



Agenda

Planning Decisions Committee

6.30pm, Tuesday 23 April 2024

Richmond Town Hall

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 Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Sophie Wade Councillor

Council officers

- Lara Fiscalini Acting Coordinator Statutory Planner
- Corey Woolridge Senior Planner
- Rhys Thomas Senior Governance Advisor
- Mel Nikou 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 Tuesday 27 February 2024 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN22/0069.01 - 276 Lennox Street, Richmond	5	18
6.2	PLN23/0685 - 4 - 6 Derby Street Collingwood	52	111
6.3	PLN23/0661 - 9 Arthur Street, Fairfield	290	316

6.1 PLN22/0069.01 - 276 Lennox Street, Richmond

Report Summary

Purpose

1. This report provides the Planning Decisions Committee with an assessment of the application at No. 276 Lennox Street, Richmond for an amendment to the planning permit to increase the hours of operation, practitioner numbers and number of daily appointments.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 13.07-1L (Interfaces and Amenity);
 - (b) Clause 32.09 (Neighbourhood Residential Zone); and
 - (c) Clause 52.06 (Car Parking).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Use; and
 - (b) Objector Concerns.

Submissions Received

4. Twenty-two (22) objections were received in total to the application, with 17 from individual properties. These can be summarised as:
 - (a) Inappropriate location for a medical centre;
 - (b) Inappropriate operating hours in a residential zone;
 - (c) Noise associated with increased number of practitioners, appointments and hours of operation;
 - (d) Increased pedestrian activity on surrounding street network;
 - (e) Reduced car parking availability and impacts on local traffic network;
 - (f) Lack of on-site bicycle parking and inappropriate bicycle parking facilities;
 - (g) Lack of disabled access;
 - (h) The amendment application is an abuse of process and is seeking to “stack the permit”; and
 - (i) Use does not comply with existing permit conditions (hours of operation, display of signage, inappropriate bicycle parking facilities, waste collection).
5. One letter of support was received for 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) The hours of operation on Saturdays limited to between 9am and 4pm.

CONTACT OFFICER: Erryn Megennis
TITLE: Senior Statutory Planner
TEL: 0392055485

6.1 **PLN22/0069.01 - 276 Lennox Street, Richmond**

Reference	D24/98754
Author	Erryn Megennis - Senior Statutory Planner
Authoriser	Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward:	Melba
Proposal:	Section 72 Amendment to planning permit PLN22/0069 to increase practitioner numbers, hours of operation and number of daily appointments.
Existing use:	Medical Centre (Chiropractor)
Applicant:	Contour Consultants
Zoning / Overlays:	Neighbourhood Residential Zone – Schedule 1 (NRZ1) Heritage Overlay – Schedule HO332 (HO332) Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Date of Application:	23 January 2024
Application Number:	PLN22/0069.01

Planning History

1. The site has the following planning history:

Planning Permit PLN22/0069

- (a) On 26 July 2022, Council's Planning Decisions Committee resolved to issue a Notice of Decision to Grant planning permit PLN22/0069 for:
 - (i) *Use of the land for a medical centre (chiropractic clinic), construction and display of one (1) business identification sign and a reduction in car parking.*
- (b) On 24 August 2022 a Section 82 Objector appeal against Council's decision was lodged at the Victorian Civil and Administrative Tribunal (VCAT);
- (c) Planning permit PLN22/0069 was issued on 30 September 2022 at the direction of VCAT via consent order for:
 - (i) *Use of the land for a medical centre (chiropractic clinic) and a reduction in car parking.*
- (d) Key changes between the Notice of Decision to Grant a Planning Permit and the Planning Permit include:
 - (i) Deletion of the business identification sign; and
 - (ii) That the plans include a notation to show provision of internal sound insulation to the southern wall of the reception/waiting area.
 - (iii) The hours of operation on Saturday modified from 8am to 12pm, to 9am to 1pm.
- (e) Plans have been endorsed and the use has commenced.
- (f) This application is the first amendment application to PLN22/0069 lodged under Section 72 of the *Planning and Environment Act (1987)* (the Act).

Other Permit History

- (g) Planning permit PL01/0804 was issued on 18 March 2002 at the direction of VCAT for *Alterations and Additions to existing dwelling (including partial demolition)*;
- (h) Planning permit PL06/0243 was issued on 5 May 2006 for *Development of the land through the construction of a side and rear fence including partial demolition (retrospective)*; and
- (i) Planning permit PLN24/0027 was issued on 31 January 2024 for *demolition of a shed*. Plans have been endorsed. At the time of writing this report, the works had yet to be commenced.

The Proposal

- 2. The application is for a Section 72 amendment to planning permit PLN22/0069 to increase practitioner numbers, hours of operation and number of daily appointments. Further details of the proposal are as follows:
 - (a) Increase practitioner numbers from 2 to 3;
 - (b) Increase the number of daily appointments from 35 to 45;
 - (c) Amend the hours of operation from:
 - (i) Monday to Friday 8am to 6:30pm;
 - (ii) Saturdays 9am to 1pm;To:
 - (i) Monday to Friday 8am to 7pm (increase of half an hour in the evening); and
 - (ii) Saturdays: 8am to 4pm (increase of one hour in the morning and three hours in the afternoon).
- 3. To facilitate these changes, the following amendments to the permit conditions have been requested:
 - (b) Amend Condition 3 from:

No more than two (2) practitioners are permitted to operate from the land at any one time

To (changes in bold)

*No more than **three (3)** practitioners are permitted to operate from the land at any one time*
 - (c) Amend Condition 4 from:

Except with the prior written consent of the Responsible Authority, no more than 35 appointments can be carried out per day

To (changes in bold)

*Except with the prior written consent of the Responsible Authority, no more than **45** appointments can be carried out per day*
 - (d) Amend Condition 5 from:

Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

 - (a) *Monday to Friday: 8:00am - 6:30pm; and*
 - (b) *Saturdays: 9:00am – 1:00pm*To (changes in bold)

Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

(c) *Monday to Friday: 8:00am - 7:00pm; and*

(d) *Saturdays: 8:00am – 4:00pm*

Legislation Provisions

4. 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, if 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.*
5. The planning permit was issued on 30 September 2022 at the direction of VCAT.
6. 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.
7. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Existing Conditions

Subject Site

8. A description of the subject site was provided within the officer report for the original application:

The subject site is on the south- western corner of the Lennox Street-Tanner Street intersection, in Richmond. Swan Street is approximately 100m to the south. The site has a frontage of 6.04m to Lennox Street, depth of 34.75m and an overall area of 212.5sqm. Currently occupying the site is a two storey, Edwardian-era dwelling with a small, paved front setback and area of private open space and car parking at the rear. Access to the car parking space is provided via a 3m wide crossover on Tanner Street. The site also has rear abuttal to Botherambo Street. The dwelling forms part of a matching pair with the dwelling to the south at No. 276A Lennox Street.

The site is graded 'contributory' to the Richmond Hill Heritage Precinct. Contributory features include the Edwardian-era dwelling, corbelled brick chimneys and exposed brick façade.
9. Since that time, there have not been any changes to the subject site with the exception of the Medical Centre now operating from the site.



Figure 1: View of subject site from Lennox Street (Officer's photograph, June 2022)

Title Information

10. The title submitted with the application does not show any covenants. A 0.114m wide party wall easement extends 26m along the southern boundary. This application will have no impact on this party wall.

Surrounding Land

11. A description of the surrounding land is provided within the previous officer report for the original application:
12. *Lennox Street is primarily a residential street also consisting of pockets of non-residential uses dispersed between Bridge Road and Swan Street. The subject site is located within residentially-zoned land. However, land use zoning along this section of Lennox Street is variable and consists of both residential and commercial zones. Approximately 100m north of the subject site, Lennox Street is zoned Commercial 1 and the Swan Street Major Activity Centre (MAC) is located approximately 100m to the south of the site. Land to the west of the subject site falls within the Mixed Use Zone and consists of a mix of residential, office and light industrial uses.*
13. *A two storey office building with a ground floor food and drink premises is also located on the corner of Lennox and Gipps Streets (diagonally opposite the subject site at No. 285 Lennox Street) within residentially-zoned land. Existing Use Rights for this office and planning approval for the food and drink premises were granted under planning permit PLN13/0173.*
14. *Car parking in this section of Lennox Street is subject to time restrictions and permit only parking zones. The site is also within the Principal Public Transport Network and is within walking distance of public transport servicing the Swan Street, Bridge Road and Hoddle Street corridors. Lennox Street is also a designated bicycle route with separate on-road bicycle lanes.*
15. *Specifically the subject site has the following interfaces:*
 - (a) *Adjoining property – No. 276A Lennox Street:
To the south of the site is No. 276 Lennox Street, an Edwardian-era dwelling with first floor addition constructed to the rear of the site. The dwelling forms part of a matching pair with the subject site and is constructed along the length of the common boundary. An area of private open space is located to the rear, with rear access via Botherambo Street;*

- (b) North – Nos. 73 Tanner Street and No. 77 Tanner Street and No. 272 Lennox Street:
To the north of the site, on the opposite side of Tanner Street are Nos. 73, 77 Tanner Street and No. 272 Lennox Street. No. 77 Tanner Street and No. 272 Lennox Street form a three storey townhouse development. A garage as well as habitable room windows are constructed to the southern façade of the building. No. 73 Tanner Street comprises a two storey building with on-site parking and habitable room windows constructed on the southern façade.
- (c) West – No. 68 Tanner Street:
To the rear of the site, on the opposite side of Botherambo Street, is the eastern side boundary of No. 68 Tanner Street, a two storey office building with on-site car parking accessed via Botherambo Street; and
- (d) *Properties to the east of the subject site include No. 1/2A Gipps Street and Nos. 291-295 Lennox Street. These properties consist of two and three storey townhouses with habitable room windows fronting Lennox Street.*

16. Since that time, there have not been any notable changes to the site context.



Figure 2: Nearmap aerial imagery of subject site and surrounds (February 2024)

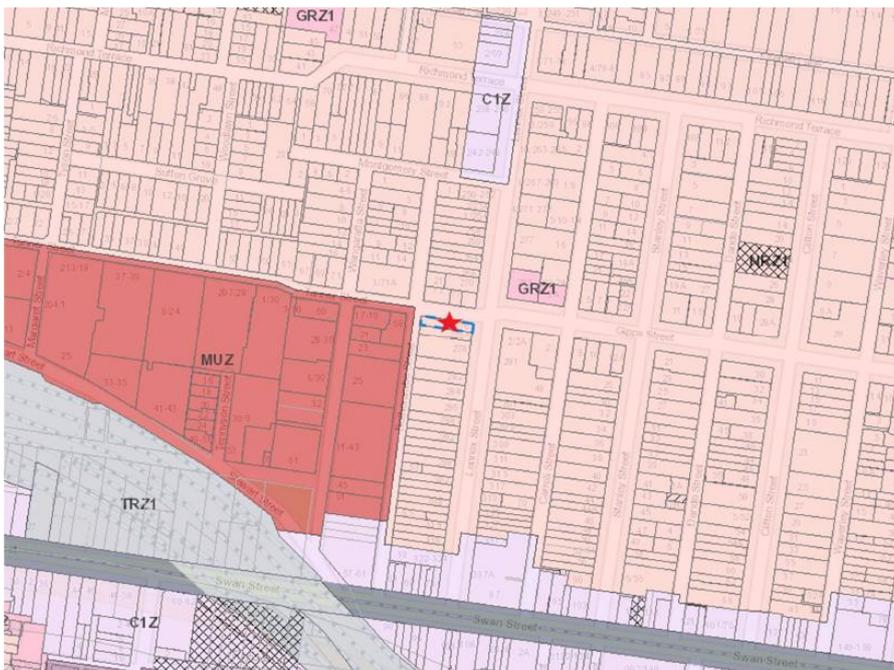


Figure 3: Land use zoning map (DELWP 2022) with subject site identified with red star

Planning Scheme Provisions

Zoning

17. The subject site is zoned NRZ1 - Neighbourhood Residential Zone - Schedule 1. The following provisions apply:
 - (a) Pursuant to Clause 32.09-2, a planning permit is not required to use the land as a Medical Centre provided the following conditions are met:
 - (i) The gross floor area of all buildings must not exceed 250 square metres.
 - (ii) Must be located in an existing building.
 - (iii) The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3; and
 - (iv) Must not require a permit under Clause 52.06-3; and
 - (b) As the subject site does not adjoin or have access to a Transport Zone 2 or 3 and requires a planning permit under Clause 52.06-3, a planning permit is required to use the land for a medical centre; and
 - (c) The existing planning permit already approves the use of land for a medical centre.

Overlays

18. The subject site is affected by the Heritage Overlay, Schedule 332. As there are no buildings and works proposed an assessment against the HO332 is not required.
19. The subject site is also affected by the Development Contributions Plan Overlay, Schedule 1. This overlay applies to all land in the City of Yarra and to all new development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. As the amendment application does not result in an increase to the gross floor area of the building, the requirements of the DCPO1 do not apply.

Particular Provisions

Clause 52.06 (Car Parking)

20. As the subject site is in the Principal Public Transport Network, Column B rates at Clause 52.06-5 apply.
21. Clause 52.06-5 applies a car parking rate of 3.5 spaces to each 100sqm of leasable floor area. The subject building has a leasable floor area of 161sqm, generating a requirement of five on-site car parking spaces. 1 car parking space is provided on-site, thus requiring a reduction of 4 car parking spaces.
22. This car parking reduction was approved under the original planning permit.
23. Given there will be no increase to the leasable floor area of the building, there is no requirement under Clause 52.06 to provide additional car parking.
24. The requirements of this clause therefore do not apply to the amendment application.

Clause 52.06 (Bicycle Parking)

25. Pursuant to Clause 52.34-1, *a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.*
26. Pursuant to Clause 52.34-5, the medical centre is required to provide 1 employee and 1 visitor bicycle parking space. Provision for bicycle parking for both employees and visitors is already included on the existing endorsed plans (which are not subject to change as part of this amendment application).
27. As the floor area of the existing medical centre will not increase, additional bicycle parking facilities are not required.

28. The requirements of this clause therefore do not apply to the amendment application.

General Provisions

Clause 65 – Decision Guidelines

29. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

Municipal Planning Strategy

30. Relevant clauses are as follows:

- (a) Clause 02.03 – Strategic directions;
- (b) Clause 02.03-3 – Environmental risks and amenity; and
- (c) Clause 02.03-6 – Economic development.

Planning Policy Framework (PPF)

31. Clause 11 – Settlement:

- (a) Clause 11.01-1S – Settlement;
- (b) Clause 11.01-1R – Settlement – Metropolitan Melbourne; and
- (c) Clause 11.02-1S – Supply of urban land.

32. Clause 13 – Environmental Risks and Amenity:

- (a) Clause 13.05-1S – Noise management;
- (b) Clause 13.07-1S – Land use compatibility; and
- (c) Clause 13.07-1L – Interfaces and amenity.

33. Clause 17 – Economic Development:

- (a) Clause 17.01-1S – Diversified economy;
- (b) Clause 17.01-1R – Diversified economy (Metropolitan Melbourne);
- (c) Clause 17.01-1L – Employment;
- (d) Clause 17.02-1S – Business; and
- (e) Clause 17.02-2S – Out-of-centre development.

Advertising

34. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 22 letters sent to surrounding owners and occupiers and by two signs displayed on site. Council received 17 objections from individual properties with 22 objections in total of which 18 were pro-forma. The application also received 1 letter of support.

35. Objectors raised the following issues:

- (a) Inappropriate location for a medical centre;
- (b) Inappropriate operating hours in a residential zone;
- (c) Noise associated with increased number of practitioners, appointments and hours of operation;
- (d) Increased pedestrian activity on surrounding street network;

- (e) Reduced car parking availability and impacts on local traffic network;
 - (f) Lack of on-site bicycle parking and inappropriate bicycle parking facilities;
 - (g) Lack of disabled access;
 - (h) The amendment application is an abuse of process and is seeking to “stack the permit”; and
 - (i) Use does not comply with existing permit conditions (hours of operation, display of signage, inappropriate bicycle parking facilities, waste collection).
36. The grounds of support are as follows:
- (a) The use supports the local community and should be allowed to expand; and
 - (b) Council should support local business post-pandemic.

Referrals

External Referrals

37. The application was not required by the Scheme to be referred to external parties.

Internal Referrals

38. The application was referred to Council’s compliance unit for comment. These referral comments are included as an attachment to this report.

OFFICER ASSESSMENT

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

- (a) Use; and
- (b) Objector concerns.

Use

40. The following assessment is informed by the relevant policy objectives and decision guidelines of the Neighbourhood Residential Zone (Clause 32.09), Clause 13 (Environmental Risks and Amenity) and Clause 13.07-1L-01 of the Scheme (Interfaces and Amenity) of the Planning Policy Framework.
41. Relevant to the proposal, the key purposes of the Neighbourhood Residential Zone (Schedule 1) are:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework; and*
 - (b) *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
42. The appropriateness of the subject site for a Medical Centre use was discussed at length in the planning officer’s [report](#) for the original application (paragraphs 30 to 51) where it was established that there is strong planning policy support for the use and that it would not have an unreasonable amenity impact on the surrounding area, subject to the conditions outlined on the planning permit.
43. This assessment will therefore be limited to the increase in practitioner numbers, number of daily appointments and the hours of operation and whether the proposed amended use will have an unreasonable amenity impact on the surrounding area.
44. Guidance on the assessment of non-residential uses in residentially-zoned land is provided at Clause 13.07-1L-01 of the Scheme (Interfaces and Amenity). The objectives of this policy are:
- (a) *To protect the operation of business and industrial activities from new residential use and development;*

- (b) *To provide a reasonable level of amenity to new residential development within or adjacent to land in commercial and industrial zones; and*
 - (c) *To support the growth and operation of surrounding non-residential development and uses.*
45. With regard to noise emissions, the proposed amendments to the Medical Centre are not anticipated to generate additional noise to what is already typical of the existing operations. The medical centre provides therapeutic and remedial health services to its patients, the nature of which would have similar noise emissions to residential use. Each consultation room is enclosed, and the appointments would be conversational rather than relying on any machinery. In terms of a non-residential use located in a residential zone, a medical centre is generally considered to pose little amenity risks in this regard.
46. Condition 5 is proposed to be amended to allow for an extra half-hour of trading, Monday to Friday and an extra one hour in the morning and three hours in the afternoon on Saturdays.
47. Policy at Clause 13.07-1L-01 seeks to ensure that the hours of operation for a non-residential use in a residential zone is limited to between 8am and 8pm. These hours are considered to fall outside the more sensitive morning and evening/night time hours where there is potential for non-residential uses to have an adverse amenity impact on nearby residential uses.
48. The proposed amended hours remain consistent with policy and are therefore not considered to unreasonably impact the amenity of the surrounding area. However, the current approved hours for Saturdays formed part of the agreement reached via consent as part of the VCAT appeal for the original application (P1106/2022) where the hours of operation were modified from 8am to 12pm, to 9am to 1pm.
49. This application proposes to commence trading on Saturdays at 8am, in lieu of 9am as previously agreed. Given this proposal is contrary to the terms agreed upon as part of the VCAT process, it is not supported and should remain at 9am in accordance with the VCAT order issued 30 September 2022 . It is therefore recommended that Condition 5 be amended to the following:
- 5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:*
- (a) *Monday to Friday: 8:00am - **7:00pm**; and*
 - (b) *Saturdays: **9:00am – 4:00pm***
50. In addition to the increase in hours proposed, Conditions 3 and 4 are also proposed to be modified to allow for three practitioners in lieu of two and for 10 additional appointments per day (a total of 45 appointments).
51. The existing building provides three consulting rooms and as such it is considered that the building itself has capacity to accommodate an additional practitioner. The existing permit allows 35 appointments for 2 practitioners, on balance allowing 17 - 18 appointments per practitioner per day. As such, it is considered that an addition 10 appointments per day can be accommodated on the site without resulting in further material detriment to the surrounding area.
52. The scale of the use is considered to be generally consistent with servicing the local community and aligns with one of the key objectives of the NRZ *“to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations”*. The limited number of practitioners and the length of appointments (15 to 90 minutes as confirmed in the previous Officer’s Report – paragraph 43) would not result in large numbers of people frequenting the site and so it is unlikely to generate unreasonable disturbance to nearby residential properties.

53. With regard to noise transfer between buildings, additional soundproofing to mask the sound of people walking up and down the hallway is not considered necessary. The sounds of footsteps from neighbouring buildings is part and parcel of living in a built up, inner city suburb and particularly where buildings are constructed on shared boundaries. The sound of footsteps is also conducive had the building be used for a dwelling. Further, Condition 7 of the existing permit requires the use to comply with the relevant noise limits set by the Environmental Protection Authority and this condition will remain on any amended permit issued.
54. It is acknowledged that the increase to the hours of operation, practitioner numbers and number of daily appointments will result in additional people in the area throughout the day. However, social activity and the movement of people within the street is to be expected in an inner-city area. General noise produced from people arriving and leaving (including talking and car noises) associated with a medical centre is not considered unreasonable for the site context and will be reasonably limited by the recommended conditions restricting the operating hours and number of appointments per day. The host-building as shown on the endorsed plans currently has provision for up to three consulting rooms and as such, it is considered that an additional practitioner can be easily accommodated on-site without requiring additional modifications to the existing building.
55. Further, the proposed hours of operation, subject to condition, are not anticipated to cause conflicts with surrounding residential uses, give they largely represent standard business hours and the use will not disturb the amenity of the area during the sensitive night time hours. Conditions will continue to restrict practitioner numbers, hours of operation and appointment numbers should an amended permit be granted.
56. As the operating hours are generally restricted to daytime hours, light spill is not a consideration in this instance. Regardless, any lighting after hours would be no different to that of a residential use. The existing building is double storey and fenced and no additional buildings and works are proposed. The proposed amended use would therefore not result in any new opportunities for overlooking into neighbouring residential properties. It is therefore recommended that Conditions 3 and 4 be amended to the following:
- 3. No more than **three (3)** practitioners are permitted to operate from the land at any one time..*
- 4. Except with the prior written consent of the Responsible Authority, no more than **45** appointments can be carried out per day.*
57. Regarding waste, it is anticipated that waste generated by the proposed amended use would not increase beyond existing waste generation from the Medical Centre. As stated in the previous officer report, any waste generated by a consultative practice would be similar to or less than a residential use. Given the nature of the medical use, it is not expected that any toxic waste or large waste items will be produced. Further, the nature of the use will not require any bulky or frequent deliveries. Condition 9 of the permit restricts the days and hours that deliveries and collections to/from the site are permitted and this will remain on any amended permit issued. Further, Condition 8 of the existing permit will remain and will require waste generated from the medical centre use to be collected via private collection. Waste from the kitchen/staff room and bathrooms will continue to be collected via Council's waste collection service and bins will be stored on the street on the relevant collection day.
58. In summary, the proposed amended use, subject to the conditions outlined, will not cause unreasonable material detriment to surrounding residential properties and will continue to be compatible with the subject site and surrounding land use context. The amended proposal continues to satisfy the objectives of the NRZ and the Planning Policy Framework and is supported.

Objector Concerns

59. The majority of objector concerns are discussed in the body of the report, including:

- (a) Inappropriate location for a medical centre is addressed at paragraph 42. The planning permit already approves the use of land as a medical centre and this assessment has been limited to its proposed expansion;
- (b) Hours of operation are addressed at paragraphs 46 and 49;
- (c) Noise impacts are addressed at paragraphs 45 and 53;
- (d) Increased pedestrian activity has been addressed at paragraph 54; and
- (e) Car parking has been discussed at paragraphs 21 to 24. As there is no statutory requirement under Clause 52.06 to provide additional car parking, matters relating to car parking and traffic impacts cannot be considered.

60. Outstanding objector concerns are addressed as follows:

- (a) *Lack of on-site bicycle parking and inappropriate bicycle parking facilities:*

As stated at paragraphs 25 - 28, additional on-site bicycle parking is not required. The existing endorsed plans include provision for employee and visitor bicycle parking in accordance with the requirements of Clause 52.34. Council's Planning Enforcement Unit have already investigated the on-site bicycle parking provision and have confirmed that the on-site provision is satisfactory and in accordance with planning permit PLN22/0069 (Reference: CPPlan23/00241).

The endorsed plans show provision for on-site bicycle parking in accordance with Clause 52.34 of the Scheme. The use of parking signs and other street signs to park bicycles is not something that can be regulated under the *Planning and Environment Act (1987)*;

- (b) *Lack of disabled access:*

Whilst universal access is encouraged, there is no requirement under the Yarra Planning Scheme to provide a disabled access ramp. This is a matter dealt with under the Building Code of Australia;

- (c) *The amendment application is an abuse of process and is seeking to "stack the permit":*

- (i) Section 72(1) of the Planning and Environment Act (1987) states that *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*. Further, pursuant to Section 72(2)(a)(b) 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; and

- (ii) The permit holder is therefore entitled to apply for an amendment to the planning permit. Amendment applications are subject to assessment by Council planning officers and will be determined on their merits. As this report concludes, the proposed amendments are determined to demonstrate compliance with the relevant policies and provisions of the Yarra Planning Scheme. As discussed at paragraph 48 - 49, the proposal to commence trading at 8am is not supported as this is contrary to the settlement reached as part of the previous VCAT appeal. The commencement time for Saturday trading will remain at 9am; and

- (d) *Use does not comply with existing permit conditions (hours of operation, display of signage, inappropriate bicycle parking facilities, waste collection).*

- (i) Breaches of any conditions of the planning permit are matters for Council's Planning Enforcement Unit who will initiate investigations as required. The owner / permit holder in carrying out the approved use, remains obliged to comply with the conditions on the planning permit;

- (ii) The existing planning permit does not approve the construction and display of business identification signage, nor does this amendment application seek to apply for any. It appears the medical centre has been displaying a sandwich board sign on the street during business hours. The display of these signs on public land does not require a planning permit. These signs do however require a Footpath Trading Permit under Council's Local Law No. 26. If the Medical Centre does not have a Footpath Trading Permit for this sign it will be a matter for Council's Compliance Unit to investigate; and
- (iii) Should the permit holder wish to display a business identification sign on the subject site, they will be required to apply for another amendment to planning permit PLN22/0069. The sign will be assessed against the applicable signage policies and provisions of the Scheme and will be determined on its merits.

Conclusion

61. The proposed amendments are considered to demonstrate a high level of compliance with the policy objectives contained within the Municipal Planning Strategy and Planning Policy Framework. The proposal, subject to the recommended conditions, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objectives and relevant planning policies, the Committee resolved to issue a Notice of Decision to Grant an Amended Planning Permit PLN22/0069 for the use of the land for a medical centre (chiropractic clinic) and a reduction in car parking at 276 Lennox Street, Richmond VIC 3121 subject to the following conditions (changes in **bold**):

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Elevation 7 and dated November 2021 but modified to show:
 - (a) The ground floor plan updated to correctly reflect the true location of the crossover, roller door and angled car parking space provided. The dimensions of the car parking space must be in accordance with Design Standard 2 at Clause 52.06 of the Yarra Planning Scheme or otherwise to the satisfaction of the Responsible Authority;
 - (b) The business identification sign deleted; and
 - (c) Notation to show provision of internal sound insulation to the southern wall of the reception/waiting area.
2. The use 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. No more than **three (3)** practitioners are permitted to operate from the land at any one time.
4. Except with the prior written consent of the Responsible Authority, no more than **45** appointments can be carried out per day.
5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday: 8:00am - **7:00pm**; and
 - (b) Saturdays: **9:00am – 4:00pm**
6. Before the use commences, or by such later date as approved in writing by the Responsible Authority, the bike racks must be installed and maintained to the satisfaction of the Responsible Authority.

7. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
9. 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.
10. This permit will expire if:
 - (a) The use is not commenced within two years from the date of this permit; or
 - (b) The use is discontinued for a period of two years; or

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.

NOTES

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

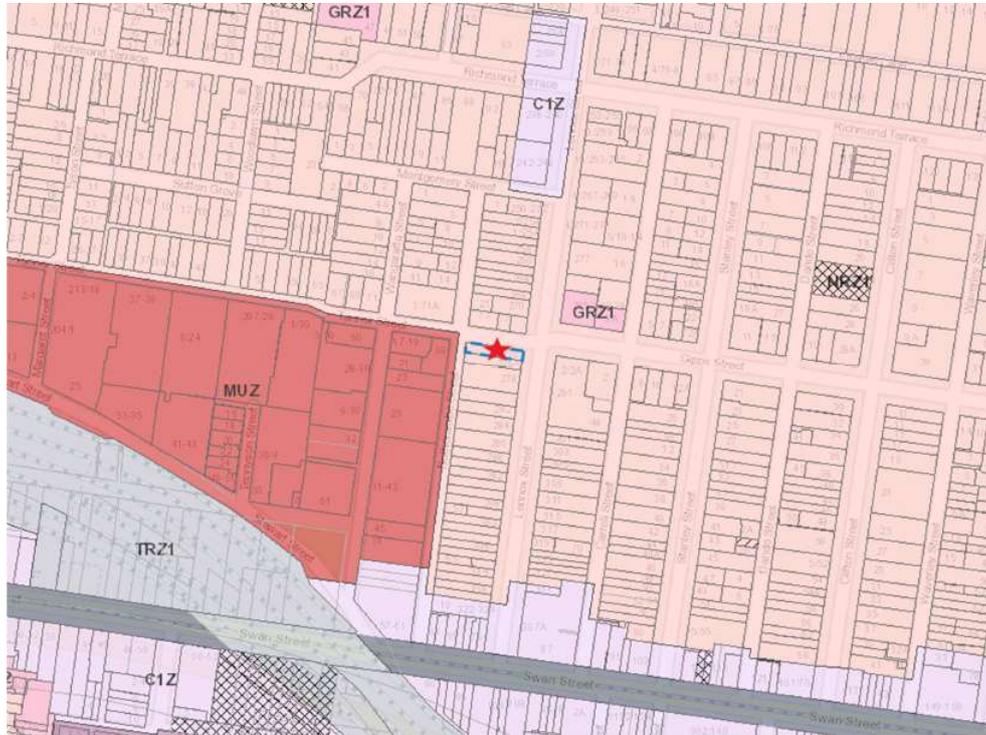
Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

Attachments

- 1 [↓](#) Attachment 1 - 276 Lennox Street Richmond - Site Context Map
- 2 [↓](#) Attachment 2 - 276 Lennox Street Richmond - Cover Letter/Planning Report
- 3 [↓](#) Attachment 3 - 276 Lennox Street Richmond - Current Planning Permit
- 4 [↓](#) Attachment 4 - 276 Lennox Street Richmond - Current Endorsed Plans
- 5 [↓](#) Attachment 5 - 276 Lennox Street Richmond - Previous PDC Report

PLN22/0069.01 – 276 Lennox St Richmond

Site Context Map





Date

Tuesday 23 January 2024

To

Manager Statutory Planning
Yarra City Council
333 Bridge Road, Richmond VIC

Sent

Via Online Lodgement

Dear Sir / Madam

Section 72 Amendment Application

Planning Permit No. PLN22/0069

276 Lennox Street, Richmond

We continue to act for Clarence Ho as town planning consultants, and on behalf of our client we enclose an application to amend Planning Permit No. PLN22/0069 (the "Permit") pursuant to Section 72 of the *Planning and Environment Act 1987*.

In support of this application, we enclose a recent copy of title particulars.

We respectfully request for Council to prepare an invoice in our clients name and forward to mhenderson@contour.net.au to organise payment of the requisite application fee.

Background

By way of background, Planning Permit No. PLN22/0069 was issued by Yarra City Council at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 30 September 2022. The Permit allows:

Use of the land for a medical centre (chiropractic clinic) and a reduction in car parking.

Architectural Plans were endorsed by Council on 13 October 2022. The use associated with the Permit has since commenced and the practise continues to operate to present day.

Proposal

This application proposes to amend conditions 3, 4 and 5 of the Permit. In summary, this application seeks to allow for an additional practitioner to operate from the land at any one time, allow for an additional 10 appointments carried out per day and extend the permitted operating hours.

The proposed amended conditions are as follows:

3. No more than **three (3)** practitioners are permitted to operate from the land at any one time.
4. Except with the prior written consent of the Responsible Authority, no more than **45** appointments can be carried out per day.
5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:



- (a) Monday to Friday: 8:00am – 7:00pm; and
- (b) Saturdays: 8:00am – 4:00pm.

Importantly, no amendments to the endorsed plans are proposed within this application.

Yarra Planning Scheme

The subject site is situated within the Neighbourhood Residential Zone, Schedule 1 (NRZ1) pursuant to Clause 32.09 of the Yarra Planning Scheme.

The purpose of the NRZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.09, no planning permission is sought in relation to this amendment application.

The subject site is also affected by the following overlays:

- Heritage Overlay, Schedule 332 (HO332)
- Development Contributions Plan Overlay, Schedule 1 (DCPO1)

As part of this amendment, no planning permission is sought via the abovementioned overlays.

Planning Policy Framework

Clause 13.07-1L-01 (Interfaces and amenity) applies to this application. The objectives of Clause 13.07-1L-01 are:

- *To protect the operation of business and industrial activities from new residential use and development.*
- *To provide a reasonable level of amenity to new residential development within or adjacent to land in commercial and industrial zones.*
- *To support the growth and operation of surrounding non-residential development and uses.*

Relevant strategies include:

Non-residential use and development

Noise

- *Locate noise generating uses, including plant and equipment, away from noise-sensitive habitable rooms (in particular, bedrooms) and private open space and where appropriate incorporate acoustic attenuation measures.*
- *Ensure that noise emissions in residential zones (except the Mixed Use Zone) are compatible with a residential environment.*



Fumes and Air Emissions

- *Locate fume and air emission generating uses (including plant and equipment) away from residential uses or, where appropriate, provide a reasonable buffer.*
- *Ensure that use and development with potential air quality impacts, including odour and emissions, do not adversely affect the amenity of the surrounding area.*
- *Support use and development that resolves legacy issues of odour and emissions and their impacts on residential amenity.*

Storage and Waste

- *Conceal commercial or industrial storage, waste or other processing activities from residential properties and locate them away from primary street frontages.*
- *Minimise odour and noise disruption to nearby residential properties from commercial or industrial waste (solid, gas and liquid) management practices and storage.*

Light Spill

- *Minimise light spill (from both fixed and vehicular lights) beyond the perimeter of the site and onto habitable room windows of nearby residential properties through appropriate design, location and management practices.*

Overlooking and unsightly views

- *Minimise unsightly views of business or industrial activity from adjoining residential properties.*
- *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through appropriate siting, setbacks and screening.*

Planning Assessment

Having regard to the merits of the existing permit, zoning and overlay controls, and the applicable provisions of the Yarra Planning Scheme, it is submitted that the proposed amendments represent an appropriate planning outcome. More specifically, the proposal:

- Continues to satisfy local interface and amenity planning policy, including Clause 13.07-1L-01 (Interfaces and Amenity).
- The amendments assist in improving the economic viability of the medical centre.
- The amendment will continue to advance Council's strategic transport policy through a reduction in car dependency.
- The amendments do not result in an adverse impact on surrounding amenity when comparing to the existing conditions, more specifically:
 - No amendments to the existing built form is proposed as part of this amendment.
 - The medical centre operation is discrete and largely indiscernible in context of the surrounding activity centre.
 - The amended conditions do not result in transformation the approved use.



- The hours of operation are typical for a medical centre, and given the scale of the medical centre, will not unreasonably compromise the amenity of the area through noise, waste management and light spill.

Conclusion

We trust that the information provided is to Councils satisfaction. Should you have any queries or require anything further, please do not hesitate to contact Tom Lawless (tlawless@contour.net.au) or the undersigned (mhenderson@contour.net.au)

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Henderson', with a stylized flourish at the end.

Michael Henderson
Senior Associate

Yarra City Council (Responsible Authority)
Yarra Planning Scheme



PLANNING PERMIT
PLN22/0069

Address of the land: 276 Lennox St, Richmond VIC 3121

The permit allows: Use of the land for a medical centre (chiropractic clinic) and a reduction in car parking.

The following conditions apply to the permit:

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Elevation 7 and dated November 2021 but modified to show:
 - (a) The ground floor plan updated to correctly reflect the true location of the crossover, roller door and angled car parking space provided. The dimensions of the car parking space must be in accordance with Design Standard 2 at Clause 52.06 of the Yarra Planning Scheme or otherwise to the satisfaction of the Responsible Authority.
 - (b) The business identification sign deleted.
 - (c) Notation to show provision of internal sound insulation to the southern wall of the reception/waiting area.
2. The use 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. No more than two (2) practitioners are permitted to operate from the land at any one time.
4. Except with the prior written consent of the Responsible Authority, no more than 35 appointments can be carried out per day.
5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday: 8:00am – 6:30pm; and
 - (b) Saturdays: 9:00am – 1:00pm.
6. Before the use commences, or by such later date as approved in writing by the Responsible Authority, the bike racks must be installed and maintained to the satisfaction of the Responsible Authority.

Planning Permit **PLN22/0069**
Date issued: **30 September 2022**

THOMASK
Signature for the Responsible Authority

7. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
9. 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.
10. This permit will expire if:
 - (c) The use is not commenced within two years from the date of this permit; or
 - (d) The use is discontinued for a period of two years; or

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.

NOTES

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

Planning Permit **PLN22/0069**
Date issued: **30 September 2022**

THOMASK
Signature for the Responsible Authority

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 Administration 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 five 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.

Planning Permit **PLN22/0069**
Date issued: **30 September 2022**

THOMASK
Signature for the Responsible Authority

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

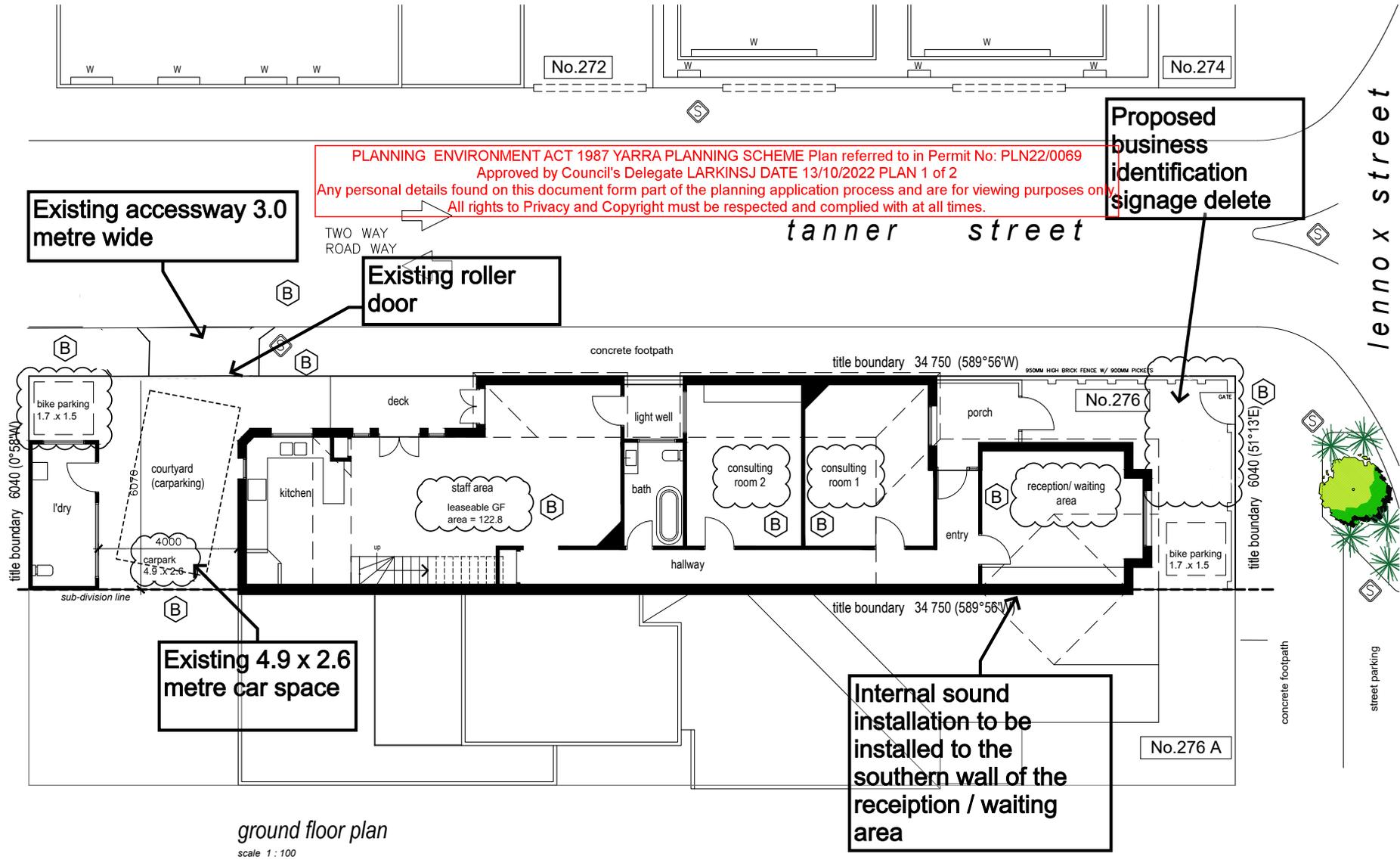
WHAT ABOUT REVIEWS?

- 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 must be lodged with the [Victorian Civil and Administrative Tribunal \(VCAT\)](#).
- An application for review must be made on the relevant form which can be obtained from [Victorian Civil and Administrative Tribunal \(VCAT\)](#), and must 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 also be served on the responsible authority.

Information about the VCAT process, applications for review and the fees payable to the Victorian Civil and Administrative Tribunal you can look at Council's website <https://www.yarracity.vic.gov.au/services/planning-and-development/decisions-and-appeals>, [download the Planning proceedings at VCAT factsheet](#) (PDF) or visit the [VCAT website](#).

Planning Permit **PLN22/0069**
Date issued: **30 September 2022**

THOMASK
Signature for the Responsible Authority



No.	Amendments	DATE
A	TOWN PLANNING APPLICATION	25.11.2021
B	TOWN PLANNING ACT	16.02.2022

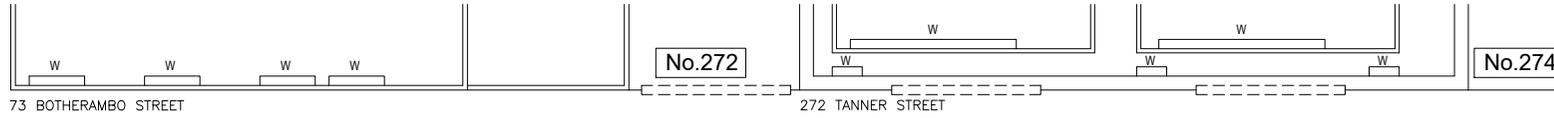
Project : **PROPOSED RENOVATION**
 Client : **DAVID HICKEY**
 Address : **276 LENNOX STREET RICHMOND, VIC, 3121**

Drawn : **WH** Scale : **1:100/1:20**
 CAD Ref : **tp2104** Date : **NOV 2021**
 Job No : **eA2154** Revision : **B**

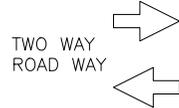


elevation7
 42a EVAN STREET, PARKVILLE 3055
 ph. 03 9580 7880
 email. info@elevation7.com.au

Attachment 4 Attachment 4 - 276 Lennox Street Richmond - Current Endorsed Plans

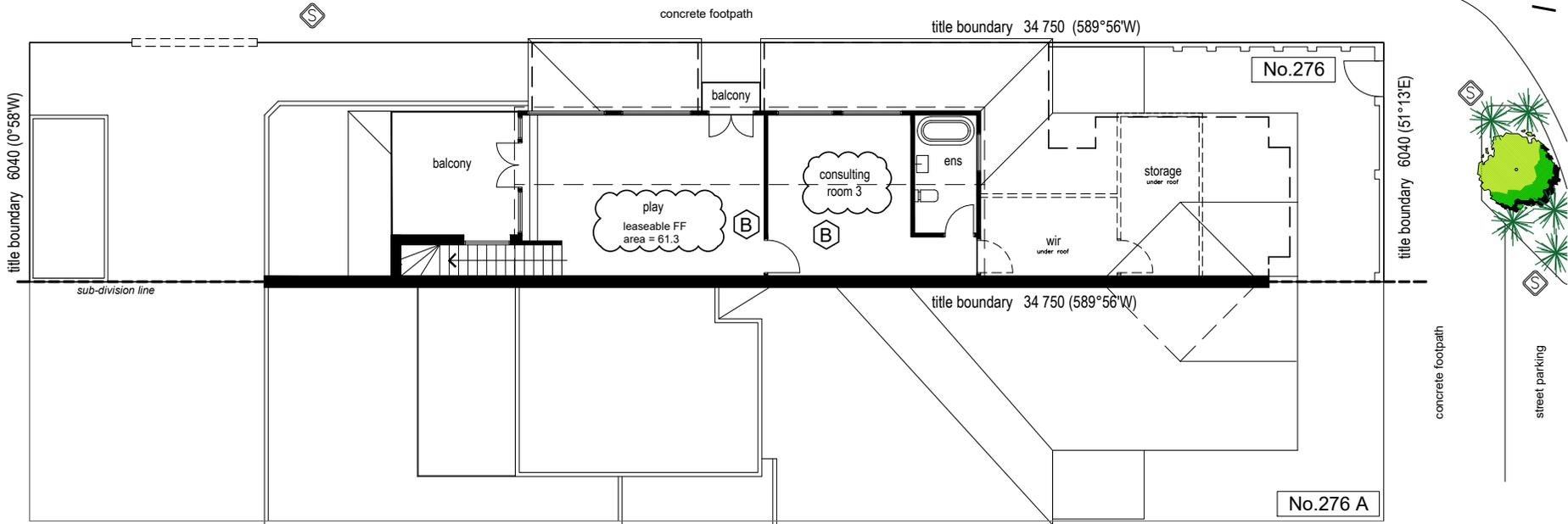


PLANNING ENVIRONMENT ACT 1987 YARRA PLANNING SCHEME Plan referred to in Permit No: PLN22/0069
 Approved by Council's Delegate LARKINSJ DATE 13/10/2022 PLAN 2 of 2
 Any personal details found on this document form part of the planning application process and are for viewing purposes only.
 All rights to Privacy and Copyright must be respected and complied with at all times.



tanner street

lennox street



first floor plan
scale 1 : 100

No.	Amendments	DATE
A	TOWN PLANNING APPLICATION	25/11/2021
B	TOWN PLANNING AM	16/12/2022

Project : PROPOSED RENOVATION
 Address : 276 LENNOX STREET
 RICHMOND, VIC, 3121

Client : DAVID HICKEY
 Drawing : FIRST FLOOR PLAN
 SHAPED CONSULTING

Drawn : WH Scale : 1:100/1:20
 CAD Ref. : tp2104 Date : NOV 2021
 Job No. : eA2154 Revision : B



ELEVATION7
 42a EVAN STREET | parkdale 3095
 ph: 9580 7880
 email: info@elevation7.com.au

PLN22/0069 - 276 Lennox Street, Richmond - Use of the land for a medical centre (chiropractor), construction and display of one (1) business identification sign and a reduction in car parking

Report Summary

Purpose

1. This report provides Council with an assessment of the application at No. 276 Lennox Street, Richmond for the use of the land as a medical centre (chiropractor), construction and display of business identification signage and a reduction in the car parking requirements of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.09 (Neighbourhood Residential Zone) and 22.01 (Discretionary Uses in the Residential Zone)
 - (b) Clause 22.05 (Interface Uses Policy)
 - (c) Clause 52.06 (Car Parking)
 - (d) Clause 52.05 and 22.04 (Signage)
 - (e) Clause 43.01 and Clause 22.02 (Heritage)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Use (Medical Centre)
 - (b) Advertising signage
 - (c) Car parking and traffic
 - (d) Objector concerns

Submissions Received

4. Council received 25 objections, the ground of which are summarised as follows:
 - The proposed use is not consistent with neighbourhood character;
 - Inappropriate location for a medical centre;
 - Car parking reduction and lack of on-site parking space for staff and clients;
 - Noise and amenity impacts to surrounding area;
 - Lack of disabled access;
 - Inaccurate staff to patient ratios;
 - Saturation of chiropractors in area;
 - Potential for rooms to be leased out to other service providers;
 - Negative heritage impact of proposed sign and lack of information regarding whether the sign will be illuminated;

- Owner details as stated in application form are incorrect and the title certificate is out of date
- Drawings are not to scale and incorrectly show the location of the vehicle crossover

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) No more than two (2) practitioners are permitted to operate from the land at any one time.
 - (b) Except with the prior written consent of the Responsible Authority, no more than 35 appointments can be carried out per day.
 - (c) Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - i. Monday to Friday: 8:00am – 6:30pm; and
 - ii. Saturdays: 8:00am – 12:00pm.

CONTACT OFFICER: Erryn Megennis
TITLE: Statutory Planner
TEL: 0392055485

PLN22/0069 - 276 Lennox Street, Richmond - Use of the land for a medical centre (chiropractic clinic), construction and display of one (1) business identification sign and a reduction in car parking

Reference D22/155144
Author Erryn Megennis - Statutory Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Melba
Proposal: Use of the land for a medical centre (chiropractic clinic), construction and display of one (1) business identification sign and a reduction in car parking
Existing use: Dwelling
Applicant: Adaptive Chiropractic
Zoning / Overlays: Neighbourhood Residential Zone – Schedule 1 (NRZ1)
Heritage Overlay – Schedule HO332
Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Heritage Grading: Contributory
Date of Application: 05 February 2022
Application Number: PLN22/0069

Background

[Planning Scheme Amendments](#)

6. *Amendment C269*

Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PPF), consistent with the structure recently introduced by the State Government.

Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021.

The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval.

The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a 'seriously entertained' planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below. This assessment confirms that the proposal is consistent with the new policies:

The relevant sections to be considered in this report include the following:

- Clause 13.07-1L – Interfaces and Amenity

Clause 13.07-1L is largely consistent with the existing interface uses policy at Clause 22.01 and Clause 22.05 of the Scheme and is discussed in detail later in the report.

- Clause 15.01-1L – Signs
Clause 15.01-1L is largely consistent with the existing signage policy at Clause 22.04 of the Scheme and is discussed in detail later in the report. In accordance with this policy, only one sign is proposed and its content will be limited to the name, contact information and logo. The sign will not be illuminated.
- Clause 15.03-1L – Heritage
Heritage considerations of the proposal are limited to the proposed business identification sign and are discussed in detail later in the report. The siting of the proposed sign will ensure it does not obscure views or cover up original heritage fabric.
- Clause 18.02-1L – Sustainable Transport
This policy seeks to secure a sustainable transport system that reduces the impact of private motor vehicle traffic and on-street parking. The proposal will provide two bicycle parking spaces and the subject site is well serviced by a range of public transport options. As such, the proposal provides opportunities for sustainable transportation. This is discussed in greater detail later in the report.
- Clause 18.02-4L – Car Parking
This policy seeks to ensure car parking is supplied and managed consistent with promoting travel by sustainable modes. Policy supports a reduction in the required number of car parking spaces where (as is relevant):
 - *The site has high public transport accessibility and is located within walking or cycling distance to shops, jobs and amenities;*
 - *The use is unlikely to result in unreasonable impacts on existing on-street parking;*
 - *Increased motor vehicle traffic from the use is likely to unreasonably impact on the amenity of nearby residents; and*
 - *The development provides adequate bicycle parking*

A detailed assessment of the proposed car parking reduction is provided later in the report. However, the site is within walking distance of a range of public transport options as well as two major activity centres. Two bicycle parking spaces are also provided on-site which comply with the bicycle parking requirements of Clause 52.34 of the Scheme. Due to the nature of the operation of the proposed use, a reduction in car parking will not unreasonably impact existing on-street parking or residential amenity.

The Proposal

7. The application is for the use of land for a medical centre (chiropractic clinic), construction and display of one business identification sign and a reduction in car parking. Further details of the proposal are provided below:

Use

- The proposed chiropractic clinic will operate between the hours of:
 - Monday – Friday: 8am – 6.30pm
 - Saturdays: 8am – 12pm
 - Sundays: closed
- A maximum of two practitioners will be on the premises at any one time;
- Provision of one on-site car parking space and two bicycle parking spaces.

Buildings and Works

- Construction and display of a 0.54sqm non-illuminated business identification sign within the front setback of the subject site as follows:

- attached to two free-standing posts with a maximum height of 1.8m above ground level.
- located behind the front fence and set back 0.47m from the Lennox Street boundary and 1.84m from the Tanner Street boundary.

Existing Conditions

Subject Site

8. The subject site is on the south- western corner of the Lennox Street-Tanner Street intersection, in Richmond. Swan Street is approximately 100m to the south. The site has a frontage of 6.04m to Lennox Street, depth of 34.75m and an overall area of 212.5sqm. Currently occupying the site is a two storey, Edwardian-era dwelling with a small, paved front setback and area of private open space and car parking at the rear. Access to the car parking space is provided via a 3m wide crossover on Tanner Street. The site also has rear abuttal to Botherambo Street. The dwelling forms part of a matching pair with the dwelling to the south at No. 276A Lennox Street.

The site is graded 'contributory' to the Richmond Hill Heritage Precinct. Contributory features include the Edwardian-era dwelling, corbelled brick chimneys and exposed brick façade.



Figure 1: View of subject site from Lennox Street (Officer's photograph, June 2022)



Figure 2: View of subject site from Tanner Street (Officer's photograph, June 2022)

Surrounding Land

9. Lennox Street is primarily a residential street also consisting of pockets of non-residential uses dispersed between Bridge Road and Swan Street. The subject site is located within

residentially-zoned land. However, land use zoning along this section of Lennox Street is variable and consists of both residential and commercial zones. Approximately 100m north of the subject site, Lennox Street is zoned Commercial 1 and the Swan Street Major Activity Centre (MAC) is located approximately 100m to the south of the site. Land to the west of the subject site falls within the Mixed Use Zone and consists of a mix of residential, office and light industrial uses.

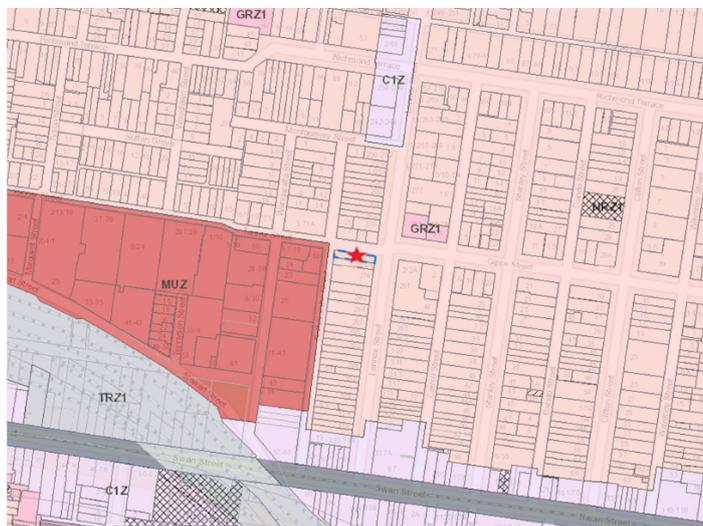


Figure 3: Surrounding land use zoning map (DELWP 2022) with subject site identified with red star

10. A two storey office building with a ground floor food and drink premises is also located on the corner of Lennox and Gipps Streets (diagonally opposite the subject site at No. 285 Lennox Street) within residentially-zoned land. Existing Use Rights for this office and planning approval for the food and drink premises were granted under planning permit PLN13/0173.
11. Car parking in this section of Lennox Street is subject to time restrictions and permit only parking zones. The site is also within the Principal Public Transport Network and is within walking distance of public transport servicing the Swan Street, Bridge Road and Hoddle Street corridors. Lennox Street is also a designated bicycle route with separate on-road bicycle lanes.
12. Specifically the subject site has the following interfaces:

Adjoining property – No. 276A Lennox Street

To the south of the site is No. 276 Lennox Street, an Edwardian-era dwelling with a first floor addition constructed to the rear of the site. The dwelling forms part of a matching pair with the subject site and is constructed along the length of the common boundary. An area of private open space is located to the rear, with rear access via Botherambo Street.

North – Nos. 73 Tanner Street and No. 77 Tanner Street and No. 272 Lennox Street

To the north of the site, on the opposite side of Tanner Street are Nos. 73, 77 Tanner Street and No. 272 Lennox Street. No. 77 Tanner Street and No. 272 Lennox Street form a three storey townhouse development. A garage as well as habitable room windows are constructed to the southern façade of the building. No. 73 Tanner Street comprises a two storey building with on-site parking and habitable room windows constructed on the southern façade.

West – No. 68 Tanner Street

To the rear of the site, on the opposite side of Botherambo Street, is the eastern side boundary of No. 68 Tanner Street, a two storey office building with on-site car parking accessed via Botherambo Street.

13. Properties to the east of the subject site include No. 1/2A Gipps Street and Nos. 291-295 Lennox Street. These properties consist of two and three storey townhouses with habitable room windows fronting Lennox Street.



Figure 3: Yarra GIS aerial imagery of subject site and surrounds (April 2022)

Planning Scheme Provisions

Zoning

14. The subject site is in the Neighbourhood Residential Zone – Schedule 1 (NRZ1). The following provisions apply:
- Pursuant to Clause 32.09-2, a planning permit for a medical centre is not required subject to the following conditions:
 - The gross floor area of all buildings must not exceed 250sqm;
 - Must be located in an existing building;
 - The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3; and
 - Must not require a permit under Clause 52.06-3.
 - As the subject site does not adjoin or have access to a Transport Zone 2 or 3 and requires a planning permit under Clause 52.06-3, a planning permit is required to use the land for a medical centre.
 - Pursuant to Clause 32.09-14, sign requirements are at Clause 52.05. This zone is in Category 3.

Overlays

15. The subject site is affected by the Heritage Overlay – Schedule HO332. The following provisions apply:
- Pursuant to Clause 43.01-1, a planning permit is required for buildings and works, including the construction and display of a sign;

- Pursuant to Clause 43.01-4, the construction and display of a sign is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act; and
 - City of Yarra Database of Heritage Areas, April 2022' (as saved in incorporated documents on the DELWP website [Incorporated Documents \(planning.vic.gov.au\)](http://planning.vic.gov.au) identifies the site as being of 'contributory' heritage grading to the Richmond Hill heritage precinct
16. The site is also affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1). The following provisions apply:
- 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.
 - A permit granted must be:
 - Consistent with the provisions of the relevant development contributions plan.
 - 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.
 - Section 4.0 of Schedule 1 to the DCPO states that the construction of a building or carrying out of works that does not generate a net increase in additional demand units, is excluded from the development contributions plan.
 - A development contributions plan has been incorporated into this Scheme. The requirements of the DCPO do not apply as the proposed works do not result in an increase to the gross floor area of the building or an increase to the number of dwellings on the land.

Particular Provisions

17. *Clause 52.05 – Signs*

Category 3 sign controls at Clause 52.05-13 states that a planning permit is required for a business identification sign.

18. *Clause 52.06 – Car Parking*

Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. Under the provisions of Clause 52.06-5, the car parking requirements are as follows (noting that the site is in the Principal Public Transport Network, Column B rates apply):

Use	Size	Column B Rate	Statutory Requirement	No. spaces allocated
Medical Centre	161sqm (leasable floor area)	3.5 to each 100sqm of leasable floor area	5*	1

*If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

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

19. *Clause 52.34 – Bicycle Facilities*

Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence until the required bicycle facilities are provided on the land. Under the provisions of Clause 52.34-5, the bicycle parking requirements are as follows:

Use	Employee Rate	Visitor Rate	Total Required	Total Provided
Medical Centre	1 to each 8 practitioners	1 to each 4 practitioners	1 employee 1 visitor	1 employee 1 visitor

The proposed bicycle parking provision therefore complies with the statutory requirements of Clause 52.34.

[General Provisions](#)

20. Clause 65 – Decision Guidelines

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

21. Relevant clauses are as follows:

- Clause 11 – Settlement;
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.05-1S - Noise management

To assist the management of noise effects on sensitive land uses:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area*

- Clause 13.07-1S – Land use compatibility
- Relevant objective and strategy:

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*

- Clause 15.03 – Heritage
 - Clause 15.03-1S – Heritage Conservation
- Relevant objective and strategies:

To ensure the conservation of places of heritage significance:

- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

- *Encourage appropriate development that respects places with identified heritage values.*
 - *Retain those elements that contribute to the importance of the heritage place.*

 - Clause 17.01 – Employment
 - Clause 17.01-1S – Diversified EconomyRelevant objective and strategies:

To strengthen and diversify the economy:

 - *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.*
 - *Improve access to jobs closer to where people live.*

 - Clause 17.02 – Commercial
 - Clause 17.02-1S – BusinessRelevant objective and strategies:

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services:

 - *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
 - *Locate commercial facilities in existing or planned activity centres.*

 - Clause 17.02-2S – Out-of-centre Development
- Relevant objective and strategies:
- To manage out-of-centre development:*
- *Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal*
-
- Clause 18.01-3S – Sustainable and safe transport
- Relevant objective and strategies:
- To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.*
- *Prioritise the use of sustainable personal transport*

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

22. Relevant clauses are as follows:

- Clause 21.04-3 – Industry, Office and Commercial
 - *To increase the number and diversity of local employment opportunities.*

- Clause 21.05-1 – Heritage

- *To protect and enhance Yarra's heritage places:*
 - *Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - *Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
- Clause 21.06 – Transport
 - *To reduce the reliance on the private motor car.*
- Clause 21.08-10 – Central Richmond.
 - *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

[Relevant Local Planning Policies](#)

23. Relevant clauses are as follows:

- Clause 22.01 – Discretionary Uses in the Residential Zones
 - *To ensure that residential amenity is not adversely affected by non-residential uses*
- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
 - *To conserve Yarra's natural and cultural heritage;*
 - *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
 - *To preserve the scale and pattern of streetscape in heritage places;*
 - *To ensure that additions and new works to a heritage place respect the significance of the place.*
- Clause 22.04 – Advertising Signs Policy
 - *To allow for the promotion of goods and services;*
 - *To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas;*
 - *To minimise visual clutter;*
 - *To ensure that signs are not the dominant element in the streetscape;*
 - *To protect and enhance the character and integrity of places of heritage significance;*
 - *To maintain vehicular and pedestrian safety.*
- Clause 22.05 – Interface Uses Policy
 - *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

[Advertising](#)

24. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* with 111 letters sent to surrounding owners and occupiers and signs displayed at the front of the site and on the Tanner Street frontage. Council received 25 objections, the ground of which are summarised as follows:

- The proposed use is not consistent with neighbourhood character;
- Inappropriate location for a medical centre;
- Car parking reduction and lack of on-site parking space for staff and clients;
- Noise and amenity impacts to surrounding area;
- Lack of disabled access;

- Inaccurate staff to patient ratios;
 - Saturation of chiropractors in area;
 - Potential for rooms to be leased out to other service providers;
 - Negative heritage impact of proposed sign and lack of information regarding whether the sign will be illuminated;
 - Owner details as stated in application form are incorrect and the title certificate is out of date
 - Drawings are not to scale and incorrectly show the location of the vehicle crossover
25. It is noted that 17 of the 25 objections (68%) were provided as proformas. In addition, four of the objections received are from a single primary property.

Referrals

External Referrals

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

Internal Referrals

27. The application was referred to the following units within Council:
- (a) Development Engineering; and
 - (b) Heritage

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

OFFICER ASSESSMENT

29. The primary considerations for this application are as follows:
- (a) Use
 - (b) Signage
 - (c) Car Parking and Bicycle Facilities
 - (d) Objector Concerns

Use

30. The following assessment is informed by the relevant policy objectives and decision guidelines of the Neighbourhood Residential Zone (Clause 32.09), Clause 22.01 (Discretionary Uses in Residential Zones), Clause 22.05 (Interface Uses Policy) and the Planning Policy Framework.
31. While the proposed use of the land as a medical centre triggers a planning permit in this instance, if the various conditions outlined at Clause 32.09-2 (Neighbourhood Residential Zone) were met, the medical centre would be an as-of-right use (no permit required). Where specific non-compliance of a condition triggers a permit, the scope of discretion required in determining whether to grant a permit is also limited.
32. In the matter of *Alex Kanzburg v Bayside CC* (VCAT Ref: P1294/2014) Member Wright makes the following findings under Paragraph 21 of his decision:

It follows that where a use is permitted as of right and the only bar is noncompliance with a specified requirement the only considerations relevant to the exercise of discretion to grant a permit are those which arise from that requirement. So where, as in this case, the requirement relates to the provision of car parking, the adequacy of the proposed parking in the circumstances of the particular case is the only relevant consideration.

33. With the above in mind, the ambit of discretion for this application relates primarily to the conditions not met at Clause 32.09-2, that being the statutory car parking requirements at Clause 52.06 (*Car Parking*) of the Scheme, as well as the location of the subject site which does not adjoin or have access to a road in a Transport Zone. It also attests to the clear support within the Planning Scheme for medical centres of this scale within residential areas.
34. Despite the guidance provided by the above VCAT decision, consideration of the acceptability of the use will still be given. The assessment will be directed by the relevant decision guidelines of the Neighbourhood Residential Zone at Clause 32.09 and applicable state and local planning policies - in particular, Clause 22.01 (*Discretionary Uses in the Residential 1 Zone*) and Clause 22.05 (Interface Uses Policy) of the Scheme.
35. The relevant policies of the Discretionary Uses in the Residential 1 Zone at Clause 22.01-3 are as follows:

It is policy that:

- Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.
 - Except on land adjoining and gaining direct access from a road in a Road Zone:
 - all required car parking should be on-site
 - the scale of the proposed use should be compatible with providing service to the local residential community
 - Hours of operation should be limited to 8am to 8pm except for convenience shop.
 - Noise emissions should be compatible with a residential environment.
36. The above policies are applicable to any non-residential use permitted within a residential zone, which includes a car wash, place of assembly, convenience restaurant and market. Comparatively, a medical centre is not typically associated with adverse amenity risks (such as noise) and as such the policy expectations of Clause 22.01 should be tempered accordingly.

Location

37. The site context within this section of Lennox Street is highly relevant to the appropriateness of the proposed use. Policies within the Scheme support community services (such as medical centres) within inner-city residential areas with good access to sustainable transport options. In a broader sense, there is a clear policy directive within the Planning Scheme to improve access to jobs and services closer to where people live (Clause 17.01-1S and Clause 21.04-4).
38. The strategy of Clause 15.01-4R (Healthy Neighbourhoods) to “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” is reflected in the permitted or as-of-right uses of the Neighbourhood Residential Zone, which includes medical centres.
39. More specifically, the Scheme gives clear direction of the appropriate locations for medical centres and health services. Clause 19.02-1S (Health facilities) and Clause 21.04-4 (Community facilities, hospitals and medical services) encourage an integration of health facilities with local communities to ensure that these services are accessible to the community and reflective of its needs. Nevertheless, Clause 17.01-2 (Out-of-Centre development) of the State Planning Policy Framework aims to “ensure that out-of-centre proposal[s] are only considered where the proposed use or development is of net benefit to the community and the region”.
40. In this instance, Lennox Street is not a homogenous residential streetscape and consists of pockets of commercial uses at various locations between Bridge Road and Swan Street. The site is also situated approximately 100m north of the Swan Street MAC and approximately 100m south of a small, commercially-zoned area of Lennox Street consisting of a pub, retail premises and offices. The Bridge Road MAC is also located 600m to the north. In addition, a two storey building consisting of offices and a food and drink premises is situated on the opposite corner, at the intersection of Lennox and Gipps Streets. The site is located within proximity of a variety of public transport services and bicycle networks. In terms of its strategic context the subject site is therefore considered to be an example of such a location described

in various Local and State policy. Moreover, the limited scale of the medical centre (that being a maximum of two practitioners) will ensure the service is commensurate with the local community needs.

41. Clause 22.01-3 states that existing buildings constructed for non-residential purposes are the preferred location for non-residential uses. Although the subject site is an Edwardian-era building traditionally in use as a dwelling, no external or internal works are required to operate the medical centre at this location. The requirements for a small-scale medical centre are generally limited to consultation rooms, a waiting area and bathroom and, therefore, can be reasonably accommodated in a traditional dwelling. As a result of the modest built form requirements of consultative medical centres, coupled with it being a permitted use in the NRZ, medical centres within former dwellings are relatively common in established residential areas. As will be elaborated on later in this report, it is not expected that the medical centre will result in adverse amenity impacts with regards to noise, waste or light spill and as such, can be appropriately accommodated for in a residential style building without unreasonably impacting the amenity of the area.
42. Although the subject site does not have immediate access to a Transport Zone, it does have indirect access to nearby Swan Street, Bridge Road and Hoddle Street, which are directly accessible from Lennox and Tanner Streets. Further, the policy does not indicate that this warrants the refusal of a medical centre. Rather, weighted consideration should be given to the appropriateness of the subject site and immediate context for the proposed use. This is reiterated by the decision guidelines of the Neighbourhood Residential Zone at Clause 32.09-13 which require that the responsible authority give consideration to the compatibility of the use with the residential nature of the area, whether the use generally serves the local community needs, the scale and intensity of the use and the loading and waste requirements. It is noted that the zone also gives consideration to the provision of car parking and traffic impacts however this will be discussed under the *Car Parking* section of this report.

Scale of use and amenity impacts

43. The proposal is for a medical centre providing chiropractic services with a maximum of two staff at any given time. The medical centre will provide pre-booked appointments. The applicant advised via email correspondence (30 June 2022) that appointment durations will vary between 15 to 90 minutes depending on the nature of the issue requiring attention. As such, it is anticipated that the medical centre would be capable of conducting a maximum 35 appointments per day. The scale of the use is considered to be generally consistent with servicing the local community and aligns with one of the key objectives of the Neighbourhood Residential Zone, “to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations”. The limited number of practitioners and the length of appointments would not result in large numbers of people frequenting the site and so is unlikely to generate unreasonable disturbance to nearby residential properties. A condition of any approval would restrict the number of practitioners on-site at any one time to a maximum of two (2). Further, to ensure the scale of the proposed use does not increase over time, a condition will also be recommended requiring that there be no more than 35 appointments per practitioner on any given day, unless with the prior written consent of the Responsible Authority.
44. The proposed operating hours of 8am-6:30pm, Monday to Friday and 8am-12pm Saturdays are consistent with the policy direction at Clause 22.01-3. Further, the proposed hours of operation are not anticipated to cause conflicts with surrounding residential uses, given they largely represent standard business hours and the use will not disturb the amenity of the area during the sensitive night-time hours. The medical centre will be restricted to these operating hours by way of condition of any approval granted.
45. With regards to noise emissions, the proposed medical centre is not anticipated to create unreasonable noise within the surrounding residential neighbourhood. The medical centre provides therapeutic and remedial health services to its patients, the nature of which would have similar noise emissions to a residential use. Each consultation room is enclosed, and the appointments would be conversational, rather than relying on any machinery. In terms of a

non-residential use located in a residential zone, a medical centre is generally considered to pose little amenity risks in this regard.

46. It is acknowledged that the use will result in additional people in the area throughout the day. However, social activity and the movement of people within the street is to be expected in an inner-city area. General noise produced from people arriving and leaving (including talking and car noises) associated with a medical centre is not considered unreasonable for the site context and will be reasonably limited by the recommended conditions restricting the operating hours and the number of appointments to a maximum of 35 on any given day.
47. No new external equipment is proposed to facilitate the use. It is unlikely that the type of equipment required for a medical centre of this size and nature (consultative appointments) would create noise emissions greater than typical domestic services. Nonetheless, Council's standard conditions relating to noise emissions will be included as conditions in the recommendation, consistent with policy objectives at Clause 22.01 and Clause 22.05 of the Scheme regarding amenity impacts.
48. Finally, given the operating hours are generally restricted to daytime hours, light spill is not a consideration in this instance. Regardless, any lighting on after hours would be no different to that of a residential use. The existing building is double **storey** and fenced and therefore would not result in any overlooking to neighbouring residential properties.

Waste and deliveries

49. It is anticipated that the waste generated by a consultative practice would be similar to or lesser than a residential use. Given the nature of the medical use, it is not expected that any toxic waste or large waste items will be produced. Council's standard condition requiring that the collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority will be included in the recommendation. It is expected that the bins can be easily stored in the rear outdoor area, or in the side setback behind the gate, as would be typical of a residential dwelling.
50. Given the nature of the use, it is not anticipated to require any bulky or frequent deliveries. Nonetheless, Council's standard condition restricting the hours of any deliveries will be included in the recommendation.
51. In summary, there is strong planning policy support for a medical centre (chiropractic clinic) at this site. It is considered that the proposed use, subject to conditions outlined, will not cause unreasonable material detriment to the surrounding residential properties and will be compatible with the subject site and surrounding land use context. The proposal addresses the relevant decision guidelines at Clause 32.09 and policies at Clause 22.01 and 22.05 and is supported.

Signage

52. The following assessment is informed by the relevant objectives and decision guidelines of Clause 22.04 (Advertising Signs Policy), Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and Clause 52.05 (Signs) of the Scheme.
53. *Impact of the sign on the streetscape/character of the area including views and vistas*
The proposed sign will be located within the front setback of the site facing Lennox Street and will not extend beyond the boundary of the building. The siting of the proposed sign will ensure it does not obscure views or vistas along Lennox Street. A number of commercial premises are situated in Lennox Street consisting of business identification signs including (and not limited to), No. 285 Lennox Street, No. 257-259 Lennox Street and No. 232 Lennox Street. These signs are non-illuminated and are limited to one to two signs per premises. The proposed sign is consistent with the signage theme of other commercial premises in Lennox Street in that only a single, non-illuminated sign is proposed. Although the sign is not flush-

mounted to the building, its location is appropriate having regard to the heritage objectives of Clause 22.04-3.8 and Clause 22.02-5.7.1 in that its installation will not remove or cover up original heritage fabric or obscure views of principal heritage facades. The positioning of the proposed sign also has the support of Council's heritage advisor, who stated the following:

- *The proposed business identification sign has been appropriately sited. The sign is of low scale and does not disrupt views of the front window or entry.*
- *The sign is consistent with the business identification sign character of Lennox Street in that it is of low scale and not illuminated.*

54. *Design and relationship of the signs on the building*

Although Clause 22.04-3.6 encourages signs in residential areas to be located under the verandah or on the verandah fascia, the host building is a dwelling and not purpose-built for a commercial premises (where verandahs and shopfront awnings could be expected). As such, it is not possible for the sign to be erected in such way. As previously discussed in the paragraph above, the sign has been sited to ensure it does not adversely impact the heritage significance of the site. The sign will have a total display area of 0.54sqm and is not considered to dominate the site given it will be located behind the existing 1.8m high front fence. As only a single sign is proposed, there will be no adverse "visual clutter" impacts.

55. *Impact of structures associated with the sign*

The proposed sign will be freestanding and as such, its installation will not damage original heritage fabric, pursuant to policy at Clause 22.04-3.4. The sign will be mounted to two, black-painted timber posts. These supports will largely be obscured from view by the existing 1.8m high front fence. The use of timber posts is also appropriate having regard to the material character of the Victorian and Edwardian-era streetscape.

56. *Illumination*

As stated in the applicant's planning report and on the submitted plans, the proposed sign will not be illuminated. If a permit were to be issued, a standard condition will require the sign to not be illuminated.

57. *Impact of the sign on road safety*

The proposed sign will not be illuminated or consist of flashing or animated features and cannot be mistaken as a traffic control device. The sign is appropriately set back from the Lennox Street and Tanner Street kerbs and will not impact the safety of vehicles travelling along these streets. A standard permit condition will ensure the sign does not consist of any flashing or intermittent light (if a permit were to issue).

Car Parking and Bicycle Facilities

58. The proposal seeks a car parking reduction of 50 car parking spaces. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5. Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced and are addressed as follows:

- *Availability of car parking*
The on-street parking demand in this part of Richmond is generally high during business hours. The area surrounding the subject site is blanketed in time-based (2-hour and permit zone) 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. Permit zone parking on the western side of Lennox Street will also ensure that residential parking spaces are not compromised. Further, the nature of operation of the proposed use will not place an unreasonable demand on on-street parking.
- *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 as well as Clause 21.06-3 (Transport) of the Scheme. 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.

- *Availability of public transport in the locality of the land*

The site is well serviced by a range of public transport services. The following services can be accessed to and from the site by foot:

- Swan Street trams – 180 metre walk
- Richmond railway station – 370 metre walk
- Hoddle Street buses – 430 metre walk
- Church Street trams – 440 metre walk
- East Richmond railway station – 450 metre walk
- Bridge Road trams – 600 metre walk

- *Multi-purpose trips within the area*

Given the proximity of the site to both the Bridge Road and Swan Street activity centres, visitors to the site may combine their visit by engaging in other activities of 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, shops, supermarket, places of employment and education and other essential facilities. The site also has good connectivity to the on-road bicycle network. The provision of two bicycle parking spaces for practitioners and clients will encourage sustainable transport modes as encouraged at Clause 18.02 of the Planning Policy Framework (Movement Networks) and Clause 21.06 (Transport) of the Municipal Strategic Statement.

59. Overall, the proposed car parking shortfall is not expected to impact the surrounding area and is supported. Further, Council's engineering unit made no objection to the car parking reduction sought, stating:

From a traffic engineering perspective, the reduction of car parking for the site is considered appropriate in the context of the development and the surrounding area. Visitors to the site would commute to and from the site by using sustainable transportation modes, such as take public transport or ride a bicycle. The operation of the development should not adversely impact on the 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.

60. Design Standard 1 requires accessways to be a minimum 3m wide. The existing crossover on Tanner Street is 3m and complies with the Standard. The proposed car parking dimensions (2.6m x 4.9m) satisfy Design Standard 2 of Clause 52.06-9. Based on a desktop review of aerial imagery as well as the planning officer's site visit, the location of the crossover as shown on the plans is incorrect. As illustrated in the below image, the crossover and roller door do not completely line up with the car parking space:



Figure 4: Yarra GIS aerial imagery showing true location of crossover (April 2022)

61. The applicant has provided photographs which confirm that a vehicle is still capable of parking in the designated angled space, as shown below:

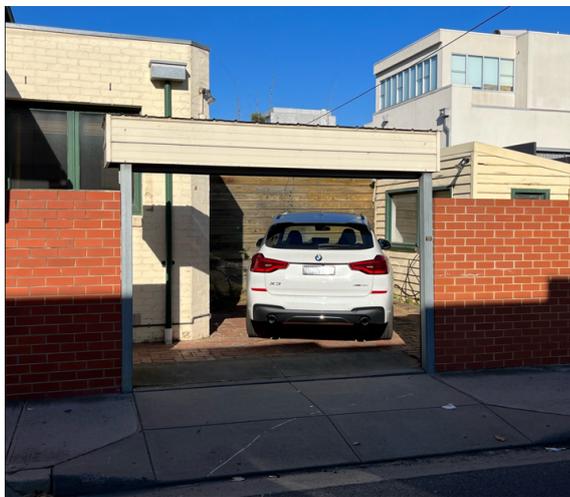


Figure 5: Applicant photo of on-site parking space

62. The matter was discussed with Council's engineering unit on 25 May 2022 with the following advice provided:
- *Based on a desktop review of Nearmap aerial imagery and the supporting photographs provided by the applicant, the engineers are satisfied that the true location of the roller door and vehicle crossover on Tanner Street will not compromise the ability of a B85-standard vehicle to access the on-site parking space.*
 - *The ground floor plan should be updated to correctly reflect the true location of the crossover and roller door and angled car parking space provided. The dimensions of the car parking space must be in accordance with Design Standard 2 at Clause 52.06 of the Yarra Planning Scheme.*

A condition will therefore require an updated ground floor plan in light of this engineering advice.

63. Clause 52.34 (Bicycle Facilities) requires a minimum 1 staff bicycle parking space and 1 visitor bicycle parking space be provided. 1 staff bicycle parking space is proposed at the rear of the site adjacent the car parking space and the visitor space will be located within the front setback. Both bicycle parking spaces are conveniently accessible from Lennox and Tanner Streets and the proposed dimensions satisfy the requirements at Clause 52.34-6.

Objector Concerns

64. Objector concerns are addressed as follows:

- *Inappropriate location for a medical centre and neighbourhood character*

This matter has been discussed at paragraphs 30 - 51.
- *Car parking reduction and lack of on-site parking space for staff and clients*

This matter has been discussed at paragraphs 58 - 62.
- *Noise and amenity impacts*

This matter has been discussed at paragraphs 43 - 51.
- *Lack of disabled access*

Whilst universal access is encouraged, there is no requirement under the Yarra Planning Scheme to provide a disabled access ramp. This is a matter dealt with under the Building Code of Australia.
- *Inaccurate staff to patient ratios*

A maximum of two practitioners will be practicing on the premises at any one time. The applicant has advised (via email correspondence on 23 May 2022) that there will be no reception or administrative staff. Given the small-scale operation, the practitioners will manage any ancillary management matters. A permit condition would restrict the number of practitioners on site at any given time.
- *Saturation of chiropractors in area*

The number of existing chiropractors in a given area is not a relevant planning consideration. Clause 22.01 of the Scheme provides the relevant guidance for considering the appropriateness of non-residential uses in residential zones and this has been discussed in detail at paragraphs 30 – 51.
- *Potential for rooms to be leased out to other service providers*

Should a permit be granted, it would restrict the use of the land to a medical centre providing chiropractic services, with a maximum of two practitioners. References to “leasable floor area” throughout the application are associated with how floor area is defined under the planning scheme (e.g. gross, net, leasable). Clause 73.01 of the Scheme provides definitions for the different floor area types.
- *Negative heritage impact of proposed sign and lack of information regarding whether the sign will be illuminated*

This matter has been discussed at paragraphs 52 – 57. A notation on the signage elevations confirms the sign will not be illuminated. A condition will also require that the sign must not be illuminated by either external or internal light.
- *Owner details as stated in application form are incorrect and the title certificate is out of date*

An application must be accompanied with a title certificate that is no older than 3 months at the time of submission. This application was submitted on 05 February 2022 and the accompanying title certificate was produced on 22 December 2021, within the 3-month period. The title certificate was therefore valid at the time of submission. The owner details stated on the are consistent with the owners recorded on the title certificate.
- *Drawings are not to scale and incorrectly show the location of the vehicle crossover*

The vehicle crossover matter has been discussed at paragraphs 60 - 62. The accuracy of the scale in the architectural drawings does not have a notable bearing on the assessment of the proposed use. The proposed sign as constructed must reflect the dimensions stated on the plans and elevations, regardless of whether the drawings are accurately to scale.

Conclusion

65. Based on the above report, the proposal is considered to substantially comply with the relevant planning policies and therefore should be supported subject to permit conditions.

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN22/0069 be issued for use of the land for a medical centre (chiropractic clinic), construction and display of one (1) business identification sign and a reduction in car parking at 276 Lennox Street, Richmond VIC 3121 generally in accordance with the “decision plans” and subject to the following conditions:

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Elevation 7 and dated November 2021 but modified to show:
 - (a) The ground floor plan updated to correctly reflect the true location of the crossover, roller door and angled car parking space provided. The dimensions of the car parking space must be in accordance with Design Standard 2 at Clause 52.06 of the Yarra Planning Scheme or otherwise to the satisfaction of the Responsible Authority.
2. The use and location and details of the sign, including the supporting structure, 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. No more than two (2) practitioners are permitted to operate from the land at any one time.
4. Except with the prior written consent of the Responsible Authority, no more than 35 appointments can be carried out per day.
5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday: 8:00am – 6:30pm; and
 - (b) Saturdays: 8:00am – 12:00pm.
6. Before the use commences, or by such later date as approved in writing by the Responsible Authority, the bike racks must be installed and maintained to the satisfaction of the Responsible Authority.
7. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
9. 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.
10. 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 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.
11. The sign must not be illuminated by external or internal light.
12. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
13. The signage component of this permit expires 15 years from the date of the permit.
14. On expiry of this permit, the approved signs and structures built specially to support signage must be removed.
15. This permit will expire if:
- (a) The use is not commenced within two years from the date of this permit; or
 - (b) The use is discontinued for a period of two years; or
 - (c) The sign is not erected within 2 years of the date of this permit.

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

NOTES

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

Attachments

- 1 PLN22 0069 - 276 Lennox Street Richmond - Site Context Map
- 2 PLN22/0069 - 276 Lennox Street Richmond - Advertised Plans
- 3 PLN22/0069 - 276 Lennox Street Richmond - Applicant Planning Report
- 4 PLN22/0069 - 276 Lennox Street Richmond - Heritage Referral Response
- 5 PLN22/0069 - 276 Lennox Street Richmond - Engineering Referral Response
- 6 PLN22/0069 - 276 Lennox Street Richmond - Certificate of Title

6.2 PLN23/0685 - 4 - 6 Derby Street Collingwood

Report Summary

Purpose

1. This report provides Council with an assessment of planning application PLN23/0685 for buildings and works to construct a multi-storey, mixed-use building for Restricted retail premises (showroom) and dwellings (the latter of which is as-of-right) and a reduction to the car parking requirements.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01 – Built Environment;
 - (b) Clause 43.02 – Design and Development Overlay;
 - (c) Clause 58 – Apartment developments;
 - (d) Clause 32.04 – Mixed Use Zone;
 - (e) Clause 52.06 – Car Parking; and
 - (f) Clause 52.34 – Bicycle facilities.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic Support;
 - (b) Use requiring a permit (Restricted Retail Premises);
 - (c) Building design (including DDO23);
 - (d) Urban design;
 - (e) Off-site amenity impacts;
 - (f) On-site amenity (Clause 58);
 - (g) Car parking and traffic;
 - (h) Bicycle provision and facilities;
 - (i) Other matters; and
 - (j) Objector concerns.

Submissions Received

4. Six (6) objections were received to the application, these can be summarised as:
 - (a) Overdevelopment of the site (excessive height and scale);
 - (b) Visually intrusive in the streetscape;
 - (c) Poor heritage response;
 - (d) Not in keeping with neighbourhood character;
 - (e) Pressure on on-street car parking availability;
 - (f) Impact on viability of neighbouring commercial properties;
 - (g) Removal of Michael Porter mural;
 - (h) Overshadowing of public realm;

- (i) Off-site amenity impacts (overlooking and privacy, overshadowing, loss of light);
 - (j) Wind impacts;
 - (k) Property value impacts;
 - (l) Increased foot traffic and associated footpath congestion; and
 - (m) Impacts from construction (including structural impacts).
5. Two (2) letters of support were received to the application, which are summarised as follows:
- (a) Scale and design is site responsive and contextually appropriate;
 - (b) Good size and variety of quality apartments;
 - (c) Potential for quality commercial tenancies;
 - (d) Comprehensive engagement process and feedback incorporated into the design; and
 - (e) Positive contribution to the future of Collingwood.

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) Reduction in the overall building height to a maximum of 20 metres;
 - (b) The open living and kitchen area of apartment 4.01 set back a minimum of 1.5 metres from the north and west title boundaries, reducing the podium on the north-west corner to four storeys; and
 - (c) The balcony of apartment 5.01 setback a minimum of 1.5 metres from the northern title boundary.

CONTACT OFFICER: Jessica Sutherland
TITLE: Principal Planner
TEL: 9205 5365

6.2 PLN23/0685 - 4 - 6 Derby Street Collingwood

Reference	D24/122288
Author	Jessica Sutherland - Principal Planner
Authoriser	Senior Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward:	Langridge Ward
Proposal:	Buildings and works to construct a multi-storey, mixed-use building for Restricted retail premises (showroom) and dwellings (the latter of which is as-of-right) and a reduction to the car parking requirements
Existing use:	Commercial / art gallery
Applicant:	Contour consultants
Zoning / Overlays:	Mixed Use Zone Design and Development Overlay (Schedule 23) Environmental Audit Overlay Development Contributions Overlay (Schedule 1) Heritage Overlay (Schedule 101x) affecting the north-east corner of the site.
Date of Application:	28 September 2023
Application Number:	PLN23/0685

Planning History

1. Planning Permit PL03/0426 was issued on 11 July 2003 for *part demolition and installation on a roller door*.
2. Planning Permit PL06/0970 was issued on 25 June 2007 for the *use of the ground floor as a Place of Assembly, accommodating art, music, and hospitality youth support programs, and use of the first floor as an office with counselling facilities, including buildings and works and a reduction in the car parking requirements*. The permit was acted on, with a condition requiring that the uses operate between 9am and 5pm, Monday to Friday.

Background

Planning Scheme Amendments

Amendment C269yara

3. Amendment C269yara was gazetted into the Yarra Planning Scheme (the Scheme) on 21 December 2023, and implements the Yarra Planning Scheme Review (2014), updating local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) at Clause 21 and Clause 22 with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and selected local schedules, particular provisions, and operational provisions consistent with the structure introduced by Amendment VC148.
4. The application was lodged prior to the gazettal of the amendment into the Scheme, however, the assessment will be based on the requirements at the time of determination.

Amendment VC250

5. Amendment C269yara was gazetted into the Scheme on 1 January 2024 and relevantly introduced Clause 53.03 (Residential Reticulated Gas Service). The clause applies to all new dwellings and apartment buildings, irrespective of their zoning, and prohibits their connection to reticulated gas services.
6. The subject application was submitted prior to the amendment being gazetted into the Scheme, and therefore benefits from transitional provisions pursuant to Clause 53.03-5.
7. Nevertheless, the application does not propose to have a gas connection.

Amendment C293

8. Amendment C293 proposes to adopt a new permanent Design and Development Overlay (Schedule 23) for Collingwood South, replacing the interim DDO Schedule 23 which currently applies to the site.
9. Amendment C293 was heard at a Standing Advisory Committee in March and April of 2022, with the Committee's report issued on 19 May 2022.
10. Council has since submitted the amendment to the Minister for Planning for Approval and is therefore considered to be seriously entertained. The requirements of the proposed permanent DDO23 will be discussed within the body of this report as relevant.

[Lodgement of sketch plans](#)

11. In response to the concerns raised by Council Officers and referral departments, the Applicant submitted Without Prejudice Plans for discussion on 19 March 2024, consisting of architectural plans (TP13, TP14 and TP15 dated 8 March 2024) and a perspective drawing.
12. The plans show a 1.85 metre setback of the sixth and seventh floors from the eastern boundary shared with No. 8 Derby Street, as illustrated in Image 1.



Image 1: perspective drawing circulated with Without Prejudice Plans, depicting the changes to the east elevation from the south-east along Derby Street

13. These plan changes have not been lodged under Section 57A of the *Planning and Environment Act 1987* (the Act), and as such, the plans as advertised continue to be the Decision Plans. The changes shown in the sketch plans will be discussed in the body of this report as relevant.

The Proposal

14. *Full demolition of the existing buildings on site and removal of crossovers along the Langridge Street frontage and outside of the HO (no permit required).*
15. *Removal of concrete at-grade car park and associated crossover on Little Oxford Street within the Ho (no permit required).*
16. Construction of an eight (8) storey (plus two basement levels and roof plant) mixed use building, with further details as follows:
- (a) 18 dwellings, consisting of 2 x one-bedroom, 10 x two-bedroom and 6 x three-bedroom;
 - (b) Restricted retail (showroom) at ground floor with a total area of 201.3sqm;
 - (c) The ground floor layout is arranged to provide the residential building entry and balconies and associated access for two dwellings along Derby Street, the commercial frontage to Langridge Street and vehicle access (via a car lift) from Little Oxford Street. An entrance for services and cyclists is provided on the laneway frontage;
 - (d) The building is generally constructed to all title boundaries with the exception of a ground floor splay on the north-east corner;
 - (e) Due to the sloping land (down from west to east), the building has street walls stepped in height as follows:
 - (i) Langridge Street – 5-storeys and 16.38 metres stepping down to 4-storeys and 14.04 metres to the east;
 - (ii) Little Oxford Street – 4 storeys and 14.34 metres stepping down to one-storey and 4.33 metres to the south;
 - (iii) Derby Street – 4-storeys and 13.53 metres stepping down to three-storeys and 11.43 metres to the east;
 - (f) On the west boundary to the laneway the lift core has a sheer boundary wall of 25.55 metres, with the remainder of the elevation set back 1.5 metres above the podium;
 - (g) The upper-level setbacks:
 - (i) have a chamfered splay on the north-east corner resulting in setbacks of between 6.24 metres to 13.61 metres from Little Oxford Street, and of between 3 metres and 11.99 metres from Langridge Street; and
 - (ii) are a consistent 3.81 metres above the Derby Street podium;
 - (h) A sheer boundary wall of 26.95 metres is proposed on the east boundary to No. 8 Derby Street;
 - (i) The overall height of the building is 26.95 metres (not inclusive of services and lift overrun);



Image 2: Artistic perspective of the proposed development from Langridge Street looking west – Façade and Materiality report page 11



Image 3: Artistic perspective of the development from Derby Street looking north-west, with No. 8 Derby Street in the foreground – Façade and Materiality report page 13



Image 4: Artistic perspective of the development from the corner of Smith Street and Derby Street looking east – Façade and Materiality report page 15



Image 5: Artistic perspective of the development from the corner of Smith Street and Langridge Street looking east – Façade and Materiality report page 17

- (j) As discussed, the vehicle entry to the basement levels is provided from a tilt garage door and enclosed car lift from Little Oxford Street, providing for 25 on-site car parking spaces. The basement levels are a minimum depth of 5.16 metres deep below NGL (RL 25.12);
- (k) 29 bicycle spaces are provided:
 - (i) 12 wall mounted spaces within a ground level bicycle room for residential, residential visitors and commercial staff use;
 - (ii) 17 above bonnet spaces for residential use spread between both basement levels;
- (l) Materials, finishes and façade details include:
 - (i) A mixture of brick and precast concrete in Apricot and a precast concrete in Light Apricot for elevations;

- (ii) The use of tiles in Apricot and Watermelon throughout (i.e. between windows along ground floor elevation and upper-level detailing);
- (iii) Gates and balustrades in painted metal (Apricot and Watermelon); and
- (iv) Windows with light grey glass and reeded glass.

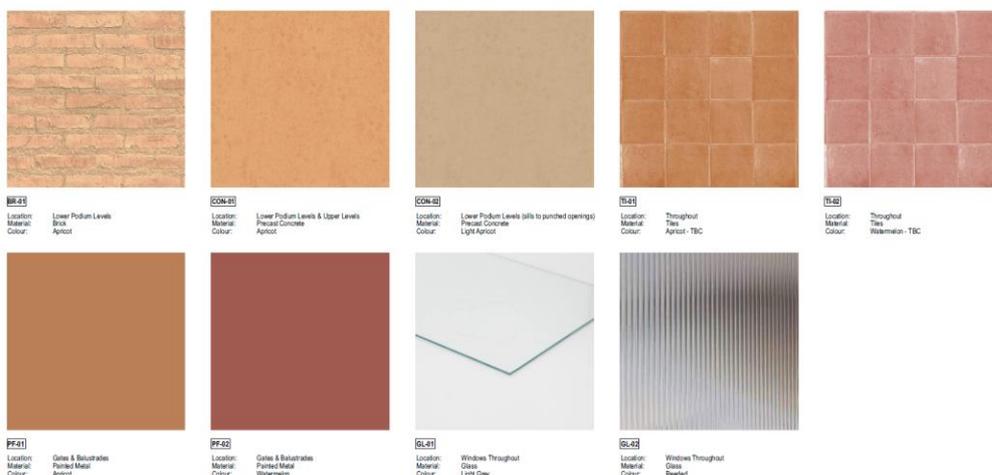


Image 6: Excerpt from Materials and Finishes Schedule – Decision Plans

Existing Conditions

Subject Site

17. The subject site is comprised of two allotments, formally known as Lot 1 on Title Plan 392284D and Lot 1 on Title Plan 966050H. The site has three street frontages; 24.13 metres to Langridge Street to the north, 12.7 metres to Little Oxford Street to the east and 17.98 metres to Derby Street to the south. The site is also abutted by an unnamed laneway along its western title boundary. As such, the site occupies almost the entire block with the exception of the south-east corner which is occupied by No. 8 Derby Street. The overall area of the site is 525.7sqm.
18. The site has a notable fall from west to east of approximately 1.5 metres.

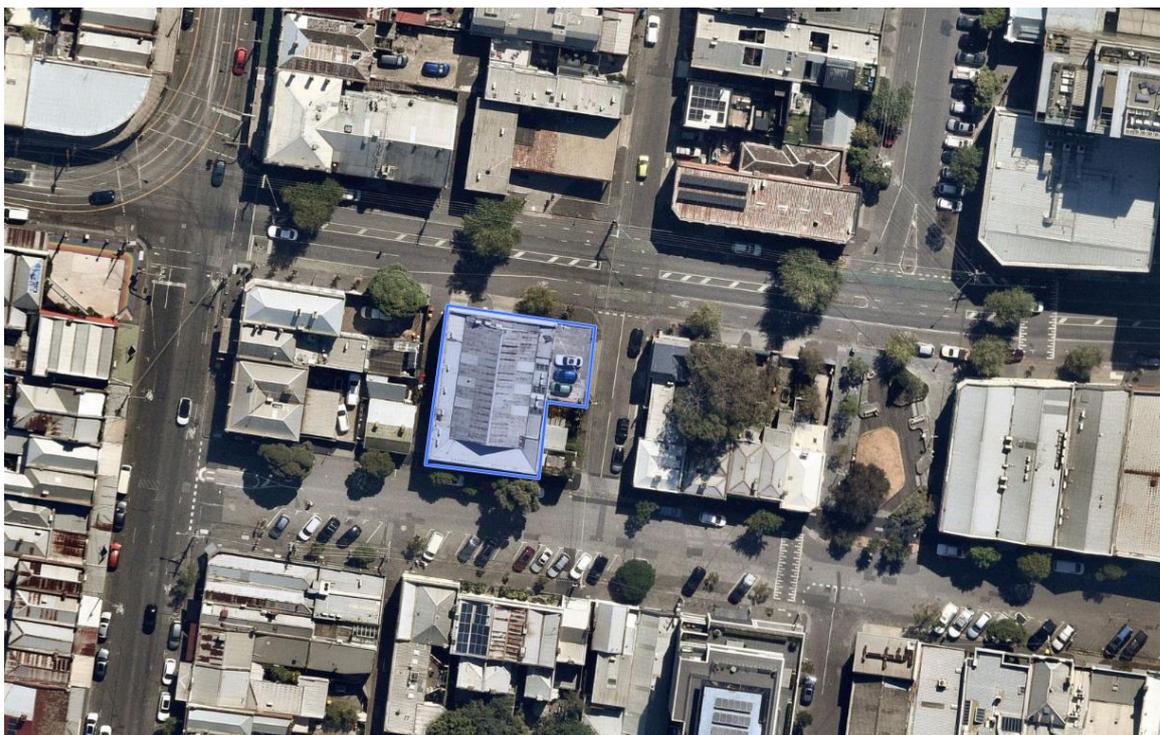


Image 7: Aerial of the subject site and surrounds (NearMap, March 2024)

19. The titles submitted with the application do not include any covenants, restrictions or easements.
20. The site is currently developed with a double storey brick building, generally constructed to all title boundaries, with the exception of an at-grade concrete car park on the north-east corner of the site. The site is provided two single-width crossovers from Langridge Street and a wide double-width crossover to the at-grade car park from Little Oxford Street.
21. Three (3) street trees and two bicycle hoops are located along the Derby Street frontage and one (1) street tree and three (3) bicycle hoops along the Langridge Street frontage.
22. A mural (by Melbourne artist, Michael Porter) is painted onto the eastern wall of the existing building, abutting onto the private car park.



Image 8: the subject site as seen from the north-east from Langridge Street (Officer site visit, April 2024)



Image 9: the subject site as seen from the west along Derby Street (Officer site visit. April 2024)

Surrounding Land

- 23. The site is located on the periphery of the Smith Street Major Activity Centre (MAC) and is proximate to Wellington Street (200 metres to the east) and Victoria Parade (approximately 200 metres to the south). As such, the immediate area is characterised by a mixture of uses and development styles, including single and double storey buildings from the Victorian/Edwardian-era, mid-rise commercial buildings, warehouse conversions and an emerging character of more robust mixed-use development apparent, particularly to the east of the site approaching Wellington Street.
- 24. There is not a clear pattern of subdivision in the area, however, site coverage is consistently high.
- 25. Recently approved and/or constructed development proximate to the site includes:
 - (a) 15 – 21 Derby Street, 30 metres south-east of the site, which is constructed with an eight (8) storey building (commercial and apartments) as approved by Planning Permit PLN16/0092;



Image 10: the development as it appears from the west along Derby Street (Officer site visit, April 2024)

- (b) 7 – 15 Little Oxford Street, 60 metres north of the site, which is constructed with an eight (8) storey mixed-use building (café and apartments) as approved under Planning Permit PLN14/0860;



Image 11: the development as it presents to Little Oxford Street (Officer site visit, April 2024)

- (c) 16 – 20 Langridge Street, 100 metres east of the site, which is constructed with a ten (10) storey mixed-use building as approved by Planning Permit PLN18/0497;



Image 12 and 13: renders of the development from Langridge Street (left) and Oxford Street (right) from the Endorsed Façade Strategy

- (d) 4 – 12 Langridge Street, immediately opposite the site on Langridge Street, has an approval for an eight storey mixed-use building (PLN20/0470 as issued by the VCAT). A render is provided at Image 14 for context; however, it is noted that a condition was included on the permit to delete the architectural framing at the podium level and to provide for a 3 metre setback of Levels 4, 5 and 6 for the length of the southern boundary (effectively reducing the Langridge Street streetwall to four storeys and a maximum height of 15.33 metres). The permit has not been acted on but is still live;



Image 14: perspective render of the approval at 4 – 12 Langridge Street as viewed from across Smith Street (WPP as circulated at VCAT for PLN20/0470)

- (e) 46 – 52 Smith Street, 20 metres to the south-west across Derby Street, has an approval for a six (6) storey commercial building as approved by Planning Permit PLN21/0042. The permit has not been acted upon but is still live; and
- (f) 40 – 44 Smith Street, 40 metres to the south-west, has an approval for a six (60 storey commercial building as approved by Planning Permit PLN22/0598. The permit has not been acted on but is still live.



Image 15: rendered perspective of the two commercial buildings approved on Smith Street, as viewed from Smith Street (Without Prejudice Plans circulated at the VCAT for PLN22/0598).

26. Further to the east are a number of recent developments along Cambridge Street and Wellington Street which generally range in height from 8 – 12 storeys.
27. The site is located in the Mixed Use Zone, however, land to the west across the laneway is within the Smith Street MAC and Commercial 1 Zone.
28. As discussed, the north-east corner of the site is located in the Heritage Overlay (Schedule 101), together with the only immediately abutting site at No. 8 Derby Street. However, there are a number of other heritage overlays proximate to the subject site, including Schedule 333 and 464 affecting properties along the Smith Street MAC, a site-specific overlay (Schedule 99) affecting No. 2 Derby Street to the west, and Schedule 102 affecting a row of properties between Langridge and Derby Street to the east.



Image 16: Heritage Overlay Map (Vicplan, April 2024)

East

29. To the south-east of the site is the only immediately abutting property at No. 8 Derby Street. The site is developed with a two-storey dwelling from the Victorian era (circa 1870) which is recognised as being Individually Significant to its site-specific Heritage Overlay (Schedule 101). The dwelling is constructed flush to its frontage to Derby Street and to the shared boundary to the subject site for its entire length. As such, no windows face the subject site. However, the dwelling has three separate areas of secluded private open space (SPOS); a roof terrace on top of the two-storey portion fronting Derby Street, a ground floor courtyard adjacent to Little Oxford Street, and a first-floor terrace at the rear (north). The dwelling is generally simple in design with light yellow brick and render finish, sash windows, a flat parapet and two brick chimneys.



Image 17: No. 8 Derby Street from the corner of Little Oxford Street, the subject site visible beyond (Officer site visit, April 2024)

30. To the east is Little Oxford Street, a two-way street with no on-street parking permitted.
31. Beyond Little Oxford Street is a row of double storey, biochromatic brickwork terraces located in the heritage overlay (Schedule 102), the nearest of which are recognised as being Individually Significant. Langridge Street abuts the rear of these properties so that they generally present rear fences and roller doors to the street. The exception to this is the most western property located to abut Little Oxford Street (No. 10 Derby Street) which has been developed to have a contemporary rear extension and subdivided to provide for a three-storey contemporary dwelling to the north (known as No. 7 Langridge Street). Generally, No. 10 Derby Street and No. 7 Langridge Street present blank facades and garage doors to Little Oxford Street, with the exception of west-facing windows at the second floor of No. 7 Langridge Street.



Image 18: the Individually Significant dwellings fronting Derby Street (right) with the extension at No 10 Derby Street and new dwelling at No. 7 Langridge Street visible to the left (Officer site visit, April 2024)

South

32. To the south is Derby Street, a two-way street with on-street parking on either aspect.
33. Across Derby Street is a row of double storey terrace dwellings from the Victorian -era which are recognised as being Individually Significant to their respective heritage overlays. The dwellings are rendered off-white/cream, have flat parapets and are provided arched patios/entries and ground level.



Image 19: development on the opposite (south) side of Derby Street (Officer site visit, April 2024)

West

34. To the west is a 3.01 metre wide unnamed laneway, beyond which is No. 2 Derby Street and the rear boundaries of No. 60 and 62 Smith Street, all of which are located in the Commercial 1 Zone.

35. No. 2 Derby Street fronts south to Derby Street and is developed with a single-storey weatherboard dwelling with a transverse gabled roof. The dwelling is generally constructed to all boundaries, with the exception of a walk-way along the western boundary and an 'L-shaped' area of SPOS located on the north-east corner. Habitable room windows (HRW) face into the courtyard, with one facing directly toward the subject site. The dwelling is Individually Significant to its site-specific Heritage Overlay.



Image 20 and 21: No 2 Derby Street as it presents to Derby Street (Officer site visit, April 2024) and the dwelling's floorplan (Realestate.com.au, 2021)

36. Nos. 60 and 62 Smith Street are developed with a two-storey terraces fronting Smith Street which are set back at the rear allowing for courtyards/ service areas. No. 60 Smith Street is occupied by a licenced Food and drink premises and No. 62 Smith Street is occupied by retail at ground floor and an office at first floor.

North

37. To the north is Langridge Street, a two-way street with dedicated bicycle lanes and on-street car parking provided in each direction.
38. Across Langridge Street are single and double storey, modern brick buildings occupied by commercial uses / offices.

General

39. The subject site is 1.4km from the Melbourne CBD.
40. The site is proximate to the following transport routes:
- (a) Tram route 86 along Smith Street (30 metres to the west) connecting Docklands and Bundoora;
 - (b) Tram routes 12 and 78 along Victoria Parade (200 metres to the south) connecting St Kilda to Victoria Gardens and Port Melbourne to Box Hill, respectively;
 - (c) Bus route 905 along Victoria Parade connecting the City to Doncaster East; and
 - (d) A bicycle network is provided within local streets with dedicated bicycles lanes provided on Smith Street and Langridge Street, and Copenhagen style lanes provided along Wellington Street (200 metres to the east).
41. There are no unrestricted parking spaces proximate to the site. Parking adjacent to the site along Derby Street (both north and south aspects) is located in a permit zone.
42. No on-street car parking is currently provided on the Little Oxford Street or Langridge Street frontages of the site.

Planning Scheme Provisions

Zoning

43. The site is located in the *Mixed Use Zone*. The following provisions apply:
- (a) Pursuant to Clause 32.04-1, a permit is not required to use the land as a dwelling;
 - (b) Pursuant to Clause 32.04-1, a permit is required to use the land for Retail (the umbrella category for Restricted Retail premises); and
 - (c) Pursuant to Clause 32.04-7, a permit is required to construct two or more dwellings on a lot. An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

Overlays

Design and Development Overlay

44. The site is affected by the *Design and Development Overlay (Schedule 23)*.
- (a) Pursuant to Clause 43.02-2, a permit is required to construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required;
 - (b) Clause 2.0 to Schedule 23 specifies that a permit is required to construct a building or construct or carry out works;
 - (c) Interim Schedule 23 includes site-specific building and street wall height requirements, as well as general design requirements for the precinct;
 - (d) The preferred street wall and building heights for the site, as prescribed by interim Schedule 23 (identified at Map 1) are a:
 - (i) Maximum building height of 20 metres;
 - (ii) Maximum street wall height (to every frontage) of 14 metres;
 - (e) Although these are preferred requirements (i.e. there is discretion to vary the requirements), Clause 2.2 states that “*a permit cannot be granted to vary*” a preferred building height specified in Map 1 unless the following are met:
 - (i) *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;*
 - (ii) *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 percent.*
 - (f) Similarly, Clause 2.2 states that “*a permit cannot be granted to vary*” a preferred street wall height specified in Map 1 unless the following are met:
 - (i) *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;*

- (ii) *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*
- (iii) *the proposed street wall height does not overwhelm the adjacent heritage building;*
- (g) The proposed development seeks a variation to the overall building height (maximum of 26.95 metres), and the streetwall height along Langridge Street (measures at the centre of the frontage as 16.38 metres). As such, an assessment of the relevant requirements will be provided in the *Building design* section of this report to determine whether a variation to the preferred requirements can / should be granted; and
- (h) The general design requirements of the DDO23, relating to setbacks, building design, overshadowing and solar access (public realm), building separation, amenity and equitable development, and vehicle access and car parking will also be discussed within the *Building design* section of this report.

Proposed Permanent DDO43

- 45. As discussed, Amendment C293 which is currently with the Minister of Planning for approval proposes a new permanent DDO23 to replace the current interim controls.
- 46. The proposed permanent DDO23 varies from the existing interim DDO23, having regard to the controls that apply to the site, as follows:
 - (a) Map 1 to the permanent DDO23 attributes:
 - (i) A preferred maximum height of 14 metres for the site;
 - (ii) A preferred maximum street wall of 11 metres for the Derby Street, Little Oxford Street and laneway frontages and a preferred maximum street wall of 14 metres for the Langridge Street frontage;
 - (b) Clause 2.3 states that *development should not exceed other street wall heights as shown in Map 1, unless all the following requirements are met, to the satisfaction of the Responsible Authority:*
 - (i) *the built form outcome as a result of the proposed variation satisfies the Design Objectives at Clause 1.0 of this schedule;*
 - (ii) *the proposed street wall height provides an appropriate transition, scaling down to the interface with a heritage building; and*
 - (iii) *the proposed street wall height does not visually overwhelm the adjoining heritage building.*
 - (c) Moreover, the proposed DDO23 amends the requirements that should be met to vary a preferred building height. Clause 2.5 states that *a permit should only be granted to construct a building or construct or carry out works which exceeds the building height shown in Map 1 where all the following requirements are met to the satisfaction of the responsible authority:*
 - (i) *the built form outcome as a result of the proposed variation satisfies:*
 - *the Design Objectives in Clause 1.0;*
 - *the Overshadowing and Solar Access Requirements in Clause 2.6;*
 - (ii) *the proposal will achieve each of the following:*
 - *greater building separation than the minimum requirement in this schedule;*
 - *excellence for environmental sustainable design measured as a minimum BESS project score of 70%.*

- *no additional overshadowing impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;*
 - *provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34.*
- (iii) *where the proposal includes dwellings, it also achieves each of the following:*
- *housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;*
 - *accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and/or 58m as relevant; and*
 - *communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and/or 58, as relevant; and*
- (d) In summary, the proposed DDO23 reduces the preferred overall building height and the street wall height to Derby Street, however, provides for a greater level of discretion in varying the preferred requirements by stating that “a permit **should** not be granted” (in lieu of the current “a permit **must** not be granted”) and by removing the subjective Heritage Building Requirements from the test.

Heritage Overlay

47. The north-east corner of the subject site is affected by the *Heritage Overlay (Schedule 101)*. The following provisions apply:
- (a) Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building, and to construct or carry out works:
 - (i) There are no buildings currently occupying the north-east corner of the site, thus, the only trigger in this instance is to construct and carry out works; and
 - (b) Pursuant to the *City of Yarra “Database of Heritage Significant Areas, September 2023*, the site is identified as being Not Contributory to the Heritage Overlay (Schedule 101).

Environmental Audit Overlay

48. The subject site is affected by the *Environmental Audit Overlay*. The following provisions apply:
- (a) Pursuant to Clause 45.03-1, *before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:*
 - (i) *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
 - (ii) *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
 - (iii) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
 - (iv) *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

49. If a permit were to issue, Council’s standard note will be included reminding the applicant of this requirement.

Development Contributions Plan Overlay

50. The site is affected by the *Development Contributions Plan Overlay (Schedule 1)*. The following provisions apply:
- (a) Pursuant to Clause 45.06-1, a permit must not be granted to construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme. The development contributions plan has taken affect so a permit can be granted;
 - (b) *A permit granted must:*
 - (i) *Be consistent with the provisions of the relevant development contributions plan; and*
 - (ii) *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; and*
 - (c) Schedule 1 to the overlay outlines the Development and Community Infrastructure levies applicable to the application. Council’s Standard Conditions will be included on any permit issued requiring these levies to be paid.

Particular Provisions

Clause 52.06 – Car parking

51. Pursuant to Clause 52.06-1, this policy applies to new uses.
52. Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
53. Table 1 of this clause sets out the car parking requirements that applies to the proposed uses. In this instance, column B applies as the site is located within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps.

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
1-bedroom dwelling	2	1 space per dwelling	2	2
2-bedroom dwelling	10	1 space per dwelling	10	11
3-bedroom dwelling	6	2 spaces per dwelling	12	12
Restricted Retail Premises (Showroom)	201.3 m ²	2.5 spaces per 100 m ² of leasable floor area	5	0
Total			29 spaces	25 spaces

54. A reduction of 4 car parking spaces is required. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces.

Clause 52.34 – Bicycle facilities

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	18 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	4 resident spaces	25 resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	2 visitor spaces	2 visitor spaces
Restricted Retail premises (other than specified in this table)	201.3 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	2 employee spaces
		1 visitor space to each 500 sqm of leasable floor area	0 visitor spaces.	0 visitor spaces
Bicycle Parking Spaces Total			5 resident / employee spaces	27 resident / employee spaces
			2 visitor spaces	2 visitor spaces
Showers / Change rooms	If 5 or more employee bicycle parking spaces are required 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		0 showers / change rooms	0 showers / change rooms

56. The development therefore exceeds the requirements of the clause.
57. It is noted that the existing bicycle hoops on the Langridge and Derby Street are located in the public realm (not within the boundaries of the subject site) and can not count towards the statutory contribution. They have not been included in these calculations accordingly.

Clause 53.03 – Residential reticulated gas service connection

58. Pursuant to Clause 53.03-1, this clause applies to an application for a permit under any provision of this scheme that is for or includes the construction of a new dwelling or a new apartment development.
59. Clause 53.02-2 states that *a permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.*
60. However, pursuant to Clause 53.03-5, the requirements of this clause introduced by Amendment VC250 (on 1 January 2024) do not apply to an application lodged before the approval date. As such, the provisions of Clause 53.03 do not apply to the subject application.
61. Nevertheless, the proposed development will not be connected to gas, as committed to in the submitted Sustainable Management Plan.

Clause 53.18 – Stormwater management in urban development

62. 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; and*
 - (b) *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*
63. This will be discussed further in the *Environmentally sustainable design* section of this report.

Clause 58 – Apartment developments

64. This clause applies as the development is for the construction or extension of an apartment development or construct or extend a dwelling in or forming part of apartment development. A development should meet all the standards and must meet all the objectives.

[General Provisions](#)

Clause 65.01 – Approval of an application or plan

65. 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 \(PPF\)](#)

Clause 02 – Municipal Planning Strategy

- 66. Clause 02.01 – Context
- 67. Clause 02.01-1 – Location
- 68. Clause 02.01-6 – Built environment and heritage
- 69. Clause 02.01-9 – Transport
- 70. Clause 02.02 – Vision
- 71. Clause 02.03-1 – Settlement
- 72. Clause 02.03-3 – Environmental risks and amenity
- 73. Clause 02.03-4 – Built environment and heritage
- 74. Clause 02.03-6 – Economic development
- 75. Clause 02.03-7 – Transport
- 76. Clause 02.04 – Strategic Framework Plan

Clause 11 – Settlement

- 77. Clause 11.01-S – Settlement
- 78. Clause 11.02-1S – Supply of urban land

Clause 13 – Environmental risks and amenity

- 79. Clause 13.05-1S – Noise management
- 80. Clause 13.06-1S – Air quality management
- 81. Clause 13.07-1S – Land use compatibility
- 82. Clause 13.07-1L – Interfaces and amenity

Clause 15 – Built environment and heritage

- 83. Clause 15.01-1S – Urban design

- 84. Clause 15.01-1L – Urban design
- 85. Clause 15.01-2S – Building design
- 86. Clause 15.01-2L – Building design
- 87. Clause 15.01-2L-01 – Environmental sustainable development
- 88. Clause 15.01-4S – Healthy neighbourhoods
- 89. Clause 15.01-4R – Healthy neighbourhoods
- 90. Clause 15.01-5S – Neighbourhood character
- 91. Clause 15.03-1S – Heritage conservation
- 92. Clause 15.03-1L-01 - Heritage

Clause 16 – Housing

- 93. Clause 16-01-1S – Housing supply
- 94. Clause 16.01-1R – Housing supply
- 95. Clause 16.01-1L – Location of residential development
- 96. Clause 16.01-1L-01 – Housing diversity
- 97. Clause 16.01-2S – Housing affordability
- 98. Clause 16.01-2L – Housing affordability

Clause 17 - Economic Development

- 99. Clause 17.01-1S – Diversified economy
- 100. Clause 17.01-1L – Employment
- 101. Cause 17.02-1S – Business
- 102. Clause 17.02-1L – Retail

Clause 18 – Transport

- 103. Clause 18.01-1S – Land use and transport integration
- 104. Clause 18.02-1S - Walking
- 105. Clause 18.02-2S – Cycling
- 106. Clause 18.02-2L – Cycling
- 107. Clause 18.02-3S – Public transport
- 108. Clause 18.02-3R – Principal Public Transport Network
- 109. Clause 18.02-4S – Roads
- 110. Clause 18.02-4L – Road system
- 111. Clause 18.02-4L-01 – Car parking

Clause 19 – Development infrastructure

- 112. Clause 19.03-3L – Water sensitive urban design

[Other relevant documents](#)

Yarra Activity Centres Standing Advisory Committee Report 2

- 113. The Standing Advisory Committee (SAC) Report relates to the proposed Planning Scheme Amendment C293 for Collingwood South Mixed Use Precinct which proposes to introduce a new permanent DDO23. The Report was published on 19 May 2022 and made the following comments relevant to the subject site:

(page 52) *Mr Gard'ner gave evidence that the Supplementary Heritage Report made a number of recommendations regarding building heights that varied interim DDO23, including:*

- *a mandatory maximum height of 11 metres for residential heritage buildings*
- *reducing the discretionary maximum height for the following infill sites south of Peel Street from 20 metres to 14 metres:*
 - *4-6 Derby Street*
 - *43-49 Oxford Street*
 - *64-66 Oxford Street*
 - *the vacant land on Cambridge Street at the rear of 1-35 Wellington Street.*

Mr Gard'ner noted that DDO23 includes a range of design requirements in addition to the specified maximum building heights and these needed to be read together to understand the full suite of controls that apply to a particular site. In addition, the Heritage Policy at Clause 22.02 (and proposed Clause 15.03-1L) encourages new development that respects the scale of existing heritage buildings and streetscapes.

Mr Gard'ner said the majority of taller buildings subject to DDO23 were approved before the preparation of the Supplementary Heritage Report and interim DDO23 was in place. The strategic work since the introduction of interim DDO23 has resulted in lower proposed building heights and strengthened height requirements.

114. The SAC report adopted the recommendations of Mr Gard'ner (from GJM Heritage consultants) without providing any further discussion to the subject site.

Plan Melbourne 2017 – 2050

115. *Plan Melbourne 2017 – 2050* is a metropolitan planning strategy that defines and provides direction for the shape of the city and state, integrating long term land use, and infrastructure and transport planning. The plan includes various principles, directions and polices for implementation, that are broadly reflected in the Planning Policy Framework of the Yarra Planning Scheme, but can be summarised (as relevant to the subject proposal) as follows:
- (a) The plan predicts that Melbourne's population will grow from 4.5 million to almost 8 million and that the city will need to building 1.6 million homes in places where people want to live;
 - (b) In achieving this, the plan directs that population and housing growth will be kept within the existing urban growth boundary through selective development of underutilised areas within existing communities; and
 - (c) A key outcome is to provide housing choices in locations close to jobs and services, to assist in achieving "20-minute neighbourhoods" wherein residents will meet most of their daily needs in the local area, only requiring a short walk, bike ride or public transport trip.

Advertising

116. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 83 letters sent to surrounding owners and occupiers and by three (3) signs displayed on the Langridge, Little Oxford and Derby Street frontages.
117. Council received six (6) objections, the grounds of which are summarised as:
- (a) Overdevelopment of the site (excessive height and scale);
 - (b) Visually intrusive in the streetscape;
 - (c) Poor heritage response;
 - (d) Not in keeping with neighbourhood character;

- (e) Pressure on on-street car parking availability;
- (f) Impact on viability of neighbouring commercial properties;
- (g) Removal of Michael Porter mural;
- (h) Overshadowing of public realm;
- (i) Off-site amenity impacts (overlooking and privacy, overshadowing, loss of light);
- (j) Wind impacts;
- (k) Property value impacts;
- (l) Increased foot traffic and associated footpath congestion; and
- (m) Impacts from construction (including structural impacts).

118. Two (2) letters of support were received, the grounds of which are summarised as:

- (a) Scale and design is site responsive and contextually appropriate;
- (b) Good size and variety of quality apartments;
- (c) Potential for quality commercial tenancies;
- (d) Comprehensive engagement process and feedback incorporated into the design; and
- (e) Positive contribution to the future of Collingwood.

119. A planning consultation meeting was not held.

Referrals

120. The referral comments are based on the Decision Plans.

External Referrals

121. The application was not required to be referred to any external authorities.

Internal Referrals

122. The application was referred to the following units / external consultants:

- (a) Strategic Planning;
- (b) Heritage (GJM Heritage);
- (c) Development Engineering;
- (d) Acoustic (SLR);
- (e) City Strategy – Open Space;
- (f) City Works – Waste Management;
- (g) Urban design (internal);
- (h) Urban Design (Global South);
- (i) ESD;
- (j) Strategic Transport;
- (k) City works – Open Space; and
- (l) Wind Engineers (Vipac).

123. The referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Strategic Support;
- (b) Use requiring a permit (Restricted Retail Premises);

- (c) Building design (including DDO23);
- (d) Urban design;
- (e) Off-site amenity impacts;
- (f) On-site amenity (Clause 58);
- (g) Car parking and traffic;
- (h) Bicycle provision and facilities;
- (i) Other matters; and
- (j) Objector concerns.

Strategic Support

125. The policy directives of the Scheme, as guided by *Plan Melbourne 2050*, are consistent in their purpose to increase density and encourage residential development in well-resourced inner-urban areas, improving housing availability near to established transport routes, infrastructure, employment precincts and community services, and easing pressure on unsustainable urban sprawl (Clause 11.01-1S - Settlement; Clause 11.02-1S - Supply of urban land; Clause 16.01-1S - Housing supply).
126. This objective to provide for sustainable growth is further supported by Clause 18.02-3R (Principal Public Transport Network) and Clause 18.02-3S (Public Transport) which both encourage a departure from vehicle centric design and reliance, recognising the need to maximise the existing public transport infrastructure and locate higher density development along the Principal Public Transport Network.
127. As discussed in the *Site and Surrounds* section of this report, the subject site is on the periphery of the Smith Street MAC and approximately 1.4km from the Central Business District (CBD). The site is well serviced by trams along Smith Street, and buses and trams along Victoria Parade (all within 200 metres walking distance from the site). This, coupled with the extensive local bicycle network provides for a highly accessible location for residential growth.
128. Specifically, Clause 11.01-1S (Settlement) aims *to capitalise on opportunities for urban renewal and infill development*, particularly in or near to existing activity centres as identified above. The current development of the subject site with a two-storey building for commercial use is considered an underdevelopment when having regard to the strategic direction of the area. Although Clause 16.01-1L (Location of residential development) identifies the site as being in an “incremental change area” in the Strategic housing framework plan (as identified in purple in Image 22 below), it is generally enveloped by moderate and high change areas (blue and yellow, respectively). This indicates that the broader area has a capacity for growth and redevelopment, with strategic support for increased density on and near the site, as reflected in the clear emerging character of robust mixed-use development.

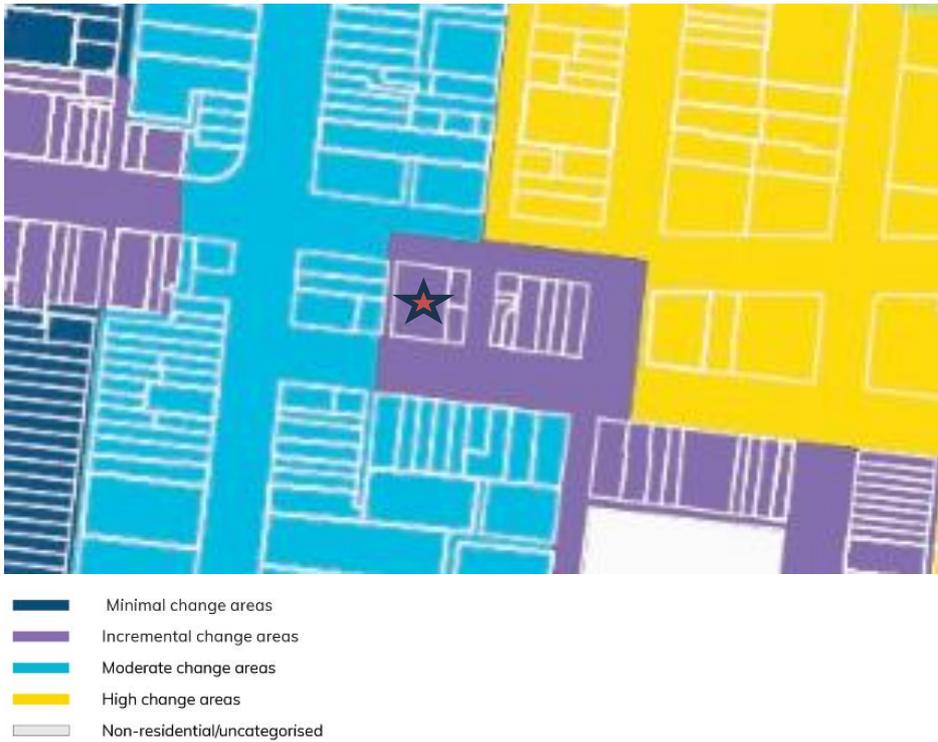


Image 22: Excerpt from the Strategic Housing Framework Plan from Clause 16.01-1L of the Scheme, with the subject site identified by an orange star

129. This strategic intent is reflected by interim DDO Schedule 23, applicable to the site, which prescribes a preferred height of 20 metres for the subject site and supports a mid-rise character (3 to 12 storeys) for the precinct more broadly.
130. It is noted that the proposed permanent DDO23 currently with the Minister for approval seeks that development is low- to mid-rise in scale. However, until such time that the proposed DDO23 is gazetted into the Scheme, the current interim DDO23 is to be relied upon. The legitimacy of the interim DDO23 as a decision making tool is specifically referenced in *Oxford Mason Pty Ltd v Yarra CC* [2022] VCAT 170 with the residing Member relevantly stating:
- [16] *The DDO23 may have been introduced as an interim control but is nonetheless in the Planning Scheme. There is nothing in the control or the Planning Scheme that suggests it should be given less weight than any other provision.*
- ...
- [20] It is sometimes the case that interim controls are introduced to address an urgent problem and without support of strategic studies and background research.
- [21] But that is not the case with DDO23. The controls have been underpinned by three studies...
131. With regards to the proposed use of the development, the use of the land for residential purposes is as-of-right in the Mixed Use Zone, which provides a specific purpose “to provide for housing at higher densities”. The scale of the proposed use is further supported by various policies in the Scheme which encourage an increase in diverse and affordable housing stock to meet expected population growth (Clause 16.01-1S – Housing supply; Clause 16.01-2S – Housing affordability).
132. Specifically, Clause 16.01-1S (Housing supply) supports *opportunities for a range of income groups to choose housing in well-serviced locations*, while Clause 16.01-1L-01 (Housing diversity) supports well designed apartment developments that meet future occupants needs.

133. The subject proposal is for 18 residential apartments ranging from one- to three-bedroom apartments, with generous private open space areas, providing for a high level of accessibility for a range of household types. As will be elaborated on under the *On-site amenity (Clause 58)* section of this report, the development generally demonstrates that a high internal amenity will be provided for future occupants.
134. Finally, Clause 16.01-2S (Housing affordability) supports the *increase[ed] choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities*. In achieving this, local policy at Clause 16.01-2L (Housing affordability) requires consideration, as relevant, for the *provision of a minimum of ten per cent of affordable housing for a major residential development of 50 or more dwellings*. The subject development only provides for 18 apartments and as such, an affordable house contribution is not required in this instance. Regardless, an increase in housing stock in the inner-city area is likely to assist in achieving the state and local strategic goals for more accessible and affordable homes.
135. Based on the strategic context outlined, it is a reasonable expectation that this currently underdeveloped site will experience intensification in use and development. Nevertheless, regard must be had to the appropriate scale and design of the proposal, with particular regard to the building design, off-site and on-site amenity and interfacing uses. These matters will be assessed in turn.

[Use requiring a permit \(Restricted Retail Premises\)](#)

136. The discussion of the appropriateness of the proposed uses requiring a permit will be guided by the purpose of the Mixed Use Zone at Clause 32.04 and the requirements of Clause 13.07-1S (Land use compatibility) and Clause 13.07-1L-01 (Interfaces and amenity) of the Scheme.
137. As discussed, the use of the land for dwellings is as-of-right in the Mixed Use Zone. The proposed uses requiring a permit in this instance are therefore limited to the Restricted Retail premises (showroom) located at the ground floor frontage to Langridge Street (overall area of 201.3sqm). Pursuant to Clause 73.03 (Land use terms), Restricted Retail Premises is defined as land used to sell or hire (generally larger) goods such as homewares and household appliances, automotive parts and accessories, camping and outdoor gear and sporting equipment (full definition provided at Clause 73.03). Relevantly, the clause recognises that it may require direct vehicle access to the building by customers for the purpose of loading or unloading goods.
138. The application seeks to have unrestricted operating hours for this use.
139. Generally, the use of the land for a Restricted Retail Premises (showroom) is consistent with the purpose of the Mixed Use Zone, which is to *provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*. Although land to the south of the site along Derby Street is generally residential, commercial uses such as Offices, Food and drink premises and Retail are located immediately adjacent to the site to the west (within the Smith Street MAC) and to the north along Langridge Street. As such, the location of the proposed Restricted Retail premises to front Langridge Street is appropriately responsive to this context. This commercial context is also reinforced by the existing approved use of the land for a Place of Assembly and Office.
140. Further, various policies within the Scheme encourage that retail uses be located in and near to established activity centres and that they be aggregated to ensure their viability, accessibility and efficient use of infrastructure (Clause 17.01-1S – Business; Clause 17.02-1L – Retail; Clause 17.01-1L – Employment). These policies also recognise the benefits of retail premises by providing for activation and improving the quality of building interfaces.
141. The location of the proposed Restricted Retail Premises is therefore acceptable in a strategic sense; however, consideration must be given to the potential impacts on the surrounding area and interfacing sensitive uses.

142. Clause 13.07-1S (Land use compatibility) includes the objective *to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*. Similarly, Clause 13.07-1L-01 of the Scheme includes various considerations for new 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 properties.
143. Although the proposed Restricted Retail premises is located near to residential properties (the nearest being No. 7 Langridge Street to the east across Little Oxford Street), the nature of this section of Langridge Street is generally for commercial uses. Moreover, Langridge Street provides a direct pedestrian and cyclist linkage from the Smith Street MAC/Gertrude Street to the Gipps Street Major Employment Precinct (400 metre walk to the north-east). As such, higher levels of foot traffic are an existing condition for the area, particularly during the typical work week. The proposed retail premises will provide for further activation to the street, benefiting this context. The use of the land for retail purposes, specifically for the purchase or hire of goods, is also considered to be generally low risk as it is not expected to generate an unreasonable number of visitors to the site or result in excessive noise or light spill. Unlike a Food and Drink remises (or similar) where patrons stay on-site for a period of time for leisure or recreation, a Restricted Retail Premises does not pose such a risk with regard to patron or music noise. Moreover, any lighting in association with the retail premises is expected to be commensurate to residential lighting, either ambient or white light, rather than strobe or fluorescent.
144. Nevertheless, given the primary purpose of the Mixed Use Zone and the proximity to residential properties (both on neighbouring sites and within the subject development), unrestricted operating hours is not considered appropriate in this instance.
145. An Acoustic Report was submitted with the subject application (prepared by Acoustic Logic and 14 September 2023), however, it assesses the proposed commercial use of the land from a broader scope, including recommendations relating to music and bottle emptying that are not considered relevant to the proposed use of the land for Restricted Retail. A condition will therefore require that the Acoustic Report be updated to specify the proposed use as a Restricted Retail premises as proposed and for the recommendation to be updated accordingly. Once updated, the Acoustic Report will be endorsed to form part of any permit issued.
146. In reviewing the Acoustic Report, SLR Acoustic consultants considered that the Restricted Retail Premises would pose a risk, and require further acoustic review, if the operating hours were to include the 'night time' period between 10pm to 7am. As such, the operating hours of 7am to 10pm (avoiding the sensitive night-time hours as identified by SLR consultants) will be enforced for the premises via condition. This is considered to be commensurate with office hours, and retail activities within the Smith Street MAC. Further, as a commercial use, it will be required to comply with the relevant EPA regulations, thus, a condition will be included in the recommendation to this effect.
147. With regards to delivery and collection of goods, there are no car parking spaces along the Langridge Street and Little Oxford Street frontages of the premises under existing conditions. The removal of the redundant crossovers could provide an opportunity for a car parking space / loading zone with good accessibility to the site, however, this would be at the discretion of Council's Traffic Management Department and not a consideration of the planning process. Regardless, it is considered that the nearest loading zone to the site, located approximately 30 metres to the north-west across Langridge Street, will provide reasonable access to the site without detrimentally impacting the local amenity of traffic conditions.
148. A Waste Management Plan (prepared by Leigh Design and dated 21 September 2023) was submitted with the application which stipulates that rubbish is to be collected by a private contractor from Little Oxford Street. The report was reviewed by Council's City Works (waste) who considered this to be an acceptable arrangement.

149. Council's standard conditions requiring deliveries, collections of goods and waste comply with local laws will be included in the recommendation.
150. For the reasons elaborated, the Restricted Retail Premises is supported, subject to conditions restricting the operating hours and requiring compliance with EPA regulations and local laws.

[Building design \(including DD023\)](#)

151. An assessment of the proposed building design is guided by the decision guidelines of both State and local policy for Building Design (Clause 15.01-2S and Clause 15.01-2L) and Heritage (Clause 15.03-1S and 15.03-1S), and the interim and proposed Schedule 23 to the DDO.

Building height

152. With regards to building height, Clause 15.01-2L (Building design) acts to ensure the height of new buildings respond to the building height requirements set out in the planning scheme, adjoining development building height or where there are no specified building height requirements, have regard to the physical and strategic context of the site. In this instance, there are building height requirements built into the interim DDO23 which are guided by strategic work for the area and should be relied upon.
153. As discussed, Schedule 23 to the DDO states that a permit cannot be granted to vary a building height specified in Map 1 (that being 20 metres for the subject site), unless all the outlined requirements are met. As discussed, the subject building has a maximum building height of 26.95 metres (not inclusive of services and the lift overrun), exceeding the preferred height. As such, the development must meet the following for a permit to be granted to vary the height:

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;

154. It is considered that the proposed development generally complies with the Design Objectives of Clause 1.0 and other building height requirements as outlined at Clause 2.2 in that it:
- (a) Fosters the emerging, contemporary, mixed character sought for the precinct, and provides for a prominent street wall edge on all its street frontages;
 - (b) Is commensurate to the mid-rise character sought for the precinct (defined as ranging from 3 to 12 storeys);
 - (c) Promotes pedestrian activity and street edge activation to all three street frontages, providing for an appropriate type of activation (with regards to residential / non-residential use) to each interface;
 - (d) The development protects the footpath and public space amenity and complies with the Overshadowing and Solar Access (Public Realm) Requirements (to be discussed);
 - (e) The proposal includes a variety of dwelling sizes and configurations to provide housing types for a diverse demographic;
 - (f) The provision of private open space which exceeds the minimum standards of Clause 58 (to be discussed); and
 - (g) Excellence in environmental sustainable design is achieved with a BESS project score of 70%.
155. Further, the application was reviewed by Global South urban design consultants, who considered all the relevant requirements to the exceed the preferred height to be met and are supportive of the height as proposed. Specifically, Global South were of the view that “the design is highly considered, in its massing, internal layouts, and responses to all interfaces, including heritage considerations. The Architectural Plans and Design Report reflect this high level of design rigour and resolution in the proposal”.
-

156. However, Council Officers consider that the proposal does not fully meet the requirements set out at Clauses 1.0 and 2.2, as will be taken to below.
157. A requirement of Clause 2.2 is that *the proposal will achieve a greater building separation than the minimum requirement in this schedule*. Although the building separation requirements are met (as will be discussed), the proposal does not exceed the requirement, with some interfaces (such as the west-facing windows of the upper-level lobby) only meeting the minimum requirement.
158. Further, the second design objective at Clause 1.0 of the DDO23 is to *respond 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*. Although the street wall heights appropriately step down from west to east to respond to the natural slope of the site and contextual topography, the upper levels are not similarly responsive. As a result, the proposal presents a sheer wall (26.95 metres in height) to the shared boundary with No. 8 Derby Street which will be highly visible from, and overbearing to the Derby Street streetscape. The sheer wall may also appear visually bulky from the abutting root top terraces.

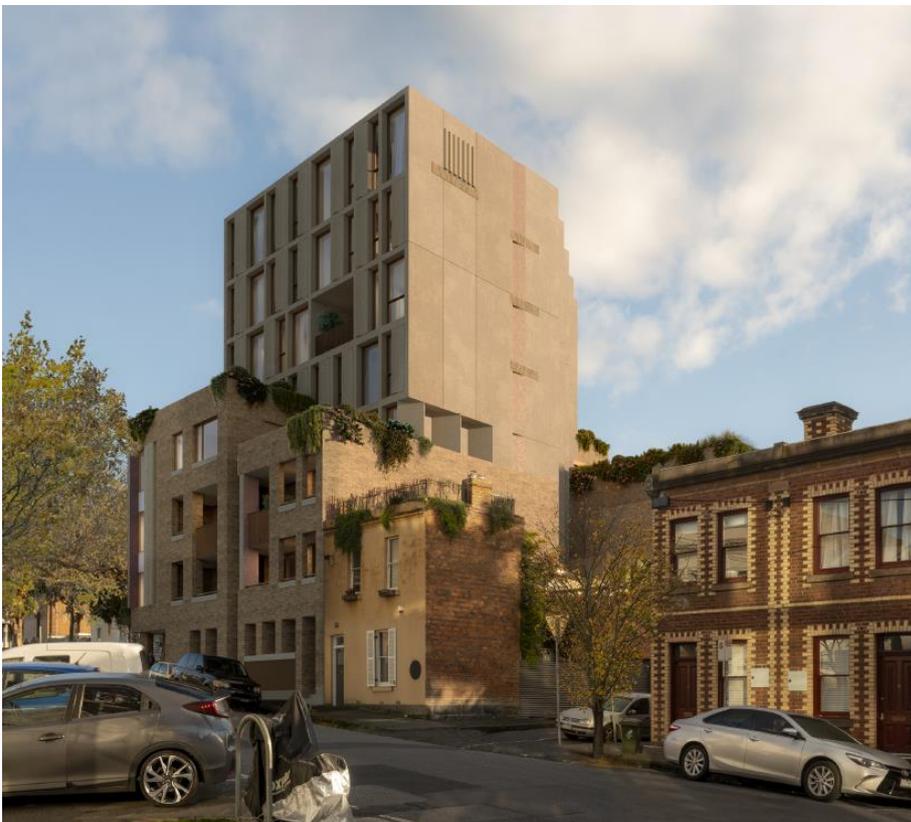


Image 22: Derby Street looking north-west, with No. 8 Derby Street in the forefront – Façade and Materiality report page 13

159. Moreover, the Heritage Building Requirements of the DDO23 relevantly provide requirements for developments on sites that are within the Heritage Overlay but are graded as Not Contributory, or on sites adjacent to a heritage building. As discussed, only the north-eastern lot of the site (currently occupied by the car park) is affected by the Heritage Overlay (Schedule 101 with No. 8 Derby Street) and it is graded as being Not Contributory. However, the subject site is also adjacent to sites within the Heritage Overlay to the west, south and east. As such, the DDO23 requires that development must be designed to:
- provide a transition in height at the interface (side or rear boundary) with the heritage building;*
 - ensure that façade treatments are simple and do not compete with the detailing of the adjacent heritage building(s);*

- (c) *incorporate simple architectural detailing that does not detract from significant elements of the heritage building;*
 - (d) *be visually recessive; and*
 - (e) *be articulated to reflect the fine grained character of the streetscape, where this is a prominent feature.*
160. The application was therefore referred to GJM Heritage consultants for specific advice as to whether the heritage response is acceptable.
161. GJM considered that the design partially achieves the objectives through appropriate materiality and the relationship of solid (walls) and void (window and balcony openings) but considered that the building fails to maintain the predominantly low-rise scale of the neighbouring heritage places. Accordingly, GJM recommend a reduction to the height through the removal of tower element (i.e. the fourth, fifth, sixth and seventh floors), resulting in a height of approximately 14 metres.
162. This position is consistent with the recommendation put forward by GJM consultants at the Standing Advisory Committee panel, as outlined in the SAC Report, which forms the basis of the 14 metre preferred height for the site in the proposed permanent DDO23 currently with the Minister for approval.
163. Notwithstanding this, the increased height in accordance with the interim DDO23 can be readily achieved without unreasonably causing adverse amenity impacts, as will be discussed, supporting the strategic opportunities of the site, as outlined in the *Strategic Support* section of the report. It also responds appropriately to the scale of recent development in the immediately surrounding area, which are in the range of 6 to 10 storeys (as outlined in the *Site Surrounds* section of this report).
164. However, based upon the advice from GJM, it is not considered that the heritage requirements of DDO23 have been met by the subject development. Therefore, a permit cannot be granted to vary the preferred heights of the interim DDO23.
165. In response to the concerns raised to the scale and transition of the tower element, the Applicant submitted Without Prejudice Plans for discussion on 19 March 2023, which show a 1.85 metre setback of the sixth and seventh floors from the eastern boundary shared with No. 8 Derby Street, as illustrated in Image 1 of this report. However, these changes do not go far enough to provide an appropriate transition in height within the streetscape to meet the Heritage Building Requirements, and as such, the changes will not be adopted.
166. Council Officers must therefore require that the preferred building height prescribed for the site be met (that being a maximum building height, as defined by Schedule 23 to the DDO, of 20 metres). This would result in essentially the deletion of two levels, as depicted in Image 24 below.



Image 24: Artistic perspective of the development from Derby Street – the built form likely to be deleted via condition overlayed in red by Council Officers

167. It is noted that Schedule 23 to the DDO states that *building height does not include structural elements that project above the build height and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:*
- (a) *Less than 50 percent 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.*
168. As proposed, the lift and stair core and plant room meet the above requirements and may project above the prescribed 20 metre height (but will be subject to review).
- Street wall height*
169. The street wall height requirements for the site, as set out at interim Schedule 23 to the DDO, is 14 metres for all street frontages (directing that the street wall is to be measured at the centre of the frontage). The proposed DDO23 differs in that it prescribes a street wall height of 11 metres to Derby Street.
170. The proposed street walls are designed as follows:
- (a) The Derby Street streetwall is a maximum height of 13.96 metres at the centre of the frontage;
 - (b) The Little Oxford Street streetwall has a maximum height of 14.37 metres at the corner with Langridge Street; however, has a height of 11.49 metres at the centre of its frontage; and

- (c) The Langridge Street frontage has a maximum height of 17.28 metres and five storeys at the centre of the frontage, noting it steps down two four storeys to the east to have a height of 13.49 metres.
171. As such, the western portion of the Langridge Street streetwall seeks a variation to the preferred height prescribed by interim DDO23. The schedule states that a permit cannot be granted to the vary the preferred street wall height unless all the following are met:
- (a) *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;*
 - (b) *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*
 - (c) *the proposed street wall height does not overwhelm the adjacent heritage building.*
172. In this instance, the street wall is adjacent to No. 62 Smith Street, which is developed with a two-storey commercial building fronting west to Smith Street which is graded as being Contributory to the heritage precinct. There is a buffer between the subject site and this building however, created by the 3 metre wide laneway and the generous rear setback of the building at No. 62 Smith Street.

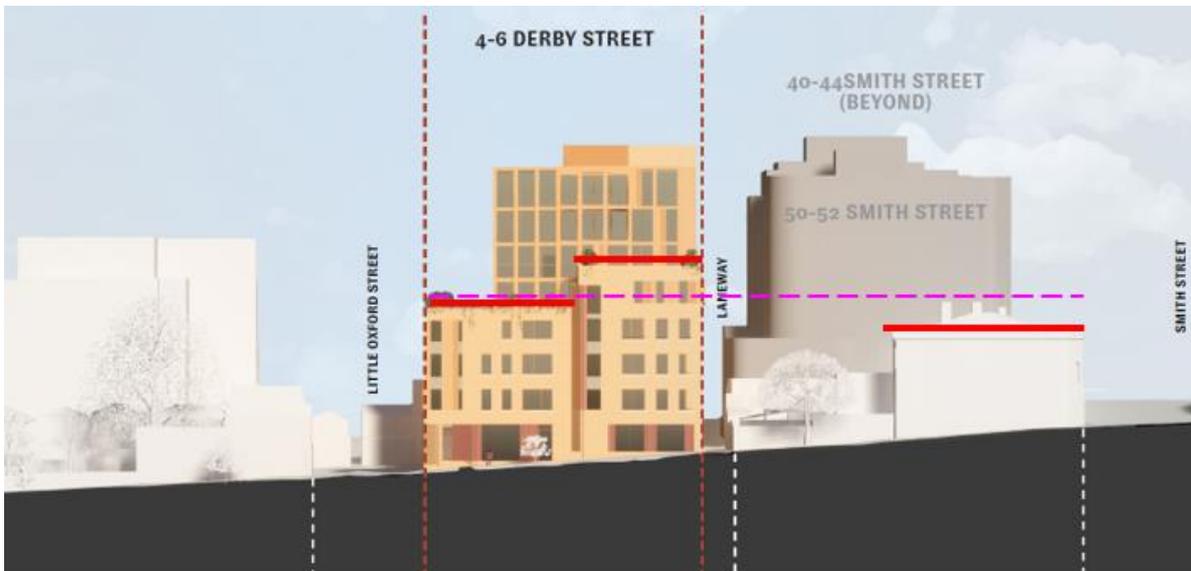


Image 25: Streetscape perspective from Façade and Materiality Development (page 20) – the dashed pink line represents a 14 metre height at the centre of the frontage

173. In reviewing the application, Global South urban design consultants considered that the variation sought on the north-west corner is acceptable, for the following reasons:
- (a) It is limited in length-breadth;
 - (b) It faces the major street interface;
 - (c) It provides a stepped profile to reflect and reinforce the topography; and
 - (d) It is located in the northern part of the site so does not create significant shadow impacts.
174. However, GJM Heritage Consultants do not support the proposed section of the five-storey podium noting it is “substantially taller than the single and two storey form of the adjacent heritage places” and recommend it be reduced to four-storeys.
175. Council Officers note that, although the wall is currently adjacent to a double storey building at No. 62 Smith Street, any future development at the rear of the site would likely be commensurate in height to the proposed streetwall.

176. Nevertheless, a four-storey street wall is consistent with both the interim and proposed DDO23 and would be consistent with the approval directly opposite the subject site (4 – 12 Langridge Street). As such, Council Officers recommend that a four-storey street wall be adopted at the north-west corner in-line with GJM consultants' recommendation.
177. In seeking to reduce the north-west podium to four-storeys, consideration must be given to the design of the top level of the podium which is currently occupied by Apartment 4.01 and the balcony of Apartment 5.01. Council Officers recommend that a 1.5 metre setback from the north and west boundaries should be adopted, responding to the current western setback of the upper levels. This will effectively reduce the podium height to the recommended four-storeys, whilst allowing for the on-going functionality of the associated dwellings above.
178. The implications for each are discussed below:

- (a) The living area of Apartment 4.01 be set back from the north and west boundaries for a minimum of 1.5 metres. This change will likely require the deletion of a bedroom to provide for a usable open living and kitchen area but will ensure the dwelling continues to have direct access from the living room to the generous terrace located on the eastern podium (which will remain as is); and

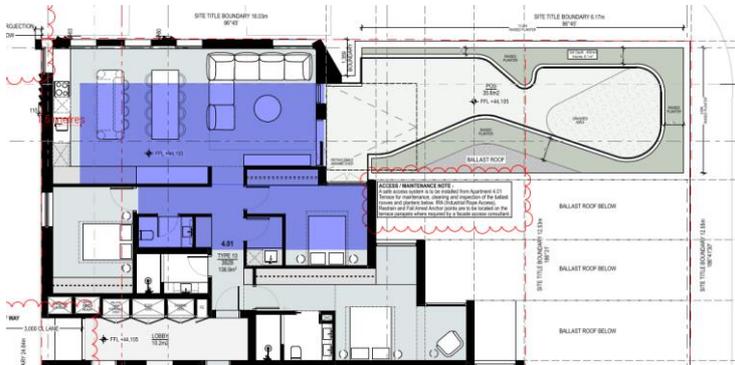


Image 26: Excerpt of the floor plan for apartment 4.01- Council Officers have overlaid the potential area for the open living and kitchen in purple

- (b) The balcony of Apartment 5.01 (level above) set back 1.5 metres from the northern boundary, reducing the area to approximately 8.5sqm (not including the raised planter boxes).

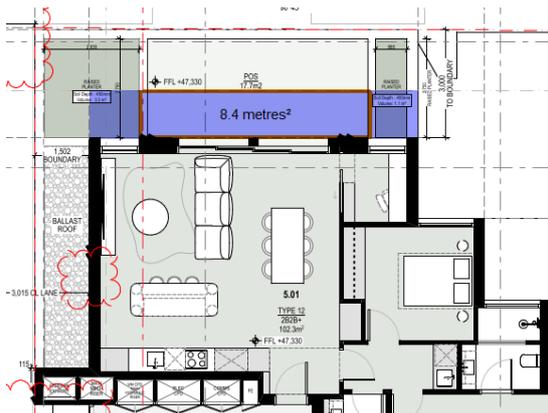


Image 27: Excerpt of the floor plan for apartment 5.01- Council Officers have overlaid the potential area for the balcony in purple

179. This will reduce the street wall to four storeys by providing a recessive form above the podium with a setback consistent with the setbacks of the upper levels from the western boundary (laneway), responding to the concerns raised by GJM consultants.

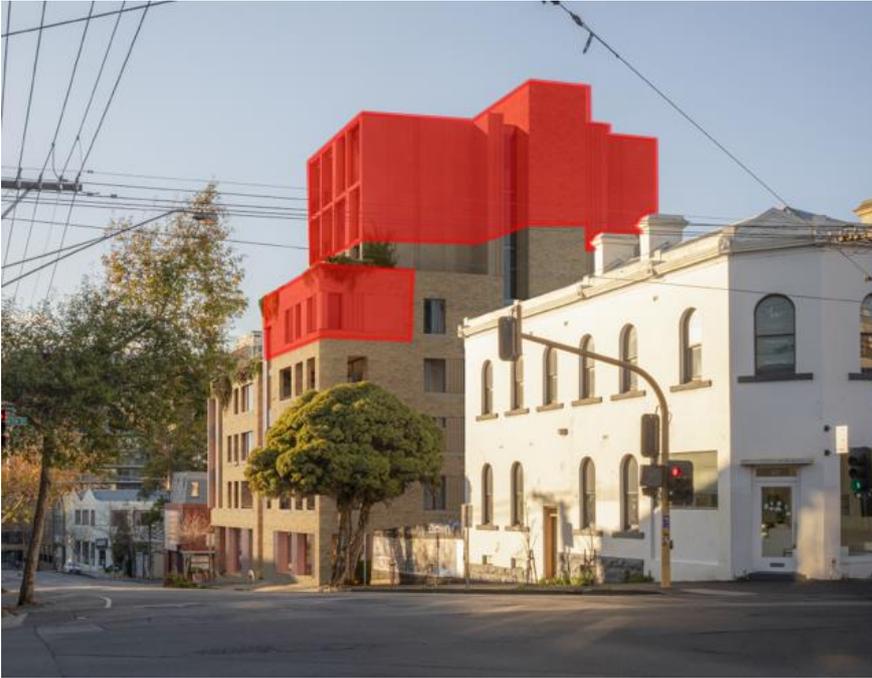


Image 28: Artistic perspective of the development from the corner of Smith Street and Langridge Street looking east - the built form likely to be deleted / set back via condition overlayed in red by Council Officers



Image 29: Artistic perspective of the development from Langridge Street – the built form likely to be deleted via condition overlayed in red by Council Officers

180. Finally, although the Derby Street streetwall would seek a variation to proposed permanent DDO23 (which seeks a maximum height of 11 metres at the centre of the frontage), it continues to meet the relevant requirements to vary the preferred height, providing an appropriate transition to avoid unreasonably overwhelming the adjoining heritage building. The height of the Derby Street streetwall (which is a height of 13.96 metres at the centre line of the frontage) was also not raised as a concern by either GJM Heritage consultants or Global South urban design consultants.

Setbacks

181. Schedule 23 specifies that the development of the subject site, as a non-heritage building, must be set back 6 metres from its corresponding boundary. The building is designed as follows:
- (a) A minimum 6.24 metre setback from the Little Oxford Street frontage;
 - (b) A 3.8 metre setback from the Derby Street frontage;
 - (c) A 1.5 metre setback from the laneway (apart from the core which is constructed to the boundary; and
 - (d) A varied setback of between 1.5 metres (via condition) to 11.98 metres from the Langridge Street frontage.
182. As such, variations are required for each elevation, with the exception of Little Oxford Street frontage. Schedule 23 states that, for development adjacent to a heritage building, a permit cannot be granted to vary the preferred minimum upper-level setbacks unless the proposal meets the Design Objectives and the Heritage Building Design Requirements in the schedule.
183. Council Officers consider that, subject to the recommended conditions to the overall height and north-west podium, the proposed setbacks comply with the relevant requirements for the following reasons:
- (a) Given the notable reduction in height, any visibility to the upper-levels will be reasonably obscured by the podium and recessive within the streetscape;
 - (b) Global South were supportive of the setbacks without any changes to proposed design as submitted, stating that setbacks of approximately 3 – 4 metres are acceptable for moderate mid-rise buildings and that “the setbacks support adequate visual differentiation between the street wall and upper levels”;
 - (c) GJM did not comment on the setbacks as it was their position that the tower element should be deleted. As elaborated on, Council Officers consider that such a recommendation would result in an underdevelopment for a large site with three street frontages on the periphery of a MAC and generally unencumbered by a Heritage Overlay;
 - (d) The proposed development, subject to condition, appropriately transitions down to the only adjoining dwelling at No. 8 Derby Street to avoid unreasonably dominating the heritage fabric. The site is otherwise reasonably buffered from heritage fabric by the laneway, Little Oxford Street and Derby Street. Although requiring a transition in height to No. 2 Derby Street across the laneway, the dwelling is located in the C1Z, Smith Street MAC and in a “high change area” pursuant to Clause 16.01-1L where more robust development is encouraged. As such, higher development near to the single storey dwelling is a reasonable expectation and does not necessarily result in a poor heritage outcome;
 - (e) As will be established in the *Off-site amenity impacts* section of this report, the proposal subject to condition will not unreasonably impact the amenity of nearby residential development with regards to visual bulk, overshadowing and overlooking;

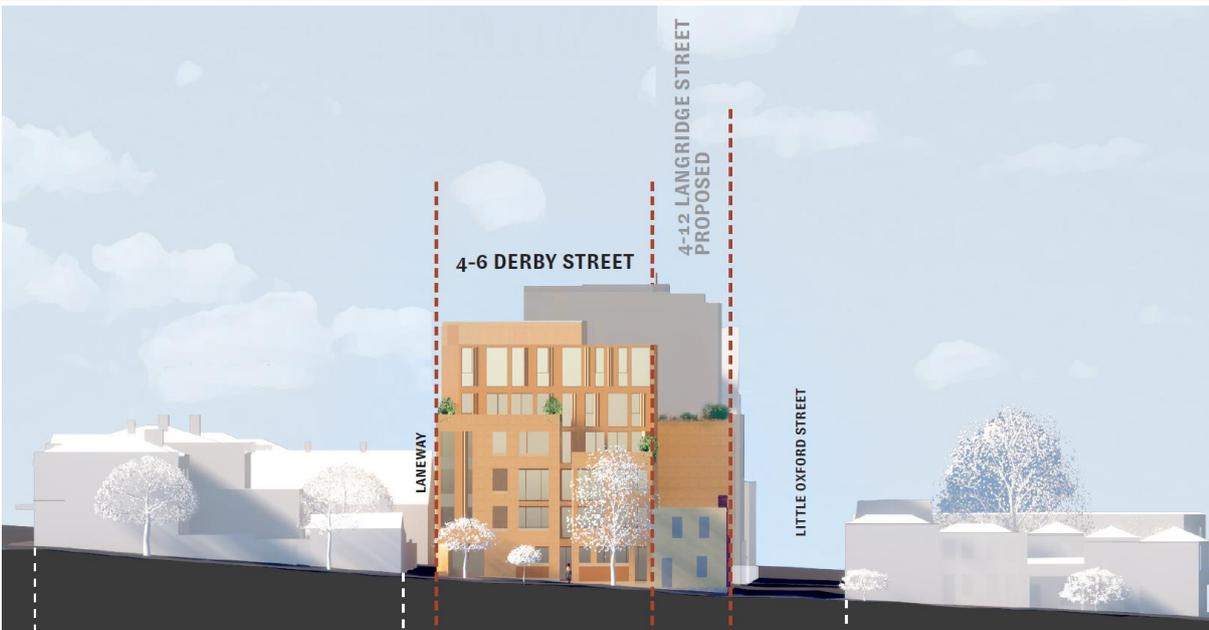


Image 30: Streetscape perspective of Derby Street from Façade and Materiality Development, altered by Council Officers to indicate an approximate height of 20 metres as recommended

- (f) The greatest variations sought to the setbacks are on the north-west corner of the site (to Langridge Street). Subject to the recommended condition to set back Apartment 4.01 by 1.5 metres from the north and west boundaries, variations sought range from 2.95 metres to 4.5 metres from what is prescribed by the DDO23. However, due to the notable slope of Langridge Street and the generous separation from the building at No. 62 Smith Street, this variation to the setback will not result in the building dominating the adjacent heritage fabric. Further, the rear of No. 62 Smith Street may be developed in the future, restricting views to the upper levels from various vantage points. Finally, as submitted by Global South consultants, a variation to setbacks / podium height on the north-west corner will not have any adverse shadow implications;

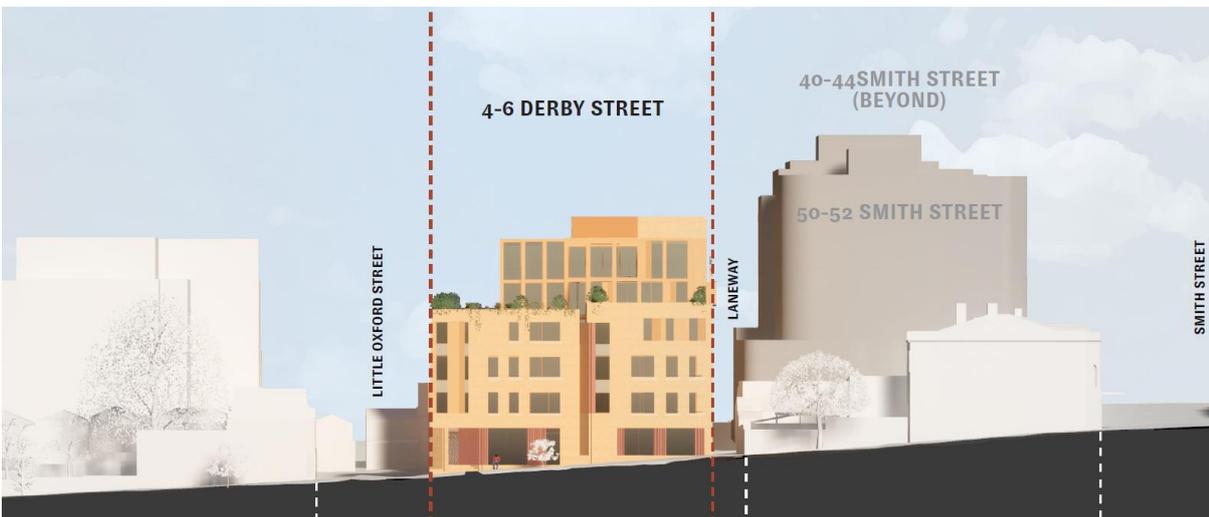


Image 31: Streetscape perspective of Langridge Street from Façade and Materiality Development, altered by Council Officers to indicate an approximate height of 20 metres and a four-storey street wall as recommended

- (g) The proposal meets the Building Separation Requirements of the DDO23 (to be discussed); and
- (h) The proposal meets the Overshadowing and Solar Access (public realm) Requirements of the DDO23 (to be discussed).

Heritage

- 184. As discussed, only the north-east corner of the site is affected by the Heritage Overlay, and as such, most of the demolition proposed is exempt from requiring a permit.
- 185. The exception to this is the concrete car park and associated crossover to Little Oxford Street. These are not contributory elements and as such their removal is supported by Clause 15.03-1L (Heritage).
- 186. With regards to the proposed development, the Heritage Building Design requirements of the DDO23 have been discussed at length and generally reflect the heritage intent at Clauses 15.03-1S and 15.03-1L of the Scheme. Council Officers consider that the proposal demonstrates a suitably respectful scale subject to condition, and that the design incorporates simple architectural details and façade treatments that compliment and do not detract from adjacent heritage buildings.

Overshadowing and solar access (public realm)

- 187. Schedule 23 to the DDO states that development must not overshadow any part of the southern footpath of Derby Street to a distance of 2 metres from the kerb between 10am and 2pm at the September Equinox. Council’s Strategic Planning Unit have clarified that in assessing an application against DDO23, the test for overshadowing should only have regard to the footpath, not the road formation.
- 188. Shadow diagrams are provided at TP28 which demonstrate that the development does not overshadow the opposite footpath (though falls very near to it at 1pm and 2pm) at the Equinox, thereby complying with the requirement.

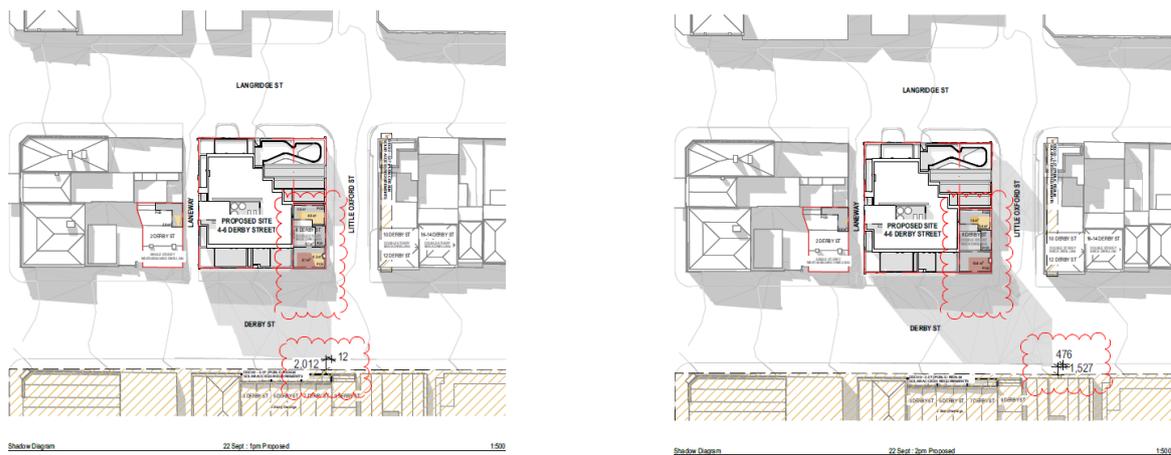


Image 32: Excerpt of 1pm and 2pm shadows from TP28 – Decision Plans

- 189. The recommendation to reduce the overall height will result in shadows falling notably short of the southern footpath.

Design

- 190. The proposal is considered to meet the relevant design objectives of the DDO23 and of Clause 15.01-2L (Building design) as follows:
 - (a) The proposal provides a prominent, well-articulated street-wall edge that provides a distinction between the lower and the upper levels of the building. This position was supported by Global South Urban Design Consultants who considered that, although subtle, the variations in concrete tone and solid to void ratios to be suitably effective;
 - (b) The proposal results in an appropriate street edge activation through the commercial tenancy to Langridge and Little Oxford Streets and residential entries to Derby Street. The building provides various passive surveillance opportunities from the residential entries, balconies and windows facing onto each street interface;

- (c) The proposal incorporates design elements/features that contribute to an engaging streetscape, avoiding expanses of blank walls and providing for active frontages. Of note, the development provides for an appropriate level of glazing at street level, particularly for the commercial frontage, but ensures the glazing is not overly dominant within the streetscapes by providing recesses and solid plinths. This is considered to be an appropriate response to the corresponding streetscapes which have a character of solid frontages with modest openings, rather than full height glazing as seen in the Smith Street MAC;
- (d) Global South consider that the “street wall components are broken-up vertically into ‘fine grain’ modules that respond to established streetscape rhythms of nearby development fabric”. However, with regard to the design of the upper levels they stated:

The eastern and western facades are relatively ‘closed’ with limited windows. The eastern side is broken up by the brickwork stair/lift core form, but the prominent east-facing wall incorporates a quite large expanse of coloured concrete panels, which may appear ‘bland’ or ‘utilitarian’ in views from the east.

Given its prominent and scale, I consider that limited further articulation of this upper-level façade would be beneficial to its external expression, visual interest, and management of its scale.

Council Officers consider that the recommended reduction to the overall height will resolve the concern of large expanses of unarticulated concrete panels. Thus, subject to the reduction in height, the recommendation for further articulation will not be adopted.

- (e) Services cupboards are appropriately integrated into the design, by utilising the services cupboards as fencing to the balcony openings along the Derby Street frontage. This design response will avoid full height services cupboards that may dominate a street frontage. A condition should require the materiality of the service cupboards to be committed to, ensuring it is well integrated into the façade’
- (f) The proposed material palette of precast concrete, tiles and painted metal features (in Apricot, light Apricot and Watermelon) and tinted grey and reeded glazing is simple and subtle in variation, provides for visual interest and articulation through the distinct corbeled brickwork panels and brick inserts. The materiality and finishes of the proposal were supported by both GJM Heritage consultants and Global South UD consultants; however, the latter consider that clear glazing is preferable for visual interaction and therefore recommend it be replaced with clear glazing. Tinted grey glazing is considered to be an acceptable outcome for the development generally, however, Council Officers agree that clear glazing would be preferable for the commercial premises to improve activation to the street. A condition will be included accordingly;
- (g) As encouraged by Clause 15.05-2L, the proposed materials (particularly the concrete) are appropriately durable. However, to ensure the quality and on-going maintenance of the façade, a condition should require a Façade Strategy be submitted for review and endorsement. A condition should also be included requiring that any blank frontages at ground level (i.e. the western laneway) should be finished with an anti-graffiti treatment in accordance with Clause 15.01-2L; and
- (h) The proposal as suitably limited reflective materials to avoid causing detriment to nearby properties.

Building separation, amenity and equitable development

191. Schedule 23 to the DDO requires that where development shares a common boundary, upper-level (i.e. not inclusive of the podium) development must:

- (a) *be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed; and*

- (b) *be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.*

192. Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

193. The upper levels of the development meet this requirement as follows:

- (a) No windows or balconies face the shared boundary to No. 8 Derby Street;
- (b) The non-habitable window of the upper level “lobby” is set back 3 metres from the centre line of the laneway; and
- (c) No other windows or balconies face west towards the laneway.

Vehicle access and car parking

194. The development is considered to meet the applicable design objectives of DDO23 and Clause 15.01-2L as follows:

- (a) The vehicle entry is provided from Little Oxford Street where pedestrian and vehicle activity is generally lower, and where there will be no conflict with on-street car parking;
- (b) The vehicle entry is contained to a single garage and crossover (replacing a wide crossover and open car park) to ensure that it does not dominate the frontage;
- (c) Blank walls associated with car parking have been appropriately avoided. Although the garage tilt door is proposed to be solid painted metal (Watermelon), introducing permeability may have implications on noise from the lift car lift. As such, a solid door is accepted however, the panelled articulation, as shown in plans, should be incorporated to ensure an appropriate level of visual interest and articulation for the frontage. A condition will be included accordingly; and
- (d) The service infrastructure has been appropriately incorporated into the design to limit the visibility from the public realm.

195. A more comprehensive review of the vehicle access and car parking is provided in the *Car Parking and Traffic* section of this report.

Site coverage

196. Clause 15.01-2L (Building design) *encourage[s] site coverage of new development that does not exceed a maximum site coverage of 80% of the site area, unless:*

- (a) *The pattern of site coverage in the immediate area is higher than 80%.*

197. The proposed site coverage is higher than 80%, however, is considered acceptable for the following reasons:

- (a) Commercial and mixed-use buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Collingwood and on neighbouring developed sites.

[Urban design](#)

198. Clause 15.01-1S (Urban design) includes the objective *to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.* Clause 15.01-1L requires consideration to be given to pedestrian access and frontages, wind and weather protection.

199. The application was referred to Council’s Urban Design Team who did not support the building ground floor layout in its current form, requesting the following changes be made:

- (a) *Redesign and resolve interface with adjacent streetscape. I.e. window heights and ledge on NW corner of building site;*
- (b) *Design review for improved entry, column and under croft at the NE corner of building site;*

- (c) A detailed Public Realm and Streetscape Improvement Plan must be provided; and
- (d) Inclusion of developer contributed tree planting must be included in Public Realm and Streetscape Improvement Plan along Langridge St.

200. More specifically for points (a) and (b) the urban design team have recommended that a redesign be explored for the window placement along Langridge St frontage so that there is a clear and distinct space between external footpath and bottom of the window (as demonstrated in the excerpt below - green dash indicates preferred and red dash undesirable outcome).



Image 33: excerpt from internal Urban Design advice

201. Council Officers however consider that this is an acceptable outcome given the constraints posed by the notable fall of the site, and that the materiality of the plinth will provide for an appropriate delineation from the public footpath. As such, this recommendation will not be adopted.
202. Further, the Urban Design Team request a design review of the commercial entry on the north-east submitting that it is at risk of becoming an underutilised entry point due to the:
- (a) Lack of opening sightlines due to the column placement;
 - (b) Lack of activation and useability if the commercial space is not in operation; and
 - (c) Risk for late night anti-social behaviour and loitering deriving from nearby entertainment venues.

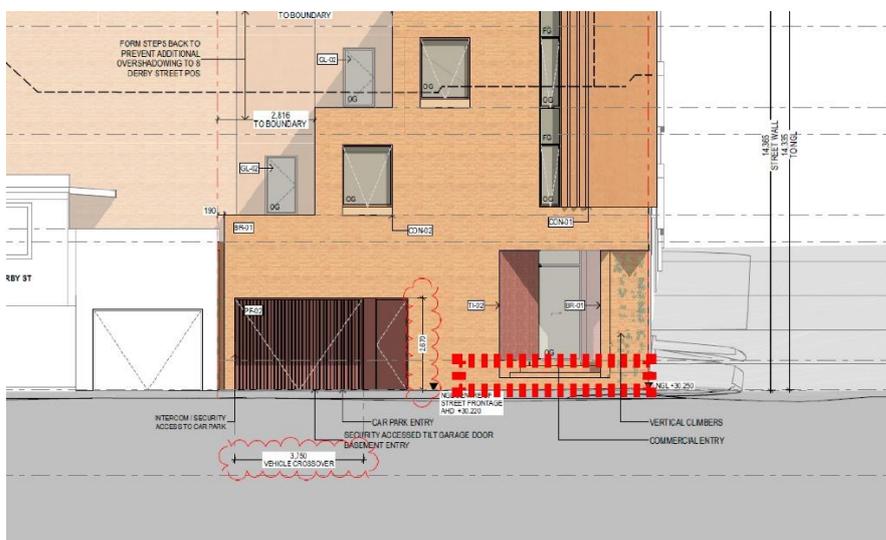


Image 34: excerpt from internal Urban Design advice

203. It is noted that a chamfer on street corners is specifically required by the proposed DDO23, however, acknowledge that the plinth and column allow for a less active and usable access point. As such a condition should require the corner be enclosed with clear glazing, sliding door (or similarly active edge). With regards to accessible access to the commercial tenancy, a secondary at-grade entry is provided further west along the Langridge Street frontage.
204. Council's Urban Design Team did not raise concerns to the residential entries from Derby Street or vehicle entry on Little Oxford Street.
205. Council Officers note that the vehicle entry and adjacent emergency exit are recessed by 1.4 metres, creating potential safety concerns with regards to visibility. However, the recess is required for practical reasons, allowing for the door to open outwards for the emergency fire exit without impeding on the public footpath. It is considered that the convex mirrors provided, and the condition requiring sensor lighting to all entries (to be discussed) will reasonably resolve the safety concerns for this interface.
206. Finally, Council Officers do not consider that the request for a Public Realm and Streetscape Improvement Plan is warranted in this instance. The proposed development proposes to reinstate kerb and footpath where the redundant crossovers are to be removed (to the satisfaction of the responsible authority), but no further streetscape works are proposed or required to carry out the development. Further, the purpose of the development and community contributions levy, which will be required to be paid by the subject development via condition, is to provide funds for Council to carry out public realm upgrades, including any provision of additional street trees. It is therefore not appropriate for the subject development to include public realm contributions that are unrelated to the design.
207. The proposal is therefore considered to meet the applicable design objectives of Clause 15.01-2L as follows:
- (a) Separate vehicular and pedestrian access is clearly provided to avoid modal conflicts;
 - (b) The pedestrian entries are identifiable with a sense of address;
 - (c) A condition will require sensor lighting be included at all pedestrian and vehicular entries to increase the safety for users. A condition will be included to require that they are located and baffled to the satisfaction of the responsible authority;
 - (d) Entries generally provide for reasonable weather protection through the incorporation of recesses; and
 - (e) All street frontages are well activated with glazing to an extent that it respectful of the existing the streetscape character.

Wind

208. An Environmental Wind Assessment (prepared by MEL Consultants and dated 28 September 2023) was submitted with the application. The report provides a desktop assessment of the proposed development (terraces, building entries and adjacent streetscapes), generally finding that the relevant comfort criteria is met, subject to the following recommendations being adopted:
- (a) The addition of a solid wall/screen (full height) along the northern side of the north-east ground floor chamfer (as indicated by the red line in Image 35 below).



Image 35: excerpt from Figure 2 of MEL consultants Environmental Wind Assessment

- 209. This recommendation although not currently adopted by the Decision Plans would be reasonably resolved by the recommended condition to enclose this corner (with glazing, sliding doors or similar). This would require that the Wind Assessment demonstrates that the entrance can achieve standing comfort criteria. A condition will be included in the recommendation accordingly.
- 210. The report was referred to external wind consultants (Vipac) for review who were satisfied with the assessment, stating that it uses the proper analysis and methodology to analyse the wind effects on the pedestrian level surrounding the development and that the relevant target comfort criteria within the development is met. Vipac agree with the assessment conclusions and recommendations and do not recommend any further comments or changes to the report.
- 211. As such, should a permit be issued, the Wind Assessment should be endorsed to form part of the permit, subject to it being amended to reference the building design changes included in the recommendation of this report, relating to the reduce height of the building and north-west podium, and the enclosure of the ground floor chamfer on the north-east corner.

Weather protection and projections over public realm

- 212. Clause 15.01-1S supports development that provides weather protection for the public realm (including footpaths and plazas).
- 213. The proposal does not include any projecting awnings, or similar architectural features providing for weather protection to the footpath, however, this is consistent with the pattern of development along each frontage, with no awnings seen on any of the nearby buildings. As discussed, the slight recesses of entries provide for some weather protection of entries.

Off-site amenity impacts

- 214. The assessment will be guided by the Decision Guidelines of Clause 15.01-2L (Building design) and the Commercial 1 Zone.
- 215. Clause 15.01-2L *discourage[s] impacts on existing adjoining development through:*
 - (a) *Unreasonable overshadowing of secluded open space and loss of daylight to habitable room windows;*
 - (b) *Visual bulk;*
 - (c) *Overlooking and excessive screening;*
 - (d) *Noise from building plant and equipment; and*
 - (e) *Loss of on-street car parking from excessive crossovers.*
- 216. It is noted that the clause requires consideration only be given to adjoining development, which in this instance is limited to No. 8 Derby Street. However, the Decision Guidelines of the Mixed Use Zone (relevantly) require consideration be given to:
 - (a) The Planning Policy Framework; and

- (b) The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone.

Overshadowing of SPOS and loss of daylight to habitable room windows

217. With regards to overshadowing and daylight, the proposal will result in additional shadows to:

- (a) No. 2 Derby Street within the C1Z at 11am only (2sqm in area), noting that it is fully shadowed prior to 11am under existing conditions; and
 (b) No. 8 Derby Street within the MUZ and immediately adjoining the site at 1pm (8sqm to the southern roof terrace) and 2pm (10.6sqm to the southern roof terrace).

218. It is considered that the shadow impacts to No. 2 Derby Street are acceptable given they are contained to only one hour at the Equinox, particularly having regard to its location with the C1Z and Smith Street MAC where higher density development is supported. It is also noted that any development of the sites to the immediate north beyond a single storey would likely overshadow the SPOS, and as such, the amenity expectations of this dwelling within the C1Z and Smith Street MAC must be reasonably tempered.

219. With regards to the shadow impacts to No. 8 Derby Street, the height of the proposed building would have to be substantially reduced, well below the heights prescribed by the interim or proposed DDO23, to avoid impacting the roof terrace located to the south-east of the development. Although the impacts to the southern roof terrace are notable in the afternoon, considerable effort has been made to mitigate the impacts to the northern terrace by chamfering the north-east corner of the tower and stepping the north-east podium down to a single storey. No. 8 Derby Street will have a good level of sunlight to one or both of the terraces throughout the day at the Equinox ensuring the dwelling is provided a reasonable level of amenity.

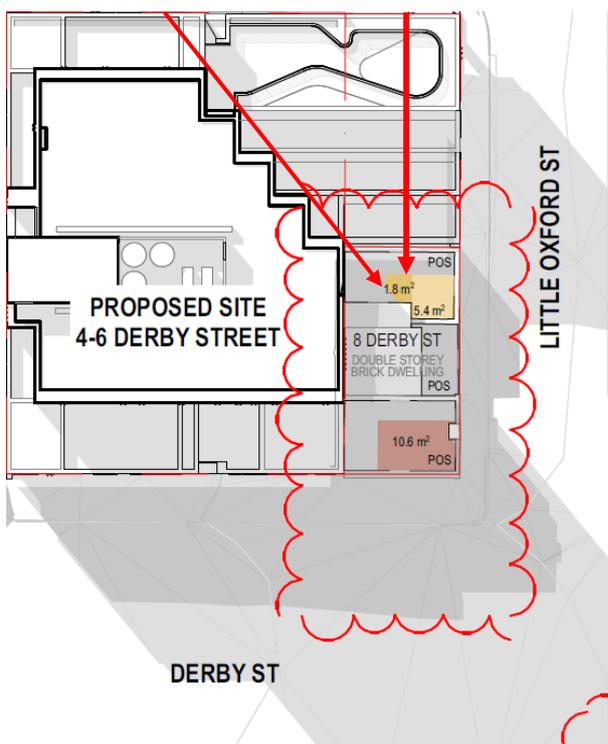


Image 36: excerpt of 2pm shadow analysis from Decision Plans showing POS cast in addition shadow in red, and POS which continue to receive sunlight in yellow. The area of dark yellow (notated as 1.8sqm in area) is POS that will receive sunlight which is currently overshadowed by the existing two-storey building on site.

220. There are no solar panels located on adjoining rooves that may be impacted by shadows from the development.
 221. For these reasons, the shadow impacts resulting from the proposal are acceptable.

222. With regards to daylight to windows, the windows of No. 8 Derby Street face away from the subject site, thus, are not unreasonably impacted by the subject development.
223. The windows of No. 2 Derby Street are reasonably buffered by the laneway and rear SPOS, noting that the dwelling does not have any windows facing directly on to the laneway.

Visual bulk

224. With regards to visual bulk impacts to the nearby dwellings (namely No. 2 and 8 Derby Street) it is considered that within this built form context views from windows and balconies to built form is not an unreasonable expectation.
225. However, as discussed, the proposed sheer wall to the shared boundary with No. 8 Derby Street is considered to be unreasonably bulky to the adjacent roof top SPOS areas and the development has been reduced by two storeys accordingly. As discussed, the remainder of the development has been significantly reduced in scale to respond to No. 8 Derby Street's SPOS areas to ensure they are not unreasonably enclosed or enveloped by the development. Moreover, the roof top terraces will continue to have unimpeded outlook to Little Oxford Street and Derby Street.
226. For these reasons, the visual bulk impacts are considered resolved subject to the recommendation to reduce the overall scale of the building.

Overlooking and excessive screening

227. Clause 15.01-2L does not provide direction as to how overlooking impacts should be addressed, thus the Overlooking Standard at Clause 55 is relied upon in this instance.
228. The development demonstrates compliance with the objective of the Overlooking Standard, as follows:
- (a) Within 9 metres of the SPOS of No. 2 Derby Street are the west-facing windows of Apts 1.01, 1.04, 2.01, 2.04, 3.01, 3.02 and 4.01, which are designed as follows:
 - (i) Fixed obscure glazing to the west-facing bedroom windows of Apts 1.01, 2.01 and 3.01 and the study nooks of 1.04, 2.04 and 3.02, with a small horizontal mullion (as demonstrated in the Overlooking Sections on TP23 and TP24), with operable clear glazing above. The Overlooking sections demonstrate that the view lines from the above are appropriately directed to be above the roof line of No. 2 Derby Street (and not to the HRWs or NGL of the SPOS) in accordance with the requirements of the overlooking standard. However, a condition of permit is recommended requiring that the height of the fixed obscure glazing and the depth of the mullion be dimensioned to ensure they are installed accurately; and
 - (ii) Clear operable glazing to the west-facing glazing of the living areas of apartment 1.01, 2.01, 3.01 and 4.01, with the overlooking diagram demonstrating that views to the ground of the SPOS are intercepted by the fence. The HRWs of No. 2 Derby Street are not within a 9 metre radius of these windows; and
 - (b) The only windows or balconies within 9 metres of No. 8 Derby Street is the podium terrace associated with Apt 4.01. As demonstrated by the overlooking analysis on TP25, the view line only just reaches the terrace and is intercepted by the retaining wall.
229. Subject to the condition discussed above, the development will reasonably limit overlooking in accordance with the directions of the Scheme.
230. Screening has been appropriately limited through the design response to direct apartment outlooks towards the street frontages.

Noise from building plant and equipment

231. The services/plant equipment is located on the building roof and is enclosed (with the exception of the solar panels which are regarded as low risk). An Acoustic Report (prepared by Acoustic Logic and dated 19 September 2023) was submitted with the application and includes an assessment against the mechanical plant on the roof.

232. The Acoustic Report was reviewed by SLR acoustic engineers who recommended the following:
- (a) The nearest sensitive receivers to the subject site be identified; and
 - (b) A formal Noise Protocol and sleep disturbance assessment be provided for the car lift and carpark entry door. The maximum source level (as a sound pressure level at a distance) for the car lift, and other requirements (vibration isolation etc.) should also be specified.
233. These will therefore be included via condition, with any further design recommendations made by the revised acoustic report to be shown in plans.
234. Council's standard conditions will be included in the recommendation requiring the noise and emissions from plant and mechanical equipment comply at all times with the relevant EPA noise requirements.

Loss of on-street car parking from excessive crossovers

235. As discussed, the proposal removes three redundant crossovers and proposes only one single crossover to Little Oxford Street, where no on-street car parking is currently provided. As such, the proposal would likely result in additional on-street car parks, subject to review and approval by Council's Traffic Management Team.

[On-site amenity \(Clause 58\)](#)

236. Clause 58 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built-up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

Standard D1 – Urban context objective

237. This is addressed within the *Strategic Context* and *Building design* sections of this report. The standard and objective are met.

Standard D2 – Residential policy objectives

238. This is addressed within the *Strategic context* section of this report. The standard and objective are met.

Standard D3 – Dwelling diversity

239. This objective seeks to encourage a range of dwelling sizes and types in developments of ten or more dwellings. The proposal provides 18 apartments, comprising 2 x one-bedroom, 10 x two-bedroom and 6 x three-bedroom apartments. It is noted that the recommended conditions will effectively delete two levels and will likely result in the deletion of at least 2 x three-bedroom dwellings.

240. Although there is a limited number of smaller apartments, the development provides for a range of apartments commensurate to its overall scale.

Standard D4 – Infrastructure

241. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The standard is met.

Standard D5 – Integration with the street

242. The orientation of the development and public realm interfaces have been discussed at depth previously in this report.

243. However, with consideration given solely to the objectives of Standard D5, the development appropriately:

- (a) Incorporates pedestrian entries, windows, balconies or other active spaces into the frontages to improve activation and passive surveillance opportunities;

- (b) Limits blank walls; and
 - (c) Conceals car parking and internal waste collection areas from the street.
244. The standard is therefore met.
- Standard D6 – Energy efficiency objective*
245. Standard D6 includes the following objectives for apartments developments:
- (a) *To achieve and protect energy efficient dwellings and buildings;*
 - (b) *To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy; and*
 - (c) *To ensure dwellings achieve adequate thermal efficiency.*
246. Policy at clauses 15.01-2L-01 and 53.18 of the Scheme, also relevantly encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.
247. With regard to protecting the energy efficiency of other buildings, the sensitive interfaces to the site are generally contained to the immediately adjoining dwelling to the south-east (No. 8 Derby Street) and the dwelling to the west and across the laneway (No. 2 Derby Street).
248. With regards to No. 8 Derby, as has been touched on, no windows face the site and there are no solar panels that will be impacted by development. The northern portion of the development has been appropriately stepped down to a single storey, whilst the upper-levels have been chamfered, ensuring that shadow and daylight impacts and appropriately mitigated and the energy efficiency of the dwelling is not unreasonably reduced. The sheer wall, although concerning from a visual bulk impacts, will not unreasonably impact internal daylight to the dwelling due its primary outlook to the south and east, away from the subject site. Regardless, the sheer wall will be required to be reduced in height by at least 6.95 metres to meet the preferred height of the interim DDO23.
249. With regards to No. 2 Derby Street, the dwelling is somewhat buffered by the 3 metre wide laneway, noting that the dwelling has no windows facing directly on to the laneway either. The shadow and daylight impacts to this property have been discussed and are considered to be acceptable. No solar panels are located on the roof that could be unreasonably impacted by the development.
250. With regards to the adjacent commercial properties, they are also reasonably buffered by the 3 metre wide laneway and do not have any windows immediately facing onto the laneway which may be unreasonably impacted by the development.
251. With regards to on-site amenity, Council's ESD advisor reviewed the submitted SMP (prepared by GIW and dated 22 September 2023) and the development plans, and considered that the following recommendations and commitments to be appropriate:
252. The project achieves a total BESS score of 70% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%:
- (a) 78% (14 out of 18) of the development's apartments are naturally cross-ventilated;
 - (b) Daylight modelling has been conducted for a representative sample of apartments. The summary result is as follows:
 - (i) 80% of living floor area achieves >90% above DF1.0; and
 - (ii) 83% of bedroom floor area achieves >90% above DF0.5;
 - (c) The non-residential areas are targeting a 2% DF to 70% of the nominated area'
 - (d) 50% (9 out of 18) of apartments achieve at least 3 hours of sunlight.
 - (e) The development is provided with a comprehensive shading strategy;
 - (f) The development is to achieve a 7.5 Star average NatHERS Energy Rating result;

- (g) The non-residential areas aim to meet or reduce the heating and cooling energy consumption against the reference case (BCA Section J 2019);
- (h) The development will be provided with a centralised hot water heat pump;
- (i) A 15kW Solar PV system is to be located on the roof of the proposed development;
- (j) Individual cold water, and electricity meters will be provided to the commercial tenancy, apartments, and communal areas;
- (k) Water efficient fittings and fixtures are applied throughout;
- (l) A 10,000-litre rainwater tank will harvest rainwater from the roof (including main roof, ballast roof and carpark roof areas). This tank will be connected to toilets on ground, first and second floors;
- (m) A Melbourne STORM rating of 112% is achieved;
- (n) Landscaping is to be native vegetation with low water demand;
- (o) A minimum of 10 bicycle spaces are to be provided for residents;
- (p) A minimum of 4 bicycle spaces are to be provided for residential visitors;
- (q) A minimum of 2 bicycle spaces are to be provided for employees & 6 bicycle spaces are to be provided for non-residential visitors;
- (r) 33sqm of communal space will be provided at the apartment entry; and
- (s) Real-time energy and water usage data is to be available to each apartment and common areas (for building management use only).

253. The ESD Advisor did not consider the report to have any deficiencies, however, requires the following information be provided:

- (a) A Green Travel Plan with targets and actions around transitioning towards sustainable transport modes;
- (b) Confirmation that building services will undertake fine tuning each quarter for the first 12 months of occupation;
- (c) Confirmation that Head Contractor will be ISO 14001 accredited; and
- (d) Confirmation that an environmental management plan to be implemented to council guidelines.

254. The above will be required via condition.

255. Finally, the ESD advisor also suggested the following improvement opportunities:

- (a) Consider materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
- (b) Consider incorporating a car share space within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan; and
- (c) Consider documenting the project using the green factor tool. <greenfactor.com.au>

256. The above has not been adopted by the Applicant, and although ideal, goes beyond what has been considered an acceptable outcome and as such will be not included in the recommendation accordingly.

257. Although Council's ESD advisor has considered the natural cross ventilation achieved for the dwellings, the amenity of G.02's bedroom is of particular concern to Council Officers. The bedroom is provided one highlight window which shown as fixed in plans, resulting in a poor ventilation outcome for the associated habitable room. As such, a condition should require that the bedroom window be shown as operable.

258. Finally, Standard D6 requires dwellings located in Climate Zone 21 (Melbourne) to not exceed the NatHERS annual colling load of 30mj/m². Council's ESD Advisor raised no concern with the cooling loads proposed.

259. For these reasons, the development is considered to meet Standard D6.

Standard D7 – Communal open space

260. This Standard applies to a *development with 10 or more dwellings, requiring that a minimum area of communal outdoor open space of 30sqm is provided. If the development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220sqm, whichever is lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*

261. Thus, the development for 18 apartments is required to provide 50sqm of communal open spaces (with a minimum of 30sqm of this being provided as an outdoor area).

262. The subject development provides no outdoor communal open space, and although 33sqm area of the lobby is indicated as communal open space in the SMP, this is not considered to be a highly functional or usable area for the purposes of recreation and leisure and should not be included in the calculations for communal open space.

263. Council Officer acknowledge that the site is proximate to public green areas and the proposed development provides for reasonably SPOS areas in accordance with the requirements of Standard D20 (Private open space), however, do not consider a full waiver of the requirements of Standard D7 to be justified.

264. A condition will therefore be included in the recommendation of this report requiring that communal open space be provided in accordance with Standard D7.

Standard D8 – Solar access to communal open space

265. This Standard requires that a communal outdoor space be located to the north of the building, as appropriate, and that at least 50% (or 125sqm, whichever is lesser) receive a minimum of 2 hours of sunlight between 9am and 3pm on 21 June.

266. As discussed, the proposal does not provide for communal outdoor open space, however, is recommended to be required via condition. A condition should also be included on any permit issued requiring the communal open space be designed to comply with Standard D8. Given the orientation of the site, any communal open space on the roof or northern side of the development (i.e. in lieu of Apartment 4.01), will readily meet the requirements of the Standard.

Standard D9 – Safety

267. The proposed communal entrance is readily visible from Derby Street and, although recessed, is not unreasonably obscured or isolated from the street.

268. Similarly, two individual dwelling entries are provided along the Derby Street frontage which have gates recessed into the building façade which may be somewhat obscured from view. However, any safety concerns with regards to the recessed entries could be reasonably addressed by a requirement for sensor lighting. Moreover, the materiality of the dwelling gates should be identified, with a requirement for the gates to have a minimum 50% transparency. These conditions will be included in the recommendation of this report accordingly.

269. The Standard is therefore considered to be met, subject to the conditions discussed.

Standard D10 – Landscaping

270. Whilst landscaping is not a typical feature of higher density development in Collingwood, increased landscaping and greenery is encouraged by Clause 15.01-2L.

271. A Landscape Concept Plan (prepared by Etched and dated September 2023) was therefore submitted and reviewed by Council's City Strategy (Open Space) Unit who considered the concept plan to be acceptable subject to the following:
- (a) The landscape plans to be updated to be consistent with the architectural drawings (namely the Level 3 planted area) and the design changes required in the recommendation of this report;
 - (b) A full plant schedule and planting plan; and
 - (c) Dimensions and soil depths for planters (though noted in the architectural plans, they should also be detailed in the Landscape Plan).
272. The above will be required via condition in the recommendation.
273. Standard D10 also requires that development should retain existing tree and canopy cover, however, there are currently no trees on-site.
274. Finally, there is five (5) street trees located along the subject site's street frontages, all of which are to be retained. However, given their proximity to the site, the application was referred to Council's City Works (Open Space) Team who requested:
- (a) the tree locations, identification numbers, TPZs and SRZs be included on the architectural drawings and identify them as retained trees; and
 - (b) a Tree Management Plan.
275. The above will be included as conditions in the recommendation.
276. It is noted that no street tree bond was requested.
277. Finally, Standard D10 states that development on a site greater than 2500sqm should provide canopy cover for 350 sqm plus 20% of site area above 2500sqm (61sqm in this instance), and 15% of the site as deep soil area. However, this is not applicable to the subject which is 526sqm in area.

Standard D11 – Access

278. This aspect of the design has been discussed at length in the *Building Design* section of this report and is generally considered to be acceptable. With consideration given solely to the objectives of Standard D5, the development appropriately:
- (a) Minimises vehicle crossovers, providing for a single crossover to Little Oxford Street; and
 - (b) The development would not restrict access for service, emergency and delivery vehicles to and around the site.

Standard D12 - Parking location

279. The location of parking is considered to achieve an acceptable design response, providing for secure and conveniently accessed parking spaces for residents. The parking location and design was also assessed by Council's Engineering Services Unit who are generally satisfied, subject to recommendations outlined in the *Car Parking and traffic* section of this report.
280. An objective of this Standard is to protect residents from vehicular noise within development.
281. Car parking is appropriately provided in a basement where it is unlikely to disturb residents. However, various dwellings of the subject site abut, or face onto, the car lift garage. As discussed, a condition will require that a formal Noise Protocol and sleep disturbance assessment be provided for the car lift and carpark entry door be provided to ensure that it is appropriately designed to mitigate noise impacts.
282. Further, Apartment G.02 has a highlight window (associated with a bedroom) which is indicated to be located above the garage roof. A sectional diagram of this interface should be required via condition to ensure that the window is located to be fully above the roof line.

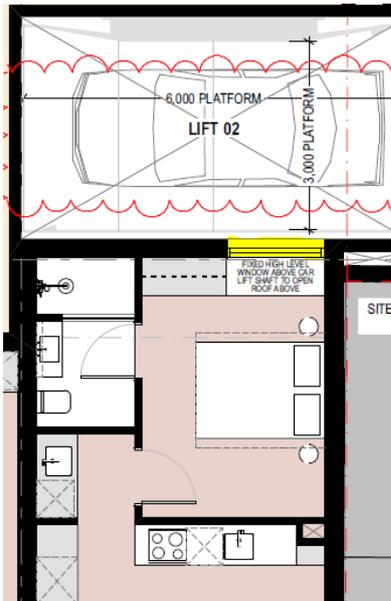


Image 37: excerpt from Ground Floorplan of the Decision Plans, window of G.02 highlighted in yellow

283. Subject to condition, the proposal will satisfy the objective of Standard D12.

Standard D13 – Integrated water and stormwater management

284. According to the SMP, the application proposes the installation of a 10,000Lt rainwater tank that will be connected to toilets on ground, first and second floors.

285. The STORM report provided achieves a score of 112%, which exceeds the policy direction under clause 19.03-3L (Water Sensitive Urban Design). Council's ESD Advisor raised no concern with the stormwater management proposed and it is considered the requirements of clause 53.18 - Stormwater Management in Urban Development are met.

286. The proposal complies with the objective and the standard.

Standard D14 – Building setbacks

287. As outlined within the *Building design* section of this report, the setbacks of the building are considered to achieve an acceptable design response to the character of the surrounding area and meets the objectives of Standard D14 as follows:

- (a) The setbacks allow adequate daylight into the new dwellings, without relying on neighbouring private land for outlook or daylight; and
- (b) The proposal satisfactory limits views to neighbouring HRWs and SPOS areas, subject to condition.

Standard D15 – internal views

288. This standard requires that windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development.

289. Generally, the dwellings are oriented to face its corresponding street frontage rather than to each other. However, there are opportunities to overlook the podium terraces (i.e. for Apts 3.02, 4.01, 4.02 and 5.01) from apartments on the levels above. Each will be discussed in turn:

- (a) Terrace of Apt 3.02 built into the Derby Street podium – generally any views from the windows immediately above will be limited by the angle of the view line and mullions provided to each window. Similarly, the balustrade associated with SPOS of Apt 5.02 is set back from the edge to appropriately limit views directly downwards. The SPOS of Apt 4.02 is immediately to the west and one floor up, and although the planter along the eastern edge is expected to restrict views downwards an overlooking diagram will be required via condition to demonstrate this;

- (b) Terrace of Apt 4.02 – similarly to above, any views from the windows immediately above will be limited by the angle of the view line and mullions provided to each window. However, as above, a Sectional Overlooking Diagram will be required via condition to demonstrate that views from the SPOS of Apt 5.02 are limited to the SPOS of No. 4.02, in accordance with the requirements of Standard D15;
 - (c) Terrace of Apt 4.01 located on the Langridge Street podium – there appear to various HRWs (Apts 4.02, 5.01 and 6.01) which face this terrace. Though some of the windows have been assessed in the Overlooking analysis provided on TP25, consideration was not given to views from No. 5.01's terrace or secondary bedroom window, or Apts 6.01 and 7.01's terrace or kitchen windows. A condition will be included in the recommendation requiring that compliance with Standard D15 be demonstrated in this instance; and
 - (d) Balcony of Apt 5.01 - any views from the windows immediately above will be limited by the angle of the view line and mullions provided to each window. However, there may be views from the SPOS of Apts 6.01 and 7.01 which would be required to demonstrate compliance with Standard D15. A condition will be included in the recommendation requiring that compliance with Standard D15 be demonstrated in this instance.
290. Given the recommended design changes to overall height and north-east podium, however, these viewlines may be changed or may no longer exist. As such, the recommended conditions will be worded to ensure that compliance with the modified layouts and internal view lines demonstrated in accordance with the objectives of Standard D15 (Intern views).
- Standard D16 – Noise impacts*
291. Noise has been discussed already in this report in relation to the Restricted Retail Premises, mechanical equipment and vehicle access, with conditions recommended accordingly.
292. More broadly, the design has incorporated buffers between the lift core and services and sensitive areas of abutting dwellings, by locating non-sensitive butler pantries, study nooks and wardrobes to be adjacent to the lift core (where applicable). This is considered to be a reasonable design response.
293. Standard D16 requires that *buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:*
- (a) *Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am; and*
 - (b) *Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.*
294. Although the proposed development is within 300 metres of Victoria Parade, this road does not exceed 40,000 annual Average Daily Traffic Volumes (in accordance with VicRoad's data), and as such, the subject site is not within a noise influence area specified in Table D5.
295. Nevertheless, a noise traffic assessment was carried out by the permit applicant in their acoustic report.
296. SLR reviewed the assessment and requested the following:
- (a) *The adopted traffic source spectra (daytime Leq,16h and Leq,1h, plus night-time Leq,8h and Leq,1h) are requested, along with descriptions of how these have been determined from the measurement results; and*
 - (b) *The predicted traffic noise levels (daytime Leq,1h, daytime Leq,16h, night-time Leq,1h and Leq,8h) inside the worst-case apartment are requested.*
297. The above will therefore be required via condition.
298. Finally, although adjacent to the Smith Street MAC the development is more than 50 metres from a live music entertainment venue and as such does not trigger the requirements of Clause 53.06.
-

299. Subject to conditions it is considered the Standard will be met.

Standard D17 – Wind Impacts

300. Wind has been discussed at depth under the *Urban Design* section of this report, with no concerns raised to Wind Assessment submitted with the application.

Standard D18 - Accessibility objective

301. To ensure the design of dwellings caters for people with limited mobility, the Standard requires that at least 50% of new dwellings should provide:

- (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
- (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
- (c) *A main bedroom with access to an adaptable bathroom; and*
- (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.*

302. Details of the apartment types are provided at TP31 – TP44 with a separate BADS apartment summary at TP30 stating that 55.6% of developments demonstrate full compliance with the Standard.

303. A review of these apartments suggests that the nominated apartments do generally comply with the above requirements, subject to:

- (a) The adaptable bathroom of Apt Type 3 to locate the toilet in the corner and include a notation confirming that the showers are hobless, in accordance with Design Option A; and
- (b) All adaptable bathrooms include a notation confirming that the shower is hobless, and where Design Option B at Table D7 is relied upon, has a removable shower screen.

304. Although the toilet for Apt Type 3 is not technically located in a corner, it has access to a section of wall (between the toilet and shower) which would allow for the installation handrails, meeting the intent of the Standard. As such, this aspect the proposal is accepted. A condition will be included in the recommendation to include the shower notations as outlined above.

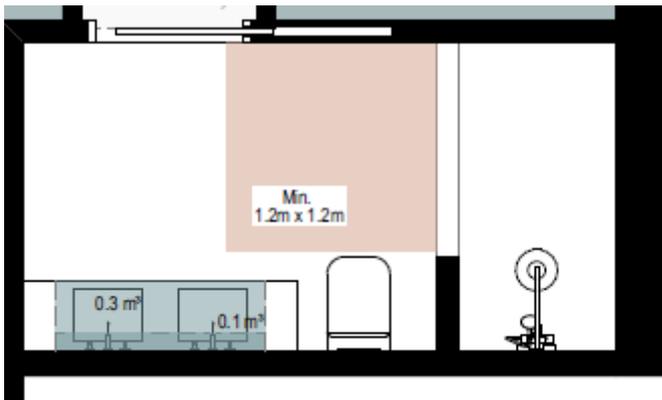


Image 38: Excerpt of the accessible bathroom from apartment Type 3 – Decision Plans

305. Finally, the condition requiring the overall height be reduced by two levels could result in the loss of the larger Apartments 6.01 and 7.01 which are relied upon to demonstrate compliance with Standard D18. As such a condition should require that the development demonstrate compliance with Standard D18 more broadly to ensure if these apartments are lost, other apartment layouts are amended to contribute to the 50%.

Standard D19 – Building entry and circulation

306. As previously discussed, the residential building entrances are considered satisfactory. The main lobby is provided natural daylight from the openings along the western wall, and the layout of services (such as mailboxes) has been reasonably considered to ensure clear view lines and easy navigation.
307. The common corridors in the upper-levels are short in length, provide for clear visibility and are provided with natural light from the west-facing windows. However, a condition will require these windows have operability to allow for natural ventilation. Subject to this condition the standard is considered to be met.

Standard D20 – private open space

308. Of relevance to this development, a dwelling should have private open space consisting of at least one of the following:
- (a) *An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room;*
 - (b) *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room;*
 - (c) *An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room; and*
 - (d) *An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.*
309. Cooling units are shown on the roof space and therefore additional area on the balconies is not required to accommodate these.
310. The review of the plans demonstrates the development meets the requirements of Standard D20, with the POS of 3.01, 4.01, 4.02, 6.01 and 7.01 notably exceeding the standard.

Standard D21 – Storage

311. Of relevance to this development, the total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10 of this Standard. This table specifies that:
- (a) *A 1-bedroom should have a total minimum storage volume of 10 cubic metres with a minimum storage volume within the dwelling of 6 cubic metres;*
 - (b) *A 2-bedroom should have a total minimum storage volume of 14 cubic metres with a minimum storage volume within the dwelling of 9 cubic metres; and*
 - (c) *A three (or more) bedroom dwelling should have a total minimum storage volume of 18 cubic metres with a minimum storage volume within the dwelling of 12 cubic metres.*
312. A review of the plans indicates that all apartments comply with the minimum storage requirements, with all apartments being provided the prescribed (or in excess of the prescribed) storage within the apartment, with some apartments provided supplementary storage in the basement, as required.

Standard D22 – Common property and Standard D23 – Site services

313. The common property areas within the development are generally clearly delineated and would not create areas which are difficult to maintain into the future. The lobby area is generally well conceived, with the mail room provided in an accessible location where they are unobstructed and easily accessible for residents. The waste room and bicycle storage to be discussed in turn.
314. With regards to landscaping, further details are required as to who is responsible for planting on the podiums, noting that raised planters are provided adjacent to private open space areas. The Landscape Plan will be required to be updated accordingly.

315. Similarly, the services located along the frontages of G.01 and G.02 should be clearly identified on plans as common property.

Standard D24 – Waste and recycling

316. A Waste Management Plan (prepared by Leigh Design and dated 21 September 2023) was submitted and reviewed by Council's City Works – waste management branch. The report was considered to not be satisfactory in its current form, with the following to be provided/detailed:

- (a) Who will collect hard waste and where it will be collected from; and
- (b) The size of the bin storage area in M2 so that the space is allocated to form an effective waste system can be assessed.

317. The above will be required via condition.

Standard D25 – External walls and materials objective

318. External walls and materials have been discussed under the *Building design* section of this report.

319. As discussed, the materials are considered to be of a reasonable quality and robust and resilient to wear and tear. However, a Façade Strategy would be required via condition to ensure that the final products and construction will be of a high standard.

320. The Standard is met.

Standard D26 – Functional layout objective

321. The Standard requires that bedrooms should meet the minimum internal room dimensions specified in Table D11, which are as follows:

- (a) *Main bedroom with a 3 metre width and 3.4 metres depth; and*
- (b) *All other bedrooms with a 3 metre width and 3 metre depth.*

322. A review of the plans indicates that all bedrooms are designed to meet or exceed the minimal internal room dimensions.

323. Further, the standard requires that living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions as follows:

- (a) One bedroom dwellings with a minimum area of 10sqm and a minimum depth of 3.3 metres; and
- (b) Two or more bedroom dwellings with a minimum area of 12sqm and a minimum depth of 3.6 metres.

324. A review of the plans indicates that all living areas are designed to meet or exceed the minimal internal room dimensions.

325. It is anticipated that the condition to set back the living area of 4.01 from the north and west boundaries would still allow for the internal dimensions to be met, subject to the deletion of a bedroom.

326. The standard is met.

Standard D27 – Room depth

327. This Standard requires that *single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.*

328. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

329. Internal ceiling heights are a minimum of 2.9 metres, thus the room depth should not exceed 7.25 metres, or 9 metres in the instance that the following are met:

- (a) *The room combines the living area, dining area and kitchen;*

- (b) *The kitchen is located furthest from the window; and*
- (c) *The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.*

330. A review of the plans indicates the standard is met. Where the depth exceeds 7.25 metres, it is less than 9 metres and meets all the above requirements.

331. It is noted that the depth is measured to the internal surface of the wall or window on plans, rather than external as required by the standard; however, all other rooms would meet the standard regardless.

Standard D28 – Windows

332. This Standard requires that *habitable rooms should have a window in an external wall of the building.*

333. All windows are located on the external wall of the building where they are clear to sky (or to a balcony built into the development which is clear to sky). As such, the standard is met.

Standard D29 – Natural ventilation

334. The standard requires that at least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18 metres and a minimum breeze path of 5 metres.

335. The BADS development summary states that 83.3% of dwellings comply with this standard which meets the requirements. A review of the plans confirms this. The standard is met.

Car parking and traffic

336. Pursuant to Clause 52.06-5 of the Scheme, the proposal generates a statutory requirement of 29 spaces. Given there are 24 spaces provided on-site, a reduction of 4 car parking spaces is being sought.

Parking availability/demand and traffic

337. The applicant submitted a Traffic Impact Assessment (prepared by Traffix Group and dated October 2023). The assessment gives consideration to the site context and accessibility to public transport modes, the availability of car parking locally, the existing traffic volumes on adjacent streets, and the convenience of pedestrian and cyclist access.

338. The Traffic Impact Assessment was referred to Council's Development Engineering Services who considered the reduction to car parking requirements appropriate in the context of the development in the surrounding area and proximity to public transport and sustainable transport options.

339. The development provides at least one (1) on-site car parking space, and although the Restricted Retail Premises will not be allocated any spaces, it is well documented through various decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure a holistic planning approach to achieve the outcomes set out in Plan Melbourne 2050.

340. The Traffic Impact Assessment cited a VCAT case, *Vincent Corporation v Moreland CC (Includes Summary) (Red Dot) [2015] VCAT 2049* (the Vincent decision), where the tribunal permitted the construction of a five-storey building with no on-site car parking. In approving the reduced parking, the Tribunal considered the location of the site within an activity centre and the availability of alternative transport options such as car share arrangements or electric bicycles. It also considered the inability of residents to access on-street car parking, which is restricted.

341. In considering the Vincent decision, Council's Engineering Team agree that future residents would know up-front whether they have any allocated on-site parking, and would make the decision to move into the building accordingly. They also recognise the importance of not oversupplying car parking in influencing the shift towards more sustainable forms of transport.
342. The point is substantiated by the *VCAT Red Dot Decision Ronge v Moreland CC [2017]* VCAT 550 which pertinently states:
- Oversupplying parking, whether or not to comply with Clause 52.06, has the 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 movement 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.*
343. Having regard to these decisions and the relevant policy within the Yarra Planning Scheme, the reduction of car parking spaces being sought is supported by the following:
- (a) As discussed, the site has excellent access to the public transport network, bicycle and walking routes and as such, Clause 18.02-4L-01 (Car Parking) supports a reduction to the number of car parking spaces provided;
 - (b) The site is proximate to various employment precincts (including the Gipp Street Major Employment Precinct) and is within 1.5km of the CBD, allowing opportunities for residents to be near to their work;
 - (c) The proposal provides for 29 bicycle spaces for residents and visitors, more than 1 space per dwelling. As touched on, the location of the development in an inner-city area with bicycle networks to the CBD, Wellington Street and Smith Street, would increase the likelihood of residents working locally and commuting through passive transport modes;
 - (d) As submitted by Council's Engineering Team, there is limited unrestricted on-street parking in the Collingwood area, which will act as a disincentive for residents that have not been provided with an on-site car parking space to own a car. Resident or visitor parking permits will not be issued for the development. Council's Standard note relating to ineligibility for parking permits would be included in the recommendation if Council were in a position to support the application;
 - (e) A reduced reliance on vehicles not only eases pressure on local road systems but also assists to improve air quality as encouraged by Clause 13.06-1S (Air quality management); and
 - (f) The recommended conditions will likely reduce the waiver sought further, resulting in a negligible reduction in the context.
344. With regards to traffic generated by 25 on-site car parking spaces; this is not expected to put an unreasonable burden on the adjacent streets within an inner-city area particularly considering the existing commercial use of the land and provision of on-street car parking spaces under existing conditions.
345. Traffix Group submit that the new development would result in an expected 7 trips for each am and pm peak hour. These movements are expected to be contained to Little Oxford Street, a two-way street with an immediate junction to Langridge Street to the north and Derby Street to the south.
346. Council's Engineering Unit considered this arrangement to be acceptable and did not expect the level of traffic generated by the site to be unduly high or to adversely impact the traffic operation of Little Oxford Street or any of the surrounding road network.

Vehicle access and design

347. Vehicle access from Little Oxford Street to the car lift and basement car parking has been reviewed by Council's Traffic Engineers who considered the proposed vehicle entry, services and car parking layouts to be satisfactory, subject to the following being provided:
- (a) A vertical ground clearance check for the development entrance;
 - (b) The street light poles in Little Oxford to be depicted on the drawings ensuring the appropriately set back from the proposed vehicle crossing; and
 - (c) The sewerage vent on the laneway ensuring adequate separation from the proposed building.
348. The above will be required via condition.

Bicycle provision and facilities

349. The proposal provides a total of 29 bicycle parking spaces on-site (for residents, employees of the retail premises and residential visitors), providing a surplus of 22 spaces from what is required by the Scheme.
350. It is noted however, that the visitor spaces are provided in the lockable compound as accessed via the laneway. These are not considered to be reasonably accessible for visitors, however, there are two existing hoops along the Derby Street frontage (which although can not contribute to the statutory provision) can be reasonably utilised by visitors who do not have access to the lockable compound.
351. The provision and layout of bicycle spaces was reviewed by Council's Strategic Transport Team who requested the following:
- (a) A minimum of 20% of resident and employee parking to be provided as floor mounted horizontal racks;
 - (b) Amend architectural plans to allocate 4 bicycle racks for the commercial employees (currently only 2 allocated); and
 - (c) All car parking levels / spaces should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.
352. The above will be required via condition.

Other matters

353. For clarity, a condition will be included in the recommendation requiring the South and East Elevations be submitted without No. 8 Derby Street shown in the foreground:

Objector concerns

- (a) *Overdevelopment of the site (excessive height and scale):* This concern was discussed at paragraphs 125 – 131 and 152 - 183 of this report, and the proposed building subject to the recommendation to delete two levels, is considered to be an appropriate response to the site context and strategic policy;
- (b) *Visually intrusive in the streetscape:* The impact of the proposal within the heritage streetscape has been discussed at paragraphs 164 - 189 of this report, and the proposal is considered to provide an appropriate response subject to the recommended conditions to delete two levels and reduce the height of the podium on the north-east corner;
- (c) *Poor heritage response:* The response to adjacent heritage properties has been discussed at paragraphs 159 – 186, and subject to recommendations to reduce the scale of the building, the architectural quality is considered to provide a positive contribution to the heritage streetscape;

- (d) *Not in keeping with neighbourhood character:* As discussed at 23 – 38 and 128, the neighbourhood character is notably diverse, and the high quality contemporary design is not out of keeping with the existing to emerging character of the area;
- (e) *Pressure on on-street car parking availability:* This concern has been discussed in paragraphs 235 and 337 – 343 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;
- (f) *Impact on viability of neighbouring commercial properties:* The use of the land for dwellings is as-of-right in the Mixed Use Zone and the design of the building, which orientates dwellings away from the Smith Street MAC, is not expected to unreasonably prejudice commercial activity or development;
- (g) *Removal of Michael Porter mural:* The mural is not protected by the Heritage Overlay and its removal is acceptable when having regard to the provisions of the Yarra Planning Scheme;
- (h) *Overshadowing of public realm:* As discussed at paragraphs 187 - 189, the proposal complies with the relevant requirements of DDO23, and the recommendation to delete two levels with further reduce the shadow impacts to the Derby Street road reserve;
- (i) *Off-site amenity impacts (overlooking and privacy, overshadowing, loss of light):* These concerns were discussed at paragraphs 214 - 235 of this report. Subject to conditions relating to the height, and provisions to mitigate overlooking, the building is considered to provide a reasonable response to the residential interfaces to ensure that it does not have an adverse impact on amenity;
- (j) *Wind impacts:* Wind impacts have been discussed at paragraphs 208 – 211 and, subject to condition, meets the relevant target criteria for commercial development;
- (k) *Property value impacts:* Property values are speculative and a perceived impact on property value is not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Yarra Planning Scheme;
- (l) *Increased foot traffic and associated footpath congestion:* This has been discussed at paragraph 143 of this report and it is not expected that any foot traffic associated with dwellings or Restricted Retail Premises would be unreasonable in the context; and
- (m) *Impacts from construction (including structural impacts):* These concerns are not relevant to the planning assessment or a consideration of the Yarra Planning Scheme. A Construction Management Plan will be required via condition, with matters specifically relating to construction dealt with at the building permit stage.

Conclusion

- 354. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives.
- 355. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies.

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN23/0685 be issued for buildings and works to construct a multi-storey, mixed-use building for Restricted retail premises (showroom) and dwellings (the latter of which is as-of-right) and a reduction to the car parking requirements at 4 – 6 Derby Street Collingwood generally in accordance with the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Bright Studio, Plan no. TP01-TP44 and dated 9 November 2023 but modified to show:
 - (a) The overall building height reduced to a maximum of 20 metres;
 - (b) The open living and kitchen area of apartment 4.01 set back a minimum of 1.5 metres from the north and west title boundaries, reducing the podium on the north-west corner to four storeys;
 - (c) The balcony of apartment 5.01 set back a minimum of 1.5 metres from the northern title boundary;
 - (d) Communal open space in accordance with Standard D7 (Communal open space) and designed to comply with the requirements of Standard D8 (Solar access to communal open space) of Clause 58;
 - (e) The materiality of the service cupboards, ensuring it is well integrated into the façade;
 - (f) Articulation through vertical panelling, or similar, in tilt garage door material confirmed in the materials schedule, ensuring it is well integrated into the façade;
 - (g) Sensor lighting to all pedestrian and vehicular entries;
 - (h) The height of the fixed obscure glazing and the depth of the mullion dimensioned on Sectional Overlooking diagrams on TP23 and TP24;
 - (i) The tree locations, identification numbers, TPZs and SRZs for all street trees adjacent to the site and a notation to confirm the trees are retained;
 - (j) A Sectional drawing of the interface of Apt G.02 and the adjacent car lift, ensuring the bedroom window is completely above the roof line and clear to sky;
 - (k) The bedroom window of apartment G.02 as operable;
 - (l) Compliance with the Standard D15 (internal views) of Clause 58:
 - (i) from the terrace of apartment 4.02 to the terrace of apartment 3.02;
 - (ii) from the terrace of apartment 5.02 to the terrace of apartment 4.02;
 - (iii) from apartments 5.01, 6.01 and 7.01 to the terrace of apartment 4.01;
 - (iv) from apartments 6.01 and 7.01 to the terrace of apartment 5.01;
 - (v) with sectional diagrams submitted to demonstrate compliance with the standard and any additional screening required to comply shown in plans; and
 - (vi) to account for any built form modifications resulting from Condition 1(a), (b), (c) and (d);
 - (m) In accordance with the objective of Standard D18 (Accessibility objective) of Clause 58:
 - (i) notations confirming that the showers are hobless, and where Desing Option B at Table D7 is relied upon, have a removable shower screen; and

- (ii) any other design changes to account for the built form modifications resulting from Condition 1(a), (b), (c) and (d), ensuring that a minimum of 50% of dwellings comply with Standard D18, or are to the satisfaction of the responsible authority.
 - (n) The west-facing windows of the upper-level lobby/corridors with operability.;
 - (o) The services located along the frontages of G.01 and G.02 identified as common property;
 - (p) A minimum of 20% of resident and employee parking to be provided as floor mounted horizontal racks;
 - (q) Four (4) bicycle racks to be allocated to commercial employees;
 - (r) All car parking spaces electrically wired to be 'EV ready';
 - (s) Clear glazing to the commercial tenancy;
 - (t) The chamfer on the north-east corner at ground floor enclosed with glazing, sliding doors, or similar;
 - (u) A South and East Elevation without No. 8 Derby Street shown in the foreground;
 - (v) Any changes required to comply with the Condition 15 (Façade Strategy);
 - (w) Any changes required to comply with The Condition 17 (Acoustic Report);
 - (x) Any changes required to comply with The Condition 20 (Sustainable Management Plan);
 - (y) Any changes required to comply with The Condition 23 (Landscaping Plan);
 - (z) Any changes required to comply with The Condition 25 (Tree Management Plan);
 - (aa) Any changes required to comply with The Condition 27 (Wind Assessment); and
 - (bb) Any changes required to comply with The Condition 29 (Waste Management Plan).
2. The development and use 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, Bright Studio Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
 4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
 5. 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 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.
 6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating vehicular access and all pedestrian entries (commercial and residential) 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.

7. 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.
8. 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.
9. 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.

Development Infrastructure Levy

10. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Community Infrastructure Levy

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

Use (Restricted Retail premises)

12. Except with the prior written consent of the Responsible Authority, the use of the land for a Restricted Retail Premises authorised by this permit may only operate between the hours of 7am to 10pm, everyday of the week.
13. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
14. 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.

Façade Strategy

15. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the facade will be maintained, including any vegetation; and

(d) a sample board or coloured drawings outlining colours, materials and finishes.

16. The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

17. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and 14 September 2023, but modified to include (or show, or address):

- (a) The commercial use as Restricted Retail with the recommendations updated accordingly;
- (b) The operating hours of Restricted Retail premises in accordance with Condition 12;
- (c) The adopted traffic source spectra (daytime Leq,16h and Leq,1h, plus night-time Leq,8h and Leq,1h), along with descriptions of how these have been determined from the measurement results;
- (d) The predicted traffic noise levels (daytime Leq,1h, daytime Leq,16h, night-time Leq,1h and Leq,8h) inside the worst-case apartment;
- (e) The nearest sensitive receivers to the subject site be identified;
- (f) A formal Noise Protocol and sleep disturbance assessment for the car lift and carpark entry door. The maximum source level (as a sound pressure level at a distance) for the car lift, and other requirements (vibration isolation etc.) specified; and
- (g) Any changes required to comply with Condition 1.

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

19. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Sustainable Management

20. 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 GIW and dated 22 September 2023, but modified to include or show:

- (a) Confirmation that building services will undertake fine tuning each quarter for the first 12 months of occupation;
- (b) Confirmation that Head Contractor will be ISO 14001 accredited;
- (c) Confirmation that an environmental management plan to be implemented to council guidelines; and
- (d) Any changes required to comply with Condition 1.

21. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to 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 that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

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

Landscaping Plan

23. 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 Etched and dated September 2023, but modified to include (or show):
- (a) Consistency with the architectural drawings (namely the Level 3 planted area) and the design changes required by Condition 1;
 - (b) A full plant schedule and planting plan;
 - (c) Dimensions and soil depths for planters (though noted in the architectural plans, they should also be detailed in the Landscape Plan); and
 - (d) Confirmation of who is responsible for the maintenance and upkeep of the podium raised planters.
24. 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

25. 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 street trees along the Derby Street and Langridge Street frontages:
 - (b) pre-construction;
 - (c) during construction; and
 - (d) post construction
 - (e) the provision of any barriers;
 - (f) any pruning necessary; and
 - (g) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
26. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Wind Assessment

27. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 28 September 2023, but modified to include (or show):
- (a) Any changes required to comply with Condition 1; and
 - (b) That the relevant target criteria be met for the commercial entrance on the north-east corner.
28. 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

29. 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 21 September 2023, but modified to include:
- (a) Who will be responsible for the collection of hard waste and where it will be collected from;
 - (b) The size of the bin storage area in M2; and
 - (c) Any changes required to comply with Condition 1.
30. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
31. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Green Travel Plan

32. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee;
 - (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (j) security arrangements to access the employee bicycle storage spaces;

- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
 - (m) provisions for the Green Travel Plan to be updated not less than every 5 years.
33. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public realm conditions

34. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath, kerb and channel along the property's Langridge Street and Little Oxford Street frontages must be reconstructed:
- (a) at the permit holder's cost,
- to the satisfaction of the Responsible Authority.
35. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
37. Within 2 months of the completion of the development/Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
39. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
40. 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.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces, to the satisfaction of the Responsible Authority.

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

Car Park Management Plan

43. Before the development commences (excluding demotion, bulk excavation and site preparation work), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) the number and allocation of storage spaces;
 - (e) policing arrangements and formal agreements;
 - (f) 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;
 - (g) 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
 - (h) details regarding the management of loading and unloading of goods and materials.
44. 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.

Construction Management Plan

45. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;

- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer; and
 - (v) other relevant considerations,

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.

46. 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.

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

Time expiry conditions

48. 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 use is not commenced within two years from the date of this permit; or
- (d) The use is discontinued for a period of two years.

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

Notes

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

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 the development permitted under the permit.

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

All future property owners or residents within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

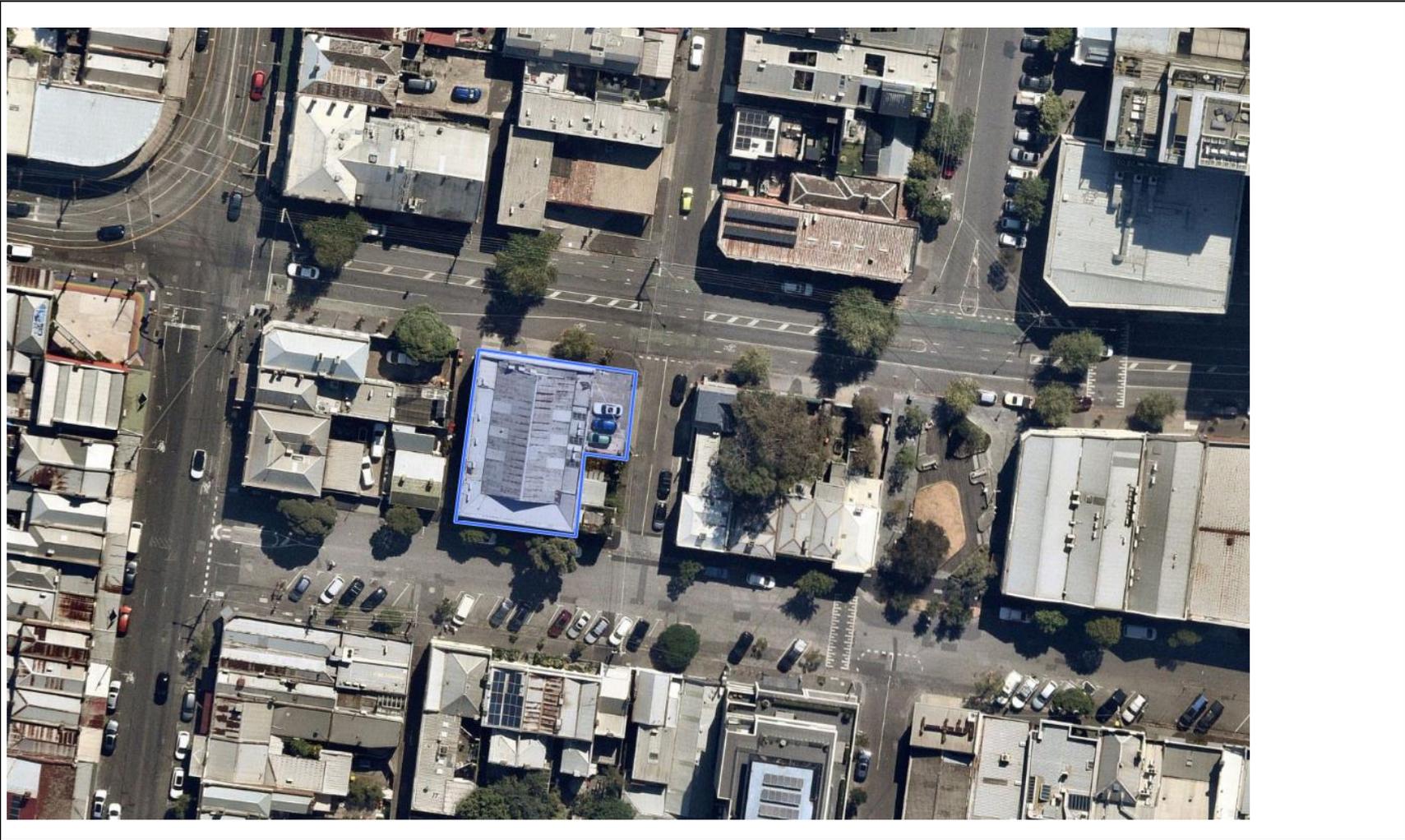
All future business (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.

A 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.

Attachments

- 1 [↓](#) Attachment 1 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Site Map
- 2 [↓](#) Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans
- 3 [↓](#) Attachment 3 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Facade and Materiality Development
- 4 [↓](#) Attachment 4 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Referral comments

SUBJECT LAND: 4 – 6 Derby Street Collingwood



↑ North

22-013 Derby Street 9/11/2023
4-6 Derby St Collingwood Town Planning

STUDIO

4-6 DERBY ST COLLINGWOOD

BRIGHT

DEVELOPMENT SUMMARY

APARTMENTS

Type	Quantity
1 Bed 1 Bath	2
2 Bed 1 Bath	1
2 Bed 2 Bath	9
3 Bed 2 Bath	6
Total	18

CAR PARKING SCHEDULE

	Quantity
Basement 1 (Residential)	11
Basement 2 (Residential)	14
Total	25

BICYCLE PARKING SCHEDULE

Ground Floor	Quantity
Residential/Commercial	12
Visitors (Existing GF)	6
Basement	
Residential	17
Total	35

- Apartments designed as individual homes
- 10% average increase to BADS minimum private open space across the development
- Achieving NatHERS 7.5 stars
- No Gas

No.	Drawing Name	No.	Drawing Name	No.	Drawing Name
TP01	Context Plan	TP15	Roof Plan - REV B	TP30	BADS Summary Table - REV B
TP02	Survey - REV B	TP16	North Elevation	TP31	BADS Apartment Type Plans : Type 1 - REV B
TP03	Site Plan - REV B	TP17	East Elevation - REV B	TP32	BADS Apartment Type Plans : Type 2 - REV B
TP04	Demolition Plan - REV B	TP18	South Elevation - REV B	TP33	BADS Apartment Type Plans : Type 3
TP05	Basement 2 Floor Plan	TP19	West Elevation - REV B	TP34	BADS Apartment Type Plans : Type 4
TP06	Basement 1 Floor Plan	TP20	Street Elevations	TP35	BADS Apartment Type Plans : Type 5
TP07	Ground Floor Plan - REV B	TP21	Section	TP36	BADS Apartment Type Plans : Type 6
TP08	First Floor Plan - REV B	TP22	Section	TP37	BADS Apartment Type Plans : Type 7
TP09	Second Floor Plan - REV B	TP23	Overlooking Diagrams	TP38	BADS Apartment Type Plans : Type 8
TP10	Third Floor Plan - REV B	TP24	Overlooking Diagrams - REV B	TP39	BADS Apartment Type Plans : Type 9 - REV B
TP11	Fourth Floor Plan - REV B	TP25	Overlooking Diagrams	TP40	BADS Apartment Type Plans : Type 10
TP12	Fifth Floor Plan - REV B	TP26	Shadow Diagrams - Existing Condition - REV B	TP41	BADS Apartment Type Plans : Type 11
TP13	Sixth Floor Plan - REV B	TP27	Shadow Diagrams - DDO Compliant Envelope - REV B	TP42	BADS Apartment Type Plans : Type 12 - REV B
TP14	Seventh Floor Plan - REV B	TP28	Shadow Diagrams - Proposed Development - REV B	TP43	BADS Apartment Type Plans : Type 13
		TP29	Proposed Materials and Finishes	TP44	BADS Apartment Type Plans : Type 14 - REV B

TOWN PLANNING

We acknowledge that this project is placed on Wurundjeri Woi Wurrung country.

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION

NOTE TO CONTRACTORS

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPERABLE GLAZING
02-02 GLASS	
02-03 PAINT FINISH	
02-04 TILES	



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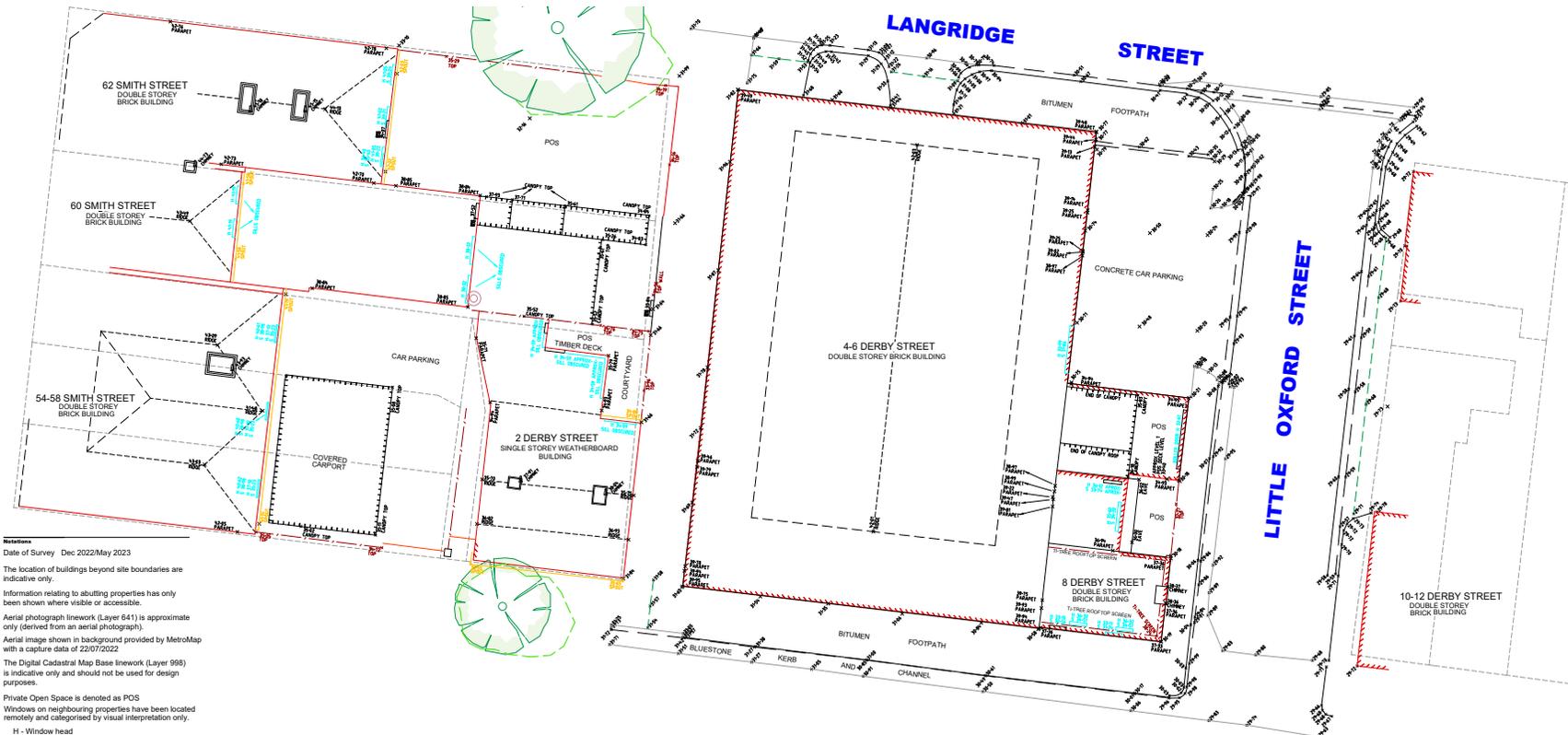
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TPO1
 19/11/2023
 Context Plan
 Town Planning 1:500 @A1

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Attachment 2 Attachment 2 - PI N23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



Notations
 Date of Survey Dec 2022/May 2023
 The location of buildings beyond site boundaries are indicative only.
 Information relating to abutting properties has only been shown where visible or accessible.
 Aerial photograph linework (Layer 641) is approximate only (derived from an aerial photograph).
 Aerial image shown in background provided by MetroMap with a capture date of 22/07/2022.
 The Digital Cadastral Map Base linework (Layer 998) is indicative only and should not be used for design purposes.
 Private Open Space is denoted as POS
 Windows on neighbouring properties have been located remotely and categorised by visual interpretation only.
 H - Window head
 S - Window sill
 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 are to Australian Height Datum vide MMB 514 with a stated value of RL32.750
 Refer to frozen layers with a suffix of -L for levels.
 Refer to frozen layers with a suffix of -C for crosses.

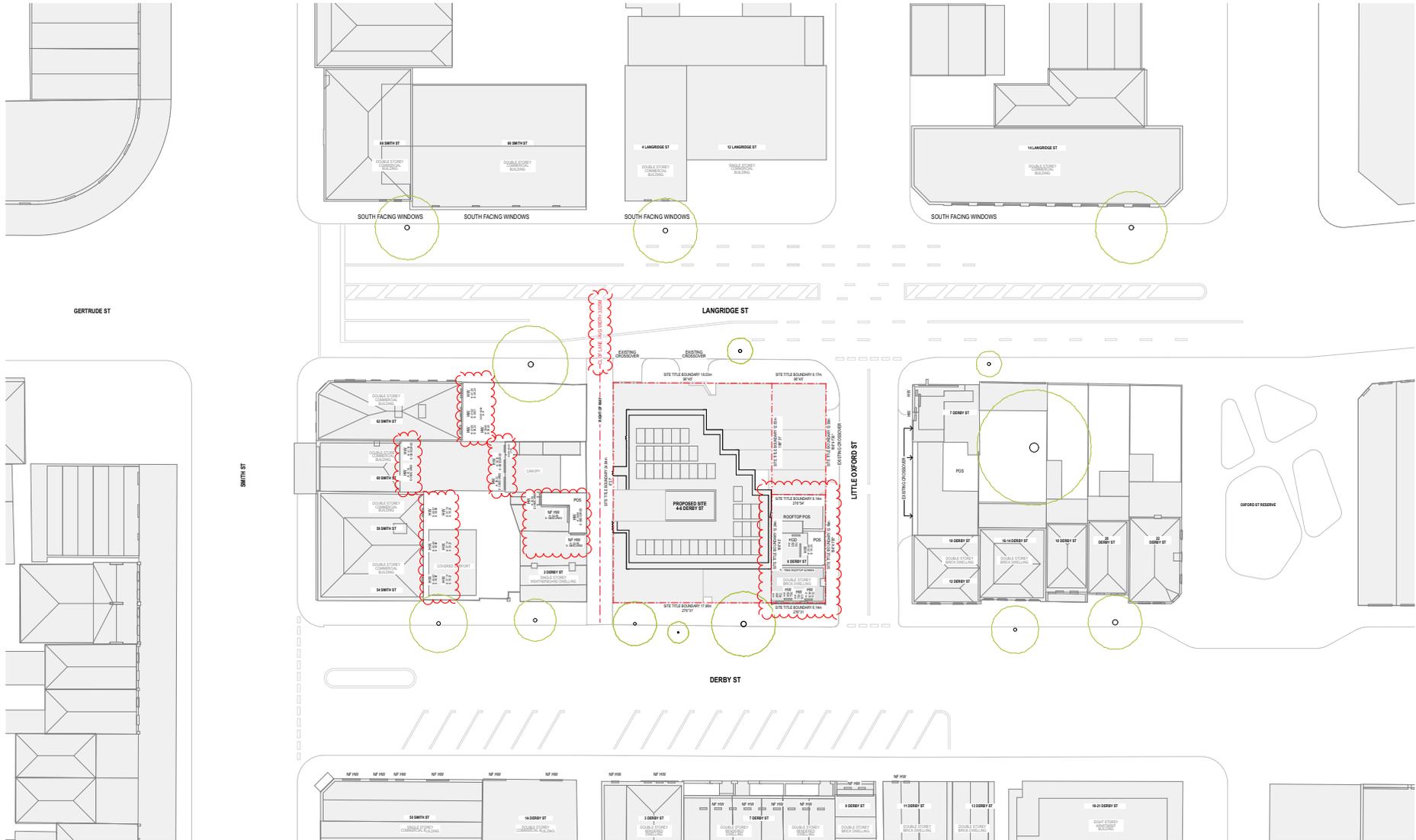
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CAD drawing number	305122-AE
Original sheet size	A1
Client	MILIEU PROPERTY c/- Willy Hoogeveen
Project	4-6 Derby Street Collingwood
Details	Level Survey for Shadow Analysis
Sheet	1 of 1
Job Number	305122



Legend	
104	Existing Surface
107	Floor Level
110	Change of Grade
201	Tree/Ste
203	Edge of Tree Canopy
403	Edge of Blumun
406	Lip of Kerb/Channel
407	Invert of Kerb/Channel
408	Back of Kerb/Channel
409	Top of Kerb/Channel
603	Building
604	Canopy
605	Window
606	Doorway
617	Wall
618	Tower/Chimney
632	Eaves
633	Parapet
634	Ridge Line
635	Spouting
641	Aerial Photo linework
745	Vent Pipe
900	Fence
904	Gate
910	Top of Fence
998	Digital Cadastral Map Base

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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FINISHES	KEY
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CONCRETE COLOURED	OG OPERABLE GLAZING
GLASS	
PAINT FINISH	
TILES	

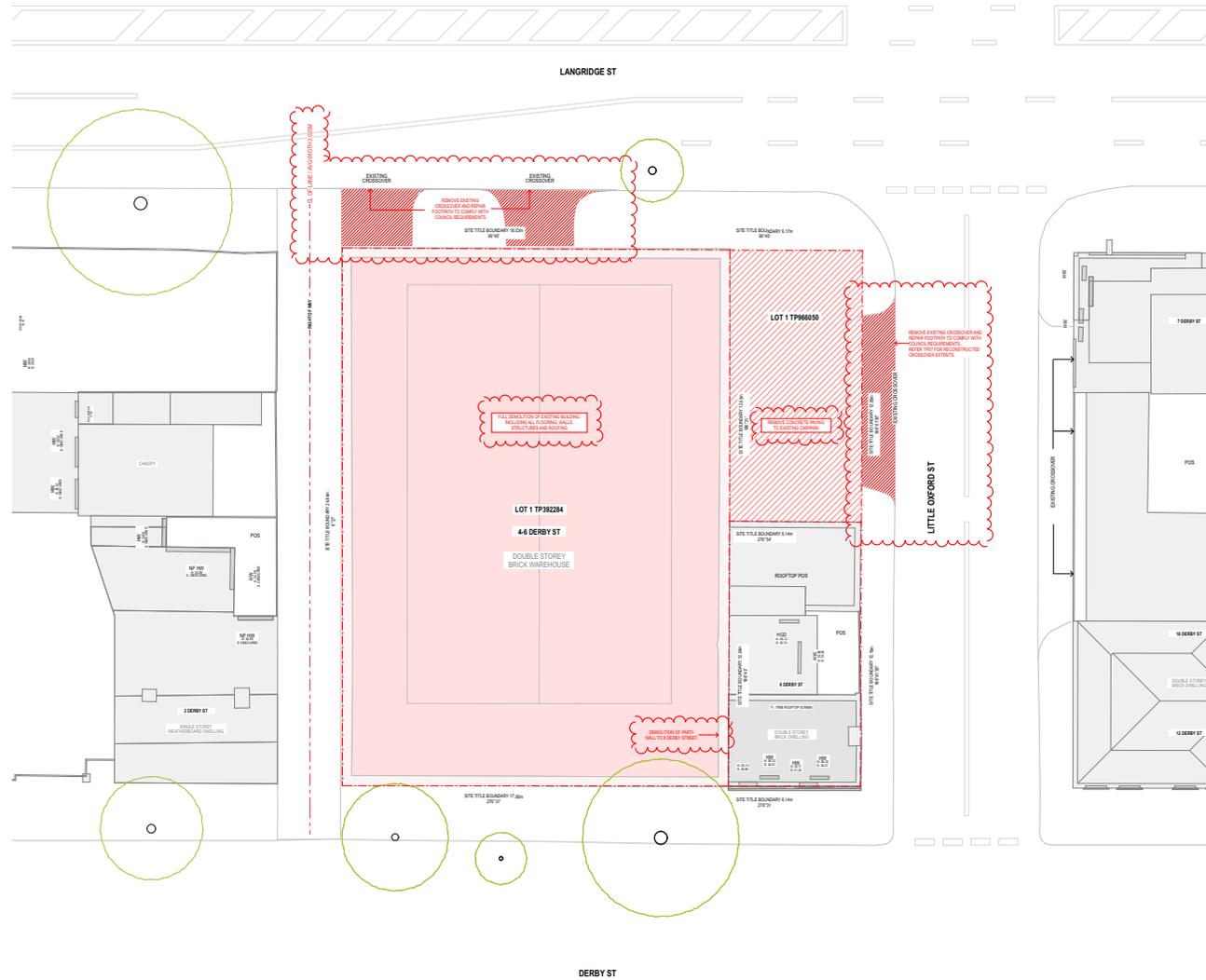


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 TPO3
 19/11/2023
 Site Plan - REV B
 Town Planning.1.200 @A1

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A-25/23	TOWN PLANNING APPLICATION
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FINISHES	KEY
BRICK	FG FIXED GLAZING
CONCRETE COLOURED	OG OPENABLE GLAZING
GLASS	
PAINT FINISH	
TILES	

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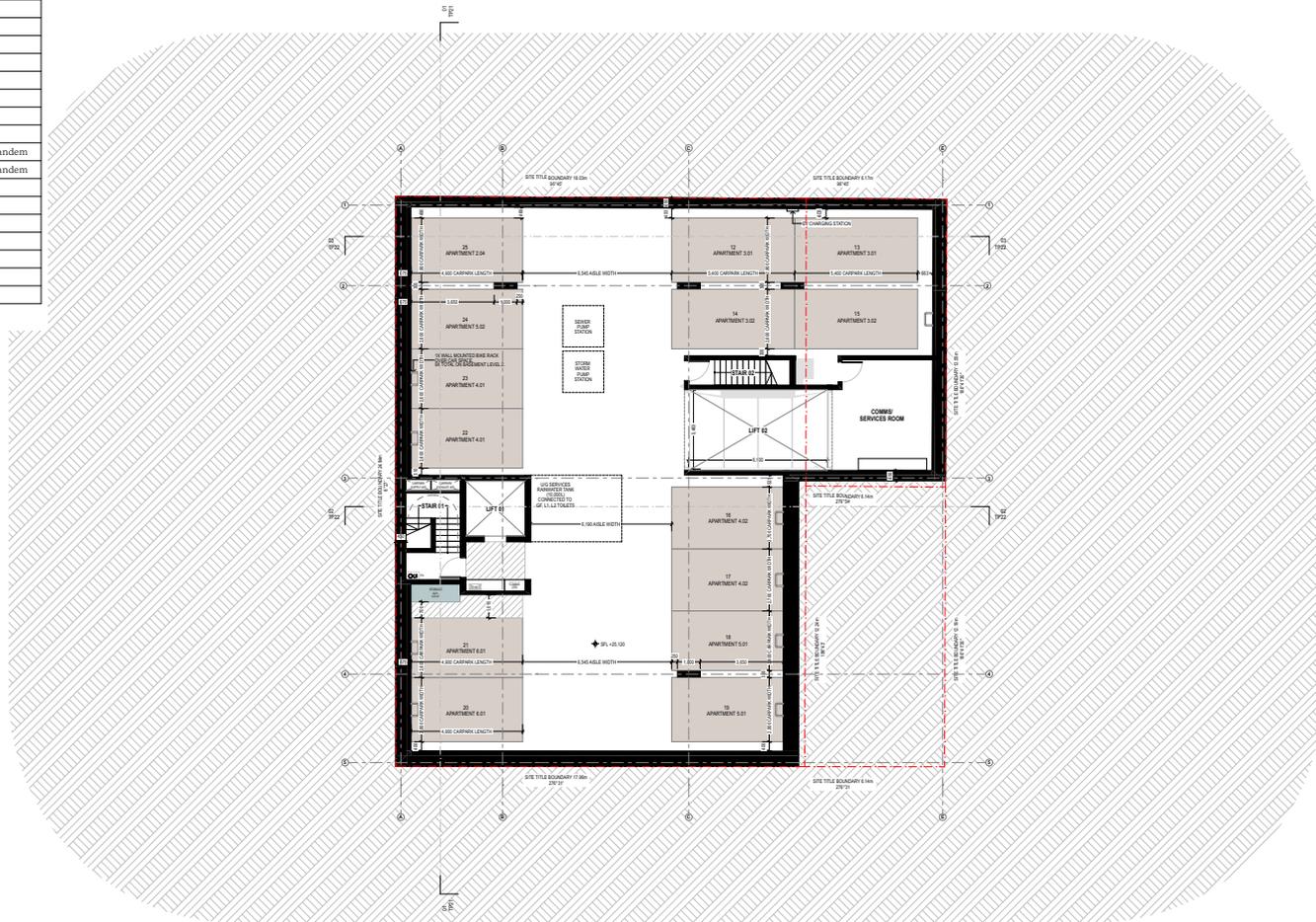
TP04
19/11/2023
Demolition Plan - REV B
Town Planning.1:100 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

CAR PARKING ALLOCATION SUMMARY

Level	Apartment No.	Car Allocation	Parking Bay	Notes
GF	G.01	1	11	
GF	G.02	1	01	
L.1	1.01	1	02	
L.1	1.02	1	03	
L.1	1.03	1	04	
L.1	1.04	1	05	
L.2	2.01	1	10	
L.2	2.02	1	09	
L.2	2.03	1	08	
L.2	2.04	1	25	
L.3	3.01	2	12,13	Tandem
L.3	3.02	2	14,15	Tandem
L.4	4.01	2	22,23	
L.4	4.02	2	16,17	
L.5	5.01	2	18,19	
L.5	5.02	1	24	
L.6	6.01	2	20,21	
L.7	7.01	2	06,07	
Total		25		



REV: A-25/23 TOWN PLANNING APPLICATION

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FINISHES
 MASONRY
 CONCRETE COLOURED
 GLASS
 PAINT FINISH
 TILES

KEY
 FG FIXED GLAZING
 OG OPERABLE GLAZING

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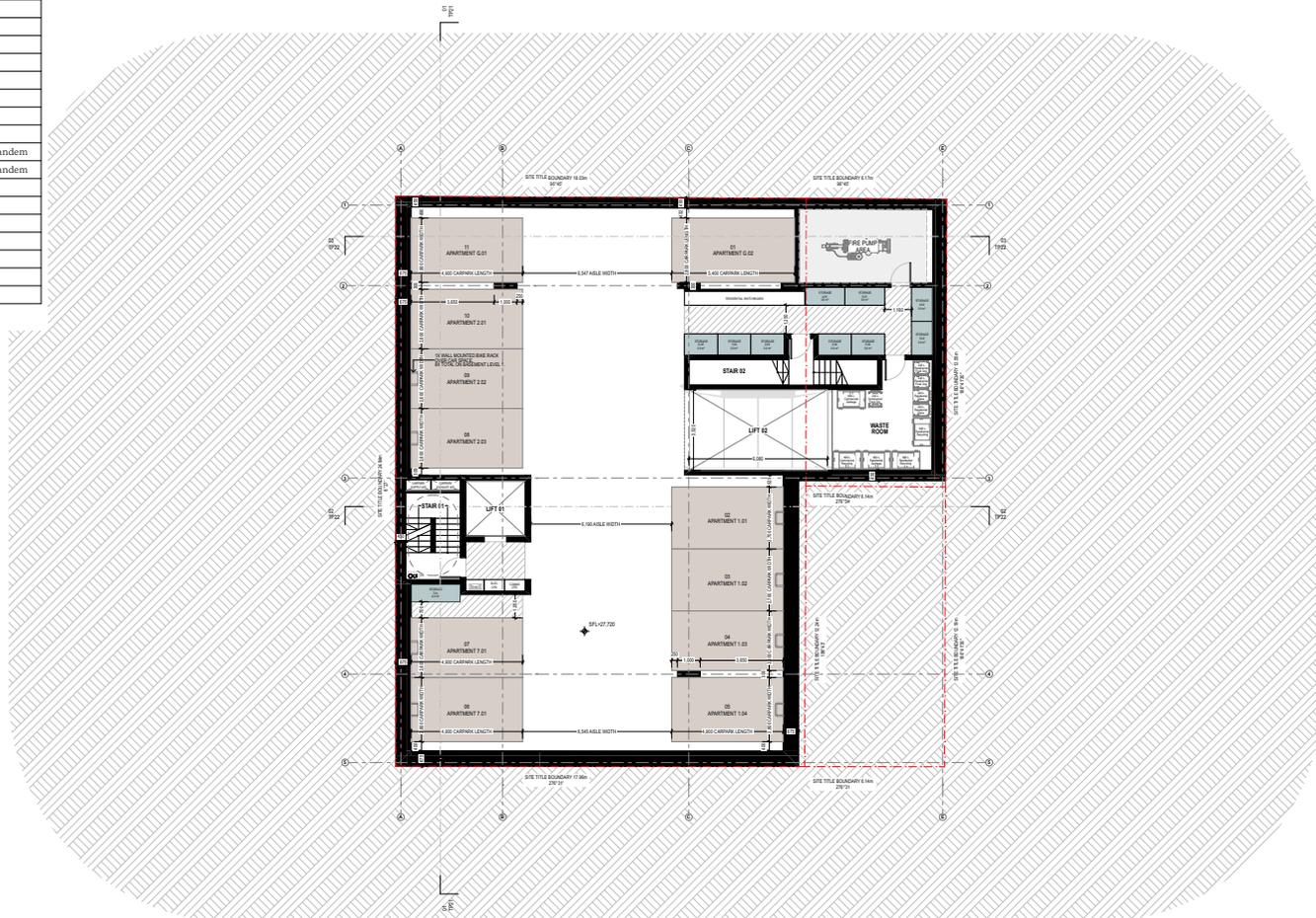
22-013
 4-6 Derby St Collingwood
 Wurundjeri Woi Wurrung country
 TP06
 19/11/2023
 Basement 2 Floor Plan
 Town Planning 1:100 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

CAR PARKING ALLOCATION SUMMARY

Level	Apartment No.	Car Allocation	Parking Bay	Notes
GF	G.01	1	11	
GF	G.02	1	01	
L.1	1.01	1	02	
L.1	1.02	1	03	
L.1	1.03	1	04	
L.1	1.04	1	05	
L.2	2.01	1	10	
L.2	2.02	1	09	
L.2	2.03	1	08	
L.2	2.04	1	25	
L.3	3.01	2	12,13	Tandem
L.3	3.02	2	14,15	Tandem
L.4	4.01	2	22,23	
L.4	4.02	2	16,17	
L.5	5.01	2	18,19	
L.5	5.02	1	24	
L.6	6.01	2	20,21	
L.7	7.01	2	06,07	
Total		25		



REV: A-25/23 TOWN PLANNING APPLICATION

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES
 W/MZRY W/MZRY
 CC/CC CONCRETE COLOURED
 GLASS GLASS
 PF/PF PAINT FINISH
 TILES TILES

KEY
 FG FIXED GLAZING
 OG OPENABLE GLAZING



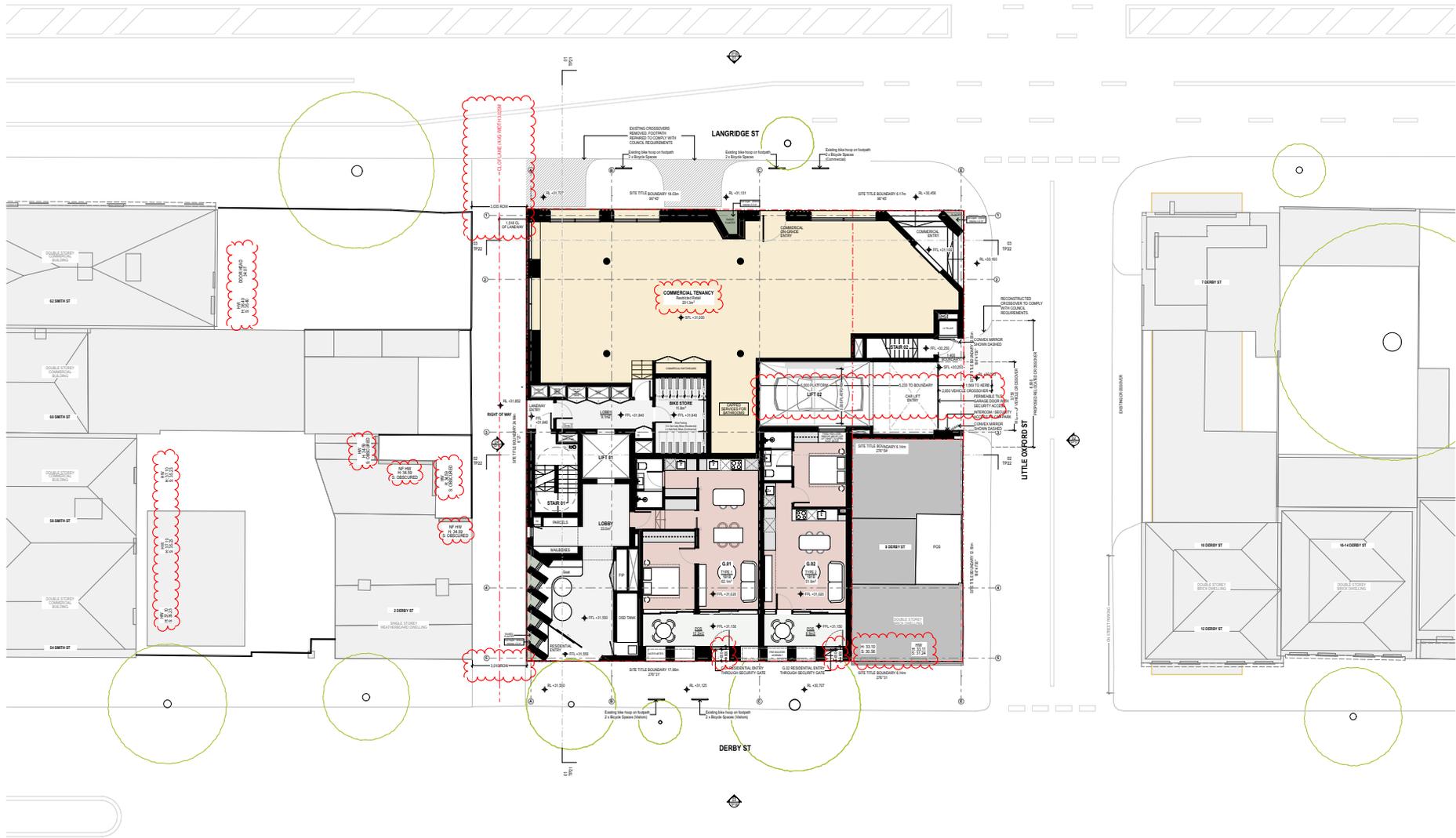
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TPO6
 19/11/2023
 Basement 1 Floor Plan
 Town Planning 1:100 @A1

BRIGHT



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/1/2023	RPI ISSUE

NOTE TO CONTRACTORS

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
W MASONRY	FG FIXED GLAZING
CC CONCRETE COLOURED	OG OPERABLE GLAZING
GL GLASS	
PF PAINT FINISH	
T TILE	

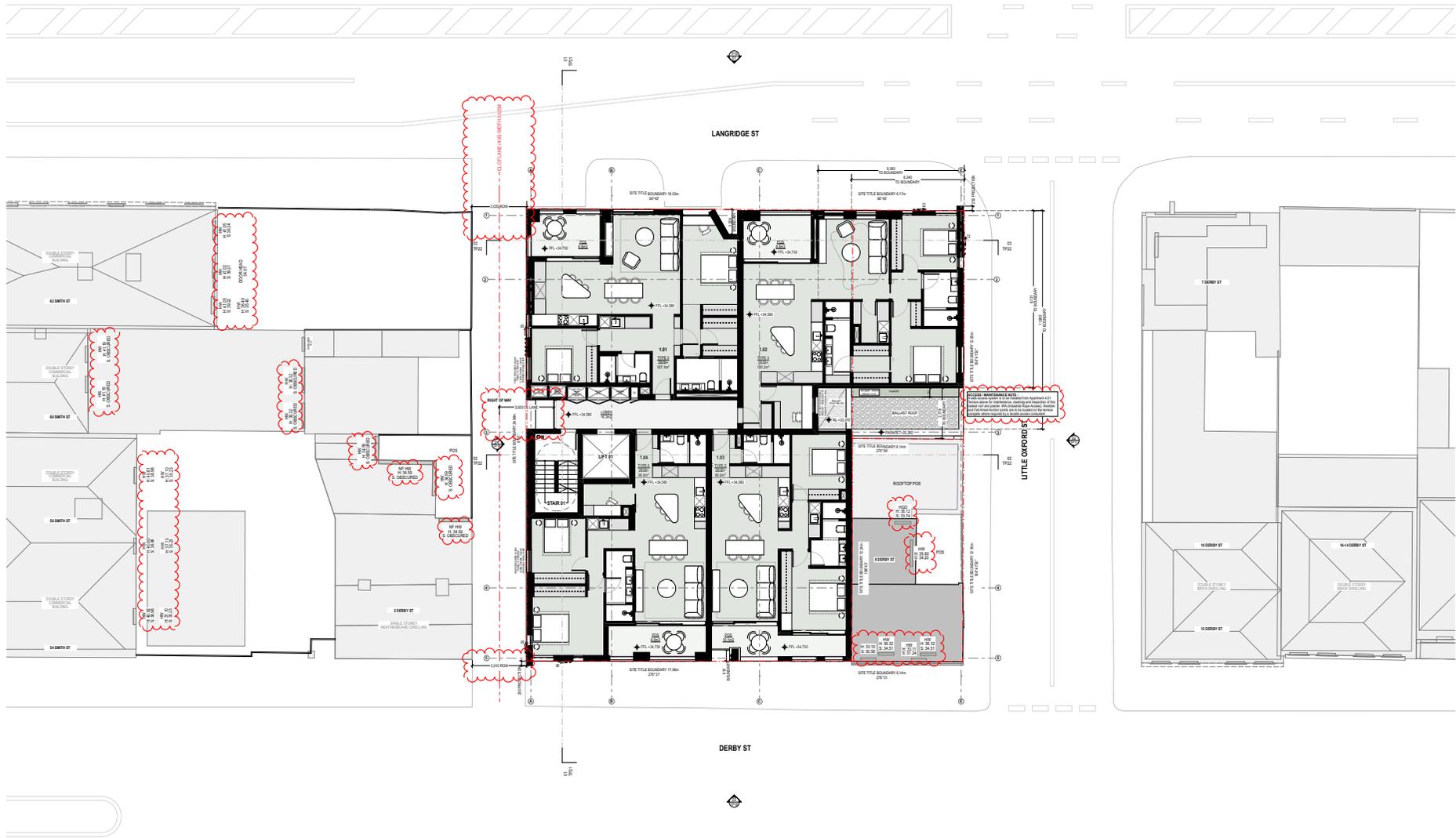
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4-6 Derby St Collingwood
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TP07
19/11/2023
Ground Floor Plan - REV B
Town Planning 1:100 @A1

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REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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FINISHES	KEY
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02 CONCRETE COLOURED	OG OPENABLE GLAZING
03 GLASS	
04 PAINT FINISH	
05 TILES	

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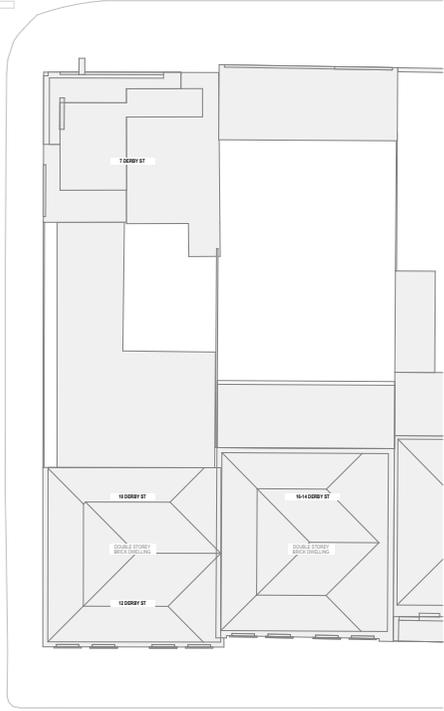
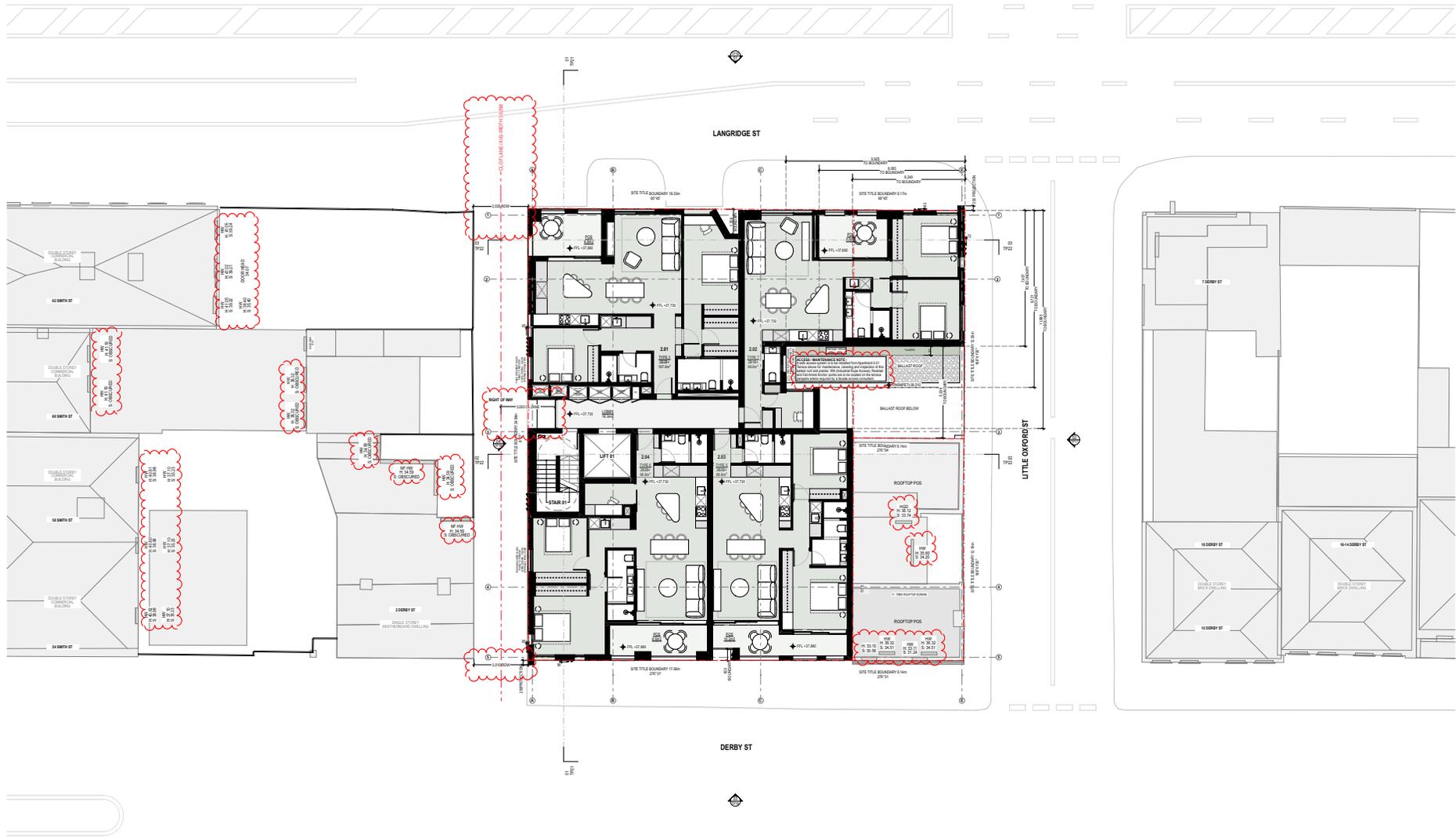
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TP08
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 First Floor Plan - REV B
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BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
MAZ	FG
CON	CG
GL	OG
PF	
T	

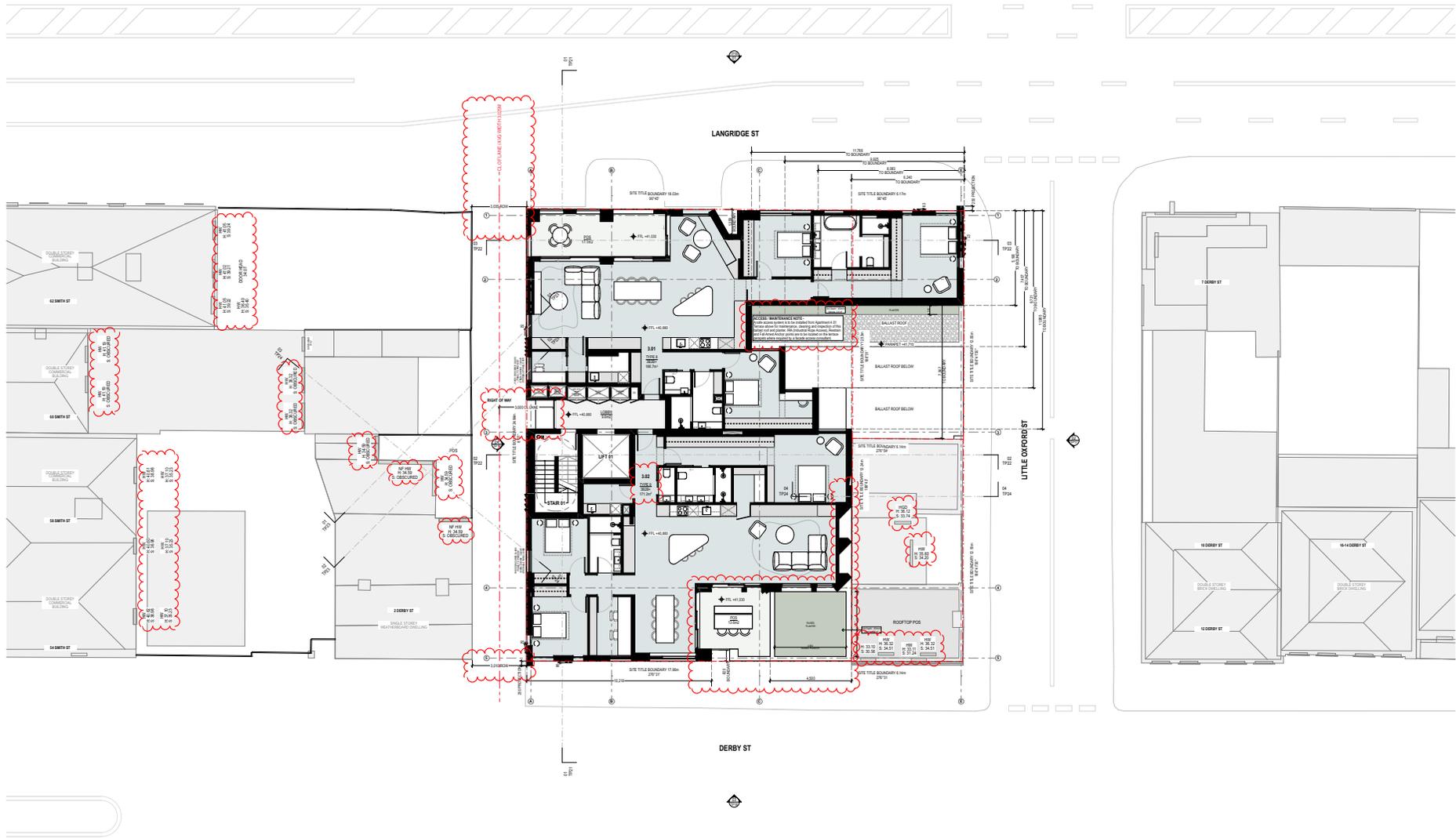
STUDIO

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22-013
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 Wurundjeri Wot Warrung country

TPO9
 19/11/2023
 Second Floor Plan - REV B
 Town Planning.1:100 @A1

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REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES		KEY	
01	MASONRY	FG	FIXED GLAZING
02	CONCRETE COLOURED	OG	OPENABLE GLAZING
03	GLASS		
04	PAINT FINISH		
05	TILES		

STUDIO

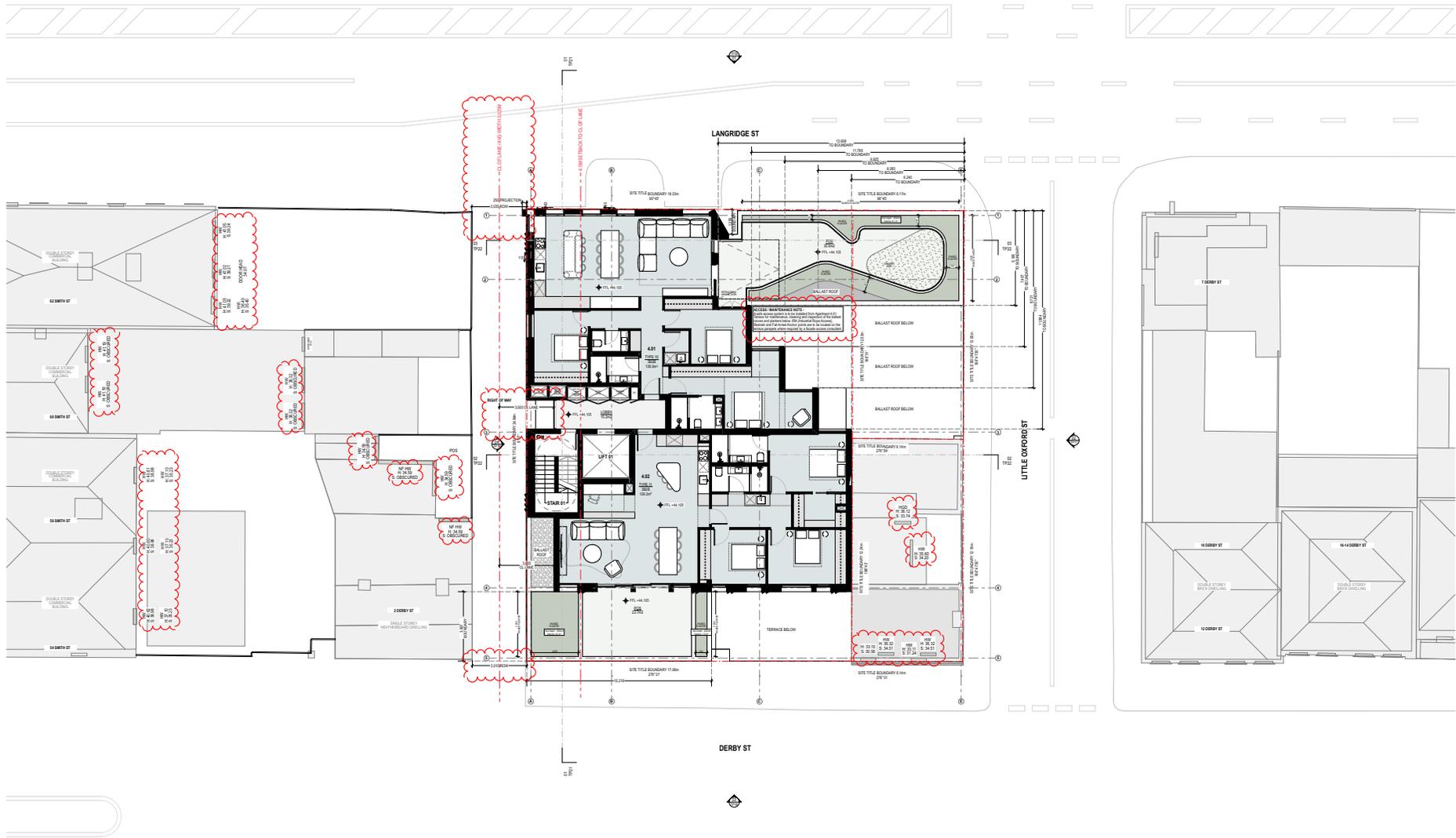
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TP10
 19/11/2023
 Third Floor Plan - REV B
 Town Planning 1:100 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
MAZ	MG
CON	OG
GLA	
PF	
T	

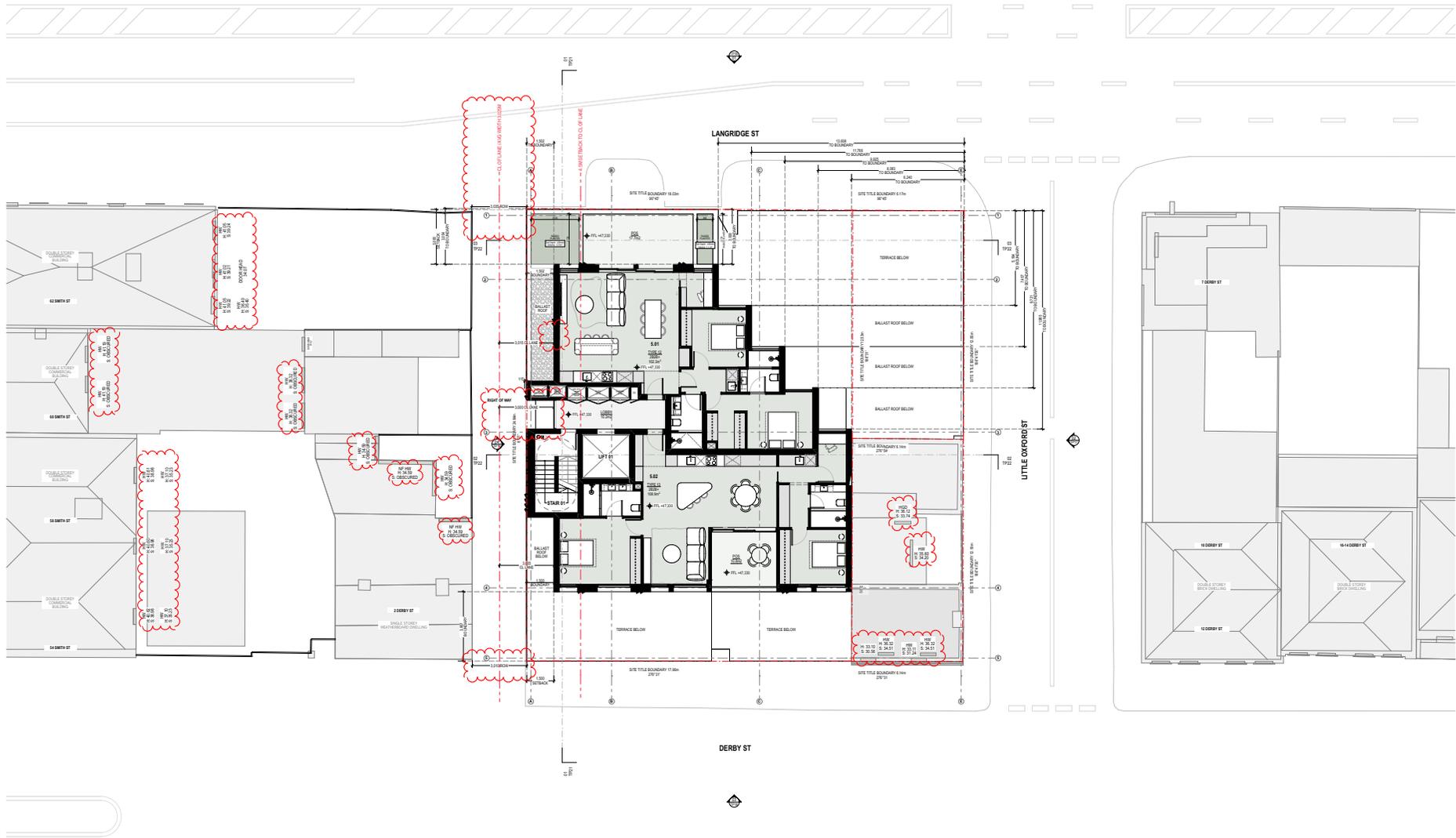
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TP11
9/11/2023
Fourth Floor Plan - REV B
Town Planning 1:100 @A1

BRIGHT



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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FINISHES	KEY
W	FG
CC	OG
G	
PF	
T	

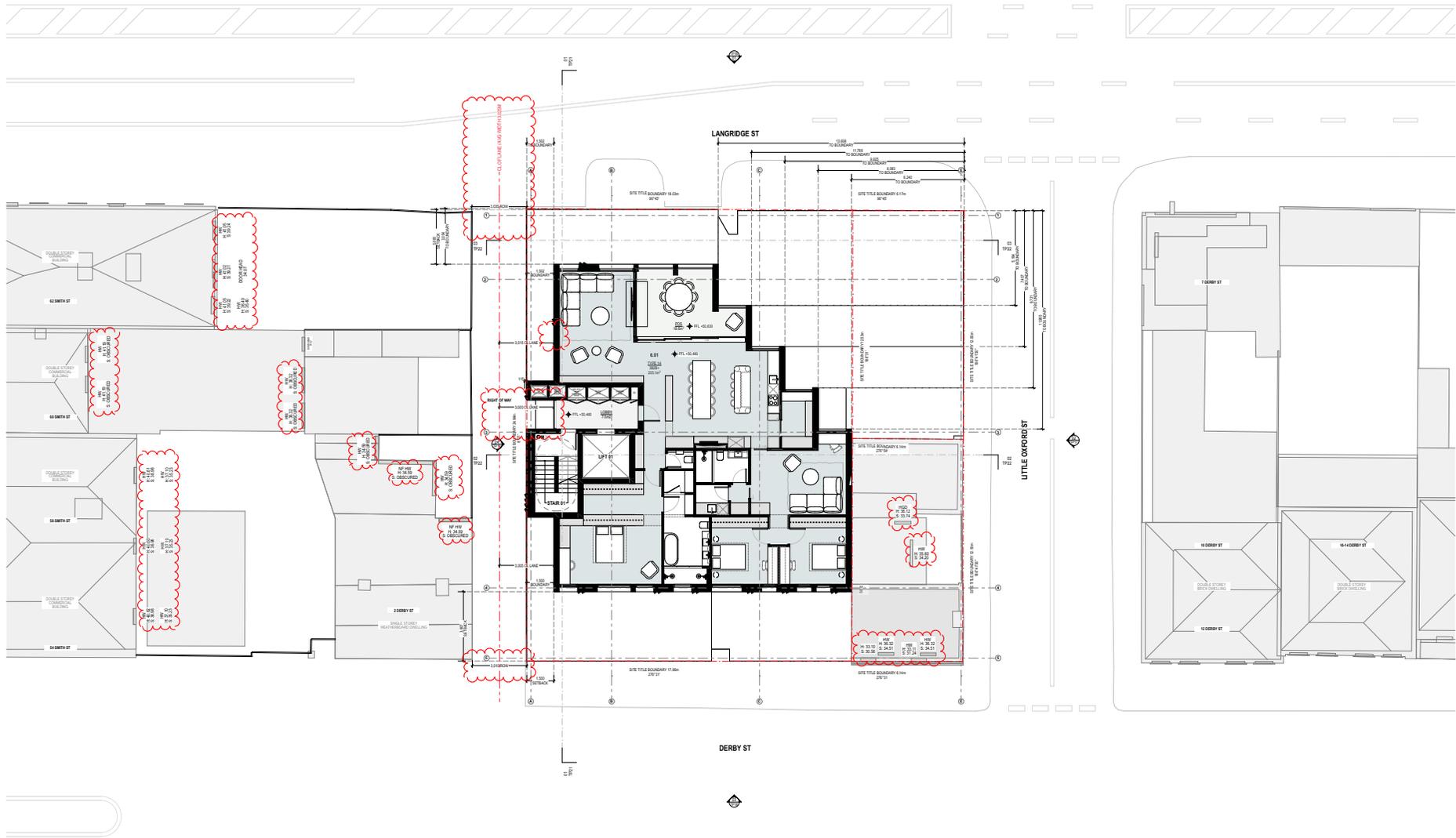
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TP12
 19/11/2023
 Fifth Floor Plan - REV B
 Town Planning 1:100 @A1

BRIGHT



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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FINISHES	KEY
01 MASONRY	FG FIXED GLAZING
02 CONCRETE COLOURED	OG OPERABLE GLAZING
03 GLASS	
04 PAINT FINISH	
05 TILE	

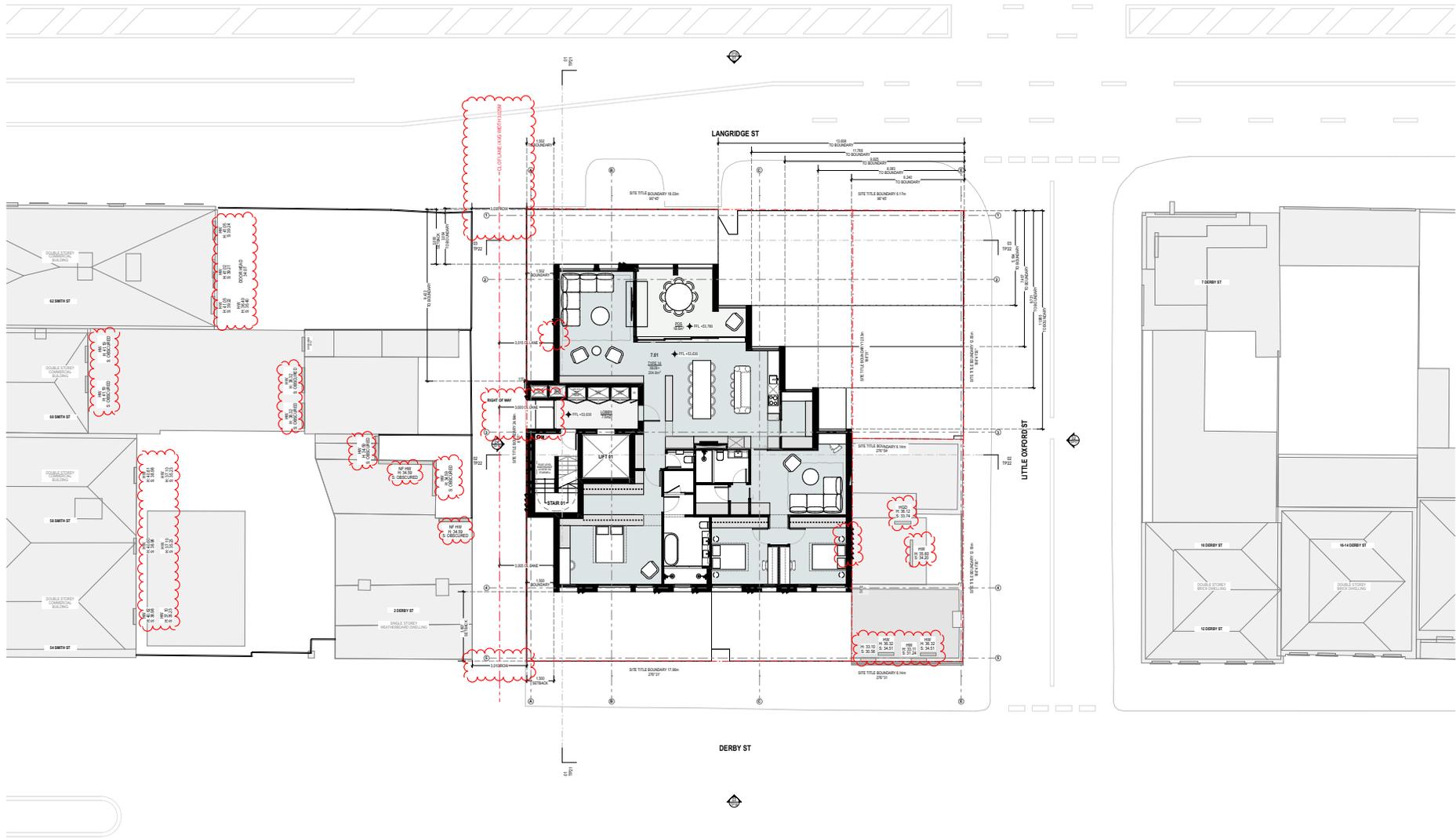
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TP13
19/11/2023
Sixth Floor Plan - REV B
Town Planning 1:100 @A1

BRIGHT



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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FINISHES	KEY
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02 CONCRETE COLOURED	OG OPERABLE GLAZING
03 GLASS	
04 PAINT FINISH	
05 TILE	

STUDIO

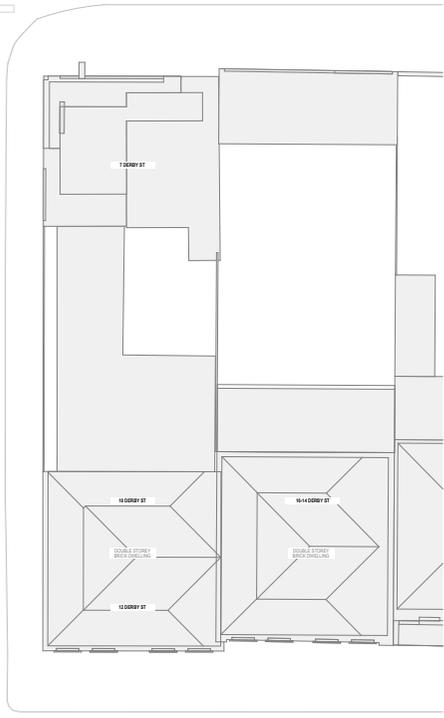
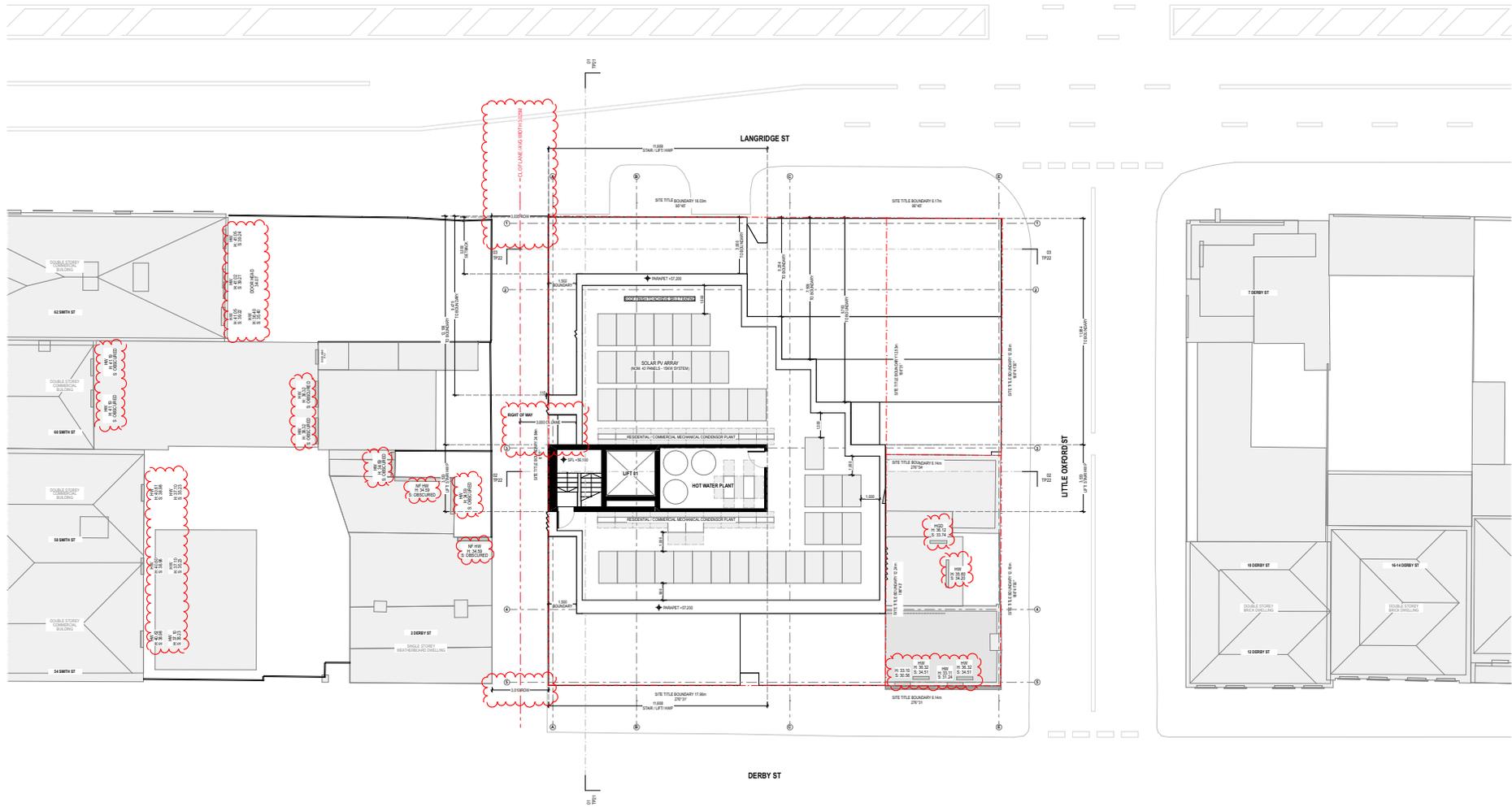
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TP14
 19/11/2023
 Seventh Floor Plan - REV B
 Town Planning 1:100 @A1

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Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

NOTE TO CONTRACTORS

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FINISHES	KEY
MAZ	MS FIXED GLAZING
CO	OC OPERABLE GLAZING
GL	
PF	
T	

STUDIO

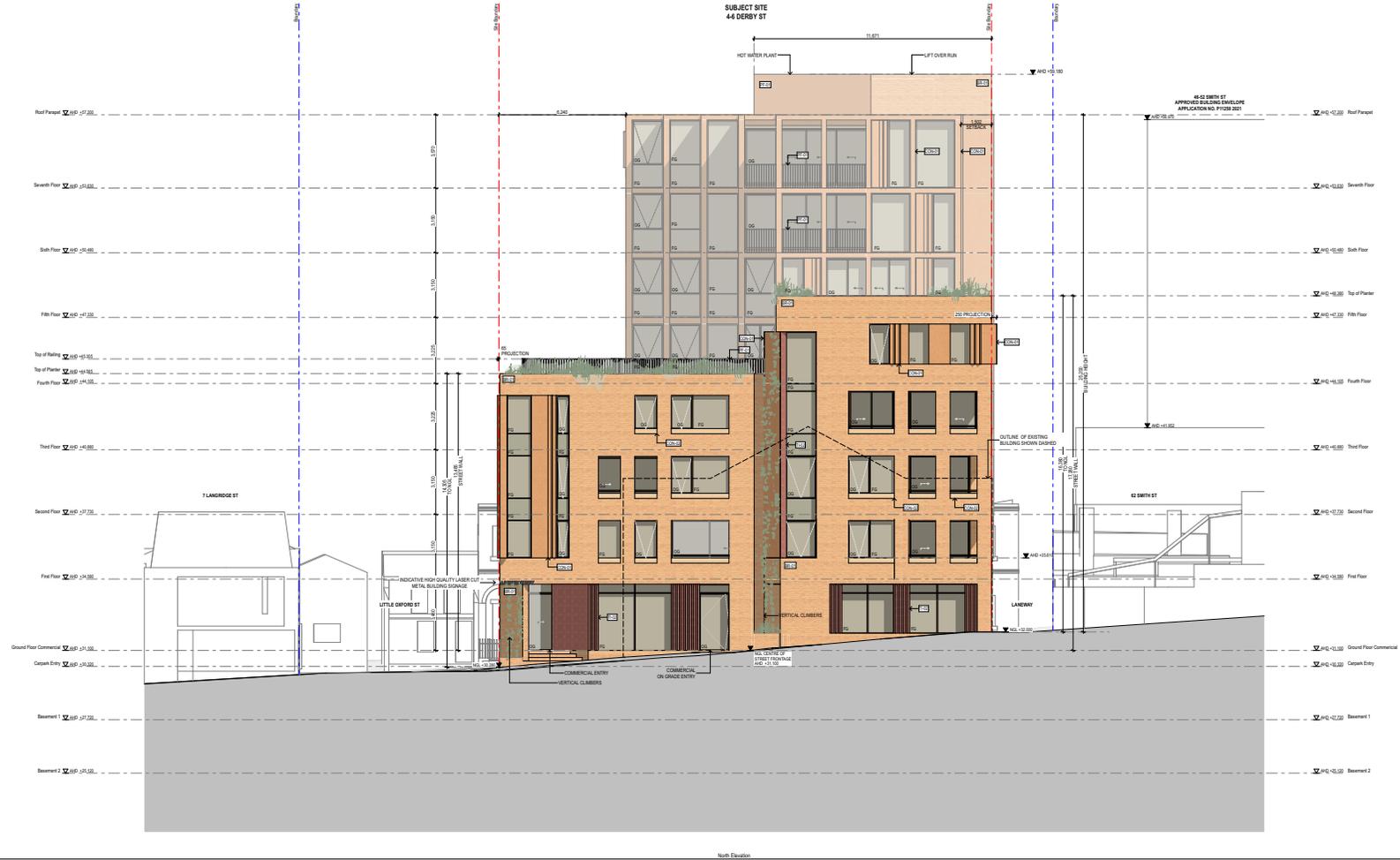
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TP15
 9/11/2023
 Roof Plan - REV B
 Town Planning 1:100 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



51 North Elevation 1:100

REV.	DESCRIPTION	NOTE TO CONTRACTORS
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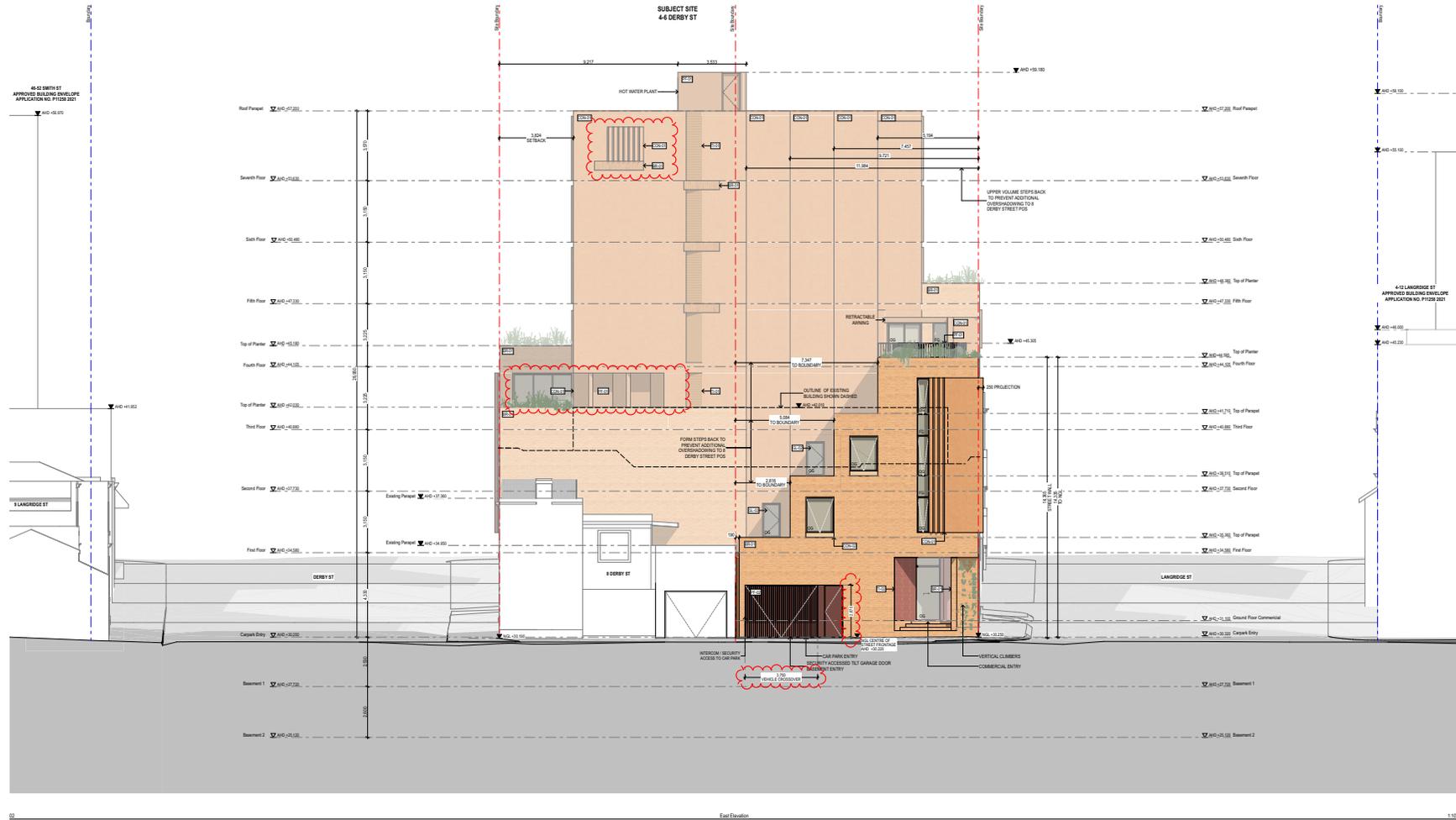
FINISHES	KEY
01-20 WOODWORK	FG FIXED GLAZING
02-00 CONCRETE COLOURED	OG OPERABLE GLAZING
03-00 GLASS	
04-00 PAINT FINISH	
05-00 TILES	

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TP16
19/11/2023
North Elevation
Town Planning 1:100 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
01-01 MASONRY	FS FIXED GLAZING
01-02 CONCRETE COLOURED	OG OPERABLE GLAZING
01-03 GLASS	
01-04 PAINT FRESH	
01-05 TILES	

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TP17
19/11/2023
East Elevation - REV B
Town Planning.1:100 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RFI ISSUE

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FINISHES	KEY
MASONRY	FG FIXED GLAZING
CONCRETE/COLOURED	OG OPERABLE GLAZING
GLASS	
PAINT/FINISH	
TILES	

STUDIO

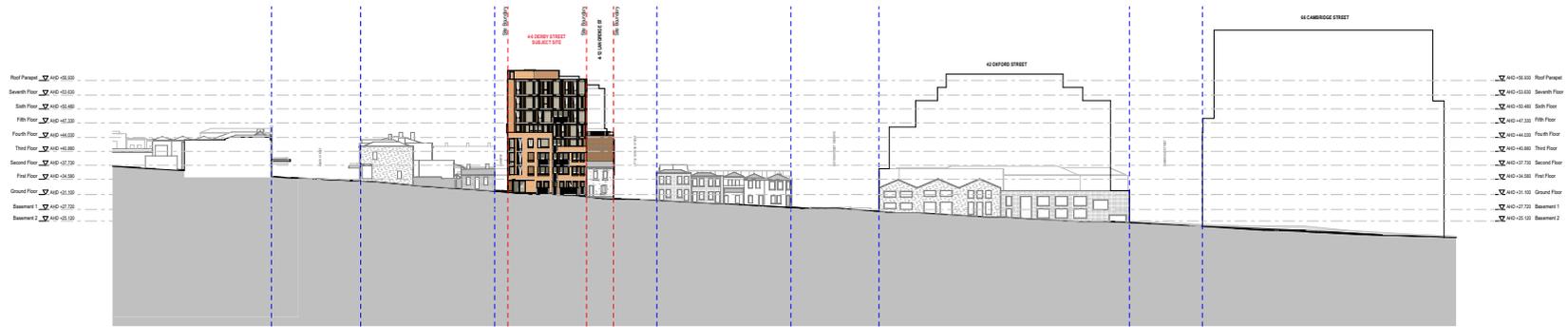
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TP19
 19/11/2023
 West Elevation - REV B
 Town Planning 1:100 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION	NOTE TO CONTRACTORS
A-25/23	TOWN PLANNING APPLICATION	<p>Do not scale drawings.</p> <p>Figural dimensions shall be taken in preference to scale. Verify all dimensions on site prior to commencement of any works or shop drawings. Any discrepancies shall be referred to the author.</p> <p>This drawing is strictly copyright, and shall not be copied, reproduced, used or used for any purposes other than as originally intended without the written permission of the Architect.</p> <p>PRELIMINARY - NOT FOR CONSTRUCTION</p>

FINISHES	KEY
MA MASONRY	FG FIXED GLAZING
CC CONCRETE COLOURED	OG OPERABLE GLAZING
GL GLASS	
PF PAINT FINISH	
TB TILES	

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TP50
9/11/2023
Street Elevations
Town Planning 1:500 @A1

BRIGHT



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION

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FINISHES	KEY
W001 WASKOPY	FS FIXED GLAZING
C002 CONCRETE COLOURED	OG OPERABLE GLAZING
G003 GLASS	
P004 PAINT FINISH	
T005 TILES	

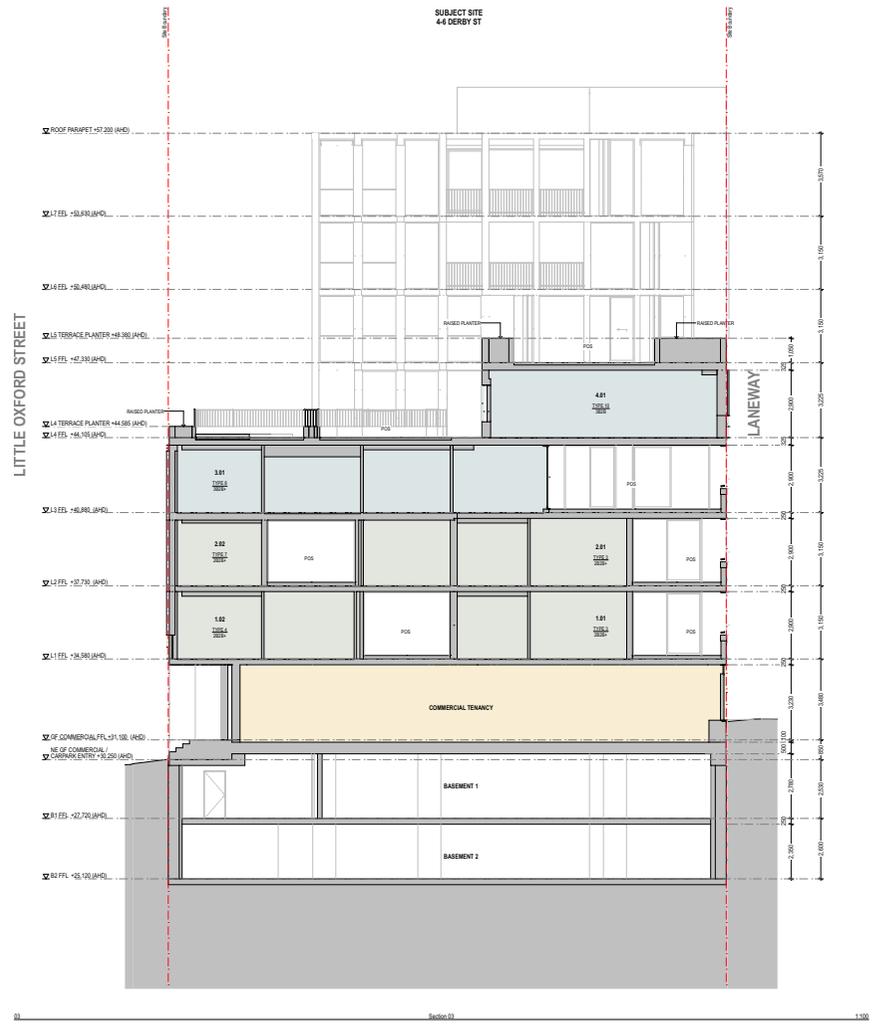
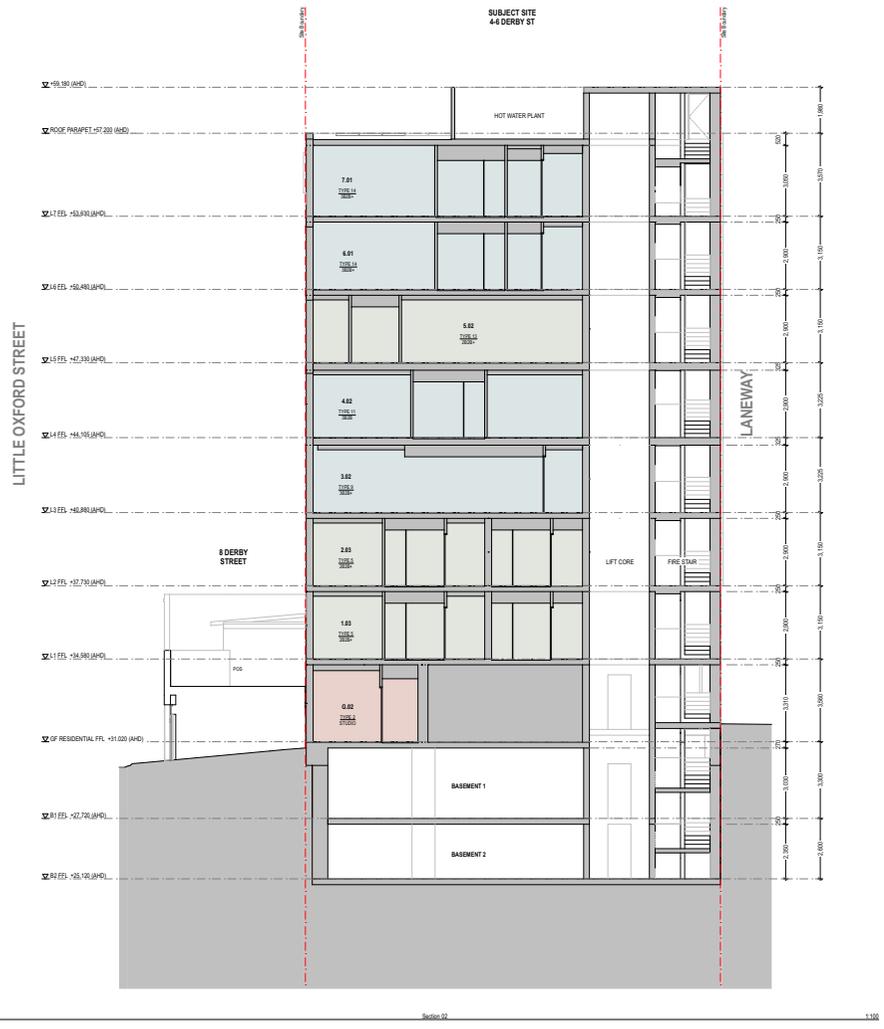
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Wurundjeri Wot Warrung country

TPS1
9/11/2023
Section
Town Planning.1:100 @A1

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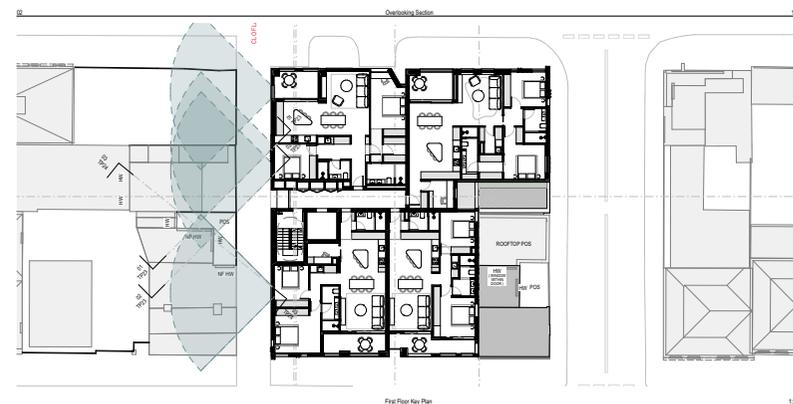
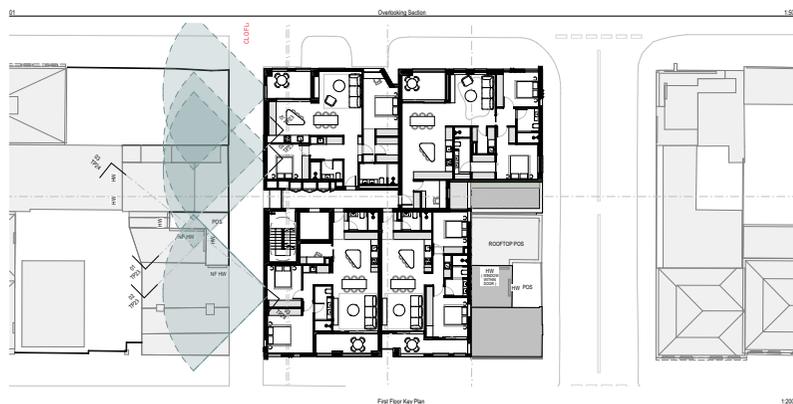
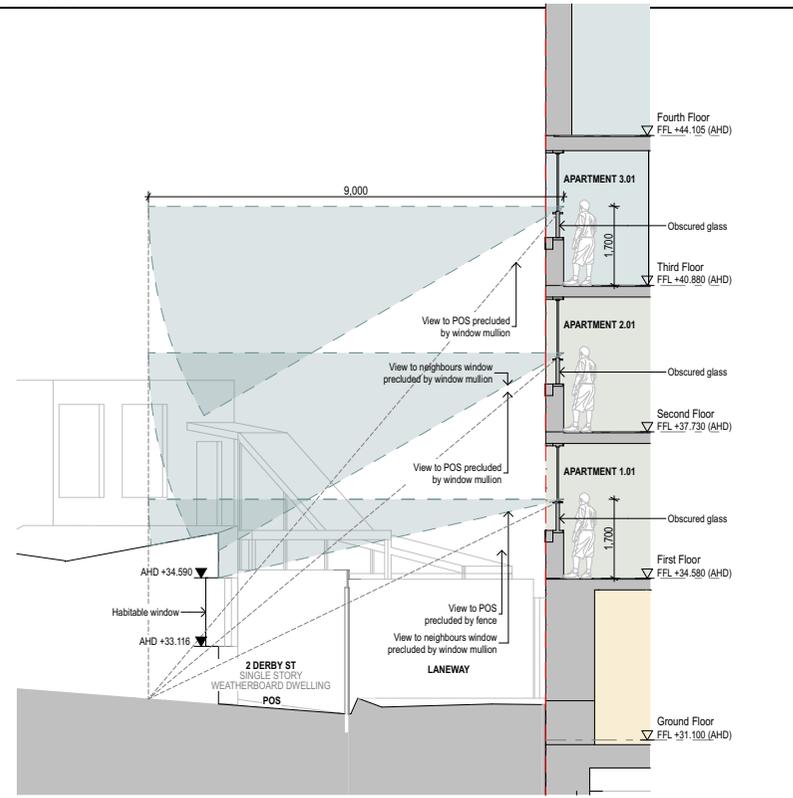
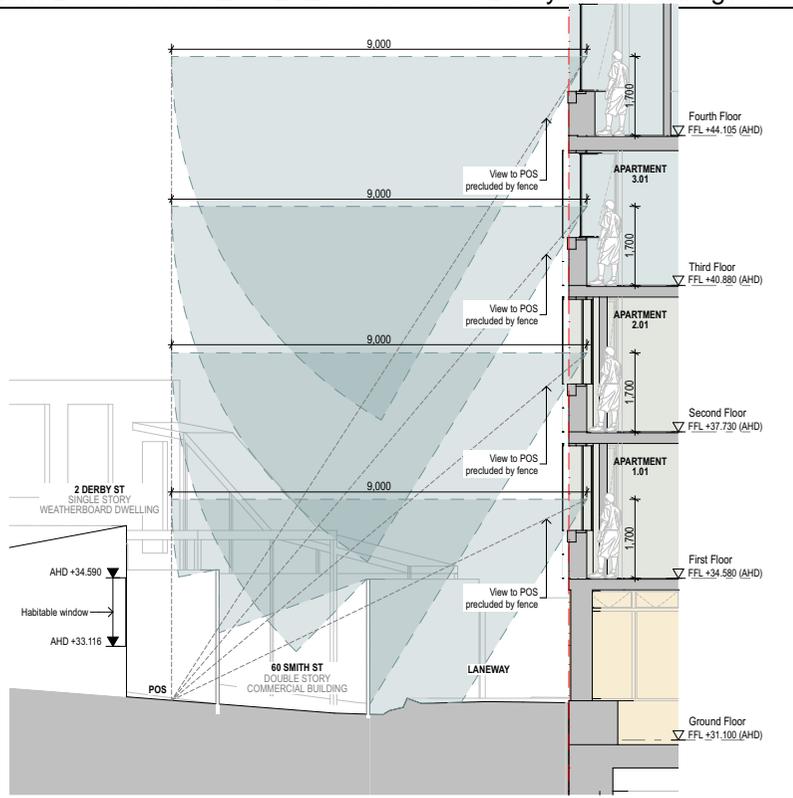
FINISHES	KEY
01-20 MASONRY	FG FIXED GLAZING
01-21 CONCRETE COLOURED	OG OPERABLE GLAZING
01-22 GLASS	
01-23 PAINT FINISH	
01-24 TILES	

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 9/11/2023
 Section
 Town Planning.1:100 @A1

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Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION

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FINISHES	KEY
BRICK	FG FIXED GLAZING
CONCRETE COLOURED	OG OPERABLE GLAZING
GLASS	
PAINT FINISH	
TILES	

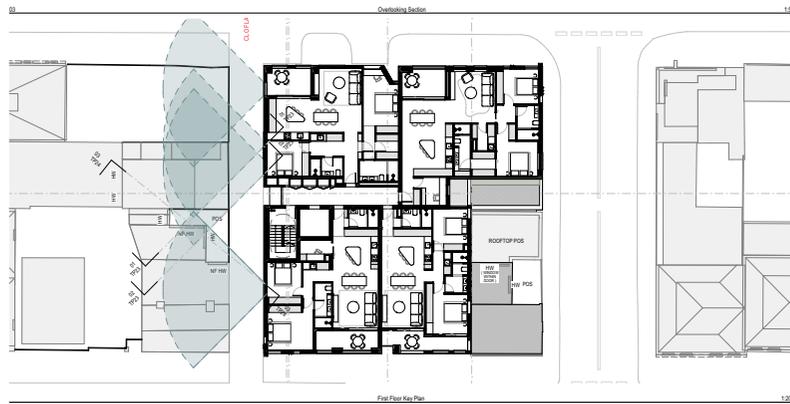
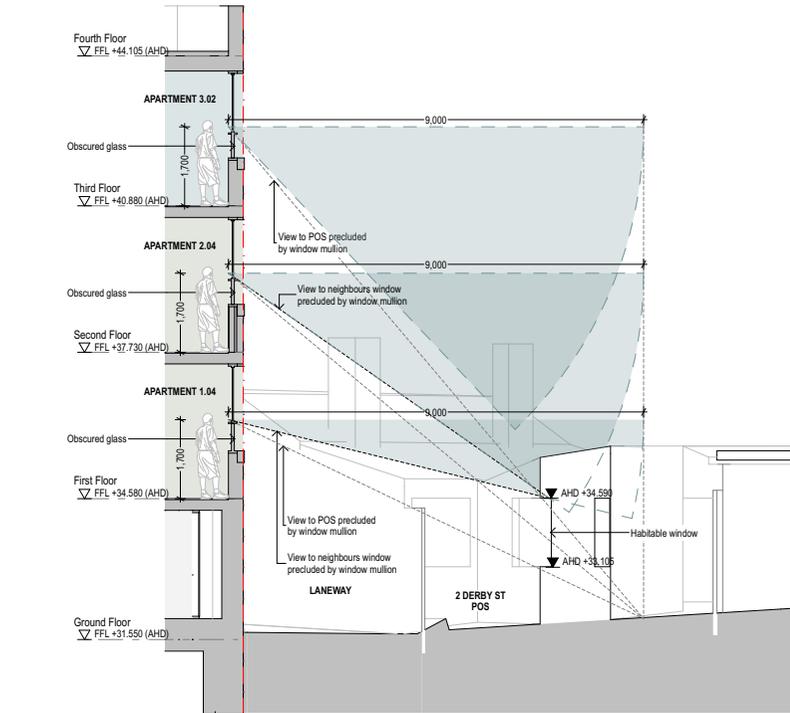
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 Overlooking Diagrams
 Town Planning 1:50, 1:200 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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FINISHES	KEY
W MASONRY	FG FIXED GLAZING
CC CONCRETE COLOURED	OG OPERABLE GLAZING
G GLASS	
PF PAINT FINISH	
T TILE	



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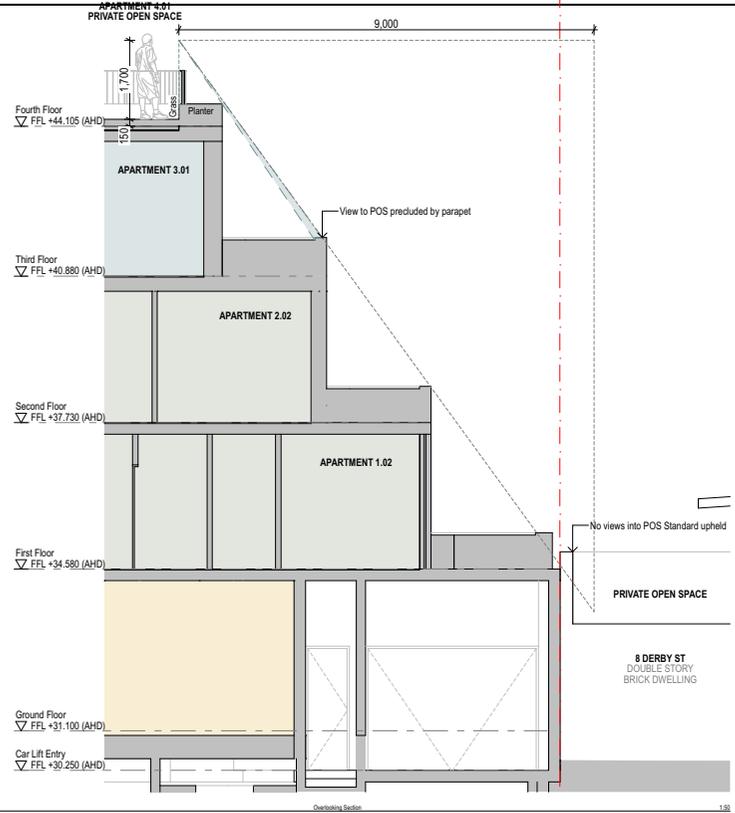
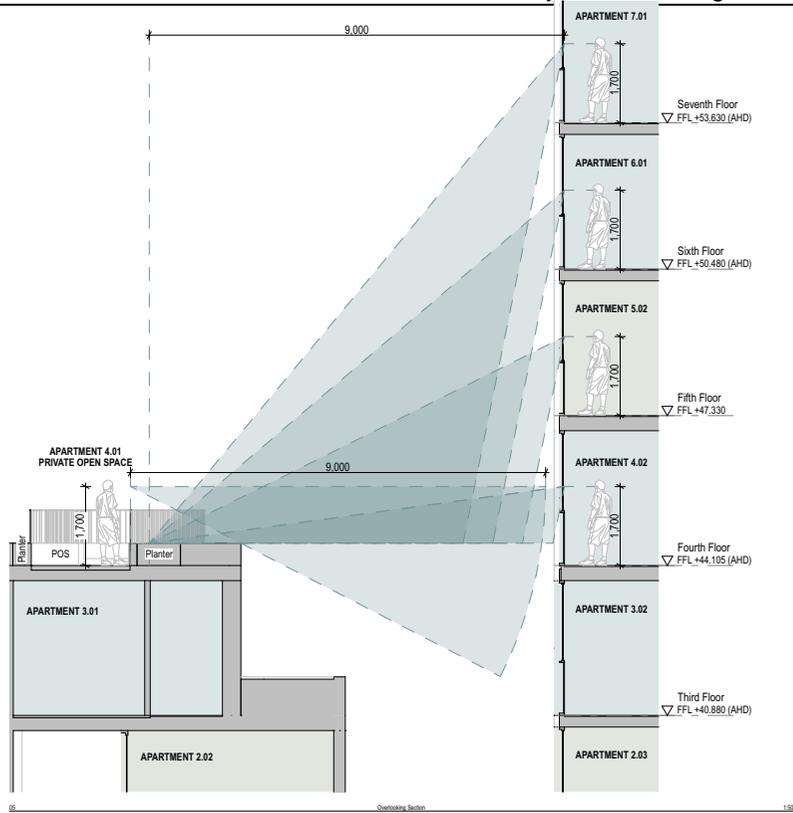
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TP24
 9/11/2023
 Overlooking Diagrams - REV B
 Town Planning 1:50, 1:200 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION

NOTE TO CONTRACTORS

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
BRICK	FG FIXED GLAZING
CONCRETE COLOURED	OG OPERABLE GLAZING
GLASS	
PAINT FINISH	
TILES	

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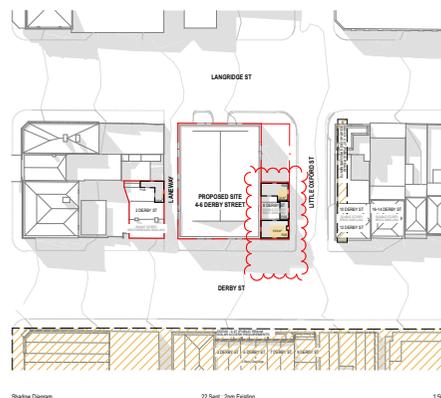
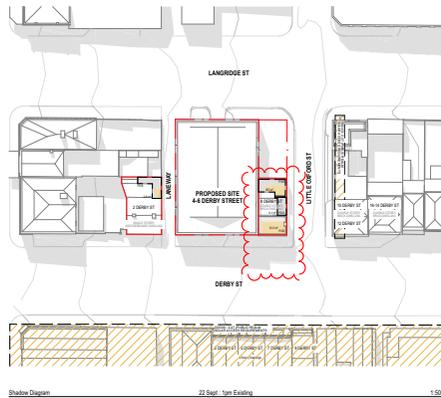
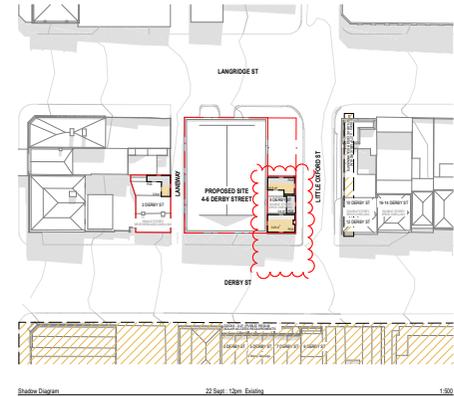
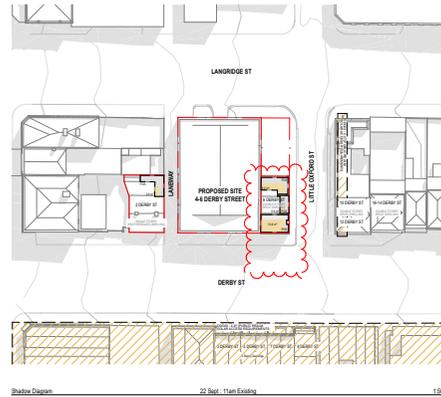
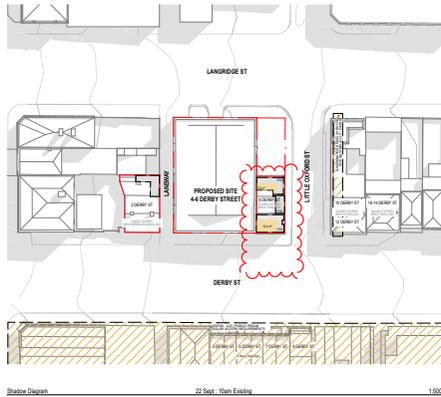
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TP25
9/11/2023
Overlooking Diagrams
Town Planning.1.200, 1.50 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



SUMMARY TO POS 2 DERBY ST				SUMMARY TO POS 3 DERBY ST			
TIME	EXISTING SUNLIGHT TO POS (h ²)	DOO ENVELOPE SUNLIGHT TO POS (h ²)	PROPOSED SUNLIGHT TO POS (h ²)	TIME	EXISTING SUNLIGHT TO POS (h ²)	DOO ENVELOPE SUNLIGHT TO POS (h ²)	PROPOSED SUNLIGHT TO POS (h ²)
10AM	0.0h ²	0.0h ²	0.0h ²	10AM	25.0h ²	25.0h ²	25.0h ²
11AM	2.0h ²	2.0h ²	2.0h ²	11AM	23.0h ²	23.0h ²	23.0h ²
12PM	3.0h ²	3.0h ²	3.0h ²	12PM	15.0h ²	15.0h ²	15.0h ²
1PM	2.0h ²	2.0h ²	2.0h ²	1PM	21.0h ²	15.7h ²	14.8h ²
2PM	0.0h ²	0.0h ²	0.0h ²	2PM	10.0h ²	7.3h ²	7.2h ²

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A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

NOTE TO CONTRACTORS

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FINISHES	KEY
CM-23 MASONRY	FG FIXED GLAZING
CC-23 CONCRETE COLOURED	OG OPENABLE GLAZING
GL-23 GLASS	
PF-23 PAINT FINISH	
TR-23 TRAIL	

STUDIO

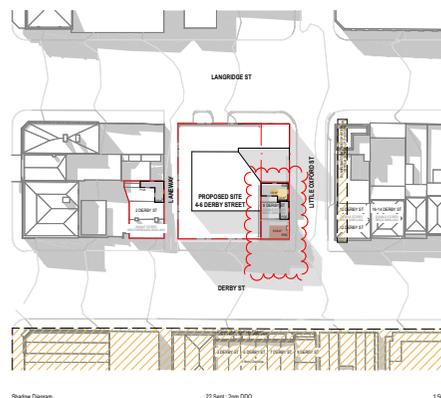
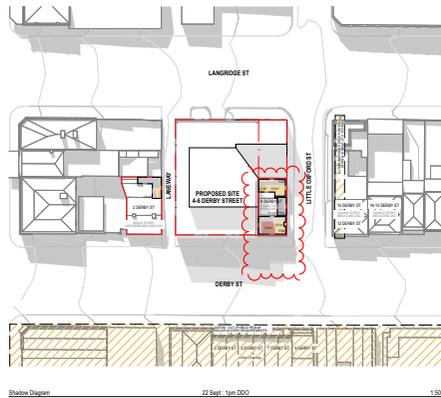
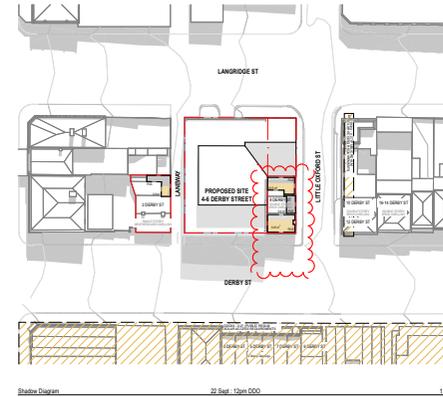
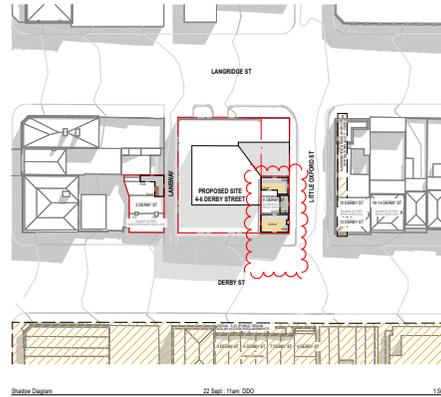
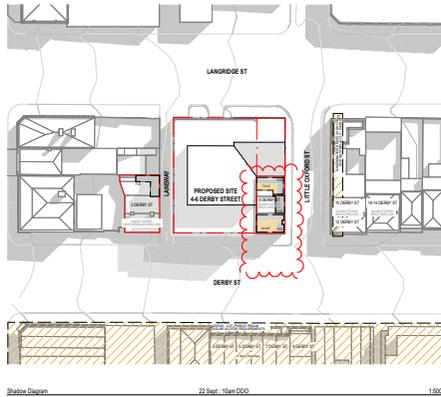
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TP26
9/11/2023
Shadow Diagrams - Existing Condition - REV B
Town Planning 1:500 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



SUMMARY TO POS 2 DERBY ST				SUMMARY TO POS 3 DERBY ST			
TIME	EXISTING SUNLIGHT TO POS (h)	DDO ENVELOPE SUNLIGHT TO POS (h)	PROPOSED SUNLIGHT TO POS (h)	TIME	EXISTING SUNLIGHT TO POS (h)	DDO ENVELOPE SUNLIGHT TO POS (h)	PROPOSED SUNLIGHT TO POS (h)
10AM	0.0h	0.0h	0.0h	10AM	2.0h	2.0h	2.0h
11AM	2.0h	2.0h	2.0h	11AM	23.0h	23.0h	23.0h
12PM	3.0h	3.0h	3.0h	12PM	3.0h	3.0h	3.0h
1PM	2.8h	2.8h	2.8h	1PM	21.0h	21.0h	21.0h
2PM	0.0h	0.0h	0.0h	2PM	1.0h	1.0h	1.0h

REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RFI ISSUE

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FINISHES	KEY
01-23 MASONRY	05 FIXED GLAZING
02-01 CONCRETE COLOURED	06 OPENABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	

STUDIO

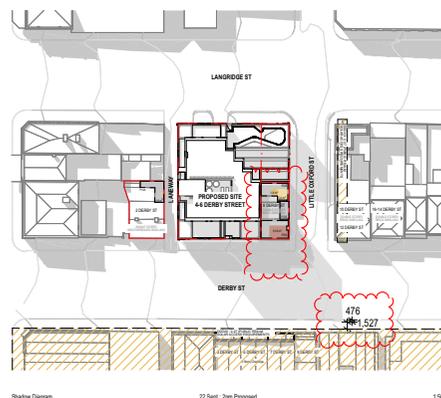
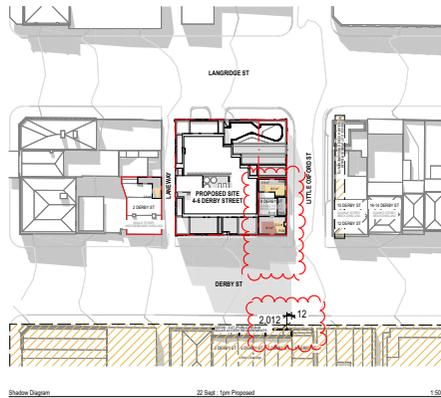
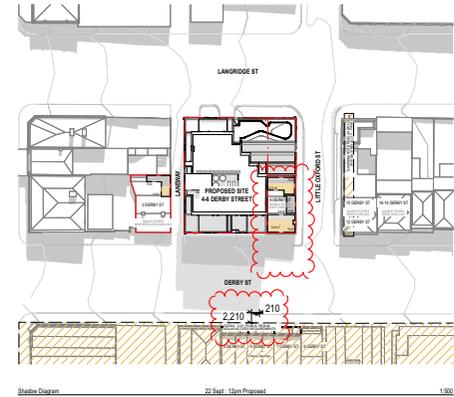
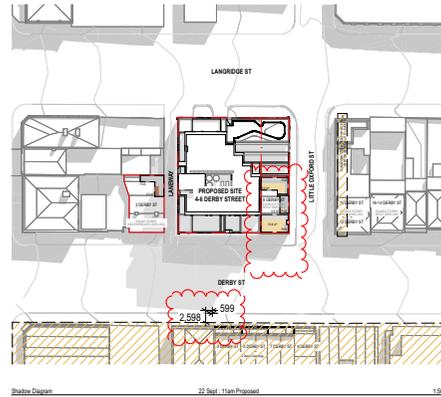
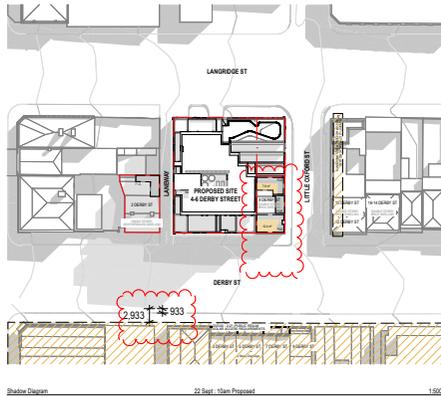
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TP27
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Shadow Diagrams - DDO Compliant Envelope - REV B
Town Planning 1:500 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans



SUMMARY TO POS 2 DERBY ST				SUMMARY TO POS 3 DERBY ST			
TIME	EXISTING SUNLIGHT TO POS (h)	DOO ENVELOPE SUNLIGHT TO POS (h)	PROPOSED SUNLIGHT TO POS (h)	TIME	EXISTING SUNLIGHT TO POS (h)	DOO ENVELOPE SUNLIGHT TO POS (h)	PROPOSED SUNLIGHT TO POS (h)
10AM	0h	0h	0h	10AM	25h	25h	25h
11AM	2h	2h	2h	11AM	23h	23h	23h
12PM	3h	3h	3h	12PM	19h	19h	19h
1PM	2.8h	2.8h	2.8h	1PM	21.5h	21.5h	21.5h
2PM	0.5h	0.5h	0.5h	2PM	16h	16h	16h

REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-9/11/2023	RPI ISSUE

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
BRICK	W/ MASONRY
CC	CONCRETE COLOURED
GL	GLASS
PF	PAINT FINISH
T	TILES
FG	FIXED GLAZING
OG	OPENABLE GLAZING

STUDIO

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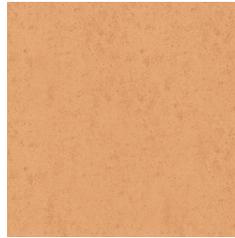
22-013
4-6 Derby St Collingwood
Wurundjeri Wot Warrung country

TP28
9/11/2023
Shadow Diagrams - Proposed Development - REV B
Town Planning 1:500 @A1

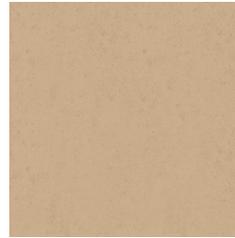
BRIGHT



BR-01
 Location: Lower Podium Levels
 Material: Brick
 Colour: Apricot



CON-01
 Location: Lower Podium Levels & Upper Levels
 Material: Precast Concrete
 Colour: Apricot



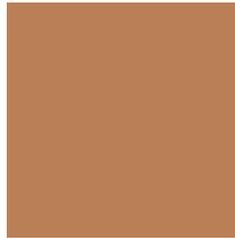
CON-02
 Location: Lower Podium Levels (sills to punched openings)
 Material: Precast Concrete
 Colour: Light Apricot



TI-01
 Location: Throughout
 Material: Tiles
 Colour: Apricot - TBC



TI-02
 Location: Throughout
 Material: Tiles
 Colour: Watermelon - TBC



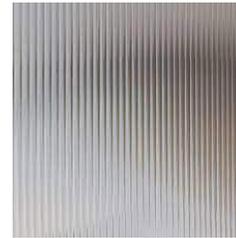
PF-01
 Location: Gates & Balustrades
 Material: Painted Metal
 Colour: Apricot



PF-02
 Location: Gates & Balustrades
 Material: Painted Metal
 Colour: Watermelon



GL-01
 Location: Windows Throughout
 Material: Glass
 Colour: Light Grey



GL-02
 Location: Windows Throughout
 Material: Glass
 Colour: Reeded

REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
WAGONRY	FS FIXED GLAZING
CONCRETE COLOURED	OG OPERABLE GLAZING
GLASS	
PAINT FINISH	
TILES	

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 TP59
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 Proposed Materials and Finishes
 Town Planning_@A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

BADS SUMMARY TABLE

APT TYPES	QTY	D16 ACCESSIBILITY		D20 POS				D21 STORAGE (m3)			D26 FUNCTIONAL LAYOUT						D27 ROOM LAYOUT	D28 WINDOWS	D29 NATURAL VENTILATION		
		DDA	DDA % (MIN 50%)	POS minimum width	POS minimum Area (m)	Total POS area provided (m2)	Total POS (%) exceed BABS min. (8m2)	Internal Storage (m3)	External Storage (m3)	Total Volume meets requirement	Living Minimum Depth	Main Bedroom Minimum Width 3m	Main Bedroom Minimum Depth 3.4m	Bedroom 02 Minimum Width 3m	Bedroom 02 Minimum Depth 3m	Bedroom 03 Minimum Width 3m	Bedroom 03 Minimum Depth 3m	Maximum 3m Room Depth	Operable Windows	Cross Ventilation	Cross Vent % (MIN 40%)
G.01	1	<input type="checkbox"/>	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12.2	52.50%	13.2	0	<input checked="" type="checkbox"/>	0										
G.02	1	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8.9	11.25%	7	3	<input checked="" type="checkbox"/>	0										
1.01, 2.01	2	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8.8	10.00%	22.1	0	<input checked="" type="checkbox"/>	2.89**	<input checked="" type="checkbox"/>	2								
1.02	1	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8.8	10.00%	28.6	0	<input checked="" type="checkbox"/>	1										
1.03, 2.03	2	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10.1	26.25%	17.5	0	<input checked="" type="checkbox"/>	2										
1.04, 2.04	2	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8.8	10.00%	18.5	3	<input checked="" type="checkbox"/>	2										
2.02	1	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8.8	10.00%	15.4	3	<input checked="" type="checkbox"/>	1										
3.01	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	17.1	113.75%	47.9	0	<input checked="" type="checkbox"/>	1										
3.02	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	13.2	65.00%	38	3	<input checked="" type="checkbox"/>	1										
4.01	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	35.6	345.00%	26.7	3	<input checked="" type="checkbox"/>	2.86***	<input checked="" type="checkbox"/>	1								
4.02	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	22.7	183.75%	24.3	3	<input checked="" type="checkbox"/>	1										
5.01	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	17.7	121.25%	16.2	3	<input checked="" type="checkbox"/>	0										
5.02	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10.8	35.00%	23	3	<input checked="" type="checkbox"/>	1										
6.01	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	18.6	132.50%	50.9	3.6	<input checked="" type="checkbox"/>	1										
7.01	1	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	18.6	132.50%	50.9	4	<input checked="" type="checkbox"/>	15										
TOTAL	18		10																		83.3%

	1 BEDROOM
	2 BEDROOM
	3 BEDROOM

G.01 - 2.89* Partial compliance - Extra area provided 10.7m2 total - 3.68m Length - Refer plan for details
 G.02 - 2.89** Partial compliance - Extra area provided 10.2m2 total - 3.54m Length - Refer plan for details
 4.01 - 2.86*** Partial compliance - Extra area provided 14.7m2 total - 4.88m width - Refer plan for details

REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
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FINISHES	KEY
WAGONRY	FG FIXED GLAZING
CONCRETE COLOURED	OG OPERABLE GLAZING
GLASS	
PAINT FRESH	
TILES	

STUDIO

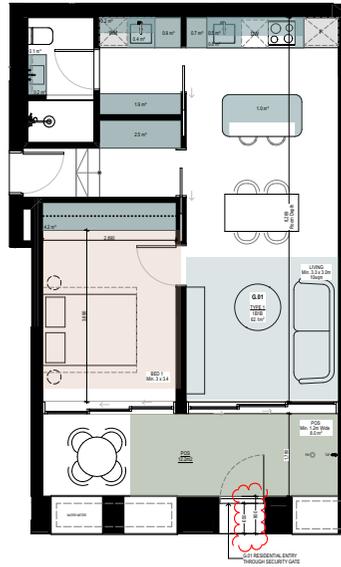
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TP30
 9/11/2023
 BADS Summary Table - REV B
 Town Planning - @A1

BRIGHT

BADS		
D17	Accessibility	-
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate window & door setbacks)	-
D26	Windows	✓

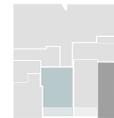


Type 1 : Apartment G.01

REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES		KEY	
01-01	MASONRY	FG	FIXED GLAZING
01-02	CONCRETE COLOURED	OG	OPENABLE GLAZING
01-03	GLASS		
01-04	PAINT FINISH		
01-05	TILES		



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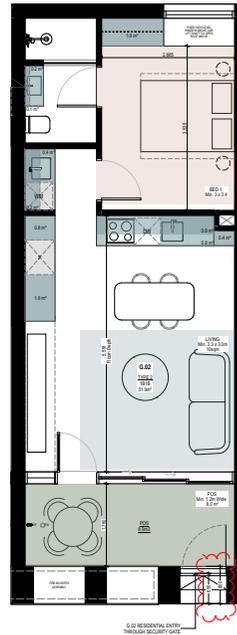
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TPS1
 9/11/2023
 BADS Apartment Type Plans : Type 1 - REV B
 Town Planning 1:50 @A1

BRIGHT

BADS

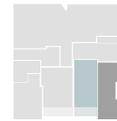
D17	Accessibility	-
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate window & door ventilation)	-
D26	Windows	✓



Type 2 : Apartment G.02

REV.	DESCRIPTION	NOTE TO CONTRACTORS
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B-10/12/2023	RFI ISSUE	
PRELIMINARY - NOT FOR CONSTRUCTION		

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPENABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	



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TPS2
10/11/2023
BADS Apartment Type Plans : Type 2 - REVB
Town Planning 1:50 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

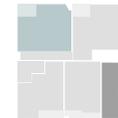
BADS	
D17	Accessibility ✓
D19	Private Open Space ✓
D20	Storage (m ²) ✓
D24	Functional Layout ✓
D25	Room Depth ✓
D27	Natural Ventilation (operable windows & doors verified) ✓
D26	Windows ✓



Type 3 : Apartment 1.01, 2.01

REV.	DESCRIPTION	NOTE TO CONTRACTORS
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FINISHES	KEY
CS-01 MASONRY	FG FIXED GLAZING
CS-02 CONCRETE COLOURED	OG OPERABLE GLAZING
CS-03 GLASS	
CS-04 PAINT FINISH	
CS-05 TILES	



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TP33
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BADS Apartment Type Plans : Type 3
Town Planning 1:50 @A1

BRIGHT

BADS

D17	Accessibility	-
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate window & door setbacks)	✓
D26	Windows	✓



Type 4: Apartment 1.02

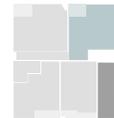
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A-25/23	TOWN PLANNING APPLICATION

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FINISHES	KEY
01-10 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPENABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	



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TPS4
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 BADS Apartment Type Plans : Type 4
 Town Planning 1:50 @A1

BRIGHT

BADS

D17	Accessibility	-
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate windows & cross ventilation)	✓
D26	Windows	✓



Type 5 : Apartment 1.03, 2.03

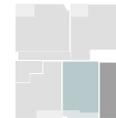
REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION

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FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-03 CONCRETE COLOURED	OG OPENABLE GLAZING
03-04 GLASS	
04-05 PAINT FINISH	
05-06 TILES	



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BADS Apartment Type Plans : Type 5
Town Planning 1:50 @A1

BRIGHT

BADS

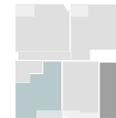
D17	Accessibility	-
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate windows & cross ventilation)	✓
D26	Windows	✓



Type 6 : Apartment 1.04, 2.04

REV.	DESCRIPTION	NOTE TO CONTRACTORS
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FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-03 CONCRETE COLOURED	OG OPENABLE GLAZING
03-04 GLASS	
04-05 PAINT FINISH	
05-06 TILES	



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TP36
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 BADS Apartment Type Plans : Type 6
 Town Planning 1:50 @A1

BRIGHT

BADS

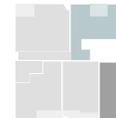
D17	Accessibility	-
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate window & door setbacks)	✓
D26	Windows	✓



Type 7 : Apartment 2.02

REV.	DESCRIPTION	NOTE TO CONTRACTORS
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FINISHES	KEY
CP-01 MASONRY	FG FIXED GLAZING
CP-02 CONCRETE COLOURED	OG OPENABLE GLAZING
CP-03 GLASS	
CP-04 PAINT FINISH	
CP-05 TILES	



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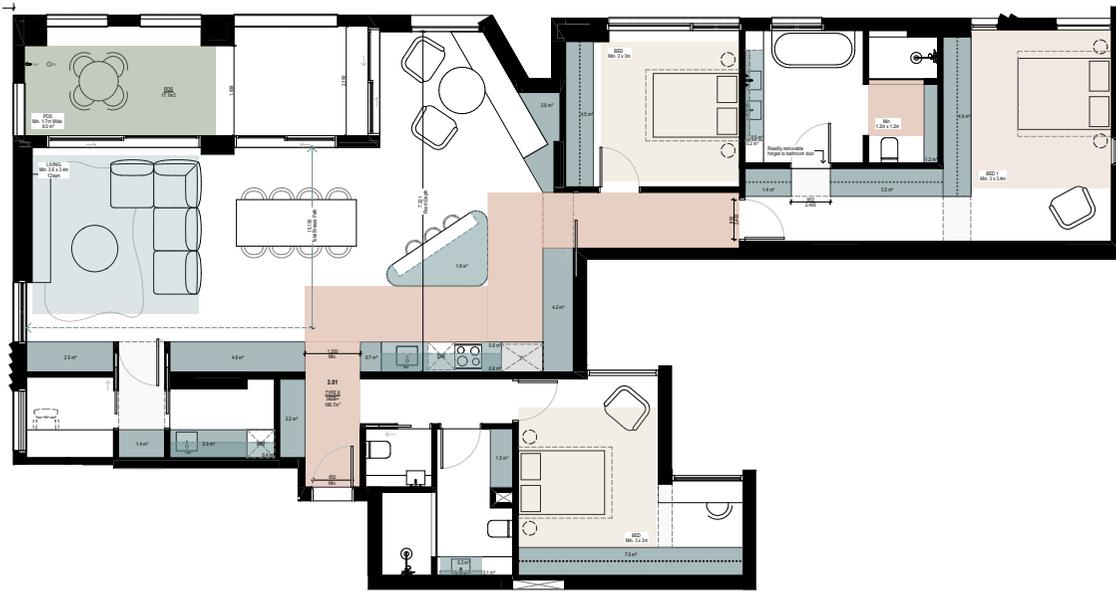
TP37
 10/11/2023
 BADS Apartment Type Plans : Type 7
 Town Planning 1:50 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

BADS

D17	Accessibility	✓
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (operable windows & doors verified)	✓
D26	Windows	✓



Type 8 : Apartment 3.01

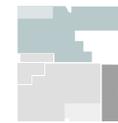
REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION

NOTE TO CONTRACTORS

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPENABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	



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22-013
 4-6 Derby St Collingwood
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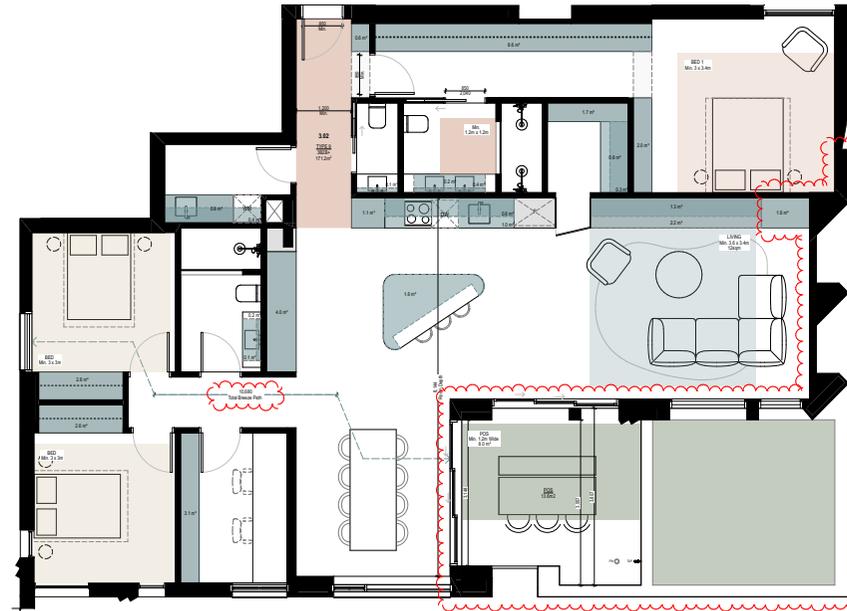
TP38
 10/11/2023
 BADS Apartment Type Plans : Type 8
 Town Planning 1:50 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

BADS

D17	Accessibility	✓
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate window & door setbacks)	✓
D26	Windows	✓



Type 9 : Apartment 3.02

REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-10/11/2023	RPI ISSUE

NOTE TO CONTRACTORS

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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPENABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	



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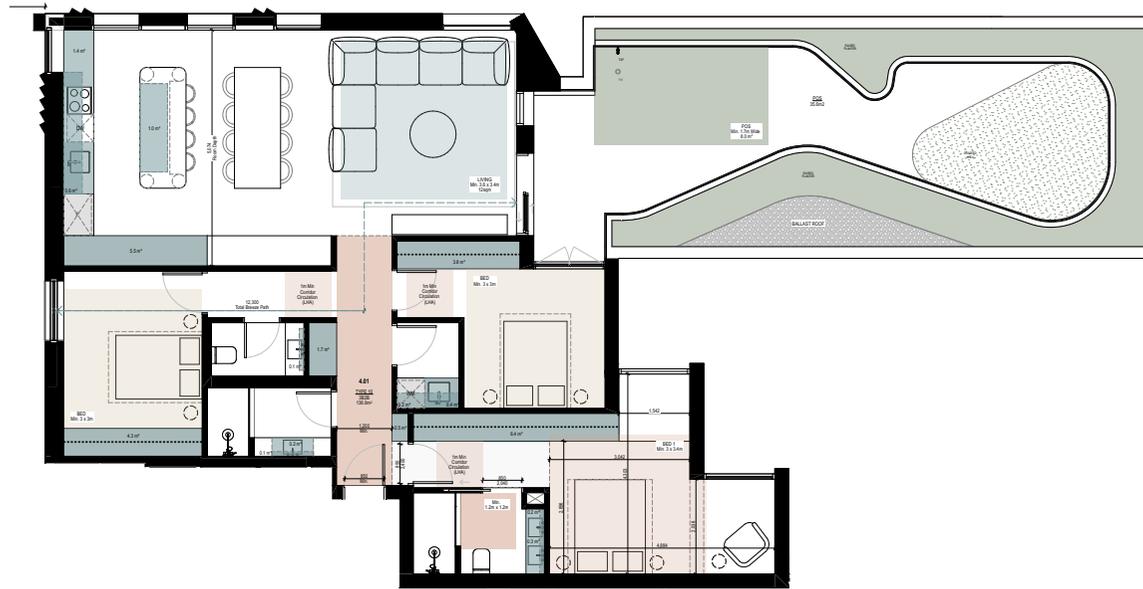
TP39
 10/11/2023
 BADS Apartment Type Plans : Type 9 - REV B
 Town Planning 1:50 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

BADS

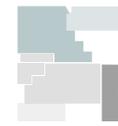
D17	Accessibility	✓
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate schedule & cross section)	✓
D26	Windows	✓



Type 10 : Apartment 4.01

REV.	DESCRIPTION	NOTE TO CONTRACTORS
A-25/23	TOWN PLANNING APPLICATION	<p>Do not scale drawings. Figural dimensions shall be taken in preference to scale. Verify all dimensions on site prior to commencement of any works or shop drawings. Any discrepancies shall be referred to the architect. This drawing is strictly copyright, and shall not be copied, reproduced, used or used for any purposes other than as originally intended without the written permission of the Architect.</p> <p>PRELIMINARY - NOT FOR CONSTRUCTION</p>

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPENABLE GLAZING
02-02 GLASS	
02-03 PAINT FINISH	
02-04 TILES	



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TP40
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 BADS Apartment Type Plans : Type 10
 Town Planning 1:50 @A1

BRIGHT

BADS

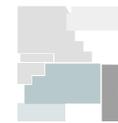
D17	Accessibility	✓
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate schedule & cross section)	✓
D26	Windows	✓



Type 11 : Apartment 4.02

REV.	DESCRIPTION	NOTE TO CONTRACTORS
A-25/23	TOWN PLANNING APPLICATION	<p>Do not scale drawings. Figural dimensions shall be taken in preference to scale. Verify all dimensions on site prior to commencement of any works or shop drawings. Any discrepancies shall be referred to the architect. This drawing is strictly copyright, and shall not be copied, reproduced, lent or used for any purpose other than as originally intended without the written permission of the Architect. PRELIMINARY - NOT FOR CONSTRUCTION</p>

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPENABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	



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TP41
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 BADS Apartment Type Plans : Type 11
 Town Planning 1:50 @A1

BRIGHT

BADs		
D17	Accessibility	✓
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate schedule & cross section)	-
D26	Windows	✓

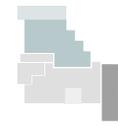


Type 12 : Apartment 5.01

REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-10/12/2023	RPI ISSUE

NOTE TO CONTRACTORS
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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPERABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	



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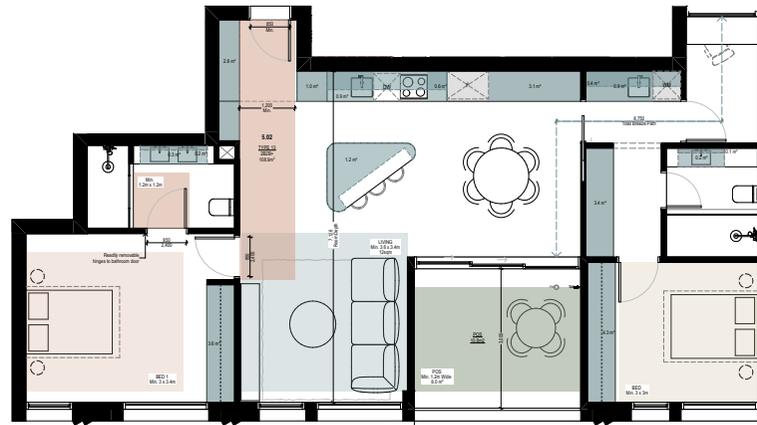
22-013
 4-6 Derby St Collingwood
 Wurundjeri Woi Wurrung country

TP42
 10/11/2023
 BADs Apartment Type Plans : Type 12 - REV B
 Town Planning 1:50 @A1

BRIGHT

BADS

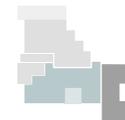
D17	Accessibility	✓
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (separate schedule & cross section)	✓
D26	Windows	✓



Type 13 : Apartment 5.02

REV.	DESCRIPTION	NOTE TO CONTRACTORS
A-25/23	TOWN PLANNING APPLICATION	<p>Do not scale drawings. Figure dimensions shall be taken in preference to scale. Verify all dimensions on site prior to commencement of any works or shop drawings. Any discrepancies shall be referred to the architect. This drawing is strictly copyright, and shall not be copied, reproduced, used or used for any purpose other than as originally intended without the written permission of the Architect. PRELIMINARY - NOT FOR CONSTRUCTION</p>

FINISHES	KEY
01-02 MASONRY	FG FIXED GLAZING
02-01 CONCRETE COLOURED	OG OPENABLE GLAZING
03-01 GLASS	
04-01 PAINT FINISH	
05-01 TILES	



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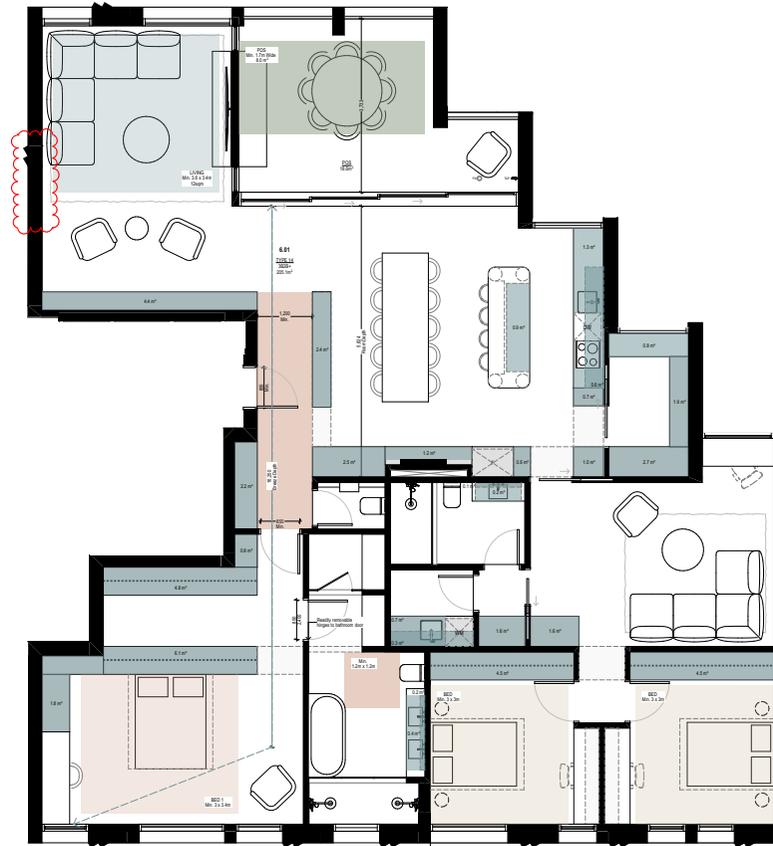
TP43
 10/11/2023
 BADS Apartment Type Plans : Type 13
 Town Planning 1:50 @A1

BRIGHT

Attachment 2 Attachment 2 - PLN23/0685 - 4 - 6 Derby Street Collingwood - Architectural Plans

BADS

D17	Accessibility	✓
D19	Private Open Space	✓
D20	Storage (m ²)	✓
D24	Functional Layout	✓
D25	Room Depth	✓
D27	Natural Ventilation (permitted windows & doors verified)	✓
D26	Windows	✓



Type 14 : Apartment 6.01, 7.01

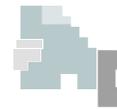
REV.	DESCRIPTION
A-25/23	TOWN PLANNING APPLICATION
B-10/12/2023	RPI ISSUE

NOTE TO CONTRACTORS

Do not scale drawings.
 Figure dimensions shall be taken in preference to scale. Verify all dimensions on site prior to commencement of any works or shop drawings. Any discrepancies shall be referred to the architect.
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PRELIMINARY - NOT FOR CONSTRUCTION

FINISHES	KEY		
MAZ	MAZONRY	FG	FIXED GLAZING
CC	CONCRETE COLOURED	OG	OPENABLE GLAZING
GL	GLASS		
PF	PAINT FINISH		
T	TILES		



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 BADS Apartment Type Plans: Type 14 - REV B
 Town Planning 1:50 @A1

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4.0/ **FACADE AND
MATERIALITY
DEVELOPMENT**

BRIGHT

FAMILY OF BUILDINGS

The whole block is broken down into a collection of smaller buildings.

The design intent pushed the typical 'podium and contrasting top' design language, rather than a whole block building mass with setbacks, a family of smaller buildings step down the site and relate to the scale and grain of the nearby area.

Each podium building is designed to sit as a cohesive whole but with it's own slightly different identity. This responds to the heritage and finer street grain of Collingwood.

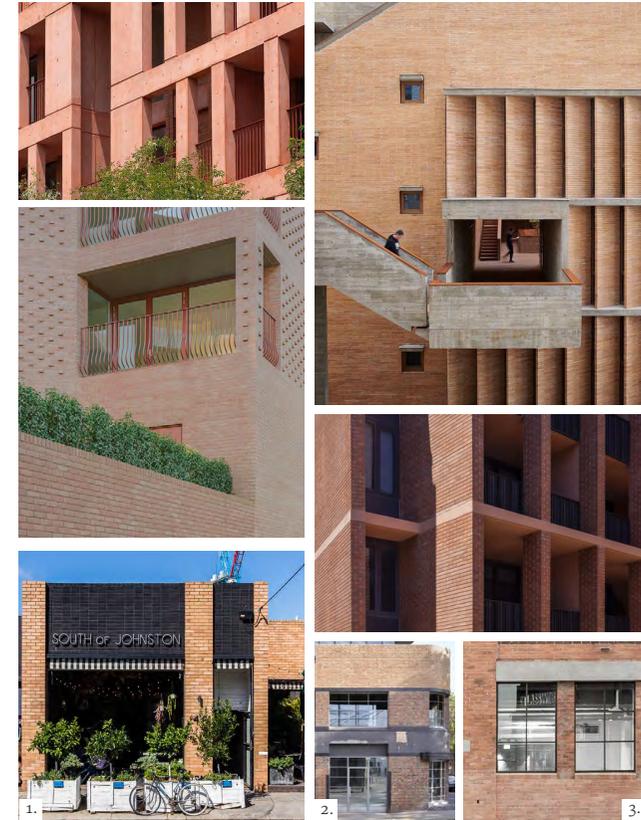


MATERIAL PALETTE

Brick has been used as a unifying element across the lower podium buildings. The material palette has been informed by the numerous cream and blond brick buildings in Collingwood.

Moving away from the typical red brick response, the proposed design captures softer tones of the humble cream brick. The brick colour informs the tonal approach to the upper levels.

1. 46 Oxford Street, Collingwood
2. 37 Langridge Street, Collingwood
3. 50 Gipps Street, Collingwood



CONTEXT RESPONSIVE FACADE DETAIL

The facade detail has been developed in response to the context. The lower podium brick mass is informed by the solidity of the warehouse buildings and their proportions of solid to glass.

Windows and balconies are designed as a series of 'punched openings'. Detailing includes protruding concrete sills.

- 1. 51 Little Oxford Street, Collingwood
- 2. 105 Oxford Street, Collingwood
- 3. 93 Oxford Street, Collingwood (View from Little Oxford Street)



1.



2.



Artist Impression



3.

CONTEXT RESPONSIVE FACADE DETAIL

Detailing includes elements of rendered concrete that relate to the concrete sills and a precast detail is inspired by the brick on edge 'crinkle' detail. Small details, such as tile reveals in the precast add moments of joy which elevates the design and showcases the care and attention that has been poured into every detail.

1. 97 Cambridge Street, Collingwood



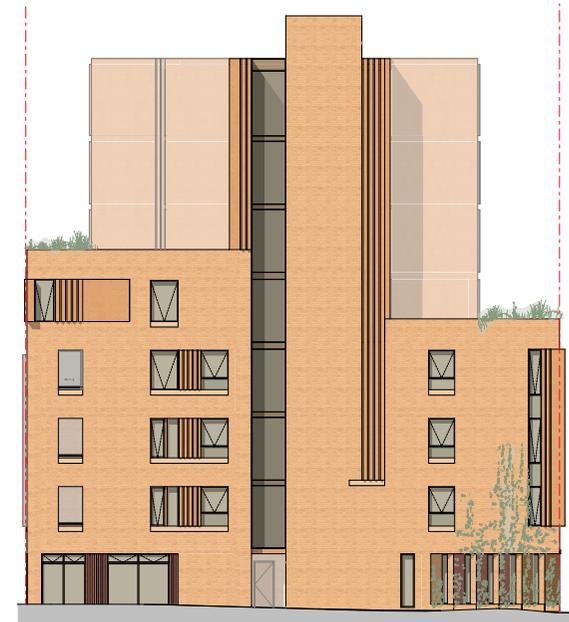
VERTICALITY/ SKYLINE

Verticality is used as an important contribution to a finer more elegant building form with less visually bulky proportions.

The vertical brick element on the western facade connects to the lower podium building and is reminiscent of the industrial smoke stacks.

The design includes a building 'top' that is reminiscent of the roofscapes of Collingwood - the stepped form creates the visual sawtooth form and relates to Collingwood's industrial past.

- 1. 96 Wellington Street, Collingwood
- 2. 160 Oxford Street, Collingwood
- 3. 65 Langridge Street, Collingwood
- 4. 29 Cromwell Street, Collingwood



QUIET FACADES BRICK DETAIL

The different elevations respond to the immediate context - while the north and south elevations have expansive views out, the east and west elevations have more sensitive interfaces with neighboring buildings. We have designed these facades as 'quiet' facades that have more solidity and less glazing. They are still cared for with attention given to smaller design elements.

On these upper levels the relationship of brick and concrete flips and smaller brick and tile details are incorporated. The concrete colour is similar in tone to the lower brick and ensures a soft and quiet balance rather than high contrast.

1. 37 Oxford Street, Collingwood (View from Derby Street)
2. 54 Wellington Street, Collingwood
3. 37 Oxford Street, Collingwood (View from Langridge Street)



GROUND PLANE ACTIVATION

The ground plane is fully activated and contributes to the vibrant streets and lanes of Collingwood. On Langridge St a commercial tenancy negotiates the level changes and wraps around the laneway with shopfront glazing. On Derby St, residential activation and the lobby entry activates the more quiet residential street.

Corners are addressed with a generous chamfer for the commercial tenancy and the lobby entrances. The language of the upper facade blades shift in scale and are deployed to lobby entries, creating porous corners with greenery inserted wherever possible. Along the residential entry, these blades create a sensitive scale shift and visual connection to 2 Derby Street.

The tiled shopfronts of Smith st and the tiled porches of the Victorian terraces inform the design moves on the ground. Brick blades, crinkled facade elements, with tiled interfaces invest the quality in the building at a human scale.

- 1. 22 Derby Street, Collingwood
- 2. 65 Smith Street, Fitzroy
- 3. 31 Peel Street, Collingwood



GREEN ROOFTOPS

The proposal harmoniously integrates green roofs, a direct response to the rooftop landscape of the neighboring context. Notably as the forms step down to 8 Derby Street providing a cascading landscape. This design approach not only extends green amenity to the Collingwood context but also enhances residents' quality of life by offering generous landscaped spaces for outlook and experience.

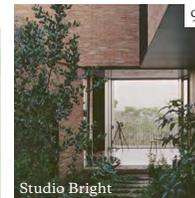
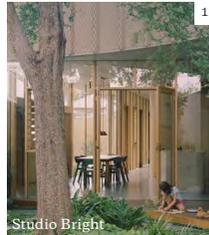
1. 8 Derby Street, Collingwood



QUALITY HOMES

All apartments have been designed as homes with quality and care at the heart of everything we do.

1. Autumn House - Carlton
2. Loftus Lane - Circular Quay
3. 8 Yard House - North Fitzroy
4. Nth Fitzroy - Fitzroy North
5. Loftus Lane - Circular Quay
6. Whitlam Place - Fitzroy
7. Loftus Lane - Circular Quay
8. One Wilson Ave - Brunswick
9. Maitland Bay House - Killcare Heights
10. Napier Street - Fitzroy





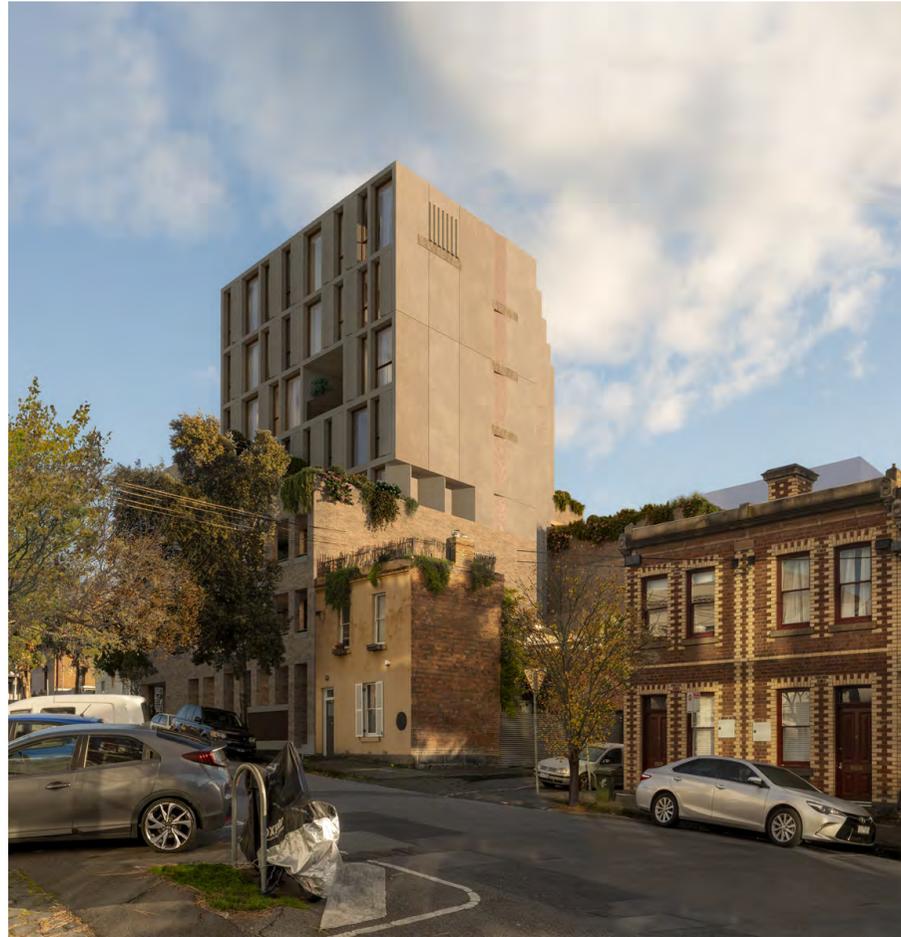
Local Context Design Response : Langridge Street View Towards Smith Street-
Excluding Proposed Developments



Local Context Design Response : Langridge Street View Towards Smith Street-
Including Proposed Developments



Derby Street View Towards Smith Street -
Excluding Street Tree & Proposed Developments



Derby Street View Towards Smith Street -
Including Street Tree & Proposed Developments



View from the corner of Derby Street and Smith Street -
Excluding Street Tree & Proposed Developments



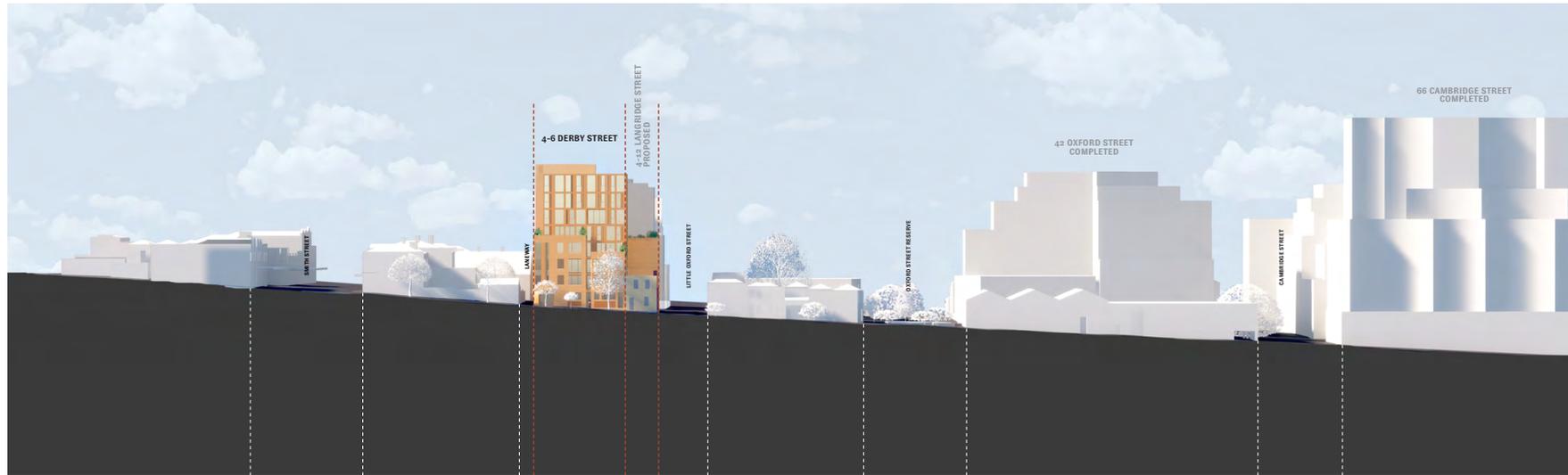
View from the corner of Derby Street and Smith Street -
Including Street Tree & Proposed Developments



View from the corner of Langridge Street and Smith Street -
Excluding Proposed Developments



View from the corner of Langridge Street and Smith Street -
Including Proposed Developments



Derby Streetscape Elevation



Langridge Streetscape Elevation

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5.0/ **MASSING
HEIGHTS**

BRIGHT

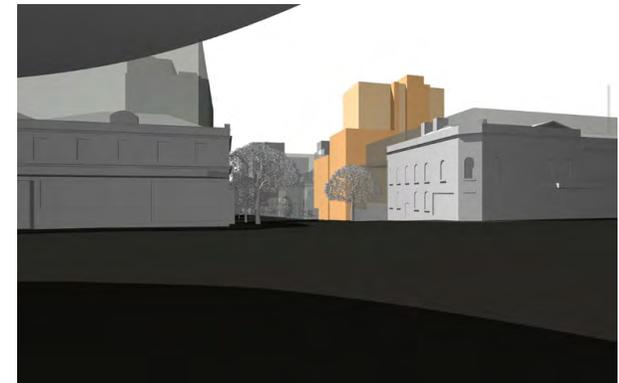
Section 5.0



Existing Condition



Proposed Developments



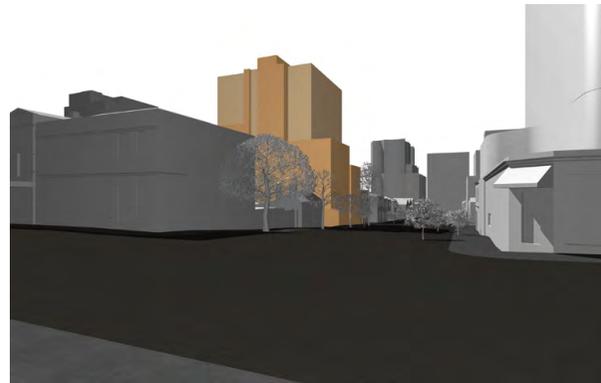
Potential Developments (DDO Envelope)

Key View - Corner of Langridge Street and Smith Street

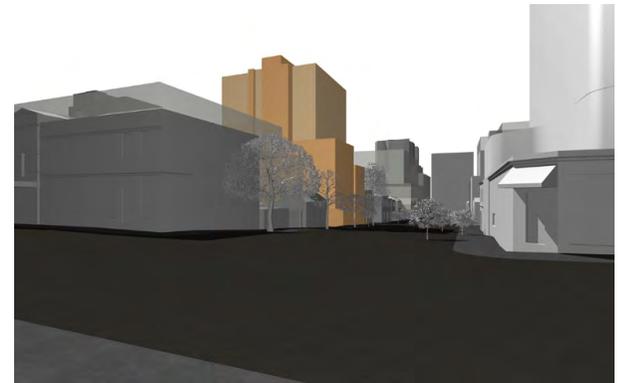
-  Project Site Development
-  Proposed Developments
-  DDO Compliant Building Envelopes



Existing Condition



Proposed Developments



Potential Developments (DDO Envelope)

Key View - Corner of Derby Street and Smith Street

-  Project Site Development
-  Proposed Developments
-  DDO Compliant Building Envelopes



Existing Condition



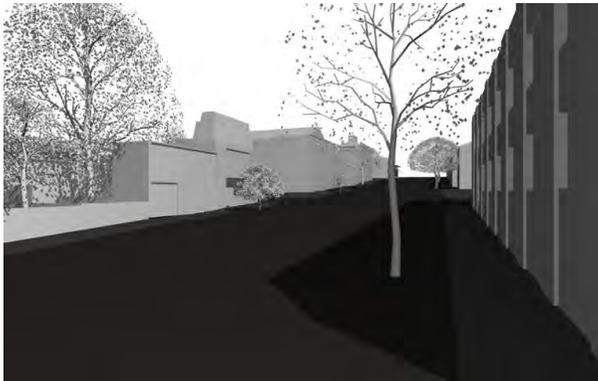
Proposed Developments



Potential Developments (DDO Envelope)

Key View - Derby Street towards Smith Street

-  Project Site Development
-  Proposed Developments
-  DDO Compliant Building Envelopes



Existing Condition



Proposed Developments



Potential Developments (DDO Envelope)

Key View - Langridge Street towards Smith Street

-  Project Site Development
-  Proposed Developments
-  DDO Compliant Building Envelopes

City Works (Open Space)

Tree Management Plan

The Tree Management Report and Protection Plan (TMPP) was prepared by a suitably qualified Arborist. The tree data in the supplied arborist report appear correct.

A Tree Management Plan (i.e. the TMPP for this application) is usually prepared after the design has been approved and the impacts to the retained trees are confirmed to be none or minor. Instead, an Arboricultural Impact Assessment is the required document during application assessment under AS 4970–2009. However, in this case, preparing a Tree Management Plan at this stage is acceptable because the building and hard surfaces occupy the entire site. The proposal would not create any new encroachment into the TPZs of the retained trees.

Site Trees

None affected.

Neighbouring Trees

None affected.

Road Reserve Trees

The TMPP shows the retention of 5 road reserve trees, impacts to which would be negligible under the current design. These trees would remain viable, provided that the recommendations in the TMPP are implemented and overseen by a suitably qualified Project Arborist.

Recommendation to Statutory Planning

- Clearly show the trees (locations, identification numbers, TPZs and SRZs) on the architectural drawings and identify them as retained trees.
- A permit could be granted with a condition to request a Tree Management Plan.
- If applicable, a referral may be required at the endorsement stage to review the TMPP in response to the final proposal and/or additional information that may impact the trees, such as drainage plans and footpath upgrades.

ESD

Comments

The standard of the submitted ESD does not meet Council's Environmentally Sustainable Design (ESD) standards.

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.

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:

1. Applicant ESD Commitments

- The project achieves a total BESS score of 70% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.
- 78% (14 out of 18) of the development's apartments are naturally cross-ventilated.

- Daylight modelling has been conducted for a representative sample of apartments. The summary result is as follows:
 - 80% of living floor area achieves >90% above DF1.0
 - 83% of bedroom floor area achieves >90% above DF0.5
- The non-residential areas are targeting a 2% DF to 70% of the nominated area.
- 50% (9 out of 18) of apartments achieve at least 3 hours of sunlight.
- The development is provided with a comprehensive shading strategy.
- The development is to achieve a 7.5 Star average NatHERS Energy Rating result.
- The non-residential areas aim to meet or reduce the heating and cooling energy consumption against the reference case (BCA Section J 2019).
- The development will be provided with a centralised hot water heat pump.
- A 15kW Solar PV system is to be located on the roof of the proposed development.
- Individual cold water, and electricity meters will be provided to the commercial tenancy, apartments, and communal areas.
- Water efficient fittings and fixtures are applied throughout.
- A 10,000-litre rainwater tank will harvest rainwater from the roof (including main roof, ballast roof and carpark roof areas). This tank will be connected to toilets on ground, first and second floors.
- A Melbourne STORM rating of 112% is achieved.
- Landscaping is to be native vegetation with low water demand.
- In total a minimum of 10 bicycle spaces are to be provided for residents.
- In total a minimum of 4 bicycle spaces are to be provided for residential visitors.
- In total a minimum of 2 bicycle spaces are to be provided for employees & 6 bicycle spaces are to be provided for non-residential visitors.
- 33m² of communal space will be provided at the apartment entry.
- Real-time energy and water usage data is to be available to each apartment and common areas (for building management use only).

2. Application ESD Deficiencies

None.

3. Outstanding Information

- Provide a Green Travel Plan with targets and actions around transitioning towards sustainable transport modes.
- Confirm that building services will undertake fine tuning each quarter for the first 12 months of occupation.
- Confirm that Head Contractor will be ISO 14001 accredited.
- Confirm that an environmental management plan to be implemented to council guidelines.

4. ESD Improvement Opportunities

- Consider materials and assembly methods to assist with disassembly and adaptive reuse at end of life.
- Consider incorporating a car share space within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan.
- Consider documenting the project using the green factor tool. <greenfactor.com.au>

Recommendations

The applicant is required to address the items listed as ESD Deficiencies (2) or Outstanding Information (3) and it is recommended that ESD Improvement Opportunities (4) are considered for inclusion to improve the environmental performance of the development.

Strategic Transport

Bicycle Parking Provision

Statutory Requirement

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

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	18 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	4 resident spaces	25 resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	2 visitor spaces	10 visitor spaces
Restricted Retail premises (other than specified in this table)	201.3 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	4 employee spaces
		1 visitor space to each 500 sqm of leasable floor area	0 visitor spaces.	0 visitor spaces
Bicycle Parking Spaces Total			5 resident / employee spaces	29 resident / employee spaces
			2 visitor spaces	10 visitor spaces
Showers / Change rooms		If 5 or more employee bicycle parking spaces are required 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 showers / change rooms	0 showers / change rooms

The development provides a total of 24 additional resident/employee spaces and 8 additional visitor spaces above the requirements of the Scheme.

Adequacy of visitor spaces

Number of visitor spaces

A total of 5 bicycle hoops (ability to accommodate 10 visitor bicycle spaces) already exist along the site's frontage (six on Langridge Street and four on Derby Street). The provision of visitor spaces is **adequate** for the following reasons:

- Supply exceeds the statutory requirement of 2 spaces.
- Supply exceeds CASBE requirements, which require the provision of 0.25 visitor spaces per dwelling and 1 visitor space per 500 sqm area for non-residential developments, equating to a **total of 5 visitor bicycle spaces**.

- Pursuant to Clause 52.34-5, all visitor spaces are to be provided at a bicycle rail. Parking facilities are provided as horizontal facilities aligning with this requirement.

Adequacy of resident/employee spaces

Number of employee spaces

Architectural plans identify a total of 29 bicycle parking spaces within the site with 2 allocated for employee use and 27 for resident parking. It is noted that the Traffic Engineering Assessment prepared by Traffix Group recommends that 4 spaces be allocated for employee purposes and the remaining 25 be identified as residential bicycle spaces.

The provision of residential/employee bicycle spaces are provided by way of:

- A secure bike store located on the ground floor containing:
 - 8 x 'Ned Kelly' wall mounted spaces for residential and residential visitors
 - 4 x 'Ned Kelly' wall mounted spaces for employees
- 8 above bonnet spaces on Basement Level 1 for residents
- 9 above bonnet spaces on Basement Level 2 for residents

The provision of residential/employee spaces is adequate for the following reasons:

Employee (adequate)

- Supply exceeds the statutory requirement of 1 employee space.
- The supply meets the CASBE requirements, which require the provision of employee bicycle parking for 10% of building occupants. Using an estimation of 1 employee per 50-100 sqm of gross floor area results in a requirement of 1 employee space.
- The subject site is located in an inner-urban area with already high cycling-to-work demand and present trends indicate a steady increase in demands.
- Both local and state planning policies/strategies relating to cycling include objectives to promote sustainable alternate modes of transport such as cycling.

Resident (adequate)

- Supply meets the statutory requirement of 4 residential bicycle spaces.
- The CASBE requirements identify a provision of 1 residential space per dwelling which results in the requirement of 18 residential bicycle spaces.

Design and location of employee spaces and facilities

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

- Cyclists can access the basement levels via the lift. The lift is proposed to be of suitable size to accommodate a bicycle. (adequate)
- The design of the Ned Kelly wall mounted bike racks aligns with AS2890.3. (adequate)
- The employee spaces are provided within their own secured compound, which aligns with Clause 52.34-3 & Australian Standard AS2890.3 bicycle spaces for employees must be provided in a bicycle locker, or a lockable compound (adequate).
- Pursuant to AS2890.3, aisle width for multi-tiered parking must be a minimum of 2000mm. The dimension of the aisle width is identified to be at least 2000mm wide on the architectural plans (adequate).
- AS2890.3 requires at a minimum 20% of bicycle parking facilities to be designed as floor mounted horizontal racks. Current plans identify all resident / employee bicycle parking spaces to be elevated either as vertical or above bonnet storage. This not an acceptable provision of bicycle parking. It is recommended that at a minimum 20 percent of resident parking be provided as floor mounted horizontal bicycle racks. (inadequate)

No showers/changerooms and lockers are required to be provided for this development.

Electric vehicles / share cars / other relevant topics?

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV).

Plans identify a single charging station within Basement 2. Whilst it is acceptable no EV charging points are installed during construction, to allow for easy future expanded provision for electric vehicle charging, all car parking levels / spaces should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

Green Travel Plan (GTP)

This development includes non-residential spaces that total less than 1,000 sqm and hence does not require a GTP.

Recommendations

The following should be shown on the plans before endorsement:

1. A minimum of 20% of resident and employee parking to be provided as floor mounted horizontal racks.
2. Amend architectural plans to allocate 4 bicycle racks for the commercial employees (currently only 2 allocated).
3. All car parking levels / spaces should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

Internal Urban Design

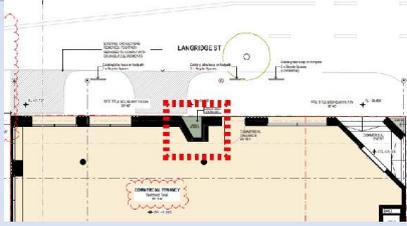
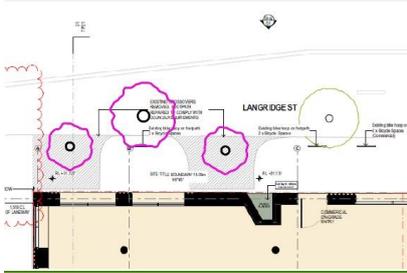
The proposal is not supported in its current form. The application should be referred back to Urban Design before a decision is made.

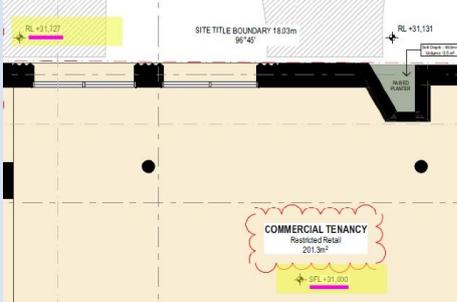
Key concerns are listed here and refer to further details below:

- The lack of detail in the ground plan regarding the levels and the interface configuration indicates unresolved design issues.
- Recommend that the building ground floor layout is reconsidered including but not limited to the following:
 - Redesign and resolve interface with adjacent streetscape. I.e. window heights and ledge on NW corner of building site.
 - Design review for improved entry, column and under croft at the NE corner of building site.
 - Request that a detailed public realm and streetscape improvement plan is provided to responsible authority satisfaction for review and approval.
- A detailed Public Realm and Streetscape Improvement Plan must be provided.
- Inclusion of developer contributed tree planting must be included in Public Realm and Streetscape Improvement Plan along Langridge St.

Public Realm Interface

Item	Reference image (not to scale)	Comment
------	--------------------------------	---------

<p>1</p>		<p>Ensure planter boxes are large enough to sustain plant growth to achieve the design vision. Example will climber sustain cover over 4 levels and close to 15m in height. Consider increased planting options around site boundary to mitigate the large swathes of blank walls that require further articulation.</p>
<p>2</p>		<p>As the crossovers are being removed, and there will be no net loss of carparking, it would be a good opportunity to get another road tree in Langridge St to the north of the existing tree, see below.</p> 
	<p><i>Please note reference images are preliminary sketches and indicative only. Further design is required to understand specific site constraints.</i></p>	<p>There would need to be at least 6m space between trees (6.3m is preferable). The species would be <i>Platanus orientalis</i> 'Digitata'.</p> <p>There is also the opportunity to explore the inclusion of two footpath trees (<i>Lagerstroemia</i> 'Tuscarora') in addition to the new road tree. This is indicated in purple on the sketch plan.</p> <p>When proposing locations in the Public Realm and Streetscape Improvement Plan please refer to the following tree location checklist. Street trees are not recommended in the following locations:</p> <ul style="list-style-type: none"> o within 1m of a vehicle crossover; o within 1m of a stormwater drain; o within 1m of a residential water/gas service or ferule connection to water mains; o within 2m of a fire hydrant or drainage pit; o within 1m of an inspection pit; o within 3m of an electricity pole (includes Yarra Tram Poles, light poles etc.); o within 1.5m directly beneath overhead service wires to properties; o directly in front of pedestrian access to properties;

		<ul style="list-style-type: none"> o where the planting will interfere with the flow of pedestrian, bicycle or motor vehicles; and o over incoming gas and water services. <p><i>Footpath trees require a minimum clearance of 1.5m for pedestrian and disabled access from the edge of the tree cut out, note preference for a minimum clearance of 1800mm.</i></p>
<p>3</p>	<p>Levels:</p> <p>i)</p>  <p>ii)</p>  <p>iii)</p> 	<p>i) Redesign window placement along Langridge St frontage. It is preferred, from an Urban Design perspective, to have a clear and distinct space between external footpath and bottom of the window. (Green dash indicates preferred and red dash undesirable outcome).</p> <p>ii) Design review of entry to Commercial entry placement is required. The current interface is at risk of becoming an underutilised entry point due to the encumbered interface. The current configuration raises concerns including but not limited to the following;</p> <ul style="list-style-type: none"> ▪ Lack of opening sightlines due to the column placement. ▪ Lack of activation and useability if the commercial space is not in operation. ▪ Risk for late night anti-social behaviour and loitering deriving from nearby entertainment venues. <p>The following modifications are highly recommended to be undertaken to improve the public realm outcome;</p> <ul style="list-style-type: none"> ▪ Recommended that the chamfered edge and space is continued up the building. ▪ Removal of column and interrogation of more substantial tree planting. <p>iii) Review plans, there appears to a 727mm level difference in the NW corner as indicated in reference snip.</p>
<p>4</p>	<p>Entrances and DDA compliance:</p>	<p>i) All entrance and threshold must be DDA compliant.</p>

		ii) Any required steps, tactiles, handrail or ramps etc must not protrude beyond the site boundary especially the steps in the NE corner. Potential to relocate entry to NW corner could be explored.
5	Public Realm and Streetscape Improvement Plan:	<p>Requested that a detailed public realm and streetscape improvement plan is provided to responsible authority satisfaction for review and approval by the responsible authority showing (including but not limited to);</p> <ul style="list-style-type: none"> i. Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes; i. All materials to be standard Council materials. i. Any proposed external visitor bike parking and streetscape fixtures and furniture; r. Clearly dimensioned elements including pedestrian paths and parking bays; r. All existing and proposed levels, surface grades and drainage infrastructure; and i. Any existing and proposed tree and low cover planting. i. Upgraded adjacent laneways and footpaths to Council satisfaction. i. No reverse fall into site. The floor level must not be below existing footpath levels. c. Shows additional levels for all threshold and entrance points for each step. c. Any level transition is demonstrated to be accommodated within the subject site.

Streetscape and Capital Works

Footpath:

- i. Ensure footpaths are to be reinstated along the full length of the site boundary as asphalt footpath with charcoal concrete kerb and channel as per Yarra Road Materials Policy and Public Domain Manual.
- ii. The interface between the subject site and the footpath is to be step-free and flush in accordance with DDA requirements. Note that any required step ramps, landings, associated handrails, tactile ground surface indicators etc, are to be accommodated entirely within the boundary of the subject site.
- iii. Any proposed changes to existing footpath levels are to be detailed on the plans for review by Council.
- iv. Subject site should not rely on existing on street bike parking to achieve its statutory visitor bike parking requirements. Additional visitor bike parking must be accommodated for within the subject site.
- v. The applicant is requested to contribute the following amounts for this planting:
 - \$3,797 including GST, for one (1) 100L feature tree in a road location and two (2) 100L feature tree in a footpath location (to cover tree sourcing, planting, and 2 years establishment maintenance).

- The tree and plant species will be determined by Council.
- Council's tree planting contractor will source trees and low planting, construct the garden bed, carry out planting works and provide establishment maintenance.
- Please keep Council updated as the project progresses regarding planning approval and construction time frames to ensure trees are sourced and available for planting when construction is completed.
- Proposed street tree locations are to be indicated on plans.

City works – Waste

The waste management plan for 4-6 Derby Street, Collingwood authored by Leigh Design and dated 21/9/23 is not satisfactory from a City Works Branch's perspective.

Issues to be rectified include, but may not be limited to the following:

1. Please detail who will collect hard waste and where it will be collected from.
2. Please provide the size of the bin storage area in M² so we can assess if enough space is allocated to form an effective waste system.

City Strategy – Open Space

Generally the landscape plans are conceptual and need further development. The conditions for a planning permit are listed below.

Other comments –

- The landscape drawings are inconsistent with the architectural drawings in relation to the Level 3 (south) planted area. This needs to be resolved.

Typical Planning permit conditions

Landscape plans to the satisfaction of the planning authority must be submitted and include the following information:

- a) An existing conditions plan showing existing trees on the site to be retained or removed, as well as those trees external to the site but close to the boundary, to be removed, retained or protected during construction.

Street tree protection information will be required.

- b) Plant schedule and planting plans that show the botanical and common plant names, size at planting, typical mature size, plant numbers, planting density (where relevant) and plant locations.

A plant schedule and planting plan will be needed. The planting concept is acceptable.

- c) A plan legend containing key landscape features and surface materials;

This is included in the concept.

- d) Details for raised planters including –

- i. Planter materials and dimensions
- ii. Mulch layer and depth
- iii. Growing media type and depths
- iv. Filter material and waterproofing
- v. Irrigation and drainage notes

Details for a generic raised planter have been included. Dimensions and soil depths will be needed. Soil depth for trees will be important for their success.

- e) Notes on the maintenance schedule, tasks and duration;

General notes on maintenance have been included.

Strategic Planning (dated 14 November 2023)

Summary of Strategic Planning comments and recommendations on the Overshadowing requirements:

As requested, Strategic Planning has only provided comments on the wording of the Overshadowing requirements in interim DDO23 and Draft DDO23.

The current interim requirements for overshadowing in DDO23 are:

“Development must not overshadow any part of the southern side footpath of the following streets, between 10am and 2pm on September 22:

- *Peel Street to a distance of 2.0 metres from the kerb;*
- *Langridge Street to a distance of 2.0 metres from the kerb;*
- *Derby Street to a distance of 2.0 metres from the kerb.”*

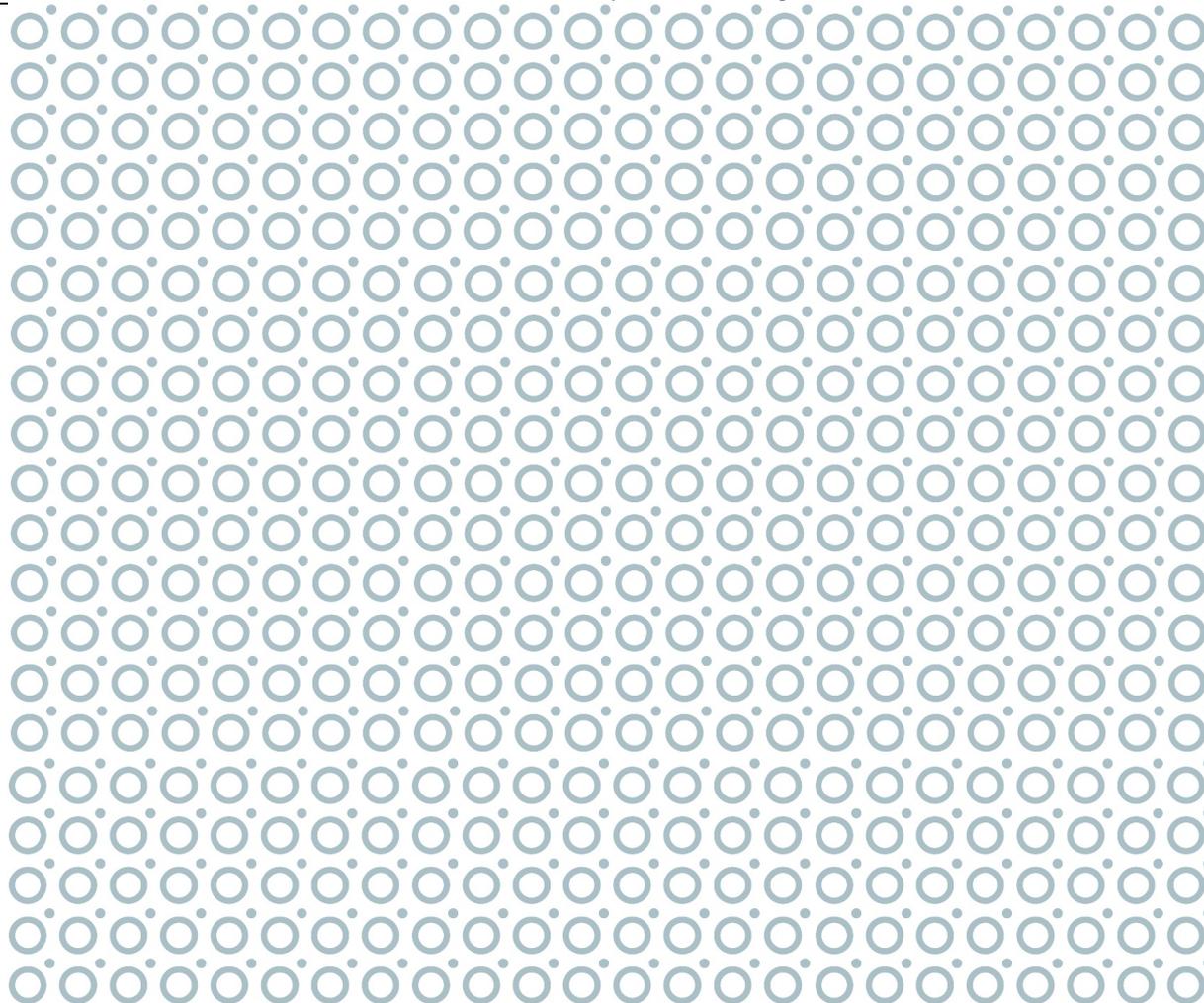
We can confirm that the intention of this overshadowing requirement in DDO23 is to prevent the overshadowing of the footpath not the road.

Draft Amendment C293yara seeks to introduce permanent built form and design requirements to the Collingwood South Precinct. This Amendment has been through the Standing Advisory Committee Hearing process and was submitted to the Minister for Planning for Approval in June 2022.

The overshadowing requirements were investigated through the Panel process and the Adopted version of documents has updated wording to clarify the intent of the requirement. The updated wording reads as follows:

“Development must not overshadow any part of the southern side footpath from property boundary to kerb of Peel, Langridge and Derby Streets between 10am and 2pm on 22 September.”

In the instance of assessing an application within the Collingwood South Mixed-Use Precinct (DDO23), the test for overshadowing should be regarding the footpath.



Urban Design Review

Proposed mixed-use development, 4-6 Derby Street, Collingwood
(PLN23/0685) [CREF23/00249]

Prepared by Simon McPherson, for City of Yarra

19 January 2024

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1.0 Introduction

1.1 Process and involvement

On 13 December 2023 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 4-6 Derby Street, Collingwood.

In preparing this review, I have:

- Received and reviewed the following Permit Application documents:
 - Town Planning Design Report, Bright Studio, November 2023;
 - Architectural Plans, Bright Studio, Rev. A/B, September/November 2023;
 - Town Planning and Urban Context Report, Contour, Version 2 update, 14 November 2023.
- Reviewed the applicable provisions of the Yarra Planning Scheme relating to urban design as listed below;
- Visited the subject site and surrounding area on 12 January 2024. 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

Qualifications and registrations

My academic qualifications are as follows:

- **Executive Masters (MSc) in Cities (Distinction)**, inaugural programme (September 2016 - completed February 2018), London School of Economics and Political Sciences (LSE Cities), UK;
- **Master of Science (MSc): Built Environment - Urban Design (Distinction)**, The Bartlett School, University College London, 2005-06, UK;
- **Bachelor of Architecture (BArch) (First Class Honours)**, The University of Melbourne, 1996-97;
- **Bachelor of Planning and Design (BPD) (Architecture)**, The University of Melbourne, 1992-94.

My professional registrations and memberships are as follows:

- **Registered Architect**, Architects Registration Board of Victoria: individual registration number 15838;
- **Member, VPELA** (Victorian Planning and Environmental Law Association);
- **Member, Urban Design Forum Australia.**

I am or have been engaged on the following professional organisations:

- Member, **Victorian Design Review Panel** (OVGA, since 2016);
- Member, **Casey Design Excellence Panel** (City of Casey, since 2022);
- Member, **South Australian Design Review Panel** (ODASA, since 2011);
- Member, **Melbourne Design Review Panel** (City of Melbourne, 2021-2023);
- Member, Research Advisory Group – **PlaceLab, RMIT University** (since 2022);

Professional experience

I hold approximately 25 years of professional experience in architectural and urban design practice, including:

- Graduate Architect, Gray Pucksand (1998-1999);
- Graduate Architect, Geoffrey Reid Associates, Glasgow UK (1999-2000);
- Registered Architect, SJB (2001-2002);
- Urban Designer, Victorian State Government (2002-2007, including study leave);
- Director, SJB Urban (2007-2016);
- Director, Global South (2016-present).

While my current practice focuses on Urban Design consulting, this involves a substantial component of (architectural) design review and advice, provided through Design Review Panel processes and engaged by Responsible Authorities and Permit Applicants.

Project experience

My urban design experience includes the following projects:

- Policy and guidelines:
 - Author/contributor, *Better Placed*, NSW Architecture and Urban Design Policy, Government Architect NSW (2016-17). Benchmark design policy, winner Australia Award for Urban Design 2017;
 - Contributor (State Government employee), Design Guidelines for Higher Density Residential Development, Activity Centre Design Guidelines;

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- Contributor, SA Medium-Density Design Guidelines;
- Lead consultant, Urban Design Guidelines, Bowden, SA (SJB Urban, 2015).
- Urban Design Advice:
 - Eden/Haven/Sanctuary on the River, Abbotsford, for HAMTON (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:
 - Sunshine NEIC Urban Design Analysis and Framework Plans, for Brimbank City Council, in collaboration with Kinetica;
 - Footscray Public Realm Plan 2021-22, for Maribyrnong City Council;
 - 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
 - Sunshine Station Master Plan 2021, for Department of Transport, in collaboration with Development Victoria;
 - Revitalising Central Dandenong (Sites 11-15) Master Plan/Development Plan, for Capital Alliance and Development Victoria, 2021;
 - 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).

Design review and advice:

- Regular external Application Referrals for Councils including Yarra, Banyule, Melbourne, Casey, Frankston, Darebin and Boroondara, including recently:

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- 89 Young Street, Frankston;
 - 70-80 Gwynne Street, Cremorne;
 - 7-11 Cartmell Street, Heidelberg;
 - 329 Johnston Street, Abbotsford;
 - Camp Street, Daylesford;
 - 106 Main Street, Greensborough.
- Regular design review and advice engagements for Permit Applicants, including recently:
 - 217-235 Separation Street, Northcote;
 - 427 Albert Street, Brunswick;
 - 15-17 Stephenson Street, Cremorne;
 - 7 Dover Street, Cremorne;
 - 28 Johnston Street, Fitzroy;
 - 62A Brougham Street, Eltham.

Experience preparing expert evidence

I have presented evidence at VCAT and Planning Panels Victoria on numerous occasions, engaged by Councils and Permit Applicants.

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2.0 Context

2.1 Strategic context

2.1.1 Zoning

The subject site 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 site is located within the Smith Street and Brunswick Street Major Activity Centre, with reference to the boundary shown in The City of Yarra report *Activity Centres Roles and Boundaries* (April 2022) – see below.

In the *Brunswick and Smith Street Built Form Review* (2019), the site is shown within the Smith Street Activity Spine – also shown below.

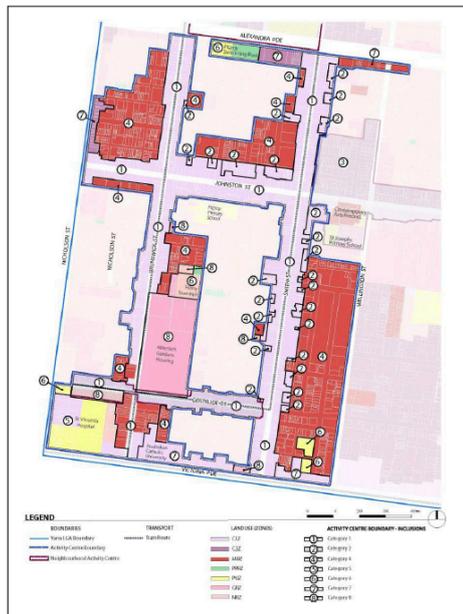


Figure 01: Map 3, Smith Street and Brunswick Street Major Activity Centre, from *Activity Centres Roles and Boundaries* (April 2022)



Figure 02: Precincts Map from the *Brunswick and Smith Street Built Form Review* (2019).

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2.1.2 Heritage Overlays

The site is not within a Heritage Overlay.

However, it adjoins or is adjacent to:

- HO99 - 2 DERBY STREET COLLINGWOOD: House (immediately west of the site, across the laneway);
- HO464 - Smith Street South Precinct, Fitzroy and Collingwood (immediately west of the site, across the laneway);
- HO101 - 8 DERBY STREET COLLINGWOOD: House (adjoining the site to the east)
- HO102 - 18-22 DERBY STREET COLLINGWOOD: Terrace (east of the site, across Little Oxford Street);
- HO98 - 1 DERBY STREET COLLINGWOOD: Derby House (south of the site, across Derby Street);
- HO100 - 3-7 DERBY STREET COLLINGWOOD: Terrace (south of the site, across Derby Street).

2.1.3 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 C263, and expires after 2 April 2024. However, my understanding is that it carries the same weight as a permanent control, being in place at the time of this application.

Council's website states that Draft Amendment C293 seeks to implement DDO23 as a permanent control, and has been submitted to the Minister for Planning for Approval:

<https://www.yarracity.vic.gov.au/amendmentC293yara>

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.*

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Building height

The DDO23 Building Heights Framework Plan nominates a preferred maximum building height on the subject land of **20m**, and preferred maximum street wall heights of **14m** (to to all of the site's frontages).

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*
- *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**.

I understand this is a discretionary provision, but DDO23 states that:

For development adjacent to a heritage building, a permit cannot be granted to construct a building or carry out works if it does not meet the preferred minimum upper level setback requirements in Table 1 unless the proposal meets the Design Objectives and the Heritage Building Design Requirements in this schedule.

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Overshadowing

DDO23 states that development must not overshadow any part of the southern footpaths of Derby Street to a distance of 2m from the kerb, between 10am and 2pm at the equinox. I understand this is a discretionary provision.

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 where development shares a common boundary, upper level development must:

- o *be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed; or*
- o *be setback a minimum of 3.0m 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 centre of the laneway.

2.1.4 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 including as follows.

- o **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.*
- o **15.01-1R Urban design - Metropolitan Melbourne** seeks to create a distinctive and liveable city with quality design and amenity. Strategies include: *Support the creation of well-designed places that are memorable, distinctive and liveable.*
- o **15.01-1L Urban Design** includes Strategies for new public realm spaces, weather protection to the public realm, and responsive interfaces to laneways. For development adjoining land in a Heritage Overlay, it recommends:

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- *Ensure development provides a transition from any adjoining building with an individually significant or contributory heritage grading, having regard to height, street wall height, setbacks, building form and siting.*
 - *Ensure development is sympathetic and respectful design response that does not dominate an adjoining heritage place.*
 - *Ensure appropriate materials and finishes complement the area which do not detract from the fabric of the heritage place.*
 - *Ensure development adopts a street wall height to the street frontage that is no higher than an adjoining heritage building with an individually significant or contributory grading.*
- **15.01-2S Building design** seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
 - **15.01-2L Building design** provides general Strategies for built form, heights, setbacks and materials. It also addresses access, frontages, car parking and servicing equipment.
 - **15.01-4S Healthy neighbourhoods** seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.
 - **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.

Clause 16 Housing addresses objectives and strategies including as follows.

- **16.01-1S Housing supply** seeks to facilitate well-located, integrated and diverse housing that meets community needs.
- **16.01-1R Housing supply - Metropolitan Melbourne** seeks to manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations... (including) Major Activity Centres.
- **16.01-1L Location of residential development** seeks to encourage new housing development to locations in a major or neighbourhood activity centre or major regeneration areas. The Strategic housing framework plan – Fitzroy and Collingwood identifies the subject site as being in an area for Incremental Change.



Figure 03: Excerpt from Clause 16.01-1L Location of residential development, Strategic housing framework plan – Fitzroy and Collingwood, with the subject site indicated in red outline.

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2.2 Built form context

2.2.1 Site location and local context

The site is an L-shaped parcel comprising two properties, with frontages to Derby Street to the south, Langridge Street to the north, and an access laneway to the west. The northern part of the site interface with Little Oxford Street, which runs between Derby and Langridge streets.

The site is approximately 35m from Smith Street corridor to the west.

The site's Derby Street frontage is 17.96 in length, the total Langridge Street frontage is 24.2m, the Little Oxford street frontage is 12.55m, and the frontage to the access lane is 24.84m in length, reflecting the full depth of the site.

The total site area is approximately 525.7 sq.m.

2.2.2 On-site built form

The subject site is occupied by a 2-storey masonry commercial building with parapet roof, as shown below. The north-eastern portion of the L-shaped site is currently used for at-grade parking.



Figure 04: Subject site, Derby Street frontage, with adjoining heritage house at 8 Derby Street, and Little Oxford Street at right.



Figure 05: Subject site, Langridge Street frontage, with Little Oxford Street at left.

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Figure 06: North-eastern portion of the subject site (car parking area), looking west along Langridge Street.

The site's immediate interfaces comprise:

- **North:** Langridge Street, an approximately 20m-wide street containing a mix of generally 1-2 storey buildings.
- **East:** Little Oxford Street (approximately 10m wide), and 8 Derby Street, a heritage house built to its site boundaries, with a small courtyard on the Little Oxford Street frontage.
- **South:** Derby Street, also approximately 20m wide, with generally 2-storey heritage buildings along the southern side.
- **West:** Access lane, approximately 3.0m wide, interfacing to the side of a small heritage house (2 Derby Street) and the rear of three properties fronting Smith Street.

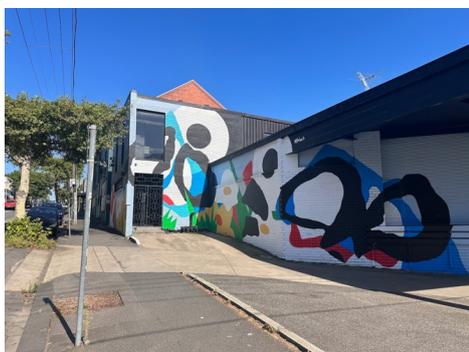


Figure 07: The subject site (red brick building) with adjacent built form on Oxford Street, looking south.



Figure 08: Contemporary development on Little Oxford street, looking north from Langridge Street.

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Figure 09: 8 Derby Street, frontage to Little Oxford Street, with subject site at right and behind.



Figure 10: Frontage of 8 Derby Street adjoining the subject site.



Figure 11: Heritage house at 2 Derby Street, across the laneway from the subject site (at right).



Figure 12: Laneway along the western edge of the subject site, viewed looking north from Derby Street.



Figure 13: Southern side of Derby Street opposite the subject site, looking west.



Figure 14: View looking east along Derby Street, from Smith Street.

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Figure 15: Terrace buildings on the north side of Derby Street, east of Little Oxford Street.

2.2.3 Surrounding built form

The area around the subject site comprises a diverse and varied built context, as shown above and below. Established built fabric in this area generally comprises low-scale (1-3 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 230m east of the subject site. These typically reflect the approach of establishing 2-4-storey street walls, with higher form set back. This supports retention of the prevailing and relatively consistent low-height street wall condition, while accommodating higher-scale built form above.



Figure 16: Development at 61-71 Wellington Street, viewed looking east across Cambridge Street towards Wellington Street, with Derby Street at right.



Figure 17: Development along Wellington Street, looking east along Derby Street.

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Figure 18: View looking west along Derby Street, with development at 19-21 Derby Street (corner Oxford Street).



Figure 19: Development at 19-21 Derby Street (corner Oxford Street).

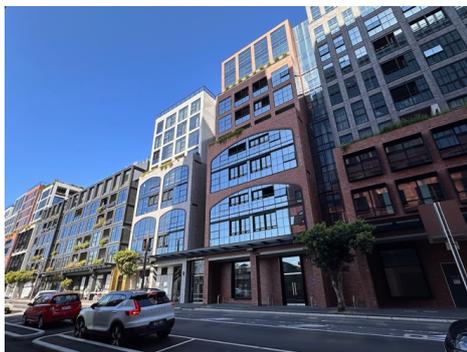


Figure 20: 'Victoria' and Vine development, 11 Wellington Street (south of Derby Street).



Figure 21: Built form along Wellington Street, looking north.



Figure 22: Development on Wellington Street, east side.



Figure 23: Recent 'T3' development, corner Wellington and Northumberland Streets.

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2.3 The proposal

2.3.1 Configuration

The proposal is for an 8-storey building configured as follows:

- Basement (2 levels): car parking with car lift access, storage, services;
- Ground Floor: Commercial tenancy (restricted retail) fronting Langridge Street; residential lobby, apartments, car park entry;
- Levels 1-7: Apartments;
- Roof: Services/Solar PVs.

2.3.2 Heights

The overall building height is dimensioned as 25.2m to rooftop/parapet level (excluding lift overrun).

Floor-to-floor heights are 3.48m at Ground Floor, 3.15m at Levels 1-2 and 5-6, and 3.225m at Levels 3-4, and 3.570m at Level 7.

The street wall heights are dimensioned from NGL as follows:

- North Elevation: 14.3m – 16.5m
- East Elevation: up to 14.3m
- South Elevation: 11.4m – 13.5m.

2.3.3 Profile

The Ground Floor occupies the full extent of the site, with a recessed north-east corner for the commercial entrance.

Level 1 provides an approximately 2.8m setback to the north of 8 Derby Street.

This increases to 5.0m at Level 2, and 7.4m at Level 3, with no built form north of 8 derby street from Level 4.

The footprint from Level 4 and above ‘steps away’ from 8 Derby Street towards the north-west, presumably to allow solar access to that adjoining property.

From Level 4, the street setbacks are as follows:

Level	Wall setback from Derby St (south)	Wall setback from laneway (west)	Wall setback from Langridge St (north)
4	3.8m	0m / partial 3m to centreline of lane	0m (applies western portion only).
5	3.8m	3m to centreline of lane (excl. stairwell)	3.0m
6	3.8m	3m to centreline of lane (excl. stairwell)	3.0m
7	3.8m	3m to centreline of lane (excl. stairwell)	3.0m

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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 15.01-1L Urban Design recommends for development adjoining land in a Heritage Overlay, to *ensure development is (a) sympathetic and respectful design response that does not dominate an adjoining heritage place*.

Clause 15.01-2S Building design seeks to *achieve building design and siting outcomes that contribute positively to the local context, (and) enhance the public realm*.

3.1.2 Assessment

The proposed development appropriately occupies the full extent of the site, providing zero (0m) street walls to all street and lane frontages.

This is consistent with existing heritage buildings fronting Derby Street to the immediate east and west of the site, and most other buildings nearby.

Direct street frontages in this context support definition, continuity and clarity of the public realm, and contribute to the streetscape through activation and passive surveillance outcomes (discussed below).

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*.

DDO23 seeks to *foster an emerging, contemporary, mixed-use character*, which builds on existing conditions in this locality.

3.2.2 Assessment

The proposed commercial/restricted retail tenancy would presumably accommodate a showroom or similar, which is appropriate at the Langridge Street interface (where residential is less appropriate at Ground Floor), and will provide daytime activation to the site's busiest streetscape interface.

The provision of higher-density housing is appropriate in this Major Activity Centre location.

The proposal comprises 18 apartments, with a varied mix as follows:

- Two (2) 1-bedroom apartments at Ground Floor (11%);
- Ten (10) 2-bedroom apartments (56%);
- Six (6) 3-bedroom apartments (33%).

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The plans show 14 different apartment layouts (types), reflecting a high degree of diversity.
I therefore consider the proposed land uses to be responsive to the zoning and context.

3.3 Is the building height appropriate?

3.3.1 Building height guidance

DDO23 nominates a *preferred* maximum height of 20m for this site, but this height control is mandatory, unless all the applicable criteria are met, as set out above.

3.3.2 Building height assessment

The emerging built form context in this locality is indicated by multiple developments nearby in the range of 6-8 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 25.2m exceeds the preferred maximum height from DDO23. Therefore, the following assessment of the proposal against the DDO23 criteria is warranted.

Satisfying the design objectives:

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.

- The proposed development is contemporary and design and mixed-use in character.
- It incorporates a prominent street wall with visible setbacks to upper levels.
- The distinction between lower and upper levels is relatively subtle, as a result of the design intent to 'ensure a soft and quiet balance rather than high contrast' (from the Design Report). The upper levels utilise concrete in a similar tone to the podium brickwork, and the facades to the east and west are more solid/closed, in response to sensitive interfaces.
- In considering the renders of the proposal (below), the consistency material/colour, the extension of brickwork for the full height of the lift/stair core element, and the varied open/solid façade expressions, creates limited visual distinction between upper and lower levels.
- However, in these renders, the massing and upper-level setbacks ensures that the visual differentiation between lower and upper components is recognisable and responsive to streetscape conditions.

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Figure 24: Render/montage of the proposed development, looking west along Langridge Street.



Figure 25: Render/montage of the proposed development, Derby Street frontage.



Figure 26: Render/montage of the proposed development, looking east along Derby Street.



Figure 27: Render/montage of the proposed development, looking east along Langridge Street.

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.

- The overall 8-storey scale is considered mid-rise.
- The site's ground level rises approximately 1,72m from west to east (upwards towards Smith Street), as shown in the North Elevation. The north and south street walls are stepped to reflect and reinforce this topographic variation, with distinct façade modules of varied height.
- The ground level frontages and fenestration also respond to the streetscape gradients.
- Neighbouring properties (including residential) are within the Mixed Use or Commercial 1 Zones, rather than residential zones. However, the proposed massing seeks to minimise impacts on neighbouring houses, through a stepped profile away from 8 Derby Street, a recessive profile to Little Oxford Street, and upper-level setbacks to other streets. ***Off-site impacts are addressed further below.***

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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.

- The proposal respects and responds to neighbouring heritage buildings through:
 - Street wall which steps down (in two steps) towards the house at 8 Derby Street;
 - Street walls expressed in narrower modules reflecting the ‘grain’ of 8 Derby Street and nearby heritage terraces;
 - Expressed street wall/podium form in more solid, grounded expression; which relates to the prevailing streetscape conditions and lower-scale heritage buildings; and
 - Use of cream brickwork which references the local context.

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.

- Street edge activation is achieved through:
 - The commercial/retail tenancy with windows to Langridge Street and the laneway, and a splayed entrance at the corner of Langridge and Little Oxford Streets;
 - Two (2) dwellings fronting Derby Street at Ground Floor level with private open spaces at the street edge;
 - The residential entrance/lobby off Derby Street, with windows facing onto the laneway.
- The proposed massing protects footpaths from unreasonable overshadowing. ***Off-site impacts are addressed further below.***

To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.

- The site directly adjoins one property only, being a small site containing a heritage house at 8 Derby Street.
- This interface is addressed through:
 - a boundary wall on the review site’s eastern boundary, to full height (8 storeys) but stepping back from the south from Level 3;
 - Stepping back from the northern edge of 8 Derby Street, at each of Levels 1-4.
- The laneway interface is addressed by:
 - Obscure glass to residential windows on boundary at Levels 1-3;
 - Setting back of apartment walls and lobby window at each level, by 3.0m from the centreline of the laneway.

Based on the above assessment, I consider that the proposal meets the Design Objectives of DDO23.

Heritage design requirements

These do not apply to the subject site.

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Overshadowing and solar access requirements

The shadow diagrams illustrate that, between 10am and 2pm at the equinox, the shadow of the proposed development extends to between 0m and 1m from the southern kerb on Derby Street (but does not appear to encroach over the kerb).

Therefore it does not strictly comply with the requirement to avoid shadows up to 2m from the kerb.

Other requirements

The proposal provides greater building separation to the northern interface of 8 Derby Street (heritage house) and does not directly interface with any other properties.

As shown above, the proposed dwellings are highly varied in size, type and layout.

The Development Summary Table in the plans appears to indicate that all private open spaces exceed the minimum area requirement of 8 sq.m.

The proposal achieves a BESS score of 70% as stated in the Town Planning Report.

I therefore consider that the proposal achieves the requirements for exceeding the preferred maximum building height.

3.4 Is the building massing appropriate?

3.4.1 Guidance

DDO23 nominates a preferred maximum street wall height of 14m, for the subject site, to all frontages.

DDO23 encourages development incorporating upper-level setbacks, and distinction between lower and upper levels, and nominates minimum upper-level setbacks of 6m.

3.4.2 Assessment: Street wall heights

As noted above, the street wall heights are varied in height, ranging from approximately 5m adjacent to 8 Derby Street, to 16.5m at Langridge Street. Therefore, the street wall heights exceed the preferred maximum of 14m by a limited margin in some locations, noting that the street wall is stepped in all street frontages, and so assessment against the other DDO23 criteria is required.

Satisfying the Design Objectives

I have addressed the response to the Design Objectives above. I do not consider that the limited encroachment of the street wall heights above 14m affects the achievement of the Design Objectives in the proposed development.

The most significant exceedance of the 14m preferred street wall height occurs at the 5-storey component, at the north-western corner (so fronting Langridge Street and the laneway, close to Smith Street).

While this component could potentially be reduced to 4-storeys, I consider it acceptable as proposed, noting that:

- It is limited in length/breadth;

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- It faces the major street interface;
- It provides a stepped profile to reflect and reinforce the topography; and
- It is located in the northern part of the site so does not create significant shadow impacts.

Further, this component is integral with the proposed 'carving' out of building mass from the north-eastern part of the site, which limits amenity and scale impacts in relation to the heritage buildings and streetscapes to the south and east.

Transition to heritage buildings

The street wall profiles make a clear transition down to the adjoining house at 8 Derby Street, in both south and east frontages. They also provide transitions down in height, away from Smith Street and towards the (generally) lower-height fabric to the east.

The street walls adjacent to 8 Derby Street (South and East Elevations) are 4-stoiresys, so not more than 2-stoiresys higher than the 2-storey heritage house.

Consequently, the proposed street wall height does not overwhelm the adjacent heritage building, again noting that the highest street wall is more removed from heritage buildings to the east and south, including the adjoining house at 8 Derby Street.

3.4.3 Assessment: Upper-level setbacks

Street setbacks

The proposed upper-level setbacks of 3.8m to the south, and 3.0m to the north, are lower than the required 6m for Area 2.

However, I consider that the proposal does meet the DDO23 Design Objectives, as set out above, which allows a Permit to be granted with lesser setbacks.

I consider that setbacks of approximately 3m-4m are acceptable for moderate mid-rise buildings, such as this proposal. As noted above, the setbacks support adequate visual differentiation between the street wall and upper levels, and while the public realm solar access requirements are not strictly met, the proposed massing (including upper-level setbacks) ensures that shadows do not encroach over the southern kerb to Derby Street at the equinox.

I recognise that increased upper-level setbacks would reduce the length of shadows. However, the upper levels would still be visible in the streetscape.

I note that the Heritage Design Requirements in DDO23, including visibility/sight line provisions for upper levels, are not applicable to the subject site.

Indicatively, setbacks of 3m above street walls of 14m achieve streetscape with-to-height ratios as follows (for 20m wide streets such as Derby and Langridge Streets)

- Street wall: 1:0.7 (so a relatively open profile, where the width is greater than the height);
- Upper levels: 1:1 (20m + 3m + 3m setbacks = 26m; relative to 25m height) (so a balanced relationship of enclosure vs openness to sky).

I consider these indicative proportions to be appropriate.

Laneway setbacks

No dwellings have their primary outlook to the laneway in the proposed development. Lower-level windows facing the laneway are obscured (reeded glazing – labelled GL-O2), to prevent

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overlooking, noting that adjacent properties to the west are in the Commercial 1 Zone. Upper levels walls and lobby windows (excluding the lift/stair core) are set back 3m from the centreline of the laneway.

I therefore consider the upper-levels setback to be acceptable.

3.5 Are the public realm interfaces / frontages appropriate?

3.5.1 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 seeks to *achieve building design and siting outcomes that contribute positively to the local context, (and) enhance the public realm.*

3.5.2 Assessment

Interface to Derby Street

The Ground Floor frontage to Derby Street comprises large glass double doors to the main residential entrance, and openings to the front terraces of two dwellings, with glazed frontages beyond.

Services cupboards are integrated below the terrace openings. While the sill of these openings is relatively high (approximately 1.3m to 1.8m above NGL), this is affected but the topography, but also supports a level of visual privacy and security to Ground Floor dwellings. Further, the proposed outcome is preferable to full-height services cupboards, because it allows this street frontage to be almost fully active/visually permeable.

At the upper levels in the street wall, large openings to terraces and internal spaces (both full height, and above balustrade level) provide further activation and passive surveillance opportunities.

I note that the glazing throughout (GL-01) is 'light grey' in colour. I am not aware if this addresses solar or thermal considerations, but I consider that clear glazing is preferable for visual interaction and passive surveillance opportunities. The Derby Street frontage faces south so will not experience any significant solar impacts, and many windows are set behind recessed balconies so will benefit from solar shading.

Recommendation 1:

Provide clear glazing to Ground Floor and upper-level windows and doors where possible, rather than tinted or coloured glass. This recommendation applies to all facades.

Interface to Langridge Street

The Ground Floor frontage to Langridge Street comprises large, full-height shopfront windows, again providing full activation (but with limited extent of solid wall between windows).

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Again, at the upper street wall levels, large openings provide further activation and passive surveillance opportunities.

Interface to Little Oxford Street

This frontage contains the vehicle entrance, so is largely inactive, but the splayed, glazed retail entrance provides for passive surveillance opportunity at the corner, and visibility through to Langridge Street. Upper-level windows are proposed above.

Laneway interface

The laneway is also activated by large Ground Floor windows to the retail tenancy, and tall, narrow windows in the lobby space which are angled towards the laneway, providing an appropriate level of passive surveillance potential, in combination with extensive upper-level glazing (noting that much of this is obscured).

These frontages interfaces are appropriate and effective in contributing positively to the public realm. **I therefore support the public realm interfaces as proposed.**

3.6 Is the architectural expression appropriate?

3.6.1 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 15.01-1R Urban design - Metropolitan Melbourne supports the creation of well-designed places that are memorable, distinctive and liveable.

Clause 15.01-1L Urban Design includes Strategies as follows:

- *Ensure development is sympathetic and respectful design response that does not dominate an adjoining heritage place.*
- *Ensure appropriate materials and finishes complement the area which do not detract from the fabric of the heritage place.*

Clause 15.01-2S Building design seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Clause 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.

3.6.2 Assessment

The proposed development reflects a highly considered, distinctive architectural design, which emphasises a sense of 'craft' and detailed resolution.

The street wall components are broken-up vertically into 'fine grain' modules that respond to established streetscape rhythms of nearby development fabric.

The street wall articulation reflects a sense of solidity, mass and 'groundedness', which is appropriate to the context and responsive to nearby heritage buildings.

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The cream brick expression is consistent, and makes reference to the context as the Design Report shows. The design utilises considered details and articulation, with brick distinct corbeled brickwork panels and brick inserts, rather than a diversity of materials and finishes.

The 'quiet, calm' expression is supported in this context, as is the façade design in response to each interface and solar orientation.

As noted above, the complex street wall and upper-level massing responds to the site's heritage interface and protects the solar amenity of the house at 8 Derby Street.

The upper-level expression is also considered and responsive, in the more simple material of coloured concrete.

The detailing of this concrete should ensure that it ages well and does not become discoloured or stained from weather and water streaks, as is relatively common.

The eastern and western facades are relatively 'closed' with limited windows. The eastern side is broken up by the brickwork stair/lift core form, but the prominent east-facing wall incorporates a quite large expanse of coloured concrete panels, which may appear 'bland' or 'utilitarian' in views from the east.

Given its prominent and scale, I consider that limited further articulation of this upper-level façade would be beneficial to its external expression, visual interest, and management of its scale.

Recommendation 2

Integrate limited further articulation to the upper-level, east-facing façade.

I otherwise consider the external expression to be appropriate and supportable.

3.7 Are equitable development opportunities provided?

As noted above, the site only interfaces with one property, containing a heritage house.

Redevelopment of that site is limited by its small size and heritage status.

However, the proposal provides for equitable development opportunity through its full-height boundary wall to the east (the existing heritage house is built to this boundary), and a stepped profile to facilitate solar access, and potential spacing to future development at 8 Derby Street.

I therefore consider that the proposal appropriately provides for equitable development potential.

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4.0 Conclusion

I consider the proposed development at 4-6 Derby 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 exceeds the preferred maximum height established by the interim controls in DDO23, the design generally meets the applicable criteria for additional height, to a satisfactory extent.

The design is highly considered, in its massing, internal layouts, and responses to all interfaces, including heritage considerations. The Architectural Plans and Design Report reflect this high level of design rigour and resolution in the proposal.

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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SLR Consulting Australia

Level 11, 176 Wellington Parade, East Melbourne VIC 3002, Australia



16 January 2024

SLR Ref No.: 640.10090.00044-L01-v1 4-6 Derby St - acoustic review.docx

Attention: Jessica Sutherland
City of Yarra
PO Box 168
Richmond, VIC 3121

SLR Project No.: 640.10090.00044

**RE: Development Application – Review of Acoustic Report
4-6 Derby Street, Collingwood**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the planning application at 4-6 Derby Street, Collingwood.

Details of the report are as follows:

- Title: 4-6 Derby Street Collingwood – Acoustic Assessment
- Date: 14/09/2023 (Revision 3)
- Prepared for: Milieu Property
- Prepared by: Acoustic Logic

The report has been prepared as part of the planning application for a new multi-storey mixed-use building.

1.0 Proposal and site context

Summary of the Application

Section 2 of the acoustic report states that the development consists of an eight-storey building. The building includes the following:

- Two levels of basement car parks, with a car lift near the eastern facade
- Retail tenancies on the ground floor
- Apartments on the ground floor to level 7
- Mechanical plant at roof level.

The site and surrounding environment are shown below:



SLR Comments

The nearest sensitive receivers should be identified, e.g. for the assessment of mechanical plant noise emissions.

2.0 Background noise levels

Summary of the Acoustic Report (Section 4.1)

Unattended background noise monitoring was conducted from 14th to 25th July 2023. The monitoring location (labelled as “location 1” in the report) was midway along the western façade of the subject site, with the microphone at a height of 1.5 metres above ground level. A photo of the monitoring location is provided in Appendix 2 and graphs of the monitoring results are provided in Appendix 3. To account for façade reflections, a -2.5 dB adjustment has been applied to the measurement results.

The background noise levels used for the assessment are:

- 46 dBA L₉₀ during the day period
- 43 dBA L₉₀ during the evening period
- 37 dBA L₉₀ during the night period

SLR Comments

The wording “Refer Table 3 for spectrum levels” should be removed from Table 2, to avoid confusion.

We have checked the graphs in Appendix 3, and the results seem consistent with the overall background noise levels used to determine the noise limits.



3.0 EPA Publication 1826 Part I noise limits

Summary of the Acoustic Report (Section 5.2)

EPA Protocol Part I noise limits for the nearest noise sensitive receiver have been calculated based on the measured background noise levels and the planning zones. The presented noise limits are:

- 57 dBA Leq during the day period
- 52 dBA Leq during the evening period
- 45 dBA Leq during the night period

SLR Comments

The presented noise limits are similar to our indicative calculations, based on the presented background levels.

4.0 Traffic noise ingress

4.1 Criteria and source levels

Summary of the Acoustic Report

Section 5.1.2 of the acoustic report states that the criteria for bedrooms are 35 dBA Leq,8h and 40 dBA Leq,1h at night, and 45 dBA Leq during the day. The criteria for living areas are 40 dBA Leq,16h and 45 dBA Leq,1h during the day.

Attended traffic noise measurements were conducted in the mornings of Friday 14th July, Thursday 22nd June and Friday 11th October 2023, and the afternoons of Thursday 10th June 2023. The measured noise levels at the Langridge Street facade were 60-63 dBA Leq,15min in the mornings and 63 dBA Leq,15min in the afternoons. The measured noise levels at the Derby Street facade were 53-57 dBA Leq,15min in the mornings and 53-55 dBA Leq,15min in the afternoons. The measured noise levels on Smith Street (approx. 30 metres west of the subject site) were 65-67 dBA Leq,15min in the mornings and 65-66 dBA Leq,15min in the afternoons.

SLR Comments

The proposed criteria are consistent with the City of Yarra Guidelines.

To allow use to review the building envelope, the adopted source spectra (daytime Leq,16h and Leq,1h, plus night-time Leq,8h and Leq,1h) are requested, along with descriptions of how these have been determined from the measurement results.

Table 3 should be amended to refer to Figure 2 instead of Figure 1.



4.2 Assessment

Summary of the Acoustic Report (Section 6)

The recommended glazing consists of:

- Rw 35 (10.38mm lam or 6/12/10.38 double-glazing) for the northern (Langridge Street) façade and the northern portions of the eastern and western facades
- Rw 29 (6 mm glass or 6/12/6 double-glazing) for the remaining facades

Concrete or masonry external walls are stated to not require any acoustic upgrades. If lightweight external walls are proposed, they should be reviewed by a suitably qualified acoustic consultant.

A concrete roof is proposed, which is stated to not require any acoustic upgrades.

SLR Comments

To allow use to review the building envelope design, the predicted traffic noise levels (daytime $L_{eq,1h}$, daytime $L_{eq,16h}$, night-time $L_{eq,1h}$ and $L_{eq,8h}$) inside the worst-case apartment are requested.

5.0 Mechanical plant

Summary of the Acoustic Report (Section 7)

The mechanical plant design has not been finalised at this stage. It is recommended that the plant and equipment design be reviewed by a suitably qualified acoustic consultant.

SLR Comments

We agree with the proposed approach for mechanical plant on the subject site.

Noise from existing mechanical equipment associated with commercial uses to the west and north has the potential to impact the proposed apartments in the development. These impacts should be evaluated and assessed to the new development.

6.0 Carpark gate and car lift

Summary of the Acoustic Report (Section 8)

The carpark gate is required to meet a sound pressure level of 65 dBA L_{max} at 1 metre. Several other noise and vibration mitigation measures are recommended for the carpark gate and floor.

The acoustic report states that the car lift and carpark gate shall comply with the EPA Publication 1826 Part I noise limits.

SLR Comments

The report recommendations relate to the carpark gate and there is minimal advice on vibration isolation or noise control from the actual car lift. The car lift poses a similar risk of noise and vibration impacts to that of the carpark door.

Considering the nearby existing and proposed dwellings, a more formal Noise Protocol and sleep disturbance assessment should be provided. The maximum source level (as a sound pressure level at a distance) for the car lift, and other requirements (vibration isolation etc.) should also be specified in the report such that the noise targets are met.



7.0 Retail tenancy

Summary of the Acoustic Report (Section 9)

A 'restricted retail' tenancy is proposed for the northern façade at ground level *[the usage and operating hours of this tenancy presumably aren't known at this stage]*.

The report states that music in the tenancy shall be limited to background levels, shall be only played in indoor areas, and shall be inaudible at nearby dwellings. Glass disposal/transfer shall not occur outdoors from the hours of 10 pm to 7 am. Waste and recycling collections shall occur during the same hours as collections for the proposed apartments.

SLR Comments

If the operating hours include the period of 10 pm to 7 am, then an acoustic assessment should be conducted prior to the tenancy commencing operations.

Deliveries and waste collections for the retail tenancy should occur during the times recommended in EPA Publication 1254.

8.0 Nearby licenced venues

Summary of the Acoustic Report (Section 2.1)

The New Guernica bar/nightclub is located approx. 20 metres northeast of the subject site. During a site visit between 11:30 pm on Friday 18th August 2023 and 1:30 am the following morning, music noise from New Guernica was inaudible at the subject site.

SLR Comments

We consider this to be a low-risk issue, given the observations from the site visit and the presence of other dwellings located closer to the venue than the subject site.

9.0 Recommendations

A review of the acoustic report prepared for the proposed mixed-use building at 4-6 Derby Street, Collingwood has been completed. In summary, our recommendations are that the report be updated to include / address:

- 1. The nearest sensitive receivers to the subject site should be identified.*
- 2. The adopted traffic source spectra (daytime $L_{eq,16h}$ and $L_{eq,1h}$, plus night-time $L_{eq,8h}$ and $L_{eq,1h}$) are requested, along with descriptions of how these have been determined from the measurement results.*
- 3. The predicted traffic noise levels (daytime $L_{eq,1h}$, daytime $L_{eq,16h}$, night-time $L_{eq,1h}$ and $L_{eq,8h}$) inside the worst-case apartment are requested.*
- 4. Noise from existing mechanical equipment should be assessed to the proposed apartments.*
- 5. Considering the nearby existing and proposed dwellings, a more formal Noise Protocol and sleep disturbance assessment should preferably be provided for the car lift and carpark entry door. The maximum source level (as a sound pressure level at a distance) for the car lift, and other requirements (vibration isolation etc.) should also be specified.*



City of Yarra
Development Application – Review of Acoustic Report

16 January 2024
4-6 Derby Street, Collingwood

6. *If the operating hours of the retail tenancy include the period of 10 pm to 7 am, then an acoustic assessment should be conducted prior to the tenancy commencing operations.*
7. *Deliveries and waste collections for the retail tenancy should occur during the times recommended in EPA Publication 1254.*

Regards,

SLR Consulting Australia

SDL

Simon de Lisle
Associate- Acoustics

Checked/ Authorised by: JA





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City of Yarra
PO BOX 168 Richmond, VIC 3121

15 January 2024
Ref: 30N-23-0535-GCO-72485-0

Dear Jessica Sutherland,

PLN23-0685 4-6 Derby St, Collingwood, Victoria

This peer review of MEL Consultants "Environmental Wind Assessment" (Report: 23086A-DE-EWA01) is based on Vipac's experience as a wind engineering consultancy. No wind tunnel studies have been undertaken to support this review.

Vipac has reviewed the assessment report and the associated drawings (see the file list in the attachment), and have the following comments:

- i. The MEL Consultants Environmental Wind Assessment has been prepared based on drawings dated 20 Sept 2023 and consultancy experience. We have no issues with this method for a desktop study as this is a common approach to provide architects, developers and responsible authorities advice on wind impact of the proposed design.
 - a. It should be noted that the drawings supplied to Vipac by Council for this review were dated 09 Nov 2023. A comparison between the two sets of drawings determined that the findings and conclusions are generally valid for the updated drawings.
- ii. We have no issues with the analysis approach or the description of the wind environment. MEL Consultants have clearly described the process for a desktop assessment, and this is consistent with the approach that Vipac would take.
- iii. The report has used the assessment criteria from Clause 58.04-4 (Standard D32) or BADS; Vipac has no issues with this assessment criteria.
- iv. Natural vegetation and trees were not included in the analysis. Vipac has no issue with this.
- v. The report analysed the wind effects on the development street by street and its findings can be summarised as follows:
 - a. The wind conditions on the streetscapes along Langridge Street, Little Oxford Street, Derby Street, and Laneway on the west side of the proposed development are generally expected to meet the recommended walking comfort criterion.
 - b. With the raised planter along the west side of the development, the main residential entrance would be expected to satisfy the standing comfort criterion. The commercial entrance is expected to exceed the recommended standing comfort criterion. The report recommended that the addition of a wall or full height screen adjacent to the commercial entrance or relocating the entrance 3m away from the building corner would be expected to achieve the standing comfort criterion.
 - c. The wind conditions outside all secondary entrances into the building would be expected to satisfy the standing comfort criterion.
 - d. The wind conditions on the private terraces at the southwest corner of Level 4 and the northwest corner of Level 5 would be expected to satisfy the walking and safety criterion. The proposed raised planters at the corners of these terraces would be an important landscape feature to prevent pedestrian access and assist with the mitigating the wind conditions on these terraces.



City of Yarra
PLN23-0685 4-6 Derby St, Collingwood, Victoria
Peer Review

- e. Terraces located on Level 4 to 7 would be exposed to direct winds from some quadrants. Based on the surrounding development and 1.150m high balustrade, the wind conditions on these private terraces would be expected to satisfy the walking comfort and safety criteria with terrace areas located away from building corners expected to have better wind conditions and potentially the sitting comfort criterion.
 - f. Wind conditions would be expected to satisfy the wind safety criterion.
 - g. It is recommended in the report that users of terraces will need to be educated on the wind effects and loose objects should not left on an unattended terrace.
- vi. Vipac generally agrees with the conclusions made in the MEL Consultants wind report.

In conclusion, the MEL Consultants Environmental Wind Assessment report uses the proper analysis and methodology to analyse the wind effects on the pedestrian level surrounding the proposed development. The report found that the proposed design would be expected to generate winds within the recommended wind comfort criteria with the recommendations. Vipac agrees with the assessment conclusions and recommendations made in the desktop wind report.

Vipac makes no further no comments or recommendations.

Vipac has reviewed the updated design (09 Nov 2023) and found that the assessment in the report are still valid.

Yours sincerely,

Vipac Engineers & Scientists Ltd

Mohamed Zaid
Wind Consultant

Rumman Islam
Wind Consultant

15/01/2024

30N-23-0535-GCO-72485-0

Commercial-In-Confidence

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City of Yarra
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Peer Review

Attachments

1. J. Tan and Y. Padayatchy, Mel Consultants, Environmental Wind Assessment of the 4 Derby Street, Collingwood (Report 23086-DE-EWA01), Sept 2023.
2. Studio Bright (Nov 2023), 4 Derby Street, Collingwood, (20231109 – Architectural Plans. PDF).



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MEMORANDUM OF ADVICE:

HERITAGE ADVICE

PROPOSED DEVELOPMENT AT 4-6 DERBY STREET, COLLINGWOOD (HO101 [PART])

[PLN23/0685]

PREPARED FOR: Jessica Sutherland, Statutory Planning Branch, Yarra City Council
DATE: 19 January 2024
FILE: 2023-072

1 BACKGROUND

GJM Heritage has been engaged by the City of Yarra (Council) to provide heritage advice that will inform the preparation of a Planning Officer's report for planning permit application PLN23/0685 (the application) at 4-6 Derby Street, Collingwood (the subject site).

The subject site comprises a 'L'-shaped parcel of land between Langridge and Derby streets, the substantial majority of which is occupied by a two-storey building housing Jesuit Social Services and Artful Dodgers Studios art gallery. A smaller parcel of land at the easternmost extent of the subject site is occupied by a concrete at-grade carpark. The subject site is not included in the Schedule to Clause 43.01 – Heritage Overlay of the Yarra Planning Scheme, except for parcel of land occupied by car parking, which is graded 'Not contributory'¹. The carpark – along with the land immediately south – is subject to HO101 – 8 Derby Street, Collingwood (House).

The proposal for which the application has been made seeks demolition of the existing two-storey building and construction of an eight-storey mixed-use development comprising retail showroom (with frontage to Langridge Street) and 18 apartments (accessed from Derby Street). Car parking spaces (25) are provided across two basement levels, with access via Little Oxford Street.

¹ In the Incorporated Document *City of Yarra Database of Heritage Significant Areas September 2023*.

Council seeks heritage advice regarding the proposal for which the planning application has been made and:

In particular, Council would like your opinion on the following:

- *The interface to the Individually Significant dwelling at No. 8 Derby Street.*
- *The relationship with the heritage overlays surrounding the land (and partially affecting the north-east corner of the subject site).*
- *Of note, we are seeking your advice at this early stage as the Design and Development Overlay (DDO23) affecting the site includes the following requirements to be met where a preferred street wall height is to be exceeded:*
 - *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*
 - *the proposed street wall height does not overwhelm the adjacent heritage building.*

This memorandum of advice provides a heritage analysis of the subject site and the planning application's response to the relevant heritage provisions of the Yarra Planning Scheme including through the application of DDO23, noted above.

A site inspection was undertaken by GJM on 14 December 2023 in partially overcast conditions. The subject site and its broader streetscape context were visually inspected from the public realm. All photos in this memorandum were taken during this site inspection, unless otherwise stated.

We note that the subject site forms part of the traditional lands of the Wurundjeri People, who are represented by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. This memorandum is limited in its scope to consideration of post-contact cultural heritage and does not provide advice on any Aboriginal cultural heritage significance. Nonetheless, we acknowledge the Wurundjeri People as the Traditional Owners of the land at this place and pay our respects to their Elders past and present, from whose stewardship and wisdom we continue to benefit.

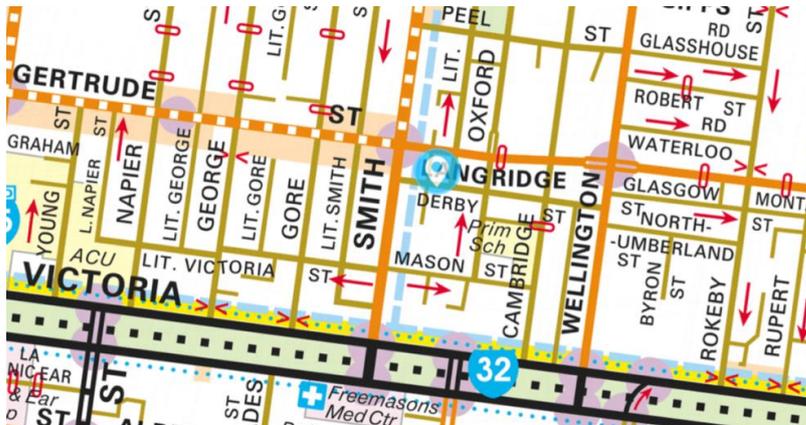


Figure 1. Location of the subject site (indicated with drop pin).
(Source: Melway Online)

1.1 Relevant Documents

The following documents have been relied upon in the preparation of this memorandum:

- The following materials for planning permit application PLN23/0685:
 - *Town Planning Design Report: 4-6 Derby Street, Collingwood* ('Design Report'), prepared by Studio Bright, dated September 2023 including design report and 'Town Planning Application' architectural drawing set (Revision A – 25/9/23);
 - *Town Planning and Urban Context Report: 4-6 Derby Street, Collingwood* ('Planning Report'), prepared by Contour Town Planners, dated 28 September 2023;
 - *Heritage Impact Statement 4-6 Derby Street, Collingwood, September 2023*, prepared by Bryce Raworth Conservation & Heritage Pty Ltd.
- Yarra Planning Scheme including:
 - Clause 15.01-1L Urban Design
 - Clause 15.03-1S Heritage conservation
 - Clause 15.03-1L Heritage
 - Clause 43.01 Heritage Overlay
 - Schedule 23 to Clause 43.02 Design and Development Overlay (DDO23)
 - *City of Yarra Database of Heritage Significant Areas September 2023* included at Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme.
- The following in relation to Planning Scheme Amendment C293yara:

- Council preferred version of proposed DDO23, Attachment 3 to the Yarra City Council Meeting Agenda, 21 December 2021
- *Collingwood South Mixed Use Precinct Draft Yarra Planning Scheme Amendment C293yara*, Yarra Activity Centres Standing Advisory Committee Report 2, Planning Panels Victoria, 19 May 2022.
- Previous heritage advice provided by GJM Heritage to Council included in Amendment C293yara Reference Documents:
 - *Collingwood Mixed Use Pocket Heritage Analysis & Recommendations* (6 June 2018)
 - *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct* (5 May 2021).

2 THE SUBJECT SITE

The subject site is 'L' shaped and is located on the northern side of Derby Street, extending north to Langridge Street. An unnamed laneway forms the subject site's western perimeter, and Little Oxford Street – with the exception of the southeastern corner occupied by the house at 8 Derby Street – forms the subject site's eastern perimeter.



Figure 2. Aerial photograph of the subject site.

(Source: Nearmap, aerial dated 10 November 2023)



Figure 3. Detailed aerial photograph of the subject site (indicated by red dashed line).

(Source: Nearmap, aerial dated 10 November 2023)

2.1 Historical Overview

The *Heritage Impact Statement 4-6 Derby Street, Collingwood*, prepared by Bryce Raworth Conservation & Heritage Pty Ltd (September 2023) (Bryce Raworth HIS) provides a summary history of the subject site.

In summary, the historical research provided details the following timeline regarding the subject site:

- A double-height chapel was constructed by the late nineteenth-century at what is now 4-6 Derby Street, the *Sands & MacDougall* directory of 1880 describes this as 'Chapels of the Disciples of Christ' on Derby Street and 'Christian Chapel' along Langridge Street (Figure 4).

- The church had vacated the building by 1889, auctioneer George Benabo was occupying the main volume of the building to Langridge Street. The outline of the former chapel is indicated in the 1899 MMBW plan (Figure 5).
- The site was for sale in 1905, described in The Argus as “brick houses, containing 6 and 5 rooms respectively, and respectively known as Nos 4 and 4A Derby-street, Collingwood and also a brick store fronting Langridge Street”.
- Sewing machine sellers Harrison and Smith occupied the site during the 1920s, photography appears to indicate the building retained its Victorian character at this time (Figure 6).
- In the immediate Postwar years, the site was occupied by Electro-Motors Pty Ltd and then the Birko Electric Company. It appears that the building was remodelled to its current form in the late 1950s, including additions to the Langridge Street façade and recessed side elevations, leaving little evidence of its Victorian character.



Figure 4. c.1887 view east along Langridge Street, showing the pedimented roof form on the Christian Chapel (indicated by red arrow). (Source: From the Bryce Raworth HIS, Picture Victoria)

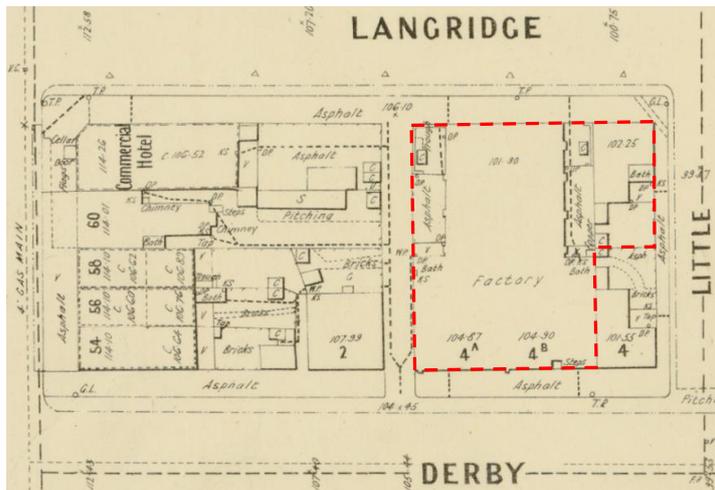


Figure 5. 1899 MMBW plan extract, showing the subject site (indicated by red dashed line). The subject site contains a single large building identified as a 'factory', with the southern frontage addresses of 4A and 4B Derby Street. The adjacent dwellings at 2 and 4 Derby Street are shown.

(Source: From the Bryce Raworth HIS, State Library Victoria)



Figure 6. c.1935 view south along Little Smith Street, with the pedimented gable to the former factory (indicated by the red arrow).

(Source: From the Bryce Raworth HIS, State Library Victoria)

2.2 Description

The Bryce Raworth HIS describes the subject site as follows:

The subject site comprises several parcels of land and has frontages to Derby Street, Langridge Street and, to a lesser extent, Little Oxford Street. It also has a side boundary to an unnamed laneway running from Derby Street to Langridge Street. The topography slopes downhill in an easterly direction. The site is largely occupied by a two storey building run by Jesuit Social Services, with an open car park area at the north-east corner of Langridge and Little Oxford Streets.

The existing building is a composite structure, which appears to retain some internal or roof fabric from the double-storey Victorian building shown on the

MMBW plan, but has otherwise been extensively modified with additions and alterations. It now reads as a late inter-war or early commercial building. Both the street elevations are of rendered masonry, with bluestone plinths from the Victorian building still visible. The Derby Street frontage has a simple composition of large metal framed, multi-pane windows at each level, and a single pedestrian entry. The Langridge Street elevation contains several vehicle entries (one modified into a shopfront, and another pedestrian entry. Above the plain, flat parapet line the upper portion of the gabled roof form of the nineteenth century building is partially visible at a setback, with no other external evidence of its Victorian character along these frontages.



Figure 7. 4-6 Derby Street – Derby Street (south) façade. House at 8 Derby Street partially visible at right of image (HO101).



Figure 8. Oblique view looking northwest towards subject site from opposite side of Derby Street. 8 Derby Street centre of image (HO101).



Figure 9. (left) 4-6 Derby Street (left) and 8 Derby Street (right).

Little Oxford Street at right of image.

Figure 10. (right) Little Oxford Street interface - at-grade car park centre (part subject site), 8 Derby Street at left (HO101). 4-6 Derby Street at rear.



Figure 11. (left) Looking north along unnamed laneway from Derby Street along western boundary of subject site.

4-6 Derby Street at right, house at 2 Derby Street partially visible at left (HO99), Langridge Street at end of laneway.

Figure 12. (right) Looking east from Smith Street towards subject site.

4-6 Derby Street west (unnamed laneway) façade partially visible at rear of house at 2 Derby Street (centre of image; HO99).



Figure 13. 4-6 Derby Street – Langridge Street (north) façade.

Little Oxford Street at left of image.



Figure 14. (left) Oblique view looking southwest towards subject site from opposite side of Langridge Street.

Little Oxford Street at left of image.

Figure 15. (right) Looking southeast towards subject site (centre, partially obscured by vegetation) from Smith Street.

62 Smith Street at right, on southeast corner of Langridge/Smith streets intersection (HO464).

2.3 Context

The subject site is located in the suburb of Collingwood, bordered by Langridge Street to the north, Little Oxford Street to the east, Derby Street to the south and an unnamed laneway to the west. The northern side of Derby Street - on which the subject site is located - is characterised by a low-scale streetscape comprising a mix of one-and two-storey residential and commercial buildings.

The southern side of Derby Street shares as similar built form character, except for a eight-storey XO Apartments at 27 Oxford Street, on the southwestern corner of the intersection with Derby Street. Interspersed with the fine grain heritage buildings on Derby Street are a number of larger infill sites including 4-6 Derby Street (the subject site), 25 Oxford Street, 30-34 Oxford Street, 33-37 Derby Street, 53-57 Cambridge Street. A 'pocket park' created by adapting the land previously occupied by the Oxford Street carriageway between Langridge and Derby streets is approximately 60m east of the subject site. Derby Street terminates at Wellington Street to the east, where a number of taller developments have recently been completed. One of which, the 13-storey Holme Apartments at 68 Cambridge Street, occupies the block bordered by Langridge (north), Wellington (east), Derby (south) and Cambridge (west) streets. Derby Street terminates at Smith Street approximately 50m west of the subject site.

There is a significant downward slope along the length of Derby Street, from west to east. Similarly, the existing and emerging built form character and building scale differs from west to east with predominately taller built form located along Wellington Street at the bottom of the slope to the east with Smith Street retaining predominantly two-storey shop/residences on the higher ground.



Figure 16. (left) Looking east along Derby Street from Smith Street



Figure 17. (right) 3-7 Derby Street (HO100) and 1 Derby Street (HO98) opposite the subject site



Figure 18. (left) North side of Derby Street looking towards the subject site (indicated) from the intersection with Oxford Street (nos. 10-22 Derby Street subject to HO102)



Figure 19. (right) XO Apartments, 27 Oxford Street (not subject to the Heritage Overlay).



Figure 20. (left) North side of Derby Street looking towards the subject site (indicated) from the intersection with Cambridge Street.



Figure 21. (right) Looking west along Derby Street from Wellington Street – Holme Apartments, 68 Cambridge Street on right of image. Note the slope of the land up towards Smith Street.



Figure 22. (left) Looking west along Langridge Street from Wellington Street – Holme Apartments, 68 Cambridge Street on left of image.



Figure 23. (right) Southern side of Langridge Street looking towards the subject site from the intersection with Oxford Street.



Figure 24. (left) At grade car park forming part of the subject site (HO101), 7 Langridge Street and the rear of 14-22 Derby Street (HO102) from opposite the subject site.

Figure 25. (right) Looking east down Langridge Street from the intersection of Gertrude and Smith streets



Figure 26. (left) Looking north along Little Oxford Street from Langridge Street. Note: eight storey apartments at 9 Little Oxford Street not subject to the Heritage Overlay

Figure 27. (right) Oblique view of the north side of Langridge Street looking towards Smith Street (HO333) from the intersection of Little Oxford Street.

3 HERITAGE CONTROLS

The subject site is located within the Capital City Zone (Schedule 1) and is subject to the following overlays:

- Design and Development Overlay Schedule 23 – Collingwood South (Mixed Use) Precinct (DDO23)
- Environmental Audit Overlay (EAO)
- Development Contributions Plan Overlay, Schedule 1 (DCP01)

The DDO23 applies to the mixed-use precinct between Smith and Wellington streets in Collingwood and expires on 2 April 2024. The schedule includes heritage-related design objectives and related built form requirements. Permanent built form controls are proposed through DDO23, to be introduced into the Yarra Planning Scheme by Amendment C293yara and currently under consideration by the Minister for Planning. Given where the permanent built form controls are in the planning scheme amendment process – following exhibition, consideration by the Yarra Activity Centres Standing Advisory Committee, adoption by Council and submission to the Minister – DDO23 can be considered to be ‘seriously entertained planning policy.’

The current (interim) and proposed permanent DDO23 heritage-related provisions are discussed in relation to the proposal in Section 5.4 below.

Of importance to this advice, part of the subject site is included in the Heritage Overlay of the Yarra Planning Scheme as HO101 – 8 Derby Street, Collingwood, House.

The Incorporated Document *City of Yarra Database of Heritage Significant Areas September 2023* of the Yarra Planning Scheme includes reference to the land subject to HO101 within the extent of the subject site as ‘Car park (rear of 8 Derby Street)’ and is grades this parcel ‘Not contributory’. This document includes properties subject to the Heritage Overlay and identifies a grading for each – either ‘Unknown,’ ‘Not contributory,’ ‘Contributory’ or ‘Individually significant.’ The Johnston House at 8 Derby Street is graded ‘Individually significant’ and located towards southern part of the land subject to HO101, on the northwestern corner of the Derby and Little Oxford streets intersection. External paint and solar energy system controls apply to HO101.

The following description of ‘Not contributory’ (4-6 Derby Street) and ‘Individually significant’ (8 Derby Street) is included in the Incorporated Document:

Not contributory: Not contributory to the identified cultural values of the heritage overlay area as stated in the Statement of Significance.

Individually significant: A heritage place in its own right. Where an individually significant place is part of a broader heritage precinct, the individually significant place may also be contributory to the broader precinct.

The entry for HO101 in the Schedule to the Heritage Overlay of the Yarra Planning Scheme is shown in Figure 28.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO101	8 DERBY STREET COLLINGWOOD House Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes	No	No	Yes	No	No	No	No

Figure 28. Extract from the Schedule to Clause 43.01 Heritage Overlay of the Yarra Planning Scheme.

The Victorian Heritage Database entry for ‘Johnston house’, 8 Derby Street, Collingwood notes that the property was constructed in 1871 and is of local architectural significance.

There is no land directly abutting the subject site, however there are a number of locally significant heritage places within the surrounding built form context included in the Schedule to Clause 43.01 Heritage Overlay of the Yarra Planning Scheme.

Nearby individual heritage places include²:

- HO98 – Derby House, 1 Derby Street (Individually significant; 1876)
- HO99 – House, 2 Derby Street (Individually significant; 1875)
- HO100 – Terrace, 3-7 Derby Street (Individually significant; 1876)
- HO102 – Terrace, 10-22 Derby Street (Individually significant; 1868-69 & 1872)
- HO121 – House, 37 Oxford Street (Individually significant; 1869)
- HO122 – Crisp house, 39-41 Oxford Street (Individually significant; 1869)

Heritage precincts include:

- HO333 – Smith Street Precinct, Fitzroy and Collingwood
- HO336 – Victoria Parade Precinct, Collingwood
- HO464 – Smith Street South Precinct, Fitzroy and Collingwood

There are no heritage places within the immediate vicinity of the subject site included in the Victorian Heritage Register.

² Gratings for heritage places and estimated primary creation dates of typically publicly visible fabric as included in the Incorporated Document *City of Yarra Database of Heritage Significant Areas September 2023* of the Yarra Planning Scheme.



Figure 29. Heritage Overlay map - subject site outlined in blue.

(Source: VicPlan, accessed 21 December 2023)

4 DEVELOPMENT PROPOSAL

The proposal involves the demolition of the two-storey building at 4-6 Derby Street, Collingwood and construction of an eight-storey mixed-use development with two basement levels and street frontages to Derby Street (south) and Langridge Street (north).

4.1 Demolition

The demolition removes all fabric associated with the two-storey building at 4-6 Derby Street (no subject to the Heritage Overlay) and 'Not contributory'-graded concrete hardstand area towards the northeastern corner of the site (HO101 [part]).

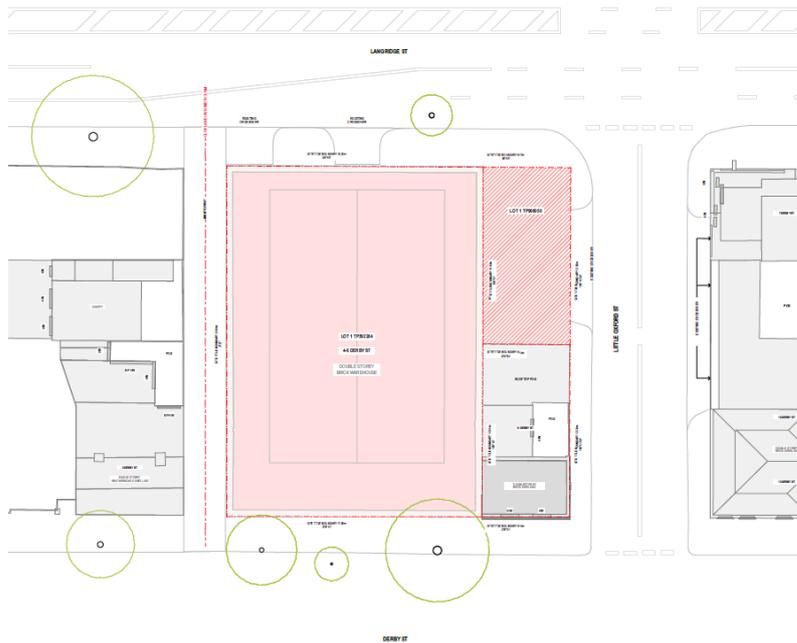


Figure 30. Proposed extent of demolition.

(Source: Studio Bright)

4.2 New development

The proposed new building is an eight-storey mixed-use building which utilises contemporary architectural language with stepped podium and upper-levels setback from the property boundary at Derby and Langridge streets.

4.2.1 Podium

The stepped one- to five-storey podium is constructed to the north (Langridge Street), east (Little Oxford Street and 8 Derby Street), south (Derby Street) and west (laneway) boundaries.

The following description of the podium is provided in the Design Report as follows (p 5):

Rather than the typical podium/tower response - the form is broken down into a finer grain – a series of smaller brick buildings that step down the street in a more nuanced design response.

Brick solidity and punched windows respond to the Collingwood character. Smaller brick and tile details speak to the shopfronts of Smith Street and the nearby brick warehouses.

The podium steps down from the western end of the site to the eastern end, reflecting the fall in elevation from west to east.

4.2.2 Tower

The tower element is irregularly-shaped, with a stepped vertical form from the north (Langridge Street) elevation to the east (Little Oxford Street) elevation. It is built part of the east and west boundaries and is set back approximately 3m from the north boundary and approximately 3.8m from the south boundary. The eight storey building rises to a height of 26.1m (AHD 57.2) from the centre of the Lonsdale Street elevation (RL24.07) with the lift overrun and plant enclosure extending above this to a height of 28.08m (AHD 59.18).

4.2.3 Materiality

The lower podium levels are clad in a buff ('apricot') coloured face brick with similarly coloured precast panels. A lighter toned precast concrete is used on the tower element. Balustrading and metal framing is powder coated in buff or ochre ('watermelon'). Window glass is tinted light grey or reeded



Figure 31. North elevation.
(Source: Studio Bright)

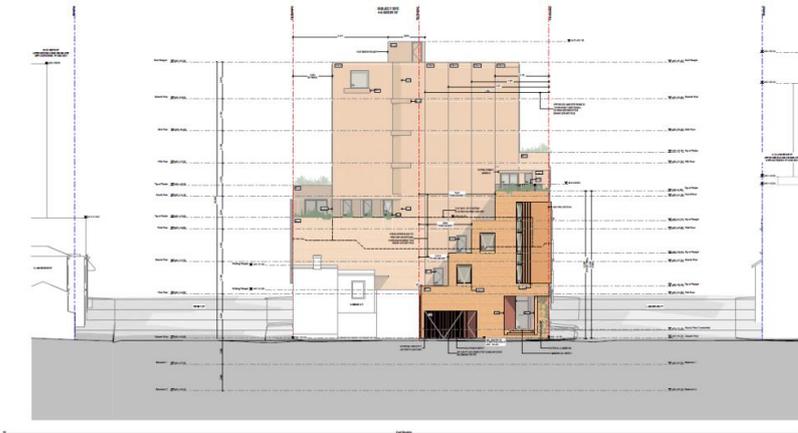


Figure 32. East elevation
(Source: Studio Bright)



Figure 33. South elevation
(Source: Studio Bright)

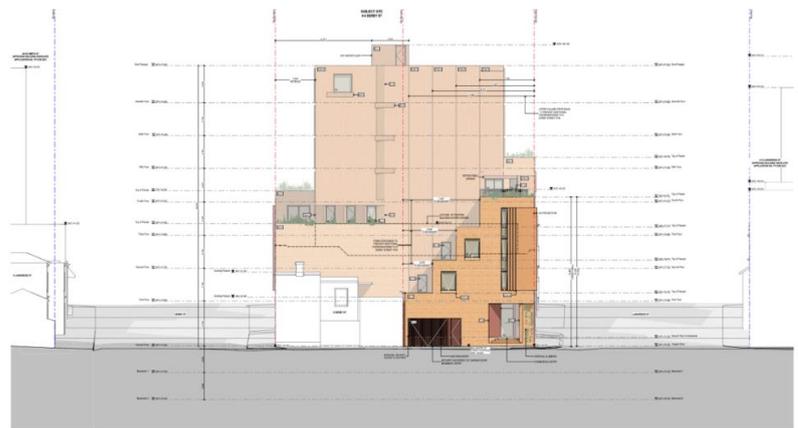


Figure 34. West elevation
(Source: Studio Bright)



*Figure 35. Render visualisation showing oblique view of proposed building when viewed from opposite side of Derby Street.
(Source: Studio Bright)*



*Figure 36. Render visualisation showing view of proposed building when viewed from Langridge/Gertrude and Smith streets intersection.
(Source: Studio Bright)*

4.2.4 Landscaping

The proposed development introduces planter boxes at the podium terraces - refer Figure 37.



Figure 37. Render visualisation showing Derby Street podium façade and indicative vegetation at podium terrace level. 8 Derby Street at front (centre of image).

(Source: Studio Bright)

5 HERITAGE ANALYSIS AND ADVICE

The following advice has been formed by assessing the proposed development against the heritage provisions of the Yarra Planning Scheme. We note that the Planning Report and Bryce Raworth HIS have assessed the proposal against the previous Local Planning Policy Framework and local heritage policy at Clause 22.02 of the Yarra Planning Scheme, prior to gazettal of Amendment C269yara on 21 December 2023.

The following assesses the proposal against:

- local policies introduced through Amendment C269yara, including the local policies at Clause 15.01-1L – Urban Design and Clause 15.03-1L- Heritage;
- interim Schedule 23 to Clause 43.02 Design and Development Overlay of the Yarra Planning Scheme – Collingwood South (Mixed- Use) Precinct, and
- consideration given to the proposed DDO23 introduced by Amendment C293yara and awaiting approval by the Minister for Planning.

5.1 Previous GJM heritage advice - Collingwood Mixed Use Precinct

GJM previously provided heritage advice to Council which has informed the permanent built form controls proposed in DDO23.

The *Collingwood Mixed Use Pocket Heritage Analysis & Recommendations* (6 June 2018) includes the following recommendations related to the subject site and nearby built form context:

- The terrace houses at 18 to 22 Derby Street (the row east of 10-14 Derby Street subject to HO102) may warrant inclusion in the Heritage Overlay.
- 33 to 45 Derby Street be considered by inclusion of the Heritage Overlay as an extension of HO336 – Victoria Parade Precinct.
- In relation to the ‘Southern Sub-Precinct – Peel Street and South’ the following future character considerations were made [emphasis in bold as it specifically relates to the proposed development at 4-6 Derby Street]:

On sites subject to the Heritage Overlay or which abut heritage places, new development should respect the scale and subdivision patterns of the fine-grained nineteenth and early twentieth century heritage buildings, which includes single storey cottages, two-storey terraced houses, shop / residences ... Rear additions should be set back and scaled to avoid dominating the heritage buildings, and infill development should respect the scale, materiality and parapet heights of the adjacent heritage buildings. Outside the Heritage Overlay it is recognised that there will be a juxtaposition between the emerging built form and the traditional nineteenth and early twentieth century heritage forms. However, development on sites abutting land subject to the Heritage Overlay should transition between the scale and setbacks of the heritage buildings and the development sites adjacent. While

development immediately adjacent to the Heritage Overlay should be encouraged to match the scale of the heritage building as sought by Clause 22.10, the area already accommodates a juxtaposition of height of up to two-storeys between heritage buildings and later twentieth century development, and this relationship should serve as a precedent for future development.

- The following future character considerations were made for the study area, with relevance to the subject site:

Across the Collingwood Mixed Use Pocket infill development within the Heritage Overlay should reflect the existing street wall or parapet heights with new built form constructed to the street boundary with a street wall height no higher than the taller of the adjoining properties. Single-storey development should be discouraged.

However, recognising the existing juxtaposition between lower (single and two storey) and higher (three and four storey) built form some variation on a site by site basis is likely to be acceptable in heritage terms. Infill facades should respect the materiality and relationship between solid and void established by the 'contributory' and 'individually significant' buildings. Where residential buildings within the heritage overlay are set back from the street boundary, new adjacent development should reflect these setbacks.

New upper-level development within the Heritage Overlay or immediately adjacent to heritage places should be set back from the street wall to retain the legibility of the three-dimensional form of the heritage buildings and to retain the prominence of the heritage fabric in the streetscape. New upper-level development should be designed so as not to dominate the heritage buildings when viewed from the opposite side of the street or in oblique views.

- '8 Derby Street (rear) – HO101 – Vacant site facing Langridge Street' is included in the recommended built form parameters for 'Infill Sites Within the Heritage Overlay' and built form parameters for 'Development Abutting Land Subject to the Heritage Overlay' are provided.

The *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct* (5 May 2021) provides updated heritage recommendations following introduction of built form controls applied to the Collingwood South (Mixed Use) Precinct through interim DDO23. This advice considers the heritage-related provisions of the interim DDO23 and proposed local policies as they relate to heritage, introduced into the Yarra Planning Scheme through Amendment C269yara.

The infill sites listed in the report - which include those within the study area that have not been substantially redevelopment in recent years – does not specifically include the subject site. In relation to infill sites, the following is noted:

Development on these sites will need to address the heritage provisions of the Yarra Planning Scheme including Clauses 43.01, 15.03-1S and 22.02, and following the introduction of C269yara, Clause 15.03-1L.

These potential development sites and others abutting land subject to the Heritage Overlay will need to consider the heritage-related policy at Clause 22.01-3.3 (Setbacks & Building Height), and following the introduction of C269yara, the provisions of [Clause 15.01-1L (Urban Design)] that consider development adjacent to land in the Heritage Overlay.

Specific to the subject site and development proposal, the following is noted in the report in relation to built form requirements:

- Street wall height:

Where development abuts land subject to the Heritage Overlay the relevant policy at Clause 22.10-3.32 and the similarly worded (proposed) policy at Clause 15.01-1L3 will encourage new street wall or façade heights to match that of the adjacent heritage fabric. Where this occurs, the height should be matched for the width of the adjoining property or a distance of 6m, whichever is the lesser

- Maximum building height [emphasis added]:

*... there are three sites south of Peel Street that we recommended have their maximum preferred heights reduced from 20m (six storeys) to 14m (four storeys) to provide an appropriate transition to low-scale (one and two storey) heritage fabric. These sites are: **4-6 Derby Street**, 43-49 Oxford Street, 64-66 Oxford Street and the vacant land on Cambridge Street at the rear of 1-35 Wellington Street.*

5.2 Demolition

5.2.1 Assessment against the heritage provisions of the Yarra Planning Scheme

Clause No.	Relevant Planning Scheme Provision	GJM Heritage Assessment
15.03-1S Strategies	Retain those elements that contribute to the importance of the heritage place.	The proposal does not propose demolition of heritage fabric and is confined to the 'Not contributory'-graded 'Car park (rear of 8 Derby Street)' included in the Incorporated Document <i>City of Yarra Database of Heritage Significant Areas September 2023</i> of the Yarra Planning Scheme. The building at 4-6 Derby Street is not included in this document and not subject to the Heritage Overlay. The proposal achieves this on the basis that no heritage fabric is proposed to be demolished or impacted by this infill development.

5.3 New Development

5.3.1 Assessment against the heritage provisions of the Yarra Planning Scheme (Clauses 15.03 and 43.01)

Clause No.	Relevant Planning Scheme Provision	GJM Heritage Assessment
15.03-1S Objective	<p>The objective of the State-level heritage policy at Clause 15.03-1S of the Yarra Planning Scheme is “to ensure the conservation of places of heritage significance”.</p> <p>This includes the strategies, <i>inter alia</i>, to “encourage appropriate development that respects places with identified heritage values” and “ensure an appropriate setting and context for heritage places is maintained or enhanced.”</p>	<p>The proposal achieves this to a large extent on the basis that no heritage fabric is proposed to be demolished or impacted by this infill development on a not-contributory site.</p> <p>The Design Report states the following in relation to how the design responds to the immediate heritage context (p 6):</p> <p><i>The existing heritage property at 8 Derby Street becomes part of the whole by adopting a stepped series of individually articulated forms ... Punched openings and thoughtful brickwork details respond to local buildings’ prevailing proportions and playful details. The tower form knits into the base design, reflecting the same stepped massing with a slight shift in materiality and tone.</i></p>
15.03-1L Objectives	<p>To conserve and enhance Yarra’s natural and cultural heritage.</p> <p>To preserve the scale and pattern of streetscapes in heritage places.</p>	<p>See response to Clause 15.03-1S above.</p>
15.03-1L Strategies	<p><i>New development, alterations or additions</i></p> <p>Promote development that is high quality and respectful in its design response by:</p> <ul style="list-style-type: none"> ▪ Maintaining the heritage character of the existing building or streetscape. ▪ Respecting the scale and massing of the existing heritage building or streetscape. ▪ Retaining the pattern and grain of streetscapes in heritage places. ▪ Not visually dominating the existing heritage building or streetscape. ▪ Not detracting from or competing with the significant elements of the existing heritage building or streetscape. ▪ Maintaining the prominence of significant and contributory elements of the heritage place. 	<p>The proposed design partially achieves this strategy through the materiality and relationship of solid (walls) and void (window openings) but fails to maintain the predominantly low-rise scale of the neighbouring heritage places.</p> <p>The proposed development at eight storeys is substantially taller than the immediately adjacent single and two storey heritage buildings and failed to appropriately address this strategy.</p> <p>The proposed development, while being massed to reflect the fine-grained character of the area is substantially taller than they low-rise context of the western part of Derby Street.</p> <p>The architectural renders provided with the application (Figure 35 - Figure 37) demonstrate that this development would be a substantial and visually dominant element within the streetscape.</p> <p>The scale detracts from the context and setting of low-rise heritage places.</p> <p>Likewise, the scale of the new development reduces the visual prominence of modestly scaled heritage buildings in the immediate vicinity.</p>

	<ul style="list-style-type: none"> ▪ Respecting the following elements of the heritage place: <ul style="list-style-type: none"> - Pattern, proportion and spacing of elements on an elevation. - Orientation to the street. - Setbacks. - Street wall. - Relationship between solid and void. - Roof form. - Chimneys. - Verandahs and canopies. - Materials. 	<p>The proposed materiality, colour palette and relationship of solid and void satisfactorily responds the fabric and detailing of adjacent and nearby heritage buildings.</p> <p>Building to the site boundaries is appropriate and consistent with the historic siting of buildings in the Collingwood South (Mixed Use) Precinct.</p>
	<ul style="list-style-type: none"> ▪ Being visually recessive against the heritage fabric through: <ul style="list-style-type: none"> - Siting. - Mass. - Scale. - Materials. 	<p>As discussed above the proposed development at eight storeys is substantially and bulkier than neighbouring and nearby heritage buildings and fails to appropriately address this strategy.</p>
	<ul style="list-style-type: none"> ▪ Protecting and conserving the view of heritage places from the public realm (except from laneways, unless fabric visible from laneways is identified as being significant in the Statement of Significance for the place). 	<p>Views of heritage places are not adversely affected by the proposed development.</p>
	<ul style="list-style-type: none"> ▪ Maintain views to the front of an individually significant or contributory building or views to a secondary façade...by not: <ul style="list-style-type: none"> - Building over the front of it. - Extending into the air space above the front of it. ▪ Obscuring views of its principal façade/s. 	<p>The proposal is consistent with this strategy as it maintains views to the principal facades of the adjacent contributory-graded heritage buildings, in particular 8 Derby Street (HO101).</p>
	<p>Services and equipment</p> <p>Ensure that the location and installation of services and equipment does not detract from the significance of the heritage place or damage the heritage fabric.</p>	<p>The location of roof-top services is appropriate noting that none of these are located within land subject to the Heritage Overlay.</p>
	<p>Conceal solar panels, water tanks, hot water systems, air conditioners and other mechanical equipment from street view or where this is not possible, sensitively locate and install these services.</p>	
43.01-8	<p>Before deciding on an application, in addition to the decision guidelines in Clause</p>	<p>The proposed development height, bulk and form of the proposed development will adversely affect the</p>

Decision Guidelines	<p>65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> ▪ The Municipal Planning Strategy and Planning Policy Framework. ▪ The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place. ▪ Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy. ▪ Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place. ▪ Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place. ▪ Whether the demolition, removal, or external alteration will adversely affect the significance of the heritage place. ▪ Whether the proposed works will adversely affect the significance, character or appearance of the heritage place. 	<p>presentation and setting of HO101 – Johnston house, 8 Derby Street.</p> <p>Further, the height, bulk and form is not in keeping with the low-rise scale of adjacent buildings including 2 Derby Street (HO99) and the heritage place (HO101).</p>
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5.3.2 Assessment against the heritage-related urban design provisions of the Yarra Planning Scheme (Clause 15.01)

Clause 15.01-1L includes specific provisions relating to development adjoining land subject to the Heritage Overlay.

Clause No.	Relevant Planning Scheme Provision	GJM Heritage Assessment
15.01-1L Strategies	<p>Development adjoining land in a Heritage Overlay</p> <p>Ensure development provides a transition from any adjoining building with an individually significant or contributory heritage grading, having regard to height, street wall height, setbacks, building form and siting.</p> <p>Ensure development is sympathetic and respectful design response that does not dominate an adjoining heritage place.</p>	<p>The eight storey height of the proposed development visually dominates the single- to two-storey scale of the adjacent and nearby heritage buildings on Derby Street including 2 Derby Street (HO99), 8 Derby Street (HO101) and 10-22 Derby Street (HO102) as demonstrated in the south elevation (Figure 33) and architectural renders (Figure 35).</p> <p>As discussed in relation to Clause 15.03 above the proposed materiality and colour palette satisfactorily responds the fabric and detailing of adjacent and nearby heritage buildings.</p>

	<p>Ensure appropriate materials and finishes complement the area which do not detract from the fabric of the heritage place.</p> <p>Ensure development adopts a street wall height to the street frontage that is no higher than an adjoining heritage building with an individually significant or contributory grading.</p>	<p>The street wall height at up to five storeys exceeds that of this part of Derby Street and is substantially taller than the single and two storey form of the adjacent heritage places.</p>
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5.3.3 Heritage-related DDO23 Objectives - Collingwood South (Mixed Use) Precinct

The following provides an assessment of the development proposal at 4-6 Derby Street against the heritage-related provisions of the interim DDO23, which applies to the subject site and will expire on 2 April 2024. Relevant heritage-related provisions included in the proposed DDO23 - considered to be ‘seriously entertained’ planning policy - are noted in relation to the proposed development where there is a substantive change from the existing DDO23 and the built form controls applied to the subject site.

Clause No.	Relevant design outcome or requirement	GJM Heritage Assessment
1.0 Design Objectives	<p>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.</p>	<p>As noted above, the existing built form of the surrounding area contains a diverse mix of low, medium and higher rise mixed use buildings within the Collingwood South (Mixed Use) Precinct, with taller built form – both existing and emerging – towards the Wellington Street (eastern) end of the precinct.</p>
	<p>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.</p> <p><u>Council preferred version DDO23</u></p> <p>The objective has been amended to reference to ‘low- to mid-rise’ new buildings and removing the reference to storeys.</p>	<p>The proposed built form is comprised of a lower-rise podium element of a stepped one- to five-storey podium and a mid-rise tower of eight storeys.</p> <p>Within the lower rise context, the western end of Derby Street a low-rise scale should be adopted consistent with the Council preferred version of DDO23.</p>
	<p>To protect the industrial, residential and institutional built heritage of the precinct through ... respecting 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.</p>	<p>While the tower form is set back and has a lighter tone precast concrete finish than the podium the scale will visually domine the low-scale heritage buildings in the immediate vicinity.</p>
2.2 Built form requirements	<p>Building height requirements</p>	<p>The <i>Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct</i> recommended reducing the maximum building height applied in DDO23 to the subject site from 20m (5 storeys) to 14m (4 storeys).</p>

	<p>The building height requirements are set out in Map 1: Building Heights Framework Plan of this schedule.</p> <p>Preferred maximum building height: 20m <u>Council preferred version DDO23</u> Preferred maximum building height: 14m</p>	<p>SAC report was supportive of a reduction in maximum building height applied to the subject site, the SAC report stating (pp 58-59):</p> <p><i>The [Collingwood] Built Form Framework articulates a clear strategy of directing taller buildings to larger lots at locations without heritage buildings or heritage interfaces and on relatively lower topography. This has resulted in taller buildings generally directed towards the east of the Precinct and generally stepping down in height to the east. Lower heights are also proposed on sites of heritage significance and adjacent to sites of heritage significance. The Committee considers this is a sound approach.</i></p> <p>The reduction in maximum building height to 14m (4 storeys) is reflected in the Council preferred version of DDO23.</p> <p>The proposed development at over 26m tall substantially exceeds both the Interim and Council preferred versions of DDO23 and would result in an unacceptable outcome.</p>
	<p>Street wall height requirements</p> <p>The street wall height requirements are set out in Map 1: Building Heights Framework Plan of this schedule.</p> <p>Preferred maximum street wall height: 14m</p> <p>A permit cannot be granted to vary a street wall height specified in Map 1: Building Heights Framework Plan unless all of the following are met:</p> <ul style="list-style-type: none"> ▪ 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 ▪ the proposed street wall height does not overwhelm the adjacent heritage building. <p><u>Council preferred version DDO23</u></p> <p>The last two dot points in the above is amended to read [additional text in bold]:</p> <ul style="list-style-type: none"> ▪ the proposed street wall height provides an appropriate transition, scaling down to the interface with a heritage building; and ▪ the proposed street wall height does not visually overwhelm the adjoining 	<p>The Council preferred version of DDO23 includes a reduction in preferred maximum street wall heights for some infill development sites adjoining heritage properties, which was supported by the SAC. This applies to the subject site and is reflected in Map 1 of the proposed DDO23 where the maximum street wall height has been reduced from 14m to 11m, except at Langridge Street.</p> <p>The street wall heights step up from as low as 5m (abutting the rear boundary of 8 Derby Street) but are predominately in the order of approximately 14.3m rising to 17.3m. This exceeds the preferred maximum heights in the Interim and Council preferred versions of DDO23.</p> <p>The single storey step in the street wall height on Derby Street at the boundary with 8 Derby Street(HO101) is acceptable in heritage terms but the height to the laneway and adjacent to the single storey heritage building at 2 Derby Street (HO99) should be reduced by one full storey. This reduction in street wall height will also protect the visual prominence of the Smith Street shop residences in the context of Derby Street (refer Figure 36).</p>

	<p>heritage building and provides an adequate transition towards it.</p> <p>The following requirement has been added:</p> <p><i>The street wall of infill development adjoining a heritage building should not be higher than the parapet height of the adjoining heritage building to the width of the property boundary or 6m, whichever is the lesser.</i></p> <p>Preferred maximum street wall height:</p> <ul style="list-style-type: none"> ▪ 11m – Derby Street, Little Oxford Street and unnamed laneway (western boundary) ▪ 14m – Langridge Street 	
	<p>Setback requirements for non-heritage buildings</p> <p>Development must be built to the front property boundary ...</p> <p>Development must be setback in accordance with the minimum upper level setbacks specified in Table 1.</p> <p>Table 1, Area 2: 6m</p> <p>For development adjacent to a heritage building, a permit cannot be granted to construct a building or carry out works if it does not meet the preferred minimum upper level setback requirements in Table 1 unless the proposal meets the Design Objectives and the Heritage Building Design Requirements in this schedule.</p> <p><u>Council preferred version DDO23</u></p> <p>2.4 Upper level setback requirements</p> <p>Heritage and Other buildings:</p> <ul style="list-style-type: none"> ▪ should be visually recessive when viewed from the public realm to ensure development does not overwhelm the streetscape and minimises upper level bulk; ▪ should contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form 	<p>The siting of the podium element on property boundaries is appropriate.</p> <p>The upper-level setbacks do not adequately mitigate the adverse impact of the taller built form.</p>
	<p>Heritage building design guidelines</p> <p>Development on sites within a Heritage Overlay, graded as Not-Contributory, or on sites adjacent to a heritage building should be designed to:</p>	<p>An appropriate transition is provided to the rear of 8 Derby Street as it addresses Little Oxford Street.</p>

	<ul style="list-style-type: none"> provide a transition in height at the interface (side or rear boundary) with the heritage building; 	
	<ul style="list-style-type: none"> ensure that façade treatments are simple and do not compete with the detailing of the adjacent heritage building(s); 	The brick-clad façades appropriately reference the buff and darker red bricks of the nearby heritage buildings.
	<ul style="list-style-type: none"> incorporate simple architectural detailing that does not detract from significant elements of the heritage building; 	This design guideline is achieved through the material and detailing proposed.
	<ul style="list-style-type: none"> be visually recessive; 	The scale and height of the building fails to create a visually recessive outcome.
	<ul style="list-style-type: none"> be articulated to reflect the fine grained character of the streetscape, where this is a prominent feature. 	The stepped and varied forms and human-scale rhythm of the openings responds appropriately to the fine-grained character of the streetscape.
	<p><u>Council preferred version DDO23</u></p> <p>2.8 Other design requirements</p> <p>Development should achieve good urban design outcomes and architectural excellence by including, but not being limited to:</p> <ul style="list-style-type: none"> creating a suitable an appropriate ratio of solid and void elements that resemble the industrial past of the area; not competing with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site adjoining land. 	The proposed design achieves this design requirement through the fenestration patterns and detailing of the podium facades.
6.0 Decision guidelines	<p>The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:</p> <ul style="list-style-type: none"> Whether the Built Form Requirements in Clause 2.0 are met. 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). 	As discussed above, the scale and height of the podium and tower elements fail to create a visually recessive outcome and does not adequately address the design requirements in relation to building height, street wall height or heritage.
	<ul style="list-style-type: none"> 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. 	As discussed above, the scale of the of street-wall and overall building height does not adequately respond to the single- and two-storey heritage buildings in the immediate vicinity of the subject site.

	<ul style="list-style-type: none"> How the proposal responds in terms of scale and transition to the sloping topography of the area. 	The elevated nature of this site at the western end of Derby Street exacerbates the impact of the proposed eight-storey built form. While development of this scale may be appropriate at the eastern end of Derby Street in the mid-higher-rise context of Wellington Street it does not achieve an acceptable outcome on the subject site.
	<ul style="list-style-type: none"> The design response at the interface with existing low-scale residential properties, including the overshadowing of secluded private open space. 	The juxtaposition of the five-storey street wall and eight-storey overall height of the development does not appropriately respond to the single- and two-storey heritage building in adjacent to the subject site.
	<p><u>Council preferred version DDO23</u> The following heritage-related decision guideline is proposed:</p> <ul style="list-style-type: none"> whether development retains the prominence of the heritage street wall in the vistas along the main street frontage within the precinct. 	The proposed development due to its scale and height fails to adequately address this decision guideline.

5.4 Heritage Advice

The proposed demolition is consistent with the relevant heritage provisions of the Yarra Planning Scheme but the overall scale and height of the proposed development is unacceptable.

The material and colour choice is appropriate and incorporates high quality finishes that address the existing character and material palette of the Collingwood South (Mixed Use) Precinct and adjacent and nearby heritage buildings.

The stepped form of the podium’s east elevation appropriately transitions to the two storey heritage dwelling at 8 Derby Street while also addressing overshadowing issues.

The following changes are required to achieve an acceptable heritage outcome in the context of the heritage provisions of the Yarra Planning Scheme:

- Reduction in height of the proposed development by the removal of the tower element i.e. the fourth, fifth, sixth and seventh floors.
- Reduction of the street wall height to no more than four storeys to Derby Street, Langridge Street and the unnamed laneway to the west of the subject site.

6 CONCLUSION

The subject site is located at a transition in built form context within the Collingwood South (Mixed Use) Precinct between the lower rise context of Smith Street to the west and the taller emerging built form towards Wellington Street. While the materiality, detailing and façade treatment of the proposed scheme are well considered and the finishes are of high-quality, the proposed building height and scale is too tall and would result in a development that would visually dominate the western end of Derby and Langridge streets and the adjacent and nearby heritage buildings. Further, the rising topography in this part of Collingwood exacerbates the impact of the proposed eight-storey scale on the surrounding area.

The proposal fails to adequately respond to its heritage context and only partially addresses heritage policy at Clauses 15.03, urban design policy at Clause 15.01-1L and the heritage decision guidelines at Clause 43.01-8 of the Yarra Planning Scheme. Further, the proposal does not satisfactorily address the key Design Objectives of the interim and Council preferred versions of DDO23 in relation to heritage.

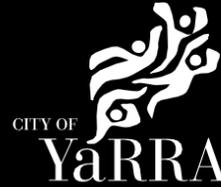
It is our view that the propose development, while have some laudable features – particularly the materials, finishes, façade treatments and detailing – represents an unacceptable heritage outcome. A substantial reduction in height as set out in Section 5.3,4 would be required to achieve an acceptable heritage outcome that satisfactorily addresses the heritage-related provisions of the Yarra Planning Scheme.

Jim Gard'ner | Director

Paul Webb | Heritage Consultant

GJM Heritage

Strategic Planning Formal Referral Response



Application Information:

Referral Officer: Greta Stevens

Officer: Jessica Sutherland

Council Reference: PLN23/0685

Address: 4-6 Derby St, Collingwood VIC 3066

Proposal: Partial demolition and buildings and works to construct a multi-storey, mixed-use building for Restricted retail premises (showroom) and dwellings (the latter of which is as-of-right) and an associated reduction to the statutory car parking requirements of the Scheme.

Comments Sought: Click here to view referral memo:
[D23/494615 - IREF23/02170 - Referral Request](#)

Disclaimer: Council's Strategic Planning Unit provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

The Strategic Planning comments in this assessment focus on compliance with the following clauses in the Yarra Planning Scheme:

Interim **Schedule 23** to the Design and Development Overlay (**interim DDO23**),
and **Proposed Schedule 23** to the Design and Development Overlay (**proposed DDO23**).

They do not provide commentary on other sections of the Planning Scheme or fully assess the internal amenity of the application.

Prev. Responses: N/A

Development Details:

Relevant amendment and status:

Existing and proposed controls: Interim DDO23
Proposed DDO23

Subject Site Plan: [D23/483600 - PLN23/0685 - 4 - 6 Derby Street Collingwood - S52 Advertising - Plans](#)

Strategic Planning Comments and Recommendations:

Summary of Strategic Planning comments and recommendations:

General Comments

The Strategic Planning Unit has assessed planning application PLN23/1234 and has identified it **does not meet the requirements** of the interim DDO23 and proposed DDO23. The application does not achieve the intended outcome of the following design objective:

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.

It is recommended that, in its current form, this application **should not be approved**.

For the application to comply with the interim and proposed DDOs it would need to address the following built-form requirements:

- Overall building height
- Street wall height on all four street walls.
- Increase upper-level setbacks on Langridge Street, Derby Street and the laneway.
- Commercial floor height to be increased on the first floor.
- Blank walls visible from Smith Street and Derby Street amended to show articulation.

Building Height Requirements Summary

The proposed height of 26.9m (excluding services) does not comply with the overall building height requirements of the interim DDO or the proposed DDO as it exceeds the height by 6.9m and 12.9m respectively.

The proposed variation does not achieve greater building separation than the minimum requirement and is therefore not accepted.

The proposed building height fails to respond to the context of the adjacent and surrounding heritage buildings.

Conclusion/Recommendations

Strategic planning does not support the application in its current form.

For the application to comply with the interim and proposed DDOs, it would need to see a reduction in overall building height.

For further discussion see the [Building Height Requirements](#) section for more information.

Street Wall Height Requirements Summary

There has been a change in the DDO regarding street wall height. The proposed DDO sees a reduction in street wall height along Derby Street, Little Oxford Street and the laneway from 14m (interim DDO) to 11m (proposed DDO). Whilst showing some level of compliance with the interim DDO the application far exceeds the requirements of the proposed DDO.

The proposed street walls fail to respond to the context of the adjacent and surrounding heritage buildings.

Langridge Street

Part of the Langridge Street street wall does not comply with the interim and proposed DDO23 (14m preferred) as it exceeds the preferred height by 3.28m towards the laneway and 2.48m towards Little Oxford Street.

Little Oxford Street

The Little Oxford Street street wall does not comply with the proposed DDO23 (11m preferred) as it exceeds the preferred height by 3.37m towards Langridge Street.

Derby Street

The Derby Street street wall does not comply with the proposed DDO23 as it exceeds the preferred height (11m preferred) by 2.96m towards the laneway and exceeds the parapet height of the existing heritage building (8 Derby Street).

Laneway

The laneway street wall does not comply with the preferred street wall height of the interim (14m preferred) and the proposed (11m preferred) DDO. The street wall varies in height. It exceeds the preferred height of the interim DDO by 2.73m and the proposed DDO by 5.73m towards Langridge Street. It exceeds the preferred height of the proposed DDO by 2.53m towards Derby Street and the lift overrun greatly exceeds the provisions of both DDOs.

Conclusion/Recommendations

Strategic planning does not support the proposal in its current form.

For the application to comply with the interim and proposed DDOs it would need to see a reduction in the following street walls:

- Langridge Street towards the laneway.
- Little Oxford Street by towards Langridge Street.
- Derby Street towards the laneway and reduce the street wall to meet the parapet height of 8 Derby Street and continue this height for at least 6m.

- The laneway.

For further discussion see the [Street Wall Height Requirements](#) section for more information.

[Upper-Level Setback Requirements Summary](#)

The application does not comply with the interim or proposed DDO upper-level setback requirements for Langridge Street, Derby Street and the laneway.

Langridge Street

Langridge Street's upper levels (towards the laneway) are setback 3.05m between Levels 5- 7.

Langridge Street's upper levels (towards Little Oxford Street) are set back 5.195m on Level 4

This does not meet the 6m upper-level setback requirement of either DDO.

Derby Street

Derby Street's upper levels are set back 3.8m between Levels 4-7.

This does not meet the 6m upper-level setback requirement of either DDO.

Laneway

No upper-level setbacks are provided for the lift and staircase, the remainder of the laneway interface is set back 1.5m between Levels 5-7.

This does not meet the 6m upper-level setback requirement of either DDO.

Conclusion/Recommendations

Strategic planning does not support the proposal in its current form.

For the application to comply with the interim and proposed DDOs, all upper-level setbacks on Langridge, Derby Street and the laneway would need to be increased.

For further discussion see the [Upper-level Setbacks](#) section for more information.

[Heritage building design requirements summary](#)

The application does not comply with the heritage building design requirements of the interim DDO23.

The overall height and scale of the proposal detract from the heritage significance of the property at 8 Derby Street.

Conclusion/Recommendations

It is recommended that the application meets the key built form requirements such as building height, street wall and upper-level setbacks to ensure that it does not visually overwhelm heritage properties and meet the requirements of the interim and proposed DDO (note this requirement has now been included in the upper-level setbacks section of the proposed DDO).

For further discussion see the [Upper-level Setbacks](#) section for more information.

Building Separation, Amenity and Equitable Development Requirements

The application does not comply with the interim or proposed building separation, amenity and equitable requirements of the interim DDO and proposed DDO.

The application fails to provide a design response that considers the development opportunities of the adjacent heritage buildings at 2 Derby Street, 54-58, 60 and 62 Smith Street. The built-form controls applied to these heritage buildings will result in the retention of the heritage street wall and low overall building heights. The proposal in its current form will be clearly visible from the public realm, as shown in the renders within the façade strategy, due to the excessive height and lack of upper-level setbacks. As such it is considered that the applicant has not adequately managed visual bulk.

Conclusion/Recommendations

Strategic planning does not support the proposal in its current form.

It is recommended that the key built-form requirements such as building height, upper-level setbacks and street walls are amended to be sympathetic to the neighbouring heritage buildings in order to meet this requirement.

For further discussion see the [Building Separation, Amenity and Equitable Development Requirements](#) section for more information.

Other design requirements

The commercial area on the ground floor has 3.3m floor height and therefore does not comply with the proposed DDO which requires a 4 metre floor-to-floor height (discretionary).

The application includes a number of blank walls visible from Derby Street and Smith Street which does not comply with the proposed DDO.

Conclusion/Recommendations

It is recommended that:

- the ground floor height is increased to meet the 4m requirement of the proposed DDO
- further articulation is provided on blank walls visible from the public realm to meet the requirement of the proposed DDO.

Strategic Planning full comments:

Building Height Requirements

The application does not comply with the building height requirements set out in the interim DDO23 and proposed DDO23.

The current application doesn't meet the building height requirements of either DDO. It also does not meet the criteria to exceed the preferred height. Therefore, strategic planning does not support this application in its current form. For it to comply with both DDOs it would require the building height be reduced to 14m. Further information as to why it does not meet the requirements is provided below.

It is considered that the proposed height of 26.9m (excluding services) does not comply with the overall building height requirements of the interim DDO23 (20m) and proposed DDO23 (14m) as it exceeds the height by 6.9m and 12.9m respectively. The proposed height of 26.9m (excluding services) was measured from the natural ground level to the roof parapet on Langridge Street (TP16 9/11/2023 on Plans) given the considerable slope of the land.

The interim DDO23 and proposed DDO23 allow for a variation in building height if all the variation requirements are met. The application does not meet the following:

- *greater building separation than the minimum requirement in this schedule;*
 - It does not exceed the building separation requirement. See Section [Building Separation, Amenity and Equitable Development Requirements](#) for further details.

Given that this criteria is not met the variation in the preferred building height is not recommended.

The proposed height of 26.9m does not align with the design objectives and fails to meet the following decision guidelines:

'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.'

The site is located adjacent to a group of properties (2 Derby Street, 54-58, 60 and 62 Smith Street) located within the DDO30 – Smith Street Shops. As per the interim controls, the preferred maximum building height for these properties is 11.2m. The properties are also located within the Heritage Overlay (HO464 & HO99). The proposed height of 26.9m would overwhelm the adjacent heritage buildings and therefore not comply with the above decision guideline providing further justification as to why the height is not accepted.

It is recommended that the application is amended to meet the maximum building height of the proposed DDO23 (14m), they reflect the intention for this area to have lower overall heights than the interim controls. The SAC report for Amendment C293yara (Collingwood South Permanent DDO) expressed support for the Council's approach to building heights and the proposed heights of 14m for the subject site.

A similar site (64-66 Oxford Street) was discussed in the SAC report which supported a preferred maximum building height of 14 metres within the context of the surrounding heritage buildings south of Peel Street.

Based on the above, it is considered that the application does not meet the building height requirements of either DDO and it is recommended that the application is amended to meet these.

Street Wall Height Requirements

The application partially complies with interim DDO23 and does not comply with the proposed DDO23.

There has been a change in the DDO regarding street wall height. The proposed DDO23 sees a reduction in street wall height along Derby Street, Little Oxford Street and the laneway from 14m to 11m.

Whilst showing some level of compliance with the interim DDO the application far exceeds the requirements of the proposed DDO. As such, strategic planning does not support the application in its current form. As previously mentioned, the site is adjacent to heritage buildings in the west (across the laneway) located within the DDO30. The DDO30 ensures that the heritage street walls of these properties remain which must be taken into consideration when assessing this application.

Given the multi-street interface, the application has been assessed per street below.

Note that all street walls have been measured from the top of the planters to the centre of the street wall.

Langridge Street

Langridge St Street Wall partly complies with the interim and does not comply with the proposed DDO23.

The heights vary along Langridge Street as shown in Figure 1 below.

The proposal partly complies with the street wall height requirements of the interim DDO23 and mostly does not comply with the proposed DDO23. It is recommended that the street wall on the western side of Langridge Street (shown on the right in Figure 1) be reduced to meet the 14m requirement of the interim and proposed DDOs. The proposed DDO23 has a preferred height of 14m for most of the Langridge St street wall except for the corner of Little Oxford Street where it is lowered to 11m. It is recommended that the eastern side towards Little Oxford Street (shown on left in Figure 1) is also lowered to meet the 11m requirement of the proposed DDO23.

As previously mentioned, this street wall is located adjacent to a group of heritage buildings (2 Derby Street, 54-58, 60 and 62 Smith Street), which would be overwhelmed by the street wall as it is currently proposed. As such it is considered that the variation requirements are not met and this variation should not be accepted.



Figure 1 Langridge St Street Wall

Little Oxford Street

Little Oxford St Street Wall **complies** with the interim DDO23 and **does not comply** with the proposed DDO23.

The street wall height varies on Little Oxford Street as shown in Figure 2. The tallest part of the street wall is 14.37m complying with the interim DDO however exceeding the proposed DDO by 3.37m.

It is considered that this variation should not be accepted given it does not meet the mandatory variation requirements. It is recommended that the street wall be lowered to meet the proposed requirement.

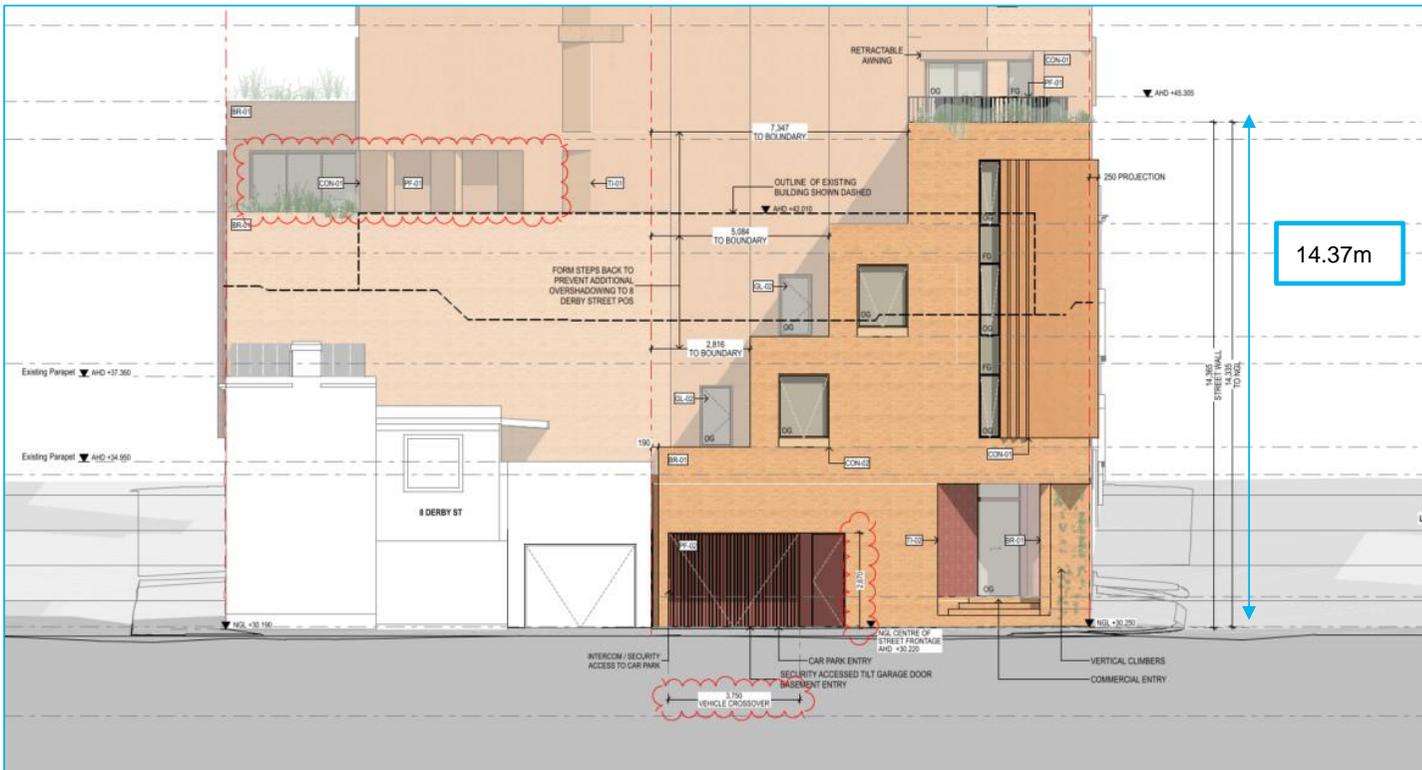


Figure 2 Little Oxford St Street Wall

Derby Street

Derby St Street Wall complies with the interim DDO23 and does not comply with the proposed DDO23

The street wall height varies on Derby Street as shown in Figure 3. Both parts of the street wall do not exceed 14m and therefore meet the street wall height requirements of the interim DDO23.

However, the proposal does not meet the street wall height requirements of the proposed DDO23 as it exceeds the preferred height by 2.96m on the laneway side and exceeds the parapet height of the existing heritage building (8 Derby Street) (as shown in Figure 3) failing to meet the following requirement:

The street wall of infill development adjoining a heritage building should not be higher than the parapet height of the adjoining heritage building to the width of the property boundary or 6m, whichever is the lesser.

It is recommended that the street wall be lowered to meet the above street wall height requirements of the proposed DDO. This variation would not be accepted given it does not meet the mandatory variation requirements.



Figure 3 Derby Street St Wall

Laneway

Street Wall **mostly does not comply** with the interim DDO23 and **does not comply** with the proposed DDO23

The street wall heights vary along the laneway as shown in Figure 4. The street wall towards Derby Street complies with the interim DDO however the remaining street wall does not comply given it exceeds the 14m height.

The proposal does not meet the street wall height requirements of the proposed DDO23 exceeding it by 2.35m towards Derby Street and 5.73m towards Langridge Street. The lift overrun is also placed on the laneway greatly exceeding the 11m requirement. This referral understands why the lift is placed on the laneway due to the multi-street interface however, the adjacent heritage buildings must also be taken into consideration.

It is recommended that the street wall be lowered to meet the street wall height requirements of the proposed DDO. This variation would not be accepted given it does not meet the mandatory variation requirements.



Figure 4 Laneway Street Wall

Upper-level Setbacks

The application mostly does not comply with the interim DDO23 and proposed DDO23 upper-level setback requirements.

Upper levels must be set back a minimum of 6m to comply with both the interim DDO23 and proposed DDO23.

Upper-level setbacks are a key built-form requirement, and given other key provisions such as building height and street wall height have not been met, it is essential that this requirement is addressed to ensure that adjoining heritage buildings are not overwhelmed.

The proposal does not meet the Design Objectives and the Heritage Building Design Requirements in the interim DDO and therefore the proposed variations would not be accepted.

The measurements and level of compliance for each street are detailed below:

Langridge Street

Upper-level setbacks on Langridge Street vary given the difference in street wall. The application does not meet the 6m upper-level setback requirement and therefore **does not meet the requirement of either DDO**.

Design constraints are acknowledged given the development has been stepped down towards the existing heritage building (8 Derby Street).

Derby Street

The application does not meet the 6m upper-level setback requirement and therefore **does not meet the requirement of either DDO**.

It is recommended that this upper-level setback be increased to meet the requirement.

Laneway

No Upper-level setback is provided for the lift and staircase and the remainder of the laneway interface does not meet the 6m upper-level setback requirement and therefore **does not meet the requirement of either DDO**.

It is recommended that an upper-level setback of 6m is provided in order to meet the requirement.

Little Oxford Street

Street wall height varies to accommodate for existing heritage building at 8 Derby Street. Upper-level setbacks on Little Oxford Street **comply** with the 6m requirement. No changes are required.

The proposed DDO also states that heritage buildings should be visually recessive and provide appropriate stepping. It is considered that the proposal **complies** with the above requirements.

Heritage building design requirements

The application does not meet the requirements of the interim DDO23

The interim DDO sets out heritage design requirements for sites within a Heritage Overlay, graded as Not-Contributory, or on sites adjacent to a heritage building. The northeast corner of the site (Lot 1 TP966050) is located within the HO101 and is identified as a 'not contributory building' in the Database of Heritage Significant Areas and the site adjoins 8 Derby Street, a heritage building. Although the proposal provides a transition in height to 8 Derby Street, which is supported, the overall size and scale detract from the heritage building. This provides further justification as to why the application should meet the key built form requirements such as building height, street wall and upper level setbacks.

Note that this policy has been combined with Section 2.4 upper-level setback requirements in the proposed DDO. Therefore for the above reasons it also does not meet the requirements of the proposed DDO.

Overshadowing Requirements

The application does not meet the requirements of the interim DDO23 however does meet the requirements of the proposed DDO23.

The application meets the interim overshadowing requirements for Langridge Street however does not meet the requirements for Little Oxford Street. It is recommended that these requirements are met given they are a strong discretionary standard. This may be met as a result of meeting other key built-form requirements such as building height, street wall and upper level setbacks.

There has been a change in the overshadowing requirements in the proposed DDO which amends policy regarding Little Oxford Street. This referral considers the overshadowing impact acceptable and no changes are required to address this.

A full assessment of each DDO is provided below.

Interim DDO23 mostly does not comply

The Schedule states that development must not overshadow any part of the southern side of Langridge Street to a distance of 2m from the Kerb between 10 am and 2 pm on September 2022. Shadow diagrams provided by the applicant **are compliant** with this requirement.

The Schedule also states that streets that extend in a north-south direction (Little Oxford Street) development must not overshadow

- *the eastern footpath to a distance of 2.0 metres from the kerb between 10 am and 2 pm on September 22;*
- *the western footpath to a distance of 2.0 metres from the kerb from 10 am to 2 pm on September 22.*

Shadow diagrams provided by the applicant show additional shadowing on:

- Little Oxford Street at 1 pm with 2.3m of additional shadowing measured from the kerb. This **does not comply**.
- Little Oxford Street at 2 pm with 7.8m of additional shadowing measured from the kerb. This **does not comply**.

Proposed DDO23 complies

Similarly, the proposed DDO23 states that development must not overshadow any part of the southern side footpath from the property boundary to the kerb of Langridge Street between 10am and 2 pm on 22 September. Shadow diagrams provided by the applicant **are compliant** with this requirement.

The overshadowing policy in the proposed DDO23 has been updated to provide specific requirements for overshadowing on Little Oxford Street.

'Development along Little Oxford Street should not overshadow parts of buildings that are above the ground floor between 10 am and 2 pm on 22 September.'

The application complies with this requirement.

The overshadowing requirements of the proposed DDO23 have been updated and the overshadow requirements on Little Oxford Street have since been reconsidered.

Building Separation, Amenity and Equitable Development Requirements

Interim and proposed DDO23 **partially complies.**

As previously discussed, the application has not considered the adjacent heritage properties including 2 Derby Street, 54-58, 60 and 62 Smith Street. The built-form controls applied to these buildings are reflective of their heritage status and take the form of low building heights and street walls. Given this, the proposal in its current form will be clearly visible from the public realm as shown in the renders within the façade strategy (Figure 5 and Figure 6) due to the excessive height and lack of upper-level setbacks. As such it is considered that the proposal has not considered the future development opportunities of the adjacent heritage properties or adequately managed visual bulk and **therefore does not comply** with the interim or proposed DDO.



Figure 5 View from corner of Smith Street and Derby Street



Figure 6 View from corner of Smith Street and Langridge Street

The development shares a common boundary with 8 Derby Street, requiring upper-level development to be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.

A balcony is proposed on the third floor that is set back 4.5m from the common boundary **complying** with the interim and proposed DDO.

The proposal also shares a common boundary with a laneway. The schedule states that '*where the common boundary is a laneway, the setback is measured from the centre of the laneway*'. Habitable windows facing the laneway are only proposed on levels 1-4. There are no habitable windows proposed above the street wall **complying** with this policy.

Other design requirements

The application **mostly complies** with interim and permanent DDO23.

The proposal mostly complies with the other design requirements of the interim and proposed DDO23. An assessment of the proposal against the non-complying requirements is provided below

Lower levels of development should be designed to accommodate commercial activity on the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height. The commercial area on the ground floor has 3.3m floor heights and therefore **does not comply** with the proposed DDO. It is recommended that the floor height on the ground floor be increased to meet this requirement.

The application includes a number of blank walls visible from Derby Street and Smith Street which **does not comply** with the proposed DDO. It is recommended further articulation is provided on these walls.

Access, parking and loading bay requirements

The application complies with both interim and permanent DDO23.

The proposal complies with the access, parking and loading bay requirements of the interim and proposed DDO23. Vehicle access has been provided in the laneway, car parking in the basement, and commercial and residential entries have been separated and are clearly visible. No changes are recommended.

Strategic Planner: Greta Stevens

Date: 14 December 2023

6.3 PLN23/0661 - 9 Arthur Street, Fairfield

Report Summary

Purpose

1. This report provides the Planning Decisions Committee with an assessment of the application at No. 9 Arthur Street, Fairfield for the construction of two, double storey dwellings on a lot.

Key Planning Considerations

2. Clause 15 – Built environment and heritage:
 - (a) Clause 15.01 – Built environment:
 - (i) Clause 15.01-1L – Urban design:
 - (ii) Clause 15.01-2L – Building design: and
 - (iii) Clause 15.01-1L-01 – Environmentally sustainable development.
3. Clause 16 – Housing:
 - (a) Clause 16.01 – Residential development:
 - (i) Clause 16.01-1L – Location of residential development; and
 - (ii) Clause 16.01-1L-01 – Housing diversity.
4. Clause 19 – Infrastructure:
 - (a) Clause 19.02 – Community infrastructure:
 - (i) Clause 19.02-6L-01 – Public open space contribution; and
 - (b) Clause 19.03 – Development infrastructure:
 - (i) Clause 19.03-3L – Water sensitive urban design.

Key Issues

5. The key issues for Council in considering the proposal relate to:
 - (a) Policy and strategic support;
 - (b) Clause 55;
 - (c) Car parking;
 - (d) Environmental sustainability; and
 - (e) Objector concerns.

Submissions Received

6. Twenty-six objections were received to the application, these can be summarised as:
 - (a) Amenity impacts (siting, off-site, on-site, overshadowing);
 - (b) Loss of vegetation (significant trees);
 - (c) Traffic and car parking;
 - (d) Location of services (air conditioning unit);
 - (e) Demolition; and
 - (f) Location and height of fencing.

Conclusion

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

CONTACT OFFICER: Corey Wooldridge
TITLE: Statutory Planner
TEL: 9205 5010

6.3 PLN23/0661 - 9 Arthur Street, Fairfield

Reference	D24/114461
Author	Corey Wooldridge - Statutory Planner
Authoriser	Senior Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward:	Nicholls
Proposal:	Construction of two double storey dwellings on a lot
Existing use:	Accommodation (dwelling)
Applicant:	Planning & Property Partners Pty Ltd
Zoning / Overlays:	Neighbourhood Residential Zone – Schedule 2 Development Contributions Overlay – Schedule 1
Date of Application:	20 September 2023
Application Number:	PLN23/0661

Planning History

1. There is no planning history for the site located in Council records.

Background

Planning Scheme Amendments

2. Amendment C269 was gazetted on 21 December 2023 and updated the local policies in the Yarra Planning Scheme by implementing the Yarra Planning Scheme Review (2014) and updates the local policies by replacing the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) at Clause 21 and Clause 22 with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and selected local schedules, particular provisions, and operational provisions consistent with the structure introduced by Amendment VC148.
3. Whist application was submitted prior to the gazettal of the Amendment, the assessment of the application will be based on the requirements of the Yarra Planning Scheme at the time of determination.
4. Amendment VC250 was gazetted on 1 January 2024 and introduced a new Particular Provision at Clause 53.03 to prohibit new gas connections to new dwellings, apartment and residential subdivision. No permit can be issued for an application which includes reticulated gas supply. Transitional provisions apply to permit applications lodged before 1 January 2024.
5. As the permit application was lodged prior to 1 January 2024, the requirements of VC250 do not apply to this planning permit application.

Application Background

6. The application was received by Council on 20 September 2023, with further information provided on 13 November 2023. The application was advertised between 23 November and 8 December 2023, with twenty-six (26) objections received.
7. No consultation meeting was held.

The Proposal

8. The application is for construction of two new double storey dwellings. Further details of the proposal are as follows:

Demolition (no planning permit required)

9. Full demolition of the dwelling, including the garage and separate roller door, landscaping, ground materials and front fencing.

Development

10. The construction of two new dwellings, each with the following details:

(a) Ground floors comprising:

- (i) Garage, laundry and powder room / toilet;
- (ii) Bedroom with associated ensuite;
- (iii) Open plan kitchen, living and dining room; and
- (iv) Open space with alfresco area / pergola; and

(b) First floors comprising:

- (i) Main bedroom with associated WIR and ensuite;
- (ii) Two bedrooms;
- (iii) Retreat; and
- (iv) Bathroom.

11. The dwellings will have minimum setbacks from title boundaries as follows:

Dwelling 1

Ground floor	N/A	1.07m	5.70m	6.00m
First floor	N/A	2.96m	12.35m	6.82m

Dwelling 2

Ground floor	1.14m	N/A	5.70m	6.00m
First floor	2.07m	N/A	12.35m	6.82m

12. The dwellings will have maximum lengths of walls on boundaries as follows:

Dwelling 1

Ground floor	N/A	0.00m	0.00m	0.00m
First floor	N/A	0.00m	0.00m	0.00m

Dwelling 2

Ground floor	9.23m	N/A	0.00m	0.00m
First floor	0.00m	N/A	0.00m	0.00m

13. The proposed dwellings will have a maximum height of 6.97m and will be two storeys in construction.

14. The new dwellings are to have a contemporary design and built form including the following materials:
 - (a) Face brickwork in white / grey finish and cream / off-white finish;
 - (b) Feature brickwork in cream / off-white finish;
 - (c) Concrete render in grey finish; and
 - (d) Timber panel cladding in both batten and shiplap styles.



Figure 1: Render of the proposed dwellings as they would present to Arthur Street (Source: Applicant submission, decision plans)

15. The following general details relate to each dwelling:
 - (a) Dwelling 1 will have a single car garage and Dwelling 2 will have a double car garage;
 - (b) A 900mm high batten fence in white colour will be constructed along the front boundary; and
 - (c) A 3000L rainwater tank to be connected to toilets for flushing.

Existing Conditions

Subject site

16. The subject site is located on the eastern side of Arthur Street, south of Heidelberg Road in Fairfield. The site is rectangular in shape, with a frontage of 20.12m to Arthur Street, a maximum depth of 42.26m, constituting an overall area of approximately 849.86sqm.



Figure 2: Subject site as viewed from the opposite side of Arthur Street (Source: Officer site visit, January 2024)



Figure 3: Subject site as viewed from the Arthur Street frontage (Source: Officer site visit, January 2024).

17. The land is developed with a single storey, brick dwelling. The dwelling is setback approximately 6.7m from the western (front) title boundary. There is no fence along the street fronting title boundary with an area of landscaping within the front setback. To the rear is the dwelling's secluded private open space, with two outbuildings, one larger being a garage and a smaller galvanised iron shed. There is formal vehicle access provided to Arthur Street along the southern side of the street frontage, this will be retained for use by the proposed development. A driveway provides access into a galvanised iron and brick garage along the southern boundary (Figure 3).

Surrounding Land

18. The surrounding land is generally residential in nature to the south and commercial to the north. Arthur Street is predominantly occupied by single dwellings on a lot with landscaped front setbacks. The built form in the area is predominantly single and double storey, with some examples of three-storey apartment buildings.



Figure 4: Subject site (blue) and surrounding land (Source: Nearmap, March 2024)



Figure 5: Adjoining property at No. 11 Arthur Street



Figure 6: Adjoining property at No. 7 Arthur Street



Figure 7: View of Arthur Street looking south

19. To the north of the subject site is No. 11 Arthur Street. This is a two-storey townhouse development containing five townhouses. The development is set back from the street frontage by 6m and from the side boundaries along the common boundary by minimum 2.5m. There are areas of POS located adjacent each townhouse as balconies or garden areas. The development has habitable room windows opposite the development. These will be discussed in the Clause 55 section of this report.
20. To the south of the subject site is No. 7 Arthur Street. This is a single storey dwelling constructed of rendered brick and weatherboard. The dwelling is setback a minimum of 5.5m from the street frontage. The dwelling is set back from the common boundary by 1.6m for the front section and constructed on boundary at the rear. The dwelling has solar panels located along the northern plane of the roof and north facing habitable room windows opposite the development. These will be discussed in the Clause 55 section of this report.

21. To the east of the subject site is Nos. 4 and 6 Austin Street. No. 4 Austin Street is a single storey weatherboard dwelling, with SPOS and outbuildings located abutting the subject site. No. 6 Austin Street is a two storey, brick apartment building, with accessway / SPOS abutting the subject site. No habitable windows are located opposite the proposed development.
22. To the west of the subject site is Arthur Street. This is a local road with one lane of traffic travelling in a north-south direction. The street ends outside of No. 11 Arthur Street, allowing for through traffic in the form of bicycles and pedestrians only. Both side of the street contain mature trees and car parking. On the opposite side of Arthur Street are dwellings, ranging from single storey weatherboard buildings and a three storey apartment building.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 2)

23. The subject site is zoned as Neighbourhood Residential Zone (Schedule 2). The following provisions apply:
 - (a) Pursuant to Clause 32.09-2, a planning permit is not required to use the land as a dwelling as it is a Section 1 – Permit not required use;
 - (b) Pursuant to Clause 32.09-4 of the Scheme, an application to construct or extend a dwelling or residential building on a lot of 400sqm or more must provide a minimum garden area set out in the table at Clause 32.09-4;
 - (i) As the subject site has a lot size of 849.86sqm, the development must set aside 35% of the site as garden area:
 - The development sets aside 325.83sqm or 38% of the site as garden area. This is shown on Drawing No. TP09;
 - (c) Pursuant to Clause 32.09-5 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55; and
 - (d) Pursuant to Clause 32.08-11, a dwelling must not exceed 9m in height and must contain no more than three storeys at any point:
 - (i) As the maximum building height is 6.86m and is two storeys in construction, the development meets the requirements of Clause 32.09-11.

Overlays

Development Contributions Plan Overlay

24. The subject site is affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1). This overlay applies to all land in the City of Yarra and to all new development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. As the proposed works increase the number of dwellings on the site, the DCPO applies.

Particular Provisions

Clause 52.06 – Car Parking

25. Pursuant to Clause 52.06-2, before an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under Clause 52.06-5, the provision on site, and the subsequent reduction below the statutory requirement. As the subject site is in the Principal Public Transport Network, Column B car parking rates apply, and visitor car parking is not required.

Use	Statutory (Scheme) Rate	On-Site requirement	On-Site Provision	Reduction Sought
Dwelling	2 to each 3 or more bedroom dwelling	4	4	0
Total		4	4	0

26. The proposed on-site car parking provision therefore complies with Clause 52.06.
27. In accordance with Clause 52.06-9 plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise. An assessment against the acceptability of the car parking accommodation proposed will be discussed within the balance of this report.

Clause 52.34 – Bicycle Parking

28. Pursuant to Clause 52.34-1 a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
29. As the development is less than four storeys, the bicycle parking requirements of Clause 52.34 do not apply.

Clause 55 – Two or more dwellings on a lot (ResCode)

30. This clause applies as the development is for the construction of two or more dwellings on a lot. A development should meet all the standards and must meet all the objectives.
31. If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard and the decision guidelines for that standard do not apply to the application.

General Provisions

32. Clause 65 – Decision guidelines.

Municipal Planning Strategy

33. Relevant clauses are as follows:
34. Clause 02.03 – Strategic directions:
- (a) Clause 02.03-4 – Built environment and heritage; and
 - (b) Clause 02.03-5 – Housing.

Planning Policy Framework (PPF)

35. Relevant clauses are as follows:
36. Clause 11 – Settlement:
- (a) Clause 11.01-1S – Settlement.
 - (b) Clause 11.01-1R – Settlement – Metropolitan Melbourne; and
 - (c) Clause 11.02-1S – Supply of urban land.
37. Clause 12 – Environmental and landscape values:
- (a) Clause 12.01 – Biodiversity:
 - (ii) Clause 12.01-1S – Protection of biodiversity; and
 - (iii) Clause 12.01-1L – Biodiversity.
38. Clause 15 – Built environment and heritage:
- (a) Clause 15.01 – Built environment:
 - (i) Clause 15.01-1S – Urban design;
 - (ii) Clause 15.01-1R – Urban design – Metropolitan Melbourne;

- (iii) Clause 15.01-1L – Urban design;
 - (iv) Clause 15.01-2S – Building design;
 - (v) Clause 15.01-2L – Building design;
 - (vi) Clause 15.01-1L-01 – Environmentally sustainable development; and
 - (vii) Clause 15.01-5S – Neighbourhood character.
39. Clause 16 – Housing:
- (a) Clause 16.01 – Residential development:
 - (i) Clause 16.01-1S – Housing supply;
 - (ii) Clause 16.01-1R – housing supply – Metropolitan Melbourne;
 - (iii) Clause 16.01-1L – Location of residential development; and
 - (iv) Clause 16.01-1L-01 – Housing diversity.
40. Clause 19 – Infrastructure:
- (a) Clause 19.02 – Community infrastructure:
 - (i) Clause 19.02-6L-01 – Public open space contribution; and
 - (b) Clause 19.03 – Development infrastructure:
 - (i) Clause 19.03-1S – Development and infrastructure contributions plans; and
 - (ii) Clause 19.03-3L – Water sensitive urban design.

Advertising

41. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 26 objections, the grounds of which are summarised as follows):
- (a) Amenity impacts (siting, off-site, on-site, overshadowing);
 - (b) Loss of vegetation (significant trees);
 - (c) Traffic and car parking;
 - (d) Location of services (air conditioning unit);
 - (e) Demolition; and
 - (f) Location and height of fencing.

Referrals

External Referrals

42. The application was not required to be referred to the any statutory authorities under the Yarra Planning Scheme.

Internal Referrals

43. The application was referred to the following units within Council:
- (a) Development Engineering;
 - (b) ESD Officer;
 - (c) Urban Design Unit; and
 - (d) City Works – Open Space Services.
44. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Clause 55;
- (c) Car parking;
- (d) Environmental sustainability;
- (e) Objector concerns; and
- (f) Other matters.

Policy and strategic support

46. The proposed development benefits from strong strategic and policy support. The context of the site, being within a Neighbourhood Residential Zone, unencumbered by a Heritage Overlay and within proximity to services and transport combined with the size of the allotment result in an opportunity for the site to accommodate increased residential density.
47. The subject site is within proximity (approximately 650m) to Fairfield Railway Station and approximately 800m to the Station Street commercial precinct, which provides a wide range of retailing, community and hospitality offerings with good public transport links. The site is also within walking distance of local parks and schools. This ensures the site is well serviced by public transport, local infrastructure and services.
48. The subject site is located in the Neighbourhood Residential Zone, a key objective of which is to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. The proposed development will add two new double storey dwellings in an area that is predominantly one and two storey in nature, therefore meeting the objective of the zone.
49. Notwithstanding the above, policy support for more intensive development needs to be balanced with built form guidance at Clauses 21.05-1, 21.05-2, 22.10 and 22.13 of the Scheme. These policies call for development that responds to the surrounding context with regard to urban character and amenity. Strategic support also needs to be tempered with consideration of amenity impacts to nearby sensitive uses.
50. As will be discussed in detail within this report, it is considered that the proposal achieves a good balance of State and local policy in relation to high quality development and protection of off-site amenity within the Neighbourhood Residential Zone.

Clause 55

51. Clause 55 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built-up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.
52. The following objectives of Clause 55 do not apply to this planning permit application:
- (a) *Clause 55.02-3 – Dwelling diversity objective – Not applicable;*
 - (b) *Clause 55.03-6 – Open space objective – Not applicable;*
 - (c) *Clause 55.06-3 – Common property objective – Not applicable; and*
 - (d) *Clause 55.07 – Apartment developments – Not applicable.*
53. The remaining objectives and standards are assessed in detail below.

Clause 55.02-1 – Neighbourhood character objectives

54. Complies with the objectives. The surrounding residential area has an existing and emerging character of single and double storey dwellings, with some three-storey apartment buildings being located within a close distance. The removal of the original building and construction of an additional dwelling is in keeping with the character of single and two storey contemporary developments in the neighbourhood. The scale and siting of the proposed built form generally reflects scale of the neighbourhood, particularly immediate surroundings. This assists in minimising impacts of any new built form on adjoining properties.
55. The 'Strategic housing framework plan – Fairfield and Alphington' at Clause 16.01-1L identifies the subject site as being part of a Minimal change area. The strategy of this area is to encourage development that respects the prevailing type, scale and character of development in the street.
56. Clause 16.01-1L also seeks to ensure that housing growth in minimal change areas outside of activity centres are commensurate with the purpose of the zone. As detailed in the Strategic Support section above, the development is consistent with the Neighbourhood Residential Zone.
57. Similarly, Clause 15.01-4S (Neighbourhood character) provides the following relevant strategy:
- 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 respecting the pattern of local urban structure and subdivision.*
58. The proposal fulfils the above by providing for additional housing stock while maintaining a built form consistent with the surrounding neighbourhood and provides for a streetscape interface which respects the built form of existing buildings nearby. The proposed development is consistent with the overall character within this section and side of the street.
59. The surrounding neighbourhood has a variety of roof forms and materials. The proposed development has a flat / skillion roof form which is consistent with the apartment building opposite the subject site on Arthur Street. The other dwellings within the nearby neighbourhood are a mix of gable and hipped forms. Council's Urban Design Team raised concern with the orthogonal roof form, however in the context of the street, there is no dominant roof typology, so a flat skillion roof is not considered to be out of place or inconsistent with any predominant character. It is also noted that the variation in materials at ground and first floor, and recessive features provide sufficient visual interest that prevents the skillion roof form being a dominant feature in the built form.
60. The use of render and face brick for the proposed development is reflected in nearby dwellings as well. The predominant material in the immediate surrounds is face brick with some render and weatherboard also being used. As such the proposed development is consistent with Clause 15.01-2L (Materials)

Clause 55.02-2 – Residential policy objectives

61. Complies with the objective. The area is located within a well-established area of Fitzroy North, with connections to nearby commercial precincts on Nicholson Street and Brunswick Street / St Georges Road, as well as public transport links and active transport links. The development provides for new housing stock to introduce additional units and provide opportunity for density within the area.
62. The proposal is consistent with state and local strategic policies as it contributing to urban consolidation consistent with Clause 02.03-5 and. The proposed development will provide for new housing stock in an area well serviced by public transport and close to jobs and services, consistent with Clause 16.01-1S and Clause 16.01-1R. Furthermore, the proposal will provide for more diversity and potential housing types, consistent with Clause 16.01-1S.

Clause 55.02-4 – Infrastructure objectives

63. Complies with the standard. The proposal is situated in an area which is already well developed with reticulated services. The addition of one additional dwelling unit to the site is not anticipated to have any notable impact on these services.

Clause 55.02-5 – Integration with the street objective

64. The objective of this Standard is “to integrate the layout of the development into the street”. Of relevance to the scale of the development, Clause 15.01-2L (Building design) encourages that development be designed to:
- (a) *Provide separate vehicular and pedestrian access;*
 - (b) *Provide clearly identifiable, accessible, well-lit and safe pedestrian entries with a sense of address to a street;*
 - (c) *Provide weather protection for entries;*
 - (d) *Orient development to the street, and to both streets for a corner site;*
 - (e) *Reflect the predominant character of fencing and boundary treatments in the street through height, material and permeability, and clearly define the boundaries of the site; and*
 - (f) *Provide privacy and security that allows natural surveillance between the building and the street.*
65. The dwellings maintain Arthur Street as the principal frontage, the dwelling entries are clearly visible from the street and are offered weather protection from the cantilevered first floor / porch. Windows are provided in each dwelling frontage to increase the passive surveillance to the street.
66. Pedestrian pathways provided separately from the driveways for the dwellings, and are acceptable.
67. Overall, the proposed development is consistent with the street and is supported.

Clause 55.03-1 – Street setback objective

68. The following table (Table 2) considers the street setback of the proposal under the requirements of Clause 55.03-1. Standard B6 requires that the building be set back the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.

<i>Adjoining site (north)</i>	<i>Adjoining site (south)</i>	<i>Average of adjoining lots</i>	<i>Proposed setback</i>	<i>Compliance</i>
6.00m	5.50m	5.75m	6.00m	Yes

Table 2: Street setback assessment

69. Complies with the standard. The proposed dwellings will have a setback to the front walls of 6m.
70. Standard B6 also allows for porches no more than 3.6m in height and eaves to encroach not more than 2.5m into the setbacks of this standard. The eaves above the garage of the northern dwelling (Dwelling 2) encroach 1m within the Standard B6 requirements and both porches (being less than 3.6m in height) encroach 1.5m and 1m respectively.
71. Therefore, the proposed development is deemed to comply with the requirements of Standard B6 and is acceptable.

Clause 55.03-2 – Building height objective

72. The following table (Table 3) considers the maximum building height of the site as assessed under the requirements of Clause 55.03-2. Standard B7 allows for a maximum height of 9m and two storeys, where the zone allows for a maximum building height of 9m and three storeys.

Maximum height (m) and No. of storeys	Standard B7 requirement	Compliance
6.97m and 2 storeys	9m and 2 storeys	Yes

Table 3: Building height assessment

73. As seen above in Table 3, the proposed development complies with the requirements of the standard and is therefore deemed to comply and is acceptable.
74. By achieving the requirements of the objective at Clause 55.03-2, the proposal is also consistent with strategies at Clause 15.01-2L (Building heights).

Clause 55.03-3 – Site coverage objective

75. The following table (Table 4) assesses site coverage of the site pursuant to the requirements of Clause 54.03-3. Standard B8 specifies a maximum site coverage of 60% of the total site area.

Site area (sqm)	Proposed site coverage (sqm / %)	Standard B8 requirement	Compliance
849.86sqm	489.47sqm (57.59%)	509.92sqm (60%)	Yes

Table 4: Site coverage assessment

76. Complies with the standard. As seen above in Table 4 above, the proposed development provides for site coverage that achieves the standard. It is therefore deemed to comply and is acceptable.
77. Design guidelines at Clause 15.01-2L (Building design) states that new development should be encouraged not to exceed a maximum site coverage of 80% of the site unless the pattern of site coverage in the immediate area is higher than 80%. As seen above, the proposed development is consistent with this policy.

Clause 55.03-4 – Permeability and stormwater management objectives

78. The permeability of the site as assessed under the requirements of Clause 54.03-4. Standard B9 specifies that 20% of the site is to be dedicated to permeable surfaces.

Site area (sqm)	Proposed permeability (sqm / %)	Standard B9 requirement	Compliance
849.86sqm	367.91sqm (43.29%)	169.97sqm (20%)	Yes

Table 5: Permeability assessment

79. Complies with the standard. As seen above in Table 5, the proposed development would result in 43.29% of the site comprising of permeable groundcover. This complies with the requirements of the standard. It is therefore deemed to comply and is acceptable.
80. A STORM Rating Report has also been submitted with the application as part of the Sustainable Design Assessment (SDA) and as required by Clause 19.03-3L. The proposal demonstrates a score of 100% through the inclusion of 2 x 3000L rainwater tanks (one to each dwelling) shown in plans.
81. The rainwater tanks are to be connected to toilets for flushing and laundry for washing purposes as per the Applicant’s SDA report.

82. As such, it is considered that the proposal would provide an adequate response to stormwater management on-site and acceptable permeability.

Clause 55.03-5 – Energy efficiency objectives

83. Complies with objective. The below assessment considers the energy efficiency pursuant to the standard and objective at Clause 55.03-5. The main habitable rooms are provided with access to daylight through windows to the front, rear and sides of the buildings. The northern aspect provides for glazing to habitable rooms (guest room at ground and bedroom at first) for Dwelling 2. The dwellings provide for natural ventilation through operable windows at ground and first floor as well as reducing impacts from western sun by minimising windows on this elevation.
84. The Applicant submitted a Sustainable Design Assessment (SDA). The development will achieve a BESS score of 50%, which meets best practice in accordance with the relevant energy efficiency objectives and standard at Clause 55.03-3 and the environmental sustainability design objectives and guidelines at Clause 15.01-2L-01.
85. A Sustainable Design Assessment (SDA) report, prepared by Archi Sustainability and dated 27 October 2023, was submitted for the application. The application achieves a BESS score of 50%, which meets best practice in accordance with the relevant energy efficiency objectives and standards at Clause 55.03-3 and the environmental sustainability design objectives and guidelines at Clause 15.01-2L-01.
86. The SDA commits to the following:
- (a) Doubled glazed windows to habitable rooms;
 - (b) Motion sensor lighting for external lighting;
 - (c) 3000L rainwater tank to each dwelling;
 - (d) Crossflow ventilation; and
 - (e) Allocation for bins (4 streams of waste).
87. These are all committed to in plans.
88. The SDA was referred to Council's ESD advisor who stated that additional information and commitments were required in order to meet Council's best practice.
89. Should a permit issue, a condition will require that the SDA to be amended to include the commitments noted by the ESD advisor and to be shown on plans (where applicable), as follows:
- (a) Clarify the permeability of paving in POS to address inconsistency between annotations on plans and WSUD plan. Plans and assessment to be updated accordingly;
 - (b) Clarify the rainwater reuse. The plan annotation states toilet flushing, while the BESS report states toilet flushing laundry and irrigation. Additionally, if irrigation is connected consideration must be given to BESS Tool Notes regarding applicability of water credit (3.1 Water efficient landscaping);
 - (c) The STORM assessment updated to include all impervious surfaces, ensuring the updated STORM rating achieves a minimum of 100%;
 - (d) All SDA notes on the plans to be consistent with the ESD commitments detailed in the SDA; and
 - (e) Clarify the proposed colour of the roof material and detail it in the documentation, ensuring the specification supports a reduction in urban heat outcomes.

90. The ESD advisor also raised potential gas connections as a deficiency of the SDA. Pursuant to Clause 53.03 of the Yarra Planning Scheme, applications for new developments lodged on or after 1 January 2024 are prevented from having a gas connection. As the permit application was lodged before 1 January 2024, it is not required to comply with the mandatory requirements of this clause and a new gas connection is therefore permissible.
91. The ESD advisor also noted that the ground floor plans show the alfresco area as permeable, where the WSUD plan on TP_09 shows this area as impermeable. A condition of permit, were it to issue, will require this to be clarified. The STORM rating report may need to be amended to ensure that 100% rating is achieved and would be able to comply.
92. Overall, subject to conditions, the proposed development will achieve best practice in accordance with the relevant energy efficiency objectives and guidelines at Clause 15.01-2L-01 of the Yarra Planning Scheme.
93. Standard A7 also seeks to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced, and to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots is not unreasonably reduced. The Standard does not consist of a specific measure to determine what constitutes an “unreasonable” loss of energy efficiency. However, this has been tested in various VCAT decisions which are cited below.
94. In *John Gurry & Assoc Pty Ltd v Moonee Valley CC & Ors* (Red Dot) [2013] VCAT 1258, the Tribunal articulates various factors as being useful reference points (as applicable) for decision makers attempting to assess the appropriateness of shadow impacts on solar collector systems. A list of those factors is provided below:
 - (a) *The ultimate test is ‘reasonableness’, rather than avoiding any overshadowing altogether;*
 - (b) *What constitutes ‘legitimate expectations’ in light of the strategic planning controls and policies affecting the subject land?*
 - (c) *Have the relevant solar panels been placed in an unreasonably vulnerable position on the host building?*
95. Having regard to the test of ‘reasonableness’, an assessment of overshadowing to solar panels should be informed by overshadowing at the equinox. This is considered a reasonable baseline measurement considering the constraints of the subject site and the need to balance on and off-site amenity expectations. The equinox has been relied upon as a measure in *Cahill v Hobsons Bay CC* [2019] VCAT 222.
96. The equinox is also relied upon in *Kirkman v Hobsons Bay CC* [2012] VCAT 1463 with regard to a development’s impacts on the energy efficiency of adjoining dwellings more generally.
97. In the VCAT decisions cited above, it was made clear that the objective of Standard A7 is not to prevent a reduction in energy efficiency, but to ensure the reduction in energy efficiency is not unreasonable.
98. The extent that the adjoining solar panels at No. 7 Arthur Street are in shadow at the equinox is not considered unreasonable. The submitted shadow diagrams (Figure 8) confirm that the solar panels will not experience shadowing at the September equinox on any of the three separate solar panel sections. Shadowing will occur at the June solstice according to the shadow diagrams, however given the previous VCAT rulings on the matter, the September equinox has been used as the reasonable baseline in this instance.

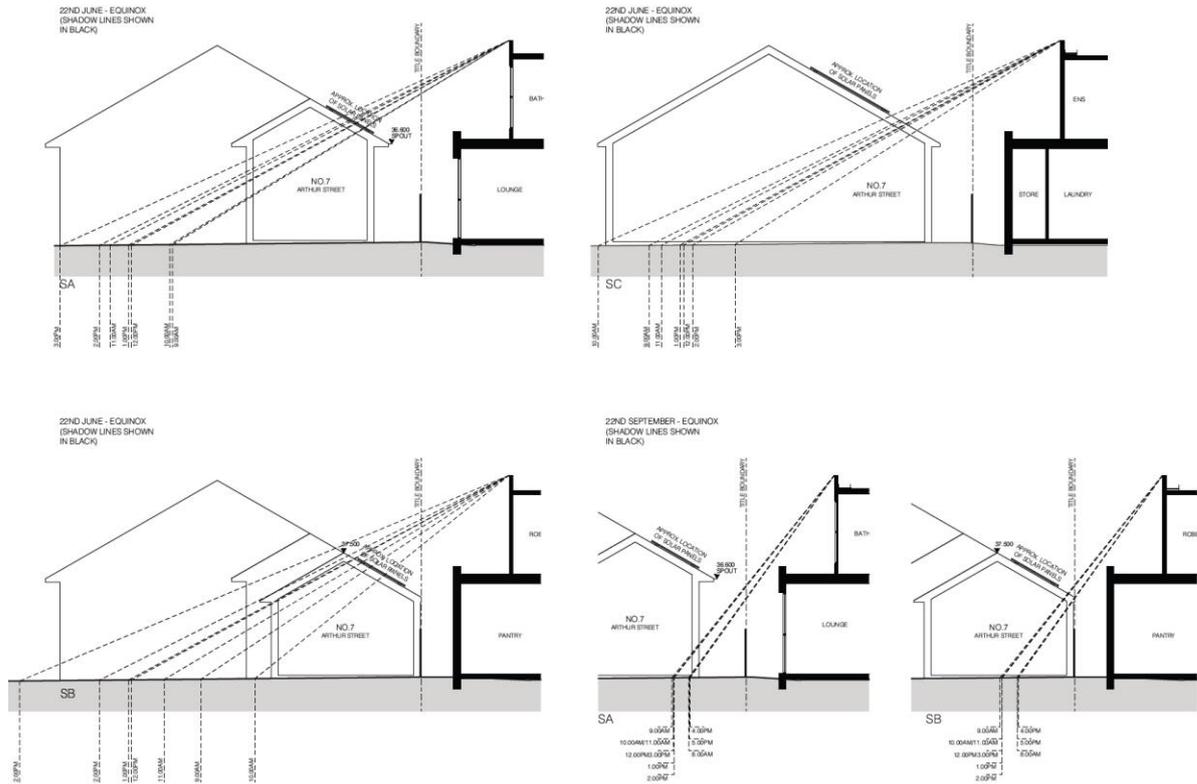


Figure 8: Sectional diagrams demonstrating shadow impacts to solar panels at June solstice and September equinox

99. In *McCusker v Yarra CC* [2019] VCAT 1359, the VCAT member considered that a reasonable outcome for overshadowing of solar panels would be for at least 50% of the period to not be subject to additional overshadowing from a new proposal. As noted above, based on the submitted shadow diagrams, the proposed development would not result in overshadowing to any of the solar panels at the September equinox.
100. The existing solar panels are located on the northern roof pitch of the dwelling at various setbacks ranging from sections of on-boundary walls to higher pitched roof setback 1.6m from the boundary. Given the east-west orientation of lots on Canning Street, the existing solar panels would be vulnerable to overshadowing should an extension or new dwelling(s) be constructed to the north, as is proposed. Although the solar panels appear to be constructed flush with the roof, they could be elevated to receive additional sunlight if necessary.
101. As such, the extent of overshadowing to existing solar panels will not unreasonably impact their efficiency and is therefore supported having regard to the above considerations.
102. Overall, the proposed development is not considered to unreasonably impact the energy efficiency of the dwellings at No. 7 Arthur Street, having regard to the objectives of Clause 55.03-5.

Clause 55.03-7 – Safety objective

103. Complies with the standard. Standard B12 specifies that dwelling entrances should not be obscured from accessways, or provide unsafe spaces due to planting and provide for good lighting and secure SPOS. The proposed development provides for entryways that are clearly visible from the streetscape and not obscured by vegetation or high fencing. It also provides for secure areas of fenced SPOS to each dwelling.

Clause 55.03-8 – Landscaping objectives

104. Complies with the standard. The proposed development will require the removal of vegetation within the site.

105. The site does not contain any significant trees as determined by Council's significant tree register / local law. No significant vegetation (as defined by Council) is required to be removed or has been removed from the site in the previous 12 months.
106. There are significant trees and street trees within proximity of the subject site. In order to ensure these are protected from new works / development, the following will be required, as recommended by Council's Open Space team:
- (a) A Tree Management Plan (TMP) is required as part of the permit conditions if the application is approved.
107. These requirements will be included as conditions of permit. A condition of permit will also require the submission of a landscape plan for endorsement.
108. Both dwellings will have SPOS to the rear with a landscaped area that will be large enough to allow for new planting and vegetation.
109. A standard condition will be placed on any permit were it to issue for a landscaping plan to be submitted and endorsed prior to commencement of development.
110. By achieving the requirements of the objective at Clause 55.03-8, the proposal is also consistent with strategies at Clause 15.01-2L (Landscaping).

Clause 55.03-10 – Parking location objectives

111. Standard B14 states that the width of accessways should not exceed 33 per cent of the frontage (where wider than 20m) The combined accessway widths comprise 6.4m of the frontage, equating to 32 per cent, and is therefore compliant with the Standard. Vehicle parking within the development is provided to the front area of both dwellings (tandem parking with garage and driveway). These spaces are located within the associated lot boundaries of the dwellings and provided with the garage allow for secure parking. There are no new shared accessways to other dwellings or residential buildings within close proximity. The proposed development is therefore acceptable and in accordance with the requirements of the standard.
112. By achieving the requirements of the objective at Clause 55.03-10, the proposal is also consistent with strategies at Clause 15.01-2L (Car parking).

Clause 55.04-1 – Side and rear setbacks objective

113. The following table (Table 6) considers the proposed wall setbacks from the south, east and west boundaries as compared to those required from the standard.

<i>Proposed Wall</i>	<i>Wall height (m)</i>	<i>B17 Setback (m)</i>	<i>Proposed setback (m)</i>	<i>Difference</i>	<i>Compliance</i>
North wall GF - Ensuite / Guest bed / Pantry	3.81	1.06	1.14	0.07	Yes
North wall GF - Living	3.81	1.06	3.54	2.47	Yes
North wall FF - Master bed	6.86	1.98	2.95	0.97	Yes
North wall FF - WIR / Ensuite / Retreat / Bed 1 / Bath	6.86	1.98	2.07	0.09	Yes
South wall GF - Garage / Pdr / Lounge / Pantry	3.71	1.03	1.07	0.04	Yes

South wall GF - Living	3.71	1.03	3.47	2.44	Yes
South wall FF - Master bed	6.82	1.97	4.34	2.37	Yes
South wall FF - Ensuite / Retreat / Bath / Bed 1	6.82	1.97	2.96	0.99	Yes
East wall GF - Alfresco (Dwelling 1 and 2)	3.89	1.09	5.70	4.61	Yes
East wall FF - Bed 1 / 2 (Dwelling 1 and 2)	6.86	1.98	12.66	10.68	Yes

Table 6: Side and rear setbacks assessment

- 114. Complies with the standard. As seen in Table 6 above, the proposed development complies with the requirements of Standard B17. It is therefore deemed to comply and is acceptable.
- 115. By achieving the requirements of the standard at Clause 55.04-1, the proposal is also consistent with strategies at Clause 15.01-2L (Building setbacks).

Clause 55.04-2 – Walls on boundaries objective

- 116. The following tables (Table 7-9) considers the proposed walls on boundaries as compared to those required from the standard.

Wall(s) on boundary	Length (m)	B18 Length (m)	Difference	Compliance
North wall	9.23	18.07	8.84	Yes

Table 7: Length of walls on boundaries assessment

Wall on boundary	Average Height (m)	B18 Average Height (m)	Difference	Compliance
North wall	3.20	3.20	0.00	Yes

Table 8: Average height of walls on boundaries assessment

Wall on boundary	Max. Height (m)	B18 Max. Height (m)	Difference	Compliance
North wall	3.81	3.60	-0.21	No

Table 9: Maximum height of walls on boundaries assessment

North wall:

- 117. Complies with the objective. As seen in Tables 7-9 above, the proposed wall on northern boundary complies with the length and average height requirements of the standard, but does not comply with the maximum height requirements. Despite this, a variation to the standard is considered acceptable.
- 118. The proposed height of the wall on northern boundary relates to the garage of Dwelling 2 at ground floor. The development situated to the north of the subject site is a multi-unit dwelling with a pedestrian accessway running along the length of the common boundary.

119. As noted above, the length and average height of the wall on northern boundary comply with the requirements of the standard, while the maximum wall height does not. The proposal exceeds the maximum height of 3.6m by 210mm. This relates to the parapets located at either end of the garage of dwelling 2 (refer Figure 9).



Figure 9: Proposed wall on boundary with compliant area (green) and area exceeding 3.6m (red)

120. As can be seen in Figure 9 above, the area of non-compliance with the standard is very minor and will not result in adverse amenity impacts to the adjoining building.
121. Given the setback created by the pedestrian accessway, the frosted windows opposite the wall on boundary and the minor nature of the variation, the proposed wall on boundary is not inconsistent with the neighbourhood character or result in adverse amenity or visual bulk impacts.
122. By achieving the requirements of the objective at Clause 55.04-2, the proposal is also consistent with strategies at Clause 15.01-2L (Walls on boundaries).

Clause 55.04-3 – Daylight to existing windows objective

123. The following table (Table 10) considers the setbacks to existing windows as compared to those required by the standard.

Proposed Wall	Opposite window	Wall height (m)	B19 Setback (m)	Proposed setback (m)	Difference	Compliance
North wall GF - Garage	GF HRW at No. 11 Arthur Street	3.81	1.91	2.50	0.60	Yes
North wall GF - Guest bed	GF HRW at No. 11 Arthur Street	3.81	1.91	3.64	1.73	Yes
North wall FF - Master bed	GF HRW at No. 11 Arthur Street	6.84	3.42	5.45	2.03	Yes
North wall FF - WIR / Ensuite	GF HRW at No. 11 Arthur Street	6.84	3.42	4.42	1.00	Yes
North wall FF - WIR / Ensuite	FF HRW at No. 11 Arthur Street	6.84	3.42	4.42	1.00	Yes
North wall FF - Retreat	GF HRW at No. 11 Arthur Street	6.84	3.42	4.57	1.15	Yes

South wall GF - Garage / Lounge	GF HRWs at No. 7 Arthur Street	3.81	1.91	2.67	0.77	Yes
South wall FF - Master bed / Ensuite / Retreat	GF HRWs at No. 7 Arthur Street	6.86	3.43	4.56	1.13	Yes

Table 10: Daylight to existing windows assessment

124. Complies with the standard. As seen in Table 10 above, the proposed development complies with the requirements of the Standard B19. It is therefore deemed to comply and is acceptable.

Clause 55.04-4 – North facing windows objective

125. The following table (Table 11) considers the setbacks to north facing windows as compared to those required by the standard.

Proposed Wall	Opposite window	Wall height (m)	B20 Setback (m)	Proposed setback (m)	Difference	Compliance
South wall GF - Garage / Lounge	GF HRWs at No. 7 Arthur Street	3.71	1.07	1.07	0.00	Yes
South wall FF - Master bed / Ensuite / Retreat	GF HRWs at No. 7 Arthur Street	6.82	2.93	2.96	0.03	Yes

Table 11: North facing windows assessment

126. Complies with the standard. As seen in Table 11 above, the proposed development complies with the requirements of Standard B20. It is therefore deemed to comply and is acceptable.

Clause 55.04-5 – Overshadowing open space objective

127. The following table (Table 12) considers the shadowing of the proposal to adjoining SPOS as compared to the requirements of the standard. Standard B21 states that:

where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Address:	No. 7 Arthur Street Fairfield						
SPOS area:	405.10	sqm					
A15 sunlight area:	40.00	sqm					
	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM
Existing sunlight area (sqm):	351.31	350.24	349.33	346.69	330.80	309.70	280.88
Additional shadow area (sqm):	0.59	0.90	13.41	17.95	26.94	56.23	124.83
Additional shadow % of SPOS area:	0.15	0.22	3.31	4.43	29.00	13.88	30.81

Retained sunlight area (sqm):	350.72	349.34	335.92	328.74	303.86	253.47	156.05
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Table 12: Overshadowing to SPOS assessment

- 128. Complies with the standard. The proposed development would allow for an area of 40sqm and minimum dimension of 3m to be unshaded for a minimum of five hours between 9am and 3pm on 22 September. As such, it is deemed to comply and is acceptable.
- 129. A review of the proposal has identified that the rear fence of No. 7 Arthur Street has not been included during the morning hours when it would cast shadows onto the SPOS. Despite this, an Officer assessment of the shadow diagrams (using Objective Trapeze software) demonstrated that the shadow cast by the fence would have an impact of more than 45sqm at 9am (being the time that the greatest amount of shadow would be cast on the SPOS by the fence). Even when taking into consideration this additional 45sqm of shadow that would be cast by the fence, the proposal would comfortably comply with the requirements of Standard B21.
- 130. As such, the extent of overshadowing is within the requirements of the above standard and is acceptable.

Clause 55.04-6 – Overlooking objective

- 131. The following table (Table 13) considers the proposed new habitable room windows (HRW) with that of the requirements at Standard B22.

Habitable room windows	Assessment pursuant to Standard B22	Compliance
Dwelling 1 and 2 – GF habitable room windows	The new ground floor HRWs and SPOS will have an FFL of less than 800mm (max. 350mm) above ground level and will face a visual barrier of a minimum 1.8m (1.8m-1.9m high paling fence). As such the requirements of the standard are not applicable.	N/A
Dwelling 2 – FF Master bed (north elevation)	The new HRW facing north will have fixed obscured glazing or restricted operability glazing to a height of 1.7m above FFL. The windows will be operable awning type above.	Yes
Dwelling 2 – FF Retreat (north elevation)	The new HRW facing north will have fixed obscured glazing or restricted operability glazing to a height of 1.7m above FFL. The windows will be operable awning type above.	Yes
Dwelling 1 – FF Master bed (south elevation)	The new HRW facing south will have fixed obscured glazing or restricted operability glazing to a height of 1.7m above FFL. The windows will be operable awning type above.	Yes
Dwelling 1 – FF Retreat (south elevation)	The new HRW facing south will have fixed obscured glazing or restricted operability glazing to a height of 1.7m above FFL. The windows will be operable awning type above.	Yes
Dwelling 1 and 2 – FF Beds 2 and 3 (east elevation)	The new HRW facing east will have fixed obscured glazing or restricted operability glazing to a height of 1.7m above FFL. The windows will be operable awning type above.	Yes

Table 13: Overlooking assessment

- 132. Complies with the standard subject to condition. As seen in the table above, all new habitable room windows of the proposed development may comply with the requirements of Standard B22. An annotation on the plans states that windows may have fixed or restricted operability. While limited operability is acceptable, it must be in accordance with the requirements of Clause 55.04-6. Therefore a condition on any permit, were it to issue, will require detail be provided regarding the extent operability of any obscure glazed windows to demonstrate that the window openings comply with the overlooking standard. Subject to this condition, the proposal will comply with the standard.

Clause 55.04-7 – Internal views objective

- 133. Complies with the standard subject to condition. Development is required to ensure that windows and balconies be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development to achieve the requirements of the standard.
- 134. The development provides windows at first floor which would have views to the adjoining SPOS of dwellings within the same development. However the majority of these windows are appropriately screened in accordance with the requirements of Standard B22 and therefore is acceptable in preventing views to adjoining SPOS. There are two first floor habitable room windows (associated with the retreats) which may have views into the adjacent courtyards. In order to demonstrate compliance, a condition of permit if it issues will require internal elevations of the dwellings to be submitted, and that compliance with Clause 55.04-7 be demonstrated for the two habitable room windows that face internally.

Clause 55.04-8 – Noise impacts objectives

- 135. Complies with the standard. The proposed development is residential and located in a residential zone. It is reasonable to expect that any noise generated on the site would only be residential in nature without causing any unreasonable acoustic impacts on neighbouring properties. Furthermore, there are no noise sources at adjoining sites that are expected to cause any unreasonable noise to future occupants at the subject site.

Clause 55.05-1 – Accessibility objective

- 136. Complies with the objective. It is acknowledged that the entrances to the new dwellings are not readily accessible for people with limited mobility. An accessible ramp however could be installed to the entrance as permit exempt (Clause 62.02-2) given the small distance between ground level and entry door.
- 137. Furthermore, the first floors require use of internal staircases however, this would be made clear to future occupants. It is unlikely that people of limited mobility would choose to occupy these dwellings as a result of the layout. As such, given the small scale of the development and overall, two storey design, it is considered acceptable.

Clause 55.05-2 – Dwelling entry objective

- 138. Complies with the standard. The proposed development provides each dwelling with a separate entrance for each unit / dwelling which are easily identifiable from the street, with easily accessible garden path. The entrances are provided with a small landing covered by roof eave which would provide for shelter prior to entrance into the building. As such, the proposed development is acceptable.

Clause 55.05-3 – Daylight to new windows objectives

- 139. Complies with the standard. Standard B27 requires a habitable room be located to face an outdoor area open to the sky with a minimum area of 3sqm and dimension of 1m. The proposed new dwelling will achieve the requirements of the standard, with habitable rooms facing north, south, east and west to open space.

Clause 55.05-4 – Private open space objective

- 140. The following table (Table 14) sets out the POS and SPOS of each unit compared to the requirements of the standard.

	POS / SPOS (SQ.M)	Standard B28 Requirement	Compliance
Dwelling 1	165.67sqm / 122.47sqm	40sqm / 25sqm	Yes
Dwelling 2	156.11sqm / 122.02sqm	40sqm / 25sqm	Yes

Table 14: Private open space assessment

141. Complies with the standard. As seen in Table 14 above, both dwellings will comply with the POS and SPOS requirements of the standard. Therefore, the proposed development is deemed to comply with the standard and is acceptable.

Clause 55.05-5 – Solar access to open space objective

142. The following table (Table 15) considers the proposed setback required for compliance with Standard B29.

	Wall height (m)	A18 Setback (m)	Proposed setback (m)	Difference	Compliance
Northern wall of SPOS – Townhouse 1 (GF Living / FF Balcony)	9.61	10.65	12.63	1.98	Yes
Northern wall of SPOS – Townhouse 2 (GF Living / FF Balcony)	9.61	10.65	22.73	12.08	Yes

Table 15: Solar access to open space assessment

143. Complies with the standard. As seen in Table 15 above, both dwellings would have access to SPOS that achieves the minimum setbacks for solar access in compliance with Standard B29. Therefore, the proposed development is deemed to comply with the standard and is acceptable.

Clause 55.05-6 – Storage objective

144. Complies with the standard. The standard requires that each dwelling be provided with 6m³ of external storage which is convenient to access. The decision plans show a storage area of 6m³ to each dwelling. This will comply the standard and is acceptable.

Clause 55.06-1 – Design detail objective

145. Complies with the objective. The design detail is one of face brick and render. This is consistent with the existing character of the neighbourhood. The use of brick and render is commonplace among both the varied age of dwellings within Arthur Street. The use of brick and render is not at odds with the surrounding neighbourhood, and this maintains the overall character of the area.
146. The use of flat / skillion roof is also consistent with the nearby dwellings, as noted under the Neighbourhood character objective assessment above.
147. The proposed development, however, does not state a material that is to be utilised for the roofing material. A condition of permit will require the material schedule to be updated to reflect this material.
148. The proposed development was referred to Council’s Urban Design Unit, who supported the application in principle subject to changes.
149. The Urban Design Unit proposed the following changes be made to the development scheme:
- (a) Reduction of the double garage of Dwelling 2 to a single garage and associated removal of the wall from northern boundary; and
 - (b) More detailed information be provided in regard to the Material Schedule in relation to the timber cladding that is to be used.
150. While the change of the double garage to a single garage has been raised by Urban Design as a concern, in considering the context and size of the site, it is acceptable for Dwelling 2 to have a double garage. The site has a substantial frontage to Arthur Street which can absorb the double and single car garages comfortably. The ground floor layout allows for activation at street level as well, with entry doors located forward of the garages.

151. The double car garage is also appropriately set back from the frontage to allow for a 3.2m wide crossover which tapers out to the garage door. This taper allows for hard surfaces to be minimised within the front setback.
152. Additionally, the garage door is to be constructed of a natural timber or timber look cladding, which would provide for a high quality finish to the development, which is consistent with the overall design, reducing visibility of the double garage within the façade.
153. In relation to timber/timber look finishes proposed, Council's Urban Design has recommended that natural timber be used, rather than a timber-look material. However, appropriate timber look materials can have a near identical appearance to natural timber and also will generally have less maintenance requirements, which is particularly important for application at first floor where this is less accessible. However, whether natural timber or timber-look material is to be used needs to be clarified on plans, and if the latter, details of the timber look material need to be provided to demonstrate its near identical appearance to natural timber. This will be recommended as a condition of permit, if one is to issue.
154. Overall, the proposal complies with the objective at Clause 55.06-1 and design strategies at Clause 15.01-1L (urban design) and Clause 15.01-2L (building design).

Clause 55.06-2 – Front fences objective

155. Complies with the standard. The proposed front fence within 3 metres of a street will be a maximum of 0.9m in height. It does not exceed the 1.5m height set out in the requirements of Standard B32.
156. By achieving the requirements of the objective at Clause 55.06-2, the proposal is also consistent with strategies at Clause 15.01-2L (Front fences and gates).

Car Parking

157. Council's standard note will be included on any permit issued to state that the properties will not be eligible for permit and visitor permit parking.
158. Dwellings 1 and 2 are provided with two car spaces each and a single crossover each. Therefore, no permit is required for a reduction in car parking. However, consideration should be given to the crossover and parking design and layout.
159. The design was referred to Council's Engineering Department who were supportive subject to the following conditions:
 - (a) The width of the garage doors is to be dimensioned (at a minimum of 2.6m for single and 5.2m for double); and
 - (b) The crossover sectional diagram resubmitted with accurate measurements in accordance with Council's Vehicle Crossing Information Sheet.
160. These will be included on the permit, along with Council's standard conditions relating to the construction of crossovers, and protection of Council assets.

Objector Concerns

161. Many of the objector issues have been discussed within the body of the report.
 - (a) Amenity impacts (siting, off-site, on-site, overshadowing) have been discussed within the body of the report between paragraphs 113 and 132;
 - (b) Loss of vegetation (significant trees) has been discussed within the body of the report between paragraphs 104 and 110; and
 - (c) Traffic and car parking has been discussed within the body of the report between paragraphs 111 to 112 and 157 to 160.
162. Outstanding objector issues raised are as follows and these will be discussed below:

Location and height of fencing

163. Pursuant to Clause 62.02-2 of the Yarra Planning Scheme, fences do not require a planning permit unless specifically required by the planning scheme. The relevant requirements of the Yarra Planning Scheme do not specifically require a permit for fencing (other than front fences).
164. The *Fences Act 1968* regulates the construction and requirements for boundary fencing. While the proposal indicates the removal and construction of new boundary fencing, this does not override the requirements of the *Fences Act 1968*. Adjoining properties will need to be consulted prior to any removal and construction of new boundary fencing in accordance with any regulations.

Demolition.

165. Pursuant to Clause 62.05 of the Yarra Planning Scheme, a permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.
166. The relevant requirements of the Yarra Planning Scheme do not specifically require a permit for demolition. The proposed demolition is therefore exempt from the requirements for a planning permit.

Location of services (air conditioning unit);

167. Pursuant to Clause 62.02-2 of the Yarra Planning Scheme, domestic services normal to a dwelling do not require a planning permit unless specifically required by the planning scheme. The relevant requirements of the Yarra Planning Scheme do not specifically require a permit for domestic services.
168. Pursuant to Clause 73.01 of the Yarra Planning Scheme, a domestic service is defined as:
- (a) *a domestic appliance or apparatus that is normal to and services a dwelling or small second dwelling. It includes disabled access ramps and handrails, **an air conditioner, cooling or heating system**, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like.*
169. The installation and location of domestic services is therefore not a planning consideration. The Environment Protection Agency regulates residential noise through the *Environment Protection Act 2017* and *Environmental Protection Regulations 2021*.

Other Matters

Public open space contribution

170. Pursuant to Clause 19.02-6L-01, cash contributions are preferred for open space contributions in Fairfield in accordance with Clause 53.01.
171. If the proposed development is to be subdivided post construction, a public open space contribution of 4.5% would be applied in accordance with Clause 53.01 of the Yarra Planning Scheme.

Conclusion

172. Overall, the proposal would substantially comply with the relevant planning policies and therefore should be supported subject to permit conditions.

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN23/0661 for construction of two dwellings on a lot at 9 Arthur Street, Fairfield VIC 3078 generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Taouk Architects, TP_02 – TP_09, dated November 2023 but modified to show:
 - (a) internal elevations of the dwellings (i.e. northern elevation of Dwelling 1 and southern elevation of Dwelling 2);
 - (b) details of screening to the retreat windows with views to internal courtyards or demonstrate compliance with Clause 55.04-7;
 - (c) south elevation of Dwelling 1 and north elevation of Dwelling 2 labelled accordingly;
 - (d) annotation for all habitable room windows to be fixed obscured glazing or further details to be provided as to restricted operability and demonstrate how this achieves compliance with Clause 55.04-6;
 - (e) dimension the width of both garages;
 - (f) the cross-sectional diagram of the vehicle crossing amended to correct the depiction of the kerb and channel and include the level 1m from the edge of the kerb;
 - (g) the materials and finishes schedule updated to include the following:
 - (i) the colour and material of the roof with the colour to be a light grey similar;
 - (ii) clarify whether natural timber or timber look material is proposed, and if timber-look, details of the specific material/product to demonstrate near identical appearance to natural timber and;
 - (iii) imagery of all materials and finishes.
 - (h) the rainwater reuse connections clarified and to be consistent with the Endorsed Sustainable Design Assessment;
 - (i) the permeability of paving within the private open space clarified to address inconsistencies between annotations on plans and the WSUD plan;
 - (j) any changes required by Condition 11 (Endorsed Sustainable Design Assessment);
 - (k) any changes required by Condition 13 (Endorsed Landscape Plan); and
 - (l) any changes required by Condition 15 (Endorsed Tree Management Plan).
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. 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 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.

4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished 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 new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Developer Infrastructure Levy

7. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Community Infrastructure Levy

8. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
9. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
10. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.

Sustainable Design Assessment (SDA)

11. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Archi Sustainability and dated 27 October 2023, but modified to include or show:
 - (a) the STORM assessment updated to include all impervious surfaces on the site (not only roof area), ensuring that a minimum of 100% STORM rating is achieved; and
 - (b) all ESD commitment annotations on plans to be consistent with the ESD commitments within the SDA
12. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping Plan

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

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting,
- to the satisfaction of the Responsible Authority.
14. Before the buildings are 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

15. 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 (specify which trees) trees;
 - (b) pre-construction;
 - (c) during construction;
 - (d) post construction;
 - (e) the provision of any barriers;
 - (f) any pruning necessary; and
 - (g) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
16. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Expiry

17. 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

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

All future property owners or residents within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Attachments

- 1 [↓](#) Attachment 1 - PLN23/0661 - 9 Arthur Street Fairfield - Plans
- 2 [↓](#) Attachment 2 - PLN23/0661 - 9 Arthur Street Fairfield - Neighbourhood and Site Description Plan
- 3 [↓](#) Attachment 3 - PLN23/0661 - 9 Arthur Street Fairfield - Referral Comments
- 4 [↓](#) Attachment 4 - PLN23/0661 - 9 Arthur Street Fairfield - Site Location Map

Attachment 1 Attachment 1 - PLN23/0661 - 9 Arthur Street Fairfield - Plans

RANWATER TANKS:
 DWELLING 1 ROOF CATCHMENT AREA (207.00m²) IS TO BE COLLECTED INTO A 5000 L TANK AND IS TO BE CONNECTED TO 4 TOILETS AND USED FOR FLUSHING.
 DWELLING 2 ROOF CATCHMENT AREA (213.04m²) IS TO BE COLLECTED INTO A 5000 L & 10000 L TANK AND IS TO BE CONNECTED TO 4 TOILETS AND USED FOR FLUSHING.
 IF CHANGED PIPE SYSTEM IS REQUIRED, NO BREAKWORK IS TO RUN UNDERNEATH THE BUILDING FOOTPRINT.

SEA-INLET:
 - SHOWERHEADS: MIN. 4 STAR WELLS (4=+0 BUT <-7.5) TO BE INSTALLED PROJECT WIDE.
 - KITCHEN & BATH TAPS: MIN. 5 STAR WELLS TO BE INSTALLED PROJECT WIDE.
 - TOILETS: MIN. 5 STAR WELLS TO BE INSTALLED PROJECT WIDE.
 - WASHING MACHINES: MIN. 4 STAR WELLS TO BE INSTALLED PROJECT WIDE.
 - WATER EFFICIENT LANDSCAPING TO BE INSTALLED PROJECT WIDE.
 - GEOPOROUS CYCLE SPACE HEATING SYSTEM: MIN. 4 STAR TO BE INSTALLED PROJECT WIDE.
 - REPRESENTATIVE COOLING SYSTEM: MIN. 4 STAR TO BE INSTALLED PROJECT WIDE.
 - HOT WATER SYSTEM: GAS INSTANTANEOUS MIN. 5 STAR TO BE INSTALLED TO EACH DWELLING.
 - EXTERNAL LIGHTING TO BE CONTROLLED BY MOTION DETECTORS.
 - INTERNAL LIGHTING IS NOT TO EXCEED A MAX. ILLUMINATION POWER DENSITY OF 40 W/M².
 - CROSS-LOW VENTILATION IS TO BE ACHIEVED ACROSS ALL HABITABLE ROOMS AS PER BESS REPORT.
 - ALL GLAZED DOORS & WINDOWS TO HABITABLE ROOMS/STAIRS TO BE AT MIN. DOUBLE GLAZED AS PER BESS REPORT.
 - 50% OF THE SITE IS TO BE DESIGNATED LANDSCAPING.
 - ALL DWELLINGS TO ACHIEVE NATHERS STAR RATINGS IN EXCESS OF 6 STAR & NATHERS 6.5 STARS AS DOCUMENTED IN THE REPORT.
 - PERC & FSC TIMBER TO BE USED PROJECT WIDE.
 - ALL INTERNAL PAINT TO BE LOW VOC PAINT PROJECT WIDE.

PEDESTRIAN VISIBILITY SPLAY IN ACCORDANCE WITH CLAUSE 52.06.9 (CAR PARKING) OF THE RELEVANT PLANNING SCHEME.

RELOCATE TELESTRUT PIP TO THE INTERSECTION OF THE RELEVANT OUTCROPPERS.

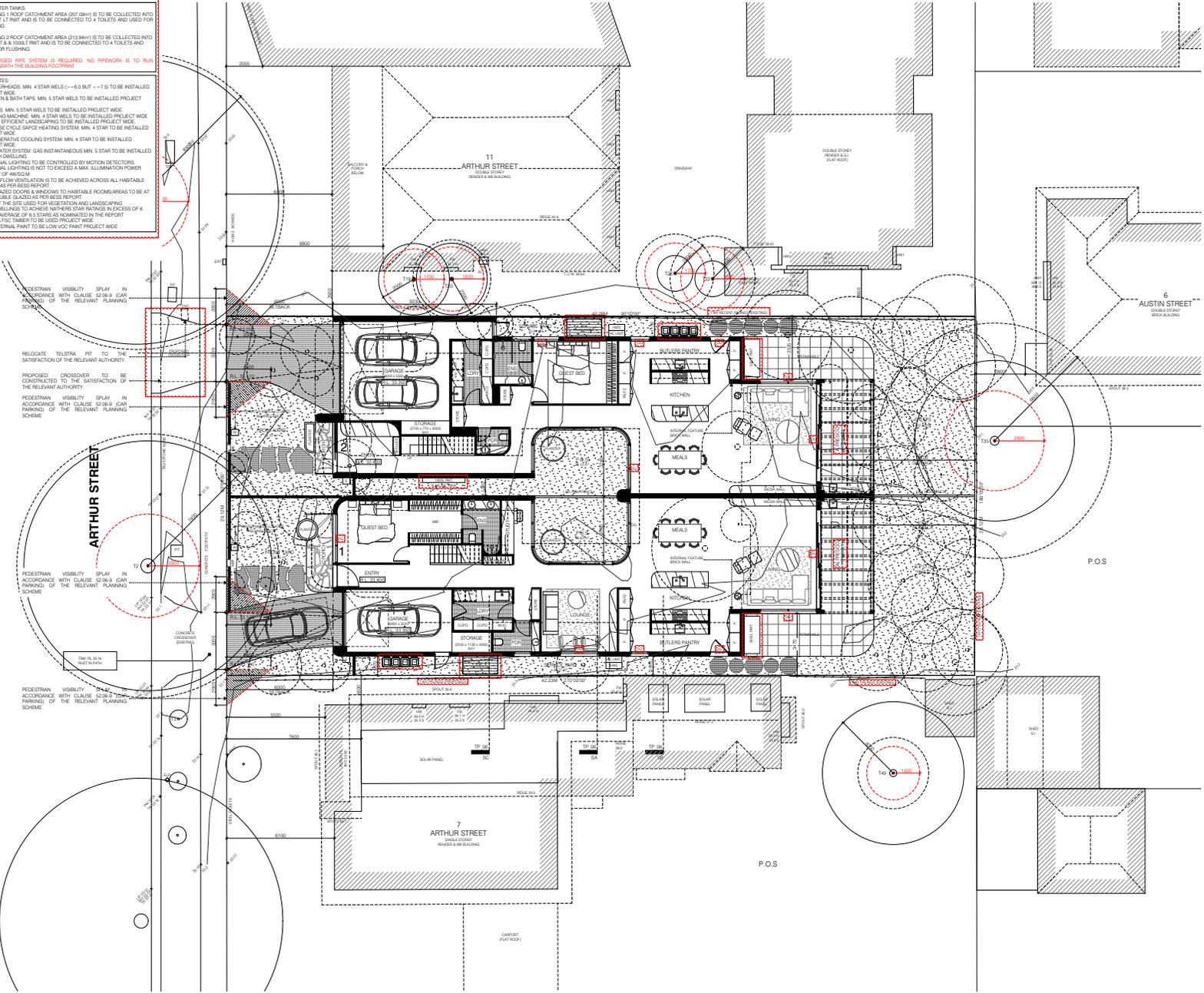
PROPOSED CROSSOVER TO BE CONSTRUCTED TO THE SATISFACTION OF THE RELEVANT AUTHORITY.

PEDESTRIAN VISIBILITY SPLAY IN ACCORDANCE WITH CLAUSE 52.06.9 (CAR PARKING) OF THE RELEVANT PLANNING SCHEME.

PEDESTRIAN VISIBILITY SPLAY IN ACCORDANCE WITH CLAUSE 52.06.9 (CAR PARKING) OF THE RELEVANT PLANNING SCHEME.

PEDESTRIAN VISIBILITY SPLAY IN ACCORDANCE WITH CLAUSE 52.06.9 (CAR PARKING) OF THE RELEVANT PLANNING SCHEME.

PEDESTRIAN VISIBILITY SPLAY IN ACCORDANCE WITH CLAUSE 52.06.9 (CAR PARKING) OF THE RELEVANT PLANNING SCHEME.



AREA ANALYSIS

SITE AREA	649.86 m ²
SITE COVERAGE	57.50% 480.47 m ²
VARIABLE SURFACE	42.20% 287.91 m ²
GARDEN AREA	38.33% 250.83 m ²
VEGETATED AREA	32.67% 217.70 m ²

DWELLING 1

GROUND FLOOR	189.22 m ²
GARAGE	26.16 m ²
PORCH	4.79 m ²
FIRST FLOOR	130.26 m ²
FRONT YARD	28.15 m ²
S.P.O.S	102.08 m ²
P.O.S	19.94 m ²
SERVICE YARD	23.57 m ²
TOTAL (NOT INC. ALFRESCO)	550.43 m²
ON-SITE CAR PARKING	2 SPACES

DWELLING 2

GROUND FLOOR	170.65 m ²
GARAGE	43.57 m ²
PORCH	2.96 m ²
FIRST FLOOR	129.47 m ²
FRONT YARD	33.10 m ²
S.P.O.S	102.42 m ²
P.O.S	30.15 m ²
SERVICE YARD	15.91 m ²
TOTAL (NOT INC. ALFRESCO)	549.66 m²
ON-SITE CAR PARKING	2 SPACES

- LEGEND**
- WATER METER
 - ELECTRICAL METER
 - AIR CONDITIONING UNIT
 - HOT WATER SERVICE
 - CLOTHESLINE
 - RAINWATER TANK & SIZE
 - BIN LOCATION (GENERAL / RECYCLABLE / GLASS / FOOD)

- WELLS RATING:**
 WATER EFFICIENCY TO EACH DWELLING.
- SHOWER HEADS: 3 STAR WELLS (4=+0 BUT <-7.5)
 - KITCHEN/BATHROOM TAPS: 5 STAR WELLS
 - WASHING MACHINES: 5 STAR WELLS
 - TOILETS: 4 STAR WELLS
- EXTERNAL LIGHTING:**
 ANY EXTERNAL LIGHTING IS TO BE FITTED WITH DAYLIGHT SENSORS.
- LIGHTING REQUIREMENTS:**
 ALL DWELLINGS ARE TO ACHIEVE AN% LIGHTING DENSITY.
- DOUBLE GLAZING:**
 ALL HABITABLE ROOM WINDOWS ARE TO BE DOUBLE GLAZED.

- MINIMUM GRADE:**
 A MINIMUM GRADE OF 1:200 FOR INDOOR AND 1:100 FOR OUTDOOR PARKING AREAS IS REQUIRED FOR DRAINAGE PURPOSES.
- BOUNDARY FENCES:**
 ALL SIDE BOUNDARY FENCES TO BE MINIMUM 1.80M HIGH ABOVE NGL AND TAPER DOWN 0.60M HIGH WITHIN THE FRONT SETBACK.
- AND LEVELS:**
 ALL LEVELS ARE SURVEYED TO AND BY A LICENSED LAND SURVEYOR.
- REVISION:**
 - 18.09.23 TOWN PLANNING APPLICATION
 - 13.11.23 RESPONSE TO COUNCILS RP DATED 16/10/23
- VEGETATION:**
 WHERE POSSIBLE, NATIVE OR DROUGHT TOLERANT SPECIES IS TO BE USED.
 IF IRRIGATION IS REQUIRED, DRIP IRRIGATION AND MULCH IS TO BE USED.
- CLOTHESLINES:**
 ALL CLOTHESLINES ARE TO BE RETRACTABLE.

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PROJECT

**RESIDENTIAL DEVELOPMENT
 9 ARTHUR STREET
 FAIRFIELD VIC 3078**

CLIENT

DRAWING TITLE
GROUND FLOOR PLAN

SCALE
 1:100 @ A1

DATE
 NOVEMBER 2023

ISSUE
TOWN PLANNING

DRAWN
 IA

DRAWING No. **TP_02**

REVISION

Attachment 1 Attachment 1 - PLN23/0661 - 9 Arthur Street Fairfield - Plans

RAINWATER TANKS:
 DWELLING 1 ROOF CATCHMENT AREA (207.06m²) IS TO BE COLLECTED INTO A 5000 LITRE TANK AND IS TO BE CONNECTED TO 4 TOILETS AND USED FOR FLUSHING.
 DWELLING 2 ROOF CATCHMENT AREA (213.94m²) IS TO BE COLLECTED INTO A 5000 LITRE TANK AND IS TO BE CONNECTED TO 4 TOILETS AND USED FOR FLUSHING.
 IF CHANGED PIPE SYSTEM IS REQUIRED, NO PIPEWORK IS TO RUN UNDERNEATH THE BUILDING FOOTPRINTS.

DRINKING WATER:
 - SHOWERHEADS: MIN. 4 STAR WELS (1-4.0 BUT <-7.5) TO BE INSTALLED PROJECT WIDE
 - KITCHEN & BATH TAPS: MIN. 5 STAR WELS TO BE INSTALLED PROJECT WIDE
 - TOILETS: MIN. 5 STAR WELS TO BE INSTALLED PROJECT WIDE
 - WASHING MACHINES: MIN. 4 STAR WELS TO BE INSTALLED PROJECT WIDE
 - WATER EFFICIENT LANDSCAPING TO BE INSTALLED PROJECT WIDE
 - WATERSAVE CYCLE SAVING HEATING SYSTEM: MIN. 4 STAR TO BE INSTALLED PROJECT WIDE
 - REPRESENTATIVE COOLING SYSTEM: MIN. 4 STAR TO BE INSTALLED PROJECT WIDE
 - HOT WATER SYSTEM: GAS INSTANTANEOUS MIN. 5 STAR TO BE INSTALLED TO EACH DWELLING
 - EXTERNAL LIGHTING IS NOT TO EXCEED A MAX. ILLUMINATION POWER DENSITY OF 0.5 W/M²
 - CROSS FLOW VENTILATION IS TO ACHIEVE ACROSS ALL HABITABLE ROOMS AS PER BEST REPORT
 - ALL GLAZED DOORS & WINDOWS TO HABITABLE ROOMS/STAIRS TO BE AT MIN. DOUBLE GLAZED AS PER BEST REPORT
 - 50% OF THE SITE IS TO BE USED FOR VEGETATION AND LANDSCAPING
 - ALL DWELLINGS TO ACHIEVE NATHERS STAR RATINGS IN EXCESS OF 6 STARS & AIRSIDE OF 6.5 STARS AS DETAILED IN THE REPORT
 - PERC & FSC TIMBER TO BE USED PROJECT WIDE
 - ALL INTERNAL PAINT TO BE LOW VOC PAINT PROJECT WIDE

AREA ANALYSIS

SITE AREA	649.86 m ²
SITE COVERAGE	57.50% 480.47 m ²
PERMEABLE SURFACE	42.20% 347.91 m ²
GARDEN AREA	38.33% 325.83 m ²
VEGETATED AREA	32.67% 277.70 m ²

DWELLING 1

GROUND FLOOR	189.22 m ²
GARAGE	26.16 m ²
PORCH	4.79 m ²
FIRST FLOOR	130.26 m ²
FRONT YARD	28.15 m ²
S.P.O.S	102.08 m ²
P.O.S	19.94 m ²
SERVICE YARD	23.57 m ²
TOTAL (NOT INC. ALFRESCO)	520.43 m²
ON SITE CAR PARKING	2 SPACES

DWELLING 2

GROUND FLOOR	170.65 m ²
GARAGE	42.57 m ²
PORCH	2.96 m ²
FIRST FLOOR	129.47 m ²
FRONT YARD	33.10 m ²
S.P.O.S	102.42 m ²
P.O.S	30.15 m ²
SERVICE YARD	15.91 m ²
TOTAL (NOT INC. ALFRESCO)	528.65 m²
ON SITE CAR PARKING	2 SPACES

LEGEND

- WATER METER
- ELECTRICAL METER
- AIR CONDITIONING UNIT
- HOT WATER SERVICE
- CLOTHESLINE
- RAINWATER TANK & SIZE
- BIN LOCATION (GENERAL/RECYCLABLE/GLASS/FOOD)

WELS RATING:
 WATER EFFICIENCY TO EACH DWELLING
 SHOWER HEAD: 3 STAR WELS (1-4.0 BUT <-7.5)
 KITCHEN/BATHROOM TAPS: 5 STAR WELS
 WASHMACHINES: 5 STAR WELS
 W.C.: 4 STAR WELS

EXTERNAL LIGHTING:
 ANY EXTERNAL LIGHTING IS TO BE FITTED WITH DAYLIGHT SENSORS

LIGHTING REQUIREMENTS:
 ALL DWELLINGS ARE TO ACHIEVE AN/L LIGHTING DENSITY

GLAZED GLASSING:
 ALL HABITABLE ROOM WINDOWS ARE TO BE DOUBLE GLAZED

MINIMUM GRADE:
 A MINIMUM GRADE OF 1:200 FOR INDOOR AND 1:100 FOR OUTDOOR PARKING AREAS IS REQUIRED FOR DRAINAGE PURPOSES

BOUNDARY FINISHES:
 ALL SIDE BOUNDARY FENCES TO BE MINIMUM 1.80M HIGH ABOVE NGL AND TAPER DOWN 0.6M HIGH WITHIN THE FRONT SETBACK.

AND LEVELS:
 ALL LEVELS ARE SURVEYED TO AND BY A LICENSED LAND SURVEYOR

REVISION:
 - 18.09.23 TOWN PLANNING APPLICATION
 - 13.11.23 RESPONSE TO COUNCILS WP DATED 16/10/23

VEGETATION:
 WHERE POSSIBLE, NATIVE OR DROUGHT TOLERANT SPECIES IS TO BE USED.
 IF IRRIGATION IS REQUIRED, DRIP IRRIGATION AND MULCH IS TO BE USED.

CLOTHESLINES:
 ALL CLOTHESLINES ARE TO BE RETRACTABLE

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RESIDENTIAL DEVELOPMENT
9 ARTHUR STREET
FAIRFIELD VIC 3078

CLIENT: -

DRAWING TITLE: FIRST FLOOR PLAN

SCALE: 1:100 @ A1

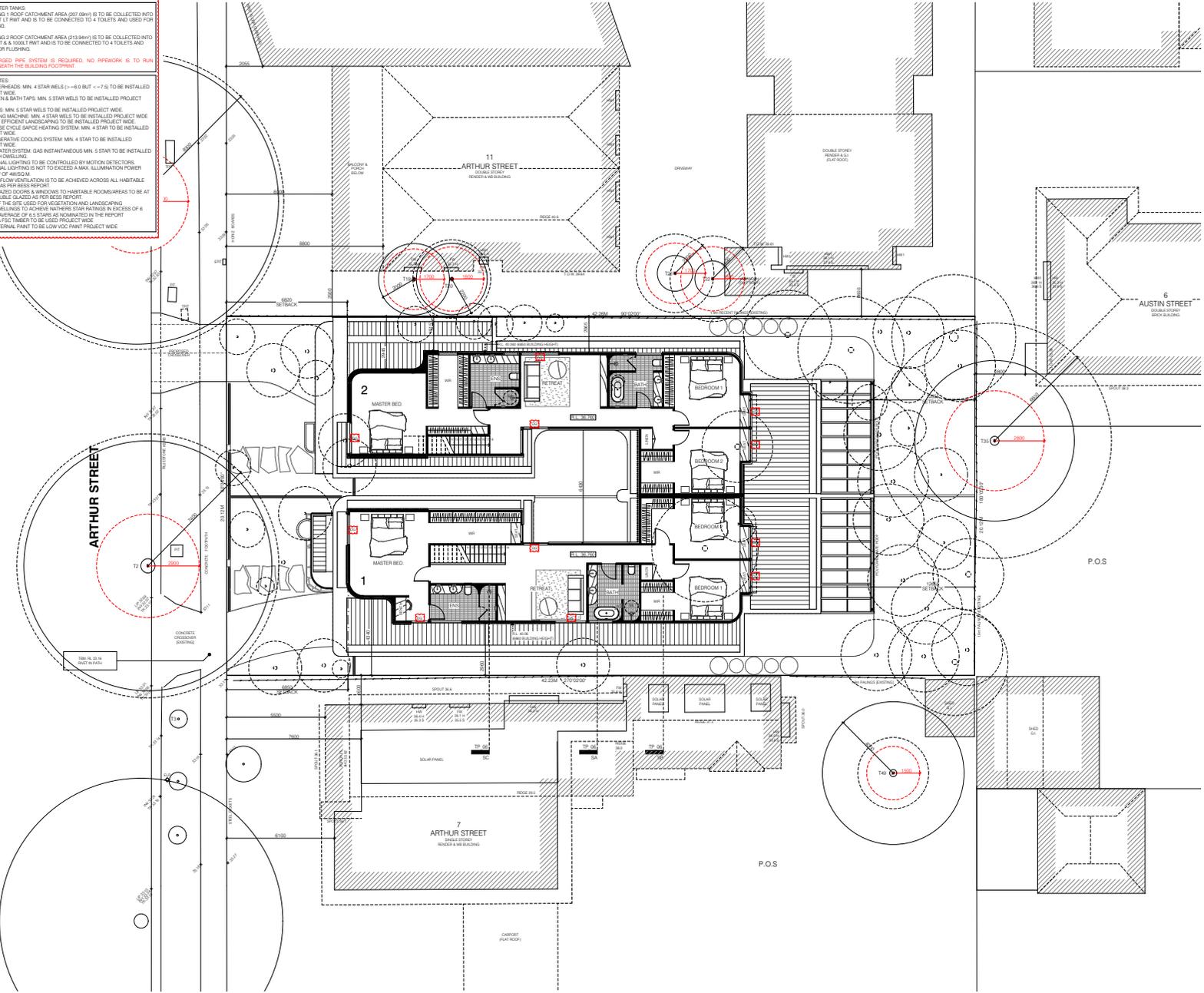
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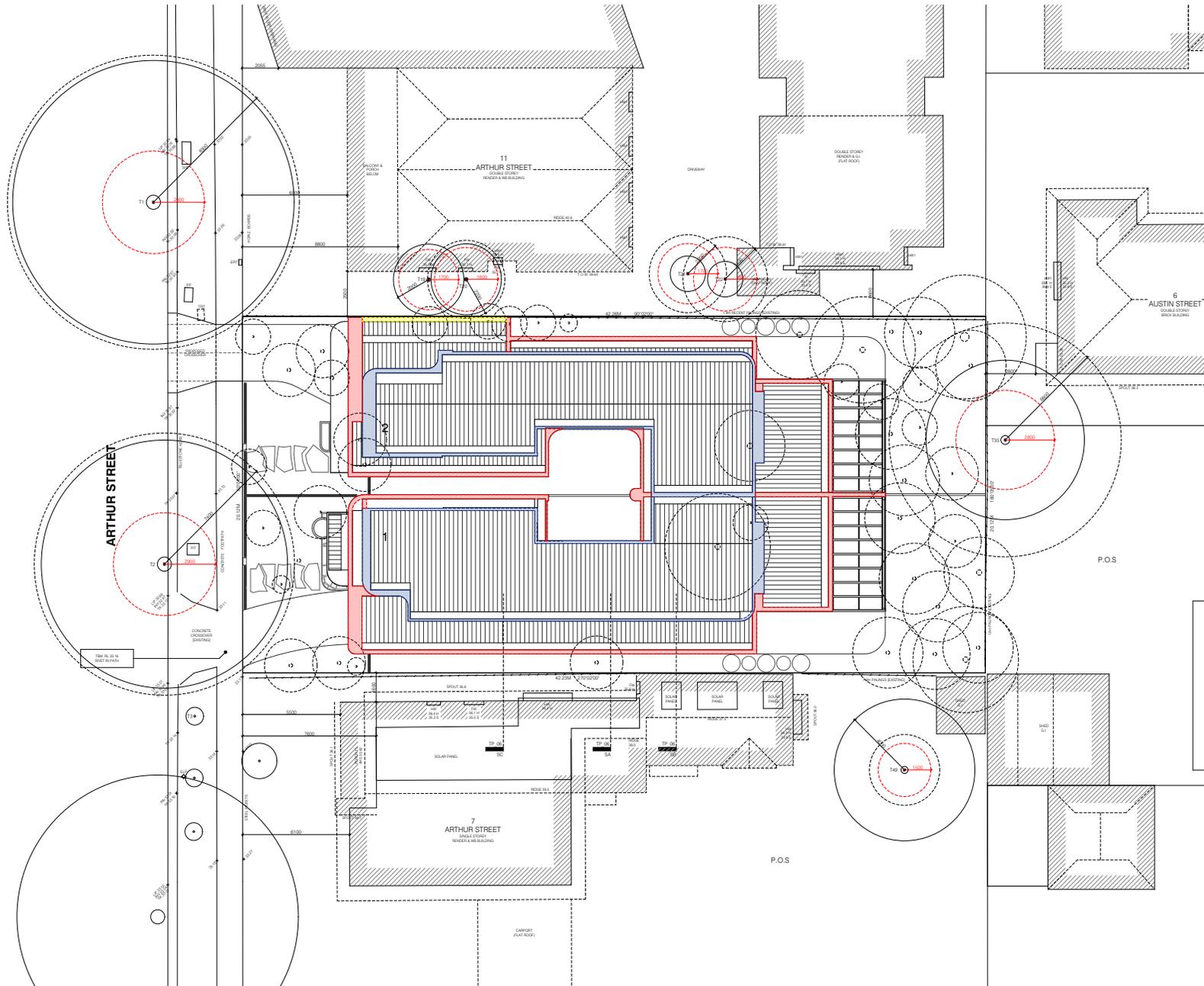
ISSUE: TOWN PLANNING

DRAWN: IA

DRAWING No: TP_03

REVISION: -





AREA ANALYSIS

SITE AREA	649.86 m ²
SITE COVERAGE	57.50% 480.47 m ²
PERMEABLE SURFACE	42.20% 267.91 m ²
GARDEN AREA	38.33% 252.83 m ²
VEGETATED AREA	32.67% 217.70 m ²

DWELLING 1	
GROUND FLOOR	189.22 m ²
GARAGE	26.16 m ²
PORCH	4.70 m ²
FIRST FLOOR	130.26 m ²
FRONT YARD	28.15 m ²
S.P.O.S	102.08 m ²
P.O.S	19.94 m ²
SERVICE YARD	23.57 m ²
OVERALL INCL. (INC. ALFRESCO)	350.43 m ²
ON-SITE CAR PARKING	2 SPACES

DWELLING 2	
GROUND FLOOR	170.65 m ²
GARAGE	40.57 m ²
PORCH	2.96 m ²
FIRST FLOOR	129.47 m ²
FRONT YARD	33.10 m ²
S.P.O.S	102.42 m ²
P.O.S	30.15 m ²
SERVICE YARD	15.91 m ²
OVERALL INCL. (INC. ALFRESCO)	346.68 m ²
ON-SITE CAR PARKING	2 SPACES

PARAPET HEIGHTS
 BLUE HATCH DENOTES A PARAPET HEIGHT OF RL: 40.060
 RED HATCH DENOTES A PARAPET HEIGHT OF RL: 37.010
 YELLOW HATCH DENOTES A PARAPET HEIGHT OF RL: 40.060

- REVISION
- 18.09.23 TOWN PLANNING APPLICATION
 - 15.11.23 RESPONSE TO COUNCIL'S RP DATED 16/10/23

TAOUKARCHITECTS

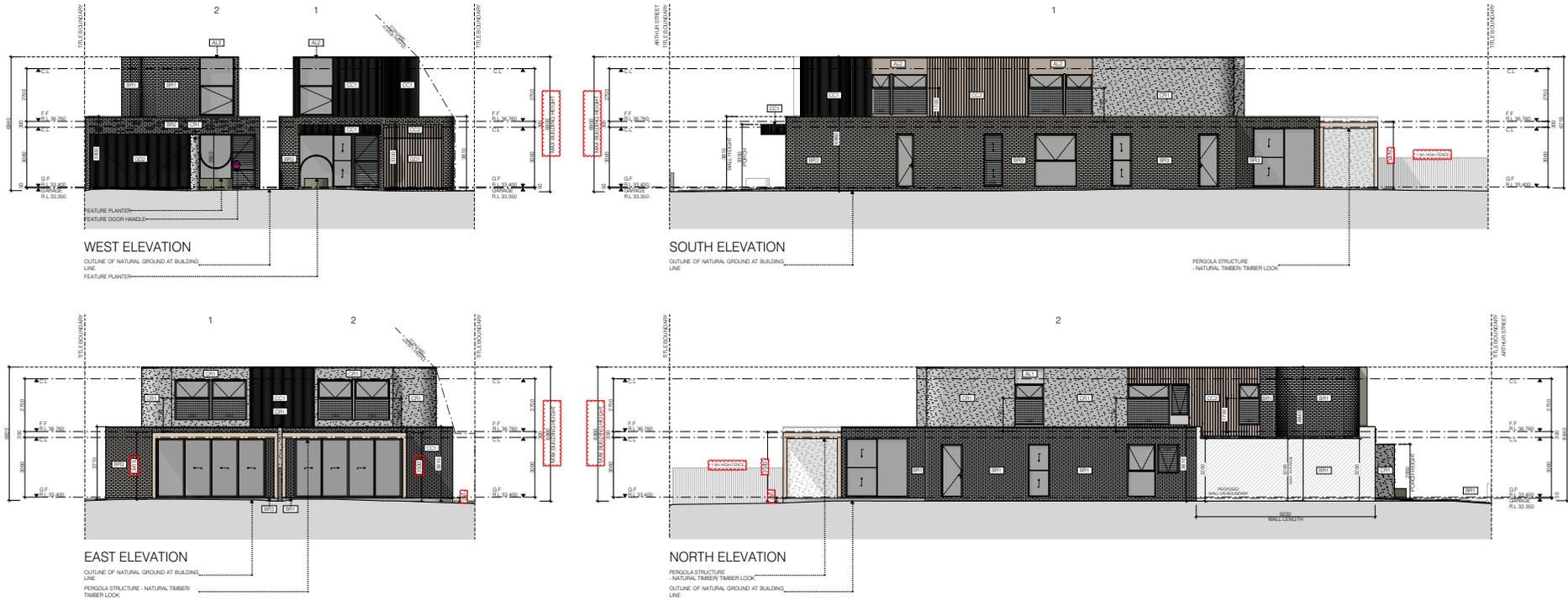
P 9484 8300 448 HEDDERBERG ROAD FAIRFIELD VIC 3078
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**RESIDENTIAL DEVELOPMENT
 9 ARTHUR STREET
 FAIRFIELD VIC 3078**

CLIENT
 -
 DRAWING TITLE
ROOF FLOOR PLAN
 SCALE
 1:100 @ A1
 DATE
 NOVEMBER 2023

ISSUE
TOWN PLANNING
 DRAWN
 IA
 DRAWING No. **TP_04** REVISION
 -

Attachment 1 Attachment 1 - PLN23/0661 - 9 Arthur Street Fairfield - Plans



MATERIALS + FINISHES SCHEDULE

001	FACE BRICKWORK BRICK - WHITE/GRY	004	CLADDING BATTEN CLADDING - NATURAL TIMBER TIMBER LOOK	007	PANEL CLADDING WHITE/LIGHT GREY	010	WINDOW FRAMES ALUMINIUM FRAMING, DULUX POWDERCOATING - CREAM/OFF WHITE
002	FEATURE BRICKWORK BRICK - CREAM/OFF WHITE	005	CLADDING VERTICAL SHIP-LAP CLADDING - NATURAL TIMBER TIMBER LOOK	008	PANEL CLADDING CREAM/OFF WHITE	011	WINDOW FRAMES ALUMINIUM FRAMING, DULUX POWDERCOATING - GREEN
003	FACE BRICKWORK BRICK - CREAM/OFF WHITE	006	GARAGE DOORS VERTICAL SHIP-LAP CLADDING - NATURAL TIMBER TIMBER LOOK	009	PANEL CLADDING GREEN	012	BATTEN FENCE PAINT FINISH - WHITE COLOUR
004	CONCRETE FINISHER POLISHED CONCRETE FINISH DULUX COLOUR SPECIFIER - GREY	007	GARAGE DOORS BATTEN CLADDING - NATURAL TIMBER TIMBER LOOK	010	WINDOW FRAMES ALUMINIUM FRAMING, DULUX POWDERCOATING - WHITE/GRY	013	BATTEN FENCE PAINT FINISH - CREAM/OFF WHITE COLOUR

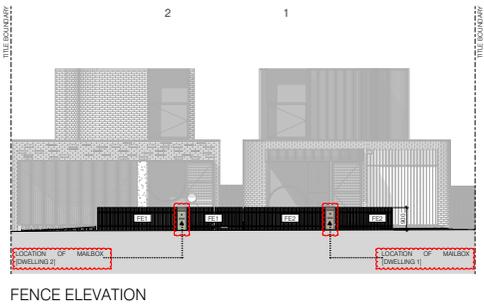
SCREENED WINDOWS
ALL SCREENED WINDOWS ARE TO BE FIXED OR RESTRICTED (HAND OPERABLE) TO A HEIGHT OF 1.70M FROM FFL IN ACCORDANCE WITH CLAUSE 52.04 (OVERLOOKING) OF THE RELEVANT COUNCIL PLANNING SCHEME.

BOUNDARY FENCES
ALL SIDE BOUNDARY FENCES TO BE MINIMUM 1.80M HIGH ABOVE NGL AND TAPER DOWN 0.9M HIGH WITHIN THE FRONT SETBACK.

AND LEVELS
ALL LEVELS ARE SURVEYED TO AND BY A LICENSED LAND SURVEYOR.

NOTE
001: OBTAINED GLAZING
DOUBLE GLAZING
ALL HABITABLE ROOM WINDOWS ARE TO BE DOUBLE GLAZED.

REVISION
- 18.09.23 TOWN PLANNING APPLICATION
- 13.11.23 RESPONSE TO COANCILS RPT DATED 16/10/23



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PROJECT
**RESIDENTIAL DEVELOPMENT
9 ARTHUR STREET
FAIRFIELD VIC 3078**

CLIENT
-

DRAWING TITLE
ELEVATIONS

SCALE
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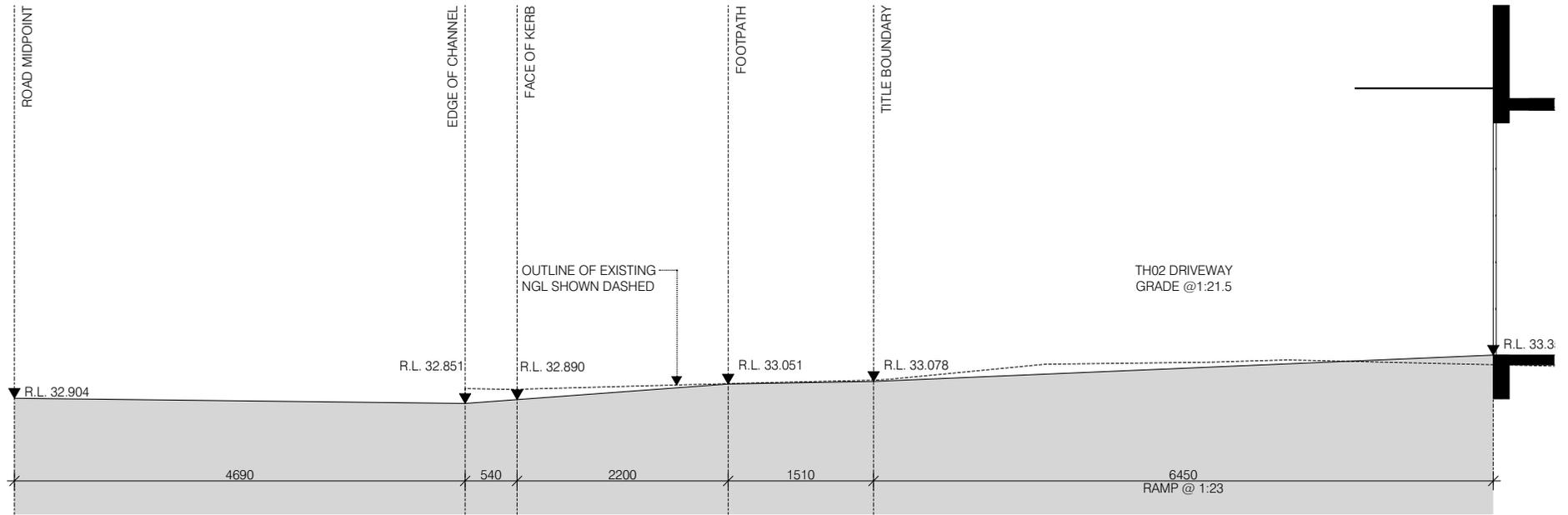
DATE
NOVEMBER 2023

ISSUE
TOWN PLANNING

DRAWN
IA

DRAWING No. TP_05

REVISION
-



D01 TH02 DRIVEWAY SECTION

REVISION
 - 18.09.23 TOWN PLANNING APPLICATION
 - 13.11.23 RESPONSE TO COUNCIL'S RW DATED 16/10/23



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PROJECT

**RESIDENTIAL DEVELOPMENT
 9 ARTHUR STREET
 FAIRFIELD VIC 3078**

CLIENT

-

DRAWING TITLE

SECTION

SCALE

1:20 @ A1

DATE

NOVEMBER 2023

ISSUE

TOWN PLANNING

DRAWN

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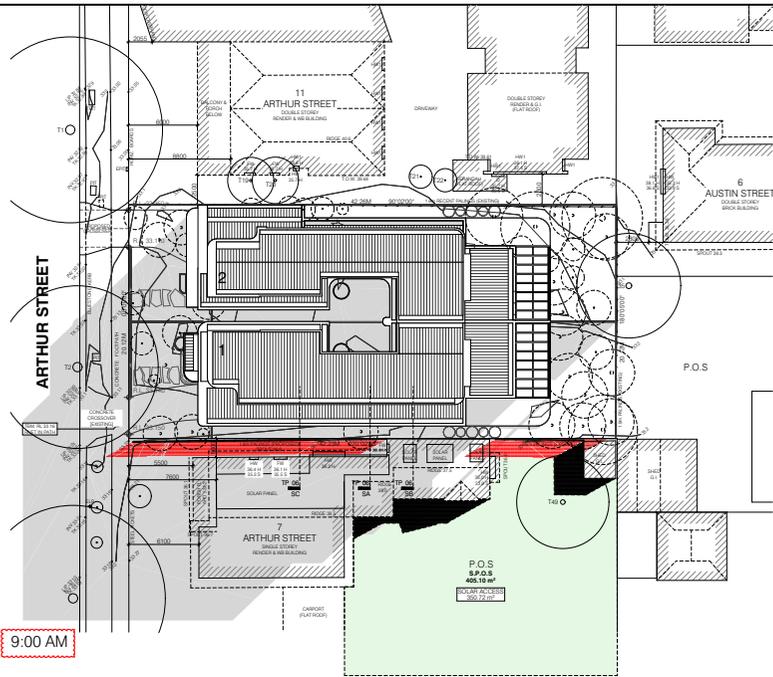
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TP_06

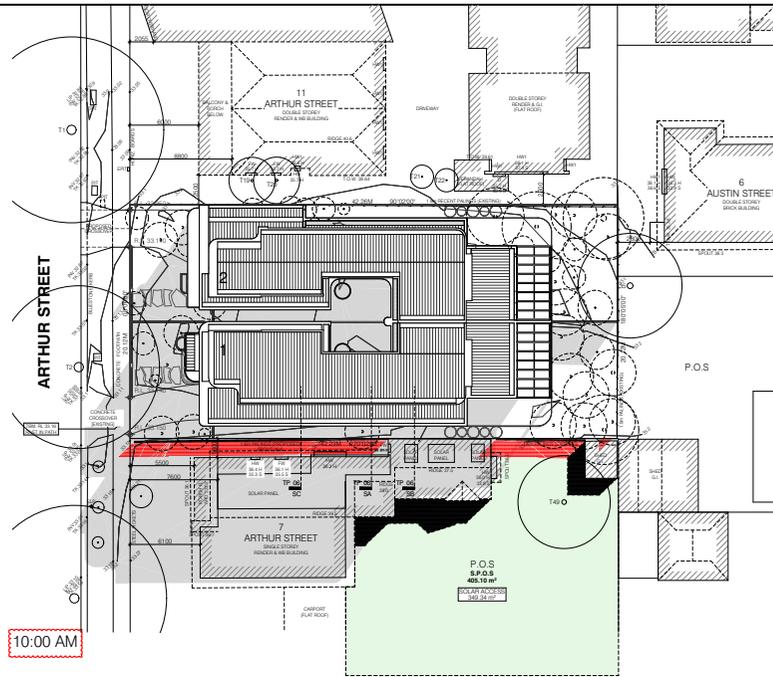
REVISION

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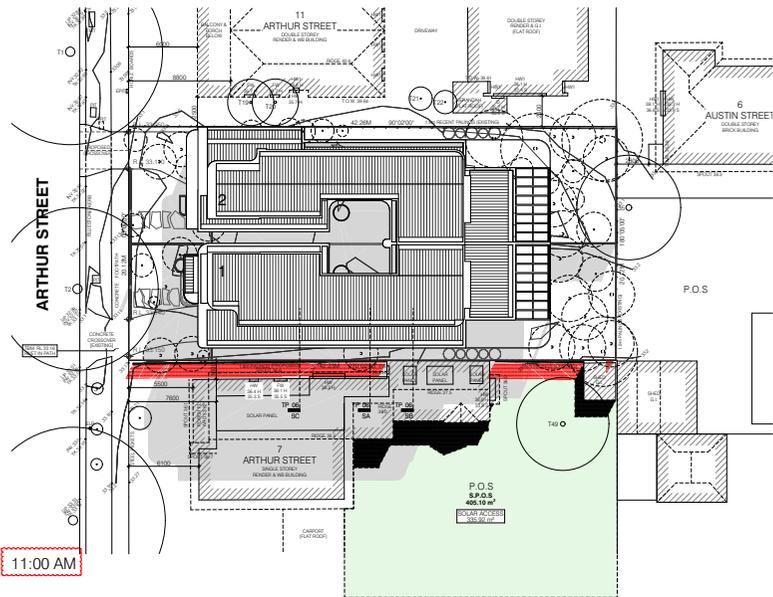
Attachment 1 Attachment 1 - PLN23/0661 - 9 Arthur Street Fairfield - Plans



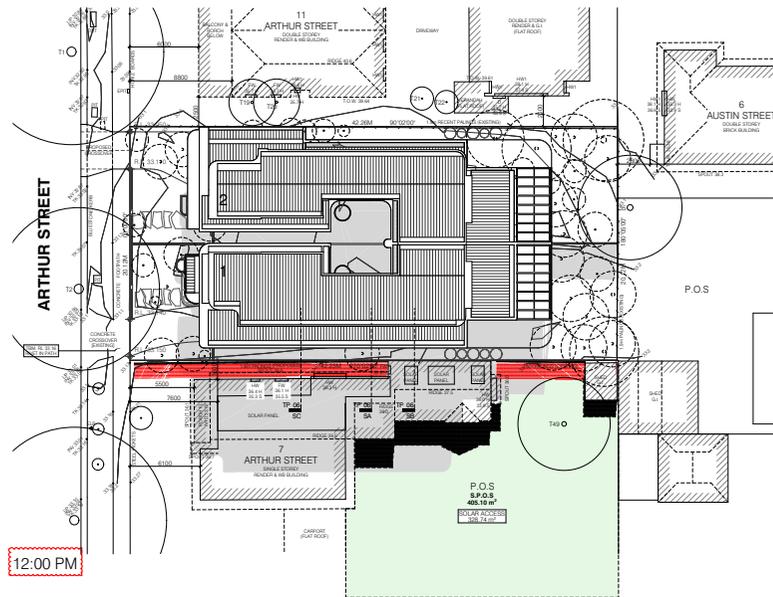
9:00 AM



10:00 AM



11:00 AM



12:00 PM

LEGEND

SHADOW DIAGRAM - 22ND SEPTEMBER (EQUINOX)

- PROJECTED SHADOWS FROM PROPOSED DEVELOPMENT
- PROJECTED SHADOWS FROM EXISTING FENCEWALL ON BOUNDARY
- S.P.O.S AREAS OF NEIGHBOURING DWELLINGS
- PROJECTED SHADOWS FROM EXISTING BUILDING
- AVAILABLE SOLAR ACCESS

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 9:00AM	
TOTAL SECLUDED PRIVATE OPEN SPACE AREA (WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (GAM)	351.75M ²
PROPOSED UNSHADOWED AREA (GAM)	350.75M ²
PROPOSED ADDITIONAL SHADOW (%GAM)	0.14% 0.59M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 10:00AM	
TOTAL SECLUDED PRIVATE OPEN SPACE AREA (WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (GAM)	350.25M ²
PROPOSED UNSHADOWED AREA (GAM)	349.34M ²
PROPOSED ADDITIONAL SHADOW (%GAM)	0.26% 0.90M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 11:00AM	
TOTAL SECLUDED PRIVATE OPEN SPACE AREA (WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (GAM)	348.88M ²
PROPOSED UNSHADOWED AREA (GAM)	347.74M ²
PROPOSED ADDITIONAL SHADOW (%GAM)	3.85% 13.41M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 12:00PM	
TOTAL SECLUDED PRIVATE OPEN SPACE AREA (WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (GAM)	350.70M ²
PROPOSED UNSHADOWED AREA (GAM)	350.88M ²
PROPOSED ADDITIONAL SHADOW (%GAM)	0.14% 0.64M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 2:00PM	
TOTAL SECLUDED PRIVATE OPEN SPACE AREA (WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (GAM)	350.70M ²
PROPOSED UNSHADOWED AREA (GAM)	353.43M ²
PROPOSED ADDITIONAL SHADOW (%GAM)	0.15% 0.62M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 3:00PM	
TOTAL SECLUDED PRIVATE OPEN SPACE AREA (WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (GAM)	350.69M ²
PROPOSED UNSHADOWED AREA (GAM)	354.83M ²
PROPOSED ADDITIONAL SHADOW (%GAM)	44.44% 124.83M ²

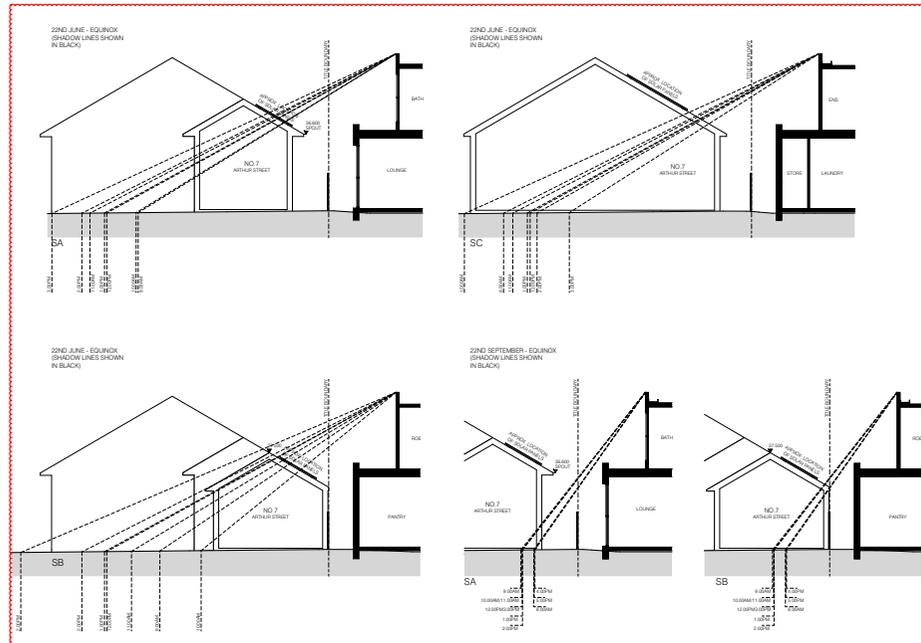
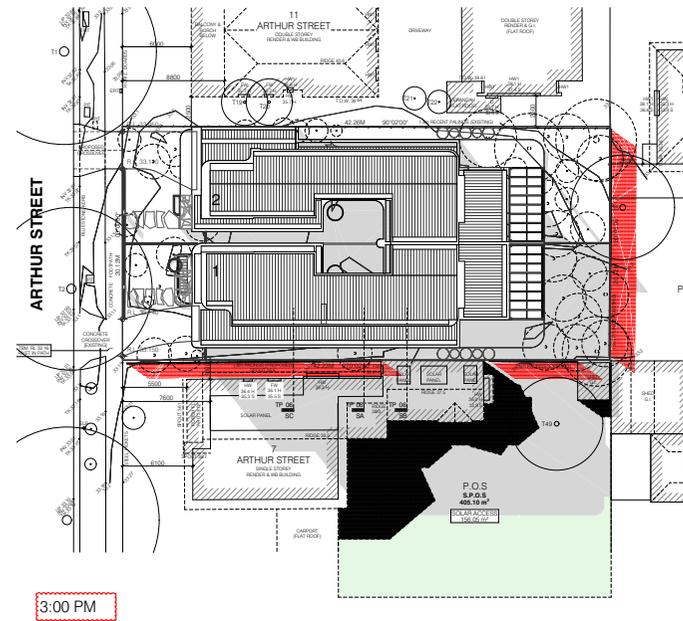
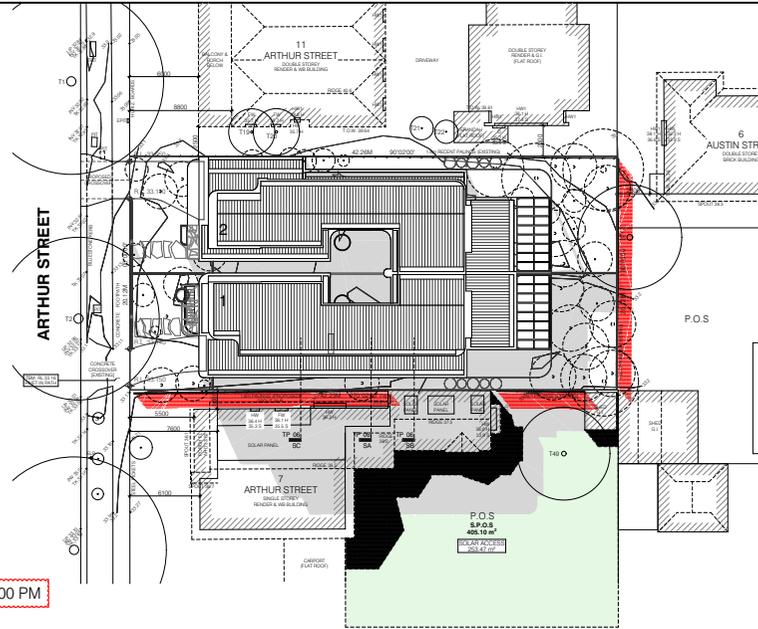
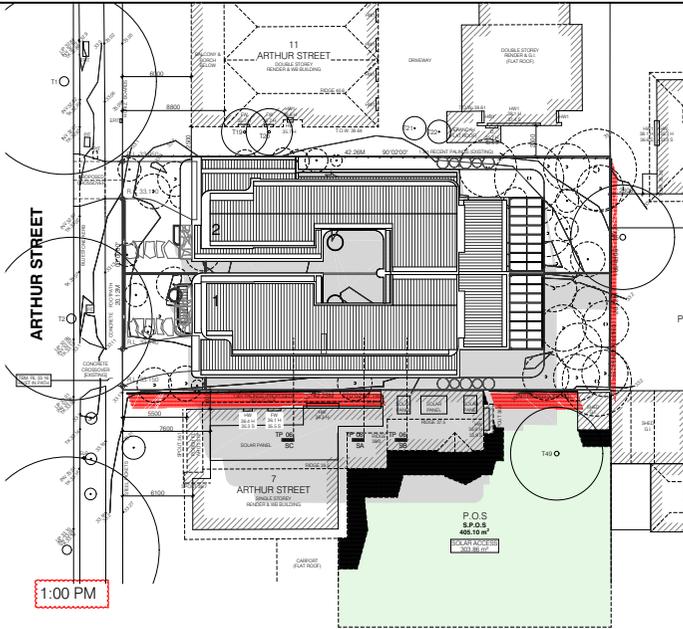
REVISION
 - 18.09.23 TOWN PLANNING APPLICATION
 - 13.11.23 RESPONSE TO COUNCIL'S RP DATED 16/10/23

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 w: taoukarchitects.com.au

**RESIDENTIAL DEVELOPMENT
 9 ARTHUR STREET
 FAIRFIELD VIC 3078**

CLIENT
 -
 DRAWING TITLE
 SHADOW DIAGRAM ANALYSIS
 SCALE
 1:200 @ A1
 DATE
 NOVEMBER 2023
 ISSUE
 TOWN PLANNING
 DRAWN
 IA
 DRAWING No.
 TP_07

Attachment 1 Attachment 1 - PLN23/0661 - 9 Arthur Street Fairfield - Plans



LEGEND

SHADOW DIAGRAM - 22ND SEPTEMBER (EQUINOX)

- PROJECTED SHADOWS FROM PROPOSED DEVELOPMENT
- PROJECTED SHADOWS FROM EXISTING FENCEWALL ON BOUNDARY
- S.P.O.S AREAS OF NEIGHBOURING DWELLINGS
- PROJECTED SHADOWS FROM EXISTING BUILDING
- AVAILABLE SOLAR ACCESS

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 9:00AM	
TOTAL SECLUDED PRIVATE OPEN SPACE (MIN. WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (G.S.M)	351.75M ²
PROPOSED UNSHADOWED AREA (G.S.M)	350.75M ²
PROPOSED ADDITIONAL SHADOW (%G.S.M)	0.14% 0.50M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 10:00AM	
TOTAL SECLUDED PRIVATE OPEN SPACE (MIN. WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (G.S.M)	350.25M ²
PROPOSED UNSHADOWED AREA (G.S.M)	349.34M ²
PROPOSED ADDITIONAL SHADOW (%G.S.M)	0.26% 0.90M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 11:00AM	
TOTAL SECLUDED PRIVATE OPEN SPACE (MIN. WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (G.S.M)	349.30M ²
PROPOSED UNSHADOWED AREA (G.S.M)	348.30M ²
PROPOSED ADDITIONAL SHADOW (%G.S.M)	3.85% 13.43M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 12:00PM	
TOTAL SECLUDED PRIVATE OPEN SPACE (MIN. WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (G.S.M)	348.80M ²
PROPOSED UNSHADOWED AREA (G.S.M)	347.74M ²
PROPOSED ADDITIONAL SHADOW (%G.S.M)	8.17% 27.06M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 1:00PM	
TOTAL SECLUDED PRIVATE OPEN SPACE (MIN. WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (G.S.M)	350.80M ²
PROPOSED UNSHADOWED AREA (G.S.M)	350.86M ²
PROPOSED ADDITIONAL SHADOW (%G.S.M)	0.14% 0.64M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 2:00PM	
TOTAL SECLUDED PRIVATE OPEN SPACE (MIN. WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (G.S.M)	350.70M ²
PROPOSED UNSHADOWED AREA (G.S.M)	350.43M ²
PROPOSED ADDITIONAL SHADOW (%G.S.M)	0.15% 0.62M ²

SHADOW ANALYSIS - 22 ND SEPTEMBER (EQUINOX) 3:00PM	
TOTAL SECLUDED PRIVATE OPEN SPACE (MIN. WIDTH OF 3.0M)	455.10M ²
CURRENTLY UNSHADOWED AREA (G.S.M)	350.90M ²
PROPOSED UNSHADOWED AREA (G.S.M)	351.83M ²
PROPOSED ADDITIONAL SHADOW (%G.S.M)	24.44% 87.93M ²

REVISION

- 18.09.23 TOWN PLANNING APPLICATION
- 13.11.23 RESPONSE TO COUNCIL'S RPV DATED 16/10/23

TAOUK ARCHITECTS

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PROJECT
**RESIDENTIAL DEVELOPMENT
 9 ARTHUR STREET
 FAIRFIELD VIC 3078**

CLIENT

DRAWING TITLE
SHADOW DIAGRAM ANALYSIS

SCALE
 1:200, 1:100 @ A1

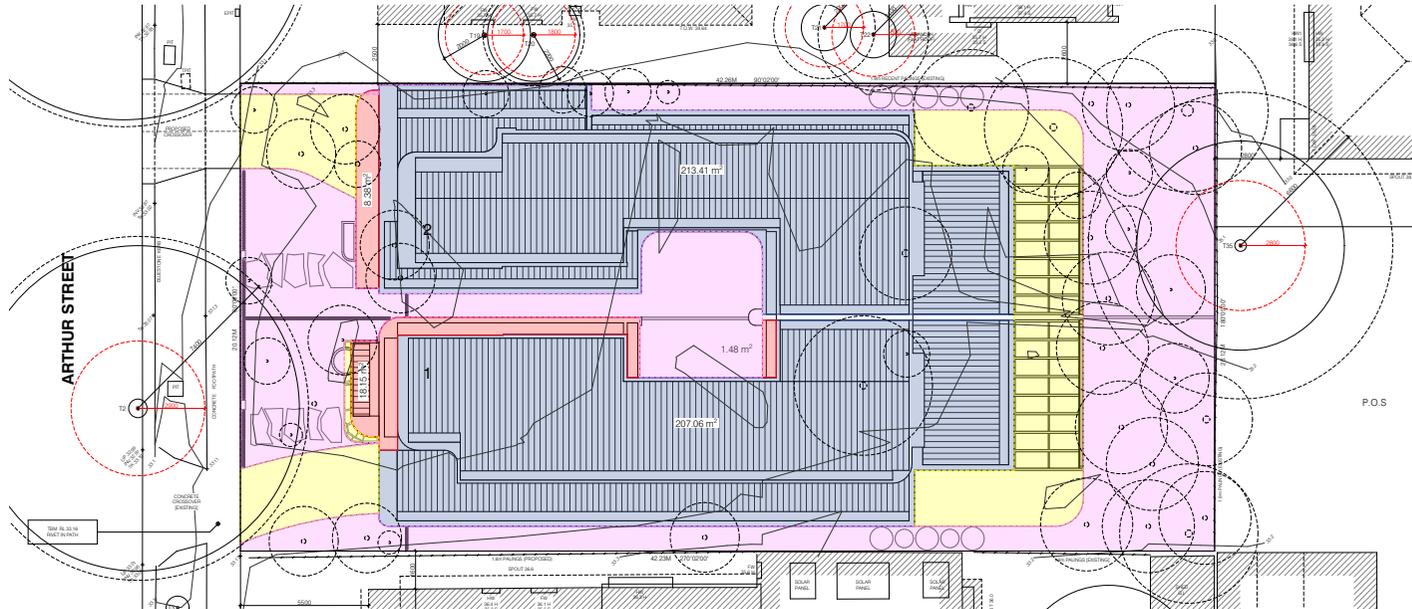
DATE
 NOVEMBER 2023

ISSUE
 TOWN PLANNING

DRAWN
 IA

DRAWING NO.
TP_08

REVISION



AREA ANALYSIS

SITE AREA	849.86 m ²
SITE COVERAGE	57.50% 489.47 m ²
PERMEABLE SURFACE	42.20% 357.91 m ²
GARDEN AREA	38.33% 325.83 m ²

ROOF / WSUD PLAN

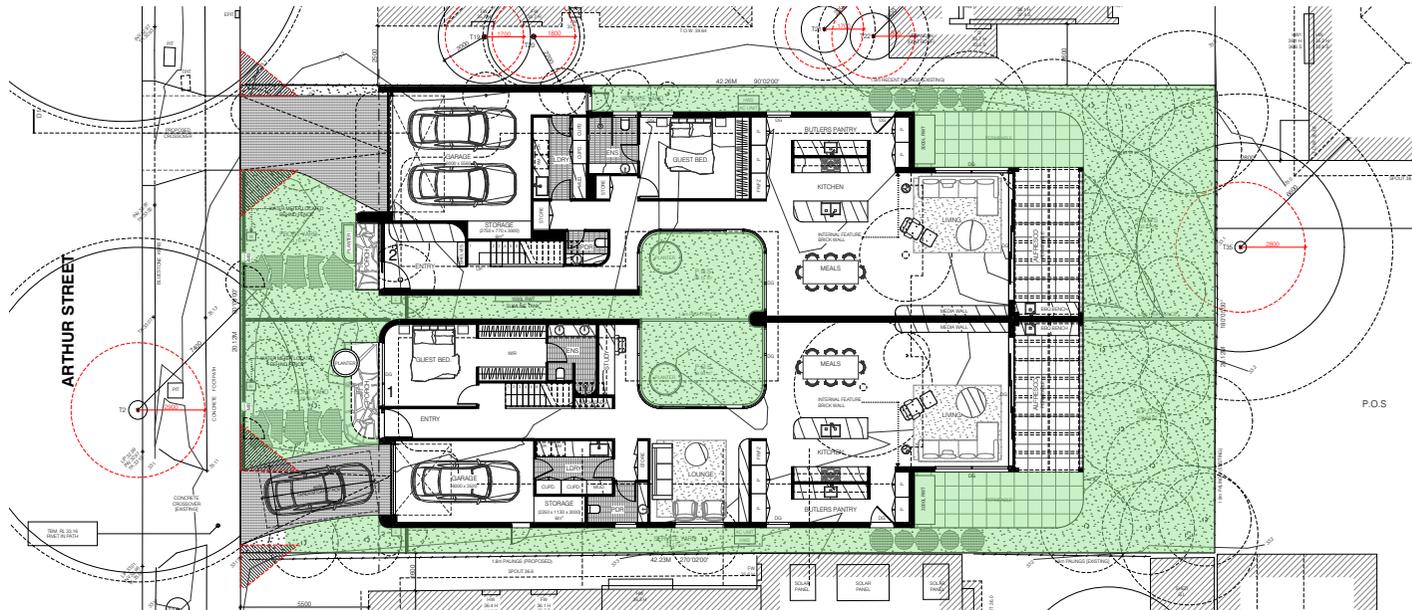
RAINWATER TANKS:
 DWELLING 1 ROOF CATCHMENT AREA (207.06m²) IS TO BE COLLECTED INTO A 3000L 1.5M³ TWT AND IS TO BE CONNECTED TO 4 TOILETS AND USED FOR FLUSHING.
 DWELLING 2 ROOF CATCHMENT AREA (213.41m²) IS TO BE COLLECTED INTO A 3000L 1.5M³ TWT AND IS TO BE CONNECTED TO 4 TOILETS AND USED FOR FLUSHING.
 IF CHARGED PIPE SYSTEM IS REQUIRED, NO PIPEWORK IS TO RUN UNDERNEATH THE BUILDING FOOTPRINT.

IMPERVIOUS SURFACES:
 YELLOW HATCH DENOTES THE EXTENT OF IMPERVIOUS AREA WITHIN THE DEVELOPMENT (87m²).

PERMEABLE SURFACES:
 PURPLE HATCH DENOTES THE EXTENT OF PERMEABLE AREA WITHIN THE DEVELOPMENT.

ROOF AREA:
 BLUE HATCH DENOTES THE EXTENT OF ROOF CATCHMENT TO BE DIVERTED TO RAINWATER TANK.

GARDEN AREA:
 GREEN HATCH DENOTES THE EXTENT OF GARDEN AREA WITHIN THE DEVELOPMENT.



GARDEN AREA PLAN

REVISION

18.09.23	TOWN PLANNING APPLICATION
13.11.23	RESPONSE TO COUNCIL'S RP DATED 16/10/23

TAOUKARCHITECTS

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**RESIDENTIAL DEVELOPMENT
 9 ARTHUR STREET
 FAIRFIELD VIC 3078**

CLIENT	
DRAWING TITLE	GARDEN AREA & WSUD PLAN
SCALE	1:100 @ A1
DATE	NOVEMBER 2023
ISSUE	TOWN PLANNING
DRAWN	IA
DRAWING No.	TP_09
REVISION	

Attachment 2 Attachment 2 - PLN23/0661 - 9 Arthur Street Fairfield - Neighbourhood and Site Description Plan



NEIGHBOURHOOD AND SITE DESCRIPTION NOTES

The existing character is generally formed by brick or weatherboard single storey dwellings, interspersed with the occasional double storey dwelling, with generally hip tiled roofs. Gardens generally consist of scattered trees and shrubs with a lawn area behind front fences.

- Site is occupied by a single storey brick and tile dwelling.
- Site contains some mature trees.
- Natural ground level falls approximately 0.2 metres from the south east corner to the north west corner at an average gradient of 0.3%.
- Heidelberg Road, Bus Route #546 (100m north west)
- Fairfield Railway Station (700m north)
- Station Street Shopping Precinct (700m north)
- Coate Park (700m south east)
- T. H. Westfield Reserve, Merri Creek Trail & Bike Path (1km south west)
- Fairfield Park (500m south west)
- Melbourne Polytechnic (Fairfield Campus) (1.4km south west)
- Fairfield Primary School (850m north east)
- St Anthony's Primary School Alphington (450m north)

[p.o.s.] Private open space

LEGEND KEY

W	Habitable Room Window (Ground Floor)	W2	Habitable Room Window (Second Floor)
WT	Habitable Room Window (First Floor)		Window elevations: window sill levels shown thus: 84.9s window head levels shown thus: 85.9h
	Existing Surface Contours: Subject site at 0.10m intervals based on survey levels: Surrounding land at 1.00m intervals derived from digital data.		

Refer to our plan reference 23162D01s for legend detailing service pit and pole descriptions.

○ Denotes existing tree located in field survey ○ Denotes tree location derived from aerial photography

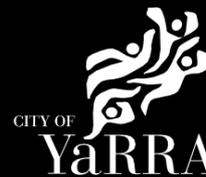
Notes:

1. This plan has been prepared to assist with a town planning permit application for the subject property and is not to be used for any other purpose without the written consent of Terrain Consulting Group Pty Ltd.
2. Refer to our plan reference 23162D01s for further feature and level details for the subject site and adjoining buildings.
3. The boundaries for the subject property shown on this plan have been derived from a Title re-establishment survey. Refer to plan reference 23162D01s and our written report for detailed boundary conditions and Title encumbrances.
4. Property boundaries shown on this plan, other than those of the subject site, are indicative only and are based on Vicmap Digital Property Cadastral Data.
5. Terrain Consulting Group Pty Ltd accepts no responsibility for the location of property boundaries that are only graphically depicted on this plan.

SCALE:	1:400	<p>Terrain Consulting Group</p> <p>12 Parkville Road Row 3/101 Ph: 03 9863 3302 Fax: 03 9863 8907 P.O. Box 3016 Corran VIC 3101 Email: admin@terrainconsulting.com.au</p>
ORIGINAL SHEET:	A1	
DATE OF SURVEY:	15th May 2023	
DRAWN:	A. Jitruwanna	
LEVEL DATUM:	Australian Height Datum Vic Jica Jica PM 648 RL: 33.35	

PLAN:	NEIGHBOURHOOD AND SITE DESCRIPTION PLAN	SHEET 1 OF 1
ADDRESS:	9 ARTHUR STREET, FAIRFIELD	DRAWING No.
MELWAYS REF:	30 K12	23162D02s
MUNICIPALITY:	CITY OF YARRA	VERSION No.
PROJECT:	PROPOSED RE-DEVELOPMENT	REVISION DATE:

Development Engineering Formal Referral Response



Application Information:

Referral Officer:	Mark Pisani
Officer:	Corey Wooldridge
Council Reference:	PLN23/0661
Referral Number:	IREF23/01997
Address:	9 Arthur Street, Fairfield
Proposal:	Construction of two double storey dwellings on a lot
Comments Sought:	Access arrangements; internal layout
Disclaimer:	Council's Development Engineering unit, provides the following advice based on information provided in the referral request memo referenced above.

Engineering Referral Details

Council's Engineering Referral team has reviewed the drawings and documents provided by the Statutory Planning department, as outlined in **Table 1** below.

A list of requirements for the applicant and proposed conditions to be included in the Planning Permit have been outlined in **Section 1 – Engineering Requirements** and **Section 2 – Engineering Conditions** respectively. Specific details of the engineering assessment are provided in **Section 3 – Engineering Detailed Assessment** and have informed the requirements and conditions.

Note: the engineering related matters highlighted in the Planning referral have been assessed and included in the response.

Table 1 - Drawings and Documents reviewed by Engineering

Author / Consultant	Drawing No. or Document	Revision	Dated
Terrain Consulting Group	23162D01s <i>Title Re-Establishment, Feature & Level Survey</i>	2	22 June 2023
Taouk Architects	TP_02 <i>Ground Floor Plan</i> TP_05 <i>Elevations</i> TP_06 <i>Section</i>	- - -	13 November 2023 13 November 2023 13 November 2023

SECTION 1: Engineering Requirements – Issue to the Applicant

The applicant must satisfy the engineering items outlined in **Table 2** below. A written response must be provided for each requirement, and the action is to be completed prior to resubmission.

Any amendments to plans/drawings or updates to reports/documents must be highlighted using a *red cloud* around the relevant section. In the written response, indicate the relevant sheet/pages of each document which have been amended.

Table 2 - Engineering Requirements for Applicant

Item	Engineering Requirement	Action for Applicant
1	Dimension each garage doorway	Update the drawings.
2	Revise the vehicle crossing cross sectional drawing along the centreline of the proposed vehicle crossing. The road pavement level 1.0 metre from the edge of the channel must be provided. Road pavement, kerb and footpath levels must be actual levels along centreline of the crossing.	Revise and resubmit the vehicle crossing cross sectional drawing to apply along the centreline of the vehicle crossing and with revised levels.

SECTION 2: Engineering Conditions – Planning Permit

The conditions outlined in **Table 3** below must be included in the Planning Permit to ensure the specific engineering requirements are complied with.

Note: further conditions may be required if any of the items in Table 2 are not fulfilled prior to the issuing of the Planning Permit.

Table 3 - Engineering conditions to be included in the Planning Permit

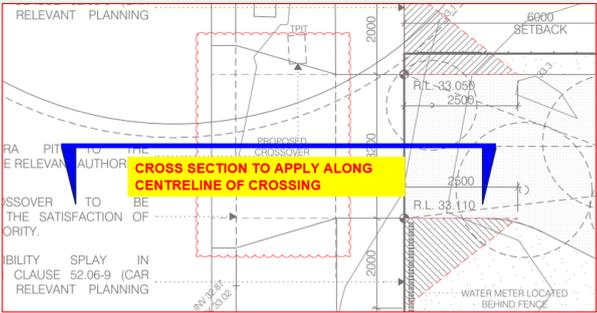
Vehicle crossings (VC) conditions		
Condition related to...	Engineering condition	Reasoning / justification
VC: <i>Design</i>	<p><u>Concurrent with the submission of Condition 1 plans</u> or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval.</p> <p>The submitted design must demonstrate compliance with City of Yarra's, <i>Vehicle Crossing Information Sheet</i>.</p>	
VC: <i>Construction</i>	<p><u>Before the building/s is/are occupied</u>, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:</p> <p>(a) at the permit holder's cost; <i>and</i></p> <p>(b) to the satisfaction of the Responsible Authority.</p>	
VC: <i>Reinstatement</i>	<p><u>Before the building/s is/are occupied</u>, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:</p> <p>(a) at the permit holder's cost; <i>and</i></p> <p>(b) to the satisfaction of the Responsible Authority.</p>	
General works conditions		
Condition related to...	Engineering condition	Reasoning / justification
Reinstatement of damages caused during development works	<p>Within 2 months of the completion 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:</p> <p>(a) In accordance with Yarra Standard Drawings Yarra City Council</p> <p>(b) at the permit holder's cost; and</p> <p>(c) To the satisfaction of the Responsible Authority.</p>	

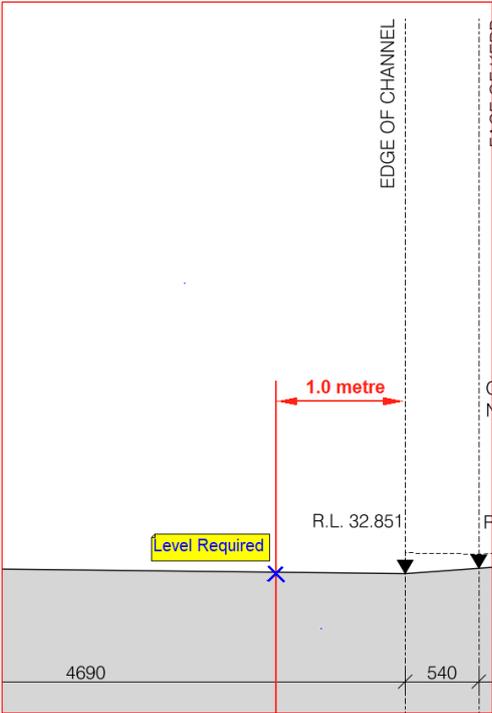
Planning Permit – Notes		
Note related to...	Engineering note	Reasoning / justification
Stormwater: Site discharge	The site stormwater must be directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event.	Potentially, when the Drainage Design Guidelines are officially adopted into Council and included in the Planning Scheme, this Note may become a Condition.
Service infrastructure adjustment to suit finished grades, alignments, etc.	Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly: (a) at the permit holder's cost; and (a) to the satisfaction of the Responsible Authority.	
Existing parking infrastructure	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.	
Private utility assets	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.	
Adjusting utility infrastructure	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.	
Existing parking infrastructure	Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.	

SECTION 3: Engineering Detailed Assessment

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrances	The 3.2 metre wide driveway entrances satisfy <i>Design standard 1 – Accessways</i> of Clause 52.06-9.
Garage Doorways	The doorway widths of the garages have not been dimensioned on the drawings.
Headroom Clearance	The garage doorways have headroom clearances of at least 2.8 metres, which satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.
Car Parking Modules	
Single Garage	The dimensions of the single garage (3.52 metres by 6.0 metres) satisfy <i>Design standard 2: Car parking spaces</i> .
Double Garage	The dimensions of the double garage (5.56 metres by 6.0 metres) also satisfy <i>Design standard 2</i> .
Gradients	
Ramp Grade for the first 5.0 metres inside the Property	The upward grades of the driveways for Unit 1 and Unit 2 are approximately 1 in 29 and 1 in 22, respectively. These grades satisfy <i>Design standard 3: Gradients</i> .
Ramp Grades and Changes of Grade	The ramp grades and changes of grade satisfy <i>Table 3 Ramp Gradients</i> of Clause 52.06-9.
Other Items	
Vehicle Crossing – Unit 1	There is no objection to the continual use of the existing vehicle crossing to service unit 1.
Vehicle Crossing – Unit 2	<p>The cross sectional drawing of the vehicle crossing must apply along the centre line of the vehicle crossing, as per diagram below:</p> 

Item	Assessment
	<p>The cross sectional drawing does not appear to accurately represent the road profile of Arthur Street. The invert (the low point) has been incorrectly depicted at the edge of the channel. The invert of the east kerb of Arthur Street is located at the face of the kerb. The footpath and road pavement levels must be re-taken/revised.</p> <p>The road pavement level 1.0 metre from the edge of the kerb must be provided to complete the cross sectional drawing.</p>  <p>The cross sectional drawing is to be resubmitted for assessment.</p> <p>A Vehicle Crossing Information Sheet is appended to this memo to provide further information.</p>

SECTION 4: Acknowledgement

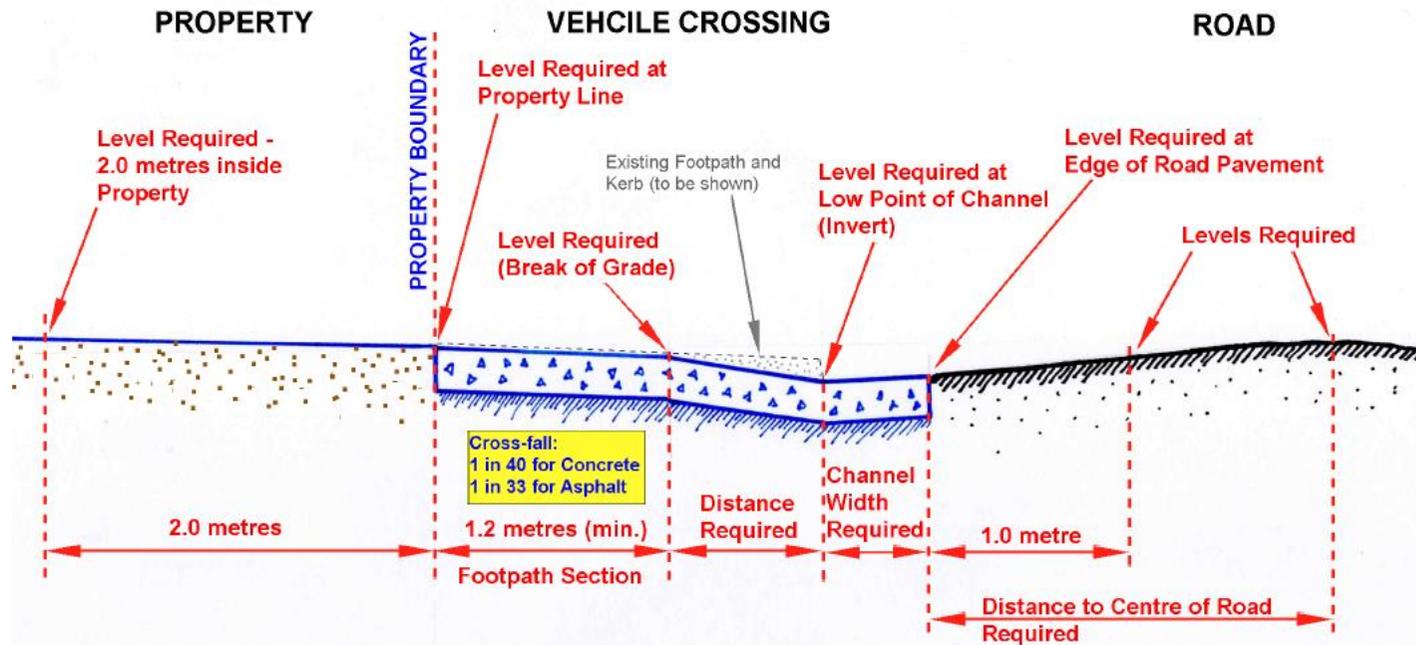
Engineer: Mark Pisani

Signature: 

Date: 7 December 2023

VEHCILE CROSSING INFORMATION SHEET

Cross Sectional Drawing



The Cross Sectional Drawing must provide the following:

- All Levels (to three decimal places) as shown above.
- All Dimensions to points/levels as shown above.
- Ground clearance check using the B85 design vehicle (domestic)* or B99 design vehicle as per AS/NZS 2890.1:2004.
- The existing footpath and kerb to be shown (as a dashed line).
- The existing Top of Kerb level should be shown.
- The property boundary must be shown/labelled.

* Domestic - one to three residential units.

Open Space Services Formal Referral Response



Application Information	
Referral Officer	Corey Wooldridge
Officer	Tree Dimensions (LF)
Council Reference	PLN23/0661
Address	9 Arthur Street, Fairfield
Proposal	Construction of two double-storey dwellings on a lot
Comments Sought	<p>Click here to view the advertised documents on Council's website:</p> <p>https://eservices.yarracity.vic.gov.au/WebApps/eProperty/P1/eTrack/eTrackApplicationDetails.aspx?r=P1.WEBGUEST&f=%24P1.ETR.APPDET.VIW&ApplicationId=PLN23%2f0661</p> <ul style="list-style-type: none"> • Removal of mature vegetation within the subject site. • Impacts on the adjoining vegetation on adjoining sites.

Council's Open Space Services (City Works) provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

Council's Open Space Services (City Works) were requested to make comment on the proposal:

Referral Type:

- Arboricultural Report (Desktop Review)

Capital Works

We are unaware of any capital works approved or proposed within the area of the subject site (as relevant to the planning application). We are providing external arboricultural comments.

Comments and Recommendations

Local Laws, Overlays, Policies, Plans and Standards Used in Assessment

- City of Yarra General Local Law (consolidated) 2016
- AS 4970–2009 *Protection of trees on development sites*
- AS 4373–2007 *Pruning of amenity trees*
- AS 2303:2018 *Tree stock for landscape use*

Application Documents Used in Assessment

- Arboricultural Assessment & Report – Stem Arboriculture, 01/11/2023
- Set of Plans – Taouk Architects, November 2023

Arborist report

The arborist report was prepared by a suitably qualified arborist. The tree data in the supplied arborist report appear correct.

Site Trees

The trees growing within the subject site have low significance and do not require permits for removal. Suitable replacement plantings should be shown on the landscape plan.

Neighbouring Trees

Tree #35 has minor TPZ encroachment and will require protection during works, but is unlikely to be negatively impacted. Trees #19, 20, 21, 22, 39, and 47 will not be impacted by construction works.

Road Reserve Trees

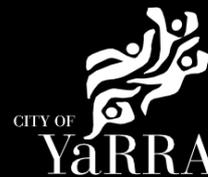
The plans show the retention of three road reserve trees, impacts to which will be negligible. Minor works will occur within the TPZs of Trees #1 and 2. A Tree Management Plan will be required for their protection during these works. They are expected to remain viable. Tree #3 will not be impacted by construction works.

Recommendations

A Tree Management Plan (TMP) is required as part of the permit conditions if the application is approved.

08/12/2023

Urban Design Formal Referral Response



Application Information:

Referral Officer:	Lewis McNeice
Officer:	Corey Wooldridge
Council Reference:	PLN23/0661
Address:	9 Arthur St, Fairfield VIC 3078
Proposal:	Construction of two double storey dwellings on a lot
Comments Sought:	Click here to view referral memo: Record D23/482890: IREF23/01999 - Internal Referral Response - Urban Design
Disclaimer:	Council's Urban Designer provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

Recommendation

- The proposal is supported in principle, subject to changes.

Comment Summary

The proposal is located within a Neighbourhood Residential Zone in the Planning Scheme indicating the need to promote and protect the surrounding neighbourhood character. The built form and design policy outlines several design objectives to ensure that new development positively responds to the surrounding context. This proposal mostly addresses these objectives; however, some concerns are raised below.

Built Form and Massing

- The building's built form and massing is generally supported from an Urban Design perspective as the form of the building does not deviate too far from the City's existing street pattern and urban form. It is also noted that the proposal's proximity to Heidelberg Road and the developed property immediately to the north could be seen as acting as a buffer or step towards the neighbourhood character directly to the south.
- The modern-look and flat roof of the proposal goes against the neighbourhood character and does not match the pitched roofs of the Californian bungalows with large gardens and significant vegetation that dominate the rest of the streets. However, the inclusion of respectful setbacks, the clear visual distinction between the two units and the inclusion of a lightwell/ atrium to increase permeable surfaces are all supported.
- While, the proposal is generally supported, and even commended on its high-quality Architecture, garages are not part of the neighbourhood character and therefore the addition of a double garage for unit 2 is not supported.
- The overtly car-dominant double garage of Unit 2 also goes against the design guidelines in 22.10 that state that:

- 'new development constructed with a front setback to the street should include soft landscaping within the setback area. This setback should not be used for ancillary services, car parking, basement car parking, ventilation shafts, or major promotion signs.'
- The removal of the double garage will also allow for a separation between the proposal's internal walls and the site boundary. Which would be favoured outcome from an Urban Design perspective.
- According 22.10 crossovers should be limited and according to 55.06/07 crossovers should be minimised. From an Urban Design perspective additional crossovers impact pedestrian and public realm quality. For this reason additional crossovers are generally not supported from an Urban Design perspective.
- It should noted, that the proposal is only seeking a single additional crossover, and as new the rest of the street is not littered with crossovers, this choice is cautiously supported.

Public Realm Interface

- It should be noted that the substantial loss of vegetation in the proposal is a concern due to the significant amenity that vegetation provides to the public realm.
- Reducing the vegetation also unnecessarily compounds the starkness of the modern building not suiting the neighbourhood character. It is recommended that this proposal is encouraged to retain the significant tree species listed in the Arborist's report and provide a landscape plan to better understand the public realm interface. Please refer to Council Arborist response.
- However, the type of fencing in the proposal, the sense of address and the good passive surveillance are all good practices to employ in building design and supported.

Façade Design & Materials

- More information is required to properly assess the materiality of the proposal. In general, the 'timber look' material choice is not preferred due to its untruthful nature and unsatisfactory appearance. It is recommended that if using batten cladding the development solely use a natural timber.
- The proposal should also specify the cladding material type for AL1, AL2 and AL3 in the material schedule. Please see Figure 1, below.

Figure 1: Material Schedule RFI

MATERIALS + FINISHES SCHEDULE			
BR01	FACE BRICKWORK BRICK - WHITE/GREY	CC01	CLADDING - BATTEN CLADDING - NATURAL TIMBER/ TIMBER LOOK
BR02	FEATURE BRICKWORK BRICK - CREAM/OFF WHITE	CC02	CLADDING - VERTICAL SHIELD CLADDING - NATURAL TIMBER/TIMBER LOOK
BR03	FACE BRICKWORK BRICK - CREAM/OFF WHITE	CC03	GARAGE DOORS VERTICAL SHIELD CLADDING - NATURAL TIMBER/TIMBER LOOK
CR01	CONCRETE RENDER POLISHED/CONCRETE FINISH DULUX COLOUR SPECIFIER - GREY	CC04	GARAGE DOORS BATTEN CLADDING - NATURAL TIMBER/ TIMBER LOOK
		AL1	PANEL CLADDING - WHITE/LIGHT GREY
		AL2	PANEL CLADDING - CREAM/OFF WHITE
		AL3	PANEL CLADDING - GREEN
		FR01	WINDOW FRAMES ALUMINIUM FINISHING, DULUX POWDERCOATING - WHITE/GREY
		FR02	WINDOW FRAMES ALUMINIUM FINISHING, DULUX POWDERCOATING - CREAM/OFF WHITE
		FR03	WINDOW FRAMES ALUMINIUM FINISHING, DULUX POWDERCOATING - GREEN
		FR04	BATTEN FENCE PAINT FINISH - WHITE COLOUR
		FR05	BATTEN FENCE PAINT FINISH - CREAM/OFF WHITE COLOUR

Streetscape and Capital Works

- There are no known Streetscape and Capital Works around the site currently planned.

The proposal is supported in principle, subject to the following improvements and additional details:

- Reduce double garage in Unit 2 to single garage and remove wall from boundary.
- Provide more detailed information in Material Schedule.
- Please refer back to Urban Design when a decision is made.

These comments exclude comments from the following teams, and they will be providing separate referral comments:

- Open Space
- Arboriculture & Streetscapes

Capital Works:

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

Urban Designer: Lewis McNeice
Date: 06 December 2023

ESD Formal Referral Response



Application Information:

Referral Officer:	Gavin Ashley
Officer:	Corey Wooldridge
Council Reference:	PLN23/0661
Address:	9 Arthur St, Fairfield VIC 3078
Proposal:	Construction of two double storey dwellings on a lot
Comments Sought:	Click here to view referral memo: D23/457754
Disclaimer:	Council's ESD Officer provides the following information which is based on the information provided in the referral request memo referenced above.
Prev. Responses:	

ESD comments were requested on the following:

- New referral
- SDA

In assessing this application, the following documents were reviewed:

- Plans prepared by Taouk Architects dated November 2023
- SDA prepared by Archi Sustainability dated 27 October 2023

Documents downloaded from:

<https://eservices.yarracity.vic.gov.au/WebApps/eProperty/P1/eTrack/eTrackApplicationDetails.aspx?r=P1.WEBGUEST&f=%24P1.ETR.APPDET.VIW&ApplicationId=PLN23%2f0661>

Comments

The standard of the submitted ESD does not meet Council's Environmentally Sustainable Design (ESD) standards.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SDA 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:

- Commitments detailed in the SDA:
 - BESS Assessment achieves a score of 50% with no mandatory category (IEQ, Energy, Water, Stormwater) below 50%.

- Water efficiency ratings (WELS):
 - Showerhead: 4 star
 - Taps: 5 stars
 - Dishwasher: Default or unrated
 - WC: 4 stars
 - Washing machine: 4 star
- Water efficient landscaping
- Average 6.5 star NatHERS rating
- Heating & cooling (reverse cycle / refrigerative space): 4 star energy efficiency
- Gas instantaneous, 5 star hot water system
- Double glazing to all habitable areas
- Cross flow ventilation to all habitable rooms
- Use of low VOC paints for internal walls
- Use of certified (e.g. FSC or PEFC)/recycled/reused timber
- STORM rating of 103% achieved with 1 x 3000L tank (to dwelling 1), and 1 x 3000L tank & 1 x 1000L tank (to dwelling 2), with tanks and respective litre capacities shown on plans
- Spatial allocation for four-stream bin systems shown on plans
- Adjustable outdoor clotheslines shown on plans
- Area analysis on plans shows:
 - 43% of the site is permeable surfaces
 - 38% of the site is garden area
 - 33% of the site is vegetated

2. Application ESD Deficiencies

- The proposed development includes minimal external shading (e.g. shallow aluminium shrouds in some instances). Of particular concern is the west facing glazing of the first floor master bedrooms, which is floor-to-ceiling with glazing areas of approximately 5sqm. This has the potential to result in poor thermal outcomes for these habitable rooms and occupant comfort, and should be minimised by the inclusion of external shading devices such as awnings. This could be complemented by also providing external shading to the east (retractable) and north (fixed) facing glazing.
- The exclusion of a gas connection and gas systems (e.g. hot water) is strongly recommended to provide an all-electric development in accordance with the residential gas ban coming into force on January 1, 2024.

3. Outstanding Information

- Clarify the permeability of paving in private open space, addressing inconsistency between annotation on plans ('permeable') and WSUD plan mark-up (marked impervious). Update documentation and assessments accordingly.
- Clarify rainwater reuse connections and ensure consistency across all documentation. For example, the plans only note toilet flushing, the SDA notes toilet flushing & laundry, and BESS notes toilet flushing, laundry & irrigation. If irrigation is connected, refer to the BESS Tool Notes regarding the applicability of Water Credit 3.1 Water Efficient Landscaping.
- Update STORM assessment to include all impervious surfaces (as marked in Roof / WSUD Plan in plans i.e. ground level surfaces such as driveway and private open

space paving which are not proposed to be treated), ensuring the updated STORM rating achieves a minimum of 100%.

- Ensure the SDA notes on the plans are consistent with the ESD commitments detailed in the SDA (e.g. one difference currently is the toilet water efficiency).
- Ensure areas across all documentation and assessments are consistent (e.g. vegetated area).
- Clarify the proposed colour of the roof material and detail it in the documentation, ensuring the specification supports a reduction in urban heat outcomes.

4. ESD Improvement Opportunities

- Consider the addition of solar PV panels on the rooftop of each dwelling.
- The development only achieves a 6.5 star average NatHERS rating (individual ratings of 6.6 stars and 6.4 stars). We recommend consideration of further improvements to the thermal performance of the dwellings to achieve a minimum 7 star average rating to improve energy efficiency and thermal comfort outcomes.
- Consider the inclusion of ceiling fans in bedrooms and living areas to provide an alternative, less energy intensive cooling option.
- Consider providing enabling infrastructure (e.g. wiring etc) for electric vehicle charging which will allow for the future installation of electric vehicle charging stations.
- Consider the inclusion of at least one secure bicycle space per dwelling.
- Consider the inclusion of a water tap and drain for outdoor open space to facilitate more gardening by the occupants.
- Consider vertical greening/landscaping (e.g. climbing plants) on the north and south facades for improved urban ecology outcomes.
- Include commitments to, and specification of, recycled materials (e.g. recycled content insulation; recycled content concrete).

Recommendations

Having reviewed the documentation, the applicant is required to address the items above listed as ESD deficiencies (2) and Outstanding Information (3) – and is strongly encouraged to incorporate the ESD improvement Opportunities (4) where practical.

ESD Advisor: Gavin Ashley

Date: 14 December 2023

Sustainable Management Plan (SMP)

for planning applications being considered by Yarra Council



ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development*.

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category *Non-residential 1. 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.

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.

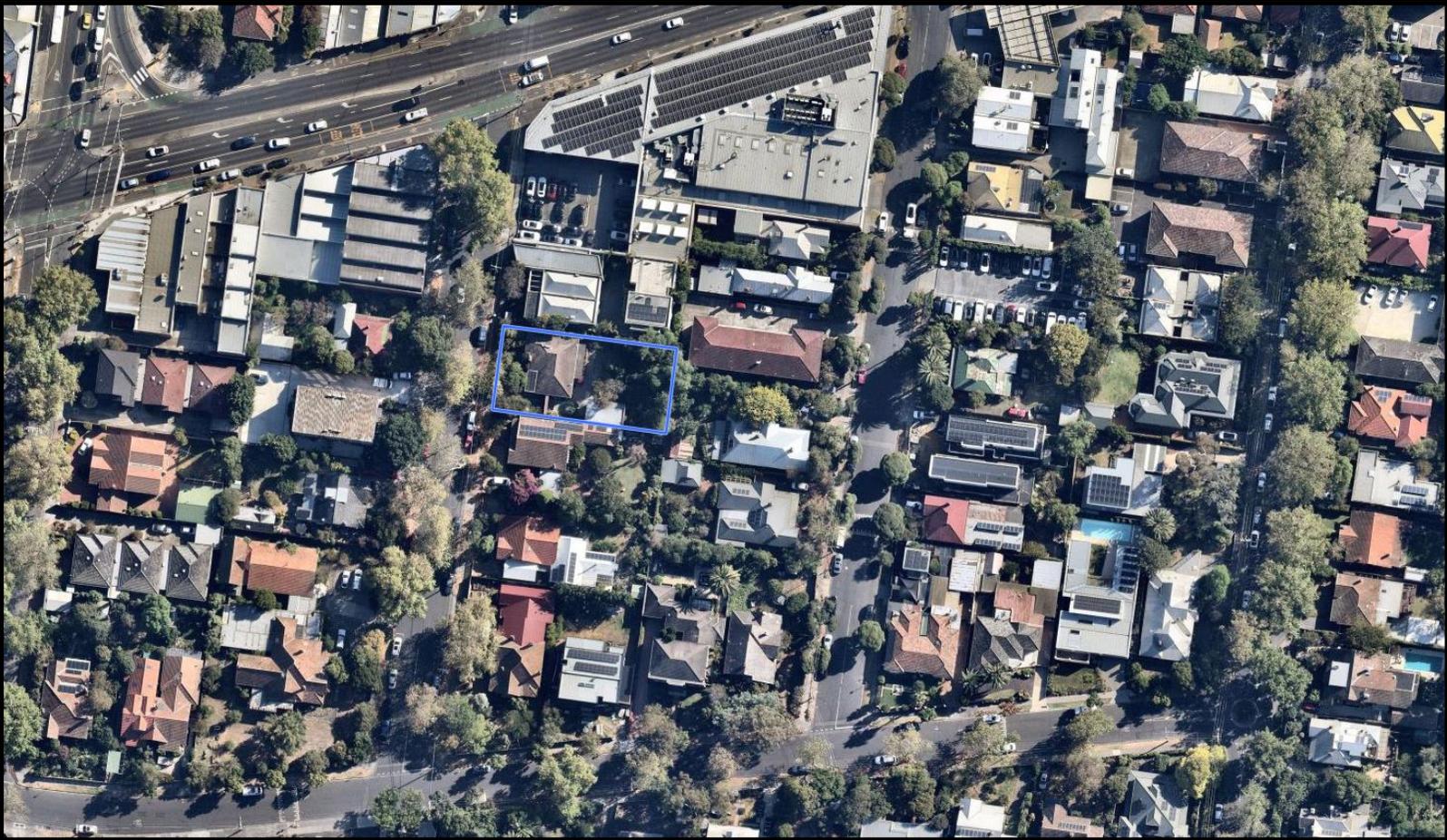
How does the proposal comply with the benchmarks?

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.

Subject land: 9 Arthur Street Fairfield



North