

Agenda

Planning Decisions Committee

6.30pm, Wednesday 30 June 2021

MICROSOFT TEAMS

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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 chair 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 Edward Crossland
Cr Stephen Jolly
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

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Wednesday 9 June 2021 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Section 72 Amendment to the permit and plans to change the ground floor tenancies from restricted retail (as of right) to Food and Drinks Premises (permit required), introduce a restricted recreation premises (gym) in the basement (permit required use), introduce the sale and consumption of liquor (restaurant and cafe licence) for all Food and Drinks Premises, further reduce the car parking requirements of the Scheme and associated minor built form alterations.	5	40
6.2	PLN17/0744.02 - 196 Nicholson Street Abbotsford - Section 72 Amendment to Planning Permit No. PLN17/0744 to construct a first-floor studio above the single-storey garage at the rear of the site.	69	87
6.3	PLN21/0042 - 46-52 Smith Street, Collingwood - Full demolition of Nos. 46 & 48 Smith Street and partial demolition of Nos. 50-52 Smith Street, construction of an 8-storey building containing office, a food and drink premise (no permit required for uses) and use of the land for restricted recreation facility (gymnasium), and a reduction in the statutory car parking requirement.	161	214
6.4	PLN20/0747 - 1-13 Oxford St Collingwood	320	375
6.5	PLN13/0538.01 - 45 Rose Street Fitzroy	493	515

6.1 PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Section 72 Amendment to the permit and plans to change the ground floor tenancies from restricted retail (as of right) to Food and Drinks Premises (permit required), introduce a restricted recreation premises (gym) in the basement (permit required use), introduce the sale and consumption of liquor (restaurant and cafe licence) for all Food and Drinks Premises, further reduce the car parking requirements of the Scheme and associated minor built form alterations.

Executive Summary

Purpose

1. This report provides Council with an assessment of an application at No. 459 – 471 Church Street and 20 – 26 Brighton Street Richmond to amend the permit and plans to change the ground floor tenancies from restricted retail (as of right) to Food and Drinks Premises (permit required), introduce a restricted recreation premises (gym) in the basement (permit required use), introduce the sale and consumption of liquor (Restaurant and cafe licences) for all Food and Drinks Premises, further reduce the car parking requirements of the Scheme and associated minor built form alterations.

Key Planning Considerations

2. Key planning considerations include:
   (a) Use – Clause 32.04 (Commercial 2 Zone) and Clause 22.05 (Interfaces Uses policy)
   (b) Sale and consumption of liquor – Clause 22.09 (Licenced premises) and Clause 52.27 (Licenced premises)
   (c) Car parking – Clause 52.06 (Car parking) and Clause 18.02-4S (Car parking)
   (d) Bicycle – Clause 52.34 (Bicycle facilities) and Clause 18.02-R (Sustainable personal transport – Metropolitan Melbourne)
   (e) Built form – Clause 15.01 (Built environment), Clause 21.05 (Built form) and Clause 22.10 (Built form and design policy)

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic context
   (b) Uses (Food and drink premises and Restricted recreation)
   (c) Sale and consumption of liquor
   (d) Car parking, traffic and bicycle parking
   (e) Built form
   (f) Objector concerns
   (g) Other matters

Submissions Received

4. Thirteen (13) objections were received to the application, these can be summarised as:
   (a) Adverse amenity impacts associated with the sale and consumption of liquor (litter, anti-social behaviour, safety, cumulative impact, smokers, queuing of patrons
   (b) Car parking (demand, provision and availability)
   (c) Traffic (congestion and road safety)

(d) Noise from use (Food and Drinks premises, outdoor seating areas, patron movement/dispersal)

(e) Commercial activities disruptive to residential area (setup and pack up, deliveries, rubbish removal)

(f) Lack of detail in plans (internal layout of restaurants, location of flues)

(g) Light spill

(h) Obstruct pedestrian movements along Shamrock Street

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 (with various other recommendations outlined in the recommendation section of this report):

(a) Food and drinks premises (FDP) 1 and 2 operating between 6am and 1am (the following day), seven days a week.

(b) Food and drinks premises (FDP) 3 and 4 operating between 6am and 10pm (the following day)

(c) The outdoor dining areas associated with FDP3 and FDP4 to operate between 7am and 6pm, every day of the week.

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

6.1 PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Section 72 Amendment to the permit and plans to change the ground floor tenancies from restricted retail (as of right) to Food and Drinks Premises (permit required), introduce a restricted recreation premises (gym) in the basement (permit required use), introduce the sale and consumption of liquor (restaurant and cafe licence) for all Food and Drinks Premises, further reduce the car parking requirements of the Scheme and associated minor built form alterations.

Reference	D21/57734
Author	Jessica Sutherland - Statutory Planner
Authoriser	Coordinator Statutory Planning

Ward:	Melba ward
The Permit:	The use of the land as a child care centre, the construction of a building, alterations of access and buildings and works to a Road Zone category 1 and the reduction in the number of car parking spaces pursuant to Clause 52.06 of the Yarra Planning Scheme
Proposal:	**Section 72 Amendment to the permit and plans to change the ground floor tenancies from restricted retail (as of right) to Food and Drinks Premises (permit required), introduce a restricted recreation premises (gym) in the basement (permit required use), introduce the sale and consumption of liquor (restaurant and cafe licence) for all Food and Drinks Premises, further reduce the car parking requirements of the Scheme and associated minor built form alterations**
Existing use:	Mixed use development currently under construction (previously warehouses)
Applicant:	Human Habitats
Zoning / Overlays:	Commercial 2 Zone and General Residential Zone (Schedule 2) Design and Development Overlay (Schedule 2 and 5) City Link Project Overlay Development Contributions Plan Overlay (Schedule 1)
Date of Application:	23 December 2020
Application Number:	PLN18/0328.02

Planning History

No. 459 – 471 Church Street Richmond

1. Planning permit No. 981362 was issued for the land at No. 459 – 471 Church Street Richmond on 8 February 1999 for *building and works to an existing warehouse*.
2. Planning permit No. 990572 was issued for the land at No. 459 – 471 Church Street Richmond on 9 June 1999 for *business identification signage*.

3. Planning application PLN16/0379 was withdrawn on 19 July 2016 for a change of use to a place of assembly (exhibition and function centre), restaurant (greater than 100sqm), shop, studio and an office, and a reduction in the association car parking, bicycle and loading bay requirements of the Yarra Planning Scheme.

4. Planning Permit PLN18/0246 was for the land at No. 459 – 471 Church Street Richmond issued 6 September 2018 for *display of business identification signage*.

5. Planning Application PLN20/0657 was submitted to Council on 21 September 2020 to allow for the construction of 29 business identification signs across the north and west facades of the 9 and 5 storey buildings approved by the subject permit (PLN18/0328) at No. 459 – 471 Church Street Richmond. The application was advertised in February 2021 and is currently being processed by Council at the time of this report.

No. 459 – 471 Church Street and 20 – 26 Brighton Street Richmond

6. Planning Permit PLN18/0328 was issued for the land at No. 459 – 471 Church Street and No. 20 – 26 Brighton Street Richmond, at the direction of the VCAT on 15 May 2019 for:

   - *the use of the land for 'childcare centre' under clauses 32.08 and 34.02;*
   - *the construction of a building or the construction or carrying out works associated with a section 2 use under clause 32.08;*
   - *the construction of a building or construction or carrying out of works under clause 34.02 and 43.02;*
   - *alteration of access and building and works to a Road Zone Category 1 Road under clause 52.29; and*
   - *the reduction in the number of car parking spaces under clause 52.06-3.*

7. The following are matters of process from the original application which are relevant to the amendment:

   (a) On 8 October 2018, Council received notice that an application had been lodged at the VCAT by the Applicant under section 79 of the *Planning and Environment Act* 1987 (the Act) for the failure of Council to determine the application in the statutory time period.

   (b) On 18 January 2019, the planning application was presented at Council's internal Development Assessment Panel (DAP) meeting where it was determined that, had Council been in a position to, it would have issued a Notice of Refusal to Grant a Planning Permit.

   (c) A compulsory conference occurred on 22 January 2019. No agreement was reached.

   (d) The Application for Review was amended on 3 February 2019 by the permit applicant in accordance with the VCAT Practice Note No. 9.

   (e) On 27 February 2019, the amendment application was presented at Council's Internal Development Approvals Committee where it was determined that Council would advise the VCAT that it did not support the substituted plans, and that had it been in a position to, it would have issued a Notice of Refusal.

   (f) The VCAT hearing took place over five days, beginning on the 18 March 2019.

   (g) On 15 May 2019, Planning Permit PLN18/0328 was issued at the direction of the VCAT.

8. Pursuant to Sections 73 and 74 of the Act the permit was amended on 4 March 2020 to amend the wording of Condition 38 to allow for the widening of Shamrock Street to occur within 6 months of the commencement of the development.

9. Pursuant to Section 73 and 74 of the Act the permit was amended on 15 June 2021 to amend the approved use of the land as a child care centre by way of an increase in children from 80 to 104, resulting in a further reduction in the car parking requirements, and associated built form changes to Building C.

10. Works have commenced and the permit is still live.

Background

11. The subject amendment application was submitted on 23 December 202. Following the submission of further information on 22 February 2021, the application was advertised and thirteen (13) objections were received.

12. No consultation meeting was held as a result of the state of emergency declared in Victoria of the current health advice related to the Covid-19 pandemic.

Planning Scheme Amendments

13. Amendment C238 was introduced into the Yarra Planning Scheme on 1 February 2021 and inserts Clause 45.06 (Development Contributions Plan Overlay) with Schedule 1 into the Scheme. This overlay applies to all land in the City of Yarra and it applies to new development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. It requires a monetary contribution from the developer.

14. This will be discussed further within the body of this report.

The Proposal

15. Section 72 Amendment to amend the permit and plans as follows:

    Use

16. Amend the use of a tenancy to the south of the foyer from Restricted retail premises to Office (*no permit required*).

17. Change the ground floor tenancies of Buildings A and B from Restricted retail premises to Food and drinks premises (FDP), resulting in the following:

    (a) FDP1 located on the north-west corner of the site (corner of Church Street and Shamrock Street), accessed from Church Street and 217sqm in area. The premises is an amalgamation of two separate retail premises. A secondary access to the internal foyer area of Building 1 is retained. Proposed to operate 24 hours a day, seven days a week, with a maximum of 100 patrons.

    (b) FDP2 located on the south-west corner of the site, accessed from Church Street and 228sqm in area. Proposed to operate 24 hours a day, seven days a week, with a maximum of 200 patrons. A secondary entry is provided to the lift/foyer area as is currently approved.

    (c) FDP3 located on the northern side of the development and 378sqm in area, internally. The principal entry is located on Shamrock Street, 51 metres east of Church Street. Two outdoor dining areas are provided for the premises, a 65sqm outdoor dining area located in the courtyard and a 25sqm area provided within the front setback of the building to Shamrock Street. It is noted that the latter outdoor area is associated with footpath dining, but only the area within the subject site's title boundaries can be considered under the Planning Application (the remainder outside the title boundary is the responsibility of Council's Local Laws Department). The internal area is proposed to operate between 6am to 11pm, seven days a week, whilst the outdoor areas are proposed to close at 10pm. A maximum of 130 patrons internally, 40 patrons in the courtyard and 15 patrons on the Shamrock Street dining area is proposed.

(d) FDP4 located on the northern side of the development and 172sqm in area. The principal entry is located to Shamrock Street, 68 metres east of Church Street. An outdoor seating area (55sqm) is provided in the courtyard. The internal area is proposed to operate between 6am to 11pm, seven days a week, whilst the outdoor areas are proposed to close at 10pm. A maximum of 80 patrons internally and 33 patrons in the courtyard dining area is proposed.

(e) The retention of the approved FDP5, located within the building foyer and now associated with the office uses (54sqm in area), previously the Restricted retail premises. This FDP is ancillary to the office uses, which is an as-of-right use and therefore has not been restricted with regards to the operating hours.

(f) Resulting in a total of 1,194sqm of Food and Drinks Premises for the site.

18. Introduction of a Restricted Recreation Premises (gym) to Basement level 1 (previously car parking and services area), with the following details:

(a) Proposed to operate between the hours of 5am and 11pm, 7 days a week, with a maximum of 60 customers and 4 staff at any one time.

(b) The gym reception is located at ground floor (50sqm) with the entry provided to Shamrock Street, approximately 35 metres east of Church Street.

(c) A lift and stairs provide access from reception to the gym within the basement (388sqm) and a secondary entrance is provided to the basement car parking.

Liquor

19. The inclusion of redline plan, allowing for the sale and consumption of liquor on the premises (Restaurant and café licence), to FDP1, FDP2, FDP3 and FDP4, including all associated outdoor areas. The sale and consumption of liquor will occur between the following hours:

(a) FDP1 and FDP2: 9am to 1am (the following day), seven days a week.

(b) FDP3 and FDP4: 9am to 11pm, seven days a week (with the outdoor area closing at 10pm).

Car parking and bicycle facilities

20. Nine (9) car parking spaces removed to allow for the creation of the gym, resulting in a total of 160 car parking spaces remaining for Buildings A and B.

21. Eight (8) car parking spaces allocated to the Food and Drinks Premises (previously 13 provided to the retail premises) and the remainder (152) allocated to the office uses (previously 156 spaces).

22. No changes to the approved bicycle facilities (176 employee spaces, 40 visitor spaces, 19 showers and 188 lockers provided for all three buildings).

Built form changes

23. The following built form changes are proposed to allow for the new uses:

(a) Deletion of an internal wall in FDP1 to create a larger premises (in lieu of two separate premises).

(b) The ground floor, north elevation amended to introduce the gym entry to Shamrock Street.

(c) Internal alterations to the ground floor and Basement level 1 to create the Restricted recreation premises (gym) and associated car parking re-arrangement, including the construction of stairs to connect each level.

(d) Alteration to the approved ground floor courtyard to provide for outdoor seating areas.

(e) The western “void” over the ground floor lobby reduced in size, resulting from the widening of the first-floor link from 4.7 metres to 16.4 metres wide.

Existing Conditions

Subject Site

24. The subject site is located on the eastern side of Church Street and is bound by Shamrock Street to the north and Brighton Street in the east, in Richmond. The site is generally rectangular in shape, save for a cut-out in the north-eastern corner associated with No. 16 Brighton Street which is not part of the subject site.

25. The site has a frontage to Church Street of 46.92 metres and Shamrock Street of 92.99 metres, yielding an overall site area of 5,276sqm.

26. The site is currently being developed in accordance with Planning Permit PLN18/0328 which approves:

    (a) Building A: a ten-storey building constructed to the west to Church Street.

    (b) Building B: a six-storey building constructed central to the site and abutting Shamrock Street.

    (c) Building C: a three-storey building constructed to the east to Brighton Street.

27. The subject application relates solely to the use and development of Buildings A and B, which can be broadly described as follows:

    (a) All buildings are interconnected, however, Building A fronts to Church Street and the western end of Shamrock Street, and Building B, located 17 metres to its east faces Shamrock Street. Building B can be accessed from Shamrock Street or via the foyer through Building A on Church Street.

    (b) Provided with two basement car parking and service areas, servicing the office buildings and accessed from Shamrock Street. 169 car parking spaces are provided in the basement levels, 13 of which are allocated to the ground floor retail premises. It is noted that the car parking spaces allocated to Building C (the childcare centre) are provided in a separate basement accessed from Brighton Street.

    (c) Ground level works undertaken which include widening the pedestrian pavement on the southern side of Shamrock Street and road pavement widening west of the car parking access, in order to provide two-way access in and out of Church Street. East of the vehicle entry, Shamrock Street will remain one-way heading east.

    (d) The amendment application relates to the ground floor tenancies. Two tenancies are accessed via Church Street, are constructed flush to the street boundary and are separated by the buildings main lobby entrance. Two tenancies front north to Shamrock Street and are setback between 300mm and 2.94 metres from the northern title boundary to create a wider pedestrian footpath along Shamrock Street. A 17.17 metre wide courtyard separates the two tenancies and is partially covered by a glass canopy.

28. The subject site is made up of 18 lots, none of which show any covenants, restrictions or easements.

Surrounding Land

29. The subject land is located within two zones – Commercial 2 and General Residential (Schedule 2). The existing development in the wider area is mixed and consists of residential, commercial and industrial uses, resulting in a diversity of built form. Land zoned residential is located to the north, east and partially to the south-east of the subject site. A map of the immediate zoning is provided below.

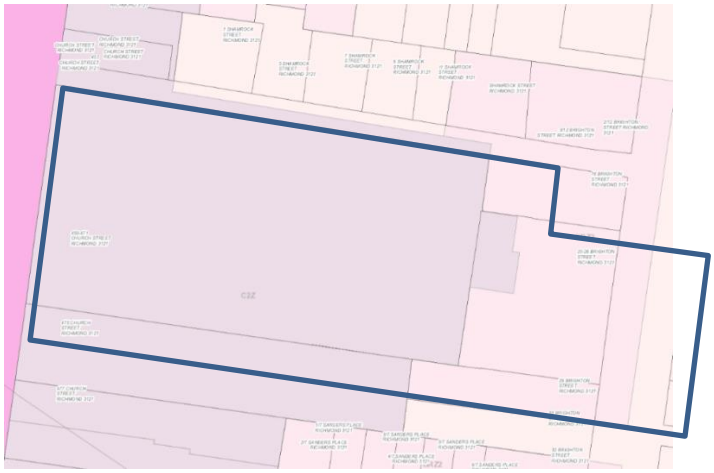


Image 1: zoning of the land, purple represents the Commercial 2 Zone pink represents the residential zones (hot pink denotes the Road Zone) (source: VicPlan Map, 2021)

30. Further north of the site is East Richmond Train Station (50 metres) and the Swan Street Major Activity Centre (**MAC**) (100 metres) which includes various commercial uses.

North

31. Shamrock Street is generally a one-way street (entering from Church Street and exiting onto Brighton Street). On the corner of Shamrock Street and Church Street is a three-storey commercial building (occupied by a showroom at ground floor). Further east along Shamrock Street are residential properties (No. 1 – 11 Shamrock Street) which are generally developed with single storey dwellings from the Victorian-era. These dwellings present to Shamrock Street with small front setbacks and habitable room windows facing the street. Some of the dwellings are provided crossovers and on-site vehicle spaces. On the corner of Shamrock Street and Brighton Street, to the east, is No. 12 Brighton Street which is developed with two-storey townhouses.

East

32. On the south-east corner of Shamrock Street and Brighton Street is No. 16 Brighton Street which is currently developed with a single storey dwelling with private open space at the rear (west). Planning Permit PLN11/0673 was issued on 21 May 2012 and allows for four, part-two, part-three storey townhouses (with basements). The works have not yet commenced however, a recent extension of time was issued (letter dated 11 May 2021) so that works must now commence no later than 21 May 2022.

33. To the east, across Brighton Street which is 15 metres wide, are dwellings facing Brighton Street and the subject site. Generally, the dwellings are single storey, semi-attached and with narrow side setbacks. Typically, small private open space (**POS**) areas are provided to the rear (east). The dwellings are generally not provided on-site car parking.

South

34. Immediately to the south of the subject site, facing Church Street, is No. 475 Church Street which is developed with a single storey furniture showroom occupying 100% of the site and accessed via Church Street.

West

35. To the west of the subject site is Church Street which is a Category 1 Road Zone with a tram route running north to south and parking and bicycle lanes either side. On the opposite side of Church Street are larger sites developed with commercial buildings, generally occupied by furniture showrooms and offices.

General

36. Car parking within the area includes:

    (a) No parking in Shamrock Street.

(b) 2 hour ticketed parking on the east and west sides of Church Street.

(c) No parking on the side streets, across Church Street to the west.

(d) No parking on Sanders Place (a side street to the south).

(e) 2 hour parking (7am – 7pm Monday to Saturday) on the west side of Brighton Street (to the east of the site)

(f) Permit parking on the east side of Brighton Street

(g) Permit parking on the south side of Lesney Street (a side street to the north of the site)

37. Bike lanes are provided on either side of Brighton Street and Church Street.

38. Nearby public transport routes include:

(a) Tram routes 78 along Church Street and 70 along Swan Street, 100 metres north of the subject site.

(b) Richmond Train Station and East Richmond Train Station, 700 metres north-west and 50 metres north of the site respectively.

39. Other licenced venues (not including packaged or limited licences) in this section of Church Street (within 250 metres of the site) include:

(a) Harlow Hotel (General Licence) at 447 Church Street - 7am to 3am, 540 patrons

(b) Public House (General Licence) at 433 – 435 Church Street – 10am to 2am, 450 patrons

(c) Royal Saxon Hotel (General licence) at 545 Church Street – 12noon to 1am, 385 patrons

(d) Swan Hotel (General licence) at 425 Church Street – 7am to 3am, 400 patrons

(e) The Palm Royal (On-premises) at 438 Church Street – 10am to 1am, 85 patrons

(f) Maeve Fox (On-premises) at 472 Church Street – 4pm to 3am, 300 patrons

(g) Thai Style Restaurant (Restaurant and café licence) at 455 Church Street – 7am to 11pm

(h) Sabai (Restaurant and cafe) at 460 Church Street – 7am to 11pm, 97 patrons

(i) Thai Ayothaya (Restaurant and cafe) at 468 Church Street – 7am to 11pm, 40 patrons

(j) Naruto (Restaurant and café) at 462 Church Street – 11am to 10pm, 60 patrons

40. These premises are shown in the below map (orange diamonds) with the Swan Street Major Activity Centre (MAC) shown in pink. The Swan Street MAC, to the west of Church Street, is recognised as a Core Entertainment Precinct by Clause 22.09 (Licenced premises).



Image 2: the location of licenced premises with a 250 metre radius of the subject site (source: created by Council Officer using NearMap, 2021)

Legal Provisions

41. The amendment has been requested pursuant to Section 72 of the Planning and Environment Act 1987 (the Act). 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 a part of a permit issued at the direction of the Tribunal, the Tribunal has 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.

42. Planning Permit PLN18/0328 was issued on 15 May 2019. 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.

43. 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 it was an application for a permit.

Scheme Provisions

Zoning

44. The site is a zoned *General Residential Zone (Schedule 2)* to the east and *Commercial 2 Zone* to the west. The following is applicable to the proposed amendments.

    Commercial 2 Zone

45. Pursuant to Clause 32.04-1, the use of the land as an office is a Section 1 use, no permit required use.

46. Pursuant to Clause 32.04-1, the use of the land as a Food and drinks premises requires a permit as the leasable floor area exceeds 100sqm. As the proposal results in 1,194sqm of leasable floor area, a permit is triggered.

47. Pursuant to Clause 32.04-1, the use of the land for Restricted Recreation (gym) is a section 2 use, thus a permit is triggered.

48. Pursuant to Clause 32.04-4, a permit is required to construct a building or construct and carry out works.

General Residential Zone (Schedule 2)

49. None of the proposed amendments are located within the part of the site affected by the General Residential Zone.

Overlays

Design and Development Overlay (Schedule 2 and 5)

50. Pursuant to 43.02-2, a permit is required to construct a building or construct or carry out works, unless a schedule to this overlay specifically states that a permit is not required.

Schedule 2 (Main Roads and Boulevards)

51. Schedule 2 to the overlay is silent on permit triggers, thus a permit is required to construct a building or to construct and carry out works.

Schedule 5 (City Link Exhaust Stack Environs)

52. Pursuant to Clause 2.0 of Schedule 5 (City link Exhaust Stack Environs) of the overlay, buildings and works are specifically exempt from requiring a planning permit.

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

54. A planning permit is triggered for the amended use and buildings and works under the zones and overlays, thus, notice of the application must be given to the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation (VicRoads).

City Link Project Overlay

55. Pursuant to Clause 45.07-1 of the Scheme, a permit is required to develop land, given that the development is not part of the Melbourne City Link Project or the Exhibition Street Extension Project.

56. Pursuant to Clause 45.07-6, the Roads Corporation (VicRoads) is listed as being a section 55 referral authority.

Development Plan Contributions Overlay

57. Pursuant to Clause 45.06-1, a permit granted must:

    (a) Be consistent with the provisions of the relevant contributions plan.

    (b) Include any conditions required to give effect to contribution or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

58. An application does not benefit from transitional provisions, however, as a building permit has been issued and the wider development is under construction, the requirements of the clause are applicable only to the commercial uses subject to this amendment. Council's standard condition and a note will be included on any amended permit that is to issue requiring the levy to be paid prior to the commencement of the proposed commercial uses.

Particular Provisions

Clause 52.06 Car Parking

59. Pursuant to Clause 52.06-1, the clause applies to a new use or an increase in the floor area of an existing or approved use.

60. Pursuant to Clause 52.06-2, before a new use commences or the floor are of an existing use is increased, the number of car parking spaces required under the clause 52.06-5 must be provided to the satisfaction of the responsible authority.

61. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

62. The subject site is located in the Principal Public Transport Network (PPTN) Area, thus column B of table 1 of the Clause 52.06-5 applies to the amendment application.

63. Under this amendment, the approved Restricted retail premises are replaced with Food and drinks premises, a Restricted recreation premises (gym) and a partial extension of the Office use. Further, the Restricted recreation premises (gym) is introduced in the basement, resulting in the loss of 9 car parking spaces.

64. At table 1 at clause 52.06-5, Restricted recreation is not listed (nor is Leisure and Recreation, being the umbrella use). Pursuant to Clause 52.06-2, where a use is not specified in the table, an adequate number of car spaces must be provided to the satisfaction of the responsible authority. It is noted that no car parking spaces are allocated to this use.

65. The following table outlines the difference in the statutory car parking requirements resulting from the change of use from Restricted retail premises to Food and drinks premises, and minor changes in the floor area associated with the office uses.

Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required by the Scheme	No. of Spaces Allocated	Reduction Approved/ Required
Permitted					
Restricted retail	1,206sqm of leasable floor area	2.5 spaces to each 100sqm of leasable floor area	30	13	**374**
Food and Drinks Premises	152sqm of leasable floor area	3.5paces to each 100sqm of leasable floor area	5		
Office	16,940sqm of leasable floor area	3.0 spaces to each 100sqm of leasable floor area	508	156	
Overall application including amendment					
Restricted recreation (gym)	438sqm in leasable floor area	To the satisfaction of the RA.			**399**
Food and Drinks Premise	1,194sqm of leasable floor area	3.5 spaces to each 100sqm of leasable floor area	41	8	

Office	17,288sqm of leasable floor area	3.0 spaces to each 100sqm of leasable floor area	518	152	
Additional Car Park reduction required from the amendment					**25**

66. As outlined in the above table, an additional reduction of 25 spaces is sought, and as part of this application it must be determined if the responsible authority deems it satisfactory to provide no car parking to the Restricted Recreation premises (gym). These matters will be discussed in the Assessment section of this report.

Clause 52.34 Bicycle Facilities

67. Pursuant to Clause 52.34-1, a new use must not commence of the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land.

68. As discussed, the provision of the bicycle facilities is not proposed to be altered in this amendment application. Nonetheless, the proposed uses are amended, thus a new assessment is required. The below table assesses the amendment application against the bicycle provision outlined at Clause 52.34-5 of the Scheme (noting that the approved childcare centre is provided bicycle spaces also).

Use	Quantity/ Size	Statutory Rate	No. of Spaces Required by the Scheme	No. of Spaces Allocated	Reduction Approved/ Required
Permitted					
Restricted retail	1,206sqm of leasable floor area	1 to each 300sqm of leasable floor area (employees) 1 to each 500sqm of leasable floor area (visitors)	4 (employees) 2 (visitors)	176 (employees) 40 (visitors)	**0**
Restaurant	152sqm of leasable floor area	1 to each 100sqm of floor area available to the public (employee) 2 plus 1 to each 200sqm of floor area available to the public if the floor area available exceeds 400sqm (visitor)	1 (employees) 0		
Office	16,940sqm of leasable floor area	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm (employee) 1 to each 1000sqm of net floor area if the	56 (employees) 16 (visitors)		

		net floor area exceeds 1000sqm (visitor)			
Child care centre	104 children	N/A	N/A		
Overall application including amendment					
Restricted recreation (gym) listed as Minor sports and recreation facility	438sqm in leasable floor area	1 to 4 employees 1 to each 200sqm of net floor area (visitors)	1 (employees) 2 (visitors)	176 (employees) 40 (visitors)	**0**
Restaurant	1,194sqm of leasable floor area	1 to each 100sqm of floor area available to the public (employee) 2 plus 1 to each 200sqm of floor area available to the public if the floor area available exceeds 400sqm (visitor)	11 (employees) 7 (visitors)		
Office	17,288sqm of leasable floor area	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm (employee) 1 to each 1000sqm of net floor area if the net floor area exceeds 1000sqm (visitor)	57 (employees) 17 (visitors)		
Child care centre	104 children	N/A			

69. As shown above, the amendment application exceeds the bicycle space requirements of the Scheme, however, the appropriateness of the access and layout of the bicycle spaces will be discussed in the *Assessment* section of this report.

Clause 52.27 Licensed Premises

70. Pursuant to Clause 52.27 of the Scheme, a planning permit is required to use the land to sell or consume liquor is a license is required under the *Liquor Control Reform Act* 1998.

71. Before deciding on an application, the Responsible Authority must consider as appropriate:

(a) The Municipal Planning Strategy of the Planning Policy Framework;

(b) The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area;

(c) The impact of the hours of operation on the amenity of the surrounding area;

(d) The impact of the number of patrons on the amenity of the surrounding area; and

(e) The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

General Provisions

Clause 65 – Decision Guidelines

72. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any provision.

Planning Policy Framework (PPF)

Clause 11.02 (Managing Growth)

Clause 11.03-1S (Activity Centres)

73. The relevant objectives of this clause include:

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

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

74. Relevant strategies are:

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

(i) Are able to accommodate significant growth for a broad range of land uses.

(ii) Are supported with appropriate infrastructure.

(iii) Are hubs for public transport services.

(iv) Offer good connectivity for a regional catchment.

(v) Provide high levels of amenity.

Clause 13.05-1S (Noise abatement)

75. The objective is:

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

Clause 13.07 (Amenity)

Clause 13.07-1S (Land Use Compatibility)

76. The relevant objective of this clause is:

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

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

77. The objective is:

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

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

78. The objective is:

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

Clause 15.01-2S (Building design)

79. The objective of this clause is '*to achieve building design outcomes that contribute positively to the local context and enhance the public realm'*.

Clause 17 (Economic Development)

Clause 17.01-1S (Employment)

80. The objective of this is:

(a) To strengthen and diversify the economy.

81. Relevant strategies include:

(a) Protect and strengthen existing and planned employment areas and plan for new development areas.

(b) Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

(c) Improve access to jobs closer to where people live.

Clause 17.02.-1S (Business)

82. The objective of this clause is '*to encourage development which meets the communities' needs for retail, entertainment, office, and other commercial services*'.

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

83. The objective of this clause is:

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

84. Relevant strategies to achieve this objective include

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

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

(i) Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.

(ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas*.

Clause 18.02-1S (Sustainable personal transport)

85. The objective of this clause is:

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

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

86. Strategies of this policy are:

(a) Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

Clause 18.02-2S (Public transport)

87. The objective of this clause is:

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

Clause 18.02-2R (Principal Public Transport Network)

88. A relevant strategy of this clause is to:

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

    Clause 18.02-4S (Car parking)

89. The objective of this clause is:

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

90. A relevant strategy is:

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

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic (MSS)

Clause 21.04-2 – Activity centres

91. The relevant objective of this clause is:

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

92. Relevant strategies to achieve this objective include:

    (a) Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

    Clause 21.04-3 Industry, office and commercial

93. The objective of the clause it:

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

    Clause 21.05-2 – Industry, office and commercial

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

    Clause 21.05-2 – Urban design

95. A relevant objective of this clause is to 'encourage the provision of universal access in new development.

    Clause 21.06 – Transport

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

    Clause 21.06-1 – Walking and cycling

97. This clause builds upon the objectives outlined at Clause 18, through promoting cycling, walking and public transport as alternatives to private motor vehicle usage and provides the following relevant objectives:

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

    (b) Objective 33 – To reduce the impact of traffic.

    Clause 21.08-2 - Burnley – Cremorne - South Richmond

98. Clause 21.8-2 recognises Church Street as "an activity centre based on furniture and homewares, professional and business services and hospitality". It also recognises that there is an opportunity to enhance the activity centre through consistent active frontages.

Relevant Local Policies

Clause 22.05 – Interface uses policy

99. This policy applies to applications for use or development within Commercial Zones (amongst others).

100. Clause 22.05-3 states that it is policy that 'new non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties'

101. Decision guidelines at clause 22.05-6 include:

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

        (i) The extent to which the propose buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.

        (ii) Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.

Clause 22.09 Licensed Premises

102. The policy applies to an application under Clause 52.27 (Licensed Premises)

103. The objectives of this clause are:

    (a) To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.

    (b) To encourage best practice venue design and venue operation for licensed premises.

    (c) To protect residential and other commercial uses from excess noise, traffic and car parking issues.

    (d) To provide for daytime trade and active street frontages in retail strips, while providing the reasonable commercial opportunities for the trading of licensed premises.

Clause 22.10 – Built form and design policy

104. This policy provides guidelines to assess the scale, form and appearance of new development in areas where heritage overlay controls do not apply.

105. The policy aims to ensure that the design of new buildings limit the impact on the amenity of surrounding land while making a positive contribution to the streetscape through high standards in architecture and urban design.

Advertising

106. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 101 letters sent to surrounding owners and occupiers and by three (3) signs displayed on site. Council received thirteen (13) objections, the grounds of which are summarised as follows:

    (a) Adverse amenity impacts associated with the sale and consumption of liquor (litter, anti-social behaviour, safety, cumulative impact, smokers, queuing of patrons)

    (b) Car parking (demand, provision and availability)

    (c) Traffic (congestion and road safety)

    (d) Noise from use (Food and Drinks premises, outdoor seating areas, patron movement/dispersal)

    (e) Commercial activities disruptive to residential area (setup and pack up, deliveries, rubbish removal)

    (f) Lack of detail in plans (internal layout of restaurants, location of flues)

(g) Light spill

(h) Obstruct pedestrian movements along Shamrock Street

107. No consultation meeting was held as a result of the state of emergency declared in Victoria of the current health advice related to the Covid-19 pandemic.

Referrals

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

External Referrals

109. The application was referred to the following authorities:

(a) Head, Transport for Victoria

(b) Roads Corporation (VicRoads)

(c) Transurban

(d) Environmental Protection Authority (EPA)

110. Referral responses/comments have been included as attachments to this report.

Internal Referrals

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

(a) Engineering Services Unit

(b) Waste Management Unit

(c) External Acoustic Consultants (SLR)

(d) Social Planning Unit

(e) Community Amenity Branch

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

OFFICER ASSESSMENT

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

(a) Strategic context

(b) Uses (Food and drink premises and Restricted recreation)

(c) Sale and consumption of liquor

(d) Built form

(e) Car parking and bicycle parking

(f) Objector concerns

(g) Other matters

Strategic Context

114. There is policy support within the State and Local Planning Policy Frameworks for the proposed uses of the site for Food and drinks premises and a Restricted recreation premises (gym), given the commercial zoning, that the site is located near to a Major Activity Centre (**MAC**) and is within walking distance of public transport and the Swan Street Core Entertainment Precinct.

115. With regards to this amendment, consideration must be given to these proposed uses as well as the implications of the sale and consumption of liquor (on-premises), with particular regard to the purpose of the Commercial 2 Zone and the interface to residential dwellings across Shamrock Street. The operation of the amended proposal will be considered against the cumulative impact, off-site amenity impacts and land use conflicts of the site.

116. Nonetheless, turning our mind solely the location of the proposed Food and drinks premises and Restricted recreation premises, it is considered to have strong strategic support given that state and local planning policies encourage the concentration of commercial and entertainment uses in and near to Major Activity Centres, such as Swan Street, which are well connected to public transport and benefit from existing infrastructure (clauses 17.02-1S, 17.02-2S and 18.02-2R). The subject site is within 100 metres of the Swan Street MAC and associated Core Entertainment Precinct, and also benefits from access to various sustainable transport modes including the trams along Church Street and Swan Street, the East Richmond Train Station within 50 metres of the site and extensive bicycle networks throughout the immediate area.

117. The commercial zoning of the land aims to *create vibrant mixed use commercial centres, for retail, office, business, entertainment and community uses*, an objective that is further reinforced by policies within the Yarra Planning Scheme that encourage the strengthening of Yarra's entertainment and cultural offerings, particularly in already established commercial precincts (clauses 17.02-1S, 19.02-3S, 21.02, 21.03 and 21.04-2). As stated in Clause 21.04-2 (Activity Centres), *the presence of service, retail and entertainment uses creates active and vibrant activity centres with good access to services and facilities, which is an important attribute of the municipality*.

118. Moreover, Clause 17.01-1S (Diversified Economy) and Clause 21.04-3 (Industry, office and commercial) encourage growth that strengthens and diversifies the economy and job opportunities, encouraging that any growth *improve(s) access to jobs closer to where people live.* As discussed, the site is highly accessible, is zoned for commercial use and is near to where people live, thereby providing for an appropriate location for the proposed Food and drinks premises and Restricted recreation premises.

Uses (Food and drinks premises and Restricted recreation)

119. The discussion of the appropriateness of the amended uses will be guided by the purpose and decision guidelines of the Commercial 2 Zone (C2Z) at Clause 34.02-7 and the requirements of the Interfaces use policy at Clause 22.05 of the Scheme. Although the sale and consumption of liquor is proposed in association with the Food and drinks premises, this aspect of the amendment application will be assessed against the relevant policies of the Scheme in the *Sale and Consumption of Liquor* section of this report.

Food and drinks premises

120. The Food and drinks premises requiring a planning permit are as follows:

(a) FDP1 - 217sqm in area. Proposed to operate 24 hours a day, seven days a week with a maximum of 100 patrons.

(b) FDP2 - 228sqm in area. Proposed to operate 24 hours a day, seven days a week with a maximum of 200 patrons.

(c) FDP3 –

(i) 378sqm in area internally, proposed to operate between 6am to 11pm, seven days a week with 130 patrons.

(ii) 65sqm outdoor dining area located in the courtyard and a 25sqm area provided within the front setback of the building to Shamrock Street. Proposed to operate between 6am to 10pm with 40 patrons and 15 patrons, respectively.

(d) FDP4 –

(i) 172sqm in area internally. Proposed to operate between 6am to 11pm seven days a week, with 80 patrons.

(ii) An outdoor seating area (55sqm) is provided in the courtyard. Proposed to operate between 6am to 10pm, with 33 patrons.

121. It is considered that the use of the land as a Food and drinks premises is consistent with the purpose of the Commercial 2 Zone, which is to *encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods and retailing, other retail uses, and associated business and commercial services*. It is therefore anticipated by the Scheme that land located within this zone will be developed and used for commercial purposes; this is reiterated by the fact that land uses such as Art galleries, Cinemas, Offices and smaller scale Food and Drinks premises are as-of-right in the Commercial 2 Zone.

122. The location of the proposed Food and drinks premises is acceptable in a strategic sense; however, consideration must be given to the potential impacts on the surrounding area and interfacing sensitive uses.

123. Clause 22.05-1 of the Scheme identifies that there is a need to support commercial uses and ensure they are well managed with regard to the amenity impacts and their proximity to residential uses. The policy includes various considerations for non-residential uses located near residential properties, with decision guidelines (relevantly) relating to noise, light spill, loading and unloading, rubbish removal and storage and other operational disturbances that may cause detriment to the amenity of nearby residential sites. These requirements are further reiterated by the objectives of the Commercial 2 Zone.

124. As discussed, at this location Food and drinks premises only trigger a planning permit should it exceed 100sqm, and as such, policy provides clear support for this use to operate in these locations, subject to considerations being given to the scale and management of premises larger than 100sqm. The Food and drinks premises 3 & 4 are located directly opposite dwellings within residential zones and as such, specific consideration to this interface is necessary.

Management and operations

125. The Food and drinks premises are associated with Restaurant and Café licences and as such are anticipated to function in this manner, as opposed to a higher impact use such as a bar/hotel. Parameters should be set to ensure that the Food and drinks premises operate as restaurants/cafes and do not significantly transform into higher impact uses. To assist this, the definition of a 'restaurant' pursuant to Clause 73.03 of the Scheme is relied upon:

Land used to prepare and sell food and drink, for consumption on the premises. It may include:

(a) entertainment and dancing;

(b) the supply of liquor other than in association with serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time;

(c) It does not include the sale of packaged liquor.

126. In relation to the above, the submitted floorplans have included a notation to confirm that a minimum of 75% of all patrons will be seated. Further, a Patron Capacity Report (dated 17 December 2020 and prepared by McKenzie Group) was submitted to demonstrate that the number of patrons proposed to each premises could be reasonably provided for within the corresponding floor areas. Nevertheless, a condition will require that the floorplans be updated to include floor layouts, including the kitchen and bathroom facilities in accordance with the patron capacity report, and indicative seating layouts to provide chairs for at least 75% of the proposed patrons, all of which is consistent with the land use requirements of a Restaurant Use.

127. Moreover, the principal purpose of a restaurant/cafe is the service of food and drinks, where as a bar or function centre (or similar) can often be associated with a greater consumption of liquor and a lesser focus on a seated food experience. As such, to ensure the premises have a greater food focus, a condition will be included on any permit issued requiring that food be served at all times that liquor is available (to be discussed further under *Sale and consumption of liquor*). The amended permit preamble will also define the Food and drinks premises as restaurants.

Noise

128. It is noted that objections were received from residents with regards to the potential noise impacts. Despite the sites residential interface (within 10 metres to the north), the subject site is located within the Commercial 2 Zone which encourages areas for commercial uses. It is also on the periphery of the Swan Street MAC and associated Core Entertainment Precinct, within which active and vibrant commercial uses and retail activity is present and expected. As such, the amenity expectations of residents in the area need to be somewhat tempered in order to maintain the viability of industrial and business areas, as recognised in Clause 22.05 (Interface uses policy). This position is consistently agreed upon at the VCAT, with the following statement included in the decision for *Goldfields Richmond Management Pty Ltd v Yarra CC* [2021] VCAT 528:

> *[160] We accept that residential uses adjacent to an activity centre (and in a commercial zone) must have a reduced expectation for amenity compared to residential uses adjacent to other residential zones. However, we find that this also operates in reverse: a commercial use adjacent to a residential zone must have some reduced expectation about what can be achieved*

129. Council Officers consider that, subject to conditions, a reasonable level of amenity can be experienced by neighbouring uses whilst still allowing for the viability of the commercial uses of the site.

130. The key considerations of noise emissions relevant to the Food and drinks premises relate to music and patron noise, patron ingress and egress and mechanical equipment, with particular regard given to the premises on Shamrock Street given their proximity to residential properties. Each aspect will be discussed in turn.

131. An acoustic report (prepared by Cundall and dated 15 February 2021) was submitted with the application and considers noise to the closest residential uses, that being on the northern side of Shamrock Street (receiver located outside of No.7 Shamrock Street). The report was reviewed by Council's external Acoustic Consultants, SLR, who considered the location of the receiver to be appropriate. SLR also noted that the noise monitoring was undertaken on Friday and Saturday, rather than during the quitter nights of the week; however, given that it was undertaken during Stage 4 lockdown SLR was satisfied that the background noise measurements are likely to be lower than typical for this area and can be relied upon.

132. With regard to patron noise, there are currently no legislative controls or noise guidelines which can be applied to assess patron noise from the proposed Food and drinks premises. Therefore, Cundall have relied upon a background-based limit to guide the levels of patron noise, that being 'background + 10 dB' for the daytime and evening periods and 'background + 5 dB' for the night-time periods. Moreover, maximum noise levels from patrons are also proposed to be assessed to sleep disturbance targets of 65 dBA L_{max} outside operable windows of the residential properties along Shamrock Street.

133. With regard to music noise, Cundall identified a day and evening limit of 54 dBA and 53 dBA, respectively, as calculated from the average of the day and evening background noise levels measured.

134. SLR consultants were generally satisfied with this approach, however, raised concerns with some of the 'background' measurements relied upon given that they represent the average of the daytime and evening recordings. They consider that that the background measurements relied upon for any given noise limit should reflect the actual assessment time for music/patron noise. For example, the later period of the evening (ie 9pm to 11pm) should rely on a background noise level recordings from these times rather than the average of recordings from both daytime and evening measurements, given that the measurements of the evening period are likely to be lower.

135. In light of this, they recommend a condition be included any permit issued requiring that the evening noise limits for music and patron noise be recalculated using background data for the quietest hours of the evening that the food and drink tenancies are proposing to operate.

136. Council Officers consider this to be a reasonable approach and are satisfied that the recalculated limits can be reasonably achieved from within each Food and drinks premises, particularly the premises fronting Church Street given that they are located on a main road and are not as near to the residential noise receivers. This requirement will be included as a condition on any permit issued. It is further noted that Restaurant and Café licences must only operate background music past 11pm under the Liquor Control Act, which further ensures that music noise will be at an appropriate level.

137. Consideration must also be given to the use of the outdoor dining areas (associated with FDP3 and FDP4 along Shamrock Street) and the potential noise disturbance of the ingress and egress of patrons from each premises. These noise impacts cannot be as easily mitigated with physical acoustic attenuation methods and as such, often the hours of operation and management of the premises are relied upon to appropriately limit amenity impacts to nearby sensitive uses.

138. Given the proximity of FDP3 and FDP4 to residential properties within a residential zone, and the narrow, 'side street' character of Shamrock Street, the movement of patrons along Shamrock Street is a particular concern. Similarly, the outdoor dining areas are within 10 to 20 metres of the residential properties and as such, noise from these areas is also a key consideration. SLR consultants deemed the patron noise impact from these outdoor areas to be too great in the context and recommend that these areas operate only during the day period, as defined in the Noise Protocol for commercial noise, that being 7am to 6pm Monday to Saturday.

139. In response to these concerns, the Applicant has offered (email dated 8 June 2021) that pedestrian access to FDP3 be provided from the internal foyer only from 8pm onwards and the associated external courtyard also close at 8pm. No changes to the operation of FDP4 were submitted.

140. Although this goes some way in mitigating the potential noise impacts from the food and drinks premises, Council Officers agree with SLR's more conservative recommendation of 7am to 6pm for all outdoor areas given the proximity to sensitive interfaces. Further, no speakers will be permitted in these outdoor areas to ensure that there will not be a disturbance from music noise or from patrons raising their voices to speak over amplified music.

141. Finally, having regard to the movement of patrons along Shamrock Street, the cumulative impact of both premises along Shamrock Street poses a notable risk for the amenity of a small side street with a residential interface. Following 6pm (when the outdoor areas will be required to close), FDP3 and FDP4 will still provide for 130 and 80 patrons, respectively. As these are the maximum patrons at any one time, it is likely that the movement of patrons along Shamrock Street will be significantly greater when accounting for multiple sittings within any given evening. Council Officers consider the potential impacts of this to be too great and will require that FDP3 and FDP4 to close at 10pm. Further, the Applicant offered to direct patron movement, associated with FDP3, through a doorway to the internal foyer of the approved building after 8pm. This would encourage patrons to filter onto Church Street rather than Shamrock Street further protecting the amenity of Shamrock Street in the evening period when residential areas are typically more sensitive.

142. In light of above, and the advice received from SLR, it is the Council Officers recommendation that the following conditions be included on any permit issued with regards to FDP3 and FDP4:

    (a) The outdoor dining areas for both FDP3 and FDP4 operate between 7am and 6pm every day of the week and no speakers permitted in these areas.

    (b) That northern windows and doorways associated with the outdoor dining areas of FDP3 and FPD4 to be closed after 6pm.

    (c) Both FDP3 and FDP4 to operate between 6am and 10pm every day of the week.

(d) Patron ingress/egress to FDP3 to be provided only from the entry to the central foyer after 8pm on any evening.

(e) A post-commencement acoustic assessment to be carried out and any further acoustic treatments required to meet the evening targets as required by SLR consultants be provided and shown in plans.

143. It is considered that these conditions will reasonably limit any potential for off-site amenity impacts to the residents of Shamrock Street for the following reasons:

(a) The closure of the outdoor dining areas at 6pm will not only reduce the noise impacts from the premises but will also reduce the number of patrons in FDP3 and FDP4 by 88 for the evening period.

(b) The closure of the windows and doors after 6pm will assist in achieving the evening noise targets recommended by SLR consultants.

(c) The closure of the FDP3 entry to Shamrock Street after 8pm will redirect patrons from the larger premises (maximum of 130 patrons) towards Church Street, rather than Shamrock Street, to mitigate any disturbance relating to the movement of patrons in the street. It is recognised that the entry to FDP4, which allows for 80 patrons, will still be provided along Shamrock Street until 10pm, however on balance, this is considered to be a reasonable result for a commercial area.

(d) The closure of the both premises by 10pm will ensure no disturbance to the nearby residential properties late into the evening and night-time.

144. Having regard to the FDP1 and FDP2 fronting Church Street, SLR consultants were satisfied with the night-time noise limits (after 11pm). Furthermore, noise from patrons arriving and leaving the site will not unreasonably impact the residential properties along Shamrock Street given that patrons will likely filter north along Church Street to either venues along Church Street, to the Swan Street MAC, or to various public transport opportunities. Nevertheless, the proposed operating hours of 24 hours, seven days a week, is not appropriate in this instance. Although restaurants are generally considered a low amenity risk, not enough information has been provided with the application to ensure that the operation of these premises all night will not adversely affect the amenity of the area with regards to noise and patron behaviour. Despite being located near to Swan Street, Church Street itself is not designated as a Core Entertainment Precinct in which these types of late-night offerings may be more appropriate. As such, a condition will require that FDP1 and FDP2 close at 1am, in-line with the proposed hours of the sale and consumption of liquor.

145. Finally, all mechanical equipment must comply with SEPP N-1 (Control of noise from industry, commerce and trade). This compliance is a mandatory requirement under Section 46 of the Environment Protection Act 1970.

146. Council Officers consider that these conditions relating to the operating hours of each premises provide for an appropriate balance between the amenity of the adjacent residential area whilst still allowing for the commercial viability of the Food and Drinks premises on site as is encouraged by Clause 22.05 (Interface uses policy) and in the VCAT decision of *Goldfields Richmond Management Pty Ltd v Yarra CC.*

Loading and unloading

147. The approved development provides for loading and unloading to occur in a designated area on site, as accessed from Shamrock Street. This arrangement was considered in the VCAT decision and was deemed acceptable. No changes to the loading and unloading provisions are proposed through this amendment that would impact this assessment.

148. The deliveries associated with Food and drinks premises would not be dissimilar to the expected frequency of deliveries for the approved Restricted retail premises. With the deliveries of Food and drinks premises likely to be less bulky than those associated with a Restricted retail premises such as furniture or homewares. For this reason, it is not expected that loading/unloading associated with this amended proposal will adversely impact the amenity of the area or Shamrock Street.

149. The endorsed acoustic report commits to deliveries to occur between 7am – 10pm Monday to Saturday and 9 am – 10pm Sunday. This commitment has been carried over to the amended acoustic report (prepared by Cundall and dated 15 February 2021) and continues to be acceptable.

Light spill

150. The VCAT decision for this development found that, in considering the approved use of the land for offices, any associated light spill would not be unreasonable given that "*this is a mixed use precinct of Richmond where office and commercial development is encouraged. It is inevitable that there will be additional night lighting in the area. It is not a matter that we consider should lead to refusal of the proposal.*"

151. Regardless, lighting associated with Food and drinks premises is unlikely to adversely affect the nearby residential properties for the following reasons:

    (a) The outdoor areas will not be in use after 6pm.

    (b) Light spill from a restaurant is expected to be consistent with a habitable use, that being ambient or white light, rather than strobe, colourful or fluorescent lighting which may be at odds with a residential interface.

    (c) The Food and drinks premises are buffered from the nearest dwellings by a road. As such, lighting of the Food and drinks premises would be less apparent in the presence of on street lighting and car lights.

Waste management

152. The Waste Management Plan (prepared by Irwin Consultants and dated 9 February 2021) was referred to Council's City Works Branch who considered the report to be satisfactory.

Conclusion

153. Overall it is considered that the proposed Food and drinks premises will support the purpose of the Commercial 2 Zone and will increase employment opportunities in the area. Subject to various conditions aimed at protecting the amenity of nearby residential land, the Food and drinks premises will operate without adversely impacting upon the amenity of the neighbouring residential properties and is therefore supported.

Restricted recreation premises (gym)

154. Policies within the Scheme support uses such a restricted recreation facilities within active inner city areas. Clause 17.01-2 (Out-of-Centre development) of the State Planning Policy Framework gives preference to recreational facilities *"in or on the border of activity centres*" and encourages locations which are highly accessible to their catchment of users. The subject site, which is on the periphery of the Swan Street MAC and near to residential areas achieves this. It is also likely that the gym will cater to the office workers of the approved development currently under construction on the site.

155. The proposed hours of operation are between 5am and 11pm, seven days a week, with a maximum of 60 patrons. Patrons will access the gym via a dedicated reception on Shamrock Street, with access to the main basement level provided internally. The hours of operation are considered to be appropriate and the number of patrons is relatively low, particularly when considering the scale of the office use on the land.

156. The submitted acoustic report (prepared by Cundall and dated 15 February 2021) assesses the use of the gym against the relevant noise limits (discussed previously). SLR consultants are supportive of the use, subject to the soundlock between the basement and street level being provided (as committed to by Cundall in the acoustic report) and a post-commencement review to be conducted to ensure that the gym's sound system is set to appropriate levels. These recommendations will be included on any permit issued.

157. Finally, the Applicant has confirmed (email dated 8 June 2021) that the gym will operate as membership only and will provide for classes that will need to be pre-booked (no walk-ins). This is supported as it will appropriately moderate the frequency of visitors to the site. A Management Plan will be required by condition to any permit issued, to include this commitment as well as any other relevant operational details.

158. Subject to condition, it is considered that the proposed Restricted recreation premises (gym) will serve the local community's needs and responds to the purpose of the Commercial 2 Zone whilst not detrimentally impacting the amenity of nearby residential uses.

Sale and consumption of liquor

159. The assessment will be directed by the policy guidelines of Clause 52.27 (Licensed premises) and Clause 22.09 (Licensed premises – local policy) of the Scheme.

160. The amended application proposes the sale and consumption of liquor on the premises (Restaurant and café licence), to FDP1, FDP2, FDP3 and FDP4, including all associated outdoor areas. The sale and consumption of liquor will occur between the following hours:

    (a) FDP1 and FDP2: 9am to 1am (the following day), seven days a week.

    (b) FDP3 and FDP4: 9am to 11pm, seven days a week (with the outdoor area closing at 10pm).

161. However, for reasons substantiated earlier in this report, FDP3 and FDP4 will operate until 10pm and all outdoor areas will cease at 6pm.

162. With regards to the sale and consumption of liquor on the premises, an assessment will be carried out against the design of the venues, hours of operation, patron numbers and the decision guidelines of Clause 52.27 which require consideration of the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area. The decision guidelines of Clause 22.09 and Clause 52.27 will be considered in turn.

    Venue design

163. Licensed premises should ensure that:

    (a) The layout and design of new licensed premises incorporate safe design principles as detailed in the Design Guidelines for Licensed Venues *(Victorian Commission of Gambling and Liquor Regulation 2017).*

    (b) The entry and exits points of a licensed premise and the areas for queuing of patrons are located away from sensitive land uses.

    (c) Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.

164. The premises are generally consistent with the approved building, with the exception of the internal alterations to FDP1 which amalgamates two tenancies into one. Nevertheless, the premises generally meet the relevant layout and design guidelines for the following reasons:

    (a) The glazing to both Church Street and Shamrock Street provide opportunities for informal and passive surveillance of the street environment which enhances perceptions of safety.

(b) The entry to each premises is clearly distinguishable, with no opportunities for concealment, such as recessed doors and alcoves provided. FPD4, which is located furthest along Shamrock Street has been designed to have the entry face westward to Church Street so that it is highly visible from the main road.

(c) The entries are provided to Church Street, or within a reasonable distance to Church Street (maximum of 70 metres east) providing safe and easy navigation for patrons to public transport, taxis and ride share on Church Street or the nearby Swan Street MAC.

(d) The submitted Patron Capacity report (prepared by Mckenzie group and dated 17 December 2020) commits to unisex and ambulant bathrooms provided to each premises and a condition will require that these provisions be shown in the floorplan.

165. In addition to the above, a condition is recommended to be included on any permit issued requiring a sign be erected at the exit of the venue to advise patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

Hours of operation

166. Clause 22.09 (Licensed premises policy) provides the following guidelines, relevant to the proposal:

(a) Licensed Premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.

(b) Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.

(c) For outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.

(d) Licensed premises in a Mixed Use Zone should provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.

167. The proposed hours of the sale and consumption of liquor are consistent with the relevant local policy guidelines, however, the operating hours of FDP3 and FDP4 will be reduced to 10pm on every night with the associated outdoors areas closing at 6pm.

168. Although local guidelines consider this type of setting (ie premises within a commercial zone but within 30 metres of a residential zone) Council Officers determined that this particular site context, where the FDP3 and FDP4 are within 10 metres of residential properties, is more consistent with a mixed-use area. As such, the relevant local guideline recommends that the sale and consumption of liquor should cease at 10pm, consistent with the operating hours substantiated previously in this report.

169. FDP1 and FDP2 are located further than 30 metres from the residential zone across Shamrock Street and thus, comply with the relevant policy that prescribes that the sale and consumption of liquor does not go beyond 1am. Council's Community Amenity Branch and Social Planning Unit did not object to the proposed hours of the sale and consumption of liquor on these grounds.

170. In summary, a condition will be included on any permit issued requiring that the sale and consumption of liquor occur as follows:

(a) between 9am to 1am (the following day), every day of the week, for FDP1 and FDP2;

(b) between 9am to 10pm, everyday of the week, for FDP3 and FDP4; and

(c) between 7am to 6pm, every day of the week, for the outdoor dining areas.

Patron numbers

171. The following maximum patron capacities are proposed:

(a) FDP1 with 100 patrons;

(b) FDP2 with 200 patrons;

(c) FDP3 with 130 patrons (with 55 patrons outdoors);

(d) FDP4 with 80 patrons (with 33 patrons outdoors).

172. No objection was raised by Council's Social Planning Unit or Community Amenity Branch with regard to the proposed patrons. Moreover, as discussed, a patron capacity report was submitted with the application to demonstrate that the capacities are appropriate for each premises.

173. The patrons capacities are also consistent with the directions provided at Clause 22.09-3 which directs for larger venues, with capacities greater than 200 patrons, to be provided in Core Entertainment Precincts. None the proposed premises provide for more than 200 patrons.

174. For these reasons, the number of patrons to each premises is supported and will form a condition on any permit issued.

Noise

175. Noise has been substantially discussed in association with the use, with conditions included to mitigate any adverse amenity impacts. The nature of the sale and consumption of liquor, in association with the use of the site for Food and drinks premises, means that the two are ultimately linked. All conditions relating to the use with regards to compliance with noise limits, SEPP N-1 and SEPP N-2, from both music and patrons, will apply to the use and the sale and consumption of liquor.

Noise and Amenity Action Plan (NAAP)

176. The policy at Clause 22.09 stipulates that a NAAP is not required for a restaurant and as such was not provided with this amendment application. Food and drinks premises, such as restaurants and cafes, are less likely to result in adverse amenity impacts from alcohol consumption than other licenced venues such as bars or nightclubs. Litter and anti-social behaviour on the street is unlikely given the sit-down dining focus of a Food and drinks premises. Moreover, all outdoor areas have been conditioned to close at 6pm in this instance limiting opportunities for this to occur. Similarly, queuing of patrons is rarely associated with Food and drinks premises given the tendency of patrons to pre-book sittings for busier venues.

177. Nevertheless, given four separate premises are proposed on the site, it is appropriate for a NAAP to be required by a condition to any permit issued. A NAAP should be provided for each individual premises and should include (but not be limited to) the following:

(a) The venues complaint procedure.

(b) Waste collection and management within the premises.

(c) Management of any outdoor area.

(d) Confirmation of the permitted operating hours, patron capacity and any other relevant conditions included in the permit.

(e) Booking procedures and management of the ingress and egress of patrons, including directing patrons to public transport opportunities or assisting the bookings of taxis (etc).

178. A condition is recommended to be included on any permit issued requiring that the operation of the business is carried out in strict adherence to the NAAP.

Cumulative Impact

179. The subject site is located within a 'cluster' of licenced premises, as there are three or more (including the proposed premises) within a radius of 100 metres of the subject site. The "Corner Hotel" decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & ORs*) provides a potential assessment methodology for considering applications that may result in a cumulative impact. The decision also acknowledges that depending on the nature of the use, the required level of assessment will vary.

180. Applying the matrix of risk below, a reasonable consideration would suggest that a score of 1-3 would be no risk, but that a score higher than 3 would be a potential risk and require a cumulative impact assessment.

Type of Premise	**Risk Factor**
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2
Size of Premise	**Risk Factor**
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	3
Closing hours	**Risk factor**
11pm	0
12am	1
1am	2
2am	3
3am	3
After 3am	4

181. In this instance FDP3 and FDP4, which close at 10pm, achieves a maximum score of 2, and therefore are not considered to be a risk. However, FDP1 and FDP2 achieve a score of 4 and therefore are considered to be a risk and to require a cumulative impact assessment.

182. In the absence of any benchmarks within the Scheme to measure cumulative impact, Council relies on the assessment methodology for cumulative impact in the VCAT decision *Swancom Pty Ltd v Yarra CC* (Red Dot) [2009] VCAT 923 as an appropriate methodology for the assessment of this proposal.

183. The assessment methodology has three key considerations:

    (a) What is the density of licenced premises in the area?

    (b) What is the mix and type of licenced premises in the area?

    (c) What are the existing amenity levels of the area?

184. To undertake such an assessment, the relevant area must first be defined:

    (a) What is the specific precinct or area within the licensed premises is located? Is the area a dedicated entertainment precinct?

    (b) What is the extent of the nearby or surrounding area within which the amenity impacts should be considered, have regard to the pattern of settlement and development (existing and proposed) and the extent of any sensitive uses?

185. A number of these factors such as policy context and land mix of the surrounding area have been discussed previously within this report, with anticipated amenity impacts also considered in detail. An assessment including the mix of licensed premises and potential impact mitigation will need to be undertaken.

The mix of licensed premises

186. In order to provide a comprehensive assessment of the potential cumulative impact of the venue, Council undertook a survey of licenced premises within a 250 metre radius of the subject site, generally bound by Swan Street to north, Barkley Gardens to the east, the railway line to the west and Balmain Street to the south. This will generally exclude premises located in the Core Entertainment Precinct to the north-west on Swan Street. Venues which cease trading prior to 11pm have been specifically excluded from the table below, as it is considered these venues contribute minimal risk to the cumulative impact for the sale of liquor in the surrounding area. Further, these types of venues are typically focused on food and drinks as opposed to 'vertical drinking'.

Business name	Address	License Type	(Maximum) closing time	Patron capacity
Swan Hotel	Corner of Swan and Church Street	Late night (General)	3am	400 patrons
Jimmy Grants	427 – 429 Church Street	Restaurant and café licence	11pm	100 patrons
Public House	433 – 435 Church Street	Late night (General)	2am	450 patrons
Harlow Hotel	447 Church Street	Late night (General)	3am	540 patrons
Royal Saxon Hotel	545 Church Street	General licence	1am	385 patrons
Maeve Fox	438 Church Street	On-premises licence	3am	300 patrons
Thai Style restaurant	455 Church Street	Restaurant and café licence	11pm	Unknown
Sabai	460 Church Street	Restaurant and café licence	11pm	97 patrons
Thai Ayothaya	468 Church Street	Restaurant and café licence	11pm	60 patrons

187. With regard to the above results, there are five large-scale premises (with over 200 patrons) within the defined radius of the subject site, two of which are located across the train line and on the border to the Core Entertainment Precinct on Swan Street.

Transport and dispersal

188. The practice note requests consideration of the dispersal routes of patrons from the premises in order to assess potential impacts on the amenity of the surrounding area, noting that how patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area.

189. Of the nine licensed premises outlined in the table above, only one is located to the south of the site (The Royal Saxon) and none are located to the east. This ensures that the movement of patrons will likely be northward, along Church Street towards Swan Street and not into the sensitive residential area to the east. In addition, the dispersal of patrons from the venue is likely to be staggered due to the dining focus of the premises, as opposed to bars or function centres where patrons may delay leaving until closing time.

190. Given the locality of the premises (and involving the consumption of liquor), it can be expected that the primary modes of dispersal would be by walking, public transport and taxi. Whilst some car travel from the venue could be expected, it is unlikely to be the main mode of transport for patrons given the inner-city location and the limited availability of non-permit or ticketed parking in the area.

191. As there is only one main entry/exit for patrons from the venues on Church Street, people are likely to disperse along the main thoroughfare to access public transport and taxis or other licensed venues within the area. There is no need for patrons to pass through the quieter streets to the east in order to access these services.

192. Based on the location of the subject site on the periphery of a major activity centre and Core Entertainment Precinct, the nature of the venue and the likely dispersal routes to be used, it is not considered that the sale and consumption of liquor in association with the proposed FDP1 and FDP2 will create unreasonable additional impacts within the surrounding area.

Impact mitigation

193. To ensure a venue is managed appropriately, Council's local policy at Clause 22.09 requires the submission of a NAAP which outlines management procedures aimed at ensuring good patron management. The NAAP has been discussed earlier within this assessment and will be required by a condition to any permit issued.

194. The consumption of liquor will only occur in association with the primary use of the site for food and dining experiences and will not act independently as a bar (ensured by various conditions to be included on any permit issued). Thus, it is unlikely to result in excessive drinking or anti-social behaviour.

195. In addition to these measures, Council's Local Law No.8 prohibits the consumption of liquor in public places and Council's Community Amenity Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner.

Buildings and works

196. The minor works to the approved building relates to internal alterations to create the Restricted recreation premises (gym), construction of a doorway at ground level to reception of the gym, and internal alterations to FDP1. The largest built form amendment relates to reduction of western void over the ground floor lobby, resulting from the widening of the first-floor link from 4.7 metres to 16.4 metres wide.

197. These works are considered minor in relation to overall scale of the approved buildings and are considered to meet the relevant Decision guidelines within the C2Z at and the Design and Development Overlay at Clause 43.02-6, for the following reasons:

    (a) The appearance of the building to the both streetscapes will remain mostly unchanged and will continue to activate the relevant street and provide for a high level of accessibility. The only change perceptible for the street will be the introduction of an entry door associated with the gym, in lieu of glazing associated with the retail premises.

    (b) The minor amendments will not adversely impact the amenity of the nearby residential properties to the north with regards to overshadowing, overlooking or visual bulk given the built form changes are generally consistent with what is approved.

    (c) The internal alterations to FDP1 will improve the functionality of the premises for its intended use and will not impact the overall developments amenity or functionality.

    (d) The amendment to the internal foyer relating to the increase in the width of the first floor 'link' which connects commercial office areas at first floor is supported for the following reasons:

        (i) Located internally to the site, the increase to the width of the link will have no impact on off-site amenity impacts.

(ii) Although narrowing the void over the ground floor lobby it will not have an adverse impact on the amenity (with regards to daylight access) or functionality of this area given that the lobby is entirely enclosed from above by level 2.

198. It is noted that, although clearly outlined in the submitted ground floorplan, an amended first-floor plan should be required by a condition to any permit issued to show the increased width of the link.

Car parking and bicycle facilities

199. As discussed, the amended proposal requires a further reduction of 25 car parking spaces, resulting from the change of use from Restricted retail premises to Food and drinks premises and from the nine (9) spaces lost in the creation of the Restricted recreation premises (gym). Further, the restricted recreation component is not prescribed a car parking rate at clause 52.06 of the Scheme and on-site car parking provision is therefore required to be provided to the satisfaction of the Responsible Authority and will be assessed against clause 52.06-9 of the Scheme.

Parking availability/demand

200. The amended proposal will provide eight (8) spaces to the Food and drinks premises, 152 spaces to the office and no spaces to the Restricted recreation premises (gym). This would result in the office being provided an onsite parking rate of 0.88 spaces per 100sqm, the Food and drinks premises being provided a rate of 0.66 spaces per 100sqm and no provision for the gym.

201. In the VCAT decision for the original application, it was considered by the member that a rate of 0.8 spaces to every 100sqm was appropriate for an office use. The amended proposal is similar, if not marginally higher, and therefore continues to be supported.

202. With regard to the Restricted recreation premise (gym), no on-site parking is allocated to this use. Various Restricted recreation facilities in the municipality (including pilates studios, gymnasiums, dance schools etc) have been approved with either no on-site parking or with one or two on-site spaces. The table below provides some recently approved recreation facilities in Yarra:

Development Site	Approved Parking
Cremorne	
Yoga Studio 94 Cubitt Street PLN15/0019 issued 4 May 2016	2 on-site spaces (32 patrons)
Abbotsford	
Gymnasium (24 hour) 563 Victoria Street PLN16/0948 issued 3 February 2017	No on-site car parking (40 patrons)
Yoga Studio 96 Nicholson Street PLN14/1065 issued 27 July 2015	No on-site car parking (12 patrons)
Fitzroy	
Gymnasium (24 hour) 224 Brunswick Street PLN14/0892 issued 14 January 2015	No on-site car parking (40 atrons)

203. The proposed Restricted recreation premises is generally consistent with the number of patrons permitted in these approvals. Council's Engineering Services Unit supported the provision of no on-site car parking spaces for this use acknowledging that it would attract patrons from nearby businesses and local residents. The nature of gyms is to service local residents/employees needs and does not typically draw patrons from further afield given the prevalence of restricted recreation opportunities throughout the municipality.

204. With regards to the Food and drinks premises, eight (8) car parking spaces have been allocated to the staff associated with these uses. Council's Engineering Services Unit consider this provision appropriate, however, 13 spaces were provided to the retail uses on site in the original application and Council Officers consider that the provision should not be notably reduced from these levels. There is a lack of long-stay on-street parking in the immediate area and given that FDP1 and FDP2 will operate until 1am staff should be reasonably catered for. In light of this concern, the Applicant has committed to ten (10) spaces being allocated Food and drinks premises staff, therefore reducing the allocation of spaces to the office use to 150. This is considered to be appropriate given the consistent view taken by the VCAT that offices be provided with less car parking to encourage workers to utilise the public and sustainable transport options available to them *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC [2017]* VCAT 753 and *Ronge v Moreland CC [2017]* VCAT 550). In light of the above, the provision of ten (10) spaces for staff of the Food and drinks premises will be required by condition to any permit issued.

205. More generally, the further reduction to the office car parking provision is considered acceptable for the following reasons:

    (a) The site has excellent access to the public transport network, bicycle and walking routes and the proposal exceeds to provision of bicycle spaces by 111.

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

    (c) There is limited on-street parking in the area, with restrictive controls (short stay parking and permit zones) acting as a disincentive for visitor or employees to travel to site by car. Employee or visitor parking permits will not be issued for the development.

    (d) A Green Travel Plan has been endorsed for the site, encouraging (through management practices and procedures) the use of public transport and cycling as a means of transport for employees and visitors.

    (e) Lower provisions of on-site car parking positively correlates with less local traffic and congestion given staff and visitors are discouraged to drive to the site.

    (f) The reduction aligns with the objectives contained in Council's *Strategic Transport Statement* (2006) which includes the following:

        (i) *Yarra's Council Plan, its Municipal Strategic Statement and Municipal Public Health Plan all strongly reinforce the need to reduce car dependence in the City of Yarra by promoting walking, cycling and public transport use as viable and preferable alternatives. This is also a key message of the State Government's plan for Metropolitan Melbourne - Melbourne 2030.*
        (ii) *To improve our community's way of life, we must increase the range of personal transport options. The more sustainable transport choices people make, the better the environment will be for everyone's health and well-being. Sustainable transport, by definition, puts the emphasis on walking, cycling and public transport.*

206. In light of the above, the reduction sought is considered appropriate, having regard to the site's accessibility to public transport services and sustainable transport opportunities and the needs of the proposed uses.

Vehicle access and layout

207. To allow for the proposed gym, the car parking arrangement in basement level 1 is proposed to be altered. The revised car parking was referred to Council's Engineering Services Unit who raised no concerns to the proposal.

Bicycle parking and facilities

208. As discussed, the proposal exceeds the bicycle parking provisions of Clause 52.34 by 111 spaces. End-of-trip facilities also continue to be provided within an appropriate and accessible proximity to the bicycle spaces.

209. Given the bicycle spaces and associated facilities are an approved condition that are not proposed to be amended, Council Officers are generally supportive of this aspect of the proposal. However, the existing spaces and facilities are located in the lobby/foyer to the office area and do not appear to be readily accessible to visitors associated with the Restricted recreation premises and Food and drinks premises. The Applicant has confirmed that four (4) bicycle spaces can be provided in more accessible locations in the site for visitors to these uses and as such this will be required by a condition to any permit issued.

Objector concerns

Adverse amenity impacts associated with the sale and consumption of liquor (litter, anti-social behaviour, safety, cumulative impact, smokers, queuing of patrons)

210. These concerns have been discussed in paragraphs 159 - 195 of this report. Various conditions have been included, regarding operating hours, hours of sale and consumption of liquor, amenity action plans and noise limits, ensuring an appropriate degree of amenity is achieved for nearby residential areas.

Car parking (demand, provision and availability)

211. This concern has been discussed in paragraphs 199 - 209 and 59 – 66 of this report. The provision of car parking is considered to meet the relevant policy of the Yarra Scheme and to address the broader objectives of Plan Melbourne 2020.

Traffic (congestion and road safety)

212. Given that the number of spaces provided on-site is lower than currently approved, it is not expected that the amendment will increase traffic in the area. The vehicle access of the site from Shamrock Street is an approved condition and there is nothing to suggest that the amendment would adversely impact the safety of abutting roads.

Noise from use (Food and Drinks premises, outdoor seating areas, patron movement/dispersal)

213. These concerns are discussed at paragraphs 128 - 146 of this report. Various conditions have been included regarding operating hours, provision of speakers externally, access points and hours of outdoor areas, ensuring an appropriate degree of amenity is achieved for nearby residential areas.

Commercial activities disruptive to residential area (setup and pack up, deliveries, rubbish removal)

214. As discussed at paragraphs 147 – 158 of this report, the land is zoned commercial and as, activities of a commercial nature are to be expected and encouraged in these locations. Nevertheless, as substantiated throughout the report, it is not expected that the proposed amendments relating to the commercial uses will unreasonably impact nearby neighbours.

Lack of detail in plans (internal layout of restaurants, location of flues)

215. This has been discussed at paragraphs 163 – 165 and 196 - 198 of this report and the information has been requested by a condition to any permit issued. Nevertheless, Council Officers were able to carry out an accurate assessment with the submitted plans and reports.

Light spill

216. This matter was discussed at paragraphs 150 – 151 of this report and was considered to be reasonable within the context and commercial zoning.

Obstruct pedestrian movements along Shamrock Street

217. The provision of outdoor dining within the front setback of the building is not out-of-keeping with the traditional footpath seating throughout the municipality. The dining area continues to allow for adequate movement along the southern side of Shamrock Street.

Other matters

218. If an amended were to issue the following is noted:

(a) The permit preamble would be amended from:

In accordance with the endorsed plans:

the use of the land for 'childcare centre' under clauses 32.08 and 34.02;

the construction of a building or the construction or carrying out of works associated with a section 2 use under clause 32.08;

the construction of a building or construction or carrying out of works under clause 34.02 and 43.02;

alteration of access and building and works to a Road Zone Category 1 Road under clause 52.29; and

the reduction in the number of car parking spaces under clause 52.06-3,

and subject to the following conditions.

To

In accordance with the endorsed plans:

the use of the land for 'childcare centre' under clauses 32.08 and 34.02;

the use of the land for Food and drinks premises (Restaurant and café) and Restricted recreation premises (gym) under clause 34.02;

the sale and consumption of liquor on the premises (restaurant and café licence);

the construction of a building or the construction or carrying out of works associated with a section 2 use under clause 32.08;

the construction of a building or construction or carrying out of works under clause 34.02 and 43.02;

alteration of access and building and works to a Road Zone Category 1 Road under clause 52.29; and

the reduction in the number of car parking spaces under clause 52.06-3,

and subject to the following conditions.

219. Conditions 1(d) to 1(h) would be included.

220. Conditions 29 (Waste management plan), 39 – 41 (Acoustic reports) and 76 (permit expiry) would be amended.

221. Conditions 8 – 16 (relating to Food and drinks premises), 17 – 21 (sale and consumption of liquor), 22 – 26 (restricted recreation premises), 75 (Development contribution levy) would be included and the remaining conditions renumbered accordingly.

Conclusion

222. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval, subject to the above condition beings being amended/included on any amended permit issued.

RECOMMENDATION

That having considered all objectives and relevant planning policies, the Committee resolve to issue a Notice of Decision to Amend a Planning Permit PLN18/0328 at No. 459 – 471 Church Street and 20 – 26 Brighton Street Richmond with the following changes:

The permit preamble to read:

In accordance with the endorsed plans:

the use of the land for 'childcare centre' under clauses 32.08 and 34.02;

the use of the land for Food and drinks premises (Restaurant and café) and Restricted recreation premises (gym) under clause 34.02;

the sale and consumption of liquor on the premises (restaurant and café licence);

the construction of a building or the construction or carrying out of works associated with a section 2 use under clause 32.08;

the construction of a building or construction or carrying out of works under clause 34.02 and 43.02;

alteration of access and building and works to a Road Zone Category 1 Road under clause 52.29; and

the reduction in the number of car parking spaces under clause 52.06-3,

and subject to the following conditions.

Conditions amended as follows (**amended and new conditions in bold**):

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. **Building C must be generally in accordance with the architectural plans prepared by Architectus, drawing nos. DA1003, DA1004, DA1007, DA2003, DA2001A, DA2002, DA1006 and the External Finishes Schedule (dated 18 December 2020), and Buildings A and B must be generally in accordance with the architectural plans prepared by Architectus, drawing Nos. DA1002 and DA1003 (dated 25 January 2021) but modified to show**:

   (a) retention of the entirety of the existing boundary wall to 28 Brighton Street and its height shown correctly.

   (b) the screen on the boundary to No. 28 Brighton Street deleted.

   (c) any requirement of the endorsed Acoustic Report under condition 22 (where relevant to show on plans).

   (d) The internal layout of the Food and drinks premises, including bathroom facilities in accordance with the Patron Capacity Report (prepared by McKenzie Group and dated 17 December 2020) and indicative seating for at least 75% of the patrons.

(e) The sound lock in the Restricted recreation premise (gym) as committed to in the Acoustic Report (prepared by Cundall and dated 15 February 2021).

(f) The increased width of the first floor 'link' on DA1004.

(g) Ten (10) car parking spaces allocated to the staff of the Food and drinks premises, with the remainder allocated to the office uses.

(h) Four (4) bicycle spaces provided in accessible locations for visitors of the Food and drinks premises and Restricted recreation premises.

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

3. As part of the ongoing consultant team, Architectus or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

   (a) oversee the design and construction of the development; and

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

Childcare Centre Use

4. Except with the prior written consent of the Responsible Authority, the childcare centre use authorised by this permit may only operate between the hours of 7am and 7pm, Monday to Friday.

5. Except with the prior written consent of the Responsible Authority, no more than 22 staff are permitted on the land at any one time.

6. Except with the prior written consent of the Responsible Authority, no more than 104 children are permitted on the land at any one time.

7. Before the child care use commences, a Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Management Plan will be endorsed and will form part of this permit. The Management Plan must include (or show, or address):

   (a) General programs/schedules for outdoor play, accounting for discrepancies in season, which should be made publicly available for parents and neighbours.

   (b) A contact phone number for the centre's management should be made available to neighbours to facilitate communication and resolve concerns.

   (c) The number of children playing outside be limited to the numbers outlined in the acoustic report.

   (d) Noise minimisation methods to be undertaken by staff, such as comforting crying children and taking them indoors.

   (e) Details of staff training.

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

Food and drinks premises Use

8. No more than 100 patrons are permitted in Food and drinks premises 1 (FDP1) at any one time.

9. No more than 200 patrons are permitted in Food and drinks premises 2 (FDP2) at any one time.

10. No more than 130 patrons are permitted internally for Food and drinks premises 3 (FDP3) at any one time. No more than 40 patrons are permitted in the associated outdoor dining area in the ground floor courtyard and no more than 15 patrons are permitted in the associated outdoor dining area within the front setback of Shamrock Street.

11. No more than 80 patrons are permitted internally for Food and drinks premises 4 (FDP4) at any one time. No more than 33 patrons are permitted in the associated outdoor dining area in the ground floor courtyard.

12. Except with the prior written consent of the Responsible Authority, the Food and drinks premises authorised by this permit may only operate as follows:

(a) FDP1 and FDP2 between 6am and 1am (the following day), seven days a week
(b) FDP3 and FDP4 between 6am and 10pm, seven days a week.
(c) The outdoor dining areas associated with FDP3 and FDP4 between 7am and 6pm, seven days a week.

13. The northern windows and doorways associated with the outdoor dining areas of FDP3 and FDP4 to remain closed at 6pm on every day.

14. Patron ingress/egress to FDP3 to be provided only from the entry to the central lobby after 8pm on any evening.

15. Speakers external to the building must not be erected or used.

16. The predominant activity in the restaurants, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.

<u>Sale and consumption of liquor</u>

17. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor (on the premises) authorised by this permit may only operate as follows:

(a) FDP1 and FDP2 between 9am and 1am (the following day), seven days a week
(b) FDP3 and FDP4 between 9am and 10pm, seven days a week.
(c) The outdoor dining areas associated with FDP3 and FDP4 between 9am and 6pm, seven days a week.

18. Before the sale and consumption of liquor commences, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit. The Noise and Amenity Action Plan must include, but not be limited to, those matters outlined at Clause 22.09-4.3 of the Yarra Planning Scheme and the following:

(a) The venues complaint procedure.

(b) Waste collection and management within the premises.

(c) Management of any outdoor areas.

(d) Confirmation of the permitted operating hours, patron capacity and any other relevant conditions included in the permit.

(e) Booking procedures and management of the ingress and egress of patrons, including directing patrons to public transport opportunities or assisting the bookings of taxis (etc).

19. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

20. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.

21. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

Restricted recreation premises

22. No more than 60 patrons are permitted on the land at any one time in association with the Restricted recreation premises (gym).

23. No more than four (4) staff are permitted on the land associated with the Restricted recreation premises at any one time.

24. Except with the prior written consent of the Responsible Authority, the Restricted recreation use authorised by this permit may only operate between the hours of 5am to 11pm, seven days a week.

25. Before the Restricted recreation use commences, a Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Management Plan will be endorsed and will form part of this permit. The Management Plan must include, but not be limited to, the following:

(a) Class types, frequency of classes and maximum attendance in classes.

(b) Details of membership and booking procedures.

(c) Reception procedures and management of patrons in the morning and evening.

(d) Waste collection and management within the premises.

Sustainable Management Plan

26. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Cundall in April 2018 and the provisions of the evidence statement of Mr Talacko of Ark Resources dated 4 March 2019, but modified to include or show:

(a) a 5 Star Green Star Design and As Built rating generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);

(b) a 5 Star NABERS Energy rating generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);

(c) compliance with the Urban Stormwater Best Practice Environmental Management Guidelines generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);

(d) more information on the expected daylight performance of the buildings and ensure that 30% of floor area can reach a minimum 2% df standard, and provide a suitable VLT for each area to assist achieve this standard generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);

(e) a completed JV3 energy modelling report, or equivalent, demonstrating the 6 points or 30% improvement in NCC requirements;

(f) include all MUSIC model inputs and outputs including catchment area, storage locations and volume and location and number of toilet connections to ensure that best practice in WSUD can be met;

(g) ensure the WMP has sufficient spaces allocated to recycling and all waste streams. Ensure recycling is just as convenient at general garbage;

(h) the provision of a composting system or provision of an organic waste collection service; and

(i) the provision of any electric vehicle charging facilities.

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

SMP Implementation Report

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

Waste Management Plan

29. The provisions, recommendations and requirements of the endorsed Waste Management Plan (prepared by Irwin Consultants and dated 9 February 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.

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

Landscape Plan

31. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by MALA Studio prepared on 28 February 2019, but modified to include (or show, or address):

(a) a detailed planting plan indicating the location and quantity of the species proposed;

(b) confirm mulch used on the higher levels is a wind tolerant material;

(c) further details on the raised planter beds such as information on drainage, waterproofing, irrigation and mulch;

(d) details on the custom furniture proposed;

(e) deletion of Pennisetum clandestinum on Plant Mix C and replacement with a suitable alternative species;

(f) additional details regarding the mounded planter beds such as maintenance and how to ensure there is no mulch run off from the slope of the garden bed to the adjacent paving areas;

(g) additional details regarding the relationship between the Jacarada mimosifolia, associated garden bed and decking in the courtyard including the provision of a section;

(h) additional details regarding the landscape feature proposed at the corner of Church and Shamrock Streets;

(i) deletion of where the internal paving from the courtyard is shown encroaching into the public realm and replace the public realm paving with an asphalt treatment;

(j) that the 300mm bluestone kerb is maintained (provide a section through that treatment);

(k) street tree cut outs as being 1m depth x1.5m width and sitting directly behind the bluestone pitcher;

(l) confirmation that there is sufficient circulation space around the eastern most proposed street tree and the building, with the minimum path of travel and deletion of any obstructions.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by:

(a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

(b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

(c) replacing any dead, diseased, dying or damaged plants.

Tree Management Plan

33. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the Manchurian Pear trees located on the adjacent property at 28 Brighton Street:

(a) pre-construction;

(b) during construction; and

(c) post construction

(d) the provision of any barriers;

(e) any pruning necessary; and

(f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Street Trees

35. Before the development commences, the permit holder must provide an Asset Protection Bond of $10,000 (ex GST) for the three (3) trees in Church Street adjacent the frontage of the development and one (1) tree opposite 22 Brighton Street to the Responsible Authority. The security bond:

(a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;

(b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and

(c) in accordance with the requirements of this permit; or

(d) otherwise to the satisfaction of the Responsible Authority.

36. Before the development commences, the permit holder must make a one off contribution of $17,633.25 to the Responsible Authority to be used for:

(a) the cost of supply, planting and establishment maintenance four trees (one in Church St and three in Brighton St).

Wind

37. Before the development commences an updated wind assessment must be submitted and approved by the responsible authority.

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

Acoustic report

39. Before the uses commence as permitted in the amended permit, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Endorsed Acoustic Report and updated to include the commitments relating to the Food and drinks premises and Restricted recreation premises in the acoustic report prepared by Cundall and dated 15 February 2021, but further modified to include (or show, or address):

(a) the screen on the boundary to No. 28 Brighton Street deleted;

(b) confirmation that any acoustic fencing, screening and boundary walls may be constructed of any suitable cladding material so long as it has a mass of at least 10kg/m²;

(c) The northern elevation of the first floor balcony to be enclosed fully (either by a solid barrier, or by providing glass between the top of the barrier and the second floor soffit above), and the entire ceiling of the first floor balcony area is to be provided with an acoustically absorptive finish with a minimum acoustic absorption performance of NRC 0.8;

(d) confirmation that acoustic fencing and screening will have no gaps or holes in it, or the likelihood of such occurring through natural causes, landscaping or deformations, thus allowing noise to easily pass through.

(e) The maximum number of children permitted in the child-care centre in accordance with Condition 6.

(f) The hours of operation for the Food and drinks premises in accordance with Conditions 12.

(g) The evening noise limits for music and patron noise recalculated using the average of the background noise levels measured in the evening period.

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

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

(a) Confirm the recommendations of the endorsed acoustic report required as part of **Condition 39** have been implemented;

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

(c) If non-compliance with **Condition 39(g)** is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.

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

Transport for Victoria Conditions

43. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty five days (35) prior.

44. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

VicRoads Conditions

45. Before the use approved by this permit commences the following roadworks on Church Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:

    (a) The provision of Keep Clear line-marking at the intersection of Church Street and Shamrock Street, Richmond.

46. Prior to the commencement of the development, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implement prior, during and following excavation to prevent any impact on the Burnley Tunnel is to be submitted to VicRoads and CityLink for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:

    (a) That the development will not compromise the structural integrity of the Burnley Tunnel;

    (b) What is the load applied to the ground by the development;

    (c) What is the depth of the excavation;

    (d) That the development will not cause changes to groundwater conditions that will result in adverse effect on the Burnley Tunnel.

    (e) Any holding points requiring VicRoads and CityLink inspection and approval prior to releasing the hold points.

47. Prior to the commencement of and during the course of construction the following details must be submitted to the satisfaction of VicRoads and CityLink for approval:

    (a) Initial groundwater level;

    (b) Expected and confirmation of actual flows and total volume drained during the construction of the basement;

    (c) if the completed basement is tanked or drained;

    (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water-table.

    (e) Temporary or permanent groundwater drawdown greater than 2 metres below existing levels requires the developer to demonstrate the impact of the proposed development on the regional groundwater regime. The developer shall describe how groundwater drawdown will be managed, and demonstrate that there will be an insignificant impact on CityLink assets.

Road Infrastructure

48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

    (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required); and

(b) to the satisfaction of the Responsible Authority.

49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works, including trenching and excavation for utility service connections must be reconstructed and re-sheeted as single full width areas (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):

    (a) at no cost to the Responsible Authority; and

    (b) to the satisfaction of the Responsible Authority.

50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the subject site's Brighton Street, Shamrock Street and Church Street road frontages must be reconstructed:

    (a) with the footpath having a cross-fall of 1 in 40 or unless otherwise specified by Council;

    (b) at no cost to the Responsible Authority; and

    (c) to the satisfaction of the Responsible Authority.

51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicular crossing on the west side of Brighton Street and the new vehicle crossing on the properties Shamrock Street road frontage must be constructed:

    (a) to satisfy the vehicle ground clearance requirements for the B99 design vehicle;

    (b) at no cost to the Responsible Authority; and

    (c) to the satisfaction of the Responsible Authority.

Streetscape Improvement Plan

52. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development's Shamrock Street frontage (inclusive of the widening of Shamrock Street) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

53. Before the building is occupied, all works associated with the Streetscape Improvement plan as shown on the endorsed plans and Streetscapes Improvement plan (referred to in **Condition 52**) must be fully constructed and completed, at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.

Drainage

54. Before the development commences, an amended Drainage Investigation report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Drainage Investigation will be endorsed and will form part of this permit. The amended Drainage Investigation must be generally in accordance with the Drainage Investigation prepared by Northrop Pty Ltd prepared on 31 January 2019, but modified to include (or show, or address):

    (a) a plan showing the location of the pits referenced in the CCTV report prepared by Rapid Cam dated 2 November 2018;

    (b) the use of a back-up system such as a flood gate at the driveway or an internal pump system which discharges to Church Street through the property stormwater; and

(c) an updated flood risk assessment using a 200mm diameter pipe to determine if this will affect the flood level results.

Widened section of Shamrock Street

55. Within 6 months of the commencement of development, the design of the widened section of Shamrock Street must be prepared by an independent and suitably qualified engineering professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the widening of Shamrock Street must provide details including pavement ..widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the Responsible Authority.

56. Before the building is occupied, all works associated with the widening of Shamrock Street (referred to in **Condition 55)** must be carried out, at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.

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

    (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened section of Shamrock Street between Church Street and the eastern boundary of the development's Shamrock Street frontage;

    (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in **condition 57(a)** at the cost of the owners of the site and to the satisfaction of the Yarra City Council;

    (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in **condition 57(a).**

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

Car parking

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

    (a) the management of any visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;

    (b) details of way-finding, cleaning and security of end of trip bicycle facilities;

    (c) the number and allocation of storage spaces;

    (d) any policing arrangements and formal agreements;

(e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;

(f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by **Condition 29**; and

(g) details regarding the management of loading and unloading of goods and materials.

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

61. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

(a) constructed and available for use in accordance with the endorsed plans;

(b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;

(c) treated with an all-weather seal or some other durable surface; and

(d) line-marked or provided with some adequate means of showing the car parking spaces,

all to the satisfaction of the Responsible Authority.

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

Green Travel Plan

63. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering prepared on 2 July 2018, but modified to include (or show, or address):

(a) deletion of any language such as ‘could be introduced’ and instead of ‘should’ or otherwise committing to a particular action;

(b) the Action Plan at Appendix A to references to all actions included in the report, including any carpooling actions;

(c) the promotion of various public transport smartphone apps such as the Public Transport Victoria app and/or train or tram tracker;

(d) a description of the location in the context of alternative modes of transport;

(e) employee welcome packs (e.g. provision of Myki/transport ticketing);

(f) the provision of real time passenger information displays for nearby stops within each lobby;

(g) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;

(h) a designated 'manager' or 'champion' responsible for coordination and implementation;

(i) details of bicycle parking and bicycle routes;

(j) details of GTP funding and management responsibilities;

(k) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);

(l) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;

(m) security arrangements to access the employee bicycle storage spaces;

(n) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;

(o) reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and

(p) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Lighting

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

(a) located;

(b) directed;

(c) shielded; and

(d) of limited intensity,

all to the satisfaction of the Responsible Authority.

General

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

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

(a) the transport of materials, goods or commodities to or from land;

(b) the appearance of any buildings, works or materials;

(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or

(d) the presence of vermin.

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

69. 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.

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

71. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

72. 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 9am or after 3pm; or

    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

73. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

    (b) works necessary to protect road and other infrastructure;

    (c) remediation of any damage to road and other infrastructure;

    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

    (e) facilities for vehicle washing, which must be located on the land;

    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

    (g) site security;

    (h) management of any environmental hazards including, but not limited to,:

        (i) contaminated soil;

        (ii) materials and waste;

        (iii) dust;

        (iv) stormwater contamination from run-off and wash-waters;

        (v) sediment from the land on roads;

        (vi) washing of concrete trucks and other vehicles and machinery; and

        (vii) spillage from refuelling cranes and other vehicles and machinery;

    (i) the construction program;

(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

(k) parking facilities for construction workers;

(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

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

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

(i) using lower noise work practice and equipment;

(ii) the suitability of the land for the use of an electric crane;

(iii) silencing all mechanical plant by the best practical means using current technology;

(iv) fitting pneumatic tools with an effective silencer;

(v) other relevant considerations; and

(vi) any site-specific requirements.

74. During the construction:

(a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

(b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

(c) vehicle borne material must not accumulate on the roads abutting the land;

(d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

(e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Development Contributions levy

75. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Time expiry

76. This permit will expire if:

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

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

    (c) the child care use has not commenced within five years of the date of this permit;

    (d) the food and drinks premises and restricted recreation uses have not commenced within two years of the date this permit was amended;

    (e) the sale and consumption of liquor is not commenced with two years from the date this permit was amended;

    (f) the sale and consumption of liquor is discontinued for a period of two years.

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

NOTES:

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

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

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

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

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

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

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

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

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

Overhead power lines run along the east side of Church Street and west side of Brighton Street, close to the property boundary.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website:

http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

VicRoads Note

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

Attachments

1 PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Site Location Map

2 PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (1)

3 PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (2)

4 PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Referral comments

Attachment 1 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Site Location Map

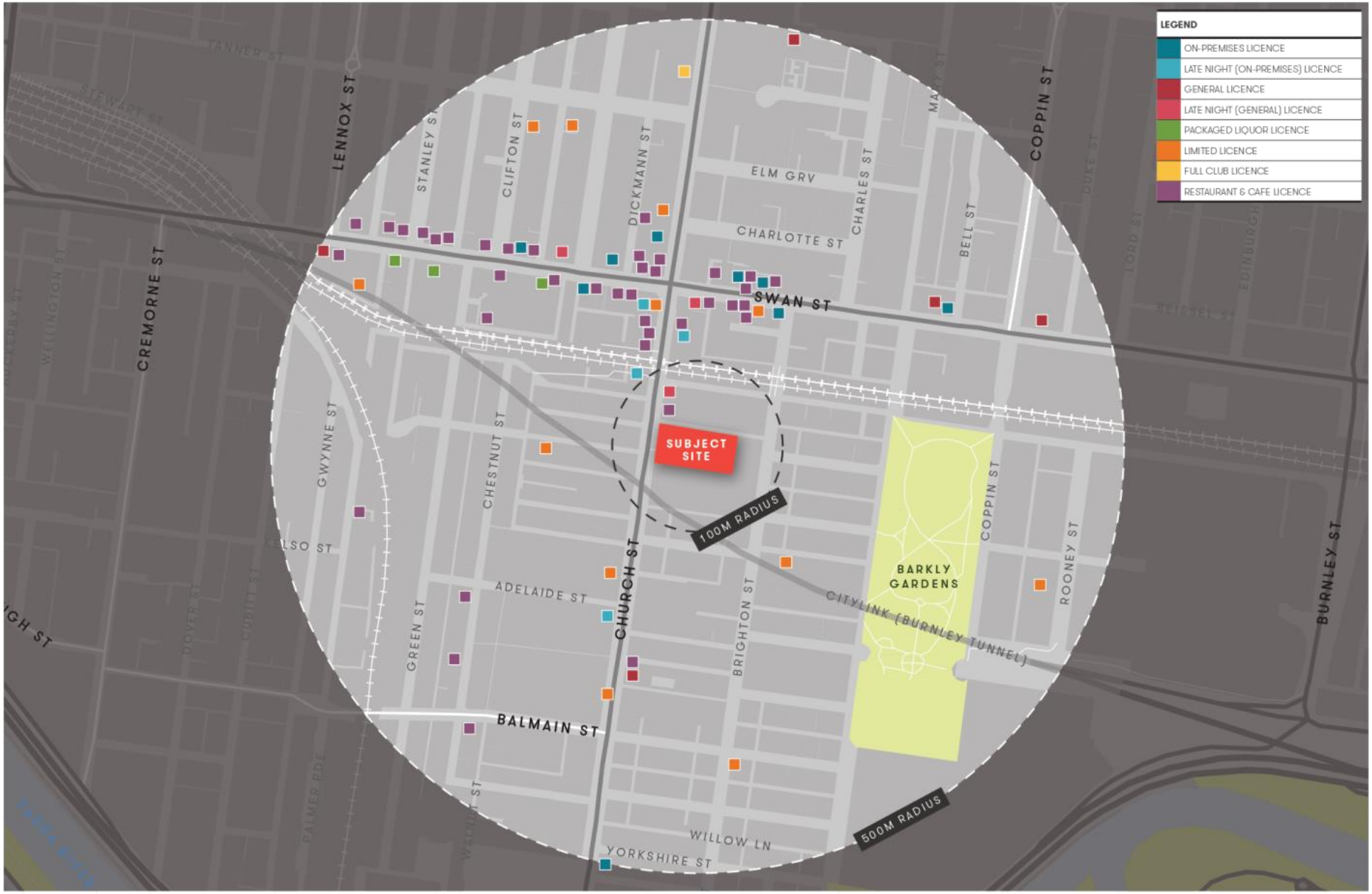
SUBJECT LAND: 459 – 471 Church Street and 20 – 26 Brighton Street Richmond



⇧ **North**

★ **Subject Site**

Attachment 2 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (1)



459-471 CHURCH STREET, RICHMOND
Surrounding Liquor License Premises

DATE: 28.01.2021
JOB NO: 10310
DWG NO: 250
REV: 01
1:4000 @ A3

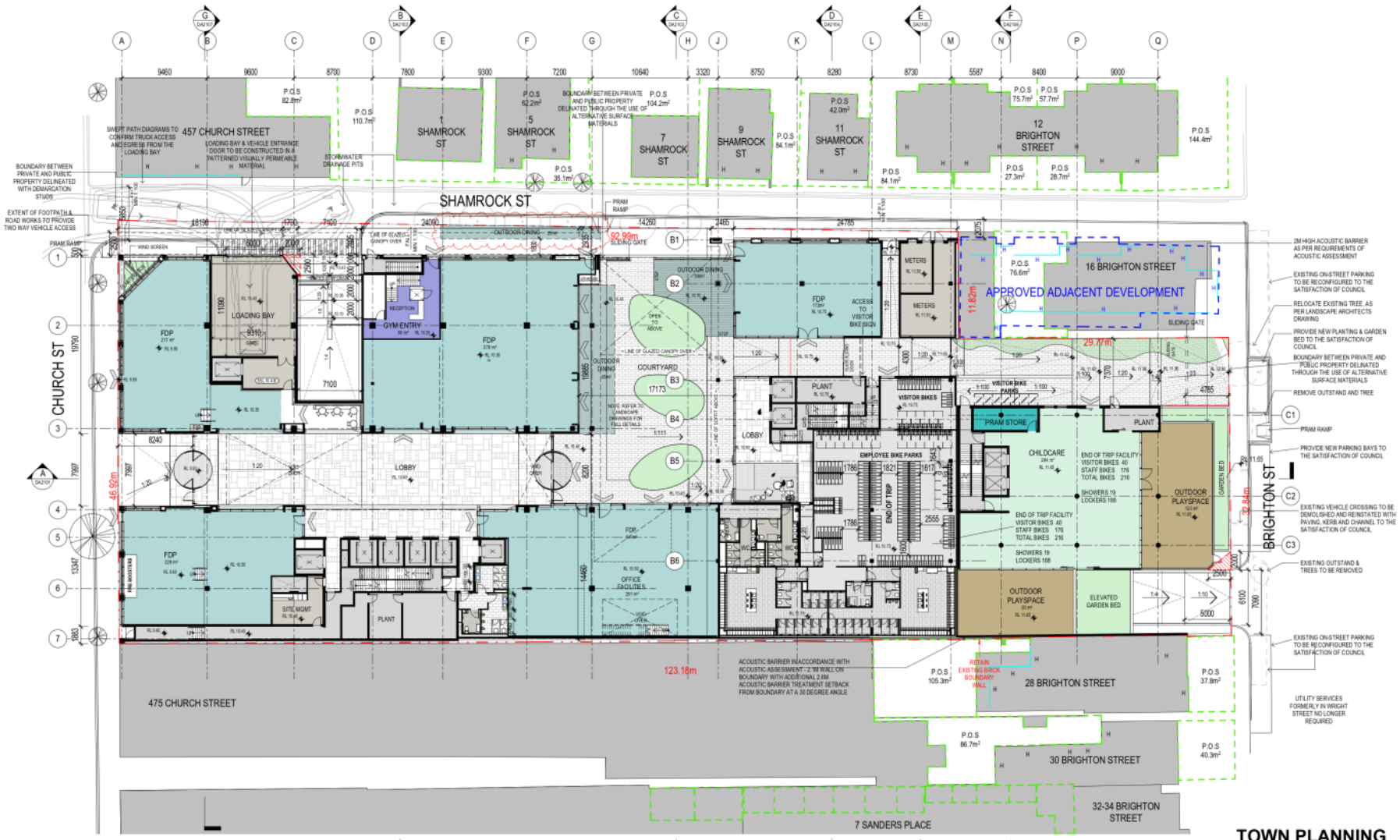
Attachment 2 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (1)



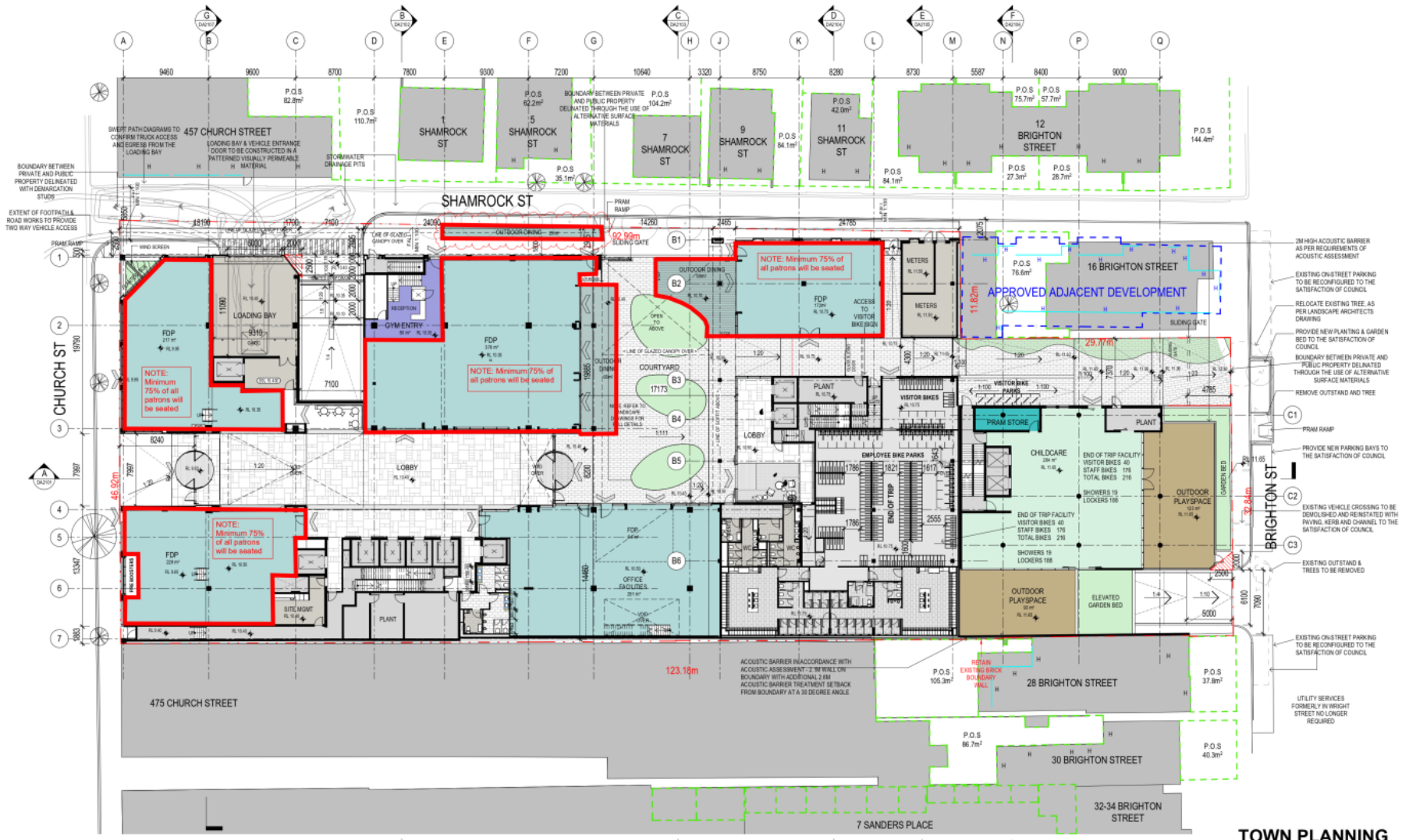
459-471 CHURCH STREET, RICHMOND
Zoning Plan

DATE: 28.01.2021
JOB NO: 10310
DWG NO: 000
REV: 01
1:4000 @ A3

Attachment 2 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (1)



Attachment 2 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (1)



Attachment 2 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (1)



UNCONTROLLED DOCUMENT

TOWN PLANNING

issue	amendment	date
A	TP DRAFT ISSUE	27.04.2018
B	TP ISSUE	04.09.2018
C	TP RFI RESPONSE	07.06.2019
D	VCAT ISSUE	01.02.2019
E	TOWN PLANNING ISSUE	12.06.2019
F	TOWN PLANNING ISSUE	04.09.2019
G	TOWN PLANNING ISSUE	21.02.2020
H	TOWN PLANNING ISSUE	29.06.2020
I	TOWN PLANNING ISSUE	11.12.2020

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Nominated Architect
Ray Brown, NSW/ARB 6359

Do not scale drawings. Verify all dimensions on site

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Perth
Auckland
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Brisbane

checked	JO	scale	1 : 200@A1
drawn	MRB/WS	project no.	170358

project: Church Street, Richmond

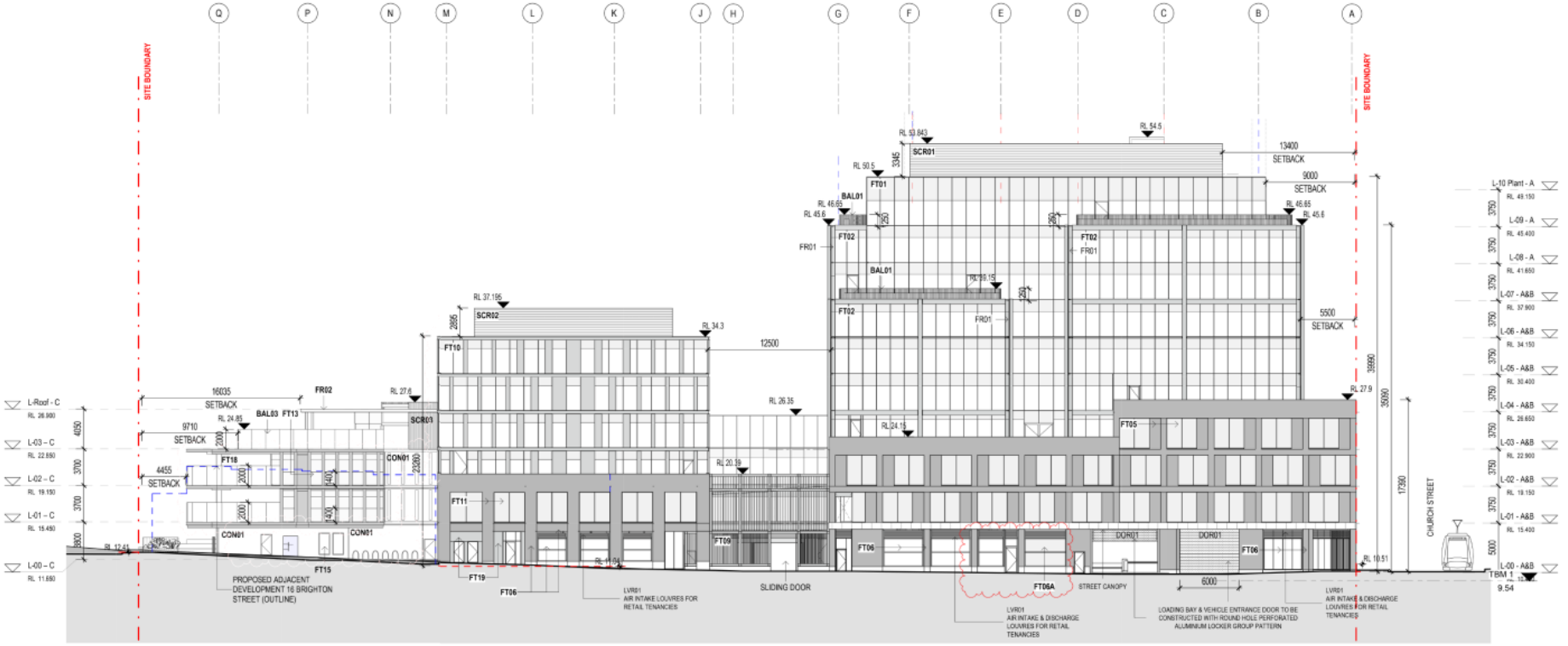
drawing: L-B01 - Basement 1

drawing no.: DA1002

issue: I

11/12/2020 11:52:29 AM

Attachment 3 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Decision Plans (2)



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Nominated Architect
Ray Brown, NSW/ARB 6359

Do not scale drawings. Verify all dimensions on site

issue	amendment	date
A	VCAT ISSUE - CORRECTIONS	26.02.2019
B	TOWN PLANNING ISSUE	12.06.2019
C	STREET CANOPY EXTENSION	26.07.2019
D	TOWN PLANNING ISSUE	04.08.2019
E	TOWN PLANNING ISSUE	13.08.2019
F	TOWN PLANNING ISSUE	21.02.2020
G	TOWN PLANNING ISSUE	20.05.2021

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checked JO scale
drawn MB/MNS project no. 170356

TOWN PLANNING

project
Church Street, Richmond

drawing
Site Elevation (North) Option 2

drawing no. DA2601A issue C

4/12/2020 5:35:15 PM

Attachment 4 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Referral comments

PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond

Referral comments

Compliance and community amenity Unit – email dated 18 March 2021

The Compliance branch does not have any concern in relation to what is proposed, however given the proximity to the nearest residential premises, I recommend the following:

1. No music after 10pm at any outdoor area Sunday to Thursday
2. No music after 11pm at any outdoor area Friday and Saturday
3. Any outdoor area to close 11pm Sunday to Thursday
4. Any outdoor area to close 12 midnight Friday and Saturday
5. Background music only at all other times.
6. No speakers allowed in any outdoor area.

The above recommendation was made with consideration to the fact noise will generally carry further from an open area. Experience tells us that open areas have a tendency to impact the amenity. The times suggested where no music is allowed was based on keeping consistent with the Environment Protection (Residential Noise) Regulations 2008 schedule for amplified music.

City works branch (Waste Unit) – email dated 6 April 2021

The waste management plan for 459 - 471 Church & 20-26 Brighton Street, Richmond authored by Irwinconsult and dated 9/2/21 is satisfactory from a City Works Branch's perspective.

Social Planning Unit – Memo dated 13 April 2021

COMMENTS / RECOMMENDATIONS

- There are 2 licensed premises within 100 metres of the subject site and there are 95 licensed venues within 500 metres, with most concentrated along Swan Street, to the west of the subject site and generally in accordance with the Core Entertainment Precinct of Swan Street west of Church Street identified in Clause 22.09 of the Yarra Planning Scheme. A cumulative impact assessment is required and has been provided by the applicant.
- The proposal states that a minimum of 75% seating for patrons will be provided for in all four venues. This is in line with the requirements of a restaurant and café licence and is acceptable.
- The number of patrons proposed compared with the number of patrons as per the VCGLR nominated rate of 0.75m2 per person is detailed in the table below for each venue:

Site	Floor area	Proposed number	VCGLR 0.75m2 per person ratio
1	225sq.m	100	225/0.75 = 300
2	236sq.m	200	236/0.75 = 314
3	489sq.m	130 inside (55 outside)	489/0.75 = 652

4	221sq.m	80 inside (33 outside)	221/0.75 = 294

- In each venue case, the proposed number of patrons is less than the maximum allowed as indicated by the VCGLR ratio. This is acceptable and is in accordance with Clause 22.09, which details that the maximum number of patrons that may be accommodated on the premises should be based on a ratio of 0.75 square metres per person, as per the Victorian Commission for Gambling and Liquor Regulation (2018) Liquor Licensing Fact Sheet - Maximum Patron Capacity.
- It is noted that the proposed hours of sale of liquor for offsite consumption are 9am to 1am for the venues fronting Church Street, and 9am to 11pm (10pm outdoor areas) for the venues fronting Shamrock Street (within 30 metres of a residential zone). This is in line with clause 22.09 which states that:
    - Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm;
    - Licensed premises in a Commercial zone should not provide for the sale and consumption of liquor beyond 1am;
    - For outdoor areas the sale and consumption of liquor should not occur after 10pm.

  Therefore, this is acceptable.
- It is noted that the proposal states that music within the site is limited to background levels only. No live music or amplified music other than background music is proposed. As such, music is not anticipated to impact upon surrounding properties. This is considered acceptable.
- It should also be noted that no patron queuing or milling shall occur at any time along Shamrock Street (which provides access to the north-adjoining residential area) and must always be along Church Street in order to minimise disruption to amenity. It is recommended that any patron dispersal be directed onto Church Street to further minimise disruption to the residential zone.
- Deliveries to and waste collection from a licensed premises should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law. Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday. This should be included as a condition of any approval along with other necessary amenity conditions.

Engineering Services Unit (Traffic) – Memo dated 9 April 2021

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

Car Parking Demand Assessment

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

Attachment 4 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Referral comments

Parking Demand Consideration	Details
Parking Demand for Office Use	The office would now be providing an on-site parking rate of 0.88 spaces per 100 square metres of floor area. Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include: ▪ 60-88 Cremorne Street, Cremorne – 0.72 spaces/100 m² ▪ 51 Langridge Street, Collingwood – 0.54 spaces/100m² ▪ 2-16 Northumberland Street, Collingwood – 0.89 spaces/100m² The proposed office parking rate of 0.88 spaces per 100 square metres of floor area is considered appropriate as the site has very good access to public transport and seeks to encourage more sustainable forms of transport.
Parking Demand for Food and Drink Use	The food and drink's floor area would now increase by 1,053 m², resulting in a statutory parking requirement of 36 spaces. The food and drink use would be supplying on-site parking at a rate of 0.66 spaces per 100 square metres of floor area. The eight on-site parking spaces allocated to this use would be set aside for staff. Customers would likely be drawn from the surrounding area, such as from local businesses and nearby residences. The provision of eight spaces for staff at this use is considered appropriate.
Parking Demand for the Gymnasium Use	The parking provision for this use is to the satisfaction of the Responsible Authority. As indicated by Impact Traffic Engineering, it is agreed that the gymnasium's peak parking times would occur between 6:00am and 7:00am and between 6:00pm and 7:00pm. Parking would be short-stay and be accommodated on-street. The gymnasium would all attract employees who work at nearby businesses and local residents. The provision of no on-site parking for the gymnasium is considered acceptable.

Adequacy of Car Parking

From a traffic engineering perspective, the amended car parking provision for the uses at the development are considered appropriate in the context of the development and the surrounding area. Providing a gymnasium with no on-site car parking is considered acceptable. The site is very well positioned in terms of public transport and connectivity to the on- and off-road bicycle network – enabling employees, clients and customers to easily access the site using more sustainable forms of transport.

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

Revised Car Parking Layout – Basement 01

Item	Details
Car Parking Spaces	The dimensions of the car parking spaces (2.6 to 3.2 metres by 4.9 metres) comply with *Design standard 2: Car parking spaces* of Clause 52.06-9.
Parallel Parking Space	The dimensions of the parallel parking space (2.3 metres by 6.7 metres) satisfy *Design standard 2*.
Tandem Parking Sets	The 10.3 metre lengths of the tandem parking sets satisfy *Design standard 1*.
Accessible Parking Spaces	The accessible parking spaces satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009 and *Design standard 2* (where applicable).

Attachment 4 - PLN18/0328.02 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Referral comments

Aisles	The aisle widths range from 5.8 metres to 7.1 metres and satisfy *Table 2: Minimum dimensions of car parking spaces and accessways* of Clause 52.06-9.
Columns and Clearances to Walls	The positions of the columns satisfy *Diagram 1 Clearance to car parking spaces* of Clause 52.06-9. Clearances for spaces abutting walls have been provided at no less than 300 mm, which satisfy *Design standard 2*.
Vehicle Turning Movements	The swept path diagrams of the B85 design vehicle entering and exiting a number of spaces within the car park are considered satisfactory.

External Acoustic Consultants (SLR) – review dated 11 May 2021

SLR has undertaken a review of the consolidated acoustic report prepared to address noise to and from the proposal. Our comments / recommendations are summarised below.

- Noise limits for music and patron noise have been calculated using the average of the background noise levels measured for the evening period. We recommend that they be recalculated using background data for the quietest hour of the evening that the food and drink tenancies are proposing to operate. For music, the revised limits should take into consideration that, under the new Noise Protocol, the 'day/evening' for music noise extends to 11 pm. For patron noise, the 'day/evening' should be assumed to end at 10 pm (consistent with the current report).
- It is suggested that future tenants be required to submit an environmental assessment of noise impacts if they propose to either:
  - play music above background levels (i.e. 65 – 70 dBA), or
  - have loudspeakers installed externally, or
  - operate with the doors and / or windows open after 6 pm.
- Drawings for the proposed gym should show a soundlock (i.e. two door) style entrance, as per the recommendation of the acoustic report.
- It is recommended that the external dining areas are used during the 'day' period only, as defined in the Noise Protocol for commercial noise (i.e. 7 am to 6 pm Monday to Saturday).

Head, Transport for Victoria

Section 55 – No Objection

Thank you for your referring the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987.*

The Head, Transport for Victoria in consultation with CityLink has considered this application and does not object to the grant of a permit. It is noted that planning permit conditions 26 to 30 inclusive remain unchanged.

No response from EPA or VicRoads received.

6.2 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Section 72 Amendment to Planning Permit No. PLN17/0744 to construct a first-floor studio above the single-storey garage at the rear of the site.

Executive Summary

Purpose

1. This report provides Council with an assessment of the proposed amendment application to Planning Permit No. PLN17/0744 at No. 196 Nicholson Street, Abbotsford which seeks to construct a first-floor studio above the single-storey garage at the rear of the site.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 22.02-2 – Development guidelines for sites subject to the heritage overlay;
   (b) Clause 32.09 – Neighbourhood Residential Zone (Schedule 1);
   (c) Clause 43.01 – Heritage Overlay;
   (d) Clause 54 – One dwelling on a lot (ResCode);

Key Issues

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

Submissions Received

4. Twelve (12) objections were received to the application, these can be summarised as:
   (a) Impact on heritage streetscape along Yarra Street;
   (b) Built form (setbacks, height, material, design and overdevelopment);
   (c) Amenity impacts (visual bulk, overlooking, noise);
   (d) Use (AirBnb, teenager retreat and second dwelling);
   (e) Non -planning related matters:
      (i) Reduce financial value of properties;
      (ii) Construction damage to existing properties; and
      (iii) Piece meal development.

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 condition:
   (a) The northern wall of the first-floor studio to be set back an overall 1.0m from the northern boundary, with any associated internal changes.

CONTACT OFFICER: **Emily Zeng**
TITLE: **Statutory Planner**
TEL: **03 9205 5363**

6.2 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Section 72 Amendment to Planning Permit No. PLN17/0744 to construct a first-floor studio above the single-storey garage at the rear of the site.

Reference	D21/57465
Author	Emily Zeng - Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

Ward:	Langridge
Proposal:	Section 72 amendment to Planning Permit No. PLN17/0744 to include the addition of a first-floor studio above the single-storey garage at the rear of the site.
Existing use:	Dwelling
Applicant:	DWH Aitken and Associates P/L
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) Heritage Overlay (Schedule 313) Development Contributions Overlay (Schedule 1)
Date of Application:	5 August 2020
Application Number:	PLN17/0744.02

Planning History

1. Planning Permit No. PLN14/0837 was issued by Council on 5 January 2015 for the *development of the land for part demolition and a ground floor extension to the rear of the dwelling.*
2. Planning Permit No. PLN17/0113 was issued by Council on 20 February 2017 for *alterations to the front façade and associated demolition.*
3. Planning Permit No. PLN17/0744 was issued by Council at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 31 August 2018 for the *development of the land for the construction of a garage at the rear of the existing dwelling, including alterations to the front façade and part demolition*.
    (a) A Section 72 Amendment was approved by Council on 19 September 2019, allowing *further demolition and the construction of a ground and first floor addition to the rear of the existing dwelling, including the replacement of roof gutters, part of which are located within No. 198 Nicholson Street, Abbotsford.*
4. At the time of writing this report, the bullnose front verandah and front timber picket fence along the Nicholson Street frontage, as well as, the rear single-storey garage approved by Planning Permit No. PLN17/0744 have been constructed on site. The ground and first floor extension at the rear of the existing dwelling approved under the Section 72 Amendment to Planning Permit No. PLN17/0744 is yet to be constructed.
5. As works have commenced on site in accordance with Planning Permit No. PLN17/0744, the permit expiry for completion is 31 August 2022. Therefore, the permit is still valid at the time of this report.

6. The subject amendment application does not propose any additional demolition or works outside of title boundaries of the subject site.

Background

7. The application was received by Council on 5 August 2020.

8. The application was advertised in October and November 2020 and 12 objections were received.

9. No consultation meeting was held given the COVID-19 pandemic.

Planning Scheme Amendment C238

10. On 1 February 2021, the Minister for Planning formally gazetted Planning Scheme Amendment C238, which introduces a Development Contributions Plan Overlay over the entire municipality. This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The requirements of this provision have immediate effect. However, a replacement building or dwelling is exempt from these requirements, and as such does not apply to this application.

Lodgement of Section 57A amended plans:

11. The permit applicant submitted a revised proposal to Council under Section 57(a) of the Planning and Environment Act (1987) (the "Act") on 4 March 2021 in response to concerns raised by Council's Heritage Advisor. The Section 57(a) amendment includes the following changes:

    (a) Modify proposed design of first floor studio, including a hipped roof;

    (b) Increase maximum height to 5.87m above natural ground level; and

    (c) Alter previously proposed window configurations.

12. The amended proposal was re-advertised in March and April 2021 under Section 57(b) of the Act to adjoining properties and objectors.

The Proposal

13. The amendment application proposes the construction of a first-floor studio to the approved single-storey garage at the rear of the site. The site already has approval for the works to the front façade, single-storey garage, and the ground and first floor addition to the existing dwelling. The proposal is summarised as follows:

Demolition

14. No additional demolition works are sought by the amendment application.

Construction

15. The studio will contain a bathroom and cupboard storage area as well as the studio space with south and west-facing windows and one skylight.

16. The following setbacks are proposed:

    (a) 0.5m from the northern boundary,

    (b) 1.24m from the southern boundary (Yarra Street) and 0.35m from the eastern boundary.

    (c) 23.69m from the Nicholson Street (western boundary).

17. An external spiral staircase with 1.7m high permanently fixed timber screen/balustrading with a maximum transparency of 25% will provide direct access to the first-floor studio from the secluded private open space (SPOS) of the subject site.

18. The proposal will have a hipped roof form resulting in a maximum height of approximately 5.87m above Natural Ground Level (NGL).

19. The amendment also proposes the following alterations and additions:

    (a) Increase the height of a portion of existing and retained northern boundary paling fence from 2.1m to 2.35m above NGL.

    (b) The maximum height of the approved garage under Planning Permit No. PLN17/0744 along the northern decreased from 2.8m to 2.65m above NGL.

    (c) Relocate pedestrian gate along Yarra Street further to the east, abutting the approved garage door. It is of note that the relocated position of the pedestrian gate is only shown on the proposed south elevation whilst the proposed ground and first floor plans show the pedestrian gate in the location approved by Planning Permit No. PLN17/0744.

    (d) Change finish of the approved garage door from Woodland Grey to Manor Red.

Material/Finishes

20. The studio is proposed to have the following finishes:

    (a) Walls – Timber weatherboard cladding to match existing dwelling profile painted white.

    (b) Roofing – Unpainted and galvanised heritage grade Z600.

    (c) Windows – Timber painted white to match wall finish.

    (d) Staircase screen – Vertical timber screen/balustrade.

Existing Conditions

Subject Site

21. A description of the subject site was provided within the original officer's Internal Development Assessment Committee (now Planning Decision Committee) dated 31 January 2018 as follows:

22. *The subject site is located on the east side of Nicholson Street, between Abbotsford Street (to the north) and Yarra Street (to the south), in Abbotsford. The site is situated on a corner lot with residential properties bordering the northern and eastern boundaries.*

23. *The site is rectangular in shape with a street frontage of 6.44m to Nicholson Street, a depth of 28.46m along the southern boundary and a depth of 28.51m along the northern boundary. The site has an overall area of 177sqm.*

24. *Occupying the site is a detached and single-storey Victorian-era weatherboard dwelling with a tiled hipped roof, two chimneys, and a bullnose front verandah. Along the dwelling's street frontage is a metal fence and pedestrian gate built at a height of 1.2m. Along the northern and southern boundaries, towards the rear of the site are two sections of a weatherboard structure and paling fence ranging from 2m to 3.7m high respectively.*

25. *The dwelling is setback 2.95m from the western (front) boundary, constructed along the northern boundary for a length of 14.82m, and is partly constructed along the southern boundary for a length of 4m and partly setback 1.65m. The dwelling is setback 10.64m from the eastern (rear) boundary. Private open space is located at the rear of the dwelling which is accessible from the rear of the dwelling and a pedestrian gate along Yarra Street.*

26. Since the permit has been granted, the approved bullnose l front verandah, 1.25m high white timber picket fence and single-storey garage located at the rear of the dwelling have been constructed on site. Secluded private open space (SPOS) continues to be located within the eastern portion of the site between the existing dwelling and the approved garage and is accessible from the dwelling and a separate pedestrian gate along Yarra Street. It is of note that the finish of the constructed garage door does not reflect the finish (i.e. "Woodland Grey") nominated on the endorsed plans for amended Planning Permit PLN17/0744.01. this matter will be addressed later in the report

27. From a review of City of Yarra's Heritage Gap Study by Graeme Butler and Associates (2007), the subject site is identified as graded "not contributory" to the Charles Street Heritage Precinct.

Surrounding Land

28. A description of the surrounding land was provided within the previous officer's Internal Development Assessment Committee (now Planning Decision Committee) dated 31 January 2018 as follows:

29. *The surrounding neighbourhood is residential in nature with a mixture of single and double-storey dwellings. Nicholson Street consists of a variety of weatherboard, brick and rendered dwellings with a mix of bullnose, hipped and skillion front verandahs.*

30. *To the north is an attached, single-storey Victorian-era, weatherboard dwelling with a skillion front verandah and a ground and first floor addition. The proposed garage will be located along the southern boundary, directly abutting the rear private open space of this dwelling.*

31. *To the south, across Yarra Street is a* [double]*-storey Edwardian-era brick dwelling with a hipped front verandah. The dwelling is also located on a corner lot with two street frontages to Nicholson and Yarra Streets. The dwelling has zero setbacks along the Yarra Street frontage with the inclusion of a single brick garage and crossover to the east.*

32. *To the east is a single-storey Victorian-era polychromatic brick dwelling which graded 'contributory' to the Charles Street Heritage Precinct. The dwelling includes a skillion verandah, gable roof, an existing crossover and a first floor addition located at the rear of the site. The proposed garage will abut the existing boundary wall of the 'contributory' dwelling.*

33. *To the west, across Nicholson Street is an attached, single-storey building which is currently occupied by Abbots Dental Clinic.*

34. Within the surrounding area, there has not been significant changes to the character and built form since the amended planning permit was issued on 19 September 2019. However, No. 201 Nicholson Street directly to the west of the subject site appears to have completed construction approved by Planning Permit No. PLN15/1022 which allows for the *use and development of the land for a medical centre, part demolition and buildings and works, an associated reduction of the car parking requirement and advertising signage.* The approved buildings and works have resulted in the construction of a double-storey extension to the rear of the heritage building.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

35. The subject site is located within the Neighbourhood Residential Zone (Schedule 1). The purposes of the Neighbourhood Residential Zone as relevant to this application are:

    (a) To recognise areas of predominantly single and double storey residential development.

(b) To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

36. Pursuant to the mandatory provisions within Clause 32.09-4 of the Yarra Planning Scheme (the "Scheme"), an application to construct or extend a dwelling or residential building on a lot between 400 -500sqm must provide a minimum garden area of 25%. The subject site has an overall area of 177sqm; therefore, is not required to provide a minimum garden area of 25%.

37. Pursuant to Clause 32.09-5 of the Scheme, a planning permit is required to construct or extend one dwelling on a lot less than 500sqm. As the subject is 177sqm, a planning permit is required and must meet the requirements of Clause 54 (ResCode).

38. Pursuant to Clause 32.09-10 of the Scheme, a building must not exceed nine metres and must not contain more than two storeys at any point. The proposed development will have two storeys with a maximum height of approximately 5.87m and therefore complies with the maximum building height.

Overlays

Heritage Overlay (Schedule 313)

39. The subject site is affected by a Heritage Overlay (Schedule 313). The purposes of the heritage overlay relevant to this application are:

(a) *To conserve and enhance those elements which contribute to the significance of heritage places.*

(b) *To ensure that development does not adversely affect the significance of heritage places.*

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

41. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being "not contributory" to the Charles Street Heritage Precinct.

Development Contributions Plan Overlay (Schedule 1)

42. The subject site is affected by the Development Contributions Plan Overlay (Schedule 1). The purpose of the Development Contributions Plan Overlay is:

(a) *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

43. Pursuant to Clause 45.06-1 of the Scheme, a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme. This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

44. Given the amendment is for an extension to the existing dwelling on a lot, the total number of dwellings on the subject site is not proposed to be increased. Therefore, the Development Contributions Plan requirements are not applicable.

Particular Provisions

Clause 54 – One dwelling on a lot

45. Pursuant to Clause 54 of the Scheme, the provisions apply to construct or carry out works associated with one dwelling on a lot under 500sqm in a Neighbourhood Residential Zone.

46. This policy will be discussed further in the *Assessment* section of this report.

General Provisions

Clause 65 – Decision Guidelines

47. The decision guidelines outlined at *Clause 65* of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provisions

Planning Policy Framework (PPF)

Clause 15.01-1S – Urban design

48. 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 15.01-1R – Urban design – Metropolitan Melbourne

49. The objective of this clause is:
    (a) *To create a distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S – Building design

50. The objective of this clause is:
    (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S –Neighbourhood character

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

Clause 15.03-1S – Heritage conservation

52. The objective of this clause is:
    (a) *To ensure the conservation of places of heritage significance.*

Local Planning Policy Framework (LPPF)

Clause 21.05-1 – Heritage

53. The relevant objective of this clause is:
    (a) *Objective 14 – To protect and enhance Yarra's heritage places.*

Clause 21.05-2 – Urban design

54. The relevant objectives of this clause are:

(a) *Objective 16 – To reinforce the existing urban framework of Yarra.*
(b) *Objective 20 – To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.05-3 – Built form character

55. The relevant objectives of this clause are:
(a) *Objective 23 – To maintain and strengthen the identified character of each type of identified built form within Yarra*
(b) *Objective 24 – To maintain and reinforce preferred character* (Residential areas).

Clause 21.08-1 – Abbotsford

56. The subject site is located within the Abbotsford neighbourhood which is "*a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River*."

57. Figure 6, the built form character map, shows the subject site covered by a Heritage Overlay. The objective is to *"ensure that development does not adversely affect the significance of the heritage place".*

Relevant Local Policies

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

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

Clause 22.02-5.7 – New Development, Alterations or Additions

59. The relevant policies of Clause 22.02-5.7.1 encourages the design of new development to a heritage place or a contributory element to:
(a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
(b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
(c) *Be visually recessive and not dominate the heritage place.*
(d) *Be distinguishable from the original historic fabric.*
(e) *Not remove, cover, damage or change original historic fabric.*
(f) *Not obscure views of principle façades.*
(g) *Consider the architectural integrity and context of the heritage place or contributory element.*

Advertising

60. The application was advertised in October and November 2020 under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 16 letters sent to surrounding owners and occupiers and by one sign displayed on site along Yarra Street.

61. As highlighted earlier, amended plans were submitted to Council under Section 57(a) of the Act on 4 March 2021 in response to concerns raised by Council's Heritage Advisor.

62. The amended proposal was re-advertised in March and April 2021 under Section 57(b) of the Act with13 letters sent to adjoining properties and objectors and by one sign displayed on site along Yarra Street.

63. Overall, Council received twelve (12) objections, the grounds of which are summarised as follows):

    (a) Impact on heritage streetscape along Yarra Street;

    (b) Built form (setbacks, height, material, design and overdevelopment);

    (c) Amenity impacts (visual bulk, overlooking, noise);

    (d) Use (AirBnb, teenager retreat and second dwelling);

    (e) Non -planning related matters:

        (i) Reduce financial value of properties;

        (ii) Construction damage to existing properties; and

        (iii) Piece meal development).

64. No consultation meeting was held given the COVID-19 pandemic.

Referrals

External Referrals

65. The application was not required to be externally referred under the Scheme.

Internal Referrals

66. The original amendment application was referred to Council's Heritage Advisor, with comments included as attachments to this report.

OFFICER ASSESSMENT

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

    (a) Clause 54 (ResCode);

    (b) Heritage;

    (c) Objector concerns; and

    (d) Other Matters;

Clause 54 (ResCode)

68. The particular provision (Clause 54) comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within an urban inner-city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

Standard A1 – Neighbourhood Character

69. The neighbourhood character is characterised by a mixture of heritage dwellings with a growing number of contemporary extensions located beyond the principal façade, as well as several contemporary infill developments. Along Nicholson Street is a diverse mixture of single and double storey Victorian and Edwardian-era buildings constructed of brick and weatherboard cladding with hipped roof forms. Also along Yarra Street is a mixture of heritage buildings constructed of brick, rendering and weatherboard cladding, as well as the incorporation of single and double-storey boundary walls of buildings fronting both Nicholson Street and Hunter Street.

70. The proposed first floor studio extension will front the secondary frontage along Yarra Street. The extension will be built within the eastern portion of the site, directly above the approved single-storey garage. The streetscape within the surrounding area along Nicholson Street and Yarra Street incorporates a varied mixture of Victorian and Edwardian-era buildings, as well as contemporary infills. Within the surrounding area, there is a consistent materiality of mostly brickwork and weatherboard, with some rendering, as well as a presence of hipped roof forms. At the three other corner lots of the intersection between Nicholson Street and Yarra Street are three double-storey brick buildings, including the contemporary addition at No. 201 Nicholson Street (described within the 'surrounding land' assessment) built directly along the Yarra Street boundaries.

71. While "heritage" will be considered separately later in the report, the neighbourhood character is largely defined by heritage fabric. The proposed extension has drawn upon the existing built form and contributory elements of the surrounding streetscapes including retaining a consistent street setback from Yarra Street in line with the front wall of No. 96 Yarra Street and adopting a simple built form with a hipped metal roof and window configurations. The proposal references the materiality of the surrounding streetscape and the similar heights and built form character of the existing and approved buildings on the other corner allotments.

72. In this context, the inclusion of a contemporary first floor extension above the approved garage on the corner allotment will maintain a similar front setback as adjacent dwellings along Yarra Street and references the presence of taller elements on corner sites as found within the double-storey dwellings at Nos. 194 and 199 Nicholson Street, as well as the double-storey extension to the rear of No. 201 Nicholson Street. Therefore, the proposal is considered to be an acceptable response to the surrounding neighbourhood.

73. The overall design of the dwelling is contemporary yet respectful to the surrounding neighbourhood with regards to form, materials and finishes.

Standard A2 - Integration with the street

74. Not relevant to application. The dwelling on the subject site will continue to be orientated to face Nicholson Street to the west and will have a low, 1.25m high timber picket front fence to allow for passive surveillance of the public realm.

Standard A3 – Street setback

75. Complies with the standard. Pursuant to Table A1 of Clause 54.03-1, the minimum side street setback is the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2m, whichever is the lesser.

76. The subject site is located on a corner allotment with Nicholson Street to the west and Yarra Street to the south. The proposed first floor studio is located above the approved single-storey garage and is set back 1.24m from the Yarra Street frontage. To the immediate east of the site at No. 96 Yarra Street is a single-storey dwelling which also provides a 1.24m front setback from Yarra Street, with a front verandah projecting to the street boundary. As the proposed first floor studio is setback the same distance as the front wall of the adjoining property, the standard is met.

Standard A4 – Building height

77. Complies with the standard. The maximum height of the first-floor studio will be approximately 5.87m above NGL which is below the maximum height of the approved ground and first floor extension (7.7m) and the maximum height of 9m allowed by the zone; Neighbourhood Residential Zone (Schedule 1).

Standard A5 – Site coverage

78. Complies with the objective. The standard for site coverage states that the coverage should not exceed 60%. The proposed spiral staircase within the rear garden providing access to the first floor studio covers an area of approximately 2.7sqm. Under the proposal and excluding the area covered by the proposed spiral staircase, the amendment will increase site coverage from the previously approved 73.26% (129.67sqm) to 74.78% (132.37sqm) which continues to exceed the requirement of the standard.

79. A further variation is considered acceptable given the context of the site within an inner urban environment with smaller and narrower lot sizes, where site coverage is often between 60% and 80%. Within the immediate surrounding streetscape, there are lots which feature similar levels of site coverage to that of the proposal, such as No. 194 Nicholson Street and No. 83 Yarra Street to the south which have site coverages of approximately 86% and 71% respectively. Although the proposal will result in a higher site coverage at 74.78% as a result of the spiral staircase, the increase is limited to an area of 2.7sqm as the proposed first floor studio is located directly above the approved garage. The subject site will continue to provide open spaces (i.e. front and rear gardens) for the dwelling which respects the existing neighbourhood, built form pattern.

Standard A6 – Permeability

80. Complies with the standard. The standard for permeability states that the site area covered by pervious surfaces should be at least 20% of the site. Under the amended proposal, permeable surfaces will continue to be provided within the front garden setback and within the rear POS between the dwelling and outbuilding by vegetated areas (i.e. lawn and garden). As stated within the applicant's Clause 54 assessment, the proposed spiral staircase will allow stormwater run-off to discharge between the gaps of the stairs to the existing permeable surface below at ground level. As the proposed staircase will be located above a permeable surface, the amended proposal will continue to provide a site permeability of 26.69% (47.25sqm) as per the previously assessed amendment (amended Planning Permit No. PLN17/0744.01).

81. Under the current amendment, the first-floor studio extension calculates to 20.79sqm of additional floor area to the overall development. As this extension is less than 50sqm, the application does not need to address Clause 22.16 (Stormwater Management (Water Sensitive Urban Design). However, a minimum 2000L underground rainwater tank will continue to be provided as approved by amended Planning Permit No. PLN17/0744.01

Standard A7 – Energy efficiency protection

82. Complies with the standard. The standard for energy efficiency aims to achieve and protect energy efficient dwellings and to ensure the orientation and layout of developments reduces fossil fuel energy usage and makes appropriate use of daylight and solar energy.

83. The first-floor studio will be provided three south and west-facing awning windows which incorporates restricted openings to a maximum of 0.125m, as well as one skylight above the proposed bathroom. The installation of three windows to the space will provide adequate levels of natural daylight and ventilation into the habitable room.

84. With regard to existing rooftop solar energy facilities, whilst not shown on plans, there appears to be a number of existing solar panels located on the north-facing roof fall of the heritage dwelling and first floor extension of No. 96 Yarra Street to the east- refer to Figure 1 below. However, the panels on the first-floor extension are located beyond the proposed first floor studio extension and would not be impacted by the proposal.

85. According to the standard, buildings should be sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwelling on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. From an assessment carried out by Officers, the development would appear to cast shadows over the existing solar panels along the north-facing roof fall of the heritage dwelling between 1pm and 3pm as shown in the figure below. The subject site and the adjoining property (No. 96 Yarra Street) directly to the east are located within a Neighbourhood Residential Zone which allows for double-storey developments up to a maximum height of 9m above NGL. Additionally, given the narrow constraints of land within the inner urban context, the full protection and complete avoidance of new shadows to existing solar facilities is not always possible and would unreasonably constrain any new development.

86. Nonetheless, the amount of overshadowing to the existing solar panels between 1pm and 3pm is limited to the westernmost portion of the north-facing roof fall of the heritage dwelling. Between 9am and 1pm, these solar panels will continue to benefit from solar energy as per existing conditions. The solar panels on the first-floor addition is not impacted by the proposal at any point in time. On balance, the proposed extent of overshadowing is not considered to unreasonably reduce the energy efficiency and performance of the existing rooftop solar energy facility.

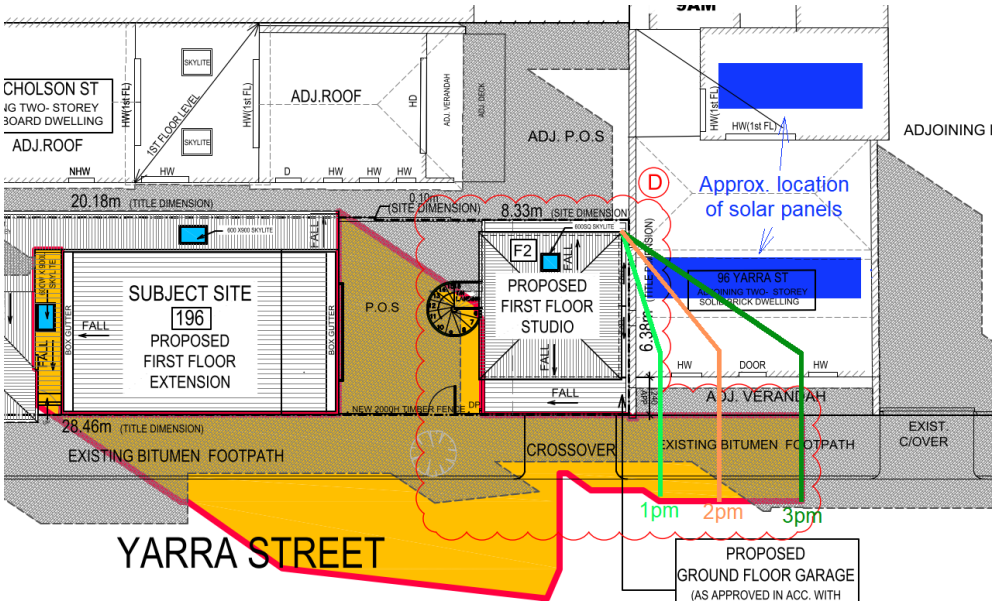


Figure 1: 3pm shadow diagram with 1pm, 2pm and 3pm shadows drawn and labelled on the plan, including location of adjoining solar panels at No. 96 Yarra Street drawn in blue (Applicant Submission 4 March 2021 with Council's Planning Officer's annotations)

Standard A8 – Significant trees

87. Not relevant. There are no significant trees on the site that will be affected by the proposed first floor studio.

Standard A10 – Side and rear setbacks

88. Complies with the objective. The standard requires a building not on or within 200mm of a boundary to be setback from the side or rear boundaries 1m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.

89. As shown in the table below, the proposed setbacks from the northern and eastern walls of the first-floor studio do not comply with the requirements of the standard. The southern setback from Yarra Street has been assessed within Standard A3 – Street setback objective.

	Setback Provided	**Wall Height**	**Setback Required**	**Complies?**
Northern setback	0.5m	5.05m	1.435m	No
Eastern setback	0.35m	5.05m – 5.25m	1.435m – 1.495m	No

90. The 0.5m setback of the northern wall of the studio fails to meet the required setback by 0.935m. The northern wall associated with the bathroom and cupboard will have an overall length of approximately 4.48m and will be directly opposite the adjoining SPOS of No. 198 Nicholson Street to the north which has an area of approximately 31sqm. The orientation of the proposed wall to the south of the adjoining SPOS will not result in any overshadowing impacts; however, the proposed 0.5m setback from the northern boundary is not acceptable as the northern wall will have a maximum height of 5.05m above NGL. Given the adjoining SPOS already has an outlook to a double-storey extension at No. 96 Yarra Street, the 0.5m setback of the proposed studio extension to the south will unreasonably create a closed-in environment for the adjoining SPOS.

91. This concern was raised with the applicant who agreed to increase the setback of the northern wall by an additional 0.5m (i.e. total 1m from the northern boundary) in order to reduce visual bulk impacts to the adjoining SPOS of No. 198 Nicholson Street. Whilst the increased setback is still short of the requirement, it is considered acceptable given its southern location and therefore zero overshadowing impacts, and inner-city location with narrow lot size. Further, the proposed northern wall will be constructed of a weatherboard cladding painted white which would have a lightweight appearance and would not have a dominating impact. On balance. The variation is considered acceptable and should a permit be issued; a condition will require the northern wall of the first-floor studio to be set back 1m from the northern boundary.

92. The 0.35m setback of the eastern wall of the studio fails to meet the required setback by between 1.085m and 1.145m. Whilst this portion of wall does not comply with the requirements of the standard, it will be built directly opposite an on-boundary wall with an minimum height of approximately 3.4m and a maximum height of 5.77m above NGL. As the proposed eastern wall will directly face an existing on-boundary wall, it is not considered to unreasonably impact the amenity of the adjoining property given the wall will not be located adjacent any areas of SPOS or habitable room windows. Therefore, the variation to the eastern wall of the first-floor studio is considered to comply with the objective of the standard.

Standard A11 – Walls on boundaries

93. Not relevant to application as no new walls are proposed on the boundary

Standard *A12 – Daylight to existing windows*

94. Complies with the standard. The standard requires buildings opposite an existing habitable room window to provide a lightcourt to the existing window that has a minimum area of 3sqm and a minimum dimension of 1m clear to the sky.

95. Under the proposal, the first-floor studio will not be located directly opposite any existing habitable room windows of the adjoining properties to the north (No. 198 Nicholson Street) or to the east (No. 96 Yarra Street).

Standard A13 – North-facing windows

96. Not relevant to application as there are no north-facing windows within 3m of the proposed first floor studio.

Standard A14 – Overshadowing open space

97. Complies with the standard. The standard for overshadowing *states where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.* The standard only protects SPOS from shadows.

98. The subject site is orientated in an east-west direction and as such, causes shadows to the south-west in the morning over Nicholson Street and Yarra Street, and south-east in the afternoon over Yarra Street and No. 96 Yarra Street. From the advertised shadow diagrams (under Section 57B of the Act), no areas of SPOS will be affected by the proposed amendment between the hours of 9am and 3pm. All shadows proposed by the amendment will fall over the subject site itself, existing built form, as well as Yarra Street**.**

Standard A15 – Overlooking

99. Complies with the standard. The standard for overlooking requires *a habitable room window, balcony, terrace, deck or patio to be located and designed to avoid direct views within 9m and a 45 degree arc into the secluded private open space (SPOS) and habitable room windows of an existing dwelling.*

100. Whilst not required to be screened, the spiral staircase and landing which provides access to the first-floor studio will incorporate 1.7m high fixed timber screen/balustrading with a maximum transparency of 25%.

101. The first-floor studio will be provided two south-facing and one west-facing awning windows. The west-facing window will incorporate obscure glazing up to a height of 1.7m above Finished Floor Level (FFL) and a restricted opening to a maximum of 0.125m. The obscure glazing and restricted window opening will suitably limit views into the adjoining SPOS and any south-facing habitable room windows of No. 198 Nicholson Street. In addition, as the window is located to the south of the staircase screening, this will provide further screening from the west-facing window.

102. The two south-facing windows of the first-floor studio does not require screening in compliance with the standard as no adjoining habitable room windows nor areas of SPOS are located within a distance of 9m.

Standard A16 – Daylight to new windows

103. Complies with the objective. The standard for daylight to new windows requires *new habitable room windows to receive adequate amounts of daylight access, and to be provided an outdoor space clear to the sky or a lightcourt with a minimum area of 3sqm and minimum dimension of 1m clear to the sky.*

104. Under the proposed development, the three windows within the first-floor studio will not be provided an outdoor space clear to the sky as a result of the approximately 0.2m deep roof eave associated with the proposed hipped roof form. The roof eave which is located approximately 2.2m above FFL of the first floor is not considered to unreasonably reduce the amount of natural daylight into the habitable space as the studio will be provided dual aspect south and west-facing glazing, Furthermore, the roof eave will provide the habitable room windows with weather protection; therefore, the variation is considered to comply with the objectives of the standard.

Standard A17 – Private open space

105. Complies with the standard. The standard for private open space (POS) states that a *dwelling should have POS consisting of an area of 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm with a minimum of 25sqm of secluded private open space.*

106. Open space is provided within the front garden setback and the rear area between the dwelling and the outbuilding (approved garage and proposed first floor studio). The proposed spiral staircase within the rear SPOS providing access to the first-floor studio has an area of approximately 2.7sqm. Under the proposal and excluding the area covered by the proposed spiral staircase, POS will comprise approximately 46.67sqm (23.37%) and SPOS will comprise approximately 27.66sqm (15.63%) of the subject site. The amended areas of open space continue to comply with the minimum requirements of 40sqm for POS and 25sqm of SPOS.

Standard A18 – Solar access to open space

107. Not applicable to dwelling extensions.

Standard A19 – Design detail

108. The standard for design detail encourages development to be designed to respect the existing or preferred neighbourhood character including, façade articulation, window and door proportions, roof form and verandah, eaves and parapets.

109. The material palette proposed for the first-floor extension is simple and does not contain a large number of materials, with white painted weatherboards being the predominant component, as well as timber window frames and unpainted Heritage Grade Z600 roof sheeting. Other contemporary materials such as the aluminium door frame and vertical timber screening associated with the spiral staircase are considered to complement and provide a contrast to the weatherboard built form.

110. The design of the first-floor extension is simple and utilises elements found within the existing built form and materiality of surrounding sites. The extension respectfully integrates the weatherboard and hipped metal roof form characteristics of the Victorian-era dwellings along Nicholson Street, Yarra Street and Hunter Street with regard to building design, setbacks, fenestration and materiality.

111. Overall, it is considered that the first-floor extension provides an appropriate built form which respects and reflects the design detail of the existing neighbourhood character.

Standard A20 – Front fences

112. Not relevant to application. The amendment does not seek any additions or alterations to the front fence which was approved by Planning Permit No. PLN17/0744. Furthermore, the approved 1.25m high white timber picket fence with northern and southern returns has already been constructed on site.

Heritage

113. The decision guidelines from Clause 43.01-4 (Heritage Overlay) and policy from Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme are used to assess the proposed works, in-order to ensure that there is consistency achieved with the heritage values of the surrounding area.

114. As mentioned previously within the report, the amendment application does not propose any additional demolition works to the existing dwelling.

Proposed works

115. Clause 22.02-5.7 of the Scheme seeks to ensure that new development respects the pattern, rhythm, fenestration, roof form, materials and heritage character of the surrounding streetscape, and is articulated and massed to correspond with the prevailing built form of the heritage place. The key consideration for assessing the application is whether the new first floor extension will adversely affect the significance, character or appearance of the broader heritage precinct. In addition, Clause 22.02-5.7.2 (Corner Sites and Sites with Dual Frontage) provides direction as to the specific requirements of new developments on corner sites and sites with dual frontages.

116. The proposed first floor studio extension above the single-storey garage will be set back approximately 23.7m from Nicholson Street. As the subject site is located on a corner lot, the proposed first floor extension would be visible from both Nicholson Street and Yarra Street.

117. Along the secondary street frontage, the first-floor studio will incorporate a setback of 1.24m from Yarra Street; in line with the existing alignment of the front wall of No. 96 Yarra Street; a “contributory” graded, Victorian-era dwelling. This setback is appropriate along Yarra Street as it ensures the extension does not project beyond the heritage façade of No. 96 Yarra Street and does not obscure views of its principal frontage when observed along Yarra Street, as well as oblique views from Nicholson Street. Council’s Heritage Advisor considered this setback to be acceptable.

118. The proposed scale and height of the development is considered to be acceptable as it respects the varying single and double-storey buildings heights within the surrounding area.

As mentioned within the assessment of Standard A1 – neighbourhood character, the other corner sites at the intersection of Nicholson Street and Yarra Street are all occupied by double-storey built form, including a recently completed double-storey extension at No. 201 Nicholson Street which has a maximum height of 6.65m above NGL (Planning Permit No. PLN15/1022). As a result of the hipped roof form, the overall height of the first-floor extension will be approximately 5.87m. Although this height will be 0.1m taller than the existing maximum height of the single-storey heritage dwelling at No. 96 Yarra Street, Council's Heritage Advisor considered this to be acceptable as the difference in height associated with the hipped roof form would not be perceptible. The overall height of the outbuilding is not considered to unreasonably obscure principal views of the adjoining heritage dwelling; No. 96 Yarra Street. Furthermore, the first-floor extension will allow a gradual transition from the maximum height of the approved ground and first floor extension to the dwelling (7.7m above NGL) as shown in the figure below.

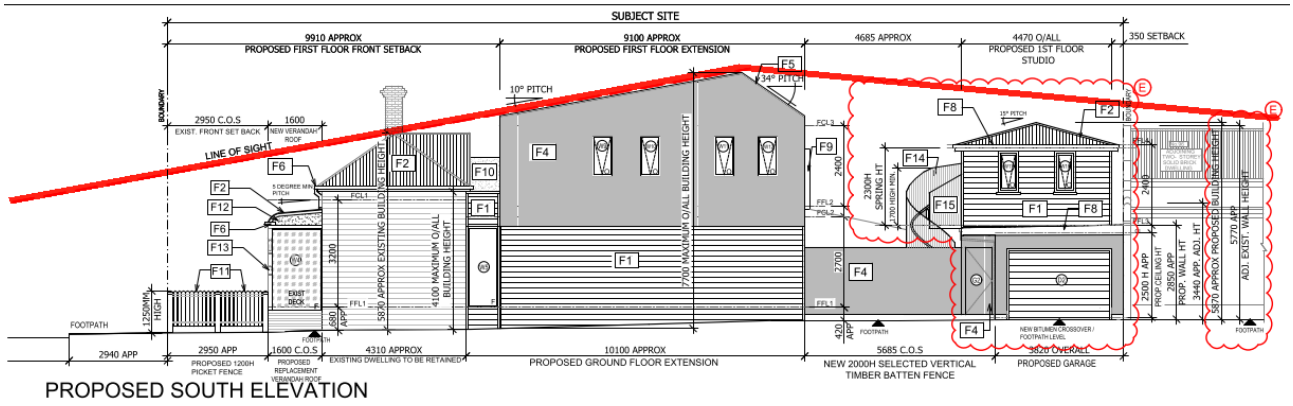


Figure 2: Proposed south elevation with transition in building heights across subject site to No. 96 Yarra Street shown by red line (Applicant Submission 4 March 2021 with Council's Planning Officer's annotations)

119. Although the subject site is identified as 'not contributory', the proposal takes into consideration the contributory elements of the surrounding streetscape and the wider Charles Street Heritage Precinct. Within the 'Statement of Significance' from the Victorian Heritage Council, elements such as expressed steeply gable or hipped roofs, with some façade parapets, one storey wall heights, weatherboard, facebrick (red, bichrome and polychrome), or stucco walls) and corrugated iron roof cladding, are considered contributory to the Charles Street Heritage Precinct. With respect to the surrounding streetscape, the first-floor extension will incorporate a simple weatherboard cladded extension topped with a hipped metal roof with traditional 2:1 proportioned windows. As such the extension is not considered overly contemporary in its design and material palette, not considered to dominate the front façade of No. 96 Yarra Street as well as the immediate streetscape along Yarra Street between Nicholson Street and Hunter Street. The combination of the corner lot built form design, street setback and materiality is considered to draw upon the rhythm, fenestration, roof form and materials of the surrounding heritage streetscape.

120. Overall, the proposed extension is considered acceptable and will not adversely impact the surrounding streetscape nor the wider heritage precinct. The proposal appropriately responds to the heritage streetscape in terms of materials and fenestration along the Yarra Street frontage, and provides an appropriate height transition across the entire subject site to respect the varying heights along both Nicholson Street and Yarra Street.

On this basis, the proposal is considered to appropriately respond to the particular requirements within Clause 22.02 and Clause 43.01 of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

Objector Concerns

121. The majority of issues associated with the objector concerns have been discussed throughout this report; the remaining objection topics which have yet to be assessed are discussed below.

(a) *Impact on heritage streetscape along Yarra Street;*

(i) Issues associated with heritage streetscape have been discussed earlier within the report (paragraphs 69-73, 115-120).

(b) *Built form (setbacks, height, material, design and overdevelopment);*

(i) Issues associated with built form have been discussed earlier within the report (paragraphs 70-71, 75-76, 77, 78-79, 88-92 & 108-111).

(c) *Amenity impacts (visual bulk, overlooking, noise);*

(i) Issues associated with amenity impacts have been discussed earlier within the report (paragraphs 88-91, 99-102).

(ii) Any noise created as a result of this proposal can be directly attributed to typical residential noises associated with typical residential land use.

(d) *Use (AirBnb, teenager retreat and second dwelling);*

(i) The issue of the use of the studio is not a planning consideration. The proposal is not for a second dwelling on a lot and should a permit be issued, Council's standard note for outbuildings will be included, "*unless with further planning permission, the proposed outbuilding must not be used as a separate dwelling"*.

(e) *Reduce financial value of properties;*

(i) Property devaluation is not a planning matter and there is no evidence to suggest that higher density housing will devalue surrounding properties.

(f) *Construction (damage to existing properties); and*

(i) Concerns regarding damage to the adjoining property's boundary wall during the construction of the approved garage are not a planning consideration and should be addressed through the building permit process

(g) *Process (piece meal development).*

(i) Whilst planning permission have been sought for several development proposals on the subject site, namely a ground and first floor extension to the existing dwelling, construction of a garage, and now the subject application for a first floor addition above the approved garage, Officers are required to consider all proposals against the provisions of the Yarra Planning Scheme to determine its acceptability. The number of amendments made to a permit does not influence the assessment.

Other matters

122. As mentioned previously within the report, the pedestrian gate along the Yarra Street interface has not been shown consistently across the proposed floor plans and elevations. The applicant has confirmed that the correct location of the pedestrian gate along Yarra Street is within the SPOS as shown on the proposed floor plans. Therefore, the location of the gate under the garage verandah shown on the proposed south elevation is incorrect. Should a permit be issued, a condition will correct this plan error.

Conclusion

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

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision (NOD) to Grant Amended Planning Permit No. PLN17/0744 to allow the construction of a first floor studio above the single-storey garage at the rear of the site at No. 196 Nicholson Street, Abbotsford VIC 3067, generally in accordance with the "decision plans" received by Council on 4 March 2021 and subject so the following conditions:

- Delete all Condition 1 requirements (a-d) and replace with new conditions (a) and (b).

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

   (a) The northern wall of the first-floor studio to be set back an overall 1.0m from the northern boundary, with any associated internal changes; and
   (b) The pedestrian gate along the Yarra Street interface consistently depicted on the proposed south elevations as per the proposed floor plans (i.e. gate providing direct access into the secluded private open space and not under the garage verandah).

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 development commences, the permit holder must make a one-off contribution to the Responsible Authority to be used for:

(a) the removal of the existing street tree;
(b) the replacement and planting of the new street tree;
(c) all costs associated with the replanting, plus two year establishment costs at the expense of the property owner; and 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.

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5428 for further information.

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.

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

Unless with further planning permission, the proposed outbuilding must not be used as a separate dwelling.

Attachments

1 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Subject Site Map

2 PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans

3 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Section 57A - Heritage Referral Comments

4 PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

5 PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Heritage Assessment

6 PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Cover Letter

7 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)

8 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Heritage Referral Comments (Previously Advertised Plans Oct/Nov 2020)

9 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Planning Permit

10 PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Endorsed Plans

Attachment 1 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Subject Site Map

SUBJECT SITE

196 NICHOLSON STREET, ABBOTSFORD 3067

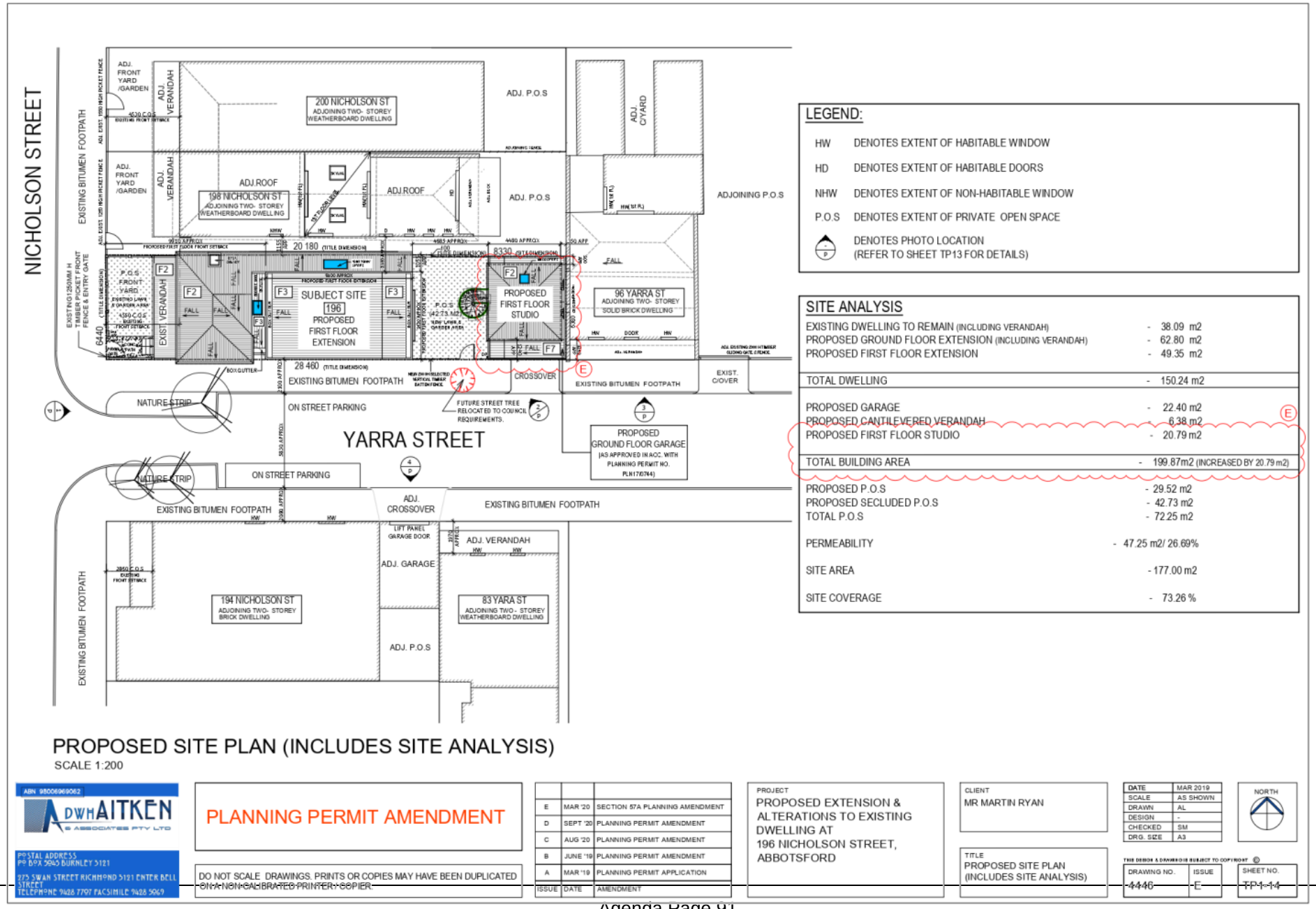
PLN17/0744.02 – Subject Site Map (*NearMaps Aerial Imagery, 29 April 2021*)



SUBJECT SITE

NORTH

Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



LEGEND:

HW	DENOTES EXTENT OF HABITABLE WINDOW
HD	DENOTES EXTENT OF HABITABLE DOORS
NHW	DENOTES EXTENT OF NON-HABITABLE WINDOW
P.O.S	DENOTES EXTENT OF PRIVATE OPEN SPACE
	DENOTES PHOTO LOCATION (REFER TO SHEET TP13 FOR DETAILS)

SITE ANALYSIS

EXISTING DWELLING TO REMAIN (INCLUDING VERANDAH)	- 38.09 m2
PROPOSED GROUND FLOOR EXTENSION (INCLUDING VERANDAH)	- 62.80 m2
PROPOSED FIRST FLOOR EXTENSION	- 49.35 m2
TOTAL DWELLING	- 150.24 m2
PROPOSED GARAGE	- 22.40 m2
PROPOSED CANTILEVERED VERANDAH	- 6.38 m2
PROPOSED FIRST FLOOR STUDIO	- 20.79 m2
TOTAL BUILDING AREA	- 199.87m2 (INCREASED BY 20.79 m2)
PROPOSED P.O.S	- 29.52 m2
PROPOSED SECLUDED P.O.S	- 42.73 m2
TOTAL P.O.S	- 72.25 m2
PERMEABILITY	- 47.25 m2/ 26.69%
SITE AREA	- 177.00 m2
SITE COVERAGE	- 73.26 %

E

PROPOSED SITE PLAN (INCLUDES SITE ANALYSIS)

SCALE 1:200

ABN 98006969062
DWH AITKEN & ASSOCIATES PTY LTD
POSTAL ADDRESS
PO BOX 5945 BURNLEY 3121
275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
TELEPHONE 9428 7797 FACSIMILE 9428 5969

PLANNING PERMIT AMENDMENT

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ISSUE	DATE	AMENDMENT
E	MAR '20	SECTION 57A PLANNING AMENDMENT
D	SEPT '20	PLANNING PERMIT AMENDMENT
C	AUG '20	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
PROPOSED SITE PLAN (INCLUDES SITE ANALYSIS)

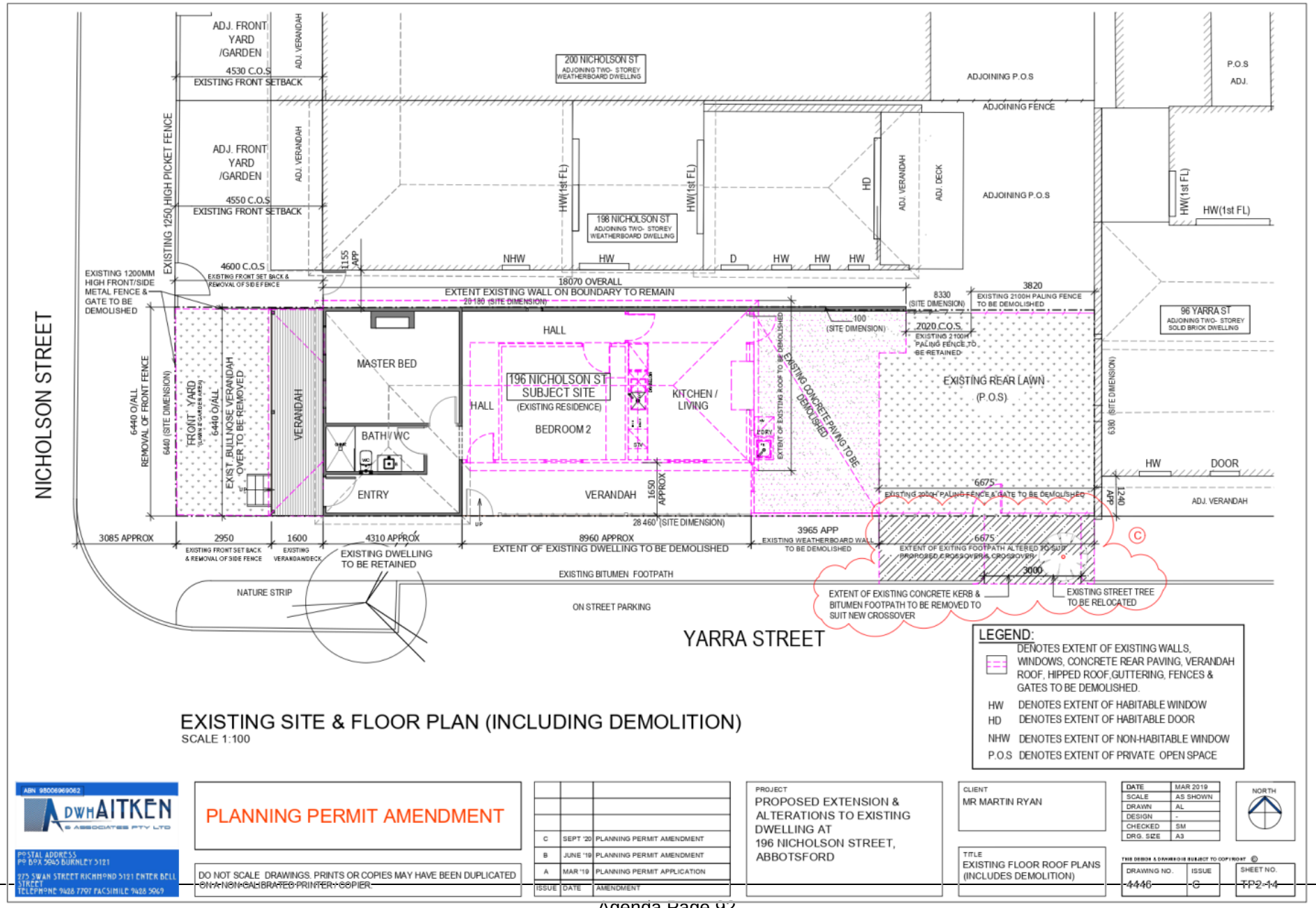
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CHECKED	SM
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NORTH

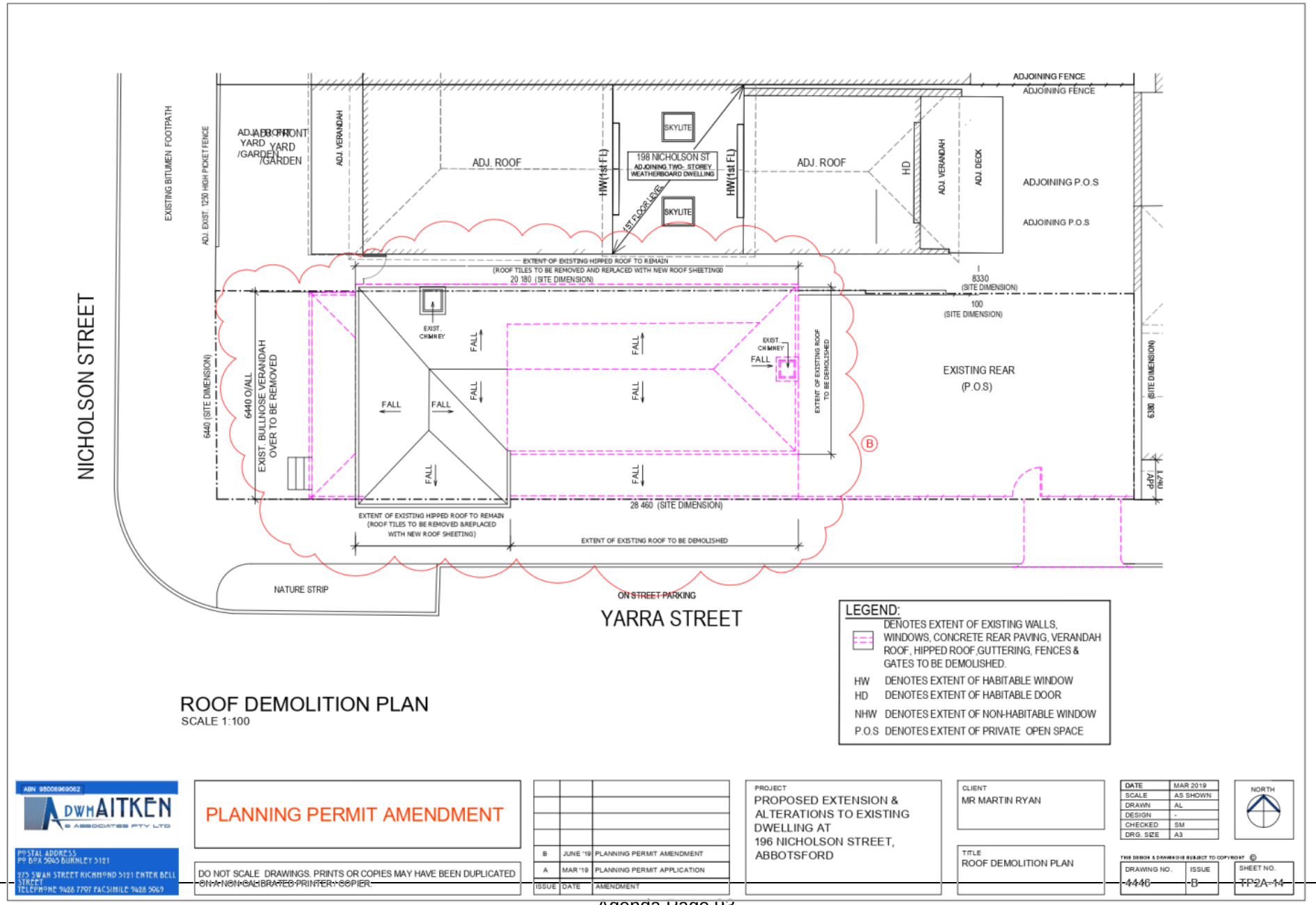
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Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



ROOF DEMOLITION PLAN
SCALE 1:100

ABN 98006969062
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275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
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ISSUE	DATE	AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
ROOF DEMOLITION PLAN

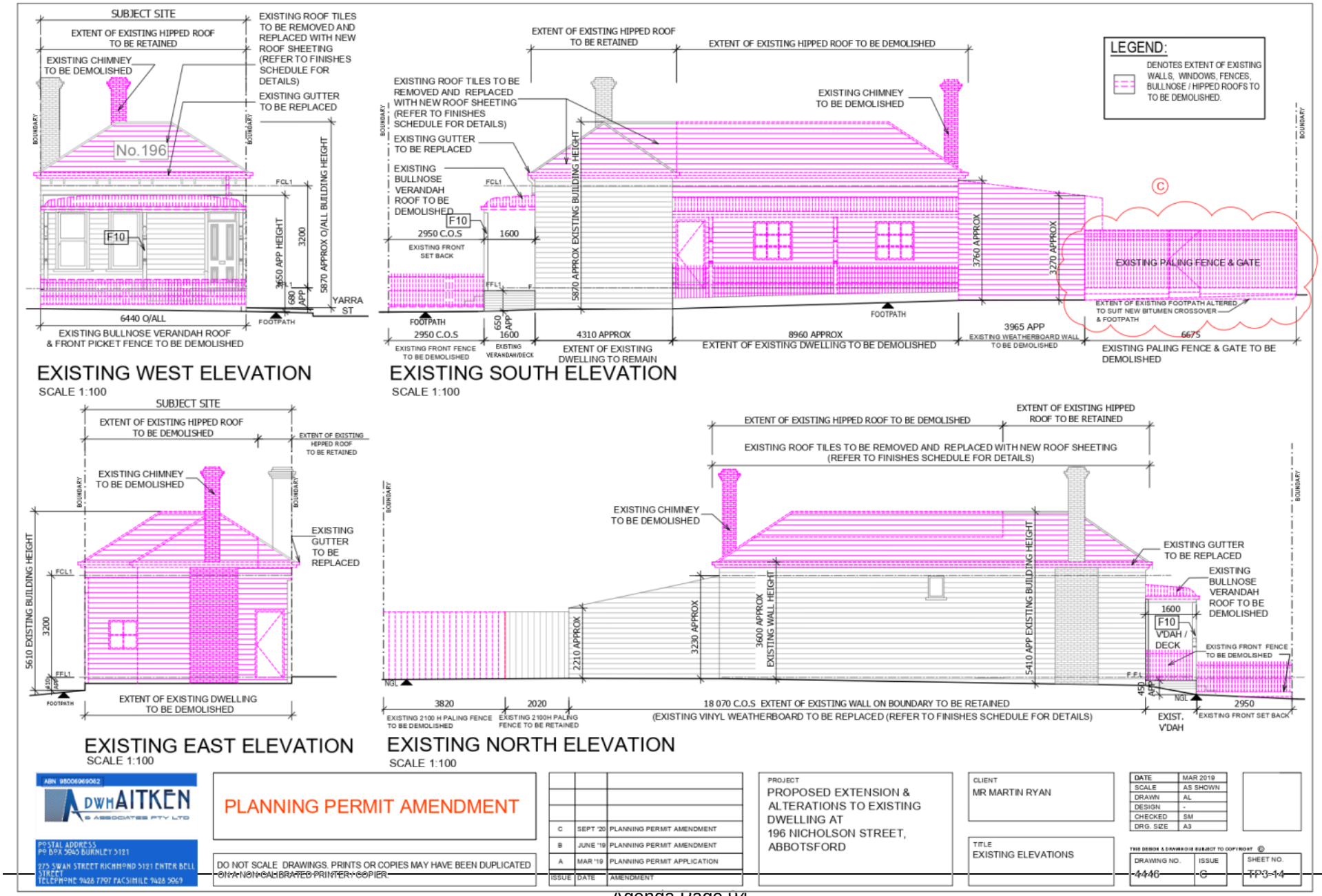
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NORTH

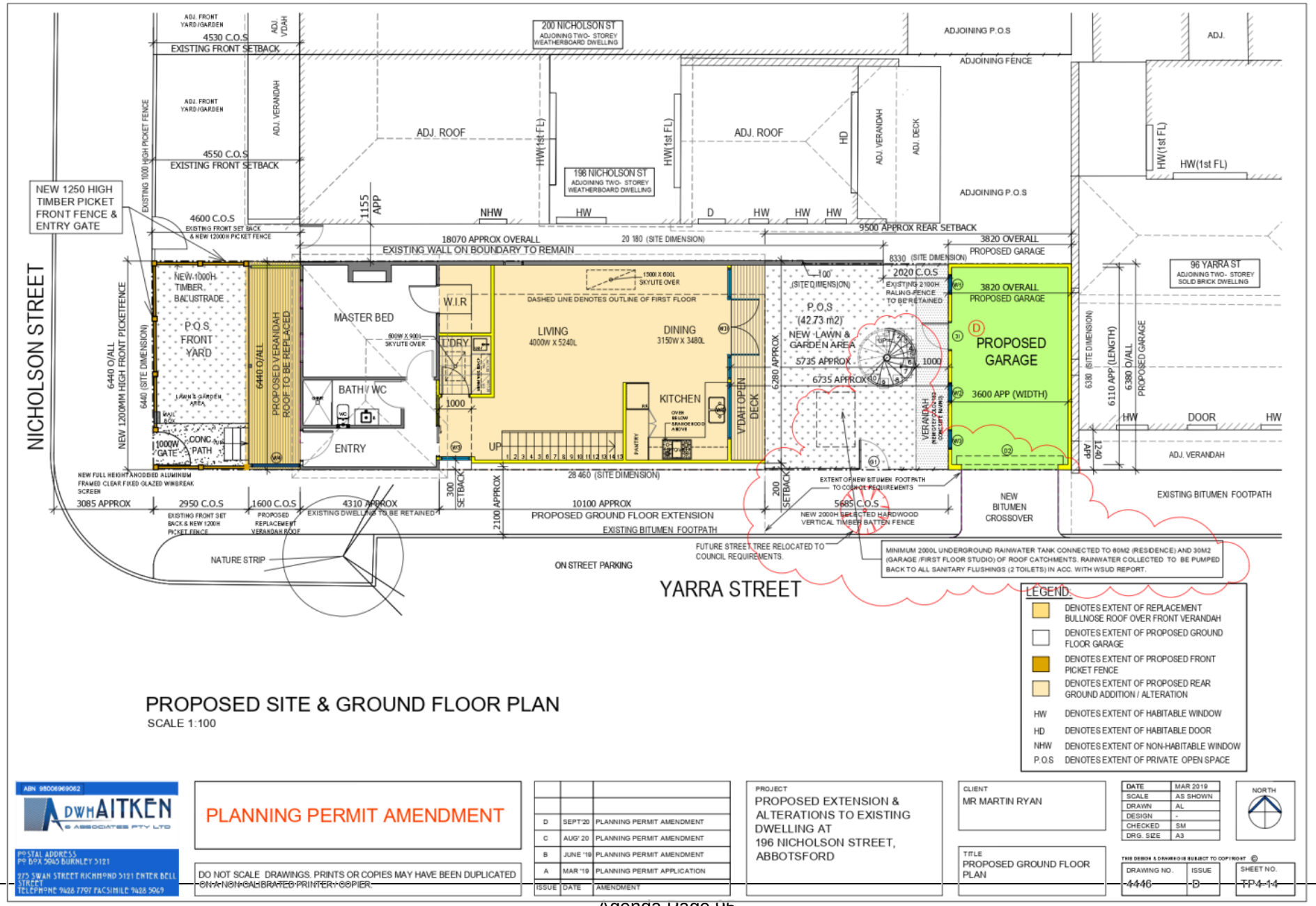
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4446	B	TP2A-14

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Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



PROPOSED SITE & GROUND FLOOR PLAN

SCALE 1:100

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275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
TELEPHONE 9428 7797 FACSIMILE 9428 5969

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ISSUE	DATE	AMENDMENT
D	SEPT'20	PLANNING PERMIT AMENDMENT
C	AUG' 20	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
PROPOSED GROUND FLOOR PLAN

DATE	MAR 2019
SCALE	AS SHOWN
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DESIGN	-
CHECKED	SM
DRG. SIZE	A3

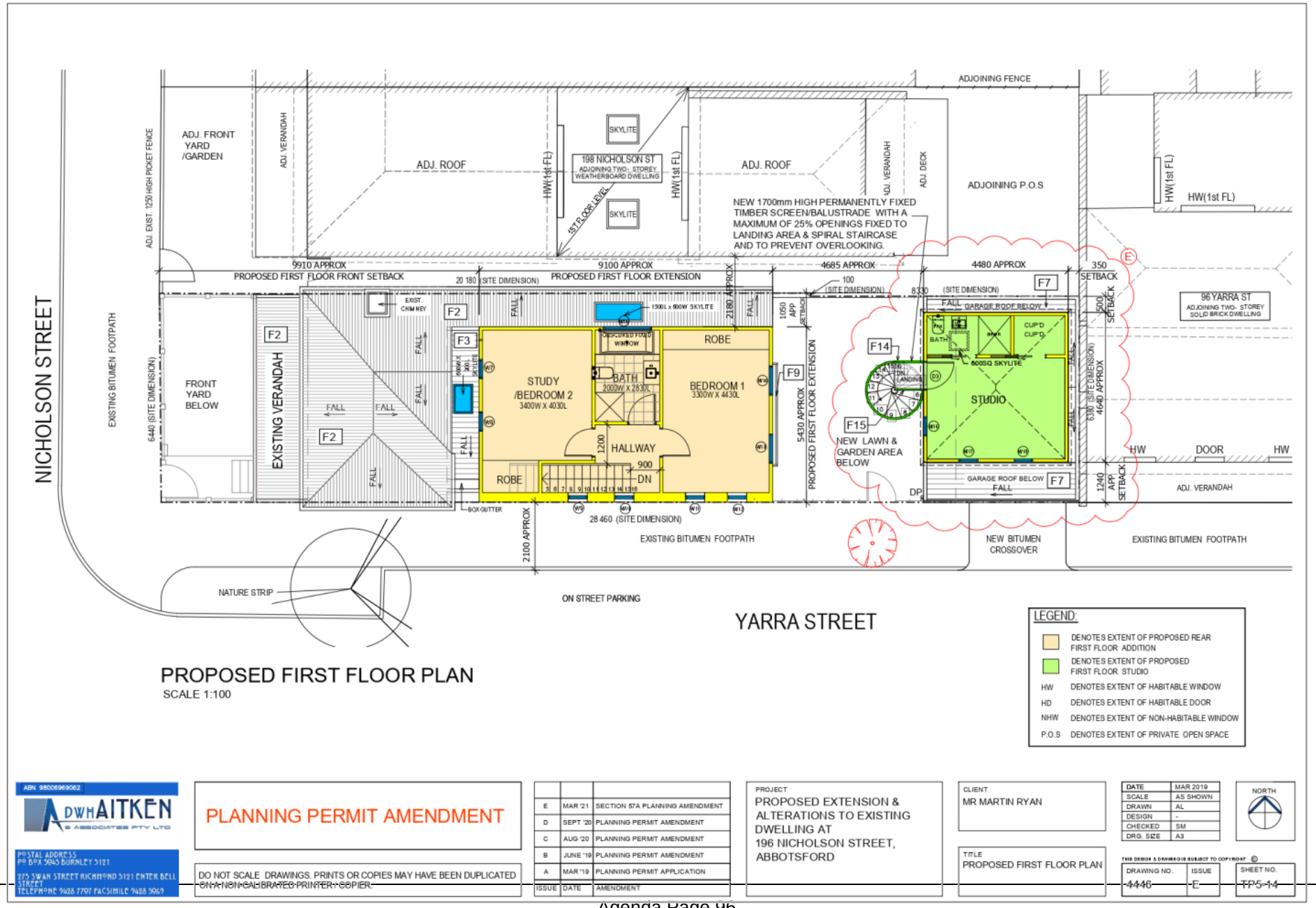
NORTH

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SHEET NO. TP4-14

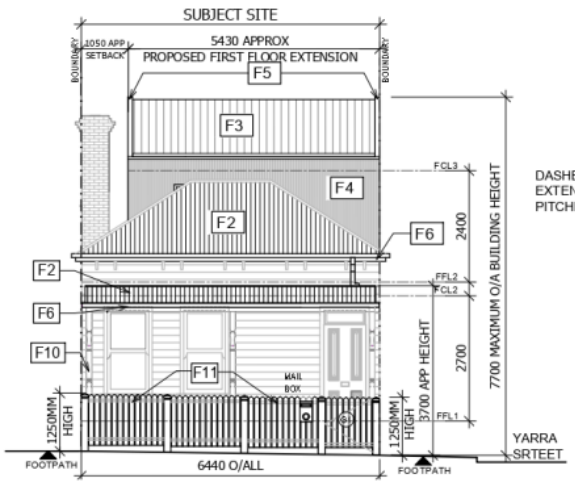
Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



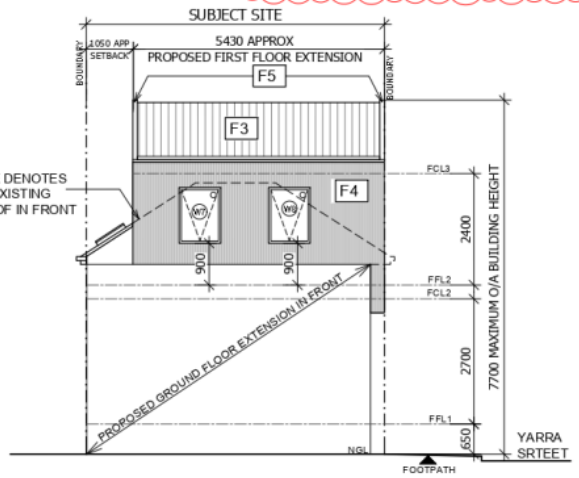
Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans

EXTERNAL FINISHES SCHEDULE

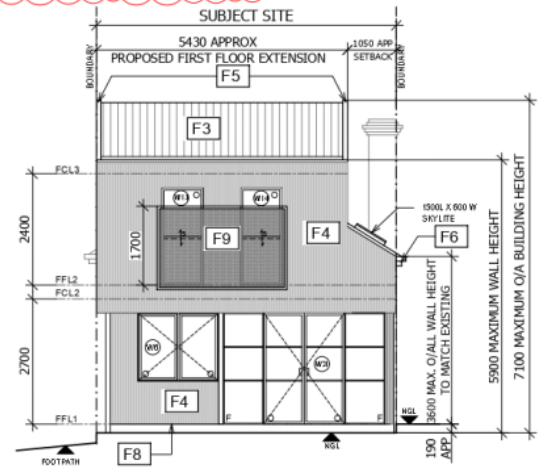
NO.	DESCRIPTION	SAMPLE	NO.	DESCRIPTION	SAMPLE
F1	NEW TIMBER WEATHERBOARD CLADDING TO MATCH EXISTING PROFILE AND PAINTED WHITE FINISH (LOCATION -GROUND FLOOR EXTENSION & GARAGE/ FIRST FLOOR STUDIO)		F10	TREATED PINE OPEN TIMBER DECK WITH CLEAR TUNG OIL FINISH.	
F2	REPLACEMENT UNPAINTED HERITAGE GALVANIZED GRADE Z600 ROOF SHEETING (LOCATION- EXISTING GROUND FLOOR HIPPED ROOF TO BE RETAINED & PROPOSED SHEETING OVER FIRST FLOOR STUDIO ROOF ABOVE GARAGE)		F11	NEW 1250MM HIGH TIMBER PICKET FRONT & SIDE B'DRY FENCES WITH WHITE PAINTED FINISH	
F3	MATT MONUMENT METAL COLORBOND WALL CLADDING AND ROOF SHEETING		F12	PROPOSED CEMENT SHEET CLADDING INFILL PAINTED TO MATCH EXISTING FINISH	
F4	SELECTED HARDWOOD VERTICAL TIMBER BATTEN WALL CLADDING TO GARAGE /1ST FLOOR ADDITION FACADE & SIDE BOUNDARY FENCE ALONG YARRA STREET (REFER TO PHOTO EXAMPLE ON SHEET TP8)		F13	PROPOSED 1000MM HIGH TIMBER FRAMED BALUSTRADE PAINTED IN WHITE FINISH TO MATCH EXISTING VERANDAH WITH TURNED POSTS TO REMAIN.	
F5	MATT MONUMENT COLORBOND DOWNPIPES,GUTTERING, CAPPING /FLASHINGS.		F14	NEW 1700MM HIGH PERMANENTLY FIXED TIMBER SCREEN/BALUSTRADE WITH A MAXIMUM OF 25% OPENINGS FIXED TO LANDING AREA & SPIRAL STAIRCASE AND TO PREVENT OVERLOOKING	
F6	NEW SURFMIST COLORBOND DOWNPIPES,GUTTERING / FLASHINGS WITH WHITE PAINTED FINISH TO EAVES FASCIA TO MATCH EXISTING.		F15	NEW 1000mm HIGH TIMBER SCREEN/ BALUSTRADE	
F7	NEW WOODLAND GREY COLORBOND FINISH SPEED DECK ROOF SHEETING AT 1° MIN PITCH OVER GARAGE		F16	PROPOSED EXTENDED PALING FENCE TO MATCH EXISTING	
F8	NEW WOODLAND GREY COLORBOND DOWNPIPES,GUTTERING / FLASHINGS WITH WHITE PAINTED FINISH TO EAVES FASCIA TO GARAGE.			PROPOSED NEW WINDOWS AND DOORS FRAMINGS BLACK POWDERCOATED METAL FRAMES	
F9	NEW 1700mm HIGH BLACK POWDERCOATED ALUMINIUM PERFORATED METAL SCREEN WITH MAXIMUM OF 25% OPENING TO PREVENT OVERLOOKING.			NEW 2100H X 3600W COLORBOND METAL PANEL LIFT DOOR AS SELECTED - MANOR RED	



PROPOSED WEST ELEVATION
SCALE 1:100



PROPOSED INTERNAL WEST ELEVATION
SCALE 1:100



PROPOSED EAST ELEVATION
SCALE 1:100

ABN 98006969062
ADW AITKEN & ASSOCIATES PTY LTD
POSTAL ADDRESS
PO BOX 5945 BURNLEY 3121
275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
TELEPHONE 9428 7797 FACSIMILE 9428 5969

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D	SEPT '20	PLANNING PERMIT AMENDMENT
C	AUG '20	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

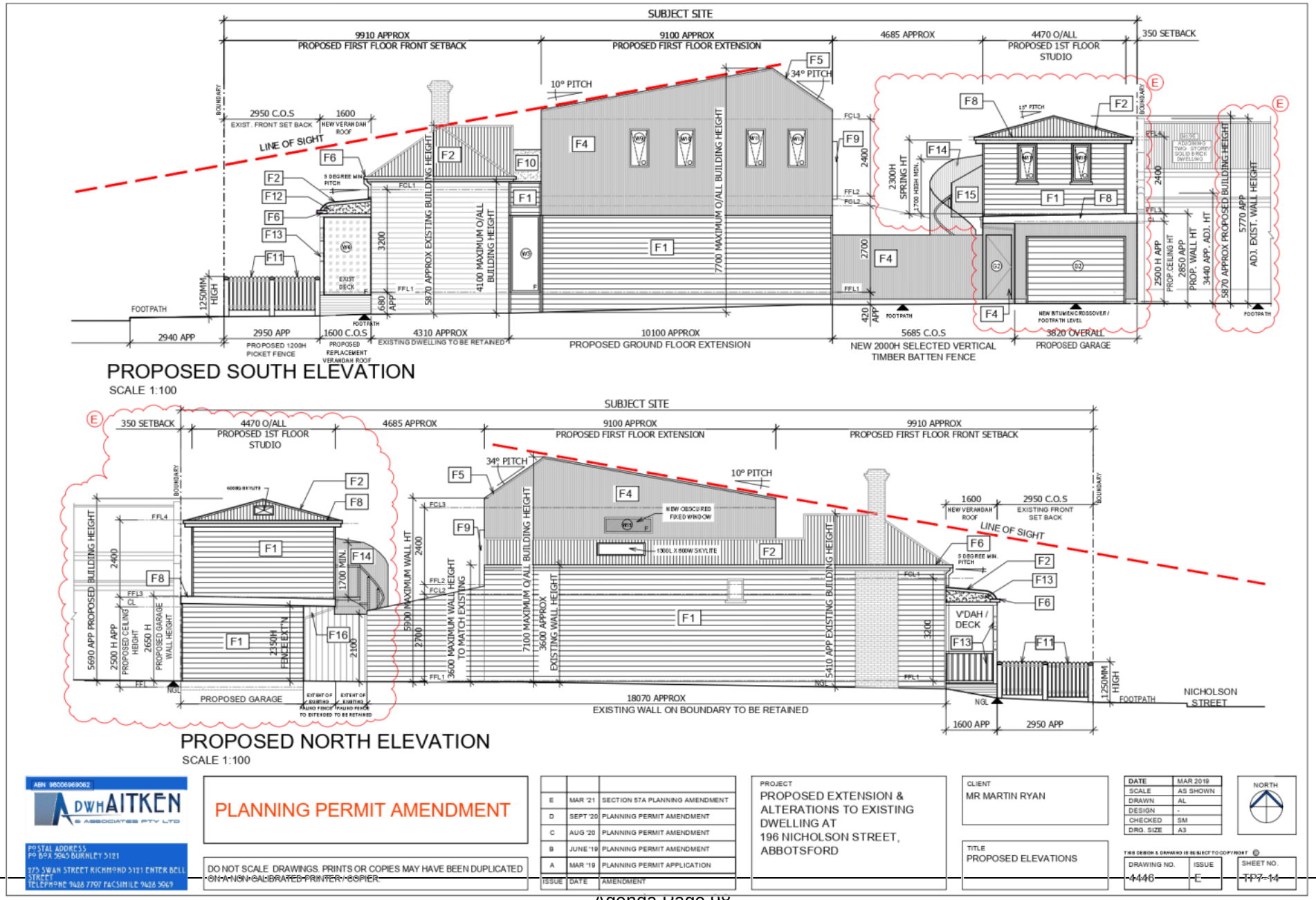
TITLE
PROPOSED ELEVATIONS
EXTERNAL FINISHES SCHEDULE

DATE	MAR 2019
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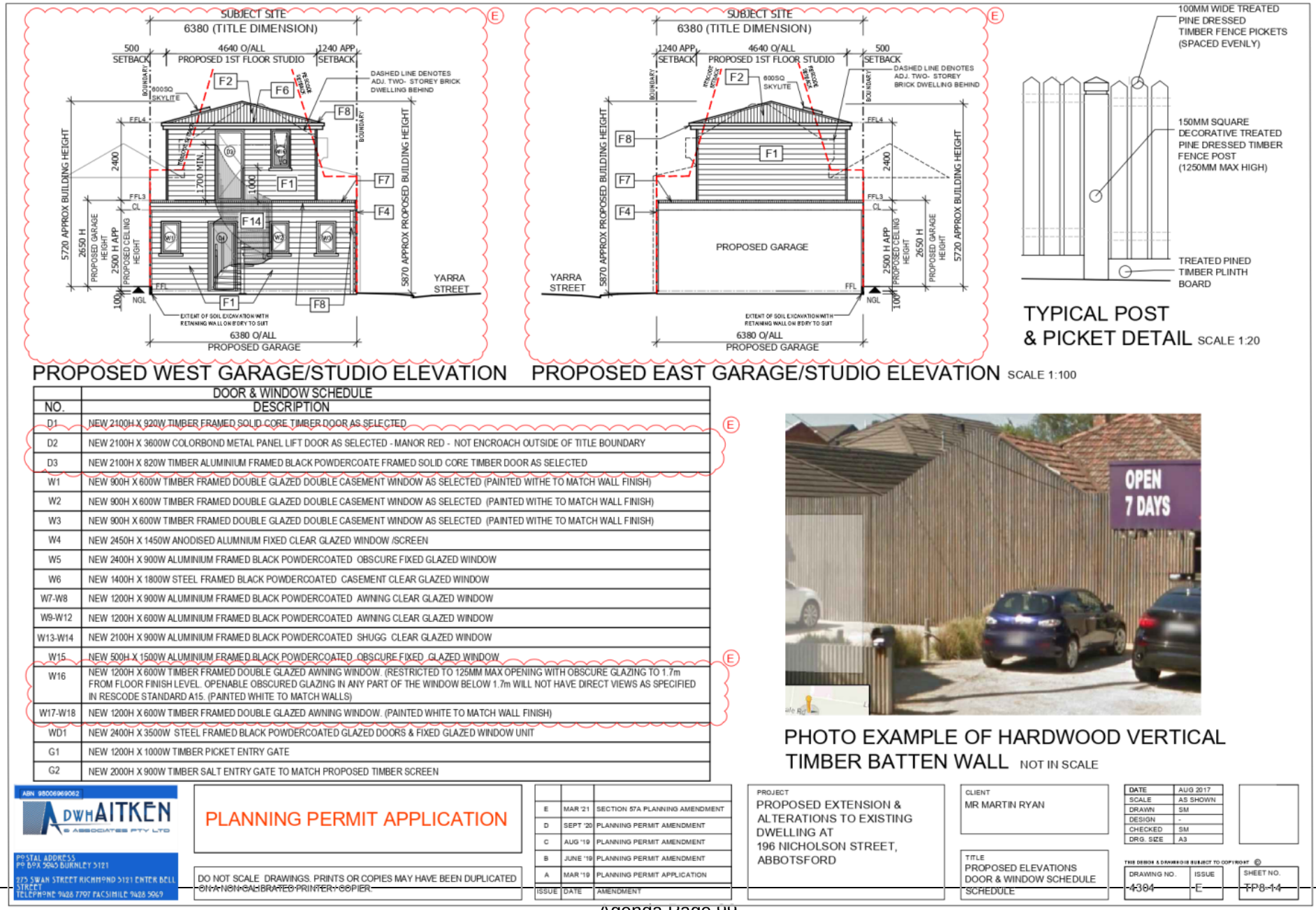
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Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



DOOR & WINDOW SCHEDULE	
NO.	DESCRIPTION
D1	NEW 2100H X 920W TIMBER FRAMED SOLID CORE TIMBER DOOR AS SELECTED
D2	NEW 2100H X 3600W COLORBOND METAL PANEL LIFT DOOR AS SELECTED - MANOR RED - NOT ENCROACH OUTSIDE OF TITLE BOUNDARY
D3	NEW 2100H X 820W TIMBER ALUMINIUM FRAMED BLACK POWDERCOATE FRAMED SOLID CORE TIMBER DOOR AS SELECTED
W1	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED (PAINTED WITHE TO MATCH WALL FINISH)
W2	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED (PAINTED WITHE TO MATCH WALL FINISH)
W3	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED (PAINTED WITHE TO MATCH WALL FINISH)
W4	NEW 2450H X 1450W ANODISED ALUMNIUM FIXED CLEAR GLAZED WINDOW /SCREEN
W5	NEW 2400H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED OBSCURE FIXED GLAZED WINDOW
W6	NEW 1400H X 1800W STEEL FRAMED BLACK POWDERCOATED CASEMENT CLEAR GLAZED WINDOW
W7-W8	NEW 1200H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED AWNING CLEAR GLAZED WINDOW
W9-W12	NEW 1200H X 600W ALUMINIUM FRAMED BLACK POWDERCOATED AWNING CLEAR GLAZED WINDOW
W13-W14	NEW 2100H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED SHUGG CLEAR GLAZED WINDOW
W15	NEW 500H X 1500W ALUMINIUM FRAMED BLACK POWDERCOATED OBSCURE FIXED GLAZED WINDOW
W16	NEW 1200H X 600W TIMBER FRAMED DOUBLE GLAZED AWNING WINDOW. (RESTRICTED TO 125MM MAX OPENING WITH OBSCURE GLAZING TO 1.7m FROM FLOOR FINISH LEVEL. OPENABLE OBSCURED GLAZING IN ANY PART OF THE WINDOW BELOW 1.7m WILL NOT HAVE DIRECT VIEWS AS SPECIFIED IN RESCODE STANDARD A15. (PAINTED WHITE TO MATCH WALLS)
W17-W18	NEW 1200H X 600W TIMBER FRAMED DOUBLE GLAZED AWNING WINDOW. (PAINTED WHITE TO MATCH WALL FINISH)
WD1	NEW 2400H X 3500W STEEL FRAMED BLACK POWDERCOATED GLAZED DOORS & FIXED GLAZED WINDOW UNIT
G1	NEW 1200H X 1000W TIMBER PICKET ENTRY GATE
G2	NEW 2000H X 900W TIMBER SALT ENTRY GATE TO MATCH PROPOSED TIMBER SCREEN

PHOTO EXAMPLE OF HARDWOOD VERTICAL TIMBER BATTEN WALL NOT IN SCALE

ABN 98006969062
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PLANNING PERMIT APPLICATION

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ISSUE	DATE	AMENDMENT
E	MAR '21	SECTION 57A PLANNING AMENDMENT
D	SEPT '20	PLANNING PERMIT AMENDMENT
C	AUG '19	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

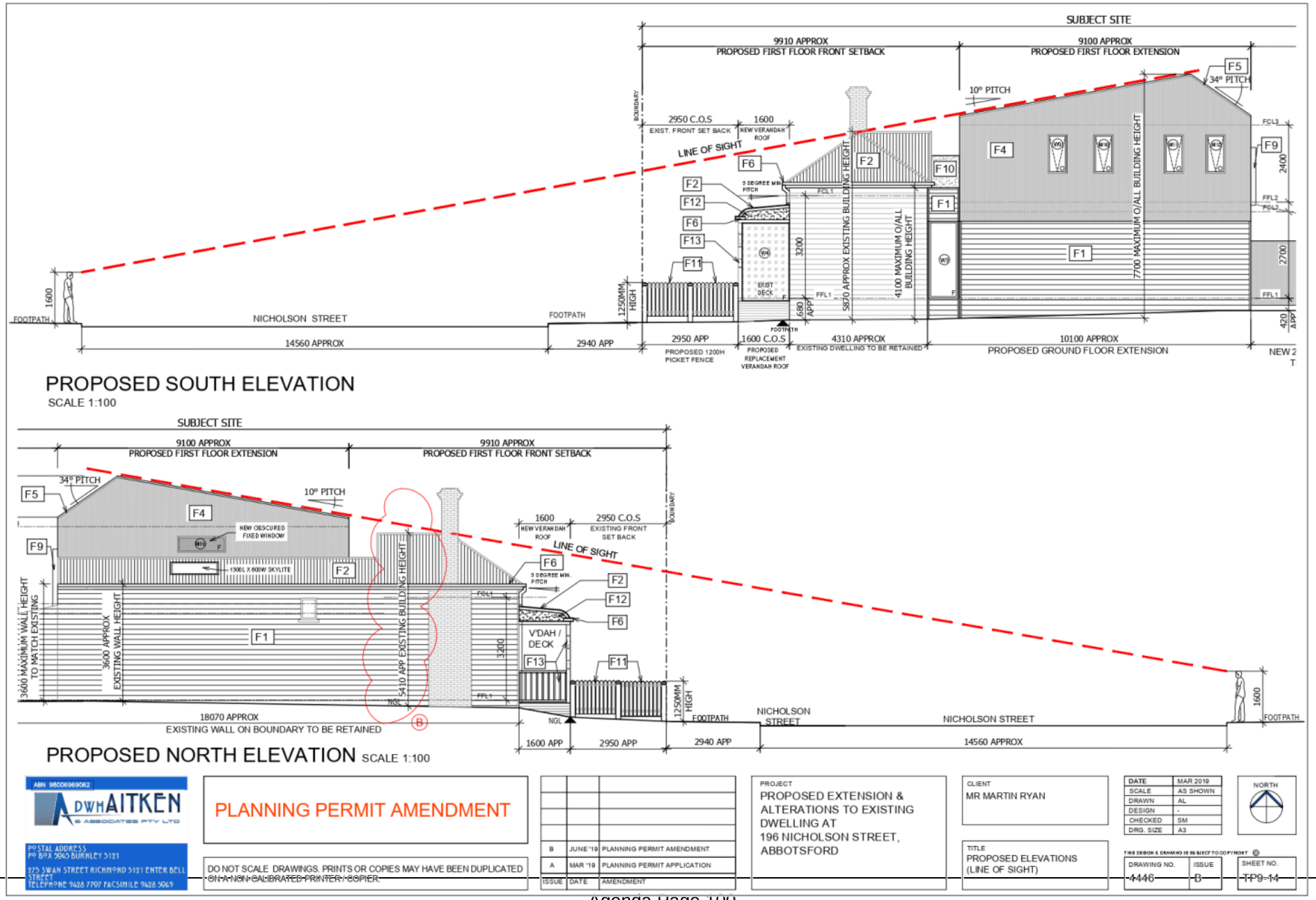
TITLE
PROPOSED ELEVATIONS
DOOR & WINDOW SCHEDULE
SCHEDULE

DATE	AUG 2017
SCALE	AS SHOWN
DRAWN	SM
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

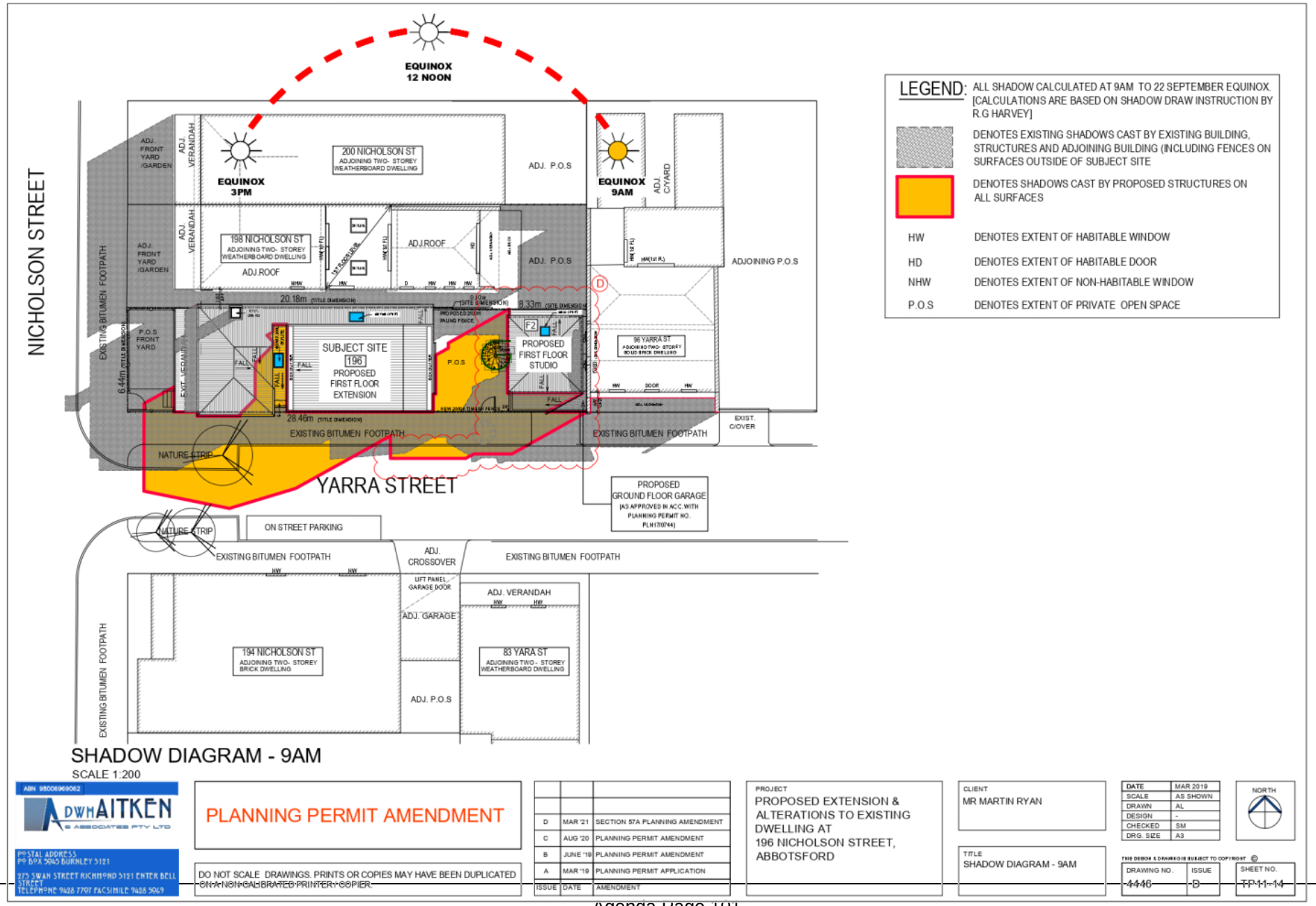
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DRAWING NO.	ISSUE	SHEET NO.
4384	E	TP8-14

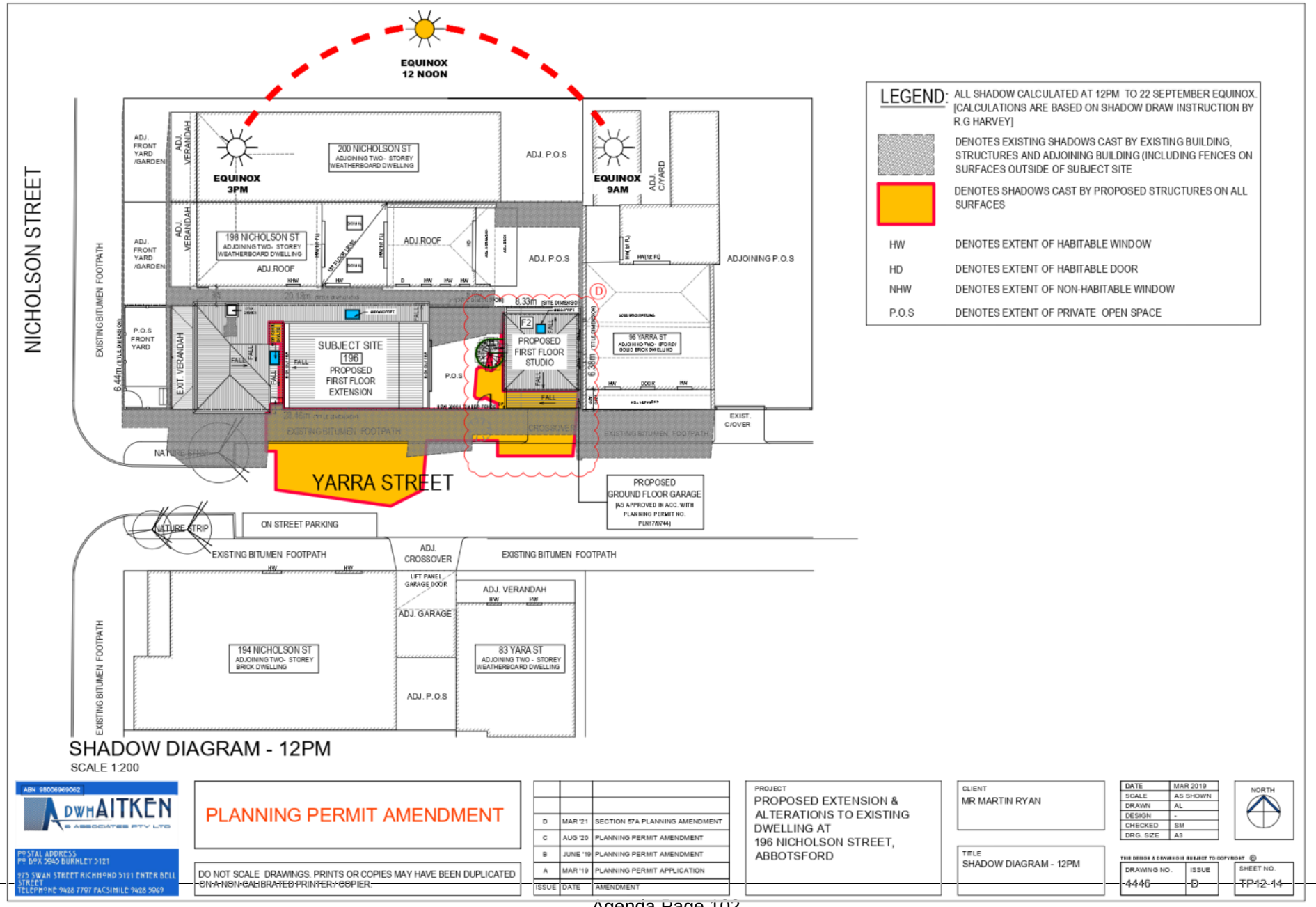
Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



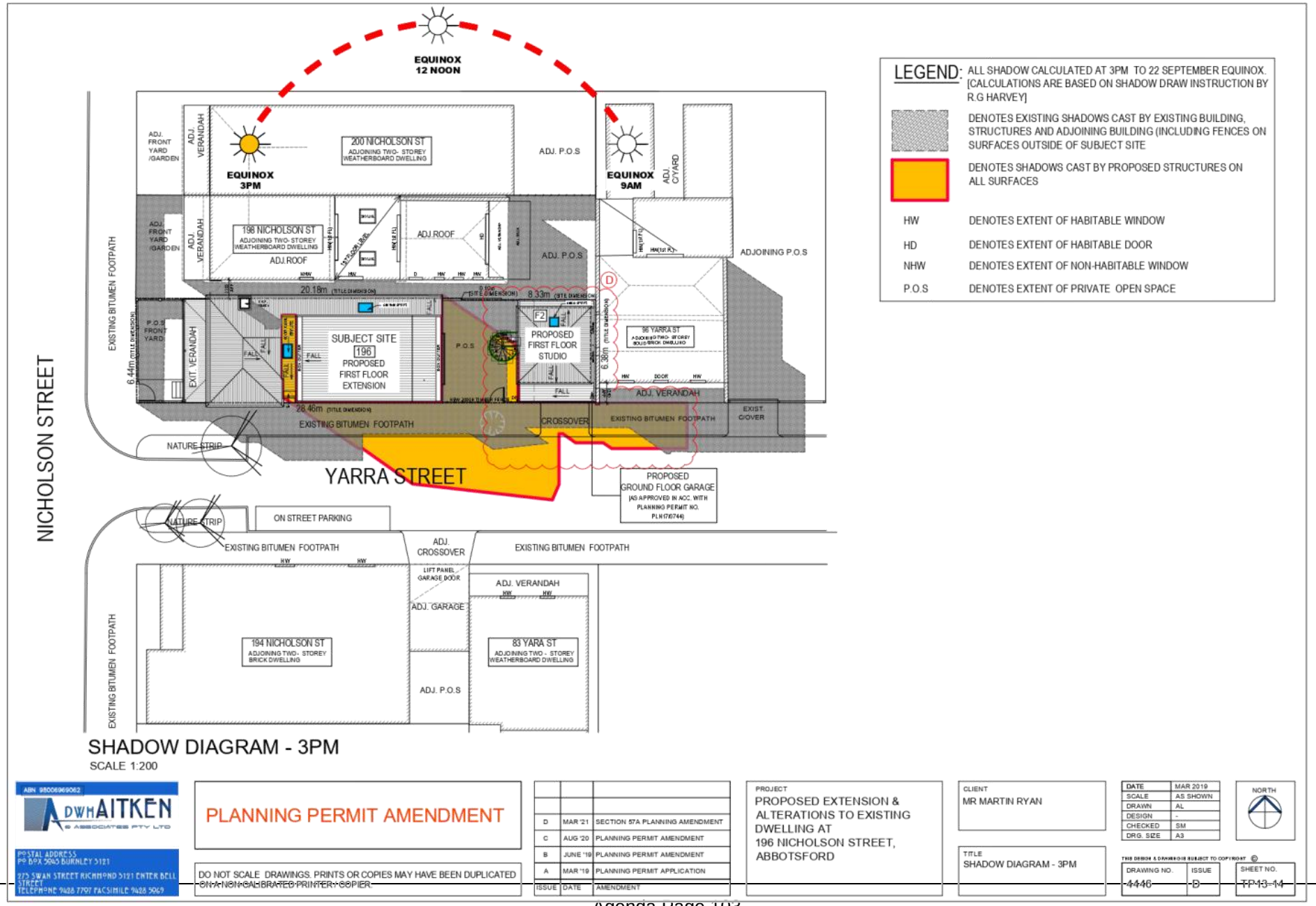
Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



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Attachment 2 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Amended Plans



Attachment 3 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Section 57A - Heritage Referral Comments

City of Yarra
Heritage Advice on Section 57A Amendment

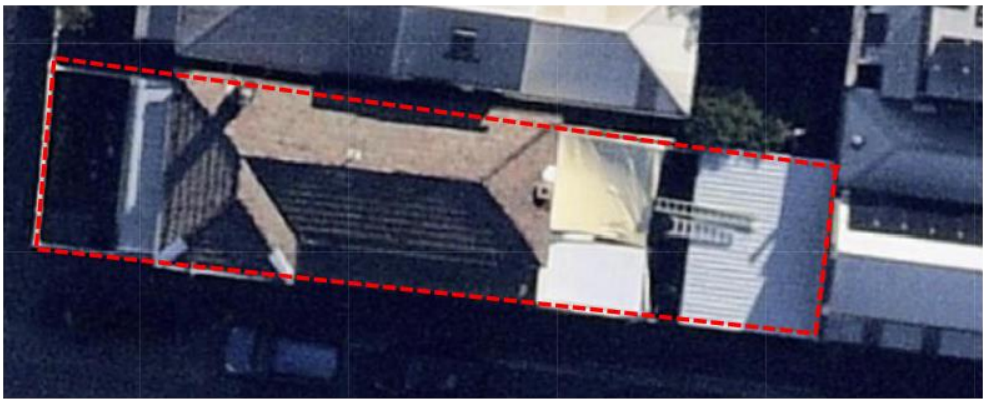
Application No.:	*PLN17/0744.02*
Address of Property:	***196 Nicholson Street, Abbotsford***
Planner:	*Emily Zeng*
Yarra Planning Scheme References:	• *Clause 15.03 Heritage* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay* • *Clause 43.01 Heritage Overlay* • *Clause 59.07 Applications Under A Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO313 Charles Street Precinct*
Level of significance:	*Not contributory, constructed 1890-1900 (City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)*
General description:	*Construction of a first-floor studio above the previously approved garage*
Drawing Nos.:	*Set of fourteen drawings, entitled "Proposed Extension & Alterations to Existing Dwelling At 196 Nicholson Street, Abbotsford" – Issue E, prepared by DWH Aitken, received by Council and dated Mar 2021*

CONTEXT IMAGES:



Above: Approved garage as constructed 2020

Attachment 3 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Section 57A - Heritage Referral Comments



Above: Aerial of the subject site, taken Apr 2021, shows completed garage

COMMENTS ON COMPLETED WORKS:

As previously advised in November 2020, the completed garage does not appear to be fully in accordance with the approved plans. The colour of the garage door is incorrect and the timber wall battens do not appear to be the same as approved either.

ASSESSMENT OF PROPOSED AMENDED WORKS:

The proposed addition will be constructed as an upper floor level to the previously approved and constructed garage.

The primary heritage concern of the proposed addition is its appearance in the streetscape.

Setback:

The proposed upper floor addition will be setback to match the alignment of the front wall of no. 96 Yarra Street. This is considered an acceptable front setback.

The proposed addition will be setback from the adjoining wall of no.96 allowing the boundary wall to remain intact.

Scale:

The maximum height of the finished addition will be slightly higher than the ridge height of the adjoining property at no.96 Yarra Street. It is unlikely that the difference will be perceivable from the street frontage. The overall height of the addition is therefore acceptable.

Building appearance and Roof form:

The form and appearance of the proposed addition is acceptable as it:

- Respects the pattern, rhythm, orientation to the street, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Is articulated and massed to correspond with the traditional building form of the surrounding heritage properties.
- Will not dominate the heritage place.

Spiral staircase:

The appearance of the spiral staircase is of no heritage concern as it is anticipated that it will have very little visibility from the street.

Attachment 3 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Section 57A - Heritage Referral Comments

RECOMMENDATIONS:

1. The colouring and finishes of the recently constructed garage do not appear to match those shown on the approved drawings. An inspection of the site must be carried out to verify if these works are legal.

2. On heritage grounds the works proposed in this application may be approved without specific heritage conditions.

SIGNED:



Diahnn McIntosh

DATED: 19 May 2021

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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Our Reference : 4446
PLANNING REPORT -WRITTEN ASSESSMENT AGAINST RESCODE - CLAUSE 54
PLANNING PERMIT SECTION 57A AMENDMENT APPLICATION - PLN17/0744 .01
Amended- MARCH 2021
PART DEMOLITION, PROPOSED GROUND / 1ST FLOOR ADDITIONS & ALTERATIONS TO REAR OF EXISTING SINGLE STOREY WEATHERBOARD DWELLING & 1ST FLOOR STUDIO ADDITION TO REAR GARAGE AT 196 NICHOLSON STREET, ABBOTSFORD.

CLAUSE 54.01
NEIGHBOURHOOD & SITE DESCRIPTION & DESIGN RESPONSE

CLAUSE 54.01-1 **NEIGHBOURHOOD AND SITE DESCRIPTION** The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe: • **In relation to the neighbourhood** - The built form, scale and character of surrounding development including front fencing. - Architectural and roof styles. - Any other notable features or characteristics of the neighbourhood. • **In relation to the site** - Site shape, size, orientation and easements. - Levels of the site and the difference in levels between the site and surrounding properties. - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site. - The use of surrounding buildings. - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres. - Solar access to the site and to surrounding properties. - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known. - Any contaminated soils and filled areas, where known. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - Any other notable features or characteristics of the site.	**Complies** **Comments** **The subject site is rectangular in shape and located on the corner of Nicholson & Yarra Street Abbotsford** **The existing building consist of a single storey period style weatherboard residence with a combination terracotta hipped roof & bull nose verandah's located along each street frontage.** **The site has a minimal falls towards the front of the property, similar to adjoining properties.** **The neighbourhood character of adjacent and adjoining properties along Nicholson and Yarra Streets from the subject site comprise of a variety of single and two storey solid brick and weatherboard dwellings, with a mix of Period, Edwardian and Victorian era style residences.** **Existing roof forms identified on adjoining properties include hipped, gable and flat parapet style. Corrugated metal is the main roofing material amongst the neighbouring dwellings.** **(Refer to drawings 4446–sheet TP1 for details)**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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LAUSE 54.01-2 **DESIGN RESPONSE** The design response must explain how the proposed design: • Derives from and responds to the neighbourhood and site description. • Meets the objectives of Clause 54. • Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay. • The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.	**Complies** **Comments** **The property is zoned Neighbourhood Residential Zone [NRZ1] and located within a Heritage Overlay (HO313). No specific heritage controls apply to this site.** **The proposal shall comprise of the following ;** **The built-form of the proposed 1st floor studio addition shall be similar and tie in to the original building fabric. The proposed weatherboard clad walls and corrugated sheet hipped roof above will create a visual transition within the streetscape between the modern and traditional roof type forms present.** **The proposal will not dominate or diminish the existing streetscape and is setback 1.240 m within Yarra St to match the front wall of the adjoining abutting heritage dwelling (96 Yarra St) to the east.** **The proposal will be sighted below the building envelope guidelines in accordance with Clause 22.02 of the Yarra Planning Scheme. This is achieved as the overall building height is in proportion with the existing dwelling and similar to the adjoining heritage building to the east.** **The proposal shall comprise the following;** • **Heritage Grade Z600 corrugated galvanised steel roof sheeting over hip roof** • **Weatherboard cladding to first floor level external walls painted white to match existing finish.** • **Timber framed awning windows to be of a 2:1 (height/width) proportion, similar to garage windows located on the internal west elevation.**

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	All materials and colours selected shall match approved existing surfaces and finishes present on site. This will ensure our proposal is respectful of the surrounding heritage and will not dominate the street. **Access to the 1st floor studio is via a new powdercoated steel framed spiral staircase located within the rear yard. It comprises open steel treads and 1.7m high timber screen with maximum 25% openings fixed to the perimeter and upper landing area to prevent overlooking.** **(Refer to drawings 4446 – sheets TP1, TP5-8 for details)**
CLAUSE 54.02 **NEIGHBOURHOOD CHARACTER**	
CLAUSE 54.02-1 **NEIGHBOURHOOD CHARACTER** **Objectives** To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that the design responds to the features of the site and the surrounding area. **Standard A1** • The design response **must** be appropriate to the neighbourhood and the site. • The proposed design **must** respect the existing or preferred neighbourhood character and respond to the features of the site. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The neighbourhood and site description.* • *The design response.*	**Complies** **Comments** **The neighbourhood character of adjacent and adjoining properties along Nicholson & Yarra Streets from the subject site comprise of a variety of single & two- storey solid brick and weatherboard dwellings, with a mix of Period, Edwardian and Victorian era style residences.** **The Neighbourhood character will not be affected by this proposal. The proposed 1st floor studio addition will be adequately setback within the Yarra St streetscape and constructed with a traditional pitch with hip roof form, located below the required line of sight. This will provide an enhanced oblique view to the adjoining heritage building on the east side and is further visually recessive within the streetscape** **The proposed 1st floor studio addition will be constructed with materials and finishes that will match approved existing surfaces and finishes present on site. This will ensure our proposal is respectful of the surrounding heritage and will not dominate the street .**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.02-2 **INTEGRATION WITH THE STREET** **Objective** To integrate the layout of development with the street. **Standard A2** • Dwellings should be orientated to front existing and proposed streets • High fencing in front of dwellings should be avoided if practicable. Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.*	**Complies** **Comments** **The integration with the street will remain unaffected, as the proposed first floor addition will be located to the rear of the site and will be significantly setback and partially visible from the existing Nicholson St streetscape.** **The built-form of the proposed 1st floor studio addition shall be similar and tie in to the original building fabric. The proposed hip roof will provide an enhanced oblique view to the adjoining heritage building on the east side and is further visually recessive within the streetscape. Weatherboard cladding to first floor level ties to the rear dwelling addition and existing streetscape.** **There are similar two storey developments which abuts the subject site, 196 Nicholson St located to the north and 96 Yarra St located to the rear , which are both consistent with this proposal.** **(Refer to drawings 4446 sheets TP1, TP4-8 for details)**
CLAUSE 54.03 **SITE LAYOUT AND BUILDING MASSING**	
CLAUSE 54.03-1 **STREET SETBACK** **Objective** To ensure that setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site **Standard A3** Walls of buildings should be setback from streets the distance specified in Table A1 as follows: • Where there are existing buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of front walls of existing adjacent buildings facing the same street or 9m, whichever is lesser. • Where there is an existing buildings on one abutting lot facing the same street, and no existing building on the other abutting lot facing the same street and the site is not on a corner, the same distance as the front wall of the existing adjacent building or 9m, whichever is lesser.	**Front Street Setback -Not applicable** **Side Street Setback - Variation Required** **Comments** **The existing side street setback to the existing garage shall remain unchanged.** **The proposed 1st floor studio addition will be setback 1.240 metres from Yarra St and will match the existing front setback of the adjoining heritage dwelling to the east - [96 Yarra St].**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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• Where there is no existing buildings on either abutting lot facing the same street and the site is not on a corner, 6m for streets in a Road Zone Category 1, and 4m for other streets. • Where the site is on a corner, and there is a building on the abutting lot facing the front street, the same distance as the setback of the front wall of the existing abutting building facing the front street, or 9m whichever is lesser. • Where the site is on a corner and there is no building on the abutting lot facing the front street, 6m for streets in a Road Zone Category 1, and 4m for other streets. • Buildings should be setback from the side street of a corner site, the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 2m, whichever is the lesser. **Note 1:** for a corner lot, the frontage or front street is the smaller frontage. For lots with equal frontage to two streets, the Council may nominate the frontage or front street. **Note 2:** Porches, pergolas and verandahs that are less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.* • *The visual impact of the building when viewed from the street and adjoining properties.* • *The value or retaining vegetation within the front setback.*	**This proposal is sighted below the building envelope guidelines in accordance with Clause 22.02 of the Yarra Planning Scheme'.** **(Refer to drawings 4446 sheets TP1, TP4-8 for details)**
CLAUSE 54.03-2 **BUILDING HEIGHT** **Objective** To ensure that the height of the buildings respects the existing or preferred neighbourhood character **Standard A4** • The maximum building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10m. • Change of building height between existing buildings and new buildings should be graduated. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *The effect of the slope of the site on the height of the building.* • *The relationship between the proposed building height and the height of existing adjacent buildings.* • *The visual impact of the building when viewed from the street and adjoining properties.*	**Complies** **Comments** **The proposed maximum building height of the 1st floor studio addition will be 5.870 metres high. This will be sighted below the building envelope guidelines in accordance with Clause 22.02 of the Yarra Planning Scheme'.** **All proposed building heights do not exceed the 9 metre high maximum allowed and are compliant with standard.** **(Refer to drawings 4446 –sheets TP7-8 for details)**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.03-3 **SITE COVERAGE** **Objective** To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site **Standard A5** • The site area covered by buildings should not exceed 60%. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *The existing site coverage and any constraints imposed by existing development or the features of the site.* • *The site coverage of adjacent properties.* • *The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.*	**Not Applicable** **Comments** **The proposed external spiral staircase within the rear yard to allow access to the 1st floor studio is of minimal size and unroofed. Therefore, the total site coverage for this development remains unchanged. - 129.70 m² (73.26 %)** **(Refer to drawings 4446 – Sheet TP1 for details.)**
CLAUSE 54.03-4 **PERMEABILITY** **Objectives** To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration **Standard A6** • At least 20 % of the site should not be covered by impervious surfaces. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The design response* • *The existing site coverage and any constraints imposed by existing development or the features of the site.* • *The capacity of the drainage network to accommodate additional stormwater.* • *The capacity of the site to absorb run-off.* • *The practicality of achieving at least 20 per-cent site coverage of pervious surfaces, particularly on lots of less than 300m2.*	**Complies** **Comment** **The permeability remains unchanged at 26.69 % and compliant to standard A6.** **This has been achieved by retaining the existing front garden and lawn areas and the removal of hard concrete surfaces to the rear private open spaces to be replaced with new lawn and garden areas.** **The proposed rear open spiral staircase will also allow stormwater run-off to discharge between the gaps to the existing permeable ground level below.** **These measures will further reduce the impact of stormwater run-off on the current drainage system. The proposed dwelling additions will be connected into the existing stormwater system.**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.03-5 **ENERGY EFFICIENCY PROTECTION** **Objectives** To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. **Standard A7** Buildings should be: - Orientated to make appropriate use of solar energy. - Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas and private open space should be located on the north side of the dwelling, if practicable. • Dwellings should be designed so that solar access to north-facing windows is maximised. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The design response* • *The size, orientation and slope of the lot.* • *The existing amount of solar access to abutting properties.* • *The availability of solar access to north facing windows on the site.*	**Not Applicable** **Comments** **The proposed 1st floor studio addition is exempt from this clause, however, the proposal shall incorporate double glazed windows and skylights to the main studio area to take advantage of north facing light.** **All proposed external timber framed walls; floors and roofs will be adequately insulated in accordance with relevant Australian standards.**
CLAUSE 54.03-6 **SIGNIFICANT TREES** **Objectives** To encourage development that respects the landscape character of the neighbourhood. To encourage the retention of significant trees on the site **Standard A8** • Development should provide for the retention or planting of trees, where these are part of the neighbourhood character. • Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *The health of any trees that were removed or are proposed to be removed.* • *Whether a tree was removed to gain a development advantage.*	**Not Applicable** **Comments** **No existing trees will be removed within the site.**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.03-7 **PARKING** **Objective** To ensure that car parking is adequate for the needs of residents. **Standard A9** Two car spaces should be provide per dwelling with: • one space at least 6m x 3.5m and covered or capable of being covered. • One space at least 4.9m x 2.6m. • If the car spaces are in a garage, car port or otherwise constrained by walls, a double space may have an internal width of 5.5m. • A building may project into a car space if it is at least 2.1m above the space. **Note:** the requirements of this standard do not apply to extensions to existing dwellings. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The likely needs of users* • *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.* • *The reduction of on-street car parking spaces resulting from the provision of car parking on the site, particularly for lots of less than 300 square metres.* • *The availability of public transport and on-street parking.* • *Any relevant local planning policy or parking precinct plan.*	**Complies** **Comments** **The subject property provides 1 secure and covered car spaces within the site, fully accessible via an existing crossover within Yarra Street.** **This contributes to the reduction of on street car parking within Yarra Street.**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.04 **AMENITY IMPACTS**	
CLAUSE 54.04-1 **SIDE AND REAR SETBACKS** **Objective** To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. **Standard A10** • New building not on, or within 150mm of boundary should be setback from side or rear boundaries: - 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. • Landings with an area of not more than 2m², and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.* • *Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.* • *Whether the wall abuts a side or rear lane.*	**Rear setback - Variation Required** **Side Setbacks- Variation Required** **Comments** **This proposal has taken into consideration both the adjoining secluded private open space and habitable room windows to the north and the adjoining solid brick dwelling wall that abuts the east boundary. This proposal further minimizes the impact on the amenity to these areas with the construction of the 1st floor addition setback 500mm from the north and 350mm from the east boundaries respectively.** **Overall building height is modified in proportion with the existing dwelling and similar to the adjoining heritage building to the east. This will ensure the proposal is sighted below the required building envelope with Clause 22.02 of the Yarra Planning Scheme'.** **The proposed studio walls will be located and setback adequately to ensure that there are minimal to no impacts in amenity to any adjoining or surrounding dwellings.** **No proposed ground floor walls shall be located opposite any adjacent existing habitable room windows and private open space areas, nor cast any shadows into surrounding or adjoining properties.** **(Refer to drawing 4446 sheets TP1, TP4-8 for details)**
CLAUSE 54.04-2 **WALLS ON BOUNDARIES** **Objective** To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. **Standard A11** • New wall on or within 150mm of a side or rear boundary of a lot, or	**Not Applicable** **Comments** **No boundary walls are proposed for this development** **(Refer to drawing 4446 sheets TP1, TP4-8 for details)**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than: • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or • The length of an existing or simultaneously constructed wall or carport whichever is the greater. • A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary. • A building on a boundary includes a building up to 200mm from a boundary. • New wall on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not exceed an average of 3.2 m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *The extent to which wall on boundaries are part of the neighbourhood character.* • *The visual impact of the building when viewed from adjoining properties.* • *The impact on the amenity of existing dwellings.* • *The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.* • *The orientation of the boundary that the wall is being built on.* • *The width of the lot.* • *Whether the wall abuts a side or rear lane.* • *The need to increase the wall height to screen a box gutter.*	
CLAUSE 54.04-3 **DAYLIGHT TO EXISTING WINDOWS** **Objective** To allow adequate daylight into existing habitable room windows. **Standard A12** • Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² & 1m clear to the sky.The area may include land on the abutting lot. • Walls or carports more than 3m height opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. • **Note:** Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window. • ***Decision Guidelines*** *-Before deciding on an application, the responsible authority must consider:* • *The design response.* • *The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.* • *The impact on the amenity of existing dwellings.*	**Not Applicable** **Comments** **There are no existing ground floor windows opposite to this proposal.**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.04-4 **NORTH FACING WINDOWS** **Objective** To allow adequate solar access to existing north facing habitable room windows. **Standard A13** • If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback: - 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. **Note:** A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The design response.* • *Existing sunlight on the north-facing habitable room window of the existing dwelling* • *The impact on the amenity of existing dwellings.*	**Not Applicable** **Comments** **There are no existing north facing windows opposite to this proposal.**
CLAUSE 54.04-5 **OVERSHADOWING OPEN SPACE** **Objective** To ensure buildings do not unreasonably overshadow existing secluded private open space. **Standard A14** • Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, or the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. • If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The design response.* • *The impact on the amenity of existing dwellings.* • *Existing sunlight penetration to the secluded private open space of the existing dwelling.* • *The time of day that sunlight is available to the secluded private open space of the existing dwelling.* • *The effect of a reduction in sunlight on the existing use of the secluded private open space.*	**Complies** **Comments** **There will be no impact of overshadowing to any adjoining or surrounding properties from the proposal.** **The proposed 1st floor studio addition will create some minor additional overshadowing within the secluded rear private open space of the subject property between 9am and 12pm only.** **(Refer to drawing 4446- sheets TP11-13 for details)**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.04-6 **OVERLOOKING** **Objective** To limit views into existing secluded private open space and habitable room windows. **Standard A15** • Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc. • The window, balcony etc may: - Be offset at least 1.5m from the edge of one window to the edge of the other; or - Have sill heights, obscure glazing or permanent screens of at least 1.7m above floor level. • Obscure glazing may be openable provided it does not allow direct views. • **Note:** This standard does not apply to a new habitable room window, balcony, terrace etc which faces a property boundary where there is a visual barrier at least 1.8m height and the floor level of the habitable room, balcony, terrace etc is less than 0.8m above ground level at the boundary. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The design response.* • *The impact on the amenity of the secluded private open space or habitable room window.* • *The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.* • *The internal daylight to and amenity of the proposed dwelling.*	**Complies** **Comments** **There is no overlooking from this proposal.** **This is achieved with a 1.7m high timber screen with maximum of 25% opening fixed to the perimeter and upper landing area of proposed spiral staircase.** **The proposed 1st floor studio west facing window shall be obscured 1.7m above FFL. These measures shall prevent overlooking.** **(Refer to drawing 4446 sheets TP1,TP4 -8 for details)**
CLAUSE 54.05 **ON-SITE AMENITY AND FACILITIES**	
CLAUSE 54.05-1 **DAYLIGHT TO NEW WINDOWS** **Objective** To allow adequate daylight into new habitable room windows. **Standard A16** • A window in a habitable room should be located to face: - an outdoor space clear to the sky or a light court with a minimum area of 3m² and minimum dimension of 1m, not including land on an abutting lot, or - a verandah provided it is open for at least 1/3rd of its perimeter, or - a carport provided it has two or more open sides and is open for at least 1/3rd of its perimeter. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The design response.* • *Whether there are other windows in the habitable room which have access to daylight.*	**Complies** **Comments** **All new habitable windows are located to face an outdoor clear space compliant with this standard.** **(Refer to drawing 4446 sheets TP1,TP4 -8 for details)**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.05-2 **PRIVATE OPEN SPACE** **Objective** To provide adequate private open space for the reasonable recreation and service needs of residents. **Standard A17** • A dwelling should have private open space of: - 80m² or 20% of the lot area, whichever is the lesser, but not less than 40m². - At least one part of the private open space should consist of secluded private open space with a minimum area of 25m² and a minimum dimension of 3m at the side or rear of the dwelling, with convenient access from a living room. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *The design response.* • *The useability of the private open space, including its size and accessibility.* • *The availability of and access to public open space.* • *The orientation of the lot to the street and the sun.*	**Complies** **Comments** **Private Open Space area of 42.73 m2, equates to 24.14 % of the lot area shall remain unchanged and compliant to standard A6.** **(Refer to drawing 4446 sheets TP1, TP4 -8 for details)**
CLAUSE 54.06 **DETAILED DESIGN**	
CLAUSE 54.06-1 **DESIGN DETAIL** **Objective** To encourage design detail that respects the existing or preferred neighbourhood character. **Standard A19** • The design of buildings should respect the existing or preferred neighbourhood character, including: - facade articulation and detailing; - window and door proportions; - roof form; and - verandahs, eaves and parapets. • Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.* • *Whether the design is innovative and of a high architectural standard.*	**Complies** **Comments** **The proposed 1st floor studio addition has been modified to address all recommendations outlined within the Yarra Heritage Advice prepared by Diahnn McIntosh - dated 25th November 2020.** **The proposal includes a traditional pitch with hip roof form, which will provide an enhanced oblique view to the adjoining heritage building on the east side and is further visually recessive within the streetscape.** **Combination of heritage Grade Z600 corrugated galvanised steel roof sheeting to hip roof and weatherboard cladding to first floor level external walls painted white to match existing finish, ties in with the dwelling addition and fits within the existing streetscape.**

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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	Timber framed awning windows to be of a 2:1 (height/width) proportion, which are similar to garage windows located on the internal west elevation. Head height of the studio has been modified to provide a 2.3 m high spring height at wall junction internally and creation of cathedral ceiling within the hip framing to provide a practical and usable floor space. Overall building height has been modified in proportion with the existing dwelling and similar to the adjoining heritage building to the east . The proposal will not dominate or diminish the existing streetscape as it setback to match the adjoining abutting dwelling to the east within Yarra St. All materials and colours selected shall match approved existing surfaces and finishes present on site. This will ensure our proposal is respectful of the surrounding heritage and will not dominate the street. Access to the 1st floor studio is via a new powdercoated steel framed spiral staircase located within the rear yard. It comprises open steel treads and 1.7m high to be timber screen with maximum 25% openings fixed to the perimeter and upper landing area to prevent overlooking. (Refer to drawings 4446 –sheets TP1, TP5-8 for details).

Attachment 4 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Clause 54 Assessment

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CLAUSE 54.06-2 **FRONT FENCES** **Objective** To encourage front fence design that respects the existing or preferred neighbourhood character. **Standard A20** • The design of front fences should complement the design of the dwelling and any front fences on adjoining properties. • A front fence within 3m of a street should not exceed: - 2m height for streets in a Road Zone, Category 1; or - 1.5m height for any other street. ***Decision Guidelines*** *Before deciding on an application, the responsible authority must consider:* • *Any relevant neighbourhood character objective, policy or statement set out in this scheme.* • *The design response.* • *The setback, height and appearance of front fences on adjacent properties.* • *The extent to which slope and retaining walls reduce the effective height of the front fence.* • *Whether the fence is needed to minimise noise intrusion.*	**Not Applicable** **Comments** **The existing front fence shall remain unchanged.**

Attachment 5 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Heritage Assessment

Our reference: 4446
Amended March 2021

DWH AITKEN & ASSOCIATES PTY LTD
ABN 78005456052

SECTION 57A AMENDMENT- RESPONSE TO DEVELOPMENT GUIDELINES FOR SITES SUBJECT TO THE HERITAGE OVERLAY (CLAUSE 22.02) ASSESSMENT IN ACCORDANCE WITH YARRA PLANNING SCHEME FOR PROPOSED PART DEMOLITION, PROPOSED GROUND / 1ST FLOOR ADDITIONS &ALTERATIONS TO THE REAR OF EXISTING SINGLE STOREY WEATHERBOARD DWELLING & PROPOSED 1ST FLOOR STUDIO ADDITION TO EXISTING REAR GARAGE AT: 196 NICHOLSON STREET, ABBOTSFORD.



INTRODUCTION:

- The subject site (No 196) is rectangular in shape and located on the corner of Nicholson and Yarra Street Abbotsford. The property comprises a detached period style single storey weatherboard dwelling *(constructed 1890-1900)* with a hipped roof and bull nose verandah's to both street frontages.

- The property is zoned Neighbourhood Residential Zone [NRZ1] and located within a Heritage Overlay (HO313). Although no specific heritage controls apply to this site, the property is located within the Charles Street Precinct in accordance with the Victorian Heritage Database.

- The site area is approximately 177.00 sq m. The property has a 6.44 metre wide frontage to Nicholson Street and a depth of 28.46 metres along Yarra Street.

- This site contains fully landscaped gardens, front and side entry verandah's, and secluded private open space to the rear. Both the open space and existing single storey garage located to the rear of the property are fully accessible via Yarra Street.

- The neighbourhood character of adjacent and adjoining properties along Nicholson & Yarra Streets from the subject site comprise of a variety of single & two- storey solid brick and weatherboard dwellings, with a mix of Period, Edwardian and Victorian era style residences.

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Attachment 5 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Heritage Assessment

CLAUSE 22.02-5.1 DEMOLITION

FULL DEMOLITION OR REMOVAL OF A BUILDING

- Not applicable – This proposal shall retain the existing single storey garage building , with partial removal of existing roof sheeting required to suit construction of 1st floor studio addition.

- The subject building is not being fully demolished or removed from the site. (Refer to drawings 4446 –sheets TP1, TP4 -8 for details)

REMOVAL OF PART OF A HERITAGE PLACE OR CONTRIBUTORY ELEMENTS

- Not applicable – *The existing dwelling is Non-Contributory (In accordance with Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Sep 2015)*

- There are no identified heritage elements to the existing buildings on site.

CLAUSE 22.02-5.2 ORIGINAL LOCATION

- Not applicable – The location of the existing dwelling and garage will be unchanged.

CLAUSE 22.02-5.3 RECONSTRUCTION AND RESTORATION

- Not applicable. No re-construction or restoration works required as part of this application.

CLAUSE 22.02-5.4 PAINTING AND SURFACE TREATMENTS

- All materials and colours selected shall match approved existing surfaces and finishes present on site. This will ensure our proposal is respectful of the surrounding heritage and will not dominate the street.

CLAUSE 22.02-5.5 CULTURALLY SIGNIFICANT TREES

- Not applicable. No trees will be removed.

CLAUSE 22.02-5.6 SUBDIVISION

- Not applicable. Proposal is not required a sub-division.

CLAUSE 22.02-5.7 NEW DEVELOPMENT, ALTERATIONS OR ADDITIONS

CLAUSE 22.02-5.7.1 GENERAL

- The proposed development comprises a new 1st floor studio addition above the existing garage located to the rear of the existing property. This includes partial removal of existing roof sheeting to allow first floor construction above.

- The built-form of the proposed 1st floor studio addition shall be similar and tie in to the original building fabric. The proposed weatherboard clad walls and corrugated sheet hipped roof above will create a visual transition within the streetscape between the modern and traditional roof type forms present.

- The proposal will not dominate or diminish the existing streetscape and is setback 1.240 m within Yarra St to match the front wall of the adjoining abutting heritage dwelling (96 Yarra St) to the east.

- Overall building height is modified in proportion with the existing dwelling and similar to the adjoining heritage building to the east. This will ensure the proposal is sighted below the required building envelope with Clause 22.02 of the Yarra Planning Scheme'.

- The proposal will comprise the following materials and finishes;

1. Heritage Grade Z600 corrugated galvanised steel roof sheeting over hip roof
2. Weatherboard cladding to first floor level external walls painted white to match existing finish.
3. Timber framed awning windows to be of a 2:1 (height/width) proportion, similar to garage windows located on the internal west elevation.
4. All materials and colours selected shall match approved existing surfaces and finishes present on site. This will ensure our proposal is respectful of the surrounding heritage and will not dominate the street.
5. Access to the 1st floor studio is via a new powder coated steel framed spiral staircase located within the rear yard. It comprises open steel treads and 1.7m high timber screen with 25% maximum openings fixed to the perimeter and upper landing area to prevent overlooking.
6. Refer to drawings 4446 –sheets TP1, 4- 8, for details.

CLAUSE 22.02-5.7.2 SPECIFIC REQUIREMENTS

CORNER SITES AND SITES WITH DUAL FRONTAGES

- The built-form of the proposed 1st floor studio addition shall be similar and tie in to the original building fabric. The proposed hip roof will provide an enhanced oblique view to the adjoining heritage building on the east side and is further visually recessive within the streetscape. Weatherboard cladding to first floor level ties to the rear dwelling addition and existing streetscape.

- The integration with the street will remain unaffected, as the proposed first floor addition will be located to the rear of the site and will be significantly setback and partially visible from the existing Nicholson St streetscape.

- There are similar two storey developments which abuts the subject site, 196 Nicholson St located to the north and 96 Yarra St located to the rear , which are both consistent with this proposal.

- The proposal will not dominate or diminish the existing streetscape and will be setback 1.240m within Yarra St to match the existing front wall of the adjoining abutting dwelling (96 Yarra St) to the east.

- The proposed garage development is consistent to existing brick garage development located on the opposite corner site (No 194 Nicholson St) within Yarra St.

- Refer to drawings 4446 –sheets TP1, TP4-9, and for details.

RESIDENTIAL UPPER STOREY ADDITIONS

- Not applicable. No trees will be removed.

CARPORTS, CAR SPACES, GARAGES, AND OUTBUILDINGS

- The existing single storey garage building accommodates one vehicle and is located to the rear of the property. This is fully accessible via an existing crossover within Yarra Street and shall remain unchanged.

Attachment 5 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Heritage Assessment

- The proposed 1st floor studio addition above the garage building will be located to the rear of the site and adequately setback from all rear and side boundaries. Access to the 1st floor studio will be via a new powder coated steel framed spiral staircase located within the rear yard.

FRONT FENCES AND GATES

- Not applicable. -The existing front fence and gates to remain unchanged.

ANCILLARIES AND SERVICES

- All new ancillaries or services proposed shall be concealed and contained within the site and will not be visible from the existing streetscape.

CLAUSE 22.02-6 ARCHAEOLOGICAL SITES

- Not applicable. Not an Archaeological site.

Attachment 6 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - S57B Advertising - Section 57A Cover Letter

DWH AITKEN & ASSOCIATES PTY LTD

Our reference: 4446

4th March,2021

Statutory Planning Department
City of Yarra
P.O. Box 168
Richmond 3121

Email: Emily.Zeng@yarracity.vic.gov.au

Attention: Ms Emily Zeng (Statutory Planner)

Dear Emily,

Re: SECTION 57A AMENDMENT TO PLANNING PERMIT PLN 17 / 0744.01
PROPOSED PARTIAL DEMOLITION, ADDITIONS & ALTERATIONS TO REAR OF EXISTING SINGLE STOREY WEATHERBOARD DWELLING WITHIN A HERITAGE OVERLAY AT
196 NICHOLSON ST, ABBOTSFORD.

Further to your email correspondence (dated 1st March 2021) to confirm Heritage Advisor support of amended 1st floor studio design, our client seeks to amend the above application in accordance with Section 57A.

The proposed amendments shall comprise the following:

- Alter mansard roof to traditional pitch with hip roof form. This will provide an enhanced oblique view to the adjoining heritage building on the east side and is further visually recessive within the streetscape than our initial proposal
- Heritage Grade Z600 corrugated galvanised steel roof sheeting over hip roof which fits within the existing streetscape
- Weatherboard cladding to first floor level external walls painted white to match existing finish and ties in with the dwelling addition and existing streetscape.
- Timber framed awning windows to be of a 2:1 (height/width) proportion, which is similar to existing garage windows located on the west elevation.
- Head height of studio has been modified to provide a 2.3 m high spring height at wall junction internally and creation of cathedral ceiling within the hip framing to provide a practical and usable floor space.
- Overall building height modified in proportion with the existing dwelling and similar to the adjoining heritage building to the east.

We consider our latest design is a considerable compromise that provides a suitable and practical solution, which also addresses all recommendations outlined within the Yarra Heritage Advice prepared by Diahnn McIntosh - dated 25th November 2020.

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Please refer to the following amended documentation for your consideration:

- Amended Written assessment against Rescode (Clause 54).
- Amended Written assessment against Yarra's Development Guidelines for Heritage Places policy (Clause 22.02).
- PDF copy of Amended planning drawings (A3 size)

Please forward your invoice for required permit fees as advised - [40% of the original application fee]

If you have any queries or require additional information, please do not hesitate to contact me.

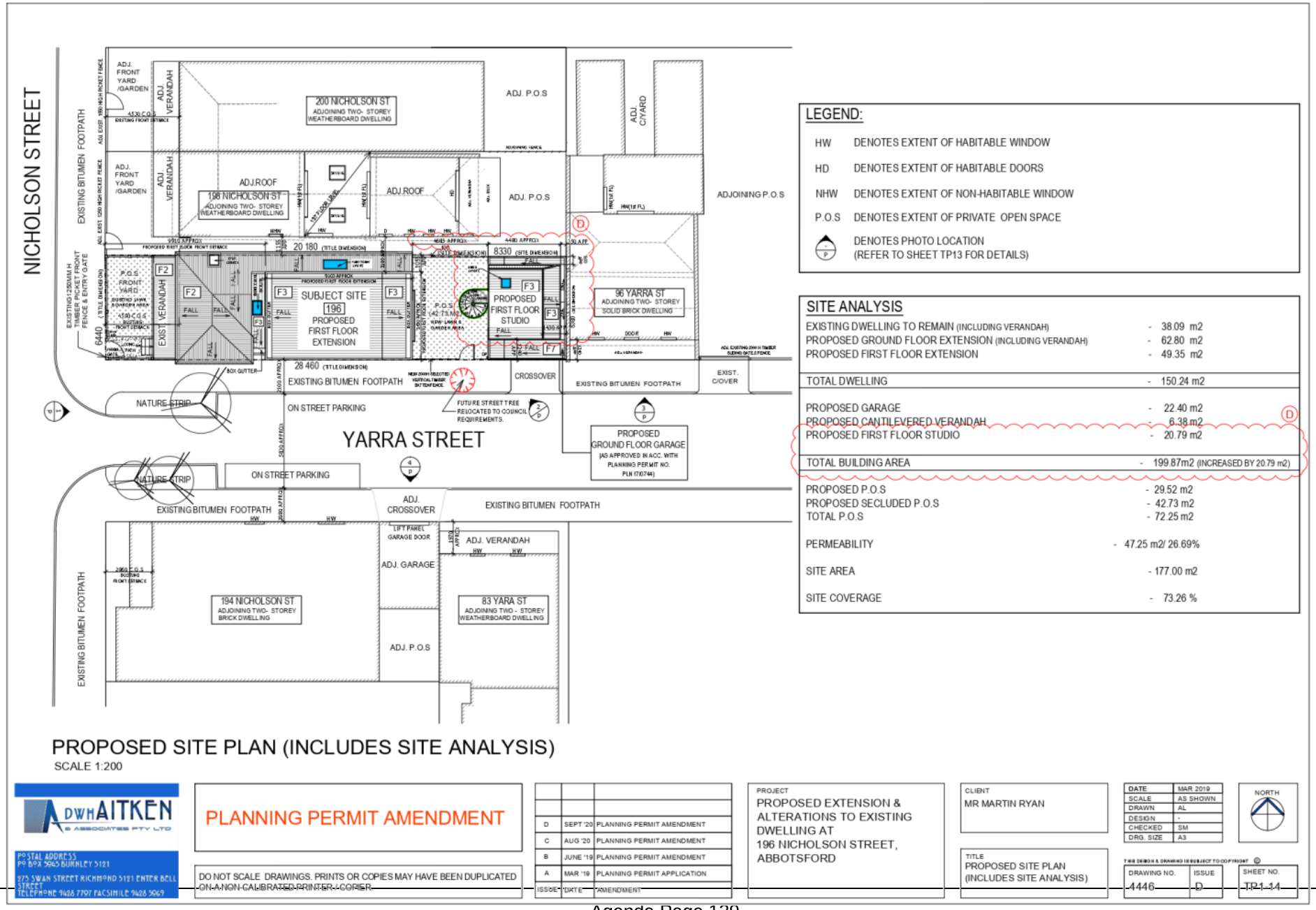
Yours sincerely,



Salvatore Mazzarino DP-AD 41659
(Senior Designer)

cc Mr. Martin Ryan

Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



PROPOSED SITE PLAN (INCLUDES SITE ANALYSIS)

SCALE 1:200

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PLANNING PERMIT AMENDMENT

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ISSUE	DATE	AMENDMENT
D	SEPT '20	PLANNING PERMIT AMENDMENT
C	AUG '20	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT: PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT 196 NICHOLSON STREET, ABBOTSFORD

CLIENT: MR MARTIN RYAN

TITLE: PROPOSED SITE PLAN (INCLUDES SITE ANALYSIS)

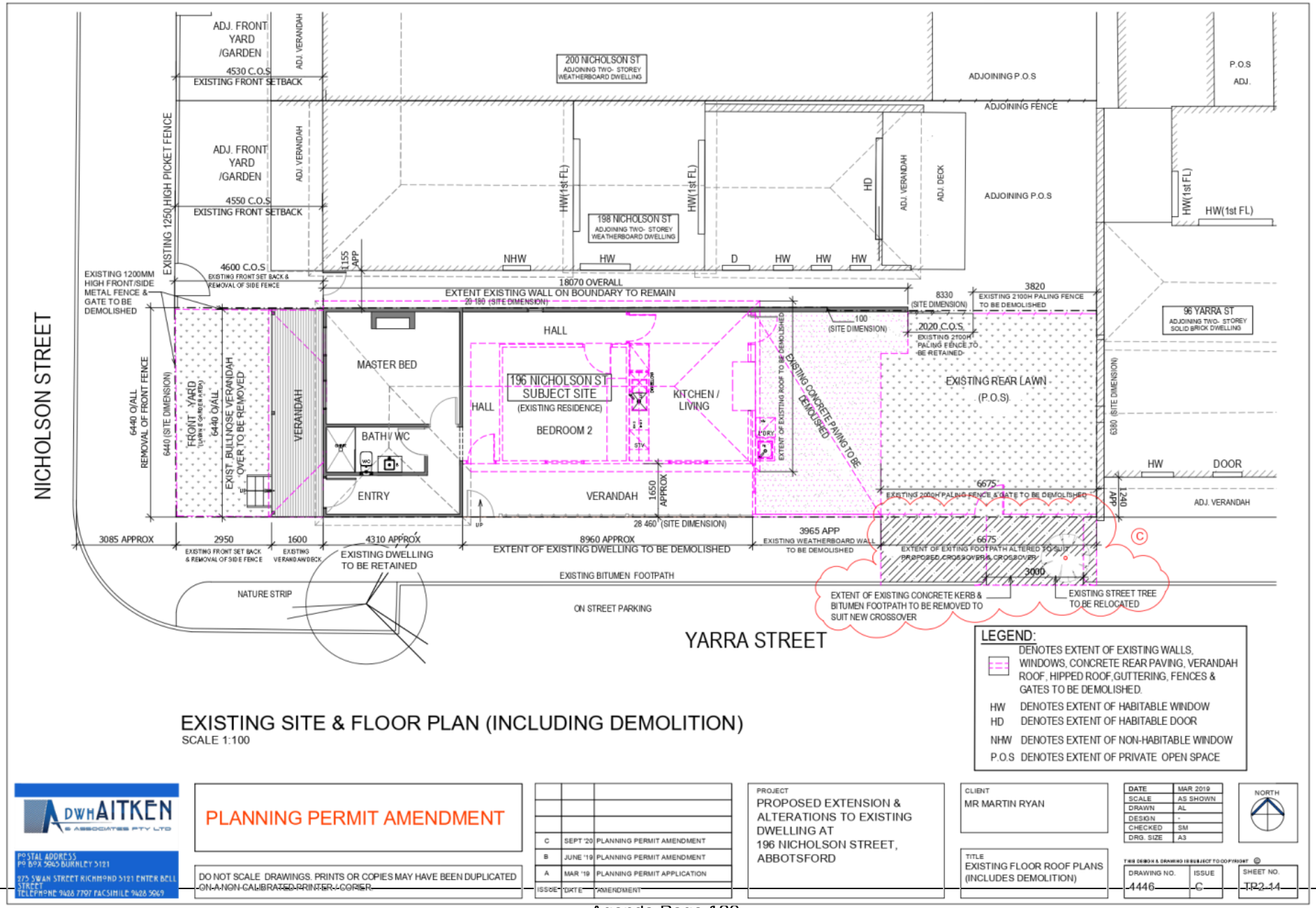
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DRAWING NO.	ISSUE	SHEET NO.
4446	D	TP1.14

Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



EXISTING SITE & FLOOR PLAN (INCLUDING DEMOLITION)

SCALE 1:100

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PLANNING PERMIT AMENDMENT

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ISSUE	DATE	AMENDMENT
C	SEPT '20	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT: PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT 196 NICHOLSON STREET, ABBOTSFORD

CLIENT: MR MARTIN RYAN

TITLE: EXISTING FLOOR ROOF PLANS (INCLUDES DEMOLITION)

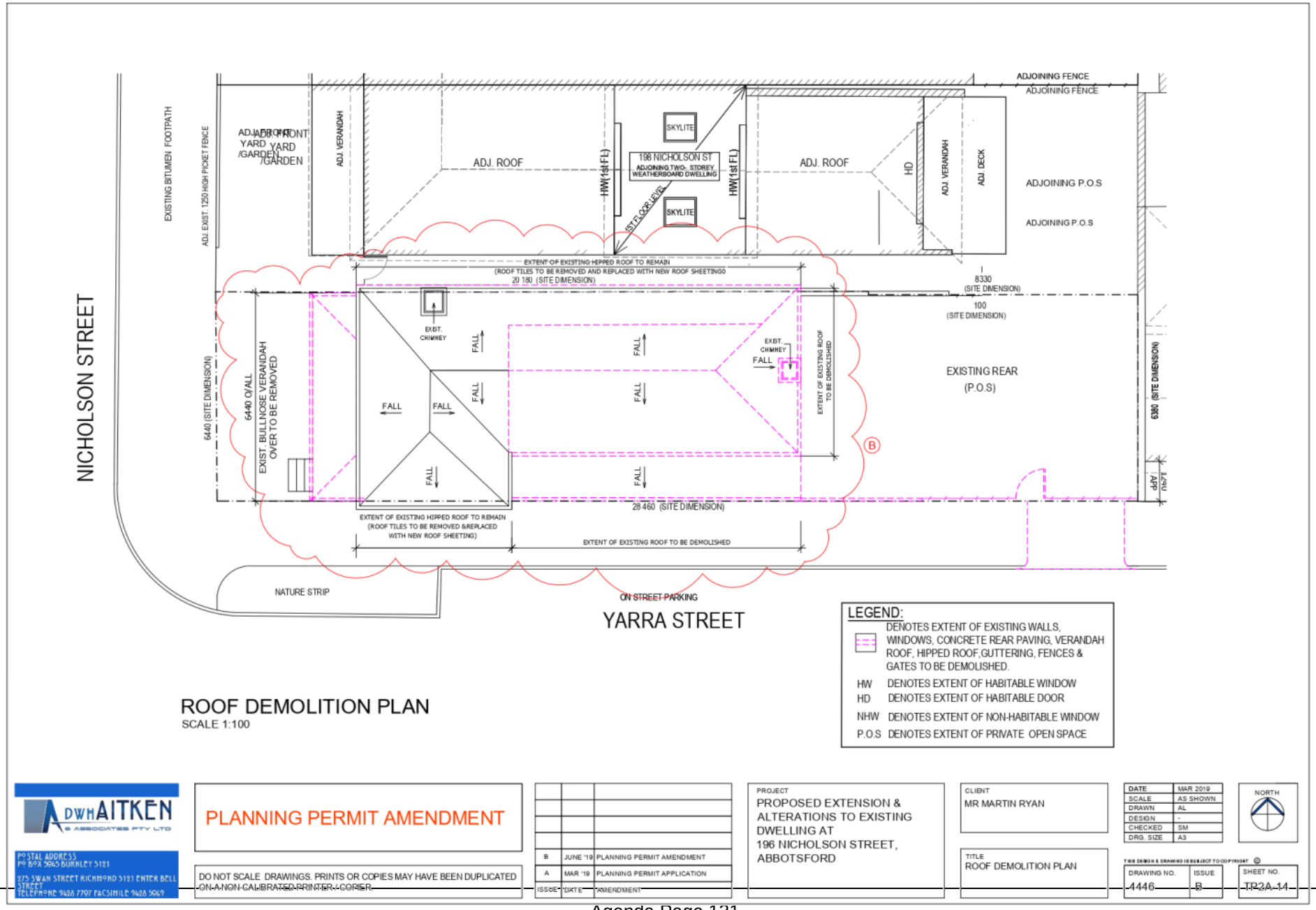
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DRAWN	AL
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

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DRAWING NO.	ISSUE	SHEET NO.
4446	C	TP2-11

Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



ROOF DEMOLITION PLAN
SCALE 1:100

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275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
TELEPHONE 9428 7797 FACSIMILE 9428 5969

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ISSUE	DATE	AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
ROOF DEMOLITION PLAN

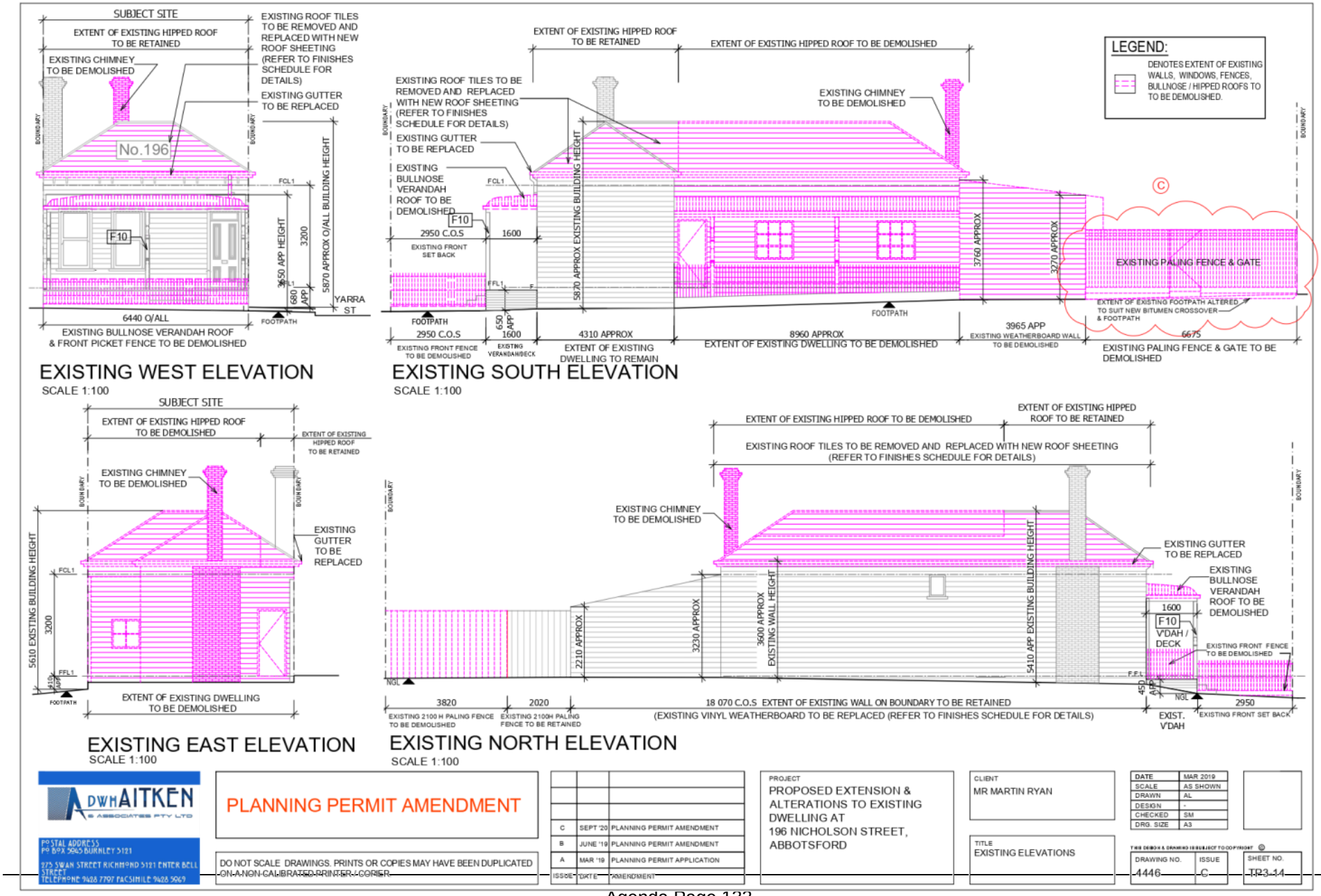
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DESIGN	-
CHECKED	SM
DRG. SIZE	A3

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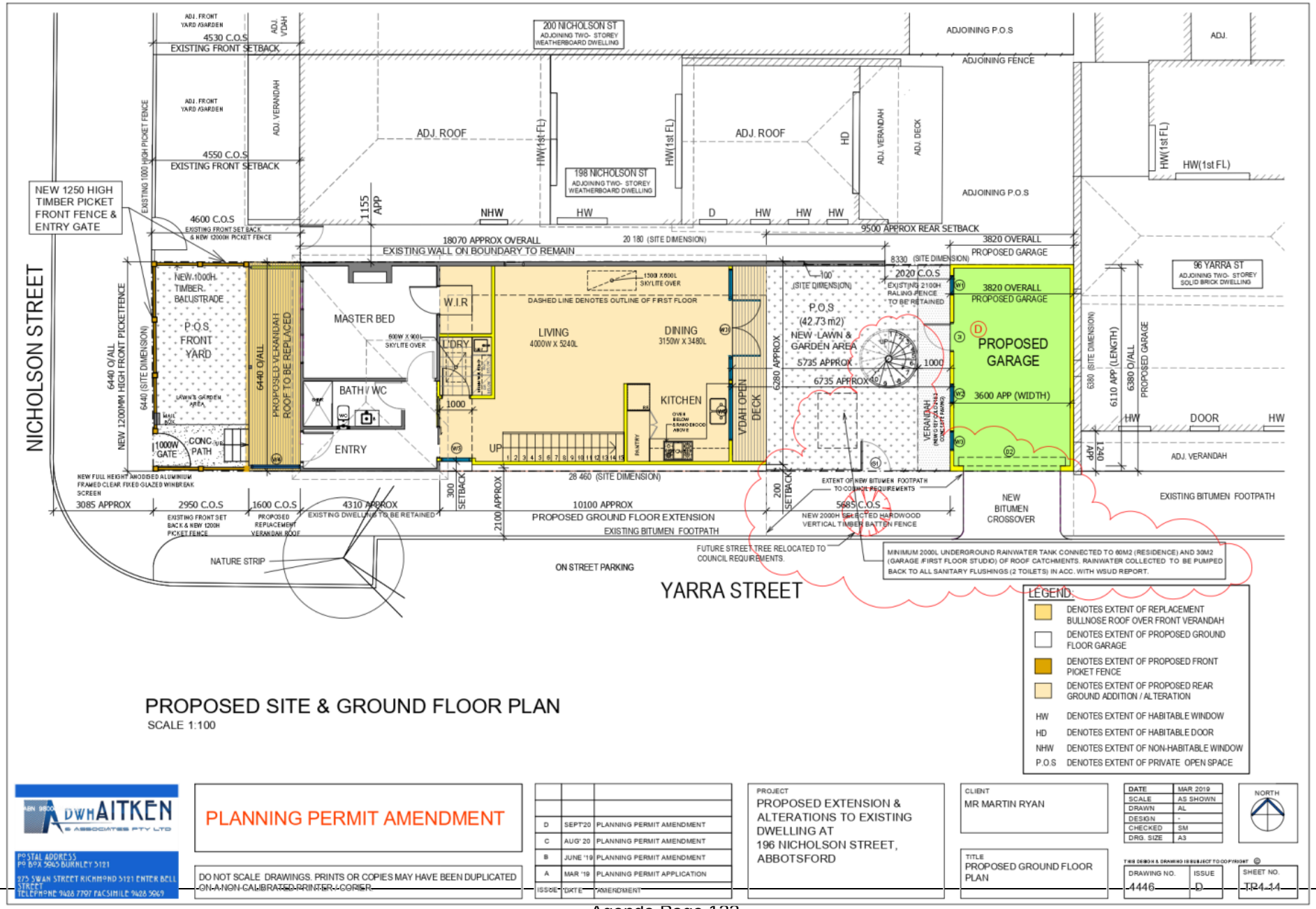
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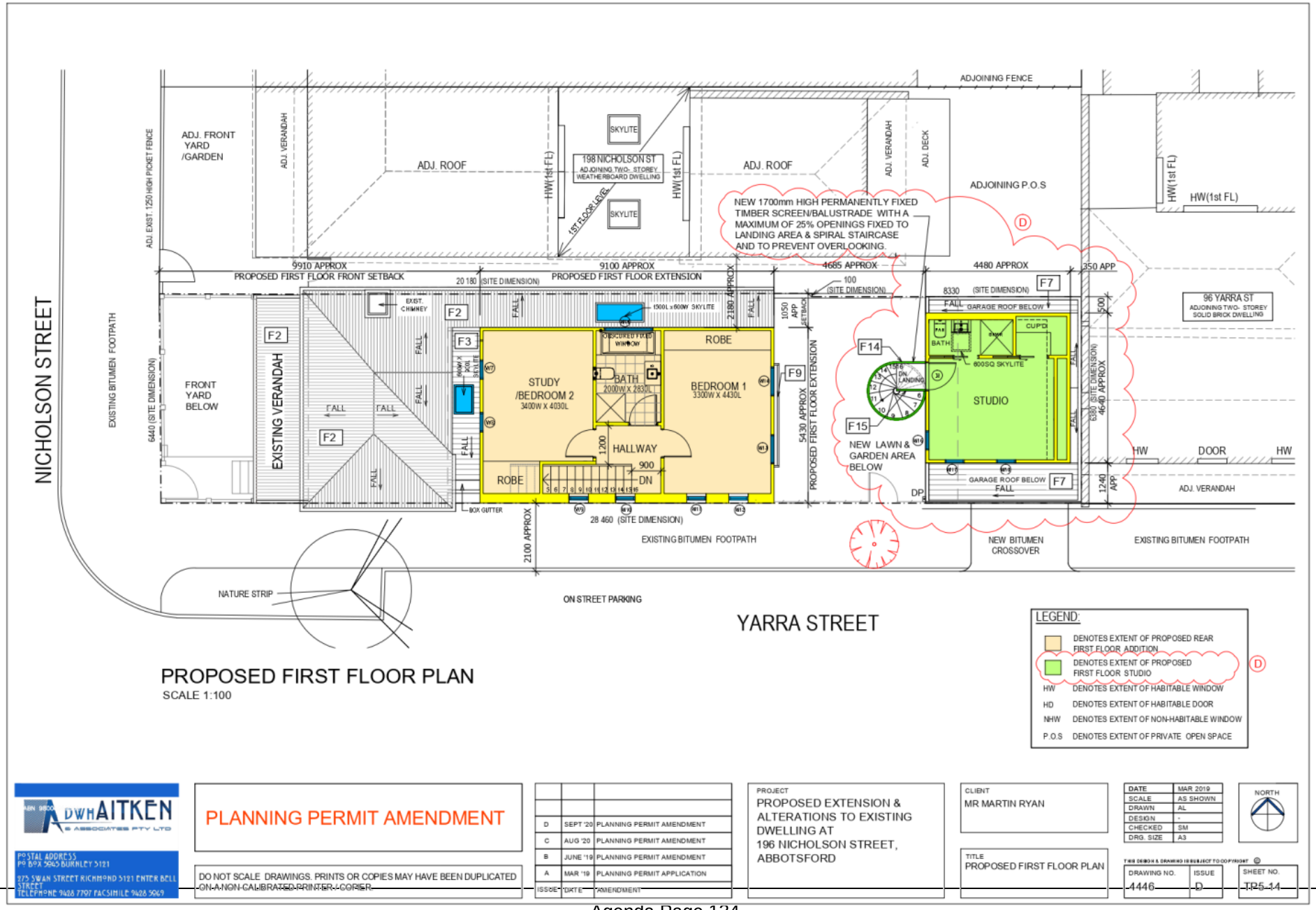
Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



PROPOSED FIRST FLOOR PLAN

SCALE 1:100

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ISSUE	DATE	AMENDMENT
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C	AUG '20	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
PROPOSED FIRST FLOOR PLAN

DATE	MAR 2019
SCALE	AS SHOWN
DRAWN	AL
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

NORTH

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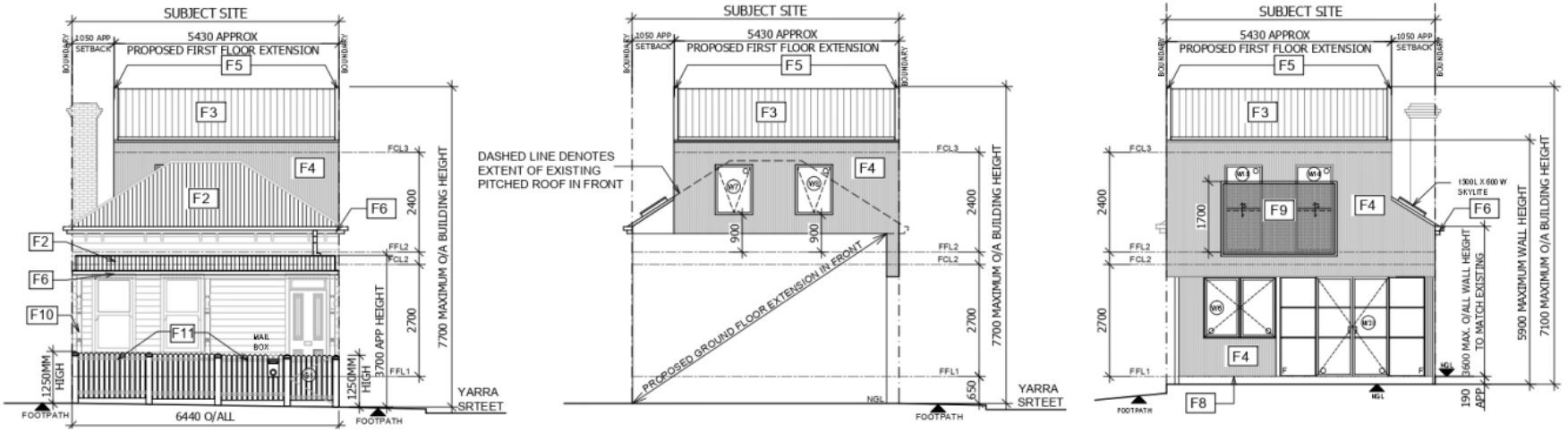
DRAWING NO.	ISSUE	SHEET NO.
4446	D	TP5-11

Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)

EXTERNAL FINISHES SCHEDULE

NO.	DESCRIPTION	SAMPLE	NO.	DESCRIPTION	SAMPLE
F1	NEW TIMBER WEATHERBOARD CLADDING TO MATCH EXISTING PROFILE AND PAINTED WHITE FINISH (GARAGE & GROUND FLOOR EXTENSION)		F10	TREATED PINE OPEN TIMBER DECK WITH CLEAR TUNG OIL FINISH.	
F2	REPLACEMENT UNPAINTED HERITAGE GALVANIZED GRADE Z600 ROOF SHEETING (EXISTING GROUND FLOOR HIPPED ROOF TO BE RETAINED)		F11	NEW 1250MM HIGH TIMBER PICKET FRONT & SIDE B'DRY FENCES WITH WHITE PAINTED FINISH	
F3	MATT MONUMENT METAL COLORBOND WALL CLADDING AND ROOF SHEETING		F12	PROPOSED CEMENT SHEET CLADDING INFILL PAINTED TO MATCH EXISTING FINISH	
F4	SELECTED HARDWOOD VERTICAL TIMBER BATTEN WALL CLADDING TO GARAGE /1ST FLOOR ADDITION FACADE & SIDE BOUNDARY FENCE ALONG YARRA STREET (REFER TO PHOTO EXAMPLE ON SHEET TP8)		F13	PROPOSED 1000MM HIGH TIMBER FRAMED BALUSTRADE PAINTED IN WHITE FINISH TO MATCH EXISTING VERANDAH WITH TURNED POSTS TO REMAIN.	
F5	MATT MONUMENT COLORBOND DOWNPIPES,GUTTERING, CAPPING /FLASHINGS.		F14	NEW 1700MM HIGH PERMANENTLY FIXED TIMBER SCREEN/BALUSTRADE WITH A MAXIMUM OF 25% OPENINGS FIXED TO LANDING AREA & SPIRAL STAIRCASE AND TO PREVENT OVERLOOKING	
F6	NEW SURFMIST COLORBOND DOWNPIPES,GUTTERING / FLASHINGS WITH WHITE PAINTED FINISH TO EAVES FASCIA TO MATCH EXISTING.		F15	NEW 1000mm HIGH TIMBER SCREEN/ BALUSTRADE	
F7	NEW WOODLAND GREY COLORBOND FINISH SPEED DECK ROOF SHEETING AT 1° MIN PITCH OVER GARAGE		F16	PROPOSED EXTENDED PALING FENCE TO MATCH EXISTING	
F8	NEW WOODLAND GREY COLORBOND DOWNPIPES,GUTTERING / FLASHINGS WITH WHITE PAINTED FINISH TO EAVES FASCIA TO GARAGE.			PROPOSED NEW WINDOWS AND DOORS FRAMINGS BLACK POWDERCOATED METAL FRAMES	
F9	NEW 1700mm HIGH BLACK POWDERCOATED ALUMINIUM PERFORATED METAL SCREEN WITH MAXIMUM OF 25% OPENING TO PREVENT OVERLOOKING.				

D



PROPOSED WEST ELEVATION
SCALE 1:100

PROPOSED INTERNAL WEST ELEVATION
SCALE 1:100

PROPOSED EAST ELEVATION
SCALE 1:100

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275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
TELEPHONE 9428 7797 FACSIMILE 9428 5969

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C	AUG '20	PLANNING PERMIT AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

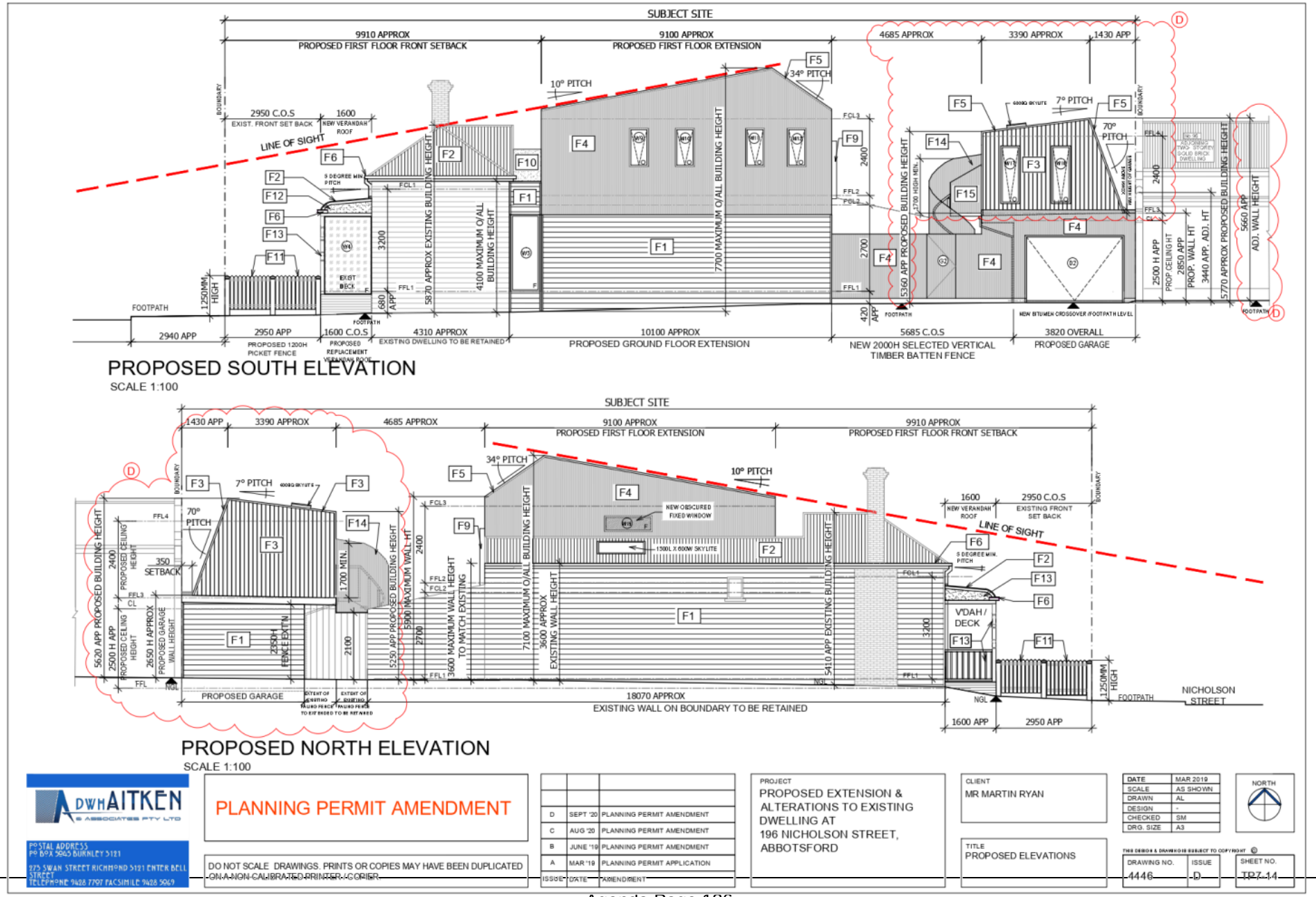
TITLE
PROPOSED ELEVATIONS
EXTERNAL FINISHES SCHEDULE

DATE	MAR 2019
SCALE	AS SHOWN
DRAWN	AL
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

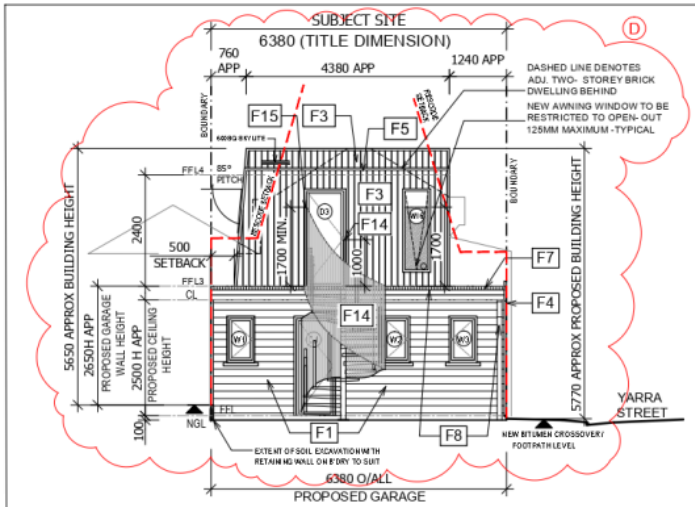
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4446	D	TP6.14

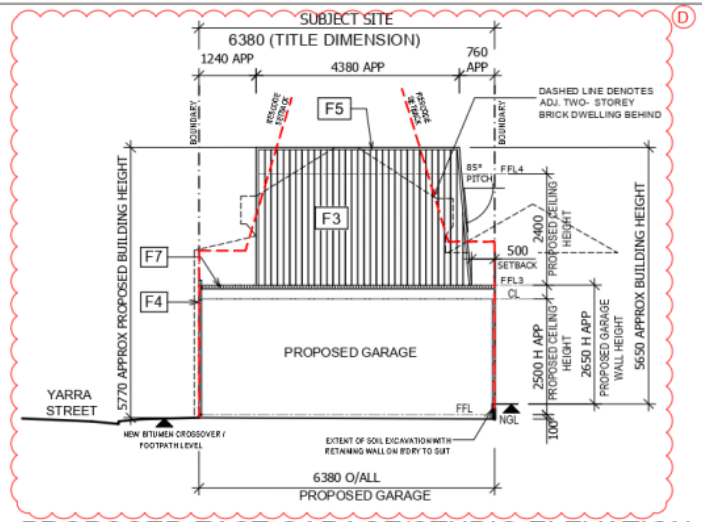
Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



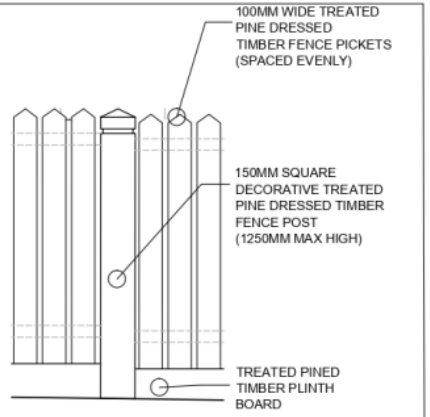
Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



PROPOSED WEST GARAGE/STUDIO ELEVATION



PROPOSED EAST GARAGE/STUDIO ELEVATION SCALE 1:100



TYPICAL POST & PICKET DETAIL SCALE 1:20

NO.	DOOR & WINDOW SCHEDULE DESCRIPTION
D1	NEW 2100H X 920W TIMBER FRAMED SOLID CORE TIMBER DOOR AS SELECTED
D2	NEW 2100H X 3600W COLORBOND METAL TILT DOOR AS SELECTED- WOODLAND GREY - NOT ENCROACH OUTSIDE OF TITLE BOUNDARY
D3	NEW 2100H X 820W TIMBER ALUMINIUM FRAMED BLACK POWDERCOATE FRAMED SOLID CORE TIMBER DOOR AS SELECTED
W1	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED
W2	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED
W3	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED
W4	NEW 2450H X 1450W ANODISED ALUMNIUM FIXED CLEAR GLAZED WINDOW /SCREEN
W5	NEW 2400H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED OBSCURE FIXED GLAZED WINDOW
W6	NEW 1400H X 1800W STEEL FRAMED BLACK POWDERCOATED CASEMENT CLEAR GLAZED WINDOW
W7-W8	NEW 1200H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED AWNING CLEAR GLAZED WINDOW
W9-W12	NEW 1200H X 600W ALUMINIUM FRAMED BLACK POWDERCOATED AWNING CLEAR GLAZED WINDOW
W13-W14	NEW 2100H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED SHUGG CLEAR GLAZED WINDOW
W15	NEW 500H X 1500W ALUMINIUM FRAMED BLACK POWDERCOATED OBSCURE FIXED GLAZED WINDOW
W16	NEW 1800H X 600W ALUMINIUM FRAMED BLACK POWDERCOATED OEPNABLE WINDOW. PROVIDE OBSCURE GLAZING TO 1.7m FROM FLOOR FINISH LEVEL. AWNING TO OPEN OUT 125MM MAXIMUM. NO PART OF THE WINDOW BELOW 1.7m WILL NOT HAVE DIRECT VIEWS IN ACC. WITH RESCODE STANDARD A15.
W17-W18	NEW 1800H X 600W ALUMINIUM FRAMED BLACK POWDERCOATED AWNING CLEAR GLAZED WINDOW
WD1	NEW 2400H X 3500W STEEL FRAMED BLACK POWDERCOATED GLAZED DOORS & FIXED GLAZED WINDOW UNIT
G1	NEW 1200H X 1000W TIMBER PICKET ENTRY GATE
G2	NEW 2000H X 900W TIMBER SALT ENTRY GATE TO MATCH PROPOSED TIMBER SCREEN



PHOTO EXAMPLE OF HARDWOOD VERTICAL TIMBER BATTEN WALL NOT IN SCALE

DWH AITKEN & ASSOCIATES PTY LTD
POSTAL ADDRESS PO BOX 5965 BURNLEY 3121
275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
TELEPHONE 9428 7797 FACSIMILE 9428 5969

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ISSUE	DATE	AMENDMENT
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B	JUNE '19	PLANNING PERMIT AMENDMENT
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PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

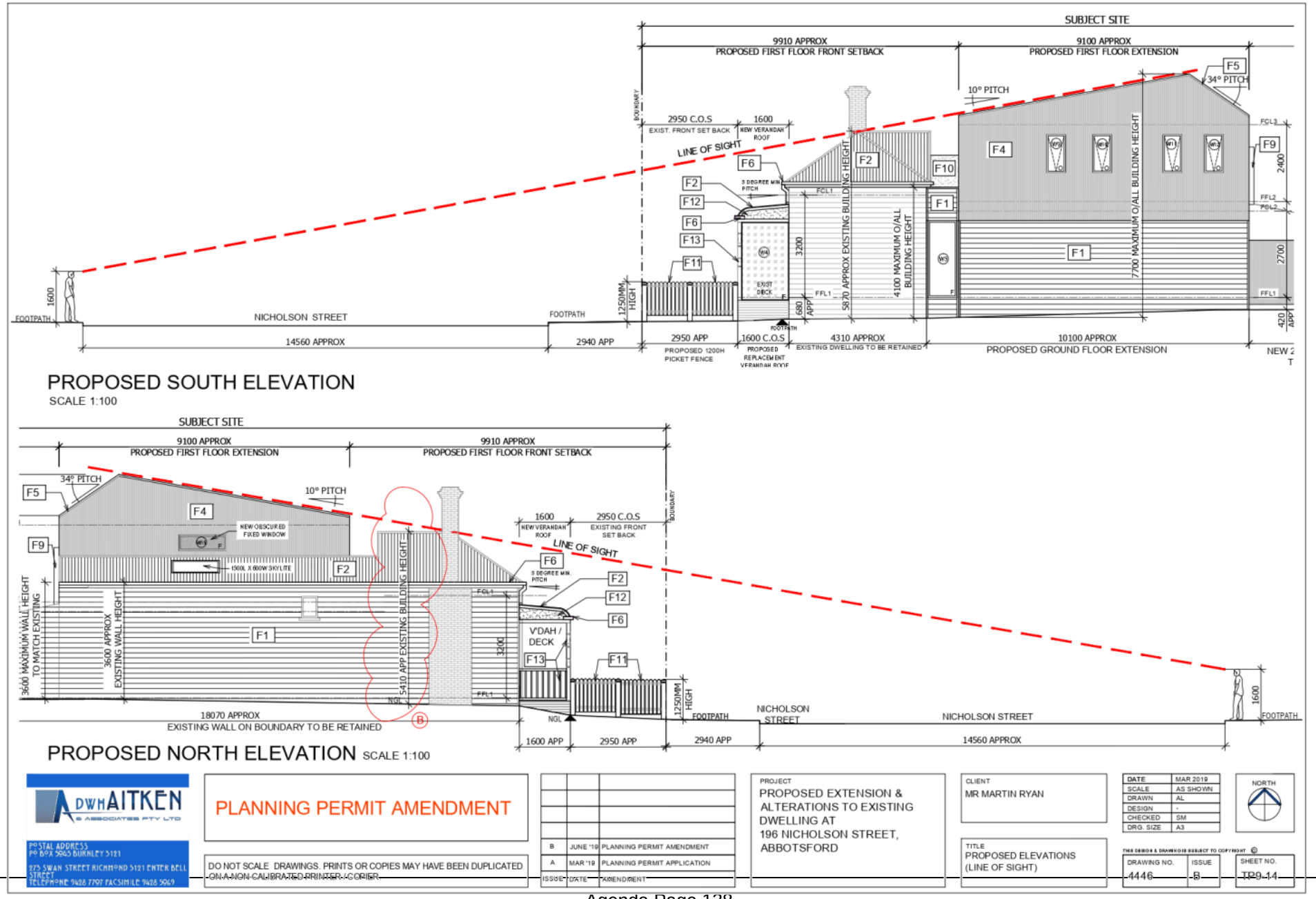
TITLE
PROPOSED ELEVATIONS
DOOR & WINDOW SCHEDULE
SCHEDULE

DATE	AUG 2017
SCALE	AS SHOWN
DRAWN	SM
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

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DRAWING NO.	ISSUE	SHEET NO.
4304	D	TP8.14

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Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



PERSPECTIVE 1



PERSPECTIVE 2

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275 SWAN STREET RICHMOND 3121 ENTER BELL STREET
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B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
PERSPECTIVES

DATE	MAR 2019
SCALE	AS SHOWN
DRAWN	AL
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

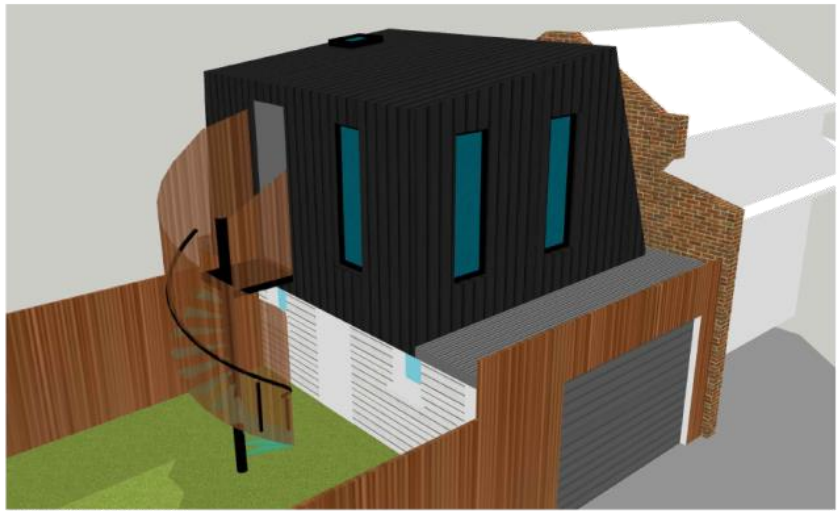
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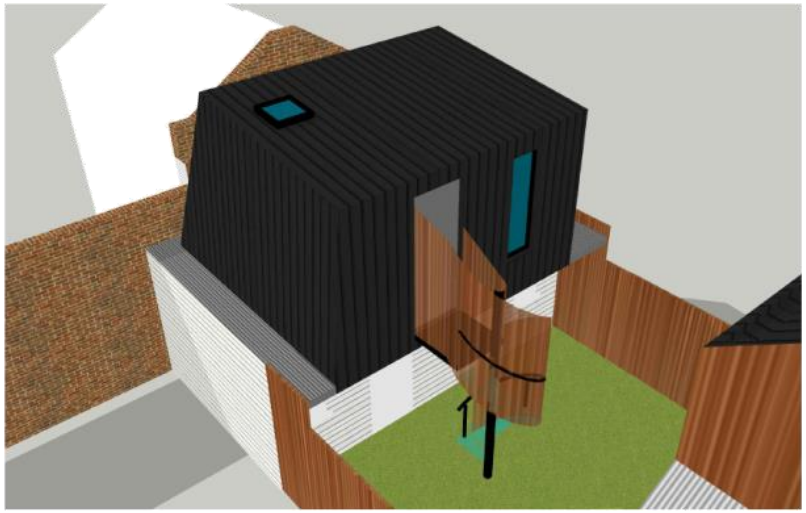
Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



PERSPECTIVE 3



PERSPECTIVE 4



PERSPECTIVE 5



PERSPECTIVE 6

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PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

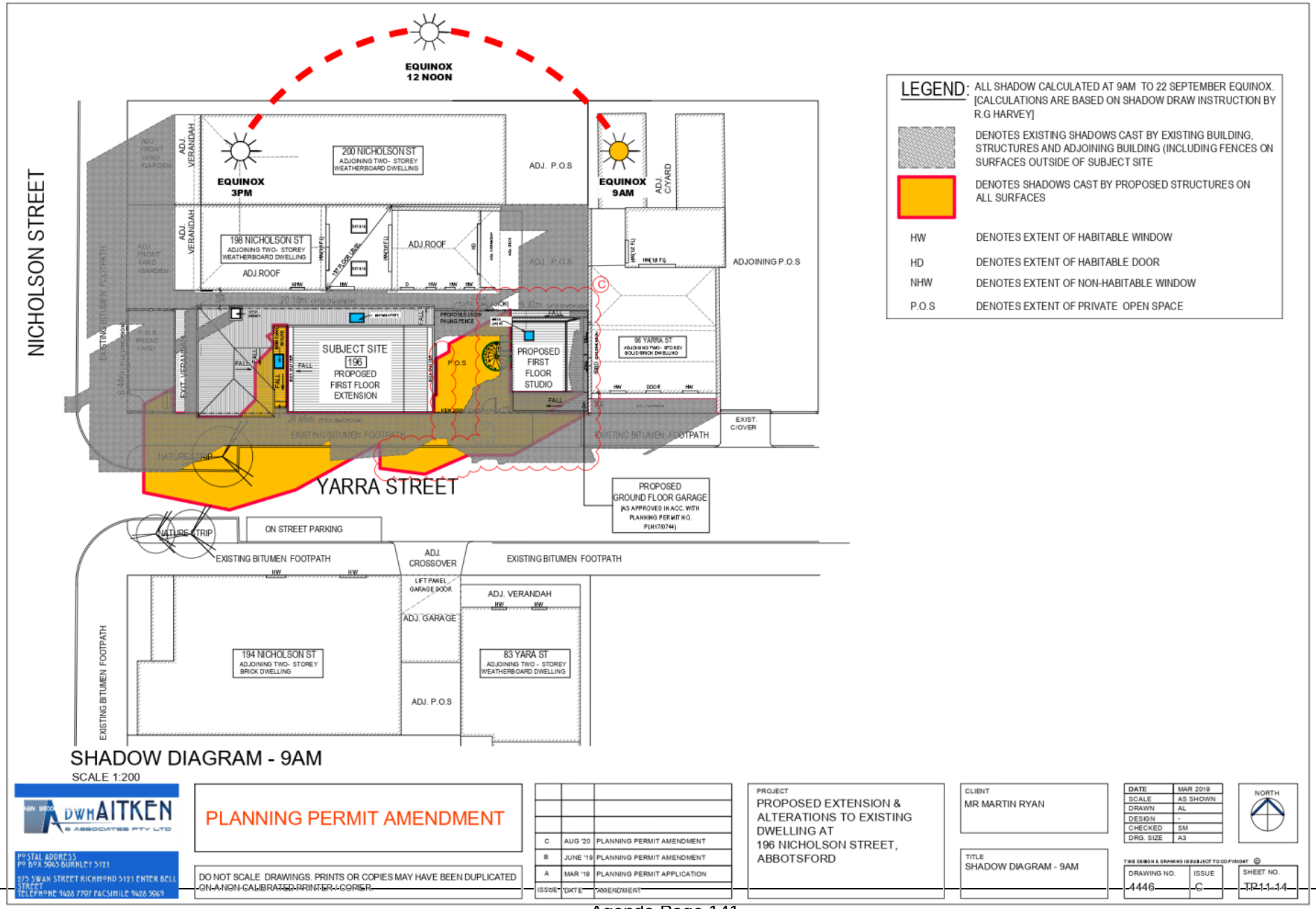
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PERSPECTIVES

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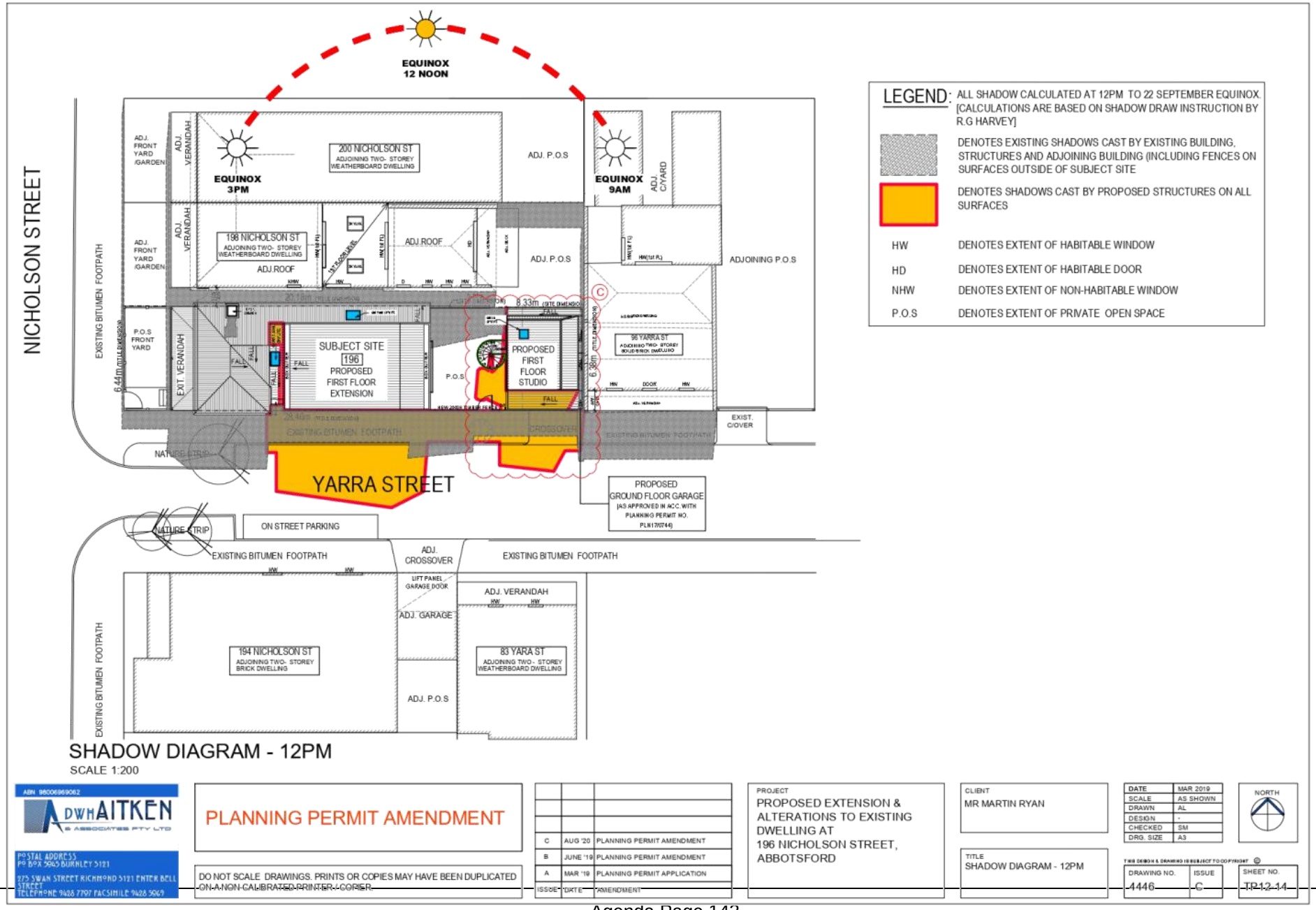
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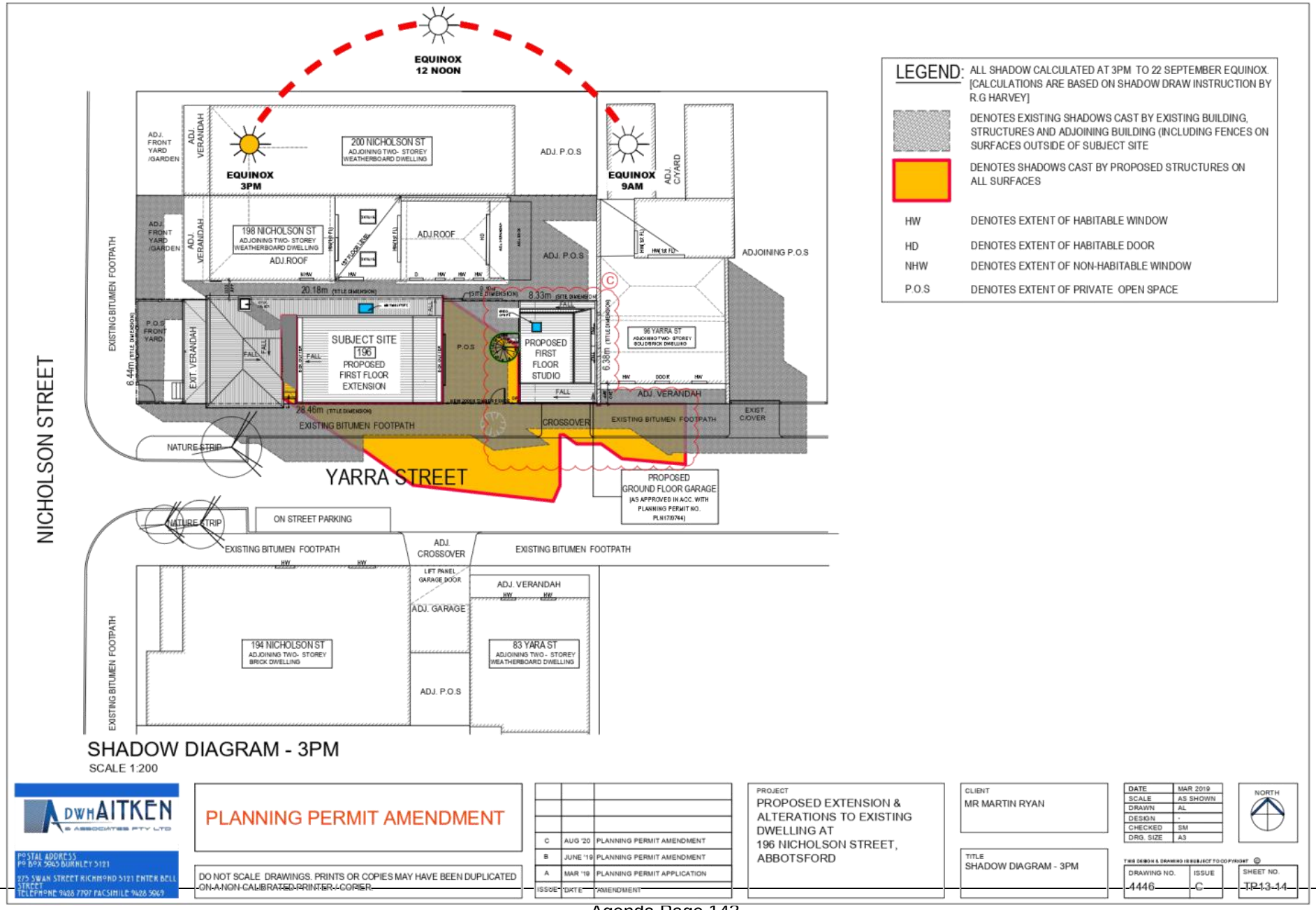
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Attachment 7 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Advertising S52 - Plans (Previously Advertised Plans Oct/Novr 2020)



SHADOW DIAGRAM - 3PM

SCALE 1:200

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PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
SHADOW DIAGRAM - 3PM

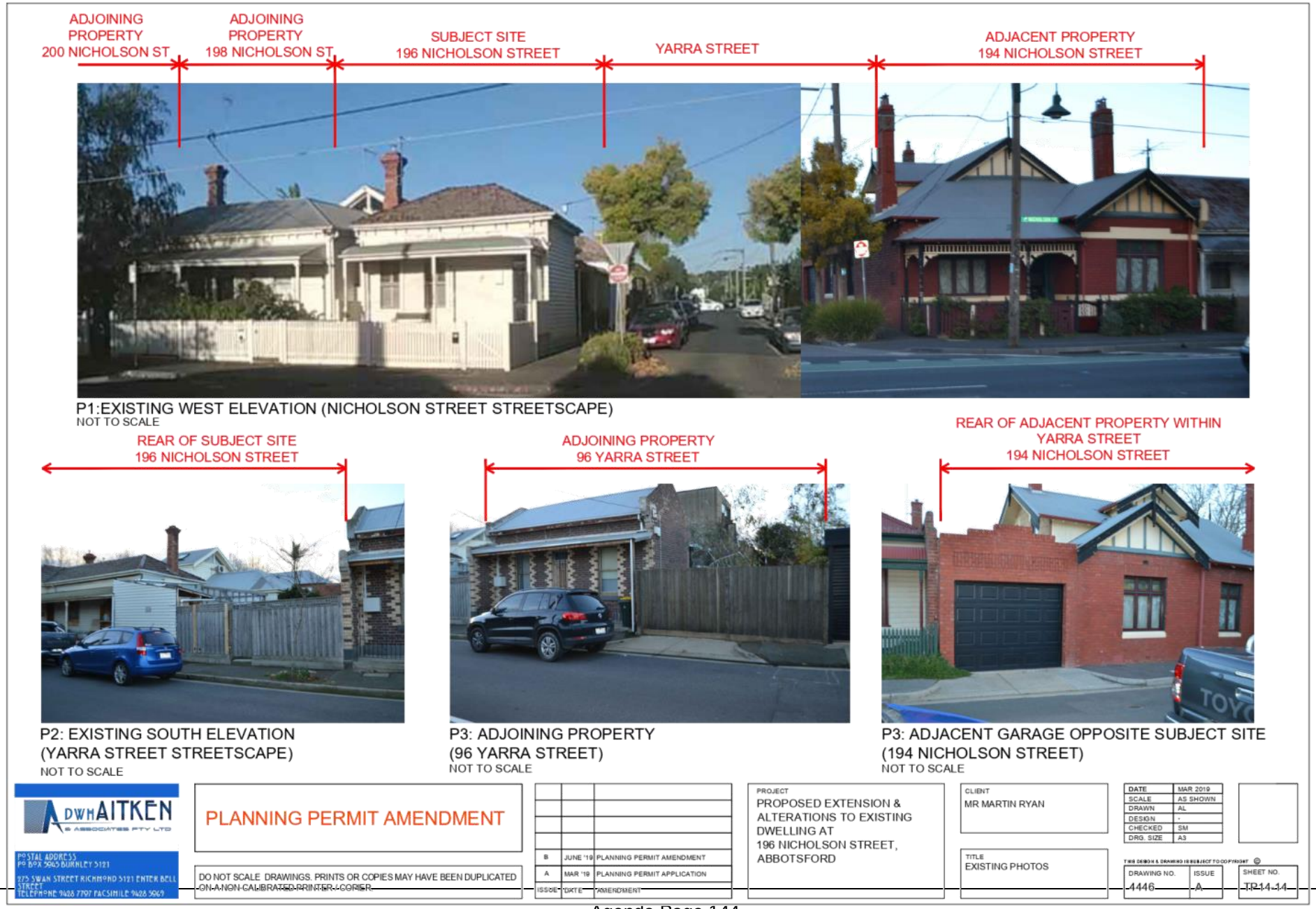
DATE	MAR 2019
SCALE	AS SHOWN
DRAWN	AL
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

NORTH

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Attachment 8 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Heritage Referral Comments (Previously Advertised Plans Oct/Nov 2020)

City of Yarra
Heritage Advice on Section 72 Amendment

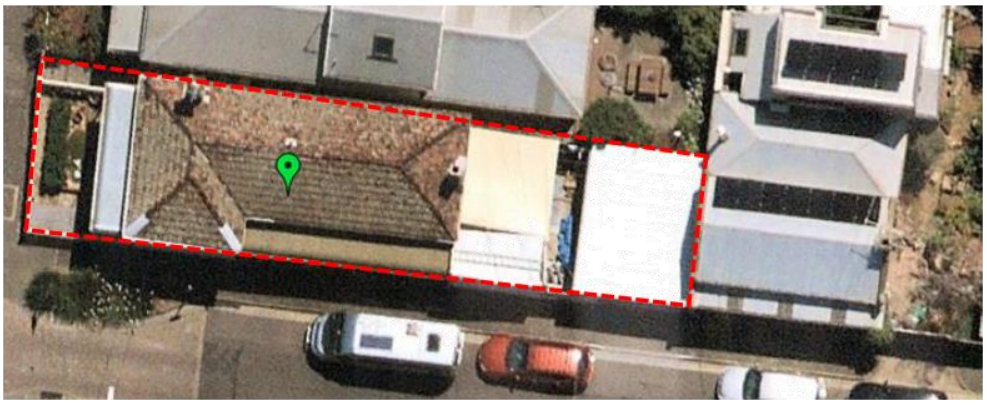
Application No.:	*PLN17/0744.02*
Address of Property:	***196 Nicholson Street, Abbotsford***
Planner:	*Emily Zeng*
Yarra Planning Scheme References:	• *Clause 15.03 Heritage* • *Clause 21.05-1 Built Form (Heritage)* • *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay* • *Clause 43.01 Heritage Overlay* • *Clause 59.07 Applications Under A Heritage Overlay*
Heritage Overlay No. & Precinct:	*HO313 Charles Street Precinct*
Level of significance:	*Not contributory, constructed 1890-1900 (City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)*
General description:	*Construction of a first-floor studio above the previously approved garage*
Drawing Nos.:	*Set of sixteen drawings, entitled "Proposed Extension & Alterations to Existing Dwelling At 196 Nicholson Street, Abbotsford ", prepared by DWH Aitken, received by Council and dated Sep 2020*

CONTEXT IMAGES:



Above: Approved garage as constructed 2020

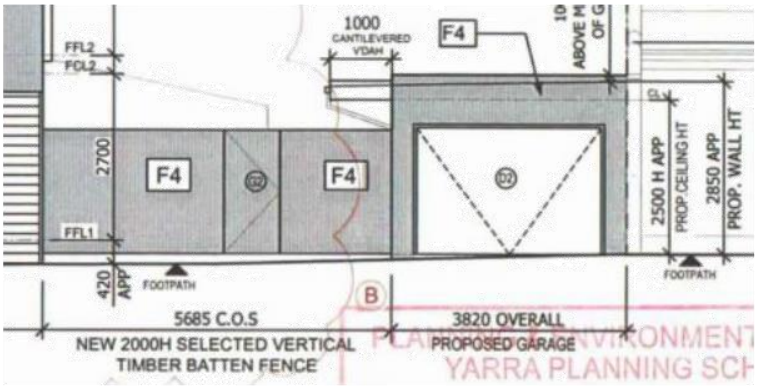
Attachment 8 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Heritage Referral Comments (Previously Advertised Plans Oct/Nov 2020)



Above: Aerial of the subject site, taken Nov 2020, shows completed garage

COMMENTS ON COMPLETED WORKS:

The Yarra Street elevation of the approved works were as shown in the extract below.



The approved external fence and wall cladding was as shown below. Based on the recently submitted photo of the garage, it is not clear if the wall finish matches the appearance of the material approved.

F4	SELECTED HARDWOOD VERTICAL TIMBER BATTEN WALL CLADDING TO GARAGE /1ST FLOOR ADDITION FACADE & SIDE BOUNDARY FENCE ALONG YARRA STREET (REFER TO PHOTO EXAMPLE ON SHEET TP8)	



PHOTO EXAMPLE OF HARDWOOD VERTICAL TIMBER BATTEN WALL NOT IN SCALE

The approved door for the garage is shown below. It is clear that from the recently submitted photo of the garage, that the existing door does not match the appearance of the door approved.

D2	NEW 2100H X 3600W COLORBOND METAL TILT DOOR AS SELECTED- WOODLAND GREY - NOT ENCROACH OUTSIDE OF TITLE BOUNDARY

Attachment 8 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Heritage Referral Comments (Previously Advertised Plans Oct/Nov 2020)

ASSESSMENT OF PROPOSED AMENDED WORKS:

The proposed addition will be constructed as an upper floor level to the previously approved and constructed garage.

The primary heritage concern of the proposed addition is its appearance in the streetscape.

Setback:

The proposed upper floor addition will be setback to match the alignment of the front wall of no. 96 Yarra Street. This is considered an acceptable front setback; however, it is noted that it does not satisfy the Rescode requirements. A change of roof form discussed below will address this issue.

Scale:

The maximum height of the finished addition will generally match the ridge height of the adjoining property at no.96 Yarra Street, which is acceptable.

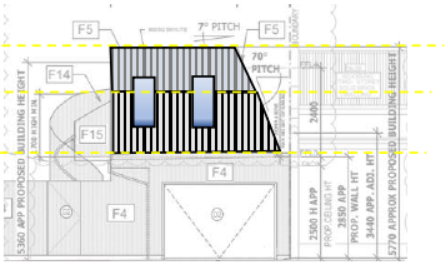
Building and Roof form:

The proposed roof form will be in keeping with the roof form of the approved two-storey addition of the house however, given that the garage adjoins the heritage building to the east, it is consider that a roof form that is reflective of a traditional gable would create a visual transition between the modern form of the house addition and the traditional gable form of the adjoining property.

A suggested approach to creating a transitional traditional building and roof form is shown below. There may be several other ways of achieving a suitable outcome.



Above: Internal west elevation of garage



Above: Street elevation of the garage

Appearance:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.

A contemporary design approach has been adopted for the proposed garage addition. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

A suggestion for a modified roof form has been discussed above. The colouring of the external walls/roof should be either galvanised steel or Colorbond Woodland Grey to match the approved garage door colour.

Attachment 8 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Heritage Referral Comments (Previously Advertised Plans Oct/Nov 2020)

The proportions of the proposed window openings must be modified to reinforce the heritage surroundings. The proportions of the window openings should be based on the proportions of 2:1 height/width.

Spiral staircase:

The appearance of the spiral staircase is of no heritage concern as it is anticipated that it will have very little visibility from the street.

RECOMMENDATIONS:

1. The colouring and finishes of the recently constructed garage do not appear to match those shown on the approved drawings. An inspection of the site must be carried out to verify if these works are legal

2. On heritage grounds, the works shown in this application as proposed are not supported and should be refused on the grounds that:
   - The building and roof form are not respectful of the surrounding heritage streetscape;
   - The materials and colours are not respectful of the surrounding heritage streetscape and will dominate the street.

3. On heritage grounds the works proposed in this application should be amended prior to any further consideration. The suggested changes are:

	Suggested change	***Explanation***
1.	That the roof form of the proposed addition must be modified to create a visual transition between the modern form of the house addition and the traditional gable form of the adjoining property.	*The visual juxtaposition of the proposed garage addition's form and the traditional gable roof of the adjoining property must be minimised to avoid a dramatic change of forms.*
2.	That the colouring of the external walls/roof of the proposed addition must be modified to be either galvanised steel or Colorbond Woodland Grey to match the approved garage door colour.	*The external colouring of the proposed garage addition must blend in with the existing approved colours for the garage or the traditional colours of materials that characterise the surround heritage properties.*
3.	That the window openings of the proposed addition must be modified to reinforce the proportions of the window openings that are generally based on the proportions of 2:1 height/width.	*The heritage policy states that the fenestration of new buildings and additions must respect that of the surrounding heritage buildings.*

SIGNED:



Diahnn McIntosh

DATED: 25 November 2020

Attachment 9 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Planning Permit

Helping you understand your planning needs

PLANNING PERMIT (Amended)

Permit No: PLN17/0744

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

COPY

ADDRESS OF THE LAND:

196 and 198 Nicholson St Abbotsford VIC 3067

THE PERMIT ALLOWS:

Development of the land for part demolition, alterations and the construction of a ground and first floor addition to the existing dwelling.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

   (a) the proposed hipped verandah roof replaced with a 'bullnose' or 'hipped convex' verandah roof.
   (b) the deletion of any references to 'Zincalume' within the material schedule.
   (c) the proposed faux gable parapet to be replaced with a flat parapet not exceeding 100m above the maximum height of the garage, i.e. 2.85m.
   (d) the garage roller door as a tilt door that does not encroach outside the title boundaries.

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.

Date: 31 August 2018

Ally Huynh
Signature for the Responsible Authority

5. Before the development commences, the permit holder must make a one-off contribution to the Responsible Authority to be used for:

   (a) the removal of the existing street tree;
   (b) the replacement and planting of the new street tree;
   (c) all costs associated with the replanting, plus two year establishment costs at the expense of the property owner; and 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.

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5428 for further information.

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.

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 9205 5585 to confirm.

Date: 31 August 2018

Ally Huynh
Signature for the Responsible Authority

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

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order	
31 August 2018	Planning Permit PLN17/0744 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P372/2018

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
19 September 2019	Pursuant to Section 74 of the *Planning and Environmental Act 1987* the permit and endorsed plans are amended to include further demolition and the construction of a ground and first floor addition to the rear of the existing dwelling, including the replacement of roof gutters, part of which are located within No. 198 Nicholson Street, Abbotsford.

Date: 31 August 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 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current 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?

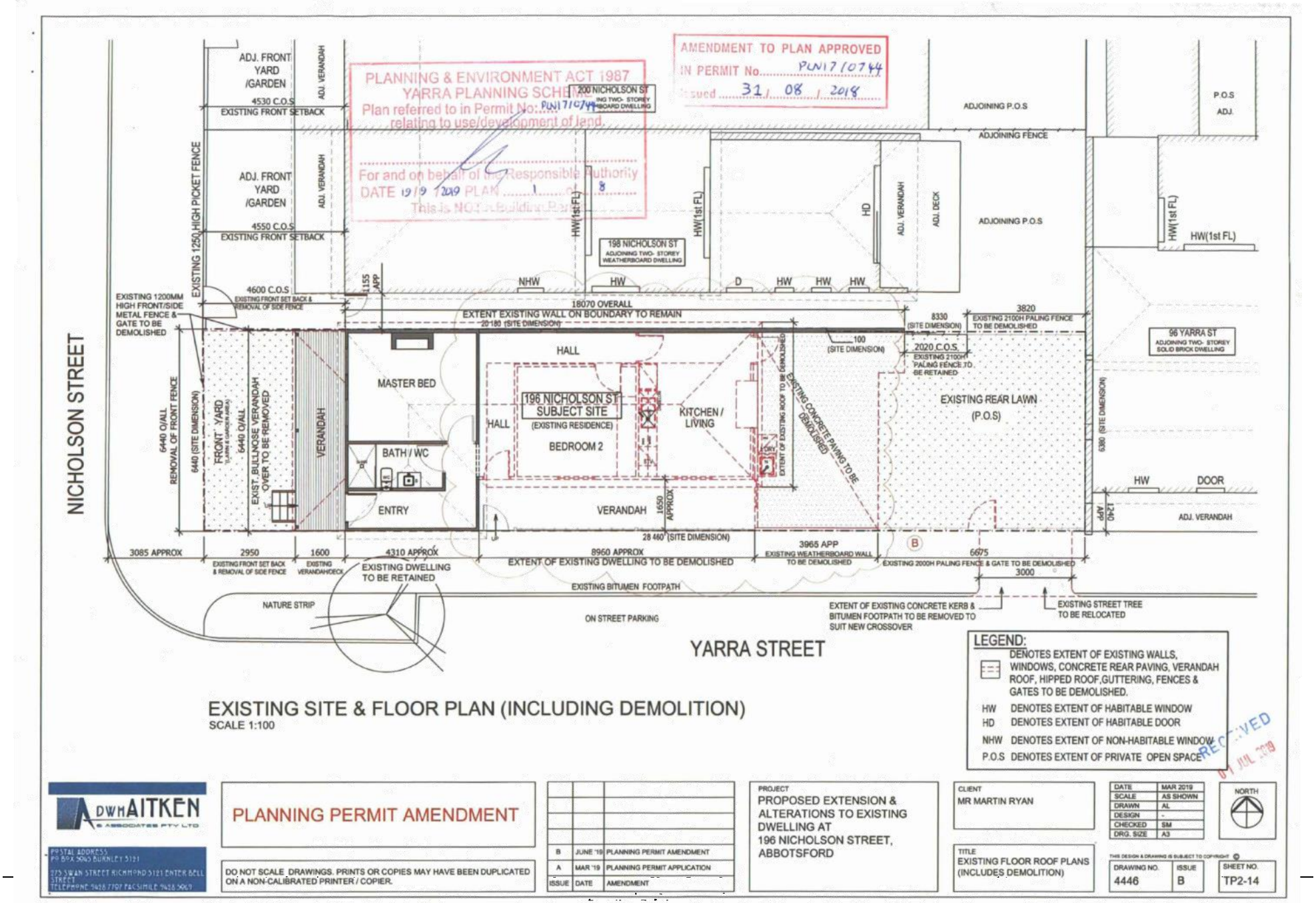
1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified 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?

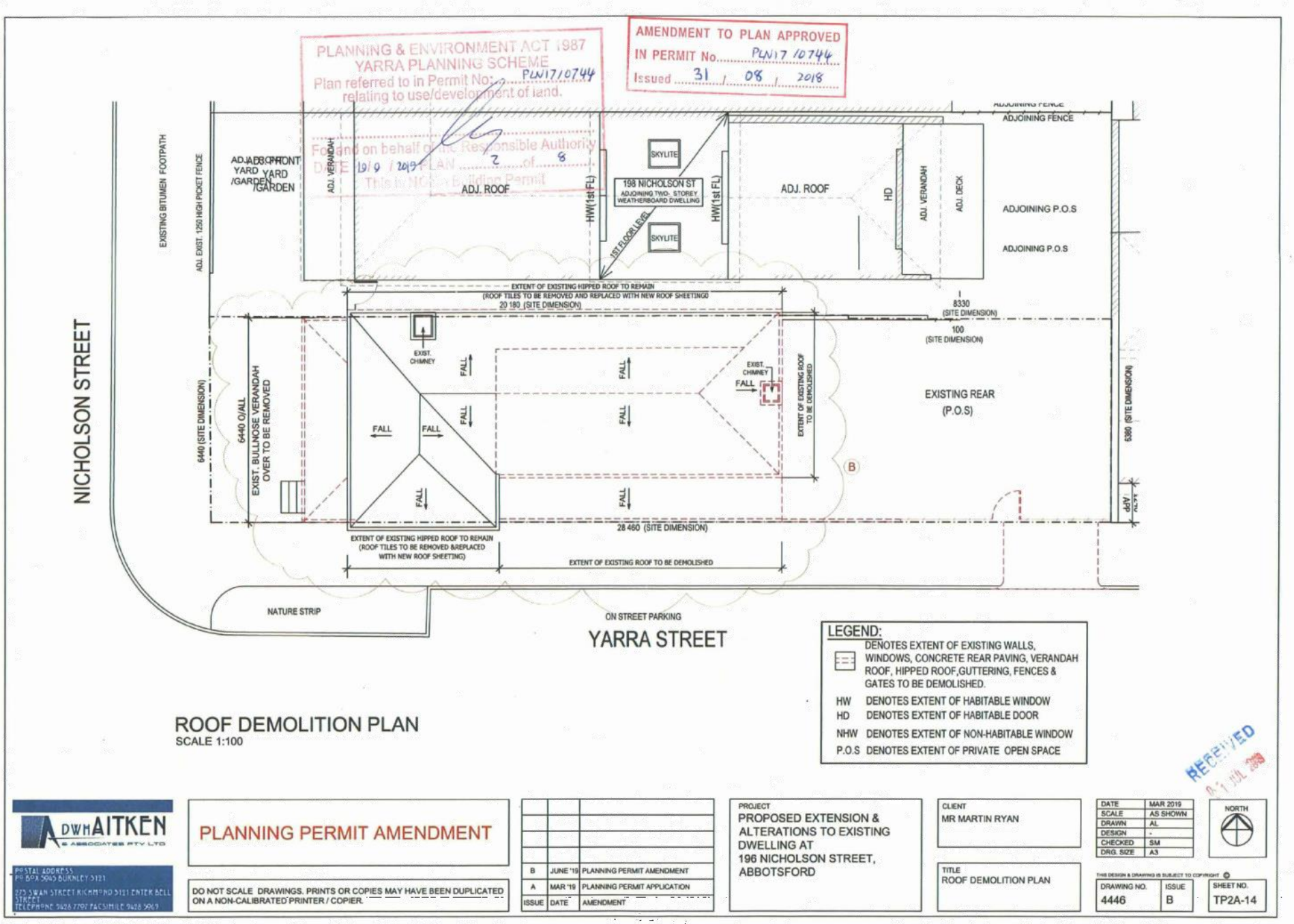
- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit 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

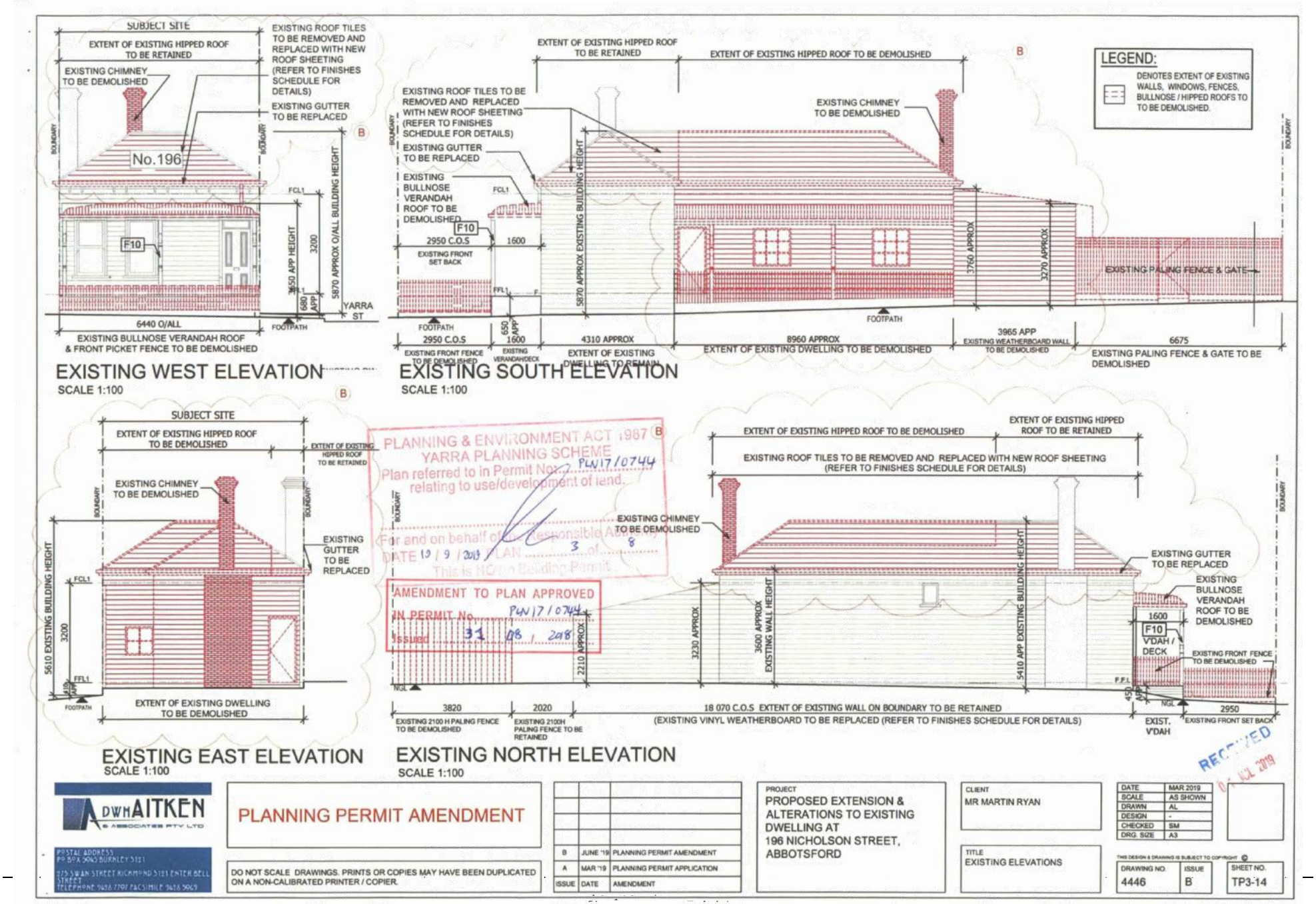
Attachment 10 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Endorsed Plans



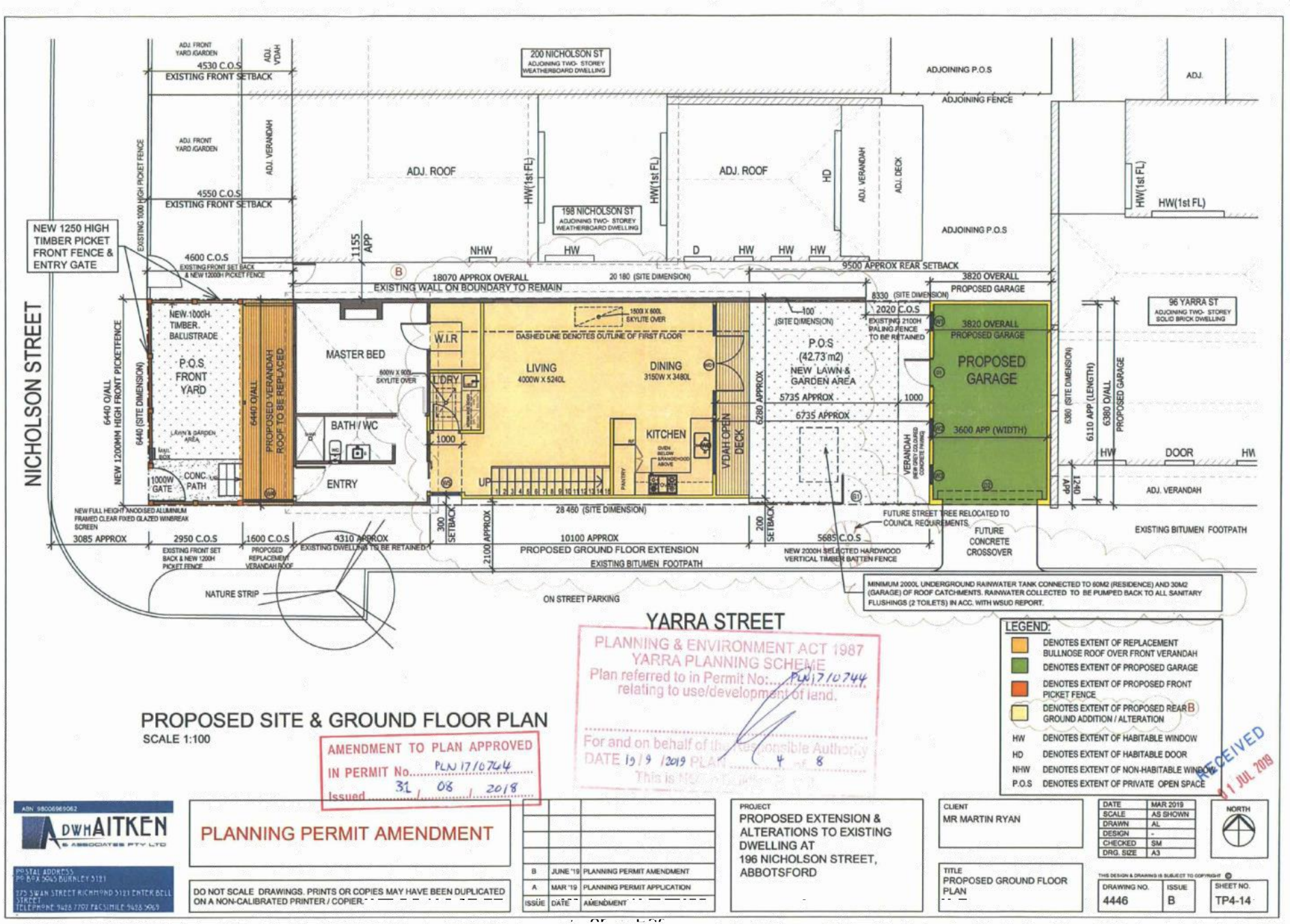
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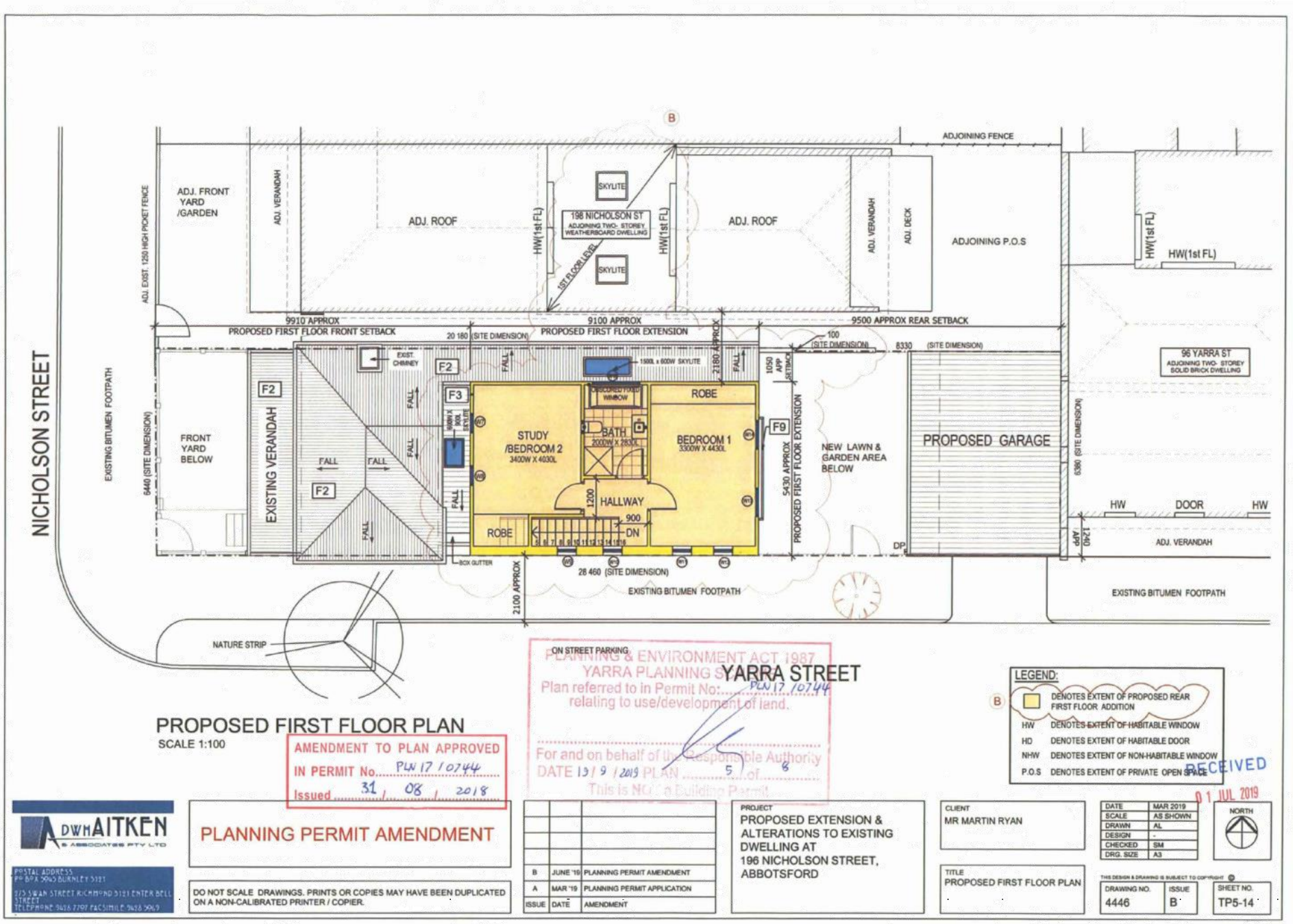
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Attachment 10 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Endorsed Plans



PROPOSED FIRST FLOOR PLAN
SCALE 1:100

AMENDMENT TO PLAN APPROVED
IN PERMIT No. PLN17/0744
Issued 31/08/2018

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No: PLN17/0744
relating to use/development of land.
For and on behalf of the Responsible Authority
DATE 13/9/2019 PLAN 5 of 8
This is NOT a Building Permit

LEGEND:

B	DENOTES EXTENT OF PROPOSED REAR FIRST FLOOR ADDITION
HW	DENOTES EXTENT OF HABITABLE WINDOW
HD	DENOTES EXTENT OF HABITABLE DOOR
NHW	DENOTES EXTENT OF NON-HABITABLE WINDOW
P.O.S	DENOTES EXTENT OF PRIVATE OPEN SPACE

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ISSUE	DATE	AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT 196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
PROPOSED FIRST FLOOR PLAN

DATE	MAR 2019
SCALE	AS SHOWN
DRAWN	AL
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

NORTH

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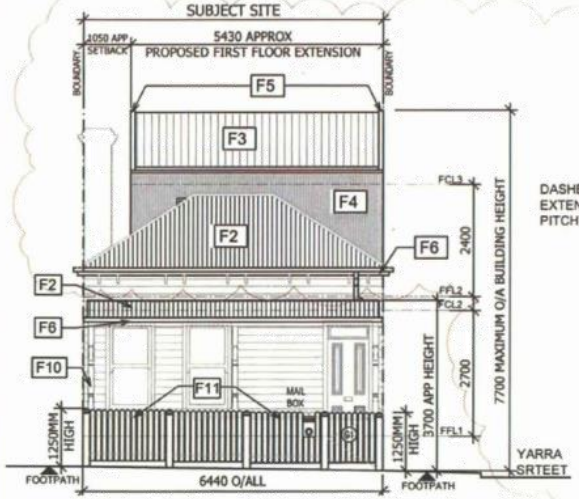
Attachment 10 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Endorsed Plans

EXTERNAL FINISHES SCHEDULE

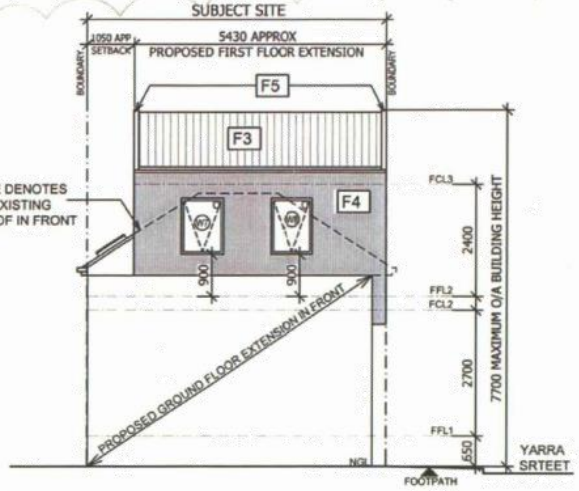
NO.	DESCRIPTION	SAMPLE	NO.	DESCRIPTION	SAMPLE
F1	NEW TIMBER WEATHERBOARD CLADDING TO MATCH EXISTING PROFILE AND PAINTED WHITE FINISH (GARAGE & GROUND FLOOR EXTENSION)		F8	NEW WOODLAND GREY COLORBOND DOWNPIPES,GUTTERING / FLASHINGS WITH WHITE PAINTED FINISH TO EAVES FASCIA TO GARAGE.	
F2	REPLACEMENT UNPAINTED HERITAGE GALVANIZED GRADE Z600 ROOF SHEETING (EXISTING GROUND FLOOR HIPPED ROOF TO BE RETAINED)		F9	NEW 1700mm HIGH BLACK POWDERCOATED ALUMINIUM PERFORATED METAL SCREEN WITH MAXIMUM OF 25% OPENING TO PREVENT OVERLOOKING.	
F3	MATT MONUMENT METAL COLORBOND ROOF SHEETING (FIRST FLOOR EXTENSION)		F10	TREATED PINE OPEN TIMBER DECK WITH CLEAR TUNG OIL FINISH.	
F4	SELECTED HARDWOOD VERTICAL TIMBER BATTEN WALL CLADDING TO GARAGE /1ST FLOOR ADDITION FACADE & SIDE BOUNDARY FENCE ALONG YARRA STREET (REFER TO PHOTO EXAMPLE ON SHEET TP8)		F11	NEW 1250MM HIGH TIMBER PICKET FRONT & SIDE B'DRY FENCES WITH WHITE PAINTED FINISH	
F5	MATT MONUMENT COLORBOND DOWNPIPES,GUTTERING, CAPPING /FLASHINGS.		F12	PROPOSED CEMENT SHEET CLADDING INFILL PAINTED TO MATCH EXISTING FINISH	
F6	NEW SURFMIST COLORBOND DOWNPIPES,GUTTERING / FLASHINGS WITH WHITE PAINTED FINISH TO EAVES FASCIA TO MATCH EXISTING.		F13	PROPOSED 1000MM HIGH TIMBER FRAMED BALUSTRADE PAINTED IN WHITE FINISH TO MATCH EXISTING VERANDAH WITH TURNED POSTS TO REMAIN.	
F7	NEW WOODLAND GREY COLORBOND FINISH SPEED DECK ROOF SHEETING AT 1° MIN PITCH OVER GARAGE			PROPOSED NEW WINDOWS AND DOORS FRAMINGS BLACK POWDERCOATED METAL FRAMES	

AMENDMENT TO PLAN APPROVED
IN PERMIT No. PLN17/0744
Issued 31 / 08 / 2018

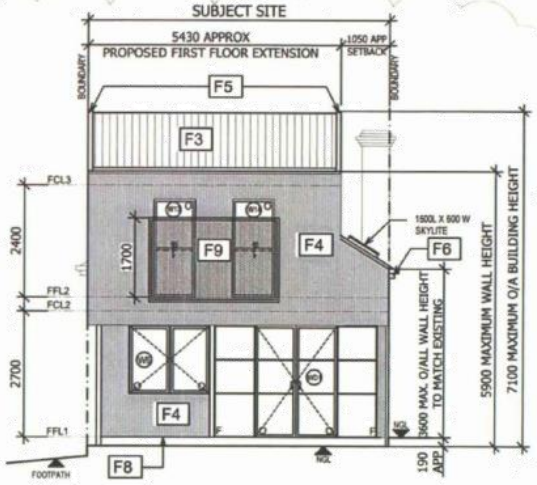
PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No: PLN17/0744
relating to use/development of land.
For and on behalf of the Responsible Authority
DATE 19 / 9 / 2019 PLAN 6 of 8
This is NOT a Building Permit



PROPOSED WEST ELEVATION
SCALE 1:100



PROPOSED INTERNAL WEST ELEVATION
SCALE 1:100



PROPOSED EAST ELEVATION
SCALE 1:100

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ISSUE	DATE	AMENDMENT
B	JUNE '19	PLANNING PERMIT AMENDMENT
A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT 196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

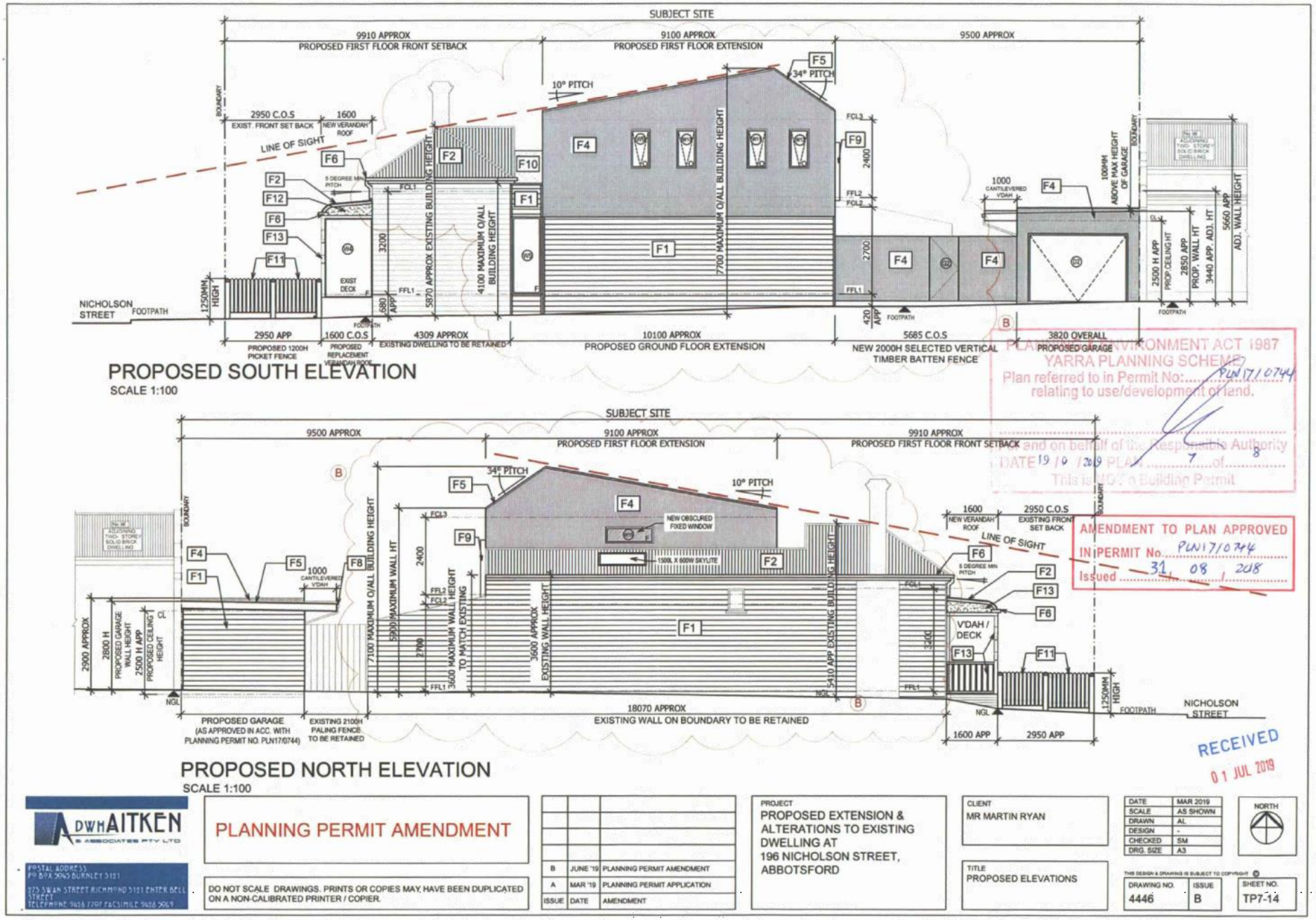
TITLE
PROPOSED ELEVATIONS EXTERNAL FINISHES SCHEDULE

DATE	MAR 2019
SCALE	AS SHOWN
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DESIGN	-
CHECKED	SM
DRG. SIZE	A3

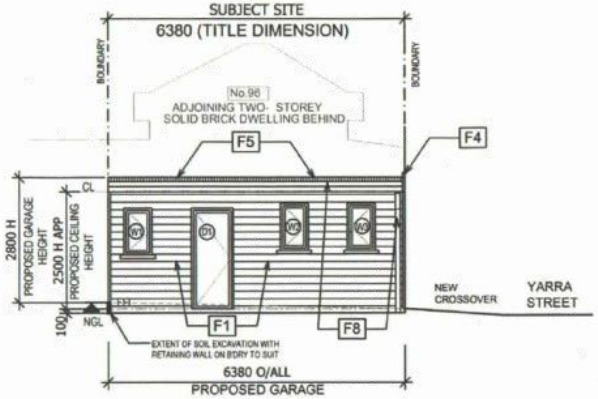
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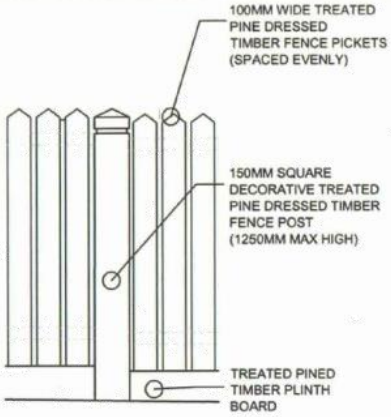
Attachment 10 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Endorsed Plans



Attachment 10 - PLN17/0744.02 - 196 Nicholson Street Abbotsford - Current Endorsed Plans



PROPOSED WEST GARAGE ELEVATION
SCALE 1:100



TYPICAL POST & PICKET DETAIL SCALE 1:20

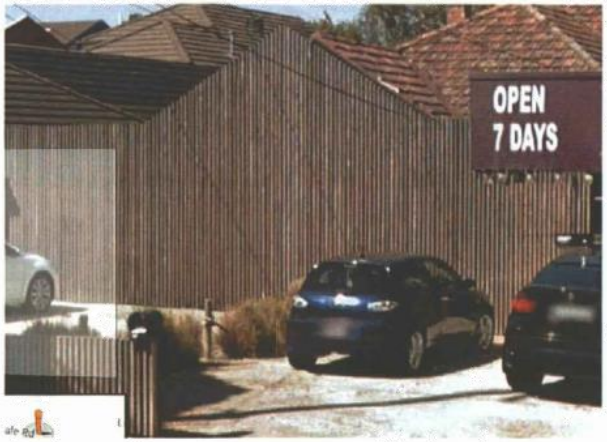


PHOTO EXAMPLE OF HARDWOOD VERTICAL TIMBER BATTEN WALL NOT IN SCALE

DOOR & WINDOW SCHEDULE	
NO.	DESCRIPTION
D1	NEW 2100H X 920W TIMBER FRAMED SOLID CORE TIMBER DOOR AS SELECTED
D2	NEW 2100H X 3600W COLORBOND METAL TILT DOOR AS SELECTED- WOODLAND GREY - NOT ENCROACH OUTSIDE OF TITLE BOUNDARY
W1	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED
W2	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED
W3	NEW 900H X 600W TIMBER FRAMED DOUBLE GLAZED DOUBLE CASEMENT WINDOW AS SELECTED
W4	NEW 2450H X 1450W ANODISED ALUMNIUM FIXED CLEAR GLAZED WINDOW /SCREEN
W5	NEW 2400H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED OBSCURE FIXED GLAZED WINDOW
W6	NEW 1400H X 1800W STEEL FRAMED BLACK POWDERCOATED CASEMENT CLEAR GLAZED WINDOW
W7-W8	NEW 1200H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED AWNING CLEAR GLAZED WINDOW
W9-W12	NEW 1200H X 600W ALUMINIUM FRAMED BLACK POWDERCOATED AWNING CLEAR GLAZED WINDOW
W13-W14	NEW 2100H X 900W ALUMINIUM FRAMED BLACK POWDERCOATED SHUGG CLEAR GLAZED WINDOW
W15	NEW 500H X 1500W ALUMINIUM FRAMED BLACK POWDERCOATED OBSCURE FIXED GLAZED WINDOW
WD1	NEW 2400H X 3500W STEEL FRAMED BLACK POWDERCOATED GLAZED DOORS & FIXED GLAZED WINDOW UNIT
G1	NEW 1200H X 1000W TIMBER PICKET ENTRY GATE
G2	NEW 2000H X 900W TIMBER SALT ENTRY GATE TO MATCH PROPOSED TIMBER SCREEN

B

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. PLN17/0744
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For and on behalf of the Responsible Authority
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ISSUE	DATE	AMENDMENT
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A	MAR '19	PLANNING PERMIT APPLICATION

PROJECT
PROPOSED EXTENSION & ALTERATIONS TO EXISTING DWELLING AT
196 NICHOLSON STREET, ABBOTSFORD

CLIENT
MR MARTIN RYAN

TITLE
PROPOSED ELEVATIONS
DOOR & WINDOW SCHEDULE
SCHEDULE

DATE	AUG 2017
SCALE	AS SHOWN
DRAWN	SM
DESIGN	-
CHECKED	SM
DRG. SIZE	A3

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DRAWING NO.	ISSUE	SHEET NO.
4304	B	TP-8-8

6.3 PLN21/0042 - 46-52 Smith Street, Collingwood - Full demolition of Nos. 46 & 48 Smith Street and partial demolition of Nos. 50-52 Smith Street, construction of an 8-storey building containing office, a food and drink premise (no permit required for uses) and use of the land for restricted recreation facility (gymnasium), and a reduction in the statutory car parking requirement.

Executive Summary

Purpose

1. This report provides an assessment of the full demolition of Nos. 46 & 48 Smith Street and partial demolition of Nos. 50-52 Smith Street, construction of an 8-storey building containing office, a food and drink premise (no permit required for uses) and use of the land for restricted recreation facility (gymnasium), and a reduction in the statutory car parking requirement at No. 46-52 Smith Street, Collingwood.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 15.01-1S (Urban design);
   (b) Clause 15.01-2S (Building design);
   (c) Clause 15.02-1S (Energy Efficiency);
   (d) Clause 17.01 (Employment);
   (e) Clause 18.01 (Integrated Transport);
   (f) Clause 21.05-2 (Urban design);
   (g) Clause 21.05-3 (Built form character);
   (h) Clause 21.07 (Environmental Sustainability);
   (i) Clause 21.08 (Neighbourhoods);
   (j) Clause 22.02 (Development Guidelines for Site Subject to the Heritage Overlay);
   (k) Clause 22.05 (Interface Uses Policy);
   (l) Clause 22.07 (Development Abutting Laneways);
   (m) Clause 22.16 (Stormwater Management (Water Sensitive Urban Design);
   (n) Clause 22.17 (Environmentally Sustainable Development); and
   (o) Clause 52.06 (Car Parking).

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic justification;
   (b) Land Use;
   (c) Built Form/Heritage;
   (d) On-site amenity (ESD);
   (e) Off-site amenity;
   (f) Car parking;
   (g) Bicycle Parking;
   (h) Waste Management/Loading; and,
   (i) Objector's concerns.

Submissions Received

4. Forty-six (46) objections were received to the application, these can be summarised as:
   (a) Lack of on-site car parking;
   (b) Excessive height/overdevelopment of the site;
   (c) The development does not respond to the neighbourhood/heritage character;

(d) Potential off-site amenity impacts (loss of daylight, overlooking, overshadowing);
(e) Impacts during the construction phase; and,
(f) Over-supply of offices in the area.

5. Two letters of support were received to the application.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key requirements:
   (a) The removal of Level 6;
   (b) All setbacks from Smith Street from Level 2 to the Level 5 to increase by a minimum of 1m;
   (c) The design of the horizontal banding in the southern wall of the tower and the colour of the roof terrace altered to reflect the changes shown in the Sketch Plan submitted to Council on 3 June 2021, with the material proposed for the horizontal banding to be clearly identified.

CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Principal Planner**
TEL: **9205 5372**

6.3 PLN21/0042 - 46-52 Smith Street, Collingwood - Full demolition of Nos. 46 & 48 Smith Street and partial demolition of Nos. 50-52 Smith Street, construction of an 8-storey building containing office, a food and drink premise (no permit required for uses) and use of the land for restricted recreation facility (gymnasium), and a reduction in the statutory car parking requirement.

Reference	D21/54746
Author	Lara Fiscalini - Principal Planner
Authoriser	Senior Coordinator Statutory Planning

Ward:	Nicholls ward
Proposal:	Full demolition of Nos. 46 & 48 Smith Street and partial demolition of Nos. 50-52 Smith Street, construction of an 8-storey building containing office, a food and drink premise (no permit required for uses) and use of the land for restricted recreation facility (gymnasium), and a reduction in the statutory car parking requirement
Existing use:	Three commercial premises
Applicant:	Three Towers Group PTY LTD
Zoning / Overlays:	Commercial 1 Zone (C1Z)/Heritage Overlay (HO464)/ Development Contributions Plan Overlay (Schedule 1)
Date of Application:	27 January 2021
Application Number:	PLN21/0042

Planning History

1. Recent planning history for the sites include the following;
   (a) Planning Permit PLN11/0030 was issued for No. 46-48 Smith Street, Collingwood on 15 September 2011 for *building and works including partial demolition and external painting for additions to the existing dwelling.*
   (b) Planning Permit PLN14/0338 was issued for Nos. 50-52 Smith Street, Collingwood on 19 June 2014 for *development of the land for painting of the façade;*
   (c) Planning Permit PLN13/0474 was issued for Nos. 50-52 Smith Street, Collingwood on 24 September 2013 for a *two lot subdivision and buildings and works to the façade, including partial demolition.*

Planning Scheme Amendments

2. On 17 December 2019, Council requested the Minister for Planning to consider the approval of proposed interim built form controls (interim Design and Development Overlays/DDOs) for activity centres in Fitzroy & parts of Collingwood (Amendment C270) under Section 20(4) of the *Planning and Environment Act* 1987 (Amendment without giving of notice).

3. Of note, the subject site is included in the proposed DDO37, which outlines future built form in the area of Smith Street containing the subject site (Smith Street North and South). In particular, the DDO supports a mid-rise character (ranging from 6-10 storeys) behind a low, consistent heritage street wall.

4. A relevant objective of the proposed DDO is to encourage development that retains the prominence and integrity of corner heritage buildings and responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas. The DDO outlines mandatory height requirements that would apply to the subject site, with a maximum building height of 20.8m attributed to this land.

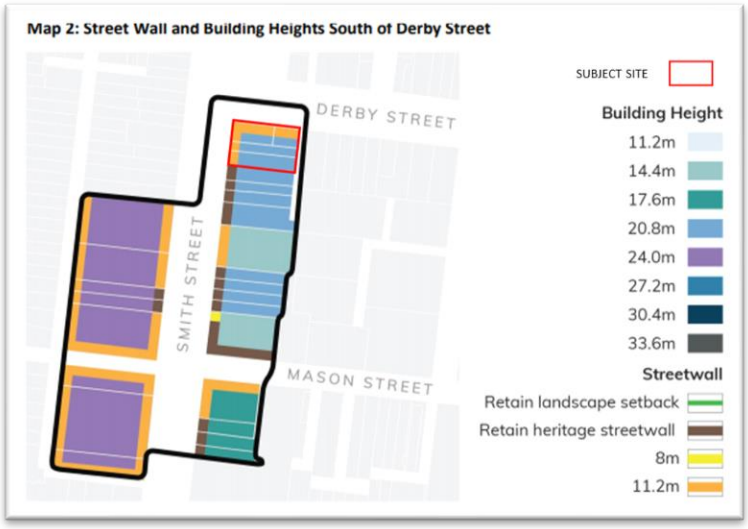


Figure 1: Map 2 (Street wall and Building Heights) from proposed interim DDO37

5. This Amendment has not yet been approved by the Minister and does not form part of the Yarra Planning Scheme (the Scheme). The Council advised that, on 17 December 2019, it requested the Minister for Planning to approve interim Design and Development Overlays for activity centres in Collingwood and Fitzroy under section 20(4) of the *Planning and Environment Act 1987*. The Design and Development Overlays form part of proposed Amendment C270 to the Planning Scheme, for which the Council has not yet sought authorisation from the Minister to prepare and place on exhibition. Given the Amendment has not progressed further through the amendment process (i.e. Exhibition/Independent Panel), it does not carry any statutory weight.

6. The status of this Amendment was discussed in the VCAT decision for No. 84-104 Johnston Street (*SMA No. 17 Pty Ltd v Yarra CC [2020] VCAT 1364),* which noted the following;
   (a) *We agree with the applicant that, given the stage of the Amendment, not having been adopted by the Council and yet to undergo the further community engagement referred to in the Council resolution, we are unable to give it weight. That said, we agree with the Council that it does provide an indication of the scale of development which the Council desires to see in this section of Johnston Street, and this has been noted.*

Background

7. The application was submitted on 27 January 2021 and subsequently referred to a number of Council departments and external consultants. Recommendations were received from an external Urban Design Consultant (Simon McPherson – Global South); these recommendations included design changes to the southern interface of the development. In response to these comments, the Applicant submitted a Sketch Plan to Council on 3 June 2021. This Sketch Plan included the following changes;
   (a) The design of the banding on the southern wall of the proposal was altered from an angled to a horizontal design; and,
   (b) The colour of the roof terrace was altered from dark grey to white.

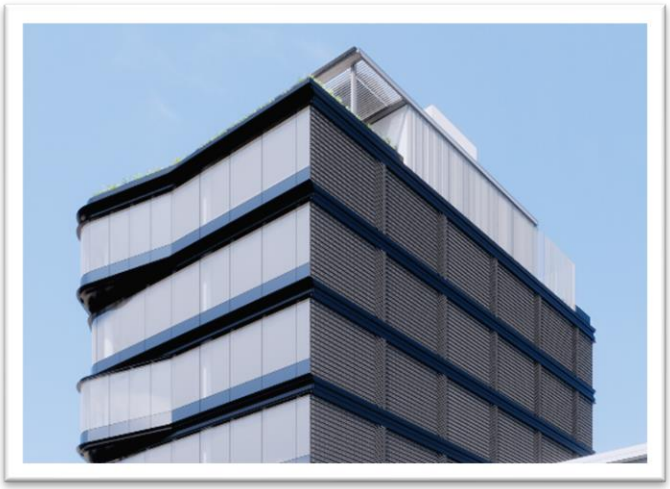


Figure 2: Sketch plan with revised southern elevation

8. The Sketch Plan will be referenced where relevant throughout this report.

The Proposal

9. The proposal seeks the construction of an 8-storey, mixed-use commercial development. The building will primarily comprise office space, with a retail element including 2 x food and drink premises at ground level and a restricted recreation facility (gym) within the basement. The specifics of the proposal are summerised below;

Uses

10. Office – The proposed development will include 2,168sqm (GFA) of office space. The offices will be located on the upper levels of the building, with access located on the ground floor from Smith Street.

11. Food and Drink premises;
    (a) A restaurant/bar will be located in the north-west corner (floor area of 244sqm), with access from Smith Street and the corner splay of Smith Street and Derby Street.
    (b) A café will be located in the north-east corner (floor area of 130sqm), addressing both Derby Street and the rear (east) laneway, with access from this corner.

12. Restricted Recreation Facility (gym) – Located in the basement, with a floor area of 272sqm (as shown on the plans, with the Town Planning Report and Traffic Report noting this area as 302sqm). The gym will be accessed via Derby Street. The proposed hours of operation are 6am to 9pm, Monday to Friday and 10am to 4pm on Saturday and Sunday, with a maximum of 45 patrons.

Demolition

13. The extent of the proposed demolition includes:
    (a) Nos. 46 and No. 48 Smith Street (full demolition);
    (b) Nos. 50-52 Smith Street, excluding the west (Smith St) façade and the western portion of the north wall to No. 52 Smith Street;
    (c) Sections of walls/windows within the retained facades of No. 50-52 Smith Street;
    (d) The canopy in the north-west corner.

General

14. Building height of 26.5m to parapet (as measured from the adjoining laneway), with roof terrace (Level 7) extending to 29.55m in height.

15. Lift overrun 1.2m above the roof terrace pergola.

Basement

16. The basement will extend under the entire site and include the following;
    (a) A gym;
    (b) A total of 33 bicycle parking spaces with 4 showers and 50 lockers;
    (c) Bin storage room;
    (d) 15Kl rainwater tank.

Ground level

17. The ground floor will extend to the north, south and west boundaries, with small splays in the north-west and south-east corners. The eastern wall will be set back 0.963m from the right-of-way (ROW) extending along this boundary.

18. This level will contain the following;
    (a) Office entrance within the Smith Street frontage;
    (b) Two entrances to the restaurant/bar from Smith Street and the north-west corner;
    (c) An entrance to the café in the north-east corner, from Derby Street;
    (d) A loading bay to the east, with access from the adjacent ROW;
    (e) Services, including a substation and gas meter within the eastern wall and a fire booster cabinet within the Smith Street façade;
    (f) A curved canopy will extend along parts of the north and west façade.

Levels 1-6 (Offices)

19. All of these levels will abut the southern boundary;

20. A curved design is adopted for the upper levels, with varying setbacks from the north and west boundaries;

21. Level 1 will abut part of the north/west boundaries, with a setback of 0.963m from the east boundary;
    (a) The north-western walls will be setback between 3m to 8.8m from the north and from 5.12m to a total of 18.6m from the west, with an external terrace located within this setback. A canopy will extend above the north-west corner of the terrace.

22. Level 2 will have varied setbacks from the east, north and west, with a terrace located within much of this setback. Planter boxes will extend along the perimeter of the terrace.
    (a) The northern wall will be set back 3m, with the western wall set back between 3.62m to 5m from the west. The eastern wall will be setback 2.96m from the eastern boundary.

23. Levels 3 & 5 will have a straight façade, set back 5m from Smith Street, with a slight overhang in the north-west corner.
    (a) The northern wall will be predominantly set back 3m, with the overhang extending 0.834m into this setback. The eastern wall will be set back 2.96m from the eastern boundary.

24. Levels 4 & 6 will largely mirror the setbacks of Levels 3 & 5, with the exception of a smaller ‘overhang’ to the north and a larger ‘overhang’ to the west.
    (a) The western façade will be set back between 4.17m to 5m from the Smith Street façade.

25. These ‘staggered’ setback designs are demonstrated in Figures 3 & 4.

Level 7 & Roof terrace

26. This level will mirror the setbacks below, with planter boxes surrounding the perimeter. Services will abut the southern boundary, with a pergola extending over half of the terrace.

27. Solar PV panels will be located on the roof of the pergola.



Figure 3: View from north-west (along Smith Street)

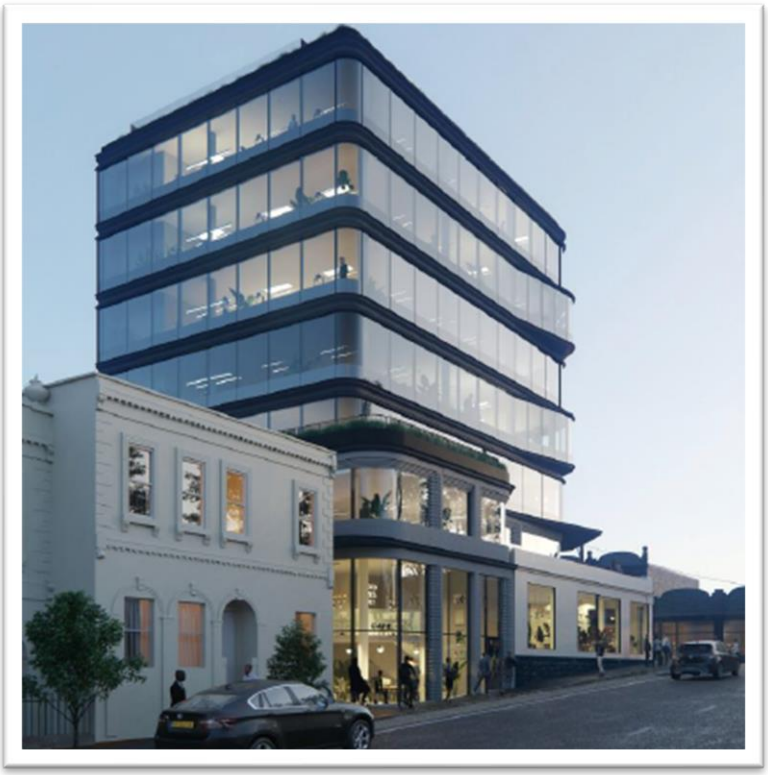


Figure 4: View from north-east (along Derby Street)

Materials and finishes

28. The following material palette is proposed;
    (a) The podium will be composed of a mixture of grey/white render and light grey/white brickwork. A bluestone plinth will extend along part of the Derby Street frontage;
    (b) The tower element will contain a significant extent of glazing, including double-glazed grey toned glazing and double-glazed clear glazing, with slab edges in dark bronze anodized aluminium;
    (c) The southern wall of the tower will be composed of grey brick, with angled joinery in between each level;
    (d) Planter boxes will be dark bronzed anodized aluminium, as will the canopy at ground level.
    (e) Balustrades will have metal handrails;
    (f) Shading fins, 150mm in depth, will extend from part of the tower façade.

29. Figure 5 provides a visual guide for the proposed materiality of the proposal.



Figure 5: Materials and finishes

ESD Commitments

30. The Sustainable Management Plan (prepared by Ark Resources and dated 23 December 2020) outlines the following ESD commitments;
    (a) The proposal will achieve a 5 Star Green Star Rating, defined as 'Australian Excellence'. It will also be able to achieve a 5.5 Star NABERS Energy Rating of 'Excellence', and best practice outcomes for stormwater quality;
    (b) A total of 72 rooftop solar panels with a capacity to produce 21.6kWp;
    (c) Shared electric bikes for staff;
    (d) Electric vehicle charging infrastructure;
    (e) Rainwater harvesting system for toilet flushing and irrigation via a 15,000L rainwater tank located under the basement;

(f) High-performance glazing and energy efficient building services, appliances and fixtures;
(g) A design oriented to maximise the use of sunlight available to the site, with broad north-facing windows; and,
(h) Landscaping on Levels 2 and 7, incorporating a range of native species.

Existing Conditions

Subject Site

31. The subject site is located on the north-west intersection of Smith Street and Derby Street. The site is composed of three properties, with a combined street frontage along Smith Street of 19.25m, and a 29.26m side frontage along Derby Street. The overall site area is approximately 556sqm. There is a significant slope across the site from the western end down to the east, with a drop of 2.1m along the Derby Street façade. The corner building (No. 50-52 Smith Street) is demonstrated in Figure 6, with the façades of Nos. 46 & 48 Smith Street demonstrated in Figure 7.



Figure 6: View of subject site from north-west (Source: Urban Context report)



Figure 7: View of Nos. 46 & 48 Smith Street facades (Source: Google Streetview image dated December 2020 accessed 1.6.2021)

32. The site currently accommodates three single-storey, single-fronted brick shopfronts addressing Smith Street. Due to the slope of the land, the corner building increases to 2-storeys at the rear of the site, directly abutting a right-of-way (ROW) along the rear boundary (Figure 8).



Figure 8: View from Derby Street (Source: Google Streetview image dated December 2020 accessed 1.6.2021)

33. No. 50-52 Smith Street is a 'contributory' building to the heritage precinct (HO464 – Smith Street South), whereas No. 46 and No. 48 Smith Street are listed as 'not-contributory'. No.50-52 Smith Street dates from c.1875 to 1880; and has a modified rendered masonry facade, including modified openings. There is a chamfered corner entrance with a modern door set under a modern box awning. The Derby Street elevation of this building has also been modified with later windows and a door opening and a parapet which has been raised in brickwork.

34. The buildings currently do not have vehicle access from the ROW.

Title

35. The certificate of title shows that the land is known formally as;
    (a) No. 50-52 Smith Street, Collingwood – Lot 1 LP26183
    (b) No. 48 Smith Street, Collingwood – Lot 2 LP26183
    (c) No. 46 Smith Street, Collingwood – Lot 1 TP321271

36. The titles submitted with the application do not show any covenants. Party wall easements are located between the buildings; these will become redundant with the removal of the walls.

Surrounding Land

37. The subject site is located within the Smith Street Major Activity Centre (MAC) which, having once comprised generally one to three-storey buildings, is undergoing significant change and seeing higher density development along this corridor. The more intensive development is located further to the north along Smith Street.

38. The original building stock is generally from the Victorian and inter-war eras, with various levels of heritage significance. Built form surrounding the site is generally single to double-storey in height, with some higher development occurring, and contains a mixture of commercial, retail and office uses.

39. In a wider context, the subject site is well serviced in terms of proximity to existing infrastructure and is serviced by the following:
    (a) Collingwood Train Station (1.2km north-east) servicing South Morang and Hurstbridge lines.
    (b) Parliament Train Station (1.2km south-west) within the City Loop.
    (c) Tram Route 86 (Bundoora RMIT to Waterfront City Docklands) traversing Smith Street with the closest stop located approximately 70m to the north.
    (d) Tram Route 12 (Victoria Gardens to St Kilda, Fitzroy St) and 109 (Box Hill to Port Melbourne) traversing Victoria Parade with the closest stop located approximately 220m metres south.
    (e) Multiple bus route between Collingwood and wider metropolitan area, the closest stop is located on Hoddle Street approximately 1.1km to the south.



Figure 9: Aerial image of site and surrounds

40. The immediate interfaces with the site are as follows;

    North

41. The subject site extends along Derby Street along its northern interface. Derby Street is a local two-way street running in an east-west direction, linking Smith Street to Wellington Street. Derby Street accommodates angled parking on the southern side of the street and parallel parking on the northern side, with mature street trees located within the footpath on both sides of the street.

42. On the opposite side of Derby Street is No. 54-56 Smith Street; a double-storey heritage style building currently under commercial use. The double-storey building extends to the Smith Street and Derby Street boundaries, with a single-storey carport and open space at the rear. Vehicle access is provided via Derby Street.

43. No. 2 Derby Street is also directly to the north of the subject site, this site is developed with a double-fronted single-storey workers cottage, currently used as a dwelling. This dwelling is constructed hard-edge along the Derby Street footpath.

South

44. No. 44A Smith Street abuts the site to the south; this site is occupied by a single-storey shop. Further south is a row of double-storey, Victorian-era buildings, also operating as commercial premises. These buildings have access to the rear ROW from Derby Street.

West

45. On the opposite side of Smith Street, are a number of single and double-storey, single-fronted shopfronts (No's. 65, 63, 59-61 and 57 Smith Street) which house a variety of commercial premises.

East

46. Directly to the east of the subject site, on the opposite side of the ROW, is a double-fronted, double-storey heritage building, used as a dwelling. This building extends to the boundaries to the north, south and west, with open space in the middle of the site, along its eastern side. Adjacent to this, further east, is a row of similarly constructed double-storey dwellings, at Nos. 3 to 9 Derby Street. All of these buildings are graded 'individually significant' within the Heritage Overlay – Schedule 98 (HO98) and are located within the Mixed Use Zone (MUZ).

47. Beyond this are a mixture of single and double-storey buildings, with an eight-storey residential development constructed at No. 15 to 21 Derby Street and No. 27 Little Oxford Street. This development is not located within the heritage overlay.

Planning Scheme Provisions

Zoning

Commercial 1 Zone

48. The following provisions apply:
    (a) Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the land for 'office' or 'retail' (food and drink premises), however a planning permit is required to use the land as a 'restricted recreation facility'.
    (b) Pursuant to Clause 34.01-4, a planning permit is required to construct a building.

Overlays

Heritage Overlay (HO464 – Smith Street South Precinct: Fitzroy and Collingwood)

49. The following provisions apply:
    (a) Pursuant to Clause 43.01-1, a planning permit is required for demolition, and to construct a building and carry out works.

50. As per the *City of Yarra Database of Heritage Significant Areas July 2020*, the property gradings are as follows:
    (a) Nos 46 & 48 Smith Street are 'not-contributory'

(b) Nos 50 & 52 Smith Street are 'contributory'.

Particular Provisions

Clause 52.06- Car parking

51. The site is located within the Principal Public Transport Network Area, therefore the parking rates in Column B of Clause 52.06-5 apply. Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	2,168 m²	3.0 spaces per 100 m² of net floor area	65	0
Restricted Recreation Facility	242 m²	Rate Not Specified	To the satisfaction of the Responsible Authority	
Food and drink premises	130 m²	3.5 spaces per 100 m² of leasable floor area	4	
Restaurant	244 m²	3.5 spaces per 100 m² of leasable floor area	8	
		Total	**77 Spaces plus Spaces for the Restricted Recreation Facility**	**0 Spaces**

52. Pursuant to clause 52.06-3, a planning permit is required to reduce 77 car parking spaces.

Clause 52.34 - Bicycle facilities

53. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the bicycle parking requirement under Clause 52.34-3 and the provision on site.

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	2,168 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	7 employee spaces	
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces.	
Restaurant	244 sqm	1 employee space to each 100 sqm of floor area available to the public	2 employee spaces	
		2 plus 1 visitor space to each 200 sqm of floor area available to the public if the floor area exceeds 400 sqm	0 visitor space	

Food and Drink Premises	130 sqm	1 employee space to each 100 sqm of floor area available to the public	1 employee spaces	
		2 plus 1 space to each 200 sqm of floor area available to public if floor area available exceeds 400 sqm	0 visitor spaces.	
Minor sports and recreation facility (Gym)	302 sqm 2 staff	1 employee space per 4 employees	1 employee spaces	
		1 space per 200 sqm of net floor area	2 visitor spaces	
Bicycle Parking Spaces Total			**11 employee spaces**	**30 employee spaces**
			4 visitor spaces	**3 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**1 showers / change rooms**	**4 showers / change rooms**

54. The proposal includes 33 bicycle spaces (30 employee/3 visitor), thus exceeding the minimum statutory requirement for employee spaces. The proposal also includes 4 showers and associated changing room facilities, also exceeding the minimum requirement. A reduction of 1 visitor space is sought.

General Provisions

55. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report

Planning Policy Framework (PPF)

56. Relevant clauses are as follows:

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

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

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

58. The objective of this clause is:
    (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

Clause 15.01 (Built Environment and Heritage)
Clause 15.01-1S (Urban design)

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

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

60. The objective is:
    (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building design)

61. The relevant objective of this clause is:
    (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

62. Relevant strategies of this clause are:
    (a) *Require a comprehensive site analysis as the starting point of the design process.*
    (b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
    (c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
    (d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
    (e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
    (f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
    (g) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
    (h) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

63. This clause also states that planning must consider as relevant:
    (a) Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).

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

64. The objective of this clause is:
    (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 17.01 (Employment)
Clause 17.01-1S (Diversified economy)

65. The objective of this clause is:
    (a) *To strengthen and diversify the economy.*

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

Clause 17.02 (Commercial)
Clause 17.02-1S (Business)

67. The relevant objective of this clause is:

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

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

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

69. The objective of this clause is:
    (a) *To create a safe and sustainable transport system by integrating land use and transport.*

Clause 18.02 (Movement Networks)
Clause 18.02-1S (Sustainable personal transport)

70. The relevant objectives of this clause is:
    (a) *To promote the use of sustainable personal transport.*

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

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

Clause 18.02-2S (Public Transport)

72. The objective of this clause is:
    (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R (Principal Public Transport Network)

73. A relevant strategy of this clause is to:
    (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – (Car Parking)

74. The objective of this clause is:
    (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

75. A relevant strategy is:
    (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

<u>Municipal Strategic Statement</u>

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

Clause 21.04-3 (Industry, office and commercial)

77. The objective of this clause is:
    (a) *To increase the number and diversity of local employment opportunities.*

Clause 21.05-2 (Urban design)

78. The relevant objectives of this Clause are:
    (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
    (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
        (i) Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
            - *Significant upper level setbacks*
            - *Architectural design excellence*
            - *Best practice environmental sustainability objectives in design and construction*
            - *High quality restoration and adaptive re-use of heritage buildings*
            - *Positive contribution to the enhancement of the public domain*
            - *Provision of affordable housing.*
    (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
    (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
        (i) Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
        (ii) Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.

Clause 21.05-3 (Built form character)

79. The general objective of this clause is:
    (a) *To maintain and strengthen the identified character of each type of identified built form within Yarra*. The subject site is located within the 'main roads' area, where the built form objective is to "maintain the hard edge of the strip".

Clause 21.05-4 (Public environment)

80. The relevant objective and strategies of this clause are:
    (a) *Objective 28 - To a provide a public environment that encourages community interaction and activity*
        (i) Strategy 28.1 - Encourage universal access to all new public spaces and buildings
        (ii) Strategy 28.2 - Ensure that buildings have a human scale at street level.
        (iii) Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.

Clause 21.06 (Transport)

81. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Relevant objectives and strategies of this Clause are as follows:
    (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
        (i) Strategy 30.2 – Minimise vehicle crossovers on street frontages.
        (ii) Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.

(b) *Objective 31 – To facilitate public transport usage.*
(c) *Objective 32 – To reduce the reliance on the private motor car.*
(d) *Objective 33 – To reduce the impact of traffic.*
    (i) Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.

Clause 21.06-1 (Walking and cycling)

82. This clause builds upon the objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage. The relevant objectives and strategies of this clause are:
    (a) *Objective 30 - To provide safe and convenient bicycle environments:*
        (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
    (b) *Objective 32 - To reduce the reliance on the private motor car.*
    (c) *Objective 33 - To reduce the impact of traffic.*
        (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.06-2 (Public transport)

83. The relevant objectives and strategies of this clause are:
    (a) *Objective 31 To facilitate public transport usage.*
        (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 (The road system and parking)

84. *Objective 32 To reduce the reliance on the private motor car.*

Clause 21.07-1 (Ecologically sustainable development)

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

Clause 21.08-5 (Collingwood)

86. This clause outlines the Cremorne neighbourhood as follows;
    (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
    (b) *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys.*

Relevant Local Policies

Clause 22.02 (Development Guidelines for sites subject to the Heritage Overlay)

87. The relevant objectives of this clause are;
    (a) *To conserve Yarra's natural and cultural heritage.*
    (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*

(c) *To retain significant viewlines to, and vistas of, heritage places.*
(d) *To preserve the scale and pattern of streetscapes in heritage places.*
(e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
(f) *To ensure that additions and new works to a heritage place respect the significance of the place*
(g) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.05 (Interfaces Uses Policy)

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

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

Clause 22.07 (Development Abutting Laneways)

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

Clause 22.16 (Stormwater Management (Water Sensitive Urban Design)

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

Clause 22.17 (Environmentally Sustainable Design)

92. This policy applies to (as relevant) the development of a non-residential building with a gross floor area of more than 1000sqm. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other relevant documents

Plan Melbourne

93. Released in May 2017, Plan Melbourne 2017-2050 (Plan Melbourne) outlines the key strategic directions with regard to the provision of housing and commercial activity within Melbourne's urban areas. The strategic outcomes outlined in the document are required to be considered as part of Council's decision-making process and include (inter-alia):
(a) Outcome 1: *'Melbourne is a productive city that attracts investment, supports innovation and creates jobs.'*

(i) Direction 1.2 of Plan Melbourne is to *'Improve access to jobs across Melbourne and closer to where people live'*

94. The strategy promotes '20-minute neighborhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your front door.

Advertising

95. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act* 1987 by 563 letters sent to surrounding owners and occupiers and by four signs displayed on site. Council received 46 objections and 2 letters of support. The grounds for objection are summarised as follows:
    (a) Lack of on-site car parking;
    (b) Excessive height/overdevelopment of the site;
    (c) Does not respond to the neighbourhood/heritage character;
    (d) Potential off-site amenity impacts (loss of daylight, overlooking, overshadowing);
    (e) Impacts during the construction phase;
    (f) Over-supply of offices in the area.

96. The letters of support highlighted the quality of the architectural design, the activation of Derby Street and the reduction in on-site car parking.

Referrals

External Referrals

97. The application was not required to be referred to any external authorities.

Internal Referrals

98. The application was referred to the following internal departments and advisors and external consultants;
    (a) Engineering Services Unit;
    (b) Strategic Planning;
    (c) Environmentally Sustainable Development (ESD) Advisor;
    (d) Strategic Transport Unit;
    (e) Open Space (landscaping);
    (f) Urban Design (public realm works);
    (g) Streetscapes and Natural Values Team; and
    (h) City Works (Waste Management).

99. External consultants
    (a) Urban Design consultant (Global South – Simon McPherson);
    (b) Wind consultant (MEL Consultants);
    (c) Heritage Consultant (Anita Brady).

100. All referral comments have been included as attachments to this report

Assessment

101. The considerations for this amendment application are as follows, as required:
    (a) Strategic justification;
    (b) Land Use;
    (c) Built Form/Heritage;
    (d) On-site amenity (ESD);
    (e) Off-site amenity;

(f) Car parking;
(g) Waste Management/Loading;
(h) Other matters; and
(i) Objector's concerns.

Strategic justification

102. The proposal enjoys considerable support from both State and local policy for accommodating increased development and employment in the given location. The site is appropriately placed for the proposal, due to its location within the Smith Street Major Activity Centre (MAC), as well as its proximity to numerous public transportation options, including multiple bus routes, tram routes, and key arterial roads.

103. The C1Z encourages both residential and non-residential uses, with a purpose of the zone '*To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses'.* The development of the site achieves this outcome, and is consistent with strategies outlined in clause 11.01-1S (Settlement) which aim to '*promote and capitalise on opportunities for urban renewal and infill redevelopment'* and *'ensure retail, office-based employment, community facilities and services are concentrated in central locations'.*

104. Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) encourages development and growth in and around activity centres, with the Smith Street location supporting more intensive development. This is evident in the emerging mid-rise character within the immediate area, and the increasing scale of high-rise development further to the north along Smith Street..

105. The development provides opportunities for new employment within the proposed office and retail spaces, consistent with clause 17.01-1S (Diversified Economy) and clause 17.02-1S (Business). These provisions, along with clause 21.04 (Land Use), recognise and support land uses and development that contributes '*to increase the number and diversity of local employment opportunities'.*

106. The development supports and promotes the use of sustainable personal transport by providing 33 on-site bicycle spaces and associated end-of-trip facilities, as sought by Clause 18.02-1S (Sustainable personal transport). Further to this, compliance with clause 18.01-2S (Integrated Transport) is achieved, with the development providing for communities' needs for commercial services by locating facilities within an existing activity centre with an established public transport system. This provides for a sustainable outcome with regards to land-use and transport integration.

107. This is also consistent with clause 21.06 (Transport), which aims to reduce car dependency by promoting walking, cycling and public transport use as viable and preferable alternatives. The site's proximity to public transport assists in achieving this objective.

Land Use

108. The proposal includes three distinct uses; with a café/restaurant at ground level, gym in the basement and offices in the levels above. Of these uses, the only one that requires a planning permit is the restricted recreation facility (gym). The proposed café and restaurant at ground level and offices to levels above do not require planning permission within the C1Z and are therefore considered entirely appropriate for the area.

109. Located within the Smith Street MAC, it is fitting that the proposed building will offer a mix of uses. The proposed commercial tenancies will contribute to the street activity and will provide a vibrant and effective development outcome. Such uses appropriately respond to the purpose of the C1Z and complement the surrounding uses.

110. With respect to the gym, the proposed hours of operation are 6am to 9pm on Monday to Friday and 10am to 4pm on Saturday and Sunday, with a maximum of 45 patrons. Patrons will access the gym via a dedicated entrance from Derby Street. The basement location will ensure there is limited impact to any residents to the east, particularly given the laneway separation and the buffer provided by the development's back of house areas. The hours of operation are considered to be appropriate and the number of patrons is relatively low, particularly when considering the number of people who already live and work in this area. Off-site amenity impacts associated with this use will be discussed in greater details within the 'off-site amenity impacts' section later in this report.

111. In terms of land uses, the supporting mix of uses is consistent with policy at Clauses 11.03-1S, 21.03 and 21.04-2 as they will complement the role and function of the Smith Street MAC and surrounding area, as well as strengthening its long term viability as a destination for the local and broader community.

112. It is considered that the proposed uses will serve the local community's needs and are appropriate given the location of the site on Smith Street. Based on the above, the uses are supported.

Built form and Heritage

113. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at clause 15 (Built Environment and Heritage), clause 21.05 (Built Form) and clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay). All of these provisions and guidelines support a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to adjoining buildings. These aspects will be addressed in the following discussion.

Context

114. The immediate context surrounding the site is predominantly fine-grain heritage buildings, single to double-storey in scale. This area of Smith Street has not been significantly developed with high-density contemporary buildings, with these types of development more prevalent further to the north. The exception to this is the development at No. 9-17 Smith Street; this residential development extends to 7-storeys in height. A 5-storey building is also located to the south-west of the land (No. 41-49 Smith Street). Both of these buildings are located within the heritage precinct.

115. The Town Planning Report submitted with the application contains a more comprehensive list of 'nearby developments', with these ranging in heights from 5 to 14-storeys. However, of these developments, only two are located within Smith Street (with one of these being the aforementioned development at No. 9-17 Smith Street). The second is located at No. 88-92 Smith Street; this development has been approved at 8-storeys in height and is yet to be constructed. The remaining developments are predominantly located to the north and east of the subject site and are not located within the heritage precinct. Therefore, whilst it is acknowledged that higher built form is occurring in the area, the context and planning controls of the highlighted sites are different to that being discussed in this assessment.

116. As noted within the 'Planning Scheme Amendments' section of this report, the subject site is included within a proposed Design and Development Overlay (DDO37) sought via Planning Scheme Amendment C270, which outlines future built form in this area of Smith Street (Smith Street North and South). Whilst this Amendment has been adopted by Council, it has not been formally approved by the Minister and subsequently the DDO does not form part of the Scheme.

However, it provides guidance as to the future scale sought by Council within this section of Smith Street, and supports a mid-rise character behind a low, consistent heritage street wall. This policy acknowledges that the existing character within this area will change.

117. In their review of the proposal, Council's Strategic Planning Unit highlighted the following requirements outlined in the requested interim DDO, as follows;
    (a) New discretionary street wall of maximum 11.2m;
    (b) Discretionary upper level setback of minimum 8m;
    (c) Discretionary maximum building height of 20.8m (excl. lift overrun) – numerous conditions need to be met to exceed the discretionary building height, including not causing additional overshadowing; and,
    (d) Common boundary separation of 4.5m, measured from the laneway.

118. With regard to overshadowing, the proposed DDO contains a mandatory overshadowing requirement to not overshadow the opposite footpath of Smith Street at the equinox (September 22).

119. Compliance with these requirements will be discussed in further detail throughout this report, however it is noted that the development does not comply with points (b) and (c), being the upper level setbacks and the overall height.

120. As noted within the 'Planning Scheme Amendments' section earlier in this report, this Amendment has not yet been approved by the Minister and does not form part of the Scheme; on this basis, it does not carry any statutory weight. However, in the absence of any other specific built form controls for this site, it provides a reflection of Council's strategic position for this section of Smith Street.

Demolition

121. The proposal includes the full demolition of the non-contributory buildings at Nos. 46 & 48 Smith Street, with partial demolition of the contributory building at No. 50-52 Smith Street. Given the grading of the two non-contributory buildings, the full demolition of this built form is acceptable.

122. The proposed partial demolition of the contributory building at No. 50-52 Smith Street involves the full demolition of these building excluding the western façade to Smith Street and part of the double storey wall along Derby Street for a length of approximately 18. The modern box awning over the chamfered entrance will be removed, and modifications to the existing windows/wall fabric along the northern elevation will occur. These works will allow for new, larger windows to be installed within this secondary frontage.

123. Clause 22.02-5.1 of the Scheme generally discourages the demolition of part of a contributory building or removal of contributory elements unless:
    (a) *That part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or;*
    (b) *The removal of the part would not adversely affect the contribution of the building to the heritage place.*

124. The proposal was referred externally to Anita Brady for heritage comments. Ms Brady raised no concerns with the full demolition of the non-contributory building and was largely supportive of the extent of demolition proposed for the contributory building, noting the following;
    (a) *The proposed removal of the rear wings and roof is also largely acceptable. The roof is not a highly visible element of the contributory building, and the rear wings are utilitarian later elements. The partial demolition also retains most of the remaining Victorian-era facades and visible fabric, which are the more contributory elements of the subject site.*

125. However, Ms Brady did note that whilst the northern wall of No. 50-52 Smith Street already has non-original and modified window openings; a combination of the removal of wall fabric and increased size of the existing openings will result in three large windows taking up most of the retained elevation. She noted this would have the effect of giving the building an *'unsympathetic 'hollowed out' appearance'.*
To be more sympathetic to the traditional form, Ms Brady recommended a reduction in the extent of glazing, which at a minimum, would entail a reduction in the width/extent of the largest of the three windows (middle window). This window is circled in Figure 10.

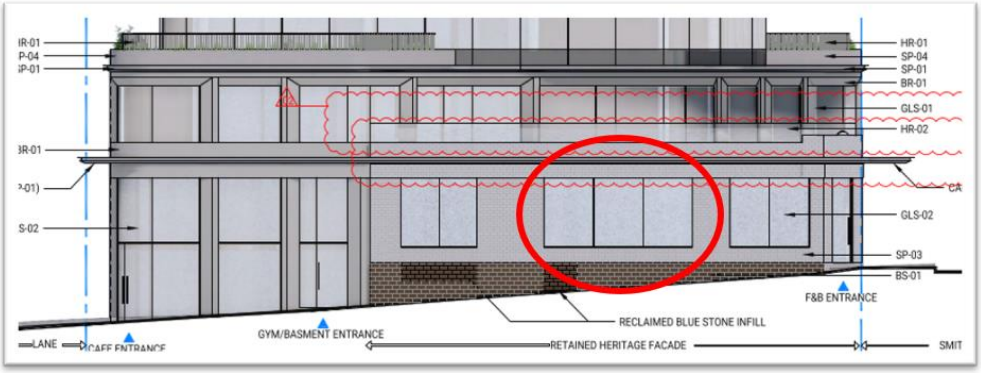


Figure 10: Proposed windows within northern wall

126. Planning Officers agree that a reduction in the width of the middle window would result in a more consistent design and increase the extent of solidity within this section of the façade. To achieve this, a condition is recommended to any permit issued, requiring the removal of the third, western-most panel of glazing to this window.

127. Further to this, it is highlighted that relatively limited sections of the building façade at No. 50-52 Smith Street will be retained and a basement is proposed directly below; this may result in structural integrity issues. To ensure that this aspect is appropriately managed and addressed, it is recommended that a Structural Report be provided as part of the planning permit.

Height

128. The development proposes the construction of an 8-storey building, with the upper-most level set back from both street interfaces and less visible than the remaining building form. This allows the building to largely present as 7-storeys in height. As outlined above, the building would extend to 26.55m to the parapet (as measured from the adjoining laneway), with Level 7/roof terrace extending to 29.55m in height. Upper level setbacks from Smith Street will range from 3.6m to 5m, with relatively consistent 3m setbacks from Derby Street.

129. The site is predominantly surrounded by double-storey heritage-style buildings. The proposed street wall extending along both street frontages will reference these heights appropriately. However, given the immediate low-scale context, the proposal would be a highly visible element within the Smith Street corridor. Discussion regarding the visibility of taller built form was undertake by the Tribunal in *Rowcliffe Pty Ltd v Stonnington CC [2004] VCAT 46 (29 January 2004)* as follows;

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

130. It is acknowledged that higher built form can be accommodated on the site, given its location within the C1Z and the Smith Street MAC. The issue in this instance therefore is; how high is appropriate, and what scale will fit comfortably within both adjacent streetscapes.

131. The proposal was referred externally for urban design comments to Simon McPherson (Global South). In his review, Mr McPherson noted that '*There is no definitive, prescriptive policy guidance or controls for built form in this location in the Yarra Planning Scheme. Consideration of any proposal needs to factor the current and emerging context and character, and how the proposal will contribute to or impact on these'.*

132. Mr McPherson highlighted the emerging built form context in the area and noted that there are multiple developments nearby in the range of 5-8 levels, with higher built form to the east on Wellington Street (8-14 levels approximately) and to the north on Smith Street (6-10 levels approximately). He also noted that the width of both Smith and Derby Streets would allow for an acceptable 'width-to-height' ratio and would result in a suitable outcome with respect to the building proportions. As stated in his review '*I do not consider the height to be excessive or overbearing in relation to the streetscapes of existing built fabric'.* Based on the above, Mr McPherson was supportive of the proposal in its current form.

133. It is highlighted that the heritage context of the site, and the lack of heritage controls on surrounding land containing these higher-density buildings, were not discussed in Mr McPherson's review. With an absence of formal height controls for guidance, it is important to consider the heritage context of the site, and the different expectations of land within and outside the heritage precinct. Objectives at Clause 22.02 of the Scheme aim to (amongst others) preserve the scale and pattern of streetscapes in heritage places, ensure that additions and new works to a heritage place respect the significance of the place and for new additions to be visually recessive and not dominate the heritage place. Further to this, relevant objectives for corner sites at clause 22.02-5.7.2-1 aim to *'encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place'.*

134. As noted previously, the subject site is in the Smith Street South Precinct (HO464), with two 'individually significant' buildings directly adjacent to the land to the east (No. 1 & No. 3-7 Derby Street). In her review, Ms Brady references the Smith Street heritage precinct as being *'comparatively small and contained and not including any of the more substantial recent developments referred to in the planning application'.* She further notes that the subject site is a prominent and highly visible corner in the precinct and on this basis, concludes that the new building is *'out of scale with development in this precinct. It is also out of scale with the adjoining heritage development on Derby Street. The nearby recently completed eight storey development to the east on Derby Street, to the corner of Oxford Street, is not in the Heritage Overlay'.*

135. Ms Brady references a recent VCAT decision at No. 14-18 Smith Street, Collingwood (*18 Smith Street Pty Ltd v Yarra CC [2020] VCAT 1319),* in which a 7-storey development was refused by the Tribunal. Whilst this building was refused, the reason for the refusal was not based on height and instead based on the retention of heritage elements associated with the existing building. In the decision, Member Wilson made the following comments;

> *[113] Concurrent with the heritage provisions, there is support for growth, change, intensification of development and higher built form in the C1Z provisions and in policies that apply to this activity centre location.*

[114] Although the review site sits within a heritage streetscape, the nearby buildings in Smith Street are of diverse character in terms of heritage significance, built form and height. This existing diversity combined with the potential for new higher built form on nearby sites, as sought for activity centres, creates an environment that, as put by Mr Raworth, 'is reasonably able to accommodate change of the character and scale proposed without diminishing its key heritage values'.

136. With reference to this decision, and based on the heritage context of the site, Ms Brady recommended the removal of one level from the proposed development. She states; *As noted, the proposal is broadly similar in its height and general approach to what VCAT considered reasonable for 14-18 Smith Street, albeit this development was not approved by the Tribunal. Relating that development and decision to the subject proposal, this is a situation where more limited setbacks are proposed for a lesser graded building but one which largely shares the heritage context and sensitivities of 14-18 Smith Street in terms of the height and interface with the HO464 precinct and Smith Street. This proposal also has the added heritage sensitivities of the adjacent Heritage Overlays on Derby Street. Having regard for all the above, a reduction in the height of the proposed building, by one storey, will bring it in line with the VCAT decision for 14-18 Smith Street'.*

137. The generous setback of the uppermost level allows the building to read as 7-storeys when viewed from the north, east and west. This level will be most visible from the south; however, given this interface is with land also within the C1Z and MAC, higher development is likely to occur to a similar scale in this direction. Clause 21.05 (Urban Design) contains Objective 17, which aims to retain identity as a low-rise urban form with pockets of higher development, and in particular, Strategy 17.2 reads as follows:

    (a) *Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
        (i) Significant upper level setbacks;
        (ii) Architectural design excellence;
        (iii) Best practice environmental sustainability objectives in design and construction;
        (iv) High quality restoration and adaptive re-use of heritage buildings;
        (v) Positive contribution to the enhancement of the public domain;
        (vi) Provision of affordable housing.

138. Aspects of this policy, (ii), (iv) and (v), are considered to be met. Setbacks and ESD credentials will be discussed later and (vi) is not applicable given the proposed uses. However, irrespective of this, the removal of one level from the building would allow the development to present largely as a 6-storey building to most interfaces, if the level to be removed was from the tower element (and not the smaller upper-most level). This would align with Strategy 17.2, provide a scale that is in better proportion to the adjacent 'individually significant' dwelling to the east and is more respectful of the prevailing streetscape scale along Smith Street.

139. This outcome would also align with the proposed DDO for the land, by achieving a 'mid-rise' scale as sought in this section of the street and bringing the height more in line with the future height controls being sought. As outlined earlier, the discretionary maximum building height for this site is proposed at 20.8m (excl. lift overrun).

140. On this basis, Council officers agree with Ms Brady and support a reduction of one level. The removal of Level 6 would achieve the preferred outcome, with the increased setback of Level 5 below providing a better transition to the roof terrace if Level 6 is removed. If a planning permit is issued, a condition is recommended to facilitate this outcome.

141. As touched on previously, the height of the proposed streetwalls along both Smith Street and Derby Street is supported. Whilst one level higher than the adjacent site to the south; a difference of one level for streetwalls along Smith Street is a common characteristic. The canopy and alignment of the ground floor will match these elements to the south and retain a consistent pattern of heights along the streetscape.

142. The proposed DDO for the site outlines a discretionary street wall height of a maximum 11.2m. The podium height to Smith Street will be 7.4m; this will increase to 9.8m at the eastern end of the Derby Street façade. These heights would comply with the proposed DDO requirements. The height of 9.8m on the eastern boundary would be approximately 2m higher than the double-storey dwelling to the east. Whilst the difference in heights between these buildings was not raised as a concern by either Ms Brady or Mr McPherson; the latter recommend that further 'alignments' and references to the neighbouring buildings should be explored, with the current design failing to clearly fit into the adjoining context.

143. This is not a concern shared by Council officers or raised by Ms Brady. As demonstrated in Figure 11, the façade elements in the two adjoining dwellings do not consistently align, with the horizontal banding on No. 1 Derby Street sitting slightly higher than that on Nos. 3-7 Derby Street. The proposal responds to this, with the horizontal banding in the new streetwall being slightly higher again (Figure 12). This responds to the topography of the land along Derby Street. Given the separation provided by the laneway and the minor changes in height as the buildings sit further up the slope; this outcome is considered acceptable.



Figure 11: Adjacent dwellings at Nos. 1-7 Derby Street



Figure 12: Streetwall view along Derby Street

Setbacks

144. The curved design of the upper levels and areas of 'overhang' to Levels 4 & 6 result in varied setbacks from Smith Street, with Level 2 set back between 3.6m to 5m, Levels 3 & 5 set back a consistent 5m and Levels 4 & 6 set back between 4.16m to 5m. These setbacks are demonstrated in Figure 13.

145. Clause 22.02-5.7.2 of the Scheme encourages new upper level additions to commercial buildings to' *respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms'.*

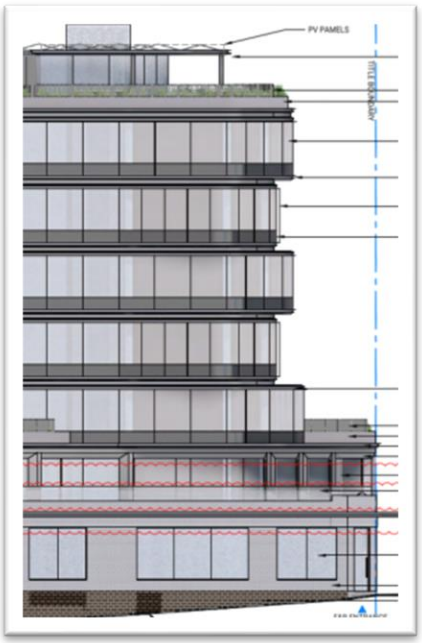


Figure 13: Staggered setbacks from Smith Street

146. In his review, Mr McPherson referenced the front setbacks of a number of developments along Smith Street. The majority of these setbacks are 6m or greater. Irrespective of this, he is supportive of the maximum 5m setback proposed in this instance. This support is coupled with his overall acceptance of the building height, as he notes *'I consider the proposed 5m setback to be appropriate in relation to the relatively modest upper-level height of 5 storeys above the 2-storey street wall/podium'.*

147. By contrast, Ms Brady recommends an increase in setbacks by 1m from Smith Street (i.e. from 5m to 6m). She notes that this increase *'will help moderate the scale of the building in the lower-scale precinct and assist the new development to be less prominent to Smith Street. It will also help to reinforce the complementary streetscape height of the lower levels of the development to the precinct'.*

148. Council's Strategic Planning officer notes that the upper level setbacks from Smith and Derby Streets would not be compliant with the proposed DDO for the site, however they acknowledge that whether these setbacks are appropriate would depend on the overall assessment and how the proposal fits in with its surrounds.

149. In this instance, Council officers support an increased setback of the upper levels (Levels 2 to the new Level 5) from Smith Street, as long as the 'staggered' setback pattern and curved design is retained. An increase to all of the front setbacks by 1m will maintain the contrasting design and provide a cohesive response that reduces the prominence of the tower within the adjacent street. A setback of all levels by 1m is proposed to be facilitated via a permit condition, should a planning permit be issued.

150. An additional setback of the roof terrace/pergola is not considered necessary. These elements, including the roof plant and services screen, are already further setback from both street interfaces, with views to these elements appropriately restricted. Limited visibility will be retained, even with the removal of Level 6 as required.

151. With regard to the northern setbacks; the upper levels are set back a consistent 3m from Derby Street. Whilst Mr McPherson supported this setback, Ms Brady recommended an additional setback of all levels by 0.5m, noting that this alteration, together with the reduction in height, would '*improve the outcome for the sensitive heritage context on the north and east of the site, and help moderate the impact of the scale of the new building on this section of lower scale streetscape and adjoining heritage buildings.'*

152. In this instance, an increase to the setbacks from Derby Street is not considered necessary by Council officers. A 3m setback (or less) from side streets is a consistent outcome for upper levels along the Smith Street corridor, as demonstrated in the approvals below;
    (a) No. 229 Smith Street, Fitzroy (PLN16/1175) – 4 level street wall to Moor Street, with 2 upper levels set back 2.17m from this side street;
    (b) No. 411-425 Smith Street, Fitzroy (PLN18/0888) – Levels 3-6 setback between 1.5m to 3m from Leicester Street;
    (c) No. 423 Smith Street, Fitzroy (PLN16/0843) – Levels 3-6 setback 2.5m from Leicester Street.

153. Derby Street is a relatively wide street when compared to others in the immediate area, including those listed above, and on this basis, the proposed setback is considered appropriate within this context subject to the reduction in height by one storey as previously outlined.

Architectural quality/design

154. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.02 encourages the design of new development to respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape, and the architectural integrity and context of the heritage place. This policy also encourages new additions to be *'distinguishable from the original historic fabric'.*

155. The proposal is largely considered to achieve this outcome, with the articulated design creating a fine-grained rhythm along each street frontage. This is further enhanced by the verticality of the windows, with the brickwork at the lower levels breaking up the glazing and resulting in a visually interesting design. The retention of the heritage facades on the corner and the reinstatement of the bluestone plinth along Derby Street further assists in this integration, with the tower element a clearly contemporary and distinguishable addition within the streetscape.

156. Mr McPherson is supportive of the design, with the main elements highlighted in his review being the use of extensive glazing, the curved glass, the patterned brickwork and the metal banding. He considers this approach to be an appropriate urban design response, with the following positive attributes;
    (a) *It provides a high level of detail, texture and tactility at the public realm interfaces, where it is directly experienced by pedestrians, and where it integrates with the masonry heritage facades;*
    (b) *It reflects a high degree of design consideration and detail, and a sense of 'craft';*
    (c) *It creates visual complexity;*
    (d) *The Level 1 'peeling pack' from the street frontages aligns with, and frames, the retained heritage facades;*
    (e) *The upper-level facades and alignments create a sense of movement and complexity, supporting visual interest;*
    (f) *The use of straight edges with curved corners achieves a balance of a regular overall form, with subtle shifting and 'disruption', while the curves indicate a sense of quality and craft in construction;*
    (g) *A fine-grain expression is established in the Smith Street frontage through vertical brick piers, and the new built form is clearly distinct from the heritage fabric on site and nearby; and,*
    (h) *The design of the new built form is bold and contemporary but is adequately recessive and restrained to complement and not dominate the heritage fabric.*

157. Similarly, Ms Brady is supportive of the design response, noting that the '*architectural design and expression of the new building/levels is generally acceptable, including the materials and the brick treatment of the new levels to Smith and Derby Streets'.*

158. Council Officers agree that the design is an acceptable response to the site, and achieves a good level of quality and refinement.

159. The only element of concern raised by Mr McPherson is the appearance of the southern elevation. This interface comprises a full height solid wall on the boundary and is expressed with grooves which step up in height, with patterned or corbelled brickwork in between (Figure 14). It is not entirely clear what material is proposed for the 'grooves' or banding in between each level. Clarification of this material is required via a permit condition.

160. Given the single-storey height of the neighbouring building at No. 44 Smith Street, until such time that the adjacent site is developed, this wall will be highly visible in the streetscape.



Figure 14: Proposed southern elevation

161. Whilst Mr McPherson considers the extent of the boundary wall to be acceptable, he makes the following recommendations to alter the design;
    (a) A 'peeling back' of the upper 1-2 levels from the southern boundary, to create a more varied three-dimensional interface;
    (b) Replacing the angled 'steps up' with consistent horizonal banding, to better reflect the remaining facades of the building; and
    (c) Create a more 'lightweight expression' for the roof deck.

162. Of the amendments outlined above, Mr McPherson concedes that the 'peeling back' of the upper most levels from the southern boundary may potentially create unsatisfactory outcomes if the neighbouring site was to redevelop to a similar scale. Council officers agree with this change may impact future equitable development opportunities on the southern site. However, the remaining alterations are considered reasonable.

163. Whilst additional setbacks to the upper levels from this interface are not supported by Council Officers, given future impacts to equitable development opportunities to the south; the remaining alterations are considered reasonable. In response, the Applicant submitted a sketch plan on 3 June 2021; this plan incorporated the remaining recommendations by providing horizontal joinery/banding to the upper levels and changing the colour palette of the roof terrace. These changes are demonstrated in Figure 15.



Figure 15: Amended southern elevation

164. The amended design as demonstrated in this sketch plan is considered to achieve an improved outcome. The horizontal banding (when combined with the reduction in height of one level) will reduce the perceived scale of the building, with the previous design making the tower element appear higher due to the 'stepping up' of the angled banding. The lightweight finish and colour of the roof terrace also reduces the prominence of this feature. If a planning permit is issued, a condition is recommended to integrate these changes into the final design.

165. Clarification was sought by Ms Brady with regards to whether the existing paint on the bluestone plinth along Derby Street will be removed. The plinth is currently painted dark grey. Mr Brady would prefer that the paint be removed, and the entire plinth (existing and proposed) be reinstated as bluestone. This outcome is supported by Council Officers and is recommended via a condition, should a permit be issued.

166. With regards to the upper level, the extensive use of glazing may result in unreasonable reflectivity and glare. To ensure this is addressed, a condition can be added to the permit that requires a low-reflective glazing to be used. A standard condition placed on permits for commercial buildings in the Melbourne CBD (where a high level of glazing is proposed), is as follows; *Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface*, with an example of this condition found in a 2018 VCAT decision *Perpetual Trustee Company Limited v Minister for Planning (Corrected) [2018] VCAT 567.* This requirement will be required via permit conditions.

167. In addition to the above, a Façade Strategy and Materials and Finishes Plan is recommended via a permit condition to ensure that the required quality of the design is achieved in accordance with the detail captured on the rendered images, such as the corbelled brickwork within the podium and the southern elevation. Overall, based on the conditions discussed, it is considered that the proposed development achieves a high level of architectural quality and provides an appealing aesthetic and visually interesting design response.

The Public Realm, Landscaping & Pedestrian spaces

168. The design of interfaces between buildings and public spaces should enhance the visual and social experience of the user. In this instance, the works to the ground floor facades within both frontages and adjacent to the rear laneway will enhance the building's street activation and visual permeability. The proposed design will ensure that a good level of passive on-street surveillance and opportunities for views into and out of the building are available. The office entrance will be clearly identifiable at the southern end of the Smith Street façade, with separate entrances and considerable glazing provided for both food and drink tenancies at ground level.



Figure 16: View of Derby Street and laneway frontage

169. As demonstrated in Figure 16, the frontage to Derby Street incorporates the café tenancy, with extensive glazing in double-height windows which curve around the corner and extend along part of the laneway. This frontage, combined with the office windows and external terrace at Levels 1 & 2, will support passive surveillance and activation of Derby Street and the adjacent ROW.

170. This outcome is supported by Council's Urban Designer and Mr McPherson, stating that *'the proposed interfaces to the public realm are highly responsive to the activity centre context and will support extensive interaction between the building and the streetscape'.*

Services

171. A fire booster cupboard is positioned within the Smith Street frontage, with the remaining services, including the substation, confined to the rear laneway interface. This maximises active and articulated frontages at the ground level, which is supported. Further activation however of the Smith Street façade is preferred, with the Applicant confirming that the fire booster cabinet can be reduced to half of the proposed height, with glazing provided above. This alteration is supported and is recommended via a permit condition. Council's urban design comments highlight that access to the fire cupboard may be obscured by an existing street tree, with existing bicycle hoops potentially inhibiting emergency vehicle access to this cabinet (Figure 17).



Figure 17: Existing Smith Street facade

172. It is also not clear from the drawings whether the doors to the cabinet would obstruct the adjacent footpath when open. If a permit was issued, confirmation would be required that the booster location is compliant with all relevant standards and access requirements, with a notation added to the plans to confirm that the doors would be designed to swing at 180-degrees and be latched onto the building wall when in service.

173. This notation regarding the service doors would also be required for those addressing the rear laneway, ensuring that truck access along the ROW is not affected. A permit condition would facilitate this.

Pedestrian Entrances/Pavements

174. Five separate pedestrian entrances are located within the Smith Street and Derby Street frontages. It is not clear whether all of these entrances are DDA compliant, with level differences between the footpath and the restaurant and café entrances on Derby Street. If any steps, handrails, or tactiles are required to achieve this compliance, these features must be located within the subject site boundary and must not protrude or be located within the public realm/footpath space. A condition is recommended to ensure this occurs. Further to this, the type of paving material located within the slivers of land between building and asphalt footpaths should be specified (with these areas located within the north-west corner and along part of the Derby Street frontage). Council's urban design team also noted that existing asphalt footpaths along both street frontages should be repaired if damaged; this aspect is addressed later in this report in relation to the advice from Council's Engineering Services Unit.

Canopy

175. The canopy along the Smith Street frontage is set back 750mm from the edge of the kerb and has a clearance height above the footpath of 3.825 to satisfy the *Building Regulations 2008 – Reg 103.* The canopy along the Derby Street frontage is set back 1.26m from the edge of the kerb. The clearance height of the canopy above Derby Street is not dimensioned, however given the slope of the land to the east, the height will exceed 3.8m. This is supported.

176. The northern elevation demonstrates a very minimal area of the canopy will overhang the property line and into the laneway. To allow a 6.4m long Small Rigid Vehicle with a height of 3.5m to pass under the canopy, the clearance height of the canopy along the laneway must be greater than 3.5m. It is clear that the height of the canopy exceeds this, however a condition will ensure that this dimension is clearly shown on the drawings.

Street trees

177. There are three existing street trees adjacent to the land; one on the Smith Street footpath and two in Derby Street. There was another tree within the Derby Street road formation, which Council's Streetscapes and Natural Values Unit has advised is to be replanted after having been hit by a car. The drawings indicate that a new tree is proposed within the footpath adjacent the aforementioned tree. A condition is recommended that the location of this tree is updated to reflect its future location within the Derby Street road formation.

178. To protect the existing street trees, a Tree Management Plan (TMP) will be required; this will outline protection measures to be undertaken during construction. A bond ($10,000) would also be required to cover the cost of amenity and replacement should the trees be damaged during the build. It is not expected that the permit applicant will fund the replacement tree within the Derby Street road formation as this tree is to be replanted imminently, however a bond will be required for the protection of this tree. A condition will be added to any permit issued accordingly.

Landscaping

179. A relatively limited degree of landscaping is proposed throughout the development, with planter boxes proposed along the perimeter of the terraces. Limited details were provided for this landscaping in a one-page Landscape Plan prepared by XO Projects and dated 24 February 2021.

180. To ensure that the proposed landscaping is appropriate for the location and maintained properly, Open Space comments have specified that the following details will be required;
    (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
    (b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
    (c) provide details of the proposed method for irrigation and drainage;
    (d) detail the maintenance (duration, regime) and irrigation;
    (e) show the materiality of the proposed spaces;
    (f) provide a specification of works to be undertaken prior to planting;
    (g) further detail on any sustainable treatments and water harvesting methods; and
    (h) detail plant/planting maintenance schedules and requirements.

181. All of these details will be incorporated into an updated Landscape Plan, which will be required via a condition of any permit issued.

Site Coverage

182. The existing buildings occupies a significant portion of the land (with the only uncovered area being a concrete courtyard along the southern boundary). The proposal will extend over 100% of the site. This level of site coverage is consistent with existing built form within the area and is considered to be an appropriate outcome.

Light and Shade

183. The subject site is located in a predominantly commercial location, where some degree of overshadowing is inevitable due to the hard-edge built form character which has been established. It is considered that the shadowing from the development would not affect the usability of the public realm, with no shadows affecting the western footpath of Smith Street from 10am onwards on the September equinox.
Whilst parts of the eastern footpath will be in shadow at 11am; this is consistent with existing conditions. The development will result in no additional shadow impacts to either footpath from midday onwards.

184. A mandatory requirement of the new DDO states that; *new development must not overshadow:*
    (a) *the opposite footpath of Smith and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and*
    (b) *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.*

185. As outlined, the proposal would meet this requirement.

Built form and design summary

186. Permit conditions to reduce the development by one level and increase the setbacks from Smith Street are considered to achieve a balanced outcome which will alleviate concerns discussed in this assessment (i.e. height and setbacks) and result in a contemporary development that is more responsive to the existing and emerging context surrounding the site.

<u>On-site amenity</u>

187. New development should optimise the internal amenity for future occupants by providing well-designed and functional spaces that contribute to a sense of comfort within the site and its immediate environs. With this in mind, the proposal is considered to offer good on-site amenity for future users of the site, with excellent access to natural daylight and generous facilities that will contribute to a safe and usable workplace.

188. Daylight will be provided from the north, east and west interfaces, with the street frontages/laneway abuttal ensuring that daylight access will not be unreasonably compromised by any future development on adjacent sites.

189. There are external terraces provided at various levels throughout the building, with the communal roof terrace providing a generous area of outdoor landscaped space for all occupants. These terraces will contribute to natural ventilation opportunities for the office spaces.

190. The substantial amount of bicycle parking and end-of-trip facilities contribute to excellent on-site amenity, by offering future occupants alternative methods in which to access the site and ensuring that a high level of comfort would be afforded to all bicycle users.

191. Based on the above, the internal environment of the building for future users is supported.

Energy and Resource Efficiency

192. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourages ecologically sustainable development with regard to water and energy efficiency, building construction and ongoing management. Council's ESD Advisor reviewed the ESD measures proposed and concluded that the proposal does not currently meet Council's ESD best practice standard, with opportunities for improvement identified.

193. There are a number of positive attributes of the development identified within the ESD advice and outlined within the Sustainable Management Plan (SMP) provided by Ark Resources; these were outlined within the 'proposal' section of this report. The deficiencies and opportunities for improvement are outlined below;
    (a) Given the extensive glazing provided in 3 facades of the building, there is concern for the overall shading performance, particularly for the northern façade. There are 150mm vertical fins proposed at various intervals along the facades, however Council's ESD Advisor recommended that either these fins be increased in depth and number, or a separate external shading solution be provided for floors not shaded by an overhanging storey above;
    (b) The SMP and STORM rating rely upon a 16,000L rainwater tank; this is inconsistent with the 15,000L tank shown in the basement;
    (c) A JV3 report is required. This report must include the following components;
        (i) articulate comparison with a reference building in terms of building fabric and proposed services;
        (ii) Clarify reductions in heating and cooling;
        (iii) Clarify reduction in peak energy demand;
        (iv) Clarify reductions in Greenhouse Gas emissions;
        (v) Provide more details on heating, ventilation and air conditioning (HVAC) system and energy use;
        (vi) Confirm reduction in Illumination Power Density (IPD) and provide more details on lighting energy efficiency; and,
        (vii) Include solar generation.

194. In addition to the above, the following clarification/confirmation is required;
    (a) Clarification of window operability and natural ventilation opportunities at all levels;
    (b) Clarify standard upon which low volatile organic compounds (VOC) and formaldehyde limits are specified;
    (c) Confirm floor by floor metering for water loads;
    (d) Confirm post-development stormwater flows will not exceed pre-development levels;
    (e) Confirm whether any additional retention tanks are included in the design;
    (f) Confirm whether any additional treatment devices (i.e. SPEL) are proposed;
    (g) Clarify whether the proposed design intends to use recycled materials, and if not consider their inclusion (i.e. recycled bricks, or insulation with post-consumer content);
    (h) Clarify strategy to reduce cement and meaning of environmentally sustainable steel design;
    (i) Confirm extent of sustainably sourced timber (by weight or cost);
    (j) Confirm extent of PVC strategy (by components, weight or cost);
    (k) Provide a statement as to how the proposal aims to reduce the impacts of urban heat associated with the increase in urban mass;
    (l) Provide more information on each innovation (i.e. ultra-low VOC paints etc.) to justify inclusion in Green Star pathway;
    (m) Confirm the provision of a Building Users Guide explaining optimal usage of building services to minimise energy and water consumption; and,
    (n) Clarify that an Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.

195. All of these recommendations and clarifications can be facilitated via a permit condition requiring an updated SMP.

196. Recommendations relating to visitor bicycle parking, car share facilities, a Green Travel Plan and Landscape Plan were also provided. These will all be covered in other areas of this assessment.

197. Based on the information provided, and the further details required via permit conditions, the proposal will satisfactorily address the requirements of the policy under clause 22.10-3.5 (Environmental Sustainability), clause 22.16 (Stormwater Management) and clause 22.17 (Environmentally Sustainable Development) of the Scheme. The current SMP will be updated via the conditions outlined, with this document to be endorsed to form part of the permit.

Off-site amenity

198. The policy framework for external amenity considerations is contained within 22.05 (Interface uses policy) of the Scheme, with this policy noting that new non-residential use and development within Business (Commercial) zones should be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.

199. The subject site is zoned C1Z, as are the properties to the north, south and west. The land to the east (and south-east) is within the MUZ; this constitutes the only sensitive interface within proximity to the site. The acceptability of amenity impacts (i.e. noise, visual bulk, overlooking and overshadowing) need to be considered within their strategic context, with the dwellings to the east located directly adjacent to a commercial zone and a MAC.

200. This issue is discussed within the Tribunal matter of *Calodoukas v Moreland CC* [2012] VCAT 180:

> [13] …owners of residential properties next to a business or industrial zone cannot realistically expect the same level of residential amenity as someone residing in the middle of a purely residential area. Similarly, owners of commercial or industrial sites abutting residential properties cannot expect the same opportunities as owners of sites well removed from residential areas.

201. With the above in mind the following assessment is provided.

Noise

202. The proposal is considered unlikely to result in unacceptable noise emissions to the nearby residential properties. The gym is located within the basement; this will limit noise impacts from this space to the residential uses on Derby Street and the offices within the levels above. The gym entrance is located approximately 12m to the west of the closest dwelling on Derby Street and will be buffered by the existing laneway. This separation will alleviate unreasonable noise impacts to this dwelling due to the arrival/departure of gym patrons.

203. The larger of the two food and drink premises will be oriented to Smith Street and Derby Street. Whilst patron noise will occur, it will be directed towards the land within the commercial zone. The smaller café is located adjacent to the dwelling to the east; however, given the limited size of this tenancy and its fully enclosed design, it is not expected to generate unreasonable noise emissions to the residential interface. To ensure that music noise from this use (and from the gym) does not unduly impact adjacent dwellings, a condition can be added to any permit issued to specify that only background music levels can be played within the site, with no external speakers allowed. Further to this, a condition can specify that the uses and development must comply at all times with the *State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).*

204. Given the majority of the building would be used for offices, and as the office area is predominantly enclosed, it is unlikely that the adjacent residential sites will be unduly affected. It is widely accepted that office use does not generate high external noise levels.

205. The adjacent ROW will be used for waste collection and loading activities associated with the development. This laneway is currently used for back of house activities for sites addressing Smith Street; the use of the laneway will not alter. Standard conditions can be added to the permit to control the timing of deliveries and collection.

206. The location of services/plant equipment is demonstrated on the roof, with services also located within the basement levels. A condition will require that the noise and emissions from plant equipment comply at all times with the State Environment Protection Policy – *Control of Noise from Commerce, Industry and Trade* (SEPP N-1).

207. In light of the above it is considered unlikely that the uses proposed within the development would result in any unreasonable noise impacts to the adjacent residential sites.

Visual bulk

208. The north, south and west interfaces with the subject site are to commercial premises or Smith and Derby Streets. Visual impacts will not affect the commercial property to the south, with no direct views to the development from this land. Visual impacts have been discussed earlier with regards to views from the streetscapes; it is considered that the reduction in height and increased setbacks from Smith Street will address these concerns.

209. The dwelling immediately to the east will be separated by the laneway, with windows addressing the eastern wall of the proposal. This wall is 9.8m in height and set back 0.963m from the rear boundary. The upper levels of the proposal are set back 4.5m from the centre of the laneway.

210. These windows already address a double-storey wall, with the existing wall extending along the laneway boundary. The setback provided for the new wall along this interface will increase the distance between the two buildings. As evident in Figure 18, the line of sight from both windows will be oriented towards the podium, with limited upward views available to the higher elements. This will ensure that unreasonable visual impacts will be restricted.

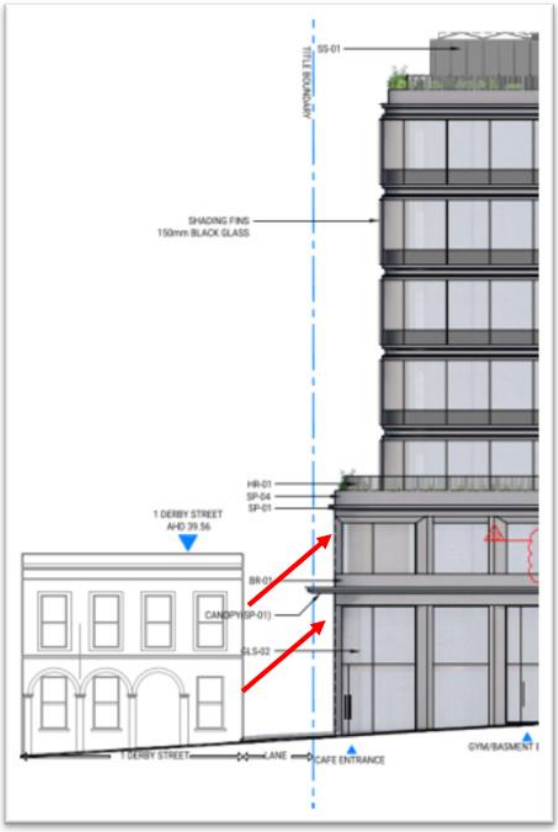


Figure 18: Views from adjacent dwelling

Overlooking

211. Whilst technically not applicable to this development given its proposed uses, it is an accepted principle that unreasonable overlooking should be limited to habitable rooms (i.e. bedrooms and living rooms) and private open spaces within a 9m radius. The ground floor windows within the dwelling to the east appear to be full screened with limited internal views available, however given the location of these windows adjacent to the public realm, overlooking would already occur from the ROW.

212. It is not clear whether overlooking is possible to the first-floor windows from the mezzanine level of the café, however based on the section at Figure 19, there is potential for this to occur. Downward views from the levels above are likely to be restricted by the canopy extending along the eastern boundary, with these levels beyond 9m from the windows. If a planning permit is issued, a condition is recommended for the submission of an overlooking diagram to confirm whether unreasonable views to these windows are available (i.e. views within 9m), and if so, measures to mitigate these views must be incorporated into the design (e.g. max 25% openings).

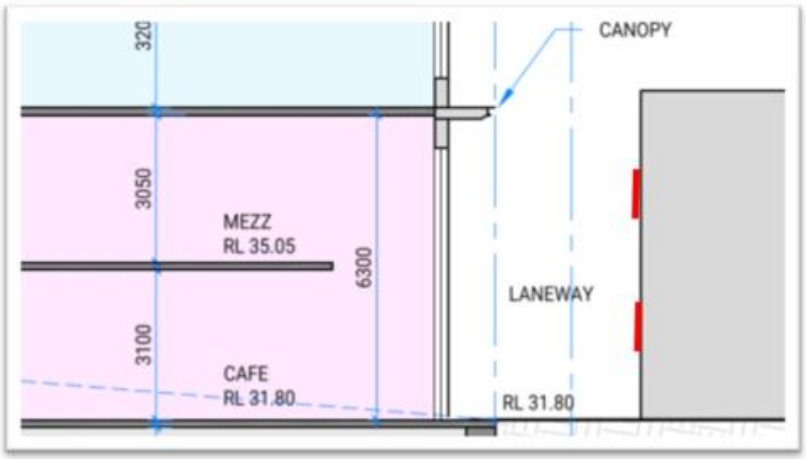


Figure 19: Café and dwelling interface

213. Figure 20 demonstrates the location of secluded private open space (SPOS) for this dwelling (circled in red), with a blue star indicating the proximity of the subject site. Views to this space will be obscured by the existing dwelling and roofline, given it is located on the eastern side of the site. Whilst views from the upper levels may be available, the distance between these levels and the SPOS will exceed 9m, ensuring that the views are reasonably limited.



Figure 20: Location of SPOS of adjacent dwelling

Overshadowing

214. Given the restricted interface with residential properties, the development will result in no additional overshadowing impacts to residential land during the morning/midday hours. The SPOS associated with the dwelling to the east will not be impacted; given its location on the eastern side of the existing dwelling, this open space is already fully in shadow throughout the afternoon. The proposal would result in little difference to the solar amenity of this space.

215. There is a row of townhouses to the south-east of the site. These townhouses have first-floor, north-facing balconies, and as demonstrated in Figures 21 & 22, additional shadows will affect between 2 to 4 of these balconies from 2pm onwards at the September equinox. Areas of SPOS further to the east (associated with dwellings on Derby Street) would also be affected later in the afternoon.



Figure 21: Additional 2pm shadows in red



Figure 22: Additional 3pm shadows in red

216. The shadow diagram at Figure 21 demonstrates the extent of the 2pm shadows to these balconies, with the clouded shadow line indicating that the full extent of these two balconies would be in shadow at this time. The solid green line in Figure 23 is based on the removal of one level at 2pm, as recommended via a permit condition. It is clear from this diagram that with a level removed, the 2pm shadows would be substantially reduced and would be likely to fall within existing shadows cast by the terrace screen. On this basis, whilst the removal of one level would result in an improved heritage outcome, it will also result in a reduction of overshadowing to these balconies. This outcome is supported.

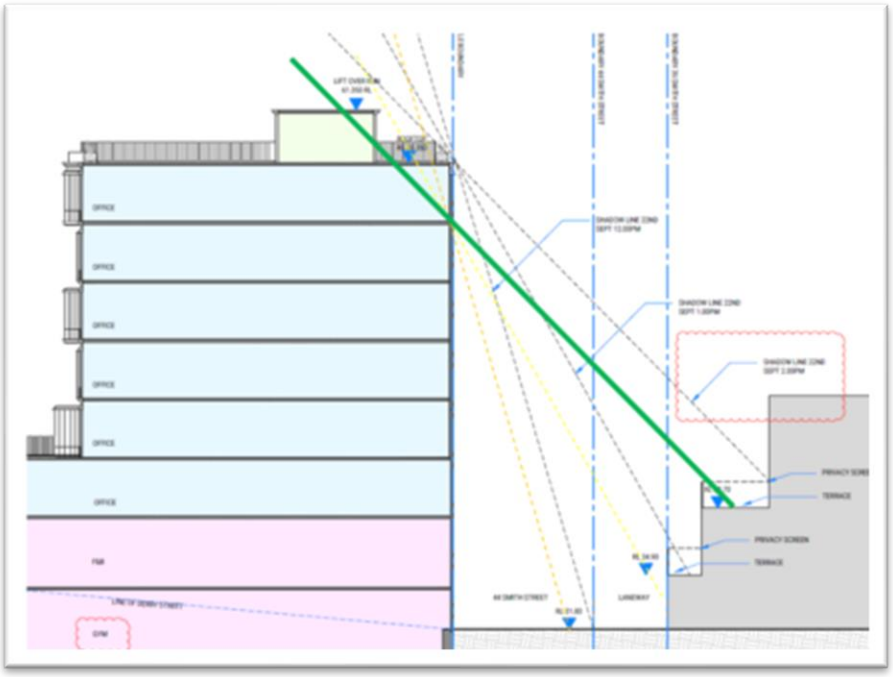


Figure 23: 2pm shadow based on removal of Level 6

217. Additional shadows will affect these terraces at 3pm, however again, given the removal of one level, the extent of overshadowing will decrease from that demonstrated in Figure 22. This outcome is considered reasonable, given the direct abuttal of these dwellings to the C1Z and a MAC, and the limited time in which these balconies are affected.

Wind

218. A Desktop Wind Assessment Report was prepared by Global Wind Technology Services (GWTS) and reviewed externally for Council by MEL Consultants (MEL). In their assessment, GWTS concluded that a minor increase in wind speeds were observed in the pedestrian level wind environment as a result of the proposed development, and that wind speeds are predicted to approach or marginally exceed the limit for the recommended criteria in some locations. Each area will be discussed in turn.

Building entrances/footpaths

219. The entrances are on the west, north-west, north and north-east sides of the building. GWTS recommended that the standing criterion should be met at all entrances, with the walking criterion to be met within the footpaths surrounding the site. A curved canopy with a depth of approximately 1.5m wraps around the north-west corner of the building, with a section also sitting above the office entrance on Smith Street. A 0.963m wide canopy will extend along the eastern boundary, adjacent to part of the café entry.

220. The assessment concludes that the canopies will protect these entrances from ‘downwash’, and that the standing criterion would subsequently be met. In their review, whilst MEL agree that this level of comfort should be met at the entrances within the north and west walls, they raised concerns whether the standing criterion can be achieved at the north-east and north-west corner entrances. The review notes that the downwash from the north and west faces would be expected to flow around the corners and under the corner canopies. MEL note that these canopies may need to extend further along both street interfaces to deflect downwash from the broad faces of the building.

221. To confirm whether the location, length and depths of the canopies require amending, MEL agree with the recommendation made by GWTS that a more stringent Wind Tunnel test should be prepared.

222. MEL Consultant noted that GWTS did not provide an assessment of the wind conditions in the streetscapes away from the entrances and whether these conditions would satisfy the recommended walking comfort criterion. An assessment of these areas should be included in the Wind Tunnel testing.

Outdoor terraces

223. GWTS recommended that the external terraces on Levels 1, 2 and 7 should meet the 'walking' criterion. They note that this level of comfort is acceptable for terraces, given the following;
    (a) The use of these areas is optional;
    (b) The use of these areas can be avoided during a high wind events; and
    (c) These areas are not public spaces and their use is not required all the time.

224. To ensure this criterion is met, GWTS recommended that balustrades of a minimum height of 1.2m surround these terraces. Balustrades to this height have been included on the plans. It is also recommended that safety and precaution is taken by the building occupants to securely fix lightweight items in the balcony areas. The report notes however that the final height of the balustrades will have to be confirmed via the Wind Tunnel testing. MEL Consultants raised no issue with these recommendations.

225. Overall, MEL agreed that Wind Tunnel testing must be conducted to accurately investigate and address potential wind impacts caused by the development. This testing must be undertaken prior to the endorsement of any plans, in case further changes or wind mitigation measures are required to the design. The testing must not include any of the vegetation proposed as part of the development, with these elements variable and not forming part of the permanent building fixture. A condition will be added to the permit accordingly.

Equitable development

226. The site abuts Smith Street to the west and Derby Street to the north, thereby ensuring that equitable development opportunities in these directions will not be affected by the proposed development. To the east, the laneway provides a degree of separation from the adjacent dwelling. The 'individually significant' grading of this dwelling within the heritage precinct will limit future development of this site, with heritage policy dictating that any additional built form would have to be located to the rear of the original roof ridge and with limited visibility from Derby Street. As evident in Figure 18, which shows the location of the original ridged roof, this would result in extremely limited, if any, additional built form directly adjacent to the subject site. It is therefore considered that the proposal would not impact development opportunities on this land.

227. Putting aside the heritage protection, it is still considered that equitable development opportunities will be maintained to this site. Any replacement building would be likely to extend directly along the laneway boundary for one or two levels, to match existing, with the setbacks of the upper levels of the development from the middle of the laneway of 4.5m ensuring that adequate distance between any higher future built form would be maintained.

228. The proposed development will extend along the majority of the southern boundary to its full height. This would allow future development within the southern site to mirror this; and therefore should not impact equitable development opportunities within this land.

Car Parking

229. In accordance with clause 52.06 of the Scheme, the application is seeking a full car parking reduction associated with all three uses, with no on-site car parking to be provided. The statutory requirements, and subsequent reductions being sought, are outlined in the following table.

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	2,168 m²	3.0 spaces per 100 m² of net floor area	65	0
Restricted Recreation Facility	302 m²	Rate Not Specified	To the satisfaction of the Responsible Authority	
Food and drink premises	130 m²	3.5 spaces per 100 m² of leasable floor area	4	
Restaurant	244 m²	3.5 spaces per 100 m² of leasable floor area	8	
		Total	**77 Spaces plus Spaces for the Restricted Recreation Facility**	**0 Spaces**

230. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to the assessment requirements of Clause 52.06-6.

Availability of Car Parking.

231. Due to the COVID-19 restrictions, car parking occupancy surveys were not undertaken, as this would not provide an accurate representation of the car parking demands in the surrounding area. However, the traffic report noted that the on-street parking in this part of Collingwood/Fitzroy is generally high during business hours and in the evenings. The area surrounding the subject site is blanketed in time-based parking restrictions which ensure that parking turns over frequently.

232. Based on this context, whilst clients and customers should be able to find a short-stay parking space near the development, due to frequency of turnover of these spaces, it is acknowledged that long-term parking availability is extremely limited throughout the day.

Parking Demand for Office Use.

233. The office use would have no on-site car parking and given the parking availability outlined above, there is limited opportunity for employees to park on the street. The actual parking demand generated by the office use is expected to be lower than the statutory parking rate of 3 spaces per 100sqm of floor space, since the area has very good access to public transport services and is located within a MAC. Throughout Collingwood, a number of developments have been approved with no car spaces or a reduced office rate, as shown in the following table:

Development Site	Approved Office Parking Rate
Collingwood	
71-93 Gipps Street **PLN16/1150 issued 30 August 2017**	0.96 spaces per 100 m^2 (86 on-site spaces; 8,923 m^2)
2-16 Northumberland Street **PLN16/1150 issued 14 June 2017**	0.89 spaces per 100 m^2 (135 on-site spaces; 15,300 m^2)
51 Langridge Street **PLN17/0332 (Amended) issued 18 May 2018**	0.54 spaces per 100 m^2 (18 on-site space; 3,335 m^2)
48-50 Gipps Street **PLN18/0902 issued 9 August 2019**	No on-site car parking
33 Peel Street **PLN17/1059 (Amended) issued 10 May 2021**	No on-site car parking

234. It is widely recognised in transport planning that an office is one land use that is particularly conducive (and important to target) in achieving a mode shift away from private cars to public transport, cycling, walking, etc. This is particularly the case as journey to work trips for office uses are typically made during the commuter peak hours and predominantly involve single occupant vehicles.

235. To support these findings, in a Tribunal decision regarding the car parking reduction associated with an office development, *KM Tram Enterprise Pty Ltd v Boroondara CC* [2018] VCAT 1237, the Member agreed that office developments "are prime candidates" for modal shifts to reduce reliance on private motor vehicles, with the following relevant comments:

> *[29] In this context of a change from the 'business as usual' approach, I agree with Ms Dunstan that office workers are prime candidates for a mode change given their commuting patterns of travel to and from work during peak times. This is the time when public transport services run at highest frequencies and when Melbourne's roads are most congested. The combination of 'carrot' and 'stick' makes it viable for many office workers commuting to a site such as this to change from private vehicle to public transport.*
>
> *[30] I am not persuaded that the council's option of reducing the amount of office space so that it better aligns with on-site parking supply is consistent with planning policy. Plan Melbourne which promotes '20-minute neighbourhoods' where most of a person's everyday needs can be met locally within a 20 minute journey from home by walking, cycling or local public transport. The everyday needs referred to include local employment opportunities along with shopping, education and community facilities.*
>
> *[31] Local employment opportunities in this context are not limited to retail or community services. There is a benefit in encouraging office uses in the '20-minute neighbourhood mix', as it provides opportunities for business owners and their staff to work locally. I find this line of argument is far more persuasive than the council's position of limiting the amount of office floor space so that more cars can be brought into this part of Hawthorn.*

236. There is further support for changes to private motor vehicle reliance demonstrated in a Red Dot VCAT decision (*Ronge v Moreland CC [2017]* VCAT 550), which expanded on policy behind this approach. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this. Whilst this decision pertains to a site in Brunswick, the context is similar, being located in an inner-city suburb within proximity to public transport opportunities. Relevant statements within the summary of this decision are applicable to this application, as follows;

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

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

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

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

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

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

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

237. Following on from this, within the Tribunal decision (*Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [2017] VCAT 753) regarding an office development at No. 2 – 16 Northumberland Street, Collingwood, the Member supported a significantly reduced office car parking rate (405 spaces reduction) and made the following comments:

    [54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.

    [55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole.

This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.

Parking Demand for the Restricted Recreational Facility Use.

238. All parking for patrons to the restricted recreational facility would be accommodated off-site. Restricted recreation facilities in the municipality (including pilates studios, gymnasiums, dance schools etc) have been approved with either no on-site parking or with one or two on-site spaces. The table below provides some recently approved recreation facilities in Yarra:

Development Site	Approved Parking
Cremorne	
Yoga Studio 94 Cubitt Street, Cremorne PLN15/0019 issued 4 May 2016	2 on-site spaces (32 patrons)
Abbotsford	
Gymnasium (24 hour) 563 Victoria Street, Abbotsford PLN16/0948 issued 3 February 2017	No on-site car parking (40 patrons)
Yoga Studio 96 Nicholson Street, Abbotsford PLN14/1065 issued 27 July 2015	No on-site car parking (12 patrons)
Fitzroy	
Gymnasium (24 hour) 224 Brunswick Street, Fitzroy PLN14/0892 issued 14 January 2015	No on-site car parking (40 patrons)

239. The site is located close to tram and bus services allowing staff and patrons to commute to and from the site by public transport.

Parking Demand for Food & Drink Use and Restaurant Use

240. A staff parking demand of 1 space per 100sqm of floor area for this use could be adopted. Using this rate would equate to 3 spaces. This reflects the precinct approach for similar food and drink and restaurant uses and acknowledges that a proportion of customers for this use will be drawn from employees and residents from surrounding businesses and residences.

241. The full reduction of on-site car parking for this proposal is further supported by the following;
   (a) The constrained parking environment (with particular regard to long-term parking) in Collingwood would discourage employees from driving or attempting to park on-street. The new offices should not result in a detrimental impact on existing car parking conditions, which are already close to saturation point;
   (b) The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking would discourage private motor vehicle use;
   (c) The site has good pedestrian access to public transport nodes and the Smith Street MAC. The site is ideally located with regards to sustainable transport alternatives as follows;
      (i) Smith Street-Gertrude Street tram services – 70m;

(ii) Victoria Parade tram/bus services – 200m to the south;
(iii) Brunswick street tram services – 300m to the west;
(iv) Nicholson Street tram services – 500m to the west;
(v) Punt Road bus services – 810m to the east;
(vi) North Richmond railway station – 900m to the east;
(vii) Parliament railway station – 960m to the south-west.

(d) The site has the advantage of being within walking distance of rail, tram and bus services, and within walking distance of the Melbourne CBD;
(e) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme, with end-of-trip facilities incorporated into the design. Future employees would be able to take advantage of the nearby bicycle infrastructure, with on-road and informal bicycle lanes surrounding the site. The site has good connectivity to the on-road bicycle network;
(f) Employee or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking. The office use is particularly conducive to encouraging those with a car to not drive, given trips are made in peak public transport availability periods, trips are planned in advance and the lack of on-site and off-site parking availability is known in advance. These factors support employees to use other modes of transport;
(g) Office clients might combine their visit by engaging in other activities or business whilst in the area. Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis; and,
(h) The lack of on-site car parking will limit traffic impacts within the surrounding street networks.

Relevant Local Policy or Incorporated Document.

242. In addition to the above, the proposed reduction in car parking aligns with objectives contained in Council's *Strategic Transport Statement* (2006) and relevant policy within the Yarra Planning Scheme. The following excerpts from the *Strategic Transport Statement* highlight the future vision for transport within the municipality;

(a) *Yarra's Council Plan, its Municipal Strategic Statement and Municipal Public Health Plan all strongly reinforce the need to reduce car dependence in the City of Yarra by promoting walking, cycling and public transport use as viable and preferable alternatives. This is also a key message of the State Government's plan for Metropolitan Melbourne - Melbourne 2030.*
(b) *To improve our community's way of life, we must increase the range of personal transport options. The more sustainable transport choices people make, the better the environment will be for everyone's health and well-being. Sustainable transport, by definition, puts the emphasis on walking, cycling and public transport.*

243. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use. The increased provision of bicycles within the development also foster this change. This outcome is consistent with Clauses 18.02-1S and 21.06-1 of the Scheme, and particularly with relevant objectives and strategies as follows;

(a) *Clause 18.02-1S (Sustainable personal transport) – Ensure provision of bicycle end-of-trip facilities in commercial buildings.*

244. The development offers end-of-trip facilities for cyclists, with separate change rooms/showers provided.

(a) *Clause 21.06 (Transport) – Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives.*

(b) *Clause 21.06-1 (Walking and cycling)*
   (i) Objective 30 To provide safe and convenient pedestrian and bicycle environments.
   (ii) Strategy 30.2 Minimise vehicle crossovers on street frontages.

245. The existing laneway will be used for on-site delivers/waste collection. No new crossovers are proposed.

(a) *Clause 21.06-2 (Public Transport)*
   (i) Objective31 To facilitate public transport usage;
   (ii) Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.

246. As previously noted, the site is within proximity to a number of public transport options, and within easy walking distance to the CBD.

247. *Clause 21.06-3 (The road system and parking)*
(a) *Objective 32 To reduce the reliance on the private motor car;*
(b) *Objective 33 To reduce the impact of traffic.*

248. The lack of on-site car parking will have positive effects on traffic congestion in the nearby streets.

249. *Practice Note 22 – Using the Car Parking Provisions* (June 2015) indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, where spare on-street car parking capacity would be shared amongst sites within the activity centre.

250. From a traffic engineering perspective, the full waiver of parking associated with the site is considered appropriate in the context of the development and the surrounding area. The Engineering Referral team has no objection to the reduction in the car parking requirement for this site.

Bicycle parking

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	2,168 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	7 employee spaces	
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces.	
Restaurant	244 sqm	1 employee space to each 100 sqm of floor area available to the public	2 employee spaces	
		2 plus 1 visitor space to each 200 sqm of floor area available to the public if the floor area exceeds 400 sqm	0 visitor space	
	130 sqm	1 employee space to each 100 sqm of floor area available to the public	1 employee spaces	

Food and Drink Premises		2 plus 1 space to each 200 sqm of floor area available to public if floor area available exceeds 400 sqm	0 visitor spaces.	
Minor sports and recreation facility (Gym)	302 sqm 2 staff	1 employee space per 4 employees	1 employee spaces	
		1 space per 200 sqm of net floor area	2 visitor spaces	
Bicycle Parking Spaces Total			**11 employee spaces**	**30 employee spaces**
			4 visitor spaces	**3 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**1 showers / change rooms**	**4 showers / change rooms**

Employee spaces

252. 30 employee spaces are proposed, which exceeds Council's best practice recommendation of 26 employee spaces, however it is unclear whether these spaces are available for all employees (i.e. gym/restaurant and café) or only for office employees. The accessibility of these spaces should be clarified in a Green Travel Plan, which will be discussed in turn.

253. The location and design of employee bike parking is adequate for the following reasons:
    (a) All employee bicycle spaces are provided within a secure facility at the basement level, with access via the entrance at Smith Street and lift;
    (b) The provision of two-tier bicycle racks satisfies the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces;
    (c) Dimensions of bicycle spaces are noted on the plans and demonstrate the layout is in accordance with access and clearance requirements of AS2890.3;
    (d) An end of trip facilities area is located adjacent to the bicycle parking and includes four shower / change rooms and 50 lockers, which meets Council's best practice recommendation of 3 shower / change rooms.

Visitor spaces

254. The following comments are provided in relation to provision of visitor bicycle spaces:
    (a) 3 visitor spaces are provided within the gym (with these spaces hanging style and requiring patrons to access them either via the lift or stairs). No publicly accessible visitor spaces are proposed. Council's best-practice rate recommends a total of 6 visitor spaces.
    (b) It is noted that there is currently a generous bicycle hoop structure directly in front of the site, however Council's Strategic Transport Unit confirmed that this 'bicycle corral' is already well-used by visitors to the area and is often at capacity.
    (c) On this basis, it is recommended that additional visitor spaces are provided at the street level to cater for increased activity generated by the proposed development, including 2 hoops at the Derby Street footpath and 2 hoops at the easement, as per the locations marked up in blue in Figure 24.
    (d) All visitor spaces should be provided as a horizontal at-grade space and positioned in accordance with access and clearance requirements of AS2890.3 and Council's urban design standard hoop detail.

255. These additional visitor spaces can be added via a condition, should a planning permit be issued.

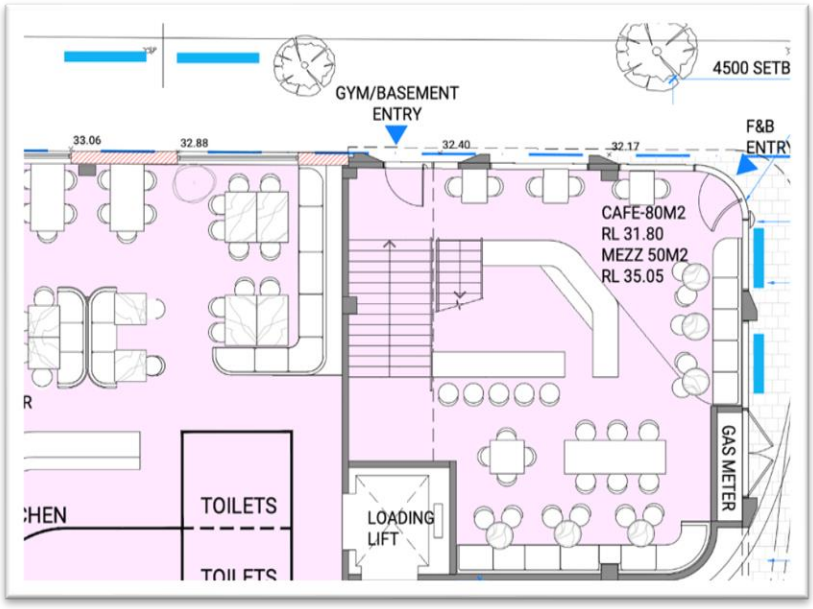


Figure 24: Recommended location of visitor bicycle spaces

Green Travel Plan

256. Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a Green Travel Plan (GTP) must be provided. The following information should be included:
   (a) Confirmation that all employees (e.g. including staff of the gym and food and drink premises) have access to the employee bicycle spaces in the basement;
   (b) Description of the location in the context of alternative modes of transport;
   (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
   (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
   (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
   (f) Details of bicycle parking and bicycle routes;
   (g) Details of Green Travel funding and management responsibilities;
   (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
   (i) Security arrangements to access the employee bicycle storage spaces;
   (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
   (k) Provisions for the GTP to be updated not less than every five years.

257. A permit condition is recommended for a Green Travel Plan to be provided including the above information.

<u>Waste management</u>

258. Bin storage for the entire building is provided within the basement, with direct access to the loading lift. Areas for hard/e-waste are provided, along with storage for waste streams to include general garbage, co-mingled recycling, organics and glass recycling.

259. A private contractor shall collect waste on-site, within the ground level loading bay. Collection staff shall have access to the bin store, and would transfer bins to the truck and back to the store. The waste collection would be undertaken rear-lift vehicles (nom. 6.4m long, 2.1m high and 6.4 tonnes gross vehicle mass).

Council Engineers have confirmed that the swept path diagrams for the 6.4m long waste collection vehicle demonstrates adequate access into the and out of the site off the laneway. They have also confirmed that the proposed location of two bicycle hoops, proposed to be conditioned within the laneway will not affect this access.

260. A Waste Management Plan (WMP) outlining all of these procedures (prepared by Leigh Design and dated 13/11/20) was reviewed by Council's City Works branch and deemed satisfactory. This WMP will be endorsed as part of the planning permit.

Loading/unloading

261. The development provides an on-site loading bay with access via the ROW. As outlined previously, the entrance to the ROW will be widened as part of this application.

262. The loading bay has been designed for vehicles up to and including the 6.4m long, 2.08m high mini waste truck, as well as vehicles up to and including the B99 design car (as per AS2890.1-2004). This caters for a range of minor delivery vehicles, such as vans.

263. Council Engineers confirmed that the entrance to the loading bay (width of 6.27m) is acceptable, with the internal dimensions adequate to accommodate a 6.4m long Small Rigid Vehicle as per *Australian/New Zealand Standard AS/NZS 2890.2:2002.*

264. To ensure other aspects of the entrance and loading bay are acceptable, the following information has been requested by Council's Engineering Services Unit;
    (a) A clearance check for the loading bay entrance is to be undertaken to confirm that a B99 design vehicle can enter and exit the property without scraping or bottoming-out; and,
    (b) The headroom clearance at the loading bay entrance is to be dimensioned on the drawings.

265. Conditions can be added to any permit issued accordingly.

266. A number of additional conditions, largely relating to civil works on Smith Street and Derby Street, were recommended to be placed on any permit issued. These relate primarily to crossovers, the re-sheeting of footpaths, electrical poles, parking signs and sensors and stormwater pits and can be readily addressed via conditions or notes of the permit.

<u>Objector concerns</u>

267. Lack of on-site car parking;

    (a) This aspect is discussed in paragraphs 233 to 250 of this report.

268. Excessive height/overdevelopment of the site;

    (a) These concerns are discussed in paragraphs 128 to 153 of this report.

269. Does not respond to the neighbourhood/heritage character;

    (a) The neighbourhood context is discussed in paragraphs 154 to 167 of this report.

270. Potential off-site amenity impacts (overshadowing, overlooking);

    (a) Off-site amenity impacts are addressed in paragraphs 198 to 228 of this report.

271. Impacts during the construction phase;

(a) A Construction Management Plan has been incorporated into the permit conditions to appropriately manage this concern.

272. The development results in an oversupply of offices;

(a) The use of the land as an office does not require a planning permit within the Commercial 1 Zone. The suitability of this site for office use is discussed in more detail in paragraphs 102 to 107 of this report.

Conclusion

273. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0042 for full demolition of Nos. 46 & 48 Smith Street and partial demolition of Nos. 50-52 Smith Street, construction of a multi-storey building containing office, a food and drink premise (no permit required for uses) and use of the land for restricted recreation facility (gymnasium), and a reduction in the statutory car parking requirement at 46-52 Smith Street, Collingwood subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by XO Projects and dated 24 February 2021, but modified to show:
   (a) The removal of Level 6;
   (b) All setbacks from Smith Street from Level 2 to the Level 5 to increase by a minimum of 1m;
   (c) The middle window in the Derby Street façade to be reduced in width by one panel (the western-most panel) and replaced with wall to match the remaining façade;
   (d) The design of the horizontal banding in the southern wall of the tower and the colour of the roof terrace altered to reflect the changes shown in the Sketch Plan submitted to Council on 3 June 2021, with the material proposed for the horizontal banding to be clearly identified;
   (e) The entire plinth along the Derby Street frontage to be composed of bluestone, with the existing paint removed;
   (f) The proposed street tree to be located within the Derby Street road reserve (to replace the former tree in this location) instead of within the Derby Street footpath;
   (g) Either the proposed 150mm shading fins be increased in depth and number, or a separate external shading solution be provided for floors not shaded by overhanging storey above;
   (h) The rainwater tank capacity to be shown as 16,000L, consistent with the endorsed Sustainable Management Plan in accordance with Condition 3.
   (i) Clarification of window operability and natural ventilation opportunities at all levels;
   (j) Glazing materials used on all external walls/windows must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority;
   (k) The fire booster cabinet within the Smith Street façade to be reduced in height, with glazing integrated into the façade above;

(l) Confirmation that the fire booster cabinet will meet all relevant Standards and access requirements, with notations added to the plans to confirm that the doors associated with all ground level services will be designed to swing at 180-degrees and be latched onto the building wall when in service;
(m) Confirmation that DDA compliance is achieved for at least one entrance to each use. If any steps, handrails, or tactiles are required to achieve this compliance, these features must be located within the subject site boundary and must not protrude or be located within the public realm/footpath space;
(n) Clarification of the type of paving material located within the slivers of land between building and asphalt footpaths;
(o) All canopy dimensions above footpaths and the ROW (height and depth);
(p) An overlooking diagram to demonstrate whether unreasonable overlooking is available from the east-facing windows of the café into the dwelling windows to the east, with mitigation measures incorporated into the design if required;
(q) The installation of 2 bicycle hoops on Derby Street (immediately to the west of the gymnasium entrance) and 2 bicycle hoops in the ROW (directly adjacent to the café frontage). These bicycle spaces must be provided as a horizontal at-grade space and positioned in accordance with access and clearance requirements of AS2890.3 and Council's urban design standard hoop detail.
(r) A cross sectional diagram of the loading bay entrance at 1:20 scale showing;
    (i) Reduced levels of the west and east edge of the laneway, the centreline of the laneway and the finished floor level of the slab with the 40mm edge of the laneway
    (ii) A clearance check for the loading bay entrance to confirm that a B99 design vehicle can enter and exit the property without scraping or bottoming-out;
(s) Dimensions of the headroom clearance at the loading bay entrance;
(t) Any changes required by the endorsed Sustainable Management Plan pursuant to Condition 3;
(u) Any changes required by the endorsed Landscape Plan pursuant to Condition 10;
(v) Any changes required by the endorsed Green Travel Plan pursuant to Condition 15;
(w) Any changes required by the endorsed Wind Tunnel Test pursuant to Condition 17.

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

Sustainability Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 23 December 2020, but modified to include:
    (a) Details of additional shading comprising either the shading fins to be increased in depth and number, or a separate external shading solution be provided for floors not shaded by overhanging storey above;
    (b) The provision of a JV3 report, including the following components;
        (i) A comparison with a reference building in terms of building fabric and proposed services;
        (ii) Clarify reductions in heating and cooling;
        (iii) Clarify reduction in peak energy demand;
        (iv) Clarify reductions in Greenhouse Gas emissions;
        (v) Provide more details on the Heating, Ventilation and Air-conditioning (HVAC) system and energy use;

(vi) Confirm reduction in Illuminated Power Density (IPD) and provide more details on lighting energy efficiency; and,
(vii) Include solar generation.
(c) Clarification of window operability and natural ventilation opportunities at all levels;
(d) Clarify standard upon which low volatile organic compounds (VOC) and formaldehyde limits are specified;
(e) floor by floor metering for water loads;
(f) Confirm post-development stormwater flows will not exceed pre-development levels;
(g) Confirm whether any additional retention tanks are included in the design;
(h) Confirm whether any additional treatment devices (i.e. SPEL) are proposed;
(i) Clarify whether the proposed design intends to use recycled materials, (i.e. recycled bricks, or insulation with post-consumer content);
(j) Clarify strategy to reduce cement and meaning of environmentally sustainable steel design;
(k) Confirm extent of sustainably sourced timber (by weight or cost);
(l) Confirm extent of PVC strategy (by components, weight or cost);
(m) Provide a statement as to how the proposal aims to reduce the impacts of urban heat associated with the increase in urban mass;
(n) Provide more information on each innovation (i.e. ultra-low VOC paints etc.) to justify inclusion in Green Star pathway;
(o) provision of a Building Users Guide explaining optimal usage of building services to minimise energy and water consumption; and,
(p) Environmental Management Plan to be developed by the building contractor to monitor and control activities undertaken during construction.

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

Waste Management Plan

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 13 November 2020, but modified to include:
(a) Any changes required by Condition 1 requirements of this permit.

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

Structural Report

7. Before the demolition commences, a Structural Report prepared by a suitably qualified structural engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, it will be endorsed and will form part of the permit. The Structural Report must demonstrate the means by which the retained portions of the building will be supported during demolition and construction works to ensure their retention.

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

Façade Strategy

9. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
   (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
   (b) corbelling brickwork to the podium and southern elevation in accordance with the rendered images;
   (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
   (d) information about how the façade will be maintained; and
   (e) a sample board and coloured drawings outlining colours, materials and finishes.

Landscape Plan

10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by XO Projects and dated 24 February 2021, but modified to include;
   (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
   (b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
   (c) provide details of the proposed method for irrigation and drainage;
   (d) detail the maintenance (duration, regime) and irrigation;
   (e) show the materiality of the proposed spaces;
   (f) provide a specification of works to be undertaken prior to planting;
   (g) further detail on any sustainable treatments and water harvesting methods; and
   (h) detail plant/planting maintenance schedules and requirements.

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
   (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
   (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
   (c) replacing any dead, diseased, dying or damaged plants,

   to the satisfaction of the Responsible Authority.

Tree Management Plan

12. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
   (a) the protection of the trees on Smith Street and Derby Street, adjacent to the site:
      (i) pre-construction;
      (ii) during construction; and
      (iii) post construction

(b) the provision of any barriers;
(c) any pruning necessary; and
(d) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

14. Before the development commences, the permit holder must provide an Asset Protection Bond of $10,000 (ex GST) for the trees in Smith Street and Derby Street adjacent to the frontage of the development to the Responsible Authority. The security bond:
    (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
    (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
    (c) in accordance with the requirements of this permit; or
    (d) otherwise to the satisfaction of the Responsible Authority.

Green Travel Plan

15. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include;
    (a) Confirmation that all employees (e.g. including staff of the gym and food and drink premises) have access to the employee bicycle spaces in the basement;
    (b) Access to employee bicycle spaces for all uses.
    (c) Description of the location in the context of alternative modes of transport;
    (d) Employee welcome packs (e.g. provision of Myki/transport ticketing);
    (e) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
    (f) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
    (g) Details of bicycle parking and bicycle routes;
    (h) Details of Green Travel funding and management responsibilities;
    (i) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
    (j) Security arrangements to access the employee bicycle storage spaces;
    (k) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
    (l) Provisions for the Green Travel Plan to be updated not less than every five years.

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

Wind Tunnel Test

17. Before the development commences, a Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Test will be endorsed and will form part of this permit. The Wind Tunnel Report must include (or show);
    (a) Testing of assumptions as contained within the Desktop Wind Study prepared by Global Wind Technology Services and dated 5 March 2021;
    (b) Testing of potential wind conditions within adjacent streetscapes;
    (c) Achieve recommended criteria at each point (i.e. not an average) without the reliance upon vegetation.

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

Uses

19. Except with the prior written consent of the Responsible Authority, the restricted recreation facility (gymnasium) use authorised by this planning permit may only operate between
    (a) 6am to 9pm, Monday to Friday; and,
    (b) 10am to 4pm on Saturday and Sunday.

20. No more than 45 patrons are permitted within the gymnasium at any one time.

21. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
    (a) The transport of materials, goods or commodities to or from land.
    (b) The appearance of any buildings, works or materials.
    (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
    (d) The presence of vermin.

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

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

24. Music must be at background music levels only, with no external speakers provided.

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

26. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

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

General

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

    to the satisfaction of the Responsible Authority.

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

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

31. Before the building is occupied, any wall located facing public land must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

32. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
    (a) Constructed and available for use in accordance with the endorsed plans.
    (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
    (c) Line-marked or provided with some adequate means of showing the car parking spaces.

    to the satisfaction of the Responsible Authority.

Civil Works

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

35. 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.

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

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
    (a) The footpath immediately outside the site on Smith Street and Derby Street must be stripped and re-sheeted.

Construction Management Plan

38. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:
    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
    (b) works necessary to protect road and other infrastructure;
    (c) remediation of any damage to road and other infrastructure;
    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
    (e) facilities for vehicle washing, which must be located on the land;
    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
    (g) site security;
    (h) management of any environmental hazards including, but not limited to,:

(i) contaminated soil;
(ii) materials and waste;
(iii) dust;
(iv) stormwater contamination from run-off and wash-waters;
(v) sediment from the land on roads;
(vi) washing of concrete trucks and other vehicles and machinery; and
(vii) spillage from refuelling cranes and other vehicles and machinery;

(i) the construction program;
(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
(i) using lower noise work practice and equipment;
(ii) the suitability of the land for the use of an electric crane;
(iii) silencing all mechanical plant by the best practical means using current technology;
(iv) fitting pneumatic tools with an effective silencer;
(v) other relevant considerations; and
(q) Any site-specific requirements.

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

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

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

41. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction hours & noise

42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
    (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
    (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time

Permit Expiry

43. This permit will expire if:
    (a) the development is not commenced within two years of the date of this permit;
    (b) the development is not completed within four years of the date of this permit; or
    (c) the use is not commenced within five years of the date of this permit.

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

Notes:

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5555 to confirm.

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's parking management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the permit holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

All future business owners and employees working within the development approved under this permit will not be permitted to obtain employee or visitor car parking permits.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Attachments

1 PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

2 46-52 Smith Street, Collingwood - Sketch Plan

3 46-52 Smith Street, Collingwood - Wind referral comments

4 46-52 Smith Street, Collingwood - Streetscapes comments

5 46-52 Smith Street, Collingwood - Strategic Planning comments

6 46-52 Smith Street, Collingwood - Open Space comments

7 46-52 Smith Street, Collingwood - Internal UD comments

8 46-52 Smith Street, Collingwood - Heritage referral comments

9 46-52 Smith Street, Collingwood - External UD comments

10 46-52 Smith Street, Collingwood - ESD referral comments

11 46 - 52 Smith Street, Collingwood - Strategic Transport comments

12 46-52 Smith Street, Collingwood - Engineering comments

13 46-52 Smith Street, Collingwood - City Works comments

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



46-52 SMITH STREET, COLLINGWOOD, VIC 3066

DRAWING LIST

A0001 -LOCATION PLAN & DRAWING LIST
A0002 -EXISTING CONDITIONS SURVEY
A0003 -WEST DEMOLITION ELEVATION -SMITH STREET
A0004 -NORTH DEMOLITION ELEVATION - DERBY STREET
A0005 -EAST DEMOLITION ELEVATION - LANEWAY
A0006 -DEMOLITION PLAN

A0099 - B1- BASEMENT FLOOR PLAN
A0100 - L00 - GROUND FLOOR PLAN
A0101 - L01 - FLOOR PLAN
A0102 - L02 - FLOOR PLAN
A0103 - L03/05 - FLOOR PLAN
A0104 - L04/L06 - FLOOR PLAN
A0107 - ROOF PLAN
A0108 - PV PLAN

A0900 - WEST ELEVATION - SMITH STREET
A0901 - NORTH ELEVATION - DERBY STREET
A0902 - EAST ELEVATION - LANEWAY
A0903 - SOUTH ELEVATION

A0950 - SECTION AA
A0951 - SECTION BB

TOWN PLANNING RFI - SCHEDULE OF CHANGES

LEVEL BASEMENT
B.1 THE ANNOTATION OF "30 BICYCLE SPACES 15 x CORA E3DT-GT =30 (DOUBLE TIER BIKE RACK)" ADDED
B.2 THE LOCATION OF BICYCLE CHARGING PORT ZONE ADDED
B.3 THE ANNOTATION OF THE CONNECTION OF THE RAINWATER TANK ADDED

LEVEL 00
0.1 THE DOOR OF FIRE BOOSTER CHANGED FROM METAL TO GLASS
0.2 REDUCED SIZE OF CANOPY ALONG SMITH STREET TO COMPLY WITH THE 750 SETBACK FROM PEDESTRIAN KERB, THE DIMENSION OF CANOPY ADDED
0.3 A SOLID CANOPY ON THE GROUND LEVEL AT THE NORTH WESTERN ENTRANCE ADDED, REFER TO THE WIND CONSULTANT'S RECOMMENDATION
0.4 ANNOTATION TO INDICATE THE LOCATION OF THE LIGHT AND ELECTRICITY POLE ADDED

LEVEL 08 (PV PLAN)
8.1 ADDING THE ANNOTATION TO INDICATE THE CAPACITY OF SOLAR PANELS

DEMOLITION ELEVATIONS
DE.1 INCLUDES THE DEMOLITION OF THE ENTRANCE CANOPY
DE.2 EXISTING FIRE BOOSTER SOLID METAL DOORS DEMOLISHED

ELEVATIONS
E.1 ADDING THE COLOR ELEVATION SET
E.2 THE DOOR OF FIRE BOOSTER CHANGED FROM METAL TO GLASS
E.3 AMENDED ELEVATIONS TO DEMONSTRATE THE EXTENT OF GLAZING PROPOSED ADJACENT TO THE HERITAGE PARAPET OF No.52 SMITH STREET
E.4 A SOLID CANOPY ON THE GROUND LEVEL AT THE NORTH WESTERN ENTRANCE ADDED, REFER TO THE WIND CONSULTANT'S RECOMMENDATION
E.5 DESIGNED VISUAL INTEREST ADDED TO THE SOUTH BLANK SIDE WALL

SECTIONS
S.1 A-A SECTION, THE ANNOTATION OF BASEMENT CHANGED FROM F/B TO GYM
S.2 REDUCED THE SIZE OF CANOPY ALONG SMITH STREET TO COMPLY WITH THE 750 SETBACK FROM PEDESTRIAN KREBS, THE DIMENSION FOR THE HEIGHT OF CANOPY ADDED.
S.3 A SOLID CANOPY ON THE GROUND LEVEL AT THE NORTH WESTERN ENTRANCE ADDED, REFER TO THE WIND CONSULTANT'S RECOMMENDATION

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REV	DATE	REASON FOR ISSUE	ISSUED BY
A	16/12/20	PLANNING APPLICATION	SH
B	24/02/21	PLANNING - RFI	SW

SCALE@A1 1/300
SCALE@A3 1/600

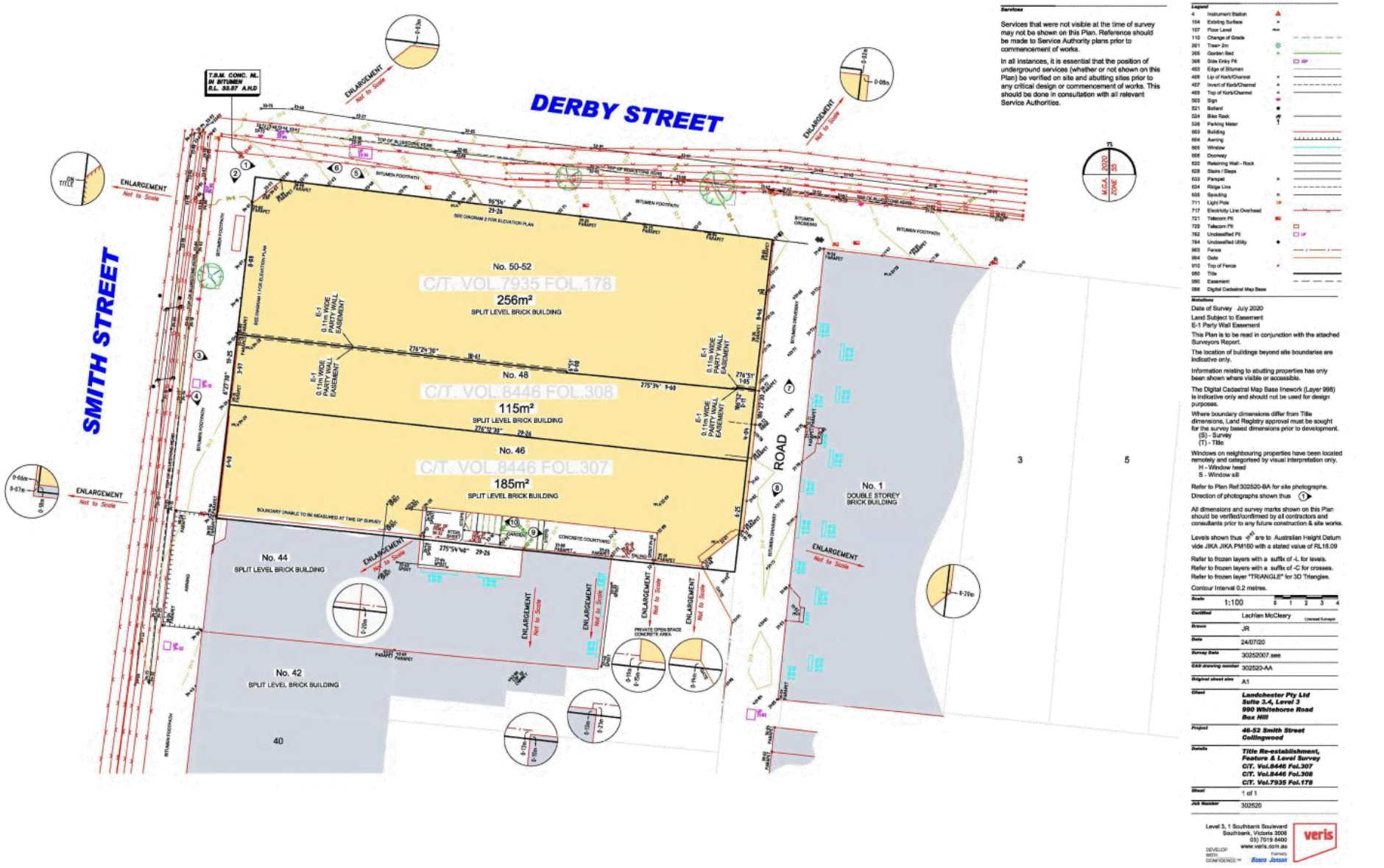
PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT TITLE: 46-52 SMITH STREET, COLLINGWOOD, VIC 3066
CLIENT: THREE TOWERS GROUP

DRAWING TITLE: LOCATION AND DRAWING LIST
PROJECT NUMBER: XO20009
DRAWING NUMBER: A00001
DRAWING STATUS: TP
REVISION:

Mar 17, 2021 - 11:38am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



Services

Services that were not visible at the time of survey may not be shown on this Plan. Reference should be made to Service Authority plans prior to commencement of works.

In all instances, it is essential that the position of underground services (whether or not shown on this Plan) be verified on site and abutting sites prior to any critical design or commencement of works. This should be done in consultation with all relevant Service Authorities.

Legend

4	Instrument Station	
104	Existing Surface	x
107	Floor Level	FFL
113	Change of Grade	
261	Tree> 2m	
266	Garden Bed	
308	Side Entry Pit	SEP
403	Edge of Bitumen	
406	Lip of Kerb/Channel	x
407	Invert of Kerb/Channel	x
409	Top of Kerb/Channel	x
503	Sign	
521	Bollard	
524	Bike Rack	
526	Parking Meter	
603	Building	
604	Awning	
605	Window	
606	Doorway	
620	Retaining Wall - Rock	
628	Stairs / Steps	
633	Parapet	x
634	Ridge Line	
635	Spouting	x
711	Light Pole	
717	Electricity Line Overhead	
721	Telecom Pit	
723	Telecom Pit	
762	Unclassified Pit	UP
764	Unclassified Utility	
903	Fence	
904	Gate	
910	Top of Fence	x
950	Title	
956	Easement	
998	Digital Cadastral Map Base	

Notations

Date of Survey July 2020

Land Subject to Easement
E-1 Party Wall Easement

This Plan is to be read in conjunction with the attached Surveyors Report.

The location of buildings beyond site boundaries are indicative only.

Information relating to abutting properties has only been shown where visible or accessible.

The Digital Cadastral Map Base linework (Layer 998) is indicative only and should not be used for design purposes.

Where boundary dimensions differ from Title dimensions, Land Registry approval must be sought for the survey based dimensions prior to development.
(SI) - Survey
(T) - Title

Windows on neighbouring properties have been located remotely and categorised by visual interpretation only.
H - Window head
S - Window sill

Refer to Plan Ref:302520-BA for site photographs.

Direction of photographs shown thus ①

All dimensions and survey marks shown on this Plan should be verified/confirmed by all contractors and consultants prior to any future construction & site works.

Levels shown thus 37.51 are to Australian Height Datum vide JIKA JIKA PM160 with a stated value of RL18.09

Refer to frozen layers with a suffix of -L for levels.
Refer to frozen layers with a suffix of -C for crosses.
Refer to frozen layer "TRIANGLE" for 3D Triangles.

Contour Interval 0.2 metres.

Scale	1:100 (0 1 2 3 4)
Certified	Lachlan McCleary, Licensed Surveyor
Drawn	JR
Date	24/07/20
Survey Date	30252007.sss
CAD drawing number	302520-AA
Original sheet size	A1
Client	Landcheeler Pty Ltd Suite 3.4, Level 3 990 Whitehorse Road Box Hill
Project	46-52 Smith Street Collingwood
Details	Title Re-establishment, Feature & Level Survey C/T. Vol.8446 Fol.307 C/T. Vol.8446 Fol.308 C/T. Vol.7935 Fol.178
Sheet	1 of 1
Job Number	302520

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REV	DATE	REASON FOR ISSUE	ISSUED BY
A	16/12/20	PLANNING APPLICATION	SH
B	24/03/21	PLANNING - RFI	BM

REV	DATE	REASON FOR ISSUE	ISSUED BY

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SCALE@A1 1/500
SCALE@A3 1/1000

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Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work.

NORTH

PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
EXISTING CONDITIONS SURVEY

PROJECT NUMBER
XO20009

DRAWING NUMBER
A00002

DRAWING STATUS
TP

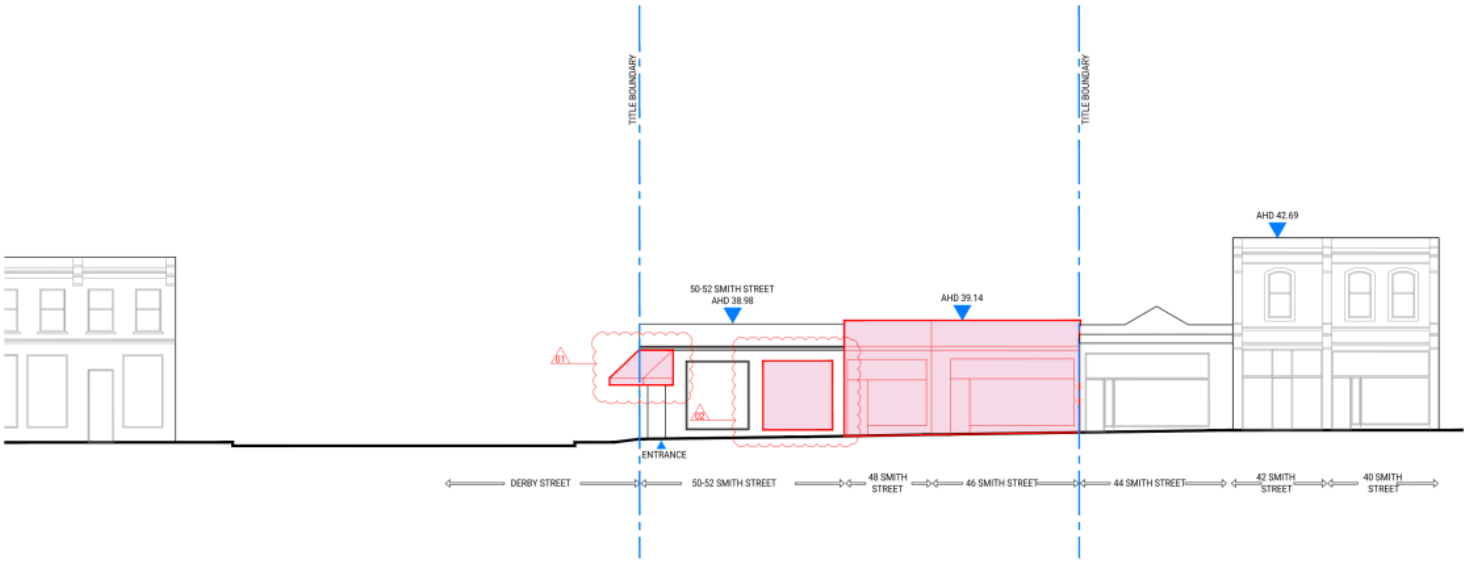
REVISION

Mar 15, 2021 - 11:57am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - THE DEMOLITION OF THE ENTRANCE CANOPY ADDED
02 - EXISTING SOLID METAL BOOSTER DOORS DEMOLISHED



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PRELIMINARY
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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
WEST DEMOLITION ELEVATION - SMITH STREET

PROJECT NUMBER
XO20009

DRAWING NUMBER
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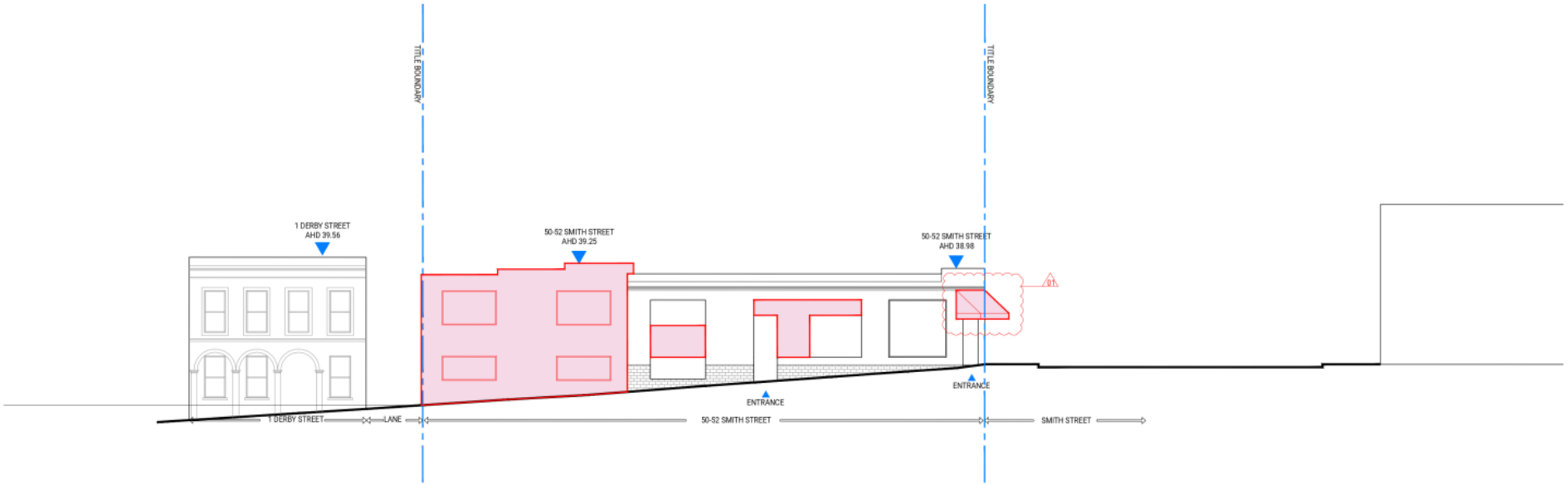
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Mar 16, 2021 - 11:57am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - THE DEMOLITION OF THE ENTRANCE CANOPY ADDED



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PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
NORTH DEMOLITION ELEVATION - DERBY STREET

PROJECT NUMBER
XO20009

DRAWING NUMBER
A0004

DRAWING STATUS
TP

Mar 16, 2021 - 11:57am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - THE DEMOLITION OF THE ENTRANCE CANOPY ADDED



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PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
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PROJECT NUMBER
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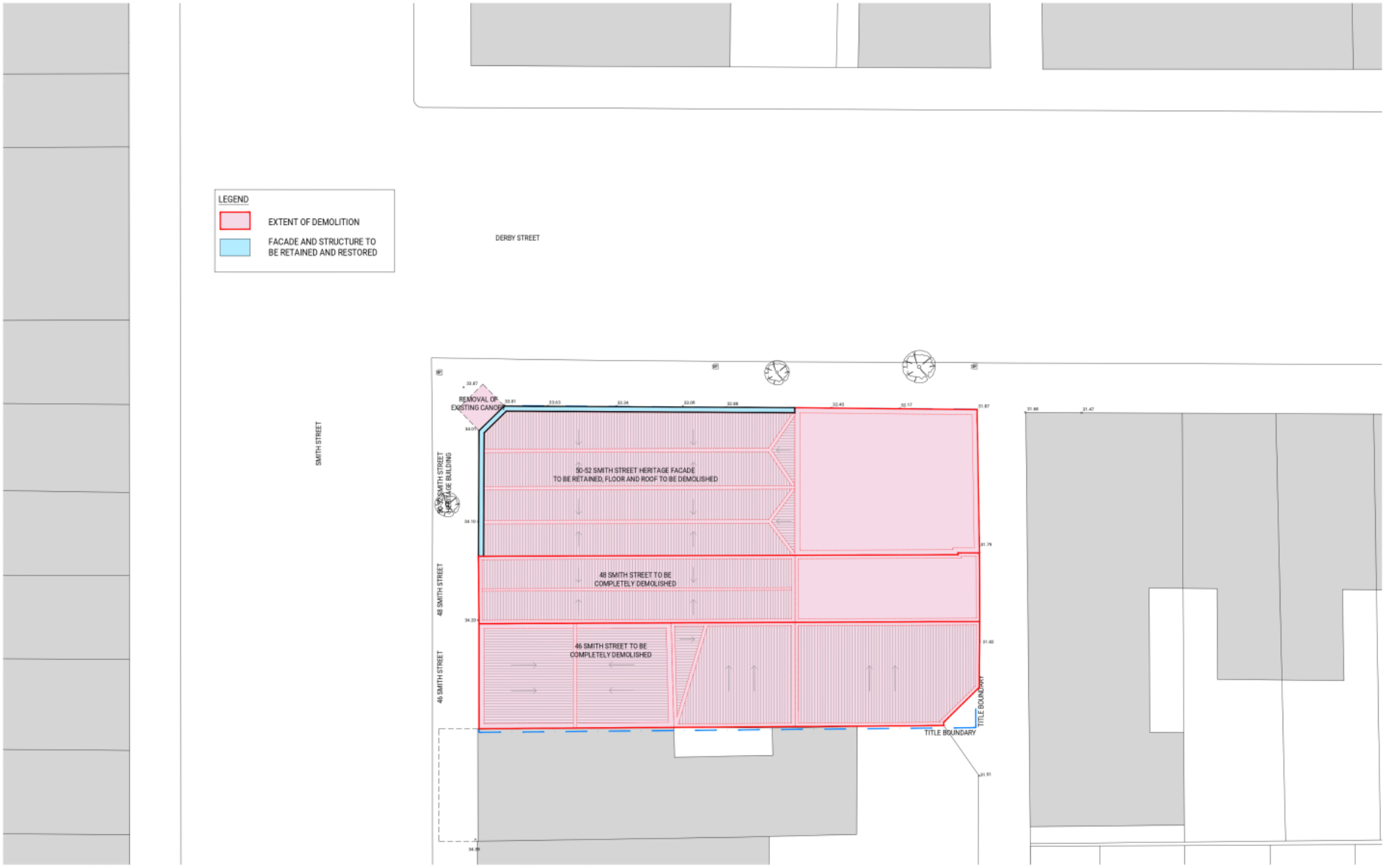
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DRAWING STATUS
TP

REVISION

Mar 16, 2021 - 11:57am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
DEMOLITION PLAN

PROJECT NUMBER
XO20009

DRAWING NUMBER
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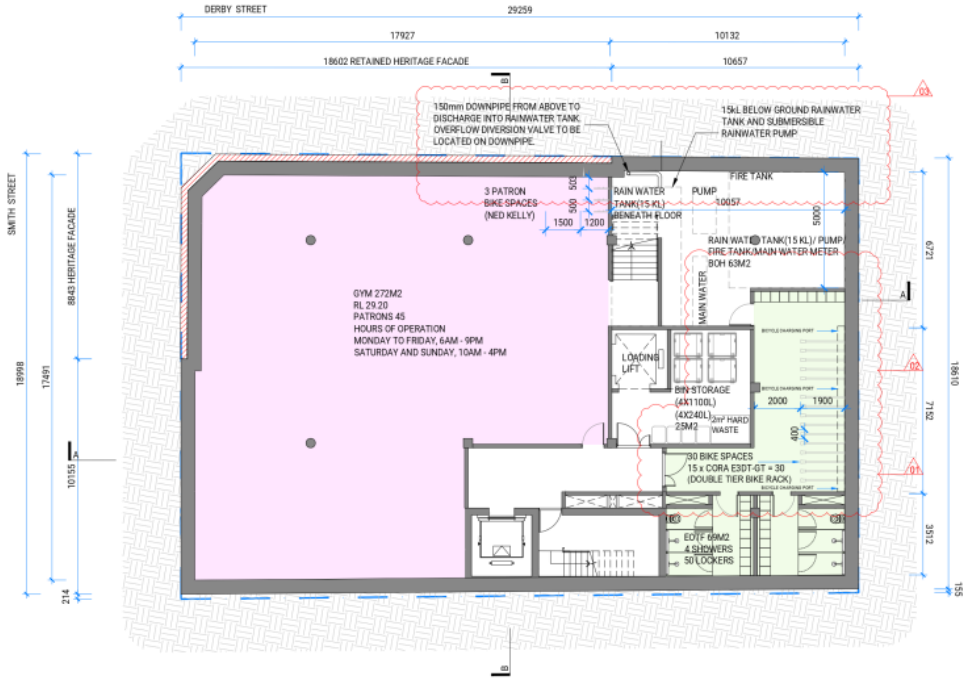
DRAWING STATUS
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Mar 16, 2021 - 11:57am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - THE ANNOTATION OF "30 BICYCLE SPACES 15 x CORA E3DT-GT =30 (DOUBLE TIER BIKE RACK)" ADDED
02- THE LOCATION OF BICYCLE CHARGING PORT ZONE ADDED
03- THE ANNOTATION OF THE RAINWATER TANK CONNECTION ADDED



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SCALE@A1 1/100
SCALE@A3 1/200

PRELIMINARY
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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
BASEMENT FLOOR PLAN
B1

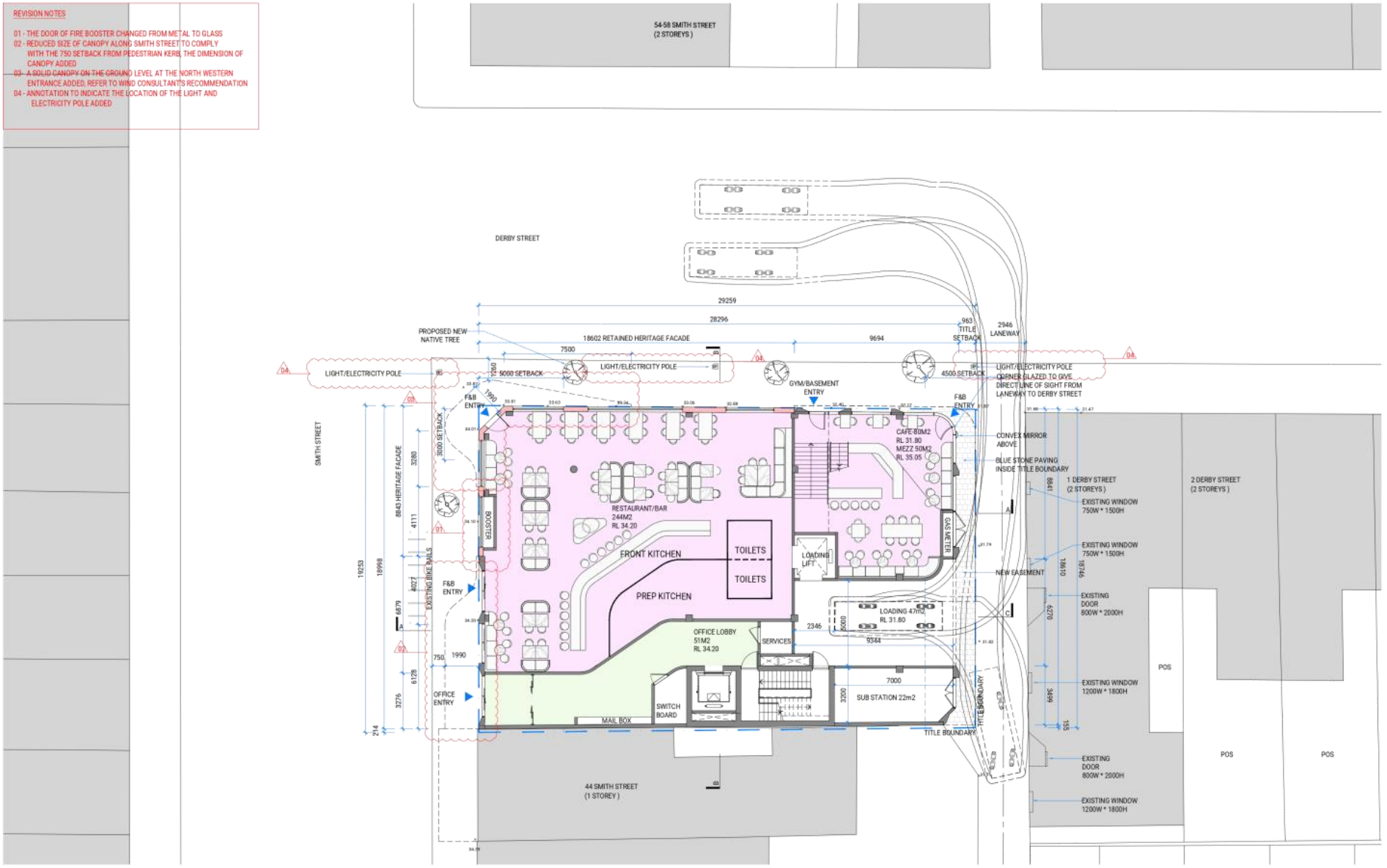
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DRAWING NUMBER
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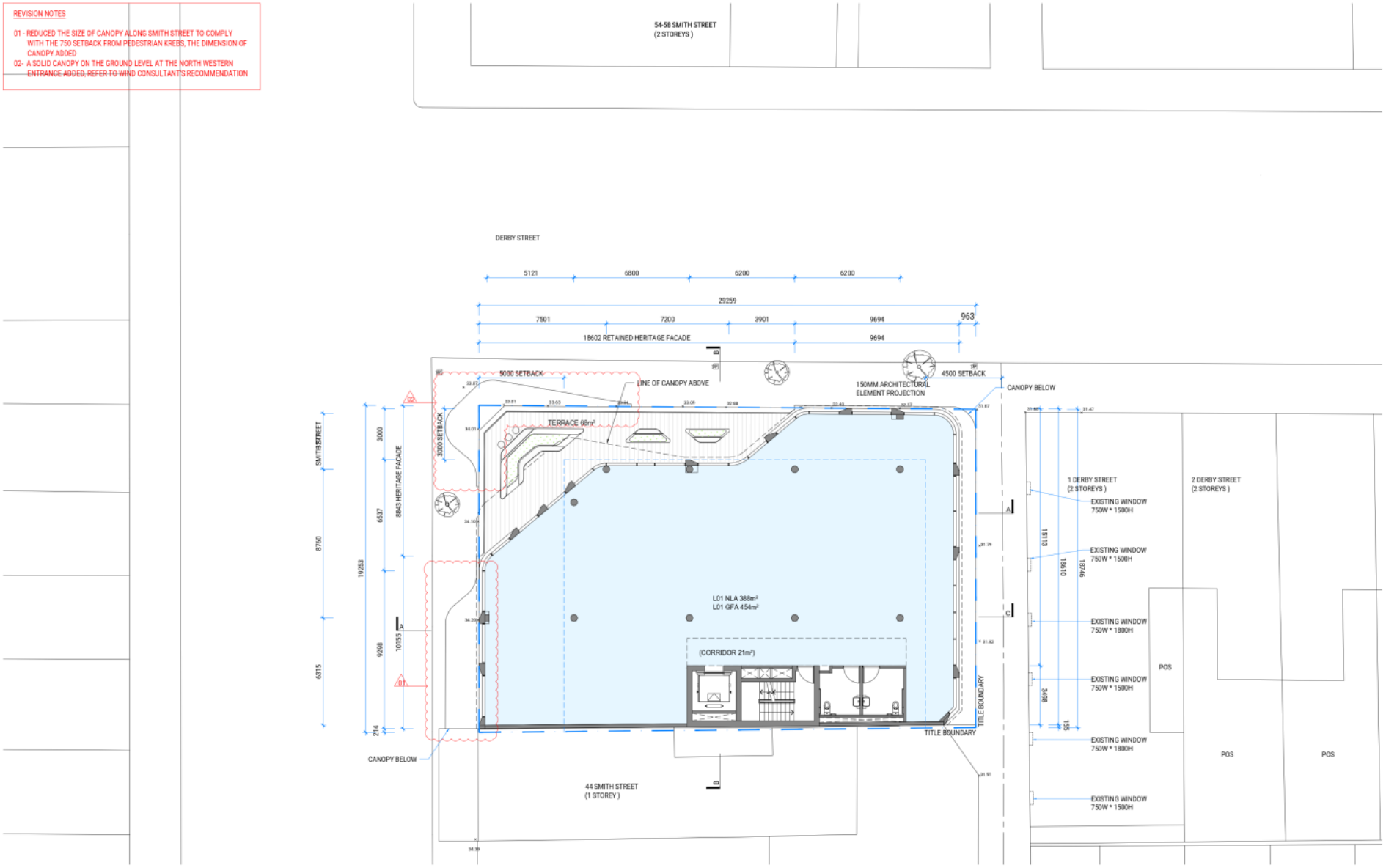
DRAWING STATUS
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Mar 17, 2021 - 11:47am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

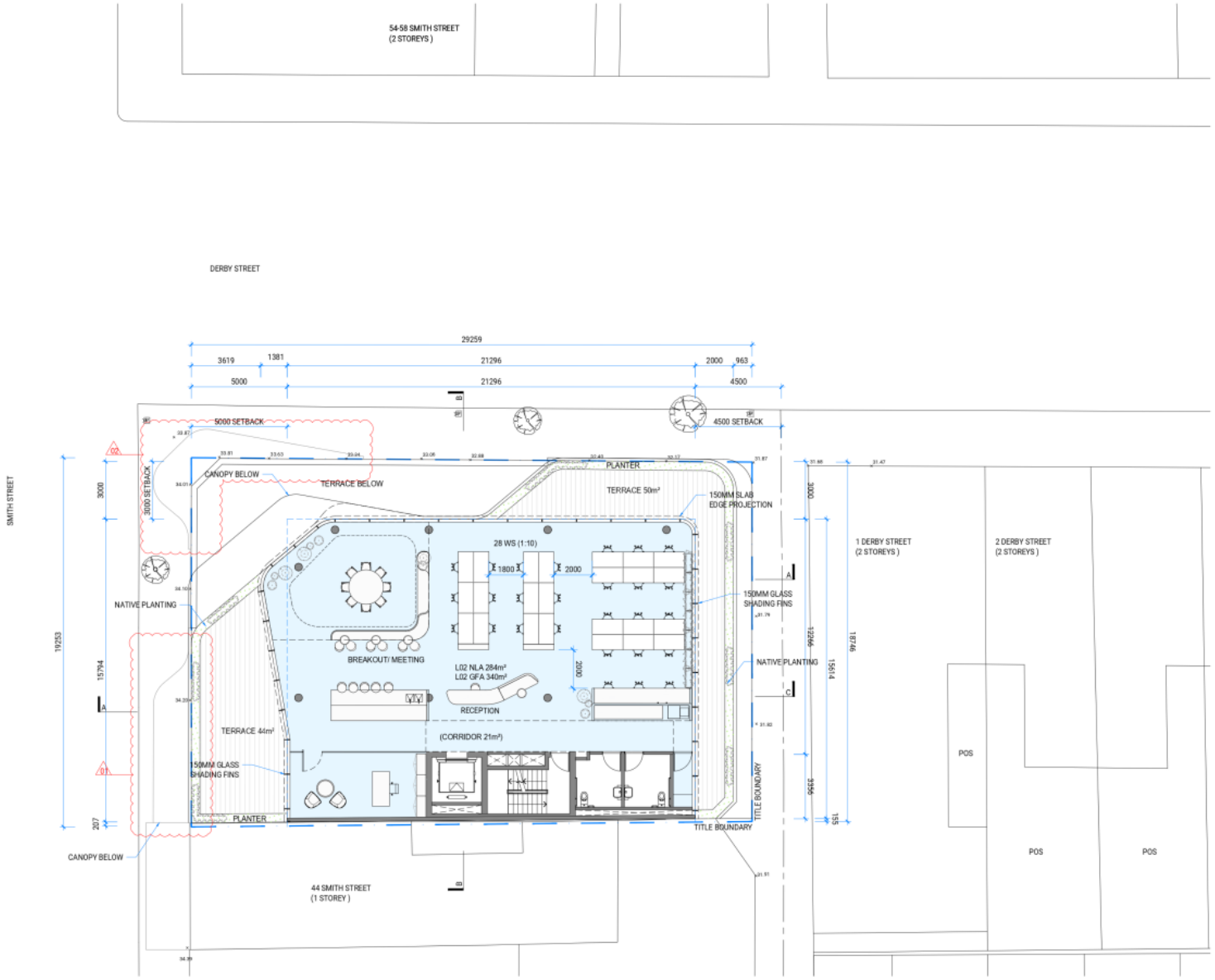


Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - REDUCED SIZE OF CANOPY ALONG SMITH STREET TO COMPLY WITH THE 750 SETBACK FROM PEDESTRIAN KERB, THE DIMENSION OF CANOPY ADDED

02- A SOLID CANOPY ON THE GROUND LEVEL AT THE NORTH WESTERN ENTRANCE ADDED, REFER TO WIND CONSULTANTS RECOMMENDATION



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SCALE@A1 1/100
SCALE@A3 1/200

PRELIMINARY
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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
L02 FLOOR PLAN
L02

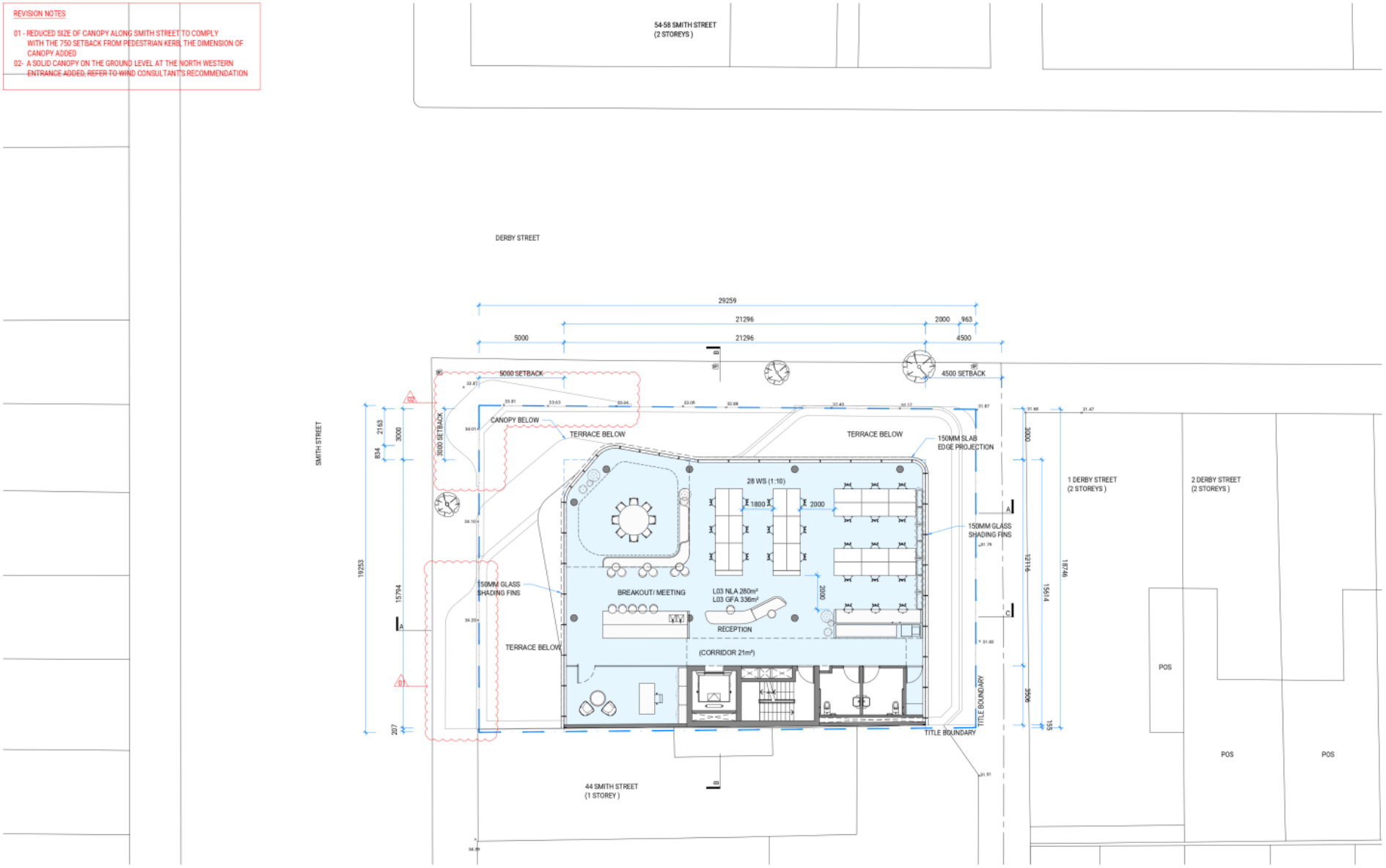
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DRAWING NUMBER
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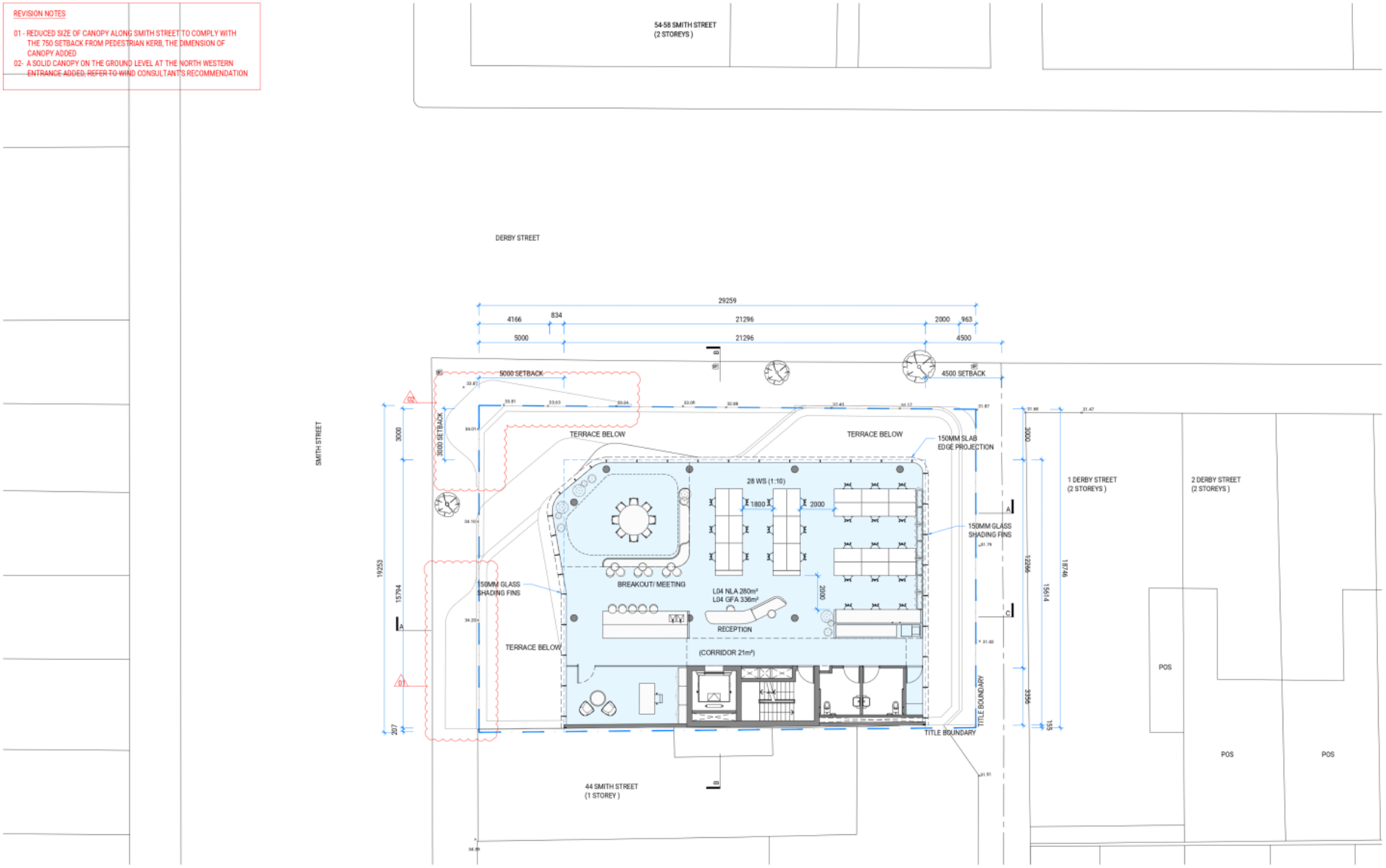
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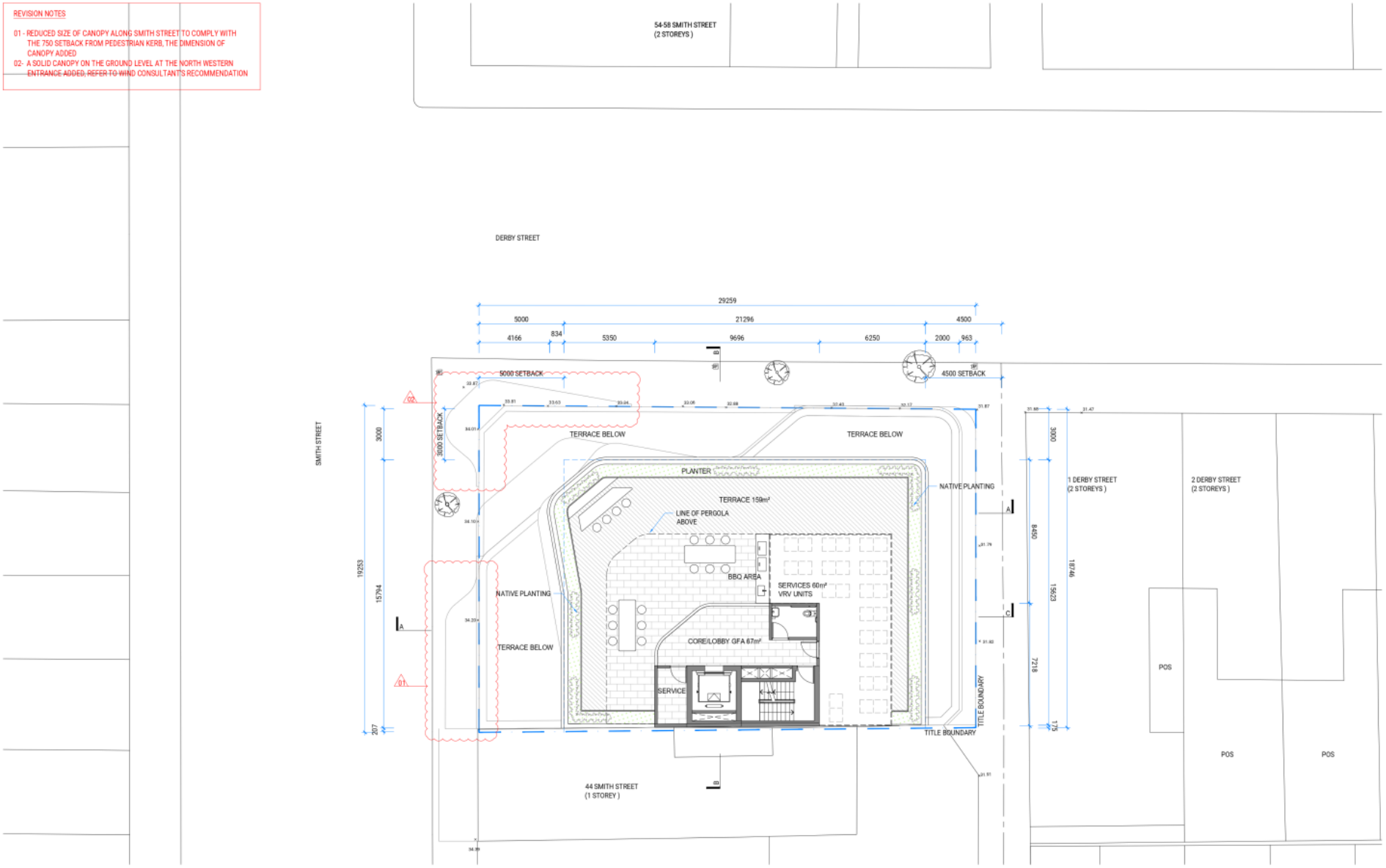
Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



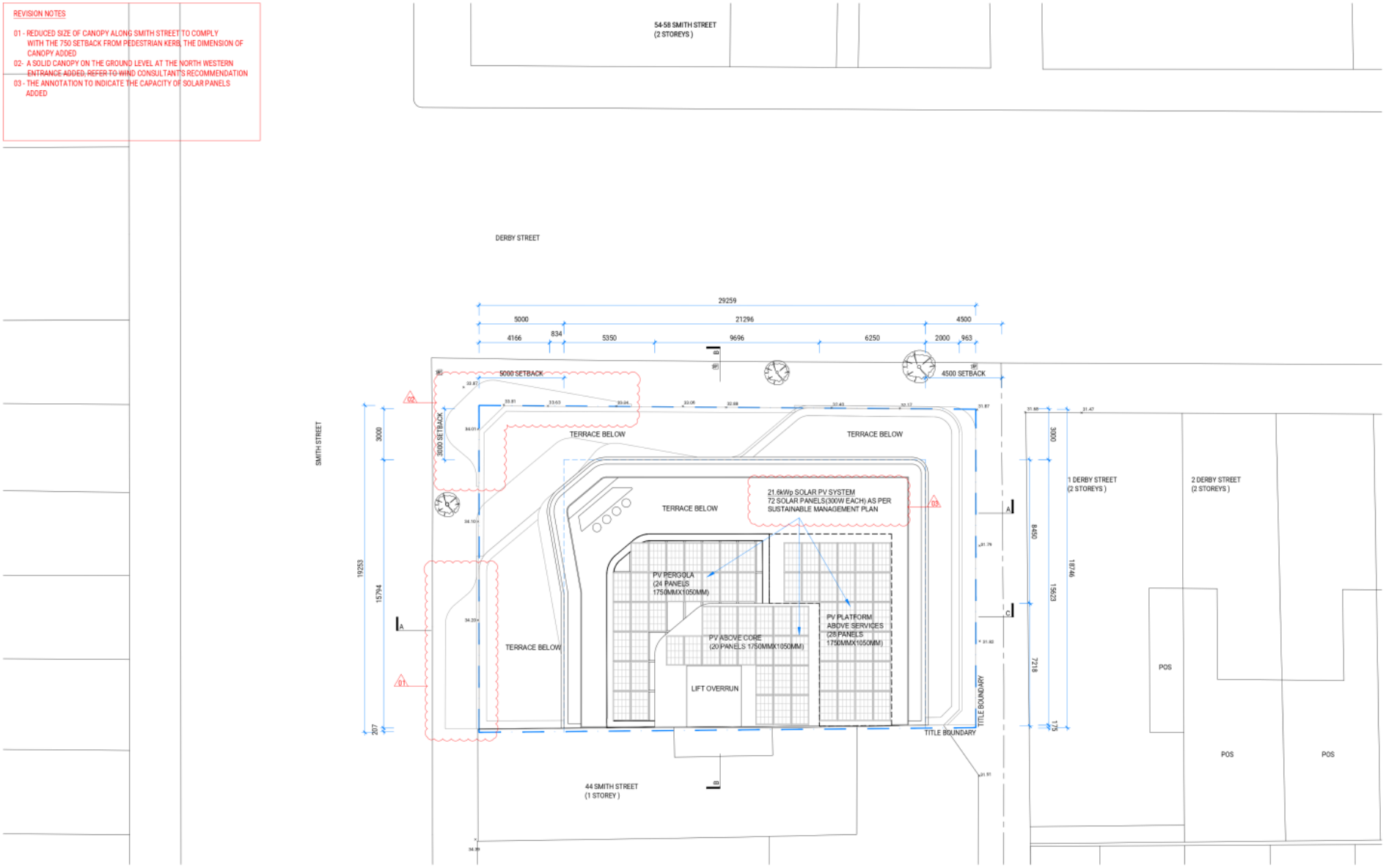
Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans



Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01- A SOLID CANOPY ON THE GROUND LEVEL AT THE NORTH WESTERN ENTRANCE ADDED, REFER TO WIND CONSULTANT'S RECOMMENDATION
02 - THE DOOR OF FIRE BOOSTER CHANGED FROM METAL TO GLASS
03 - AMENDED ELEVATIONS TO DEMONSTRATE THE EXTENT OF GLAZING PROPOSED ADJACENT TO THE HERITAGE PARAPET OF No.52 SMITH STREET

LEGEND

CODE	
GLS-01	GLAZING : LOW EMISSIVITY, DOUBLE GLAZED GREY TONED GLAZING. FRAMES : ALUMINIUM POWDER COATED DARK BRONZE
GLS-02	GLAZING : LOW EMISSIVITY, DOUBLE GLAZED CLEAR GLAZING. FRAMES : ALUMINIUM POWDER COATED DARK BRONZE
SP-01	SLAB EDGE DETAIL -DARK BRONZE ANODIZED ALUMINIUM
SP-02	BLACK MATT PV PANELS (BIPV)
SP-03	GREY/WHITE RENDER RAL 9002
SP-04	PLANTER BOX -DARK BRONZE ANODIZED ALUMINIUM
BR-01	LIGHT GREY/WHITE BRICK
BS-01	BLUE STONE PLINTH
HR-01	METAL HANDRAIL POWDER COATED DARK BRONZE
HR-02	CLEAR FRAME-LESS GLASS HANDRAIL
SS-01	ALUMINUM SCREEN POWDER COATED DARK BRONZE



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SCALE@A1 1/100
SCALE@A3 1/200

PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
WEST ELEVATION - SMITH STREET

PROJECT NUMBER
XO20009

DRAWING NUMBER
A0900

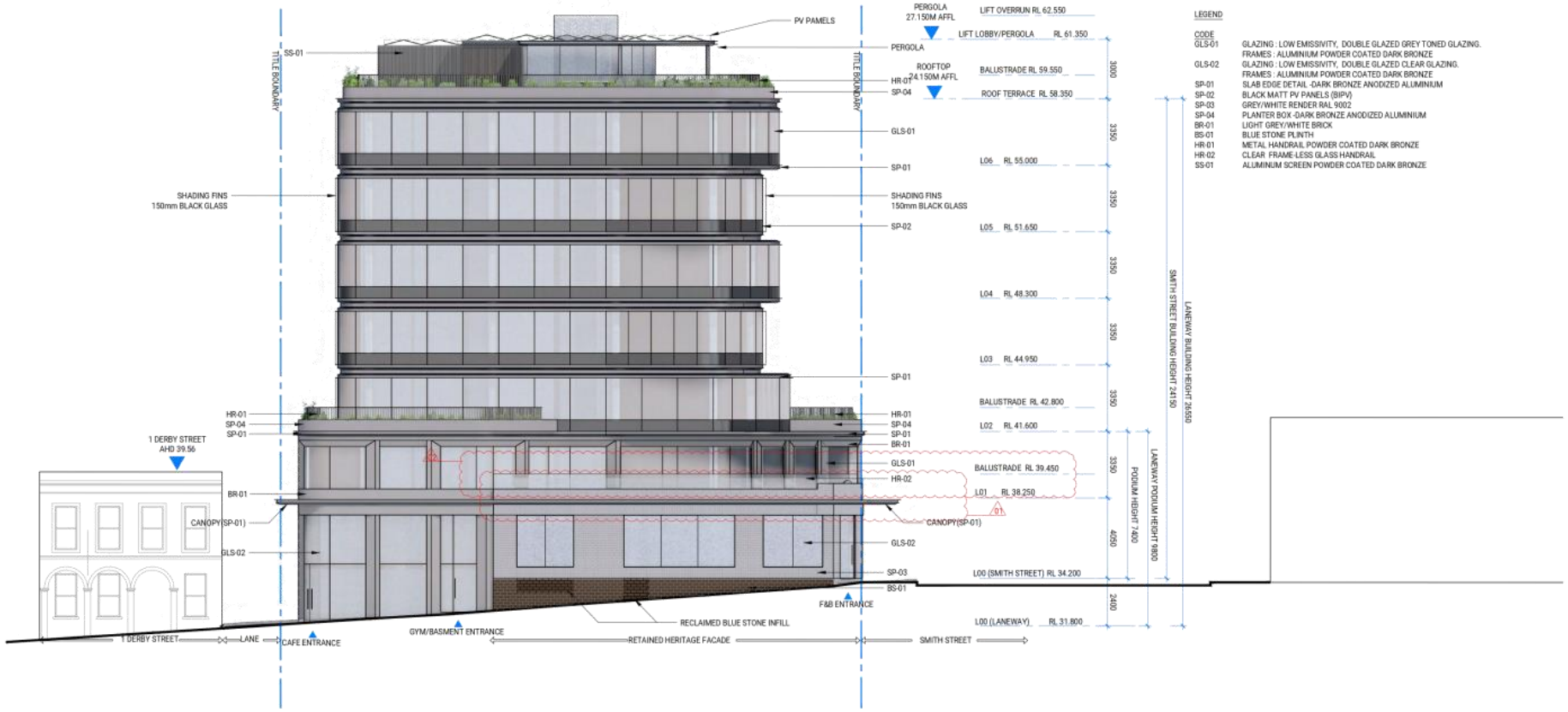
DRAWING STATUS
TP

Mar 16, 2021 - 11:58am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01- A SOLID CANOPY ON THE GROUND LEVEL AT THE NORTH WESTERN ENTRANCE ADDED, REFER TO WIND CONSULTANT'S RECOMMENDATION
02 - AMENDED ELEVATIONS TO DEMONSTRATE THE EXTENT OF GLAZING PROPOSED ADJACENT TO THE HERITAGE PARAPET OF No.52 SMITH STREET



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SCALE@A3 1/200

PRELIMINARY
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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
NORTH ELEVATION - DERBY STREET

PROJECT NUMBER
XO20009

DRAWING NUMBER
A0901

DRAWING STATUS
TP

Mar 16, 2021 - 11:57am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01- A SOLID CANOPY ON THE GROUND LEVEL AT THE NORTH WESTERN ENTRANCE ADDED, REFER TO WIND CONSULTANT'S RECOMMENDATION



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PRELIMINARY
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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
EAST ELEVATION - LANEWAY

PROJECT NUMBER
XO20009

DRAWING NUMBER
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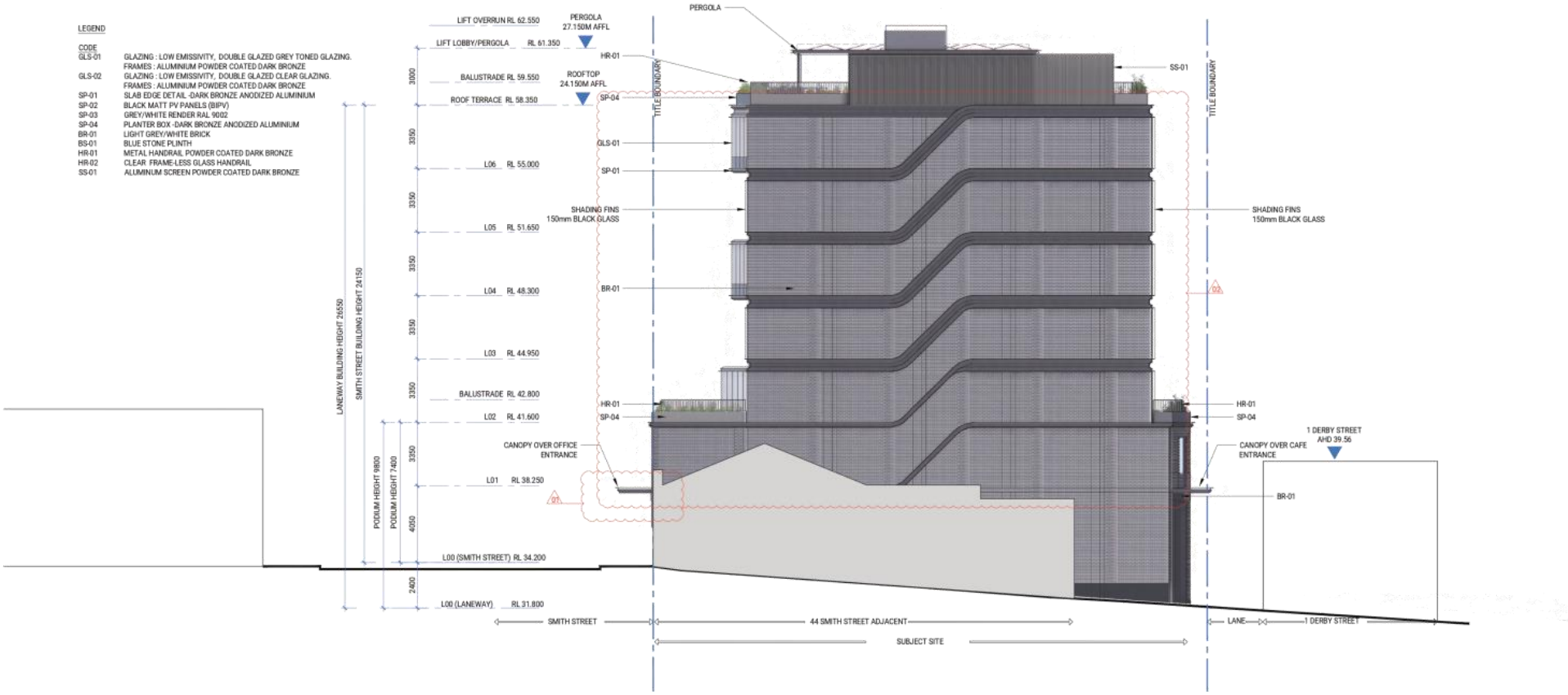
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Mar 16, 2021 - 11:58am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - REDUCED SIZE OF CANOPY ALONG SMITH STREET TO COMPLY WITH THE 750 SETBACK FROM PEDESTRIAN KERB, THE DIMENSION OF CANOPY ADDED
02 - DESIGNED VISUAL INTEREST ELEMENTS ADDED ON THE SOUTH BLANK SIDE WALL



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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
SOUTH ELEVATION

PROJECT NUMBER
XO20009

DRAWING NUMBER
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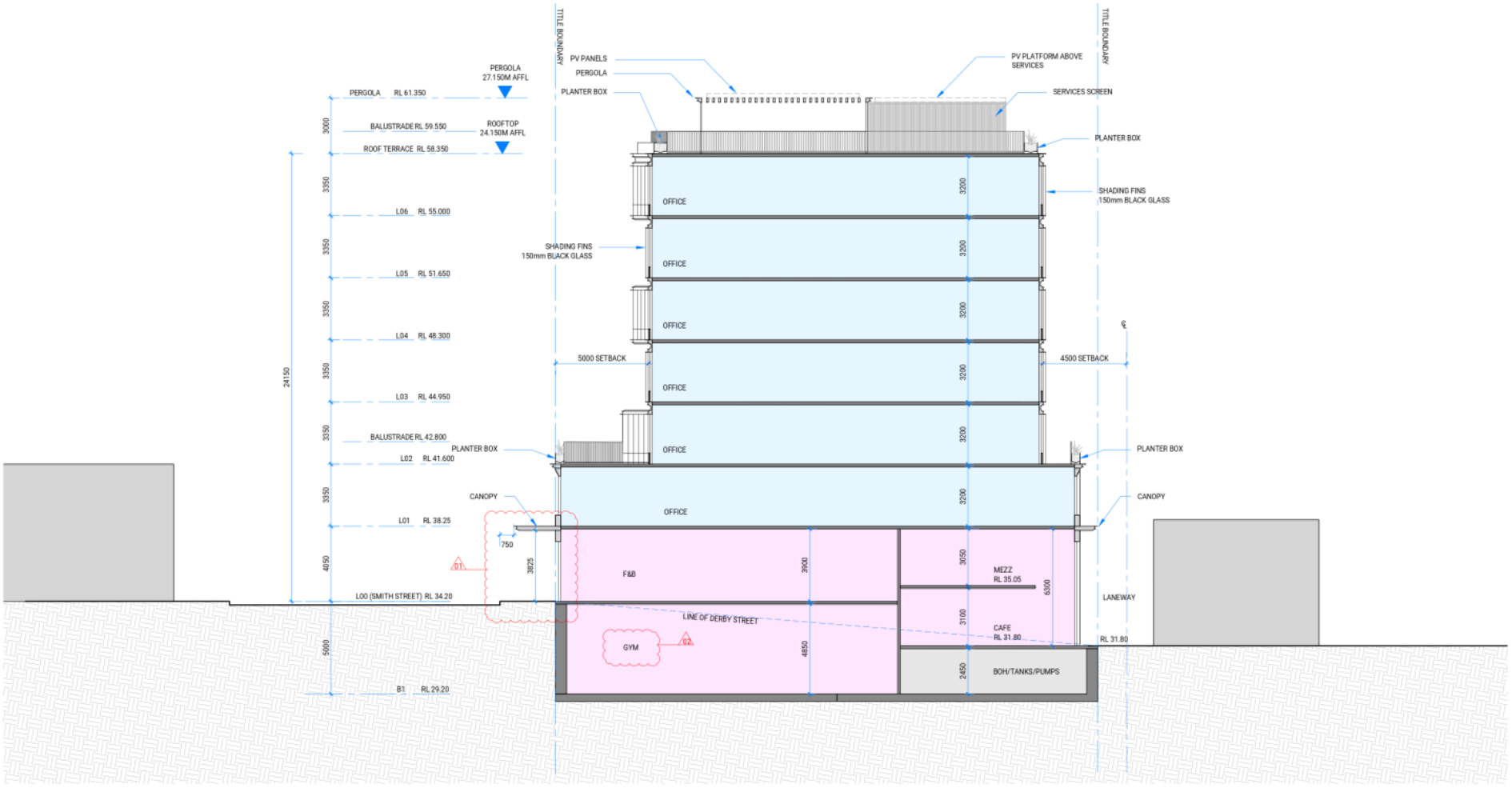
DRAWING STATUS
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Mar 16, 2021 - 11:58am

Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - REDUCED SIZE OF CANOPY ALONG SMITH STREET TO COMPLY WITH THE 750 SETBACK FROM PEDESTRIAN KERB, ADDED THE DIMENSION FOR THE HEIGHT OF CANOPY
02 - THE ANNOTATION OF BASEMENT CHANGED FROM F/B TO GYM



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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
SECTION AA

PROJECT NUMBER
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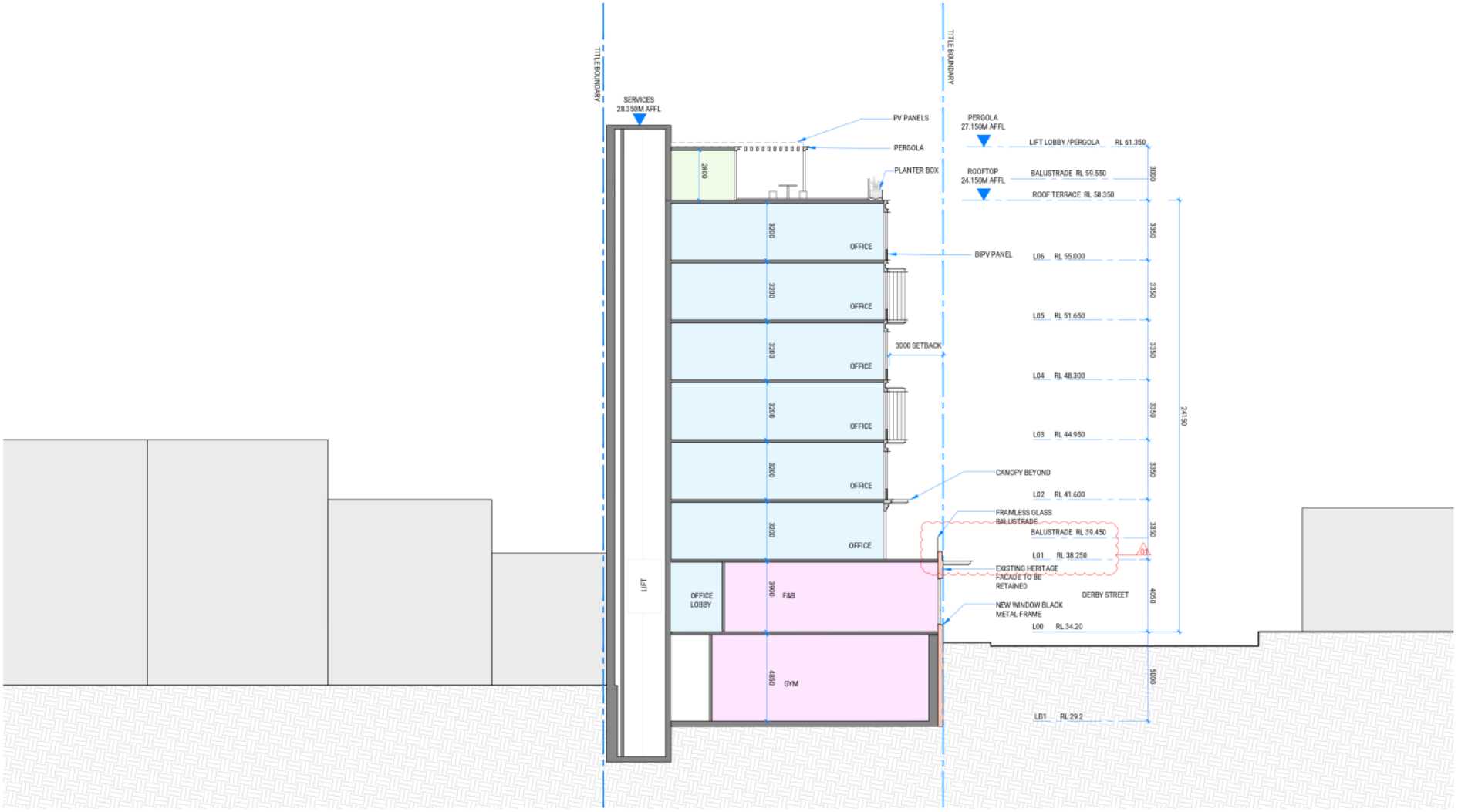
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Attachment 1 - PLN21/0042 - 46 - 52 Smith Street Collingwood - Advertising S52 - Plans

REVISION NOTES

01 - UPDATED THE BALUSTRADE HEIGHT TO 1.2M



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PROJECT TITLE
46-52 SMITH STREET, COLLINGWOOD, VIC 3066

CLIENT
THREE TOWERS GROUP

DRAWING TITLE
SECTION BB

PROJECT NUMBER
XO20009

DRAWING NUMBER
A0951

DRAWING STATUS
TP

Mar 16, 2021 - 11:58am

Attachment 2 - 46-52 Smith Street, Collingwood - Sketch Plan



Attachment 3 - 46-52 Smith Street, Collingwood - Wind referral comments

MEL CONSULTANTS

(ACN 004 230 013)

22 CLEELAND ROAD
SOUTH OAKLEIGH VIC 3167
AUSTRALIA

Ref: 45-21-DE-REV-00

05 May 2021

City of Yarra
PO Box 168
Cremorne VIC 3121

Attn: Lara Fiscalini

Dear Lara,

46 – 52 Smith Street, Collingwood
Review of Global Wind Technology Services Pty Ltd (GWTS)
Desktop Pedestrian Level Wind Study
GWTS Document Number: GWTS-DPR-10180-2021-0
dated 5 March 2021

The review of the Global Wind Technology Services Pty Ltd (GWTS) Desktop pedestrian level wind study is based on MEL Consultants' experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 40 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review. Our comments are as follows:

- The GWTS Desktop Pedestrian Level Wind Study has been prepared based on the experience of the consultancy and no wind tunnel testing by GWTS has been carried out to support the report. MEL Consultants have no issue with this approach for a desktop study as this is a common approach to provide architects, developers, and responsible authorities advice on the wind effects of the design.

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- MEL Consultants have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. GWTS has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a desktop wind impact assessment. A clear description of the 46-52 Smith Street Development, Collingwood has been provided along with reference drawings are listed in the Appendix of the report. The main building entrances are located on Derby and Smith Streets.

- MEL Consultants have no issue with the assessment criteria that GWTS have used for the desktop assessment. The recommended criteria for the immediate surroundings streetscapes would be walking comfort and standing comfort for the entrances to the building. The assessment clearly discusses the rationale for recommending the walking criterion for the terraces and there is no issue with this recommendation.

- GWTS have assessed that the wind conditions at the main entrances along Derby and Smith Streets would satisfy the standing comfort criterion, with the incorporation of a canopy of at least 1.5m wide at the northwest entrance. MEL Consultants would agree with the above assessment at entrances away from the northeast and northwest corners of the building but would query if the standing comfort criterion can be achieved at the northeast and northwest corner entrances with the proposed ~1m and ~2m wide canopies respectively. The downwash from the north and west face exposed to the strong northerly and westerly winds would be expected to flow around the corners and under the corner canopies. In MEL Consultants' experience, these canopies would need to extend further along Derby and Smith Streets to deflect downwash from the broad faces of the building. GWTS have noted that the canopy width at the northwest corner would need to be confirmed by a wind tunnel model study and MEL Consultants agree with this recommendation. MEL Consultants would also suggest extending the wind tunnel model study to confirm the wind conditions at the northeast corner entrance.

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- GWTS has identified a substation entrance near the southeast corner of the building but have not provided an assessment of the wind conditions at that entrance. MEL Consultants would expect the wind conditions at the substation entrance to satisfy the standing comfort criterion.

- MEL Consultant also note that GWTS has not provided an assessment of the wind conditions in the streetscapes away from the entrances and whether these conditions would satisfy the recommended walking comfort criterion.

- GWTS have assessed the wind conditions on the terraces located on Levels 1, 2 and 7 may approach the walking comfort criterion and have recommended minimum balustrade heights of 1.2m for these terraces. GWTS have noted that these balustrade heights are to be confirmed by a wind tunnel model study and MEL Consultants have no issue with these recommendations.

In conclusion, the GWTS Desktop Pedestrian Level Wind Study has been prepared based on the consultant's experience of wind flow around buildings and structures. We have no issues with the Analysis Approach, Site Exposure, Regional Wind Climate, and description of the development used in the preparation of the assessment. This is consistent with the approach MEL Consultants would take to prepare a similar desktop environmental wind assessment. GWTS have assessed the wind conditions outside the building entrances as satisfying the standing criterion with the inclusion of a canopy near the northwest corner, the extent of which to be confirmed by a wind tunnel model study. GWTS have identified an entrance to the substation near the southeast corner of the building but have not provided an assessment whether the wind conditions at that entrance would achieve the standing comfort criterion. MEL Consultants, based on the assessment criteria, would expect the wind conditions at the substation entrance to satisfy the standing comfort criterion. GWTS have not provided an assessment whether wind conditions in the surrounding streetscapes would satisfy the walking criterion. GWTS have made recommendations for the minimum balustrade heights for the terraces to satisfy the walking criterion and have noted that the balustrade heights are to be confirmed by a wind tunnel model study. MEL Consultants

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have no issue with the recommendations for the terrace balustrades and the confirmation by a wind tunnel model study.

Prepared by:

Y. Padayatchy
MEL Consultants Pty Ltd

Reviewed and Released by:

M. Eaddy
MEL Consultants Pty Ltd

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Attachment 4 - 46-52 Smith Street, Collingwood - Streetscapes comments

CITY OF YARRA

diverse
vibrant
exciting
inclusive

Memo

TO: Lara Fiscalini

Cc: Glen Williames

From: Justin Bates

Date: 19 April 2021

Subject: PLN21/0042 – 46-52 Smith St Collingwood

Hi Lara,

The three street trees around the site have an appox value $10,000, to cover the cost of amenity and replacement should they be damaged during the build.

A tree management plan will be required, as well as TPZ fencing as per AS4970.

There is a roadway tree that was remove due to being hit by a car in Derby st near the crn of Smith. This tree will be replaced this year during infill, and will also need to be protected. Should you require any more information, please contact me

Regards
justin

Attachment 5 - 46-52 Smith Street, Collingwood - Strategic Planning comments

CITY OF YaRRA **File Note**

Date: 7 June 2021

Property Address: 46-52 Smith Street, Collingwood

Application No: PLN21/0042

Officer: Joerg Langeloh

COMMENTS:

General

The site is within the requested interim DDO37 Smith St North and South as part of C272. The Minister for Planning has not made a decision at this point. As a result, the interim DDO37 is not part of the Yarra planning scheme at this point.

It is anticipated that the permanent amendment process be initiated later this calendar year.

Bulk Requirements of requested interim DDO37:

- The bulk requirements in the requested interim are:
  - New discretionary street wall of max. 11.2m;
  - Discretionary upper level setback of min. 8m;
  - Discretionary max. building height of 20.8m (excl. lift overrun) – numerous conditions need to be met to exceed the discretionary building height, including not causing additional overshadowing;
  - Common boundary separation of 4.5m, measured from the laneway;

Other Requirements:

- Also important to note is the mandatory overshadowing requirement to not overshadow the opposite footpath of Smith St at the equinox.
- Next to others, there are other design requirements in the interim DDO37, incl.:
  - Horizontal and vertical emphasis;
  - the avoidance of large expanses of horizontal glazing (except for the ground level); and
  - achieving a suitable ratio of solid and void elements in the façade.

Conclusion
As a decision on interim DDO37 has not been made yet, it is Strategic Planning's understanding that the DDO cannot be relied upon for decision making as of yet.

Whether or not the overall height would be appropriate would depend on the analysis against the conditions for discretionary heights.

Attachment 5 - 46-52 Smith Street, Collingwood - Strategic Planning comments

The upper level setbacks from Smith and Derby St would not be compliant, but whether or not that could be appropriate depends on the overall assessment and how the proposal fits in with its surrounds.

The upper levels appear to over-emphasise the horizontal and rely on glazing. This could be amended by providing a different balance in solid & void elements through some vertical elements and warmer materials and colour.

Attachment 6 - 46-52 Smith Street, Collingwood - Open Space comments

CITY OF YaRRA **File Note**

Date: 13 April 2021

Property Address: 46-52 Smith Street, Collingwood

Application No: PLN21/0042

Officer: Julia Mardjuki

Open Space referral comments:

(a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
(b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
(c) provide details of the *proposed method for irrigation and drainage;*
(d) detail the *maintenance (duration, regime) and irrigation;*
(e) show the materiality of the proposed spaces;
(f) provide a specification of works to be undertaken prior to planting;
(g) further detail on any sustainable treatments and water harvesting methods ;and
(h) detail plant/planting maintenance schedules and requirements.

Attachment 7 - 46-52 Smith Street, Collingwood - Internal UD comments

MEMO

To:	Lara Fiscalini (Statutory Planning)
From:	Christian Lundh (Urban Design)
Date:	16 April 2021
Site Address:	46-52 Smith Street, Collingwood
Application No:	PLN21/0042
Description:	Full demolition of 46 & 48 Smith Street and partial demolition of 50-52 Smith Street, construction of an 8-storey development, use of the land for restricted recreation facility (gymnasium), food and drink premises and office (permit required for gymnasium) and a reduction in the statutory car parking rate.

COMMENTS SOUGHT

Urban Design comments have been sought on following matters:

- Public realm interface to Smith Street and Derby Street.
- Whether there are any capital works approved or proposed within the area of the subject site.

These comments are provided on Plans:

- *Architectural plans and elevations, prepared by XO Projects, dated 24 February 2021*
- *Landscape plan, prepared by XO Projects, dated 11 March 2021*

The extent of this review is limited to the proposed development's integration with the streetscape and public realm and excludes landscaping within the building and rooftop landscapes.

COMMENTS SUMMARY

This proposal is supported in principle, subject to the improvements outlined below, including the following:

- A landscape plan to be submitted to Council for review prepared by a suitably qualified Landscape Architect or Landscape Designer.
- All existing street trees adjacent to the subject site to be shown as retained and shown on all ground floor plans.
- Provision of additional on street bike parking on Derby Street and within the subject site boundary by the rear laneway.

There are no known planned/approved capital works around the site being led by the Urban Design Team at the date of preparing this memo.

Additional Information Required

The following details are required on the drawings:

- Footpath dimensions.
- The exact location of the existing streetscape fixtures and street trees.
- On-street parking bays.
- Drainage including any side entry pits.

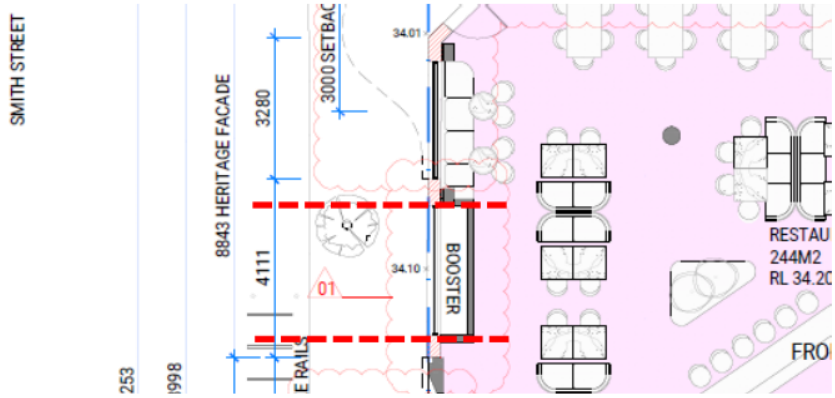
Additional details required on the drawings are also set out in the relevant sections below.

URBAN DESIGN COMMENTS

Ground Floor Interface

The ground floor interfaces are in principle supported, with the F&B venues activating the street frontages including the threshold to the laneway from Derby Street.

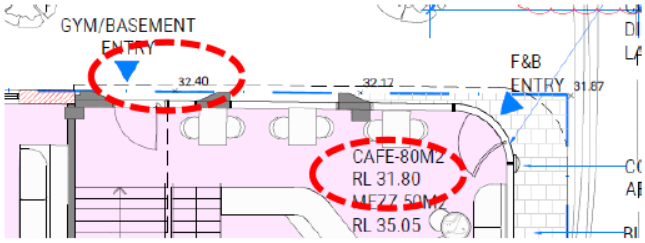
- Confirmation is required that the booster location is compliant with all relevant standards and access requirements, given that the proposed location has not a clear access from the street with bot an existing tree and existing on street bike rails within the access alignment (as indicated with the red lines below).
  Tree removal / pruning to accommodate any access requirements to the booster will not be acceptable.
  Repositioning of the existing bike rails to accommodate any access requirements must be negotiated including but not limited to Council Strategic Transport, Traffic, and Engineering teams accordingly.



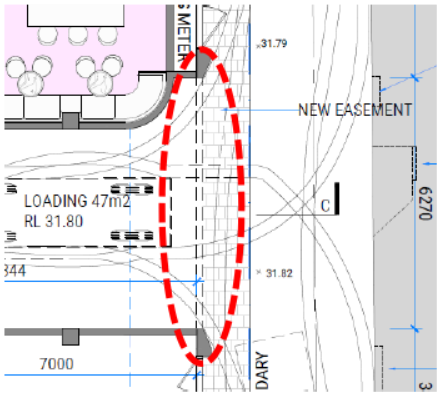
Attachment 7 - 46-52 Smith Street, Collingwood - Internal UD comments

Pedestrian and Vehicular Entrances

- Confirmation that the gym entrance design and be DDA compliant given the noted level difference between the existing footpath and proposed internal floor RL is 600mm, as highlighted in screenshot below.
    - If any steps, handrails, tactiles will be required, then these must be accommodated for within the subject sites boundary and must not protrude or be located within the public realm/footpath space.



- Confirm that the location for the proposed roller door to the loading area from the laneway is in-line with the dash lines on the plan, no call out on plan noted. Concern if the roller door is setback from the building line that a space for loitering will be created.



- Confirm if there will be any façade / external lighting in the laneway to improve the safety and amenity in this space, noting that consideration regarding light-spill into adjacent properties must be considered.

Street Furniture & Fixtures

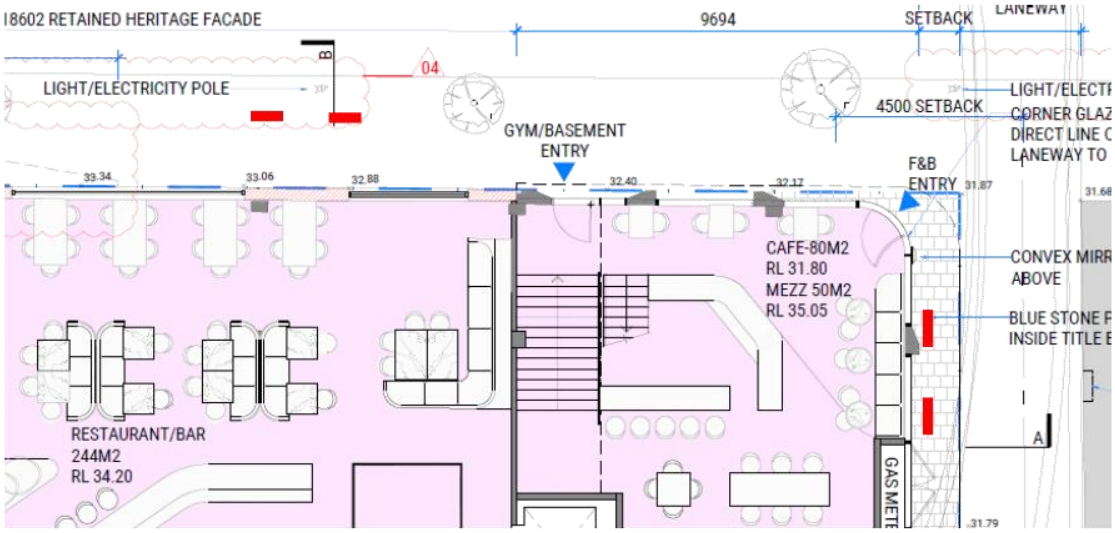
Recommended integration of public accessible bike hoops (refer locations in screenshot overleaf);

- Derby Street - two (2) no bike hoops on either side of the existing power pole, pending underground services assessment; and
- Rear laneway - two (2) no bike hoops located parallel with building within the subject site boundary, ensuring access requirements to gas meter and swept path clearances are not impaired.

The YCC standard details are currently being revised to ensure compliance with Australian Standards and required offsets are more apparent. Please refer to UD Standard Details - WIP-Bike Hoops drawing (attached) and further consider below set-out dimensions;

- As per Australian Standards bike hoops need a 1 metre by 1.8 metre clearance around them to allow enough space for parked bikes; and

Distance between two bicycle boxes should be 0.6m to allow safe access to cyclist parked on the kerbside without a need to walk on the tree pit and/or the garden bed area.



Pavements

- Confirm paving material along slivers between building and asphalt footpaths.
- All pavements along Smith Street, Derby Street are to be reinstated to match the existing with asphalt pavement with bluestone kerbs and channels as per City of Yarra's Infrastructure – Road Materials Policy.
- Further details are requested regarding the rear laneway including but not limited to the following items;
    - Proposed bluestone paving details within the subject site boundary including interface detail to the laneway asphalt pavement; and
    - Additional levels and drainage design for the laneway including potential requirements for a central bluestone channel as per Council standard details noting that this will require further review by Council engineering team.
    - All proposed pavement to comply with relevant Australian Standards including slip resistance.

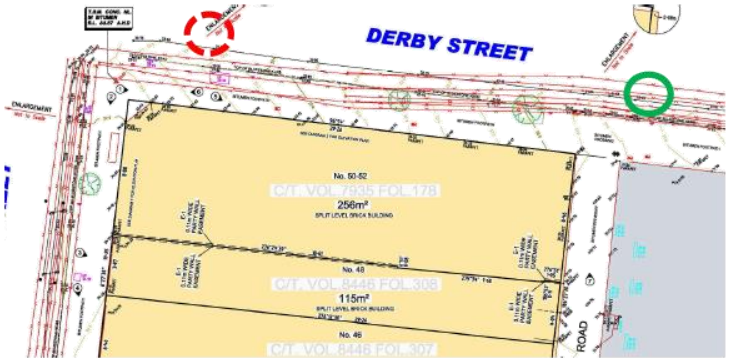
Street Tree Planting

- The tree highlighted in street view below on the corner Derby Street and Smith Street, is missing from the survey including tree cut out. From desk top review of aerials, the tree appears to have been removed. It can be anticipated that Council will replace the tree like for like in the same position in due course.



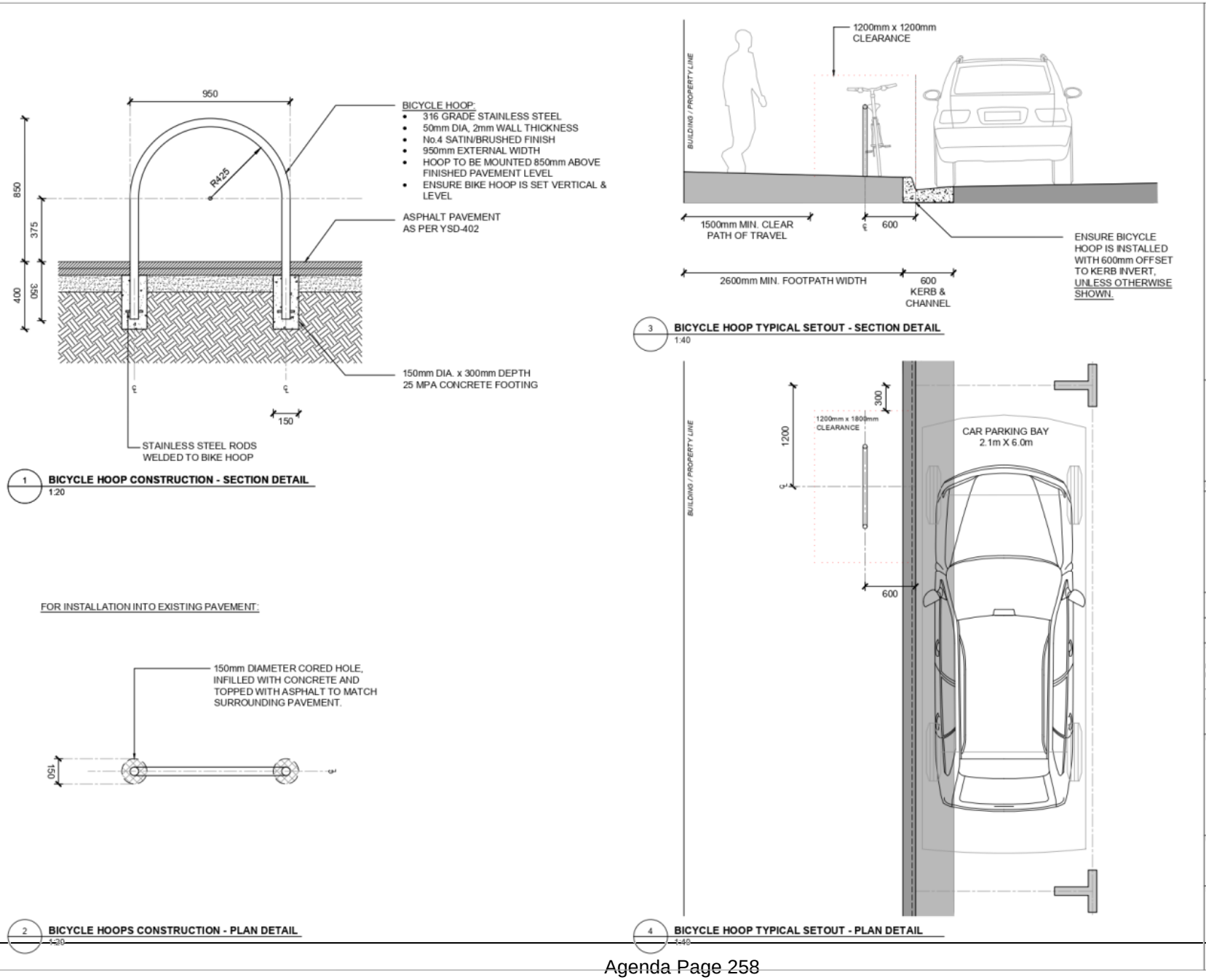
Attachment 7 - 46-52 Smith Street, Collingwood - Internal UD comments

- Show all existing trees and tree cut outs affected by the proposal, including cut out for 'missing' tree as noted in aforementioned comment, refer indicative mark-up below.



- The tree shown on the plans as proposed in the footpath by the corner on Derby Street and Smith Street, will not be required in lieu of the anticipated replacement of a removed street tree as per aforementioned comments.
- Tree protection plan must be submitted to Council for review.
- Note that trees managed by the Council must be protected during any construction activities in accordance with the Australian Standard for the Protection of Trees on Development Sites (AS 4970-2009).

Attachment 7 - 46-52 Smith Street, Collingwood - Internal UD comments



Attachment 8 - 46-52 Smith Street, Collingwood - Heritage referral comments

ANITA BRADY HERITAGE

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MEMORANDUM

TO	Lara Fiscalini	FROM	Anita Brady
RE	46-52 Smith Street, Collingwood	DATE	20 May 2021

Introduction

This memorandum has been prepared for the City of Yarra and includes a heritage assessment of proposed works to 46-52 Smith Street, Collingwood. The works include demolition of non-contributory buildings, partial demolition of contributory heritage buildings and works/modifications to the retained fabric, and construction of a seven/eight-storey building.

The assessment addresses the heritage considerations associated with the proposal, with the following tasks undertaken:

- Review of application documentation including:
  - Architectural plans and drawings, including a landscape plan, prepared by XO Projects (February 2021)
  - Heritage Impact Statement, prepared by Bryce Raworth Pty Ltd (December 2020); the HIS report contains a history and overview of the property which is cited below
  - Town Planning Report, prepared by Urbis (December 2020); this report includes montages/renderings of the proposed development
  - Urban Context Report, prepared by XO Projects (March 2021).
- Inspect property (external from the public realm) and the immediate heritage precinct/heritage context of the property.
- Review the Yarra Heritage Overlay considerations, including Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay, Clause 43.01 Heritage Overlay and relevant heritage studies and reports.

Heritage considerations

The property is in the Smith Street South Precinct (HO464), which continues (and adjoins) to the north, south and west of the property (see Figure 1). As per the City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, the property gradings are as follows:

- Nos 46, 48 and the rear of 48 Smith Street are not contributory
- No 50 is contributory
- No 52 (to the corner and described as 'shop and residence') is contributory

Nos 50-52, and the rear boundaries of the other buildings on the site, adjoin (to the east) HO98 which is 'Derby House', at 1 Derby Street; and east again HO100 which is a Victorian terrace row at 3-7 Derby Street. The proposed development site, therefore, is effectively surrounded by properties included in the Heritage Overlay.

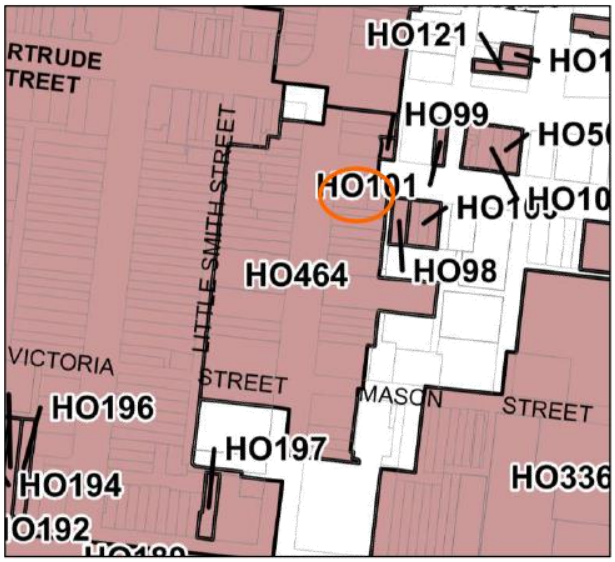


Figure 1 Extract from Heritage Overlay map, with subject property indicated
Source: Planning Schemes Online



Figure 2 Recent aerial image of subject property
Source: Nearmap March 2021



Figure 3 Subject property, western presentation to Smith Street; the contributory 50-52 Smith Street is at left



Figure 4 Subject property, northern presentation to Derby Street; showing the long north elevation of 52 Smith Street



Figure 5 Subject property, corner presentation



Figure 6 Derby Street, with east end of subject property at right

Description

Subject property

The property comprises to its western half (Smith Street) several single-storey rendered and/or overpainted brick retail/commercial buildings (shops) with hipped and/or gabled roof forms. On its eastern half, and allowing for the drop in grade, the property comprises two-storey brick buildings (rear wings) which adjoin a narrow lane on the east side of the property. Derby Street adjoins the north side of the property. The property has no setbacks to the street or laneway frontages.

According to the Raworth HIS report (pp.3-4):

> Sands and McDougall Directories indicate that the shop at 46 Smith Street dates to c1875-1880 with three shops at 48-52 Smith possibly built c1885-1890 as a matching group. An 1899 MMBW plan shows all of the shops with a continuous verandah to Smith Street and cellars under the rear wings. The MMBW plan also indicates that the shops formed part of a mixed streetscape containing a significant proportion of residential buildings, as well as parcels of vacant land. This is in marked contrast to Smith Street north of Gertrude Street where the tram line provided the impetus for intensive commercial development, including grand retail emporia. In the early decades of the twentieth century the dwellings on Smith Street south of Gertrude Street were gradually replaced with retail buildings and some small factories and workshops.

And:

> In terms of the current state of the buildings on the subject site, the verandah to Smith Street has long since been removed and the shopfronts at 46 and 48 Smith Street have been entirely rebuilt (presumably in the post war period), leaving no evidence of their original Victorian architectural character. The shops at 50-52 Smith have a fairly plain rendered masonry Victorian facade with a quarry faced bluestone plinth to the Derby Street elevation. The hipped corrugated iron roofs are concealed by a parapet that is plainly detailed apart from a moulded string cornice and anthemion motifs. The corner door is modern and the shopfront to 50 Smith Street has been rebuilt without an entrance. Alterations to the Derby Street elevation include non-original window openings and the raising of the parapet using face brickwork. The double-storey wing on the Derby Street elevation may have been built c1940 when 50-52 Smith Street was occupied by an upholster.

Figures 5 and 7 of the Raworth HIS report identify original and modified elements of the Smith and Derby streets elevations of 50-52 Smith Street.

In summary, the contributory buildings at 50-52 Smith Street date from the period c.1875 to 1880; have modified rendered masonry facades, including modified openings, with a bluestone plinth to Derby Street; and have plainly detailed parapets with a moulded string cornice and anthemion motifs, which largely conceal the hipped roof forms. There is a chamfered corner entrance with a modern door set under a modern box awning. The Derby Street elevation of no. 52 is also modified with later windows and a door opening and a parapet which has been raised in brickwork. The rear two storey wings likely date to c.1940.

Heritage context

As noted, the subject property is in the Smith Street South Precinct (HO464) and is adjoined to the east by the individual HO98 which is 'Derby House' at 1 Derby Street; and east again by HO100 which is a Victorian terrace row at 3-7 Derby Street.

The east side of Smith Street, in the HO464 precinct, was formerly in the HO333 Smith Street Precinct. Further, the current precinct citation and statement of significance for HO464[1] largely concentrates on the west side of Smith Street in Fitzroy, which was added to the Heritage Overlay to form HO464.

Acknowledging this, the subject precinct is largely of commercial heritage character, with buildings and development from the nineteenth century, together with some later development. As with HO333 further north, the boundary largely follows the rears of properties to both the Fitzroy and Collingwood sides of the street. Valued development in the precinct is mostly of brick and/or render construction, of two storeys, with some more limited single-storey buildings (as per the subject site). The ground floors (shopfronts) have mostly been altered, while the parapeted first floors tend to be more intact. When viewed from Smith Street there is rarely a sense of the depth of buildings or blocks excepting the corner sites, again as per the subject property. There is some recent infill/residential development in the precinct, of three to four storey scale, including some visible development to the rears of buildings fronting Smith Street, albeit not in proximity to the subject site.

Adjoining to the east, over the laneway, is 'Derby House' (HO98) at 1 Derby Street, also known as 'Adamson House'. This dwelling dates from about 1874 and is described as:[2]

> …a two storey double-fronted asymmetrical rendered brick house, attached to the terrace at Nos. 3-7. The ground floor has a three-bay arcaded loggia, with moulded heads and keystones, at the eastern end, and a single window on the street alignment to its right. The first floor comprises four single windows with rendered moulded dressings and bracketed sills. There is a dentillated moulded string course at first floor level, and the first floor has quoining. The parapet has a moulded cornice. The windows are timber-framed double-hung sashes.

In terms of significance:

> The house at 1 Derby Street is of local architectural significance. It is an unusual example of a double-fronted, arcaded terrace-style house, which forms a visual unit with the similarly-styled terrace at Nos. 3-7. As a group these buildings are an important heritage element in an area of Collingwood which has been substantially eroded by later development.

Regarding the terrace row at 3-7 Derby Street (HO100), this is referred to in the above quotes, and as:[3]

> The terrace at 3-7 Derby Street, Collingwood, is a row of three attached double storey rendered brick houses, attached to Derby House at No. 1. The ground floors each have three-bay arcaded loggias, with moulded heads and keystones. The first floors each comprise three single windows with rendered moulded architraves and bracketed sills. There is a dentillated moulded string course at first floor level, and the first floor has quoined

panels dividing each dwelling's facade. The parapet has a moulded cornice. The windows are timber-framed double-hung sashes.

In terms of significance:

> The houses at 3-7 Derby Street is of local architectural significance. It is an unusual and elegant example of an arcaded terrace, which forms a visual unit with the similarly-styled Derby House at No. 1. As a group, these buildings are an important heritage element in an area of Collingwood which has been substantially eroded by later development.

Proposed works

The proposed works include demolition of non-contributory buildings, partial demolition of contributory heritage buildings and works/modifications to the retained fabric, and construction of a seven/eight-storey building.

The demolition of the non-contributory buildings is not further described here.

The proposed partial demolition of the contributory heritage buildings at 50-52 Smith Street involves all the roof forms and roofing materials, and the rear wings including the north elevation of the later two-storey wing of no. 52 which is visible to Derby Street. The façade to Smith Street will be retained, together with the chamfered corner, and a section of the north elevation of no. 52 (extending for some 18m along Derby Street).

Works to the retained walls and fabric of 50-52 Smith Street include:

- replacement of a large infilled (blind) shopfront window to the façade of no. 50 with a fire booster cupboard
- removal of the modern box awning over the chamfered entrance
- works to the fabric and openings on the north elevation of no. 52 including:
    - (middle section of elevation) removal of wall fabric and door, and modification of existing window, to create a large new window; plus reinstatement of bluestone plinth to its original level
    - (east section of elevation) removal of wall fabric and modification of two existing windows, to create a large new window; plus reinstatement of bluestone plinth to its original level
- modern glazing suites will be inserted into the existing and modified openings to both street elevations.

The retained external walls of 50-52 are shown in the plans as being repainted or re-rendered in a grey-white colour. While 'reclaimed' bluestone is shown as being reinstated to the plinth, it is unclear if the existing paint is proposed for removal from the stone plinth. Also, the plans indicate a slender canopy is proposed for the retained walls, just below the cornice line; however the montages/renderings in the Town Planning Report do not show a canopy associated with the heritage fabric.

The new building will have hospitality and office uses and will comprise a basement level with seven/eight levels above including a rooftop level. The levels above the retained heritage building walls will have setbacks of 3m to 5m at levels 1 and 2, with some variation at levels 3 to 6 including some lesser setbacks. Above the space not defined by the retained heritage walls, the setbacks will also vary from limited to more generous, while generally maintaining greater setbacks to Smith as opposed to Derby streets. On the east side, where the new building

adjoins the significant heritage dwellings on Derby Street, albeit separated by the lane, the setback of the new building levels to the west elevation of 1 Derby Street will be in the order of 6m.

The overall effect will be of slightly 'overlapping' building levels, with some floor plates expressed as canopies. Terraces, with landscaped edges, will be sited in the setbacks including a large terrace at level 1 behind the parapet of the retained heritage walls.

Materials for the new building include extensive use of tinted glass with bronze detailing and black matt panels. Pale brickwork will also be used on the lower levels of the new building to Smith and Derby streets.

Assessment of proposal

The following assessment has had regard for Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay and Clause 43.01 Heritage Overlay.

Of the former, the relevant policy on partial demolition is cited (summarised):

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

And for the new development/additions:

> Corner Sites and Sites with Dual Frontages
>
> Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.
>
> Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

And:

> Industrial, Commercial and Retail Heritage Place or Contributory Elements
>
> Encourage new upper level additions and works to:
>
> - Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.

- Incorporate treatments which make them less apparent.

Introductory comment

This assessment has had regard for the non-contributory and contributory gradings of the buildings on the subject site, while also recognising the modified form and presentation of the contributory 50-52 Smith Street. This allows for some more flexibility to be applied than would be the case, for example, with a more intact and highly graded building.

However, there is also the heritage precinct and Heritage Overlay context, including the valued heritage character of the HO464 precinct and predominance of low-scale heritage buildings in the precinct; the fact of the precinct being comparatively small and contained and not including any of the more substantial recent developments referred to in the planning application; and the fact of the subject site being at a prominent and highly visible corner in the precinct.

The heritage sensitivities which arise from the adjoining individual Heritage Overlay places in Derby Street, again low-scale historic development, are also relevant.

The recent VCAT decision for 14-18 Smith Street Collingwood (reference No. P715/2020), which is another corner site in the HO464 precinct to the south, has also been referred to. While the Tribunal did not approve that proposed development, it is understood that the Tribunal was generally comfortable with a seven-storey development on that site, with greater setbacks to Smith Street than proposed here. That site, and development, also involved a significant graded building (British Crown Hotel).

Demolition/treatment of the retained heritage building facades

The overall outcome for the contributory 50-52 Smith Street is generally acceptable, including the proposal to restore areas of the original bluestone plinth, albeit some recommendations are made below regarding works to the north elevation.

The proposed removal of the rear wings and roof is also largely acceptable. The roof is not a highly visible element of the contributory building, and the rear wings are utilitarian later elements. The partial demolition also retains most of the remaining Victorian-era facades and visible fabric, which are the more contributory elements of the subject site.

However, while accepting that 50-52 Smith Street already has non-original and modified window openings, a combination of removal of wall and modification to existing openings on the highly visible and exposed north elevation will result in three large windows taking up most of the retained elevation. This will have the effect of giving the building an unsympathetic 'hollowed out' appearance. To be more sympathetic to the traditional form or condition, a reduction in the extent of glazing/opening is recommended, with more solid wall retained or introduced. Preferably this would at a minimum involve a reduction in the width/extent of the largest of the three windows (middle window).

Clarification is also sought on other works to the retained heritage building/walls, including whether the existing paint is proposed for removal from the bluestone plinth – which is recommended - and whether a canopy is proposed for the retained walls.

New building

The architectural design and expression of the new building/levels is generally acceptable, including the materials and the brick treatment of the new levels to Smith and Derby streets.

However, removal of a level (one storey) from the proposed development, and a limited increase in the setbacks to Smith and Derby streets are recommended here and explained below.

The new building, at seven/eight storeys, is out of scale with development in this precinct. It is also out of scale with the adjoining heritage development on Derby Street. The nearby recently completed eight storey development to the east on Derby Street, to the corner of Oxford Street, is not in the Heritage Overlay.

With reference to the Town Planning Report (Urbis, December 2020), the 'nearby developments' identified at page 10 are also not all in a Heritage Overlay. Further, of the images of six recent developments on page 11 of the report, five are not in the Heritage Overlay in Yarra and one is a five-storey development in a different Yarra precinct (166-182 Gertrude Street). The report, at page 23, also cites a recent eight storey development which has been approved for 42-44 Oxford Street, but this again is not included in the Heritage Overlay. While the evolving character of Collingwood generally, and of some sites and areas in proximity to the subject property is acknowledged, there remains a distinction between what has been approved and is seen as acceptable or appropriate in Yarra's heritage precincts as opposed to areas and developments outside the precincts. This is particularly evident in Collingwood.

As noted, the proposal is broadly similar in its height and general approach to what VCAT considered reasonable for 14-18 Smith Street, albeit this development was not approved by the Tribunal. Relating that development and decision to the subject proposal, this is a situation where more limited setbacks are proposed for a lesser graded building but one which largely shares the heritage context and sensitivities of 14-18 Smith Street in terms of the height and interface with the HO464 precinct and Smith Street. This proposal also has the added heritage sensitivities of the adjacent Heritage Overlays on Derby Street.

Having regard for all the above, a reduction in the height of the proposed building, by one storey, will bring it in line with the VCAT decision for 14-18 Smith Street. This will also reduce the height of the building in the Derby Street context which is, as noted, a point of difference to the proposed development to the south. An increase in the western setback of the upper levels to Smith Street (levels 2 to 6) from 5m to 6m, is also recommended. This will help moderate the scale of the building in the lower-scale precinct and assist the new development to be less prominent to Smith Street. It will also help to reinforce the complementary streetscape height of the lower levels of the development to the precinct.

On Derby Street, an increase in the northern setback of the upper levels from 3m to 3.5m is also recommended. While minimal, this together with the height reduction, will improve the outcome for the sensitive heritage context on the north and east of the site, and help moderate the impact of the scale of the new building on this section of lower scale streetscape and adjoining heritage buildings.

---

1 City of Yarra Heritage Gaps Study – Smith Street South, Anthemion Consultancies, 2014

2 http://vhd.heritage.vic.gov.au/local/result_detail/103602?page=1&type=user, accessed 16 May 2021

3 http://vhd.heritage.vic.gov.au/local/result_detail/103774?page=1&type=user, accessed 16 May 2021

Attachment 9 - 46-52 Smith Street, Collingwood - External UD comments

Global South

Urban Design Review

Proposed Mixed-Use Development, 46-52 Smith Street, Collingwood (PLN21/0042)

Prepared by Simon McPherson, for City of Yarra

30 April 2021

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1.0 Introduction

1.1 Process and involvement

On 31 March 2021 I was asked by Yarra City Council officers to prepare a report comprising urban design review and advice, regarding the proposed mixed-use development at 46-52 Smith Street, Collingwood.

In preparing this review, I have:

- Obtained and reviewed the following Permit Application documents:
  - Architectural Plans (XO Projects, Revision B: Planning RFI, dated 24/02/2021);
  - Town Planning Report (Urbis, December 2020);
  - Urban Context Report (XO Projects, 16/03/2021);
  - Landscape Plan (XO Projects, Revision B: Planning RFI, dated 24/02/2021);
  - Heritage Impact Statement (Bruce Raworth, December 2020)
- Reviewed the applicable provisions of the Yarra Planning Scheme relating to urban design as listed below;
- Visiting the subject site and surrounding area on 25/04/2021. The photographs in this report are my own, except where specified. I note that I have visited the area around the subject site on several occasions, and am familiar with other developments and proposals nearby.

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1.2 Qualifications and experience to prepare this Review

1.2.1 Qualifications and registrations

(1) My academic qualifications are as follows:

- **Executive Masters (MSc) in Cities**, inaugural programme (September 2016 - completed February 2018), London School of Economics and Political Sciences (LSE Cities), UK;
- **Master of Science (MSc): Built Environment - Urban Design** (Distinction), The Bartlett School, University College London, 2005-06, UK;
- **Bachelor of Architecture (BArch)** (First Class Honours), The University of Melbourne, 1996-97;
- **Bachelor of Planning and Design (BPD) (Architecture)**, The University of Melbourne, 1992-94.

(2) My professional registrations and memberships are as follows:

- **Registered Architect**, Architects Registration Board of Victoria: individual registration number 15838;

(3) I am engaged on the following professional organisations:

- Member, Victorian Design Review Panel;
- Member, Design Review Panel for South Australia;
- Member, Latrobe University Design Review Panel;
- Global Advisor, United Nations Global Compact – Cities Programme (discontinued);
- Member, Built Environment Task Force, Smart Cities Council – Australia/New Zealand (discontinued).

1.2.2 Experience

Professional experience

(4) I hold over 15 years of dedicated professional experience in urban design, including:

- Urban Designer, Victorian State Government (2002-2007, including study leave);
- Director, SJB Urban (2007-2016);
- Director, Global South (2016-present).

(5) I hold approximately 5 years of prior experience in architectural practice, in Australia and the UK.

Project experience

(6) My urban design experience includes the following projects:

- Policy and guidelines:
  - Author/contributor, *Better Placed*, NSW Architecture and Urban Design Policy, Government Architect NSW (2016-17). Benchmark design policy, winner Australia Award for Urban Design 2017;
  - Contributor (State Government employee), *Design Guidelines for Higher Density Residential Development*, *Activity Centre Design Guidelines*;
  - Contributor, SA *Medium-Density Design Guidelines*;

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- Lead consultant, Urban Design Guidelines, Bowden, SA (SJB Urban, 2015);

- Urban Design Advice:
  - Eden/Haven/Sanctuary on the River, Abbotsford, for HAMPTON (complete), (SJB Urban, 2010). High-density, mid-rise (9-11 storeys) permeable courtyard development, winner UDIA President's Award, High-Density Housing Award (National, Victoria), Masterplanned Development Award (Victoria);
  - Richmond Plaza redevelopment, for Coles (SJB Urban, 2014);
  - Grocon FCAD redevelopment, Footscray Station Precinct (SJB Urban, 2011).
- Independent reviews:
  - Regular independent reviews of permit applications, for Councils including Melbourne, Yarra, Port Phillip, Banyule, Brimbank, Manningham and Casey.
- Strategic plans, structure plans and Urban Design Frameworks:
  - Footscray Built Form Review 2020, for Maribyrnong City Council;
  - Tarneit Major Town Centre: Economic Impact Assessment and Design Review 2018, for Wyndham City Council;
  - Oakleigh Activity Centre Transport Precinct: Design Review 2018, for Monash City Council;
  - 1160 Sayers Road, Tarneit, Structure Plan for Wyndham City Council (landowner) (SJB Urban 2014-15). Innovative, integrated plan for high-density, walkable precinct in greenfield setting;
  - Footscray Station Precinct Planning and Urban Design Framework (SJB Urban, 2008-09). Winner, PIA Transport Planning Award 2008;
  - Brighton Toyota Site UDF, for LEFTA Corporation;
  - Frankston Transit Interchange Precinct UDF and Master Plan, for DPCD (SJB Urban 2009-2012);
  - Wise Foundation 'Wellness Village' UDF, Mulgrave, for landowners (SJB Urban, 2015-16).
- Master Plans and Concept Designs
  - Caulfield Village Master Plan, for Beck Property / Probuild (SJB Urban, 2012);
  - Greensborough Activity Centre Concept Master Plan, for Banyule City Council (2017);
  - 433 Smith Street (Fitzroy Gasworks) Master Plan, for Places Victoria (SJB Urban, 2015);
  - Master Plan, Binks Ford Site and over-rail deck, Footscray, for Places Victoria (SJB Urban, 2012);
  - Caulfield-Dandenong corridor concept/feasibility studies, for VicTrack (SJB Urban, 2015).

Experience preparing expert evidence

(7) I have presented evidence at VCAT and Planning Panels Victoria on numerous occasions.

2.0 Context

2.1 Strategic context

2.1.1 Zoning and Overlays

The subject land is located within the Smith Street corridor, which is identified as a Major Activity Centre under *Plan Melbourne*.

The land is situated within the **Commercial 1 Zone (C1Z).** The purposes of this Zone are to:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The site spans across precinct **Heritage Overlay HO464 (Smith Street South Precinct, Fitzroy and Collingwood).**

2.1.2 Planning Policy Framework

The following clauses are applicable to the subject site and proposal. Relevant content from these clauses is raised below in the context of my assessment of the proposal.

Clause 15 Built Environment discusses Urban Design objectives and strategies:

- **15.01-1S Urban Design** provides strategies for safe, healthy, functional and enjoyable urban environments. Strategies include:
  - *Require development to respond to its **context in terms of character, cultural identity**, natural features, surrounding landscape and climate.*
  - *Ensure development **contributes to community and cultural life** by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
  - *Ensure development **supports public realm amenity and safe access** to walking and cycling environments and public transport.*
  - *Ensure that the design and location of **publicly accessible private spaces**, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
  - *Ensure that development provides **landscaping** that supports the amenity, attractiveness and safety of the public realm.*
- **15.01-2S Building design** guides buildings which contribute positively to context and enhance the public realm, including responding to the strategic and cultural context of the location.
- **15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** seeks to create a city of 20-minute neighbourhoods;
- **15.01-5S Neighbourhood character** seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place, including by emphasising the heritage values and built form that reflect community identity.
- **15.02-1S Energy and resource efficiency** promotes consolidation of urban development and integration of land use and transport.
- **15.03-1S Heritage conservation** encourages *appropriate development that respects places with heritage values*, and seeks to *ensure an appropriate setting and context for heritage places is maintained or enhanced.*

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Clause 17.02-1S Business encourages *development that meets the community's needs for retail, entertainment, office and other commercial services*. Strategies include *ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure*; and *locating commercial facilities in existing or planned activity centres.*

2.1.3 Local Planning Policy Framework

Yarra's Local Planning Policy Framework includes the following clauses applicable to the subject site and proposal. I have not exhaustively reproduced every policy below.

Clause 21.03 Vision states that *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks*, and that *all new development will demonstrate design excellence.*

Clause 21.04-3 Industry, office and commercial seeks to *increase the number and diversity of local employment opportunities*, including *commercial and office use in existing industrial areas.*

Clause 21.05-1 Heritage seeks to protect and enhance Yarra's heritage places, and supports the restoration of heritage places. Heritage is not my area of expertise, and so this review does not address heritage directly.

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To ensure that new development contributes positively to Yarra's urban fabric.*
- *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *To enhance the built form character of Yarra's activity centres.*
- *Require development within Yarra's activity centres to respect and not dominate existing built form.*
- *Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-3 Built form character seeks to improve the built form character of transport corridors.

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay encourages the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*

2.2 Built form context

2.2.1 Site location and local context

The site is located on the eastern side of Smith Street, at the south-east quadrant of the T-intersection of Smith Street and Derby Street.

The site measures approximately 19.25m at the Smith street frontage, and 29.26m along the Derby Street frontage, with an overall area of approximately 556 sq.m.

2.2.2 On-site built form

The subject site is occupied by three (3) single-storey brick shop buildings fronting Smith Street



Figure 01: Subject site, Smith Street frontage.



Figure 02: Subject site, Derby Street frontage and rear laneway interface.

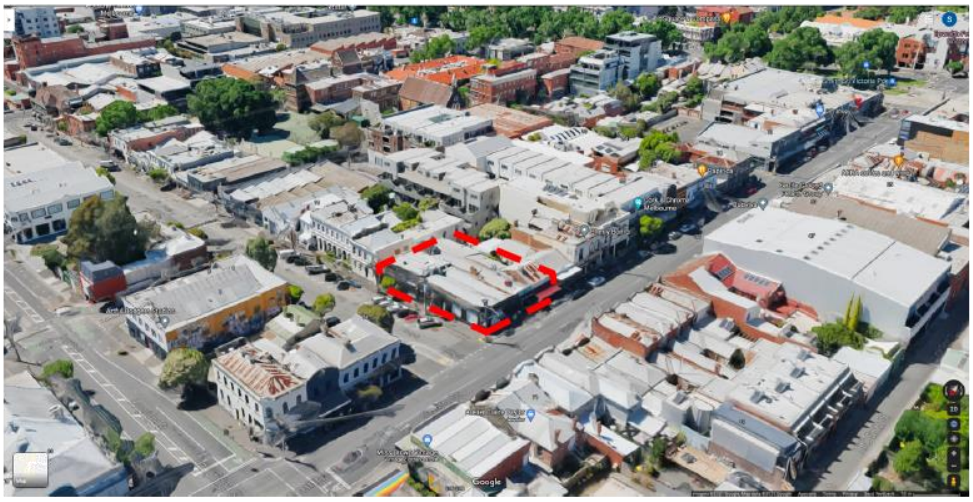


Figure 03: Aerial view of the subject land (centre) looking south-east, and the local context (image source Google)



Figure 04: Aerial view of the subject land (centre, foreground) looking north along Smith Street (image source Google).

The site's immediate interfaces comprise:

- **North:** Derby Street, with an ornate 2-storey rendered masonry, heritage building on the opposite corner of Smith and Derby Streets, interfacing to a small timber cottage to its rear, facing derby street.
- **East:** Laneway (approx. 3.5m wide) with ornate 2-storey rendered masonry, heritage buildings across the laneway fronting Derby Street.
- **South:** Single storey brick shop building at 44 Smith Street adjoining 2-storey buildings further south.
- **West:** Smith Street, comprising fine grain, one/two-storey frontage buildings with glazed shopfronts at ground floor generally.



Figure 05: The subject site's southern interface (Smith Street, east side), comprising single-level shop building (left) adjacent to double-storey built form.



Figure 06: The subject site's northern interface (Smith Street, east side, looking north, across derby Street), with double-storey heritage fabric, and timber cottage to the east, fronting Derby Street.

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Figure 07: The subject site's eastern interface (Derby Street, south side), comprising double-storey heritage fabric adjoining the laneway.



Figure 08: Laneway at the rear (east) of the site, viewed from Derby Street looking south, which appears to be approximately 2.7m wide.



Figure 09: Smith Street streetscape (west side, looking south) opposite the subject site.



Figure 10: Smith Street streetscape (east side, looking north from Mason Street), towards the subject site at far left in the distance.

2.2.3 Surrounding built form

The area around the subject site comprises a diverse built context.

The Smith Street corridor in this area generally comprises low-scale (1-2 levels), fine grain, traditional built form, as shown above.

An emerging context of higher-scale redevelopment is evident in this locality, however more extensive redevelopment has occurred in the northern part of Smith Street. Nearby recent developments, shown below, range from 6-8 levels, with some higher built form along the Wellington Street corridor, about 200m to the east.

The approach of establishing 2-3-storey street walls, with higher form set back, is generally adopted for new development in the Smith street corridor and nearby streets, as shown below. This supports retention of the prevailing and relatively consistent low-height street wall condition, while accommodating higher-scale form above.

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Figure 11:Development at 15-21 Derby Street (8 storeys, 4-storey street wall), 50m east of the subject site.



Figure 12: Development at 7-15 Little Oxford Street (8 storeys, 2-storey street wall), 100m north of the subject site.



Figure 13: Development fronting Wellington Street, approximately 200m east of the subject site.



Figure 14: Development at corner Peel Street and Oxford Streets (6 storeys, full street wall, in response to immediate context), approximately 250m north-east of the subject site.



Figure 15: Development at 9-11 Smith Street (7 storeys, 3-storey street wall), approximately 120m south of the subject site.



Figure 16: Smith Street, west side, looking north, north of Gertrude Street, including wider parcels and higher-scale heritage buildings.

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2.3 The proposal

2.3.1 Configuration

The proposal is for a 7-stroey building (plus roof terrace) configured as follows:

- Basement: Gym, bike storage, services;
- Ground Floor: Restaurant/Bar, separate Café, Lobby, loading bay and services;
- Levels 1-2: Office spaces with outdoor terraces;
- Levels 3-6: Office spaces;
- Level 7: Roof terrace with pergola canopy.

The development includes retention of the 'contributory' heritage facades fronting Smith and Derby streets (50-52 Smith Street), but demolition of modern buildings and additions on the site.

2.3.2 Heights

The overall building height on Smith Street is 24.15m to rooftop level.

Because Derby street has a gradient down towards the east, the height at the rear laneway is 26.55m.

Floor to floor heights are 3.35m throughout, and 4.05m at Ground Floor.

2.3.3 Profile

The Ground Floor occupies the majority of the site area, but provides a setback to the rear/east of 0.96m to widen the existing laneway.

Level 1 extends to both street frontages, but is recessed across the corner to create a setback space and terrace.

Levels 2-6 establish continuous street setbacks of 5m to Smith street and 3m to Derby Street, with varying profiles at the corner, allowing the floors to overlap/overhang. Curved corners in the floor plates adds to this 'fluid' expression.

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3.0 Review of the proposed development

3.1 Is the built form siting appropriate?

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *To enhance the built form character of Yarra's activity centres.*
- *Require development within Yarra's activity centres to respect and not dominate existing built form.*

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay encourages development to *respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*

By retaining the existing contributory facades to the corner of Smith and Derby Streets, the proposal effectively occupies the full extent of the site. The retention of street facades contributes to retaining the established character of the public realm interfaces.

The establishment of zero (0m) setbacks to street frontages reflects the existing conditions and consistent character of Smith Street and local streets generally.

The widening of the rear laneway does not provide significant public benefit because the laneway does not provide through-connection, but is accepted as a requirement for vehicular/loading access.

I am therefore supportive of the proposed siting of the development.

3.2 Is the proposed land use appropriate?

The **Commercial 1 Zone (C1Z)** seeks to *create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

Clause 15.01-1S Urban Design seeks to *ensure development contributes to community and cultural life by improving the quality of living and working environments*, and *supports public realm amenity and safe access.*

Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne seeks to *create a city of 20-minute neighbourhoods*, bringing homes within 20-minute access to employment, education, community infrastructure and other regular destinations

Clause 15.02-1S Energy and resource efficiency promotes consolidation of urban development and integration of land use and transport.

Clause 17.02-1S Business encourages *development that meets the community's needs for retail, entertainment, office and other commercial services*, including *locating commercial facilities in existing or planned activity centres.*

Clause 21.04-3 Industry, office and commercial seeks to *increase the number and diversity of local employment opportunities.*

Clause 21.05-2 Urban Design supports *new development that contributes to the consolidation and viability of existing activity centres.*

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3.2.1 Hospitality uses

The proposed Ground Floor Restaurant/Bar and Café are clearly appropriate in this Major Activity Centre setting, and will contribute active edges and visual/physical permeability to both street frontages. The Restaurant Bar will also provide activation during evening hours, while the office space would be expected to be less occupied, while the Café may generate more early-morning activity.

3.2.2 Commercial office

The proposed office space at upper levels will contribute to the mix of land uses in the activity centre, and to daytime activation and passive surveillance opportunities, while supporting employment outcomes.

I therefore consider the proposed land uses to be responsive to the zoning and context.

3.3 Is the building height and massing appropriate?

There is no definitive, prescriptive policy guidance or controls for built form in this location in the Yarra Planning Scheme. Consideration of any proposal needs to factor the current and emerging context and character, and how the proposal will contribute to or impact on these.

3.3.1 Building height

The emerging built form context in this locality is indicated by multiple developments nearby in the range of 5-8 levels, as indicated above, while higher forms exist further to the east on Wellington Street (8-14 levels approximately) and to the north on Smith Street (6-10 levels approximately).

Therefore the proposed height of 7 levels is considered to be within the general range of other developments nearby.

The height on Smith Street of 24.15m is commensurate with the 20m street width of Smith Street, and generates a width-to-height ratio (factoring in upper level setbacks) of 1:0.8, as shown in Figure 17 below (20m + 5m + 5m width; 24m height). I consider this proportional relationship to be acceptable.

The ration at Derby Street would be approximately 1:0.9, due to the lesser upper-level setbacks of 3m. I also consider this proportion to be acceptable.

In considering the photomontage views in the applicant's Urban Context Report (below, Figures 18-21), I do not consider the height to be excessive or overbearing in relation to the streetscapes of existing built fabric. While the low-height and recessive street wall/podium configuration makes the upper-level form more visible (compared to a higher street wall), I consider the visual implications to be acceptable. I also consider the proportional relationship between the street wall/podium component and the upper-level form to be appropriate.

Further, the 7-storey height is within the range of visual facial recognition between the top level and the streetscape, and will ensure that occupants in the upper levels will have a string visual connection with the public realm.

While I assess the building massing, profiles and setbacks further below, I consider the proposed building height to be acceptable, based on the above assessment.

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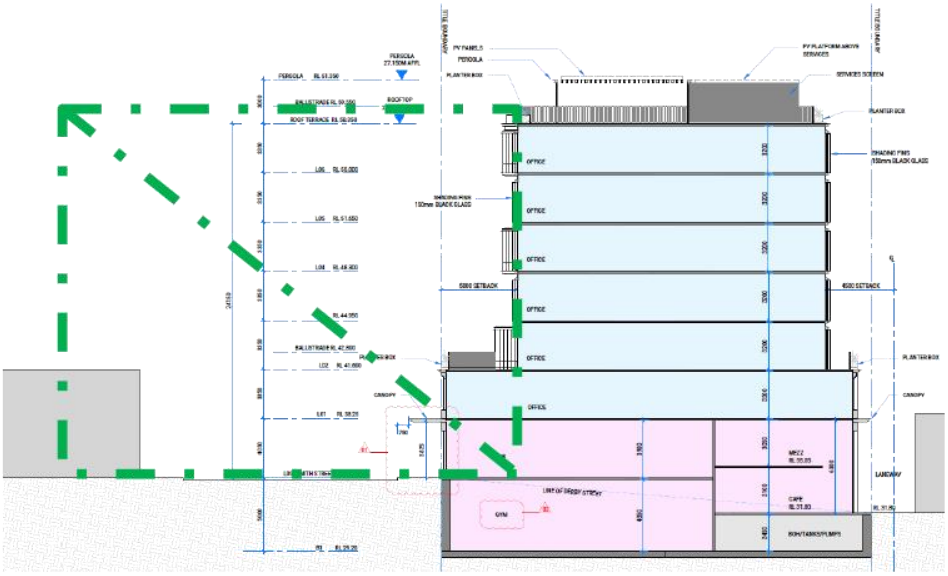


Figure 17: Excerpt from drawing A0950 (Section AA) indicating proportions of street width to building height ratio, including upper-level setbacks, to Smith Street. The approximate ration of with to height is 1:0.8 (height is 20% less than the width).



Figure 18: Photomontage view from street corner, looking south-east. The height is prominent but not visually overwhelming or excessive, in my view. The proportional relationship between street walls and upper-level form is considered appropriate.



Figure 19: In this photomontage looking along Derby Street, the upper-level form is quite vertical proportions and the visual prominence is emphasised by the street gradient. However, it is clearly set back from the streets, and is not considered over-scaled.

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Figure 20: Photomontage view from Smith Street, showing the relatively modest vertical scape and substantial setback from the corner.

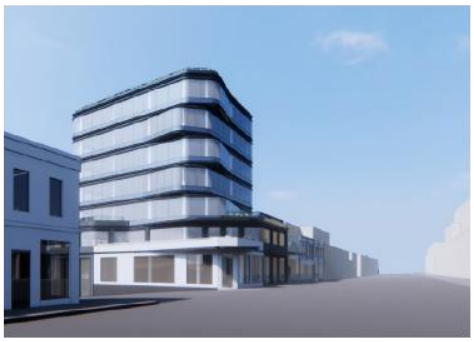


Figure 21: Longer-range 'whitecard' render looking south down Smith Street, indicating acceptable proportions of the building eight relative to street width.

3.3.2 Smith Street profile

Podium height

At both street frontages, the street wall/podium is 2-storeys in height at the site's outer edges, and single-storey centrally, due to the retention of the existing corner façade.

The gradient to Derby Street allows the Café tenancy to incorporate a mezzanine floor, but this reads externally as a high ground floor frontage.

While generally a consistent 2-storey street wall would be considered appropriate in this location, given the consistent streetscape context, in this case the single-storey retained façade provides rationale for a single-level street wall, for the extent of that façade.

The Level 1 frontage wall utilises angles and curved corners to reflect being 'peeled' away from the street frontage. This is reinforced by the design expression to the new Ground Floor and Level 1 facades, in light grey, patterned brickwork and corbelled window openings, in contrast to the metal banding of the upper levels.

The single-storey frontage height at the street corner retains the existing street wall condition, and gives the building an open, 'low-slung' feel at this interface, which I consider to be appropriate and effective in addressing the public realm.

I therefore support the street wall heights to Smith Street and the street corner with Derby Street.

Upper-level setbacks

The upper-level form is set back 5m from the Smith Street frontage, above Level 1, while the floor levels encroach into this setback around the corner, by 1.4m at Level 2 (3.6m clear setback), 0.8m at Levels 4 and 6 (4.2m clear setback).

However as shown in the renders above, the form still 'reads' as having a consistent, parallel setback, with a limited extent of variation at the corner as a visual or formal feature.

The nearby development at 9-11 Smith Street appears to have an upper-level setback to Smith Street of approximately 3m (see Figure 15), while the development at 15-21 Derby Street (Figure 11) appears to have an upper-level setback of 3-4m.

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Front setback profiles in other approved/completed Smith Street developments further to the north are as follows:

- 'MacRobertson Lofts', 365-379 Smith Street (not constructed) (170m from the subject site):
  - 8 storeys;
  - 4m upper-level setback behind heritage façade (L2);
  - 6m setback at L3-L6.
- 'Haus', 416-422 Smith Street: (completed) (opposite the subject site);
  - 9 storeys;
  - 7m setback upper-level setback to Smith Street;
  - 3m setback upper-level setback to side street.
- 'You & I', 444-452 Smith Street (completed) (90m from subject site):
  - 7 storeys;
  - 7m setback upper-level setback to Smith Street;
  - 3.0m setback upper-level setback to side street.
- 'Trilby', 466-482 Smith Street (completed) (150m from subject site):
  - 10 storeys;
  - 5m setback upper-level setback to Smith Street to balconies (7m to glass line);
- 221 Kerr Street: 7 storeys (under construction) (100m from the subject site);
- 423-425 Smith Street (not yet constructed):
  - 8-storey overall height;
  - 6m setback to Smith Street frontage to glazing line;
  - Uppermost level setback further 2.85m to Smith Street frontage.
- 221 Kerr Street (under construction):
  - 7-storey overall height;
  - New built form positioned above heritage building, set well back from Smith Street (approx. 35m).
- 368-374 Smith Street (not yet constructed):
  - 9-storey overall height;
  - 5m-6.5m setbacks to Smith Street;
  - Uppermost level setback much further from Smith Street.
- 365-379 Smith Street (not yet constructed):
  - 8 storeys overall height;
  - 6m predominant upper level setback from Smith Street.

Therefore, the emerging context indicates front setbacks of generally 5m-7m, or potentially less in nearby developments. The proposed setbacks are consistent with this pattern.

Further, I consider the proposed 5m setback to be appropriate in relation to the relatively modest upper-level height of 5 storeys above the 2-storey street wall/podium.

I therefore consider the Smith Street setback profile to be acceptable.

I have not included the roof deck in my consideration of building height, even though it incorporates an internal lobby and canopy above. The lift core and lobby are set against the southern boundary of the site, and the canopy is set well back from the building edges,

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ensuring it has limited visibility in streetscape views of the building, as the photomontages show (above).

3.3.3 Derby Street profile

Street wall height

As noted above, the street wall to Derby Street is single-storey in height for the extent of the retained façade, and two storeys for the eastern component. However, this form extends to approximately 3-storeys due to the streetscape gradient, allowing a mezzanine level in the Café tenancy.

The proposed laneway podium height is 9.8m, plus terrace balustrade above. This height is approximately 2.0m higher than the neighbouring 2-storey building to the east, across the laneway.

The expressed canopy line in the Derby Street facade, above Ground Floor, is slightly lower than the parapet and cornice of the neighbouring building, although there appears to be some discrepancy between this alignment in Elevation (drawing A0901) and photomontage (Urban Context Report, page 57), as shown below.

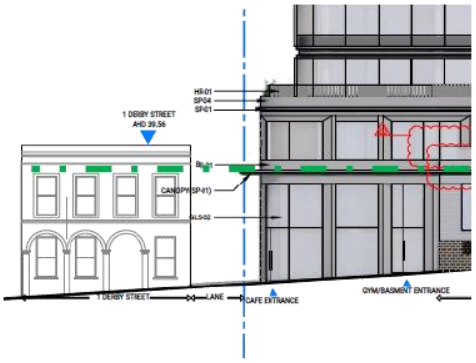


Figure 22: Excerpt from North Elevation (drawing A0901) highlighting alignment of expressed canopy line relative to neighbouring building (above that building's windows, close to the cornice line).



Figure 23: Excerpt from photomontage (Urban Context Report) highlighting different alignment of expressed canopy line relative to neighbouring building (middle of that building's windows).

I consider the difference in height relative to the neighbouring building to be acceptable, because it is a result of the streetscape gradient, and other buildings in this streetscape step down the gradient, as shown at Figure 11 above.

Recommendation 1:

I recommend, however, that the design further explore alignments with, and references to, the neighbouring buildings at 1 and 3-7 Derby Street, which presents as an opportunity to reflect a clearer 'fit' in the context, and which appears unresolved currently.

The neighbouring sites on Derby Street are in individual Heritage Overlays HO98 (Derby House, 1 Derby Street) and HO100 (3-7 Derby Street). The applicant's Heritage Impact

Statement (Bryce Raworth) does not appear to mention these properties or their level of significance.

3.3.4 Laneway interface

The proposal incorporates a laneway widening of 0.96mm with services at the Ground Floor interface (with glazing close to Derby Street) and full glazing at Level 1. The setback increases to 4.5m from the centreline of the laneway, or 2.96m from boundary, for Levels 2-6.

The existing building across the laneway at 1 Derby Street has windows on the laneway boundary at ground and first floors, noting these are setback approximately 3m from Derby Street (see Figure 8). I am not aware if these are habitable residential windows, but presume that some are, noting that they have external blinds.

The laneway height of 9.8m (equivalent 2.5–3 storeys) is higher than the existing wall on boundary on the subject site. However, I consider that this impact is adequately offset by the increased laneway width.

The laneway glazing to the café is limited in extent, and the Level 1 glazing is higher than the existing windows opposite.

While there may be some potential for café patrons to overlook existing windows across the lane, this is very limited, and I consider it acceptable in this Major Activity Centre context. I consider overshadowing impacts below.

I therefore consider the laneway interface and building profile to be acceptable.

3.3.5 South interface

The southern interface comprises a full height solid wall on the boundary, to predominantly 7-storeys in height, and 8-storeys in the central part. This wall is articulated with expressed floor edge lines or grooves which step up in height, with patterned or corbelled brickwork in between.

The geometry of this articulation reflects that of the building form and layout overall.

Given the single-storey height of the neighbouring building at 44 Smith Street, and the 2-storey height of buildings further south, this boundary wall will be highly visible in the streetscape.

Building up to the side boundaries is clearly a key characteristic of the local context, and the resulting 'black' side walls in larger buildings are evident in recent developments such as 9-11 Smith Street and 15-21 Derby Street (Figures 11 and 15)

In the subject proposal, the lift core is positioned against the southern boundary, which I consider to be appropriate, and this forms part of the black southern wall.

This side wall may be concealed in future if the neighbouring site(s) are redeveloped.

I consider the extent of this southern boundary wall to be acceptable, but its articulation and expression should be enhanced as follows.

I have considered the potential to introduce variation in this wall by 'peeling back' the upper 1-2 levels subtly, for a more varied three-dimensional interface, but this would potentially create unsatisfactory outcomes if the neighbouring site was to redevelop to similar scale.

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Recommendation 2:

I recommend removing the angled 'steps up' in the expressed floor edges in the southern façade, and extending these through horizontally, to better reflect the overall building expression of 'tacked' floor levels, and to avoid the awkward junction where these steps meet the top roof terrace level.

Recommendation 3:

I also suggest further resolution or clarification of the top (roof deck) level at the southern façade, including the wall and canopy details, to ensure these are integral with the overall façade expression, but have a lightweight expression which is not overly prominent visually.

The elevations identify this as an aluminium screen, but it is quite visually dark in the 'whitecard' render (Urban Context Report page 63).

3.4 Are the public realm interfaces / frontages appropriate?

3.4.1 Interface to Smith Street

The proposed development's ground floor frontage to Smith Street and Derby Street comprises a Restaurant/Bar tenancy addressing both street frontages, with several large windows within the retained heritage façade, and two entrances. This will provide extensive activation, visual permeability and passive surveillance opportunities, as noted above.

A separated entry lobby is located at the southern interface.

A fire booster cupboard is positioned within the Smith Street Ground Floor frontage, but otherwise services are confined to the rear laneway interface, which is appropriate.

At Level 1, the outdoor terrace space and office space windows will provide further passive surveillance potential, as they are closely linked to the adjoining public realm.

3.4.2 Interface to Derby Street

Alongside the Restaurant/Bar, the frontage to Derby Street incorporates the two-level Café tenancy with extensive frontage glazing in double-height windows which curve around the corner into the laneway, corner entrance, and a separate to the basement gym.

This frontage, combined with office windows above at Level 1 and the Level 1 outdoor terrace, will support passive surveillance and activation of Derby Street and the laneway.

The lower floor level of the Café, in response to the streetscape gradient, allows this tenancy to directly relate to and connect with the streetscape, which is appropriate.

The proposed interfaces to the public realm are highly responsive to the activity centre context and will support extensive interaction between the building and the streetscape. I am therefore supportive of the public realm interfaces as proposed.

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3.5 Is the architectural expression appropriate?

Clause 15.01-1S Urban Design requires development to *respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*

Clause 15.01-2S Building design guides buildings which contribute positively to context and enhance the public realm.

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To ensure that new development contributes positively to Yarra's urban fabric.*
- *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay encourages new development to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*

The external expression of the proposed built form incorporates the retained heritage facades at Ground Floor, including the bluestone plinth interfacing with the footpath, providing a level of texture and 'grain' to the streetscape interface.

The new street wall components combine extensive glazing, with curved corner glass, corbelled and patterned brickwork, and then, curved metal banding for canopies. The upper levels comprise more extensive façade glazing, also with curved metal banding along floor edges.

This approach is considered appropriate because:

- It provides a high level of detail, texture and tactility at the public realm interfaces, where it is directly experienced by pedestrians, and where it integrates with the masonry heritage facades;
- It reflects a high degree of design consideration and detail, and a sense of 'craft';
- It creates visual complexity
- The Level 1 'peeling pack' from the street frontages aligns with, and frames, the retained heritage facades;
- The upper-level facades and alignments create a sense of movement and complexity, supporting visual interest;
- The use of straight edges with curved corners achieves a balance of a regular overall form, with subtle shifting and 'disruption', while the curves indicate a sense of quality and craft in construction.

A fine-grain expression is established in the Smith Street frontage through vertical brick piers, and the new built form s clearly distinct from the heritage fabric on site and nearby.

The design of the new built form is bold and contemporary, but is adequately recessive and restrained to complement and not dominate the heritage fabric.

I therefore consider the external expression to be appropriate and supportable.

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3.6 Are off-site amenity impacts acceptable?

Based on the overshading diagrams provided for the September equinox, the proposed development will affect neighbouring private open spaces (located in the Mixed Use Zone) at 2pm and 3pm. Before 2pm there are no significant public realm impacts, or impacts on residential properties.

At 2pm, significant impacts are limited to 2-3 townhouse private open spaces (full overshadowing, from existing 68%). I note that there appears to be a labelling error regarding the new shadow impact indicated at 2pm for the rear POS of the Derby Street property, but which is labelled as 0% extra shadowing.

At 3pm, four townhouse private open spaces and 3 rear courtyard spaces are significantly affected.

These impacts are recognised as detrimental to those properties. However, they are limited and occur relatively late in the day, in a Major Activity Centre and Commercial 1 / Mixed Use Zone context.

In this context, I consider these impacts to be reasonable and acceptable.

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4.0 Conclusion

I consider the proposed development at 46-52 Smith Street, Collingwood to be an appropriate response to the evolving urban context of the Smith Street Major Activity Centre, and to the parameters of the subject site and its interfaces.

The overall built form massing is generally consistent with other recent developments in this locality, and responsive to the adjoining public realm, neighbouring built fabric and heritage setting.

The external expression reflects a refined, considered design, with an interesting formal approach, which will contribute to the experience of this location.

I therefore consider that this proposal warrants support form an urban design perspective, while also making some minor recommendations for further refinements.

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Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

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



ESD in the Planning Permit Application Process

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

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

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category Non-r*esidential 1. 1,000m² or greater*.

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.

Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

Sustainable Management Plan (SMP)
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Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

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



Assessment Summary:

Responsible Planner:	Lara Fiscalini
ESD Advisor:	Gavin Ashley
Date:	26.04.2021
Subject Site:	PLN21/0042 46-52 Smith Street, Collingwood VIC 3066
Site Area:	Approx. 556 m²
Project Description:	7 storey building comprising a basement level for bicycle parking and a gymnasium, ground floor café and restaurant and 6 levels of commercial office space and a rooftop terrace.
Pre-application meeting(s):	Unknown.
Documents Reviewed:	• Sustainability Management Plan (Issue C – 23.12.20) by Ark Resources • Architectural Plans (Rev B – 24.02.21) by XO Projects • Urban Context Report (n.d) by XO Projects • Traffic Engineering Assessment (Iss C – 10.12.20) by Traffix Group • Waste Management Plan (13..09.20) by Leigh Design

The standard of the ESD does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

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

(1) Applicant ESD Commitments:

- The proposal achieves an equivalent 5-star Green Star and 5.5-star NABERS rating (SMP, p. 4).
- Metering and monitoring strategy applied (SMP, p. 8).
- Independent commissioning agent directly engaged by client for review, advise, monitoring and verification roles commencing from schematic design stage (SMP, p. 8).
- Specifications around low VOC, PVC and formaldehyde products and materials (SMP, p. 9).
- Thermal and visual comfort is enhanced through architectural integration of insulated non-vision glazing into the faceted façade ensuring an appropriate window-wall ratio. All office facades will incorporate internal blinds (SMP, p. 9).
- Air-cooled 3-pipe VRF system, and hot water produced by an electric heat pump with minimum seasonal CoP of 3.0 (SMP, p. 9).
- 39kWp total installed solar PV capacity comprising: 25kW rooftop array using east-west oriented PV configuration, and bespoke 14kW façade-integrated thin-film CIGS cell modules (SMP, p. 9).
- 30 cycle racks in end of trip facilities spaced in accordance with AS2890.3 with a minimum of 20% horizontal racks at grade (SMP, p.).
- A STORM report with a 153% STORM score has been submitted that demonstrates best practice and relies on ~499m² of roof connected to a 16,000-litre rainwater tank connected to toilet flushing and irrigation (SMP, p. 10 & 19).
- Concrete mixes to incorporate reclaimed water and 30% cement reduction, and environmentally responsible steel design and procurement (SMP, p. 10).
- A hazardous materials survey will be carried out prior to the demolition of the existing building to minimise construction health risks (SMP, p. 10).
- A number of innovation credits such as: Specifications around construction waste, indoor plant requirements, air-tightness testing, e-bikes and site-wide leak detection system (SMP, p. 11).

Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

Sustainable Management Plan (SMP)
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(2) Application ESD Deficiencies:

- There remain concerns for the overall shading properties of the façade along the north (and east and west). Consider increasing the depth and extent of vertical fins (greater than 150mm), or providing an external shading solution for floors not shaded by overhanging storey above.
- While the SMP and STORM report indicate a 16,000-L rainwater tank, the plans (A0950) articulate a 15,000-L tank. Amend plans to match STORM report.

(3) Outstanding Information:

- Clarify provision of outdoor air to office spaces on all levels, and indicate operability of doors (to access terraces) and windows on plans.
- Clarify standard upon which low VOC and formaldehyde limits are specified.
- Clarify provision of operable windows, and natural ventilation to reduce reliance on mechanical systems and lower energy use.
- Provide a JV3 report which articulates comparison with a reference building in terms of building fabric and proposed services.
- Clarify reductions in heating and cooling associated with the proposal in JV3 report.
- Clarify reductions in GHG emissions associated with the proposal in JV3 report.
- Clarify reduction in peak energy demand associated with the proposal in JV3 report.
- Provide more details on HVAC system and energy use and include within JV3 report.
- Confirm reduction in IPD and provide more details on lighting energy efficiency within JV3 report.
- Include solar generation within JV3 report.
- Confirm floor by floor metering for water loads.
- Confirm post-development flows will not exceed pre-development levels.
- Confirm whether any additional retention tanks are included in the design.
- Confirm whether any additional treatment devices (i.e. SPEL) are proposed.
- Clarify whether the proposed design intends to use recycled materials, and if not consider their inclusion (i.e. recycled bricks, or insulation with post-consumer content).
- Clarify strategy to reduce cement and meaning of environmentally sustainable steel design. Consider conducting an LCA on these strategies to identify carbon reductions.
- Confirm extent of sustainably sourced timber (by weight or cost).
- Confirm extent of PVC strategy (by components, weight or cost).
- Clarify provision of visitor bicycle parking, and consider street-grade hoops to service this need.
- Confirm the provision of a unisex/non-gendered shower/changeroom for non-binary building occupants. Consider amending design to provide unisex access.
- Include details of peripheral car share services within Green Travel Plan.
- Provide a Green Travel Plan with performance targets and monitoring and reporting components included.
- Provide a Landscape Plan that details planting schedule, planter and irrigation design, and maintenance considerations.
- Provide a statement as to how the proposal aims to reduce the impacts of urban heat associated with the increase in urban mass. Consider greater plantings and ground level to help cool the streetscape and light coloured (high SRI) roofing materials.
- While all welcome initiatives, ultra-low VOC paints, indoor plant targets and staircase design are not considered innovative in terms of building performance. Provide more information on each innovation to justify inclusion in GS pathway.
- Confirm the provision of a Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.
- Clarify that an Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.

(4) ESD Improvement Opportunities

- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider a green roof or wall to improve the ecological value of this site.
- Consider a head contractor that is ISO 14001 accredited.

Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

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

1. Indoor Environment Quality (IEQ)

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	No information has been provided.	Clarify provision of outdoor air to office spaces on all levels, and indicate operability of doors (to access terraces) and windows on plans.	3
Daylight & Solar Access	Good. 75.3% of the nominated floor area achieves a DF>2.0 with a VLT of 0.53 (SMP, p. 27 & 28).	Satisfactory.	1
External Views	Green Star credit 12.2 'views' has been claimed, and given above daylight results this is acceptable.	Satisfactory.	1
Hazardous Materials and VOC	The SMP indicates the specification of low VOC paints, adhesives, sealants and carpets, and includes an innovation credit for ultra-low VOC paints. Low formaldehyde engineered wood products also identified (SMP, p. 9).	Clarify standard upon which low VOC and formaldehyde limits are specified.	3
Thermal Comfort	Mechanical ventilation, integration of insulated non-vision glazing into the faceted façade ensuring an appropriate window-wall ratio and incorporated internal blinds (SMP, p. 9).	Clarify provision of operable windows, and natural ventilation to reduce reliance on mechanical systems and lower energy use.	3

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

2. Energy Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	The proposal sets a 5.5-star NABERS target, which indicates improvement above NCC requirements (SMP, p. 18).	Provide a JV3 report which articulates comparison with a reference building in terms of building fabric and proposed services.	3
Thermal Performance	No information has been provided.	Clarify reductions in heating and cooling associated with the proposal in JV3 report.	3
Greenhouse Gas Emissions	No information has been provided.	Clarify reductions in GHG emissions associated with the proposal in JV3 report.	3
Hot Water System	Hot water will be produced by an electric heat pump with minimum seasonal CoP of 3.0 (SMP, p. 9).	Good. Include details of energy use within JV3 report.	1 / 3
Peak Energy Demand	No information has been provided.	Clarify reduction in peak energy demand associated with the proposal in JV3 report.	3
Effective Shading	The articulate façade at the north-west provides shading to level 1, 3 & 5 – with horizontal PV strips providing minimal shading across each level (Urban Context Report, p. 54).	There remain concerns for the overall shading properties of the façade along the north (and east and west). Consider increasing the depth and extent of vertical fins (greater than 150mm), or providing an external shading solution for floors not shaded by overhanging storey above.	2
Efficient HVAC system	Air-cooled 3-pipe VRF system (SMP, p. 9).	Provide more details on HVAC system and energy use and include within JV3 report.	3
Car Park Ventilation	No basement carpark proposed.	Good.	1
Efficient Lighting	Lighting systems designed to meet best practice illuminance levels (SMP, p. 9).	Confirm reduction in IPD and provide more details on lighting energy efficiency within JV3 report.	3
Electricity Generation	39kWp total installed solar PV capacity comprising: (SMP, p. 9). • 25kW rooftop array using east-west oriented PV configuration • bespoke 14kW façade-integrated thin-film CIGS cell modules	Include solar generation within JV3 report.	1 / 3
Other	-	-	

*** Council Assessment Ratings:**

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

References and useful information:

Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

SDAPP Fact Sheet: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net
Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

3. Water Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Minimum WELS star rating of fixtures: (SMP, p. 9) • Taps: 5 star • Toilets: 4 star • Showers: 3 star • Urinals: 5 star	Satisfactory.	1
Water for Toilet Flushing	Rainwater harvesting system draining to 16kl rainwater tanks serving: (SMP, p. 10). • WC and urinal flushing • Sub-soil drip irrigation of landscaped areas • Bin wash area	Satisfactory.	1
Water Meter	Floor-by-floor metering plus all loads >5% of annual energy use or > 100kVA plus metering of all demands >10% of water use (SMP, p. 8).	Confirm floor by floor metering for water loads.	3
Landscape Irrigation	Water efficient sub-soil drip irrigation system with moisture sensors and timer control (SMP, p. 10).	Satisfactory.	1
Other	Fire test system water storage and re-use (SMP, p. 10).	Satisfactory.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 3. Water Efficiency
Water Efficient Labelling Scheme (WELS) www.waterrating.gov.au
Water Services Association of Australia www.wsaa.asn.au
Water Tank Requirement www.makeyourhomegreen.vic.gov.au
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Sustainable Landscaping www.ourwater.vic.gov.au

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a 153% STORM score has been submitted that demonstrates best practice and relies on ~499m² of roof connected to a 16,000-litre rainwater tank connected to toilet flushing and irrigation (SMP, p. 10 & 19).	While the SMP and STORM report indicate a 16,000-L rainwater tank, the plans (A0950) articulate a 15,000-L tank. Amend plans to match STORM report.	2
Discharge to Sewer	GS credit 26.1 claimed for stormwater discharge (SMP, p. 15).	Confirm post-development flows will not exceed pre-development levels.	3
Stormwater Diversion	A catchment area of approx. 499 m² proposed (SMP, p. 19).	Satisfactory.	1
Stormwater Detention	A 15,000-L rainwater tank proposed.	Confirm whether any additional retention tanks are included in the design.	3
Stormwater Treatment	Stormwater system and treatment as per Rainwater Design & Installation Handbook published by the National Water Commission (SMP, p. 21).	Confirm whether any additional treatment devices (i.e. SPEL) are proposed.	3
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 4. Stormwater Management
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Water Sensitive Urban Design Principles www.melbournewater.com.au
Environmental Protection Authority Victoria www.epa.vic.gov.au
Water Services Association of Australia www.wsaa.asn.au
Sustainable Landscaping www.ourwater.vic.gov.au

5. Building Materials

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	GS credit 21.1 for Product Transparency and Sustainability has been claimed, however no firm commitments around recycled products/content identified.	Clarify whether the proposed design intends to use recycled materials, and if not consider their inclusion (i.e. recycled bricks, or insulation with post-consumer content).	3
Embodied Energy of Concrete and Steel	Concrete mixes to incorporate reclaimed water and 30% cement reduction, and environmentally responsible steel design and procurement (SMP, p. 10).	Clarify strategy to reduce cement and meaning of environmentally sustainable steel *design*. Consider conducting an LCA on these strategies to identify carbon reductions.	3
Sustainable Timber	Specification of sustainable sourced timber (FSC or PEFC) (SMP, p. 10).	Confirm extent of sustainably sourced timber (by weight or cost).	3
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	Specification of common use PVC products that meet Best Practice Guidelines for PVC in the Built Environment (SMP, p. 10).	Confirm extent of PVC strategy (by components, weight or cost).	3

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 5. Building Materials
Building Materials, Technical Manuals www.yourhome.gov.au
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

6. Transport

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	No carparking proposed.	Good.	1
Bike Parking Spaces	30 bike parking spaces provided in the basements (15x Cora E3DT-FGT) for employees along with a bike maintenance station and floor pump (SMP, p. 9).	Clarify provision of visitor bicycle parking, and consider street-grade hoops to service this need.	3
End of Trip Facilities	End of trip facilities have been provided in the form of 4x showers and 50 lockers (A00099).	Confirm the provision of a unisex/non-gendered shower/changeroom for non-binary building occupants. Consider amending design to provide unisex access.	3
Car Share Facilities	No information has been provided.	Include details of peripheral car share services within Green Travel Plan.	3
Electric vehicle charging	n/a due to absence of car parking, however 2x e-bike chargers provided in basement 1 (SMP, p. 9).	Satisfactory.	1
Green Travel Plan	A Green Travel plan has not been provided.	Provide a Green Travel Plan with performance targets and monitoring and reporting components included.	3

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 6. Transport
Off-setting Car Emissions Options www.greenfleet.com.au
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

7. Waste Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	The SMP indicates a target to divert 90% of demolition and construction waste from landfill (SMP, p. 10).	Satisfactory.	1
Operational Waste Management	An operational Waste Management Plan has been provided, and a 25 m² bin room located in the basement (A00099).	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	The WMP caters for both recycling and food organic waste, with spatial provision in the bin room (WMP, p. 4).	Satisfactory.	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 7. Waste Management
Construction and Waste Management www.sustainability.vic.gov.au
Preparing a WMP www.epa.vic.gov.au
Waste and Recycling www.resourcesmart.vic.gov.au
Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)
www.environment.nsw.gov.au
Waste reduction in office buildings (2002) www.environment.nsw.gov.au

8. Urban Ecology

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	Vegetation on terraces on level 1, 2 and 7 (as per plans), however no Landscape Plan provided.	Provide a Landscape Plan that details planting schedule, planter and irrigation design, and maintenance considerations.	3
Heat Island Effect	No information has been provided.	Provide a statement as to how the proposal aims to reduce the impacts of urban heat associated with the increase in urban mass. Consider greater plantings and ground level to help cool the streetscape and light coloured (high SRI) roofing materials.	3
Other	A hazardous materials survey will be carried out prior to the demolition of the existing building to minimise construction health risks (SMP, p. 10).	Satisfactory.	1
Green wall, roofs, facades	No information has been provided.	Consider a green roof or wall to improve the ecological value of this site.	4

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 8. Urban Ecology
Department of Sustainability and Environment www.dse.vic.gov.au
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

9. Innovation

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	5 innovation credits have been claimed in the GS pathway, with the SMP identifying: ultra-low VOC paints, low construction waste target, Stormwater Pollution reduction to Column B, Indoor plant targets, air-tightness, staircase design, 2x e-bikes & charging and site-wide leak detection.	While all welcome initiatives, ultra-low VOC paints, indoor plant targets and staircase design are not considered innovative in terms of building performance. Provide more information on each innovation to justify inclusion in GS pathway.	3
Innovative Social Improvements	-	-	-
New Technology	-	-	-
New Design Approach	-	-	-
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 9. Innovation
Green Building Council Australia www.gbca.org.au
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

10. Construction and Building Management

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	The SMP indicates the provision of commissioning specification, along with a Commissioning and Tuning Plan, and comprehensive O&M manual for FM team (SMP, p. 8).	Satisfactory.	1
Building Users Guide	No information has been provided.	Confirm the provision of a Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.	3
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Consider a head contractor that is ISO 14001 accredited.	4
Construction Management Plan	No information has been provided.	Clarify that an Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.	3
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 10 - 46-52 Smith Street, Collingwood - ESD referral comments

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



Applicant Response Guidelines

Project Information:

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

Environmental Categories:

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

Objectives:

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

Issues:

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

Assessment Method Description:

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

Benchmarks Description:

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

How does the proposal comply with the benchmarks?

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

ESD Matters on Architectural Drawings:

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

Attachment 11 - 46 - 52 Smith Street, Collingwood - Strategic Transport comments

Planning Referral

To:	Lara Fiscalini
From:	Chloe Wright
Date:	15/04/2021
Subject:	Strategic Transport Comments
Application No:	PLN21/0042
Description:	Construction of an 8-storey development, use of the land for restricted recreation facility (gymnasium), food and drink premises and office (permit required for gymnasium) and a reduction in the statutory car parking rate.
Site Address	46 – 52 Smith Street, Collingwood

I refer to the above application and the accompanying Traffic report prepared by Traffix Group in relation to the proposed development at 46 – 52 Smith Street, Collingwood. Council's Strategic Transport unit provides the following information:

Access and Safety

No access or safety issues have been identified.

Bicycle Parking Provision

Statutory Requirement

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	2,168 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	7 employee spaces	
		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces.	
Restaurant	244 sqm	1 employee space to each 100 sqm of floor area available to the public	2 employee spaces	
		2 plus 1 visitor space to each 200 sqm of floor area available to the public if the floor area exceeds 400 sqm	0 visitor space	
Food and Drink Premises	130 sqm	1 employee space to each 100 sqm of floor area available to the public	1 employee spaces	
		2 plus 1 space to each 200 sqm of floor area available to public if floor area available exceeds 400 sqm	0 visitor spaces.	
Minor sports and rection facility (Gym)	302 sqm 2 staff	1 employee space per 4 employees	1 employee spaces	
		1 space per 200 sqm of net floor area	2 visitor spaces	

Attachment 11 - 46 - 52 Smith Street, Collingwood - Strategic Transport comments

Bicycle Parking Spaces Total		**11 employee spaces**	**30 employee spaces**
		4 visitor spaces	**3 visitor spaces**
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**1 showers / change rooms**	**4 showers / change rooms**

Adequacy of visitor bicycle spaces

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

- 3 visitor spaces are provided within the gym and no publicly accessible visitor spaces are proposed. Council's best-practice rate[1] recommends a total of 6 visitor spaces.
- It is recommended that additional visitor spaces are provided at the street level, including 2 hoops at the Derby Street footpath and 2 hoops at the easement, as per the locations marked up in blue on the screenshot below.
- All visitor spaces should be provided as a horizontal at-grade space and positioned in accordance with access and clearance requirements of AS2890.3 and Council's urban design standard hoop detail (attached).

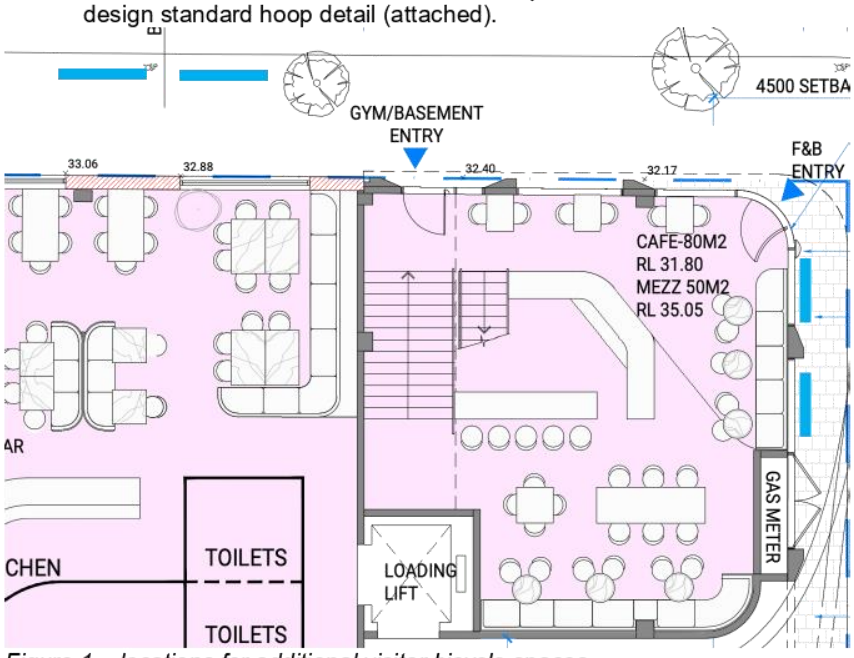


Figure 1 – locations for additional visitor bicycle spaces

Adequacy of employee spaces

Number of spaces

30 employee spaces are proposed, which exceeds Council's best practice recommendation[2] of 26 employee spaces.

Design and location of employee spaces and facilities

The location and design of employee bike parking is adequate for the following reasons:

[1] *Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends 1 visitor space to each 500sqm of office floor space.*

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

- All employee bicycle spaces are provided within a secure facility at the basement level, with access via the entrance at Smith Street and lift shaft;
- The provision of two-tier bicycle racks satisfies the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces;
- Dimensions of bicycle spaces are noted on the plans and demonstrate the layout is in accordance with access and clearance requirements of AS2890.3;
- An end of trip facilities area is located adjacent to the bicycle parking and includes four shower / change rooms and 50 lockers, which meets Council's best practice recommendation of 3 shower / change rooms.

Green Travel Plan

Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a Green Travel Plan (GTP) must be provided. The following information should be included:

(a) Description of the location in the context of alternative modes of transport;
(b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
(c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
(d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
(e) Details of bicycle parking and bicycle routes;
(f) Details of Green Travel funding and management responsibilities;
(g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
(h) Security arrangements to access the employee bicycle storage spaces;
(i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
(j) Provisions for the GTP to be updated not less than every five years.

Recommendations

The following should be shown on the plans before endorsement:

1. Six visitor bicycle spaces, including four spaces at Derby Street and two spaces at the easement. All visitor spaces should be a horizontal at-grade bike hoop and in accordance with access and clearance requirements of AS2890.3 or otherwise to the satisfaction of the responsible authority.

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

Regards

Chloe Wright
Sustainable Transport Officer
Strategic Transport Unit

Attachment 12 - 46-52 Smith Street, Collingwood - Engineering comments

CITY OF YaRRA

MEMO

To:	**Lara Fiscalini**	
From:	**Artemis Bacani**	
Date:	**23 April 2021**	
Subject:	**Application No:**	**PLN21/0042**
	Description:	**Mixed Use Development**
	Site Address:	**46-52 Smith Street, Collingwood**

I refer to the above Planning Application received on 30 March 2021 in relation to the proposed development at 46-52 Smith Street, Collingwood. Council's Engineering Referral team provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
XO Projects	A00002 *Existing Conditions Survey*	B	24 February 2021
	A00099 *Basement Floor Plan B1*	B	24 February 2021
	A0100 *Ground Floor Plan L00*	B	24 February 2021
	A0900 West *Elevation – Smith Street*	B	24 February 2021
	A0901 *North Elevation – Derby Street*	B	24 February 2021
	A0902 *East Elevation – Laneway*	B	24 February 2021
	A0950 *Section AA*	B	24 February 2021
Traffix Group	*Traffic Engineering Assessment*	C	10 December 2020

Attachment 12 - 46-52 Smith Street, Collingwood - Engineering comments

CAR PARKING PROVISION

Proposed Development

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	2,168 m²	3.0 spaces per 100 m² of net floor area	65	0
Restricted Recreation Facility	302 m²	Rate Not Specified	To the satisfaction of the Responsible Authority	
Food and drink premises	130 m²	3.5 spaces per 100 m² of leasable floor area	4	
Restaurant	244 m²	3.5 spaces per 100 m² of leasable floor area	8	
		Total	**77 Spaces plus Spaces for the Restricted Recreation Facility**	**0 Spaces**

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

Since no on-site car spaces will be provided, a full waiver in the car parking requirements in sought by the applicant.

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

Car Parking Demand Assessment

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

- *Parking Demand for Office Use*.
  The office use would have no on-site car parking. Staff and clients to the site would be inclined to park on-street or commute by sustainable transportation modes. The actual parking demand generated by the office use is expected to be lower than the statutory parking rate of 3.0 spaces per 100 square metres of floor space, since the area has very good access to public transport services and located along an activity centre. Throughout the municipality, a number of developments have been approved with no car spaces or a reduced office rate, as shown in the following table:

Attachment 12 - 46-52 Smith Street, Collingwood - Engineering comments

Development Site	Approved Office Parking Rate
Cremorne	
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.85 spaces per 100 m² (233 on-site spaces; 27,306 m²)
9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017	0.85 spaces per 100 m² (20 on-site spaces; 2,329 m²)
Collingwood	
2-16 Northumberland Street PLN16/1150 issued 14 June 2017	0.89 spaces per 100 m² (135 on-site spaces; 15,300 m²)

The site's good accessibility to public transport services and proximity to Melbourne would encourage visitors to the site to utilise more sustainable forms of transportation such as catching public transport or riding a bicycle.

- *Parking Demand for the Restricted Recreational Facility Use*.
  All parking for patrons to the restricted recreational facility would be accommodated off-site. Restricted recreation facilities in the municipality (including pilates studios, gymnasiums, dance schools etc) have been approved with either no on-site parking or with one or two on-site spaces. The table below provides some recently approved recreation facilities in Yarra:

Development Site	Approved Parking
Cremorne	
Yoga Studio 94 Cubitt Street PLN15/0019 issued 4 May 2016	2 on-site spaces (32 patrons)
Abbotsford	
Gymnasium (24 hour) 563 Victoria Street PLN16/0948 issued 3 February 2017	No on-site car parking (40 patrons)
Yoga Studio 96 Nicholson Street PLN14/1065 issued 27 July 2015	No on-site car parking (12 patrons)
Fitzroy	
Gymnasium (24 hour) 224 Brunswick Street PLN14/0892 issued 14 January 2015	No on-site car parking (40 patrons)

The site is located close to tram and bus services allowing staff and patrons to commute to and from the site by public transport.

- *Parking Demand for Food & Drink Use and Restaurant Use*
  A staff parking demand of 1 space per 100 square metres of floor area for each use could be adopted. Using this rate would equate to 3 spaces. This reflects the precinct approach for similar food and drink and restaurant uses and acknowledges that a proportion of customers for this use will be drawn from employees and residents from surrounding businesses and residences.

Attachment 12 - 46-52 Smith Street, Collingwood - Engineering comments

- *Availability of Public Transport in the Locality of the Land*. The following public transport services can be accessed to and from the site by foot:
    - Smith Street-Gertrude Street tram services – 70 metre walk
    - Victoria Parade tram services – 200 metre walk
    - Victoria Parade bus services – 220 metre walk
    - Nicholson Street tram services – 500 metre walk
    - Punt Road bus services – 810 metre walk
    - North Richmond railway station – 900 metre walk
    - Parliament railway station – 960 metre walk

- *Multi-Purpose Trips within the Area*.
  Clients and customers to the development might combine their visit by engaging in other activities or business whilst in the area.

- *Convenience of Pedestrian and Cyclist Access*.
  The site has good pedestrian access to public transport nodes and the Smith Street and Gertrude Street activity centres. The site also has good connectivity to the on-road bicycle network.

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

- *Availability of Car Parking*.
  Due to the COVID-19 restrictions, car parking occupancy surveys cannot be undertaken at this time as it would not provide an accurate representation of the car parking demands in the surrounding area.

  The on-street parking in this part of Collingwood/Fitzroy is generally high during business hours and in the evenings. The area surrounding the subject site is blanketed in time-based parking restrictions which ensure that parking turns over frequently. Visitors to the site during business hours should be able to find an on-street car space near the site.

- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Adequacy of Car Parking
From a traffic engineering perspective, the full waiver of parking associated with the site is considered appropriate in the context of the development and the surrounding area. The site is located close to various forms of public transport and close to the Smith Street and Gertrude Street activity centres. The operation of the development should not adversely impact on existing on-street parking conditions in the area.

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

Attachment 12 - 46-52 Smith Street, Collingwood - Engineering comments

DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Width of Loading Bay Entrance	The entrance to the loading bay is 6.27 metres in width.
Width of Laneway	The laneway is 2.94 metres in width.
Vehicle Turning Movements – 6.4 metre Long Waste Wise Mini	The swept path diagrams for the 6.4 metre long was collection vehicle demonstrates adequate access into the and out of the site off the laneway.
Headroom Clearance	The headroom clearance at the loading bay entrance is not dimensioned on the drawings.
Other Items	
Loading Bay Dimensions	The dimensions of the loading bay of 5.0 metres by 9.24 metres is adequate to accommodate a 6.4 metre long Small Rigid Vehicle as per Australian/New Zealand Standard AS/NZS 2890.2:2002.
Ground Clearance Check – Via Laneway	A clearance check for the loading bay entrance is to be undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping or bottoming-out (Please see under '*Design Items to be Addressed*' section).
Canopy – South-West Corner of Site	The canopy along the Smith Street frontage is setback 750 millimetres from the edge of the kerb and has a clearance height above the footpath of 3.825 to satisfy the *Building Regulations 2008 – Reg 103*.
Canopy – North-West Corner of Site	The canopy along the Derby Street frontage is setback 1.26 metres from the edge of the kerb. The setback of the canopy along the Smith Street frontage is not dimensioned. The clearance height above the footpath is also not dimensioned.
Canopy – North-East Corner of Site	The elevation drawings show the canopy overhangs beyond the property line and into the laneway.

Design Items to be Addressed

Item	Details
Headroom Clearance	The headroom clearance at the loading bay entrance is to be dimensioned on the drawings.
Canopy – North-West Corner of Site	The clearance height above the footpath and setback from the edge of kerb for the section of canopy along the Smith Street frontage are to be dimensioned on the drawings.
Canopy – North-East Corner of Site	No part of the canopy is to encroach into the laneway. To allow a 6.4 metre long Small Rigid Vehicle with a height of 3.5 metres to pass under the canopy, the clearance height of the canopy along the laneway must be greater than 3.5 metres. The setback (from the edge of the kerb) and clearance height (above the footpath) of the canopy along the Derby Street frontage is to be dimensioned on the drawings

Attachment 12 - 46-52 Smith Street, Collingwood - Engineering comments

Design Items to be Addressed

Item	Details
Vehicle Crossing Ground Clearance Check	To demonstrate adequate access for a B99 design vehicle and the provision of the 40 mm lip from the edge of the laneway to the finished floor level of the front edge of the slab at ground level, the applicant must prepare a cross sectional drawing showing the reduced level of the west and east edge of the laneway, the centreline of the laneway, and the finished floor level of the slab with the 40 mm lip from the edge of the laneway. These levels are to be shown on a 1 in 20 scale cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development. Providing the ground clearance check early in the design phase can also determine whether further modification works are required, such as lowering the finished floor level inside the property or making any adjustments to Council's footpaths or road infrastructure.
Utility Service Cabinet – Laneway	To improve truck access along the easement section adjacent the laneway, it is recommended for the applicant to consider designing the utility service cabinet door to swing at 180-degrees and be latched onto the building wall when in service.
Bicycle Considerations	The bicycle requirements for this development are to be referred to Council's Strategic Transport unit for assessment.
Proposed Street Tree – Derby Street	The applicant is to liaise with Council's Open Space unit regarding the proposed tree in Derby Street.

ENGINEERING CONDITIONS
Civil Works

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

- The kerb and channel along the property's Smith Street and Derby Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Smith Street and Derby Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 33 (for asphalt) or unless otherwise specified by Council.

Road Asset Protection

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

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

Attachment 12 - 46-52 Smith Street, Collingwood - Engineering comments

Impact of Assets on Proposed Development

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

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.
Clearances to Electrical Assets	Overhead power lines run along the east side of Smith Street and south side of Derby Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs
Tree Protection	The applicant is to liaise with Council's Open Space unit regarding the protection of the street trees along the property's Smith Street and Derby Street frontages.

Attachment 13 - 46-52 Smith Street, Collingwood - City Works comments

CITY OF YaRRA **File Note**

Date: 8 April 2021

Property Address: 46-52 Smith Street, Collingwood

Application No: PLN21/0042

Officer: Atha Athanasi

City works referral comments:

The waste management plan for 46-52 Smith Street, Collingwood authored by Leigh Design and dated 13/11/20 is satisfactory from a City Works Branch's perspective.

6.4 PLN20/0747 - 1-13 Oxford St Collingwood

Executive Summary

Purpose

1. This report provides an assessment of the proposal at 1 – 13 Oxford Street, Collingwood, for the use and development of the land for a seven storey office building, with rooftop terrace and plant above (permit required for office use, operating 7am to 6pm, Monday to Friday) and a full reduction in the car parking requirement.

Key Planning Considerations

2. Key planning considerations include:

   (a) clause 15.01 – Urban Environment;
   (b) clause 21.05 – Built Form and clause 22.10 – Built Form and Design;
   (c) clause 22.05 – Interface Uses Policy;
   (d) clause 32.04 – Mixed Use Zone; and
   (e) clause 52.06 – Car Parking.

Key Issues

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

   (a) Policy and strategic support;
   (b) Use of the land as office;
   (c) Built form and Urban Design;
   (d) On-site amenity including Environmentally Sustainable Design;
   (e) Off-site amenity impacts;
   (f) Car parking, loading and unloading and bicycle facilities;
   (g) Waste management; and
   (h) Objector concerns.

Submissions Received

4. Seventeen (17) objections were received to the application, these can be summarised as:

   (a) Built form and design (overdevelopment, inappropriate height, limited setbacks, architectural expression out of character; out of keeping with heritage);
   (b) Amenity impacts (waste arrangements, ESD, lack of landscaping and public realm overshadowing);
   (c) Off-site amenity (loss of views and privacy, overshadowing, noise and overlooking);
   (d) Increased traffic, lack of car parking and loading facilities;
   (e) Construction impacts;
   (f) Loss of views to No. 6 Oxford Street;
   (g) Concern office will be converted to residential in future; and
   (h) No need for additional office floor space.

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

Conclusion

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

   (a) Restriction of the office use to 7:00am to 6:00pm, Monday to Friday, in accordance with the proposed operating hours.
   (b) A Façade Strategy and Materials and Finishes Plan;
   (c) Provision of a kerb outstand along Mason Street; and

(d) Provision of a post completion Acoustic Report demonstrating compliance of the mechanical plant with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1, sleep disturbance targets and Noise Protocol (as relevant) at existing dwellings.

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

6.4 PLN20/0747 - 1-13 Oxford St Collingwood

Reference	D21/57299
Author	Michelle King - Principal Planner
Authoriser	Manager Statutory Planning

Ward:	Langridge
Proposal:	Use and development of the land for a seven storey office building, with rooftop terrace and plant above (permit required for office use, operating 7am to 6pm, Monday to Friday) and a full reduction in the car parking requirement
Existing use:	Vacant commercial building
Applicant:	Oxford Mason Pty Ltd
Zoning / Overlays:	Mixed Use Zone Design and Development Overlay – Schedule 23 Environmental Audit Overlay Development Contributions Overlay – Schedule 1
Date of Application:	16 October 2020
Application Number:	PLN20/0747

Planning History

1. There is no relevant planning permit history for this site.

Background

Lodgement of additional documentation (26 March 2021)

2. On 26 March 2021 the applicant provided Council with the original survey that was issued to the architect, at the request of Council's Engineering Unit. The survey assisted the Engineering Unit in their assessment of the application.

Lodgement of additional documentation (16 April 2021)

3. On 16 April 2021 the applicant provided Council with a copy of the STORM Rating Report and associated documents referenced within the Sustainable Management Plan, at the request of Council's ESD Advisor. The additional information assisted the ESD Advisor in their assessment of the application.

Lodgement of additional documentation (2 June 2021)

4. On 2 June 2021 the applicant provided Council with sketch plans demonstrating how the internal Urban Design recommendations could be satisfied through revisions to the ground floor plan.

5. These sketch plans are provided on a without prejudice basis for information purposes on how the identified urban design issues could be addressed and are included as an attachment to this report. The assessment is based on the advertised plans, with reference made to the sketch plans received on 2 June 2021, where relevant.

6. The applicant also submitted an updated Waste Management Plan (WMP) and memo prepared by One Mile Grid outlining how the issue identified by Council's City Works Unit could be rectified.

7. The WMP provides additional information and has not been formally substituted. It has also been provided on a without prejudice basis for information purposes on how the identified issues could be addressed.

8. The updated WMP was reviewed by Council's City Works Unit with their updated comments included as an attachment to this report and referred to in the assessment of the application, where relevant.

The Proposal

9. The proposal is for the use and development of the land for a seven storey office building, with rooftop terrace and plant above (permit required for office use, operating 7am to 6pm, Monday to Friday) and a full reduction in the car parking requirement. Key features of the proposal include:

Use (permit required)

10. A total of 3,885 sqm of open-plan office space from ground level to Level 06. A permit is required for the office use. The office is proposed to operate between the hours of 7am and 6pm, Monday to Friday and cater to 360 staff.

11. Access to the ground floor tenancy is proposed from Oxford Street through the end-of-trip bicycle storage room into an internal lobby. The lobby also provides access to communal service rooms and the lift lobby to facilitate access to the upper levels. Direct access to the ground floor tenancy is also provided from Mason Street to the south through an existing opening replaced with glazed doors. The applicant confirmed via email on 9 June that the existing recessed opening, to the south of the proposed end-of-trip facilities, also provides direct access to the ground floor tenancy. A condition can require this to be shown as a door on the plans to avoid ambiguity.

12. Primary access to the building and all upper level office tenancies is from Mason Street, with the lift core and stair well to all levels provided within the north-western corner of the building at the end of a generously sized (predominately 5.5 metre wide) lobby.

13. External terraces are provided throughout along the Oxford and Mason Street interfaces, as follows:

    (a) Level 02 – 85sqm;
    (b) Level 03 – 52sqm;
    (c) Level 04 – 18sqm (landscaping only);
    (d) Level 05 – 69.5sqm; and
    (e) Level 06 – 36sqm.

14. A roof terrace is also proposed (132sqm) and is to cater to a maximum 50 staff members at any one time. The roof terrace includes a 73.5sqm green roof.

15. Bicycle parking for employees and end-of-trip facilities are provided at the ground floor level, with access from Oxford Street. No on site car parking is proposed.

Construction

Demolition (no permit required)

16. Demolition of all existing doors and roller doors facing Oxford Street, Mason Street and the Right-of-Way (ROW). Retention of the substantive built form and existing signage with the demolition and replacement of all existing glass lites facing Oxford Street and Mason Street. The existing glazing frames are to be retained and restored. Internal demolition and the demolition of the existing roof structure is also proposed.

Construction

East and South

17. The building retains its existing footprint at the ground floor level and Level 01 except for the following:

(a) At the ground floor level mesh sliding panels are to be built between 0 metres and 0.4 metres from the eastern boundary in the area previously utilised as under croft car parking and roller door;
(b) Glazed doors are proposed to replace the side door facing Oxford Street to the east and the side door facing Mason Street to the south;
(c) A new glazed entrance is proposed to replace the roller door facing Mason Street to the south; and
(d) A metal clad booster cupboard is proposed within the Mason Street façade to the east of the main entrance.

18. At Level 02 and above, the respective setbacks to Oxford Street and Mason Street is identified below:

Level	Oxford Street setback	Mason Street setback
Level 02	2.78 metres	2.82 metres
Level 03	4.59 metres	4.63 metres
Level 04	5.16 metres	5.21 metres
Level 05	9.66 metres	9.70 metres
Level 06	11.63 metres	11.66 metres
Level 07	11.75 metres	11.79 metres

19. The building setbacks as referenced above are set below a draped façade veil of metal mesh with nib walls and terraces extending into the setback area. The veil is configured in two arcs, one across Levels 02 – 04 and the other across Levels 05 – Level 07, with a horizontal fold between the two arcs at Level 05.

20. A service enclosure is located within the veil at the northern end of each east-facing terrace at Levels 02 – 06. Perforated Metal with nominal 50% openings will be applied to the service enclosures behind the veil.

21. At the internal southern boundary shared with No. 6-12 Mason Street, the development retains its existing footprint at the ground floor level and Level 01. At Level 02, the existing wall is proposed to be extended in height by 2.2 metres.

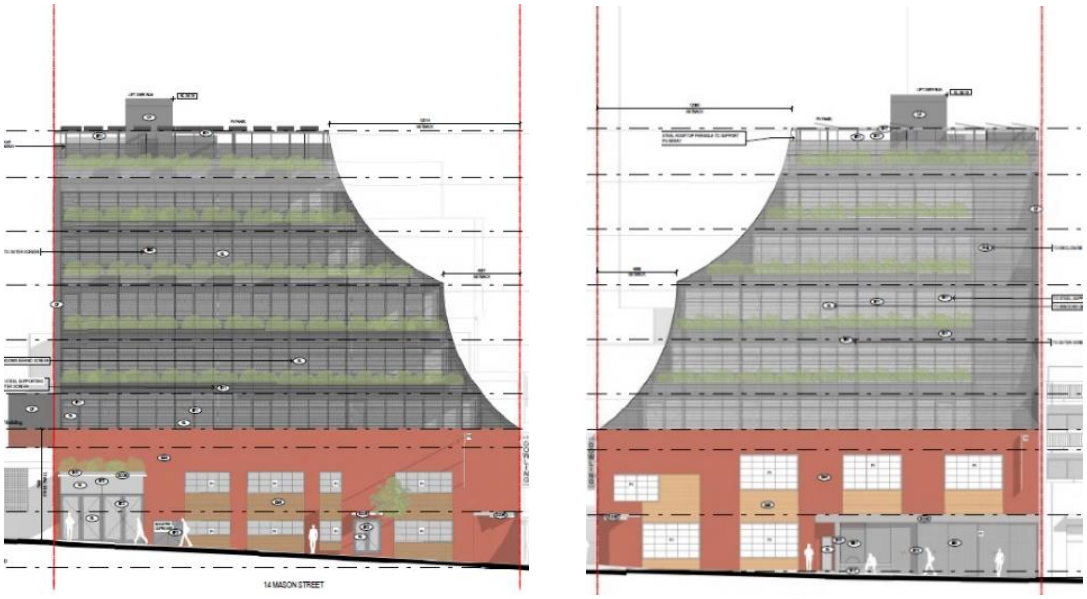


Figure: Southern elevation (left) and eastern elevation (right)
Source: Advertised Plans

North

22. The building retains its existing footprint at the ground floor level and Level 01 where interfacing with the northern boundary.

23. At Level 02 the building is built against the full length of the northern boundary, above this the building is built to the northern boundary for the following lengths:

Level	Northern on-boundary wall length
Level 03	26.84 metres
Level 04	24.74 metres
Level 05	22.57 metres
Level 06	19.18 metres
Level 07	17.67 metres (mesh screening around roof terrace) 5.75 metres (stair core behind mesh screening)

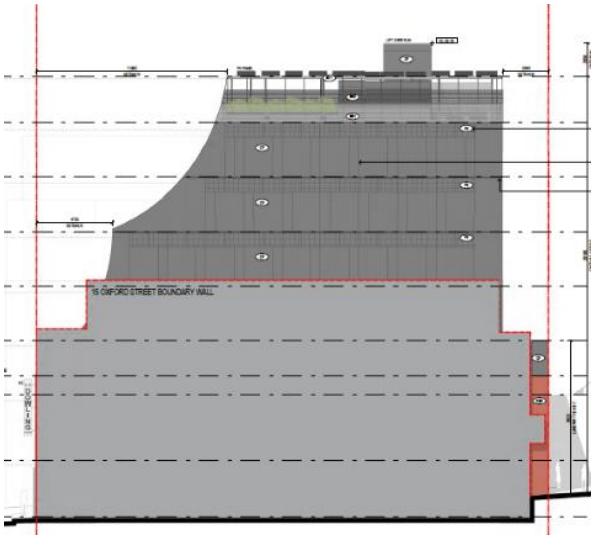


Figure: Northern elevation
Source: Advertised Plans

24. The wall is proposed to be clad in cement panels and articulated through the provision of expressed metal trim within the horizontal seams and shadow gaps within vertical seams. Solar panels are also proposed on the northern boundary wall, above the existing neighbouring built form.

West

25. The building retains its existing footprint at the ground floor level and Level 01 where interfacing with the western boundary, except for the following:

    (a) Grey metal doors are proposed to replace the side door facing the ROW.

26. Where interfacing with the ROW and at Level 02, an extension of 2.2 metres in height is proposed to the western boundary wall, except for the windows that are setback 3 metres to the frame and 3.21 metres to the glazing (3 metres and 3.21 metres from the centreline of the ROW). Level 03 and above is setback 2.86 metres from the ROW (5.154 metres from the centreline of the ROW).

27. At Level 02 the building is built against the length of the common boundary with No. 6-12 Mason Street to the west, above this the building is built to the western boundary for the following lengths:

Level	Western on-boundary wall length to No. 6-12 Mason Street
Level 03	14.93 metres
Level 04	13.57 metres
Level 05	11.40 metres
Level 06	8 metres
Level 07	6.49 metres (mesh screening around roof terrace)

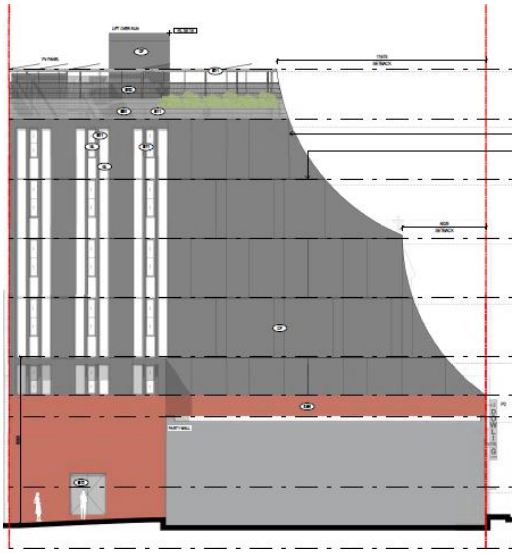


Figure: Western elevation
Source: Advertised Plans

28. The wall is proposed to be clad in cement panels and articulated through the provision of expressed metal trim within the horizontal seams and shadow gaps within vertical seams.

Overall Height

29. The overall maximum building height is 27.45 metres to the top of the rooftop level pergola structure. The lift overrun extends 2.05 metres above this. The pergola structure is open and solar panels are proposed to sit upon the pergola structure.

30. The proposal retains the existing street wall and is between 7 metres and 8.56 metres in height presenting to Mason Street and between 8.56 metres and 9.12 metres in height presenting to Oxford Street. Where interfacing with the ROW the on-boundary wall adopts an overall height of 9.57 metres (including 2.2 metres of new built form above the retained form).

Materials and finishes

31. The primary material palette for the proposed built form consists of a Concrete (CON), Cement Panel (CP), Grey Metal (MT1), Grey Metal (MT2), Small Scale Mesh with nominal 60% openings (MS1), Large Scale Mesh with nominal 60% openings (MS2), Perforated Metal with nominal 50% openings (PFM), Photovoltaic Panels (PV) and Clear Glazing (GL).




Figure: Renders of proposed development
Source: Applicant Documentation (Site Context Report)

Existing Conditions

Subject Site

32. The subject site is located on the north-western corner of Oxford Street and Mason Street, in Collingwood. Whilst formally known as 1 – 13 Oxford Street the site is also referenced as 14 Mason Street within the submitted documentation.

33. The site has frontages to Oxford Street of 27.9 metres and Mason Street of 29.2 metres, resulting in a site area of 841 square metres. The site is generally rectangular except for an L-shaped portion where interfacing with the ROW for approximately 8.7 metres. The site has a fall of approximately 1.63 metres from west to east along Mason Street and 0.5 metres from south to north along Oxford Street.



Figure: Aerial photograph of No. 1 – 13 Oxford Street, Collingwood
Source: Nearmap, image capture date: 29 April 2021

34. The land is developed with a two storey, modernist brick building built in the 1960s and previously used as a textile warehouse. The building has a distinctive treatment to the south-east corner with recessed, curved brickwork from street level up to the first level where it reverts to a right-angled corner, occupying the full title boundary. The subject site currently has access via a dual width crossover to Mason Street and a wider crossover (approximately 13 metres) along the eastern boundary to Oxford Street that provides access to a loading area/undercroft parking.



Figure: Subject site at the corner of Oxford and Mason Streets
Source: Officer image, taken 21/05/2021

Title Documents

35. The title submitted with the application does not show any covenants, restrictions or easements.

Surrounding Land

36. The site is approximately 70 metres east of Smith Street, a Major Activity Centre (MAC), containing a wide range of retail, entertainment, dining and service offerings. Yarra Planning Scheme Amendment C269 seeks to include the Collingwood Mixed Use precinct, including the subject site, within the Smith Street MAC. A tram route is accessible from Smith Street providing access to the CBD and Bundoora.

37. The built form types in the area are mixed. Evident in the area are buildings industrial in nature reflective of the area's historic uses; intermixed with remnant workers cottages, modern residential developments and warehouse residential conversions. This area has experienced substantial growth encouraged by the Mixed Use Zoning of the land. One and two storey buildings are being replaced with 6 to 13 storey buildings.

38. The subject site is located within a Mixed Use Zone (MUZ) and the existing development in the wider area is mixed, as described above, consisting of residential, commercial and industrial uses resulting in diverse built form. The surrounding area and zoning is shown below.

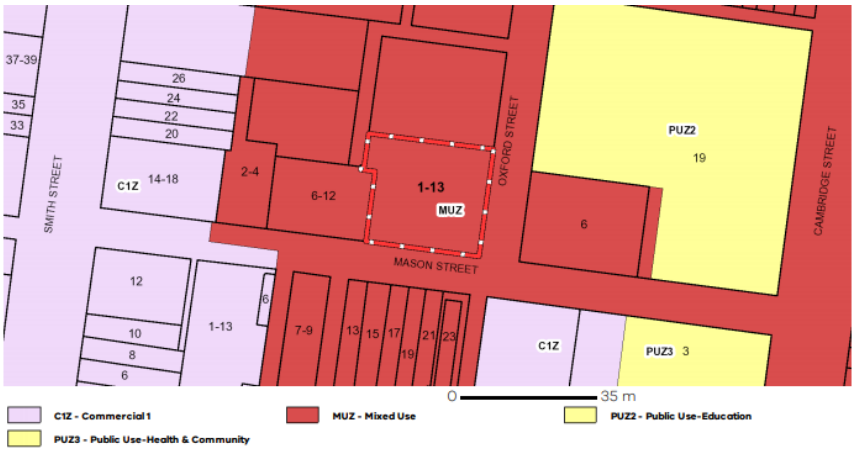


Figure: The subject site and surrounding land shown as MUZ, with C1Z to the south-east and further to the west
Source: DELWP



Figure: Aerial photograph of the subject site and surrounding built form
Source: Nearmap image capture date: 29 April 2021

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

North

40. Directly abutting the site to the north is a four-storey apartment building with several balconies and windows from the first floor and above facing north, east or west. The development presents as a blank wall along the common boundary. This building is not included within a Heritage Overlay.

41. To the north of this is a 4.4 metre wide ROW, beyond which the site at No. 27-29 Oxford Street and No. 15-21 Derby Street has recently been developed under Planning Permit PLN16/0092 for an eight-storey building comprising commercial tenancies and dwellings. Along Oxford Street, the development has a part-three, part four storey podium ranging in height from 13.94 metres at the corner with Derby Street to 10.22 metres at the southern edge. Above the podium, the development is setback a minimum 2 metres from Oxford Street at Level 04, 3.6 metres at Level 05 – 06 and 5 metres at Level 07, The Oxford Street elevation is shown below:

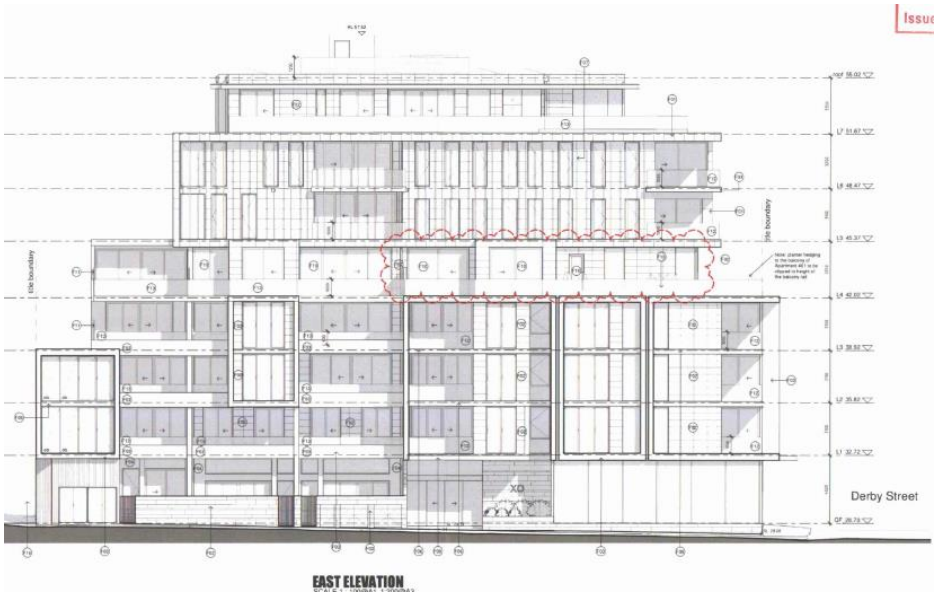


Figure: Oxford Street elevation of proposal approved pursuant to PLN16/0092
Source: Endorsed plans of PLN16/0092

South

42. South of the site is Mason Street, a one-way street with a single lane for eastbound traffic and kerbside parking on both sides. Further south on the opposite side of Mason Street is a series of terrace houses (No. 13 to 21 Mason Street) that are designated as 'contributory' or 'non-contributory' to the Victoria Parade Heritage Precinct and an open air car park (No. 23 Mason Street). The rear of No. 45 Victoria Parade is developed with a three-storey converted factory building that is 'individually significant' to the Victoria Parade Heritage Precinct.

East

43. East of the site is Oxford Street, a two-way street with kerbside parking on both sides. On the opposite side of Oxford Street is a residential church conversion known as No. 6 Oxford Street. This building is 'individually significant' to the Victoria Parade Heritage Precinct. To the north and east of this building is the Collingwood English Language School, the building associated with this school positioned along Mason Street is also 'individually significant' to the Victoria Parade Heritage Precinct.

West

44. Immediately west of the site is a brick commercial building at 6-12 Mason Street which is single storey along Mason Street and double storey behind. The building is generally built to all title boundaries adopting a blank wall along the common boundary. This building is not included within a Heritage Overlay. To the north-west, the site interfaces with a ROW that runs north-south before turning a corner to become east-west with access from Oxford Street.

Broader area

45. The Collingwood area is currently going through a period of transition from lower scale buildings to higher density development. In addition to the approval identified above, there have been several approvals within the Collingwood Mixed Use precinct, some of which are under construction or already constructed. These approvals include:

    (a) No. 6-10 Peel Street (6 storeys);
    (b) No. 20-22 Peel Street (6 storeys);
    (c) No. 33 Peel Street (8 storeys).
    (d) No. 41 Peel Street (6 storeys);
    (e) No. 132 Smith Street (Banco Development) (9 storeys);
    (f) No. 9-17 Smith Street (7 storeys);
    (g) No. 7 & 9-15 Little Oxford Street (8 storeys);
    (h) No. 1-57 Wellington Street and 71-77 Victoria Parade (11 storeys);
    (i) No. 61-71 Wellington Street and No. 37-39 Langridge Street (14 storeys);
    (j) No. 73-77 Wellington Street (10 storeys);
    (k) No. 93 Wellington Street (10 storeys);
    (l) No. 109 Wellington Street (10 storeys);
    (m) No. 195 Wellington Street (9 storeys);
    (n) No. 27-29 Oxford Street and No. 15-21 Derby Street (8 storeys);
    (o) No. 42-44 Oxford St, 61-63 Cambridge St &16-20 Langridge St (11 storeys);
    (p) No. 107 Cambridge Street (6 storeys);
    (q) No. 72 - 94 Cambridge Street (10 storeys);
    (r) No. 46-74 Stanley Street & 23-35 Napoleon Street (9 storeys);
    (s) No. 51 Langridge Street (11 storeys); and
    (t) No. 4 – 12 Langridge Street (8 storeys).

46. The above constructed, under construction and approved planning applications show that Collingwood is an area undergoing transition with larger scale developments.

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone (MUZ)

47. The purposes of this zone are:

    (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
    (b) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
    (c) *To provide for housing at higher densities.*
    (d) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
    (e) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

48. The use of the site for an office requires a planning permit under clause 32.04-2 because the total leasable floor area exceeds 250sqm.

49. Pursuant to clause 32.04-8 a permit is required to construct a building or construct or carry out works for a use in section 2 of clause 32.04-2.

Overlays

Clause 43.02 – Design and Development Overlay
(Schedule 23 – Collingwood South (Mixed-Use) Precinct) (DDO23)

50. The site is located within the DDO23. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay.

51. This Schedule relates to the Collingwood South Mixed Use Precinct with the site located within Area 1. The general design objectives of this Schedule are as follows:

    (a) *To foster an emerging, contemporary, mixed-use character with a prominent street-wall edge, incorporating upper level setbacks and design features that create a distinction between lower and upper levels.*

    (b) *To ensure that the overall scale and form of new buildings is mid-rise (ranging from 3 to 12 storeys) and responds to the topography of the precinct, by providing a suitable transition in height as the land slopes upwards, whilst minimising amenity impacts on existing residential properties , including visual bulk, overlooking and overshadowing.*

    (c) *To maintain the prominence of the corner heritage buildings on Wellington Street, and respect both individual and groups of low-scale heritage buildings through recessive upper level development and a transition in scale from taller form towards the interface with heritage buildings.*

    (d) *To promote and encourage pedestrian activity through street edge activation and the protection of footpaths and public open spaces from loss of amenity through overshadowing.*

    (e) *To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.*

52. This Schedule contains preferred parameters to guide future built form outcomes within the precinct. An excerpt of the Building Heights Framework Plan is provided below, with the subject site identified.



53. The built form parameters that apply to the subject site are outlined below:

(a) Overall building height (preferred):
  (i) 14m (definition excludes some non-structural elements such as lift overruns).

(b) Street wall height to Oxford Street and Mason Street (preferred):
  (i) 11m maximum.

(c) Upper Level setbacks to Oxford Street and Mason Street (preferred):
  (i) Minimum 6m.

54. For streets that extend in a north-south direction, development must not overshadow the eastern and western footpaths to a distance of 2 metres from the kerb between 10am and 2pm on September 22.

55. The following design requirements apply:

(a) *The street frontage of development must:*
  (i) provide a prominent, well-articulated street-wall edge that provides a distinction between the lower and the upper levels of the building;
  (ii) address all street frontages and, where heritage elements are not a constraint, incorporate design elements/features that contribute to an engaging streetscape, avoiding blank walls and provide active frontages, where appropriate to the proposed use at ground level;
  (iii) be designed to accommodate (or can be adapted to accommodate) commercial activity at the ground floor incorporating a suitable commercial floor height, where heritage elements are not a constraint;
  (iv) locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the façade of the building;

(v) respond to the topography of the east-west oriented streets through transition and "stepping" of the ground floor to appropriately address the street.

(b) *The design of upper levels of development must:*
(i) be well-designed and articulated to break up the building mass across sites with a wide frontage;
(ii) distinguish between the lower and upper levels through materials and articulation;
(iii) be designed so that side walls are articulated and read as part of the overall. building design and not detract from the streetscape when viewed from direct and oblique views along the streetscape;
(iv) provide passive surveillance of adjacent streets and public open space.

56. As referenced under the building separation, amenity and equitable development requirements, the following apply:

(a) *An application for development must provide a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.*
(b) *Where development shares a common boundary, upper level development must:*
(c) *be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed*
(d) *be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed.*

57. The following decision guidelines apply to an application for a permit under this clause, and must be considered, as appropriate:

(a) *Whether the Built Form Requirements in Clause 2.0 are met.*
(b) *Whether the Heritage Building Design Requirements in Clause 2.0 are met (where the land is affected by a Heritage Overlay or immediately adjacent to a Heritage Overlay).*
(c) *Whether the proposal has considered the development rights/potential of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.*
(d) *Whether the proposal responds to the presence of heritage buildings either on, or in close proximity to the site though a suitable transition in scale of street-wall, upper level setbacks and building height.*
(e) *How the proposal responds in terms of scale and transition to the sloping topography of the area.*
(f) *The design response at the interface with existing low-scale residential properties, including the overshadowing of secluded private open space.*
(g) *Whether the proposal provides a high quality public realm interface that either activates the street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm.*
(h) *How any proposed buildings and works will impact on solar access to footpaths and public open spaces.*
(i) *The wind effects created by the development.*

58. Schedule 23 to the Design and Development Overlay is an interim control, as identified within the schedule the requirements of the schedule cease to have effect after 30 June 2021. On 18 May 2021, Council resolved to write to the Minister for Planning, requesting that the interim controls be extended by a further 12 months (Amendment C292). These controls have been extended for a further 12-month period.

Clause 45.03 – Environmental Audit Overlay (EAO)

59. Pursuant to Clause 45.03-1 of the Scheme, the following requirements apply:

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

(a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*

(b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

60. The use of the site for office is not a sensitive use and the requirements of this overlay are not relevant to the application.

Clause 45.06 – Development Contributions Plan Overlay (Schedule 1) (DCPO1)

61. The Development Contributions Plan applies to the proposed additional office floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.

62. Pursuant to Clause 45.06-1 a permit granted must:

(a) Be consistent with the provisions of the relevant development contributions plan.

(b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay

63. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 6 (Collingwood) and the development infrastructure levy is applicable to the office and retail floor space.

64. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 – Car parking

65. Clause 52.06-1 identifies that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.

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

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

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	3,885 sqm	3 spaces to each 100m^2 of net floor area	116	0
		Total	116	0

68. As no on-site car parking spaces are to be provided as part of this proposal, a planning permit for the full reduction of 116 car parking spaces is required.

Clause 52.34 – Bicycle Facilities

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

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	3,885 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	13 employee spaces	38 employee spaces
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	4 visitor spaces	4 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		**2 showers / change rooms**	**5 showers / change rooms**

71. The development proposes a total of 25 additional employee spaces on-site. Four on-site bicycle spaces are provided for visitors, meeting the Scheme requirements. Clause 52.34-4 provides design standard for bicycle spaces and signage.

72. There is no planning permit required pursuant to the requirements of clause 52.34-3.

Clause 53.18 – Stormwater Management in Urban Development

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

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

General Provisions

Clause 65 – Decision Guidelines

74. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

75. Relevant clauses are as follows:

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

76. The objective is:

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

Clause 11.03 (Planning for Places)
Clause 11.03-1S (Activity Centres)

77. The relevant objectives of this clause include:

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

Clause 13.05-1S (Noise abatement)

78. The relevant objective of this clause is:

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

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

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

80. The objective of this clause is:

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

Clause 15.01 (Built Environment and Heritage)
Clause 15.01-1S (Urban design)

81. The relevant objective of this clause is:

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

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

82. The objective is:

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

Clause 15.01-2S (Building design)

83. The relevant objective of this clause is:

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

84. Relevant strategies of this clause are:

(a) *Require a comprehensive site analysis as the starting point of the design process.*
(b) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
(c) *Ensure development responds and contributes to the strategic and cultural context of its location.*
(d) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
(e) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
(f) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
(g) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
(h) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
(i) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
(j) *Encourage development to retain existing vegetation.*

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

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

Clause 15.01-4S (Healthy neighbourhoods)

86. The objective is:

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

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

87. The strategy is:

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

Clause 15.01-5S (Neighbourhood character)

88. The relevant objective of this clause is:

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

89. Relevant strategies are:

(a) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*

(b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
   (i) Pattern of local urban structure and subdivision.
   (ii) Underlying natural landscape character and significant vegetation.
   (iii) Heritage values and built form that reflect community identity.

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

90. The objective of this clause is:

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

Clause 17.01 (Employment)
Clause 17.01-1S (Diversified economy)

91. The objective of this clause is:

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

92. The relevant strategies of this clause are:

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

Clause 17.02 (Commercial)
Clause 17.02-1S (Business)

93. The relevant objective of this clause is:

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

94. The relevant strategies of this clause are:

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

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

95. The objective of this clause is:

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

96. Relevant strategies to achieve this objective include:

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

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

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

Clause 18.02 (Movement Networks)
Clause 18.02-1S (Sustainable personal transport)

97. The relevant objectives of this clause is:

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

98. Relevant strategies of this policy are:

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

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

99. Strategies of this policy are:

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

Clause 18.02-2S (Public Transport)

100. The objective of this clause is:

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

Clause 18.02-2R (Principal Public Transport Network)

101. A relevant strategy of this clause is to:

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

Clause 18.02-4S (Car Parking)

102. The objective of this clause is:

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

103. A relevant strategy is:

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

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

104. The relevant policies in the MSS can be described as follows:

Clause 21.04-2 (Activity Centres)

105. The relevant objectives of this clause are:

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

106. Relevant strategies to achieve this objective include:

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

Clause 21.04-3 (Industry, office and commercial)

107. The objective of this clause is:

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

Clause 21.05 (Built Form)

108. Relevant objectives and strategies include;

    (a) Objective 14 To protect and enhance Yarra's heritage places.
        (i) Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas

Clause 21.05-2 (Urban Design)

109. Relevant objectives and strategies include:

    (a) *Objective 16 To reinforce the existing urban framework of Yarra.*

(b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
   (i) Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.
(c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
   (i) Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.
(d) *Objective 19 To create an inner city environment with landscaped beauty.*
   (i) Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.
(e) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.05-3 (Built form character)

110. The general objective of this clause is:

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

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

112. The strategies to achieve the objective are to:

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

Clause 21.05-4 (Public environment)

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

(a) *Objective 28 - To a provide a public environment that encourages community interaction and activity:*
   (i) Strategy 28.1 - Encourage universal access to all new public spaces and buildings
   (ii) Strategy 28.2 - Ensure that buildings have a human scale at street level.
   (iii) Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.
   (iv) Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.
   (v) Strategy 28.8 - Encourage public art in new development.

Clause 21.06 (Transport)

Clause 21.06-1 (Walking and cycling)

114. Relevant objectives and strategies include;

(a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
   (i) Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.

Clause 21.06-2 (Public transport)

115. Relevant objectives and strategies include;

(a) *Objective 31 To facilitate public transport usage.*
  (i) Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.

Clause 21.06-3 (The road system and parking)

116. Relevant objectives include;

(a) *Objective 32 To reduce the reliance on the private motor car.*
(c) Objective 33 To reduce the impact of traffic.

Clause 21.07-1 (Ecologically sustainable development)

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

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

Clause 21.08 – Neighbourhoods

Clause 21.08-5 – Collingwood

118. This clause outlines the Collingwood neighbourhood as follows:

(a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*

(b) *To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. This part of Collingwood is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low rise residential development. The most outstanding feature of the precinct is the Foy and Gibson complex of retail and warehouse of buildings which belong to the suburb's commercial past. The buildings have large dominating built forms with rhythmic facade design. They are imposing and visually cohesive.*

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

119. As identified at Clause 21.08-5, the following relevant built form strategies include the following:

(a) In the precinct bounded by Johnston Street, Wellington Street, Victoria Parade and Smith Street (including both sides of Smith Street depicted as the 'Smith Street Major Activity Centre' in the Built Form Character Map).

(i) Maintaining the varied profile of the skyline and the built form character of Smith Street.
(ii) Ensuring that no new development presents as a dominating built form along Smith Street.

(iii) Retaining the prominence of the key 'icon' (landmark) buildings in the Smith Street streetscape such as Pattersons, Safeway, Post Office.
(iv) Maintaining the Foy and Gibson complex of buildings as a large dominating visually cohesive group of buildings.
(v) Retaining the uniformity of the streetscapes associated with the Foy and Gibson buildings.
(vi) Ensuring new development respects the scale of adjoining existing clusters of low rise residential development.

Relevant Local Policies

Clause 22.03 – Landmarks and Tall Structures

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

Clause 22.05 – Interfaces Uses Policy

121. This policy applies to all development and use applications and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses. It is policy that:

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

122. Decision guidelines at clause 22.05-6 include:

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

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

Clause 22.07 – Development Abutting Laneways

123. This policy applies to applications for development that are accessed from a laneway or has laneway abuttal. The objectives of this policy include to provide an environment which has a feeling of safety for users of the laneway, to ensure that development along a laneway acknowledges the unique character of the laneway, to ensure that where development is accessed off a laneway, all services can be provided to the development and to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

Clause 22.10 – Built form and design policy

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

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

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

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

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

Clause 22.17 – Environmentally Sustainable Design

127. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Relevant Documents

Plan Melbourne

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

129. It is policy to create mixed-use neighbourhoods at varying densities to offer more choice in housing and create opportunities for local businesses and new jobs whilst also delivering better access to local services and facilities. In respect of commercial use, the plan identifies the following:

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

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

Yarra Planning Scheme Amendment C269 – Rewrite of Local Policies

130. Amendment C269 proposes to introduce new and revised local planning policies into the Yarra Planning Scheme. The amendment was on public exhibition between 20 August 2020 and 4 December 2020.

131. The revised local planning policy seeks to include the entire site as well as the Collingwood Mixed Use precinct within the Smith Street, Collingwood / Fitzroy Major Activity Centre. The following relevant strategies for the revised Major Activity Centre are provided below:

(a) *Encourage development that responds to the different built form conditions in Collingwood South precinct, with taller built form towards Wellington St and south of Peel Street and retain the visual dominance and integrity of the existing industrial warehouse buildings north of Peel Street.*

(b) *Encourage employment through mixed use and commercial development, including in the mixed use zoned land behind Smith Street.*

Amendment C293 – Proposed Permanent DDO23

132. On 18 May 2021, Council resolved to refer Amendment C293 (proposed permanent DDO23) to the Minister for Planning. Amendment C293 was requested to be referred to an Advisory Committee. Council's Strategic Planning Department advised on 4 June 2021 that Amendment C293 is not seriously entertained as the amendment process has not yet formally commenced.

133. No changes are proposed to be made to the preferred height, street wall and upper level setback requirements set out for the subject site.

Advertising

134. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 914 letters sent to surrounding owners and occupiers and by signs displayed on site. Council received seventeen (17) objections and one (1) letter of support, the grounds of the objections are summarised as follows:

(a) Built form and design (overdevelopment, inappropriate height, limited setbacks, architectural expression out of character; out of keeping with heritage);
(b) Amenity impacts (waste arrangements, ESD, lack of landscaping and public realm overshadowing);
(c) Off-site amenity (loss of views and privacy, overshadowing, noise and overlooking);
(d) Increased traffic, lack of car parking and loading facilities;
(e) Construction impacts;
(f) Loss of views to No. 6 Oxford Street;
(g) Concern office will be converted to residential in future; and
(h) No need for additional office floor space.

135. 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

External Referrals

136. The application was not required to be referred to external authorities.

Internal Referrals

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

(a) Environmentally Sustainable Design (ESD) Advisor;

(b) Strategic Transport Unit.

(c) Engineering Services Unit;

(d) Urban Design Unit (public realm only);

(e) Open Space Unit;

(f) City Works Unit;

(g) Streetscapes and Natural Values Unit;

(h) Strategic Planning Unit;

External Consultants

(i) Acoustic Consultant (SLR Consultants);

(j) Wind Consultant (MEL Consultants); and

(k) Urban Design Consultant (Simon McPherson [Global South]).

OFFICER ASSESSMENT

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

(a) Policy and strategic support;
(b) Use of the land as office;
(c) Built form and Urban Design;
(d) On-site amenity including Environmentally Sustainable Design;
(e) Off-site amenity impacts;
(f) Car parking, loading and unloading and bicycle facilities;
(g) Waste management; and
(h) Objector concerns.

Policy and Strategic Support

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

140. The Mixed Use Zone (MUZ) objectives readily encourage commercial uses and higher built form, subject to individual site constraints. State and local policies encourage the concentration of development in and around activity centres and intensifying development on sites well connected to public transport.

141. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.

142. The site fulfils this criteria, with tram routes along Smith Street, bus routes along Hoddle Street and Johnston Street and North Richmond Station approximately 810 metres to the east. Yarra's Copenhagen style bicycle lanes are also located along Wellington Street, providing a better-connected journey for cyclists, encouraging the use of alternative modes of transport to and from the site, rather than encouraging the reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision* of the Scheme.

143. The site is located in an area suitable for redevelopment, with a proposed built form that generally includes elements of a diverse pattern of urban form in the neighbourhood, creates a new built form character and would result in no unreasonable off-site amenity impacts, subject to conditions, as outlined later in this report.

144. Having regard to the above, the proposed development of the site for a greater provision of floor area for office is considered to have strategic planning support, however regard must be had to the appropriate scale of the proposal, based on the individual context and constraints of the land. This aspect of the development will be discussed below.

Use of the land as office

145. The use of the land as office requires planning permission pursuant to the requirements of the MUZ. Clause 22.05 (*Interface Uses Policy*) requires new non-residential use and development within the MUZ to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.
146. The use of the site as an office building is supported by the PPF and the objectives of the zone, as outlined previously, and promotes urban consolidation within proximity to an activity centre that is well serviced by existing infrastructure and services.

147. Council's external Urban Designer reviewed the proposed office land use identifying that it exhibited a high level of compliance with policy contained with the Scheme. Mr McPherson identified the following:

    (a) *The proposed office spaces will contribute to the established mix of land uses in this locality close to a Major Activity Centre, and to daytime activation and passive surveillance opportunities, while supporting employment outcomes.*

    (b) *Ground Floor office space is appropriate in this location, as opposed to retail or hospitality uses, because the site is not within an Activity Centre or in a location of high pedestrian movement levels.*

148. The applicant has provided indicative staff numbers for the office as part of the application material, advising that approximately 360 staff members would be present across the site. This is generally consistent with the building regulations which anticipate 1 worker per 10sqm of office area and is considered acceptable for a proposal of this size and scale. This will not form a condition as it is likely the total area available would be reduced once internal fit-outs are undertaken. In addition, off-site amenity impacts are largely caused by hours of operation, noise and car parking (albeit no car parking is proposed within this application), all of which will be considered within this report.

149. There is limited guidance in the Scheme as to what appropriate opening hours are in the MUZ. Clause 22.01 (*Discretionary Uses in a Residential 1 Zone*) stipulates that permit required uses in a Residential 1 Zone (e.g. Neighbourhood and General Residential Zones) should have hours of operation limited to 8am to 8pm.

150. The closing time of 6pm would comply, however, the opening time of 7am would not. In light of these hours being supported by the Scheme in a purely residential area and that the proposed use is located in a MUZ where commercial uses are explicitly encouraged, it is reasonable to permit the office use to operate for a maximum of one hour more in the morning from 7am on Monday to Friday.

151. The proposed hours of operation, from 7am to 6pm Monday to Friday, would operate outside of the more sensitive night time period (between 10pm and 7am) and as such it is expected that the use would not unreasonably interrupt typical rest times. A condition will therefore be included to restrict the office use to these hours and days.

152. The development includes a number of terraces that provide additional amenity for the proposed office tenancies. As these terraces are linked directly to the office use, a condition will be included to ensure that these terraces are not used outside of the office hours permitted by any permit issued (e.g. only utilised between 7am and 6pm, Monday to Friday). A further condition will ensure that no more than 50 people are accommodated on the roof terrace, in accordance with the documentation submitted to support the application by the applicant.

153. The proposed office use is largely considered to generate minimal off-site amenity impacts, given the limited hours of operation and surrounding context and is unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land. However, this will be discussed later in the report under 'Off-Site Amenity Impacts'.

Built form and Urban Design

154. This section of the report considers the built form of the proposed development and is guided principally by the DDO23. This assessment is also based upon the decision guidelines of the Mixed Use Zone at clause 32.04-14 and State and local planning policy at clauses 15.01-2 – Urban design principles; 21.05 – Urban design; 22.05 – Interface Uses Policy and 22.10 – Built form and design policy.

155. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings.

Heritage

156. The subject site is not affected by a Heritage Overlay and as such, no consideration is warranted for the proposed demolition of part of the existing building on site (as this does not trigger a planning permit). However, the site is adjacent to the Victoria Parade Heritage Precinct (Heritage Overlay – Schedule 336) which applies to the allotments on the eastern side of Oxford Street and southern side of Mason Street where opposite the site.

157. Of these buildings, No. 6 Oxford Street, No. 19 Cambridge Street (English Language School) and No. 45 Victoria Parade are individually significant to the precinct, whilst the dwellings at No. 13 – 21 Mason Street are contributory to the precinct. The open car park located at No. 23 Mason Street is not contributory to the precinct.

158. The Heritage Building Design Requirements contained within the DDO23 do not apply to the development as the site is not within a Heritage Overlay and is not a site that is adjacent to a heritage building. The development is, however, required to address the following design objective and decision guideline of the DDO23, relating to heritage:

    (a) *To maintain the prominence of the corner heritage buildings on Wellington Street, and respect both individual and groups of low-scale heritage buildings through recessive upper level development and a transition in scale from taller form towards the interface with heritage buildings.*

    (b) *Whether the proposal responds to the presence of heritage buildings either on, or in close proximity to the site though a suitable transition in scale of street-wall, upper level setbacks and building height.*

159. With regard to the heritage sensitivities within the surrounding area, the built form and massing results in the bulk of the development being positioned within the north-western corner of the site. This will ensure that the taller form will be in proximity to the least sensitive interfaces as the adjoining properties to the west and north that are not located within a Heritage Overlay.

160. The design of the eastern and southern facades, with a veil of two large arcs across Levels 02 – 04 and Levels 05 - 07, ensures the form scales down to the east and to the south acknowledging the form of the lower scale heritage buildings. This transition is evident upon review of the street wall elevation analysis prepared by the applicant, provided below:

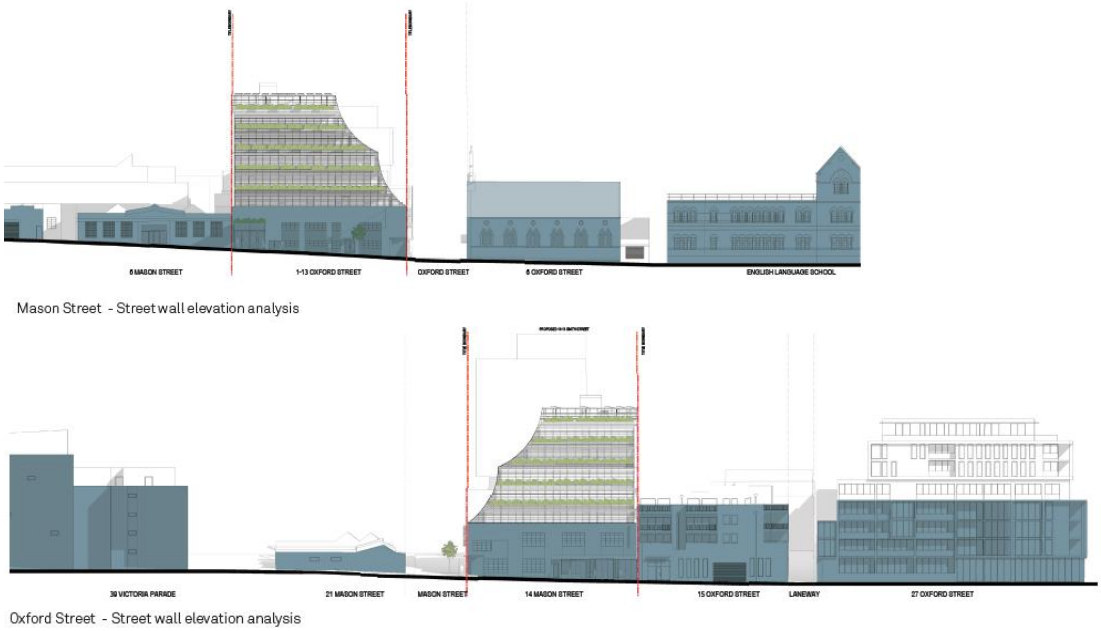


Figure: Mason Street (top) and Oxford Street (bottom) street wall analysis
Source: Applicant Documentation (Site Context Report)

161. As identified above, when viewed within the street, the retained street wall will be the prominent feature of the development. With no consistent street wall height present along both Mason and Oxford Streets, the retention of the existing (building) street wall ensures that the developments relationship with these buildings is consistent with the existing properties along both street frontages.

162. The development will not detrimentally impact the significance of the adjacent heritage precinct as the new development above the street wall will clearly be read as a separate, contemporary building separated from the precinct by the two road frontages.

163. This separation is accentuated by the design of the building scaling down to the east and south. This was confirmed by Council's external Urban Designer who advised that the proposal's upper level form was recessive in relation to heritage built form to the south and east.

164. As evidenced above, the relevant design objective and decision guideline of the DDO23, relating to heritage, are met.

Building height and massing of the development

Building Height

165. The proposal is an overall seven storeys in height with roof terrace above which equates to 27.45 metres (including pergola and excluding lift overrun).

166. The lift overrun protrudes 2.05 metres above the building height referenced above and is not considered to contribute to the overall building height in accordance with the definitions contained within DDO23. As defined within the DDO23, '*building height does not include non-structural elements that project above the building height and service equipment including plant rooms, lift overruns…*' provided the following criteria is met:

    (a) *Less than 50% of the roof area is occupied by the equipment (other than solar panels);*
    (b) *Any equipment is located in a position on the roof so as to avoid additional overshadowing of either public or private open space, or windows to habitable rooms of an adjacent property;*
    (c) *Any equipment does not extend higher than 3.6 metres above the proposed height of the building; and*
    (d) *Any equipment and any screening is integrated into the design of the building to the satisfaction of the Responsible Authority.*

167. With regard to (a), the lift overrun takes up less than 10% of the roof area above the overall height. In addressing (b), the lift overrun will not generate additional overshadowing to surrounding land due to the generous setbacks from the boundaries of the site. With regard to (c) and (d), the lift overrun extends 2.05 metres above the building height and the generous setbacks from property boundaries ensure that the overrun would not be visually dominating when viewed from outside of the subject site. For these reasons, the lift overrun protrusion does not contribute to the overall building height of the development and is satisfactory.

168. The development has been assessed against the building height controls of the DDO23 in the table below.

Item	**DDO23**	**Proposal**	**Complies?**
Preferred maximum building height	14m	27.45m	No
Mandatory maximum building height	N/A		

169. As demonstrated above, the development seeks to exceed the preferred building height (14 metres) by 13.45 metres. The DDO23 states that a permit cannot be granted to exceed the preferred maximum building height unless the following criteria are met:

    (a) *the built form outcome as a result of the proposed variation satisfies the Design Objectives in Clause 1.0, the Heritage Building Design Requirements and the Overshadowing and Solar Access (Public Realm) Requirements;*

    (b) *the proposal will achieve each of the following:*

        (i) greater building separation than the minimum requirement in this schedule;
        (ii) housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
        (iii) universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;
        (iv) excellence for environmental sustainable design measured as a minimum BESS project score of 70%.

170. With regard to (a), the proposed height satisfies the Design Objectives in Clause 1.0 of the DDO23 as follows:

(a) The proposal contributes to the emerging, contemporary, mixed-use character of the Collingwood South (Mixed-Use) precinct. The design is contemporary in nature, incorporating the retained brick street wall flush to the street and adopting a fluted upper level profile that presents as a draped mesh veil providing an appreciable distinction between lower an upper levels. Council's Strategic Planning Unit concur, stating that '*the proposal seems to generally fit within the contemporary, emerging built form in the mixed character the Collingwood South Precinct consists of.'*

(b) The development is mid-rise. At seven storeys the development would sit within the nominated range anticipated for the precinct of between 3 to 12 storeys. The design of the building with a metal mesh veil configured in two arcs ensures that the development provides an adequate transition to lower forms to the east and south and expected taller forms to the west and north with regard to the topography of the site. Amenity impacts are minimised and are acceptable, this will be discussed further later under 'Off-Site Amenity Impacts.'

(c) As discussed above under heritage, the design respects the individual and groups of low-scale heritage buildings within the immediate surrounds.

(d) The development promotes and encourages pedestrian activity through street edge activation and as discussed further below fully complies with the stated Overshadowing and Solar Access (Public Realm) Requirements of the DDO23.

(e) Equitable development outcomes are provided to both adjoining properties in accordance with the stated Building Separation, Amenity and Equitable Development Requirements of the DDO23. This will be discussed further, later in detail under 'Off-Site Amenity Impacts.'

171. Council's external Urban Designer agreed that the building achieved compliance with the Design Objectives of Clause 1.0, making the following key points:

(a) *The proposal does contribute to a contemporary, mixed-use character, has a prominent street wall edge, with upper-level setbacks and visual distinction between lower and upper levels;*

(b) *The proposed scale is mid-rise.*

(c) *The proposal does have a recessive upper-level form in relation to heritage built form to the south and east.*

(d) *The proposal contains extensive windows and doors at Ground Floor, which encourage street-level activation, and visual connection between the lobby and office spaces, and the public realm.*

(e) *The site has adjoining properties to the north and west, and proposes to build up to both boundaries to full building height, noting the recessive profile at the outer (street) edges. The site to the north has already been developed for apartments, with a blank side boundary wall interfacing the subject site.*

172. As previously identified, the Heritage Building Design Requirements do not apply to the site.

173. Shadow diagrams submitted identify that the opposing Oxford Street footpath is not shadowed between the hours of 10am and 2pm on the 22 September, in accordance with the Overshadowing and Solar Access (Public Realm) Requirements of the DDO23. Council's Strategic Planning Unit concurred that the development met the overshadowing requirements of the DDO23.

174. With regard to (b) (i) the development satisfies the requirement for greater building separation than the minimum requirement specified within the DDO23. The DDO23 specifies (relevant to commercial proposals) that where development shares a common boundary upper levels are to be setback a minimum of 3 metres from the common boundary where a commercial or non-habitable window is proposed. Where the common boundary is a laneway, the setback is measured from the centreline of the laneway.

175. Where facing a common boundary the only windows proposed are facing west to the ROW at Levels 03 – 06. These windows are required to be setback in excess of 3 metres from the centreline of the ROW to achieve greater building separation than required by the DDO23. As shown on the plans, at Level 03 the west-facing windows are setback 3.21 metres from the centreline of the ROW and at Levels 04 – 06 the west-facing windows are setback 5.154 metres from the centreline of the ROW, providing greater building separation than the minimum 3 metres required.

176. With regard to (b) (ii) and (iii), these relate to apartment developments and are therefore not applicable.

177. With regards to (b)(iv), the proposal demonstrates excellence in sustainable design with a BESS project score of 79%, exceeding the minimum 70% required by the DDO23.

178. In addressing the above requirements of the DDO23 it is considered that the development also demonstrates a high level of compliance against policy direction contained at clause 21.05 – *Urban Design* in that the requirements of Strategy 17.2, which specify criteria for developments to meet where they exceed 5-6 storeys, are also considered to have been met.

179. In light of the above considerations, the proposed building height is supported against the above criteria. The development will achieve very strong ESD performance whilst imposing no unreasonable amenity impacts which is discussed at length further later in the report.

180. Whilst it is acknowledged that the building will be taller than adjoining developments, there are recent approvals for higher developments in this area, with some having already been constructed or under construction.

181. Most notably, within the immediate streetscape, it is acknowledged that the existing recently constructed building at No. 27-29 Oxford Street and No. 15-21 Derby Street, which was approved prior to the introduction of the DDO23, adopts a predominate height of 27.57 metres (roof plant proposed above this height) with upper level setbacks falling short of meeting the DDO23 requirements specified for the site at every level in respect of Oxford Street.

182. This demonstrates that the emerging character of the area includes built form that is taller than some heights anticipated within DDO23, however complies with the Objective of the DDO23 to provide a mid-rise character ranging from 3 to 12 storeys. The application which seeks to introduce a commercial building to this corner that responds to this emerging character in both scale and setbacks while being respectful to surrounding heritage context being consistent with both local and state policy directives.

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

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

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

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

185. It is considered that the proposed design response offers a contemporary, well resolved and sophisticated design response that has demonstrated an exemplary and innovative design response worthy of support.

Massing

Podium

186. The podium height, as per the existing conditions, meets the Street Wall Height Requirements contained within the DDO23, identified below:

Item	DDO23	Proposal	Complies?
Preferred maximum street wall height (Oxford Street)	11m	8.56m – 9.12m (existing)	Yes
Preferred maximum street wall height (Mason Street)	11m	7m – 8.56m (existing)	Yes
Preferred ROW interface (part western boundary wall height)	11m	9.56m	Yes

187. The existing forms are retained to Oxford Street and Mason Street and are therefore acceptable, fitting comfortably within the identified preferred maximum street wall requirement. The ROW interface, at 9.56 metres (inclusive of the 2.2 metre on-boundary height increase at Level 3) also comfortably complies with the preferred ROW interface requirements.

188. Council's external Urban Designer supported the retained street wall, making the following comment:

(a) *The retention of the existing street facades allows the proposal to retain this part of the local character and the resultant industrial aesthetic at the lower levels.*

189. As discussed under the heritage section of this report, the retention of the existing facades as the podium ensures that the development is consistent with the existing properties along both street frontages.

Upper levels

190. The DDO23 prescribes preferred upper level setbacks of 6 metres for both the Oxford Street and Mason Street frontages. The DDO23 does not include any requirements for the development to address if the development does not achieve compliance with the preferred upper level setbacks as the site is not directly adjoining a heritage building.

191. In addition to the preferred upper level setback requirement, the DDO23 requires upper level development to:

(a) *be well-designed and articulated to break up the building mass across sites with a wide frontage;*
(b) *distinguish between the lower and upper levels through materials and articulation;*

(c) *be designed so that side walls are articulated and read as part of the overall building design and not detract from the streetscape when viewed from direct and oblique views along the streetscape;*
(d) *provide passive surveillance of adjacent streets and public open space.*

192. Above the maximum podium height of 11 metres the DDO23 stipulates a preferred upper level setback of 6 metres to both street frontages. The below diagrams indicate the level of non-compliance where the development does not meet the 6 metre preferred upper level setback requirement (Level 02 has not been included as under the DDO23 built form is permitted to be built to the street boundary in these locations):

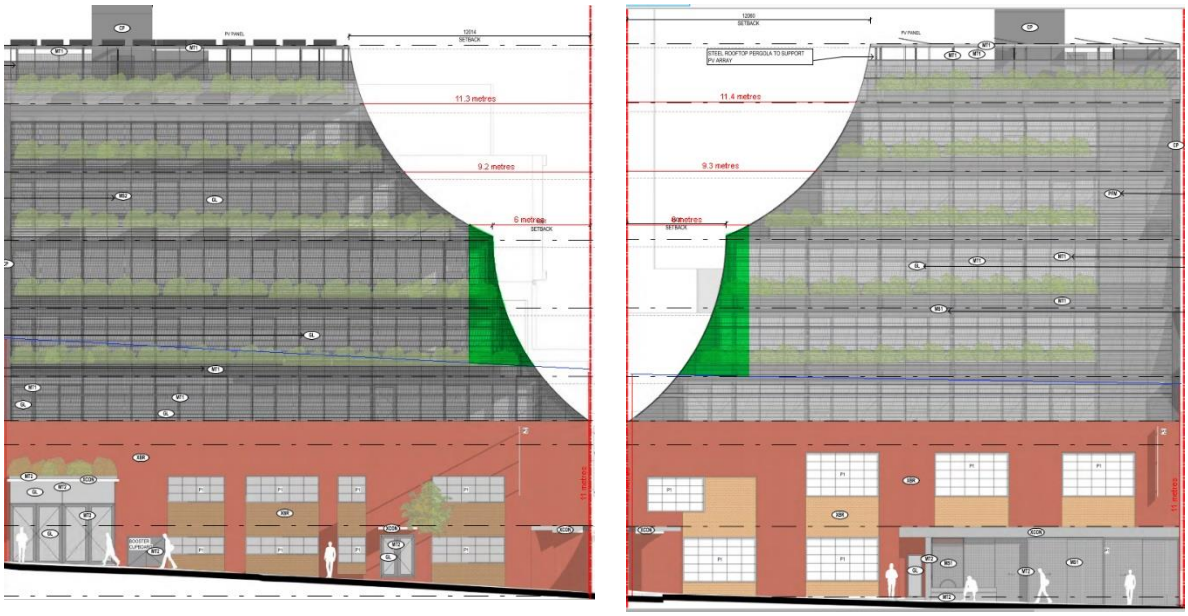


Figure: Southern elevation (left) and eastern elevation (right)
Source: Application Documentation (Decision Plans) with annotations

193. As demonstrated above, the non-compliance with the upper level setback requirement is largely restricted to Levels 03 to 04. The lower arc at these levels have minimum and maximum setbacks of 2.8 metres and 4.8 metres to Oxford Street and 2.6 metres to 4.9 metres to Mason Street.

194. At Level 05 the development transitions in setbacks to exceed the upper level setback requirements which is further accentuated at Levels 06 and 07.

195. Whilst the application seeks a variation to the preferred upper level setback, on balance, the design outperforms the preferred controls with Levels 05 to 07 being highly recessive. The variation at the lower levels allows for a successful and fluid transition through a contemporary and innovative design response which clearly differentiates between the retained street wall and upper levels as encouraged by the DDO23. For these reasons the massing response to Oxford Street and Mason Street is supported.

196. In terms of the presentation of the side walls Council's Strategic Planning Unit identified that the design presents a relatively exposed blank wall towards the northern elevation. Given the existing four-storey form directly to the north and significant upper level setbacks above four storeys, Officers do not share this concern. The visible northern boundary wall would not be a prominent feature in the streetscape, notwithstanding, the proposed wall to be constructed of cement panels and articulated through the provision of expressed metal trim within the horizontal seams and shadow gaps within vertical seams combined with the application of solar panels would ensure the elevation is provided with visual interest.

Further details on the wall treatment will be required via condition, as discussed below in relation to the western elevation.

197. The prominence of the western elevation is of concern to Officers. The western elevation shows that the wall will be cement panels and will be articulated through the provision of expressed metal trim within the horizontal seams and shadow gaps within vertical seams.

198. Council's Urban Designer was complimentary of this treatment to the boundary wall, however, the renders submitted with the application fail to show how this would be incorporated into the elevation (shown below). A condition should therefore require this to be addressed within the materials and façade strategy. This will ensure that the treatment of the western boundary wall is finished to Council's satisfaction, providing a high degree of depth and texture.

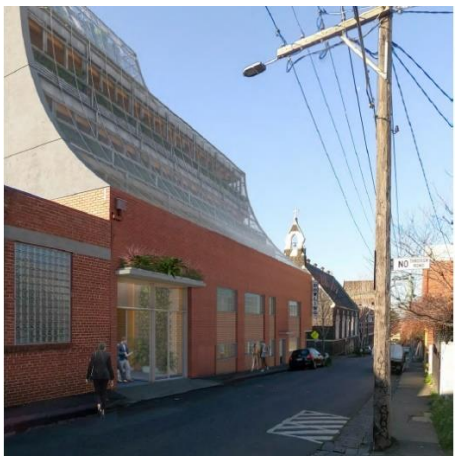


Figure: Render showing the western elevation when viewed along Mason Street
Source: Application Documentation (Urban Context Report)

Architectural Quality

199. The development is considered to be of high architectural quality and in that regard responds to the design objectives clauses 15.01-2 and 22.10-3.4. The contemporary design is appropriate and responds well to this part of Collingwood. Council's external Urban Designer was complementary of the proposed architectural design and quality, making the following assessment:

(a) *The retention of the existing street facades allows the proposal to retain this part of the local character and the resultant industrial aesthetic at the lower levels.*

(b) *The proposal is equally defined, however, by the upper-level façade, comprising a curved mesh 'veil' or screen which appears to be 'draped' over the building. The mesh has a higher density to the east, presumably for solar protection, than to the south façade, although both MS1 and MS2 are labelled as 'nominal 60% open' on drawing TP500 (Finishes Schedule).*

(c) *This façade device gives the building a robust, substantial visual quality, particularly in more distant views, while also appearing delicate, light and transparent, at closer viewing distance, as shown in the perspective views.*

(d) *In note that the 'Mason Street View West' montage in the Urban Context Report (page 51) includes a proposed Smith Street building in the background, which to my knowledge has been refused by VCAT, so should not be shown here.*

(e) *I observe that Collingwood's emerging built form context comprises a range of distinctive and innovative building designs. I consider that this proposal will contribute to this context, being a distinctive and visually engaging design.*

(f) *The side boundary wall to the west contains vertical bands of continuous glazing above the rear laneway frontage, while the 'blank' boundary wall facing the adjoining site is articulated with vertical shadow gaps, and horizontal metal trims. I consider this subtle extent of articulation to be adequate given the limited extent of blank façade and the presence of windows in the northern part of this façade*.

200. One recommendation was made by the external Urban Designer, who requested the durability and maintenance requirements/provisions for the façade mesh (labelled MS1 and MS2 on the plans) materials, and the side boundary wall 'cement panel' (labelled CP) be further investigated, to ensure that these components retain their appearance over the long term, and can be effectively maintained, to avoid visual degradation.

201. The above concern can be addressed via condition within a detailed materials and façade strategy.

202. Whilst the proposed external materials schedule provided an indication of the different materials and finishes proposed throughout the design, it is considered that the descriptions of each material is too broad. A façade strategy and materials and finishes schedule is to be submitted via condition to demonstrate:

(a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
(b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
(c) information about how the façade will be maintained, including any vegetation; and
(d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
    (i) Maintenance requirements for the following materials: 'MS1,' 'MS2' and 'CP,' demonstrating the durability of the materials to retain their appearance over the long term.
    (ii) Details of the proposed treatment to the western on-boundary wall as shown on the western elevation, demonstrating a high degree of depth and texture.
    (iii) Details of the ribbed texture of material 'MT2' including depth of ridges.

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

Landmarks, Views and Vistas

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

205. Concern was raised within the objections regarding loss of views to No. 6 Oxford Street. As identified under the heritage section of this report, it was determined that the development provided an adequate transition in scale to this individually significant graded heritage property in line with policy requirements of the DDO23 and public views of this building will not be lost from the public realm.

206. In respect of obscuring views of the church building and church tower, this particular church known as St Saviours Church of England Mission Church, later Holy Virgins Protection Russian Orthodox Church (currently used as a dwelling), is not a key landmark listed within clause 22.03 and as such the Scheme does not require views to this church to be protected.

207. Irrespective of the above, the applicant demonstrated within their Urban Context Report how view lines of the church tower were considered during the design and development phase of the building when viewed along Mason Street from the west. As demonstrated below, the retention of the existing building facades without increasing the street wall height to that preferred under the DDO23 (11 metres) coupled with the veil design of two arcs ensures that views of the church tower will be retained.

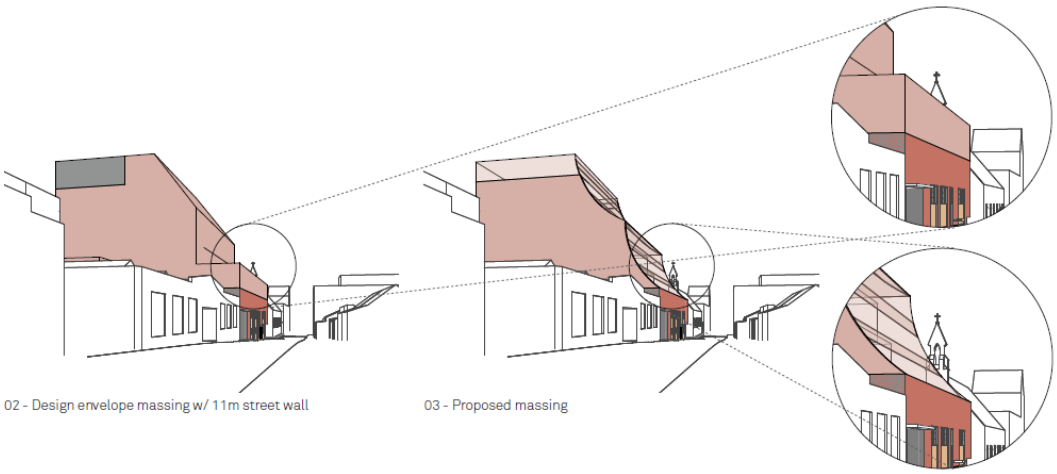


Figure: Massing Development
Source: Applicant Documentation (Site Context Report)

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

Light, Shade and Public Realm

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

210. A decision guideline of the DDO23 requires consideration of the following:

(a) *Whether the proposal provides a high quality public realm interface that either activates the street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm.*

211. The following guidance is also provided for the street frontages of new development, requiring the development to:

(a) *provide a prominent, well-articulated street-wall edge that provides a distinction between the lower and the upper levels of the building;*
(b) *address all street frontages and, where heritage elements are not a constraint, incorporate design elements/features that contribute to an engaging streetscape, avoiding blank walls and provide active frontages, where appropriate to the proposed use at ground level;*
(c) *be designed to accommodate (or can be adapted to accommodate) commercial activity at the ground floor incorporating a suitable commercial floor height, where heritage elements are not a constraint;*
(d) *locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the façade of the building;*
(e) *respond to the topography of the east-west oriented streets through transition and "stepping" of the ground floor to appropriately address the street.*

212. The site presently contributes little to the street. Interfacing with Mason Street toward the western boundary is a large solid roller door with the pedestrian door at this interface also solid. Interfacing with Oxford Street is another recessed solid pedestrian door and an under croft car parking area with a solid roller door behind.
The building has fallen into disrepair with graffiti applied extensively along the ground floor interfaces. There are two crossovers along each frontage, a double crossover along Mason Street and a crossover approximately 13 metres wide along Oxford Street.

213. The proposal provides an active frontage to Mason Street through the large glazed entrance and smaller glazed doors direct to the ground floor tenancy. A booster cupboard is proposed to the east of the larger entrance, in an area that was previously blank wall and is therefore acceptable. Whilst the infill façade of the bicycle store room along Oxford Street is to be finished in dense mesh, the operable elements of the façade and design features including the publicly accessible bench will ensure that this elevation is adequately activated. The transparency of the mesh will also allow for light and to a lesser extent views in and out of this space.

214. Council's external Urban Designer was supportive of the interfaces to both street frontages, making the following comments:

(a) ***Interface to Oxford Street***

(i) The Ground Floor frontage to Oxford Street comprises two large windows to the internal office tenancy, and metal mesh screening to the frontage cycle store. While I do not consider cycle storage to comprise 'active' frontage because it will contain limited activity, I support its prominence and visibility from the street, which supports internal amenity and 'promotes' sustainable transport, and enhances the end-of-trip experience.

(ii) This frontage also incorporates an external bench facing the street, below a shallow canopy, and a bottle-filling tap for cyclists and pedestrians. These devices will facilitate engagement with the building frontage by pedestrians.

(iii) Four large windows at Level 1 also overlook the Oxford Street public realm, providing additional activation and passive surveillance opportunities.

(iv) I consider this public realm interface to be appropriate and effective in supporting safety, visual interest and activation of the public realm, through visible internal spaces and direct visual connections with the public realm.

(v) As noted above, I accept that this location is unlikely to be effective for retail, café, or other hospitality uses, and I support the incorporation of office space at Ground Floor level.

(b) ***Interface to Mason Street***

(i) The Ground Floor frontage to Mason Street comprises wide windows at Ground Floor and Level 1, and a glazed entry to the lobby space, which will accommodate pedestrian movements throughout the day.

(ii) I also consider this public realm interface to be appropriate and effective in contributing positively to the public realm.

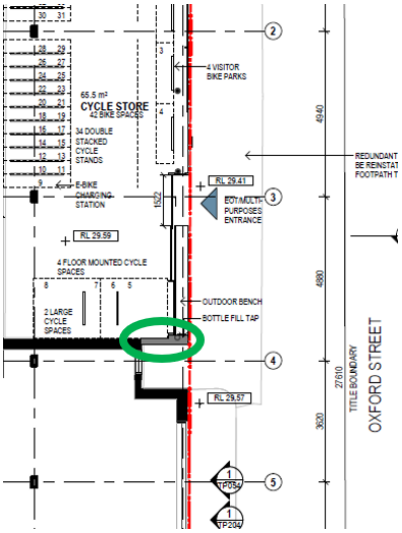
215. Council's internal Urban Design Unit was generally supportive of the ground floor interface, however, they made one recommendation as follows:

(a) *There is an opportunity to enhance the Oxford Street frontage and entrance, through the widening of the inset entrance. Providing a generous recessed entrance will provide increased space for pedestrian circulation, seating and proposed facilities. The integration of seating to the entrance is supported and should be wholly contained within the site (including sufficient setback for legroom) to ensure the footpath is free from obstructions.*

216. The applicant submitted diagrammatic sketch plans on 2 June 2021 to demonstrate that the issue identified above could be addressed through design changes, requesting that a permit condition be implemented. The sketch plans demonstrated that the inset entrance could be widened from 1.522 metres to 2.3 metres and that the bench seat could be setback further into the site to ensure the bench and subsequent legroom is provided on the title boundary. The location of the large bicycle spaces could also be modified to enable the above.

217. The applicant has demonstrated the above concern can be addressed via condition. A condition will therefore require the main inset entrance to Oxford Street to be widened and the bench seat setback into the site (with sufficient legroom provided within the title boundaries of the site). The location of the large cycle spaces can be modified, if required, to address these aspects.

218. There is some concern however with the new wall proposed between the infill façade to the bicycle store room and the secondary pedestrian entrance to the ground floor tenancy, circled below in green, as this may result in an unsafe concealment space.



219. The applicant advised via email on 9 June 2021 that the separation of this entrance from the bicycle store is intentional, to serve as a fire egress as well as a private entrance. The applicant advised that there is scope to remove the wall or incorporate the entrance into the broader building entry and screen at this location. A condition will therefore require the entrance to be incorporated into the broader building entrance (with the bottle tap to be relocated) or lighting to illuminate this entrance shown. It is considered that either measure would alleviate the concern.

220. The internal Urban Design Unit identified that there was an opportunity to provide a flush cut planting area on Mason Street within the no standing zone close to the intersection of Oxford Street. The applicant reviewed this request and provided within the sketch plans submitted 2 June 2021 an indication of how this could be accommodated. A condition will therefore require this to be provided in association with the development, with detailed design plans prepared.

221. The internal Urban Design Unit also recommended the reinstatement of the footpaths along both street frontages which is consistent with the requirements of Council's Engineering Unit. The redundant vehicle crossovers will also be required to be reinstated, this is annotated on the plans in respect of the Oxford Street crossover but not the Mason Street crossover. This shall form conditions and will provide an enhanced pedestrian experience and offer opportunities for increased on-street parking and street tree planting.

222. Council's Urban Design Unit identified that Mason Street and Oxford Street are proposed to incorporate increased street tree planting as an outcome of Council's Urban Forest Strategy (2017). The Unit requested a contribution of $3,045 be provided to facilitate the supply, planting and 2 years establishment maintenance for 3 new street trees. These will be planted during Council's planting season post development. Given the scale of development, this can be facilitated via condition.

223. Consideration of public realm overshadowing in accordance with the requirements of the DDO23 have been assessed under building height. The development complies with the requirements and is acceptable.

224. Lastly, Objective 5.1.4 of the Urban Design Guidelines for Victoria (UDGV) requires new buildings within activity centres to minimise adverse wind effects. Furthermore, a key decision guideline of the DDO23 is the wind effects created by the development.

225. The application was accompanied by a desktop wind assessment prepared by Windtech Consultants. The wind assessment identified that wind effects identified in the report could be ameliorated with consideration to the retention of the proposed porous mesh screening enclosing the above terrace areas.

226. The plans submitted to Council for assessment clearly show porous mesh screening enclosing all terrace areas. It is unclear what plans Windtech Consultants reviewed in forming their opinion, as the report does not reference a plan set. This was also identified by Council's external wind consultant, who commented that it is assumed the plan set reviewed were those submitted with the application. A condition will therefore require the report to be updated to review the latest set of plans, confirming all assumptions made.

227. The report concluded the following:

    (a) It is expected that the surrounding footpaths will satisfy the walking criterion and the building entrances will satisfy the short exposure (standing) criterion.
    (b) It is expected that the Level 02 and Level 05 communal terraces and Level 07 roof terrace will satisfy the short exposure (standing) criterion.

228. Whilst the terraces at Levels 03 and Levels 06 have not been assessed it is considered the limited width of the terraces (maximum 0.7 metres and 0.6 metres respectively) at these levels restricts their ability to be primary areas for recreation. Their exclusion is therefore acceptable.

229. This wind report has been peer reviewed externally. The external wind consultant raised no concerns with the proposed analysis approach, site exposure, regional wind climate and description of the development used in the preparation of the assessment. Council's external wind consultant agreed with the conclusions made, making the following summary:

    (a) *MEL Consultants would agree with the Windtech assessment of the expected wind conditions in the surrounding streetscapes and on the terrace areas. It has been noted that the porous mesh covering the east and south faces of the building would be important for mitigating the wind effects and has an open area of 60%. This mesh open area should be maintained since any changes to the open area would have an impact on the assessed terrace and streetscape wind conditions.*

230. Subject to the above-mentioned condition confirming the plan set assessed, it is considered that wind is adequately addressed and will ensure the development would not generate safety concerns for the pedestrian wind environment.

Site Coverage

231. The proposed site coverage of 100% is considered acceptable as the existing building with a site coverage of 100% is to be retained. Council's external Urban Designer made the following comment in regards to the siting of the development:

    (a) *By retaining the existing facades to both street frontages, the proposal occupies the full extent of the site. The retention of street facades contributes to retaining the established character of the public realm interfaces.*

232. Furthermore, the existing level of site coverage in the surrounding (and immediate) area is similar and within zoning that encourages higher density development (MUZ). Commercial and mixed-use buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Collingwood.

Landscape Architecture

233. Landscaping is not a typical feature of commercial land in the Collingwood area, however, the proposal includes significant amounts of landscaping which have been incorporated as part of the overall design of the building, including a 73.5sqm green roof.

234. Council's Open Space Unit reviewed the submitted landscape plan and commented that they were supportive of the landscape concept put forward and that the landscape plan was satisfactory, providing a sufficient level of information.

235. The level of landscaping proposed is supported noting that the DDO23 contains no requirements nor decision guidelines regarding landscaping. A condition can be included requiring the landscaping to be carried out and completed in accordance with the plan.

236. There is an existing street tree within the Mason Street road reserve in front of the subject site. To ensure this trees protection during construction, Council's Streetscapes and Natural Values Unit requires a bond for the amenity value of the tree and a tree management plan to be provided. This is considered a typical requirement and will form conditions to ensure that the tree is adequately protected during construction.

On-site amenity including Environmentally Sustainable Design

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

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

239. Council's ESD Advisor reviewed the development plans and submitted Sustainable Management Plan (SMP) identifying one area of deficiency and outstanding information that is required to be provided. Council's ESD Advisor commented that should a permit issue, these should be conditioned to ensure Council's ESD Standards are fully met.

240. The identified deficiencies and outstanding information identified is identified below:

    (b) ***Application ESD Deficiencies:***

    (i) No information regarding construction waste management provided. Confirm provision of a site-specific Environmental Management Plan – with a target recycling rate of 80% of construction and demolition waste to minimise the volume of waste to landfill.

    (c) ***Outstanding Information:***

(i) Confirm operable windows are provided on the east and south facades as obscured by mech screening in elevations.
(ii) Confirm all internal sealants and paints, adhesives, and carpets will be low VOC, and engineered timber products will be E0.
(iii) Provide Section J to support NCC improvement claims.
(iv) Clarify reduction in GHG emissions within Section J report.
(v) Confirm HWS, consider using a heat pump and include in Section J report.
(vi) Clarify reduction in Peak Energy Demand within Section J report.
(vii) Clarify location of internal blinds.
(viii) Confirm HVAC system, consider 3 pipe VRF and include within Section J report.
(ix) Confirm improvement over NCC and include savings within Section J report.
(x) Clarify total solar PV system size, and locations on rooftop and façade. Include generation within Section J report.
(xi) Confirm WELS ratings for fixtures and fittings.
(xii) Confirm floor-by-floor / tenancy metering.
(xiii) Confirm rainwater tank size and amend plans accordingly. The Tool 'work around' does not work as the tool will assume the difference between the impervious area draining to tank and the site area is permeable ground which is not the case. This method is satisfactory if the site area is also adjusted downwards by 75%.
(xiv) Clarify post-development flows will not exceed pre-development levels.
(xv) Confirm extent of timber to be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
(xvi) Confirm pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.
(xvii) Clarify discrepancy between SMP (8 visitor bicycle spaces) and GTP (4 visitor bicycle spaces).
(xviii) The GTP and plans indicate 1x eBike charging point. Clarify 'additional' charging points as per SMP.
(xix) Amend plans (TP120) or WMP to identify bin locations within waste room.
(xx) Provide a statement as to how the building mitigates urban heat – such as high SRI external finishes / roofing, and additional climbing vegetation at ground level to shield heavy mass (i.e. bricks) from heat gain.
(xxi) Please provide more details on these innovative initiatives to solidify their understanding and acceptance in design as innovations.
(xxii) Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications.
(xxiii) Confirm head contractor to be ISO 14001 accredited.

241. It is considered that all items can be addressed via condition as these items request further detailed analysis of the ESD measures. Item (c) (i) and (c) (xix) should be referenced within the condition 1 requirements with the balance required to be provided within an amended SMP.

242. The SMP will also be required to be updated to include the copy of the STORM Rating Report and associated documents submitted by the applicant on 16 April 2021.

Daylight and Ventilation

243. The proposed development is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for the office space being located on a corner with a part western abuttal to a laneway. The development provides large expanses of glazing at all levels and the provision of terraces throughout.

244. The SMP demonstrated that the project achieved a 2% daylight factor for 60% of the leasable office floor area, exceeding the BESS standards that require a daylight factor of 2% for at least 30% of floor area. Council's ESD Advisor raised no issue with the daylight modelling provided and this aspect is satisfactory.

245. The SMP submitted with the application indicates that openable windows to reduce reliance on mechanical air conditioning and to provide natural ventilation is proposed. Council's ESD Advisor raised no concern with the proposed ventilation, however, as identified previously requested confirmation that operable windows are provided on the east and south facades. This will form a condition.

Circulation Spaces

246. The main pedestrian entrance to the ground floor is easily identifiable from the street as a new entrance to Oxford Street is proposed. Secondary access from both Mason Street and Oxford Street direct to the tenancy is also provided.

247. Access to the upper levels of the building will be provided from Mason Street and will be easily identifiable from a new glazed entrance from the street. The circulation spaces afford a good level of amenity to future building occupants and the two double doors provide access to a generous lobby space with clear view lines to the main lift lobby, as demonstrated in the below internal render:

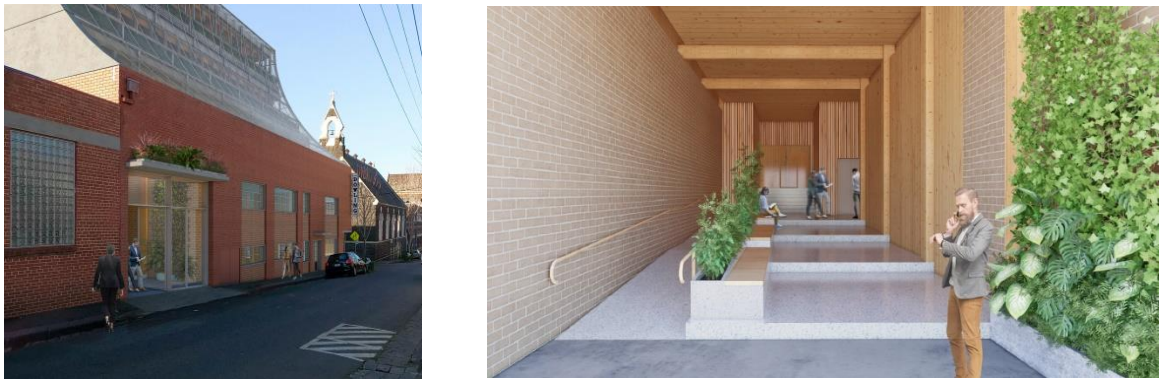


Figure: Renders of the development entrance along Mason Street
Source: Applicant Documentation (Site Context Report)

Facilities

248. Bathrooms are provided at each level for the office tenants. Whilst kitchen facilities are not currently shown on the floor plans, it is considered that this will be designed in the detail design stage once the building becomes tenanted and is acceptable.

249. Bicycle parking and end-of-trip facilities are also incorporated into the design, within the ground floor level with direct access to Oxford Street. External terraces are provided at varying levels. These features will further enhance the amenity of the development.

Off-site amenity impacts

250. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy). As the site surrounds description identifies, there are dwellings located immediately adjoining the site to the north and across Oxford Street to the east and Mason Street to the south. All of these properties are located within the MUZ.

251. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate):

(a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*

Noise

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

253. The proposal is unlikely to result in unacceptable noise emissions to the nearby residential properties given the majority of the building would be used for offices (subject to consideration of hours and sleep disturbance criteria). Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity limited to weekdays between 7am and 6pm.

254. The applicant submitted an acoustic report to address noise impacts from the proposal on surrounding residential properties. The report was peer reviewed by Council's acoustic consultant, SLR Consulting, who confirmed that the report generally addresses the acoustic issues related to the proposal however they suggested the following matter in relation to the commercial plant noise be addressed further:

    (a) *For this reason we have suggested that a conservative approach is taken during the design and lower noise limits are targeted, or that site specific background monitoring be conducted to confirm the noise limits. Any compliance testing, if required to be conducted in the future, should assess noise from the site to noise limits determined in accordance with SEPP N-1 or the Noise Protocol (as relevant).*

255. As a result of the above, it is considered that a condition should be implemented that requires a review of all acoustically significant mechanical plant prior to the occupation of the development. The acoustic report submitted with the application should also form part of the endorsed documentation associated with the application, this can be facilitated via condition.

256. Subject to this condition, it is considered that noise is adequately addressed noting that the proposed hours and days of operation, 7am to 6pm Monday to Friday, would negate a number of negative noise impacts in the more sensitive night time hours.

Visual bulk

257. In regards to visual bulk impacts to the dwellings to north at No. 15 – 25 Oxford Street, the apartment balconies of this development at Level 01 and Level 02 where facing Oxford Street are enclosed along the common boundary, therefore views of the building from these balconies and windows behind would not be possible.

258. At Level 03, the topmost level, where facing Oxford Street it appears that a solid balustrade exists along the balconies edge at the common boundary, as demonstrated below:



Figure: Subject site with neighbouring balcony interface highlighted

Source: Officer image, taken 21/05/2021

259. The balustrade appears to be standard height and whilst primary views are maintained to Oxford Street, views to the subject site from this balcony would be possible. As the northern elevation demonstrates, the arced veil is designed to ensure that the substantive built form is not directly opposite this balcony, limiting visual bulk to an acceptable level.

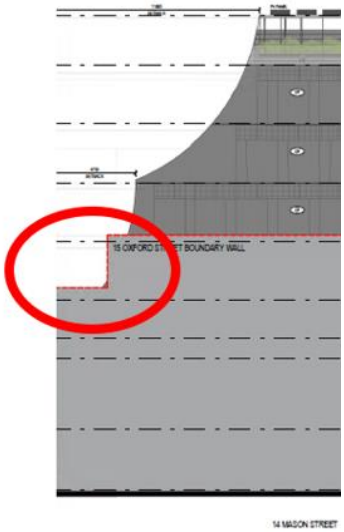


Figure: Northern elevation with area of interest highlighted
Source: Advertised Plans

260. The apartment balcony at Level 02 of this development where facing the ROW is also enclosed at the common boundary, therefore restricting views from this open space area to the development. The apartment balcony on Level 01 is partly enclosed and partly open along the common boundary with the Level 03 balcony where facing the ROW providing a solid balustrade along the common boundary with a standard height, as indicated below:



Figure: Neighbouring balcony interface highlighted where facing the ROW
Source: Officer image, taken 21/05/2021

261. Where adjoining the Level 01 balcony the on-boundary wall of the development will extend in height by 2.2 metres, resulting in a wall with an overall height of approximately 6.6 metres above this balconies floor level. Where adjoining the Level 03 balcony the development is generally setback to align with the building setback of the adjoining development apart from a 0.2 metre encroachment. With regard to the primary outlook of both balconies to the west it is considered that the above is acceptable and would not result in unreasonable visual bulk.

262. In respect of the apartment buildings/townhouse developments further north and north-west, it is considered that within this built form context views from windows to built form is not an unreasonable expectation.

263. To the east and south, it is considered that views from any street-facing habitable room windows or open space areas would be possible. The width of Oxford and Mason Streets would provide adequate separation distance to mitigate unreasonable visual bulk impacts.

    The bulk associated with the building is considered typical of development occurring within the MUZ and the atypical design of the building scaling down to the east and south would further assist in ameliorating visual bulk associated with the development.

264. Several objections raised loss of views as a primary concern. The Victorian Civil and Administrative Tribunal (VCAT) has consistently found that although impact upon views can be considered amongst the amenity impacts of a proposal, there cannot be considered a right to any particular view. In the absence of particular planning controls which might require the protection of, or sharing of views, loss of views is afforded very limited weight. This is especially the case where a view is obtained across adjoining land and the views are not afforded any special consideration in a planning control.

265. This particular issue was discussed within VCAT decision Harker & Anor v Yarra CC [2009] VCAT 1358 where Member Read made the following comments at paragraph 18:

    (a) *…I must also bear in mind that buildings of this proposal's height are now common in this locality and, in some respects, it is fortuitous that a building of at least similar height has not already been constructed or proposed further south. Because there is no planning policy or control in the Yarra Planning Scheme that is designed to identify and protect valued views, I conclude that I would be acting unreasonably if I were to refuse a permit for the proposed building on this ground. This would be an unreasonably and arbitrary imposition on one property owner in order to protect another from a reasonably foreseeable outcome.*

    [emphasis added]

266. In this case the development is not considered to intrude unreasonably upon the skyline to reduce the amenity of neighbours through their outlook or access to daylight.

    Overlooking

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

268. Notwithstanding, the development is separated from dwellings to the east and south by greater than 9 metres due to Oxford Street and Mason Street. There are no habitable room windows or secluded private open space areas to the west within 9 metres.

269. The development is built to the northern boundary with no north-facing windows, however, consideration must be given to the east and west facing windows and balconies due to the proximity with the east and west facing balconies of the development to the north.

East

270. There would be no overlooking concerns at Ground - Level 02 as a solid wall separates the subject site from the northern adjoining property. At Levels 06 – 07 the neighbouring balcony would be outside of the 9 metre overlooking arc therefore removing any overlooking concerns regarding these levels.

271. The applicant submitted the following diagrams to demonstrate that the overlooking arc would not extend into the adjoining properties balcony area at Levels 03 – 04 due to the position of the services enclosure.

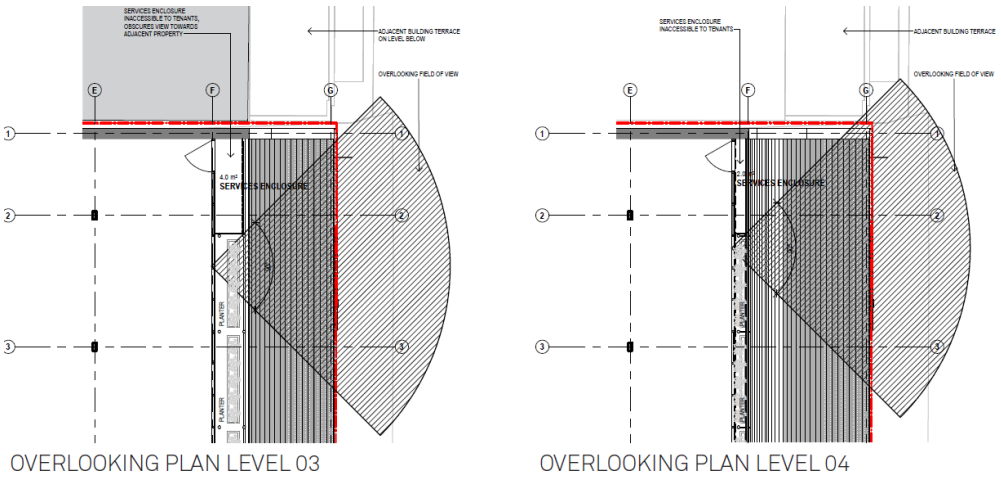


Figure: Overlooking Plans
Source: Applicant Documentation (Site Context Report)

272. There is some concern with overlooking from the Level 05 terrace into the adjoining balcony. A review of potential sightlines using Trapeze Software that can scale and measure the plans indicates that views may be possible, as shown below:

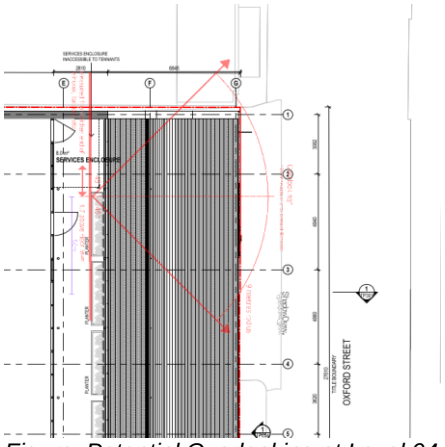


Figure: Potential Overlooking at Level 04
Source: Applicant Documentation (Decision Plans annotated using Trapeze software)

273. It is likely that the built form below would obscure this sightline. This should be confirmed and can be via condition. If overlooking were to occur, additional screening could be implemented. Subject to conditions, overlooking from the east-facing terraces and windows has been addressed.

West

274. There would be no overlooking concerns at Ground – Level 01 as there are no west-facing windows at this level. At Level 02 the neighbouring balcony to the north would be outside of the 9 metre overlooking arc therefore removing any overlooking concerns regarding this level.

At Level 07 the location of the plant area would ensure there are no trafficable areas in proximity to the northern adjoining balconies.

275. At Levels 03 – 06 whilst the northernmost west-facing window includes deep recesses that block the majority of direct views, some direct views are possible as the following diagram indicates:

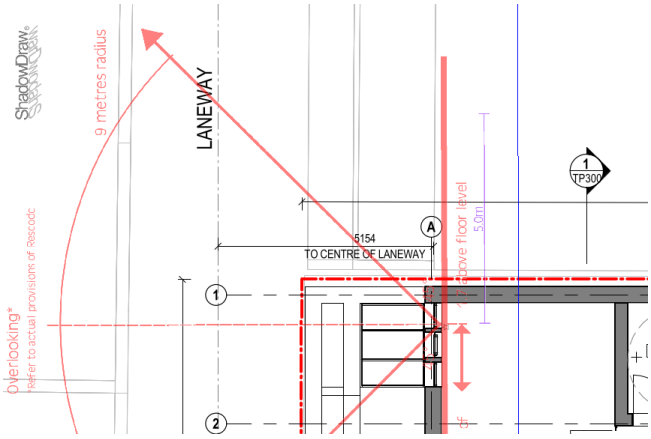


Figure: Potential Overlooking at Levels 03 - 06
Source: Applicant Documentation (Decision Plans annotated using Trapeze software)

276. This is particularly important at Levels 03 and Level 04 given the proximity of the windows to the balcony area. This should be required to be addressed via condition. Additional screening or obscure glazing could be implemented. Subject to conditions, overlooking from the west-facing windows has been addressed.

277. Whilst there are two balcony areas on the western side of the ROW associated with No. 6 – 12 Mason Street, these balconies are associated with a commercial use and as such there are no overlooking concerns to these balconies. The location of the balconies are shown below.

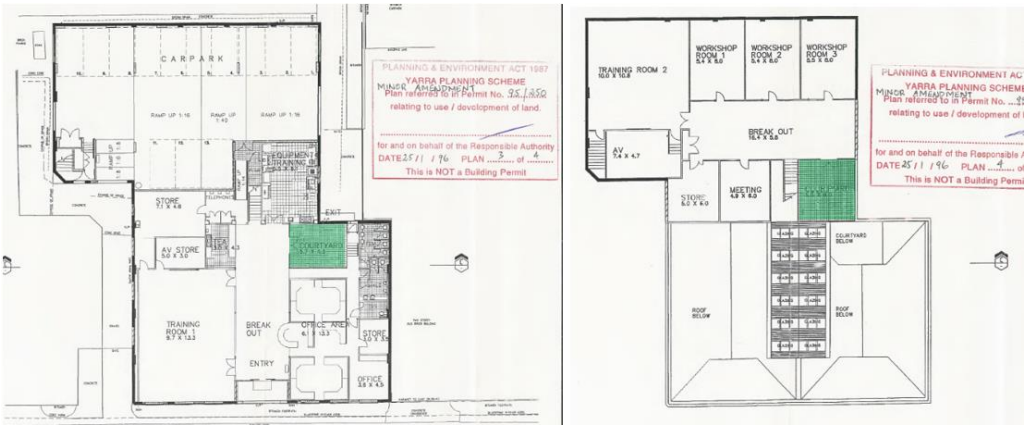


Figure: Location of commercial balconies located to the west at ground floor (left) and first floor (right)
Source: Endorsed Plans of Planning Permit PL95/250 (No 6-12 Mason Street)

Overshadowing and daylight to existing windows

278. Due to the layout and position of the surrounding residences, no additional shadowing would occur to any area of secluded private open space in the surrounds.

279. In respect of daylight, the proposal is adequately setback from windows associated with the surrounding dwellings to allow for access to daylight. Whilst directly abutting residences to the north, the windows of these dwellings are oriented to face north, east and west, away from the subject site and would not be impacted.

Fumes and air emissions, light spillage

280. The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor terraces). The proposed use is not considered to result in unreasonable air emissions, with light spill from the upper level offices limited due to the nature of the use that is proposed to operate between 7am and 6pm on weekdays only.
As stated earlier a condition will ensure the terraces to the offices are not used outside of these hours. There would be no fumes associated with the office use.

Equitable development

281. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered. Furthermore, a decision guideline of the DDO23 requires consideration of the following:

    (a) *Whether the proposal has considered the development rights/potential of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.*

282. Further to the above, the DDO23 prescribes upper levels setbacks for commercial developments where a common boundary is shared is as follows:

    (i) be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed.

283. The site is separated from land to the south and east, with the only direct abuttals being the properties to the north and west. As previously identified, the proposal exceeds the setback requirements in relation to the western interface with the ROW where commercial windows are proposed.

284. The direct abuttal of the northern and western walls along the boundary with No. 15 - 25 Oxford Street and No. 6 – 12 Mason Street will allow any new building to build 'hard-up' against these walls. Given the overall size of the adjoining allotment to the west and the potential allotment to the north (reliant on consolidation of apartments) this is considered satisfactory, noting that redevelopment of the site to the north is not likely in the immediate future.

285. The Level 04 to Level 06 floor plans include a notation 'windows to fire stair' relating to the northern boundary wall. It is considered this is a plan error resulting from an earlier amendment to the plans that removed on-boundary windows from the northern elevation. A condition will require this notation to be deleted.

286. Council's external Urban Designer was supportive of the development commenting that it provides for equitable development potential of adjoining sites, with particular regard to the undeveloped site to the west.

287. Lastly, solar panels are proposed to be provided on the northern building elevation. Council's external Urban Designer did not foresee this as an issue, however, Officers are concerned that this may prejudice future development of the northern adjoining site in future.

288. The applicant identified in a letter dated 22 December 2020 that the solar panels were entirely sacrificial in the event of neighbouring development. It is important to note that if covered or demounted in future the SMP provided by the applicant confirms that the overall BESS Energy Score would not be reduced.

289. To address this concern conditions should be included within the façade strategy requiring details of the solar panels to be provided ensuring they are located within the title boundaries of the site and details of how the solar panels on the northern boundary wall will be removed/forfeited in the event of the northern adjoining property developing.

290. Given the context of the site, it is considered that future equitable development opportunities have been provided within this development.

Car parking, loading and unloading and bicycle facilities

291. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 116 car parking spaces, with no on-site car parking spaces proposed. To support a full reduction in the statutory rate, a car parking demand assessment was undertaken by OneMileGrid, with car parking inventory in the neighbourhood also reviewed. These results are captured in the assessment below.

Parking Availability

292. The applicant's traffic engineers, OneMileGrid, conducted a car parking inventory survey of the car parking available within approximately 200 metres of the site. Due to COVID-19 restrictions in place, on-street parking at that time would not have been representative when under normal operating conditions.

293. The inventory survey identified that within the surrounds there were a total of 164 spaces in the area (including 5 DDA spaces) that are available for short-stay users. The survey confirmed that there was limited car parking in the area for long-stay users.

257. With respect to the location of the subject site, it is understood that on-street parking demand is very high and close to saturation point. It is acknowledged that existing patterns of car parking usage is not useful given policy within Clause 52.06 encourages the use of other forms of transport.

294. Council's Traffic Engineers confirmed that the availability of short-stay parking would provide regular turnover throughout the day, thereby allowing customers and clients to park near the site or access the site via alternative transport modes. The limited availability of long-term on-street parking would discourage employees from driving to work and encourage them to travel by alternative forms of transport. The Unit identified that if required there were off-street car parking facilities available (e.g. 3 Cambridge Street) to cater to those individuals.

Parking Demand

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

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

297. A VCAT decision *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [2017] VCAT 753 regarding an office development at No. 2 – 16 Northumberland Street, Collingwood, discusses this specific precinct with regard to supporting a significant reduction in car parking (386 car parking spaces) with the following assessment made:

[54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.

[55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole. This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.

298. Further to the above decision, in the VCAT Red Dot Decision *Ronge v Moreland CC [2017]* VCAT 550 the Tribunal made the following key statements:

> *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
>
> *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
>
> *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
>
> *Policy tells us the future must be different.*
>
> *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
>
> *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*
>
> *Based upon the findings within this recent decision, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.*

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

300. In support of the lack of car parking on-site, examples of existing offices within the City of Yarra with no on-site car parking were provided by Council Engineering Unit, as follows:

(a) PLN17/0867 – 187 – 195 Langridge Street, Collingwood – 470 sqm
(b) PLN18/0072 – 100 – 102 Islington Street, Collingwood – 207 sqm

301. Council's Engineering Unit noted that the above examples were associated with small scale offices. The following are examples of support provided for larger offices in the City of Yarra:

(a) PLN15/0630 – 113 – 115 Bridge Road, Richmond – 844 sqm
(b) PLN18/0697 – 37 – 39 Stewart Street, Richmond – 1,330 sqm
(c) PLN18/0902 – 48 – 50 Gipps Street, Collingwood – 1,871 sqm
(d) PLN20/0214 – 6 – 10 Peel Street, Collingwood – 2,294 sqm
(e) PLN17/1059.02 – 33 Peel Street, Collingwood - 1,132 sqm

302. No provision for on-site car parking would encourage a modal shift from private vehicle use to more sustainable travel. Council's Engineering Unit are supportive of the application on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

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

(a) The site is located within walking distance of several public transport services, as identified below:
    (i) Victoria Parade trams – 200 metre walk
    (ii) Victoria Parade buses (Clarendon Street interchange) – 240 metre walk
    (iii) Smith Street-Gertrude Street trams – 270 metre walk
    (iv) Brunswick Street trams (St Vincent's Plaza) – 750 metre walk
    (v) North Richmond railway station – 950 metre walk
    (vi) Hoddle Street buses – 900 metre walk
    (vii) Parliament railway station – 1.3 km walk

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

(c) The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Future employees and visitors would be able to take advantage of the Copenhagen bike lanes along Wellington Street;

(d) With no provision of on-site car parking there would be limited, if any, impacts associated with traffic generated by the development;

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

.

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

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

(h) The proposed retained building forms significantly reduce the ability for the development to provide substantial car parking.

304. The provision of no on-site parking for the office use is considered appropriate, having regard to the site's accessibility to public transport services and its proximity to the Melbourne CBD. As previously stated, Council Engineers raised no objection to the proposed reduction in the car parking requirement.

305. Several engineering conditions regarding civil works, road asset protection, and construction management, impacts of assets on the proposed development and modification to car parking signage have been recommended. These conditions are considered standard and will be included as conditions.

Loading and unloading

306. With regards to the proposed use of the site for office, it is not considered that an on-site loading bay is required. It is anticipated that loading associated with the office would be infrequent and undertaken by smaller trucks/vans that can utilise the nearest public on-street Loading Zone (on the east side of Oxford Street, south of Derby Street) or public parking within the area.

307. A condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

Bicycle parking and facilities

308. The proposal provides a total of 42 bicycle parking spaces on-site (38 employee & 4 visitor) that can be accessed directly from Oxford Street. Generous end-of-trip facilities are provided with five shower/change rooms and 56 lockers provided, meeting the Scheme and best practice requirements. These features are considered necessary given the full reduction in on-site car parking spaces being sought.

309. The proposal provides a total of 38 bicycle parking spaces on-site for employees, with end-of-trip facilities provided at the ground floor level. The number of bicycle spaces for employees exceeds the statutory rate outlined in Clause 52.34 and meets the rate outlined within Category 6 of the Built Environment Sustainability Scorecard (BESS) (requiring 13 employee spaces and 38 employee spaces respectively).

310. Council's Strategic Transport Unit reviewed the layout of bicycle parking advising that the dimensions of the bicycle spaces and the layout meets the clearance access requirements of AS2890.3. Furthermore, the development satisfies the requirement for at least 20% of employee spaces to be horizontal at-grade. The proposed provision of employee bicycle parking is satisfactory.

311. In respect of visitor parking, the proposal provides four spaces on-site within the employee bicycle room, meeting the statutory rate outlined in Clause 52.34. The Strategic Transport Unit commented that the location and provision of visitor parking was acceptable with particular regard to the Oxford and Mason Street frontages where on-street bicycle hoops cannot be accommodated due to the narrow footpath widths.

312. The design and layout of the visitor spaces are considered acceptable, with all four provided as horizontal at-grade spaces, in a location easily accessible to visitors of the site. The Strategic Transport comments confirmed that these spaces meet the standards set out in AS890.3.

Green Travel Plan

313. Council's Strategic Transport Officer reviewed the submitted Green Travel Plan (GTP) advising that the document included all of the information required and could be endorsed. The conditions suggested throughout the report are inconsequential to the information contained within the GTP, and therefore it is not required to be updated.

314. A condition will therefore require the provisions, recommendations and requirements of the GTP to be implemented and complied with to the satisfaction of the Responsible Authority.

Waste management

315. The proposal provides for a waste storage room within the ground floor of the site to the east of the lift core. As identified within the Waste Management Plan (WMP) the waste room will accommodate 1 x 660 litre bin for garbage, 2 x 660 litre bins for recycling, 1 x 660 litre bin for organics and 1 x 80 litre bin for glass. The plans show that the waste room can accommodate the 4 x 660 litre bins, however, the 1 x 80 litre bin is not shown. A condition can require this to be shown.

316. All waste collection will be private and is intended to be undertaken from Oxford Street to the east. The waste bins will be transferred to the Oxford Street frontage on the designated collection days for kerbside collection. The WMP indicates when the bins are located on-street a clear path of 0.7 metres will be provided for pedestrian movement.

317. Following a review of the WMP (authored by OneMileGrid and dated 16 December 2020), Council's City Works Unit advised that the WMP is to be updated to remove the kerbside collection as a sufficient clearance of 1.5 metres is required to be available on the footpath when bins are positioned on the kerb and this cannot be provided.

318. The applicant submitted on 2 June 2021 an updated WMP (authored by OneMileGrid and dated 2 June 2021) and memo prepared by One Mile Grid outlining how the issue identified by Council's City Works Unit could be rectified. The updated WMP identifies that the waste vehicle will prop within Oxford Street whilst the collection staff transfer bins to the truck and back with no bins being left kerbside at any time.

319. Council's City Works Unit reviewed the updated WMP and advised that the revised arrangements were satisfactory. A condition will therefore require this version of the WMP be updated to include the location of the 1 x 80 litre bin for glass. Subject to this change being shown in the updated WMP the waste arrangements are satisfactory.

Objector concerns

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

    (a) *Built form and design (overdevelopment, inappropriate height, limited setbacks, architectural expression out of character; out of keeping with heritage)*

        This is discussed within paragraphs 154 to 203

    (b) *Amenity impacts (waste arrangements, ESD, lack of landscaping and public realm overshadowing)*

        This is discussed within paragraphs 173, 233 to 236, 237 to 245 and 315 to 319.

    (c) *Off-site amenity (loss of views and privacy, overshadowing, noise and overlooking)*

This is discussed within paragraphs 250 to 290.

(d) *Increased traffic, lack of car parking and loading facilities*

This is discussed within paragraphs 291 to 307.

(e) *Construction impacts*

Whilst this will be handled at the Building Permit stage, a Construction Management Plan will be required via condition to ensure the construction is managed in accordance with Council policies and procedures.

(f) *Loss of views to No. 6 Oxford Street*

This is discussed within paragraphs 204 to 208.

(g) *Concern office will be converted to residential in future*

The applicant has not applied for construction nor extension of dwelling/s. If this was to alter in the future, further planning approval would be required.

(h) *No need for additional office floor space*

The Melbourne Industrial and Commercial Land Use Plan anticipates an additional 3.3 million square metres of office floor space will be required across the Inner Metro Region by 2031.

Conclusion

321. The proposed use and development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives.

322. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of a multi-storey building, use of the land for office and a reduction in the car parking requirements at 1 – 13 Oxford Street, Collingwood subject to the following conditions:

1. Before the use and/or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Kerstin Thompson Architects Pty Ltd, Sheets: TP120, TP124 – TP128, TP200, TP201, TP204, TP300, TP301 (dated 11.12.2020), TP121, TP123, TP203, TP500 (dated 04.02.2021) and TP122, TP202 and TP205 (dated 19.02.2021) but modified to show:

   <u>Layout</u>

   (a) The main inset pedestrian entrance to Oxford Street widened and the bench seat setback into the site (with sufficient legroom provided within the title boundaries of the site). The location of the large cycle spaces can be modified, if required, remaining compliant with the requirements of AS2890.3.

(b) The entrance door to the ground floor tenancy from Oxford Street to be shown and incorporated into the broader building entrance (with the bottle tap to be relocated) or lighting to illuminate this entrance shown.
(c) A notation on the Level 01 plan indicting that the Mason Street crossover is to be reinstated as footpath, kerb and channel.
(d) Confirmation operable windows are provided on the east and south facades.
(e) Bin locations within waste room identified.
(f) Detailed diagrams demonstrating no overlooking from the Level 05 terrace into secluded private open space areas and habitable room windows to the north within 9m. Any additional screening measures used to achieve compliance are to be shown.
(g) Detailed diagrams demonstrating no overlooking from the Level 03-06 west-facing windows into secluded private open space areas and habitable room windows to the north within 9m. Any additional screening measures used to achieve compliance are to be shown.
(h) Deletion of the notation 'windows to fire stair' as shown on the Level 04, Level 05 and Level 06 floor plans.

Reports and Plans

(i) Any changes required by the amended Sustainable Management Plan at Condition 5;
(j) Any changes required by the amended Wind Impact Assessment at Condition 10;
(k) Any changes required by the amended Waste Management Plan at Condition 12; and
(l) Any changes required by the Public Realm Plan at Condition 35.

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

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

(a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
(b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
(c) information about how the façade will be maintained, including any vegetation; and
(d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
    (i) Maintenance requirements for the following materials: 'MS1,' 'MS2' and 'CP,' demonstrating the durability of the materials to retain their appearance over the long term.
    (ii) Details of the proposed treatment to the western on-boundary wall as shown on the western elevation, demonstrating a high degree of depth and texture.
    (iii) Details of the ribbed texture of material 'MT2' including depth of ridges.
    (iv) Details of the northern on-boundary wall solar panels demonstrating:
        i. the panels being located wholly within the title boundaries of the site; and
        ii. how the solar panels will be removed/forfeited in the event of the northern adjoining property developing.

4. As part of the ongoing consultant team, Kerstin Thompson Architects Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

(a) oversee design and construction of the development; and

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

Sustainable Management Plan

5. Before the use and/or development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ARUP dated 10 December 2020, but modified to include or show:

   (a) Information regarding construction waste management including confirmation on the provision of a site-specific Environmental Management Plan (EMP). The EMP is to include a target recycling rate of 80% of construction and demolition waste to minimise the volume of waste to landfill.
   (b) Confirmation all internal sealants and paints, adhesives, and carpets will be low VOC, and engineered timber products will be E0.
   (c) Provision of a Section J to support NCC improvement claims, including the following information:
      (i) Clarify reduction in GHG emissions.
      (ii) Confirm HWS with consideration of a heat pump.
      (iii) Clarify reduction in Peak Energy Demand.
      (iv) Confirmation on HVAC system with consideration to 3 pipe VRF.
      (v) Confirmation on improvement over NCC and include savings.
      (vi) Generation of total solar PV systems.
   (d) Clarify total solar PV system size, and locations on rooftop and façade.
   (e) Clarify the location of internal blinds.
   (f) Confirm WELS ratings for fixtures and fittings.
   (g) Confirm floor-by-floor / tenancy metering.
   (h) Confirm rainwater tank size.
   (i) Clarify post-development flows will not exceed pre-development levels.
   (j) Confirm extent of timber to be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
   (k) Confirm pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.
   (l) Clarify discrepancies between SMP and GTP.
   (m) Clarify ‘additional’ charging points as per SMP, in addition to the 1 x e-charging point.
   (n) Provide a statement as to how the building mitigates urban heat – such as high SRI external finishes / roofing, and additional climbing vegetation at ground level to shield heavy mass (i.e. bricks) from heat gain.
   (o) Provision of more details on the innovative initiatives to solidify their understanding and acceptance in design as innovations.
   (p) Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications.
   (q) Confirm head contractor to be ISO 14001 accredited.
   (r) Inclusion of the STORM Rating Report (dated 17 August 2020) and associated documents submitted via email on 16 April 2021.

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

Acoustic Report

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

8. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1, sleep disturbance targets and Noise Protocol (as relevant) at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.

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

Wind Impact Assessment

10. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Windtech Consultants and dated 22 January 2021, but modified to include or show:

    (a) Assess the proposal as amended pursuant to Condition 1 with the following confirmed:
        (i) Walking criterion achieved for the surrounding footpaths;
        (ii) Short exposure criterion achieved for the building entrances, the Level 02 and Level 05 communal terraces and Level 07 roof terrace.

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

Waste Management Plan

12. Before the use and/or development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by OneMileGrid, dated 2 June 2021, but modified to include or show:

    (a) The location of the 1 x 80 litre bin for glass.

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

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

Landscape Plan

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

    (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
    (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
    (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Street Trees

16. Before the use and/or development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit.

    The Tree Management Plan must make recommendations for the protection of the street tree located within the Mason Street road reserve, including:

    (a) pre-construction;
    (b) during construction; and
    (c) post construction
    (d) the provision of any barriers;
    (e) any pruning necessary; and
    (f) watering and maintenance regimes,

    to the satisfaction of the Responsible Authority.

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

18. Before the use and/or development commences, the permit holder must provide a security bond of $5,000 for the retained street tree to the Responsible Authority. The security bond:

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

19. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of $3,045 to the Responsible Authority for the sourcing, installation and 2 year maintenance of three street trees within Mason and Oxford Streets.

Green Travel Plan

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

Use

21. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the following hours:

    (a) Monday to Friday: 7:00am – 6:00pm.

22. Except with the prior written consent of the Responsible Authority, the use of the office terraces are restricted to the hours referenced within Condition 21.

23. No more than 50 staff members are permitted on the roof terrace at any one time.

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

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

    to the satisfaction of the Responsible Authority.

25. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Lighting

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian entrances must be provided within the property boundary. Lighting must be:
    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,

    to the satisfaction of the Responsible Authority.

General

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

28. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

29. 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.

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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

32. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

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

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

Public Realm Plan

35. Before the use and/or development commences, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must show the following:

    (a) Detailed design plans of a flush cut planting area on Mason Street within the no-standing zone near the intersection of Oxford Street must be prepared to Council's satisfaction and in accordance with any requirements or conditions imposed by Council.

    (b) A swept path diagram assessment (for a 10m service vehicle turning from Mason Street into Oxford Street) is to be provided demonstrating that the proposed planting area does not conflict with road traffic.

    All to the satisfaction of the Responsible Authority.

36. Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 35) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

Road Infrastructure

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath along the frontages to Oxford Street and Mason Street must be profiled and re-sheeted:

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

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossings on Oxford Street and Mason Street must be demolished and re-instated as standard footpath and kerb and channel:

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

39. 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 (including trenching and excavation for utility service connections) must be reinstated:

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

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

41. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:

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

42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

Development Infrastructure Levy

43. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

44. Before the use and/or development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

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

(p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
   (i) using lower noise work practice and equipment;
   (ii) the suitability of the land for the use of an electric crane;
   (iii) silencing all mechanical plant by the best practical means using current technology;
   (iv) fitting pneumatic tools with an effective silencer;
   (v) other relevant considerations.

(q) any site-specific requirements.

45. During the construction:

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

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

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

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

Time Expiry

48. This permit will expire if:

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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.

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

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

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

Environmental Audit Overlay

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

Attachments

1 PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)

2 PLN20/0747 - 1-13 Oxford Street, Collingwood - Without Prejudice Sketch Plans and WMP (2 June 2021)

3 PLN20/0747 - 1-13 Oxford Street, Collingwood - ESD referral

4 PLN20/0747 - 1-13 Oxford Street, Collingwood - Strategic Transport referral

5 PLN20/0747 - 1-13 Oxford Street, Collingwood - Engineering referral

6 PLN20/0747 - 1-13 Oxford Street, Collingwood - Urban Design (internal) referral

7 PLN20/0747 - 1-13 Oxford Street, Collingwood - Open Space Unit referral

8 PLN20/0747 - 1-13 Oxford Street, Collingwood - City Works referral

9 PLN20/0747 - 1-13 Oxford Street, Collingwood - Streetscapes & Natural Values referral

10 PLN20/0747 - 1-13 Oxford Street, Collingwood - Strategic Planning referral

11 PLN20/0747 - 1-13 Oxford Street, Collingwood - Acoustic (external) referral

12 PLN20/0747 - 1-13 Oxford Street, Collingwood - Wind (external) referral

13 PLN20/0747 - 1-13 Oxford Street, Collingwood - Urban Design (external) referral

14 MASON ST

DRAWING LIST TOWN PLANNING

NO.	DRAWING TITLE	REV
TP000	DRAWING LIST	TP4
TP050	EXISTING AND DEMOLITION SITE PLAN	TP1
TP051	EXISTING AND DEMOLITION FLOOR PLAN LEVEL GROUND	TP1
TP052	EXISTING AND DEMOLITION FLOOR PLAN LEVEL 01	TP1
TP053	EXISTING AND DEMOLITION FLOOR PLAN LEVEL ROOF	TP1
TP054	EXISTING AND DEMOLITION EAST ELEVATION	TP1
TP055	EXISTING AND DEMOLITION SOUTH ELEVATION	TP1
TP056	EXISTING AND DEMOLITION WEST ELEVATION	TP1
TP057	EXISTING AND DEMOLITION NORTH ELEVATION	TP1
TP058	EXISTING AND DEMOLITION EAST AND SOUTH CONTEXT ELEVATION	TP1
TP059	EXISTING AND DEMOLITION NORTH AND WEST CONTEXT ELEVATION	TP1
TP100	REFURBISHED AND PROPOSED SITE PLAN	TP2
TP120	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL GROUND	TP2
TP121	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 01	TP3
TP122	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 02	TP4
TP123	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 03	TP3
TP124	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 04	TP2
TP125	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 05	TP2
TP126	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 06	TP2
TP127	REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 07	TP2
TP128	REFURBISHED AND FLOOR PLAN ROOF LEVEL	TP2
TP200	REFURBISHED AND PROPOSED EAST ELEVATION	TP2
TP201	REFURBISHED AND PROPOSED SOUTH ELEVATION	TP2
TP202	REFURBISHED AND PROPOSED WEST ELEVATION	TP3
TP203	REFURBISHED AND PROPOSED NORTH ELEVATION	TP3
TP204	REFURBISHED AND PROPOSED EAST AND SOUTH CONTEXT ELEVATION	TP2
TP205	REFURBISHED AND PROPOSED NORTH AND WEST CONTEXT ELEVATION	TP4
TP300	REFURBISHED AND PROPOSED SECTION A	TP2
TP301	REFURBISHED AND PROPOSED SECTION B	TP2
TP500	EXTERNAL FINISHES SCHEDULE	TP3

GENERAL NOTES

01.
THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS DRAWINGS & SPECIFICATIONS AND WITH ANY WRITTEN INSTRUCTION WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES OR OMISSIONS IN THESE DOCUMENTS SHALL BE REFERRED TO THE ARCHITECT FOR A DECISION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.

02.
ALL DIMENSIONS RELEVANT TO SETTING OUT, CONSTRUCTION & FABRICATION SHALL BE VERIFIED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION & FABRICATION IS COMMENCED. NO DIMENSIONS ARE TO BE OBTAINED BY SCALING THESE DRAWINGS.

03.
UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN IN METERS AND ALL DIMENSIONS ARE IN MILLIMETRES.

04.
ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS, ALL OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITIES REGULATIONS.

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE
TP3	04.02.21	TP RFI RESPONSE 2
TP4	19.02.21	TP RFI RESPONSE 3

PRELIMINARY
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DRAWING TITLE
DRAWING LIST

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
19.02.21	RE		
SCALE	PROJECT		
[AT]	C063	TP000	TP4

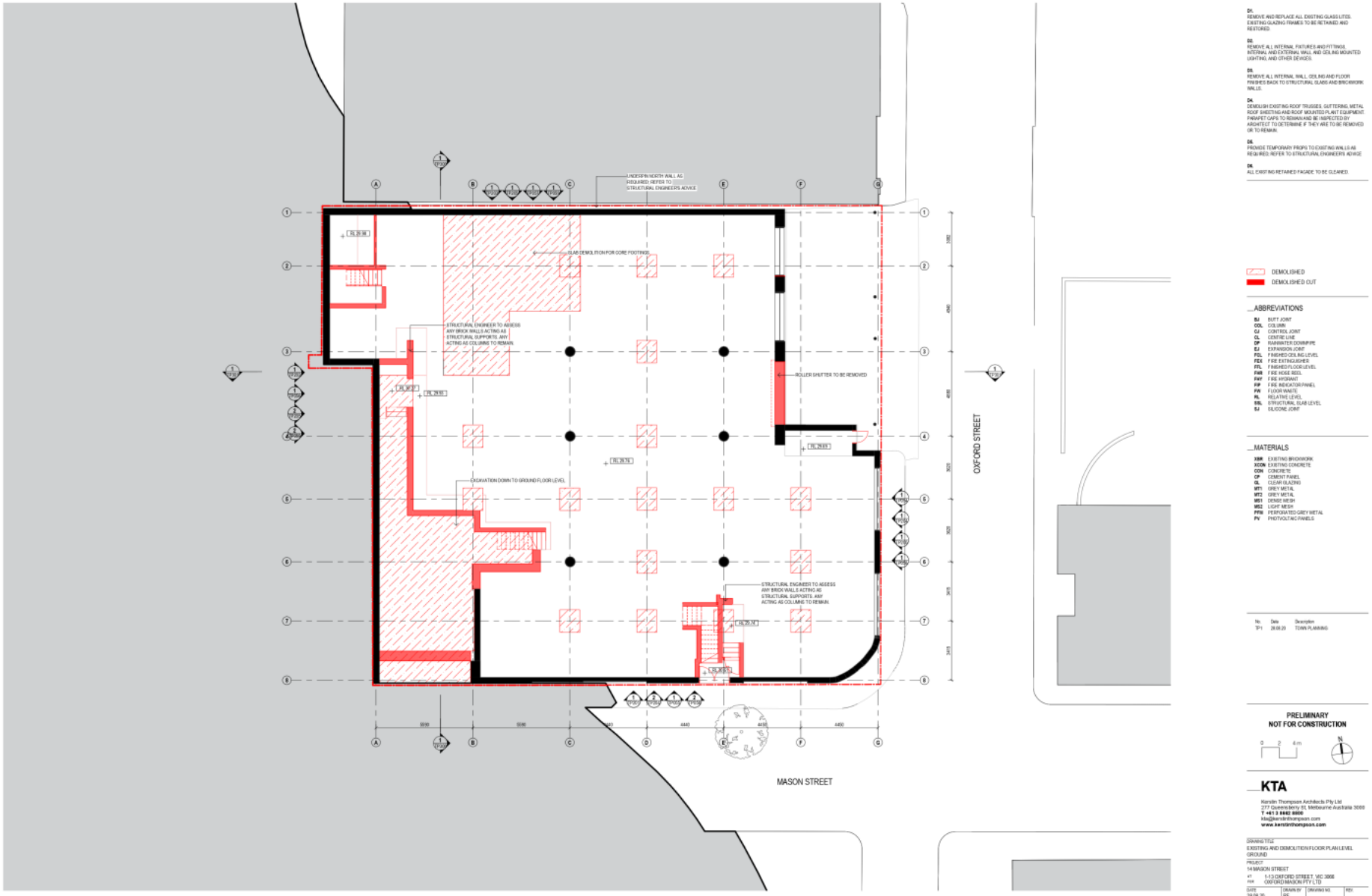
TOWN PLANNING

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Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)

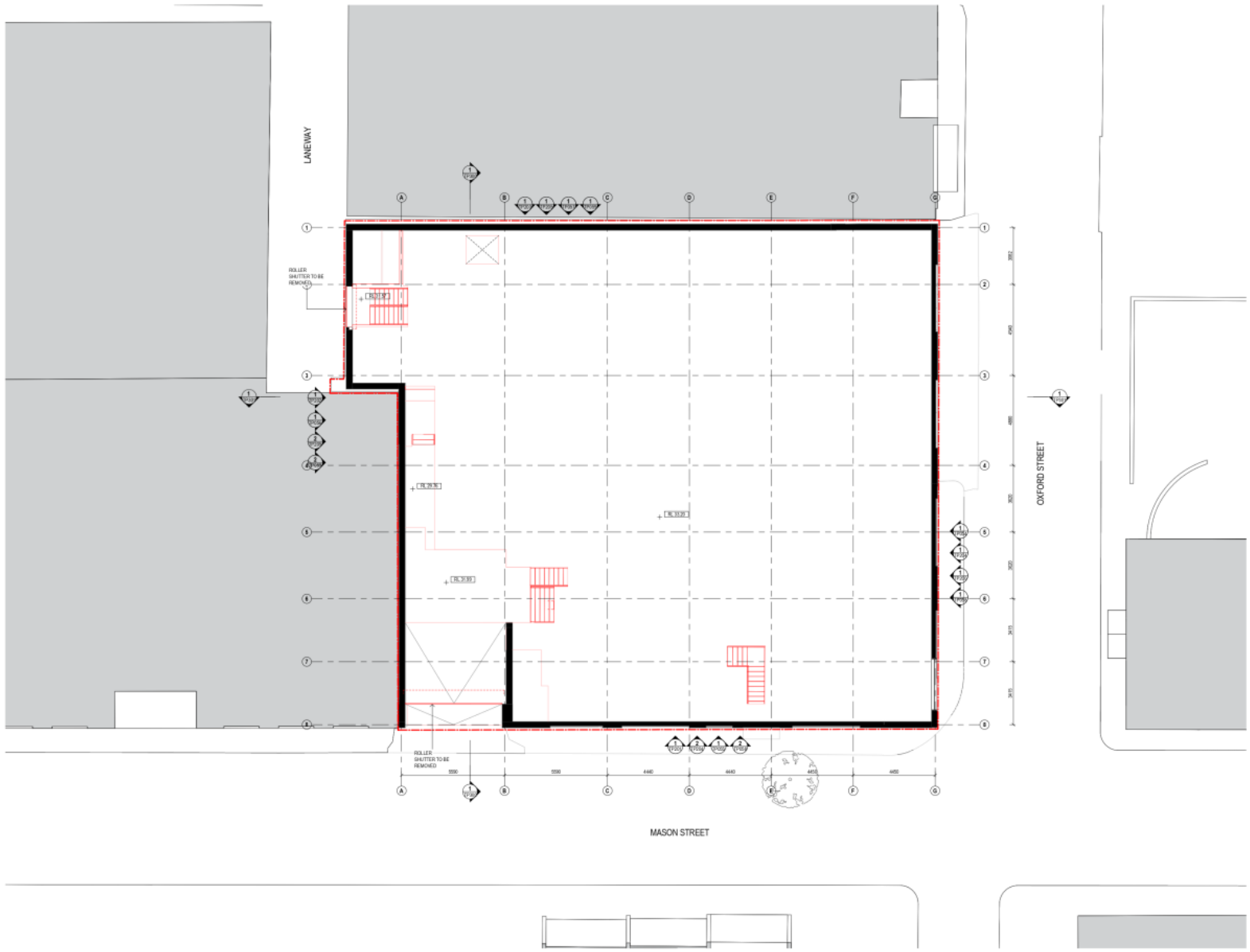


Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 EXISTING PLAN LEVEL GROUND TOWN PLANNING
1 : 100 — A0 1

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 EXISTING PLAN LEVEL 1 TOWN PLANNING
1 : 100 — A0 /A1

__GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

__DEMOLITION NOTES

D1.
REMOVE AND REPLACE ALL EXISTING GLASS LITES. EXISTING GLAZING FRAMES TO BE RETAINED AND RESTORED.

D2.
REMOVE ALL INTERNAL FIXTURES AND FITTINGS, INTERNAL AND EXTERNAL WALL AND CEILING MOUNTED LIGHTING, AND OTHER DEVICES.

D3.
REMOVE ALL INTERNAL WALL, CEILING AND FLOOR FINISHES BACK TO STRUCTURAL GLASS AND BRICKWORK WALLS.

D4.
DEMOLISH EXISTING ROOF TRUSSES, GUTTERING, METAL ROOF SHEETING AND ROOF MOUNTED PLANT EQUIPMENT. PARAPET CAPS TO REMAIN AND BE INSPECTED BY ARCHITECT TO DETERMINE IF THEY ARE TO BE REMOVED OR TO REMAIN.

D5.
PROVIDE TEMPORARY PROPS TO EXISTING WALLS AS REQUIRED. REFER TO STRUCTURAL ENGINEERS ADVICE

D6.
ALL EXISTING RETAINED FACADE TO BE CLEANED.

DEMOLISHED
DEMOLISHED OUT

__ABBREVIATIONS

BJ BUTT JOINT
COL COLUMN
CJ CONTROL JOINT
CL CENTRE LINE
DP RAINWATER DOWNPIPE
EJ EXPANSION JOINT
FCL FINISHED CEILING LEVEL
FEX FIRE EXTINGUISHER
FFL FINISHED FLOOR LEVEL
FHR FIRE HOSE REEL
FHY FIRE HYDRANT
FIP FIRE INDICATOR PANEL
FW FLOOR WASTE
RL RELATIVE LEVEL
SSL STRUCTURAL SLAB LEVEL
SJ SILICONE JOINT

__MATERIALS

XBR EXISTING BRICKWORK
XCON EXISTING CONCRETE
CON CONCRETE
CP CEMENT PANEL
GL CLEAR GLAZING
MT1 GREY METAL
MT2 GREY METAL
MS1 DEMIC MESH
MS2 LIGHT MESH
PFM PERFORATED GREY METAL
PV PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING

PRELIMINARY
NOT FOR CONSTRUCTION

0 2 4m

__KTA

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DRAWING TITLE
EXISTING AND DEMOLITION FLOOR PLAN LEVEL 01

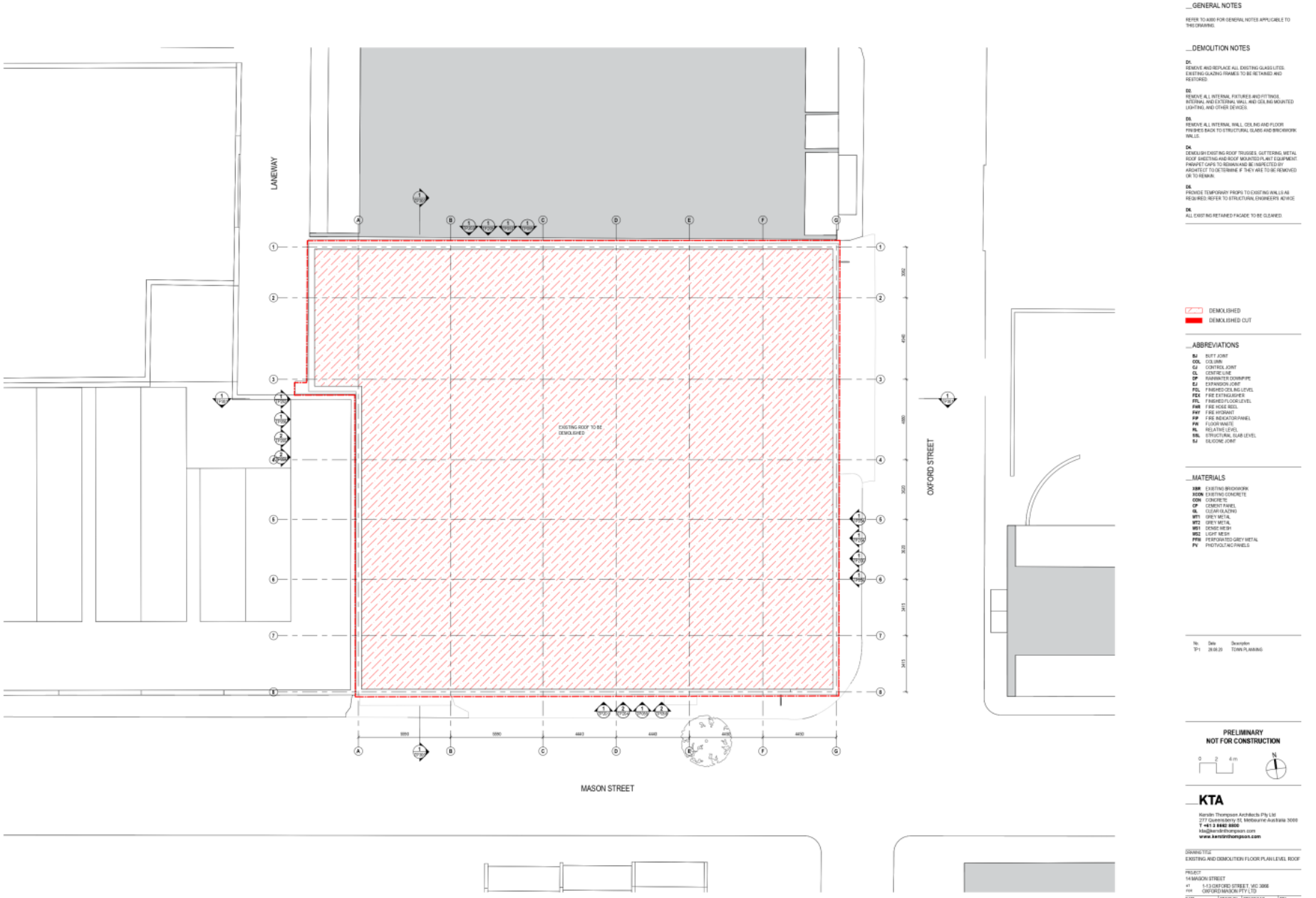
PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3066
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
28.08.20	RE	TP002	TP1
SCALE	PROJECT		
1 : 100(A1)	C002		

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TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 EXISTING PLAN LEVEL ROOF TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 EXISTING CONDITIONS ELEVATION EAST TOWN PLANNING
1 : 100 — A0/01

__GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

__DEMOLITION NOTES

D1.
REMOVE AND REPLACE ALL EXISTING GLASS LITES. EXISTING GLAZING FRAMES TO BE RETAINED AND RESTORED.

D2.
REMOVE ALL INTERNAL FIXTURES AND FITTINGS, INTERNAL AND EXTERNAL WALL AND CEILING MOUNTED LIGHTING, AND OTHER DEVICES.

D3.
REMOVE ALL INTERNAL WALL, CEILING AND FLOOR FINISHES BACK TO STRUCTURAL GLASS AND BRICKWORK WALLS.

D4.
DEMOLISH EXISTING ROOF TRUSSES, GUTTERING, METAL ROOF SHEETING AND ROOF MOUNTED PLANT EQUIPMENT. PARAPET CAPS TO REMAIN AND BE INSPECTED BY ARCHITECT TO DETERMINE IF THEY ARE TO BE REMOVED OR TO REMAIN.

D5.
PROVIDE TEMPORARY PROPS TO EXISTING WALLS AS REQUIRED. REFER TO STRUCTURAL ENGINEER'S ADVICE

D6.
ALL EXISTING RETAINED FACADE TO BE CLEANED.

DEMOLISHED
DEMOLISHED OUT

__ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

__MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING

PRELIMINARY
NOT FOR CONSTRUCTION

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DRAWING TITLE
EXISTING AND DEMOLITION EAST ELEVATION

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3066
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
28.08.20	RE		
SCALE	PROJECT NO.		
1 : 100(A3)	C002	TP004	TP1

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TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



__GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

__DEMOLITION NOTES

D1.
REMOVE AND REPLACE ALL EXISTING GLASS LITES. EXISTING GLAZING FRAMES TO BE RETAINED AND RESTORED.

D2.
REMOVE ALL INTERNAL FIXTURES AND FITTINGS, INTERNAL AND EXTERNAL WALL AND CEILING MOUNTED LIGHTING, AND OTHER DEVICES.

D3.
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D4.
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D5.
PROVIDE TEMPORARY PROPS TO EXISTING WALLS AS REQUIRED. REFER TO STRUCTURAL ENGINEER'S ADVICE

D6.
ALL EXISTING RETAINED FACADE TO BE CLEANED.

DEMOLISHED
DEMOLISHED OUT

__ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

__MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING

PRELIMINARY
NOT FOR CONSTRUCTION

0 2 4m

__KTA

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DRAWING TITLE
EXISTING AND DEMOLITION SOUTH ELEVATION

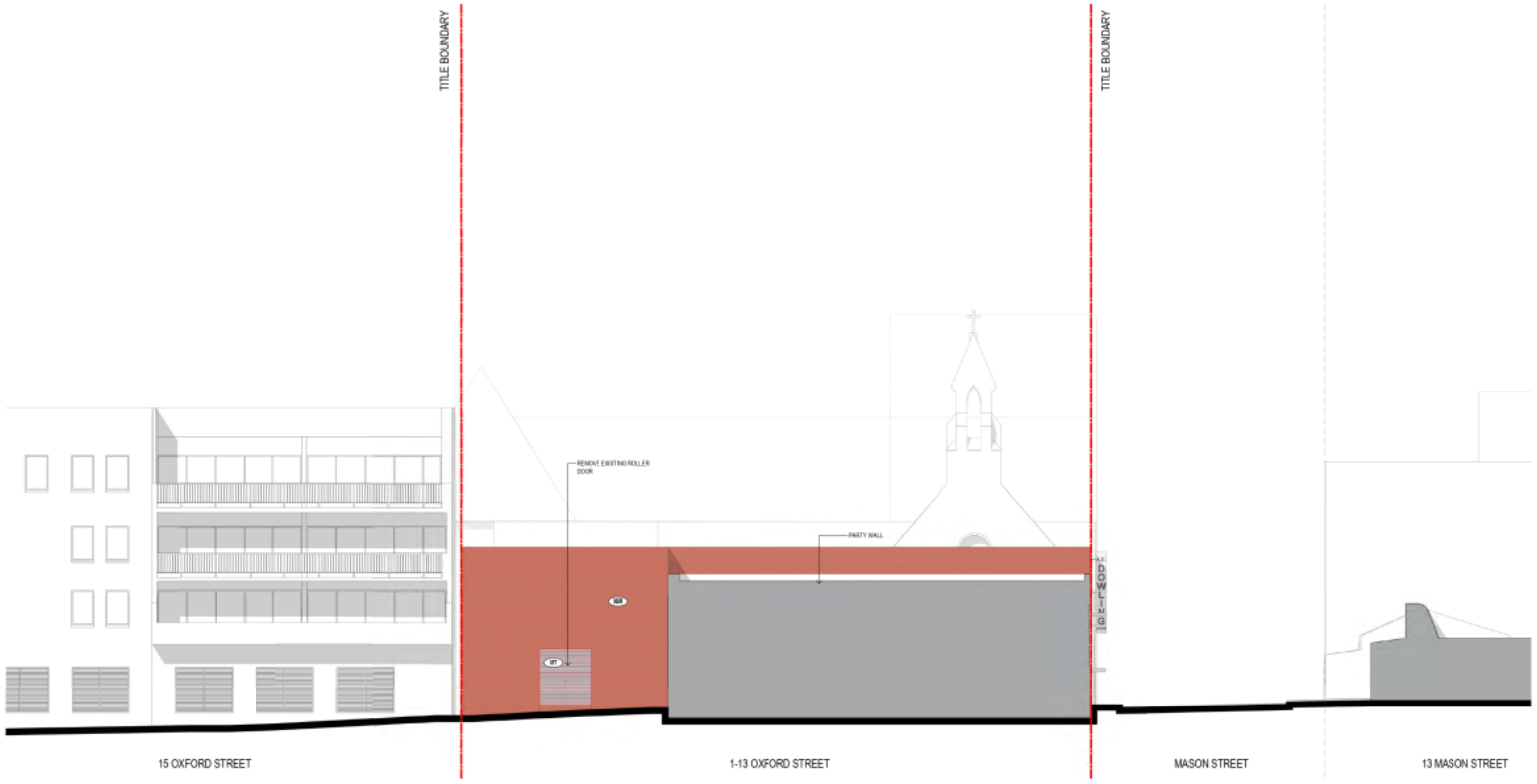
PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
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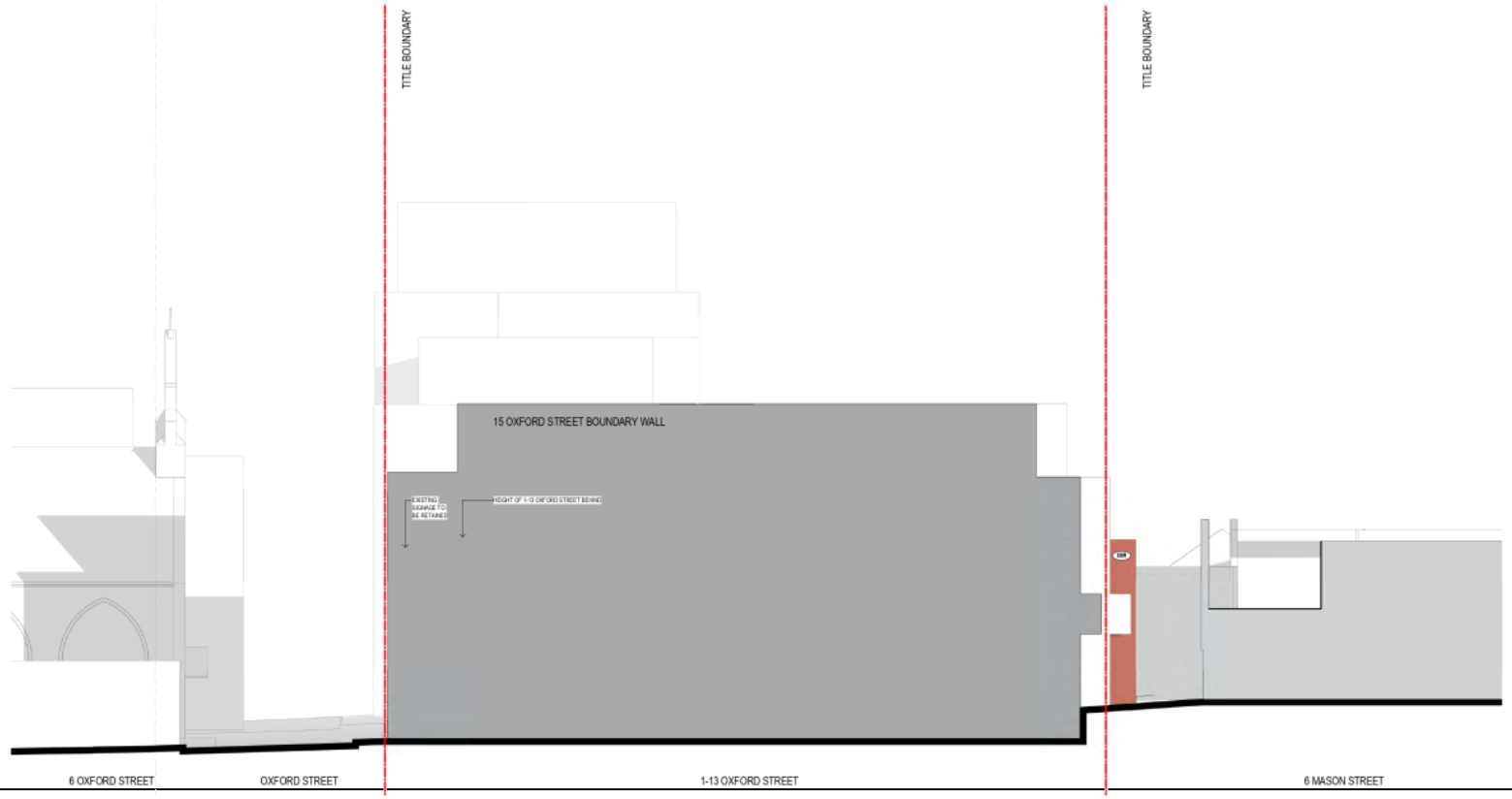
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TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 EXISTING CONDITIONS ELEVATION NORTH TOWN PLANNING
1 : 100 — A201

__GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

__DEMOLITION NOTES

D1.
REMOVE AND REPLACE ALL EXISTING GLASS LITES. EXISTING GLAZING FRAMES TO BE RETAINED AND RESTORED.

D2.
REMOVE ALL INTERNAL FIXTURES AND FITTINGS, INTERNAL AND EXTERNAL WALL AND CEILING MOUNTED LIGHTING, AND OTHER DEVICES.

D3.
REMOVE ALL INTERNAL WALL, CEILING AND FLOOR FINISHES BACK TO STRUCTURAL GLASS AND BRICKWORK WALLS.

D4.
DEMOLISH EXISTING ROOF TRUSSES, GUTTERING, METAL ROOF SHEETING AND ROOF MOUNTED PLANT EQUIPMENT. PARAPET CAPS TO REMAIN AND BE INSPECTED BY ARCHITECT TO DETERMINE IF THEY ARE TO BE REMOVED OR TO REMAIN.

D5.
PROVIDE TEMPORARY PROPS TO EXISTING WALLS AS REQUIRED. REFER TO STRUCTURAL ENGINEER'S ADVICE

D6.
ALL EXISTING RETAINED FACADE TO BE CLEANED.

DEMOLISHED
DEMOLISHED CUT

__ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

__MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DEMBE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING

PRELIMINARY
NOT FOR CONSTRUCTION

0 2 4m

__KTA

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DRAWING TITLE
EXISTING AND DEMOLITION NORTH ELEVATION

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
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SCALE @ A1	PROJECT		
1 : 100(A1)	C002		

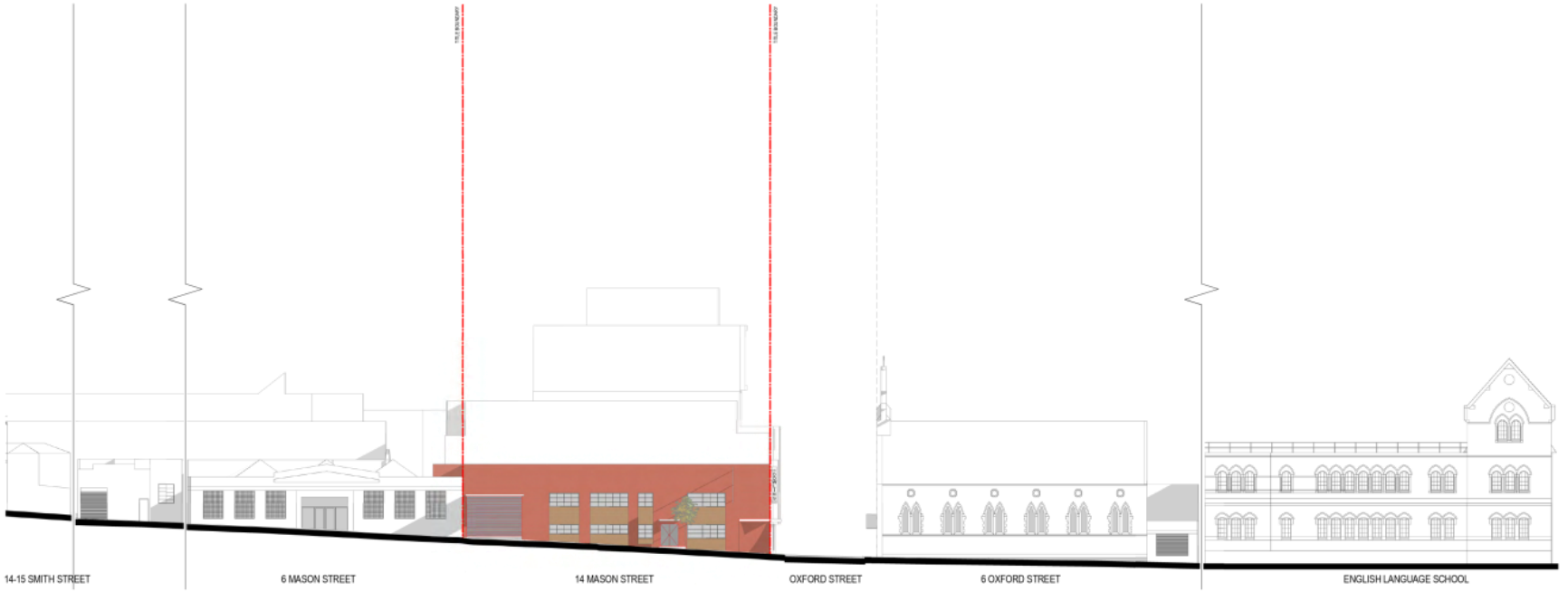
TOWN PLANNING

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Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 EXISTING CONDITIONS CONTEXT ELEVATION EAST TOWN PLANNING



2 EXISTING CONDITIONS CONTEXT ELEVATION SOUTH TOWN PLANNING

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

DEMOLITION NOTES

D1. REMOVE AND REPLACE ALL EXISTING GLASS LITES. EXISTING GLAZING FRAMES TO BE RETAINED AND RESTORED.

D2. REMOVE ALL INTERNAL FIXTURES AND FITTINGS. INTERNAL AND EXTERNAL WALL AND CEILING MOUNTED LIGHTING, AND OTHER DEVICES.

D3. REMOVE ALL INTERNAL WALL, CEILING AND FLOOR FINISHES BACK TO STRUCTURAL GLASS AND BRICKWORK WALLS.

D4. DEMOLISH EXISTING ROOF TRUSSES, GUTTERING, METAL ROOF SHEETING AND ROOF MOUNTED PLANT EQUIPMENT. PARAPET CAPS TO REMAIN AND BE INSPECTED BY ARCHITECT TO DETERMINE IF THEY ARE TO BE REMOVED OR TO REMAIN.

D5. PROVIDE TEMPORARY PROPS TO EXISTING WALLS AS REQUIRED. REFER TO STRUCTURAL ENGINEER'S ADVICE

D6. ALL EXISTING RETAINED FACADE TO BE CLEANED.

DEMOLISHED

DEMOLISHED OUT

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING

PRELIMINARY
NOT FOR CONSTRUCTION

0 2 4 m

KTA

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DRAWING TITLE
EXISTING AND DEMOLITION EAST AND SOUTH CONTEXT ELEVATION

PROJECT
14 MASON STREET
1-13 OXFORD STREET, VIC 3066
OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
28.08.20	RE	TP056	TP1

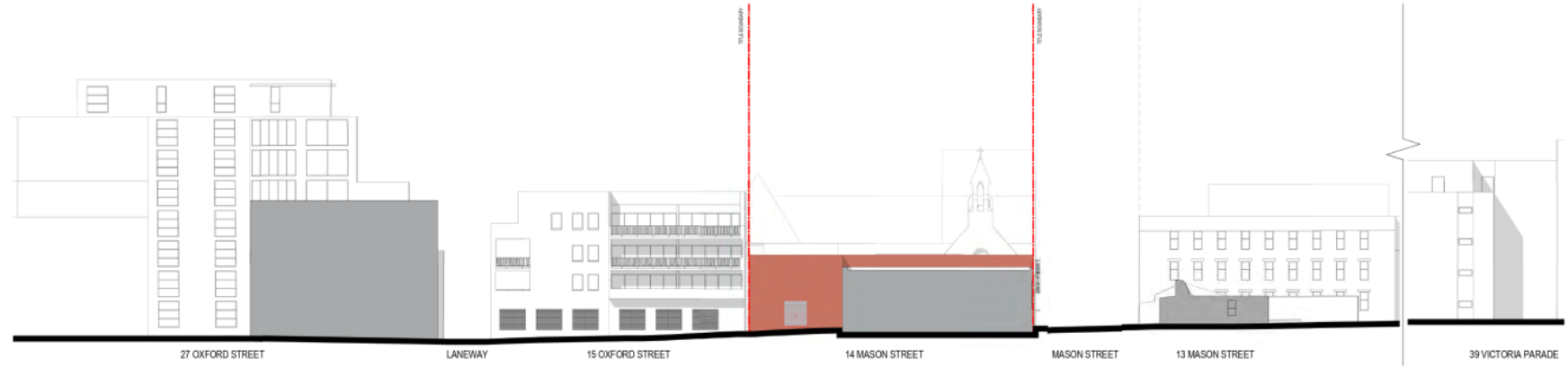
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As indicated@A1 | 1:000

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 EXISTING CONDITIONS CONTEXT ELEVATION NORTH TOWN PLANNING



2 EXISTING CONDITIONS CONTEXT ELEVATION WEST TOWN PLANNING

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

DEMOLITION NOTES

D1.
REMOVE AND REPLACE ALL EXISTING GLASS LITES. EXISTING GLAZING FRAMES TO BE RETAINED AND RESTORED.

D2.
REMOVE ALL INTERNAL FIXTURES AND FITTINGS, INTERNAL AND EXTERNAL WALL AND CEILING MOUNTED LIGHTING, AND OTHER DEVICES.

D3.
REMOVE ALL INTERNAL WALL, CEILING AND FLOOR FINISHES BACK TO STRUCTURAL GLASS AND BRICKWORK WALLS.

D4.
DEMOLISH EXISTING ROOF TRUSSES, GUTTERING, METAL ROOF SHEETING AND ROOF MOUNTED PLANT EQUIPMENT. PARAPET CAPS TO REMAIN AND BE INSPECTED BY ARCHITECT TO DETERMINE IF THEY ARE TO BE REMOVED OR TO REMAIN.

D5.
PROVIDE TEMPORARY PROPS TO EXISTING WALLS AS REQUIRED. REFER TO STRUCTURAL ENGINEER'S ADVICE.

D6.
ALL EXISTING RETAINED FACADE TO BE CLEANED.

DEMOLISHED
DEMOLISHED CUT

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING

PRELIMINARY
NOT FOR CONSTRUCTION

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DRAWING TITLE
EXISTING AND DEMOLITION NORTH AND WEST CONTEXT ELEVATION

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

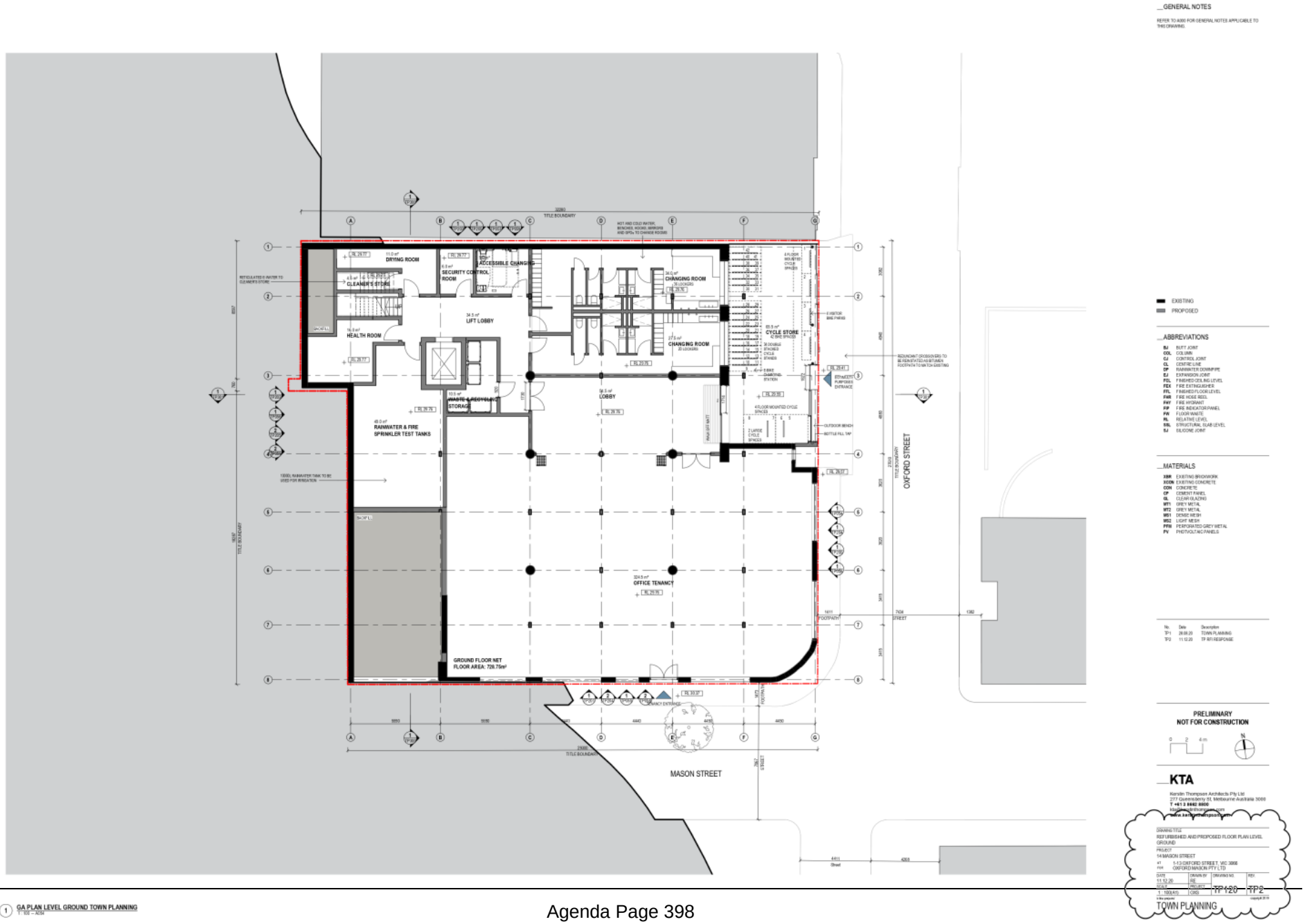
DATE	DRAWN BY	DRAWING NO.	REV
28.08.20	RE	TP050	TP1
SCALE	PROJECT		
As indicated @ A1	C002		

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)

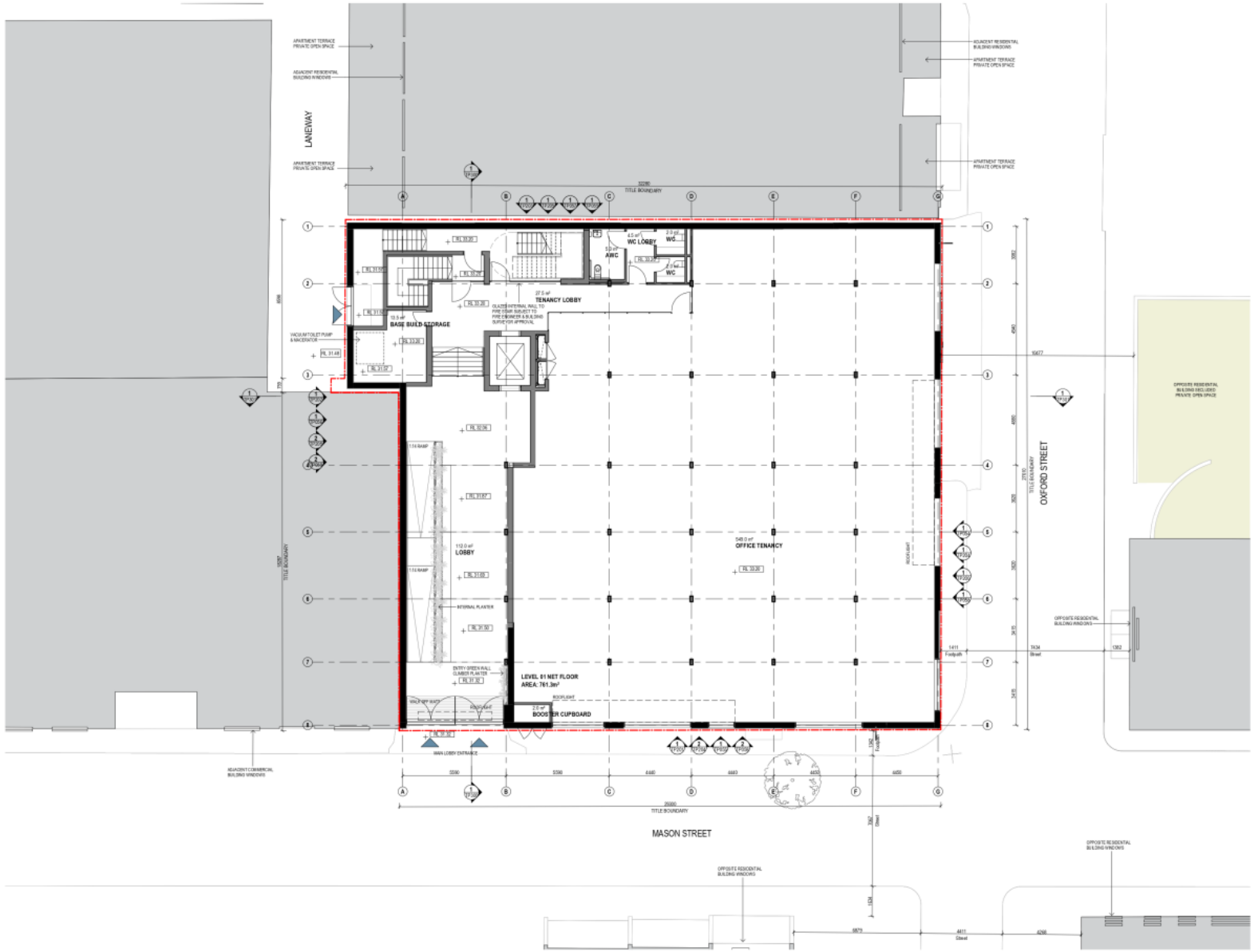


Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN LEVEL GROUND TOWN PLANNING
1 : 100 — A0 (594)

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN LEVEL 1 TOWN PLANNING
1 : 100 — A0/A1

_GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

EXISTING
PROPOSED

_ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

_MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DEMEC MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE
TP3	04.02.21	TP RFI RESPONSE 2

PRELIMINARY
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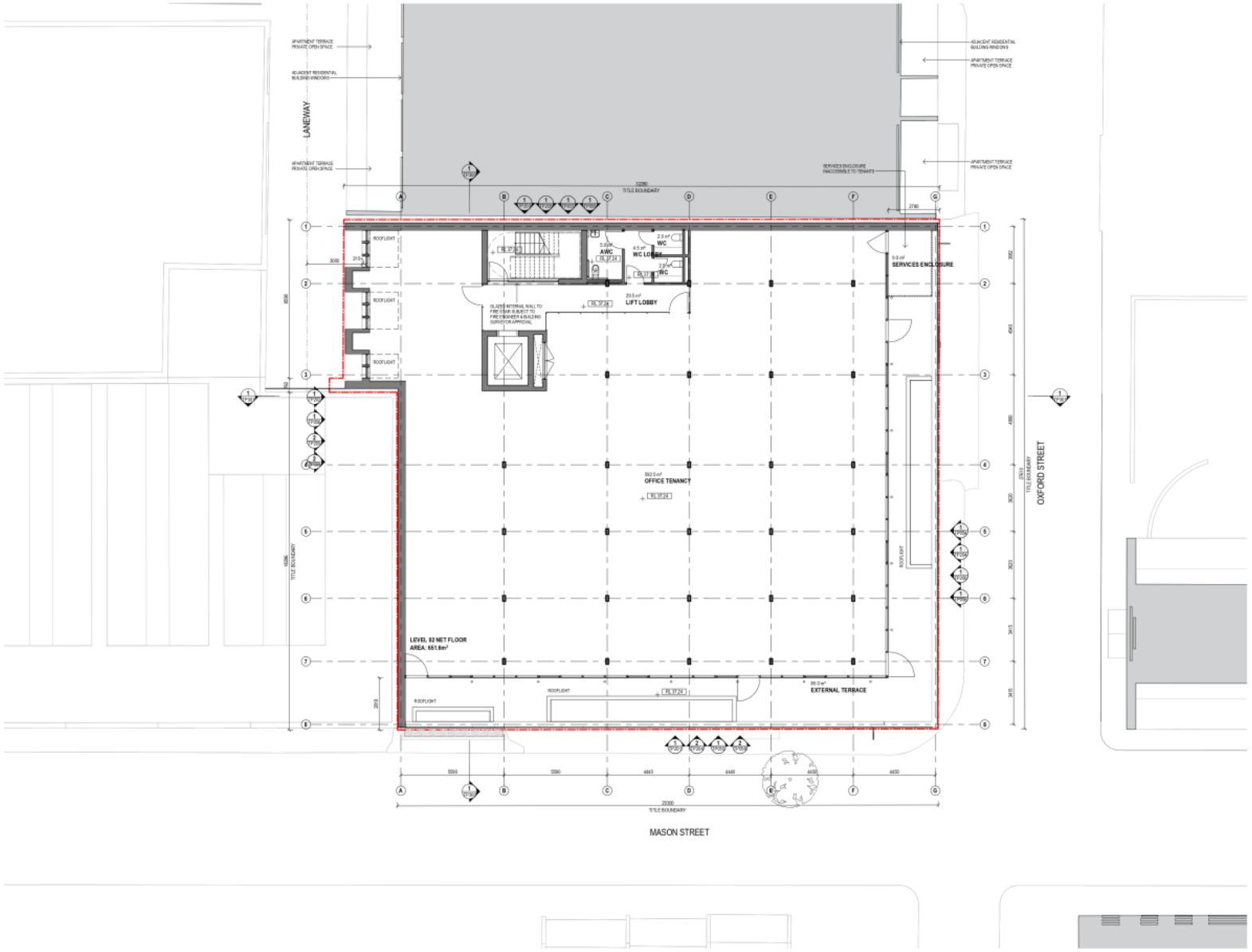
DRAWING TITLE
REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 01

PROJECT
14 MASON STREET
#1 1-13 OXFORD STREET, VIC 3068
now OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
04.02.21	RE	TP121	TP3
SCALE @ A1	PROJECT NO.		
1 : 100(A1)	C002		

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN LEVEL 2 TOWN PLANNING
1 : 100 — A0 1 : 200 — A1

_GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

EXISTING
PROPOSED

_ABBREVIATIONS

BJ BUTT JOINT
COL COLUMN
CJ CONTROL JOINT
CL CENTRE LINE
DP RAINWATER DOWNPIPE
EJ EXPANSION JOINT
FCL FINISHED CEILING LEVEL
FEX FIRE EXTINGUISHER
FFL FINISHED FLOOR LEVEL
FHR FIRE HOSE REEL
FHY FIRE HYDRANT
FIP FIRE INDICATOR PANEL
FW FLOOR WASTE
RL RELATIVE LEVEL
SSL STRUCTURAL SLAB LEVEL
SJ SILICONE JOINT

_MATERIALS

XBR EXISTING BRICKWORK
XCON EXISTING CONCRETE
CON CONCRETE
CP CEMENT PANEL
GL CLEAR GLAZING
MT1 GREY METAL
MT2 GREY METAL
MS1 DEMIC MESH
MS2 LIGHT MESH
PFM PERFORATED GREY METAL
Pv PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE
TP3	04.02.21	TP RFI RESPONSE 2
TP4	15.02.21	TP RFI RESPONSE 3

PRELIMINARY
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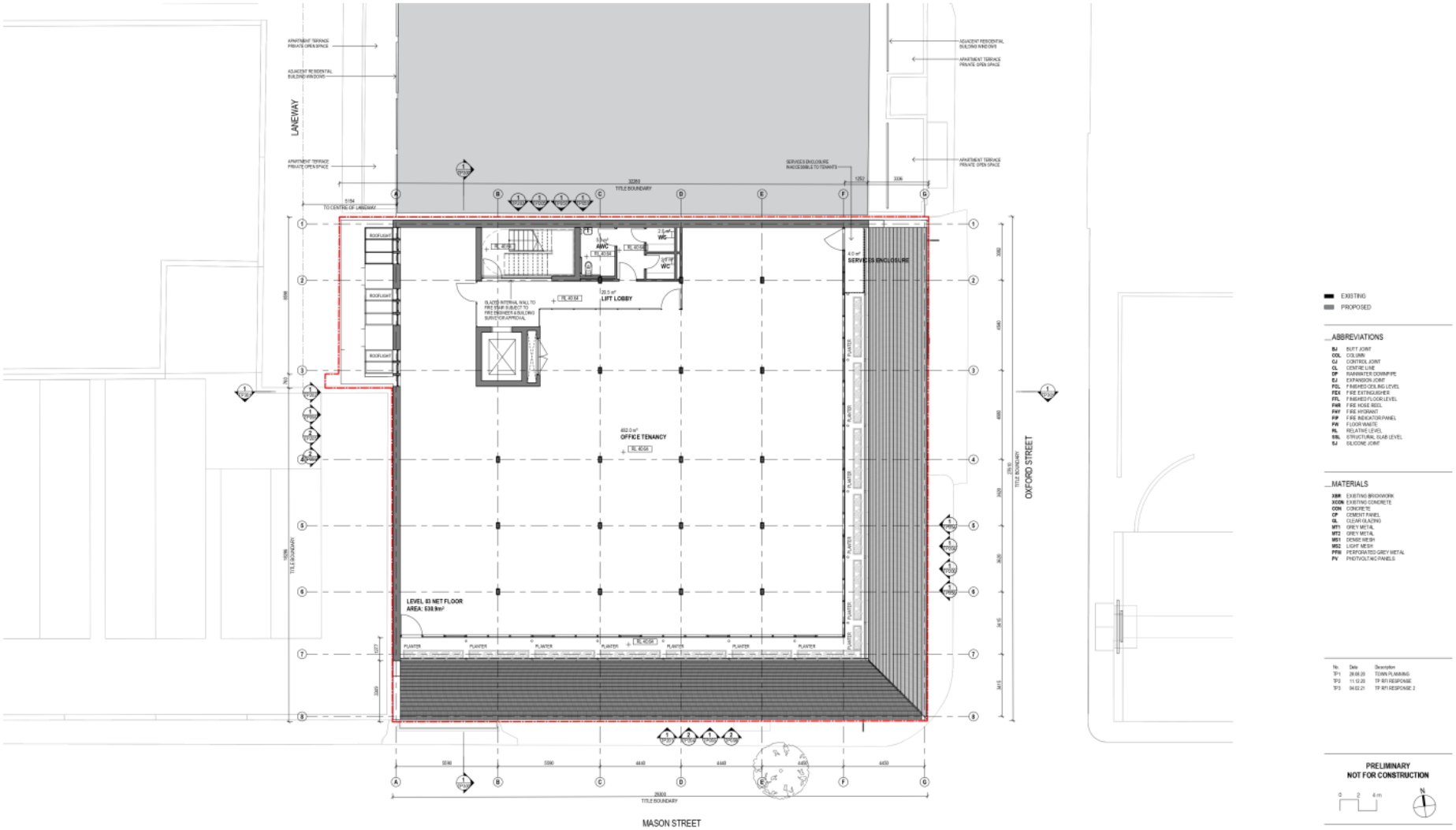
DRAWING TITLE
REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 02

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
15.02.21	RE		
SCALE	PROJECT		
1 : 100(A1)	C002	TP122	TP4

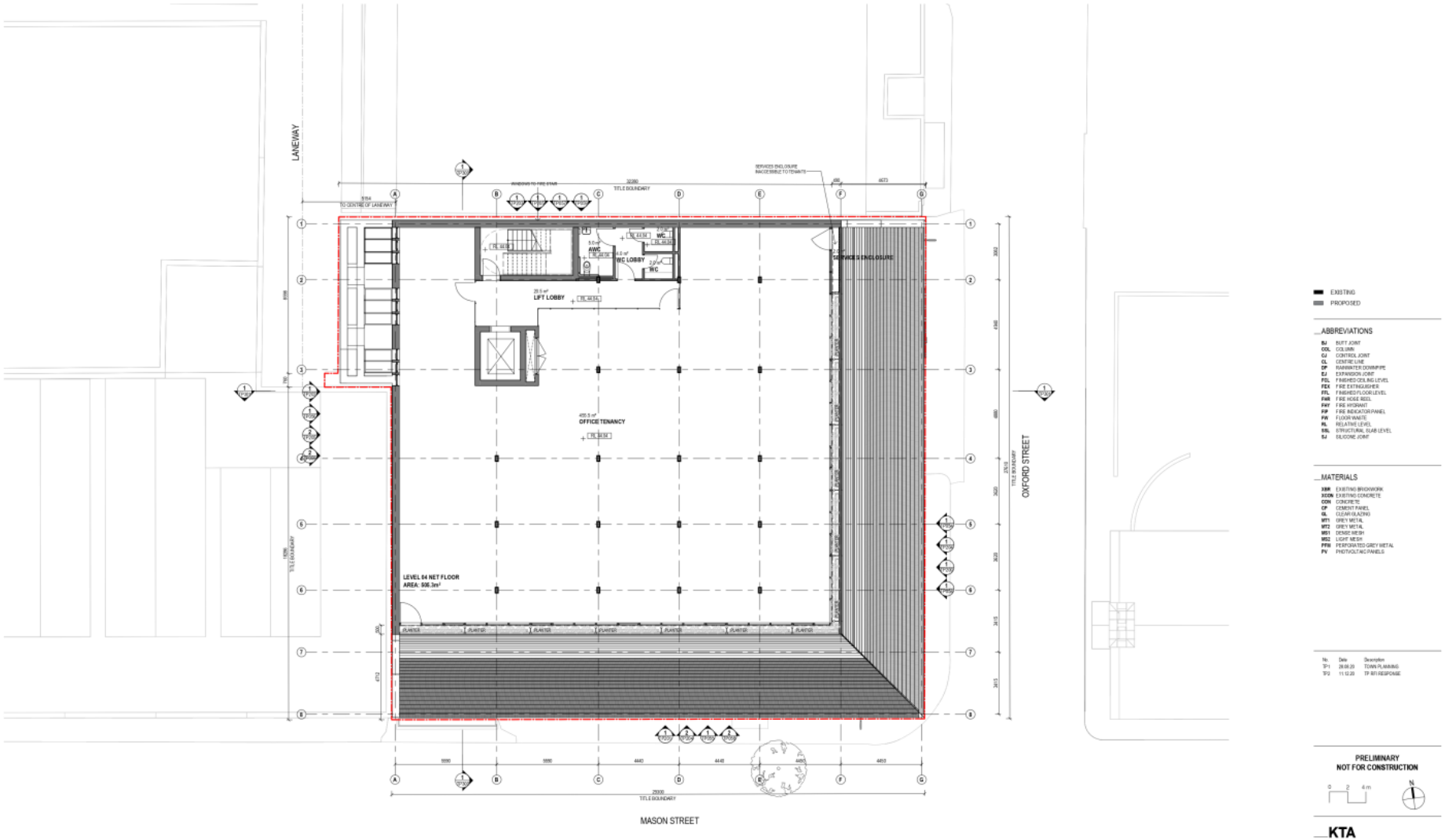
TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



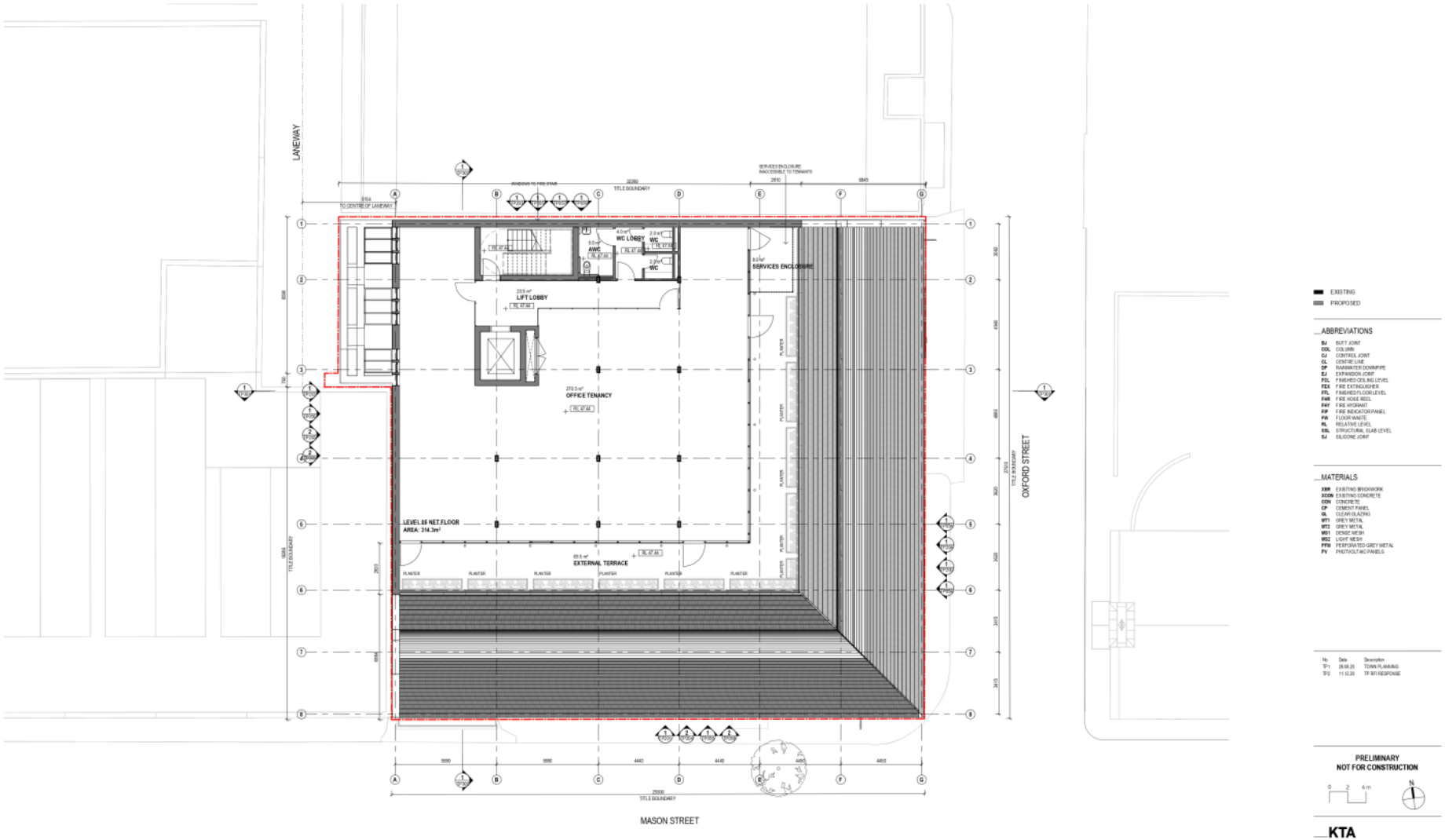
1 GA PLAN LEVEL 3 TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN LEVEL 4 TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN LEVEL 5 TOWN PLANNING
1 : 100 — A3/A1

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

EXISTING
PROPOSED

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

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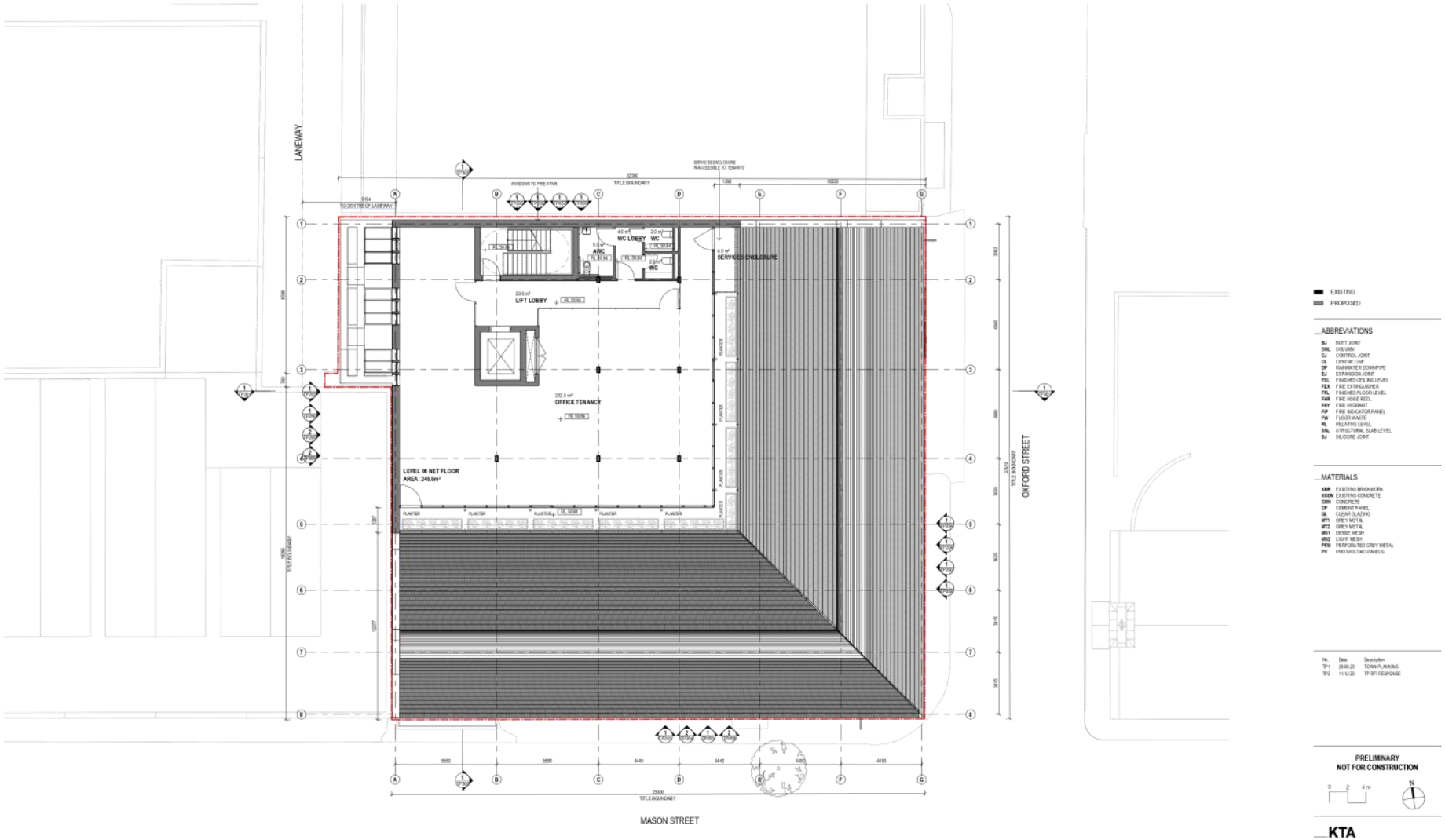
DRAWING TITLE
REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 05

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
11.12.20	RE		
SCALE	PROJECT		
1 : 100 A1/3	C002	TP125	TP2

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN LEVEL 6 TOWN PLANNING
1 : 100 — A3SM

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

EXISTING
PROPOSED

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SGL	STRUCTURAL GLASS LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

PRELIMINARY
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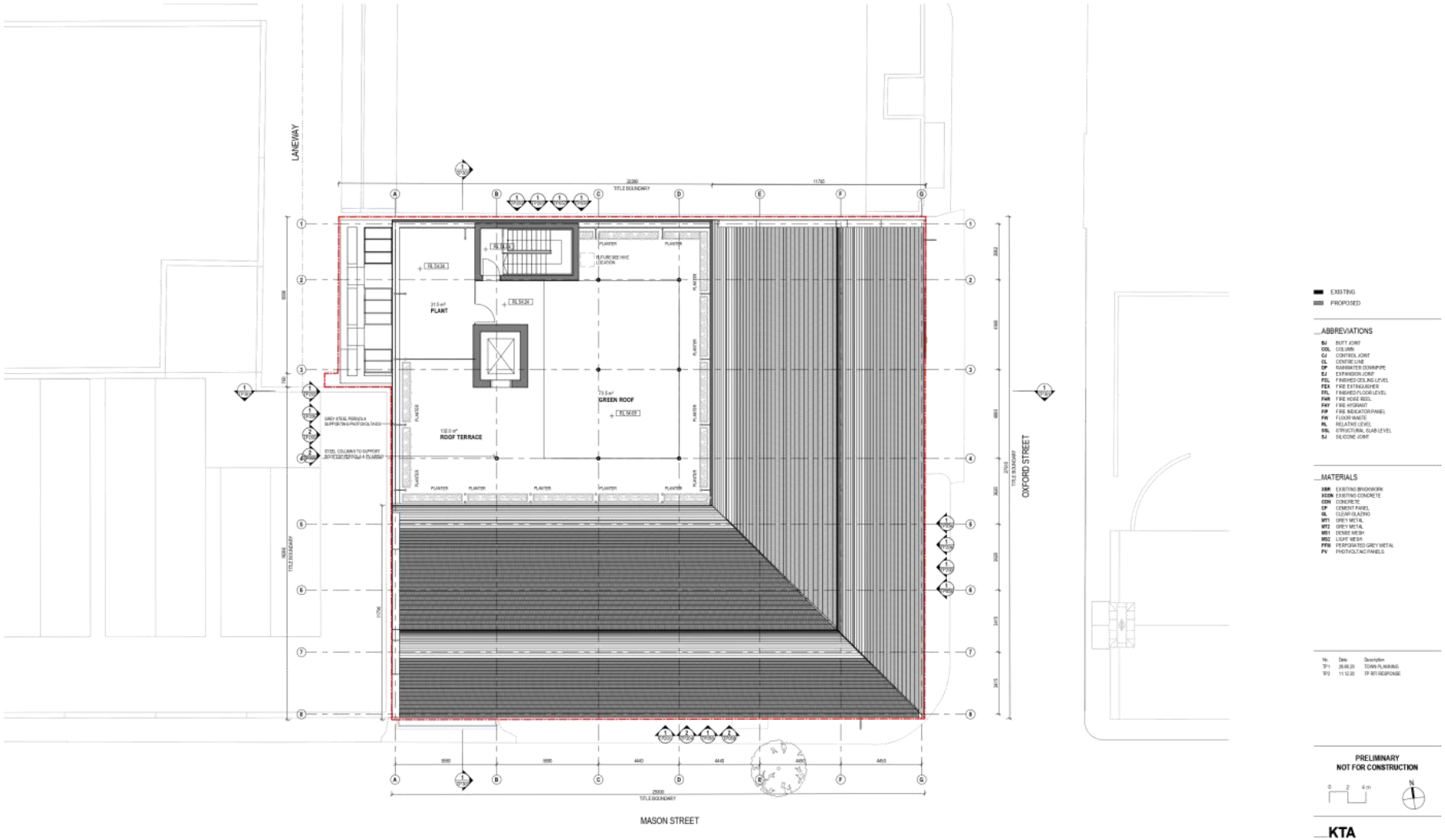
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REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 06

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
11.12.20	RE		
SCALE	PROJECT NO.		
1 : 100(A3)	C002	TP120	TP2

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN LEVEL 07 TOWN PLANNING
1 : 100 — A3SM

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

EXISTING
PROPOSED

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FGL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SGL	STRUCTURAL GLASS LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

PRELIMINARY
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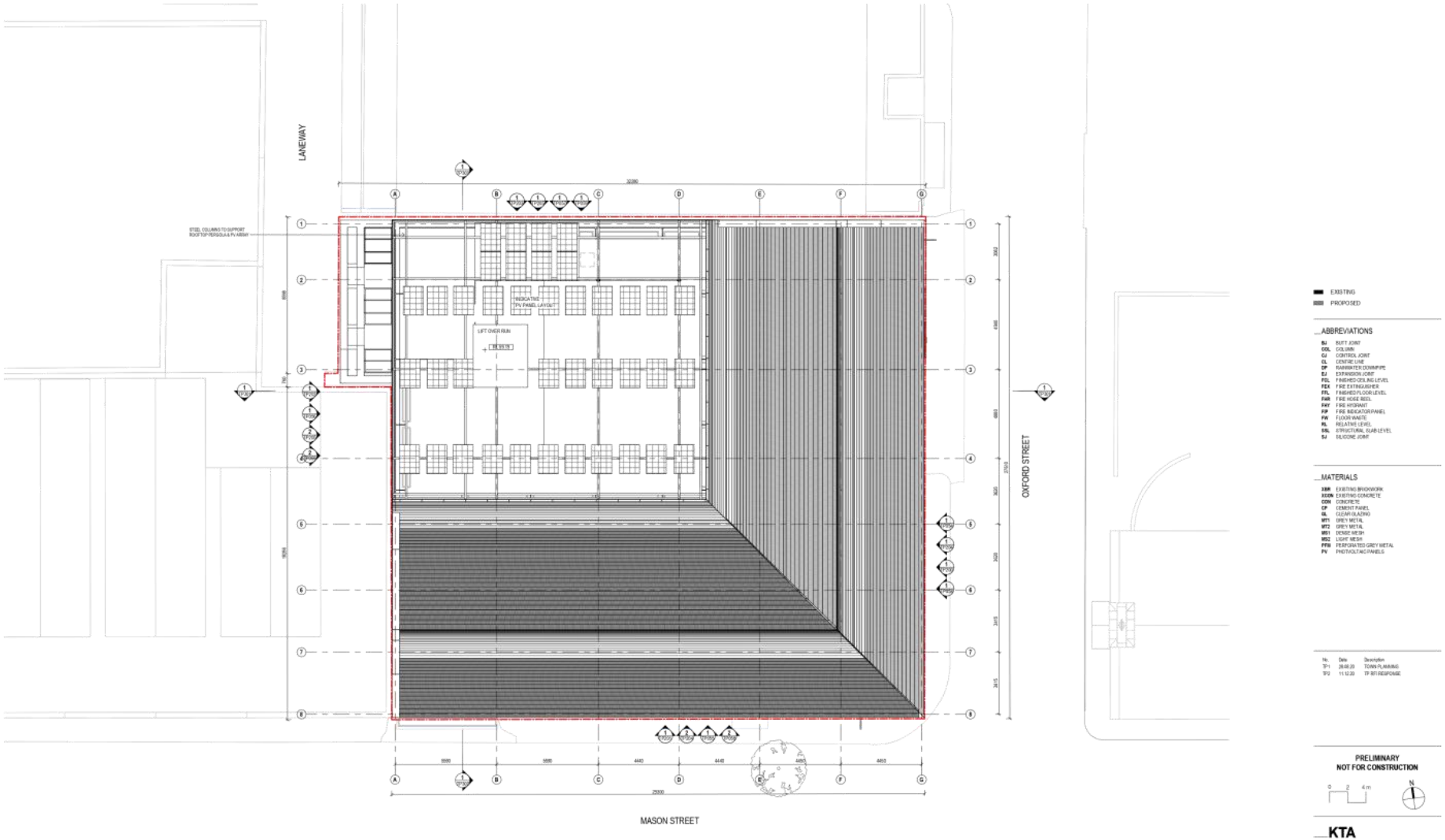
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REFURBISHED AND PROPOSED FLOOR PLAN LEVEL 07

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MANSION PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
11.12.20	RE		
SCALE	PROJECT		
1 : 100 A3	C002	TP127	TP2

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA PLAN ROOF LEVEL TOWN PLANNING
1 : 100 — A1/2

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

EXISTING
PROPOSED

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SGL	STRUCTURAL GLASS LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

PRELIMINARY
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DRAWING TITLE
REFURBISHED AND FLOOR PLAN ROOF LEVEL

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
11.12.20	RE		
SCALE	PROJECT		
1 : 100(A3)	C002	TP126	TP2

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA ELEVATION EAST TOWN PLANNING

_GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

_PROPOSED NOTES

P1.
NEW CLEAR GLAZING TO EXISTING RESTORED METAL WINDOW FRAMES.

P2.
EXISTING RETAINED SIGNAGE.

_ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

_MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

PRELIMINARY
NOT FOR CONSTRUCTION

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DRAWING TITLE
REFURBISHED AND PROPOSED EAST ELEVATION

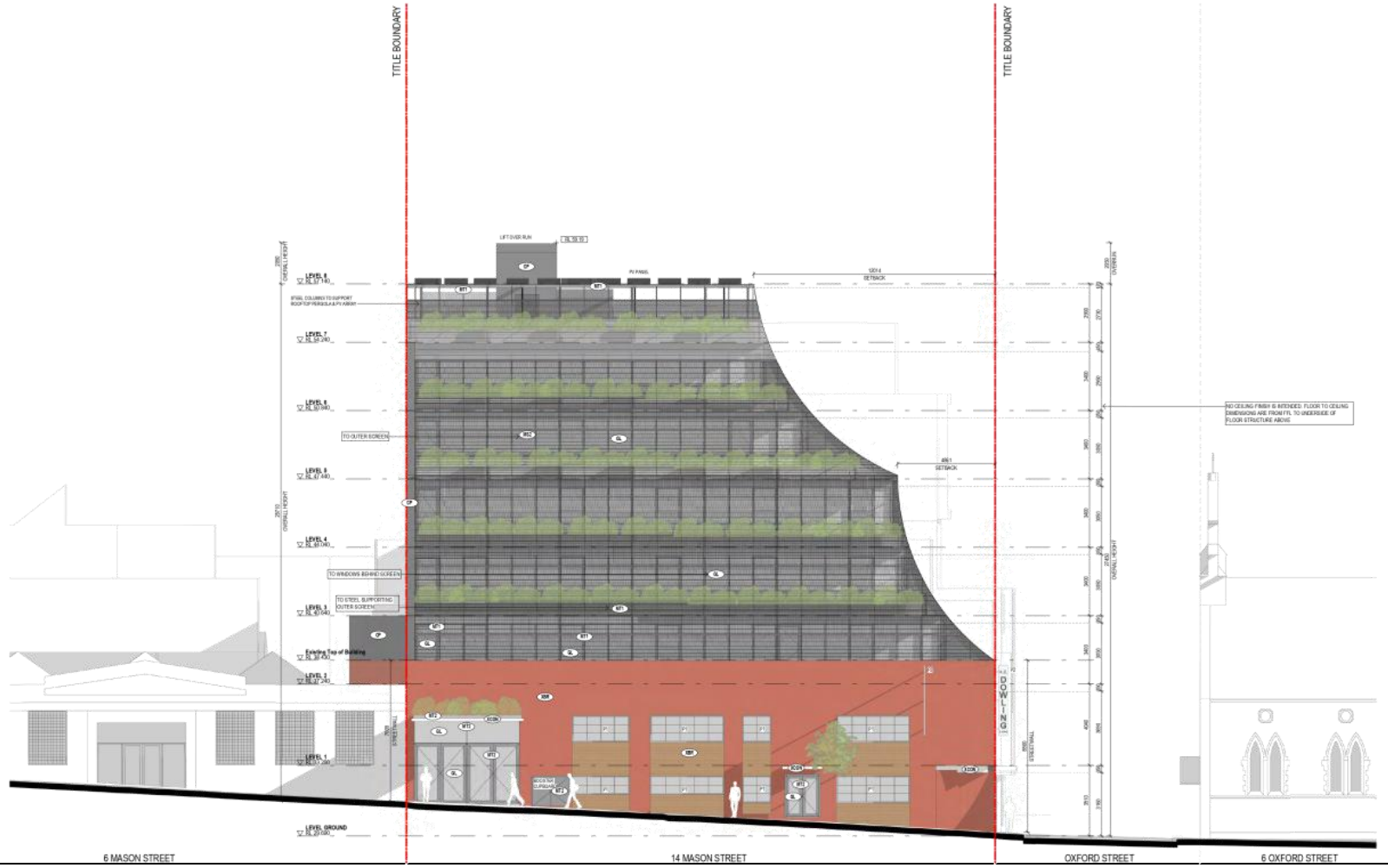
PROJECT
14 MASON STREET
1-13 OXFORD STREET, VIC 3068
OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
11.12.20	RE		
SCALE	PROJECT		
1 : 100(A3)	C002	TP200	TP2

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TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA ELEVATION SOUTH TOWN PLANNING
1 : 100 – A01

__GENERAL NOTES

REFER TO A080 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

__PROPOSED NOTES

P1.
NEW CLEAR GLAZING TO EXISTING RESTORED METAL WINDOW FRAMES.

P2.
EXISTING RETAINED SIGNAGE.

__ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FCL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

__MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

PRELIMINARY
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DRAWING TITLE
REFURBISHED AND PROPOSED SOUTH ELEVATION

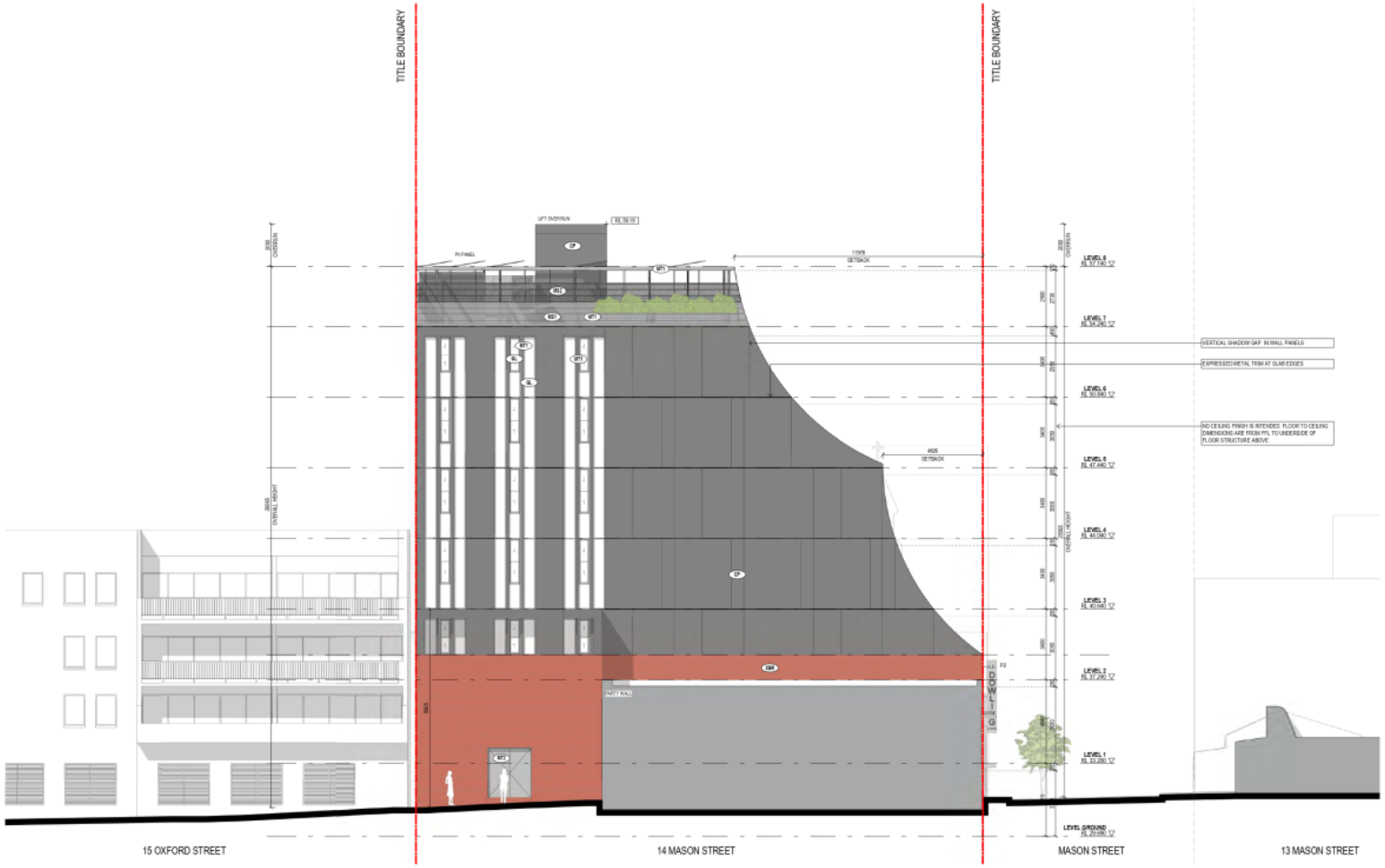
PROJECT
14 MASON STREET
1-13 OXFORD STREET, VIC 3068
OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
11.12.20	RE		
SCALE	PROJECT		
1 : 100(A3)	C062	TP201	TP2

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TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA ELEVATION WEST TOWN PLANNING
1 : 100 — A3

__GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

__PROPOSED NOTES

P1.
NEW CLEAR GLAZING TO EXISTING RESTORED METAL WINDOW FRAMES

P2.
EXISTING RETAINED SIGNAGE

__ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FGL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

__MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE
TP3	19.02.21	TP RFI RESPONSE 3

PRELIMINARY
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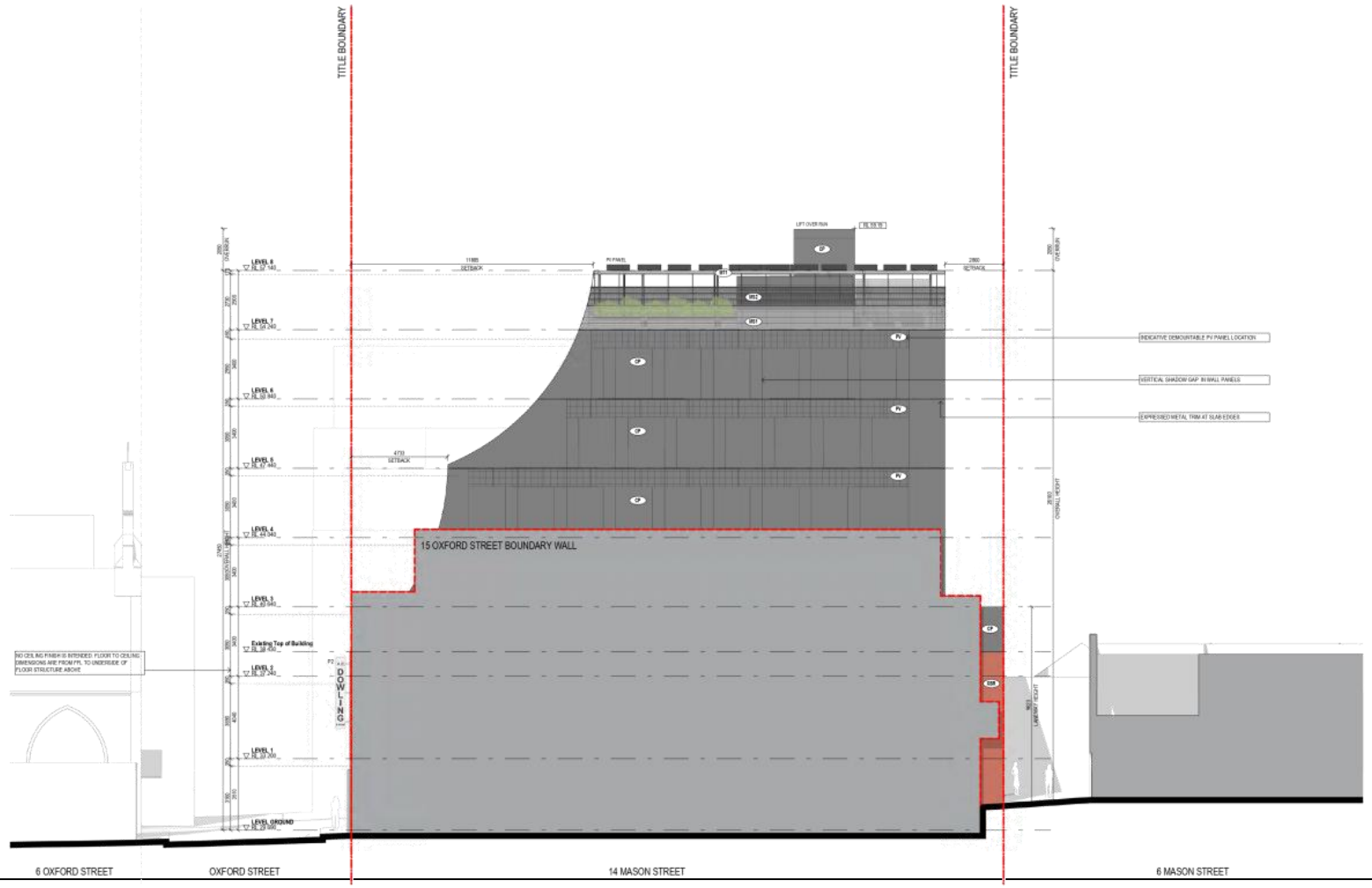
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REFURBISHED AND PROPOSED WEST ELEVATION

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
19.02.21	RE	TP202	TP3
SCALE @ A3	PROJECT NO.		
1 : 100(A3)	C002		

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA ELEVATION NORTH TOWN PLANNING

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING.

PROPOSED NOTES

P1.
NEW CLEAR GLAZING TO EXISTING RESTORED METAL WINDOW FRAMES.

P2.
EXISTING RETAINED SIGNAGE.

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
FGL	FINISHED CEILING LEVEL
FEX	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	26.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE
TP3	04.02.21	TP RFI RESPONSE 2

PRELIMINARY
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DRAWING TITLE
REFURBISHED AND PROPOSED NORTH ELEVATION

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

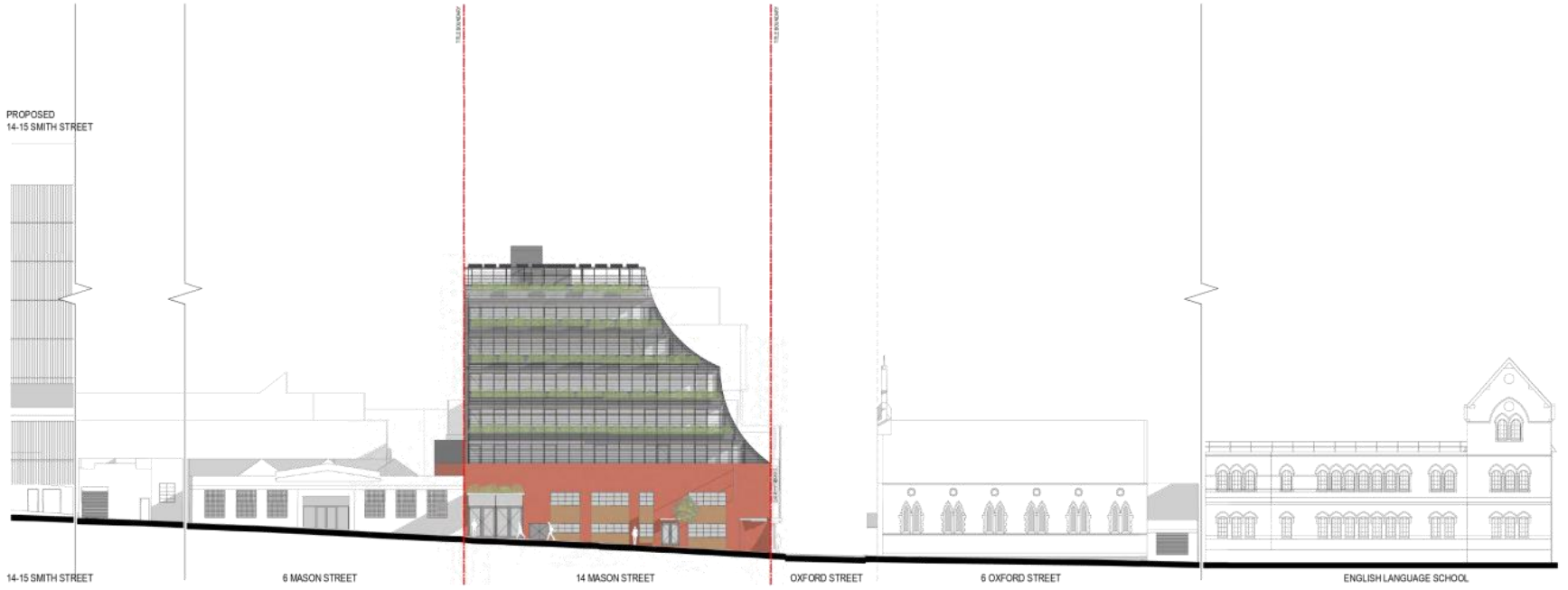
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SCALE @ A1	PROJECT		
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TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA CONTEXT ELEVATION EAST TOWN PLANNING



2 GA CONTEXT ELEVATION SOUTH TOWN PLANNING

GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

ABBREVIATIONS

BJ	BUTT JOINT
COL	COLUMN
CJ	CONTROL JOINT
CL	CENTRE LINE
DP	RAINWATER DOWNPIPE
EJ	EXPANSION JOINT
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FHY	FIRE HYDRANT
FIP	FIRE INDICATOR PANEL
FW	FLOOR WASTE
RL	RELATIVE LEVEL
SSL	STRUCTURAL SLAB LEVEL
SJ	SILICONE JOINT

MATERIALS

XBR	EXISTING BRICKWORK
XCON	EXISTING CONCRETE
CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
Pv	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

PRELIMINARY
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DRAWING TITLE
REFURBISHED AND PROPOSED EAST AND SOUTH CONTEXT ELEVATION

PROJECT
14 MASON STREET
1-13 OXFORD STREET, VIC 3068
OXFORD MASON PTY LTD

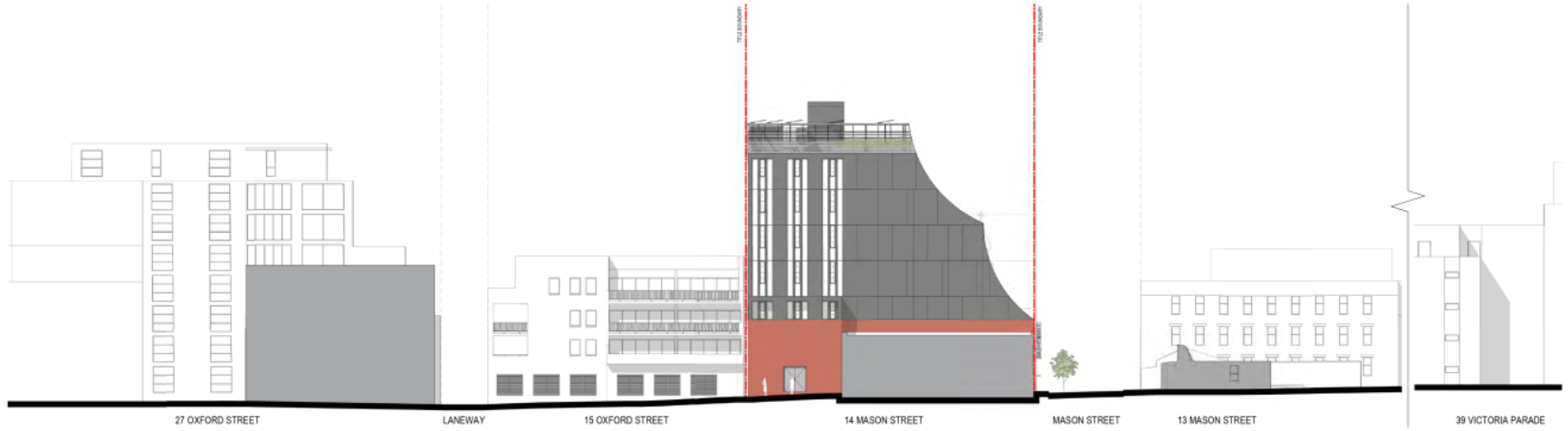
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TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA CONTEXT ELEVATION NORTH TOWN PLANNING



2 GA CONTEXT ELEVATION WEST TOWN PLANNING

GENERAL NOTES

ABBREVIATIONS

MATERIALS

PRELIMINARY
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TP205 TP4

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



GENERAL NOTES

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CON	CONCRETE
CP	CEMENT PANEL
GL	CLEAR GLAZING
MT1	GREY METAL
MT2	GREY METAL
MS1	DENSE MESH
MS2	LIGHT MESH
PFM	PERFORATED GREY METAL
PV	PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

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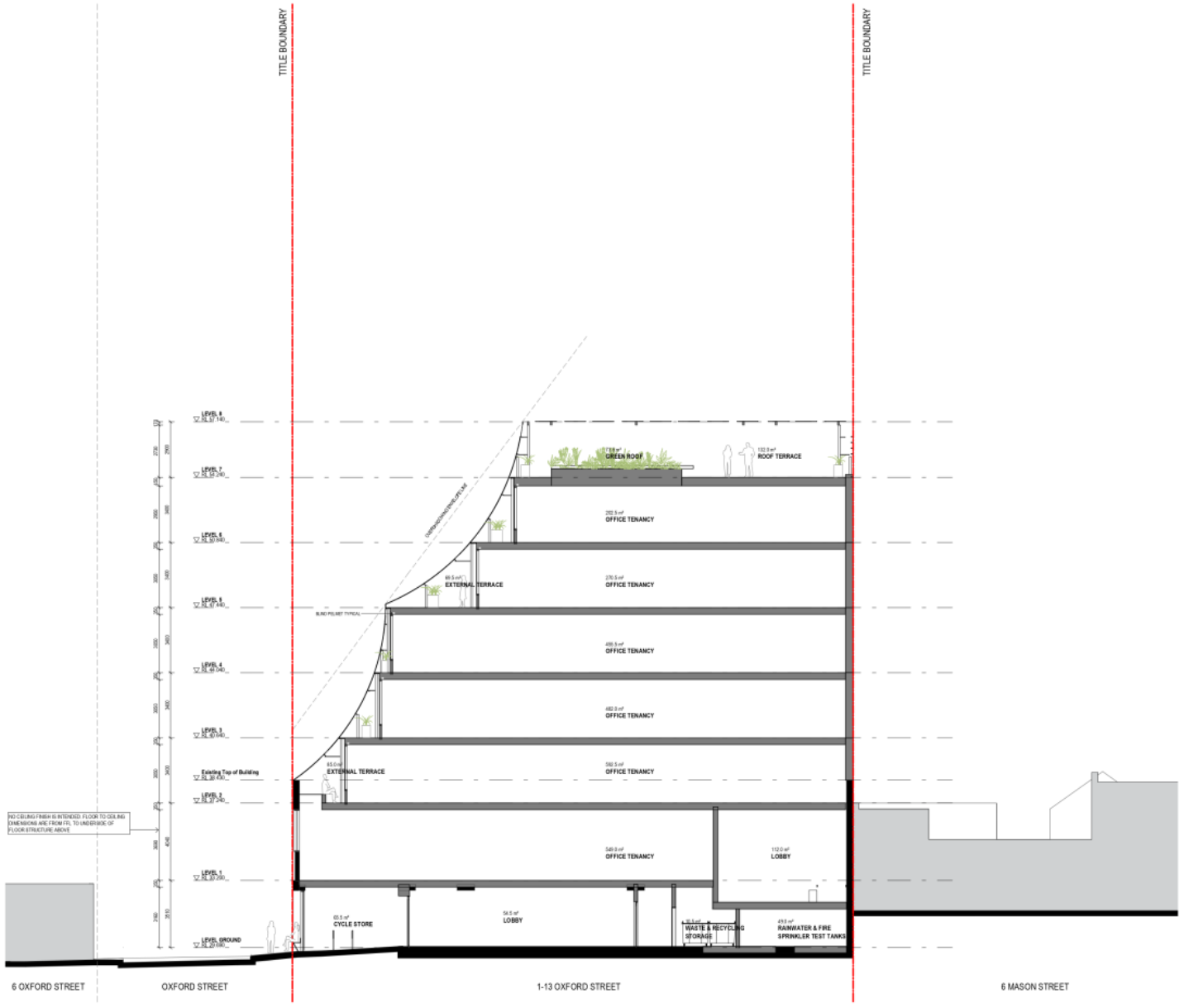
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PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3066
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
11.12.20	RE	TP300	TP2
SCALE	PROJECT		
1 : 100(A1)	C002		

TOWN PLANNING

Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



1 GA SECTION B TOWN PLANNING

_GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

_ABBREVIATIONS

BJ BUTT JOINT
COL COLUMN
CJ CONTROL JOINT
CL CENTRE LINE
DP RAINWATER DOWNPIPE
EJ EXPANSION JOINT
FCL FINISHED CEILING LEVEL
FEX FIRE EXTINGUISHER
FFL FINISHED FLOOR LEVEL
FHR FIRE HOSE REEL
FHY FIRE HYDRANT
FIP FIRE INDICATOR PANEL
FW FLOOR WASTE
RL RELATIVE LEVEL
SSL STRUCTURAL SLAB LEVEL
SJ SILICONE JOINT

_MATERIALS

XBR EXISTING BRICKWORK
XCON EXISTING CONCRETE
CON CONCRETE
CP CEMENT PANEL
GL CLEAR GLAZING
MT1 GREY METAL
MT2 GREY METAL
MS1 DENSE MESH
MS2 LIGHT MESH
PFM PERFORATED GREY METAL
PV PHOTOVOLTAIC PANELS

No.	Date	Description
TP1	28.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE

PRELIMINARY
NOT FOR CONSTRUCTION

0 2 4m

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DRAWING TITLE
REFURBISHED AND PROPOSED SECTION B

PROJECT
14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
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TOWN PLANNING

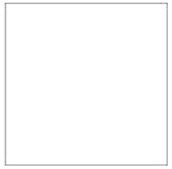
Attachment 1 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Decision Plans (advertised)



CON - CONCRETE



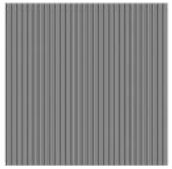
CP - CEMENT PANEL



GL - CLEAR GLAZING



MT1 - GREY METAL



MT2 - GREY METAL



MS1 - SMALL SCALE MESH - NOMINAL 60% OPEN



MS2 - LARGE SCALE MESH - NOMINAL 60% OPEN



PFM - PERFORATED METAL - NOMINAL 50% OPEN



PV - PHOTOVOLTAIC PANEL

__GENERAL NOTES

REFER TO A000 FOR GENERAL NOTES APPLICABLE TO THIS DRAWING

__ABBREVIATIONS

BJ	BUTT JOINT
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FW	FLOOR WASTE
RL	RELATIVE LEVEL
SGL	STRUCTURAL GLASS LEVEL
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TP1	26.08.20	TOWN PLANNING
TP2	11.12.20	TP RFI RESPONSE
TP3	04.02.21	TP RFI RESPONSE 2

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DRAWING TITLE
EXTERNAL FINISHES SCHEDULE

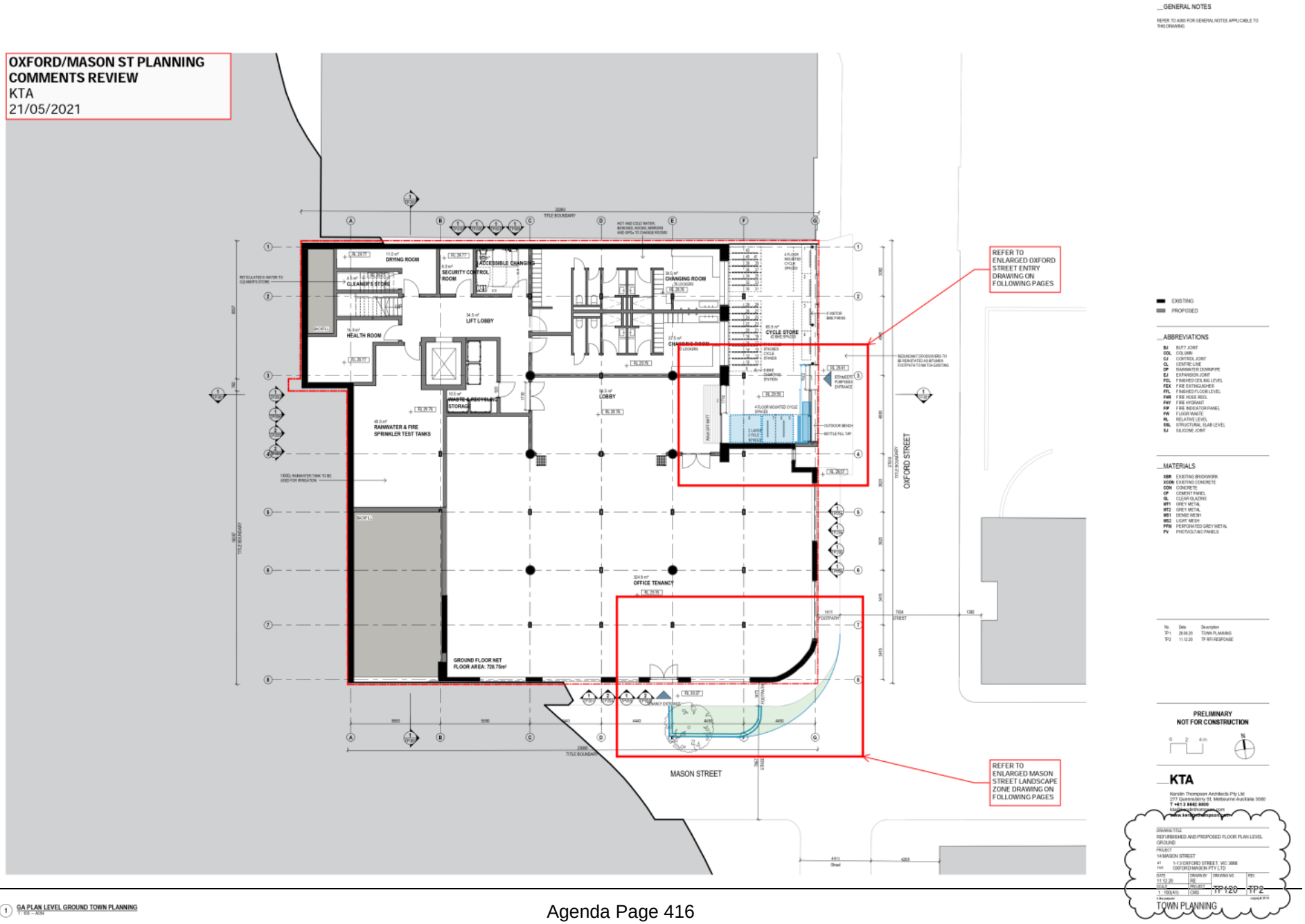
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14 MASON STREET
AT 1-13 OXFORD STREET, VIC 3068
FOR OXFORD MASON PTY LTD

DATE	DRAWN BY	DRAWING NO.	REV
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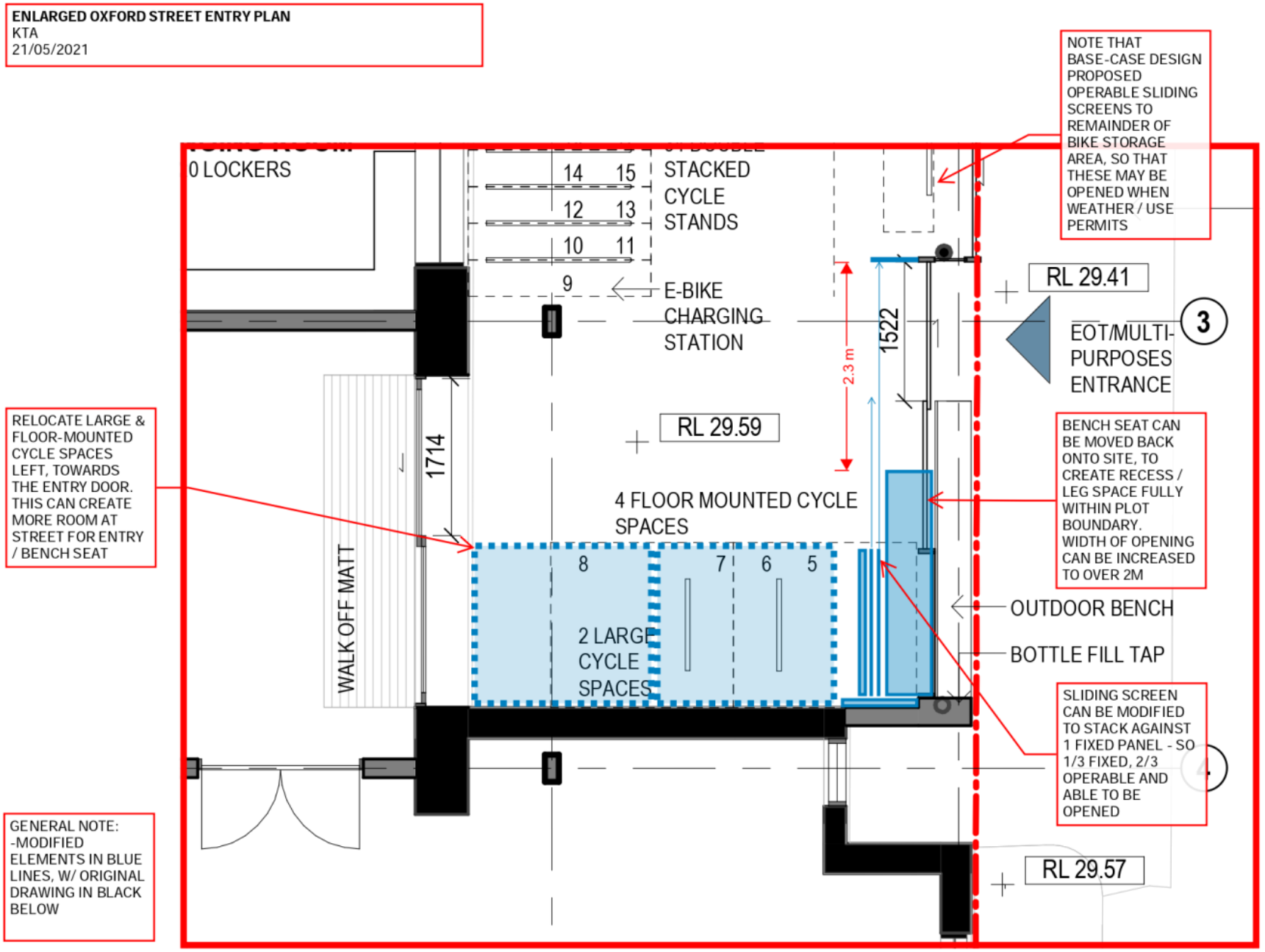
TOWN PLANNING

Attachment 2 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Without Prejudice Sketch Plans and WMP (2 June 2021)



1 GA PLAN LEVEL GROUND TOWN PLANNING

Attachment 2 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Without Prejudice Sketch Plans and WMP (2 June 2021)



Attachment 2 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Without Prejudice Sketch Plans and WMP (2 June 2021)

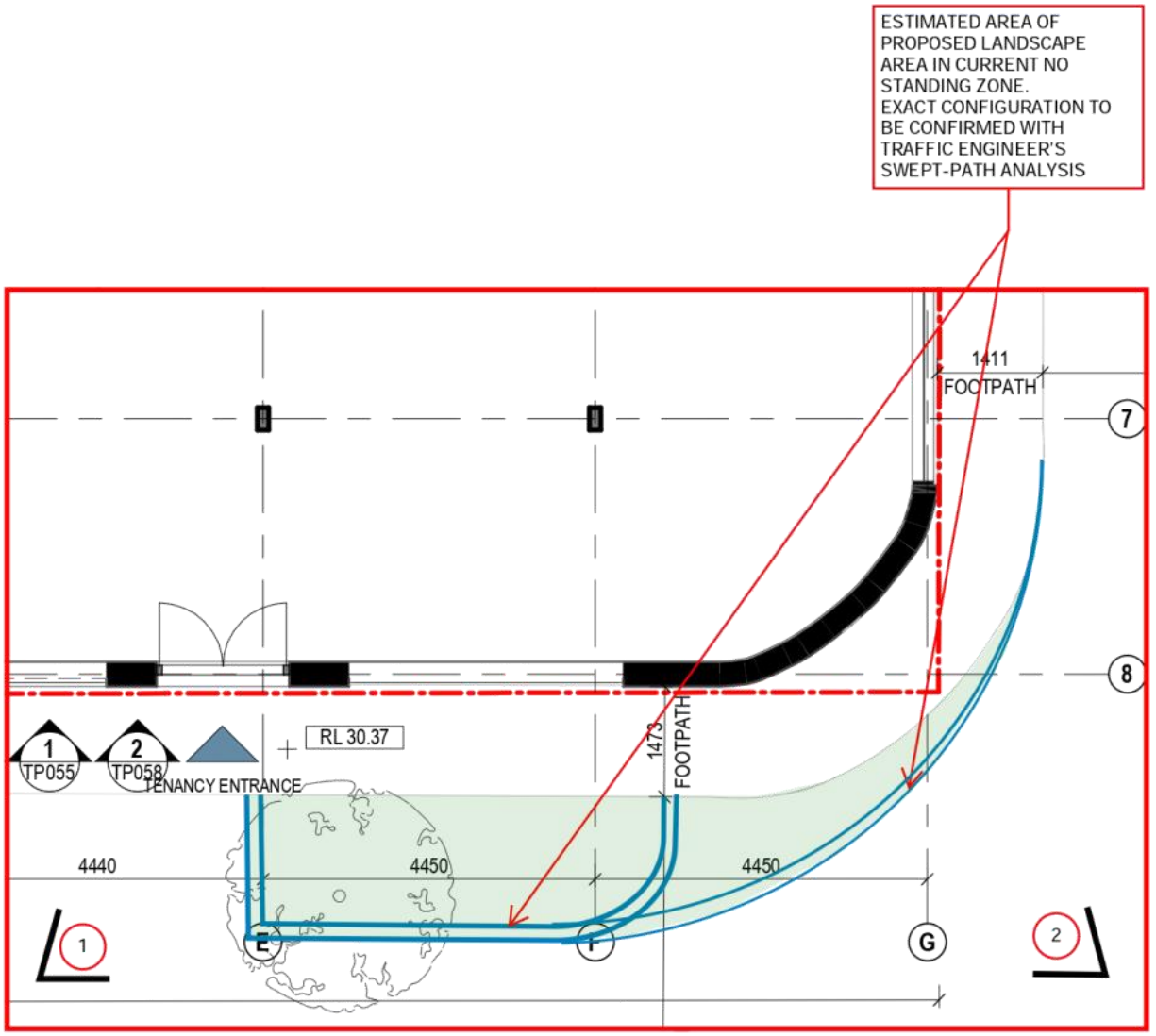
ENLARGED MASON STREET LANDSCAPE ZONE
KTA
21/05/2021

VIEW 1



VIEW 2





Attachment 2 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Without Prejudice Sketch Plans and WMP (2 June 2021)

onemilegrid
TRAFFIC ENGINEERING

14 Mason Street, Collingwood

Waste Management Plan



200535WMP001E-F

2 June 2021

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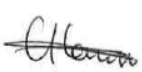
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DOCUMENT INFORMATION

Prepared for	Kerstin Thompson Architects Pty Ltd		
File Name	200535WMP001E-F	**Report Date**	2 June 2021
Prepared by	Lizzy Henry	**Reviewed by**	Valentine Gnanakone
Signature		**Signature**	

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Attachment 2 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Without Prejudice Sketch Plans and WMP (2 June 2021)

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4.2.2 Hard Waste 6
4.2.3 Electronic Waste (E-Waste) 6
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1 INTRODUCTION

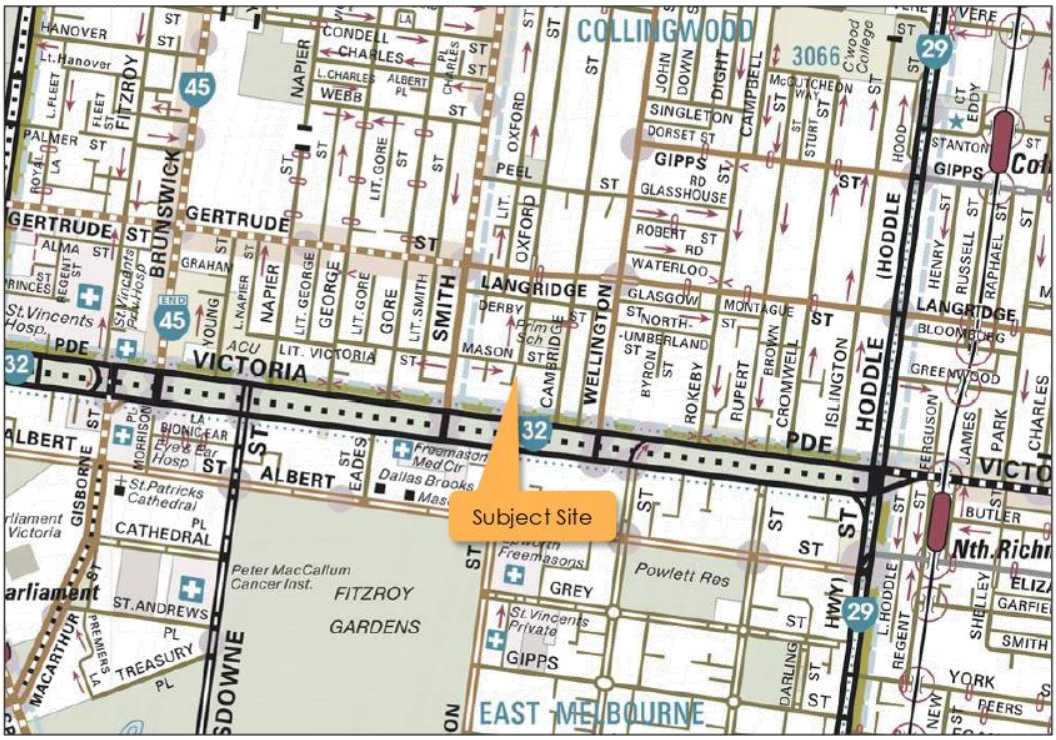
onemile**grid** has been requested by Kerstin Thompson Architects Pty Ltd to prepare a Waste Management Plan for the proposed office development at 14 Mason Street, Collingwood.

The preparation of this management plan has been undertaken with due consideration of the Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Developments and relevant Council documentation.

2 EXISTING SITE CONDITIONS

The subject site is located at the north-west corner of Oxford Street and Mason Street, addressed as 14 Mason Street, Collingwood, as shown in Figure 1. The subject site has a total area of approximately 850 m² with frontages to Oxford Street and Mason Street of approximately 30 metres each.

Figure 1 Site Location



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3 DEVELOPMENT PROPOSAL

3.1 General

It is proposed to develop the site for the purposes of an office development, comprising a net leasable area of 2,881 m².

3.2 Waste Management

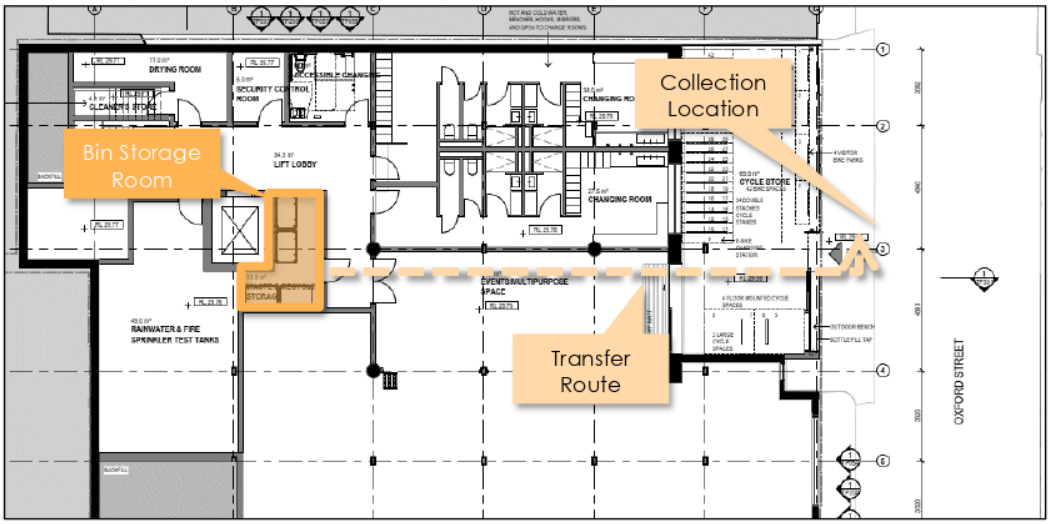
It is proposed to utilise a private contractor to manage the collection and disposal of all waste streams associated with the development.

Each office will have a set of three small bins for garbage, organics and comingled recycling which will be emptied each day by either staff or a cleaner into the large communal bins on the ground floor.

A shared set of bins are to be stored within a dedicated bin storage room on the ground floor. On collection days, the waste collection vehicle will prop on street while the private contractor, or a building manager, transfers the bins from the bin storage room for collection. Following collection, bins will be immediately returned to the bin storage room. Bins at no stage will be left kerbside.

The bin storage room and expected transfer route are shown in Figure 2.

Figure 2 Bin Storage Room and Collection Details



4 WASTE GENERATION

4.1 Sustainability Victoria Recommended Rates

Waste generation rates published within Sustainability Victoria's "Better Practice Guide for Waste Management and Recycling in Multi-unit Developments" recommends adoption of the following rates for commercial uses, based on the rates published by the City of Melbourne.

Table 1 Sustainability Victoria Recommended Rates

Use	Garbage Rate	Recycling Rate
Offices	10L per 100 m² per day	10L per 100 m² per day

It is noted that waste generation for shops is highly dependent on the specific tenant and use for both garbage and recycling generation. The above rates are considered to be an upper limit rate which would accommodate the vast majority of retail uses.

4.2 Expected Waste Generation

4.2.1 Garbage, Organics, Recycling and Glass

Based on rates observed in other office uses, it is anticipated that approximately 50% of the garbage stream is comprised of organic waste. Furthermore, an industry factsheet published by EPA NSW identifies that approximately 2.5% of commercial office recycling comprises glass waste.

It is noted that the office will operate five days per week.

As such, adopting the Sustainability Victoria waste generation rates and the above, the following weekly waste generation is expected.

Table 2 Expected Waste Generation – Office

Component – Stream	Floor Area	Rate/100m²/Week	Total Waste/Week
Garbage	2,881 m²	25 litres	720 litres
Organics		25 litres	720 litres
Recycling		48.75 litres	1,404 litres
Glass		1.25	36 litres

4.2.2 Hard Waste

Considering the proposed office use and the nature of such a use, the requirement for hard rubbish collection services is expected to be infrequent. As such it is proposed to manage collections on an as needs basis. In this regard, the operator will organise a collection by the private contractor, or tenants may dispose of rubbish independently at one of the local recycling centres or transfer stations.

4.2.3 Electronic Waste (E-Waste)

All E-waste generated by the development will be managed by the operator with coordinated collections of E-waste. E-waste collections will be communicated to tenants to ensure that all E-waste is collected as required.

In addition to the above, tenants will be advised that E-waste may be taken to an appropriate collection centre, as described below:

- Yarra Recycling Centre accepts all e-waste;
- Planet Ark operate a number of e-waste recycling drop-off locations throughout Victoria (https://recyclingnearyou.com.au/electrical);
- Officeworks stores accept small amounts of personal E-waste;
- Aldi stores accept batteries; and
- Some Bunnings stores accept batteries.

Additional recycling locations are provided at https://www.sustainability.vic.gov.au/Campaigns/eWaste.

4.2.4 Soft Plastics

Soft plastic waste is estimated to contribute approximately 20% of landfill waste volumes, and includes such things as bread bags, plastic bags, bubble wrap and snap lock bags.

Soft plastics can be recycled via REDcycle bins located at most Coles and Woolworths supermarkets, including Coles Collingwood in the vicinity of the site.

No specific bin provision is required for soft plastic recycling, though it is recommended that staff are made aware of soft plastic recycling, and operators and tenants are encouraged to facilitate the collection and deposit of soft plastics at REDcycle bin locations.

5 BIN REQUIREMENTS

5.1 Bin Provision and Specifications

It is proposed to utilise a private waste contractor for all waste service, providing weekly waste, organics and recycling collection.

Consequently, the following bins will be required for the proposed development.

Table 3 Bin Provision

Component – Stream	Total Waste/Week	Bin Size	Collection Frequency	Bins Required
Garbage	720 litres	660 litres	Weekly	1 bin
Organics	720 litres	660 litres	Weekly	1 bin
Recycling	1,404 litres	660 litres	Weekly	2 bins
Glass	36 litres	80 litres	Weekly	1 bin
Total				**5 bins**

Table 4 Bin Specifications

Capacity	Width	Depth	Height
660 litres	1.25m	0.80m	1.30m
80 litres	0.45m	0.50m	0.85m

Bin lids will be colour coded to the Australian Standard (AS4123) or to the standard colour specifications of the private contractor.

5.2 Bin Storage

As indicated in Figure 2, it is proposed to provide a bin storage area on the ground floor of the proposed development, capable of accommodating four x 660 litre bins. The bin storage room is located appropriately for access by staff, and is secured from the common areas.

The bin storage room should be vermin proof, and have appropriate ventilation, lighting and drainage.

5.3 Bin Cleaning

The operator shall ensure that the shared bins are kept in a clean state, to minimise odours and to discourage vermin. As it is not possible to clean the bins in the bin storage room, this will be achieved by bin swapping by the waste contractor.

6 WASTE MANAGEMENT

6.1 Best Practice Waste Management

Best Practice Waste Management is an initiative designed to reduce the amount of waste generated through encouraging a change of behaviour and action on waste management and moreover recycling.

The benefits of reducing waste generation are far reaching and has been identified as significantly important by Council and the Victorian Government.

The Victorian Waste and Resource Recovery Policy "Getting Full Value" has been prepared by the Victorian Government, and "sets out a position and an approach that will position Victoria as a national leader in resource recovery".

One of the primary goals of the policy is to "Assist Victorians to reduce the waste they generate and save Victorians' money through efficient use of resources", for which the following strategic directions are listed:

- Support commercial, not-for-profit and Victorian public sector organisations to achieve financial savings through waste reduction;
- Provide households with the information and support they need to reduce waste by using household goods more efficiently;
- Continue to work in partnership with the Commonwealth Government through the National Waste Policy: Less Waste, More Resources, and take a lead role in national strategies that harness Victoria's strengths and capabilities

This policy builds on the Towards Zero Waste strategy, which was launched in 2005.

The operator shall encourage staff to participate in minimising and reducing solid waste production by:

- Promoting the Getting Full Value Strategy and the Municipalities Waste Management Strategy, including the use of The Waste Hierarchy, which in order of preference seeks to:
  - Avoid waste generation in the first place;
  - Increase the reuse and recycling of waste when it is generated; and
  - Recover, treat or contain waste preferentially to;
  - Its disposal in Land Fill (which is least desirable).
- Providing information detailing recyclable materials to ensure that non-recyclable materials do not contaminate recycling collections;
- Providing information regarding safe chemical waste disposal methods and solutions, including correct battery and electronics disposal methods;
- Encouraging composting for staff; and
- Providing tips for recycling and reusing waste, including encouraging the disposal of reusable items in good condition via donations to Opportunity Shops and Charities.

6.2 Bin Usage

Under the control of the operator, tenants / cleaners will:

- Bag and dispose of garbage in the provided bin on the ground floor;
- Transport and dispose of organics in the provided bin on the ground floor;
- Transport and dispose of recyclables (non-bagged) in the provided bins on the ground floor; and

- Ensure cardboard boxes are flattened, and containers rinsed and cleaned prior to disposal in the provided bins.

6.3 Common Property Litter and Waste Removal

The proposed development includes a number of common property areas, including foyers, hallways, bicycle parking areas and the bin storage area.

The operator shall ensure that all common areas are kept clear of litter, and that all waste is removed from common areas on a regular basis. This includes the bin storage area in particular, to discourage vermin.

6.4 Signage

To avoid contamination between garbage streams, bin lids will be colour coded in accordance with contractor standards, to ensure the bin type is easily distinguishable. Furthermore, bins should include typical signage (preferably on the bin lid) to reinforce the appropriate materials to be deposited in each bin. Example signage available from Sustainability Victoria is shown below.

Figure 3 Example Waste Signage



6.5 Collection

On collection days, all bins will be transferred from the bin storage room to the Oxford Street frontage for collection while the waste collection vehicle is propped on Oxford Street. The private contractor, or a building manager, will be responsible for transferring bins from the bin storage room to the site frontage. Following collection by the private contractor, bins will immediately be returned to the bin storage area.

Bins will not be left kerbside for any period of time except when collection is taking place.

6.6 Noise Control

To minimise the disturbance to the surrounding residential areas during waste collection, the collection should follow the criteria specified by the EPA, as below:

- Collections occurring once a week should be restricted to the hours:
  - 6:30am to 8:00pm, Monday to Saturday;
  - 9:00am to 8:00pm, Sunday and Public Holidays;

- Collections occurring more than once a week should be restricted to the hours:
  - 7:00am to 8:00pm, Monday to Saturday;
  - 9:00am to 8:00pm, Sunday and Public Holidays;
- Compaction should be carried out while the vehicle is moving;
- Bottles should not be broken up at the collection site;
- Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances; and
- Noisy verbal communication between operators should be avoided where possible.

6.7 Tenant Information

To ensure all tenants are aware of their responsibilities with regard to waste and bin management, an information package will be provided by the Owners Corporation to all residents, including the following information:

- A copy of this Waste Management Plan;
- Methods and techniques for waste reduction and minimisation;
- Information regarding bin collection days and requirements;
- Tenant responsibilities with regard to bin usage, storage, and collection; and
- Tenant responsibilities with regard to litter and waste removal from the common property.

6.8 Municipal Charges

It is noted that every rateable tenement within the proposed development is liable for municipal waste charges, irrespective of the services provided by Council.

6.9 Waste Management Plan Implementation

The implementation, coordination and funding of the Waste Management Plan is the responsibility of the operator, and should be a dynamic document, reflecting changes in on-site and off-site conditions e.g. varying bin requirements, or changing waste collection methodology. As such, the plan should be regularly revisited and amended to provide the most accurate and relevant information to achieve the desired objectives of effectively managing the storage and disposal of waste generated on-site.

Should any significant operational changes occur on-site, a new or amended Waste Management Plan prepared by a suitable qualified and experienced person or firm may be required, detailing changes to the storage and disposal of the general, recyclable and e-wastes, responsibility in management and maintenance of the bins, location and area of bin rooms, etc.

7 OCCUPATIONAL HEALTH & SAFETY RESPONSIBILITIES

The site operator shall ensure compliance to all relevant OH&S regulations and legislation, including the following:

- Worksafe Victoria Guidelines for Non-Hazardous Waste and Recyclable Materials

8 CONTACT INFORMATION

8.1 Council

Yarra City Council

Phone: (03) 9205 5555 (Customer Service)

Web: www.yarracity.vic.gov.au

Email: info@yarracity.vic.gov.au

8.2 Contractors

Cleanaway

Services: Private contractor

Phone: 131 339

Web: www.cleanaway.com.au/

WasteWise

Services: Private contractor

Phone: 1300 550 408

Web: www.wastewise.com.au

BioPak (Organic Waste Compost Service)

Services: Private contractor

Phone: 1300 246 725

Web: www.biopak.com.au/compost-service

8.3 Equipment

Eco-Safe Technologies (odour control equipment)

Phone: 0411 335 753

Web: www.eco-safe.com.au

Email: info@eco-safe.com.au

8.4 Others

Sustainability Victoria

Services: Sustainable Waste Management initiatives and information

Phone: 1300 363 744 (Energy, Waste and Recycling)

Web: www.sustainability.vic.gov.au

Email: info@sustainability.vic.gov.au

Attachment 3 - PLN20/0747 - 1-13 Oxford Street, Collingwood - ESD referral

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



ESD in the Planning Permit Application Process

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

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

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category Non-r*esidential 1. 1,000m² or greater*.

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

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

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

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.

Attachment 3 - PLN20/0747 - 1-13 Oxford Street, Collingwood - ESD referral

Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



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Attachment 3 - PLN20/0747 - 1-13 Oxford Street, Collingwood - ESD referral

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

Assessment Summary:

Responsible Planner:	Michelle King
ESD Advisor:	Gavin Ashley
Date:	14.04.2021
Subject Site:	PLN20/0747 1-13 Oxford Street, Collingwood VIC 3066
Site Area:	Approx. 838 m²
Project Description:	Seven storey office building, with rooftop terrace.
Pre-application meeting(s):	Unknown.
Documents Reviewed:	• Sustainability Management Plan (Rev 3 – 10.12.20) by ARUP • Architectural Plans (TP4 – 19.02.21) by Kerstin Thompson Architects • Green Travel Plan (16.12.20) by One Mile Grid • Waste Management Plan (16.12.20) by One Mile Grid • Landscape Plan (TP1 – 16.12.20) by Simon Ellis Landscape Architects

The standard of the ESD does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

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

(1) Applicant ESD Commitments:

- The proposal achieves a BESS report score of 79% (including 9% for innovation) (SMP, p. 30).
- Metering and monitoring strategy applied (SMP, p. 13).
- A Building Users Guide will be developed and provided to occupants (SMP, p. 13).
- The proposed development will consume at least 70% less water than a standard reference building through the use of efficient fixtures and fittings, rainwater collection, and vacuum toilets (SMP, p. 14).
- Passive design features such as: High performance building fabric, energy efficient lighting, operable windows, rooftop solar PV, façade mounted PV units and a renewable energy Power Purchase Agreement (SMP, p. 15).
- The project is committed to a minimum 10% reduction in energy use for heating and cooling compared to a reference case (SMP, p. 15).
- The project aims to have >60% of the floor area achieving at least 160Lux from daylight for 80% of standard working hours (SMP, p. 17).
- No car parking proposed, and the Yarra planning scheme requirements for bicycle parking will be exceeded by at least 50%, with spaces for 34 long term bike parks and 8 visitor bike parks (SMP, p. 18).
- Showers and lockers will be provided for the employees, with at least 2 showers and at least 1 locker per staff bicycle park (SMP, p. 19).
- At least 10% of the site area will have vegetation when viewed as a plan – with a green roof and green façade proposed (SMP, p. 21).
- A number of innovations proposed, such as: Contractor education, occupant engagement, design features solely aimed for human delight (Beauty category of Living Building Challenge), vacuum toilets, reticulated e-water, eBike sharing (and more) (SMP, p. 23).

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



(2) Application ESD Deficiencies:

- No information regarding construction waste management provided. Confirm provision of a site-specific Environmental Management Plan – with a target recycling rate of 80% of construction and demolition waste to minimise the volume of waste to landfill.

(3) Outstanding Information:

- Confirm operable windows are provided on the east and south facades as obscured by mech screening in elevations.
- Confirm all internal sealants and paints, adhesives, and carpets will be low VOC, and engineered timber products will be E0.
- Provide Section J to support NCC improvement claims.
- Clarify reduction in GHG emissions within Section J report.
- Confirm HWS, consider using a heat pump and include in Section J report.
- Clarify reduction in Peak Energy Demand within Section J report.
- Clarify location of internal blinds.
- Confirm HVAC system, consider 3 pipe VRF and include within Section J report.
- Confirm improvement over NCC and include savings within Section J report.
- Clarify total solar PV system size, and locations on rooftop and façade. Include generation within Section J report.
- Confirm WELS ratings for fixtures and fittings.
- Confirm floor-by-floor / tenancy metering.
- Confirm rainwater tank size and amend plans accordingly. The Tool 'work around' does not work as the tool will assume the difference between the impervious area draining to tank and the site area is permeable ground which is not the case. This method is satisfactory if the site area is also adjusted downwards by 75%.
- Clarify post-development flows will not exceed pre-development levels.
- Confirm extent of timber to be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
- Confirm pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.
- Clarify discrepancy between SMP (8 visitor bicycle spaces) and GTP (4 visitor bicycle spaces).
- The GTP and plans indicate 1x eBike charging point. Clarify 'additional' charging points as per SMP.
- Amend plans (TP120) or WMP to identify bin locations within waste room.
- Provide a statement as to how the building mitigates urban heat – such as high SRI external finishes / roofing, and additional climbing vegetation at ground level to shield heavy mass (i.e. bricks) from heat gain.
- Please provide more details on these innovative initiatives to solidify their understanding and acceptance in design as innovations.
- Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications.
- Confirm head contractor to be ISO 14001 accredited.

(4) ESD Improvement Opportunities

- Consider the use of a suit of materials that are either recycled or contain post-consumer content (i.e. bricks and insulation).
- Consider recycled aggregates in concrete mixes, ethically sourced steel and other strategies to reduce embodied energy associated with construction.
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider additional climbing vegetation at ground level to reduce urban heat impacts from heavy mass (i.e. bricks).

Further Recommendations:

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

1. Indoor Environment Quality (IEQ)

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	Openable windows to reduce reliance on mechanical air conditioning and providing natural ventilation (SMP, p. 15 & 17).	Confirm operable windows are provided on the east and south facades as obscured by mech screening in elevations.	3
Daylight & Solar Access	>60% of the floor area is expected to achieve at least 160Lux (i.e. DF>2.0) from daylight for 80% of standard working hours (VLT 0.7) (SMP, p. 18 & 39).	Satisfactory.	1
External Views	High quality views (according to the Green Star definition) to the South and East will be available to ~65% of the total floor area (SMP, p. 16).	Satisfactory.	1
Hazardous Materials and VOC	The SMP indicates the project will develop a healthy material plan to optimise indoor air quality and limit exposure to toxic chemicals. These requirements will guide tenant fit-outs (SMP, p. 17).	Confirm all internal sealants and paints, adhesives, and carpets will be low VOC, and engineered timber products will be E0.	3
Thermal Comfort	High performing building envelope, along with operable windows and mixed-mode ventilation, will ensure high levels of thermal comfort for tenants (SMP, p. 17).	Satisfactory.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 1. Indoor Environment Quality
Good Environmental Choice Australia Standards www.geca.org.au
Australian Green Procurement www.greenprocurement.org
Residential Flat Design Code www.planning.nsw.gov.au
Your Home www.yourhome.gov.au

2. Energy Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	10% improvement on insulation levels compared to NCC Section J 2019 requirements for roofs and exposed floors (SMP, p. 15).	Provide Section J to support NCC improvement claims.	3
Thermal Performance	The project is committed to a minimum 10% reduction in energy use for heating and cooling compared to a reference case (SMP, p. 15).	Provide Section J to support thermal performance claims.	3
Greenhouse Gas Emissions	Ths strategies outlined, in combination with the PPA will aim to deliver a building that has zero emissions in operation (SMP, p. 26).	Clarify reduction in GHG emissions within Section J report.	3
Hot Water System	The project will employ heating, cooling and water heating systems within one star of the most efficient equivalent capacity unit available, or not less than 85% of the most efficient unit available (SMP, p. 15).	Confirm HWS, consider using a heat pump and include in Section J report.	3
Peak Energy Demand	100% credit claimed in BESS.	Clarify reduction in Peak Energy Demand within Section J report.	3
Effective Shading	The building has no north-face glazing, minimal west-facing glazing and a mesh skin over the east and south facades.	Good. Clarify location of internal blinds.	3
Efficient HVAC system	The project will employ heating, cooling and water heating systems within one star of the most efficient equivalent capacity unit available, or not less than 85% of the most efficient unit available (SMP, p. 15).	Confirm HVAC system, consider 3 pipe VRF and include within Section J report.	3
Car Park Ventilation	No basement carpark.	-	1
Efficient Lighting	Energy efficient lighting (at least 10% improvement on NCC 2019) and smart controls (SMP, p. 16).	Confirm improvement over NCC and include savings within Section J report.	3
Electricity Generation	A rooftop solar PV system, and façade mounted PV has been proposed in the SMP (p. 15) with indicative locations on rooftop noted in plans (TP128).	Clarify total solar PV system size, and locations on rooftop and façade. Include generation within Section J report.	3
Other	-	-	

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 2. Energy Efficiency
House Energy Rating www.makeyourhomegreen.vic.gov.au
Building Code Australia www.abcb.gov.au
Window Efficiency Rating Scheme (WERS) www.wers.net

Minimum Energy Performance Standards (MEPS) www.energyrating.gov.au
Energy Efficiency www.resourcesmart.vic.gov.au

3. Water Efficiency

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Efficient fixtures and fittings will be installed, enough to produce at least a 70% reduction in water use: (SMP, p. 51) • Vacuum toilets with < 0.7L/flush • 6-star urinals • Taps < 4.5L/min • Showers < 6L/min • Dishwashers < 11.5L/cycle	Good. Confirm WELS ratings for fixtures and fittings.	3
Water for Toilet Flushing	Minimum 10,000-L rainwater tank – Rainwater will be used for toilet flushing and irrigation to further reduce mains water consumption (SMP, p. 16).	Satisfactory.	1
Water Meter	All major common areas will be separately sub-metered (SMP, p. 14).	Confirm floor-by-floor / tenancy metering.	3
Landscape Irrigation	Water sensitive landscape and sub-surface drip irrigation serviced by rainwater tank (SMP, p. 7 & Landscape plan).	Satisfactory.	1
Other	-	-	

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 3. Water Efficiency
Water Efficient Labelling Scheme (WELS) www.waterrating.gov.au
Water Services Association of Australia www.wsaa.asn.au
Water Tank Requirement www.makeyourhomegreen.vic.gov.au
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Sustainable Landscaping www.ourwater.vic.gov.au

4. Stormwater Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report (for ¼ of building scale due to inability to model > 100 occupants) has been provided that indicates a score of 134%. The total roof catchment area is ~816 m2 according to the submitted Rain Catchment Area Plans (Kerstin Thompson Architects, SK024—29), with a 10,000-L rainwater tank located at ground level (TP120).	Confirm rainwater tank size and amend plans accordingly. The Tool 'work around' does not work as the tool will assume the difference between the impervious area draining to tank and the site area is permeable ground which is not the case. This method is satisfactory if the site area is also adjusted downwards by 75%.	3
Discharge to Sewer	No information has been provided.	Clarify post-development flows will not exceed pre-development levels.	3
Stormwater Diversion	A rooftop catchment area of 838 m^2 is indicated.	Satisfactory.	1
Stormwater Detention	A rainwater tank of (min) 10,000-L is proposed (SMP, p. 16).	Satisfactory.	3
Stormwater Treatment	Rainwater tanks, in addition to planter boxes on levels 3, 4, 5, 6 and the rooftop (STORM report, Landscape Management Plan).	Satisfactory.	1
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 4. Stormwater Management
Melbourne Water STORM calculator www.storm.melbournewater.com.au
Water Sensitive Urban Design Principles www.melbournewater.com.au
Environmental Protection Authority Victoria www.epa.vic.gov.au
Water Services Association of Australia www.wsaa.asn.au
Sustainable Landscaping www.ourwater.vic.gov.au

5. Building Materials

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	No information has been provided.	Consider the use of a suit of materials that are either recycled or contain post-consumer content (i.e. bricks and insulation).	4
Embodied Energy of Concrete and Steel	Beyond re-use of building shell, no specific information provided.	Consider recycled aggregates in concrete mixes, ethically sourced steel and other strategies to reduce embodied energy associated with construction.	4
Sustainable Timber	No information has been provided.	Confirm extent of timber to be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).	3
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	No information has been provided.	Confirm pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.	3

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 5. Building Materials
Building Materials, Technical Manuals www.yourhome.gov.au
Embodied Energy Technical Manual www.yourhome.gov.au
Good Environmental Choice Australia Standards www.geca.org.au
Forest Stewardship Council Certification Scheme www.fsc.org
Australian Green Procurement www.greenprocurement.org

6. Transport

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	No car parking proposed.	Excellent.	1
Bike Parking Spaces	The Yarra planning scheme requirements for bicycle parking will be exceeded by at least 50%, with spaces for 34 long term bike parks and 8 visitor bike parks (SMP, p. 19).	Clarify discrepancy between SMP (8 visitor bicycle spaces) and GTP (4 visitor bicycle spaces).	3
End of Trip Facilities	End-of-trip facilities are provided on the ground floor, including two standard changing rooms with two showers each and an accessible changing room (GTP, p. 4).	Satisfactory.	1
Car Share Facilities	Car share locations indicated in GTP (p. 12).	Satisfactory.	1
Electric vehicle charging	The project will implement an eBike sharing scheme available, to the occupants, with additional charging points for individuals' bikes (SMP, p. 24).	The GTP and plans indicate 1x eBike charging point. Clarify 'additional' charging points as per SMP.	3
Green Travel Plan	A Green Travel plan has been provided.	Good – amend as per above comments.	1

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 6. Transport
Off-setting Car Emissions Options www.greenfleet.com.au
Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf
Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/
Bicycle Victoria www.bv.com.au

7. Waste Management

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	No information has been provided.	Confirm provision of a site-specific Environmental Management Plan – with a target recycling rate of 80% of construction and demolition waste to minimise the volume of waste to landfill.	2
Operational Waste Management	An operational Waste Management Plan has been provided, and 10.5 m² waste and recycling room is located on the ground floor (TP120).	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	Both recycling and food organics are included within the WMP (p. 8).	Amend plans (TP120) or WMP to identify bin locations within waste room.	3
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 7. Waste Management
Construction and Waste Management www.sustainability.vic.gov.au
Preparing a WMP www.epa.vic.gov.au
Waste and Recycling www.resourcesmart.vic.gov.au
Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002) www.environment.nsw.gov.au
Waste reduction in office buildings (2002) www.environment.nsw.gov.au

8. Urban Ecology

Objectives:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	At least 10% of the site area will have vegetation when viewed as a plan – with planter boxes incorporated into the design from level 3 to level 7 – with a green roof / rooftop garden (LC04).	Satisfactory.	1
Heat Island Effect	No information has been provided.	Provide a statement as to how the building mitigates urban heat – such as high SRI external finishes / roofing, and additional climbing vegetation at ground level to shield heavy mass (i.e. bricks) from heat gain.	3
Other			
Green wall, roofs, facades	A small green façade is proposed at the southern entrance, and a green roof / rooftop garden is proposed.	Good – consider additional climbing vegetation at ground level to reduce urban heat impacts from heavy mass (i.e. bricks).	4

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 8. Urban Ecology
Department of Sustainability and Environment www.dse.vic.gov.au
Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au
Greening Australia www.greeningaustralia.org.au
Green Roof Technical Manual www.yourhome.gov.au

9. Innovation

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Summary	The proposal has targeted 14 innovation points within the BESS report (9% of total score).	-	-
Acceptable Innovations	Of the initiatives proposed, the following are considered innovative: Contractor education, Beauty (from the Living Building Challenge), Occupant Engagement, Vacuum Toilets, Reticulated e-water, eBike sharing, 100% renewable PPA and promotion of stairs.	Please provide more details on these innovative initiatives to solidify their understanding and acceptance in design as innovations.	3
Not Innovations	The following initiatives, while largely encouraged are not considered innovative: Culture, Heritage and Identity, Public Features, and Beehives.	Satisfactory.	1
Others			-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 9. Innovation
Green Building Council Australia www.gbca.org.au
Victorian Eco Innovation lab www.ecoinnovationlab.com
Business Victoria www.business.vic.gov.au
Environment Design Guide www.environmentdesignguide.com.au

10. Construction and Building Management

Objective:

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

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	No information has been provided.	Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications.	3
Building Users Guide	A Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.	Satisfactory.	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Confirm head contractor to be ISO 14001 accredited.	3
Construction Management Plan	No information has been provided.	Recommend that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.	2
Others	-	-	-

*** Council Assessment Ratings:**

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

References and useful information:
SDAPP Fact Sheet: 10. Construction and Building Management
ASHRAE and CIBSE Commissioning handbooks
International Organization for standardization – ISO14001 – Environmental Management Systems
Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

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



Applicant Response Guidelines

Project Information:

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

Environmental Categories:

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

Objectives:

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

Issues:

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

Assessment Method Description:

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

Benchmarks Description:

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

How does the proposal comply with the benchmarks?

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

ESD Matters on Architectural Drawings:

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

Attachment 4 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Strategic Transport referral

Planning Referral

To:	Michelle King
From:	Chloe Wright
Date:	13/04/2021
Subject:	Strategic Transport Comments
Application No:	PLN20/0747
Description:	Use and development of the land for a seven-storey office building, with rooftop terrace and plant above (permit required for office use, operating 7am to 6pm, Monday to Friday) and a full reduction in the car parking requirement.
Site Address	1 – 13 Oxford Street, Collingwood

I refer to the above application and the accompanying Traffic report prepared by One Mile Grid in relation to the proposed development at 1 – 13 Oxford Street, Collingwood. Council's Strategic Transport unit provides the following information:

Access and Safety

No access or safety issues have been identified.

Bicycle Parking Provision

Statutory Requirement

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	3,885 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	13 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	4 visitor spaces	
Bicycle Parking Spaces Total			**13 employee spaces**	**38 employee spaces**
			4 visitor spaces	**4 visitor spaces**
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	**2 shower / change room**	**5 showers / change rooms**

Adequacy of visitor spaces

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

- 4 visitor spaces are proposed, which meets Council's statutory requirement and is considered acceptable.
- Visitor spaces are located within the employee bicycle parking area at the ground level. Given the surrounding footpaths at Oxford Street and Mason Street are too narrow to

accommodate bicycle hoops, provision of visitor bike parking within the employee bike parking area is considered acceptable. This is based on the understanding that visitors to the office would be granted access to the bicycle parking area by employees.

- All visitor spaces are provided as a horizontal at-grade bicycle hoop which is supported. The bicycle racks are positioned parallel to the wall, as one-sided use hoops. There appears to be sufficient space to position the bicycle hoops on an angle, as pictured below, which would increase the number of bicycle spaces available for visitors.
- Dimensions are noted on the plans and demonstrate the layout of visitor spaces is in accordance with clearance and access requirements of AS2890.3

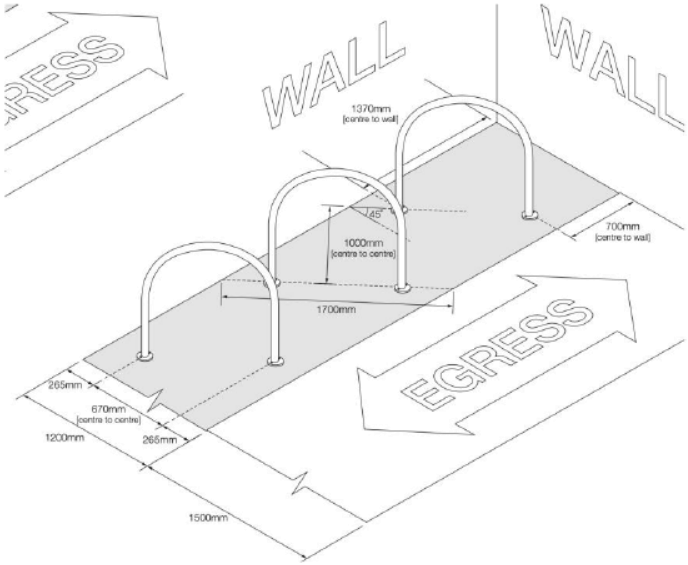


Figure 1 - visitor bicycle spaces could be positioned on an angle as per this layout to increase the number of spaces.

Adequacy of employee spaces

Number of spaces

Provision of 38 employee spaces meets Council's best practice rate[1] recommendation of 38 spaces.

Design and location of employee spaces and facilities

The design and location of employee bicycle parking is adequate for the following reasons:

- Employee bicycle spaces are provided within a secure facility at the ground floor, with direct access via an entrance at Oxford Street.
- 34 spaces are provided as two-tier racks and 4 spaces are provided as horizontal at-grade spaces, which satisfies the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces.
- The provision of 2 spaces for larger bicycles (such as cargo bikes or e-bikes) as well as an e-bike charging station is supported.
- Dimensions of bicycle spaces are noted on the plans and the layout appears to meet clearance access requirements of AS2890.3.
- End of trip facilities are located adjacent to the bicycle parking area and include 5 shower/change rooms and 56 lockers, which meets Council's best practice rates.

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

Green Travel Plan

It is noted the applicant supplied a Green Travel Plan (GTP). The GTP provides all the required information and can be endorsed.

Recommendations

The proposed plans are satisfactory from a Strategic Transport perspective.

Regards

Chloe Wright

Sustainable Transport Officer
Strategic Transport Unit

Attachment 5 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Engineering referral

CITY OF YARRA

MEMO

To:	**Michelle King**	
From:	**Mark Pisani**	
Date:	**20 April 2021**	
Subject:	**Application No:**	**PLN20/0747**
	Description:	**Seven Storey Building**
	Site Address:	**1-13 Oxford Street, Collingwood**

I refer to the above Planning Application received on 22 March 2021 in relation to the proposed development at 1-13 Oxford Street, Collingwood. Council's Engineering Referral team provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Kerstin Thompson Architects	TP120 *Ground*	TP2	11 December 2020
	TP121 *Level 01*	TP3	4 February 2021
	TP122 *Level 02*	TP4	19 February 2021
	TP200 *East Elevation*	TP2	11 December 2020
	TP201 *South Elevation*	TP2	11 December 2020
	TP202 *West Elevation*	TP3	19 February 2021
One Mile Grid	*Transport Impact Assessment* report		10 March 2021

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

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	3,885 m^2	3.0 spaces per 100 m^2 of net floor area	116 spaces	0 spaces

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

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

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

Parking Demand Consideration	Details
Parking Demand for the Office Use	The proposed office would not be providing any on-site car parking. In recent times Council has approved reduced office on-site parking rates in the Collingwood area, such the examples listed below: ▪ 71-93 Gipps Street, Collingwood – 0.96 spaces/100m^2 ▪ 51 Langridge Street, Collingwood – 0.54 spaces/100m^2 ▪ 2-16 Northumberland Street, Collingwood – 0.89 spaces/100m^2 In addition, Council has also approved office developments with no on-site parking, however the floor areas of these sites are much smaller than those of the sites listed above. Small office sites with approved no on-site parking include: ▪ 100-102 Islington Street, Collingwood ▪ 86 Smith Street, Collingwood ▪ 187-195 Langridge Street, Collingwood To determine the likely car parking demand generated by the site, if a parking demand rate of 1 space per 100 square metres of floor area is adopted, the parking demand would equate to 39 spaces. Given that no on-site parking is provided, employees who choose to drive may opt to park in a commercial off-street car park (examples: 3 Cambridge Street; Museum Victoria car park). The provision of no parking would encourage employees to make other travel arrangements such as take public transport or ride a bicycle for their commute.

- *Availability of Public Transport in the Locality of the Land*. The following public transport services can be accessed to and from the site by foot:
    - Victoria Parade trams – 200 metre walk
    - Victoria Parade buses (Clarendon Street interchange) – 240 metre walk
    - Smith Street-Gertrude Street trams – 270 metre walk
    - Brunswick Street trams (St Vincent's Plaza) – 750 metre walk
    - North Richmond railway station – 950 metre walk
    - Hoddle Street buses – 900 metre walk
    - Parliament railway station – 1.3 km walk
- *Multi-Purpose Trips within the Area*. Clients and visitors to the office might combine their visit by engaging in other activities or business whilst in the area.
- *Convenience of Pedestrian and Cyclist Access*. The site is very well positioned in terms of pedestrian access to public transport nodes and other nearby businesses. The site has good access to the on-road bicycle network.

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

- *Availability of Car Parking*. The on-street parking demand in this part of Collingwood is very high during business hours. The area surrounding the subject site is blanketed in time based parking restrictions. The high parking demand in the surrounding streets would be a disincentive for employees to drive.

- *Relevant Local Policy or Incorporated Document*. The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Adequacy of Car Parking
From a traffic engineering perspective, the waiver of parking associated with the office use is considered appropriate in the context of the development and the surrounding area. The provision of no on-site parking would encourage employees to use more sustainable forms of transport when commuting to and from the site. The site has very good pedestrian access to several public transport nodes. The site also has connectivity with the on-road bicycle network.

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

ENGINEERING CONDITIONS
Civil Works

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

- The footpath along the property's Mason Street and Oxford Street frontages must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's cost.
- The redundant vehicle crossings on the Mason Street and Oxford Street frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.

Road Asset Protection

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

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

Impact of Assets on Proposed Development

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

Discharge of Water from Development

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

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

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

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

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

Attachment 6 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Urban Design (internal) referral

MEMO

To:	Michelle King (Statutory Planning)
From:	Lucy Stratton (Urban Design)
Date:	6 May 2021
Site Address:	1-13 Oxford Street, Collingwood
Application No:	PLN20/0747
Description:	Use and development of the land for a seven-storey office building, with rooftop terrace and plant above (permit required for office use, operating 7am to 6pm, Monday to Friday) and a full reduction in the car parking requirement.

COMMENTS SOUGHT

Urban Design comments have been sought on public realm matters. These comments are provided on Plans TP4 RFI Response 3 (Kerstin Thompson Architects, 19/02/2021).

COMMENTS SUMMARY

This proposal is supported in principle, subject to the public realm and streetscape improvements outlined below, including the following:

- Increase the width and depth of the inset building entrance on Oxford Street.
- Contribute to the greening of Mason and Oxford Streets.

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

SITE & CONTEXT

The subject site is located on the north west corner of Oxford Street and Mason Street, approximately 80. metres east of Smith Street. The site has a south-west to north-east slope of approximately 2m. The site is occupied by a two-storey brick warehouse (1960s). Existing site access is via a double crossover on Mason Street and a wide (~13m) crossover to Oxford Street that provides access to loading and undercroft parking. The site has a rear abuttal to an unnamed laneway.

Attachment 6 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Urban Design (internal) referral

URBAN DESIGN COMMENTS

Public Realm Interface

The proposal maintains the zero-setback condition to the two street frontages. Minimal changes to the existing facade are proposed to introduce end of trip and bicycle storage facilities fronting Oxford Street (within the existing undercroft) and convert the vehicular entrance on Mason Street to the primary pedestrian entrance.

There is an opportunity to enhance the Oxford Street frontage and entrance, through the widening of the inset entrance. Providing a generous recessed entrance will provide increased space for pedestrian circulation, seating and proposed facilities. The integration of seating to the entrance is supported and should be wholly contained within the site (including sufficient setback for legroom) to ensure the footpath is free from obstructions.

Streetscapes & Capital Works

Footpaths

All pavements along Oxford Street and Mason Street are to be reinstated as asphalt footpath with bluestone kerb and channels for the full length of the site as per City of Yarra's Infrastructure Road Materials Policy.

Street Tree Planting

Oxford Street and Mason Street have been identified to be planted as part of Council's street tree planting program. Through the reinstatement of existing crossovers there are opportunities to plant roadside trees along both frontages. The applicant is requested to contribute to the cost of planting three (3) new street trees. Cost per tree is $1015, which covers tree supply, planting and two years maintenance. Council's tree planting contractor will source and plant street trees. Please keep Council updated as the project progresses to enable timely ordering of trees and plants and coordination of planting works. Glen Williames, Coordinator Open Space Management, City Works is the point of contact at Council for these works.

Mason Street Landscape Cut-out

There is an opportunity to provide a flush cut planting area on Mason Street within the no-standing zone near the intersection of Oxford Street. A swept path assessment is required to determine the exact dimensions, ensuring a 10m service vehicle can turn from Mason into Oxford Street. The cut-out design and planting is to be designed to the satisfaction of the responsible authority.

Attachment 7 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Open Space Unit referral

King, Michelle

From: Mardjuki, Julia
Sent: Friday, 23 April 2021 10:04 AM
To: King, Michelle
Subject: RE: PLN20/0747 - 1-13 Oxford St Collingwood - Urban Design / Open Space / Streetscapes and NV / Strategic Planning Referral

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michelle

Thank you for sending this through to us for review.

I have looked over the landscape management plan provided by Simon Ellis Landscape Architecture dated 21.12.2020 and they are satisfactory. They have provided a sufficient level of information for me to understand the landscape intent and I am supportive of the concept put forward.

Please let me know if there is anything further you need from me.

Kind Regards
Julia

Attachment 8 - PLN20/0747 - 1-13 Oxford Street, Collingwood - City Works referral

King, Michelle

From: Athanasi, Atha
Sent: Thursday, 10 June 2021 12:46 PM
To: King, Michelle
Subject: RE: HPE CM: RE: PLN20/0747 - 1-13 Oxford St Collingwood - Engineering / Strategic Transport / Waste referral

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michelle,

The waste management plan for 1-13 Oxford St also known as 14 Mason St, Collingwood authored by One Mile Grid and dated 2/6/2021 is satisfactory from a City Works Branch's perspective.

Regards,

Atha Athanasi
Contract Management Officer

Yarra Waste Services - City Works Branch
168 Roseneath St CLIFTON HILL VIC 3068
T (03) 9205 5547 F (03) 8417 6666
Atha.Athanasi@yarracity.vic.gov.au
www.yarracity.vic.gov.au
Follow us on Facebook, Instagram and Twitter

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

From: King, Michelle <Michelle.King@yarracity.vic.gov.au>
Sent: Thursday, 3 June 2021 1:54 PM
To: Athanasi, Atha <Atha.Athanasi@yarracity.vic.gov.au>
Subject: RE: HPE CM: RE: PLN20/0747 - 1-13 Oxford St Collingwood - Engineering / Strategic Transport / Waste referral

Hi Atha,

The applicants have prepared the attached memo and updated WMP in response to the below issue raised.

Could you please review and advise if the modified arrangement is now satisfactory?

Thanks very much, the plans can be accessed at: D21/24218

Kind regards,

Attachment 8 - PLN20/0747 - 1-13 Oxford Street, Collingwood - City Works referral

Michelle

Michelle King
Principal Planner
Planning and Placemaking

PO BOX 168 Richmond VIC
T (03) 9205 5333
E michelle.king@yarracity.vic.gov.au

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From: Athanasi, Atha <Atha.Athanasi@yarracity.vic.gov.au>
Sent: Tuesday, 30 March 2021 5:34 PM
To: King, Michelle <Michelle.King@yarracity.vic.gov.au>
Subject: HPE CM: RE: PLN20/0747 - 1-13 Oxford St Collingwood - Engineering / Strategic Transport / Waste referral

Hi Michelle,

The waste management plan for 1-13 Oxford St also known as 14 Mason St Collingwood authored by One Mile Grid and dated 16/12/2020 is not satisfactory from a City Works Branch's perspective.
Issues to be rectified include, but may not be limited to the following:

1. Kerbside collection is not be appropriate at this location sufficient space (1.5m) must be available for pedestrians at the bin collection location when bins are presented.

Regards,

Atha Athanasi
Contract Management Officer

Yarra Waste Services - City Works Branch
168 Roseneath St CLIFTON HILL VIC 3068
T (03) 9205 5547 F (03) 8417 6666
Atha.Athanasi@yarracity.vic.gov.au
www.yarracity.vic.gov.au
Follow us on Facebook, Instagram and Twitter

Attachment 8 - PLN20/0747 - 1-13 Oxford Street, Collingwood - City Works referral

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

From: King, Michelle <Michelle.King@yarracity.vic.gov.au>
Sent: Monday, 22 March 2021 8:52 AM
To: Engineering Referral Unit <EngineeringReferalUnit@yarracity.vic.gov.au>; Strategic Transport Referrals <StrategicTransportReferrals@yarracity.vic.gov.au>; Athanasi, Atha <Atha.Athanasi@yarracity.vic.gov.au>
Subject: PLN20/0747 - 1-13 Oxford St Collingwood - Engineering / Strategic Transport / Waste referral

Hi Engineering, Strategic Transport and Atha,

Application No.: PLN20/0747
Address: 1-13 Oxford St Collingwood VIC 3066 (also known as 14 Mason Street)
Application: Use and development of the land for a seven storey office building, with rooftop terrace and plant above (permit required for office use, operating 7am to 6pm, Monday to Friday) and a full reduction in the car parking requirement

Engineering: Could you please review the car parking reduction associated with the proposed development.

ST: Could you please review the sustainable transport offer and green travel plan.

Atha: Could you please review the waste arrangements and WMP.

All documents can be found at the following web address:

https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2021/03/16/pln200747

Please let me know if you require anything else,

Michelle

Michelle King
Principal Planner
Planning and Placemaking

PO BOX 168 Richmond VIC
T (03) 9205 5333
E michelle.king@yarracity.vic.gov.au
ABN 98 394 086 520

Follow us on Facebook, Instagram and Twitter

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Attachment 9 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Streetscapes & Natural Values referral

CITY OF YARRA

Memo

diverse
vibrant
exciting
inclusive

To: Michelle King

Cc: Glen Williams

From: Justin Bates

Date: 6 April 2021

Subject: PLN20/0747 – 1-13 Oxford St Collingwood

Hi Michelle,

There's only one tree that will be affected at this site,

We would require the following,

- Tree Management Plan on the existing street tree.

TMP – Provides appropriate actions for tree preservation in accordance with AS4970

- Tree Protection Bond of $ 5,000.00

If you have any questions, please feel free to call me.
Kind regards
Justin

Urban Design Referral

Date: **21 March 2021**

Planners Name: **Michelle King**

Planning Application No: **PLN20/0747**

Proposal Description: **Use and development of the land for a seven storey office building, with rooftop terrace and plant above (permit required for office use, operating 7am to 6pm, Monday to Friday) and a full reduction in the car parking requirement**

Proposal Address: **1-13 Oxford St Collingwood VIC 3066**

Referral Status	• New referral
Is this application a Section 57A Amendment?	• No
Details of the proposal	This application can be found at the following link: https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2021/03/16/pln200747
Referral Type	• Built Form and Public Realm
List what built form components of the proposal you are seeking urban design advice on.	Comments on the application from an urban design perspective are requested on the following: • Height and massing • Architecture and materiality • Public realm interface • DDO23
Other Business Units	For your reference, this application has also been referred to the following internal referrals: • Open Space • Engineering • Strategic Transport • Streetscapes & Natural Values • Heritage (built form only) • Strategic Planning

Other Relevant Information	N/A
Capital Works	Are there are any capital works approved or proposed within the area of the subject site (as relevant to the planning application)? If Yes, please provide details and a copy of the plans associated with these works.

Referral Comments – Strategic Planning

Objectives	The proposal seems to generally fit within the contemporary, emerging built form in the mixed character the Collingwood South Precinct consists of.
Street wall heights	Appears to be complied with.
Upper level set backs	The proposal does not appear to comply with the upper level setback requirement for Area 2 (6 metres). - Third floor plan: approx. 3.4m from Mason and Oxford Streets; - Fourth level: approx. 4.5m from Oxford St and approx. 4.7m from Mason Street. Therefore still well below the required 6m upper level setback above an 11m street wall.
Height	The proposal seeks to exceed the height (from 14m to approx. 26m), therefore needs to achieve, next to other conditions, greater building separation, overshadowing of public realm and compliance with other requirements.
Overshadowing	Proposal appears to comply.
Other requirements	The design presents a relatively exposed blank wall towards the northern elevation.
Conclusion	It appears there are two key built form envelope requirements are not adequately addressed (height and upper level setbacks). From Strategic Planning's point of view the proposal should be amended to address the envelope issues so an adequate outcome is achieved.

9 April 2021

640.10090.06800 1-13 Oxford St, Collingwood 20210409.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Michelle King

Dear Michelle

1-13 Oxford Street & 14 Mason Street, Collingwood
Development Application Acoustic Review
PLN 20/0747

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report prepared for the office development proposed for 1-13 Oxford Street & 14 Mason Street, Collingwood.

Details of the report are as follows:

- Title: 14 Mason Street, Collingwood Acoustic Report
- Reference: MD346-01F01 Acoustic Report (r0)
- Date: 15 December 2020
- Prepared for: Kerstin Thompson Architects Pty Ltd
- Prepared by: Renzo Tonin & Associates (RTA)

The report has been prepared to address an RFI from Yarra City Council. The RFI is reproduced below:

> 4. *Acoustic Report produced by a suitably qualified person to assess noise impacts to nearby dwellings generated by the proposed development as well as the proposed use of the roof terrace and floor level terraces.*

1 Project Background

(Sections 1 to 2 of the acoustic report)

The project, the site context and location of the nearest noise sources are described/identified in the report.

The project is a 7 storey building comprising:

- Ground level office tenancy, services and amenities
- Level 1 lobby and offices
- Levels 2 to 6 offices
- Terraces along the south and east facades on Levels 2, 3, 5 and 6 (typically less than 3 m deep)

SLR Consulting Australia Pty Ltd Level 11, 176 Wellington Parade East Melbourne VIC 3002 Australia
T: +61 3 9249 9400 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

- Roof terrace (entire roof, excluding plant area)

Surrounding uses are identified as commercial on the western boundary, and residential in all other directions, including:

- 4 storey apartments on the north boundary
- 2 storey dwelling on the eastern side of Oxford Street
- 4 storey apartment development on the south east corner of Oxford and Mason Streets
- Single level dwellings on the southern side of Mason Street

Potential noise impacts from the development are identified in subsequent sections of the report as:

- Mechanical plant noise (Section 4.1)
- Music from commercial tenancies (Section 4.2)
- Deliveries and waste collection (Section 4.3)

The building is anticipated to operate during the SEPP N-1 'day' period only (this information is provided in Section 4.1 of the report and confirmed by Council).

***SLR Comment**: The site context, nearest receivers and potential noise impacts have generally been identified.*

There is also an incomplete apartment development at 15-21 Oxford Street approximately 40 m north of the development site, which is further from the subject site than identified receivers, but may have greater exposure to the roof plant deck.

The RFI refers to potential noise impacts associated with the roof and floor level terraces, however noise from these areas is not discussed in the report.

2 Commercial plant noise

2.1 Noise Limits

(Section 3.1 of the report)

The SEPP N-1 zoning levels have been used as the noise limits (i.e. site specific background noise monitoring has not been conducted). The identified limits are 59 dBA (day), 52 dBA (evening) and 47 dBA (night).

***SLR Comments**: An explanation of why site specific background noise monitoring was not conducted to assist in determining noise limits for the subject development is not provided in the report. The report was prepared at a time when ambient noise levels were still potentially impacted by COVID-19 lockdowns (office attendance was limited to 50% and there were restrictions on patron density numbers in entertainment venues), and this is a potential reason for not conducting background noise measurements.*

The use of zoning levels as interim noise limits has also been accepted on some City of Yarra projects in the past, where the zoning levels are considered reasonable and/or the risk of non compliance is perceived to be low.

On this project, there would appear to be potential for noise limits to be lower than the zoning levels at the nearest receiver locations, which may be shielded from localised noise sources.

Based on the above, we accept the use of zoning levels as noise limits in the planning report, but note that compliance testing, if conducted in the future, will be required to assess noise from the site to noise limits determined in accordance with SEPP N-1 or the Noise Protocol (as relevant). As such, it would be sensible to take a conservative approach to the identified limits, and to design to lower noise levels, or to confirm the noise limits via background noise monitoring during the detailed design phase.

We also note that Victoria is currently in a transitional period in relation to noise legislation, with the new Environment Protection Act 2017 intended to come into effect in July 2021. The General Environmental Duty (GED) is a centrepiece of the new laws and requires all Victorians to reduce the risk of activities potentially harming the environment or human health through pollution or waste.

Subordinate legislation – the Environment Protection Regulations (Regulations) and Environment Reference Standard (ERS) – have been released to support the new environment protection laws.

The Regulations will incorporate the new Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, *Publication 1826.2 (the Noise Protocol). This will effectively replace* State Environment Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade), (SEPP N-1), State Environment Protection Policy No. N-2 (Control of Music Noise from Public Premises), (SEPP N-2) *and the* Noise from Industry in Regional Victoria (NIRV).

The setting of noise limits and assessment methodologies in the new Noise Protocol are the same as those in the current SEPPs and NIRV in most instances and the changes that we are aware of would not affect noise limits on this project.

2.2 Noise control advice for mechanical plant

(Section 4.1 of the report)

The mechanical plant selection has not been made and consequently detailed advice for noise control is not provided in the report. However, RTA observe that compliance with the relevant noise limits is achievable, and that the client has committed to engaging an acoustic consultant during the detailed design phase to review the design.

***SLR Comment**: The proposed approach is reasonable. Consideration should also be given to compliance at apartments in the complex at 19-27 Oxford Street.*

3 Music Noise

(Section 4.2 of the report)

RTA observe that music noise from the commercial tenancies is unlikely to be significant, but nevertheless suggest that a requirement to play background music only be included in the lease agreement.

***SLR Comment**: We agree that significant levels of music from within the commercial tenancies are unlikely. There is a greater chance of music impacts from the terraces and the proposed clause may serve to alert future tenants of their responsibilities on this matter.*

4 Deliveries and waste collection

(Section 4.3 of the report)

Deliveries and waste collection are proposed to be undertaken in accordance with the EPA guidelines, which provides recommended schedules for these activities.

SLR comment: *The proposed approach is reasonable.*

5 Other Matters – Noise from terraces

The project includes a number of terraces, and voice noise from these outdoor spaces has the potential to cause nuisance on some projects. The Council RFI was directed at this issue, however the report does not respond to the matter.

Based on our review of the architectural drawings, which show reasonably narrow terraces along the south and east facades of the building, and a large terrace at roof level, noise impacts from use of these spaces is likely to be minimal if they are used during the day and early evening periods only. The acoustic report and Council correspondence indicates that weekday use of the building only is proposed (i.e. 7 am to 6 pm Monday to Friday).

The proposed hours of use are unlikely to result in negative impacts from the terrace and we agree that no specific limitations are warranted. However, if more flexibility is required, the acoustic report should be updated to address the matter.

If music is played on the terraces during the permitted hours of use, it should be limited to background levels as advised in Section 4.2 of the report.

6 Summary

SLR has reviewed the acoustic report prepared to address noise impacts to and from the commercial development proposed for 1-13 Oxford Street and 14 Mason Street Collingwood.

The report utilises SEPP N-1 zoning levels as noise limits on the project. This is a reasonable approach to a relatively low risk issue, however there appears to be potential for lower limits to apply at the identified sensitive receiver locations. For this reason we have suggested that a conservative approach is taken during the design and lower noise limits are targeted, or that site specific background monitoring be conducted to confirm the noise limits. Any compliance testing, if required to be conducted in the future, should assess noise from the site to noise limits determined in accordance with SEPP N-1 or the Noise Protocol (as relevant).

Voice noise from use of the terraces has not been directly addressed in the report, however negative impacts are unlikely if the use is restricted to the hours of 7 am to 6 pm Monday to Friday, as is currently proposed.

Regards,

Dianne Williams,
Principal – Acoustics
Checked/Authorised by: JA

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M E L
CONSULTANTS

(ACN 004 230 013)

Ref: 42-21-DE-REV-00

12 April 2021

City of Yarra
PO Box 168
Richmond VIC 3121

Attn: Michelle King

Dear Michelle,

1-13 Oxford Street, Collingwood
Review of Windtech Pedestrian Wind Environment Statement
Windtech Document Number: WF632-01F02(REV1)-WS (22 January 2021)

The review of the Windtech Pedestrian Wind Study is based on MEL Consultants' experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 40 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review. Our comments are as follows:

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

- MEL Consultants have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. Windtech has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a

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desktop wind impact assessment. A description of the development has been provided and while Windtech have not provide a reference to the drawings used for their assessment it is assumed these are the same as those submitted with the planning application.

- Windtech have defined assessment criteria for the assessment that are similar to the DDO10/DELWP/BADS comfort criteria and safety criterion.

- Windtech have provided a detailed description of the expected wind effects of the proposed development for the ground level. MEL Consultants would agree that the stepped design of the building with the mesh cover would assist with mitigating the wind impacts of the development on the surrounding streetscapes. MEL Consultants would question the Windtech statement that the wind conditions in the surrounding streetscape for an 8 storey would be similar to the existing wind conditions for a 2 storey building. Given the exposure of the location of the development the wind conditions in the streetscapes would be impacted. However, MEL Consultants would still agree that the wind conditions assessed by Windtech which would satisfy the walking criterion in the streetscapes and the standing criterion at the main entrance on Oxford Street.

- Windtech have assessed the wind conditions on the Levels 2 to 5 communal terraces as satisfying the short exposure criterion due to the landscaping and porous mesh enclosing the terrace areas on the east and south faces. MEL Consultants would agree with the assessment. The mesh would be an important wind mitigation feature and is noted as 60% open area in the submitted drawings. This mesh open area should be maintained since any changes to the open area would have an impact on the assessed terrace and streetscape wind conditions.

- The Level 7 roof terrace will be surrounded by the porous mesh and MEL Consultants would agree with Windtech that this feature would assist with mitigating the wind conditions on the roof terrace. Furthermore, it would also be agreed that the wind conditions on the roof terrace would satisfy the short exposure criterion.

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In conclusion, the Windtech Wind Environment Statement has been prepared based on the consultant's experience of wind flow around buildings and structures. We have no issues with the Analysis Approach, Site Exposure, Regional Wind Climate, and description of the development used in the preparation of the assessment. This is consistent with the approach MEL Consultants would take to prepare a similar desktop environmental wind assessment. MEL Consultants would agree with the Windtech assessment of the expected wind conditions in the surrounding streetscapes and on the terrace areas. It has been noted that the porous mesh covering the east and south faces of the building would be important for mitigating the wind effects and has an open area of 60%. This mesh open area should be maintained since any changes to the open area would have an impact on the assessed terrace and streetscape wind conditions.

Yours sincerely,

M. Eaddy

M. Eaddy
MEL Consultants Pty Ltd

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Attachment 13 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Urban Design (external) referral

Global South

Urban Design Review

Proposed Office Development, 1-13 Oxford Street (14 Mason Street), Collingwood (PLN20/0747)

Prepared by Simon McPherson, for City of Yarra

18 May 2021

Attachment 13 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Urban Design (external) referral

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1.0 Introduction

1.1 Process and involvement

On 30 March 2021 I was asked by Yarra City Council officers to prepare a report comprising urban design review and advice, regarding the proposed mixed-use development at 1-13 Oxford Street (14 Mason Street), Collingwood.

In preparing this review, I have:

- Obtained and reviewed the following Permit Application documents:
  - Architectural Plans (Kerstin Thompson Architects, Revision TP4, dated 19.02.21 / 28.08/20);
  - Town Planning Report (Tract, 4 February 2021);
  - Urban Context Report / Design Statement (Kerstin Thompson Architects, February 2021);
  - Landscape Plan (Simon Ellis Landscape Architects, 16/12/2020);
  - Sustainability Management Plan (Arup, 10 December 2020).
- Reviewed the applicable provisions of the Yarra Planning Scheme relating to urban design as listed below;
- Visited the subject site and surrounding area on 25 April 2021. The photographs in this report are my own, except where specified. I note that I have visited the area around the subject site on several occasions, and am familiar with other developments and proposals nearby.

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1.2 Qualifications and experience to prepare this Review

1.2.1 Qualifications and registrations

(1) My academic qualifications are as follows:

- **Executive Masters (MSc) in Cities**, inaugural programme (September 2016 - completed February 2018), London School of Economics and Political Sciences (LSE Cities), UK;
- **Master of Science (MSc): Built Environment - Urban Design** (Distinction), The Bartlett School, University College London, 2005-06, UK;
- **Bachelor of Architecture (BArch)** (First Class Honours), The University of Melbourne, 1996-97;
- **Bachelor of Planning and Design (BPD) (Architecture)**, The University of Melbourne, 1992-94.

(2) My professional registrations and memberships are as follows:

- **Registered Architect**, Architects Registration Board of Victoria: individual registration number 15838;

(3) I am engaged on the following professional organisations:

- Member, **Victorian Design Review Panel**;
- Member, **Design Review Panel for South Australia**;
- Member, Latrobe University Design Review Panel;
- Global Advisor, United Nations Global Compact – Cities Programme (discontinued);
- Member, Built Environment Task Force, Smart Cities Council – Australia/New Zealand (discontinued).

1.2.2 Experience

Professional experience

(4) I hold over 15 years of dedicated professional experience in urban design, including:

- Urban Designer, Victorian State Government (2002-2007, including study leave);
- Director, SJB Urban (2007-2016);
- Director, Global South (2016-present).

(5) I hold approximately 5 years of prior experience in architectural practice, in Australia and the UK.

Project experience

(6) My urban design experience includes the following projects:

- Policy and guidelines:
  - Author/contributor, *Better Placed*, NSW Architecture and Urban Design Policy, Government Architect NSW (2016-17). Benchmark design policy, winner Australia Award for Urban Design 2017;
  - Contributor (State Government employee), *Design Guidelines for Higher Density Residential Development*, *Activity Centre Design Guidelines*;
  - Contributor, SA *Medium-Density Design Guidelines*;

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- Lead consultant, Urban Design Guidelines, Bowden, SA (SJB Urban, 2015);

- Urban Design Advice:
  - Eden/Haven/Sanctuary on the River, Abbotsford, for HAMPTON (complete), (SJB Urban, 2010). High-density, mid-rise (9-11 storeys) permeable courtyard development, winner UDIA President's Award, High-Density Housing Award (National, Victoria), Masterplanned Development Award (Victoria);
  - Richmond Plaza redevelopment, for Coles (SJB Urban, 2014);
  - Grocon FCAD redevelopment, Footscray Station Precinct (SJB Urban, 2011).

- Independent reviews:
  - Regular independent reviews of permit applications, for Councils including Melbourne, Yarra, Port Phillip, Banyule, Brimbank, Manningham and Casey.

- Strategic plans, structure plans and Urban Design Frameworks:
  - Footscray Built Form Review 2020, for Maribyrnong City Council;
  - Tarneit Major Town Centre: Economic Impact Assessment and Design Review 2018, for Wyndham City Council;
  - Oakleigh Activity Centre Transport Precinct: Design Review 2018, for Monash City Council;
  - 1160 Sayers Road, Tarneit, Structure Plan for Wyndham City Council (landowner) (SJB Urban 2014-15). Innovative, integrated plan for high-density, walkable precinct in greenfield setting;
  - Footscray Station Precinct Planning and Urban Design Framework (SJB Urban, 2008-09). Winner, PIA Transport Planning Award 2008;
  - Brighton Toyota Site UDF, for LEFTA Corporation;
  - Frankston Transit Interchange Precinct UDF and Master Plan, for DPCD (SJB Urban 2009-2012);
  - Wise Foundation 'Wellness Village' UDF, Mulgrave, for landowners (SJB Urban, 2015-16).

- Master Plans and Concept Designs
  - Caulfield Village Master Plan, for Beck Property / Probuild (SJB Urban, 2012);
  - Greensborough Activity Centre Concept Master Plan, for Banyule City Council (2017);
  - 433 Smith Street (Fitzroy Gasworks) Master Plan, for Places Victoria (SJB Urban, 2015);
  - Master Plan, Binks Ford Site and over-rail deck, Footscray, for Places Victoria (SJB Urban, 2012);
  - Caulfield-Dandenong corridor concept/feasibility studies, for VicTrack (SJB Urban, 2015).

Experience preparing expert evidence

(7) I have presented evidence at VCAT and Planning Panels Victoria on numerous occasions.

2.0 Context

2.1 Strategic context

2.1.1 Zoning

The subject land is located close to, but outside of, the Smith Street Major Activity Centre, which is approximately 50m to the west of the subject land.

The land is situated within the **Mixed Use Zone (MUZ).** The purposes of this Zone include:

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.* The land is not within a Heritage Overlay, but adjoins Precinct **Heritage Overlay HO336 (Victoria Parade Precinct, Collingwood),** which encompasses Mason Street at the southern interface of the site, part of Oxford Street, and adjacent properties across both streets to the south and east., as shown below.



Figure 01: Zoning map (excerpt from DELWP Planning Property Report).



Figure 02: Heritage Overlay map (excerpt from DELWP Planning Property Report).

2.1.2 Design and Development Overlay (DDO23)

The land falls within **Design and Development Overlay 23 (DDO23): Collingwood South (Mixed-Use) Precinct.**

I note that this DDO is an **interim control**, implemented through Amendment C250, and expires after 30 June 2021. However, my understanding is that it carries the same weight as a permanent control, being in place at the time of this application.

I am advised by Council officers that on 18 May 2021 Council will consider a report recommending that Council request that the Minister for Planning extend the interim controls and also progress permanent controls, based on the *Collingwood South Built Form Framework*.

Design objectives

The design objectives of DDO23 include:

- *To foster an emerging, contemporary, mixed-use character with a prominent street-wall edge, incorporating upper level setbacks and design features that create a distinction between lower and upper levels.*
- *To ensure that the overall scale and form of new buildings is mid-rise (ranging from 3 to 12 storeys) and responds to the topography of the precinct, by providing a suitable transition in height as the land slopes upwards, whilst minimising amenity impacts on existing residential properties , including visual bulk, overlooking and overshadowing.*
- *To maintain the prominence of the corner heritage buildings on Wellington Street, and respect both individual and groups of low-scale heritage buildings through recessive upper-level development and a transition in scale from taller form towards the interface with heritage buildings.*
- *To promote and encourage pedestrian activity through street edge activation and the protection of footpaths and public open spaces from loss of amenity through overshadowing.*
- *To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.*

Building height

The DDO23 Building Heights Framework Plan nominates a preferred maximum building height on the subject land of 14m, and preferred maximum street wall heights of 11m.

It states that *a permit cannot be granted to vary a building height specified in Plan 1: Building Heights Framework Plan, unless all of the following requirements are met:*

- *the built form outcome as a result of the proposed variation satisfies the Design Objectives in Clause 1.0, the Heritage Building Design Requirements and the Overshadowing and Solar Access (Public Realm) Requirements;*
- *the proposal will achieve each of the following:*
  - *greater building separation than the minimum requirement in this schedule;*
  - *housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;*
  - *universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and*
  - *excellence for environmental sustainable design measured as a minimum BESS project score of 70%.*

This provision is a mandatory control.

I am advised by Council officers that Council agrees that the above points relating to housing and universal access do not apply to the subject proposal, which is for a commercial office building.

Street wall height

DDO23 also states that *a permit cannot be granted to vary a street wall height specified in Plan 1: Building Heights Framework Plan unless all of the following are met:*

- *the built form outcome as a result of the proposed variation satisfies the Design Objectives at Clause 1.0 and the Heritage Building Design Requirements in this schedule;*
- *the proposed street wall height provides a transition, scaling down to the interface with heritage building, and is no more than two storeys higher than the street-wall height of the adjacent heritage building; and*

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- *the proposed street wall height does not overwhelm the adjacent heritage building.*

Setbacks

On non-heritage sites, development should be built up to the front property boundary.

The subject land is in Area 2. The minimum upper-level setbacks for non-heritage sites in Area 2 is 6m.

Overshadowing

DDO23 states that development must not overshadow the footpaths of north-south streets to a distance of 2m from the kerb, between 10am and 2pm at the equinox.

Frontages

DDO23 guidance calls for prominent street wall edges, engaging and active street frontages, ground floor commercial activity where applicable, and appropriate location of services access.

Upper levels are to be well-designed and articulated to break up the building mass, and to provide passive surveillance opportunities.

Building separation and equitable development

Development is required to consider future development opportunities on adjacent sites, and to provide minimum 3.0m upper-level setbacks from common boundaries

2.1.3 Planning Policy Framework

The following clauses are applicable to the subject site and proposal. Relevant content from these clauses is raised below in the context of my assessment of the proposal.

Clause 15 Built Environment discusses Urban Design objectives and strategies:

- **15.01-1S Urban Design** provides strategies for safe, healthy, functional and enjoyable urban environments. Strategies include:
  - *Require development to respond to its **context in terms of character, cultural identity**, natural features, surrounding landscape and climate.*
  - *Ensure development **contributes to community and cultural life** by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
  - *Ensure development **supports public realm amenity and safe access** to walking and cycling environments and public transport.*
  - *Ensure that the design and location of **publicly accessible private spaces**, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
  - *Ensure that development provides **landscaping** that supports the amenity, attractiveness and safety of the public realm.*
- **15.01-2S Building design** guides buildings which contribute positively to context and enhance the public realm, including responding to the strategic and cultural context of the location.

- **15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** seeks to create a city of 20-minute neighbourhoods;
- **15.01-5S Neighbourhood character** seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place, including by emphasising the heritage values and built form that reflect community identity.
- **15.02-1S Energy and resource efficiency** promotes consolidation of urban development and integration of land use and transport.
- **15.03-1S Heritage conservation** encourages *appropriate development that respects places with heritage values*, and seeks to *ensure an appropriate setting and context for heritage places is maintained or enhanced.*

Clause 17.02-1S Business encourages *development that meets the community's needs for retail, entertainment, office and other commercial services.* Strategies include *ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure*; and *locating commercial facilities in existing or planned activity centres.*

2.1.4 Local Planning Policy Framework

Yarra's Local Planning Policy Framework includes the following clauses applicable to the subject site and proposal. I have not exhaustively reproduced every policy below.

Clause 21.03 Vision states that *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks*, and that *all new development will demonstrate design excellence.*

Clause 21.04-3 Industry, office and commercial seeks to *increase the number and diversity of local employment opportunities*, including *commercial and office use in existing industrial areas.*

Clause 21.05-1 Heritage seeks to protect and enhance Yarra's heritage places, and supports the restoration of heritage places. Heritage is not my area of expertise, and so this review does not address heritage directly.

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To ensure that new development contributes positively to Yarra's urban fabric.*
- *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *To enhance the built form character of Yarra's activity centres.*
- *Require development within Yarra's activity centres to respect and not dominate existing built form.*
- *Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-3 Built form character seeks to improve the built form character of transport corridors.

Clause 21.08-5 Neighbourhoods – Collingwood identifies that much of Collingwood is industrial in character, with residential precincts surrounded by or interspersed with industrial buildings. The area south of Johnston Street (containing the subject land) is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low-rise residential development.

Clause 22.10 Built Form and Design Policy seeks to:

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

This Clause then provides extensive guidance for urban design outcomes.

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2.2 Built form context

2.2.1 Site location and local context

The site is located at the north-west quadrant of the intersection of Oxford Street, which runs north-south along the site's eastern edge, and Mason Street, which runs east-west along the site's southern edge.

The site interfaces a rear access laneway for part of its western boundary. This laneway runs off Oxford Street, immediately north of 15-25 Oxford Street, which adjoins the subject land.

The site is generally rectangular and slightly L-shaped where it interfaces the rear laneway. Its Oxford Street frontage is 27.9m in length, and the Mason Street frontage is 29.2m in length. The interface to the rear laneway is approximately 8.7m in length. The total site area is 841 sq.m.

2.2.2 On-site built form

The subject site is occupied by a 2-storey red brick commercial/industrial building, as shown below.



Figure 03: Subject site, Oxford Street frontage, at corner of Mason Street.



Figure 04: Subject site, Oxford Street frontage and adjoining development to the north.



Figure 05: Subject site, Mason Street frontage.



Figure 06: Subject site, Mason Street frontage, and heritage church building across Oxford Street.

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Figure 07: Aerial view of the subject land (centre, red marker) looking north-west, with Smith Street at upper right (image source: Google)



Figure 08: Aerial view of the subject land (centre, red brick building) looking south-west towards Victoria Parade with visible street trees (image source: Google).

The site's immediate interfaces comprise:

- **North:** 15-25 Oxford Street, containing a contemporary 4-storey apartment building (with 3-storeyt street wall) occupying the full extent of the site.
- **East:** Oxford Street (approximately 9m wide), with a converted bluestone church building and adjoining contemporary extension, opposite the site.
- **South:** Mason Street, with 3-storey brick converted warehouse building south-east of the site, a row of single-storey terrace houses south of the site, and a laneway extending south, connecting to the rear of a contemporary residential development fronting Victoria Parade.

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- **West:** 6-12 Mason Street, containing a single-level (double-level at rear) brick commercial building; and the rear access laneway, which interfaces with:
  - The building on the subject land;
  - 6-12 Mason Street;
  - 15-25 Oxford Street;
  - Rear of the 3-storey residential building at 30-34 Smith Street;
  - 3-storey residential building off corner of laneway (address unknown);
  - Rear part of 8-storey residential building at 15-21 Derby Street and 29 Oxford Street.



Figure 09: The subject site (red brick building) with adjacent built form on Oxford street, looking south.



Figure 10: Apartment development fronting Victoria Parade, south of the subject site (at right).



Figure 11:Adapted church building and adjoining wall opposite the site, on Oxford Street.



Figure 12: Development immediately north of the site, at 15-25 Oxford Street (left), and 15-21 Derby Street & 29 Oxford Street (centre).

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Figure 13: Looking south along the rear laneway interfacing to the subject site (two-storey red brick form, centre) and rear of 15-25 Oxford Street.



Figure 14: Looking east along the rear laneway, between 15-245 Oxford Street (right) and 15-21 Derby Street & 29 Oxford Street (left).



Figure 15: Terrace houses on south side of Mason Street, opposite the subject site.



Figure 16: Looking east across the school grounds from Oxford Street in front of the site, towards Wellington Street in the distance.

2.2.3 Surrounding built form

The area around the subject site comprises a diverse and varied built context, as shown above and below. The Smith Street corridor in this area generally comprises low-scale (1-2 levels), fine grain, traditional built form, while an emerging context of higher-scale redevelopment is evident in the locality.

Nearby recent developments, shown below, range from 6-8 levels, with some higher built form along the Wellington Street corridor, about 160m to the east.

The approach of establishing 2-4-storey street walls, with higher form set back, is generally adopted for new development in the Smith Street corridor and nearby streets. This supports retention of the prevailing and relatively consistent low-height street wall condition, while accommodating higher-scale built form above.

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Attachment 13 - PLN20/0747 - 1-13 Oxford Street, Collingwood - Urban Design (external) referral



Figure 17: Development at 15-21 Derby Street & 29 Oxford Street (8 storeys, 4-storey street wall), 30m east of the subject site.



Figure 18: Development at 7-15 Little Oxford Street (8 storeys, 2-storey street wall), 180m north of the subject site.



Figure 19: Development fronting Wellington Street, approximately 180m north-east of the subject site.



Figure 20: Development at corner Peel Street and Oxford Streets (6 storeys, full street wall, in response to immediate context), approximately 290m north of the subject site.



Figure 21: Development at 9-11 Smith Street (7 storeys, 3-storey street wall), approximately 100m west of the subject site.



Figure 22: Smith Street, west side, looking north, north of Gertrude Street, including wider parcels and higher-scale heritage buildings.

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2.3 The proposal

2.3.1 Configuration

The proposal is for an 8-storey building (including roof terrace) configured as follows:

- Ground Floor: Office tenancy, cycle storage, end-of-trip facilities and services;
- Level 1: Office tenancy, entrance lobby (accessed from Mason Street)
- Level 2: Office tenancy, external terrace;
- Level 3: Office tenancy, external planters;
- Level 4: Office tenancy, external planters;
- Level 5: Office tenancy, external terrace with planters;
- Level 6: Office tenancy, external terrace with planters;
- Level 7: Roof terrace, green roof and plant area.

The development includes retention of the existing facades fronting Oxford and Mason Streets, including retention of existing signage and window frames.

2.3.2 Heights

The overall building height is 27.45m to rooftop level (canopy over roof terrace, and façade parapet.

Floor to floor heights are 3.51m at Ground Floor, 4.04m at Level 1, and 3.40m across other levels (3.05m ceiling heights generally).

The street wall height is that of the existing brick facades, being 8.568m in height.

2.3.3 Profile

The Ground Floor and Level 1 occupy the full extent of the site, within the retained frontage walls.

Ground Floor and Levels 1-2 fill the 'nib' extension in the north-west corner of the site.

From Level 2, the floor levels recede back from both street frontages, as follows:

Level	Wall setback from Oxford St (east)	Wall setback from Mason St (south)
2	2.78m	2.82m
3	4.49m	4.63m
4	5.16m	5.21m
5	9.66m	9.70m
6	11.63m	11.66m
7 (setback to terrace edge)	11.79m	11.75m

These setbacks are set below a draped facade 'veil' of metal mesh, configured in two surface arcs across the facades, spanning Levels 2-4, and 5-7 respectively, with a horizontal 'fold' between the two arcs, at Level 5 floor level.

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3.0 Review of the proposed development

3.1 Is the built form siting appropriate?

3.1.1 Guidance

DDO23 encourages *prominent street wall edges*, stating that *on non-heritage sites, development should be built up to the front property boundary.*

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To enhance the built form character of Yarra's activity centres.*
- *Require development within Yarra's activity centres to respect and not dominate existing built form.*

15.01-2S Building design guides buildings which contribute positively to context and enhance the public realm.

15.01-5S Neighbourhood character seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place.

Clause 22.10 Built Form and Design Policy seeks to *ensure that new development positively responds to the context and respects the scale and form of surrounding development*, and *creates a positive interface between the private domain and public spaces.*

3.1.2 Assessment

By retaining the existing facades to both street frontages, the proposal occupies the full extent of the site. The retention of street facades contributes to retaining the established character of the public realm interfaces.

The resultant retention of zero (0m) setbacks to street frontages reflects the existing conditions and consistent character of the locality.

I am therefore supportive of the proposed siting of the development.

3.2 Is the proposed land use appropriate?

3.2.1 Guidance

The **Mixed Use Zone (MUZ)** provides for a *range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*

Clause 15.01-1S Urban Design seeks to *ensure development contributes to community and cultural life by improving the quality of living and working environments*, and *supports public realm amenity and safe access.*

Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne seeks to *create a city of 20-minute neighbourhoods*, bringing homes within 20-minute access to employment, education, community infrastructure and other regular destinations

Clause 15.02-1S Energy and resource efficiency promotes consolidation of urban development and integration of land use and transport.

Clause 17.02-1S Business encourages *development that meets the community's needs for retail, entertainment, office and other commercial services*, including *locating commercial facilities in existing or planned activity centres.*

Clause 21.04-3 Industry, office and commercial seeks to *increase the number and diversity of local employment opportunities.*

Clause 21.05-2 Urban Design supports *new development that contributes to the consolidation and viability of existing activity centres.*

3.2.2 Assessment

The proposed office spaces will contribute to the established mix of land uses in this locality close to a Major Activity Centre, and to daytime activation and passive surveillance opportunities, while supporting employment outcomes.

Ground Floor office space is appropriate in this location, as opposed to retail or hospitality uses, because the site is not within an Activity Centre or in a location of high pedestrian movement levels.

I therefore consider the proposed land uses to be responsive to the zoning and context.

3.3 Is the building height and massing appropriate?

3.3.1 Building height guidance

DDO23 nominates a *preferred* maximum eight of 14m for this site, but this height control is mandatory, unless all of the applicable criteria are net, as set out above.

DDO23 nominates a preferred maximum street wall height of 11m, for the subject site.

DDO23 encourages development incorporating upper-level setbacks, and distinction between lower and upper levels, and nominates minimum upper-level setbacks of 6m.

3.3.2 Building height assessment

The emerging built form context in this locality is indicated by multiple developments nearby in the range of 5-8 levels, as indicated above, while higher forms exist further to the east on Wellington Street (8-14 levels approximately) and to the north on Smith Street (6-10 levels approximately).

Therefore the proposed height of 8 levels is considered to be within the general range of other developments nearby in Collingwood.

However, the proposed height of approximately 27.5m is almost double the preferred maximum height in DDO23. Therefore the following assessment of the proposal against the DDO23 criteria is warranted.

Satisfying the design objectives:

- The proposal does contribute to a contemporary, mixed-use character, has a prominent street wall edge, with upper-level setbacks and visual distinction between lower and upper levels;
- The proposed scale is mid-rise. ***Amenity impacts are considered later in this report.***
- The proposal does have a recessive upper-level form in relation to heritage built form to the south and east. ***The setbacks are considered in further detail below.***

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- The proposal contains extensive windows and doors at Ground Floor, which encourage street-level activation, and visual connection between the lobby and office spaces, and the public realm. ***Public realm amenity impacts are considered below.***
- The site has adjoining properties to the north and west, and proposes to build up to both boundaries to full building height, noting the recessive profile at the outer (street) edges. The site to the north has already been developed for apartments, with a blank side boundary wall interfacing the subject site, as shown at Figure 04, above.

Overshadowing and Solar Access (Public Realm) Requirements:

The proposal does not cast shadows to the eastern footpath of Oxford Street between 10am and 2pm at the equinox, and it does not cast shadows to the grounds to the Collingwood English Language School between 10am and 2pm.

Therefore, the proposal meets this criterion.

Building separation:

DDO23 specifies that the minimum 3m upper-level setback applies where commercial windows are proposed. The subject proposal extends to the northern and western side boundaries (as does the adjoining development to the north), but without windows. I consider this to be an appropriate response to the context and character.

At the subject land's laneway interface, with proposed windows are set back from the centreline of the laneway by 3.2m at Level 2, and 5.15m at Levels 3-6 inclusive. These setbacks support achievement of greater building separation than required by DDO23.

Therefore, I consider that the proposal meets this criterion.

Other criteria:

The housing-related criteria do not apply to this proposal.

The proposal is targeting BESS 'Excellence' rating and a minimum score of at least 70%, as stated in the Sustainability Management Plan, and therefore meets this criterion.

While I assess the building massing, profiles and setbacks further below, I consider the proposed building height to be acceptable, based on the above assessment.

3.3.3 Building setback guidance

DDO23 specifies the minimum upper-level setbacks for non-heritage sites in Area 2 as 6m. I recognise this as a discretionary control.

3.3.4 Building setback assessment

Street setbacks

The setbacks of the wall/glass lines at each level from street boundaries are set out above.

The external façade 'veil' has a curved profile, in two segments with increasing setback. The lower segment is set back from Oxford Street between 0m (at the top of retained façade) and 4.86m, while the upper segment is set back between 4.86m and 12.01m.

The lower segment is set back from Mason Street between 0m and 4.91m, and the upper segment is set back between 4.91m and 12.06m.

The varied setback profile creates a recessive overall form, but also a visually distinctive, striking form and expression.

The setbacks therefore are in-part less than the nominated 6m minimum, but substantially more than 6m at the upper levels. The façade veil recedes by approximately 12m from the street boundaries, across a vertical distance of less than 19m, from the top of the street wall to the top of the new façade. I consider this profile to be appropriately recessive. Further, the veil forms a translucent outer 'skin' to the building, while the floor levels and glazing beneath it are also visible as more recessive components, and the combination of façade glazing and mesh veil support visual lightness and transparency in the building.

The 'Oxford Street View South' in the Urban Context Report (page 53) demonstrates that the upper-level form is highly visually recessive when viewed from nearby streetscapes, and is not visually dominant or overbearing.

Side setbacks (north)

The proposal is substantially taller than the adjoining development to the north (15-25 Oxford Street), and interfaces it with a full height boundary wall, as shown in the Context Elevation – East on drawing TP204.

This 'abrupt' interface is mitigated by the Oxford Street setback profile, which allows the proposed building to recede back, making the interface less visible from the public realm. The 'Oxford Street View South' in the Urban Context Report (page 53) is somewhat truncated and shows less at the right of the image that the Existing View photo, but indicates that the proposed boundary wall above the existing adjoining building will have limited visibility from the Oxford Street streetscape.

I therefore consider the street setbacks as proposed to be acceptable, given that they create a clearly recessive form, with increasing recessiveness at higher levels, and clear separation from the street wall.

I also conclude that the proposed height is acceptable, because the proposal meets all of the applicable criteria for additional height above 14m, as set out in DDO23.

3.4 Are the public realm interfaces / frontages appropriate?

3.4.1 Guidance

DDO23 encourages *pedestrian activity through street edge activation*, and *engaging and active street frontages.*

Clause 15.01-1S Urban Design seeks to *ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

Clause 15.01-2S Building design guides buildings which *contribute positively to context and enhance the public realm.*

3.4.2 Assessment

Interface to Oxford Street

The Ground Floor frontage to Oxford Street comprises two large windows to the internal office tenancy, and metal mesh screening to the frontage cycle store. While I do not consider cycle storage to comprise 'active' frontage because it will contain limited activity, I support its

prominence and visibility from the street, which supports internal amenity and 'promotes' sustainable transport, and enhances the end-of-trip experience.

This frontage also incorporates an external bench facing the street, below a shallow canopy, and a bottle-filling tap for cyclists and pedestrians. These devices will facilitate engagement with the building frontage by pedestrians.

Four large windows at Level 1 also overlook the Oxford Street public realm, providing additional activation and passive surveillance opportunities.

I consider this public realm interface to be appropriate and effective in supporting safety, visual interest and activation of the public realm, through visible internal spaces and direct visual connections with the public realm.

As noted above, I accept that this location is unlikely to be effective for retail, café, or other hospitality uses, and I support the incorporation of office space at Ground Floor level.

Interface to Mason Street

The Ground Floor frontage to Mason Street comprises wide windows at Ground Floor and Level 1, and a glazed entry to the lobby space, which will accommodate pedestrian movements throughout the day.

I also consider this public realm interface to be appropriate and effective in contributing positively to the public realm.

I therefore support the public realm interfaces as proposed.

3.5 Is the architectural expression appropriate?

3.5.1 Guidance

Clause 15.01-1S Urban Design requires development to *respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*

Clause 15.01-2S Building design guides buildings which contribute positively to context and enhance the public realm.

Clause 21.05-2 Urban Design includes the following objectives and strategies:

- *To ensure that new development contributes positively to Yarra's urban fabric.*
- *Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *Support new development that contributes to the consolidation and viability of existing activity centres.*

3.5.2 Assessment

The retention of the existing street facades allows the proposal to retain this part of the local character and the resultant industrial aesthetic at the lower levels.

The proposal is equally defined, however, by the upper-level façade, comprising a curved mesh 'veil' or screen which appears to be 'draped' over the building. The mesh has a higher density to the east, presumably for solar protection, than to the south façade, although both MS1 and MS2 are labelled as 'nominal 60% open' on drawing TP500 (Finishes Schedule).

This façade device gives the building a robust, substantial visual quality, particularly in more distant views, while also appearing delicate, light and transparent, at closer viewing distance, as shown in the perspective views.

In note that the 'Mason Street View West' montage in the Urban Context Report (page 51) includes a proposed Smith Street building in the background, which to my knowledge has been refused by VCAT, so should not be shown here.

I observe that Collingwood's emerging built form context comprises a range of distinctive and innovative building designs. I consider that this proposal will contribute to this context, being a distinctive and visually engaging design.

The side boundary wall to the west contains vertical bands of continuous glazing above the rear laneway frontage, while the 'blank' boundary wall facing the adjoining site is articulated with vertical shadow gaps, and horizontal metal trims. I consider this subtle extent of articulation to be adequate given the limited extent of blank façade and the presence of windows in the northern part of this façade.

I therefore consider the external expression to be appropriate and supportable.

Recommendation 1

However, I recommend that the durability and maintenance requirements/provisions for the façade mesh (labelled MS1 and MS2 on the plans) materials, and the side boundary wall 'cement panel' (labelled CP) material be further investigated, to ensure that these components retain their appearance over the long term, and can be effectively maintained, to avoid visual degradation in this unusual façade type.

3.6 Are equitable development opportunities provided?

As noted above, the adjoining site to the north has been redeveloped for apartments, built to the side boundary interfacing the subject site.

It appears reasonable to expect that the neighbouring building to the west could be redeveloped to a similar mid-rise scale as the subject proposal.

In this context, I consider a 'blank' wall on-boundary to be the most appropriate approach to providing for equitable development opportunity on adjoining sites.

I note that a future development to the west could have a lesser front setback than the subject proposal, and so would be partly visible 'above' the curved profile of the subject proposal, as viewed from the east, given the unusual setback profile of the subject proposal. However, I do not consider that this potential requires the proposal to be modified.

The subject proposal incorporates demountable photovoltaic (PV) (solar) panels on the north-facing boundary wall, which are positioned above the boundary wall of the adjoining apartment development to the north. This is based on the neighbouring property being unlikely to be redeveloped or extended further, which is a reasonable assumption, given it appears to be a strata-titled apartment development.

I consider the PV panels to be acceptable given they provide a sustainability function for the proposed building, and make use of an otherwise blank north-facing wall above an existing roof to the north.

I therefore consider that the proposal appropriately provides for equitable development potential on the adjoining site to the west.

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4.0 Conclusion

I consider the proposed development at 1-13 Oxford Street, Collingwood to be an appropriate response to Collingwood's evolving urban context, and to the parameters of the subject site and its interfaces.

While the proposed height substantially exceeds the preferred maximum height established by the interim controls in DDO23, the design meets all of the applicable criteria for additional height.

The external expression reflects a refined, considered design, and a visually interesting formal approach, which will contribute positively to the experience of this location.

I therefore consider that this proposal warrants support from an urban design perspective.

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6.5 PLN13/0538.01 - 45 Rose Street Fitzroy

Executive Summary

Purpose

1. This report provides Council with an assessment of the proposed amendment application to Planning Permit No. PLN13/0538 at No. 45 Rose Street, Abbotsford which seeks to allow for the ground floor western-most tenancy to be used as a wine bar, the sale and consumption of liquor (on and off premises), external alterations and the construction and display of signage.

Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 21.04 and 34.01 – Land Use and Mixed Use Zone
   (b) Clause 22.05 – Interfaces Uses Policy
   (c) Clause 22.09 and Clause 52.27 – Licensed Premises
   (d) Clause 43.01 – Heritage Overlay
   (e) Clause 52.05 - Signs

Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Policy and Strategic Support.
   (b) Sale and consumption of liquor.
   (c) Signage.
   (d) Buildings and works / Heritage.
   (e) Objector Concerns.

Submissions Received

4. Twenty Three (23) (one later withdrawn) objections were received to the application, these can be summarised as:
   (a) Amenity impacts (noise, patrons queueing, smoking and entering/exiting the premises);
   (b) Patron usage of communal areas including a toilet within the larger building;
   (c) Sale and consumption of alcohol will impact the functioning of Garryowen Park;
   (d) Amenity impacts from deliveries to and waste collection from the premises;
   (e) Car parking requirements for patrons;
   (f) Impacts from potential footpath trading;
   (g) Venue will increase opportunities for Covid-19 transmission;
   (h) Noise impacts from the emptying of bins/bottles; and
   (i) The consent of the owners corporation has not been obtained by the applicant.
5. Fifteen (15) letters of support were received to the application.

Conclusion

6. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to conditions as detailed within the ‘recommendation’ section of this report.

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TITLE: **Statutory Planner**
TEL: **9205 5018**

6.5 PLN13/0538.01 - 45 Rose Street Fitzroy

Reference	D21/62410
Author	Jacob Martin - Statutory Planner
Authoriser	Co-Ordinator Statutory Planning

Ward:	Nicholls
Proposal:	Section 72 Amendment to Planning Permit PLN13/0538 to allow for the ground floor western-most tenancy to be used as a wine bar, the sale and consumption of liquor (on and off premises), external alterations and the construction and display of signage.
Existing use:	Multi-storey, mixed-use building
Applicant:	ReWine C/- GrayKinnane
Zoning / Overlays:	Mixed Use Zone Heritage Overlay (Schedule 334) Environmental Audit Overlay Development Contributions Plan Overlay
Date of Application:	4 December 2020
Application Number:	PLN13/0538.01

Planning History

1. Following mediation between Council, the applicant and objectors, Planning Permit PLN13/0538 was granted at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 23/12/2013. The permit allows for the demolition of the existing building, development of a six storey building (not including basement) for a mixed studio / retail and residential development, and a reduction in the provision of car parking. This permit is subject to the currently considered amendment application.

Background

2. The development as approved under PLN13/0538 was constructed and completed in mid-late 2015.
3. Planning permit SP15/0037 was issued by Council on 18 September 2015 for a 25 lot subdivision at the site. The proposal will utilise the common waste storage area located within the common property shown on the endorsed plan of subdivision.

Lodgement of S57A plans

4. Following advertising of the application, the applicant submitted a set of plans under Section 57a of the Planning and Environment Act 1987 on 15 April 2021. These plans amended the proposal to include:
   (a) The proposed ground floor wine bar reconfigured with a toilet within the tenancy itself (previously relying on the existing shared toilet within the larger building).
   (b) A reduction in the licensed hours from 10am - 10pm (as previously advertised) to 10am - 9pm, 7 days a week.
   (c) Various changes to the Noise and Amenity Action Plan.
5. These amended plans were re-advertised to all parties and now form the “decision plans” for the proposal.

6. It is noted that the amended plans no longer show the entire ground floor of the site (rather only the subject tenancy). The entire ground floor plan was previously shown on the advertised plans and is necessary to ensure details of the existing ground floor are retained on the plans. A condition is recommended to require these details be shown on the plans for consistency purposes.

The Proposal

7. The proposal is for a Section 72 Amendment to Planning Permit PLN13/0538 to allow for the ground floor western-most tenancy to be used as a wine bar, the sale and consumption of liquor (on and off premises), external alterations and the construction and display of signage.

Use and Sale and Consumption of Liquor

8. The proposed wine bar is to sell liquor on the premises as well as packaged wine for customers to consume off the premises.

9. The sale and consumption of liquor will occur between the hours of 10am to 9pm, 7 days a week.

10. The site is to have no more than 18 patrons at any one time.

11. Music will be limited to background music only. No live music is proposed.

12. The proposal will utilise the existing bins dedicated to the approved studio/office uses at ground floor.

Buildings and works

13. The internal layout of the affected tenancy will be reconfigured to allow for the proposal, with a bar to the north-west corner, a toilet to the north-east and tables and chairs to the south:

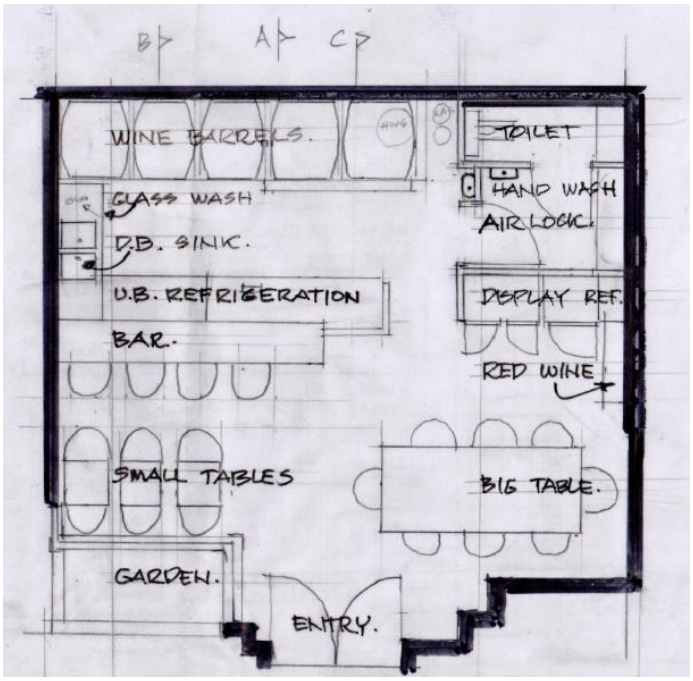


Image 1: Proposed internal layout of the wine bar (Decision Plans, 2021)

14. External alterations are limited to the front door to provide for a set of double doors (single door under the existing conditions).

Signage

15. A total of 6 gold coloured, circular logos, 600mm wide and located on windows and the southern wall of the tenancy.

Existing Conditions

Subject Site

16. The wider subject site is the building as approved under PLN13/0538 which includes a central foyer to Rose Street flanked by two studios to the east and west. The studios are accessed directly from entrances to Rose Street, with no internal access to the larger building. The central foyer provides access to ground floor car parking to the north, and basement parking below as well as 5 levels of apartment dwellings above.

17. The subject tenancy is limited to the western-most of the two ground floor studios. It is formally known as Lot 1 on Plan of Subdivision 726100Y and is approximately rectangular with a projection portion towards the central Rose Street entrance. The tenancy has an approximate maximum width and depth of 7.6m and an overall area of 53sqm.

18. The subject tenancy faces south to Rose Street where it is primarily comprised of glazing, which surrounds the front entrance continuing to the west and along the west side of the tenancy of the site. A service cupboard surrounded by landscaping is located at the south-west corner of the tenancy (visible in images 2 and 3 below).



Image 2: Site frontage to Rose Street (Officer Photo, 2021)



Image 3: Site frontage to Mechanics Lane (Officer Photo, 2021)



Image 4: Far side of the street, looking south-east (Officer Photo, 2021)



Image 5: Wider streetscape, looking west (subject site to right) (Officer Photo, 2021)

Surrounding Land

19. The surrounding land is predominantly located within a Mixed Use Zone. The zone terminates to the north of the site, but extends for a length of 180m to the north-east of the site, 243m to the south, 102m to the west and 127m to the east. The surrounding precinct can best be described as a mix of land uses (including dwellings, cafes, offices and historic commercial uses) and building types. There is an emerging character of mid-rise mixed use buildings as evident through significant recent construction and planning permit activity in the immediate surrounds.

North

20. North of the subject tenancy is the rear ground floor car parking associated with the larger building. The bin room for the overall site is located towards the north-western corner of this car park.

21. Beyond the larger building is Garryowen Lane which runs against the rear of dwellings fronting Leicester Street further north. The surrounding area to the north is generally characterised by low-scale residential dwellings, with some interspersed commercial and industrial uses. Garryowen Park is located to the northwest.

East

22. To the east of the subject tenancy is the common entry/lobby to the larger building, the subject tenancy is reasonably well separated from this residential entrance, with services cupboards separating the two entrances. The second studio space is located beyond.

23. Further east is No. 61 Rose Street, a multi-storey residential building as approved under PLN11/0576 which is of a similar scale to that at the subject site (at 6 storeys) but contains only residential uses. Immediately abutting the common boundary with the subject site is a ground floor ‘waste’ area with dwellings located above.

West

24. Immediately west of the subject tenancy at ground level is narrow strip of land associated with the building to the east (No. 61 Rose Street), which contains space for parallel parking spaces accessed from Mechanics Lane. The larger building containing the subject tenancy partially cantilevers over these parking spaces. Mechanics Lane further west provides a connection to Garyowen Lane to the north, and Leicester Street beyond.

25. Further west is No. 35 Rose Street which is currently under construction in accordance with Planning Permit PL06/0640, which allows for partial demolition and the construction of three additional levels (a total of 5) and a reduction in the car parking requirements. Furthermore, Council has received Planning Permit Application PLN21/0261 on this site for a reduction in car parking requirements in association with retail uses at ground level. This application is currently awaiting further information pursuant to section 54 of the *Planning and Environment Act 1987*.

South

26. On the opposite side of Rose Street are dwellings within a three storey residential building located at No. 42 Rose Street, developed under PL01/0187.

27. To the south-east at No. 48 Rose Street is a multi-storey mixed-use building as approved under PLN12/0951. This building includes ground floor commercial tenancies (food and drinks premises and shop) with dwellings located behind and above. These commercial uses include associated business identification signage located within their windows as well as projecting from the Rose Street façade. The Rose Street Market is at No. 60 Rose Street, which also includes a combination of business identification and promotional signage at the ground floor façade of the site.

General Surrounds

28. The area is well serviced by public transport with trams running along Brunswick Street (approx. 170m to the east) and Nicholson Street (approx. 130m to the west), which provide connections to the northern suburbs, south-eastern suburbs and the city. Bus routes are also present along Johnston Street (approx. 300m to the south) and Alexandra Parade (approx. 320m to the north) which connect the eastern suburbs and the city.

29. The following licensed premises are within 150m of the site (excluding Restaurants, Cafés and Limited Licenses):

    (a) Absinthesalon located at 78-82 Rose Street (approx. 100m to the east) appears to have closed but retains an active on-premises license through December 2021. The venue is permitted to operate between 12.00noon and 11pm Sunday to Wednesday and 12noon and 1am (the following day) Thursday to Sunday, with a maximum of 70 patrons.

    (b) Near & Far Bar located at 373 Brunswick Street (approx. 150m to the east) has a General License. The venue is permitted to provide liquor off-premises:

        (i) Good Friday and ANZAC Day, between 12noon and 11pm.

        (ii) Sunday to Thursday, between 11am and 11pm.

        (iii) Friday and Saturday, between 10am and 11pm.

        Liquor can be sold and consumed on-premises:

        (iv) Good Friday and ANZAC Day, between 12noon and 11pm.

        (v) Sunday to Thursday, between 11am and 11pm.

        (vi) Friday and Saturday, between 10am and 1am (the following morning).

        With a maximum of 150 patrons.

    (c) Commercial Club Hotel, located at No. 344 Nicholson Street (approx. 150m to the north-west) has a general license. The venue is permitted to provide liquor off-premises:

        (i) Sunday, between 10am and 11pm.

        (ii) Good Friday and ANZAC Day, between 12noon and 11pm.

        (iii) Any other day, between 7am and 11pm.

        Liquor can be sold and consumed on-premises:

        (iv) Sunday, between 10am and 11pm.

        (v) Good Friday between 12noon and 11pm.

        (vi) ANZAC Day (not being a Sunday) between 12noon and 1am (the following day).

        (vii) Any other day, between 7am and 1am (the following day except for the morning of good Friday).

        After 12 midnight the venue has a maximum of 113 patrons across three rooms.

    (d) Avalon the Bar, located at No. 387 Brunswick Street (approx. 140m to the east) has an on-premises license. The venue is permitted to provide liquor on-premises:

        (i) Monday to Sunday, between 12 noon and 1am the following morning.

        The venue has a maximum capacity of 48 patrons.

    (e) Rice Queen Oriental Diner and Bar, located at No. 389-391 Brunswick Street (approx. 140m to the north-east) has a general license. The venue is permitted to provide liquor off-premises:

        (i) Good Friday & Anzac Day, between 12 noon and 11 p.m.

(ii) On any other day, between 10 a.m. and 11 p.m.

Liquor can be sold and consumed on-premises:

(iii) Good Friday & Anzac Day, between 12 noon and 12 midnight.

(iv) On any other day, between 7 a.m. and 1 a.m. the following morning except for Good Friday & Anzac Day mornings.

The venue has a maximum capacity of 150 patrons.

(f) Glamorama Bar, located at No. 393-395 Brunswick Street (approx. 150m to the north-east) has a late night (on-premises) license. The venue is permitted to provide liquor on-premises:

(i) Sunday, between 10am and 3am the following morning.

(ii) Good Friday & Anzac Day, between 12noon and 3am the following morning.

(iii) Monday to Thursday, between 8am and 3am the following morning.

(iv) Friday & Saturday, between 8am and 5am the following morning.

(v) Eve of Public Holidays Allow trading until 5am the following morning.

The venue has a maximum capacity of 200 patrons.



Image 6: Site Surrounds – subject tenancy site yellow (Nearmap, 2021)

Planning Scheme Provisions

Zoning

Mixed Use Zone

30. It is noted that a 'wine bar' (with sale of liquor for consumption on and off premises) is not a defined land use in Clause 71 of the Scheme. As such, it is most appropriate to apply the broader 'food and drink premises' use as the most suitable land use term to describe the proposal.

31. Pursuant to Clause 32.04-2 of the Scheme, a food and drink premises (bar) is a section 1 use on the condition that it does not exceed 150sqm in leasable floor area. The proposal has a floor area of 53sqm and therefore a planning permit is not required for the use.

32. Pursuant to Clause 32.04-15 of the Scheme advertising sign requirements are contained at Clause 52.05. This zone is in Category 3 (High amenity areas) with regard to signage.

Overlays

Environmental Audit Overlay

33. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (which includes a residential use) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

    (a) *a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    (b) *an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

34. A note highlighting these requirements is present on the existing planning permit.

Heritage Overlay

35. Pursuant to Clause 43.01-1 of the Scheme, a permit is required to construct a building or construct or carry out works and to construct or display a sign.

Development Contributions Plan Overlay

36. Pursuant to the schedule to the Development Contributions Plan Overlay, a development infrastructure levy and community infrastructure levy applies to an application that generates an increase in gross floor area. Given that the gross floor area is not proposed to increase, a permit is not required under the overlay.

Particular Provisions

Clause 52.05 – Signs

37. Pursuant to Category 3 (High amenity areas), Business identification signs are Section 2 (permit required).

Clause 52.06 – Car parking

38. Pursuant 52.06-2 of the Scheme states that before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided on the land to the satisfaction of the Responsible Authority.

39. Table 1 of Clause 52.06-5 identify the following rates associated with the existing uses and proposed use:

    (a) Shop (i.e. retail) - 3.5 spaces per 100sqm of leasable floor area.

    (b) Food and drink premises - 3.5 spaces per 100sqm of net floor area.

40. Pursuant to Clause 52.06-4, a permit is not required to reduce the number of car parking spaces required for a new use of land if the number of car parking spaces required under Clause 52.06-5 for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5.

41. The existing conditions on site are that the ground floor tenancy is used as a “studio/retail” (i.e. shop). Both shop and food and drinks premises generate a car parking demand of 3.5 spaces per 100sqm of leasable/net floor area. As this proposed car parking rate is equal to the existing car parking demand rate, there is no trigger for a reduction in car parking associated with the use as a food and drink premises.

Clause 52.27 Licensed Premises

42. Pursuant to Clause 52.27 of the Scheme, a planning permit is required to use the land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act* 1998. The requirement to obtain a planning permit is therefore triggered under Clause 52.27 of the Scheme.

43. The policy will be discussed further in the *Assessment* section of this report.

General Provisions

Clause 65 – Decision Guidelines

44. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

Clause 13.05-1S – Noise Abatement

45. The objective of this clause is:

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

Clause 13.07-1S – Land use compatibility

46. The objective of this clause is:

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

Clause 15.01-2S – Building design

47. The objective of this clause is:

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

Clause 15.01-5S – Neighbourhood Character

48. The objective of this clause is:

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

Clause 15.03-1S – Heritage conservation

49. The objective of this clause is "*to ensure the conservation of places of heritage significance."*

Clause 17.01-1S – Diversified economy

50. The objective of this clause is:

    (a) To strengthen and diversify the economy.

51. The relevant strategies set out to achieve this objective include:

    (a) Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

    (b) Improve access to jobs close to where people live.

Clause 17.02-1S – Business

52. The objective of this clause is:

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

53. The relevant strategies set out to achieve this objective includes:

    (a) Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

    (b) Locate commercial facilities in existing or planned activity centres.

Local Planning Policy Framework (LPPF)

Clause 21.03 – Vision

54. A key vision for the city of Yarra is to include land use that:

    (a) Will accommodate a diverse range of people, including families, the aged, the disabled, and those who are socially or economically disadvantaged.

Clause 21.04 – Land Use

Clause 21.04-3 – Industry, office and commercial

55. The objective of this clause is:

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

Clause 21.08 – Neighbourhoods

Clause 21.08-7 – Fitzroy

56. The clause specifies the following:

    (a) Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.

    (b) The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.

Relevant Local Policies

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

57. This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance. The relevant objectives of this clause are:

    (a) To conserve Yarra's natural and cultural heritage;

    (b) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;

    (c) To retain significant viewlines to, and vistas of, heritage places;

    (d) To preserve the scale and pattern of streetscapes in heritage places;

    (e) To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;

    (f) To ensure the adaptation of heritage places is consistent with the principles of good conservation practice;

    (g) To ensure that additions and new works to a heritage place respect the significance of the place.

Clause 22.04 – Advertising signs policy

58. This policy applies to all permit applications for development that incorporate signage. The relevant objectives of this policy are:

    (a) To allow for the promotion of goods and services.

    (b) To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.

    (c) To minimise visual clutter.

    (d) To ensure that signs are not the dominant element in the streetscape

Clause 22.05 – Interface uses policy

59. This policy applies to applications for use or development within the Mixed Use Zone. The relevant objectives of this clause are:

(a) To enable the development of new residential uses within and close to shopping centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.

(b) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.09 – Licensed Premises

60. This policy applies to an application under Clause 52.27 (Licensed Premises). The objectives of this clause are:

(a) To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.

(b) To encourage best practice venue design and venue operation for licensed premises.

(c) To protect residential and other commercial uses from excess noise, traffic and car parking issues.

(d) To provide for daytime trade and active street frontages in retail strips, while providing the reasonable commercial opportunities for the trading of licensed premises.

Advertising

61. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 222 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 23 objections (one later withdrawn) and 15 letters of support, the grounds of which are summarised as follows):

(a) Amenity impacts (noise, patrons queueing, smoking and entering/exiting the premises);

(b) Patron usage of communal areas including a toilet within the larger building;

(c) Sale and consumption of alcohol will impact the functioning of Garryowen Park;

(d) Amenity impacts from deliveries to and waste collection from the premises;

(e) Car parking requirements for patrons;

(f) Impacts from potential footpath trading;

(g) Venue will increase opportunities for Covid-19 transmission;

(h) Noise impacts from the emptying of bins/bottles; and

(i) The consent of the owners corporation has not been obtained by the applicant.

62. A planning consultation meeting was not held given the COVID-19 Pandemic.

63. Following advertising and in response to objections raised a Section 57A amendment was lodged, these plans were re-advertised by a further 238 letters sent to those who were previously advertised to as well as objectors. Subsequently 1 objection was withdrawn.

Referrals

64. The referral comments are based on the originally advertised plans as the decision plans amended under Section 57a do not result in additional amenity impacts (being largely in response to objections) and do not materially change the proposal.

External Referrals

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

Internal Referrals

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

(a) Compliance (Community Amenity)

(b) Social Planning

(c) City Works

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

External Consultants

68. An Acoustic Assessment (dated 4 February 2021 and prepared by Marshall Day Acoustics) was referred to SLR Consulting (Acoustic Engineers).

69. The Acoustic report and referral comments from SLR consultants have been included as attachments to this report. The Acoustic Report will form the basis of the assessment and decision.

OFFICER ASSESSMENT

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

(a) Policy and Strategic Support;

(b) Sale and consumption of liquor;

(c) Signage;

(d) Buildings and works / Heritage; and

(e) Objector concerns.

Policy and Strategic Support

71. There is broad strategic support for the proposal within the Planning Policy Framework for the sale and consumption of liquor in this location, given the proximity to several Activity Centres including the Brunswick Street Major Activity Centre. These policies seek to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities, provided that a balance is achieved in relation to off-site amenity impacts. The purpose of the Mixed Use Zone includes *to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.* The proposal will serve to achieve this purpose.

72. The application is for sale and consumption of liquor on the premises in association with a proposed wine bar (food and drinks premises). The purpose of the Mixed Use Zone also seeks to provide for a range of residential, commercial, industrial and other uses, which complement the mixed use function of a location. It is also noted that within the Mixed Use Zone a food and drinks premises with a floor area of less than 150sqm (such as the proposal) is a Section 1 (permit not required) use. This shows that smaller boutique food and drink offerings are envisaged uses within the zone, as is proposed by the currently considered application. Accordingly, the proposal will therefore be consistent with the purpose of the Zone.

73. Clauses 13.04-1 and 21.04-2 of the Scheme identify that noise and the interface between uses must be managed appropriately, particularly in a municipality such as Yarra where almost all residents are within 400m of an activity centre. Abutting uses along the length of the strips are generally residential, creating interface conflicts where some uses are not well managed or inappropriate uses are permitted (Clause 21.04-2). Whilst the proposal has good strategic support from the Scheme, local policy 22.09 specifies decision guidelines. The specific implications of the sale and consumption of liquor will be discussed further in this report, with regard to the interface to residential dwellings around and above the site. The operation of the proposal will be considered against cumulative impact, off-site amenity impacts, and the land use conflicts of the area below.

74. The location of the proposed use is considered to have strategic support given the planning policies encourage the concentration of commercial and entertainment uses in and near Major Activity Centres, such as Brunswick Street, which are well connected to public transport and benefit from existing infrastructure (Clauses 17.02-1S, 17.02-2S and 18.02-2R).

75. Overall, the proposed licenced venue, within the Mixed Use Zone and proximate the Brunswick Street MAC, is considered to comply with strategic planning objectives. The proposed use will contribute to the vibrancy of Rose Street Street, where entertainment uses are specifically encouraged, and the proposed liquor licence will not contradict the related strategic planning objectives.

Sale and consumption of liquor

76. The decision guidelines at Clause 52.27 of the Scheme, include the consideration of the impact of the sale or consumption of liquor on the amenity of the surrounding area, the impact of the hours of operation and number of patrons on the amenity of the surrounding area and the cumulative impact of any existing licensed premises and the proposed licensed premises.

77. Clause 22.09 (Licensed premises policy) of the Scheme is Council's local policy to guide the assessment of new or extended licensed premises within the municipality. It contains six key elements that will be considered in the following section.

78. The application proposes the sale of liquor for consumption on and off-site.

Location and Access

79. The subject site is located approximately halfway between Nicholson Street to the west and Brunswick Street to the east, as discussed in the site surrounds section above, the site is has excellent access to public transport. This is reinforced by the sites location within the Principal Public Transport Network (PPTN) area. It is also anticipated that being proximate to nearby activity centres, taxis and rideshare services would be readily available.

80. With regard to venue's location policy indicates that licenced premises should be located *where the land is not zoned Residential excluding the Mixed Use Zone.* The Mixed Use Zone being specifically excluded from other residential zones is a clear acknowledgement of the purpose of the zone to provide for a mix of both residential and commercial uses with licensed venues specifically included in this mix.

81. The entrance to the proposed wine bar is physically separated from the primary entrance to the building, with red service cupboards providing a clear distinction between the two entryways. The distance between the doors is approximately 9m with the residential entrance clearly presenting as such, being provided with a recessed entryway with visible mailboxes and street numbering. Given this separation, a reasonable buffer between the two entrances is provided. Further discussion regarding impacts from patrons entering and existing or queuing is provided below.



Image 7: proposed south elevation showing separation between wine bar and residential entryways highlighted.

82. The proposal is proximate Garryowen Park to the north-west, given the limited patron numbers and as the closing time is restricted to 9pm, it is not expected that the proposed wine bar will result in any impacts in terms of the amenity or safety of the park. As discussed below, the nature and scope of the proposal is unlikely to result in antisocial behaviour from patrons. Furthermore, given that the proposal will result in an active use at ground floor (as opposed to a vacant tenancy), it is expected that the presence of patrons and staff will provide a level of passive observation, thereby improving the safety of the park and streetscape more broadly.

83. Overall, the location of the premises within the Mixed Use Zone and proximate the Brunswick Street MAC, as well as the access to the venue limited to Rose Street, separated from the residential access to the larger building is supported by policy at Clause 22.09.

Venue design

84. Licensed premises should ensure that:

    (a) The layout and design of new licensed premises incorporate safe design principles as detailed in the Design Guidelines for Licensed Venues *(Victorian Commission of Gambling and Liquor Regulation 2017).*

    (b) The entry and exits points of a licensed premise and the areas for queuing of patrons are located away from sensitive land uses.

    (c) Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.

85. The premises meets the relevant layout and design guidelines for the following reasons:

    (a) The high level of glazing to the street along the Rose Street and the return facing Mechanics Lane provide opportunities for informal and passive surveillance of the street and public environment.

    (b) The entry is provided to Rose Street, away from the residential entrance to the larger building (located further east), providing a clearly distinguishable entry point to the venue.

    (c) As per the decision plans, a unisex bathroom is to be provided internally to the tenancy.

86. Although the Rose Street footpath is narrow, the setback of the existing building at ground floor provides for a reasonable space for any queuing patrons. Regardless, given the nature of the venue as a boutique offering and its limited size (with no more than 18 patrons) it is not expected that a high amount of queuing will occur. Furthermore, in the event where queuing does occur it will be within the operating hours of the venue, which cease at 9pm and as such will not result in unacceptable noise impacts to residents during hours when they would be asleep.

87. With respect to waste management, the applicant has provided an updated Waste Management Plan (WMP) associated with the larger building but incorporating the proposed wine bar. The amended WMP does not alter any of the operational aspects of the waste management within the larger building, there is no change to the frequency or method of waste collection.

88. It is noted that the approved building is provided with separate residential and retail bins, therefore waste produced by the proposed wine bar will have no impact on the residential waste stream (i.e. by taking up space in residential bins or similar).

89. The amended WMP anticipates a similar (slightly smaller) level of waste to be produced by the proposed wine bar as the approved shop use (previously 0.2m3 of each garbage and recycling, now 0.19m3 of each garbage and recycling). The amended WMP has been referred to Council's City Works Branch who have confirmed that the proposed rates are in line with industry standard for a licensed premises.

90. Furthermore, Council's City Works Branch have confirmed that the amended WMP is suitable subject to a permit condition requiring that provision be made for diverting any food waste from the proposed wine bar.

91. Noise and Amenity Action Plan (NAAP) submitted confirms that no emptying of bottles into bins will occur after 9pm or before 9am on any day. This complies with policy at Clause 22.09-3 of the Scheme which requires *emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.*

92. In addition, a condition is recommended on any permit issued requiring a sign to be erected at the exit of the venue to advise patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

93. The NAAP specifies that deliveries to the site will be made by a van and will typically occur during the hours of 10.00am to 12.00noon, Monday to Saturday from parking bays on rose street. This is considered a suitable time for deliveries to occur and will align within the timeframes as outlined at Clause 22.09-3 of the Yarra Planning Scheme , which specifies that d*eliveries to and waste collection from a licensed premises should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.*

94. To ensure that deliveries to the site occur during these times it is recommended that this be reinforced by way of Council's standard permit condition.

Hours of operation

95. The application proposes the sale and consumption of liquor to be carried out between 10.00am and 9.00pm, seven days a week.

96. Clause 22.09 (Licensed premises policy) provides the following guidelines, relevant to the proposal:

    (a) Licensed premises in a Mixed Use Zone should not provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.

    (b) Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.

(c) Packaged liquor outlets should not provide for the sale of liquor after 11pm.

(d) Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.

97. The proposed hours for the sale and consumption of liquor comply with the relevant local policy guidelines and thus, it is considered that the sale of liquor for consumption on the premises from 10.00am until 9.00pm will not adversely affect the amenity of the area.

98. This is further confirmed by Council's Social Strategy and Community Development Unit as well as Council's Community Amenity (Compliance) Branch who have both advised that the proposed hours are acceptable.

Patron numbers

99. Policy at Clause 22.09 relating to patron numbers aims to ensure that the number of patrons do not exceed the safe and amenable operating capacity of the premises. Additionally, the number of patrons should reflect the strategic and physical context of the site and should not adversely affect the amenity of nearby properties or the surrounding area, including by any unreasonable cumulative impact.

100. The application proposes 18 patrons on the land at any one time. Based on VCGLR's guidelines for maximum patron numbers, a ratio of one (1) person per 0.75sqm should be achieved to prevent overcrowding inside a venue. The applicant has provided a report prepared by Anthony Middline & Associates Building Surveyors which has calculated that the premises will have a floor area of 20sqm accessible to patrons (excluding bar areas etc). This will result in a maximum of 26 patrons. Although it is noted that this calculation is based on the advertised plans and not the 57a plans, it is not anticipated that this will have a material change to this calculation.

101. As such the proposed 18 patron maximum is well within the maximum capacity of the venue and the proposal will not exceed the safe and amenable operating capacity of the premises. A permit condition is recommended to enforce these patron restrictions.

102. As per the guidelines specified in *Planning Practice Note 61: Licensed Premises: Assessing Cumulative Impact,* the subject site is located within a 'cluster' of licenced premises, as there are three or more (including the proposed premises) within a radius of 100 metres of the subject site. Within a 500m radius there are a substantial number of licensed venues.

103. The applicant has provided a cumulative impact assessment, which details the potential cumulative impact of the proposal. This cumulative impact assessment has been reviewed and found acceptable by Council's Social Strategy and Community Development Unit.

104. In terms of the cumulative impact of the proposal the following points are of particular relevance:

(a) Many license premises within the broader area are concentrated along Johnston Street and Brunswick Street and not within the immediate surrounds of the subject site.

(b) The proposed closing hours at 9pm are substantially earlier than many licensed venues in the surrounds and do not coincide with the closing hours of other venues.

(c) The proposal is limited in size, with a maximum of 18 patrons at any one time.

(d) As detailed above, substantial public transport and taxi/rideshare services are available to patrons.

(e) The nature of the venue, being a boutique offering and providing seating for 100% of patrons is not anticipated to result in the same level of antisocial behaviour as a more traditional bar or nightclub.

Noise

105. In relation to noise, Clause 22.09-3 specifies that:

(a) Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.

(b) Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.

(c) On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed activities.

(d) Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.

106. As Condition 5 of the existing planning permit, an acoustic report was required to be prepared and endorsed under the permit. Prior to commencement of the permit, a report in accordance with this condition (prepared by Marshall Day Acoustics, dated 6 June 2014) was approved and endorsed by Council. As specified in this report, the larger building includes acoustic treatment measures to mitigate noise from the ground floor tenancies (amongst other noise sources in the surrounds).

107. In support of the currently considered application the applicant has submitted a further acoustic assessment (prepared Marshall Day Acoustics dated 4 February 2021) which assesses the potential noise impacts from the proposed wine bar. The assessment concludes that the noise from patrons and background music will not be unacceptable having regard to relevant Environmental Protection Authority policy and Association of Australian Acoustical Consultants criteria. Council's acoustic consultants (SLR Consulting) has undertaken a review of this report confirming its findings on the condition that the door to the tenancy remains closed during its operation, with the exception of patron ingress/egress.

108. To ensure that the endorsed acoustic report associated with the proposal remains consistent with the amended proposal it is recommended that a permit condition require that the endorsed acoustic report be updated to show the proposed wine bar and that this assessment include the requirement that the door to the wine bar remain closed during operation. Subject to the inclusion of this condition, it is expected that the proposal will not result in any unacceptable amenity impacts to the dwellings within the approved building and is suitable in terms of noise impacts.

109. The above will be further reinforced by the existing permit Condition 3, which requires that noise emissions from the site comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority. This condition will remain on the permit and will be applicable to the amended proposal, ensuring ongoing compliance with EPA requirements.

110. The existing permit also includes Council's standard condition specifying that the emptying of bottles into bins in the outdoor area should not occur after 10pm on any day (at Condition 9). It is recommended that this be updated to the contemporary equivalent which further requires that bottles not be emptied before 7am Monday to Saturday, or before 9am on a Sunday or public holiday. It is noted that the Noise and Amenity Action Plan (NAAP) for the proposal further limits the emptying of bottles into bins between 9am and 9pm daily.

Noise and Amenity Action Plan (NAAP)

111. Pursuant to Clause 22.09 of the Scheme A NAAP is required for the sale and consumption of liquor in association with the proposed wine bar. The applicant submitted a NAAP (dated April 2021). The Plan addresses relevant management procedures of the venue, including:

(a) The venue will not utilise the Rose Street footpath for the seating of patrons

(b) Waste collection and management will occur in accordance with the existing building, with the emptying of bottles into bins occurring no earlier than 9am or no later than 9pm.

(c) No more than 18 patrons on the premises at any one time.

(d) The sale and consumption of liquor will be between 10.00am and 9.00pm, seven days a week.

(e) Any music to be limited to background volume and in accordance with EPA requirements.

(f) The responsible service of alcohol at the premises.

112. The provisions within the NAAP are considered appropriate in managing the business operation without causing adverse amenity to the area. A condition is recommended to be included on any permit issued requiring that the operation of the business is carried out in strict adherence to the NAAP.

Signs

113. It is proposed to install six business identification signs along the Rose Street façade. As identified in the planning controls section, a permit is triggered for the signs under the Mixed Use Zone.

114. The relevant decision guidelines are located at Clause 52.05 of the Scheme, more specific guidance is contained within Council's Advertising Signs policy at Clause 22.04, the proposed signs are consistent with the above policy guidance as follows:

(a) The display of the proposed signage will be appropriate in the identification of the business address on site and in this location. The subject site is located proximate a major activity centre, where the proposed signage is typical of signs found in the area.

(b) The signs are proportional to the host building and will not dominate the Rose Street elevation.

(c) The signage is limited in display area comprising 6, circular 0.6m wide signs (0.36sqm each) for a total of 2.16sqm. This is not an unreasonable amount of signage for a business and the signage is considered subtle in terms of their proportions.

(d) The proposed signage will be appropriate within the Mixed Use Zone and to the host building, they will not detract from the mixed use character of the surrounding area, or cause visual disorder or clutter (particularly when compared with other nearby signage).

(e) There are no illuminated, animated, digital or flashing elements proposed and as such the signage will not impede on the safety of pedestrians and vehicles. The signage is not considered to impact on road safety and will not be a safety hazard.

115. In order to ensure amenity is not impacted by the proposed signs it is recommended that Council's standard conditions regarding signage be included on any permit issued.

Heritage / Buildings and works

116. The proposed works are restricted to minor external works to the southern façade of the building. Works include only the replacement of a contemporary glazed single door with a double door.

117. Importantly, the building has no heritage value. The proposed works will have a negligible impact on the appearance of the host building or its impact in the wider streetscape, including the heritage precinct.

118. Similarly, the proposed signage, given it is contemporary and located on a contemporary building, it will not have a notable impact in terms of heritage.

Objector Concerns

119. The majority of the issues raised by the objectors have been addressed within the body of this report, as follows:

(a) Amenity impacts (noise, patrons queueing, smoking and entering/exiting the premises);

Assessed throughout the above report at paragraphs 84 – 112.

(b) Sale and consumption of alcohol will impact the functioning of Garryowen Park;

Assessed at paragraph 82.

(c) Amenity impacts from deliveries to and waste collection from the premises;

Assessed above at paragraphs 87 – 90.

(d) Noise impacts from the emptying of bins/bottles;

Assessed above at paragraphs 91, 110 – 12.

120. Outstanding concerns raised by the objectors are discussed below:

(a) Car parking requirements for patrons;

The proposed amendment does not trigger a permit for any further reduction in car parking as discussed in paragraphs 37 to 40. Therefore, car parking is not a relevant matter under this amendment.

(b) Patron usage of communal areas including a toilet within the larger building;

Whilst the advertised proposal included the usage of the toilet area within the larger building by patrons, the amended proposal includes a toilet area within the proposed tenancy. Usage of the communal toilet no longer forms part of the NAAP and any arrangement regarding access to common areas is a matter for the Owners Corporation.

(c) Impacts from potential footpath trading;

The NAAP states that *the footpath area in front of the site along Rose Street will not be used for seating in association with the bar.* Footpath trading does not form part of the proposal.

(d) Venue will increase opportunities for Covid-19 transmission;

Neither the *Yarra Planning Scheme* nor the *Planning and Environment Act 1987* make any provision in relation to Covid-19 transmissibility. Restrictions in relation to COVID-19 safe practices are continually evolving depending on local transmission incidents and accessible venues must operate under the restrictions imposed by the Government of Victoria (over and above those outlined in permit conditions).

(e) The consent of the owners corporation has not been obtained by the applicant.

Issues of unapproved works within common property have been addressed in several decisions of the Victorian Civil and Administrative Tribunal (VCAT), such as *H S Rekaris & Associates Pty Ltd v Stonnington CC [2009]* VCAT 2585 affecting Unit 3 and common property at 55 Alexandra Avenue, South Yarra. This matter required a planning permit for a deck within common property and where the owners corporation did not consent the works. The tribunal found at Paragraph 14:

> *…regardless of whether one or two owners would need to change their minds,* [to allow works under the Owners Corporations Act 2006] *it is my view that a change of mind (for whatever reason or motivation) is potentially a much simpler and quicker likelihood than a change of policy or a change in elected representatives (in the case of a Council or public authority). As such, I am not persuaded this application is futile.*

The tribunal went to conclude at Paragraph 15:

The opposition of some of the owners at this time is a relevant factor in the consideration of the overall planning merits of this case. But, in my opinion, this factor is not a determinative one having regard to the overall planning merits and considerations I have already explained in these reasons. I find the proposed deck extension has no unreasonable amenity impacts and no adverse effect on the significance of the heritage place.

In this instance, the proposal does not involve works within common property but rather external alterations to the southern side of the subject tenancy within Lot 1. However, the proposal does rely on the use of the commercial waste storage area located within common property of the Site.

This case is similar to the subject application, in that the approval of the owner's corporation is subject to change and the planning permit application is therefore not futile. The above assessment has considered the relevant planning merits. Any lack of consent from the owner's corporation is not relevant to this assessment and must be acquired outside of the planning permit process (i.e. as required under the *Owners Corporations Act 2006*).

Planning Permit Changes

121. Given the new considerations as a result of proposed wine bar within the building, a number of changes are required to the planning permit. These are discussed below.

Planning Permit Preamble

122. Amended to include the sale and consumption of liquor and signage (new bold and underlined):

Demolition of the existing building, development of a six storey building (not including basement) for a mixed studio / retail and residential development, a reduction in the provision of car parking, ***the sale and consumption of liquor associated with a wine bar, and the construction and display of business identification signage.***

Amended Plans

123. Given the need to ensure consistency and a high level of detail on the endorsed plans (as discussed earlier in this report), Condition 1 should be deleted and replaced with a requirement for an amended set of plans that shows the entire extent of the ground floor.

124. It is recommended that Condition 2 is updated to reflect all applicable planning permit triggers (use, development, sale and consumption of liquor and signage).

Acoustic

125. To ensure that a single, consistent acoustic report is endorsed to incorporate the recommendation of Council's Acoustic consultants for the subject amendment, Condition 5 is recommended to be amended to request an updated acoustic report.

Waste Management

126. To ensure the recommendation of Council's City Works unit is incorporated Condition 7, this condition should be amended to require an amended Waste Management Plan.

127. It is also recommended that a new condition should be inserted to ensure ongoing compliance with the endorsed Waste Management Plan.

128. The existing condition regarding the emptying of bottles into bins (previously Condition 9) is recommended to be relocated to the liquor conditions section of the permit (discussed further below).

Landscaping

129. No changes to the existing endorsed landscape plan are proposed under this amendment. The existing condition requiring an amended landscaping plan (previously Condition 10) is recommended to be deleted for clarity.

ESD

130. As above, there are no changes to the existing endorsed Sustainable Management Plan, and the existing condition requiring its amendment should be deleted. To ensure the provisions of the existing SMP continue to be implemented a condition should be inserted to this effect.

Liquor

131. A series of conditions (as discussed in the body of this report) are recommended to be inserted in a new liquor section of the permit, including the relocated condition regarding the emptying of bottles into bins, restrictions on the operating hours and patron numbers.

Signage

132. Standard conditions ensuring that signage remains unilluminated and be provided to the satisfaction of council are recommended.

Expiry

133. The permit expiry condition should be updated to reference additional permit triggers introduced by the subject amendment application and ensure commencement is aligned with the date of the amended permit.

Conclusion

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

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN13/0538 for the ground floor western-most tenancy to be used as a wine bar, the sale and consumption of liquor (on and off premises), external alterations and the construction and display of signage at 43 Rose Street, Fitzroy VIC 3065, generally in accordance with the plans and reports noted previously as the “decision plans” subject to the following changes to the permit preamble/conditions (new conditions underlined and bold, deleted conditions strikethrough):

Permit Preamble:

> Demolition of the existing building, development of a six storey building (not including basement) for a mixed studio / retail and residential development, a reduction in the provision of car parking, **the sale and consumption of liquor associated with a wine bar, and the construction and display of business identification signage.**

Conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the decision plans received by Council on 15 April 2021 but modified to show:

(a) A ground floor plan showing the entire tenancy of the site, in accordance with the endorsed plans, but updated to reflect the proposed use of the site inclusive of:
(i) The layout of the proposal consistent with the decision plans; and
(ii) The red line area;

2. The use, development, sale and consumption of liquor and locations and details of signage as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Amenity

3. Noise emissions (including those from plant and equipment) must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.

4. The amenity of the area must not be detrimentally affected by the use or development, through (a) The transport of materials, goods or commodities to or from land; (b) The appearance of any buildings, works or materials; (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or (d) The presence of vermin.

Acoustic

5. Before the sale and consumption of liquor commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the endorsed Acoustic Report prepared by Marshall Day Acoustics, dated 6 June 2014 but modified to include:
(a) The details as per the Acoustic Assessment prepared by Marshall Day Acoustics, dated 4 February 2021;
(b) The amended floor plan of the building as per the decision plans received by Council on 15/4/2021; and
(c) The requirement that the door to the wine bar remain closed during regular operation;

6. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Waste Management

7. Before the sale and consumption of liquor commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 7/2/2021 but modified to include:

(a) Food waste diversion for the wine bar;

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

9. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council's Local Law No. 3.

~~9. No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00 pm on any night, or before 7.00 am on any day.~~

Landscape Plan

~~10. Before the plans are endorsed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must show the location, quantity and maturity of all proposed plants (including those to the balconies), the botanical name of plants, the location of all areas to be covered by other surface materials and provide a specification of works to be undertaken prior to planting.~~

10. All landscaping to be undertaken in accordance with the endorsed landscaping plans prior to occupation and thereafter maintained to the satisfaction of the Responsible Authority.

ESD

~~12. Prior to the endorsement of plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report prepared by Ark Resources and dated 18 July 2013 but and further modified to details and show (as necessary):~~

~~(a) The methodology for apartments to take advantage of common area ventilation;~~
~~(b) The provision of highly efficient hot water systems for the commercial spaces;~~
~~(c) A PV system of a minimum 5.2kV;~~
~~(d) The provision of angled fins to the western facade in a north-westerly direction to gain the low angle winter sun (from the north-west) and protect from the low angle summer sun (from the south-west);~~
~~(e) Nominate bins for recycling in separated waste in bin storage area;~~
~~(f) The provision of external clothes drying facilities;~~
~~(g) A commitment to a minimum 30% recycled industrial waste content incorporated into the construction materials;~~
~~(h) A commitment to specifying accredited sustainable timbers by the (Forrest Stewardship Council (FSC) only;~~
~~(i) Kitchen joinery with separate recycling compartments;~~
~~(j) The provision of a Building Users Guide for residents and tenants to assist minimising waste and maximising comfort and energy efficiency prior to occupancy (if provided); and~~

~~(k) A commitment to building tuning and maintenance of all major building services quarterly, during first 12 months of operation, and every 12 months following.~~

11. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

12. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

13. Any damaged road(s) and footpath(s) or other Council infrastructure adjacent to the development site as a result of the proposed development must be reinstated at the cost of the developer to the satisfaction of the Responsible Authority prior to the occupation of the building.

14. The car parking area must be used for no other purpose to the satisfaction of the Responsible Authority.

15. Existing kerb and channel, and road pavement surface levels must not be altered, unless with the prior written consent of the Responsible Authority.

16. Prior to the occupation of the dwellings, the redundant vehicle crossing is to be broken out and reinstated with paving, kerb and channel of the surrounding area to the satisfaction of the Responsible Authority. The cost of these reinstatement works shall be borne by the developer.

17. All privacy screens must be installed prior to the occupation of the building and maintained thereafter.

18. The development must be provided with lighting capable of illuminating access to each car parking space, bicycle parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

19. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:

    (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
    (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
    (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
    (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site,
    (e) on site facilities for vehicle washing;
    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
    (g) site security;

(h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
(i) construction program;
(j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
(k) parking facilities for construction workers;
(l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
(p) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:

    (i) using lower noise work practice and equipment;
    (ii) the suitability of the site for the use of an electric crane;
    (iii) silencing all mechanical plant by the best practical means using current technology; and
    (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

20. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Liquor

21. No more than 18 patrons are permitted on the land at any time liquor is being sold or consumed.

22. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of 9.00am to 9.00pm, 7 days a week.

23. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

24. The provision of music and entertainment on the land must be at a background noise level.

25. Speakers external to the building must not be erected or used.

26. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.

27. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

28. Delivery and collection of goods to and from the licensed premises may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Signage

29. The signs must not be illuminated by external or internal light.

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

31. The signage component of this permit expires 15 years from the date of the permit.

32. The signage component of this permit will expire if the signs are not erected within 2 years of the date of amendment PLN13/0538.01 to this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

33. On expiry of this permit, the approved signs and structures built specially to support and/or illuminate signage must be removed.

Expiry

34. This permit will expire if any of the following occur:

(a) The development is not commenced within two (2) years from the date of amendment PLN13/0538.01 to this permit;
(b) The development is not completed within four (4) years from the date of amendment PLN13/0538.01 to this permit;
(c) The signs are not erected within 2 years of the date of amendment PLN13/0538.01 to this permit;
(d) the sale and consumption of liquor is not commenced within two years from the date of amendment PLN13/0538.01 to this permit; or
(e) The sale and consumption of liquor is discontinued for a period of two years.

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

NOTES

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of works permitted under the permit.

This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

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

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

All storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction.

The new vehicle crossing must be constructed in accordance with City of Yarra Standard Drawings and Specifications.

The vehicle crossing must be designed and constructed to satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

The developer must liaise and consult with Council's Traffic Unit (telephone 9205 5731) prior to undertaking any public lighting works.

This food premises is required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

Attachments

1 PLN13/0538.01 - 45 Rose Street Fitzroy - Site Map

2 PLN13/0538.01 - 45 Rose Street Fitzroy - Endorsed Acoustic Report

3 PLN13/0538.01 - 45 Rose Street Fitzroy - Endorsed Waste Management Plan

4 PLN13/0538.01 - 45 Rose Street Fitzroy - Existing Endorsed Plans

5 PLN13/0538.01 - 45 Rose Street Fitzroy - Waste Management Plan

6 PLN13/0538.01 - 45 Rose Street Fitzroy - Building Surveyor Report

7 PLN13/0538.01 - 45 Rose Street Fitzroy - Acoustic Report

8 PLN13/0538.01 - 45 Rose Street Fitzroy - Town Planning Report

9 PLN13/0538.01 - 45 Rose Street Fitzroy - S57 Advertising - Amended Plans

10 PLN13/0538.01 - 45 Rose Street Fitzroy - S57 Advertising - Amended Noise and Amenity Action Plan

11 PLN13/0538.01 - 45 Rose Street Fitzroy - 3rd party review of Acoustic Report (SLR)

12 PLN13/0538.01 - 45 Rose Street Fitzroy - Community Amenity Referral Comments

13 PLN13/0538.01 - 45 Rose Street Fitzroy - Waste Management Plan Referral Comments

14 PLN13/0538.01 - 45 Rose Street Fitzroy - Social Planning referral comments

Attachment 1 - PLN13/0538.01 - 45 Rose Street Fitzroy - Site Map

Subject Site 45 Rose Street Fitzroy



North ↑ Subject tenancy Wider site

Attachment 2 - PLN13/0538.01 - 45 Rose Street Fitzroy - Endorsed Acoustic Report

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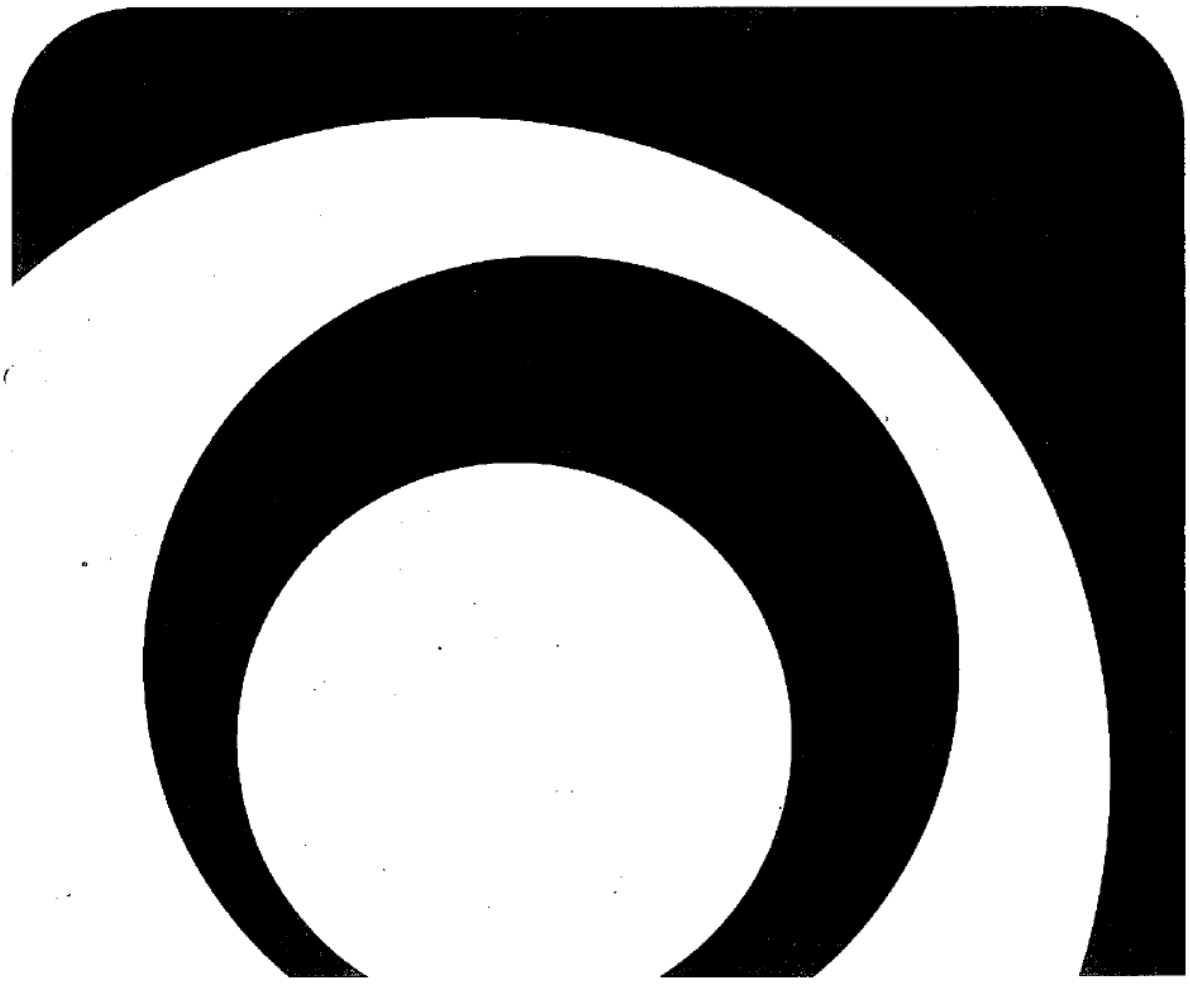
PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Report referred to in Permit No: PLN13/0538
relating to Condition No: 5
For and on behalf of the Responsible Authority
DATE 19/06/2014 PAGES 2 to 26
This is NOT a Building Permit

RESIDENTIAL DEVELOPMENT 45 ROSE STREET FITZROY

Town Planning Acoustic Report

Rp 001 R02 2014073ML

6 June 2014



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Prepared for:	**Stoll Long Architecture** **99 Drummond Street** **Carlton VIC 3053**
Attention:	**Daniel Liong**
Report No.:	**Rp 001 R02 2014073ML**

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Report referred to in Permit No:.....
relating to Condition No:.....
.....
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DATE / / PAGES .....
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Document control

Status:	Rev:	Comments	Date:	Author:	Reviewer:
Final	-	Issue to client	24 March 2014	P. Heinze	R. Leo
Final	01	Wall types updated	28 May 2014	P. Heinze	R. Leo
Final	02	Updated reference to operational hours	6 June 2014	P. Heinze	R. Leo

Certified System ISO 9001

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1.0 INTRODUCTION

Haus Fitzroy Pty Ltd (HDF) proposes to develop land at 45 Rose Street, Fitzroy for a mixed use seven storey building comprising car parking on basement level, car parking and retail premises on ground floor, and residential apartments above.

Long Stoll Architecture has engaged Marshall Day Acoustics (MDA) to prepare an acoustic report having regard to noise impacts on the proposed development and detailing appropriate measures to provide suitable protection for future residents in accordance with City of Yarra requirements.

MDA Town Planning Acoustic Report, Rp 001 2014073ML, issued report 24 March 2014, addressed the potential noise impacts due to the development as well as the impact of road traffic noise to the building. The client has since changed a number of the structural walls from precast concrete to the AFS wall system, and this report incorporates those changes.

Acoustic terminology used in this report is described in Appendix A.

2.0 REVIEWED DOCUMENTATION

The 'Issued for Tender' set of drawings, prepared by Long Stoll Architecture and detailed in Table 1, have been considered in this assessment.

Table 1: Reviewed documentation

Item-Number	Author	Status	Date
Floor & RCP Plans: A 103 - A 109	Long Stoll Architecture	Issued for tender	15/05/2014
Partition Plans: A 111 - A 116	Long Stoll Architecture	Issued for tender	15/05/2014
Elevations : A 201 – A 202	Long Stoll Architecture	Issued for tender	15/05/2014
Sections: A 203 – A 207	Long Stoll Architecture	Issued for tender	15/05/2014
Wall Type Schedule: A 301 - A 303	Long Stoll Architecture	Issued for tender	15/05/2014

3.0 SITE AND PROJECT DESCRIPTION

3.1 Site location and surroundings

The proposed development site at 45 Rose Street is currently occupied by single storey commercial buildings. The site is bounded by Rose Street to the south, laneways to the west and north, and existing single storey commercial building immediately to the east at 61 Rose Street where a proposed six storey apartment is to be constructed (Ref: Planning Permit PLN 11/0576). Adjacent the site is:

- A mix of commercial and residential buildings, some 3 storey apartments, are located on the south side of Rose Street
- 2 storey commercial building on the west side of the western laneway
- Residential buildings on the north side of the northern laneway and the Gary Owen Park diagonally north-west of the site over the intersections in the laneway.

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An aerial photo of the site is shown in Figure 1.

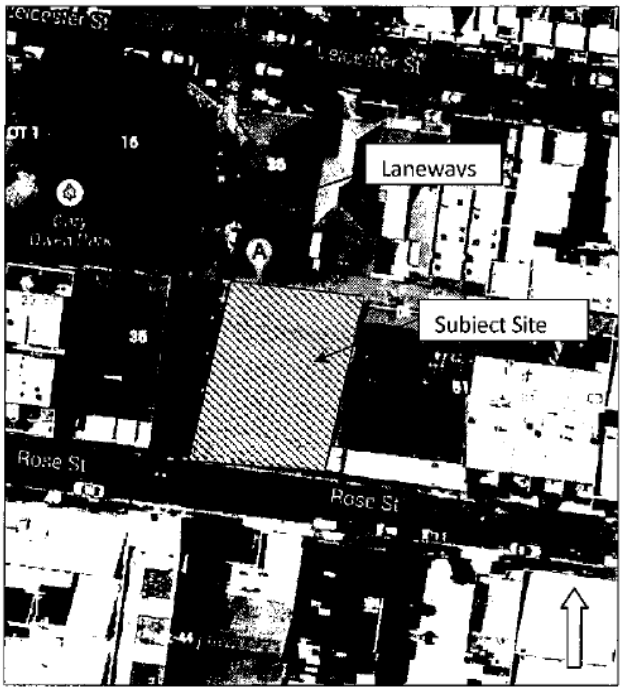


Figure 1: Proposed site and surroundings (Source: Google Maps)

The proposed development is in a Mixed Use Zone (MUZ) with Residential 1 Zone (R1Z) and Public Park and Recreation Zone (PPRZ) in the immediate environs.

A map of the land use zones in the vicinity of the site is presented in Appendix B.

3.2 Project description

The proposed development consists of the following:

- Car-parking, bike store, and storage located on Basement floor
- 2 studio/retail premises, fronting on to Rose Street and further car-parking on further Ground level
- 23 Apartments to Levels 1-5 (7 each on Levels 1-2, 4 on Level 3, 3 on Level 4 and 2 on Level 5).

The apartments are Class 2 residential for the purposes of assessment under the Building Code of Australia. We understand the building is to be of concrete column and slab construction.

3.3 Planning requirements

The site is located in the City of Yarra. The planning permit, number PLN13/0538, for the development issued (31 January 2014) by the City of Yarra includes the following specific building design requirements:

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Amenity

3. Noise emissions (including those from plant and equipment) must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.

4. The amenity of the area must not be detrimentally affected by the use or development, through **(a)** The transport of materials, goods or commodities to or from land; **(b)** The appearance of any buildings, works or materials; **(c)** The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or **(d)** The presence of vermin.

Acoustic

5. Before the plans are endorsed, an acoustic report prepared by a suitably qualified expert must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must include an assessment of how the relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:

   (a) Confirm that the food and drink premises and artist studio uses are appropriately acoustically treated where necessary to protect the proposed dwellings from commercial noise.
   (b) Confirm the proposed dwellings will meet the relevant EPA or other relevant requirements having regard to traffic and commercial noise.
   (c) Protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including air conditioner units and lifts).

There is potential noise impact on the residential apartments from the following sources which will require consideration:

- Road traffic
- Studio/retail premises activity on the Ground Floor
- Existing commercial activity
- External building services equipment.

Details of the proposed apartments are provided in Appendix C.

4.0 EXISTING NOISE ENVIRONMENT

Due to extraneous construction activity adjacent the site, ambient noise levels were measured at similar locations distant from the site, on Wednesday morning 19 March 2014, using a Brüel & Kjær 2250 precision integrating sound level meter fitted with a weatherproof windshield. Background noise levels at the site were measured in early hours of Thursday 20 March 2014 using the same instrumentation.

For noise measurements, the microphone was mounted on a pole at a height of approximately 1.5m above local ground level under free field conditions. Measurements were obtained using the 'F' response time and A-weighting frequency network. The equipment was calibrated before and after each measurement set and no significant calibration drifts were observed.

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4.1 Background noise

Measurements of night time background noise levels were obtained between 0045-0115hrs on Wednesday 20 March 2014. Noise levels were measured using a Brüel & Kjær type 2250 precision integrating sound level meter fitted with a weatherproof windshield. The background measurement position is shown in Figure 2, representative of the nearest noise sensitive receivers to the proposed development.

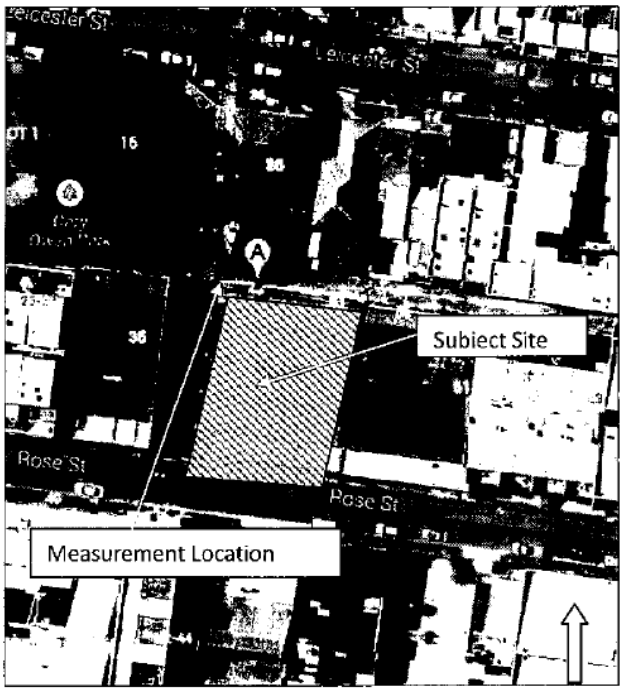


Figure 2: Background noise measurement position

The background noise environment was dominated by intermittent road traffic on Nicholson Street, west of the site. During measurements the weather was fine, with no wind and clear skies. Measured noise levels are presented in Table 2.

Table 2: Measured background noise levels – north- west corner of site

Period	Background Noise Level, dB L_{A90}
Night	31

4.2 Ambient noise

Measurements of ambient noise levels were obtained between 0830-0930hrs on Thursday 19 March 2014.

As stated, there were several construction/building activities close to the site that dominated the noise levels. Ambient noise levels were therefore measured at similar locations away from the site. Weather conditions during the ambient surveys were dry with no wind. Measured data was not affected by atmospheric conditions.

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Table 3 details the locations, observations and results of ambient noise level measurements.

Table 3: Measured ambient noise levels indicative for the site

Location	Measured noise level, dB		Observations
	Ambient noise level, L_{Aeq}	Background noise level, L_{A90}	
Corner of Fitzroy and Westgarth Streets	60	50	Traffic and pedestrians in local streets and Alexandra Parade; and Tram and vehicular traffic on Brunswick Street
Corner of Rose and Spring Streets	57	50	Traffic and pedestrians in local streets; and Tram and vehicular traffic on Nicholson Street

The noise level measurement at the Corner of Fitzroy and Westgarth Streets is a block closer to Brunswick Street whereas 45 Rose Street is approximately one further block removed. Noise levels at the corner of Rose and Spring Streets are considered representative of all facades of the development.

5.0 POTENTIAL NOISE IMPACTS

Potential noise impacts associated with the proposed development should be addressed. This includes existing noise sources in the vicinity of the site and the potential impact of the development itself on existing residential and commercial properties neighbouring the site.

5.1 Impacts upon the proposed development

The following existing noise sources in the vicinity of the site have the potential to impact on the proposed development:

- Vehicular traffic on Rose Street and the laneways
- Plant and commercial activity noise from surrounding commercial premises.

5.2 Impacts due to the proposed development

The following noise sources associated with the development have the potential to impact on the surrounding residential and commercial properties:

- Noise emission from centralised and mechanical plant
- Noise emission from air-conditioning plant serving individual apartments
- Noise from vehicles accessing the Basement and Ground Level car park
- Waste collection
- Noise emission from the studio/retail space at ground floor level.

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5.3 Assessment criteria

Relevant assessment criteria relating to the potential noise impacts associated with the development identified above are detailed in Table 4.

Table 4: Potential noise impacts and assessment criteria

Potential noise impact	Applicable acoustic design criteria	Status
Traffic noise	AS 2107	Industry Standard
	Sleep disturbance	NSW DECCW Guideline
Plant and commercial noise	SEPP N-1	Legislation (mandatory)
Domestic plant	Environment Protection (Residential Noise) Regulations 2008, S.R.No.121/2008.	Legislation (mandatory)
	EPA Publication 1254	Guideline
Music Noise	SEPP N-2	Legislation (mandatory)
Car park noise	Sleep disturbance	NSW DECCW Guideline
Waste collection	EPA Publication 1254	EPA Guideline

The applicable acoustic design criteria are summarised in the following sections.

6.0 ACOUSTIC DESIGN CRITERIA

6.1 Traffic noise levels

Australian Standard 2107-2000 *Acoustics - Recommended design sound levels and reverberation times for building interiors* provides recommendations for acceptable internal noise levels. Table 5 shows the recommended internal noise levels stated in AS2107 for *"houses and apartments near minor roads"*, which is considered to be applicable to the proposed development.

Table 5: AS2107 recommended internal noise levels, L_{Aeq} dB

	Recommended internal noise level	
Area	**Satisfactory**	**Maximum**
Living areas	30	40
Sleeping areas	30	35
Work/utility areas	35	40
Apartment common areas (eg, lobbies)	45	55

Compliance with the "satisfactory" level is preferred, but compliance with the "maximum" noise level is considered to be acceptable.

AS2107 does not specify the measurement procedure to determine whether compliance has been achieved but does state the following:

> *In situations where traffic (or other) noise levels may vary widely over a 24-hour period, measurements to assess compliance with this Standard should be taken at the relevant time according to the area of occupancy or activity in the building.*

Given the above, it could be argued that compliance measurements for bedrooms should be made during the night period between 2200-0700hrs (commonly referred to as the night period), although this does not allow for those occupants who may be shift workers or such like that may have a requirement to sleep during the day. For living and dining rooms, the compliance measurement should be made during the day and evening time periods of 0700-2200hrs (commonly referred to as the day/evening period).

AS2107 does not specify noise measurement duration. It is recommended that compliance generally be assessed based on the typical worst-case 15-minute L_{Aeq} noise level throughout the relevant time period (eg, night-time for bedrooms).

Table 5 shows both the preferred "satisfactory" and the highest allowable "maximum" internal noise level. Higher quality developments should obviously aim to achieve lower levels of traffic noise intrusion. Project experience shows that if internal noise levels in bedrooms or living areas exceed an hourly average of approximately 40dB L_{Aeq} that the level of occupant dissatisfaction is likely to be relatively high.

As a minimum, traffic noise levels in apartments at the proposed development should be designed to achieve compliance with AS2107.

6.2 Central plant noise emission criteria

Noise emission from central plant at the site must comply with the requirements of *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* (SEPP N-1).

SEPP N-1 noise limits are calculated based on 'zoning level' (calculated based on the land use zoning) and the background noise level in the vicinity of the site (refer Section 4.1). On the basis that centralised plant may operate any time, noise emissions must comply with the SEPP N-1 night-time noise limit. Compliance with the night-time noise limit will ensure compliance with the day and evening noise limits. Table 6 details the SEPP N-1 night time noise limit based on the corresponding zoning level and measured background noise level.

Table 6: SEPP N-1 time periods and noise limits, dB

Period	Day of week	Time period	Zoning level	Background noise level, L_{A90}	Noise limit, L_{eff}
Night	Mon-Sun	2200-0700hrs	45	31	41

6.3 Apartment air-conditioning plant noise criteria

Noise from fixed domestic plant associated with residential properties must comply with the requirements of the *Environment Protection (Residential Noise) Regulations 2008* (Statutory Rule No.121/2008) which sets out provisions for control of noise from domestic appliances including motorized equipment, electric power equipment, domestic air-conditioning plant, swimming pool pumps and musical equipment, whether amplified or not.

The regulation does not prescribe noise limits for the equipment, but it does prescribe allowable hours of operation for the purposes of determining whether noise is 'unreasonable' at residential premises under Section 48A(5) of the *Environment Protection Act 1970.*

The Environment and Protection (Residential Noise) regulation 2008 is the only legislation regarding residential noise in the State of Victoria.

Group 3 of the schedule of prescribed items covers domestic air-conditioners and domestic heating equipment, and prohibits hours of operation as follows:

- Monday to Friday: before 0700hrs and after 2200hrs
- Weekends and Public Holidays: before 0900hrs and after 2200hrs

Notwithstanding the above requirements, it is not always practical to turn off air-conditioning units during the night-time hours. If noise was inaudible inside any residence, then Section 48A(5) of the Environment Protection Act would effectively be achieved. This is consistent with Section 1 of *EPA Publication 1254, Noise Control Guidelines* which provides recommended noise limits for fixed domestic plant.

These Noise Control Guidelines are used by local authorities and municipal councils to assess noise issues and recommend the following:

Day and evening operation

Where noise from any fixed domestic plant occurs beyond the residential property boundary, the broadband intrusive noise resulting from its use shall not exceed the background noise level by more than 5dB when measured at the property boundary.

Night operation

The noise from fixed domestic plant must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open) during prohibited hours.

6.4 Sleep disturbance criteria

When intrusive noise reaches certain levels largely independent of background noise, there is a potential for disturbance of sleep and possibly awakening if these activities occur during the night period of 2200-0700hrs.

A document published in March 2011 by the New South Wales Office of Environment and Heritage entitled *NSW Road Noise Policy* has compared a number of sleep disturbance criteria and concluded the following:

- *Maximum internal noise levels below 50-55 dB L_{Amax} are unlikely to cause awakening reactions*
- *One or two noise events per night, with maximum internal noise levels of 65-70 dB L_{Amax} are not likely to affect health and wellbeing significantly.*

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It is noted that the maximum internal noise levels apply in cases where windows to an internal area would be open. It is generally accepted that internal noise levels in conventional dwellings with the windows open are approximately 10dB lower than external noise levels. Based on the NSW Office of Environment and Heritage findings, a noise level of 60-65dB outside an open bedroom window would be unlikely to cause awakening reactions.

Therefore the following internal design criteria are recommended:

- Bedrooms: 55dB L_{Amax}
- Other living areas: 60dB L_{Amax}

These limits are based on a precedent set in the Victorian Civil and Administrative Tribunal (VCAT) regarding acceptable internal noise levels for residences adjacent to Tramway lines (Reference No. P2470/2003). In this case, a decision to grant a permit was made on the basis that the noise level of trains was not to exceed 55dB L_{Amax} in bedrooms and 60dB L_{Amax} in living areas. These levels were based on the commonly-used criteria for sleep disturbance taken from the *NSW Road Noise Policy* discussed in Section 6.5.

Since 2003, there have been two VCAT decisions which have recommended an internal noise limit of 50dB L_{Amax} in bedrooms. However, there is no compelling case for the lower criterion as the decisions were not based on objective evidence presented to the Tribunal and are, in MDA's opinion, unnecessarily restrictive. 55dB L_{Amax} is very close to the threshold of onset for noise-related sleep disturbance, and there is almost no significant difference (<1%) in reported levels of sleep disturbance between 55dB L_{Amax} and 50dB L_{Amax}.

The 55dB L_{Amax} criterion has now been accepted by Public Transport Victoria (PTV) in a letter dated 18 October 2012, in relation to a residential development in Braybrook. Further details can be provided upon request.

7.0 PRELIMINARY ACOUSTIC ASSESSMENT

7.1 Waste collection

EPA Publication 1254 Noise Control Guidelines provides the following recommendations for industrial waste collections:

- Refuse bins should be located at sites that provide minimal annoyance to residential premises
- Compaction should be carried out while the vehicle is moving
- Bottles should not be broken up at the collection site
- Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances
- Noisy verbal communication between operators should be avoided where possible.

The following schedule of acceptable times for waste collection is also provided in the *EPA Noise Control Guidelines*:

One collection per week

6:30am-8pm: *Monday to Saturday*

9am-8pm: *Sunday and public holidays*

Two or more collections per week

7am-8pm: *Monday to Saturday*

9am-8pm: *Sunday and public holidays.*

It is recommended that waste disposal activities adhere to the above guidelines and procedures.

7.2 Noise emissions from nearby commercial properties

Within the Melbourne metropolitan area, noise from air-conditioning, ventilation, exhaust and refrigeration equipment serving commercial premises is governed by SEPP N-1.

Commercial activity and noise emissions from commercial plant associated with existing premises would be required to comply with SEPP N-1 at the proposed development.

During the measurement periods, noise from nearby commercial properties was inaudible.

Given the proximity of existing residential properties and assuming that commercial noise emissions currently comply with SEPP N-1 at existing properties, it is anticipated that the proposed development does not create significant problems for existing commercial premises in terms of compliance with environmental noise emission limits.

Young Bloods Diner

A diner, Young Bloods Diner, is located at 60 Rose Street diagonally opposite and one lot removed from the site. The diner has a roof top bar and its operating hours are day time only, between 7am to 5pm, 7 days per week.

Townhouses/apartments at 65 Rose Street already exist directly across the road from the Diner. Based on compliance with all SEPP noise criteria, referenced in Sections 5.3, 6.2 and 6.4 we would expect compliance would be achieved at 45 Rose Street.

In addition, we understand that the hours of operation of the Young Blood Diner may be extended to 9pm Sunday through Thursday and 11pm Friday and Saturday. The possible extension of hours of the Diner will not impact on the outcomes of this report.

7.3 External building services noise emission

Typically, external building services plant includes individual split system units, condensers and refrigeration plant. It is proposed that the majority of equipment would be mounted on the roof in a dedicated roof top area, screened by louvres. There may also be some mechanical plant located on the south side of the building on the ground floor.

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7.3.1 Central Plant

Noise criteria are detailed in Section 6.2. The only centralised plant identified for this development is a centralized gas hot water system consisting of 3 instantaneous gas HWS units and a storage tank, located on the roof top next to the lift shaft. Environmental noise from this type of plant is minimal and specific noise control measures or treatment is not envisaged or required.

7.3.2 Fixed domestic

Generally, domestic condenser units generate a sound pressure level of approximately 55-60dB L_{Aeq} at 1m. With appropriate location of the condensers and utilisation of acoustic screening by the building, the requirements for noise emission from the condensers are expected to be achievable.

We understand that each apartment outdoor condensing unit will be located on respective balconies and below balustrade height which will provide sufficient acoustic screening.

7.4 Building envelope construction

Based upon our attended noise surveys, traffic noise exposure to the development is considered to be low to moderate. Based on the drawings provided in Section 2.0, the following sections detail the extent of indicative treatment required to achieve the design criteria nominated in Section 6.1. The following wall and glazing types, and locations, have been assessed with regards to site noise levels to confirm compliance with the criteria in Section 6.0.

7.4.1 Walls

Masonry walls

MDA understands that the solid masonry wall of the building will consist of the following typical constructions:

- WT4-10: External VM-zinc cladding on 35mm galv. steel top hat system at 600mm centres, AFS 162mm structural wall system; Rondo long neck Beta Fixing furring channel clips with Ultra 20 foil board insulation against AFS 162 wall; 28mm furring channel at 600mm centres and 13mm plasterboard internal wall lining
- WT4-11: External AFS 162mm structural wall system; Rondo long neck Beta Fixing furring channel clips with Ultra 20 foil board insulation against AFS 162 wall; 28mm furring channel at 600mm centres and 13mm plasterboard internal wall lining
- WT4-15: External AFS 150mm structural wall system; vapour barrier, 20mm gap, 64mm steel studs at 600mm centres and 13mm plasterboard internal wall lining
- WT4-17: External AFS 150mm structural wall system; Rondo long neck Beta Fixing furring channel clips with Ultra 20 foil board insulation against AFS 162 wall; 28mm furring channel at 600mm centres and 13mm plasterboard internal wall lining

- WT4-20: External VM-zinc cladding on 35mm galv. steel top hat system at 600mm centres, AFS 162mm structural wall system; Rondo long neck Beta Fixing furring channel clips with Ultra 20 foil board insulation against AFS 162 wall; 28mm furring channel at 600mm centres and 13mm plasterboard internal wall lining
- WT4-22: External AFS 162mm structural wall system; vapour barrier, 20mm gap, 64mm steel studs at 600mm centres and 13mm plasterboard internal wall lining.

The above constructions provide sufficient noise attenuation for minimising noise impacts on the apartments.

Lightweight walls

Several infill lightweight walls are proposed including:

- WT3-01: 9mm thick compressed Fibre Cement sheets (e.g. James Hardie D3-ComTex) on 35mm galv. steel top hat system at 600mm centres, foil sarking on 92mm steel studs at 600mm centres; Bradford Soundscreen Plus R2.5 insulation batts placed in the cavity formed and 16mm FR plasterboard internal wall lining
- WT3-02: Alpolic facade cladding system on 35mm galv. steel top hat system at 600mm centres, foil sarking over 16mm FR plasterboard wall lining, 92mm steel studs at 600mm centres; Bradford Soundscreen Plus R2.5 insulation batts placed in the cavity formed and 16mm FR plasterboard internal wall lining
- WT3-03: VM zinc panel system on 35mm top hat, foil sarking, 16mm FR plasterboard internal wall lining on 92mm steel studs (at 450mm centres); R2.5 insulation batts placed in the cavity with 16mm FR plasterboard internal wall lining

The above lightweight external wall constructions are acceptable and in addition with the above masonry wall systems provides sufficient noise attenuation for minimising noise impacts on the apartments.

7.4.2 Glazing and Sliding Doors

External noise intrusion through the glass and the acoustic performance requirements of the glass are heavily dependent on the glazing area. The greater the glazing area, the greater the external noise intrusion and the higher the acoustic performance of the glass required to achieve a certain indoor noise level.

As is the case for any building that is exposed to significant external noise, the design criteria will be not be achieved with windows or sliding glazed doors open, however, the apartment occupants have the option to close external windows and doors to significantly reduce noise intrusion. With the window closed, ventilation may be required and should be addressed by the projects' mechanical consultant or contractor.

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It is not sufficient to only specify glazing types and thicknesses for the building envelope. The effect of the frame, seals and surrounds must also be considered in the analysis, to ensure that the facade system used does not significantly degrade the acoustic performance of the glazing. Facade acoustic performance, which includes the glazing, framing, and surrounds, are specified as the Weighted Sound Reduction Index, R_w. Importantly, the octave band sound transmission loss values are also to be achieved.

Proposed facade glazing

The proposed facade glazing for the apartments and ground floor retail consists of:

- Minimum single glazed laminated - 6.38mm
- Minimum double fixed glazed - 6.38mmCP Clr/12mm/6mm
- Minimum hinged glass door – 3mm/12mmAr/3mmET

Following our assessment of the above glazing, ambient noise levels and apartment constructions with area of glazing nominated we recommend the following glazing options:

- Minimum single glazed laminated - 6.38mm or 10mm monolithic
- Minimum double fixed glazed - 6.76mm lam Clr/12mm/6mm
- Minimum hinged glass door – 6.76mm lam ET/12mm/6mm

The facade supplier/contractor for the proposed development should provide facade glazing and facade systems that achieve the minimum acoustic performance shown in

Table 7.

Table 7: Glazing acoustic performance specification

Glazing system	Minimum weighted sound reduction R_w	Minimum sound reduction (dB) of facade system at octave band centre frequency (Hz)						
		63	125	250	500	1000	2000	4000
6.38mm lam[1] or 10mm monolithic	33	21	25	26	31	35	32	40
6.76mm lam[1] / 12mm / 6mm	39	21	24	26	36	41	45	51

Notes: 1. lam refers to 'standard laminate PVB interlayer'

7.4.3 Roof

MDA understands that the roof system on Level 5 will be of the following construction:

- 200mm thick slab, with metal deck over

The above roof construction, when combined with plasterboard suspended ceilings in the Level 5 apartments, provides sufficient noise attenuation for minimising noise impacts on the apartments.

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7.5 Sleep disturbance

The highest measured noise level during our night period survey was L_{Amax} 65dB from passing pedestrians. No events greater than L_{Amax} 65dB were observed during our survey, and we do not consider that the nominated sleep disturbance criteria will be commonly exceeded at the development.

Confirmation of this should be made by longer term noise monitoring during the design stage of the development.

7.6 Ground floor studio/retail

The Building Code of Australia (BCA) specifies minimum criteria and construction requirements for sound and impact insulation between apartments and adjacent commercial tenancies and these will be incorporated in the acoustic design of this development. The BCA criteria will provide acceptable treatment for the apartments where typical patron and activities occur in the studio/retail spaces, e.g. offices, shops, café with background music.

Where amplified or live music is envisaged within the studio/retail spaces, including potential for outdoor dining, then these spaces will need to separately comply with SEPP-N2 criteria and we recommend in these circumstances a noise management plan is prepared as outlined in Appendix D.

8.0 CONCLUSION

Haus Fitzroy Pty Ltd proposes to develop a mixed use 7 storey building at 45 Rose Street, Fitzroy comprising retail premises and residential apartments.

Marshall Day Acoustics has prepared an acoustic report having regard to noise impacts on the proposed development and provided design requirement for the protection of future residents in accordance with City of Yarra planning permit requirements. Design criteria have been developed taking into consideration the requirements of the applicable State Environment Protection Policies and relevant guidelines.

The building envelope construction has been reviewed and recommendations provided for the control of noise intrusion from external sources via the various building facade elements. Details of potential noise impacts of the development on adjacent existing residences have also been considered.

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APPENDIX A GLOSSARY OF TERMINOLOGY

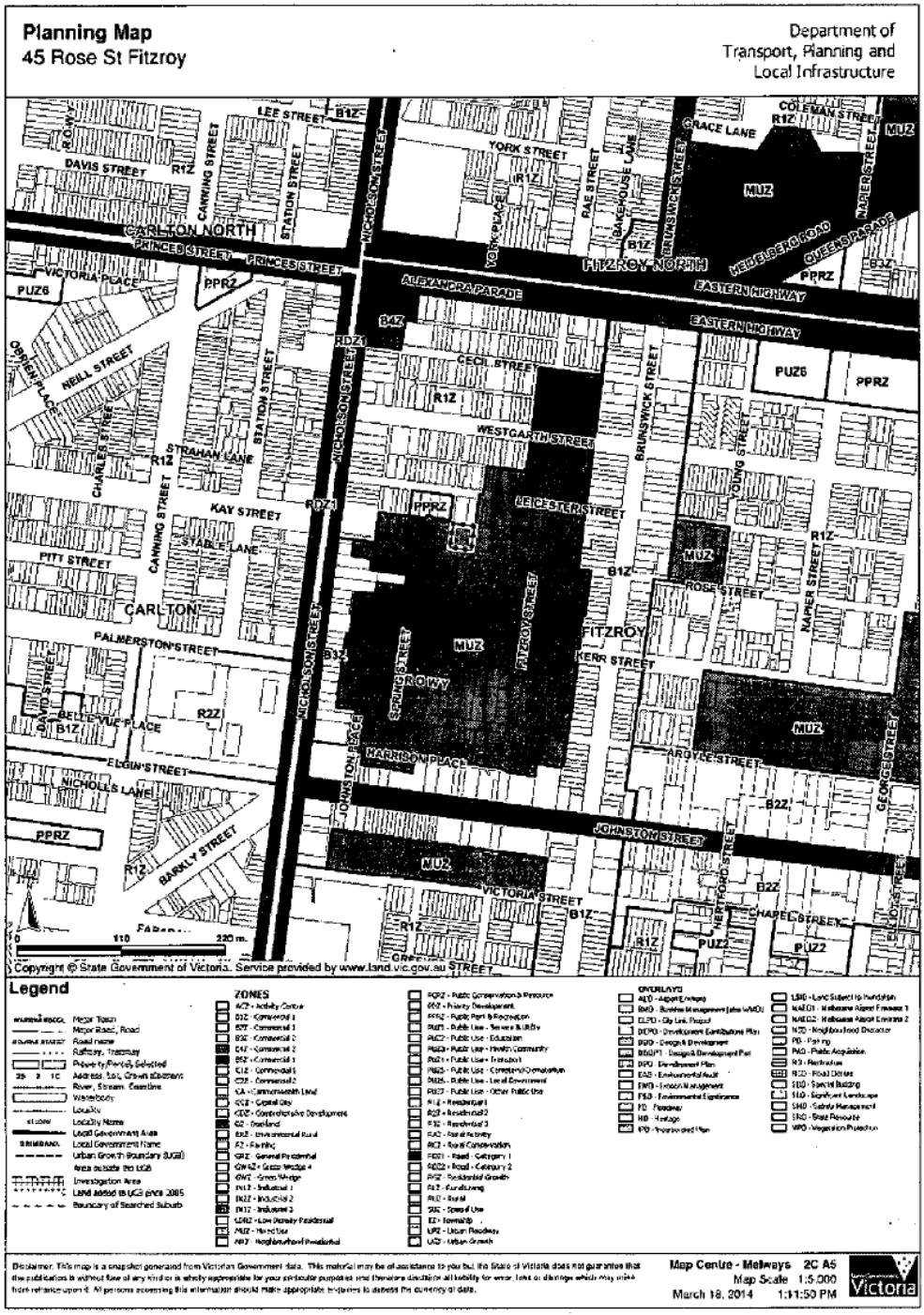
Ambient	The ambient noise level is the noise level measured in the absence of the intrusive noise or the noise requiring control. Ambient noise levels are frequently measured to determine the situation prior to the addition of a new noise source.
A-weighting	The process by which noise levels are corrected to account for the frequency response of the human ear.
dB	Decibel The unit of sound level.
Frequency	The number of pressure fluctuation cycles per second of a sound wave. Measured in units of Hertz (Hz).
Hertz (Hz)	Vibration can occur over a range of frequencies extending from the very low, such as the rumble of thunder, up to the very high such as the crash of cymbals. The frequency of vibration and sound is measured in hertz (Hz). Once hertz is one cycle per second. Structural Vibration is generally measured over the frequency range from 1Hz to 500Hz (0.5kHz).
L_{Aeq}	The equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.
L_{A90}	The A-weighted noise level equalled or exceeded for 90% of the measurement period. This is commonly referred to as the background noise level.
L_{A10}	The A-weighted noise level equalled or exceeded for 10% of the measurement period. This is commonly referred to as the average maximum noise level.
L_{Amax}	The A-weighted maximum noise level. The highest noise level which occurs during the measurement period.
L_{OCT10}	The noise level exceeded for 10% of the measurement period in the octave bands 63Hz-4kHz. Commonly referred to as the average maximum noise level.
L_{OCT90}	The noise level exceeded for 90% of the measurement period in the octave bands 63Hz-4kHz. Commonly referred to as the background noise level.
Octave Band	A range of frequencies where the highest frequency included is twice the lowest frequency. Octave bands are referred to by their logarithmic centre frequencies, these being 31.5 Hz, 63 Hz, 125 Hz, 250 Hz, 500 Hz, 1 kHz, 2 kHz, 4 kHz, 8 kHz, and 16 kHz for the audible range of sound.
R_w	Weighted Sound Reduction Index

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A single number rating of the sound insulation performance of a specific building element. Rw is measured in a laboratory. Rw is commonly used by manufacturers to describe the sound insulation performance of building elements such as plasterboard and concrete.

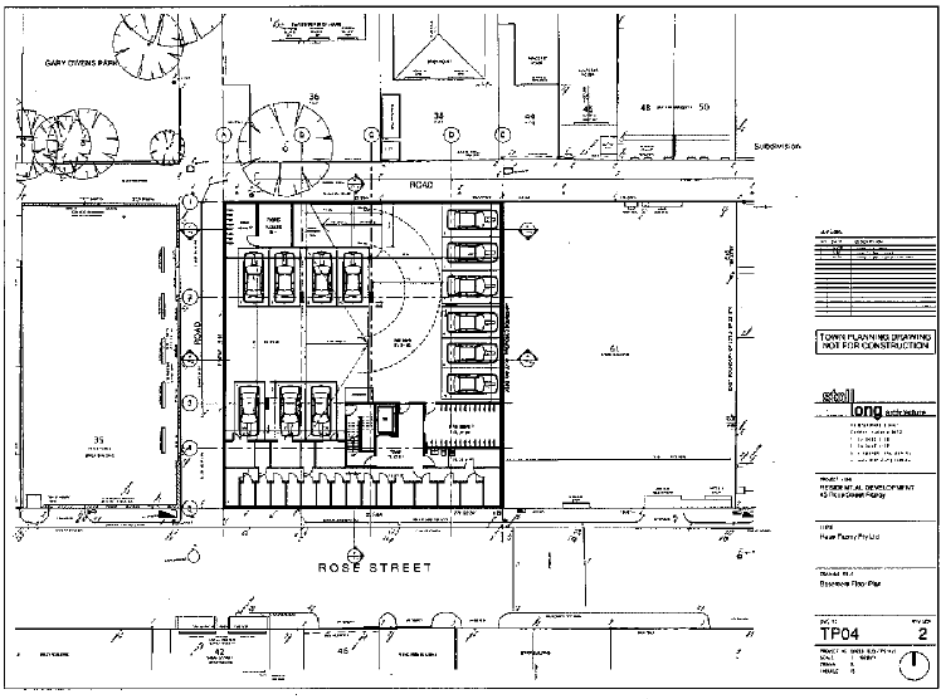
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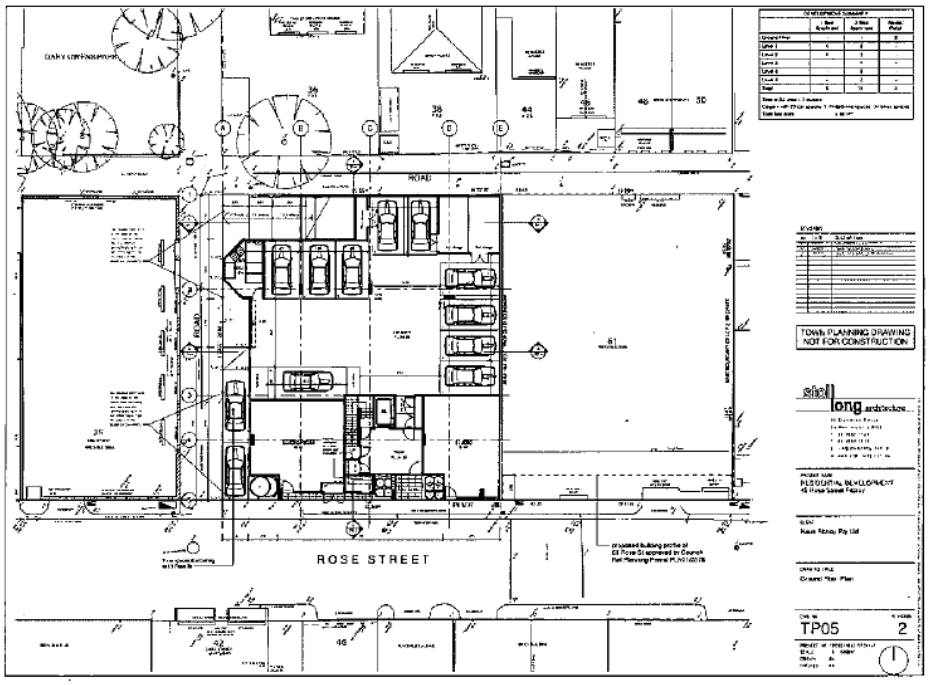
APPENDIX B PLANNING MAP



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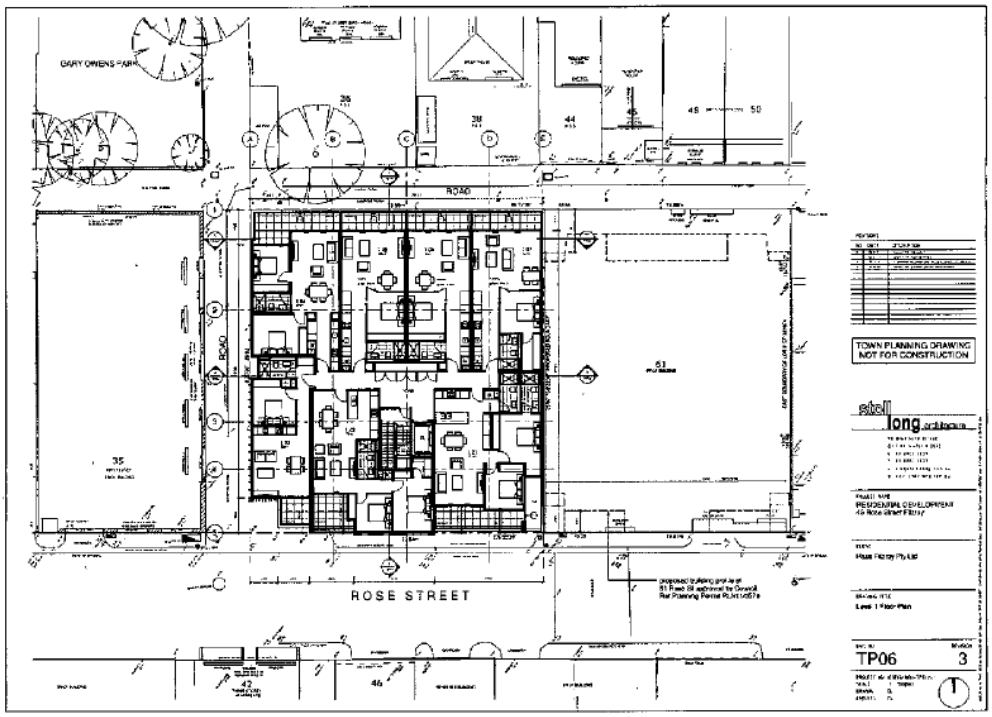
APPENDIX C PROPOSED DEVELOPMENT PLANS

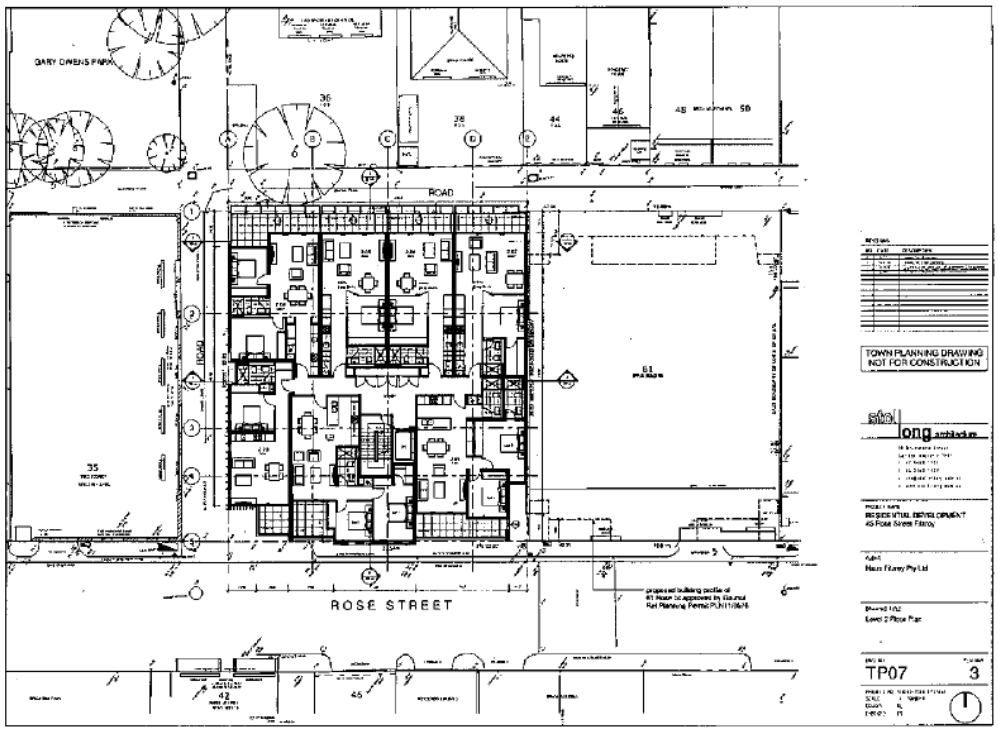




Attachment 2 - PLN13/0538.01 - 45 Rose Street Fitzroy - Endorsed Acoustic Report

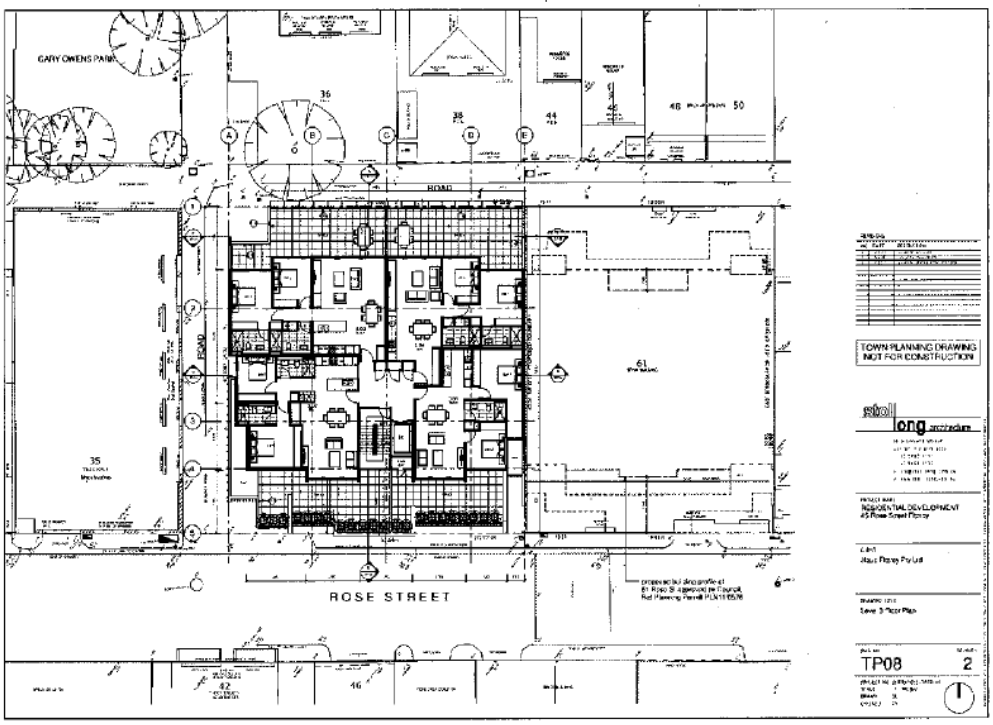
MARSHALL DAY Acoustics

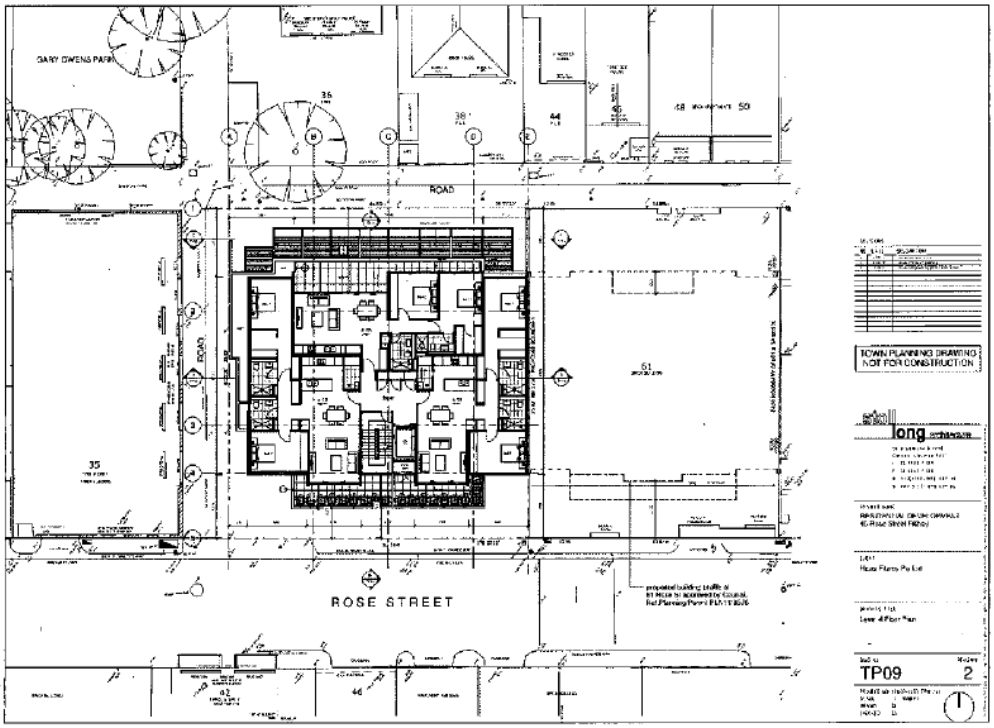




Attachment 2 - PLN13/0538.01 - 45 Rose Street Fitzroy - Endorsed Acoustic Report

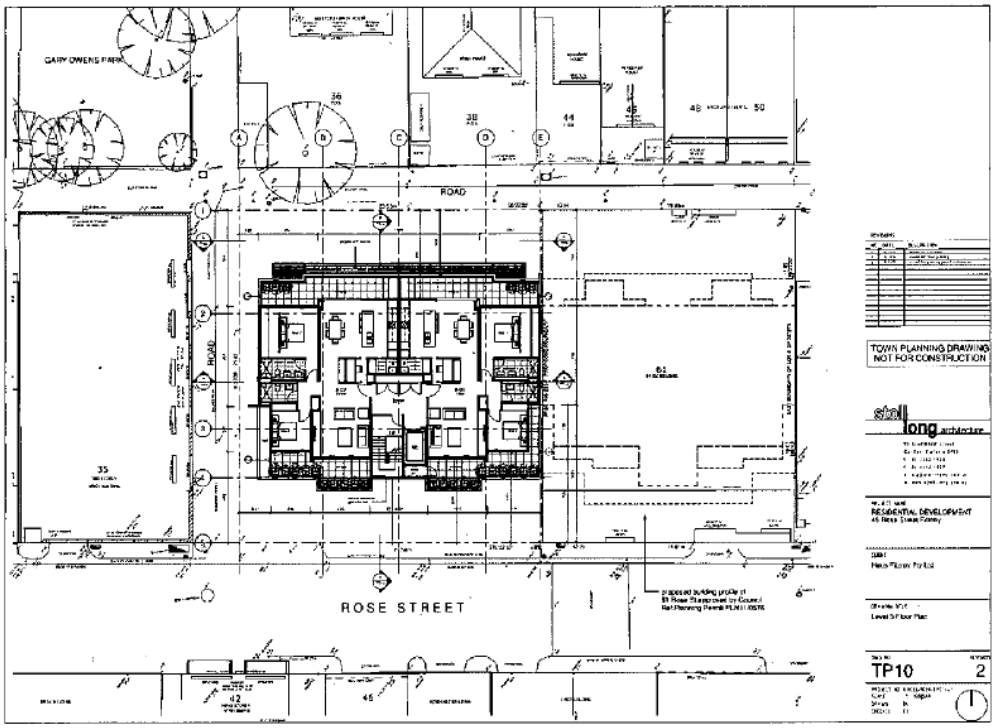
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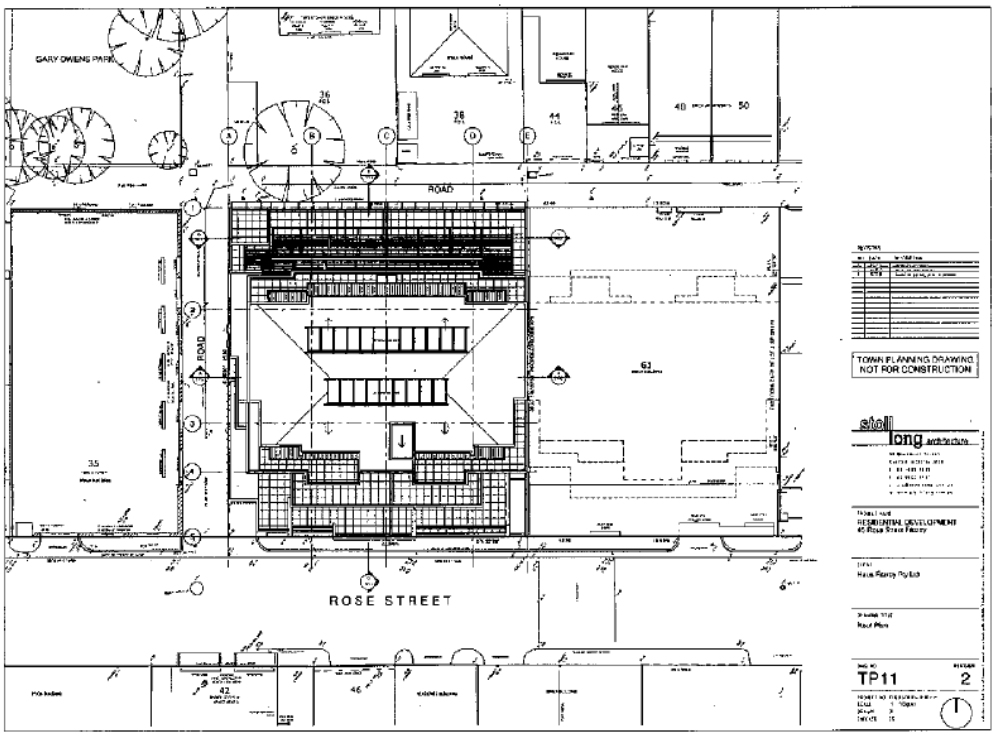




Attachment 2 - PLN13/0538.01 - 45 Rose Street Fitzroy - Endorsed Acoustic Report

MARSHALL DAY Acoustics





MARSHALL DAY Acoustics

APPENDIX D SAMPLE NOISE MANAGEMENT PLAN

Where high level amplified music or outdoor dining is proposed, it is recommended that the tenant should engage an acoustic consultant to prepare a noise management plan and specify additional acoustic treatment where required.

The noise management plan and acoustic treatment should include the following:

- The relevant noise limits applicable to the venue
- The areas in which music is to be played
- The type of music to be played
- The hours of operation
- The method of ensuring that the type and level of music is monitored in each area, if required
- Internal noise limits to ensure compliance with SEPP N-2
- Specification of a proprietary noise limiting device and maximum allowable music noise levels within the premises based on the upgraded construction
- The method of disposing of waste, especially of bottles and cans
- The method by which complaints from residents are monitored and responded to.
- Additional wall linings should consist of separate stud construction including a 20mm clear gap between the precast concrete wall and studs
- A suspended ceiling system incorporating proprietary resilient hangers
- Air-lock entry and appropriate facade glazing system performance if required.

In addition to the above, the management plan should address noise from patrons arriving and departing the venue and identify security measures or management controls to control "rowdy" behaviour and minimise potential noise impacts.

Detailed design of the above treatments would be the responsibility of the tenant's acoustic consultant.

LEIGH DESIGN

waste management plans for all urban developments

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WASTE MANAGEMENT PLAN

Approved Development:

45 Rose Street, Fitzroy, Victoria

Prepared for:

Haus Fitzroy Pty Ltd

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Report referred to in Permit No: PLN13/0538
relating to Condition No: 4

For and on behalf of the Responsible Authority
DATE: 9/06/2014 PAGES ....1.. to ..18..
This is NOT a Building Permit

Document Control	
Report Date:	15 February 2014 (supersedes report dated 11-6-13)
Prepared By:	Carlos Leigh, GradIEAust

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WASTE MANAGEMENT SUMMARY

- The operator, as defined below, shall be responsible for managing the waste system and for developing and implementing adequate safe operating procedures.
- Waste shall be stored within the development (hidden from external view).
- Residents and commercial tenants shall sort their waste and dispose garbage and recyclables into their allocated collection bins.
- Waste shall be collected in Rose Street.
- A private contractor shall provide waste collection services. The collection contractor shall transfer bins between the development and the waste truck.

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GLOSSARY

Operator: refers to the Owners Corporation, who shall manage site operations (via staff and contractors, if required).

User: refers to residents and commercial tenants, who shall utilise the waste system.

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1 SPACE AND SYSTEM FOR WASTE MANAGEMENT

1.1 Development Description and Use

This development shall consist of residential apartments and commercial tenancies. The number of residences and commercial floor-areas are stated in Table 1 (below).

1.2 Estimated Garbage and Recycling Generation

The following table summarises the waste estimate (m^3/week):

Table 1: Waste Estimate

Waste Source	Base Qty (est.)	Garbage	Commingled Recycling
Apartments (1 bed)	No. of units = 8	0.40	0.56
Apartments (2 bed)	No. of units = 15	0.90	1.20
Retail (Shop/Office)	area (m^2) = 113	0.24	0.24
TOTAL (m^3/wk)		**1.54**	**2.00**

Note: Waste figures are based on adjusted Sustainability Victoria Guidelines.

1.3 Collection Services

Based on planning conditions, waste shall be collected privately. Therefore, the operator shall choose a waste collection provider, negotiate a service agreement, and pay for the associated services.

Note: Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.

1.4 Location, Equipment, and System Used for Managing Waste

The waste management system is summarised as follows:

- Apartment receptacles for garbage and recycling.
- Tenancy receptacles at work/amenity areas.
- Bin Store located at Ground Level.
- Hard Waste Room located at Basement Level.
- Collection bins (kept within the Bin Store - refer to Table 2).

The various collection waste-streams are summarised as follows:

Garbage: General waste shall be placed in tied plastic bags and stored within bins.

Recycling: All recyclables shall be commingled into a single type of collection bin (for loose paper, cardboard, PET, glass, aluminum, steel, and HDPE containers).

Green Waste: Garden organics shall be collected and disposed by the future landscape maintenance contractor.

Compost: At this development, composting is considered impractical, as there would be minimal onsite demand for compost.

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Other Waste Streams: The disposal of electronic/liquid waste, and home detox (paint/chemicals), etc shall be organised with the assistance of the operator. Hard waste needs to remain onsite until the operator organises a group-booking.

Also, office managers shall arrange for the appropriate disposal of secured paper and toner/printer cartridges.

The following table summarises bin quantity/capacity, collection frequency, and area requirements (based on Table 1):

Table 2: Bin Schedule and Collection Frequency

Waste Source	Waste Stream	Bin Qty	Bin Litres	Collections per Week	Bin Area m^2
Residential (shared private bins)	Garbage	2	660	1	2.4
	Recycling	3	660	1	3.6
	Hard Waste	-	-	at call	1.5
Retail (shared private bins)	Garbage	1	240	1	0.5
	Recycling	1	240	1	0.5
Net Bin Storage Area (excludes circulation), m^2:					**8.5**

Notes:

- Private bins shall be sourced by the operator (either purchased from a supplier or leased from the collection contractor).
- Subject to stakeholders' preference/capability (and as built constraints), bin sizes and quantities can be changed. Also, recyclables can be either commingled or split into bins for separate recycling streams.

1.5 Planning Drawings, Waste Areas, and Management of the Waste System

The plans illustrate an $18m^2$ Bin Store and a $10m^2$ Hard Waste Room, which are deemed sufficient for the above Bin Schedule.

Notwithstanding the above, the operator shall stipulate procedures for effective management of the available space.

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1.6 Collection Bin Information

The following bins shall be utilised (see Sect. 4.3 for signage requirements):

Table 3: Bin Details

Capacity (litres)	Height (mm)	Width (across front, mm)	Depth (side on, mm)	Empty Weight (kg)	Average* Gross Weight (kg)
240	1060	585	730	13	45
660	1250	1240	780	43	130

Notes:

- * = Average Gross Weight is based on domestic waste studies (which vary subject to locality and waste-type). Expect greater weight for wet or compacted waste.
- Use the above details as a guide only -- variations will occur. The above is based on Sulo plastic (HDPE) bins.

Table 4: Yarra Colour Coding

Bin	Garbage	Commingled Recycling
Lid	Green	Yellow
Body	Green	Green

Note: For private bins, AS4123.7 bin colours can be adopted. Private bins shall be labeled to identify the waste generator and site address.

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2 ACCESS FOR USERS, COLLECTORS, AND COLLECTION VEHICLES

2.1 User Access to Waste Facilities

Residents shall dispose sorted garbage and recyclables into their collection bins (access via the lift/stairs).

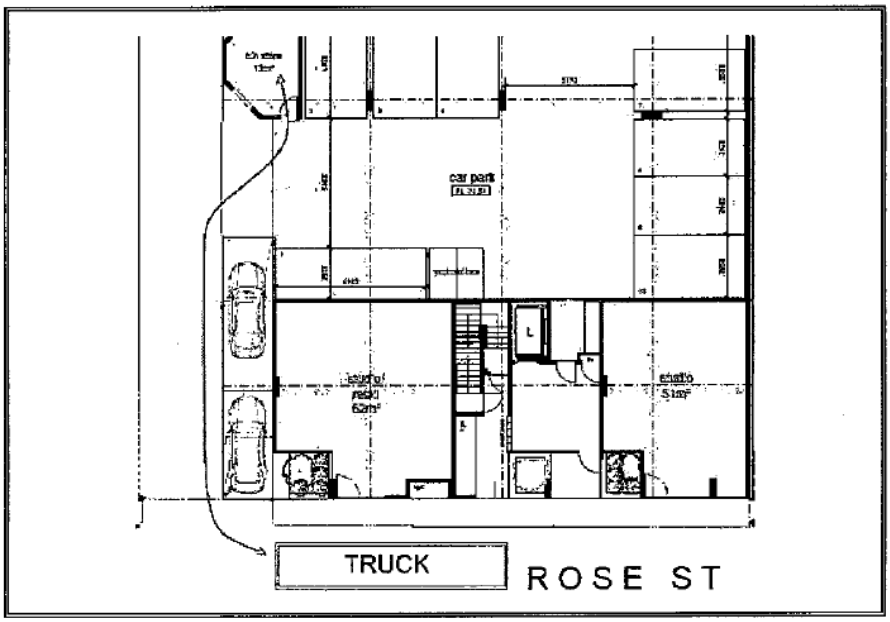
Commercial tenants shall dispose sorted waste into their collection bins.

Note: The operator shall ensure the orderly-filling of bins to avoid a higher number of partially-filled ones, rotating the bins so that users are able to reach them. Also, the operator shall ensure that bins are not overloaded.

2.2 Collection Arrangements and Access to Waste Facilities

- A private contractor shall collect waste in Rose Street (site's frontage).
- Collection staff (driver and assistant) shall have access to the Bin Store and transfer bins to the truck and back to the store.
- The waste collection shall be carried-out by rear-lift vehicles (nom. 8.8m long and 4m operational height).

The collection point and bin transfers are illustrated as follows – NTS:



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3 AMENITY, LOCAL ENVIRONMENT, AND FACILITY DESIGN

3.1 Noise Minimisation Initiatives

- Collection bins shall feature rubber castors for quiet rolling during transfers.
- Waste areas shall meet BCA and AS2107 acoustic requirements.
- As specified in Council's Local Law No. 3, waste shall not be collected between: 8pm Sunday and 7am the following Monday; 8pm on any day between Monday and Friday inclusive and 7am on the following day; or 8pm any Saturday and 9am the following Sunday. Also, the waste collector shall protect the acoustic amenity by minimising noise during the collection.
- To protect the local amenity, waste disposals into the bins must not occur between the hours of 10:00pm and 7:00am any day of the week.

3.2 Litter Reduction and Prevention of Stormwater Pollution

The operator shall be responsible for:

- Promoting adequate waste disposal into the bins (to avoid waste-dumping).
- Securing the waste areas (whilst affording access to users/staff/contractors).
- Preventing overfilled bins, keeping lids closed and bungs leak-free.
- Abating any site litter and taking action to prevent dumping and/or unauthorised use of waste areas.
- Requiring the collection contractor to clean-up any spillage that might occur when clearing bins.

The above will minimise the dispersion of site litter and prevent stormwater pollution (thus avoiding impact to the local amenity and environment).

3.3 Ventilation, Washing, and Vermin-Prevention Arrangements

Waste areas shall feature:

- Ventilation in accordance with Australian Standard AS1668.
- Tight-fitting doors (all other openings shall have vermin-proof mesh or similar).
- Impervious flooring (also, smooth, slip-resistant, and appropriately drained).
- A graded bin wash area, hosecock, hose, and a suitable floor-waste connected in accordance with the relevant authority requirements (alternatively, the operator shall engage a suitable contractor to conduct off-site bin washing). The bin and wash areas may overlap, as stored bins can be moved-out so that a bin can be washed.

The operator shall regularly clean waste areas/equipment. Also, store doors and bin-lids shall be kept closed.

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3.4 Design and Aesthetics of Waste Storage Areas and Equipment

Waste shall be placed within the bins and stored in designated onsite areas (hidden from external view). Following waste collection activities, bins shall be returned to the storage areas as soon as practicable.

Waste facilities shall be constructed of durable materials and finishes, and maintained to ensure that the aesthetics of the development are not compromised. These facilities and associated passages shall be suitably illuminated (this provides comfort, safety, and security to users, staff, and contractors). Access doors shall feature keyless opening from within.

The design and construction of waste facilities and equipment shall conform to the Building Code of Australia, Australian Standards, and local laws.

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4 MANAGEMENT AND SUSTAINABILITY

4.1 Waste Sorting, Transfer, and Collection Responsibilities

Garbage shall be placed within tied plastic bags prior to transferring into the collection bins. Cardboard shall be flattened and recycling containers un-capped, drained, and rinsed prior to disposal into the appropriate bin. Bagged recycling is not permitted.

Refer to Section 2 for waste transfer requirements and collection arrangements.

4.2 Facility Management Provisions to Maintain & Improve the Waste System

The operator shall manage site operations (refer to the glossary in page 2).

It shall be the responsibility of the operator to maintain all waste areas and components, to the satisfaction of users, staff, and the relevant authority (users shall maintain their internal waste receptacles).

The operator shall ensure that maintenance and upgrades are carried-out on the facility and components of the waste system. When required, the operator shall engage an appropriate contractor to conduct services, replacements, or upgrades.

4.3 Arrangements for Protecting Waste Equipment from Theft and Vandalism

It shall be the responsibility of the operator to protect the equipment from theft and vandalism. This shall include the following initiatives:

- Secure the waste areas.
- Label the bins according to property address.
- The private collection contractor shall transfer bins between the site and the truck (bins shall not be placed on the street).

4.4 Arrangements for Bins/Equipment Labelling and Ensuring Users and Staff are Aware of How to Use the Waste System Correctly

- The operator shall provide appropriate signage for the bins. Signage is available at the following internet address: http://www.sustainability.vic.gov.au/html/2040-images-for-download.asp.
- The operator shall publish/distribute "house rules" and educational material to:
  - Inform users/staff about the waste management system and the use/location of the associated equipment (provide the summary in page 2 of this report).
  - Improve facility management results (lessen equipment damage, reduce littering, and achieve cleanliness).
  - Advise users/staff to sort and recycle waste with care to reduce contamination of recyclables.

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4.5 Sustainability and Waste Avoidance/Reuse/Reduction Initiatives

Victoria's *Getting Full Value* (2013 waste and resource recovery policy) sets the foundation for Victoria to get the best value it can from waste resources, while protecting the health of its communities and the environment.

The principles outlined in the policy complement the principles of environment management of the *Environment Protection Act 1970* and provide supplementary guidance in the consideration of options for waste management.

From a design perspective, the development shall support the policy by providing an adequate waste system with ability to sort waste. This will enable the operator to implement the policy and consider its various options.

The operator shall promote the observance of the policy (where relevant and practicable) and encourage users and staff to participate in minimising the impact of waste on the environment. For improved sustainability, the operator shall consider the following:

- Peruse the Sustainability Victoria Website: www.sustainability.vic.gov.au.
- Observe the *Environment Protection Act 1970* and its waste hierarchy (in order of preference): a) waste avoidance, b) reuse, c) recycle, d) recovery of energy, e) treatment, f) containment, and g) disposal.
- Participate in council and in-house programs for waste minimisation.
- Establish waste reduction and recycling targets; including periodic waste audits, keeping records, and monitoring of the quantity of recyclables found in landfill-bound bins (sharing results with users/staff).

4.6 Waste Management Plan Revisions

For any future appropriate council request, changes in legal requirements, changes in the development's needs and/or waste patterns (waste composition, volume, or distribution), or to address unforeseen operational issues, the operator shall be responsible for coordinating the necessary Waste Management Plan revisions, including (if required):

- A waste audit and new waste strategy.
- Revision of the waste system (bin size/quantity/streams/collection frequency).
- Re-education of users/staff.
- Revision of the services provided by the waste collector(s).
- Any necessary statutory approval(s).

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5 SUPPLEMENTARY INFORMATION

- The operator shall ensure that bins are not overfilled or overloaded.
- Waste incineration devices are not permitted, and offsite waste treatment and disposal shall be carried-out in accordance with regulatory requirements.
- For bin traffic areas, either level surfaces (smooth and without steps) or gentle ramps are recommended, including a roll-over kerb or ramp. Should ramp gradients, bin weight, and/or distance affect the ease/safety of bin transfers, the operator shall consider the use of a suitable tug.
- The operator and waste collector shall observe all relevant OH&S legislation, regulations, and guidelines. The relevant entity shall define their tasks and:
  - Comply with Worksafe Victoria's Occupational Health and Safety Guidelines for the Collection, Transport and Unloading of Non-hazardous Waste and Recyclable Materials (June 2003).
  - Assess the Manual Handling Risk and prepare a Manual Handling Control Plan for waste and bin transfers (as per regulatory requirements and Victorian COP for Manual Handling).
  - Obtain and provide to their staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and adequate personal protective equipment (PPE) to control/minimise risks/hazards associated with all waste management activities. As a starting point, these documents and procedures shall address the following:

Task (to be confirmed)	Hazard (TBC)	Control Measures (TBC)
Sorting waste and cleaning bins	Biological hazard & bodily puncture	Personal protective equipment (PPE). Develop a waste-sorting procedure
Bin manual handling	Sprain, strain, crush	PPE. Maintain bin wheel-hubs. Limit bin weight. Provide mechanical assistance to transfer bins
Bin transfers and emptying into truck	Vehicular strike, run-over	PPE. Develop a hazard control plan and collection procedure. Maintain visibility. Use a mechanical bin-tipper
Truck access	Vehicular incident, strike, run-over	PPE. Use a trained spotter. Develop a truck-manoeuvring and traffic-control procedure

Note: The above shall be confirmed by a qualified OH&S professional who shall also prepare site-specific assessments, procedures, and controls (refer to Section 6).

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6 CONTACT INFORMATION

City of Yarra (local council), ph 03 9205 5555

Remondis (private waste collector), ph 13 73 73

Speedie Waste (private waste collector), ph 03 9305 2265

Eco-Safe Technologies (odour control equipment supplier), ph 03 9706 4149

Solution for Workplace Health and Safety (OH&S consultant), ph 0425 802 669

Warequip (tug supplier – for bin transfers), ph 1800 337 711

Note: The above includes a complimentary listing of contractors and equipment suppliers. The stakeholders shall not be obligated to procure goods/services from these companies. Leigh Design does not warrant (or make representations for) the goods/services provided by these suppliers.

7 LIMITATIONS

The purpose of this report is to document a Waste Management Plan, as part of a Planning Permit Application.

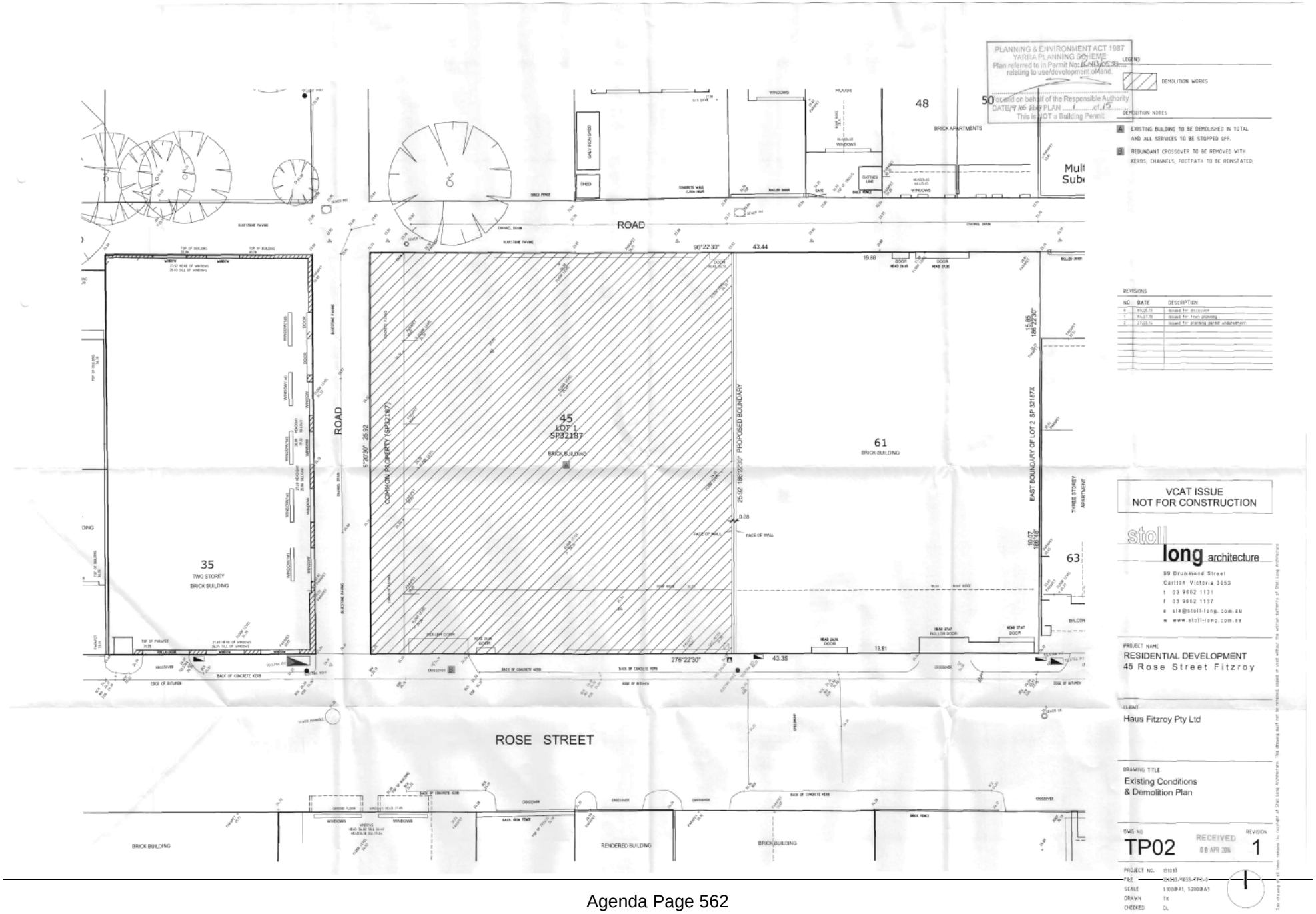
This report is based on the following conditions:

- Operational use of the development (excludes demolition/construction stages).
- Drawings and information supplied by the project architect.
- The figures presented in this report are estimates only. The actual amount of waste will depend on the development's occupancy rate and waste generation intensity, the user's disposition toward waste and recycling, and the operator's approach to waste management. The operator shall make adjustments, as required, based on actual waste volumes (if the actual waste volume is greater than estimated, then the number of bins and/or the number of collections per week shall be increased).
- This report shall not be used to determine/forecast operational costs, or to prepare feasibility studies, or to document operational/safety procedures.

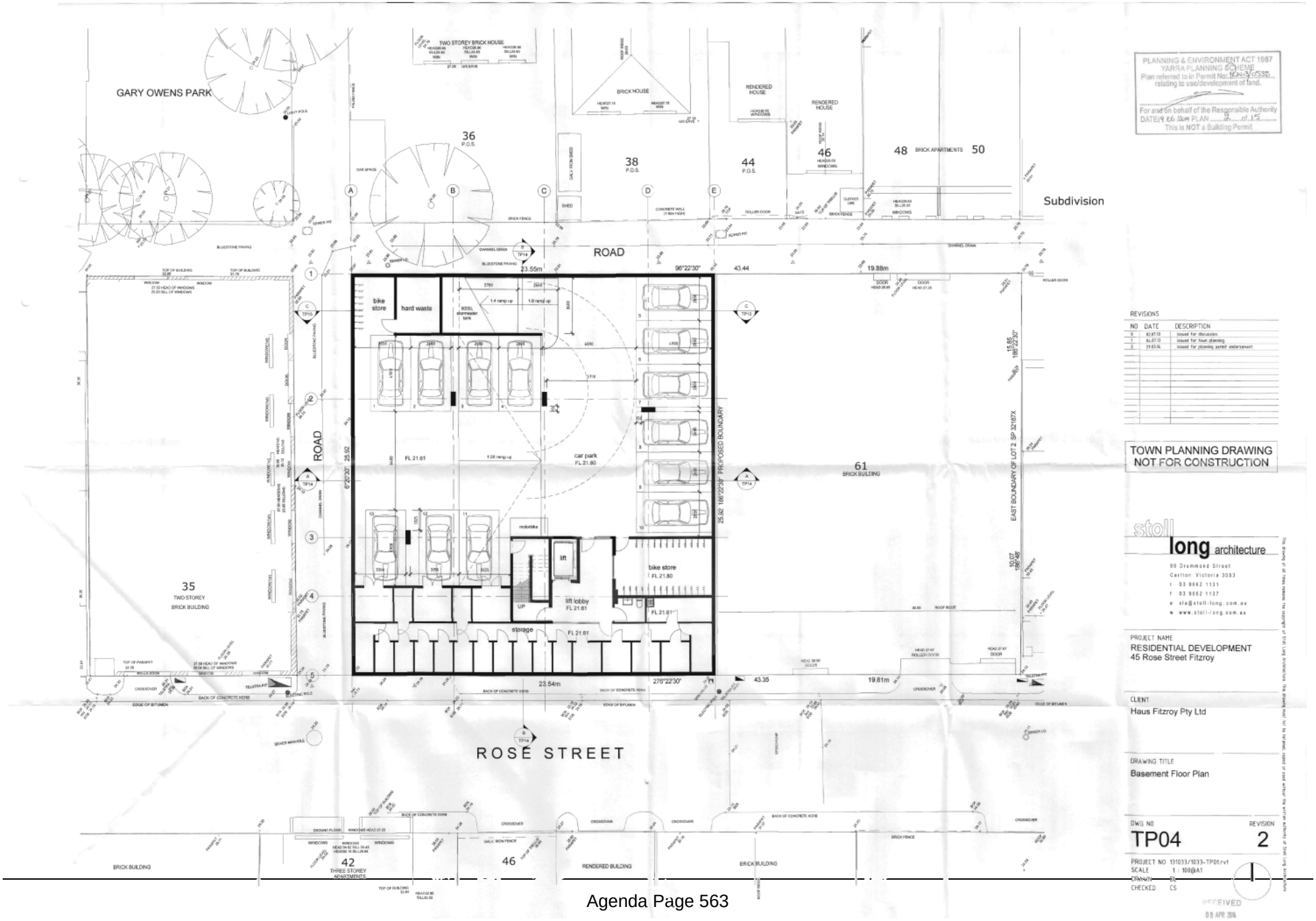
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Attachment 4 - PLN13/0538.01 - 45 Rose Street Fitzroy - Existing Endorsed Plans



Attachment 4 - PLN13/0538.01 - 45 Rose Street Fitzroy - Existing Endorsed Plans



PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No: PLN13/0538
relating to use/development of land.
For and on behalf of the Responsible Authority
DATE 19/06/14 PLAN 2 of 15
This is NOT a Building Permit

REVISIONS

NO	DATE	DESCRIPTION
0	30.07.13	issued for discussion
1	04.07.13	issued for town planning
2	29.03.14	issued for planning permit endorsement

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PROJECT NAME
RESIDENTIAL DEVELOPMENT
45 Rose Street Fitzroy

CLIENT
Haus Fitzroy Pty Ltd

DRAWING TITLE
Basement Floor Plan

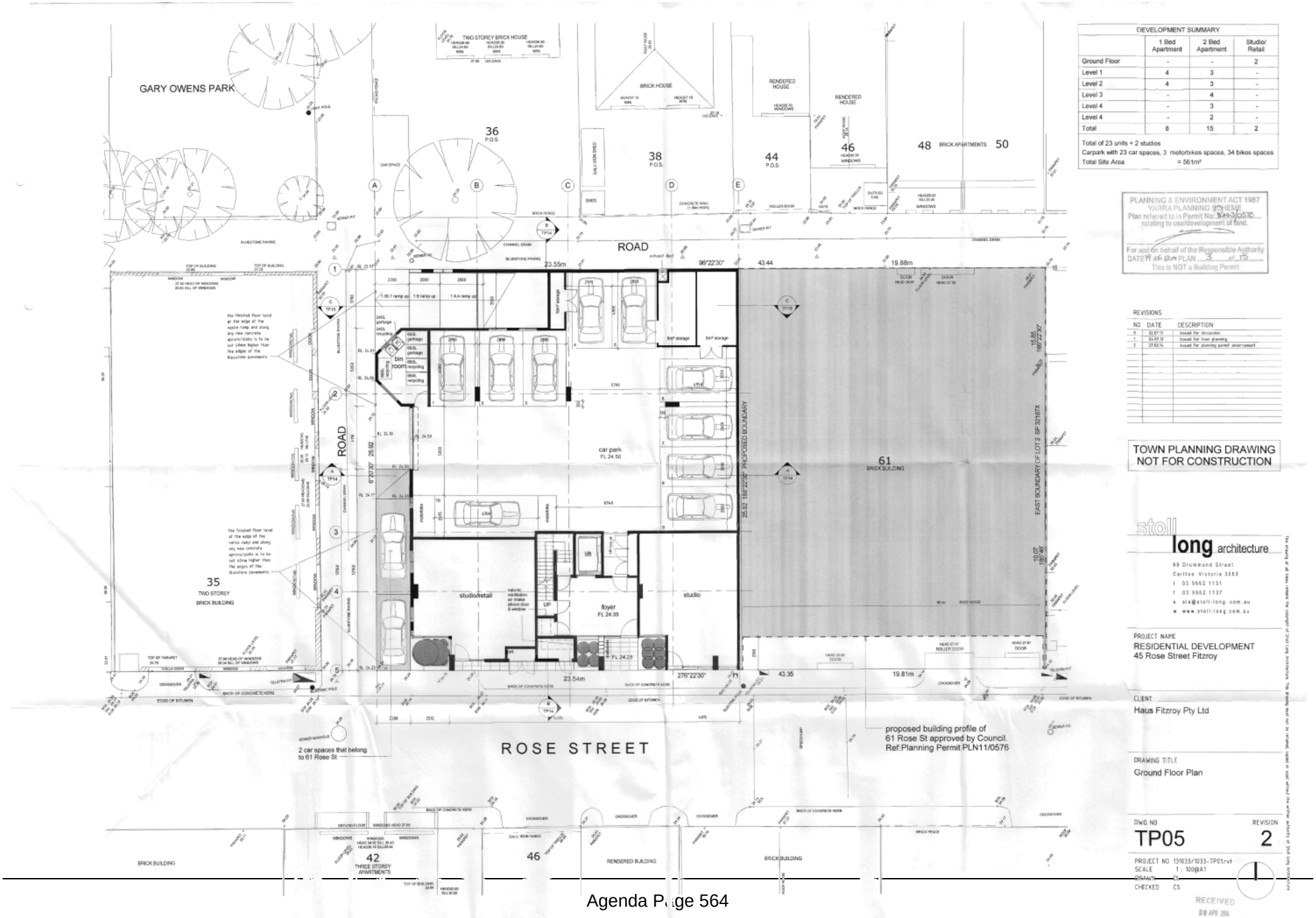
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REVISION 2

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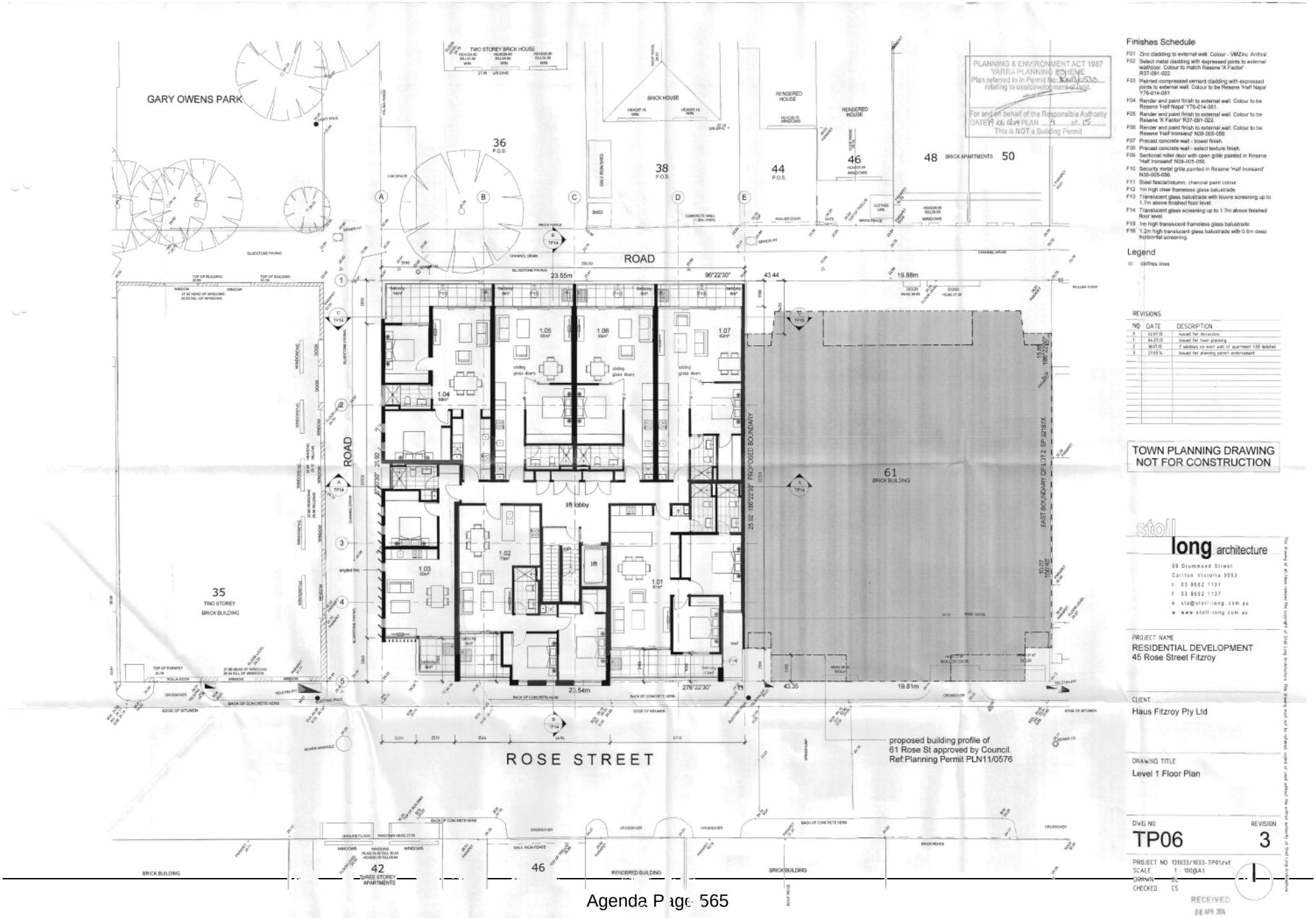
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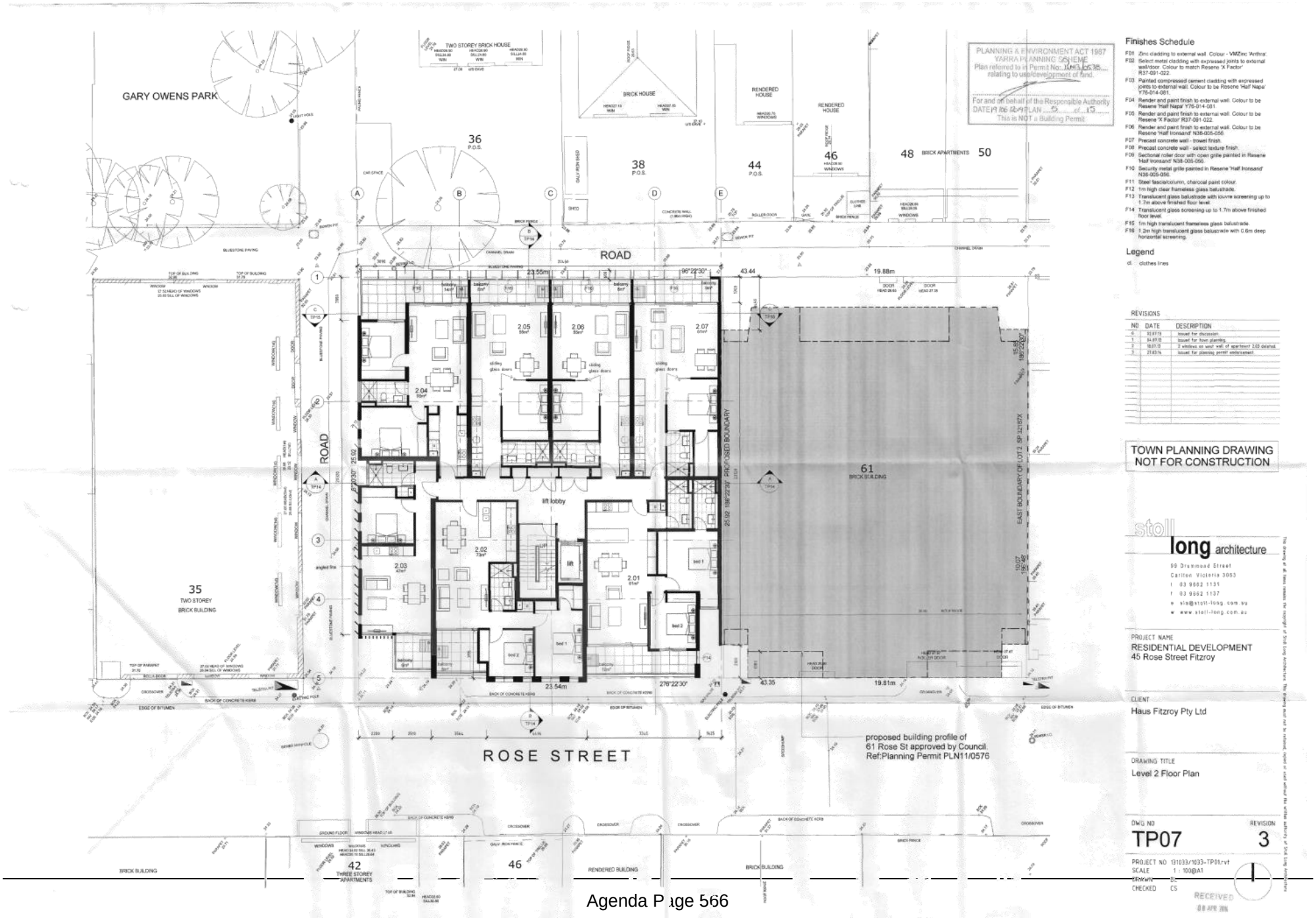
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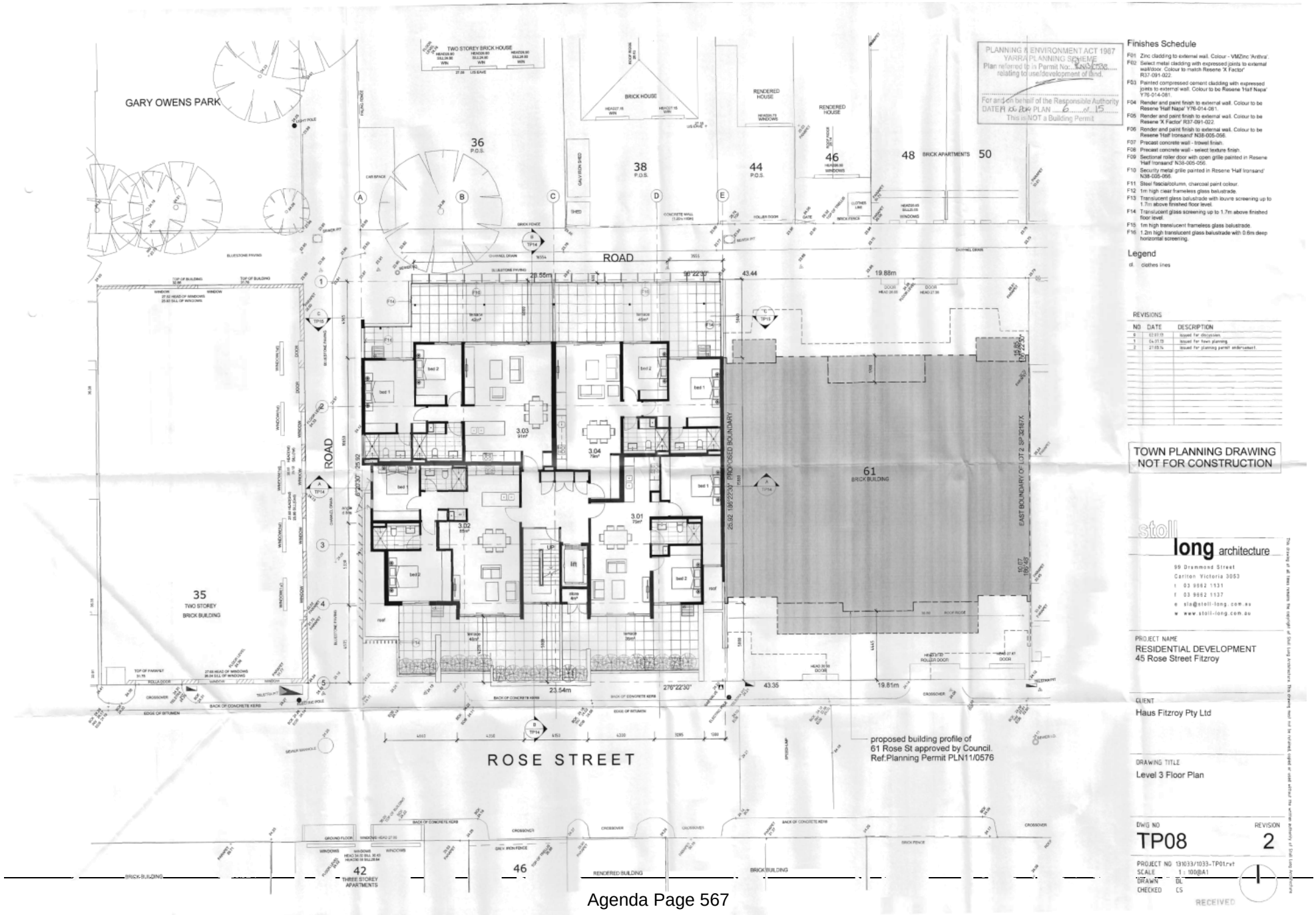
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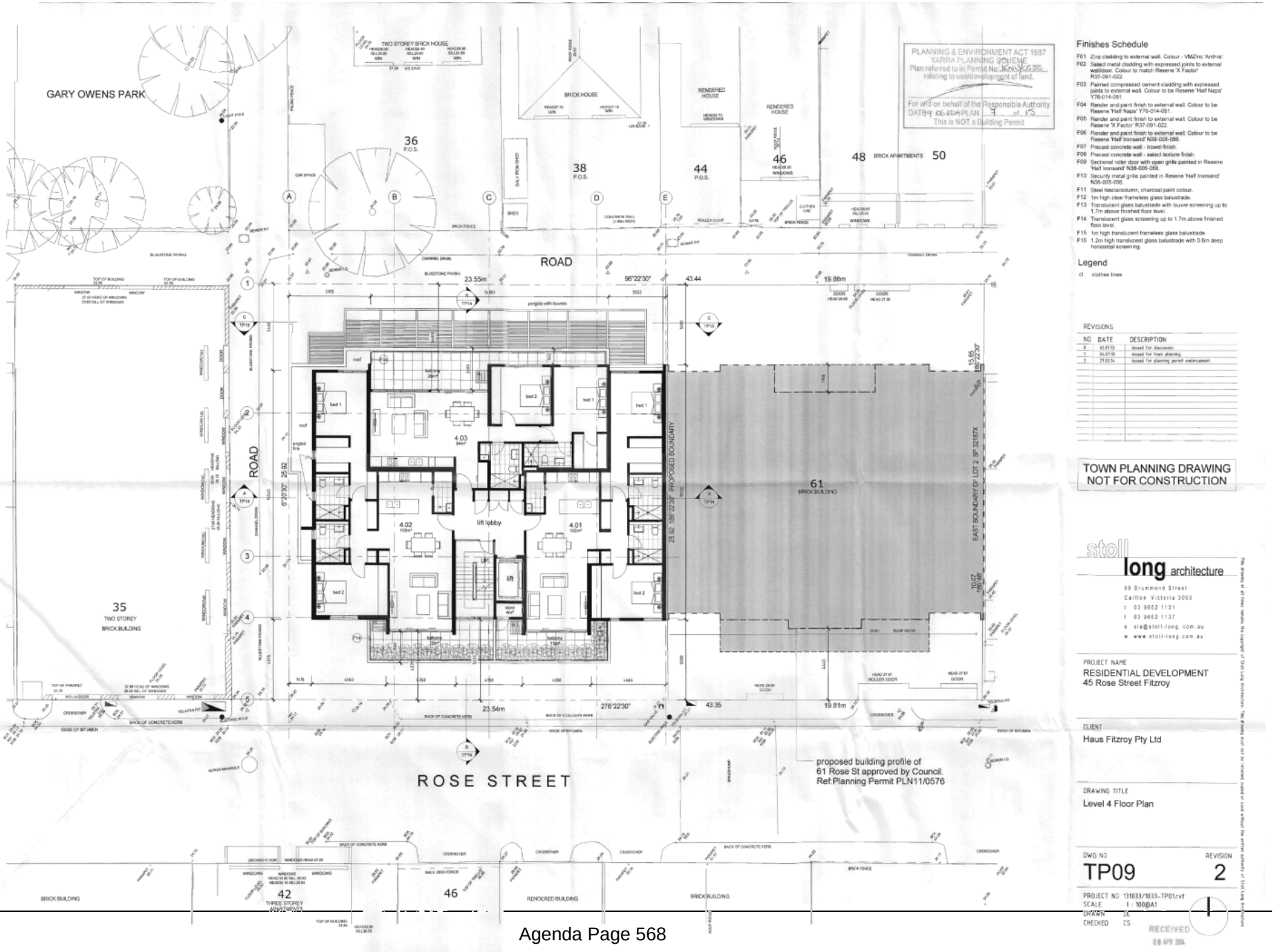
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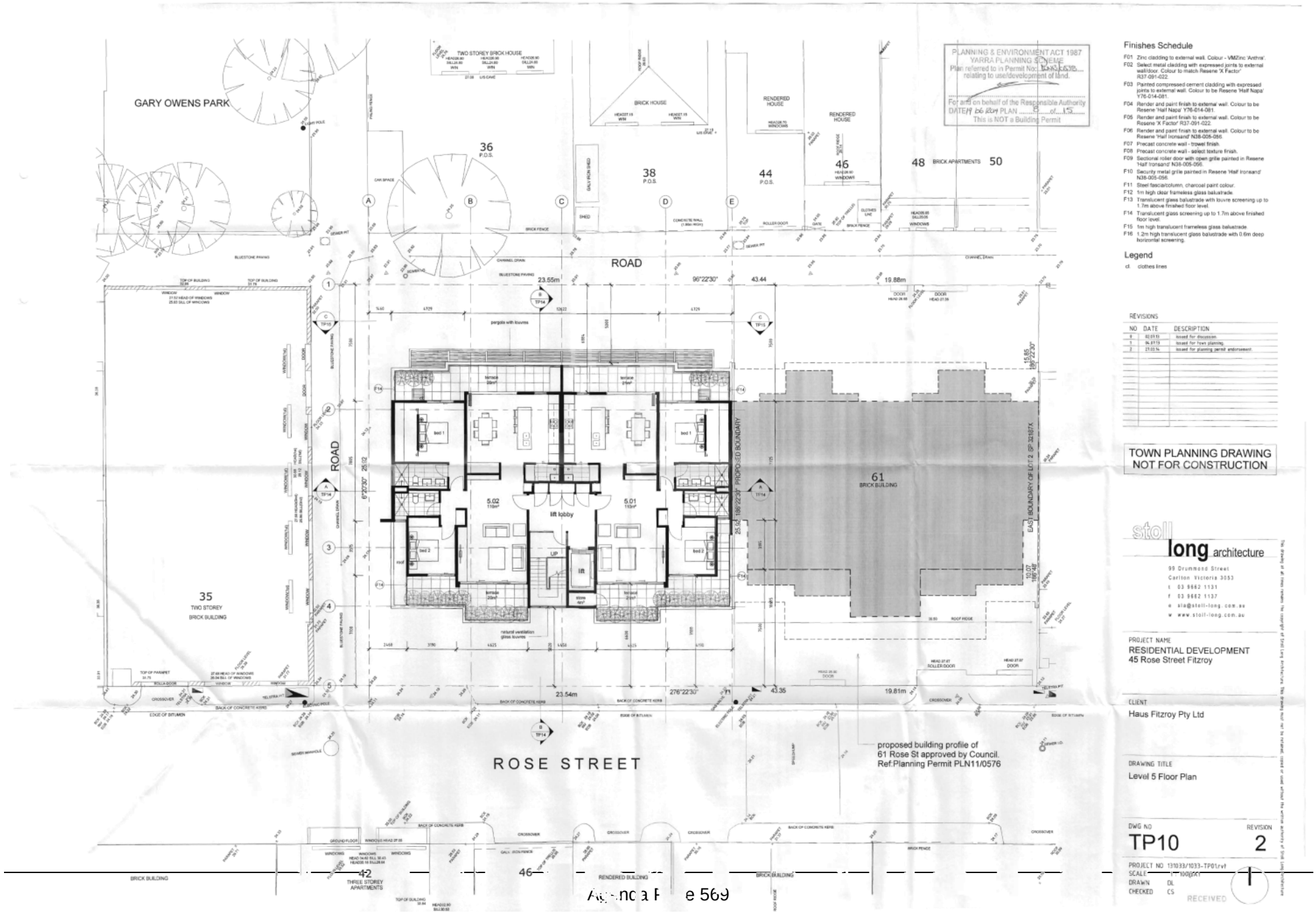
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Finishes Schedule

F01 Zinc cladding to external wall. Colour - VMZinc 'Anthra'.
F02 Select metal cladding with expressed joints to external wall/door. Colour to match Resene 'X Factor' R37-091-022.
F03 Painted compressed cement cladding with expressed joints to external wall. Colour to be Resene 'Half Napa' Y76-014-081.
F04 Render and paint finish to external wall. Colour to be Resene 'Half Napa' Y76-014-081.
F05 Render and paint finish to external wall. Colour to be Resene 'X Factor' R37-091-022.
F06 Render and paint finish to external wall. Colour to be Resene 'Half Ironsand' N38-005-056.
F07 Precast concrete wall - trowel finish.
F08 Precast concrete wall - select texture finish.
F09 Sectional roller door with open grille painted in Resene 'Half Ironsand' N38-005-056.
F10 Security metal grille painted in Resene 'Half Ironsand' N38-005-056.
F11 Steel fascia/column, charcoal paint colour.
F12 1m high clear frameless glass balustrade.
F13 Translucent glass balustrade with louvre screening up to 1.7m above finished floor level.
F14 Translucent glass screening up to 1.7m above finished floor level.
F15 1m high translucent frameless glass balustrade.
F16 1.2m high translucent glass balustrade with 0.6m deep horizontal screening.

Legend

cl. clothes lines

REVISIONS

NO	DATE	DESCRIPTION
0	02.01.13	issued for discussion
1	04.07.13	issued for town planning
2	27.03.14	issued for planning permit endorsement

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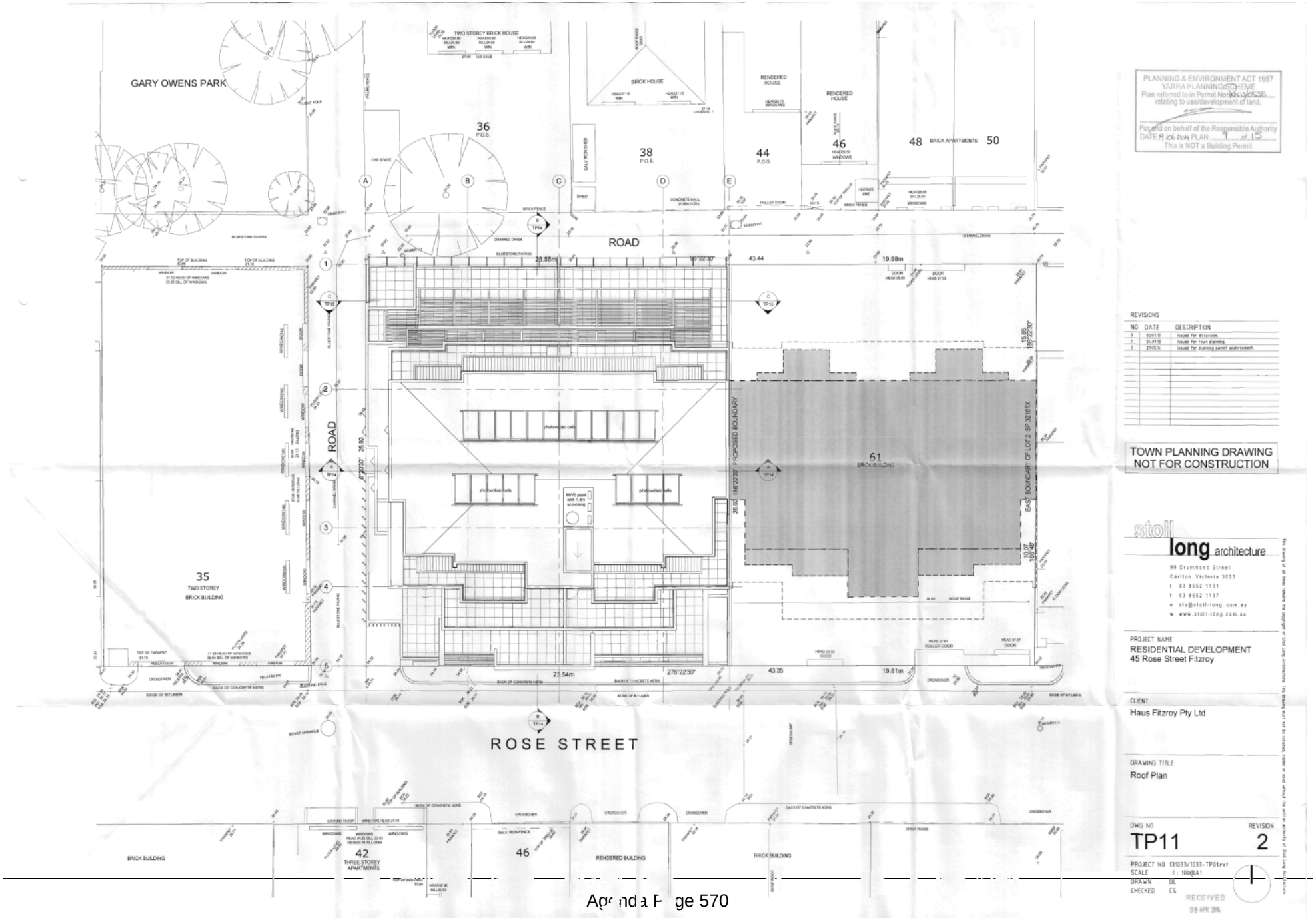
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Level 5 Floor Plan

DWG NO TP10
REVISION 2

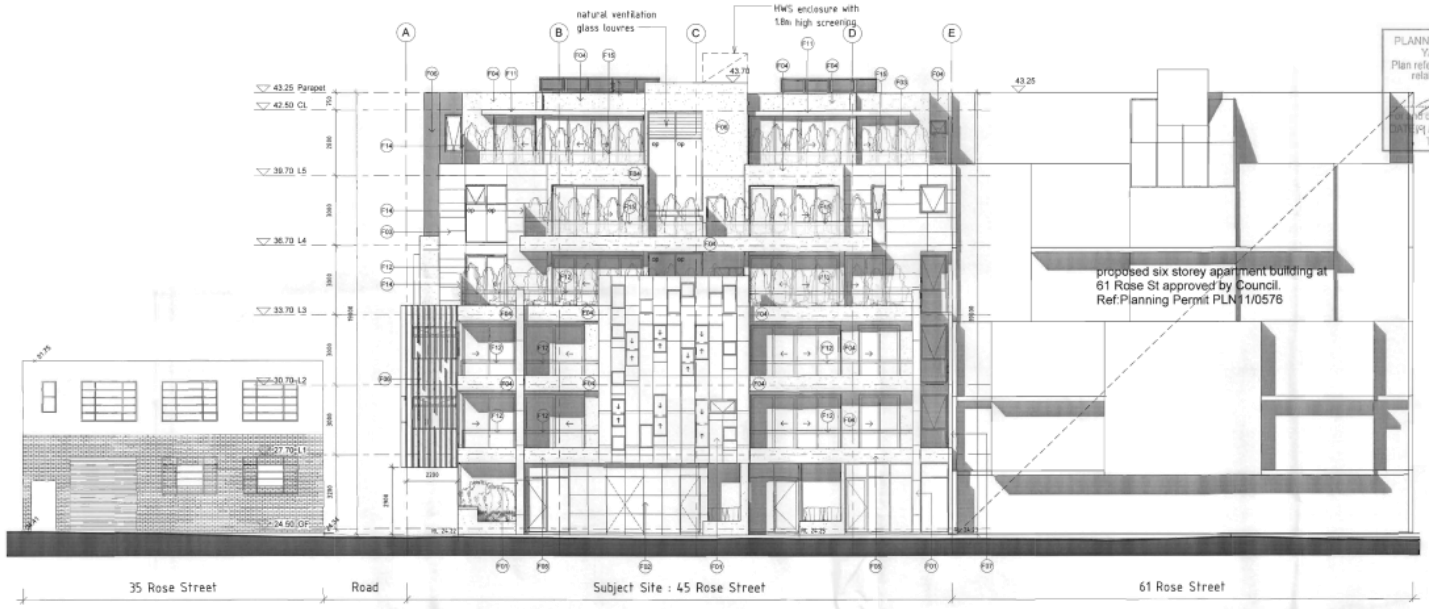
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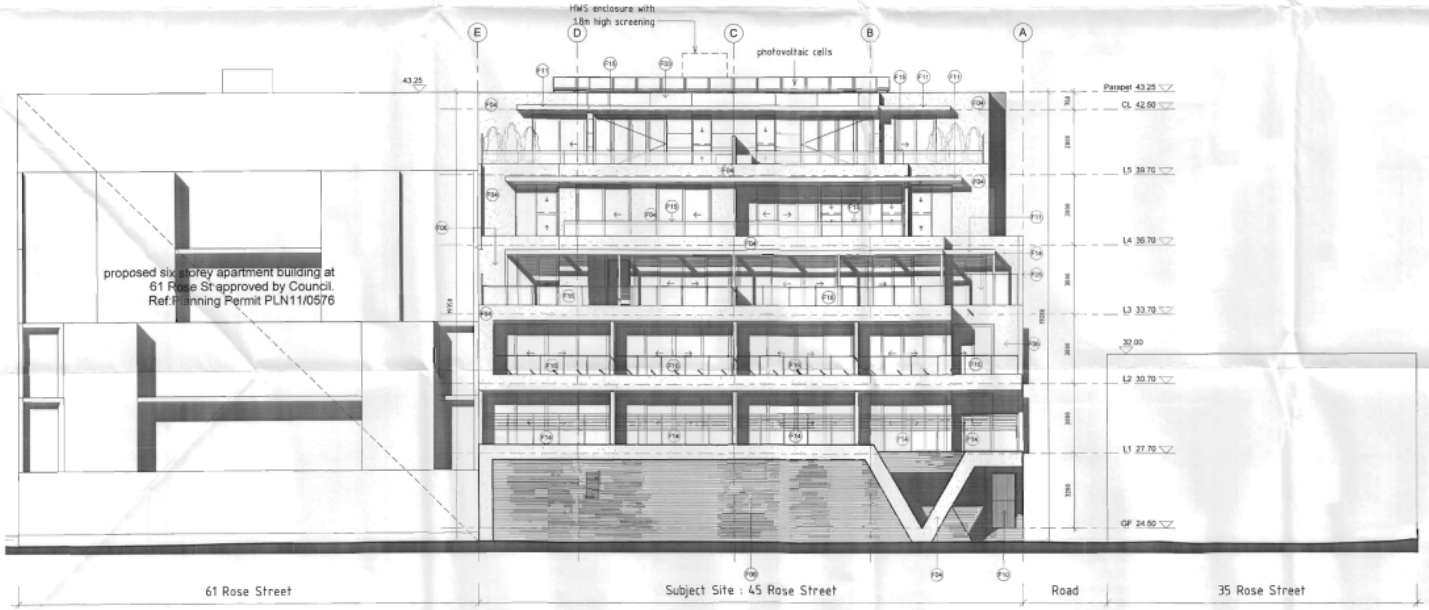
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south elevation



north elevation

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YARRA PLANNING SCHEME
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relating to use/development of land.
Signed on behalf of the Responsible Authority
Dated: 10/10/2013
PLAN 10 of 15
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Finishes Schedule

F01 Zinc cladding to external wall. Colour - VMZinc 'Anthra'
F02 Select metal cladding with expressed joints to external wall/door. Colour to match Resene 'X Factor' R37-091-022.
F03 Painted compressed cement cladding with expressed joints to external wall. Colour to be Resene 'Half Napa' Y76-014-081.
F04 Render and paint finish to external wall. Colour to be Resene 'Half Napa' Y76-014-081.
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F07 Precast concrete wall - trowel finish.
F08 Precast concrete wall - select texture finish.
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F11 Steel fascia/column, charcoal paint colour.
F12 1m high clear frameless glass balustrade.
F13 Translucent glass balustrade with louvre screening up to 1.7m above finished floor level.
F14 Translucent glass screening up to 1.7m above finished floor level.
F15 1m high translucent frameless glass balustrade.
F16 1.2m high translucent glass balustrade with 0.6m deep horizontal screening.
op. Black powdercoated aluminium framed window with fixed translucent glass.

General Notes

a) All typical external doors and windows to be made of black powdercoated aluminium frames unless stated otherwise.
b) All typical external windows and glazed doors to have clear glass unless stated otherwise.
c) All rainwater heads and downpipes to be painted to match adjacent wall colour unless stated otherwise.
d) All metal deck roofs and gutters to be Colorbond Woodland Grey unless stated otherwise.

REVISIONS

NO	DATE	DESCRIPTION
0	30.01.13	Issued for discussion.
1	04.07.13	Issued for town planning.
2	21.03.14	Issued for planning permit endorsement.

TOWN PLANNING DRAWING
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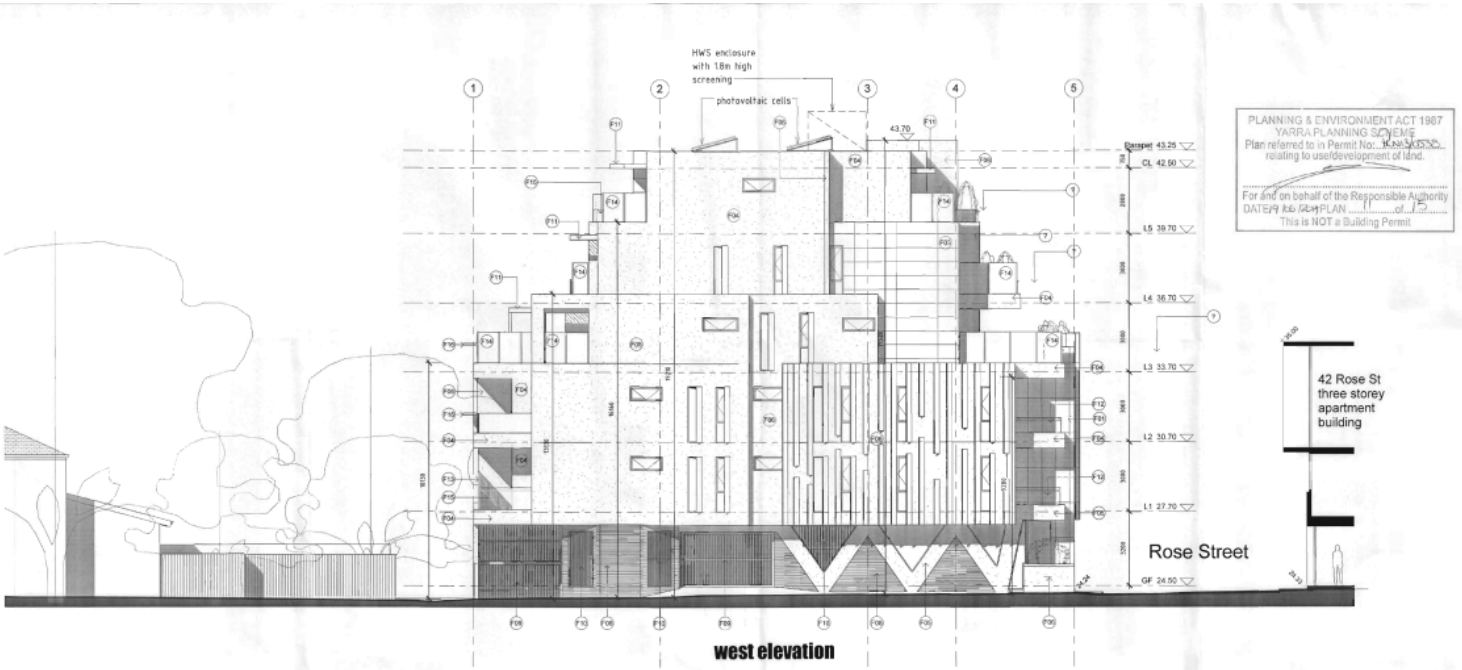
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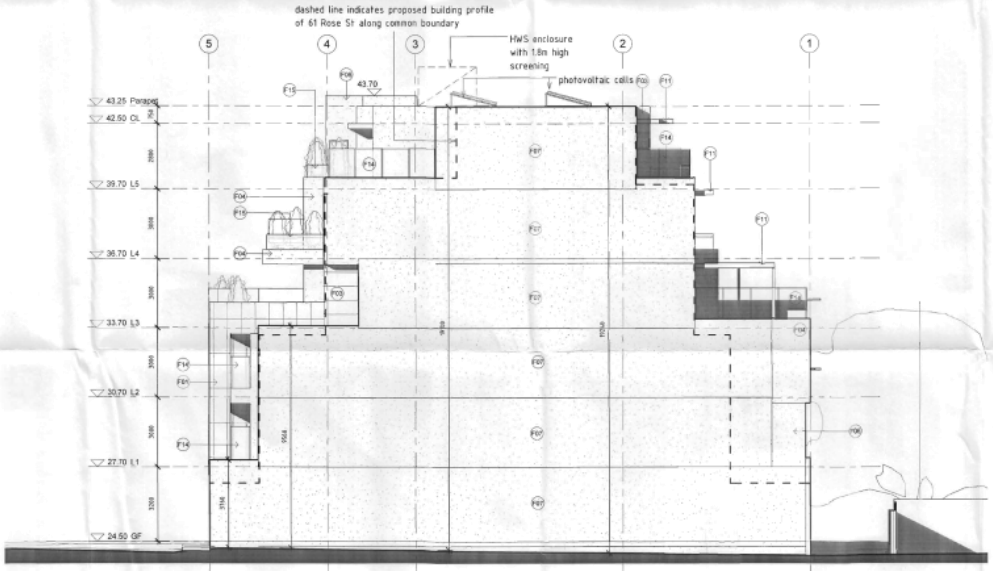
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west elevation



east elevation

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For and on behalf of the Responsible Authority
DATED 16/12/14 PLAN 11 of 15
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F01 Zinc cladding to external wall. Colour - VMZinc 'Anthra'.
F02 Select metal cladding with expressed joints to external wall/door. Colour to match Resene 'X Factor' R37-091-022.
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REVISIONS

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6	02.01.13	issued for discussion
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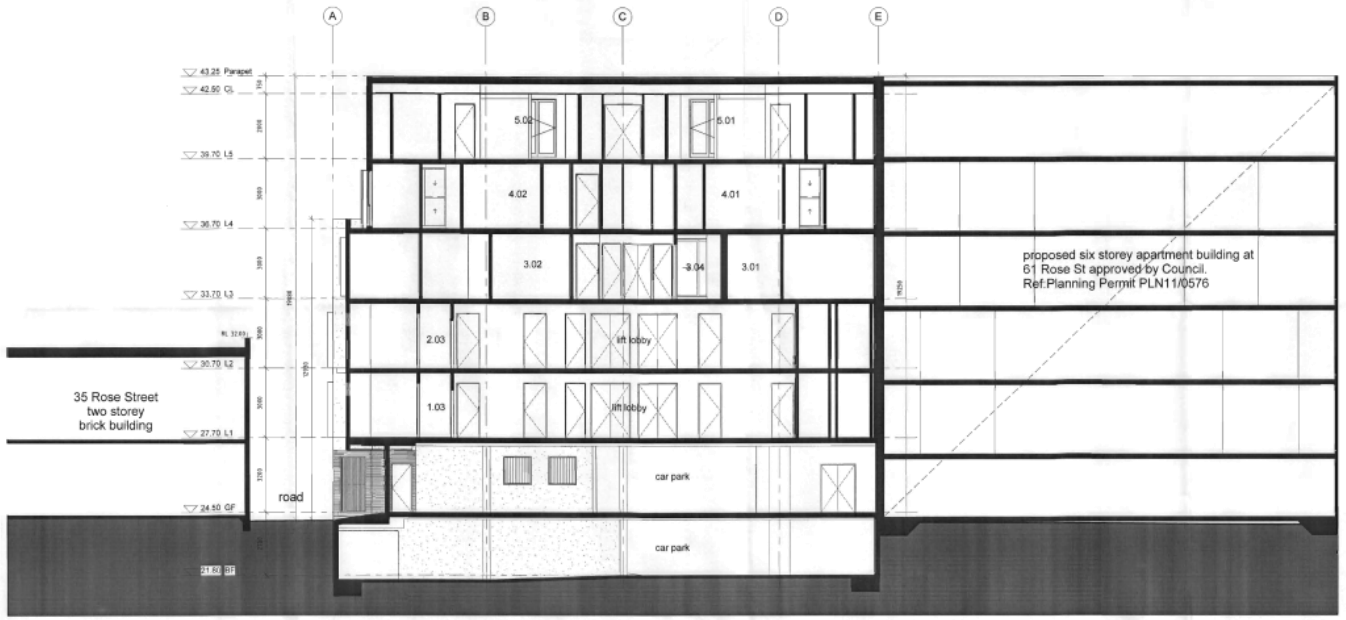
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DWG NO TP13
REVISION 3

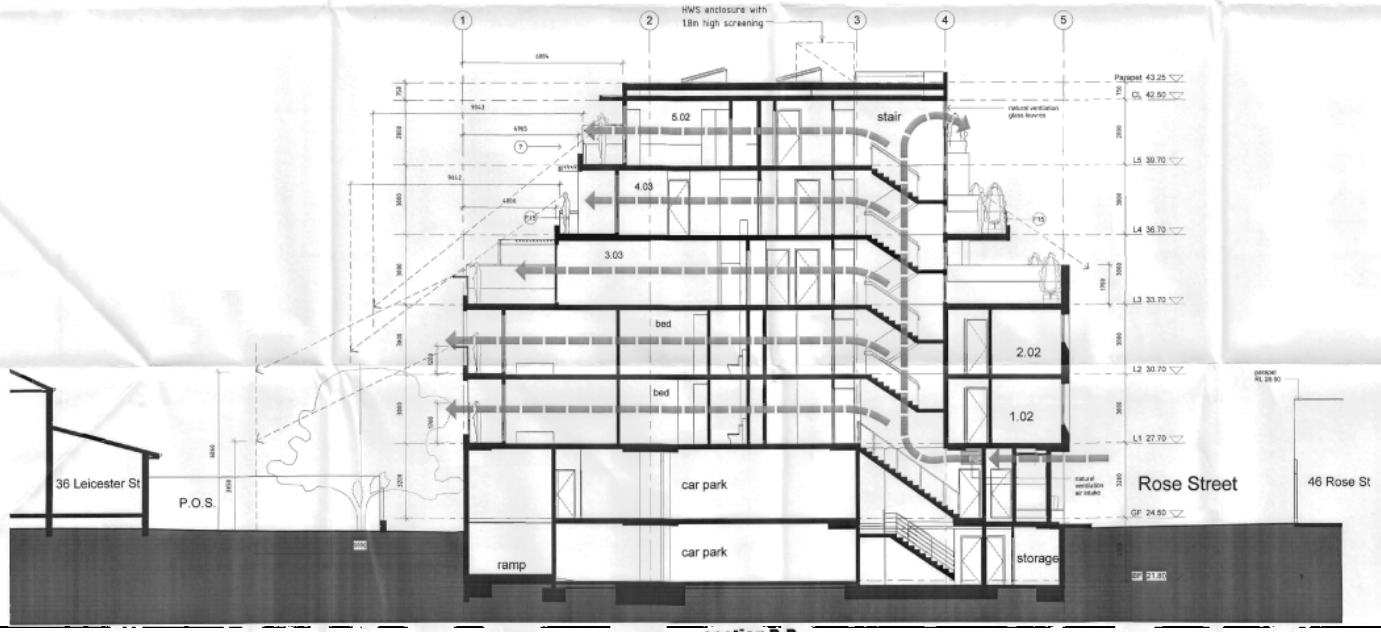
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section A-A



section B-B

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For and on behalf of the Responsible Authority
DATED 9/06/2014 PLAN 12 of 15
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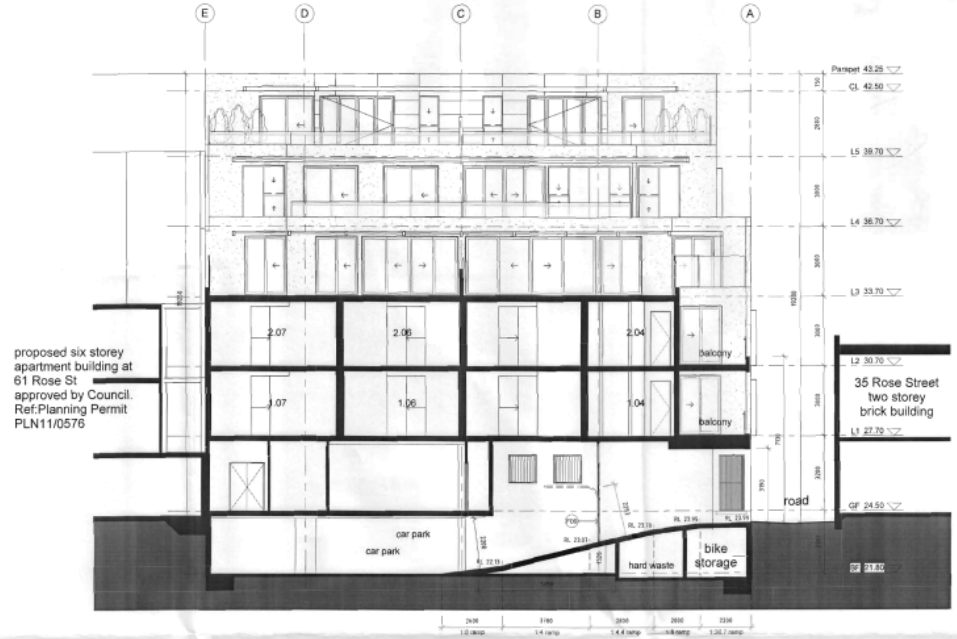
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Sections

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REVISION 2

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section C-C

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For and on behalf of the Responsible Authority
DATED 16 JUN 2014 PLAN 13 of 15
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PROJECT NAME
RESIDENTIAL DEVELOPMENT
45 Rose Street Fitzroy

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DRAWING TITLE
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FINISHES SCHEDULE

F1 Zinc cladding to external wall. Colour- VMZinc 'Anthra'
F2 Select metal Cladding with expressed joints to external wall/door. Colour to match - Resene 'X Factor' R37-091-022
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GENERAL NOTES

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YARRA PLANNING SCHEME
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DATE 19 / 06 / 2014 PLAN 14 of 15
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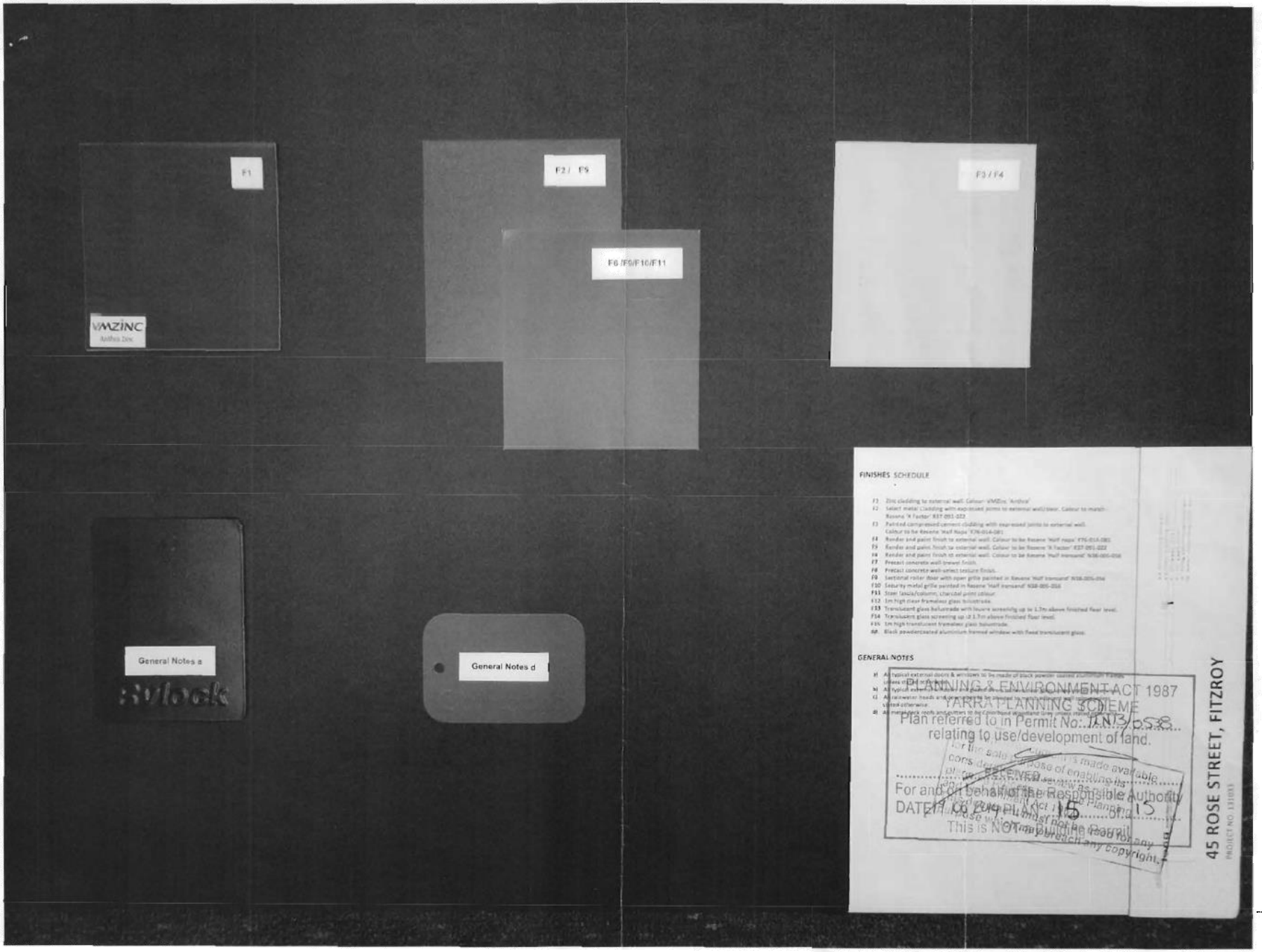
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45 ROSE STREET, FITZROY

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Leigh Design

waste management plans for all urban developments

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Waste Management Plan



Proposed Development:
45 Rose Street, Fitzroy, Victoria

Prepared for:
ReWines Pty Ltd

Document Control

Report Date: 7 February 2021 (supersedes report dated 15-2-14)

Prepared By: Carlos Leigh, MIEAust

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Enclosure: Basement and Ground Floor Plan.

WASTE MANAGEMENT SUMMARY

- The operator, as defined below, shall be responsible for managing the waste system and for developing and implementing adequate safe operating procedures.
- Waste shall be stored within the development (hidden from external view).
- Residents and commercial tenants shall sort their waste and dispose garbage and recyclables into their allocated collection bins.
- Waste shall be collected in Rose Street.
- A private contractor shall provide waste collection services. The collection contractor shall transfer bins between the development and the waste truck.

GLOSSARY

Operator: refers to the Owners Corporation, who shall manage site operations (via staff and contractors, if required).

User: refers to residents and commercial tenants, who shall utilise the waste system.

1 SPACE AND SYSTEM FOR WASTE MANAGEMENT

1.1 Development Description and Use

The existing (on-going) development consist of residential apartments and commercial tenancies.

This Waste Management Plan (WMP) serves to support an application for an amended permit for the change of use of one tenement (from a retail shop to a Wine Bar/Shop). Table 1 (below) includes tenement details for residential and commercial uses.

For the proposed change of use in the commercial component of the building, the existing shared waste system shall be retained given that a reduced waste volume is anticipated (see Table 1). Similarly, for the existing apartments, the current shared waste system shall be retained since the residential component of the building shall remain unchanged.

1.2 Estimated Garbage and Recycling Generation

The following table summarises the waste estimate (m^3/week):

Table 1: Waste Estimate

Waste Source	Base Qty (est.)	Garbage	Commingled Recycling
Apartments (1 bed)	No. of units = 8	0.40	0.56
Apartments (2 bed)	No. of units = 15	0.90	1.20
Studio (Office)	area (m^2) = 51	0.04	0.04
Retail (Wine Bar/Shop)	area (m^2) = 53	0.19	0.19
TOTAL (m^3/week)		**1.52**	**1.98**

Notes:

- Apartment figures are based on Council requirements.
- The commercial estimate is based on Sustainability Victoria Guidelines and would total 0.23m^3/week each for garbage and recycling (this estimate is slightly less than the 0.24m^3/week each for garbage and recycling stated in the endorsed WMP of 2014).
- The wine bar is understood to serve wine from bulk containers (ie, minimal glass waste). Also, the kitchen is limited to reheat of finger foods.

1.3 Collection Services

Based on current planning conditions, waste shall be collected privately. Therefore, the operator shall choose a waste collection provider, negotiate a service agreement, and pay for the associated services.

Note: Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.

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1.4 Location, Equipment, and System Used for Managing Waste

The waste management system is summarised as follows:

- Apartment receptacles for garbage and recycling.
- Tenancy receptacles at work/amenity areas.
- Bin Store located at Ground Level.
- Hard Waste Room located at Basement Level.
- Collection bins (kept within the Bin Store - refer to Table 2).

The various collection waste-streams are summarised as follows:

Garbage: General waste shall be placed in tied plastic bags and stored within bins.

Recycling: All recyclables shall be commingled into a single type of collection bin (for paper, cardboard, glass, aluminium, steel, and plastics). However, if glass separation is required in future, some recycling bins shall be changed into glass bins.

Green Waste: Garden organics shall be collected and disposed by the future landscape maintenance contractor.

Compost/Food Organics: At this development, composting is considered impractical, as there would be minimal onsite demand for compost. Also, a minor food waste volume is anticipated from the Wine Bar.

Other Waste Streams: The disposal of electronic/liquid waste, and detox items (paint/chemicals), etc shall be organised with the assistance of the operator and collected privately. Hard waste needs to remain onsite until the operator organises a group-booking. E-waste must not be disposed in landfill.

Also, office managers shall arrange for the appropriate disposal of secured paper and toner/printer cartridges.

The following table summarises bin quantity/capacity, collection frequency, and area requirements (based on Table 1):

Table 2: Bin Schedule and Collection Frequency

Waste Source	Waste Stream	Bin Qty	Bin Litres	Collections per Week	Bin Area m^2
Residential (shared private bins)	Garbage	2	660	1	2.4
	Recycling	3	660	1	3.6
	Hard Waste	-	-	At call	1.5
Studio/Retail (shared private bins)	Garbage	1	240	1	0.5
	Recycling	1	240	1	0.5
Net Bin Storage Area (excludes circulation), m^2:					**8.5**

Notes:

- Private bins shall be sourced by the operator (either purchased from a supplier or leased from the collection contractor).

- Subject to stakeholders' preference/capability (and as built constraints), bin sizes and quantities can be changed. Also, recyclables can be either commingled or split into bins for separate recycling streams.

1.5 Planning Drawings, Waste Areas, and Management of the Waste System

The enclosed drawings illustrate an 18m^2 Bin Store and a 10m^2 Hard Waste Room, which are deemed sufficient for the above Bin Schedule.

Notwithstanding the above, the operator shall stipulate procedures for effective management of the available space.

1.6 Collection Bin Information

The following bins shall be utilised (see Sect. 4.3 for signage requirements):

Table 3: Bin Details

Capacity (litres)	Height (mm)	Width (across front, mm)	Depth (side on, mm)	Empty Weight (kg)	Average* Gross Weight (kg)
240	1060	585	730	13	45
660	1250	1240	780	43	130

Notes:

- * = Average Gross Weight is based on domestic waste studies (which vary subject to locality and waste-type). Expect greater weight for wet or compacted waste.
- Use the above details as a guide only – variations will occur. The above is based on Sulo plastic (HDPE) bins.

Table 4: Yarra Colour Coding

Bin	Garbage	Commingled Recycling
Lid	Green	Yellow
Body	Green	Green

Note: For private bins, AS4123.7 bin colours can be adopted. Private bins shall be labelled to identify the waste generator and site address.

2 ACCESS FOR USERS, COLLECTORS, AND COLLECTION VEHICLES

2.1 User Access to Waste Facilities

Residents shall dispose sorted garbage and recyclables into their collection bins (access via the lift/stairs).

Commercial tenants shall dispose sorted waste into their collection bins.

Note: The operator shall ensure the orderly-filling of bins to avoid a higher number of partially-filled ones, rotating the bins so that users are able to reach them. Also, the operator shall ensure that bins are not overloaded.

2.2 Collection Arrangements and Access to Waste Facilities

- As per current practice, a private contractor shall continue to collect waste in Rose Street (site's frontage).
- Collection staff (driver and assistant) shall have access to the Bin Store and transfer bins to the truck and back to the store.
- The waste collection shall be carried-out by rear-lift vehicles (nom. 8.8m long and 4m operational height).
- The waste system is illustrated in the enclosed drawings.

3 AMENITY, LOCAL ENVIRONMENT, AND FACILITY DESIGN

3.1 Noise Minimisation Initiatives

- Collection bins shall feature rubber wheels for quiet rolling during transfers.
- Waste areas shall meet BCA and AS2107 acoustic requirements.
- As specified in Council's Local Law No. 3, waste shall not be collected between: 8pm Sunday and 7am the following Monday; 8pm on any day between Monday and Friday inclusive and 7am on the following day; or 8pm any Saturday and 9am the following Sunday. Also, the waste collector shall protect the acoustic amenity by minimising noise during the collection.
- To protect the local amenity, waste disposals into the bins must not occur between the hours of 10:00pm and 7:00am any day of the week.

3.2 Litter Reduction and Prevention of Stormwater Pollution

The operator shall be responsible for:

- Promoting adequate waste disposal into the bins (to avoid waste-dumping).
- Securing the waste areas (whilst affording access to users/staff/contractors).
- Preventing overfilled bins, keeping lids closed and bungs leak-free.
- Abating any site litter and taking action to prevent dumping and/or unauthorised use of waste areas.
- Requiring the collection contractor to clean-up any spillage that might occur when clearing bins.

The above will minimise the dispersion of site litter and prevent stormwater pollution (thus avoiding impact to the local amenity and environment).

3.3 Ventilation, Washing, and Vermin-Prevention Arrangements

Waste areas shall feature:

- Ventilation in accordance with Australian Standard AS1668.
- Tight-fitting doors (all other openings shall have vermin-proof mesh or similar).
- Impervious flooring (also, smooth, slip-resistant, and appropriately drained).
- A graded bin wash area, hosecock, hose, and a suitable floor-waste connected in accordance with the relevant authority requirements (alternatively, the operator shall engage a suitable contractor to conduct off-site bin washing). The bin and wash areas may overlap, as stored bins can be moved-out so that a bin can be washed.

The operator shall regularly clean waste areas/equipment. Also, store doors and bin-lids shall be kept closed.

3.4 Design and Aesthetics of Waste Storage Areas and Equipment

Waste shall be placed within the bins and stored in designated onsite areas (hidden from external view). Following waste collection activities, bins shall be returned to the storage areas as soon as practicable.

Waste facilities shall be constructed of durable materials and finishes, and maintained to ensure that the aesthetics of the development are not compromised. These facilities and associated passages shall be suitably illuminated (this provides comfort, safety, and security to users, staff, and contractors). Access doors shall feature keyless opening from within.

The design and construction of waste facilities and equipment shall conform to the Building Code of Australia, Australian Standards, and local laws.

4 MANAGEMENT AND SUSTAINABILITY

4.1 Waste Sorting, Transfer, and Collection Responsibilities

Garbage shall be placed within tied plastic bags prior to transferring into the collection bins. Cardboard shall be flattened and recycling containers un-capped, drained, and rinsed prior to disposal into the appropriate bin. Bagged recycling is not permitted.

Refer to Section 2 for waste transfer requirements and collection arrangements.

4.2 Facility Management Provisions to Maintain & Improve the Waste System

The operator shall manage site operations (refer to the glossary in page 2).

It shall be the responsibility of the operator to maintain all waste areas and components, to the satisfaction of users, staff, and the relevant authority (users shall maintain their internal waste receptacles).

The operator shall ensure that maintenance and upgrades are carried-out on the facility and components of the waste system. When required, the operator shall engage an appropriate contractor to conduct services, replacements, or upgrades.

4.3 Arrangements for Protecting Waste Equipment from Theft and Vandalism

It shall be the responsibility of the operator to protect the equipment from theft and vandalism. This shall include the following initiatives:

- Secure the waste areas.
- Label the bins according to property address.
- The private collection contractor shall transfer bins between the site and the truck (bins shall not be placed on the street).

4.4 Arrangements for Bins/Equipment Labelling and Ensuring Users and Staff are Aware of How to Use the Waste System Correctly

- The operator shall provide appropriate signage for the bins. Signage is available at the following internet address: www.sustainability.vic.gov.au.
- The operator shall publish/distribute “house rules” and educational material to:
  - Inform users/staff about the waste management system and the use/location of the associated equipment (provide the summary in page 2 of this report).
  - Improve facility management results (lessen equipment damage, reduce littering, and achieve cleanliness).
  - Advise users/staff to sort and recycle waste with care to reduce contamination of recyclables.

4.5 Sustainability and Waste Avoidance/Reuse/Reduction Initiatives

The *Environment Protection Act 1970* includes principles of environment protection and guidance for waste management decision making. Also, the *Sustainability Victoria Act 2005* established Sustainability Victoria as the statutory authority for delivering programs on integrated waste management and resource efficiency.

From a design perspective, the development shall support the acts by providing an adequate waste system with ability to sort waste.

The Operator shall promote the observance of the acts (where relevant and practicable) and encourage users and staff to participate in minimising the impact of waste on the environment. For improved sustainability, the Operator shall consider the following:

- Observe the waste hierarchy in the *Environment Protection Act 1970* (in order of preference): a) waste avoidance, b) reuse, c) recycle, d) recovery of energy, e) treatment, f) containment, and g) disposal.
- Peruse the Sustainability Victoria website: www.sustainability.vic.gov.au.
- Participate in Council and in-house programs for waste minimisation.
- Establish waste reduction and recycling targets; including periodic waste audits, keeping records, and monitoring of the quantity of recyclables found in landfill-bound bins (sharing results with users/staff).

4.6 Waste Management Plan Revisions

For any future appropriate council request, changes in legal requirements, changes in the development's needs and/or waste patterns (waste composition, volume, or distribution), or to address unforeseen operational issues, the operator shall be responsible for coordinating the necessary Waste Management Plan revisions, including (if required):

- A waste audit and new waste strategy.
- Revision of the waste system (bin size/quantity/streams/collection frequency).
- Re-education of users/staff.
- Revision of the services provided by the waste collector(s).
- Any necessary statutory approval(s).

5 SUPPLEMENTARY INFORMATION

- The operator shall ensure that bins are not overfilled or overloaded.
- Waste incineration devices are not permitted, and offsite waste treatment and disposal shall be carried-out in accordance with regulatory requirements.
- For bin traffic areas, either level surfaces (smooth and without steps) or gentle ramps are recommended, including a roll-over kerb or ramp. Should ramp gradients, bin weight, and/or distance affect the ease/safety of bin transfers, the operator shall consider the use of a suitable tug.
- The operator and waste collector shall observe all relevant OH&S legislation, regulations, and guidelines. The relevant entity shall define their tasks and:
  - Comply with Worksafe Victoria's Occupational Health and Safety Guidelines for the Collection, Transport and Unloading of Non-hazardous Waste and Recyclable Materials (June 2003).
  - Assess the Manual Handling Risk and prepare a Manual Handling Control Plan for waste and bin transfers (as per regulatory requirements and Victorian COP for Manual Handling).
  - Obtain and provide to their staff/contractors equipment manuals, training, health and safety procedures, risk assessments, and adequate personal protective equipment (PPE) to control/minimise risks/hazards associated with all waste management activities. As a starting point, these documents and procedures shall address the following:

Task (to be confirmed)	Hazard (TBC)	Control Measures (TBC)
Sorting waste and cleaning bins	Biological hazard & bodily puncture	Personal protective equipment (PPE). Develop a waste-sorting procedure
Bin manual handling	Sprain, strain, crush	PPE. Maintain bin wheel-hubs. Limit bin weight. Provide mechanical assistance to transfer bins
Bin transfers and emptying into truck	Vehicular strike, run-over	PPE. Develop a hazard control plan and collection procedure. Maintain visibility. Use a mechanical bin-tipper
Truck access	Vehicular incident, strike, run-over	PPE. Use a trained spotter. Develop a truck-manoeuvring and traffic-control procedure

Note: The above shall be confirmed by a qualified OH&S professional who shall also prepare site-specific assessments, procedures, and controls (refer to Section 6).

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6 CONTACT INFORMATION

City of Yarra (local council), ph 03 9205 5555

Remondis (private waste collector), ph 13 73 73

Speedie Waste (private waste collector), ph 03 9305 2265

Eco-Safe Technologies (odour control equipment supplier), ph 03 9706 4149

FJP Safety Advisors (OH&S consultant), ph 03 9255 3660

Warequip (tug supplier – for bin transfers), ph 1800 337 711

Note: The above includes a complimentary listing of contractors and equipment suppliers. The stakeholders shall not be obligated to procure goods/services from these companies. Leigh Design does not warrant (or make representations for) the goods/services provided by these suppliers.

7 LIMITATIONS

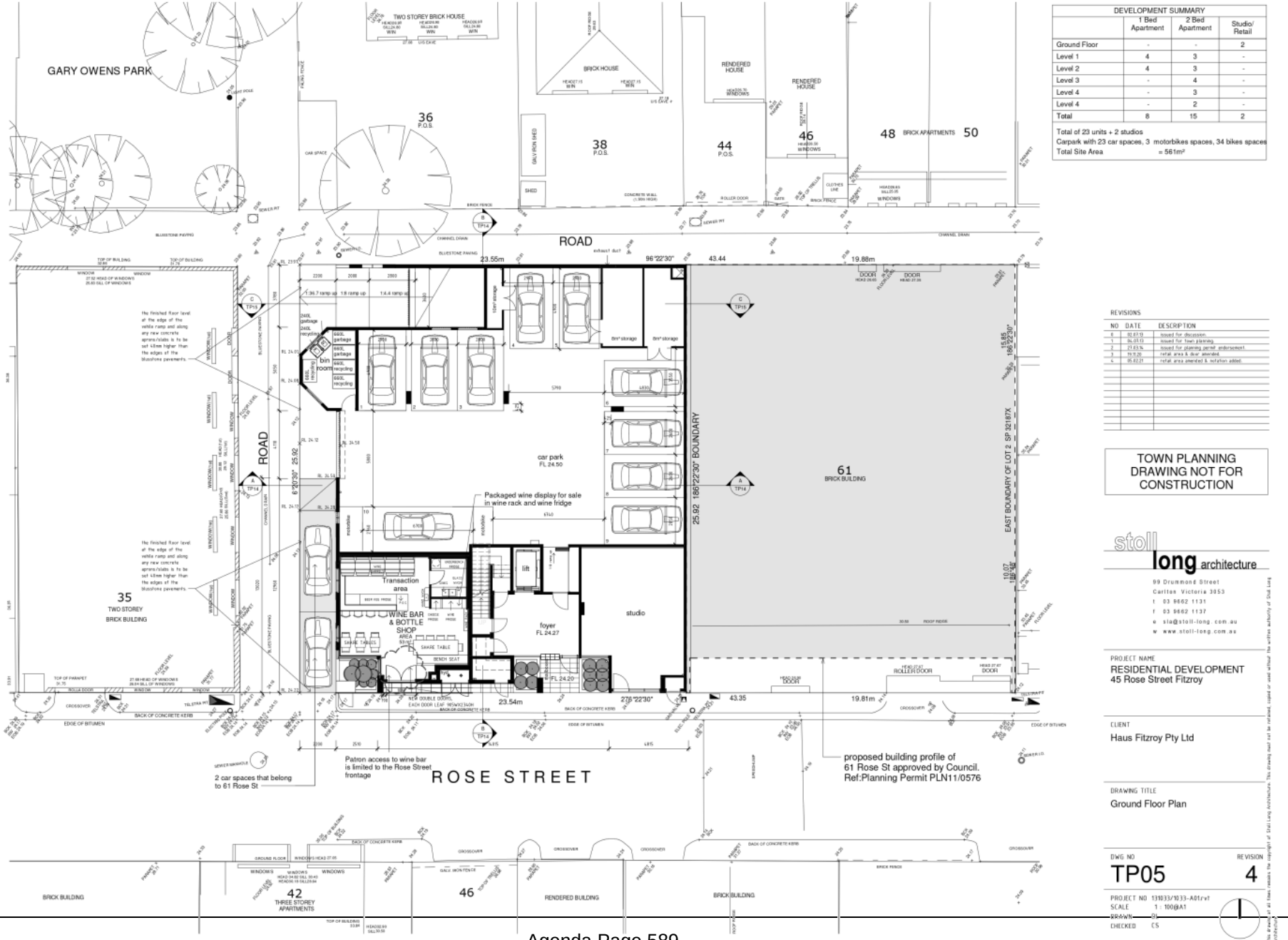
The purpose of this report is to document a Waste Management Plan, as part of a Planning Permit Application.

This report is based on the following conditions:

- Operational use of the development (excludes demolition/construction stages).
- Drawings and information supplied by the project architect.
- The figures presented in this report are estimates only. The actual amount of waste will depend on the development's occupancy rate and waste generation intensity, the user's disposition toward waste and recycling, and the operator's approach to waste management. The operator shall make adjustments, as required, based on actual waste volumes (if the actual waste volume is greater than estimated, then the number of bins and/or the number of collections per week shall be increased).
- This report shall not be used to determine/forecast operational costs, or to prepare feasibility studies, or to document operational/safety procedures.

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Attachment 5 - PLN13/0538.01 - 45 Rose Street Fitzroy - Waste Management Plan



DEVELOPMENT SUMMARY			
	1 Bed Apartment	2 Bed Apartment	Studio/ Retail
Ground Floor	-	-	2
Level 1	4	3	-
Level 2	4	3	-
Level 3	-	4	-
Level 4	-	3	-
Level 4	-	2	-
Total	8	15	2

Total of 23 units + 2 studios
Carpark with 23 car spaces, 3 motorbikes spaces, 34 bikes spaces
Total Site Area = 561m²

REVISIONS

NO	DATE	DESCRIPTION
0	02.07.13	issued for discussion.
1	04.09.13	issued for town planning.
2	27.03.14	issued for planning permit endorsement
3	19.11.20	retail area & door amended
4	05.02.21	retail area amended & notation added.

TOWN PLANNING DRAWING NOT FOR CONSTRUCTION

stoll long architecture
99 Drummond Street
Carlton Victoria 3053
t 03 9662 1131
f 03 9662 1137
e sla@stoll-long.com.au
w www.stoll-long.com.au

PROJECT NAME
RESIDENTIAL DEVELOPMENT
45 Rose Street Fitzroy

CLIENT
Haus Fitzroy Pty Ltd

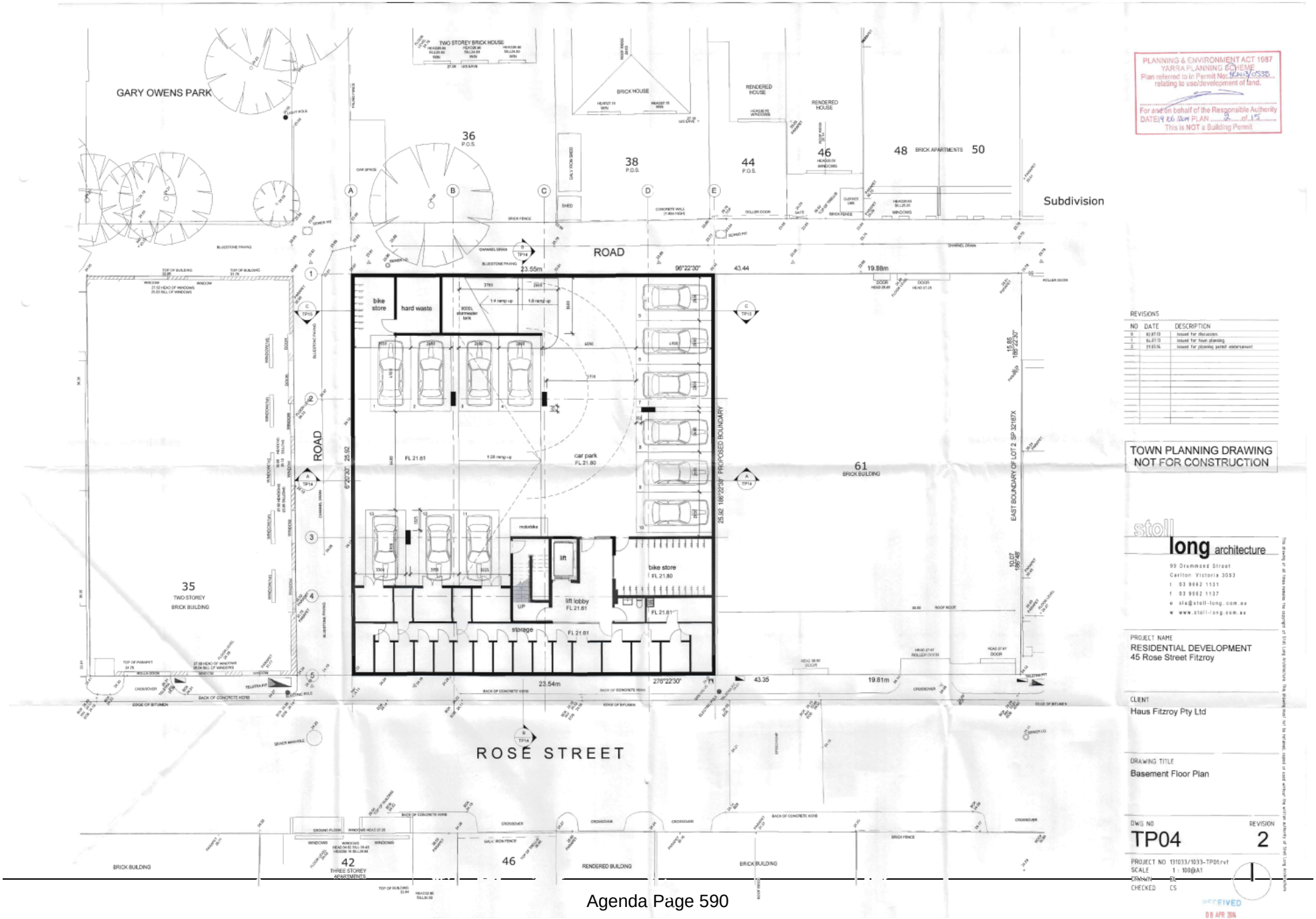
DRAWING TITLE
Ground Floor Plan

DWG NO TP05
REVISION 4

PROJECT NO 13033/1033-A01.rvt
SCALE 1 : 100@A1
DRAWN SS
CHECKED CS

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Attachment 5 - PLN13/0538.01 - 45 Rose Street Fitzroy - Waste Management Plan



Attachment 6 - PLN13/0538.01 - 45 Rose Street Fitzroy - Building Surveyor Report

Anthony Middling & Associates
Building Surveyors
Commercial & Residential

Mobile 0419 032 430 **Email** asmidd@bigpond.net.au
Address Level 1, 176 Wellington Parade East Melbourne 3002
ABN 83 505 766 250 **www.anthonymiddling.com**

3/12/2020

Victoria Commission for Gambling

& Liquor Regulation

Level 3, 12 Shelly Street,

Richmond Vic 3121

Dear Sir,

Re: Building Surveyors Statement - Application for Liquor License

Licensee: Marshall Waters Re Wine

Address: 45 Rose Street Fitzroy

Please find attached written confirmation of the gross floor areas for the proposed new Re Wine at 45 Rose Street Fitzroy

The application is a review of the existing premises and suitability for licensed premises for the proposed new fit out for Re Wine Bar area as outlined by the Marshall Waters.

The purpose of the review is to establish patron capacity of the building in accordance with National Construction Code of Australia Volume 1 NCC- 2019.

Facilities in the apartment complex consist of a unisex accessibile facility for males and females in accordance with Table F2.3 of the NCC.

The overall gross floor area of the building is as follows:

Inside Wine Bar Areas including

7.5m x 6.0m = 45.0 m. sq

5.0m x 1.5m = 7.5 m. sq

Total 52.0 m. sq

Less - Seating, Tables & Chairs, Barrel Store, Kitchen & Serving Bench

TOTAL GROSS FLOOR AREA = 20 metres sq. / 0.75 m. sq = 26 patrons

Please note that the calculation does not include projections such as kitchens and sanitary facilities, fixed seating, benches and bar area, cool room, passageway, service counters sales counters, fix table and chairs display areas etc.

The Department of Justice method of calculation adopts 0.75 m.sq per person.

We calculate that the maximum of number of patrons that the building could safely accommodate is **26 patrons** due to the number of toilet facilities and the limited clear floor space in the premises.

Sanitary Facilities for Males and females under NCC Table 2.3 are sufficient for the proposed number of patron's maximum number of 26

The maximum number that the **Re Wine** can safely accommodate is **26 patrons.**

I support the application for a maximum number of **patron's number of 26** at any one time.

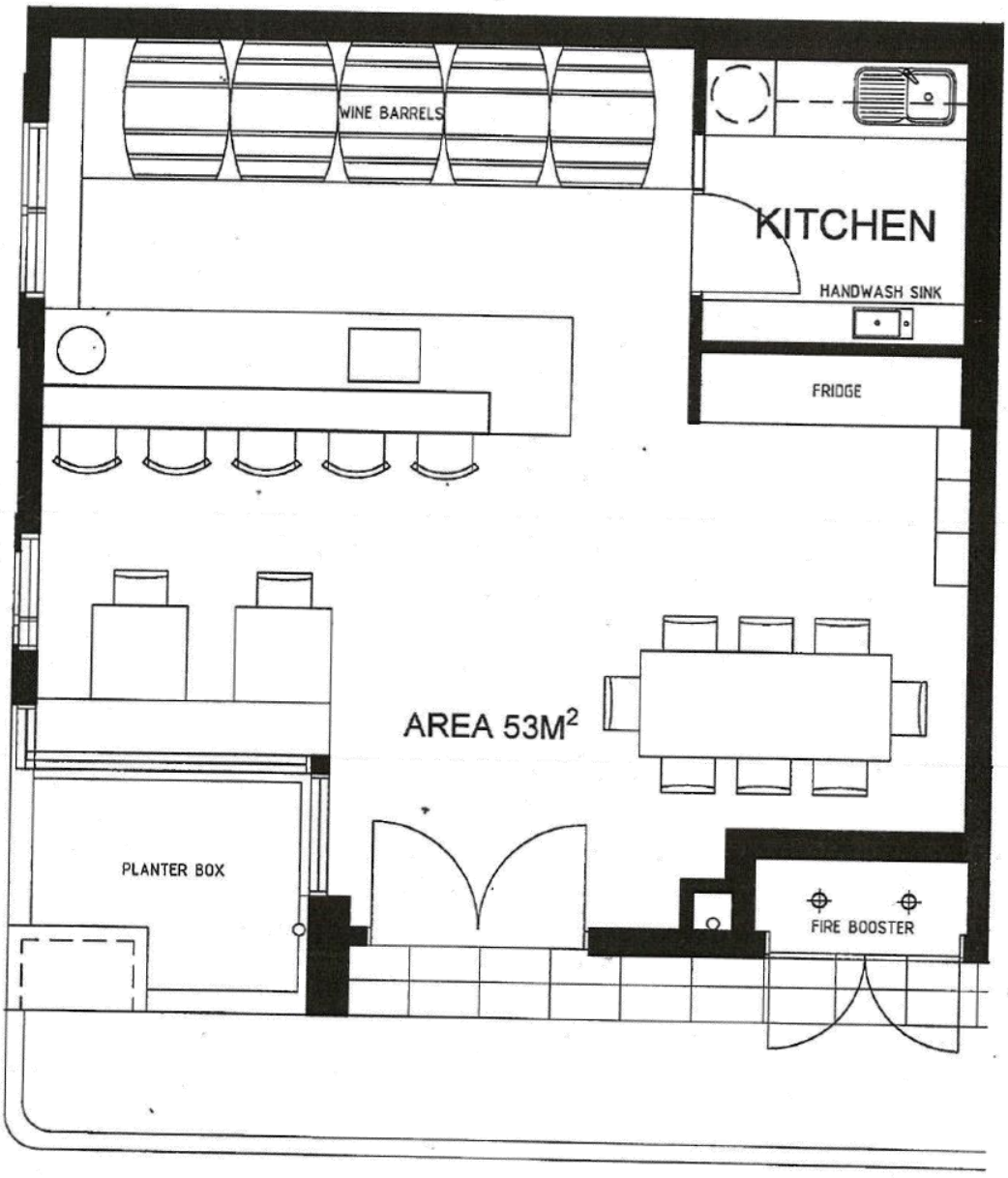
Please do not hesitate to telephone me at my office on 0419 032 430 if you have any queries.

Yours Faithfully

Tony Middling

Relevant Building Surveyor BS U1092

Attachment 6 - PLN13/0538.01 - 45 Rose Street Fitzroy - Building Surveyor Report



GROUND FLOOR PLAN 1:50

BSV1092

Anthony Middling & Associates
Level 1, 176 Wellington Parade
East Melbourne 3002
Mobile: 0419 032 430

1-12-2020

Attachment 7 - PLN13/0538.01 - 45 Rose Street Fitzroy - Acoustic Report

MARSHALL DAY Acoustics

Marshall Day Acoustics Pty Ltd
ABN: 53 470 077 191
6 Gipps Street
Collingwood VIC 3066
Australia
T: +613 9416 1855
www.marshallday.com

4 February 2021

ReWine
C/ GrayKinnane
PO Box 512
Ascot Vale VIC 3032

Attention: Andrew Gray

Dear Andrew

ACOUSTIC ASSESSMENT

Marshall Day Acoustics (MDA) was retained by GrayKinnane, on behalf of ReWine to prepare an acoustic assessment for the proposed amended use of the existing ground floor retail space at 45 Rose Street, Fitzroy as a wine bar.

The site includes 6 floors of mixed use (retail, carpark, and apartments), of which part of the ground floor will be repurposed by ReWine as a bar, the core business of which is the refilling of wine bottles for take away for from barrels, serving wine and food for patrons (18 maximum) and in which background music is provided.

MDA previously prepared an acoustic report entitled *Rp 001 R02 2014073ML Residential Development 45 Rose Street Fitzroy Town Planning Acoustic Report,* dated 6 June 2014 (the "Endorsed Report") which was endorsed by the Responsible Authority as part of Planning Report PLN13/0538 which concerned the entire multi-use development at 45 Rose Street.

This current assessment is concerned only with the proposed amended use to the ground floor retail space of the development.

The following potential noise impacts are addressed in this assessment:

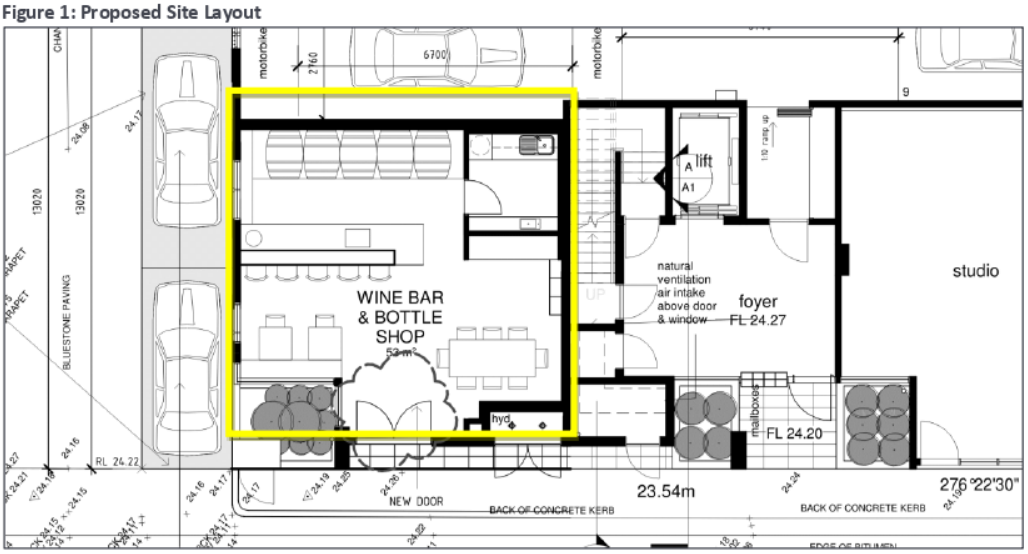
- Music noise
- Patron Noise
- Mechanical plant, delivery, and waste collection noise

A glossary of acoustic terminology is provided in Appendix A.

Site description

The wine bar is proposed to occupy the existing south-west retail space shown in Figure 1. The space is adjacent the ground floor carpark and foyer spaces. There are no adjacent residential uses on the ground floor of the site; however, there are apartments on level 1 above the site and directly opposite on Rose Street.

Figure 1: Proposed Site Layout



Hours of operation

The hours of operation proposed are 1000 to 2200 hrs Monday – Sunday.

Music Noise - SEPP N-2 Description

Music noise from entertainment venues is controlled by *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2). Compliance with SEPP N-2 is mandatory under section 46 of the *Environment Protection Act 1970.* Further information on SEPP N-2 is provided in Appendix B.

SEPP N-2 music noise limits are based on the existing background noise in the area. MDA has previously measured background noise levels in the vicinity of the site which have been used in this assessment. Further information on background noise measurements is provided in Appendix C.

The derived SEPP N-2 day and evening music noise limit is outlined in Table 1.

Table 1: SEPP N-2 derived day and evening music noise limit, dB

Period	Measured background noise level, L_{A90}	Music noise limit, L_{Aeq}
Day/Evening[1]	40	45

[1] Background noise levels are conservatively based off noise measurements taken from 1800 to 2200 hrs during the evening period (see Appendix C)

Music Noise Assessment

Background music only is proposed to be played at the venue. No live acoustic or amplified music is proposed to be played. Similarly, there will be no music played outdoors.

Background music is defined in a VCAT decision (Ref B2/2005 whiting v Hosier Bar Pty Ltd). In this decision, music at background levels requires that music be played at a level enabling normal conversation at a distance of 600 mm. MDA considers that a reasonable internal background noise music level is approximately 67 dB L_{Aeq}.

The predicted music noise levels to the closest residential areas are shown in Table 2.

Table 2: Assessment of predicted background music noise, dB L_{Aeq}

	Location	SEPP N-2 Limit	Predicted Music Noise Level	Complies
Day/Evening Period	Residence above venue	45	23	Yes
	Residence across Rose Street	45	21	Yes

Considering the above, it is evident that music noise from the venue will comply with the relevant SEPP N-2 criteria by a significant margin. As such, there is low risk of music noise disturbance to nearby residences

Patron Noise

Noise related to voices of patrons in outdoor areas is not covered under any State Environment Protection Policy or general Victorian guideline. In lieu of established state policy or criterion, MDA has developed a set of design targets which have been referenced as part of numerous planning applications. These guidelines are usually referenced in planning applications or VCAT hearings for external patron noise areas.

The design targets are defined separately for day, evening and night periods and are determined on the basis of background noise levels. Further information is provided in Appendix D.

The maximum occupancy for the venue is proposed to be 18 patrons indoors with no outdoor area. For completeness, the predicted patron noise levels are provided and assessed against the design targets in Table 3.

The patron noise levels have been predicted with the venue at full occupancy and front door closed.

Table 3: Predicted steady-state patron noise, dB L_{Aeq}

	Location	Design Target	Predicted Patron Noise Level	Comment
Day Period	Residence above venue	60	31	Complies
	Residence across Rose Street	60	28	Complies
Evening Period	Residence above venue	50	31	Complies
	Residence across Rose Street	50	28	Complies

From Table 3 it can be seen that patron noise from the venue will be adequately controlled by the building facade.

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Mechanical Plant Noise

MDA understands that no additional mechanical plant is proposed to be installed to the venue. As such no additional noise impact is anticipated in relation to mechanical services from the venue.

Delivery Noise

All deliveries will be made with a van and scheduled to occur during the day between the hours of 1000 – 1200 hrs Monday to Saturday. As such, noise from deliveries is not expected to present any significant impact to nearby residential receivers.

Waste Collection Noise

Waste from the premises will be minimal due to the focus on re-usable containers. All waste is proposed to be disposed of via the communal bins and no additional waste collections will be required.

As such there is not expected to be any increase in waste collection noise due to the proposed development.

We trust this information is satisfactory. If you have any further questions please do not hesitate to contact us.

Yours faithfully

MARSHALL DAY ACOUSTICS PTY LTD



Liam Kemp

Consultant

MARSHALL DAY Acoustics

APPENDIX A GLOSSARY OF TERMINOLOGY

dB	Decibel The unit of sound level. Expressed as a logarithmic ratio of sound pressure P relative to a reference pressure of Pr=20 μPa i.e. dB = 20 x log(P/Pr)
$L_{A90\,(t)}$	The A-weighted noise level equalled or exceeded for 90% of the measurement period. This is commonly referred to as the background noise level. The suffix "t" represents the time period to which the noise level relates, e.g. (8 h) would represent a period of 8 hours, (15 min) would represent a period of 15 minutes and (2200-0700) would represent a measurement time between 10 pm and 7 am.
$L_{Aeq\,(t)}$	The equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level. The suffix "t" represents the time period to which the noise level relates, e.g. (8 h) would represent a period of 8 hours, (15 min) would represent a period of 15 minutes and (2200-0700) would represent a measurement time between 10 pm and 7 am.

MARSHALL DAY Acoustics

APPENDIX B SEPP N-2 DESCRIPTION

Music noise from entertainment venues is controlled by *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2).

Clause 20 of SEPP N-2 provides that:

> *Where the level of music noise from indoor or outdoor venues exceeds the noise limit, steps shall be taken by the occupier to reduce those levels to, or below, the noise limit.*

Compliance with SEPP N-2 is mandatory under section 46 of the *Environment Protection Act 1970* (Vic).

SEPP N-2 sets noise limits that must be achieved in a 'noise sensitive area'. The Policy defines a noise sensitive area as:

> *(a) that part of the land within the apparent boundaries of any piece of land which is within a distance of 10 metres outside the external walls of any of the following buildings:*
>
> - *Dwelling (except Caretaker's House), [or] Residential Building.*
>
> *(b) that part of the land within the apparent boundaries of any piece of land on which is situated any of the following buildings which is within a distance of 10 metres outside the external walls of any dormitory, ward or bedroom of such buildings:*
>
> - *Caretaker's house, Hospital, Hotel, Institutional Home Motel, Reformative Institution, Tourist Establishment, Work Release Hostel.*

For indoor venues with music playing on more than three nights per week, SEPP N-2 sets noise limits as shown in Table 4.

Table 4: SEPP N-2 criteria (music on more than three nights per week)

Time period		Noise limit
Day/Evening	Saturday 1000 - 2200hrs Sunday 1200 - 2100hrs Other 0900 - 2200hrs	Music noise (L_{Aeq}) not permitted to exceed background noise (L_{A90}) plus 5dB
Night	Saturday 2200 - 1200hrs Sunday 2100 - 0900hrs Other 2200 - 0900hrs	Music noise (L_{OCT10}) is not permitted to exceed the background noise level (L_{OCT90}) by more than 8dB in any octave band (63Hz-4kHz) at a noise-sensitive area

MARSHALL DAY Acoustics

APPENDIX C BACKGROUND NOISE MEASUREMENTS

Day period background noise measurements were undertaken at the site and included as part of the Endorsed Report assessment. The measured background noise level was 50 dB L_{A90}.

Evening period background noise measurements were undertaken in June 2017 as part of continuous unattended noise logging at 82 Rose Street. Measurements were undertaken using a Class 1 01dB Smart Noise monitor, fitted with a windshield and mounted on a tripod at a height of approximately 1.5 m above local ground level. Equipment was checked prior to and after the survey and no significant drifts were observed. The lowest measured evening period background noise level has been used for this assessment.

A summary of the measured evening period background noise levels is provided below in Table 5.

Table 5: Summary of measured background noise levels, evening period, dB L_{A90}

Date	Background noise level
19 June 2017	41
20 June 2017	48
21 June 2017	42
22 June 2017	48
23 June 2017	46
24 June 2017	46
25 June 2017	43
26 June 2017	40
27 June 2017	42
Minimum	**40**

The background noise measurement locations are shown below in Figure 2.

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Figure 2: Background noise measurement locations



APPENDIX D PATRON NOISE

Noise from voices of patrons outdoors is not covered under any State Environment Protection Policy or general Victorian guideline.

There has been extensive discussion between members of the Association of Australian Acoustical Consultants (AAAC) in regards to suitable criteria but consensus between members has not yet been reached.

In lieu of an established state policy or criterion, MDA has developed a set of design targets which have been referenced as part of numerous planning applications and VCAT hearings for proposed external patron noise areas.

The structure of the patron noise design targets is summarised in Table 6.

Table 6: Recommended design targets for night-time patron noise

Description	Design Target	Purpose
Semi-steady noise levels - L_{Aeq}	Day Period - 50 dB or background noise (L_{A90}) + 10 dB, whichever is higher Evening Period - 45 dB or background noise (L_{A90}) + 10 dB, whichever is higher	Amenity protection

For a theoretical assessment of a venue, the purpose of the proposed patron noise design targets is not to provide an absolute limit but to provide an indication of whether a venue has the potential to cause an unreasonable impact.

It is difficult to propose an absolute limit because unlike other noise sources (e.g. mechanical equipment), there is a large variation in patron noise and this variation is not always linked to the number of patrons. Table 7 provides the patron noise design targets for the subject site.

Table 7: Patron noise design targets, dB

Description	Design target
Semi-steady noise levels, $L_{Aeq,15\,minute}$	
Day period	60
Evening period	50

Attachment 8 - PLN13/0538.01 - 45 Rose Street Fitzroy - Town Planning Report

GrayKinnane

Town Planning Submission

45 Rose Street , Fitzroy

Yarra Planning Scheme

Prepared on behalf of ReWine

February 2021

1. Introduction

Approval is sought to amend Planning Permit PLN13/0538 ("the Permit") that relates to land at 45 Rose Street Fitzroy, pursuant to Section 72 of the *Planning and Environment Act 1987*.

The Permit currently allows:

Demolition of the existing building, development of a six storey building (not including basement) for a mixed studio/retail and residential development and a reduction in the provision of parking.

Plans were endorsed under the permit on 19 June 2014 and permit has been acted on with the development of the land complete.

The application proposes to amend the existing approval so to allow the western ground floor commercial tenancy, identified as "studio/retail" on the endorsed plans, to be used for the sale and consumption of liquor (for on and off premises consumption) associated with the use of the land as a bar (wine bar) & bottle shop.

The amendment also seeks approval for the alteration to the front door of the tenancy and display of signage within a Heritage Overlay.

The site is within a Mixed Use Zone pursuant to the Yarra Planning Scheme and is covered by an Environmental Audit Overlay and Heritage Overlay (Schedule 334).

The application seeks the following planning approvals;

- To use the land as a bar (wine bar) under clause 32.04-2 the Mixed Use Zone;
- The sale and consumption of liquor (for on and off premises consumption) pursuant to Clause 52.27 of the Particular Provisions;
- Buildings and works associated with the installation of a new door to the north elevation pursuant to Clause 32.04-9 of the Mixed Use Zone & Clause 43.01-1 of the Heritage Overlay; and
- To construct or display a sign pursuant to Clause 32.04-15 of the Mixed Use Zone and Clause 43.01-1 of the Heritage Overlay.

The use of the land as a bottle shop is a Section 1 (no permit required) use under the Mixed Use Zone.

This report provides an assessment of the proposal against the relevant provisions of the Yarra Planning Scheme.

2. Subject Site and Surrounding Context

The subject site is located on the north side of Rose Street, between Brunswick and Nicholson Streets. The land has a rear abuttal to Garryowen Lane.



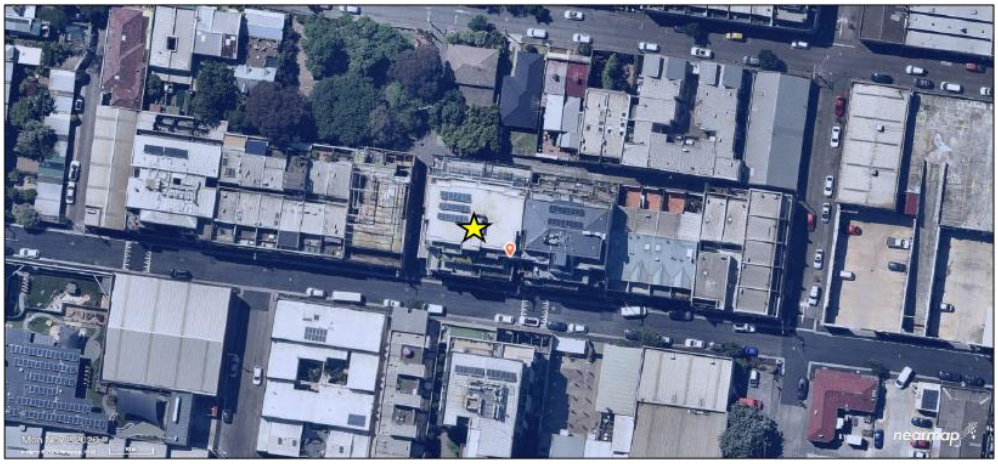
Cadastral map

The site is described on Certificate of Title as Lot 1 on Plan of Subdivision 726100Y. No restrictive covenants encumber the land.

The land is improved with a recently constructed six storey mixed use development building that provides two commercial premises fronting the street and apartments on the upper levels. Car parking is provided at basement level and on the ground floor to the rear of the commercial uses, with access to the site being gained via the laneway along the western side of the site.

The tenancy that is the subject of this application is the western ground floor commercial tenancy identified as "studio/retail" on the endorsed plans. This tenancy has an area of 53sqm and is currently vacant. It provides a glazed shopfront to Rose Street and two triangular windows facing the laneway to the west with a landscape planter provided to Rose Street. The tenancy is currently provided with a single door entry from Rose Street.

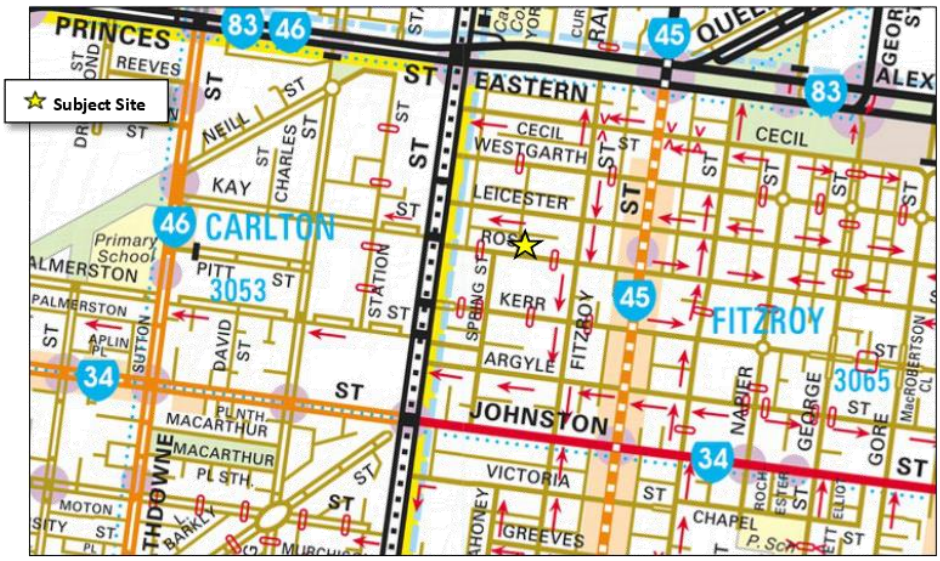
The tenancy currently provides a separate kitchen area with sink and bench space with a shared toilet for the two commercial facilities provided at basement level.



Aerial view of the subject site



Subject site viewed from Rose Street



Location map

The subject site is located just to the west of the within the Fitzroy Major Activity Centre which extends along Brunswick Street. Properties along Rose Street are predominantly zoned Mixed Use Zone pursuant to the Yarra Planning Scheme with the land to the north west of the site located in a Neighbourhood Residential Zone.

In front of the subject site Rose Street is relatively narrow but carries two lanes of traffic in opposite directions however the restricted kerb side parking that is provided typically reduces traffic flows to a single lane only. The footpaths are relatively narrow on both sides of the street.

Within proximity of the subject site land uses are consistent with those found within Mixed Use zoned land and comprise a mix of commercial and residential uses with recent multi level development being to the east and opposite the site. These developments provide apartments at the upper levels and commercial uses on the ground floor.

To the rear of the site across the adjacent lane are dwellings fronting Leicester Street and a small pocket park known as Garryowen Park is located to the west of these dwelling fronting Leicester Street.

Photos of the surrounding context are provided on the following page:



Adjoining development to the east



Development opposite the site



Rear of the site and side laneway

3. The Proposal

The application proposes to amend the existing approval so to allow the western ground floor commercial tenancy, identified as "studio/retail" on the endorsed plans, to be used for the sale and consumption of liquor (for on and off premises consumption) associated with the use of the land as a bar (wine bar) & bottle shop.

The amendment also seeks approval for the alteration to the front door of the tenancy, so as to allow for double doors, and display of signage within a Heritage Overlay.

The proposed bar (wine bar) and bottle shop would occupy the western ground floor commercial tenancy identified as "studio/retail" on the endorsed plans.

The premises will be the third outlet operated by "ReWine". The use is proposed to be licensed during opening hours which will be from 10:00am to 10:00pm, 7 days a week.

ReWine currently has stores at the Queen Victorian Market and 522 Lygon Street Brunswick. Consistent with these existing premises, wine will be sold from the subject site by retail to the general public. The wine will be distributed from barrels stored onsite into refillable bottles that customers return after use to have refilled. No wholesale distribution or manufacture of wine will occur at the premises.

The premises at 522 Lygon Street Brunswick also includes a wine bar as part of the services offered to the local community and it is intended that the proposed premises at 45 Rose Street Fitzroy will operate in the same manner. As at the Brunswick store, the service proposed to be offered would also include the provision of a wine bar where patrons can enjoy a glass of wine and match the wines with grazing platters, small tapas plates, cheese and pizzas.

However, it is noted that the size of the Rose Street premises, at 53sqm, will be significantly smaller than the Brunswick premises (182sqm in area) and will be in that sense a "boutique" outlet that will truly service a local demand rather than being a destination from the winder metropolitan area – this being predominantly serviced by the Queen Victoria Market outlet.

The layout of the premises will include a bar area, the provision of barrels along the rear wall and a kitchen along with seating for patrons. As set out in the assessment provided by the Building Surveyor, the premises can accommodate a maximum of 26 patrons however it is only proposed to provide for 18 patrons as part of the proposal.

The floor area proposed to be licenced is show on the Red Line Plan lodged with the application, an excerpt of which is provided on the following page. Background music only will be played at the venue with no live music or DJ's. There are no specific noise attenuation measures proposed, as these have not been recommended by Marshall Day in their acoustic assessment.

The signage proposed by the application is limited to vinyl logo transfers that area applied to the to the front windows of the shop and an additional sign on the tiling along the front façade. Being vinyl transfers these signs are easily applied and remove and are not structurally fixed to the building. The signage will be non illuminated.

Due to the reusable nature of the bottles, waste is kept to a minimum. Any waste generated will be stored onsite and taken to the communal bin room provided on the ground floor at the rear of the site.



Proposed layout of the premises

In order to facilitate the proposed use and development the following amendments are sought to Planning Permit PLN13/0538:

i. Amend the permit preamble to the following:

Demolition of the existing building, development of a six storey building (not including basement) for a mixed studio/retail and residential development, use of ground floor western tenancy as a wine bar (bar) with associated sale and consumption of liquor (for on and off premises consumption), signage, and a reduction in the provision of parking.

ii. Amend the endorsed plans to reflect the amendments sought to Application inclusive of amendments to the ground floor plan, the north elevation to show the signage and also the proposed double doors to the south elevation of the tenancy;

iii. To extend the expiry condition of the permit to allow for further development to take place; and

iv. The addition of appropriate conditions as required by the Responsible Authority in association with the amendments sought by the application.

4. Planning Policy

The Planning Policy Framework (PPF) seeks to ensure that the objectives of planning in Victoria (as set out in *the Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies.

The local elements of the Planning Policy Framework identify long term directions about land use and development in the municipality and provides the rationale for the zone and overlay requirements and particular provisions in the Scheme.

The PPF includes the Municipal Strategic Statement (MSS) and Local Planning Policies.

Relevant elements of the Yarra Planning Scheme relevant to the application are identified below:

Clause 11 Settlement
- 11.03-1R Activity centres Metropolitan Melbourne

Clause 15 Built Environment and Heritage
- 15.01-1R Urban design Metropolitan Melbourne
- 15.03-1S Heritage

Clause 17 Economic Development
- 17.01-1R Diversified economy Metropolitan Melbourne
- 17.02-1S Business

Clause 21.03 Vision

Clause 21.04 Land Use
- 21.04-2 Activity Centres
- 21.04-3 Industry, office and commercial

Clause 21.08 Neighbourhoods
- 21.08-7 Fitzroy

Clause 22.02 Development Guidelines for Sites subject to the Heritage Overlay
Clause 22.04 Advertising Signs
Clause 22.05 Interface Uses Policy
Clause 22.09 Licensed Premises

Clause 32.04 Mixed Use Zone

Clause 45.03 Environmental Audit Overlay

Clause 43.01 Heritage Overlay (Schedule 334)

Clause 52.06 Car Parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.27 Licensed Premises

Clause 65 Decision Guidelines

5. Planning Considerations

Having regard to the provisions of the Yarra Planning Scheme outlined above, it is submitted that the Section 72 Amendment to allow the western ground floor commercial tenancy to be used for the sale and consumption of liquor (for on and off premises consumption) associated with the use of the land as a bar (wine bar) & bottle shop will provide for an acceptable planning outcome.

Clause 22.09 Licensed Premises

Clause 22.09 (Licensed Premises) identifies;

> *Licensed premises contribute to the vibrancy and economic strength of the municipality, providing diverse opportunities for social interaction, artistic and cultural activity including live music, food and entertainment, as well as supporting other primary functions.*
>
> *However, considerable tensions sometimes develop between licensed premises and residential and other commercial land uses. These tensions relate to impacts on the amenity of the area including noise, patron behaviour off the premises and waste management.*

It is submitted that the bar and bottle shop use will *"contribute to the vibrancy and economic strength of the municipality"* within a location that is proximate to the Fitzroy Activity Centre and located in a mixed use area of Fitzroy.

The potential to detrimentally affect the amenity and public safety of the area will be minimised by the confined opening hours (10:00am to 10:00pm), the boutique nature of the premises being only 53sqm in area and the limited patrons numbers (maximum of 18) together with the niche product being sold (wine in reusable bottles).

In addition, those wishing to enjoy a glass of wine on the premises will be provided with a range of food options to accompany their drinks while it is not proposed to provide for any live or amplified music that might result in an impact on the amenity of the area.

The boutique nature of the premises will allow the premises to service a local need as opposed to attracting large numbers of people from outside Fitzroy, and as a result will not result in parking or traffic impacts or issue with large groups of people dispersing when the premises closes.

It is submitted that the proposal is acceptable having regard for the policy objectives of Clause 22.09 (Licensed Premises) as:

- The land is located in a Mixed Use Zone and the proposal does not seek to operate beyond 10.00pm (in accordance with policy) so as to ensure that the operations close significantly earlier than many other licensed premises in the area;
- Given the minimal number of patrons at 18 only, potential amenity impacts from patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed;
- It is not proposed to provide any live music and only providing for background music;
- The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area (see further assessment below); and
- A Noise and Amenity Plan (NAAP) has been prepared that will ensure that the operation of the use is acceptable.

Clause 22.05 Interface Uses Policy

This policy applies in the Mixed Use Zone and seeks to support *the objectives of the MSS by protecting Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity.*

At Clause 22.05-3 it is policy that:

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

It is submitted that the proposal meets the objectives of this policy and will not significantly impact on the dwellings to the rear of the site as the use does not directly interface with these dwelling, patrons will not generally be dispersing in that direction, and the use will not generally high level of noise from patrons or plant. In addition, the proposal proposes only minor buildings and works.

Cumulative Impact

In assessing liquor licence applications, Clause 52.27 of the Yarra Planning Scheme requires that Council have regard to the cumulative impact of existing and proposed licensed premises. "*Practice Note 61: Licensed premises: Assessing cumulative impact*" has been prepared by the Department of Planning and Community Development to provide a framework for assessing applications of this nature. An assessment against this Practice Note is provided below:

Planning policy context

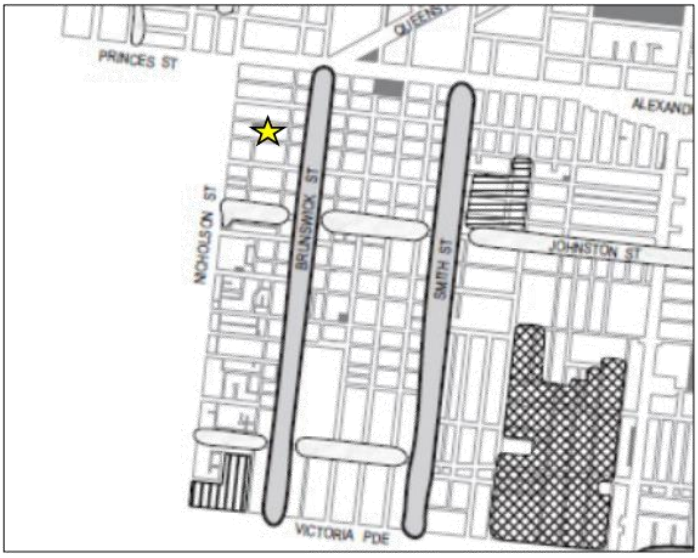
The detailed site context outlined above identifies that the subject site is within a Mixed Use Zone close to an established activity centre where policy direction at both the state and local level seek to diversify land uses and enhance facilities which are easily available to the surrounding community.

The proposed uses will enhance the vibrancy and viability of this mixed use area activity as sought by Clauses 21.04-2 (Activity Centres), 21.04-3 (Industry, office and commercial) & 21.08-7 (Fitzroy).

Surrounding land use mix and amenity

The subject site is located within a mixed use precinct orientated along Rose Street between two major arterial roads and just west of the Fitzroy Major activity Centre . The area is zoned Mixed Use which reflects that nature of surrounding uses. This will influence the requisite amenity expectation for the area. Although residential properties are located to the rear of the subject site, there will be minimal interaction between patrons and residents given the entrance to the bar and bottle shop will face Rose Street .

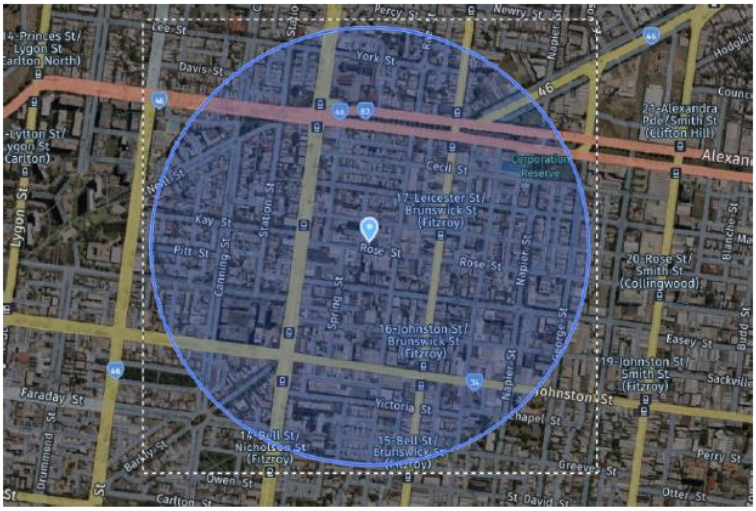
In addition to residential use, land along Rose Street and in nearby side streets includes a variety of retailing outlets, food and drink premises, a market, factories and warehouses as well as offices which results in a diversity of uses.



Excerpt from Strategic Framework Plan" at Clause 21.03

The mix of licensed premises

The Department's Practice Note indicates that the area to be considered in a cumulative impact is a 500 metre radius of the proposed venue, which for the current application represents land generally shown on the below aerial.



Aerial showing 500 metre radius from the subject site

12

For the purposes of the cumulative impact assessment, it has been proposed that only take away bottle shops, hotels, bars and nightclubs be included in the assessment as the significant number of licensed cafes and restaurant would make the assessment unwieldy. It is submitted that this is an acceptable approach as the as the primary focus at restaurant/cafe venues is the service of food.

The following liquor licences operate within this 500 metre radius of the subject site.

Premises
Bar Open 317 -319 Brunswick Street Fitzroy
Georges Bar 120 Johnston Street Fitzroy
Glamorama Nightclub 1/393-395 Brunswick Street Fitzroy
Kanela Bar Restaurant 56 Johnston Street Fitzroy
Polly Bar 401 Brunswick Street Fitzroy
The Black Pearl 304 Brunswick Street Fitzroy
The Brothers Public House 42 Johnston Street Fitzroy
The Kodiak Club 272 Brunswick Street Fitzroy
The Night Cat 141 Johnston Street Fitzroy
The Old Bar 74-76 Johnston Street Fitzroy
Saint Charlie 386-388 Brunswick Street Fitzroy
Bad Decisions Bar 46 Johnston Street Fitzroy
Evelyn Hotel 351 Brunswick Street Fitzroy
Laundry Fitzroy 48-50 Johnston Street Fitzroy
Naked for Satan 285 Brunswick Street Fitzroy.
Provincial Hotel 299 Brunswick Street Fitzroy
Rochester Castel Hotel 204 Johnston Street Fitzroy
Tankerville Arms 230 Nicholson Street Fitzroy
The Rum Diary 334 Brunswick Street Fitzroy
Town Hall Hotel 166 Johnston Street Fitzroy
Avalon The Bar 387 Brunswick Street Fitzroy
Baxters Lot 302 Brunswick Street Fitzroy
Blackout Restaurant & Lounge 342 Brunswick Street Fitzroy
Bonny Bar 177 Brunswick Street Fitzroy
Fitzroy Cellars 409 Brunswick St, Fitzroy VIC 3065
Royal Derby Hotel 446 Brunswick St, Fitzroy
Bimbo, 376 Brunswick St, Fitzroy
Commercial Club Hotel 344 Nicholson St, Fitzroy
Near & Far Bar 373 Brunswick St, Fitzroy

It is noted that many of these premises are located well to the south of the site along Johnston Street as well as around the intersection of Johnston Street and Brunswick Street. There are fewer licensed premises closer to the site and no premises identified in Rose Street. In addition, it is noted that there are very few bottle shops nearby other than the Evelyn Hotel and Fitzroy Cellars.

Given the location of these other licensed premises, together with the small size of the premises subject to this application, it is submitted that the approval of the sale and consumption of liquor in the manner sought,

will not result in adverse cumulative amenity impact on the area but will instead enhance the mixture of activities and vibrancy of Rose Street .

It will close significantly earlier than many other licensed premises in the area (10:00pm) and will involve the sale of a niche product being packaged wine in reusable bottles as well as operating a "low key" wine bar with this concept operating appropriately in Brunswick. Consequently, it will not result in anti-social behaviour or public disturbance.

Transport and dispersal

The licenced hours sought by the application are 10:00am to 10:00pm, 7 days a week meaning that no late night operations are sought. Patrons will therefore arrive and disperse from the site at various times throughout the day as per normal retailing operations.



Public Transport Map

Patrons visiting the premises are generally expected to be nearby and therefore be able to walk to the premises. Those coming from further afield are expected to utilise restricted public parking in the area or the public transport opportunities that present. These include:

- Tram Route 96 which travels along Nicholson Street,
- Tram Route 11 which travels along Brunswick Street;
- Various Bus Routes along Johnston Street and Alexandra Parade

As Nicholson Street and Brunswick Street form north-south arterial roads linking with Melbourne's Central Business District, taxis are readably available nearby..

Impact mitigation

Impact mitigation measures are considered to have been incorporated into the overall design and operation of the premises as follows:

- Locating the premise in a Mixed Use Zone close to the Fitzroy Activity Centre so as to limit conflicts with sensitive uses;
- Locating the premises in an area which has excellent transport opportunities;
- Ensuring that the operations close significantly earlier than many other licensed premises in the area (10:00pm)
- Internalising the service of alcohol within the building; and
- Limiting the number of patrons to a maximum of 18 which comprises a small establishment that will contribute to the vibrancy of uses in the area.

The Management Plan which will be endorsed as part of any approval issued to the site provides an additional means of ensuring that the amenity of the area is not unreasonably impacted.

Buildings & Works

The alterations to the shopfront to provide for a double door in minor and will not impact on the level of glazing to the street but provide for improved access and egress for the premises. The works are consistent with the appearance of the current building and will not impact on the appearance of the heritage overlay area.

Signage

The signage proposed by the application is limited to gold coloured vinyl logo transfers that area applied to the to the front windows of the shop and an additional sign on the tiling along the front façade. Being vinyl transfers these signs are easily applied and removed and are not structurally fixed to the building. The signage will be non illuminated.

The minimal nature of signage will ensure that it does not "*adversely affect the significance, character or appearance of the heritage place*" as required by the Heritage Overlay and is consistent with signage exempted in the Mixed Use Zone.

Car Parking

The development does not provide any onsite parking for this tenancy.

Pursuant to Clause 52.06-2 of the Yarra Planning Scheme, "*before*

- *a new use commences; or*
- *the floor area or site area of an existing use is increased;*

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority."

Clause 52.06-3A further identifies however that *a "permit is not required under Clause 52.06-3 if:*

- *the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for a new use of land is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land; and*
- *the number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.*

Parking rates associated with the designated retail use at the subject site together with the rates attributed to the "bar" and "bottle shop" use proposed by the current application are summarised below:

Bar: 3.5 spaces to each 100m^2 of leasable floor area

Retail (including bottle shop): 3.5 spaces to each 100m^2 of leasable floor area.

As the current application does not propose an increase in building floor area or a reduction in existing onsite car parking provisions, no planning approvals are therefore required pursuant to Clause 52.06-3A.

Clause 65 Decision Guidelines

Clause 65 requires that before deciding on an application or approval of a plan, the Responsible Authority must consider a number of matters. An assessment against these provisions is provided as follows:

- The proposal is consistent with the matters set out in Section 60 of the Planning and Environment Act 1987.
- The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement.
- The proposal is consistent the purpose of the Mixed Use Zone and Heritage Overlay.
- The proposal respects the orderly planning of the area.
- The proposal will not have an adverse impact on the amenity of the area.
- There is no public land in close proximity to the subject site.
- The proposal will not cause or contribute to land degradation, salinity or reduce water quality.
- The existing building is connected to underground drainage and as such would not have any adverse impact on the quality of stormwater within and exiting the site.
- The subject site does not contain any indigenous native vegetation in the meaning of the Planning Scheme.
- The proposed development would not contribute to any flood, erosion or fire hazard.

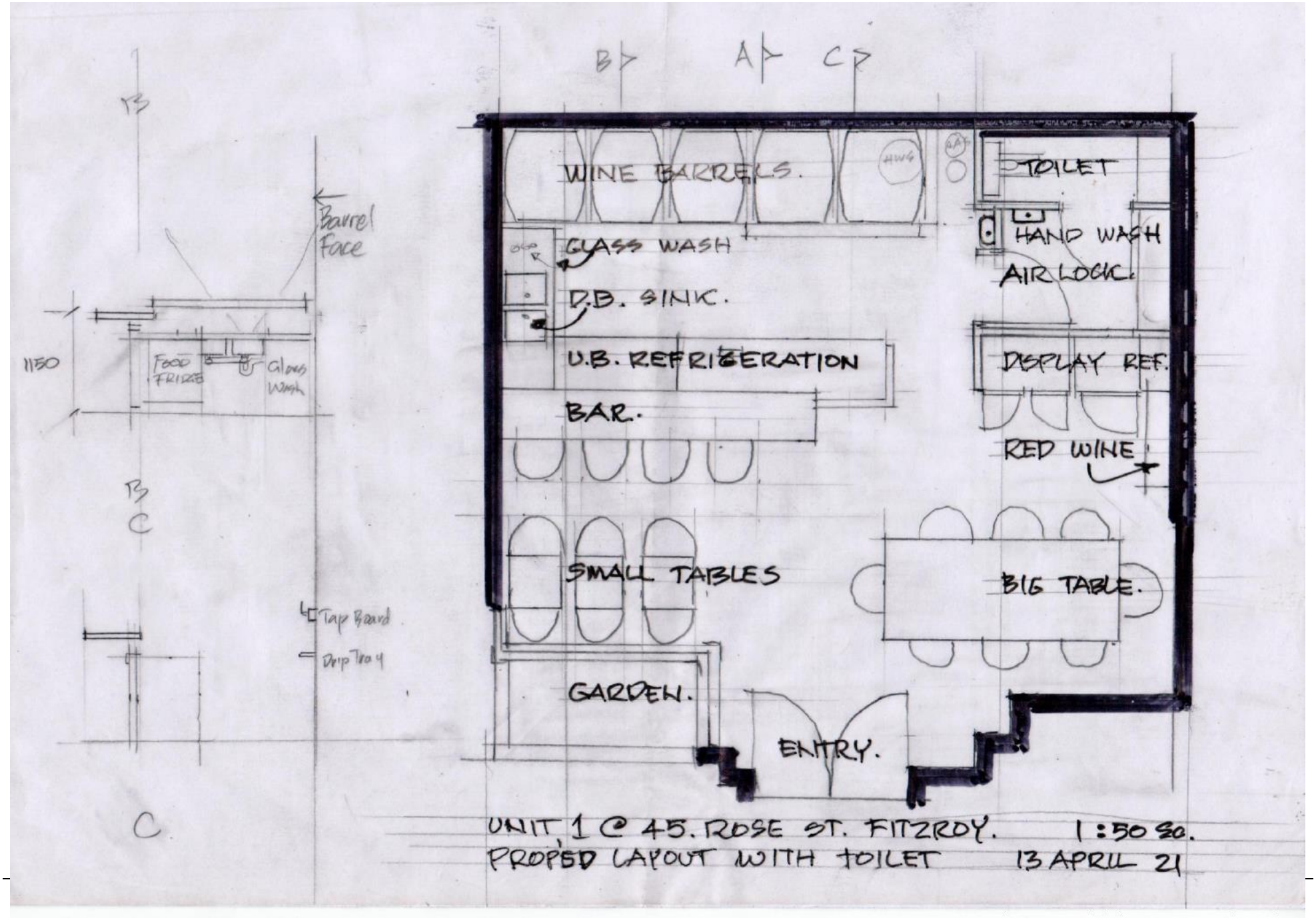
6. Conclusion

The sale and consumption of liquor, which is proposed at 45 Rose Street , Fitzroy together with display of signage within a Heritage Overlay is considered to enhance the vibrancy of the site's commercial context.

The site is appropriately located in a Mixed Use zone the Fitzroy Activity Centre where a diversity of land uses are encouraged to locate. The cumulative impact assessment provided with the application is also considered to demonstrate that the liquor licence will not unreasonably impact the amenity of the area whilst enhancing the mixture of activities and vibrancy of Rose Street .

For the reasons set out above, it is submitted that the proposal is one that should be supported by Council.

Attachment 9 - PLN13/0538.01 - 45 Rose Street Fitzroy - S57 Advertising - Amended Plans



Attachment 10 - PLN13/0538.01 - 45 Rose Street Fitzroy - S57 Advertising - Amended Noise and Amenity Action Plan



Noise and Amenity Action Plan

45 Rose Street Fitzroy

Yarra Planning Scheme

Prepared on behalf of ReWine

April 2021

Attachment 10 - PLN13/0538.01 - 45 Rose Street Fitzroy - S57 Advertising - Amended Noise and Amenity Action Plan

1. Purpose

This Plan has been prepared to accompany a planning permit amendment application relating to land at 45 Rose Street Fitzroy.

The application proposes to amend the existing approval so to allow the western ground floor commercial tenancy, identified as "studio/retail" on the endorsed plans, to be used for the sale and consumption of liquor (for on and off premises consumption) associated with the use of the land as a tavern & bottle shop.

This Plan has been prepared in order to provide a framework under which the conduct of the premises is managed to avoid unreasonable amenity impacts on the surrounding area.

2. Nature of Use

The liquor licence will be in associated with a bar and bottle shop use which will operate form the site. The primary focus of the use will be the sale of wine by retail to the general public. The wine will be distributed from barrels stored onsite into refillable bottles that customers return after use.

In addition, it is proposed to include the provision of a wine bar where patrons can enjoy a glass of wine for consumption on the premises and match the wines with grazing platters, small tapas plates, cheese and pizzas.

3. Hours of Operation and Patron Numbers

The application seeks to allow the liquor licenses to operate between 10:00am to 9:00pm Monday – Sunday.

A maximum capacity of 18 patrons is sought for the site. The licensed area will be internal to the building.

The footpath area in front of the site along Rose Street will not be used for seating in association with the bar.

4. Staffing Numbers

Due to the nature of the use, no security staff will be required onsite with the duty manager and staff responsible for ensuring that the use operates in accordance with this Plan.

A maximum of 2 staff will be present onsite at any one time and this will be adequate given the boutique nature of the operation.

5. Access

Patron access to the premises will be restricted to the Rose Street entrance.

6. Noise Sources

Noise sources originating from the subject site that may have an impact on amenity of the area include the following.

i. Persons leaving the premises.
ii. Persons entering the premises.
iii. Persons within the premises

Attachment 10 - PLN13/0538.01 - 45 Rose Street Fitzroy - S57 Advertising - Amended Noise and Amenity Action Plan

iv. Persons lingering along Rose Street once they have vacated the premises.

v. The disposal of rubbish

vi. Collection of rubbish

vii. Plant equipment

viii. Background music played at the premises.

7. Management Plan

Noise

All noise emitted from the subject premises will comply with any limits, standards or rules prescribed thereto or imposed by, in or under State Environment Policy made pursuant to the *Environment Protection Act 1970*, and in particular the State Environment Protection Policies N1 (Control of Noise from Commerce, Industry and Trade) and N-2 (Control of music from public premises).

All plant equipment will be regularly serviced to ensure that noise emitted will comply with any limits, standards or rules prescribed thereto or imposed by, in or under State Environment Policy made pursuant to the Environment Protection Act 1970, and in particular the State Environment Protection Policy (Control of noise from industry) N-1.

The premises ill operate in accordance with the recommendations set out in the Acoustic Report prepared by Marshall Day Acoustics.

Patron Management

The Premises Manager and other staff will be responsible for ensuring the orderly conduct of patrons attending the premises, including those arriving and dispersing from the venue. Staff will discourage patrons from lingering on Rose Street at closing time.

Notices informing patrons to leave the premises quietly and to avoid lingering will be placed strategically throughout the premises such as within the toilets and on the front door.

Patrons who smoke will be directed to Rose Street and cigarette bins will be provided. Our client will install signs and actively monitor patrons regarding smoking and request that they move away from the front of the building.

Staff will be responsible for ensuring the orderly conduct of patrons outside the building.

Given the nature of the premises there is no queuing expected to occur. If there is a requirement to wait for a table to become available patrons will be asked to wait quietly on the footpath in Rose Street and this will be monitored.

Given the nature of the premise and its small size, large group bookings will be rare. In the event that a booking is sought for the whole premises for a private function, the Manager will ensure that the lead member of the group is briefed on the expectations of patron behaviour at the premises.

Waste Management

Due to the reusable nature of the bottles, waste is kept to a minimum. However, any waste and recycling generated by the uses will be stored in the premise during operating hours and then removed and placed

into the bins in the communal bin store area that is located to the rear of the premises adjacent to the carpark.

Food waste diversion is proposed, and any food waste will be stored in the premise during operating hours until it is removed rom site as part of a food waste diversion arrangement.

No emptying of bottles into garbage bins will occur after 9:00pm on any night, or before 9:00am on any day.

Waste & recycling generated from the use will be collected by the existing contractor at the same time as the waste for the building as a whole is collected so as there will not be any additional rubbish collection times.

Provision of Music

Low level recorded music only will be played at the venue. The music will be played during opening hours and no amplified music will be played outside the building. All music originating from the subject premises will comply with the State Environment Protection Policy (Control of music from public premises) N-2.

Service of Alcohol

All floor staff employed will have a Certificate in the Responsible Serving of Alcohol and no intoxicated persons will be served alcohol onsite.

All intoxicated persons will be asked to leave the premises and a taxi will be arranged if no other alternative travel arrangements are possible.

Lighting

Public lighting exists along Rose Street which will be used by patrons to enter and exit the site.

Deliveries

All deliveries will be made with a van and scheduled to occur during the day, generally between the hours of 1000 – 1200 hrs Monday to Saturday. Loading and unloading will occur from parking bays on Rose Street. As these will occur during the day, noise from deliveries is not expected to present any significant impact to nearby residents.

Overall Management

At all times during the operation of the bar there will be present on the premises, a nominated person above the age of 18 years who is responsible for the good conduct of the bar ("The Manager").

The Manager is required to:

i. monitor noise emissions while the bar is open to ensure that noise is not excessive;

ii. ensure that alcohol is being served responsibly and to ensure that no liquor is provided to any intoxicated person;

iii. ensure that the venue closes at the allotted time;

iv. assist in supervising the departure of patrons from the venue so as to ensure that any noise and disturbance is minimised;

v. not facilitate in any manner and discourage any patron from congregating along Rose Street in front of the site when leaving.; and

vi. be authorised by the Owner to make statements and admissions to any authorised officer of the Responsible Authority or the Victoria Police regarding the conduct of the bar.

Complaints

In the event of a complaint being lodged by the general public or by the Victorian Police The Manager or The Owner will respond to the complaint in writing within 14 days.

All complaints received will be stored within the bar's operating records.

8. Conclusion

The proprietor undertakes to operate the premises in accordance with this Plan and any other conditions imposed by the Responsible Authority on the permit as issued, not excluding any other rights available under Victorian Law.

Attachment 11 - PLN13/0538.01 - 45 Rose Street Fitzroy - 3rd party review of Acoustic Report (SLR)

9 April 2021

640.10090.03130 45 Rose St Fitzroy 20210409.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Martin Jacob

Dear Martin

45 Rose Street, Fitzroy
Development Application Acoustic Review
PLN 13/0538.01

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report prepared to support the application for a bar at 45 Rose Street, Fitzroy.

Details of the report are as follows:

- Title: Acoustic Assessment
- Date: 4 February 2021
- Reference: Lt 001 R01 20210017
- Prepared for: ReWine
- Prepared by: Marshall Day Acoustics (MDA)

The report has been prepared to address the noise impacts from the proposed wine bar. MDA prepared the original acoustic report for the base building at the same address in 2017, and have utilised data obtained in the preparation of that report for the determinations of noise limits.

1 Project background

(page 1)

The project is a wine bar on the ground floor of an existing mixed use building. The acoustically significant aspects of the proposal are:

- Hours of operation from 10 am to 10 pm, 7 days a week
- A maximum of 18 patrons
- Background level music is proposed to be provided
- There is no outdoor patron area proposed
- Potential impacts from the proposed use are identified as patron and music noise
- The nearest noise sensitive receivers are identified as:

SLR Consulting Australia Pty Ltd Level 11, 176 Wellington Parade East Melbourne VIC 3002 Australia
T: +61 3 9249 9400 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

- Apartments on Level 1 of the same building
- Apartments on the south side of Rose Street (48-52 Rose Street, Level 1 and above)

SLR Comments: *The acoustically significant aspects of the proposal, the nearest noise sensitive receivers and potential noise impacts have been identified.*

2 Background noise monitoring for establishing noise limits

(Appendix C of the acoustic report)

MDA have utilised background noise monitoring data obtained previously in the Endorsed Report for the day period, and data obtained in 2017 for a nearby site (82 Rose Street) for the evening period in order to determine noise limits for both music and patron noise.

The average evening background noise levels for the monitoring days (19 to 27 June 2017) are presented in Table 5 of the report, and MDA have adopted the lowest average evening level for the determination of noise limits. The evening background noise level is identified as 40 dBA.

SLR Comments: *The use of historical background noise data for a nearby site is reasonable, particularly in the context of assessments prepared during the time when ambient noise in Melbourne was potentially impacted by COVID-19 restrictions (at the time of the assessment there were still patron density restrictions in place for venues in Melbourne).*

The noise logger location (82 Rose Street) is acceptable, although it appears to be incorrectly shown in Figure 2 (from our understanding of the historical report, the data was obtained a further 40 m east of the location shown). The presented background noise level is consistent with our expectations for the area.

3 Music Noise

(Page 2 of the acoustic report)

Music is proposed to be assessed to SEPP N-2. The SEPP N-2 day / evening limit is identified as 45 dBA Leq.

Music is proposed to be played at levels not greater than 67 dBA Leq with the venue. The predicted noise level at receiver locations is 21-23 dBA, and comfortably complies with the noise limit.

SLR Comments: *We agree that the proposed levels of music will comply with relevant noise limits.*

The report does not clarify whether predictions of music noise are made with the front door open or closed (or open at times). However, the results are consistent with the assumption that it is closed most of the time.

Predictions do not appear to have been conducted for noise through the common floor / ceiling, however our indicative calculations suggest that these low levels of music are likely to comply with the SEPP N-2 base noise limits in the apartment above.

Attachment 11 - PLN13/0538.01 - 45 Rose Street Fitzroy - 3rd party review of Acoustic Report (SLR)

4 Patron noise

(Page 3 and Appendix D of the acoustic report)

Patron noise is proposed to be assessed to a level of 'background + 10 dB' at sensitive receiver locations.

The identified limits are 60 dBA for the day period, and 50 dBA for the evening.

The predicted noise levels, assuming the venue is at capacity, and doors and windows are closed, is 28 to 31 dBA.

SLR Comments: *The assessment criteria are reasonable. The report does not state the assumed levels of patron noise within the bar.*

We have undertaken our own indicative calculations and have used an internal level of 75 dBA Leq (reverberant). We predict similarly compliant levels at sensitive receiver locations through the façade, assuming doors and windows closed and assuming a standard (acoustically unsealed) door.

5 Noise from waste management

(Section 6.5 of the report)

Waste collection and deliveries are proposed to be undertaken in accordance with EPA Publication 1254 schedules.

SLR Comments: *Agreed.*

6 Summary

SLR have conducted a review of the acoustic report prepared to support the application for a wine bar at 45 Rose Street, Fitzroy. The bar is proposed to operate during the day and evening periods only.

Compliance with the identified noise limits has been shown assuming the doors and windows of the bar are closed. Based on the provided assessment we recommend that the bar be required to operate with doors and windows closed, unless doors are used for ingress / egress, during the evening period.

Regards,



Dianne Williams
Principal – Acoustics

Checked/Authorised by: JA

Attachment 12 - PLN13/0538.01 - 45 Rose Street Fitzroy - Community Amenity Referral Comments

Steve Alexander - Coordinator Compliance and Construction Enforcement:

Thank you for your referral. I've had an opportunity to review the application I note the patron numbers being a total of 18 and given the hours proposed are no later than 10pm the Compliance branch does not have any concern with the proposal. Feel free to contact me if you have further questions.

Attachment 13 - PLN13/0538.01 - 45 Rose Street Fitzroy - Waste Management Plan Referral Comments

Atha Athanasi - Contract Management Officer:

The waste management plan for 45 Rose Street, Fitzroy authored by Leigh Design and dated 7/2/21 is not satisfactory from a City Works Branch's perspective.
Issues to be rectified include, but may not be limited to the following:

1. Food waste diversion should be included as a requirement

Subject to a permit condition requiring that food waste from the proposal be diverted that the WMP is otherwise suitable.

The generation rates for the wine bar are in line with industry standard for a licensed premises.

Attachment 14 - PLN13/0538.01 - 45 Rose Street Fitzroy - Social Planning referral comments

CITY OF YaRRA

MeMO

TO: Jacob Martin, Statutory Planner

FROM: Steph Ashby, Senior Planner (Community Health and Safety)
DATE: 12 March 2021
ADDRESS: 45 Rose Street Fitzroy VIC 3065

APPLICATION NO: PLN13/0538.01
DESCRIPTION: Amendment to existing permit to allow the western ground floor commercial tenancy to be used for the sale and consumption of liquor (for on and off premises consumption) associated with the use of the land as a bar (wine bar) & bottle shop.

Social Strategy and Community Development has been requested to comment on the proposal.

PROPOSAL

Key aspects of the site and proposal include:

- The subject site is located within the Mixed-Use Zone.
- The subject site is affected by Development Contributions Plan Overlay - Schedule 1(DCPO1), Environmental Audit Overlay (EAO), and Heritage Overlay Schedule (HO334).
- The application seeks an amendment to an existing planning permit to allow for the sale and consumption of liquor, for on and off premises consumption.
- The liquor licence category for the venue is proposed to be a *General Liquor Licence* for on and off-site consumption.
- Proposed opening hours are 10:00am – 10:00pm, Monday – Sunday.
- Eighteen patrons at a time are proposed to be permitted on the site.
- From the town planning report, provision of seating for approximately 18 people appears to be proposed to be provided.
- There will be no amplified music played at the venue, with music limited to background level only.
- The total floor area is 52sqm, as per the submitted building surveyors report.

COMMENTS

Attachment 14 - PLN13/0538.01 - 45 Rose Street Fitzroy - Social Planning referral comments

- The proposed *General liquor licence* in one of the higher risk liquor licence types.
- There are 2 licenced premises within 100 metres of the subject site, and 98 licenced premises within 500 metres of the subject site, with the majority concentrated along Brunswick Street to the north and south, and Johnston Street. It is considered that the site is in an area with a high density of licensed premises, and a cumulative impact assessment is recommended, and has been provided. This is acceptable.
- In accordance with Clause 22.09, an assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016). The maximum number of patrons that may be accommodated on the premises could be based on a ratio of 0.75 square metres per person, as per the Victorian Commission for Gambling and Liquor Regulation (2018) Liquor Licensing Fact Sheet - Maximum Patron Capacity.
- As per the provided plans, the floor area is 52 square meters, which according to the VCGLR Maximum Patron Capacity would allow for a maximum of 26 patrons. Therefore, 18 patrons is an acceptable number.
- The proposed hours of operation are in accordance with Clause 22.09, where licensed premises in a Mixed-Use Zone should not provide for the sale and consumption of liquor beyond 10pm. This is acceptable.
- Clause 22.09 also states that packaged liquor outlets should not provide for the sale of liquor before 9am or after 11pm. The proposed hours of operation are acceptable.
- It is recommended that amenity conditions as outlined in Clause 22.09 be included in any approval granted.