings within designated residential areas and is also not immediately proximate to heritage fabric on other land. It is not in a location that will impinge on designated landmarks within the Cremorne area. Setting aside the issue of remnant dwellings in the vicinity that enjoy existing use rights, there are relatively few constraints of the type that can have a tempering effect on a buildings height.

251. The lack of sensitive interfaces (specifically, dwellings in a residential zone) ensures that no unreasonable detriment will be caused to adjacent sites as a result of the height of the building which provides further justification for higher built form in this location. However, this will be discussed further in relation to off-site amenity impacts later in the report.

252. As already discussed, abrupt height transitions are an emerging character in the Cremorne area and hence the policy encouragement at Clause 22.10-3.3 to scale down to lower built form cannot be applied without discernment, as this would substantially impede development potential without regard to broader considerations in an area that is undergoing substantial transition from lower built form to much higher built form.

Architectural Quality

253. The development is considered to be of high architectural quality and in that regard responds to the design objectives of clause 15.01-2S of the Scheme. The contemporary design is appropriate and responds well to this part of Cremorne with the design offering a modern built form that revitalises the interface with Adolph Street through generously sized openings, and upper level communal areas. Whilst the interface with Pearson Street is not as activated as that to Adolph Street, it provides an acceptable outcome to the lower order road.

254. Council's Urban Design Unit did not raise any issues with the proposed materiality and design of the building. For the reasons outlined above it is considered that the patterning and variation in materials is a successful intervention to break down the building massing of the side boundary walls. It is considered that this patterning and variation should also be replicated on the internal southern boundary wall, where interfacing with No. 9 Pearson Street. This will assist in breaking down the massing of the building as this elevation will likely be prominent in the surrounds until redevelopment of No. 9 Pearson Street occurs. This will also ensure that all facades of the building utilise similar architectural language.

255. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises both street interfaces. The design response is such that it provides articulation and a frontage to Adolph Street. Whilst the building is oriented to address Adolph Street as its primary frontage it is considered that the amendments made within the Section 57A plans provide an adequate level of activation through the provision of an office tenancy fronting Pearson Street.

256. Whilst vehicle crossovers are proposed to service the car park entry and exit on both Adolph and Pearson Streets, the development makes efficient use of the east-bound one-way traffic restrictions imposed on Adolph Street and narrow nature of Pearson Street, ultimately guiding traffic through commercial zones to access and egress the development via Church Street. Further details on the ground floor Pearson Street façade will be required via condition to ensure that the level of detailing within the materials as shown on the southern elevation is undertaken during the construction phase.

257. The proposed materials schedule provides an indication of the different finishes proposed throughout the design, however, it is considered that the descriptions of each materiality are broad. It is considered that a façade strategy and materials and finishes schedule be submitted to include the points referenced above and to demonstrate:

    (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
    (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
    (c) information about how the façade will be maintained, including any vegetation; and
    (d) a sample board and coloured drawings outlining colours, materials and finishes specifying the following:
        (i) The architectural projections of the podiums to protrude no more than 0.24 metres into Adolph and Pearson Streets, maintaining depth and articulation;
        (ii) The southern internal boundary wall to incorporate patterning and variation in materials such as proposed on the eastern and western boundary walls;
        (iii) Further details on the ground floor Pearson Street façade providing articulation, definition and interest as indicated on the southern elevation.

258. This will ensure that the materials to be utilised for the development are reviewed prior to construction, with higher degree of detail provided to ensure they are of a high architectural quality in accordance with the plans submitted to date.

Landmarks, Views and Vistas

259. It is policy at clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The impact on long range views and vistas are only relevant where they form part of an identified character of an area (within planning policy) and typically apply to landscapes or natural features.

260. Within Clause 22.03-4, the Ball Tower of Dimmeys (Swan Street), the spire of St Ignatius Cathedral (Church Street, Richmond) and the Nylex Sign are identified as a landmarks. These are located approximately 215m, 600m and 750m in distance from the subject site and thus will not be affected.

261. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the local policy direction under clause 22.03-4 of the Scheme.

Light, Shade and Public Realm

262. Planning policy encourages the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety.

263. Council's internal Urban Design Unit was supportive of the ground floor interface to Adolph Street, commenting:

    (a) *The development generally provides a positive interface along Adolph Street, with a balance of active ground floor uses with a vehicle entry car parking and bike storage.*

264. Whilst the bike storage has been moved to the basement, the replacement with an office tenancy will continue to provide adequate activation of the street. There is concern, however, that the main entrance to the building and lift lobby is not easily identifiable, legible or clear from the street.

265. Clause 22.10-3.4 seeks

(a) *The design of the ground level street frontage of new development should provide a high level of pedestrian amenity and visual interest by:*
(i) Providing well-defined entries at ground level on the street frontage.

266. The main pedestrian entrance is accessed from the vehicle entrance, and as identified below there is no pedestrian door provided, such as for the tenancy located on the eastern side (Figure 10). Whilst signage has been provided in an attempt to assist with legibility, and different pavement material internally to provide a demarcation between vehicles and pedestrians, it is considered that this is inadequate in achieving a high level of pedestrian amenity and fails to provide a well-defined entrance.

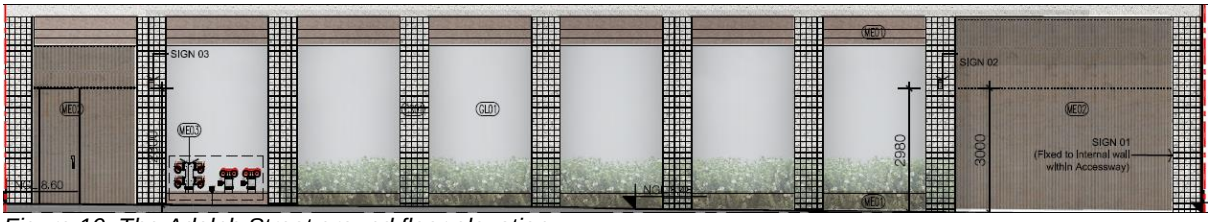


Figure 10: The Adolph Street ground floor elevation

267. Further to the above, Council's Engineering Unit have requested the vehicle egress onto Adolph Street be increased in width to 3 metres. This would reduce the area available for pedestrians. It is therefore considered that a pedestrian entrance be provided direct to Adolph Street. Given the layout and location of the café, it is considered suitable for a condition to be included requiring direct access to the lobby and could be easily provided as suggested below in Figure 11.

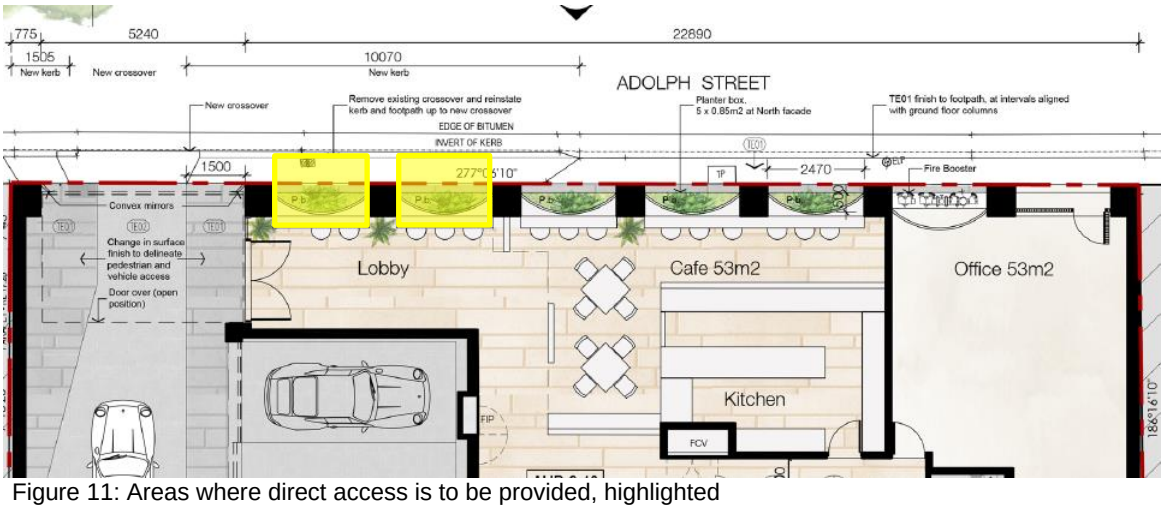


Figure 11: Areas where direct access is to be provided, highlighted

268. Subject to the above condition it is considered that the Adolph Street interface provides a satisfactory response.

269. In respect of the Pearson Street frontage, Council's Urban Design Unit raised concerns with the original plans (now superseded), identifying that *the entire Pearson Street frontage is made up of a vehicle entry, car parking and services, which results in a poor interface with the street.*

270. It is considered that the plans amended via Section 57A adequately address this concern, as shown in the comparison presented in Figure 12 below. The addition of a tenancy facing Pearson Street, as well as increased landscaping, activates the street and provides a greater sense of address.

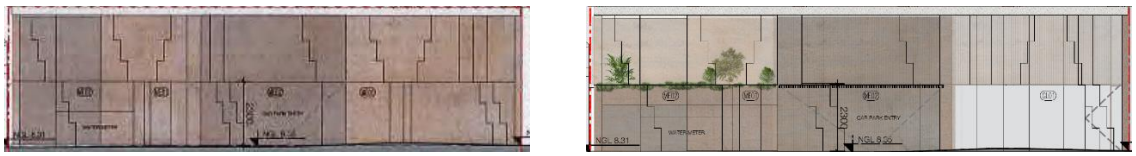


Figure 12: Comparison of the superseded plans and current decision plans, those amended via Section 57A

271. Whilst bluestone pavers were originally proposed within the footpath along Adolph Street, these have been removed after opposition from Council's Urban Design Unit and Open Space Unit. Instead, the footpath, and that of Pearson Street, should be re-sheeted in asphalt in accordance with Council's Roads Materials Policy. This is considered appropriate and will form a condition.

272. In terms of shadowing to the public realm, due to the location of the site on the northern side of Pearson Street and the relatively narrow width of this street, any development on the subject land higher than the existing building would result in additional overshadowing to the public realm.

273. The shadow diagrams indicate that the southern footpath of Pearson Street will be in shadow between 9am-3pm at the September equinox, with the shadows moving from west to east throughout the day. Council's Urban Design Unit raised no issue with the extent of overshadowing to the public realm.

274. Given the commercial context of the land and the discussion earlier within this report, the height of the development as proposed is considered acceptable. A double or triple-storey building would not make efficient use of the land, with higher built form supported by Council policy. In addition the narrow width of Pearson Street would make it difficult to prevent any additional overshadowing if development on the site is approved. On this basis, the extent of shadows is acceptable.

275. Finally, objective 2.10 of the DSE Guidelines seeks to ensure that new buildings do not create adverse wind effects including for pedestrians. As a wind assessment was not provided with the application and therefore this can be required via condition.

276. Given the similar approvals granted planning permits within both Adolph and Pearson Streets, and subject to this condition it is considered that wind is adequately assessed and will ensure the development would not generate safety concerns for the pedestrian wind environment.

Site Coverage

277. The level of site coverage proposed substantially exceeds maximum of 80 suggested by clause 22.10-3.6. However as the existing level of site coverage in the surrounding and immediate area is similar, this is acceptable. High levels of site coverage are typical for established and new commercial buildings throughout Cremorne.

Landscape architecture

278. The proposal includes limited landscaping at each street frontage and along the periphery of the upper level terraces. Landscaping is not a typical feature of developments along Adolph Street, Pearson Street or in the wider Cremorne area and as such satisfies objectives at clause 22.10-3.9.

279. No landscaping plan was submitted with the application. Council's Open Space Unit reviewed the proposal and requested a landscape plan be prepared by a suitably qualified landscape architect, providing further details on the following:

    (a) The planting plan, showing the type, location, quantity, height at maturity and botanical names of all proposed plants.

(b) Information on all planter beds, provide information on the depths and widths that will be provided, as well as information on soil media, drainage and irrigation.
(c) Provide a specification of works to be undertaken prior to planting.
(d) Confirmation the mulch used on higher levels is a wind tolerant material.
(e) The proposed maintenance schedules and requirements.

280. The above is considered reasonable and will form a condition. Subject to the above requirement, it is considered that the proposal will provide an adequate response to landscaping.

281. In regards to public realm, Council's Urban Design Unit identified that there were opportunities for street tree planting along Pearson and Adolph Streets. The Streetscapes and Natural Values team however, did not identify the site as suitable for street tree planting.

282. Given the narrow width of the footpaths associated with both Pearson Street and Adolph Street it is considered there is little opportunity for increasing the degree of street tree planting in this locality and thus this will not be required.

Advertising signage

283. Clauses 52.05-3 (Advertising signs) and 22.04 (Advertising signs policy) of the Scheme provide the relevant decision guidelines for advertising signs. This assessment is limited to the internally illuminated Sign 01 and Sign 02.

284. Clauses 52.05-3 and 22.04 contain substantial overlap in their policy direction and can be assessed under the following categories:

(a) *To allow for the promotion of goods and services.*
(b) *The need for identification and the opportunities for adequate identification on the site or locality.*

285. The proposed signage is located on the building in a way that will allow for the identification of the building and cafe. Both signs will be visible to pedestrians, however, given their proposed location and minimal total area the signage will be restrained in nature. Illuminated signage is common in commercial areas and considered appropriate.

(c) To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.
(d) The character of the area.
(e) Impacts on views and vistas.

286. The proposed signage is considered acceptable given the context of the site as identified above. Sign 01 is located against the internal wall of the accessway with Sign 02 located to the left of the accessway and will not obscure any important views, vistas or significant buildings.

(f) To minimise visual clutter.
(g) To ensure that signs are not the dominant element in the streetscape.

287. The proposed illuminated signage is commensurate with the host building, of modern construction. The proposed signage has not provided an indication of colour and therefore a condition will require this to be provided to ensure the colour of the signage will integrate with the building and not be a dominant element in the streetscape.

(h) The relationship to the streetscape, setting or landscape.
(i) The relationship to the site and building.

288. The proposed signage will integrate well with the streetscape and host building. The signage is commensurate with the scale of the building and will have a positive relationship with the streetscape, surrounds and not overwhelm the existing building.

(j) To maintain vehicular and pedestrian safety.
(k) The impact of any illumination.

289. The signage would not impact on vehicular or pedestrian paths with a minimum height above the pavement greater than 2.7 metres provided for Sign 02 in accordance with Clause 22.04.

290. The static illuminated nature of the signage will ensure that its impact on vehicular and pedestrian safety is limited. Sign 01 faces away from the residentially zoned areas whilst Sign 02 is limited in size, with an area of 0.11sqm. The proposed images/words would not interfere with traffic signals, directional signs or street signs. However a standard condition will ensure there is no animation or flashing lighting.

291. Considering the objectives of Clause 22.04 and the decision guidelines of Clause 52.05 the new signage is considered acceptable.

On-site amenity including Environmentally Sustainable Design

Daylight and Ventilation

290. The proposed development is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for the office space, with two street frontages and a site depth of approximately 26 metres. The development provides large expanses of glazing at all levels and the provision of terraces throughout.

291. The submitted Sustainable Management Plan submitted with the application indicates that a mechanical ventilation system will be utilised. In addition to this, the provision of several terraces throughout the design provides operable elements to outside. Council's ESD Advisor raised no concern with the proposed daylight, however requested operable windows be incorporated to facilitate nature cross-ventilation. This is considered appropriate and can form a condition.

Circulation Spaces

292. As identified within the built form assessment, the proposed design has limited integration with the street and an additional entrance from Adolph Street will be required. As a result, the main pedestrian entrance from Adolph Street will provide access to the lift cores and stairwells of the building. This will provide access to the ground floor food and drinks premises with the two ground floor offices providing direct access to Adolph and Pearson Streets.

293. The main entrance (as a result of the condition proposed earlier in the report) will provide adequate sightlines from Adolph Street so people can see both in and out when entering or leaving and also remove potential conflict with vehicles. The circulation spaces afford a good level of amenity to future building occupants.

Facilities

294. Communal facilities are provided at each level for the office tenants, including a kitchenette and bathrooms. Bicycle parking and end-of-trip facilities are also incorporated into the design at the basement level. External terraces are provided at varying levels. These features will further enhance the amenity of the development.

Environmentally Sustainable Design (ESD)

289. 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. Council's ESD Advisor confirmed that the proposal was close to meeting Council's Best Practice ESD standards.

290. Further, the redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces reliance on private vehicles.

291. Council's ESD Advisor identified areas of deficiencies and outstanding information that needed to be provided. This was outlined within their referral comments as follows:

Application ESD Deficiencies:

(a) *Recommend operable windows to facilitate natural cross-ventilation to further reduce reliance on mechanical HVAC system.*
(b) *Provide at least 5% capacity for charging stations or wiring for future.*
(c) *Include organic waste collection in waste management plan and provide allocation at basement level.*

Outstanding Information:

(d) *Identify improvement in peak energy demand in full copy of BESS report requested.*
(e) *Confirm stormwater treatment system to be used in development rather than examples.*
(f) *Provide more information on building commissioning.*

298. It is considered that all items can be addressed by conditions as these items request further detailed analysis of the ESD measures. Conditions will require the above to be provided within an amended Sustainable Management Plan with the SMP also updated to reference the plans amended via Section 57A. The requirement for organic waste collection in the waste management plan will also be required.

Off-site amenity including City Link Exhaust Stacks

292. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy). As the site surrounds description identifies, there are non-conforming dwellings located adjoining the site to the west and also on the southern side of Pearson Street. There are also caretaker's dwellings directly adjoining the site to the west and east. Dwellings located within the Neighbourhood Residential Zone are located approximately 12 metres to the west.

293. Four dwellings are also proposed to the east of the site at No. 11-15 Pearson Street pursuant to Planning Permit PLN17/0044, noting that the most recent development approval for the site (Planning Permit PLN19/0886) does not propose any dwelling uses. The location of the dwellings described above are demonstrated below in Figure 13.

Figure 13: The location of dwellings within the surrounds

294. Commercial 2 zoned land is where a range of commercial and light industrial uses are to be located (and hence their associated built form). Dwellings (other than caretaker's dwellings) are prohibited in this zone. Hence, even if existing use rights were able to be established for the dwelling-type buildings within Adolph and Pearson Streets, these dwellings are not afforded the same level of amenity protection as dwellings within a residential area (such as the Neighbourhood Residential zoned land further to the west).

295. Underlining this, it is noted that the decision guidelines for buildings and works in Clause 34.02 do not refer to consideration of impacts on residential uses more generally but rather of *the interface with adjoining zones, especially the relationship with residential areas* (emphasis added). Furthermore, the purpose includes "that uses do not affect the safety and amenity of adjacent, more sensitive uses" (emphasis added) but does not refer to development specifically.

296. This issue has been discussed in many Tribunal decisions within Commercial 2 Zones (formerly Business 3 Zones) 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.

297. 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.

298. Non-conforming residential uses (or permitted caretaker's dwellings) cannot expect the same level of amenity as a dwelling within a residential area. Application of policies to protect their amenity to a standard associated with residential areas would result in an unreasonable limitation of the development protection of the subject site. The vision for the area under the current zoning and Council's strategic planning is for increased development to contribute to accommodating employment growth supporting the economic viability and enhancing the industrial precinct.

299. Considerations must be limited to the impact of the proposed built form as the proposed land uses are as-of-right. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate);
    (a) *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.*

Noise

300. 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.

301. 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 (which does not require a planning permit for the use). Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity largely limited to Adolph Street. The site and its immediately surrounds is also located within the C2Z with the uses not requiring a planning permit to operate.

302. The applicant submitted an acoustic report that identified all of the closest sensitive residential receivers. The report was peer reviewed by Council's acoustic consultant, SLR Consulting, who confirmed that the report generally addresses the acoustic issues related to the proposal however they suggested the following matters be addressed further, with each of these being discussed individually:

    (a) *The following requirement be included in the planning permit: Mechanical plant, once designed, shall be assessed by a qualified acoustic consultant to comply with the SEPP N-1 noise limits, including at the future residences proposed for 11-13 Pearson Street.*

        A condition can require a review of all acoustically significant mechanical plant, including the car park entrance door and car stackers, prior to the occupation of the development. It is not considered necessary for the report to address the proposed future residences at Nos. 11 – 13 Pearson Street. An acoustic report was conditionally required in association with this permit approval (now endorsed) that specifically required the development to make recommendations to limit the noise impacts from the surrounding land uses (amongst other things) to future proof these dwellings from their location within the C2Z. The endorsed acoustic report contains recommended sound design levels for the dwellings within the development and this is considered satisfactory.

    (b) *If the site is to be accessed during the night, further consideration of sleep disturbance impacts (and SEPP N-1 assessment) should be undertaken for the carpark entry door and car stacker to the Pearson Street receivers. The door and stacker noise specification should be a more formal requirement for the development if this is the case.*

        As identified above, a condition will require a review of all acoustically significant mechanical plant, including the car park entrance door and car stackers, prior to the occupation of the development. Prior to the development commencing, a condition will also require the report to be updated to address the above as it is considered that the use may operate during the evening and overnight as the uses do not require a planning permit to operate.

    (c) *The operating hours for the café be confirmed and the SEPP N-2 night period assessed (with maximum allowable internal music levels provided) if operating from 6 am.*
    (d) *If the hours of operation for the rooftop terrace include the evening or night period, we recommend that a patron noise assessment be conducted.*

As no planning permit is required for the uses to operate, the report can be required to be updated conditionally to assess these aspects further.

Furthermore, the use would be obligated to comply with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1) and the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

303. While the office and food and drinks premises (café) would not require a large number of deliveries to the site, a condition will require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law. This would assist in minimising noise disruption to the surrounds from these noise sources.

Visual bulk and overlooking

304. In relation to overlooking, it is an accepted principle that overlooking only occurs between habitable rooms (i.e. bedrooms and living rooms) and private open spaces within a 9 metre radius. The proposed development is for an office and therefore is not subject to the same requirements.

305. To No. 9 Pearson Street to the east, the caretaker's dwelling, it is considered that views are adequately restricted due to the adjoining property's deck located along their northern boundary. There are no windows facing the deck with the Pearson Street terraces adequately offset from the deck. As such, impacts from overlooking are considered limited.

306. To No. 1 Walnut Street and 2A Adolph Street to the west, two caretaker's dwellings, the development proposes west-facing windows and a terrace at Level 5 and west-facing windows at Level 6. Along the western periphery of the Level 5 terrace is a 0.9 metre wide landscaping strip. It is considered that view lines will generally be distorted from these heights and project primarily over the roof of the dwellings, not into the open space areas.

307. To 1 Pearson Street to the west, a non-conforming dwelling, the development proposes west-facing windows and a terrace at Level 5 and west-facing windows at Level 6. Along the western periphery of the Level 5 terrace is a 0.9 metre wide landscaping strip. As found above, it is considered that view lines will generally be distorted from these heights and project primarily over the roof of the dwellings, not into the open space areas.

308. Further west, views to the dwellings located in the Neighbourhood Residential Zone are adequately protected due to the separation distance of 12 metres.

309. In relation to the non-conforming dwellings along the southern side of Pearson Street at Nos. 4 – 10 Pearson Street, most of the dwellings have alternative outlooks in terms of their side or rear secluded private open space, away from the subject site. The proposal would only face their front windows and considering the commercial zoning of the land there is an expectation of high on-boundary walls built to the street associated with podiums with built form above and is therefore considered acceptable.

310. The development would not result in unreasonable overlooking impacts to the proposed non-conforming residences to the east at No. 11 – 13 Pearson Street. The western edge of the dwelling balconies fronting Adolph Street are clad in a white metal perforated screen. Whilst the dwelling balconies fronting Pearson Street are not screened, these balconies are in excess of 9 metres from the subject site.

311. In regards to visual bulk impacts to the non-conforming dwellings in the immediate area, it is considered that within this built form context views from windows to built form is not an unreasonable expectation. Traditionally buildings with commercial uses tend not to include side and rear setbacks and this is evident in both the remnant commercial buildings in the area and the new development occurring. Minimal side and rear setbacks would be an expected feature of the redeveloped commercial buildings where interfacing with other similarly developed allotments and zoning that encourages higher density forms.

312. In respect of the property to the east at No. 9 Pearson Street, and as the following nearmap images demonstrate (Figure 14), the north-facing deck has a retractable canopy structure over it that often appears to be in use.

Date: 28 April 2020

Date: 17 Feb 2020

Date: 17 Dec 2020

Date: 31 Aug 2019

Date: 7 April 2019

Date: 23 Feb 2019

Date; 11 Jan 2019

Date: 19 Oct 2018

Date: 23 Aug 2019

Figure 14: Nearmap images of No. 9 Pearson Street

313. Within the context of the C2Z with the built form expectations as expressed in policy, it is considered that the proposed development is acceptable and would not cause unacceptable visual bulk. The deck would retain views to the east and is fitted with a retractable canopy structure to mitigate views upwards from inside, if desired.

314. The windows of No. 1 Pearson Street do not face the subject site, with the secluded private open space on the western side of development, therefore providing a buffer between the sensitive areas of the allotment and the development to mitigate visual bulk.

315. Whilst the development will abut the eastern and southern boundary of No. 2A Adolph Street, another caretaker's dwelling, the ground floor deck is already bound by double storey walls. The setback of the third level deck from the boundary will provide adequate separation between the development and the deck to mitigate visual bulk concerns. The decks are associated with bedrooms and therefore are not considered as primary spaces. The living and kitchen areas have dual aspects, with windows facing Adolph Street. The deck will retain views to the west. Due to the location of No. 1 Walnut Street to the west of No. 2A Adolph Street it is not considered the development would present excessive visual bulk to this caretakers dwelling.

316. As discussed under built form, the proposal provides an adequate transition to Walnut Street to the west and as such would not result in unacceptable visual bulk to the dwellings located within the Neighbourhood Residential Zone.

317. In respect of the dwellings to the south along Pearson Street it is considered that due to the narrow width of the street, views to the proposal in its entirety from within the dwellings would be limited and only possible from a greater distance, reducing any potential visual bulk impacts.

Overshadowing

318. The decision guidelines of the Commercial 2 Zone include a requirement of buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to encourage commercial areas for offices. In the absence of any specific guidelines, Standard B21 of Clause 55 (Rescode) will be used as a reference. This standard seeks to ensure buildings do not significantly overshadow existing secluded private open space between 9am and 3pm on 22 September. Within this six hour time period, the Standard requires a minimum of five hours of sunlight.

319. To No. 9 Pearson Street to the east, the caretaker's dwelling, the proposal would result in overshadowing of the deck located along the northern boundary at the third level throughout the day. Whilst the proposal would result in the removal of sunlight to this deck, only very limited weight can be given to amenity impacts to the caretaker's dwelling as it is an ancillary component to a business.

320. Any redevelopment of the subject site will likely increase the extent of overshadowing, be it four, five or six storeys. The property was developed to orient the deck area along the northern boundary of the property, rather than to the street in a configuration that would provide futureproofing to the outdoor space.

321. It is clear that with regard to the context of a C2Z, where a development height of seven storeys is acceptable, overshadowing impacts to No. 9 Pearson Street would be unavoidable and therefore would have been considered as part of any proposal.

322. To Nos. 1 Walnut Street, 2A Adolph Street and 1 Pearson Street to the west, the development would not result in any additional overshadowing. Whilst shadows would fall over No. 1 Walnut Street between 9AM and 10:30AM, to No. 2A Adolph Street between 9AM and 12PM and to No. 1 Pearson Street between 9AM and 10AM the shadows cast by the development would be within existing shadowed areas.

323. Between 9am and 10am, the proposal shadows the secluded private open spaces of the dwellings on the eastern side of Chestnut Street, to the west of the subject site. The additional impact is limited to an hour in the morning at the September equinox. This is considered reasonable when having regard to the site's inner city context and policy support for taller built form on the subject site.

324. With respect to the non-conforming dwellings on the southern side of Pearson Street, there will be no impact to No. 6 and No. 10 Pearson Street as the buildings contain no open space that would fall within the shadow of the development.

325. The without prejudice shadow diagrams demonstrate there will be increased overshadowing to the open space area of No. 4 Pearson Street between 10AM to 2PM. Given the location of the open space area at the ground floor and to the side of the dwelling, it is considered that overshadowing impacts are unavoidable with consideration of the expected development in the area. As demonstrated through the development of No. 8 Pearson Street, redevelopment to provide greater protection of amenity within a C2Z area can be achieved and therefore should not prejudice development meeting the objectives of the zone.

326. The without prejudice shadow diagrams demonstrate there will be no increased shadowing to the roof deck of No. 8 Pearson Street. Whilst there will be some increased overshadowing to the ground floor open space area to the west of the dwelling, this is limited to one hour at 1PM and on balance, with two open space areas provided, is considered acceptable.

327. Whilst increased shadowing of the solar panels of the dwellings on the south side of Pearson Street will occur, the Scheme does not offer protection to solar panels on buildings within commercial areas. The proposed shadowing is considered to be appropriate with respect to the type and intensity of development expected in the area.

328. In respect of daylight, the proposal is adequately setback from windows on adjoining properties to allow for access to daylight. Whilst the building will be built against the western on-boundary window of the property at No. 9 Pearson Street it is considered that the Section 173 Agreement registered to the title of this property anticipated this development outcome, with the requirements of the Section 173 Agreement copied below:

    (a) *The Owner covenants and agrees if a building is to be constructed on the neighboring property to the west of the Land, which would enclose the window in the west elevation of the building proposed to be constructed on the Land pursuant to the Permit, (the "Window"), it shall remove the Window and seal up the opening created by the removal of the window.*

Fumes and air emissions, light spillage

329. The majority of the office and the ground floor food and drinks premises uses are enclosed with the uses conducted indoors (with the exception of the outdoor terraces for office). All uses within the building do not require planning permission to operate.

330. The proposed uses are not considered to result in unreasonable air emissions, with light spill from the upper level offices limited due to the nature of the use. However any light spill would be in the context of other uses in the area, and there is no direct lighting of the external part of the building. There would be no fumes associated with the proposed uses.

Equitable Development

331. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered. The proposed development will enable abutting sites to be developed similarly due to the on boundary walls. Where upper level setbacks have been provided to the west, the development has acknowledged that development on the abutting sites will likely be lower due to their constraints and is therefore considered acceptable.

332. With regards to the train station car park and any future development, the narrow street width would provide a sufficient separation for a range of potential uses and development forms.

This is also considered to apply to the sites on the opposing side of Pearson Street. This is acceptable and will not unreasonably restrict any future development on that site.

City Link Exhaust Stacks

333. The Design and Development Overlay Schedule 5, City Link Exhaust Stack Environs (DDO5) requires that notice of a development be given to the Transurban City Link Limited and the Roads Corporation (Transport for Victoria) as previously identified. The design objectives of DDO5 are as follows:

    (a) *To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack.*
    (b) *To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack.*
    (c) *To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.*

334. Transurban City Link and the Road Corporation (Transport for Victoria) were notified of the proposal. The Road Corporation (Transport for Victoria) provided a response in consultation with Transurban City Link, which raised no concern about impacts of the proposed development on the exhaust stacks with Transurban City Link. Accordingly, the objectives of the DDO5 are considered to be met.

Car parking and traffic

335. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 62 car parking spaces, with 25 on-site car parking spaces proposed. This represents a full reduction of car parking for the food and drinks premises and partial reduction for the office use. To support the reduction in the statutory rate, a car parking demand assessment was undertaken by Ratio Consultants, with parking availability in the neighbourhood also reviewed.

Parking Availability

292. On-street parking occupancy surveys of the surrounding area was undertaken on Thursday 31 October 2019 between 9am and 5pm and two hour intervals. The survey area included Pearson Street, Chapel Street, Hill Street, William Street, Chestnut Street, Green Street, Railway Crescent, Swan Street, Church Street, Brighton Street, Lesney Street and James Street as well as the car parks located within Royal Place, Dickmann Street and Adolph Street. The time and extent of the survey area was confirmed to be appropriate by Council's Engineers.

293. Within this area, an inventory of 395 publicly available parking spaces were identified. The survey demonstrated that the availability of on-street parking in the vicinity of the site that could potentially be utilised by future employees is highly constrained, given that the majority of on-street parking is time-restricted throughout the day. The parking surveys provided within the Ratio Consultants report identified that occupancy was 63%, 81%, 84%, 75% and 58% at 9am, 11am, 1pm, 3pm and 5pm respectively.

336. Council's Traffic Engineers confirmed that the availability of short to medium-stay parking would provide regular turnover throughout the day, thereby allowing visitors to park near the site. Surrounding residential car parking is typically protected through the use of on-street permit parking.

337. The limited availability of long-term on-street parking would discourage employees from driving to work, and encourage them to travel by alternative forms of transport. The availability of alternative transport methods will be discussed in turn.

Parking Demand

338. With regards to the car parking demand generated by the proposed office use, it is acknowledged that the statutory car parking rates outlined in the Scheme are conservative when applied in this instance, given the inner-city location of the subject site and proximity to alternative transport means, with specific reference to East Richmond station opposite the site.

339. It is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure that a holistic planning approach to precincts that are designated for greater change is applied.

294. A 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.

295. Throughout the decision there are a number of relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments, these are provided below:

(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.

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

340. Furthermore, in the VCAT Decision *Gantal Investments Pty Ltd v Yarra CC [2018]* VCAT 482, in respect of the site to the east at 11 – 13 Pearson Street, the Tribunal made the following statement:

    (a) *We are satisfied that the quantum of car parking proposed on-site is appropriate in the context of the review site's location proximate to excellent public transport facilities. We consider that the reduced rate for the office tenancies is consistent with Council's policy framework by supporting sustainable transport alternatives to the motor car, and making provision for accessible on-site bicycle parking*

341. Based upon the findings within these decisions, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

342. In support of the reduced car parking on-site, examples of existing offices within the City of Yarra with reduced on-site car parking were provided by Council Engineers. Details of these offices are provided as follows:

Development Site	Approved Office Parking Rate
60-88 Cremorne Street, Cremorne PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m^2 (200 on-site spaces; 27,653 m^2)
2-16 Northumberland Street, Collingwood PLN16/0435 issued 14 June 2017	0.89 spaces per 100 m^2 (135 on-site spaces; 15,300 m^2)
51 Langridge Street PLN17/0332 (Amended) issued 18 May 2018	0.54 spaces per 100 m^2 (18 on-site space; 3,335 m^2)

343. Council's Engineering Services unit confirmed that the proposed on-site office parking rate of 0.81 spaces is considered appropriate, having regarding to the site's good accessibility to public transport services and proximity to Melbourne CBD.

344. In respect of the food and drinks premises (café), Council's Engineering Unit is satisfied that staff would be fully aware of the finite availability of long-term parking in the immediate area and would choose to commute to the site via alternative transport modes. Lastly, there is adequate short-stay parking in the area to cater to visitors.

345. Specifically in relation to the particular benefits of the site location, the reduction being sought by the proposal is further supported by the following:

    (a) The site is well serviced by public transport, including the East Richmond Train Station and tram services along Swan Street and Church Street. Whilst it is acknowledged that limited services stop at East Richmond Station, it is considered that the frequency of services during the peak period are adequate.

    (b) The surrounding area has a good bicycle network and the development includes employee bicycle parking spaces and end of trip facilities in excess of rates specified within the Scheme to encourage staff to ride to work.

(c) Office land uses are particularly conducive to alternative transport modes given that trips typically occur within peak hour when public transport services are most frequent. The regularity and familiarity of the journey is also a factor that encourages alternative travel modes. Employees are also more likely to cycle to avoid peak hour traffic delays.

(d) There is limited on-street parking in the area, with restrictive parking controls acting as a disincentive for employees to travel to work by car. Occupant or visitor parking permits will not be issued for the development and building tenants would be entering leases aware of the on-site parking availability. Therefore businesses with a high reliance on car parking are unlikely to take up a lease at the site.

(e) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the occupants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis;

(f) Council's Engineering Unit are supportive of the application on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

Traffic

346. The traffic generation for the site was adopted by the Applicant's Traffic Engineers and reviewed by Council Engineers. This represented 13 movements each within the AM and PM peak period. The proposal would have the following commercial traffic directional split:

(a) AM Peak – 90% inbound (12 trips), 10% outbound (1 trips); and
(b) PM Peak – 90% outbound (12 trips), 10% inbound (1 trips).

347. Council's Traffic Engineers have confirmed that the traffic directional split and distribution assumptions outlined appear reasonable, and that any increase in the volume of traffic generated by the development could be accommodated on the local road network without adversely impacting on the traffic operation of nearby streets.

Access and layout

348. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

349. These details, along with the proposed car stacker units have been reviewed by Council's Engineering Unit who is satisfied with the layout of the car parking area. Council's Engineering Unit has requested that the plans be revised to include the following details / dimensions that will be addressed by way of conditions:

(a) Architectural features from the site must not protrude more than 240 mm beyond the property boundary for a narrow street (6.0 metres or less in width).
(b) The vehicle exit onto Adolph Street is to be dimensioned on the drawings and must not be less than 3.0 metres as per Design Standard 1 of Clause 52.06-9.
(c) A vehicle crossing ground clearance check is required to be submitted.
(d) The floor to ceiling height clearance within the basement car park levels are to be dimensioned on the plans and must be no less than 2.1 metres in height as per Design Standard 1 of Clause 52.06-9.

350. Several engineering conditions in regards to civil works, road asset protection, and construction management, impacts of assets on the proposed development, reinstatement of redundant vehicle crossings and modification to car parking signage have been recommended.

These conditions are considered standard and should also be included on any permit issued. It will also form a condition of permit that the plans be updated to show the reinstatement of curbs where existing vehicle crossovers are being made redundant.

351. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Engineering Unit.

Bicycle facilities and strategic transport

Bicycle parking and facilities

297. The proposal provides a total of 22 bicycle parking spaces on-site for employees, with employee bicycle parking and end-of-trip facilities provided at the basement level. The number of bicycle spaces for employees exceeds the statutory rate outlined in Clause 52.34 (which requires 10 employee spaces) but does not meet the rate outlined in Category 6 of the Built Environment Sustainability Scorecard (BESS), which recommends a total of 29 employee spaces.

298. Whilst Council's Strategic Transport Unit identified 30 employee spaces were required to meet Category 6 of BESS, with the reduction in floor area resulting from the plans amended via Section 57A this would be 29 spaces.

299. Given the scale of the proposed building and the reduction of car parking sought, it is considered that additional bicycle parking is required and therefore a condition can require a minimum 29 employee bicycle spaces be provided. The additional 7 spaces should be provided in a secure and conveniently accessible location.

300. The employee bicycle parking is currently provided within an end-of-trip facility within the basement of the development. This facility is accessed through the lobby and lifts. The condition requiring direct access to the lobby from Adolph Street will also assist in wayfinding and access. The green travel plan should be updated to provide details of signage and wayfinding as the location of the employee bicycle parking is not highly visible. Details on how this would be managed combined with the fact that employees will become familiar with the location upon employment are considered satisfactory.

301. Council's Strategic Transport Unit reviewed the proposed access and safety, advising that there were no issues with the layout of the bicycle parking. The layout does not satisfy the requirements of AS23890.3 where at least 20% of the employee spaces are horizontal at-grade, this can be rectified by way of condition.

302. In respect of visitor parking, the proposal provides 1 visitor bicycle hoop providing parking for 2 bicycles at the ground level, interfacing with Pearson Street. The hoop is not within an enclosed area and should be shown on the southern elevation for clarity.

303. The statutory rate outlined in Clause 52.34 requires 2 visitor spaces and this is therefore met, however, the rate outlined in Category 6 of the BESS results in a recommendation for 4 spaces. A condition will require an additional 2 visitor spaces be accommodated on site to ensure compliance with the BESS requirements.

304. In respect of the layout of the bicycle spaces, Council's Strategic Transport Unit raised no concerns however they did request notations indicating the dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3. This can form a condition.

305. With regard to the above, it is considered that subject to conditions the bicycle parking and facilities are acceptable.

Electric vehicles

306. Council's ESD Officer reviewed the submitted SMP and outlined the lack of infrastructure for electric vehicles as a deficiency, recommending that at least 5% capacity for charging stations or wiring for future be incorporated. Council's Strategic Transport Officer reviewed the proposal and recommended the car parking area be electrically wired to be 'EV ready' to allow for easy future provision of electric vehicle charging. This is considered appropriate, and can be facilitated via condition.

Green Travel Plan

307. The applicant also supplied a Green Travel Plan (GTP) based on the original and superseded plans. Due to the relocation of the end-of-trip facilities and bicycle store to the basement level, the GTP should be updated to reflect the amended plans. It is also considered necessary for the GTP to be updated to include signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.

308. The GTP is generally adequate but as identified by Council's Strategic Transport Unit, the following will be required to be incorporated:

    (a) Measurable targets and performance indicators; and
    (b) Provisions for the GTP to be updated not less than every five years.

311. It is considered appropriate for the above to form conditions as these items are easily addressed through a revision of the GTP. The submitted GTP is therefore considered satisfactory, subject to conditions.

<u>Waste management</u>

312. An initial Waste Management Plan (WMP) was submitted by the Applicant and reviewed by Council's City Works Branch, who requested the following additional information/changes:

    (a) Please include the swept path diagram in the WMP.

313. It is considered that the matter identified above can be addressed via conditions requiring an updated WMP. A condition should also require the WMP to be updated to reference the amended plans, as the bin store layout has slightly been modified within the Section 57A plans. Furthermore, as identified under the ESD discussion, the WMP will be required to be updated to include organic waste collection and provision of organic waste bins within the bin store.

314. The collection of waste from within the title boundaries will also assist in ensuring all commercial activities are contained within the boundaries of the site and will not impact on the function of the adjoining streets. The waste management practices are therefore considered satisfactory, subject to conditions.

<u>Objector concerns</u>

352. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows.

Built form and design

(a) *No built form transition to the west, such as seen as 508-510 Church Street*

Built form considerations are discussed within paragraphs 208 to 282.

(b) *Height inconsistent with surrounding low-rise heritage*

Built form considerations are discussed within paragraphs 208 to 282.

(c) *Impacts to public realm*

Built form considerations are discussed within paragraphs 208 to 282.

(d) *Design is displeasing*

Built form considerations are discussed within paragraphs 208 to 282.

(e) *Landscape drawings are required*

A landscaping plan is a conditional requirement, this is considered satisfactory give the limited landscaping proposed throughout.

(f) *Lack of stormwater management.*

ESD considerations are discussed within paragraphs 289 to 298.

(g) *Concern that the design elements will be value managed in the future with a request for a façade strategy.*

A condition will require a detailed façade strategy to be provided.

Off-site amenity impacts

(h) *Shadowing to residentially zoned land (SPOS areas);*
(i) *Shadowing to non-conforming residences (SPOS areas, windows and solar panels);*

Shadowing impacts are discussed within paragraphs 318 to 328.

(j) *Shadow diagrams do not show shadowing across a broader range of dates;*

The shadow diagrams are provided for 22 September as required by the Planning Scheme.

(k) *Loss of privacy and overlooking;*

Privacy and overlooking are discussed within paragraphs 304 to 317.

(l) *Loss of daylight;*

Daylight impacts are discussed within paragraphs 318 to 328.

(m) *Visual bulk to surrounding non-conforming residences/care taker residences;*

Visual bulk impacts are discussed within paragraphs 304 to 317.

(n) *Erosion of community feel within C2Z enhanced by non-conforming residential uses;*

The purpose of the C2Z is *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.* The presence of non-conforming residential uses in the site surrounds does not preclude the purpose of the zone.

(o) *Noise impacts to surrounding non-conforming residential from garage/car stackers;*

Noise impacts are discussed within paragraphs 300 to 303.

(p) *Waste arrangements are confusing.*

Waste arrangements are discussed within paragraphs 312 to 314.

Traffic and Car parking

(q) *Loss of on-street car parking to cater to new crossover on Pearson Street;*

Whilst on-street car parking will be required to be removed from Pearson Street the development would result in the reinstatement of existing crossovers on Adolph Street, ensuring that there is no net loss of on-street car parking within the immediate area.

(r) *Queuing in Pearson Street due to the stacker system;*

As identified at paragraphs 346 - 347 the proposal would result in an additional 13 vehicle movements in the AM and PM peak respectively. Due to the low number of vehicle movements anticipated it is no expected that queuing in Pearson Street would occur.

(s) *Too many car parks provided on-site, additional traffic cannot be supported within local road network; and*

Traffic and car parking is discussed within paragraphs 335 to 351.

(t) *Not enough car parks provided on-site, the on-street car parking is already at capacity and cannot cater to overflow from development.*

Traffic and car parking is discussed within paragraphs 335 to 351.

Other

(u) *Disruption during construction*

A construction management plan will be included as a condition to ensure that adequate measures are undertaken during construction.

(v) *Soil contamination from previous mechanical workshop use*

There are no sensitive uses proposed within the development and therefore remediation of the site is not required. The construction management plan requires the applicant to address the management of any environmental hazards during construction, such as contaminated soil.

Conclusion

353. 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.

354. The proposal, subject to the 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 the construction of a multi-storey building (plus basement and rooftop plant), a reduction in the car parking requirements and display of internally illuminated signage at 4 – 6 Adolph Street and 3 – 5 Pearson Street, Cremorne 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 SD02_99 (Rev 8), SD02_01 (Rev 14), SD02_02 (Rev 10), SD02_03 (Rev 11), SD02_04 (Rev 10), SD02_05 (Rev 11), SD02_06 - SD02_ 07 (Rev 10), SD02_08 (Rev 8), SD05_01 - SD05_04 (Rev 5), SD06_01 - SD06_ (Rev 5), SD28_01 (Rev 3) and SD28_02 (Rev 2) prepared by SJB, but modified to show:

   Signage

   (a) The deletion of Sign 03, and an updated signage plan showing proposed colours.

   Built Form

   (b) Architectural features from the site must not protrude more than 240 mm beyond the property boundary.
   (c) The materiality of the stairwell and lift core indicated.
   (d) The southern internal boundary wall to incorporate patterning and variation in materials as proposed on the eastern and western boundary walls.
   (e) Direct access provided between Adolph Street and the building lobby, with no change to the structural columns. Any material changes are to integrate with the overall building design.
   (f) Provision of operable windows to facilitate natural cross-ventilation.

   Car Parking and Services

   (g) The vehicle exit onto Adolph Street is to be dimensioned on the drawings and must not be less than 3metres as per Design Standard 1 of Clause 52.06-9.
   (h) A vehicle crossing ground clearance check is required to be submitted.
   (i) The floor-to-ceiling height clearance within the basement car park levels is to be dimensioned on the plans and must be no less than 2.1 metres in height as per Design Standard 1 of Clause 52.06-9.
   (j) The car parking area to be electrically wired to be 'EV ready,' with a notation included on the plans identifying this.
   (k) A minimum of 29 employee bicycle spaces within a secure and conveniently located compound and in accordance with the requirements of AS23890.3 with at least 20% of the employee spaces horizontal/at-grade. The existing 22 employee spaces are to remain within the end of trip area with no more than two secure compounds provided throughout the development.
   (l) The southern elevation updated to show the visitor bicycle hoop.
   (m) Two additional visitor bicycle spaces provided on-site, horizontal and at-grade.
   (n) Notations indicating the dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3.
   (o) Footpaths shown to be asphalt with no bluestone incorporated.

   Reports and Plans

(p) Any requirement of the endorsed Landscape Plan (condition 5) (where relevant to show on plans).
(q) Any requirement of the endorsed Sustainable Management Plan (condition 7) (where relevant to show on plans).
(r) Any requirement of the endorsed Green Travel Plan (condition 9) (where relevant to show on plans).
(s) Any requirement of the endorsed Waste Management Plan (condition 11) (where relevant to show on plans).
(t) Any requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans).
(u) Any requirement of the endorsed Wind Assessment Report (condition 18) (where relevant to show on plans).

2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

(a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
(b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
(c) information about how the façade will be maintained, including any vegetation; and
(d) a sample board and coloured drawings outlining colours, materials and finishes specifying the following:
    (i) The architectural projections of the podiums to protrude no more than 0.24 metres into Adolph and Pearson Streets, maintaining depth and articulation;
    (ii) The southern internal boundary wall to incorporate patterning and variation in materials such as proposed on the eastern and western boundary walls;
    (iii) Further details on the ground floor Pearson Street façade providing articulation, definition and interest as indicated on the southern elevation.

3. 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.

4. As part of the ongoing progress and development of the site, SJB Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

(a) oversee design and construction of the development; and
(b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Landscape Plan

5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

(a) show the type, location, quantity, height at maturity and botanical names of all proposed plants.
(b) Information on all planter beds, provide information on the depths and widths that will be provided, as well as information on soil media, drainage and irrigation.
(c) provide a specification of works to be undertaken prior to planting.

(d) Confirmation the mulch used on higher levels is a wind tolerant material.
(e) The proposed maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

6. Before the buildings 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.

Sustainable Management Plan

7. 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 Sustainable Development Consultants dated November 2019, but modified to include or show:

(a) Assess the proposal as amended pursuant to Condition 1.
(b) Provision of operable windows to facilitate natural cross-ventilation to further reduce reliance on mechanical HVAC system.
(c) A commitment to electric vehicle charging infrastructure, wiring the car parking area to be 'EV ready.'
(d) Include organic waste collection.
(e) Identify improvement in peak energy demand in full copy of BESS report.
(f) Confirm stormwater treatment system to be used in development rather than provision of examples.
(g) Provide more information on building commissioning.

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

Green Travel Plan

9. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants dated December 2019, but modified to include or show:

(a) The floor plans (in accordance with the plans required by Condition 1) showing details of the bicycle parking and end of trip facilities.
(b) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
(c) Measurable targets and performance indicators; and
(d) Provisions for the GTP to be updated not less than every five years.

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

Waste Management Plan

11. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 13 December 2019, but modified to include:

    (a) Assess the proposal as amended pursuant to Condition 1.
    (b) Organic waste collection and provision of organic waste bins within the bin store.
    (c) The swept path diagram of the waste collection vehicle.

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

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

Acoustic Report

14. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Renzo Tonin & Associates and dated 14 November 2019, but modified to include:

    (a) Sleep disturbance targets for the car park door and car stackers, providing an acoustic specification for achieving the targets such that sleep disturbance levels and SEPP N-1 will be met at the closest dwelling.
    (b) The SEPP N-2 night period assessed (with maximum allowable internal music levels provided) in respect of the café (if operating within the night period).
    (c) A patron noise assessment provided in respect of the office terraces (if operating within the evening/night period).

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

16. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

    (a) Compliance of the mechanical plant, car park entrance door and car stackers with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.
    (b) Compliance with any recommendations or requirements of the report referenced within Condition 14.

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

Wind Report

18. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.

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

Road Infrastructure

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

    (a) in accordance with any requirements or conditions imposed by Council;
    (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
    (c) at the permit holder's cost; and
    (d) to the satisfaction of the Responsible Authority.

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:

    (a) at the permit holder's cost; and
    (b) 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, any damage to Council infrastructure resulting from the development must be reinstated, including the reinstatement of the kerb and channel and re-sheeting of the footpaths for the entire width of the property (both Adolph Street and Pearson Street) :

    (a) in accordance with Council's *Road Materials Policy;*
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.

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

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

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

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

Car parking

26. 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.

27. Ducting, pipes and other obtrusions must not encroach into the space design envelope of the car stacker spaces.

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

Lighting

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

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

    to the satisfaction of the Responsible Authority.

General

30. The amenity of the area must not be detrimentally affected by the use or development, 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.

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

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

33. 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.

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

35. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

36. 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.

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

38. 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.

39. 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.

Signage

40. The location and details of the signage 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.

41. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

42. The signs must not include any flashing or intermittent light.

43. The signs must not be illuminated by external light.

Construction Management Plan

44. 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

45. 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 signage is not erected 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.

46. This permit (as it relates to signage) 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 Services on 9205 5555 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.

All future businesses (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.

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 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 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 133.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

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

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.

Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

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

Overhead power lines run along the west side of south side of Adolph Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable.

Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

CONTACT OFFICER: **Michelle King**
TITLE: **Principal Planner**
TEL: **9205 5333**

Attachments

1 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Site Plan
2 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)
3 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)
4 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Head, Transport for Victoria referral
5 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Streetscapes and Natural Values referral
6 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Open Space referral
7 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Urban Design referral
8 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)
9 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (supplementary - S57A plans)
10 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Strategic Transport referral
11 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Strategic Transport referral (supplementary - S57A plans)
12 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Waste referral
13 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral
14 PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Acoustic referral

Attachment 1 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Site Plan

ATTACHMENT 1

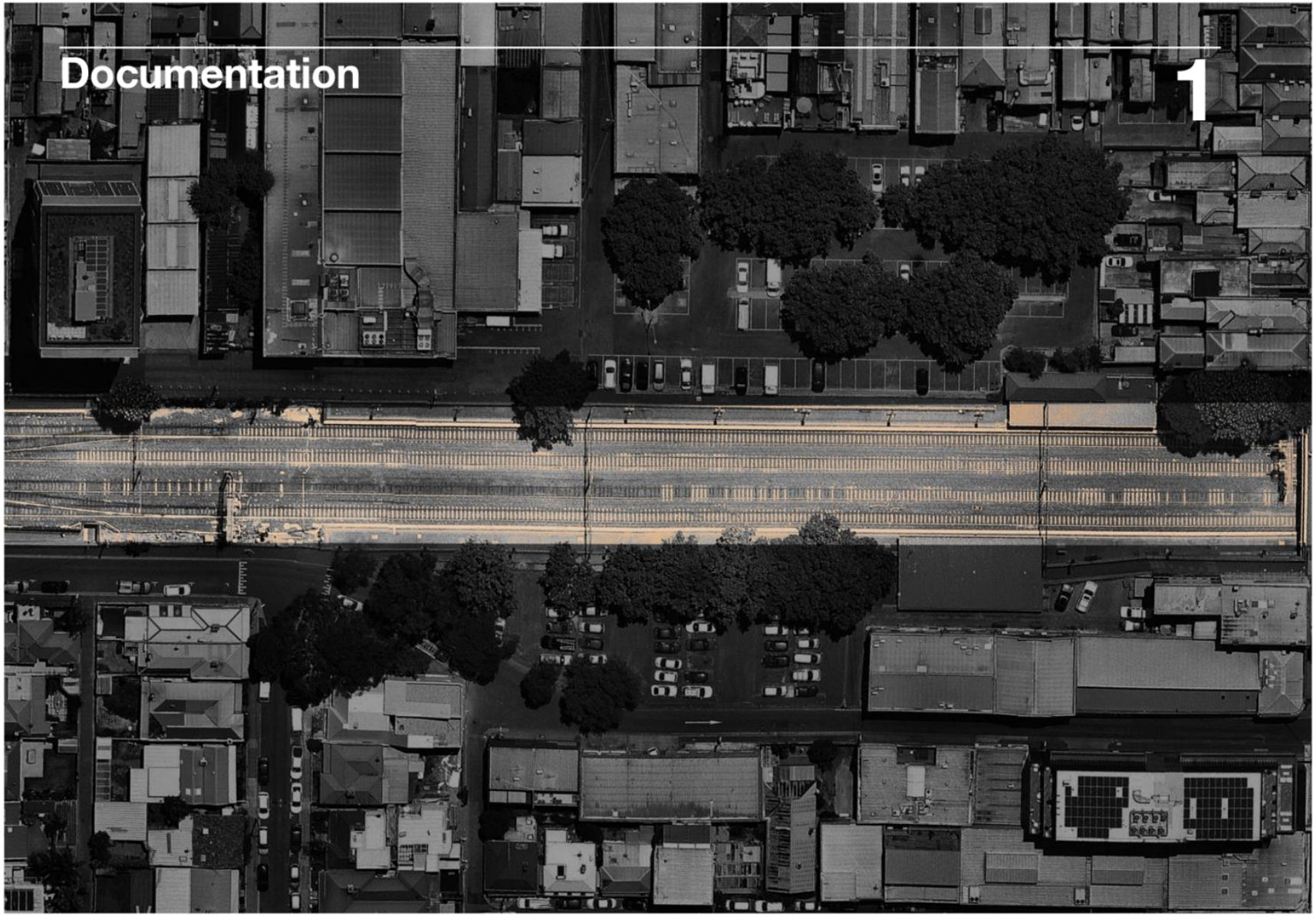
SUBJECT LAND: 4-6 Adolph Street & 3-5 Pearson Street, Cremorne

North

Subject Site

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

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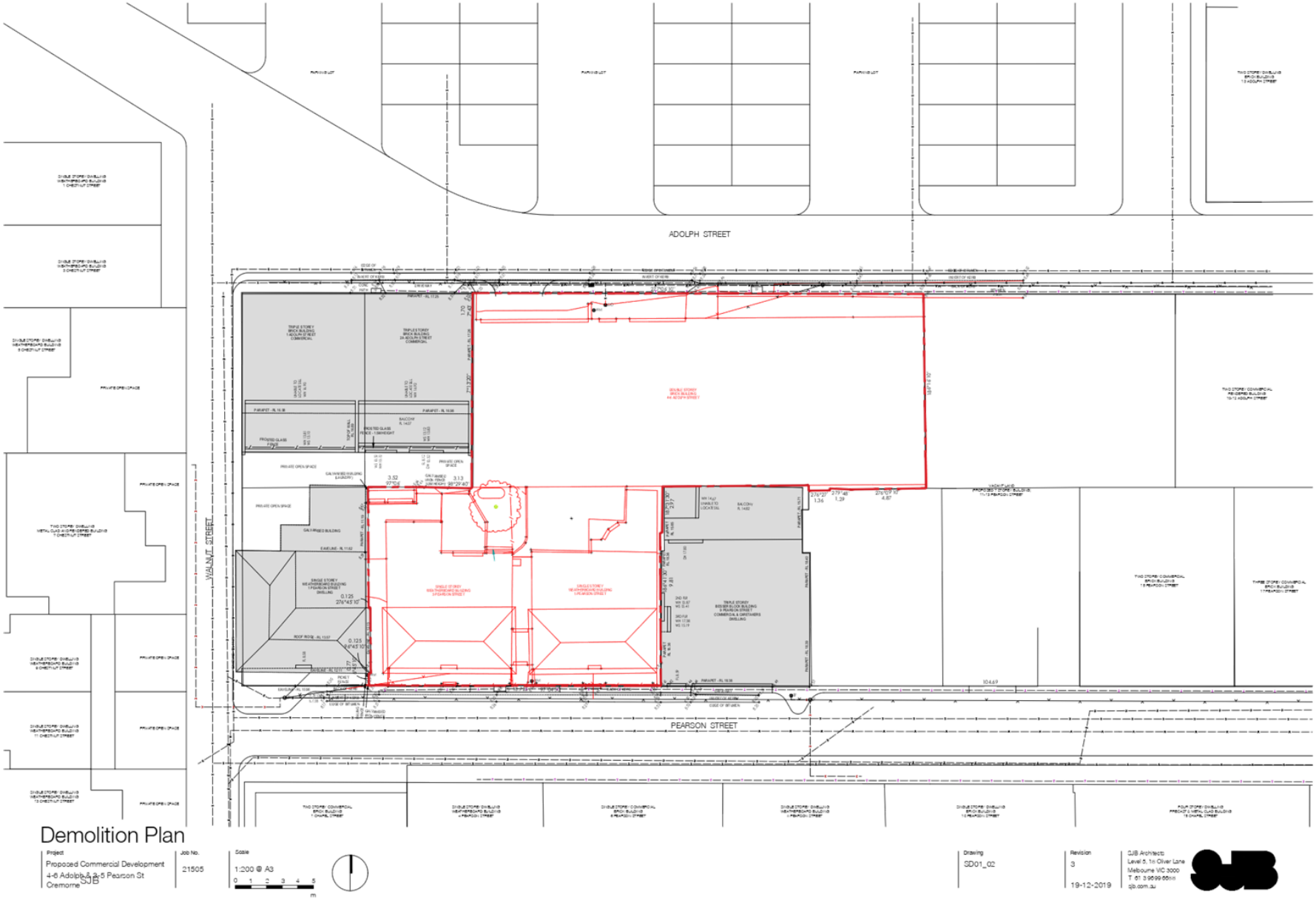

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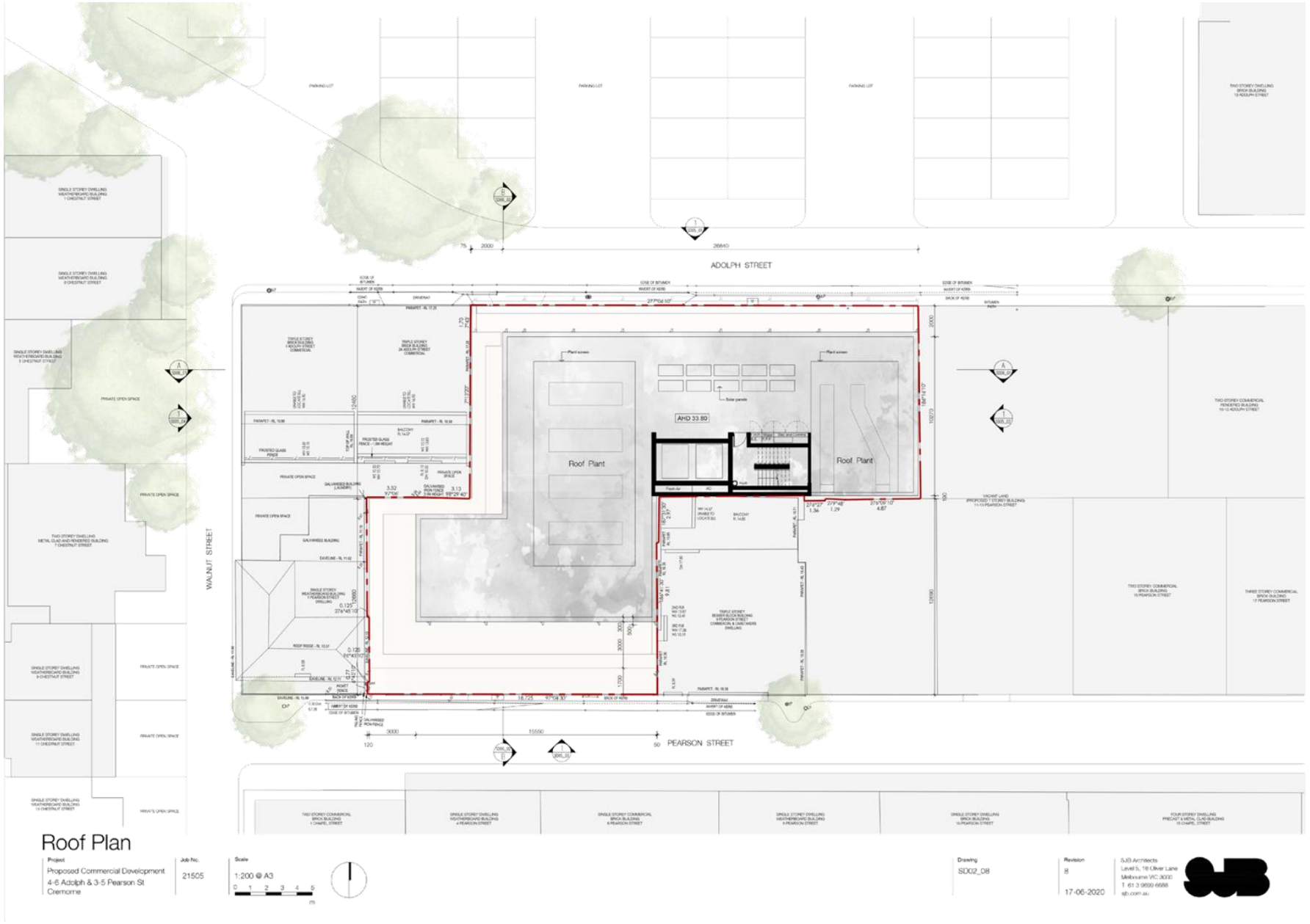


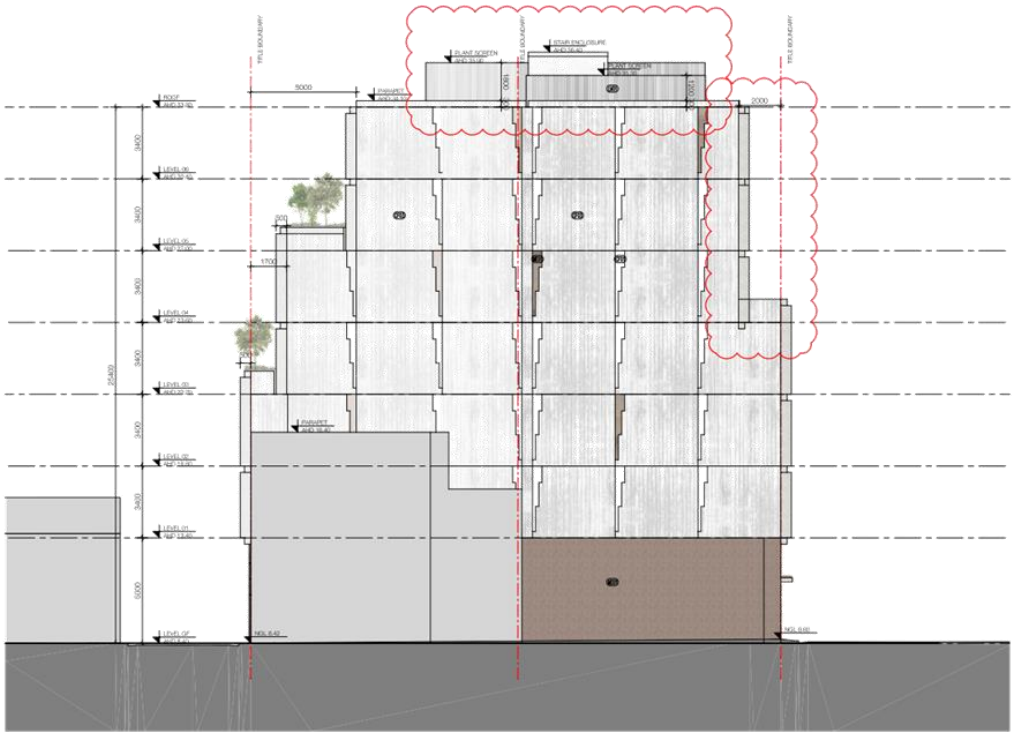
Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

North Elevation

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph & 3-5 Pearson St Cremorne	21505	1:200 @ A3 0 1 2 3 4 5 m

Drawing	Revision	
SD05_01 North Elevation	05 17-06-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 6688 sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



East Elevation

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph & 3-5 Pearson St Cremorne	21505	1:200 @ A3 0 1 2 3 4 5 m

Drawing	Revision	
SD05_02 East Elevation	05 17-06-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 8888 sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

South Elevation

Project
Proposed Commercial Development
4-6 Adolph & 3-5 Pearson St
Cremorne

Job No.
21505

Scale
1:200 @ A3
0 1 2 3 4 5
m

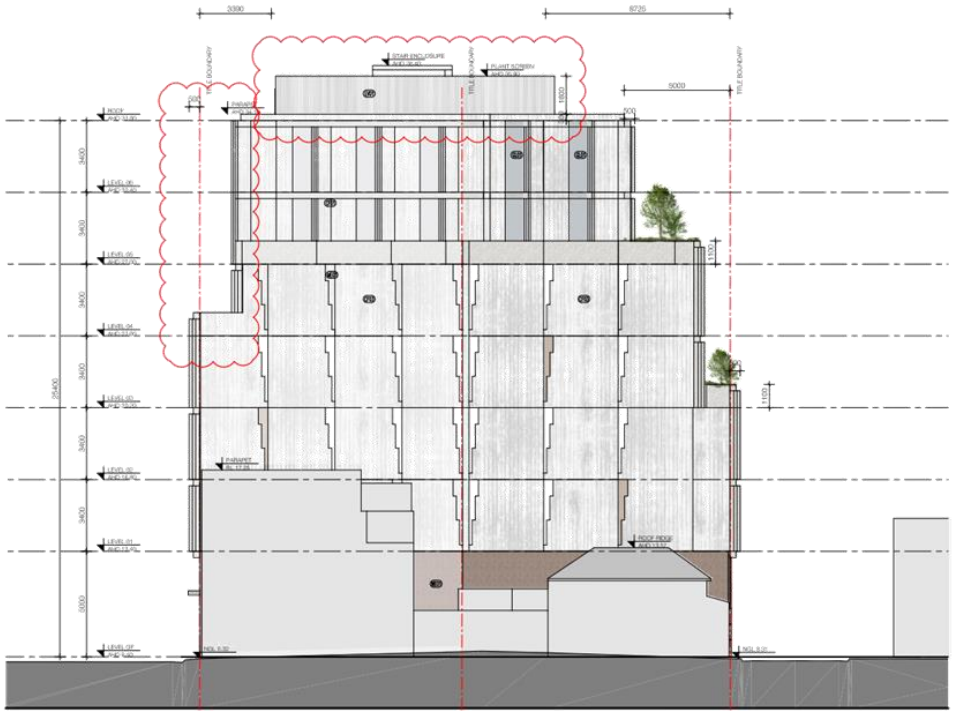
Drawing
SD05_03
South Elevation

Revision
05

17-06-2020

SJB Architects
Level 5, 18 Oliver Lane
Melbourne VIC 3000
T 61 3 9699 6688
sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

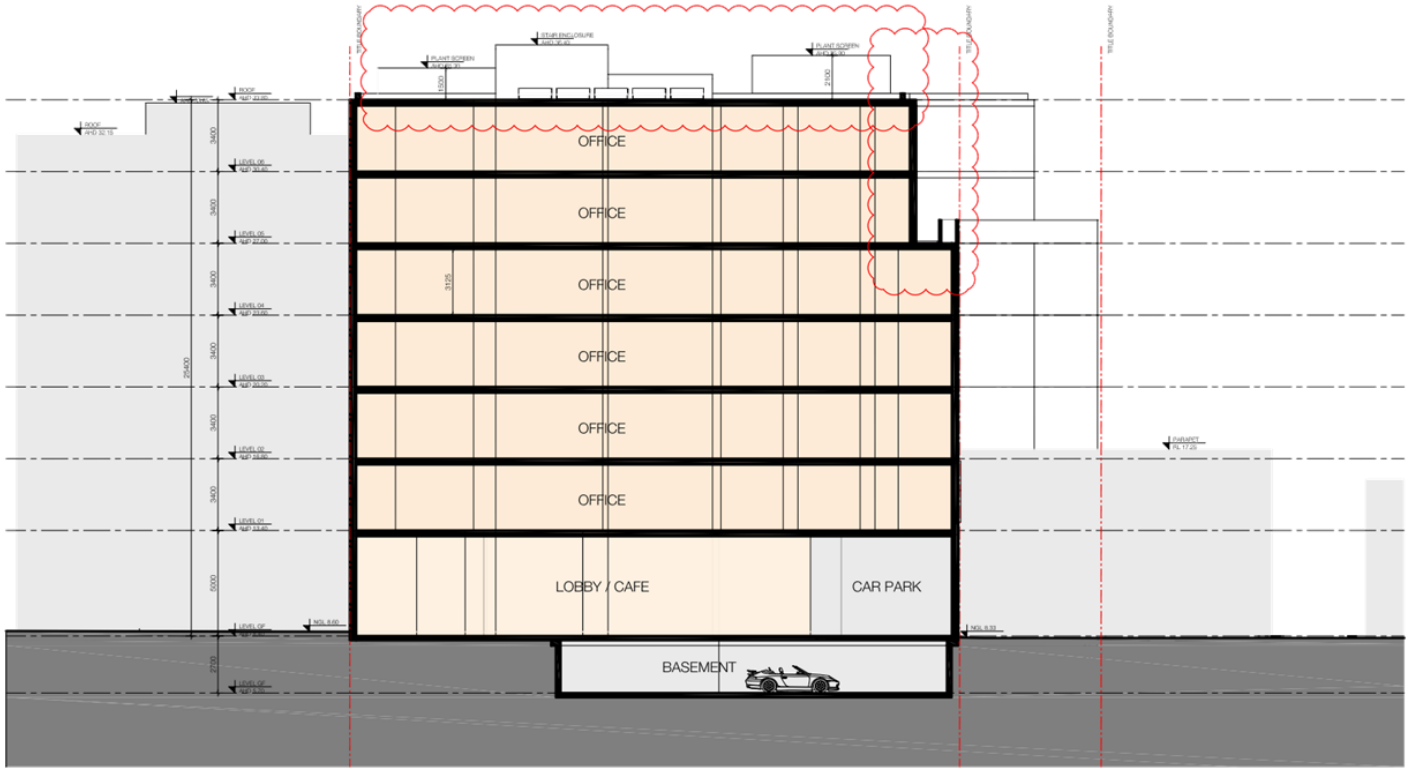


West Elevation

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph & 3-5 Pearson St Cremorne	21505	1:200 @ A3 0 1 2 3 4 5 m

Drawing	Revision	
SD05_04 West Elevation	05 17-06-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 8888 sjb.com.au

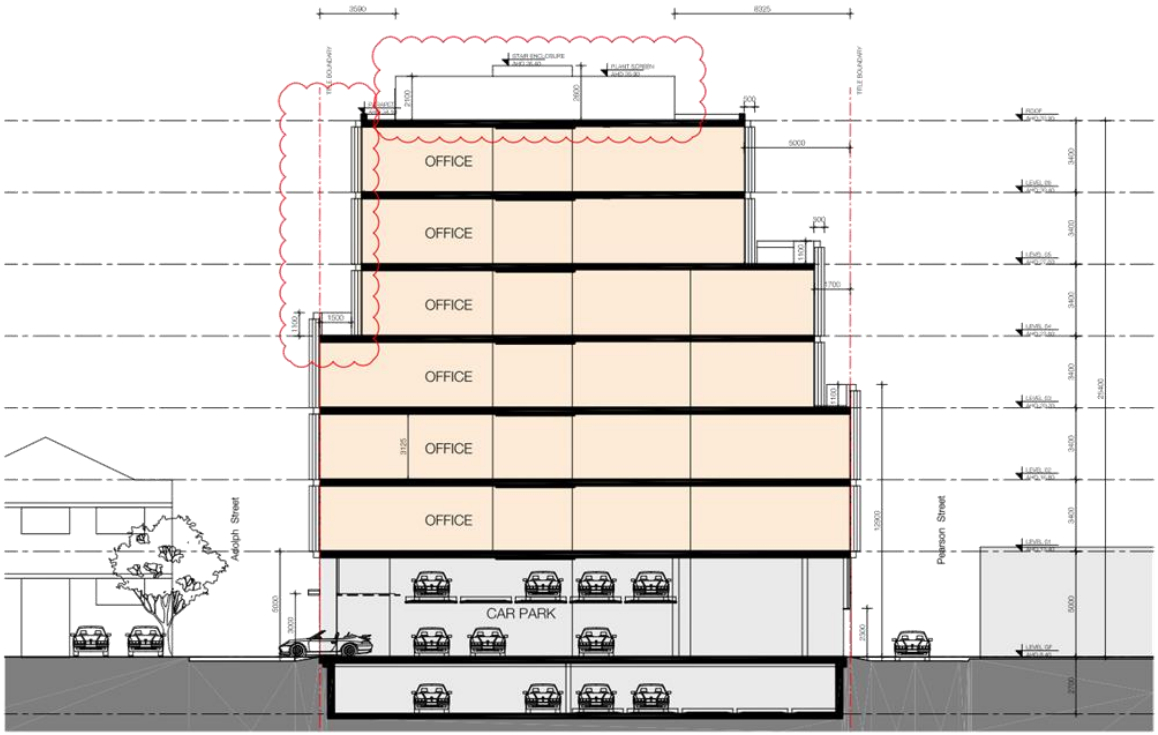
Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Section A

Project: Proposed Commercial Development, 4-6 Adolph & 3-5 Pearson St, Cremorne
Job No.: 21505
Scale: 1:200 @ A3
Drawing: SD06_01 Section A
Revision: 05
17-06-2020
SJB Architects, Level 5, 19 Oliver Lane, Melbourne VIC 3000, T 61 3 9699 6688, sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Section B

Project: Proposed Commercial Development, 4-6 Adolph & 3-5 Pearson St Cremorne
Job No.: 21505
Scale: 1:200 @ A3 (0 1 2 3 4 5 m)
Drawing: SD06_02 Section B
Revision: 05
17-06-2020
SJB Architects, Level 5, 18 Oliver Lane, Melbourne VIC 3000, T. 61 3 9699 6688, sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

Documentation

1.1 Development Summary

Project: 4-6 Adolf St & 3-5 Pearson St **Job No:** 21505 **File No:** 4.3 **Date** 17-06-20 **Rev** 11

AREA		NLA m²	TERRACE m²	COMMON m²	OTHER m²	CARPARKS No.	*GFA m²	NFA m²
				(Amenities, Lobbies)	(Plant, Services, Toilets)			
LEVEL								
Basement	Stacker + Plant + EOT				488 m²	9 No.	488 m²	
Level G	Lobby + Café + Office	144 m²	m²	58 m²	335 m²	16 No.	537 m²	202 m²
Level 1		469 m²	m²	42 m²	59 m²		570 m²	511 m²
Level 2		473 m²	m²	38 m²	59 m²		570 m²	511 m²
Level 3		443 m²	m²	38 m²	59 m²		540 m²	518 m²
Level 4		384 m²	31 m²	38 m²	59 m²		481 m²	422 m²
Level 5		275 m²	51 m²	38 m²	59 m²		372 m²	313 m²
Level 6		312 m²	m²		59 m²		371 m²	312 m²
Level 7 - Roof					40 m²			
TOTAL		**2,500 m²**	**82 m²**	**252 m²**	**1,217 m²**	**25 No.**	**3,929 m²**	**2,789 m²**

NOTES:

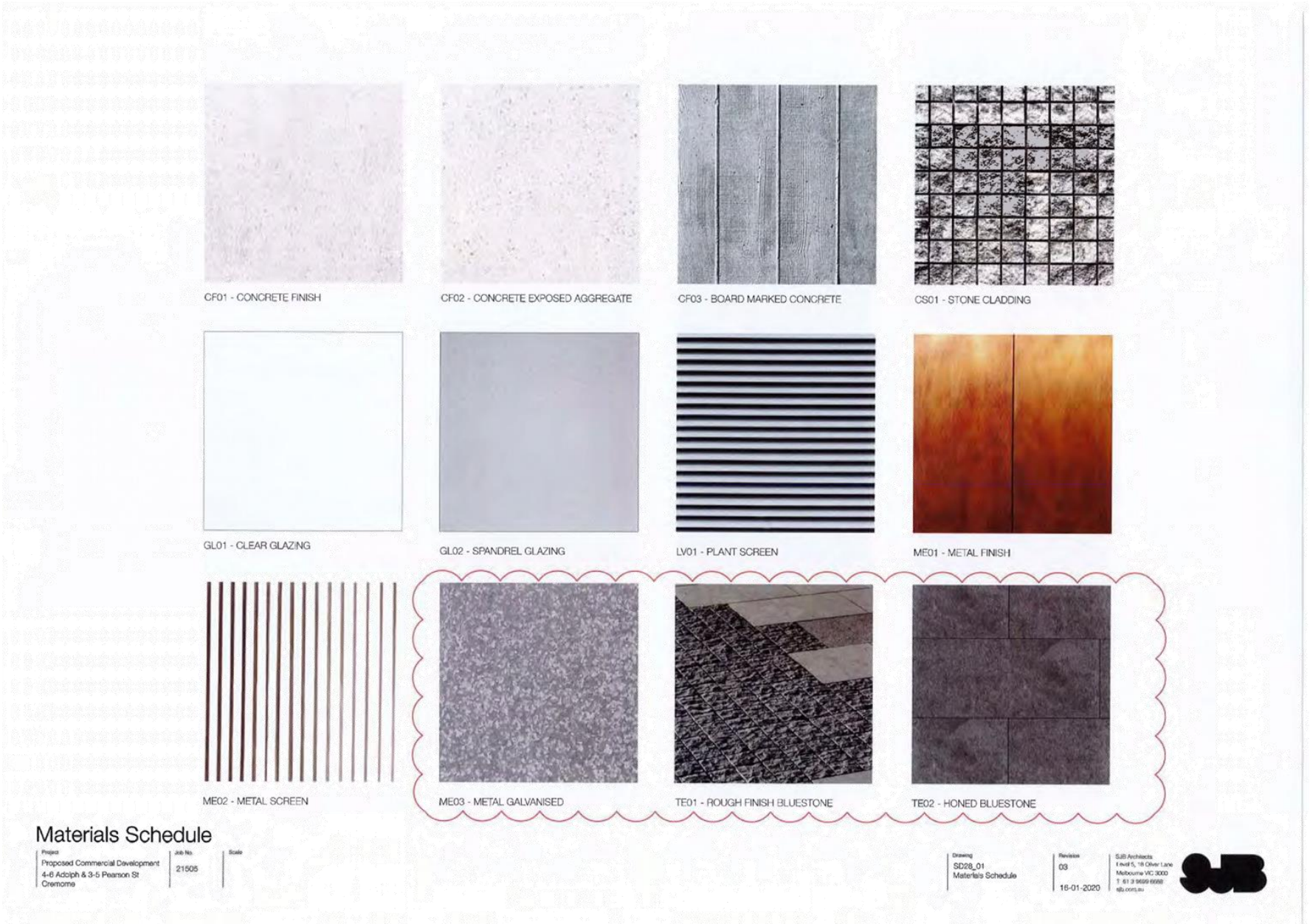
NLA - Net Leasable Area — That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as balconies and amenities.

GFA - Gross Floor Area — The total floor area of a building, measured from the inside of external walls or the centre of party walls, and includes all roofed areas.
*Note: Excludes balconies / terraces, ground level undercroft areas, façades and façade projections.

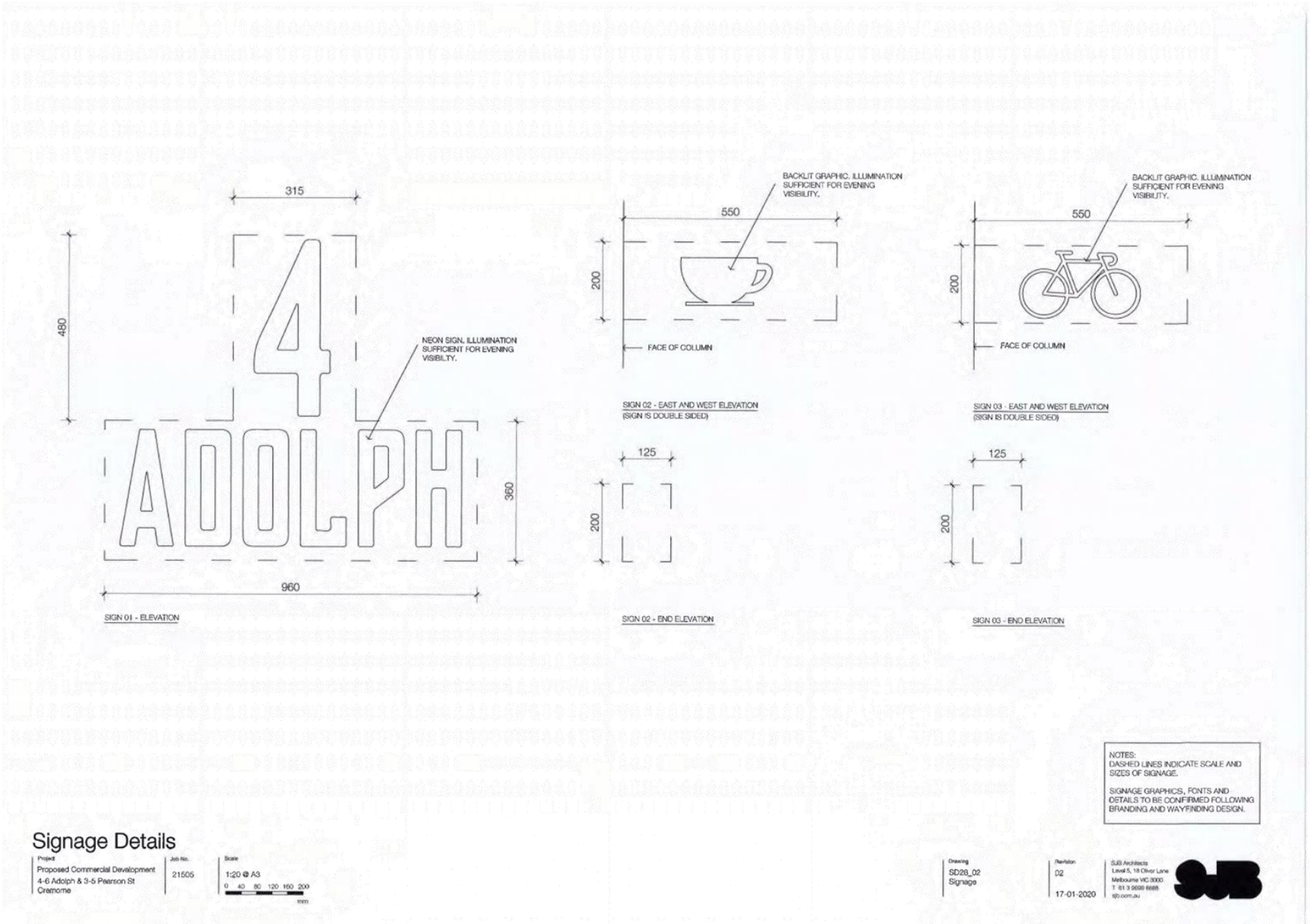
NFA - Net Floor Area — The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.
Note: Balconies have been excluded from the NFA.

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

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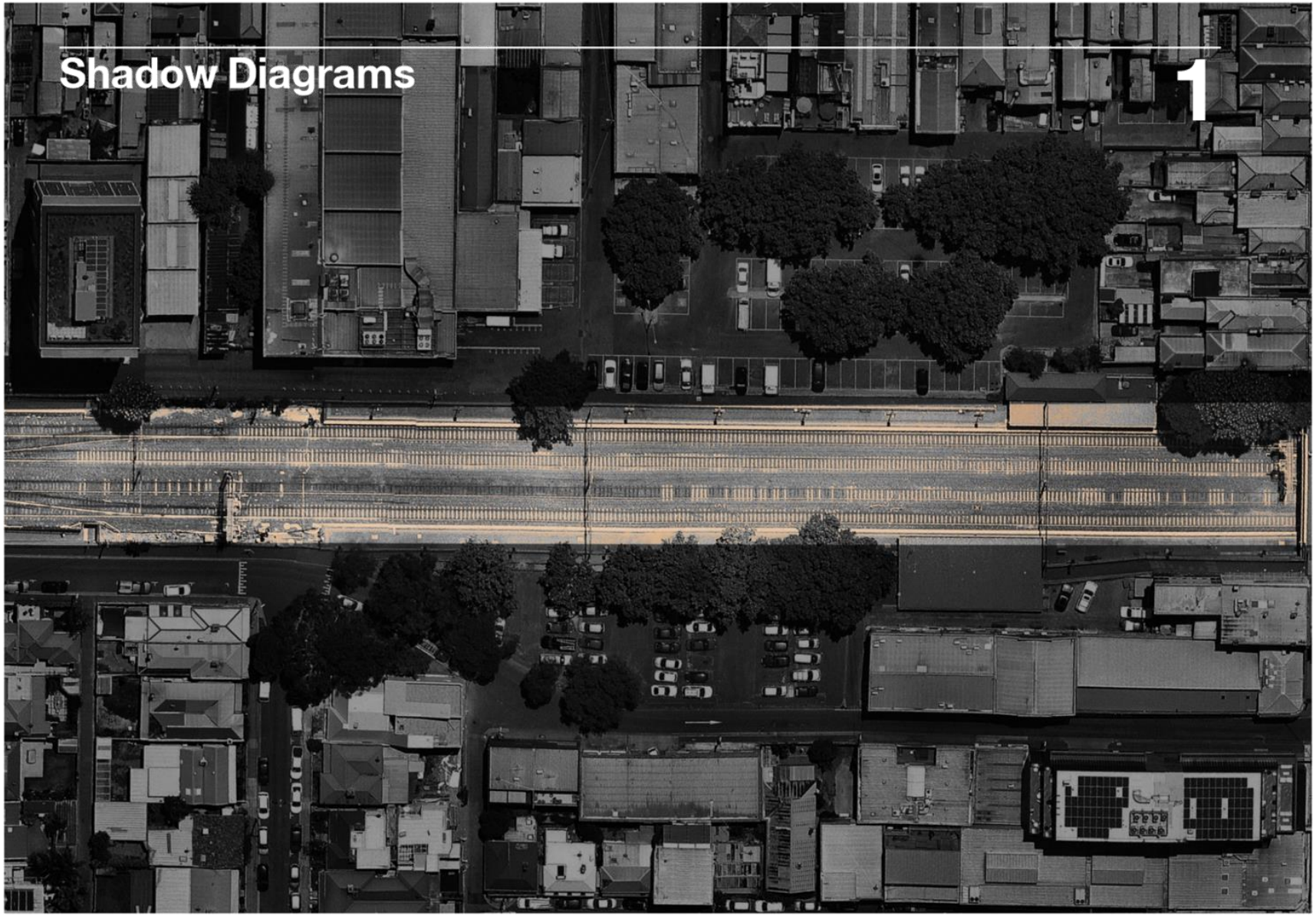
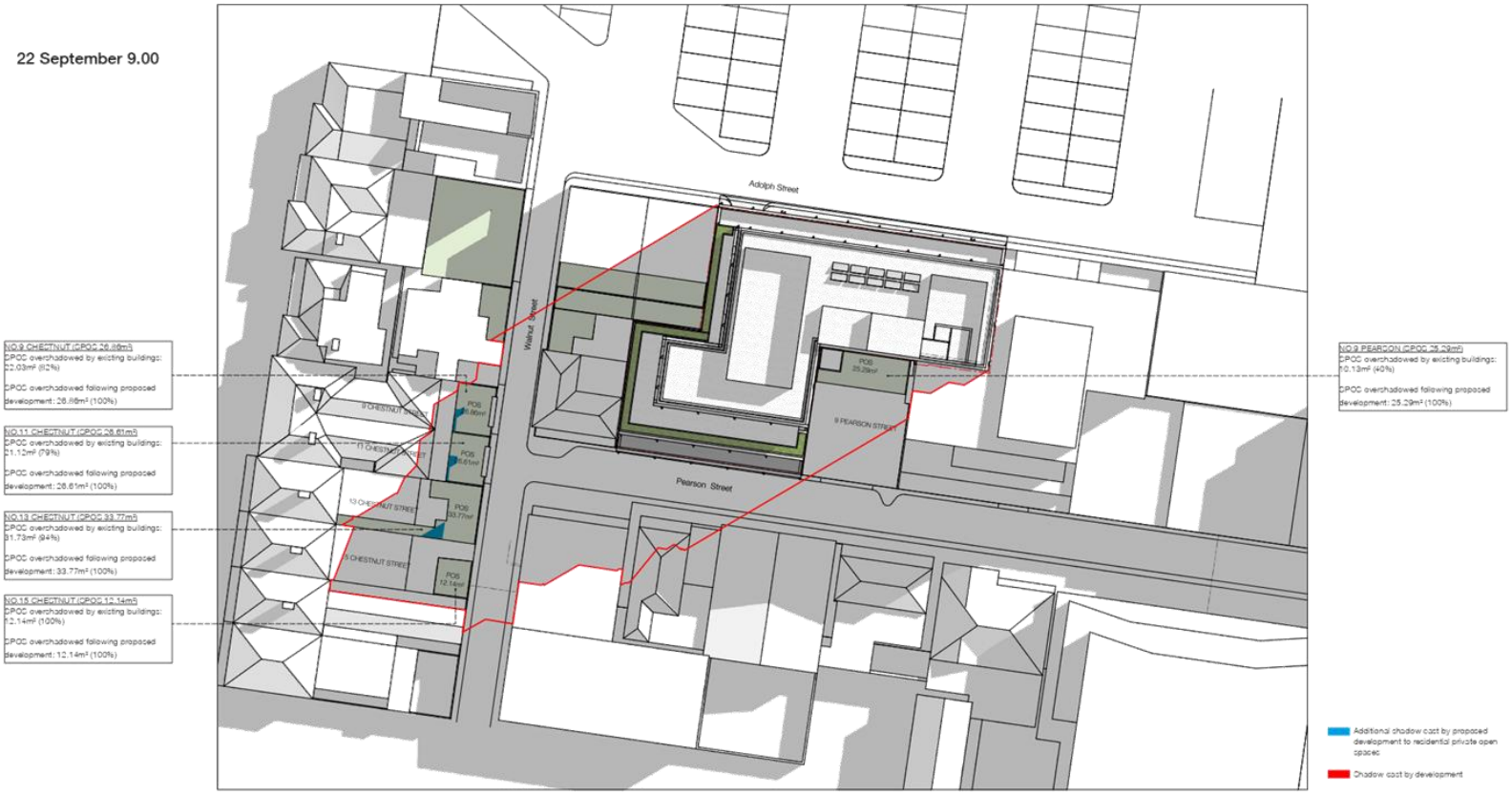


Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

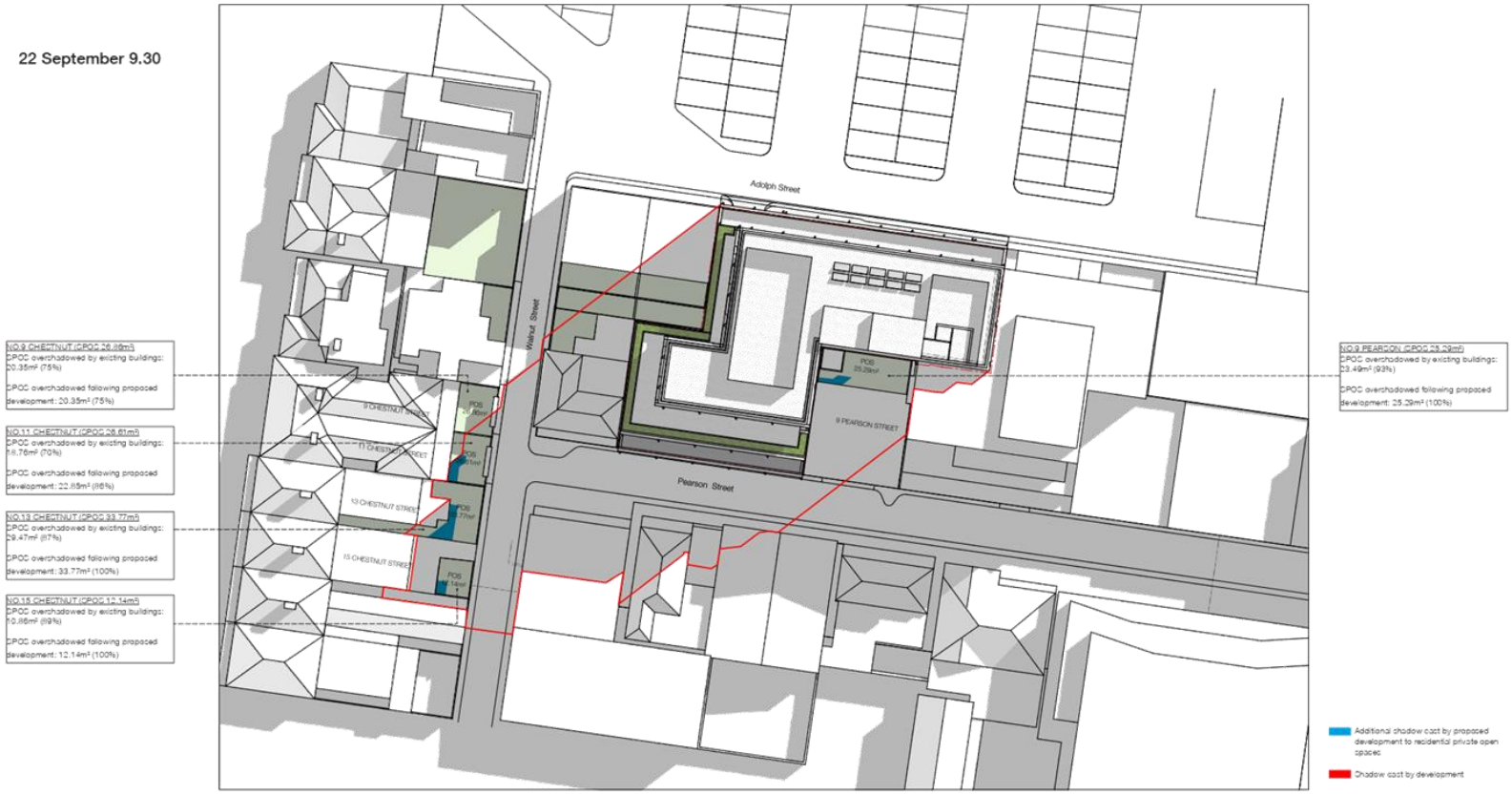


Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

Drawing	Revision	
SD30_01 Shadow Diagrams	03 07-07-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 6688 sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

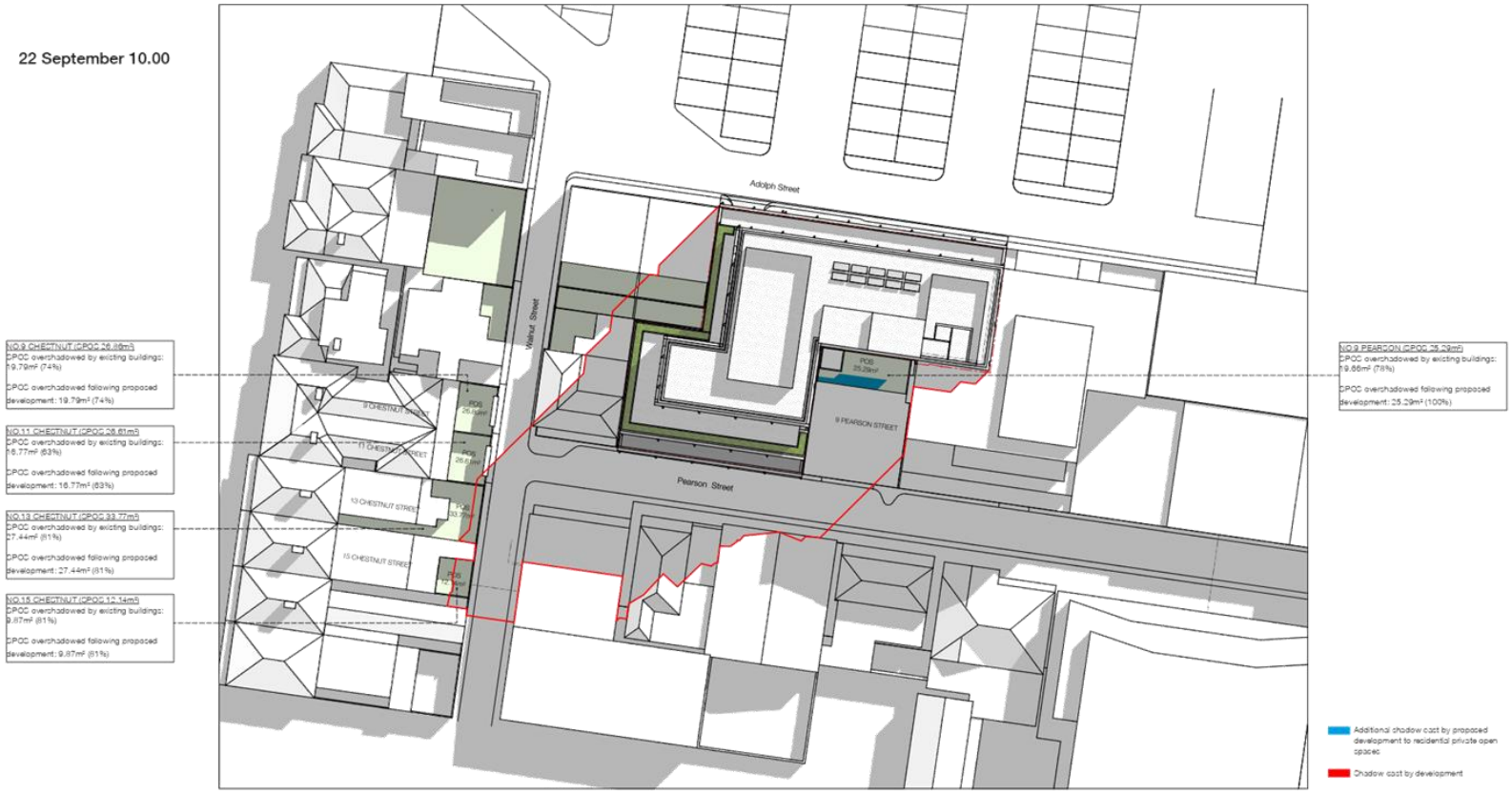


Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

Drawing	Revision	
SD30_02 Shadow Diagrams	04 09-07-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 6688 sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

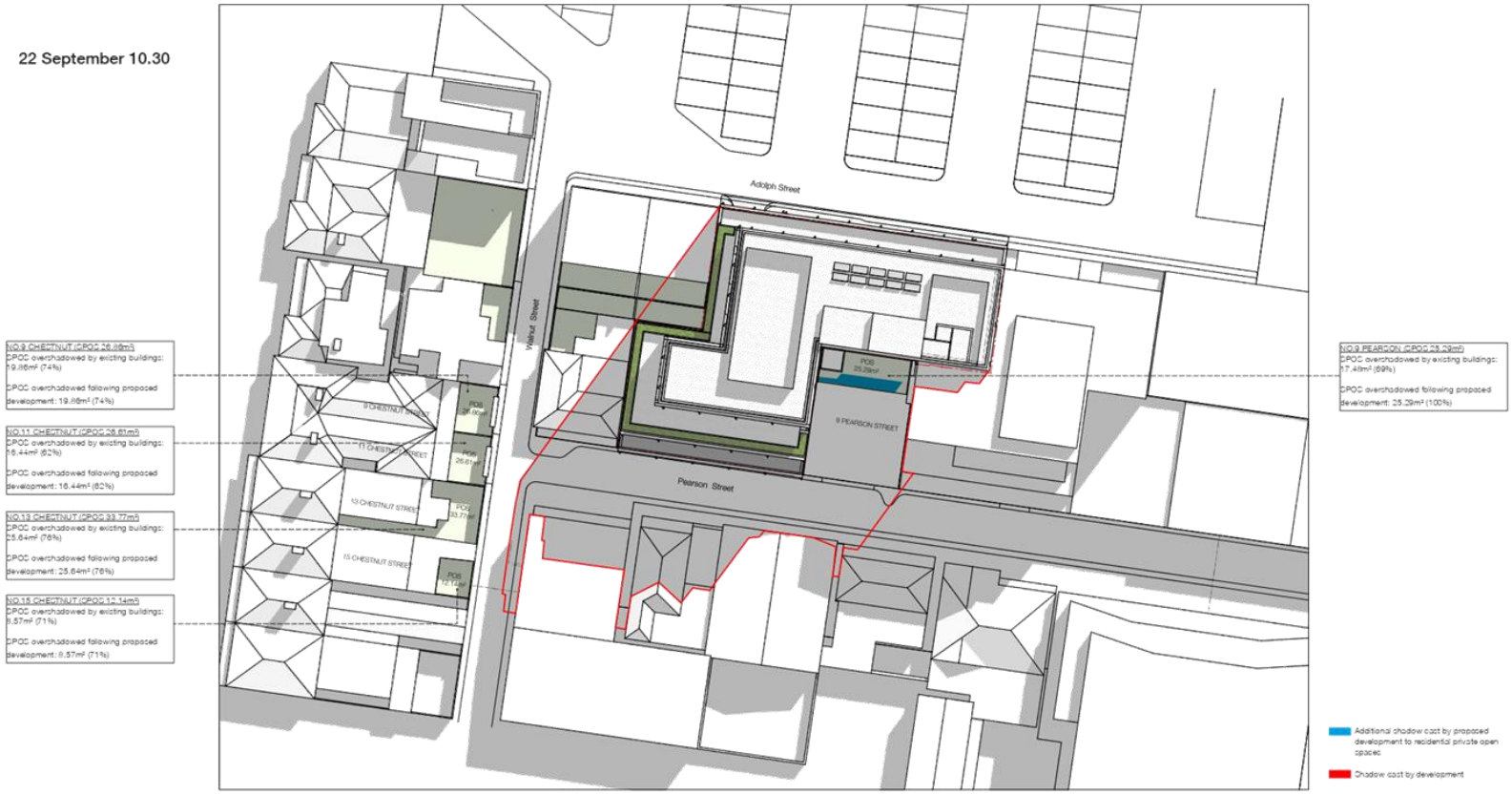


Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

Drawing	Revision	
SD30_03 Shadow Diagrams	03 07-07-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 6688 sjb.com.au

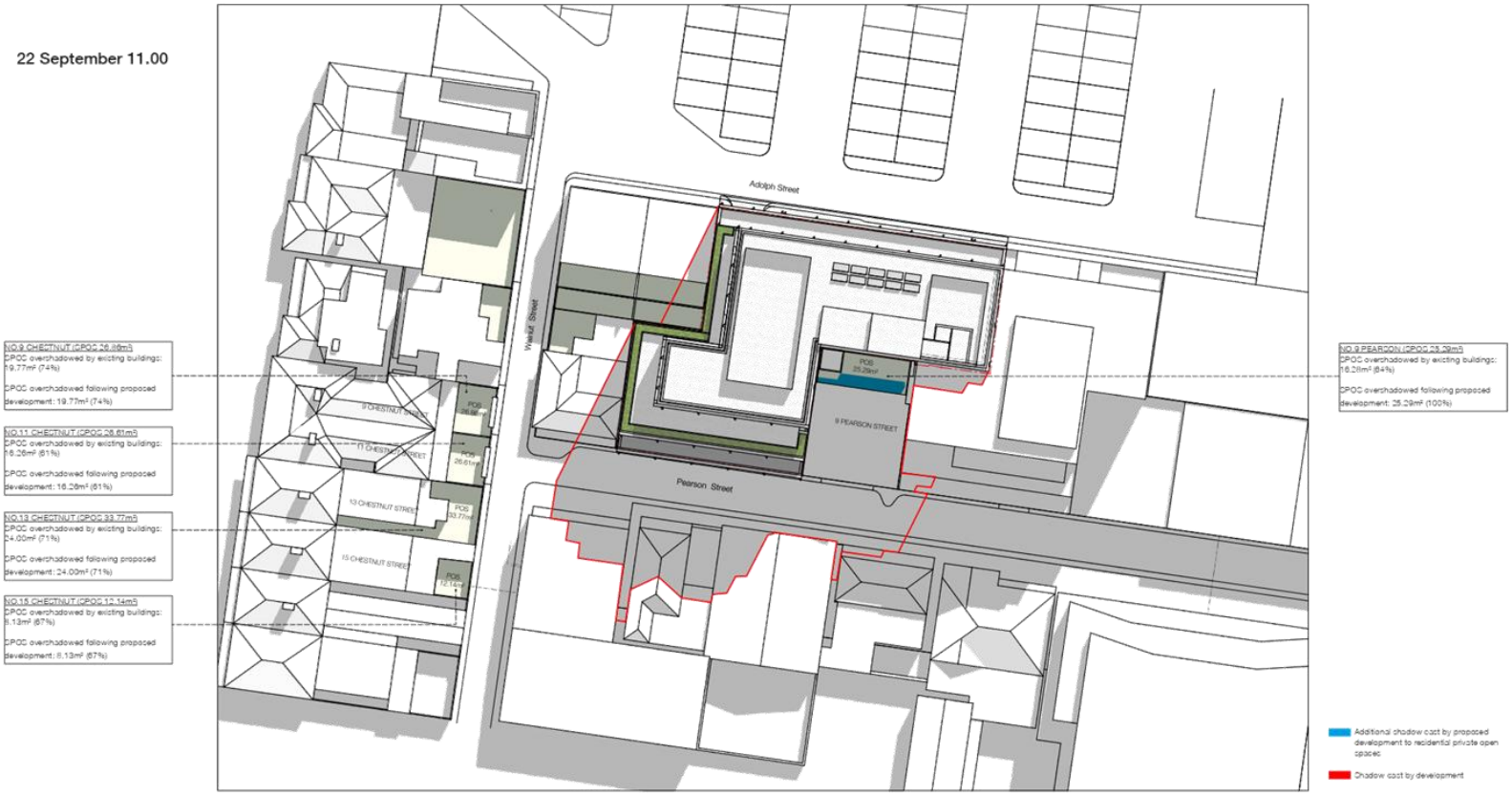
Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Shadow Diagrams - Proposed

Project: Proposed Commercial Development, 4-6 Adolph , 3&5 Pearson St Cremorne
Job No.: 21505
Scale: 1:200 @ A1 (0 2 4 6 8 10 m)
Drawing: SD30_04 Shadow Diagrams
Revision: 03
07-07-2020
SJB Architects, Level 5, 18 Oliver Lane, Melbourne VIC 3000, T 61 3 9699 6688, sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

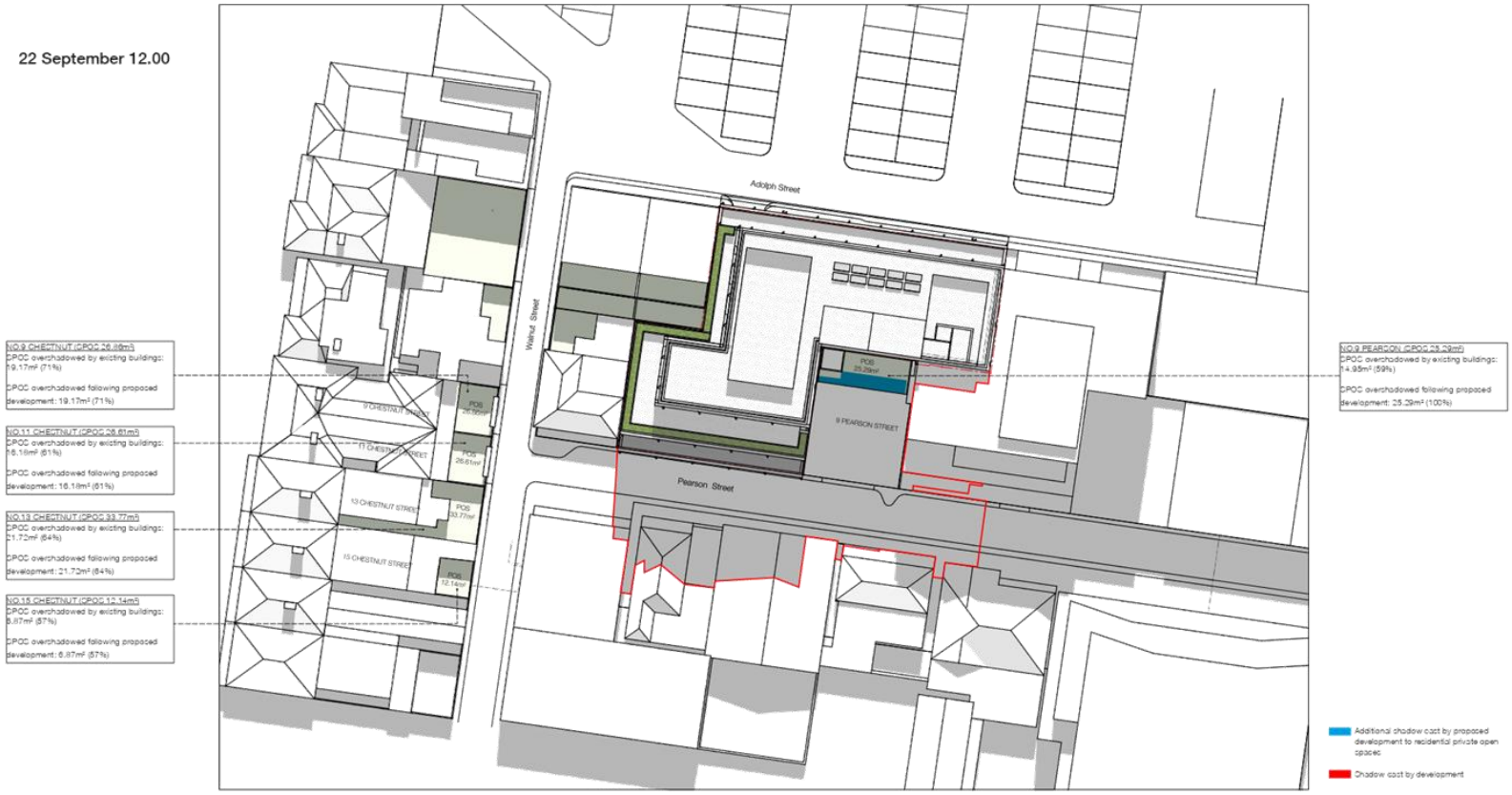


Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

Drawing	Revision	
SD30_05 Shadow Diagrams	03 07-07-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 6688 sjb.com.au

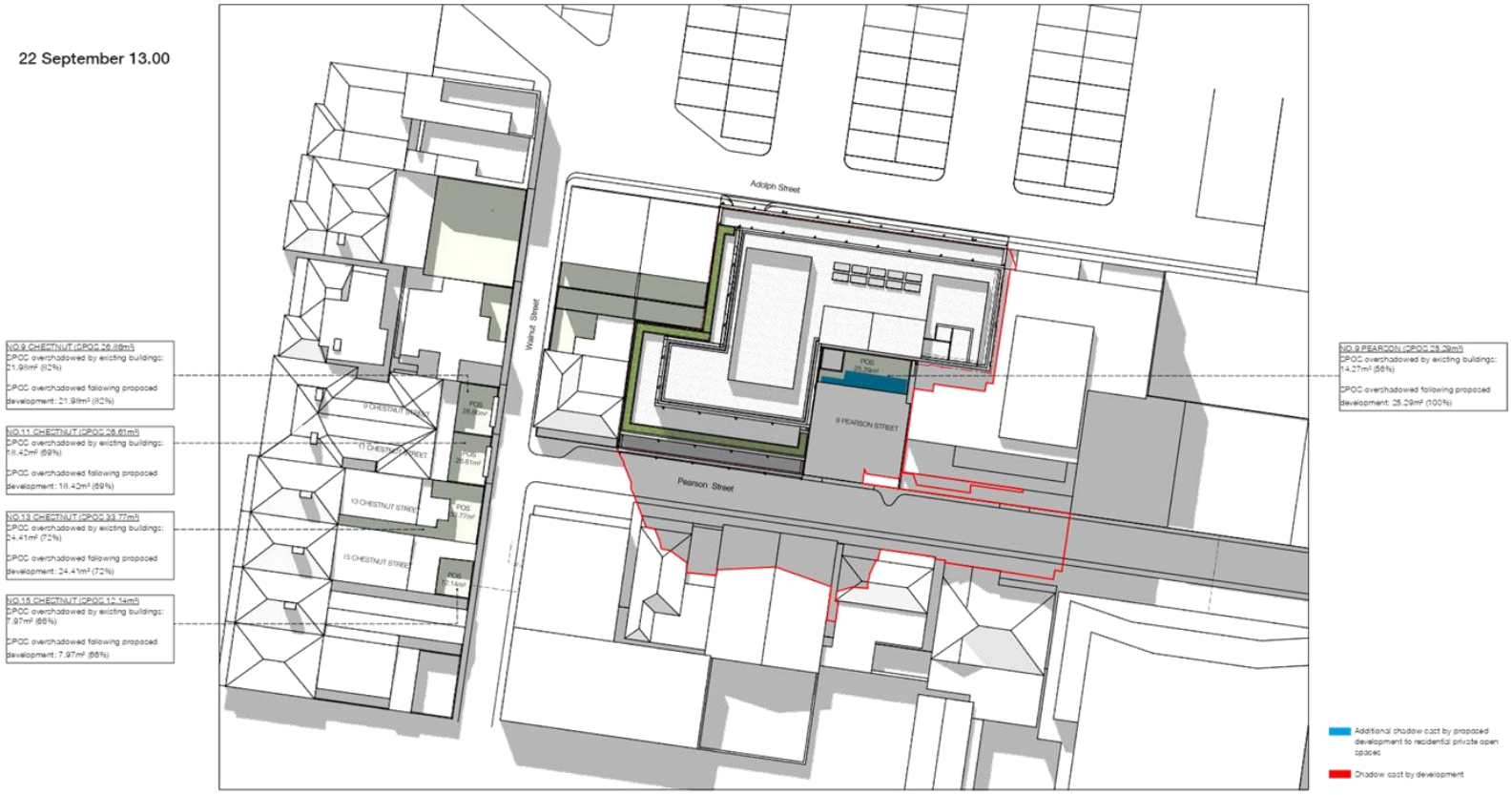
Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Shadow Diagrams - Proposed

Project: Proposed Commercial Development, 4-6 Adolph , 3&5 Pearson St Cremorne
Job No.: 21505
Scale: 1:200 @ A1 (0 2 4 6 8 10 m)
Drawing: SD30_06 Shadow Diagrams
Revision: 03
07-07-2020
SJB Architects, Level 5, 18 Oliver Lane, Melbourne VIC 3000, T 61 3 9699 6688, sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

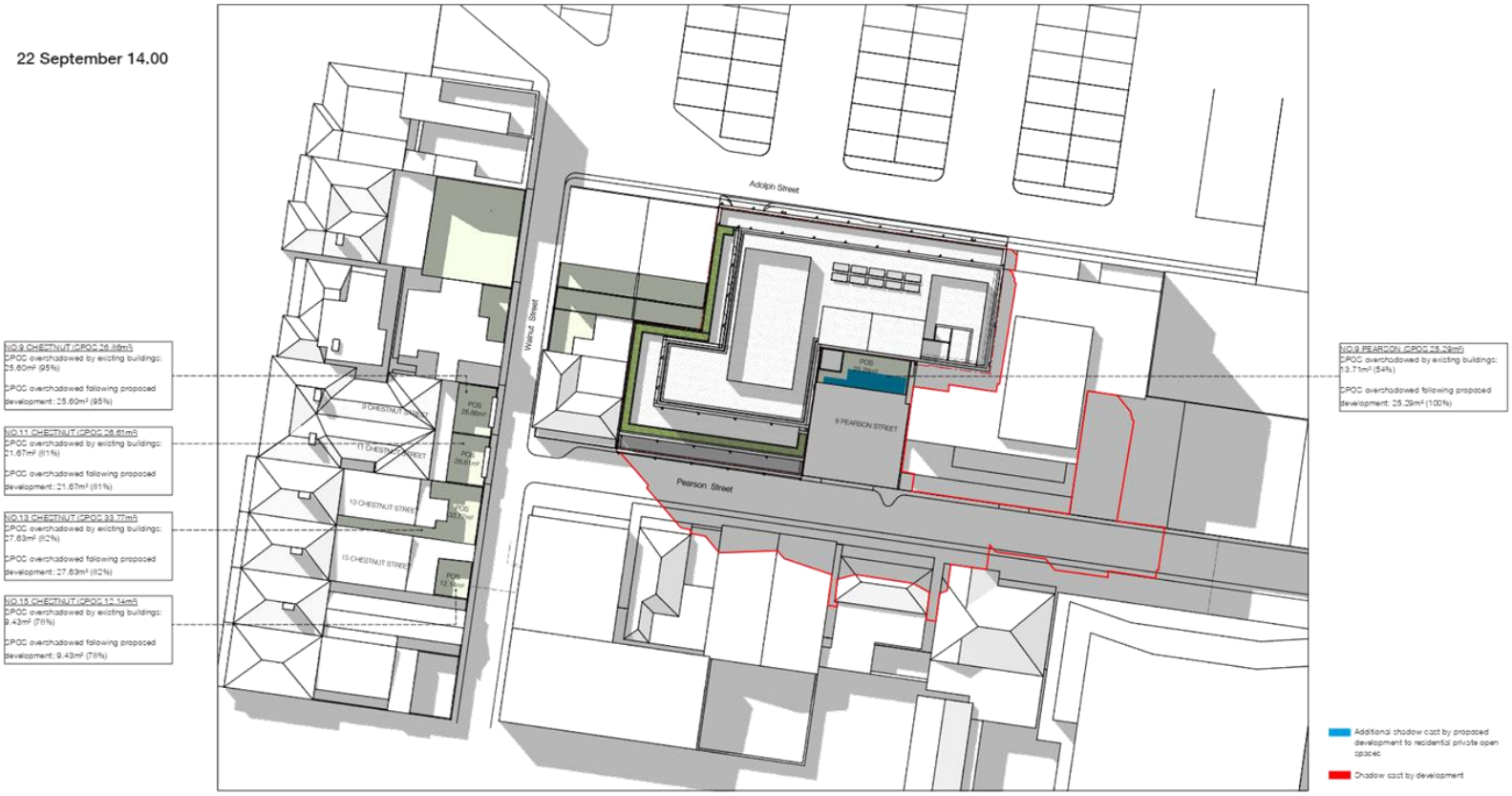


Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

Drawing	Revision	
SD30_07 Shadow Diagrams	03 07-07-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 6688 sjb.com.au

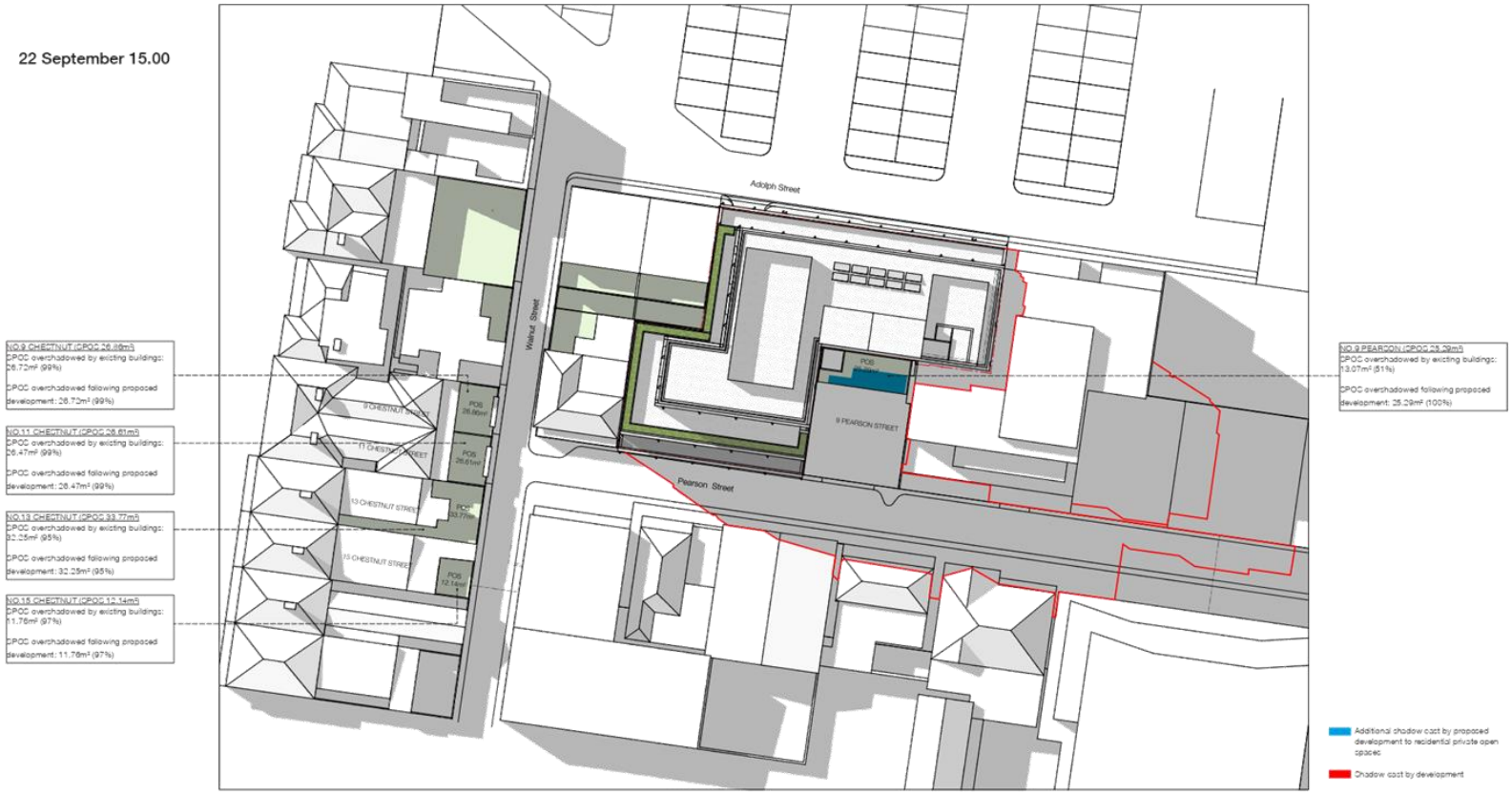
Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)



Shadow Diagrams - Proposed

Project: Proposed Commercial Development, 4-6 Adolph , 3&5 Pearson St Cremorne
Job No.: 21505
Scale: 1:200 @ A1 (0 2 4 6 8 10 m)
Drawing: SD30_08 Shadow Diagrams
Revision: 03
07-07-2020
SJB Architects, Level 5, 18 Oliver Lane, Melbourne VIC 3000, T 61 3 9699 6688, sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

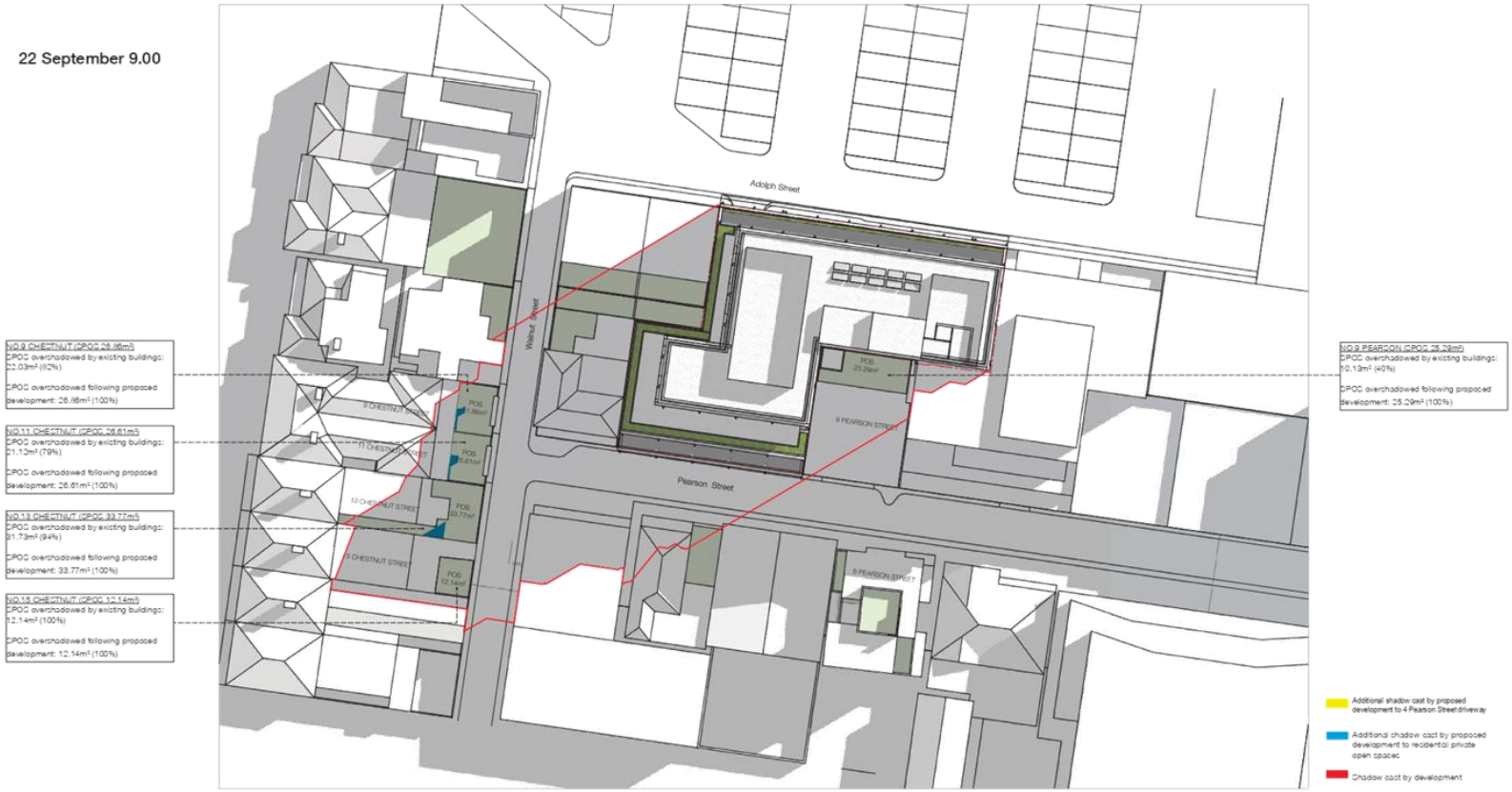


Shadow Diagrams - Proposed

Project: Proposed Commercial Development, 4-6 Adolph , 3&5 Pearson St Cremorne
Job No.: 21505
Scale: 1:200 @ A1 (0 2 4 6 8 10 m)
Drawing: SD30_09 Shadow Diagrams
Revision: 03
07-07-2020
SJB Architects, Level 5, 18 Oliver Lane, Melbourne VIC 3000, T 61 3 9699 6688, sjb.com.au

Attachment 2 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Decision Plans (S57A Plans)

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



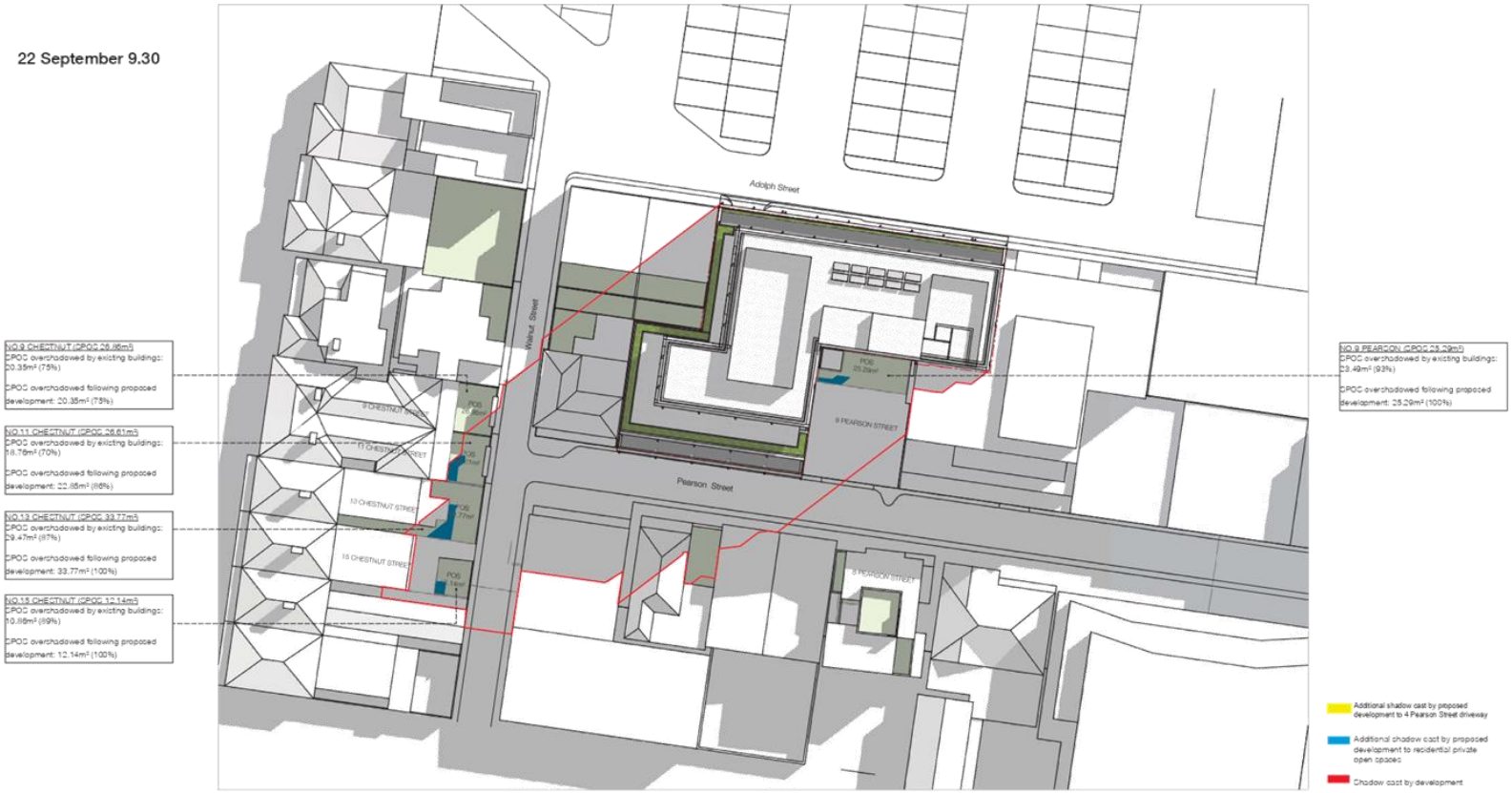
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_01 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



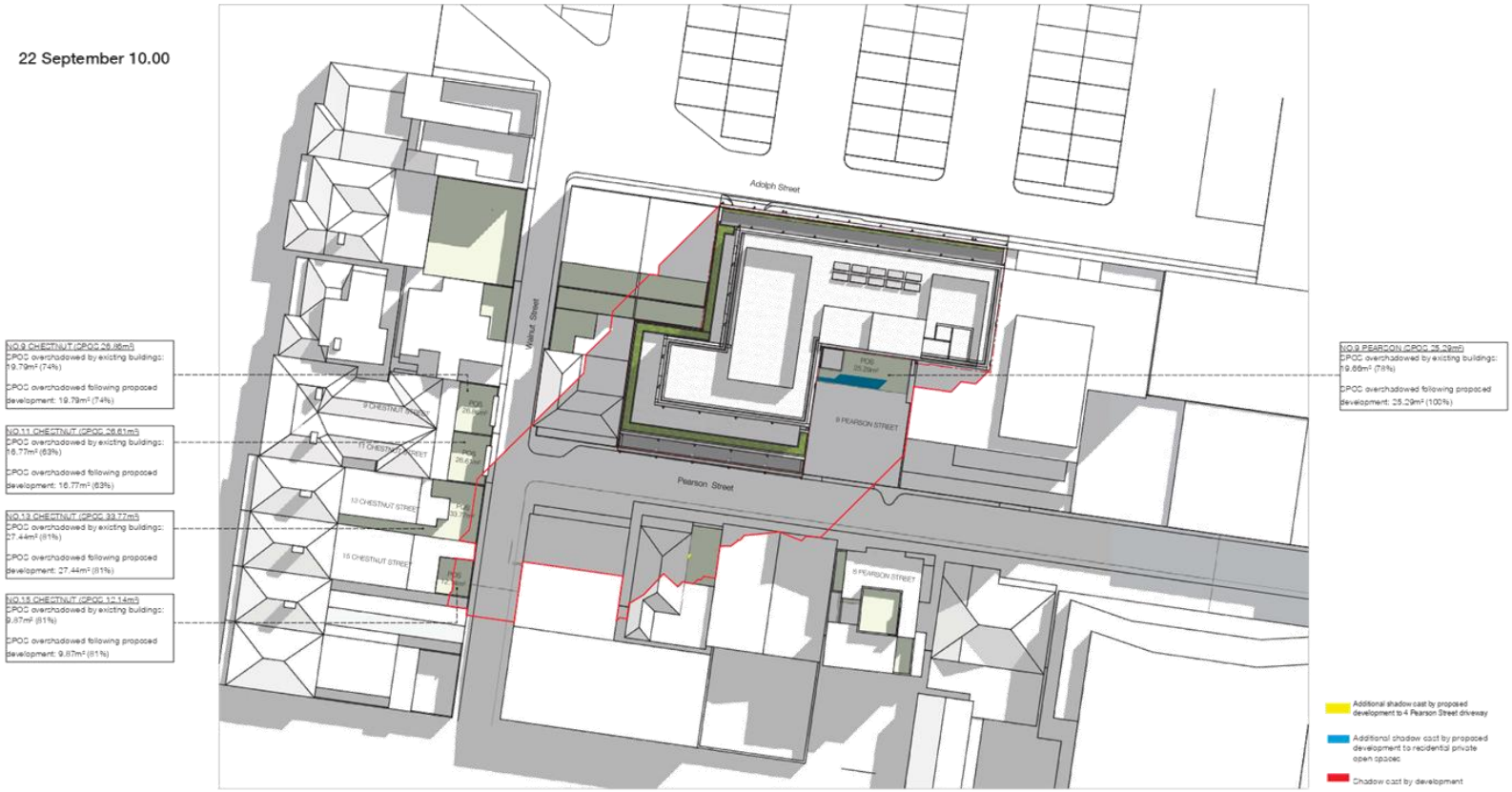
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_02 Shadow Diagrams	06 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



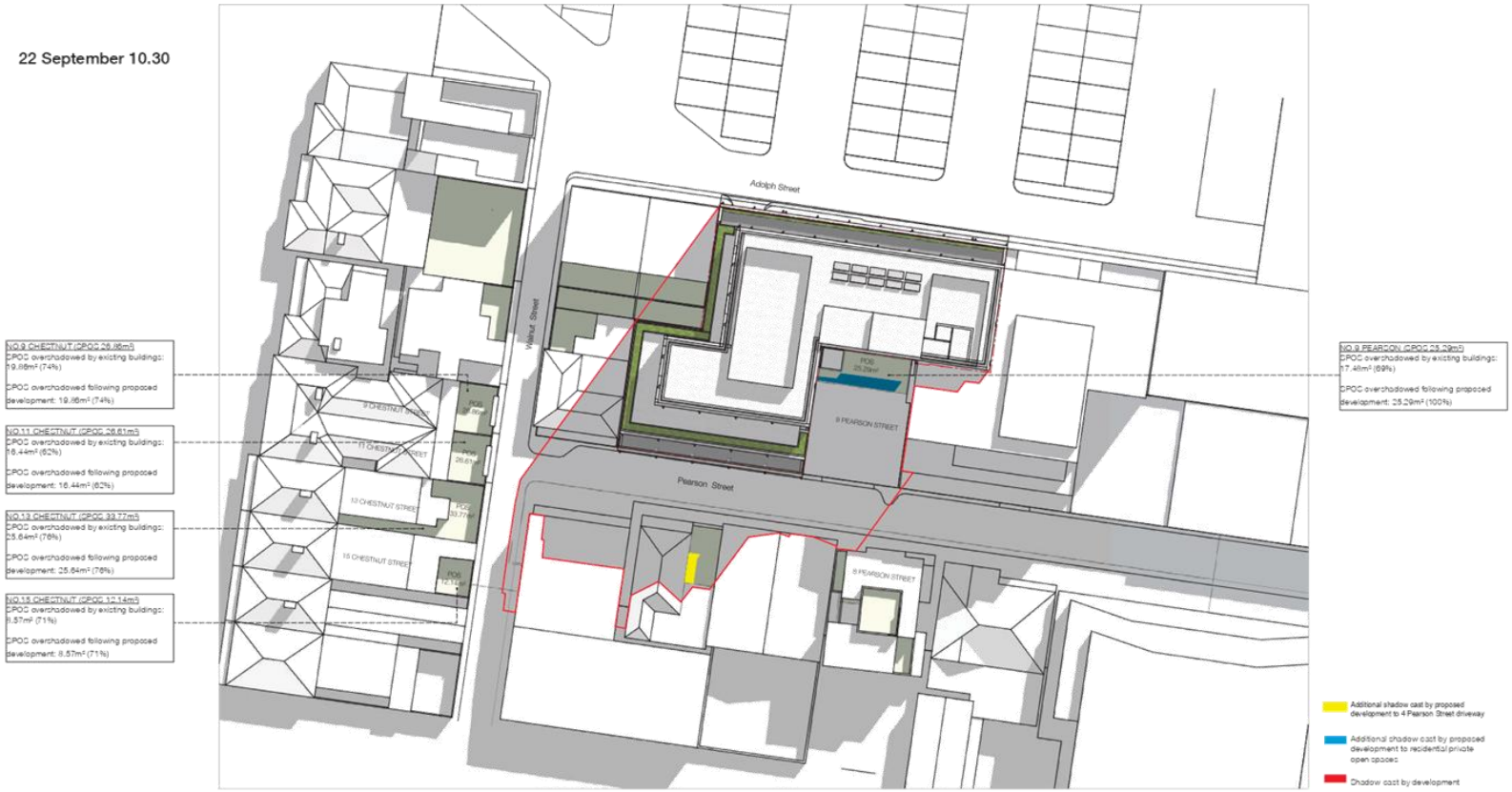
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_03 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



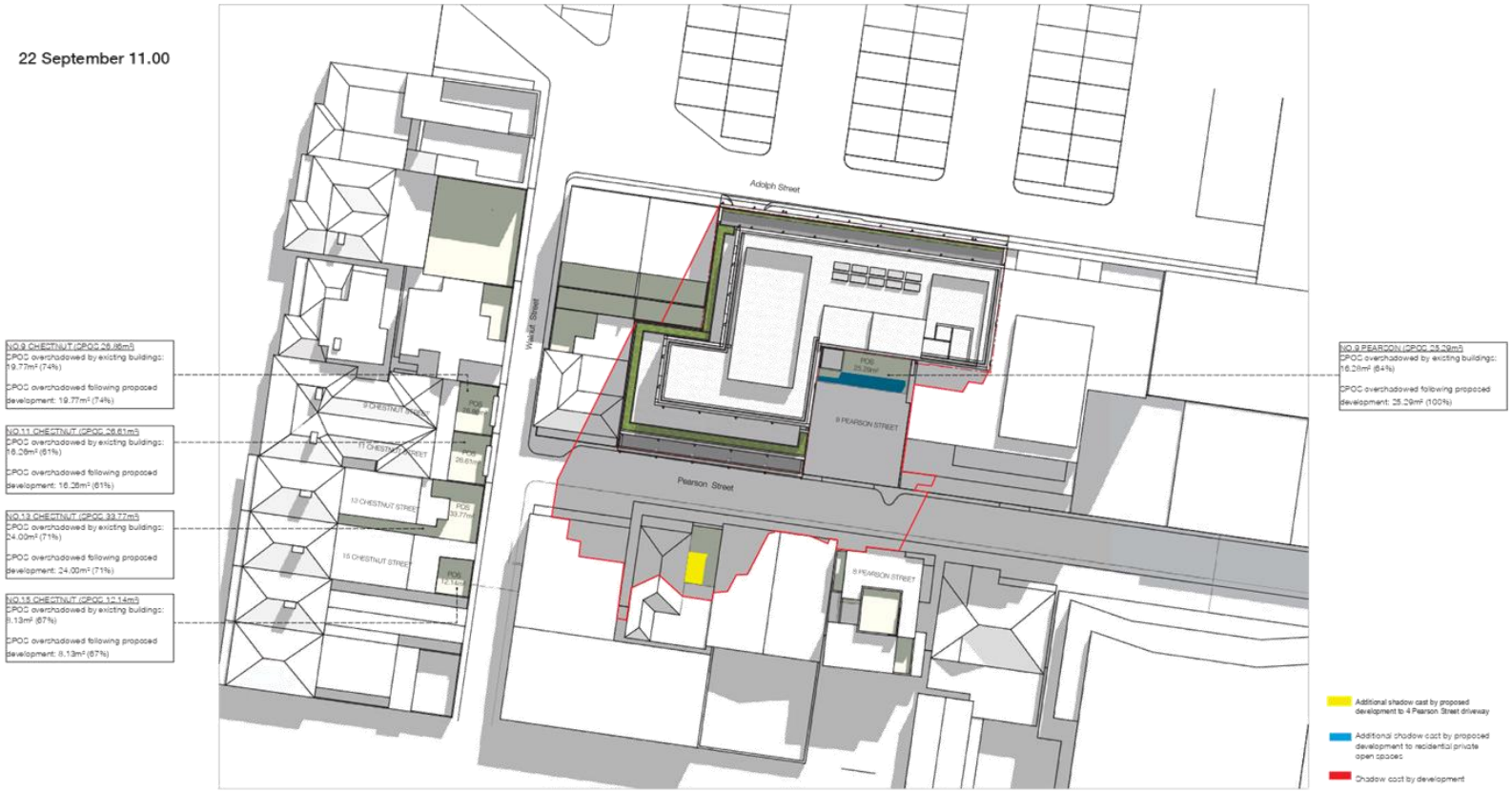
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_04 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



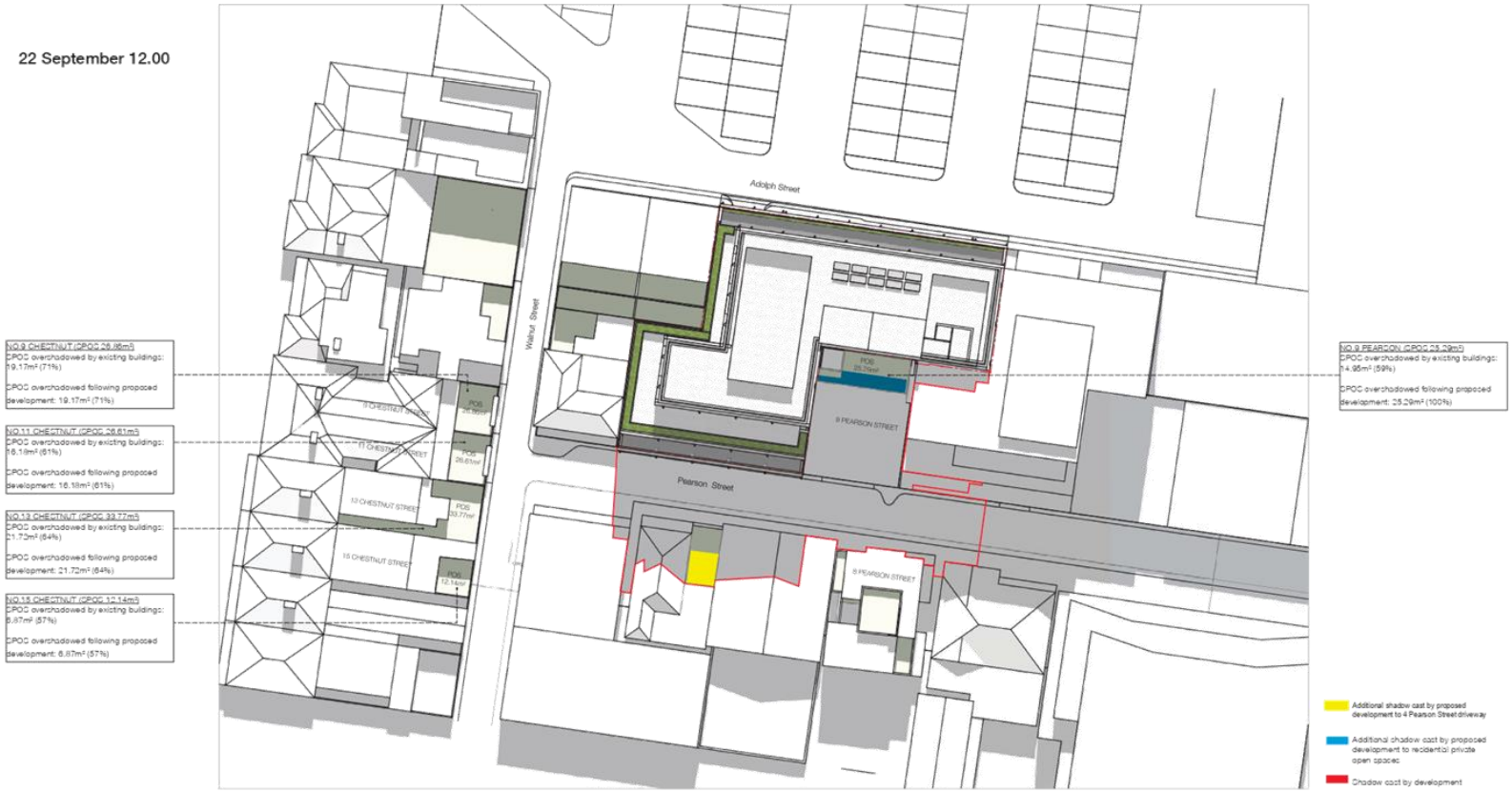
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_05 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



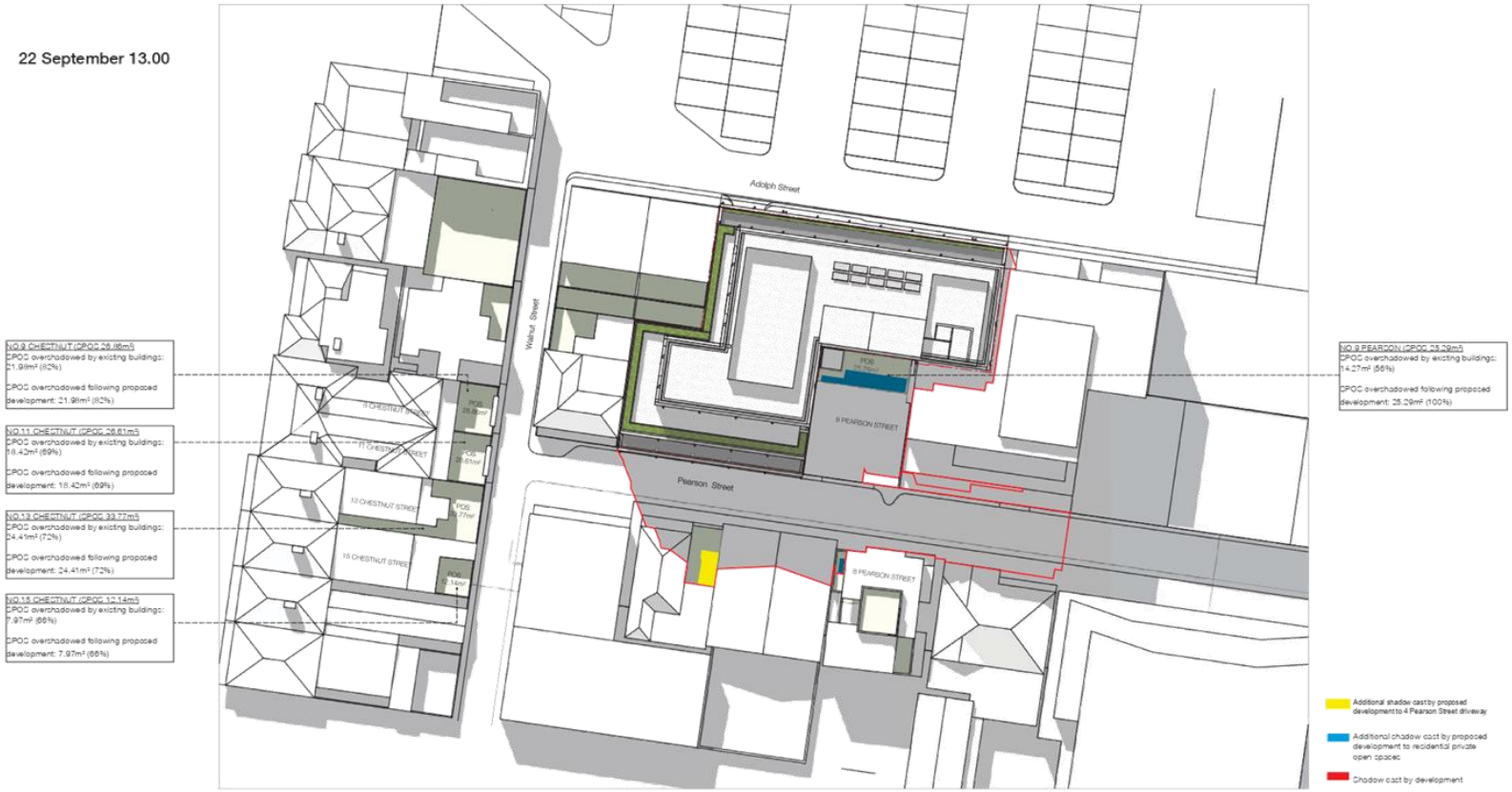
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_06 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



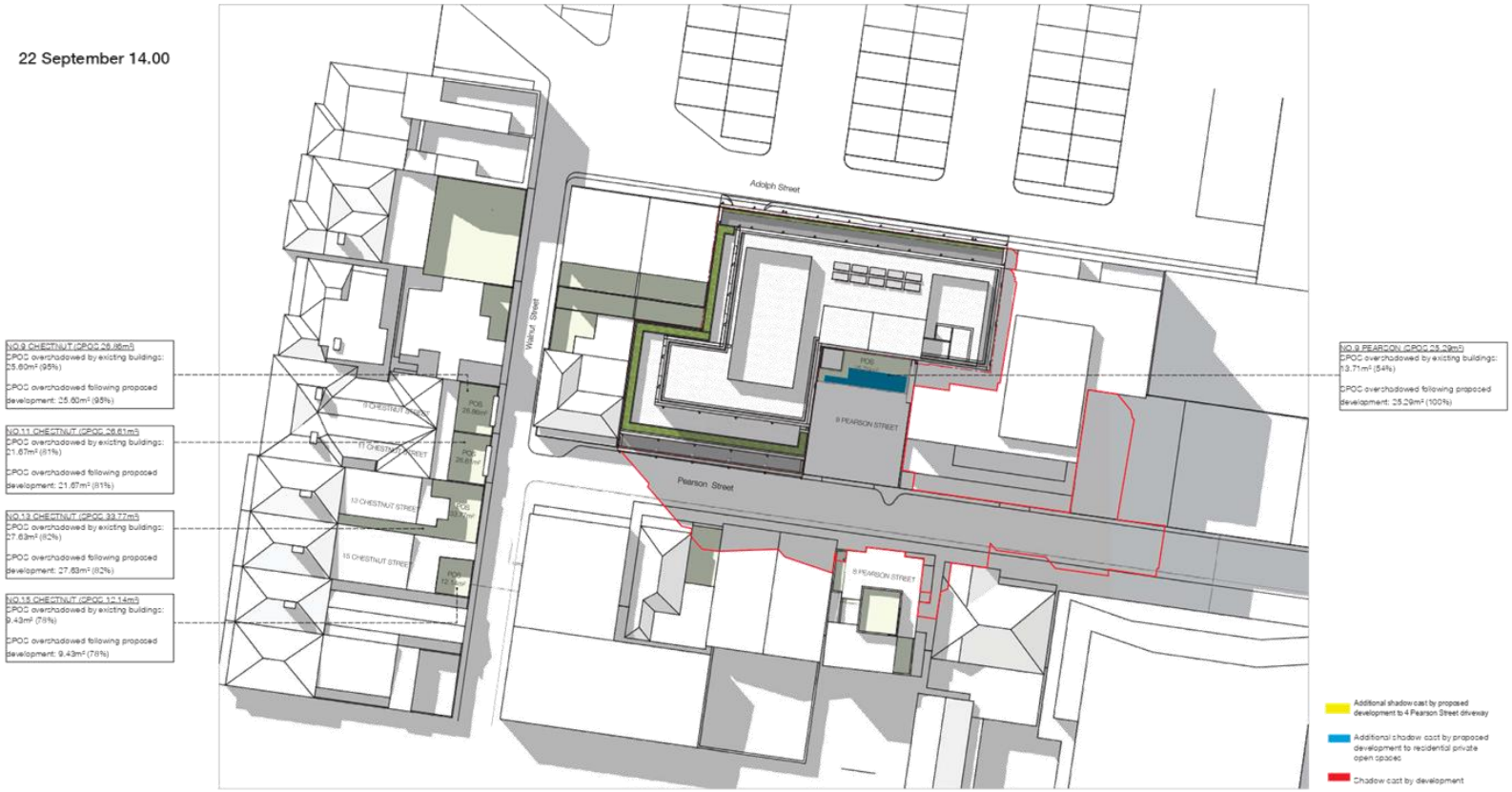
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_07 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



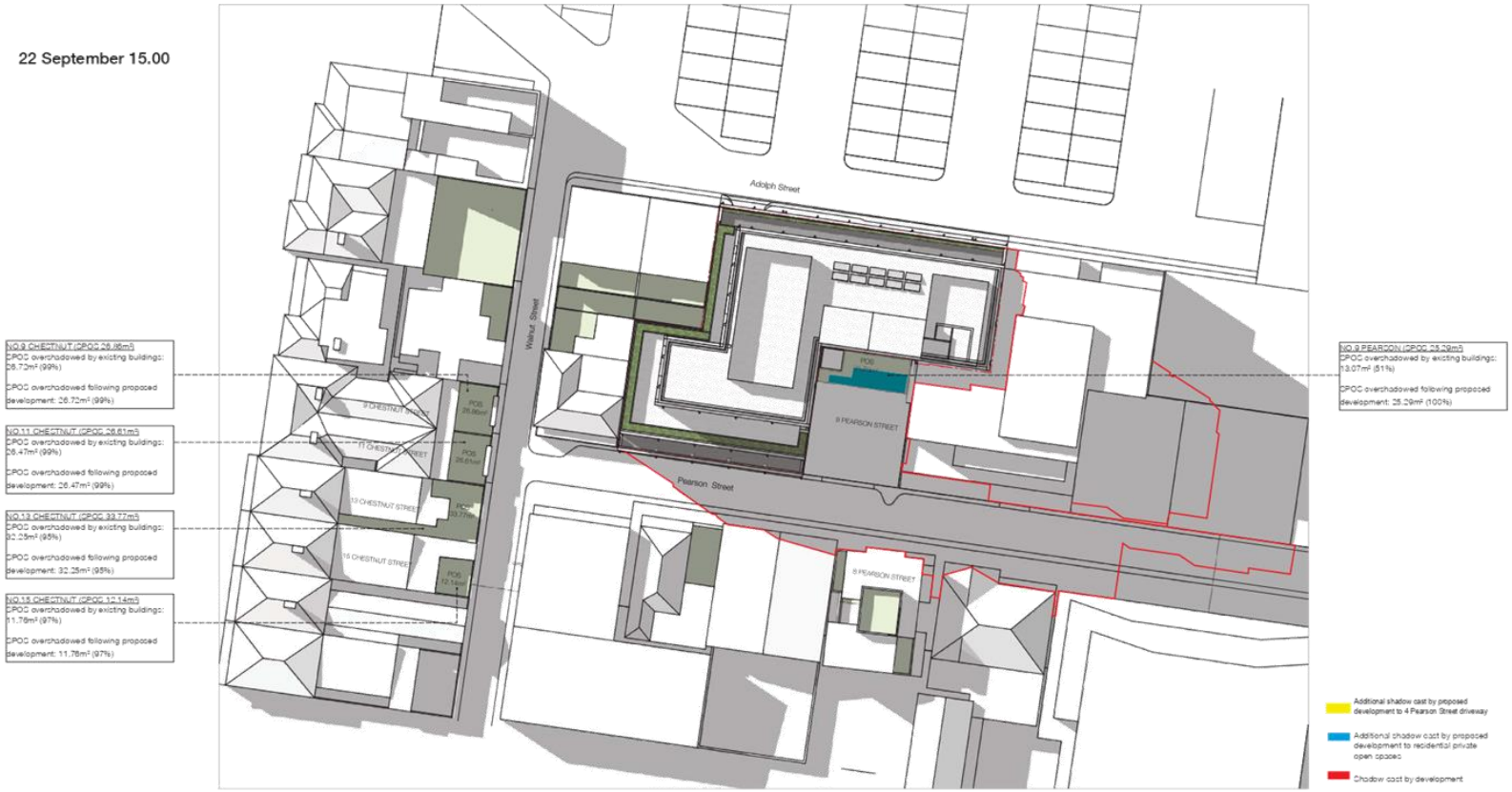
Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_08 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 3 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Without Prejudice Shadow Diagrams (10/08/2020)



Shadow Diagrams - Proposed

Project	Job No.	Scale
Proposed Commercial Development 4-6 Adolph , 3&5 Pearson St Cremorne	21505	1:200 @ A1 0 2 4 6 8 10 m

WITHOUT PREJUDICE

Drawing	Revision	
SD30_09 Shadow Diagrams	05 06-08-2020	SJB Architects Level 5, 18 Oliver Lane Melbourne VIC 3000 T 61 3 9699 9666 sjb.com.au

Attachment 4 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Head, Transport for Victoria referral

Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

Michelle King
Yarra City Council
182 St Georges Road
Fitzroy VIC 3065

Dear Michelle King

PLANNING APPLICATION NO.:	**PLN19/0827**
DEPARTMENT REFERENCE NO:	**PPR 32046/20-A**
PROPERTY ADDRESS:	**4-6 ADOLPH STREET, CREMORNE VIC 3121**

Section 55 – No Objection

Thank you for your referral amendment dated 14 June 2020 of the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987.*

In consultation with Transurban, the Head, Transport for Victoria has considered this application and does not object to the grant of a permit.

Please forward a copy of any decision to this office as required under the *Planning and Environment Act 1987*.

Should you have any enquiries regarding this matter, please contact Ewa Fiebelkorn on 9313-1187 or Ewa.Fiebelkorn@roads.vic.gov.au.

Yours sincerely

Ewa Fiebelkorn

Ewa Fiebelkorn
Statutory Referrals Officer

22/07/2020

Cc: Permit applicant

VICTORIA State Government

Attachment 5 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Streetscapes and Natural Values referral

Memo

diverse
vibrant
exciting
inclusive

To: Michelle King

Cc: Glen Williames

From: Paul Whitten

Date: 5 February 2020

Subject: PLN19/0827 – 4-6 Adolph St and 3-5 Pearson St Cremorne

Michelle,

I have reviewed Town Planning Report, Urban Context Report and Plans (Files D20/17930, 17932, 17936-17940)

There are no considerations for the S&NV team.

Any surface finishes to footpaths or Council infrastructure need to be considered by Open Space team.

Paul Whitten
Arboricultural Consultant

Attachment 6 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Open Space referral

Memo

To:	**Michelle King**
Cc:	
From:	**Julia Mardjuki**
Date:	**10 March 2020**
Subject:	**PLN19/0827 4 – 6 Adolph Street & 3 – 5 Pearson Street Cremorne – Open Space Referral**

Dear Michelle

I have reviewed the plans from SJB Architects dated received 20 January 2019. Please find my comments below:

1. We request only asphalt is used along the footpath on Adolph Street is and there are no bands of the proposed material, TE02 that intersect the footpath within the public realm.

2. If a planning permit is issued, we would like to request a landscape plan prepared by a qualified landscape architect with further details on:

    a. The planting plan, showing the type, location, quantity, height at maturity and botanical names of all proposed plants.
    b. Information on all planter beds, provide information on the depths and widths that will be provided, as well as information on soil media, drainage and irrigation.
    c. Provide a specification of works to be undertaken prior to planting.
    d. Confirmation the mulch used on higher levels is a wind tolerant material.
    e. The proposed maintenance schedules and requirements.

Please feel free to contact me if you would like me to clarify any of these points.

Sincerely

Julia Mardjuki
Open Space Planner

Attachment 7 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Urban Design referral

CITY OF YARRA

MeMO

TO:	Michelle King (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	27 March 2020
SUBJECT:	4-6 Adolph Street and 3-5 Pearson Street, Cremorne
APPLICATION NO:	PLN19/0827
DESCRIPTION:	Development of the land for the construction of a seven storey building (plus basement and rooftop plant), a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage

COMMENTS SOUGHT

Urban Design comments have been sought on the above proposal, in particular if the development is acceptable from an Urban Design perspective and if the team has any capital works planned around the site. Comments are provided below and are based on the drawings dated 19 December 2019.

COMMENTS SUMMARY

In summary, the proposed development is not supported in its current form. The following changes are required to make the proposal more acceptable from an Urban Design perspective:

- The street wall along Adolph Street should be reduced to four storeys, with upper levels set back from the street (min 3 metres), to ensure the form better responds to the surrounding context and width of the street.
- Suggestion to increase the upper floor setbacks along Pearson Street (fourth and fifth storeys) from 1.7 metres to 3 metres to better define the street wall and upper form.
- The development should provide greater setbacks from the western boundary to provide a better built form transition to the smaller commercial sites and the residential zone to the west and reduce the extent of shear walls.
- The development should be set back from the eastern side boundary to provide more building separation between sites, and articulation of these elevations.
- The ground floor layout and design along Pearson Street should be revised to provide an improved interface with the street.
- The footpaths along Adolph and Pearson Streets are required to be asphalt in line with Council's Road Materials Policy.
- There are opportunities for tree planting along Adolph and Pearson Street which could be secured through this development.

These matters are described in more detail overleaf.

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

Attachment 7 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Urban Design referral

URBAN DESIGN FEEDBACK

- **Height and massing**

  The Built Form and Design Policy at Clause 22.10-3.3 seeks to ensure that the height and setbacks of development are appropriate for the context and character of the area.

  This section of Adolph Street is characterised by buildings of generally one to three storeys in height. It is noted that the adjoining site to the east has an approval for a seven storey building with a four storey street wall fronting Adolph Street. Opposite the site is an open car park.

  Pearson Street is more fine grain with built form of generally one to three storeys in height, including a couple of more recent three storey developments built directly to the street. The adjoining site to the east has an approval for a seven storey development with a three storey street wall fronting Pearson Street.

  It is noted that the site is near the western edge of the Commercial 2 Zone, with the finer grain Neighbourhood Residential Zone located directly to the west over Walnut Street.

  The proposed development would be seven storeys in height, with a seven storey street wall fronting Adolph Street and a three storey street wall fronting Pearson Street. The proposed seven storey height is accepted in principle; however it is considered that the upper level setbacks are not sufficient and would result in a visually dominating building. In particular:

  - The proposed seven storey street wall to Adolph Street is excessive and does not adequately respond to the narrow width of the street and the general scale of buildings (including the adjoining approval) in the immediate surroundings. Although the site to the north is currently an open car park, it is possible that this site could develop in future and therefore the proposed development should provide an appropriate street wall with this in mind. It is therefore recommended that the street wall is reduced to four storeys in height, and the upper floors are set back at least 3 metres to provide a more appropriate built form to the street and a clear distinction between the street wall and upper form.
  - The proposal provides a three storey street wall fronting Pearson Street, with the fourth and fifth storeys set back 1.7 metres from the front boundary, and the sixth and seventh storeys set back 5 metres from the front boundary. The three storey street wall is considered appropriate given the finer grain lower scale character along Pearson Street. It is recommended that the setback of the fourth and fifth storeys is increased from 1.7 metres to 3 metres to provide a better outcome in terms of defining the street wall and upper levels.

- No side setbacks have been provided, with the exception of some setback of the uppermost levels at the south-west corner of the site. This lack of building separation between sites results in a more dominant and overwhelming built form in the street and surrounding area.
  - At the west, the development does not provide an appropriate built form transition to the smaller commercial sites to the west (which would likely be developed at a lower scale) and the Neighbourhood Residential Zone (which has a height limit of 9 metres (two storeys)). Increased setbacks are required from the west to provide a better built form transition and reduce the extent of shear walls. In particular, for the northern portion of the site (fronting Adolph Street), it is recommended that the upper levels are set back from the western boundary. For the southern portion of the site (fronting Pearson Street), it is recommended to increase the setback of the sixth and seventh storeys so that there is a more generous built form transition stepping down towards the residential zone.
  - At the east, it is recommended that some setbacks are provided at the upper levels to create some spacing/separation and articulation between buildings.

- **Street interface and ground floor layout**

  The Built Form and Design policy at Clause 22.10-3.4 seeks *"to ensure ground level façade and boundary treatments interface positively with the street and public domain treatments interface positively with the street and public domain".*

  The development generally provides a positive interface along Adolph Street, with a balance of active ground floor uses with a vehicle entry car parking and bike storage.

  However, the entire Pearson Street frontage is made up of a vehicle entry, car parking and services, which results in a poor interface with the street. As Pearson Street is not a rear street/laneway and has many adjacent properties fronting the street, it is recommended that changes are made to the proposal to provide a more active frontage and sense of address to the street and reduce the extent of vehicle entries/car parking/services.

- **Façade design and materials**

  As raised above, the western and eastern elevations comprise large areas of blank walls with little articulation. The development has proposed some patterning / variation in materials, but in our view this is not enough to articulate these shear walls and reduce their visual impact. It is therefore recommended to provide setbacks to better articulate these elevations.

- **Public realm**

  The ground floor drawings show that the sections of the Adolph Street footpaths would be bluestone pavers. The footpaths are required to be asphalt in accordance with Council's Roads Materials Policy – drawings should be updated to reflect this. The Civil Engineering team can provide further advice if needed.

  There are some opportunities for tree planting along Adolph and Pearson Streets which could be secured as part of this development. We would be happy to specify potential locations which could be specified in a planning condition.

- **Any capital works**

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

Attachment 8 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)

MEMO

To:	**Michelle King**	
From:	**Mark Pisani**	
Date:	**23 March 2020**	
Subject:	**Application No:**	**PLN19/0827**
	Description:	**Seven Storey Building**
	Site Address:	**4-6 Adolph Street & 3-5 Pearson Street, Cremorne**

I refer to the above Planning Application received on 5 February 2020 in relation to the proposed development at 4-6 Adolph Street & 3-5 Pearson Street, Cremorne. Council's Civil Engineering unit provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
SJB Architects	SD01_01 *Existing Conditions Plan*	3	19 December 2019
	SD02_99 *Basement*	7	19 December 2019
	SD02_01 *Ground Plan*	11	16 January 2020
	SD02_02 *L1 Plan*	9	16 January 2020
	SD05_01 *North Elevation*	04	17 January 2020
	SD05_02 *East Elevation*	04	17 January 2020
	SD06_02 *Section B*	04	17 January 2020
Ratio Consultants	*Traffic Impact Assessment* report	REP01	18 December 2019

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	2,975 m²	3.0 spaces per 100 m² of net floor area	89	24
Food and Drink Premises	75 m²	3.5 spaces per 100 m² of leasable floor area	2	1
		Total	**91 Spaces**	**24 Spaces**

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

Attachment 8 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)

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

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

- *Parking Demand for Office Use*. The proposed office would be provided with a total of 24 on-site parking spaces, which equates to a parking rate of 0.81 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
60-88 Cremorne Street, Cremorne PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m^2 (200 on-site spaces; 27,653 m^2)
2-16 Northumberland Street, Collingwood PLN16/0435 issued 14 June 2017	0.89 spaces per 100 m^2 (135 on-site spaces; 15,300 m^2)
51 Langridge Street PLN17/0332 (Amended) issued 18 May 2018	0.54 spaces per 100 m^2 (18 on-site space; 3,335 m^2)

  The proposed on-site office parking rate of 0.81 spaces is considered appropriate, having regarding to the site's good accessibility to public transport services and proximity to Melbourne.
- *Parking Demand for Retail Use*. Typically, retail uses would generate a staff parking demand of 1.0 space per 100 square metres of floor area. For this site, the retail staff parking demand would be say, one space. Customer parking would be generated off-site.
- *Availability of Public Transport in the Locality of the Land*. The following public transport services can be accessed to and from the site by foot:
  - East Richmond railway station – 50 metre walk
  - Swan Street trams – 250 metre walk
  - Church Street trams – 220 metre walk
- *Multi-Purpose Trips within the Area*. Clients and customer to the office might combine their visit by engaging in other activities or business whilst in the area.
- *Convenience of Pedestrian and Cyclist Access*. The site is easily accessible by pedestrians and bicycles.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*. Ratio Consultants had undertaken on-street parking surveys of the surrounding area on Thursday 31 October 2019 between 9:00am and 5:00pm. The survey results recorded a peak on-street parking occupancy of 82% (323 on-street spaces occupied out of an inventory of 395 surveyed spaces). Clients and customers should be able to find a short-stay parking space near the development.
- *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*. According to Ratio Consultants, the existing land uses on the site comprise a motor repairs workshop and two residential dwellings

and would have an existing car parking deficiency of around 11 spaces (assuming no on-site parking exists). Any parking deficiency the site may have could be transferrable onto the new uses.

- *Other Relevant Considerations.* The scarcity of long-stay unrestricted parking in the area would be disincentive for employees to drive to the site. Employees would be inclined to make other travel arrangements to commute to and from the site by taking public transport or riding a bicycle.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking associated with the office and food and drinks uses is considered appropriate in the context of the development and the surrounding area. The operation of the development should not adversely impact on the existing parking conditions in the area. The site is well positioned in terms of public transport services.

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

TRAFFIC IMPACT
Trip Generation
The trip generation for the site adopted by Ratio Consultants is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Office (24 spaces)	0.5 trips per space in each peak hour 2.0 trips per space per day	48	12	12
Food and Drink (1 space)	1.0 trip per space in each peak hour	Not provided	1	1
	Total		**13**	**13**

Directional Split
Ratio Consultants have adopted a directional spilt of 80%-20% inbound and outbound traffic movements in the AM peak hour and 20%-80% for the PM peak hour inbound and outbound traffic movements.

We consider a directional split of 90%-10% to be appropriate for inbound and outbound traffic movements in the Am peak hour and reversed in the PM peak hour. Adopting this directional split would equate to the following:

- AM Peak – 90% inbound (12 trips), 10% outbound (1 trips); and
- PM Peak – 90% outbound (12 trips), 10% inbound (1 trips).

The peak hour traffic volumes generated by the site are considered low and should not adversely impact on the traffic operation of the surrounding road network.

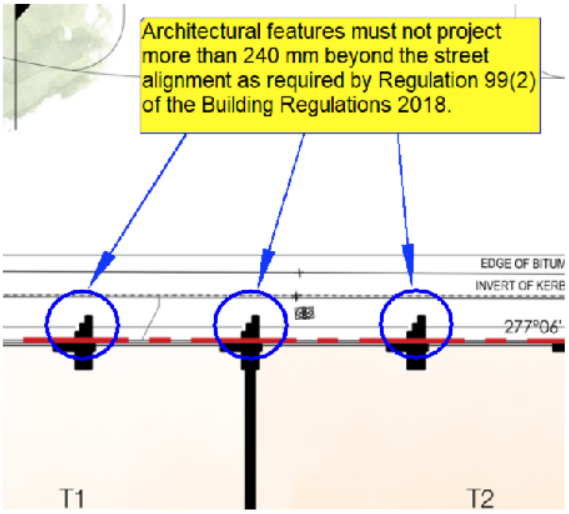
Attachment 8 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Pearson Street	The 5.7 metre wide entrance into the development satisfies *Design standard 1 – Accessways* of Clause 52.06-9.
Development Exit – Adolph Street	The vehicular exit width onto Adolph Street has not been dimensioned on the drawings.
Visibility	Pedestrian sight triangles, as required by *Design standard 1*, cannot be provided at the exit point. The provision of two convex mirrors as shown on the drawings are considered acceptable in lieu of sight triangles.
Headroom Clearance	A minimum headroom clearance of 2.3 metres has been provided at the Pearson Street entrance, which satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Car Parking Modules and Mechanical Parking	
Aisles	Using the Trapeze plan management tool, the aisle servicing the car stacker devices has a width of approximately 5.9 metres and satisfies *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Car Stacker Device	The development would be using a shuffle type car stacker – the Trendvario 4300 stacker by Klaus Multiparking. Each space has a useable platform width of 2.4 metres and has a length of 5.5 metres, which can comfortably accommodate a car up to 5.0 metres in length.
Floor to Ceiling Height	Not dimensioned on the drawings.
Vehicle Clearance Height	Each stacker space would have a vehicle clearance height of 2.05 metres, which satisfies *Design standard 4: Mechanical parking.*
Column Depths and Setbacks	Not applicable.
Clearances to Walls	Not applicable.
Other Items	
Vehicle Turning Movements – Via Pearson Street	The swept path diagrams for a B85 design vehicle entering the site via Pearson Street and accessing the southernmost stacker platforms are considered satisfactory.
Vehicle Turning Movements – Stacker Platforms	The swept path diagrams for a B85 design vehicle turning into and out of the individual stacker platforms are considered satisfactory. A correctional movement may be required for entry and exit movements into and out of some stacker platforms – permissible under AS/NZS 2890.1:2004 for long-stay employee and resident parking.
Ground Clearance – Vehicle Crossings	A vehicle crossing ground clearance check is to be undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under '*Design Items to be Addressed*' section).

Attachment 8 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)

Item	Assessment
Access Arrangements	
Adolph Street Footpath	The TE01 Footpath finish – Rough Finish Bluestone – must be deleted from the drawings. The reinstatement of the footpath along the Adolph Street frontage of the development must be in accordance with Council's *Infrastructure Road Materials Policy*.
Architectural Features – Adolph Street	Architectural features from the site must not protrude more than 240 mm beyond the property boundary for a narrow street (6.0 metres or less in width. 

Design Items to be Addressed

Item	Details
Development Exit – Adolph Street	To be dimensioned on the drawings and must not be less than 3.0 metres as per *Design standard 1*.
Floor to Ceiling Height	To be dimensioned on the drawings (located within the car stacker).
Vehicle Crossing Ground Clearance Check	To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo. The ground clearance check requires the applicant to obtain a number of spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement – in this case, for both Adolph Street and Pearson Street. These levels are to be shown on a cross sectional drawings, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access. Providing the ground clearance check early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.

ENGINEERING CONDITIONS

Attachment 8 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)

Civil Works

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

- The kerb and channel along the property's Pearson Street and Adolph Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpaths along the property's Pearson Street and Adolph Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Vehicle Crossings

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

Stacker Devices

- Ducting, pipes and other obtrusions must not encroach into the space design envelope of the car stacker spaces.

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, boundary traps, valves or meters on Council property will be accepted.

Discharge of Water from Development

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

Attachment 8 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- 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/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 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 133.
Clearances to Electrical Assets	Overhead power lines run along the west side of south side of Adolph Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

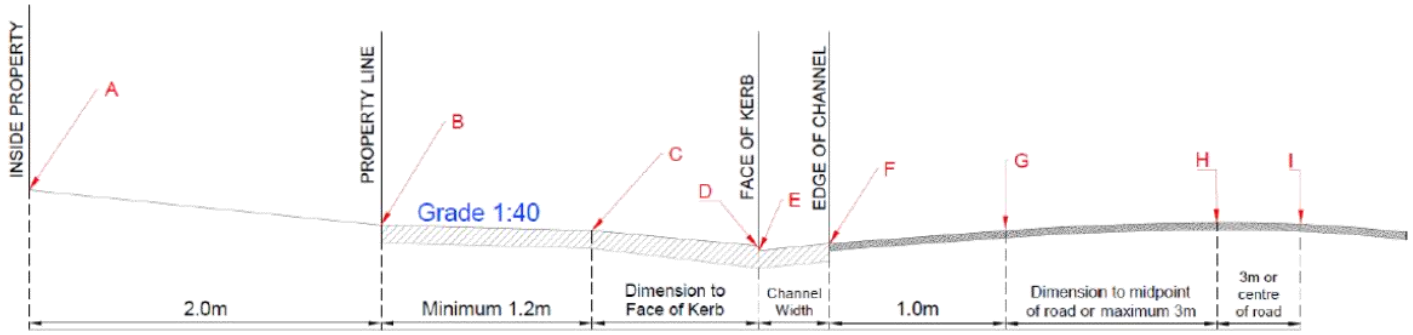
Attachment 8 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (original)

Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

A. Finished floor level 2.0 metres inside property
B. Property line surface level
C. Surface level at change in grade (if applicable)
D. Bullnose (max height 60mm) – must be clearly labelled
E. Surface level at the bottom of the kerb
F. Surface level at the edge of channel
G. Road level 1.0 meter from the edge of channel
H., I. Road levels

- Please note the cross section must be fully dimensioned. As shown in the sketch below.
- Please show both the existing and proposed surface.
- The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- A bullnose (max 60mm) is permitted at point D, however not compulsory.
- The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 9 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (supplementary - S57A plans)

MEMO

To:	**Michelle King**	
From:	**Mark Pisani**	
Date:	**23 March 2020**	
Subject:	**Application No:**	**PLN19/0827**
	Description:	**Seven Storey Building**
	Site Address:	**4-6 Adolph Street & 3-5 Pearson Street, Cremorne**

I refer to the above Planning Application received on 5 February 2020 in relation to the proposed development at 4-6 Adolph Street & 3-5 Pearson Street, Cremorne. Council's Civil Engineering unit provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
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Ratio Consultants	*Traffic Impact Assessment* report	REP01	18 December 2019

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	2,975 m²	3.0 spaces per 100 m² of net floor area	89	24
Food and Drink Premises	75 m²	3.5 spaces per 100 m² of leasable floor area	2	1
		Total	**91 Spaces**	**24 Spaces**

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

Attachment 9 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (supplementary - S57A plans)

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

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

- *Parking Demand for Office Use*. The proposed office would be provided with a total of 24 on-site parking spaces, which equates to a parking rate of 0.81 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:

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  The proposed on-site office parking rate of 0.81 spaces is considered appropriate, having regarding to the site's good accessibility to public transport services and proximity to Melbourne.
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  - Swan Street trams – 250 metre walk
  - Church Street trams – 220 metre walk
- *Multi-Purpose Trips within the Area*. Clients and customer to the office might combine their visit by engaging in other activities or business whilst in the area.
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Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*. Ratio Consultants had undertaken on-street parking surveys of the surrounding area on Thursday 31 October 2019 between 9:00am and 5:00pm. The survey results recorded a peak on-street parking occupancy of 82% (323 on-street spaces occupied out of an inventory of 395 surveyed spaces). Clients and customers should be able to find a short-stay parking space near the development.
- *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*. According to Ratio Consultants, the existing land uses on the site comprise a motor repairs workshop and two residential dwellings

and would have an existing car parking deficiency of around 11 spaces (assuming no on-site parking exists). Any parking deficiency the site may have could be transferrable onto the new uses.

- *Other Relevant Considerations*. The scarcity of long-stay unrestricted parking in the area would be disincentive for employees to drive to the site. Employees would be inclined to make other travel arrangements to commute to and from the site by taking public transport or riding a bicycle.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking associated with the office and food and drinks uses is considered appropriate in the context of the development and the surrounding area. The operation of the development should not adversely impact on the existing parking conditions in the area. The site is well positioned in terms of public transport services.

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

TRAFFIC IMPACT
Trip Generation
The trip generation for the site adopted by Ratio Consultants is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Office (24 spaces)	0.5 trips per space in each peak hour 2.0 trips per space per day	48	12	12
Food and Drink (1 space)	1.0 trip per space in each peak hour	Not provided	1	1
	Total		**13**	**13**

Directional Split
Ratio Consultants have adopted a directional spilt of 80%-20% inbound and outbound traffic movements in the AM peak hour and 20%-80% for the PM peak hour inbound and outbound traffic movements.

We consider a directional split of 90%-10% to be appropriate for inbound and outbound traffic movements in the Am peak hour and reversed in the PM peak hour. Adopting this directional split would equate to the following:

- AM Peak – 90% inbound (12 trips), 10% outbound (1 trips); and
- PM Peak – 90% outbound (12 trips), 10% inbound (1 trips).

The peak hour traffic volumes generated by the site are considered low and should not adversely impact on the traffic operation of the surrounding road network.

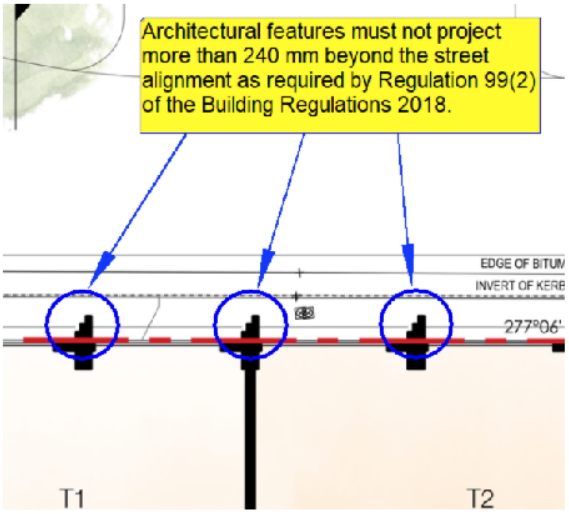
Attachment 9 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (supplementary - S57A plans)

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Pearson Street	The 5.7 metre wide entrance into the development satisfies *Design standard 1 – Accessways* of Clause 52.06-9.
Development Exit – Adolph Street	The vehicular exit width onto Adolph Street has not been dimensioned on the drawings.
Visibility	Pedestrian sight triangles, as required by *Design standard 1*, cannot be provided at the exit point. The provision of two convex mirrors as shown on the drawings are considered acceptable in lieu of sight triangles.
Headroom Clearance	A minimum headroom clearance of 2.3 metres has been provided at the Pearson Street entrance, which satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Car Parking Modules and Mechanical Parking	
Aisles	Using the Trapeze plan management tool, the aisle servicing the car stacker devices has a width of approximately 5.9 metres and satisfies *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Car Stacker Device	The development would be using a shuffle type car stacker – the Trendvario 4300 stacker by Klaus Multiparking. Each space has a useable platform width of 2.4 metres and has a length of 5.5 metres, which can comfortably accommodate a car up to 5.0 metres in length.
Floor to Ceiling Height	Not dimensioned on the drawings.
Vehicle Clearance Height	Each stacker space would have a vehicle clearance height of 2.05 metres, which satisfies *Design standard 4: Mechanical parking.*
Column Depths and Setbacks	Not applicable.
Clearances to Walls	Not applicable.
Other Items	
Vehicle Turning Movements – Via Pearson Street	The swept path diagrams for a B85 design vehicle entering the site via Pearson Street and accessing the southernmost stacker platforms are considered satisfactory.
Vehicle Turning Movements – Stacker Platforms	The swept path diagrams for a B85 design vehicle turning into and out of the individual stacker platforms are considered satisfactory. A correctional movement may be required for entry and exit movements into and out of some stacker platforms – permissible under AS/NZS 2890.1:2004 for long-stay employee and resident parking.
Ground Clearance – Vehicle Crossings	A vehicle crossing ground clearance check is to be undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under '*Design Items to be Addressed*' section).

Attachment 9 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (supplementary - S57A plans)

Item	Assessment
Access Arrangements	
Adolph Street Footpath	The TE01 Footpath finish – Rough Finish Bluestone – must be deleted from the drawings. The reinstatement of the footpath along the Adolph Street frontage of the development must be in accordance with Council's *Infrastructure Road Materials Policy*.
Architectural Features – Adolph Street	Architectural features from the site must not protrude more than 240 mm beyond the property boundary for a narrow street (6.0 metres or less in width. 

Design Items to be Addressed

Item	Details
Development Exit – Adolph Street	To be dimensioned on the drawings and must not be less than 3.0 metres as per *Design standard 1*.
Floor to Ceiling Height	To be dimensioned on the drawings (located within the car stacker).
Vehicle Crossing Ground Clearance Check	To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo. The ground clearance check requires the applicant to obtain a number of spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement – in this case, for both Adolph Street and Pearson Street. These levels are to be shown on a cross sectional drawings, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access. Providing the ground clearance check early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.

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 Pearson Street and Adolph Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpaths along the property's Pearson Street and Adolph Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Vehicle Crossings

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

Stacker Devices

- Ducting, pipes and other obtrusions must not encroach into the space design envelope of the car stacker spaces.

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, boundary traps, valves or meters on Council property will be accepted.

Discharge of Water from Development

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

Attachment 9 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (supplementary - S57A plans)

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- 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/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 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 133.
Clearances to Electrical Assets	Overhead power lines run along the west side of south side of Adolph Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

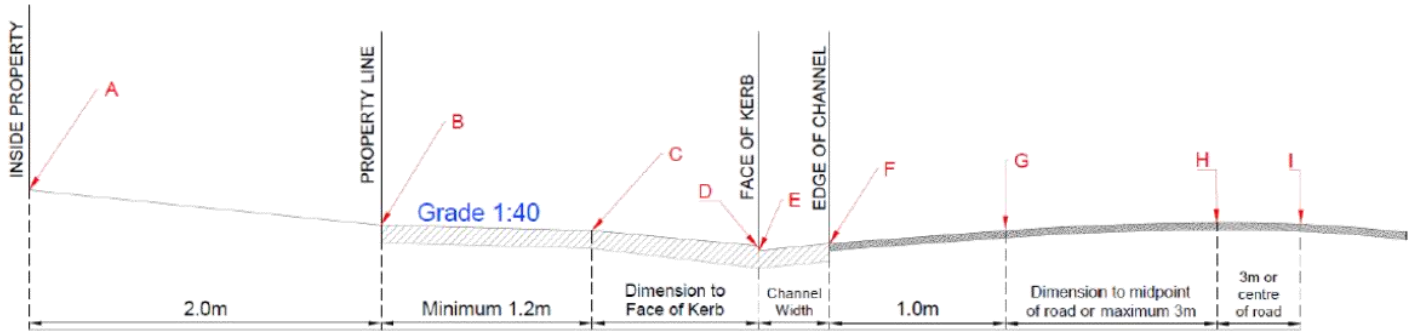
Attachment 9 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Engineering referral (supplementary - S57A plans)

Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

A. Finished floor level 2.0 metres inside property
B. Property line surface level
C. Surface level at change in grade (if applicable)
D. Bullnose (max height 60mm) – must be clearly labelled
E. Surface level at the bottom of the kerb
F. Surface level at the edge of channel
G. Road level 1.0 meter from the edge of channel
H., I. Road levels

- Please note the cross section must be fully dimensioned. As shown in the sketch below.
- Please show both the existing and proposed surface.
- The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- A bullnose (max 60mm) is permitted at point D, however not compulsory.
- The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 10 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Strategic Transport referral

Planning Referral

To:	Michelle King
From:	Chloe Wright
Date:	31/03/2020
Subject:	Strategic Transport Comments
Application No:	PLN19/0827
Description:	Development of the land for the construction of a seven storey building (plus basement and rooftop plant), a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage
Site Address	4 – 6 Adolph Street and 3 – 5 Pearson Street, Cremorne

I refer to the above Planning Application and the accompanying Traffic report prepared by Ratio Consultants in relation to the proposed development at 4 – 6 Adolph Street and 3 – 5 Pearson Street, Cremorne. Council's Strategic Transport unit provides the following information:

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:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	2,975 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	10 employee spaces	22 employee spaces
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	3 visitor spaces	2 visitor spaces
Retail	75 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			**10 employee spaces**	**22 employee spaces**
			3 visitor spaces	**2 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**2 showers / change rooms**	**4 showers / change rooms**

Attachment 10 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Strategic Transport referral

Adequacy of visitor spaces

The following comments are provided in relation to provision of visitor spaces:

- Two visitor spaces are proposed, which does not meet Council's best practice rate[1] of five spaces.
- The proposed location for the visitor spaces is acceptable, given the footpaths at Adolph Street and Pearson Street are too narrow to accommodate bicycle hoops.
- It is recommended that one additional bicycle hoop is provided at the area adjacent to the lobby lounge, to provide a total of four visitor bicycle spaces.
- All visitor spaces are provided as horizontal at-grade spaces and appear to meet clearance and access-way requirements of AS2890.3

Adequacy of employee spaces

Number of spaces

22 employee spaces are proposed, which does not meet Council's best-practice rate[2] of 30 spaces.

Design and location of employee spaces and facilities

The following comments are provided in relation to the location and design of employee bike parking:

- All employee spaces are provided within a secure facility at the ground level with direct access from Adolph Street via a door.
- Employee bicycle spaces are provided as three types of bike racks, including 12 wall racks, 4 double-tier racks and 2 horizontal at-grade spaces. The proposed bicycle racks are acceptable and exceed the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces.
- It is recommended that 8 additional employee spaces are provided, to provide a total of 30 spaces as per Council's best practice rates. This could be achieved by either increasing the size of the bike storage room or replacing a portion of the wall racks with four double-tier racks.
- Employee bicycle spaces and access ways appear to be in accordance with the clearance requirements of AS2890.3.
- Four shower / change rooms are provided, which meets Council's best practice standards recommends one shower per 10 bicycle spaces.

Electric Vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). To allow for easy future provision for electric vehicle charging, it is recommended that all car parking areas should be electrically wired to be 'EV ready' to enable future installation of EV charging.

Green Travel Plan

It is noted the applicant has supplied a Green Travel Plan (GTP). The GTP is generally adequate, however should be modified to include:

(a) Measurable targets and performance indicators; and
(b) Provisions for the GTP to be updated not less than every five years.

---

[1] *Category 6 of the BESS offers this advice.*

[2] *Category 6 of the BESS offers the following for best-practice guidance for employee office rates: '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.*

Attachment 10 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Strategic Transport referral

Recommendations

The following should be shown on the plans before endorsement:

1. A minimum of 4 visitor bicycle spaces provided in a location easily accessible to visitors at the site. All visitor spaces should be provided as horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
2. A minimum of 30 employee bicycle spaces. At minimum 20% of employee bicycle spaces must be provided as horizontal bicycle rails.
3. Notations indicating the dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority.

The Green Travel Plan should be updated with the information outlined previously.

Regards

Chloe Wright
Sustainable Transport Officer
Strategic Transport Unit

Attachment 11 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Strategic Transport referral (supplementary - S57A plans)

King, Michelle

From: Wright, Chloe
Sent: Thursday, 23 July 2020 12:33 PM
To: King, Michelle
Subject: Re: HPE CM: PLN19/0827 - 4 – 6 Adolph Street & 3 – 5 Pearson Street Cremorne - Engineering / Strategic Transport referral
Attachments: PLN190827 - 4 - 6 Adolph St and 3 - 5 Pearson St, Cremorne - Strategic Transport comment....docx

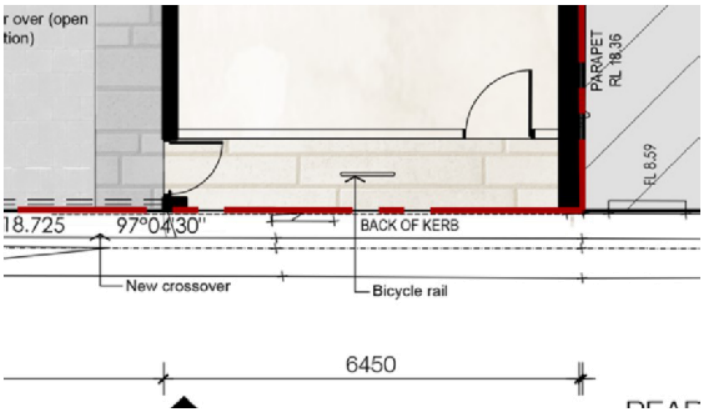
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michelle,

I've review the revised plans and provide the following comments regarding provision of bicycle spaces:

Employee spaces and end of trip facilities - The employee bicycle parking and end of trip facilities have been relocated from the ground floor to the basement level, which is a less ideal outcome but still acceptable. The number of employee bicycle spaces has not been increased - as per my attached original comments, 22 employee spaces does not meet the best practice recommendation of 30 employee spaces.

Visitor spaces - 1 visitor hoop has been relocated to Pearson St. Clarification is required to confirm if the bike hoop is within an enclosed space or directly accessible from the footpath (shown below). The south elevation does not show the visitor space. If the visitor space is within an enclosed area, this is not considered an acceptable outcome as the space would not be visible and easily accessible to visitors and two bicycles parked at the hoop would obstruct access through this space. Original comments recommended 4 visitor spaces to meet the best practice recommendation. Given the narrow footpaths surrounding the site, if only 2 visitor spaces can be provided at the ground floor, provision of an additional 2 spaces within the employee bicycle parking area would be considered acceptable alternative.



Please let me know if you have any questions.

Kind regards,
Chloe

From: King, Michelle <Michelle.King@yarracity.vic.gov.au>
Sent: 02 July 2020 20:03

Attachment 12 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Waste referral

King, Michelle

From: Athanasi, Atha
Sent: Tuesday, 18 February 2020 1:41 PM
To: King, Michelle
Subject: RE: PLN19/0827 - 4 – 6 Adolph Street & 3 – 5 Pearson Street Cremorne - Waste referral

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michelle,

The waste management plan for 4 – 6 Adolph Street & 3 – 5 Pearson Street Cremorne authored by Leigh Design and dated 13/12/19 is not satisfactory from a City Works branch's perspective.

Issues to be rectified include, but may not be limited to the following:

1. Please include the swept path diagram in the WMP.

Regards,

Atha Athanasi
Contract Management Officer

City Works Services
Parks, Resource Recovery, Cleansing

City of Yarra – City Works Depot
168 Roseneath St CLIFTON HILL VIC 3068
T (03) 9205 5547 **F** (03) 8417 6666
Atha.Athanasi@yarracity.vic.gov.au
www.yarracity.vic.gov.au

From: King, Michelle
Sent: Wednesday, 5 February 2020 9:29 AM
To: Athanasi, Atha <Atha.Athanasi@yarracity.vic.gov.au>
Subject: PLN19/0827 - 4 – 6 Adolph Street & 3 – 5 Pearson Street Cremorne - Waste referral

Morning Atha,

Thanks for the comments on Swan St - no more from me for a while after this one (or at least not for a few days!)

The below application has commenced advertising:

Application No.: **PLN19/0827**
Address: **4 – 6 Adolph Street & 3 – 5 Pearson Street Cremorne**

Attachment 12 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Waste referral

Application: **Development of the land for the construction of a seven storey building (plus basement and rooftop plant), a reduction in the car parking requirements associated with office and a food and drinks premises (no permit required for uses) and display of internally illuminated signage**

Could you please review the waste arrangements and let me know if the development is satisfactory from a waste perspective?

All documents can be found at the following TRIM references:

	TRIM Ref No.
Application Form	D20/17928
Certificate of Title & Title Plan	D20/17929
Town Planning Report	D20/17930
Traffic Assessment Report	D20/17931
Green Travel Plan	D20/17932
ESD Report	D20/17934
Waste Management Report	D20/17935
Urban Context Report	D20/17936 D20/17937 D20/17938 D20/17939
Plans	D20/17940
Acoustic Report	D20/17941

Please let me know if you require anything else,

Michelle

Michelle King
Acting Principal Planner
Planning and Placemaking

PO BOX 168 Richmond VIC
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Yarra City Council acknowledges the Wurundjeri Woi Wurrung 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.

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council

ESD in the Planning Permit Application Process

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

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

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category Non-r*esidential 1. 1,000m^2 or greater*.

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council

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Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

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

Assessment Summary:

Responsible Planner:	Michelle King
ESD Advisor:	Gavin Ashley
Date:	13.03.2020
Subject Site:	PLN19/0827 4-6 Aolph Street & 3-5 Pearson Street, Cremorne, VIC 3121
Site Area:	Approx. 598 m²
Project Description:	7-storey building, with basement car park, ground floor café and 6 levels of commercial office space with a rooftop area.
Pre-application meeting(s):	Unknown.
Documents Reviewed:	- Sustainable Management Plan [November 2019 - S3974 SMP.V1], Sustainable Development Consultants - Architectural Plans [December 2019 – January 2020], SJB Architects - Waste Management Plan [13 December 2019], Leigh Design - Green travel Plan [18 December 2019], Ratio - Urban Context Report [Part 1-4], SJB Urban

The standard of the ESD 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:

- 10% improvement above the NCC energy efficiency requirements for heating and cooling through enhanced envelope insulation with JV3 verification provided.
- Heating and cooling in the offices will be provided by energy efficient air conditioners with minimum CoP/EER of 3.7
- Electric instantaneous HWS for café, common kitchen areas and end of trip facilities (i.e. showers).
- The lighting design will achieve a minimum 20% improvement on the BCA maximum illumination power densities with LED used throughout.
- All appliances installed will have an efficiency rating within 1 star of the best available.
- CO Carpark ventilation system.
- Water efficient fixtures and taps.
- Each common bathroom and café in the development will have separate meters for potable water consumption.
- A STORM report with a 121% STORM score has been submitted that demonstrates best practice and relies on ~445 m² of roof connected to three 3,500-litre rainwater tanks connected to filtration for toilet flushing.
- Native and drought tolerant plants will be used in any landscaping onsite to reduce potable water usage.
- Low VOC and formaldehyde products throughout (E0 of better).
- 45.6% floor area of the office spaces will achieve more than 2% daylight factor, and, 75.0% floor area of the ground floor Café will achieve more than 2% daylight factor.
- External shading treatment (vertical fins and eaves) to north and south facades to reduce excessive heat gain.
- Insulation with 20% post-consumer recycled content.

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

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

- Timber to be FSC or PEFC certified, or recycled/reused – with 20% of the insulation content post-consumer recycled material.
- All PVC installed in the development (e.g. cable, pipe, floor and blind products) will be sourced from an 15014001 certified supplier.
- Steel to be procured from a Responsible Steel Maker, and concrete to be mixed with recycled (rain collected, or purchased) water and recycled aggregate where accepted by engineer.
- The builder will provide a construction Waste Management Plan containing a target to recycle or reuse at least 80% of all demolition and construction waste.
- 24 secure bicycle spaces and end of trip facilities provided.
- A minimum 10% of the total site area will be covered in landscaping consisting of native and drought tolerant species.
- A Building Users Guide will be developed and made available to the tenants, in addition to separated utilities metering.

(2) Application ESD Deficiencies:

- Recommend operable windows to facilitate natural cross-ventilation to further reduce reliance on mechanical HVAC system.
- Provide at least 5% capacity for charging stations or wiring for future.
- Include organic waste collection in waste management plan and provide allocation at basement level.

(3) Outstanding Information:

- Identify improvement in peak energy demand in full copy of BESS report requested.
- Confirm stormwater treatment system to be used in development rather than examples.
- Provide more information on building commissioning.

(4) ESD Improvement Opportunities

- Consider using a heat pump for hot water requirements rather than electric instantaneous.
- Consider operable external shading or eave on northern façade.
- Consider 3 pipe VRF.
- Consider significantly increasing the provision of solar PV commensurate with the rooftop opportunity and electricity consumption.
- Consider re-diverting remaining impervious surface through a natural treatment (raingarden) before discharge.
- Consider a Life Cycle Assessment (LCA) to identify and offset embodied carbon.
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider appointment of a head contractor with ISO 14001 accreditation.

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 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

1. Indoor Environment Quality (IEQ)

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	No mention of operable windows or natural ventilation.	Recommend operable windows to facilitate natural cross-ventilation to further reduce reliance on mechanical HVAC system.	2
Daylight & Solar Access	45.6% floor area of the office spaces, and, 75.0% floor area of the ground floor Café will achieve more than 2% daylight factor.	Satisfactory.	1
External Views	No information provided.	N/A	1
Hazardous Materials and VOC	Low VOC and Formaldehyde products (paints and adhesives) used throughout.	Satisfactory.	1
Thermal Comfort	Mixed mode – (mechanical) Ventilation, glazing, and external shading.	Satisfactory. See above for comments regarding inclusion of natural ventilation to facilitate thermal comfort.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

2. Energy Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	A 10% improvement over NCC supported with preliminary Section J assessment.	Satisfactory.	1
Thermal Performance	Proposed fabric and services to achieve a 17% reduction in energy consumption over BCA reference case.	Satisfactory.	1
Greenhouse Gas Emissions	No specific mention outside of rooftop solar PV generation (see below).	Satisfactory.	1
Hot Water System	Electric instantaneous hot water system for the café, common area kitchenette on each office level and all bathrooms including the showers of the cycling end of trip facilities No details of improvement over reference case.	Consider using a heat pump for hot water requirements rather than electric instantaneous.	4
Peak Energy Demand	No information provided.	Identify improvement in peak energy demand in full copy of BESS report requested.	3
Effective Shading	Concrete vertical fins approximately 400mm in depth along the exposed north facades.	Consider operable external shading or eave on northern façade.	4
Efficient HVAC system	Air-conditioning units will use air-cooled condenser components which reduce the overall water usage, with a CoP/EER of 3.7.	Consider 3 pipe VRF.	4
Car Park Ventilation	CO monitoring.	Satisfactory.	1
Efficient Lighting	At least 20% improvement in LPD claimed, with LEDs and sensors used throughout.	Satisfactory.	1
Electricity Generation	A Solar PV System of at least 2.5kW for onsite renewable energy generation. This will offset a portion of greenhouse gas emissions and energy consumption by generating around 3,212kWh electricity per year.	Consider significantly increasing the provision of solar PV commensurate with the rooftop opportunity and electricity consumption.	4
Other	-	-	

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

Energy Efficiency www.resourcesmart.vic.gov.au

3. Water Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Minimum WELS star rating of fixtures: • Taps: 5 star • Toilets: 4 star • Showers: 3 star • Dishwashers 4 star	Satisfactory.	1
Water for Toilet Flushing	10,000 litre rainwater storage capacity proposed. 445 m^2 of roof area captured. Used for irrigation and flushing toilets throughout.	Satisfactory.	1
Water Meter	Separate water meters will be provided for common area kitchenette & bathroom on each office level (individual office units don't have mains water).	Satisfactory.	1
Landscape Irrigation	A minimum 10% of the total site area will be covered in landscaping (Approximately 60 m^2 of planter boxes) - with native and drought tolerant species.	Satisfactory.	1
Other	-	-	

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 3. Water Efficiency
Water Efficient Labelling Scheme (WELS) www.waterrating.gov.au
Water Services Association of Australia www.wsaa.asn.au
Water Tank Requirement www.makeyourhomegreen.vic.gov.au
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Sustainable Landscaping www.ourwater.vic.gov.au

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a 121% STORM score has been submitted that demonstrates best practice and relies on ~445 m² of roof connected to three 3,500-litre rainwater tanks connected to filtration for toilet flushing.	Satisfactory.	1
Discharge to Sewer	153 m² of impervious surface discharged to LPD onsite – no details of discharge flow rate.	Consider re-diverting remaining impervious surface through a natural treatment (raingarden) before discharge.	4
Stormwater Diversion	Stormwater captured used for flushing toilets and irrigation.	Satisfactory.	1
Stormwater Detention	A total stormwater storage capacity of 10,500 litres – used for irrigation and toilet flushing.	Satisfactory.	1
Stormwater Treatment	Example of stormwater treatment systems and maintenance schedules provided.	Confirm stormwater treatment system to be used in development rather than examples.	3
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 4. Stormwater Management
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Water Sensitive Urban Design Principles www.melbournewater.com.au
Environmental Protection Authority Victoria www.epa.vic.gov.au
Water Services Association of Australia www.wsaa.asn.au
Sustainable Landscaping www.ourwater.vic.gov.au

5. Building Materials

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	Bulk insulation minimum 20% post-consumer recycled material content. Concrete to utilise recycled water (procure or purchase rainwater) and aggregate (with engineer approval). Other products considered (E.g. Ecological Panel)	Satisfactory.	1
Embodied Energy of Concrete and Steel	No specific information provided.	Consider a Life Cycle Assessment (LCA) to identify and offset embodied carbon.	4
Sustainable Timber	All feature timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).	Satisfactory.	1
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	All PVC installed in the development (e.g. cable, pipe, floor and blind products) will be sourced from an 15014001 certified supplier.	Satisfactory.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 5. Building Materials
Building Materials, Technical Manuals www.yourhome.gov.au
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

6. Transport

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Car parking for 18 cars proposed in basement.	Satisfactory.	1
Bike Parking Spaces	24 bike parking spaces (22 secure, 2 visitor) are provided at ground floor.	Satisfactory.	1
End of Trip Facilities	End of Trip facilitates consisting of 2 male, and 2 female showers and separate changerooms with 28 secure lockers have been provided.	Satisfactory.	1
Car Share Facilities	Details of car share locations and memberships provided in Green Travel Plan.	Satisfactory.	1
Electric vehicle charging	No information has been provided.	Provide at least 5% capacity for charging stations or wiring for future.	2
Green Travel Plan	A Green Travel plan has been provided.	Satisfactory.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 6. Transport
Off-setting Car Emissions Options www.greenfleet.com.au
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

7. Waste Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	Site specific WMP. A target recycling rate of 80% of construction and demolition waste will be adopted for the construction phase of the development to minimise the volume of waste to landfill.	Satisfactory.	1
Operational Waste Management	An operational Waste Management Plan has been provided.	Include organic waste collection in waste management plan and provide allocation at basement level.	2
Storage Spaces for Recycling and Green Waste	Recycling and E-waste facilities shown in basement. No organic waste provision has been mentioned.	Include organic waste collection in waste management plan and provide allocation at basement level.	2
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 7. Waste Management
Construction and Waste Management www.sustainability.vic.gov.au
Preparing a WMP www.epa.vic.gov.au
Waste and Recycling www.resourcesmart.vic.gov.au
Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002) www.environment.nsw.gov.au
Waste reduction in office buildings (2002) www.environment.nsw.gov.au

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

8. Urban Ecology

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	A minimum 10% of the total site area will be covered in landscaping (Approximately 60 m^2 of planter boxes) - with native and drought tolerant species.	Satisfactory.	1
Heat Island Effect	Roofing materials, including shading structures to have a three-year SRI (Solar Reflectance Index) of at least 64. Achieved by coating/painting the roof top slab with heat reflective paint.	Satisfactory	1
Other	No external luminaire on the project will have an Upward Light Output Ratio (ULOR) exceeding 5% relative to its mounted orientation. Light spill into the night sky will be avoided.	Satisfactory.	1
Green wall, roofs, facades	No information has been provided.	Consider a green roof or wall to improve the ecological value of this site.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 8. Urban Ecology
Department of Sustainability and Environment www.dse.vic.gov.au
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

9. Innovation

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	-	Satisfactory	-
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
Others	Individual apartment shutdown switches which will facilitate turning off non-essential power use when residents vacate their apartments.	Good, but not considered an innovation.	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 9. Innovation
Green Building Council Australia www.gbca.org.au
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

10. Construction and Building Management

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	No information has been provided.	Provide more information on building commissioning.	3
Building Users Guide	A Building Users Guide will be developed and made available to the tenants.	Satisfactory.	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Consider appointment of a head contractor with ISO 14001 accreditation.	4
Construction Management Plan	A construction Waste Management Plan to be provided by building contractor.	Satisfactory.	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 13 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - ESD referral

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

Applicant Response Guidelines

Project Information:

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

Environmental Categories:

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

Objectives:

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

Issues:

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

Assessment Method Description:

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

Benchmarks Description:

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

How does the proposal comply with the benchmarks?

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

ESD Matters on Architectural Drawings:

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

Attachment 14 - PLN19/0827 - 4-6 Adolph Street & 3-5 Pearson Street, Cremorne - Acoustic referral

2 April 2020

640.10090.06310-L01-v1.0 4-6 Adolph St 3-5 Pearson St.docx

City of Yarra
P.O. Box 168
Richmond VIC 3121

Attention: Michelle King

Dear Michelle

4-6 Adolph Street & 3-5 Pearson Street, Cremorne
Development Application Acoustic Review
PLN19/0827

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the planning application at 4-6 Adolph Street & 3-5 Pearson Street, Cremorne.

Details of the report are as follows:

- Title: 4-6 Adolph Street & 3-5 Pearson Street, Cremorne. – Acoustic Report
- Reference: MD054-01F01
- Date: 14 November 2019
- Prepared for: Wilmac Cremorne Fund Pty Ltd
- Prepared by: Renzo Tonin & Associates

The report has been prepared to support the application for the construction of a seven storey office building.

1 Background Information

Summary of the Acoustic Report (Sections 1 – 2)

The proposed development, site location and nearby sensitive receivers are identified in these sections of the report.

The nearest noise sensitive receivers are the single-storey townhouses to the south at 1-11 Pearson Street, and the three-storey townhouses to the west at 2A Pearson Street.

SLR Consulting Australia Pty Ltd Level 11, 176 Wellington Parade East Melbourne VIC 3002 Australia
T: +61 3 9249 9400 F: +61 3 9249 9499 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

The proposed building includes:

- A ground floor carpark with car stackers and mechanical gates onto Adolph Street and Pearson Street
- A ground floor café area
- Office tenancies on levels 1 to 6
- A rooftop terrace
- Rooftop mechanical plant

SLR Comments: *Agreed.*

2 Background Noise Levels

Summary of the Acoustic Report (Section 3)

Attended noise measurements were conducted outside 4 Pearson Street on Tuesday 12 November 2019 during the day and evening periods, and outside 1 Chestnut Street on Monday 16 January 2017 during the early morning (night) period. The measured L_{90} background noise levels are as follows

- Day period: 49 dBA, measured at 4 Pearson Street from 3:15 to 3:30 pm.
- Evening period: 41 dBA, measured at 4 Pearson Street from 9:30 to 9:45 pm.
- Night period: 41 dBA, measured at 1 Chestnut Street from 6:15 to 6:30 am. During the hours of 4:30 to 6:30 am, the average of the 15 minute background noise measurements at 1 Chestnut Street was 38 dBA.

SLR Comments:

The measured noise levels correspond to the SEPP N-1 "low background" classification and appear to be reasonable.

3 SEPP N-1 Noise Limits

Summary of the Acoustic Report (Section 4.1)

The SEPP N-1 limits for the area have been calculated taking into consideration the measured background noise levels and land use zoning. The calculated SEPP N-1 noise limits are as follows:

- Day period: 61 dBA, based on a 'neutral background' classification
- Evening period: 51 dBA, based on a 'low background' classification
- Night period: 46 dBA, based on a 'low background' classification

SLR Comments: *Agreed. We have checked the SEPP N-1 zoning levels and the noise limits presented in the report and they are similar to our calculations.*

4 Mechanical Plant

Summary of the Acoustic Report (Section 5.1)

The proposed development includes mechanical plant on a rooftop plant deck. Mechanical plant equipment selections and locations are not available at this stage of the project. The report recommends that mechanical plant be designed to comply with the SEPP N-1 noise limits at a later stage, once equipment information is available.

The following wording of a typical planning permit condition regarding mechanical plant noise is provided:

> *The noise generated by the premises must at all times comply with the requirements of the 'State Environment Protection Policy, Control of Noise from Commercial, Industrial or Trade Premises within the Melbourne Metropolitan Area No. N-1 (SEPP N-1)', to the satisfaction of the Responsible Authority.*

SLR Comments:

We agree with the proposed approach.

The mechanical plant noise should comply with SEPP N-1 at the future apartment building located directly to the east at 11-13 Pearson Street (status of the development to be confirmed by council). We recommend the following statement be included in planning permit:

> *Mechanical plant, once designed, shall be assessed by a qualified acoustic consultant to comply with the SEPP N-1 noise limits, including at the future residences proposed for 11-13 Pearson Street.*

5 Garage Door

Summary of the Acoustic Report (Section 5.2)

Two automatic garage doors are proposed, one on Pearson Street and the other on Adolph Street. Noise from the garage doors has been assessed according to the SEPP N-1 noise limits. Section 3.2 of the report states the following source levels used for the assessment, based on measurements on a previous project at 4.5 metres from the door:

- Door opening: 57 dBA L_{eq} for a duration of 17 seconds
- Door closing: 53 dBA L_{eq} for a duration of 16 seconds

Noise levels for continuous operation during the day period and occasional minor usage during the evening/night period is predicted to comply with the SEPP N-1 noise limits.

SLR Comments:

The report suggests that based on noise levels measured from a door tested on a previous project that compliance with SEPP N-1 is achievable. The report does not should specify the Leq sound pressure levels that will result in compliance with the SEPP N-1 noise limit, however the Lmax specification suggested in Section 6.2 would likely be sufficient to address this.

The report states that the application is for day use only, but there is suggestion of some potential night period operations. If the building is to have any night period access we request that a sleep disturbance assessment be considered for the carpark gate on Pearson Street, and the specification provided in the report be written as a requirement/recommendation (it is presented as an in-principle example specification rather than a formal requirement for the project).

6 Car Stackers

Summary of the Acoustic Report (Section 5.3)

Two car stackers are proposed for the ground floor carpark. Noise from the car stackers has been assessed to the SEPP N-1 noise limits. Source noise levels of a *Wohr Combilift 543-2,0* car stacker have been used for the assessment. Section 3.2 of the report includes the following source noise levels, measured outside a carpark at a distance of 4.5 metres from the stacker, that were used for the assessment:

- Lateral movement of the parking platform: 57 dBA Leq for a duration of 17 seconds
- Upward movement of the parking platform: 61 dBA Leq for a duration of 20 seconds
- Downward movement of the parking platform: 57 dBA Leq for a duration of 31 seconds

Noise levels for continuous operation during the day period and occasional minor usage during the evening/night period is predicted to comply with the SEPP N-1 noise limits.

SLR Comments:

We request that the report clarify that the carpark door does not need to be closed while the stacker is operating, in order for the noise levels to comply with SEPP N-1.

Our recommendations about night period usage for the garage door (see above) also apply to the car stacker, if the building is to have any night access.

7 Music in Café Area

7.1 Criteria

Summary of the Acoustic Report (Section 4.2)

SEPP N-2 limits for music noise have been calculated based on the background noise levels. The calculated external noise limits are as follows:

- Day/evening period: 46 dBA L_{eq}
- Night period: As per the spectra shown in Table 7 of the report (equivalent to 48 dBA L_{10}).

SLR Comments *The night period noise limit is calculated on the basis that music will not be played before 6 am, therefore the operating hours for the café should be confirmed.*

7.2 Assessment

Summary of the Acoustic Report (Section 5.5)

The report states that typical background music levels for a café are expected to comply with the SEPP N-2 noise limits for day, and perhaps evening, opening hours.

SLR comments

Maximum indoor music noise levels to achieve compliance with SEPP N-2 should be presented. Section 4.2.1 defines "background music" as 67 to 74 dBA L_{eq}, however we recommend that the maximum allowable music level should be stated as a requirement. If the maximum noise levels that achieve compliance are higher, then these could be presented.

It is also implied in Section 4.2 of the report that the café could operate between 6 am to 7 am , which is defined as the night period under SEPP N-2. This is a more sensitive time of use, with more implications in relation to music noise impacts. The report does not include an assessment for this period, therefore it should be clarified if the café will operate at this time. More specific consideration of this period (eg. with maximum allowable internal spectra) may be necessary.

8 Deliveries and Waste Collection

Summary of the Acoustic Report (Section 5.6)

Waste collection and deliveries shall be conducted within the hours scheduled in the EPA Noise Control Guidelines (Publication 1254).

SLR comments

Agreed.

9 Patron Noise from Rooftop Terrace

SLR comments

Patron noise has not been assessed. If the hours of operation for the rooftop terrace include the evening or night period, we recommend that a patron noise assessment be conducted.

10 Recommendations

A review of the acoustic report prepared for the proposed office building at 4-6 Adolph Street & 3-5 Pearson Street, Cremorne has been completed.

Our recommendations are:

1. *The following requirement be included in the planning permit: Mechanical plant, once designed, shall be assessed by a qualified acoustic consultant to comply with the SEPP N-1 noise limits, including at the future residences proposed for 11-13 Pearson Street.*
2. *If the site is to be accessed during the night, further consideration of sleep disturbance impacts (and SEPP N-1 assessment) should be undertaken for the carpark entry door and car stacker to the Pearson Street receivers. The door and stacker noise specification should be a more formal requirement for the development if this is the case.*
3. *The operating hours for the café be confirmed and the SEPP N-2 night period assessed (with maximum allowable internal music levels provided) if operating from 6 am.*
4. *If the hours of operation for the rooftop terrace include the evening or night period, we recommend that a patron noise assessment be conducted.*

Regards,

SDL

Simon de Lisle
Associate - Acoustics

Checked/
Authorised by: JA

1.2 PLN12/1110.01 - 326 - 348 Church Street Richmond - Section 72 Amendment to allow for part of the ground floor to be used as a secondary school.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN12/1110.01 at No. 326 – 348 Church Street Richmond of a Section 72 Amendment to allow for pat of the ground floor to be used as a Secondary School.

Key Planning Considerations

2. Key planning considerations include:
   (a) clause 15.01 – Urban Environment – Higher Density Guidelines;
   (b) clause 22.01 – Built Form and Design Policy; and
   (c) Clause 32.08-13 General Residential Zone Decision

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic and Policy Support; and
   (b) Use.

Submissions Received

4. Thirteen objections were received to the application, these can be summarised as:
   (a) Safety and crime concerns associated with the proposed Secondary School being used for youth offenders;
   (b) Concerns about the subject site's proximity to dwellings, a secondary school and student accommodation facilities;
   (c) Noise impacts;
   (d) Traffic and car parking impacts;
   (e) Lack of consultation from the permit applicant with community members;
   (f) Concerns regarding COVID-19; and
   (g) Impacts to property prices.

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) An amended Management Plan which will provide greater detail and certainty on the management of the proposed Secondary School.

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

1.2 PLN12/1110.01 - 326 - 348 Church Street Richmond - Section 72 Amendment to allow for part of the ground floor to be used as a secondary school.

Reference: D20/135711
Authoriser: Senior Coordinator Statutory Planning

Ward:	Melba
Proposal:	Section 72 Amendment to Planning Permit PLN12/1110 to allow for part of the ground floor to be used as a secondary school.
Existing use:	Office
Applicant:	Jesuit Social Services
Zoning / Overlays:	General Residential Zone (Schedule 2) / Heritage Overlay (Schedule 359)
Date of Application:	30 June 2020
Application Number:	PLN12/1110.01

Background

1. The subject site is a large church complex with numerous buildings on it. This amendment application relates to the parish hall / school building towards the rear of the site. For the sake of clarity, the term 'subject site' refers to the entire church complex at No. 326 – 348 Church Street, whereas the term 'subject building' refers to the parish hall / school building that is specifically associated with the proposed amendment.

Planning History

2. The subject site has the following planning history:

   (a) Planning Permit No. 7158 was issued on 14 October 1993 for *the purpose of the construction of a garage in accordance with the attached plans*.

   (b) Planning Permit No. 7404 was issued on 26 April 1994 for *the purpose of constructing a first floor addition to an existing secondary school in accordance with the attached endorsed plans*.

   (c) Planning Permit No. 7960 was issued on 13 April 1995 for *the purpose of landscaping and paving of the existing grounds of St Ignatius Church in accordance with the attached endorsed plans*.

   (d) Planning Permit No. 00/0079 was issued on 22 February 2000 for the *demolition of the existing toilet block*.

   (e) Planning Permit PL05/0119 was issued on 18 March 2005 for *buildings and works associated with the installation of external lighting of St Ignatius Church*.

   (f) Planning Permit PL09/0297 was issued on 23 September 2009 to *use the ground and first floors of the existing building within the Catholic Parish Complex for offices*.

   (g) Planning Permit PLN11/0749 was issued on 26 September 2011 for *buildings and works associated with new doors*.

   (h) Planning Permit PLN12/1110 was issued on 26 July 2013 to *use the ground and first floors of the existing school building within the Catholic Parish Complex for offices and buildings and works for the construction of a canopy, new entry door and installation of obscured glazing*. This planning permit has been acted on.

(i) Planning Permit PLN17/0635 was issued on 5 October 2018 for the *use and development of the land at No. 371 Church Street Richmond as a Childcare centre, including full demolition of the existing building, construction of a double-storey building, construction and display of signage, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 – 348 Church Street Richmond*. This permit has not yet been acted upon by the permit holder.

(j) Planning Permit PLN19/0288 was issued on 17 September 2019 for *use of part of the land for Accommodation (respite care) and associated buildings and works*. This permit relates to the lower ground level at the western end of the southern wing of the subject building. The permit allows for a maximum of five residents on the land at any one time. This permit is associated with the Melbourne Indigenous Transition School (MITS) which also operates from other locations near the subject site (refer to paragraph 4 for more details).

The Proposal

3. The application is for a Section 72 Amendment to Planning Permit PLN12/1110 to allow for part of the ground floor to be used as a Secondary School. Specifically, the application includes;

(a) The conversion of 246sqm of existing office floor area to be used for the Secondary School, taking up roughly two thirds of the ground floor of the southern wing of the building (as shown at figure 1 below);

(b) Maximum of 20 students. The secondary school will support youth offenders and provide education as well as access to support services;

(c) Maximum of 7 staff (including teachers, principal, counsellors, psychologists and social workers);

(d) The following operating hours:

(i) Monday – Friday 8:30am – 4:30pm (students); and

(ii) Monday – Friday 8am – 6pm (staff);

(e) Internal reconfigurations to allow for a revised floor plan layout to accommodate two formal classrooms, a kitchen, breakout area, office, reception area, toilets and a work station area (internal works do not require a planning permit);

(f) The proposed use, together with the office use (retained) will have access to a total of 30 car spaces and 8 bicycle spaces on the land.

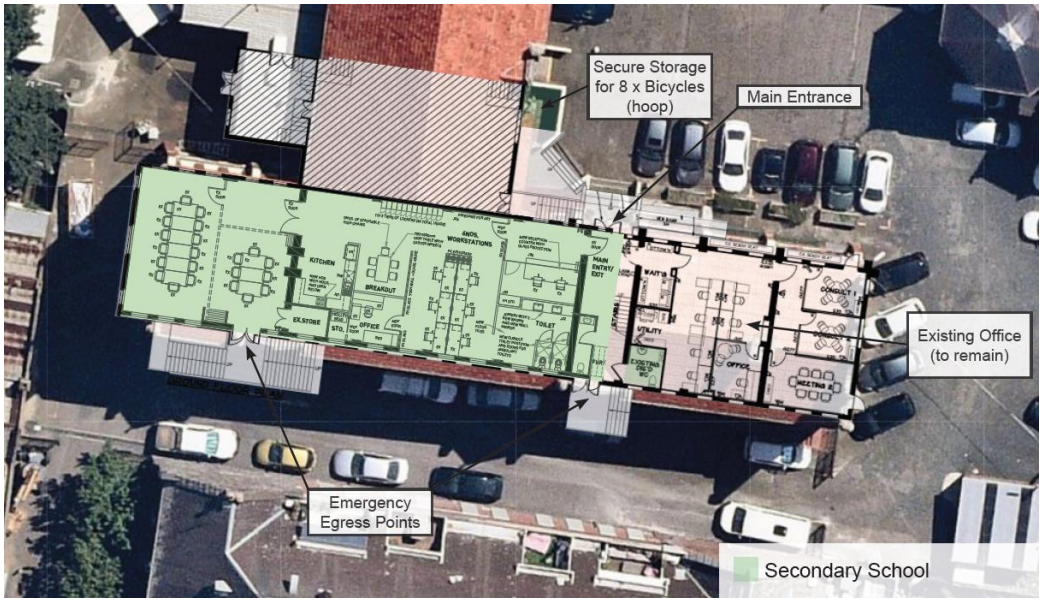


Figure 1: Extent of the proposed Secondary School use shown in green (Applicant submission, July 2020)

Existing Conditions

Subject Site

4. The subject building forms part of a larger complex bound by The Vaucluse to the north and Church Street to the east, in Richmond. The site is formally known as Lot 1 on Title Plan 884216E. The broader site is developed with the St Ignatius Church Complex which comprises the following:

   (a) St Ignatius Church, the largest building on site (with church spire) which fronts Church Street;

   (b) The presbytery, a smaller, double-storey building located to the south of the church, which also fronts Church Street;

   (c) The parish and school hall, a 2-3 storey red-brick building located to the west of the church. The building has an H-shaped configuration with southern, northern and central building wings. The building also has a single-storey contemporary addition constructed within the western inset. This building is the subject of the application and is referred to as the 'subject building' throughout the report. More specifically, the amendment application relates only to the ground floor of the southern wing of the subject building. The subject building is currently used as:

      (i) An office at the ground and first floor of the southern wing as approved by the original Planning Permit PLN12/1110. In accordance with the planning permit, the office use is permitted to operate between 8.00am – 6.00pm on weekdays only.

      (ii) A respite care accommodation centre at the lower ground level of the western extent of the southern wing. This use has been approved by Planning Permit PLN19/0288 and is associated with the Melbourne Indigenous Transition School (MITS) which provides accommodation for indigenous children who are attending Melbourne metropolitan schools. The respite accommodation itself is to provide for a maximum of 5 residents at any one time.

   (d) Car parking on site with a total of 30 car spaces provided for the existing office use and 8 car spaces provided to the Childcare Centre at No. 371 Church Street as approved under Planning Permit PLN17/0635.

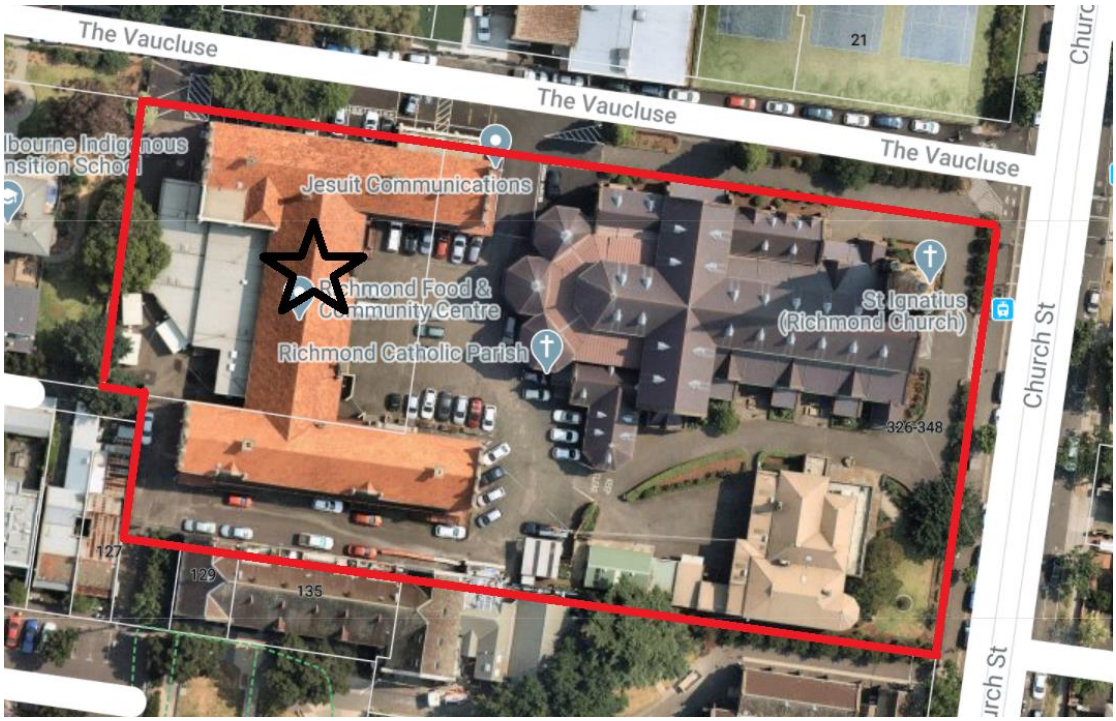


Figure 2: The subject site (red outline) and the subject building (star) (Nearmap, April 2020)

Surrounding Land

5. The subject building and its surrounds are located within Heritage Overlay (HO359) as it is recognised as 'individually significant' and is also included in the Victorian Heritage Register.

6. To the north of the site is The Vaucluse, which is a two way street that is an extension of Rowena Parade and is accessed from Church Street. Further north is the St Kevin's College Waterford Campus which includes a number of buildings and open sports grounds. The campus extends north to Darlington Parade, west to Rowena Parade and east to Church Street.

7. To the west is:

   (a) No. 16 The Vaucluse, a Victorian-era building with a rear contemporary addition. The building is listed as "individually significant" within the heritage precinct. The building is used for student accommodation and is managed by MITS. This was approved by Planning Permit PLN13/0447 which allows for a maximum of 22 students on the land.

   (b) Single dwellings at Nos. 123 – 127 Richmond Terrace. These dwellings are located on narrow allotments and face south to Richmond Terrace. The nearest of these dwellings to the subject site is No. 127 Richmond Terrace which has a solid brick wall facing the subject site and a rear area of secluded private open space.

8. To the south is:

   (a) St. Stephen's Anglican Church, located at No. 350 – 362 Church Street, Richmond and is also included in the Victorian Heritage Register. To the rear of this site are two apartment buildings which front the pocket park at the eastern end of Richmond Terrace. No. 350 – 362 Church Street is located directly south of the presbytery of the subject site (i.e. to the southeast of the subject building).

   (b) Jubilee Hall, a Victorian-era liturgical hall located at No. 139 Richmond Terrace. The building is used as a hall at part of the ground floor, dwellings at part of the first floor and for student accommodation across parts of both floors. The student accommodation use was recently approved under Planning Permit PLN19/0277, and is associated with MITS. The permit allows for a maximum of 18 students and 4 staff on the land.

9. To the east is Church Street. Church Street is a road in the Road Zone, Category 1 with a high traffic flow which links the Swan Street and Bridge Road Major Activity Centres (MACs). East of Church Street are a number of dwellings fronting Church Street, all of which are located approximately 100m from the subject building.

10. The subject site has good access to public transport, activity centres and services, including:

    (a) Direct access to the Church Street trams and close proximity to tram routes along Bridge Road and Swan Street (both within 350m) as well as a walkable proximity to Richmond Railway Station (750m);

    (b) Bridge Road and Swan Street MACs which have diverse retail, hospitality and business offerings, and;

    (c) Community facilities including Richmond Town Hall (450m), Richmond Library (350m) and Citizen's Park (500m).

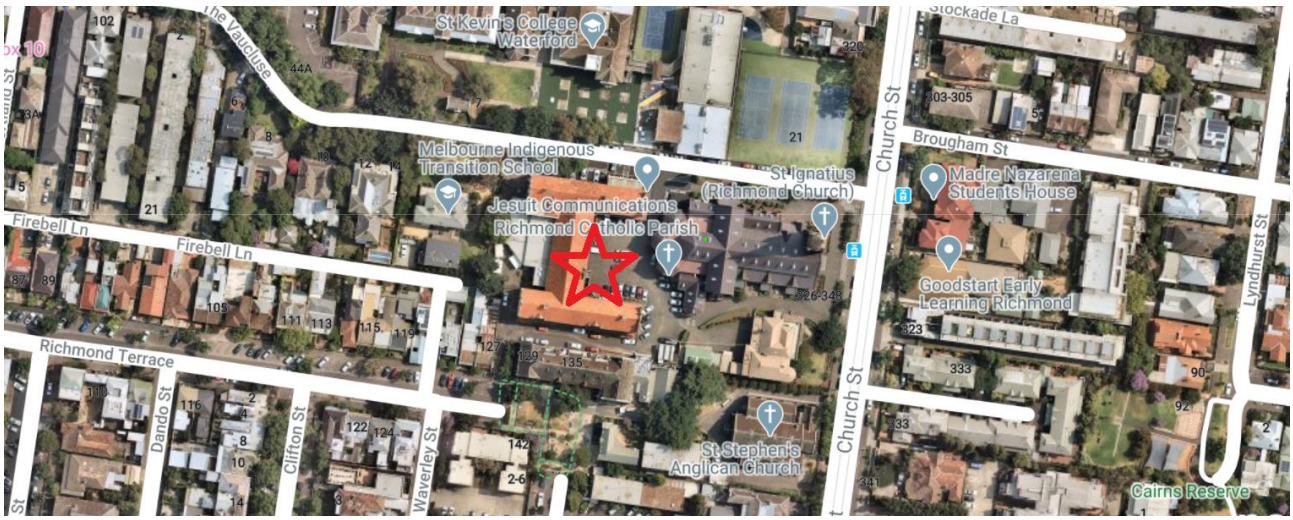


Figure 3: The subject site (star) and surrounding land (Nearmap, April 2020)

Planning Scheme Provisions

Zoning

11. The subject site is zoned General Residential Zone (Schedule 2). The following provision applies:

    (a) Pursuant to Clause 32.08-2, a planning permit is required to use the land as a Secondary School.

Overlays

12. The subject site is affected by the Heritage Overlay (Schedule 359). Pursuant to the Schedule, the subject site is included on the Heritage Victoria Register (reference H2146). Pursuant to Clause 43.01-3, *no permit is required under this overlay to develop a heritage place which is included in the Victorian Heritage Register.* In summary, a planning permit is not required for the internal alterations proposed under the Heritage Overlay.

13. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being "individually significant" to *326 -328 Church Street Complex (Schedule 359*).

Particular Provisions

Clause 52.06 - Car Parking

14. Clause 52.06-1 of the Scheme prescribes 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. The table below outlines the car parking requirements for the proposed Secondary School use and the remaining office component (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site, and the resultant car parking reduction.

Land Use	Unit	Rate	No. required	No. proposed	Surplus
Secondary School	7 staff	1.2 car spaces for every staff member of the maximum number of staff proposed	8		
Office (retained)	502sqm* net floor area	3 spaces for every 100sqm of net floor area	15		
Total			**23**	**30**	**7**

* the original officer report showed that the net floor area of the approved office use was 748sqm. As the amendment seeks to covert 246sqm to Secondary School, the resultant net floor area for Office is 502sqm.

15. As shown in the table above, the total car parking requirement for the proposed Secondary School use and the remaining office component is 23 spaces. With 30 car spaces on the land for the use of the Office and Secondary School, the application results in a surplus of 7 car spaces on the land. As such, a planning permit is not required for a reduction in the car parking requirements.

Clause 52.34 – Bicycle facilities

16. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land. The table below outlines the bicycle parking requirements for the proposed use.

Land Use	Units proposed	Rate	No. required	No. proposed	Surplus
Secondary School	Maximum 7 staff	*Employee spaces* 1 space to each 20 employees	0		
	Maximum 20 students	*Student spaces* 1 space to each 5 pupils	4		
		Total	4	8	4

17. As demonstrated by the table above, the proposed use will have a surplus of bicycle spaces and therefore does not trigger a planning permit for a reduction in the bicycle space requirements. The plans show that eight bicycle spaces are on the land. To ensure that the Secondary School use has unrestricted use of the bicycle spaces, a permit condition will require that a minimum of 8 bicycle spaces must be for the exclusive use of the Secondary School.

General Provisions

18. Clause 65 – Decision Guidelines

Planning Policy Framework (PPF)

Clause 13.05-1S – Noise Abatement

19. The objective of this policy is *to assist the control of noise effects on sensitive land uses.* The policy has the following strategy:

    (a) *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.07-1S – Land use compatibility

20. This objective of this policy is *to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

21. The following strategies are relevant;

    (a) *Ensure that use or development of land is compatible with adjoining and nearby land uses.*

    (b) *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*

Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne

22. The strategies of this policy are as follows:

(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 19.02-2S – Education Facilities

23. The objective of this policy is *to assist the integration of education and early childhood facilities with local and regional communities.*

24. The following strategies are relevant:

(a) *Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport;*

(b) *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*

Clause 19.02-2R – Education Facilities – Metropolitan Melbourne

25. The strategy of this policy is to *ensure education precincts are well serviced by community services.*

Local Planning Policy Framework (LPPF)

Clause 21.04-4 – Community Facilities, Hospitals and Medical Services

26. This policy highlights the importance of providing for community facilities, stating that *Council wishes to retain community services which cater to a range of needs (in particular for disadvantaged groups).*

27. Objective 9 of this clause is *to provide community services that meet the needs of a diverse and changing community.*

28. Objective 10 of this clause is to provide accessible community services. The following strategies are relevant:

(a) *Strategy 10.1: Encourage community facilities and services to co-locate and to locate within or adjacent to activity centres and locations that support multi-purpose trips and shared parking arrangements for people of all abilities.*

(b) *Strategy 10.2: Encourage community facilities to locate where they are easily accessible by public transport.*

Clause 21.08-10 – Central Richmond

29. There are no components of this policy that are specifically relevant to the subject application, other than confirmation that the subject site is included in a Heritage Overlay.

Relevant Local Policies

Clause 22.01 – Discretionary Uses in the Residential 1 Zone

30. The objective of this policy is *to ensure that residential amenity is not adversely affected by non-residential uses.*

31. The following policies are relevant:

(a) *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*

(b) *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone.*

(c) *Except on land adjoining and gaining direct access from a road in a Road Zone:*

(i) *all required car parking should be on-site.*

(ii) *the scale of the proposed use should be compatible with providing service to the local residential community.*

(d) *Hours of operation should be limited to 8am to 8pm except for convenience shop.*

(e) *Noise emissions should be compatible with a residential environment.*

Advertising

32. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 221 letters sent to surrounding owners and occupiers and by two signs displayed on site for 14 days. Council received 13 objections, the grounds of which are summarised as follows):

(a) Safety and crime concerns associated with the proposed Secondary School being used for youth offenders;

(b) Concerns about the subject site's proximity to dwellings, a secondary school and student accommodation facilities;

(c) Noise impacts;

(d) Traffic and car parking impacts;

(e) Lack of consultation from the permit applicant with community members;

(f) Concerns regarding COVID-19, and;

(g) Impacts to property prices.

33. A planning consultation meeting was not held due to the State of Emergency declared by the Victorian Government in response to the COVID-19 pandemic.

Referrals

External Referrals

34. The application was not required to be referred externally under the Scheme.

Internal Referrals

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

(a) Compliance Unit

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

OFFICER ASSESSMENT

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

(a) Policy and Strategic Support;

(b) Use;

(c) Objector concerns; and

(d) Other matters.

Policy and Strategic Support

38. The proposed development has strong strategic support at State and local level. The subject site is located within the General Residential Zone, a key purpose of which is *to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

39. Consistent with the zone, the use of the land for a Secondary School is a section 2 (permit required) use, which indicates strategic support by the Planning Scheme, provided that the use is appropriately located and does not result in any unreasonable amenity impacts - this is discussed in the following section of this report. Additionally, State planning policies (such as Clauses 19.02-2S and 19.02-2R) encourage education centres to be located in areas that are well connected to public transport and community services.

40. At a State level, the metropolitan planning strategy *Plan Melbourne* and Clause 18.02-7R seek to create 20-minute neighbourhoods, where people can access most of their everyday needs (including education) within a 20-minute walk, cycle or public transport commute. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.

41. The site fulfils these criteria as it is within proximity (approximately 350m) to the Swan Street MAC and the Bridge Road MAC, both of which provide a wide range of retail, hospitality and community offerings located on tram routes. The site is also within direct proximity of the Church Street tram route. The site also benefits from access to Richmond Railway Station (750m) and various community facilities including Richmond Town Hall, Richmond Library and Citizen's Park, all within 350 – 500m. The site is thus well serviced by public transport options and activity centres, satisfying planning policy and the directives of *Plan Melbourne*.

42. Local policy at 21.04-4 gives strong strategic support for the proposed use, which states that *Council wishes to retain community services which cater to a range of needs (in particular for disadvantaged groups).* The proposed Secondary School will cater to youth offenders and will provide educational opportunities and support services with the aim of ending negative cycles of juvenile incarceration. The proposed use is thus a community service that will support disadvantaged groups and strongly supported by local planning policy.

43. In light of the above considerations, the proposed use for a 20-student Secondary School in this well-serviced location is considered to have strong strategic support. However, such strategic direction must be balanced against site constraints, and potential for off-site amenity impacts. These aspects of the proposal will be discussed in the following section of this report.

Use

44. As previously outlined, the proposal seeks to convert 246sqm of existing office floor area into a Secondary School for a maximum of 20 students with a weekday-only operation between the hours of 8:30am – 4:30pm for students and 8.00am – 6.00pm for staff.

45. Given that the proposed use is a Section 2 use, it must be assessed against relevant provisions – this section of the report will be guided by the decision guidelines of the General Residential Zone and local planning policy at Clause 22.01 (Discretionary Uses in the Residential 1 Zone).

Site Context

46. The site context is largely residential, with proximate dwellings to the west and south of the subject site. The context is also defined by the St. Ignatius / St. Stephen's church complex, which includes large church and hall buildings used for liturgical purposes but also for office and student accommodation; as well as educational facilities (St. Kevin's). The decision guidelines of the General Residential Zone call for non-residential uses to be of a scale and nature that is compatible with the residential context. In considering the use in response to site context, it is relevant to refer to Clause 22.01, which provides five policy directives for non-residential uses in a residential zone. The proposed use has been assessed against each of these as follows:

    (a) *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*

        The subject building is a non-residential building, being originally constructed as a hall associated with the church. The building has continued to be used for non-residential purposes as evidenced by previous planning approval and use for office and school.

    (b) *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone.*

        This policy is not relevant as the proposed use is for Secondary School.

    (c) *Except on land adjoining and gaining direct access from a road in a Road Zone:*

        (i) *all required car parking should be on-site.*

(ii) *the scale of the proposed use should be compatible with providing service to the local residential community.*

This policy is relevant as the subject building does not have direct vehicle access from Church Street (which is in a road zone). As detailed previously, the amendment does not trigger a car parking requirement under Clause 52.06 with all car parking provided on site. The scale of the proposed use is modest with a maximum of 20 students and 7 staff on the land. For these reasons, the scale of the proposed use is compatible with providing service to the local residential community.

(d) *Hours of operation should be limited to 8am to 8pm except for convenience shop.*

The proposed use will operate on weekdays only between the hours of 8:30am to 4:30pm for students and 8.00am – 6.00pm for staff. The proposed hours of operation therefore comply with policy.

(e) *New buildings and works should be consistent with the scale, bulk and character of the area.*

This is not relevant as the application does not seeks any external works.

(f) *Noise emissions should be compatible with a residential environment.*

Noise will be discussed in detail in the following sub-section of this report. However it is sufficient to state that a maximum of 20 students combined with operation during weekdays only is compatible with a residential environment.

47. The proposal's adherence to the above policies give further evidence of its strategic support and appropriateness in this residential and liturgical context.

Off-Site Amenity

48. The primary potential amenity impact associated with the proposal is that of noise. As outlined above, local policy at Clause 22.01 states that *noise emissions should be compatible with a residential environment.* The nearest dwellings to the proposed use are the apartments located within the Jubilee Hall Building at No. 139 Richmond Terrace (9m south) and the dwelling at No. 127 Richmond Terrace (7m west). These dwellings are considered to be the most proximate noise sensitive receivers, however it is acknowledged that there are other dwellings proximate to the subject site that may also be affected by noise.

49. The maximum operating hours of the use is proposed to be weekdays from 8.00am – 6.00pm. As such, the use will not result in any noise impacts during the 'night' period under the EPA noise regulations (the 'night' period is 10pm to 7am on any night). There will not be any noise impacts during weekends, when residents are more likely to be at home. The operating hours are less that those prescribed by local policy at Clause 22.01 (8.00am – 8.00pm) which demonstrates compatibility with this residential context and Council's consideration of acceptable uses in a purely residential context. Furthermore, students will only be permitted on the land from 8:30am – 4:30pm on weekdays, which will further restrict potential noise impacts.

50. The student and staff numbers of the proposed use are low, with maximums of 20 and 7 respectively. It is considered that the modest scale of the proposed use will not result in unreasonable noise impacts. Further, the subject building is a solid brick structure and is therefore considered to be an appropriate venue that will assist in the containment of noise to the subject building.

51. Notwithstanding the above considerations, the permit applicant has produced a Management Plan (MP) which provides details on how the use will be managed and how amenity impacts (such as noise) will be mitigated. The MP identifies the following to be the principal sources or noise:

(a) general comings and goings;

(b) walking as a group to attend a supervised pro-social activity;

(c) playing of acoustic musical instruments inside school building; and

(d) deliveries.

52. The MP provides noise mitigation measures including the following:

(a) Teaching staff will manage students movements and activities;

(b) The use of Citizen's Park for outdoor recreational activities (or 'pro-social' activities);

(c) Students will be instructed to be mindful of noise impacts;

(d) School bells will not be used;

(e) Deliveries to the use will occur on weekdays only between 8am and 5pm.

53. The noise sources identified above are reasonable for the proposed use. However, an additional source of noise could be recreational activities taking place on the land (such as sports and general outdoor activities). The MP highlights that such activities will take place at Citizens Park, which is away from dwellings near to the subject site and therefore appropriate. It is also worth noting the use of St. Kevin's outdoor spaces would already generate noise in this area, with noise from Church Street (an arterial road) also contributing to background noise. As such, the subject surrounds is not a pristine residential environment, and the addition of 20 students during the day is unlikely to cause unreasonable impacts to nearby dwellings. The MP is not completely clear about whether there will be any outdoor activities taking place on the subject site itself. Therefore a condition will require details of any outdoor recreational occurring on the land, with details on how this will be managed to minimise noise impacts.

54. The mitigation measures in the MP outlined above will be effective, particularly through the use of student supervision and lack of school bells which are an amplified noise that could affect nearby dwellings. However the MP requires additional measures to ensure that noise impacts are comprehensively mitigated. The following items will be required by condition for an amended MP:

(a) Confirmation that there will be no amplified musical instruments or amplified music;

(b) Commitment that whenever music classes are held, all windows are to be closed;

(c) Details of any outdoor recreational activities to take place on the subject site, with details on how this will be managed to minimise noise impacts (as previously discussed);

(d) Clarification if students will use the pocket park at the eastern end of Richmond Terrace, with a description of how this will be managed;

(e) Clarification of the maximum frequency of deliveries per week;

(f) Provision of a set of rules for students when arriving and departing from the subject site;

(g) Provision of a publicly-accessible phone number and / or e-mail contact for any noise complaints with complaints addressed promptly by staff;

(h) Management of potential noise from alarm systems, and

(i) Details of a response plan for when a noise compliant is received.

55. These additional requirements for the MP will ensure that noise management is comprehensively addressed in the day-to-day operations of the use. The required items will also ensure that mechanisms are in place to receive and respond to noise complaints from nearby residents. The MP will form an endorsed document that the permit holder must operate in accordance with. In summary, the modest scale of the use, the limited operating hours of the requirements of the updated MP will ensure that noise emissions are not unreasonable and compatible with the residential context. Furthermore, a condition will require that the Secondary School use comply with the EPA SEPP N-1 noise regulations at all times. Finally, Council's Community Amenity Unit confirmed that there have not been any noise complaints against the existing office use. The unit also stated that the proposed use is considered to be low risk with regard to amenity impacts.

56. Waste is another potential amenity impact that could affect sensitive uses nearby. The proposed use, with a maximum of 20 students and 7 staff, is not anticipated to generate excessive waste quantities. The nature of the use is also considered to be low risk from a waste perspective – the use does not involve the sale of goods, nor does it involve the processing of materials or hazardous products. The waste generation associated with the proposed use is also considered to be commensurate with the existing 246sqm of office (to be converted). Whilst the proposed use is low-risk from a waste perspective, a condition will require that waste is collected only between the hours of 7am and 10pm. This will ensure no unreasonable noise impacts associated with waste collection.

57. Notwithstanding the above merits, the MP does not provide any detail on waste management practices. To ensure that the MP is complete and comprehensive, a condition will require it to be updated to discuss waste management procedures, with measures to minimise noise and odour impacts pertaining to waste.

Car Parking and Traffic

58. As previously outlined, the amendment does not result in a car parking reduction pursuant to the provisions of Clause 52.06, with the proposed Secondary School use and the remaining office use being provided with a surplus of 7 car spaces on the land. This indicates that the proposed use will have ample access to car parking on the land. In combination with the use as a Secondary School for 20 students, the amendment application is not considered to have any impact on the availability of on-street car parking.

59. Similarly, with respect to traffic, the amendment will have negligible impact. The traffic generation proposed, with a maximum of 7 staff, is low. In fact, if compared to the existing 246sqm of office (to be converted), it is likely that the Secondary School use would have a significantly lower traffic generation given that students are unable to drive to school unlike office workers. Furthermore, the subject site has excellent access to public transport, which will also encourage staff to arrive to the site via non-vehicular means.

Objector concerns

60. Objector concerns are outlined and discussed as follows:

(a) *Safety and crime concerns associated with the proposed Secondary School being used for youth offenders;*

These concerns extend outside the jurisdiction of the planning system. To quote from the red-dot decision from the Victorian Civil & Administrative Tribunal (*Hunt Club Commercial Pty Ltd vs Casey CC [2013] VCAT 725):*

> *Town planning is not a panacea for all perceived social ills, nor is planning decision-making a forum for addressing all issues of social or community concern. At its heart, planning is about the use, development and protection of land. It has a spatial context that is primarily concerned with the fair, orderly, economic and sustainable use and development of land. Town planning does not involve itself in moral judgements.*

Notwithstanding this, it should be noted that the proposed use seeks to reduce crime through the provision of education and support services to the students.

(b) *Concerns about the subject site's proximity to dwellings, a secondary school and student accommodation facilities;*

This has been discussed at paragraphs 46 – 57.

(c) *Noise impacts;*

This has been discussed at paragraphs 48 – 55.

(d) *Traffic and car parking impacts;*

This has been discussed at paragraphs 58 – 59.

(e) *Lack of consultation from the permit applicant with community members;*

There is no requirement under the *Planning & Environment Act* 1987 for a permit applicant to consult with the community prior to the lodgement of an application.

(f) *Concerns regarding COVID-19; and*

COVID-19 is not a relevant planning consideration. There has been no directives from the Victorian Government to delay or postpone decision making on planning permit applications due to the COVID-19 pandemic. However, the application was advertised for 14 days, with a mail out of 221 letters and two signs on site, thereby ensuring any affected parties could make representation on this application and be considered by Council.

(g) *Impacts to property prices.*

This is not a planning consideration.

Other Matters

61. As this is an amendment application, it is relevant to discuss changes to the preamble and the conditions of the existing permit.

62. The preamble of the existing Planning Permit would change as follows (change shown in bold):

> *To use the ground and first floors of the existing school building within the Catholic Parish Complex for offices,* ***use of part of the ground floor for a Secondary School*** *and buildings and works for the construction of a canopy, new entry door and installation of obscured glazing.*

63. Furthermore, new conditions would be required for the Secondary School use. The expiry condition will also need to be updated to enable the proposed use to be carried out within a reasonable timeframe. The new conditions are shown in bold in the officer recommendation in the final section of this report, and have been discussed throughout this report.

64. However, the MP states that students will be on site between the hours of 9am – 4:30pm. This is inconsistent with the Planning Report submitted as part of the application. The permit applicant was contacted about this inconsistency, who confirmed that students would be on site during the hours of 8:30am – 4:30pm. To rectify this, a condition will require the MP to be corrected to state 8:30am rather than 9am.

65. The decision plans show the proposed Secondary School use, however they have not included the full set of drawings that were endorsed as part of the original permit. This will be rectified by condition.

66. The permit applicant has requested that the current condition 3 be amended to reduce the number of car spaces to be required for the combined Office and Secondary School components of the permit. This will not be acted upon because this was a requirement of the original permit and is of no consequence to this application.

Conclusion

67. The proposal is considered to be appropriate having regard to the relevant State and Local policies, site context and decision guidelines of the zone outlined in the above assessment and should therefore, be approved, subject to conditions.

RECOMMENDATION

That a Notice of Decision (NOD) to Grant an Amended Planning Permit PLN12/1110 be issued to use the ground and first floors of the existing school building within the Catholic Parish Complex for offices, use of part of the ground floor for a Secondary School and buildings and works for the construction of a canopy, new entry door and installation of obscured glazing at No. 326 – 348 Church Street, Richmond, generally in accordance with the decision plans and subject to the following amendments:

AMENDED PERMIT PREAMBLE

Use the ground and first floors of the existing school building within the Catholic Parish Complex for offices, ***use of part of the ground floor for a Secondary School*** *and buildings and works for the construction of a canopy, new entry door and installation of obscured glazing.*

AMENDED CONDITIONS

1. Before the Secondary School use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, but modified to show:

(a) Incorporation of the full set of the currently endorsed plans (endorsed on 26 July 2013).

2. The use and development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3. The **office** use hereby permitted must only operate between 8:00am to 6:00pm, Monday to Friday, unless further written consent is granted by the Responsible Authority.

4. The secondary school use must only operate between 8:30am to 4:30pm, Monday to Friday (students) and 8:00am to 6:00pm, Monday to Friday (staff) unless further written consent is granted by the Responsible Authority.

5. No more than 20 students and 7 staff (in association with the Secondary School use) are permitted on the land at any one time.

6. Before the Secondary School use commences, an amended Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Management Plan will be endorsed and will form part of this permit. The amended Management Plan must be generally in accordance with the management Plan prepared by Jesuit Social Services and dated 26 May 2020 but modified to include:

(a) Confirmation that there will be no amplified musical instruments or amplified music;

(b) Commitment that whenever music classes are held, all windows are to be closed;

(c) Details on any outdoor recreational activities to take place on the subject site, with a list of management commitments to minimise noise impacts;

(d) Clarification if students will use the pocket park at the eastern end of Richmond Terrace, with a description of how this will be managed;

(e) Clarification of the maximum frequency of deliveries per week;

(f) Provision of a set of rules for students when arriving to and departing from the subject site;

(g) Provision of a publically-accessible phone number and / or e-mail contact for any noise complaints;

(h) Details of a response plan for when a noise compliant is received;

(i) Details of waste management practices with strategies to minimise noise and odour impacts associated with waste;

(j) Details of how potential noise impacts associated with alarm systems will be managed;

(k) Clarification that students will only be permitted on the land from 8:30am to 4:30pm, Monday – Friday.

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

8. Collection of waste may only occur between the hours of 7am and 10pm on any day.

9. The Secondary School use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

10. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the Secondary School use may only occur between 8am and 6pm on any day.

11. A minimum of 27 car spaces must be provided on-site prior to the commencement of the use and to the satisfaction of the Responsible Authority.

12. A minimum of 8 bicycle spaces must be provided on site prior to commencement of the Secondary School use and to the satisfaction of the Responsible Authority.

13. The car parking areas as shown on the endorsed plans must be line marked and used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.

14. The amenity of the area must not be detrimentally affected by the use, 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.

15. This permit will expire if:

(a) The development and **office** use are not commenced within two (2) years from the date of this permit;

(b) The development is not completed within four (4) years from the date of this permit.

(c) The Secondary School Use is not commenced within two (2) years from the date of this amended permit;

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within **6** months afterwards.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme and is also included in the Victorian Heritage Register. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air-conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

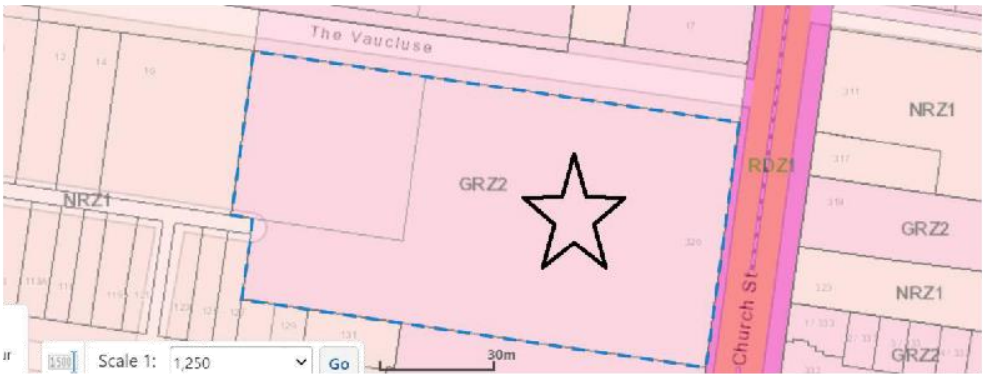
NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

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

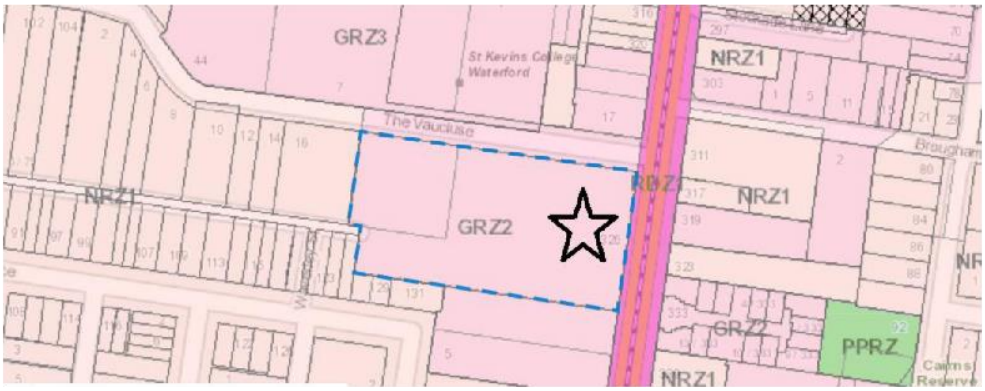
Attachments

1. PLN12.1110.01 - 326 - 348 Church Street Richmond - Locality Plan
2. PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Proposed Plans
3. PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Management Plan
4. PLN12/1110.01 - 326 - 348 Church Street Richmond - Community Amenity Referral Comments

Attachment 1 - PLN12.1110.01 - 326 - 348 Church Street Richmond - Locality Plan

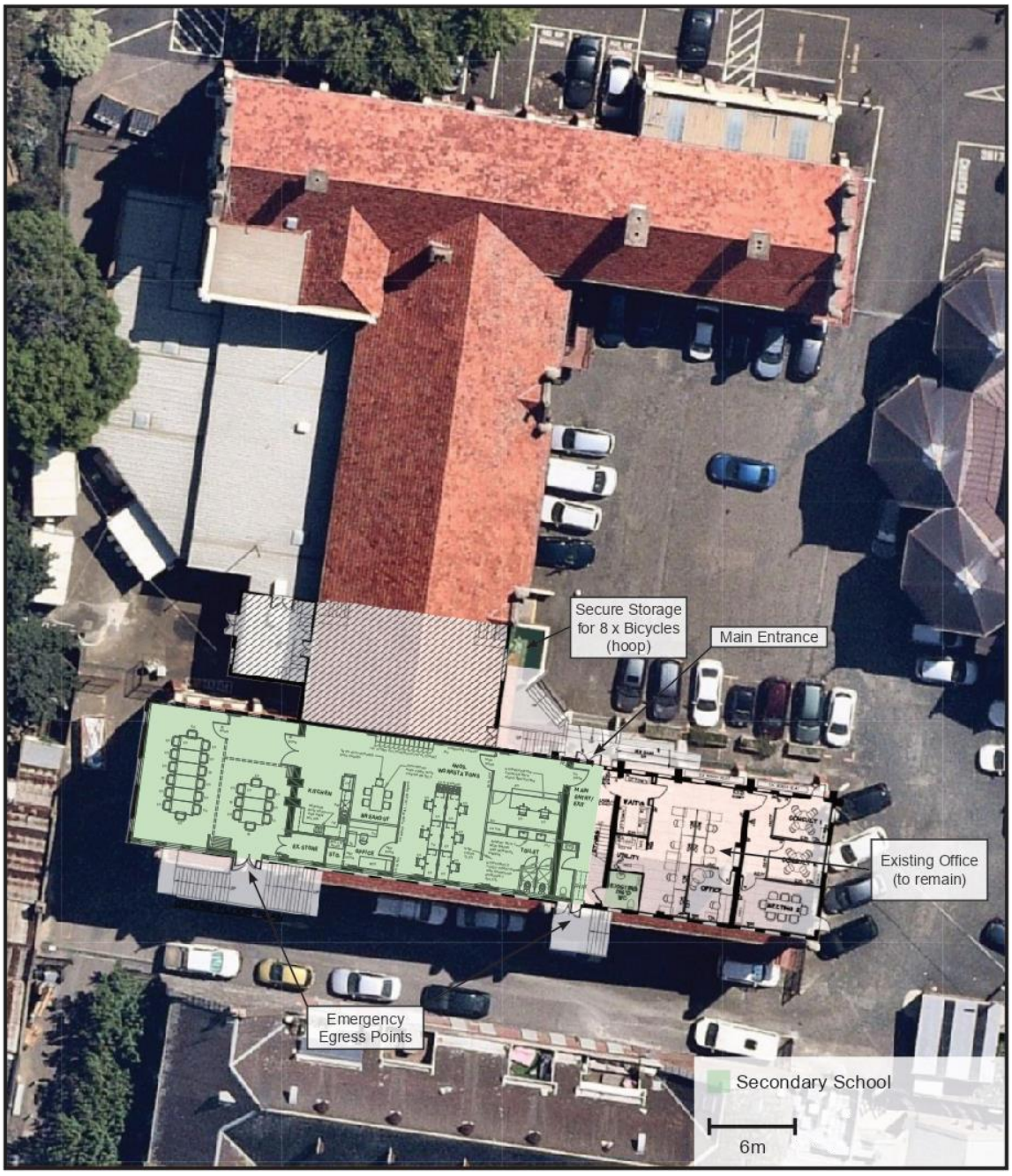


Immediate Context



Broader Context

Attachment 2 - PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Proposed Plans

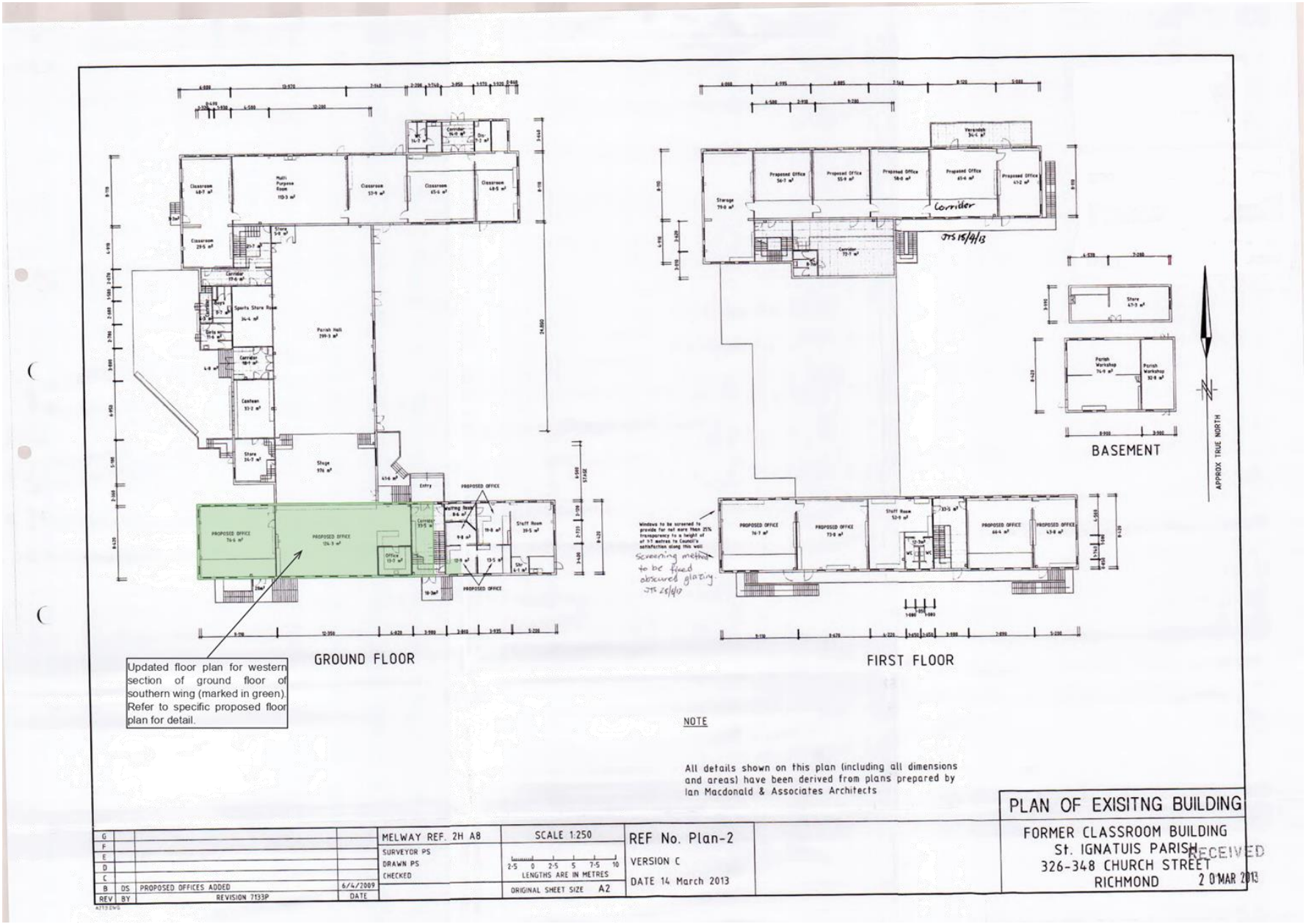


URBIS

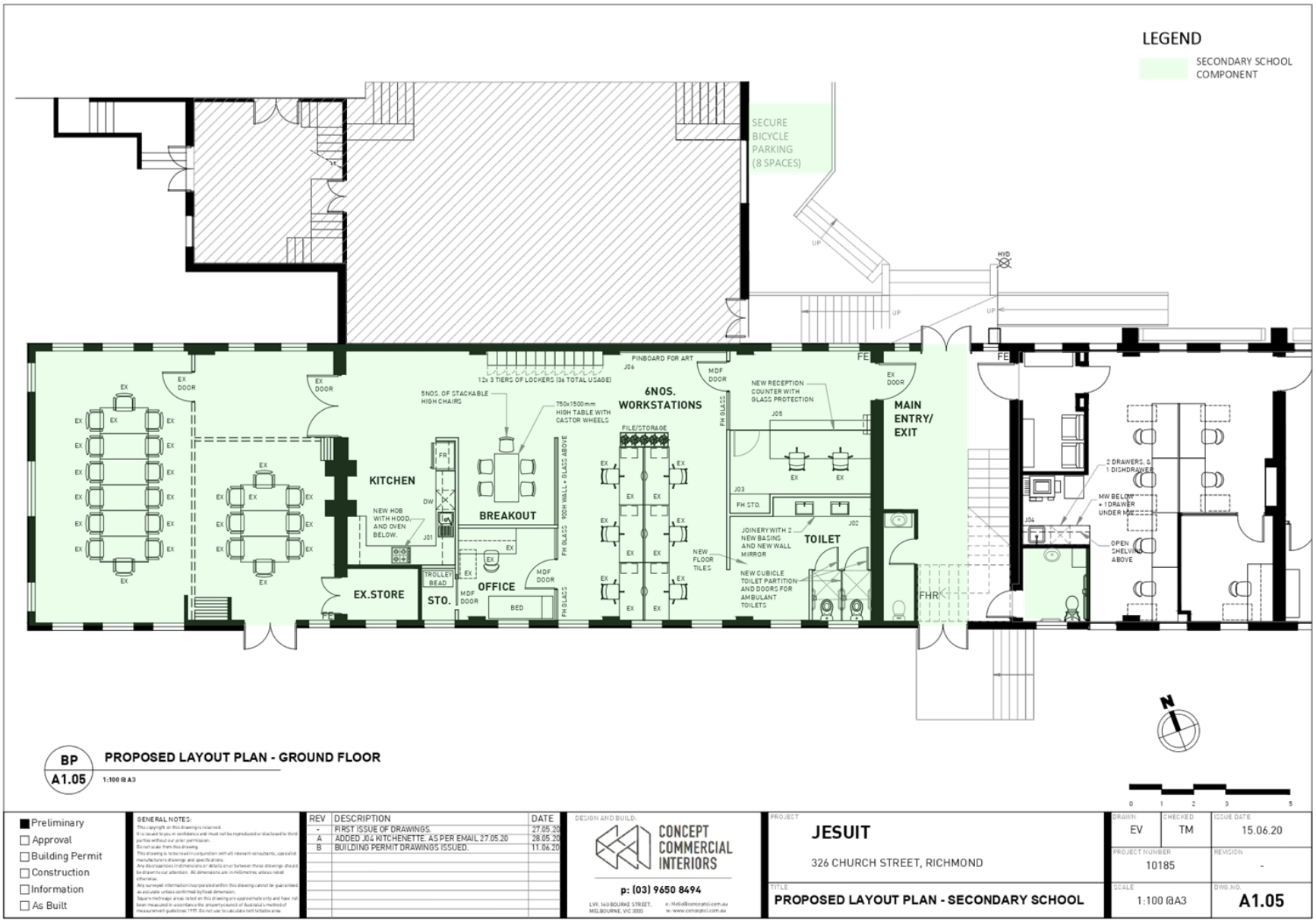
326-348 CHURCH STREET, RICHMOND
FLOOR PLAN (GROUND LEVEL)

N

Attachment 2 - PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Proposed Plans



Attachment 2 - PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Proposed Plans



Attachment 3 - PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Management Plan

Jesuit Social Services
Building a Just Society

School Management Plan – Brosnan Learning Centre – 26th May 2020

1. Background

This School Management Plan has been prepared by Jesuit Social Services Ltd in relation to the Brosnan Learning Centre that will operate out of the existing Jesuit Social Services Offices at 326 – 348 Church St, Richmond, VIC 3121.

Just over half of the ground floor of the South Wing of the St Ignatius School building will be given over to the school's operations while Jesuit Social Services continues to operate its core governance and administrative functions out of the remainder of the building, as it has done since 2011.

The Brosnan Learning Centre will be a Catholic Secondary School for 20 young people aged 15-17 years of age who will be undertaking their Victorian Certificate of Applied Learning. The students enrolled have touched the youth justice system and a condition of their order is that an education setting is highly recommended as part of their rehabilitation. This specialist secondary school will provide a pathway for young people out of the justice system, deter re-offending and open up opportunities in education, training and employment, all whilst keeping the community safe.

Jesuit Social Services is committed to the safety of our students and to making a positive contribution to the community around the Brosnan Learning Centre. We are mindful of our obligations and the obligations of our students and teaching staff to be considerate of neighbouring properties. This School Management Plan is underpinned by Jesuit Social Service's values of Welcoming, Courageous and Discerning.

The school will be governed as a program of Jesuit Social Services and operated by the Principal and teaching staff who will supervise all students at all times that they are attending school.

2. Land Use Details

Land Use Zoning: General Residential Zone – Schedule 2

Uses Operating on Site: Office (Jesuit Social Services and Jesuit Communications) and Respite Space (MITS)

Number of Floors: 2 – 3 (the school will occupy part of the ground floor)

Number of Commercial Outlets: Nil

Type of Commercial Outlets: N / A

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Fax: (03) 9421 7699
326 Church St (PO Box 271)
Richmond VIC 3121
jss@jss.org.au
www.jss.org.au
ABN: 72 005 269 554

Attachment 3 - PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Management Plan

Jesuit Social Services
Building a Just Society

3. Operations

3.1 School community

A maximum of 20 students will be on site at any one time. A maximum of 7 teaching staff will be on site at any one time, including a Principal.
Parents/guardians/carers of students will visit the school by appointment only.
All other visitors will visit the school by appointment only.

3.2 Hours of operation

Students will attend the Brosnan Learning Centre between the hours of 9.00am and 4.30pm, Monday through Friday during official Victorian School Term dates only. No boarding will be permitted on site.
Teaching and Administration staff may work outside of these hours. These additional hours will continue to be consistent with current hours of operation of the existing office use and Jesuit Social Service staff.
Cleaning staff will be on site during evening hours, two to three times a week.

3.3 Supervision

The BLC Principal and 6 teaching staff will supervise the 20 students at all times when attending school. This includes both inside and outside the building. Students will be accompanied at all times by teaching staff for any pro-social activities that take place off-site.

Teachers will be required to complete an Attendance Register on a daily basis (school days only).

The Brosnan Learning Centre will be operated and managed by the Principal. The Principal will be responsible for student wellbeing, safety, and supervision, staff management and facility management.

3.4 Access

Students will access the school by foot, bicycle or public transport. Teaching staff may access the school by foot, bicycle, public transport or vehicle, noting that 20 car parking spaces are provided on-site for use by staff of Jesuit Social Services.

Students may occasionally be transported off site for pro-social and/or educational related activities in a school owned, 9 seater van. This van will enter and exit the church complex via The Vaucluse only.

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Jesuit Social Services
Building a Just Society

The main entry to the school building is located on the northern façade of the south wing. All staff and students will be expected to enter and exit the school building via this main entrance.

3.5 Expectations

All teaching staff and students will be expected to act in accordance with the school values, as well as the school's code of conduct, and in accordance with a Behaviour Support Policy.

3.6 Communication with neighbours

The BLC Reception will be the point of contact for neighbours. Reception is attended and open to the public during business hours and its phone number will be readily available and updated on the BLC website at all times.

4. Noise Management

4.1 Potential noise sources

Potential noise sources include:

- general comings and goings;
- walking as a group to attend a supervised pro-social activity;
- playing of acoustic musical instruments inside school building; and
- deliveries.

4.2 Measures to address potential noise sources

Measures to address potential noise sources will include:

- teaching staff presence and management of student movement and activities;
- use of Citizen's Park for pro-social activities;
- students will be instructed to be mindful of noise that they make and of the fact that they are sharing a residential area;
- deliveries will only be made in accordance with section 5 below; and
- school bells will not be used.

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Attachment 3 - PLN12/1110.01 - 326 - 348 Church Street Richmond - Advertising S52 - Management Plan

Jesuit Social Services
Building a Just Society

5. Deliveries and school collection and drop-off

5.1 Deliveries

Deliveries by small commercial vehicles, such as vans, will be made between 8.00am and 5.00pm Monday to Friday to the main entry door of the South Wing building. It is not foreseen that the frequency, type or method of deliveries will vary significantly from those currently servicing Jesuit Social Services.

5.2 School collection and drop-off

Students will predominantly be travelling to and from the school via foot, bicycle or public transport. It is unlikely that many (if any) students will be picked-up or dropped-off at the school by their parents, guardians or carers, given the level of disadvantage and hardship these children are often in. In the rare instance that a guardian may drop-off or pick-up a child, there is ample vehicle space within the main car park internal to the site to accommodate this maneuver. There is also a loading space at the site frontage to The Vaucluse.

Students and teaching staff will travel off-site in a 9 seater van for pro-social and/or educational related activities and the vehicle will be parked close to the main entry of the South Wing building.

6. Property

The Brosnan Learning Centre will have one main entry point that will have a security alarm and key lock. The alarm will be on and lock secured when the school is not open. In addition, there are two ground floor emergency exit points from the Brosnan Learning Centre providing exit to the driveway/car park on the southern side of the building. These will be used strictly for egress, and only in an emergency. The teaching team will manage the entry and exit points for the school.

The school will be maintained in a neat and tidy manner with regular maintenance costs considered in the schools' financial planning.

As previously mentioned, the Brosnan Learning Centre will occupy only a portion of the ground floor of the St Ignatius School building. Jesuit Social Services will continue to operate its core governance and administrative functions from the remainder of the ground floor and Level 1.

In this regard, Jesuit Social services is especially and directly invested in ensuring that the operations of the Brosnan Learning Centre impact as minimally as possible on all its neighbours, including themselves.

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Attachment 4 - PLN12/1110.01 - 326 - 348 Church Street Richmond - Community Amenity Referral Comments

MeMO

TO:	**Chris STATHIS**
cc:	
FROM:	**Brad Speechley**
DATE:	**26 August 2020**
APPLICATION:	**PLN12/1110.01**
SUBJECT:	**Amenity Enforcement Referral**

Dear Chris,

Thank you for your referral dated 26 August 2020, in relation to the land at 326 - 348 Church Street Richmond.

Planning Enforcement has received no complaints in relation to the 'use' of the land. I have reviewed the documentation supplied for the proposed Secondary School with the following details; Maximum students being 20 with 7 staff members and the operational hours from Monday to Friday 8am to 6pm.This proposal poses a low amenity risk.

The Compliance branch does not have any concerns with the application.

Regards

Brad Speechley
Senior Team Leader – Civic Compliance

1.3 PLN20/0077 - 378-380 Smith Street, Collingwood - Partial demolition, construction of a multi-level, mixed-use building and a reduction in the statutory car parking requirement.

Executive Summary

Purpose

1. This report provides an assessment of partial demolition, construction of a multi-level, mixed-use building and a reduction in the statutory car parking requirement at 378-380 Smith Street, Collingwood.

Key Planning Considerations

2. Key planning considerations include:
   (a) clause 15.01 – Urban Environment;
   (b) clause 21.05 – Built Form;
   (c) clause 22.02 – Heritage Guidelines for Sites Subject to the Heritage Overlay;
   (d) clause 22.05 – Interface Uses Policy;
   (e) clause 34.01 – Commercial 1 Zone;
   (f) clause 43.01 – Heritage Overlay;
   (g) clause 52.06 – Car Parking;

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic and policy support;
   (b) Built form and Heritage;
   (c) Clause 58 (internal amenity);
   (d) Off-site amenity impacts;
   (e) Car parking, traffic, access and bicycle provision;
   (f) Waste management; and
   (g) Objector concerns.

Submissions Received

4. Nine (9) objections were received to the application, these can be summarised as:
   (a) Excessive height and overdevelopment of the site;
   (b) Lack of integration with the heritage streetscape and character of the neighbourhood;
   (c) Loss of heritage fabric;
   (d) Reduction in the car parking provision;
   (e) Increased traffic congestion;
   (f) Off-site amenity impacts (noise, visual bulk, overlooking, loss of daylight); and
   (g) Construction impacts to adjacent sites.

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 deletion of one level from the mid-section of the proposal;
   (b) The setback of the western façade increased to a minimum of 6.5m from the Smith Street boundary at Level 2 and above;

(c) The top-most level from Smith Street or Easey Street obscured, excluding balconies (based on the provision of a sightline diagram from the western side of Smith Street and the southern side of Easey Street measured from 1.6m above the footpath).

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Principal Planner**
TEL: **9205 5372**

1.3 PLN20/0077 - 378-380 Smith Street, Collingwood - Partial demolition, construction of a multi-level, mixed-use building and a reduction in the statutory car parking requirement.

Reference: D20/130219
Authoriser: Coordinator Statutory Planning

Ward:	Nicholls Ward
Proposal:	Partial demolition, construction of a multi-storey, mixed-use building and a reduction in the statutory car parking requirement.
Existing use:	378 Smith Street – ground floor; shop, first-floor; dwelling 380 Smith Street – shop
Applicant:	Zero Nine Pty Ltd
Zoning / Overlays:	Commercial 1 Zone (C1Z) Heritage Overlay (HO333 – Smith Street Precinct, Fitzroy/Collingwood)
Date of Application:	14 February 2020
Application Number:	PLN20/0077

Planning Scheme Amendments

Amendment C270

1. Council has prepared a Built Form Framework for Smith Street (among other areas) and on 17 December 2019, Council requested the Minister for Planning (the Minister) to consider the approval of proposed interim built form controls (interim Design and Development Overlays/DDOs) for activity centres in Fitzroy & parts of Collingwood (Amendment C270) under Section 20(4) of the *Planning and Environment Act* 1987 (the Act) (Amendment without giving of notice). These interim DDOs would apply while permanent controls are being prepared.

2. Of note, the subject site is included in the proposed DDO30, which outlines future built form in areas along Smith Street. The DDO outlines mandatory and preferred built form requirements which would apply to the subject site.

3. Whilst the Built Form Framework can be considered in this assessment of this application (being an adopted document by Council) the Amendment has not yet been approved by the Minister and does not form part of the Yarra Planning Scheme (the Scheme). The request for interim controls has not undertaken elements of a formal Planning Scheme Amendment, including exhibition or an independent panel process, with the interim controls providing a 'placeholder' whist the permanent controls are being prepared. As such, these temporary controls carry limited statutory weight until the formal Amendment is approved by the Minister. Nevertheless, the Built Form Framework has been referenced throughout this assessment as a reflection of Council's strategic position for the site.

Planning History

4. Planning Permit PL07/0253 was issued by Council on 8 May 2007 (378 Smith Street) for partial demolition of the rear wall (east façade) for the construction of an emergency exit to the rear of the shop and the installation of an aluminium roller shutter to existing porch on the southern (Easey Street) façade.

5. Planning Permit PLN10/0555 was issued by Council on 9 November 2010 (378 Smith Street) for signage.

6. Planning Permit PL04/0149 was issued by Council on 28 May 2004 (380 Smith Street) for part demolition, buildings, and works for purpose of constructing an internal mezzanine level for an office, and part waiver of car parking requirements.

7. Planning Application PLN18/0712 for partial demolition of the existing building for the construction of a mixed-use, multi-storey building and a reduction in the car parking requirements associated with a shop and dwellings (378 & 380 Smith Street) was refused by the Victorian Civil and Administrative Tribunal (VCAT) on 13 August 2019. This application will be discussed in detail below.

Background

Previous application

8. Planning application (PLN18/0712) to construct a 9-storey mixed-use building on the land was submitted to Council on 25 September 2018; 5 objections to this application were received. On 22 February 2019, Council was informed that the Applicant had lodged a Section 79 'failure to determine within the prescribed time' appeal with VCAT, with a hearing scheduled for 8 July 2019.

9. On 10 May 2019, Council's Development Assessment Panel (DAP) resolved had it been in a position to, it would have refused to grant a planning permit on the following grounds:

   (a) The scale, height, lack of setbacks and architectural quality of the proposed development does not respond to the site context nor fit into the emerging built form context and streetscapes as envisaged under clauses 15.01, 15.01-1S, 15.01-2S, 15.01-5S and 21.05-2 of the Yarra Planning Scheme.

   (b) The extent of demolition does not comply with clause 22.02 and 43.01 of the Yarra Planning Scheme.

   (c) The height and lack of setbacks of the development will visually dominate the heritage place, which is contrary to the purpose of the heritage overlay at clause 43.01 and fails to comply with clauses 21.05-1 and 22.02 of the Yarra Planning Scheme.

   (d) The proposal would result in a poor internal amenity outcome for the development contrary to the objectives of Clause 58 of the Yarra Planning Scheme due to lack of building setbacks, energy efficiency, daylight access and inadequate functional areas.

   (e) The proposal fails to protect the internal amenity of the proposed dwellings from noise emissions from the adjoining live music entertainment venue, contrary to clauses 22.05 and 53.06 of the Yarra Planning Scheme.

   (f) The proposal does not provide for equitable development opportunities for the sites to the north and east.

   (g) The proposal will result in excessive overshadowing of the public realm.

10. On 29 May 2019, the Applicant substituted amended plans (prepared by Jackson Clements Burrows and dated 28 May 2019) to be relied upon at the hearing. Based on the amended plans, Council's grounds of refusal were modified, with Nos. 2, 4 and 6 removed.

11. On 13 August 2019, VCAT Order P205/2019 was issued, noting that the decision of the responsible authority was affirmed and no permit was granted. Paragraph 6 of *ATJ Holdings Pty Ltd v Yarra CC [2019] VCAT 1189* stated;

> *[6] Having considered the relevant policies and provisions of the Yarra Planning Scheme and the evidence and submission made, we find that while the building has endeavoured to resolve the competing site context issues of heritage, character and urban consolidation, it pushes too far toward seeking yield over respect for the site context. We find it does not strike the correct balance between the competing issues and therefore is not an acceptable outcome.*

12. While issuing no specific recommendations or preferences for acceptable heights or setbacks for future development on this site, the Tribunal ultimately concluded that *'it is the overall proportionality and massing that we find unacceptable',* and stated at paragraph 59;

> *[59] From our review of the impact of the building on the heritage streetscape, assessed both as an urban design and heritage issue, we consider the design response is too bold and 'top heavy' for the context of the site. There are no other overriding or extenuating circumstances drawn from design criteria of clause 21.05 to lead us to deviate from this view. We therefore find the proposal fails as a design response. A more modest form is required that better responds to the emerging Smith Street character and its heritage context.*

13. Differences between the previous proposal and the current application has been provided below the proposal section below.

The Proposal

14. The application proposes partial demolition of the existing buildings for the construction of a mixed-use, multi-storey building and a reduction in the car parking requirements associated with a shop and dwellings. The key elements of the proposed development are as follows;

General:

(a) A ground floor shop, (89.5sqm);
(b) 19 dwellings;
    (i) 7 x 1 bedroom;
    (ii) 3 x 2 bedroom;
    (iii) 9 x 3 bedroom.
(c) 19 car parking spaces (all allocated to the dwellings); and
(d) 21 bicycle spaces.
(e) Building height of 27.2m (excluding lift core).

Demolition:

(f) The demolition of all fabric on the site, with the exception of the principal facades to both No. 378 and 380 Smith Street, fronting both Smith Street and Easey Street;
(g) Demolition of all roof forms;
(h) To Easey Street, three new openings are to be made at ground floor level to facilitate access to the apartment lobby and to install a gas meter and hydrant booster;
(i) No demolition or alteration works are proposed to the Smith Street facades aside from the removal of the non-original awnings. It is noted that the proportions of the awnings have not been demonstrated correctly on the existing ground floor plan (they are shown correctly on the survey plan) and the demolition of the awnings has not been included on the ground floor demolition plan. A permit condition will ensure these demolition works are included.

Ground floor

(j) Built to all site boundaries and containing the following;
  (i) Shop, addressing Smith Street, with the existing two entrances maintained;
  (ii) Residential entrance from Easey Street (2m in width);
  (iii) Bicycle storage, refuse room and services;
  (iv) Garage, with entry via a 6.2m wide crossover to Easey Street, with car parking spaces provided within two separate car stacking systems;
  (v) Awning above the Smith Street façade and the residential entrance from Easey Street. A condition will ensure these awnings are clearly shown on the proposed first-floor plan.

First-floor

(k) Built to the south-east and south-west corners, and along the northern and eastern boundaries, with the exception of a 4.5m x 4.5m light court in the north-east corner;
(l) The north-west corner is set back 5.5m from Smith Street, with a balcony encroaching 2.4m into the setback;
(m) Centre of building set back 2.7m from the southern boundary, with 3 balconies located within this setback and built to the southern boundary;
(n) This level contains 3 x 1 bedroom dwellings and 2 x 2 bedroom dwellings, with secluded private open space (SPOS) in the form of balconies ranging in size from 15sqm to 18.5sqm.
(o) Balconies at all levels will be 'in-set' to the building façade.

Second-floor

(p) Built to the south-east corner and along the northern and eastern boundaries, with the exception of a 4.5m x 4.5m light court in the north-east corner;
(q) Set back 5.5m from the front boundary and 3m from the southern boundary;
(r) This level contains 3 x 1 bedroom dwellings and 1 x 3 bedroom dwelling, with SPOS ranging in size from 8.2sqm to 13.5sqm.

Third to sixth floors

(s) Built to the northern and eastern boundaries, with the exception of a 4.5m x 4.5m light court in the north-east corner;
(t) Set back 5.5m from the front boundary and 3m from the southern boundary;
(u) These levels contains 1 x 1 bedroom dwelling, 1 x 2 bedroom dwelling and 7 x 3 bedroom dwellings, with SPOS ranging in size from 9.5sqm to 13.5sqm.

Seventh floor

(v) The lift core abuts the northern boundary (length of 7.01m), with the remaining walls set back 2.85m from the north, 2.87m from the east, 5.3m from the south and 8.5m from the front.
(w) This level contains 1 x 3 bedroom dwelling, with a balcony wrapping around the dwelling at 117.7sqm in size;
(x) A plant enclosure will be located adjacent to the northern wall of this dwelling, with a 1.8m high parapet wall extending along the northern boundary adjacent to this space.

Materials and finishes;

(y) Walls of the new development are proposed to be constructed of a mixture of concrete (warm grey and 'bright and light') and brickwork (warm grey);
(z) The carpark entry to Easey Street will be clad in 'dark grey' brick and the setback seventh floor clad in 'dark charcoal' coloured steel sheet;
(aa) Windows will generally be clear glazed with dark charcoal aluminium frames;
(bb) Steel mesh and perforated metal elements are finished in a 'dark charcoal' colour.

15. An image of the development is provided at Figure 1.

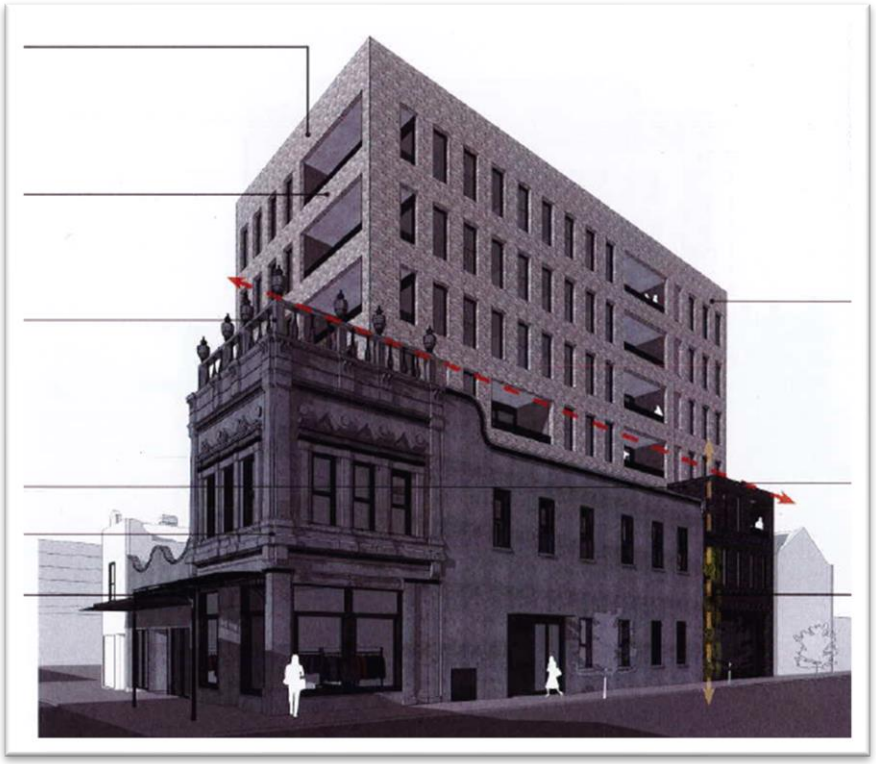

Figure 1: Proposal viewed from south-west

Environmental Sustainable Design features:

16. A Sustainable Management Plan was submitted by Sustainable Design Consultants, with the following ESD commitments outlined;
    (a) The ground floor commercial space to exceed 2016 BCA energy efficiency requirements through insulation and glazing, with apartments demonstrating an average NatHERS rating of 6.2-stars;
    (b) HVAC system to be an energy efficient reverse cycle air conditioner unit (within 1-star rating of best available or an EER/COP >3.2/3.5), and use air-cooled condenser components to reduce water use;
    (c) 20% improvement on 2016 BCA illumination densities, with LEDs (<4.0W/m2) used throughout, with light sensors and timers for common areas;
    (d) A 3kW rooftop solar PV system, capable of producing up to 4,380kWh of electricity per year;
    (e) The use of water efficient fixtures and taps;
    (f) A STORM report with a 101% STORM score, with a 10,000-litre rainwater tank that will be directed to flush toilets on GF-L3;
    (g) Procurement standards around the VOC and Formaldehyde content of various paints, sealants, and engineered wood products;
    (h) 51% of the Ground Floor retail tenancy to achieve best practice daylight access;
    (i) Operable windows throughout to facilitate natural ventilation;
    (j) Commitment to a site-specific construction Environmental Management Plan with a recycling and reuse target of 80% of demolition and building waste;
    (k) 21 secure bicycle parking spaces provided at ground level;
    (l) A minimum 50% of concrete mix made with recycled water, and reinforcing steel to be sourced from a Responsible Steel Maker using energy reducing processes;
    (m) All bulk insulation installed in the building will include a minimum 20% post-consumer recycled material; and,
    (n) A Building User Guide will be provided to building occupants with the intent to reduce energy and water consumption.

Differences between previous and current proposals

17. The previous application on the site was for a 9-storey building, with the middle levels recessed from the front and southern boundaries and the upper levels cantilevered above, as demonstrated in the image provided in Figure 2. The current application has reduced the height by one level, and provided a uniform tower element with consistent setbacks from all boundaries. This design is demonstrated in Figure 3.

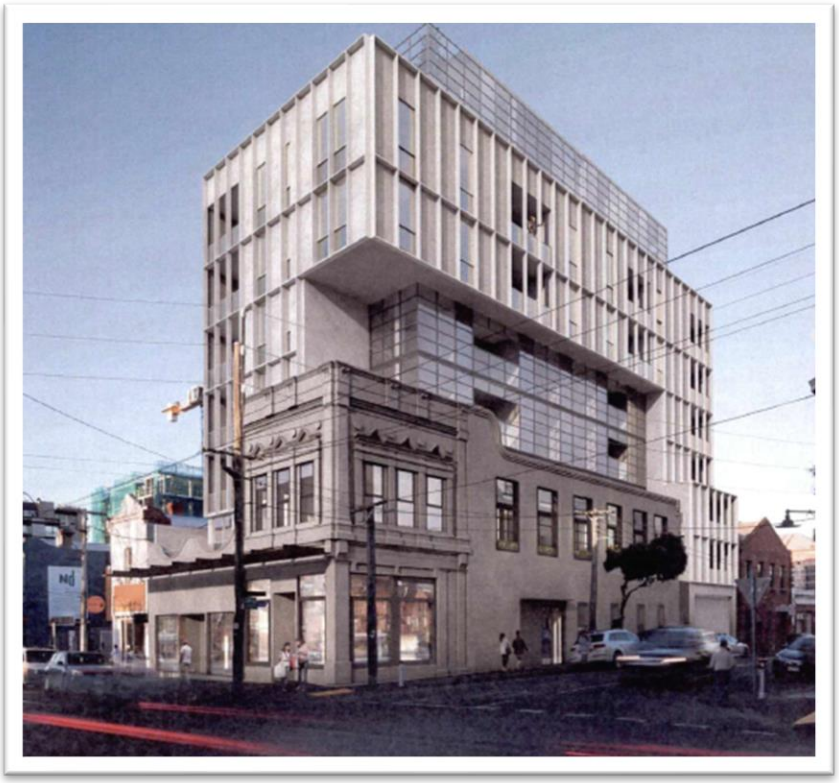

Figure 2: Previous design under Planning Permit PLN18/0712

Figure 3: Current design

18. The most significant differences between the two applications are outlined in the table below, with all setbacks calculated from the building facades, not the balcony balustrades.

Previous application (VCAT plans)	Current application
26 dwellings	19 dwellings
19 car parking spaces & 29 bicycle spaces	19 car parking spaces & 21 bicycle spaces
Building height of 30.5m (excluding lift core)	Building height of 27.2m (excluding lift core)
First-floor • Front setback of 2.43m; • Predominantly abutting southern boundary.	First-floor • Front setback of 5m; • Three balconies within a 2.7m setback from the southern boundary.
Second-floor • Set back 5m & 8m from the front boundary; • Set back 2m & 3m from southern boundary.	Second-floor • Set back 5.5m from the front boundary; • Set back 3m from southern boundary (with the exception of a small section of wall in the south-east corner)
Third and fourth floors • Set back 5m & 8m from the front boundary; • Set back 1.8m & 3m from southern boundary.	Third, fourth, fifth & sixth floors • Set back 5.5m from the front boundary; • Set back 3m from southern boundary.
Fifth and sixth floors; • Set back 5m from the front boundary; • Set back 1.8m from southern boundary.	As above
Seventh floor • Set back 8m from the front boundary; • Set back 3.7m from southern boundary.	Seventh floor • Set back 8.5m from the front boundary; • Set back 5.3m from southern boundary.
Eighth floor • Set back 8m from the front boundary; • Set back 3.7m from southern boundary.	Deleted

Existing Conditions

Subject Site

19. The subject site is located on the north-east corner of Smith Street and Easey Street, in Collingwood. The site comprises two properties, No. 378 Smith Street (Lot 1 on Plan of Subdivision 514349Q) and No. 380 Smith Street: (Lot 2 on Plan of Subdivision 514349Q). A section of Lot 1 extends along the rear eastern boundary of both sites, with small sections of 'common property' associated with both sites forming the remaining area at the rear of the land.

20. Combined, the land has a frontage of 15.36m to Smith Street, with a secondary frontage of 34.59m to Easey Street along the southern boundary. The overall area of the land is approximately 532sqm.

21. The property at No. 378 Smith Street occupies the southern portion of the site and contains a double-storey, rendered masonry Victorian-era building. The ground floor operates as a shop, with a residence at first-floor. The *Collingwood Conservation Study Review* identifies that this building was constructed in 1885. The statement of significance provided within this document notes the following:
    (a) *No. 378 Smith Street is a prominently situated and substantially intact late Victorian boom style former grocer's store and residence. The unpainted stuccoed surfaces and ornamentation are important elements, whilst the faded advertisements for Velvet soap and Worcester sauce offer clues to its origins.*

22. The northern section of the land at No. 380 Smith Street contains a single-storey rendered masonry building, operating as a shop. As part of the previous application, it was confirmed by Lovell Chen Heritage Consultants that this building was visible in the 1900 Melbourne Metropolitan Board of Works (MMBW) plan, with the plan of the subject buildings suggesting that they historically comprised a single entity. A subsequent inspection of the two buildings identified that a continuous, shared brick wall connects the two buildings along the eastern (rear) interface, thereby indicating that the single-storey building may have been constructed at the same time as the double-storey building to the south.

Figure 4: 378 Smith Street (right) 380 Smith Street (left)

23. Both buildings are built to their respective boundaries, with central recessed pedestrian entrances within the Smith Street facade. Both buildings have been modified at ground-level to provide modern shop-fronts. The rear of the site contains single-storey additions and is enclosed from Easey Street by a garage roller door (along the southern boundary). Vehicle access to the site is provided via a crossover from Easey Street. Two car spaces are provided on-site; it is understood that these spaces are allocated to the first-floor dwelling.

24. The two buildings as viewed from Smith Street are identified in Figure 4, with views of the southern Easey Street frontage in Figures 5 & 6.

Figure 5: southern interface (Easey Street)

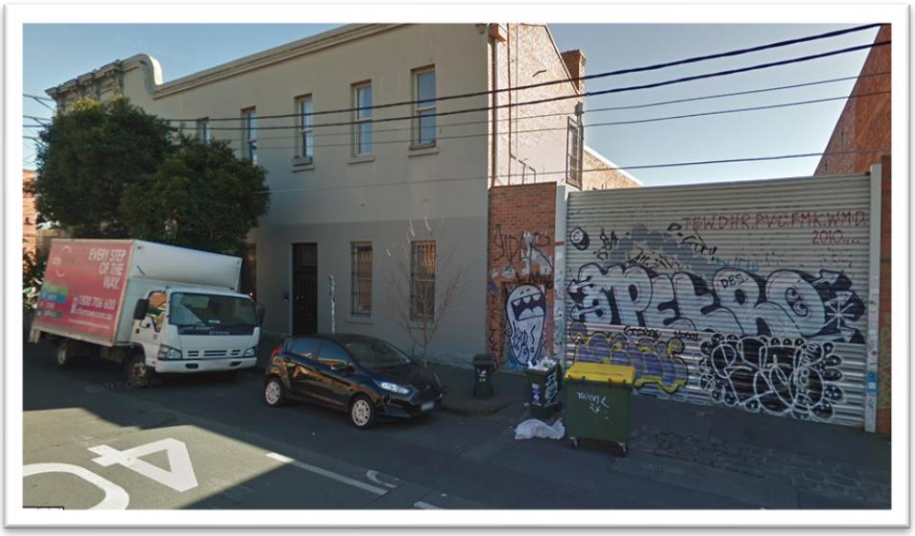

Figure 6: southern interface (Easey Street)

Certificate of Title

25. No restrictive covenants are shown on the Certificates of Title provided with the application.

Surrounding Land

26. The site is located within the Smith Street Major Activity Centre (MAC). A mixture of uses, including residential, retail, office and food and drink premises surround the site. The inner-suburban locale ensures the site is well serviced by infrastructure and public transport, with:
    (a) Smith Street serviced by a tram route (#86 – Bundoora/RMIT – Waterfront City/Docklands) which operates throughout the night on weekends and a night rider bus route;
    (b) Brunswick Street (466m to the west) serviced by two tram routes (#11 – West Preston – Victoria Harbour Docklands and #112 – West Preston – St Kilda);

(c) Alexandra Parade (350m to the north) serviced by five bus routes and a night rider bus route;
(d) Johnston Street (160m to the south) serviced by a number of bus routes;
(e) The CBD within 1.2km.

27. The built form of the area is mixed. Building heights are primarily low-rise (single to double-storey), with pockets of higher development emerging within vicinity to the site. The Smith Street corridor displays a complex, varied local urban character comprising a range of physical aspects, including fine-grain, narrow-fronted lots south of Johnston Street, and larger lots, particularly along the western side of Smith Street north of Johnston Street.

28. Built form includes robust, heritage warehouses interspersed with smaller, more detailed heritage buildings and infill contemporary developments. Based on this context, there is not a single predominant characteristic in this locality, but a complex character comprising a range of building types, forms and expressions. Both sides of Smith Street are located within heritage precincts.

29. Easey Street contains a significant number of 2-storey factory/warehouses, dating from the early-mid twentieth century, with some more recent infill developments of up to 5-storeys in height. The majority of Easey Street is not included within the Heritage Overlay.

30. Zoning surrounding the land is mixed, with the site directly abutting the Commercial 2 Zone (C2Z) to the east (along Easey Street). The zoning mix is outlined in Figure 7(with the subject site highlighted with a blue star).

Figure 7: Zoning surrounding subject site.

Figure 8: site and surrounds

31. The area between Johnston Street and Alexandra Parade is undergoing substantial change, with a number of higher density developments approved or constructed. These are set out below:
    (a) No. 466-482 Smith Street, Collingwood — 10-storeys (PLN14/1056);
    (b) No. 411-421 Smith Street, Collingwood – 9-storeys (PLN18/0888);
    (c) No. 423-425 Smith Street, Fitzroy — 8-storeys (PLN16/0843);
    (d) No. 221 Kerr Street, Fitzroy — 7-storeys (PLN11/0648);
    (e) No. 365-379 Smith Street, Fitzroy — 8-storeys (PLN15/0646);
    (f) No. 239-243 Johnston Street, Collingwood — 10-storeys (PLN13/0566);
    (g) No. 1-9 Sackville Street, Collingwood — 9-storeys (PLN18/0527);
    (h) No. 366 Smith Street, Collingwood — 7-storeys (PLN15/0554);
    (i) No. 368-374 Smith Street, Collingwood — 8-storeys (PLN17/1042);
    (j) No. 416-422 Smith Street & 2 Hotham Street, Collingwood — 9-storeys (PLN12/0312);
    (k) No. 444-452 Smith Street, Collingwood — 7-storeys (PLN11/0172); and
    (l) No. 5-9 Alexandra Parade — 10-storeys (PLN16/1070).

32. The immediate interfaces with the site are outlined below;

    North

33. Immediately to the north of the site, the property at No. 382 Smith Street contains a double-storey brick building directly abutting the shared boundary. A bakery/café operates from this land. A small section of open space is located directly to the rear of this building.

34. To the east (rear) of this property, also directly abutting the subject site, is a double-storey dwelling (No. 382A Smith Street). This dwelling is located within the Commercial 1 Zone (C1Z) and is separated from the bakery by an area of secluded private open space (SPOS) associated with the dwelling. Windows address this SPOS, facing west, with no windows directly addressing the subject site. Access to this land is provided via a Council owned laneway, which extends along the northern side of the bakery through to Smith Street.

    East

35. To the east of the site is a double-storey red-brick warehouse-style building currently used as an office. The building has a pitched roof and is built to the north, south and west boundaries.

A setback, containing an external courtyard, is provided from the east boundary. Further to the east, along Easey Street, are single to double-storey commercial buildings.

South

36. To the south, at No. 376 Smith Street, is the Robert Burns Hotel. This hotel contains a double-storey building constructed to both street frontages (Smith Street and Easey Street), with a single-storey section at the rear. The hotel incorporates a bar area on ground-floor facing Smith Street, an outdoor dining area facing Smith Street, a ground-floor dining room facing Easey Street and a ground-floor outdoor area on the eastern side of the building. Offices and storage associated with the hotel are at first-floor. The hotel operates under a 'General Licence' which allows a maximum of 221 patrons, and is open until 12 midnight from Monday to Saturday. Live music forms part of the operation of this venue.

37. An application to amend the current operating hours of this hotel is currently being considered by Council. The amendment (PLN10/0924.01) seeks to increase the hours of operation for the sale and consumption of liquor from midnight to 1am, and allow for live music to be played within the rear external courtyard. At this stage a decision has not been made by Council.

38. Further to the south, at No. 368-374 Smith Street, is an approved 8-storey development under Planning Permit PLN17/1042. This proposal is set back from Smith Street between 5m and 6.5m at Level 2 and above, with a 10m setback from the retained heritage façade at Level 7.

West

39. To the west of the site, on the opposite side of Smith Street and on the south-west corner of the Smith Street and Kerr Street intersection, is a row of three red-brick buildings which are currently occupied for retail uses (No. 365-391 Smith Street). These buildings are constructed to each street frontage. A planning permit (PLN15/0646) currently exists for the building at No. 365-379 Smith Street allowing its redevelopment for an 8-storey mixed-use building. This proposal is setback between 4m and 6m from Smith Street from Level 2 and above.

Planning Scheme Provisions

Zoning

40. The subject site is zoned Commercial 1 (C1Z). The following provisions apply:

Use

41. Pursuant to Clause 34.01-1, a planning permit is not required to use the land for 'shop', with this use included in the 'retail premises' group at clause 73.04-11 of the Scheme.

42. Also pursuant to this clause, the 'dwelling' use requires a planning permit if 'any frontage at ground floor level exceeds 2m'. The residential frontage for this development addresses Easey Street, with the entrance 2m in width.

43. It is noted that the residential entrance for the previous application was also addressing Easey Street, with the 'residential frontage' considered to include not only the residential entrance, but also the garage entrance as all of the car parking spaces were allocated to the dwellings. The dwelling use was therefore considered a permit trigger within the previous application as it exceeded 2m in width. However, the Tribunal did not agree with this outcome, noting in paragraph 10 of their decision that clause 73.01 of the Scheme defines 'frontage' as:

(a) *'The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces'.*

44. The decision continues to note that the building at No. 378 Smith Street clearly retains its frontage to Smith Street, and No. 380 Smith Street has only one frontage, which is to Smith Street. As a question of fact, the decision states that both the existing buildings and the proposed new and altered buildings face Smith Street.

45. Based on this decision, it was determined that the proposed dwelling use associated with the previous application did not require planning permission.

46. As the proposed residential frontage continues to address Easey Street in the current application, it is subsequently Council's position that a planning permit is not required for this residential use.

Development

47. Pursuant to Clause 34.01-4, a planning permit is required to construct a building.

48. Pursuant to the decision guidelines at Clause 34.01-8, an apartment development must meet the requirements of Clause 58 of the Scheme.

Overlays

49. The subject site is affected by the Heritage Overlay (HO333 – Smith Street Precinct, Fitzroy/Collingwood). The following provisions apply:

50. Pursuant to Clause 43.01-1, a planning permit is required for demolition, and to construct a building and carry out works. External paint controls apply to this precinct.

51. The building at No. 378 Smith Street is classified as 'individually significant' to the Smith Street Heritage Precinct by the *City of Yarra Review of Heritage Areas 2007 Appendix 8 (revised from time to time*), with this document identifying the building at No. 380 Smith Street as 'contributory' to the same precinct.

Relevant Particular Provisions

Clause 52.06 Car parking

52. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. Table 1 of this clause sets out the car parking requirement that applies to the land. In this instance, the subject site is located within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (*State Government of Victoria, August 2018*) and based on this, the statutory rates outlined in Column B of Table 1 apply. Under the provisions of Clause 52.06-5 of the Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated	Reduction required
One-bedroom dwelling	7	1 space per dwelling	7	0	7
Two-bedroom dwelling	3	1 space per dwelling	3	3	0

Three-bedroom dwelling	9	2 spaces per dwelling	18	16	2
Retail	89.5sqm	3.5 spaces per 100sqm of leasable floor area	3	0	3
		Total	**31 Spaces**	**19 Spaces**	**12 spaces**

53. Based on the above, and pursuant to Clause 52.06-3, a planning permit is required to reduce 12 car spaces.

Clause 52.34 Bicycle Facilities

54. Pursuant to Clause 52.34-3, the following bicycle provision is required.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	19 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	4 resident spaces	21 resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	2 visitor spaces.	0 visitor spaces
Shop	89.5sqm	1 employee space to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 employee spaces	0 spaces
		1 visitor space to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm	0 visitor spaces.	
Bicycle Parking Spaces Total			**4 resident spaces**	**21 resident / employee spaces**
			2 visitor spaces	**0 visitor spaces**
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**

55. The development provides a total of 15 additional resident spaces above the requirements of the planning scheme, but does not provide the required number of visitor spaces.

Clause 53.06 Live Music and Entertainment Noise

56. This clause applies to an application required under any zone of this Scheme to use land for, or to construct a building or construct or carry out works associated with:
    (a) *a noise sensitive residential use that is within 50 metres of a live music entertainment venue.*

57. The Robert Burns Hotel at No. 376 Smith Street on the opposite side of Easey Street is a live music venue. Pursuant to Clause 53.06-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
    (a) *Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).*

58. The clause goes on to state:
    (a) *For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP-N2 does not apply).*
    (b) *A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.*

Clause 58 Apartment Developments

59. The provisions apply to an apartment development in the C1Z. A development must meet all of the objectives and should meet all of the standards of the Clause.

General Provisions

Clause 65 General Provisions

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

Planning Policy Framework (PPF)

61. The following PPF provisions of the Scheme are relevant:

Clause 11 – Settlement
Clause 11.01-1R – Settlement – Metropolitan Melbourne

62. Strategies include;
    (a) *Focus investment and growth in places of state significance, including;*
        (i) *Metropolitan Activity Centres.*
    (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.02 – Managing Growth
Clause 11.02-1S – Supply of Urban Land

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

Clause 11.02-2S – Structure Planning
Clause 11.03-1R – Activity Centres-Metropolitan Melbourne

64. Strategies include;
    (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 – Noise
Clause 13.05-1S – Noise abatement

65. The objective 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

66. The objective is:
    (a) *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Clause 15.01 – Built Environment and Heritage
Clause 15.01-1S – Urban design

67. The objective 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

68. The objective is:
    (a) *To create a distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S – Building design

69. The objective is:
    (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

70. Relevant strategies include:
    (a) *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
    (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
    (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
    (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
    (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
    (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
    (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

71. This clause also states that planning must consider as relevant:
    (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*
    (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S – Healthy neighbourhoods

72. The objective is:

(a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne

73. 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

74. The objective 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

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

76. Relevant strategies include;
    (a) *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*
    (b) *Promote consolidation of urban development and integration of land use and transport.*
    (c) *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.*
    (d) *Support low energy forms of transport such as walking and cycling.*

Clause 15.03 – Heritage
Clause 15.03-1S – Heritage conservation

77. The objective is;
    (a) *To ensure the conservation of places of heritage significance.*

78. Relevant strategies include;
    (a) *Provide for the protection of natural heritage sites and man-made resources.*
    (b) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
    (c) *Encourage appropriate development that respects places with identified heritage values.*
    (d) *Retain those elements that contribute to the importance of the heritage place.*
    (e) *Encourage the conservation and restoration of contributory elements of a heritage place.*
    (f) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
    (g) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16 – Housing
Clause 16.01 – Residential Development
Clause 16.01-1S – Integrated housing

79. The objective is;
    (a) *To promote a housing market that meets community needs.*

80. A relevant strategy is;
    (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

Clause 16.01-1R – Integrated housing-Metropolitan Melbourne

81. Strategies include;
    (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
    (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S – Location of residential development

82. The objective is;
    (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

83. Strategies include;
    (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
    (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
    (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
    (d) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas-Metropolitan Melbourne

84. Strategies include;
    (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
    (b) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
    (c) *Direct new housing to areas with appropriate infrastructure.*

Clause 16.01-3S – Housing Diversity

85. The objective is;
    (a) *To provide for a range of housing types to meet diverse needs.*

Clause 16.01-3R – Housing diversity-Metropolitan Melbourne

86. *The strategy is;*
    (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

Clause 17.01 – Employment
Clause 17.02-1S – Business

87. 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 18.02 – Movement Networks
Clause 18.02-1S – Sustainable personal transport

88. The objectives is:
    (a) *To promote the use of sustainable personal transport.*

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

89. 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

90. The objective 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

91. A relevant strategy 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

92. The objective is:
    (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

<u>Municipal Strategic Statement</u>

Clause 21.04 – Land use
Clause 21.04-1 – Accommodation and Housing

93. Objectives and strategies include;
    (a) *Objective 1 – To accommodate forecast increases in population.*
        (i) *Strategy 1.1 – Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
        (ii) *Strategy 1.2 – Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks*
        (iii) *Strategy 1.3 – Support residual population increases in established neighbourhoods*
    (b) *Objective 3 – To reduce potential amenity conflicts between residential and other uses.*
        (i) *Strategy 3.2 – Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 – Activity Centres
Clause 21.04-3 – Industry, office and commercial
Clause 21.05 – Built form
Clause 21.05-1 – Heritage

94. Objectives and strategies include;

(a) *Objective 14 – To protect and enhance Yarra's heritage places.*
    (i) *Strategy 14.2 – Support the restoration of heritage places*
    (ii) *Strategy 14.3 – Protect the heritage skyline of heritage precincts*
    (iii) *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.*
    (iv) *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

95. The relevant objectives are:
    (a) *Objective 16 – To reinforce the existing urban framework of Yarra;*
    (b) *Objective 17 – To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
        (i) *Strategy 17.2 – Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
            - *Significant upper level setbacks*
            - *Architectural design excellence*
            - *Best practice environmental sustainability objectives in design and construction*
            - *High quality restoration and adaptive re-use of heritage buildings*
            - *Positive contribution to the enhancement of the public domain*
            - *Provision of affordable housing.*
    (c) *Objective 18 – To retain, enhance and extend Yarra's fine grain street pattern;*
    (d) *Objective 20 – To ensure that new development contributes positively to Yarra's urban fabric;*
        (i) *Strategy 20.1 – Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
        (ii) *Strategy 20.2 – Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
        (iii) *Strategy 20.3 – Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*

Clause 21.05-3 – Built form character

96. The general objective of this clause is:
    (a) *Objective 23 – To maintain and strengthen the identified character of each type of identified built form within Yarra.*

Clause 21.05-4 – Public environment

97. 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.*

Clause 21.06 – Transport

98. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:
    (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
        (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
    (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.*

Clause 21.07-1 – Ecologically sustainable development

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

Clause 21.08-5 Neighbourhoods (Collingwood)

100. Pursuant to Clause 21.08-5 of the Scheme, Collingwood is described *as industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*

101. Figure 14 of Clause 21.08-5 shows the subject site as being within the heritage overlay built form character area where the objective is to ensure that development does not adversely affect the significance of the heritage place.

Relevant Local Policies

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

102. This policy applies to all land within a Heritage Overlay, and aims to provide guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

Clause 22.05 – Interfaces Uses Policy

103. This policy applies to applications within the Commercial Zone (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.

104. 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.*

Clause 22.12 – Public Open Space Contribution

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

106. 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

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

Other documents

Plan Melbourne

108. Released in May 2017, Plan Melbourne 2017-2050 (Plan Melbourne) outlines the key strategic directions with regard to the provision of housing and commercial activity within Melbourne's urban areas. The strategic outcomes outlined in the document are required to be considered as part of Council's decision-making process and include (inter-alia):
    (a) Outcome 1: *'Melbourne is a productive city that attracts investment, supports innovation and creates jobs.'*
        (i) Direction 1.2 of Plan Melbourne is to *'Improve access to jobs across Melbourne and closer to where people live'*

109. The strategy specifies that all activity centres have the capacity to continue to grow and diversify the range of activities they offer. Opportunities to partner with the private sector to enable future diversification, investment and employment growth should be explored and, where appropriate, facilitated through planning provisions.
    (a) Outcome 2: *'Melbourne provides housing choice in locations close to jobs and services.'*
        (i) Direction 2.2 of Plan Melbourne is to *'Deliver more housing closer to jobs and public transport*'.

110. The strategy specifies that *'Activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast.'*

111. The strategy promotes '20-minute neighbourhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your front door.

Other Relevant Document

112. Clause 15.01-2 states that planning must consider as relevant:
    (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*
    (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)*

Advertising

113. The application was advertised under the provisions of Section 52 of the Act with 1050 letters sent to surrounding owners and occupiers and three signs displayed on site.

114. Pursuant to clause 34.01-7 of the Scheme, an application to construct a building or construct or carry out works is exempt from the notice requirements of section52(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 (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. The subject site is not located within 30m of any of these zones/uses, with the closest residential zone being the Mixed Use Zone 45m to the west of the site.

115. As the use of the land for a shop and dwellings does not require a planning permit within the C1Z, the application was only advertised under the Heritage Overlay. Based on this, third party review rights are applicable only to buildings and works in accordance with the heritage overlay and the reduction in car parking.

116. Council received 9 objections to the application, with the following issues raised;
    (a) Excessive height and overdevelopment of the site;
    (b) Lack of integration with the heritage streetscape and character of the neighbourhood;
    (c) Loss of heritage fabric;
    (d) Reduction in the car parking provision;
    (e) Increased traffic congestion;
    (f) Off-site amenity impacts (noise, visual bulk, overlooking, loss of daylight); and
    (g) Construction impacts to adjacent sites.

Referrals

117. The application was referred to the following internal Council departments:
    (a) Engineering Services Unit;
    (b) Strategic Transport;
    (c) ESD;
    (d) Streetscapes and Natural Values; and
    (e) City Works.

118. The application was referred to the following external consultants:
    (a) Urban Design (Simon McPherson of Global South);
    (b) Heritage (Jim Gard’ner of GJM Heritage)
    (c) Wind (MEL Consultants); and
    (d) Acoustic (SLR Consultants).

119. All referral comments are included as attachments to this report.

OFFICER ASSESSMENT

120. This assessment will be framed around the following:
    (a) Strategic and policy support;
    (b) Built form and Heritage;
    (c) Clause 58 (internal amenity);
    (d) Off-site amenity impacts;
    (e) Car parking, traffic, access and bicycle provision;
    (f) Waste management; and
    (g) Objector concerns.

<u>Strategic and policy support</u>

121. There is strong policy direction to support the redevelopment of the site to provide higher density residential use. Policy at clauses 11, 16, 18 and 21.04 of the Scheme, together with Plan Melbourne, encourage the accumulation of activities and the intensification of development in and around activity centres.

The site is located within the C1Z and the Smith Street MAC and within close proximity to the Brunswick Street MAC and the CBD, and is therefore well serviced by public transport and community services. This ensures efficient use of infrastructure and supports Council's preference that established areas experience residual increases in population growth.

122. The C1Z specifically identifies the purpose of the land to provide for residential uses at densities complementary to the role and scale of the commercial centre. The dwellings would provide increased housing opportunities consistent with policy outlined above. The site has excellent access to shops, restaurants, community facilities and supermarkets, ensuring that the proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04 of Council's MSS. Further, the provision of a retail tenancy at ground level, addressing Smith Street, continues to provide an active frontage within the commercial area, consistent with the purpose of the C1Z.

123. However, urban consolidation is not the only relevant planning issue to be considered, with heritage and neighbourhood character being equally as important. The proposal must ensure new development responds to its built form and policy context. These aspects will be discussed in turn.

Built form and Heritage

124. 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). All of these provisions and guidelines support a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings.

Context

125. As outlined in the 'site and surrounds' section of this report, built form within the area is mixed, with development along Smith Street displaying a range of building types, forms and designs. Site coverage in the immediate area is generally high. There is no dispute that strategically the subject site is appropriately located for a higher-density development, being within proximity to two activity centres and within a commercial zone with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.

126. A number of developments have been approved, are under construction, or have been built on sites within proximity to the subject site, on or adjacent to Smith Street. These buildings range in height from 7-10 storeys. Given these approvals it is evident that the area is undergoing significant change and redevelopment.

127. As noted within the 'Planning Scheme Amendments' section of this report, Council has prepared a Built Form Framework for Smith Street (among other areas), and has also requested approval from the Minister to introduce an interim Design and Development Overlay (Schedule 30) while permanent controls are prepared. The subject site is to be included in the proposed interim DDO30. A relevant objective of the proposed DDO30 is to '*ensure development maintains the prominence of the existing heritage street wall and fine-gain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character'.*

128. The draft interim DDO30 outlines mandatory height requirements that would apply to the subject site, with a maximum building height of 17.6m attributed to this land. The draft DDO30 also specifies that upper levels above the Smith Street street-wall must be set back a minimum of 8m.

129. As previously outlined, this Amendment has not been approved by the Minister and subsequently the DDO30 cannot be given weight in determining the current application. While the Built Form Framework which informed the DDO30 provides some analysis as to the preferred future scale sought within this section of Smith Street, this does not outweigh the emerging scale of recent development that has already occurred along Smith Street (in the realm of 7 to 10 storeys).

130. Based on the context outlined, a mid-scale development on the subject site is expected and supported. The specific heights and setbacks that are considered appropriate for the site will be discussed in detail below.

Demolition

131. Prior to ascertaining if the proposed development of the land is acceptable, consideration of the extent of demolition is required. These considerations are outlined at clause 22.02 and clause 43.01 of the Scheme.

132. The building at No. 378 Smith Street is classified as 'individually significant' to the Smith Street Heritage Precinct (Fitzroy/Collingwood), with the building at No. 380 Smith Street identified as 'contributory' to this precinct.

133. The works at No. 378 Smith Street include the removal of the front awning, the northern and eastern walls and the roof, including a chimney to the rear. All of the outbuildings, including the garage door in the southern boundary, will be demolished. At ground floor, small modifications are proposed to the configuration of openings along the Easey Street elevation. These changes include the removal of an existing doorway and the installation of a new double hung sash window in its place, detailed and located to match the adjacent original ground floor window openings. A large new opening will also be created on this elevation to provide pedestrian access from Easey Street. This will involve the removal of a small window, with the new enlarged opening aligning in height to the adjacent sash windows. A small new service door will be installed to the west of the residential entrance within this façade.

134. The demolition is consistent with works proposed in the previous proposal, with VCAT stating that the extent of demolition is acceptable, and that the proposal provides adaptive re-use of heritage buildings. Council sought comments on the current application from Jim Gard'ner, the heritage consultant who also provided expert evidence for the VCAT hearing on behalf of Council for the previous proposal. Mr Gard'ner agreed that the '*extent of demolition of internal and rear fabric proposed is consistent with the previous scheme and is considered acceptable'.* On this basis, the demolition works as proposed are supported.

Height/Massing

135. The development proposes a height of 8-storeys, with the building (excluding the lift core) extending to an overall height of 27.2m. The upper levels will be set back 5.5m from the Smith Street frontage, with the seventh-floor setback 8.5m from this interface. A consistent setback of 3m will apply to the southern walls, with a greater setback of 5.5m for the seventh-floor. The renders provided with the application indicate that the increased setbacks attributed to the top-most level will restrict visibility to the seventh-floor, as demonstrated in Figure 9.

Figure 9: View of the proposal from the south-west corner

136. Objectives at Clause 22.02 of the Scheme aim to (amongst others) preserve the scale and pattern of streetscapes in heritage places, ensure that additions and new works to a heritage place respect the significance of the place and for new additions to be visually recessive and not dominate the heritage place.

137. To achieve this outcome, any additional built form on the site must be subservient, with particular reference to the 'individually significant' building within the site's south-west corner (No. 378 Smith Street).

138. When considering the previous proposal, the Tribunal noted at paragraph 36 of their decision;

> *[36] Assessing the proposal as part of the Smith Street streetscape, our review of other approvals and recent constructions leads us to agree with Mr McPherson that the dominant and emerging character in the street is for building additions that have more 'squat' proportions, with setbacks that have the visual appearance, or actually are, greater than those proposed on the review site. We consider that in this context the proportion of new to old of the proposed additions is too top heavy and undermines the prominence of the host. In a different context an architectural statement such as this may be celebrated, but here we consider the heritage streetscape of the immediate area requires a less bold response.*

139. An analysis of the individual attributes of surrounding higher-density development was undertaken by Council Officers as part of the previous application. This review included approximately 10 sites located along both sides of Smith Street, between Johnston Street in the south to Alexandra Parade in the north. As outlined previously, heights proposed are in the realm of 7 to 10-storeys, with the higher built form generally not located within heritage overlays. The land area of these sites ranged from 756sqm (No. 368-374 Smith Street – 7-storey building) to 2,563sqm (No. 423-425 – 8-storey building). By comparison, the subject site provides an overall site area of 532sqm.

140. The previous application sought 9-storeys on the land, with Council considering that the relatively limited size of the site could not support a development of this scale. For the previous proposal, Council sought external Urban Design advice from MGS Architects (MGS), with this advice concurring that; '*taller development within the precinct has largely been reserved for larger consolidated lots either at the gateway to the precinct from the north or in hinterland areas with more diverse building scales and street scapes, inclusive of taller warehouse forms of 6 historic levels enabling new similar form to integrate well. These examples have been characterised by substantial setbacks from Smith Street and a building in the round approach above podium level'.*

141. The previous urban design advice contended that the size of the subject site limits the extent of opportunity for development, and stated that the proposed height of the building on the modestly sized site results in '*highly visually intrusive sideages to the north and east that rely on a future built form outcome that in my view is entirely inconsistent with the outcomes sought by Local Policy'.* The advice noted that the height resulted in an overwhelming building within a comparatively consistent streetscape that relies too heavily on the development of adjacent sites to shield its shortcomings. This position was ultimately supported by the Tribunal.

142. The current development incorporates a reduced height (of 1 level), greater setbacks from both Smith Street and Easey Street, a recessive top floor and a more simple massed response. In general, the current design is more responsive in its design language and has more regard for Council policy than the previous scheme.

143. Simon McPherson from Global South Consulting provided urban design advice for the current application, with Mr McPherson also providing expert evidence at VCAT on behalf of Council for the previous application. In his submission to the Tribunal, Mr McPherson made the following comments;
    (a) *The building height and form (as proposed) is not appropriate for the site and context.*
    (b) *The building height creates excessive visual bulk, verticality and visual intrusion in the setting. The front setback condition contributes to the excessive built form imposition of the proposal, and should be increased.*
    (c) *The prevailing 1.8m setback to the Easey Street frontage is insufficient.*
    (d) *The mid-level recess (inner form), with reduced setbacks to levels above (primary form), is inappropriate in this context, because the overhang or cantilevered form increases the visual prominence and vertical emphasis of the upper level form.*

144. To alleviate these issues, Mr McPherson recommended that the previous design be altered to incorporate the following changes;
    (a) *Removal of the mid-level recess / upper level overhang, to reduce the visual prominence of the proposed form.*
    (b) *Reduction in height to reduce the verticality of the proposal and to create a more comfortable fit in the evolving streetscape.*
    (c) *Reduction in height to the side/rear boundaries of approximately 1-2 levels, to reduce the visual intrusion of these interfaces in the streetscape settings.*

145. In his review of the current application, Mr McPherson considers that these alterations have largely been achieved, and is more supportive of the amended design, noting that the reduction in height to 8-storeys allows the development to be more within the contextual range of heights of nearby developments. He acknowledges that the subject site is smaller in size that those outlined above, however considers the overall height at 8-storeys to be acceptable in principle, '*subject to further consideration of the setbacks and visual impact of the proposal in the streetscape and relative to the retained heritage facades'.* The 'further consideration' of the setbacks relates primarily to the front setback from Smith Street; this will be discussed in turn.

146. As noted previously, Council sought heritage comments on the current scheme from Mr Jim Gard'ner, with Mr Gard'ner also providing expert evidence on behalf of Council at the VCAT hearing for the previous design. Further to this, Mr Gard'ner was involved in the preparation of the Built Form Framework for Smith Street that informed the interim DDO referenced earlier in this report. Whilst he acknowledges that the revised scheme exhibits a more considered approach to the heritage buildings and surrounding context, Mr Gard'ner considers that the current application will still *'adversely affect the significance, character or appearance of the heritage place'.* This outcome is primarily based on the overall height of the building, with 8-storeys considered too tall for the attributes of the site and that '*the scale of the development in relation to the existing single and two-storey graded buildings will not achieve an outcome that will "be visually recessive and not dominate the heritage place"'.*

147. Positive changes outlined in the heritage advice include the simplification of the additional built form, with the amended massing achieving a more recessive design when viewed within the heritage streetscape. The consistent 3m setback provided from the Easey Street boundary assists with this, as does the increased setback of the seventh-floor from all boundaries.

148. However, even with these favourable elements incorporated into the design, Mr Gard'ner states that' *a five storey building on this site is likely to be the maximum that can be accommodated without having an unreasonably detrimental effect on the significance, character and appearance of the Smith Street precinct'.*

149. A reduction in height such as that recommended by Mr Gard'ner would bring the development in line with the proposed height controls within DDO30, at 17.6m. However, as outlined earlier, this Amendment has not yet been approved by the Minister, therefore it cannot be given weight in determining the current application. Nevertheless, it is highlighted that a relevant objective of the proposed DDO is to '*ensure development maintains the prominence of the existing heritage street wall and fine-gain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character'.*

150. Balancing the advice from Mr McPherson and Mr Gard'ner, the attributes of the site and the scale of recent development that has already occurred along Smith Street, a reduction in height to 5-storeys is not considered justified. The subject site is located on a corner, and can accommodate reasonable setbacks from both street interfaces. These aspects allow for a taller building to be accommodated on the site, without necessarily overwhelming the heritage building below. However, planning officers do agree with Mr Gard'ner that a lower building would reduce visual impacts within the heritage streetscape, and sit more comfortably behind the existing heritage façade..

151. To achieve this, a reduction of one level from the mid-section of the building is recommended, with the greater setback of the top-most level retained so as to reduce visibility of this floor. This would reduce the overall height of the building to 7-storeys (24m) however the recessed upper floor would allow the development to present as a 6-storey building to the east, west and south (and appear at a height of 20.8m). This height reduction would allow the heritage building to retain its prominence in the streetscape, and reduce visual impacts appropriately.

152. If a planning permit is issued, a condition will require the removal of 1 level (being either the fourth, fifth or sixth-floors) with a further condition ensuring that the setback of the upper-most level will restrict views to this built form from the western side of Smith Street and along Easey Street. This can be accomplished via the submission of sightline diagrams from these vantage points, demonstrating that visibility to this floor is fully obscured.

Smith Street interface

153. With regards to upper level additions to commercial and retail heritage places, Clause 22.02-5.7.2 of the Scheme encourages new upper level additions and works to respect the scale and form of the existing heritage place by being set back from the lower built form elements. Of particular note, this policy states that each higher element should be set further back from lower heritage built forms. The development proposes a consistent 5.5m setback from the Smith Street facade for the fourth, fifth or sixth-floors, with the seventh-floor setback 8.5m from this interface.

154. Upper level setbacks for new development along Smith Street generally range from 5.5m to 8m. As noted by Mr McPherson '*the proposed front setback to Smith Street above the retained heritage facades of 5.5m is generally in keeping with other approved developments nearby, although it is at the lower end of the range of setbacks provided'.* Of the lesser setbacks already approved within these developments, it is noted that none of these are associated with 'individually significant' heritage buildings.

155. Based on the context of the existing building, and the overarching requirement to maintain the prominence of the heritage facade, an additional setback of the upper levels from the Smith Street boundary is recommended. Whilst the urban design and heritage advice provided to Council both support additional setbacks from this interface, the extent of additional setback varies. Mr McPherson recommends that the front setback be amended so as to '*align with the commencement of the decorative or ornate part of the Easey Street heritage façade (so approximately 6.5m) or 7m to align with other developments to the north'.*

156. Mr McPherson notes; *'I retain the position that this alignment reflects a strong design logic and rationale for aligning the setback to this clear line in the existing heritage fabric. This 1m (approximately) increase in the front setback would also make the building less prominent in the Smith Street streetscape, and further reinforce the primacy of the heritage building'.*

157. Figure 10 demonstrates the potential location of this setback, with the red dashed line showing the relocation of the front wall to sit in line with the heritage pediment of the existing building. An additional 1m incorporated into this setback would allow the façade to sit clearly behind this feature, and ensure that the heritage building retains its prominence on the corner site.

Figure 10: Proposed front setback line

158. Mr Gard'ner also supports a greater setback from Smith Street, stating that a minimum setback of 8m should be incorporated into the design, to *'ensure that the heritage buildings remain prominent within the Smith Street streetscape and will retain their three-dimensional form as viewed from the public realm to avoid 'facadism'"*

159. This distance aligns with the future built form parameters recommended in the proposed interim DDO30 for the site, however an 8m setback of this wall is not considered necessary by planning officers. The 6.5m setback recommended by Mr McPherson is considered to achieve the objective outlined by Mr Gard'ner, by retaining the three-dimensional form of the corner heritage building, and ensuring that the ornate features of the original built form will be clearly visible and highlighted in the streetscape. It is also considered that an additional 1m setback, as opposed to an additional 2.5m, will assist in maintaining adequate internal amenity to dwellings. With regards to this, it is further noted that any additional setbacks incorporated into the design must ensure that compliance with relevant design standards under Clause 58 of the Scheme are maintained.

160. Based on this, planning officers recommend an additional 1m setback from the western boundary be incorporated into the upper levels from Level 2. The additional setback is not considered necessary for the north-west corner of Level 1, with views to this level suitably restricted by the 2-storey facades to either side. If a planning permit is to issue, these alterations will be required via a condition.

161. It is also highlighted that the visibility of the top-most level may increase as a result of the reduction in height and increase in front setback required by these conditions. The sightline diagrams as referenced earlier must take these alterations into account and ensure that visibility of this level is concealed from the opposite sides of Smith Street and Easey Street.

    It is considered unlikely that significant changes to the existing setbacks will be required to achieve this outcome. This alteration must be achieved without reducing the setbacks of this level from the northern or eastern boundaries.

    Southern (Easey Street) interface

162. As demonstrated in Figure 10, the proposed garage entrance in the south-east corner of the site extends to the same height as the heritage façade. This element is constructed of darker material than the remaining building, and built to the Easey Street footpath. A vertical break is provided between this new built form and the original Easey Street façade, with this recess composed of dark charcoal steel. This design response is supported, with Mr Gard'ner noting that '*The design of the car parking entrance to Easey Street as a distinct, separate element which is consistent in height with the parapet of 378 Smith Street …. provides visual separation between the heritage building, the new built form and the neighbouring Easey Street property'.*

163. It is considered that this street wall is a well-defined response to the southern interface and provides a positive integration with buildings further to the east along Easey Street. This element provides a distinct podium to the upper levels, and allows the development to present a more human-scale design to the adjacent pedestrian environment.

164. Three balconies are proposed behind the first-floor Easey Street façade, with these balconies open to the sky. The existing window openings at this level will be retained. This feature was also proposed in the previous application, with heritage advice provided at that time by Lovell Chen, noting that '*extensive changes to window openings and joinery and first floor balconies that are open to the sky are not appropriate for an individually significant building on a prominent corner site'.*

165. This view is reiterated by current heritage advice from Mr Gard'ner, who notes that '*the introduction of balconies that are open to the sky directly behind the existing first floor window openings to the majority of the Easey Street elevation of 378 Smith Street reduces this façade to a thin-skin that will no longer be legible as having had solid building behind'.*

166. This issue was not discussed (and subsequently not raised as a concern) in the VCAT decision for the previous application. Clause 22.02-5.1 (Demolition) of the Scheme generally discourages the demolition of part of an individually significant building unless it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

167. The location of the balconies and subsequent views to the sky available from Easey Street demonstrate that the main roof form of the heritage building has been removed. However, in this instance planning officers do not take the view that the removal of this section of roof negatively affects the overall significance of the 'individually significant' building. Views to the balconies through the existing windows openings would be limited, and only available from the northern footpath of Easey Street, when looking upwards. The original proportions of the windows have been maintained, as has the majority of the heritage frontage to Easey Street. Further to this, the proposed works allow for the positive adaptation and reuse of a heritage building. On balance, these factors are considered to achieve a beneficial outcome and the location of the balconies is supported.

168. The design proposes a relatively consistent 3m setback of the upper levels from the southern boundary with Easey Street. The previous design incorporated a 3m setback from this interface for the mid-levels of the proposed building, however the levels above reduced this setback to 1.55m & 1.8m in a cantilevered design. In his evidence to the Tribunal on the previous iteration, Mr McPherson recommended that a minimum setback of 3m should be provided for all upper levels of any new built form, so as to '*achieve an appropriate relationship with the existing building at the corner'.* Mr Gard'ner also agreed that the proposed setbacks were insufficient and should be increased.

169. The Tribunal supported these findings, noting in paragraph 43 of their decision;

> *[43] We accept that the key heritage view is from Smith Street, but share Mr Gard'ner's concern that the limited side setback results in the upper levels imposing themselves on the side elevation of an individually significant heritage building. It is the overweight proportionality of the new building compared to its heritage host that the view west along Easey Street highlights. If a new proposal is put forward this side setback should be reviewed.*

170. The 3m setbacks provided from the southern boundary within the current design are supported by both Mr McPherson and Mr Gard'ner. Mr McPherson considers the '*proposed 3m clear setback to Easey Street to be an acceptable minimum in this context,'* with Mr Gard'ner stating that this element is an improvement on the original design and will result in a more positive heritage outcome. This outcome is supported.

Eastern interface

171. The majority of the eastern wall will be constructed directly to the site's eastern boundary. This results in a sheer wall, to a height of 25.2m, extending along this interface. This outcome is demonstrated in Figure 11.

Figure 11: Eastern wall

172. This wall will directly abut a double-storey warehouse addressing Easey Street. The adjacent building has a pitched roof form and a generously-scaled façade, resulting in the equivalent of a 3-storey building. This height will reduce the visibility of the lower section of new wall. It is noted that this building, and built form further to the east along Easey Street, is located within the C2Z and not affected by the Heritage Overlay. It is also located within Precinct 5 of the Johnston Street Local Area Plan (gazetted under Amendment C220 on 18 June 2020), which anticipates heights of 5 to 6-storeys for future built form along both sides of Easey Street. It is therefore clear that higher development is likely to emerge to the east of the new building.

173. This anticipated change was discussed by the Tribunal, however at the time the decision was issued, the Local Area Plan was given limited weight, being only an adopted policy of Council. Whilst it was acknowledged that redevelopment to the east of the site was occurring, Member Glynn stated at paragraph 46; '*We accept that the area is likely to see some redevelopment. Indeed, redevelopment is already occurring in the street, but not at 5 – 6 storeys.*

    It is unlikely that every site in this street, many of which are small sites, will redevelop as six storey buildings, or have a six storey street wall as suggested in the applicant's submissions.

174. The decision continued to note at paragraph 47; '*we acknowledge that as a C2Z interface the impact of a blank wall is less concerning than that at the northern interface in Smith Street. However, it cannot be assumed that any building on the review site will not be highly visible in the street in the medium to long term'.*

175. The proposed extent of on-boundary wall has reduced from the previous application, based on the increased setback from Easey Street and the reduction in height from 9 to 8-storeys. This is evident in Figure 12, which shows the previous design of the proposed eastern wall.

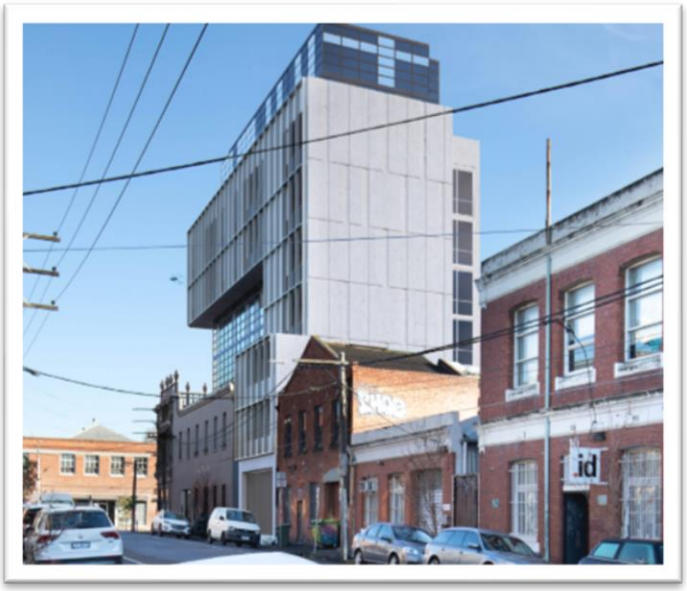

Figure 12: Previous application – Eastern interface

176. The removal of the cantilevered form in the south-west corner of the site has created a clear separation of the new building from the heritage corner, with this space demonstrated via red dashed lines in Figure 11. This element is supported. The extent of wall will be further reduced via the condition that requires the removal of one level. However, as highlighted in the VCAT decision, it is likely that the remaining boundary wall will be highly visible until such time that the sites to the east are developed.

177. This wall is proposed to be finished in warm grey brick, with limited articulation. A degree of visual interest to this wall would benefit its appearance. In his advice, Mr Gard'ner recommended the inclusion of 'blind' windows within the development's northern wall in order to increase articulation and provide a more visually interesting design. Blind windows could be achieved by applying spandrel glass or textured/coloured panels to emulate the proposed windows. To achieve an 'in the round' expression, these should match the window proportion and pattern as provided on the southern elevation (refer to Figure 10). The northern interface will be discussed in turn, however an alteration such as this to the eastern wall is considered to enhance the presentation of this façade and break up its 'blank' form until such time that future development occurs. If a planning permit is issued, this can be facilitated via a condition.

Northern interface

178. The northern wall of the proposal will be primarily constructed to directly abut the site's northern boundary. This wall will be broken-up into three distinct vertical forms, as is evident in Figure 13. Alternative materials will be used for each section of wall, with the highest point, the central lift-core, composed of light-grey concrete. The other two sections will be composed of warm grey concrete and grey brickwork.
The recess between the western side of the lift core and the front section of building addressing Smith Street will also provide a degree of articulation to this large expanse of visible wall.

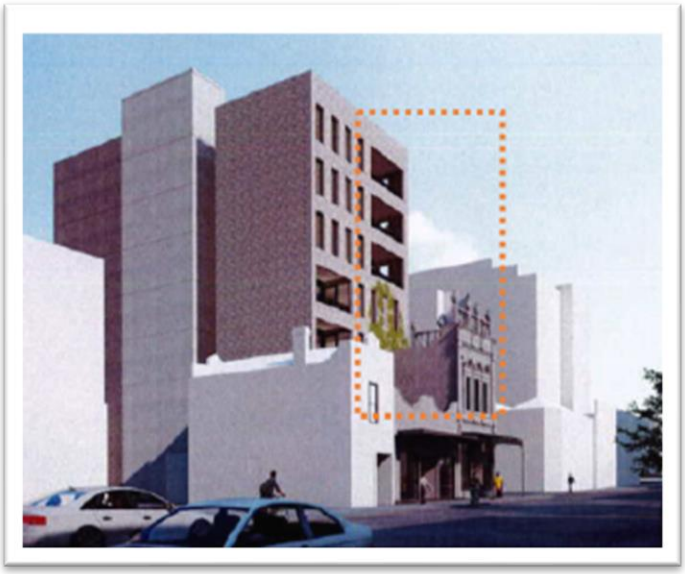

Figure 13: Proposed northern elevation

179. The appearance and design of the northern wall of the previous application was raised as an issue by planning officers, with the officer report noting '*The proposed northern wall is composed of un-fenestrated concrete with a lack of any articulation at most levels (views to the central light court are obscured due to its lack of width). This design results in a sheer wall along the full length of the northern boundary. Given the low-rise buildings to the north and the breadth of this rising form, this wall will be highly visible from the northern end of Smith Street.'*

180. An image of the previous northern wall is provided at Figure 14.

Figure 14: Previous application northern elevation

181. Whilst the northern wall of the current application is still expected to be clearly visible from the north; this is not unreasonable given the low-level context of built form adjacent to the site. However, a reduction in one level, as discussed previously, will lower the height of this wall and thereby reduce visual impacts associated with this elevation.

182. Mr McPherson agrees that the 'blank' side boundary wall is still a prominent aspect when viewed from the north, however he notes that elements such as the lighter colour of the lift-core, the provision of three distinct components and the recess of the light core contribute to the articulation of this façade. As a result '*it does not appear overbearing or excessively expansive'.*

183. Mr McPherson also notes that the additional front setback of the tower element will increase the space and separation provided between the street frontage and the upper level form; with this space demonstrated via the red dashed lines in Figure 14. It is evident when comparing the two designs that the current configuration results in a less dominant outcome, with the northern wall providing less competition to the original heritage façade.

184. The setback of the top-most level from the Smith Street boundary, along with the northern interface, also restricts views appropriately and reduces the overall height of the development from this angle.

185. Mr Gard'ner, whilst recognising that the northern wall is likely to be obscured by development in the future, recommended that further work should be done to this wall to break down its massing, through the use of either additional recessed elements or 'blind' windows, as discussed.

186. In this instance, planning officers do not agree that further work is required to this interface. Whilst it is acknowledged that the direct abuttal to the northern boundary will assist with future development, additional recesses within the wall may impede this outcome. Further, the addition of 'blind' windows or extra detailing may make this elevation look overly busy and compete with the heritage built form. The current simple design of the wall, whilst still articulated to a degree, does not detract from the heritage façade.

187. This element of the design was not discussed in detail within the VCAT decision for the previous scheme, with the Tribunal only noting that the large, blank wall allowed for equitable development opportunities in the future, and that the wall would be a highly visible element within the streetscape until such time this may occur.

188. As noted above, a reduction in height of one level, and the additional setbacks of the front boundary, will both assist in further reducing the visual impact of this wall to an acceptable degree. This outcome is supported.

Architectural quality

189. Policy at clause 15.01-2S encourages high standards in architecture and urban design, with clause 22.02 guiding 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, whilst considering the architectural integrity and context of the heritage place.

190. The upper levels of the Smith and Easey Street elevations will be finished primarily in a 'warm grey' coloured brick, with the triple-storey section of street wall in the south-east corner clad in 'dark grey' brick. The remaining new sections of wall on the east and north elevations will be finished in a combination of 'warm grey' and 'bright and light' concrete. The seventh floor will be clad in 'dark charcoal' coloured steel sheeting. Windows will generally be clear glazed with dark charcoal aluminium frames.

191. It is noted that the majority of 'renders' provided in the Urban Design Context Report portray the development in brown tones, instead of the grey colours referenced in the colour and materials schedule. If a planning permit is to issue, amended renders demonstrating the correct colours proposed for the development would be required via conditions.

192. The design is simple in its presentation, particularly when compared to the previous design, with the consistent setbacks from both street frontages, simplified form and increased use of brickwork considered to be positive features of the proposed development. These elements provide a less prominent built form than previously proposed, and ensure that the architectural features and design of the heritage building retains its dominance on the site.

193. The proposed design aligns with comments provided by the Tribunal at paragraph 59 of their decision, which states; '*A more modest form is required that better responds to the emerging Smith Street character and its heritage context'.*

194. The design is considered to achieve this more 'modest' response, whist providing a clearly distinct addition to the heritage building. The use of brickwork references both the host building and heritage streetscape, with the proportions of the windows and balconies in the upper levels reflecting the dimensions of openings with the original built form.

195. The amended design is generally supported from both a heritage and urban design perspective, with Mr Gard'ner noting that the current application provides a '*simplification of the overall design to a more modest massed form that achieves a more recessive design when viewed from Smith and Easey Streets'*. Mr Gard'ner also states that the '*use of solid masonry (warm grey brick) with punched window openings that respond to the vertical proportions of those in the nineteenth and early twentieth century buildings within HO333 is appropriate and is consistent with the policy at Clause 22.02-5.7.1'.*

196. Mr McPherson agrees, noting that the '*design of the upper level form seeks to retain or focus visual attention on the retained facades, through a neutral expression and minimalist detailing'.* The use of brickwork is supported, with this being a clear feature of the area, with the overall design respecting fenestration patterns, materials and the character of surrounding built form.

197. Whilst supportive of the more 'pared-back' design expression, Mr McPherson noted that by achieving a modest and quiet form, the proposed building has resulted in a somewhat 'harsh' and 'severe' appearance. In his advice, Mr McPherson recommended the addition of a layer of articulation, or an additional detail treatment, perhaps at the window edges or balcony balustrades, to soften the visual expression of the facades.

198. It is highlighted that the architectural drawings of the elevations indicate the windows and balconies will be surrounded by dark charcoal aluminium frames. However this element is not clearly shown in the colour renders. This difference is demonstrated in Figures 15 & 16. The lack of framing around these openings provides an unfinished look. It is considered that the appearance of the building would benefit from these dark framed elements, preferably with greater width/depth or a projected design. This would offset the extent of brickwork and provide some visual interest to the otherwise plain facades.

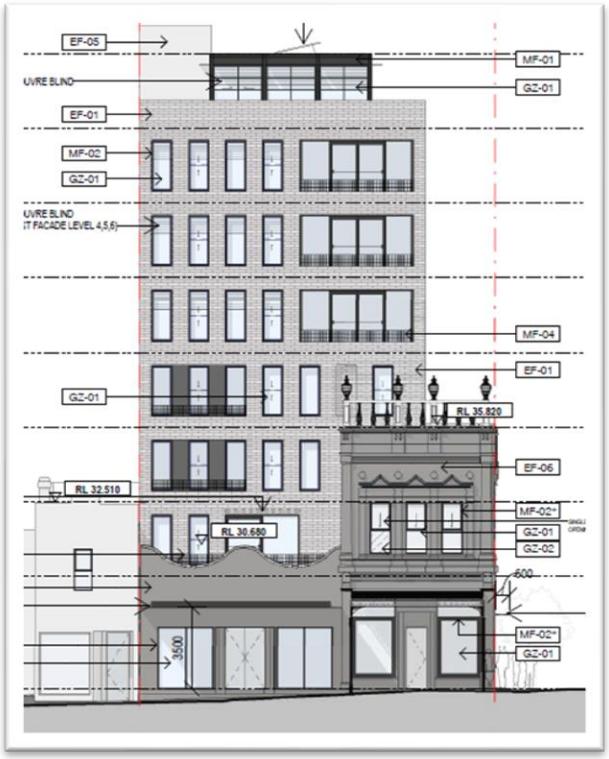

Figure 15: Fenestration detailing on facade

Figure 16: Render of fenestration detail

199. This architectural feature has been incorporated into another development within Collingwood, at No. 18-22 Peel Street (Figure 17), with the window framing considered to provide a defined finish to the building façade. If a planning permit is approved, this alteration can be facilitated via conditions.

Figure 17: No. 18-22 Peel Street, Collingwood

Conservation works

200. The Urban Context and Heritage reports submitted with the application indicate that conservation and restoration works will be undertaken to the retained heritage facades of both buildings. These will include the reinstatement of a reproduction Victorian-style verandah to No. 378 Smith Street, and the reinstatement of missing urns to the parapet of this building. The external masonry will be repainted in a warm cement grey tone. It is also proposed to replace the existing awning to 380 Smith Street.

201. It is noted that external paint controls apply to the Smith Street Heritage Precinct (HO333). Although materials and colours are described in general terms (e.g. 'warm grey colour', 'dark grey colour' or 'dark charcoal' etc.) specific material finish and colour selections, particularly for the heritage facades, have not been provided in detail.

202. In his heritage advice, Mr Gard'ner notes '*the cement render of the walls of 378 Smith Street and the parapet of 380 Smith Street are (other than graffiti) unpainted. However, the renders provided as part of the application appear to show the retained heritage buildings in a chocolate brown colour. It is our view that this is not an appropriate colour choice and ideally the cement render should remain unpainted. If painting is required (following render repairs etc.) consideration should be given to use of a mineral silicate paint in a cement render grey or light buff colour. Appropriate colours will also need to be selected for the reconstructed verandah ironwork, shopfront joinery and first floor timber window joinery'.*

203. It has been highlighted previously within this assessment that the images of the proposal appear to incorrectly demonstrate 'brown' finishes for the existing and new built form. All of the notations and material schedules indicate that grey tones will be used. Amended renders have been required via a permit condition. A further condition will ensure that a comprehensive Conservation Management Plan will be prepared by a suitably qualified heritage architect. This plan must outline the scope and schedule of all works and provide clear details of all finishes/colours/materials proposed.

204. Mr Gard'ner also noted in this advice that the Conservation Management Plan must include detailed documentation for the replica verandah proposed in front of No. 378 Smith Street, with his advice noting that the depth of the proposed verandah over the Smith Street footpath is inconsistent with the depth of original verandahs within the heritage precinct. To be historically accurate, the verandah should extend across the full width of the footpath. Whilst it is acknowledged that the proposed verandah could be extended slightly in depth, there are a number of constraints that preclude this awning from extending over the full width of the footpath. These include building regulations that require a setback of 750mm from the back of the kerb, as well as the existing electricity pole on the Smith Street footpath (which is not depicted on the plans). Further to this, a deeper awning would potentially obstruct pedestrian traffic on the footpath and conflict with the bicycle hoop adjacent to the site. On this basis, a historically accurate verandah in this location may not be possible.

205. In this instance, it may be preferable for the existing awning to be retained, unless a suitably historically accurate replacement verandah can be designed. A permit condition can provide both of these options.

Public Realm and pedestrian spaces

206. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the heritage grading of the building limits the extent of alteration that is able to occur within the existing façade, with the changes that are proposed resulting in limited alterations to the Smith Street or Easey Street streetscape.

207. The retention of the shop frontages to Smith Street will retain the existing activation of the commercial strip. The residential entrance will be clearly visible from both streets, being relatively close to the Smith Street corner. The garage entrance will be located furthest from the principal façade; this design response is acceptable and will ensure that vehicle movements are directed away from the heritage frontage.

208. An awning is proposed above the ground level shops addressing Smith Street, with a small awning above the residential entrance to Easey Street. Details of this awning design have been discussed, however dimensions of the awning must be shown on the plans. To ensure that the relevant building regulations are met, Council Engineers have stated that the awnings must be set back at least 750mm from the respective kerbs, and must have clearance heights of a minimum of 2.7m above each kerb. The plans indicate that the Smith Street awning will be located 3.5m above the kerb. Details of the clearance height of the Easey Street awning will be required via permit conditions, if a planning permit is to issue.

209. As noted previously, a historically accurate awning may obstruct the footpath and bicycle hoop, given that verandah posts would have to be set back 750mm from the kerb. The existing awning (Figure 18), is self-supporting and set back from the electricity pole. As outlined in the relevant condition, either this awning is retained or a historically accurate awning that maintains the same clearance from these elements will be required.

Figure 18- Existing awnings above Smith Street footpath

210. A gas meter and booster cabinet is proposed within the Easey Street façade. To ensure that the footpath is not obstructed if this cabinet is open, the design of the doors must ensure that they can swing 180-degrees and be latched to the wall when opened and serviced. A notation confirming this will be required via a permit condition.

Street trees

211. There are 2 street trees located adjacent to the southern wall of the development, within the Easey Street road reserve, with a third tree immediately to the east of the existing/proposed crossover on Easey Street. The plans indicate that these trees are to be maintained. To ensure this occurs, a Tree Management Plan will be required via a permit condition, with a bond to be placed on the trees in the event they are damaged.

Site Coverage

212. The level of site coverage proposed is 100 percent. As the existing level of site coverage in the surrounding (and immediate) area is similar, this outcome is acceptable. Commercial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Collingwood, and in particular, within sites immediately to the east of the subject land.

Light and Shade

213. Shadow diagrams indicate that a limited section of the western footpath of Smith Street will be in shadow at 9am at the September equinox. These shadows will dissipate by 10am. This outcome is acceptable, ensuring that there will be no further loss of solar access to this footpath throughout the day. The eastern footpath of Smith Street, directly in front of the site, will be in shadow until 12pm; however given the existing built form on the land, this is consistent with current conditions.

214. The development will result in overshadowing of different sections of the southern footpath of Easey Street at all times throughout the day. Whilst this was raised as a concern by Council in the previous application, the Tribunal did not share this concern, noting at paragraph 60 of their decision;

> *[60] The council submits the building will unreasonably overshadow Easey Street due to the building height. Easey Street is not a main pedestrian thoroughfare. We note that other buildings in the area would cast similar shadow over side streets. The issue of shadow to the south side of Easey Street is not one on which we find the proposal fails.*

215. It is noted however that a reduction in height of the building as required via conditions is likely to reduce shadows somewhat to this interface. This outcome is considered acceptable.

Clause 58

Standard D1 – Urban context

216. The purpose of this standard is to ensure that the design responds to the existing urban context or contributes to a preferred future development of the area. These aspects have been discussed in detail earlier within the built form review, with the height, massing and appearance of the proposed building (based on permit conditions) considered to be an acceptable response within the existing and emerging character of the neighbourhood. On this basis, the Standard is met.

Standard D2 – Residential Policies

217. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the C1Z and local policies of the Scheme. The site can clearly support a reasonable degree of higher density residential development, based on its proximity to public and community infrastructure and services. The Standard is met.

Standard D3 –Dwelling diversity

218. The provision of a diverse housing stock assists in achieving broader strategic goals by promoting housing choice, adaptability and encouraging a diverse range of people within a neighbourhood, including families. The proposal provides 7 x 1 bedroom, 3 x 2 bedroom and 9 x 3 bedroom apartments. This mixture of dwelling sizes allows for a reasonable variety of dwellings to be provided and ensures that the Standard is met.

Standard D4 - Infrastructure

219. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The Standard is met.

Standard D5 – Integration with the street

220. The site would maintain its existing integration with the street with regards to the principal shopfronts; this outcome is supported and will ensure that an active commercial presence is retained along Smith Street. Limited alteration to the building's integration with Easey Street is achieved; however this must be balanced with the level of demolition considered appropriate. On this basis the Standard is met.

Standard D6 – Energy efficiency

221. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourages ecologically sustainable development with regard to water and energy efficiency, building construction and ongoing management. Positive attributes of the proposed development are outlined in the Sustainable Management Plan submitted with the application and include the following;
    (a) The ground level shop will exceed 2016 BCA energy efficiency requirements through insulation and glazing (with 51% of the shop achieving best practice daylight access), with apartments demonstrating an average NatHERS rating of 6.2-stars;
    (b) The HVAC system will incorporate an energy efficient reverse cycle air conditioner unit (within 1-star rating of best available or an EER/COP >3.2/3.5), and use air-cooled condenser components to reduce water use;
    (c) The development will provide a 20% improvement on 2016 BCA illumination densities, with LEDs (<4.0W/m2) used throughout, and light sensors and timers to be incorporated into common areas;

(d) A 3kW rooftop solar PV system is proposed, capable of producing up to 4,380kWh of electricity per year and contributing to energy efficiency throughout the development;
(e) Water efficient fixtures and taps will be installed'
(f) A 10.000L rainwater tank will be installed beneath the garage; this tank will be connected to toilets from ground level to Level 3 and will achieve a STORM rating of 101%;
(g) Operable windows will be used throughout to facilitate natural ventilation;
(h) 21 secure bicycle parking spaces will be provided at ground level;
(i) A high standard of materials/paints/products will be used;
(j) A commitment to a site-specific construction Environmental Management Plan with a recycling and reuse target of 80% of demolition and building waste; and
(k) A Building User Guide will be provided to building occupants with the intent to reduce energy and water consumption.

222. All of these features are supported and will contribute to positive ESD outcomes. There were a number of recommendations made by Council's ESD Advisor to further improve the energy efficiency of the development. These include the following;
(a) An increase from 6.2 star to 6.5 star average NatHERS rating for the apartments;
(b) The louvered shading proposed for the upper-level windows on the western façade should also be incorporated into windows at levels 2 & 3 on this façade, as well as all windows (levels 3-7) facing east;
(c) There should be a degree of vegetation provided. This would improve residential amenity, biodiversity values, and climate resilience. It is noted that the addition of vegetation would also contribute to 'softening' of the appearance of the building; a concern raised earlier within this report.

223. All of these recommendations can be facilitated via permit conditions, with a Landscape Management Plan also required to ensure that any vegetation incorporated into the development is appropriately located and maintained.

224. In addition to these recommendations, there were some elements missing from the submitted material as highlighted by Council's ESD Advisor. These include the following;
(a) A full copy of the BESS report (not just the results) is required;
(b) The provision of details of the thermal performance of the non-residential component of the development;
(c) The provision of an assessment of Greenhouse Gas (GHG) emissions (building wide);
(d) Clarification of details of the proposed hot water services (HWS);
(e) An assessment of peak energy demand;
(f) Confirmation of how the ground floor 'winter garden' will be irrigated (this requirement will be incorporated into the Landscape Management Plan);
(g) Confirmation of the quantity of products (by cost or weight) to use recycled content;
(h) Details regarding the embodied carbon reduced by opting for a 'Responsible Steel Maker', and confirm quantity by weight or cost;
(i) Clarify misalignment between Plans (21 bicycle spaces), the SMP (20 bicycle spaces) and the Planning Report (16 bicycle spaces) – and consider bicycle parking needs for visitors and customers of Ground Floor retail tenancy (this aspect will be discussed in the 'Bicycle Parking' section of this report); and,
(j) A number of materials specified are quite dark and may have trouble performing in hot conditions. Reconsider colours of EF-02, EF-04, MF-01 and MF-03 and provide a statement as to how materials selection reduces urban heat island effect.

225. All of this outstanding information will be required to be incorporated into an updated Sustainable Management Plan. Based on the existing commitments outlined within this document, and the further elements required via permit conditions, it is considered that the development will achieve a high level of energy efficiency and is supported.

Standard D7 – Communal open space

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

Standard D8 – Solar access to communal open space

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

Standard D9 – Safety

228. The proposed residential entrance would be visible from Easey Street and is not obscured or isolated from the street, with an awning above the entrance providing further definition whilst allowing for a degree of shelter. The Standard is met.

Standard D10 – Landscaping

229. Landscaping does not play a significant role in the character of the surrounding area and the development will not incorporate any landscaping into its design. However, as discussed previously, a degree of visible landscaping is encouraged to add visual interest to the appearance of the development and assist with its ecologic performance. A Landscape Management Plan has been required via a permit condition.

230. Given the size of the site below 750sqm, there is no requirement for deep soil areas or canopy trees to be provided. The Standard will be met.

Standard D11 – Access

231. Vehicle access is maintained via the existing crossover on Easey Street. This outcome is supported. Access for service, emergency and delivery vehicles is available and the Standard is met.

Standard D12 – Parking location

232. The location of parking at the rear of the site is considered to achieve an acceptable design response. The ground floor garage is easily accessible from the central lobby area, with direct access to the lift and stairway from this space. Clear access will also be available to this space from the residential lobby and the bicycle storage room.

233. The garage will be located directly adjacent to the dwelling to the north (382A Smith Street), with a number of bedrooms proposed above this space at first-floor. Two separate car stacking systems are to be accommodated within the garage. An acoustic report, prepared by Acoustic Logic, addresses potential noise issues from the garage, vehicle entry door and car stacking systems, noting that noise levels from the carpark gate and stackers should be designed to not exceed 65 dB(A) Lmax outside openable windows of bedrooms within the development and at existing sensitive locations nearby. To achieve this outcome, the following measures are highlighted within this report;
    (a) The car park floor surface is to have a broom finish or alternative to address tyre squeal;
    (b) The external walls of the carpark are to be solid and imperforate;
    (c) If ventilation is required, it is to be mechanical ventilation with acoustic treatment on the intake and discharge as required to comply with the requirements of EPA SEPP N-1; and,
    (d) The carpark slab soffit is recommended to be lined with absorptive treatment with 30mm Envirospray 300 or alternative with minimum NRC 0.8.

234. To limit noise impacts from the garage door, the report indicates that it should be ‘vibration isolated’ from the remaining building via the following methods;
    (a) Teflon guides or similar shall be installed in all rails;

(b) Door guides should be fitted with vibration isolated fixings where required;
(c) Door motors shall be fitted with a soft start/stop controller to minimise noise;
(d) The door shall be stopped approximately 5 mm from the slab/ground to ensure the base of the door does not contact the concrete surface.

235. Further to these mitigation measures, the following attenuation works will limit noise impacts associated with the car stackers;
(a) Hydraulic pumps shall be fixed to the ground and enclosed, with no mechanical connection to the walls or roof;
(b) The car stackers shall slow prior to stopping on the ascending and descending movement to minimise noise from operation;
(c) The car stackers shall be constructed so that the ramp does not rattle when cars drive on and off of the stacker; and,
(d) Car stackers shall be constructed so that they are attached to the car park floor and shall have no mechanical connection to the wall or roof.

236. The acoustic report and plans were peer reviewed by SLR Consultants (SLR). SLR concluded that based on the attenuation measures outlined, the proposed noise controls can be expected to result in compliance with SEPP N-1 and sleep disturbance targets at all sensitive receiver locations.

237. The acoustic report will be endorsed as part of any planning permit issued. On this basis, the Standard is met.

Standard D13 – Integrated water and stormwater management

238. The application proposes the installation of a 10,000L rainwater tank which would be connected to a number of toilets within the development (from ground level to level 3). The STORM report provided with the application achieves a score of 101%, which is consistent with the policy direction under clause 22.16 – Stormwater Management (Water Sensitive Urban Design) of the Scheme. On this basis, the Standard will be met.

Standard D14 – Building setbacks

239. As outlined within the built form review of this assessment, the height and setbacks of the building, when amended to include the recommended conditions, is considered to achieve an acceptable design response to the character of the surrounding area.

Standard D15 – Internal views

240. This Standard notes that windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development. Internal, downward views will be available from three of the second-floor balconies into first-floor balconies below. The balconies within the second-floor are all limited in size, with two of these balconies being only 8.2sqm. These balconies are also south-facing. Providing a screen to these balconies would further restrict the extent of daylight available to the dwellings, with the use of planter boxes or an internally angled screen reducing the scale of these balconies to an unacceptable size.

241. Methods to restrict downward views in accordance with clause 58.04-2 (Internal Views objective) to the balconies below will have to be incorporated into these spaces, with these measures to result in no further reduction in size or loss of daylight to the balconies for Units 2.01, 2.02 & 2.03. If a planning permit is issued, a condition will facilitate this outcome.

Standard D16 – Noise impacts

242. The proposed development is located 350m to the south of Alexandra Parade, with this road being the closest noise influence area specified in Table D3 to this Standard. As the development is just outside the 300m threshold area, the specific noise controls outlined in this Standard are not required to be met; however given the site's proximity to tram and traffic noise along Smith Street and the Robert Burns Hotel to the south; it is considered that the new dwellings mustbe designed and constructed to include acoustic attenuation measures to reduce noise levels from these off-site noise sources.

243. Further, clause 22.05 of the Scheme states that new residential development located in commercial zones should be designed to;
    (a) *Incorporate appropriate measures to protect the residents from unreasonable noise, fumes, vibration, light spillage and other likely disturbances, and;*
    (b) *Locate noise-sensitive rooms (in particular bedrooms) and private open space away from existing and potential noise sources, and where appropriate incorporate other measures such as acoustic fencing, landscaping and setbacks.*

244. The Acoustic Report provided with the application identified the relevant noise sources outlined above, along with potential noise from mechanical plant equipment (existing and proposed) and the shop at ground floor. These noise sources and potential impacts will be discussed in turn.

Road Traffic Noise

245. Acoustic Logic noted that as the noise limits outlined in this Standard technically do not apply, internal noise level criteria for external noise intrusion from traffic associated with surrounding streets has been developed in accordance with *Australian Standard AS/NZS2107:2016 "Recommended Design Sound Levels and Reverberation Times for Building Interiors"* (AS/NZS 2107:2016). This Standard sets out internal targets of 45 dBA Leq,1hr in all rooms during the day period and up to 40 dBA Leq,1hr in bedrooms at night.

246. In their review of this report, SLR noted that the targets identified for the loudest hours of road traffic (being the upper end of the AS/NZS2107 ranges) are reasonable. However, to ensure that internal amenity within all dwellings is satisfactory, they recommend that road traffic noise is assessed to the following day and night average noise targets as well as the loudest hour targets used in the report:
    (a) Day and night average levels no greater than:
        (i) 40 dB LAeq,16h or LAeq,15h in living areas and bedrooms; and,
        (ii) 35 dB LAeq,8h or LAeq,9h in bedrooms.

247. Recommendations for façade upgrades to achieve the nominated indoor noise levels presented in the report are provided, with this including specifications for windows and treatments for non-glazed areas of the façade and roof. In their review, SLR recommended that these façade treatments should be further reviewed to take into consideration the amended targets recommended above. The acoustic report will require amending via a permit condition to provide this information.

248. SLR noted that the targets proposed within the report for tram noise are appropriate.

Music Noise

249. With regards to the Robert Burns Hotel to the south (No. 376 Smith Street), live music forms part of the operation of this venue, therefore Clause 53.06 (Live Music and Entertainment Noise) applies. As noted earlier, this venue currently operates until 12midnight, with a planning application being considered by Council to extend these hours until 1am. This amendment also seeks to provide live music within the external courtyard of the hotel, as opposed to background music only in this space.

250. Acoustic Logic stated that music from this venue was not audible at the subject site during their inspections and testing. Based on this outcome, it was assumed that the music levels must already comply with SEPP N-2, and that no further consideration of impacts is necessary. SLR generally accepted this outcome with regards to music noise, however they noted that the current application to extend the operating hours and play live music within the courtyard may alter this.

251. SLR have been retained by Council to also provide advice on the current amendment at the Robert Burns Hotel. Their review of that application identifies the proposal at No. 378-380 Smith Street, with their review highlighting potential impacts both to the existing shop-top dwelling at No. 378 Smith Street and the future development on the site. In their comments, SLR note the following;
    (a) *The proposed new apartments at 378-380 Smith Street will be more elevated than the existing shop top dwelling at that address, and will have a clearer line of sight to the outdoor patron area. Consequently some new apartments will be exposed to higher, potentially non-compliant, levels of music. However, the venue is required to comply with SEPP N-2 externally at 368-374 Smith Street, which is the potentially most impacted receiver location. If it complies there, it should also comply at upper level receivers in the development proposed for 378-380 Smith Street.*

252. A planning permit (PLN17/1042) has been issued for an 8-storey development at No. 368-374 Smith Street, directly to the south of the hotel. As noted in the acoustic advice, given the proximity of the approved development to the hotel, if SEPP N-2 levels are met at dwellings within this development, they will be met within dwellings associated with the subject site.

253. Whilst a decision for the amendment at the hotel has not been finalised, planning officers have confirmed that a condition as outlined above (requiring SEPP N-2 to be met at all dwellings within No. 368-374 Smith Street) will be added to any amended planning permit issued. This will ensure that music levels at the proposed development will meet SEPP N-2, and internal amenity will be satisfactory.

Patron Noise

254. Patron noise from the hotel has been assessed to the subject development, however in their review SLR predicted that patron noise levels at the façade of the development will be higher than measured in the acoustic report. This is due to lesser shielding to upper levels of the building. Windows in the southern façade of the development overlooking the outdoor patron area are proposed to be not less than 6.38 mm thick laminated glass (living rooms) and 10.38 mm thick laminated glass (bedrooms). Double glazed options are also provided.

255. SLR recommend that the glazing is reviewed to address the potentially higher levels of patron noise due to the reduction in shielding to the upper level apartments, with their indicative calculations suggesting that further upgrades from the single glazing options provided in the report would be required to control higher levels of patron noise. The acoustic report will require amending via a permit condition to provide this information, with upgrades to the upper levels incorporated into the design if required.

Hotel Mechanical Plant and Equipment

256. The acoustic report provides noise levels from the roof mounted mechanical plant on the adjacent hotel to the façade of the subject development. These calculations predict that levels will comply with the SEPP N-1 day and evening limits, however they will be marginally non-compliant with the night limits. In their review, SLR agreed with these noise calculations, however they noted that the noise limits have been conservatively calculated by Acoustic Logic. Whilst a conservative approach is appropriate, SLR predicted that night noise levels at the façade of the development are likely to comply with SEPP N-1, if noise limits were determined using more representative background noise data.

257. Based on this outcome, SEPP N-1 is expected to be achieved at all times throughout the day and night.

Mechanical plant noise

258. Due to the fact that the mechanical plant and equipment design has not been completed, advice for achieving compliance with SEPP N-1 is not provided in the report. The acoustic report notes that the equipment will be designed to ensure compliance with the SEPP N-1 limits provided in the report. SLR support this approach.

Shop noise

259. The ground floor shop use does not require a planning permit, however the acoustic report has included methods by which noise impacts from this use will be managed. The report specifies background music levels only, with no external speakers and compliance with SEPP N-2 achieved at all times within apartments directly above the shop. The report also discusses waste procedures and hours of delivery etc. As the acoustic report would be endorsed as part of a planning permit, all of these requirements would have to be met.
260. Based on the assessment above, a number of amendments to the noise levels are required via an updated acoustic report. These amendment may result in necessary changes to the façade treatments and glazing specifications outlined in the report. Upgrades to mitigation measures must be clearly detailed in any amended report, with these elements to be outlined in amended plans, if a permit is to issue.

Standard D17 – Accessibility objective

261. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide;
    (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
    (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
    (c) *A main bedroom with access to an adaptable bathroom;*
    (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*

262. The BADS summary provided with the application indicates that 10 of the 19 apartments, or 52.6%, will achieve this degree of accessibility, with Design Option A provided. A detailed assessment of these designated apartments indicates that certain elements included in Design Option A have not been met in all instances. A number of the accessible bathrooms have inward opening doors, with toilets that are not located within the corner of the room. These aspects must be altered to ensure full compliance with Design Option A; a permit condition can facilitate this.

Standard D18 – Building entry and circulation

263. The proposed residential lobby would be readily visible within views along parts of Smith Street and within Easey Street, and would therefore provide an adequate sense of address and identity for the building. An awning sits above the residential entrance, providing a visible transitional space for shelter. The Standard is met.

Standard D19 – Private open space

264. The areas and orientations of the balconies differ throughout the development, addressing the southern and western boundaries, with the exception of one balcony within the north-east corner at Level 1.

265. This Standard requires the following dimensions for balconies;

    (a) 1 bedroom dwelling – minimum area of 8sqm and minimum dimension of 1.8m
    (b) 2 bedroom dwelling – minimum area of 8sqm and minimum dimension of 2m
    (c) 3 bedroom dwelling – minimum area of 12sqm and minimum dimension of 2.4m.

266. Sizes of balconies throughout the building range from 8.2sqm to 117.7sqm. Only two of the balconies are 8.2sqm; these are both associated with one-bedroom dwellings and do not appear to have air-conditioning units. The Standard notes that if a cooling or heating unit is located on a balcony, then the balcony should provide an additional floor area of 1.5sqm. If a planning permit is issued, a condition will be added to confirm where the condensers for these units will be located and that they will not be within the balcony. All of the remaining balconies exceed the size by a minimum of 1.5m (with air-conditioning units provided) and minimum dimensions required by the Standard.

267. Sliding doors are provided to all areas of open space, ensuring that they are not compromised by an outward opening door. The proposal will generally result in well-designed balconies with a typical rectangular shape that are directly accessible from primary living spaces.

    Standard D20 – Storage

268. Each of the proposed dwellings will have access to the minimum storage requirements outlined within this Standard, with the majority of this storage located within the apartments. Units 2.01 and 3.01 have access to external storage cages at ground level, with Units 1.01 & 1.03 provided with storage cages within their balconies. The functionality and location of these storage spaces are considered reasonable and the Standard will be met.

    Standard D21 – Common property

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

    Standard D22 – Site services

270. The majority of site services would be located at ground level within the building, adjacent to the bin storage and bicycle rooms. This location is acceptable and will ensure that these services can be installed and easily maintained.

271. The mailboxes will be located directly adjacent to the residential entrance on Easey Street, within an internal space accessible by Australia Post. This outcome is acceptable.

    Standard D23 – Waste and recycling

272. Waste storage procedures will be discussed within the separate waste section of this assessment.

    Standard D24 – Functional layout

    Bedrooms

273. The Standard notes that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions. The Standard is met for all dwellings.

Living areas

274. Table D8 within this Standard states that living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified below;
   (a) 1 bedroom dwelling - minimum width of 3.3m, with a minimum area of 10sqm
   (b) 2 or more bedroom dwelling – minimum width 3.6m, with a minimum area 12sqm.

275. All of the apartments meet this Standard.

Standard D25 – Room depth

276. The majority of habitable rooms proposed within the development have dual aspect, with only 5 of the 19 living rooms single-aspect in design. The Standard aims to allow adequate daylight into single-aspect habitable rooms, by ensuring that these rooms do not exceed a room depth of 2.5m times the ceiling height. With floor to ceiling heights of 2.7m, room depths should not exceed 6.75m. However the Standard also gives allowances, as follows;

277. The depth of a single-aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met;

   (a) The room combines the living area, dining area and kitchen.
   (b) The kitchen is located furthest from the window.
   (c) The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level.

278. These requirements are met within the 5 single-aspect rooms, ensuring that the Standard is achieved.

Standard D26 – Windows

279. All habitable rooms within the proposed development contain a window within an external wall to the building, with no reliance on ‘borrowed light’ for any habitable rooms. The Standard is met.

Standard D27 – Natural ventilation

280. All of the dwellings will be provided with ventilation opportunities, with 47.4% of apartments achieving reasonable cross ventilation. This meets the Standard, which requires a minimum of 40% of dwellings to be provided with effective cross ventilation.

<u>Off-Site Amenity</u>

281. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impact of development on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme. In this instance the site is surrounded by land within the C1Z and C2Z (with residential use prohibited within the latter). Further, the site is located within a neighbourhood where commercial uses are encouraged.

282. Decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate); *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.*

283. In this instance, a dwelling is located directly to the north of the subject site, at 382A Smith Street. As outlined in paragraph 61 of *Leading Edge Construction v Yarra CC [2011] VCAT 3098*, Member Davies stated that;

> *[61] Existing residents in the B1Z are entitled to 'some basic amenity measures'. Redevelopment of neighbouring sites should not be 'totally obliterating' their amenity.*

284. In contrast, the VCAT decision for the previous application on the site highlighted that the neighbouring dwelling to the north is within the C1Z, with clause 34.01-7 of the Scheme specifically exempting the construction of a building from review rights if the subject site is not located within 30m of land in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

285. Paragraph 63 of the decision states

> *[63] Mr Trang and Ms Horton expressed concerns about the impact of the building on the amenity of their properties. In particular Ms Horton expressed concerns about overlooking, overshadowing and visual bulk. Having determined that we consider no permit is needed for the use of the dwellings, the only review rights of these neighbours relates to impact of the building is on the heritage streetscape of the area. This goes to the question of visual bulk as viewed in the street, as we have discussed above. The council is not opposed to the building due to issues of external amenity impact. We agree that the sensitive interfaces are limited. In a C1Z context we are satisfied that reasonable amenity could be maintained to existing properties. This is not an issue on which we refuse the proposal.*

286. Irrespective of this position, it is not considered that the proposal will result in unreasonable off-site amenity impacts to the northern sites. There are no proposed windows within the development with direct views to these sites, and there are no windows within the adjacent dwelling that directly address the proposed development. This ensures that no loss of daylight to any habitable room windows will occur. Similarly, no reduction to the solar access of the adjacent SPOS will occur, given its location to the north of the proposal. Visually, the northern wall of the development will be highly visible from the adjacent SPOS. However, the articulation of this wall discussed previously, when combined with the reduced height recommended by Council, is considered to result in an acceptable outcome given the context and zoning of the land.

287. Potential noise impacts from the mechanical car parking equipment, and suitable mitigation measures to reduce these impacts, have been discussed previously within this assessment.

288. On this basis, the proposal is not expected to result in unreasonable off-site amenity impacts to the adjacent land.

Wind

289. A desktop wind assessment was undertaken to ensure that the development would not result in unreasonable wind conditions within the surrounding streetscape, or within the proposal itself. This assessment was prepared by Vipac Consultants (Vipac) and reviewed on behalf of Council by MEL Consultants (MEL). The assessment indicated that the ground level awning and the setback of the tower element from Smith Street would ameliorate adverse wind conditions on the pedestrian footpath. However, in their review, MEL noted that this analysis only appears to have considered westerly wind direction.

290. The review highlights that wind conditions would also be impacted by wind flow deflected by the north face around the northwest corner and along Smith Street. Similarly, wind from the south would flow around the southwest corner and impact the wind conditions along Smith Street. Whilst MEL agreed with Vipac's conclusion that wind conditions along Smith Street would satisfy the walking criterion, they did not agree that the wind conditions along this streetscape would be similar to existing conditions (as stated in the Vipac report). This is unlikely given the increase in height proposed on this corner.

291. Vipac concluded that wind conditions adjacent to the ground floor entrances on Smith Street and Easey Street would satisfy the standing criterion and were also satisfied that the walking criterion would be met within the proposed upper level terraces.

292. However, given the lack of detail provided with regards to wind flow from all directions, if a planning permit is to issue, a condition will require the submission of a Wind Tunnel test to confirm the outcomes outlined above.

Equitable development

293. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development must be considered. In this instance, the site is separated from land to the south and west, with direct interfaces to the north and east. In this respect, the development has been designed to largely abut these boundaries at all levels, with the exception of a lightcourt within the site's north-east corner. This lightcourt would be set back 4.5m from both of these boundaries. This outcome is consistent with the building envelope proposed previously, with VCAT noting that '*the proposed development provides for an equitable sharing of future development opportunities'.*

294. It is considered that the direct abuttal to the north and east will allow future built form to build to these respective boundaries without compromising the internal amenity of any dwellings within the subject site. Further to this, the 4.5m setback, if mirrored on adjacent sites, will allow for a 9m separation. This will ensure that screening etc. will not be required to alleviate future overlooking impacts, and daylight to existing and future dwellings would be maintained. This outcome is supported.

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

295. 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	Reduction required
One-bedroom dwelling	7	1 space per dwelling	7	0	7
Two-bedroom dwelling	3	1 space per dwelling	3	3	0
Three-bedroom dwelling	9	2 spaces per dwelling	18	16	2
Retail	89.5sqm	3.5 spaces per 100sqm of leasable floor area	3	0	3
		Total	**31 Spaces**	**19 Spaces**	**12 spaces**

296. This indicates that a car parking reduction of 12 spaces is required.

Parking Availability

297. To ascertain the availability of car parking in the surrounding area, the application relies on data provided for the previous proposal. This is considered reasonable, with this data compiled in 2018. It is unlikely that significant changes in parking/traffic conditions have occurred since that time.

298. An on-street car parking survey was undertaken by O'Brien Traffic (on behalf of the Applicant), on Friday 10 and Saturday 11 August 2018 between 11:00am and 2:00pm (both days) within 250m of the subject site. In addition, spot surveys were conducted from Thursday 9 to Sunday 12 August 2018 at different times.

299. The survey area encompassed sections of Smith Street, Hotham Street, Easey Street, Sackville Street, Budd Street, Rose Street, Kerr Street, Argyle Street and Gore Street. An inventory of up to 333 publicly available parking spaces was identified; of these spaces only 43 were unrestricted.

300. Council engineers confirmed that the extent and times of the survey were appropriate.

301. The survey results indicated that the peak parking occupancy occurred on the Friday at 12:30pm, with 20 spaces vacant in the study area. On the Saturday, this increased marginally to 34 spaces. The spot surveys, undertaken at 7pm on the Thursday, Friday and Saturday, resulted in available spaces respectively of 114, 116 & 51. This number increased at 3pm on the Sunday, to 83 spaces.

302. Overall, the surveys indicate that there is typically a reasonable availability of parking within the vicinity of the subject site. However, it is noted that the majority of these spaces are paid parking or time restricted. The availability of short to medium-stay parking would provide regular turnover throughout the day, thereby allowing visitors and customers to park near the site. Alternatively, the limited availability of long-term on-street parking would discourage employees from driving to work, and residents from parking on-street. This would encourage travel by alternative forms of transport. The availability of alternative transport methods will be discussed in turn.

Parking Demand

303. The one-bedroom dwellings will not be allocated any on-site parking, with one space for each of the two-bedroom apartments, one space for two of the three-bedroom dwellings and two spaces for the remaining three-bedroom dwellings. The traffic report sourced car ownership details for flats in the Collingwood area from the 2016 Census conducted by the Australian Bureau of Statistics. This data indicated that approximately 40% of one-bedroom flats in Collingwood do not own a motor vehicle.

304. In this instance, providing no on-site parking for the one-bedroom dwellings is considered appropriate, having regard to the excellent accessibility to public transport services and local facilities/amenities. Further, given the lack of unrestricted on-street car parking within proximity to the site, and the lack of residential parking permits that will be issued to future occupants, it is considered unlikely that purchasers of these dwellings will rely on a vehicle as their primary form of transport.

305. The proposed on-site parking provision for the three-bedroom dwellings is considered appropriate and consistent with the statistical averages for car ownership. In the previous proposal for the site, the 2016 Census data recorded that some 62% of three-bedroom type dwellings in Collingwood own one motor vehicle. The data suggests that only a small proportion of three-bedroom dwellings own two cars.

306. The lack of on-site car parking for the retail use is also considered appropriate, with most retail outlets in the City of Yarra providing no on-site car parking for customers or employees.

307. In this instance it is considered that providing a reduced provision would encourage a modal shift from private vehicle use to more sustainable travel. Accordingly, the reduction being sought by the proposal is supported by the following:
    (a) The site is within walking distance of tram services operating along Smith Street and Brunswick Street. Bus services operating along Johnston Street and Alexandra Parade are also within easy walking distance of the site;
    (b) Whilst two on-site parking spaces are currently allocated to the existing first-floor dwelling, there are no on-site car parking spaces allocated to the two existing retail premises. The car parking survey indicates that an adequate supply of short-term, on-street parking spaces would be available for customers of the shop;
    (c) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Future residents would be able to take advantage of the nearby bicycle infrastructure, with on-road and informal bicycle lanes surrounding the site;
    (d) Resident, visitor and employee 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;
    (e) The proposed shop would rely typically on walk-up trade for its primary source of customers, rather than being a specific destination for visitors;
    (f) 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;
    (g) 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 Smith Street, where spare on-street car parking capacity would be shared amongst sites within the centre;
    (h) The site is within walking distance of public transport services, shops, businesses, supermarkets, essential facilities and potential places of employment and education; and,
    (i) There are numerous car share pods within proximity to the site that would make this location appealing for residents who do not own a car.

308. From a traffic engineering perspective, the reduction of car parking associated with the residences and shop use is considered appropriate in the context of the development and the surrounding area.

Access and layout

309. Vehicular access to the site, along with the proposed layout of the internal garage, was determined to be largely satisfactory by Council's Engineers, based on the following outcomes and design features;
    (a) The proposed 6.2m wide vehicular entrance satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004;
    (b) The entrance has a headroom clearance of 4.0m and satisfies AS/NZS 2890.1:2004;
    (c) The swept path diagrams for a B85 design vehicle entering and exiting the site via Easey Street are considered satisfactory;
    (d) The proposed car stacking system is the Trendvario 4300 shuffle type car stacker device. Each stacker platform has a useable width of 2.4m and can accommodate a B99 design vehicle;
    (e) Vehicle clearance heights range from 1.5 metres to 2.05 metres to satisfy Design Standard 4: Mechanical parking;
    (f) The 1 in 16 grade inside the property is considered satisfactory and satisfies Design standard 3 – Gradients; and,

(g) The submitted swept paths for the B85 design vehicle entering and exiting the car stacker platforms via Easey Street are considered satisfactory.

310. A relatively limited number of design features or details were missing from the plans, with Council Engineers noting that these could be provided via conditions of a planning permit. These include the following;
    (a) It is recommended that convex mirrors at the entrance of the car park be installed to improve the visibility of pedestrians along the footpath; and,
    (b) The following dimensions must be provided on the plans;
        (i) The floor to ceiling height inside the car park;
        (ii) The car pit depth; and
        (iii) The length of the ramped section inside the property.

311. All of these requirements can be facilitated via conditions, should a planning permit be issued.

312. In addition to these requirements, a number of conditions were outlined by Council Engineers. These include matters relating to the re-sheeting of the footpath directly adjacent to the site, the replacement of the existing vehicle crossing on Easey Street, the replacement of a public light on the northern side of Easey Street and the reconstruction of any damage caused by the development. All of these items could be required by way of conditions or notes, had the proposal been supported, with a cross-section of the vehicle crossover also required.

313. The Engineering Unit recommended that the footpath and half-width road pavement of Easey Street and Smith Street adjacent to the development should also be re-sheeted. It is considered reasonable to require the re-sheeting of footpaths given that these are generally damaged during construction and an uneven surface may impact pedestrian safety. However the re-sheeting of the roadway is considered onerous unless significant damage was caused by the development. In this event, Council's standard condition regarding the repair/replacement of damaged Council assets would be able to facilitate this request. .

Traffic

314. The following traffic generation for the site was adopted by the Applicant's Traffic Engineers and reviewed by Council Engineers.

315. For this assessment, the previous traffic generation adopted by O'Brien Traffic has been referenced. The traffic generation for the site could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour*	
			AM	PM
Residential	Two-bedroom dwellings (3 Units) 3.0 trips per dwelling per day	9	5	5
	Three-bedroom dwellings (9 Units) 5.0 trips per dwelling per day	45		

* For residential traffic, peak hour volumes are 10% of daily traffic volumes.

316. The volume of traffic generated by the proposed development is lower compared to the previous proposal for the site and should not adversely impact on the traffic operation of the surrounding road network.

317. Council's Traffic Engineers have confirmed that the volume of traffic generated by the site is low and could be accommodated on the local road network without adversely impacting on its operation.

Bicycle parking and facilities

Resident spaces

318. A total of 21 residential spaces are located in a secure storage room; Council's Strategic Transport unit confirmed that this number exceeds Council's best-practice rate, which generates a provision of 19 residential spaces. The location and design of the residential bicycle parking is considered acceptable, based on the following;
    (a) All residential bicycle parking is located within one consolidated, secure facility at the ground floor;
    (b) Two spaces are provided as horizontal at-grade spaces, which satisfies the requirement as per AS2890.3, for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces; and,
    (c) The bicycle spaces and access ways appear to be in accordance with the clearance requirements of AS2890.3.

Visitor spaces

319. There are no visitor bicycle parking proposed. This outcome was considered acceptable by Strategic Transport, who noted that the Easey Street footpath is too narrow to accommodate a bicycle hoop. There is also insufficient space within the section of Smith Street footpath directly adjacent to the site, with a bicycle rail (providing 2 spaces), a bin, two street poles and a sign post already located within this space.

320. Based on the above and that 2 additional resident spaces are provided (above the best practice rate), a reduction in visitor bicycle parking is considered acceptable.

Electric vehicles

321. It is highlighted that Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Whilst it is acceptable, no EV charging points are installed during construction. To allow for easy future provision for electric vehicle charging, it is recommended that all car parking areas should be electrically wired to be 'EV ready'. This can be facilitated via a permit condition.

<u>Waste Management/Loading</u>

322. The Waste Management Plan (WMP) prepared by Leigh Design and dated 23 January 2020 indicates that waste collection would be undertaken by a private contractor from the on-street loading zone in Easey Street, directly adjacent to the site. Bins will be manually transferred from the ground floor bin room to the waste collection vehicle. The loading zone on Easey Street is approximately 12.5m long and would sufficiently cater for an 8.8m waste collection vehicle.

323. There were however a number of issues raised by Council's City Works branch, with an amended WMP required to include the following;
    (a) Details on how food waste diversion will be managed;
    (b) Total size of the bin storage area (sqm) to be shown on the plans, with consistent dimensions of the storage area to be shown on the WMP and on the drawings; and
    (c) Consideration of how the 4 waste streams will be separated and ensure adequate space for extra bins that will be required (Glass separation andfood waste) especially with regards to the chute system.

324. These additional details will be required via an updated WMP, if a planning permit is to issue.

Loading

325. With regards to deliveries to the shop, commercial vehicles could utilise the existing on-street Loading Zone on the northern side of Easey Street outside the subject site. There is no objection to these loading arrangements for this site.

Objector Concerns

326. Excessive height and overdevelopment of the site;

(a) These elements are discussed in paragraphs 136 to 153 of this report.

327. Lack of integration with the heritage streetscape and character of the neighbourhood;

(a) These elements are discussed in paragraphs 125 to 206 of this report.

328. Loss of heritage fabric;

(a) These elements are discussed in paragraphs 132 to 135 of this report.

329. Reduction in the car parking provision;

(a) These elements are discussed in paragraphs 296 to 309 of this report.

330. Increased traffic congestion;

(a) These elements are discussed in paragraphs 315 to 318 of this report.

331. Off-site amenity impacts (noise, visual bulk, overlooking, loss of daylight);

(a) These elements are discussed in paragraphs 282 to 289 of this report

332. Construction impacts to adjacent sites;

(a) Whilst this is not an aspect that forms part of the planning assessment, a Construction Management Plan has been required as a condition of the permit to ensure that off-site amenity impacts during the construction phase are appropriately managed.

Conclusion

333. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be approved and subject to the conditions contained within the recommendation below.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0077 for partial demolition, construction of a multi-level, mixed-use building and a reduction in the statutory car parking requirement at 378-380 Smith Street, Collingwood subject to the following conditions:

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

The plans must be generally in accordance with the decision plans, prepared by Jackson Clements Burrows and dated 20 April 2020 (TP0-101 – TP10-101 inclusive) but modified to show;

(a) The demolition of the existing awnings on the demolition floor plans (unless retained pursuant to condition 1(m);
(b) Existing power pole at the street corner and bicycle hoop on Smith Street depicted on the ground floor plan;
(c) The vehicle crossing to span the width of the car park entrance doorway;
(d) Details of the proposed awning to Easey Street on the first-floor plan;
(e) The deletion of one level from the mid-section of the proposal;
(f) The setback of the western façade increased to a minimum of 6.5m from the Smith Street boundary at Level 2 and above;
(g) Top-most level from Smith Street or Easey Street obscured, excluding balconies (based on the provision of a sightline diagram from the western side of Smith Street and the southern side of Easey Street measured from 1.6m above the footpath);
(h) No subsequent reductions in setbacks from the northern and eastern boundaries in responding to Condition 1(f);
(i) All relevant Clause 58 Standards (Standard D24, Standard 25) to be maintained via the alterations to the building height and setbacks as required by Condition 1(e) and (f);
(j) The introduction of 'blind' windows composed of spandrel glass or textured/coloured panels within the eastern boundary wall, matching the proportions of the proposed windows on the southern elevation;
(k) Updated renders to demonstrate the correct colours and materials proposed;
(l) The addition of dark, visible framing elements surrounding the windows/balconies;
(m) Either the existing awning be retained, or a historically accurate awning to the satisfaction of the Responsible Authority be constructed to;
    (i) extend the full width of the footpath (up to 750mm from the back of the kerb),
    (ii) have minimum clearance height of 2.7m; and
    (iii) any supporting posts to not obstruct the footpath or existing bicycle hoop.
(n) Internal views to lower level balconies from Units 2.01, 2.02 & 2.03 restricted to meet the requirements of Standard D15 of Clause 58 of the Yarra Planning Scheme;
(o) Accessible bathrooms to meet all of the requirements of either Design A or Design B in Table 4 of Standard D17 of the Yarra Planning Scheme;
(p) The location of air-conditioning condensers for Units 2.02 & 2.03, with the condensers not to be located within the individual balconies of these units;
(q) The addition of louvered shading for windows at Levels 2 & 3 of the western façade and east-facing windows to Levels 2 and above;
(r) The doors of the booster cabinet on Easey Street designed to swing 180-degrees and be latched to the wall when opened and serviced;
(s) The following dimensions and details to be shown on the plans;
    (i) The floor to ceiling height inside the car park;
    (ii) The car pit depth;
    (iii) The length of the ramped section inside the property.
(t) The addition of a convex mirror at the car park entrance;
(u) A notation confirming that all car parking areas will be electrically wired to be 'EV ready';
(v) Any changes required by the amended Sustainable Management Plan at Condition 5;
(w) Any changes required by the amended Acoustic Report at Condition 7;
(x) Any changes required by the Conservation Management Plan at Condition 9;
(y) Any changes required by the amended Wind Assessment at Condition 11;
(z) Any changes required by the amended Waste Management Plan at Condition 13; and
(aa) Any changes required by the Landscape Plan at Condition 15.

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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
   (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
   (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
   (c) information about how the façade will be maintained, including any vegetation;
   (d) The introduction of 'blind' windows composed of spandrel glass or textured/coloured panels within the eastern boundary wall, matching the proportions of the proposed windows on the southern elevation;
   (e) Updated renders to demonstrate the correct colours and materials proposed;
   (f) The addition of dark, visible framing elements surrounding the windows/balconies;
   (g) a sample board and coloured drawings outlining colours, materials and finishes.

4. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
   (a) oversee design and construction of the development; and
   (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. 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 Sustainable Design Consultants and dated January 2020, but modified to include or show:
   (a) An increase from 6.2 star to 6.5 star average NatHERS rating for the apartments;
   (b) Irrigation details for the ground floor winter garden;
   (c) The addition of louvered shading for windows at Levels 2 & 3 of the western façade and east-facing windows to Levels 2 and above;
   (d) The addition of vegetation within balconies;
   (e) A full copy of the BESS report;
   (f) Details of the thermal performance of the non-residential component of the development;
   (g) An assessment of Greenhouse Gas (GHG) emissions (building wide);
   (h) Details of the proposed hot water services (HWS);
   (i) An assessment of peak energy demand;
   (j) Confirmation of the quantity of products (by cost or weight) to use recycled content;
   (k) Details regarding the embodied carbon reduced by opting for a 'Responsible Steel Maker', and confirm quantity by weight or cost;
   (l) Consistent bicycle numbers (as per the plans);
   (m) The provision of a statement as to how materials selection reduces urban heat island effect.

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

Acoustic Report

7. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 9 March 2020, but modified to include or show;

(a) Road traffic noise within apartments to be assessed to comply with day and night average levels no greater than:
    (i) 40 dB LAeq,16h or LAeq,15h in living areas and bedrooms; and,
    (ii) 35 dB LAeq,8h or LAeq,9h in bedrooms.
(b) A review of the patron noise levels at the upper floors of the development (those with reduced shielding), with further upgrades from the single glazing options provided in the report if required to control higher levels of patron noise.

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

Conservation Management Plan

9. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
    (a) The proposed reconstruction, restoration or works to the existing building, with notations clearly outlining any changes from existing conditions or use of new materials;
    (b) Details of all materials/colours etc to be used;
    (c) A written description of the demolition and construction methods to be used.

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

Wind Report

11. Before the development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers & Scientists and dated 30 March 2020, but modified to include or show;
    (a) Details of wind flow deflected by the north face around the northwest corner and along Smith Street; and
    (b) Details of wind flow around the southwest corner and subsequent impacts on the wind conditions along Smith Street.

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

Waste Management Plan

13. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 23 January 2020, but modified to include or show;
    (a) Details on how food waste diversion will be managed;
    (b) Total size of the bin storage area (sqm) to be shown on the plans, with consistent dimensions of the storage area to be shown on the WMP and on the drawings; and

(c) Consideration of how the 4 waste streams will be separated and ensure adequate space for extra bins that will be required (including Glass separation andfood waste) especially with regards to the chute system.

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.

Landscape Plan

15. 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) Provide details of vegetation within individual balconies;
    (b) Include details of irrigation for the ground floor winter garden;
    (c) show the type, location, quantity, height at maturity and botanical names of all proposed plants; and
    (d) provide a specification of works to be undertaken prior to planting,
    to the satisfaction of the Responsible Authority.

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

Tree Management Plan

17. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
    (a) the protection of all street trees on Easey Street directly adjacent to the southern boundary of the site:
        (i) pre-construction;
        (ii) during construction; and
        (iii) post construction
    (b) the provision of solid hoarding around the trees to a height of 1.8m during construction;
    (c) any pruning necessary; and
    (d) watering and maintenance regimes,
    (e) to the satisfaction of the Responsible Authority.

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

19. Before the development commences, the permit holder must provide an Asset Protection Bond of $3,000 (ex GST) for the trees in Easey Street adjacent the frontage of the development 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
otherwise to the satisfaction of the Responsible Authority.

Lighting

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian 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.

General

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath frontage to Smith Street and Easey Street directly adjacent to the site must be profiled and re-sheeted;
(a) at the permit holder's cost; and
(b) 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, any damage to Council infrastructure resulting from the development must be reinstated:
(a) at the permit holder's cost,
(b) to the satisfaction of the Responsible Authority.

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed
(a) in accordance with any requirements or conditions imposed by Council;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

25. 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.

26. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:
(a) at the permit holder's cost; and
(b) to the satisfaction of the Responsible Authority.

27. 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.

28. 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.

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

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

31. Before the building is occupied, any new wall/garage doors located on a boundary facing public property must be treated with a graffiti proof finish 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, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

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

34. The development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

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

36. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

37. 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.

Construction Management Plan

38. 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.

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

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

41. 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.

42. 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.

    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 further external works.

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

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

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

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

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

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

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/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Principal Planner**
TEL: **9205 5372**

Attachments

1. PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans
2. PLN20/0077 - 378-380 Smith Street, Collingwood - UD Review
3. PLN20/0077 - 378-380 Smith Street, Collingwood - Strategic Transport Comments..._
4. PLN20/0077 - 378 - 380 Smith Street Collingwood - Engineering comments
5. PLN20/0077 - 378-380 Smith Street, Collingwood - Heritage referral comments
6. PLN20/0077 - 378-380 Smith Street, Collingwood - ESD referral comments
7. PLN20/0077 - 378-380 Smith St Collingwood - Waste referral comments
8. PLN20/0077 - 378-380 Smith St Collingwood - Acoustic referral comments
9. PLN20/0077 - 378-380 Smith Street, Collingwood - Wind referral comments..._
10. PLN20/0077 - 378-380 Smith St Collingwood - Streetscapes and Natural values referral comments

Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans

TOWN PLANNING APPLICATION

378-380 SMITH ST
COLLINGWOOD VIC

APRIL 2020

DRAWING REGISTER

DRAWING NUMBER	DRAWING TITLE	Scale
TP SERIES		
TP 0-000	COVER PAGE	-
TP 0-001	SURVEY	1:200
TP 0-101	EXISTING CONDITIONS GROUND PLAN	1:200
TP 0-102	EXISTING CONDITIONS FIRST FLOOR PLAN	1:200
TP 0-103	EXISTING CONDITIONS ROOF PLAN	1:200
TP 0-111	DEMOLITION GROUND FLOOR PLAN	1:200
TP 0-112	DEMOLITION FIRST FLOOR PLAN	1:200
TP 0-113	DEMOLITION ROOF PLAN	1:200
TP 0-201	EXISTING ELEVATION-NORTH	1:200
TP 0-202	EXISTING ELEVATION-SOUTH	1:200
TP 0-203	EXISTING ELEVATION-EAST	1:200
TP 0-204	EXISTING ELEVATION-WEST	1:200
TP 0-211	DEMOLITION ELEVATION-NORTH	1:200
TP 0-212	DEMOLITION ELEVATION-SOUTH	1:200
TP 0-213	DEMOLITION ELEVATION-EAST	1:200
TP 0-214	DEMOLITION ELEVATION-WEST	1:200
TP 1-101	PROPOSED SITE PLAN	1:500
TP 1-102	GROUND FLOOR PLAN	1:200
TP 1-103	FIRST FLOOR PLAN	1:200
TP 1-104	SECOND FLOOR PLAN	1:200
TP 1-105	THIRD FLOOR PLAN	1:200
TP 1-106	FOURTH FLOOR PLAN	1:200
TP 1-107	FIFTH FLOOR PLAN	1:200
TP 1-108	SIXTH FLOOR PLAN	1:200
TP 1-109	SEVENTH FLOOR PLAN	1:200
TP 1-111	ROOF PLAN	1:200
TP 2-101	NORTH ELEVATION	1:200
TP 2-102	SOUTH ELEVATION	1:200
TP 2-103	EAST ELEVATION	1:200
TP 2-104	WEST ELEVATION	1:200
TP 3-101	SECTION AA	1:200
TP 3-102	SECTION BB	1:200
TP 3-103	SECTION CC	1:200
TP 10-101	MATERIALS	-
TP 11-101	BADS SUMMARY	-
TP 11-103	BADS ASSESMENT- LEVEL 01	1:100
TP 11-104	BADS ASSESMENT - LEVEL 02	1:100
TP 11-105	BADS ASSESMENT - LEVEL 03	1:100
TP 11-106	BADS ASSESMENT - LEVEL 04,05,06	1:100
TP 11-107	BADS ASSESMENT - LEVEL 07	1:100
TP 12-101	SHADOW DIAGRAM	1:500
TP 12-102	SHADOW DIAGRAM	1:500
TP 12-103	SHADOW DIAGRAM	1:500
TP 12-104	SHADOW DIAGRAM	1:500

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Development Schedule

No.	Apt	Bd	Car parks	Bike spaces
shop	shop	-	0	0
1	101	1	0	1
2	102	2	1	1
3	103	1	0	1
4	104	1	0	1
5	105	2	1	1
6	201	1	0	1
7	202	1	0	1
8	203	1	0	1
9	204	3	1	1
10	301	1	0	1
11	302	2	1	1
12	303	3	1	1
13	401	3	2	1
14	402	3	2	1
15	501	3	2	1
16	502	3	2	1
17	601	3	2	1
18	602	3	2	2
19	701	3	2	2
Total			19	21

Notes:
Allocations noted above are indicative only and subject to change.
Car parks and Bike spaces will be allocated to particular apartments at a later point in time.

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REV 1 | DATE 20.04.2020 | DESCRIPTION RFI RESPONSE

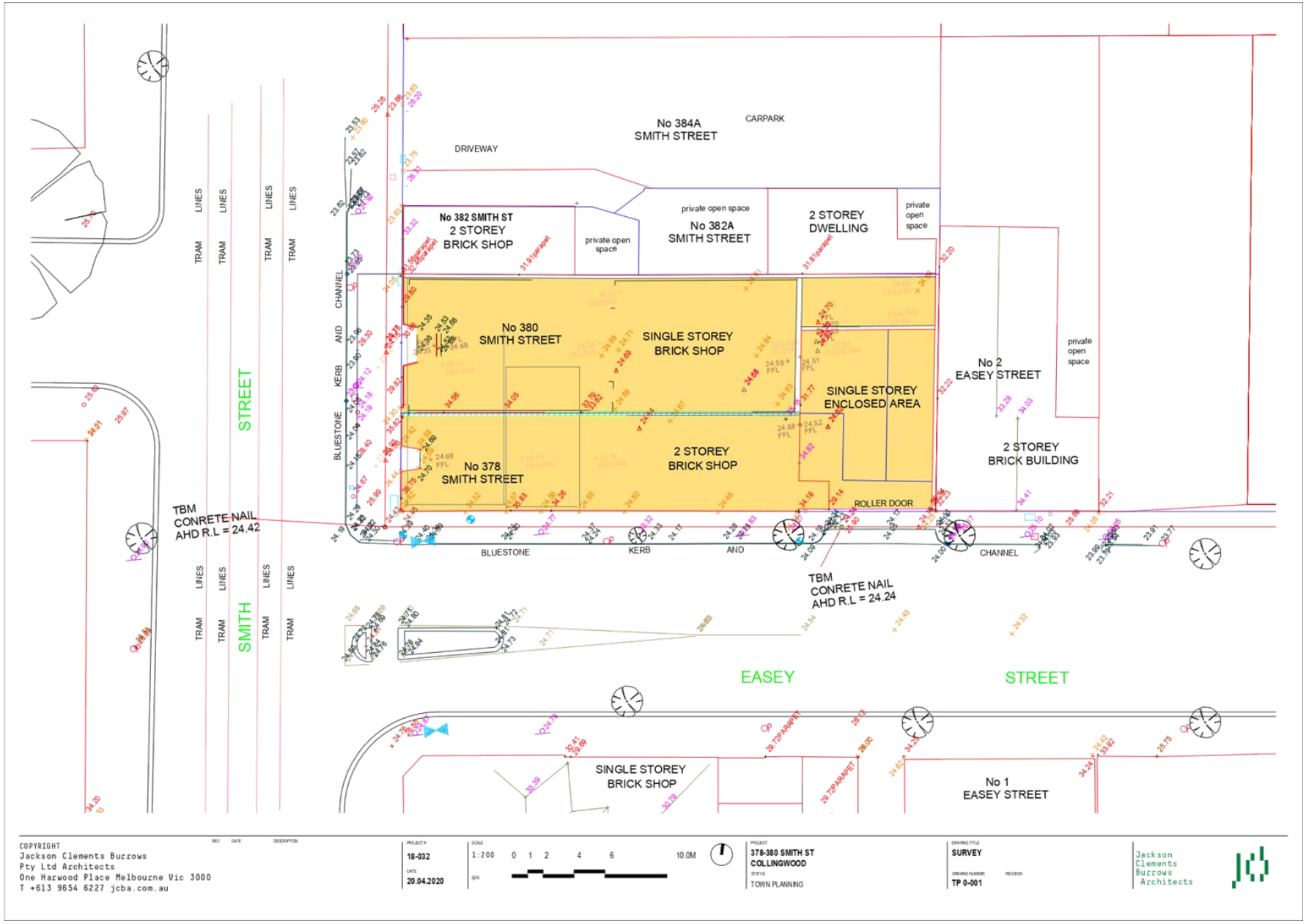
PROJECT # 18-032
DATE 20.04.2020
SCALE
QKJ

PROJECT 378-380 SMITH ST COLLINGWOOD
STATUS TOWN PLANNING

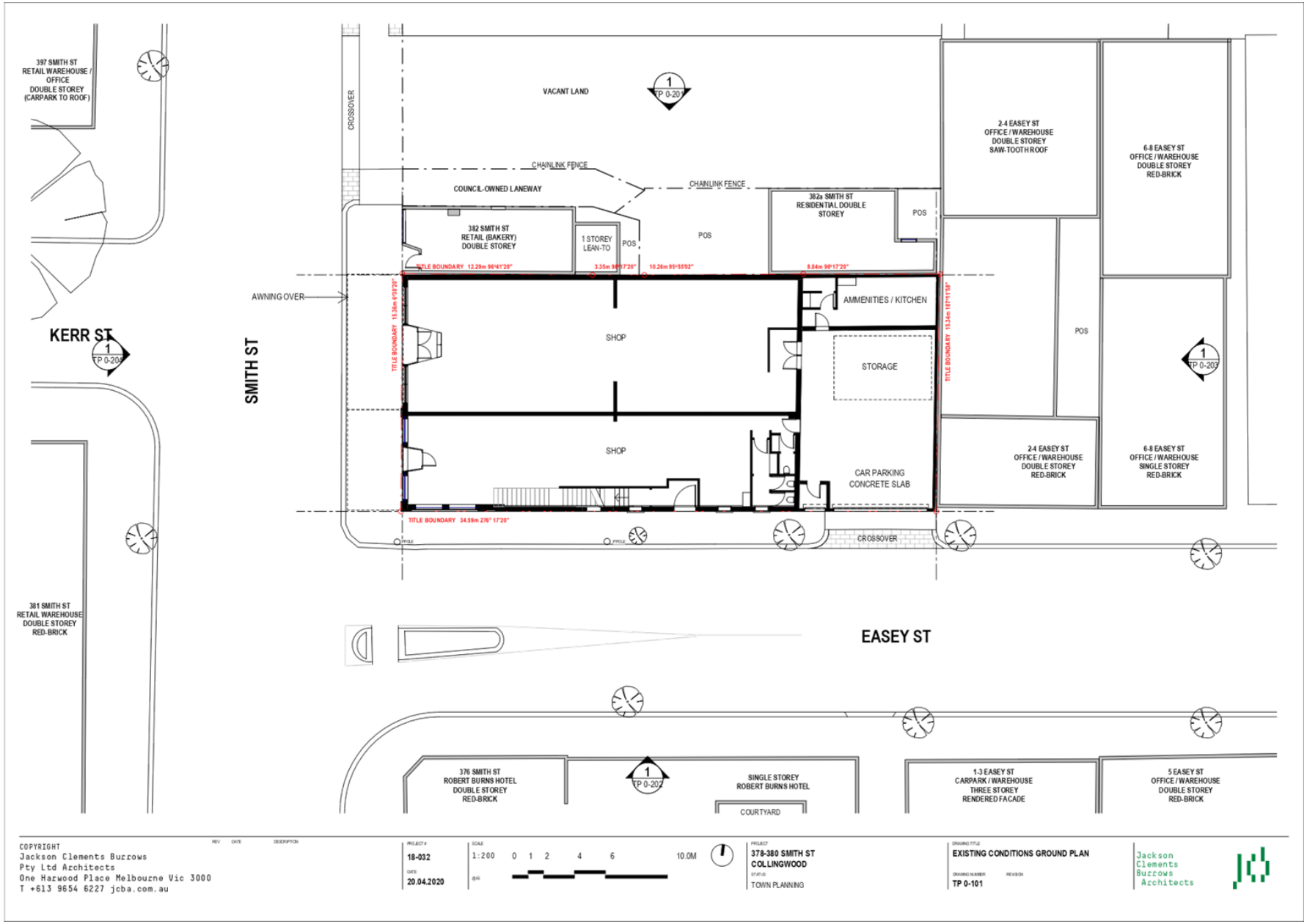
DRAWING TITLE COVER PAGE
DRAWING NUMBER TP 0-000
REVISION

Jackson Clements Burrows Architects

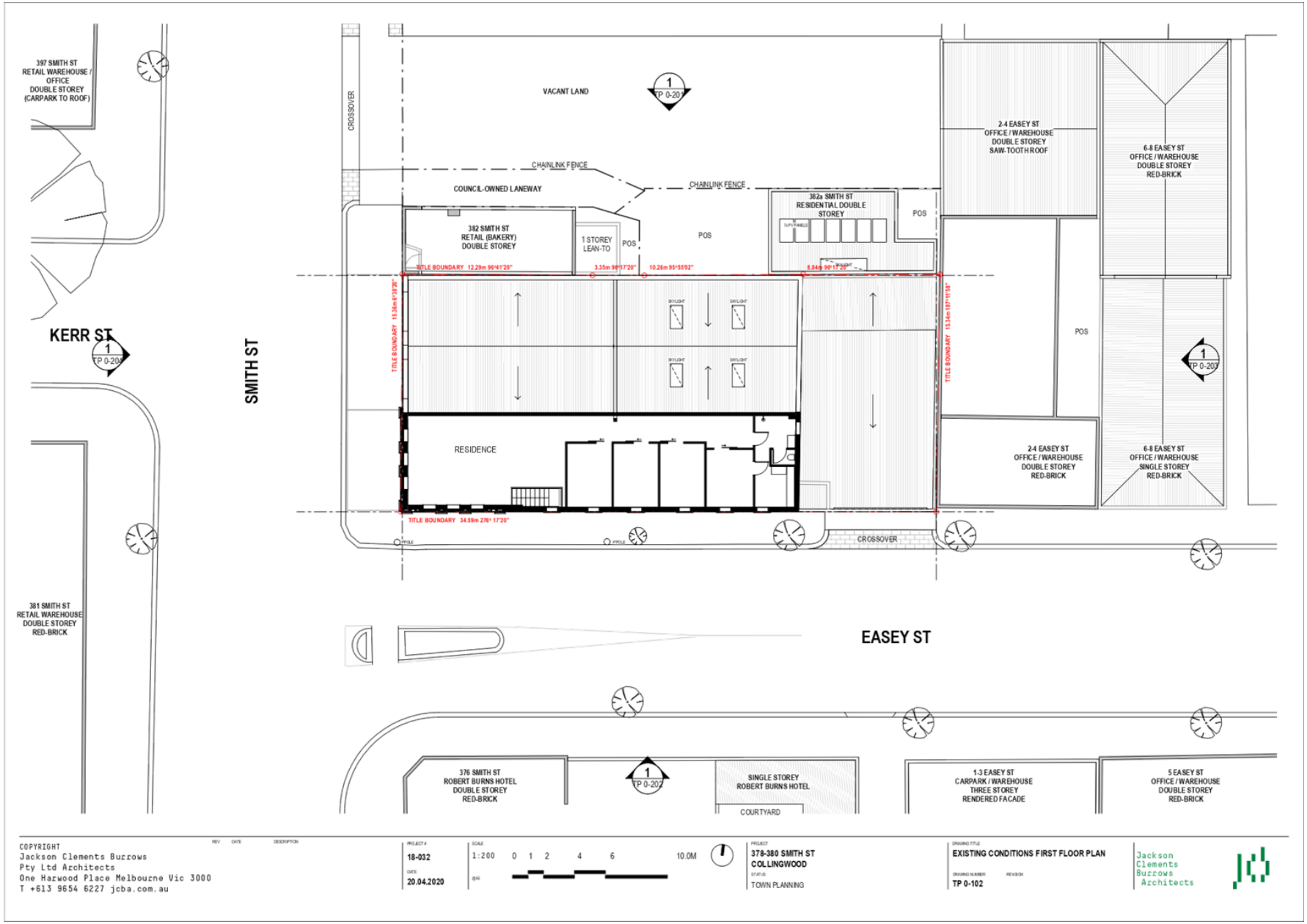
Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans



Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans



Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans



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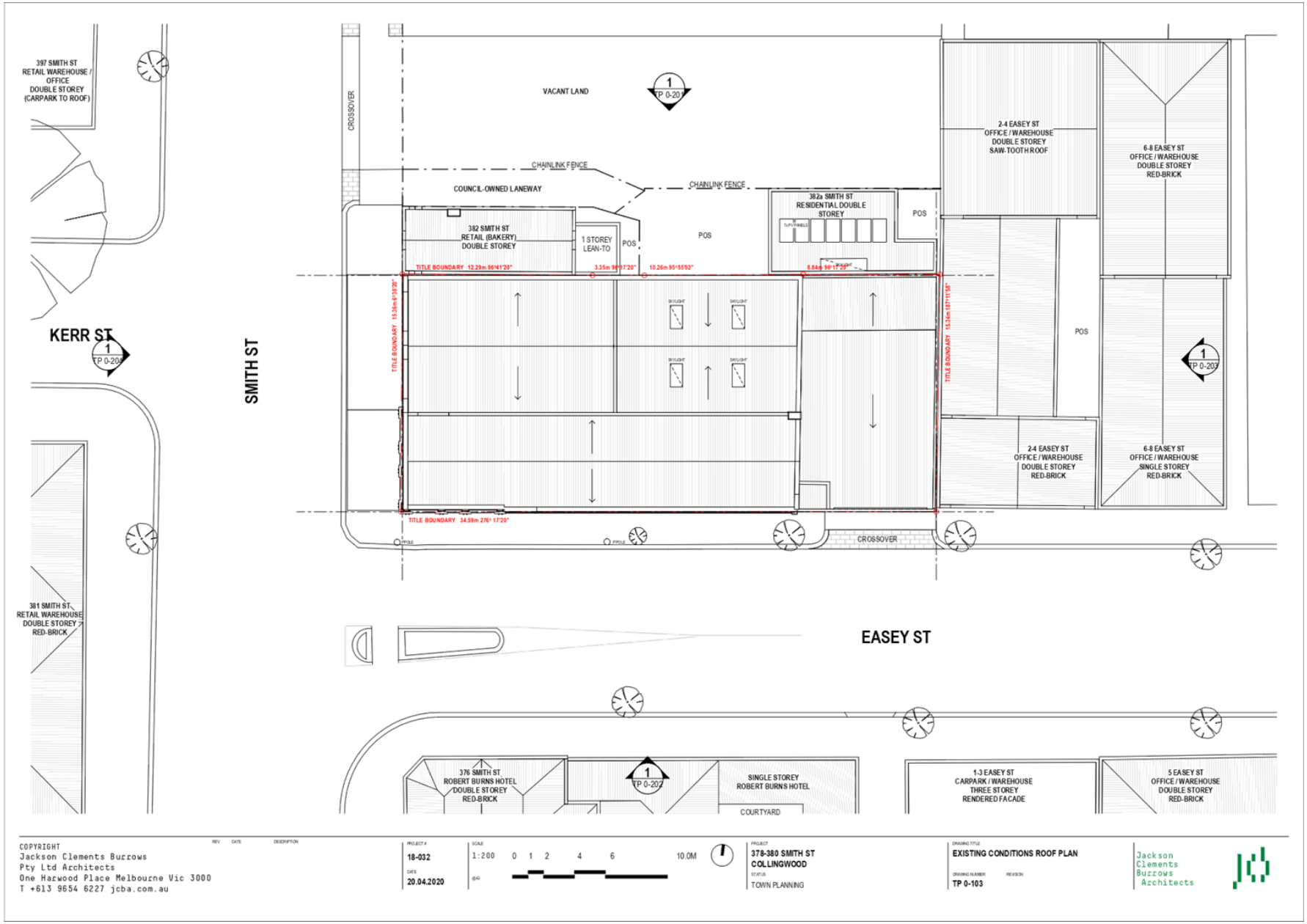

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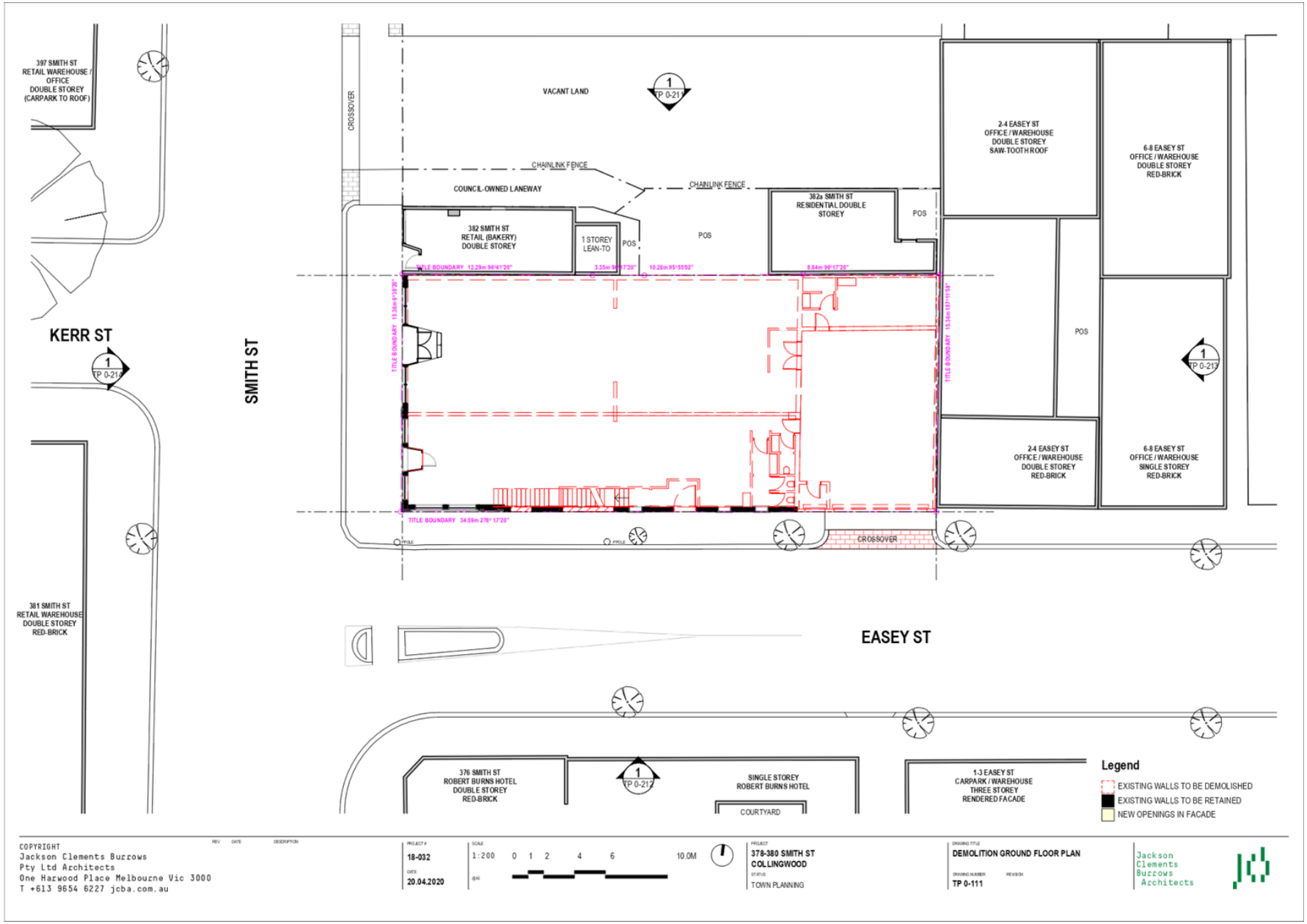

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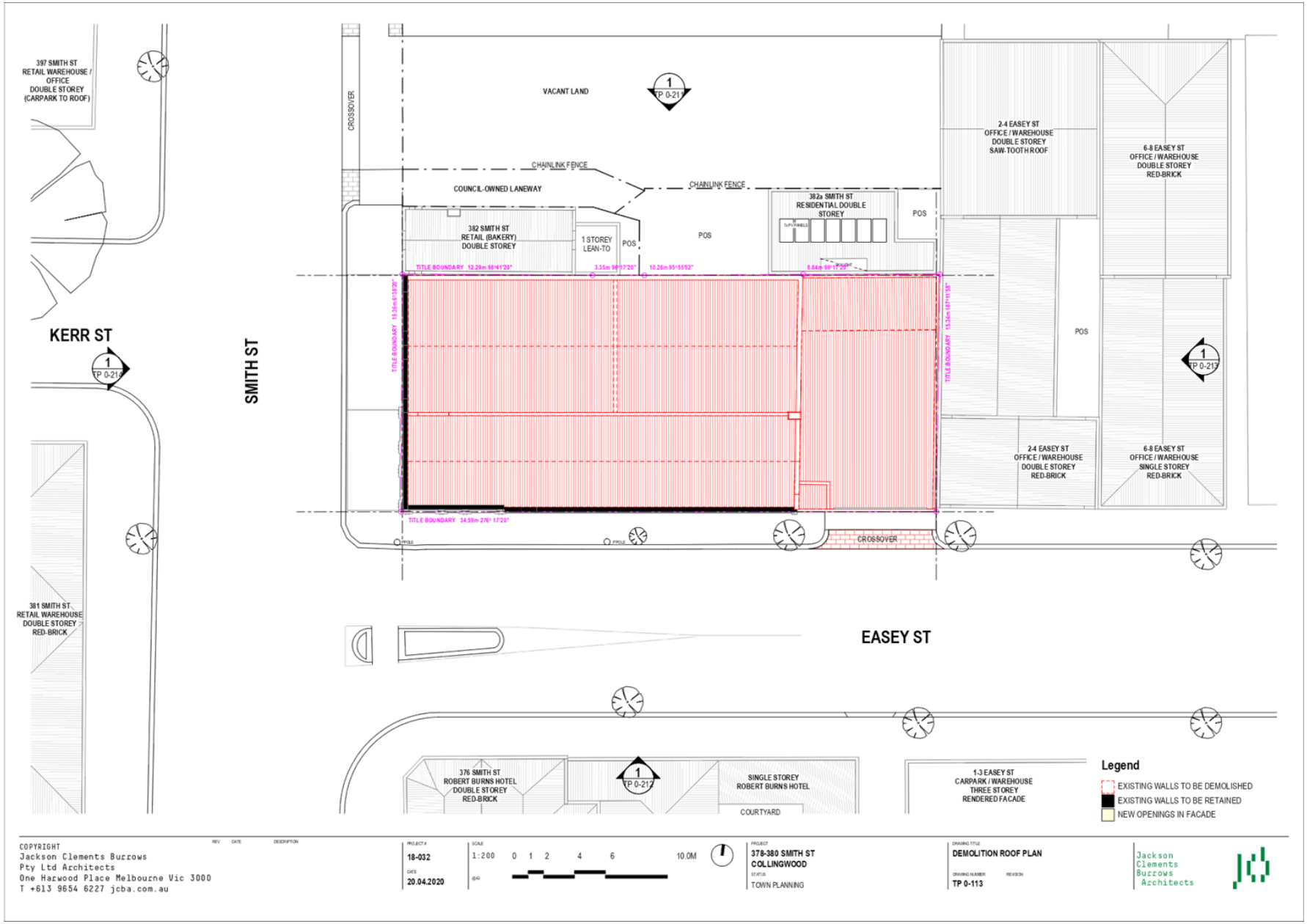

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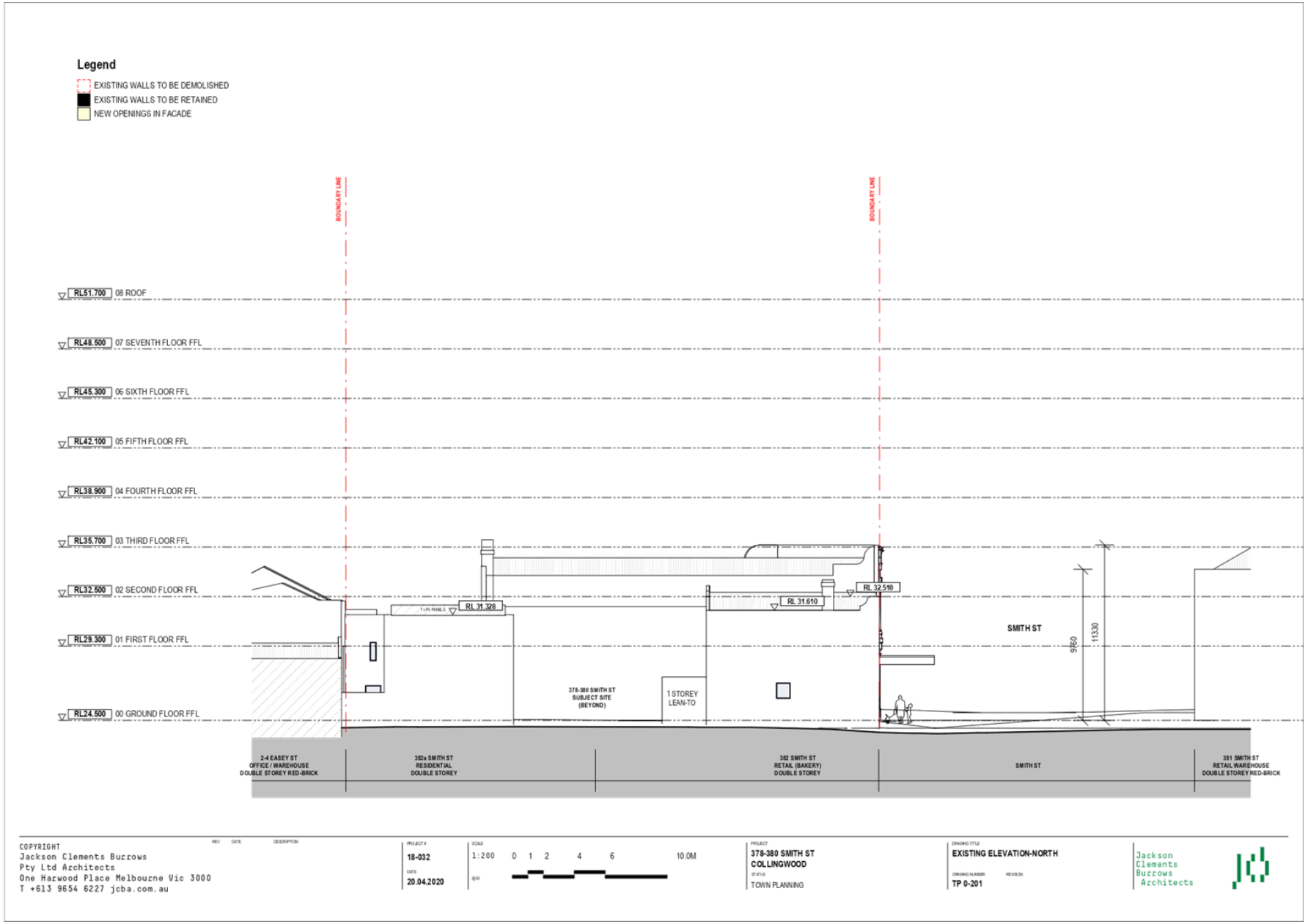

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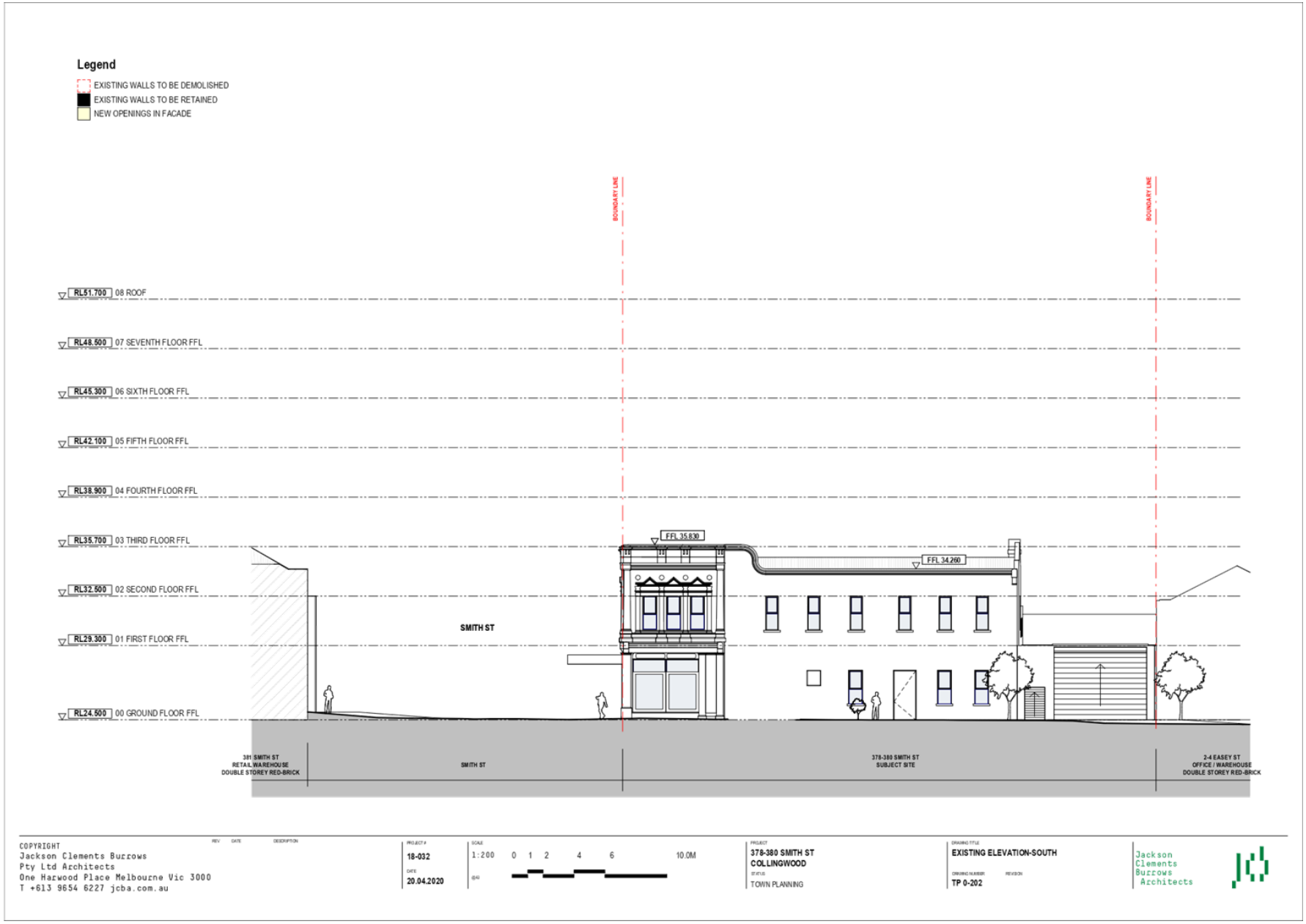

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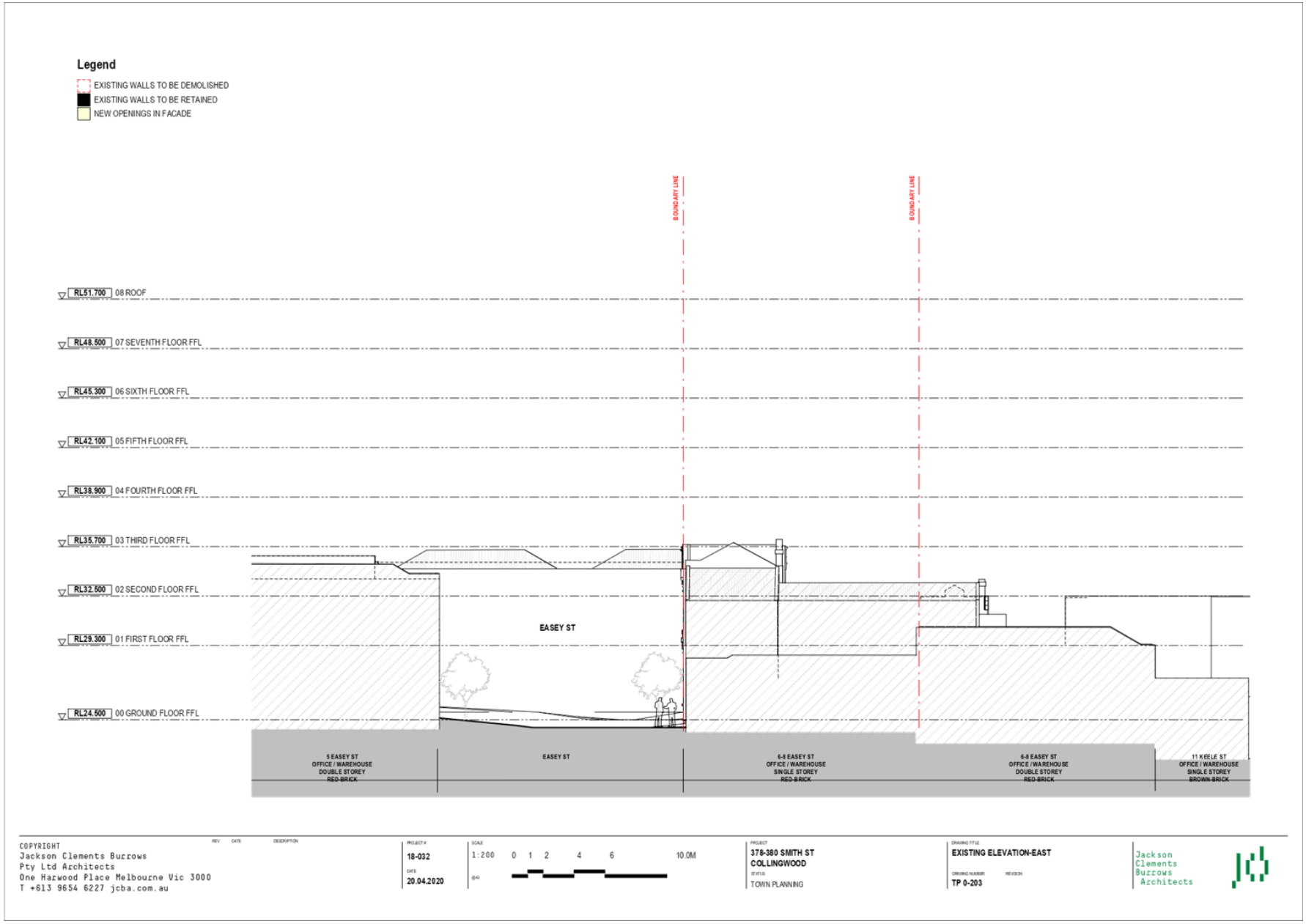

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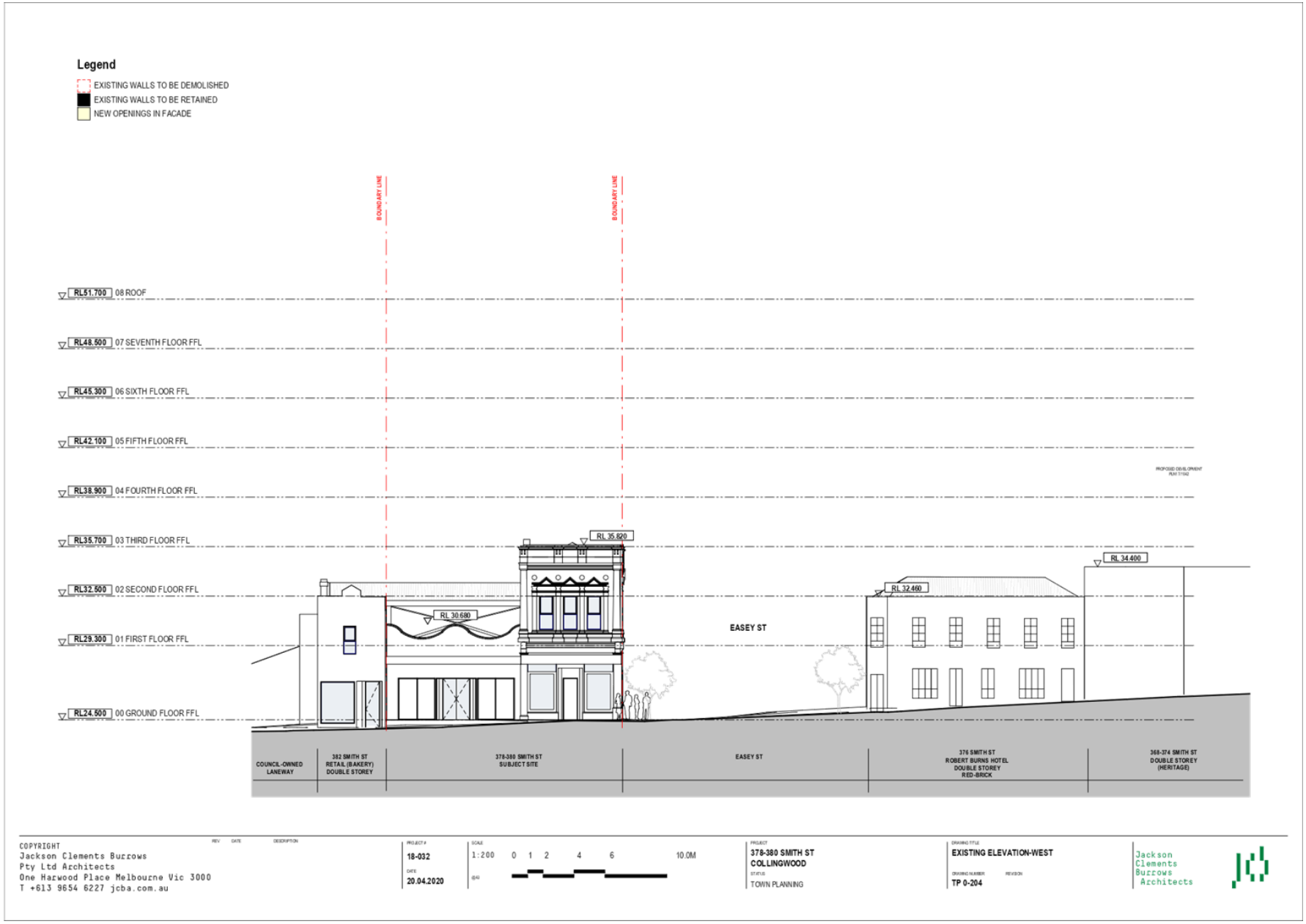

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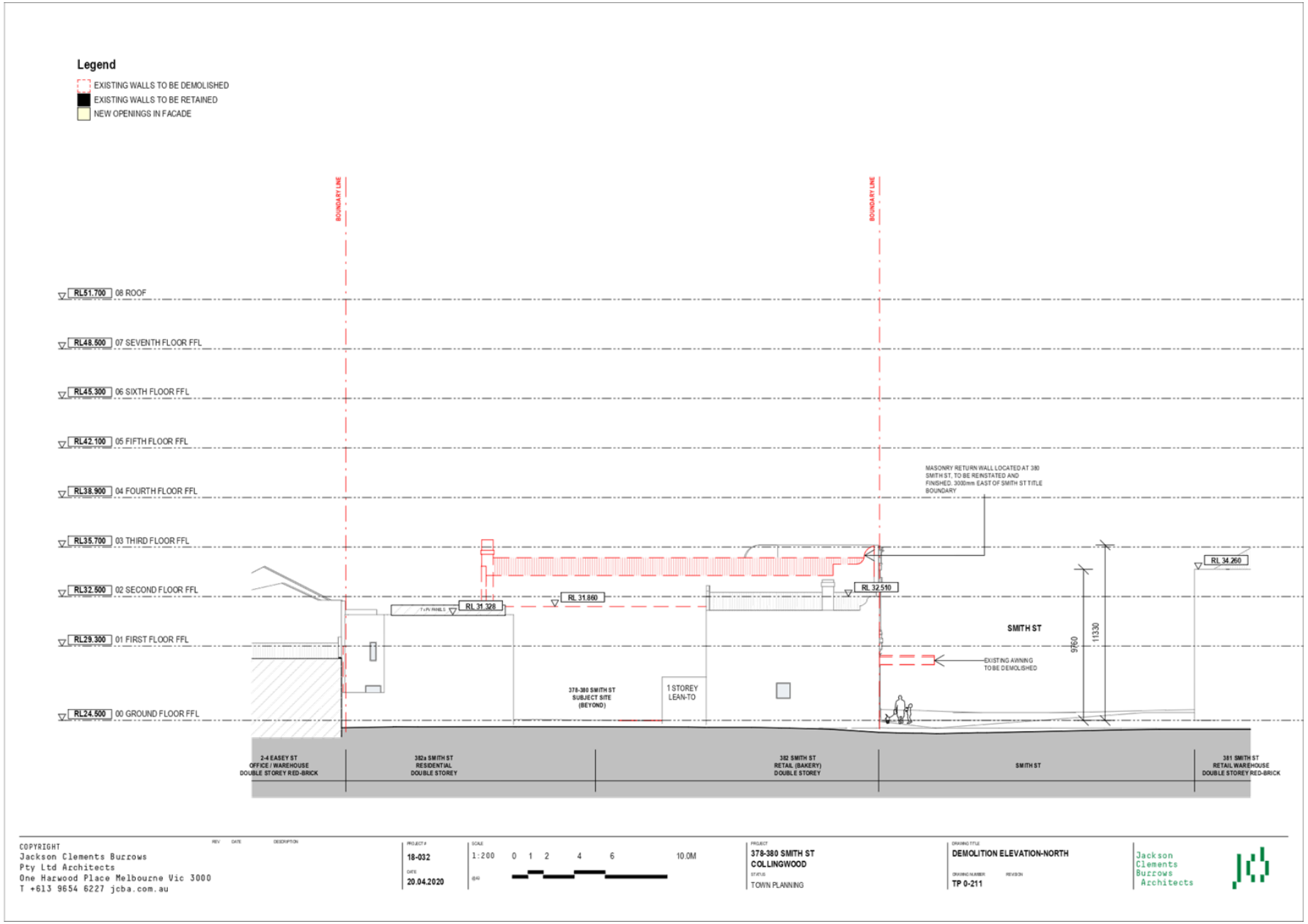

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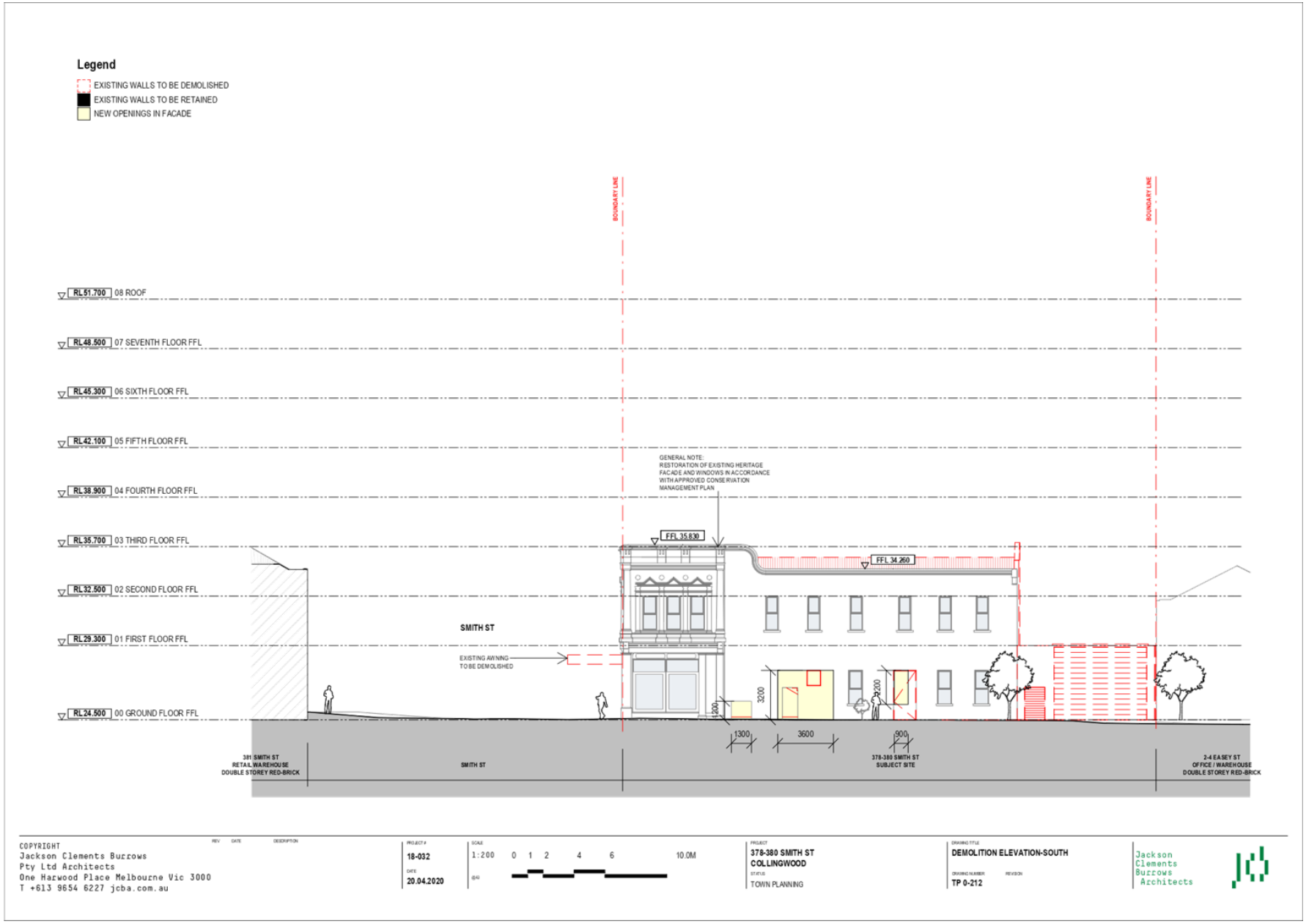

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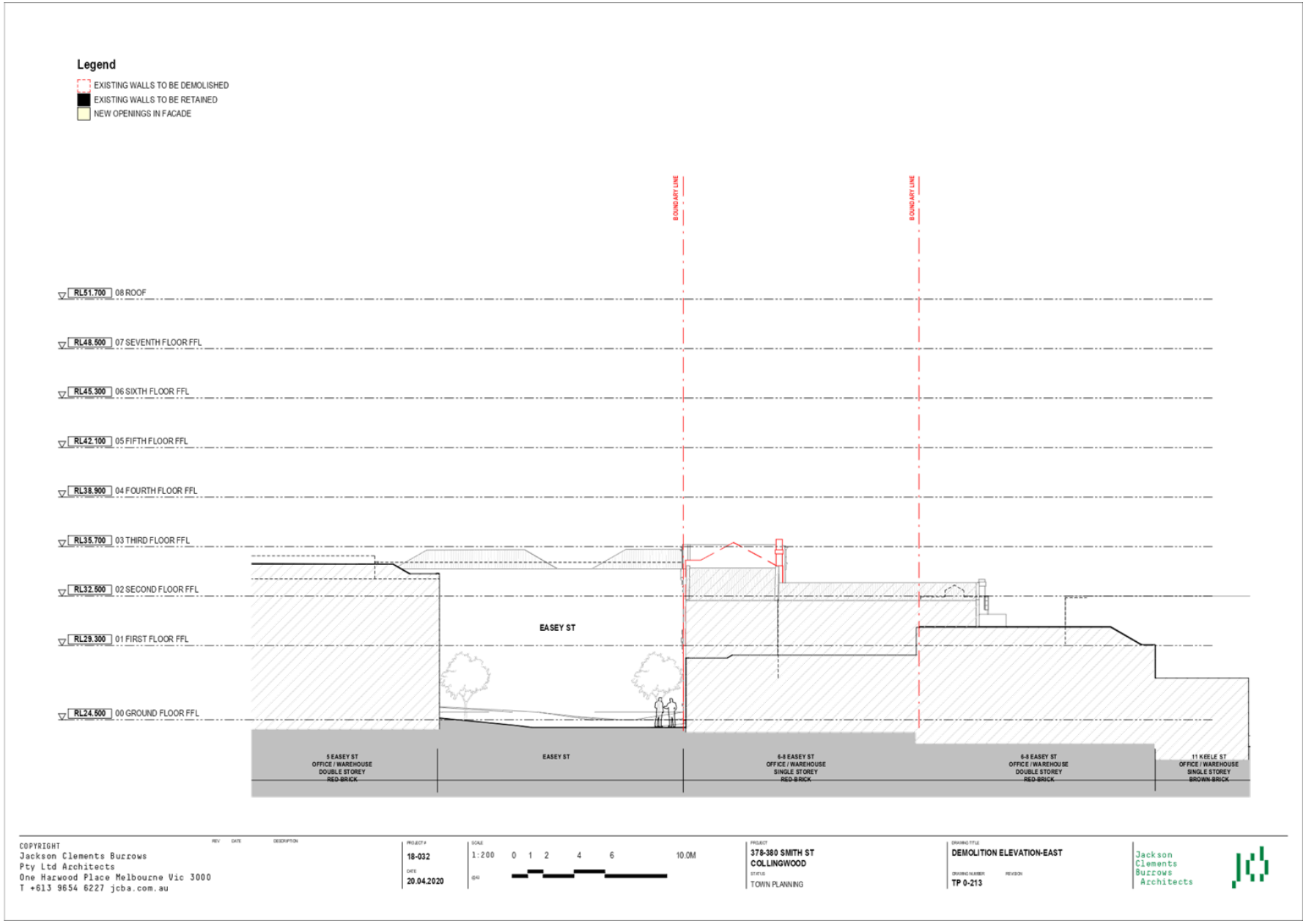

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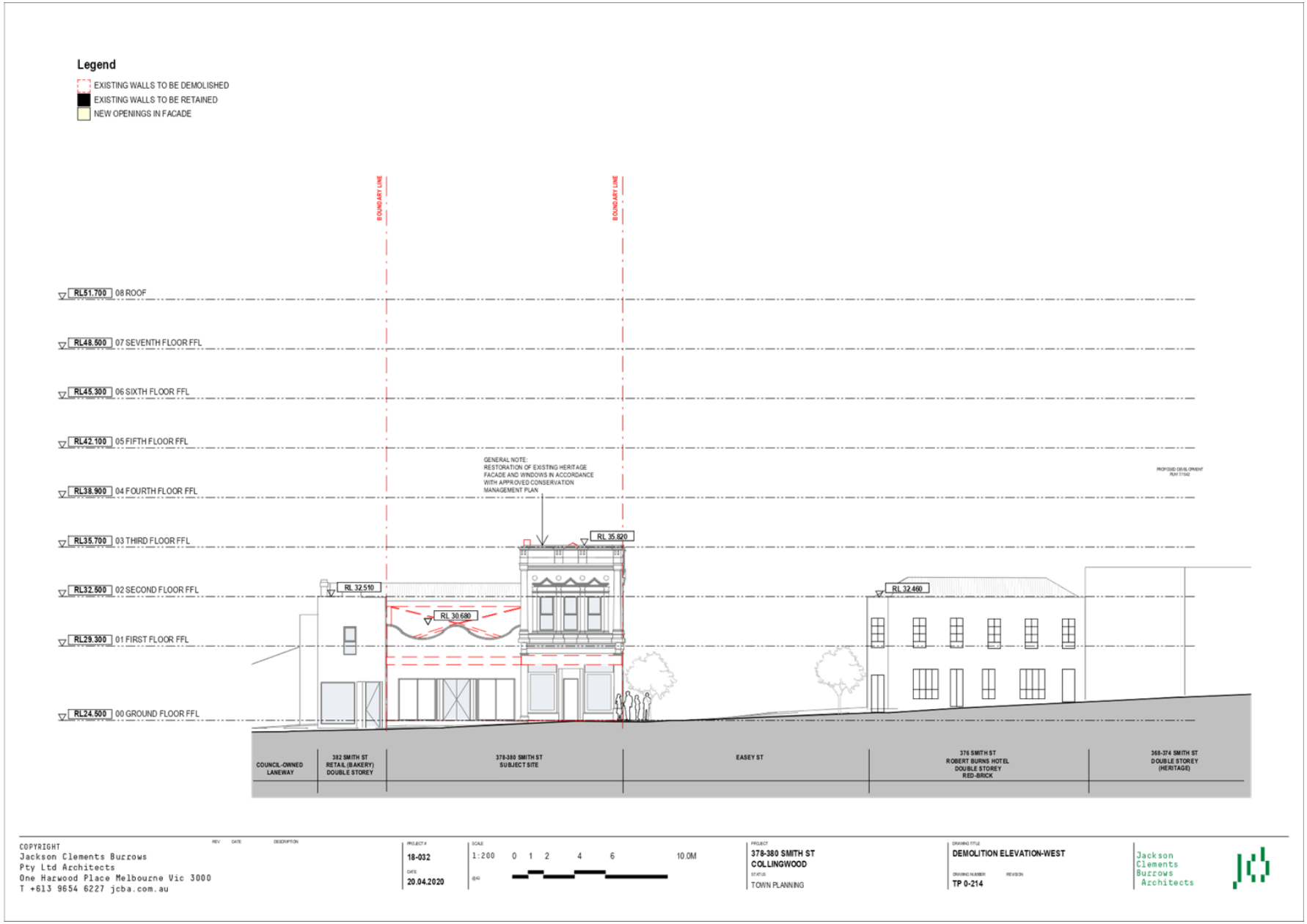

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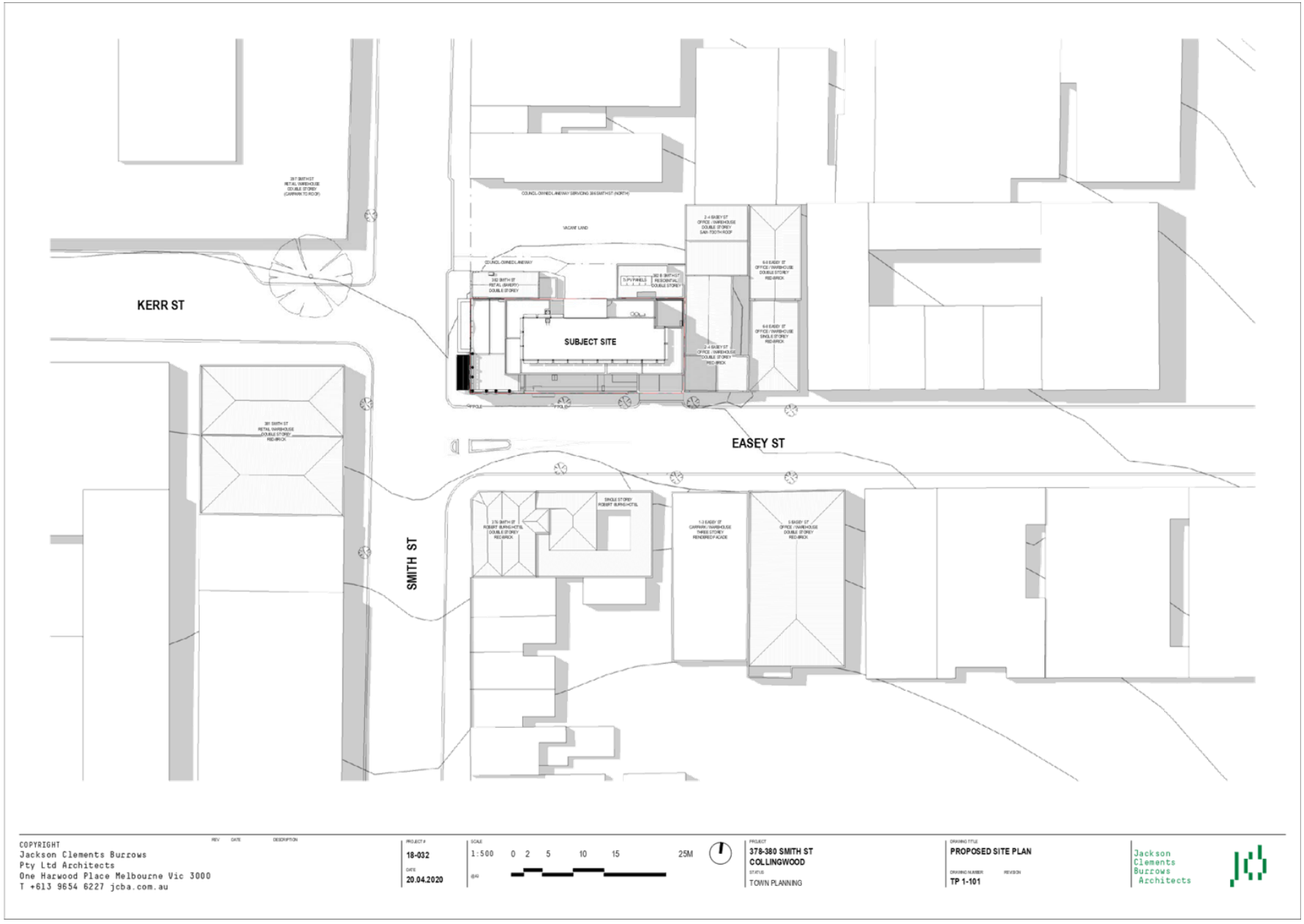

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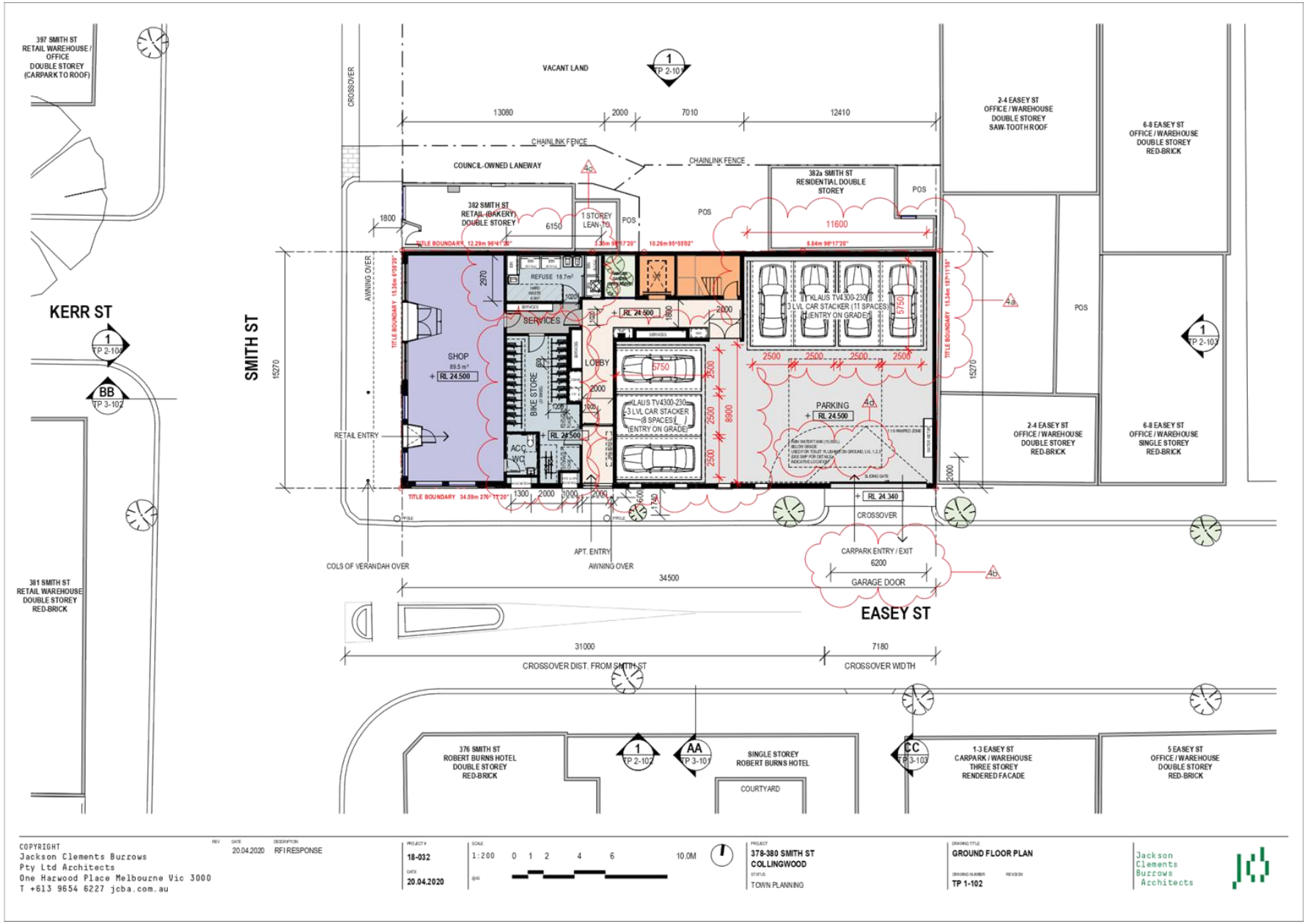

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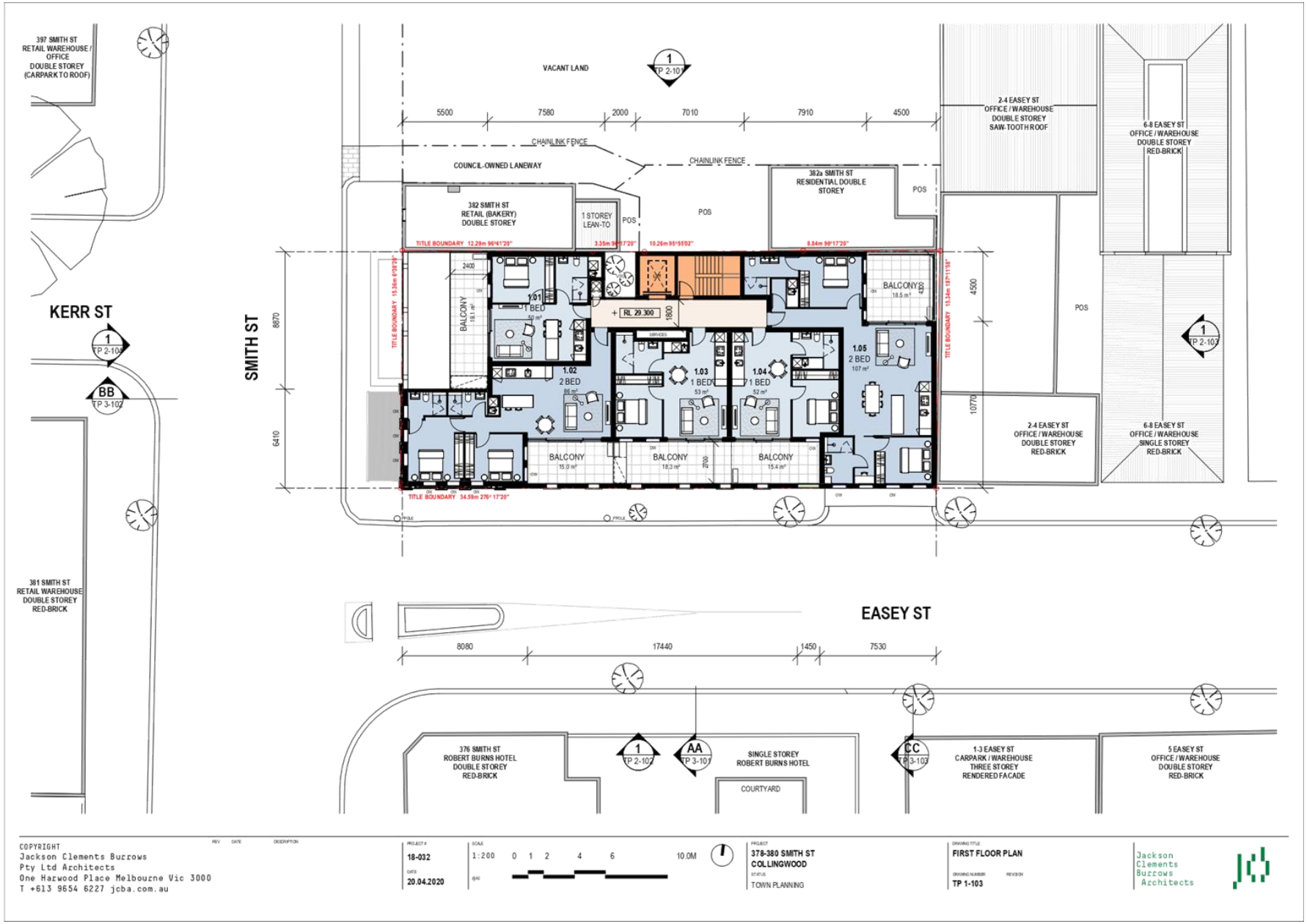

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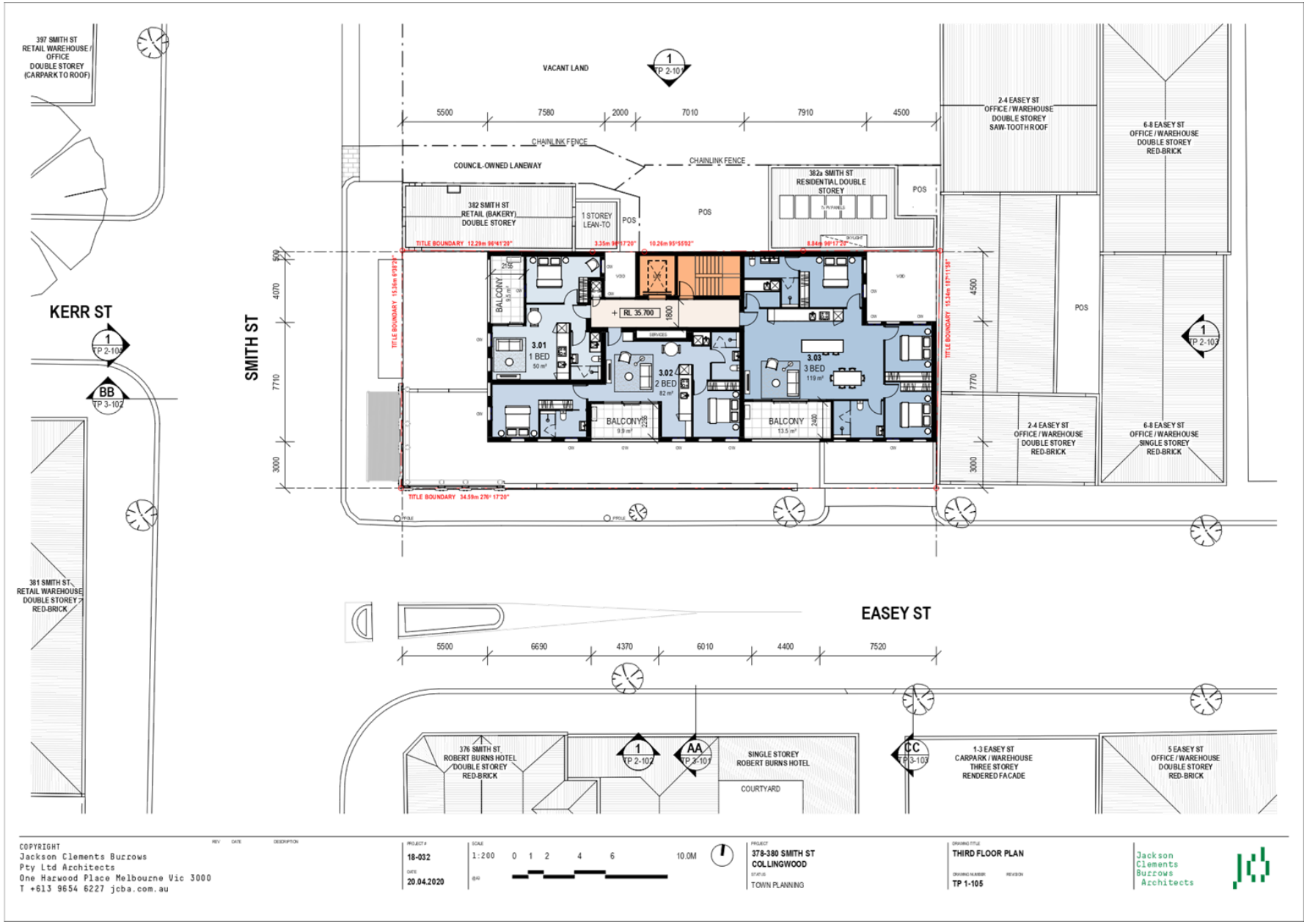

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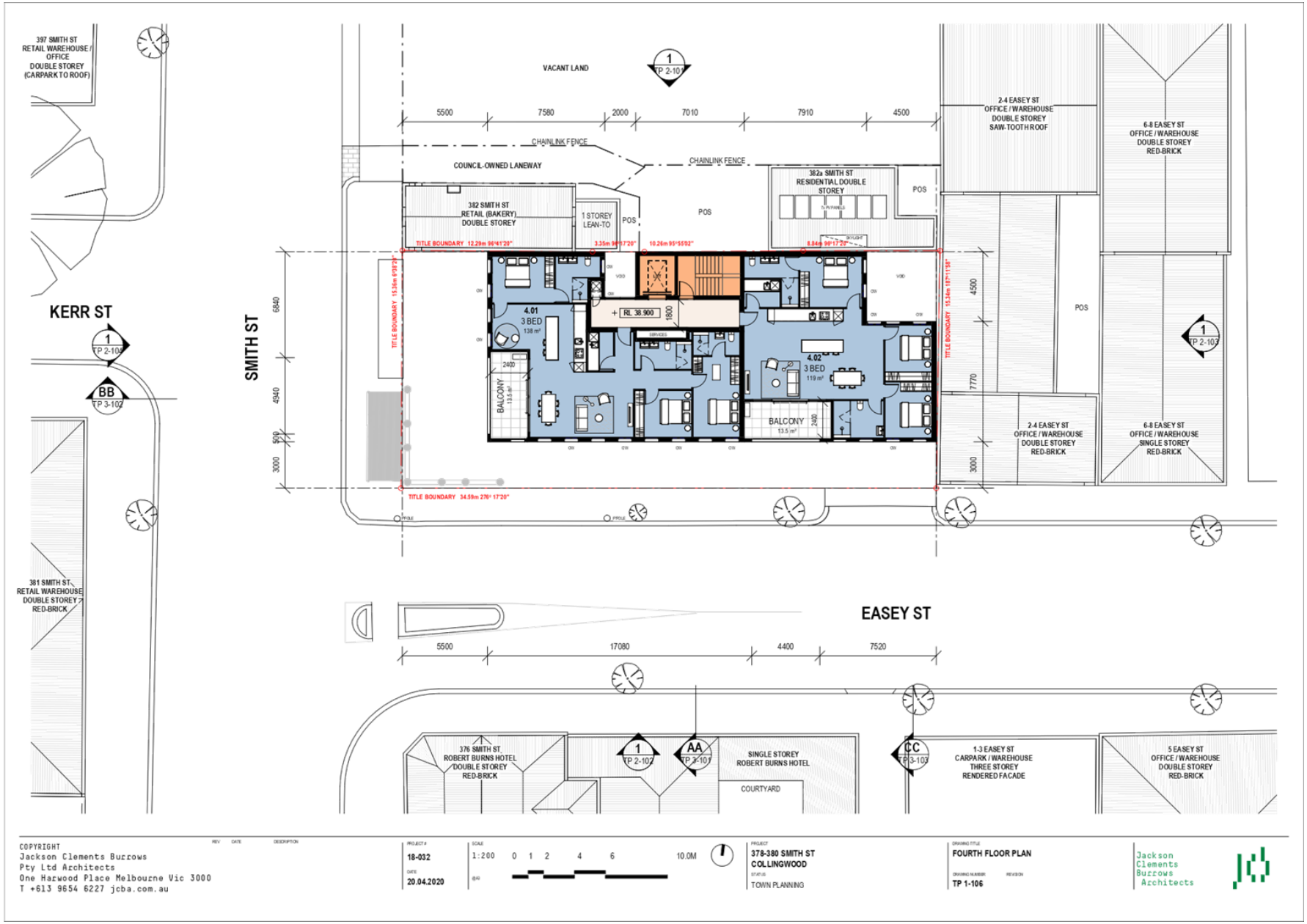

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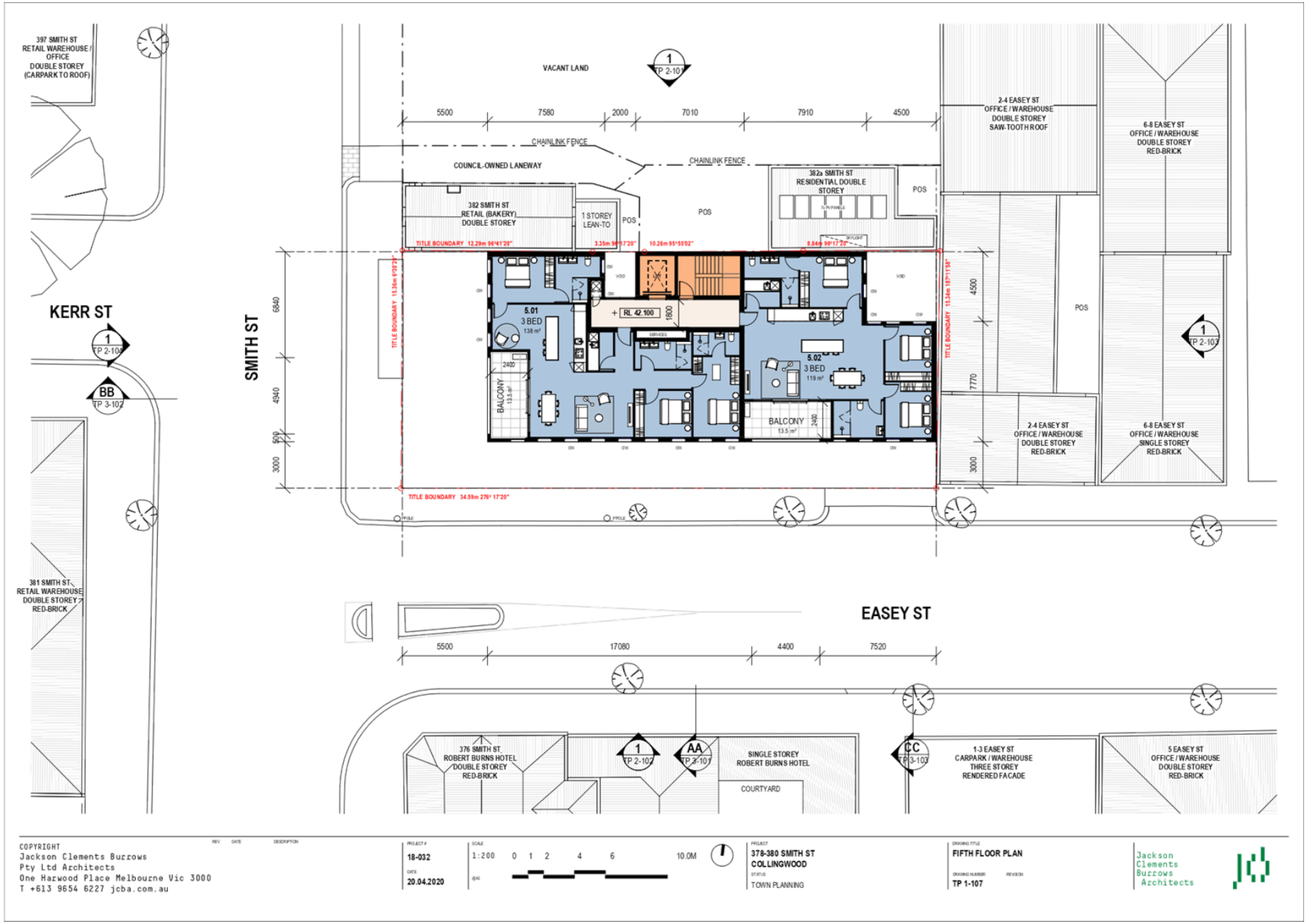

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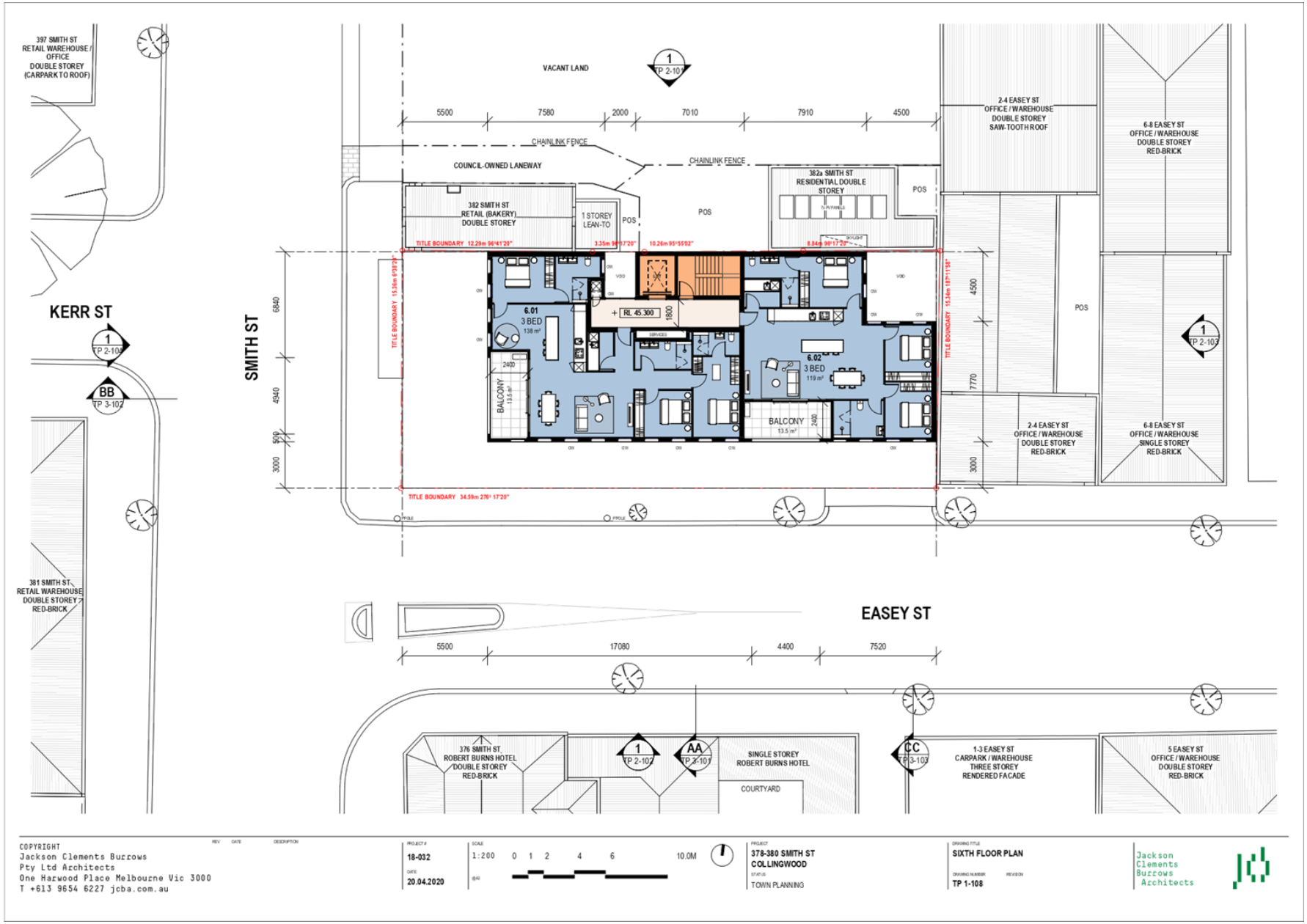

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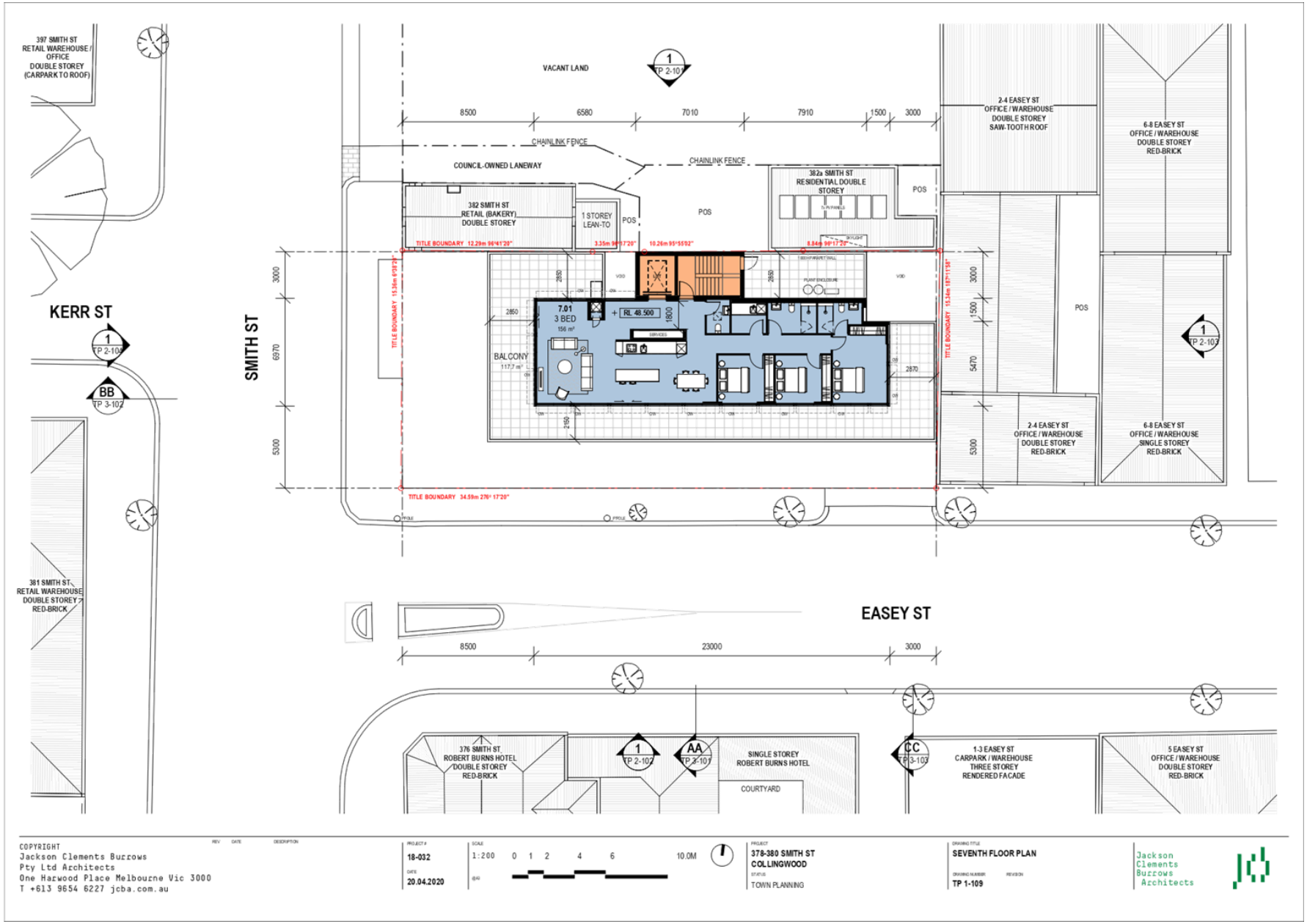

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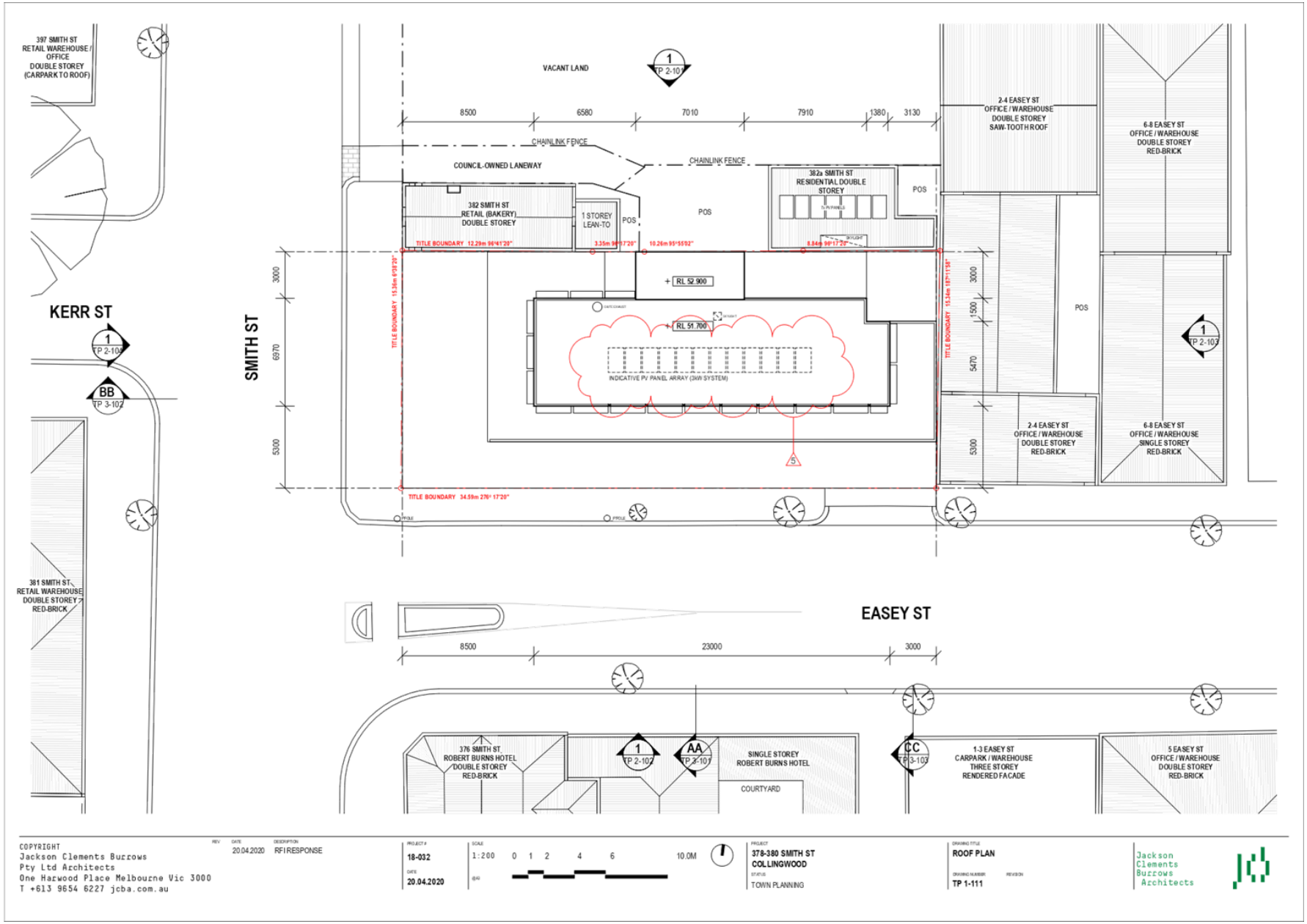

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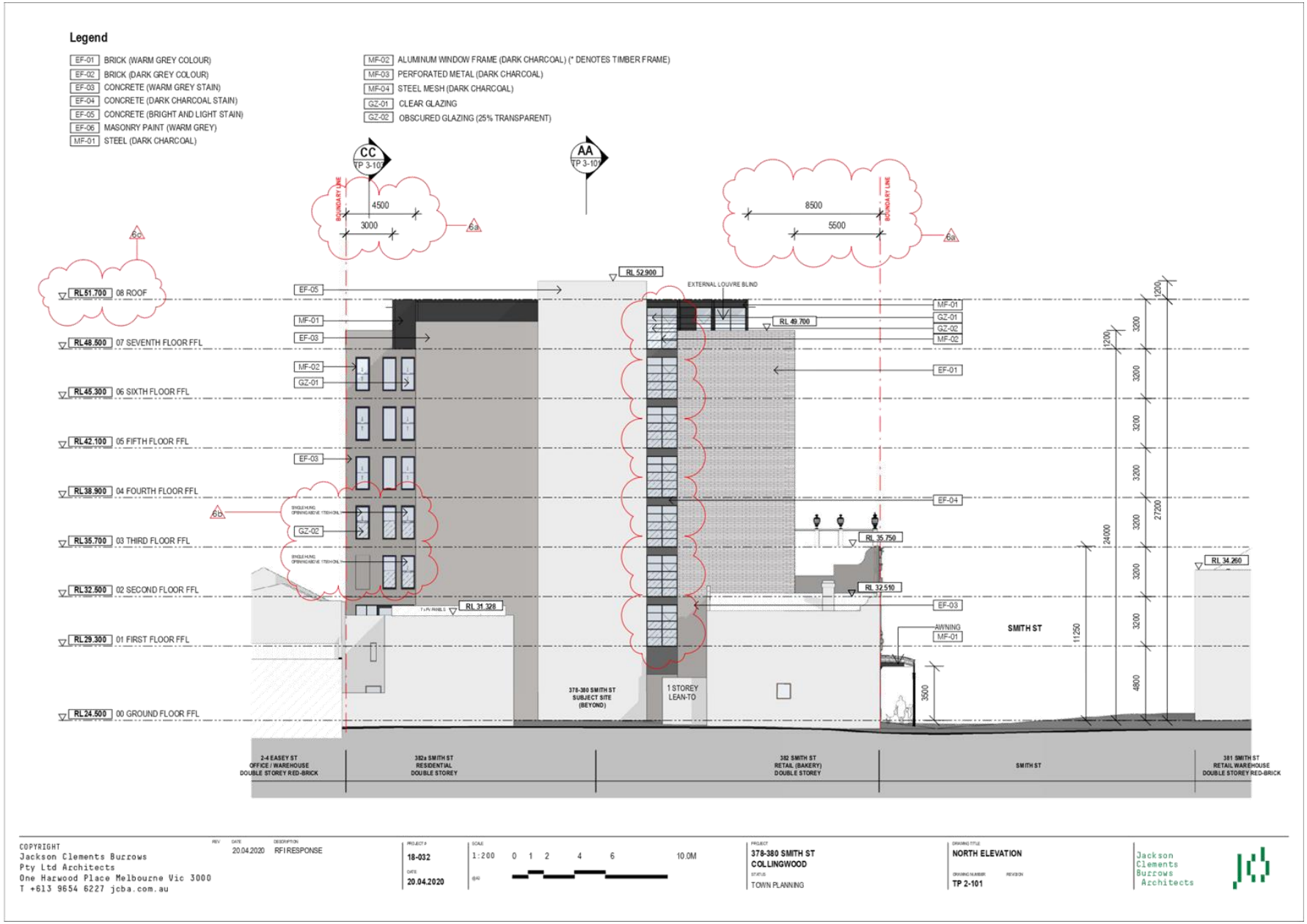

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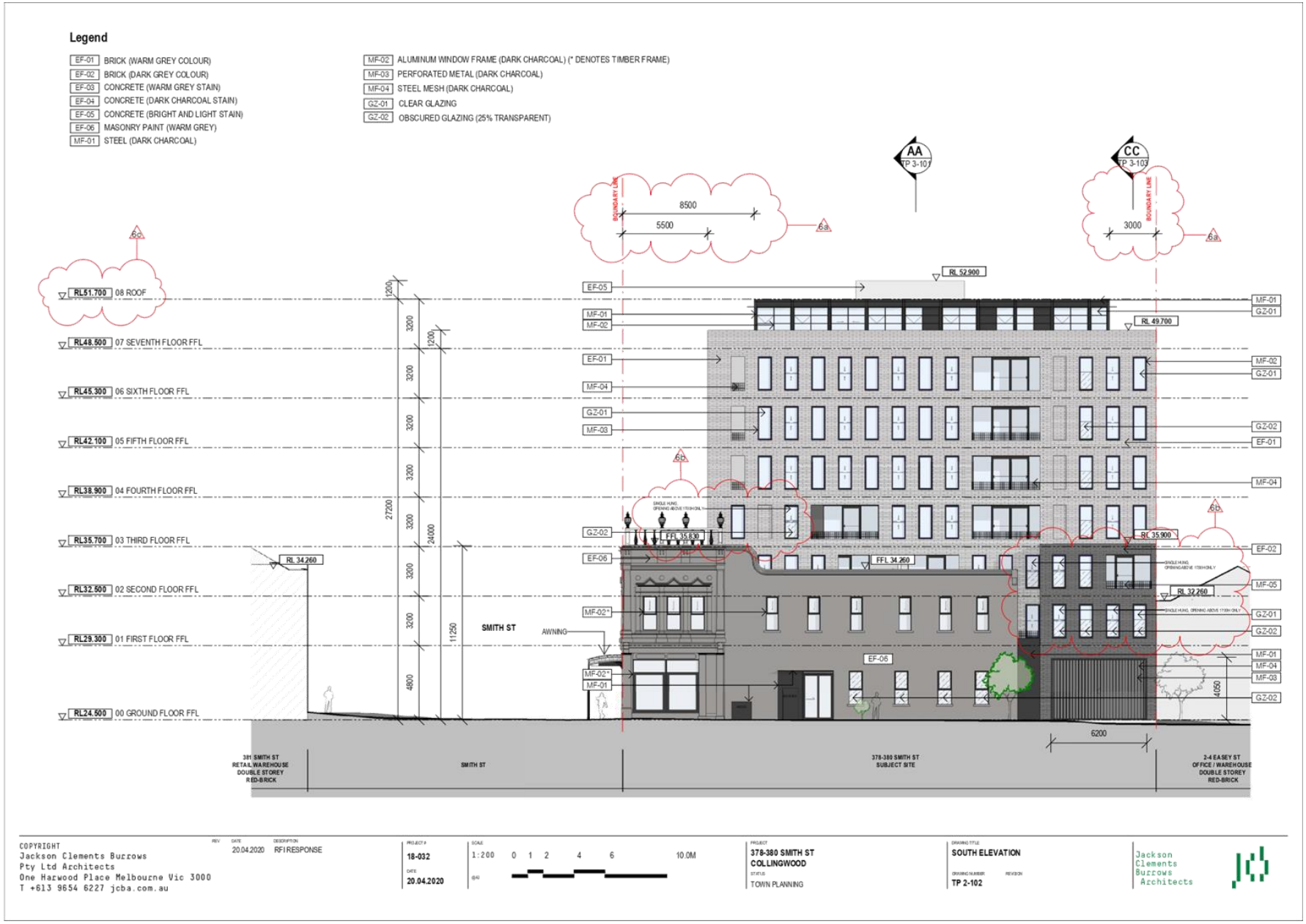

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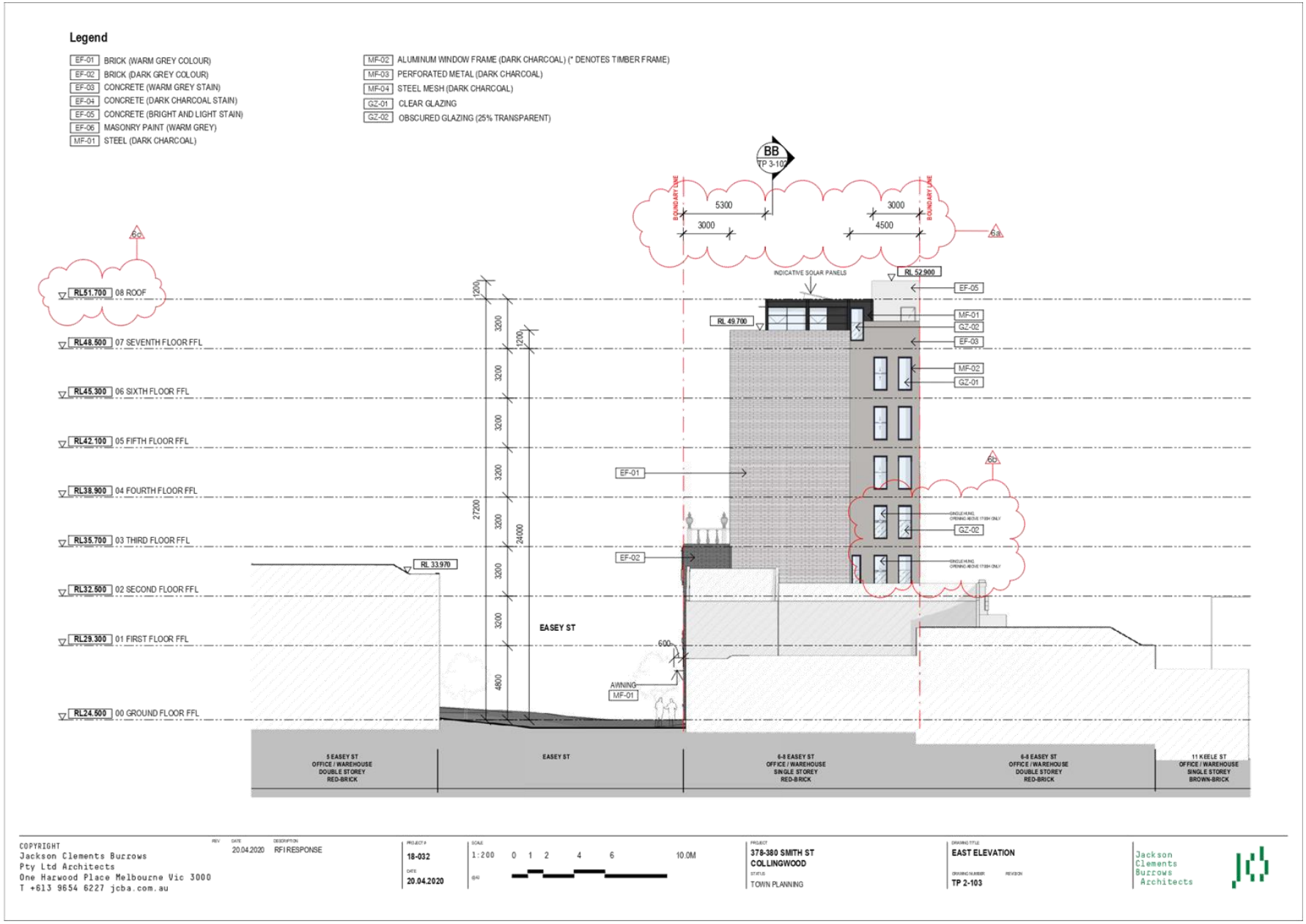

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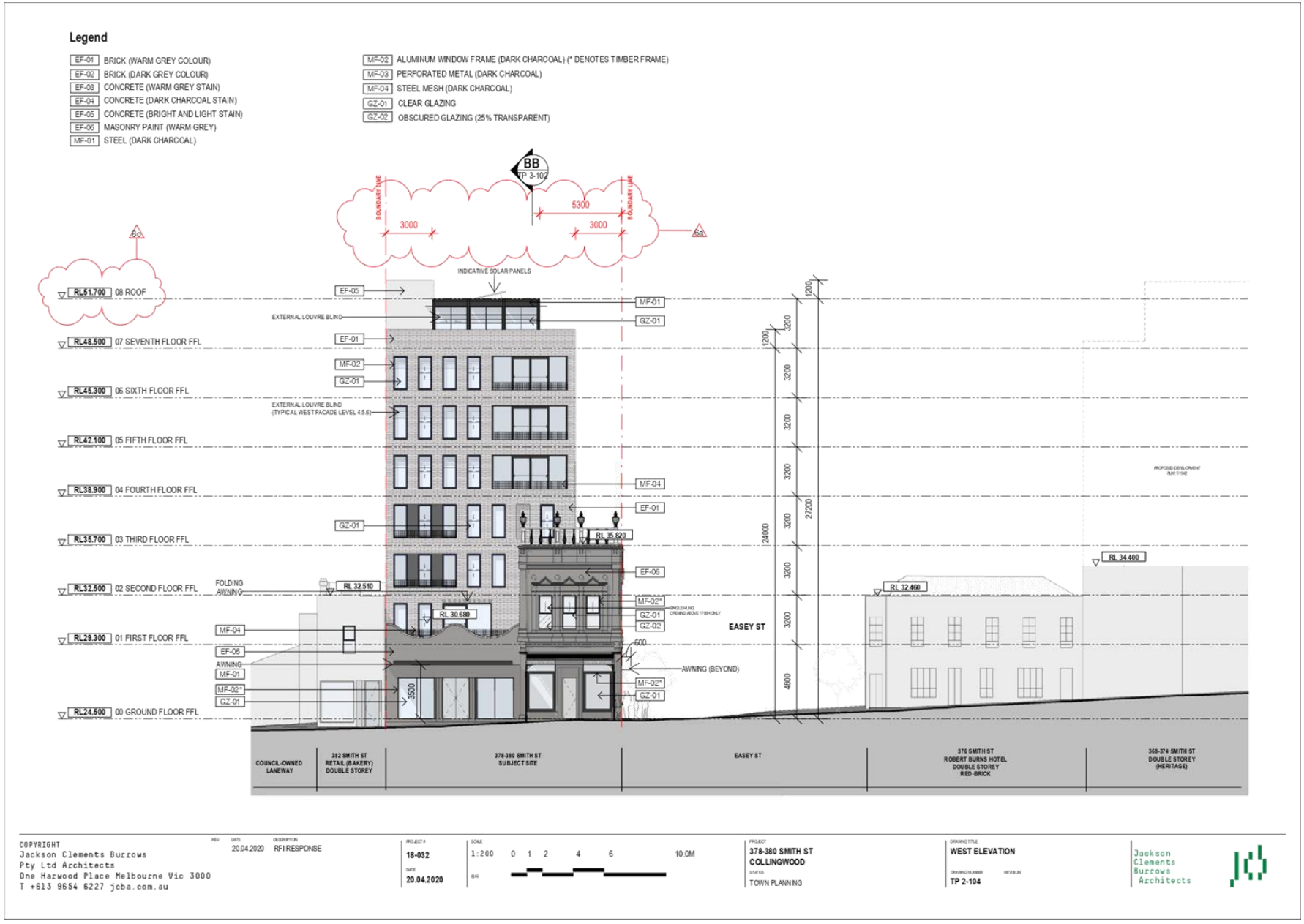

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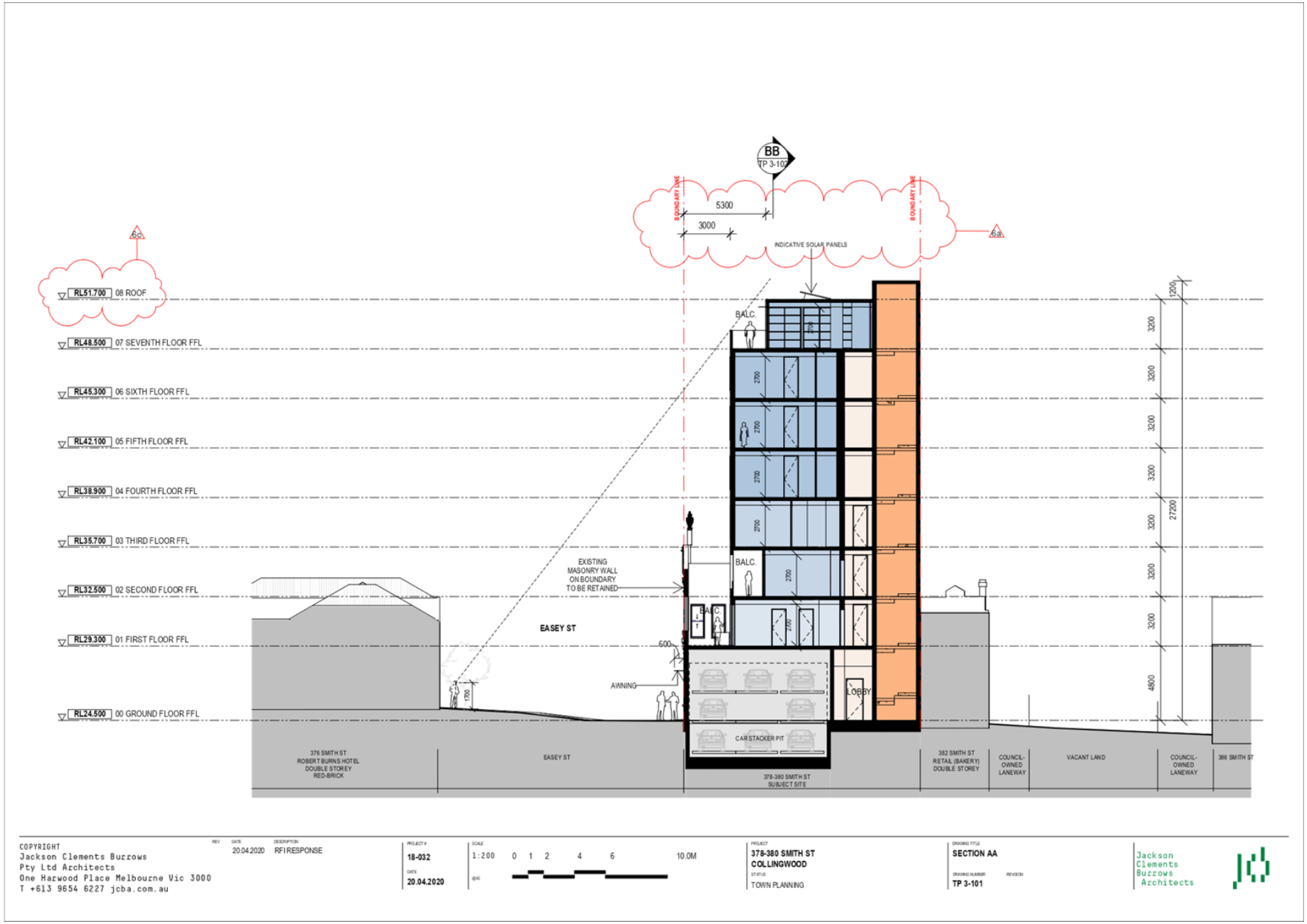

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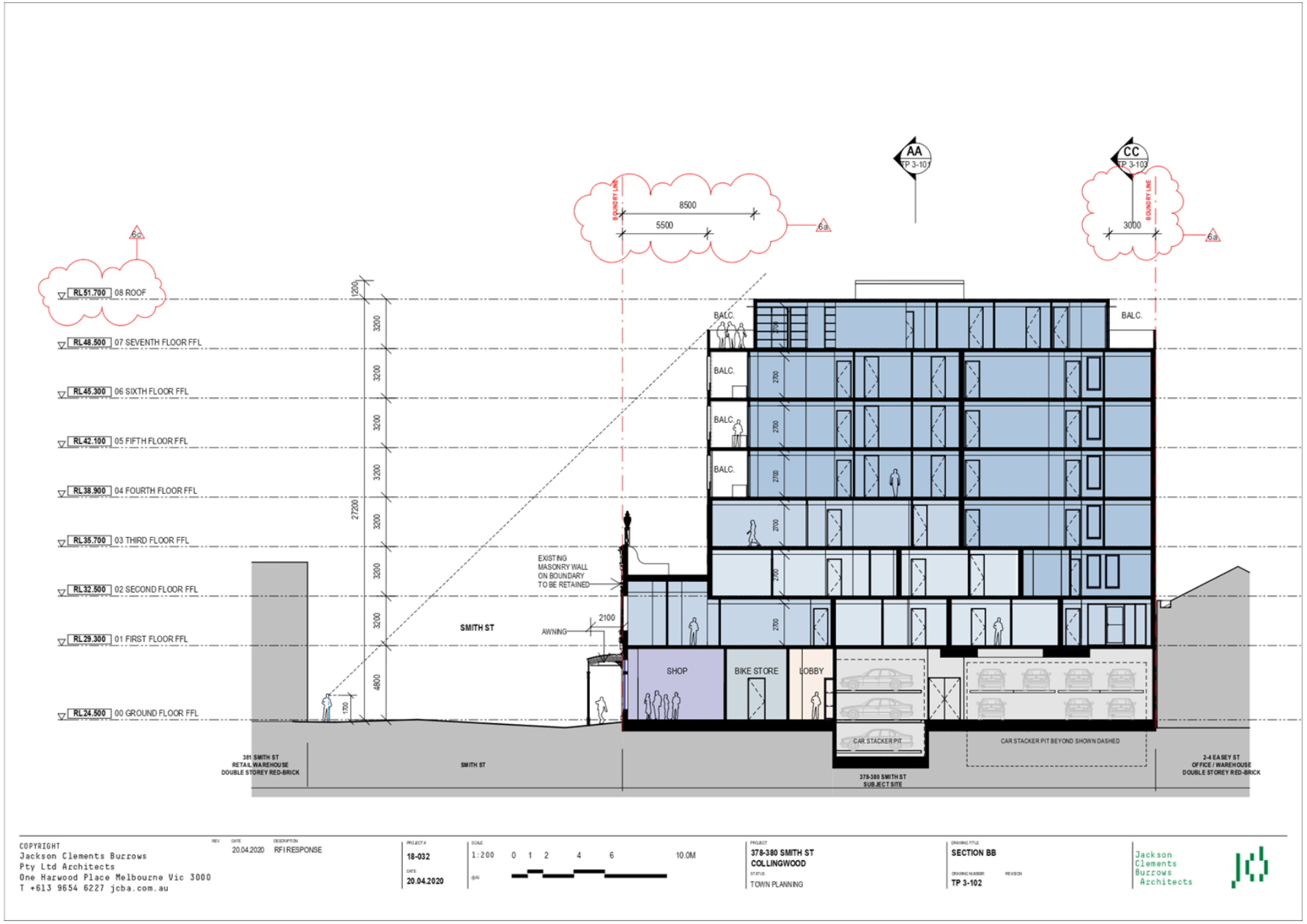

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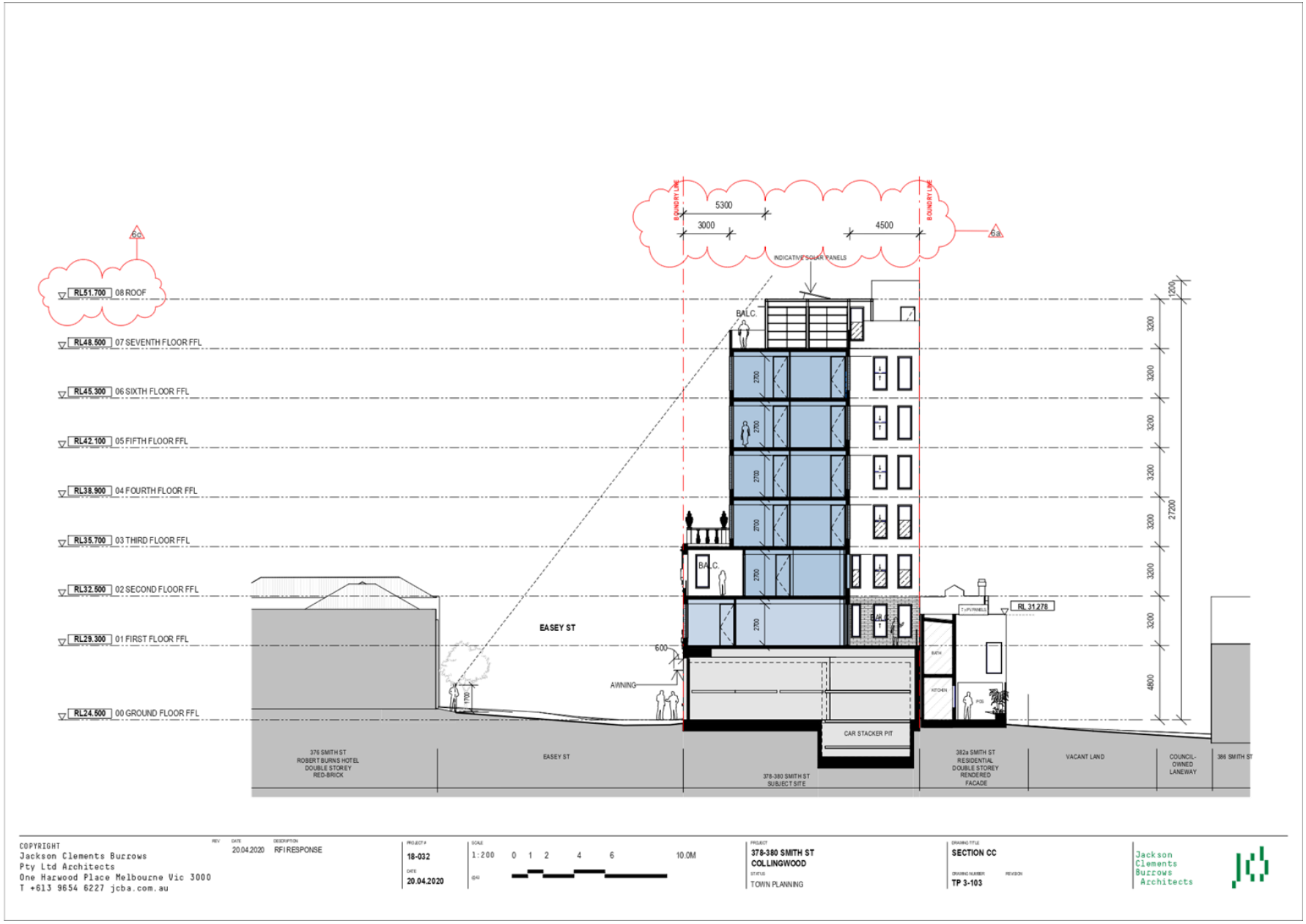

Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans

EF-01
BRICK
WARM GREY COLOUR

EF-02
BRICK
DARK GREY COLOUR

EF-03
CONCRETE
WARM GREY STAIN

EF-04
CONCRETE
DARK CHARCOAL STAIN

EF-05
CONCRETE
BRIGHT AND LIGHT STAIN

EF-06
MASONRY PAINT
WARM GREY

MF-01
STEEL
DARK CHARCOAL

MF-02
ALUMINUM WINDOW FRAME
DARK CHARCOAL
* DENOTES TIMBER FRAME

MF-03
PERFORTATED METAL
DARK CHARCOAL

MF-04
STEEL MESH
DARK CHARCOAL

GZ-01
CLEAR GLAZING
TRANSPARENT GLAZING

GZ-02
OBSCURE GLAZING
25% TRANSPARENT GLAZING

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REV DATE DESCRIPTION

PROJECT # 18-032
DATE 20.04.2020
SCALE @A0

PROJECT 378-380 SMITH ST COLLINGWOOD
STATUS TOWN PLANNING

DRAWING TITLE MATERIALS
DRAWING NUMBER TP 10-101
REVISION

Jackson Clements Burrows Architects

Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans

APARTMENT NUMBER	ROOMS		AREA		ROOM/DWELLING REQUIREMENTS										NUMBER OF APARTMENTS
					PRIVATE OPEN SPACE	ACCESSIBILITY	NATURAL VENTILATION	MIN. ROOM DEPTH	STORAGE						
	BEDROOMS	BATHROOMS	INTERIOR	EXTERIOR	MINIMUM AREA	CLEAR PATH	CROSSFLOW	SINGLE ASPECT	1 BEDROOM DWELLING		2 BEDROOM DWELLING		3 BEDROOM DWELLING		
			m²	m²	1.8M / 8M² - 2M / 8M² - 2.4M / 12M²	ADAPTABLE BATHROOM / 850mm DOOR OPENING	5-18M DEPTH	MAX 9m	9M² INTERNAL	10M³ TOTAL	9M² INTERNAL	14M³ TOTAL	12M² INTERNAL	18M³ TOTAL	
1.01	1 BED	1 BATH	50	19.1	✓	x	x	✓	✓	✓ 10.3					1
1.02	2 BED	2 BATH	80	15.0	✓	x	x	✓			✓	✓ 14.1			1
1.03	1 BED	1 BATH	53	18.5	✓	x	x	✓	✓	✓ 10.0					1
1.04	1 BED	1 BATH	52	15.4	✓	x	x	✓	✓	✓ 10.2					1
1.05	2 BED	2 BATH	107	18.5	✓	✓ (Design Opt. A)	x	✓			✓	✓ 14.1			1
2.01	1 BED	1 BATH	50	9.5	✓	x	x	✓	✓	✓ 11.0					1
2.02	1 BED	1 BATH	50	0.2	✓	x	x	✓	✓	✓ 10.0					1
2.03	1 BED	1 BATH	50	0.2	✓	x	x	✓	✓	✓ 10.3					1
2.04	3 BED	2 BATH	112	13.5	✓	✓ (Design Opt. A)	✓						✓	✓ 18.9	1
3.01	1 BED	1 BATH	50	9.5	✓	x	x	✓	✓	✓ 11.0					1
3.02	2 BED	2 BATH	82	9.9	✓	x	x	✓			✓	✓ 14.0			1
3.03	3 BED	2 BATH	119	13.5	✓	✓ (Design Opt. A)	✓	✓					✓	✓ 19.2	1
4.01	3 BED	3 BATH	138	13.5	✓	✓ (Design Opt. A)	✓						✓	✓ 18.2	1
4.02	3 BED	2 BATH	119	13.5	✓	✓ (Design Opt. A)	✓	✓					✓	✓ 19.2	1
5.01	3 BED	3 BATH	138	13.5	✓	✓ (Design Opt. A)	✓						✓	✓ 18.2	1
5.02	3 BED	2 BATH	119	13.5	✓	✓ (Design Opt. A)	✓	✓					✓	✓ 19.2	1
6.01	3 BED	3 BATH	138	13.5	✓	✓ (Design Opt. A)	✓						✓	✓ 18.2	1
6.02	3 BED	2 BATH	119	13.5	✓	✓ (Design Opt. A)	✓	✓					✓	✓ 19.2	1
7.01	3 BED	2.5 BATH	156	117.7	✓	✓ (Design Opt. A)	✓						✓	✓ 20.1	1
														TOTAL APARTMENTS	19

	NUMBER COMPLIANT	% COMPLIANT	BADS MINIMUM	BADS COMPLIANT
ACCESSIBILITY	10	52.6%	50.0%	✓
CROSS VENTILATION	9	47.4%	40.0%	✓
STORGAE	19	100.0%	100.0%	✓
POS	19	100.0%	100.0%	✓
ROOM DEPTH	19	100.0%	100.0%	✓

3

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REV 3 | DATE 20.04.2020 | DESCRIPTION RFI RESPONSE

PROJECT # 18-032

DATE 20.04.2020

SCALE @A0

PROJECT 378-380 SMITH ST COLLINGWOOD

STATUS TOWN PLANNING

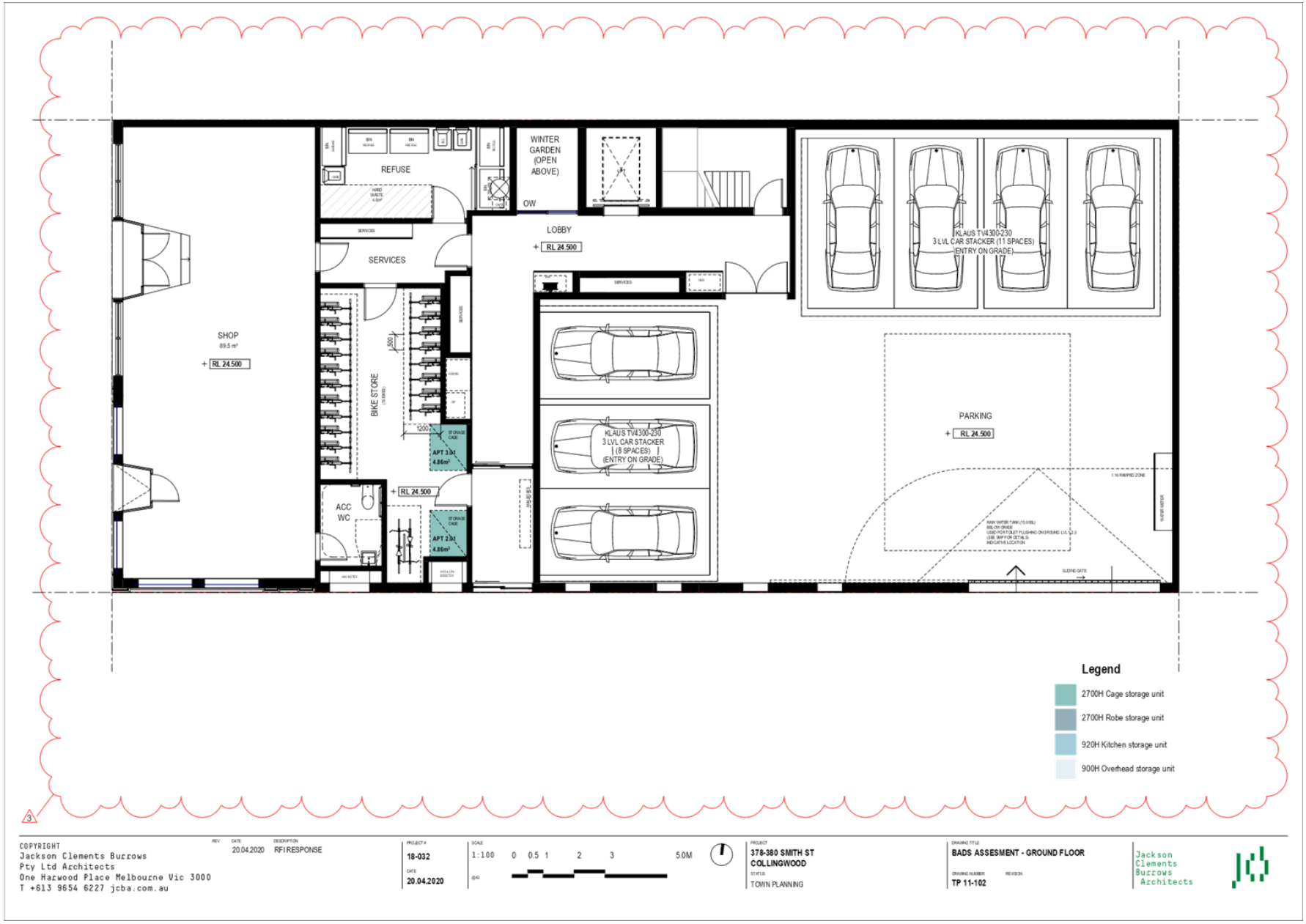
DRAWING TITLE BADS SUMMARY

DRAWING NUMBER TP 11-101

REVISION 3

Jackson Clements Burrows Architects

Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans



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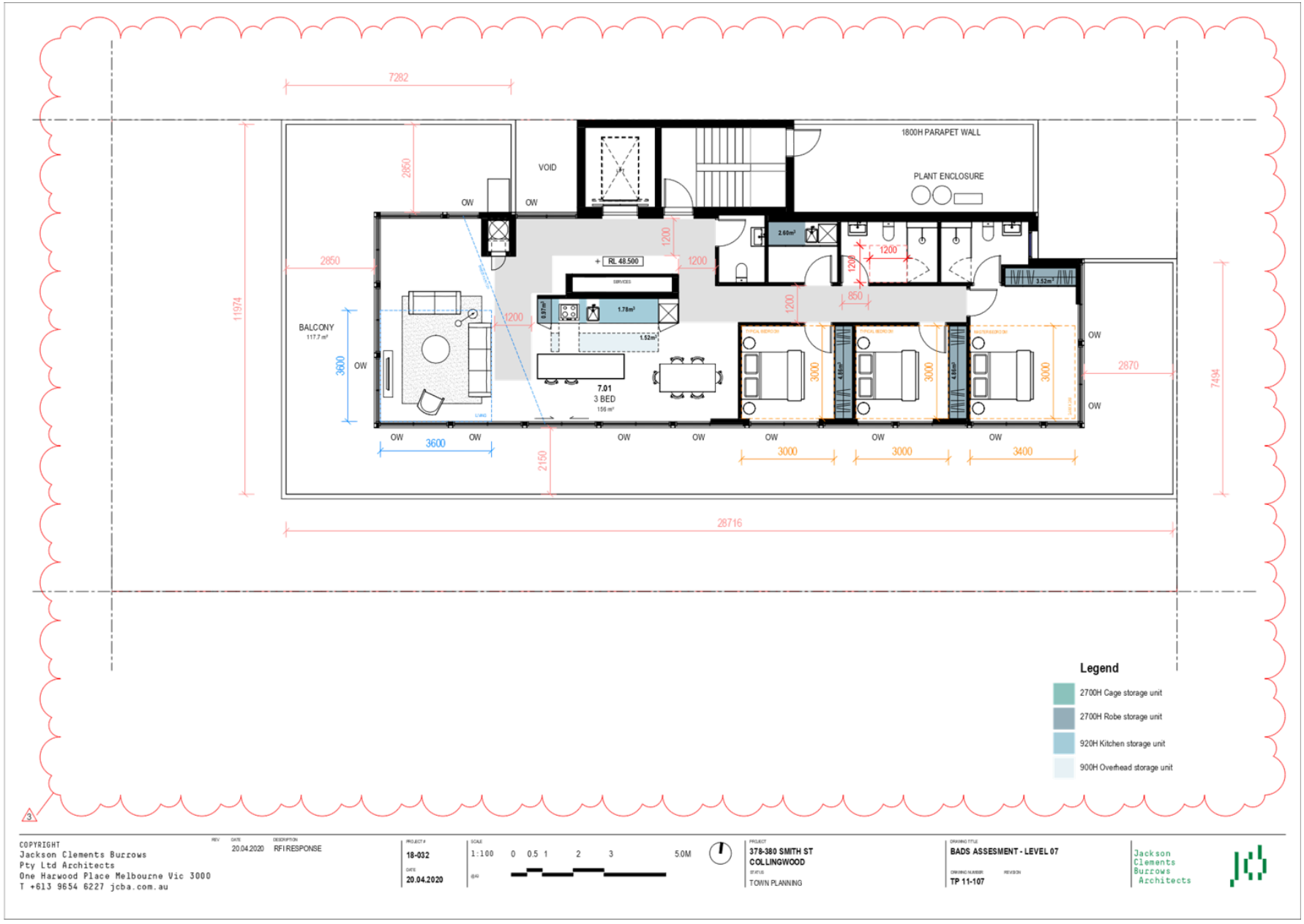

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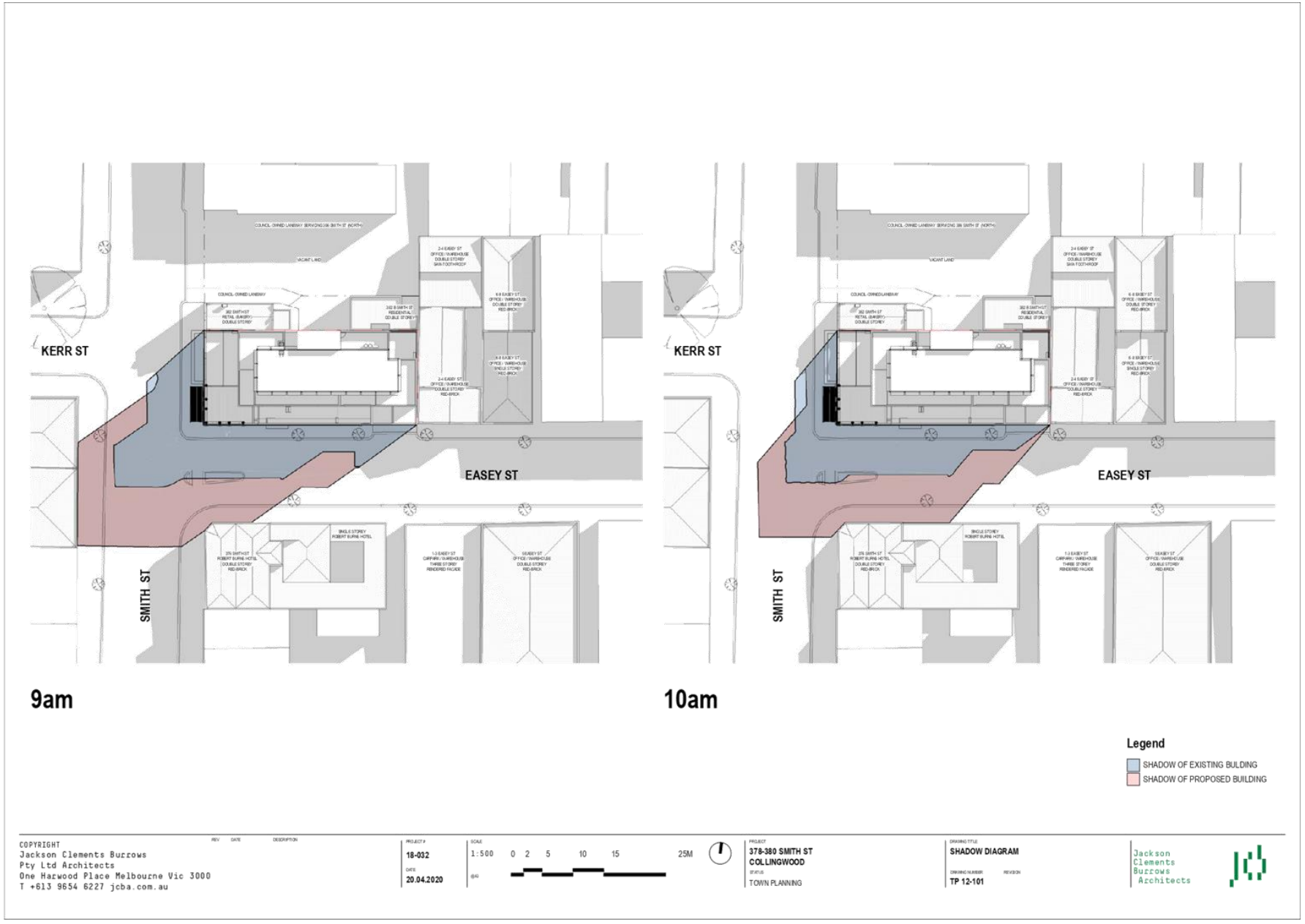

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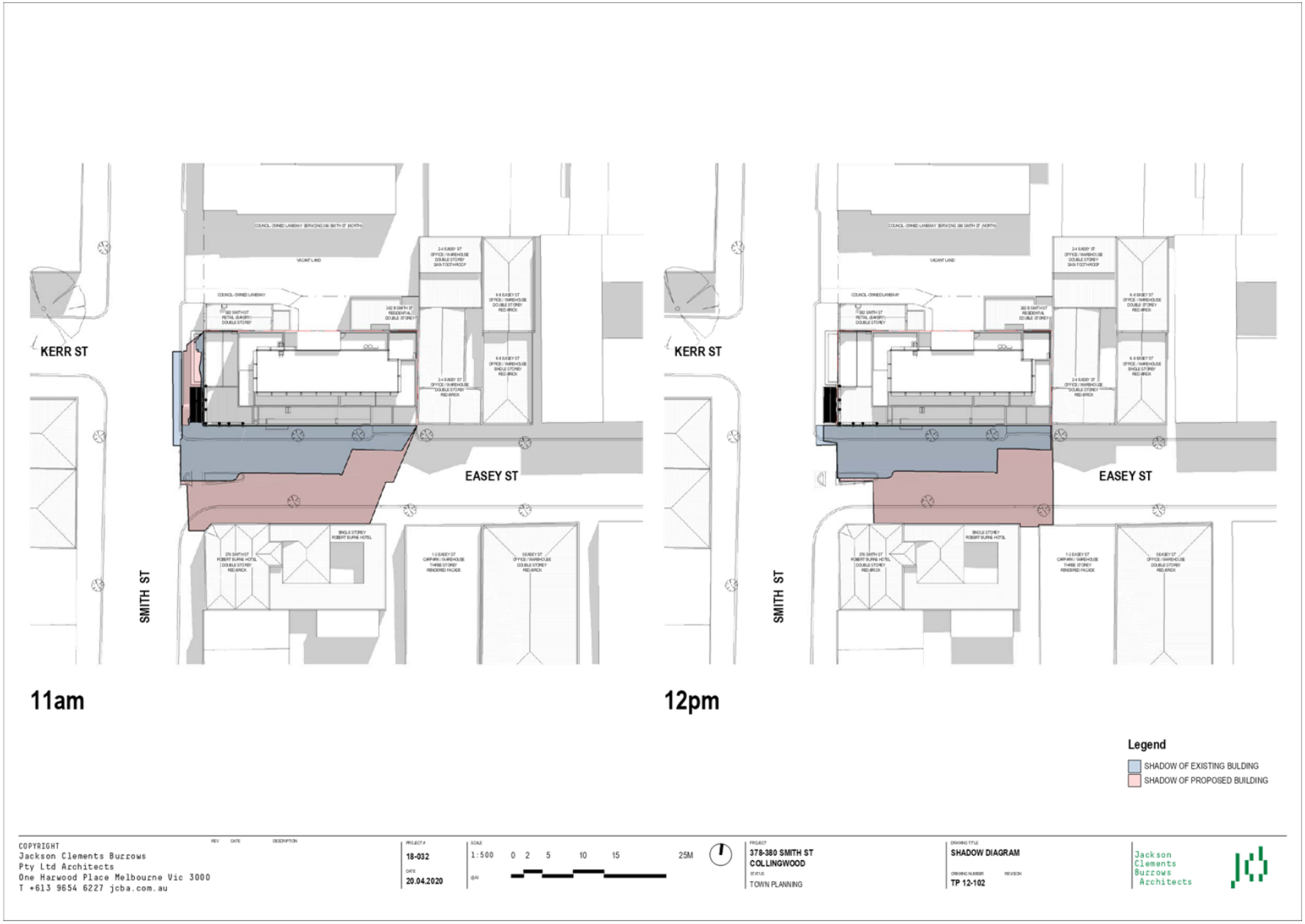
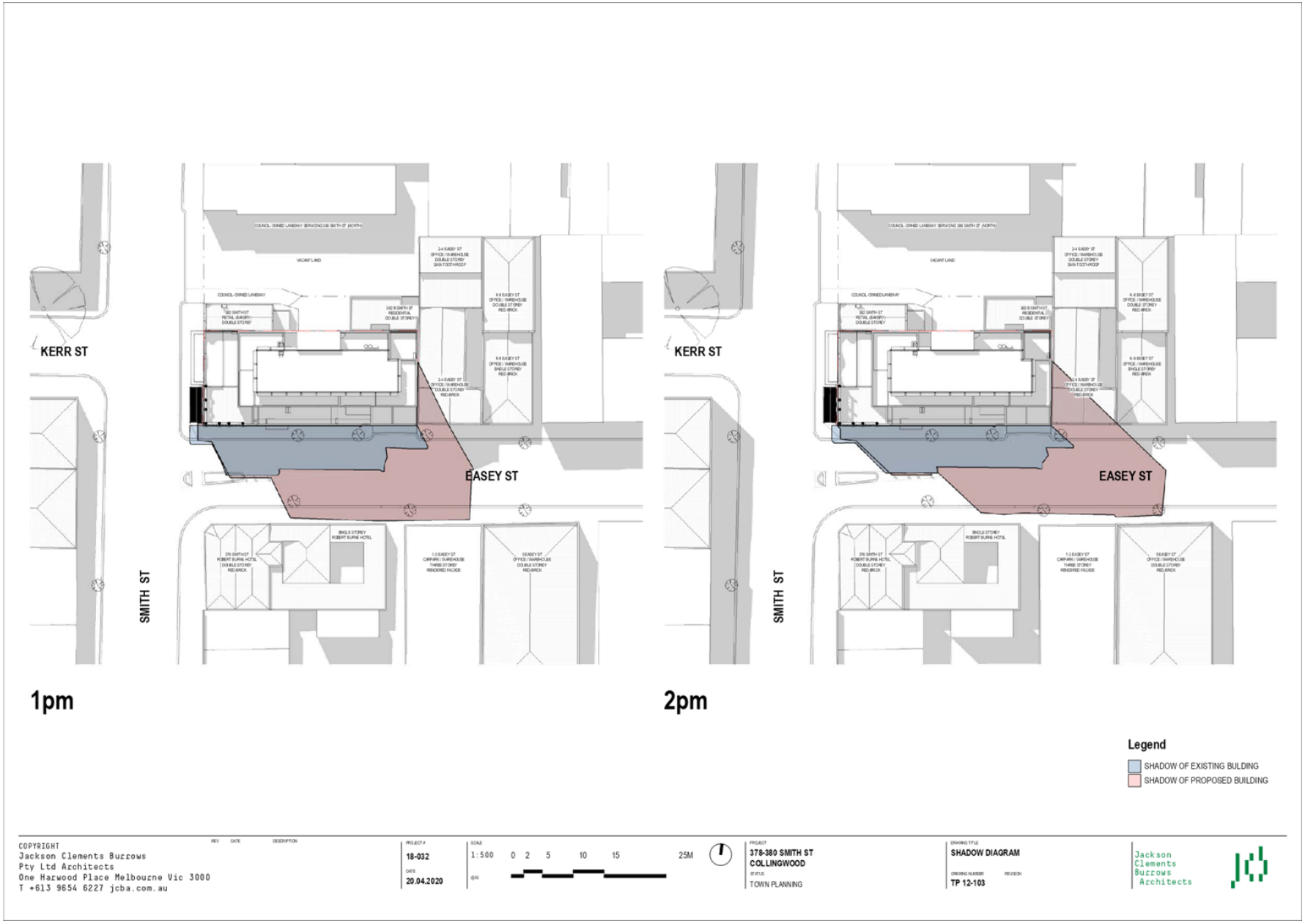


Attachment 1 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Advertising S52 - Plans



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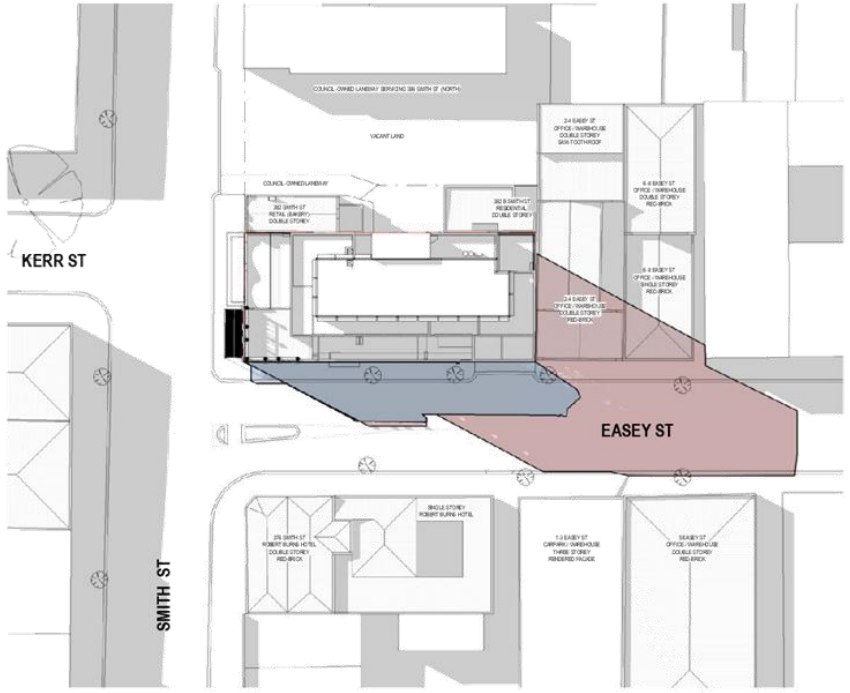

3pm

Legend

SHADOW OF EXISTING BULDING

SHADOW OF PROPOSED BUILDING

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REV DATE DESCRIPTION

PROJECT # 18-032

DATE 20.04.2020

SCALE 1:500 @A0 0 2 5 10 15 25M

PROJECT 378-380 SMITH ST COLLINGWOOD

STATUS TOWN PLANNING

DRAWING TITLE SHADOW DIAGRAM

DRAWING NUMBER TP 12-104 REVISION

Jackson Clements Burrows Architects

Attachment 2 - PLN20/0077 - 378-380 Smith Street, Collingwood - UD Review

Global South

Urban Design Review

Proposed mixed-use development, 378-380 Smith Street, Collingwood

Prepared by Simon McPherson, for Yarra City Council

11 June 2020

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1.0 Introduction

1.1 Process and involvement

1.1.1 Engagement

On 30 April 2020 I was asked by Yarra City Council officers to prepare a report comprising urban design review and advice, regarding the proposed mixed use development at 378-380 Smith Street, Collingwood.

In preparing this review, I have:

- Accessed and reviewed the advertised plans and documents, as follows:
  - Plans, Town Planning Application, April 2020 (Jackson Clements Burrows Architects);
  - Town Planning and Urban Context Report, February 2020 (Contour);
  - Urban Context Report (Zero Nine / Jackson Clements Burrows Architects); and
  - Heritage Impact Statement, February 2020 (Bryce Raworth).
- Reviewed the applicable provisions of the Yarra Planning Scheme relating to urban design as listed below;
- Visited the subject site and surrounding area, on 29 May 2020, in addition to previous visits. The photos in this report are my own, except where specified.

1.1.2 Previous involvement

I was also involved in the previous Planning Permit Application for this site. I was engaged by Maddocks Lawyers, on behalf of Yarra City Council, as an Expert Witness (Urban Design) for the VCAT hearing held from 8 July 2020.

The following Urban Design Review of a new proposal for the subject site, draws upon some background/contextual information, and my opinions of that proposal for reference, from my Statement of Evidence relating to the previous scheme.

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1.2 Qualifications and experience to prepare this Review

1.2.1 Qualifications and registrations

My academic qualifications are as follows:

- **Executive Masters (MSc) in Cities**, inaugural programme (September 2016 - completed February 2018), London School of Economics and Political Sciences (LSE Cities), UK;
- **Master of Science (MSc): Built Environment - Urban Design** (Distinction), The Bartlett School, University College London, 2005-06, UK;
- **Bachelor of Architecture (BArch)** (First Class Honours), The University of Melbourne, 1996-97;
- **Bachelor of Planning and Design (BPD) (Architecture),** The University of Melbourne, 1992-94.

My professional registrations and memberships are as follows:

- **Registered Architect, Architects Registration Board of Victoria:** individual registration number 15838;
- Member, **Victorian Design Review Panel;**
- Member, **Design Review Panel for South Australia;**
- Member, **Latrobe University Design Review Panel;**
- Global Advisor, United Nations Global Compact – Cities Programme;
- Member, Built Environment Task Force, Smart Cities Council – Australia/New Zealand.

1.2.2 Experience

Professional experience

I hold over 15 years of dedicated professional experience in urban design, including:

- Urban Designer, Victorian State Government (2002-2007, including study leave);
- Director, SJB Urban (2007-2016);
- Director, Global South (2016-present).

I hold approximately 5 years of prior experience in architectural practice, in Australia and the UK.

Project experience

My urban design experience includes the following projects:

- Policy and guidelines:
  - Author/contributor, *Better Placed*, NSW Architecture and Urban Design Policy, Government Architect NSW (2016-17). Benchmark design policy, winner Australia Award for Urban Design 2017;
  - Contributor (State Government employee), Design Guidelines for Higher Density Residential Development, Activity Centre Design Guidelines;
  - Contributor, SA Medium-Density Design Guidelines;
  - Lead consultant, Urban Design Guidelines, Bowden, SA (SJB Urban, 2015);
- Urban Design Advice:
  - Eden/Haven/Sanctuary on the River, Abbotsford, for HAMPTON (complete), (SJB Urban, 2010). High-density, mid-rise (9-11 storeys) permeable courtyard

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development, winner UDIA President's Award, High-Density Housing Award (National, Victoria), Masterplanned Development Award (Victoria);
- Richmond Plaza redevelopment, for Coles (SJB Urban, 2014);
- Grocon FCAD redevelopment, Footscray Station Precinct (SJB Urban, 2011).

- Independent reviews:
  - Regular independent reviews of permit applications, for Councils including Yarra, Port Phillip, Banyule, Brimbank, Manningham and Casey.
- Strategic plans, structure plans and Urban Design Frameworks:
  - Footscray Activity Centre Built Form Review 2020, for Maribyrnong City Council;
  - Oakleigh Activity Centre Transport Precinct: Design Review 2018, for Monash City Council;
  - 1160 Sayers Road, Tarneit, Structure Plan for Wyndham City Council (landowner) (SJB Urban 2014-15). Innovative, integrated plan for high-density, walkable precinct in greenfield setting;
  - Footscray Station Precinct Planning and Urban Design Framework (SJB Urban, 2008-09). Winner, PIA Transport Planning Award 2008;
  - Brighton Toyota Site UDF, for LEFTA Corporation;
  - Frankston Transit Interchange Precinct UDF and Master Plan, for DPCD (SJB Urban 2009-2012);
  - Wise Foundation 'Wellness Village' UDF, Mulgrave, for landowners (SJB Urban, 2015-16).
- Master Plans and Concept Designs
  - Tarneit Major Town Centre Urban Design Review;
  - Caulfield Village Master Plan, for Beck Property / Probuild (SJB Urban, 2012);
  - Greensborough Activity Centre Concept Master Plan, for Banyule City Council (2017);
  - 433 Smith Street (Fitzroy Gasworks) Master Plan, for Places Victoria (SJB Urban, 2015);
  - Master Plan, Binks Ford Site and over-rail deck, Footscray, for Places Victoria (SJB Urban, 2012);
  - Caulfield-Dandenong corridor concept/feasibility studies, for VicTrack (SJB Urban, 2015).

Experience preparing expert evidence

I have presented evidence at VCAT and Planning Panels Victoria on numerous occasions.

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2.0 Context

2.1 Previous proposal: summary of opinions (from VCAT Statement)

The previous proposal for the same site was for a 9-storey building which retained the existing heritage facades, comprising two shop tenancies and 29 dwellings.

While this Urban Design Review addresses the current (revised) proposal on its merits, I have referred to my opinions and recommendations regarding the previous proposal, from my VCAT Statement of Evidence, to inform the background and context for this current review.

The key aspects of my opinions on that proposal are outlined as follows:

- *There is strong strategic support for higher-density residential / mixed-use development in this Major Activity Centre;*
- *I support adaptive re-use of heritage built form, as a strategy for retaining existing fabric and character while accommodating redevelopment and change of use;*
- *The building height and form (as proposed) is not appropriate for the site and context.*
- *The building height creates excessive visual bulk, verticality and visual intrusion in the setting.*
- *The form of the building, including the street setbacks and extended 'primary form', contribute to this assessment, along with the height.*
- *The front setback condition contributes to the excessive built form imposition of the proposal, and should be increased. I suggest alignment with the eastern edge of the ornate part of the existing southern façade (so approximately 6.5m setback), or a 7m setback in line with the recent developments to the north, would be more appropriate.*
- *The prevailing 1.8m setback to the Easey Street frontage is insufficient.*
- *The mid-level recess (inner form), with reduced setbacks to levels above (primary form), (is) inappropriate in this context, because the overhang or cantilevered form increases the visual prominence and vertical emphasis of the upper level form.*
- *Building to the side boundaries is acceptable in this location.*
- *The proposed interfaces to the side boundaries provide for equitable redevelopment opportunities to the adjoining sites to the north and east.*
- *The Easey Street (east-facing) interface presents as excessively large, abrupt and vertically emphasised, and a reduced height of this interface would be more appropriate in response to the Easey Street context.*
- *The Smith Street (north-facing) side boundary wall is excessive in scale and vertical height. While the relatively narrow wall panels, and façade articulation, serve to reduce the breadth of the boundary interface elements, the darker lift core element at 9 storeys creates increased vertical emphasis. A reduced height at this interface would reduce its visual prominence, in response to the streetscape setting.*
- *The proposed design expression creates a visually bold, severe and 'cold' character. It lacks texture, tactility and visual softness, which would be more appropriate in this setting. This design expression increases the sense of visual intrusion in the setting.*
- *The public realm interface to Easey Street is of poor quality, due to the extent of frontage occupied by car parking and bike parking, with very limited activation potential. While the heritage façade may present a constraint to activation, such as by limiting new openings, this interface reflects a poor urban design outcome.*

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- *The extent of activation to the Smith Street frontage, which comprises two adjacent glazed shopfronts (one shop tenancy), with new clear glazing proposed, is satisfactory.*

In summary, I considered the previous proposal to be too imposing and visually dominant, in relation to the streetscape conditions and the heritage built form, resulting from the combination of its height, setbacks and building profile, as well as its articulation and materials.

I recommended the following changes to the previous design:

- *Removal of the mid-level recess / upper level overhang, to reduce the visual prominence of the proposed form.*
- *Reduction in height to reduce the verticality of the proposal and to create a more comfortable fit in the evolving streetscape.*
- *Reduction in height to the side/rear boundaries of approximately 1-2 levels, to reduce the visual intrusion of these interfaces in the streetscape settings.*
- *Incorporation of greater variation, texture, diversity and softening in the façade design expression.*
- *Integration of appropriate landscaping and more natural, textured materials.*
- *Further consideration of the ground floor layout and frontage to Easey Street, towards achieving a greater extent of activation, by reducing the extent of space dedicated to car parking.*

2.2 Strategic/Statutory context

2.2.1 Zoning

The subject site is situated within the **Commercial 1 Zone (C1Z).** The purposes of this Zone are to:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The applicable decision guidelines require consideration of various factors including:

- Movement of pedestrians, cyclists and vehicles;
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings;*
- Solar access to buildings;
- The objectives, standards and decision guidelines of Clause 58.

2.2.2 Planning Policy Framework

The following clauses are applicable to the subject site and proposal. Relevant content from these clauses is raised below in the context of my assessment of the proposal.

- **Clause 11 Settlement** provides a range of Strategies for development in established Activity Centres, with a focus on quality, amenity, diversity and responding to context.
  - **11.03-1R Activity Centres – Metropolitan Melbourne** provides strategies for developing activity centres to accommodate significant growth and support high levels of amenity;

- **11.03-1S** provides strategies for building up Activity Centres as a focus for high-quality development, activity and living.

- **Clause 15 Built Environment** discusses Urban Design objectives and strategies:
  - **15.01-1S Urban Design** provides strategies for safe, healthy, functional and enjoyable urban environments, and promotes good urban design along transport corridors;
  - **15.01-2S Building design** guides buildings which contribute positively to context and enhance the public realm;
  - **15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** seeks to create a city of 20-minute neighbourhoods.
  - **15.01-5S Neighbourhood character** seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place, including by emphasising the heritage values and built form that reflect community identity.
  - **15.02-1S Energy and resource efficiency** promotes consolidation of urban development and integration of land use and transport.
  - **15.03-1S Heritage conservation** seeks to ensure the conservation of places of heritage significance, and encourages appropriate development that respects places with identified heritage values.
- **Clause 16 Housing** addresses supporting infrastructure, accessibility and affordability of housing:
  - **16.01-2R Housing opportunity areas - Metropolitan Melbourne** provides strategies for identifying opportunities for medium and high-density housing and creating a sustainable city through well-located housing and mixed-use development. It facilitates *increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport*. This is supported by **16.01-2S Location of residential development.**
  - **16.01-3S Housing diversity** provides strategies for facilitating well-designed, diverse housing.

2.2.3 Local Planning Policy Framework

Yarra's Local Planning Policy Framework includes the following clauses applicable to the subject site and proposal. I have not exhaustively reproduced every policy below.

- **Clause 21.05-1 Heritage** seeks to protect and enhance Yarra's heritage places, and supports the restoration of heritage places. Heritage is not my area of expertise, and so this Review not address heritage directly. However, the relevance of heritage considerations in this case has inherent overlap with urban design considerations, and so I consider heritage in the context of a comprehensive urban design review.
- **Clause 21.05-2 Urban Design** includes the following objectives and strategies:
  - *To ensure that new development contributes positively to Yarra's urban fabric.*
  - *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
  - *To enhance the built form character of Yarra's activity centres.*
  - *Require development within Yarra's activity centres to respect and not dominate existing built form.*
  - *Support new development that contributes to the consolidation and viability of existing activity centres.*
- **Clause 21.05-3 Built form character** seeks to *improve the built form character of transport corridors.*

- **Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay** *encourages the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place* to:
  - *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
  - *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
  - *Be visually recessive and not dominate the heritage place.*
  - *Be distinguishable from the original historic fabric.*
- **Clause 58 Apartment Developments** seeks:
  - *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
  - *To encourage apartment development that is responsive to the site and the surrounding area.*
- **Clause 58.02 Urban Context** seeks:
  - *To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.*
  - *To ensure that development responds to the features of the site and the surrounding area.*
  - *To encourage a range of dwelling sizes and types in developments of ten or more dwellings.*
  - *To integrate the layout of development with the street, with development oriented to front existing and proposed streets.*
- **Clause 58.03 Site Layout** seeks to:
  - *To achieve and protect energy efficient dwellings and buildings.*
  - *To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*
  - It states that *buildings should be oriented to make appropriate use of solar energy, and provide appropriate landscaping.*
- **Clause 58.04 Amenity Impacts** seeks to:
  - *To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.*
  - *To allow adequate daylight into new dwellings.*
  - *To limit views into habitable room windows and private open space of new and existing dwellings.*
  - *To provide a reasonable outlook from new dwellings.*
  - *To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents*
- **Clause 58.07 Internal Amenity** seeks *to ensure dwellings provide functional areas that meet the needs of residents*, and addresses spatial sizes, windows for daylight, and natural ventilation.

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2.3 Built form context

2.3.1 Site location and local context

The subject site is located on the eastern side of Smith Street, on the north side of Easey Street. Smith Street is identified as a Major Activity Centre, with a mix of retail, food/dining and other commercial uses as well as residential development. The area to the east along Easey Street is commercial-focussed.

2.4 Subject site

The subject site is located at the north-east quadrant, at the corner of Smith Street and Easey Street, Collingwood. It comprises two properties at 378 (south) and 380 Smith Street (north). The total site area is approximately 532 sq.m, with a combined frontage to Smith Street of 15.36m, and a frontage to Easey Street of 36.59m.

378 Smith Street contains a double-storey rendered Victorian-era building, with single-storey additions at the rear, accessed Easey Street via a garage door. 380 Smith Street contains a single-storey rendered Victorian-era building.

Figure 01: The subject site, viewed from across Smith Street

Figure 02: The subject site in its streetscape context, on the east side of Smith Street, looking south.

Figure 03: The subject site, Easey Street frontage, at corner of Smith Street.

Figure 04: The subject site, Smith Street frontage, and neighbouring double-storey building (at left).

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2.5 Urban context

2.5.1 Local character

Consideration of the local urban character is relevant to considering how, and the extent to which, the proposed development responds to and fits within this context and character.

This location and the Smith Street corridor display a complex, varied local urban character comprising a range of physical aspects. As stated in **Clause 21.08-5 Neighbourhoods: Collingwood**, *unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings.*

The elements which contribute to this variance, from my observation, are as follows, supported by photographs below.

- Fine grain, narrow-fronted lots: prevalent south of Johnston Street, and between Johnston and Keele Streets.
- Larger lots, generally north of Keele Street, and particularly along the western side of Smith Street
- Fine grain expression to larger sites:
  - Some wider frontages are articulated through expressed vertical modulation.
  - This includes older warehouse buildings, and contemporary developments
- Grid-based streets, with relatively small block sizes;
- Heritage built form: fine, small, detailed and intricate buildings, with rich architectural detailing;
- Heritage built form: robust warehouse buildings, typically with broad, solid proportions;
- Contemporary infill/insertions in the urban fabric;
- Emerging built form: mid-rise development, considered in further detail below.

Therefore, there is not a single predominant characteristic in this locality, but a complex character comprising a range of building types, forms and expressions, and the interactions and interrelationships between these aspects.

This also presents challenges for retaining valued character aspects, in the context of an evolving built form condition.

Figure 05: Fine grain, narrow-fronted lots, open street profile to Smith Street.

Figure 06: Heritage built form: fine, small, detailed and intricate buildings, fronting Smith Street.

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Figure 07: Heritage built form: robust, bold warehouse buildings.

Figure 08: Heritage built form: robust warehouse buildings.

Figure 09: Vertical modulation/articulation to larger sites – Smith Street east side.

Figure 10: Vertical modulation /articulation to larger sites – Smith Street west side.

Figure 11: Emerging built form: mid-rise development, and more vertical streetscape profile.

Figure 12: Emerging built form: mid-rise development.

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Figure 13: Emerging built form: mid-rise development on larger sites, contemporary expression and materials.

Figure 14: Contemporary infill in the urban fabric.

Figure 15: Aerial photograph, Keele Street to Alexandra Parade, showing larger lots along Smith Street, particularly on the western side. Fine grain residential lots are located to both sides, immediately beyond the frontage street block interfacing to Smith Street. (image source: Google).

Figure 16: Aerial photograph, Johnston Street to Keele Street, showing predominantly narrow, fine grain built form and subdivision along Smith Street, transitioning to larger lots to the north. Commercial/industrial building forms extend further beyond the Smith Street corridor. (image source: Google).

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Figure 17: Aerial photograph, St David Street to Johnston Street, showing generally narrow, fine-grain, deep lots to both sides of Smith Street (image source: Google).

2.5.2 Site interfaces

The subject site's immediate interface conditions are as follows:

- **North:** 2-storey building at frontage, with 2-storey dwelling at rear.
- **East:** 2-storey red-brick office building with gabled frontage to Easey Street.
- **South:** Easey Street, which is approximately 15m wide, with a double-storey pub building opposite.
- **West:** Smith Street, which is approximately 20m wide. Opposite the subject land, Kerr Street extends to the west from Smith Street, with a 2-3 storey red brick warehouse building to the south-west corner, and a 2-storey contemporary retail/commercial building at the north-west corner.

Figure 18: Looking north along Smith Street from near the subject site, showing higher contemporary built form in relation to lower-height street frontage condition. In this view, the higher forms are visually prominent, but the low-height street retains its visual prominence and integrity. I do not consider the higher forms to be excessively dominant or overbearing visually, as perceived from the streetscape corridor.

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2.5.3 Recent redevelopment

The Smith Street corridor is clearly undergoing a transition with several mid-rise contemporary developments in place or under construction.

These developments are either on large former warehouse sites or sit above and behind a generally fine-grain, low-height street frontage condition, in a quite consistent urban configuration.

Relevant recent developments include the following, based on the information I have received or obtained:

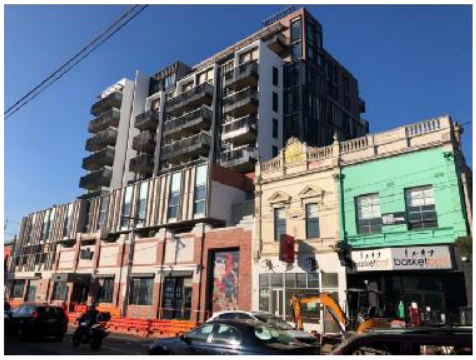

Figure 19: 466-482 Smith Street (looking north-east). This development integrates a heritage street wall element. The upper level tower form reflects a more vertical emphasis through its form and articulation. Built form parameters:

- Site area: 1,408 sq.m
- 10-storeys total height;
- 3-storey podium/street wall;
- 5m upper level setback to balcony edges above podium to Smith Street, 7m to glass line;
- 3m setback to northern side boundary;
- 4.5m setback to southern side boundary (with small encroachment to approx. 2.5m setback).

Figure 20: 466-482 Smith Street (looking south-east). This development displays increasing verticality in its tower form and articulation towards the north (close to the Alexandra Parade intersection).

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Figure 21: 444-452 Smith Street (looking north-east). This building's upper level form is visually squat in appearance, even with expressed vertical breaks in its facades and vertical batten screening. Built form parameters:

- Site area: 1,286 sq.m
- 7 storeys total height;
- 3-storey podium/street wall;
- 7m upper level setback above podium to Smith Street, to batten screen;
- 3.9m setback to side street, to batten screen (Mater Street);

Figure 22: 444-452 Smith Street (looking south-east).

Figure 23: This development at 416-422 Smith Street balances strong horizontal banding with vertical proportions. Built form parameters:

- Site area: 1,880 sq.m;
- 9 storeys total height;
- 2-storey podium/street wall;
- 7m upper level setback above podium to Smith Street, to outside edge of balconies;
- 3m setback from side street (Hotham Street);
- 4.5m setback to side boundary (north);
- Top level set back further 3m from Hotham St, 3.3m from Smith St, 3, approx. from north side boundary.

Figure 24: 416-422 Smith Street (Hotham street frontage).

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Figure 25: Converted warehouse apartments at 7-storeys, display robust, solid and squat proportions and character (image source: Google).

Figure 26: This warehouse building 'pops up' above a lower-height context, but is squat, solid robust in its form and character.

Figure 27: 2 Johnston Street. This narrower contemporary development is approximately 11.5m wide (full site width) with site depth approx. 30.5m and 6 storeys tall. This site at of approx. 350 sq.m is smaller than the subject site.

Figure 28: Contemporary development, Rose Street, set back from Smith Street approx. 20m, displaying a broad, robust and 'grounded' form at approximately 6 storeys.

Figure 29: 10 Keele Street: 8 storeys, positioned approx. 30m from Smith Street

Figure 30: 10 Keele Street: view from Smith Street.

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Approvals for other developments close to the subject site include the following:

- 423-425 Smith Street (not yet constructed):
  - Site area: 2,563 sq.m;
  - 8-storey overall height;
  - 6m setback to Smith Street frontage to glazing line;
  - Uppermost level setback further 2.85m to Smith Street frontage.
- 221 Kerr Street (construction commenced, from my observation):
  - Site area: 2,139 sq.m;
  - 7-storey overall height;
  - New built form positioned above heritage building, set well back from Smith Street (approx. 35m).
- 368-374 Smith Street (not yet constructed):
  - Site area: 756 sq.m;
  - 9 storey overall height;
  - 5m-6.5m setbacks to Smith Street;
  - Uppermost level setback much further from Smith Street.
- 365-379 Smith Street (not yet constructed):
  - Site area: 925 sq.m;
  - 8 storeys overall height;
  - 6m predominant upper level setback from Smith Street.
- 1-9 Sackville Street (not yet constructed):
  - 9 storey overall height;
  - 4m upper level setback from Sackville street frontage;
  - Positioned approx. 37m from Smith Street.
- 239-243 Johnston Street (not yet constructed):
  - 10 storey overall height;
  - 5m upper level setback from Johnston Street (zero setback for corner element).

2.5.4 Discussion: Emerging built form context

As noted above, several contemporary developments provide an emerging built form for new, mid-rise development of approximately 6-10 levels in this locality, and along the Smith Street corridor.

A relatively small number of the approved developments are completed.

The recent developments and proposals generally reflect significantly larger site areas than the subject site, with wider street frontages.

The established developments north of the subject site on the eastern side of Smith Street generally have front setbacks of 7m above the street wall. Some occupy corner sites, and some incorporate retained heritage fabric.

Larger sites accommodate larger building footprints, so the resultant building forms, at approximately 7-9 levels, are more broad, squat and robust, rather than vertical and narrow.

These robust forms are in keeping with the character of industrial and warehouse buildings which characterise part of this locality particularly the western side of Smith Street and further north towards Alexandra Parade, which also reflect visual mass with broad, squat proportions.

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As noted at Figure 18 above and Figures 31-32 below, these higher buildings are visually prominent in the streetscape, but do not appear dominant or overbearing in relation to the established 2-storey street wall, in views along Smith Street.

Figure 31: View north along Smith Street, showing the visual relationship between the low-height street wall and the higher forms of recent development. I consider that the street wall remains appropriately prominent and visually distinct from the upper level forms.

Figure 32: View north along Smith Street, showing the visual relationship between the low-height street wall and the higher forms of recent development.

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2.6 The proposal

2.6.1 Land use distribution

The proposed development comprises an 8-level building (plus basement), as follows:

- Ground Floor:
  - Shop tenancy fronting Smith Street and pat of Easey Street;
  - Entry lobby;
  - Services/Waste areas;
  - Parking for 19 vehicles in car stackers;
  - Bicycle storage.
- First Floor: 3 x 1-bedroom and 2 x 2-bedroom apartments, around lift/stair core against northern boundary;
- Second Floor: 3 x 1-bedroom and 1 x 3-bedroom apartments;
- Third Floor: 1 x 1-bedroom, 1 x 2-bedroom and 1 x 3-bedroom apartments;
- Fourth Floor: 2 x 3-bedroom apartments;
- Fifth Floor: 2 x 3-bedroom apartments;
- Sixth Floor: 2 x 3-bedroom apartments;
- Seventh Floor: 1 x 3-bedroom apartment.

All apartments have private open space in the form of balconies.

2.6.2 Heights

The proposed development extends to 8 storeys.

The Ground Floor is 4.8m in height (floor to floor), and Levels 1-7 are 3.2m floor-to-floor, with a 1.2m high lift overrun above roof level.

The overall building height is 27.2m to parapet/roof height.

2.6.3 Setbacks

The approximate setbacks are as follows:

- Ground floor:
  - 0m setbacks to both street frontages;
  - 0m setbacks to side/rear boundaries;
  - 2m x 2.8m (approx.) light court at northern side boundary;
- First Floor:
  - 0m setback to Smith Street (south, behind heritage wall), 5.5m setback to wall line (north), and 3.1m setback to balcony edge;
  - 0m setback to Easey Street (but with recessed balconies behind heritage wall);
- Second Floor:
  - 5.5m setback to Smith Street;
  - 3.0m setback to Easey Street, extending to 0m setback at eastern end;
  - 4.5m x 4.5m setbacks to north-east corner, extending vertically through all levels;
- Third-Sixth Floors:
  - 5.5m setback to Smith Street;
  - 3.0m setback to Easey Street;
  - Recessed balconies;

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- 4.5m x 4.5m setbacks to north-east corner.

- Seventh Floor:
  - 8.5m setback to Smith Street to wall (5.5m to balcony edge);
  - 5.3m setback to Easey Street to wall (3.0m to balcony edge).

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3.0 Review of the proposed development

3.1 Is the built form siting appropriate?

The proposed built form effectively occupies the full extent of the site at the lower levels. This is predominantly driven by the retention of the heritage facades along both street frontages, but reflects the prevailing condition in the Smith Street Activity Centre of zero (0m) front/street setbacks, and generally zero (0m side setbacks). This supports built form which frames and defines the public realm, and forms continuous street frontages.

On this basis, I consider the proposed siting of full site occupation to be appropriate.

3.2 Is the land use appropriate?

3.2.1 Shop

In this activity centre location, retail space fronting the primary street and corner at ground floor level is appropriate and desirable.

3.2.2 Residential

The location of higher-density residential dwellings within Activity Centres is also appropriate and strongly supported by policy, including *Plan Melbourne*.

The Commercial 1 Zone provides for residential uses at densities complementary to the role and scale of the commercial centre. Clause 11.03-1R Activity Centres – Metropolitan Melbourne provides strategies for developing activity centres to accommodate significant growth, and Clause 16.01-2R Housing opportunity areas - Metropolitan Melbourne provides strategies for identifying opportunities for medium and high-density housing and creating a sustainable city through well-located housing and mixed-use development, towards establishing a city of 20-minute neighbourhoods. Clause 16.01-3S Housing diversity provides strategies for facilitating well-designed, diverse housing.

The proposal provides for a balanced mix of 7 x 1-bedroom, 3 x 2-bedroom and 9 x 3-bedroom apartments, which is appropriately diverse and also provides for 50% larger, family-appropriate dwellings, which is an unusually high proportion in my experience.

I therefore support the provision of retail and residential uses in this development, and the mix of dwelling types.

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3.3 Is the built form height and massing appropriate?

3.3.1 Assessment of building height

The scale and massing of the proposed development is central to consideration of its urban design merit, and appropriateness of its response to the context.

The Yarra Planning Scheme does not provide clear direction for building height in this location.

The building height must be considered in concert with its setbacks, materiality and design expression, because its relationship to the streetscape and the heritage buildings are pivotal factors in its urban design response to the context.

As discussed above, the emerging built form context illustrates a general height range for new development along Smith Street in the order of 6-9 levels, so the proposal is within this range, noting the subject site is relatively small at 532 sq.m.

For comparison, the site area relative to building heights and front setbacks in recent developments and current approvals are summarised below:

	Site Area	Height	Front setback above podium to Smith Street
Constructed			
466-482 Smith Street	1,408 sq.m	10 storeys	5m to balconies / 7m to wall
444-452 Smith Street	1,286 sq.m	7 storeys	7m
416-422 Smith Street	1,880 sq.m	9 storeys	7m front setback
Approved:			
423-425 Smith Street	2,563 sq.m	8 storeys	6m
221 Kerr Street	2,139 sq.m	7 storeys	35m approx.
368-374 Smith Street	756 sq.m	9 storeys	5m - 6.5m (increased at upper level)
365-379 Smith Street	925 sq.m	8 storeys	6m
411-421 Smith Street	1,850 sq.m approx.	10 storeys	5m (increased at upper levels)

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Subject proposal:			
378-380 Smith Street	532 sq.m	8 storeys	5.5m

This comparison of the emerging development context shows that the proposed development is within the contextual range of heights and front setbacks of other nearby developments, even though it has the smallest site size of these examples.

On this basis, I consider the proposed overall height to be acceptable in principle, subject to further consideration of the setbacks and visual impact of the proposal in the streetscape and relative to the retained heritage facades.

3.3.2 Assessment of building setbacks

As outlined above, the proposed front setback to Smith Street above the retained heritage facades of 5.5m is generally in keeping with other approved developments nearby, although it is at the lower end of the range of setbacks provided.

In relation to the previous proposal for this site, I suggested the front setback align with the commencement of the decorative or ornate part of the Easey Street heritage façade (so approximately 6.5m) or 7m to align with other developments to the north.

Recommendation 01:

I retain the position that this alignment reflects a strong design logic and rationale for aligning the setback to this clear line in the existing heritage fabric. This 1m (approximately) increase in the front setback would also make the building less prominent in the Smith Street streetscape, and further reinforce the primacy of the heritage building. I therefore recommend an increased front setback of approximately 1m as indicated below.

Figure 33: Indication of recommended increased front setback (orange dashed line) to align with transition to ornate part of heritage façade on Easey Street.

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I consider the proposed 3m clear setback to Easey Street to be an acceptable minimum in this context, again subject to consideration of the visual implications, below.

It is equivalent to the side setback at 416-422 Smith Street, which presents an 8-storey form (plus recessed upper level) to the side street, including a relatively high 2-storey podium.

The more recessive uppermost level means the subject proposal presents a 7-storey form including a 2-storey podium formed by the heritage façade.

Precedent side setbacks in recent corner developments on Smith Street

Two recent developments on the same side of Smith Street and on street corners provides precedents for similar side setbacks, and therefore given an indication of the visual/formal implications

444-452 Smith Street (7 storeys) has 3.9m setbacks to its side street (Mater Street), while 416-422 Smith Street (9 storeys) has 3m setbacks from its side street (Hotham Street), as shown below.

Figure 34: 416-422 Smith Street (9 storeys), Hotham Street frontage, looking towards Smith Street, with 3m upper level setbacks.

Figure 35: 416-422 Smith Street (9 storeys), Hotham Street frontage.

Figure 36: 444-452 Smith Street (7 storeys), Mater Street frontage, looking towards Smith Street, with 3.9m upper level setbacks.

Figure 37: 444-452 Smith Street (7 storeys), Mater Street frontage

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3.3.3 Assessment of design principles for visual expression

The visual presence, prominence and impact of the proposal is an important factor in determining the appropriateness of the height and setbacks. While a substantial degree of change is expected in this Major Activity Centre, this must be balanced with an appropriate formal response to the streetscape and the heritage context.

Below, I consider each of the Perspective Views in the Urban Context Report (Zero Nine / JCB) in turn, below. However, it is relevant at this point to consider the design principles applied to this proposal, as they affect its visual presentation, noting that architectural design expression is considered further below.

Applied principles for design expression

The Architect's Statement sets out the following design principles or techniques that have informed the proposal:

- New addition (upper level form) as a *modest form*, with *consistent setbacks*, to *respect the heritage place*;
- *Simplified form and scale to make the new building less apparent* (or less prominent);
- *Sensitive use of materiality and fenestration, drawn from the local character*:
  - Brickwork provides a *visual break* or distinction form the heritage 'host', while *referencing the wider local character*;
  - Brick is also applied to the side and rear boundary walls for consistency;
  - Windows are the same size and proportion as those of the heritage building, and set in a *regimented order*, designed to *reinforce the ornate detail* of the heritage facades, with new fenestration *receding as an ordered backdrop'*
- The overall intent is a *subtle, ordered and sensitive response* which 'honours' the heritage building, and allows it to be the celebrated focal point.

I consider these principles to be effective, relevant and applicable to the context.

Brickwork is a clear feature of the area, particularly in the red-brick warehouse buildings on Smith Street and beyond, and also provides a textured, 'earthen' appearance (as the Urban Context Report identifies). The reference to window proportions will be legible to passers-by.

While the new addition remains substantial in size, and will be visually prominent, the reduction of detail or decoration to form a more subtle form and 'quiet' expression is also supportable, in relation to the heritage setting.

The design of the upper level form seeks to retain or focus visual attention on the retained facades, through a neutral expression and minimalist detailing.

I consider this approach to be effectively responsive to Clause 15.03-1S which encourages *appropriate development that respects places with identified heritage values*, and Clause 22.02 which encourages the design of new development to be *recessive and not visually dominant*, and *distinguishable from the heritage place*, while *respecting the fenestration, materials and heritage character of the historic streetscape*.

However, the design should still be visually inviting, interesting and 'people-friendly' or responsive in its expression, given its prominence in this significant streetscape. The design expression is discussed further below (part 3.5).

3.3.4 Assessment of visual impacts

This section considers the visual implications of the proposed building form, based on the perspective renders provided. I have assumed these perspectives represent 'realistic' views at

pedestrian level with 'natural' camera lens settings, similar to those provided to the previous VCAT hearing, but the Urban Context Report does not set out these parameters.

View 1: Corner Smith and Easey Streets, looking north-east

While the new upper-level form is prominent and clearly visible in this view, I consider that its reduced height (relative to the previous proposal) and increased setbacks provides a more appropriate balance with the streetscape conditions and the existing heritage buildings.

In this view the visual height of the heritage built form 'leading edge' corner is greater than that of the leading corner of the upper level form, and the new addition is visibly recessive, with clearly evident setbacks to both street frontages.

The recommended increased front setback (above) would provide further, beneficial separation of the upper level form from the heritage base, and would reinforce the primacy of the heritage fabric by increasing the sense of clear space above it.

The recessive uppermost level is not visible in this view, which also helps to reduce the apparent scale of the proposal, and the integrity of the simple design expression.

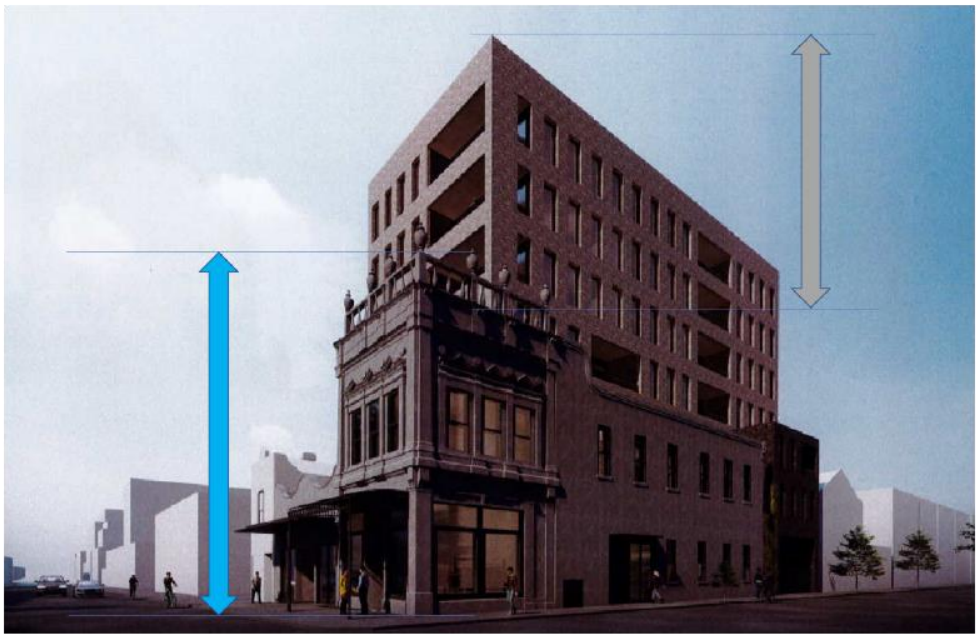

Figure 38: View 1 from the Urban Context Report, with dimensional arrows indicating that the visible leading corner of the heritage building is taller than the visible leading corner of the new upper level form. This is considered an important outcome in achieving visual balance and recessive upper levels, and avoiding the upper levels being visually dominant over the heritage buildings.

View 2: Smith Street, looking south

The expanse of the 'blank' side boundary wall is the most prominent aspect of this view.

In relation to my opinions of the previous proposal, this side wall is lower in height, and the lift core element is lighter in colour. The three distinct components, with the recess for the light court, contribute to the articulation of this façade. As a result, it does not appear overbearing or excessively expansive. This opinion recognises the necessity of a blank side wall given the

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relatively small size of the subject site, and the potential for future development to build up to this wall.

View 2 also shows clear space above the heritage frontage buildings, and a distinct separation between the street frontage and the new upper level form.

The recommended increase to the front upper level setback (above) would increase this space and separation, which would be beneficial.

The minimal detailing of the proposal is also visible and evident in relation to the heritage façade.

Again, the recessed upper level is not visible (except the lift core component), even from quite a significant distance to the north, which is a positive outcome in reducing the apparent scale of the proposal.

View 3: Easey Street, looking west

In this view, the upper level form appears quite broad and relatively narrow, partly through the light court in the north-east corner of the upper level form.

However, it is visually separate from the heritage façade, the setback being clearly visible, with clear space above the ornate part of the heritage façade at the Smith Street corner.

As above, the recessive top level is not visible in this view, but would be visible from views further back. This is supportable, because the upper level form appears lower in scale (5 levels above the street wall) and simplified in its form.

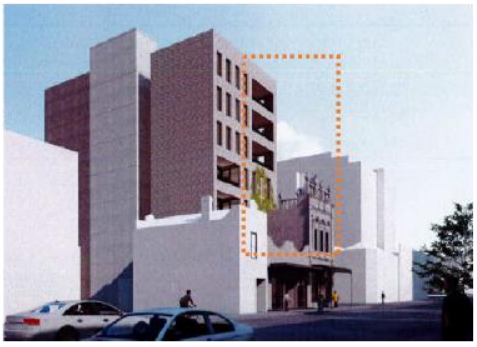

Figure 39: View 2 from the Urban Context Report, with overlay indication of clear space above heritage buildings, which is supported in terms of achieving recessive upper levels, visual balance and integrity of the retained built form.

Figure 40: View 3 from the Urban Context Report, with overlay indication of clear space above heritage building, which is supported in terms of achieving recessive upper levels, visual balance and integrity of the retained built form.

View 4: Kerr Street, looking east

In this view from across Smith Street, the visible height of the new form above the heritage corner form is less than the heritage corner, and while the upper levels are more visible above the single-storey frontage wall, the form is visually distinct and recessive, but retains a visual relationship with the retained facades.

The recommended increase in the front setback (above) will further reduce (marginally) the visible height of the upper level form in this view.

Further, the change in articulation for the lower 3 levels of the new form aligns visually to the top of the corner heritage building.

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Figure 41: View 4 from the Urban Context Report, with dimensional arrows indicating that the visible height of the 2-storey heritage building is taller than the visible height of the new upper level form above/behind it. This is also important to achieving visual balance and recessive upper levels, and avoiding the upper levels being visually dominant over the heritage buildings.

View 5: Easey Street, looking north

This elevational view from across Easey Street shows the relationship of the proposed darker street wall to Easey Street (eastern end) and its height relationship to the corner heritage building. I consider this relationship appropriate in that it achieves a visual balance in the proposed street wall, while also relating to finer-grain built form to the east.

The perspective view allows the front setback to Smith Street of the upper form to be clear of the ornate corner of the heritage building, due to the perspective effect. I consider this provision of fully clear space above the ornate façade to be important and appropriate, and have recommended an increased front setback to align with this transition in the heritage façade.

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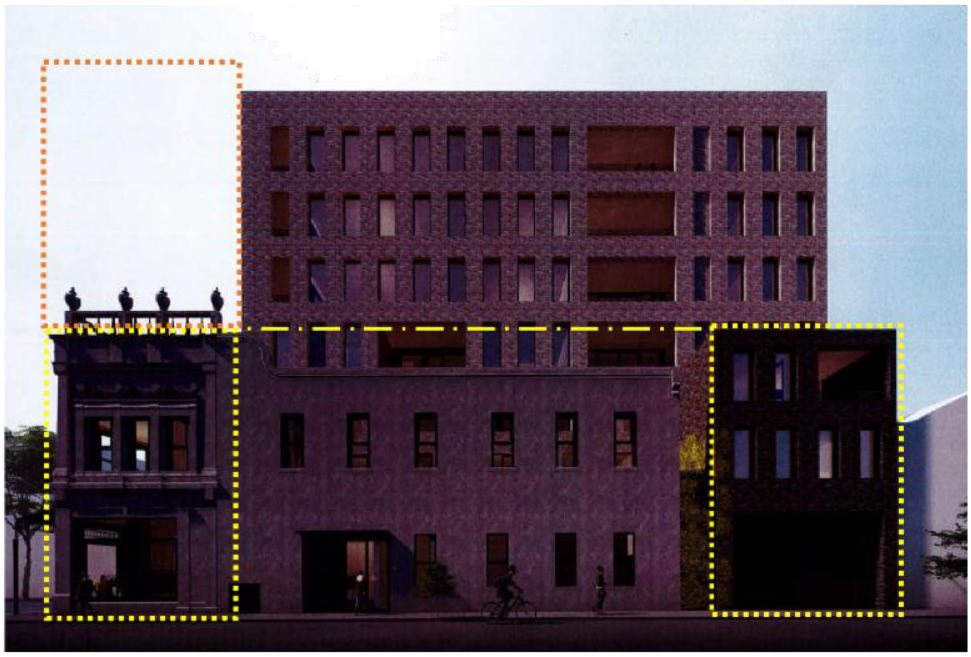

Figure 42: View 5 from the Urban Context Report with overlays showing clear space above the ornate part of the heritage building through recessive upper levels, and the proportional and height relationship between the heritage building and the darker eastern end form on Easey Street.

View 6:

View 6 is very similar to View 1, and displays the same outcomes identified above.

It also demonstrates that the integrity of the low-scale street frontage condition is retained and reinforced, through clear separation from the proposed upper level form.

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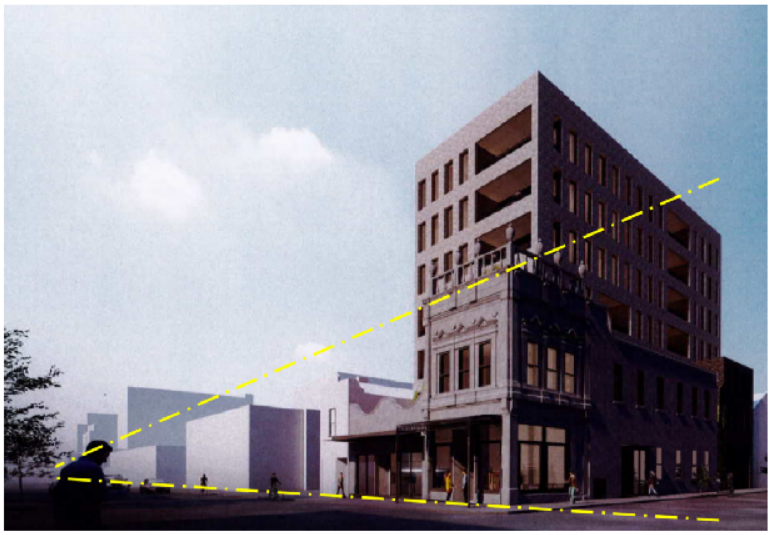

Figure 43: View 6 from the Urban Context Report showing the retention of the integrity of the low-scale street frontage condition, through clear separation from the proposed upper level form.

3.3.5 Further assessment of building setbacks

Based on the above visual analysis, I consider the proposed building setbacks to be acceptable (except for the recommended front setback increase, above), in that they contribute to the following outcomes:

- Visibility of clear 'open' space above the heritage buildings in all views;
- Clear visual distinction between the heritage buildings and new upper level form;
- Appropriate visual balance between the retained heritage buildings and the new form;
- Visible recessiveness of the upper level form, so that it is not visually dominant or overbearing in the context of the heritage buildings and streetscape.
- Concealment of the recessive uppermost level, to reduce the apparent height of the building overall;
- Reinforcement of the continuous low-scale street wall condition.

3.3.6 Further assessment of building height

While the proposal is just one level lower than the previous proposal assessed at VCAT, in both cases I have considered the height in terms of the emerging built form context, and the visual effects of the combined height, setbacks and building profile.

While my VCAT evidence on the previous proposal suggested a reduction in height, I consider the current 8-storey overall height to be acceptable, based on the above visual analyses, and driven by the recessive uppermost level, and the more recessive building profile (without upper level overhangs as previously proposed).

The proposal is relatively tall in the emerging context, given the relatively small site size, which gives it a more vertical emphasis than other nearby proposals on larger sites.

However, it should be considered as part of a potential cumulative built form condition of recessed upper level forms of around 6-9 levels in height.

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I do not see a clear urban design rationale or reasoning to require a further reduction in building height, having considered the form in relation to the setbacks and building profile.

3.4 Are the public realm interfaces / frontages appropriate?

3.4.1 Street frontage interfaces

Retail

The proposed interface to Smith Street is occupied by a single sop tenancy across the two heritage frontages, with two doorways to Smith Street and a secondary interface to the Easey Street shopfront (see Figure 03, above).

As noted above, this is an appropriate use and interface condition to Smith Street.

Car parking

I previously stated the opinion that the extent of ground floor frontage occupied by car parking and services is unfortunate, because a significant extent of this interface to Easey Street is inactive, and the heritage façade is effectively 'vacant' in terms of activation.

However, I acknowledge the challenge or limitation of achieving car parking in basement level because of the small site size and heritage constraints, that Easey Street is a secondary, non-retail street, and that the four (4) relatively small, south-facing windows present limited opportunities for activation or habitation.

The resident/pedestrian entrance from Easey Street, positioned between the services and car park area, will provide some activation and movement to this interface.

On this basis I accept the ground floor configuration of parking and services.

3.4.2 Upper level street frontage interfaces

The provision of internal spaces with windows, and recessed balconies behind the heritage façade, is appropriate, and will provide opportunities for passive surveillance and visual interaction with the streetscapes below.

I would question the limited extent of the First Floor west-facing balcony, and why it does not extend (closer) to the frontage behind the single-storey heritage façade, for increased space/amenity for residents and potential passive surveillance to the streetscape.

I therefore consider the public realm interfaces to be acceptable.

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3.5 Is the architectural expression appropriate?

The design principles informing the architectural response are discussed above (section 3.3.3). I have noted general support for the design approach in establishing a 'minimal' or pared-back design expression, to downplay the new building form and focus interest on the retained heritage buildings, but utilising brickwork for visual texture, solidity and references to the warehouse architecture in the local area.

However, in my VCAT evidence relating to the previous proposal, I stated that it had a *visually bold, severe and 'cold' character, lacking texture, tactility and visual softness, which would be more appropriate in this setting*, and that the *design expression increases the sense of visual intrusion in the setting.*

Brickwork does provide an appropriate primary materiality for the building, reflecting a residential or domestic feel while also responding to the former industrial context, and the lack of detail or design features means that the new building does not 'compete' visually with the heritage buildings.

However, the proposed building addition retains quite a harsh, severe appearance, despite the use of brickwork with varied colouring.

The ordered, regimented pattern of window/balcony openings in the brickwork facades supports a neutral visual expression while aligning window proportions to the heritage building, but contributes to the abrupt overall expression.

The architectural result, while visually 'quiet', is also somewhat 'dour', hard-edged and even 'drab', based on the rendered perspectives, although the varied colouring of the bricks enhances the visual qualities of the facades.

> ***Recommendation 03:***
>
> *In my view the building design would benefit from an additional 'layer' of articulation of façade treatment, or an additional detail treatment, perhaps utilising timber or other textured or 'detailed' material at, for example, the window edges, balcony balustrades or soffit lining, to offset the continuous and somewhat relentless brickwork, to 'soften the edges' to an appropriate extent and 'humanise' the expression further.*
>
> *The integration of planting at balcony edges, for example, would also contribute to this visual softening and 'humanising' of the façade expression.*

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4.0 Conclusion

The proposed development at 378-380 Smith Street proposes retention of two heritage facades in a Major Activity Centre, with the insertion of a taller built form for residential intensification.

The built form approach is generally consistent with an emerging built form context along Smith Street, although on a relatively small site, and the proposal incorporates a diverse residential mix above a ground floor retail tenancy.

The proposed design approach of establishing a recessive, pared-back, simple form and expression to the upper levels, and rejuvenating the ornate detail or the heritage facades, particularly the corner building at 378 Smith Street, is appropriate.

I consider that this approach achieves an effectively balanced composition of retention/conservation, and change/intensification, based on the perspective views in the Urban Context Report.

While I have recommended an increased front setback and some visual softening of the upper level form to reduce its rather 'blunt' expression, I am generally supportive of this proposal on urban design grounds, subject to the above recommendations.

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Attachment 3 - PLN20/0077 - 378-380 Smith Street, Collingwood - Strategic Transport Comments..._

Planning Referral

To:	Lara Fiscalini
From:	Chloe Wright
Date:	28/05/2020
Subject:	Strategic Transport Comments
Application No:	PLN20/0077
Description:	8 storey development for dwellings and retail
Site Address	378 - 380 Smith Street, Fitzroy

I refer to the above Planning Application referred on 29/04/2020, and the accompanying Traffic report prepared by O'Brien Traffic in relation to the proposed development at 378 - 380 Smith Street, Fitzroy. Council's Strategic Transport unit provides the following information:

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:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	19 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	4 resident spaces	21 resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	2 visitor spaces	0 visitor spaces
Shop	89.5 sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 visitor spaces	
Bicycle Parking Spaces Total			**4 resident / employee spaces**	**21 resident / employee spaces**
			2 visitor spaces	**0 visitor spaces**

Adequacy of visitor spaces

The following comments are provided in relation to provision of visitor spaces:

- No visitor bicycle parking is proposed. The traffic report notes that there is sufficient visitor bicycle parking along Smith Street, however it does not refer to any specific locations within close proximity of the site.

- Council's best-practice rate[1] generates a recommended provision of 4 visitor spaces.
- It is noted that the Easey Street footpath is too narrow to accommodate a bicycle hoop. There is also insufficient space at the Smith Street footpath as there is currently a bicycle rail (providing 2 spaces), as well as a bin, two street poles and a sign post.
- Based on the above and the fact that 2 additional resident spaces are provided (above the best practice rate), a reduction in visitor bicycle parking is considered acceptable.

Adequacy of employee spaces

Number of spaces

21 residential spaces are located in residential bike storage room, which exceeds Council's best-practice rate which generates a provision of 19 residential spaces.

Design and location of resident spaces and facilities

The location and design of residential bike parking is adequate for the following reasons:

- All residential bicycle parking is located within a secure facility at the ground floor;
- Two spaces are provided as horizontal at-grade spaces, which satisfies the requirement as per AS2890.3, for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces;
- Resident and employee bicycle spaces and access ways appear to be in accordance with the clearance requirements of AS2890.3.

Electric vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Whilst it is acceptable no EV charging points are installed during construction, to allow for easy future provision for electric vehicle charging, it is recommended that all car parking areas should be electrically wired to be 'EV ready'.

Recommendations

The proposed plans are satisfactory from a Strategic Transport perspective.

Regards
Chloe Wright

Sustainable Transport Officer
Strategic Transport Unit

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[1] *Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends "Residential developments should provide 0.25 visitor spaces per dwelling."*
[2] *Category 6 of the BESS offers the following for best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings"*

Attachment 4 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Engineering comments

MEMO

To: Lara Fiscalini

From: Artemis Bacani

Date: 1 June 2020

Subject: Application No: PLN20/0077
Description: 8-Storey Mixed Use Building
Site Address: 378-380 Smith Street, Collingwood

I refer to the above Planning Application received on 29 April 2020 in relation to the proposed development at 378-380 Smith Street, Collingwood. Council's Civil Engineering unit provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
O'Brien Traffic	*Traffic Impact Assessment* report		21 April 2020
Jackson Clements Burrows Architects	*TP 0-000* Cover Page		20 April 2020
	TP 0-101 Existing Conditions Ground Plan		20 April 2020
	TP 1-102 Ground Floor Plan		20 April 2020
	TP 1-103 First Floor Plan		20 April 2020
	TP 11-102 BADS Assessment – Ground Floor		20 April 2020

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	7	1 space per dwelling	7	0
Two-bedroom dwelling	3	1 space per dwelling	3	3
Three-bedroom dwelling	9	2 spaces per dwelling	18	16
Retail	89.5 m²	3.5 spaces per 100 m² of leasable floor area	3	0
		Total	**31 Spaces**	**19 Spaces**

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

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 One-Bedroom Dwellings.*
  The one-bedroom dwellings will not be allocated any on-site parking. In the previous proposal for the site, O'Brien Traffic had sourced car ownership data for flat type dwellings in Collingwood from the 2016 Census conducted by the Australian Bureau of Statistics. Some 40% of one-bedroom flat type dwellings in Collingwood do not own a motor vehicle. It is agreed that residents of the one-bedroom dwellings who are not allocated any on-site parking are unlikely to own a motor vehicle. Providing no on-site parking for the one-bedroom dwellings is considered appropriate, having regard to the excellent accessibility to public transport services and local facilities/amenities.

- *Parking Demand for the Three-Bedroom Dwellings.*
  Two of the three-bedroom dwellings would each be provided with one on-site car parking space. In the previous proposal for the site, the 2016 Census data recorded that some 62% of three-bedroom type dwellings in Collingwood own one motor vehicle. The data suggests that only a small proportion of three-bedroom dwellings own two cars. The proposed on-site parking provision of 14 spaces for the seven, three-bedroom dwellings and 2 spaces for the two, three-bedroom dwellings are considered appropriate and consistent with the statistical averages for car ownership.

- *Availability of Public Transport in the Locality of the Land.*
  The site is within walking distance of tram services operating along Smith Street and Brunswick Street. Bus services operating along Johnston Street and Alexandra Parade are also within easy walking distance of the site.

- *Multi-Purpose Trips within the Area.*
  Patrons to the food and drink premises and visitors to the residences might already be parked in the area and engaged in other activities or business.

- *Convenience of Pedestrian and Cyclist Access.*
  The site is within walking distance of public transport services, shops, businesses, supermarkets, essential facilities and potential places of employment and education.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking.*
  In the previous proposal for the site, O'Brien Traffic had conducted on-street parking occupancy surveys on Friday 10 August 2018 and on Saturday 11 August 2018 between 11:00am and 2:00pm (both days) of the surrounding area. In addition spot surveys were conducted from 9 to 12 August 2018 (at 7:00pm). The survey area encompassed sections of Smith Street, Hotham Street, Easey Street, Sackville Street, Budd Street, Rose Street, Kerr Street, Argyle Street and Gore Street. The extent and times of the survey are considered appropriate. An inventory of up to 333 publicly available parking spaces was identified. The peak parking occupancy was observed on the Friday at 12:30pm, with no fewer than 20 spaces vacant in the study area. Any short-stay parking generated by the site could be accommodated on-street.

- *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 Smith Street, where spare on-street car parking capacity would be shared amongst sites within the centre.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking associated with the residences and the shop use is considered appropriate in the context of the development and the surrounding area. Any short-say parking demands generated by the development could be accommodated on-street without adversely impacting on parking conditions in the nearby streets.

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

TRAFFIC GENERATION
O'Brien Traffic had assessed the traffic generation from 9 out of the 12 dwellings with car spaces. The applicant is to provide an explanation for omitting the 3 dwellings in the assessment.

For this assessment, the previous traffic generation adopted by O'Brien Traffic has been referenced. The traffic generation for the site could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour*	
			AM	PM
Residential	Two-bedroom dwellings (3 Units) 3.0 trips per dwelling per day	9	5	5
	Three-bedroom dwellings (9 Units) 5.0 trips per dwelling per day	45		

* For residential traffic, peak hour volumes are 10% of daily traffic volumes.

The volume of traffic generated by the proposed development is lower compared to the previous proposal for the site and should not adversely impact on the traffic operation of the surrounding road network.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The proposed 6.2 metre wide vehicular entrance satisfies the *Australian/New Zealand Standard AS/NZS 2890.1:2004*.
Visibility	No visibility splays have been provided. Since the site would generate low traffic volumes, vehicles exiting the site would be inclined to prop in the centre of the span of the doorway, which would provide a motorist ample sight lines. Convex mirrors for the entrance could be considered by the applicant.
Headroom Clearance	The entrance has a headroom clearance of around 4.0 metres and satisfies *AS/NZS 2890.1:2004*.
Vehicle Turning Movements – Easey Street	The swept path diagrams for a B85 design vehicle entering and exiting the site via Easey Street are considered satisfactory.
Mechanical Parking	
Car Stacker Device	The development would be using the Trendvario 4300-230 shuffle type car stacker device. Each stacker platform has a useable width of 2.4 metres and can accommodate a B99 design vehicle.
Floor to Ceiling Height	The floor to ceiling height inside the car park is not dimensioned on the drawings.
Car Pit Depth	Not dimensioned on the drawings.
Vehicle Clearance Heights	Vehicle clearance heights range from 1.5 metres to 2.05 metres to satisfy *Design Standard 4: Mechanical parking*.
Vehicle Turning Movements	The submitted swept paths for the B85 design vehicle entering and exiting the car stacker platforms via Easey Street are considered satisfactory.
Gradients	
Ramped Grade for First 5.0 metres inside Property	The 1 in 16 grade inside the property is considered satisfactory and satisfies *Design standard 3 – Gradients*.
Other Items	
Loading Arrangements	Commercial vehicles servicing the shop could utilise the existing on-street Loading Zone on the north side of Easey Street outside the subject site. There is no objection to these loading arrangements for this site.
Waste Collection	Waste collection at the site would be performed on the street (Easey Street) by using a private contractor. It is proposed to utilise the existing on-street Loading Zone which has a length of 12.5 metres.

Design Items to be Addressed

Item	Details
Visibility	The applicant could consider the installation of convex mirrors at the entrance of the car park to improve the visibility of pedestrians along the footpath.
Floor to Ceiling Height – Inside the Car Park	The floor to ceiling height inside the car park is to be dimensioned on the drawings.
Car Pit Depth	The car pit depth is to be dimensioned on the drawings.
Grade of Internal Ramp	The length of the ramped section inside the property is to be dimensioned on the drawings.
Vehicle Crossing	The vehicle crossing is to span the width of the car park entrance doorway.
Verandah – Smith Street Frontage	The verandah is to be sent back at least 750 millimetres from the kerb to comply with the *Building Regulations 2018*.
Awning – Easey Street Frontage	The clearance height of the awning is to be a minimum of 2.4 metres above the level of the footpath to comply with the *Building Regulations 2018*.
Gas Meter and Booster Cabinet Doors	The gas meter and booster cabinet doors that open outward onto a Public Highway must be able to swing 180-degrees and be latched to the wall when opened and serviced.
Bicycle Considerations	The bicycle requirements for this development are to be referred to Council's Strategic Transport unit for comments.

ENGINEERING CONDITIONS

Civil Works

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

- The footpath along the property's Easey Street and Smith Street road frontages 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 half-width road pavement of Easey Street (from the north kerb to the centre of Easey Street carriageway) from the western limit of the development to the eastern limit of the development must be profiled and re-sheeted to Council standard. Any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed. The costs associated with these road works shall be borne by the developer.
- The half-width road pavement of Smith Street (from east kerb to tramway tracks) from the southern limit of the development to the northern limit of the development must be profiled and re-sheeted to Council standard. Any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed. The costs associated with these road works shall be borne by the developer.
- All road markings along the property's Smith Street frontages must be reinstated to Council's satisfaction and at the Permit Holder's cost.
- All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Vehicle Crossing

Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.
- The width of the vehicle crossing is to span the width of the car park entrance doorway.
- The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.

Redundant Vehicle Crossings

- The redundant vehicle crossing along the property's Easey Street road frontage must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.

Public Lighting (On Roads)

- The existing public light on the north side of Easey Street (pole No. 19970) is to be replaced with alternative luminaire to avoid light spillage into the habitable windows of new development. These public lighting works must be done to the satisfaction of the relevant power authority and Council 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, boundary traps, valves or meters on Council property will be accepted.

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated 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/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 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 133.
Clearances to Electrical Assets	The applicant is to liaise with CitiPower in relation to 'No Go Zone' requirements for overhead cables at the following locations: ▪ LV powerlines along Easey Street, east of Smith Street. ▪ LV powerlines along Smith Street. ▪ HV powerlines running diagonally between Kerr, Fitzroy and the north-west corner of the Smith Street/Easey Street intersection. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs
Tree Protection	The applicant is to liaise with Council's Open Space unit regarding the protection of the street trees along the property's Swan Street frontage.

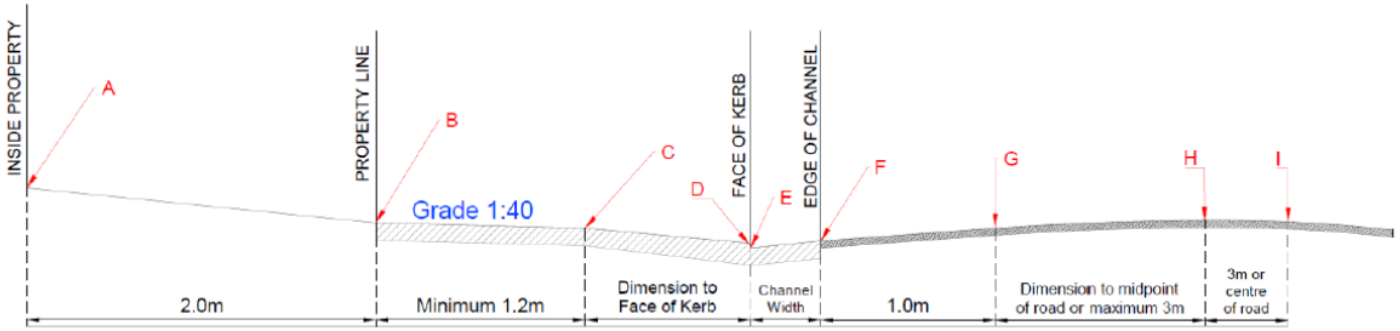
Attachment 4 - PLN20/0077 - 378 - 380 Smith Street Collingwood - Engineering comments

Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

A. Finished floor level 2.0 metres inside property
B. Property line surface level
C. Surface level at change in grade (if applicable)
D. Bullnose (max height 60mm) – must be clearly labelled
E. Surface level at the bottom of the kerb
F. Surface level at the edge of channel
G. Road level 1.0 meter from the edge of channel
H., I. Road levels

- Please note the cross section must be fully dimensioned. As shown in the sketch below.
- Please show both the existing and proposed surface.
- The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- A bullnose (max 60mm) is permitted at point D, however not compulsory.
- The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- Please include any additional levels or changes in grade that are not shown in the diagram.



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MEMORANDUM OF ADVICE:

PRELIMINARY HERITAGE ADVICE

378-380 SMITH STREET, COLLINGWOOD

PREPARED FOR	Lara Fiscalini, Principal Planner, City of Yarra
DATE:	7 July 2020 (updated 9 July 2020)
FILE:	2020-21

1. INTRODUCTION

GJM Heritage has been engaged to provide our preliminary opinion on the revised scheme for an eight-storey apartment building at 378-380 Smith Street, Collingwood. The revised scheme follows a planning permit application that was refused at VCAT in July 2019. GJM provided an Expert Witness Statement to Yarra Council opposing the proposed development and appeared at the hearing as an Expert Witness on heritage-related matters.

The advice provided below is preliminary in nature and was informed by a site visit undertaken on 8 May 2020. The subject site was inspected externally. All photos were taken at this time unless otherwise stated.

This advice was updated on 9 July 2020 to include commentary on materials, finishes and colours.

2. LOCATION AND DESCRIPTION

The subject land is a rectangular site comprising 378 and 380 Smith Street, Collingwood located at the northeast corner of Smith and Easey Streets. The street frontage to Smith Street is approximately 15m and the frontage to Easey Street is approximately 33.6m with a total site area of approximately 532m^2 (Figure 1).

The northern half of the subject land is occupied by no. 380 Smith Street, a single storey shop with double curved masonry parapet. The southern half of the land is

occupied by a two-storey Victorian shop/residence (Figure 2). A single storey garage is located at the eastern end of the subject land, with access from Easey Street.

Figure 1. Aerial view of 378-380 Smith Street (outlined in red), 28 April 2020 (Nearmap)

Figure 2. View of subject site from Smith Street, May 2020

3. LOCAL CONTEXT

The subject land is located towards the northern extent of the Smith Street commercial 'high street'. The western (Fitzroy) side of Smith Street is typified by fine grained shop residences south of Argyle Street and larger scale factory / warehouse / showroom buildings to the north, including opposite the subject land. The eastern (Collingwood) side of Smith Street retains the fine grained 'high street' character

further north to Hotham Street, beyond which recent larger scale development is evident. Development of these larger sites on or immediately behind Smith Street (some of which are not subject to the Heritage Overlay) is up to eight storeys in height.

Easey Street is lined with predominantly two-storey factory warehouse buildings dating from the early-mid twentieth century with some more recent infill of up to five-storeys in height; these twentieth century structures are not included on the Heritage Overlay. The land to the west and east of the Smith Street 'high street' north of Johnston Street is a diverse mixture of pockets of low-scale (one and two-storey) nineteenth and early twentieth century dwellings and early to late low-medium scale twentieth century industrial buildings, which is now interspersed with low-medium rise residential apartments.

4. STATUTORY HERITAGE CONTROLS

4.1 Heritage Act 2017

The subject land is not included in the Victorian Heritage Register.

4.2 Planning and Heritage Controls

The subject land is zoned Commercial 1 Zone (C1Z) and is included within HO333 Smith Street Precinct, Fitzroy/Collingwood in the Schedule to the Heritage Overlay of the Yarra Planning Scheme. External paint controls apply to this precinct.

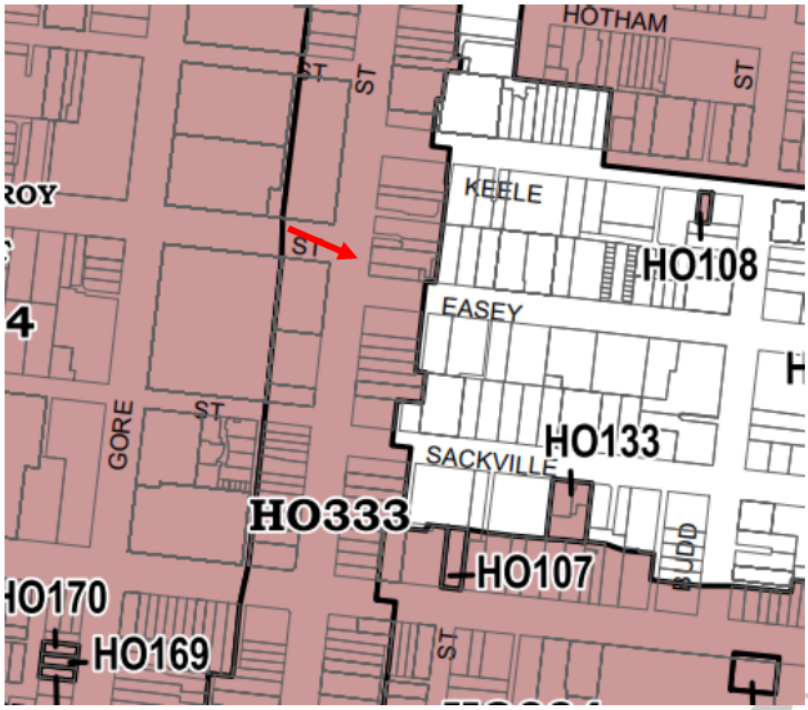

Figure 3. 6HO showing part of HO333. The subject land is indicated (Planning Schemes Online)

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO333	Smith Street Precinct, Fitzroy/Collingwood **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes	No	No	No	No	No	No

Figure 4. HO333 Schedule to the Heritage Overlay (Planning Schemes Online)

The Statement of Significance for HO333 identifies that the Smith Street Heritage Overlay Area is significant:

- As the City's most important Victorian and Edwardian-era commercial strip, serving the whole of Collingwood and Fitzroy and beyond, in the late 19th and early 20th centuries;
- For its expression of the early commercial development phases in the City, with the modest commercial and residential development from the 1850s-60s still evident, the more substantial premises in the 1860s and 1870s, the development associated with the advent of the cable tram to the street in the late 1880s, and the Edwardian-era retail boom;
- As a substantially intact collection of well-preserved late nineteenth and early twentieth century commercial and retail buildings of note, including hotels, shops, and some industrial buildings to the north of Johnston Street;
- For the unusual or particularly ornate and exuberant Italianate and Edwardian details on many buildings, reflecting the importance of this retail strip in the broader history of manufacturing, retailing and commerce in the Melbourne metropolitan area and the municipalities of Collingwood and Fitzroy; and
- As the centre for large scale manufacturing and retail emporia, such as the highly significant Foy and Gibson company.

The full Statement of Significance for HO333 is included at Appendix A.

4.3 Heritage Gradings

The City of Yarra Review of Heritage Overlay Areas 2007 - Appendix 8 (revised May 2018) (Appendix 8), an Incorporated Document in the Yarra Planning Scheme, identifies 378 Smith Street as 'Individually Significant' and 380 Smith Street as 'Contributory'.

'Individually Significant' places are defined at Clause 22.02-3 of the Yarra Planning Scheme as:

> *Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.*

Contributory' places are defined at Clause 22.02-3 of the Yarra Planning Scheme as:

> *Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building,*

building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving.

The Statement of Significance for 378 Smith Street provided within the Collingwood Conservation Study 1989 states:

> *No. 378 Smith Street is a prominently situated and substantially intact late Victorian boom style former grocer's store and residence. The unpainted stuccoed surfaces and ornamentation are important elements, whilst the faded advertisements for Velvet soap and Worcester sauce offer clues to its origins.*

5. PLANNING APPLICATION BACKGROUND

Planning Permit Application PLN18/0712 was submitted in late 2018 for the proposed development of the subject land at 378-380 Smith Street. The proposal involved the retention of the two facades to Smith and Easey streets, the demolition of all remaining fabric and the construction of a nine-storey apartment building. Some conservation works to the heritage facades were also proposed.

An application for review against Council's failure to grant a permit within the prescribed time was lodged with VCAT on 18 April 2019.

On 10 May 2019, Council issued a letter stating that it would have issued a Notice of Refusal if it had been in the position to do so, which summarised the following heritage-related grounds for refusal:

1. *The scale, height, lack of setbacks and architectural quality of the proposed development does not respond to the site context nor fit into the emerging built form context and streetscapes as envisaged under clauses 15.01, 15.01-1S, 15.01-2S, 15.01-5S and 21.05-2 of the Yarra Planning Scheme.*
2. *The extent of demolition does not comply with clause 22.02 and 43.01 of the Yarra Planning Scheme.*
3. *The height and lack of setbacks of the development will visually dominate the heritage place, which is contrary to the purpose of the heritage overlay at clause 43.01 and fails to comply with clauses 21.05-1 and 22.02 of the Yarra Planning Scheme.*[1]

On 17 June 2019, Council received and considered amended plans. It maintained its position of refusal; though amended its position on the extent of demolition proposed to acceptable.

The VCAT hearing was held on 8-12 July 2019. The decision of the responsible authority was affirmed and no permit was granted, with the Tribunal concluding that:

1 Letter of position on PLN18/0712, City of Yarra Statutory Planning Branch, 10 May 2019.

> *From our review of the impact of the building on the heritage streetscape, assessed both as an urban design and heritage issue, we consider the design response is too bold and 'top heavy' for the context of the site…We therefore find the proposal fails as a design response. A more modest form is required that better responds to the emerging Smith Street character and its heritage context.*[2]

6. DEVELOPMENT PROPOSAL

The current proposed development involves the construction of an eight-storey apartment building, which is detailed in plans prepared by JCB Architects, dated 20 April 2020.

6.1 Demolition

The proposed works involve the retention of the principal facades to both 378 and 380 Smith Street, fronting both Smith Street and Easey Street, and the demolition of all remaining fabric.

To Easey Street, three new openings are to be made at ground floor level to facilitate access to the apartment lobby and to install a gas meter and hydrant booster. No demolition or alteration works are proposed to the Smith Street facades aside from the removal of the non-original awnings.

6.2 New development

The new development involves the construction of an eight-storey apartment building, which rises to a maximum height of 28.4m (including lift overrun) with a single retail tenancy (accessed from Smith Street), apartment lobby and car and bicycle parking (accessed from Easey Street) at ground floor level. Floors 1 to 7 above comprise a mix of one, two, and three-bedroom apartments with associated balconies. The balconies to the first floor apartments are located directly behind the retained first floor windows to the majority of the Easey Street elevation of 378 Smith Street. The tower comprises a single mass with regularly-spaced punched window openings and recessed balconies.

The tower form above the heritage buildings, up to and including the sixth floor, is setback 5.5m from the Smith Street title boundary and 3m from the Easey Street title boundary. Above this, the seventh floor is setback 8.5m from Smith Street and 5.3m from Easey Street.

6.3 Materials, finishes and colours

The walls of the new development are proposed to be constructed of concrete, with the Smith and Easey street elevations clad primarily in a 'warm grey' coloured brick. The carpark entry to Easey Street will be clad in 'dark grey' brick and the setback seventh floor clad in 'dark charcoal' coloured steel sheet. Windows will generally be

2 ATJ Holdings Pty Ltd v Yarra CC, VCAT Reference No. P205/2019, Permit Application No. PLN18/0712, 13 August 2019, p.19.

clear glazed with dark charcoal aluminium frames. Steel mesh and perforated metal elements are finishes in a 'dark charcoal' colour.

The north elevation presents as less-articulated but with a more varied materials palette. The central circulation core is constructed in a 'bright and light' stain concrete; a 'warm grey stain' concrete is proposed to the east and warm grey brick to the west. The colours proposed to be used on the retained heritage building are not specified.

6.4 Conservation works

The architectural drawings contain a general note that state 'Restoration of existing heritage façade and windows in accordance with approved Conservation Management Plan'. A Conservation Management Plan has not been provided as part of this submission and no comment can be provided on the proposed scope of conservation works.

6.5 Original design vs revised design

The following table summarises some principal points of difference between the original 2019 design and the revised scheme.

	Original design (amended plans dated 28 May 2019)	Revised design
Overall building height	31.75m	28.4m
No. of levels	9	8
Minimum setback to Smith Street	5m	5.5m
Minimum setback to Easey Street	1.8m	3m

7. HERITAGE ADVICE

The following advice has been prepared by assessing the revised scheme against the relevant heritage provisions of the Yarra Planning Scheme and has been informed by the *Brunswick Street and Smith Street Built Form Review Heritage Analysis and Recommendations* (Built Form Review) prepared by this office in November 2019. It also has consideration for the previous opinion contained in my *Expert Witness Statement for 378-380 Smith Street, Collingwood* prepared in June 2019 for the VCAT Hearing.

7.1 Demolition

The extent of demolition of internal and rear fabric proposed is consistent with the previous scheme and is considered acceptable, noting that VCAT found that:

- *Subject to further detail that could be provided through a conservation management plan, the alterations to the existing heritage façade of the buildings are acceptable.*[3]

7.2 New development

At the 2019 VCAT Hearing, the Tribunal upheld Council's decision to refuse to issue a permit for the proposed development. While issuing no specific recommendations or preferences for acceptable heights or setbacks, the Tribunal ultimately concluded that *'it is the overall proportionality and massing* [of the design] *that we find unacceptable'*.[4]

It is considered that the revised scheme demonstrates some acknowledgement of the issues raised at VCAT and exhibits a more considered approach to the heritage buildings and surrounding context. It is my opinion however that the revised scheme will still "adversely affect the significance, character or appearance of the heritage place", despite a number of positive modifications.

Elements of the design that are considered an improvement on the original design and will result in a more positive heritage outcome include:

- The increased setback to Easey Street to 3m;
- The simplification of the overall design to a more modest massed form that achieves a more recessive design when viewed from Smith and Easey streets;
- Articulation that better responds to the 'pattern, rhythm etc of the heritage character of the surrounding historic streetscape', which is consistent with Built Form recommendations that recommend avoiding 'highly articulated facades with recessed and projecting elements';
- The setback of the top floor as a 'penthouse', which responds to policy and built form recommendations that 'encourage the top-most level (or levels) of new development to be set further back from the principal heritage frontage and treated as a penthouse or roof top element'; and
- The design of the car parking entrance to Easey Street as a distinct, separate element which is consistent in height with the parapet of 378 Smith Street, and provides visual separation between the heritage building, the new built form and the neighbouring Easey Street property.

Key aspects of the revised scheme that are considered to have an unacceptably detrimental impact on the heritage place comprise:

- The reduction in height by only one level. Eight storeys is considered to be overambitious in this location, particularly considering the size of the

3 ibid, p.4.
4 ibid, p.17.

site. The Built Form Review recommendations propose a maximum building height of 3 to 5 storeys between Kerr and Hotham Streets and Johnston Street, which is considered to be appropriate for the subject land[5].

- The eight storey building height, despite the slightly increased (5.5m compared with 5m in the previous application) setback upper levels means that new tower form will be visually dominant in the context of the existing buildings and the broader heritage streetscape
- Our advice remains consistent with the evidence provided at VCAT that a five storey building on this site is likely to be the maximum that can be accommodated without having an unreasonably detrimental effect on the significance, character and appearance of the Smith Street precinct.
- The proposed upper level setback to Smith Street has been increased by 500mm from the previous scheme. The consistent setback from Level 1 to Level 6 presents a strong, dominant form in views from Smith St to the north and south of the subject site. From these views, the new built form dominates the single and two-storey street wall height of heritage buildings. Again, we note that the precinct-wide heritage and built form analysis identified in the Build Form Review identified that a mandatory 8m upper level setback "…is the minimum necessary to ensure that the heritage buildings remain prominent within the Smith Street streetscape and will retain their three-dimensional form as viewed from the public realm to avoid 'facadism'"[6].
- Although the north elevation of the tower elements may be obscured by development in the future it is likely to present as a stark block-like form when viewed from the north along Smith Street. The massing of these elements should be broken down further through the use of recessed elements within the concrete walls and/or 'blind' windows that reference the other façades.
- The introduction of balconies that are open to the sky directly behind the existing first floor window openings to the majority of the Easey Street elevation of 378 Smith Street reduces this façade to a thin-skin that will no longer be legible as having had solid building behind.

7.3 Materials, finishes and colours

The use of solid masonry (warm grey brick) with punched window openings that respond to the vertical proportions of those in the nineteenth and early twentieth century buildings within HO333 is appropriate and is consistent with the policy at Clause 22.02-5.7.1 which encourages now development to:

5 Brunswick Street and Smith Street Built Form Review Heritage Analysis & Recommendations, GJM Heritage, 25 Novemember 2019, p.83.

6 Ibid, p.82.

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*

The Schedule to the Heritage Overlay for HO333 selects "External Paint Controls Apply" and, as such, a permit is required to paint a previously painted surface. Although materials and colours are described in general terms (e.g. 'warm grey colour', 'dark grey colour' or 'dark charcoal' etc.) specific material finish and colour selections should be provided.

We also note that the cement render of the walls of 378 Smith Street and the parapet of 380 Smith Street are (other than graffiti) unpainted. However, the renders provided as part of the application appear to show the retained heritage buildings in a chocolate brown colour. It is our view that this is not an appropriate colour choice and ideally the cement render should remain unpainted. If painting is required (following render repairs etc.) consideration should be given to use of a mineral silicate paint in a cement render grey or light buff colour. Appropriate colours will also need to be selected for the reconstructed verandah ironwork, shopfront joinery and first floor timber window joinery.

7.4 Conservation works

The conservation works described on the drawing refer to an 'approved conservation management plan'. Given that the usual purpose of the conservation management plan (CMP) is to inform the management and future development of the heritage property it is our view that it would be more appropriate for a schedule of conservation works be prepared by a suitably qualified heritage architect. The preparation and implementation of this schedule should be required as a condition of any permit issued. Such a condition would provide for the conservation (repair, restoration and reconstruction) of the retained heritage fabric and could require detailed documentation for the proposed replica verandah proposed in front of 378 Smith Street.

We also note that the verandah projects little more than half the width of the foot path. This is problematic on two fronts, firstly this is inconsistent with the depth of verandahs found elsewhere within HO333, which generally project over the full width of the footpath, and secondly, the proposed verandah requires posts located toward the centre of the footpath creating a hazard to pedestrians. It is our view that if a reconstructed historically appropriate verandah is constructed it should be to the full depth of the footpath and based on extant examples elsewhere on Smith Street.

8. CONCLUSION

The linear nature of the commercial strip and the strong two-storey street wall height of Smith Street identified in the Statement of Significance for HO333 would be unacceptably diminished by the construction of the amended development. It is our view that the proposed development "will adversely affect the significance, character or appearance of the heritage place" (Clause 43.01-8) as the substantially greater height and limited setback will diminish the primacy of the two-storey street

wall height due to its substantially greater bulk. It is our view that the scale of the development in relation to the existing single and two-storey graded buildings will not achieve an outcome that will "Be visually recessive and not dominate the heritage place" (Clause 22.02-5.7.2). The new built from will not "ensure an appropriate setting and context for heritage places [in this case the Smith Street Precinct] is maintained or enhanced" (Clause 15.03-1S). An acceptable outcome could be achieved through a combination of increased upper level setbacks and the reduction in the number of storeys of the new development.

Having said that, the revised scheme is a considerable improvement on the previous scheme and has responded to a number of the matters identified in the VCAT determination including overall massing and articulation, and the application of some increased setbacks.

Despite some positive changes, it remains our view that the proposed redevelopment in its current form is an unacceptable heritage outcome that will adversely affect the significance of the two heritage buildings and the broader Smith Street Precinct. While the revised bulk, articulation and massing assist in reducing the visual dominance of the proposal on the immediate heritage context, it is our view that the overall height and massing continue to have a detrimental impact and do not achieve an appropriately recessive outcome.

Sincerely,

Jim Gard'ner | Director
GJM Heritage

APPENDIX A – HO333 Smith Street Heritage Overlay Area Statement of Significance

From the Yarra Review of Heritage Overlay Areas 2007, Graeme Butler and Associates, 2007

City of Yarra Review of Heritage Overlay Areas 2007
HO333 Smith Street Heritage Overlay Area, Fitzroy and Collingwood

HO333 Smith Street Heritage Overlay Area, Fitzroy and Collingwood

Figure 29 Indicative Heritage Overlay Area map (refer to the City of Yarra Planning Scheme maps, NTS)

Graeme Butler and Associates, 2007: 145

Component streets include:

Argyle Street,
Johnston Street,
Little Oxford Street,
Rose Street,
Smith Street,
St David Street.

Statement of Significance

What is significant?

Early survey

Before land sales, Smith Street was developed as a route from Melbourne to Heidelberg by early Heidelberg settlers. Hoddle's survey formalised this route as Smith Street, being mid-way on the survey grid between Nicholson and Hoddle Streets (each one mile-apart).[110]

First land sales

When the land was sold, the Smith Street area formed the eastern edges of Crown Allotments 51, 69, 72, 82 and 85, and the western edges of Allotments 52, 68, 73 and 81, as subdivided by the government in 1838.[111] The first private subdivision of government lots in the Heritage Overlay Area had commenced by 1842, and affected half of the west side, south from Johnston Street. By December 1849, the east side had begun to be subdivided, and by December 1854, only the two allotments to the south of Alexandra Parade (85 and 86) were yet to be subdivided. One of the earliest buildings remaining from this era in Smith Street, is the Grace Darling Hotel (144 Smith St), built in 1854 while the shops at 293-295 Smith Street (1852-53), although altered, are thought to be among the oldest group of retail buildings in Melbourne.

Municipal government

East Collingwood was established as a new municipality in 1855[112], with Smith Street as the municipal boundary between Fitzroy and East Collingwood. The Borough of Fitzroy, to its west, was created in 1858.[113] A range of small businesses had located in Brunswick Street and Gertrude Street in South Fitzroy, and to a lesser extent Smith Street, Victoria Parade and the south end of Napier Street, by 1864.

Consolidation

The 1860s and 1870s were periods of consolidation in Fitzroy's commercial strips, as the rude structures of the early decades were replaced with more substantial premises. This is most apparent along Gertrude, Brunswick and

110 Fitzroy History Society. op cit. p 7.
111 Fitzroy History Society. op cit. p 9.
112 Fitzroy History Society. op cit. p 38.
113 Fitzroy History Society. op cit. p 38

Smith Streets. The 1870s and 1880s saw the replacement of many earlier single fronted shop buildings with rows of shops, and several banks were established in the street including the Bank of Australasia (229 Smith Street, since rebuilt as ANZ Bank) in 1875, the Savings Bank (337 Smith St, later State Savings Bank of Victoria) 1879-1880, and the Bank of New South Wales in 1873. Along with hotels, banks were amongst the largest and most imposing of nineteenth century buildings, and most located on prominent corner sites.

By the turn of the century, Smith Street had been almost fully developed, and contained many highly ornate two-storey commercial buildings dating from the between the 1870s and 1890s, some up to three-storey. Its retail emporia distinguished the area and gave rise to exuberant architecture. The street was remembered as being second to only three or four of the central streets in the Melbourne district for the density of its traffic.

Department stores

Smith Street became identified with businesses which combined manufacturing and retailing on a large scale, producing some of the largest commercial buildings in the City, some rising to four storeys. Most notable of these enterprises was Foy and Gibson which developed a series of buildings stretching along Smith St for approximately two kilometres from north to south. The majority of the firm's manufacturing took place on the Collingwood side of Smith Street while most of its large retail outlets were on the west side. Similarly, Henry Ackman and Co., which had expanded its business from pawn-broking to dealing in second-hand furniture and general merchandise, occupied shops, warehouses and factories on both sides of Smith Street.[114]
Other large retail entities were established into the early part of the 20th century: for example the Paterson's store which was built at 173-181 Smith St in 1911.[115]
Another was G. J. Coles & Co. Pty Ltd: GJ Coles, in partnership with his brothers Jim and (Sir) Arthur, opened a fancy goods store at 288 Smith Street, Collingwood In April 1914, under the banner of G&J Coles. Jim Coles died in 1916 so, after the war, George and Arthur sold their store to an uncle and in June 1919 opened another, larger premises at 170-172 Smith Street. This was the first store for the new firm of G. J. Coles & Co. Pty. Ltd., created on 1 July 1921, with George as managing director. The shop at 170-172 Smith Street was rebuilt in the late 1930s to become the only custom designed GJ Coles & Co building in the City of Yarra, as an example of a nationally known retailer's suburban store.

Public transport

The first power driven public transport to be introduced to Fitzroy was the cable tram, one route running along Gertrude Street and Smith Street in 1886-1887. Unlike the pattern of urban development in some of Melbourne's then outer suburbs, where the location of tram routes facilitated and stimulated the development of those streets into major commercial strips, the tram routes in

114 Fitzroy History Society. op cit. pp 30-31.
115 Fitzroy History Society. op cit. p. 31.

Fitzroy were located along streets which were already important commercial precincts such as Smith and Brunswick Streets.

Main development era

The main development periodof the Smith Street Heritage Overlay Area is that of the Victorian and Edwardian-eras, with a contribution from well-preserved inter-war buildings and individually significant buildings of any era.

Contributory elements

Contributory elements include (but not exclusively) mainly attached Victorian-era and Edwardian-era, one and two-storey shops and residences having typically:

- Façade parapets, with pitched roofs behind;
- Two storey wall heights, with some significant landmark buildings of up to 4 levels,
- Face brick (red, bichrome and polychrome) or stucco walls;
- Corrugated iron roof cladding, with some slate roofing;
- Chimneys of either stucco finish (with moulded caps) or of face red brickwork with corbelled capping courses;
- Post-supported street verandahs as shown on the MMBW Detail Plans[116];
- Less than 40% of the upper street wall face comprised with openings such as windows and doors;
- No front or side setbacks; also
- Timber and metal framed display windows at ground level, timber or tiled shopfront plinths, and entry recesses.

Contributory elements also include:

- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, and channels, and asphalt paved footpaths; and
- Well-preserved inter-war buildings and individually significant buildings of any era.

How is it significant?

HO333 Smith Street Heritage Overlay Area, Fitzroy/Collingwood is **aesthetically and historically** significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant

The Smith Street Heritage Overlay Area is significant:

- As the City's most important Victorian and Edwardian-era commercial strip, serving the whole of Collingwood and Fitzroy and beyond, in the late 19th and early 20th centuries;
- For its expression of the early commercial development phases in the City, with the modest commercial and residential development from the 1850s-60s still evident, the more substantial premises in the 1860s and 1870s, the development associated with the advent of the cable tram to the street in the late 1880s, and the Edwardian-era retail boom;

[116] See MMBW Detail Plan 1196 of 1899

City of Yarra Review of Heritage Overlay Areas 2007
HO333 Smith Street Heritage Overlay Area, Fitzroy and Collingwood

- As a substantially intact collection of well-preserved late nineteenth and early twentieth century commercial and retail buildings of note, including hotels, shops, and some industrial buildings to the north of Johnston Street;
- For the unusual or particularly ornate and exuberant Italianate and Edwardian details on many buildings, reflecting the importance of this retail strip in the broader history of manufacturing, retailing and commerce in the Melbourne metropolitan area and the municipalities of Collingwood and Fitzroy; and
- As the centre for large scale manufacturing and retail emporia, such as the highly significant Foy and Gibson company.

Graeme Butler and Associates, 2007: 149

Attachment 6 - PLN20/0077 - 378-380 Smith Street, Collingwood - ESD referral comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council

ESD in the Planning Permit Application Process

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

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

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category Non-r*esidential 1. 1,000m^2 or greater*.

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.

Attachment 6 - PLN20/0077 - 378-380 Smith Street, Collingwood - ESD referral comments

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council

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Attachment 6 - PLN20/0077 - 378-380 Smith Street, Collingwood - ESD referral comments

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

Assessment Summary:

Responsible Planner:	Lara Fiscalini
ESD Advisor:	Gavin Ashley
Date:	08.06.2020
Subject Site:	PLN20/0077 378-380 Smith Street, Collingwood VIC 3066
Site Area:	Approx. 532 m²
Project Description:	8-storey building comprising ground floor parking & retail amenities, with 19 apartments across 7 floors.
Pre-application meeting(s):	Unknown.
Documents Reviewed:	○ Architectural Plans [20.04.20], Jackson Clements Burrows Architects ○ Sustainability Management Plan [V3 – January 2020], Sustainable Development Consultants ○ Waste Management Plan [23.01.20], Leigh Design

The standard of the ESD 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:

- Ground floor commercial space to exceed 2016 BCA energy efficiency requirements through insulation and glazing, with apartments demonstrating an average NatHERS rating of 6.2-stars.
- HVAC system to be an energy efficient reverse cycle air conditioner unit (within 1-star rating of best available or an EER/COP >3.2/3.5), and use air-cooled condenser components to reduce water use.
- 20% improvement on 2016 BCA illumination densities, with LEDs (<4.0W/m²) used throughout, with light sensors and timers for common areas.
- A 3kW rooftop solar PV system is proposed, capable of producing up to 4,380kWh of electricity per year.
- Water efficient fixtures and taps.
- A STORM report with a 101% STORM score has been submitted that demonstrates best practice and relies on ~318 m² of roof connected to a 10,000-litre rainwater tank that will be directed to flush toilets on GF-L3.
- Procurement standards around the VOC and Formaldehyde content of various paints, sealants, and engineered wood products.
- 51% of the Ground Floor retail tenancy to achieve best practice daylight access.
- Operable windows throughout to facilitate natural ventilation
- Commitment to a site-specific construction Environmental Management Plan with a recycling and reuse target of 80% of demolition and building waste.
- 21 secure bicycle parking spaces provided at ground level.
- A minimum 50% of concrete mix made with recycled water, and reinforcing steel to be sourced from a Responsible Steel Maker using energy reducing processes.
- Fit out of Ground Floor retail tenancy to be adaptable for future upgrades.
- All bulk insulation installed in the building will include a minimum 20% post-consumer recycled material.
- Metering and monitoring strategy applied.

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

- Building User Guide will be provided to building occupants with the intent to reduce energy and water consumption.

(2) Application ESD Deficiencies:

- Recommend a target of at least 6.5 star average for apartments.
- Extend the provision of external louvre shading to windows on LV 2-3 on the west façade, and LV3-7 on the east façade.
- Overall, the proposal lacks a level of vegetation expected to provide both residential amenity, biodiversity values, and climate resilience. Incorporate additional vegetation into building design.

(3) Outstanding Information:

- Provide a full copy of the BESS report (not just the results).
- Provide details of thermal performance of non-residential component of building.
- Provide an assessment of GHG emissions (building wide).
- Clarify provision of HWS
- Provide an assessment of peak demand.
- Confirm irrigation of ground floor 'winter garden'.
- Confirm quantity of products (by cost or weight) to use recycled content.
- Provide details regarding the embodied carbon reduced by opting for a 'Responsible Steel Maker', and confirm quantity by weight or cost.
- Clarify misalignment between Plans (21 bicycle spaces), the SMP (20 bicycle spaces) and the Planning Report (16 bicycle spaces) – and consider bicycle parking needs for visitors and customers of Ground Floor retail tenancy.
- A number of materials specified are quite dark and may have trouble performing in hot conditions. Reconsider colours of EF-02, EF-04, MF-01 and MF-03 and provide a statement as to how materials selection reduces urban heat island effect.

(4) ESD Improvement Opportunities

- Consider increase solar PV system size to offset more of the buildings energy needs.
- Consider increasing rainwater storage to service more apartments and improve tank water supply reliability.
- of the 209 m2 remaining surface area, 86.3 m2 is from the level 1 balconies – consider redirecting and treating for irrigating 'winter garden'.
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.
- Consider the provision of 1x shower for the Ground Floor WC to act as an EOT facility for employees.
- Consider providing some charging stations or wiring for future.
- Consider a green roof or wall to improve the ecological value of this site.
- Consider a 12 month program of building tuning to ensure operational building performance.
- Consider Head contractor to have ISO14001 accreditation.

Further Recommendations:

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

1. Indoor Environment Quality (IEQ)

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	47.4% of apartments achieve compliant natural cross ventilation. (Plans, p. 35).	Satisfactory given modest depths of single sided apartments.	1
Daylight & Solar Access	51% of Ground Floor retail tenancy area achieves DF>2.0, while apartment bedrooms achieve DF>0.5 across 90% of the floor area with VLT ranging from 40-70%.	Satisfactory. (SMP, p. 109)	1
External Views	No information has been provided.	Provide clarification regarding the provision of external views to apartments.	1
Hazardous Materials and VOC	All internal sealants and paints, adhesives, and carpets will be low VOC, and 95% of all engineered timber products to adhere to Green Star VOC and Formaldehyde limits.	Satisfactory.	1
Thermal Comfort	Mixed mode ventilation, double glazing, insulation, operable windows and external shading.	Satisfactory.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

2. Energy Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	Improvement of 10% of 2016 BCA energy efficiency requirements, with FirstRate5 sample results provided.	Recommend a target of at least 6.5 star average for apartments.	2
Thermal Performance	No information has been provided.	Provide details of thermal performance of non-residential component of building.	3
Greenhouse Gas Emissions	No information has been provided.	Provide an assessment of GHG emissions (building wide).	3
Hot Water System	The SMP identifies both an electric heat pump, and central gas instantaneous.	Clarify provision of HWS - Consider using a heat pump.	3/4
Peak Energy Demand	No information has been provided.	Provide an assessment of peak demand.	3
Effective Shading	Bounded by properties to the north and east, external louvres and balconies are employed for their shading properties.	Extend the provision of external louvre shading to windows on LV 2-3 on the west façade, and LV3-7 on the east façade.	2
Efficient HVAC system	HVAC system to be an energy efficient reverse cycle air conditioner unit (within 1-star rating of best available or an EER/COP >3.2/3.5), and use air-cooled condenser components to reduce water use.	Satisfactory.	1
Car Park Ventilation	Car park to be naturally ventilated, as it uses a car-stacker accessible from Ground Floor.	Satisfactory.	1
Efficient Lighting	20% improvement on 2016 BCA illumination densities, with LEDs (<4.0W/m²) used throughout, with light sensors and timers for common areas.	Satisfactory.	1
Electricity Generation	A 3kW rooftop solar PV system has been proposed, capable of generating up to 4,380kWh per year.	Satisfactory. Consider increase solar PV system size to offset more of the buildings energy needs.	4
Other	-	-	

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net

Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

3. Water Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Minimum WELS star rating of fixtures: • Taps: 5 star • Toilets: 4 star • Showers: 3 star	Satisfactory.	1
Water for Toilet Flushing	10,000 litre rainwater tank proposed. 318 m² of roof area captured. Used flushing toilets on levels Ground to L3.	Satisfactory. Consider increasing rainwater storage to service more apartments and improve tank water supply reliability.	4
Water Meter	Separate water metering for all apartments and ground floor tenancy.	Satisfactory.	1
Landscape Irrigation	No information has been provided.	Confirm irrigation of ground floor 'winter garden'.	3
Other		-	

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 3. Water Efficiency
Water Efficient Labelling Scheme (WELS) www.waterrating.gov.au
Water Services Association of Australia www.wsaa.asn.au
Water Tank Requirement www.makeyourhomegreen.vic.gov.au
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Sustainable Landscaping www.ourwater.vic.gov.au

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a 101% STORM score has been submitted that demonstrates best practice and relies on ~318 m² of roof connected to a 10,000-litre rainwater tank that will be directed to flush toilets on GF-L3. (SMP. p. 103)	Satisfactory. However, of the 209 m² remaining surface area, 86.3 m² is from the level 1 balconies – consider redirecting and treating for irrigating 'winter garden'.	4
Discharge to Sewer	Stormwater captured within this remaining 209 m² of impervious area will be directed to the LPD.	See above.	1
Stormwater Diversion	318 m² (or 60% of the site) catchment area provided to divert stormwater to rainwater tanks.	Satisfactory.	1
Stormwater Detention	The proposal contains a 10,000-litre rainwater tank, and a 5 m² 'winter garden'.	Satisfactory.	1
Stormwater Treatment	During construction: gravel sausages, silt fences and rumble grids are to be used, with 'Pure-Rain' (or similar) filtration systems used for rainwater treatment prior to retention.	Satisfactory.	-1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 4. Stormwater Management
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Water Sensitive Urban Design Principles www.melbournewater.com.au
Environmental Protection Authority Victoria www.epa.vic.gov.au
Water Services Association of Australia www.wsaa.asn.au
Sustainable Landscaping www.ourwater.vic.gov.au

5. Building Materials

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	Products such as 'Ecological Panel; - made from 100% post-consumer recycled wood – will be considered for internal use. At least half of the concrete will use rainwater or purchased recycled water, and 20% of insulation to be post-consumer recycled content.	Confirm quantity of products (by cost or weight) to use recycled content.	3
Embodied Energy of Concrete and Steel	Procurement of steel from a 'Responsible Steel Maker' identified, with reinforced steel using energy reducing processes.	Great. Provide details regarding the embodied carbon reduced by opting for a 'Responsible Steel Maker', and confirm quantity by weight or cost.	3
Sustainable Timber	All feature timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).	Satisfactory.	1
Design for Disassembly	The ground floor retail tenancy will be fitted out to enable future additions, however no details provided for disassembly.	Good. Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	No information has been provided.	Consider pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.	4

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 5. Building Materials
Building Materials, Technical Manuals www.yourhome.gov.au
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

6. Transport

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Car parking for 19 cars proposed at ground floor (using 3-level car stackers).	Satisfactory.	1
Bike Parking Spaces	20 bike parking spaces for apartments provided.	Okay. Clarify misalignment between Plans (21 bicycle spaces), the SMP (20 bicycle spaces) and the Planning Report (16 bicycle spaces) – and consider bicycle parking needs for visitors and customers of Ground Floor retail tenancy.	3
End of Trip Facilities	No End of trip facilities have been provided.	Consider the provision of 1x shower for the Ground Floor WC to act as an EOT facility for employees.	4
Car Share Facilities	No information has been provided.	Satisfactory.	1
Electric vehicle charging	No information has been provided.	Consider providing some charging stations or wiring for future.	4
Green Travel Plan	A Green Travel plan has not been provided.	Not required for residential.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 6. Transport
Off-setting Car Emissions Options www.greenfleet.com.au
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

7. Waste Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	Commitment to a site-specific construction Environmental Management Plan with a recycling and reuse target of 80% of demolition and building waste.	Satisfactory. Confirm prior to final approval.	1
Operational Waste Management	An operational Waste Management Plan has been provided that details the buildings strategy to managing operational waste.	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	Recycling facilities shown on GF. No green waste provided, mentioned as a responsibility of the Landscape Maintenance Contractor.	Satisfactory.	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 7. Waste Management
Construction and Waste Management www.sustainability.vic.gov.au
Preparing a WMP www.epa.vic.gov.au
Waste and Recycling www.resourcesmart.vic.gov.au
Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)
www.environment.nsw.gov.au
Waste reduction in office buildings (2002) www.environment.nsw.gov.au

8. Urban Ecology

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	The only proposed vegetation is the 5 m² 'Winter garden' on the Ground Floor.	Overall, the proposal lacks a level of vegetation expected to provide both residential amenity, biodiversity values, and climate resilience. Incorporate additional vegetation into building design.	2
Heat Island Effect	No information has been provided.	A number of materials specified are quite dark and may have trouble performing in hot conditions. Reconsider colours of EF-02, EF-04, MF-01 and MF-03 and provide a statement as to how materials selection reduces urban heat island effect.	3
Other			
Green wall, roofs, facades	No information has been provided.	Consider a green roof or wall to improve the ecological value of this site.	4

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 8. Urban Ecology
Department of Sustainability and Environment www.dse.vic.gov.au
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

9. Innovation

Objective:

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

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

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 9. Innovation
Green Building Council Australia www.gbca.org.au
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

10. Construction and Building Management

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	No information has been provided.	Consider a 12 month program of building tuning to ensure operational building performance.	4
Building Users Guide	A Building Users Guide explaining systems installed, public transport and suggestions for sustainable living.	Satisfactory.	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Consider Head contractor to have ISO14001 accreditation.	4
Construction Management Plan	Commitment to a site-specific construction Environmental Management Plan with a recycling and reuse target of 80% of demolition and building waste.	Satisfactory.	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

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

Applicant Response Guidelines

Project Information:

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

Environmental Categories:

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

Objectives:

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

Issues:

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

Assessment Method Description:

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

Benchmarks Description:

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

How does the proposal comply with the benchmarks?

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

ESD Matters on Architectural Drawings:

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

Attachment 7 - PLN20/0077 - 378-380 Smith St Collingwood - Waste referral comments

CITY OF YaRRA **File Note**

Date: 8 May 2020

Property Address: 378-380 Smith Street, Collingwood

Application No: PLN20/0077

CITY WORKS BRANCH – COMMENTS ON WMP

COMMENTS:

The waste management plan for 378-380 Smith Street, Collingwood authored by Leigh Design and dated 23/1/20 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. Food waste diversion should be included as a requirement.
2. Please provide the total size of the bin storage area by M^2
3. Dimensions provided for bin store do not match drawings in town planning application.
4. Due to changes in waste service systems recently announced by the State Government the site must consider how the 4 waste streams will be separated and ensure adequate space for extra bins that will be required (Glass separation)(food waste) especially with regards to the chute system.

Atha Athanasi
Contract Management Officer

City Works Services
Parks, Resource Recovery, Cleansing

4 June 2020

640.10090.05730 378-380 Smith St Collingwood 20200604.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Lara Fiscalini

Dear Lara

378-380 Smith Street, Collingwood
Development Application Acoustic Review
PLN 20/0077

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the mixed use development proposed for 378-380 Smith Street, Collingwood.

Details of the report are as follows.

- Title: 378-380 Smith Street, Collingwood, Acoustic Assessment
- Date: 9 April 2020
- Reference: 20181429.2/0904A/R1/SG
- Prepared for: ATJ Holdings Pty Ltd
- Prepared by: Acoustic Logic Consultancy (ALC)

The report has been prepared to address Item 7 of Yarra Council's request for information relative to the site. The RFI is reproduced below:

7. *An Acoustic Report, responding to Standard D16 of Clause 58. Given the site is within 50m of a live music venue, a response to Clause 53.06 (Live Music and Entertainment Noise) is also required.*

SLR reviewed an earlier version of the report which was prepared by the same consultant to support an earlier design for the site. The current review draws on our earlier findings where they are still relevant.

1 Background Information

(Section 3 of the acoustic report)

The project is a eight level mixed use development with ground floor retail and car parking and seven levels of apartments.

Noise impacts to the development are identified as:

- Traffic and tram noise from Smith Street

SLR Consulting Australia Pty Ltd Level 11, 176 Wellington Parade East Melbourne VIC 3002 Australia
T: +61 3 9249 9400 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

- Patron, music and mechanical plant noise from the Robert Burns Hotel at 376 Smith Street. The venue include an outdoor dining area.

The nearest noise sensitive receiver is identified as the dwelling to the north east.

SLR Comments:

The use and the sources of noise that could impact the subject development are described in the report. The location of the two storey residence is shown in the Jackson Clements Burrows Town Planning drawing TP 1-102. The dwelling appears to abut the northern façade of the proposed development. We note that car stackers are proposed for the ground floor carpark.

2 Specific Responses to Council RFI

2.1 Standard D16, Clause 58 of the Planning Scheme

(Section 7 of the acoustic report)

ALC state that Standard D16 of the Clause 58 does not apply to the subject development because the site is not within a 'noise influence area' as defined in Table D3 of the planning Scheme.

SLR Comments: *Agreed.*

2.2 Clause 53.06 (Live Music and Entertainment Noise) of the Planning Scheme

(Section 6 of the acoustic report)

ALC propose to conduct an external assessment of music noise to SEPP N-2 and, if non compliance is identified, to provide advice for ensuring SEPP N-2 limits are not exceeded indoors, with windows closed.

SLR Comments: *The proposed approach is appropriate.*

3 General Review

4 Road Traffic and Tram Noise

4.1 Noise Criteria

(Section 9.3 of the report)

Road traffic noise is proposed to be assessed to internal targets of 45 dBA $L_{eq,1hr}$ in all rooms during the day period and up to 40 dBA $L_{eq,1hr}$ in bedrooms at night.

L_{max} targets of 55 dBA L_{max} in bedrooms (windows closed) are proposed for tram noise.

SLR Comments: *The targets identified for the loudest hours of road traffic (being the upper end of the AS/NZS2107 ranges) are reasonable. We would also recommend that the day and night average road traffic levels meet the following design targets:*

- *40 dB $L_{Aeq,16h}$ in living areas*

- *35 dB $L_{Aeq,8hr}$ in bedrooms*

Our proposed day and night average levels align with the targets provided in Clause 58.04-3 of the Yarra Planning Scheme (Standard D16) and targets used interstate (NSW and WA), and are 5 dB below the upper end of the AS/NZS2107 recommended ranges.

The $L_{eq,1hr}$ targets nominated by Acoustic Logic may not ensure that the day and night average targets are met.

The L_{max} targets proposed by Acoustic Logic are reasonable for tram passby noise.

4.2 Noise Measurements

(Section 8 of the report)

Unattended measurements of road traffic noise were conducted with a microphone extended from first floor windows in the western and southern façades of the existing building on site (Location 1, overlooking Smith Street and Location 2 overlooking Easey Street), from 12 to 19 October 2018. Graphical logging data is attached to the report. Results for the Smith Street measurements are presented in Table 2 and are:

- 66 dBA $L_{eq,15hr}$ and 69 dBA $L_{eq,1hr}$ for the day (7 am to 10 pm), and
- 61 dBA $L_{eq,8hr}$ and 65 dBA $L_{eq,1hr}$ for the night (10 pm to 7 am).

Attended measurements were conducted on Smith and Easey Streets during the morning and afternoon periods. The times and durations of the measurements are provided. Results ranged from 65 to 70 dBA L_{eq} for Smith Street and 62 to 68 dBA L_{eq} for Easey Street.

Tram passby levels were also measured and the 95th percentile of 14 movements was 82 dBA L_{max}.

SLR Comments: *The measurement locations are clearly identified and are suitable for quantifying traffic noise impacts to the subject development.*

The data presented in Table 2 aligns with the logging data.

The presented noise data suggests that the design of the façade will be driven by the day and night average traffic noise levels, rather than the loudest hour measurements. The day and night average targets are not currently proposed to be met by ALC, so our recommendation that they be used may have implications for façade upgrade treatments.

The tram noise measurements are appropriate.

4.3 Advice for Noise Control

(Section 11 and Appendix 1 of the report)

Recommendations for façade upgrades to achieve the nominated indoor noise levels presented in the report are provided in Section 11 and Appendix 1. The advice includes specifications for windows and treatments for non-glazed areas of the façade and roof. The advice is designed to ensure that road traffic and entertainment noise targets are met.

SLR Comments: *The façade upgrade treatments are clearly documented. However we recommend that they are reviewed to determine whether the day and night average levels comply with our recommended targets of 40 dBA $L_{eq,15h}$ in living rooms and 35 dBA $L_{eq,9hr}$ in bedrooms.*

5 Music Noise

5.1 Criteria and Guidelines

(Section 9.5 and Appendix 3 of the acoustic report)

Music noise is assessed to SEPP N-2 external noise limits to determine whether there is an exceedance. In the event of an exceedance, internal noise targets will be used, as per Clause 55.03 of the planning scheme (Live music and entertainment noise).

External SEPP N-2 limits are based on background noise levels measured at Locations 3, (Level 1 monitoring location on the eastern façade of the building). The evening limit is 49 dBA L_{eq} and the octave band night limits are provided in Table 8 of the report. The night background noise level was obtained 12:30 am Friday 19 October (Thursday night).

SLR Comments:

The identified external SEPP N-2 limits have been derived from background noise measurements conducted at a suitable time. In our opinion data obtained at Location 2, overlooking Easey Street, would have been more suitable for determining limits for music from the hotel, provided that this data is not affected by noise from the hotel. This location is more representative of the exposure of the future apartments to noise from Smith Street. Slightly higher limits may be identified if this data is used.

5.2 Quantification of Impacts

(Section 10.2 of the acoustic report)

ALC state that music from the Robert Burns Hotel was not audible at the subject site during their inspections and testing. They note that their observations are consistent with those made by Renzo Tonin & Associates in their assessment of impacts to 368-374 Smith Street (Section 4.3 of the ALC report entitled 368-374 Smith Street, Collingwood', dated 25 October 2019).

Given that music noise was not able to be measured, ALC indicate that it must comply with SEPP N-2, and that no further consideration of impacts is necessary.

SLR Comments:

We generally accept ALC's assessment and conclusions with respect to existing levels of music.

The Robert Burns Hotel has applied for permission to play louder levels of music both within the venue and in their outdoor terrace area, however from our understanding they are required to comply with SEPP N-2 at the development approved for 368-374 Smith Street, which is closer to the venue than the subject development. If compliance is met at that location, it should also be achieved at the subject development.

To be prudent, it is recommended that Council confirm that the Hotel is required to comply with SEPP N-2 at the apartments approved for 368-374 Smith Street.

6 Patron Noise

6.1 Legislation and Guidelines

(Section 8.4 and 9.2 of the report)

ALC propose to design the apartment façade such that the following internal noise targets are met by patron noise:

- 35 dBA $L_{eq,1hr}$ to bedrooms during the day and to living rooms at all times, and
- 30 dBA $L_{eq,1h}$ to bedrooms at night

SLR Comments: *The proposed targets are reasonable.*

6.2 Patron Noise Measurements

(Table 7 of the report)

Unattended measurements of patron noise were conducted using the logger installed on the southern façade of the building. A range of 1 minute measurement results measured on Saturday 13 October between 8:35 pm and 11:50 pm are presented in Table 7 of the report. The measured levels ranged from 52 to 59 dBA L_{eq}. The highest level of 59 dBA L_{eq} has been used to determine façade upgrade treatment for the project.

SLR Comments: *The measurement location was the best available, however the outdoor patron area appears to be surrounded by a 3.5 m to 4 m high brick wall. Upper levels of the proposed apartment development are likely to have a less obstructed line of sight to the outdoor patron area than the microphone had. It would be appropriate to adjust the measured noise level to take into consideration the effects of the shielding or to collect data that is more representative of impacts to the upper floors.*

6.3 Patron Noise Controls

(Section 11 and Appendix 1 of the report)

Windows in the southern façade of the development overlooking the outdoor patron area are proposed to be not less than 6.38 mm thick laminated glass (living rooms) and 10.38 mm thick laminated glass (bedrooms). Double glazed options are also provided.

Advice is provided for external wall and roof constructions.

SLR Comments: *We recommend that the glazing is reviewed to address the potentially higher levels of patron noise due to the reduction in shielding to the upper level apartments. Our indicative calculations suggest that further upgrades from the single glazing options provided in the report would be required to control higher levels of patron noise.*

We also note that the Robert Burns Hotel has applied to extend the operating hours of the hotel, including the outdoor patron area, until 1 am (it is currently closed at midnight). While the extension may not affect the level of noise patron noise from the hotel, or the façade treatments required to achieve the identified noise limits, that fact that patron noise will extend later into the night period makes it a more critical noise issue.

7 SEPP N-1 Limits

(Section 9.1 of the acoustic report)

SEPP N-1 noise limits are determined from background noise levels measured south of the existing site building (Location 3) and the SEPP N-1 zoning levels. The identified limits are 57 dBA (day), 52 dBA (evening) and 45 dBA (night). The limits are based on background noise levels classified as 'low'.

SLR Comments: *Our calculated SEPP N-1 noise limits, taking into consideration the site zoning levels and ALC's background noise data at Location 3, are consistent with ALC's. However we note that the background noise levels obtained at Location 2, assuming they are not impacted by noise from the hotel, would be more representative for some receiver locations, and these may result in slightly higher limits.*

In summary, the SEPP N-1 noise limits have been conservatively calculated by ALC. This is an appropriate approach in a planning noise assessment.

8 Hotel Mechanical Plant and Equipment

(Sections 8.5 and 10.1 of the acoustic report)

ALC have calculated noise from hotel roof mounted mechanical plant to the façade of the subject development, using measurement data obtained by RTA. The predicted levels are noted to comply with the SEPP N-1 day and evening limits and to be marginally non-compliant with the night limits.

SLR Comments: *The provided approach to assessing mechanical plant impacts is reasonable. Our calculated results are reasonably consistent with ALC's. The predicted night noise levels at the façade of the development are likely to comply with SEPP N-1, if noise limits were determined using more representative background noise data.*

9 Mechanical Noise from the Development

9.1 Car Stacker and Carpark Gate Noise

(Section 12 of the acoustic report)

Two Klaus TV4300 car stackers are proposed for the ground floor carpark. Noise from the car stackers has the potential to impact the proposed dwellings above the car stackers, and the existing two storey dwelling at 382a Smith Street, which is to the immediate north of the car stackers.

Noise from the equipment is proposed to be assessed to SEPP N-1 and sleep disturbance targets of 65 dBA L_{max} outside bedroom windows.

Advice for controlling noise from the car stackers and the carpark entrance door is provided in the report. The advice includes the following:

- External walls are to be solid
- The carpark soffit is to be treated with sound absorbing material with an NRC of not less than 0.8 (approximate extent of required treatment is shown in the report)
- Enclosure of car stacker hydraulic pumps

- Car stackers to have no mechanical connection to the carpark walls or roof

SLR Comments: *The proposed noise controls can be expected to result in compliance with SEPP N-1 and sleep disturbance targets at all sensitive receiver locations.*

9.2 Project Mechanical Plant Noise

(Section 13 of the report)

Due to the fact that the mechanical plant and equipment design has not been completed, advice for achieving compliance with SEPP N-1 is not provided in the report. ALC state that the equipment will be designed to ensure compliance with the SEPP N-1 limits provided in the report.

SLR Comments: *This is an appropriate approach.*

10 Summary

A review of the acoustic report for the mixed use development is provided above. The items we recommend are addressed in further detail are listed below.

Road traffic noise

1. We recommend that road traffic noise is assessed to the following day and night average noise targets as well as the loudest hour targets used in the report:

- Day and night average levels no greater than:
  - 40 dB $L_{Aeq,16h}$ or $L_{Aeq,15h}$ in living areas and bedrooms
  - 35 dB $L_{Aeq,8h}$ or $L_{Aeq,9h}$ in bedrooms
  - The assessment to these targets may have implications

2. We recommend that the façade advice provided in the report be reviewed to take into consideration our recommended targets.

Music noise

We generally accept ALC's assessment of existing levels of music from the Robert Burns Hotel, and their conclusion that an assessment to indoor targets, as allowed under Clause 53.06 of the planning scheme, is not required.

However, given that the Hotel has applied for their permit to be altered to allow for higher levels of music, we suggest that Council confirm whether the Hotel will be required to comply with SEPP N-2 at the development approved for 368-374 Smith Street. If compliance is met at that location, which is closer to the venue than the subject development, it would be reasonable to assume ongoing compliance with SEPP N-2 at the subject development. If this is the case, there would be no implications for the planning assessment provided by ALC.

Patron noise

Patron noise has been assessed to the subject development however in our opinion patron noise levels at the façade of the development will be higher than ALC have measured, due to the lesser shielding to upper levels of the building. We recommend that patron noise levels are predicted to the upper levels of the building, and that further façade upgrade advice is provided if required for achieving the nominated indoor targets.

Regards,

Checked / authorised by JA

Dianne Williams
Associate – Acoustics

22 CLEELAND ROAD
SOUTH OAKLEIGH VIC 3167
AUSTRALIA

M E L
CONSULTANTS

(ACN 004 230 013)

Ref: 126-20-DE-REV-00

5 July 2020

City of Yarra
PO Box 168
Richmond VIC 3121

Attn: Lara Fiscalini

Dear Lara,

378-380 Smith Street, Collingwood
Review of Vipac Wind Impact Statement
Vipac Document Numbers: 30N-20-0054-TNT-6774794-2 (20 March 2020)

The review of the Vipac Wind Impact Statement is based on MEL Consultants' experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 40 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review. Our comments are as follows:

- The Vipac Wind Impact 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. MEL Consultants have no issue with this approach for a desktop study as this is a common approach to provide architects, developers, and responsible authorities advice on the wind effects of the design.

- MEL Consultants 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 378-380 Smith

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Street development has been provided along with reference drawings in the Appendix of the report. The desktop assessment has identified the heights of the immediate surrounding existing buildings.

- MEL Consultants 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. The assessment clearly discusses the rationale for recommending the walking criterion for the terraces and there is no issue with this recommendation.

- The Vipac desktop assessment of the wind conditions along Smith Street have indicated that the due to the propose awning and the tower setback from Smith Street would ameliorate adverse wind conditions on the pedestrian footpath. However, this analysis appears to only consider the wind flow normal to near-normal to the Smith Street building face, i.e. westerly wind directions. The Smith Street wind conditions would also be impacted by wind flow deflected by the north face around the northwest corner and along Smith Street. Similarly, the south sector wind directions would flow around the southwest corner and impact the wind conditions Smith Street. Considering the above scenario, the Vipac assessment of the wind conditions along Smith Street would still be valid and wind conditions would be expected to satisfy the walking criterion. MEL Consultants would agree with Vipac's assessment of the wind conditions along Easey Street. The Vipac statement that the wind conditions in the streetscapes would be similar to the existing conditions would be debatable as the existing 2 level building is being replaced by 7 level building that would change to the wind conditions in the surrounding streetscapes.

- MEL Consultants agree the wind conditions adjacent to the entrances on Smith and Easey Streets would satisfy the standing criterion.

- Vipac have assessed the wind conditions on the terraces as being within the walking criterion and MEL Consultants have no issue with this assessment.

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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. MEL Consultants would agree with the Vipac assessment of the expected wind conditions in the surrounding streetscapes, entrances, and terraces.

Yours sincerely,

M. Eaddy

M. Eaddy
MEL Consultants Pty Ltd

TELEPHONE: (03) 8516 9680 : Intl +613 8516 9680 FAX : (03) 9544 0682: Intl +613 9544 0682

Attachment 10 - PLN20/0077 - 378-380 Smith St Collingwood - Streetscapes and Natural values referral comments

Memo

To:	**Lara Fiscalini**
Cc:	
From:	**Mark Russell**
Date:	**12 August 2020**
Subject:	**PLN20/0077**

Each figure is per tree
Amenity value - $500 – (Melbourne Tree Valuation Method)
Supply of 45L tree - $120
Planting of tree - $120
Maintenance for 2 years - $240

$980 per tree replacement including amenity value.

Based on three trees, I recommend the bond amount to be set at **$3000**.

Mark Russell
Arborist – Open Space Services
City Works and Assets

1.4 PLN19/0924 - 88 Neptune Street Richmond - Construction of a new dwelling

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 88 Neptune Street Richmond, which seeks approval for construction of a new dwelling. The report recommends approval, subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 22.10 – Built Form and Design Policy;
   (b) Clause 22.13 – Residential Built Form Policy;
   (c) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design) Policy;
   (d) Clause 52.06 – Car Parking; and
   (e) Clause 54 – One dwelling on a lot.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Clause 54 – One dwelling on a lot
   (b) Objector concerns
   (c) Other matters

Submissions Received

4. Seven objections were received to the application, these can be summarised as:
   (a) Disruption from construction noise (construction hours);
   (b) Overlooking of POS;
   (c) Side and rear setbacks and building height;
   (d) Neighbourhood character, site coverage and garden area;
   (e) Walls on boundaries.

5. One objection has subsequently been withdrawn.

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:

7. 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:

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

      (e) The rear first floor windows shown as being fixed to a minimum height of 1.7m.
      (f) The southernmost rear first floor window treated to comply with Standard A15 (Overlooking) of Clause 54.04 of the Yarra Planning Scheme.

CONTACT OFFICER: **Daniel Goode**
TITLE: **Statutory Planner**
TEL: **03 9205 5171**

1.4 PLN19/0924 - 88 Neptune Street Richmond - Construction of a new dwelling

Reference: D20/136634
Authoriser: Coordinator Statutory Planning

Ward:	Melba
Proposal:	Construction of a new dwelling
Existing use:	Dwelling
Applicant:	Bettina Chipp
Zoning / Overlays:	General Residential Zone (Schedule
Date of Application:	27 December 2019
Application Number:	PLN19/0924

Planning History

1. The site has no planning permit history on Council records.

Background

Lodgment of S57A plans or sketch plans

2. Amended plans pursuant to Section 57A of the *Planning and Environment Act* 1987 (the Act) were lodged by the applicant on 24 May 2020. The amended plans show:
   (a) Additional screening to the first floor windows;
   (b) Change to the materials of the front fence (incorporating 'crazy paver wall tiles' to the central pillar.

3. Following re-advertising of the amended plans, an additional set of amended plans were lodged on 29 June 2020 pursuant to Section 57A of the Act. These plans show:
   (a) The height of screening increased from 1.7m to 1.85m above finished floor level (to the northern side of the first floor of the dwelling);
   (b) The finish of the ground floor northern boundary wall (rear of the dwelling) changed from Light grey render to brown brick finish;
   (c) Planter/trellis added to the first floor northern wall.

   The plans have been formally substituted as the decision plans for this application.

The Proposal

4. The application is for construction of a new dwelling. Further details of the proposal are as follows:

Development

(a) Demolition of the existing dwelling (no permit required);
(b) Construction of a new double storey, two-bedroom dwelling with a garage and balcony to the front, two central courtyards and a secluded POS area to the rear (maximum 6.88m high; set back from the street by a minimum of 2.79m; total floor area of 163sqm);
(c) Pergola to the rear POS area (3.09m by 5.07m; 2.57m high);
(d) Front fence and gates to the Neptune Street frontage (1.55m high).

Existing Conditions

Subject Site

5. The subject site is located on the western side of Neptune Street in Richmond, to the south of Corsair Street. The site is rectangular in shape, with a frontage to Neptune Street of 6.65m and a depth of 30.25m, constituting a total site area of approximately 201sqm. Occupying the site is a single storey, brick dwelling with a hipped roof form. The dwelling is set back from the street frontage by 5.43m, with the front setback being used for car parking. The secluded private open space (POS) area of the dwelling is located to the rear.

Surrounding Land

6. The surrounding area is predominantly characterised by single and double storey dwellings of a range of different materials and architectural styles. Adjoining to the south, is a pair of weatherboard dwellings (Victorian-era in appearance) with hipped roof forms, front verandahs and secluded POS areas to the rear.
7. Adjoining to the north, is a row of single storey dwellings fronting onto Corsair Street. These dwellings are constructed of brick and weatherboard (Victorian-era in appearance), with hipped roof forms and front verandahs. The secluded POS areas of these dwellings directly adjoin the boundary of the subject site.
8. Adjoining to the west is a double storey residential building, consisting of six dwellings, that fronts onto Fraser Street. This building is set back from the subject site by approximately 1.5m and does not contain any secluded POS.
9. To the east, on the opposite side of Neptune Street, is a row of double storey dwellings that are contemporary in appearance. These dwellings each have curved elements at first floor and garages at ground floor providing vehicular access from Neptune Street.

Planning Scheme Provisions

Zoning

10. The subject site is zoned General Residential Zone (Schedule 2). The following provisions apply:
    (a) Pursuant to Clause 32.08-5, a planning permit is required to construct or extend one dwelling on a lot of less than 500sqm.
    (b) Pursuant to Clause 32.08-10, a building must not be constructed as a dwelling that exceeds a maximum building height of 11m and that contains more than 3 storeys. As the proposed dwelling is double storey in height and has a maximum building height of 6.88m, the proposed development meets these requirements.
    (c) Pursuant to Clause 32.08-4, an application to construct or extend a dwelling on a lot of 400sqm or more must provide a minimum garden area. As the subject site is less than 400sqm in area (at 201sqm), this requirement does not apply to the development.
11. As such, a permit is required under the zone.

Overlays

12. No overlays affect the land.

Particular Provisions

Clause 52.06- Car parking

13. Pursuant to Clause 52.06-2, before a new use commences or the floor area of an existing use is increased, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under Clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement:

Use	Statutory Requirement	On-site Provision	Reduction requested
Dwelling (2 bedrooms)	1 space to each one or two bedroom dwelling = 1 space required	1 space	0 spaces
Total	**1 space**	**1 space**	**0 spaces**

14. Pursuant to Clause 52.06-3, a permit is not required to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5.

Clause 54 – One dwelling on a lot

15. This clause applies as the development is for the construction of a dwelling on a lot under 500sqm. A development should meet all the standards and must meet all the objectives.

General Provisions

Clause 65 – Decision guidelines

16. 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. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
17. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

18. Relevant clauses are as follow:

Clause 15.01-1S – Urban design

19. The objective of this clause is '*to create urban environments that are safe, healthy, functional and enjoyable and provide good quality environments with a sense of place and cultural identity*'.
20. A relevant strategy includes *'require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate'.*

Clause 15.01-2S – Building Design

21. The objective of this Clause is:
    (a) To achieve building design outcomes that contribute positively to the local context and enhance the public realm.
22. Relevant strategies include:
    (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.

Clause 15.01-5S – Neighbourhood Character

23. The objective of this Clause is:

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

    (b) Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

        (i) Pattern of local urban structure and subdivision.

        (ii) Underlying natural landscape character and significant vegetation.

        (iii) Heritage values and built form that reflect community identity.

Local Planning Policy Framework (LPPF)

Relevant clauses are as follow:

Clause 21.05-2 – Urban design

24. The objectives and associated strategies of this clause are as follows:
    (a) To reinforce the existing urban framework of Yarra.
        (i) Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.
    (b) To retain Yarra's identity as a low-rise urban form with pockets of higher development.
        (i) Apply the Residential Built Form policy at clause 22.13.
    (c) To create an inner city environment with landscaped beauty.
        (i) Require well resolved landscape plans for all new development.
    (d) To ensure that new development contributes positively to Yarra's urban fabric.
        (i) Apply the Built Form and Design Policy at clause 22.10.

Clause 21.05-3 - Built form character

25. The objectives and associated strategies of this clause are as follows:
    (a) To maintain and reinforce preferred character.
        (i) Apply the Residential Built Form Policy at clause 22.13.

Clause 21.08-10 – Central Richmond

26. This clause sets out the locally specific implementation of the objectives and strategies for Yarra's neighbourhoods. The subject site is located within the 'Central Richmond' neighbourhood, and is identified as having the 'Inner Suburban Residential' Built Form Character Type. The specific objectives for this built form character are to:

    (a) Maintain the existing pattern of front setbacks.

    (b) Limit variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/small development sites in areas with generally consistent building heights.

Relevant Local Policies

Relevant clauses are as follow:

Clause 22.10 – Built form and design policy

27. This policy applies to all new development not included in a heritage overlay. The policy comprises ten design elements that address the following issues:
    (a) Urban form and character.
    (b) Setbacks and building heights.

(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.
(j) Service infrastructure.

28. The relevant objectives of the policy are as follows:
    (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, particualry residential land.*
    (d) *Encourage environmental sustainability.*

Clause 22.13 – Residential built form policy

29. This policy applies to Residentially zoned land in areas not covered by a heritage overlay and refers to the Built Form Character Types as set out in the Built Form Character Maps in Clause 21.08. The subject site is located within an '*Inner Suburban Residential*' area. The relevant design objectives for this area are as follows:
    (a) Maintain the existing pattern of front setbacks.
    (b) Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.
    (c) Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.
    (d) Orient buildings at right angles to the street.
    (e) Provide front fencing that is open (unless the building is zero front setback).

Clause 22.16 – Stormwater management (water sensitive urban design)

30. This policy applies to applications for extensions to existing buildings which are 50 square metres in floor area or greater. The relevant objectives of this policy are:

    (a) To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:

        (i) Suspended Solids – 80% retention of typical urban annual load.

        (ii) Total Nitrogen – 45% retention of typical urban annual load.

        (iii) Total phosphorus – 45% retention of typical urban annual load.

        (iv) Litter 70% reduction of typical urban annual load.

    (b) To promote the use of water sensitive urban design, including stormwater re-use.

    (c) To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.

    (d) To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.

    (e) To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.

Advertising

31. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received seven objections, the grounds of which are summarised as follows:

    (a) Disruption from construction noise (construction hours);
    (b) Overlooking of POS;
    (c) Side and rear setbacks and building height;
    (d) Neighbourhood character, site coverage and garden area;
    (e) Walls on boundaries.

32. Following the submission of amended plans pursuant to Section 57A of the Act (on 24 May 2020), the application was advertised under the provisions of Section 57B by letters sent to surrounding owners and occupiers. Council received two additional submissions from an existing objector, which reiterated their concerns regarding construction hours.

33. Following the submission of additional amended plans (on 29 June 2020), the application was not advertised. The application was given a discretionary exemption at Council's Development Assessment Panel meeting held on 10 July 2020, on the basis that the proposed amendments would not result in any material detriment. A copy of the plans was circulated with the Planning Decisions Committee invitations. One objection was subsequently withdrawn.

Referrals

34. The application was not required to be referred to any external authorities under the Scheme.

35. The application was referred to Council's Urban Design Unit and Engineering Services Unit. Their comments are included as an attachment to the report.

OFFICER ASSESSMENT

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

    (a) Clause 54 – One dwelling on a lot
    (b) Objector concerns

    Clause 54 – One dwelling on a lot

37. Clause 54 comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following objectives are not relevant to this application:

    (a) A8 – Significant trees objectives – No significant trees affected;

38. The remaining objectives and standards are assessed in detail below:

    A1 – Neighbourhood character objective

39. The proposed dwelling will be in keeping with the character of the area. The dwelling has a front setback (the first floor balcony) that matches that of the two adjoining dwellings to the south and incorporates design elements that correspond with the double storey dwellings on the opposite side of Neptune Street. The dwelling will maintain a similar level of site coverage to the existing dwelling as well as other dwellings in the area. On-boundary construction is not uncommon in the area (given narrow lot sizes), and the proposed design responds to the sensitive interfaces to the north and south to ensure there will be no unreasonable offsite amenity impacts (as detailed further below). The objective is met.

40. As the subject site is not affected by a heritage overlay, the Built Form and Design Policy of Clause 22.10 and the Residential Built Form Policy of Clause 22.13 apply to the proposed development. Clause 21.08-10 (Central Richmond) identifies the site as being located in an "Inner Suburban Residential" area which is described under Clause 22.13-3.2 as being *built form dominated residential areas with small gardens (if any) and minimal front and side setbacks".* The policy sets out the following preferred design response objectives:

    (a) Maintain the existing pattern of front setbacks.

    (b) Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.

    (c) Where the general pattern of development includes gaps between buildings, include a side setback on at least one side of the building.

    (d) Orient buildings at right angles to the street frontage.

    (e) Provide front fencing that is open (unless the building is zero front setback).

    (f) On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent property.

41. As discussed above, the proposed dwelling will match the front setback of the adjoining dwellings to the south and will provide some landscaping within the front setback which is consistent with the predominant character of the area (which has little garden character). Whilst the dwelling is constructed boundary-to-boundary at the street frontage, the dwelling does incorporate central courtyards that provide a break from the development as viewed from the adjoining dwellings. The dwelling's presentation to the street will be similar to that of the double storey dwellings on the opposite side of Neptune Street which are oriented at right angles to the street, do not include any side setbacks and will be respectful of the fine grain pattern of the neighbourhood, as encouraged by Clause 22.10-3.2.

42. The height of the dwelling will be similar to that of the dwellings opposite and will provide a one storey transition to the adjoining dwellings. The proposed roof form will also be in keeping with the character of the wider area. The proposed front fence, whilst exceeding 1.5m in height, will be largely open and will provide an attractive and active interface with the public domain, as encouraged by Clause 22.10-3.4.

43. As discussed in further detail below, the dwelling will be designed to minimise stormwater runoff from the site and maximise the environmental sustainability of the dwelling as encouraged by Clause 22.10-3.5.

A2 – Integration with the street objective

44. The proposed dwelling will be oriented to face Neptune Street at a 90 degree angle, which complies with the standard. The dwelling incorporates a garage to the front façade, with access via a vehicle crossover from Neptune Street. Whilst this is not an ideal urban design outcome, as discussed in further detail below, this is considered to be an acceptable outcome in the context of the streetscape where front garages are common. The glazing to the front door, as well as the balcony at first floor, provide a positive contribution to the front façade and assist with passive surveillance of the street. Council's Engineering Services Unit found that the proposed garage and vehicle access would meet the design standards and therefore were supportive of this arrangement. As detailed above, they recommended that the garage entry clearance height be shown on the elevations. This will be required by condition should a permit be issued. Additionally, the Engineers stated that the redundant crossover would need to be reinstated as footpath and that the footpath may be required to be re-sheeted. These works do not require planning permission, however standard permit conditions would ensure that any damage to Council infrastructure must be repaired/rectified.

A3 – Street setback objective

45. The proposed dwelling will be set back from the Neptune Street frontage by between 2.785m (southern point of first floor balcony) and 5.503m, which matches the setback of the dwelling adjoining to the south.

46. The standard requires that for a site where there is an existing building on one abutting allotment and no existing building on the other abutting allotment facing the same street (and the site is not a corner), that the dwelling be set back from the front street the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. As the proposed dwelling will match the setback of the adjoining dwelling to the south, the proposal would comply with the standard. The objective is met.

A4 – Building height objective

47. The proposed dwelling will have a maximum overall height of 6.88m, which complies with the 9m maximum required by the standard. The objective is met.

A5 – Site coverage objective

48. The proposed development will have an overall site coverage of approximately 53%, which complies with the 60% maximum required by the standard. The objective is met.

A6 – Permeability objectives

49. The proposed plans show the dwelling will incorporate permeable surfaces totalling approximately 40% of the site, which would comply with the 20% minimum required by the standard.

50. Given the floor area of the dwelling exceeds 50sqm (at 163sqm), Clause 22.16 applies to the development. The development incorporates a 2,000L rainwater tank (connected to the toilets of the dwelling) in the northern courtyard of the dwelling as well as a 2sqm raingarden to the rear POS area. The accompanying STORM report shows these measures would result in a rating of 138%, which would achieve a best practice outcome for stormwater management as encouraged by Clause 22.16.

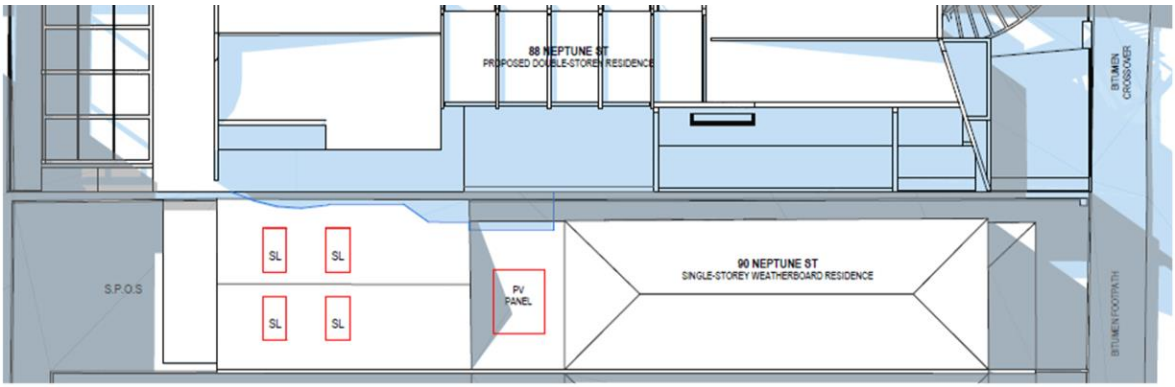
A7 – Energy efficiency protection objectives

51. The proposed dwelling will incorporate high levels of glazing at both ground and first floor, including north-facing windows which allow for adequate daylight and passive solar gains to habitable rooms. The rear sliding doors at ground floor can also be fully opened to allow for ventilation of the living room and kitchen/dining. As such, the proposal will result in a more energy efficient dwelling than that which currently exists on site. The plans and elevations however do not show the operability of the windows or doors, and a condition will require this be addressed with each habitable room to have an operable window. Additionally, the plans and elevations do not show any shading devices to the upper level eastern and western windows which would leave the upper level bedrooms vulnerable to excessive morning and afternoon sun in the hotter summer months and could decrease the thermal efficiency of the dwelling. As such, a condition will be added to any permit issued to require the eastern and western first floor windows be shaded.

52. Whilst the plans and Council's aerial imagery shows solar panels to the roof of no. 90 Neptune Street to the south, the proposal is not expected to overshadowing of these solar energy facilities. The solar panels are directly south of the dwelling, however given the central southern courtyard / light court and the upper level setback, these panels will not be overshadowed at the September Equinox. This is confirmed by the shadow diagrams provided, with the 3pm shadow shown in the image below.

Whilst the winter shadowing would likely result in shadows cast over these solar panels, on balance this is considered to be acceptable (as the reverse would be true in summer), particularly given the central solar facility would likely be overshadowed by the adjoining building itself. As such, the proposal will not reduce the energy efficiency of any adjoining dwellings and the objectives are met.

Shadow diagrams showing the shadows cast on 22 September would not overshadow the solar panels of no. 90 Neptune Street



A10 – Side and rear setbacks objective

53. The proposed dwelling will be setback from the northern, southern and western boundaries as shown in the table below:

Boundary	Proposed setback	Setback required	Complies?
North	• Northern courtyard wall (5.82m high): 1.63m – 1.84m	• 1.67m	• No
	• Northern first floor walls (5.92m – 6.87m high): 0.95m (front) – 1.18m (rear)	• 1.70m	• No
	• Rear pergola (2.57m high): 0.87m	• 1m	• No
South	• Southern courtyard wall (5.72m high): 2.51m	• 1.64m	• Yes
	• Rear southern first floor wall (5.80m high): 1.2m	• 1.66m	• No
	• Front raked southern first floor wall (4.60m - 5.99m high): 1.30m - 2.39m	• 1.30m – 1.72m	• No (curved façade encroaches within setback)
	• Rear pergola (2.57m high): 0.80m	• 1m	• No

West	• Western ground floor wall (2.87m high): 3.95m	• 1m	• Yes
	• Western first floor wall (5.77m – 6.36m high): 5.77m	• 1.65m – 1.83m	• Yes
	• Rear pergola (2.57m high): 0.96m	• 1m	• No

North

54. The proposed dwelling will have three separate elements with varied setbacks from the northern boundary. The proposed first floor walls to bedrooms of the dwelling will be set back from this boundary by between 0.95m (to the front of the dwelling) and 1.18m (to the rear), which would not comply with the 1.70m requirement of the standard. Additionally, the northern courtyard will be set back from this boundary by between 1.63m and 1.84m and will marginally encroach within the 1.67m minimum setback required by the standard. The rear pergola will be set back from the northern boundary by 0.87m, which also does not comply with the 1m minimum requirement of the standard. A variation to the standard is considered to be acceptable in the site's context. Whilst the dwelling will abut the rear POS areas of a row of five dwellings, given the narrow width and orientation of the subject site (with a sensitive interface to the south) the minimal non-compliances of the dwelling's setbacks are not considered to be unreasonable. The proposed wall heights are restrained, and the POS areas will remain unaffected on their eastern and western interfaces. Additionally, the more contemporary materials at first floor will be differentiated from those of the ground floor which will provide some articulation and break up the visual bulk of the double storey built form. The proposed pergola will only be 2.57m in height and will not have solid walls, which ensures that the visual bulk from this element is minimal. Furthermore, given the constrained inner city context of the site, variations to ResCode setbacks are common and the proposed dwelling is in keeping with the neighbourhood character.

West

55. As shown in the table above, the proposed dwelling will be set back from the western boundary to comply with the standard. The rear pergola to the proposed secluded POS area however will be set back from this boundary by 0.96m, which does not comply with the 1m minimum required by the standard. Given the site adjoining to the west does not include any POS areas, and that the pergola is only 2.57m in height (which would be compliant if it was built to the boundary), it is considered that this element would not result in any unreasonable visual bulk impacts to the adjoining residential building.

South

56. The proposed dwelling will have four separate elements with varied setbacks from the southern boundary of the site. As shown in the table above, the raked wall to the front section of the dwelling and the wall to the central southern courtyard of the dwelling, are both set back from the boundary to comply with the standard. Whilst the curved façade will project within the minimum setback required, and therefore would not comply with the standard, this element would be located opposite the northern wall of no. 90 Neptune Street and would not have any visual bulk impact to any habitable rooms or POS areas.

57. The wall to the rear first floor bedroom will be set back from this boundary by a minimum of 1.2m, which would not comply with the 1.66m minimum required by the standard. A variation is considered to be acceptable in the site's context given this wall will be entirely built opposite the rear extension of no. 90 Neptune Street (which is constructed to the boundary) and will not result in any visual bulk impacts to POS or habitable room windows.

58. The rear pergola will be set back from the southern boundary by 0.80m, which does not comply with the 1m minimum required by the standard. Whilst this element will be built opposite the rear POS area of no. 90 Neptune Street, given its height (only 2.57m) and that it has no walls, it is considered that this element would not result in any unreasonable visual bulk impacts.

59. The daylight impact of the dwelling on the habitable room windows of no. 90 Neptune Street will be assessed separately later in the report.

A11 – Walls on boundaries objective

60. The proposal incorporates walls on the northern and southern boundaries, as shown in the table below:

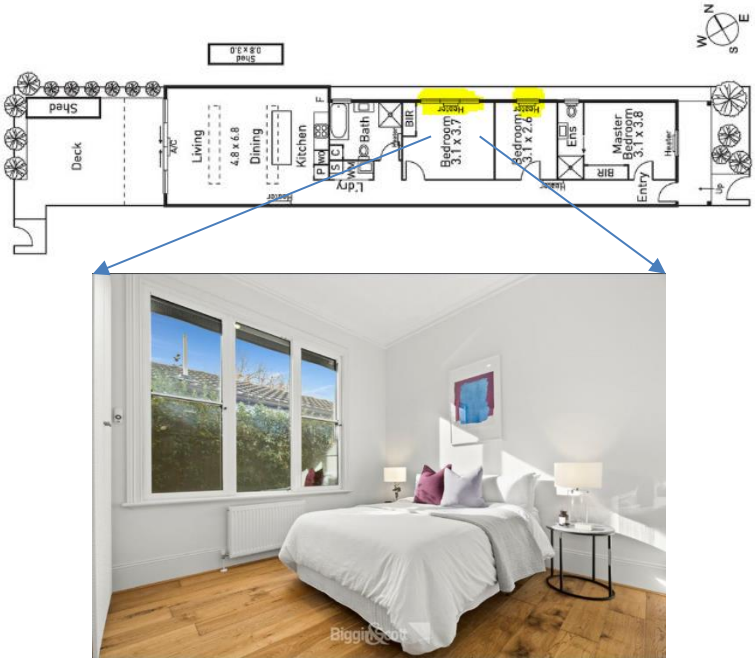
Boundary	Proposed total length	Maximum length requirement	Proposed height	Maximum height requirement	Complies ?
North	14.85m	15.06m	• Northern ground floor wall: 2.92m - 3.5m	• 3.6m overall / 3.2m average	• Yes
South	14.85m	15.06m	• Southern ground floor wall: 2.18m – 3.15m	• 3.6m overall / 3.2m average	• Yes

61. As shown in the table above, the proposed dwelling will be constructed to the northern and southern boundaries at ground floor and will comply with the maximum length and height requirements of the standard. The objective is met. The rear barbecue structure located to the southern boundary at the rear, and sections of the southern boundary wall, are shown to marginally project outside the southern boundary of the site on the ground floor plan and a condition will require that the development be shown entirely within the title boundaries of the subject site, should a permit be issued.

62. The overshadowing impact of the development on the POS areas of the adjoining properties is assessed below.

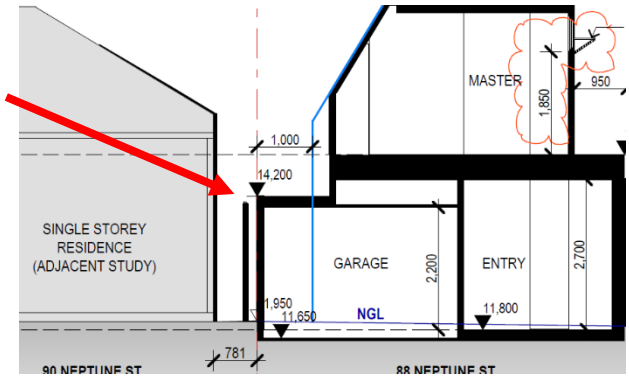
A12 & A13 – Daylight to existing windows objective & North-facing windows objective

63. The proposed dwelling will be built opposite the existing north-facing windows to the bedrooms of no. 90 Neptune Street (highlighted in the image below). Where opposite these windows, the dwelling will be partly constructed to the boundary at ground floor and partly set back (the central courtyard). At first floor the dwelling will have varying setbacks with the wall to the southern courtyard (which is within the 35 degree arc from the window pane) set back from the western-most habitable room window of no. 90 Neptune Street by 3.30m, which complies with the 2.86m (calculated as 50% of the wall height) minimum required by standard A12 (Daylight to existing windows).

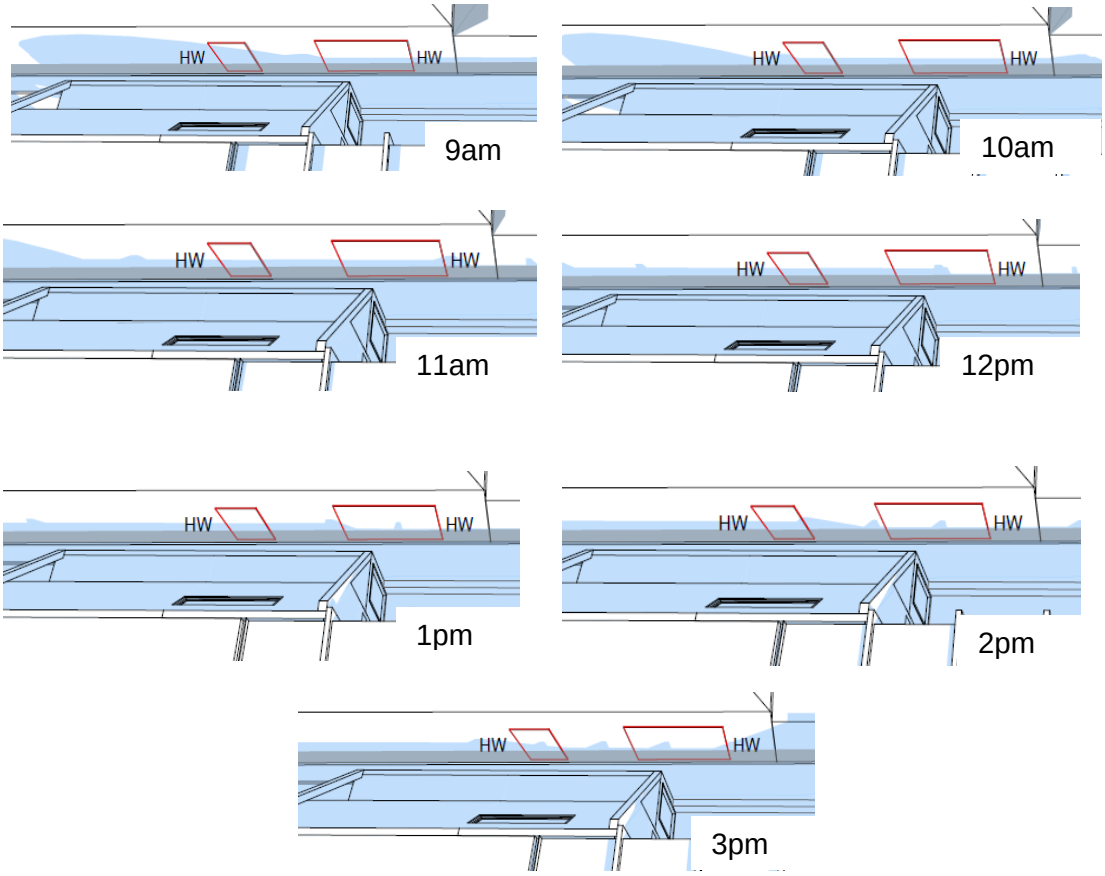


64. The front section of the dwelling, being constructed to the boundary at ground floor, will not comply with Standard A12 being between 0.79m – 3.17m from the eastern window of no. 90 Neptune Street opposite (less than the 1m – 3m minimum setback required) . Additionally, with a setback of between 0m to 2.39m from the southern boundary, the dwelling will not comply with Standard A13 (North-facing windows) which requires a minimum setback of between 1m – 2.38m. Variations to these standards are considered to be acceptable in the site's context. Firstly, given the minimum 1.3m setback and raked profile of the upper level (which is set back in line with the 2.38m minimum required at its highest point), the non-compliance with the standard is limited to the ground floor wall only. This wall is limited to 2.18m in height only, which as shown in the image below, only marginally exceeds the height of the existing boundary fence of the adjoining property and would therefore have a negligible impact on the window. As such, it is considered that the proposed boundary wall would not unreasonably reduce the daylight to the easternmost habitable room window of the adjoining dwelling. The ground floor plan includes a notation stating that the wall on boundary is 2.3m high however, which does not correspond with the heights shown on the elevations/sections. As such, a condition will require this be rectified.

The wall height only marginally exceeds the height of the boundary fence



65. As shown in the images below, the design of the dwelling with raked walls and upper level setbacks will minimise the impact on the solar access to the two habitable room windows opposite. The maximum impact would be at 9am, where the easternmost window would be largely overshadowed but the upper half of the westernmost window would still receive sunlight, and at all other hours of the day both windows are largely unaffected. As such, it is considered that the proposed dwelling would not unreasonably impact the amenity of the adjoining dwelling to the south. The objectives are met.



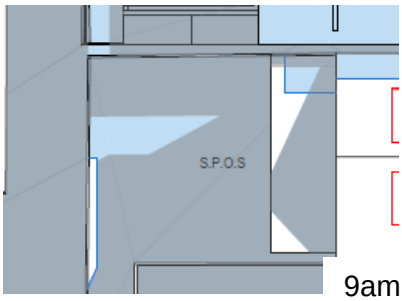
A14 – Overshadowing open space objective

66. The proposed ground and first floor addition would result in additional overshadowing of the rear POS area of no. 90 Neptune Street. The extent of this shadowing is shown in the table below:

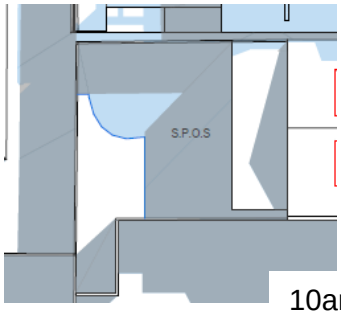
Time	**Additional overshadowing to 90 Neptune Street**	**Sunlight retained**	**Minimum sunlight requirement**
9am	2.50sqm	0.5sqm	16.5sqm
10am	2.0sqm	5.0sqm	16.5sqm
11am	0.50sqm	11.0sqm	16.5sqm
12pm	1.0sqm	14.0sqm	16.5sqm
1pm	0.3sqm	13.7sqm	16.5sqm
2pm	None	9.0sqm	16.5sqm
3pm	None	1.0sqm	16.5sqm

67. The proposed dwelling will result in additional overshadowing at each hour between 9am and 1pm, and given the POS area will not retain at least 5 hours with a minimum area of 16.5sqm of sunlight, the proposal will not comply with the standard.

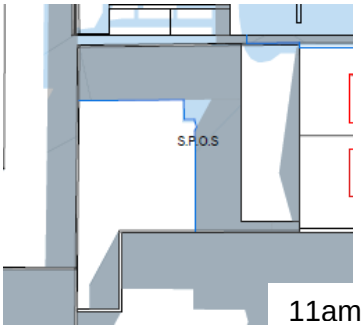
68. As shown in the table, the dwelling will result in between 0.3sqm (1pm) and 2.50sqm (9am) of additional shadows through the day and will have no shadow impact from 2pm onwards. A variation is considered to be acceptable in the site's context, given the minimal extent of additional shadowing and that the POS area will still receive a single area of sunlight of a minimum of 9sqm through the middle of the day (between 11am and 2pm), up to maximum of 14sqm in the afternoon. This equates to between 40% - 64% of the total POS in sunlight at those hours. This is considered to be a sufficient area of sunlight for the reasonable enjoyment of the space, particularly given the minimal variation from the existing conditions of the site. As can be seen in the below images, the adjoining secluded POS area is already predominantly overshadowed under existing conditions at 9am, and from 10am onwards the POS area will retain a single usable area of sunlight that will provide a reasonable area of amenity to the dwelling's occupants. As such, it is considered that the extent of shadowing proposed would be reasonable.



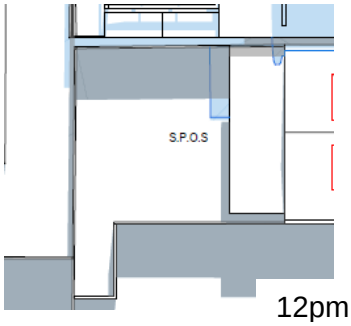
9am



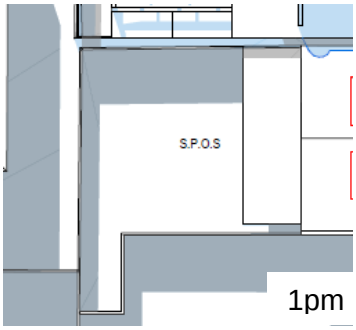
10am



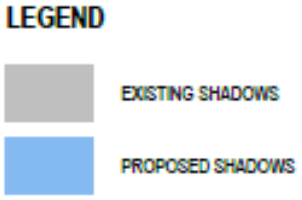
11am



12pm



1pm



69. Additionally, whilst it is considered that the POS area will receive sufficient sunlight, the dwelling is also within short walking distance of the public open space area of the Dame Nellie Melba Memorial Park (approximately 350m to the north-west). The objective is met.

A15 – Overlooking objective

70. The proposed dwelling will incorporate habitable windows and glazed doors at ground and first floor level, as well as a balcony to the front of the dwelling. Given the ground floor has a finished floor level of less than 0.8m above natural ground level (constructed below NGL) and the proposed ground floor windows/doors look out to the rear POS area and central courtyards, where boundary fencing provides a visual barrier above 1.8m in height (at a minimum of 2m high), the standard does not apply to these windows/doors.

71. At first floor, the dwelling incorporates north, south, east and west facing habitable room windows as well as the front balcony. The proposed eastern windows and front balcony look out to Neptune Street and whilst the balcony will be within 9m of the rear POS area of no. 34 Corsair Street, views to this space will be blocked by the fencing and rear shed of this dwelling. Additionally, given the limited size of this balcony (unlikely to be trafficked for long periods of time) and that its outlook is to the street frontage, it is considered that this element would not result in any unreasonable amenity impacts from overlooking.

72. The proposed western (rear) windows at first floor are shown on the first floor plan as being treated with obscure glazing to a height of 1.7m above the finished floor level to comply with the standard. The rear (west) elevation however does not show the height of the obscure glazing, and shows the southernmost window as being clear glazed (which would not comply with the standard. This will be addressed by condition should a permit be issued. Additionally, the operation of the windows is unclear and a further condition will require these to be shown as fixed to a height of 1.7m above the finished floor level.

73. The proposed northern windows at first floor are treated with both obscure glazing and fixed louvres to a minimum height of 1.85m, which exceeds the 1.7m minimum height required by the standard and therefore complies. The master bedroom and study also have northern highlight windows that have a minimum sill height of 1.85m and also comply with the standard. The southern windows at first floor are to bathrooms and the bridge corridor and staircase only (non-habitable rooms). Whilst some views may be possible out of the windows to the staircase from the study (which is a habitable room), these windows are screened with obscure glazing and fixed louvre screening to comply with the standard. The objective is met.

A16 – Daylight to new windows objective

74. The proposed dwelling incorporates habitable room windows that will all be clear to the sky to an area of over 3sqm. The northern master bedroom windows at first floor however, are not clear with a minimum dimension of 1m within the boundaries of the subject site and therefore do not comply with the standard (being set back from this boundary by 0.95m). A variation to the standard is considered to be acceptable in the context of the site. These windows are proposed to be screened to a minimum height of 1.85m, and therefore are effectively highlight windows only and importantly the master bedroom's primary outlook is to the east where eastern windows and a door would provide adequate daylight to the bedroom. The objective is met.

A17 – Private open space objective

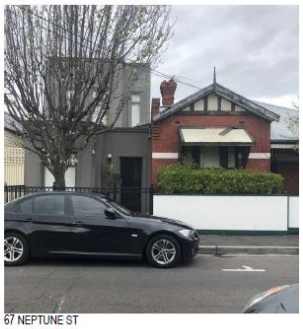
75. The proposed dwelling incorporates approximately 55sqm of POS, of which approximately 27sqm will be secluded (with a minimum dimension of over 3m). This complies with the 40sqm total minimum requirement, as well as the 25sqm minimum secluded POS required by the standard. The objective is met.

A18 – Solar access to open space objective

76. The proposed rear secluded POS area will be oriented to the north and will be unobstructed by on-boundary construction along this northern interface, and with a depth of 6.74m will receive sufficient solar access for the reasonable enjoyment of the space. The objective is met.

A19 – Design detail objective

77. The proposed development will be complementary to the character of the neighbourhood, in form and material. As discussed earlier in the report, the dwelling will match (in part) the front setback of the adjoining pair of dwellings to the south. The curved double storey form of the front of the dwelling will complement those of the double storey dwellings on the opposite side of Neptune Street, and as shown below, garages and balconies to the front of dwellings are not uncommon in the surrounding area.



78. Whilst Council's Urban Design Unit raised some concerns regarding the level of variation in materials, this concern relates to the rear portions of the dwelling rather than the street frontage. The Urban Designers were supportive of the dwelling's presentation to the street and the overall form and massing proposed. Given the concerns regarding the variation of materials are limited to the rear portions of the dwelling only, and these sections of the dwelling will have very limited visibility from Neptune Street (on oblique angles only), it is considered that the proposal is acceptable in the context and no material changes should be required by condition. The objective is met.

A20 – Front fences objective

79. The proposed development incorporates a front fence that is to be 1.55m high, which would not comply with the 1.5m maximum required by the standard. A variation is considered to be appropriate in the site's context, where high fencing and hard interfaces to Neptune Street are common (as shown in the image below).

The adjoining dwelling to the immediate north of the site is oriented to front onto Corsair Street, and has high boundary fencing and outbuildings constructed along the Neptune Street frontage of the site.

80. The proposed front fence will be well below the height of the adjoining shed/fencing and will provide a transition to the fences of the dwellings adjoining to the south. Additionally, the proposed fence will provide a level of transparency (shown in the image below) which further improves the dwellings interface to the street. The objective is met.

Objector concerns

81. Many of the objector issues have been discussed within the body of the report. Outstanding issues raised are as follows:

(a) Disruption from construction noise / construction hours

82. Whilst a condition limiting construction hours would be included on the permit should one be issued, disruption from construction noise and consideration of amenity impacts from varying construction hours are not relevant for assessment under the Yarra Planning Scheme. Construction hours are governed by Council's local laws and are therefore not assessed in the body of this report.

Other matters

83. The plans provided show deep planting zones within the central courtyards and rear POS area of the dwelling, with the northern elevation showing large trees to provide some separation between the subject site and the dwellings adjoining to the north. No detail has been provided on the species or size of vegetation proposed in these areas and a condition will require a landscape plan be provided should a permit be issued.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant policies, that the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0924 for construction of a new dwelling at 88 Neptune Street, 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 but modified to show:

    (a) All proposed works (e.g. southern boundary walls) shown clearly located within the title boundaries of the subject site on the ground floor plan.
    (b) The height of the easternmost section of the southern boundary wall shown consistently on the ground floor plan and the southern elevation (i.e. 2.18m high).
    (c) The clearance height of the garage entry dimensioned on the eastern elevation.
    (d) The operation of windows and doors shown on the proposed elevations, with each habitable room shown to have access to an operable window.
    (e) The rear first floor windows shown as being fixed to a minimum height of 1.7m.
    (f) The southernmost rear first floor window treated to comply with Standard A15 (Overlooking) of Clause 54.04 of the Yarra Planning Scheme.
    (g) The eastern and western first floor windows provided with a shading device.

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

3. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

    (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
    (b) indicate the location of all areas to be covered by lawn or other surface materials; and
    (c) provide a specification of works to be undertaken prior to planting,

    to the satisfaction of the Responsible Authority.

4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

5. 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.

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

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

7. 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.

8. This permit will expire if:

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

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

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

CONTACT OFFICER: **Daniel Goode**
TITLE: **Statutory Planner**
TEL: **03 9205 5171**

Attachments
1 PLN19 0924 - 88 Neptune Street Richmond - Decision Plans
2 PLN19/0924 - 88 Neptune Street Richmond - Subject Land
3 PLN19/0924 - 88 Neptune Street Richmond - Engineering Referral Response
4 PLN19/0924 - 88 Neptune Street Richmond - Urban Design Referral Response

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans

88 NEPTUNE ST, RICHMOND
TOWN PLANNING

LAYOUT ID:	LAYOUT NAME
A1	PROPOSED GROUND FLOOR PLAN
A2	PROPOSED FIRST FLOOR PLAN
A3	PROPOSED ELEVATIONS
A4	PROPOSED ELEVATIONS
A5	PROPOSED DOOR SCHEDULE
A6	PROPOSED WINDOW SCHEDULE 1
A7	PROPOSED WINDOW SCHEDULE 2
TP00	TITLE PAGE
TP01	SITE INFORMATION
TP02	NEIGHBOURHOOD & SITE DESCRIPTION
TP03	NEIGHBOURHOOD CHARACTER
TP04	NEIGHBOURHOOD CHARACTER
TP05	PLANNING CONTROLS
TP06	PLANNING CONTROLS
TP07	SITE SURVEY
TP08	SITE LOCATION PLAN
TP09	EXISTING CONDITIONS PLAN
TP010	PROPOSED GROUND FLOOR PLAN
TP011	PROPOSED FIRST FLOOR PLAN
TP012	PROPOSED ROOF PLAN
TP013	SITE MASSING DIAGRAMS
TP014	PROPOSED ELEVATIONS
TP015	PROPOSED ELEVATIONS
TP016	PROPOSED SECTIONS
TP017	OVER-LOOKING/SCREENING SECTION
TP018	EXTERIOR PRESPECTIVE
TP019	EXTERIOR PRESPECTIVE
TP020	SHADOW DIAGRAMS 9AM
TP021	SHADOW DIAGRAMS 9AM
TP022	SHADOW DIAGRAMS 10AM
TP023	SHADOW DIAGRAMS 10AM
TP024	SHADOW DIAGRAMS 11AM
TP025	SHADOW DIAGRAMS 11AM
TP026	SHADOW DIAGRAMS 12PM
TP027	SHADOW DIAGRAMS 12PM
TP028	SHADOW DIAGRAMS 1PM
TP029	SHADOW DIAGRAMS 1PM
TP030	SHADOW DIAGRAMS 2PM
TP031	SHADOW DIAGRAMS 2PM
TP032	SHADOW DIAGRAMS 3PM
TP033	SHADOW DIAGRAMS 3PM
TP034	NORTH OVERLOOKING STUDY - AXO
TP035	NORTH OVERLOOKING STUDY - 28 CORSAIR ST
TP036	NORTH OVERLOOKING STUDY - 32 CORSAIR ST
TP037	NORTH OVERLOOKING STUDY - 30 CORSAIR ST
TP038	NORTH OVERLOOKING STUDY - SCREENING DETAIL

NOTES:
1. These areas are indicative only and subject to council and other requisite approval. Areas are not to be used for marketing purposes.
2. This scheme has been prepared generally within the bounds of the current site dimensions however is subject to detailed discussion with council, hence may be subject to change once advice is received.
3. This design has been prepared without structural or services engineering input hence is subject to change once advice is received.
4. The information contained herein is believed to be correct at time on preparation based on the information available at time of preparation. Recipients must make their own investigations to satisfy themselves in all aspects.
5. The design and accompanying documentation contained herein is and remains the intellectual property of Richard A Woodward Architect.

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P: 0422 629 318 E: richardw@re2architecture.com
ABN: 74821905764 ARBV no: 18290

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CLIENT: Graeme and Bettina Chipp
1A Railway Place
Hawthorn 3122

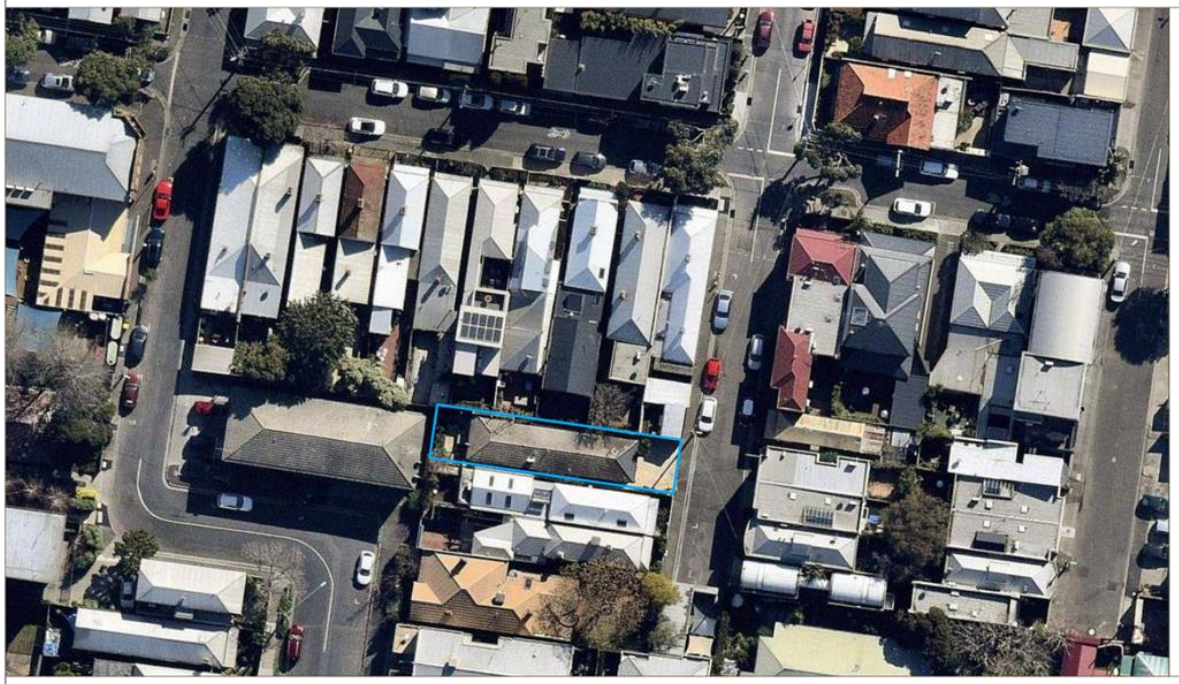
PROJECT: Proposed Residence

DRAWING: TITLE PAGE

PROJECT No. 19006
DATE: 28/06/2020

DRAWING No. TP00
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans



Address:
88 Neptune Street, Richmond VIC 3121

Zoning Classification:
General Residential Zone GRZ2

Planning Overlays:
None

Site Area:
202m^2

Notes:
Narrow, inner-city block with a mixed variety of surrounding building types and scales ranging from single-storey workers cottages to industrial-style two-storey blocks.

Aerial view of subject site

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CLIENT: Graeme and Bettina Chipp
1A Railway Place
Hawthorn 3122

PROJECT: Proposed Residence

DRAWING: SITE INFORMATION

PROJECT No. 19006
DRAWING No. TP01
DATE: 28/06/2020
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans

NEIGHBOURHOOD & SITE DESCRIPTION

88 Neptune St, Richmond

Site Description

The site is a small lot positioned within a well established medium-high density residential environment.
The street frontage is 6.65m wide while the rear (Western) frontage is 6.74 wide.
The side boundaries are 30.3m to the north and 30.25m to the south.
The total site area is 202m^2.
There is minimal fall to the site, rising from the East (Street) to the west.

There are no trees of significance on the site.
Currently the site is occupied by a single, single-level painted brick residence. There is limited landscaping currently, and the street frontage is dominated by an open carparking space due to the lack of any formal fence or gate.

Character of the area

Because this area used to be a manufacturing and commercial part of Melbourne, there is still evidence of these past usages in some of the structures along Neptune Street, featuring robust, solid building forms. Examples of these close to the subject site include numbers 93, 95 and 97 Neptune St (directly across from the subject site), and number 36A on the nearby street corner with Crossair St.
Generally, lot sizes in this area are long and narrow, which tends to favour townhouse and vertical living style dwellings.
There are also a number of multi-unit developments nearby to the site, including 77 Fraser St to the rear of the site.

Services and facilities within close proximity include

The subject site is located within 800m of the busy Bridge RD shopping strip with cafes, restaurants and supermarkets. It is also within close proximity to Bridge RD trams and Burnley train station.

Design Response

The proposed residence has been designed to present as two building forms, connected by a central glazed bridge in the middle. This presents as a much smaller and less imposing massing when viewed from the North, almost as if it is two separate buildings. In addition to this, central courtyards to the North and south of the glazed link are deep planting zones suitable for 3-4m high mature trees to further soften the proposal's interface to adjacent properties.

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CLIENT: Graeme and Bettina Chipp
1A Railway Place
Hawthorn 3122

PROJECT: Proposed Residence

DRAWING: NEIGHBOURHOOD & SITE DESCRIPTION

PROJECT No. 19006
DATE: 28/06/2020

DRAWING No. TP02
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans

NEPTUNE ST - EAST

NEPTUNE ST - WEST

NEPTUNE ST - EAST

NEPTUNE ST - WEST

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CLIENT: Graeme and Bettina Chipp
1A Railway Place
Hawthorn 3122

PROJECT: Proposed Residence

DRAWING: NEIGHBOURHOOD CHARACTER

PROJECT No. 19006
DRAWING No. TP03
DATE: 28/06/2020
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans

47 NEPTUNE ST

48 NEPTUNE ST

67 NEPTUNE ST

42 CORSAIR ST

13 CORSAIR ST

NEPTUNE ST END

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CLIENT: Graeme and Bettina Chipp
1A Railway Place
Hawthorn 3122

PROJECT: Proposed Residence

DRAWING: NEIGHBOURHOOD CHARACTER

PROJECT No. 19006
DRAWING No. TP04
DATE: 28/06/2020
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans

PROPERTY DETAILS

Address:	**88 NEPTUNE STREET RICHMOND 3121**
Lot and Plan Number:	**Lot 1 TP689981**
Standard Parcel Identifier (SPI):	**1\TP689981**
Local Government Area (Council):	**YARRA** www.yarracity.vic.gov.au
Council Property Number:	**201970**
Planning Scheme:	**Yarra** planning-schemes.delwp.vic.gov.au/schemes/yarra
Directory Reference:	**Melway 2H D8**

UTILITIES

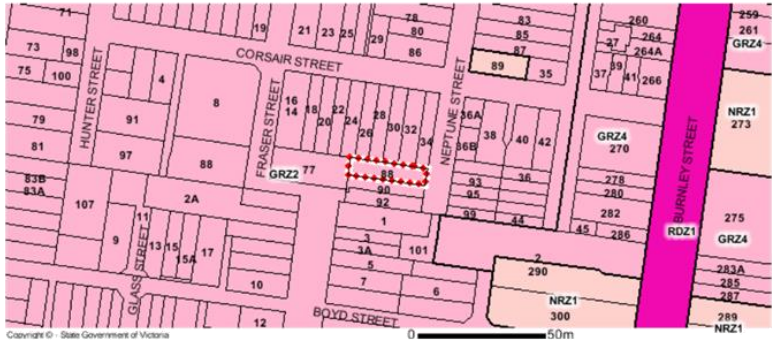
Rural Water Corporation:	**Southern Rural Water**
Melbourne Water Retailer:	**City West Water**
Melbourne Water:	**inside drainage boundary**
Power Distributor:	**CITIPOWER**

STATE ELECTORATES

Legislative Council:	**NORTHERN METROPOLITAN**
Legislative Assembly:	**RICHMOND**

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)
GENERAL RESIDENTIAL ZONE - SCHEDULE 2 (GRZ2)



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GRZ - General Residential | NRZ - Neighbourhood Residential | RDZ1 - Road - Category 1

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlay

None affecting this land - there are overlays in the vicinity
DESIGN AND DEVELOPMENT OVERLAY (DDO)
HERITAGE OVERLAY (HO)

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DDO - Design and Development | HO - Heritage

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.

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CLIENT: Graeme and Bettina Chipp
1A Railway Place
Hawthorn 3122

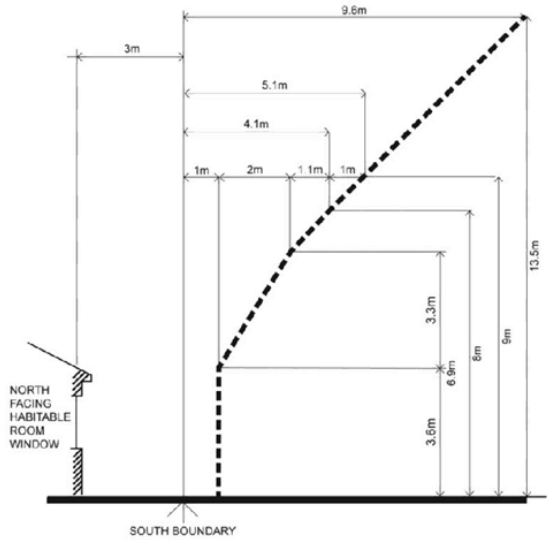
PROJECT: Proposed Residence

DRAWING: PLANNING CONTROLS

PROJECT No. 19006
DRAWING No. TP05
DATE: 28/06/2020
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans

Diagram B3 North-facing windows



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

55.04-5 19/01/2006 VC37

Overshadowing open space objective

To ensure buildings do not significantly overshadow existing secluded private open space.

Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.

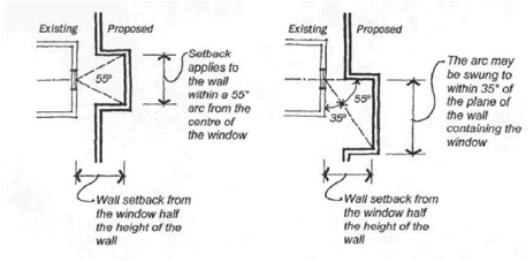
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

55.04-4 10/12/2013 VC99

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

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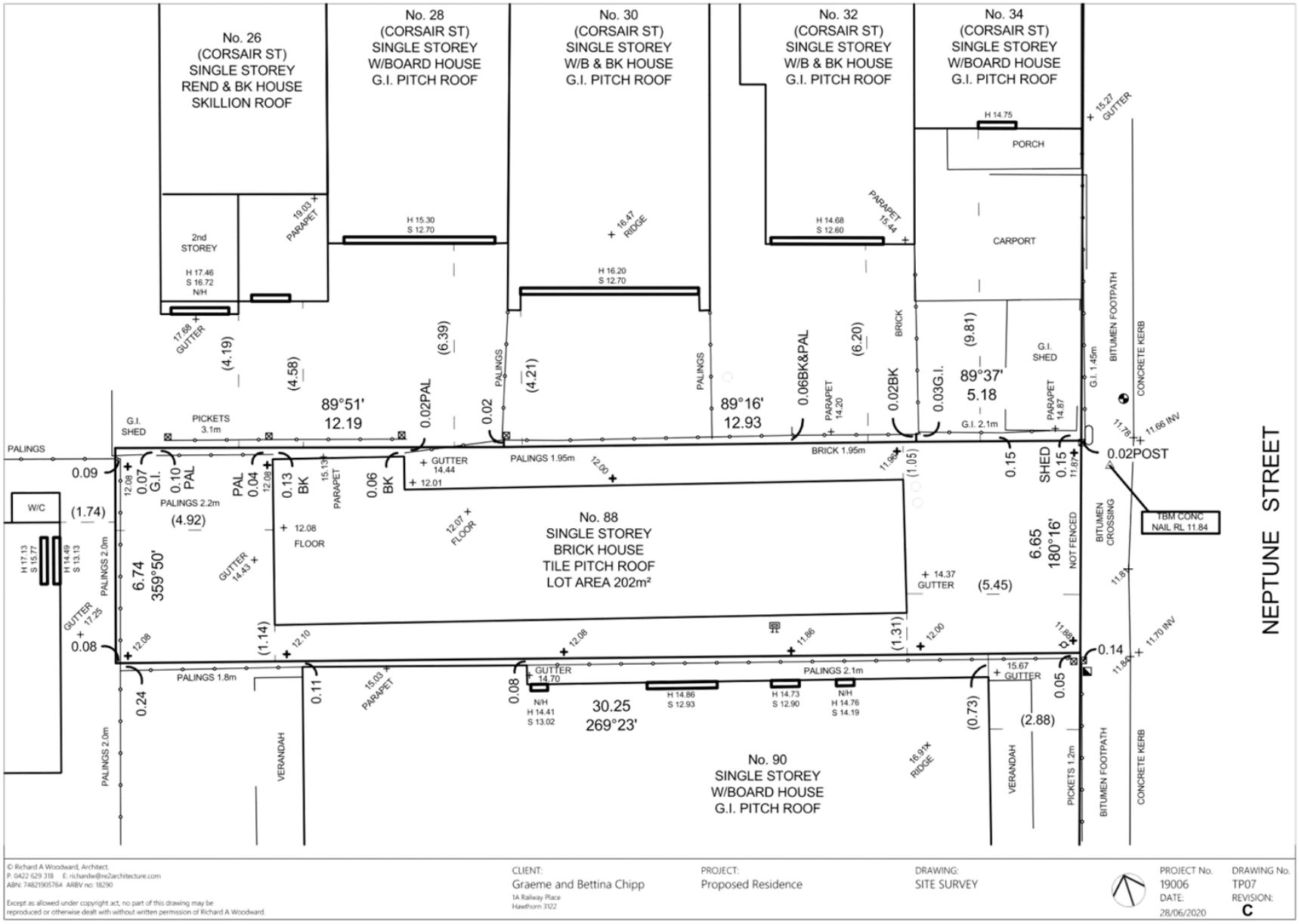
1A Railway Place
Hawthorn 3122

PROJECT: Proposed Residence

DRAWING: PLANNING CONTROLS

PROJECT No. 19006
DRAWING No. TP06
DATE: 28/06/2020
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans



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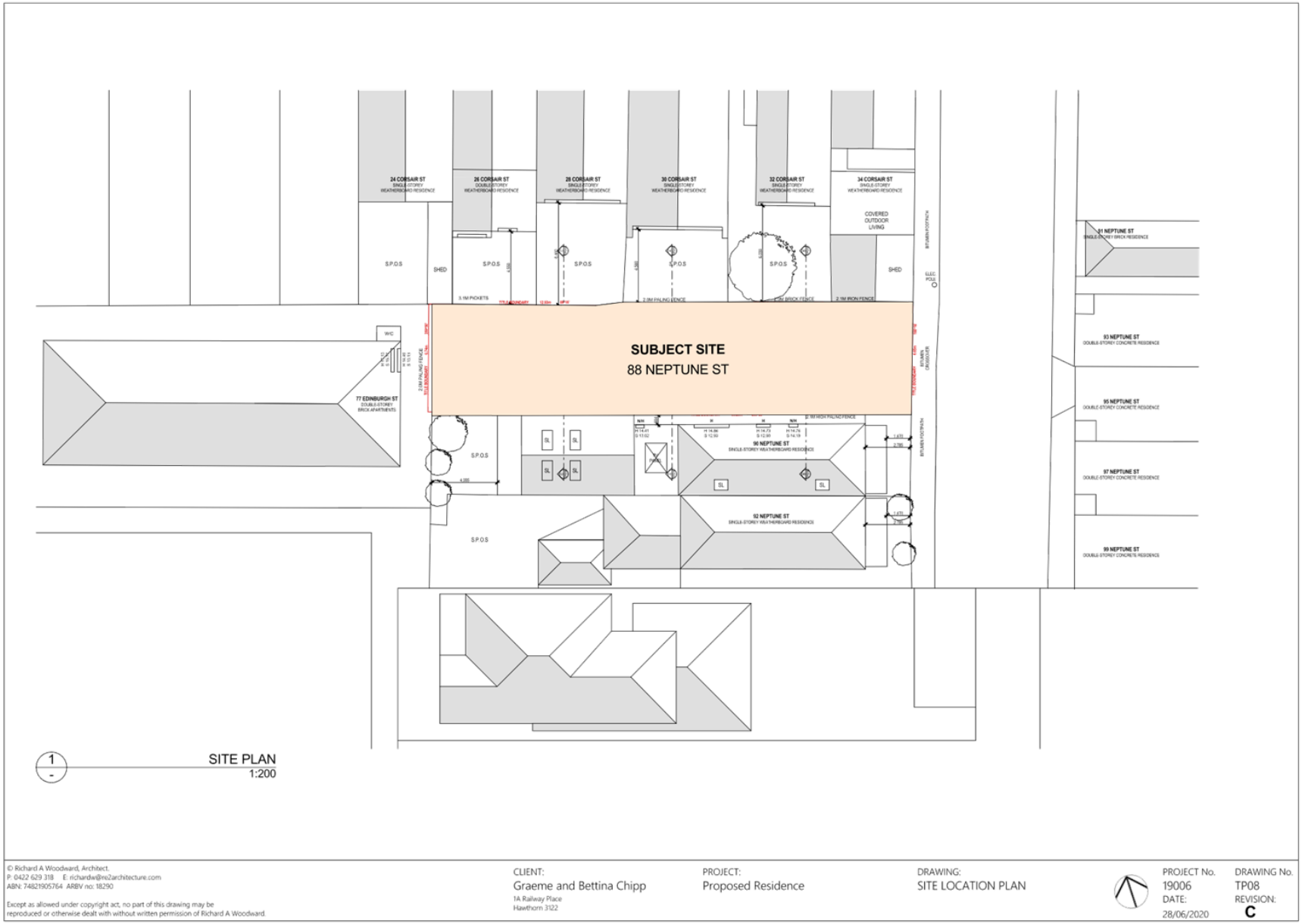

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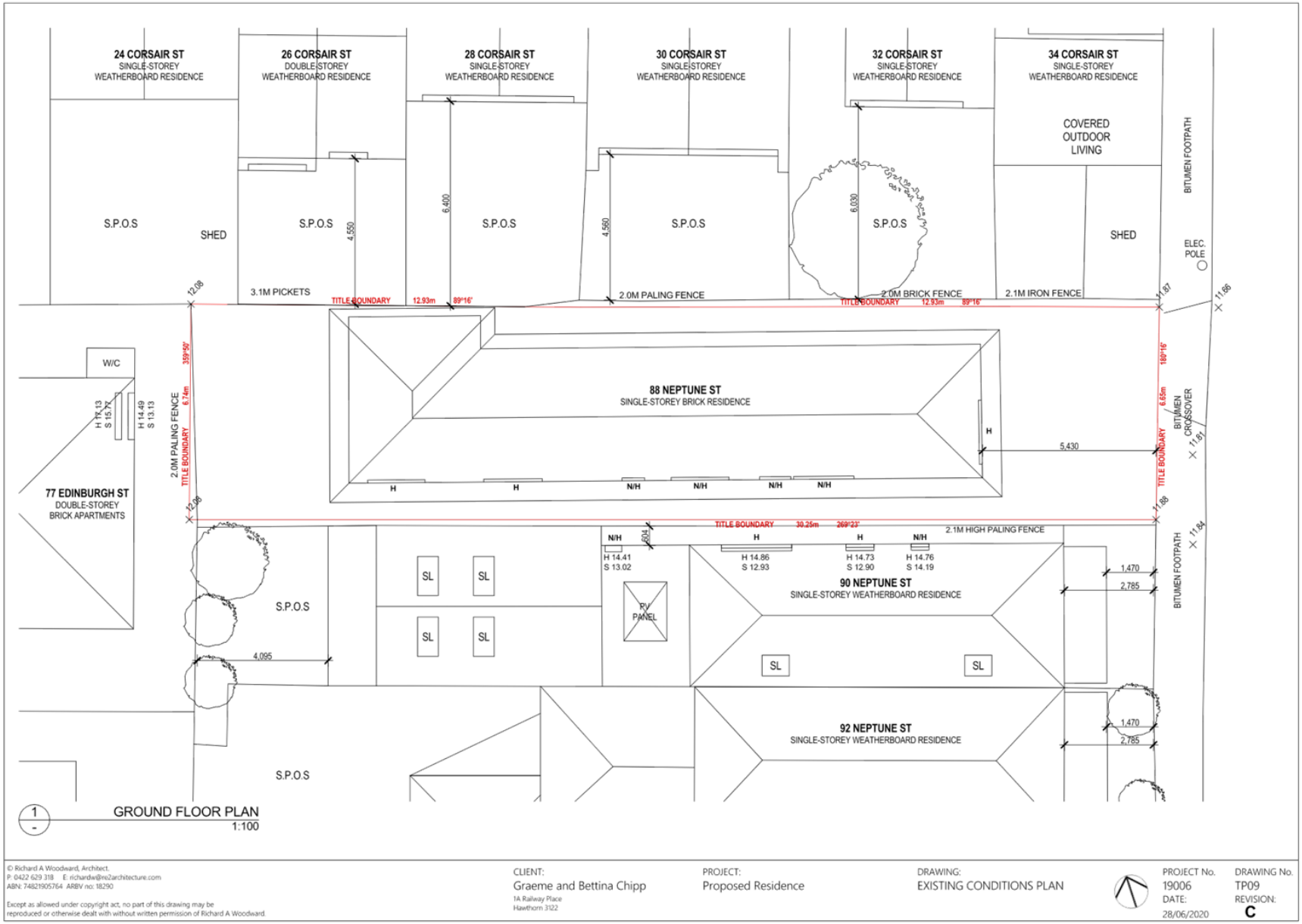

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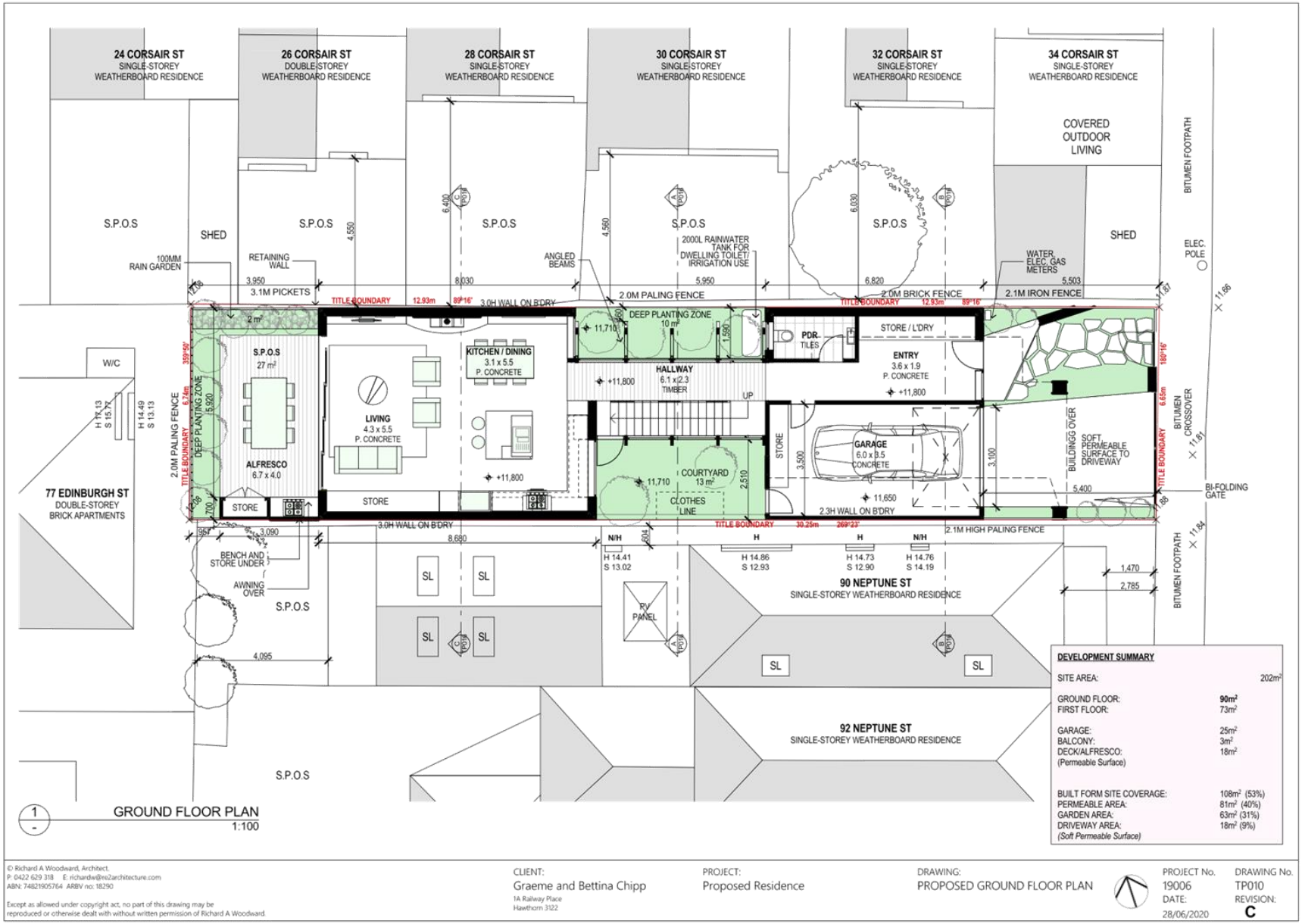

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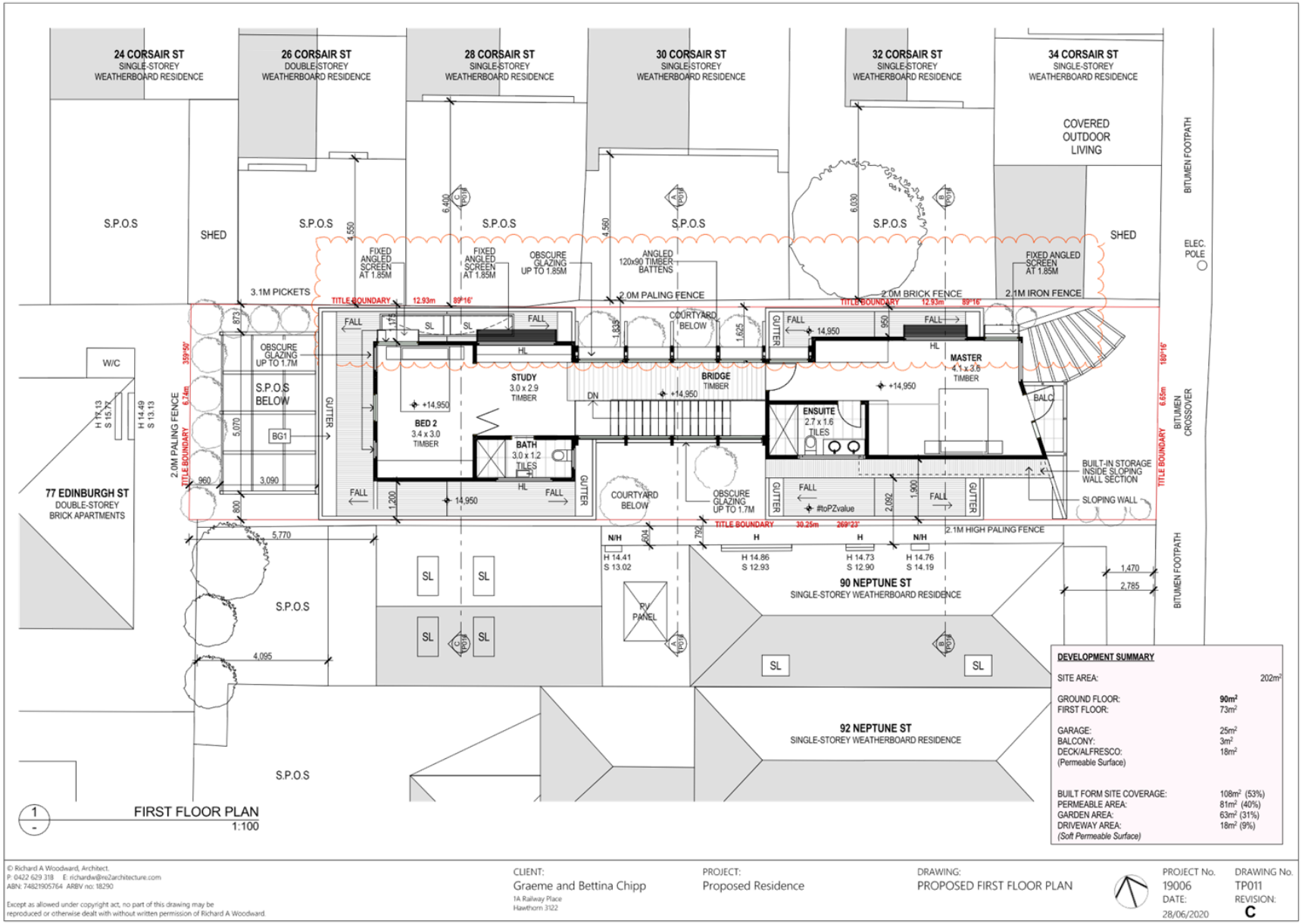

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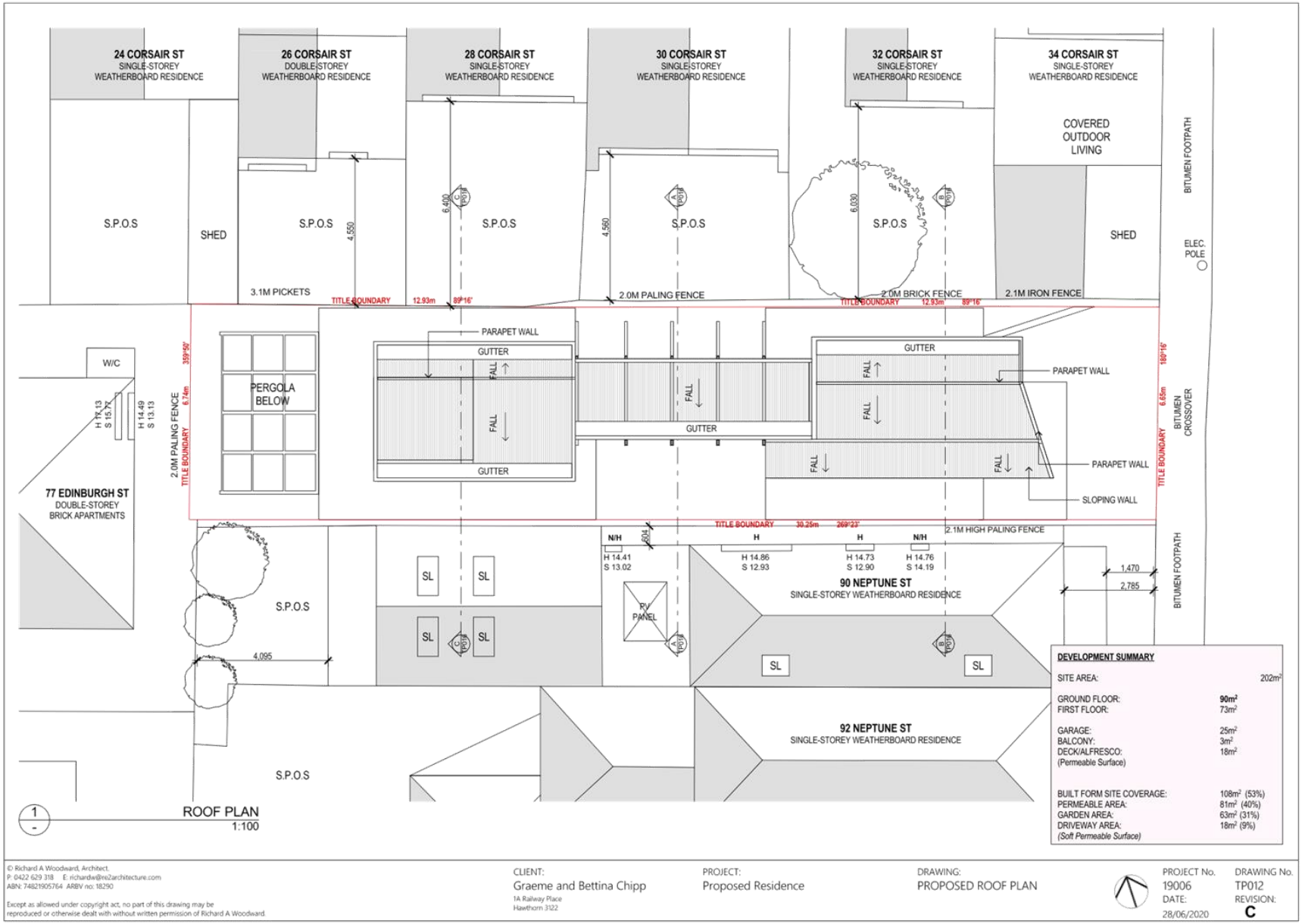

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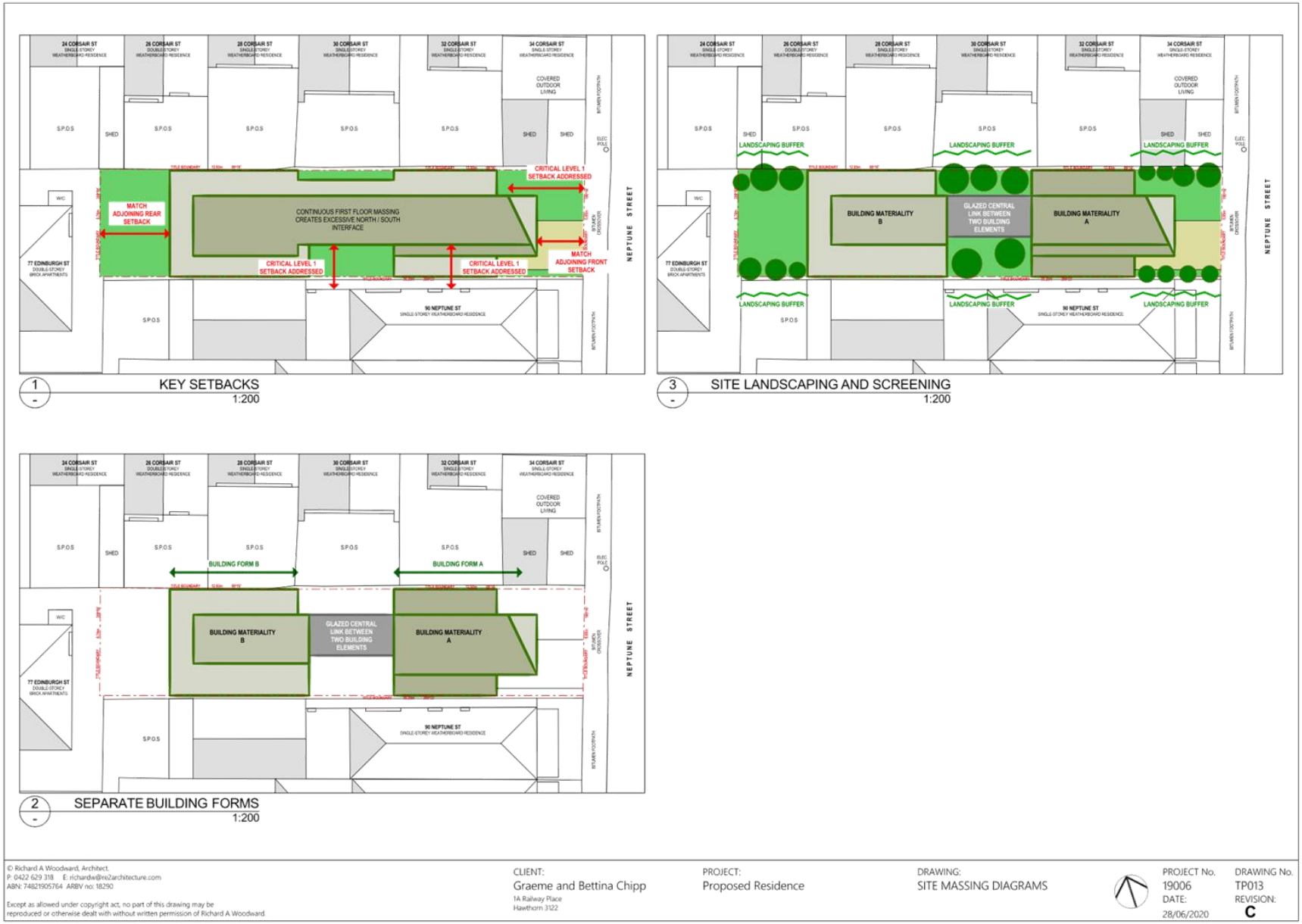

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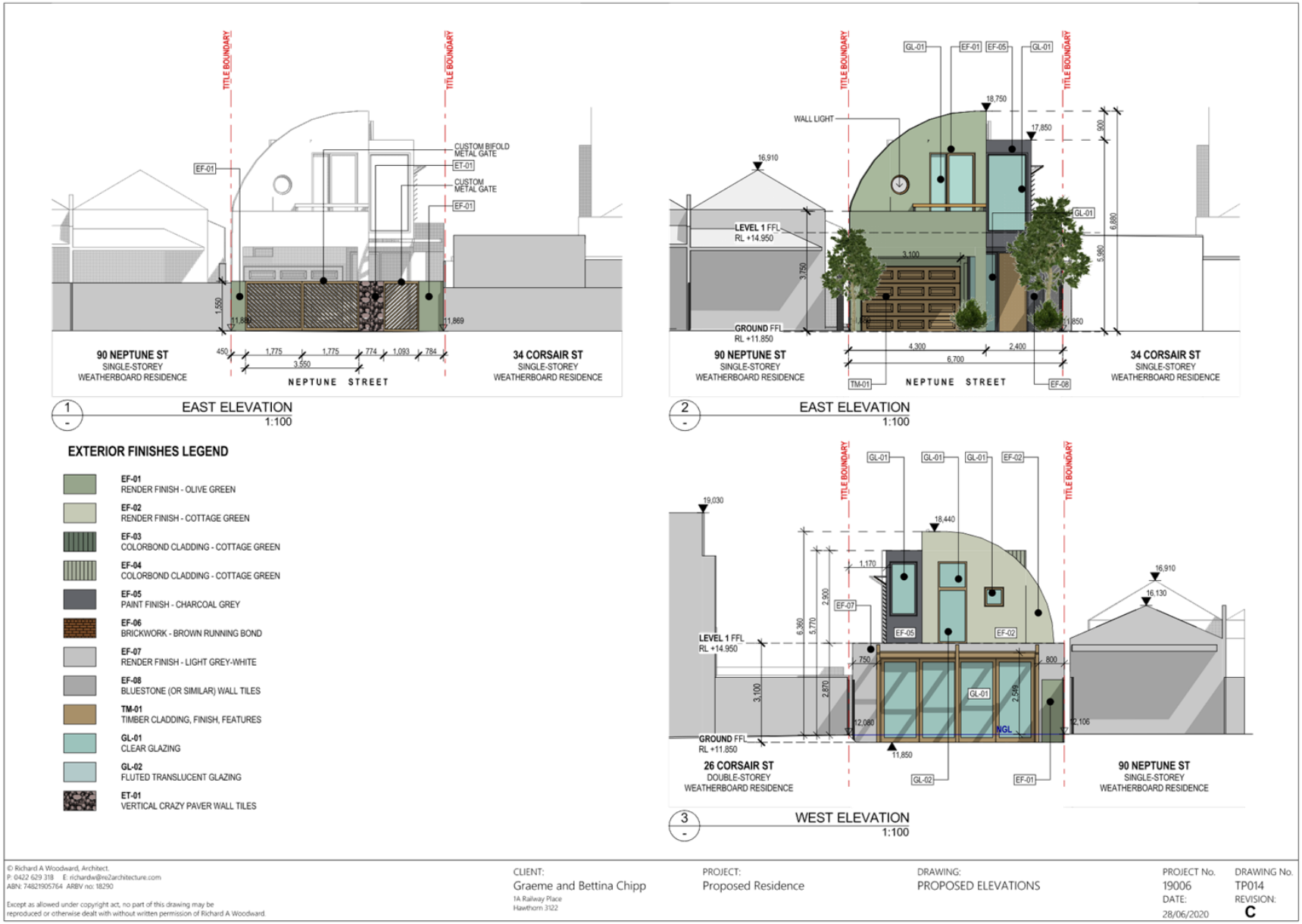

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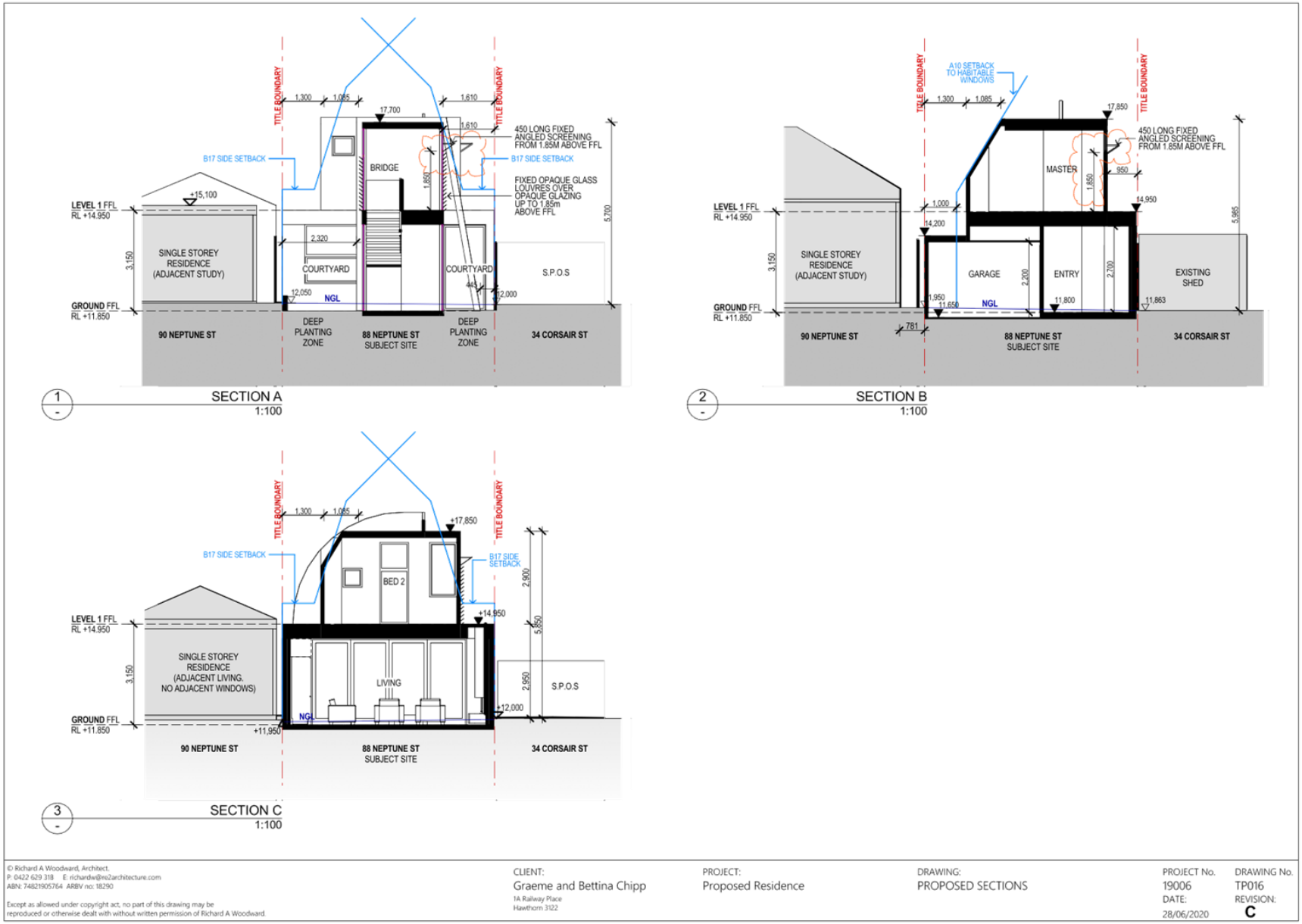

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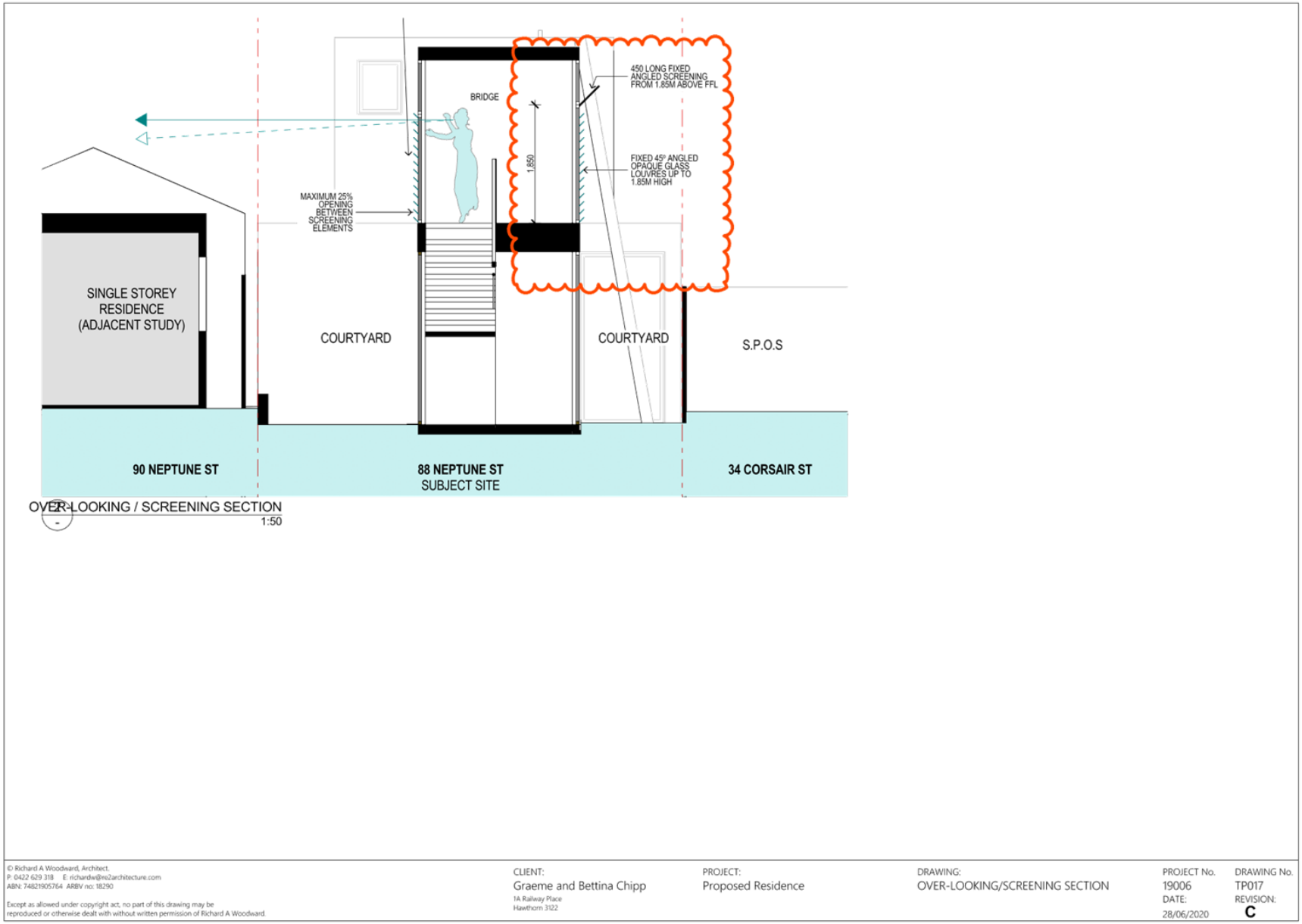

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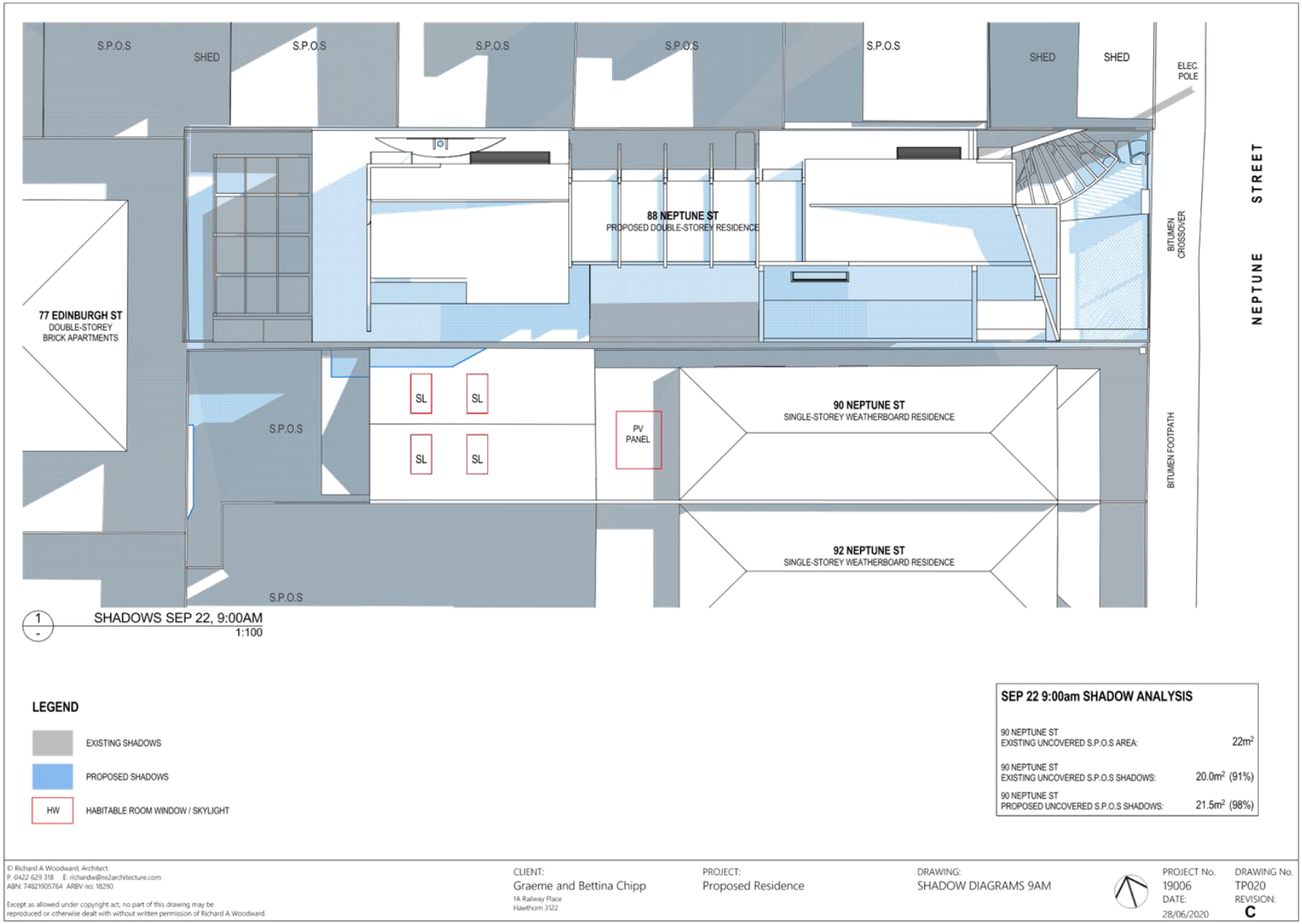

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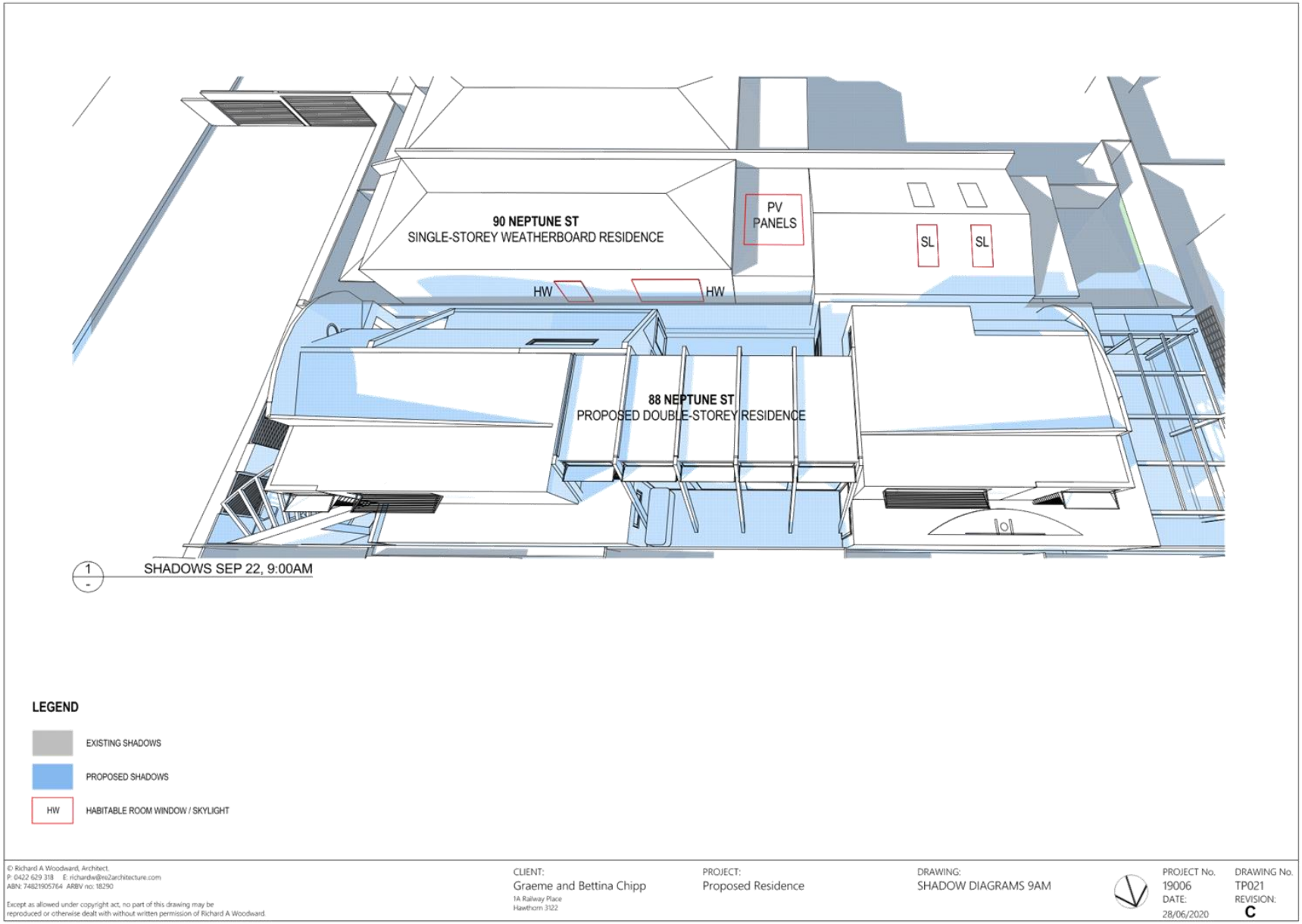

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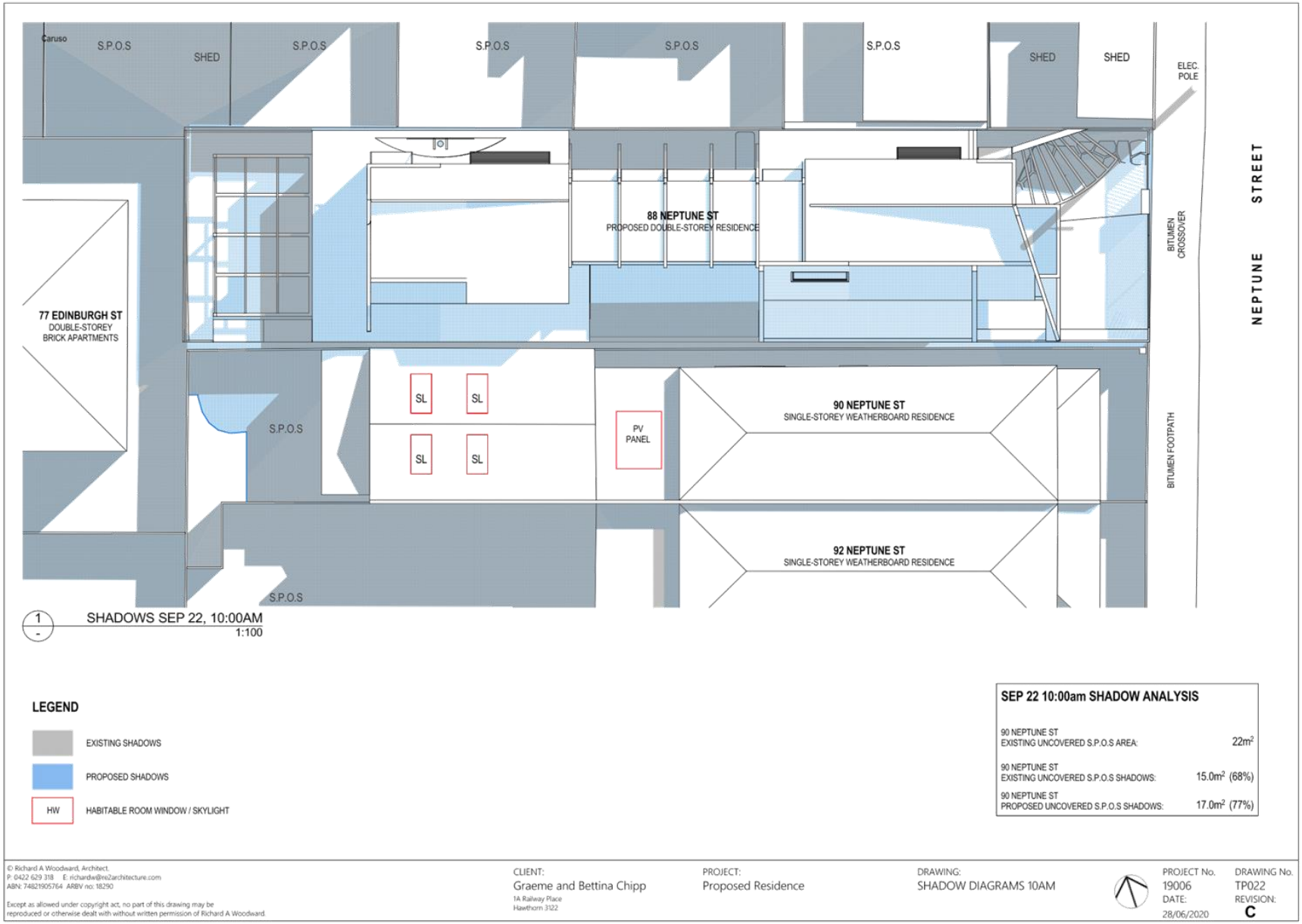

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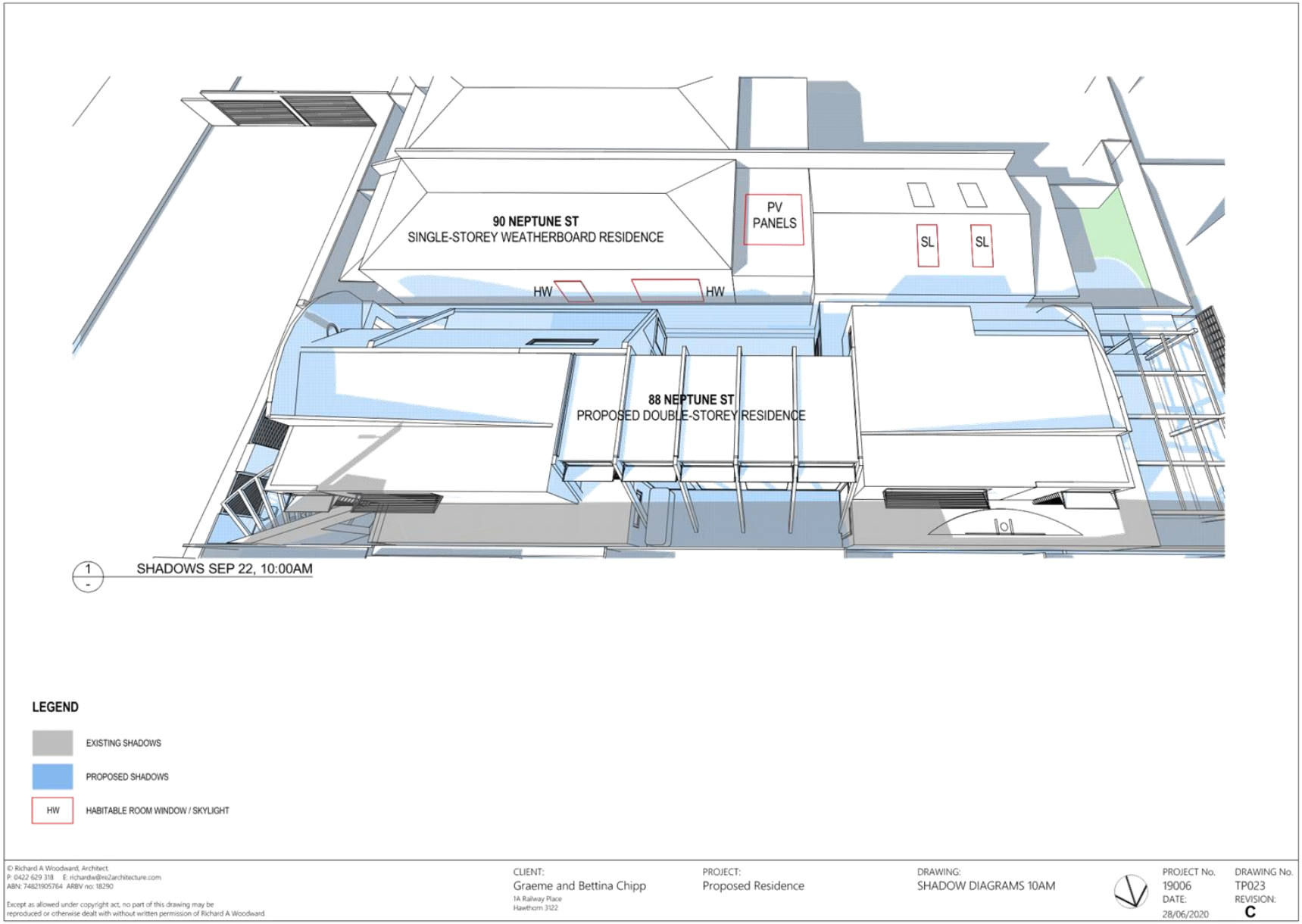

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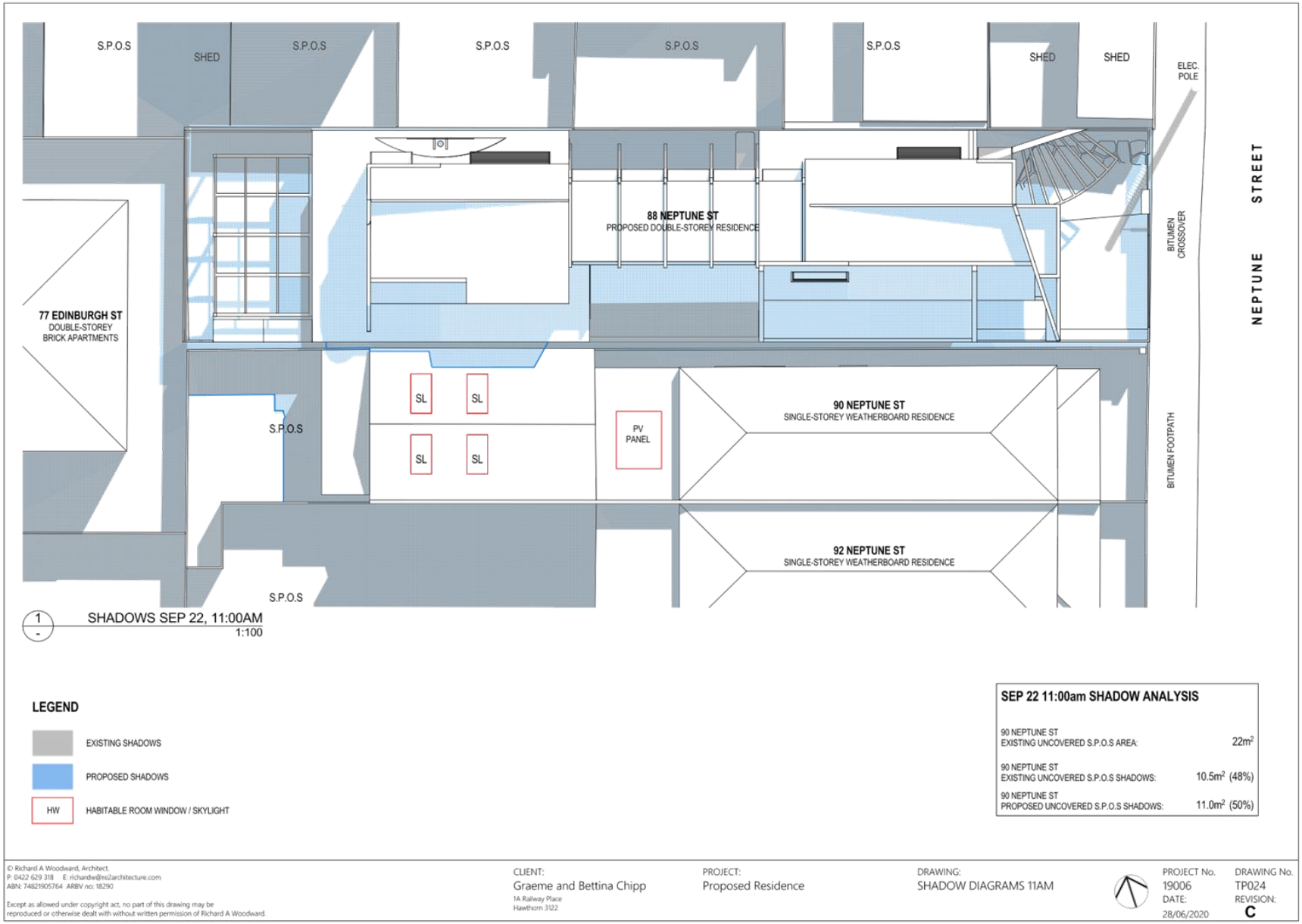

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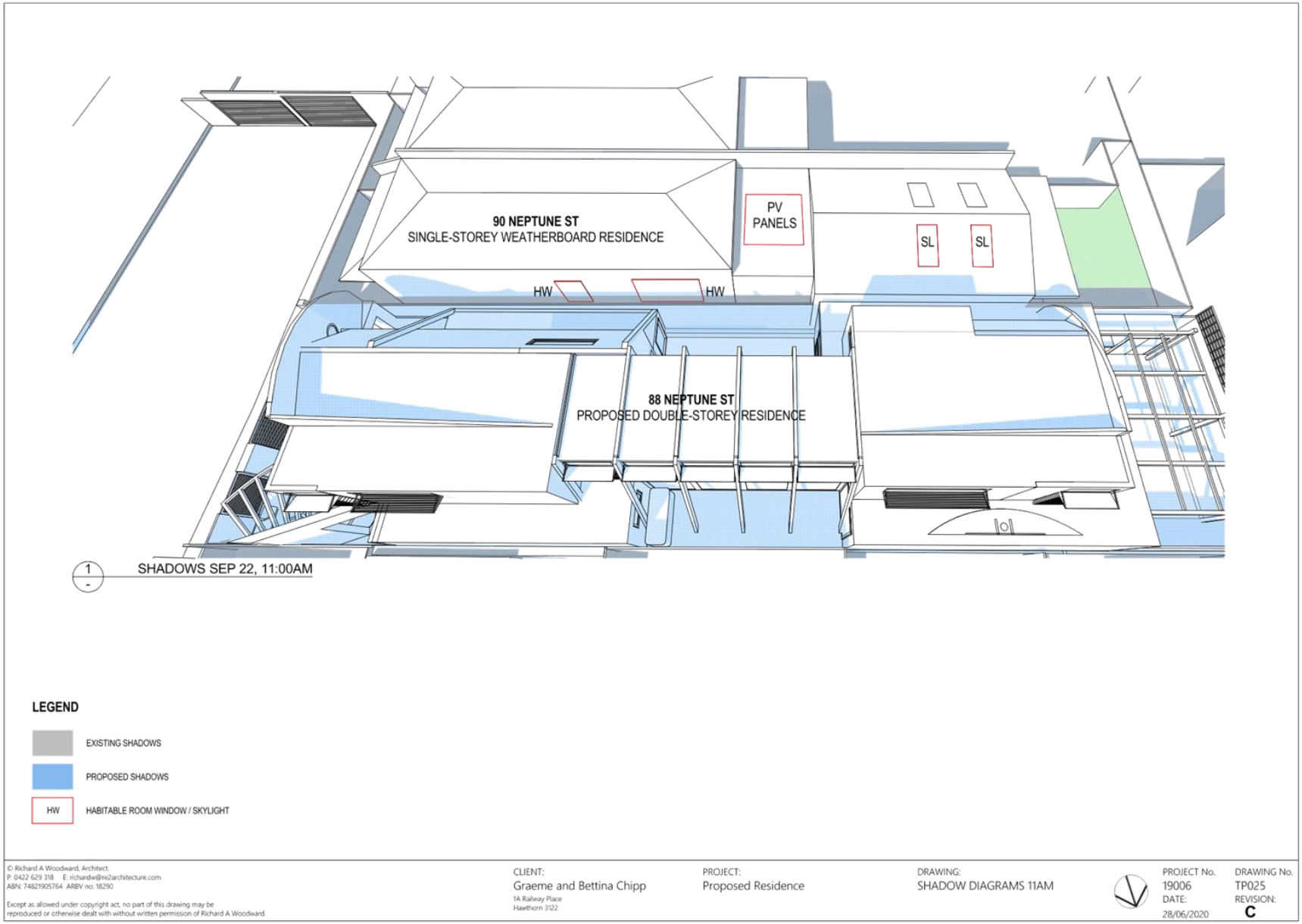

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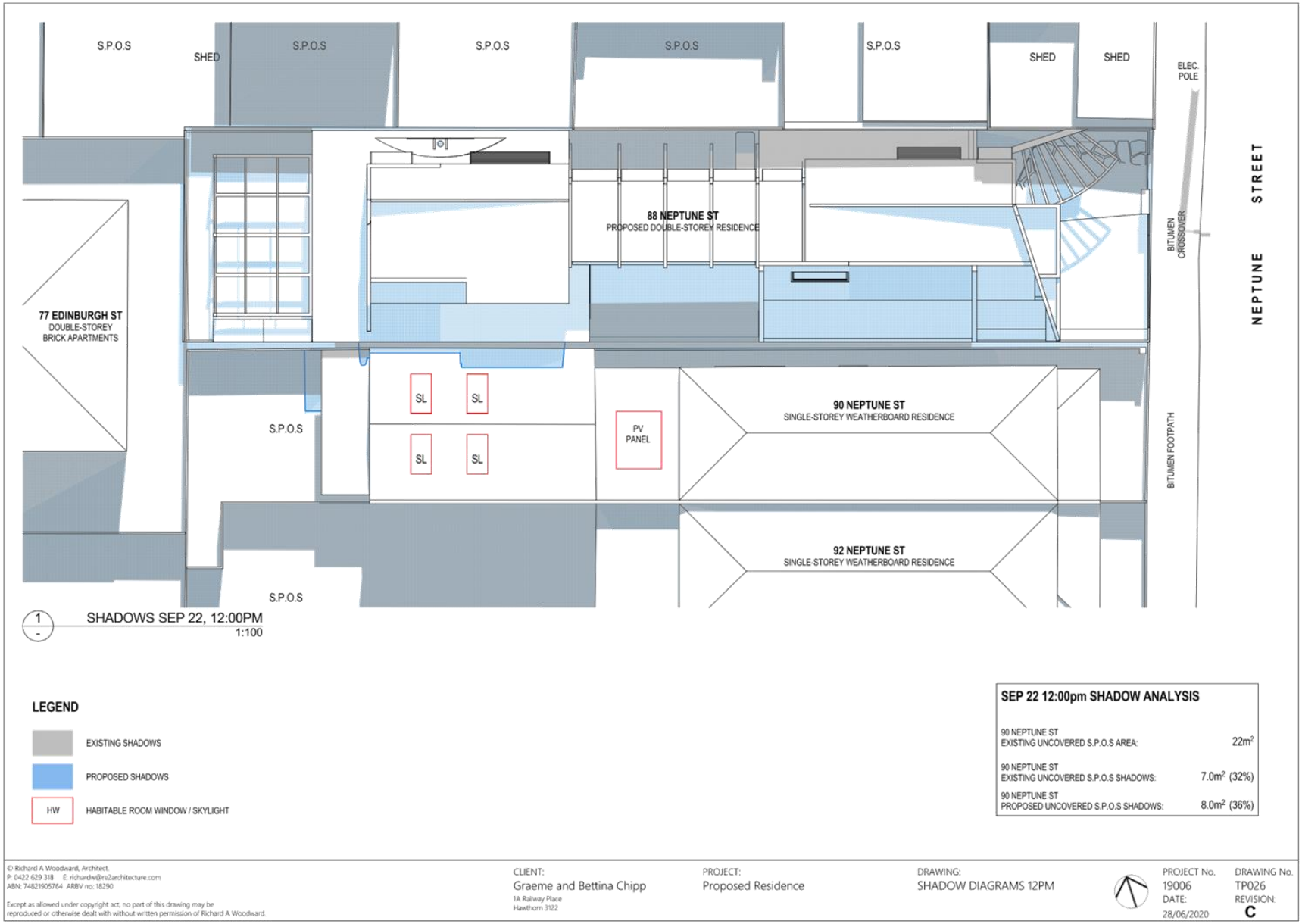

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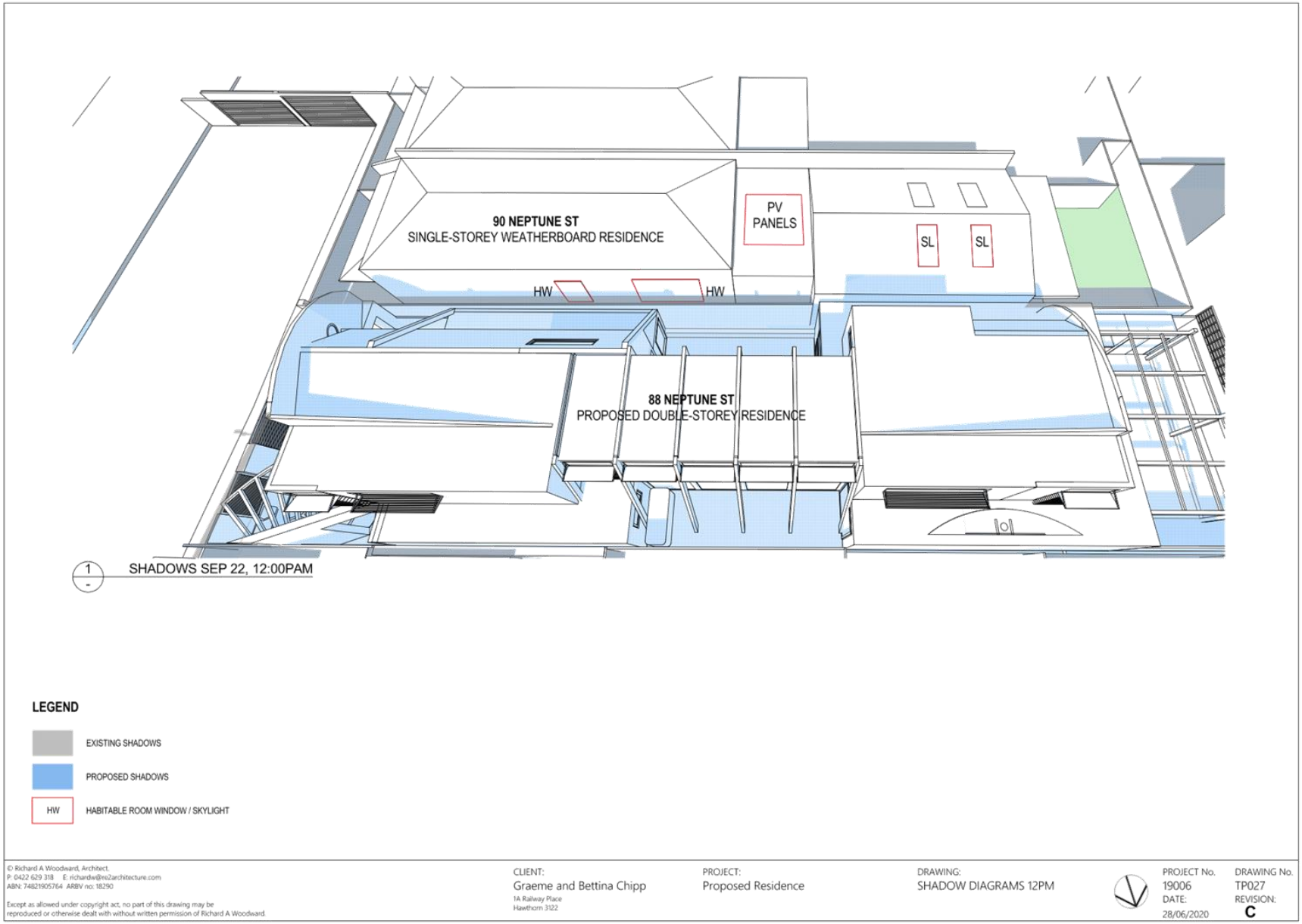

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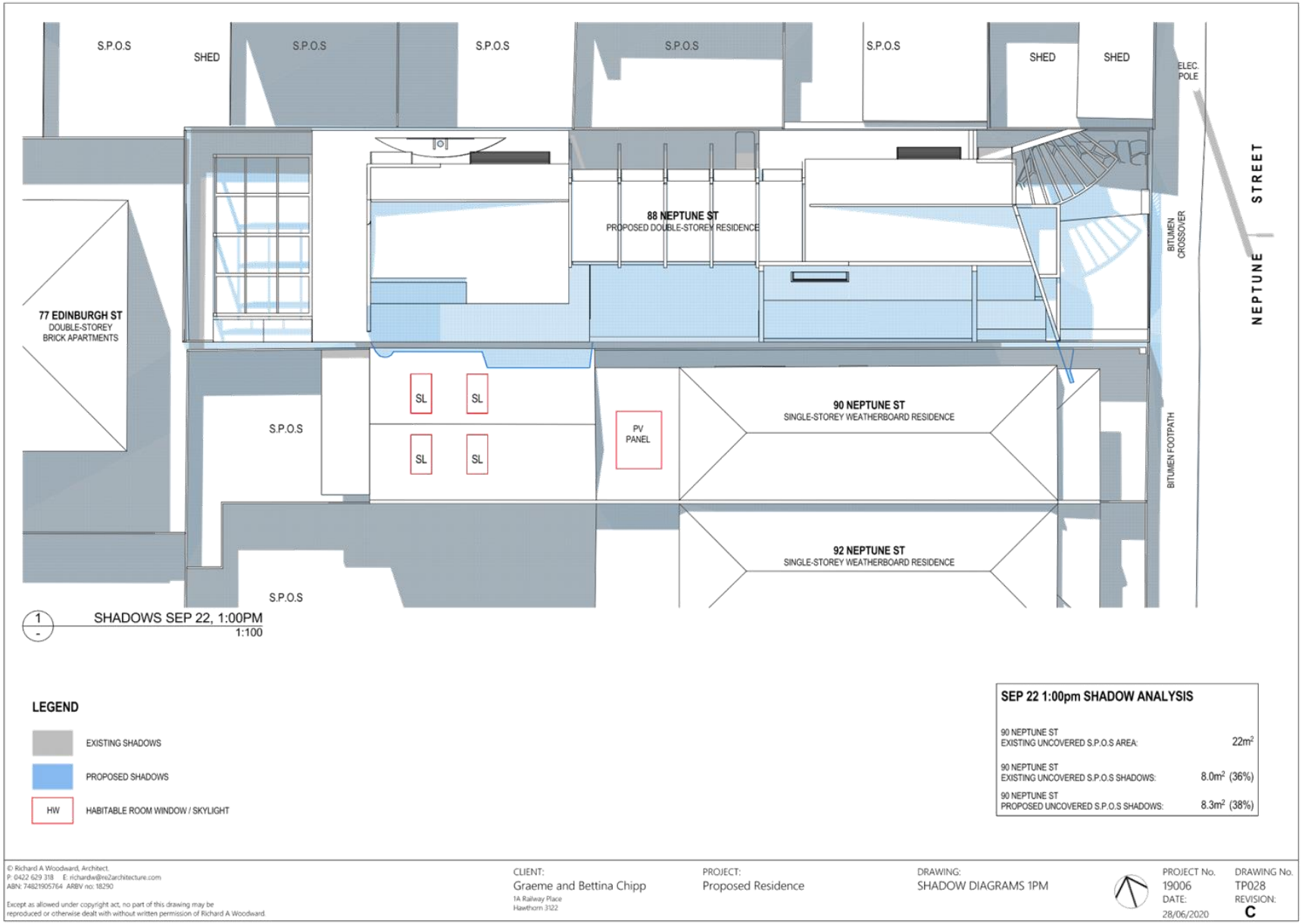

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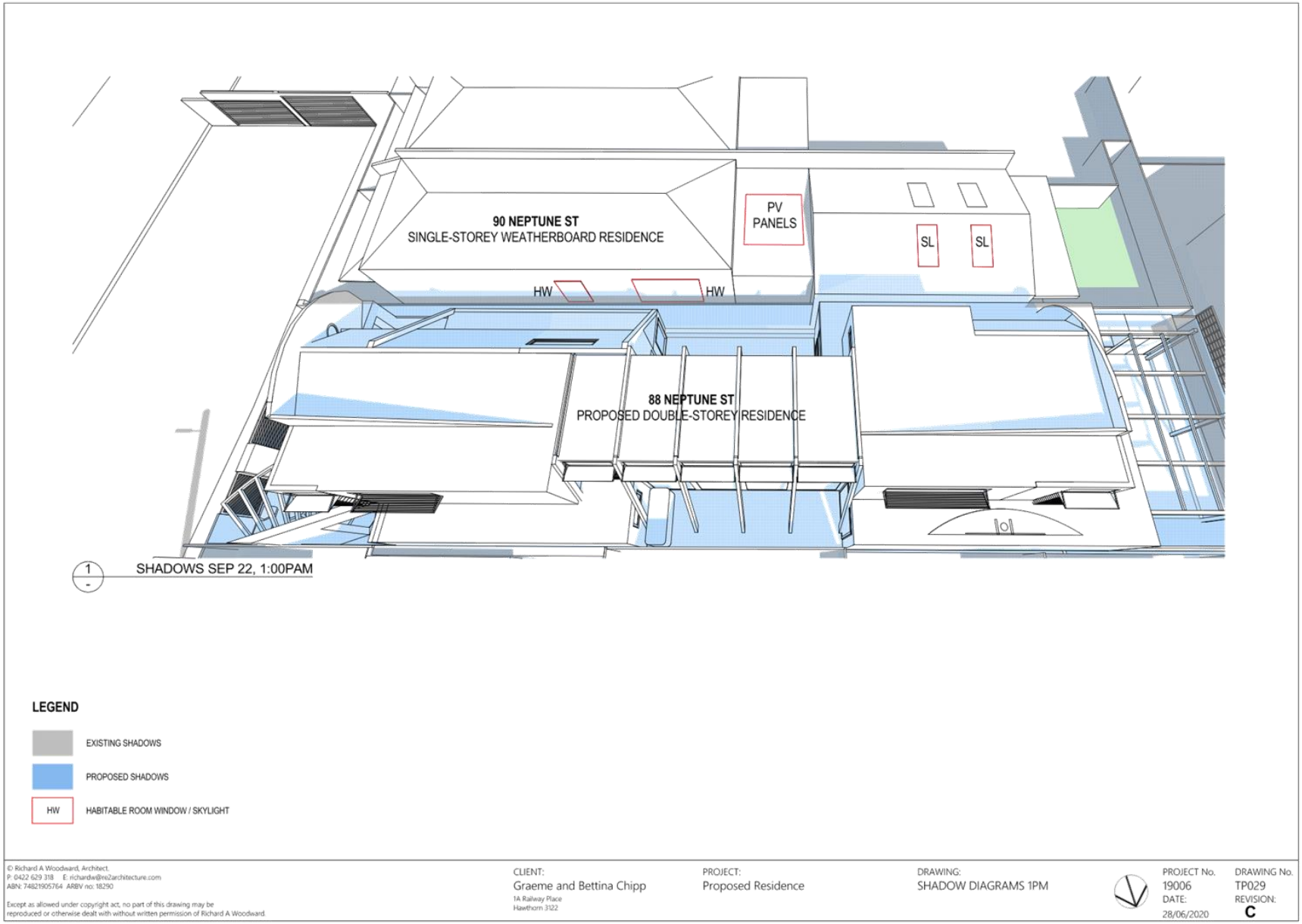

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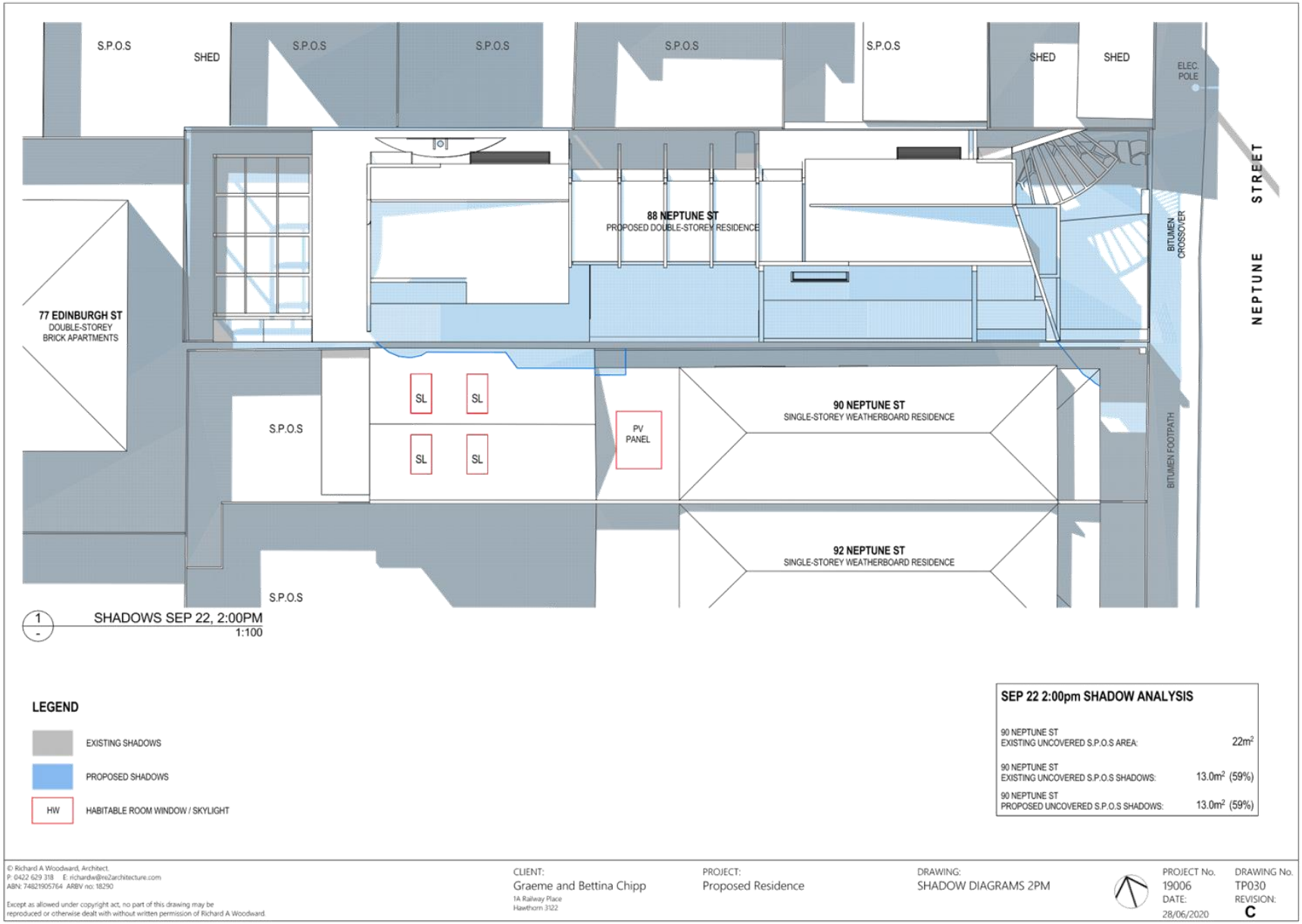

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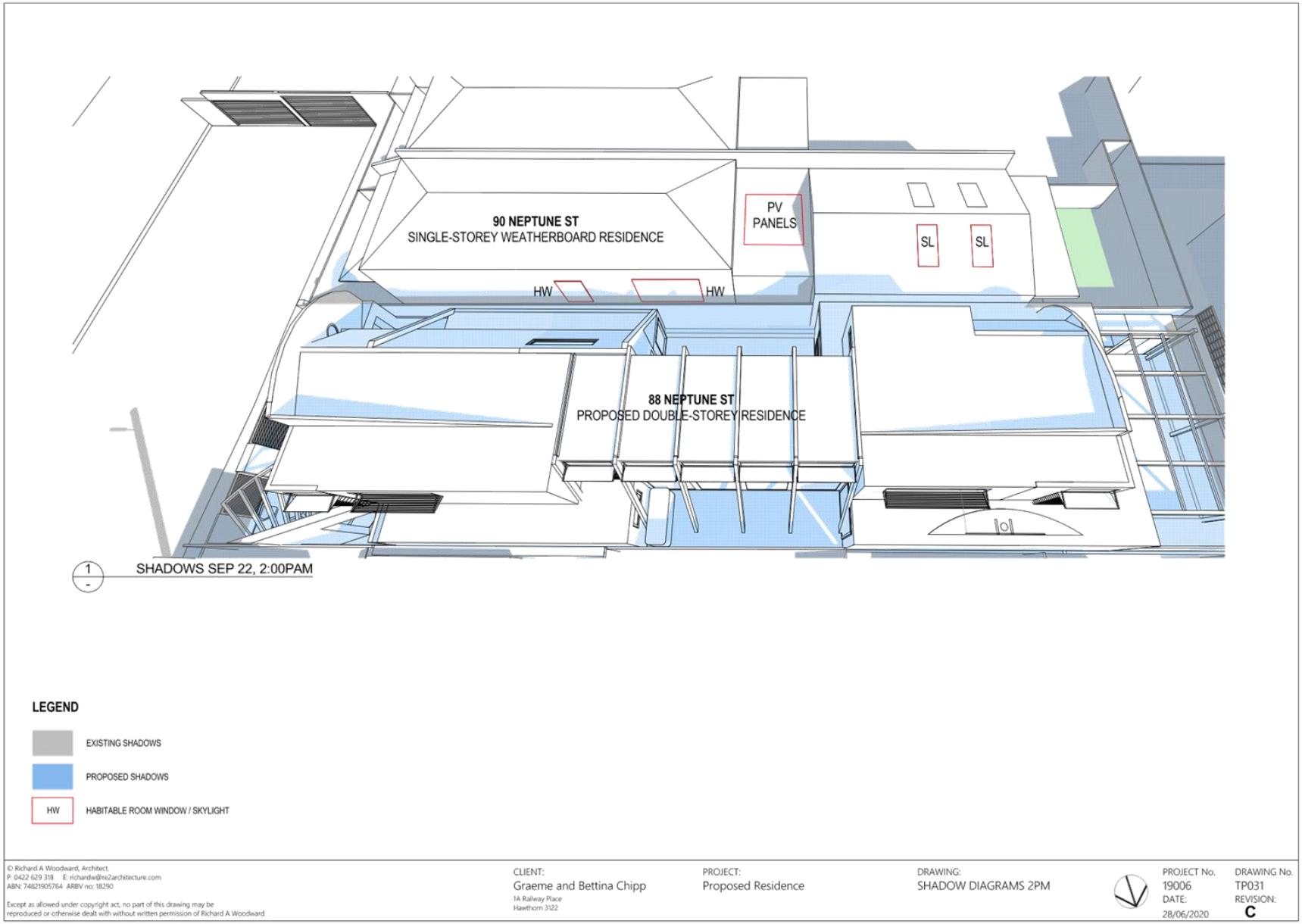

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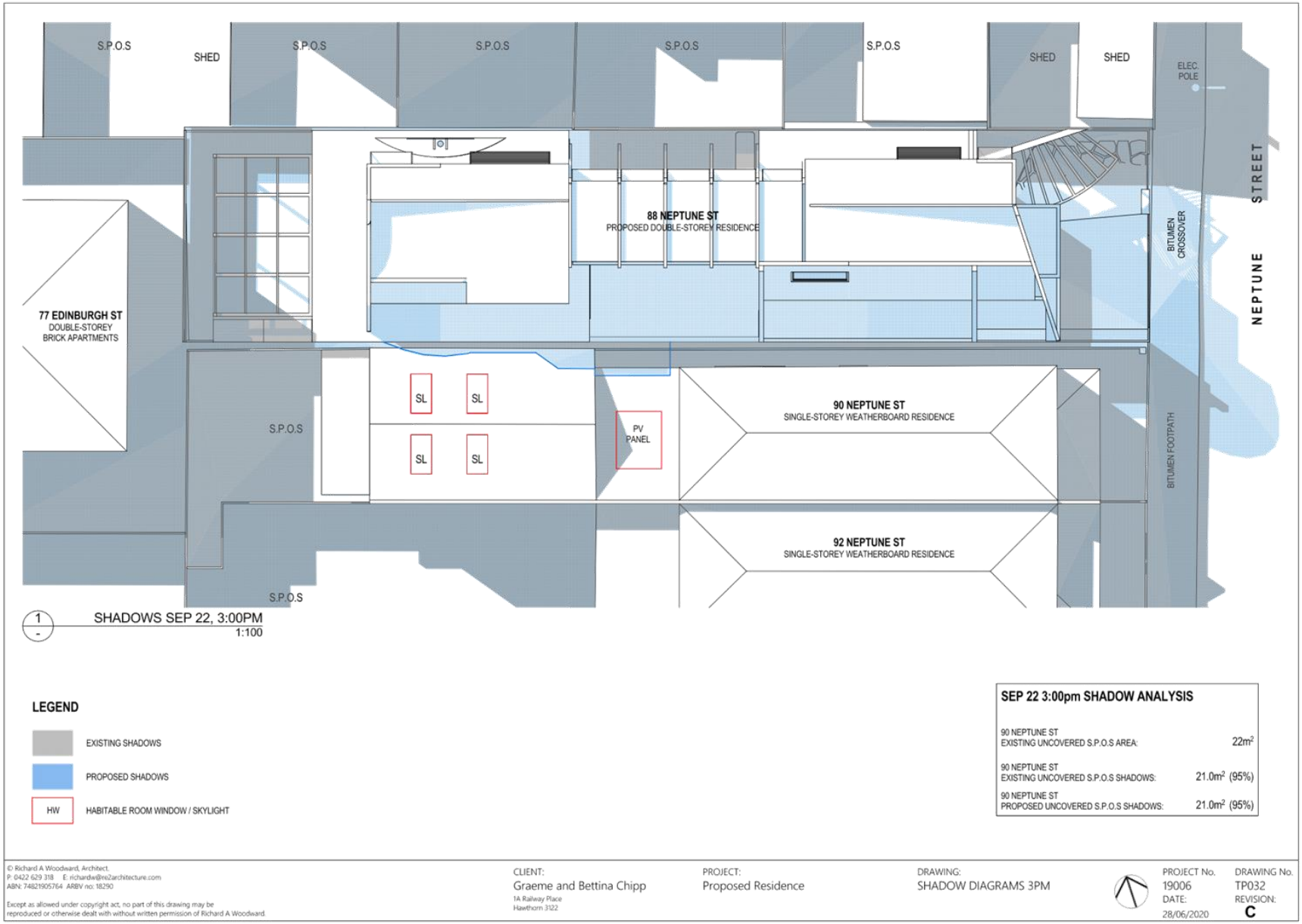

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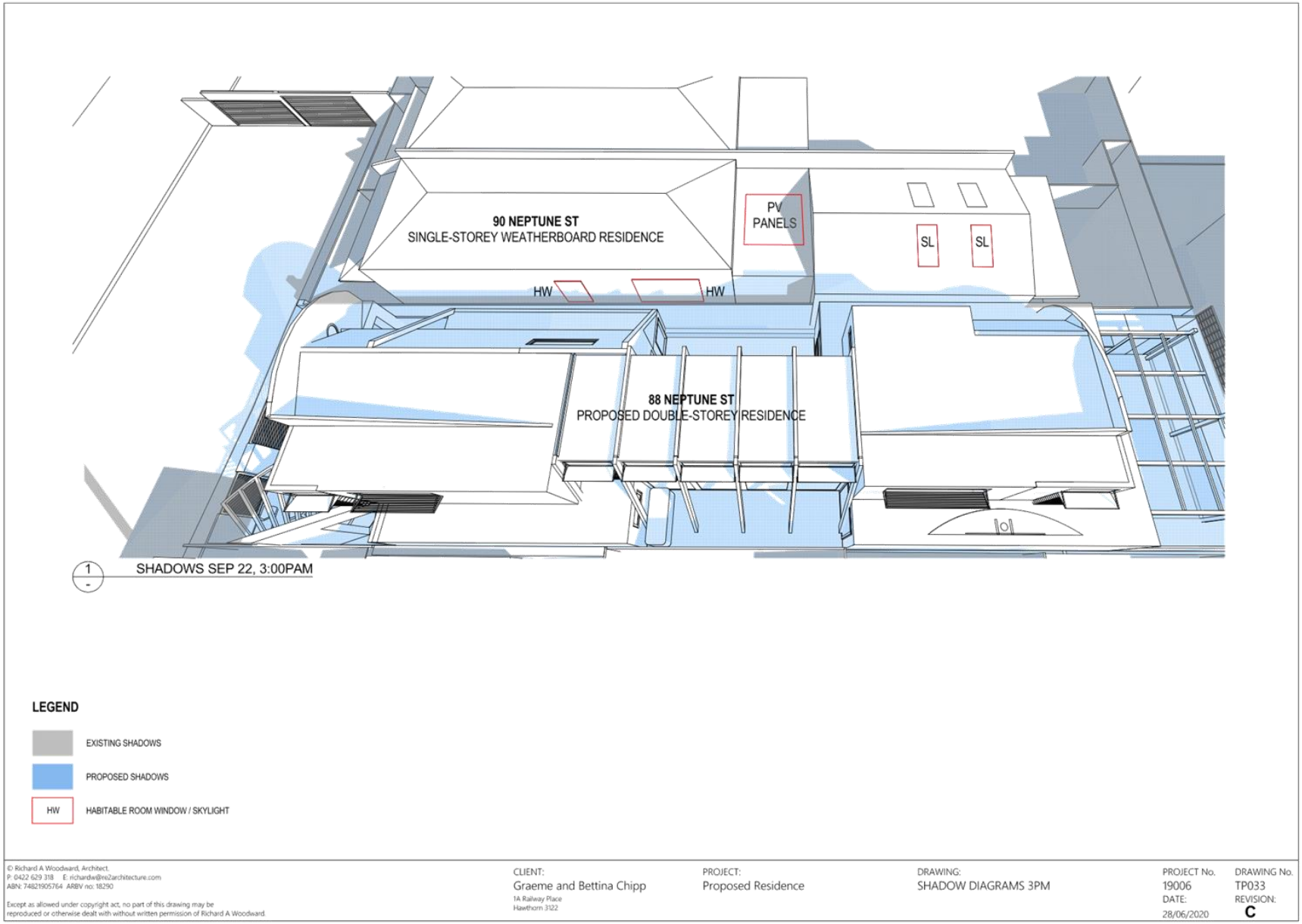

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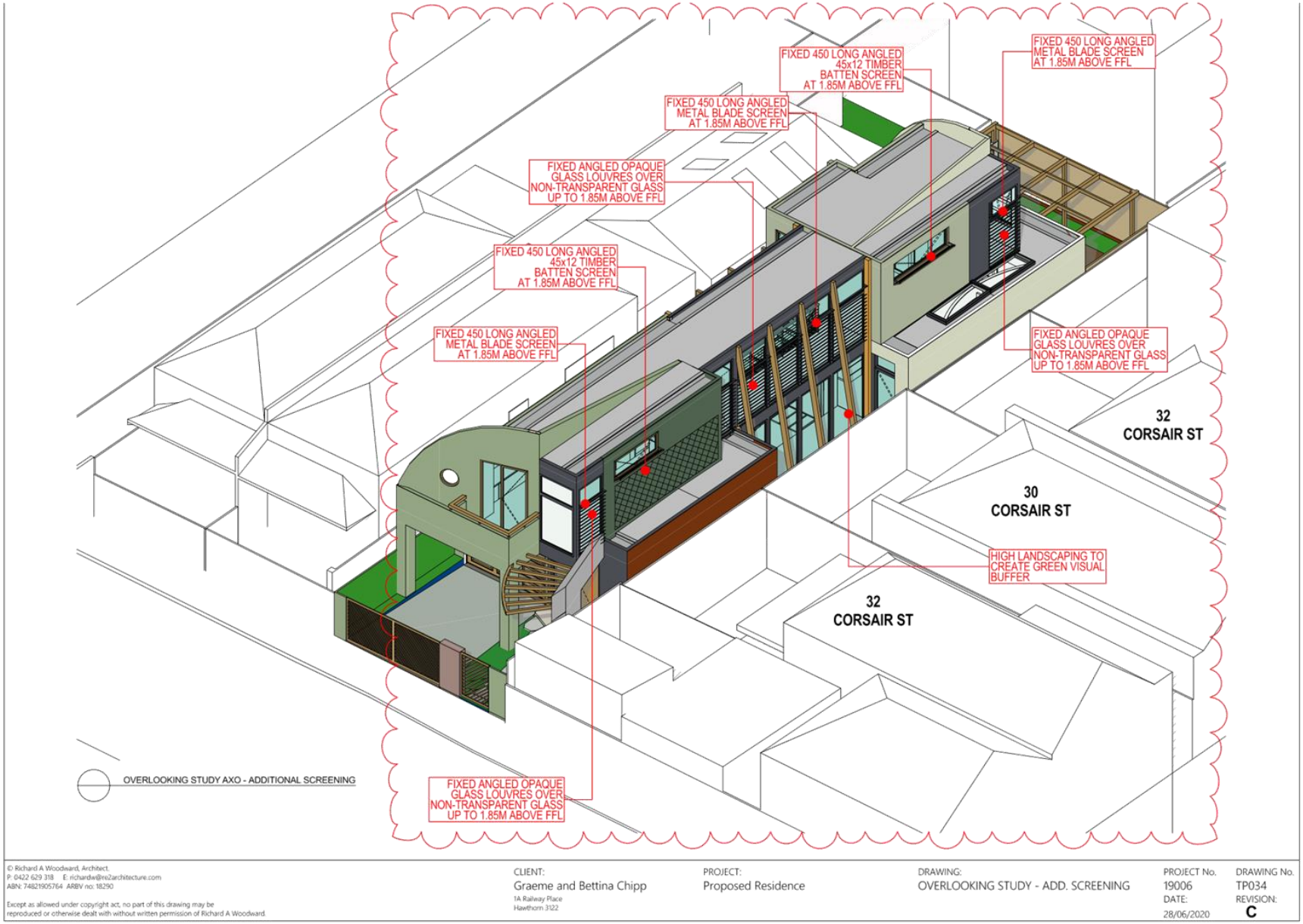

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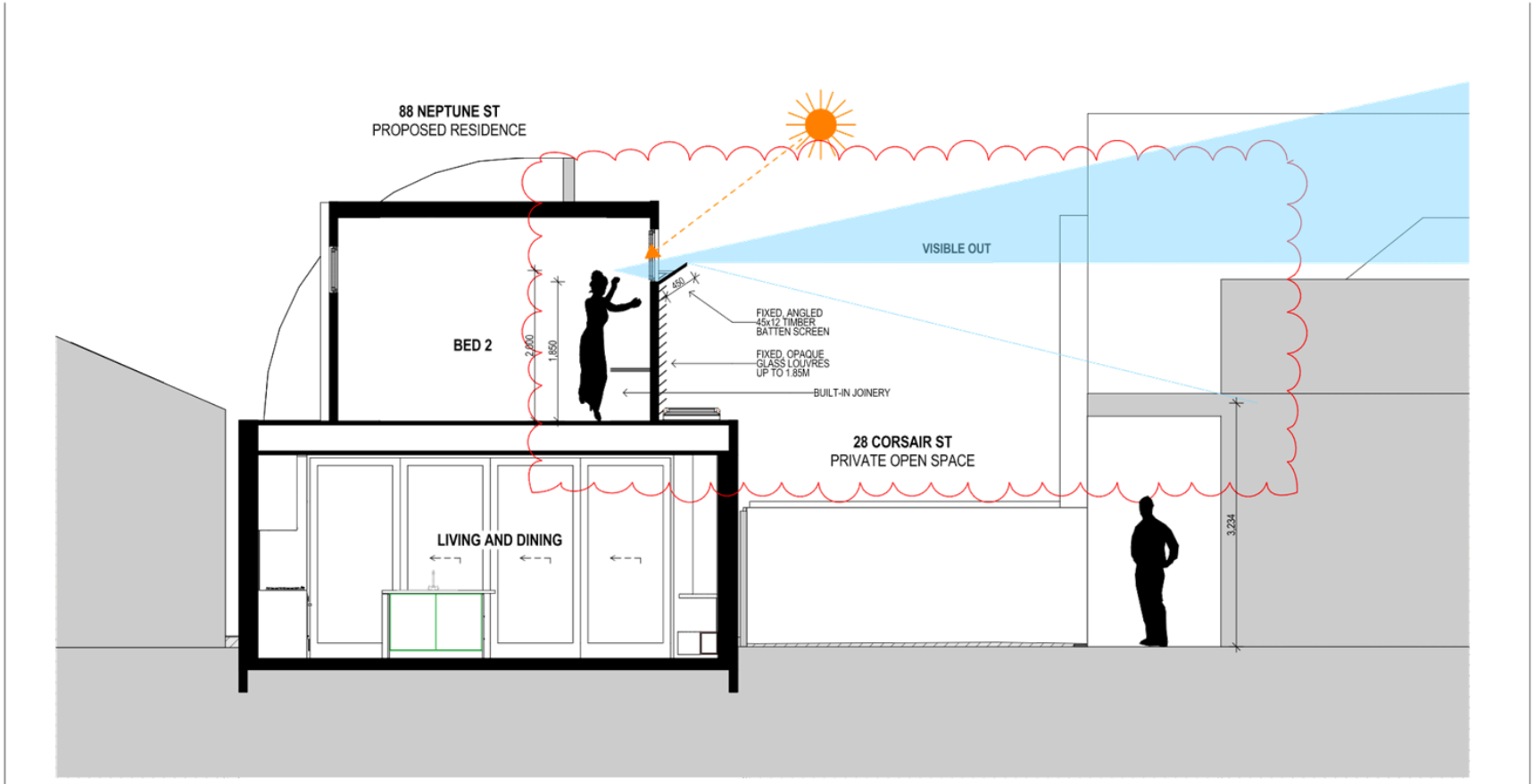

B2 OVERLOOKING CROSS SECTION - 26 CORSAIR ST
SCALE @ A3: 1:50

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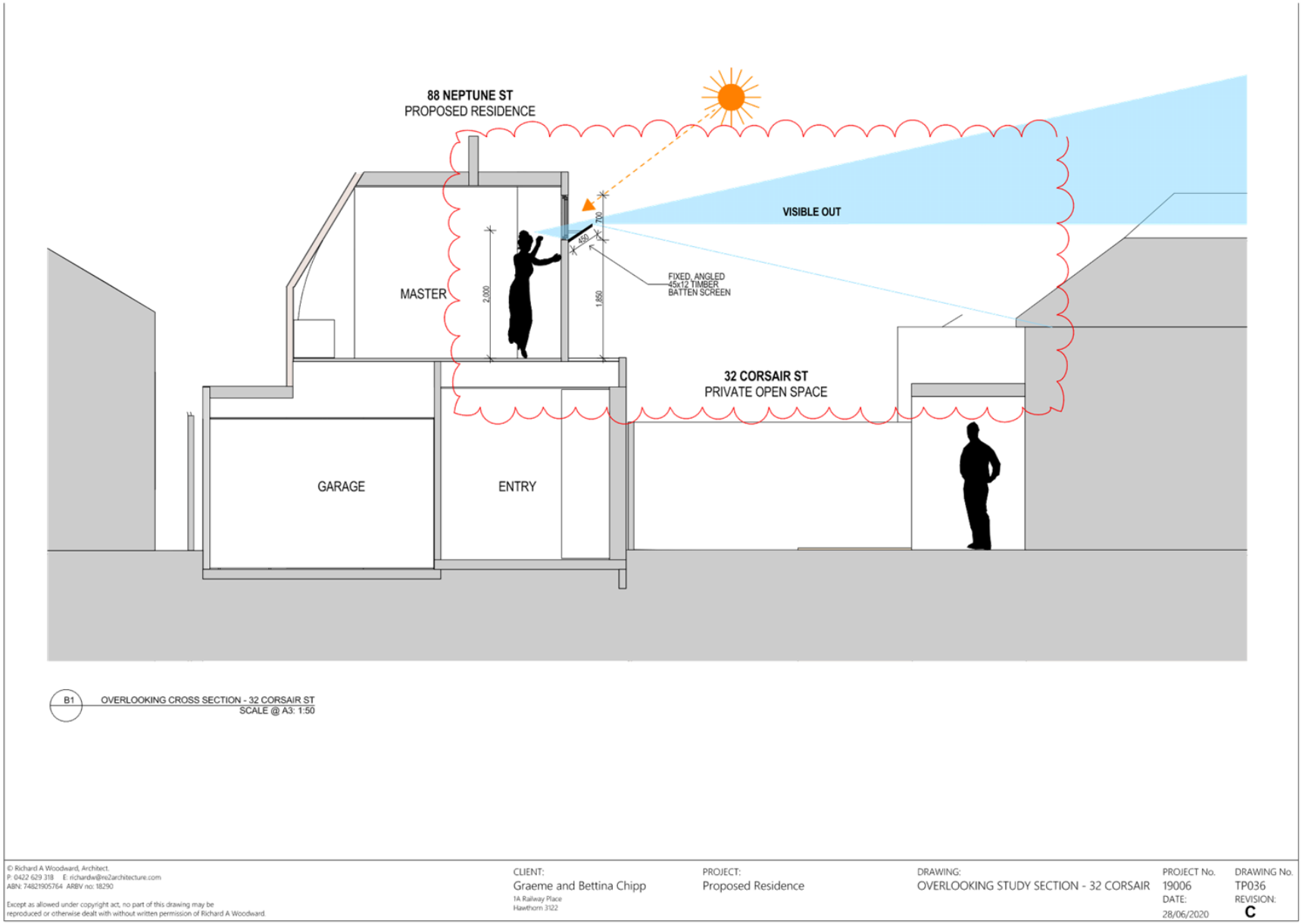
1A Railway Place
Hawthorn 3122

PROJECT: Proposed Residence

DRAWING: OVERLOOKING STUDY SECTION - 28 CORSAIR

PROJECT No. 19006
DRAWING No. TP035
DATE: 28/06/2020
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans



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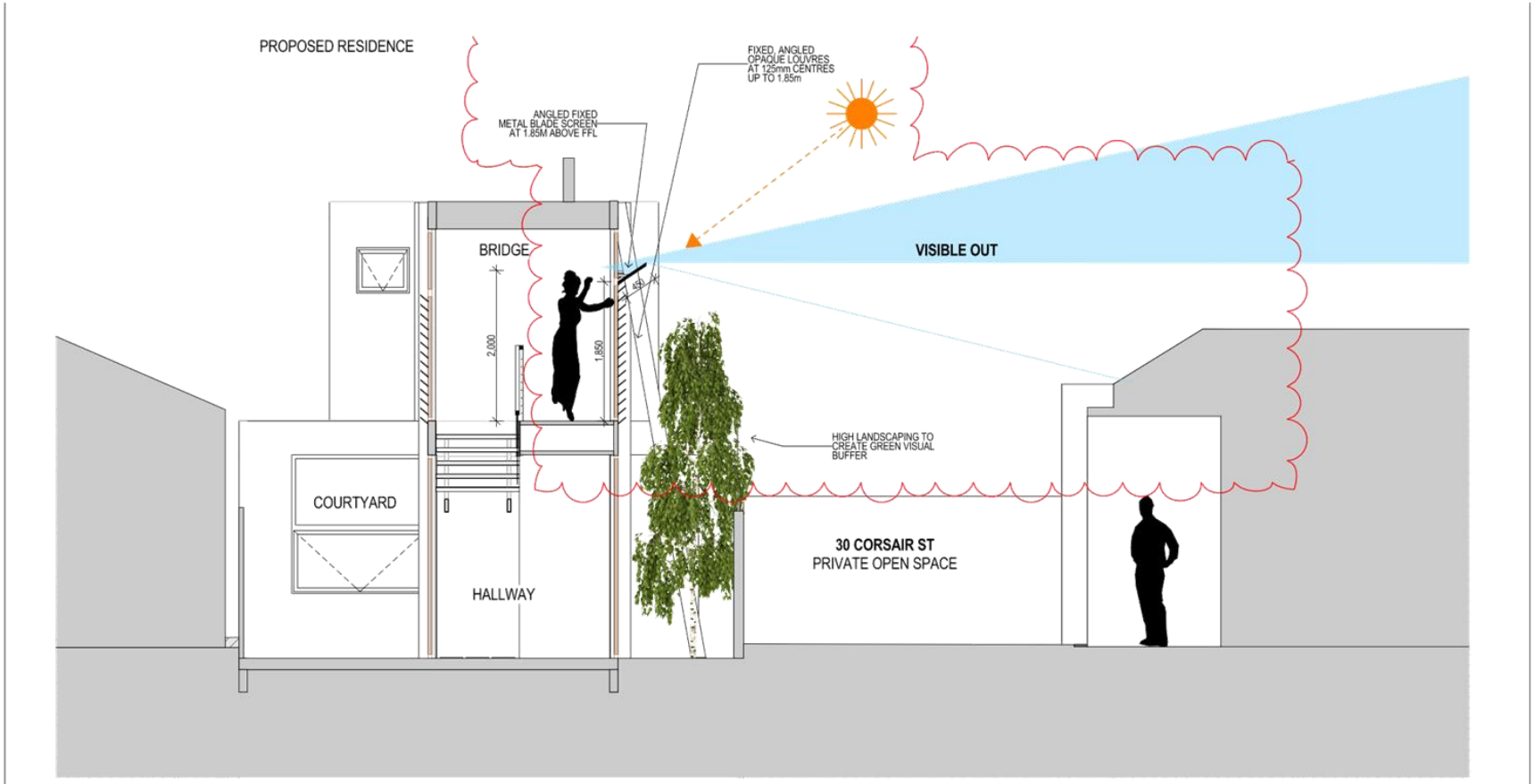

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1A Railway Place
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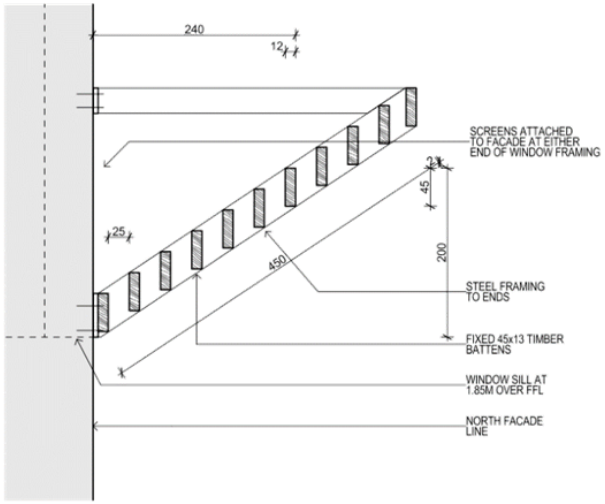
PROJECT: Proposed Residence

DRAWING: OVERLOOKING STUDY SECTION - 30 CORSAIR

PROJECT No. 19006
DRAWING No. TP037
DATE: 28/06/2020
REVISION: C

Attachment 1 - PLN19 0924 - 88 Neptune Street Richmond - Decision Plans



1 NORTH WINDOWS SCREENING - DETAIL SECTION
SCALE @ A3: 1:5

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1A Railway Place
Hawthorn 3122

PROJECT: Proposed Residence

DRAWING: OVERLOOKING STUDY - SCREENING DETAIL

PROJECT No. 19006
DRAWING No. TP038
DATE: 28/06/2020
REVISION: C

Attachment 2 - PLN19/0924 - 88 Neptune Street Richmond - Subject Land

Subject Land: 88 Neptune Street, Richmond

⇧ North

★ Subject site

Attachment 3 - PLN19/0924 - 88 Neptune Street Richmond - Engineering Referral Response

MEMO

To:	**Daniel Goode**	
From:	**Mark Pisani**	
Date:	**26 August 2020**	
Subject:	**Application No:**	**PLN19/0924**
	Description:	**Domestic Development**
	Site Address:	**88 Neptune Street, Richmond**

I refer to the above Planning Application received on 25 August 2020 in relation to the proposed development at 88 Neptune Street, Richmond. Council's Civil Engineering unit provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Richard A. Woodward, Architect	TP02 *Neighbourhood & Site Description*	C	28 June 2020
	TP03 *Neighbourhood Character*	C	28 June 2020
	TP04 *Neighbourhood Character*	C	28 June 2020
	TP07 *Site Survey*	C	28 June 2020
	TP10 *Proposed Ground Floor Plan*	C	28 June 2020
	TP11 *Proposed First Floor Plan*	C	28 June 2020
	TP014 *Proposed Elevations*	C	28 June 2020

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance	The proposed vehicle crossing and its width (at the property line) have not been depicted on the drawings.
Garage Door Width	The 3.1 metre wide single garage doorway satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Access via Neptune Street	The entrance width (not dimensioned on the drawings) is approximately 3.7 metres along the property line. With parallel parking taking place on both sides of the street, the total manoeuvring width (measured from the property boundary to the edge of the parallel parking on the east side of the street) is approximately 6.2 metres. The manoeuvring width and the entrance width into the property can adequately accommodate the turning movements of a B85 design vehicle.
Headroom Clearance	The headroom clearance at the garage door has not been dimensioned.

Item	Assessment
Car Parking Modules	
Single Garage	The internal dimensions of the single garage (3.5 metres by 5.4 metres) satisfy *Design standard 2 – Car parking spaces* of Clause 52.06-9.
Setback Area	The 5.4 metre setback from the property line to the garage satisfies AS/NZS 2890.1:2004 for accommodating a B85 design vehicle entirely within the curtilage of the property.
Other Items	
Proposed Vehicle Crossing – Ground Clearance Check	A vehicle crossing ground clearance checks is to be undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under '*Design Items to be Addressed*' section).
Redundant Vehicle Crossing	The redundant vehicle crossing has not been depicted on the drawings.

Design Items to be Addressed

Item	Details
Development Entrance	The width of the entrance at the property line is to be dimensioned on the drawings. The new vehicle crossing and the redundant vehicle crossing should be shown on the drawings.
Headroom Clearance	To be dimensioned for the garage door.
Vehicle Crossing Ground Clearance Check	To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo. For the vehicle crossing, the ground clearance check requires the applicant to obtain a number of spot levels out on site which includes the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement – in this case, Neptune Street. These levels are to be shown on the cross sectional drawing with dimensions, together with the B85 design vehicle ground clearance template demonstrating access into and out of the development. Providing the ground clearance check early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure. Further information on vehicle crossings can be found at: https://www.yarracity.vic.gov.au/services/building-in-yarra/permits-and-consents/permanent-vehicle-crossings

ENGINEERING CONDITIONS

Vehicle Crossing

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

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B85 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

Reinstatement of Redundant Vehicle Crossing

- The redundant vehicle crossing on the west side of Neptune Street must 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.

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, boundary traps, valves or meters on Council property will be accepted.

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

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

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 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 133.

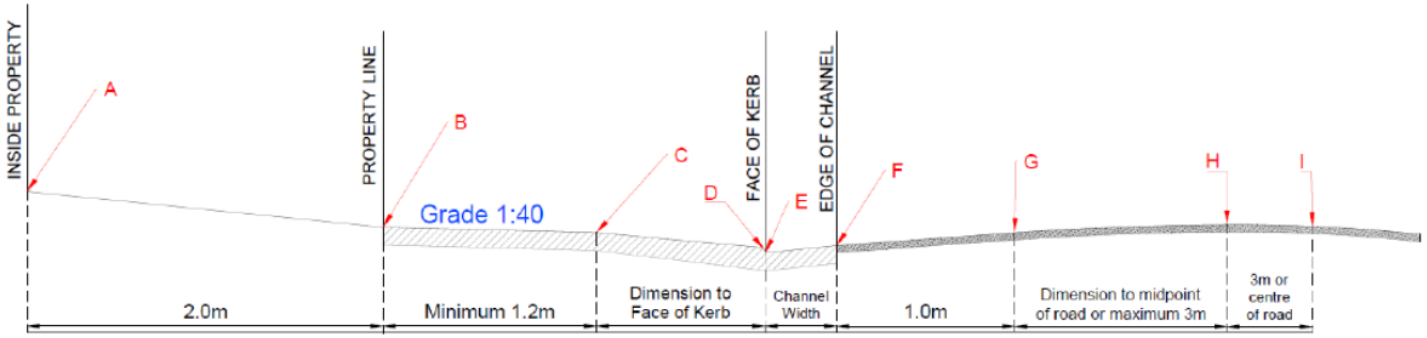
Attachment 3 - PLN19/0924 - 88 Neptune Street Richmond - Engineering Referral Response

Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

A. Finished floor level 2.0 metres inside property
B. Property line surface level
C. Surface level at change in grade (if applicable)
D. Bullnose (max height 60mm) – must be clearly labelled
E. Surface level at the bottom of the kerb
F. Surface level at the edge of channel
G. Road level 1.0 meter from the edge of channel
H., I. Road levels

- Please note the cross section must be fully dimensioned. As shown in the sketch below.
- Please show both the existing and proposed surface.
- The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- A bullnose (max 60mm) is permitted at point D, however not compulsory.
- The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 4 - PLN19/0924 - 88 Neptune Street Richmond - Urban Design Referral Response

CITY OF YARRA

MeMO

TO:	Daniel Goode (Statutory Planning)
FROM:	Amruta Pandhe (Urban Design)
DATE:	25 August 2020
SUBJECT:	88 Neptune Street, Richmond
APPLICATION NO:	PLN19/0924
DESCRIPTION:	Construction of a double storey dwelling

COMMENTS SOUGHT

Urban Design comments have been sought on the overall built form of the proposal. These set of comments are sought on the plans dated 28th June 2020.

COMMENTS SUMMARY

The proposal is overall supported in its current form. In summary, it is recommended to use less variation in the material palette on the north and south elevations so the design does not appear to be overcrowded.

Proposal

The development proposes demolition of an existing single storey dwelling, and construction of a new two-storey, two-bedroom dwelling with secluded private open space to the rear, and single car garage accessed via Neptune Street.

URBAN DESIGN FEEDBACK

Surrounding development includes a mix of 1 and 2 storey dwellings. The proposed overall building height (between approximately 6.3 – 6.9 metres) is well within the overall height provisions set by the zone (GRZ1) and from an urban design perspective it sits comfortably within the streetscape context.

Clause 22.13 seeks to limit the impact of new development on surrounding land, particularly in low rise residential areas. For single house sites within inner suburban residential neighbourhoods, the policy recommends maintaining the existing pattern of front setbacks, as well as limiting height variations to a maximum of one storey compared to adjacent properties. Overall, the proposed development is modest in its built form and massing and reflects the scale of the street. The design of the dwelling presents an odd frontage, however, given this section of the street is dominated with garages and blank side walls the front facade is acceptable.

The design incorporates too much variation in materials that will make the facades appear overcrowded. The front and the rear elevation are acceptable but the side elevations could be simplified, particularly towards the rear. One of the ways to simplify this is by replacing EF01 or EF02.

The front fence is high but not inconsistent with surrounds as this section of the street contains hard edge developments with high side fencing. The high level of transparency and the existing surrounding context makes the fence design and height acceptable.

1.5 PLN19/0918 - 121 Burnley Street, Richmond - Partial demolition and construction of an addition to the rear of the existing building for the use as an office and warehouse, display of business identification signage and a reduction in car parking associate with the office use

Executive Summary

Purpose

1. This report provides an assessment for the partial demolition and construction of an addition to the rear of the existing building for the use as an office and warehouse, display of business identification signage and a reduction in car parking associate with the office use.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 15.01 – Urban Environment;
   (b) Clause 22.02 – Development Guidelines for sites subject to Heritage Overlay
   (c) Clause 22.05 – Interface Use Policy;
   (d) Clause 22.10 – Built Form and Design Policy;
   (e) Clause 33.03 – Industrial 3 Zone;
   (f) Clause 43.01 – Heritage Overlay;
   (g) Clause 22.04 & 43.01 – Signs (Heritage); and
   (h) Clause 52.06 – Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Use of the land;
   (b) Buildings and works;
   (c) Car parking;
   (d) Signage; and
   (e) Objector concerns

Submissions Received

4. The application was advertised, with 6 objections. The issues/concerns raised are summarised as the following:
   (a) Neighbourhood character (excessive built for, height and scale);
   (b) Inappropriate interface to residential zone (signage, blank wall);
   (c) Amenity impacts (overshadowing, loss of light);
   (d) Loss of aspect/outlook;
   (e) Traffic congestion and road safety;
   (f) Loading and unloading of commercial vehicles;
   (g) Occupation of on-street car spaces;
   (h) How will the warehouse be used;
   (i) Noise for vehicles entering along North Street outside normal business hours;

(j) Signage has no consideration of residential interface;

Conclusion

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

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

1.5 PLN19/0918 - 121 Burnley Street, Richmond - Partial demolition and construction of an addition to the rear of the existing building for the use as an office and warehouse, display of business identification signage and a reduction in car parking associate with the office use

Reference: D20/131429
Authoriser: Coordinator Statutory Planning

Ward:	Melba Ward
Proposal:	Partial demolition of the existing building, construction of an addition to the rear of the existing building for the use as an office and warehouse, display of business identification signage and a reduction in car parking associate with the office use
Existing use:	Office
Applicant:	Novatec Design
Zoning / Overlays:	Industrial 3 Zone, Design and Development Overlay (Schedule 2), Heritage Overlay (HO460)
Date of Application:	19 December 2019
Application Number:	PLN19/0918

Planning History

1. The site has no recent planning history.

Background

2. Planning application PLN19/0918 was lodged on 19 December 2019, with further information submitted in April 2020. The application was advertised, with 6 objections received.
3. Due to COVID-19 (Coronavirus) restrictions, no planning consultation meeting occurred.
4. During the course of the application, Council officers obtained advice from Council's Engineering Services Unit, Heritage Advisor, Environmental Sustainable Design (ESD) Advisor and City Works Unit. The referral advice is attached to this report.

Sketch plans

5. As a result of concerns raised by Council's City Works Unit, a revised Waste Management Plan (WMP) prepared by Novatec and dated 8 July 2020 was submitted. The revised WMP was re-referred to Council's City Works Unit who found the revised WMP had addressed a number of issues but was still unsatisfactory. This will be discussed in greater detail within the report.

The Proposal

6. The application seeks permission for the partial demolition and construction of an addition to the rear of the existing building, use of land for an office and warehouse, display of business identification signage and a reduction in car parking requirement associate with the office use
7. More specifically the proposal is for the following:

Proposed uses

8. Warehouse
   (a) The warehouse is associated with an electrical contracting business. The warehouse is to accommodate the storage of goods associated with an electrical contracting business (i.e. cables, screws, tools, communications and data equipment, small components such as sockets, lighting and the like). Goods will be stored in pallets and racking.

(b) The warehouse is for the storage of goods and equipment that the individual contractor requires to perform work on-sites. Contracting staff will use the warehouse to load their vehicles with equipment and materials and proceed to specific sites.

(c) Hours of operation – 7.00am to 6.00pm, Monday to Friday

(d) Total floor area – 156sqm

(e) Car parking allocation – 3 spaces

9. Office

(a) The office is associated with an electrical contracting business.

(b) Hours of operation – 7.00am to 6.00pm, Monday to Friday

(c) Total floor area – 314sqm

(d) Car parking allocation – 1 space

10. Maximum number of combined staff – 16.

Car parking

(a) A total of 4 car spaces are provided;

(b) One electric vehicle charging point is provided.

(c) One of the car spaces includes a disabled bay.

(d) A 7.6m long by 3.5m wide loading bay is provided from North Street. The roller door has a maximum height of 3.6m.

(e) A turning table with a diameter of 6m is provided at the entry to the car park/loading bay.

11. Provision of 4 bicycle spaces and end-of trip facilities.

Buildings and works

Demolition

12. Part demolition of the ground floor store room to the rear of the existing building and existing entry gates along North Street.

13. Part demolition of rearmost room, deck, canopy, west-facing windows and internal demolition works along the first floor.

14. Removal of rear roof structure including skylights.

Construction

15. Construction of a 9.4m high, triple storey addition to the rear of the existing offices, containing the following:

(a) Four car spaces (including disability bay) and loading bay accessed via a roller door and pedestrian accessway to North Street.

(b) An open plan office at first floor and two mezzanine levels associated with the warehouse use component.

(c) A second floor office area leading out onto a 25sqm, west-facing deck. Both mezzanine levels associated with the warehouse to the rear extend in height to the second floor.

(d) Installation of three skylights along the proposed roof, above the office and warehouse uses.

16. Maximum overall height is 9.44m above natural ground level.

Setbacks

17. The ground floor incorporates the following setbacks:

(a) No change to the existing western (front) boundary.

(b) A zero to 1m setback to the northern (North Street) boundary.

(c) A zero setback to the eastern (rear) boundary.

(d) A zero to 1m (existing) setback to the western (side) boundary.

18. The first floor incorporates the following setbacks:

(a) A 12.66m setback to the western (front) boundary.

(b) A zero setback to the northern (North Street) boundary.

(c) A zero to 1.34m setback to the eastern (rear) boundary.

(d) A zero to 1m setback to the western (side) boundary.

19. The second floor incorporates the following setbacks:

(a) A 12.6m setback to the western (front) boundary.

(b) A zero setback to the northern (North Street) boundary.

(c) A zero to 1.34m setback to the eastern (rear) boundary.

(d) A zero to 1m setback to the western (side) boundary.

Signage

	Type	**Location**	**Area**
Sign 1	3.5m by 1m, non-illuminated business identification sign	Above the roller door entry along North Street	3.5sqm

Colours and materials

20. A combination of cladded render (Timeless Grey), corrugated zincalume balcony cladding (Dune), corrugated zincalume roof, colourbond roller door (Basalt), powder coated aluminium bi-fold doors (black) and clear glazing.

ESD commitments

21. A 3,000 litre rainwater tanks, solar power generation, an EV charging point and food producing garden areas (food cubes). Good access to daylight and natural ventilation and water efficient taps and fixtures.

Existing conditions

22. The subject site is located on the eastern side of Burnley Street, between North Street to the north and Crown Street to the south, in Richmond. The site is an L-shape, with a frontage of 10.7m to Burnley Street and a secondary frontage of 6.7m to North Street. The site has a maximum depth from Burnley Street of 35.1m and constitutes an overall area of approximately 440sqm

23. The land is developed with a part single storey, part double storey brick/metal building (Figure 1). The building has the appearance as a Victorian-era dwelling but is used as an office, noting that the use as a dwelling (accommodation) is a prohibited use within the Industrial 3 Zone. The applicant has been unable to demonstrate any existing use rights associated with the office and as such, the use as an office was included as a permit trigger for this application.

24. The building is double fronted with a minimum setback of 1.6m from the western (front) title boundary. There is an existing 1.9m high rendered/wrought iron type fence along the front boundary, with a landscaped area within the front setback. Access to Burnley Street is via a centrally located pedestrian door situated under the verandah. The building has a first floor setback of approximately 12.4m, with additional office space occupying the first floor.

Figure 1 - Subject site No. 121 Burnley Street, Richmond (Burnley Street facade)

25. Towards the rear the subject site, there is a 6.7m wide secondary frontage along the northern boundary, fronting North Street (Figure 2). This interface is vacant and provides access to the rear yard for pedestrians and vehicles. Access to the site is restricted by a wire fence.

Figure 2 - Subject site No. 121 Burnley Street, Richmond (North Street frontage)

Title

26. The titles submitted with the application do not show any covenants

27. There is a 0.2m wide party wall easement constructed for 11m along the northern boundary with No. 119 Burnley Street.

Surrounding Land

28. The surrounding area is a mix of industrial, commercial and residential uses. The industrial/commercial uses are primarily orientated towards Burnley Street (western interface), with the residential component orientated to North Street (northern and eastern interfaces). The surrounds can be generally identified as having a heritage interface to Burnley Street and a more contemporary residential interface to North Street. Built forms in the area are a mix of single, double and triple storey built forms.

29. To the north of the subject site are Nos. 119 and 117 Burnley Street (Figure 3). Both of these properties are located within the IN3Z and used as a food and drink premises (café) and electrical wholesaler. Towards the rear of No. 117 is a warehouse component to the building, similar to the current proposal. Both buildings present as single storey, commercial uses to Burnley Street with a glazed front façade and a zero setback to the street. The property at No. 117 Burnley Street increases in height to double storey along North Street (Figure 2).

30. The property at No. 117 Burnley Street (electrical wholesaler) is located on the corner of Burnley Street and North Street. This lot has an unusual subdivision layout where it wraps around No. 119 Burnley Street and extends along North Street towards the western boundary of the subject site which presents to North Street. Towards North Street, this building increases in height to double storey, with roller door access to the warehouse component of this business (figure 2).

31. Along the opposite side of North Street are a number of townhouses which are located within a General Residential Zone. The dwellings are double storey in height and have minimum setbacks to the street.

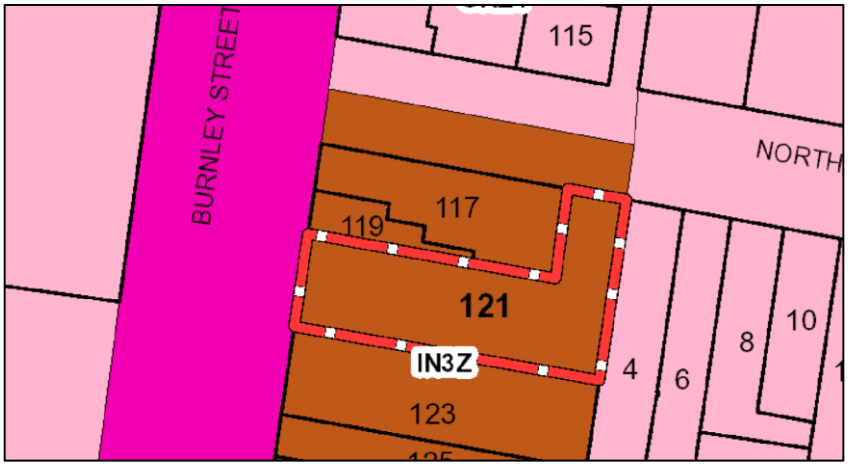


Figure 3 - Zoning map of subject site and surrounds

32. To the south of the subject site is No. 123 Burnley Street. The site is developed with a single-storey commercial building, which is also used as a food and drink premises. This site is also located within the same IN3Z (Figure 3). The building has a glazed frontage with a zero setback to the street. The building incorporates a 1m side setback to the common boundary with the subject site. There are a total of four, north-facing windows interfacing with the subject site. These are non-habitable given the use of the property. The rear of the building consists of an open space with an existing iron shed within the north-east corner.

33. To the east of the subject site is No. 4 North Street. The site is developed with a triple-storey dwelling forming a semi-attached pair of dwellings with No. 6 North Street. The dwelling is constructed to the street, with a recessed garage and pedestrian entry at ground level and a first floor terrace. The dwelling is constructed to the common boundary with the subject site for a length of 20.71m (entire rear boundary of the subject site). Plans identify one west-facing habitable room window located on the common boundary with the subject site. The dwelling also has two upper floor terraces, one fronting North Street and the second to the south-east of the subject site. The dwelling also incorporates a west-facing section of glazed roof adjacent to the front terrace (Figure 6).

34. The subject site has good access to public transport, retail and is in close proximity to the Victoria Gardens Shopping Centre. Surrounding infrastructure includes:

    (a) Bridge Road is located 360m to the south and provides a mix of shops, food and drink premises and supermarkets;

    (b) There are two tram routes (48 & 75) also operating along Bridge Road;

    (c) Victoria Street which is located 530m to the north and provides a mix of shops, food and drink premises and supermarkets;

    (d) There are two tram routes (12 & 109) also operating along Victoria Street;

    (e) Victoria Gardens Shopping Centre which is located 317 metres to the north.

Planning Scheme Provisions

Zoning

Clause 33.03 – Industrial 3 Zone

35. Pursuant to Clause 33.03-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required to use land for an office.

36. Pursuant to Clause 33.01-1 of the Scheme, a planning permit is not required to use land for a warehouse, provided a minimum distance of 30m is provided to any residential zone (amongst other conditions). As No. 4 North Street is located within a General Residential Zone and is directly abutting the subject site, the use as a warehouse triggers a planning permit.

37. Pursuant to Clause 33.01-4 of the Scheme, a planning permit is required to construct or carry out works.

38. Pursuant to Clause 33.03-5 (signs) of the Scheme advertising sign requirements are contained at Clause 52.05. This zone is in a Category 2 (office and industrial) with regards to signage.

Overlays

39. The subject site is affected by the Design and Development Overlay Schedule 2. The following provisions apply:

    (a) Pursuant to Clause 43.02-2, a planning permit is required to construct or carry out works.

40. The subject site is affected by a Heritage Overlay (HO460). The following provisions apply:

    Pursuant to Clause 43.01-1, a planning permit is required to construct a building or construct or carry out works, including demolition and to display a sign.

Particular Provisions

Clause 52.06 – Signs

41. Pursuant to Clause 52.05-12 (Category 2 – Office and industrial), business identification signs are a Section 1 (no permit required) sign provided the following condition is met:

    (a) *A total display area of all signs to each premises must not exceed 8sqm. This does not include a direction sign*

42. The proposal includes a total signage area 3.5sqm, which does not trigger a permit for signage under clause 52.05-2.

Clause 56.06 – Car parking

43. Clause 52.06-2 of the Scheme states that before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided on the land to the satisfaction of the Responsible Authority. Pursuant to Clause 52.06-5 the site is included in the Principal Public Transport Network Area under the Principal Public Transport Network Area Maps (State Government of Victoria, 2018) and therefore the car park rate under Column B (Table 1) applies.

44. Where requirements of Clause 52.06-5 are shown in the table below:

Use	**Rate (Column B) required under the Scheme**	**Car parking spaces required under the Scheme**	**Car parking spaces proposed**	**Variation (reduction) required**
Warehouse (156sqm)	2 to each premises, plus	3	3	0

	1 spaces to each 100sqm of net floor area			
Office (314sqm)	3 spaces to each 100sqm of net floor area	9	1	8
Total		**12**	**4**	**8**

45. Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5.

Clause 52.34 – Bicycle facilities

46. 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 are provided on the land. The following table identifies the car parking requirement under Clause 52.34-3, the provision on site, and the subsequent reduction below the statutory requirement:

Use	**Statutory Requirement**	**Spaces required**	**On-site Provision**	**Reduction requested**
Warehouse	Not listed	N/A	Not specified	N/A
Office (314sqm)	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm 1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm	N/A Floor area does not exceed 1000sqm	Not specified	N/A
Total		0	4	N/A

47. Clause 52.34-2 states that a permit may be granted to reduce or waive this requirement. As outlined in the table above, there is no statutory requirement for bicycle parking, as such a reduction or waiver is not required. Clause 52.34-5 contains bicycle signage requirements.

Clause 53.10 – Uses with activities with potential adverse impacts

48. The purpose of this clause is "*to identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood".*

49. To achieve the above purpose, Clause 53.10-1 provides a table of uses with threshold distances for specific uses which have been identified as having potential adverse impacts to the surrounding neighbourhood. The storage of electrical goods is not identified in the table and therefore is not required to be located away from any sensitive interface (i.e. residential zone).

<u>General Provisions</u>

Clause 65- Decision guidelines

50. 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)

Clause 11.01-1S – Settlement

51. The objective of this clause is "*to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements".*

Clause 13.05-1S – Noise abatement

52. The relevant objective of this clause is *"To assist the control of noise effects on sensitive land uses".*

Clause 15.01-1S – Urban Design

53. The objective of this clause is "*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

54. The relevant objective of this clause is *"to achieve building design outcomes that contribute positively to the local context and enhance the public realm".*

Clause 15.03-1S – Heritage conservation

55. The objective of this clause is "*to ensure the conservation of places of heritage significance."*

Clause 17.01-1S – Diversified employment

56. The objective of this clause is "*to strengthen and diversify the economy".*

Clause 17.02-1S – Business

57. The objective of this clause is "*to encourage development that meets the community's needs for retail, entertainment, office and other commercial services".*

Clause 18.01-1S – Land use and transport planning

58. The objective of this clause is *"to create a safe and sustainable transport system by integrating land use and transport".*

Clause 18.02-1S – Sustainable personal transport

59. The objective of this clause is "*to promote the use of sustainable personal transport".*

Clause 18.02-1R – Principal public transport network

60. The strategies for this clause are:

    (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 – Land use

Clause 21.04-3 – Industry, office and commercial

61. Relevant objectives and strategies for this clause are:

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

Clause 21.05 – Built form

Clause 21.05-2 – Urban design

62. The relevant objective and strategy of this clause are:

    (a) To reinforce the existing urban framework of Yarra.

(b) To ensure that new development contributes positively to Yarra's urban fabric.

Clause 21.06 – Transport

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

(a) To facilitate public transport usage

(b) To reduce the reliance on the private motor car

(c) To reduce the impact of traffic.

Clause 21.07 – Environmental sustainability

64. The relevant objectives of this clause are "*to promote environmentally sustainable development.*"

Clause 21.08-9 – Neighbourhoods (North Richmond)

65. This clause sets out the locally specific implementation of the objectives and strategies for Yarra's neighbourhoods. The subject site is located within the 'North Richmond' neighbourhood, and is identified as:

(a) *To the east of Burnley Street is an area of mixed industrial character with a pocket of low rise residential development. Given the proximity of this area to Victoria Gardens and the limited demand envisaged for the reuse of large industrial sites, there is potential for a wider range of employment uses including offices to locate in this precinct. It is important to:*

(b) *Protect the pocket of Residential 1 zoned land.*

Relevant Local Policies

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

66. This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance. The relevant objectives of this clause are:

(a) *To conserve Yarra's natural and cultural heritage;*

(b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*

(c) *To retain significant viewlines to, and vistas of, heritage places;*

(d) *To preserve the scale and pattern of streetscapes in heritage places;*

(e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;*

(f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice;*

(g) *To ensure that additions and new works to a heritage place respect the significance of the place.*

(h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.04 – Advertising signs policy

67. This policy applies to all permit applications for development that incorporate signage. The relevant objectives of this policy are:

(a) *To protect and enhance the character and integrity of places of heritage significance*

Clause 22.05 – Interface Uses Policy

68. This policy applies to applications for use or development within Industrial Zones (amongst others). The relevant objectives of this clause are:

(a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity".*

69. It is the policy under this clause 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.*

Advertising

70. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 2,692 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received six (6) objections and two (2) letters of support, the grounds of which are summarised as follows:

(a) Neighbourhood character (excessive built for, height and scale);

(b) Inappropriate interface to residential zone (signage, blank wall);

(c) Amenity impacts (overshadowing, loss of light);

(d) Loss of aspect/outlook;

(e) Traffic congestion and road safety;

(f) Loading and unloading of commercial vehicles;

(g) Occupation of on-street car spaces;

(h) How will the warehouse be used;

(i) Noise for vehicles entering along North Street outside normal business hours;

(j) Signage has no consideration of residential interface;

71. As a result of COVID-19 (Coronavirus) restrictions, no consultation meeting was held.

Referrals

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

External Referrals

73. The application was not required to be externally referred.

Internal Referrals

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

(a) Engineering Services Unit;

(b) Heritage Advisor;

(c) ESD officer; and

(d) City Works Unit.

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

OFFICER ASSESSMENT

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

(a) Use;

(b) Heritage;

(c) Buildings and works;

(d) Signage;

(e) Car parking/traffic;

(f) Environmental sustainable development;

(g) Objector concerns; and

(h) Other matters

Use

77. The key considerations for a new use are the decision guidelines at Clause 33.03-2 (use of land) pertaining to the Industrial 3 Zone and the Interfaces Use Policy at Clause 22.05 of the Scheme.

78. The retained section of the building is to be occupied by the office use while the warehouse component, along with some additional office space, is to be located within the new section of the building to the rear.

79. For non-residential developments near residential properties, Clause 22.05 directs Council to consider areas such as overlooking, overshadowing, visual bulk, daylight to habitable room windows/open spaces, light spill, noise, fumes, air emissions, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties. These matters largely relate to built form and will be discussed later within the assessment of buildings and works. Potential operational disturbances as a result of the proposed office and warehouse uses will be discussed in turn below.

80. The hours of operation for both uses are between 7am and 6pm, Monday to Friday. These are typical of most business operations in the surrounding area. These hours will reduce the risk of noise, light spill and use of off street car parking by employees/customers past 6pm and on weekends when surrounding residents are more likely to be home.

81. As outlined in the background section of this report, a revised waste management plan (WMP) prepared by Novatec and dated 8 July 2020 has been submitted by the applicant in response to the initial concerns raised by Council's City Works Unit to the WMP dated 20 March 2020. While the July WMP has largely addressed the initial concerns, the size of the bin storage area was still found unsatisfactory. Furthermore, Council's City Works Unit have also requested that a clause be placed in the WMP that would allow the potential review into the service if operation requirements change.

82. A condition will be provided on any permit that issues for an amended WMP to address all of the above concerns.

83. The proposed uses would not be expected to place any increased pressure on the availability and connection to services, nor would it affected existing drainage of the land. Furthermore, the proposal seeks to use the full area of the site, with no interim uses proposed. Further discussion and assessment of each use is provided within the sections below.

Office

84. The office component is to be located within the front section of the building occupying 314sqm of the existing ground floor level and two upper levels of the addition. The office is to operate in conjunction with the warehouse in association with an electrical contracting business.

85. The office use is solely for the administrative tasks associated with the electrical contracting business. These tasks would have minimal off-site amenity impacts, such as noise, making them ideal for a site adjoining residential land.

86. The building was previously used as an office, however no existing use rights could be established. The overall floor area of the office is to be reduced from 320sqm to 314sqm. Being located towards the front of the site, office employees will primarily gain access to the site via Burnley Street which is the IN3Z interface. This will reduce the impact of the office use towards the residential zone along North Street.

87. One car space will be allocated to the office and will be accessed via North Street. It is not anticipated that the vehicle movements associated with one car space will to noticeably impact on the residential zoned land to the east. A full assessment with regards to the reduction in car parking will be discussed later in this report.

Warehouse

88. The warehouse component is to be located to the rear of the addition and within two mezzanine levels above the landing bay and car park. The warehouse will operate in association with an electrical contracting business and has a total floor area of 156sqm. The warehouse is to accommodate the storage of goods associated with the electrical contracting business (i.e. cables, screws, tools, communications and data equipment, small components such as sockets, lighting and the like). As discussed earlier in this report, the storage of electrical goods/supplies is not identified under Clause 53.10 (uses with activities with potential adverse impacts).

89. Contracting staff will use the warehouse to load their vehicles with equipment and materials and proceed to specific sites. The type of goods stored would not cause any adverse impacts on existing sensitive uses proximate to the site.

90. A loading bay has been provided to North Street, behind a proposed roller door. Loading is confined to the restocking of the warehouse and use by the contractors. The hours of operation ensure that there will be no deliveries, or loading or unloading of vehicles on weekends, before 7am or past 6pm. This is of particular relevance to the residential interface along North Street. The hours of operation will ensure that no disturbance from the use will occur during the evening (6pm-10pm) or night-time (10pm-7am) periods as defined by the EPA State Environment Protection Policy (SEPP). In addition to the permitted hours of operation, a condition will be included requiring that loading and unloading must occur on site. This will also ensure loading is confined to the subject site and will not unreasonable impact on the surrounding area.

91. Given the relatively small size of the warehouse operation (156sqm), nature of the use of the warehouse and the hours of operation, it is not considered that there would be any unreasonable noise impacts outside of the typical operation of a warehouse. To provide some protection to residents, standard noise conditions relating to the control of noise from commercial, industry and trade premises (SEPP N-1).

92. Given the nature of the warehouse use for the storage of electrical goods, there will be no increase vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil. The warehouse will be used for the storage of electrical goods only for contractors.

Heritage

93. The decision guidelines from *Clause 43.01-4 Heritage Overlay* and policy from *Clause 22.02* (*Development Guidelines for Sites Subject to the Heritage Overlay*) of the Scheme are used to assess the proposed works, in-order to ensure that there is consistency achieved with the heritage values of the surrounding area.

Demolition

94. The demolition and subsequent construction of a 9m high addition is considered appropriate. The extent of demolition is consistent with the directions provided under *Clause 22.02-5.1*, where original fabric visible from the street is to be largely maintained (i.e. ground floor façade, verandah, front rooms, hipped roof form and chimneys). The extent of demolition will be located to the rear and will be screened from Burnley Street due to the existing built form being retained. The rear portion of the existing building is currently visible from North Street, however, as North Street is not within the heritage precinct, the extent of visible demolition to this interface is considered acceptable.

95. The extent of demolition is therefore supported.

Development

96. In terms of the subsequent construction, *Clause 22.02-5.7* provides direction as to the appropriate location for new works. It states (relevantly) that ground and upper floor additions to a contributory building should be located towards the rear of the site and should be encouraged to be sited within the 'envelope' created by projected sight lines.

97. The proposed addition involves a third level above the existing two storey component, set back a further 3.34m behind the existing first floor (15.9m from Burnley), with the exception for a deck, which is to sit immediately above the first floor (at 12.66m from Burnley Street). The sightline diagram submitted with the application has identified that the addition will be partially visible from the opposite side of the street (Figure 4).

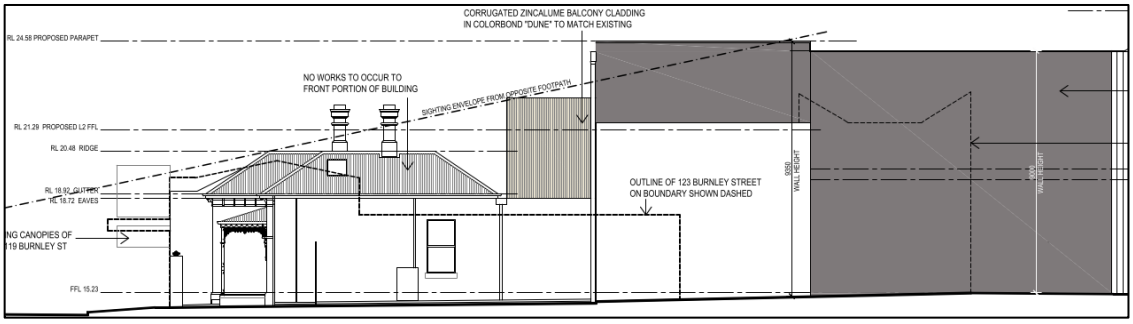


Figure 4 – South elevation

98. However, the view from the sightline diagram is not taken from the main roofline/roof ridge in accordance with the Figure 2 sightline diagram under clause 22.02-5.7.1 and therefore does not accurately represent the extent of built form visible from Burnley Street. Figure 5 below provides a more accurate representation of the extent of built form that will be visible from Burnley Street.

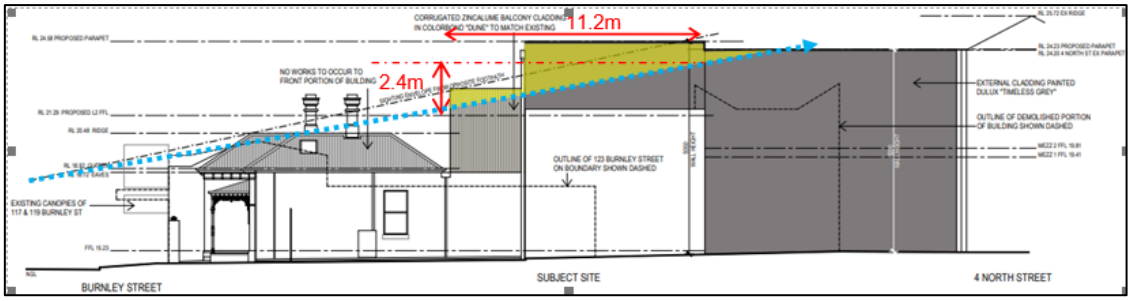


Figure 5- Corrected sightline over main ridgeline shows extent of proposed additions that will be visible from the street in yellow (Source: Council's Heritage Advisor)

99. Council's Heritage Advisor is supportive of the proposed setback which is located behind the full roof form of the heritage building. However, is not supportive of the height of the addition. Based on the viewline within figure 9 above, the Heritage Advisor has stated that, *"the proposed front open deck on level 2 will be visible from both directly in front of the site, as well as from oblique angles. All activity and items located on the deck will also be clearly visible. Not only this, almost all of the second-floor level will also be visible due to the glazed balustrading of the proposed front open deck*".

100. Council's Heritage Advisor has therefore recommended the following:

(a) *The proposed front open deck behind the heritage house must be relocated to level 1 or deleted.*

(b) *The proposed second floor addition must be setback at least 11.2m from the rear of the heritage house.*

(c) *The façade of the proposed second floor addition must be finished in a natural cement colour; and*

(d) *If approved, the roof deck balustrading must be modified to a solid material as glazed balustrading is specifically discouraged in policy Clause 22.02-5.7.1*

101. However, it is considered that the Burnley Street context lends itself to a more visible addition, being on a main road and in proximity to taller built forms. This section of Burnley Street has examples of built forms which vary in height from one to four storey townhouse developments. There are also examples of apartment developments with up to seven storey street walls (i.e. 132 Burnley Street). Although it is acknowledged that these buildings are not affected by a heritage overlay, they contribute to the character of the streetscape.

102. The provision of clause 22.02 under industrial heritage places encourage new additions to "*respect the scale and form of the existing heritage place or contributory elements to the heritage place by being setback from the lower built form elements*". Although partially visible from the street, the substantial 12.66m setback from Burnley Street enables the addition to be perceived as a taller structure in the background, which would be common in the built up context of the area. Furthermore, being entirely behind the original single storey heritage building, the roof form and contributory elements of the building will be preserved, including both chimneys. Combined with the emerging character of higher built forms along Burnley Street, it is considered the proposed setbacks are adequate and allow the existing built form to remain a dominant feature to the street.

103. It is agreed that the glazed balustrade to the balcony will introduce an element which would detract from the heritage fabric and is not consistent with the Victorian-era of the host building. As such, a condition will be included on any permit that issues for the roof deck balustrading to be modified to a solid material. A separate condition will require the height to the top of the balustrade to be annotated as this has not been shown.

104. The balcony is also showing 'food cubes', however no details have been provided as to their height. An additional condition will be included of height of the proposed food cubes, to ensure that these are not visible from Burnley Street above the balustrade.

105. Towards the rear, the proposal will introduce a three storey built form to the North Street frontage, rear and side boundaries. The heritage precinct does not extend beyond the subject site along North Street. The overlay affects No. 117 Burnley Street, which is on the corner of Burnley and North Streets, however this building is classified as a non-contributory building. Given this context, views of the site from North Street are not considered to detract from the heritage precinct. This has been confirmed by Council's Heritage Advisor, who has not raised any objections with respect to the scale of the development along this interface. Further discussion regarding the integration with the North Street streetscape character is discussed within the built form assessment below.

106. Overall, the proposal appropriately responds to the particular requirements contained within Clause 21.05, Clause 22.02, Clause 33.03 and Clause 43.01 of the Scheme, and therefore is considered acceptable in relation to both the heritage and industrial context of the street.

Buildings and works

107. The following assessment is based upon the proposed buildings and works having regard to the decision guidelines of clause 33.03-4 to the IN3Z and clause 22.05 (Interface Uses Policy). Of relevance, the decision guidelines of clause 33.03-4 requires consideration to be given to the streetscape character and the interface with non-industrial areas, which in this case is the residential interface to the east at No. 4 North Street. The following section provides an assessment of overlooking, daylight to existing windows, overshadowing and visual bulk.

Overlooking

108. The proposed uses would not result in overlooking opportunities to adjoining residential properties. The office outlook is towards Burnley Street and the adjoining commercial properties to the north and south. The proposed development incorporates a west-facing balcony along the second floor (office breakout room) to Burnley Street, which is setback 12m from the street. The outlook to both north and south sides of the balcony will be towards the two adjoining commercial uses and do not overlook any secluded private open spaces or habitable room windows.

109. There is a west-facing habitable room window associated with the dwelling at No. 4 North Street (Figure 6). This window is located at second floor and is constructed to the common boundary of the subject site.

Figure 6 - No. 4 North Street, Richmond - With window constructed along the boundary along third storey visible

110. The proposed development provides a 1.34m deep by 3m wide courtyard to Mezzanine 1 along the eastern boundary adjacent to this window. This provides a total area of 4sqm and is to contain the 3,000L rainwater tank. From an overlooking perspective, the adjacent window is located one floor above the courtyard (Figure 7 – dashed line above proposed door), preventing any unreasonable overlooking.

111. Given that the courtyard is largely taken up with the rainwater tank, it is unlikely to be used by staff for anything other than maintenance, reducing potential noise impacts to this window.

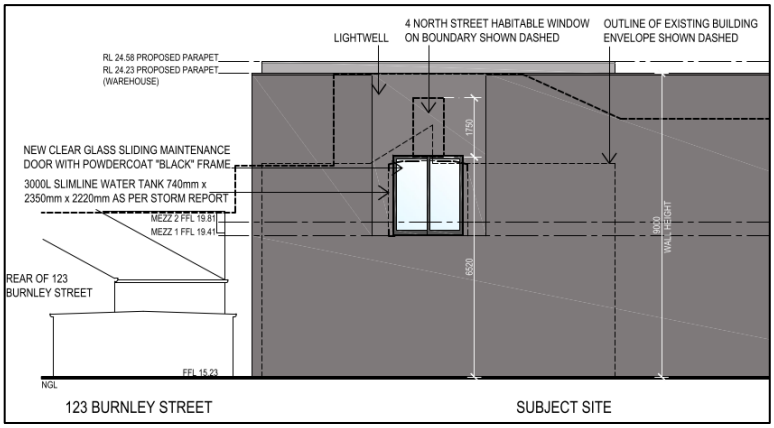


Figure 7 - East elevation showing courtyard and adjoining habitable room window (dashed)

Daylight

112. The title for the subject site does not identify any light or air easements protecting the boundary window of No. 4 North Street. Pursuant to Section 195 of the *Property Law Act* 1958, a window on the boundary does not have any entitlement to daylight or ventilation (unless constructed prior to 1907). This position has been affirmed in various VCAT decisions including Latitude Architects Pty Ltd v Macedon Ranges SC [2009] VCAT 2708 and Medopt PL v Hobsons Bay CC [2007] VCAT 416).

113. While there is no requirement to protect this window, the dimension of the courtyard combined with the location of the window on the second floor will ensure sufficient daylight into this room. If the application were to be assessed against the relevant ResCode (Clause 54 or 55) requirements for daylight to windows, the standard would be met (i.e. minimum area of 3sqm and wall height no greater than 3m measured from the associated finished floor level of the room associated with the affected window).

114. No additional windows are identified on the plans provided, however it has been identified through objections received that there are two glazed section of the pitched roof associated with No. 4 North Street. These sections are identified in figure 8 below and are adjacent to the two secluded private open spaces to the front and rear. Both roofs are identified as providing daylight into habitable room windows.

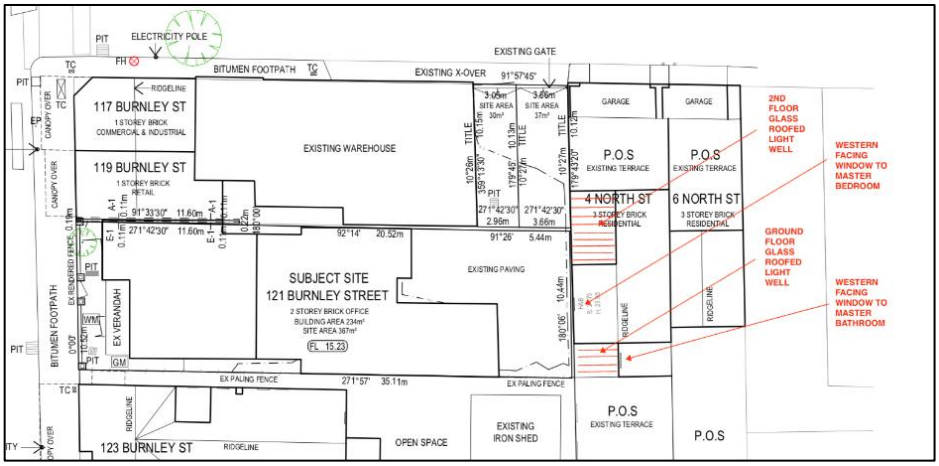


Figure 8 - Location of adjoining windows & sections of glazed roof to No. 4 North Street (Source: objector – No. 4 North Street)

115. From photos provided it can be identified that both habitable rooms are set back into the site, are generally in line with the centrally located roof ridge of no. 4 North Street (3m approx.) and are elevated along the upper floors. Given this setback combined with their elevated location it is considered that both windows identified will receive sufficient daylight. This is taking into account the proposed boundary wall. Again, if the application were to be assessed against the relevant ResCode (Clause 54 or 55) requirements for daylight to windows, the objective if not the standard is believed to be met.

Overshadowing

116. As a result of the site orientation, overshadowing will be confined to the two upper floor terraces along to the rear boundary at No. 4 North Street (figure 9). One space fronts North Street, with the second open space located to the rear of this property (south-west of the subject site). These spaces will be unaffected during the morning period, with overshadowing occurring during the afternoon period between 1pm and 3pm.

117. Both spaces have a combined area of 80sqm and are already partly overshadowed by existing built forms. Shadow diagrams provided show that overshadowing progressively increases during the afternoon period, from 3.62sqm at 1pm, 9.06sqm at 2pm and 14.59sqm at 3pm (figure 9).

Figure 9 - Extent of overshadowing at 1pm, 2pm & 3pm (additional shadow in grey)

118. The combined solar access or areas not shadowed vary between 36sqm to 21sqm, as can been seen in Figure 9 above. The extent of overshadowing is considered acceptable for the following reasons:

    (a) The open spaces are unaffected by the proposed development during the morning period, with overshadowing occurring between 1pm and 3pm.

    (b) The combined area of open spaces which are unshadowed is considered usable area for residents taking into account the inner city context of smaller lot sizes. This is particularly noticeable with the open space to the street, which has excellent solar access to the north.

    (c) Both open spaces are located along the upper floors which reduces the extent of overshadowing to both open spaces, if they were typically located along the ground floor.

Visual bulk

119. The proposed application seeks to construct a 9m high wall immediately adjacent to the north-facing terrace of No. 4 North Street. However, due to the elevated position of the terrace, the perceived height of the wall will be much lower and commensurable to the height of the third storey associated with this dwelling. In this regard, the proposed development is not considered to present unreasonable visual bulk.

Streetscape and public realm

120. Pursuant to clause 33.03-4, consideration is to be given to the streetscape character. The Burnley Street streetscape has been discussed in relation to its heritage context. A 9m street wall is proposed to North Street, with the location of the wall reflective of the zero setbacks of both adjoining properties. While the street wall will be approximately 2m taller than the abutting buildings (as illustrated Figure 10 below), the difference in scale is not significant. Furthermore, the overall height of the building will be lower than that at No. 4 North Street. Therefore, views of the proposed development along North Street would be largely obscured.
    .

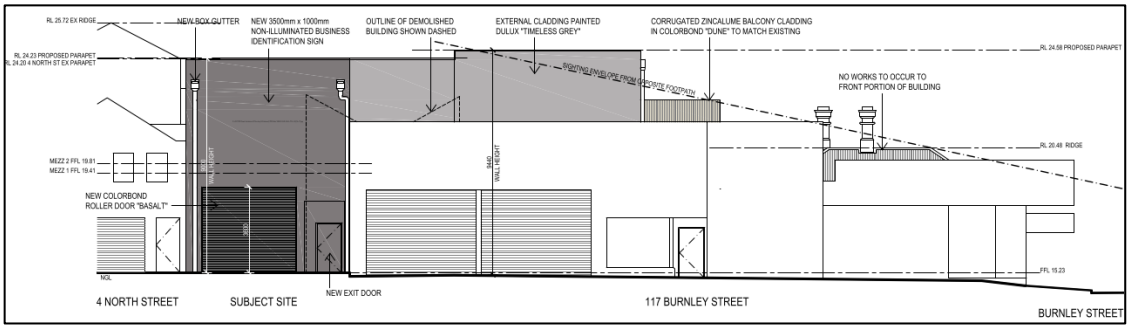


Figure 10 - North Street elevation

121. The presentation to the street offers limited visual articulation, comprising a recessed pedestrian door and vehicle roller door. Given this is the service access to the building, opportunities for activating this interface are limited. However, it is considered that the presentation to the street could be improved by replacing the solid pedestrian door with a glazed door. This would also help address the potential concealment space created by the recessed entrance. However, given that the building is only to be occupied during the day, it is necessary that this recess is also fitted with a sensor light to avoid any safety concerns in this area. These matters will be conditioned accordingly.

122. The 'Basalt' colorbond roller door is supported as a higher quality finish than a zincalume or similar (as applied to the neighbouring roller doors at No. 117 Burnley Street). However the ground floor would need to be treated with a graffiti-proof finish to protect against vandalism.

    <u>Signage</u>

123. It is proposed to install a 3.5sqm non-illuminated business identification sign to the North Street elevation, above the roller door. An image of the sign was provided on the initial plans submitted with the application (as per Figure 11 below), however this image was omitted from the amended plans submitted in response to Council's request for further information. The latter being the set of plans advertised and form the 'decision plans' to this application. A condition of any permit that issues will require this sign detail to be reinstated on the plans.

Figure 11 - North elevation showing proposed sign along North Street

124. As identified in the planning controls section, a permit is only triggered for the sign under the heritage overlay. The relevant decision guideline of the Heritage Overlay at clause 43.01-8 is *whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.* More specific guidance is contained within Council's Advertising Signs policy at clause 22.04-3.8. This states that:

    (a) *New high wall signs, major promotion signs, panel signs, pole signs, internally illuminated and animated signs, and sky signs are discouraged.*

    (b) *Existing original heritage signs or advertising features should be conserved and enhanced.*

    (c) *The number of signs should be limited.*

    (d) *New signs should be small and restrained in design.*

    (e) *Ensure that signs do not obscure the heritage features of the building*

125. The proposed sign is consistent with the above policy guidance as follows:

    (a) A non-illuminated business identification sign is not a type of sign that is to be discouraged. While the sign is on the upper part of the wall, it is not a 'high wall' sign, which is defined within clause 73.02 (sign terms) as a sign more than 10m above the ground.

    (b) Only one sign is proposed, with the existing sign to Burnley Street to be removed.

    (c) The sign is proportional to the host building and will not dominate the North Street elevation.

    (d) The proposed sign is to be located on the new addition and therefore will not obscure any heritage features of the building.

126. Based upon the above assessment, and that the sign is to face North Street, which is otherwise outside the heritage overlay, the proposed sign is considered to comfortably comply with Clause 22.04-3.8 and the 43.01-8.

    <u>Car parking</u>

    Reduction in car parking

127. As discussed earlier in this report, the proposed development provides a total of four car spaces to the rear of the site. Three of the car spaces are allocated to the warehouse, which meets the statutory requirements pursuant to Clause 52.06 of the Scheme. One of the car spaces is to be allocated to the office, which result in a shortfall of eight spaces.

128. The shortfall in the anticipated car parking demand is considered acceptable in this case based upon the following:

    (a) The site is well serviced by public transport including:

        (i) Two tram routes operating along Bridge Road, 360 metres to the south;

        (ii) Two tram routes operating along Victoria Street, 530 metres to the north.

    (b) The high demand and limited availability for on-street parking would dissuade staff and customers from driving, particularly in a location where other modes of transport are readily available.

    (c) The short-term parking restrictions in the surrounding area would ensure that there is a regular parking turnover in the area for those that do drive to the site.

    (d) Council's Engineering Department has no objection to the proposal, satisfied that it is in-line with the objectives contained within Council's Strategic Transport Statement given that 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.

    (e) Four bicycle spaces and end of trip facilities have been provided to encourage employees to cycle to the site.

Car parking design/layout

129. Access to the site is to be provided via the 4m wide roller door to North Street. Council's Engineering Services Unit have requested swept path diagram for a B85 vehicle to demonstrate safe vehicle entry and exit from the subject site. The diagram must show all existing on-street car spaces and trees/landscaping on the road.

130. Given the vehicle access is flush to the street, a visibility triangle in accordance with clause 52.06-9 design Standard 1 (Accessways) cannot be provided. Council Engineers have reviewed this design response and deemed it to be acceptable subject to the installation of a convex mirror on the east side of the car park entrance. This is to be conditioned accordingly on any permit that issues.

131. An additional condition has been requested by Council Engineers for the crossover be constructed in line with the roller door. There is an existing crossover that extends the full width of the North Street frontage (figure 2). However, given that the width of the vehicle access point into the site is being reduced, the vehicle crossover should equally be reduced. This will also facilitate the provision of a pedestrian refuge between the subject site and the existing crossover to the west, which will improve pedestrian safety and amenity.

132. The car parking layout provides car spaces with a minimum dimensions of 2.4m by 5.4m and 2.6m by 4.9m, which satisfy design standard 2 of clause 52.06-9 of the Yarra Planning Scheme and the relevant Australian Standard.

133. A total of four car spaces are provided within the south-east corner of the building. The spaces are accessed via the roller door and over the loading bay. Three of the spaces are in line with the accessway and can be easily accessed. The fourth is a disabled space and to the west of the other car spaces. If a permit is to be issued, Council's Engineers have requested a condition will be included for swept path diagrams for a B85 design vehicle to demonstrate adequate turning movements of a vehicle entering and exiting into and out of the car spaces.

134. To increase safety for vehicles exiting a turning table with a 6m diameter has been provided within the loading bay. This will enable vehicles to exit in a forward movement, which in combination with convex mirror will allow for improved visibility (i.e. vehicles will not be reversing onto North Street). Council Engineers have raised no objections to the presence or location of the turning table.

Bicycles

135. Pursuant to Clause 52.34, there is no statutory requirement for bicycle spaces to be provided. Nevertheless, there are four spaces provided, which are to be located within the loading bay area, adjacent to the turning table.

136. While there is no statutory requirement for bicycles to be provided, the bicycle provision is considered necessary given the reduction in car parking and it is also important to ensure that these spaces are functional. There is a concern with regards to the proximity of these spaces to the turning table, where there is a possibility that their location could result in damage to bikes and would not be used. A condition will therefore be included for details of the type of bicycle rack and dimensions. Should these spaces impact on vehicle movement or the turning table, they will need to be relocated to an alternative location.

Environmental Sustainable Development

137. Pursuant to Clause 22.17 (Environmental Sustainable Development), the development of a non-residential building with a gross floor area of between 100sqm and 1,000sqm must be accompanied by a Sustainable Development Assessment (SDA). The applicant has been accompanied by an SDA prepared by Novatec.

138. The SDA/application has been reviewed by Councils ESD Officer who has found that the proposal in its current form does not meet Council's Environmental Sustainable Design Standards. The following deficiencies have been identified:

    (a) *The BESS report indicates solar power generation, there is no indication of the system size and has not been marked on the architectural. A condition will be included for the solar panels to be clearly identified on all plans and elevations.*

    (b) *There are no external shading elements to the exposed western glazing, leaving the facade exposed to summer heat gain. Recommend the introduction of external shading systems to reduce heat gain.*

    (c) *Include a requirement for a site-specific Waste Management Plan including a target recycling rate of at least 80% of construction and demolition waste.*

139. All of the above deficiencies can be addressed via a condition of the permit and will be included as conditions of the permit.

Objections

140. The majority of the issues raised by the objectors have been addressed within the body of this report, as follows:

    (a) Neighbourhood character (excessive built for, height and scale);

    Paragraphs 78-123

    (b) Inappropriate interface to residential zone;

    Paragraphs 78-123

    (c) Amenity impacts (overshadowing, loss of light);

    Paragraphs 78-123 & 110-123

    (d) Traffic congestion and road safety;

    Paragraphs 133-134

    (e) Loading and unloading of commercial vehicles;

    Paragraphs 93-94

(f) Occupation of on-street car spaces;

Paragraphs 133-134

(g) How will the warehouse be used;

Paragraph 8

(h) Signage has no consideration of residential interface

Paragraphs 124-132

141. Outstanding concerns raised by the objectors are discussed below:

(a) Loss of aspect/outlook

Outlook from the adjoining dwelling will still be maintained via outlook to North Street. Furthermore, it has been consistently upheld in VCAT that an application cannot be refused due to the loss of city views.

(b) Noise for vehicles entering along North Street outside normal business hours;

Both uses are only proposed to operate between the hours of 7am and 6pm, which is considered standard business hours. Any operations outside of these house would constitute a breach in the permit condition for hours of operation.

Other matters

142. The site boundaries are not clearly identified, particularly on the proposed roof plan. To ensure all works are contained within the subject site, a condition will be included for the title boundaries to be clearly shown on all plans (e.g. highlighted in another colour), with all works to be contained within site boundaries.

143. The north elevation of the development is partially obscured by the building at No. 117 Burnley Street. A condition will be included for amended north elevation showing the full elevation details of the proposed development, with any details of No. 117 Burnley Street to be limited to an outline as per the other elevations.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0918 for the partial demolition and construction of an addition to the rear of the existing building for the use as an office and warehouse, display of business identification signage and a reduction in car parking associate with the office use at 121 Burnley St Richmond VIC 3121 generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

Amended plans

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 decision plans prepared by Novatec Plan Nos. DA1 Rev 05, DA2 Rev 04, DA3 Rev 04, DA4 Rev 04, DA5 Rev 05, DA6 Rev 05, DA7 Rev 05, DA8 Rev 03, DA9 Rev 04, DA10 Rev 04, DA11 Rev 04, DA12 Rev 04, DA13 Rev 02, DA14 Rev 02, DA15 Rev 02, DA16 Rev 02, DA17 Rev 01 and dated 17 October 2019 but modified to show:

(a) Replacement of the glazed balustrade to the Level 2 deck with a solid material.
(b) Annotate the height to the top of the proposed balustrade associated with the Level 2 deck measured from natural ground level;
(c) Annotate the height of the proposed food cubes located within the second floor balcony, demonstrating that these will be concealed from Burnley Street by the proposed balustrade;
(d) Swept path diagrams for a B85 design vehicle demonstrating adequate turning movements to all car spaces and North Street (and showing existing on-street car spaces, trees and landscaping).
(e) Installation of a convex mirror on the east side of the car park entrance to North Street.
(f) The existing crossover to North Street narrowed to align with the proposed roller door, with redundant sections of the crossover to be reinstated as footpath.
(g) Details of the proposed sign on the north elevation, as per drawing DA9 (Rev 02).
(h) Details of the model of bicycle storage facility and dimensions, demonstrating adequate clearance from the loading bay turning circle.
(i) The location and dimension of all solar panels to be clearly identified on all plans and elevations.
(j) Installation of external shading elements to the exposed western glazing to the proposed additions.
(k) A glazed pedestrian door provided to North Street.
(l) North Street ground level walls to be treated with a graffiti-proof finish.
(m) Installation of a sensor light to the recessed pedestrian entry to North Street.
(n) The title boundaries clearly shown, with all works to be contained with the site boundaries.
(o) An updated northern elevation showing the full extent of the proposed building (i.e. not obscured by No. 117 Burnley Street).
(p) Any changes as a result of the endorsed Waste Management Plan pursuant to condition 3
(q) Any changes as a result of the endorsed Sustainability Management Plan pursuant to 5.

2. The use, development and 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.

Waste Management Plan

3. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Novatec and dated 30 March 2020, but modified to include:

    (a) changes generally as shown in the revised Waste Management Plan prepared by Novatec dated 8 July 2020 but subject to:
        (i) A larger bin storage area for an effective waste system and provide sufficient separation of Council and private services; and
        (ii) A clause for the potential review into the service if operational requirements change.

4. 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

5. 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 Novatec and dated 24 February 2020, but modified to include or show:

   (a) A target recycling rate of at least 80% of construction and demolition waste.
   (b) Installation of external shading elements to the exposed western glazing

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

Use

7. Except with the prior written consent of the Responsible Authority, the uses authorised by this permit may only operate between the following hours:

   (a) Monday to Friday – 7.00am to 6.00pm

8. Deliveries and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

9. 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.

Signs

10. Prior to the erection of signage authorised by this permit, the sign to the Burnley Street elevation must be removed.

11. The sign must not be illuminated by external or internal light.

12. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

General

13. The amenity of the area must not be detrimentally affected by the use or development, 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.

14. 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).

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. Before the building is occupied, the northern boundary wall facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the recessed pedestrian entrance to North Street must be provided within the property boundary. Lighting must be:

    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,
    (e) to the satisfaction of the Responsible Authority

18. All buildings and works must be maintained in good order and appearance 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, the altered vehicle crossing must be constructed:
    (a) In accordance with any requirements or conditions imposed by Council:
    (b) At the permit holder's cost; and
    (c) To the satisfaction of the Responsible Authority.

20. 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.

21. 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;

22. 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.

23. 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.

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

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.

26. This permit will expire if any of the following occur;

    (a) The development is not commenced within two (2) years from the date of this permit.
    (b) The development is not completed within four (4) years from the date of this permit; or
    (c) The use is not commenced within five (5) years of the date of this permit.
    (d) The sign is not erected within five (5) years of the date of this permit

    The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six 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 Department on Ph. 9205 5555 to confirm.

The site is subject to a Heritage Overlay. A planning permit may be required for any further 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 5555 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 5555 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.

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch on 9205 5555 for further information.

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

Attachments

1. PLN190918 - 121 Burnley Street, Richmond - Site plan
2. PLN190918 - 121 Burnley Street, Richmond - Advertised plan
3. PLN190918 - 121 Burnley Street, Richmond - Engineering referral advice
4. PLN190918 - 121 Burnley Street, Richmond - Heritage referral advice
5. PLN190918 - 121 Burnley Street, Richmond - ESD referral advice
6. PLN190918 - 121 Burnley Street, Richmond - City Works Unit Referral Advice on WMP March 2020
7. PLN190918 - 121 Burnley Street, Richmond - City Works Unit Referral Advice on WMP July 2020

Attachment 1 - PLN190918 - 121 Burnley Street, Richmond - Site plan

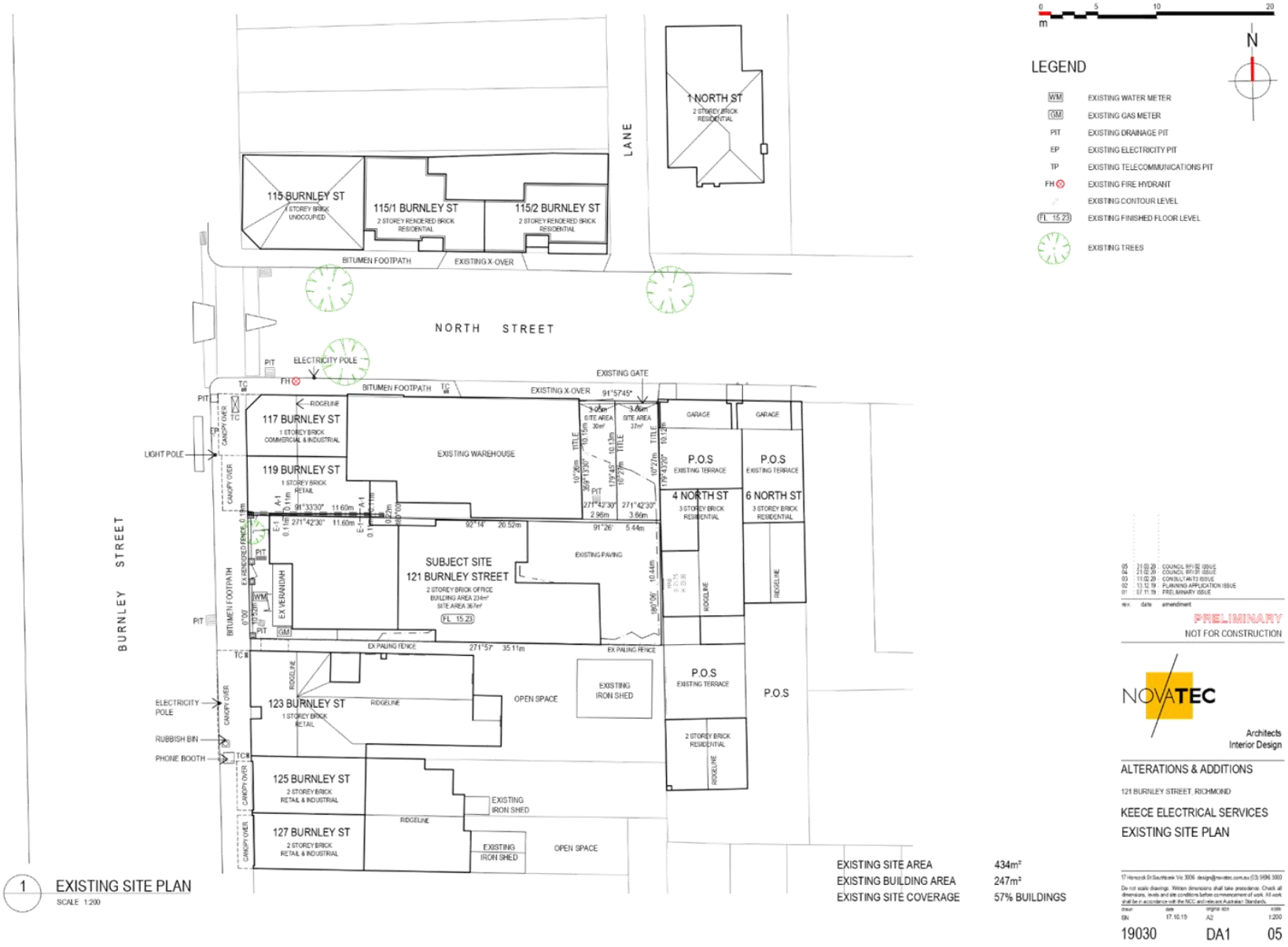
ATTACHMENT 1

SUBJECT LAND: 121 Burnley Street, Richmond

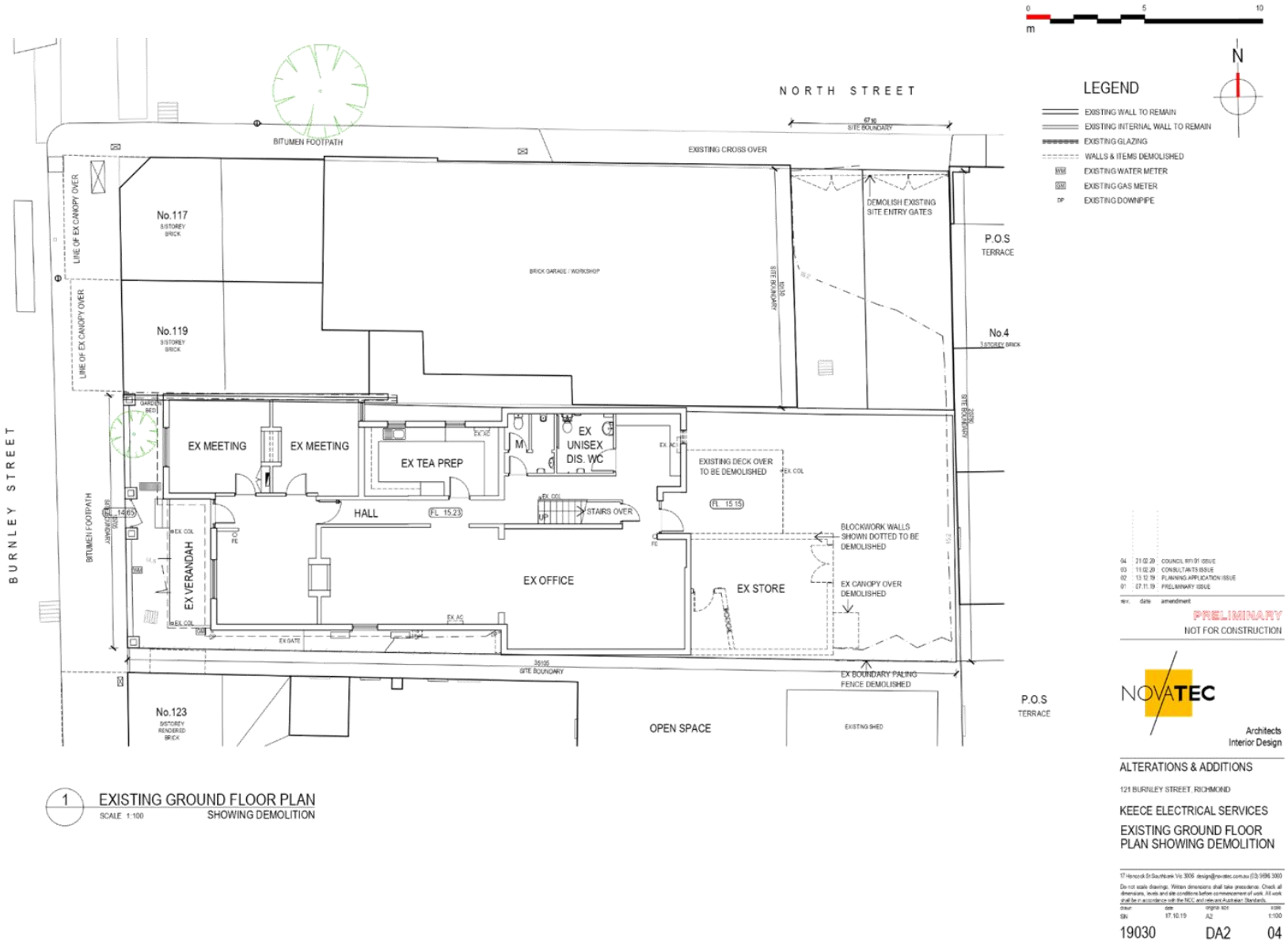
North

Subject Site

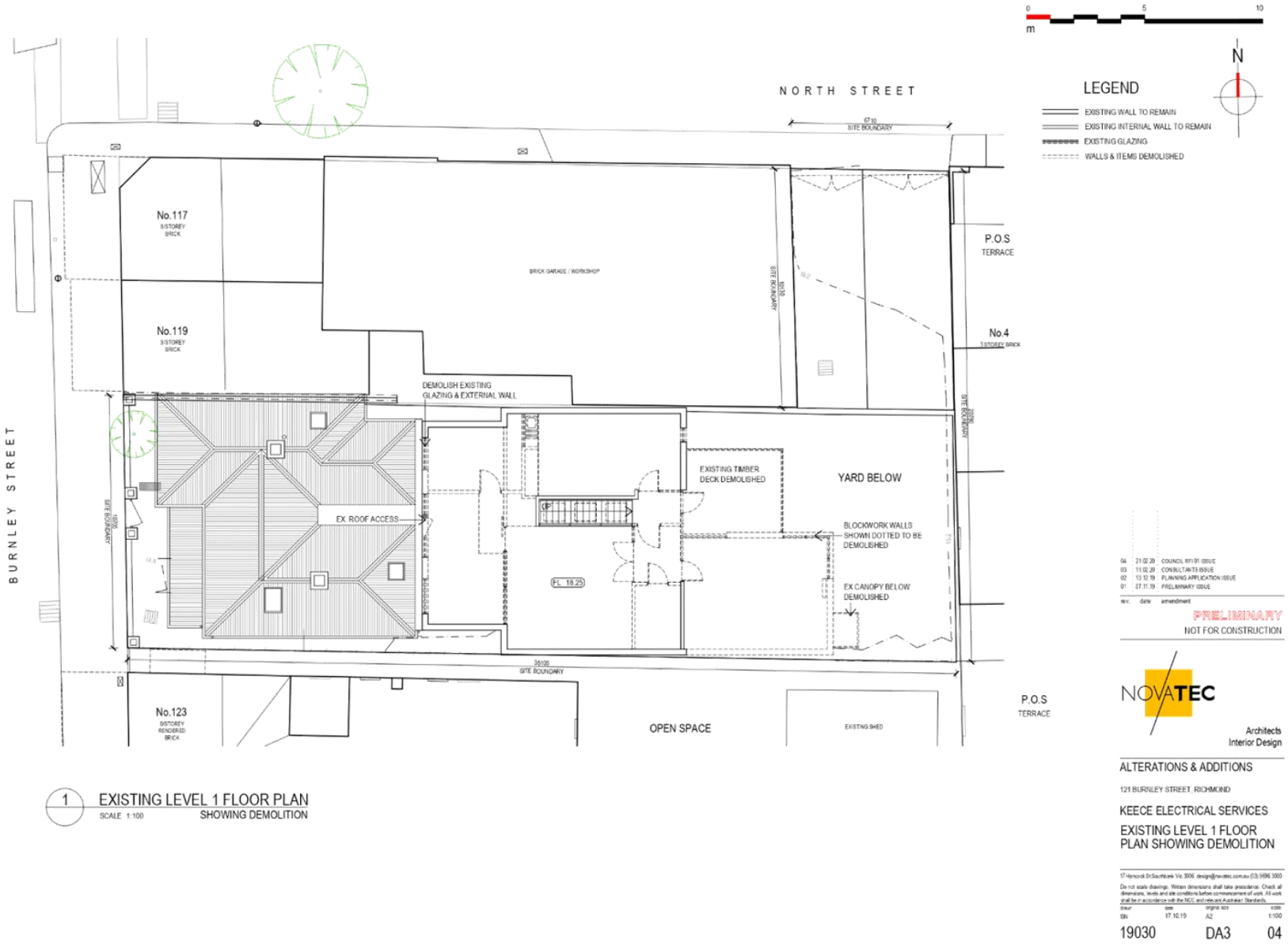
Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



1 EXISTING LEVEL 1 FLOOR PLAN
SCALE 1:100 SHOWING DEMOLITION

rev.	date	amendment
04	21.02.20	COUNCIL RFI 01 ISSUE
03	11.02.20	CONSULTANTS ISSUE
02	13.12.19	PLANNING APPLICATION ISSUE
01	07.11.19	PRELIMINARY ISSUE

PRELIMINARY
NOT FOR CONSTRUCTION

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ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

EXISTING LEVEL 1 FLOOR PLAN SHOWING DEMOLITION

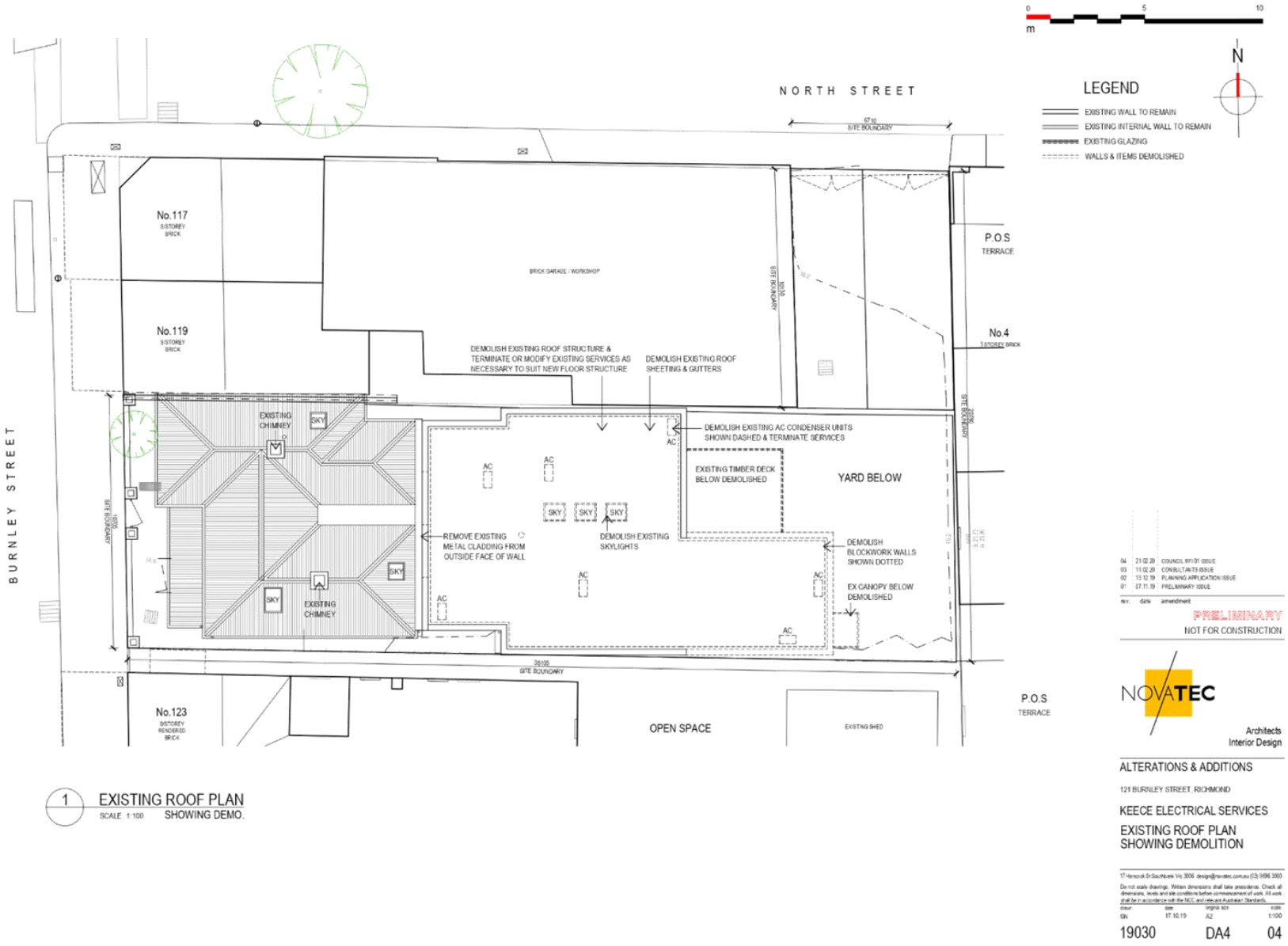
17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

Do not scale drawings. Written dimensions shall take precedence. Check all dimensions, levels and site conditions before commencement of work. All work shall be in accordance with the NCC and relevant Australian Standards.

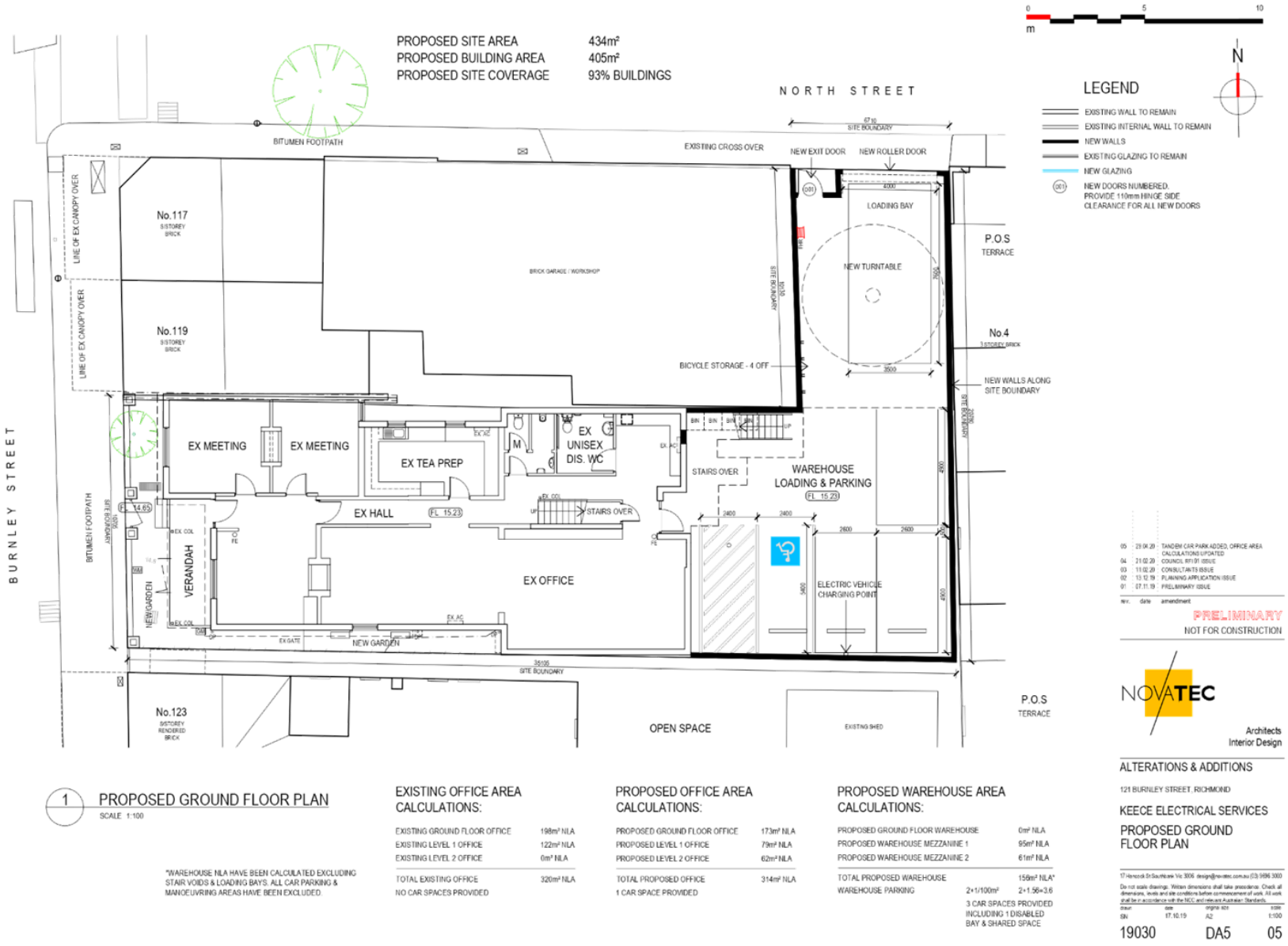
drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA3 04

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



1 PROPOSED GROUND FLOOR PLAN
SCALE 1:100

*WAREHOUSE NLA HAVE BEEN CALCULATED EXCLUDING STAIR VOIDS & LOADING BAYS. ALL CAR PARKING & MANOEUVRING AREAS HAVE BEEN EXCLUDED.

EXISTING OFFICE AREA CALCULATIONS:

EXISTING GROUND FLOOR OFFICE	198m² NLA
EXISTING LEVEL 1 OFFICE	122m² NLA
EXISTING LEVEL 2 OFFICE	0m² NLA
TOTAL EXISTING OFFICE	320m² NLA
NO CAR SPACES PROVIDED	

PROPOSED OFFICE AREA CALCULATIONS:

PROPOSED GROUND FLOOR OFFICE	173m² NLA
PROPOSED LEVEL 1 OFFICE	79m² NLA
PROPOSED LEVEL 2 OFFICE	62m² NLA
TOTAL PROPOSED OFFICE	314m² NLA
1 CAR SPACE PROVIDED	

PROPOSED WAREHOUSE AREA CALCULATIONS:

PROPOSED GROUND FLOOR WAREHOUSE	0m² NLA
PROPOSED WAREHOUSE MEZZANINE 1	95m² NLA
PROPOSED WAREHOUSE MEZZANINE 2	61m² NLA
TOTAL PROPOSED WAREHOUSE	156m² NLA*
WAREHOUSE PARKING	2+1/100m² 2+1.56=3.6
	3 CAR SPACES PROVIDED INCLUDING 1 DISABLED BAY & SHARED SPACE

05 29.04.20 TANDEM CAR PARK ADDED, OFFICE AREA CALCULATIONS UPDATED
04 21.02.20 COUNCIL RFI 01 ISSUE
03 11.02.20 CONSULTANTS ISSUE
02 13.12.19 PLANNING APPLICATION ISSUE
01 07.11.19 PRELIMINARY ISSUE
rev. date amendment

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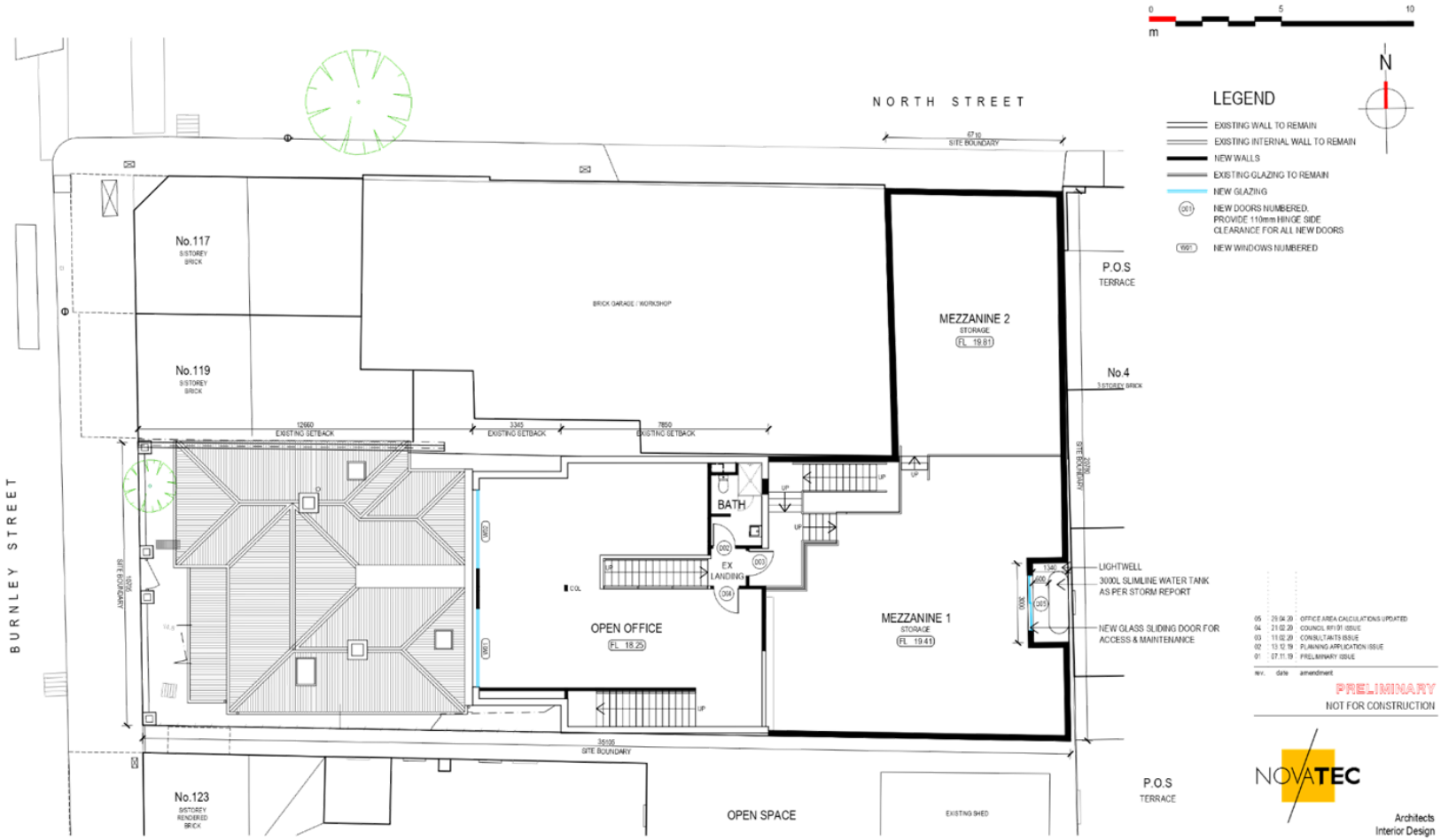
ALTERATIONS & ADDITIONS
121 BURNLEY STREET, RICHMOND
KEECE ELECTRICAL SERVICES
PROPOSED GROUND FLOOR PLAN

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000
Do not scale drawings. Written dimensions shall take precedence. Check all dimensions, levels and site conditions before commencement of work. All work shall be in accordance with the NCC and relevant Australian Standards.

drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA5 05

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



1 PROPOSED LEVEL 1 FLOOR PLAN
SCALE 1:100

EXISTING OFFICE AREA CALCULATIONS:

EXISTING GROUND FLOOR OFFICE	198m² NLA
EXISTING LEVEL 1 OFFICE	122m² NLA
EXISTING LEVEL 2 OFFICE	0m² NLA
TOTAL EXISTING OFFICE	320m² NLA
NO CAR SPACES PROVIDED	

PROPOSED OFFICE AREA CALCULATIONS:

PROPOSED GROUND FLOOR OFFICE	173m² NLA
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1 CAR SPACE PROVIDED	

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PROPOSED WAREHOUSE MEZZANINE 1		95m² NLA
PROPOSED WAREHOUSE MEZZANINE 2		61m² NLA
TOTAL PROPOSED WAREHOUSE		156m² NLA*
WAREHOUSE PARKING	2+1/100m²	2+1.56=3.6
	3 CAR SPACES PROVIDED INCLUDING 1 DISABLED BAY & SHARED SPACE	

05 29.04.20 OFFICE AREA CALCULATIONS UPDATED
04 21.02.20 COUNCIL RFI 01 ISSUE
03 11.02.20 CONSULTANTS ISSUE
02 13.12.19 PLANNING APPLICATION ISSUE
01 07.11.19 PRELIMINARY ISSUE
rev. date amendment

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ALTERATIONS & ADDITIONS
121 BURNLEY STREET, RICHMOND
KEECE ELECTRICAL SERVICES
PROPOSED LEVEL 1 FLOOR PLAN

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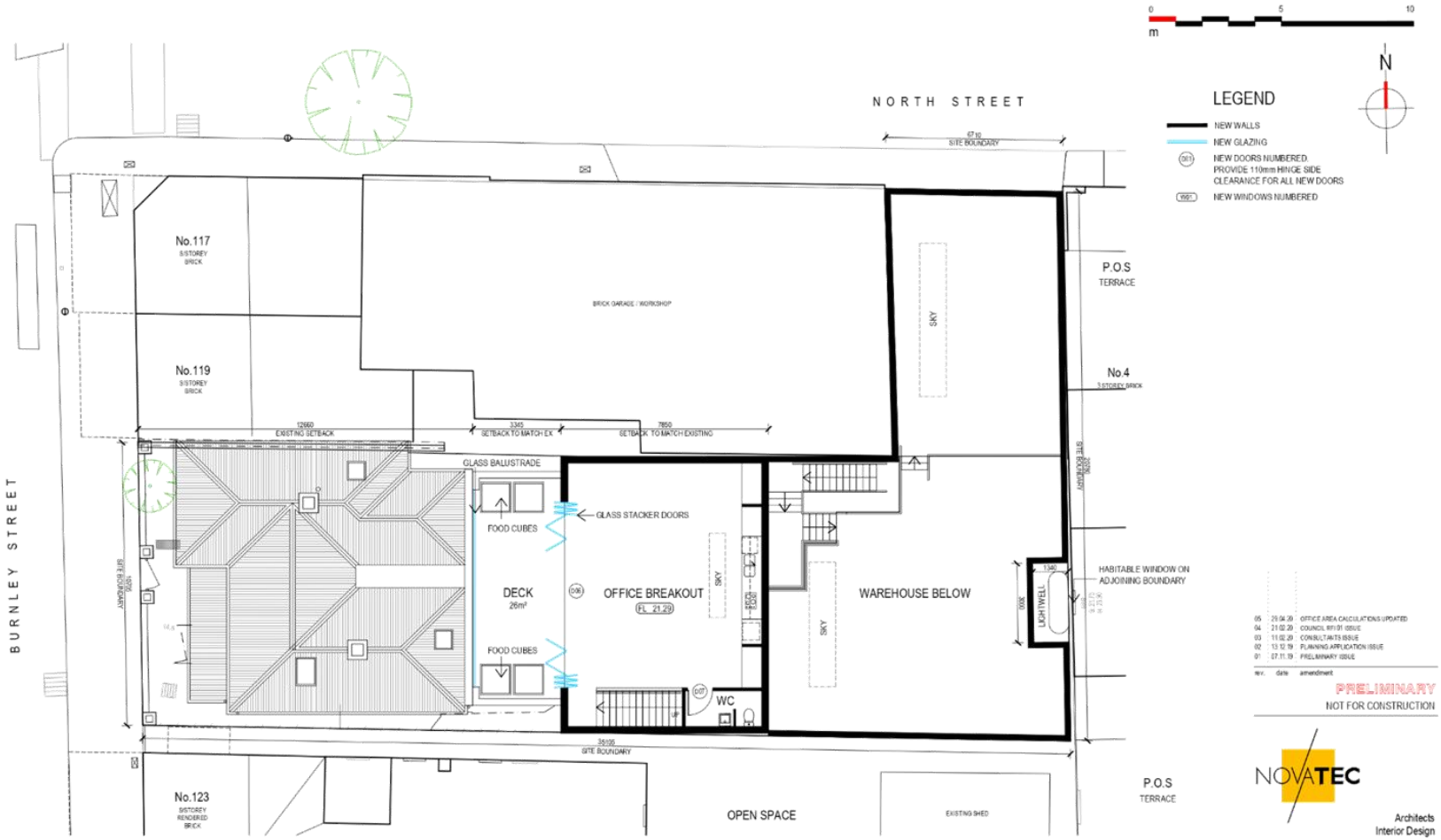
drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA6 05

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



1 PROPOSED LEVEL 2 FLOOR PLAN
SCALE 1:100

EXISTING OFFICE AREA CALCULATIONS:

EXISTING GROUND FLOOR OFFICE	198m² NLA
EXISTING LEVEL 1 OFFICE	122m² NLA
EXISTING LEVEL 2 OFFICE	0m² NLA
TOTAL EXISTING OFFICE	320m² NLA
NO CAR SPACES PROVIDED	

PROPOSED OFFICE AREA CALCULATIONS:

PROPOSED GROUND FLOOR OFFICE	173m² NLA
PROPOSED LEVEL 1 OFFICE	79m² NLA
PROPOSED LEVEL 2 OFFICE	62m² NLA
TOTAL PROPOSED OFFICE	314m² NLA
1 CAR SPACE PROVIDED	

PROPOSED WAREHOUSE AREA CALCULATIONS:

PROPOSED GROUND FLOOR WAREHOUSE	0m² NLA
PROPOSED WAREHOUSE MEZZANINE 1	95m² NLA
PROPOSED WAREHOUSE MEZZANINE 2	61m² NLA
TOTAL PROPOSED WAREHOUSE	156m² NLA*
WAREHOUSE PARKING	2+1/100m² 2+1.56=3.6
	3 CAR SPACES PROVIDED INCLUDING 1 DISABLED BAY & SHARED SPACE

rev.	date	amendment
05	29.04.20	OFFICE AREA CALCULATIONS UPDATED
04	21.02.20	COUNCIL RFI 01 ISSUE
03	11.02.20	CONSULTANTS ISSUE
02	13.12.19	PLANNING APPLICATION ISSUE
01	07.11.19	PRELIMINARY ISSUE

PRELIMINARY
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ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

PROPOSED LEVEL 2
FLOOR PLAN

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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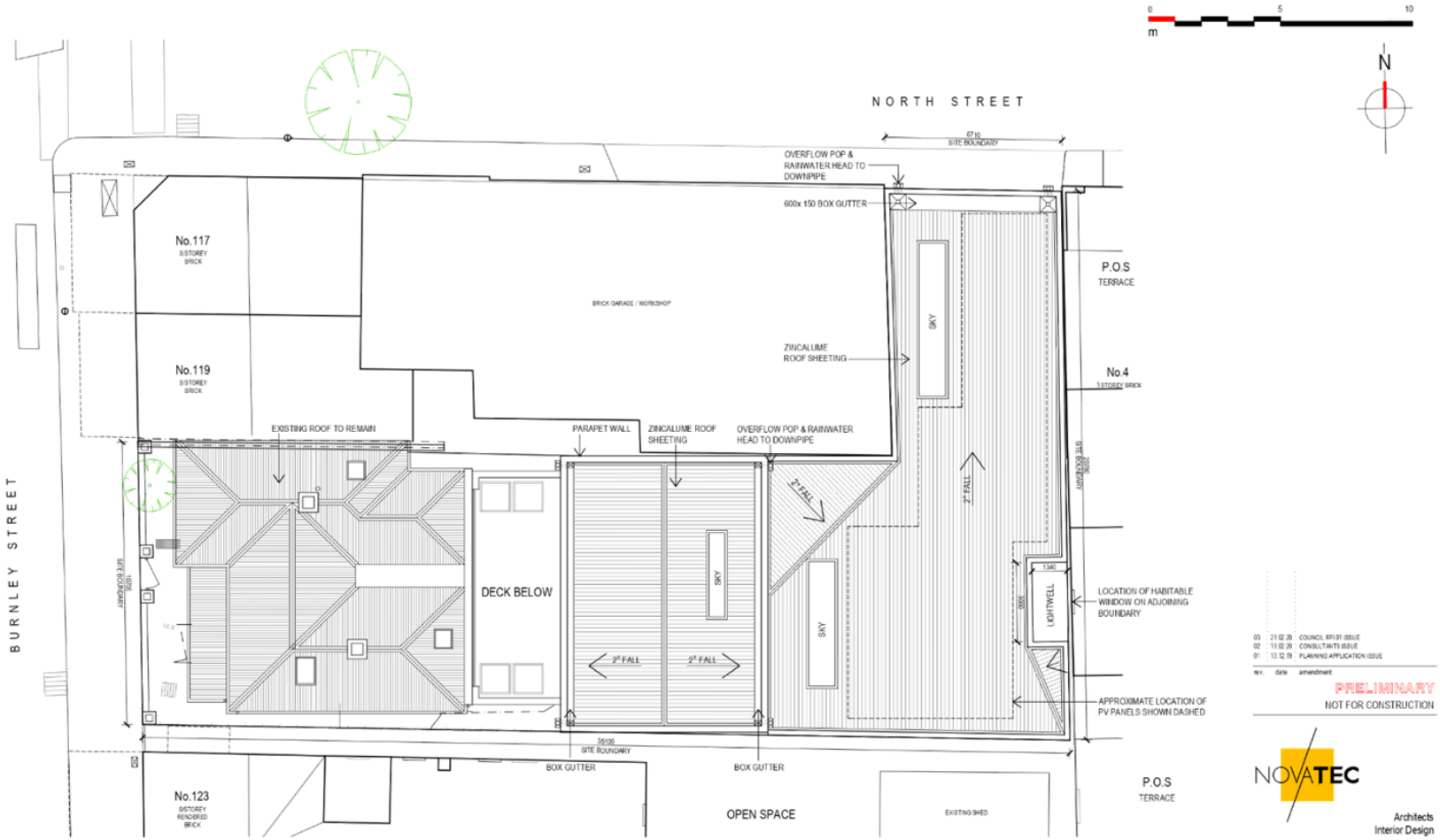
drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA7 05

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan

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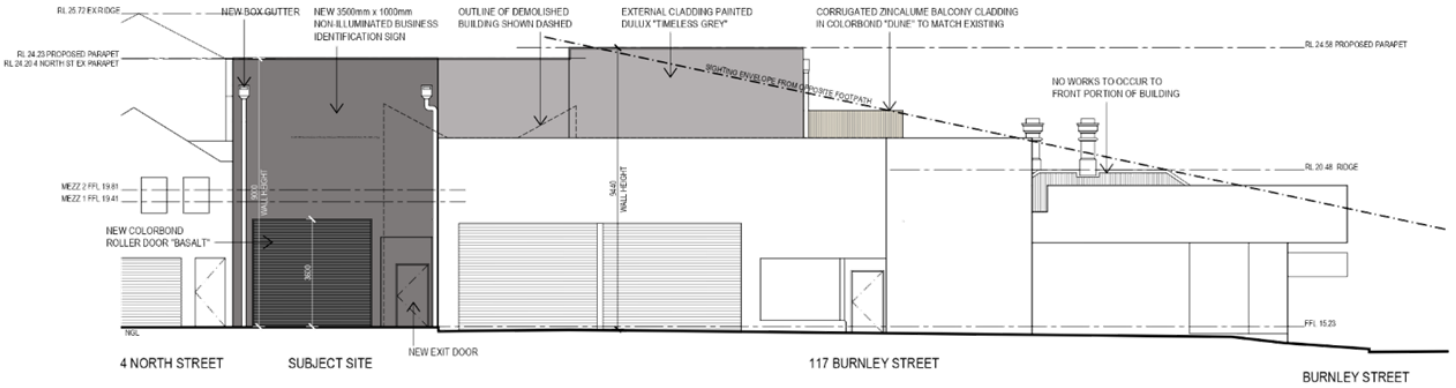
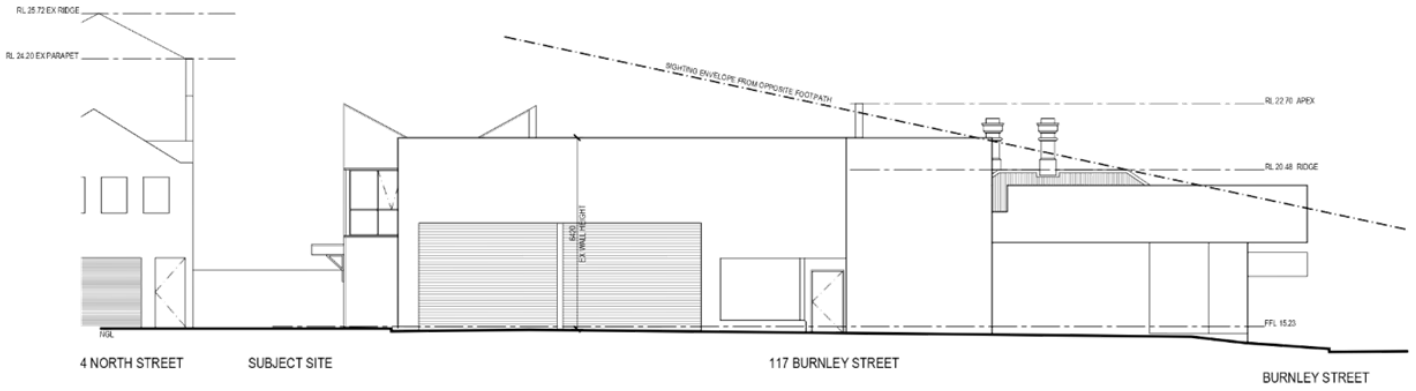


2 PROPOSED NORTH ELEVATION
SCALE 1:100



1 EXISTING NORTH ELEVATION
SCALE 1:100

rev.	date	amendment
04	21.02.20	COUNCIL RFI 01 ISSUE
03	11.02.20	CONSULTANTS ISSUE
02	13.12.19	PLANNING APPLICATION ISSUE
01	07.11.19	PRELIMINARY ISSUE

PRELIMINARY
NOT FOR CONSTRUCTION

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ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

EXISTING & PROPOSED NORTH ELEVATIONS

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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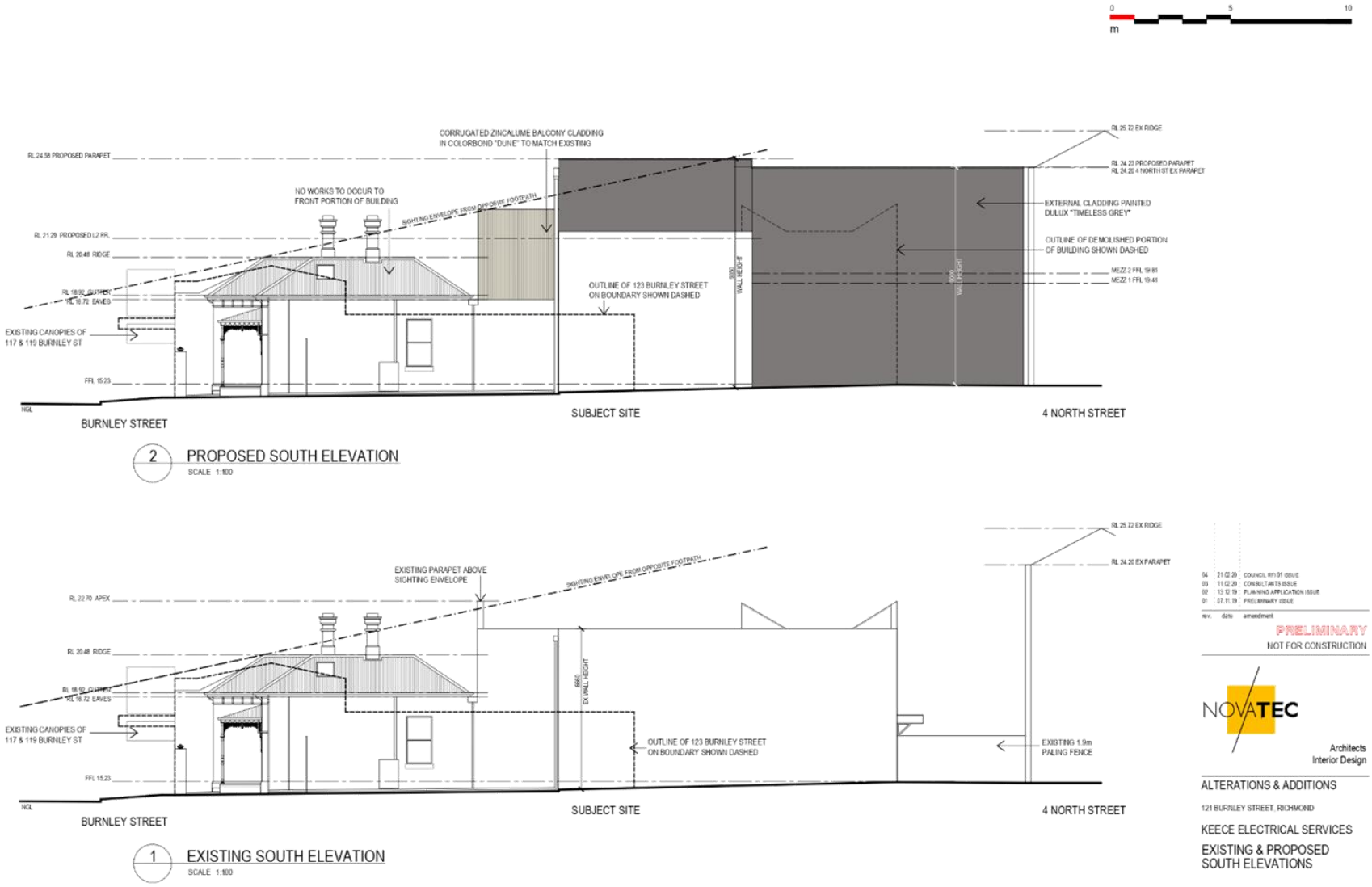
drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA9 04

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan

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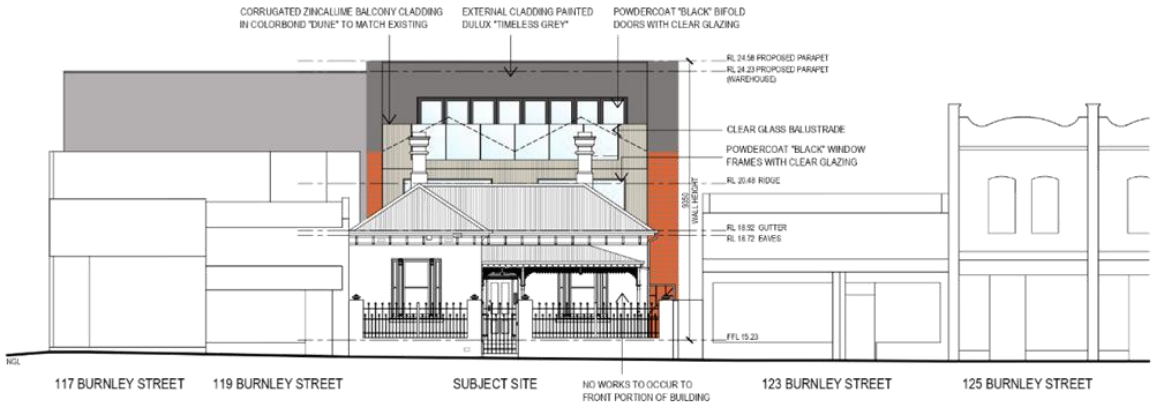
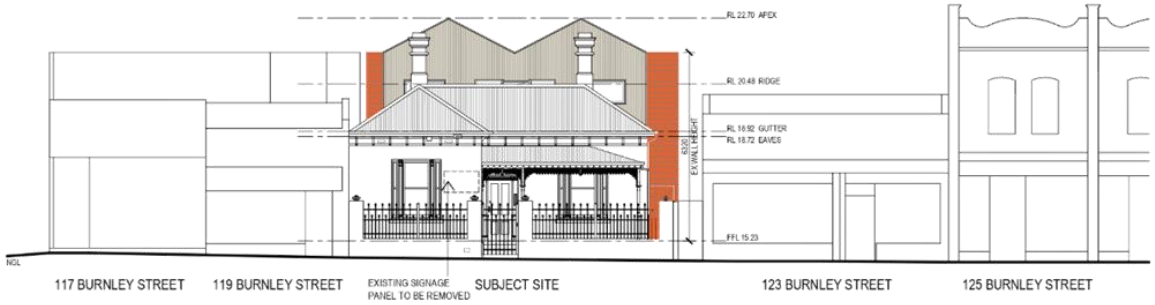


2 PROPOSED WEST ELEVATION
SCALE 1:100



1 EXISTING WEST ELEVATION
SCALE 1:100 SHOWING EX. FINISHES

04 21.02.20 COUNCIL RFI 01 ISSUE
03 11.02.20 CONSULTANTS ISSUE
02 13.12.19 PLANNING APPLICATION ISSUE
01 07.11.19 PRELIMINARY ISSUE
rev. date amendment

PRELIMINARY
NOT FOR CONSTRUCTION

NOVATEC
Architects
Interior Design

ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

EXISTING & PROPOSED WEST ELEVATIONS

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA11 04

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan

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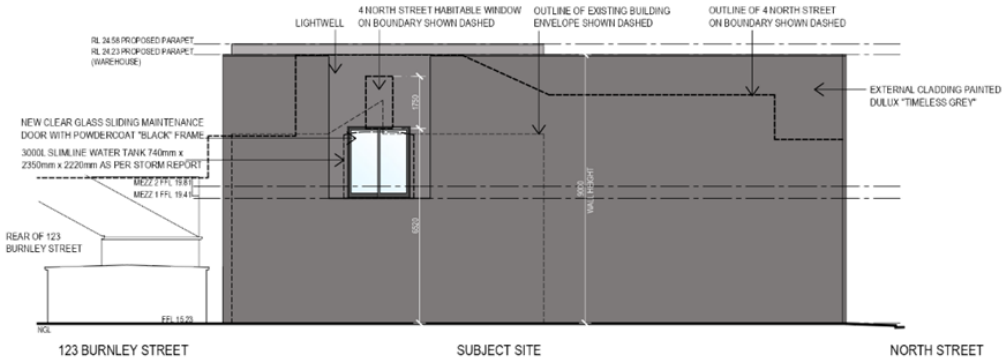
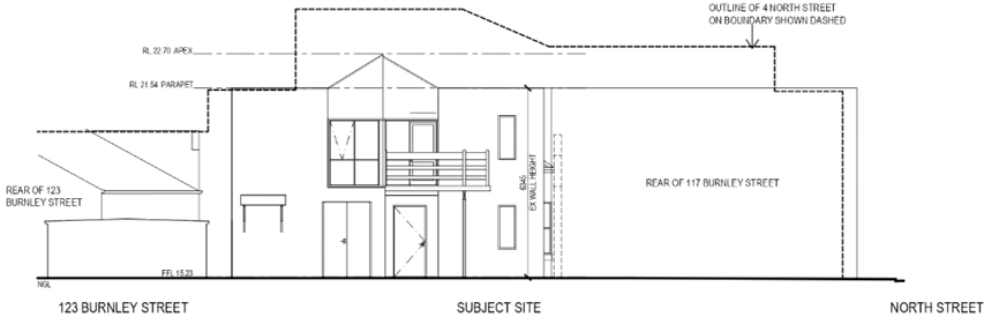


2 PROPOSED EAST ELEVATION
SCALE 1:100



1 EXISTING EAST ELEVATION
SCALE 1:100

rev.	date	amendment
04	21.02.20	COUNCIL RFI 01 ISSUE
03	11.02.20	CONSULTANTS ISSUE
02	13.12.19	PLANNING APPLICATION ISSUE
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PRELIMINARY
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Interior Design

ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

EXISTING & PROPOSED EAST ELEVATIONS

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA12 04

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan

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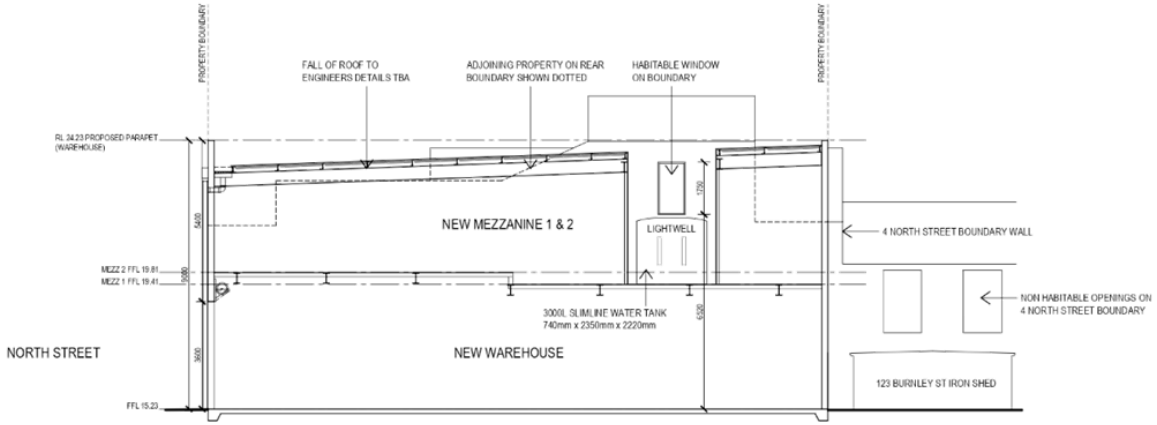

1 PROPOSED WAREHOUSE SECTION
SCALE 1:100

02 21.02.20 COUNCIL RFI 01 ISSUE
01 11.02.20 CONSULTANTS ISSUE
rev. date amendment

PRELIMINARY
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NOVATEC
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Interior Design

ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

PROPOSED WAREHOUSE SECTION

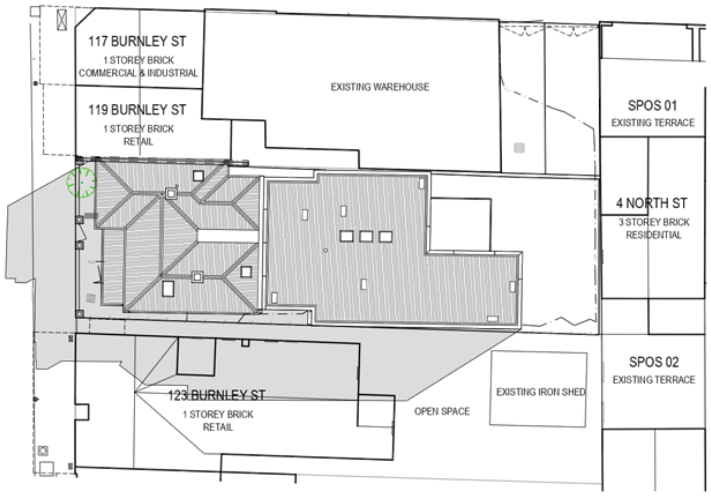
17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

Do not scale drawings. Written dimensions shall take precedence. Check all dimensions, levels and site conditions before commencement of work. All work shall be in accordance with the NCC and relevant Australian Standards.

drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA13 02

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



1 EXISTING SEPTEMBER 9am SHADOWS
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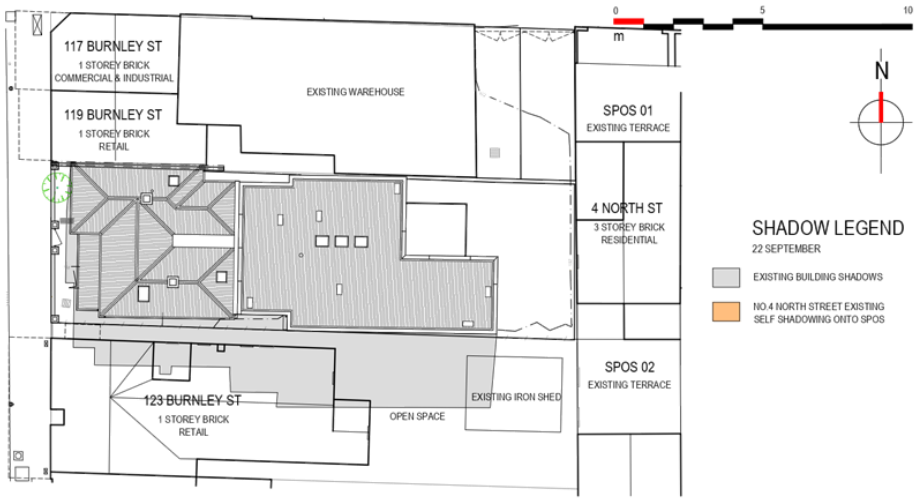
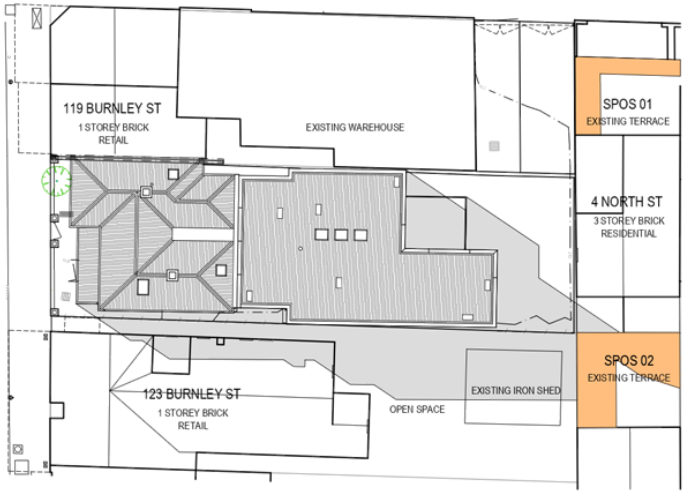


2 EXISTING SEPTEMBER 12pm SHADOWS
SCALE 1:200



3 EXISTING SEPTEMBER 3pm SHADOWS
SCALE 1:200

02 31.03.20 COUNCIL RFI 02 ISSUE
01 21.02.20 COUNCIL RFI 01 ISSUE
rev. date amendment

PRELIMINARY
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ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

EXISTING SEPTEMBER 22
SHADOW DIAGRAMS

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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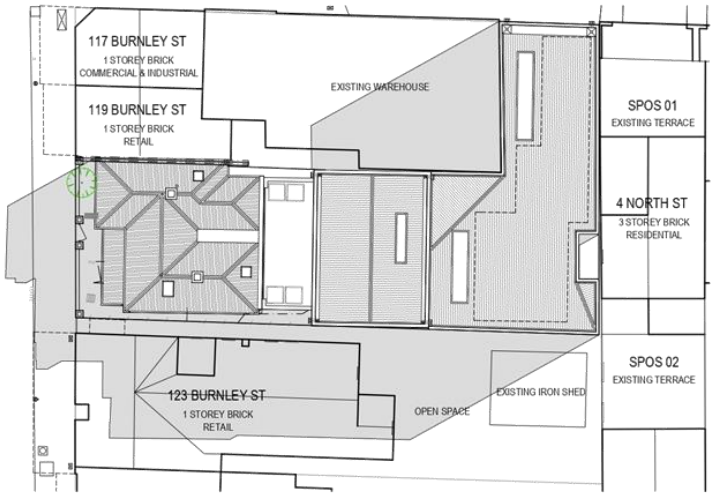
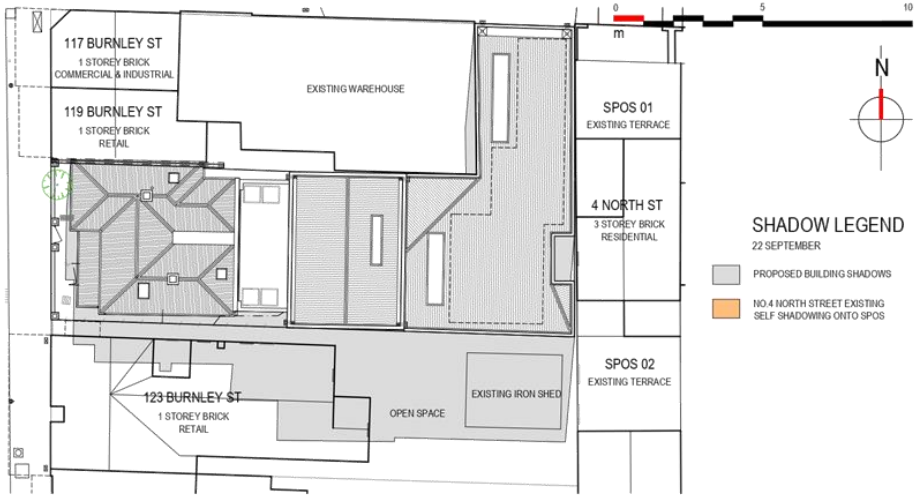
drawn	date	original size	scale
SN	17.10.19	A2	1:200

19030 DA14 02

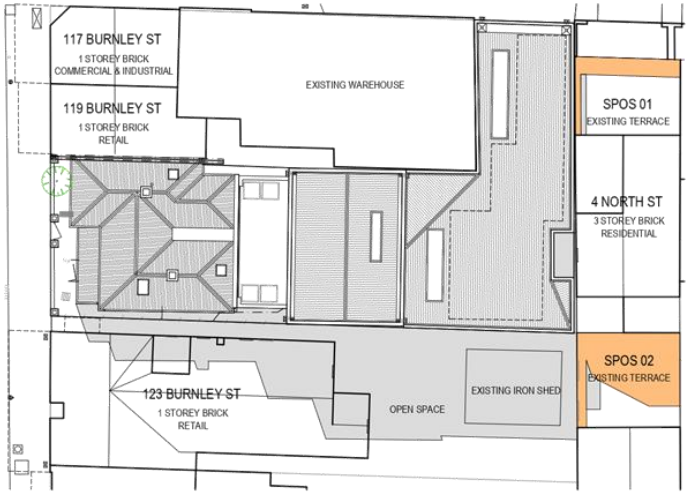
Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan



1 PROPOSED SEPTEMBER 9am SHADOWS
SCALE 1:200



2 PROPOSED SEPTEMBER 12pm SHADOWS
SCALE 1:200



3 PROPOSED SEPTEMBER 1pm SHADOWS
SCALE 1:200

4 NORTH STREET SPOS @ 1pm

SECLUDED PRIVATE OPEN SPACE 01	AREA	%
AREA	36.55m²	
EXISTING SHADOWS	9.96m²	27.0%
PROPOSED ADDITIONAL SHADOWS	1.47m²	4.0%
SECLUDED PRIVATE OPEN SPACE 02		
AREA	43.75m²	
EXISTING SHADOWS	30.10m²	68.8%
PROPOSED ADDITIONAL SHADOWS	2.15m²	4.9%
TOTALS		
TOTAL SECLUDED PRIVATE OPEN SPACE AREA	80.30m²	
TOTAL EXISTING SHADOWS	40.06m²	49.9%
TOTAL PROPOSED ADDITIONAL SHADOWS	3.62m²	4.5%

02 31.03.20 COUNCIL RFI 02 ISSUE
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121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

PROPOSED SEPTEMBER 22
SHADOW DIAGRAMS

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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drawn	date	original size	scale
SN	17.10.19	A2	1:200

19030 DA15 02

Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan

1 PROPOSED SEPTEMBER 2pm SHADOWS
SCALE 1:200

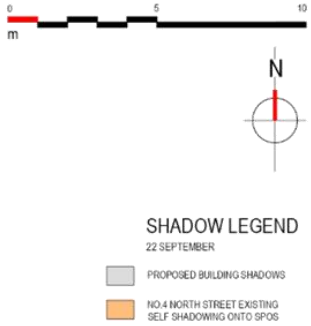
4 NORTH STREET SPOS @ 2pm

SECLUDED PRIVATE OPEN SPACE 01	AREA	%
AREA	36.55m²	
EXISTING SHADOWS	12.30m²	33.7%
PROPOSED ADDITIONAL SHADOWS	3.56m²	9.7%
SECLUDED PRIVATE OPEN SPACE 02		
AREA	43.75m²	
EXISTING SHADOWS	29.05m²	66.4%
PROPOSED ADDITIONAL SHADOWS	5.50m²	12.6%
TOTALS		
TOTAL SECLUDED PRIVATE OPEN SPACE AREA	80.30m²	
TOTAL EXISTING SHADOWS	41.35m²	51.5%
TOTAL PROPOSED ADDITIONAL SHADOWS	9.06m²	11.3%

2 PROPOSED SEPTEMBER 3pm SHADOWS
SCALE 1:200

4 NORTH STREET SPOS @ 3pm

SECLUDED PRIVATE OPEN SPACE 01	AREA	%
AREA	36.55m²	
EXISTING SHADOWS	14.84m²	40.6%
PROPOSED ADDITIONAL SHADOWS	6.04m²	16.5%
SECLUDED PRIVATE OPEN SPACE 02		
AREA	43.75m²	
EXISTING SHADOWS	29.13m²	66.6%
PROPOSED ADDITIONAL SHADOWS	8.55m²	19.5%
TOTALS		
TOTAL SECLUDED PRIVATE OPEN SPACE AREA	80.30m²	
TOTAL EXISTING SHADOWS	43.97m²	54.8%
TOTAL PROPOSED ADDITIONAL SHADOWS	14.59m²	18.2%



02 31.00.20 COUNCIL RFI 02 ISSUE
01 21.00.20 COUNCIL RFI 01 ISSUE
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PRELIMINARY
NOT FOR CONSTRUCTION

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ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

PROPOSED SEPTEMBER 22
SHADOW DIAGRAMS

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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drawn	date	original size	scale
SN	17.10.19	A2	1:200

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Attachment 2 - PLN190918 - 121 Burnley Street, Richmond - Advertised plan

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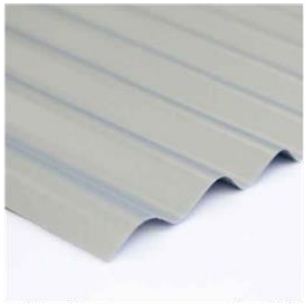

CORRUGATED ZINCALUME ROOF

GUTTERS & CAPPING IN
COLORBOND "SHALE GREY"

CLADDING RENDERED IN
DULUX "TIMELESS GREY"

COLORBOND ROLLER DOOR
"BASALT"

POWDERCOAT BLACK ALUMINIUM
BIFOLD DOORS WITH CLEAR GLAZING

POWDERCOAT BLACK ALUMINIUM FRAMED
WINDOW FRAMES WITH CLEAR GLAZING

BALCONY CLADDING CORRUGATED ZINCALUME
IN COLORBOND "DUNE" TO MATCH EXISTING

01 21.02.20 COUNCIL RFI 01 ISSUE
rev. date amendment

PRELIMINARY
NOT FOR CONSTRUCTION

NOVATEC
Architects
Interior Design

ALTERATIONS & ADDITIONS

121 BURNLEY STREET, RICHMOND

KEECE ELECTRICAL SERVICES

COLOURS & FINISHES
SCHEDULE

17 Hancock St Southbank Vic 3006 design@novatec.com.au (03) 9696 3000

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drawn	date	original size	scale
SN	17.10.19	A2	1:100

19030 DA17 01

Attachment 3 - PLN190918 - 121 Burnley Street, Richmond - Engineering referral advice

MEMO

To:	**Gary O'Reilly**	
From:	**Artemis Bacani**	
Date:	**10 July 2020**	
Subject:	**Application No:**	**PLN19/0918**
	Description:	**Office and Warehouse Development**
	Site Address:	**121 Burnley Street, Richmond**

I refer to the above Planning Application received on 5 June 2020 in relation to the proposed development at 121 Burnley Street, Richmond. Council's Civil Engineering unit provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Novatec Design	Planning Report		
Novatec Architects	DA5 *Proposed Ground Floor Plan*	05	29 April 2020
	DA6 *Proposed Level 1 Floor Plan*	05	29 April 2020
	DA7 *Proposed Level 2 Floor Plan*	05	29 April 2020
	DA13 *Proposed Warehouse Section*	02	21 February 2020
	TP.7 *Proposed Section*		22 August 2018
	TP.8 *Proposed West Elevation-Front*		19 February 2020

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	314 m²	3 spaces per 100 m² of net floor area	9	1
Warehouse	156 m²	2 spaces to each premises plus 1 space to each 100 m² of net floor area	3	3
		Total	**12 Spaces**	**4 Spaces**

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

A reduction of eight car spaces for the office component is sought by the applicant.

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

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

- *Parking Demand for Office Use*.
  The proposed office component would be provided with a total of one on-site parking space, which equates to a rate of 0.31 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
60-88 Cremorne Street, Cremorne PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m^2 (200 on-site spaces; 27,653 m^2)
13 Cubitt Street, Cremorne PLN16/1022 issued 20 December 2016	0.41 spaces per 100 m^2 (3 on-site spaces; 726.25 m^2)

  Although lower than the above rates, the proposed office parking rate of 0.31 spaces per 100 square metres of floor space is considered appropriate as the site seeks to minimise car dependency and promote more sustainable forms of transport.

- *Availability of Public Transport in the Locality of the Land*.
  The following public transport services can be accessed to and from the site by foot:
  - Bridge Road trams – 350 metre walk
  - Victoria Street trams – 520 metre walk
  - Church Street trams – 810 metre walk

- *Multi-Purpose Trips within the Area.*
  Visitors and clients to the site might combine their visit by engaging in other business or activities whilst in the area (such as visiting cafés, shops, bars or restaurants).

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*.
  The on-street parking in this part of Richmond is very well utilised. The streets surrounding the site contain 1-hour, 2-hour, and 4-hour restrictions. There are small sections of unrestricted parking in the area; however, these spaces are likely to be occupied by local employees early in the morning. The short- and medium-stay parking spaces provide a turnover of parking throughout the day to enable visitors to park close to 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.

Adequacy of Car Parking
From a Traffic Engineering perspective, the reduction of car parking for the development is considered appropriate in the context of the site and the surrounding area. Staff and visitors have access to a number of public transport services, which are located close to the site.

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

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Proposed Roller Door	The proposed roller door is 4.0 metres in width.
Vehicle Crossing	The existing vehicle crossing is to be demolished and reconstructed to Council's standards and requirements – further details are provided in the *Engineering Conditions*.
Visibility	A visibility sight triangle has not been provided at the proposed car park entrance doorway.
Headroom Clearance	The roller door has a headroom clearance of 3.6 metres to satisfy *AS/NZS 2890.1:2004*.
Vehicle Turning Movements – Via North Street	A swept path diagram demonstrating vehicle entry and exit into from North Street has not been provided.
Car Parking Modules	
Car Spaces	The dimension of the car spaces of 2.6 metres by 4.9 metres satisfy *AS/NZS 2890.1:2004*.
Accessible Car Space	The accessible car space and adjacent shared area is 2.4 metres y 5.4 metres to satisfy *AS/NZS 2890.6:2009*.
Headroom Clearance – Above Accessible Car Space	A headroom clearance of 2.5 metres is to be provided above the accessible car space and shared area to satisfy *AS/NZS 2890.6:2009*.
Vehicle Turning Movements – Car Spaces	A swept path diagram for a B85 design vehicle is not provided.
Other	
Proposed Vehicle Crossing – Ground Clearance Check	A vehicle crossing ground clearance check is to be undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (Please see under '*Design Items to be Addressed*' section).

Design Items to be Addressed

Item	Details
Roller Door Width	The width of the roller door is to span the width of the proposed vehicle crossing.
Visibility	It is recommended for the applicant to install a convex mirror on east side of the car park entrance. The placement of the convex mirror should be angled to provide optimum view of pedestrians along the footpath.
Vehicle Turning Movements – Via North Street	A swept path diagram for a B85 design vehicle is to be provided to demonstrate vehicle entry and exit into and out of the proposed car park area. The diagram must show all existing on-street car spaces and trees/landscaping on the road.
Vehicle Turning Movements – Car Spaces	A swept path diagram for a B85 design vehicle is to be submitted to Council to demonstrate adequate turning movements of a vehicle entering and exiting into and out of the car spaces. The swept path is to include the position of a vehicle on the turntable and must include the 300 mm clearance on the side of the vehicle. The information/data sheet for this turntable model must be submitted to Council.
Proposed Vehicle Crossing – Ground Clearance Check	To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo. The ground clearance check requires the applicant to obtain a number of spot levels out on site which includes the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement – in this case, North Street. These levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development. Providing the ground clearance check early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.

Attachment 3 - PLN190918 - 121 Burnley Street, Richmond - Engineering referral advice

ENGINEERING CONDITIONS
Civil Works

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

- All portions of the redundant vehicle crossing must be demolished and reinstated with pavement and kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Vehicle Crossing

Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

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, boundary traps, valves or meters on Council property will be accepted.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- 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/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 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 133.
Clearances to Electrical Assets	Overhead power lines run along the south side of North Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

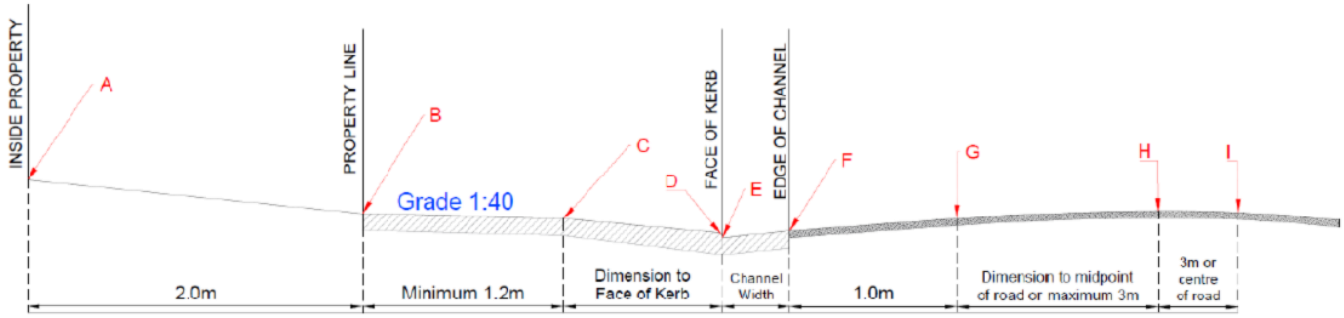
Attachment 3 - PLN190918 - 121 Burnley Street, Richmond - Engineering referral advice

Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

A. Finished floor level 2.0 metres inside property
B. Property line surface level
C. Surface level at change in grade (if applicable)
D. Bullnose (max height 60mm) – must be clearly labelled
E. Surface level at the bottom of the kerb
F. Surface level at the edge of channel
G. Road level 1.0 meter from the edge of channel
H., I. Road levels

- Please note the cross section must be fully dimensioned. As shown in the sketch below.
- Please show both the existing and proposed surface.
- The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
- A bullnose (max 60mm) is permitted at point D, however not compulsory.
- The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
- The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
- Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
- Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 4 - PLN190918 - 121 Burnley Street, Richmond - Heritage referral advice

City of Yarra
Heritage Advice

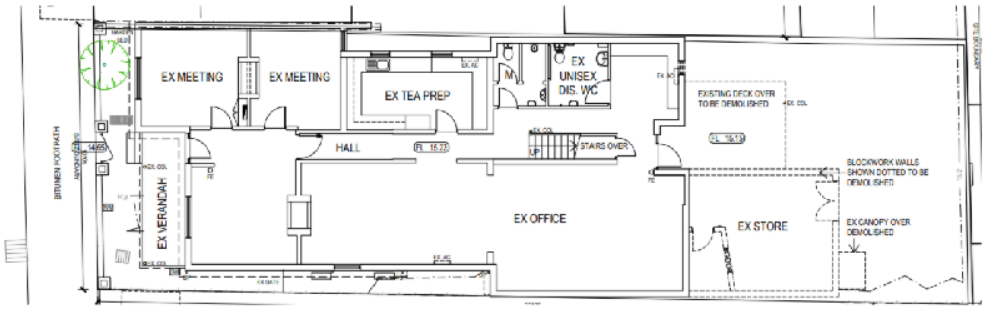
Application No.:	*PLN19/0918*
Address of Property:	***121 Burnley St Richmond***
Planner:	*Gary O'Reilly*
Yarra Planning Scheme References:	• *Clause 15.03 Heritage* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay* • *Clause 43.01 Heritage Overlay* • *Clause 59.07 Applications Under A Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO460 Yarraberg Precinct*
Level of significance:	*Contributory, constructed 1850-1890 (City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)*
General description:	*Partial demolition of the existing building, construction of an addition to the rear of the existing building for the use as an office and warehouse, display of business identification signage and a reduction in car parking associate with the office use*
Drawing Nos.:	*Set of seventeen drawings, entitled "Alterations & Additions 121 Burnley Street, Richmond", prepared by Novatec Architects, received by Council*

CONTEXT IMAGES:

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the partial removal of the existing two-storey addition at the rear, including internal walls and some window openings at the upper floor level. and removal of entire upper floor roof structure.



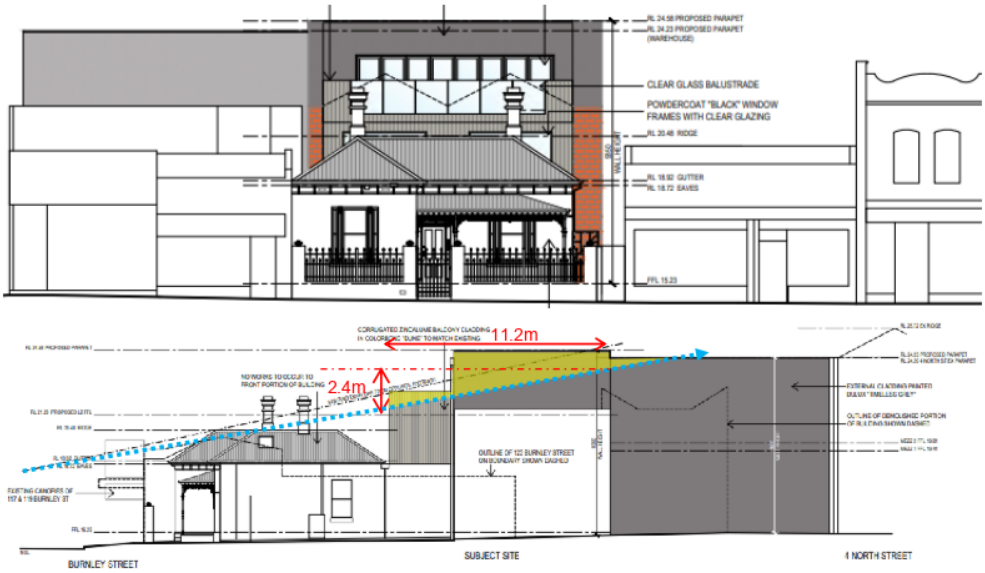
The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

The extent of demolition is acceptable as it is not visible from the street and does not involve the removal of any heritage fabric.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes a third-floor level to the existing addition at the rear of the heritage building and development of a return wing to North Street.

Regarding the proposed third-floor level to the existing addition at the rear of the heritage building:



Above: Corrected sightline over main ridgeline shows extent of proposed additions that will be visible from the street in yellow.

Setbacks, scale/height:

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.

- 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 front setback for the new development from Burnley Street will be behind the full roof form of the heritage building. On this basis, the front setback of the proposed addition is supported but the height of the addition is not.

The proposed finished height for the new addition will be over 9.35 metres. The facade heights of the adjacent properties are between 3.5 and 4 metres lower.

The submitted sightline assessment is incorrect as it does not touch the main roofline. The corrected sightline assessment shows that the proposed front open deck on level 2 will be visible from both directly in front of the site, as well as from oblique angles. All activity and items located on the deck will also be clearly visible. Not only this, almost all of the second-floor level will also be visible due to the glazed balustrading of the proposed front open deck. The visibility and proximity of the proposed second floor level and open deck will dominate the original heritage building and is therefore not acceptable as currently proposed.

The proposed open deck on the second-floor level must be deleted or relocated down to the first-floor level, preferably utilising the existing double pitched parapet of the upper floor façade as its balustrade.

Some visibility of the proposed second floor level is considered acceptable, however the extent currently proposed is excessive as it will dominate the appearance of the original heritage building from Burnley Street. For this additional floor level to remain, it would need to be setback at least 11.2m from the rear of the heritage building so that it might be perceived as a separate building at the rear. This setback could be reduced if the overall finished height of the addition is lowered.

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.

The façade of the proposed second-floor addition, if approved, should be finished in natural cement to blend in with the colour of the existing two-storey façade of the rear addition.

Similarly, if approved, the roof deck balustrading must be modified to a solid material as glazed balustrading is specifically discouraged in policy Clause 22.02-5.7.1.

Regarding the new development fronting North Street:

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

The North Street frontage is included in the HO460 as part of the depth of properties fronting Burnley Street. The adjacent properties (nos. 117 and 119 Burnley Street) are non-contributory. North Street is not considered a heritage streetscape as it includes no properties of contributory significance. The appearance of the proposed addition fronting North Street is of no concern to the character or appearance of the subject heritage property, as the two buildings front different street frontages.

RECOMMENDATIONS:

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

	Suggested condition	***Explanation***
1.	That the proposed front open deck behind the heritage house must be relocated to level 1 or deleted.	*The proposed open deck will be visible from the street rising above the roof of the heritage building and*

2.	That the proposed second floor addition must be setback at least 11.2m from the rear of the heritage house	*The setback of the second floor is recommended to reduce that dominance of the addition on the appearance of the original heritage building from Burnley Street, and create the perception that the addition is part of a separate building at the rear.*
3.	That the façade of the proposed second floor addition must be finished in a natural cement colour	*The colour of the proposed second floor addition should be in keeping with the existing rear addition to minimise its dominance.*

SIGNED:

Diahnn McIntosh

DATED: 8 July 2020

Attachment 5 - PLN190918 - 121 Burnley Street, Richmond - ESD referral advice

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

Assessment Summary:

Responsible Planner:	Gary O'Reilly
ESD Advisor:	Gavin Ashley
Date:	15.07.2020
Subject Site:	PLN19/0918 121 Burnley Street, Richmond 3121
Site Area:	Approx. 434 m^2
Project Description:	Partial demolition and construction of an addition of office and warehouse area.
Pre-application meeting(s):	Unknown.
Documents:	- Architectural Plans [17.10.19], Novatec - BESS Report [V4 – 4EA8BE88 – 24.02.20], Novatec - STORM Report [910574 – 10.02.20] - Waste Management Plan [30.03.20], Novatec

The standard of the ESD 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:

- The proposal achieves a BESS score of 68% representing best practice.
- Building User Guide will be provided to building occupants with the intent to reduce energy and water consumption.
- Water efficient fixtures and taps.
- A STORM report with a 100% STORM score has been submitted that demonstrates best practice and relies on ~375 m^2 of roof connected to a 3,000-litre rainwater tank.
- The proposal claims a 42% reduction in potable water consumption.
- Maximum Illumination Power Density >20% improvement on 2016 NCC.
- The BESS report indicates solar power generation of 34,713kWh/annum, which is 368% of the building's energy needs.
- 61% of the office area, and 95% of the warehouse achieves a DF>2.0.
- 4 bicycle parking spaces and a shower (EOT) are provided.
- 3 car parking spaces provided, included 1x DDA and 1x EV charging point.
- Provision of a food producing garden area ('food cubes'), with inclusion of City of Yarra organic waste collection.
- Allocation of space for recycling on the ground floor.
- Provision of a new garden at the front (west) of the building, accounting for 7% of site area.

(2) Application ESD Deficiencies:

- While the BESS report indicates solar power generation, there is no indication of the system size and has not been marked on the architectural plans
- There are no external shading elements to the exposed western glazing, leaving the facade exposed to summer heat gain. Recommend the introduction of external shading systems to reduce heat gain
- Include a requirement for a site-specific Waste Management Plan including a target recycling rate of at least 80% of construction and demolition waste

Attachment 5 - PLN190918 - 121 Burnley Street, Richmond - ESD referral advice

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

(3) Outstanding Information:
- Clarify planting schedule of new garden is of a drought tolerant variety in-line with Yarra's vegetation requirements
- Clarify rooftop solar PV size and mark on plans (DA8)

(4) ESD Improvement Opportunities
- Consider providing a visitor bicycle parking space at the front (west) of the building
- Consider a small pallet of materials and construction techniques that can assist in disassembly
- Consider a green roof or wall to improve the ecological value of this site
- Consider other mechanisms to manage peak demand
- Consider Head contractor to be ISO14001 accredited
- Consider a lighter pallet for external materials to assist with urban heat reduction

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

Attachment 5 - PLN190918 - 121 Burnley Street, Richmond - ESD referral advice

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

Applicant Response Guidelines

Project Information:

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

Environmental Categories:

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

Objectives:

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

Issues:

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

Assessment Method Description:

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

Benchmarks Description:

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

How does the proposal comply with the benchmarks?

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

ESD Matters on Architectural Drawings:

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

Attachment 6 - PLN190918 - 121 Burnley Street, Richmond - City Works Unit Referral Advice on WMP March 2020

Waste referral advice

Address: 121 Burnley Street, Richmond
Application No.: PN19/0918
Date: 18 June 2020

The waste management plan for 121 Burnley Street, Richmond authored by Novatec and dated 30/3/2020 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. The Waste estimates derived using Waste Industry Standards from Sustainability Victoria must be used as the guide for this type of property.
2. Council has not moved to a new service at this time, current attached guidelines should still be followed.
3. Council only provides 1x80L waste and 1x120L recycle bin for commercial properties. The waste generation rates for this development do not meet this, so council service is not suitable.
4. Council does not offer hard waste service for commercial properties.
5. Please detail the total footprint of suggested bins in M^2.
6. Please detail the size of the Bin storage area in M^2.
7. Please detail how bins will be washed.
8. Please provide an explanation of how any risk relating to waste service will be managed.
9. A clause must be included in the plan regarding potential review into the service if operational requirements change.

Attachment 7 - PLN190918 - 121 Burnley Street, Richmond - City Works Unit Referral Advice on WMP July 2020

Waste referral advice

Address: 121 Burnley Street, Richmond
Application No.: PN19/0918
Date: 23 July 2020

The waste management plan for 121 Burnley Street, Richmond authored by Novatec and dated 8/7/2020 is not satisfactory from a City Works Branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. The size of the bin storage area is not large enough to form an effective waste system and provide sufficient separation of Council and private services.
2. The clause must be included in the WMP regarding potential review into the service if operational requirements change