



# Agenda

## Planning Decisions Committee

6.30pm, Wednesday 24 March 2021

MS TEAMS

## The Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals. The committee is made up of three Councillors who are rostered on a quarterly basis.

### Participating in the Meeting

Planning Decisions Committee meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. Simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your 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 you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

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.

### Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (via the entry foyer).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop and receiver accessory is available by arrangement (tel. 9205 5110).
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available.

## 1. Appointment of Chair

Councillors are required to appoint a meeting chair in accordance with the City of Yarra Governance Rules 2020.

## 2. Statement of recognition of Wurundjeri Woi-wurrung Land

*“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.”*

## 3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

### Councillors

Cr Stephen Jolly

Cr Herschel Landes (substitute for Cr Crossland)

Cr Sophie Wade

### Council officers

Sarah Griffiths (Senior Co-ordinator Continuous Improvement – Statutory Planning)

Chris Stathis (Senior Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

## 4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

## 5. Confirmation of Minutes

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

## 6. Committee business reports

Item		Page	Rec. Page
6.1	PLN17/0101.01 - 34 Henry Street Abbotsford - Section 72 Amendment to amend the plans to show (amongst other changes) the introduction of a fourth floor with a roof terrace resulting in the increase to the overall height of the dwelling; to include a basement; to reduce the front setbacks of the upper levels and reduce the rear setback and revisions to facade and materials.	5	26



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- 6.1 PLN17/0101.01 - 34 Henry Street Abbotsford - Section 72 Amendment to amend the plans to show (amongst other changes) the introduction of a fourth floor with a roof terrace resulting in the increase to the overall height of the dwelling; to include a basement; to reduce the front setbacks of the upper levels and reduce the rear setback and revisions to facade and materials.**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an amendment application at No. 34 Henry Street Abbotsford to amend the plans to allow for a fourth floor with roof terrace resulting in the increase to the overall height of the dwelling; to include a basement; to reduce the front setbacks of the upper levels and to reduce the rear setbacks; and revisions to various façade and materials.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 63 – Existing Use Rights
  - (b) Clause 34.02 – Commercial 2 Zone
  - (c) Clause 22.10 – Built form and design policy
  - (d) Clause 22.05 – Interfacing uses policy

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Existing use – dwelling (Clause 63):
  - (b) Buildings and works:
  - (c) Objector concerns: and
  - (d) Other matters

### **Submissions Received**

4. Seven (7) objections were received to the application, these can be summarised as:
  - (a) Overdevelopment and height
  - (b) Neighbourhood character
  - (c) Amenity impacts (overlooking, overshadowing, daylight to windows, visual bulk)
  - (d) Impact on nearby heritage precinct (Collingwood Town Hall)
  - (e) Block views and light glare from reflective materials
  - (f) Non-compliance with Clause 54 Standards
  - (g) Dispute existing use rights
  - (h) Set a precedent for high rise development
  - (i) Noise from roof terrace

### **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 design changes in accordance with the sketch plans submitted to Council on 25 January 2021 which are as follows:
  - (i) The rear setback increased from 1 metre to 1.5 metres at the second and third floors.
  - (ii) The Standing Seam Cladding of the third-floor reading room projection changed to Coreton wall tiles.

But further modified to show:

- (b) A maximum height of 16 metres through the reduced internal ceiling heights as shown in the sketch plans submitted to Council on 25 January 2021 and through a further reduction to the ground floor internal ceiling height to a maximum of 2.7 metres.
- (c) The protruding bay window setback a minimum of 2.4 metres from the front title boundary.
- (d) The second and third floors set back a minimum of 3 metres from the front title boundary.
- (e) The terrace balustrade set back a minimum of 4 metres from the front title boundary.
- (f) The garage door as Cor-ten on the Proposed West Elevation.
- (g) Remove or clarify the “brick facing tiles” notation relating to the reclaimed brick in the materials schedule.

**CONTACT OFFICER:** Jessica Sutherland  
**TITLE:** Statutory Planner  
**TEL:** 9205 5365

- 6.1 [PLN17/0101.01 - 34 Henry Street Abbotsford - Section 72 Amendment to amend the plans to show \(amongst other changes\) the introduction of a fourth floor with a roof terrace resulting in the increase to the overall height of the dwelling; to include a basement; to reduce the front setbacks of the upper levels and reduce the rear setback and revisions to facade and materials.](#)

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<b>Reference</b>	D21/11010
<b>Author</b>	Jessica Sutherland - Statutory Planner
<b>Authoriser</b>	Coordinator Statutory Planning

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<b>Ward:</b>	Langridge Ward
<b>Permit:</b>	Development of the land for the construction of a four-storey dwelling (With existing use rights)
<b>Proposal:</b>	Section 72 Amendment to the plans to show (amongst other changes) the introduction of a fourth floor with a roof terrace resulting in an increase to the overall height of the dwelling, a reduction in the front setbacks of the upper floors, a reduction in the rear setback and various façade and material alterations.
<b>Existing use:</b>	Dwelling
<b>Applicant:</b>	Planning vision Pty Ltd
<b>Zoning / Overlays:</b>	Commercial 2 Zone, Development Contributions Plan Overlay (Schedule 1)
<b>Date of Application:</b>	9 September 2020
<b>Application Number:</b>	PLN17/0101.01

## Planning History

1. Council determined that existing use rights as a dwelling were established for the site on 8 April 2016 under the Planning Property Enquiry PPE16/0039.
2. Planning Permit PLN17/0101 was issued for the *development of the land for the construction of a four-storey dwelling (with existing use right)* by Council on 16 January 2018.
  - (a) Works have not commenced; however, an extension of time was granted for the permit (letter dated 22 December 2020) so that the development must not commence later than 16 January 2022 and be completed no later than 16 January 2024. Thus, the permit is still live.

## Background

3. The subject application was received by Council on 9 September 2020, with additional information provided on 11 November 2020. The application was advertised in November of 2020, with seven (7) objections received.
4. No consultation meeting was held as a result of the state of emergency declared in Victoria and the current health advice related to the Covid-19 pandemic.
5. The following matters are relevant to this amendment application.

### Planning Scheme Amendments

6. Since the previous permit was issued, Amendment C238 was introduced into the Yarra Planning Scheme (**the Scheme**) on 1 February 2021. The amendment includes Clause 45.06 (Development Contributions Plan Overlay) with Schedule 1 in the Scheme which applies to all land within the City of Yarra, with some notable exceptions such as DHHS properties and public hospitals. The requirements of the overlay are triggered where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space and requires a monetary contribution from the developer. Given Planning Permit PLN17/0101, and this subsequent amendment, is replacing the existing dwelling for one new dwelling, the requirements of the overlay are not triggered in this instance.

### Lodgement of sketch plans

7. In response to concerns raised by Council and objectors, the Applicant lodged sketch plans to Council on 25 January 2021. The sketch plans show the following changes:
  - (a) The overall building height reduced by 1.43 metres, from 18.03 metres to 16.48 metres through a reduction in internal ceiling heights.
  - (b) The rear setback increased from 1 metre to 1.5 metres at the second and third floors (as is already approved).
  - (c) The front podium setback increased from 2 metres to 2.8 metres.
  - (d) The Standing Seam Cladding of the third-floor reading room projection changed to Coreton wall tiles.
8. The sketch plans have not been formally submitted pursuant to Section 57A of the *Planning and Environment Act* (1987), thus the advertised plans continue to be the Decision Plans. The sketch plans will be discussed in the *Assessment* section of this report.
9. Perspectives of the development as per the Advertised Plans and Sketch plans are provided below for a visual reference.





*Image 1: Perspective of the development from Henry Street as per the Decision Plans.*



*Image 2: Perspective of the development from Henry Street as per the sketch plans.*

## The Proposal

### 10. Section 72 Amendment to the plans to show the following changes:

#### *Basement*

- (a) Inclusion of basement level, constructed to all title boundaries and comprising of a gym, bar and games area and living room.
- (b) The basement is accessed via a lift and stairs and is provided a skylight along the northern title boundary.
- (c) Constructed to a depth of 3.3 metres below natural ground level (**NGL**).

#### *Additional floor, terrace and building height*

- (d) Introduce a fourth floor with associated roof terrace and increase the internal ceiling heights so that the overall height of the dwelling is increased from 12.1 metres to 18.03 metres.
- (e) The fourth floor will consist of an enclosed sunroom which is wrapped by an open terrace to the east, south and west. The fourth floor and terrace are accessed via lift and stairs constructed to the northern title boundary.
- (f) The terrace is bound by opaque screens with a height of 1.7 metres above floor level to the north and east and clear glazed balustrades to a height of 1.7 metres above floor level to the south and west. The terrace includes a pool and pond.
- (g) The balustrading associated with the terrace is constructed flush to the north and south title boundaries and is setback 1.5 metres and 2 metres from the rear (east) and front (west) title boundaries, respectively.

#### *Setbacks*

- (h) Remove the front setback of the first floor in part (to the north) and reduce the depth of the remaining balcony to 1.5 metres (currently 2 metres).
- (i) Reduce the front setback of the second floor from 3.61 metres to 2 metres.
- (j) Reduce the front setback of the third floor from 3.61 metres to 2 metres and introduce a contemporary bay window which protrudes into the setback by 1 metre (thus set back from the front title boundary by 1 metre).
- (k) Reduce the rear setback of the second and third floor from 1.5 metres to 1 metre.

#### *Materials and design details*

- (l) Alter the facade materials and fenestrations as follows:
  - (i) Introduce a wrought iron entrance gate (monument finish).
  - (ii) Garage door as rusted metal tilt door with 'vision panels' in lieu of mesh roll door.
  - (iii) Lower floors of front façade with reclaimed brickwork, upper floor elevations with rockcote smooth render finish (concrete look) in lieu of concrete panels for all.
  - (iv) Protruding bay window with standing seam wall cladding with Colorbond finish (monument black).
  - (v) Front façade windows with clear glazing and a panel of blacked out glass spandrel between the second and third floor.
  - (vi) Front balconies with clear glass balustrades in lieu of vertical timber cladding.
- (m) North and south boundary walls with concrete blockwork in lieu of concrete panels with patterned texture finish.
- (n) Rear (east) elevation with reclaimed brickwork, upper floor elevations with rockcote smooth render finish (concrete look) and standing seam wall cladding with Colorbond monument black finish.

11. For reference, a perspective of the approved development is provided below.



*Image 3: Perspective of the approved four storey development from Henry Street.*

## Existing Conditions

### Subject Site

12. A description of the subject site was provided within the officer report for the original application (below in italics). There have not been any notable changes since the previous report.
13. *The subject site is located on the eastern side of Henry Street, with Gipps, Langridge, Russell and Hoddle Street to the north, south, east and west respectively, in Abbotsford.*
14. *The site has a frontage of 5.94 metres to Henry Street and a depth of 19.05 metres, constituting an overall area of approximately 114sqm.*
15. *Occupying the subject site is single-storey, weatherboard dwelling. The dwelling is setback between 1.6 metres to 12 metres from the western (front) boundary, shares a 13 metre long party-wall with the abutting site to the south, setback between 700mm to 6 metres from the norther boundary, and setback between 800mm to 6.2 metres from the eastern (rear) boundary. The dwelling consists of two bedrooms, a living/dining area, kitchen, bathroom/laundry and a WC. Secluded private open space (**SPOS**) is located within the northern and eastern setbacks of the site.*
16. *There is no on-site car parking available.*
17. *There are no restrictive covenants or easement listed against the certificate of title provided.*





Image 4: The subject site (centre) with No. 36 Henry Street to the left (source: site visit, Feb 2021)

#### Surrounding Land

18. A description of the surrounds was provided within the officer report for the original application (below in italics). Relevant changes in the surrounding context and area will be discussed.
19. *The surrounding area is largely characterised by commercial and light industrial uses, consisting of warehouse buildings between one and three stories in height, typical of the Commercial 2 Zoning (C2Z). However, a cluster of single storey dwellings, some with double to triple storey extension, exists along the eastern side of Henry Street, of which the subject site is part, also in the C2Z.*
20. *Abutting the subject site to the north is a single storey, weatherboard dwelling. This dwelling is constructed to the majority of the northern boundary, setback 1.4 metres from the southern boundary before being constructed along this boundary for a length of 5.4 metres, and setback between 5.7 metres to 8 metres from the eastern (rear) boundary. This site currently has planning approval for a ground and first floor addition and the works have begun. SPOS will be located within the north-eastern corner of the site, with a 6.3 metre long wall proposed along the southern boundary at ground floor. As the works have begun on this site, approved conditions will be used to assess this application.*
21. The ground and first floor addition at this northern property (No. 36 Henry Street) have since been developed in accordance with the permit (Planning Permit PLN16/0399). The property has established existing use rights as a dwelling. As is consistent with the original assessment, the dwelling presents a blank boundary wall to the subject site so that no habitable room windows (**HRW**) face the subject site. The area of SPOS is located in the north-east corner of the site and partly covered by a pergola.



22. *Abutting the subject site to the east is a double-storey, brick, warehouse building fronting Russell Street and is built hard edge to all title boundaries.* The land is known as No. 31 – 37 Russell Street and has been in use for food preparation and catering services. There have been no built form changes to the property since the permit was issued.
23. *Abutting the subject site to the south is a single-storey, brick, warehouse building built to all title boundaries.* The land is known as No. 32 Henry Street and has been in use as a warehouse for fabric and textiles printing. There have been no built form changes to the property since the permit was issued.
24. *To the west, across Henry Street, are a mix of single and double-storey brick warehouse buildings.*
25. *The subject site is located approximately 220 metres from the Collingwood Railway Station, 210 metres from buses on Hoddle Street, and 500 metres from trams and buses on Victoria Parade. Services are available within the Victoria Street Major Activity Centre, located 500 metres south from the site.*
26. Since the permit was issued there have been various approvals and developments within the immediate area, including:
  - (a) Planning Permit PLN20/0173 was issued for the land at No. 27 Russell Street Abbotsford (25 metres south-east of the subject site) on 18 December 2020. The permit allows for the *construction of a four-storey (plus basement level) building for office and food and drinks premises (no permit required for the uses), display of high-wall, floodlit, business identification signage and a reduction in the car parking requirements.* Development has not commenced.
  - (b) The land at No. 41 Russell Street (less than 10 metres north-east of the subject site) has been developed in accordance with Planning Permit PLN17/0906 which permitted the construction of a ground and first floor extension to the existing dwelling (with existing use rights established).
  - (c) The land at No. 47 Russell Street (30 metres to the north-east) has been developed in accordance with Planning Permit PLN16/0240 which permitted a three-storey office building.



Image 5: subject site and surrounds (source: NearMap, 22 January 2021)

## Planning Scheme Provisions

### Legislation Provisions

27. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act* (1987).
28. Section 72 of the Act states:
  - (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
  - (2) *This section does not apply to –*
    - a. *a permit or part of a permit issued at the direction of the Tribunal, if the Tribunal has been directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
    - b. *a permit issued under Division 6.*
29. The planning permit was issued on 16 January 2018. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.
30. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

### Zoning

31. The subject site is zoned *Commercial 2 Zone*. The following provisions apply to the amendment:

- (a) Pursuant to Clause 34.02-1, accommodation (including a dwelling) is prohibited in the Commercial 2 Zone. The site has established existing use rights as a dwelling, as will be discussed further in this report.
- (b) Pursuant to Clause 34.02-4, *a permit is required to construct a building or construct or carryout works.*
- (c) Pursuant to Clause 34.02-6, *an application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and review rights of section 82(1) of the Act. This exemption does not apply to the land within 30 metres of land (not a road) which is in 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 nearest residential zone is 50 metres to the east, thus, the buildings and works of the amendment application is exempt from the notice requirements of section 52 of the Act under the zone.

#### Overlay

- 32. The subject site is affected by the *Development Contribution Plan Overlay*. The requirements of the overlay do not relate to the amendment application given that there is no increase in the number of dwellings from existing conditions.

#### Particular Provisions

- 33. No particular provisions relate to the amendment application.
- 34. Clause 52.06 (*Car Parking*) was considered in the original assessment and the amendment does not alter the car parking provided on-site. The site continues to provide three car parking spaces on site, exceeding the requirements of Clause 52.06.
- 35. It is noted that the provisions of Clause 54 (*one dwelling on a lot*) do not specifically apply to the application given the Commercial 2 zoning.

#### General Provisions

##### *Clause 63 – Existing Uses*

- 36. Clause 63.05 states that *pursuant to Clause 63.01 of the Scheme, an existing use right is established to use of land under this scheme if (amongst others) proof of continuous use for 15 years is established under Clause 63.11.*
- 37. Pursuant to Clause 63.06, of the Scheme, an existing use right expires if either:
  - (a) *The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.*
  - (b) *In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.*
- 38. As outlined earlier in the report, residential use of the site was established under Planning Property Enquiry PPE16/0039 (dated 08 April 2016) and was found to be on going at the time of the Planning Permit PLN17/0101 being issued on 16 January 2018.
- 39. Given three years have passed since Planning Permit PLN17/0101 was issued, the Applicant has submitted the following evidence and documentation to demonstrate that the residential use has been ongoing and has not stopped for a continuous period of 2 years:
  - (a) Water bills issued for a residential use from City West Water for the years of 2017, 2018, 2019 and 2021.
  - (b) Rental agreement (issued 2 October 2019).
  - (c) Rental agent invoices issued by Nelson Alexander on 23 December 2020 and 28 January 2021.

40. Pursuant to Clause 63.05 of the Scheme, a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:
- (a) *No buildings or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
  - (b) *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
  - (c) *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*
41. Given that the current use is a section 3 (prohibited) use with a Commercial 2 Zone, a planning permit is required pursuant to Clause 63.05 of the Scheme for buildings and works. The other requirements of Clause 63 will be discussed in the *Assessment* section of this report.

*Clause 65 – Decision Guidelines*

42. 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.
43. 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 Provisions.

[Planning Policy Framework \(PPF\)](#)

*Clause 15.01-S – Urban design*

44. The objective of this clause is:
- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

*Clause 15.01-2S – Building design*

45. The objective of this clause is:
- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
46. The clause provides the following relevant Strategies to achieve its objective:
- (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) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
  - (c) *Ensure the buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*

*Clause 15.01-5S – Neighbourhood character*

47. The objective of this clause is:
- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

*Clause 15.02-1S – Energy and resource efficiency*

48. 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 16.01-1S – Integrated housing*

49. The objective of this clause is:

- (a) *To promote a housing market that meets community needs.*

50. The clause provides the following relevant Strategy to achieve its objective:

- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

*Clause 16.01-3R – Housing diversity – Metropolitan Melbourne*

51. This clause provides the following relevant Strategy:

- (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

[Local Planning Policy Framework \(LPPF\)](#)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

52. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

*Clause 21.04 Land Use*

*Clause 21.04-1 - Accommodation and housing*

53. The relevant objectives of this clause are:

- (a) *To accommodate forecast increases in population.*
- (b) *Support residual population increases in established neighbourhoods.*
- (c) *Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*

*Clause 21.05 – Built form*

*Clause 21.05-6 – Urban Design*

54. This clause incorporates the following relevant objectives:

- (a) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *Ensure development is designed having particular regards to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

*Clause 21.08-1 – Neighbourhoods – Abbotsford*

55. The subject site is identified as being located in a 'Non Residential areas' on the *Figure 6 (Built Form Character Map)*. The objective for this area is to 'improve the quality of the environment and the interface of development with the street'.

[Relevant Local Policies](#)

*Clause 22.05 – Interfaces uses policy*

56. This policy applies to applications for use or development within the Mixed Use Zone (amongst others).

The objectives of this clause are to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

*Clause 22.10 – Built form and design policy*

57. This policy applies to all new development not included in a heritage overlay. The policy includes Design Objectives which must be met and Design Guidelines which should be met. The Design Objectives and Decision Guidelines will form the basis of the assessment of the amendment application later in this report.

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

58. This policy applies to new buildings. The objective of this clause is:
- (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).*

## Advertising

59. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 44 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received seven (7) objections, the grounds of which are summarised as follows:
- (a) Overdevelopment and height
  - (b) Neighbourhood character
  - (c) Amenity impacts (overlooking, overshadowing, daylight to windows, visual bulk)
  - (d) Impact on nearby heritage precinct (Collingwood Town Hall)
  - (e) Block views and light glare from reflective materials
  - (f) Non-compliance with Clause 54 Standards
  - (g) Dispute existing use rights
  - (h) Set a precedent for high rise development
  - (i) Noise from roof terrace
60. Although the application was advertised, it is noted that the buildings and works were exempt from notice and appeal pursuant to Clause 34.02-6 of the Commercial 2 Zone. The application was advertised given the buildings and works permit trigger under Clause 63 (existing Uses) of the Scheme.
61. No consultation meeting was held as a result of the state of emergency declared in Victoria and the current health advice related to the Covid-19 pandemic.

## Referrals

62. The referral comments are based on the Decision Plans (as advertised in November 2020).

### External Referrals

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

### Internal Referrals

64. The application was referred to Council's Urban Design Unit. Referral comment have been included as attachments to this report.

## OFFICER ASSESSMENT

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

- (a) Existing use – dwelling (Clause 63)
- (b) Buildings and works
- (c) Objector concerns; and
- (d) Other matters

### Existing Use – dwelling (Clause 63)

- 66. As discussed earlier in the report, existing use rights have been established for the residential use of the land and Council are satisfied that the residential use has been ongoing since the permit has been issued. Clause 63.05 requires a permit for buildings and works relating to an existing use and as such, the amendment to the approved dwelling requires planning permission.
- 67. Clause 63.05 of the Scheme indicates that a use in section 2 or 3 of a zone for which an existing use right is established may continue provided specified requirements are satisfied. The requirements are discussed below.
- 68. *No buildings or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- 69. No buildings and works have been constructed without a planning permit. The subject proposal relates to buildings and works changes to the current permit to construct a new dwelling on the site.
- 70. *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction or the extent of the land subject to the existing use right or the extent of activities within the use.*
- 71. The amendment application is not contrary to the conditions of permit or any conditions implied on the use of the land as a dwelling.
- 72. *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*
- 73. The amendments relate to the approved dwelling and will not result in any increase in the intensity or scale of the residential use. The proposed amendment, with regard to the existing use of the land as a dwelling, will not have any further detrimental impact on the amenity of the area or affect the use of the surrounding uses within the Commercial 2 Zone.

### Buildings and works

- 74. In assessing the proposed built form amendments, the relevant decision guidelines are found at Clause 34.02-7 (Commercial 2 Zone), Clause 22.05 (Interface uses policy) and Clause 22.10 (Built form and design policy) of the Scheme. The relevant considerations are addressed under the following subheadings:
  - Urban form and character*
- 75. As was discussed in the original officer's report, the surrounding neighbourhood character is a mix of traditional single-storey weatherboard cottages and commercial buildings (largely brick warehouses). However, there is a clear emerging character of contemporary extensions and infill development in the immediate area. Three storey contemporary dwellings are located at No. 44 and No. 24 Henry Street, north and south of the subject site respectively, and as discussed in the *Surrounds* section of this report, there have been various development approvals for multi-storey buildings (albeit for commercial use) to the east of the site along Russell Street.

76. Although there is a pattern of single-storey weatherboard buildings north of the subject site along the eastern side of Henry Street, the immediate area is otherwise predominantly brick warehouses and similar commercial buildings. The nature of the Commercial 2 Zoning allows for, and encourages, more robust built form for commercial and light industrial uses. Despite the residential use of the subject site, the maximum height and amenity provisions of residential zones are not applicable in this instance. Moreover, had the proposed building be used for an as-of-right use, such as an office, the application would have been exempt from notice and appeal.
77. The amendments relating to height and setbacks will be discussed in detail below. Regard will also be given to the amenity impacts of the nearby dwellings along Henry Street given that existing use rights have been established for their residential use.
78. However, having regard solely to the built form character of the area and commercial zoning, the amendments to the contemporary and robust development is generally acceptable.

*Design detail*

79. The reclaimed bricks at the ground and first floor will positively respond to the brick warehouses and commercial buildings within the streetscape. This position is supported by Council's Urban Design Unit who considered that *"the design has been improved through the adoption of a more interesting asymmetrical composition, the addition of secondary elements such as a windows shroud and (if modified) a bay window, and the introduction of more tactile materials at ground and first floor levels"*. For these reasons, the amendments to the façade fenestration and materials are supported as it is considered that the amended design is of high architectural quality and will contribute positively to the streetscape (as encouraged by *Clause 15.01-2S – building design*).
80. Despite the high-level support of the improved appearance, Council's Urban Design Unit considers the proposed bay window to be unduly dominant and recommends that it be reduced in scale and that the monument black cladding be reconsidered. In response, the sketch plans submitted on 25 January 2021 show the bay window with a Cor-ten finish so that it integrates with the ground floor garage. Council Officers support this material change but also consider that the projection of the bay window could be reduced (in accordance with the urban design advice) without impairing the internal amenity or architectural effect of the feature. As such, a condition should be included on the permit requiring that the bay window be set back 2.4 metres from the street frontage (in accordance with urban design advice) and be finished with Cor-ten as per the sketch plans submitted to Council.
81. Finally, Council's Urban Design Unit requires the following:
- (a) Clarification of the "brick facing tiles" notation relating to the reclaimed brick in the materials schedule.
  - (b) A notation on the west elevation confirming the garage tilt door as Cor-ten.
82. The above should be required by way of condition to an amended permit if it were to issue.

*Setbacks and building height*

83. Any off-site amenity impacts relating to the scale of the building will be discussed later in this report. The below assessment will have regard primarily to the relationship of the amended dwelling's height and setbacks and its context within Henry Street.
84. A fourth floor and terrace is proposed and the existing internal ceiling heights have been increased so that the overall height of the dwelling is increased from 12.1 metres to 18.03 metres.



85. With regards to the height, although it has been acknowledged that a more robust form is generally supported within the commercial zoning, development should respond to the context. With the exception of No. 27 Russell Street, which has a permit for a four-storey office building, the proposed amended dwelling will be one of the highest buildings in the immediate area. Although it can be envisaged that nearby and abutting commercial properties (such as No. 32 Henry Street to the south and No. 31 – 37 Russell Street to the east) will eventually be redeveloped, it is unlikely that the dwellings to the north will experience similar robust development particularly given some have undergone recent extensions. As such, the proposed 18.03 metre northern boundary wall will appear as an abrupt increase from the single and double storey development when approaching the development from the north along Henry Street. For these reasons, Council's Urban Design Unit have recommended a maximum height of 15 metres in the front third of the site, that being 2.9 metres higher than the approved. The height of 15 metres would accommodate the proposed five storeys with internal ceiling heights typical of residential development.
86. In response to this advice, the sketch plans (submitted on 25 January 2021) show a maximum height of 16.48 metres achieved through a reduction in internal ceiling heights. Council Officers considered that this could go further by reducing the ground floor internal ceiling height to 2.7 metres. Given that the ground floor is only used as an entry and for car parking, a 2.7 metre internal ceiling height is reasonable and will not adversely impact the internal amenity. This change would result in a maximum height of approximately 16 metres and would also assist in lowering the first-floor podium height so that it is in line with the two-storey building of No. 32 Henry Street to the south.
87. Moreover, the fourth floor (comprising of stairs and a sunroom) is notably set back from the street frontage so that it will not be readily visible from the street. There is an opportunity to also set back the glass balustrade of the roof terrace to reduce its visibility from the street interface. This would ensure that the building would read as four storeys (as approved) and 15 metres when viewed to from the street, as encouraged by Council's Urban Design Unit. The setbacks will be discussed later.
88. In light of this, a condition should be included on an amended permit if it were to issue requiring that the maximum height of the dwelling be 16 metres, achieved through the changes shown in the sketch plans submitted on 25 January 2021 and through a further reduction to the ground floor internal ceiling height to 2.7 metres.
89. The height and scale of the building will be further remediated through increased front setbacks as will be discussed below.
90. The following amendments are proposed to the existing setbacks:
- (a) Remove the front setback of the first floor in part (to the north) and reduce the depth of the remaining balcony to 1.5 metres (currently 2 metres).
  - (b) Reduce the front setback of the second floor from 3.61 metres to 2 metres.
  - (c) Reduce the front setback of the third floor from 3.61 metres to 2 metres and introduce a contemporary bay window which protrudes into the setback by 1 metre (thus set back from the front title boundary by a metre).
  - (d) Reduce the rear setback of the second and third floor from 1.5 metres to 1 metre.
91. In reviewing the decision plans, Council's Urban Design Unit has recommended that the front setbacks of the upper levels (ie the second and third floor) be increased to a minimum of 3 metres. The sketch plans submitted to Council on 25 January 2021 show a front setback at the second and third floor of 2.8 metres, however, Council Officers consider that the 3 metres as recommended by Urban Design can reasonably be met thus a condition should require this should any amended permit issue.

92. Further, as previously discussed, the balustrade of the roof terrace should be set back a minimum of 4 metres (that being 1 metre beyond the third floor) to reduce its visibility from the street interface. It is acknowledged that this would eliminate the west facing deck and reduce the size of the proposed pool, however, the roof terrace would still be a generous size and its usability would not be notably diminished.
93. With regards to the rear setback, Council raised concern to the equitable development of the property to the east at No. 31 – 37 Russell Street should the rear setback be reduced to 1 metre. Many of the habitable rooms of the proposed dwelling rely on the rear (east) setback for their only daylight. Thus, by reducing this setback to 1 metre from the boundary it could put an unreasonable onus on the neighbouring property to provide daylight to these windows should the property be developed in the future. In response to this concern, the provided sketch plans show the rear setback as 1.5 metres as is already approved. This component of the sketch plans should form a condition of the amended permit if it were to issue.
94. Subject to conditions, the dwelling will be 4 metres higher (in part) than approved. However, the conditions will ensure that the fourth floor and terrace is not readily visible from the street and that the dwelling will continue to read as four storeys as is already approved. The rear setbacks will remain as approved and the front setbacks will only be marginally (600mm) reduced from what is approved. These conditions along with the improved architectural and design details will ensure that, on balance, the amended proposal is a highly responsive development.

*Street and public space quality*

95. The ground floor façade to Henry Street will maintain the 890mm setback however will include wrought iron gates to the front pedestrian entry. Moreover, the garage roller door has been changed from a mesh to a tilt Cor-ten (rust metal) door with 'visibility panels' for passive surveillance to the street. These semi-transparent elements coupled with the approved security lighting will ensure safe pedestrian movement, perceptions of safety and passive surveillance to the street as is encouraged by Clause 34.02-7 (Commercial 2 Zone). Moreover, the variety of materials, fenestration and setbacks will provide a distinctly residential feel to the dwelling in contrast to the solid facades of commercial buildings within the streetscape.
96. Finally, the front balconies with glass balustrades will continue to offer passive surveillance of the street from the upper levels which is generally beneficial given that the commercial zoning of the area means there is limited activity in the street (particularly to the south) in the evenings and at night.

*On-site amenity*

97. The dwelling will continue to have an acceptable level of internal amenity, with all rooms being provided east or west facing windows. The 1.5 metre rear setback, as shown in the sketch plans and recommended in this report, will ensure the east facing windows will continue to receive reasonable daylight should there be any future development on the eastern abutting site.
98. Similarly, the basement has been provided with a skylight which spans the rear (eastern) boundary to provide the living area in the basement with natural daylight.
99. The west facing windows are operable to allow for natural cross ventilation, however, the east-facing windows are not. This is accepted given it is an already approved condition. As was substantiated in the original report, it is acceptable for the east facing windows to be non-operable given that they have a direct interface with commercial uses.
100. Finally, the proposed terrace provides the dwelling with its only area of secluded private open space given the approved development only has front balconies visible from the street. The inclusion of the roof terrace will significantly improve the amenity of the dwelling for its residents.

*Off-site amenity*

101. The key consideration for off-site amenity is the northern abutting dwelling at No. 36 Henry Street given that the abutting properties to the east and south are developed with brick commercial buildings.
102. Subject to conditions, the amendment will result in the northern boundary wall increasing in height (in part) from 12.1 metres to 16 metres. This wall will abut the built form of No. 36 Henry Street for its entire length. There are no windows facing the subject site or any shadow impacts given POS is to the north of the subject site. As such, the key amenity considerations relate to overlooking to, and visual bulk from, the neighbouring private open space area of No. 36 Henry Street. As shown in the below image, the area of POS is located in the north-east corner and is partially covered by a semi-transparent pergola. Given the separation of the POS from the wall, the primary outlook of the dwelling is to the north and east rather than to the wall to the south. This outlook coupled with the partial covering of the POS area means that the 3.9 metre increase to a portion of the boundary wall will not result in an unreasonable visual bulk impact. Moreover, the terrace is screened with a 1.7 metre high balustrade with obscure glass which would comply with the ResCode Overlooking Standard had it been applicable.



*Image 6: The POS of No. 36 Henry Street outlined in blue, subject site below with red roof (source: NearMap, 22 January 2021)*

103. Although the subject site and northern dwellings have established existing use rights, commercial development remains the primary focus for development in the surrounding area given the purpose of the zone is *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services*. As discussed, had the proposal been for an as-of-right use, the amended application would have been exempted from notice and appeal entirely. It is recognised within the scheme that the same level of residential amenity cannot be guaranteed in these contexts as would be expected in a typical residential zone. Nevertheless, as outlined above, it is considered that the amenity of the northern abutting dwelling will not be unreasonably impacted by the proposed amendment.
104. Finally, Clause 22.05-4.1 (*Interface uses policy*) of the Scheme recommends that new development located in Business Zones be designed to:
- (a) *Incorporate appropriate measures to protect the residents from unreasonable noise, fumes, vibrations, light spillage and other likely disturbances.*

- (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.*
- (c) *Incorporate appropriate measures to minimise the effects of fumes or air emissions from nearby business or industrial operations upon those living in the dwellings, including through the orientation of windows and ventilation systems.*
- (d) *Minimise the potential for views from existing business or industrial premises to habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation and screens.*

105. It is considered that the amended proposal has been designed where possible to respond to the location of commercial properties. As discussed, although windows are located on the east elevation facing a commercial property, they are non-operable to protect from potential fumes and will maintain the 1.5 metre setback as approved.

106. Moreover, the proposed terrace has provided for a 1.7 metre high balustrade on every elevation, including those to the east and south. This will ensure a reasonable level of privacy for the terrace should the neighbouring commercial properties be developed in the future.

#### Objector concerns

107. Each concern will be discussed in turn.

- (a) *Overdevelopment and height*

This concern has been discussed at paragraphs 75 – 78 and 85 - 94 and, subject to conditions, is considered to appropriately respond to the commercial zone, streetscape and built form context.

- (b) *Neighbourhood character*

This concern has been discussed at paragraphs 75 – 78 and it is considered that the amended proposal is acceptable. It is noted that some objections considered the neighbourhood character to be residential in nature, however, dwellings are prohibited in Commercial 2 Zone. It is acknowledged that nearby sites, including the subject site, have established existing use rights for residential use, nonetheless, the character and more significantly, the purpose, of the Commercial 2 Zone is to *encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

- (c) *Amenity impacts (overlooking, overshadowing, daylight to windows, visual bulk)*

This concern has been discussed at paragraphs 101 – 106.

Given the Commercial 2 zoning, the provisions of Clause 54 (ResCode) are not applicable. Nonetheless, the amenity of nearby dwellings (also located in C2Z) is not impacted by the amendment given that no windows face the subject site from neighbouring sites, the dwellings are to the north of the subject site and thus cannot be overshadowed and the proposed terrace is screened so that had ResCode have been applicable it would comply with the Overlooking Standard.

- (d) *Impact on nearby heritage precinct (Collingwood Town Hall)*

The subject site is not located in a Heritage Overlay and as such the heritage policy of the Yarra Planning Scheme is not applicable to the application. Nevertheless, the subject site is 200 metres south-east of the Collingwood Town Hall and it is not expected that the amendment will adversely impact its significance.

- (e) *Block views and light glare from reflective materials*

While is acknowledged that outlook forms part of a site's overall amenity, the Tribunal has consistently held that there is no legal entitlement to a specific view. This is especially the case where a view is obtained across adjoining land.

Nevertheless, there are no windows facing the site from the immediately abutting properties that would be unreasonable impacted by the proposed amendment.

None of the introduced materials (reclaimed brick, Cor-ten cladding or clear glazing) are expected to result in an unreasonable glare.

(f) *Non-compliance with Clause 54 Standards*

As discussed, Clause 54 is not applicable to development in the Commercial 2 Zone.

(g) *Dispute existing use rights*

Objectors have disputed the use of the land as a dwelling prior to 2017. Given that existing use rights was established for the site in 2016 and the subject permit was since issued in 2018 allowing for the construction of a dwelling (with existing use rights), consideration of the use of the land prior to 2017 is outside of the scope of this amendment.

As outlined in paragraphs 36 – 41, Council is satisfied that the use of the land as a dwelling has been ongoing since the permit issued.

(h) *Set a precedent for high rise development*

Any future application will be considered on its merits and will be assessed against the relevant policy and the response to the individual site context. As has been substantiated through the body of this report, the amended design response is considered appropriate (subject to conditions) in its context and will not set an unreasonable precedent for development in a Commercial 2 Zone.

(i) *Noise from roof terrace*

Noise associated with a residential use is not expected to be unreasonable given the proximity of the site to Hoddle Street (30 metres to the west) and the train line (30 metres to the east) and given the commercial zoning of the land which is designated for commercial and light industrial uses.

Other matters

108. If the amended permit were to issue, the following would be relevant matters of process:

(a) The permit preamble would be amended to read:

(i) *Development of the land for the construction of a five-storey dwelling, plus basement (existing use rights established).*

(b) Condition 1 of the existing permit would be replaced with the following:

*Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Christopher Vaughan, dated 6 November 2020 (Revision G: TP02, TP03a, TP03b, TP04, TP05, TP06, TP07, TP08 and TP09), but modified to show:*

*I. The design changes in accordance with the sketch plans submitted to Council on 25 January 2021 which are as follows:*

*i. The rear setback increased from 1 metre to 1.5 metres at the second and third floors.*

*ii. The Standing Seam Cladding of the third-floor reading room projection as Coreton wall tiles.*

*But further modified to show:*



- II. *A maximum height of 16 metres through the reduced internal ceiling heights as shown in the sketch plans submitted to Council on 25 January 2021 and through a further reduction to the ground floor internal ceiling height to a maximum of 2.7 metres.*
  - III. *The protruding bay window setback a minimum of 2.4 metres from the front title boundary.*
  - IV. *The second and third floors setback a minimum of 3 metres from the front title boundary.*
  - V. *The terrace balustrade setback a minimum of 4 metres from the front title boundary.*
  - VI. *The garage door as Cor-ten on the Proposed West Elevation.*
  - VII. *Remove or clarify the “brick facing tiles” notation relating to the reclaimed brick in the materials schedule.*
- (c) All the previous plans would be superseded and replaced once new plans are lodged to comply with Condition 1.

## Conclusion

109. The amended proposal, subject to conditions outlined in the recommendation below, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval.

## RECOMMENDATION

1. **Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Christopher Vaughan, dated 6 November 2020 (Revision G: TP02, TP03a, TP03b, TP04, TP05, TP06, TP07, TP08 and TP09), but modified to show:**
- (a) **The design changes in accordance with the sketch plans submitted to Council on 25 January 2021 which are as follows:**
    - (i) **The rear setback increased from 1 metre to 1.5 metres at the second and third floors.**
    - (ii) **The Standing Seam Cladding of the third-floor reading room projection as Coreton wall tiles.**
- But further modified to show:**
- (b) **A maximum height of 16 metres through the reduced internal ceiling heights as shown in the sketch plans submitted to Council on 25 January 2021 and through a further reduction to the ground floor internal ceiling height to a maximum of 2.7 metres.**
  - (c) **The protruding bay window setback a minimum of 2.4 metres from the front title boundary.**
  - (d) **The second and third floors setback a minimum of 3 metres from the front title boundary.**
  - (e) **The terrace balustrade setback a minimum of 4 metres from the front title boundary.**
  - (f) **The garage door as Cor-ten on the Proposed West Elevation.**
  - (g) **Remove or clarify the “brick facing tiles” notation relating to the reclaimed brick in the materials schedule.**

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the dwelling entrances must be provided. Lighting must be:
  - (a) Located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

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

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

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

NOTE: 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.

NOTE: 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.

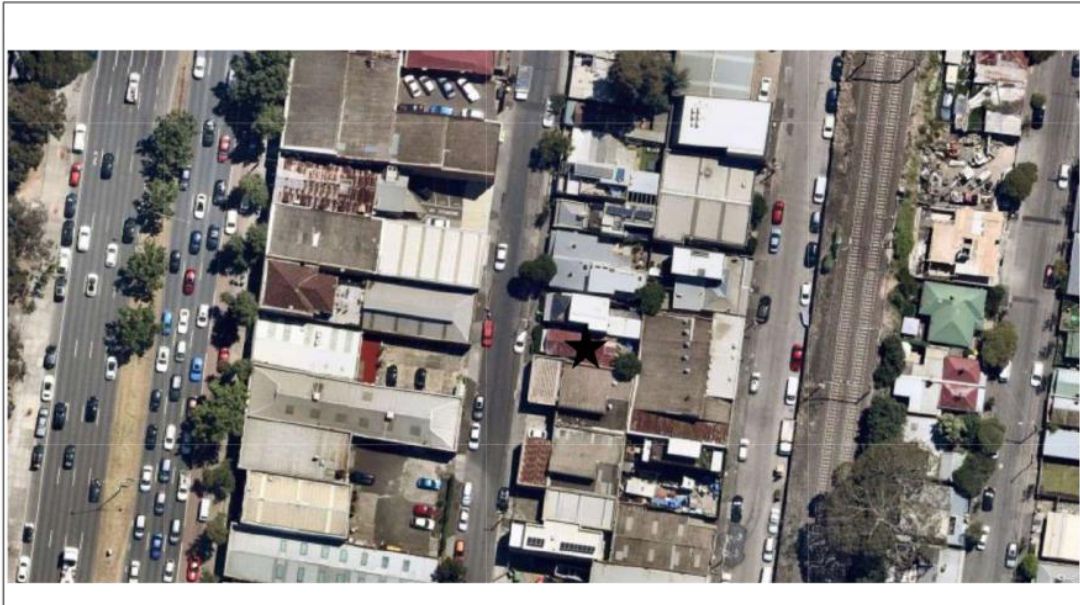
NOTE: Any services poles, structures or pits that interfere with the proposal must be adjusted removed or relocated at the owner's expense after seeking approval from the relevant authority.

## Attachments

- 1 PLN17/0101.01 - 34 Henry Street Abbotsford - Subject site
- 2 PLN17/0101.01 - 34 Henry Street Abbotsford - Title
- 3 PLN17/0101.01 - 34 Henry Street Abbotsford - Town Planning Report
- 4 PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 1)
- 5 PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 2)
- 6 PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 3)
- 7 PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 4)
- 8 PLN17/0101.01 - 34 Henry Street Abbotsford - Existing Endorsed Plans
- 9 PLN17/0101.01 - 34 Henry Street Abbotsford - Planning Permit
- 10 PLN17/0101.01 - 34 Henry Street Abbotsford - Urban Design Advice
- 11 PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans

**Attachment 1 - PLN17/0101.01 - 34 Henry Street Abbotsford - Subject site**

**SUBJECT LAND: 34 Henry Street, Abbotsford**



↑ North

★ Subject Site

**Attachment 2 - PLN17/0101.01 - 34 Henry Street Abbotsford - Title**

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 1

VOLUME 03846 FOLIO 170

Security no : 124083799719B  
Produced 18/06/2020 10:57 AM

**LAND DESCRIPTION**

Lot 1 on Title Plan 694831R.  
PARENT TITLE Volume 01830 Folio 813  
Created by instrument 763121 30/10/1914

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
LACHLAN REEVES MCKENNA of 7/59 WESTBANK TERRACE RICHMOND VIC 3121  
AM824708H 01/06/2016

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AM824709F 01/06/2016  
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP694831R FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 34 HENRY STREET ABBOTSFORD VIC 3067

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED  
Effective from 22/10/2016

DOCUMENT END



**Attachment 2 - PLN17/0101.01 - 34 Henry Street Abbotsford - Title**

Delivered by LANDATA®, timestamp 18/06/2020 11:11 Page 1 of 1

<b>TITLE PLAN</b>		<b>EDITION 1</b>	<b>TP 694831R</b>						
<b>Location of Land</b> Parish: AT COLLINGWOOD PARISH OF JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 56 (PT)		<b>Notations</b>  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
<b>Last Plan Reference</b> Derived From: VOL 3848 FOL 170 Depth Limitation: NIL									
<b>Description of Land / Easement Information</b>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 21/11/2000 VERIFIED: BH							
<table border="1" style="margin: auto;"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 56 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 56 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CP 56 (PT)									
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets							

**Attachment 3 - PLN17/0101.01 - 34 Henry Street Abbotsford - Town Planning Report**



**PLANNING VISION Pty. Ltd.**

TOWN PLANNING CONSULTANTS

PO BOX 1223, RESEARCH 3095  
0407 864 689

10 November 2020

Jessica Sutherland  
Statutory Planner  
City of Yarra  
PO Box 168  
RICHMOND 3121

Dear Jessica

**Re: Planning Application No.PLN17/0101.01  
34 Henry Street, Abbotsford**

In response to your further information letter dated 2 October 2020, please find herein the further information requested including:

- Elevations revised to show the items requested in Item 1 of Council's letter.
- An overlooking diagram addressing Item 2.
- Perspective drawings/renders as requested in Item 3.
- A schedule of materials as requested in Item 4 of Council's letter.

In respect to the preliminary issues raised in your letter, I respond as follows:

1. The setback of the proposed development including the eastern setback will not compromise the future equitable development of No.31-37 Russell Street. No.31-37 Russell Street is a large site and any future development will not be compromised by what is proposed under this amendment. The upper levels are all offset from the eastern boundary with setbacks ranging from 1 – 1.5 metres, which will provide long-term solar access to the habitable spaces of our proposed development, despite any future development of 31-37 Russell Street. It should be noted that additional solar access has been provided to our proposal through the glass lift shaft, skylights to the main bedroom, and the glass pool base opening up to the open plan living spaces on levels 2 & 3. This coupled with the full west facing windows provides ample solar amenities throughout the building, without being compromised by any future development of 31-37 Russell Street.

## Attachment 3 - PLN17/0101.01 - 34 Henry Street Abbotsford - Town Planning Report

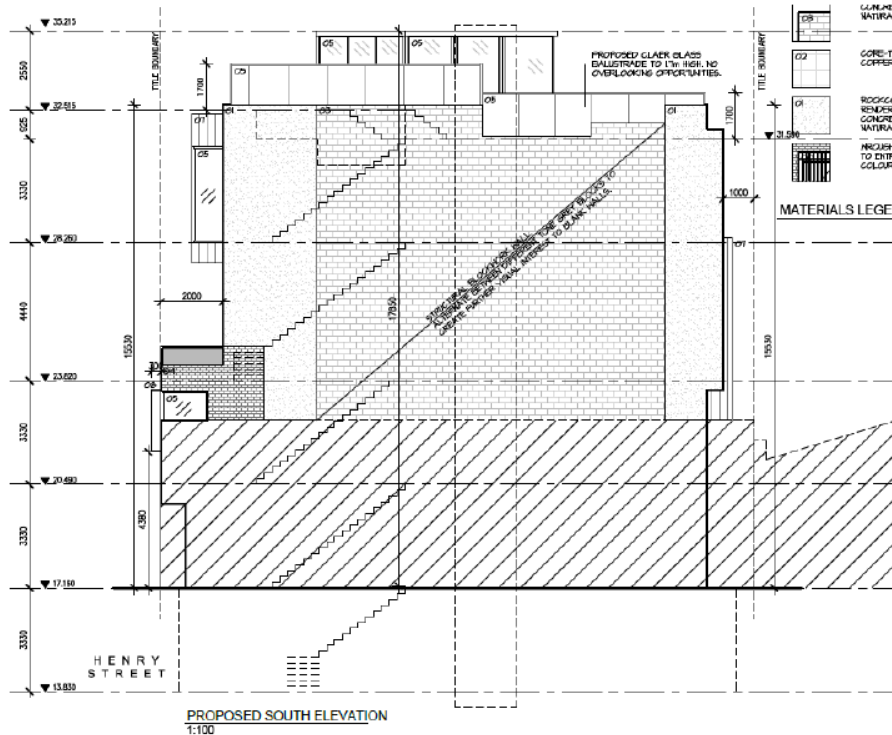
PLANNING VISION Pty. Ltd.

Town Planning Consultants

Even if any future development on the adjoining property at No.31-37 Russell Street adopted a similar setback along their western boundary being the common boundary with the subject site, it would not compromise the amenity of the development on our site as currently proposed for the reasons outlined above and they too will have the opportunity to introduce solar measures to allow maximum solar opportunities in their development.

It should be further noted that the current building to 31-37 Russell street has a zero setback, which is not currently compromising the amenities of our proposal.

If the site to the east were to be developed, it would not compromise the development as proposed under this amendment and it wouldn't compromise the equitable development potential of No.31-37 Russell Street. The south elevation provided shows the setback the proposed building will have to the east.



2. As requested under Item 3 of Council's further information letter, a streetscape perspective has been provided. In order to assist Council, a streetscape perspective has been provided showing the development as it was approved with what was in the street at the time of its approval, including the single-storey dwelling to the north. A streetscape perspective has also been provided showing the amendments sought under this application, showing the two-storey extension on the adjoining property to the north.

It should be noted that the net increase in height from the adjoining property to the north is similar to what was approved by Council under the previous application. It is also submitted that the architectural integrity of the amended proposal as sought under this application is a better result for the site and the streetscape. The revised design takes elements of what currently exists within the street and also provides a contemporary response which is sympathetic to many other contemporary buildings that have been constructed within the last 10 years.

Our amended proposal is far more architecturally superior to the current approval, both in design of the building façade through the use of well applied building articulation, and the selection of finishes, textures and colours sympathetic to the streetscape.

The site has a direct interface with industrial buildings directly opposite and to the south. The design also does not overwhelm the dwelling to the north, which has since had a two-storey extension from when the original approval of a 3-storey building was provided on the subject site. In addition, the change of the site context to No.36 Henry Street with their two-storey extension which was done after the previous approval on the subject site, has screened our proposal from their secluded private open space area. The private open space of No.36 Henry Street would have had a view of a 12m high sheer wall as per the previous approval. Under the current amendment and given their recent development, our proposal is now screened from this private open space, even with the change in our proposal height.



**Attachment 3 - PLN17/0101.01 - 34 Henry Street Abbotsford - Town Planning Report**

PLANNING VISION Pty. Ltd.

Town Planning Consultants



Source: Google maps – view of subject site and adjoining properties



Source: Google maps – view looking south from in front of the subject site



Source: Google maps – view looking north from in front of the subject site

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Page 4 of 5



**Attachment 3 - PLN17/0101.01 - 34 Henry Street Abbotsford - Town Planning Report**

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Town Planning Consultants



Source: Google maps – view looking directly opposite the subject site on west side of Henry Street

Trusting the above has addressed your concerns. Accordingly, I respectfully request that the application be advertised at your earliest convenience.

Yours faithfully

*Spiro Neofitou*

Director Planning Vision P/L

Encl.

Attachment 4 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 1)

PROPOSED DEVELOPMENT - STREETSCAPE PERSPECTIVE

PERMITTED DEVELOPMENT - STREETSCAPE PERSPECTIVE

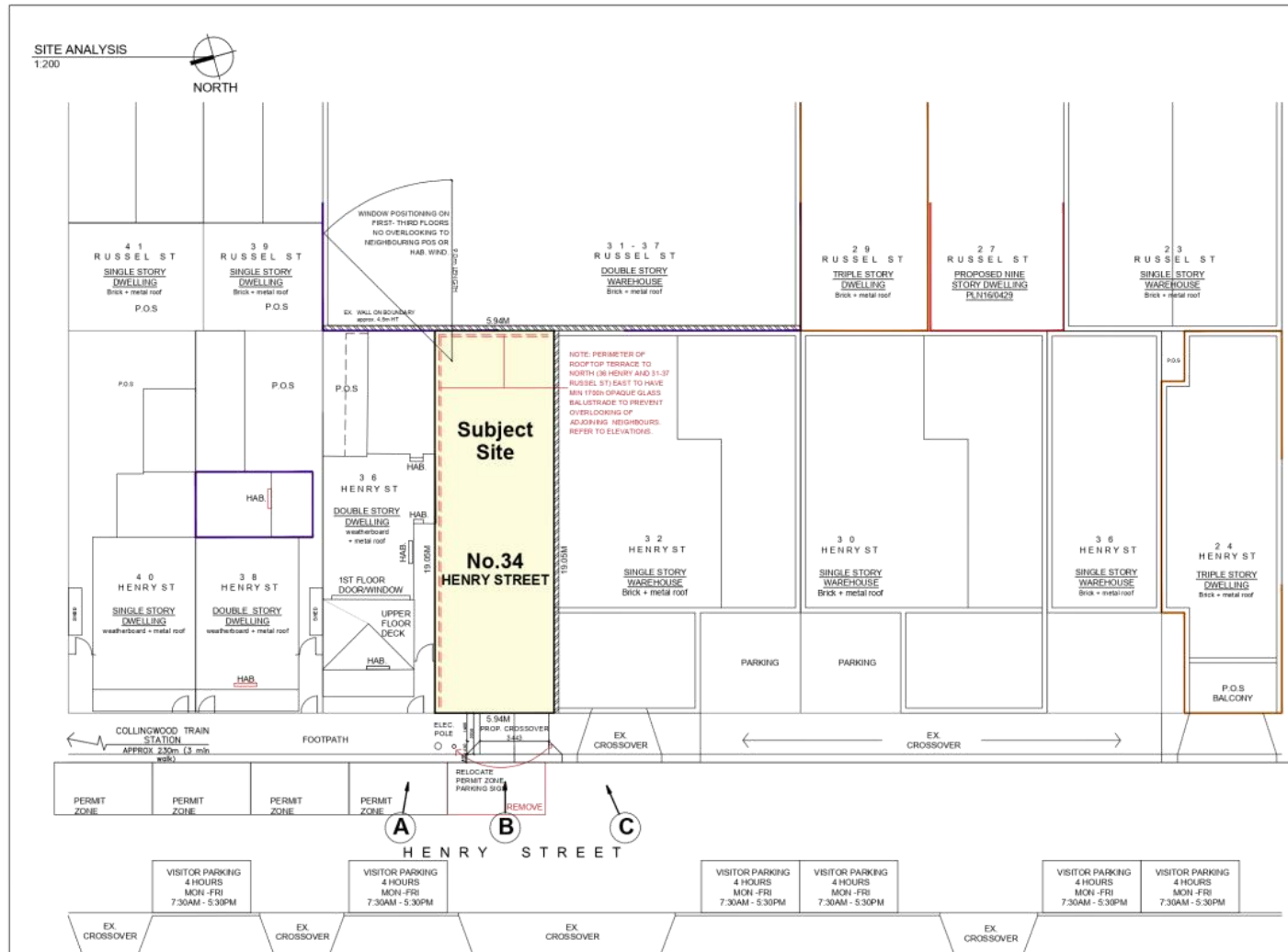


Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: 3D Perspective, Streetscape context	Rev. Description F Section 72 Amendment 01/09/20 G Council RFI 06/11/20
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	
Drawing No. TP00 Rev. F	

Preliminary  
Drawings  
NOT FOR CONSTRUCTION

CHRISTOPHER  
ARCHITECTS

Attachment 4 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 1)



Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Site Analysis	Rev. Description F Section 72 Amendment 01/09/20 G Council RFI 06/11/20
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	
Drawing No. TP01 Rev. F	

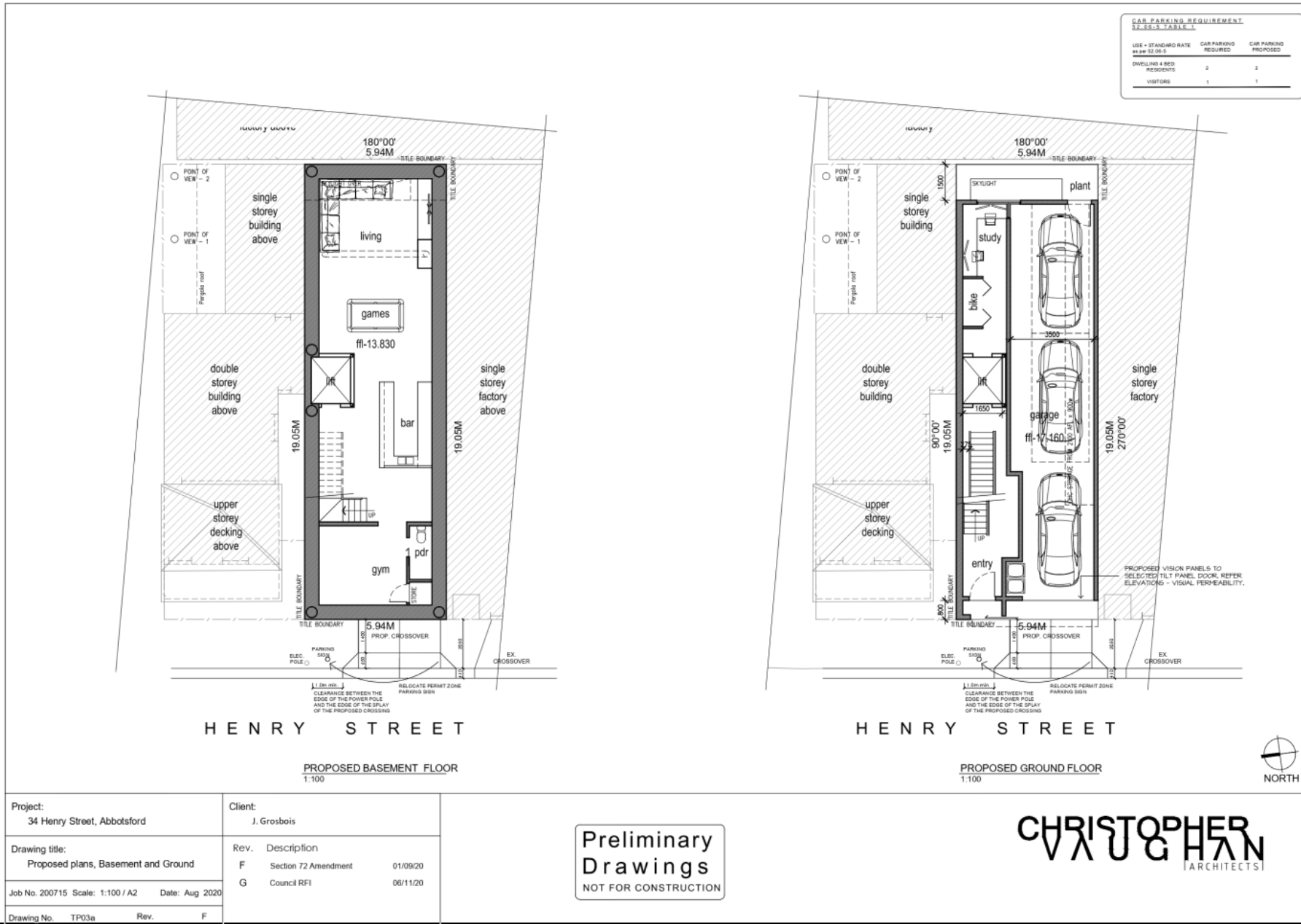
Preliminary  
Drawings  
NOT FOR CONSTRUCTION

CHRISTOPHER  
ARCHITECTS



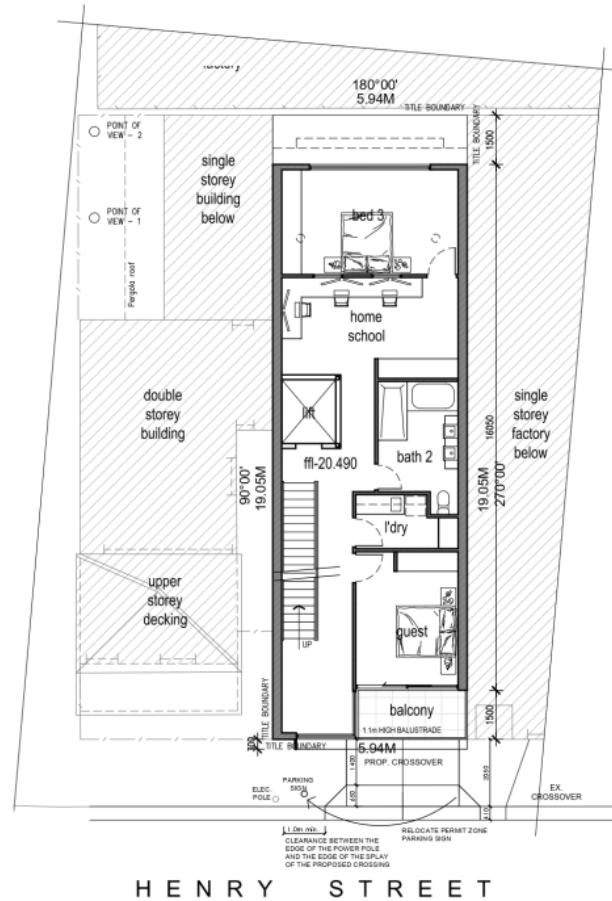


Attachment 4 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 1)



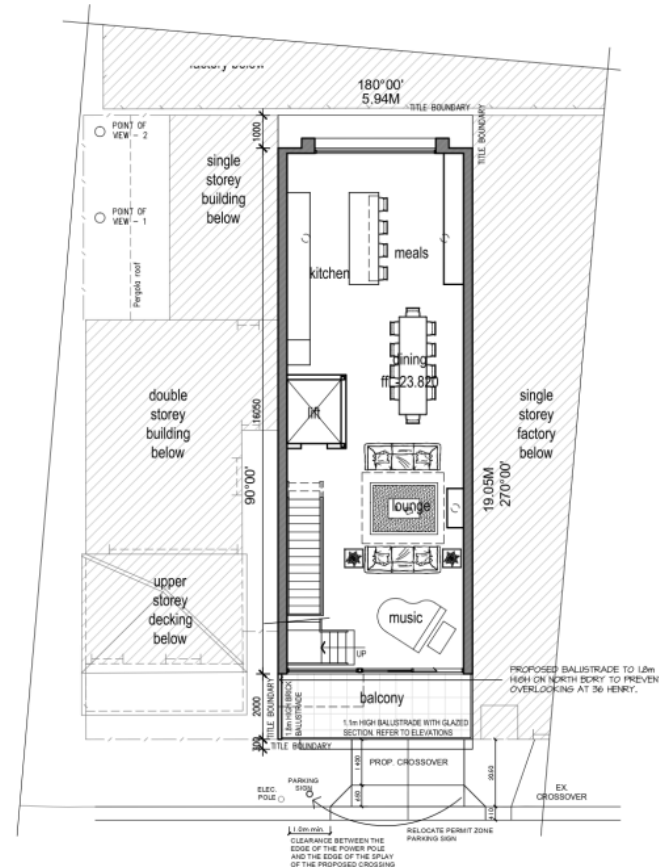


Attachment 4 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 1)



HENRY STREET

PROPOSED FIRST FLOOR  
1:100



HENRY STREET

PROPOSED SECOND FLOOR  
1:100

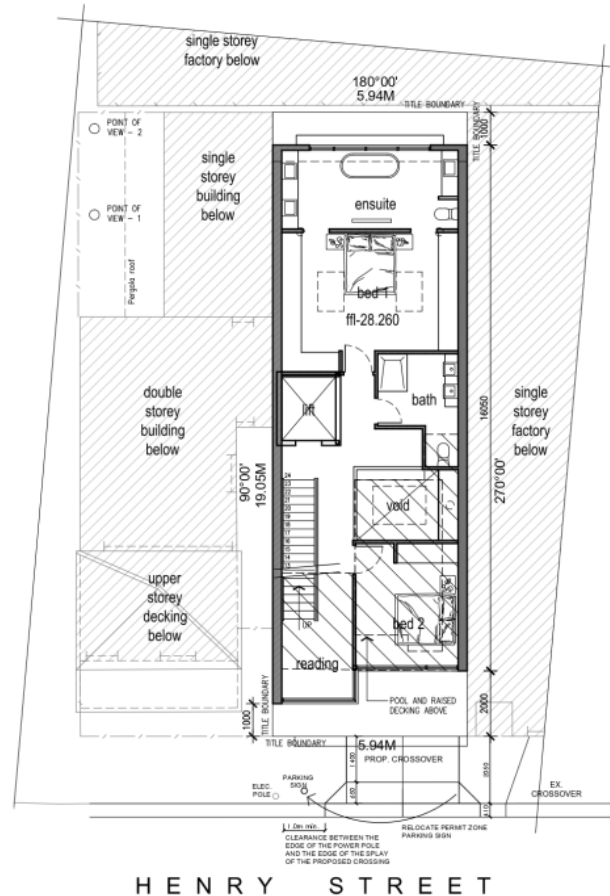


Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Proposed plans, First and Second	Rev. Description F Section 72 Amendment 01/09/20 G Council RF1 06/11/20
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	
Drawing No. TP03b Rev. F	

Preliminary  
Drawings  
NOT FOR CONSTRUCTION

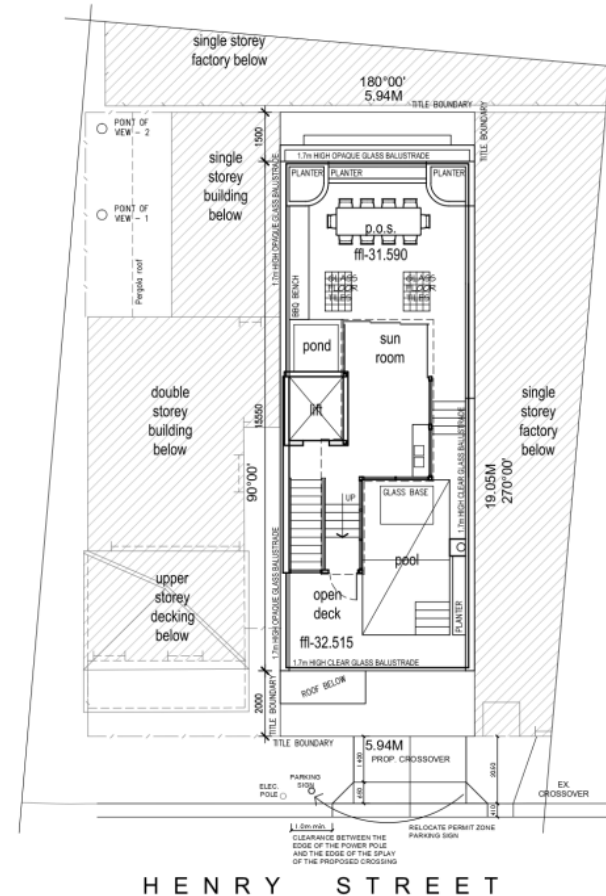
CHRISTOPHER  
ARCHITECTS

Attachment 4 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 1)



HENRY STREET

PROPOSED THIRD FLOOR  
1:100



HENRY STREET

PROPOSED ROOF PLAN  
1:100

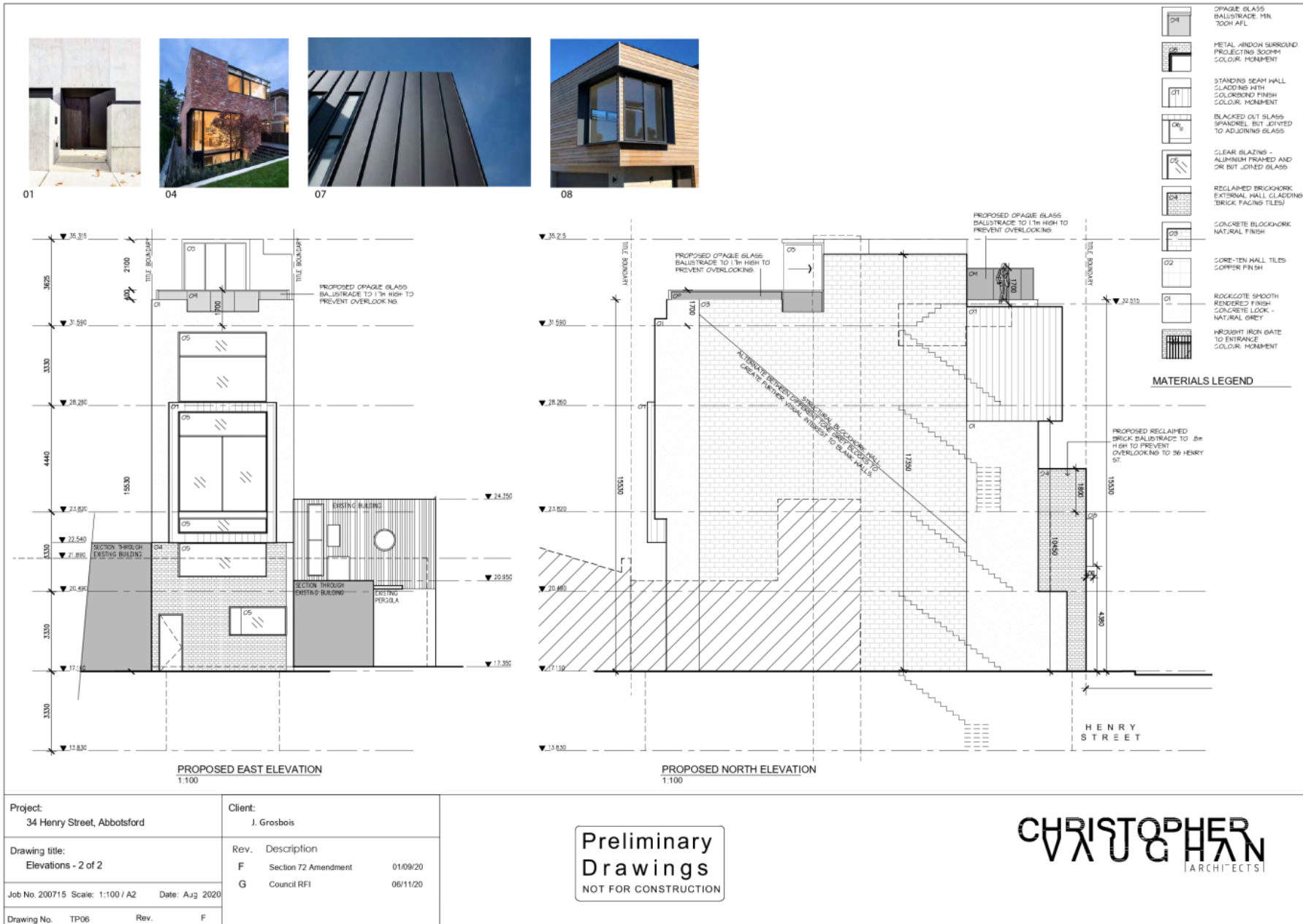


Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Proposed plans, Third and Roof	Rev. Description F Section 72 Amendment 01/09/20 G Council RF1 06/11/20
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	
Drawing No. TP04 Rev. F	

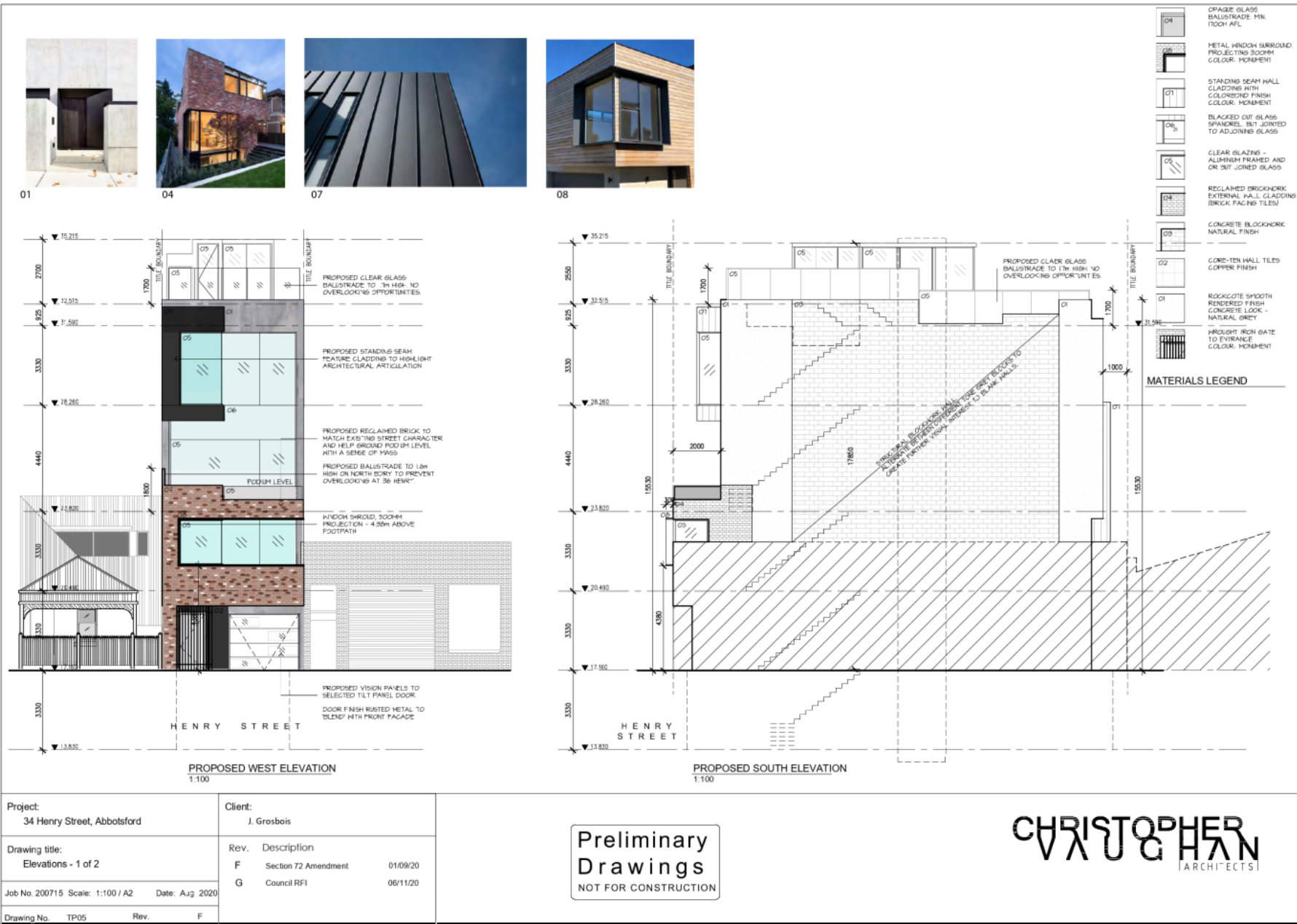
Preliminary  
Drawings  
NOT FOR CONSTRUCTION

CHARSTON  
ARCHITECTS

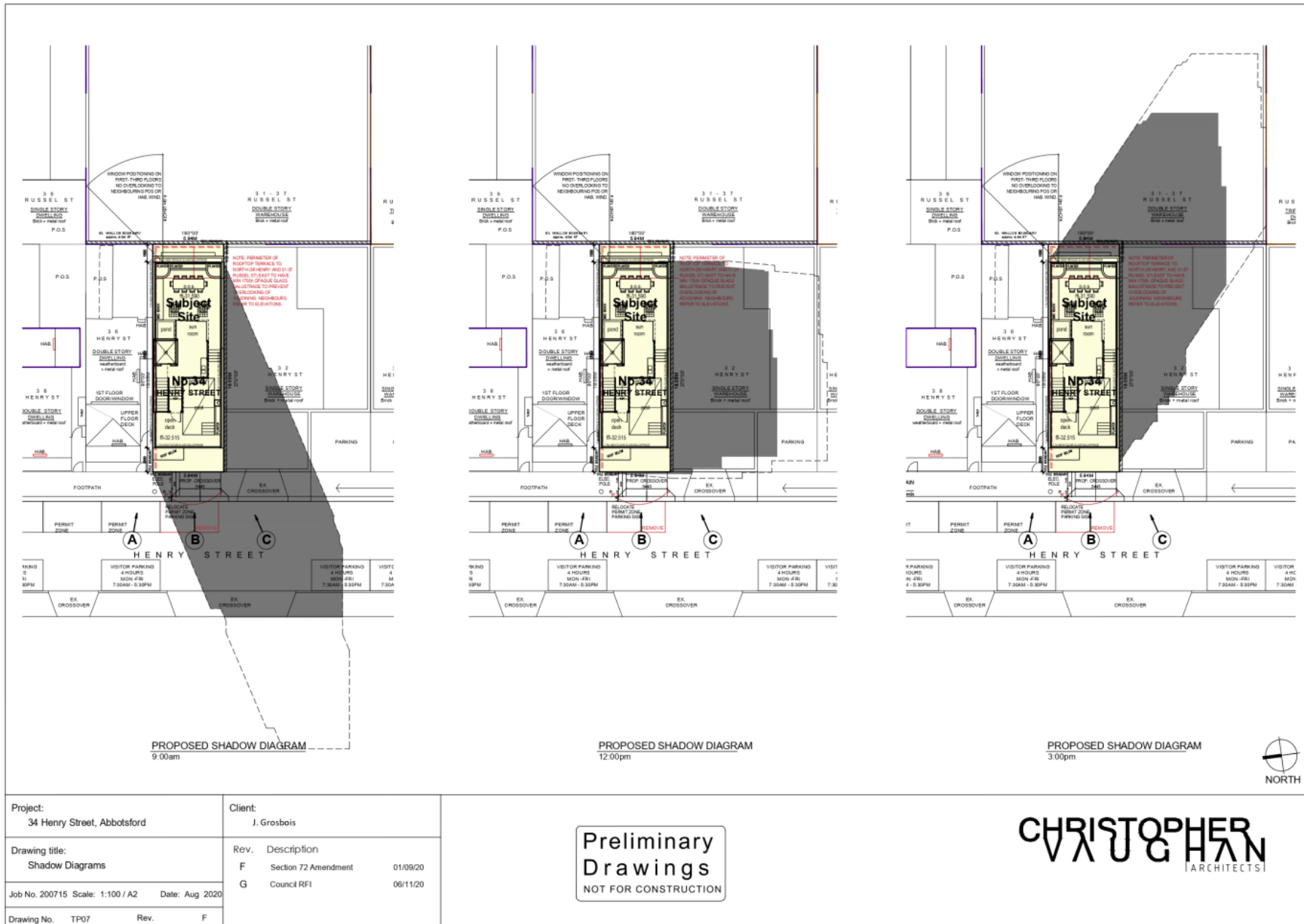
Attachment 5 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 2)



Attachment 6 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 3)

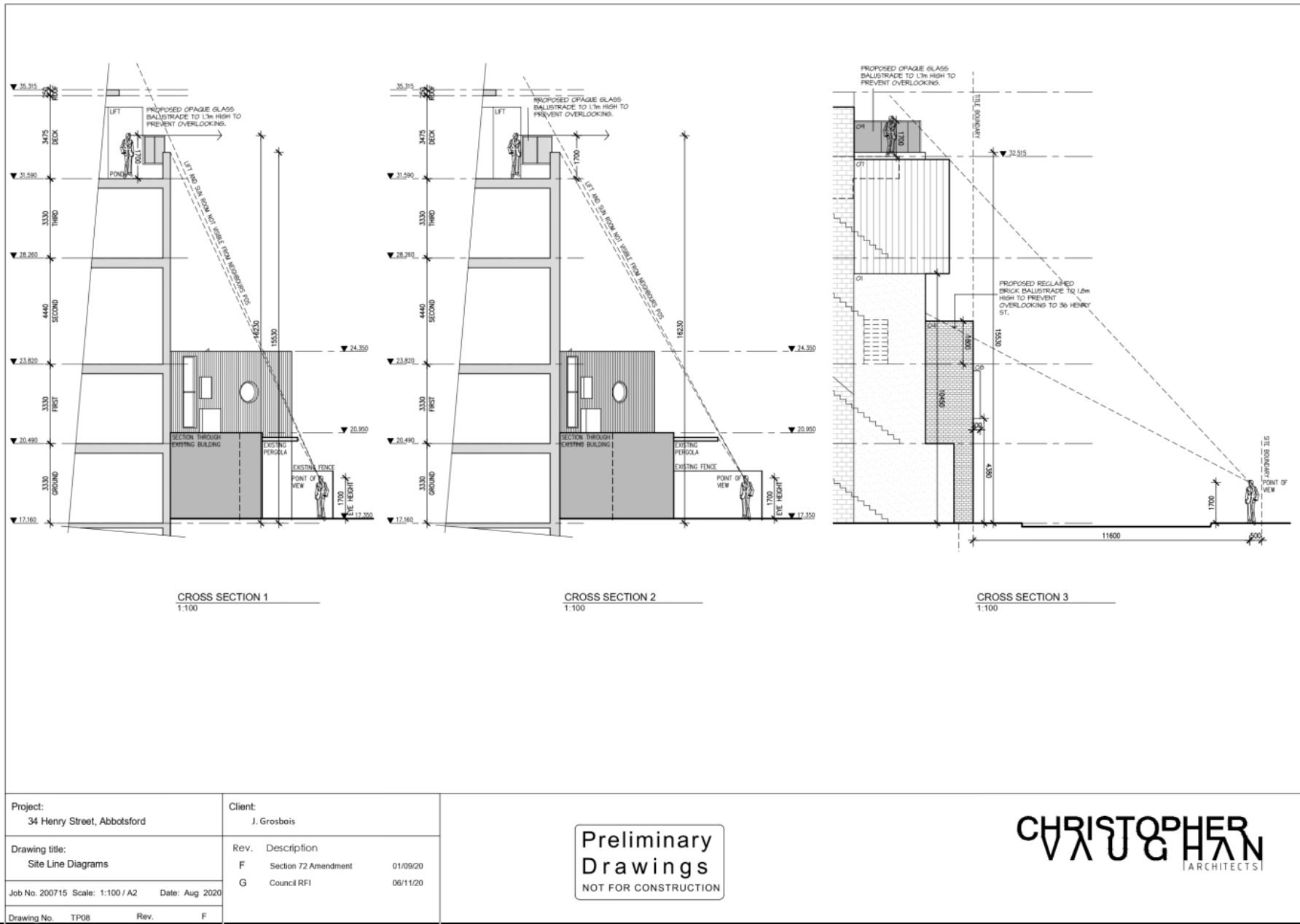


# Attachment 7 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 4)

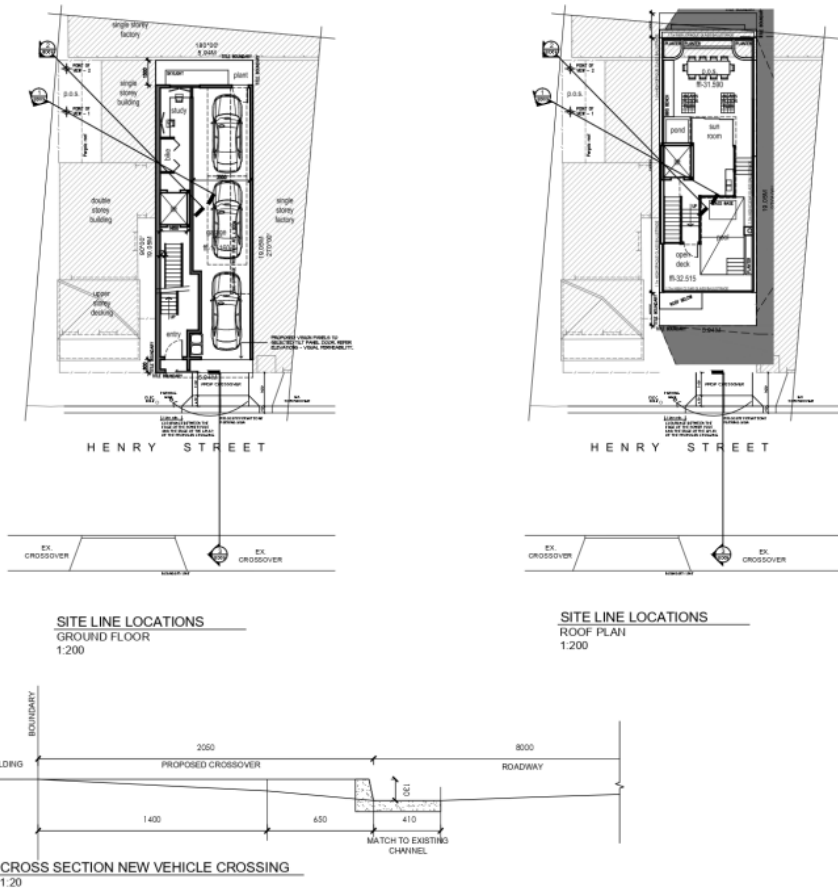




Attachment 7 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 4)



Attachment 7 - PLN17/0101.01 - 34 Henry Street Abbotsford - Advertised plans (part 4)

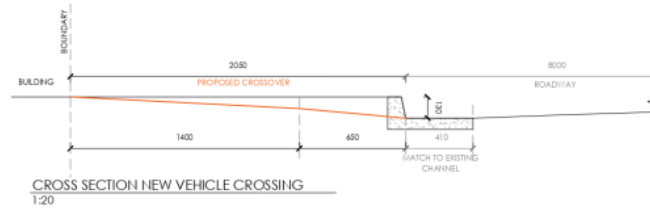


Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Site Line Locations, Crossing Section	Rev. Description F Section 72 Amendment 01/09/20 G Council RF1 06/11/20
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	
Drawing No. TP09 Rev. F	

Preliminary  
Drawings  
NOT FOR CONSTRUCTION

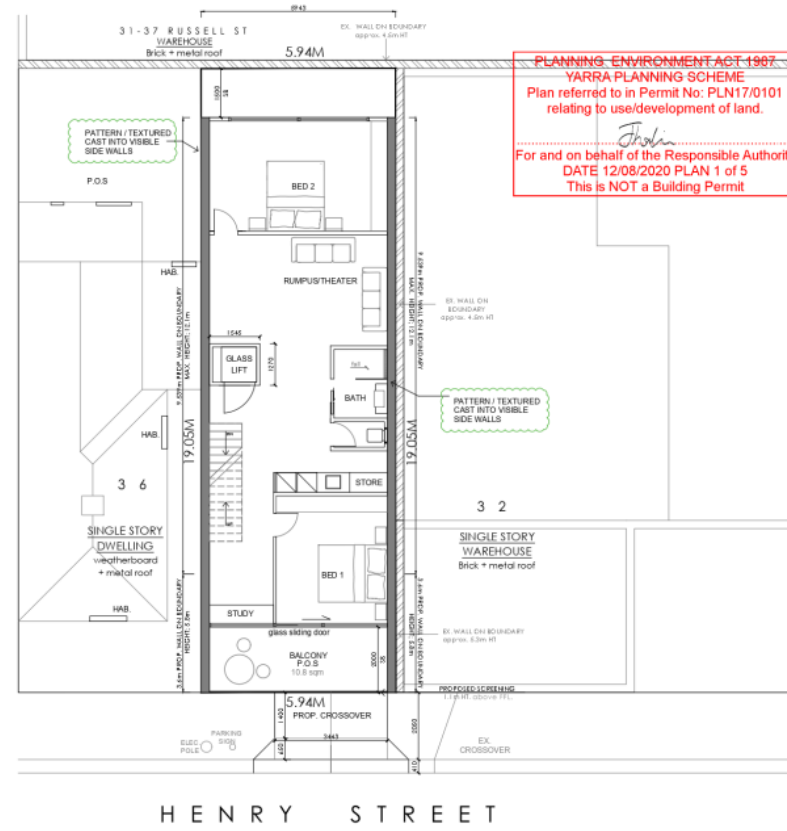
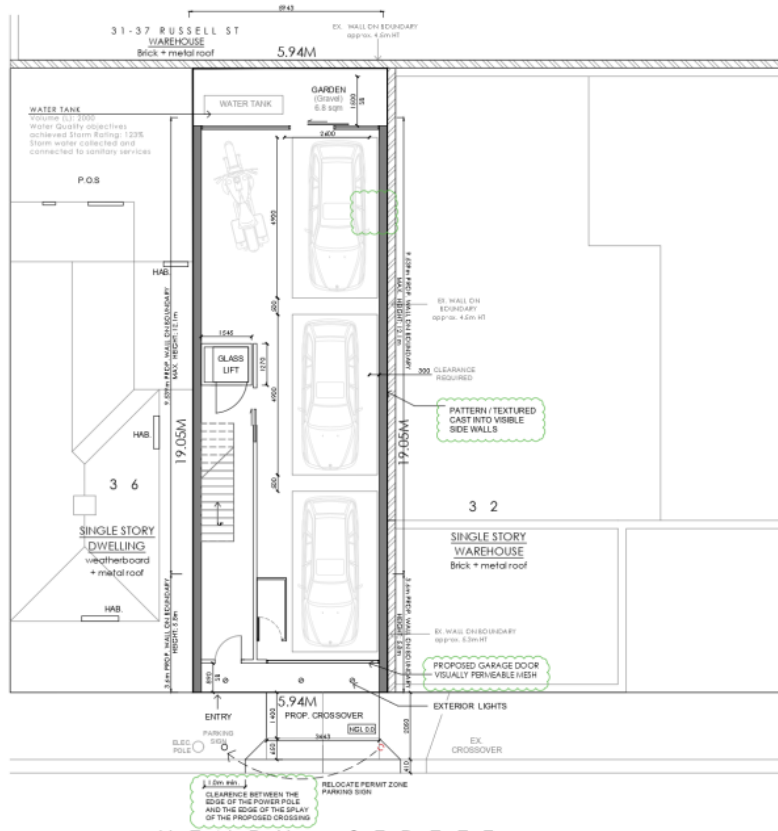
CHRISTOPHER  
ARCHITECTS

# Attachment 8 - PLN17/0101.01 - 34 Henry Street Abbotsford - Existing Endorsed Plans



CAR PARKING REQUIREMENT 27.02.3 TABLE 1		
USE + STANDARD RATE (m <sup>2</sup> PM 10.00-0)	CAR PARKING REQUIRED	CAR PARKING PROPOSED
DWELLING 4 BED: RESIDENTIAL	2	2
WAREHOUSE	1	1

SITE AREA ANALYSIS	
SITE AREA	113sqm
EXISTING SITE COVERAGE	71sqm (62%)
EXISTING PERMEABLE AREA	41sqm (36%)
EXISTING PRIVATE OPEN SPACE	27sqm (24%)
PROPOSED SITE COVERAGE	104sqm (92%)
PROPOSED PERMEABLE AREA	48sqm (42%)
TOTAL PROPOSED PRIVATE OPEN SPACE	29sqm (26%)



**PLANNING ENVIRONMENT ACT 1987**  
**YARRA PLANNING SCHEME**  
 Plan referred to in Permit No: PLN17/0101  
 relating to use/development of land.  
 For and on behalf of the Responsible Authority  
 DATE 12/08/2020 PLAN 1 of 5  
 This is NOT a Building Permit

HENRY STREET



Project: 34 Henry Street, Abbotsford	Client: L. McKenna
Drawing Title: Proposed plans	Rev. Description A Town Planning application 23/01/17 B RFI 03/03/17 C Removal of office level & reduced visual bulk 24/06/17 D Renovation of garden & increased front setback 08/08/17 E Updates as per permit conditions 22/02/17
Job No. LM00 Scale: 1:100 / A2 Date: Jan 2017	
Drawing No. TP03a Rev. E	

Client Approved Plan  
Signed \_\_\_\_\_  
Dated \_\_\_\_\_

**Preliminary  
Drawings**  
 NOT FOR CONSTRUCTION

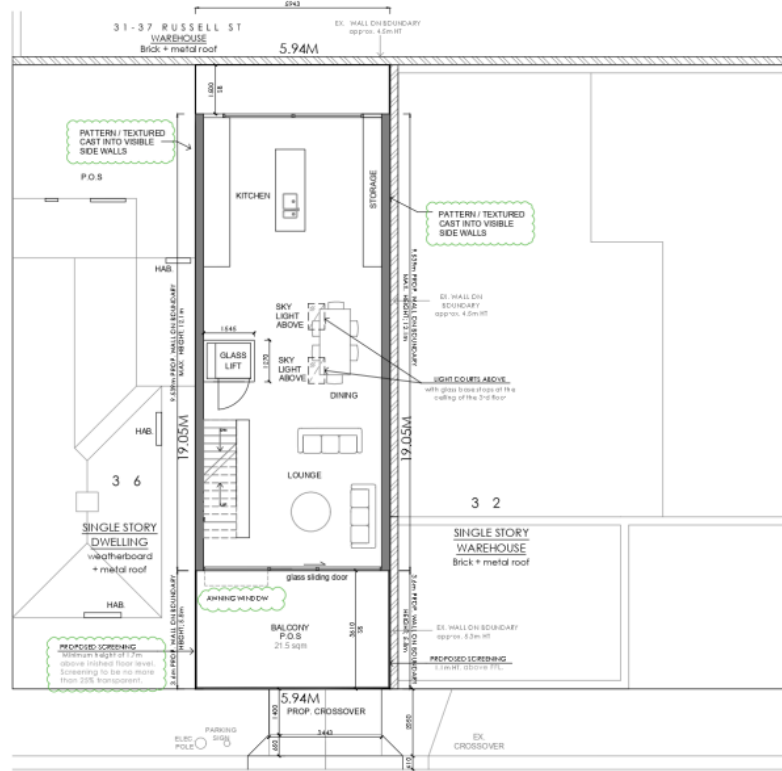
**ALIGN**  
 Concepts

# Attachment 8 - PLN17/0101.01 - 34 Henry Street Abbotsford - Existing Endorsed Plans

SITE AREA ANALYSIS	
SITE AREA:	112sqm
EXISTING SITE COVERAGE:	71sqm (63%)
EXISTING PERMEABLE AREA:	4sqm (4%)
EXISTING PRIVATE OPEN SPACE:	25sqm (22%)
PROPOSED SITE COVERAGE:	139sqm (124%)
PROPOSED PERMEABLE AREA:	4.8sqm (4%)
TOTAL PROPOSED PRIVATE OPEN SPACE:	29.7sqm (26%)

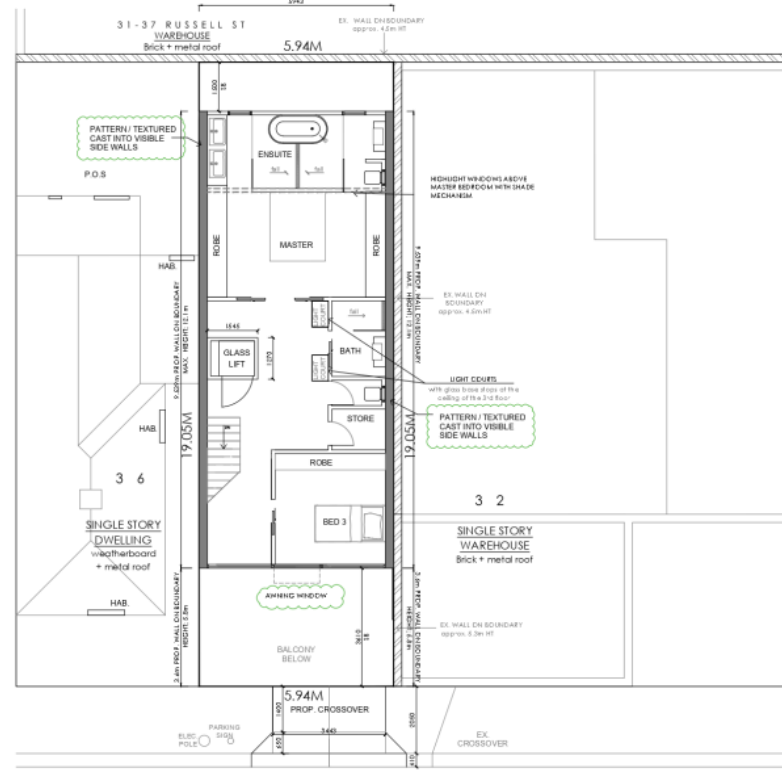
PLANNING ENVIRONMENT ACT 1987  
YARRA PLANNING SCHEME  
Plan referred to in Permit No: PLN17/0101  
relating to use/development of land.

*John*  
For and on behalf of the Responsible Authority  
DATE 12/08/2020 PLAN 2 of 5  
This is NOT a Building Permit



HENRY STREET

PROPOSED SECOND FLOOR  
1:100



HENRY STREET

PROPOSED THIRD FLOOR  
1:100



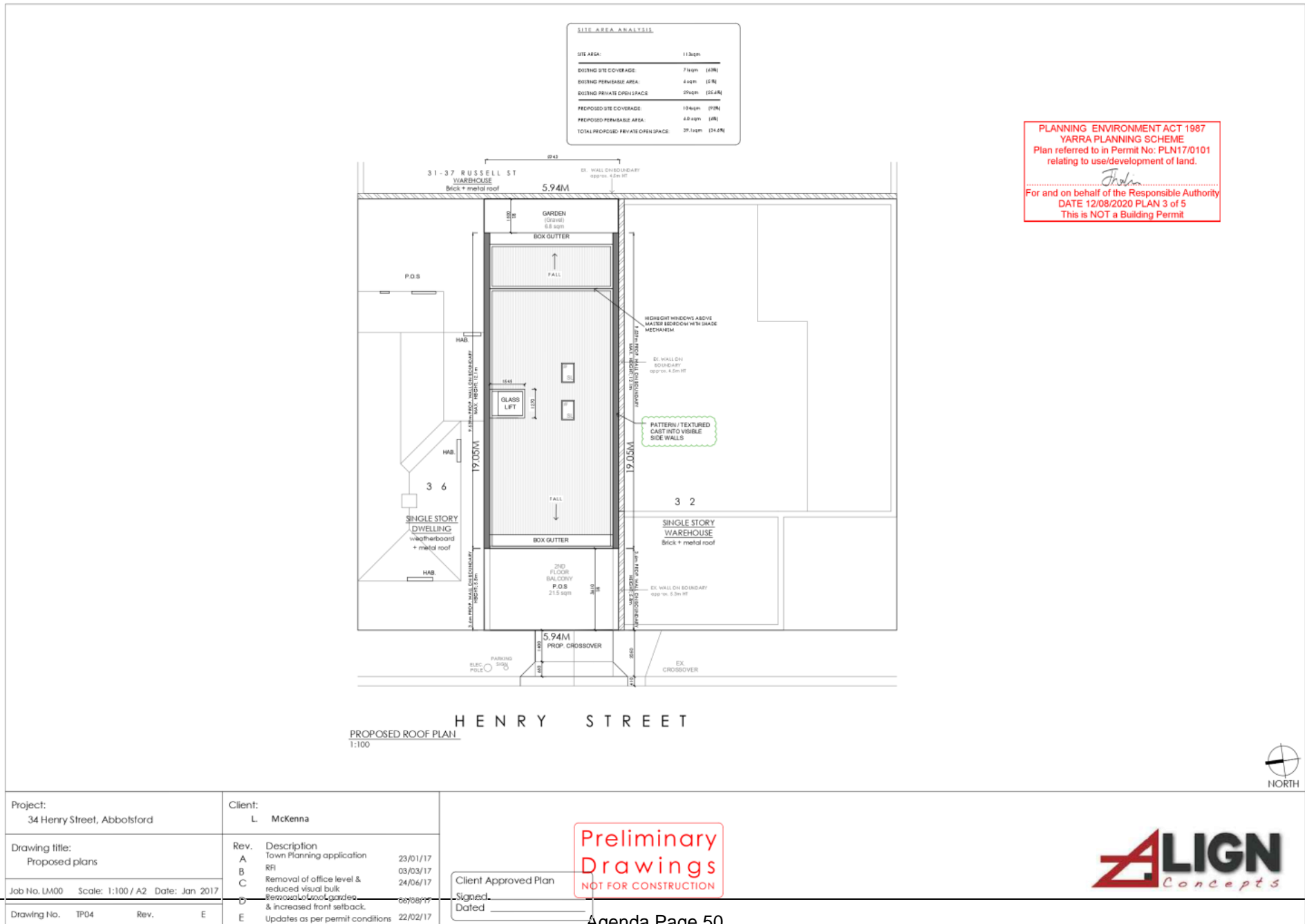
Project: 34 Henry Street, Abbotsford	Client: L. McKenna
Drawing Title: Proposed plans	Rev. Description A Town Planning application 23/01/17 B RFI 03/03/17 C Removal of office level & reduced visual bulk 24/06/17 D Removal of Level 2 & 3 & increased front setback 08/08/17 E Updates as per permit conditions 22/02/17
Job No. LM00 Scale: 1:100 / A2 Date: Jan 2017	
Drawing No. TP03b Rev. E	

Preliminary  
Drawings  
NOT FOR CONSTRUCTION

Client Approved Plan  
Signed \_\_\_\_\_  
Dated \_\_\_\_\_

**ALIGN**  
Concepts

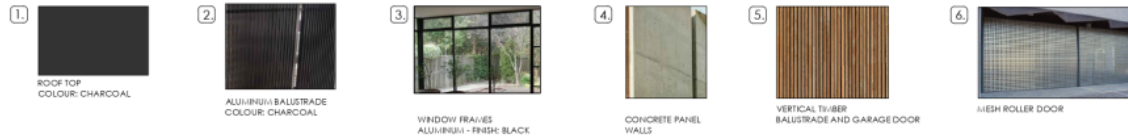
# Attachment 8 - PLN17/0101.01 - 34 Henry Street Abbotsford - Existing Endorsed Plans





# Attachment 8 - PLN17/0101.01 - 34 Henry Street Abbotsford - Existing Endorsed Plans

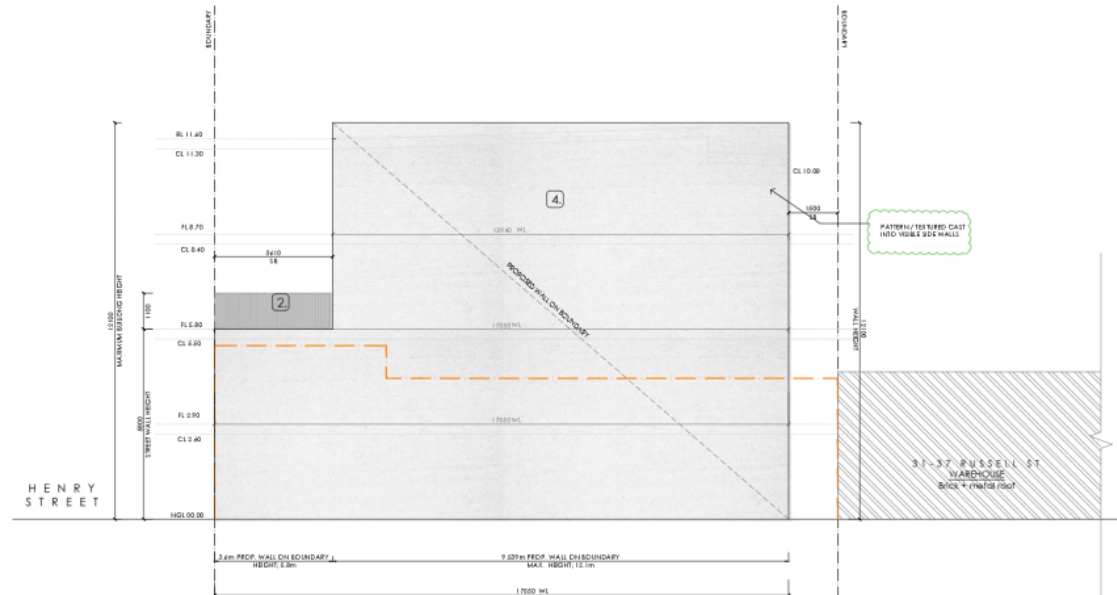
## EXTERNAL MATERIAL FINISHES SCHEDULE



PLANNING ENVIRONMENT ACT 1987  
YARRA PLANNING SCHEME  
Plan referred to in Permit No: PLN17/0101  
relating to use/development of land.  
*John*  
For and on behalf of the Responsible Authority  
DATE 12/08/2020 PLAN 4 of 5  
This is NOT a Building Permit



PROPOSED WEST ELEVATION  
1:100



PROPOSED SOUTH ELEVATION  
1:100

Project: 34 Henry Street, Abbotsford	Client: L. McKenna
Drawing Title: Proposed elevations	Rev. Description A Town Planning application 23/01/17 B RFI 03/03/17 C Removal of office level & reduced visual bulk 24/06/17 D Renovation of garage & increased front setback 08/08/17 E Updates as per permit conditions 22/02/17
Job No. LM00 Scale: 1:100 / A2 Date: Jan 2017	
Drawing No. TP05 Rev. E	

Client Approved Plan  
Signed \_\_\_\_\_  
Dated \_\_\_\_\_

Preliminary  
Drawings  
NOT FOR CONSTRUCTION



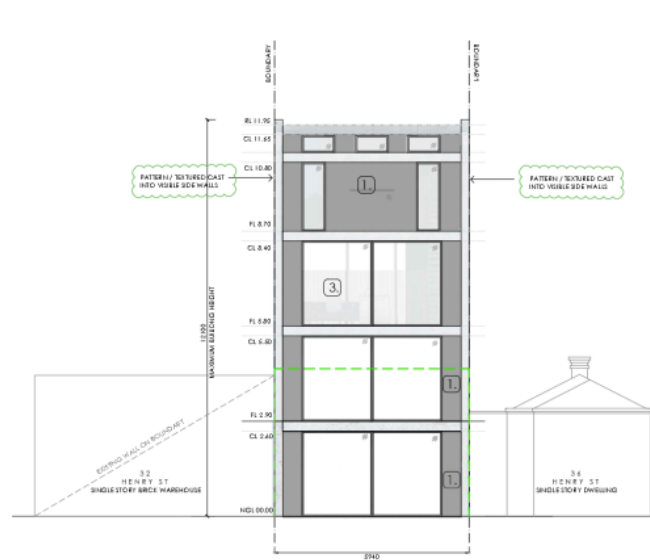
# Attachment 8 - PLN17/0101.01 - 34 Henry Street Abbotsford - Existing Endorsed Plans

## EXTERNAL MATERIAL FINISHES SCHEDULE

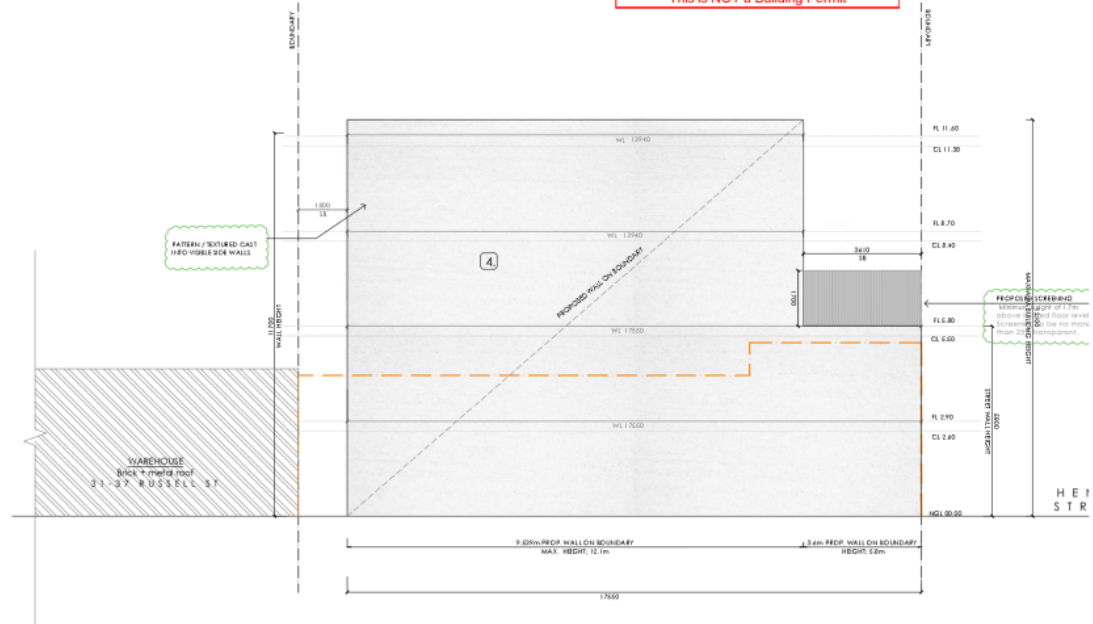


ELEVATION LEGEND	
---	LINE DENOTES OUTLINE OF ADJOINING DWELLING NO. 32 HENRY STREET
---	LINE DENOTES OUTLINE OF ADJOINING DWELLING NO. 31-37 RUSSELL STREET

PLANNING ENVIRONMENT ACT 1987  
YARRA PLANNING SCHEME  
Plan referred to in Permit No: PLN17/0101  
relating to use/development of land.  
*John*  
For and on behalf of the Responsible Authority  
DATE 12/08/2020 PLAN 5 of 5  
This is NOT a Building Permit



PROPOSED EAST ELEVATION  
1:100



PROPOSED NORTH ELEVATION  
1:100

Project: 34 Henry Street, Abbotsford	Client: L. McKenna
Drawing Title: Proposed elevations	Rev. Description Date
Job No. LM00 Scale: 1:100 / A2 Date: Jan 2017	A Town Planning application 23/01/17
	B RFI 03/03/17
	C Removal of office level & reduced visual bulk 24/06/17
	D Removal of office level & reduced visual bulk 22/02/17
Drawing No. TP06 Rev. E	E Updates as per permit conditions 22/02/17

Client Approved Plan  
Signed: \_\_\_\_\_  
Dated: \_\_\_\_\_

Preliminary  
Drawings  
NOT FOR CONSTRUCTION

**ALIGN**  
Concepts

## Attachment 9 - PLN17/0101.01 - 34 Henry Street Abbotsford - Planning Permit

Helping you understand your planning needs



## PLANNING PERMIT

**Permit No:** PLN17/0101

**Planning Scheme:** Yarra

**Responsible Authority:** City Of Yarra

**ADDRESS OF THE LAND:**

34 Henry St Abbotsford VIC 3067

**THE PERMIT ALLOWS:**

**Development of the land for the construction of a four-storey dwelling (with existing use rights).**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Align Concepts, dated 18 August 2017 (Revision D: TP03a, TP03b, TP04, TP05 and TP06), but modified to show:
  - (a) The transparency of the proposed garage door.
  - (b) A pattern or textured cast into visible side walls.
  - (c) Addition of awning windows to the second and third floors fronting Henry Street.
  - (d) The north-facing balcony screen at second floor to be increased in height to prevent overlooking into the west-facing habitable room window of No. 36 Henry Street.
  - (e) Deletion of the box shown adjacent to the rear car space from the proposed ground floor plan.
  - (f) A minimum lateral clearance of 1.0m between the edge of the power pole and the edge of the splay of the proposed vehicle crossing.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

**Date:** 16 January 2018

\_\_\_\_\_  
 Ally Huynh  
 Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86

Page 1 of 3

For more information call 9205 5555 or visit [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

**Attachment 9 - PLN17/0101.01 - 34 Henry Street Abbotsford - Planning Permit**

4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the dwelling entrances must be provided. Lighting must be:

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

to the satisfaction of the Responsible Authority.

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

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

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

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

NOTE: 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.

**Date: 16 January 2018**

\_\_\_\_\_  
Ally Huynh  
Signature for the Responsible Authority

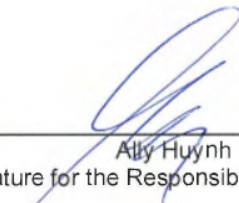


**Attachment 9 - PLN17/0101.01 - 34 Henry Street Abbotsford - Planning Permit**

NOTE: 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.

NOTE: 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.

**Date: 16 January 2018**

  
\_\_\_\_\_  
Ally Huynh  
Signature for the Responsible Authority

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86*

Page 3 of 3



**Attachment 9 - PLN17/0101.01 - 34 Henry Street Abbotsford - Planning Permit****PLANNING PERMIT****IMPORTANT INFORMATION ABOUT THIS PERMIT****WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT REVIEWS?**

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86*

## Attachment 10 - PLN17/0101.01 - 34 Henry Street Abbotsford - Urban Design Advice



# MeMO

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TO: Jessica Sutherland  
 FROM: David Pryor  
 DATE: 8 December 2020, updated 23 February 2021  
 SUBJECT: 34 Henry Street Abbotsford  
 APPLICATION NO: PLN17/0101.01  
 DESCRIPTION: Construction of a 5-storey dwelling (amendment to PLN17/0101)

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## COMMENTS SOUGHT

Urban Design comments have been sought on the amended proposal, noting that concerns were raised to the height and reduced front setbacks at the pre-app and further information stage

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*These comments are based on the Revision G plans with issue date 06/11/20 (labelled "Rev F").*

## COMMENTS SUMMARY

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

- Reduce the overall height to a maximum of 15m in the front third of the site;
- Increase the front setback of the upper levels to at least 3m typically and at least 2.4m to the projecting bay window;
- Reduce the size and prominence of the bay window;
- Consider handing the plan so that the tallest section of side wall is on the south elevation rather than the north;
- Consider increasing the proportion of the ground floor allocated to habitable space rather than carparking;
- Review the composition of the elevations in response to the recommended built form reductions; and
- Some external finishes warrant clarification.

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## DEVELOPMENT PROPOSAL

The amendment proposes the following key changes:

- Introduce a fifth level and increase the overall height of the dwelling from 12.1 metres to 18.2 metres.
- Reduce the front setbacks of the upper levels from 3.61 metres to 1 metre (minimum).
- Reduce the rear setback from 1.5 metres to 1 metre.
- Alter the façade materials and fenestration.

## SITE AND CONTEXT

The site is zoned C2Z. No relevant overlays apply. The MSS at Clause 21.08 of the Planning Scheme designates the character area as Non Residential, where development should "improve the quality of the environment and the interface with the street".

## Attachment 10 - PLN17/0101.01 - 34 Henry Street Abbotsford - Urban Design Advice

To the north is a cluster of 1- and 2-storey dwellings. The site is otherwise surrounded by single storey warehouse type buildings.

### URBAN DESIGN FEEDBACK

#### Built Form and Massing

The amendment results in significantly greater built form impact on the streetscape. The First Floor balcony recess has been reduced in depth and width, and the shroud around it projects 300mm over the footpath; the typical upper level front setback has been reduced from 3.61m to 2m, and a substantial bay window (about 2.6m wide) projects into this space, reducing the setback to 1m; the height and length of visible side walls has been increased on both sides, including high balustrades at Second and Fourth floor levels; the placement of a pool at the west end of the roof deck increases the height of the front wall; and the overall height has been increased by 6.1m due to increased floor-to-floor heights as well as the addition of a storey.

The proposal is similar in scale to the office building proposed at 27 Russell St (about 30m southeast of the subject site). Apart from that, the development would be significantly taller than any existing building in the block other than the heritage bond store building fronting Langridge St. This makes the proposal relatively prominent and exposes its extensive blank side walls.

Redevelopment of 32 Henry St can be envisaged, concealing the blank south wall of the subject proposal. Such redevelopment seems less likely on the site adjoining to the north, which was quite recently extended. In this respect, the extent of blank side wall to the north should be less than to the south, whereas the opposite is currently proposed. There would thus be benefit in handing the plan with the lift shaft on the south side.

The abrupt increase in scale from the residential properties to the north is considered excessive, as is the extent of visible blank side wall.

The 2m setback is not sufficient for the upper levels to be recessive – particularly given the prominence of the projecting bay window. It is recommended that this setback be increased to at least 3m, and that any projections be more modest in size and visual expression, projecting no more than 600mm. This would also reduce the length of blank side wall.

To further reduce the extent of blank side walls, to provide a less abrupt transition to the 1- to 2-storey adjoining buildings and thus to improve the streetscape, the overall height should be reduced to a maximum of about 15m – particularly in the front third of the site where impact on the public realm is greatest. (Note that impacts on the amenity of adjoining properties also need to be considered, but are not addressed in this assessment.) A height of 15m could accommodate 5 storeys of typical residential construction or 4 storeys with the more generous ceiling heights of the subject proposal.

#### Building Design

The design has been improved through the adoption of a more interesting asymmetrical composition, the addition of secondary elements such as a window shroud and (if modified) a bay window, and the introduction of more tactile materials at ground and first floor levels.

While these changes are broadly supported, the bay window is considered unduly dominant. It is recommended that it be reduced in scale and that the black cladding be reviewed so that it does not so starkly contrast.

The use of reclaimed bricks is commended, but the qualification "brick facing tiles" needs explanation. The timber balustrading has been deleted. The reintroduction of clear-finished timber elements is encouraged.

Concrete blockwork is now proposed to the blank side walls in lieu of concrete panels, with pattern being provided by alternating blocks of two shades rather than pattern or texture cast into the concrete. Components of brickwork, render and steel cladding have also been introduced, helping to break up the large blank side walls and to achieve a successful 3D composition. Corresponding with the increased front

## **Attachment 10 - PLN17/0101.01 - 34 Henry Street Abbotsford - Urban Design Advice**

setback of the upper levels, the commencement of blockwork on the side elevations should be set back a further metre to maintain a reasonable balance between the different cladding materials.

Window framing is no longer noted as black; it is recommended that this be reinstated. The garage door finish resembles Cor-ten in the perspective, which would be supported; this finish should be stated on the west elevation.

### **Public Realm Interface**

The ground floor is unduly dominated by carparking, which occupies about 60% of the frontage and floor area. It is noted however that this is consistent with the endorsed plans.

*The above advice is limited to urban design issues, and does not address ESD, amenity or heritage, for example.*

Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans

PROPOSED DEVELOPMENT - STREETSCAPE PERSPECTIVE



PERMITTED DEVELOPMENT - STREETSCAPE PERSPECTIVE



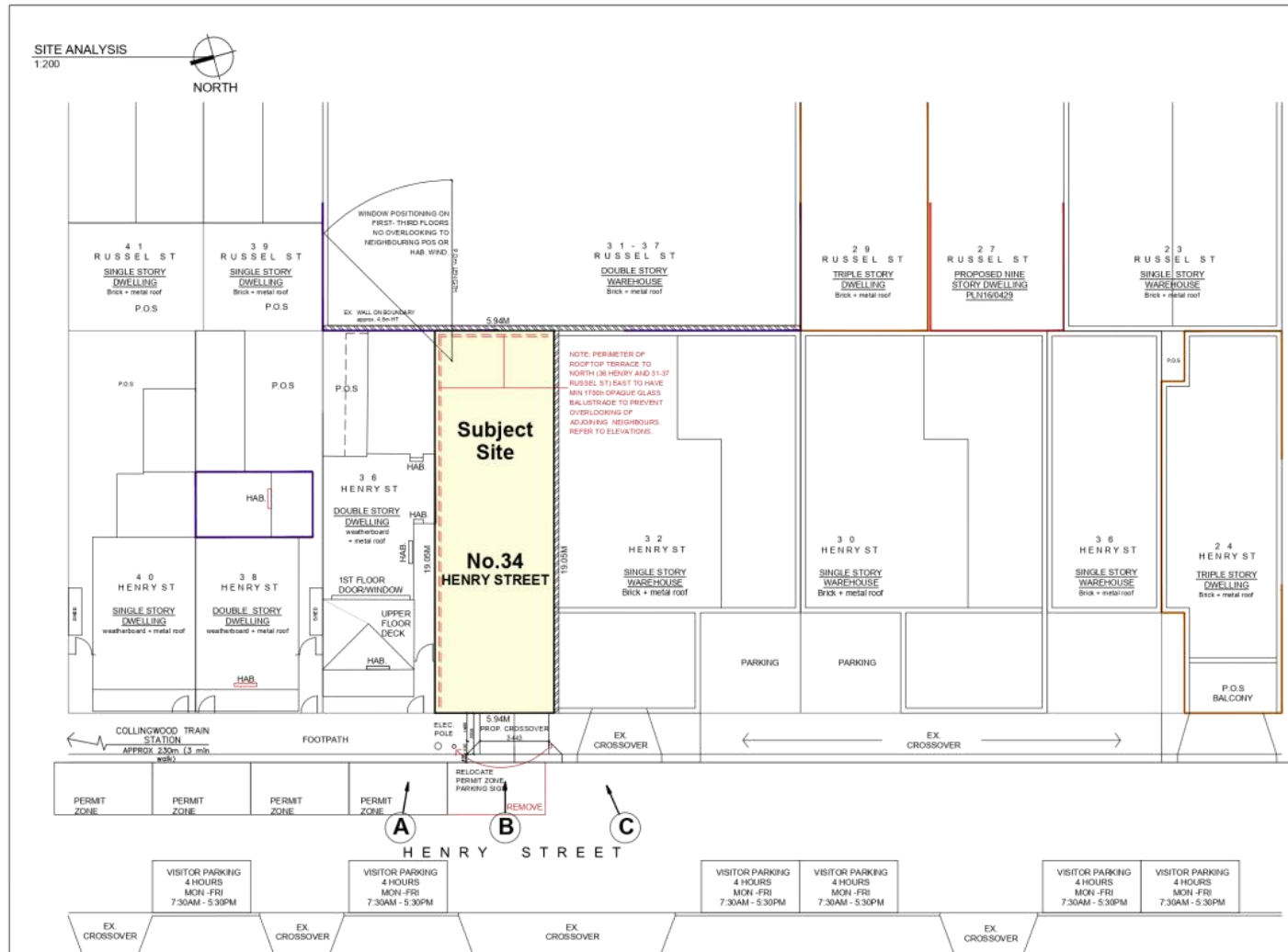
Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: 3D Perspective, Streetscape context	Rev. Description
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	F Section 72 Amendment 01/09/20
	G Council RFI 06/11/20
	H Council RFI 18/12/20
Drawing No. TP00 Rev. G	

Preliminary  
Drawings  
NOT FOR CONSTRUCTION

CHRISTOPHER  
ARCHITECTS



# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans



Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Site Analysis	Rev. Description
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	F Section 72 Amendment 01/09/20
Drawing No. TP01 Rev. G	G Council RFI 06/11/20
	H Council RFI 18/12/20

**Preliminary Drawings**  
NOT FOR CONSTRUCTION

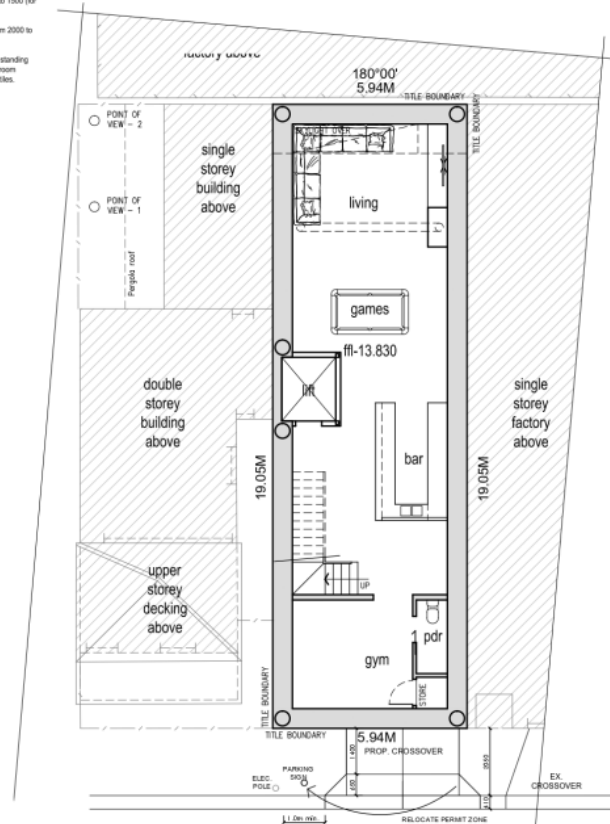
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# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans

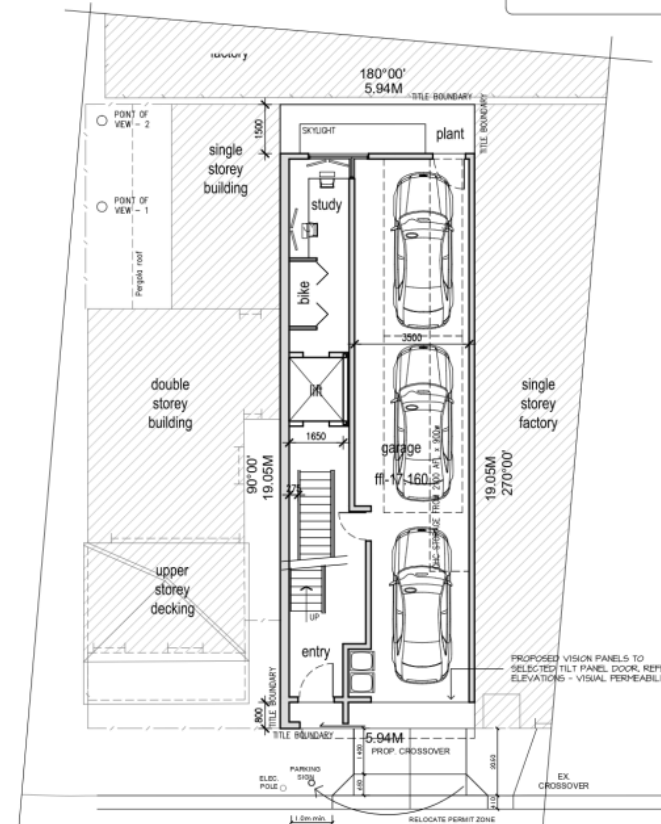
Revision H drawing changes:

1. Overall building height reduced by 1400mm, previous RL of 35.215 now reduced to 33.785. Ceiling heights and floor levels amended as follows to achieve reduction:  
 GR - original 3330 now 3200  
 1st - original 3330 now 3200  
 2nd - original 4440 now 3400  
 3rd - original 3330 now 3200
2. Rear setback increased from 1000 to 1500 (for 2nd and 3rd floors)
3. Front podium setback increased from 2000 to 2800 (for 2nd and 3rd floors)
4. Minor change to material selection, standing seam cladding at 3rd floor reading room projection changed to Corcon wall tiles.



HENRY STREET

PROPOSED BASEMENT FLOOR  
1:100



HENRY STREET

PROPOSED GROUND FLOOR  
1:100



CAR PARKING REQUIREMENT 72-363-TABLE 1		
USE - STANDARD RATE AS PER 52-26-5	CAR PARKING REQUIRED	CAR PARKING PROPOSED
DWELLING 4 BED RESIDENTS	2	2
VISITORS	1	1

Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Proposed plans, Basement and Ground	Rev. Description
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	F Section 72 Amendment 01/09/20
Drawing No. TP03a Rev. G	G Council RFI 06/11/20
	H Council RFI 18/12/20

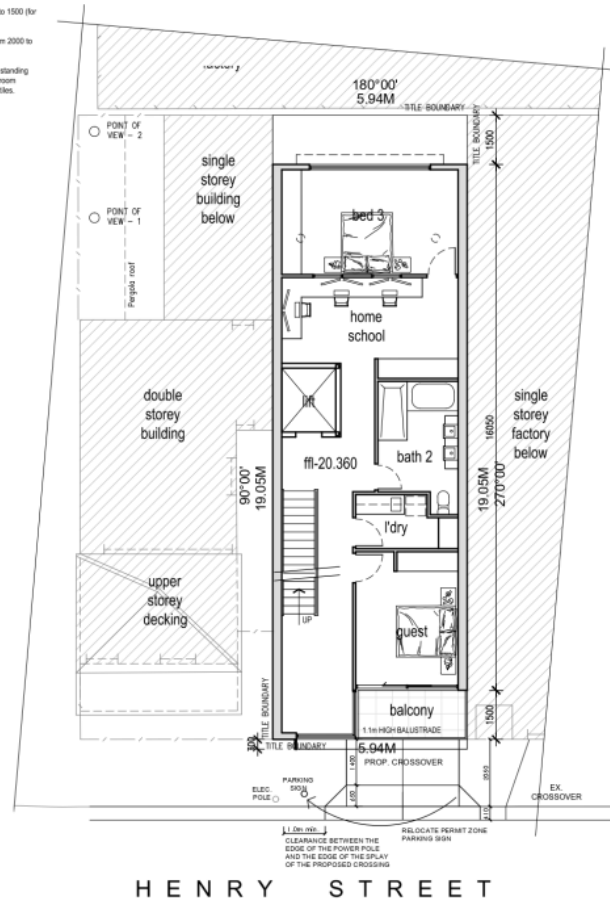
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Drawings  
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# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans

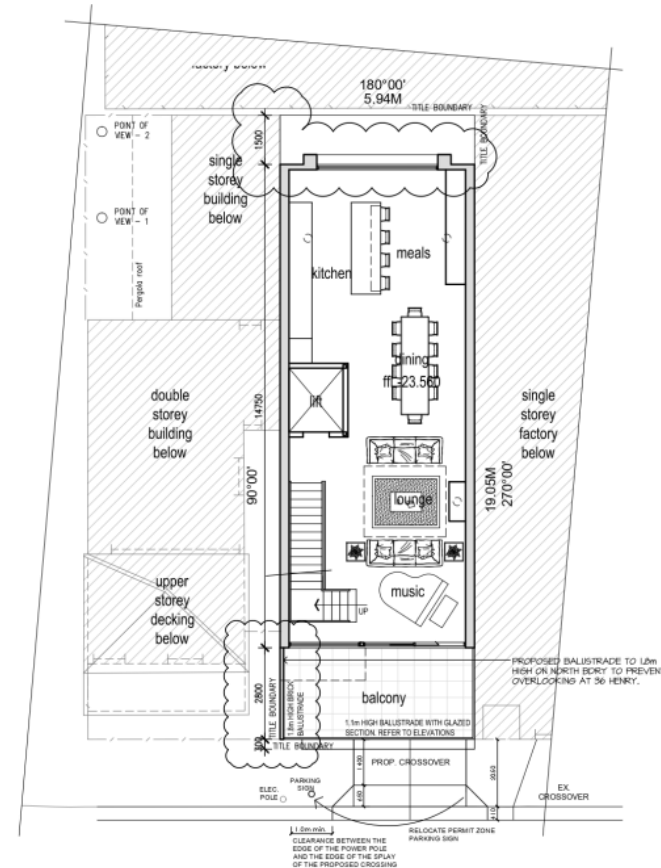
Revision H drawing changes:

1. Overall building height reduced by 1400mm, previous RL of 35.215 now reduced to 33.785. Ceiling heights and floor levels amended as follows to achieve reduction.  
GR - original 3330 now 3290  
1st - original 3330 now 3290  
2nd - original 4440 now 3400  
3rd - original 3330 now 3290
2. Rear setback increased from 1000 to 1500 (for 2nd and 3rd floors)
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HENRY STREET

PROPOSED FIRST FLOOR  
1:100



HENRY STREET

PROPOSED SECOND FLOOR  
1:100



Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Proposed plans, First and Second	Rev. Description
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	F Section 72 Amendment 01/09/20
Drawing No. TP03b Rev. G	G Council RFI 06/11/20
	H Council RFI 18/12/20

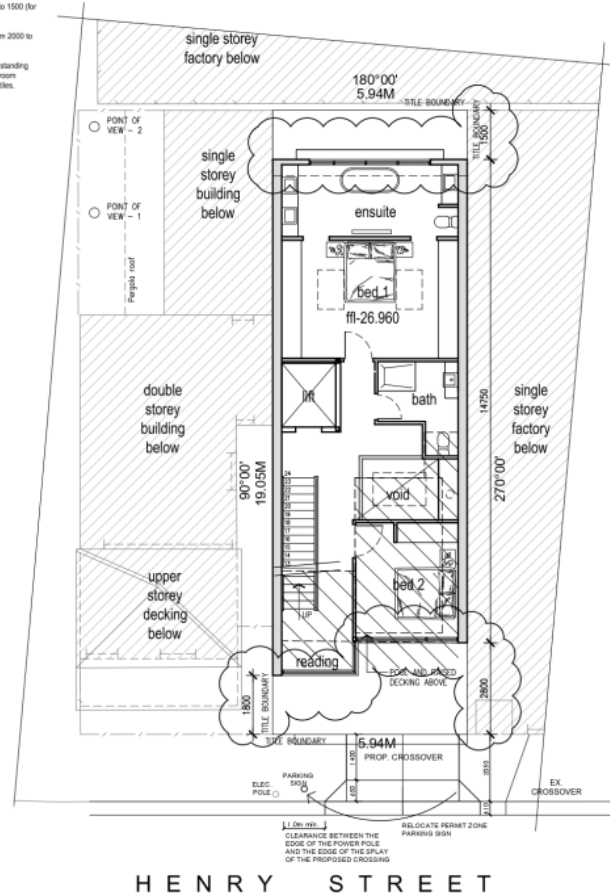
Preliminary  
Drawings  
NOT FOR CONSTRUCTION

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# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans

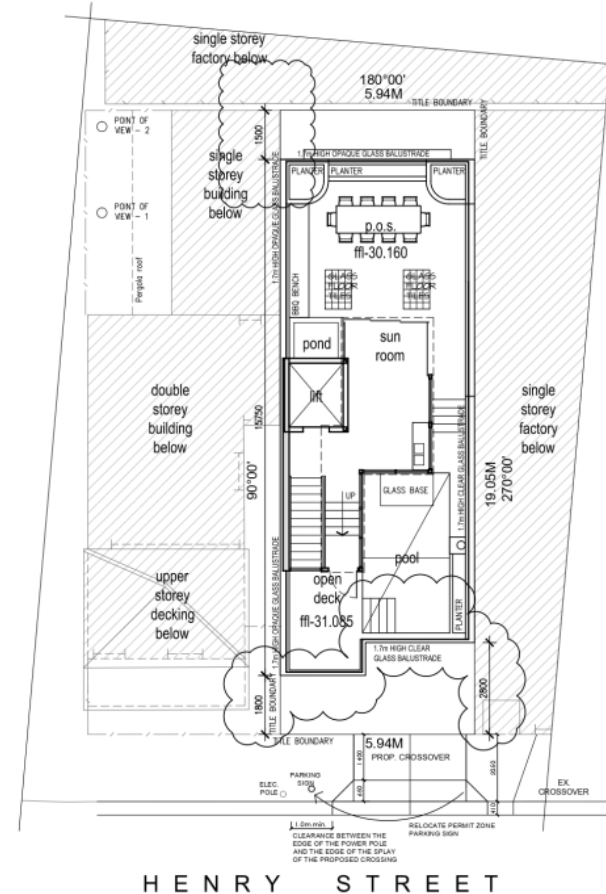
Revision H drawing changes:

1. Overall building height reduced by 1400mm, previous RL of 35.215 now reduced to 33.785. Ceiling heights and floor levels amended as follows to achieve reduction.  
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3rd - original 3330 now 3290
2. Rear setback increased from 1000 to 1500 (for 2nd and 3rd floors)
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HENRY STREET

PROPOSED THIRD FLOOR  
1:100



HENRY STREET

PROPOSED ROOF PLAN  
1:100

Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Proposed plans, Third and Roof	Rev. Description
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	F Section 72 Amendment 01/09/20
Drawing No. TP04 Rev. G	G Council RFI 06/11/20
	H Council RFI 18/12/20

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Drawings  
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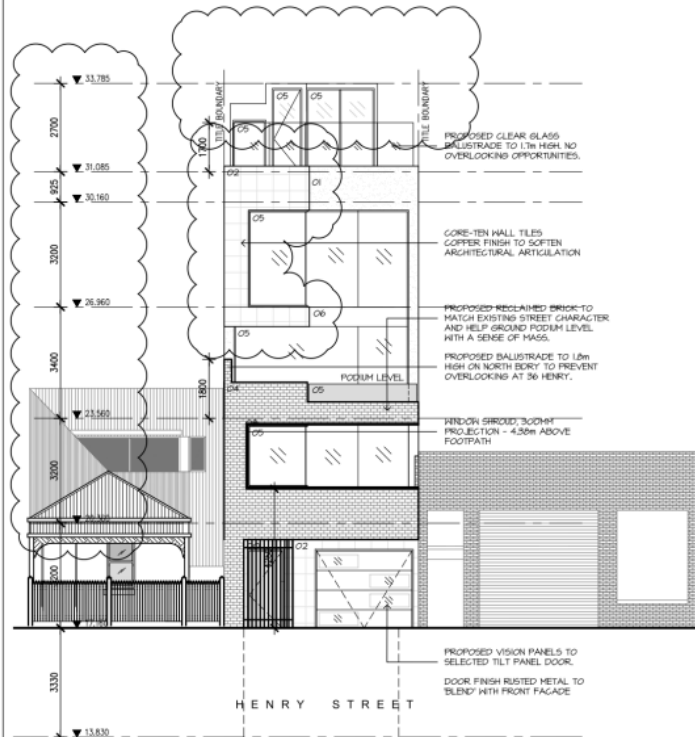
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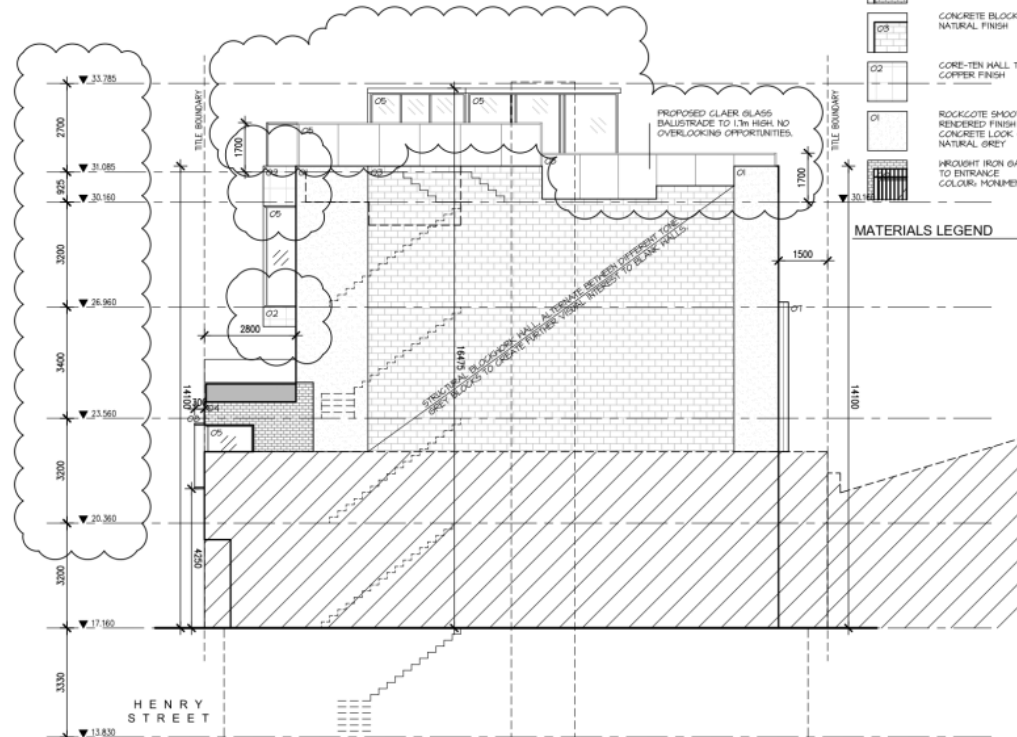
# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans

## Revision H drawing changes:

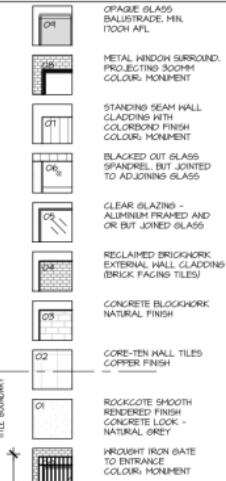
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G/F - original 3330 now 3200  
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3rd - original 3330 now 3200
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- Minor change to material selection, standing seam cladding at 3rd floor reading room projection changed to Corsten wall tiles.



PROPOSED WEST ELEVATION  
1:100



PROPOSED SOUTH ELEVATION  
1:100



## MATERIALS LEGEND

Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Elevations - 1 of 2	Rev. Description
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	F Section 72 Amendment 01/09/20
Drawing No. TP05 Rev. G	G Council RFI 06/11/20
	H Council RFI 18/12/20

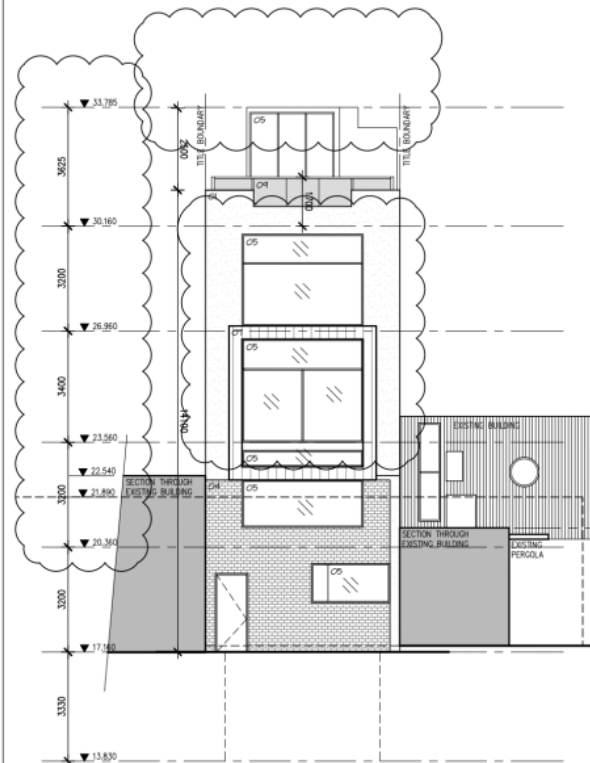
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Drawings  
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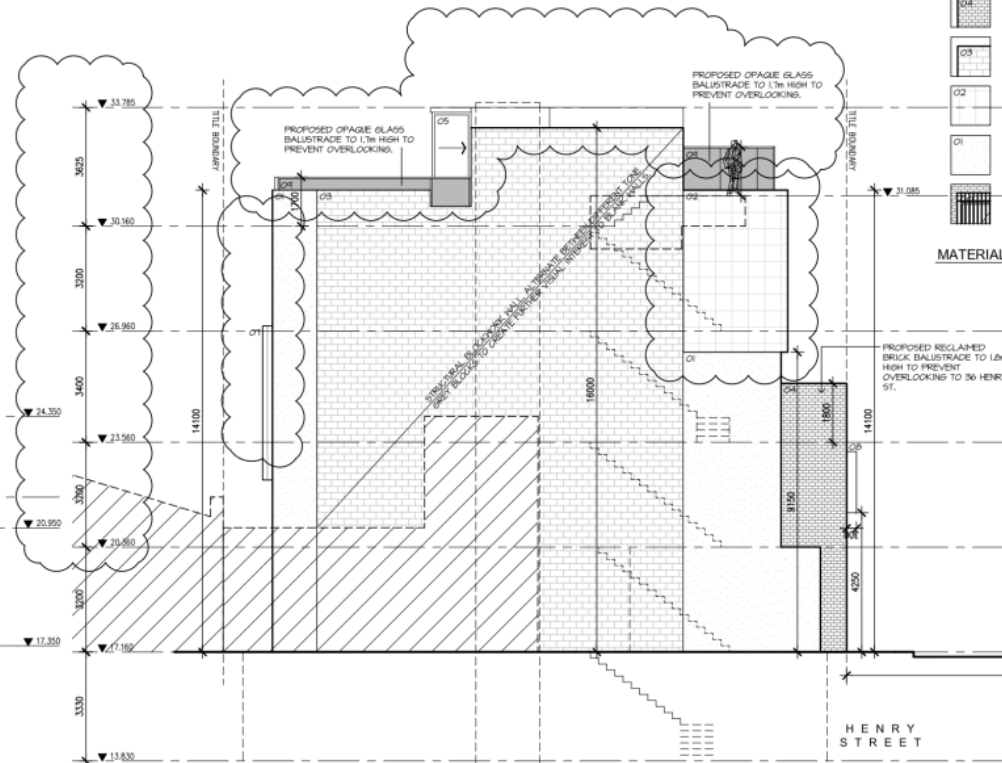
# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans

Revision H drawing changes:

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PROPOSED EAST ELEVATION  
1:100



PROPOSED NORTH ELEVATION  
1:100

	OPAQUE GLASS BALUSTRADE FIN. 1700H APL
	METAL WINDOW SURROUND, PROJECTING SCOFF, COLOUR: MONUMENT
	STANDING SEAM HALL CLADDING WITH COLORBOND FINISH COLOUR: MONUMENT
	BLACKED OUT GLASS SPANDREL, BUT JOINED TO ADJOINING GLASS
	CLEAR GLAZING - ALUMINIUM FRAMED AND OR BUT JOINED GLASS
	RECLAIMED BRICKWORK EXTERNAL HALL GLAZING (BRICK FACING TILES)
	CONCRETE BLOCKWORK NATURAL FINISH
	CORE-TEN HALL TILES COPPER FINISH
	ROCKCOTE SMOOTH RENDERED FINISH CONCRETE LOOK - NATURAL GREY
	POURDIT IRON GATE TO ENTRANCE COLOUR: MONUMENT

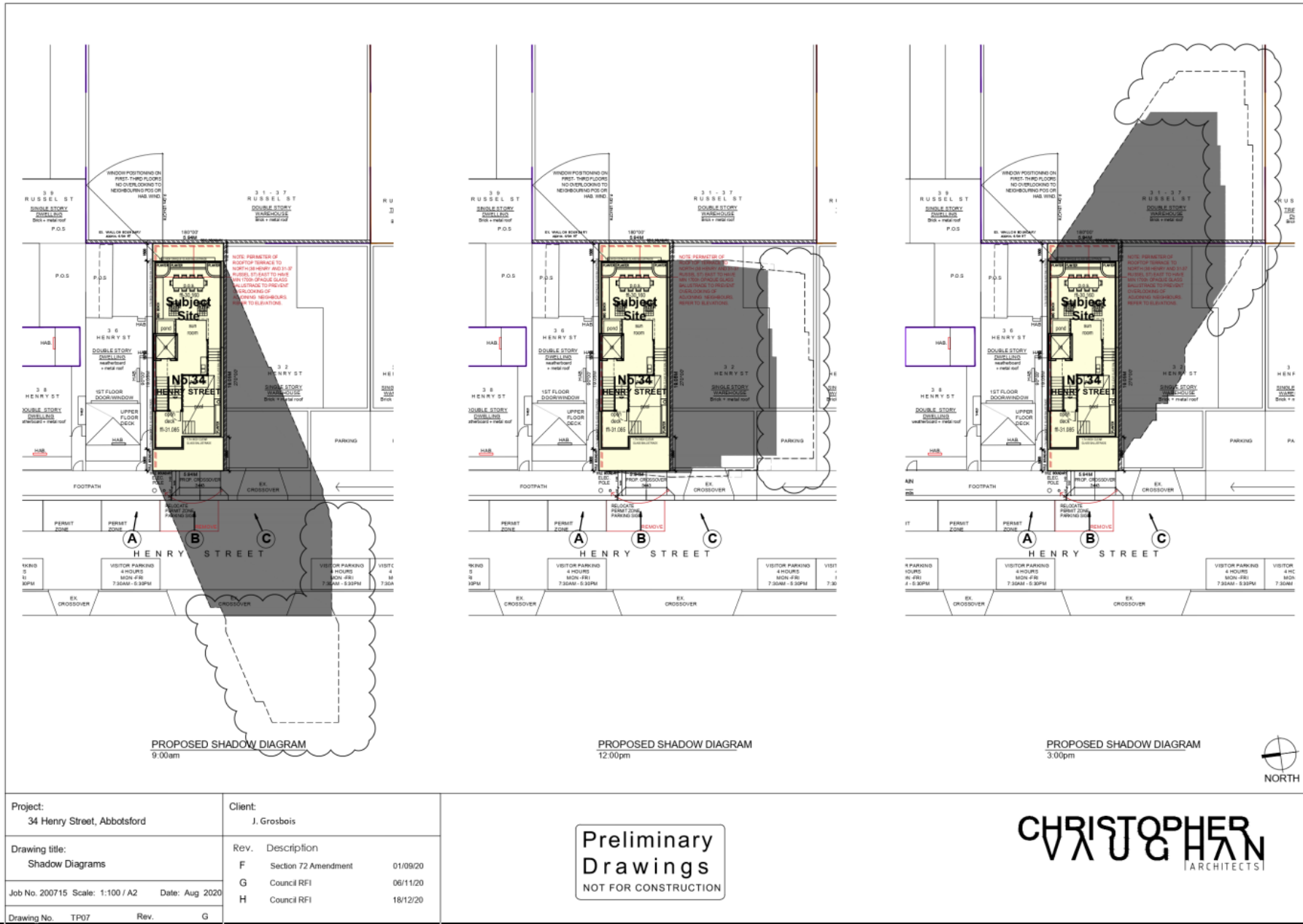
MATERIALS LEGEND

Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Elevations - 2 of 2	Rev. Description F Section 72 Amendment 01/09/20 G Council RFI 06/11/20 H Council RFI 18/12/20
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	
Drawing No. TP06 Rev. G	

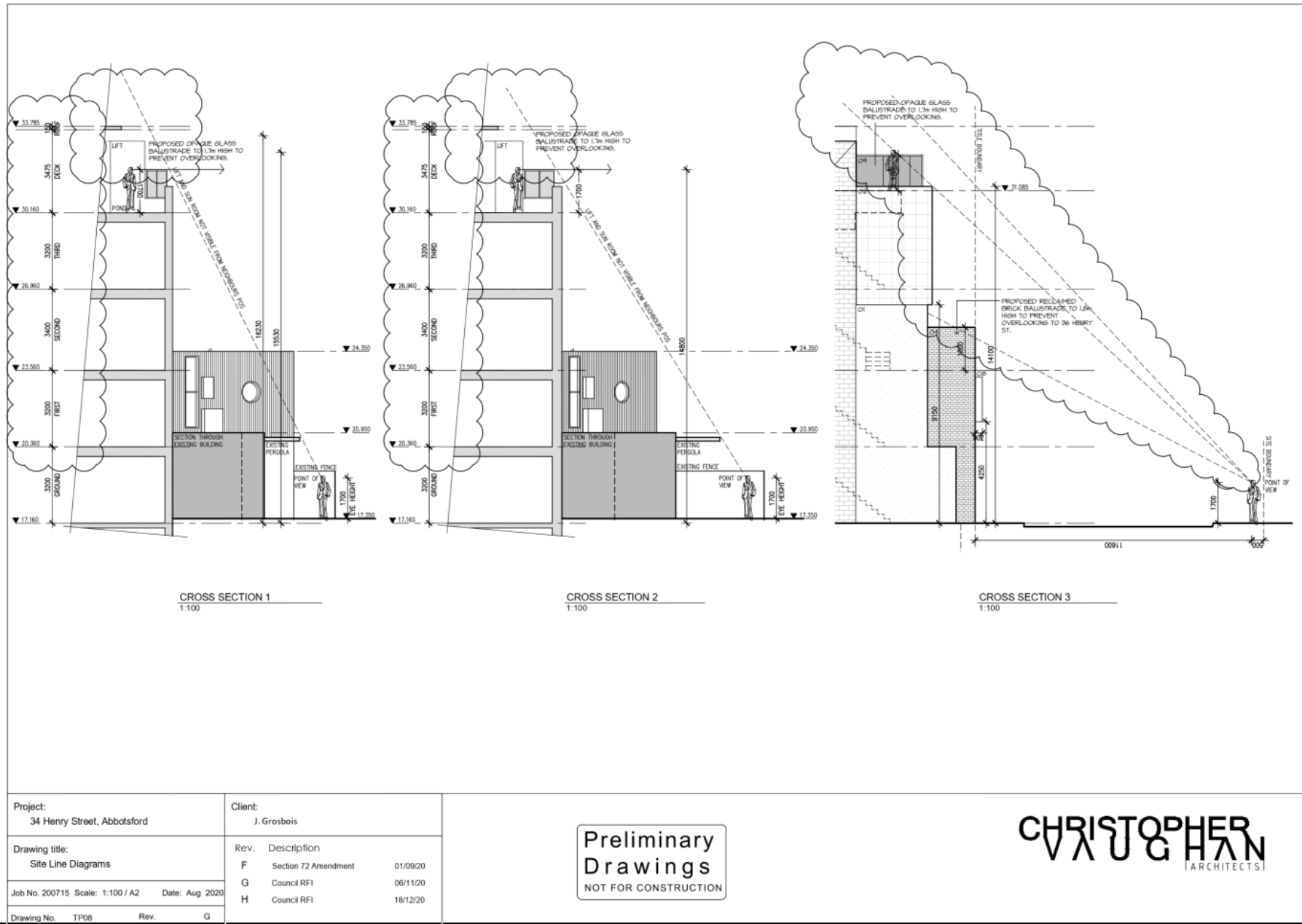
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Drawings  
NOT FOR CONSTRUCTION

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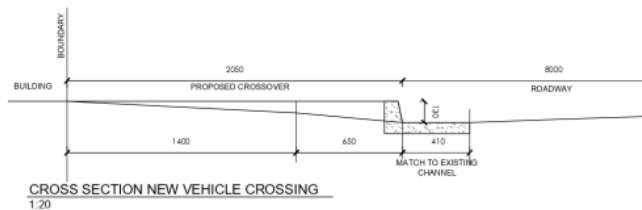
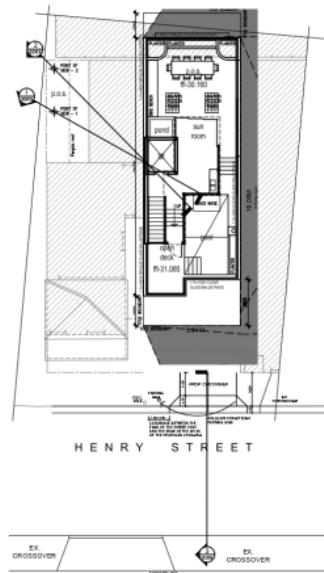
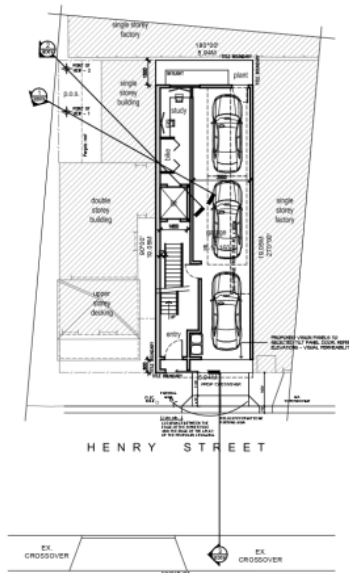
# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans



Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans



# Attachment 11 - PLN17/0101.01 - 34 Henry Street Abbotsford - Sketch Plans



Project: 34 Henry Street, Abbotsford	Client: J. Grosbois
Drawing title: Site Line Locations, Crossing Section	Rev. Description
Job No. 200715 Scale: 1:100 / A2 Date: Aug 2020	F Section 72 Amendment 01/09/20
	G Council RFI 06/11/20
	H Council RFI 18/12/20
Drawing No. TP09 Rev. G	

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