

YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 10 June 2015 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Roberto Colanzi (substitute for Cr Jackie Fristacky)
Councillor Geoff Barbour
Councillor Misha Coleman

- I. ATTENDANCE**
Mary Osman (Manager Statutory Planning)
Laura Condon (Senior Statutory Planner)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN14/0846 - 11 - 13 Spring & 14 - 16 Argyle Streets, Fitzroy - Partial demolition and development of the land with the construction of four buildings, ranging between four and five storeys in height (plus basement and roof terrace) for fourteen (14) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.	5	54
1.2	PLN14/1166 - 13-29 Nelson Street, Abbotsford	89	110
1.3	551 Station Street, Carlton North VIC 3054 - Planning Permit Application No. PLN14/0879	129	153
1.4	123 - 125 Bridge Rd, Richmond - Planning application PLN14/0856 - Development of the land for the construction of a 7-storey building (plus basement) for 20 apartments and 3 shops, including part demolition; and a reduction in the car parking requirement and waiver of the loading requirement.	170	208

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- 1.1 PLN14/0846 - 11 - 13 Spring & 14 - 16 Argyle Streets, Fitzroy - Partial demolition and development of the land with the construction of four buildings, ranging between four and five storeys in height (plus basement and roof terrace) for fourteen (14) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.**
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Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application No. PLN14/0846 which affects land at 11-13 Spring & 14 – 16 Argyle Streets, Fitzroy and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Built form (Clauses 15.01, 21.05, 52.35);
 - (b) Heritage (particularly Clauses 15.03, 43.01 and 22.02); and
 - (c) Environmentally Sustainable Development (ESD) (Clauses 15.02-1, 21.05-2 and 21.07-1)
 - (d) Car parking and bicycle provision (Clauses 52.06 and 52.34) of the Yarra Planning Scheme.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) State and Local Planning Policy Framework Summary
 - (b) Built form and Heritage
 - (c) Architectural Quality
 - (d) Environmentally Sustainable Design
 - (e) Amenity Impacts on Neighbouring Properties
 - (f) Internal Amenity
 - (g) Car parking, access and bicycle provision
 - (h) Waste Management
 - (i) Objector concerns.

Objector Concerns

4. Twenty objections were received to the application, these can be summarised as:
 - (a) The proposal does not respect the existing neighbourhood heritage character;
 - (b) Overdevelopment in terms of scale, height and bulk;
 - (c) Off-site amenity:
 - (i) overshadowing;
 - (ii) overlooking;
 - (iii) impact on daylight to existing windows (including bathrooms) and lightwells
 - (d) Finishes are inappropriate in heritage streetscape and are reflective
 - (e) Screens outside property boundaries
 - (f) Noise;
 - (g) Car parking, traffic, driveway access, car stackers too slow and loud, do not fit 4WDs.
 - (h) Waste - Too many bins out on footpath and inadequate supply
 - (i) Errors in documentation (lightwell and windows of No. 5 Spring Street – incorrectly shown on plans)

- (j) Have not considered other businesses regarding noise impacts to bedrooms, deliveries may block residential vehicular access etc.
- (k) Impact during construction (disruptions, machinery and additional traffic).
- (l) This application will create a precedent for higher development;
- (m) Loss of views
- (n) Limit views to Royal Exhibition Building
- (o) Loss of property value

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

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TITLE: Principal Planner
TEL: 92055124

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- 1.1 PLN14/0846 - 11 - 13 Spring & 14 - 16 Argyle Streets, Fitzroy - Partial demolition and development of the land with the construction of four buildings, ranging between four and five storeys in height (plus basement and roof terrace) for fourteen (14) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.**
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Trim Record Number: D15/68693

Responsible Officer: Coordinator Statutory Planning

Proposal:	Partial demolition and development of the land with the construction of four buildings, ranging between four and five storeys in height (plus basement and roof terrace) for fourteen (14) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.
Existing use:	Offices/Residential
Applicant:	Cross Coast Pty Ltd
Zoning / Overlays:	Mixed Use Zone/Heritage Overlay (Schedule 334) and Environmental Audit Overlay
Date of Application:	10 September 2014
Application Number:	PLN14/0846

Planning History

1. Planning permit 1766 was issued on 15 January 1992 for a business sign at Flat 1, 14-16 Argyle Street, Fitzroy.
2. Planning permit 96/1021 was issued on 9 September 1996 for the use of an office at 11-13 Spring Street. This was amended on 13 February 1998 to allow for an increase in office space and deletion of one car parking space.
3. Planning permit application PLN13/0278 was refused at the Victorian Civil and Administrative Tribunal (VCAT) [Tribunal] within the decision *Cross Coast Pty Ltd v Yarra CC [2014] VCAT 568* (14 May 2014). The application had proposed 'partial demolition and development of the land with the construction of four buildings, with heights ranging between four and six (6) storeys (plus basement and roof terrace) with sixteen (16) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.'

Background

4. This application is the second attempt to redevelop the land.
5. The first attempt (PLN13/0278) was lodged on 17 April 2013. Following the submission of further information the application was advertised in July 2013 and 31 objections were received.
6. An application had been lodged at VCAT by the applicant under section 79 of the *Planning & Environment Act 1987* (the Act) against Council's failure to determine the application within the statutory time period.
7. At Council's Internal Development Approval Committee Meeting dated 29 January 2014, Council formed the position that had it been in a position to determine the application it would have issued a Notice of Decision to Grant a Planning Permit for the above application, subject to a number of conditions.

8. The application was subsequently refused at VCAT with the Member making a number of comments in relation to what would be acceptable in any future applications on the site:
 - [6]Given this, we have decided to refuse this application, but we hope our reasons provide clear guidance to all of the parties in this case about those aspects of the proposal that are acceptable and those that require reconsideration.
9. In summary, the Tribunal found the proposal unacceptable for the following reasons:
 - (a) The overall built form (including heights of Building 2 and 3) is inappropriate for the heritage place.
 - (b) Impact on daylight to the lightwell and habitable room windows of No. 5 Spring Street.
 - (c) The unacceptability of the design detail of the mechanical car turntable for resident car spaces.
10. Despite the above, the Tribunal in its findings acknowledged that the site represents a good opportunity for redevelopment, despite a number of constraints. The Tribunal was explicit in a number of matters (height, setbacks and impact on daylight) on what would be acceptable. These will be further outlined within the report.
11. In summary, the current proposal has largely adopted the directions of the VCAT decision on the issue of height, setbacks and off-site amenity impacts. Further discussion on the 2013 proposal VCAT decision [*Cross Coast Pty Ltd v Yarra CC*] will be provided where relevant in the assessment section of the report.
12. It should be noted that from a strategic policy perspective, the fundamental difference between the 2013 proposal and current proposal is the shift in planning policies. Notably, in 2014, the purpose of the Mixed Use Zone was amended through Amendment VC 100 to include an objective encouraging high density housing.
13. The current application was lodged on 10 September 2014, with further information subsequently requested in October 2014. The information was received on 11 December 2014 and the application was then advertised with 20 objections being received. A consultation meeting was held on 26 February 2015 and was attended by representatives of the applicant, objectors, Ward Councillors and Council officers.
14. Whilst this process was occurring, Council had sought and received advice from acoustic engineers, urban design experts, heritage advisor, the waste management unit, traffic engineers and environmentally sustainable design advisor.
15. Council's Waste management Unit and Environmentally Sustainable Design Advisor raised some concerns within their referral comments with the applicant subsequently providing additional information (including an amended Waste Management Plan – WMP) on 4 May 2015. The material also included sketch plans for the basement and ground floor showing the rainwater tank and altered bin area. It should be noted that the previously advertised WMP is now superseded.
16. Following the submission of this material both advisors found the proposal satisfactory subsequent to some additional conditions being added on any permit, should one be granted.
17. Council's planning officer also raised concerns and within the material submitted on 4 May 2015, the applicant included additional information regarding daylight access to the lightcourts at No. 5 Spring Street.

Existing Conditions

Subject Site

18. The subject site is located on the south-western intersection of Spring and Argyle Streets, Fitzroy. The subject site is irregular in shape as it consists of two lots, one being Nos. 11-13 Spring Street and the other, Nos. 14-16 Argyle Street. They have a combined frontage to Argyle Street of 18.45m, a frontage to Spring Street of 25.12m and a frontage onto Johnston Place of 2.54m. This results in a total site area of 551.6sqm.
19. The site is currently occupied by a double-storey commercial brick building fronting Spring Street and a double-storey building fronting Argyle Street. There is an open car parking area at the intersection of Argyle and Spring Street. Both of these buildings were recently used as offices.
20. A second crossover provides access to the Spring Street building.

Surrounding Land

21. The surrounding land is genuinely mixed in nature in terms of uses, building styles and heights as is typical of this part of Fitzroy. The immediate surrounding context contains a range of building heights (that vary between one and four storeys) and architectural styles. Land uses in the wider area consist of retail, commercial, entertainment, residential and light industrial. The extent of industrial land use in the general area has been reducing due to the expanding residential land use. This mixture is displayed also in the zoning of the land, with the one block bordered by Nicholson, Argyle, Spring and Johnston Streets being zoned as Mixed Use, Commercial 1 and 2.

North

22. To the north of the site is Argyle Street which contains double storey, townhouses as well as numerous commercial properties including offices and warehouses and converted warehouses, up to three-storeys in height. On the north-western intersection of Spring and Argyle Streets is a converted, three-storey residential building known as 'Retro House'. It is a large, double storey, light brown brick building with an additional setback upper level.
23. Further to the west of that site, along the northern side of Argyle Street is a three-storey, grey warehouse conversion (newly constructed). These residences include clearly visible roof terraces facing the street. Beyond this building to the west, are double storey, townhouses and the rear of the buildings associated with the car wash facing Nicholson Street.

West

24. Along the southern side of Argyle Street are two single storey brick buildings to the west of the subject site and a large double storey, warehouse-style building which is currently being used partly for a yoga school and partly for an office. No. 10 Argyle Street has a current planning application for a ground and first floor extension with a roof terrace above. This application has not been assessed at the time of the writing of this report.

East

25. To the east of the subject site, on the north-eastern intersection of Spring and Argyle Streets is a large, open car park associated with the large, red brick, warehouse-style 'Jenkins' building which has been converted into office spaces. Further to the east, a planning permit PLN11/04279 was granted in 2011 and subsequent amendment in 2013 for No. 35-41 Argyle Street, to the north-east of the subject site for a five-storey building. A Notice of Decision has been granted on 30 April 2015 for an amendment to this development for an additional roof top garden.
26. To the south of these buildings are large, double and triple storey, brick, render and cladding buildings which are used for a mixture of offices and residences.

27. The building located on the south-eastern intersection of Spring and Argyle Streets is a large, double storey, brown/red brick building with a pitched roof which is part of the 'Meridian' complex and includes a large, open, loading area associated with a warehouse and bronzing business to the south and another similarly constructed double storey brick building to the south of that. It should be noted that this open area is used by the bronzing business as a work area as well as for loading.
28. Beyond this along the eastern side of Spring Street are a row of attached, double storey, Victorian-era terraces and a four-storey, brown brick, building along Johnston Street used by 'Goodlife Gym' as an indoor recreation centre.

South

29. Immediately to the south of the subject site, along the western side of Spring Street is a large, four-storey residential complex at No. 5 Spring Street. Within the four storey complex are eight apartments, some of which are double storey. There is ground floor, car parking spaces provided from Johnston Place to the west.
30. Apartments have either east or west facing balconies with three lightcourts abutting the northern boundary at first floor with additional upper level setbacks. The lightwells provide light for bedrooms and bathrooms. This building includes a double storey wall (7m in height) along the northern boundary.
31. No. 2/5 Spring Street has indicated they use their first floor central lightwell as a private courtyard. No. 2/5 Spring Street is a double storey apartment. In relation to some of the other apartments, the Tribunal included the following information:

[53] Unit 3 is at the rear of the first floor level with a west facing open plan living, kitchen and meals area and two north facing bedrooms. Unit 7 is at the rear of the second floor level with a similar layout to unit 3, albeit the north facing windows are set back further from the boundary with this site. Unit 6 is a two storey unit that begins at the front of the second floor level with two bedrooms and a balcony, and continues at the third floor level with an open plan kitchen and meals area with balconies at either end facing east and west.
32. To the south of this, are two single storey, attached row houses with small areas of private open space at the rear. Beyond these are a laneway and a double storey dwelling located at the rear of the commercial premises (Latin American specialty grocery store and deli) on Johnston Street.
33. Along Johnston Place, there is a mixture of the rear of buildings fronting Nicholson and Johnston Streets and windows and balconies associated with No. 5 Spring Street.
34. In the wider area of South Fitzroy, a number of taller buildings (four to six storeys) have recently been approved by Council particularly on Kerr and Rose Street which are 150-190m to the north of the site.
35. The retail precinct of Brunswick Street is located approximately 216m to the east and is zoned Commercial 1. Brunswick Street is a Major Activity Centre (MAC) and includes a number of food and drinks premises, bars, pubs, art galleries and retail stores.
36. The subject site is located 48m to the north of Johnston Street, which is a main traffic thoroughfare and is lined with commercial and retail premises. This section of Johnston Street contains a concentration of 'Spanish/Latin American' businesses, (predominantly bars and cafes on the southern side of Johnston Street between Brunswick Street and Nicholson Street to the west). Johnston Street is a Neighbourhood Activity Centre (NAC).

37. Nicholson Street is located between 43m and 58m to the west and is also a main traffic thoroughfare. Land along Nicholson Street is also zoned Commercial 1 and 2. A number of large, multi-storey public housing towers are located on the eastern section of Nicholson Street (within the City of Melbourne).
38. The site has excellent access to public transport with tram routes along Nicholson and Brunswick Streets as well as bus routes along Johnston Street. There are also a number of retail premises, public open space and recreational services and facilities located within the surrounding area typical of such a densely populated inner-city area adjacent to Major and Neighbourhood Activity Centres.

The Proposal

39. The application is for the partial demolition and development of the land with the construction of four buildings, with heights ranging between four and five storeys (plus basement and roof terrace) with fourteen (14) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements.

Demolition

- (a) Demolition of existing buildings with the exception of the front and side walls of both buildings and the two existing crossovers on Spring and Argyle Streets.
- (b) The plans show the enlargement of a window opening in the front façade of the Argyle Street to allow for a door, however the elevations do not show a door. This can be rectified by way of condition.

Construction

Layout

- (c) Construction of four, partly attached buildings in a rectilinear form with heights between four and five storeys plus a basement level and roof terraces.
- (d) Building 1 (B1) is fronting Argyle Street, Building 2 (B2) is at the intersection of Argyle and Spring Streets, Building 3 (B3) is to the south of this and Building 4 (B4) is to the west of Building 3 and to the south of Building 1 and faces Johnston Place.
- (e) Buildings B1, 2 and 3 are partly attached to allow for the common access areas but are separated at the street frontages.
- (f) The floor levels of the individual buildings has not been provided on the elevations and this can be required by way of condition.
- (g) There is an 8.6m wide setback separating B3 and B4 with B1 having a setback of 9.6m from the southern boundary. This allows for a central area at first floor with a number of balconies facing each other abutting the southern boundary.
- (h) The levels above this have the central courtyard area clear of development and create a lightwell down to the first floor.
- (i) Basement level consists of 14, six cubic meter storage cages, water storage, the fire pump room, lift and stairs and three car stacker pits.
- (j) Ground level consists of a large lobby area accessed from Spring Street with lift access to the apartments above, back of house services, bicycle parking area (20 bikes), five triple car stacker pits (accommodating 14 cars),
- (k) Pedestrian entry to Apartment 1 in Building 2 from Argyle Street.
- (l) B1 has a total of three dwellings, the lower dwelling being split level, and two above with similar layouts and a communal roof terrace.
- (m) B2 has dwellings from ground floor to fourth floor with similar layouts on each level and a roof terrace with a total of four dwellings.
- (n) B3 has dwellings from the first floor with the first and second floors having similar layouts and a three-bedroom dwelling on the fourth floor with services and a PV array on the roof level with a total of five dwellings.

- (o) B4 is a four level townhouse with a bedroom at ground and the upper floors with the living areas on the first floor.
- (p) A total of 14 apartments (two 1-bedroom, nine 2-bedroom and three 3-bedroom) ranging between 42.14sqm to 172.18sqm in size (not including private open spaces).
- (q) Terraces range between 5.15sqm to 76.52sqm in size.

Height and setbacks

- (r) The development is proposed over four buildings, two buildings (B1 and B3) include two additional levels above the retained double storey buildings.
- (s) B1 includes a setback of 3.91m from the northern boundary at the second floor with a terrace located within this, the third floor also includes this setback, but with the terrace further behind.
- (t) B1 is built along the western boundary at all levels.
- (u) B2 is a five storey (plus roof terrace) with a 0.9m setback at ground floor from Spring and Argyle Streets with the upper levels built to the boundary.
- (v) B3 is a four-storey building with zero front setback to Spring Street and is built to the southern boundary with south-west splayed edge.
- (w) B4 is four-storeys in height with a roof terrace. It is built to the full width of the site and also to the western boundary at ground and first floor with the two upper levels having a setback of 6.151m from the western boundary.
- (x) The maximum height of the proposal is 19m.
- (y) The proposal includes a southern on-boundary wall height to a maximum of 14.6m and a maximum western boundary wall height of 15m.

Architectural design and materials

- (z) The building is to be constructed in a mixture of rectilinear forms with all facades well-modulated as a result of the balconies, metal fins and change in materials along the street frontages through the retention of the existing buildings' front facades.
- (aa) The external materials of the building include a combination of patterned and screen concrete in light and dark pigments, white metal cladding, black fibre cement sheeting, black ribbed sheet metal as well as glazing with either black or white framing.
- (bb) B2 includes a number of metal fins located 0.4m outside of the title boundaries, from the first floor and above.
- (cc) Overall, the building will be a combination of dark and light colours with significant amounts of glazing detailed with metal fins.

Car parking/bicycles/vehicular access

- (dd) Vehicular access into the site is proposed from Spring Street.
- (ee) The following table summarizes the total number of car parking, bicycle and storage units proposed for the development:

Level	Car parking spaces	Bicycle spaces	Storage Units
Basement Level	-	-	-14 (6 cubic meters)
Ground Floor	-14 resident spaces	- 20 bikes	-
Total	-14 resident spaces	- 20 bikes	-14 (6 cubic meters)

Environment Sustainable Development (ESD) initiatives

- (ff) The applicant has committed to exceeding the NCC requirements with an average 6.2 star rating (107.4 MJ/m²).
- (gg) Shading on northern, western and eastern facades.
- (hh) A 12,500 litres of rainwater storage for irrigation and flushing of all toilets in apartments.
- (ii) Heat recovery ventilation systems delivering fresh air to all habitable rooms, through an energy efficient heat exchanger.

- (jj) Domestic hot water provided by gas boosted solar with a minimum 50% annual solar contribution, or PV-T solar thermal PV combined system.
- (kk) Cross laminated timber as primary construction material reducing the embodied energy of the building.
- (ll) The use of 'composite' decking materials made from 90% (typically) post-recycled material.
- (mm) A target of 80% for recycling the existing building materials has been set.
- (nn) Water efficient appliances and fittings.

Planning Scheme Provisions

Zoning

Mixed Use Zone (MUZ)

40. The purpose of the MUZ is:
- (a) *to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
 - (b) *to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;*
 - (c) *to provide for housing at higher densities; and*
 - (d) *to encourage development that responds to the existing or preferred neighbourhood character of the area.*

[Emphasis Added]

41. Pursuant to clause 32.04-5 of the Yarra Planning Scheme, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.
42. This application is five levels and as such Clause 55 does not apply.
43. As per clause 32.04-1, a planning permit is not required for use as dwellings.

Overlays

Heritage Overlay - Schedule 334 – South Fitzroy Precinct (HO334)

44. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building and to construct a building or to construct or carry out works including the demolition of an existing crossover and the construction of a front fence.
45. The decision guidelines at Clause 43.01-4 apply to this application. These include:
- (a) *the significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place;*
 - (b) *whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place;*
 - (c) *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;*
 - (d) *whether the demolition, removal or external alteration will adversely affect the significance of the heritage place; and*
 - (e) *whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Environmental Audit Overlay (EAO)

46. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (which includes a residential use) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- (a) *a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
 - (b) *an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
47. The proposal will result in buildings and works associated with a sensitive use, being a residential building, and therefore an environmental audit must be undertaken. A note highlighting this requirement will be included on any planning permit issued.

Particular Provisions

Clause 52.06 – Car Parking

48. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided for a development having regard to the activities on the land and the nature of the locality. Under clause 52.06-2 and relevant to this application, prior to a new use commencing and a new building being occupied, the required car parking should be provided as per clause 52.06-5. However, clause 52.06-3 states that a permit may be granted to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.
49. Under clause 52.06-5, the following parking rates are required:

Use	Bedrooms/ Area	Rate	No. required	No. proposed	Reduction sought
Dwelling	2 x 1 bedroom	1 space per 1 and 2 bedroom dwelling	11	11	0
	9 x 2 bedroom				
	3 x 3 bedroom	2 spaces per 3 bedroom dwelling	6	3	3
		1 space for visitors to every 5 dwellings for developments	2	0	2
Totals			19	14	5

50. Applying the above rates, a total of 19 car parking spaces are required to be provided on-site. With 14 spaces provided, a planning permit is required to reduce this rate by 5 spaces.

Clause 52.34 – Bicycle Facilities

51. The purpose of this Clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.
52. The following table provides a summary of the bicycle requirement under Clause 52.34-3:

Land use	Unit	Employee/resident requirement	Visitor/shopper/student requirement	No. required
Dwellings	14	1 resident bicycle parking space for every 5 dwellings	1 visitor space for every 10 dwellings.	3 resident spaces 1 visitor spaces
Total required				4 spaces
Provision				20 spaces

53. In the case of the proposed development, a total of 4 bicycle parking spaces are required and a total of 20 spaces are proposed. On this basis, the on-site provision substantially exceeds the statutory requirement and, therefore, a permit is not required for a reduction from the statutory bicycle parking provision requirements of clause 52.34.

Clause 52.35 – Urban context report and design response for residential development of five or more storeys.

54. Pursuant to Clause 52.35-01, a development of five or more storeys must be accompanied by an urban context report and a design response. These were satisfactorily provided.

General Provisions

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

State Planning Policy Framework (SPPF)

Clause 11.02 – Urban Growth

Clause 11.02 -1 – Supply of Urban Land

56. The objectives of this clause is as follows:
- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
57. The relevant strategies of this clause are as follows:
- (a) *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
 - (b) *Ensure that sufficient land is available to meet forecast demand.*

- (c) *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*
- (d) *Planning for urban growth should consider:*
 - (i) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - (ii) *Neighbourhood character and landscape considerations.*
 - (iii) *The limits of land capability and natural hazards and environmental quality.*
 - (iv) *Service limitations and the costs of providing infrastructure.*
 - (v) *Monitor development trends and land supply and demand for housing and industry.*

Clause 11.04-2 – Housing Choice and Affordability

58. The objective of this clause is:

- (a) *to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

Clause 13.04-1 – Noise abatement

59. The objective of this clause is *'to assist the control of noise effects on sensitive land uses'*.

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

60. The objective of this clause is *'to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity'*.

Clause 15.01-2 – Urban Design Principles

61. The objective of this clause is *'to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*.

62. This clause outlines principles relating to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of sites and empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture. These principles will be addressed in the following urban design assessment.

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

- (a) Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys;

Clause 15.01-5 – Cultural identity and neighbourhood character

64. The objective of this clause is *'to recognise and protect cultural identity, neighbourhood character and sense of place'*.

Clause 15.02-1 – Energy and resource efficiency

65. The objective of this clause is *'to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'*.

Clause 15.03 Heritage

66. Clause 15.03-1 - Heritage Conservation seeks “to ensure the conservation of places of heritage significance”.

Clause 16 – Housing

Clause 16.01-1 – Integrated housing

67. The objective of this clause is ‘to promote a housing market that meets community needs’.

Clause 16.01-2 – Location of residential development

68. The objective of this clause is ‘to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport’. The clause includes several strategies to achieve this objective, they include:

- (a) *increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas;*
- (b) *encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport;*
- (c) *ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development;*
- (d) *facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use; and*
- (e) *identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-3 – Strategic redevelopment sites

69. The objective of this clause is ‘to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne’.

70. The site is not identified as a strategic redevelopment site in Council’s MSS but is at State level, as it meets the following criteria outlined in the state planning policy section of the Scheme:

- (a) *in or within easy walking distance of Principal or Major Activity Centres;*
- (b) *in or beside Neighbourhood Activity Centres that are served by public transport;*
- (c) *on or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres;*
- (d) *in or near major modal public transport interchanges that are not in Principal or Major Activity Centres; and*
- (e) *able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

Clause 16.01-4 – Housing diversity

71. The objective of this clause is ‘to provide for a range of housing types to meet increasingly diverse needs’. The clause has the following strategies.

- (a) *ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs;*
- (b) *encourage the development of well-designed medium-density housing which:*
 - (i) *respects the neighbourhood character;*
 - (ii) *improves housing choice; and*
 - (iii) *makes better use of existing infrastructure;*
- (c) *improves energy efficiency of housing;*
- (d) *support opportunities for a wide range of income groups to choose housing in well serviced locations; and*
- (e) *ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

Clause 16.01-5 – Housing affordability

72. The objective of this clause is 'to deliver more affordable housing closer to jobs, transport and services'.

Clause 18 – Transport

73. This clause provides a range of objectives to reduce private motor vehicle usage and encourage the use of public transport, cycling and walking. This in turn, will reduce pressure on road networks. In particular, clause 18.02-1 encourages sustainable personal transport, including walking, cycling and public transport.

Local Planning Policy Framework (LPPF)

74. The following LPPF provisions of the Scheme are relevant:

Clause 21 – Municipal Strategic Statement (MSS)

75. The MSS provides a broad demographic summary of the municipality and is structured into 4 main themes; land use, built form, transport and sustainability. The MSS acknowledges that whilst Yarra has a growing population, the size of households is decreasing and there are relatively fewer children and elderly people when compared with the rest of Melbourne.
76. In relation to housing, Yarra has a higher percentage of flats and units than the rest of Melbourne and the MSS acknowledges that demand for inner-city living is high. An increased proportion of new housing development is to be encouraged on strategic redevelopment sites and in areas that are well located, close to public transport and activity centres.
77. The MSS acknowledges that Yarra's activity centres, including Brunswick and Johnston Streets are powerful economic engines that play a significant regional role and draw on tourists and destination shoppers from overseas, interstate and country Victoria as well as Greater Melbourne.
78. The MSS also acknowledges that Yarra is generally a low rise urban area with areas of higher density.

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

79. The relevant Objectives and Strategies of this Clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
 - (ii) *Strategy 1.3 Support residual population increases in established neighbourhoods;*
- (b) *Objective 2 To retain a diverse population and household structure; and*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

Clause 21.05-1 –Built Form: Heritage

80. The objective of this Clause is to “*protect and enhance Yarra's heritage places*”. Of particular relevance to this application is the following strategy:

Strategy 14.1: Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.

Strategy 14.8: Apply the Development Guidelines for sites subject to a Heritage Overlay policy at Clause 22.02.

Clause 21.05-2 – Built Form: Urban Design

81. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities. In managing the City's built form, development that builds upon Yarra's existing sense of place is to be encouraged alongside new development that aspires to high quality architectural design, environmental sustainability and public domain enhancements. This Clause incorporates the following objectives to achieve this:

Objective 15: To reinforce the existing urban framework of Yarra.

Objective 16: To retain Yarra's identity as a low-rise urban form with pockets of higher development.

Objective 17: To retain, enhance and extend Yarra's fine grain street pattern.

Objective 18: To create an inner city environment with landscaped beauty.

Objective 19: To ensure that new development contributes positively to Yarra's urban fabric.

Objective 21: To encourage the provision of universal access in new development.

82. There are a number of strategies to achieve each objective. A relevant objective is Strategy 17.2 which requires “*Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as*”:

- (a) *significant upper level setbacks;*
- (b) *architectural design excellence;*
- (c) *best practice environmental sustainability objectives in design and construction;*
- (d) *high quality restoration and adaptive re-use of heritage buildings;*
- (e) *positive contribution to the enhancement of the public domain; and*
- (f) *provision of affordable housing.*

Clause 21.05-4 Public environment

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

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

- (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
- (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
- (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
- (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
- (v) *Strategy 28.8 Encourage public art in new development.*
- (vi) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06 – Transport

Clause 21.06-1 – Walking and cycling

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

- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
- (b) *Objective 32 - To reduce the reliance on the private motor car:*
 - (i) *Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
 - (ii) *Strategy 32.2 Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
- (c) *Objective 33 - To reduce the impact of traffic:*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecologically sustainable development

85. The relevant Objective of this Clause is:

- (a) *Objective 34 To promote ecologically sustainable development:*
 - (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation; and*
 - (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5.*

Clause 21.08 Neighbourhoods

Clause 21.08-7 – Fitzroy

86. The subject site is located within the Fitzroy locality on the Built Form character map where there is a requirement to ensure development does not adversely affect the significance of the heritage overlay.

87. Fitzroy is described as being *a mixed commercial and residential neighbourhood* (hence the area being largely zoned Mixed Use) *notable for the consistency of the Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial / industrial activities.*
88. *The Brunswick Street and Smith Street major activity centres run north south through the middle, while the Johnston and Gertrude Streets neighbourhood activity centres run east west through the neighbourhood. The Smith Street centre borders on Collingwood and is discussed in clause 21.08-5. The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.*
89. *The part of Johnston Street between Brunswick Street and Smith Street is undergoing revitalisation as a focal point for furniture manufacture and showrooms. The Business 2 Zone is considered appropriate for this area as it will provide the opportunity to encourage restricted retail uses at ground level with residential or offices uses above.*

Local Policies

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

Removal of Part of a Heritage Place or Contributory Elements

90. *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
- (a) *for a contributory building:*
- (i) *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
- (ii) *the removal of the part would not adversely affect the contribution of the building to the heritage place.*
91. Pursuant to the incorporated document ‘*City of Yarra Review of Heritage Overlay Areas 2007, Graeme Butler and Associates 2007: Appendix 8 City of Yarra Heritage Database*’, the both buildings are nominated as contributory to the South Fitzroy Heritage Precinct.

Clause 22.02-5.7.1 – General

92. *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
- (a) *encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply;*
- (b) *encourage similar façade heights to the adjoining contributory elements in the street; and*
- (c) *where there are differing façade heights, the design should adopt the lesser height.*

Clause 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)

Corner Sites and Sites with Dual Frontages

93. *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*
94. *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

Front Fences and Gates

95. *Encourage front fences and gates to be designed to:*
 - (a) *allow views to heritage places or contributory elements from surrounding streets;*
 - (b) *be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts); and*
 - (c) *be consistent with the architectural period of the heritage place or contributory element to the heritage place.*

Clause 22.05 – Interface Uses Policy

96. This policy applies to applications for use or development within Mixed Use Zones (amongst others).
97. The relevant objective of this clause is *'to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes'*.
98. This policy outlines recommendations for dwelling design to incorporate measures to protect future residents from noise, fumes, vibration, light spillage and other likely disturbances. Further it encourages the location of noise-sensitive rooms and openings away from the interface; the provision of acoustic assessment reports where necessary; and appropriate siting, setbacks, articulation and screening to prevent overlooking.
99. Whilst inner city living creates vibrant and active communities, the mix of land uses can sometimes create conflict. Highlighted issues include noise, visual impact and appearance, overlooking, odour and air emissions, light spill, loading and unloading, rubbish removal and storage and construction noise.

Clause 22.12 – Public Open Space Contribution

100. The objectives of this clause are:
 - (a) *To implement the Yarra Open Space Strategy;*
 - (b) *To identify when and where land contributions for public open space are preferred over cash contributions; and*
 - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*
101. The subject site is in an area where cash in lieu of land is the preferred method of public open space contribution (area 3065B).

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

102. This policy was introduced into the Scheme on 13 March 2014 and applies to (as relevant) new buildings.

103. As the proposed building is new, the policy is applicable. The applicant provided a Sustainable Design Assessment which includes a STORM report regarding water re-use. It is noted however that the proposal has incorporated a 12,000L rainwater tank; this tank will be used for toilet flushing in apartments.

Other Relevant Documents

Amendment C133

104. Council has prepared a new local policy to consider environmentally sustainable design.
105. Amendment C133 finished exhibition, proceeded through a panel hearing, and is currently with the Minister of Planning for review, and proposes to introduce Clause 22.17 *Environmentally Efficient Design* (EED) into the Yarra Planning Scheme. The Amendment will also update Clause 21.07-1 *Ecologically Sustainable Development* by introducing a new strategy.
106. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS). The policy requires applications to be considered against the following objectives (where applicable):
- (a) Energy efficiency;
 - (b) Water resources;
 - (c) Indoor environment quality;
 - (d) Stormwater management;
 - (e) Transport;
 - (f) Waste management;
 - (g) Innovation; and
 - (h) Urban ecology.
107. A Sustainable Design Assessment (SDA) is required for smaller developments as part of a planning permit application. Smaller developments include: 1-9 dwellings, non-residential development with a gross floor area of between 100m² and 1000m² and non-residential alterations and additions of between 100m² and 1000m².
108. Larger developments such as residential developments with 10 or more dwellings, or non-residential development greater than 1000m² gross floor area, will be required to submit a Sustainability Management Plan (SMP) and a Green Travel Plan (GTP).
109. In determining an application, the Responsible Authority will consider as appropriate:
- (a) *How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.*
 - (b) *How the development considers:*
 - (i) *Best practice principles;*
 - (ii) *Innovation;*
 - (iii) *Use of emerging and proven technology; and*
 - (iv) *Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s).*
 - (v) *Any relevant adopted policies.*
110. An SDA was submitted as part of the application and will be discussed later within the assessment.

DSE Guidelines for Higher Density Residential Development

111. Clause 15.01-2 of the Yarra Planning Scheme requires that planning must consider, as relevant, the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys.

Advertising

112. The submitted application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* (the Act) by 190 letters sent to surrounding owners and occupiers, and by four signs being displayed on site, one fronting Spring Street, a second facing Argyle Street and a third along Johnston Place.

113. A consultation meeting was held on 26 February 2015 and was attended by Planning Officers, Ward Councillors, the Permit Applicant and objectors.

114. Twenty objections were received to the application, these can be summarised as:

- (a) The proposal does not respect the existing neighbourhood heritage character;
- (b) Overdevelopment in terms of scale, height and bulk;
- (c) Off-site amenity:
 - (i) overshadowing;
 - (ii) overlooking;
 - (iii) impact on daylight to existing windows (including bathrooms) and lightwells
- (d) Finishes are inappropriate in heritage streetscape and are reflective
- (e) Screens outside property boundaries
- (f) Noise;
- (g) Car parking, traffic, driveway access, car stackers too slow and loud, do not fit 4WDs.
- (h) Waste - Too many bins out on footpath and inadequate supply
- (i) Errors in documentation (lightwell and windows of No. 5 Spring Street – incorrectly shown on plans)
- (j) Have not considered other businesses regarding noise impacts to bedrooms, deliveries may block residential vehicular access etc.
- (k) Impact during construction (disruptions, machinery and additional traffic).
- (l) This application will create a precedent for higher development;
- (m) Loss of views
- (n) Limit views to Royal Exhibition Building
- (o) Loss of property value

Referrals

External Referrals

115. No external referrals or notice of the application was required by the Yarra Planning Scheme.

Internal Referrals

116. Internal departments

- (a) Engineering Services Unit;
- (b) Waste Services;
- (c) ESD Advisor;
- (d) Heritage Advisor

External consultants

- (e) Urban Design Consultant(Amanda Roberts – SJB Planning)
- (f) Acoustic Engineer Consultant (Dianne Williams – SLR Consulting)

Engineering Services Unit

117. The application was referred to Council's Engineering Services Unit who provided the following comments:

Car Parking Provision – Residential Use

- (a) *The proposed development comprises the construction of 14 dwellings (two one-bedroom dwellings, nine two-bedroom dwellings and three three-bedroom dwellings) serviced by an on-site car park of 14 spaces and 20 bicycle spaces. According to the submitted traffic report, each dwelling will be allocated one space. The site would have a total statutory car parking requirement of 19 spaces. The resulting parking shortfall is for two visitor spaces and three additional spaces for the three-bedroom dwellings. The site is located on the south west corner of the Spring Street/Argyle Street intersection.*
- (b) *All residents and prospective property owners of the new dwellings will be ineligible to apply for on-street resident and visitor parking permits. On-street parking for residents is not a practical or viable option, and the local roads surrounding the site cannot sustain any resident parking.*
- (c) *The allocation for one space to each one- and two-bedroom dwelling satisfies Clause 52.06 of the Yarra Planning Scheme. In relation to the reduction of one space per three-bedroom dwelling, Traffix Group refers to the ABS Census data for flats, units and apartments within the Yarra LGA and Fitzroy area. The ABS data indicates that in Fitzroy, some 77% of three-bedroom dwellings either own one parking space or have no on-site parking. The demand of one space per three-bedroom dwelling is not considered inappropriate since the site has good access to public transport services, essential facilities, shops, businesses, centres of employment etc.*
- (d) *The site has very good access to tram services along Nicholson Street and Brunswick Street, as well as bus services operating along Johnston Street.*
- (e) *Visitor peak parking generally occurs on weekday evenings and at weekends. All visitor parking is expected to take place on-street, and it is agreed that the reduction of two visitor spaces should not adversely impact on existing parking conditions in the area.*
- (f) *Form a traffic engineering perspective, it is agreed that the occupation of the new dwellings should not have a detrimental impact on parking conditions in the surrounding road network.*
- (g) *Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.*

Traffic Generation

- (h) *For the traffic generation of the site, Traffix Group has sourced the NSW RTA's Guide to traffic generating developments (a reputable source). The site is expected to generate a daily traffic volume of 56 vehicle trips, with 6 vehicle trips in each peak hour. The magnitude of this traffic is not unduly high, and it is agreed that it would not compromise the operation or safety of the surrounding streets.*

Access Arrangements

- (i) *A site inspection of the subject property revealed the west footpath of Spring Street and the Spring Street road carriageway have widths of 1.37 metres and 7.33 metres respectively. Parallel on-street parking (2P) takes place on the east side of the street.*
- (j) *The existing vehicle crossing serving the site consists of bluestones with an asphalt overlay and is edged by dressed bluestone. There is no objection to the continual use of this crossing in order to service the new development. It is acknowledged that the heritage façade and archway cannot be altered.*

- (k) *Traffix Group has provided swept path diagrams of the development entrance for both the 99th percentile vehicle and the 85th percentile vehicle. The diagrams satisfactorily demonstrate access and egress into and out of the site in the event of parallel parking taking place along the east side of Spring Street.*

Internal Layout

- (l) *There is no objection to the use of the Wöhr Parklift 413-375/370 to service the site. The swept path diagrams provided by Traffix Group adequately demonstrates access and egress into and out of the individual stacker platforms.*

Capital Works Programme

- (m) *A check of the Capital Works Programme for 2014/15 indicates that no infrastructure works have been approved or proposed within the area of the site at this time. Capital Works Programmes are subject to change.*

Engineering requirements

- (n) *The following items must be included in the Planning Permit for this site:*

Road Infrastructure Works

- (o) *A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.*
- (p) *Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.*
- (q) *The developer must assess the condition of Spring Street and Argyle Street in the vicinity of the site, in conjunction with Council's Construction Management branch, prior to and upon the completion of construction works. Any damage to the road pavements of these streets will require reconstruction to Council standard and to be done at the developer's cost.*
- (r) *Upon the completion of all building works and connections for underground utility services, the footpath and kerb and channel immediately outside the property's Spring Street and Argyle Street road frontages must be reconstructed to Council's satisfaction and at the developer's expense.*
- (s) *The designer must demonstrate that vehicles can enter and exit the development entrance via the existing vehicle crossing in Spring Street without scraping or bottoming out.*
- (t) *The asphalt overlay of the existing bluestone vehicle crossing in Spring Street is to be stripped and re-laid with a new asphalt overlay over the bluestones. The cost of these works shall be borne by the developer.*
- (u) *The lintels of the two grated side entry pits at the south west corner of the Spring Street/Argyle Street intersection are to be replaced with new lintels to Council's satisfaction. The grate of the pit in Argyle Street must be replaced with a galvanised safety grate.*
- (v) *All redundant vehicle crossings along the property's Spring Street and Argyle Street road frontages must be demolished and reinstated to Council's satisfaction and at the developer's expense.*

- (w) *The existing One Way sign on the south side of Argyle Street (just west of Spring Street) must be reinstated with a new One Way sign in the existing location by the developer and at their cost.*

Public Lighting

- (x) *In the vicinity of the development, there are two street lights – one located at the south west corner of Spring Street and Argyle Street (pole No. 21851), and the pole is located on the west side of Spring Street (pole No. 21850) just south of the site. The designer/developer must investigate and ensure that there is no light spillage into the windows of the new residences. The designer/developer must consult and liaise with CitiPower on this matter. All costs associated with the supply and installation of any light shields or other public lighting hardware shall be borne by the developer.*

Clearances from Electrical Assets

- (y) *The designer/developer must check and ensure that the building and any balconies have adequate clearances from overhead power lines, transformers, substations or any other electrical assets as per CitiPower requirements. The developer must contact CitiPower and seek advice on EMF and clearances from electrical assets.*

Drainage

- (z) *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- (aa) *Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.*

Waste Services

118. The following comments were made by Council's Waste Services Unit following the further submission on 4 May 2015 to Council to address concerns previously raised by the Waste Services Unit:

- (a) *The Waste Management Plan from Wastech Services, dated 30th April 2015, is satisfactory from the Engineering Operations Branch's perspective.*

119. The waste management summary:

- (a) Waste will be stored and collected within the development (hidden from external view).
(b) Users will sort their waste into allocated bins.
(c) The Building Manager will transfer the bins to the temporary holding area adjacent to the lift in the car parking area the night before collection and will move the waste back to the bin room following collection.
(d) A private contractor will collect all waste from within the development.

ESD Advisor

120. These referral comments relate to the advertised application.

121. The proposal was referred to Council's ESD Advisor, who noted that the application largely meets Council's ESD standards. The ESD initiatives have been listed within the *Proposal* section of this report. The following comments were provided.

Application ESD Deficiencies:

- (a) *Most apartments have access to good levels of natural daylight in living areas and bedrooms, with the exception of the two interior one bedroom dwellings. The two interior dwellings will be highly vulnerable to development on the adjoining site to the west. Recommend to re-design the interior one bedroom dwellings, to improve internal amenity and daylight, and protect against future development on the adjoining site to the west. Along with the adjoining two bedroom dwellings, these could be re-incorporated into three bedroom dwellings, similar to previous design on this site.*
- (b) *The proposed rainwater storage tanks cannot be identified on the architectural drawings. Please amend drawings to clearly show tank size, location and capacity.*
- (c) *Council strongly recommends outdoor clothes drying facilities for each dwelling.*
- (d) *Please make a clear commitment to FSC or PEFC timber, rather than potentially misleading statements such as "will aim to use" these accredited sustainable timber products.*

Outstanding Information and ESD Improvement Opportunities:

- (e) *This is very close to meeting Council's best practice standard for energy efficiency. Council strongly encourages the applicant to make small changes to the design (such as window specification) to meet the standard, which is 10% above the BCA requirement of 6 star average rating (<103 MJ/m²). This is definitely a goal that is within reach for this development.*

122. Following the submission of additional information on 4 May 2015, the following additional comments were made:

- (a) *It's good to see the tank marked on the plans, however I would request that;*
 - (i) *The tank volume is clearly marked on plans and;*
 - (ii) *Also please note on the plans that this tank must connect to all toilets onsite, in order to make the STORM score valid.*

123. These can be included as conditions on any permit that is issued, should Council be of a mind to support the proposal.

Heritage

124. The following recommendations were made:

- (a) *On heritage grounds the works proposed in this application may be approved subject to the following conditions:*

Building 1

- (b) *That the proposed balustrade behind the existing parapet be eliminated by reducing the floor level of the proposed front terrace or must be finished in a colour that either matches the wall colour of the original building or is simply galvanised;*
- (c) *Full details of all proposed works, colours and finishes to the external walls of the retained heritage building must be submitted prior to the commencement of works;*
- (d) *Previously unpainted surfaces must not be painted;*

Building 2:

- (e) *The scale of the proposed floor-to-ceiling height at ground level must be reduced to be more in keeping with the scale of ground floors in adjacent properties.*

Building 3:

- (f) *Full details of all proposed works, colours and finishes to the façade of the retained heritage building must be submitted prior to the commencement of works;*
- (g) *Previously unpainted surfaces must not be painted;*

125. No comments were made regarding Building 4 as “*there are no heritage concerns regarding the height or appearance of this building as it will be fully concealed from the heritage streetscape by the proposed works to the remainder of the site*”.

Urban Design

126. The following recommendations have been made by Council’s Urban Design Consultant:

- (a) *A detailed material palette is recommended to ensure the level of articulation and high quality architecture intended can be achieved. These details should include:*
 - (i) *The ‘thin flutes’ intended for the large boundary wall on the west in the off-form concrete.*
 - (ii) *The cross laminated timber construction and fin/glazing treatment to building B2 to more fully understand the role of the fins in solar shading, privacy and visual relief of the large glazed facade, the suggested ‘glimpses’ of the laminated timber structure and the extent of glazing and how this deals with the junction of floor and ceiling.*
 - (iii) *The concrete screens including fixing details.*

127. No additional amendments were recommended from an Urban Design perspective as “*the development is considered very successful in its current form*”.

Acoustic

128. The following comments were made in relation to the applicant’s acoustic report:

- (a) *Our review of the acoustic report associated with the proposed development has been provided above. Our summary and closing comments are as follows:*
 - (i) *Noise from existing commercial premises in Spring Street has been adequately assessed to the development, and the recommendations for mitigating noise are considered generally appropriate. We suggest that the glazing specified for residences overlooking the business be 10.38 mm thick laminated, rather than float glass (the specification is not clear in the report).*
 - (ii) *Noise from the Espresso carwash has been adequately assessed to nearest apartment windows overlooking the carwash however some bedroom windows of more distant apartments appear to have a line of sight to the carwash. We recommend that carwash noise to these apartments is assessed, or that the façade upgrade proposed for apartments facing Spring Street be adopted.*
 - (iii) *It is recommended that lower design targets be adopted for noise from internal building services, including the carstacker and carpark gate than is proposed in the report. The AAAC targets for internal building services are suggested, with the least stringent target (for 2 star apartments) being 45 dBA Lmax. The issue of noise from these sources is of particular concern to Apartment B4.01, which is separated from the carpark by a single door.*

129. All referral advice is considered in the assessment section of this report and can be ensured via planning permit conditions where appropriate, should Council determine to support the application.

OFFICER ASSESSMENT

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

- (a) State and Local Planning Policy Framework Summary
- (b) Built form and Heritage
- (c) Architectural Quality
- (d) Environmentally Sustainable Design
- (e) Amenity Impacts on Neighbouring Properties
- (f) Internal Amenity
- (g) Car parking, access and bicycle provision
- (h) Waste Management
- (i) Objector concerns.

State and Local Planning Policy Framework Summary

131. In relation to the SPPF and LPPF, it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.

132. State and Local Policies (such as clauses 16.01-2 and 18.01) encourage the concentration of development near activity centres and intensifying development on sites well connected to public transport. It is clear that this part of Fitzroy is undergoing change and there is strong state policy support for increased density in this area as shown through Clause 16.01-1 (amongst others). The subject site and a number of those surrounding it were, and still are, used for commercial and light industrial purposes.

133. The Mixed Use Zone which applies to the site specifically encourages a greater density and higher built form, subject to individual site constraints. This is already evidenced in the former factory and warehouse buildings which have been converted into residential units in the surrounding area. Additionally, there are other examples of higher built forms within the vicinity that range up to four storeys in the surrounding area such as the building directly to the south of the subject site and also at the intersection of Spring and Johnston Streets. The proposed buildings range between four storeys and five storeys (with roof terraces) and are generally consistent with recent development approvals in the wider area.

134. The purpose of the Mixed Use Zone was amended in 2014 to include higher density residential development. It is clear from this that the State Government has given a clear directive for Mixed Use Zones to include high density developments such as the one proposed within the application. This was also acknowledged a number of times within the Tribunal decision associated with the previous permit application on the subject site, *Cross Coast Pty Ltd v Yarra CC [2014] VCAT 568 (14 May 2014)* such as in paragraph 10:

[10] ...
In this respect, the proposal is supported by both State and Local policy which encourages greater residential density in established urban areas.

135. Additionally, the subject site is considered to be a Strategic Redevelopment Site (SRS) given its proximity to a Major Activity Centre (MAC) and Neighbourhood Activity Centre (NAC), accessibility to public transport (trains, tram and buses) and ability to accommodate more than 10 dwellings. SRSs can generally be developed in a reasonably robust manner as Council's MSS acknowledges the municipality is predominantly low rise with 'pockets of higher development'. The previous decision, *Cross Coast Pty Ltd v Yarra CC* also confirmed this point within paragraph 11:

[11] ...
There was no dispute between the parties that this site qualifies as a strategic redevelopment site

136. Strategy 17.2 of Council's Municipal Strategic Statement (MSS) suggests that developments on SRS in activity centres should generally be no more than 5-6 storeys unless a number of factors are included such as significant upper level setbacks. In the previous decision, the Tribunal made a number of statements confirming what heights were appropriate for each building and the current application has followed this guidance (as will be further discussed in the *Height* assessment in this report).
137. Clause 16.01-4 encourages developments to provide for a variety of housing types, which this proposal does by adding to the wider spread of single dwelling types in the area with converted warehouses and row-dwellings being located surrounding the site. The development itself offers a variety of dwelling types, with a four-storey townhouse, as well as one, two and three-bedroom apartments. The application includes a low density of apartments within only 14 being provided on-site which is a reasonable increase and doesn't constitute an overdevelopment of the site. There is strong strategic support within clauses 11.02-1 and 16.01-1 for the further intensification of such a large site in an inner-city location. Considering the current need for housing in existing urban areas, the proposal satisfies a number of the previously discussed State and Local policies regarding intensification.
138. The concentration of higher residential development is encouraged within clauses 11.01-1, 11.01-2, 11.04-2 and 18.01-1 around MACs, which this proposal is close to. The site has excellent access to public transport, retail, activity centres, public open space and recreational services and facilities.
139. In summary, the subject site is considered to be appropriate for a higher density development of the nature proposed. The following heritage and built form policies (clauses 15.01, 21.05 and 22.02-5.7.1) support the proposal subject to conditions that will be discussed in detail later in this assessment.

Built form and Heritage

140. The urban design assessment for this proposal is principally guided by clauses 15.01-2 (Urban design principles), 21.05 (Urban design) and 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay; as well as the reference document *Higher Density Guidelines for Residential Development* (Department of Sustainability and Environment, 2004).

Demolition

141. As previously stated, both buildings on-site are classified as 'contributory' to the South Fitzroy Heritage Precinct. Clause 22.02-5.1 relates to the partial demolition of a building which is generally discouraged unless that part which is to be removed is not visible or its removal will not adversely affect the heritage value of the building.
142. The Spring Street building is from the Victorian-era with an upper storey addition from the 1940s. The Argyle Street building contains a two-storey render masonry former dwelling of Late Victorian architectural style that has been constructed with no setback from the street. The building has been altered and extended non-sympathetically however the front section of the building is still recognisable as a Victorian building.
143. The proposal incorporates the front and side walls of the two existing buildings but none of the roof space above the walls. Through the retention of the side walls and the proposed setbacks, the Argyle Street building will retain its three-dimensional view and will retain its heritage value. The existing roof is currently not visible and this will continue to be the case. The Spring Street building has clearly been altered at the upper levels and therefore the lack of setback is acceptable as it will not detract from its heritage significance.
144. It should be noted that the plans show the enlargement of a window opening in the front façade of the Argyle Street to allow for a door, however the elevations do not show a door.

The new doorway was not previously supported by Council in the previous application, nor by the Tribunal. A condition can require that this note be deleted from the demolition plan.

145. The extent of demolition proposed by this application is similar to the previous 2013 scheme and was found to be acceptable in that instance. The following comments were made by Council's Heritage Advisor regarding the acceptability of the proposed demolition:
- (a) *11-13 Spring Street: The extent of demolition proposed continues to be of no heritage concern.*
 - (b) *14-16 Argyle Street: The removal of the later additions continues to be of no heritage concern. As stated in the previously issued heritage advice (refer to attachment 1), the removal of the original roof structure is not considered good conservation practice. I am however mindful that VCAT previously determined that due to its concealed nature, the physical structure of the original roof to this building makes very little contribution to the heritage value of the place. The gable end in the western boundary wall structure, which VCAT determined contributed to the heritage value of the place, will be retained in this current proposal.*
 - (c) *The extent of demolition currently proposed is consistent with the extent previously considered acceptable by VCAT on 14 May 2014.*

Neighbourhood character

146. The subject site's immediate surrounds contain both industrial and residential style buildings that vary in construction era, scale and heritage significance. The predominant façade height in the area is two storeys, however as a majority of these are commercial type buildings this would generally translate to a contemporary three-storey residential height of about 10m. There are a number of taller three and four-storey, residential buildings, commercial buildings and warehouses in the surrounding area. A number of the surrounding converted warehouses include solid forms with boundary to boundary development with recessed upper levels.
147. The surrounding area includes a mixture of materials including brick (various colours and detailing such as polychromatic), render, cladding and glass. In terms of roof types, there are flat and pitched, some with parapets. The subdivision pattern of the area is diverse with both coarse and fine-grain subdivision patterns. This was also acknowledged within *Cross Coast Pty Ltd v Yarra CC*.
148. It should also be noted that the northern side of Argyle Street, to the west of Spring Street is not within the heritage overlay and neither is the building to the west of the subject site, along the southern side, at the intersection of Argyle and Nicholson Streets.
149. As a result of the above conditions, the area is genuinely mixed in terms of its character which is typical of South Fitzroy.
150. Overall, the proposal incorporates four buildings, with only three being visible from the public realm. Each of the buildings has a distinct form and includes clear separations between them. Both Buildings 1 and 3 step-down from the higher built form of Building 2 at the intersection of Spring and Argyle Streets, to lower, abutting existing buildings. The clear distinctions between the buildings assist in breaking up the overall mass of the development rather than having one solid, continuous form.
151. This was commended previously by the Tribunal:
- [15] We agree with the Applicant's submissions and evidence that the proposed design responds to this development pattern through the incorporation of quite distinct buildings that are physically separated from each other and with individual addresses to the street frontages.

In our opinion, from both a heritage and urban design perspective, this represents a far superior outcome to, say, a circumstance where a single building mass extends across the site. The approach taken here allows for a thoughtful design response with the siting of the buildings demonstrably acknowledging their context in a meaningful way.

152. Council's Urban Designer stated "*the development is considered a well-articulated architectural response with crafted re-use of the contributing heritage facades contributing to a family of high quality buildings that make an overwhelmingly positive contribution to the already diverse array of building types and materials in the immediate vicinity.*"
153. In terms of site coverage, the surrounding area is a mix, with some sites having 100 percent site coverage and others providing areas free of built form (generally associated with open-air car parking spaces). The proposal fits in with this mix as it has nearly total site coverage with the exception of the separations between Buildings 1 and 2 which complies with policy at clause 21.05-2. The subject site is also covered by an Environmental Audit Overlay which will also most likely require that the entire site is to be capped to prevent any contaminated soil from escaping.

Building 1

154. The two lower levels of Building 1 incorporate the existing front façade and side walls of No. 14 -16 Argyle Street with bedrooms and balconies set behind the front windows. Above the existing portion, there are two additional levels setback 3.931m to a maximum of four storeys (plus a roof terrace). Due to retaining the front and side walls of the existing building as well as the setback, the existing heritage place remains dominant in the streetscape with the new form being visible further in the distance. This setback was previously accepted by the Tribunal in Paragraph 21. This setback will reduce the visual impact of this building and allows the heritage fabric to be in the forefront of the streetscape which is compliant with policies at clause 22.2-5.7.1.

[21] ...the proposed siting of the upper levels of Building 1 would not achieve an acceptable heritage or streetscape outcome. The addition is too close to the street, and it would not display sufficient respect for the retained portion of the heritage building. Assisted by our observations during the site inspection, we have concluded that the 3.9 metre setback recommended by the Heritage Adviser should be incorporated.

155. The variance in materials between the two lower floors and the two upper floors clearly delineates the old and new fabric and was also a matter raised in the previous decision as being acceptable. The fine, vertical lines of the concrete screen material will also provide a connection with those of the metal fins of Building 2 and will provide a visually interesting juxtaposition to the lower levels.
156. Council's Urban Designer also stated, "*the stepping back of the facade will reduce the visual perception of the upper storeys, in particular on the approaching view from the western end of Argyle Street where the building is in the foreground of the larger building 2 on the corner of Argyle and Spring Streets. The stepped form also provides visual 'space' to the contributing heritage building facade on site, making a clear definition between the old and the new.*"
157. The building appears less imposing as a result of the increased setback in comparison to the previous application and allows for a gradual height change between Building 2 and the two lower, single storey buildings to the west. The proposed setback of the upper levels is also greater than any of those in this section of Argyle Street, particularly those buildings immediately to the west. The development has integrated a number of the elements which are visible along Argyle Street including hard-edged surfaces, high on-boundary walls, strong parapet lines and rectilinear forms with predominately flat roofs.
158. One outstanding issue is the balcony balustrade on the second floor. The floor plans and perspectives show a balcony directly abutting the front façade of Building 1. This was a matter which was of concern to both Council and the Tribunal in the previous decision.

Previously the balustrade was immediately behind the parapet and was constructed of glass. The following comments were made by the Tribunal:

[22] In regard to the location of the balcony sitting behind the retained façade at the second floor level and its balustrade design, we are concerned the visibility of the glass balustrading sitting directly behind the façade has an adverse impact on the heritage significance of the retained facade. With Building 1 set back further, we consider there is scope to modify the location of the balustrading to minimise its visibility in the oblique angle looking east along Argyle Street

159. The balustrade is now proposed to be setback 0.4m from the façade and constructed of white steel. Council continues to have issues surrounding the balustrade with the Heritage Advisor recommending that *“that the proposed balustrade behind the existing parapet be eliminated by reducing the floor level of the proposed front terrace or must be finished in a colour that either matches the wall colour of the original building or is simply galvanised”*.
160. Council officers agree that the balustrade should be the same colour as the original building or galvanised and this can be required by way of condition. However, in dealing with the visibility of the new form, rather than lowering the floor level, Council planning officers believe a more appropriate response would be to further setback the balustrade so that there is limited visibility, in-line with the Tribunals direction. As such, a condition can require the balustrade to be setback a further 1.2m from its current position, should Council be of a mind to support the proposal. This will ensure that at oblique angles looking east along Argyle Street, the balustrade is largely obscured by the peak of the side wall.
161. The proposal includes restoration works to the retained front façade, however full details have not been provided. Council’s Heritage Advisor has recommended that full details be provided and this can be added as a condition on any permit to be issued.

Building 2

162. Building 2 is to be constructed at the intersection of Spring and Argyle Streets in the location of the existing at-grade car park. This car park provides no activation of the street, visual interest and does not make any contribution to the streetscape. The proposal will result in a significant improvement in the appearance of this intersection compared to the existing situation. Building 2 incorporates a 0.9m setback at ground floor to allow for some landscaping, with the levels above this being built to the boundary.
163. This building is a maximum of five-storeys with a roof terrace. As it is the tallest building within the proposal, it is the most visually dominant and will be seen from all directions.
164. This building is constructed using mainly glass with a number of metal fins to provide articulation. Council’s heritage policy does not require new buildings to imitate, replicate or mimic the surrounding heritage fabric. The proposal is a clearly modern design and allows the new building to separate itself as such. The metal fins provide a visually interesting and sophisticated façade through the various widths of the openings with the metal fins providing a reference to both the industrial nature of the surrounding area, as well as, the surrounding finer grain appearance. The proposal complies with the objectives of clause 21.05-2 regarding positive contribution to the urban fabric.
165. Building 2 presents to Argyle Street in an identical manner as to Spring Street and references the streetscape through the use of hard-edge surfaces and boundary to boundary development. The building will create a clearly modern building and will sit comfortably within the existing streetscape which although mixed, is predominately industrial in appearance. The metal fins provide a connection to this.
166. Whilst Council’s Heritage Advisor suggested reducing the floor to ceiling height of the ground floor, planning officers do not believe it is necessary as it is already separated from surrounding built form by B1 and B3. Furthermore, it is quite typical for industrial buildings to have exaggerated ground floors.

Building 3

167. Building 3 proposes to utilise the existing contributory heritage façade for the ground and first floors. The existing crossover and carriage/garage door will be retained to form the entry to the car park. The new façade above the heritage façade is proposed to be glazed and skinned with a light coloured concrete screen in a vertical pattern with square windows at regular spacing's directly to match those at the two lower levels. This has shown that the proposal has responded to its context as per objectives of clauses 15.01-1 and 22.02-5.7.1. Council's Heritage Advisor confirmed that "*the fenestration of the proposed addition relates well to the retained façade of the existing heritage building.*" The stepping-down of Building 3 from Building 2 and then down to No. 5 Spring Street, allows the development to integrate into the existing neighbourhood character.
168. As with Building 1, the proposal includes restoration works to the retained front façade, however full details have not been provided. Council's Heritage Advisor has recommended that full details be provided and this can be added as a condition on any permit to be issued.
169. The proposal has incorporated a number of the elements which are visible along Spring Street including hard-edged surfaces, high on-boundary walls, strong parapet lines and rectilinear forms with predominately flat roofs. This has shown that the proposal has responded to its context as per objectives of clause 15.01-1. The proposed street interface improves the dilapidated and blank existing street frontage which will be part of an emerging modernisation of the streetscape character and is appropriate within this mixed use context.

Building 4

170. Johnston Place is essentially a named laneway with the rear of buildings fronting onto it, including the west-facing balconies of No. 5 Spring Street, the 7-11 service station and the Espresso Carwash.
171. The ground and first floor of Building 4 will be visible from Johnston Place whilst the two upper levels are setback 6.1m from the western boundary and 3.6m to the edge of the laneway. Unlike the previous proposal, B4 now includes a 2.5m setback from the southern boundary at ground floor to allow for a private open space, with this continuing up to the first floor.
172. The proposal fits in with this mix of built form. Along the laneway, B4 will not dominate as it is lower in overall height with other surrounding buildings generally presenting as four-storeys in height, unlike B4 which only have two storeys onto Johnston Place.
173. Overall, the proposal has responded to both the physical and strategic context through the stepping down of Buildings 1 and 3 abutting the lower built form and locating the taller portion away from these and towards the corner which can handle a more robust form and as such, is compliant with policy at clauses 15.01-1, 15.01-2 and 22.02-5.7.1. By acknowledging its existing context and the agreed aspirations for the future development of the area, the proposal has complied with Objective 1.1 and Design Suggestion 2.1.1 of the Design Guidelines for Higher Density Residential Development.

Height and Massing

174. The previous Tribunal decision, *Cross Coast Pty Ltd v Yarra CC* was explicit on the acceptability of the heights of the various buildings. The comments were as follows:

Building 1

- [19] The additions would create a four-storey development which sits within, behind and above the retained portion of the heritage building. The proposed four-storey height is not in dispute.

Building 2

- [30] Our conclusion is that Building 2 should be reduced to five-storeys. We think that at this height, the building would represent a suitable response to the corner location, and achieve an acceptable transition from the height of the neighbouring buildings, while reflecting the pattern of variable heights found more generally in this precinct. We also think that it is desirable to have this corner building distinguished from the remainder of the proposed development on this site, due to its prominent location on the street corner.

Building 3

- [33] For reasons detailed above, Building 3 should be reduced in height by one level to ensure an acceptable transition and streetscape response to a five-storey high Building 2. As we will explain later, we find the second floor level should be deleted in order to partially address concerns that we have regarding internal amenity arising from the proximity to non-residential uses on the opposite side of Spring Street. With this change, we consider that a four-storey high Building 3, all in the same wall plane as the retained two-storey façade, would be an acceptable streetscape outcome. It would almost match the height of 5 Spring Street and provide a one-level graduation in height to Building 2.

Building 4

- [40] From a heritage and character perspective, the proposed four-storey height of Building 4 does not concern us. It would be largely concealed from view from the Argyle Street and Spring Street streetscapes. Although the building would be visible over the single and two-storey buildings at 10 and 12 Argyle Street, it would be at a distance of some 18.5 metres, which serves to minimise its visual impact.
175. The proposed maximum height is taller than abutting built form, however the gradual height change from Building 2, down to Buildings 1 and 3 allows for a stepping down to the lower abutting built form outside of the proposal. These taller buildings will form part of the emerging character of the area towards higher levels of built form. In the last few years a number of taller developments (four to six storeys) have been approved in the surrounding area along Argyle, Rose and Kerr Streets. This is particularly so due to the amended purpose of the Mixed Use Zone now encouraging higher density residential developments.
176. The proposal is responding to the immediate and future height context of this part of Fitzroy through its overall height of five-storeys (with roof terrace) with the provision of a gradual stepping-down to the lower adjacent built form. This tallest building is located furthest away from the lower built form.
177. Through the current application, the applicant has responded to the Tribunal's concerns relating to the height of the buildings. Building 1 has remained at four storeys, Building 2 has been reduced from six storeys plus a roof terrace to five storeys plus a roof terrace and Building 3 is now four storeys plus a roof terrace from six storeys plus a roof terrace. There has been no change to the overall height of Building 4 (albeit the massing has).
178. The overall massing of the B2 and B3 has remained the same, with B1 including additional setbacks from the second floor as directed by the Tribunal. B4 has significantly reduced its built form by incorporating 6.151m setbacks from the western boundary above the first floor. This results in B4 now appearing double storey with the two additional levels above this, being further setback directly to the south of No. 12 Argyle Street. This will reduce the massing visible from the public realm.
179. The zero setbacks of both B2 and B3 was previously supported by the Tribunal and also fit in with the surrounding boundary to boundary development clearly visible in the surrounds.
180. The proposal has responded to both the physical and strategic context through the provision of lower built form abutting the lower buildings to the south and west, and the use of patterns, changes in materials and metal fins to break up the visual mass and as such, the height is compliant with policy at clauses 15.01-1 and 15.01-2.

By acknowledging its existing context and the agreed aspirations for the future development of the area which were also recognised by the Tribunal, the proposal has complied with Objective 1.1 and Design Suggestion 2.1.1 of the Design Guidelines for Higher Density Residential Development and the higher density purpose of the Mixed Use Zone.

181. With these changes in the building heights, the heights and massing of the development are considered to be compliant with policy at clauses 15.01-1, 15.01-2 and 22.02. The proposal has been reduced in height to provide a more consistent response to Council's MSS whilst still facilitating the purpose of the Mixed Use Zone.

Public realm, light and shade and pedestrian spaces

182. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents an improvement in streetscape, public space quality and perceived safety. The site presently contributes little to the streetscape, appearing as disused buildings which do not create a perception of safety. The existing car park also does not provide for any activation of the street.
183. The construction of a modern development with dwellings and a residential lobby at ground floor is an improvement for both streetscapes as well as Johnston Place. As is the inclusion of a full length glazing at the ground floor. Through the activation of the ground floor, the building will provide interaction at street level where there currently is not any. This satisfies public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2 and 21.04-2.
184. The construction of a modern building with full length glazing at ground floor for the ground floor apartment is an improvement to the streetscape. The floor plans show that there is a 1.8m high fence surrounding the ground floor of this apartment, however the elevations state it is a 1.5m high fence. A condition can require the floor plans to be amended to have the fence at 1.5m in height to encourage passive surveillance onto the street. There are no other high fences in the street and they should not be encouraged.
185. The front fence facing Argyle Street will also be required to be reduced in height as per the previously mentioned fence condition.
186. Through the inclusion of this condition, the ground floor will be activated and will provide interaction at street level. This is compliant with public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2 and 21.04-2. The finer scale of detail of this building complies with design suggestion 5.6.1 of Design Guidelines for Higher Density Residential Development.
187. The finer scale of detail at the lower levels of B1 through the metal fins complies with design suggestion 5.6.1 of Design Guidelines for Higher Density Residential Development.
188. Council's Urban Design Advisor stated that: *"this variety of access points is considered a very good design outcome by providing a number of 'active' frontages to the site rather than consolidating them all in one main entryway or car park."*
189. In terms of light and shade, the proposal will only shade the public realm from 12noon onwards towards Spring Street. At 1pm, shading will only occur to the western side of Spring Street, which is a similar occurrence to other surrounding buildings that are built to the boundary. From 2pm, shading from the proposal will reach the eastern side of the footpath. Considering these two hours is such a small fragment of the day, this is not considered unreasonable. Adding to this, there is already shading of that footpath at 3pm by the existing built form.
190. It should be noted that the shadows from No. 8-12 Spring Street also reach the footpath on the opposite side of Spring Street at 9am morning.

191. In terms of public lighting and electrical assets, Council's Engineering Services has suggested conditions to ensure that the applicant liaise with CitiPower. These conditions are considered to be onerous and already partially covered by standard conditions which have been included in this report.

Architectural Quality

192. Policy at clauses 15.01-1 and 15.01-2 encourage high standards in architecture and urban design. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises the existing street frontages. The design response is such that it provides articulation to the front façades of each building through the inclusion of windows, variation in materials, the inclusions metal fins and balconies. This also assists in breaking the visual mass of the overall built form.
193. Council's Urban Designer stated that "*the high quality of the architectural finishes will significantly contribute to the overall success of the project and how it positively contributes to the neighbourhood made up of significant and contributing heritage warehouses and more modern built forms of varying age and quality.*" High quality materials have been chosen and are an integral part of the design response which is consistent with design suggestion 5.6.2 of Design Guidelines for Higher Density Residential Development. Council's Urban Consultant recommended the following additional conditions which can be added to the permit:
- (a) *Further details of the material palette as a whole is recommended to ensure the level of articulation and high quality architecture intended can be achieved. These details should include:*
 - (i) *the 'thin flutes' intended for the large boundary wall on the west in the off-form concrete;*
 - (ii) *the cross laminated timber construction and fin/glazing treatment to building B2 to more fully understand the role of the fins in solar shading, privacy and visual relief of the large glazed façade, the suggested 'glimpses' of the laminated timber structure and the extent of glazing and how this deals with the junction of floor and ceiling; and*
 - (iii) *the concrete screens including fixing details.*
194. Each building has a clear and distinct architectural style (as has previously been established as a positive attribute by the Tribunal) and they are as follows:

Building 1

195. The upper levels of B1 are proposed to be constructed from a combination of light pigmented concrete with vertically lined patterns to the western boundary and 'open', light coloured concrete screens and glass to the northern facade. This will create a contrasting appearance of the building as well as complementing the vertical fins of Building 2. Council's Urban Design Advisor stated, "*the retention and restoration of the heritage façade juxtaposed with the industrial quality and finely detailed façade treatment at the upper levels will make a positive contribution to the diversity of materials already evident in the neighbourhood*".

Building 2

196. Building 2 is to be constructed as a solid form, with only a 0.9m setback at ground floor, with the levels above being built to the boundary. This building is proposed to be constructed using cross laminated timber (CLT) as its primary structural framework material. Glazing is to be wrapped around the eastern and northern facades with black metal fins protruding from the façade at an angle and wrapping up and over the windows to create an eave over the windows.

The internal walls facing the circulation shafts/laneways are to be clad in dark pigment concrete panels. The overall impact of this building will be a strong, well defined, modern building with the fins providing articulation and visual interest to the building.

197. Council's Urban Designer stated that *"the principle of a 'light' and layered structure is supported and has the potential to contribute to a visually engaging façade. This will be a very transparent building which is new addition to this area that is dominated by heavy masonry and brick structures. This difference is considered a positive and will contribute to a variety and richness of forms in the neighbourhood"*.
198. Further comments went on to state, *"it is considered that, if well executed, the use of a 'warm' material such as CLT combined with the 'harder' appearance of steel frame, glass and solid concrete walls has the potential to create a façade that contributes a positive and contemporary element to the industrial aesthetic of the surrounding neighbourhood"*.

Building 3

199. Building 3 will incorporate the existing, double storey facade into the lower levels, whilst an open, light pigment concrete screening element layered over glazing will be used for the proposed upper levels along Spring Street. As with Building 1, the contrast of the proposed single colour of the concrete screen and the more traditional and varied materials at the lower levels creates a distinction between the existing and new built form and positively adds to the overall architectural appearance of the building.
200. The front façade of Building 3 includes three, large square windows on each floor in a similar pattern to the existing, lower level windows. This provides some consistency in the design and continues the connection to the retained fabric. The vertical pattern of the concrete will create a contrasting appearance of the retained brick lower portions as well as complementing the vertical fins of Building 2. Council's Urban Design Consultant stated that *"the materials proposed for B3 along this street frontage are considered to make a positive contribution to the variety of materials found in the surrounding neighbourhood"*.

Building 4

201. Building 4 will not be visible from the street, although the two lower levels will be slightly visible from Johnston Place. The western façade are clad in vertical timber screens over glazing with a steel balustrade around the first floor terrace and the roof terrace. The internal façade facing the central light well is also clad in similar timber screens over glazing.
202. Council's Urban Design Consultant found that *"the timber screens added texture and materiality to the collection of buildings and that the fine articulation is considered a good counterbalance to the heavier masonry surrounding the development"*. It was also stated that *"these proposed timber facades provide a 'warm' material contrast to the concrete screens proposed for B3 and B2. The uniformity of the screens balanced by their operability is considered an appropriate and contemporary response to the surrounding warehouse typology which is made up of a 'uniformity' of red brick facades."*
203. In conclusion, the combination and quality of materials and the distinct forms are considered to introduce an interesting and sophisticated design within the streetscape and this element will add to the vitality of the surrounding area and is considered to result in a development with a high standard of architectural quality.

Landscape architecture

204. The proposal includes some landscaping in the front setback and courtyard of Building 2, the first floor balcony area, the roof terrace of B4 and in the stairwells. Neither streets nor Johnston Place have a strong landscape character due to the areas industrial past although some of the balconies have plantings.

205. Therefore, the minimal amount proposed is acceptable and fits in with the surrounds.

Environmentally Sustainable Development (ESD)

206. A number of the ESD initiatives incorporated into the development have been outlined within the *Proposal* section of this report.

207. The application was referred to Council's ESD Advisor and this advice has been outlined in the *Referral* section of this report. Additional information was provided to Council's ESD Advisor on 4 May 2015, however there were a number of remaining concerns.

208. Council's ESD Advisor was concerned with the two internal dwellings in B3 (B3.01 and B3.03) and the potential for limited internal amenity and daylight, particularly if the site to the west were to be developed. The internal void area (70.6sqm) provides a substantial open area and is sufficient for access to light and air and protects the amenity of these apartments. However, Council planning officers do have concerns with the internal amenity of the balcony of B3.03 which is internal and completely covered. Whilst this apartment does have windows out onto the void area which will provide for light and air, they will be screened which will limit their access. Therefore to improve this situation, a condition can require the balcony to be reconfigured to long-way along the void area rather than being set deep into the dwelling. This will ensure their private open space receives the maximum available light and air.

209. The remaining concerns relate to the plans being amended to show the rainwater tank volume and to clearly state that it is connected to all toilets on-site. This can be added as a condition on any permit, should one be issued.

210. The applicant has also agreed to meet Council's Best Practice Standard for energy efficiency which is 10% above the BCA requirement of 6 star average rating. Concern was also raised regarding the use of potentially misleading statements such as "will aim to use" when discussing commitments to FSC or PEFC timber (accredited sustainable timber products). A condition can require clear commitment to be made within the SDA.

211. There are remaining concerns related to the large amounts of glazing on the east, west and northern facades and the lack of external adjustable shading. A condition can require that this is provided.

212. Council's ESD Advisor raised issues around retractable drying racks/lines however this will not be required as this is a matter for each future occupant as they may have a personal preference.

213. Subject to these improvements, the proposal provides a positive response to the environmentally sustainable design policy provisions.

Off-site amenity impacts

214. The policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) and the Higher Density Residential Guidelines which are the most relevant off-site amenity assessment tool. Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable).

215. Off-site amenity impacts were thoroughly discussed within the previous decision with particular attention paid to the most immediately affected residences at No. 5 Spring Street and No. 10 Argyle Street. The Tribunal made comments in relation to the dwellings on the opposite side of Argyle Street:

[42]we wish to comment on the concerns from the dwellings to the north, on the opposite side of Argyle Street. None of these parties attended the hearing. The particular amenity impacts raised in the statements of grounds include overlooking from the proposed buildings and a loss of views from these dwellings because of the construction of higher buildings on this site.

- [43] These dwellings are separated from this site by the width of the Argyle Street road reservation, which is 9.8 metres. This distance exceeds the 9.0 metres referred to in Clause 55 and screening of the balconies or roof terrace to restrict views is not warranted. In respect of lost views from these dwellings (including their roof decks), there is no policy or provision in the Yarra Planning Scheme which seeks to protect existing views from private properties. We therefore have no basis upon which to require any modifications to the proposal to address this concern.

Setbacks and visual bulk

216. The appropriateness of the setbacks and walls on boundaries provided in this instance need to be considered within their strategic context, being located within a Mixed Use Zone, being near a MAC and a NAC as well as the existing level of site coverage and prevalent boundary-to-boundary development. As has already been discussed, a number of the heights and setbacks have already been commented on by the Tribunal and the proposal has kept in line with this.
217. In terms of the side and rear setbacks, the proposal includes:
- (a) a maximum western boundary wall height of 15.66m for Building 1 and 7.2m for Building 4; and
 - (b) a maximum southern boundary wall height of 14.72m for Building 3 and 14.93m for Building 4.
218. In relation to any visual bulk experiences from the dwellings to the north, they have the width of Argyle Street to provide a buffer. Building 1, is only one storey (plus roof terrace) taller than these buildings across the road. The tallest building of the proposal will only be viewed at oblique angles for the majority of these dwellings and not directly opposite. Occupants of 'Retro House' directly opposite the proposal along Argyle Street are located on a corner site and as such, are protected from visual impacts as there will never be any development abutting it on the southern and the eastern sides of their boundary.

Nos. 10-12 Argyle Street

219. The proposal includes a 7.4m high on-boundary wall (associated with B4) along the southern boundary of No. 10 Argyle Street. The previous decision confirmed that this would represent an acceptable response within paragraph 52. This is also in-line with Council's previous recommendations. B4 has significantly reduced the size of its two upper levels since the previous application.
220. B4 increases to 14.4m in height, directly to the south of No. 12 Argyle Street which is a commercial building and does not have any sensitive interfaces. It should be noted that No. 10 Argyle Street has a current planning application (PLN15/0312) which would result in a double storey wall plus roof terrace abutting the double storey section of B4.
221. The proposal includes a 15.2m high western boundary wall abutting No. 12 Argyle Street, however as it has total site coverage and is for a commercial use, there are no amenity concerns related to this. Beyond that, any views to it would be from a distance at oblique angles above other double storey commercial buildings further to the west.

No. 5 Spring Street

222. The proposal will include a southern boundary wall of between 8.73m and 14.6m. These boundary walls are abutting an existing 7m high on-boundary wall associated with No. 5 Spring Street. As previously outlined No. 5 Spring Street has balconies and habitable room windows in the central portion of the site facing the subject site. It should be noted that the development has retained the side wall of No. 11-13 Spring Street which results in an existing 6.4m high on-boundary wall.

223. The current application has incorporated balconies at first floor and a large void area above this on the upper levels directly abutting the central portion of No. 5 Spring Street. This will result in the side walls of B3 and B4 generally being in-line with the side walls of the light wells, and B1 is setback 9.4m from the southern boundary.
224. The lightwells and windows of No. 5 Spring Street located on the first floor will be directly viewing their own high boundary wall which reaches to a maximum of 7m in height with any views to the proposal being above this wall. This will limit any visual bulk impacts of the proposal when viewed from the first floor, particularly when combined with the upper level setbacks the development is incorporating.
225. The second and third floors of No. 5 Spring Street include windows facing the proposal which are setback an additional 3m from the shared boundary. Again, the significant setbacks and open area provided by the proposal will result in limited visual bulk impacts experienced from this area. It should also be noted that at four storeys in height, B3 and B4 are a similar height to No. 5 Spring Street, reducing the comparable variation in height between them.
226. B3 has also incorporated a south-west splay abutting the southern boundary to limit visual bulk from the light wells and windows. The Tribunal was previously supportive of this splay.
227. In terms of visual bulk when viewed from the east and west-facing balconies to the south. The majority of them are enclosed within the building, with the exception of the uppermost, east-facing balcony. This balcony is open to the sky; however any views from it to the proposal would not result in visual bulk as they would be of a similar height, albeit the proposal is 0.8m higher on the boundary. This is considered sufficient particularly as this balcony faces away from the subject site with the full width of Spring Street providing alternative views. The Tribunal has also previously confirmed this within its decision in paragraphs 57 and 58.
228. As such, the additional built form above would have limited visibility from the sensitive areas to the south and thus, limited visual bulk impacts.

Daylight to windows

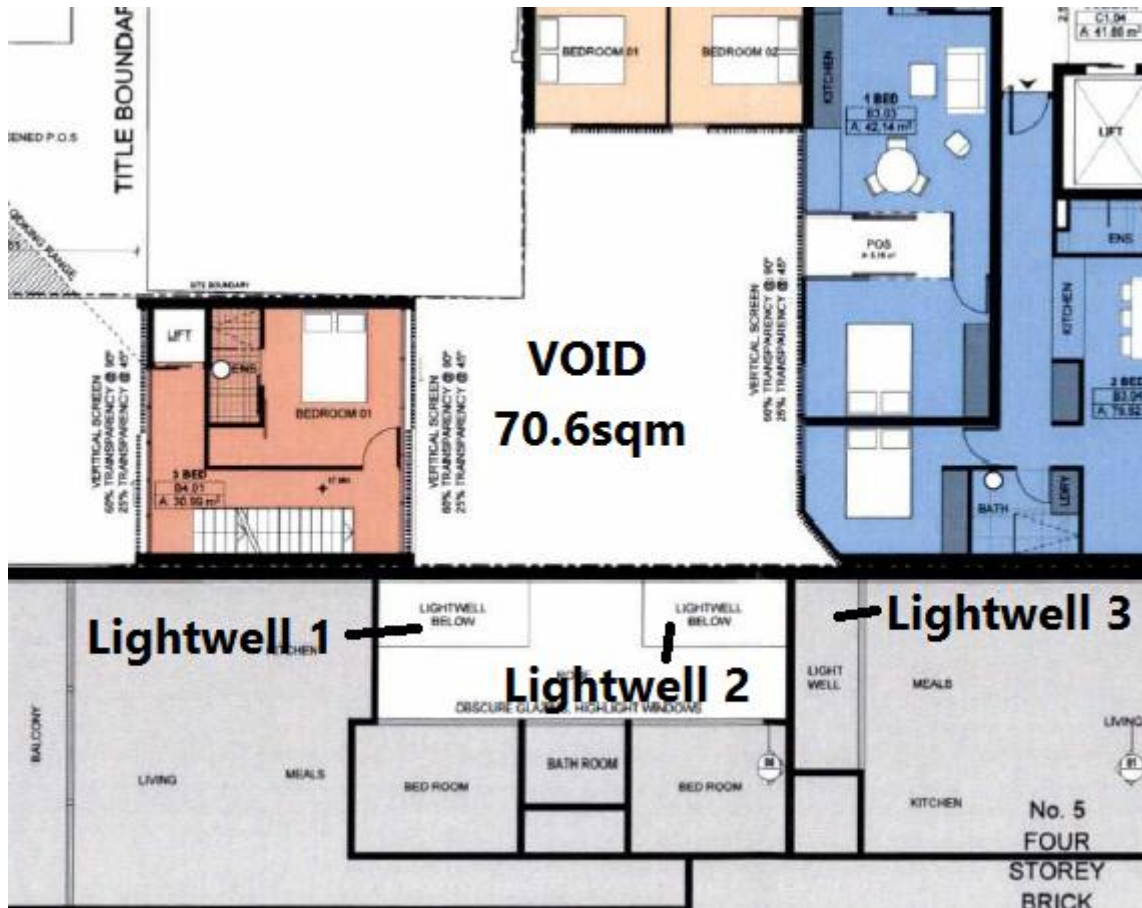
229. Standards B19 (daylight to existing windows) and B20 (north-facing windows) within Clause 55 of the Scheme are useful tools to apply for guidance relating to allowing adequate daylight into existing windows. There are habitable room windows to the south and north of the subject site.
230. Standard B19 requires that existing habitable room windows should be provided with a light court of a minimum 3sqm in area and a minimum 1m clear to the sky. Where walls opposite the habitable room windows are more than 3m in height, they are required to be setback at least 50 per cent of their height with this being able to include the land of the abutting lot.

No. 10 Argyle Street

231. In terms of the south-facing window of No. 10 Argyle Street it is setback 5.4m from the northern wall (height of 7.4m) of Building 4, which complies with Standard B19.

No. 5 Spring Street

232. In relation to the previous proposal, the Tribunal were principally concerned about the impact of the proposal on the loss of daylight to the bedrooms adjacent to lightwells, which are positioned adjacent to the shared boundary. It should also be noted that B4 was previously constructed across the entire length of Light well 1 for the entirety of the four storey building. B4 has significantly been reduced in size since. For ease of reference, as with the previous Tribunal decision, the western, central and eastern lightwells will be referred to as lightwells 1, 2 and 3 respectively.



233. Within the previous Tribunal decision the following was made in relation to the daylight access for the bedroom windows associated with the lightwells:

[67] Having considered the evidence presented, we are prepared to accept that the impact on the amenity of the bedrooms which obtain their daylight from lightwells 2 and 3 is acceptable. The evidence is that lightwell 2 would experience a greater VSC than is presently the case; and the reduction in VSC for lightwell 3 is minor. In addition, both lightwells would experience greater access to sunlight during the winter period than is presently the case, and we think this would have a beneficial effect on the amenity of the appurtenant rooms.

234. The Tribunal previously found the daylight impact to Lightwells 2 and 3 as being acceptable. As the current proposal presents similarly to lightwells 2 and 3, this assessment of the acceptability of daylight to these windows continues to apply.

235. The Tribunal has previously stated that the impacts to the daylight of lightwell 1 were unacceptable, even when the boundary wall was further reduced in height and the eastern setback of B4 was increased. However, as has previously been stated, B4 has considerably been reduced in size at the upper levels as well as significantly increasing the eastern setback of B4. As such, this will substantially improve the daylight access of these windows, particularly those of Unit 3 on the ground floor, compared to the previous proposal.

236. For the north-facing windows of No. 5 Spring Street, these are located at first, second and third floors and as such, the wall heights must be considered from each of these levels.

First floor

237. The windows at first floor of No. 5 Spring Street are located 154m to the south of an existing full length on-boundary wall and as such, currently receive limited direct sunlight (although it is acknowledged that they do receive some daylight). When this building was constructed, it provided these windows with only 1.5m wide lightwell with habitable room windows facing onto them directly abutting a northern boundary. This did not allow for equitable development of the subject site.

Nevertheless, the reality is that these first floor windows only receive sunlight at specific angles due to the narrowness of the lightwell and location of their own first floor on-boundary wall. The lightwell as well as the setback of 1.5m will still allow for the presence of daylight. By the nature of their use, bedrooms do not require as much daylight when compared to living areas and kitchens. As such, this is acceptable.

Second floor

238. In regards to the second floor windows, they are setback 3m from the boundary with the proposal incorporating a large void area directly to the north of them. This void area is approximately 8.4m and 9.4m deep, which ensures that sufficient daylight reaches these windows. If we were specifically looking at the setback, it would more than comply than the requirements of Standard B19, with the exception of there not being a setback from the sides of each window. This large void area in combination with their own setbacks will ensure adequate daylight reaches these windows.
239. Nevertheless, again it should be noted that these windows are for bedrooms which typically do not require as much daylight.
240. There are no third floor windows facing the proposal from No. 5 Spring Street.

Overlooking

241. The windows of Building 4 and the west-facing windows of Building 1 are within 9m of the windows and private open spaces of No. 5 Spring Street and No. 10 Argyle Street.

No. 10 Argyle Street

242. The dwelling at No. 10 Argyle Street has private open space and habitable room windows abutting B4. From the ground and first floor, there is no opportunity for overlooking as there is an on-boundary wall. This would prevent overlooking and complies with the requirements of the Scheme.
243. Above this, the proposal incorporates screening which has a transparency of 25 percent within a 45 degree arc and this transparency increases to 60 percent at 90 degrees. However it should be noted that the area from which these views would potentially be is the access way for the lift and as such as not a habitable space where people would be spending long periods of time.
244. The roof terrace includes only a 1m high balustrade and sufficient detail has not been provided to show that there would not be views into the private open space below. It is noted that the lower built form could also ameliorate some views. A condition can require the roof terrace to be treated in accordance with the 'ResCode' screening techniques to prevent views into the secluded private open space. Any condition should enable flexibility whereby it can be demonstrated that screening is not required if views cannot be provided within a 9m radius and 45 degree arc.

No. 5 Spring Street

245. Buildings 3 and 4 are only able to be considered, as Buildings 1 and 2 are either 9m or more in distance. There is no overlooking from either building at ground and first floors due to on-boundary walls along the southern side.
246. The floor plans provided by the applicant show that the windows of the second floor of No. 5 Spring Street are constructed using obscure glass. However photographic images have been found showing that these windows are constructed of clear glazing. It should be noted that any changes to the previously endorsed plans of No. 5 spring Street would require an amendment. Nevertheless, overlooking will continue to be considered.

247. The applicant has provided screens with a transparency of 25 percent within a 45 degree arc and this transparency increases to 60 percent at 90 degrees. There are light wells and windows facing the development site. This is acceptable as direct, unreasonable views will be avoided.
248. Overlooking is a concern from the roof terrace of B4. This was also an issue with the previous Tribunal decision and continues to remain unresolved. However, a condition can require the roof terrace of B4 to be treated in accordance with the 'ResCode' screening techniques to prevent views into the secluded private open space. Any condition should enable flexibility whereby it can be demonstrated that screening is not required if views cannot be provided within a 9m radius and 45 degree arc.

Overshadowing

249. The Higher Density Residential Guidelines defer to Clause 55 of Recode for consideration of the overshadowing impact. Standard B21 of Clause 55 seeks to ensure buildings do not significantly overshadow existing secluded private open space.
250. The only areas potentially impacted upon by the proposal are the private open space of No. 10 Argyle Street and the west-facing balcony on the third-floor of No. 5 Spring Street. Again, it should be noted that the built form of the proposal has been significantly reduced since the previous 2013 Scheme which has resulted in an overall reduction in shadows at each time of the day.

No. 5 Spring Street

251. The owner of No. 2/5 Spring Street has also stated they use lightwell 2 as a private courtyard. It should also be noted that from Council's records it appears all lightwells are common property, not private open space. Nevertheless, as it is only 1.5m wide and has a boundary wall opposite it (approximately 2.8m in height) it would already experience shading throughout the day with any increases associated with the proposal not being over this lightwell.
Consideration must also be given to that whilst this occupant is using this lightwell as private space, it is not their only or principal area of private open space, as they also have two balconies (one on each floor) facing Spring Street.
252. Overall, the proposal does not shade any secluded private open spaces of No. 5 Spring Street as the lightwells are common property, and the west-facing balconies (both at the rear of the site and that in the central area are covered by their own built form. The only uncovered balcony is the east-facing balcony of No 6/5 Spring Street which will be approximately at the same height as B3, and therefore any additional shading would be minor, particularly as it has a brick wall along its northern side abutting the subject site.
No. 10 Argyle Street
253. Now turning to No. 10 Argyle Street, it would be impacted upon by the proposal in terms of shadowing at 9am and 10am with no impact from 11am onwards. This is an improvement on the original application however it should be noted that the Tribunal has previously found the level of overshadowing to No. 10 Argyle Street as acceptable, with this current proposal further reducing it.

[49] The shadow diagrams for the equinox period confirm that the impact would be noticeable in the morning up to around 10.30am, with an area in the south-western corner of her secluded private open space area losing sunlight. After this time, the shadow cast by the development would not fall onto areas of her property that presently receive sunlight. We agree with the evidence that this extent of overshadowing is acceptable, as the diagrams confirm the loss of sunlight is relatively minor and will not unreasonably prejudice the amenity of this open space area.

254. Overshadowing to the business at No. 8-10 Argyle Street had previously been discussed with the Tribunal stating:

[80] Having regard to the balance of shadow cast throughout the year in light of our above considerations, we find the overshadowing impacts on 8-10 Spring Street would not be unreasonable.

255. Therefore, the level of overshadowing is seen as acceptable.

Noise

256. It is not considered that the proposed development will generate a noise level above that which is acceptable in a residential area. It is also noted that there are a number of warehouses and other industrial premises in the area, which are likely to emit higher noise levels than the proposed residential development. Any noise levels as a result of the use of the dwellings would be typical of a residence and would be compliant with policies within Clauses 13.04-1 and 22.05. A condition has been added regarding noise emissions from ancillary services.

On-site (Internal) Amenity

257. Clause 22.10-3.7 *On-Site Amenity* and the DSE Guidelines for Higher Density Residential Development – Element 4, Circulation and Services and Element 5 – Building Layout and Design and Element 6 – Private and Communal Open Space provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity and layout.

258. Being within a MUZ, clause 22.05 aims to achieve a reasonable level of amenity for new dwellings, whilst ensuring that new dwellings do not impact the functioning of nearby industrial/commercial land uses.

Apartment orientation and layout

259. It is considered that the apartments will have an overall good level of internal amenity due to the size, orientation and location of windows thus achieving Objectives 5.3 and 5.4 of the Design Guidelines for Higher Density Residential Development. Each unit includes windows and balconies to allow for cross-ventilation and solar access into the dwelling, with a number of the units having dual aspects facilitating a greater level of ventilation. There are no bedrooms which rely on borrowed light.

260. There are a number of windows for each apartment which either face outward, onto a balcony or the large void area. The proposal has excellent access to direct and indirect solar access, particularly B1 and B2 which have northerly aspects. Whilst the lower levels of B1 and B3 are limited due to utilising existing window openings in the heritage facades, in both instances they face out onto the street which gives them sufficient daylight access.

261. Council's Urban Design Consultant stated that "the apartments all have excellent amenity including the ability to maximise access to natural light and natural cross ventilation".

262. Borrowing from Standard B28 of Clause 55 of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum area of 8sqm and a minimum width of 1.6m with easy access from the living room. A number of the balconies do not comply with this standard such as B1.03, B3.03 and B3.04.

263. All primary balconies which are accessed directly from the living room will be required to have a minimum width of 1.6m which is sufficient for a table and chairs as per Objective 6.1 of the Design Guidelines for Higher Density Residential Development. Further to this, all two-bedroom dwellings which do not comply with the standard will be required by way of condition to have at least 8sqm in area for a balcony with a width of at least 1.6m.

264. This will ensure that occupiers of these apartments will have a useable recreation space to enjoy. Additionally, by opening up the large doors, the balcony will be able to be made into a larger space. Further to this, they all face either the street or an area with significant setbacks from other built form which will ensure that they receive good access to daylight and ventilation. It should be noted that there is a communal area on the roof terrace of B1 which will also provide additional space for future occupants.

Storage

265. Each dwelling has been provided with a storage cage (six cubic meters) located within the basement which satisfies the requirement of Objective 5.5 of the Design Guidelines for Higher Density Residential Development which is considered generous within an inner-city context.

Safety

266. Looking at safety, the entry areas of each apartment of Buildings 1, 2 and 3 are grouped in similar locations within the corridors which increases the perceived safety and is compliant with design guidelines within clause 21.05-2. The additional balconies facing Spring and Argyle Streets will add to the level of perceived safety which is an improvement on existing conditions. The entrance to B4 is along Johnston Place and will also promote passive surveillance.

Internal Views

267. There are limited internal views to private open spaces of lower-level dwellings within the development as windows and balconies do not generally face each other in this proposal, this is with the exception of the internal area which Building 1, 3 and 4 all face.
268. Within Standard B23 (Internal Views) of Clause 55 of the Yarra Planning Scheme Windows and balconies should 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.
269. There appears to be overlooking potential associated with the second and third levels of all buildings looking down onto the balconies at first floor. These apartments have the potential for overlooking of more than 50 percent of the balconies located on the first floor this is due to the vertical screens affording direct views down due to having 60 percent transparency. A condition can require these windows and balconies to be treated in accordance with the 'ResCode' screening techniques to prevent views into more than 50 percent of the secluded private open spaces at first floor. Any condition should enable flexibility whereby it can be demonstrated that screening is not required if views cannot be provided within a 9m radius and 45 degree arc.

Noise

270. The proposed dwellings will be located within a Mixed Use Zone where there is a strong mix of residences and commercial uses and there is some expectation of noise. This is particularly so for residents of Building 1 and 4 which have direct abuttal to non-residential uses. Building 3 is directly opposite the bronzing business at No. 8 – 10 Argyle Street which is industrial in nature and can result in noise emissions. Future residents of the dwellings will be well aware that these uses are existing and can make a decision accordingly if this is acceptable to them.
271. In mixed use areas, there are often points of conflict between different uses. In order to maintain the viability of commercial areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved.

Clause 22.05- Interface Uses Policy is Councils local policy for managing interface use and development conflicts. This policy applies to applications for use or development within the Mixed Use Zone (along with others).

272. Clauses 13.04 and 22.05 provide specific direction on noise issues and generally require noise generated from the development to comply with relevant policy, and that noise sensitive uses (such as dwellings) be protected from surrounding noise generators such as traffic and adjacent non-residential uses.
273. An acoustic report prepared by Marshall Day Acoustics in December 2014 was provided and was peer reviewed by an independent acoustic engineer, SLR Consultants. The Marshall Day Acoustics report included the following:
- (a) *Consideration has been given to the potential for the development to encroach on the operations of existing commercial premises. A number of non-residential uses have been identified in the vicinity of the subject site as part of the assessment. In each case existing residential dwellings are situated equidistant, or closer to, the commercial activities than the proposed development. Consequently, it has been concluded that the proposed sensitive land use will not increase the burden of compliance for the surrounding non-residential uses. Notwithstanding this finding, recommendations have been provided for the Spring Street facades of habitable rooms associated with the development.*
 - (b) *It is considered that noise from the operation of the car stackers and car park sliding door will meet the SEPP N-1 and sleep disturbance criteria within the development and at adjacent residential dwellings.*
274. The previous Tribunal decision expressed concerns regarding noise from surrounding businesses, particularly the bronzing business at No. 8-10 Argyle Street. The applicants' acoustic report made an assessment of noise impacts specifically from this business (pages 12 to 15) and whilst it found that it does not represent an impact for the existing commercial operation, it did provide recommendations for treatment of the Spring Street facades of habitable rooms associated with the development.
275. The previous Tribunal decision has also suggested in paragraph 76 that noise sensitive rooms such as bedrooms should not be facing the business at No. 8-10 Argyle Street. This current proposal has sited their living areas towards No. 8-10 Argyle Street and as such, has followed this previous guidance.
276. This report was assessed by SLR Consultants and found to be generally acceptable subject to additional information being provided regarding glazing, the Espresso Carwash and the noise from car stackers in relation to B4.01. This will be required by way of condition, should a planning permit be issued.

Circulation spaces

277. Dwelling access is either from the main lobby from Spring Street, down Johnston Place for B4 and also from Argyle Street for B2.01. Passageways are very short and mainly in a dog-leg shape around the lift and stairs. The short corridors are 1.2m in width with this increasing adjacent to the lift and stairs. The width is sufficient, particularly as there is only between three and four doors accessing these areas per level. Additionally these common areas have direct access to natural light from the north-facing stairwell and the east-facing common area. The design complies with Objective 4.3 of the Design Guidelines for Higher Density Residential Development (GHDRD).

Site services

278. Site services are provided at each level with waste being located in the ground floor. This is compliant with Objective 4.6 of the GHDRD. Letter boxes have been shown in the lobby area at ground floor.
279. The roof plan has been provided with services and a photovoltaic solar panel array being shown on top of B3. A conditions can be required which will ensure they are appropriately located and screened.

Waste Disposal

280. Council's Waste Unit was originally not satisfied with the waste disposal process previously outlined within the Waste Management Plan (WMP) prepared on 2 September 2014 as it proposed leaving the bins on the footpath which would not leave sufficient room for pedestrians. Since that time, the applicant submitted an amended WMP that was prepared on 30 April 2015.
281. Within this amended WMP, residents will be responsible for sorting garbage and recycling directly into the waste storage bins which will remain inside the development. A private contractor will pick up all waste from the internal holding area. The Building Manager will move the bins from the bins to the internal temporary holding area and back again. Council's Waste Unit has indicated that it is satisfied with this arrangement as outlined within the WMP dated 30 April 2015.

Traffic, access, parking and bicycle facilities

Car parking reduction

282. Under clause 52.06 of the Scheme, the Applicant is seeking a parking dispensation of five spaces, as outlined below:

Use	Bedrooms/ Area	Rate	No. required	No. proposed	Reduction sought
Dwelling	2 x 1 bedroom	1 space per 1 and 2 bedroom dwelling	11	11	0
	9 x 2 bedroom				
	3 x 3 bedroom	2 spaces per 3 bedroom dwelling	6	3	3
		1 space for visitors to every 5 dwellings for developments	2	0	2
Totals			19	14	5

Parking Availability

283. Parking surveys were undertaken by Traffix Group to determine existing parking conditions within proximity of the subject site.

These surveys were undertaken on Friday 13 June 2014 at 9am, 1pm and 8pm and on Saturday 14 June 2014 at 1pm, 7pm and 8pm and included the area bound by the following streets: Spring, Argyle, Johnston, Nicholson, Henry, Kerr and Fitzroy Streets.

284. During the daytime on the Friday, occupancy was at its lowest with 80 percent and 86 percent at 9am and 1pm, with occupancy increasing to 99 percent at 8pm. On Saturday occupancy was at its highest with 101 percent at 1pm, and 99 percent at the two evening hours.
285. The applicant also conducted an off-street car parking survey for the Coles Supermarket car park located 200m to the east of the site. The survey identified moderate to high demands for parking with the number of vacant parking spaces varying between 46 percent to 90 percent occupancy with the peak time being recorded at 8pm on Saturday.
286. In terms of parking restrictions, there are a number of time based restrictions on parking in the surrounding streets with some areas also having Permit Only parking including along Spring and Argyle Streets surrounding the subject site. Future occupants and visitors would not be eligible for resident or visitor parking permits. This will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking.
287. The high on-street parking demands in this area are a result of a high reliance on on-street parking by nearby commercial and residential uses and the demands from other activities in the wider area along Johnston Street and within the nearby Brunswick Street MAC.

Parking Demand

288. The applicant's traffic report stated that average car ownership rates in the 2011 Census (Fitzroy) for residents are as follows:
- (a) 0.6 vehicles per one-bedroom dwelling
 - (b) 0.8 vehicles per two-bedroom dwelling
 - (c) 1.0 vehicles per three bedroom dwelling
289. If these rates were applied to the proposal, sufficient spaces have been provided for all dwellings and as such the reduction in the three resident spaces is acceptable.
290. In terms of visitor demand, the applicant's traffic engineers have undertaken case studies on similar developments which found that peak demand for residential visitor parking demands during peak times is 0.12 car spaces per dwelling. Extrapolating this to the development, this equates to two spaces during peak times. As previously shown in the parking availability, this can be accommodated either on the street or in off-street car parks.
291. On the topic of visitor parking, as all car parking spaces in this proposal are to be provided by mechanical stackers, it is not practical to provide any visitor spaces in these. This was previously confirmed by the Tribunal in the previous decision:

[86]

However, the planning scheme makes it clear that visitor parking should not be in the form of mechanical parking. Having regard to the detail of this proposal before us, this is the principal reason why we accept visitor car parking cannot be provided on the site. The use of mechanical parking requires a level of understanding of how to work the technology; and it is not a mechanism that is suitable to a casual user such as a residential visitor.

292. The reduction being sought by the proposal is supported by the following:
- (a) each dwelling has been provided for one car parking space which meets the ABS date provided in the 2011 Census for Fitzroy;

- (b) the subject site has good access to public transport facilities with established tram routes, train lines and bus services, and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources;
- (c) Objective 32 of Council's MSS facilitates parking reductions by advocating reduced reliance on private motor vehicles;
- (d) providing medium-density housing close to public transport links is consistent with urban consolidation objectives which require planning to assist in the implementation of feasible non-car based transport options; and
- (e) prospective property owners and occupiers will be made aware of the on-site car parking provision for each dwelling.
- (f) The proposal includes secure bicycle parking spaces significantly exceeding rates specified within the Scheme.
- (g) A number of car-sharing facilities are located within proximity to the site, these include:
 - (i) Comer of Victoria and Brunswick Streets,
 - (ii) Corner of St David and Brunswick Streets;
 - (iii) Corner of Westgarth and Brunswick Streets
 - (iv) Corner of Kerr Street and Brunswick Street and
 - (v) Comer of Kerr Street and Napier Street.

Access

293. The proposal will continue to utilise the existing crossing and car park entrance, with Council's Engineering Services not objecting to this. It has previously been confirmed at the Tribunal that the heritage façade and archway cannot be altered. A condition can also require that it must be demonstrated that vehicles can enter and exit the development via the existing vehicle crossing in Spring Street without scraping or bottoming out. Council's Engineering Services suggested this condition.
294. The applicant provided swept path diagrams of the development entrance for both the 99th percentile vehicle (SUV) and the 85th percentile vehicle (sedan such as a Ford Falcon). The diagrams satisfactorily demonstrate access and egress into and out of the site in the event of parallel parking taking place along the east side of Spring Street.
295. Whilst the swept path diagrams do show that on the 'IN' turn in both instances, the body of the car clears the width of the access whilst in the body clearance of the 99th percentile vehicle does not. It should be noted that this is an additional 300mm width (with mirrors taking up 200mm) which is provided on either side of the car. However, the body of the car will fit in. It is noted that the 99th percentile vehicle is a considerably large vehicle with the majority of cars fitting the 85th percentile vehicle which will clear the side access. Owners of 99th percentile vehicles may choose to turn their mirrors in or exercise particular caution when entering the building.
296. It is acknowledged that it will be very tight, however, as these spaces are for residents, over time, they will become familiar with this specific access situation and will become accustomed to it.
297. It should be noted that Council's Engineering Services Unit have recommended a number of conditions in regards to access. They relate to the crossover, side entry pits and the "one Way' sign. It is onerous to expect the applicant to replace items which are not impacted upon by the proposal. Council will however require that the crossover be made compliant with Council Standards, at the developer's expense and for the footpaths outside of the development to be made good following the completion of the building.

Layout

298. It should be noted that previously, the criticisms of the proposal centred around the inclusion of a car turntable and that it would not work with the garage door and car stackers. The car turntable has since been deleted and a more traditional stacker system incorporated. The car turntable of B4 has also been deleted. In principal the use of mechanical stackers was not discouraged by the Tribunal. The Member made the following comment:

[87] At the outset, it is important for the neighbours to understand that mechanical car parking is becoming a common design tool for car parking provision on properties, including those that may not otherwise have the capacity to provide car parking. It is often said to the Tribunal that people will not use their mechanical car space, but this is not the case. In circumstances such as these where on-street car parking is at capacity and, as Mr Wardlaw explained, local residents are competing with businesses and visitors for an on-street space, mechanical car parking spaces on this site will be utilised by its residents. However, having said that, the mechanical car parking needs to be designed to work in an effective manner in order to encourage and facilitate their use.

299. Regarding the internal layout, the car park of the development will contain five mechanical car stacker devices (the Wöhr Parklift 413-375/370). Council's Engineering Services stated that swept path diagrams adequately show access and egress into and out of the individual stacker platforms.

300. The car stacker information provided shows that an 85th percentile vehicle can be accommodated within the lower and middle levels of the car stackers with a 99th percentile vehicle in the upper level.

In terms of widths, the platforms have a width of between 2.4m and 2.7m which is sufficient for both the 99th percentile vehicle (SUV) and the 85th percentile vehicle (sedan such as a Ford Falcon). Again, the Tribunal had previously been critical of the use of the car turntable and the practicality of it, not the use of mechanical car stackers.

Traffic

301. According to the applicant's traffic report, Traffix Group has sourced the NSW RTA's Guide to traffic generating developments which is a reputable source. The site is expected to generate a daily traffic volume of 56 vehicle trips, with 6 vehicle trips in each peak hour. The magnitude of this traffic is not unduly high, and it is agreed that it would not compromise the operation or safety of the surrounding streets.

Bicycle parking

302. The development provides 20 resident bicycle spaces within the ground floor common area, exceeding the requirements of this clause and also providing more than one bicycle space per dwelling. Through the provision of these spaces, the applicant has responded to the importance that State and Local policies place on encouraging low energy forms of transport such as clause 15.02-3, 18.02-1, 18.02-2 and 21.06.

Objector concerns

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

- (a) the proposal does not respect the existing neighbourhood heritage character; (paragraphs 146-173);
- (b) overdevelopment in terms of scale, height and bulk; (paragraphs 174-181 and 214-228);
- (c) Off-site amenity:
 - (i) overshadowing; (paragraphs 249-256);
 - (ii) overlooking; (paragraphs 241-248) ;
 - (iii) impact on daylight to existing windows; (paragraphs 229-240);

- (d) finishes are inappropriate in heritage streetscape; (paragraphs 192-203);
- (e) noise; (paragraphs 256 and 270-276) ;
- (f) loss of views (paragraph 215);
- (g) Car parking, traffic, driveway access, car stackers too slow and loud, do not fit 4WDs (paragraphs 282-301); and
- (h) Waste (paragraphs 280-281).

304. The remaining concerns are discussed below:

- (a) impact on daylight to existing windows (including bathrooms)

Bathrooms are not habitable rooms and the Planning Scheme makes no provision for their daylight access.

- (b) Screens outside property boundaries

The fins are located outside of the title boundaries, however this is above the ground floor and for only 300mm and are considered to be an architectural feature, enhancing the appearance of the building.

- (c) errors in documentation (wall locations of abutting lots – No 5 Spring Street – incorrectly shown on plans and floor layout);

This objection relates to the first floor lightcourt of No. 5 Spring Street being used as a courtyard. Images have been provided to Council which show the lightwell.

Council has provided copies of the endorsed floor plans of No. 5 Spring Street which show the internal layout.

- (d) impact during construction (disruptions, machinery, additional traffic and impact on businesses);

It should be noted that a Construction Management Plan (CMP) condition has been included within the planning officer's recommendation and a CMP deals with these matters. These issues will be dealt with during the building permit stage.

- (e) this application will create a precedent for higher development;

The Act requires each application to be considered on its own merits and approval of one application does not guarantee approval of another. Subject to a number of significant conditions, this application is an acceptable planning outcome. The Mixed Use Zone purpose and other recent approvals support approval of this application.

- (f) Limit views to Royal Exhibition Building;

The Royal Exhibition Building is a considerable distance from the subject site (approximately 800m) and any views currently would be long-range. Views from private property have previously been discussed by the Tribunal and outlined in paragraph 215.

- (g) loss of property value;

There is no evidence to suggest that properties will be devalued as a result of the redevelopment. The Planning Scheme makes no provision for property values to be considered in the assessment of a planning permit application.

Conclusion

305. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives and Council's preference to direct higher density residential development in Mixed Use Zones and strategic redevelopment sites.
306. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0846 for partial demolition and development of the land with the construction of four buildings, with heights ranging between four and five storeys (plus basement and roof terrace) with fourteen (14) dwellings (permit not required for the dwelling use) and a reduction in the car parking requirements at 11-13 Spring & 14 – 16 Argyle Streets, Fitzroy, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided.

The plans must be generally in accordance with the decision plans by Room 11 received by Council on 11 December 2014 but modified to show:

- (a) the location of the rainwater tank and bin area as per the basement and ground floor sketch plans provided on 4 May 2015.
- (b) the demolition plan to delete any reference to the enlargement of the window of No. 14-16 Argyle Street.
- (c) full details of all proposed works, colours and finishes to the external walls of the retained heritage buildings.
- (d) confirmation that previously unpainted surfaces as not being painted.
- (e) the front fence along Argyle and Spring Streets to have a maximum of 1.5m in height with at least 50 percent permeability, or be solid and 1.2m in height;
- (f) a material and colour sample board to provide additional detailing for all materials and colours, and particularly addressing:
 - (i) the 'thin flutes' intended for the large boundary wall on the west in the off-form concrete;
 - (ii) the cross laminated timber construction and fin/glazing treatment to building B2;
 - (iii) the concrete screens including fixing details; and
 - (iv) the front fence of the ground floor apartment of building B2;
- (g) the second floor balcony balustrade of Building 1 setback an additional 1.2m from the northern boundary and be finished in a colour that either matches the wall colour of the original building or is galvanised.
- (h) the reconfiguration of the balcony of B3.03 to have the wider side facing the void area.
- (i) the floor levels for each building clearly shown on the elevations.

- (j) where the roof terrace of Building 4 has views into private open space areas or habitable room windows to the west and south, it is to be screened to limit these views in accordance with Standard B22 of Clause 55 or Objective 2.9 of DSE Design Guidelines for Higher Density Residential Development.
 - (k) the following must be screened in accordance with Standard B23 of Clause 55 to limit internal views into the void area:
 - (i) the second and third levels of all buildings;
 - (ii) the fourth level of Building 3; and
 - (iii) the roof terrace of Building 4 .
 - (l) all two-bedroom dwellings to have at least 8sqm in area for secluded private open space with a width of at least 1.6m within the approved building envelope.
 - (m) all one-bedroom dwellings to have a width of at least 1.6m for secluded private open space within the approved building envelope.
 - (n) vehicles are able to enter and exit the development entrance via the existing vehicle crossing in Spring Street without scraping or bottoming out.
 - (o) all ancillary items (including air conditioner units) are to be shown on the roof plan. These are to be visually screened from the public realm.
 - (p) any requirement of the endorsed ESD report (condition 3) (where relevant to show on plans).
 - (q) any requirement of the endorsed WMP report (condition 5) (where relevant to show on plans). and
 - (r) any requirement of the endorsed landscape plan (condition 8) (where relevant to show on plans).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Sustainable Development Consultants and dated August 2014, but modified to include or show:
 - (a) The capacity of rainwater tank and the toilet connections to be annotated on the architectural drawings.
 - (b) Confirmation that the development will achieve at least 10 per cent or half a star (whichever is greater) above BCA minimum standards.
 - (c) A clear commitment to FSC or PEFC timber.
 4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 6. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the 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 Marshall Day and dated 10 December 2014, but modified to include (or show, or address):

- (a) The glazing specified for residences overlooking the business be 10.38 mm thick laminated instead of float glass.
 - (b) Noise impacts from the Espresso carwash to bedroom windows which have a line of sight to the carwash or that the façade upgrade proposed for apartments facing Spring Street be adopted also.
 - (c) Lower design targets (AAAC target - 45 dBA Lmax) be adopted for noise from internal building services, including the carstacker and carpark gate.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. 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.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian and vehicular entrances, dwelling entrances must be provided. Lighting must be:

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

to the satisfaction of the Responsible Authority.

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
15. 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.
16. 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.
17. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
18. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;

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

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

19. This permit will expire if:

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

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

Notes:

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

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

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

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

CONTACT OFFICER: Vicky Grillakis
TITLE: Principal Planner
TEL: 92055124

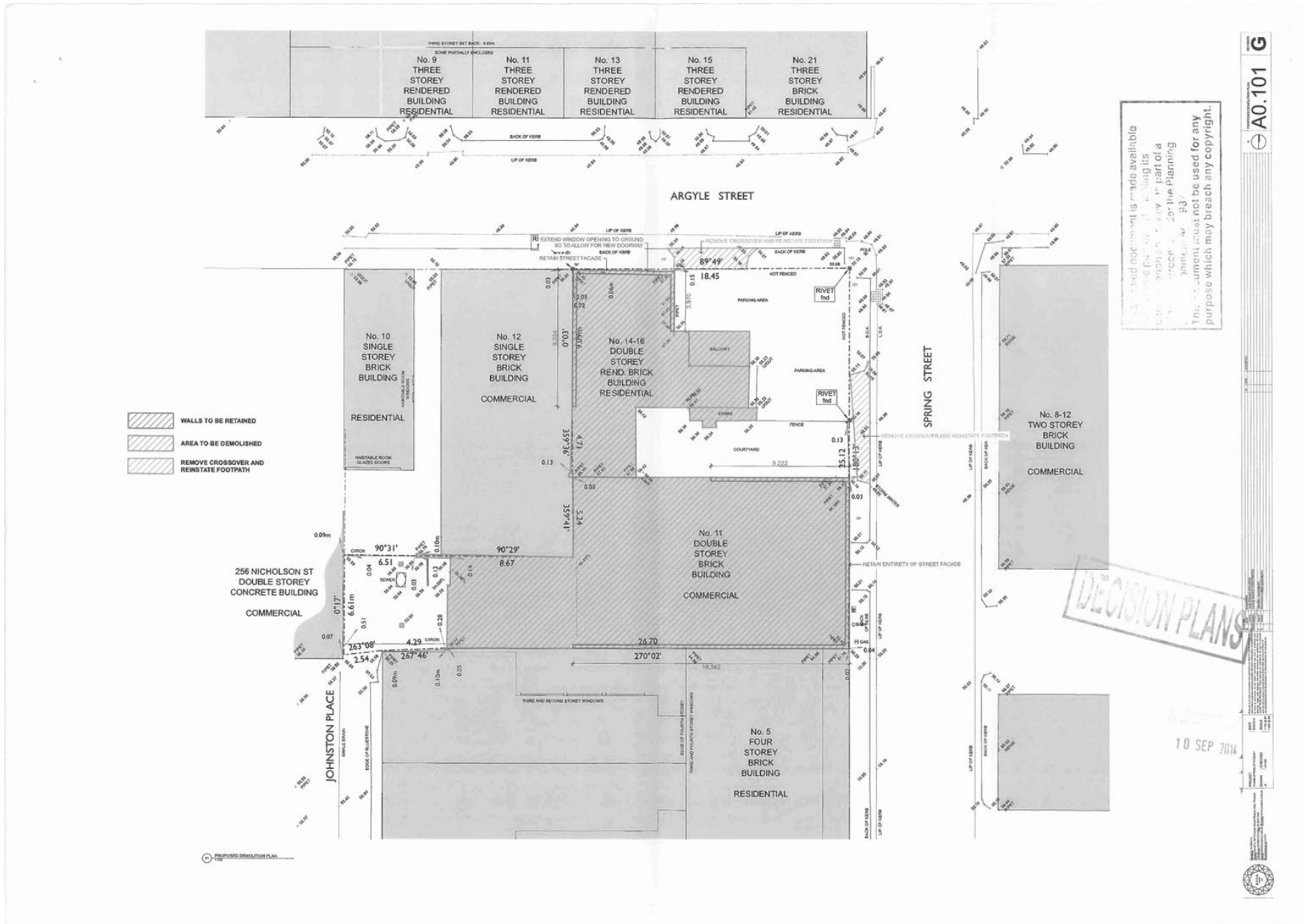
Attachments

- 1 PLN14/0846-03 - 11 - 13 Spring & 14 - 16 Argyle Streets Fitzroy - subject land
- 2 PLN14/0846-03 - 11 - 13 Spring & 14 - 16 Argyle Streets Fitzroy - decision plans

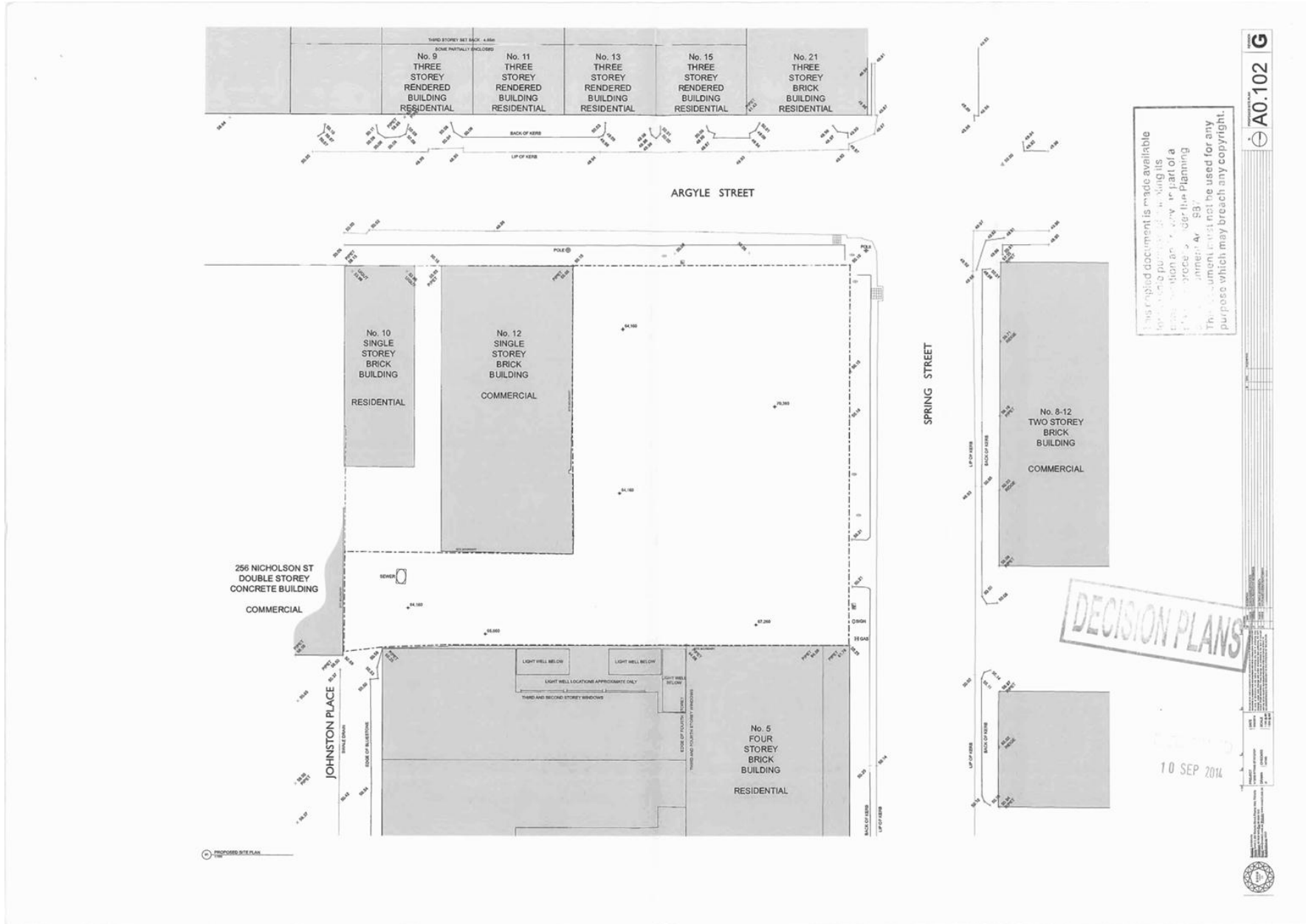
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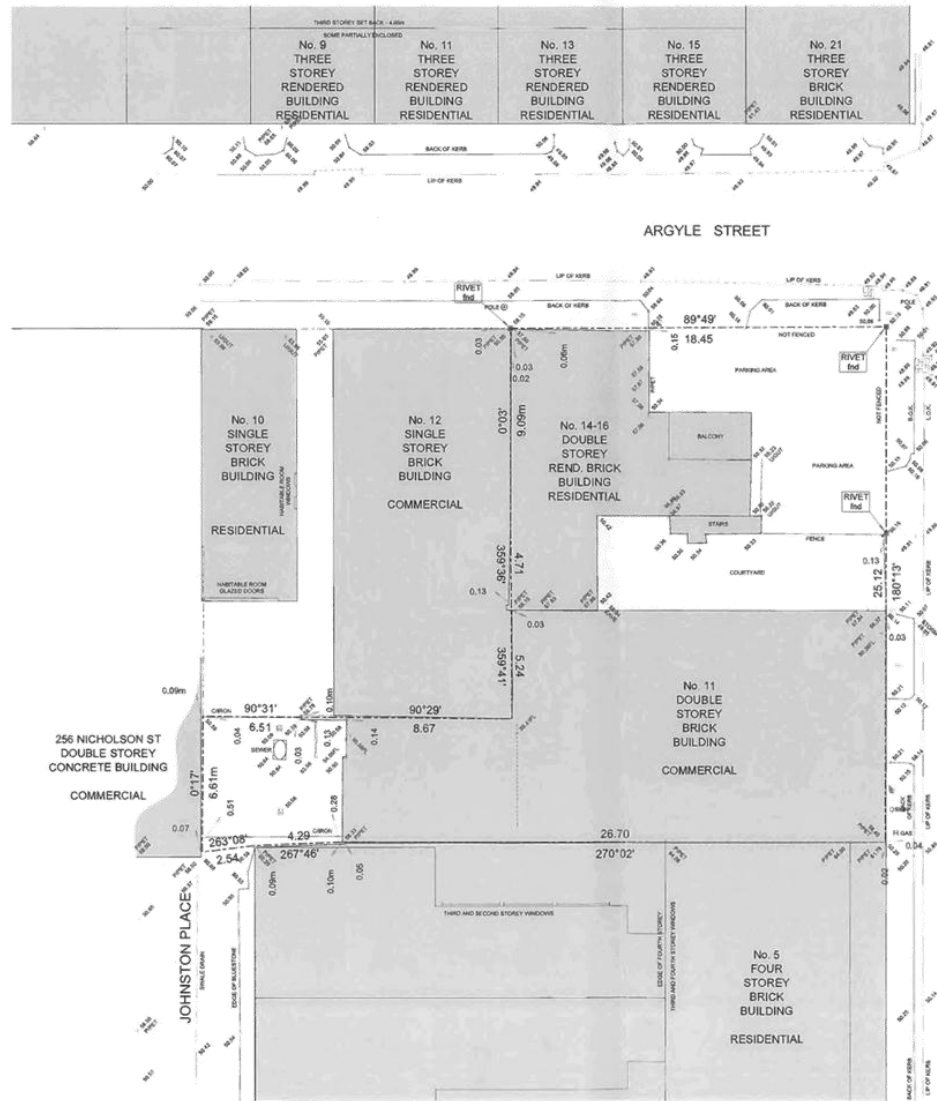


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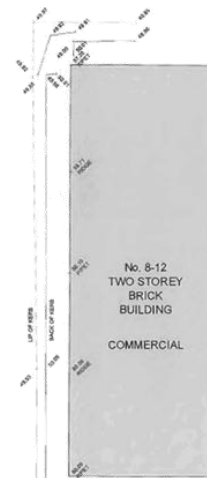
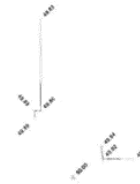


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SPRING STREET



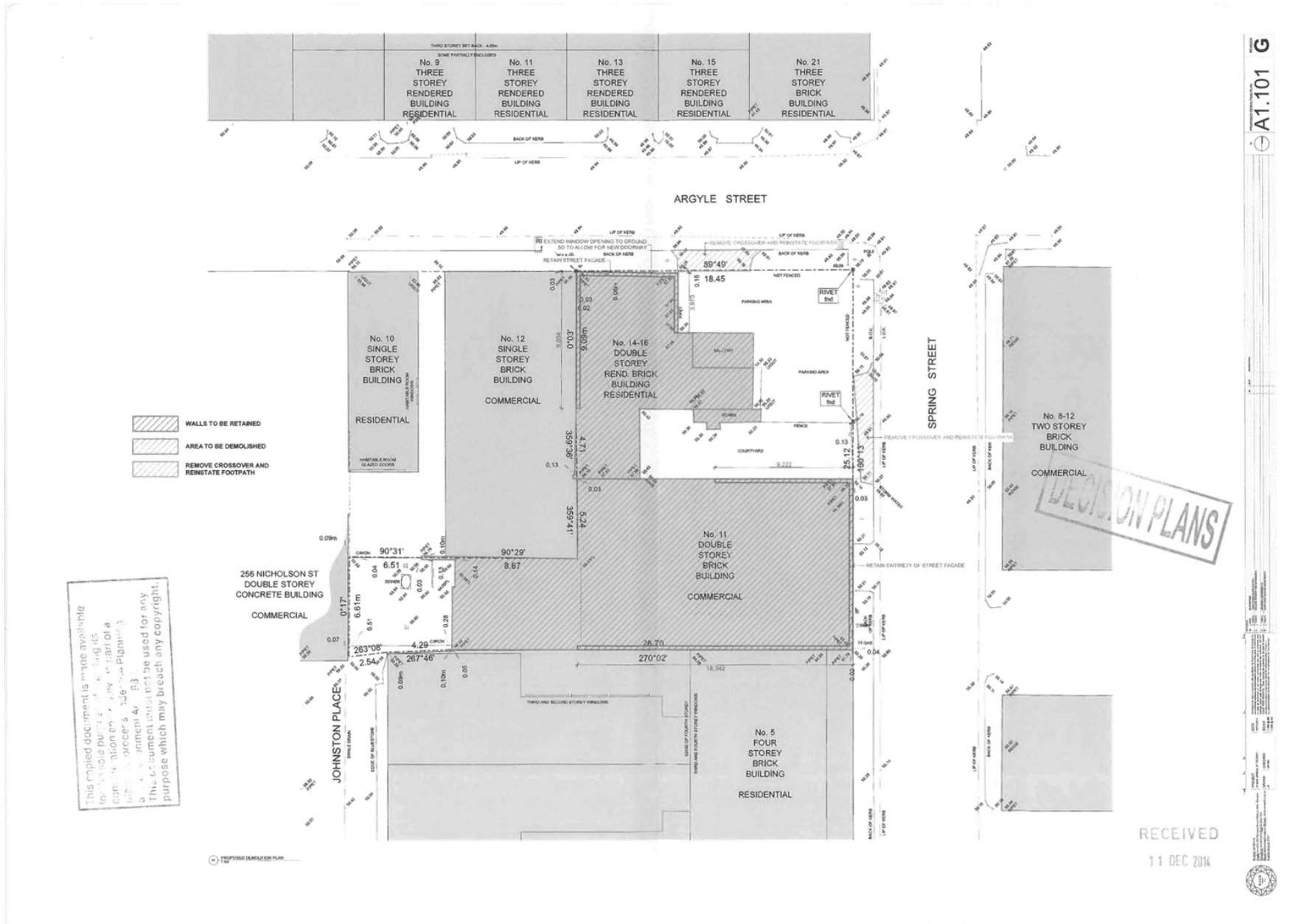
DECISION PLANS

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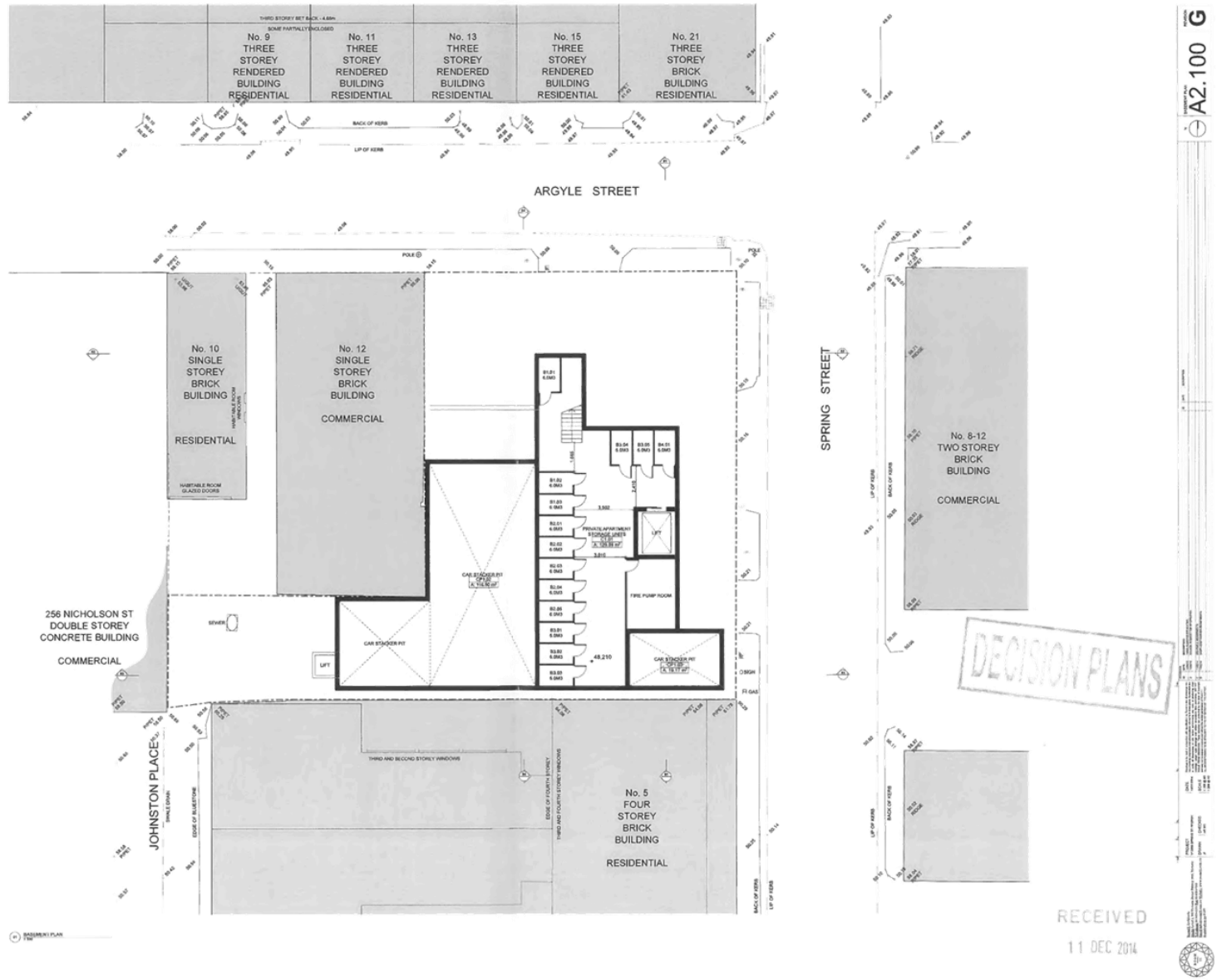


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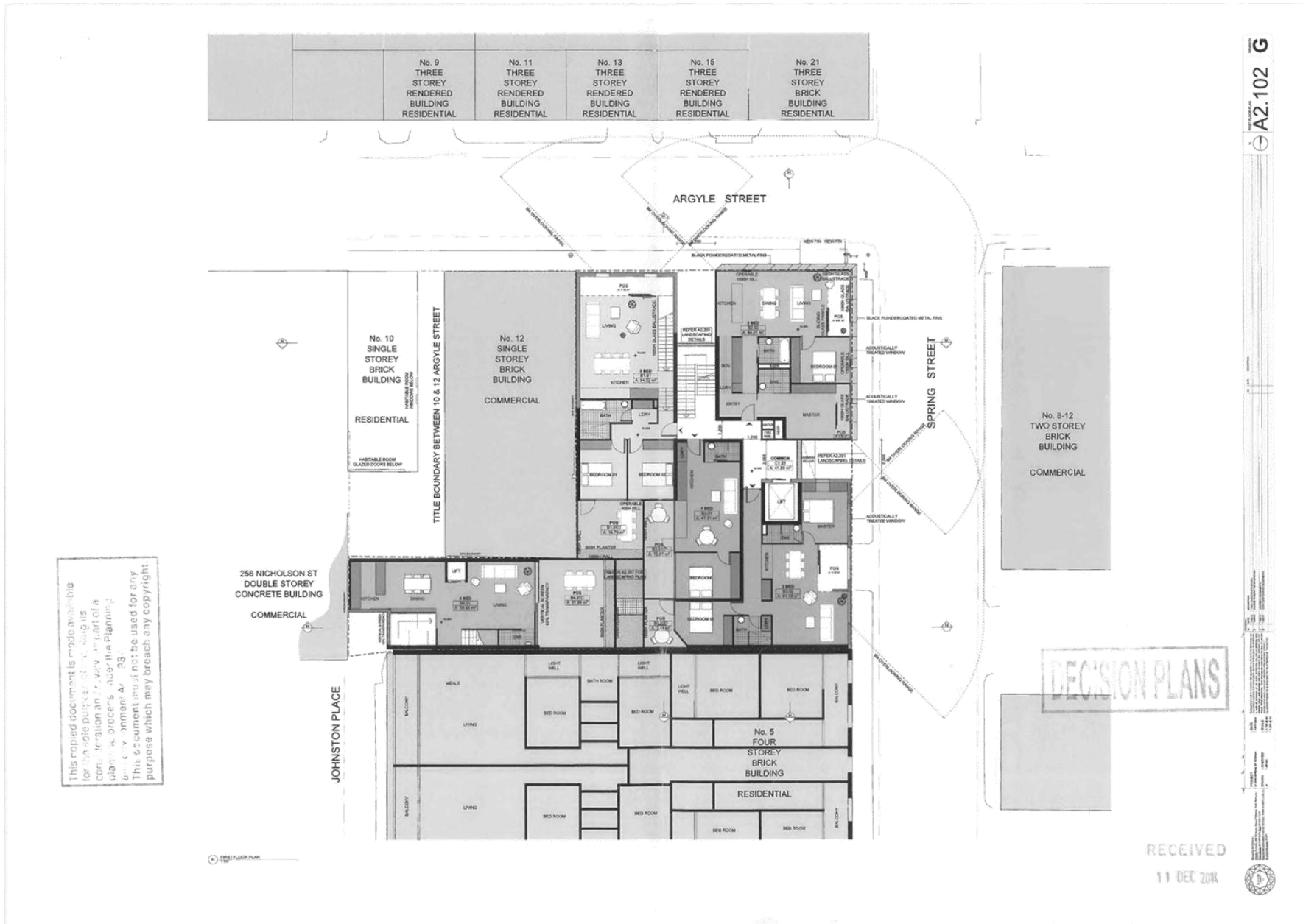


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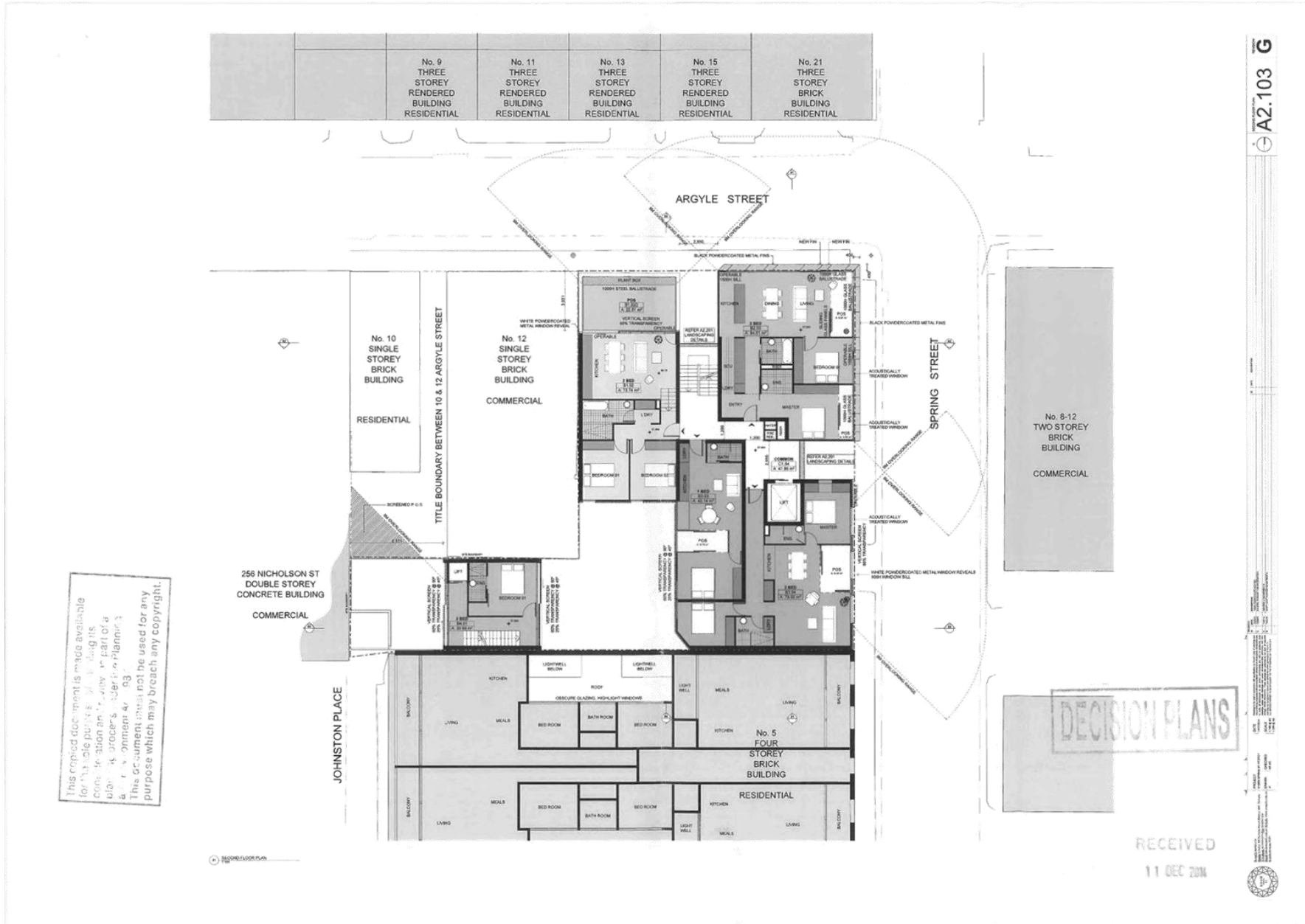
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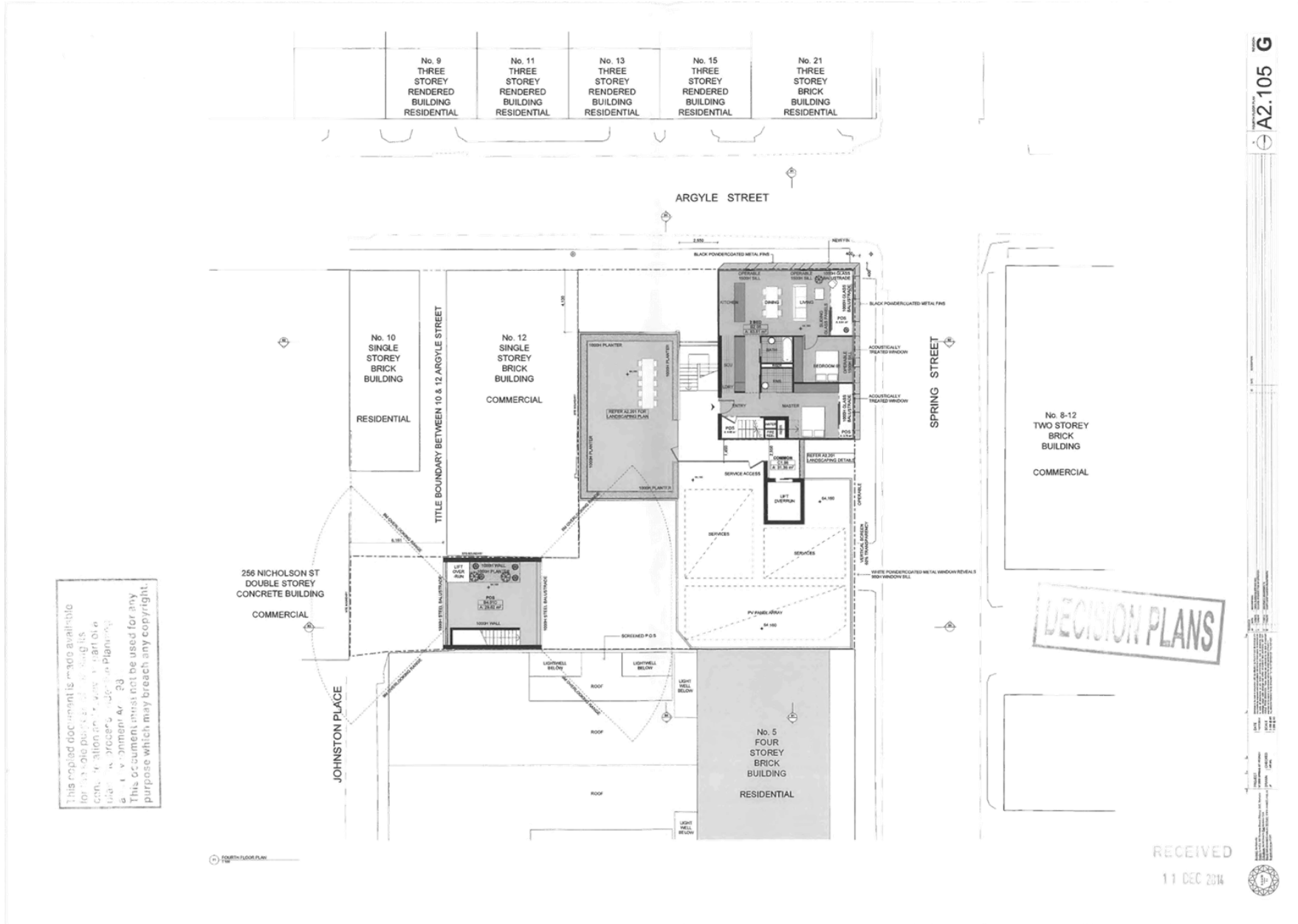
2 SECOND FLOOR PLAN

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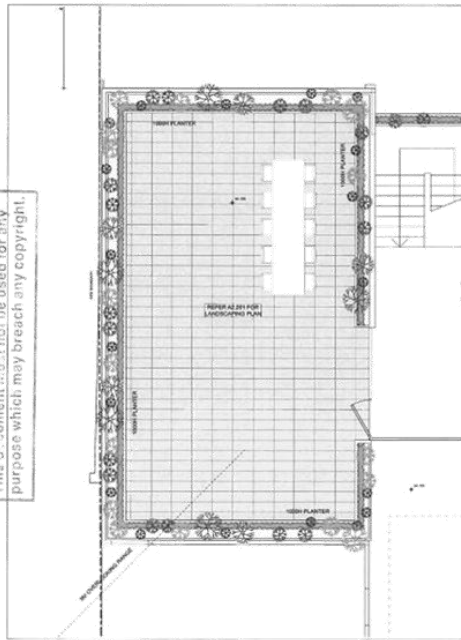
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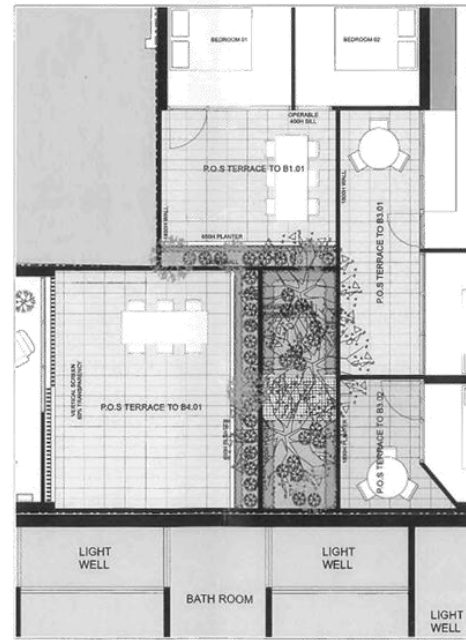
LEGEND

- PROPOSED TREE**
 - Acer palmatum 'Sango Kaku' (or similar) Supply Size - 2.0 x 2.0m, Mature Size - 6.0H x 4.0Wm
- PROPOSED TREE**
 - Magnolia grandiflora 'Kay Parris' Supply Size - 2.0 x 1.5m, Mature Size - 4.0 x 3.0m
- PROPOSED SHRUBS (as below or similar)**
 - Rhampholepis indica (Indian Hawthorne) 14cm pots, Mature Size - 1.5x2.0m
 - Syzygium Cascade (Cascade Lilly Pilly) 14cm pots, Mature Size - 2.0x1.5m
 - Syzygium australe Boomer (Aussie Boomer Lilly Pilly) 14cm pots, Mature Size - 2.0x1.5m
- PROPOSED GROUND-COVERS (as below or similar)**
 - Dianella caerulea (Cassia Blue) 14cm pots, Mature Size - 0.5 x 0.4m
 - Liriope Muscari (Lilyturf) 14cm pots, Mature Size - 0.5 x 0.4m
 - Dietes iridoides (African Iris) 14cm pots, Mature Size - 0.5 x 0.4m
- PROPOSED PAVED AREAS**

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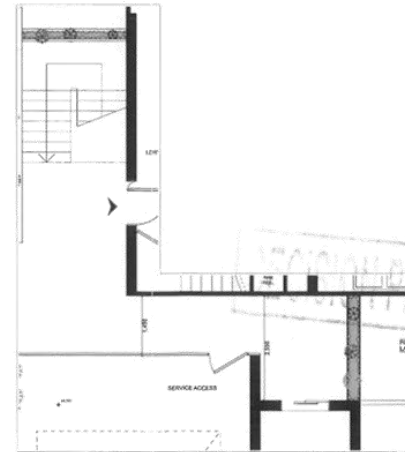
1 SITE PLAN



2 FLOOR LANDSCAPE PLAN



3 UPPER FLOOR LANDSCAPE PLAN

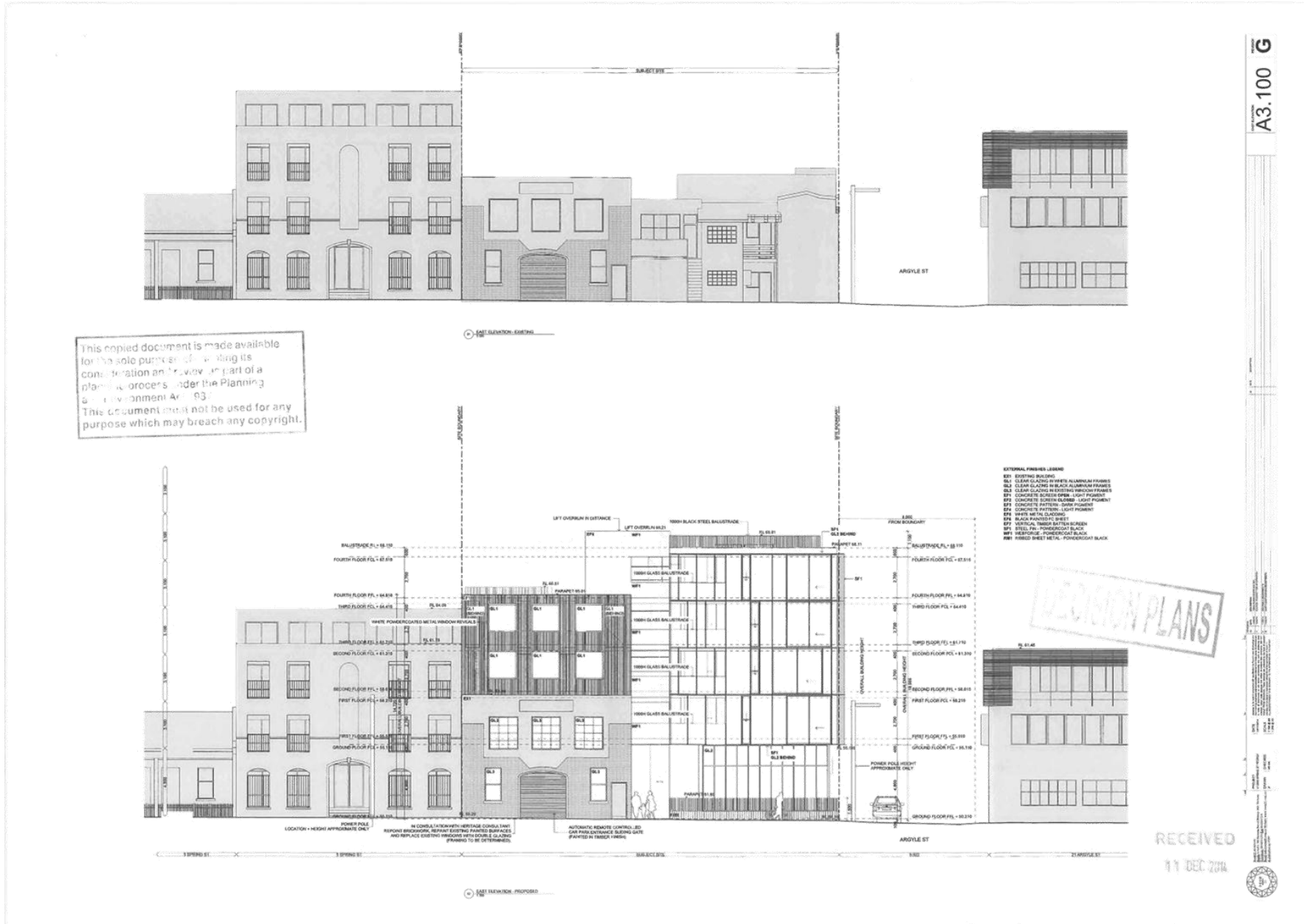


4 GROUND FLOOR LANDSCAPE PLAN

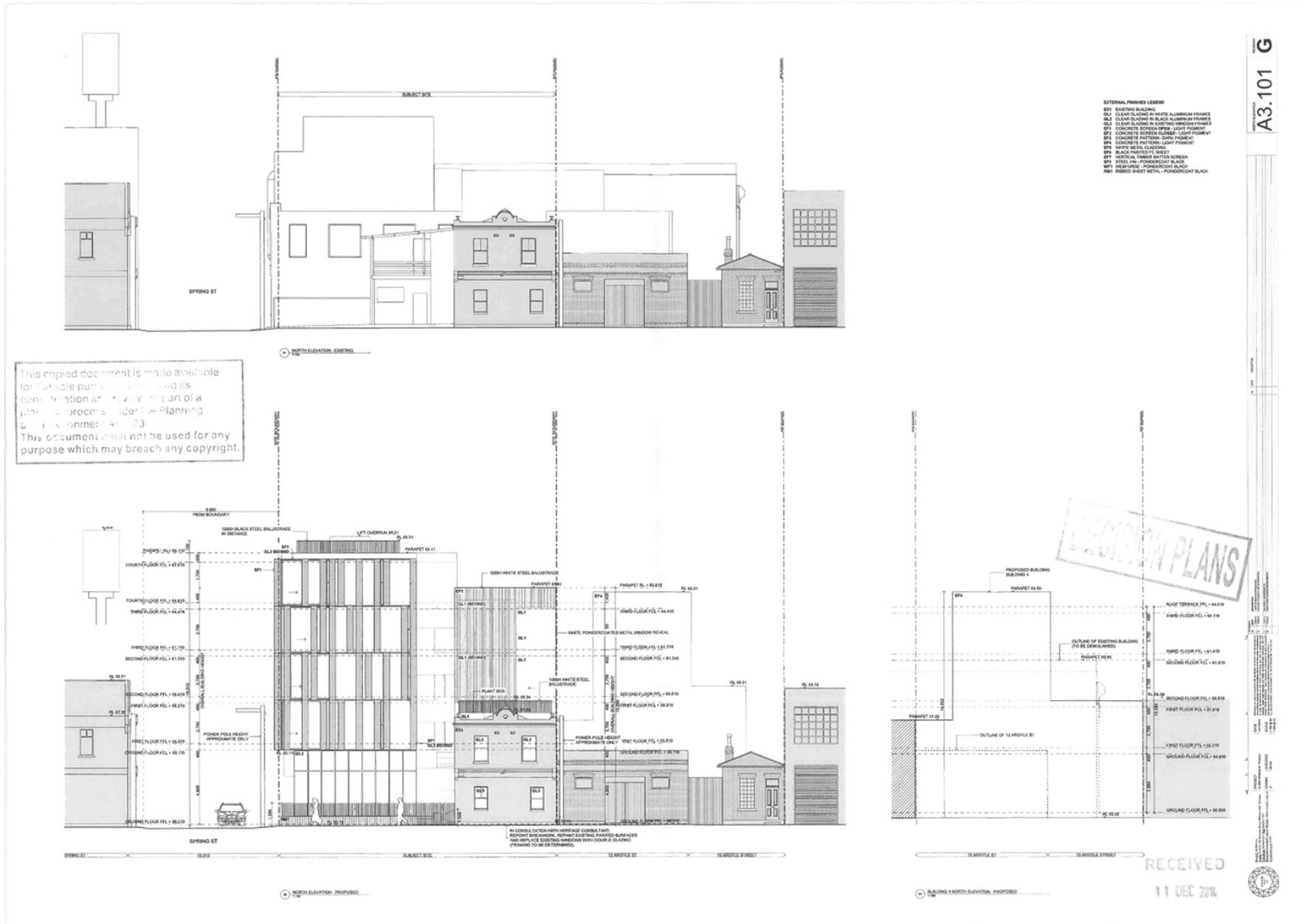
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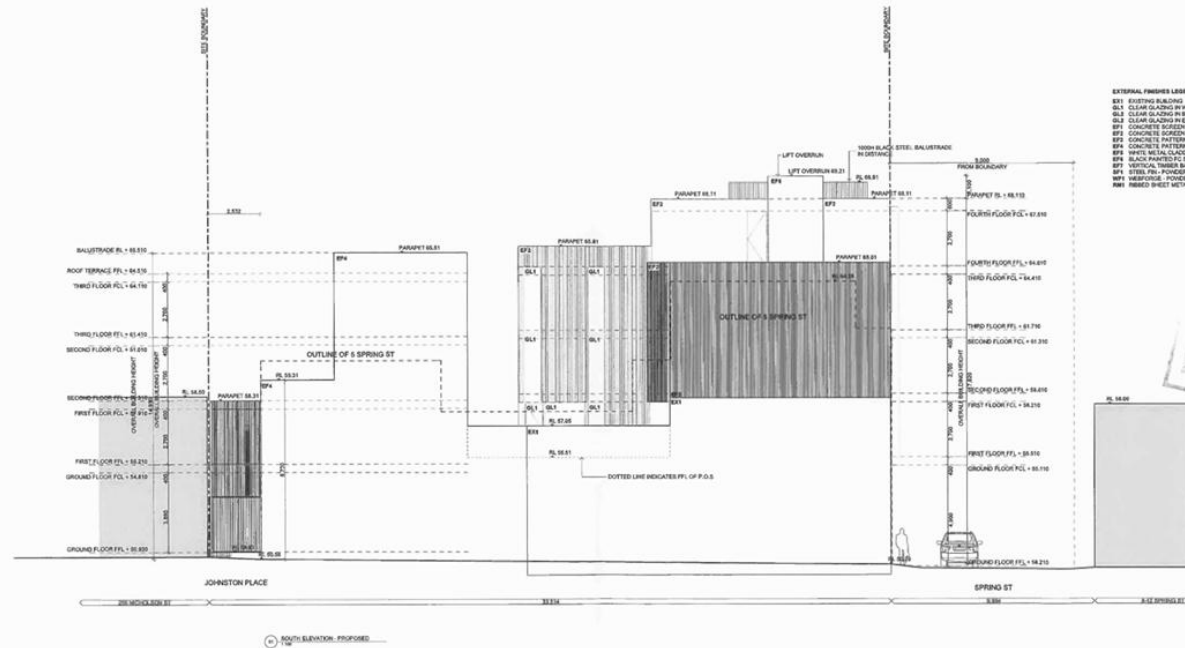
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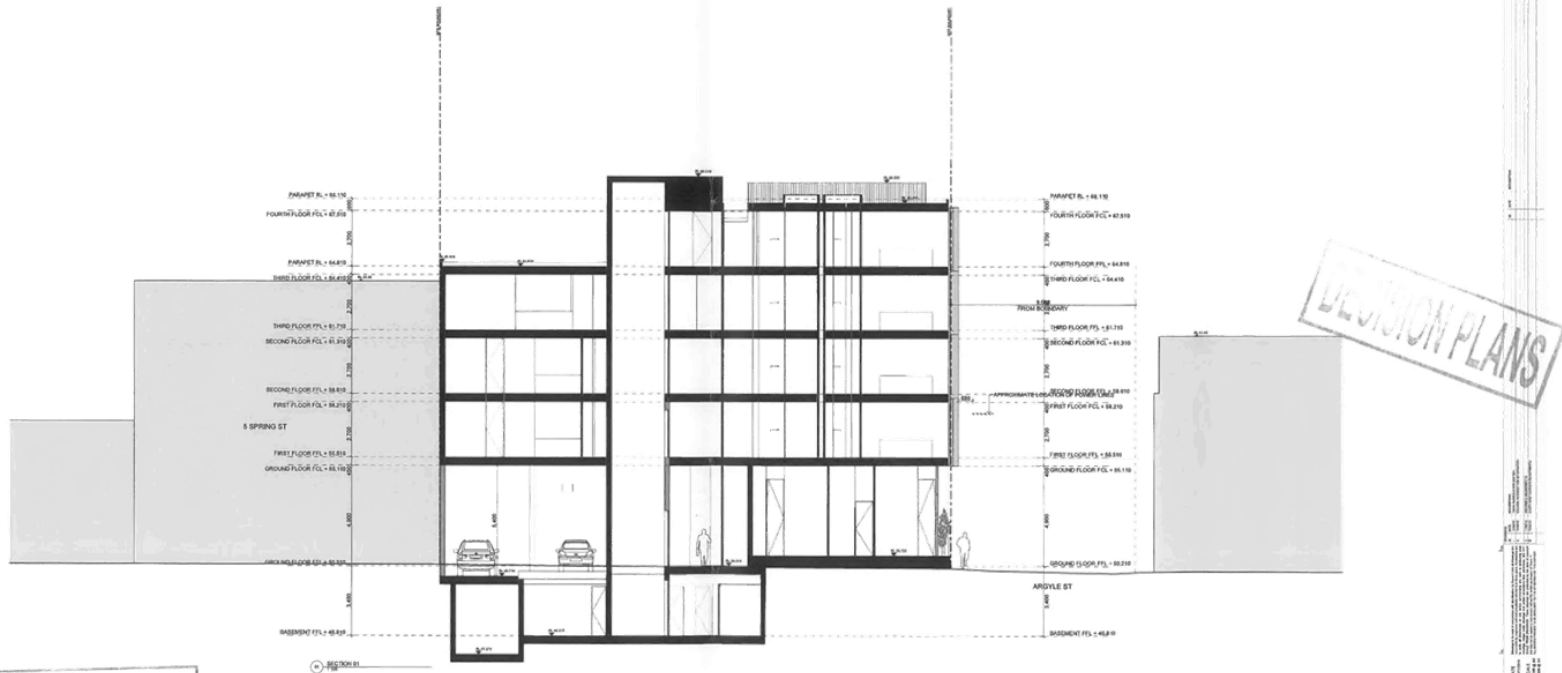
- EXTERNAL FINISHES LEGEND**
- EX1 EXISTING BUILDING
 - GL1 CLEAR GLAZING IN WHITE ALUMINIUM FRAMES
 - GL2 CLEAR GLAZING IN BLACK ALUMINIUM FRAMES
 - GL3 CLEAR GLAZING IN EXISTING WINDOW FRAMES
 - SP1 CONCRETE SCREEN OPEN - LIGHT PRIMER
 - SP2 CONCRETE SCREEN CLOSED - LIGHT PRIMER
 - SP3 CONCRETE PATTERNS - OVER PRIMER
 - SP4 CONCRETE PATTERNS - LIGHT PRIMER
 - SP5 METAL MESH CLADDING
 - BL1 BLACK PAINTED FL BRICK
 - SP6 METAL MESH WITH SCREEN
 - SP7 METAL MESH WITH SCREEN
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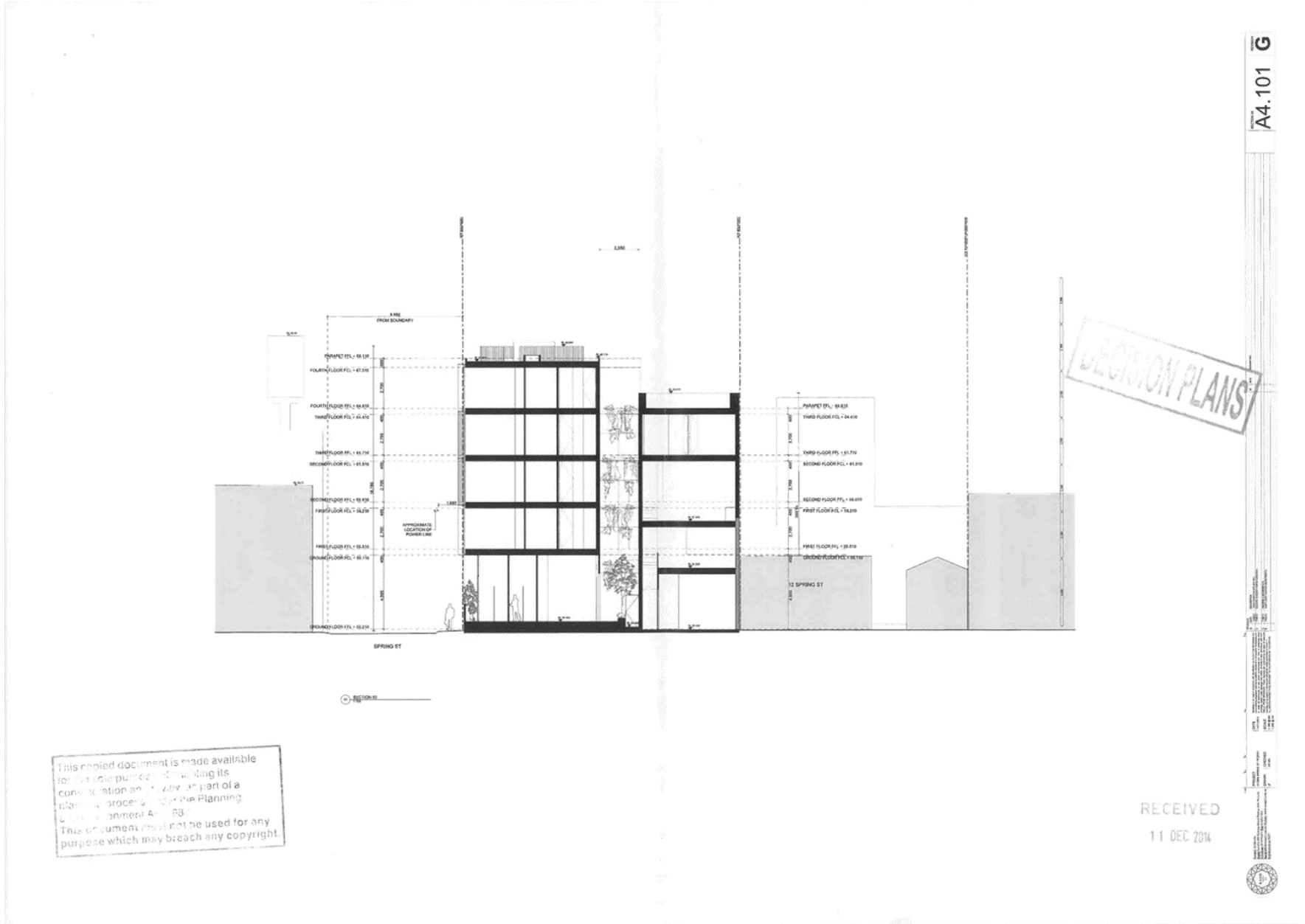
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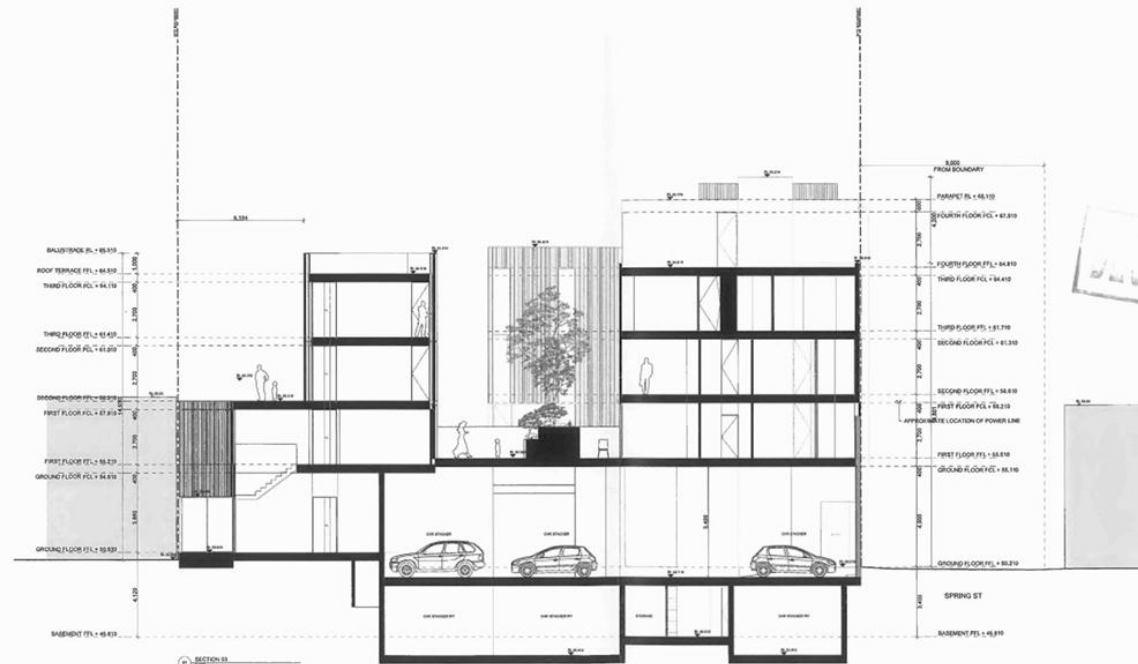
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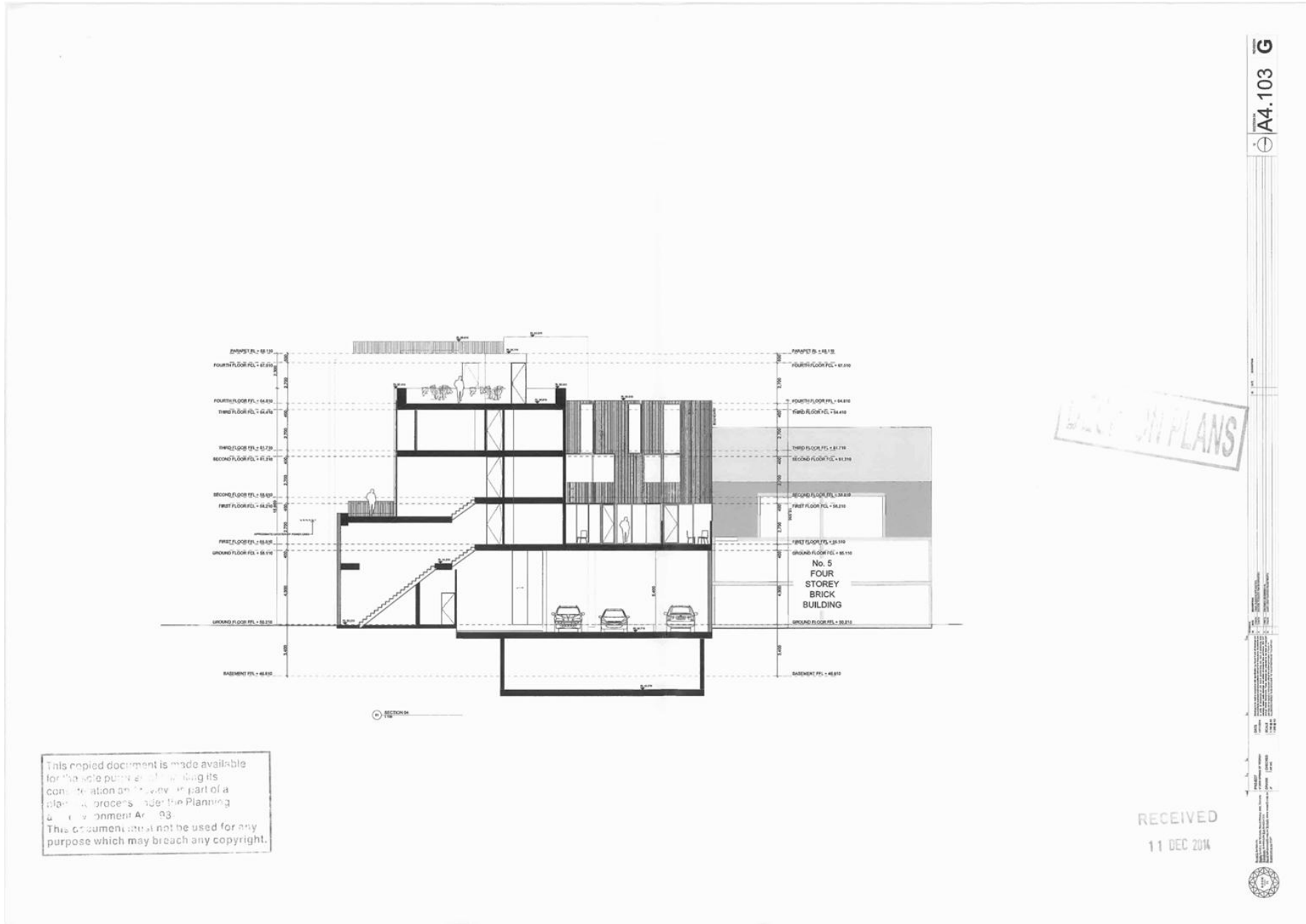
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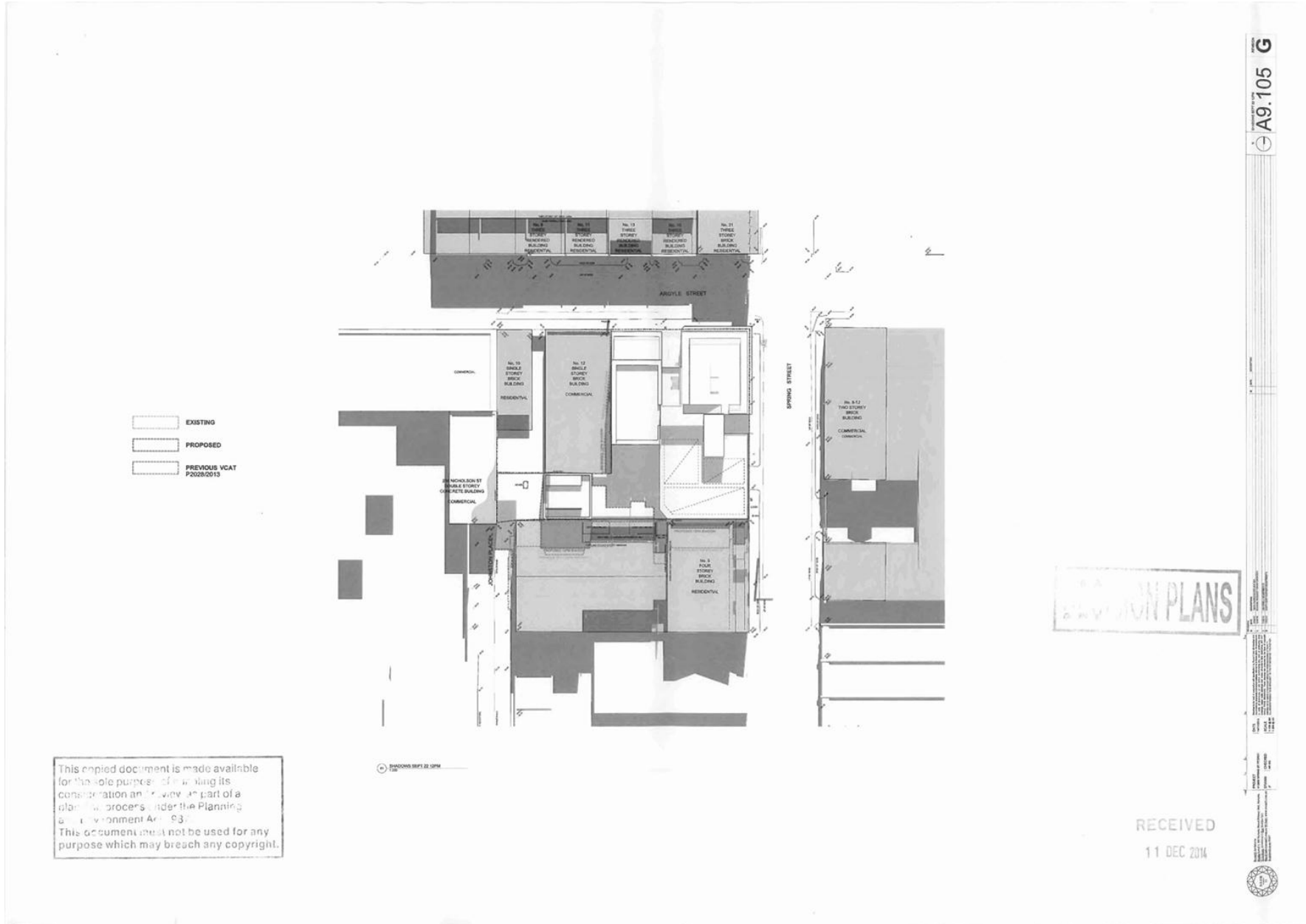


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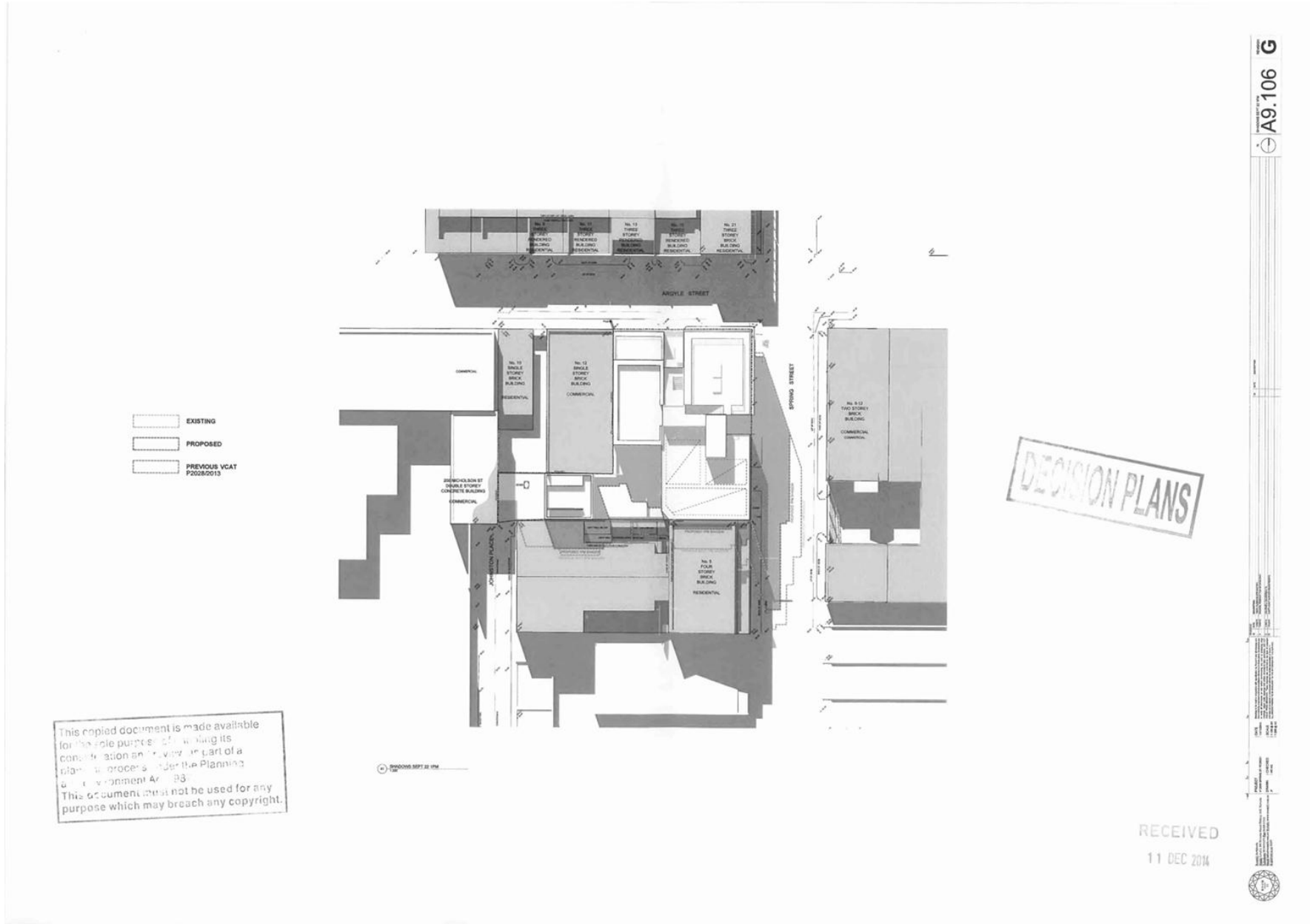
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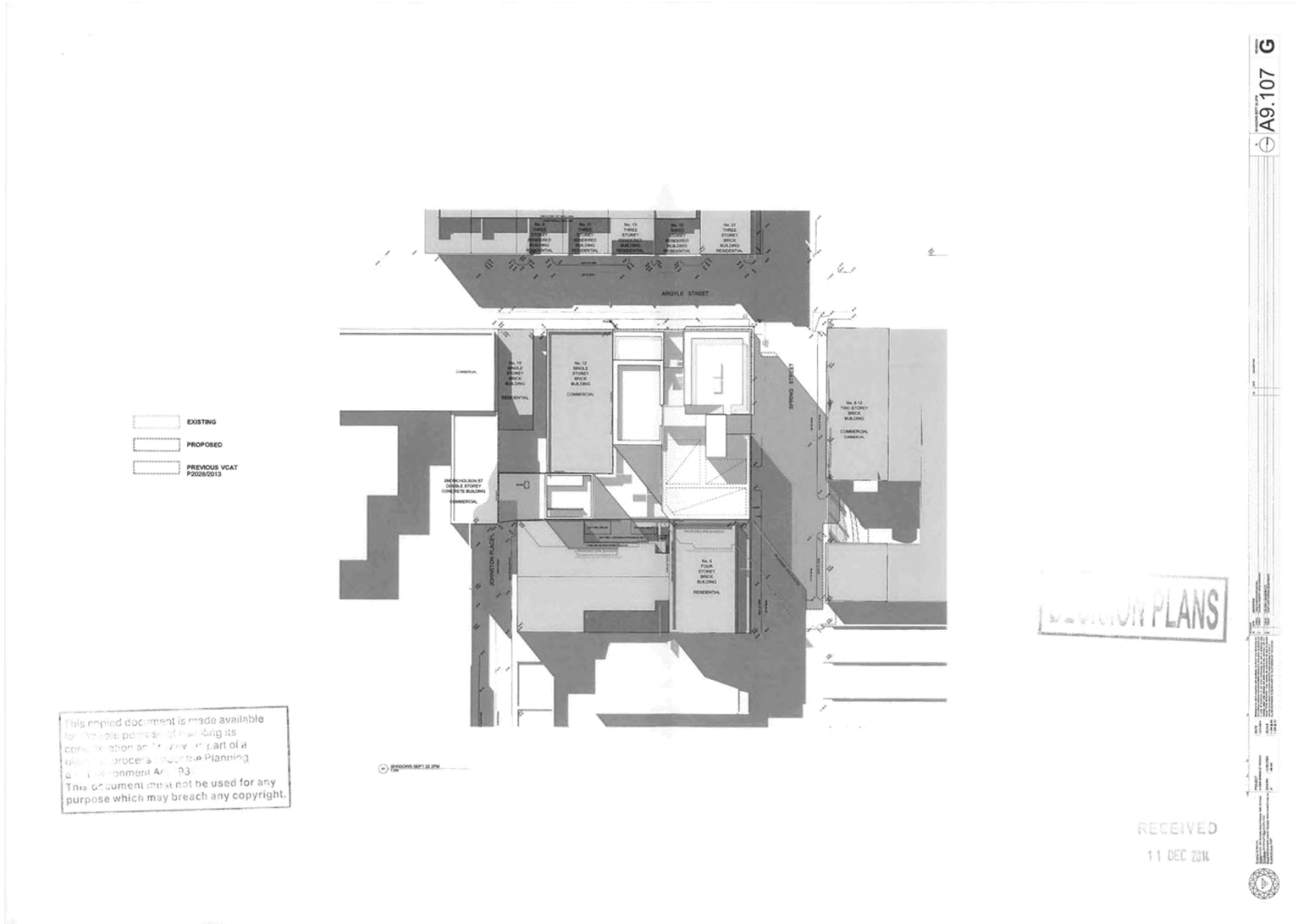
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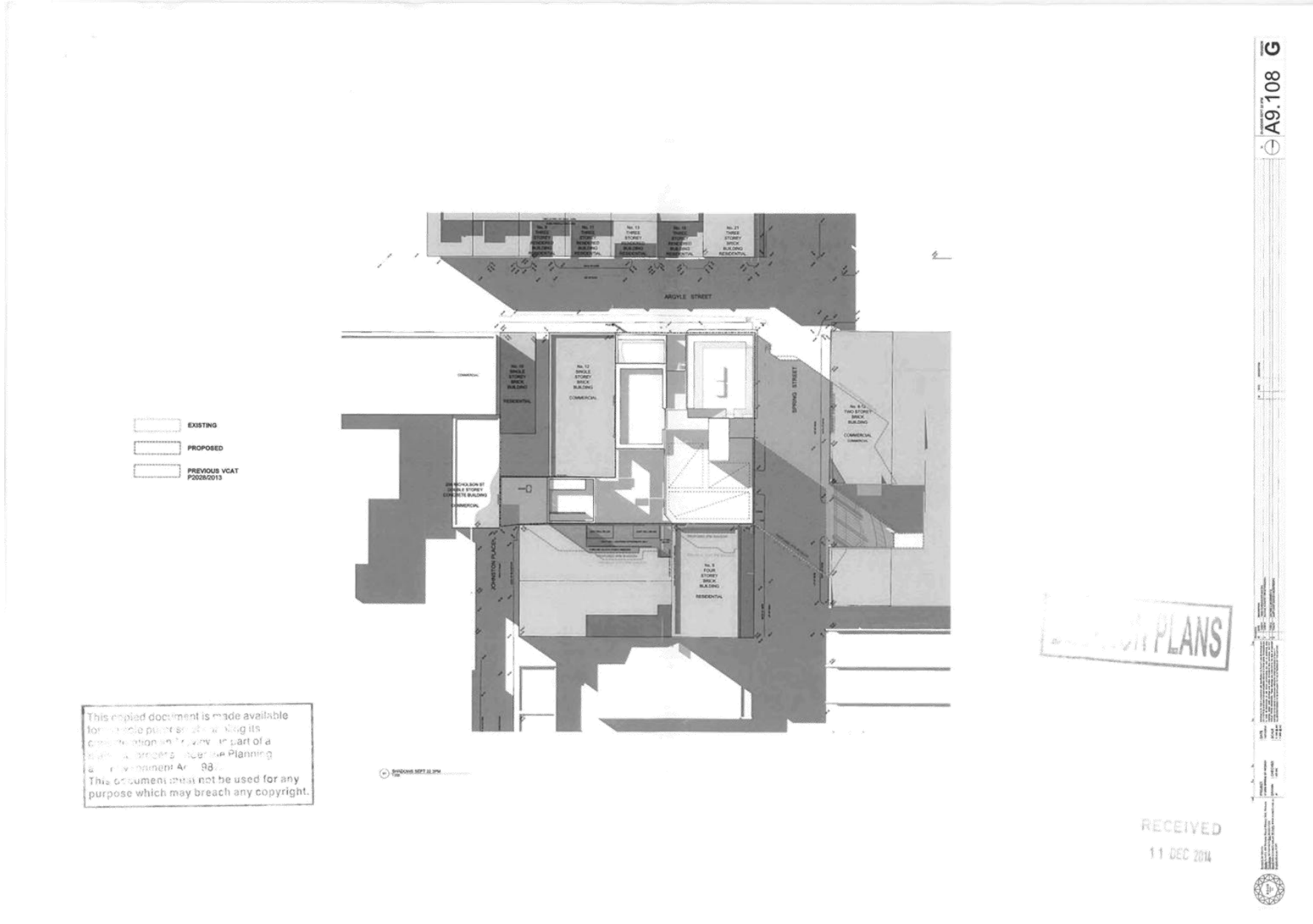
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1.2 PLN14/1166 - 13-29 Nelson Street, Abbotsford - Use of the land as a warehouse (vehicle storage), construction of a double-storey building and the construction and display of advertising signage.

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application PLN14/1166 at 13-29 Nelson Street, Abbotsford and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Strategic support (Clauses 11.02-1, 17.01-1, 18, 21.04 and 21.06)
 - (b) Built form (Clauses 15.01-1, 15.01-2 and 22.07)
 - (c) Advertising Signs (Clauses 22.04, 52.05)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Land use;
 - (b) Urban form, character and context;
 - (c) Off-site amenity;
 - (d) Advertising Signs;
 - (e) Other matters;
 - (f) Objector concerns.

Objector Concerns

4. A total of fifteen objections were received to the application, however three of these objections were subsequently withdrawn, resulting in twelve objections. These can be summarised as:
 - (a) Loss of access via the carriageway easement;
 - (b) Addition of crossovers on Cooke and Fairchild Streets, resulting in increased traffic in both streets and loss of on-street car parking spaces;
 - (c) Safety impacts caused by increased truck traffic in Cooke and Fairchild Streets;
 - (d) Potential impacts on access for emergency vehicles;
 - (e) Noise impacts;
 - (f) Excessive height of building;
 - (g) Does not respect the adjacent heritage overlay;
 - (h) The advertising signage is too large;
 - (i) Off-site amenity impacts (overshadowing, loss of open space).

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

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

1.2 PLN14/1166 - 13-29 Nelson Street, Abbotsford

Trim Record Number: D15/70585
 Responsible Officer: Coordinator Statutory Planning

Proposal: Use of the land as a warehouse (vehicle storage), construction of a double-storey building and the construction and display of advertising signage.

Existing use: Car Park

Applicant: Man with a Van

Zoning / Overlays: Industrial 3 Zone/No Overlays

Date of Application: 12 December 2014

Application Number: PLN14/1166

Planning History

1. There is no planning history for this site.

Background

2. The application was lodged on 12 December 2014 and advertised in the same month. A total of eight objections were received. A consultation meeting was held on 24 February 2015 and was attended by representatives of the applicant, objectors and Council planning officers.
3. Following the consultation meeting and the receipt of referral comments from Council's Engineers, the applicant submitted amended plans under Section 57A of the *Planning and Environment Act 1987* (the Act) on 30 March 2015. These plans included the following modifications to the proposal;
 - (a) The proposed crossovers on Fairchild Street and Cooke Street were relocated further to the north, closer to Nelson Street.
 - (b) Two existing crossovers on Nelson Street were deleted to provide additional on-street car parking spaces.
 - (c) An existing street tree on Fairchild Street is to be relocated further to the south in order to provide the vehicle crossing on this boundary.
 - (d) The on-site car parking spaces were relocated from the northern side of the site to the southern side of the site.
 - (e) The location of the proposed warehouse and bicycle parking was swapped, with the warehouse relocated to the northern side of the site and the bicycle parking spaces along the site's southern boundary.
 - (f) The width of the crossover adjacent to the southern boundary increased, with a splay provided in order to facilitate vehicle movements into the adjacent laneway.
4. The amended plans were readvertised and an additional seven objections were received, however three of the original objections were withdrawn. This results in a total number of objections of twelve.
5. It was noted at this stage that the statutory car parking rate associated with a 'store' had been incorrectly calculated, with one additional car parking space required on site in order to ensure that a planning permit was not necessary to reduce this requirement. On this basis, a second Section 57A Amendment was lodged by the applicant on 19 May 2015. This amendment included one additional car parking space within the site. The amendment was formally exempted from re-advertising at a Development Assessment Panel on 26 May 2015. A copy of the amended plans was circulated to all objectors prior to this meeting.

6. An amended existing conditions/demolition plan was also submitted on 1 June 2015. This plan altered the two crossovers that will be retained on Nelson Street, with the eastern-most and western-most crossovers to be reinstated as footpath and kerb. As this amended plan is consistent with the details demonstrated on the proposed site plan (with regards to which crossovers are remaining and which are being removed), the amended plan was not circulated prior to the meeting.

Existing Conditions

Subject Site

7. The subject site is located on the southern side of Nelson Street, between Fairchild Street and Cooke Street, Abbotsford. The site has a street frontage to Nelson Street of 59m and a site depth of 20m, yielding an overall site area of approximately 1180sqm. The site is surrounded by high wire fencing and is utilised for car parking. The car park is not associated with any other surrounding use. Four vehicle crossovers on the northern boundary and one on the southern boundary provide access to the site.
8. A 3.05m wide carriageway easement (noted on the certificate of title as E-1) is located in the centre of the site, extending from the northern boundary to the southern boundary and providing vehicle access from Nelson Street to the laneway adjacent to the site's southern boundary. The site is formally known as Lot 1 on Title Plan 595478H.

Surrounding Land

9. The immediate neighbourhood contains a mixture of industrial, commercial and residential uses, with corresponding differences in the design, height and massing of surrounding built form.
10. Immediately to the west of the site, on the opposite side of Fairchild Street, is an at-grade car park surrounded by high wire fencing, similar in appearance to the subject site. A Notice of Decision to Grant a Planning Permit was issued for this site on 29 May 2015, with this proposal seeking development of the land for a triple-storey building, use of the land as an office and construction and display of advertising signs for the 'Man with a Van' business. This site is also located within the Industrial 3 Zone.
11. To the north of the site is the Carlton and United Brewery complex, with this complex substantial in scale and height and located within an Industrial 1 Zone. The brick building directly to the north is between three and four storeys in height, with a number of roller doors and vehicle entrances located within the Nelson Street interface.
12. To the south of the site is a 3.8m wide nature strip, with this area covered in tanbark and containing a number of trees. A low steel post and rail fence separates this nature strip from a 3.2m wide laneway, further to the south. On the southern side of this land are single-storey dwellings, with these dwellings addressing Fairchild Street and Cooke Street. This land is located within the Neighbourhood Residential Zone.
13. To the east of the site is a third at-grade car park, also located within the Industrial 3 Zone.
14. The site is located within proximity to the following
 - (a) 100m to the north of the Victoria Street Major Activity Centre (MAC) and associated tram routes 12 and 109;
 - (b) 100m to the north-east of Church Street and tram routes 78 and 79;
 - (c) 800m to the east of the Collingwood Train Station;
 - (d) 200m to the south of the Yarra River.

The Proposal

Use

15. The site will be used for vehicle storage for the 'Man with a Van' removalist company.
16. The site will operate from 7am to 7pm, Monday to Sunday.
17. A maximum of 30 employees will have access to the site at any time.

Buildings and works

18. A warehouse style building will be constructed on the western side of the site, and will directly abut the north and west boundaries. The warehouse will be a maximum height of 7.5m, with a slightly pitched roof form and will be composed of cladding. The eastern and western sides of this building will be open, with a 2.9m high wire fence and gate extending along the site's western boundary and connected to either end of the warehouse.

Car parking/bicycle parking

19. Nine car parking spaces and 22 bicycle parking spaces will be provided on-site.

Signage

20. One sign is proposed. The sign will display the name 'Man with a Van' and will be located on the northern side of the warehouse building. The advertising area of the sign will be 26.4sqm.

Crossovers/street trees

21. Two new crossovers are proposed; one on the western boundary and one on the eastern boundary. The western crossover will provide direct vehicle access into the warehouse building.
22. The width of the crossover adjacent to the southern boundary (at the southern end of the carriageway easement) will be increased, with a splay provided in order to facilitate vehicle movements into the adjacent laneway.
23. Two of the existing crossovers on Nelson Street will be removed (the eastern-most and western-most crossovers), with kerb and footpaths reinstated in these locations. The two central crossovers on Nelson Street will remain. All of the existing wire fencing surrounding the site will be removed and reinstated and the car park will be resurfaced with new bitumen. Gates are proposed at either end of the central carriageway easement.
24. A street tree (*Tristaniopsis Laurina*) on Fairchild Street (western boundary) is to be relocated further to the south in order to provide the vehicle crossing. A new street tree of the same species will be located along the northern boundary. The demolition plan indicates that a street tree on the eastern boundary will be relocated; however the proposed site plans indicate that this tree will remain in its current location. A condition will be added to the permit to ensure consistency with these details.

Planning Scheme Provisions

Zoning

Industrial 3 Zone

25. The purpose of the zone is as follows;
 - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- (b) *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- (c) *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- (d) *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
- (e) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

- 26. Pursuant to clause 33.03-1 of the Yarra Planning Scheme (the Scheme) a planning permit is required to use the site as a warehouse (vehicle storage).
- 27. Pursuant to clause 33.03-4 of the Scheme, a planning permit is required to construct a building.
- 28. Pursuant to 33.03-5 of the Scheme, advertising sign requirements are at Clause 52.05. This zone is in Category 2.

Overlay

- 29. N/A

Particular Provisions

Clause 52.05 – Advertising Signs

- 30. The purpose of this clause is;
 - (a) *To regulate the display of signs and associated structures.*
 - (b) *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
 - (c) *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
 - (d) *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*
- 31. The site is located in an Industrial 3 Zone, in which advertising signage falls within Category 2 – Office and industrial areas under Clause 52.05-8 of the Scheme. This Category indicates “*low limitation*”, with the purpose: *to provide for adequate identification signs and signs that are appropriate to office and industrial areas.*
- 32. The proposal includes a business identification sign, which is also a panel sign due to its size (above 10sqm).
- 33. Pursuant to this clause, a business identification sign requires a permit if the total advertisement area of all signs exceeds 8sqm. The advertising area is 26.4sqm, ensuring that a planning permit is required. A panel sign also requires a permit in accordance with the clause.

Clause 52.06 – Car Parking

- 34. Pursuant to clause 52.06-2 of the Scheme, 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.
- 35. In this instance the entire site, with an area of 1180sqm, will be devoted to vehicle storage.

36. According to the table at clause 52.06-5 of the Scheme, 10% of the site area should be provided for car parking. This equates to a total requirement of 118sqm. Nine car parking spaces will be provided; with this area equating to approximately 120sqm of land area. On this basis, the statutory car parking requirement is met.

Clause 52.07 – Loading and unloading of vehicles

37. The purpose of this clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. Adequate space is provided within the warehouse building for this requirement.

Clause 52.34 – Bicycle Facilities

38. 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.
39. Table 1 to Clause 52.34-3 does not specify a bicycle parking rate for either a warehouse or store, resulting in no statutory requirement to provide bicycle parking on the land. However, a total of 22 bicycle parking spaces will be provided.

General Provisions

Clause 65 – Decision Guideline

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

State Planning Policy Framework (SPPF) Provisions

41. Of relevance to this proposal are the following.

Clause 11 Settlement

42. *Planning is to recognise the need for, and as far as practicable contribute towards (as relevant);*

- (a) *Diversity of choice.*
- (b) *Adaptation in response to changing technology.*
- (c) *Economic viability*
- (d) *A high standard of urban design and amenity.*
- (e) *Energy efficiency.*
- (f) *Accessibility*
- (g) *Land use and transport integration*

43. *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.02-1 Supply of urban land

44. The objective of this clause is *to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
45. In particular, *planning for urban growth should consider:*

- (a) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*

Clause 11.04-1 Delivering jobs and investment

- 46. The objective of this clause is *to create a city structure that drives productivity, supports investment through certainty and creates more jobs.*
- 47. The following strategies are relevant to achieve this;
 - (a) *Define a new city structure to deliver an integrated land use and transport strategy for Melbourne's changing economy.*
 - (b) *Strengthen the competitiveness of Melbourne's employment land.*
 - (c) *Plan for jobs closer to where people live.*

Clause 13.04-1 Noise abatement

- 48. The objective of this clause is *to assist the control of noise effects on sensitive land uses, by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 15.01 Built Environment and Heritage: Urban environment

- 49. Planning should achieve high quality urban design and architecture that:
 - (a) *Contributes positively to local urban character and sense of place.*
 - (b) *Reflects the particular characteristics, aspirations and cultural identity of the community.*
 - (c) *Enhances liveability, diversity, amenity and safety of the public realm.*
 - (d) *Minimises detrimental impact on neighbouring properties.*

Clause 15.01-1 Urban design

- 50. The objective is *to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 Urban design principle

- 51. The objective is *to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
- 52. The strategy to achieve this is to apply the following design principles to development proposals for non-residential development. The design principles relevant to this application are the following:

Context

- (a) *Development must take into account the natural, cultural and strategic context of its location.*
- (b) *Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.*
- (c) *A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*

The public realm

- (d) *The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.*

Safety

- (e) *New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*

Landmarks, views and vistas

- (f) *Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.*

Consolidation of sites and empty site

- (g) *New development should contribute to the complexity and diversity of the built environment.*
- (h) *Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.*
- (i) *The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.*

Energy and resource efficiency

- (j) *All building, subdivision and engineering works should include efficient use of resources and energy efficiency.*

Architectural quality

- (k) *New development should achieve high standards in architecture and urban design.*
- (l) *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

Clause 15.01-4 Design for safety

- 53. *The objective of this clause is to improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.02-1 Sustainable development: Energy and resource efficiency

- 54. *The objective is to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 17.01-1 Business

- 55. *The objective of this Clause is to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 18.01-1 Integrated Transport: Land use and transport planning

- 56. *It is an objective to create a safe and sustainable transport system by integrating land-use and transport.*

Clause 18.02-1 Sustainable personal transport

- 57. *The objective of this clause is to promote the use of sustainable personal transport, with the following strategies*

- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- (b) *Ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*

Local Planning Policy Framework (LPPF)
Municipal Strategic Statement (MSS)

58. The most relevant MSS provisions relating to this application are the following:

Clause 21.04-3 Industry, office and commercial

59. The relevant objective is *to increase the number and diversity of local employment opportunities*

Clause 21.05-2 Urban Design

60. This Clause incorporates the following relevant objectives and strategies;

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.05-3 Built Form Character

61. This clause encourages new development to respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. The subject site is located within a 'non-residential' area as demonstrated within *Figure 22 – Built form character map: North Richmond*.

62. Relevant objectives and strategies include;

- (a) *Objective 27: To improve the interface of development with the street in non-residential areas.*
- (b) *Strategy 27.1: Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
- (c) *Strategy 27.2: Require new development to integrate with the public street system.*

Clause 21.05-4 Public environment

- (d) *Objective 29: To ensure that advertising signage contributes positively to Yarra.*
- (e) *Strategy 29.1: Apply the Advertising Signs Policy at clause 22.04.*

Clause 21.06 Transport

63. *This Clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.*

- (a) *Objective 30: To provide safe and convenient bicycle environments.*
- (b) *Objective 32: To reduce the reliance on the private motor car.*
- (c) *Objective 33: To reduce the impact of traffic.*
- (d) *Strategy 33.1: Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07 Environmental Sustainability

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

Clause 21.08 Neighbourhoods

65. The subject site is located within the neighbourhood of Abbotsford; in accordance with Clause 21.08-1 of the Scheme. This clause notes;
66. *Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River. There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.*

Relevant Local Policies

Clause 22.04 Advertising Signs Policy

67. This policy applies to all permit applications for advertising signs or for development which incorporates an advertising sign with the following objectives:
- (a) *To allow for the promotion of goods and services.*
 - (b) *To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.*
 - (c) *To minimise visual clutter.*
 - (d) *To ensure that signs are not the dominant element in the streetscape.*
 - (e) *To protect and enhance the character and integrity of places of heritage significance.*
 - (f) *To protect major view corridors and vistas.*
 - (g) *To maintain vehicular and pedestrian safety.*

Clause 22.05 Interface Uses Policy

68. This policy applies to applications for use or development within Industrial Zones (amongst others) and comprises various considerations and decision guidelines for non-residential use and development located near residential properties relating to overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the amenity of nearby residential properties.

Clause 22.07 Development Abutting Laneways

69. The objectives of this clause are;
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
 - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
 - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
 - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 Built Form and Design Policy

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

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

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

- (a) *Urban form and character;*
- (b) *Setbacks and building heights;*
- (c) *Street and public space quality; and*
- (d) *Environmental sustainability.*

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

72. This policy applies to (as relevant) new buildings. The objectives of this clause are;

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
 - (i) *Suspended Solids - 80% retention of typical urban annual load*
 - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
 - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
 - (iv) *Litter - 70% reduction of typical urban annual load*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
- (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
- (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.*

Other Documents

Amendment C133

73. Council has prepared a new local policy to consider environmentally sustainable design. Amendment C133 is currently on exhibition until Monday 29th April 2013, and proposes to introduce Clause 22.17 – Environmentally Efficient Design into the Scheme. The Amendment will also update Clause 21.07-1 – Ecologically sustainable development by introducing a new strategy.

74. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the SPPF and the MSS. The policy requires applications to be considered against the following objectives (where applicable):

- (a) *Energy efficiency;*
- (b) *Water resources;*
- (c) *Indoor environment quality;*
- (d) *Stormwater management;*

- (e) *Transport;*
- (f) *Waste management;*
- (g) *Innovation; and*
- (h) *Urban ecology.*

75. In determining an application, the Responsible Authority will consider as appropriate
- (a) *How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.*
 - (b) *How the development considers:*
 - (i) *Best practice principles;*
 - (ii) *Innovation;*
 - (iii) *Use of emerging and proven technology; and*
 - (iv) *Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s)*
 - (v) *Any relevant adopted policies.*

Advertising

76. The application was originally advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 27 letters sent to the surrounding property owners/occupiers and by four signs displayed on site.
77. A total of eight objections were received to the original application, with the following issues raised;
- (a) Loss of access via the carriageway easement;
 - (b) Addition of crossovers on Cooke and Fairchild Streets, resulting in increased traffic in both streets and loss of on-street car parking spaces;
 - (c) Safety impacts caused by increased truck traffic in Cooke and Fairchild Streets;
 - (d) Potential impacts on access for emergency vehicles;
 - (e) Noise impacts;
 - (f) Excessive height of building;
 - (g) Does not respect the adjacent heritage overlay;
 - (h) The advertising signage is too large;
 - (i) Off-site amenity impacts (overshadowing, loss of open space).
78. A consultation meeting was held on 24 February 2015 and was attended by representatives of the applicant, objectors and Council planning officers.
79. Following the consultation meeting and the receipt of referral comments from Council's Engineers, the applicant submitted amended plans under Section 57A of the Act on 30 March 2015.
80. The amended plans were re-advertised and an additional seven objections were received, however three of the original objections were withdrawn. This results in a total number of objections of twelve.
81. The grounds of objections raised were consistent with those originally received and will be considered and addressed where possible throughout the following assessment.
82. A second Section 57A amendment was lodged by the applicant on 19 May 2015. This amendment included one additional car parking space within the site. The amendment was formally exempted from re-advertising at a Development Assessment Panel on 26 May 2015.

Referrals

External Referrals

83. The application was not required to be referred (or notice given) to any referral authorities under clause 66 of the Yarra Planning Scheme.

Internal Referrals

Engineering Services Unit

84. The original plans (received by Council on 12 December 2014) were referred to Council's Engineers. The following comments were received.

Access Arrangements and Internal Layout

- (a) *A site inspection of the property's Fairchild Street road frontage confirms that there is an established tree within the area for the proposed vehicle crossing. The matter was discussed with Council's Open Space unit who do not support the removal of this tree.*
- (b) *The provision of new vehicle crossings on Fairchild Street and Cooke Street are not supported since these two streets are primarily residential streets. Fairchild Street has a one-way traffic operation in the southbound direction whilst Cooke Street has a traffic operation in the northbound direction. Having vehicle crossings on these two streets would encourage vans to use these two streets. Nelson Street is a more appropriate street for accommodating van movements (particularly larger sized vans or other commercial traffic).*
- (c) *The designer will need to consider redesigning the internal layout of the development such that all vehicular access and egress is from Nelson Street. The drawings should be resubmitted to Council for assessment and consideration.*

Road Infrastructure Works

- (d) *Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Fairchild Street, Nelson Street and Cooke Street road frontages must be striped and re-sheeted to Council's satisfaction and at the developer's expense.*
- (e) *Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.*

Capital Works Programme

- (f) *A check of the Capital Works Programme for 2014/15 indicates that no infrastructure works have been approved or proposed within the area of the site at this time. Capital Works Programmes are subject to change.*

Drainage – Legal Point of Discharge

- (g) *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit.*
- (h) *Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*

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

85. The amended plans (received by Council on 30 March 2015) were re-referred, with the following comments received.

Access Arrangements

- (a) *Comments prepared by Engineering Services dated 3 February 2015 indicated that the proposal to provide vehicle crossings on Fairchild Street and Cooke Street were not supported due to the potential use of these streets being used by larger sized vans and trucks.*
- (b) *According to the submitted reports, the revised proposal aims to discourage van and truck traffic from impacting on Fairchild Street and Cooke Street. To restrict the amount of van and truck traffic from entering the residential sections of Fairchild Street and Cooke Street, it is recommended that the Fairchild Street vehicle crossing be used as access only and the Cooke Street vehicle crossing be used only for exiting movements.*
- (c) *A 'No Exit' sign (R2-8A) should be installed at the Fairchild Street entrance, just inside the property facing east.*
- (d) *A 'Left Turn Only' sign (R2-14A) should be installed at the Cooke Street exit, just inside the property facing west.*
- (e) *At the Cooke Street exit, a 'No Entry' sign (R2-4A) should be mounted on the property building, adjacent to the doorway.*
- (f) *Further to the suggestion made by TTM Consulting to have the existing No Right Turn ban operating from 4:00pm to 6:00pm Mondays to Fridays at the Fairchild Street/Nelson Street intersection be provided with a 'Local Traffic Only' exemption, we advise that such an exemption is not permitted under the provisions of the Road safety Road Rules 2009. Victoria Police has advised Council that traffic movement prohibitions that contain exemptions for local traffic cannot and will not be enforced.*
- (g) *The swept path diagrams for the 10.0 metre long truck are considered satisfactory.*

Civil Works

- (h) *Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Fairchild Street, Nelson Street and Cooke Street road frontages must be stripped and re-sheeted to Council's satisfaction and at the developer's expense.*
- (i) *The fire hydrant up-stand at the south west corner of the Cooke Street/Nelson Street intersection must be removed and replaced with a fire plug flush with the surface of the footpath. The cost of these hydrant modification works shall be borne by the applicant.*
- (j) *All redundant vehicle crossings along the site's road frontages must be demolished and reinstated to Council satisfaction and at the developer's expense.*
- (k) *The construction of two new vehicle crossings must be done to Council standard and at the developer's expense. Approval for the tree removal and replacement must be sought from Council's Open Space Arborist before consent can be given to the construction of the new vehicle crossings.*

- (l) *The bluestone matching-in works in the nature strip and other landscaping works adjacent to the Right of Way must be done to Council's satisfaction and at the developer's cost.*

Relocation of Parking Restriction Sign – Fairchild Street

- (m) *The developer must consult and liaise with council's Parking Services unit prior to the relocation of the existing parking restriction sign on the east side of Fairchild Street. The sign must not be removed without authorisation from the Parking Services unit.*

Impact of Assets on Proposed Development

- (n) *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.*

Drainage

- (o) *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- (p) *Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.*

86. The second set of amended plans (received by Council on 19 May 2015) was also re-referred for comment regarding the internal layout of the car parking on site. The following comments were received.

- (a) *The dimensions of the tandem parking sets satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.*
- (b) *The dimensions of the parallel parking space also satisfy AS/NZS 2890.1:2004. This bay should be shifted closer to the northern boundary. This would allow for an aisle width of 5.8 metres for the tandem parking sets – the minimum aisle width permitted under AS/NZS 2890.1:2004.*
- (c) *Overall, the layout and functionality of the car park are satisfactory.*

87. Council's Engineers were also requested to comment on the provision of gates at either end of the carriageway easement. It was noted that the land in question is not on Council's Public Road Register (a public road), and that any surrounding properties which have rights to access should be consulted prior to any gates being constructed. It was concluded that this was a private matter.

OFFICER ASSESSMENT

88. The following considerations are relevant to this application.

- (a) Land use;
- (b) Urban form, character and context;
- (c) Off-site amenity;
- (d) Advertising Signs;
- (e) Other matters;

(f) Objector concerns.

Land use

89. The proposed use of the site for vehicle storage is an appropriate response to the context of the land and attains a good level of compliance with relevant state and local planning policies. The subject site is located in a neighbourhood where a mixture of land uses currently operate, with the brewery site immediately to the north highly industrial in nature, and Council support for the construction of the 'Man with a Van' office building within the site to the west. As outlined in Clause 21.08-1 of the Scheme "*Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close*".
90. The site is located within the Industrial 3 Zone, with the purpose of this zone being to *provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community*. The proposed use of the site fulfils this purpose and provides a suitable buffer between the industrial precinct to the north and the residential areas to the south.
91. The site will be operational from 7am until 7pm, seven days a week, with the primary activity taking place on the land being the storage of vehicles. This use is not anticipated to generate unreasonable impacts, with the nature of the business ensuring that the majority of vehicles will be off-site during the day and stationary during the night. The site is designed to operate in conjunction with the 'Man with a Van' site on the western side of Fairchild Street, with the main office building and staff facilities located within this adjacent land. This will ensure that the majority of employee activity will be confined to the western site, further reducing noise impacts from the vehicle store. There will be no activity within the site prior to 7am or after 7pm each day; resulting in no impacts to the sensitive residential uses to the south during evening, night-time and early morning hours.
92. The number of staff accessing the site is relatively limited, being a maximum of 30. Based on the nature of the use outlined above, the majority of these employees will be off-site during the day, further reducing potential off-site amenity impacts within surrounding sites.
93. The vehicle entrances and exits to the site are located towards the northern boundary, ensuring that the traffic associated with the vehicle storage will not unreasonably impact the adjacent residential streets. Traffic movements to and from the site will be discussed in detail later within this report.
94. Based on the above, the operation of the site is consistent with objectives at Clause 22.05 – Interface uses policy, by ensuring that the residential uses located nearby will continue to enjoy a reasonable level of amenity. Off-site amenity impacts will be discussed in detail later within this report.

Urban form, character and context

Context

95. With regard to built form context and the design objectives at clause 22.10-3.2, the pattern of subdivision and scale of development in the locality is varied and includes a mixture of larger industrial and commercial sites and low-scale residential properties. Buildings in the immediate vicinity range in height, with the significant industrial building to the north extending to four-storeys and the dwellings to the south predominantly single-storey in scale. The development of the site is restricted to the proposed warehouse in the north-west corner of the land.

96. It is considered that the scale of the building responds well to the context of this existing character, and provides a good level of transition within the existing range of heights along the eastern side of Fairchild Street.
97. The land is currently vacant; therefore any new built form will alter the integration of the site with the adjacent streetscape. The site's frontages to Fairchild and Cooke Streets are wider than the fine-grain residential sites to the south; this provides the opportunity to allow denser development within the site that does not overwhelm adjacent built form. The proposed design achieves this, with the degree of separation between the subject site and the dwellings to the south providing an appropriate buffer along the streetscape.
98. The provision of vehicle storage on the land will largely retain the existing appearance of the site when viewed from Cooke Street.

Site Coverage

99. Clause 22.10-3.6 encourages built form coverage of new development to reflect the character of the immediate area, noting that site coverage should not exceed 80% unless the pattern of coverage in the immediate area is higher than this figure. The majority of the site will remain undeveloped and will be devoted to vehicle storage, thereby maintaining a significant degree of the at-grade car parking that currently occupies the land. Site coverage is restricted to approximately 20%. This is considered to be an appropriate response.

Street and the public realm

100. The proposal will not substantially alter the existing interface to Nelson Street or Cooke Street, with the site generally retaining its appearance as a car park when viewed from these streets. The warehouse building will be oriented towards Fairchild Street in the west, with the open design of the structure allowing views from this space to the footpath beyond. This will provide a good degree of activation and surveillance with the streetscape, consistent with design objectives at clause 22.10-3.4 of the Scheme.
101. Vehicle access will be limited to the two new crossovers within the site's east and west boundaries, along with an existing two crossovers providing access from Nelson Street; this will limit the use of the laneway along the southern side of the site, ensuring that the objectives of clause 22.07 – Development abutting laneways are met, and the safe environment of this laneway will be maintained.
102. The existing crossing adjacent to the southern end of the carriageway easement will be widened as part of the works; this will increase the useability of the southern laneway for residents of Fairchild Street and Cooke Street, by increasing the turning circle of vehicles within this laneway network. Council's engineers have raised no objection to these works, noting that the bluestone matching-in works in the nature strip and other landscaping works adjacent to this laneway must be done to Council's satisfaction. A condition will be added to the permit accordingly.
103. Two existing vehicle crossovers on Nelson Street will no longer be required; the removal of these crossovers and reinstatement of the footpath is required by Council's Engineers and will improve pedestrian safety along Nelson Street. These works will be required via a permit condition.

Consolidation of sites and empty sites

104. Clause 15.01-2 – Urban design principles seeks to consolidate sites in existing urban areas, whilst providing new development that contributes to the diversity of the surrounding built form environment. The proposal achieves both of these objectives. The proposal will replace an unattractive and underutilised site with a contemporary development that responds well to the mixed character of the neighbourhood.

Light and shade

105. Given the site's orientation and the location of the development within the north-west corner, shadows cast by the double-storey warehouse building will be restricted to Fairchild Street and the adjacent footpath to the west during the morning hours, and the vegetated nature strip and laneway to the south throughout the remainder of the day. This level of overshadowing is considered reasonable with regards to the zoning of the land and the site's location within a dense urban environment, with no sensitive areas impacted by shadows at any time.

Energy and resource efficiency

106. Due to the nature of the use, there is limited opportunity to provide energy efficient measures within the site. However the construction of the warehouse would provide the opportunity for rainwater capture. The site to the west (3-11 Nelson Street) on which the 'Man with a Van' office building is proposed, will provide 2 x 2000L rainwater tanks, with it specified that one of these tanks will be utilised for vehicle washing. In order to maximise water capture and provide water for vehicle washing within the vehicle storage site itself, it is considered appropriate to require an additional rainwater tank to be connected to the warehouse roof. With a roof catchment area of approximately 186sqm, a rainwater tank with a minimum capacity of 2000L would be acceptable and would be consistent with objectives outlined within Clause 22.16 of the Scheme. The addition of this tank will be required via a permit condition.

Architectural quality

107. The proposed warehouse building is simple and contemporary in design, with the use of metal cladding providing a distinctly modern style, and the building delivering a response that reflects the urban and industrial location and use of the site. The design will integrate well with the contemporary office building proposed within the site to the west.

Off-site amenity

108. Design objectives at clause 22.10-3.8 aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. In this instance, it is considered that the proposed use and development of the site will not result in any unreasonable amenity impacts to surrounding properties, with the most sensitive interfaces being the residentially zoned land immediately to the south.

Traffic

109. The layout of the site and location of the proposed vehicle crossings have been designed to limit traffic impacts within the residential streets to the south. Vehicles will enter the site via a crossover on the Fairchild Street interface, with vehicles to exit the site via Cooke Street to the east. Both of these streets are one-way thoroughfares, with Fairchild Street running north to south and Cooke Street operating south to north. Based on these conditions, the entry/exit restrictions will ensure that all vehicle movements will be contained at the northern end of these streets and will be directed towards Nelson Street to the north. Traffic impacts within the residential sections of these streets will be limited accordingly. Two of the existing crossovers on Nelson Street will also be retained for vehicle access, further reducing impacts to the south.

110. Comments received from Council's Engineering Unit recommended that signs should be installed at the entrance and exit of the site to enforce these vehicle movements, with a 'No Exit' sign to be installed at the Fairchild Street entrance, just inside the property facing east, and a 'Left Turn Only' sign to be installed at the Cooke Street exit, just inside the property facing west. Furthermore, at the Cooke Street exit, a 'No Entry' sign should be mounted within the site. The installation of all of these signs can be facilitated via a condition of any permit issued, with this ensuring that no traffic generated by the site will impact Fairchild or Cooke Streets to the south.
111. It is noted that an existing 'No Right Turn' sign is located adjacent to the Fairchild Street and Nelson Street intersection, with this restricted condition operating from 4:00pm to 6:00pm Mondays to Fridays. Whilst local traffic is permitted, this may inhibit the use of the Fairchild Street crossover during these hours. The retention of the crossovers on Nelson Street will ensure that access to the site is still available.
112. It appears that one on-street car parking space will be removed on Fairchild Street due to the location of the western crossover, with current restrictions on Cooke Street ensuring that no car parking spaces will be lost at this interface. The removal of two crossovers on Nelson Street and the reinstatement of the footpath along this boundary will provide two additional on-street car parking spaces within this street. This outcome is considered acceptable.

Noise

113. It is not considered that the use of the site as vehicle storage will generate unreasonable noise impacts within the adjacent residential land. The site is currently utilised for car parking; the altered usage is unlikely to create a substantial increase in vehicle related noise. The nature of the business ensures that the majority of activity takes place off-site during the day, with the operating hours of the site ensuring that no noise will be generated before 7am and after 7pm each day.

Overshadowing

114. Given the site's orientation and the location of the development within the north-west corner, shadows cast by the double-storey warehouse building will be restricted to Fairchild Street and the adjacent footpath to the west during the morning hours, and the vegetated nature strip and laneway to the south throughout the remainder of the day. There will be no sensitive areas impacted by shadows at any time.

Visual bulk

115. The development of the site is limited to a 7.5m high industrial style building in the north-west corner, with the majority (80%) of the site remaining undeveloped. It is not anticipated that this relatively minor degree of built form will result in visual bulk impacts either within the adjacent streetscape, or within residential land to the south.

Waste

116. The nature of the business and use of the site is not anticipated to generate a significant degree of waste, with the primary use of the site for vehicle storage. However, no bin storage area has been demonstrated on the site. As the amount of waste is expected to be minimal, a detailed Waste Management Plan is not considered necessary; however a designated bin storage area will still be required to be shown on the plans. A condition of the permit will facilitate this.

Advertising Signs

117. Clauses 52.05-3 – Advertising signs and 22.04 – Advertising signs policy of the Scheme provide the relevant decision guidelines for advertising signs, and can be assessed under the following categories:

Impact of the signs on the streetscape/character of the area including views and vistas

118. The subject site is located within an area containing a variety of industrial, commercial and residential sites. Whilst advertising signage is not a common feature within the neighbourhood, the design and siting of the proposed signage is not considered to unreasonably impact the character of the area, nor impede on any views or vistas, with the only sign proposed to be oriented to the north, away from the residential areas and interfacing directly with the industrial site to the north.

119. On this basis, the extent and style of proposed signage is considered to be an appropriate design response with regards to the wider streetscape and the relevant objectives within clause 22.04-3.2 are met.

Design and relationship of the signs on the building

120. Whilst the scale of the sign is reasonably significant, extending for the full height of the double-storey wall, the overall scale of the building ensures that the proportion of the sign is acceptable on this interface. This ensures compliance with clause 22.04-3.1, with the signs having a proportional relationship with the subject building, and integrating well with the composition, form and fenestration pattern proposed.

Opportunities and need for identification of the site

121. The sign is associated with the 'Man with a Van' removalist business. It is considered that the location and design of the sign provides excellent identification of the site, and is prominently located so as to draw attention to the new location of the business.

Impact of illumination and impact on road safety

122. The sign is not internally or externally illuminated. This will ensure that the sign will have little impact on the safety of road users along Nelson Street.

Other matters

Car parking

123. Employee car parking spaces will be located predominantly on the southern side of the site, in a tandem formation, with one space directly adjacent to the northern boundary. Council's Engineers have confirmed that the dimensions of the tandem parking sets satisfy the applicable standards, however the northern bay should be shifted closer to the northern boundary, thereby allowing for an aisle width of 5.8m for the tandem parking sets. A condition will be added to any planning permit issued to facilitate this change.

Loading and unloading

124. An area within the warehouse of approximately 59sqm is available for the loading and unloading of vehicles. This space has a length of 11.8m and a width of 5m, ensuring that ample space is provided within the site.

Easement

125. A carriageway easement is located within the middle of the site and extends between the northern and southern boundaries. The plans indicate that security gates will be installed at either end of the carriageway easement, removing all access to the easement for surrounding properties.
126. Council's Engineers state that no Council assets are located within this easement, however it was noted that surrounding properties should be consulted prior to this easement being privatised through the construction of security gates. It is Council's understanding that this process is underway, and the applicant is seeking to remove the easement from the title in the future. A standard note will be added to the permit to ensure that the permit holder obtains approval from the relevant authorities to remove and build over this easement.
127. Council's Engineers have highlighted that certain works must be carried out in conjunction with the development of the site, with the following requirements to be incorporated into the planning permit as specific conditions;
- (a) The footpath immediately outside the property's Fairchild Street, Nelson Street and Cooke Street road frontages must be stripped and re-sheeted to Council's satisfaction.
 - (b) The fire hydrant up-stand at the south west corner of the Cooke Street/Nelson Street intersection must be removed and replaced with a fire plug flush with the surface of the footpath.
 - (c) All redundant vehicle crossings along the site's road frontages must be demolished and reinstated.
 - (d) The construction of the two new vehicle crossing must be done to Council standard and at the developer's expense.
 - (e) Approval for the tree removal and replacement must be sought from Council's Open Space Arborist before consent can be given to the construction of the new vehicle crossings.
 - (f) The bluestone matching-in works in the nature strip and other landscaping works adjacent to the southern Right of Way must be done to Council's satisfaction.
 - (g) The developer must consult and liaise with council's Parking Services unit prior to the relocation of the existing parking restriction sign on the east side of Fairchild Street. The sign must not be removed without authorisation from the Parking Services unit.

Objector concerns

128. The objector concerns not addressed within the body of this report will be discussed below.

Loss of access via the carriageway easement;

129. This issue has been addressed within paragraphs 87, 125 and 126 of the report.

Addition of crossovers on Cooke and Fairchild Streets, resulting in increased traffic in both streets and loss of on-street car parking spaces;

130. This issue has been addressed within paragraphs 109 to 112 of the report.

Safety impacts caused by increased truck traffic in Cooke and Fairchild Streets;

131. This issue has been addressed within paragraphs 109 to 111 of the report.

Potential impacts on access for emergency vehicles;

132. The existing crossing adjacent to the southern end of the carriageway easement will be widened as part of the works; this will increase the useability of the southern laneway and provide improved access for emergency vehicles to the residential properties to the south.

Noise impacts;

133. This issue has been addressed within paragraph 113 of the report.

Excessive height of building;

134. This issue has been addressed within paragraphs 95 to 97 and 115 of the report.

Does not respect the adjacent heritage overlay;

135. The site is not located within a heritage overlay; however the residential land directly to the south is located within the Fairchild Street Heritage Precinct. This precinct contains a high number of traditional, single-storey dwellings. It is considered that the development proposed upon the site does respect the characteristics of this overlay, with the warehouse building limited in scale, and an adequate degree of separation provided in between the heritage streetscape and the industrial site.

The advertising signage is too large;

136. The sign is considered to be proportionate to the scale of the proposed building.

Off-site amenity impacts (overshadowing, loss of open space).

137. Off-site amenity has been discussed within paragraphs 108 to 116 of the report. The reference to 'loss of open space' has not been outlined in detail within the particular objection, and it is unclear as to what open space will be impacted or reduced as a result of the proposal. The degree of built form proposed within the subject site is minimal and the development will have no impact upon any adjacent areas of secluded private open space within residentially zoned land.

Conclusion

138. The proposal is considered to demonstrate a good level of compliance with policy objectives contained within the State and Local Planning Policy Framework. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/1166 for use of the land as a warehouse (vehicle storage), construction of a double-storey building and the construction and display of advertising signage at 13-29 Nelson Street, Abbotsford, generally in accordance with plans dated 19 May 2015 and subject to the following conditions;

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) The single on-site car parking space adjacent to the northern boundary relocated 0.2m further to the north.
 - (b) The addition of a rainwater tank with a minimum capacity of 2000L to be installed, with a notation on the plans to indicate that all captured water will be used for vehicle washing.
 - (c) A 'No Exit' sign to be installed at the Fairchild Street entrance, just inside the property, facing east.
 - (d) A 'Left Turn Only' sign to be installed at the Cooke Street exit, just inside the property, facing west.

- (e) A 'No Entry' sign to be installed at the Cooke Street exit, facing east.
 - (f) A designated bin storage area to be shown on the plans.
 - (g) The demolition plan amended to remove the notation regarding the relocation of the street tree along the eastern boundary.
2. The use and development of the land and the location and details of the sign, as shown on the endorsed plans, must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. No more than 30 staff are permitted on the land at any one time.
 4. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 7.00am and 7.00pm, Monday to Sunday.
 5. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
 6. 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.
 - (e) to the satisfaction of the Responsible Authority.
 7. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 8. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 7pm on any day.
 9. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
 10. Before the use commences or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the car park and building entrance must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the Responsible Authority.
 11. Before the use commences or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
 12. Before the use commences or by such later date as approved in writing by the Responsible Authority, the eastern-most and western-most vehicle crossings on Nelson Street must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
 14. Before the use commences or by such later date as approved in writing by the Responsible Authority, the following works must occur;
 - (a) The fire hydrant up-stand at the south-west corner of the Cooke Street/Nelson Street intersection must be removed and replaced with a fire plug flush with the surface of the footpath;
 - (b) Upon the completion of the connections for underground utility services, the footpath immediately outside the property's Fairchild Street, Nelson Street and Cooke Street road frontages must be stripped and re-sheeted;
 - (c) The bluestone matching-in works in the nature strip and other landscaping works adjacent to the Right of Way.

These works must be done:

- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
15. Prior to the completion of the development, the relocation of the parking restriction sign on the east side of Fairchild Street must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
 16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 17. Before the use commences, the street tree on Fairchild Street must be relocated and a new tree provided on Nelson Street:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
 18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces.
 - (e) to the satisfaction of the Responsible Authority.
 19. The sign must not be illuminated by external or internal light.
 20. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
 21. The signage component of this permit expires 15 years from the date of the permit.

22. 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.
23. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit;
 - (c) the use is not commenced within five years of the date of this permit;
 - (d) The sign is not erected within 2 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 5095 for further information.

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement.

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

Attachments

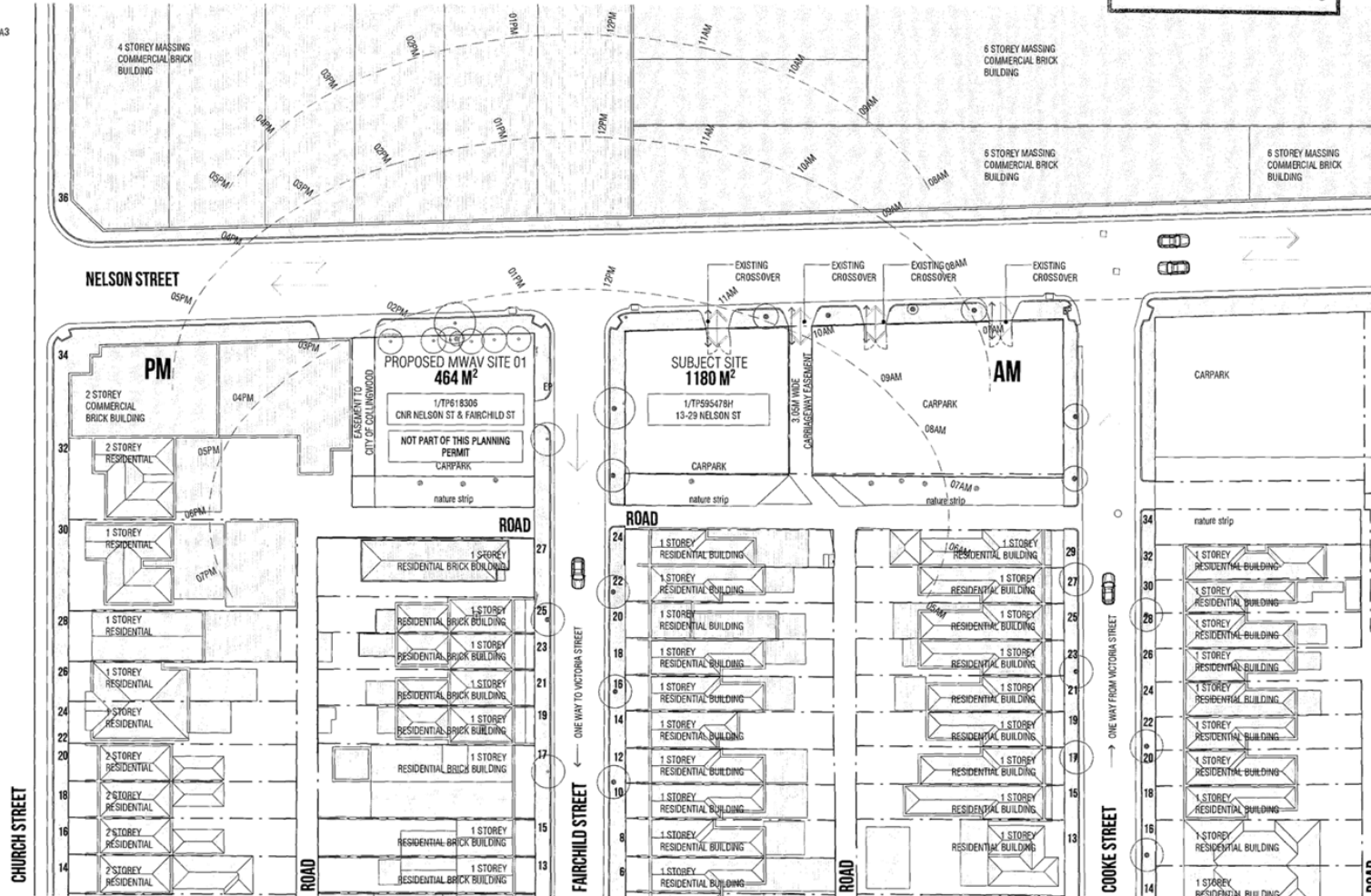
- 1 PLN14/1166 - 13-29 Nelson Street, Abbotsford - Existing conditions
- 2 PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works
- 3 PLN14/1166 - 13-29 Nelson Street, Abbotsford - Shadow diagrams

Attachment 1 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Existing conditions

TP105 EXISTING CONDITIONS

DECISION PLANS

01 SITE PLAN
Scale 1:500 @ A3



ARCHITECT:
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DRAWN BY:
JC

TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

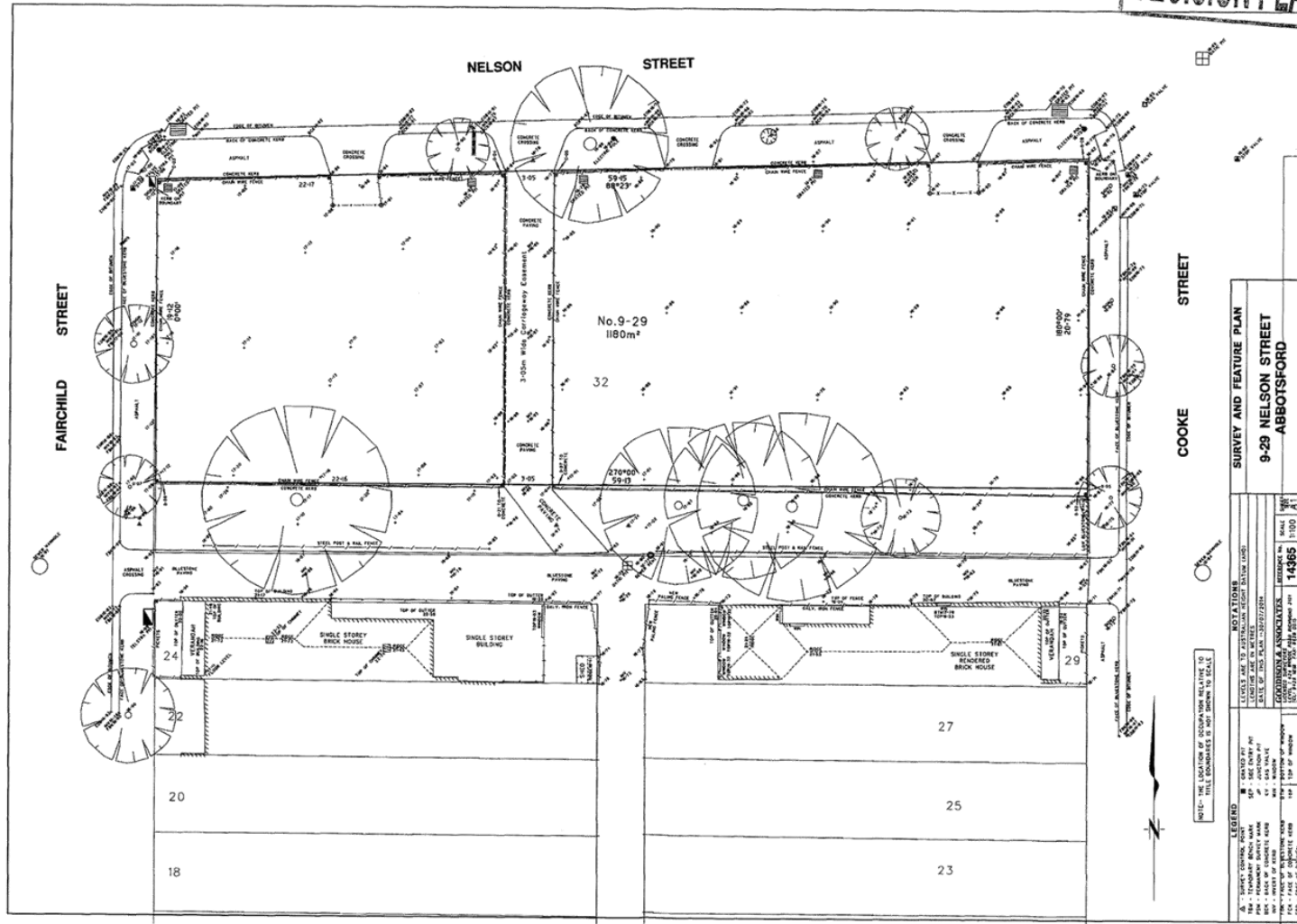
Scale 1:500@A3
Scale 1:250@A1

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Attachment 1 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Existing conditions

TP104 EXISTING CONDITIONS - SURVEY

DECISION PLANS



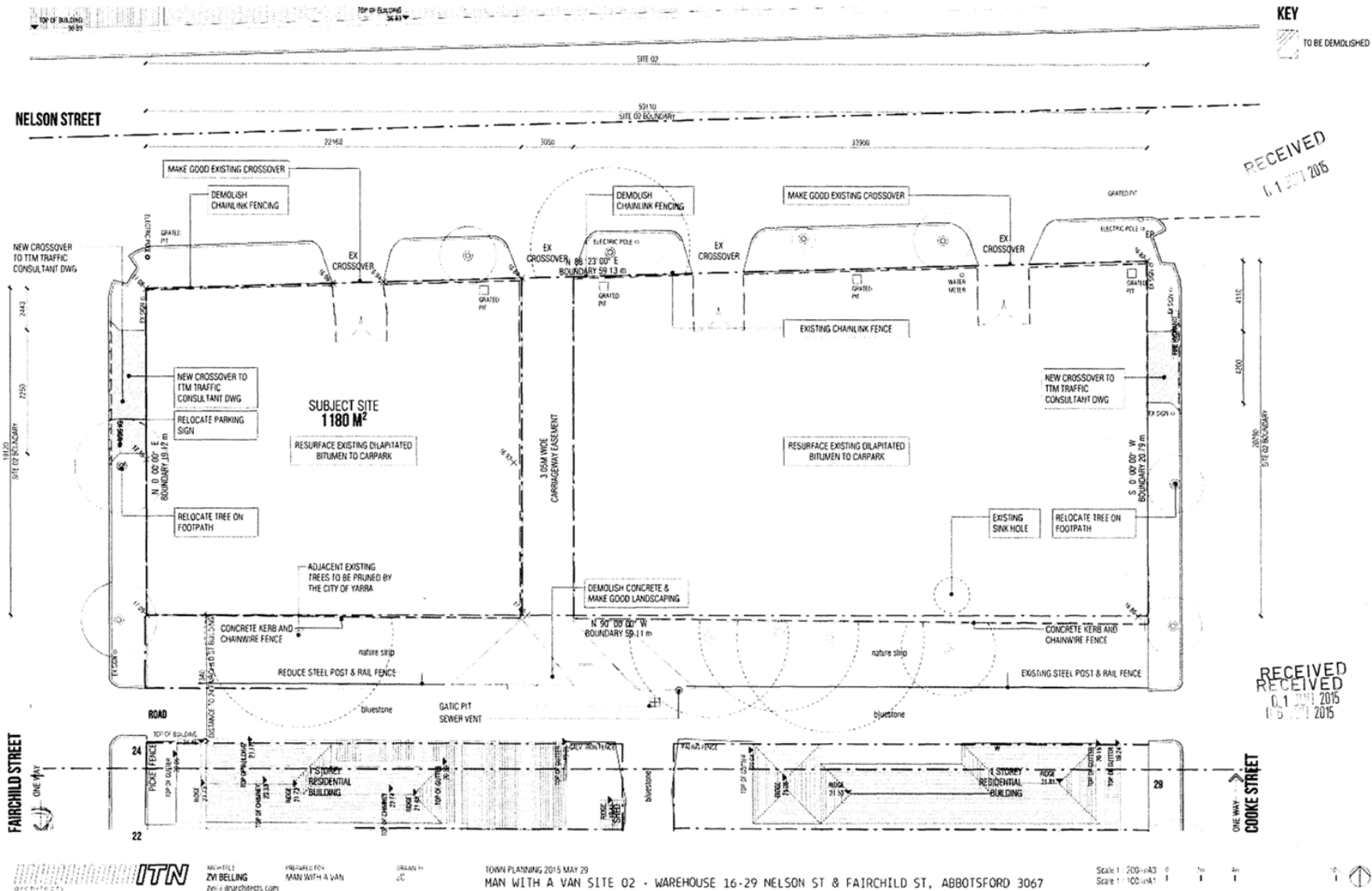
TOWN PLANNING 2015 MAY 19
 MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

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Attachment 1 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Existing conditions

TP106 EXISTING CONDITIONS / DEMOLITION

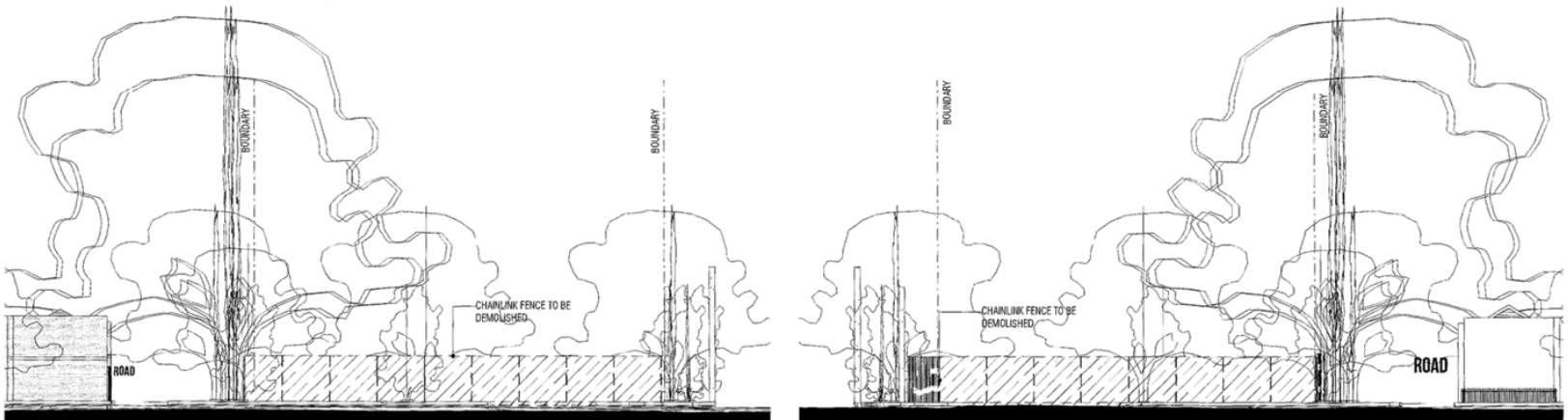


Attachment 1 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Existing conditions



01 ELEVATION NELSON STREET Scale 1:200 @ A3

3.05M WIDE CARRIAGE WAY EASEMENT 1/TP595478H - 13-29 NELSON ST MWAY SITE 02 SUBJECT SITE



29 COOKE ST 1 STOREY RESIDENCE

1/TP595478H - 13-29 NELSON ST MWAY SITE 02 SUBJECT SITE COOKE STREET

03 ELEVATION FAIRCHILD STREET Scale 1:200 @ A3

24 FAIRCHILD STREET 1 STOREY RESIDENCE

02 ELEVATION COOKE STREET Scale 1:200 @ A3

LEGEND TO BE DEMOLISHED

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TOWN PLANNING 2015 MAY 19 MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

Scale 1:200@A3 0 2m 4m 10m Scale 1:100@A1 1 2 4 10

Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works

TP202 DESIGN RESPONSE - SITE PLAN

DECISION PLANS

01 SITE PLAN
Scale 1:500 @ A3



LEGEND

- PEDESTRIAN
- CYCLIST
- VEHICLES

ITN architects

ARCHITECT:
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MAN WITH A VAN

DRAWN BY:
JC

TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

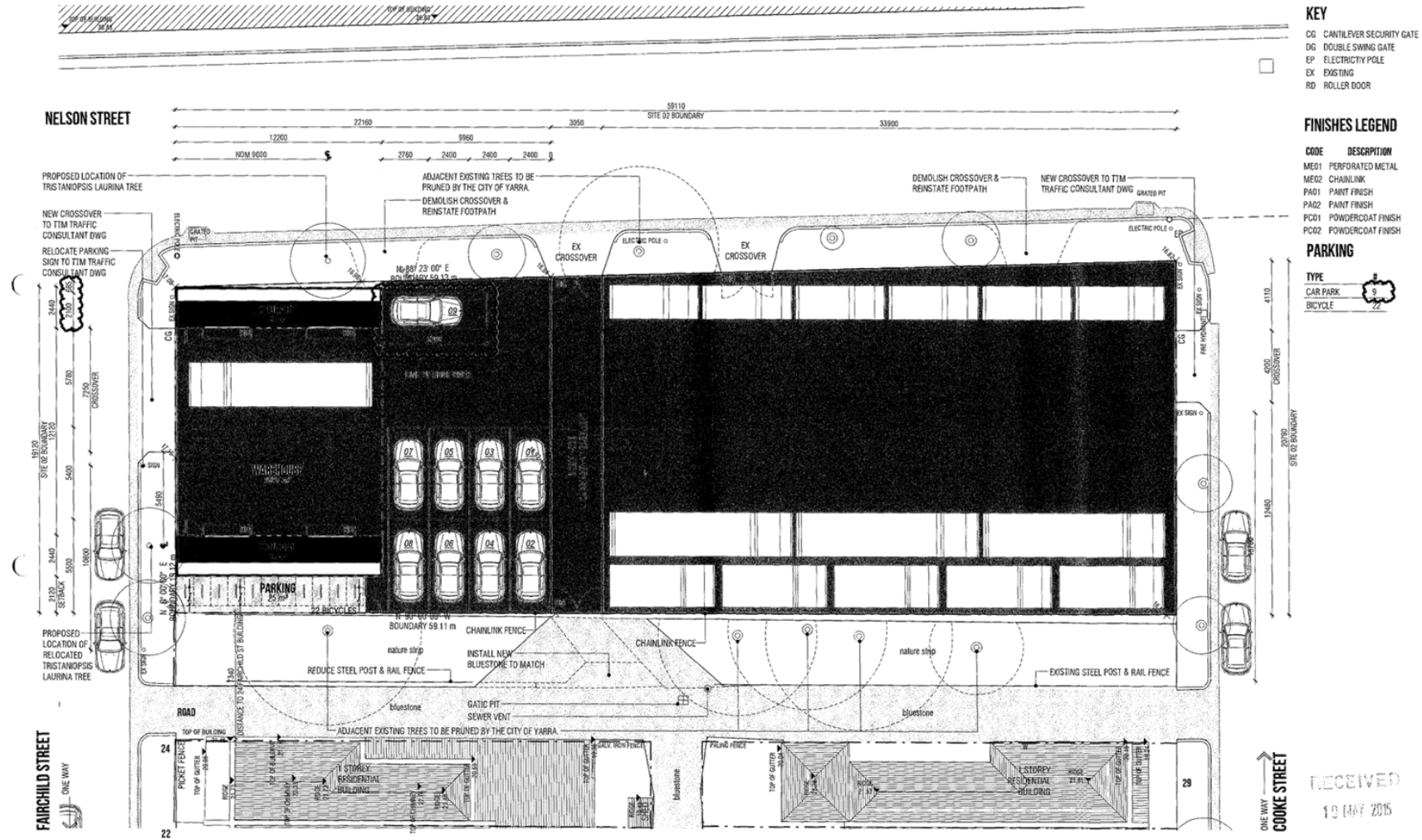
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Scale 1:250@A1

0 5m 10m 25m

Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works

TP301 GROUND FLOOR PLAN

DECISION PLANS



KEY

CG	CANTILEVER SECURITY GATE
DG	DOUBLE SWING GATE
EP	ELECTRICITY POLE
EX	EXISTING
RD	ROLLER DOOR

FINISHES LEGEND

CODE	DESCRIPTION
ME01	PERFORATED METAL
ME02	CHAINLINK
PA01	PAINT FINISH
PA02	PAINT FINISH
PC01	POWDERCOAT FINISH
PC02	POWDERCOAT FINISH

PARKING

TYPE	SYMBOL
CAR PARK	
BICYCLE	

RECEIVED
19 MAY 2015



ARCHITECT:
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PREPARED FOR:
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TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

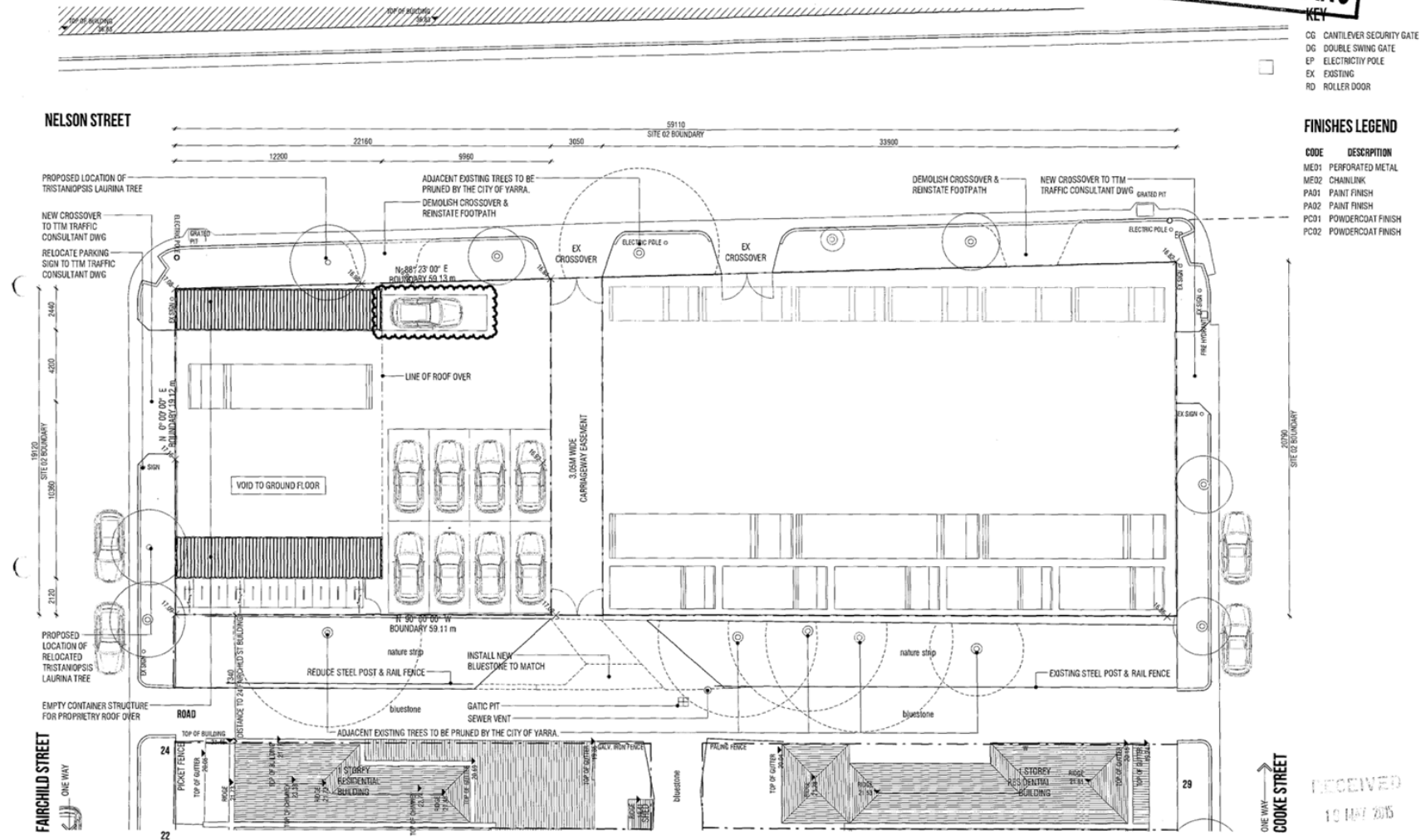
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Scale 1 : 100@A1

10m

Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works

TP302 1ST FLOOR PLAN

DECISION PLANS



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TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

Scale 1: 200@A3
Scale 1: 100@A1

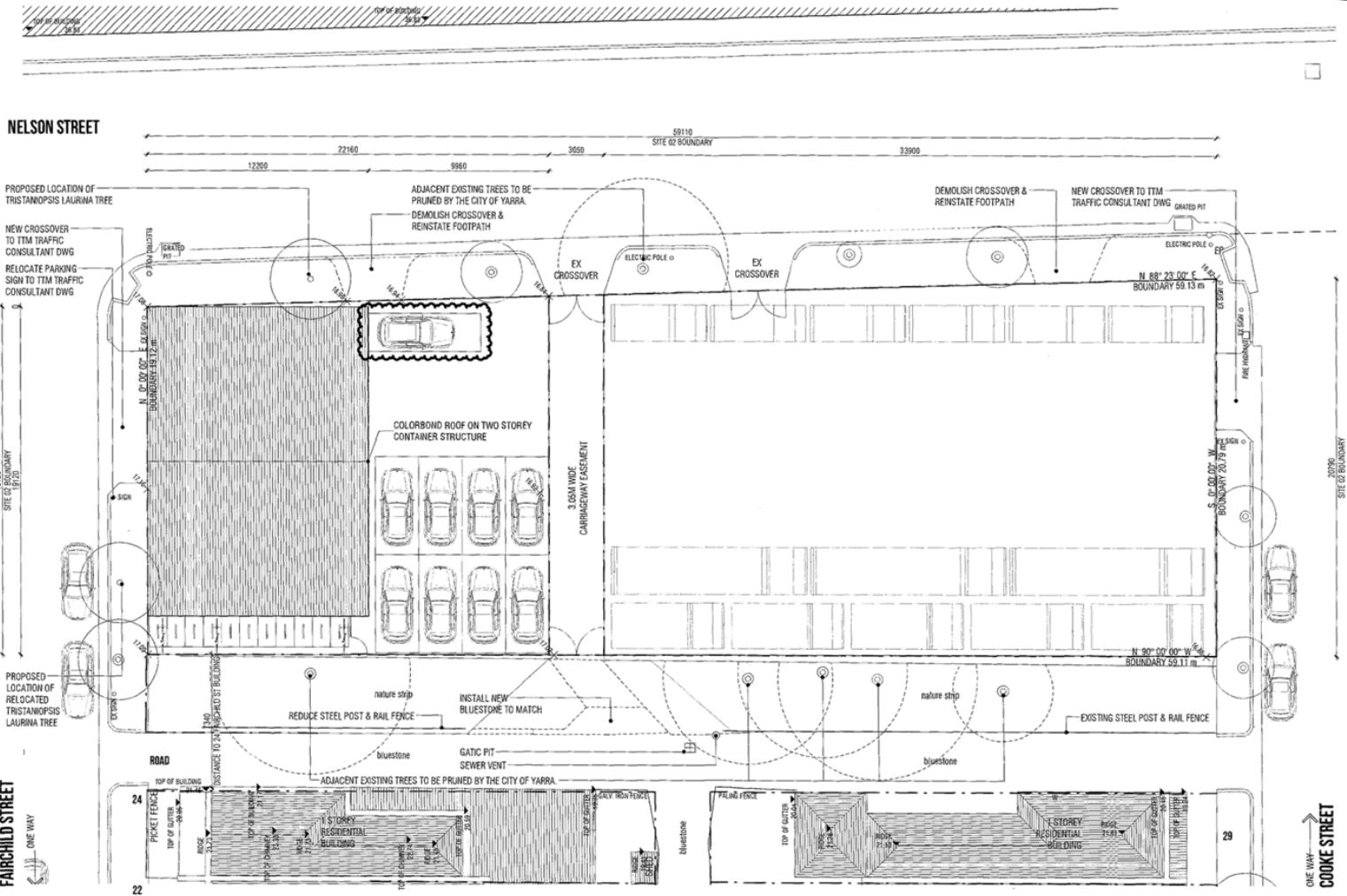
0 2m 4m 10m

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10 MAY 2015

Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works

TP303 ROOF PLAN

DECISION PLANS



- KEY**
- CG CANTILEVER SECURITY GATE
 - DG DOUBLE SWING GATE
 - EP ELECTRICITY POLE
 - EX EXISTING
 - RD ROLLER DOOR

- FINISHES LEGEND**
- | CODE | DESCRIPTION |
|------|-------------------|
| ME01 | PERFORATED METAL |
| ME02 | CHAINLINK |
| PA01 | PAINT FINISH |
| PA02 | PAINT FINISH |
| PC01 | POWDERCOAT FINISH |
| PC02 | POWDERCOAT FINISH |



ARCHITECT:
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PREPARED FOR:
MAN WITH A VAN

DRAWN BY:
JC

TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

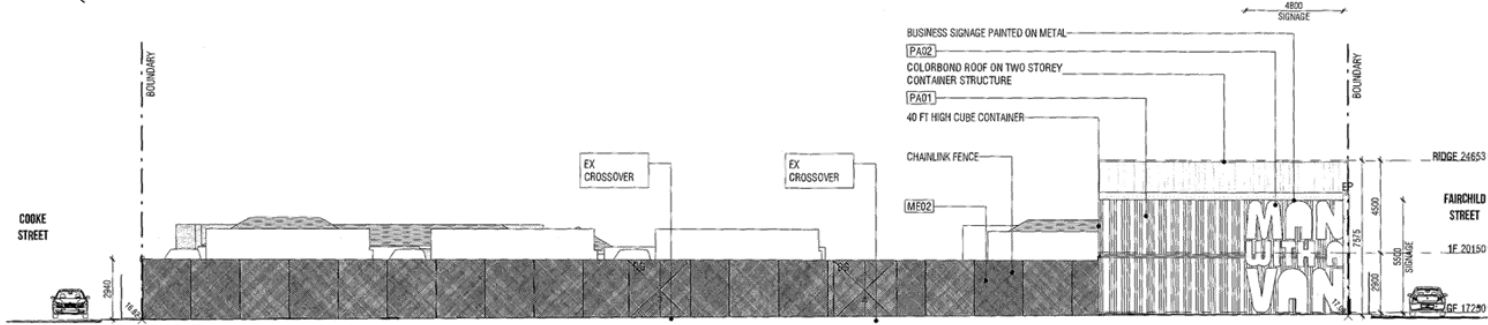
Scale 1:200@A3
Scale 1:100@A1

2m 4m 10m

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10 JUN 2015

Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works

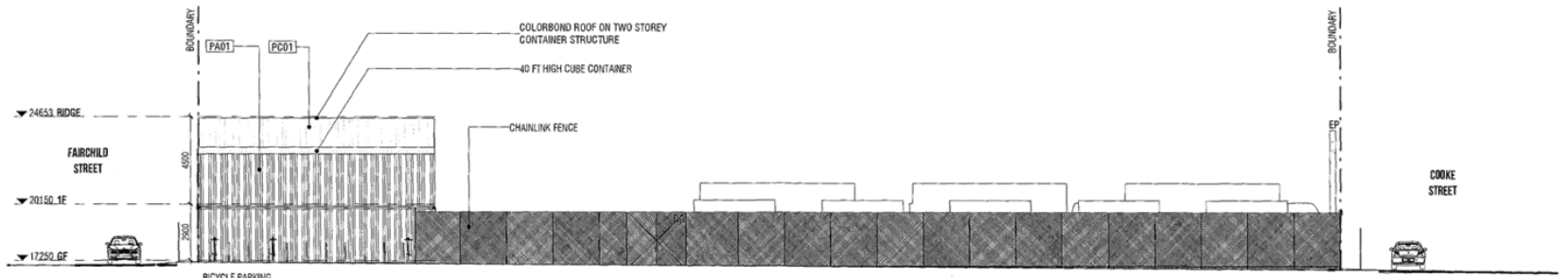
TP401 ELEVATIONS



- KEY**
- CG CANTILEVER SECURITY GATE
 - DG DOUBLE SWING GATE
 - EP ELECTRICITY POLE
 - EX EXISTING
 - RD ROLLER DOOR

- FINISHES LEGEND**
- | CODE | DESCRIPTION |
|------|-------------------|
| ME01 | PERFORATED METAL |
| ME02 | CHAINLINK |
| PAD1 | PAINT FINISH |
| PAD2 | PAINT FINISH |
| PCD1 | POWDERCOAT FINISH |
| PCD2 | POWDERCOAT FINISH |

01 NORTH
Scale 1 : 200 @ A3



02 SOUTH
Scale 1 : 200 @ A3



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DRAWN BY:
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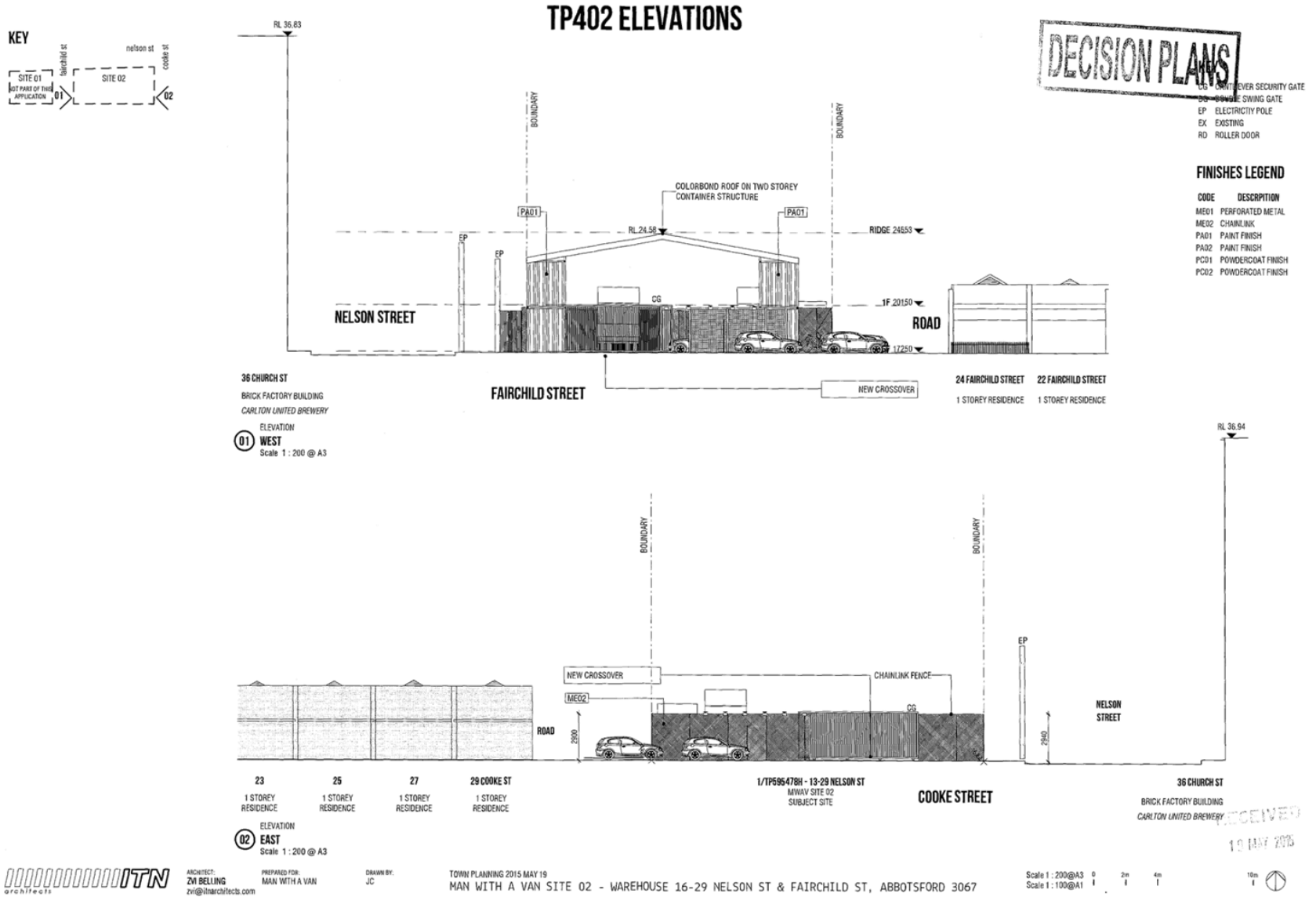
TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

Scale 1 : 200 @ A3
Scale 1 : 100 @ A1

0 2m 4m 10m

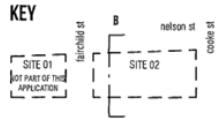
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Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works



Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works

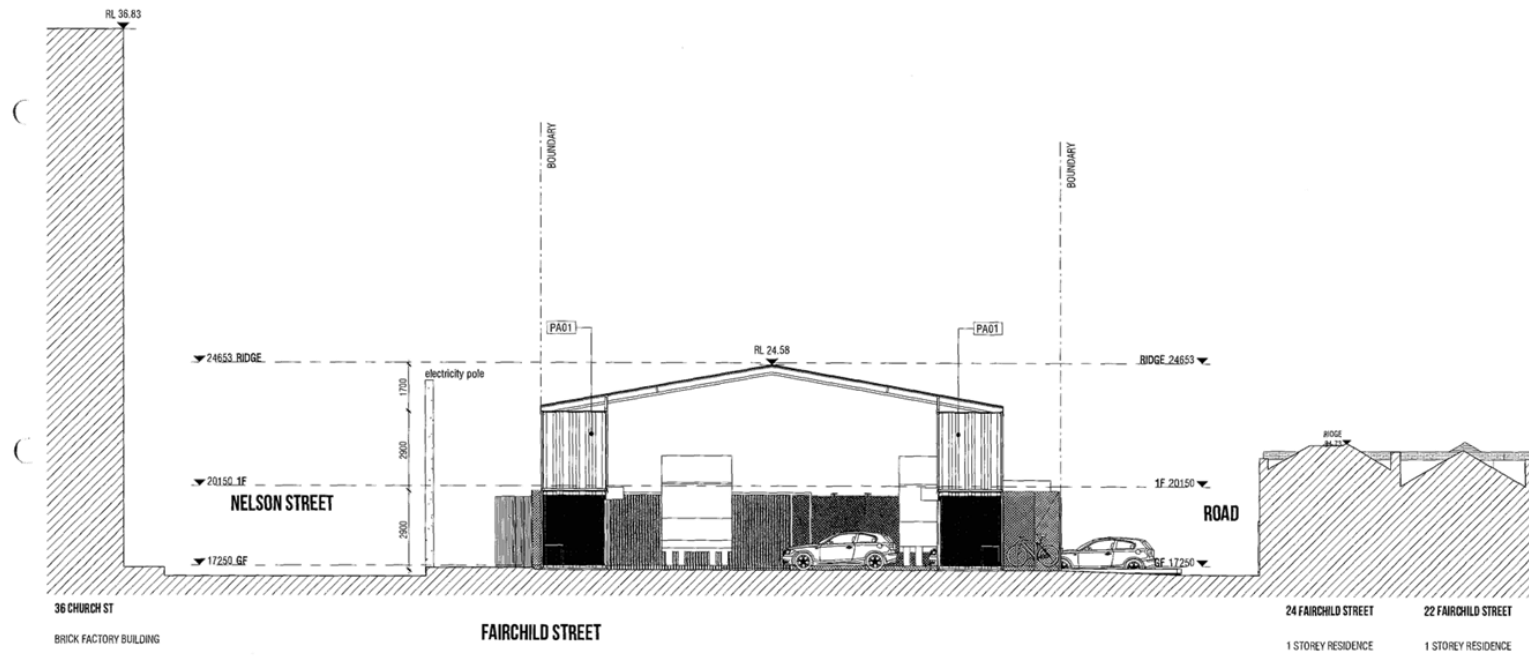
TP203 MASSING



- CG CANTILEVER SECURITY GATE
- DG DOUBLE SWING GATE
- EP ELECTRICITY POLE
- EX EXISTING
- RD ROLLER DOOR

FINISHES LEGEND

- | CODE | DESCRIPTION |
|------|-------------------|
| ME01 | PERFORATED METAL |
| ME02 | CHAINLINK |
| PA01 | PAINT FINISH |
| PC01 | POWDERCOAT FINISH |
| PC02 | POWDERCOAT FINISH |



01 SECTION
 Scale 1 : 150 @ A3

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 19 MAY 2015



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PREPARED FOR:
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DRAWN BY:
 JC

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 MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

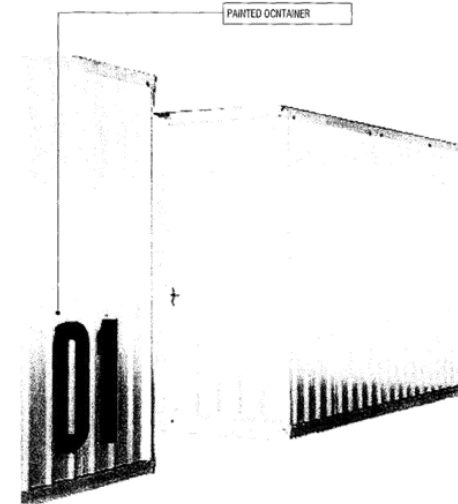
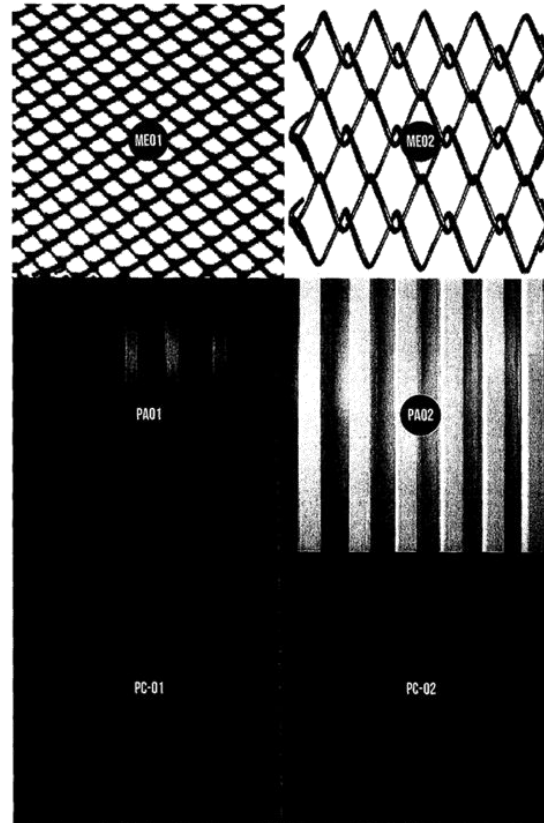
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 Scale 1 : 75@A1



Attachment 2 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Proposed works

TP404 FINISHES SCHEDULE

DECISION PLANS



FINISHES

CODE	LOCATION	DESCRIPTION	MODEL
ME01	GATE	PERFORATED METAL	BLACK
ME02	FENCING	CHAINLINK	
PA01	CLADDING	PAINT FINISH	METALSHIELD 027 'WHITE'
PA02	CLADDING, SIGNAGE	PAINT FINISH	METALSHIELD - 015 'COLORBOND NIGHTSKY'
PC01	ROOF	POWDERCOAT FINISH	COLORBOND MONUMENT
PC02	DOORS	POWDERCOAT FINISH	COLORBOND NIGHTSKY

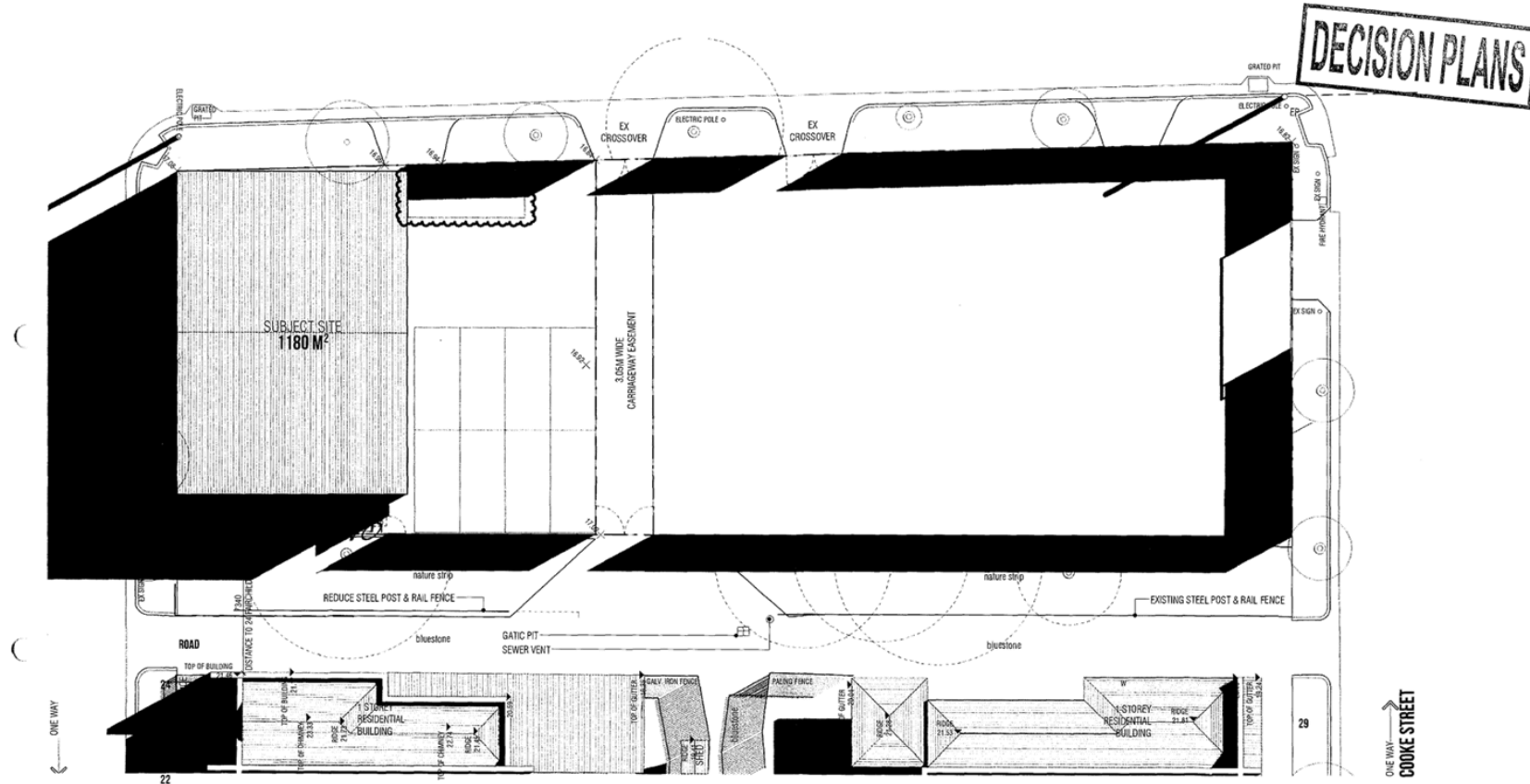


TOWN PLANNING 2015 MAY 19
 MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

RECEIVED
 19 JUN 2015

Attachment 3 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Shadow diagrams

TP601 SHADOW ANALYSIS - SEPTEMBER 22 - 09AM



01 PROPOSED SITE PLAN
Scale 1 : 200 @ A3

LEGEND
SHADOW



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PREPARED FOR:
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TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

Scale 1 : 200 @ A3
Scale 1 : 100 @ A1

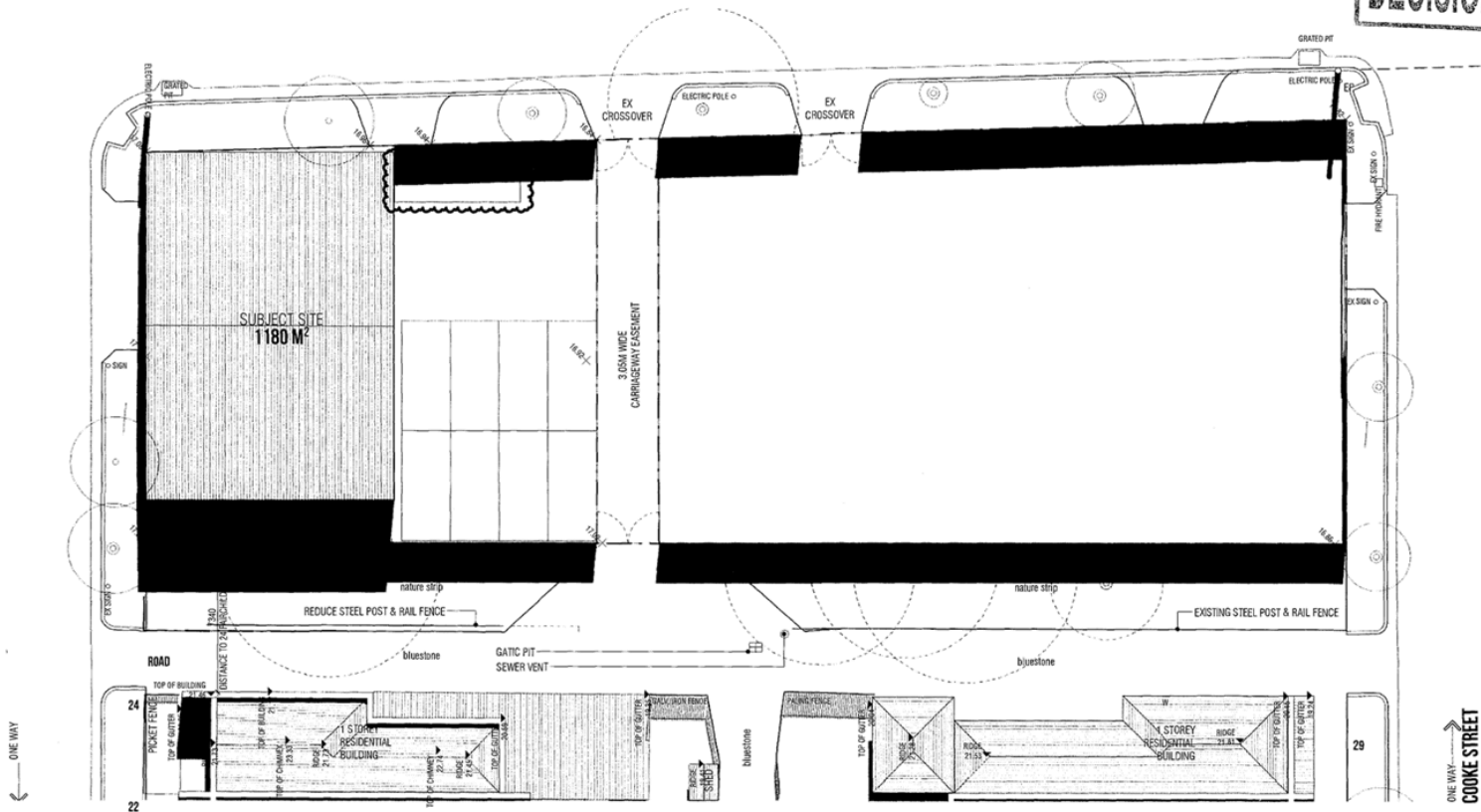


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10 NOV 2015

Attachment 3 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Shadow diagrams

TP602 SHADOW ANALYSIS - SEPTEMBER 22 - 12PM

DECISION PLANS



01 PROPOSED SITE PLAN
Scale 1 : 200 @ A3

LEGEND
SHADOW

ITN architects

ARCHITECT:
ZVI BELLING
zvi@itnarchitects.com

PREPARED FOR:
MAN WITH A VAN

DRAWN BY:
JC

TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

Scale 1 : 200 @ A3
Scale 1 : 100 @ A1

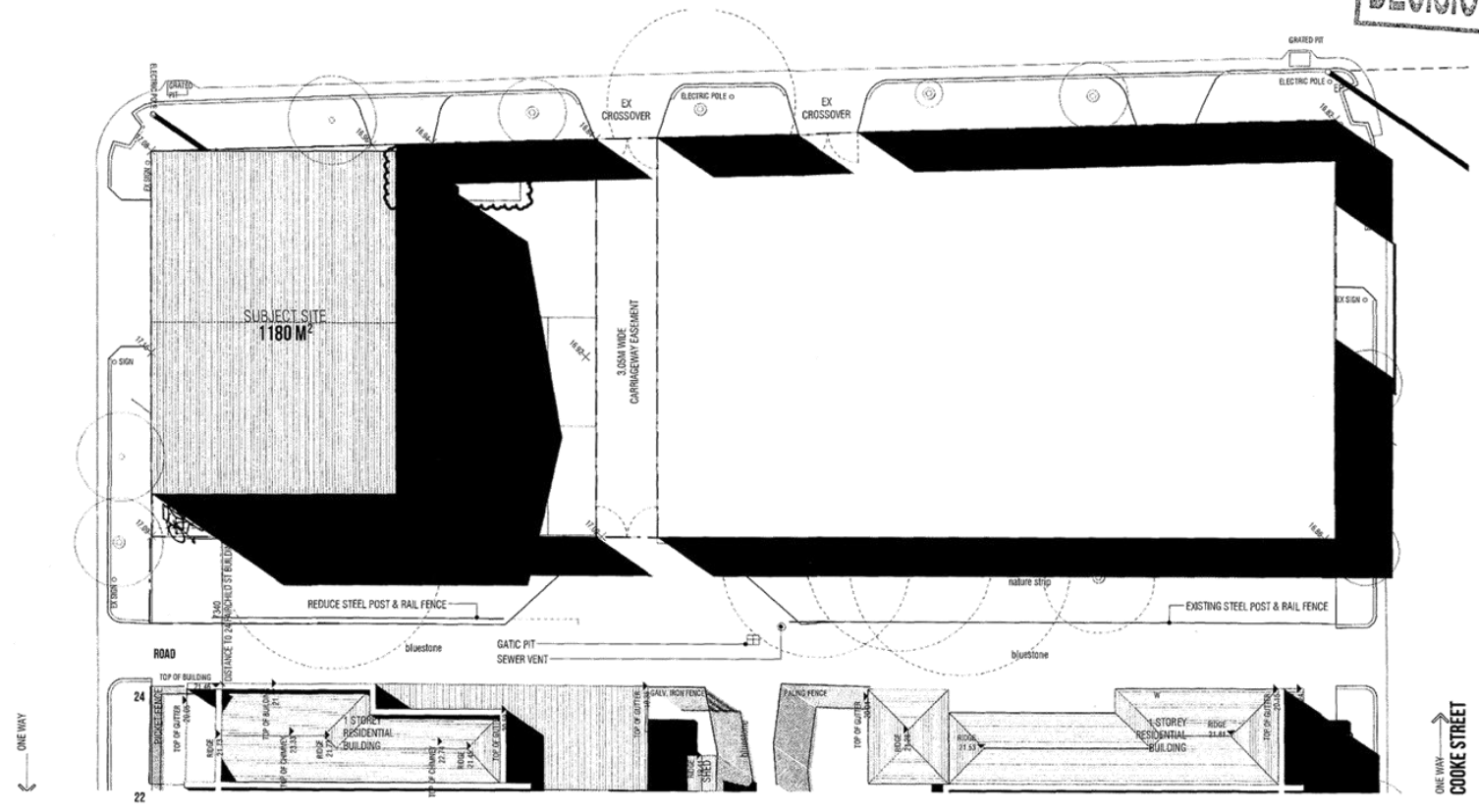
RECEIVED
10/10/2015

10m
1

Attachment 3 - PLN14/1166 - 13-29 Nelson Street, Abbotsford - Shadow diagrams

TP603 SHADOW ANALYSIS - SEPTEMBER 22 - 3PM

DECISION PLANS



01 PROPOSED SITE PLAN
Scale 1 : 200 @ A3

LEGEND
SHADOW

ITN architects

ARCHITECT:
ZVI BELLING
zvi@barchitects.com

PREPARED FOR:
MAN WITH A VAN

DRAWN BY:
JC

TOWN PLANNING 2015 MAY 19
MAN WITH A VAN SITE 02 - WAREHOUSE 16-29 NELSON ST & FAIRCHILD ST, ABBOTSFORD 3067

Scale 1 : 200@A3
Scale 1 : 100@A1

2m
4m
10m

REVISED
11/12/2015

1.3 551 Station Street, Carlton North VIC 3054 - Planning Permit Application No. PLN14/0879 (Construction of a ground and first floor extension to the dwelling, including a double storey garage/studio at the rear and partial demolition).

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 551 Station Street, Carlton North, for the construction of a ground and first floor extension to the dwelling, including a double storey garage/studio at the rear and partial demolition. The report recommends approval of the application.

Background

2. The application was received by Council on 22 September 2014. Following the submission of further information, the application was advertised and 8 objections were received.
3. A consultation meeting was held on 12 March 2015 and was attended by Council officers, the applicant and objectors.
4. Pursuant to Section 57a of the *Planning and Environment Act 1987* (the Act), the applicant formally substituted plans which included the following changes:
 - (a) reduction in the overall building height from 8.7m to 7.7m;
 - (b) a variation to setbacks as follows:
 - (i) reduced southern boundary from 1.2m to 1m at ground floor of the main dwelling;
 - (ii) increased southern boundary from 1.2m to 2.8m at first floor of the main dwelling;
 - (iii) decreased northern boundary from 1m to 0m (for a length of 2.48m) at first floor of the main dwelling;
 - (iv) increased southern boundary from 2.5m to 2.8m of the first floor storage and terrace; and
 - (v) increased northern boundary from 0m to 1m and a decreased southern boundary from 1.8m to 1.8m of first floor studio (above garage)
 - (c) design detail changes:
 - (i) The roof material changed from unpainted zincalume to 'Shale Grey';
 - (ii) The pitch of the roof reduced;
 - (iii) Pedestrian and vehicular access to the garage altered; and
 - (iv) Window and door modifications and additions.
5. The amended plans were formally advertised; one objector withdrew their submission and an additional two objections were received. A total of 9 objections have been received.
6. At the time the application was lodged, the site was within in a General Residential Zone. However Amendment C176 was gazetted by the State government on 30 April 2015, applying a new clause 32.09 (Neighbourhood Residential Zone, Schedule 1 [NRZ1]) of the Yarra Planning Scheme (the Scheme) to the site. The NRZ1 is therefore the zone which must be considered in the assessment. However it is noted that clauses 32.09-3 (number of dwellings on a lot) and 32.09-8 (maximum building height for a dwelling or residential building) contain transitional provisions, however these transitional provisions do not apply to extensions to existing dwellings. Therefore this application will be assessed under the current zoning (NRZ1).

Key Planning Considerations

7. Key planning considerations include:
 - (a) Clause 15 – Built Environment and Heritage;
 - (b) Clause 21.05 – Built Form;
 - (c) Clause 21.07-1 – Environmental Sustainability, Ecologically Sustainable Development;
 - (d) Clause 21.08-3 – Neighbourhoods, North Carlton – Princes Hill;
 - (e) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (f) Clause 22.07 – Development Abutting Laneways;
 - (g) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design);
 - (h) Clause 32.09 – Neighbourhood Residential Zone;
 - (i) Clause 43.01 – Heritage Overlay; and
 - (j) Clause 54 – One dwelling on a Lot.

Key Issues

8. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 (ResCode);
 - (b) Heritage;
 - (c) Vehicular access; and
 - (d) Objector concerns.

Objector Concerns

9. Nine objections were received to the application, these can be summarised as:
 - (a) The proposed double storey construction at the rear can be used as a second dwelling;
 - (b) The proposed development is in conflict with the existing neighbourhood character (including massing and materials);
 - (c) Overdevelopment of the site and non-compliance with ResCode resulting in excessive height and visual bulk;
 - (d) Overlooking;
 - (e) Noise;
 - (f) Impact on ventilation and daylight to existing windows of adjoining properties and loss of views;
 - (g) Inadequate size of private open space;
 - (h) Increase in car parking demand and traffic;
 - (i) Structural safety concerns during the construction period;
 - (j) Setting a precedent for future development;
 - (k) Relocation of light pole in the laneway; and
 - (l) Existing built form of adjoining southern property shown incorrectly.

Conclusion

10. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to conditions.

CONTACT OFFICER: Claire Helfer
TITLE: Statutory Planner
TEL: 92055083

1.3 551 Station Street, Carlton North VIC 3054 - Planning Permit Application No. PLN14/0879

Trim Record Number: D15/74719

Responsible Officer: Coordinator Statutory Planning

Proposal:	Construction of a ground and first floor extension to the dwelling, including a double storey garage/studio at the rear and partial demolition
Existing use:	Dwelling
Applicant:	Florindo D'Angelo
Zoning / Overlays:	Neighbourhood Residential Zone, Schedule 1 (clause 32.09 of the Scheme) Heritage Overlay (Schedule 326 – North Carlton Precinct)
Date of Application:	22 September 2014
Application Number:	PLN14/0879

Planning History

1. Council records show no planning history associated with the subject site.

Background

2. The application was received by Council on 22 September 2014. Following the submission of further information, the application was advertised and 8 objections were received.
3. A consultation meeting was held on 12 March 2015 and was attended by Council officers, the applicant and objectors.
4. Pursuant to Section 57a of the *Planning and Environment Act 1987* (the Act), the applicant formally substituted plans which included the following changes:
 - (a) reduction in the overall building height from 8.7m to 7.7m;
 - (b) a variation to setbacks as follows:
 - (i) reduced southern boundary from 1.2m to 1m at ground floor of the main dwelling;
 - (ii) increased southern boundary from 1.2m to 2.8m at first floor of the main dwelling;
 - (iii) decreased northern boundary from 1m to 0m (for a length of 2.48m) at first floor of the main dwelling;
 - (iv) increased southern boundary from 2.5m to 2.8m of the first floor storage and terrace; and
 - (v) increased northern boundary from 0m to 1m and a decreased southern boundary from 1.8m to 1.8m of first floor studio (above garage)
 - (c) design detail changes:
 - (i) The roof material changed from unpainted zincalume to 'Shale Grey';
 - (ii) The pitch of the roof reduced;
 - (iii) Pedestrian and vehicular access to the garage; and
 - (iv) Window and door modifications and additions.
5. The amended plans were formally advertised; one objector withdrew their submission and an additional two objections were received. A total of 9 objections have been received.

Existing Conditions

Subject Site

6. The site is located on the western side of Station Street, Carlton North, approximately 160m north of Richardson Street and 90m south of Pigdon Street.
7. The rectangular shaped site has a frontage to Station Street of 10.06m and a depth of 30.48m; yielding a total site area of approximately 307sqm.
8. The site is currently developed with a single storey, double-fronted brick Victorian-era dwelling. The dwelling consists of four bedrooms, a study, bathroom, laundry and an open plan kitchen, dining and lounge area.
9. The dwelling is setback from the eastern boundary (Station Street) by 3.9m accommodating a front garden. A bullnose verandah encroaches into the front setback by 1.2m.
10. The dwelling is constructed to the north boundary for a length of 12.5m, then setback 970mm for a length of 6.5m.
11. The dwelling is constructed to the south boundary for a length of 8.8m, then setback between 1.2m and 2.6m.
12. The site's secluded private open space is located at the rear of the dwelling. A shed is located in the south-western corner of the site setback 300mm from the southern boundary for a length of 3.75m. A roller door provides access to the garage from the Right-of-Way (ROW) to the west of the subject site. A central pedestrian gate is located immediately north of the garage.
13. The subject site is identified as Lot 1 on Title Plan 233051U Volume 01656 Folio 115. There are no restrictive covenants listed against the certificate of title provided.

Surrounding Land

14. To the immediate north of the subject site is a single fronted, single storey Victorian-era brick dwelling with a first floor addition. This dwelling presents to Station Street as single storey with a recessed first floor addition setback approximately 10.4m from the front (east) boundary.
15. The dwelling is setback is setback approximately 3.1m from the front boundary accommodating a front garden. A verandah (with a flat angled roof) encroaches approximately 1.2m into this setback.
16. The dwelling is constructed to the southern boundary for a length of approximately 21m. There is a first floor on-boundary window located approximately 15m west of the front boundary and a first floor balcony to the west of the first floor addition. These later works were approved by Council under Planning Permit No. 991275. The site's primary area of secluded private open space is located at the rear of the dwelling.
17. On the east side of Station Street, opposite the subject site are attached single and double storey Victorian-era terraces. First floor later additions are visible from Station Street.
18. To the immediate south of the subject site is an attached double storey brick terrace building. This dwelling is setback from the front boundary by 2.5m accommodating a concreted front yard. The dwelling is constructed along the northern boundary for a length of approximately 7.4m then setback 1.15m and 1.5m. There are two north-facing habitable room windows at ground floor and one habitable room window at the first floor.

The site's primary area of secluded private open space is located at the rear of the dwelling along the northern boundary, with a covered area abutting the rear boundary and a shed along part of the southern boundary.

19. To the immediate west of the subject site is a ROW providing rear vehicular and pedestrian access to dwellings addressing Station and Canning Streets. Outbuildings are a prominent characteristic of the surrounding area. The dwellings addressing Canning Street consist of single and double storey built form.

The Proposal

20. The proposal is for the construction of a ground and first floor extension to the dwelling, including a double storey garage/studio at the rear and partial demolition; the details of which are as follows:

Demolition

- The dwelling beyond the front four rooms (including the bathroom, study, laundry and open plan kitchen, lounge and dining areas);
- Partial roof demolition associated with the front four rooms;
- Portion of the western bedroom 3 and 4 walls (this is not clearly shown on the demolition plan);
- Garage located in the south-western corner of the site;
- Western boundary fence and a 4m length (from the western boundary) of the north and southern boundary fencing.

Construction (ground floor)

- A new west-facing window to both bedroom 3 and 4 (within the built form to be retained);
- Ground floor extension, to the west of the portion of the dwelling to be retained, setback 1m from the northern boundary for a length of 2.2m (including a non-habitable north-facing window) then constructed to the boundary for a length of 7.2m. The maximum wall height (at ground level) along the northern elevation is 4.4m above the natural ground level.
- Setback 1m from the southern boundary for a length of 9.2m and a wall height of 3.6m.
- The extension to the main dwelling is setback 8.06m from the rear (west) boundary with a 1m deep verandah encroaching into the setback (maximum height of 4m above the natural ground level).
- The ground floor extension to the main dwelling will include a bathroom, water closet, laundry, and an open plan kitchen, lounge and dining area.
- The construction of a garage resulting in a new northern and southern on-boundary wall for a length of 3.9m and at a height of 3m. The garage will be constructed for the full length of the rear (western) boundary. Pedestrian access will be provided by a door located in the south-western corner of the site.
- A garage door measuring 5.5m in width by 2.7m in height will provide vehicular access.
- The site's secluded area of private open space is located at the rear of the dwelling and measures 3.1m in length by 10.06m in width (yielding 31.19sqm).
- Two, 2000 litre water tanks are proposed within the southern setback of the dwelling.

Construction (first floor)

- The first floor addition has a minimum setback of 7m from the front (eastern) boundary.
- A storage area (2.73m in length by 4.45m in width) is proposed within the new roof space (setback 7m from the eastern boundary). Beyond this is a terrace measuring 2.7m in length by 4.45m in width which also sits within the roof space.
- Beyond the terrace, the first floor addition is constructed on the northern boundary for a length of 2.2m, then setback 1m.
- The first floor is setback 2.8m from the southern boundary.

- The extension to the main dwelling is setback 8.06m from the rear (west) boundary; a 1m deep balcony encroaches into this setback. The balcony is to have 1.7m high timber slatted screening along the northern and southern sides and for a length of 1.3m along the west from the north and south sides. The balustrade between is 1m in height.
- The wall and overall height of the first floor extension is 6.55m and 7.7m respectively.
- A studio is proposed above the garage (3.7m wide) which is setback 1m from the northern boundary and 1.6m from the southern boundary. The maximum wall height is 5.5m above the natural ground level.

External materials and finishes

Surfaces	Material	Colour
Masonry wall	Face brick	Solid Clifton reds
Lightweight cladding	Render finish	Dulux Dh white
Lightweight panel	'Axon' panels	Grey shale
Boundary walls	Face brickwork	Solid Clifton reds
External doors	Timber	Dulux Dh Drab
External windows	Timber	Dulux Dh Drab
Screening and balustrade	Timber	Stained
Roof sheeting	Customorb	Grey Shale
Guttering	Box gutter & DP	Grey Shale

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

21. Pursuant to clause 32.09-1 of the Yarra Planning Scheme (the Scheme) a dwelling is a Section 1 (permit not required) use. Therefore, a permit is not required for the use of the site as a dwelling.
22. Pursuant to clause 32.09-4 of the Scheme, a permit is required to construct or extend one dwelling on a lot.
23. Pursuant to clause 32.09-8 of the Scheme, the maximum building height of a dwelling must not exceed the building height specified in a schedule to this zone. As no maximum height is specified in Schedule 1, the building height must not exceed 8m. The maximum building height is 7.7m and therefore complies.

Overlays

Heritage Overlay (Schedule 326 – North Carlton Precinct)

24. Pursuant to clause 43.01 of the Scheme, a permit is required for demolition, and to construct a building or construct or carry out works.

Particular Provisions

Clause 52.06 – Car Parking

25. Pursuant to clause 52.06-1 of the Scheme, clause 52.06 of the Scheme does not apply to the extension of one dwelling on a lot in the Neighbourhood Residential Zone. Therefore, this provision is not applicable to this application.

Clause 54 – One Dwelling on a Lot (ResCode)

26. As the works require planning permission pursuant to 32.09-4 of the Scheme, the application must meet the requirements of clause 54 of the Scheme. A detailed assessment will be offered in the assessment section of this report.

General Provisions

Clause 65 – Decision Guidelines

27. The Decision Guidelines outlined in 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 the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, 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 further in this report.

State Planning Policy Framework (SPPF)

28. Relevant clauses are as follows:

Clause 15 – Built Form and Heritage

29. The provisions of clause 15 of the Scheme contain a series of objectives and strategies that seek to ensure that land use and development planning responds to the special characteristics of the place; creates environments that support the sustainable wellbeing of communities; and provides for safe physical and social environments through appropriate location of uses and quality of urban design. In particular, planning should achieve high quality urban design and architecture that:

- (a) *contributes positively to local urban character and sense of place.*
- (b) *reflects the particular characteristics, aspirations and cultural identity of the community.*
- (c) *enhances liveability, diversity, amenity and safety of the public realm.*
- (d) *promotes attractiveness of towns and cities within broader strategic contexts.*
- (e) *minimises detrimental impact on neighbouring properties.*

Clause 15.01-1 – Urban Design

30. The objective of this clause is *‘to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity’.*
31. The relevant strategies are as follows:

- (a) *Promote good urban design to make the environment more liveable and attractive.*
- (b) *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- (c) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.02-1 – Energy and resource efficiency

32. The objective of this clause is *‘to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’.*

33. The relevant strategy is as follows:

- (a) *Improve efficiency in energy use through greater use of renewable energy.*

Clause 15.03-1 – Heritage Conservation

34. The objective of this clause is *'to ensure the conservation of places of heritage significance'*.
35. The relevant strategies are as follows:
- (a) *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
 - (b) *Retain those elements that contribute to the importance of the heritage place.*
 - (c) *Encourage the conservation and restoration of contributory elements.*
 - (d) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

Local Planning Policy Framework (LPPF)

36. The following provisions of the LPPF are the most relevant to this application:
- (a) *Clause 21: Municipal Strategic Statement [MSS]; and*
 - (b) *Clause 22: Local Planning Policies*

Municipal Strategic Statement [MSS]

37. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'. Clause 21.02 of the MSS acknowledges that whilst Yarra has a growing population, demographically the size of households is decreasing with fewer children and the elderly than the rest of Melbourne.
38. Relevant clauses are as follows:

Clause 21.05-1 – Heritage

39. The relevant objective and strategies of this clause are as follows:

- (a) *Objective 14 – To protect and enhance Yarra's heritage places*
 - (i) *Strategy 14.1 - Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - (ii) *Strategy 14.6 - Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (iii) *Strategy 14.8 - Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02.*

Clause 21.05-2 – Urban Design

40. The relevant objective and strategies of this clause are as follows:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (i) *Strategy 17.1 - Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.*
 - (i) *Strategy 18.2 - Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.07-1 – Ecological sustainable development

41. The relevant objective of this clause are as follows:

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

Clause 21.08 – Neighbourhoods

42. The following statement has been extracted from the description of North Carlton at clause 21.08-3 of the Scheme:

‘This residential neighbourhood is noted for the consistency of its spacious brick or render late Victorian and Edwardian streetscapes and for its consistent residential character. Linear Park is a significant park in this neighbourhood. The area has excellent accessibility to tertiary institutions in central Melbourne. Little change is expected for this neighbourhood’.

Relevant Local Policies

43. The following Local Planning Policies are relevant:

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

44. The relevant general objectives at clause 22.02-4 are as follows:

- (a) *To conserve Yarra’s natural and cultural heritage.*
(b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
(c) *To retain significant view lines to, and vistas of, heritage places.*
(d) *To preserve the scale and pattern of streetscapes in heritage places.*
(e) *To ensure that additions and new works to a heritage place respect the significance of the place.*
(f) *To encourage the retention of ‘individually significant’ and ‘contributory’ heritage places.*

Clause 22.02-3 – Levels of Significance

45. Every building of cultural significance has been assessed and graded according to its heritage contribution. The subject site is identified as being ‘contributory’ to the North Carlton Precinct (HO326) in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, Revised September 2014*. ‘Contributory’ is defined as follows:

‘Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving’.

Clause 22.02-5.1 – Demolition

46. Clause 22.02-5.1 of the Scheme generally discourages the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- (a) *For a contributory building:*
(i) *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained;*
or
(ii) *the removal of the part would not adversely affect the contribution of the building to the heritage place.*

Clause 22.02-5.7.1 – New Development, Alterations and Additions, General

47. This clause encourages the following (of relevance):

- (a) *'the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (iii) *Be visually recessive and not dominate the heritage place.*
 - (iv) *Be distinguishable from the original historic fabric.*
 - (v) *Not remove, cover, damage or change original historic fabric.*
 - (vi) *Not obscure views of principle façades.*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
- (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
- (c) *Minimise the visibility of new additions by:*
 - (i) *Locating ground level additions and any higher elements towards the rear of the site.*
 - (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)*
 - (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2.*
- (d) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

Clause 22.02-5.7.2 – Specific Requirements, Residential Upper Storey Additions

- (a) *Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:*
 - (i) *Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.*
 - (ii) *Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.*
- (b) *Sightlines should be provided to indicate the 'envelope' from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).*

Clause 22.02-5.7.2 – Specific Requirements, Carports, Car Spaces, Garages and Outbuildings

- (a) *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.*
- (b) *Discourage the following (of relevance):*
 - (i) *High fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area.*

Clause 22.07 – Development Abutting Laneways

48. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal.
49. The objectives at clause 22.07-2 of the Scheme are as follows:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
 - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
 - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
 - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*
50. It is policy that (of relevance):
- (a) *Where vehicular movement in the laneway is expected to cause a material traffic impact, a traffic impact assessment report be provided to demonstrate that the laneway can safely accommodate the increased traffic.*
 - (b) *Where alternative street frontage is available, pedestrian access from the street be provided.*
 - (c) *Pedestrian entries be separate from vehicle entries.*
 - (d) *Pedestrian entries be well lit to foster a sense of safety and address to a development.*
 - (e) *Lighting be designed to avoid light spill into adjacent private open space and habitable rooms.*
 - (f) *Vehicle access be provided to ensure ingress and egress does not require multiple vehicular movements.*
 - (g) *Development respect the scale of the surrounding built form.*
 - (h) *Development not obstruct existing access to other properties in the laneway.*
 - (i) *Doors to car storage areas (garages) not protrude into the laneway.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

51. This policy applies to applications for (of relevance) extensions to existing buildings which are 50sqm in floor area or greater. The objectives of this clause are as follows:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
 - (i) *Suspended Solids - 80% retention of typical urban annual load*
 - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
 - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
 - (iv) *Litter - 70% reduction of typical urban annual load*
 - (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
 - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
 - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
 - (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being*
52. At clause 22.16-3 of the Scheme, it is policy to:

- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - (i) *collection and reuse of rainwater and stormwater on site*
 - (ii) *vegetated swales and buffer strips*
 - (iii) *rain gardens*
 - (iv) *installation of water recycling systems*
 - (v) *multiple uses of water within a single manufacturing site*
 - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*
- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
 - (i) *appropriately designed waste enclosures and storage bins, and*
 - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*
- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

Advertising

- 53. The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* (the Act), by way of 22 letters sent to adjoining and neighbouring owners and occupiers and two notices displayed on site; one on the Station Street frontage and the other on the ROW.
- 54. A total of 9 objections were received by Council. The grounds of objection are summarised as follows:
 - (a) The proposed double storey construction at the rear can be used as a second dwelling;
 - (b) The proposed development is in conflict with the existing neighbourhood character (including massing and materials);
 - (c) Overdevelopment of the site and non-compliance with ResCode resulting in excessive height and visual bulk;
 - (d) Overlooking;
 - (e) Noise;
 - (f) Impact on ventilation and daylight to existing windows of adjoining properties and loss of views;
 - (g) Inadequate size of private open space;
 - (h) Increase in car parking demand and traffic;
 - (i) Structural safety concerns during the construction period;
 - (j) Setting a precedent for future development;
 - (k) Relocation of light pole in the laneway; and
 - (l) Existing built form of adjoining southern property shown incorrectly.

Consultation Meeting

- 55. A consultation meeting was held on 12 March 2015, with the applicant and objectors in attendance. Amendments to the proposal were received on 02 April 2015.
- 56. The Section 57A amendment was advertised pursuant to Section 52 of the Act by way of 23 letters sent to adjoining and neighbouring owners and occupiers and objectors and two notices displayed on site; one on the Station Street frontage and the other on the ROW.

Referrals

External Referrals

57. There are no external referrals required under the Scheme.

Internal Referrals

58. The application (both the original proposal and the Section 57a revised design) was referred to Council's Heritage Advisor and Engineering Unit.

Heritage

59. The following recommendations have been extracted from the original heritage referral response:

- (a) *That the overall finished height of the proposed addition must be lowered by reducing the by floor-to-ceiling height of the ground floor level to 2.7 m and 2.5 m for the upper floor level;*
- (b) *That the proposed roofing material must be corrugated galvanised steel or Colorbond product in a colour that resembles aged galvanised steel*

60. The following has been extracted from the revised heritage referral response, in relation to the Section 57A plans:

- (a) *The proposed Shale grey colour is supported as complementary to historic roofs in the area.*
- (b) *The decrease in the roof pitch, resulting in reduced visibility from the street front, is supported.*
- (c) *The increased setback of 300mm is minimal and will have little impact, but any increase in setback from the street front is supported as contributing to the aim of achieving good conservation outcomes.*
- (d) *Though internal ceiling heights were not reduced in accordance with the recommendations, the applicants have achieved the broader objective which is to decrease the visibility of the new addition. The revised sightline diagram provided on drawing No. TP12C shows that this objective has been achieved with the supplied changes.*

61. The heritage referral response concluded that *'on heritage grounds, the works proposed in this application maybe approved'*.

Engineering

62. The referral response from Council's Engineering Unit is as follows:

Access Arrangements and Internal Layout

63. *A site inspection revealed that the property abuts a bluestone Right of way, which has a carriageway width of approximately 4.88 metres. An existing light pole is located approximately 4.03 metres north of the site's southern boundary.*
64. *A check of the submitted that the power pole is in front of the proposed doorway, which is unsatisfactory. The designer has not indicated this light pole in any of the submitted drawings and, as a consequence, must make arrangements to have the pole relocated and obtain written approval from the relevant power authority.*
65. *The garage layout comprises a single parallel space to the abutting bluestone Right of Way. The Australian/New Zealand Standard AS/NZS 2890.1:2004 has specific design requirements for parallel parking spaces. In this case, the space is obstructed at both ends.*

In this case, the Standard would require a minimum space length of 7.2 metres. The proposed garage has an internal length of 7.4 metres and is therefore considered satisfactory. Invariably, cars would reverse into the space and exit in a forward direction.

66. *The dimensions of the garage and doorway are considered satisfactory.*

67. The following are outlined as engineering requirements:

Finished floor levels and development access

68. *The finished floor levels along the edge of the garage's concrete slab must be set 40 mm higher than the east edge of the bluestone Right of Way – Council infrastructure requirement.*

Light pole relocation

69. *The designer must consult and liaise with the relevant power authority and Council's Construction Management branch in relation to relocating the light pole. The designer must ensure that light does not spill into any habitable windows of the subject site or any nearby residences. Any shielding required shall be funded by the applicant.*

70. *The designer must check to ensure that the lighting level at the rear of the property satisfies the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. Any upgraded light that may be required shall be funded by the applicant.*

Impact of assets on proposed development

71. *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.*

72. Council's Engineering referral response in reference to the Section 57a plans is as follows:

Access arrangements and internal layout

73. *The proposed garage has internal dimensions of 7.2 metres by 3.5 metres which satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004.*

74. *The proposed 5.5 metre wide roller door is considered satisfactory for enabling an 85th percentile vehicle to parallel park into the garage.*

75. *The existing light pole can be retained.*

OFFICER ASSESSMENT

76. The key planning considerations for Council in considering the proposal relate to the following:

- (a) Clause 54 (ResCode);
- (b) Heritage;
- (c) Vehicular access; and
- (d) Objector concerns.

Clause 54 (ResCode)

Standard A1 – Neighbourhood Character

77. This portion of Station Street is characterised by single and double storey Victorian-era dwellings. There are a number of first floor later additions associated with these dwellings which (while recessed) are visible from Station Street.

78. The proposed first floor addition to the main dwelling is setback 12.68m from the front boundary and will be visible from Station Street from oblique views.
79. Therefore, as the proposal will not impact or conflict with the existing streetscape or the existing neighbourhood built form character, compliance with this standard is achieved.
80. Outbuildings at the rear of sites are a prominent characteristic of the immediate surrounds and broader neighbourhood character. These outbuildings are generally contained to single storey however double storey construction at the rear of sites is an emerging characteristic.
81. The proposed double storey garage/studio at the rear of the site will not be visible from the primary streetscape. Visibility will be from the ROW and a laneway that connects to Canning. Canning Street is located in excess of 35m to the west and therefore the built form will not impact on this street.

Standard A2 – Integration with the street objective

82. The integration the existing dwelling has with Station Street will remain unchanged, therefore this standard is not applicable.

Standard A3 – Street setback objective

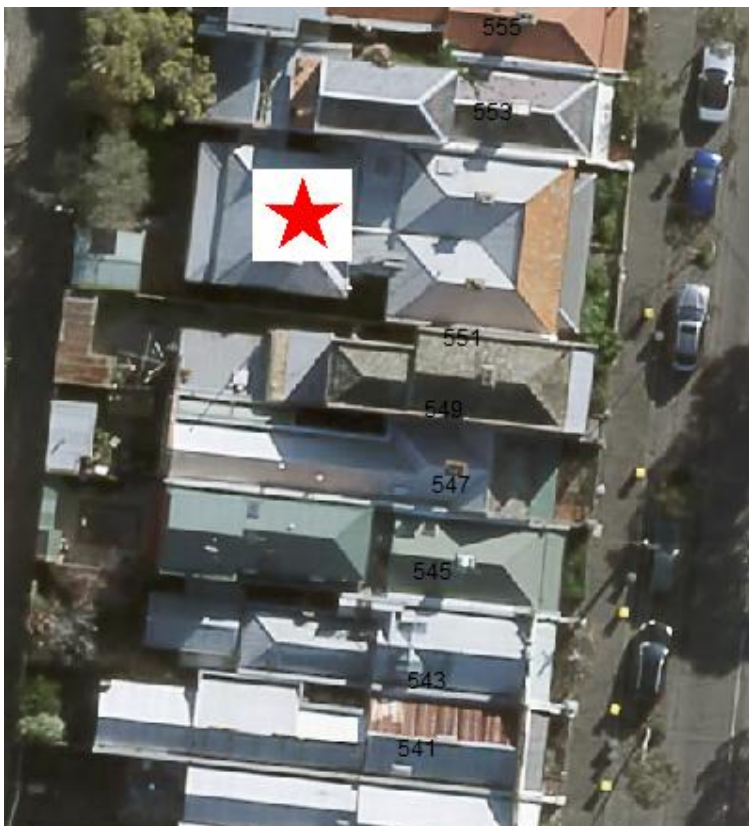
83. The existing setback of the dwelling from Station Street remains unchanged, therefore this standard is not applicable.

Standard A4 – Building height objective

84. This standard recommends for the maximum building height not to exceed 9m; the proposed maximum building height is 7.7m, therefore complying with this standard.
85. As outlined in paragraph 23 of this report, the Neighbourhood Residential Zone, Schedule 1 (in which the site is located) specifies a maximum building height of 8m. It is reiterated that the proposed maximum building height of 7.7m does not exceed the aforementioned mandatory height.

Standard A5 – Site coverage objective

86. This standard recommends for a maximum site coverage of 60 per cent; the proposed site coverage equates to approximately 73 per cent.
87. It is acceptable to allow discretion in this instance given the site's location in an inner urban environment. It is evident from the aerial photo below, that not only do the existing conditions of the subject site (identified by the red star) not comply with this standard but a higher level of site coverage is a prominent characteristic of the area (particularly to the south).



88. Therefore, the objective of this standard is met.

Standard A6 – Permeability objectives

89. This standard recommends a minimum site permeability of 20 per cent; the proposal includes 8.9 per cent site permeability which is attributed to the front and rear yards and an additional 10sqm of semi-permeability within the southern setback.

90. However, the plans do not specify whether the rear area of secluded private open space is to be permeable. In the event that this area is permeable, the proposal would achieve 18.9 per cent site permeability.

91. This required variation is considered acceptable as a lower level of site permeability is characteristic of the immediate surrounds and broader neighbourhood. This is generally attributed to small lot sizes in the inner city context.

92. Further to this, two 2000 litre water tanks are proposed which will limit the impact on the drainage system and will assist in the facilitation of on-site stormwater infiltration. This will be discussed further in standard A7 below.

93. Therefore, as the objectives of this standard are met (subject to the inclusion of a condition that ensures the rear secluded private open space to be permeable), the sought variation to the site permeability is considered acceptable.

Standard A7 – Energy efficiency protection objectives

94. Clause 22.16-3 of the Scheme (Stormwater Management) encourages best practice to be achieved which is a 100 per cent STORM rating. The applicant submitted a STORM report associated with the original proposal which achieves a STORM rating of 101 per cent. This rating is attributed to two, 2000L water tanks located within the southern setback of the dwelling. However the plans fail to detail that the harvesting of water from the tanks will be used for the flushing of toilets and watering of gardens; therefore this will be required by way of condition.

Whilst an updated STORM report was not submitted with the Section 57A, the increase in site coverage (of 0.2sqm) and slight overall building footprint reduction will not result in a discernable difference. Subject to condition, the proposal is supported by clause 22.16 of the Scheme.

95. The east-west orientation of the dwelling acts as a constraint when maximising solar access. With regard to existing conditions, the dwelling receives minimal access to daylight and solar efficiency given the double storey construction on the adjoining northern property opposite the only north-facing habitable room window. Therefore, relative to existing conditions and with consideration of the site constraints the limited solar efficiency at ground floor is considered acceptable.
96. Sufficient solar protection from the west-facing windows at ground floor is provided from the verandah at the rear of the dwelling, protecting the open plan kitchen and dining areas from the harsh afternoon western sun.
97. At first floor, sufficient energy efficiency is achieved by way of sunlight penetration through the north-facing windows and ambient light from the south-facing windows. The roofed balcony will also protect the master bedroom from the western sun.
98. Therefore, an acceptable level of energy efficiency is achieved, complying with this standard.

Standard A8 – Significant trees objectives

99. There are no significant trees located on-site; therefore this standard is not applicable.

Standard A10 – Side and rear setbacks objective

100. The following table outlines the walls that are assessed under this standard:

Wall	Wall height	Technical setback required	Proposed setback	Compliance/ variation
Ground and first floor northern staircase wall	6.7m	1.93m	1m	930mm variation required
Ground floor southern kitchen, laundry and bathroom wall	3.6m	1m	1m	Complies
First floor northern bedroom wall	6.7m	1.93m	1m	930mm variation required
First floor southern wall	6.7m	1.93m	2.8m	Complies
First floor northern studio wall	5.5m	1.57m	1m	570mm variation required
First floor southern studio wall	5.5m	1.57m	1.6m	Complies

101. As outlined in the above table, the ground and first floor northern staircase and first floor northern bedroom walls do not meet the recommended technical setbacks under this standard.
102. The ground and first floor northern staircase wall requires a 930mm variation. This variation is considered acceptable as the wall is adjacent to existing built form constructed to the shared boundary located on the adjoining northern property. Therefore, the variation will not result in any adverse amenity impacts such as visual bulk or impact.

103. The first floor northern bedroom wall also requires a 930mm variation. This variation is considered acceptable as the wall is adjacent to existing built form constructed to the shared boundary. Whilst there is an existing first floor balcony located adjacent to the proposed wall on the adjoining northern property, the balcony will continue to have an unobstructed outlook to the west. Therefore, it is considered that the sought variation will not result in unreasonable amenity impacts from this balcony.
104. The proposed first floor studio setback requires a 570mm variation from the northern boundary. The amenity impacts resultant from this variation are not considered to be adverse. The length of the wall is 3.7m in length and given the narrow depth of the adjoining southern site (approximately 5m) and the proposed 3m high on-boundary wall (which complies with the recommended wall height of 3.2m), the view-line from this area will only clip the top of the first floor wall. Therefore, the perceived visual bulk will not be adverse. Furthermore, as the wall is located to the south of this area, there will be no overshadowing. Therefore, this variation is considered acceptable.
105. With respect to the above variations required, minimum side setbacks are characteristic of the immediate and broader surrounds given the inner-city context of the subject site. Therefore, the proposal meets the objectives of the standard as it will not result in conflict with the existing neighbourhood character nor will it result in unreasonable amenity impacts.

Standard A11 – Walls on boundaries objective

106. The northern, southern and western walls will be assessed under this standard.
107. This standard recommends for the collective length of northern on-boundary walls not to exceed 15.12m; the proposed collective length equates to 19.9m, therefore not meeting the recommendation of this standard.
108. This standard further recommends for an average wall height not to exceed 3.2m with no part higher than 3.6m. The proposed wall height of the new on-boundary northern wall ranges between 3m and 6.7m, therefore not complying with this standard.
109. However the on-boundary construction (existing and proposed) of the main dwelling is adjacent to existing built form on the adjoining northern lot and therefore will not result in unreasonable amenity impacts.
110. In addition, the two storey on-boundary wall extends only for a length of 2.2m and is adjacent to the first floor construction on the adjoining northern property, therefore will not result in adverse amenity impacts.
111. The new on-boundary construction associated with the garage is considered appropriate as the wall height is 3m complying with the recommended height under this standard.
112. The collective length of southern on-boundary walls equates to 12.5m, therefore meeting the recommended maximum length of 15.12m. The new on-boundary southern wall is 3m in height, therefore also complying with the recommended average height of 3.2m.
113. The western on-boundary wall length of 10.06m and height of 5.5m exceeds the recommended length of 10m and average height of 3.2m. However, this variation is considered acceptable as the wall abuts a 4.88m wide ROW. The ROW is a substantial buffer between the new wall and the dwellings located to the west of the ROW; therefore will not result in any unreasonable amenity impacts (i.e. visual impact or overshadowing). Therefore meeting the objective of this standard.

Standard A12 – Daylight to existing windows objective

114. This standard applies to existing habitable room windows within 3m of a boundary. This standard recommends for an existing habitable room window to continue to open to an open area at least a 3sqm area and to be at least 1m clear to the sky.
115. There is one on-boundary southern bedroom window associated with the adjoining northern property. The proposed development includes construction to the shared boundary, therefore, not complying with this standard. However, there have been many Victorian Civil and Administrative Tribunal (VCAT) cases deeming on-boundary windows to have no legal right to daylight or ventilation. This is due to on-boundary windows unreasonably restricting the equitable development of adjoining lots. Therefore, the non-compliance with this standard is considered acceptable. Furthermore, the said slit-window is south-facing which would only receive ambient light (albeit there is no easement which entitles this window to light). In addition, this window is not the primary light source to the bedroom which also has north and west-facing windows.
116. There is one ground floor and one first floor north-facing habitable room window associated with the adjoining southern property setback 1.1m from the shared boundary. These windows will continue to open to an area greater than 3sqm and will continue to be at least 1m clear to the sky, complying with this standard (it is noted that there is a slight eave overhang). This standard further recommends for a wall that exceeds 3m in height, to be setback from the window 50 per cent of the wall height. The proposed wall height 3.6m (ground floor) and 6.7m (first floor) therefore requiring a 1.8m and 3.35m setback respectively. The ground and first floor construction is setback 2m and 3.8m respectively from the existing windows, complying with this standard.
117. The adjoining southern property appears to have north-facing French doors. This standard applies to windows (not doors) however the doors would still be compliant with standard A12 and meets the objective of A13 (below).

Standard A13 – North-facing windows objective

118. This standard applies to north-facing habitable room windows within 3m of a boundary. There are two, north-facing habitable room window within 3m of the shared boundary (one located at ground floor and one located at the first floor).
119. This standard recommends for the southern ground floor wall of the proposed development to be setback 1m from the shared boundary (derived from a 3.6m wall height) and for the first floor to be setback 2.86m from the shared boundary (derived from a 6.7m wall height).
120. The ground floor is setback 1m from the shared boundary, complying with this standard.
121. The proposed first floor is setback 2.8m from the shared boundary resulting in a 0.06m required variation. This minor variation is considered acceptable as it would not result in a discernable difference with regard to daylight to the existing habitable room window.
122. Therefore, the objective of this standard is met.

Standard A14 – Overshadowing open space objective

123. This standard recommends 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.
124. The increases in overshadowing referenced on the submitted shadow diagrams are incorrect as they include overshadowing over existing built form. The following figures are resultant from the Planning Officer's assessment.

125. At 9am, the proposal results in an increase in overshadowing to the secluded private open space of the adjoining southern property of 5sqm.
126. At 12 noon, the proposal results in an increase in overshadowing of 2.16sqm to the secluded private open space of the adjoining southern property.
127. At 3pm, there is an increase in overshadowing to the secluded private open space of the adjoining southern property of 5.42sqm.
128. Whilst compliance is not achieved with this standard, the minor increases in overshadowing are considered acceptable given the inner-city context of the site as well as the southern section of the secluded private open space will continue to receive direct sunlight and continue to be a highly functional area of secluded private open space.

Standard A15 – Overlooking objective

129. This standard applies to direct views within 9m at a 45 degree arc from either habitable room windows or balconies/terraces into either areas of secluded private open space or habitable room windows.
130. The first floor terrace is to sit within the roof space with solid visual barriers to the north and south 2.2m in height above the finished floor level. Therefore complying with this standard. As a storage area within the roof space is located east of the terrace, there are no overlooking opportunities within 9m to the north.
131. The two south-facing retreat windows have a sill height of 1.7m above the finished floor level therefore complying with this standard.
132. The two south-facing master bedroom windows (associated with the walk-in-robos) are shown as openable below 1.7m above the finished floor level. However, these areas are not habitable rooms and do not require screening.
133. The north-facing master bedroom window has a sill height of 1.7m above the finished floor level therefore complying with this standard. The northern stair window is not to a habitable room and is not required to be screened.
134. The west-facing balcony includes a 1.7m high timber slatted screen with a maximum transparency of 25 per cent along the north and south sides. However, to ensure that compliance with this standard is achieved, these screens must be shown as fixed; this will be required by way of condition.
135. The 1.7m high screen continues along the west side of the balcony for a distance of 1.3m from the north and south sides; the balustrade then reduces to a height of 1m. At a 45 degree arc, there are overlooking opportunities into the secluded private open space of the adjoining northern and south properties within 9m; therefore not complying with this standard. Compliance with this standard will be required by way of condition.
136. The east-facing studio windows are shown as openable below 1.7m above the finished floor level. The northernmost window only results in views over the roof space of the adjoining northern property, therefore does not required to be treated. The southernmost window however, results in direct views into the secluded private open space of the adjoining southern property. Compliance with this standard will be required by way of condition.
137. The west-facing studio windows are shown as entirely opaque and fixed, therefore complying with this standard.

Standard A16 – Daylight to new windows objective

138. This standard applies to new habitable room windows and recommends for them to open to an area measuring at least 3sqm and to be at least 1m clear to the sky.
139. The new west-facing window to the existing bedroom 3 is at least 1m clear to the sky however opens to a light court measuring 2.2sqm, not the recommended 3sqm. This variation however is considered acceptable as the existing bedroom currently has no source of natural daylight. Whilst the new window does not comply with this standard, the proposal results in an overall improvement to the internal amenity and therefore meets the objective of this standard which is to '*allow adequate daylight into new habitable room windows*'.
140. The new west-facing window to the existing bedroom 4 opens to an lightcourt measuring in excess of 3sqm and is at least 1m clear to the sky, therefore complying with this standard.
141. The ground floor west-facing dining and kitchen windows open to the site's secluded private open space which measures greater than 3sqm however is not at least 1m clear to the sky due to the verandah. This variation however is considered acceptable as the verandah will protect the dining and kitchen areas from the harsh western afternoon sun. Without this overhang, compliance with standard A7 would not be achieved and other solar protection measures would be required. Therefore, the objective of this standard which is met.
142. At the first floor, all new habitable room windows (the retreat, master bedroom and studio windows) all open to an area greater than 3sqm and are at least 1m clear to the sky, therefore achieving compliance with this standard.

Standard A17 – Private open space objective

143. This standard recommends for the site to include at least 20 per cent of private open space; the proposal includes 27 per cent (attributed to the front and rear yards and the northern and southern lightcourts); therefore complying with this standard.
144. This standard further recommends for at least 25sqm of the private open space to be secluded, to have a minimum distance of 3m from a side or rear boundary and to be conveniently accessed from a living area.
145. The site's secluded private open space is located at the rear of the dwelling (to the east of the garage/studio), measures approximately 30sqm, spans the full width of the site (10.06m) and has direct access from the open kitchen, dining and lounge area. Therefore, compliance with this standard is achieved.

Standard A18 – Solar access to open space objective

146. This standard is only applicable to new dwellings (not extensions to existing dwellings) and therefore is not applicable.

Standard A19 – Design detail objective

147. This standard encourages (of relevance) window and door proportions, roof form and verandahs, eaves and parapets to respect the existing neighbourhood character.
148. The proposed windows and doors of the extension to the dwelling whilst are not of the typical heritage orientation and proportion are suitable and appropriate for a contemporary addition.
149. The existing dwelling within the surrounds of the subject site predominantly have hipped roofs; therefore, the proposed singular hipped roof and eaves achieve consistency and will not conflict with the existing surrounding character.
150. This standard further recommends for garages to be visually compatible with the development and the existing neighbourhood character.

151. The proposed garage and studio at the rear of the site is visually compatible with the extension to the main dwelling and is not in conflict with the broader neighbourhood character. The simple flat roofed contemporary design is a suitable rear addition to the existing heritage dwelling and complies with this standard.

Standard A20 – Front fences objective

152. There are no proposed changes to the existing front fence; therefore this standard is not applicable.

Heritage

153. The proposed demolition and construction must be assessed against the decision guidelines of the heritage overlay (clause 43.01 of the Scheme) and Council's local heritage policy (clause 22.02 of the Scheme).
154. The proposed demolition involves the rear portion of the existing dwelling (with the front 4 rooms to be retained), the portion of the roof beyond the main ridge and to the west of the north and south ridges, the garage at the rear of the site and the rear portions of the north and southern boundary fencing.
155. Council's local heritage policy (at clause 22.02-5.7.1 of the Scheme) encourages (of relevance) partial demolition of a 'contributory' graded building not to be visible from a street.
156. The proposed demolition will not be visible from Station Street (only from the ROW) and is therefore supported by Council's local heritage policy. As the demolition will not adversely affect the heritage significance of the dwelling or its contribution to the North Carlton Heritage Precinct, support is also gained from the decision guidelines of the Heritage Overlay (at clause 43.01 of the Scheme).
157. Furthermore, Council's Heritage Advisor raised no objection to the proposed demolition.
158. Clause 22.02-5.7.1 of the Scheme includes sight-line diagrams which provide an indication of an acceptable location of ground and upper floor additions to heritage buildings. The proposed ground and first floor extension is entirely within the sight-line diagrams and is therefore supported by the aforementioned clause.
159. The proposed first floor addition will be visible from oblique views along Station Street. The addition however will be recessive, will not dominate the existing heritage dwelling and will be read as a separate element to the existing dwelling.
160. As the existing Station Street streetscape consists of visible later first floor additions to heritage dwellings, the proposal will sit comfortably within the street and will not adversely affect the broader North Carlton Heritage Precinct.
161. The proposed hipped roof of the extension to the main dwelling is consistent with the existing roof forms of the surrounding dwellings. Furthermore, the shale grey colour for the roof is reflective of aged galvanised steel, consistent with existing roofs within the streetscape and broader heritage precinct. The proposed roof form therefore will not conflict with the existing surrounding built form.
162. Whilst clause 22.02-5.7.1 of the Scheme discourages *'unroofed or open upper level decks or balconies'* given the proposed east-facing terrace will sit within the valley of the existing roof structure and will be completely concealed from the streetscape. Therefore, given the heritage value of the existing dwelling will not be compromised nor will the terrace affect the existing streetscape or broader heritage place, the proposal is supported by the decision guidelines of the Heritage Overlay and Council's local heritage policy.

163. Furthermore, Council's Heritage Advisor supports the proposed extension to the main dwelling.
164. With regard to the proposed double storey construction at the rear of the site; outbuildings are a prominent characteristic of the immediate surrounds and broader neighbourhood. Whilst the existing outbuildings within the surrounding area are generally single storey, double storey construction at the rear of heritage sites is an emerging characteristic.
165. The double storey garage/studio will be completely concealed from the Station Street streetscape and will only be visible from the ROW immediately to the west. Council's Heritage Advisor submits that the built form will not adversely affect the bluestone laneway and raises no objection to the construction.
166. As the proposed double storey construction at the rear of the site is not in conflict with the existing character of the laneway, further policy support is gained by clause 22.07 of the Scheme (development abutting laneways).
167. As the proposed development will not adversely affect the existing heritage dwelling, the Station Street streetscape or the broader North Carlton Heritage Precinct, support is gained from the decision guidelines of the Heritage Overlay (clause 43.01 of the Scheme) and Council's local heritage policy (clause 22.02 of the Scheme).

Vehicular access

168. As per the referrals section of this report at paragraphs 62 to 75, Council's Engineering Unit concluded that the proposed vehicular access with regard to turning circles and internal dimensions satisfy the relevant requirements.
169. Council's Engineering Unit suggests a number of standard requirements specified at paragraphs 68 to 75 which will be required by way of conditions and notes as relevant.
170. As proposed vehicular access will not result in any safety issues, the proposal is also supported by clause 22.07 of the Scheme (development abutting laneways objective).

Objector Concerns

171. Nine objections were received to the application, these can be summarised as follows:

- (a) The proposed double storey construction at the rear can be used as a second dwelling

The double storey construction at the rear of the site does not meet the definition of a dwelling which is, pursuant to clause 74 of the Scheme '*a building used as a self-contained residence which must include a kitchen sink, food preparation facilities, a bath or shower and a closet plan and wash basin. It includes out-buildings and works normal to a dwelling*'. Nonetheless, to ensure that the rear construction will not be used as a second dwelling on a lot, the deletion of the rear pedestrian door off the ROW will be required by way of condition.

- (b) The proposed development is in conflict with the existing neighbourhood character (including massing and materials)

Refer to the assessment of standard A1 (neighbourhood character objective) and heritage at paragraphs 77 to 81 and 153 to 167 of this report respectively.

- (c) Overdevelopment of the site and non-compliance with ResCode resulting in excessive height and visual bulk

Refer to the assessment of standard A4 (building height objective) from paragraphs 84 to 85, standard A10 (side and rear setbacks objective) from paragraphs 100 to 105, and standard A11 (walls on boundaries objective) from paragraphs 106 to 113 of this report.

(d) Overlooking

Refer to the assessment of standard A15 (overlooking objective) of this report from paragraphs 129 to 137.

(e) Noise

The consideration of this planning application is confined only to the part demolition and construction to the existing dwelling, as the residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is normal and reasonable in an urban setting. Any future issues of amenity (if they arise) would be a civil matter.

(f) Impact on ventilation and daylight to existing windows of adjoining properties and loss of views to the sky

Refer to the assessment of standard A12 (daylight to existing windows objective) and A13 (north-facing windows objective) at paragraphs 114 to 117 and 118 to 122 respectively.

In relation to ventilation, this is not a consideration within the Yarra Planning Scheme and will be assessed at the building permit stage.

(g) Inadequate size of private open space

Refer to the assessment of standard 17 (private open space objective) at paragraphs 143 to 145 of this report.

(h) Increase in car parking demand and traffic

As detailed under the particular provisions section of this report at paragraph 25, the proposal does not trigger a requirement to provide on-site car parking. With regard to vehicular access, refer to paragraphs 168 to 170 of this report.

(i) Structural safety concerns during the construction period

This is not a consideration of the Yarra Planning Scheme and will be dealt with at the building permit stage.

(j) Setting a precedent for future development

Every development application is assessed on its planning merit and assessed on a case-by-case basis.

(k) Relocation of light pole in the laneway

This is no longer required due to the redesign on the garage (section 57a).

(l) Existing built form of adjoining southern property shown incorrectly

The built form is shown accurately on the plans.

Conclusion

172. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the Neighbourhood Residential Zone, the Heritage Overlay (clause 43.01) and clause 54 of the Yarra Planning Scheme, outlined in the above assessment, and should therefore be approved subject to conditions.

RECOMMENDATION

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans received by Council on 02 April 2015 but modified to show:
 - (a) Demolition plan modified to clearly show the partial demolition of bedroom 3 and 4 west walls.
 - (b) The secluded private open space at the rear of the dwelling to be permeable.
 - (c) The harvesting of water from the water tanks to be used for the flushing of toilets and watering of garden areas.
 - (d) Demonstration of the first floor addition and studio complying with standard A15 (overlooking) at clause 54.04-6 of the Yarra Planning Scheme.
 - (e) Deletion of the rear pedestrian door to the garage.
 - (f) The finished floor levels along the edge of the garage's concrete slab must be set 40 mm higher than the east edge of the bluestone Right of Way.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development 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.
4. All screening and other measures to prevent overlooking as shown on the endorsed plans 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 damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
7. The provisions, recommendations and requirements of the endorsed Water Sensitive Urban Design Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

9. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

NOTES

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

CONTACT OFFICER: Claire Helfer
TITLE: Statutory Planner
TEL: 92055083

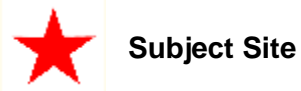
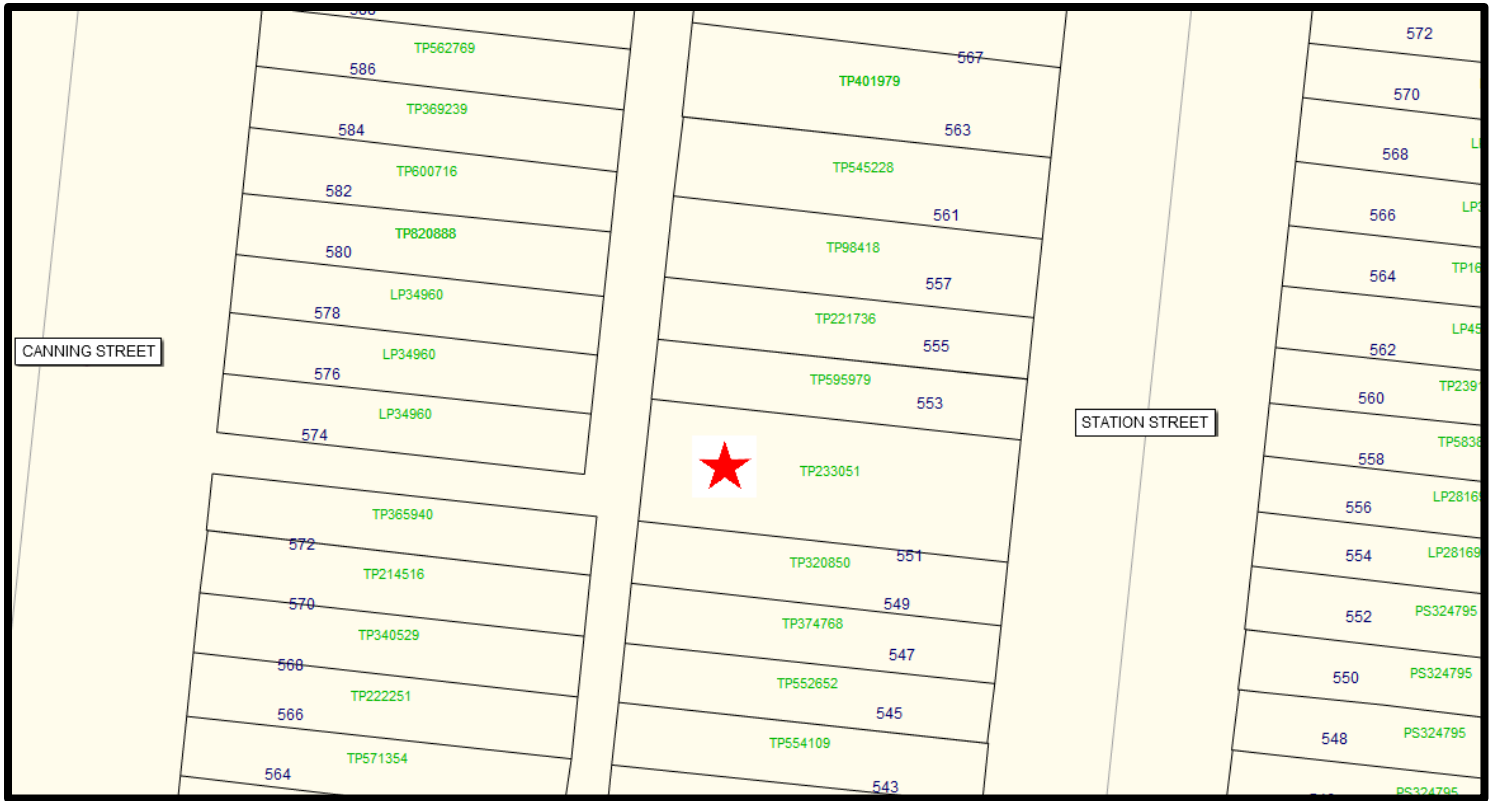
Attachments

- 1 PLN14/0879 - 511 Station Street, Carlton North - Site plan
- 2 PLN14/0879 - 551 Station Street Carlton North - Decision Plans

Attachment 1 - PLN14/0879 - 511 Station Street, Carlton North - Site plan

ATTACHMENT 1

SUBJECT LAND: 551 Station Street, Carlton North



PROPOSED EXTENSION DEVELOPMENT 551 STATION ST CARLTON NORTH



TOWN PLANNING ISSUE

SCHEDULE OF DRAWINGS

- TP00 FACE SHEET
- TP01 SITE & LOCALITY PLAN
- TP02 EXISTING CONDITIONS
- TP03 DEMOLITION PLAN
- TP04 PROPOSED GROUND FLOOR
- TP05 PROPOSED FIRST FLOOR
- TP06 PROPOSED ROOF PLAN
- TP07 ELEVATIONS SHEET 1
- TP08 ELEVATIONS SHEET 2
- TP09 ELEVATIONS SHEET 3
- TP10 EXISTING SHADOW DIAGRAMS
- TP11 PROPOSED SHADOW DIAGRAMS
- TP12 SIGHT LINE DIAGRAM
- TP13 GARAGE ELEVATIONS

PROPOSED EXTENSION DEVELOPMENT
551 STATION ST CARLTON NORTH VIC 3054

CLIENT
MR & MRS D'ANGELO

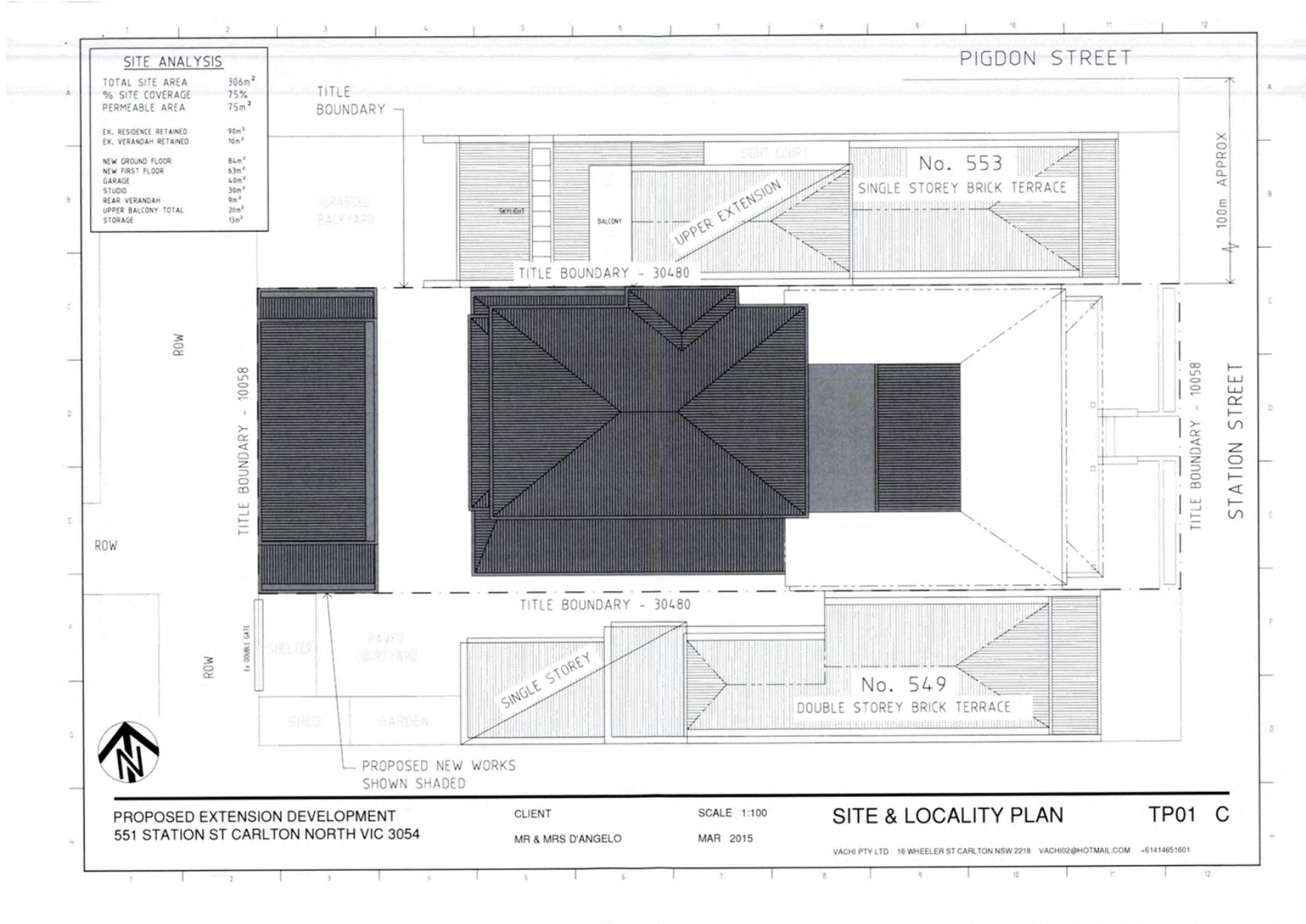
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DEC 2014

FACE SHEET

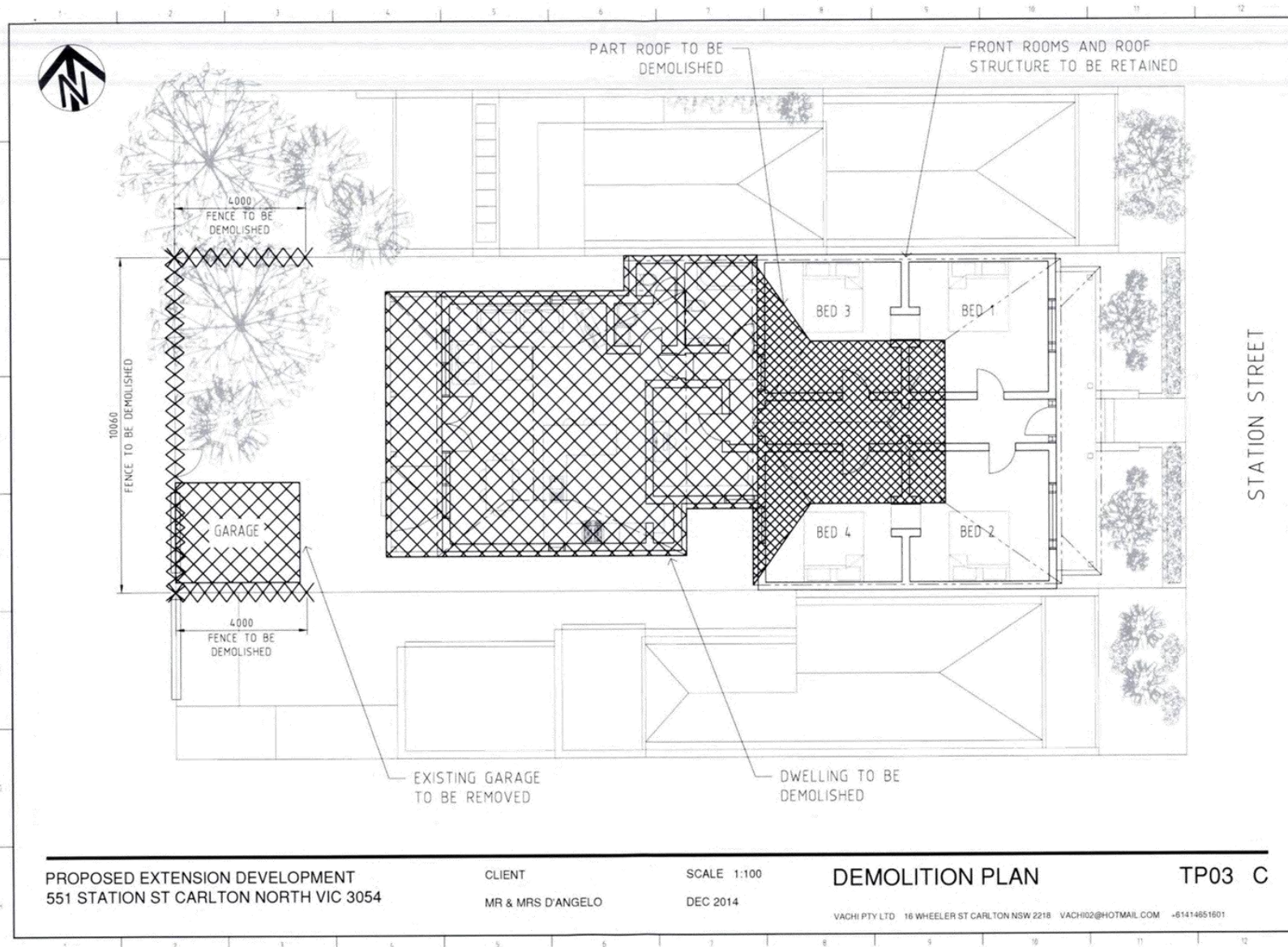
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VACHI PTY LTD 16 WHEELER ST CARLTON NSW 2218 VACHI02@HOTMAIL.COM +61414651601

Attachment 2 - PLN14/0879 - 551 Station Street Carlton North - Decision Plans



Attachment 2 - PLN14/0879 - 551 Station Street Carlton North - Decision Plans



PROPOSED EXTENSION DEVELOPMENT
551 STATION ST CARLTON NORTH VIC 3054

CLIENT
MR & MRS D'ANGELO

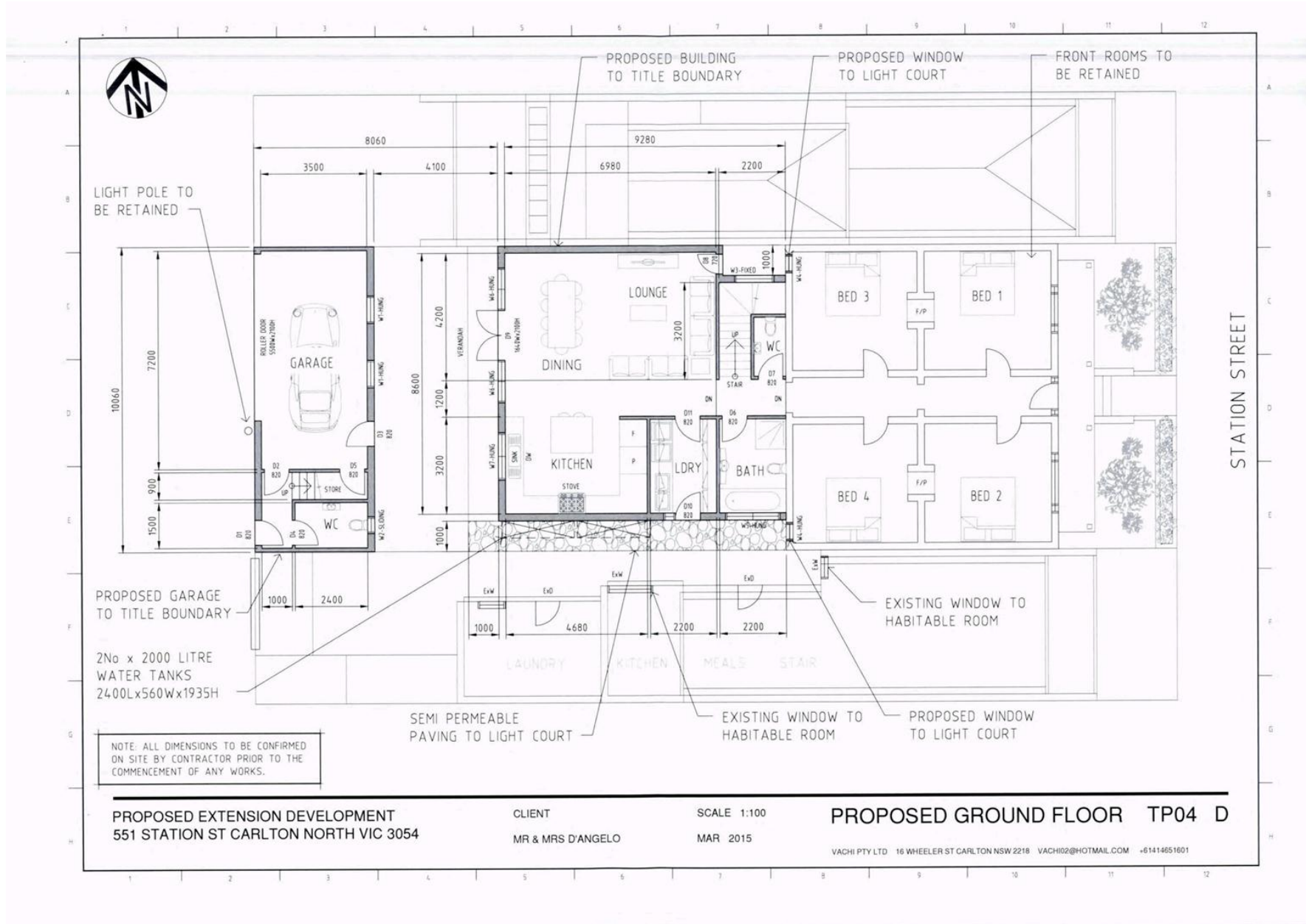
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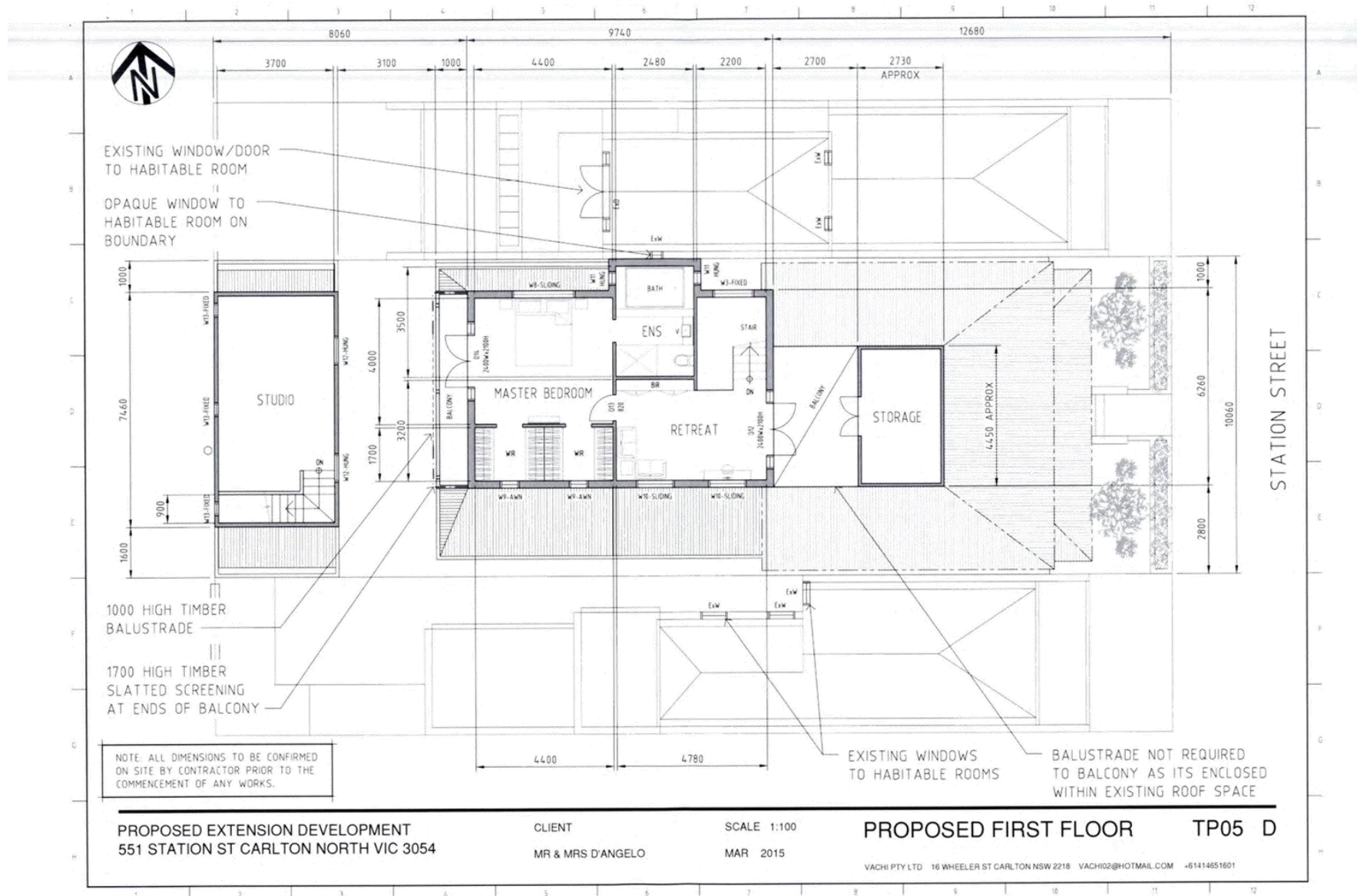
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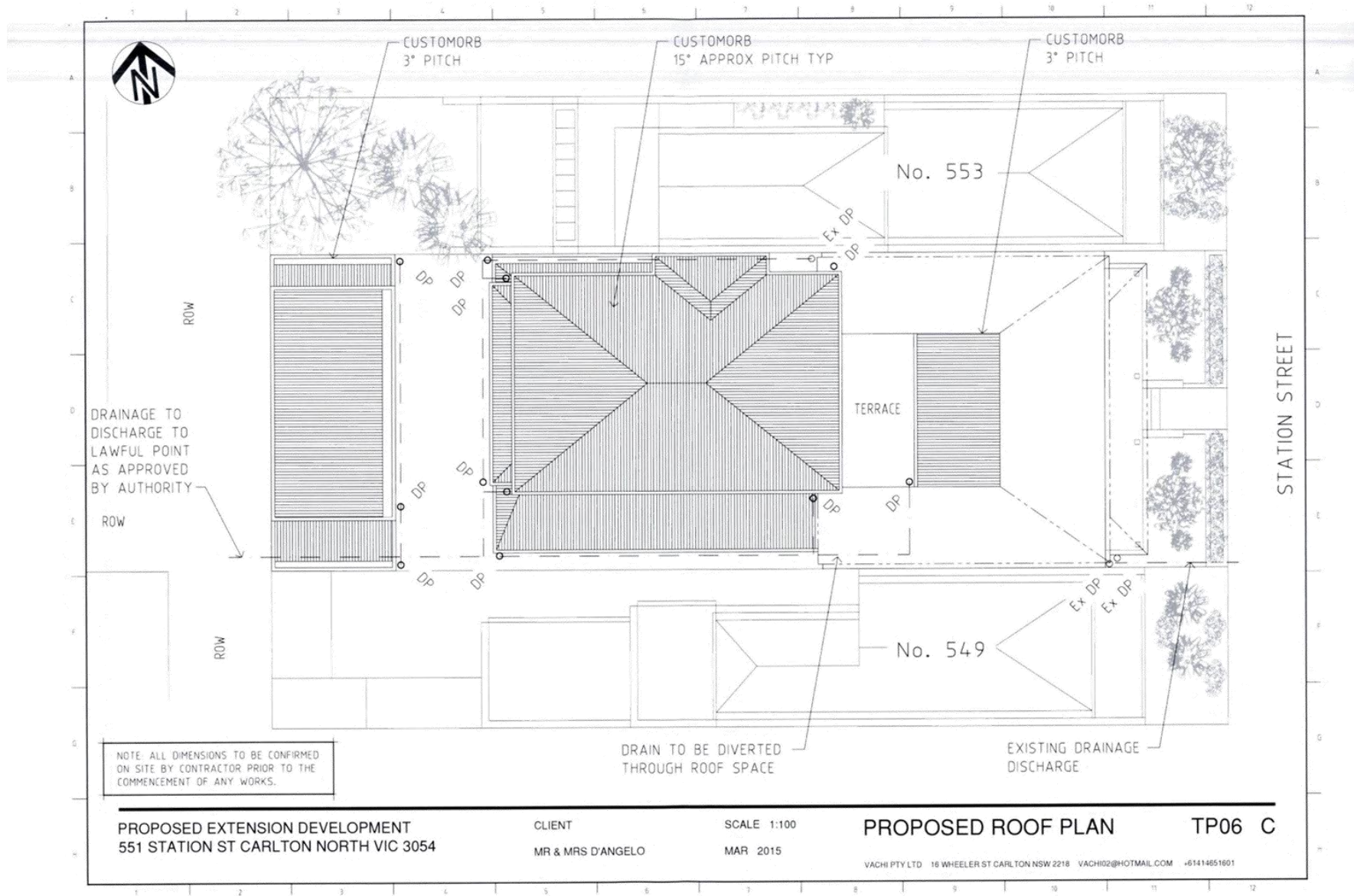
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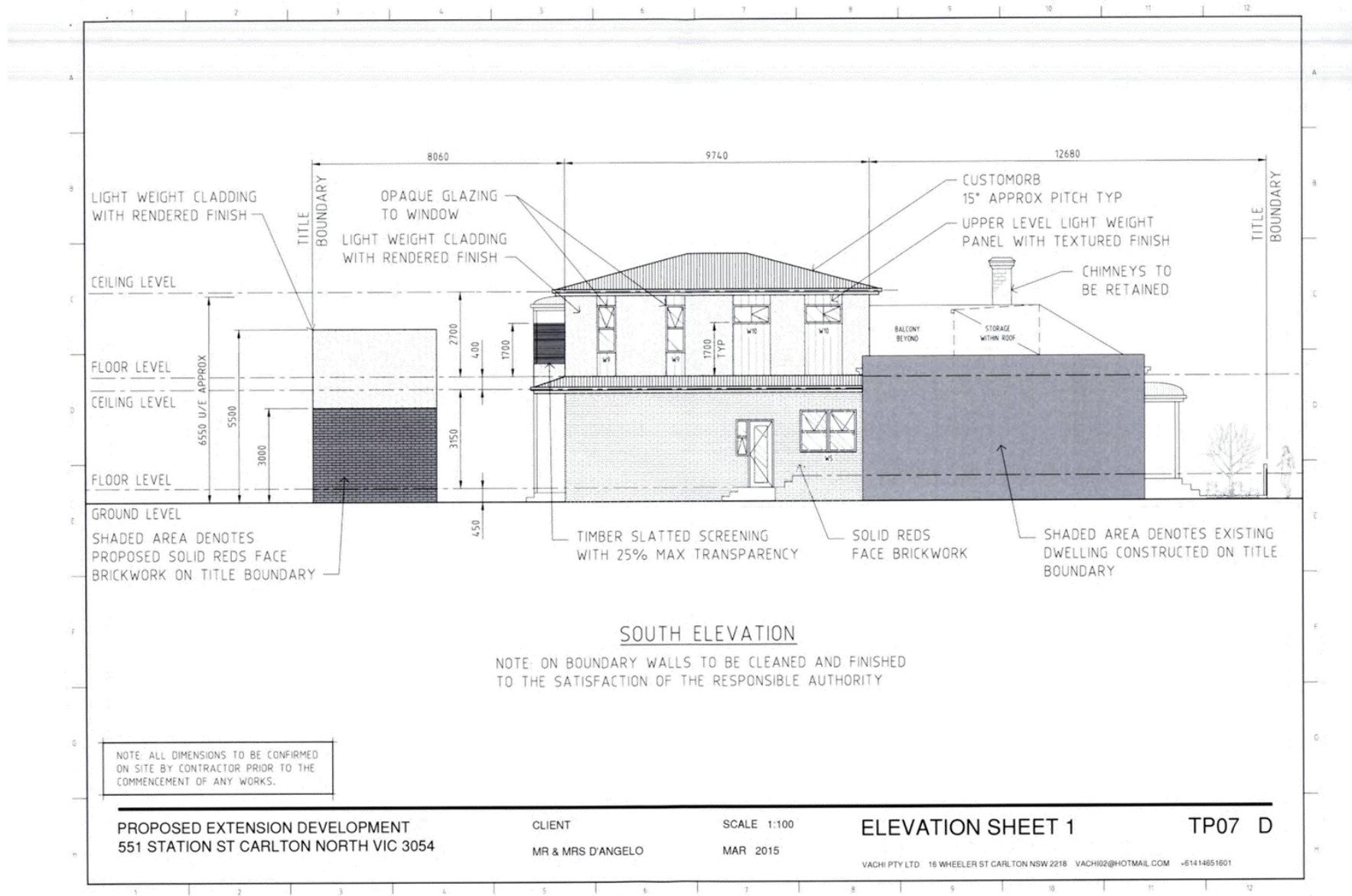
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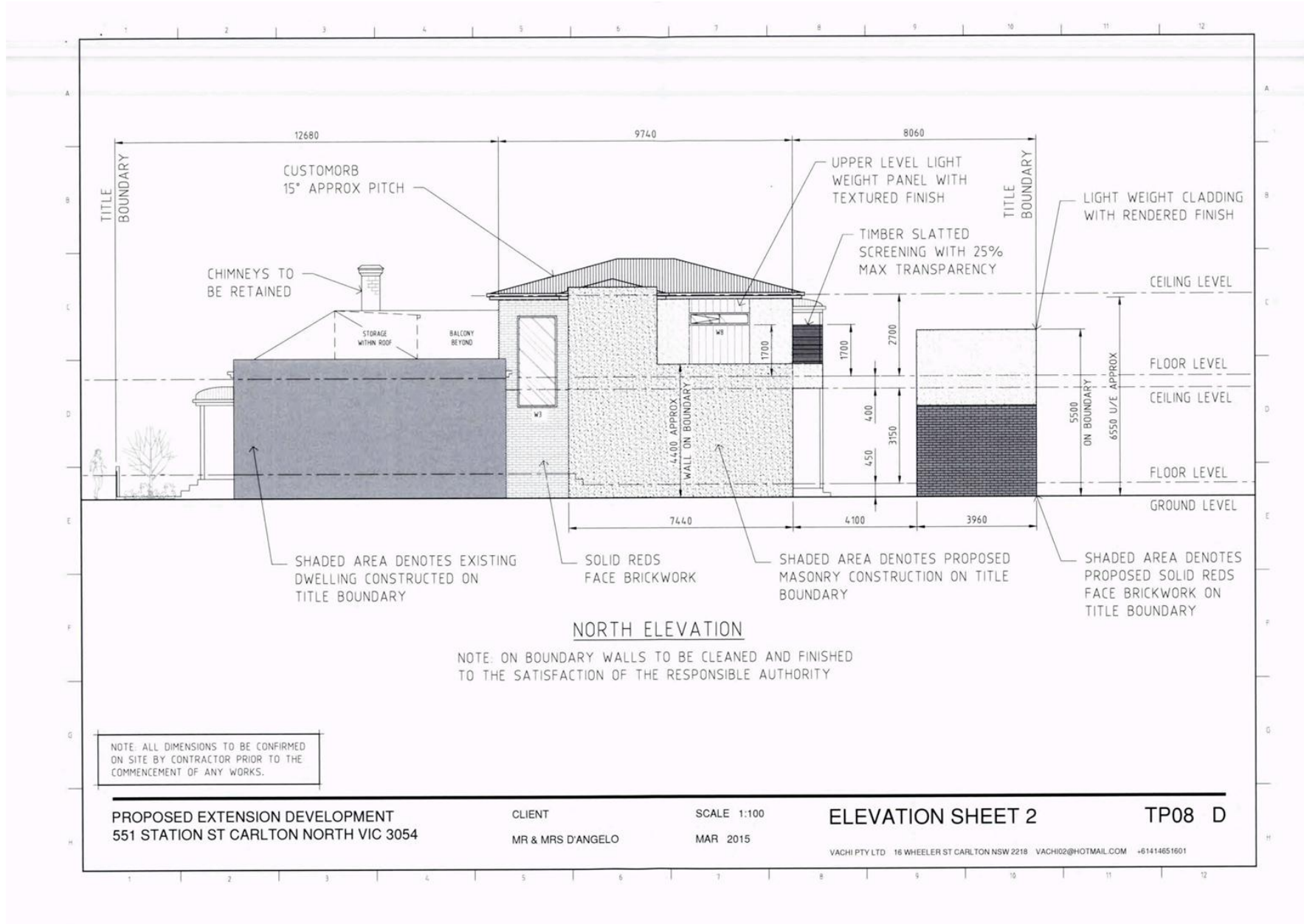
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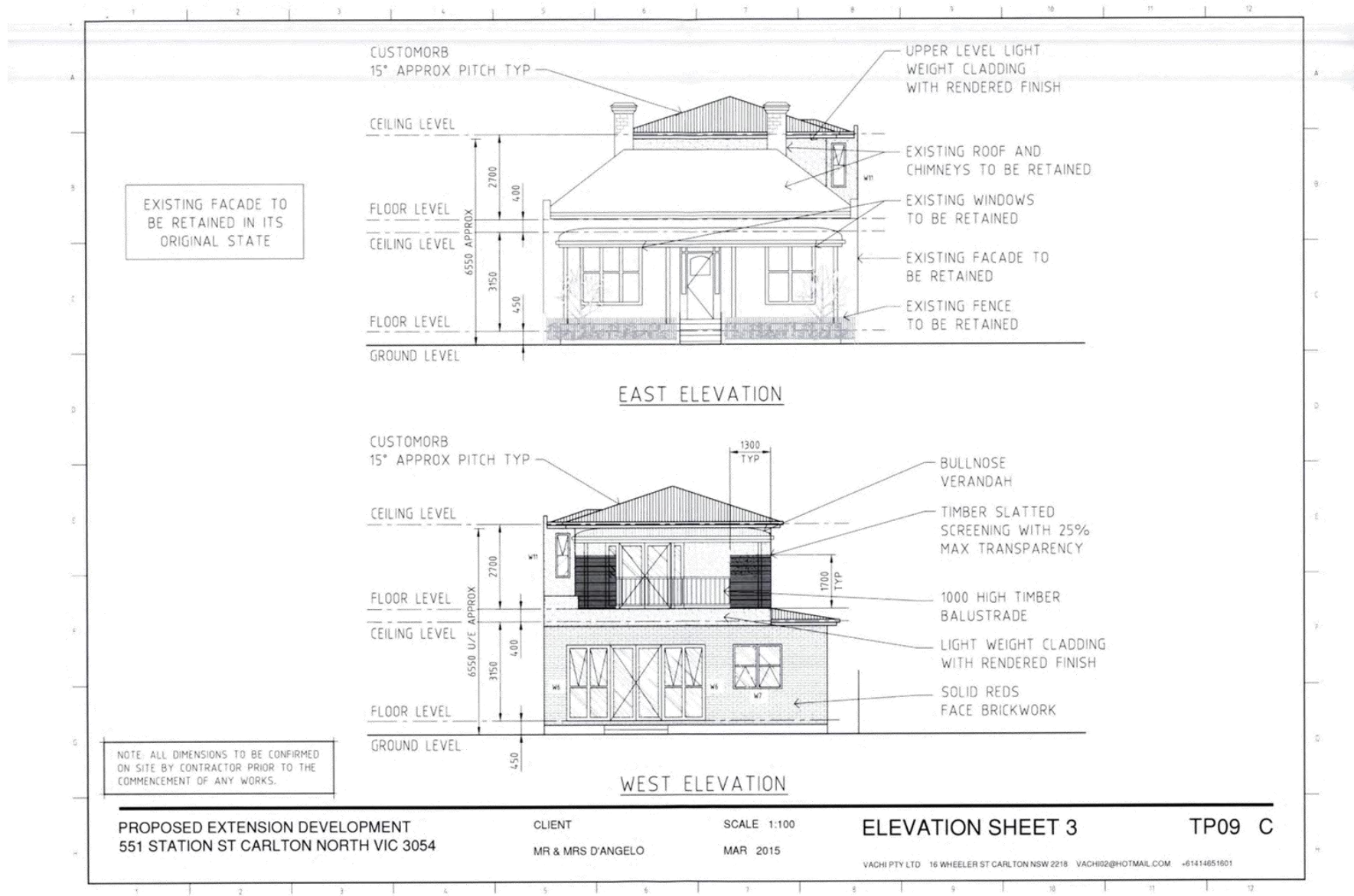
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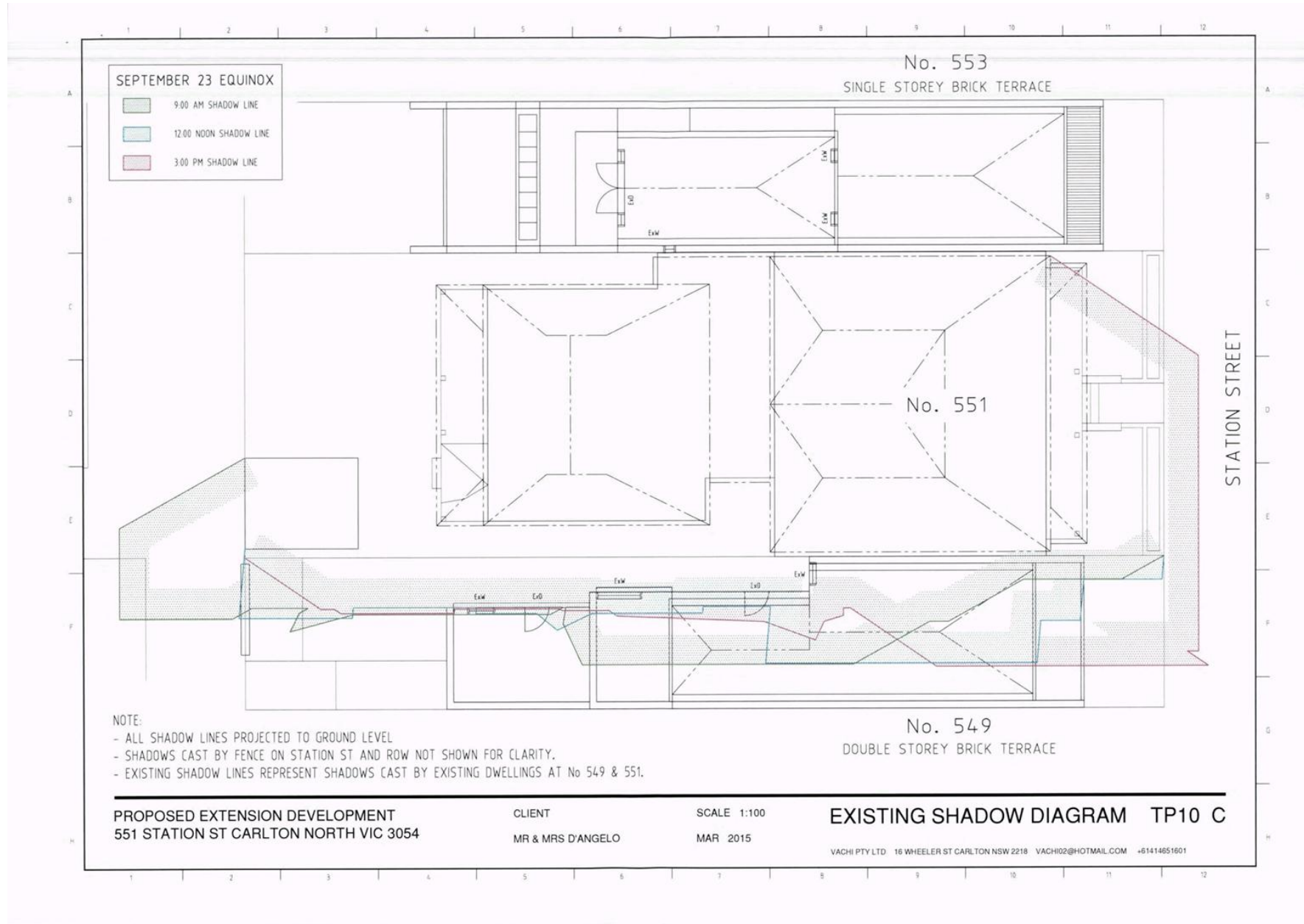
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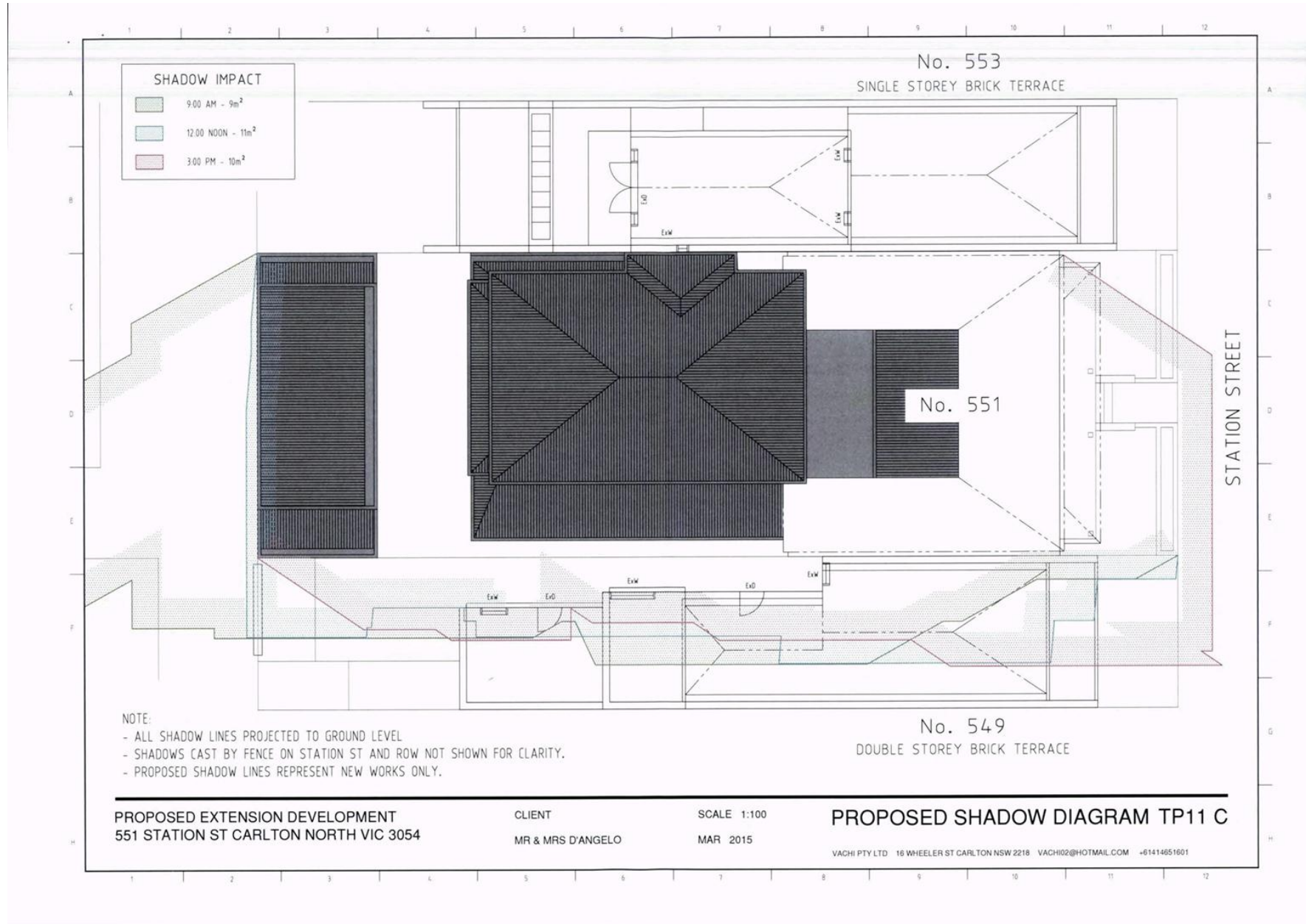
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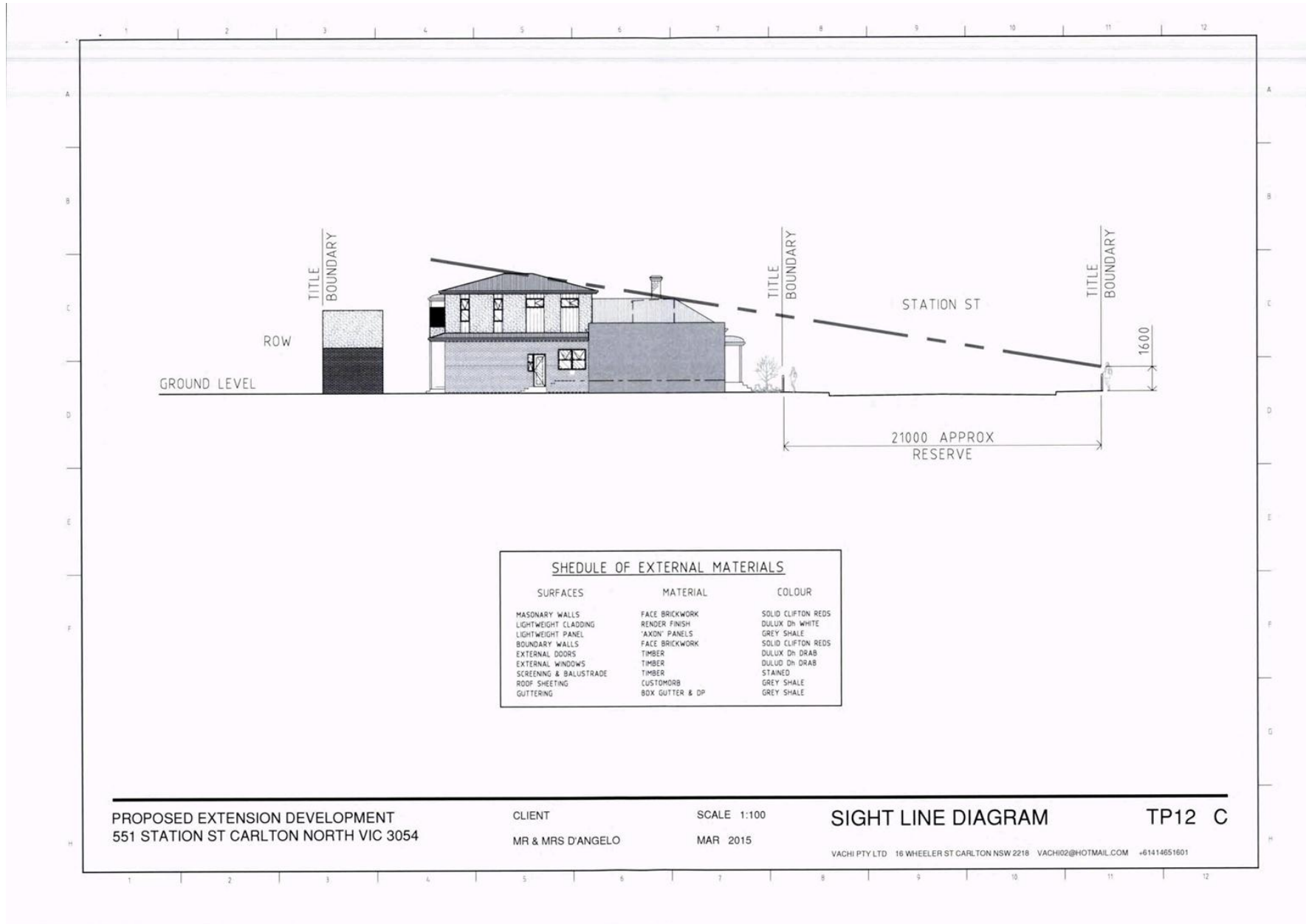
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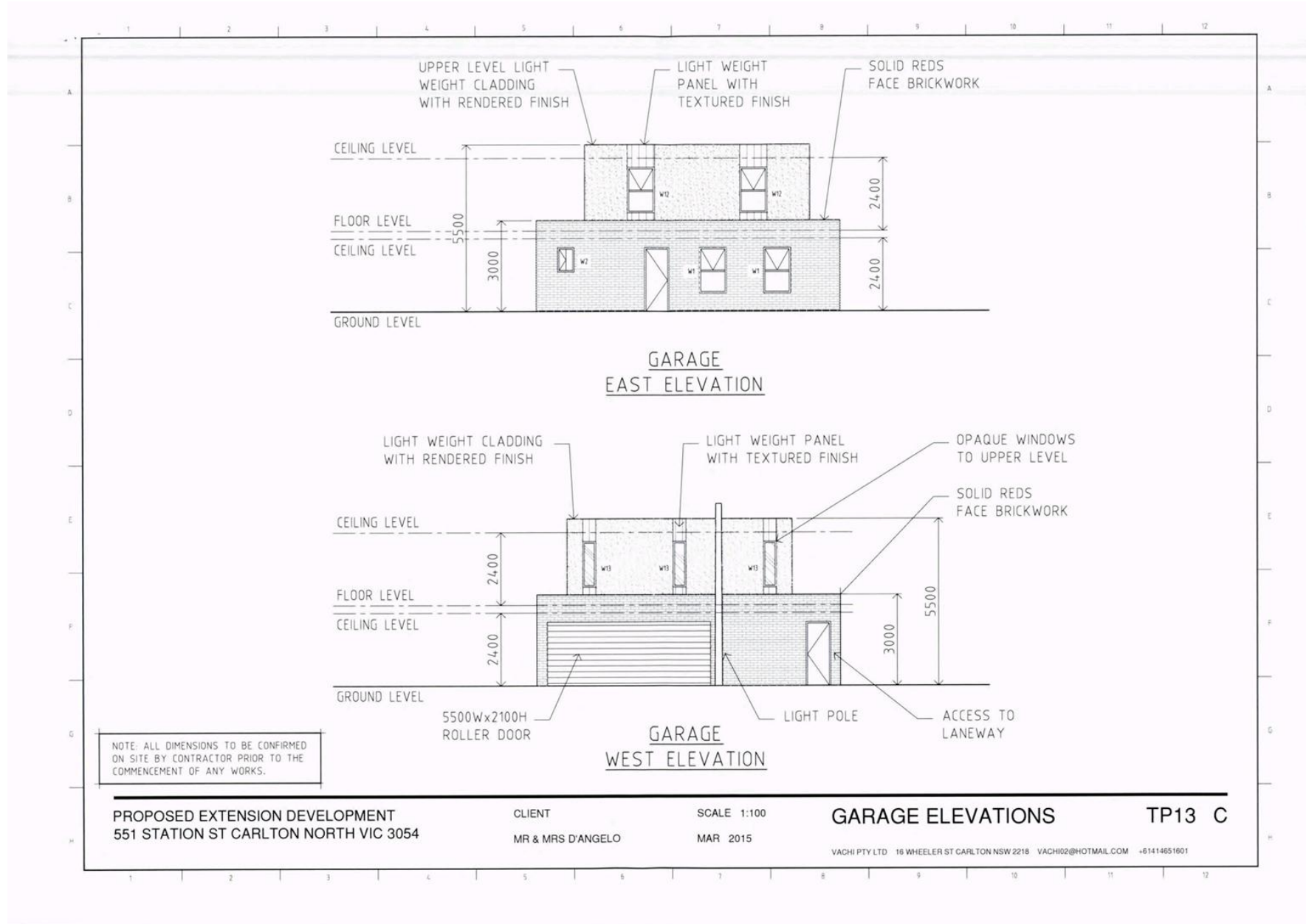
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- 1.4 123 - 125 Bridge Rd, Richmond - Planning application PLN14/0856 - Development of the land for the construction of a 7-storey building (plus basement) for 20 apartments and 3 shops, including part demolition; and a reduction in the car parking requirement and waiver of the loading requirement.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN14/0856 at 123 – 125 Bridge Road, Richmond, and recommends approval subject to conditions.
2. This application has been called up to IDAC at the request of the Mayor.

Key Planning Considerations

3. Key planning considerations include:
 - (a) clause 15.01 – Urban Environment – Higher Density Guidelines;
 - (b) clause 22.02 – Development Guidelines for Site Subject to the Heritage Overlay
 - (c) clause 22.05 – Interface Uses Policy; and
 - (d) clause 52.06 – Car Parking

Key Issues

4. The key issues for Council in considering the proposal relate to:
 - (a) Heritage;
 - (b) Height and Scale to Bridge Road;
 - (c) Interface with the Epworth Hospital; and
 - (d) Car parking.

Objector Concerns

5. Three (3) objections were received to the application, these can be summarised as:
 - (a) Amenity impacts on the Epworth Hospital including from the proposed building height and (lack of) setbacks, and placement of windows, and noise; and
 - (b) Insufficient car parking

Conclusion

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

CONTACT OFFICER: Ally Huynh
TITLE: Principal Planner
TEL: 92055040

1.4 123 - 125 Bridge Rd, Richmond - Planning application PLN14/0856 - Development of the land for the construction of a 7-storey building (plus basement) for 20 apartments and 3 shops, including part demolition; and a reduction in the car parking requirement and waiver of the loading requirement.

Trim Record Number: D15/74392

Responsible Officer: Coordinator Statutory Planning

Proposal: Development of the land for the construction of a 7-storey building (plus basement) for 20 apartments and 3 shops, including part demolition, a reduction in the car parking requirement and a reduction of the loading requirement.

Existing use: Retail shops

Applicant: Lee Enfiled Pty Ltd c/- Message Consultants

Zoning / Overlays: Commercial 1 Zone, Heritage Overlay – schedule 310

Date of Application: 15 September 2015

Application Number: PLN14/0856

Planning History

1. Planning Permit no. 980387 was issued by Council on 20 May 1998 for display of signage at 123 Bridge Road.
2. Planning Permit no. 010034 was issued by Council on 16 March 2001 for display of signage at 123 Bridge Road.

Background

3. During the processing of the application, the Applicant submitted amended plans under Section 57(A) of the Planning and Environment Act, 1987 [the Act]. The amended plans dated 01 April 2015 proposed the following key changes and form the basis of this assessment:
 - (a) Use of perforated metal (pewter colour) with 51% transparency for the Bridge Road podium façade, in lieu of corten;
 - (b) Conversion of apartment 2.03 from a 2-bedroom apartment into a 1-bedroom plus study apartment;
 - (c) Increased size and relocation of bedroom window to apartment 2.04;
 - (d) Level 6 setback 1.8m from the rear boundary; and
 - (e) Improved sense of address to the rear laneway through the provision of a framing element extending from ground level to the upper levels

Existing Conditions

Subject Site

4. The subject site is located on the north side of Bridge Road, in the block between Normanby Place and Leigh Place in Richmond. For greater context, Punt Road is further west, and Lennox Street is further east. The subject site comprises two allotments and together provides a regular shaped parcel of land with a 15.09m frontage to Bridge Road, and depth of 32m. The overall site area is approximately 489sqm.
5. Currently developed on site are two single storey Edwardian-era buildings constructed circa 1900-1915, albeit the building at no. 123 may have a construction date of 1923. The building at no.123 is the larger of the two buildings and was originally constructed as a factory for furniture manufacturing, whilst no.125 was always constructed as a shop.

6. Both buildings are occupied as retail shops. The buildings are generally constructed to all title boundaries, save for a small informal car parking area at the rear of each site.
7. The City of Yarra 2008 Heritage study has graded the building on the subject site as 'contributory' in significance to the Bridge Rd heritage precinct (HO310).
8. *The salient points of the Statement of Significance for HO310 Bridge Road are:*

What is significant

As a main thoroughfare from Melbourne to the eastern suburbs by the mid 1850s, retail and service trades concentrated at the west end of Bridge Road...

Main development era

Bridge Road Heritage Overlay Area, Richmond is a predominantly 19th and early 20th century commercial strip...

Why is it significant

As one Richmond's principle thoroughfares that leads to the first bridge to connect Richmond to Hawthorn, retaining many Victorian-era shops;

As an important commercial precinct in Richmond, particularly expressive of the 19th and early 20th centuries and incorporating Richmond's civic hub;

For the architectural continuity and high integrity of upper level façades to their construction date

For the good and distinctive examples of Victorian and Edwardian-era architectural styles and ornamentation as evocative of the street's premier role in Richmond

For the architecturally significant examples of shop buildings from the 1920s and 1930s that relate well to the dominant Victorian-era and Edwardian-era scale and character;

For the contribution of individually significant or well preserved buildings that express a range of key development periods in the street and the City.

9. The individual citation from the Victorian Heritage Database notes the following for each of the buildings:

No. 123 Bridge Road

(a) "Paint removed from building since 1985, new windows and door opening". "Fair".

No. 125 Bridge Road

(b) "Fair".

Surrounding Land

10. The site is located within the Bridge Road Major Activity Centre [Bridge Rd MAC] which is a linear commercial strip between Hoddle Street to the west and the Yarra River to the east. The Bridge Rd MAC is home to a range of retail, entertainment, commercial and residential uses.

11. Built form in the Bridge Rd MAC is varied in style, scale and era and is generally covered by the Bridge Rd heritage overlay (area between Hoddle St and Burnley St). Whilst not an intact heritage precinct, the built form is by and large characterised by Victorian shop buildings, mostly one and two storey in height, with occasional three storey buildings. The south side of the streetscape displays a more consistent character and scale than the north side, largely due to the retention of more of the late 19th and early 20th century fabric.
12. The north side of the Bridge Rd MAC has experienced and is continuing to experience significant redevelopment including:
 - (a) Epworth Hospital redevelopment, a 9 storey building currently under construction (89 Bridge Road) – directly opposite the subject site, across the laneway.
 - (b) A recently approved 9 storey building comprising 51 dwellings (203-207 Bridge Road, 30m east of the subject site) – approximately 223 metres to east of the subject site
 - (c) An 8 storey building comprising 39 dwellings constructed at 209-211 Bridge Road, north-west corner of Bridge Road and Bosisto Street - approximately 230 metres to east of the subject site
 - (d) A 7 storey building comprising 28 dwellings constructed at 231 Bridge Road- 45m north-east of the subject site
 - (e) 'Ark' development, a 10 storey building comprising 183 dwellings constructed at 247A-249 Bridge Road- approximately 290m -east of the subject site
 - (f) Richmond Plaza redevelopment, a recently approved maximum 11 storey development comprising approximately 333 dwellings- (north-west corner of Bridge Road and Church Street) - approximately 374m east of the subject site.
13. The south side of the Bridge Road MAC is yet to experience this level of growth and redevelopment, with one notable proposal refused at 18-20 Bridge Road, Richmond for the construction of a 7 storey building to be used as one shop and seven dwellings with a reduction in the car parking and loading bay requirements (no planning permit is required for the shop or dwelling uses). Council's position of refusal was upheld by the Victorian Civil and Administrative Tribunal [VCAT] in *Dreaming Investments Pty Ltd v Yarra CC [2013]*.
14. Land immediately adjacent to the subject site is developed as follows:
 - (a) To the **east** of the subject site is developed with a two-storey Edwardian-era building located at the corner of Bridge Road and Leigh Place. The building is constructed from red bricks, and hard edge to Bridge Road, and the two side boundaries. A large open area is provided at the rear of the site accommodating an informal parking area.
 - (b) Beyond Leigh Place are more single and double-storey buildings, forming the linear Bridge Road shopping strip. These buildings are typically occupied as shops and/or restaurants/cafes with some having shop-top dwellings at the upper level.
 - (c) **West** of the site are more commercial buildings fronting Bridge Road. The two to the immediate west of the site are two storeys in height, and is slightly more recessed from Bridge Road, approximately 1.0m in comparison to the surrounding buildings. The buildings are almost identical to each other, and have been graded as 'not contributory' to the Bridge Road heritage precinct. These two properties are only developed to approximately 50% of the site, with the rear half utilised for car parking.

- (d) **North** of the site is a Right-of-Way [ROW] approximately 3.6m wide and separates the subject site with the Epworth Hospital to the north, which extends some 80 metres through to Erin Street. The Epworth Hospital is currently under construction for a 9 storey redevelopment. Notably, the area directly opposite the subject site is not under redevelopment, and is maintained as a 5-storey built form, with car parking at ground level, ward rooms at levels 1-3, and a study/training area at level 4.

The Proposal

- 15. The application is for development of the land for the construction of a 7-storey building (plus basement) for 20 apartments and 3 shops, including part demolition, a reduction in the car parking requirement and a reduction of the loading requirement.
- 16. The proposal can be summarised as follows:

Use of land

- (a) 3x shops at ground level totalling 385sqm.
- (b) 20 apartments above (10 x one bedroom, 9x two bedrooms, and 1x three bedrooms)

Demolition

- (c) Demolition of all structures on site, save for the front façade of the two buildings.
- (d) The front façade of no. 123 is to be further modified through larger openings to the existing windows and removal of the indented front entry.

Development

- (e) Construction of an addition above the existing single-storey building, resulting in a 7 storey building overall (23.52m maximum) over a basement level.
- (f) Basement level is proposed to the majority of the site, and accommodates the car stackers, storage units, bicycle parking, rain water tank, and back-of-house services.
- (g) Ground level- three shops to Bridge Road, lift and stair access to the apartments above are centrally located. The rear half of the building is to house a refuse area, car stackers, pedestrian entry and essential services.
- (i) Vehicular access is from the ROW via 12.5m wide cross over. A series of mesh sliding gates are proposed 1.6m from the rear title boundary to provide security for the car stackers.
- (h) Level 1 accommodates two small mezzanine areas above two of the three shops, and two apartments at the rear. Above this are residential dwellings.
- (i) An in-fill the first floor (labelled as level 2) is proposed 1.0m back from the existing front façades where a perforated metal screen is proposed along a terrace. The actual building line would be setback 2.5m from the title boundary. The upper section of the screen would be fixed, while the lower part is operable as a bi-fold screen.
- (j) Above this (level 3 -5) the addition is to be setback 12.6m from Bridge Road, and largely constructed to the north, east and west title boundaries, with balconies on the rear boundary.
- (k) Level 6 - the building is setback 17.4m -19.4m from Bridge Road and 1.8m from the rear boundary.

- (l) Materials and finishes include metal cladding, coloured precast concrete panels, timber and aluminium window frames, metal balustrades and perforated metal mesh.

Car parking/bicycle parking

- (m) 11 car spaces in the form of a car stacker
- (n) 27 bicycle spaces

Waste management

- (o) Private collection is proposed from the rear ROW.

ESD commitments

- (p) a 10,000 litre tank connected to apartment toilets servicing a total of 11 bedrooms, plus the ground floor toilets servicing the retail areas.
- (q) Average 6.4 stars (NatHERS energy rating).
- (r) Centralised gas boosted solar hot water.
- (s) 16 solar panels.

Planning Scheme Provisions

Zoning

17. *Commercial 1 Zone (C1Z)*

- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

18. The use of the site as dwellings does not require a planning permit under clause 34.01-1 of the Yarra Planning Scheme [**the Scheme**] as the ground floor frontage does not exceed 2m.

19. The use of the site for retail shops do not require a planning permit under clause 34.01-1 of the Scheme (nested within retail premises).

20. Under clause 34.01-4 of the Scheme, a permit is required to construct a building or construct or carry out works.

Overlays

Heritage Overlay (HO310 – Bridge Road Precinct, Richmond)

21. Under clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works.

22. Notably, the Schedule specifies that paint controls apply to the Bridge Road Heritage Precinct.

Particular Provisions

Clause 52.06 – Car parking

23. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (there is no relevant Parking Overlay).
24. Pursuant to clause 52.06-5 of the Scheme, the following car parking requirements apply to the development:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents	19x apartments comprised of one and two bedrooms	1 to each 1 or 2 bedroom dwelling	19	11	10
	1x 3-bedroom apartment	2 to each 3 bedroom dwelling	2		
- Visitors		1 to every 5 dwellings	4	0	4
Shops	385m ²	4 spaces to each 100m ² of leasable floor area	15*	0	0
Total			25 spaces	11 spaces	14 spaces

25. *The above calculation for car parking reduction has not considered the requirement of the three retail shops given that clause 52.06-3A states:

(a) *no permit is required if the number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.*

26. The subject site is currently occupied by two retail shops with a total floor area of 429sqm. Under the proposal the total floor area (385sqm) of the shops would be less than the existing use, and thus the above exemption applies.

Clause 52.07 – Loading and Unloading of vehicles

27. The purpose of this clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.
28. No loading bay is proposed in association with the commercial premises and a permit has been sought for this waiver.
29. A permit may be granted to reduce or waive these requirements if either the land area is insufficient; or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

Clause 52.34 – Bicycle facilities

30. The purpose of this Clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Clause 52.34-2 states that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.

31. Pursuant to clause 52.34-3 of the Scheme, the following car parking requirements apply to the development:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Dwellings - Residents	20 apartments comprised of one and two bedrooms	Resident – 1 to each 5 dwellings	4	27	0
- Visitors		Visitor – 1 to each 10 dwellings	2		
Shops	385m ²	Employee - 1 to each 300m ² of leasable floor area	1	No allocation details provided	
		Shopper - 1 to each 500m ² of leasable floor area	N/A		
Total			6 spaces	27 spaces	0 spaces

Clause 52.35 – Urban Context Report and Design Response for Residential Development of Four or More Storeys

32. The purpose of this Clause is to ensure that an urban context report is prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.
33. The application included an urban context report and design response in accordance with this Clause.

General Provisions

Clause 65 – Decision Guidelines

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

State Planning Policy Framework (SPPF)

35. The following SPPF provisions of the Scheme are relevant:

Clause 11 – Settlement

36. This clause contains the following relevant objectives:
- (a) *Planning is to recognize the need for, and as far as practicable contribute towards:*
- (i) *Diversity of choice.*

- (ii) *Adaptation in response to changing technology.*
- (iii) *Economic viability*
- (iv) *A high standard of urban design and amenity.*
- (v) *Energy efficiency.*
- (vi) *Accessibility*
- (vii) *Land use and transport integration*

- (b) *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

Clause 11.01-1 – Activity centre network

37. The objectives and relevant strategy of this Clause is: To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres, with the following strategies relevant to this proposal:

- (a) *Develop a network of activity centres that:*

- (i) *Comprises a range of centres that differ in size and function*
- (ii) *Is a focus for business, shopping, working, leisure and community facilities*
- (iii) *Is connected by public transport and cycling networks.*
- (iv) *Maximises choices in services, employment and social interaction.*

- (b) *Support the role and function of the centre given its classification, the policies for housing intensification, and development of the public transport network.*

Clause 11.01-2 – Activity centre planning

38. The objective of this clause is: *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

Clause 11.02 – Urban growth

39. The objective of this clause is: *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.04-2 – Housing Choice and Affordability

40. The objective of this clause is: *To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

Clause 11.04-4 – Liveable Communities and Neighbourhoods

41. The objective of this clause is: *To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities. Relevant strategies include:*

- (a) *Protect Melbourne and its suburbs from inappropriate development.*
- (b) *Respect heritage while building for the future.*
- (c) *Achieve and promote design excellence.*

Clause 13.04-1 – Noise abatement

42. The objective of this clause is: *To assist the control of noise effects on sensitive land uses.*

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

43. The objective of this clause is: *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 – Urban Design Principles

44. The objective of this clause is: *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
45. This clause outlines principles relating to context; the public realm; safety; landmarks; views and vistas; pedestrian spaces; heritage; consolidation of sites and empty sites; light and shade; energy and resource efficiency; architectural quality, and landscape architecture. These principles will be addressed in the following urban design assessment.
46. This clause also states that planning must consider as relevant:
- (a) *Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys; and*
 - (b) *Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005) in preparing activity centre structure plans and in assessing the design and built form of new development in activity centres.*

Clause 15.01-4 – Design for safety

47. The Objective of this Clause is: *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.01-5 – Cultural identity and neighbourhood character

48. The objective of this clause is: *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02 – Sustainable Development

Clause 15.02-1 – Energy and resource efficiency

49. The objective of this clause is: *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 15.03 – Heritage

Clause 15.03-1 – Heritage conservation

50. The objective of this clause is: *To ensure the conservation of places of heritage significance.*

Clause 16 – Housing

Clause 16.01-1 – Integrated housing

51. The objective of this clause is: *To promote a housing market that meets community needs.*

Clause 16.01-2 – Location of residential development

52. The objective of this clause is: *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. A relevant strategy being:*

- (a) *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

Clause 16.01-3 Strategic redevelopment sites

53. The objective of this clause is: *To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne. Although not specifically identified in the Scheme, the site meets the characteristics a strategic redevelopment site given the following strategies are met:*

- (a) *Identify strategic redevelopment sites that are:*
- (i) *In or within easy walking distance of Principal or Major Activity Centres.*
 - (ii) *On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.*
 - (iii) *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

54. *Clause 16.01-4 – Housing diversity*

55. The objective of this clause is: *To provide for a range of housing types to meet increasingly diverse needs.*

Clause 16.01-5 – Housing affordability

56. The objective of this clause is: *To deliver more affordable housing closer to jobs, transport and services.*

Clause 17 – Economic development

Clause 17.01-1 – Business

57. The objective of this clause is: *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 18.02-1 - Sustainable personal transport

58. The objective of this clause is: *To promote the use of sustainable personal transport.*

Clause 18.02-2 - Cycling

59. It is an objective: *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

Clause 18.02-5 - Car parking

60. It is an objective: *To ensure an adequate supply of car parking that is appropriately designed and located.*

61. The clause includes the following (relevant) strategies to achieve this objective:

- (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
- (b) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

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

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
 - (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
- (b) *Objective 2 To retain a diverse population and household structure; and*
- (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

Clause 21.04-2 – Activity Centres

63. The relevant objective of this clause is: *To maintain the long term viability of activity centres.*

64. Strategies to achieve this objective include:

- (a) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
- (b) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.05-1 Heritage

65. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

66. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
 - (ii) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
 - (iii) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
 - (iv) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*

Clause 21.05-2 – Urban design

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

- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*

- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*
- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*

- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
- (e) *Objective 21 To enhance the built form character of Yarra's activity centres.*
- (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

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

- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
 - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (v) *Strategy 28.8 Encourage public art in new development.*
 - (vi) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06 – Transport

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

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecologically sustainable development

70. The relevant objective of this clause is: *To promote ecologically sustainable development.*

Clause 21.08-9 – North Richmond (area north of Bridge Road)

71. This clause identifies Bridge Road as a Major Activity Centre and states that the landmark role of the Richmond Town Hall should be protected.

72. Although this clause is strictly applicable to the north side of Bridge Road, clause 21.08-10 (Central Richmond [area between Bridge Road and Swan Street]) also provides relevant guidance for the Bridge Road Major Activity Centre. Specifically, this clause separates the centre into three distinct precincts. The site is within the Bridge Road West Precinct, containing a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services.

Relevant Local Policies

Clause 22.02 Development Guidelines for sites subject to Heritage Overlay

73. The relevant objectives of this clause are as follows:

- (a) *To conserve Yarra's natural and cultural heritage.*
- (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*

- (c) *To retain significant view lines to, and vistas of, heritage places.*
- (d) *To preserve the scale and pattern of streetscapes in heritage places.*

74. The incorporated document City of Yarra Review of Heritage Overlay Areas 2007, Appendix 8 (Graeme Butler and Associates), revised March 2011 recognises the sites as 'Contributory' to the surrounding heritage precinct.

75. The relevant parts of this clause are as follows:

Clause 22.05-1 Demolition

- (a) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*

Clause 22.02-5.7 New Development, Alterations or Additions

Clause 22.02-5.7.1 General

- (b) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (iii) *Be visually recessive and not dominate the heritage place.*
 - (iv) *Be distinguishable from the original historic fabric.*
 - (v) *Not remove, cover, damage or change original historic fabric.*
 - (vi) *Not obscure views of principle façades.*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
- (c) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
- (d) *Encourage similar façade heights to the adjoining contributory elements in the street.*
- (e) *Minimise the visibility of new additions by:*
 - (i) *Locating ground level additions and any higher elements towards the rear of the site.*
 - (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)*
 - (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).*
 - (iv) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

76. At clause 22.02-5.7.2 (Specific Requirements [where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail]), it is relevant policy to:

Industrial, Commercial and Retail Heritage Place or Contributory Elements

- (a) *Encourage new upper level additions and works to:*

- (i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
- (ii) *Incorporate treatments which make them less apparent.*

Ancillaries and Services

- (b) *Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.*
- (c) *Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*

Clause 22.03 – Landmarks Policy

77. The objective of this clause is to:

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

78. The site is closest to the Richmond Town Hall clock tower, the St Ignatius Church Spire and the Pelaco sign.

Clause 22.05 – Interface Uses Policy

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

80. The relevant objective of this clause is: *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*

Clause 22.05-3 also states that it is policy that:

- (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
- (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

81. Decision guidelines at clause 22.05-6 include:

- (a) *Before deciding on an application for residential development, Council will consider as appropriate:*
 - (i) *The extent to which the proposed dwellings may be subject to unreasonable noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*

- (ii) *Whether the dwellings are designed or incorporate appropriate measures to minimise the impact of noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*

82. Before deciding on an application for non-residential development, Council will consider as appropriate:

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

Clause 22.07 – Development Abutting laneways Policy

83. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The objectives of this clause are:

- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
- (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.12 – Public Open Space Contribution

84. The objectives of this clause are:

- (a) *To implement the Yarra Open Space Strategy;*
- (b) *To identify when and where land contributions for public open space are preferred over cash contributions; and*
- (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

85. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121A). Given the size of the site and existing buildings, a land contribution would not be practical, and a monetary contribution would be requested instead at the subdivision stage (should a permit issue).

Clause 22.16 – Stormwater Management (Water sensitive urban design)

86. This policy applies to applications for new buildings (amongst others).

87. Under this clause it is policy to:

- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*

- (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - (i) *collection and reuse of rainwater and stormwater on site*
 - (ii) *vegetated swales and buffer strips*
 - (iii) *rain gardens*
 - (iv) *installation of water recycling systems*
 - (v) *multiple uses of water within a single manufacturing site*
 - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*
- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
 - (i) *appropriately designed waste enclosures and storage bins, and*
 - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*
- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

Other relevant documents

Plan Melbourne: Metropolitan Planning Strategy

- 88. Plan Melbourne, which outlines a vision for Melbourne’s growth to the year 2050 was recently introduced into the Scheme. Bridge Road falls within the Central Subregion where it is proposed to plan for growth and change ‘to consolidate Melbourne’s position as a highly competitive global city and to maintain the high standards of liveability, distinctiveness and character that make Melbourne special’.
- 89. Direction 2.2 seeks to ‘reduce the cost of living by increasing housing supply near services and public transport.’ Plan Melbourne emphasises that in accommodating housing growth, and in particular higher density housing, there is a need to provide a good standard of design and amenity. Initiative 2.1.5 seeks to improve the quality and amenity of residential apartments and states:
 - (a) *A good standard of design and amenity goes well beyond what a building looks like and its particular architectural style. There is currently no regulation in Victoria to stipulate how apartments must be designed, beyond what is required under the National Construction Code. Concerns about the design quality of apartments relate to:*
 - (i) *the small size of many apartments*
 - (ii) *the tendency for a large number of apartments to be designed with habitable rooms (notably bedrooms) that have no direct access to daylight and ventilation*
 - (iii) *lack of consideration of the amenity impacts of adjacent apartment developments*
 - (iv) *the lack of variety and choice of apartment designs*
- 90. Initiative 4.8.1 promotes urban design excellence and states ‘the quality of Melbourne’s built environment also depends on high design standards’.

Amendment C133 (Environment Efficient Design)

- 91. Council has prepared a new local policy to consider environmentally sustainable design.
- 92. Amendment C133 has finished exhibition, proceeded through a panel hearing, and is currently with the Minister of Planning for review. The amendment proposes to introduce Clause 22.17 Environmentally Efficient Design [EED] into the Yarra Planning Scheme. The Amendment will also update Clause 21.07-1 Ecologically Sustainable Development by introducing a new strategy.

93. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS). The policy requires applications to be considered against the following objectives (where applicable):
- (a) Energy efficiency;
 - (b) Water resources;
 - (c) Indoor environment quality;
 - (d) Stormwater management;
 - (e) Transport;
 - (f) Waste management;
 - (g) Innovation; and
 - (h) Urban ecology.

Advertising

94. 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 one sign being placed on the Bridge Road frontage.
95. Three (3) objections were received to the application. The grounds of objection can be summarized as follows:
- (a) Amenity impacts on the Epworth Hospital including from the proposed building height and (lack of) setbacks, and placement of windows, and noise; and
 - (b) Insufficient car parking.

Referrals

96. The application (based on the original advertised plans) was to the following units within Council and consultants.
- (a) Heritage Advisor
 - (b) ESD Advisor
 - (c) Engineering Services Unit
 - (d) Services and Contracts Unit
 - (e) External Urban Design Consultant

Heritage Advisor

97. The following comments were provided.

Demolition

- (a) *It is proposed to demolish all the fabric other than for the façades. In other developments on the north side of Bridge Road in the immediate vicinity all have setbacks in the order of 13 to 14 metres and either the whole of the heritage building has been retained or a substantial portion of it has been retained.*
- (b) *These buildings are in good condition and there does not appear to be, nor any claim made, that demolition as proposed is necessitated by the poor condition. Demolition appears to be to accommodate the south wing of the basement which only occupies the centre of the south portion of the site. A replanning of the basement so as it extends to, or near to, the side boundaries and at a setback of approximately 8.5 metres would enable approximately 10 storage areas to still be provided.*

- (c) *Presently both buildings read and are experienced as three-dimensional buildings. Façadism is not supported by good conservation practice and the heritage policy.*
- (d) *The original industrial nature of No. 123 Bridge Road is evidenced by the timber-trusses in the existing shop and confirmed by a plaque on the façade. No. 125 Bridge Road also has a pressed metal ceiling and cornice and pressed metal to the entrance soffit which is likely to be contemporary with the date of construction and the shopfront. I have not investigated the possible earlier shopfront mentioned by Peter Barrett (p.7) Appreciating that there are no internal controls, these elements are important in demonstrating the history and origins of these buildings.*

Built form (height/setbacks)

- (e) *The overall height of 23.52 metres in this part of Bridge Road is not necessarily unacceptable of itself.*
- (f) *The setback of the rear of Levels 1, 3-5 in the order of 12.6 metres is not necessarily unacceptable of itself either however, given that these levels will be highly visible behind existing single storey buildings, it will create an intrusive precedent in Bridge Road. Other multi-level additions at the rear of sites have the advantage of being located behind taller buildings which make their presence less apparent in Bridge Road.*
- (g) *Immediately behind the existing facades a new level (Level 2) has been introduced presumably at least as a device to obscure the higher levels towards the rear. This would also set an unwelcome precedent: the setback of 2.365 metres is insufficient to comply with the standard sightline and does nothing to “Minimise the visibility of new additions”. The proposed Level 2 does not respect the scale and form of the existing heritage place or contributory elements and is not set back from the lower built form elements as envisaged by the heritage policy. No attempt has been made to make this level less apparent and it is an inappropriate treatment to make the higher rear levels them less apparent.*
- (h) *The façade screen and window opening will be out-of-keeping with and not respectful of “the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape”. It will not “Be visually recessive instead it will be a prominent and alien element in the heritage streetscape. This will be exacerbated by the proposed fenestration and the metal materiality of the screen. It is not clear if the screen is operable – what appear to be concertina panels are shown on TP.101.*
- (i) *It is also proposed to lengthen the windows of No. 123 Bridge Road to provide two new entrances to the proposed two shops created from the present single shop. It is then proposed to locate the fire booster cabinet in the existing entrance and infill the area above with glazing. Changes to the façade in this display little regard for the significance of this buildings and do nothing to maintain its integrity as it exists and is a clumsy approach.*

Colours/materials

- (j) *The high degree of visibility and the blandness of the façade design is unacceptable in this major thoroughfare of high heritage significance. The upper levels are simple precast concrete variously with metal balustraded balconies, flat aluminium-framed glazing and some painted panels.*

- (k) *The Corten steel perforated metal mesh screen will be an alien and unacceptable element in this streetscape where the upper levels of the heritage buildings are masonry.*

ESD Advisor

98. The following comments were provided.

Application ESD Commitments:

- (a) *The applicant has committed to exceeding the minimum BCA NatHERS standard, with an average 6.4 Star NatHERS rating which meets Council's best practice standard.*
- (b) *A STORM rating of 103% has been received. This relies on a 10,000 litre tank connected to apartment toilets servicing a total of 11 bedrooms, plus the ground floor toilets servicing the retail areas.*
- (c) *27 secure residents bicycle parking spaces in the basement for 21 dwellings, plus 7 secure spaces for café staff and visitors.*
- (d) *Centralised gas boosted solar hot water.*
- (e) *Water efficient appliances and fittings.*
- (f) *Energy efficient heating and cooling systems.*
- (g) *Energy efficient lighting systems.*
- (h) *A minimum 80% recycling target for demolition and construction waste.*
- (i) *All framing timber to be FSC accredited sustainable timber.*

Application ESD Deficiencies:

- (j) *Most apartments all have good access to daylight, except Unit 203 and 204 which have limited daylight access due to having large obstructions to their primary aspect. Unit 205 on the street frontage blocks the majority of daylight to dwellings 203 and 204. Strongly recommend redesigning these three dwellings to ensure adequate daylight to all dwellings.*
- (k) *Most dwellings have external views, except units 203 and 204 which are largely internalised.*
- (l) *Floor plans of most apartments restrict access to natural ventilation. 20 of the 21 dwellings (95%) have single sided ventilation only. This does not meet our best practice standard of 60% of dwellings to cross ventilated. Room depths of the single sided dwellings (~7m) are considered borderline access to adequate natural ventilation. Consider additional opportunities for improved natural ventilation, such as trickle vents into a naturally ventilated corridor. Consider also energy efficient mechanical ways to provide fresh air supply such as HRV.*
- (m) *No information concerning common area ventilation has been provided. Strongly recommend specifying the glazing on the east of the common area corridors/lift lobbies to be operable to enable access to natural ventilation.*

- (n) *Most windows have reasonable shading from balconies or are south facing, except the top floor windows (north facing). Council recommends increasing the cantilevered overhang on the top storey north facing windows from ~500mm (current design) to 1.2m in depth to optimise the passive solar gains and shading of the windows (to 45% of the HH), to protect glazing from summer heat gain and allow low angled winter solar access.*

99. It is noted that the Advisor has made an error and included the below as an application deficiency. The Applicant has already proposed this facility.

- (a) *Apartments to have airing cupboards with ventilation supply and extraction for low energy clothes drying.*

Engineering Services Unit

100. The following comments were provided for the original application plans:

Car Parking Provision – Residential and Retail Uses

- (a) *Geographically, the site is well positioned in terms of public transport services, shops, supermarkets, businesses, essential facilities and amenities. Although visitor parking will not be provided on-site, it is possible that visitors would park on Bridge Road, particularly if they are engaged in other activities or business whilst in the area.*
- (b) *The dispensation of 14 spaces in the parking requirement should not adversely impact on existing parking conditions in the area, especially since prospective and future residents are not eligible to apply for parking permits. It is agreed that this site is well suited to residents who do not own or rely on a motor vehicle as their primary means of travel.*

Traffic Generation

- (c) *Traffic Group has estimated the traffic generation of the site using the New South Wales RTA Guide to traffic generating developments (issue 2.2) – a reputable source. For medium density residential developments, a small unit (one to two bedrooms) is expected to generate 4 to 5 trips per dwelling per day. The peak hour traffic generation is 10% of the daily traffic volume generated by the site.*
- (d) *By adopting the upper end of the traffic generation rate range, the development is expected to generate 55 vehicle trips per day, with six trips generated in each peak hour (an average of one vehicle every 10 minutes). Over the course of a day, this level of traffic is low and it is agreed that it should not compromise the operation of Leigh Place or the rear Right of Way.*

Access Arrangements and Internal Layout

- (e) *The rear Right of Way which abuts the northern boundary of the site comprises an asphalt pavement with a central bluestone invert.*
- (f) *A check of the Proposed Basement and Ground Floor Plans (BG Architecture Drawing No. TP.100 Rev A dated 14 October 2014) indicates that the outer faces of the end walls of building at ground level are set back by 1.595 metres to 1.625 metres from the northern boundary. The sliding doors for the proposed stacker device are setback approximately 1.8 metres from the northern boundary. The setback area of the development has a grade of 1 in 20.*

- (g) *A car stacker device (model to be used not confirmed by developer) would be a three level device, which contains one empty space. This would allow individual stacker platforms to move horizontally and vertically when a motorist enters and exits the device.*
- (h) *The swept path diagrams prepared by Traffix Group for vehicular access into and out of the stacker platforms at ground level are considered satisfactory.*

Pedestrian Access

- (i) *Visibility of the proposed pedestrian entry is obscured by the gas cabinet/enclosure. Services rooms, enclosures and cabinets should be relocated elsewhere.*
- (j) *Pedestrian access off the Right of Way is not desirable and it is suggested that the applicant explores other options in providing primary pedestrian, such as access from Bridge Road.*

Loading Provision

- (k) *The site is located in front of a 'super stop' tram stop, which occupies the property's Bridge Road frontage. Logistically, the delivery of goods to the retail tenancies and domestic deliveries to the residential dwellings will be very difficult, given that there are no on-street Loading Zones in the vicinity of the site or an adequate loading facility on-site. In addition, the Right of Way would be considered unsuitable for accommodating a delivery truck, having regard to constrained geometry and to potential implications under the Road Rules – Victoria 2009.*
- (l) *The applicant must advise and detail how deliveries and removalist operations are to be made to the retail tenancies and to the dwellings.*

101. Further to the above advice, supplementary advice was provided in relation to the acceptability of having the pedestrian entry from the rear ROW, as follows:

- (a) *It is recognised that nearby Leigh Place contains a number of residential properties, which would provide passive surveillance as pedestrians to the subject site access the rear Right of Way.*
- (b) *The rear Right of Way would carry low traffic volumes and it is considered that the incidence of conflict between pedestrians and vehicles would be minimal. Also, the right of Way would be considered a low speed environment, having regard to its short length and geometry.*
- (c) *Providing pedestrian access off the rear Right of Way should not present any major safety or security issues for occupants.*

102. A series of standard infrastructure conditions have been recommended and should be included as permit conditions.

Services and Contracts Unit (Waste Management)

103. The Waste Management Plan prepared by Leigh Design dated 10 September 2014 is considered satisfactory.

External Urban Design Consultant

104. The following comments were provided:

Massing

- (a) *The proposals massing is generally considered an appropriate response to the significant streetscape of Bridge Road. The setback upper levels will not visually dominate the streetscape and provide, in my opinion, a very satisfactory visual delineation between the two storey-lined commercial strip and the activity that is happening behind the strip. This sense of 'activity behind' is particularly prominent in this section of Bridge Road due to the large expanse of buildings, mainly steel, glass and concrete in materiality, associated with the Epworth Hospital. 16/19 SJB Urban Urban Design Assessment | 123-125 Bridge Road, Richmond*
- (b) *The small 1.5 metre setback of the new addition to the streetscape at the second level is also considered appropriate. The use of Corten Steel in front of this dwelling to enclose the terrace is discussed under 'materiality'; however I do not consider a contemporary addition to the streetscape, when keeping within the heights set by the neighbouring original buildings, to be detrimental to the overall heritage streetscape.*
- (c) *By making this element a full one-storey in height it provides a good level of continuity with the neighbouring buildings. This allows the extra apartment to sit just behind and essentially be 'invisible' to Bridge Road avoiding a totally new built form typology onto the existing commercial front.*

Facades and Materiality

- (d) *The design resolution, and materiality of the facades is considered of a good quality and a positive contribution to the pedestrian realm and the streetscape with the exception of the location of the fire booster on the Bridge Road.*
- (e) *This is considered unfortunate as it is located where the existing 'set-in' entryway is. The brick façade steps up at the pediment into the middle directly above the existing doorway essentially 'framing' the doorway. The proposal will now result in this element 'framing' the firebooster. It is recommended that further advice be sought to see if the firebooster can be located at the apartment entry on the laneway.*
- (f) *Further advice is also recommended from a heritage specialist on the value of the 'set-in' entry way to the overall character of Bridge Road. Ideally this element would be kept and incorporated into the proposal.*
- (g) *It is recommended that a detailed finishes and material board is supplied to ensure that the detail of the Corten panel, including the size and operability of the openings is delivered to a high standard as well as provide further detail on the yellow highlight proposed. Further design resolution should also consider elements within the Corten façade that replicate the existing rhythm of the shopfronts below as opposed to one single stretch of Corten.*

Apartment amenity

- (h) *21 Apartments are proposed comprising of 9 x one bedroom units and 12 x two bedroom units. Most have an acceptable level of amenity with direct access to natural light for all habitable rooms and generally acceptable balcony dimensions providing for useable private open space.*
- (i) *The dimension of the living area of apartment 3.03, 4.03 and 5.03 appears to be only 3 metres wide. This is considered quite narrow for a two bedroom apartment.*
- (j) *Apartment 2.03 is considered the least successful for the following reasons. It has a narrow living area of 3 metres as above as well as two battle-ax bedrooms.*

For natural light and ventilation, one bedroom relies on a small south facing window over the skylight to the tenancy below, from measurements taken off the plan it is 600mm wide and has a corridor from the door into the main body of the room of 4 metres. The other bedroom has access to a south facing glass door onto the terrace down corridor 3 metres long by 1.3 metres wide. This configuration is considered insufficient for good natural light in a south facing apartment.

Pedestrian access

- (k) The entrance to the Apartments is at the rear of the development. The yellow highlight element comes to ground at this point which goes some way to identifying the entryway. Particular attention should be paid to the level of lighting and sight lines at this point to avoid the letterbox 'lobby' being a 'dark corner' as its location is fairly hidden from the laneway view.*
- (l) Two new shop entrances are proposed to the exiting Body Shop building, on initial analysis these are in the location of the existing windows. As discussed previously, the existing in-set door is proposed to be filled in by the firebooster. This is not ideal.*

Bicycle and Vehicular

- (m) The provision of 29 bicycle spaces is considered appropriate. These are accessed via the lift, it is therefore recommended that the hallway width and lift size are designed to comfortably accommodate a person standing next to their bike.*
- (n) The car parking is via an automated lift system and takes up the majority of the ground level at the rear with the exception of the small apartment entry. This expanse of garage doors is considered acceptable in this rear laneway environment however the material or surface treatment should be of a high quality to ensure the best possible level of visual interest.*

OFFICER ASSESSMENT

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

- (a) policy and strategic support;
- (b) heritage;
- (c) built form and design;
- (d) environmental sustainability;
- (e) on-site amenity;
- (f) off-site amenity;
- (g) interface uses policy;
- (h) car parking / traffic;
- (i) loading facilities;
- (j) bicycle facilities;
- (k) waste management;
- (l) soil contamination; and
- (m) Objector concerns.

Policy and strategic support

106. When assessing the application against both State and Local policies, there is clear policy support for an increase in density on the site having regard to clauses 11.01, 16.01, 18.01, 21.04-2 and 21.05-2 given the site's location within the Bridge Rd MAC and is well serviced by infrastructure (including public transport) and community services. Higher density residential development in the Bridge Road MAC will contribute to the diversity of housing stock in Richmond, which is overwhelming detached or attached dwellings.

It will also contribute to greater housing affordability due to smaller dwelling footprints and shared infrastructure costs. This ensures efficient use of infrastructure and supports Council's preference that established residential areas experience residual increases in population and density.

107. Further support is offered in Plan Melbourne which identifies that the site within the 'Central Subregion' where growth and change will occur, including a forecast demand for the provision of 120k-145k new dwellings by 2031.¹
108. At a local level, Council's MSS (clause 21.04-1) also directs higher density development and forecast population increases to designated strategic redevelopment sites with clause 21.05-2 providing guidance on built form outcomes.
109. The MSS outlines:
 - (a) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - (i) *Significant upper level setbacks.*
 - (ii) *Architectural design excellence.*
 - (iii) *Best practice environmental sustainability objectives in design and construction.*
 - (iv) *High quality restoration and adaptive re-use of heritage buildings.*
 - (v) *Positive contribution to the enhancement of the public domain.*
 - (vi) *Provision of affordable housing.*
110. It is considered that the ability of the site to accommodate 10 or more dwellings and the site's MAC positioning lends itself to be considered as a strategic redevelopment site (albeit not specifically identified in the Scheme).
111. In terms of land uses, the supporting mix of uses proposed is consistent with Objective 5 of the MSS and would complement the role and function of the MAC and surrounding area, and strengthen its long term viability as a destination for the local community. Accordingly, the proposed mix of retail and residential in this development has policy support.
112. To guide the process of redevelopment and urban renewal of the subject site and surrounding land, a range of built form controls apply to the land. The eleven (11) design principles outlined in clause 15.01 (Urban Design) and the DSE Guidelines for Higher Density Residential Development will be used to assess the appropriateness of the built form along with the heritage policies, with the DSE Guidelines used to assess on and off-site amenity impacts. A detailed assessment against these policies/documents is offered in the following sections of this report.

Heritage

113. Before leaping into a detailed assessment on the merit of the proposal from a heritage perspective, it's worth noting that whilst Council's Heritage Advisor came to the conclusion that the application should not be supported, it is clear in her detailed comments that she is not against the taller addition at the rear of the site, including from a height, setback from Bridge Road, and use of materials perspective. Rather, it is the extent of demolition, location of fire booster and in-fill addition at the first floor (labelled as level 2 on plans) that she is concerned with. A discussion on each of the issues is provided below.

Demolition

¹ Page 175

114. The proposal seeks to demolish largely all structures on site save for the front facades of the two buildings. In addition to this further demolition is proposed within the front façade of the building at no. 123 Bridge Road, to allow for two new entry doors to enable the utilisation of the existing buildings as three shops, instead of the existing two on site. It is noted that the demolition plan currently also shows partial demolition proposed to the façade of no. 125 Bridge Road, which is a plan error and should be corrected via a permit condition.
115. Council's Heritage Advisor was highly critical of the extent of demolition, commenting that it is excessive and would amount to facadism, with only the front facades retained, and is not supported by Council's local heritage policy at clause 22.02. The Advisor further commented that the existing buildings are currently read and are experienced as three-dimensional buildings.
116. Policy guidance for demolition is at Clause 22.02-5.1 of the Scheme, which generally discourage[s] the demolition of part of an individually significant or contributory building or removal of contributory elements unless (only relevant section cited):
- For a contributory building:*
- That part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained;
 - or
 - *The removal of the part would not adversely affect the contribution of the building to the heritage place.*
117. Drawing from this it is clear that whether or not building fabric is visible from the public domain is not determinative of whether it can be demolished. Rather, the question is whether the demolition will have a negative impact on the significance of the heritage place, or its contribution to the heritage place.
118. Putting aside the proposed partial demolition of the front façade of no. 123 for the time being, the demolition of all other structures on site is considered acceptable, and not in breach of policy. Notably, the subject site is located in a part of Bridge Road where the road reserve is narrower and therefore restricting view lines to any other part of the buildings, other than the front facades. The removal of the roofs therefore could not arguably be said to have an adverse impact on the significance of the heritage place, when it is currently not visible from the public realm and does not make a contribution to the Bridge Road heritage streetscape.
119. This very issue was highly debated in an application to develop land at 452-456 Bridge Road, and 1 Fraser Street, Richmond, for partial demolition of the existing buildings and the development of a six storey addition for use as shops and dwellings on site. Whilst the Tribunal ultimately decided to not grant a permit for the proposal, Member Naylor and Davies in *NEA Developments Pty Ltd v Yarra CC [2014]* went to the trouble of giving guidance on what is and is not acceptable, including the extent of demolition proposed. This was a case involving two, two-storey and one, single-storey individually significant heritage buildings attached to built forms on either side. The proposal sought to similarly demolish all structures on site save for the front facades, parapets and two front chimneys, and construct an addition behind the front facades. Council's Heritage Advisor sought for greater retention of these individually significant buildings, arguing that the buildings needed to be read as 'solid buildings'. The Tribunal disagreed with this argument, and ultimately found the extent of demolition to be acceptable as follows:

[Paragraph 28]

... We prefer the evidence of Mr Raworth that the extent of demolition is acceptable and would not represent an extraordinary change in the building envelope presented to the public. His opinion is that the retention of a limited amount of original fabric is not an unusual outcome where there is a streetscape comprising attached buildings and there are no significant interior elements.

[Paragraph 29]

... We have inspected each of the buildings and viewed them in the round from surrounding streets. In this situation where each main roof of these three buildings is and has been historically concealed by a parapet, it is difficult to see how their removal will have any appreciable negative impact on the heritage significance.

[Paragraph 30]

We find the removal of the roof of the building at No. 456 Bridge Road will not adversely affect the building's contribution to the heritage place as it is its front façade rather than the roof that is visible from the public realm and contributes to the Bridge Road heritage streetscape.

120. Regarding the partial demolition of the front façade of no. 123, the extent of demolition is acceptable considering the façade has already been altered over time with window mullions removed and window openings varied, and the 'set in' entry not being an original nor typical of an entry configuration to a warehouse building. The 1984 Richmond Heritage Conversation Study contains an image showing the building was used for furniture manufacturing, occupied by ' J.A. Wilkinson & Co Furniture Mfrs' and a flush (not in-set) entry opening. On this basis, it is the alterations proposed to the façade that is more concerning.

Fire booster

121. The proposal seeks to convert two of the existing windows into entry doors (necessitated by the internal conversion of the building into two shops), and locate a fire booster cabinet within the existing entry opening rising to 600mm high, and with a window above.
122. Both Council's Heritage Advisor and Urban Design Consultant have questioned the location of the fire booster and suggested it be relocated to the rear ROW. In response, the Applicant confirmed that they've queried this option with the Melbourne Fire Brigade [MFB] who advised that this was not option given the narrow width of the ROW for fire truck access. In addition to this, a second suggestion was put to the applicant as illustrated in the image below, in an effort to make the fire booster less prominent within the front façade.

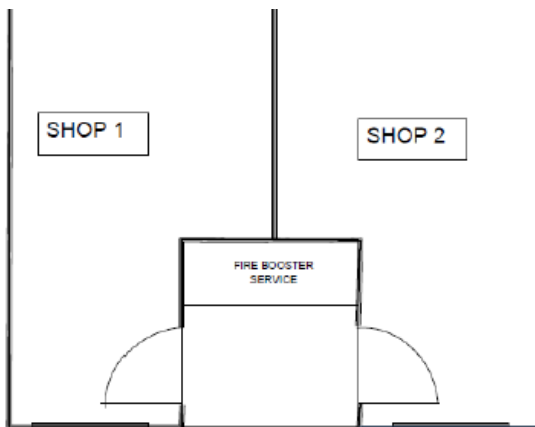


Figure 1: design suggestion for fire booster cabinet.

123. The above design suggestion with the fire booster located with the existing 'set-in' entry and the new doors opening in from the sides is ideal and would have also allowed the existing windows to be retained as per existing conditions.

However, the MFB have rejected this concept on the basis that fire booster being in this location, when utilised would prevent access into the shops for firefighters and out of the shops for occupants. Given the MFB's strict safety guidelines for access to these facilities, there is little that can be done about the fire booster's location. It would be unreasonable to say that the applicant has taken this matter lightly, and has not exhausted location and design options, whilst still allowing for an acceptable retail frontage at ground level. They have elected to use the smallest possible booster size allowed, and working with Council Officers to improve the situation. On this basis, the pragmatic approach would be to accept the proposed location of the booster cabinet and see what improvements can be made to allow the best possible outcome from both an urban design and heritage perspective. One way is to extend the central mullion of the window above down to the booster cabinet doors, to give a greater emphasis and impression of a door entry in this location, as per the sketch below. While the change may seem insignificant at face value, it would provide a greater reference to reflect the original door entry location. This can be facilitated via a permit condition.

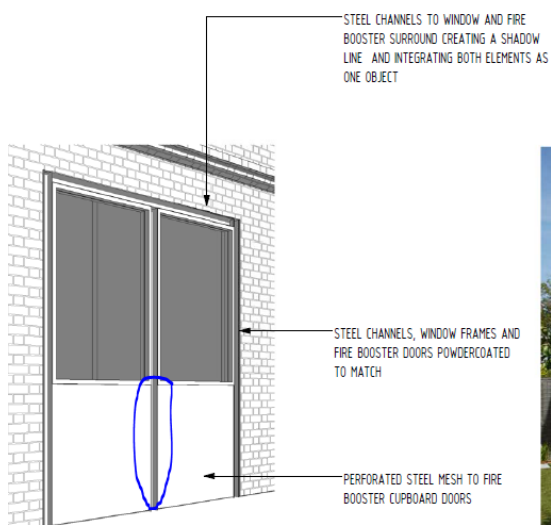


Figure 2: Central mullion extended to fire booster cabinet, outlined in blue.

First floor addition to Bridge Road

124. Moving onto the infill addition at the first floor (labelled as level 2 on plans), Council's Heritage Advisor was also not supportive of this aspect, commenting that the addition is inappropriate from both a lack of setback perspective and use of materials, and exacerbates facadism at play. As highlighted earlier, the extent of demolition is considered acceptable for the 'contributory' grading of the two buildings for the reasons already outlined; requiring the new addition to be significantly setback from Bridge Road in the order suggested by the Heritage Advisor (approximately 10m by deleting this infill i.e. apartment 2.05) would be taking an extremely purist heritage view and unwarranted for the heritage buildings on site. Had these building been graded as 'individually significant', the suggested setback would be reasonable; however, this is not the case.
125. The proposal currently proposes a 1.0m separation between the facades and the new in-fill section when the bi-fold screens are fully closed, and 2.5m when opened, albeit the upper portion of the screen is proposed to be fixed at 1.0m from the parapet. A terrace is proposed behind the screen which is to be constructed from a 50% transparent mesh metal, in a pewter grey colour. While a 1.0m setback is clearly not enough to make the addition appear recessive behind the front facades, it would still provide a visible appreciation of separation between the old and new fabric.

At the request of Officers, the applicant has prepared a sketch illustrating a silhouette of the existing parapets imposed onto the screen through varying the colour tones (shown below) in an attempt to soften the appearance of the addition.



Figure 3: illustration of a silhouette of the front parapets imposed onto the screen

126. It is considered that the use of a semi-transparent material coupled with the silhouette of the parapets would provide for a visually interesting and contemporary design response to a site which is currently an anomaly amongst the row of two-storey terraces and will act as a simple backdrop that will not compete with the existing parapets. This is considered a better outcome than requiring the traditional greater setback of the in-fill addition as it would inevitably still be visible from the public realm and exacerbate the visibility of the taller element located behind. It is worth noting that the heritage policy does not call for full concealment of additions, but rather ensuring it is recessive and respectful of the host building, which it is submitted to be in this case. This design response can be easily facilitated via a permit condition.
127. In terms of the materiality of the screen, whilst metal mesh is not a commonly used material for front facades, it is considered acceptable in this instance subject to a permit condition requiring it to be of matt finish, and not reflective. This will ensure the desired simple and sleek backdrop outcome.
128. Lastly, regarding the rear 7 storey addition, as highlighted earlier in report, this part of the proposal was generally supported by Council's Heritage Advisor both from a height and setback perspective. The addition rises to a maximum height of 21.8m to the roof and 23.5m to the lift overrun, and is to be setback 12.6m from Bridge Road, consistent with other new developments along Bridge Road.
129. A key strategy of clause 21.02-1 is to "protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas. Similarly, the local heritage policy encourages new development, alterations or additions to "be distinguishable from the original heritage fabric" and "not obscure views of principal facades. The proposal is considered to accord with these policy guidelines by maintaining an appropriate setback from the heritage frontage and keeping the height to what has generally been accepted for redevelopments on the north side of Bridge Road.

Urban design

Site Analysis Plan and context

130. The Applicant provided a satisfactory site analysis plan and urban context report with the application.

Urban form and character/height and setbacks/architectural quality

131. The site is located within the Bridge Road MAC and contains a mixture of commercial and residential land uses. Built form varies from one to two storey Victorian and Edwardian era shopfronts, to more recent extensions and infill developments (already outlined in the previous heritage assessment).
132. Physically, the site is in an area where intensive residential development is encouraged by both State and local planning policies in the planning scheme. New development is already evident, particularly along the north side of Bridge Road and to the west of Church Street. As much of the Bridge Road frontage has historic significance, the new development is generally set back behind this heritage frontage so that the old and new built form elements are distinct. What is proposed in this case seeks to make a similar contribution to Bridge Road. It proposes to retain the heritage frontage along Bridge Road and construct a seven storey new addition behind. In light of the existing planning policies in the planning scheme, the existing examples of new development approved and constructed along Bridge Road, the proposal is supported.
133. Council's Urban Design consultant was supportive of the massing of the building, commenting that the upper levels at the setback proposed (12.6m – 19.4m), would not visually dominate the Bridge Road streetscape, and provides a *'very satisfactory visual delineation between the two storey-lined commercial strip and the activity that is happening behind the strip. This sense of 'activity behind' is particularly prominent in this section of Bridge Road due to the large expanse of buildings, mainly steel, glass and concrete in materiality, associated with the Epworth Hospital'*.
134. Specifically regarding the setback of the new addition to Bridge Road at level 2, urban design support was offered as follows:
- "I do not consider a contemporary addition to the streetscape, when keeping within the heights set by the neighbouring original buildings, to be detrimental to the overall heritage streetscape.*
- By making this element a full one-storey in height it provides a good level of continuity with the neighbouring buildings. This allows the extra apartment to sit just behind and essentially be 'invisible' to Bridge Road avoiding a totally new built form typology onto the existing commercial front".*
135. In terms of materiality, a recommendation was made request details of the screen, including size and operability of openings, and can be facilitated via permit condition. Whilst it is noted that the consultant reviewed the screen material as corten, and not the metal mesh now proposed, it is unlikely their position would change, considering that the metal mesh screen is more transparent than the solid and heavy corten, and would allow light seeping through at night, adding another visually interesting element to the Bridge Road streetscape at night.
136. Turning to the north, east and west elevations, each of these facades are proposed with high visual articulation, allowing the building to be satisfactorily viewed in the round, whilst also having regard to equitable development opportunities on the adjoining sites. Specifically, the building would be constructed on the east and west title boundaries, with the east elevation further benefiting from a break in the building mass via a series of recessed windows to the common area. Whilst the west elevation is not afforded the same treatment, the limited wall length (maximum 13.2m) coupled with employing varying materials and pattern treatment ensures an appropriate design response.
137. Lastly, regarding the north elevation, the building is proposed to be constructed on the title boundary at all levels, save for level 6, which would be setback 1.8m. It is noted that the Epworth Hospital has raised concerns with the lack of setback of the building at this interface and have suggested a setback in the order of 9-10m, based on a recent development approval at 300 Albert Street, East Melbourne (known as the Dallas Brooks Centre) which is adjacent to the Epworth Freemason Hospital.

138. Construction on the boundary is common within the City of Yarra, including Bridge Road. The Epworth Hospital building (directly opposite) is also constructed to title boundaries, including to the ROW and Leigh Place, albeit small setbacks are incorporated to the ROW frontage at level 2 and above.
139. In their review of the application, Council's Urban Design Consultant did not raise any concerns with the building being constructed on the boundary at all levels along this interface. The 1.8m setback at level 6 was suggested by Officers to provide a 'step down' when viewing the building in the long range and be more in line with the scale of other recent development behind Bridge Road. This is also in line policy at clause 22.07 which requires development to respect the scale of the surrounding built form.
140. Having reviewed the development approval for the Dallas Brooks Centre, it is submitted that imposing the same setback required under this proposal to the subject site would be highly unfair, and not warranted. Firstly, the Dallas Brooke Centre development site is 8,139 square metres (more than 16 times the size of the subject site), with the development proposal comprising 273 dwellings, a function centre, lodging rooms and café, all to be housed in a 10 storey building. Clearly, the Dallas Brooks Centre is a significantly larger development proposal than this application, and the two are simply not comparable, and therefore should not be used as an example of what would be an acceptable interface setback. Notably, a series of communal facilities including a resident's lounge and swimming pool are proposed directly opposite the hospital interface. Again, this is not what is proposed for this application, which is limited to just 20 apartments and three shops.
141. The proposal in the current form is considered an acceptable design response from a height and setback perspective to the ROW interface. Discussion on amenity impacts is provided later in the report.

Safety

142. The principle requires new development to create urban environments that enhance personal safety and property security, where people feel safe to live, work and move in at any time.
143. The proposal retains the retail shops at ground level to Bridge Road, and seeks to introduce pedestrian activity to the rear ROW. This is considered appropriate and create new opportunities for passive surveillance over the surrounding streets which would enhance both personal and property safety.

Public realm, light and shade, and pedestrian spaces

144. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user.
145. To Bridge Road, the proposal maintains an active interface with three shopfronts, with the pedestrian entry to the apartment building located at the rear ROW. This aspect is also acceptable considering the building is located only one property from Leigh Place, ensuring the entry would be easily identifiable, whilst also increasing opportunities for surveillance of the surrounding streets. Council's Urban Design Consultant has recommended a condition requiring details of the yellow metal material proposed to demarcate the building entry and framing element above. This should be imposed on any permit to issue.
146. The orientation and scale of the development would not result in any unreasonable additional overshadowing of Bridge Road and Leigh Place. Whilst there would be additional shadow cast at every hour between 9am – 3pm to either one of the two streets, they are very small increases, and in the case of Bridge Road, do not extend to the other side of the footpath. Leigh Place would be subjected to more additional overshadowing but it is a road reserve with limited amenity and is already largely in shadow from the Epworth Hospital.

Landmarks, views and vistas

147. The proposed development would not result any adverse impact on view lines to any of the significant landmarks or landmark signage as identified at clause 22.03 (Landmarks and Tall Structures) of the Scheme.

Site coverage/Permeability

148. Council's Local policy at clause 22.16 addresses stormwater management and is critical when considering this issue. The policy aims to improve stormwater quality and incorporate stormwater treatment measures into the design of developments.
149. The proposal seeks a site coverage of 100 per cent. Although the existing site coverage is approximately 93 per cent, this is supported because:
- (a) the context of the area, in particular other developments of this scale currently under construction, is also of hard surfaces and limited permeability;
 - (b) the previous use of the site as a furniture manufacturing factory may dictate a 100% site coverage to enable residential use ; and
 - (c) the proposal includes a 10,000L rain water tank for common area toilet flushing and some apartments.
150. Standard conditions relating to runoff treatment during construction should be included in any permit to issue.

Landscaping

151. No landscaping is provided as part of the development. This is considered acceptable within the context of this part of Richmond and the existing nature of the site.

Service infrastructure

152. Urban design considerations in relation to the height and massing of the development within the Higher Density Residential Guidelines also require roof forms to be treated as an integral part of the design composition. In this respect, the proposal incorporates a flat roof which both responds to the context and architectural character of the building.
153. A roof plan has been submitted showing the services to be located in a plant room, at the same height as the lift overrun. Even though the solar panels are not screened, this is typical to ensure their efficiency is not impacted.

On site- amenity

Access, layout and circulation

154. Objective 5.3 of the DSE Guidelines is '*To create functional, flexible, efficient and comfortable residential apartments*'.
155. Circulation space within the development is considered acceptable with each level only containing a maximum of four apartments, and one in the case of level 6. This layout ensures each apartment has adequate outlook and access to natural daylight. Whilst it is noted that the majority of apartments would only have a single outlook, this is not considered fatal to the development as no habitable room would be reliant on borrowed light.

156. Similarly, whilst apartments 203 and 204 would appear to be internalised with no direct outlook out, the terraces of these two units are open to the sky, with no built form above. Whilst this layout is not ideal, it is considered acceptable considering this only affects two apartments out of twenty, and having regard to housing affordability, dwelling variety and the principles supporting urban consolidation.

Solar amenity and daylight access

157. Objective 5.4 of the DSE Guidelines is 'To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces'.
158. Given the north –south orientation of the site and the typical boundary-boundary construction proposed it is not possible for all apartments to be north-facing. In fact, 19 of the 20 apartments would have a single outlook and therefore limited cross-ventilation opportunities. It is noted that the apartments would still have an acceptable level of natural ventilation. In line with Council's ESD Advisor's recommendation, the applicant has proposed to provide mechanical ventilation to common corridors. The provision of trickle vents into the apartments would also assist in improving cross-ventilation, albeit mechanical. This will be required by way of a permit condition.
159. As indicated earlier, all apartments would have habitable rooms with direct access to natural light, and would not be reliant on borrowed light.
160. In terms of solar access, whilst the site has a northern orientation, direct solar access is restricted by the 5 storey Epworth Hospital building directly across the ROW. The applicant submitted cross-sectional diagrams illustrating the extent of solar access to the north-facing apartments which confirmed limited direct solar access to the apartments. Whilst this is not ideal, it is not fatal to the development. Enabling greater solar access would require a significant setback of the building from the ROW at all levels, almost rendering the rear portion of the site as not being developable. Coupled with the requirements of the heritage overlay, any feasible development opportunity for the site would be significantly diminished.

Overlooking

161. Objective 2.9 of the DSE Guidelines aims '*To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties*'. *It is recommended that existing dwellings should be protected from potential overlooking in accordance with the requirements of Clause 55 of planning schemes. Overlooking between new residential units should be minimised by appropriate site and building layout, window location and design.*
162. The internal overlooking issues are limited to abutting terraces and within the light court at level 2, with no screening details provided. The Applicant has advised that these would have a minimum 1.7m high screen with maximum 25% transparency, and thus should be confirmed via a permit condition.

Noise

163. Issues of noise in this instance are limited to surrounding commercial properties/equipment (including the car park door to the Epworth Hospital) and traffic/tram noise along Bridge Road.
164. An acoustic report was not submitted with the application and should be required by way of a permit condition addressing the following:
- (a) Noise impacts from traffic/tram along Bridge Road and plant equipment from surrounding businesses (including the car park door to the Epworth Hospital) onto dwellings within the development; and

- (b) noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development and surrounding residential dwellings.

165. Within the development, it is noted that three apartments (204, 304 and 404) would have its bedroom adjacent to the terrace of an adjoining apartment, which is not ideal from a noise and amenity perspective. Whilst the terrace of apartment 204 has been treated with an acoustic privacy screen, the other two apartments have not and should be required to via a permit condition. To further improve this situation, the bedroom window to apartment 403 should be relocated furthest away from the terrace of apartment 404, similar to the layout at level 3. This can be easily facilitated via a permit condition.

Private and communal open space

166. Objective 6.1 of the DSE Guidelines is *'To ensure access to adequate open space for all residents'*. *The guidelines continue to state that 'If a balcony is intended to serve as private open space it should be of sufficient size to accommodate outdoor seating, with good connections between these spaces and the building's interior'*. Further, objective 6.3 is *'To allow solar access to the private and shared open spaces of new high density residential units'*.

167. The terraces range from 6m² to 85m² with a minimum width of 1.8m. The spaces are all also directly accessible via sliding doors to living areas, ensuring they are of a functional size and layout.

Storage

168. *Objective 5.5 of the DSE Guidelines is 'To provide adequate storage space for household items'*.

169. Each dwelling is provided with 6m³ of storage in the basement, which meets the ResCode requirement (albeit not applicable).

Environmental sustainability

170. The application was referred to Council's ESD Advisor and the majority of the concerns raised have been addressed in the amended plan. Discussions on the concerns raised have been provided in the earlier sections of the report and do not need to be repeated.

171. An amended Sustainable Management Plan [SMP] should be required via a permit condition to provide details of the 16 solar panels proposed and address solar protection to all north-facing glazing to habitable rooms at level 6. The report is currently silent on these two matters.

Off-site amenity impacts

172. The subject site has the benefit of being located in a commercial shopping strip with no sensitive residential abuttal. The adjoining properties on all sides are of a commercial use, with the Epworth Hospital being located directly opposite the ROW to the north.

173. Whilst not a residential use, the site's interface with the Epworth Hospital is to a series of patient rooms on levels 1, 2 and 3. Ground level is occupied as a car park, and level 4 is utilised as library/training room. The Hospital has raised concerns with potential overlooking from the building height and lack of setback from the rear ROW.

174. In response to this the Applicant amended the proposal to incorporate a 1.8m setback to the topmost level, and has agreed to provide 1.7m high privacy screening to all balconies facing the ROW via a permit condition, except for level 6 (no overlooking opportunity).

This treatment will ensure the operation of the hospital would not be adversely impacted and in line with policy guidance at clause 22.05 which seeks to manage interface issues between residential and non-residential uses. However, there appears to be no treatment proposed to the bedroom windows which also have overlooking opportunities given their separation by only a 3.6m wide ROW. Accordingly, a further permit condition should require all habitable room windows within 9.0m of patient rooms in the hospital to be screened to 1.7m high, and with maximum 25% transparency. This does not include level 6 as views from this level are limited to the non-sensitive use at level 5 of the hospital (training/library).

Noise

175. Clause 22.05 also requires the proposed development to not prejudice the operation of existing surrounding businesses. In line with the above recommendation for an acoustic report to ensure future occupants are adequately protected from noise generating from existing surrounding impacts, a condition should ensure that the car stackers, lift and any associated plant and equipment within the development achieve compliance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) SEPPN-1 to ensure patients within the Epworth Hospital are adequately protected.
176. The Epworth Hospital also raised noise concerns with the residential entry being proposed from the rear ROW in this regard, it is unlikely that occupants of only 20 apartments would create unacceptable noise impacts associated with entering and existing the building. Noise associated with this activity would not be discernible to noise generated by pedestrians along Leigh Place and the hustle and bustle of the Bridge Road MAC. It is noted that having a residential entry off a ROW is not uncommon within the City of Yarra, and there are existing residential properties along Leigh Street, also directly opposite the hospital.

Traffic, access, parking, bicycle facilities and loading bay

Car parking provision

177. Overall, the development requires 25 spaces and is providing 11 car spaces, therefore, in total, a reduction of 14 car parking spaces is being sought. As previously highlighted, the Scheme exempts the 3 retail shops from the car parking requirement, given that that the existing floor area is greater than under the proposal.

Parking Availability

178. A traffic report prepared by Traffix Group was submitted with the application and includes parking surveys of the area immediately surrounding the subject site, being the block bounded by Normanby Place and Bosisto Street in an east-west direction, and Goodwood and Erin Streets in a north-south direction. The results confirmed that on-street parking is in high demand during the day but drops during the evening, with peak occupancy rates recorded as follows:
 - (a) 91% - 97% at 10am and 12 noon on Thursday and Friday, respectively; and
 - (b) 9% at 8pm on Friday;
 - (c) 32 % and 11% at 12 noon and 8pm on Saturday, respectively.

Parking Demand

179. The applicant's traffic report stated that average car ownership rates in the 2011 Census (Richmond) for residents are as follows:

Type of Dwelling	Number of Cars	Richmond (Vic.)
Studio/Bedsit Flat/Unit/Apartment in one or more storey block	Average no. of cars per dwelling	0.3
	0 cars	78%
	1 car	17%
	2 or more cars	5%
1 bedroom Flat/Unit/Apartment in one or more storey block	Average no. of cars per dwelling	0.7
	0 cars	39%
	1 car	53%
	2 or more cars	8%
2 bedroom Flat/Unit/Apartment in one or more storey block	Average no. of cars per dwelling	0.9
	0 cars	29%
	1 car	50%
	2 or more cars	21%
3 bedroom Flat/Unit/Apartment in one or more storey block	Average no. of cars per dwelling	1.0
	0 cars	33%
	1 car	42%
	2 cars	19%
	3 or more cars	6%

180. If these rates were applied to the proposal, a total of 16 spaces would be required all dwellings and as such the reduction of 5 resident spaces is acceptable.
181. As the proposal includes three shops, a loading bay is required to be provided under clause 52.07 of the Scheme.
182. The reduction in the car parking requirement and waiver of the loading bay requirements being sought is considered appropriate for the following reasons:
- (a) The subject site has good access to public transport facilities with established tram routes along Bridge Road and is within 500m of West Richmond train station, and is in easy walking distance of many retail outlets, restaurants and cafes and various other facilities and resources;
 - (b) Resident or visitor parking permits will not be issued for the development, which will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking;
 - (c) Providing medium-density housing close to public transport links is consistent with urban consolidation objectives which require planning to assist in the implementation of feasible non-car based transport options;
 - (d) Objective 32 of Council's MSS facilitates parking reductions by advocating reduced reliance on private motor vehicles;
 - (e) The shops would heavily rely on walk-up trade for its primary source of customers. Persons visiting the shops would likely be engaged in other activities or business whilst in the area (multi-purpose trips);
 - (f) The proposal includes secure bicycle parking spaces significantly exceeding rates specified within the Scheme; and
 - (g) The subject site is within walking distance to a number of car-sharing facilities with the one at 195 Lennox Street, Richmond being the closest.
183. With regards to the reduction being sought for visitor parking, this accords with recent findings in the matter of *207 Bridge Road Pty Ltd v Yarra CC [2013] VCAT 1901*, in which the provision of visitor parking was considered impractical and unnecessary. In this instance the Tribunal stated:

- (a) *The Council already accepts that it is appropriate to reduce the parking requirement at Clause 52.06 given the site's context, policy supporting the use of public and alternative forms of transport and the nature of the apartments proposed. Not all apartments will have a car space. This is an acceptable approach given the small size of the apartments, the availability of tram services and shops along Bridge Road.*
- (b) *The Tribunal also noted the proposed use of car stackers for residential use (as is the case with this proposal) and stated;*
- (c) *We find the need for the provision of two visitor spaces, totally impractical given that a mechanical stacker arrangement is to be used. As noted by Mr Fairlie, stacker systems are appropriate when there is consistency in user, as such persons will become familiar with how they operate. As such, they are often employed to provide residents spaces or those for offices. They are not typically applied in public or visitor parking situations because of the lack of familiarity of those users with such systems.*

- 184. From a traffic engineering perspective, the occupation of the new dwellings are not expected to adversely impact on existing parking conditions in the area, with the lack of visitor parking space an acceptable outcome in a major activity centre.
- 185. Whilst the proposed development would increase traffic in the surrounding streets, Council's Traffic Engineer has concluded that the additional traffic generation of 55 trips per day, with 6 vehicle trips per peak hour as being low and would not affect the traffic operation of Leigh Place or the rear ROW. This is based on adopting a conservative generation rate of 4 vehicle trips per day per dwelling and 0.5 vehicle trips per peak hour per dwelling.
- 186. Considering the location of this site, the peak hour traffic generation of six vehicle movements will not impact on the traffic operation of Bridge Road or any adjoining roads. It would be difficult to discern the traffic generated as a result of this development.
- 187. In terms of loading provision, the application seeks a full waiver of this requirement and seeks to rely on on-street loading and parking areas. The existing shops on site currently operate without any on site loading provision, and this is arrangement would continue under the proposal. This is not uncommon for commercial premises along Bridge Road which typically do not have their own loading bays and it is appropriate for this site to also use the street for informal parking of delivery trucks. Whilst it is noted that a super tram stop is located directly in front of the subject site, and thus there is no parking bays directly outside the shops, there is still ample on street parking spaces within easy walking distance of the site.

Layout, manoeuvrability, car stackers and safety

- 188. Vehicle access is proposed from the rear ROW via a 12.5m wide cross-over. Given the narrow width of the laneway the car spaces have been setback 1.8m from the title boundary to allow sufficient space for turning movements into and from the car park.
- 189. The proposal seeks to rely on one shuffle car stacker systems for the 11 spaces provided on site. Council's Engineering Services Unit has reviewed this aspect and is satisfied that this is an acceptable car stacker model for this site. The car stacker can accommodate vehicles up to the size of an 85th percentile vehicle, with the swept path diagrams provided by Traffix Consultants for vehicle turning movements into and out of the individual platforms considered satisfactory.
- 190. In terms of the pedestrian entry from the ROW, Council's Traffic Engineer initially raised a concern with this aspect. However, since then have provided supplementary advice to confirm its acceptability.

This is due to the low traffic volume along the ROW and therefore low chances of posing safety or security issues for future occupants, and Leigh Place providing passive surveillance with the presence of other residential properties currently there. Standard permit conditions relating to lighting to the building entry should be included on any permit to issue.

Bicycle facilities

191. In regards to bicycle parking, the proposal provides an area within the basement level for 27 bicycle racks, more than exceeding the requirement of clause 52.34 which is 6 bicycle spaces.
192. All bicycle parking spaces are to be located within the basement level and would be accessed via the lift. This is not ideal from a visitor perspective, and a permit condition should confirm the size and width of access path to ensure this arrangement is satisfactory.

Waste management

193. The Applicant's Waste Management Plan (dated 10 September 2014, prepared by Leigh Design) is supported by Council's Services Contracts Unit, with residential and commercial waste being by a private contractor from the ROW. This avoids the need to place bins on Bridge Road, and is considered acceptable.
194. It is noted that within the refuse area, an area of 2 square metres is set aside for hard waste, which is not mandatory requirement under the Scheme, but certainly a practical requirement of apartment living.

Soil contamination

195. As highlighted earlier, a historic photograph of the buildings on site has revealed that the building at no. 123 was historically used as a furniture manufacturing factory. In the absence of information relating to the exact nature of this use, Officers suggest a condition be included in any permit to issue requiring an environmental assessment report be carried out to determine if an environmental audit is required to ensure the site is suitable for residential use.
196. This approach is consistent with The DSE practice note for potentially contaminated land which provides wider guidance on the issue, including appropriate conditions to include on planning permits. Irrespective of the site not being included in an EAO, Council must be satisfied that the use and development are appropriate in terms of the relevant SPPF objective and in terms of the *Planning and Environment Act* which, at section 60, states that before deciding on an application the Responsible Authority must consider:
 - (a) *any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*

Objector concerns

197. The following concerns were raised in the three objections received for the application:
 - (a) Amenity impacts on the Epworth Hospital including from the proposed building height and (lack of) setbacks, and placement of windows, and noise; and
 - (b) Insufficient car parking

198. The above issues have been discussed in length through the assessment section of the report. The only outstanding matter to be considered is a request from the Epworth Hospital to require a Section 173 Agreement to be imposed on the titles of all north-facing apartments advising that the development is adjacent to a *'24 hour hospital, where light spill, noise and other amenity impacts may result'*.
199. This requirement is not considered necessary given the prominence of the Epworth Hospital, and by its very nature as a hospital that it would be operating 24hrs a day. Potential purchasers are expected to carry out their own due diligence, and it would be unfair to expect the applicant to cover all hypotheses. If one chooses to buy into a development adjacent to a hospital, it would be very naïve of them to not expect to hear sirens or see activities associated with a hospital. Additionally the dwelling use does not require a permit and imposing restriction under a Section 173 is not considered reasonable.

Conclusion

200. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. The development would assist with meeting Victoria's urban consolidation objectives and Council's preference to direct higher density development to activity centres and strategic redevelopment sites. The proposal also fulfils the purpose of the zoning controls for the C1Z and appropriately responds the heritage context.
201. The mix of uses, architectural design excellence and the development's contribution to the streetscape would contribute to the long term economic viability of the Bridge Road Major Activity Centre. The application is therefore considered to be acceptable subject to the conditional requirements set out within the report.

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN14/0856) for the development of the land for the construction of a 7-storey building (plus basement) for 20 apartments and 3 shops, including part demolition, a reduction in the car parking requirement and a reduction of the loading requirement at 123 – 125 Bridge Road, Richmond VIC 3121 subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 01 April 2015 prepared by BG Architecture but modified to show:
 - (a) Correction to the Demolition plan to remove reference to partial demolition of the front façade of building at no. 125;
 - (b) Redesign of the fire booster cabinet and window above by extending the central mullion of the window down through the cabinet doors;
 - (c) Redesign of the level 2 façade to Bridge Road to include a silhouette of the existing building parapets imposed onto the bi-fold screen, as per the sketch plan dated 24/04/2015;
 - (d) Details of the bi-fold screen at the level 2 Bridge Road façade including size of the panels and openings, and confirmation that it is of a matt finish, and has a visible vertical emphasis;
 - (e) Provision of trickle vents into the corridors or security screen doors to the apartments or similar;
 - (f) Confirmation of 1.7m high privacy screening with maximum 25% transparency to terraces and/or windows to apartments 2.03, 2.04 and 2.05;

- (g) Provision of an acoustic privacy screen to west side of the terraces to apartments 3.04 and 4.04;
- (h) Relocation of bedroom window to apartment 303 to be furthest away from the terrace of apartment 404;
- (i) All north-facing habitable room windows and terraces at levels 1 -5 to be screened to 1.7m high from FFL with materials of no more than 25% transparency;
- (j) Provision of exterior adjustable shading to all north-facing glazing to habitable rooms at level 6;
- (k) all works recommended in the report of the professional acoustic engineer referred to in condition 10; and
- (l) all works recommended in the ESD report referred to in condition 7.

Endorsed Plans

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

Privacy screens

- 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.
- 5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Walls on boundary

- 6. 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.

Environmentally Sustainable Design Principles

- 7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions dated 8 September 2014, but modified to include or show:
 - (a) Details of the 16 solar panels; and
 - (b) Provision of exterior adjustable shading to all north-facing glazing to habitable rooms at level 6.
- 8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

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

Acoustic Treatments

10. Before the commencement of the development, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Noise impacts from traffic/tram along Bridge Road and plant equipment from surrounding businesses (including the car park door to the Epworth Hospital) onto dwellings within the development; and
 - (b) noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development.
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Environmental Audit

12. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
13. If the assessment required by condition 12 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
14. If the assessment required by condition 12 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),and the Certificate or Statement must be provided to the Responsible Authority.

15. If, pursuant to condition 14, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
 - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement;
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (iii) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Structural Report

16. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.

Road Infrastructure

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure (including tram infrastructure) resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
18. Before the building is occupied the permit holder must do the following:
- (a) reconstruct the rear Right of Way (as a minimum, from the western boundary of the site to Leigh Place);
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

General amenity

19. Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.

20. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. 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.
22. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.
23. Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

Car parking

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces; and
 - (e) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Lighting

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be prepared and submitted to Council for approval for the northern Right of Way. The developer must supply and fund any new and upgraded public lighting in any of the connecting Rights of Way where existing lighting levels are insufficient for pedestrian access and do not satisfy minimum Australian Standards.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian and vehicular entrances, dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.

Construction management plan

29. 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, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the site for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer; and
 - (v) other relevant considerations.
30. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

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

Time Expiry

31. This permit will expire if:

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

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

Notes:

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

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident, visitor or business parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

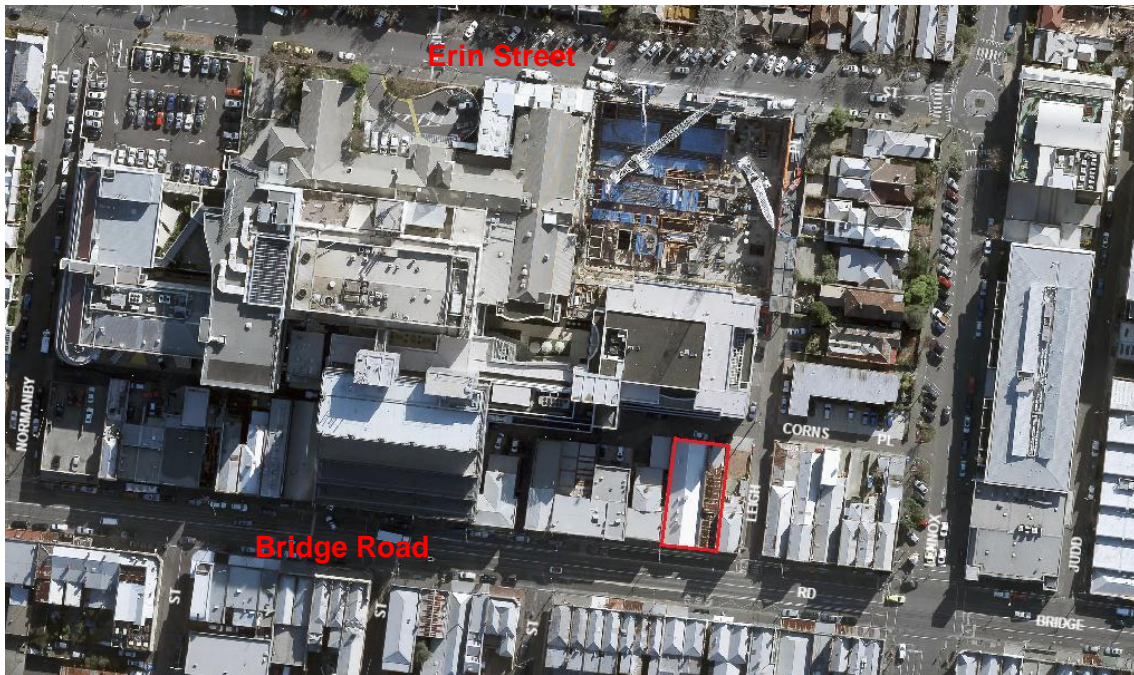
CONTACT OFFICER: Ally Huynh
TITLE: Principal Planner
TEL: 92055040

Attachments

- 1 Subject Site aerial
- 2 Site Plan & Streetscape Elevation
- 3 Demolition plan & Floor plans
- 4 Elevation plans
- 5 Perspectives
- 6 Shadow plans
- 7 Sketch plan showing screening to north terraces
- 8 Sketch plan showing revised front facade

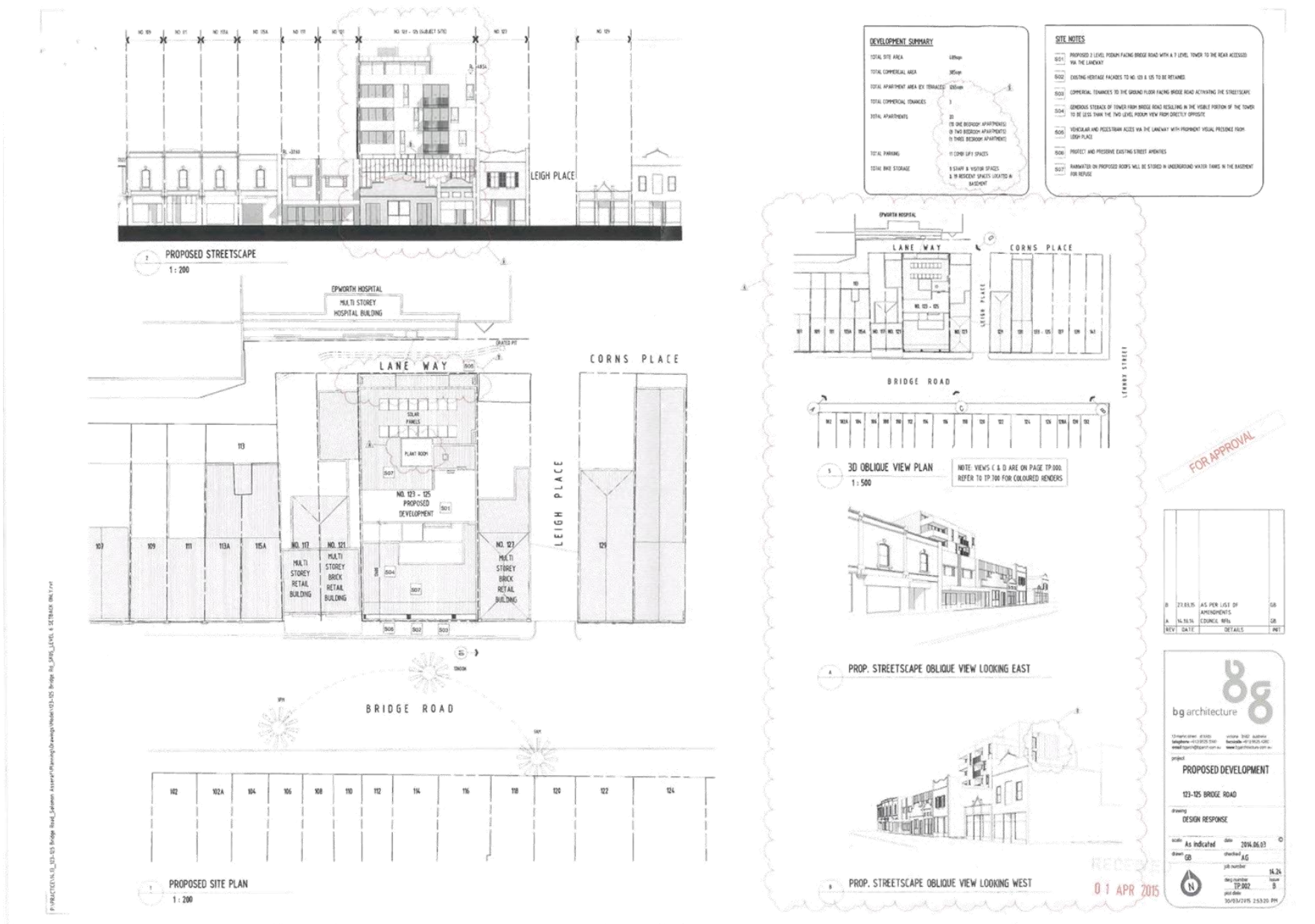
Attachment 1 - Subject Site aerial

Subject Site: 123 – 125 Bridge Road, Richmond

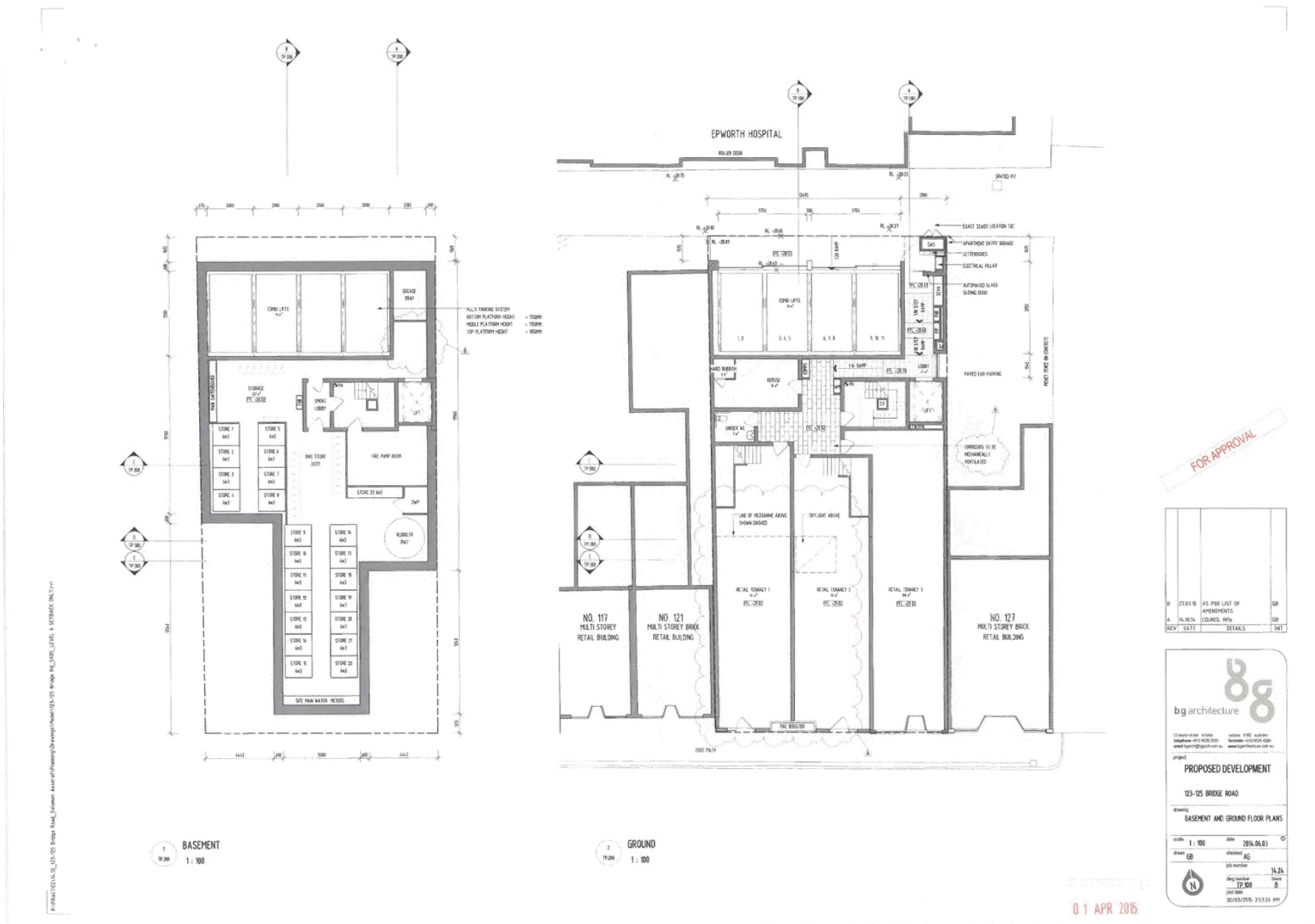


↑ North

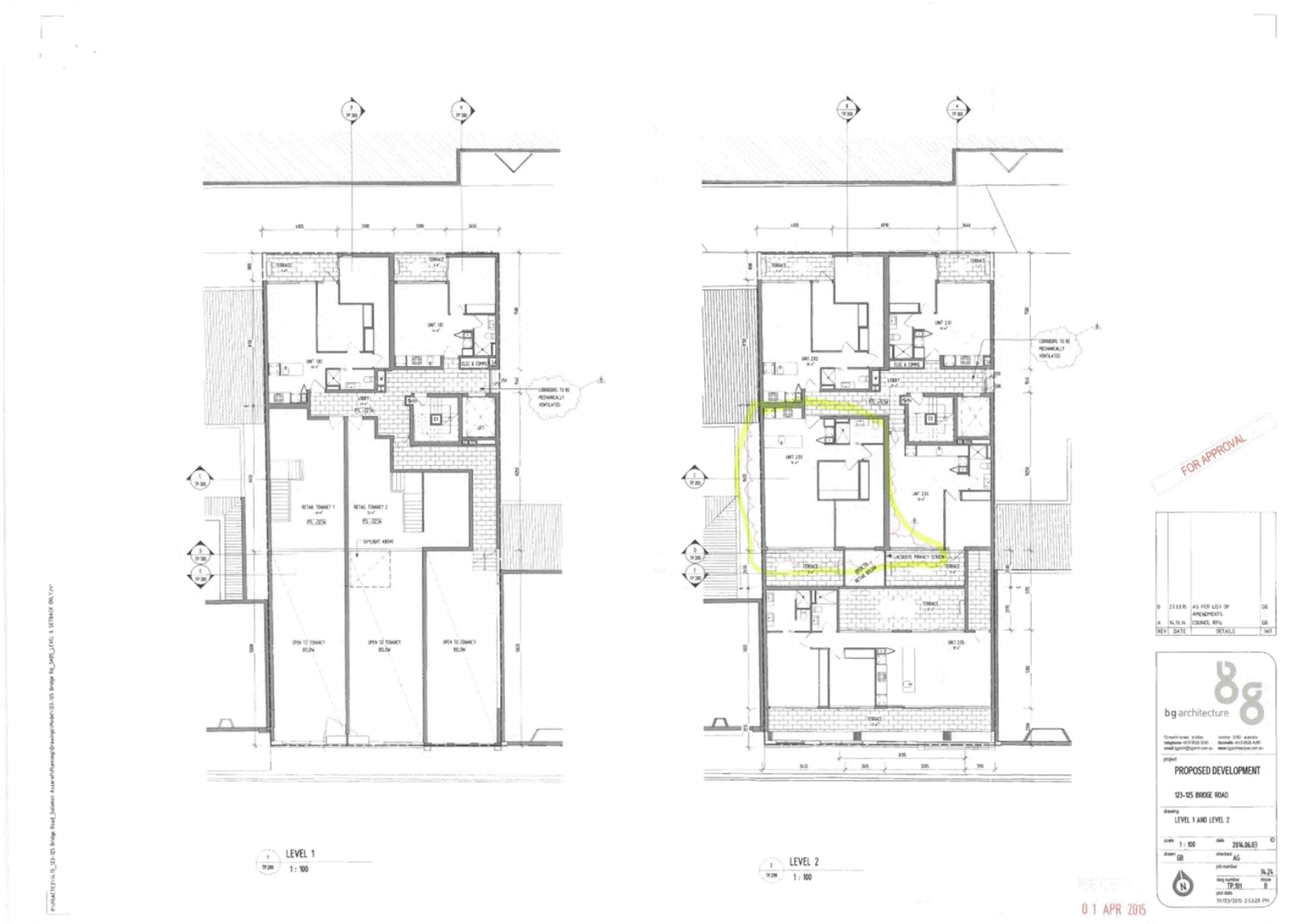
Attachment 2 - Site Plan & Streetscape Elevation



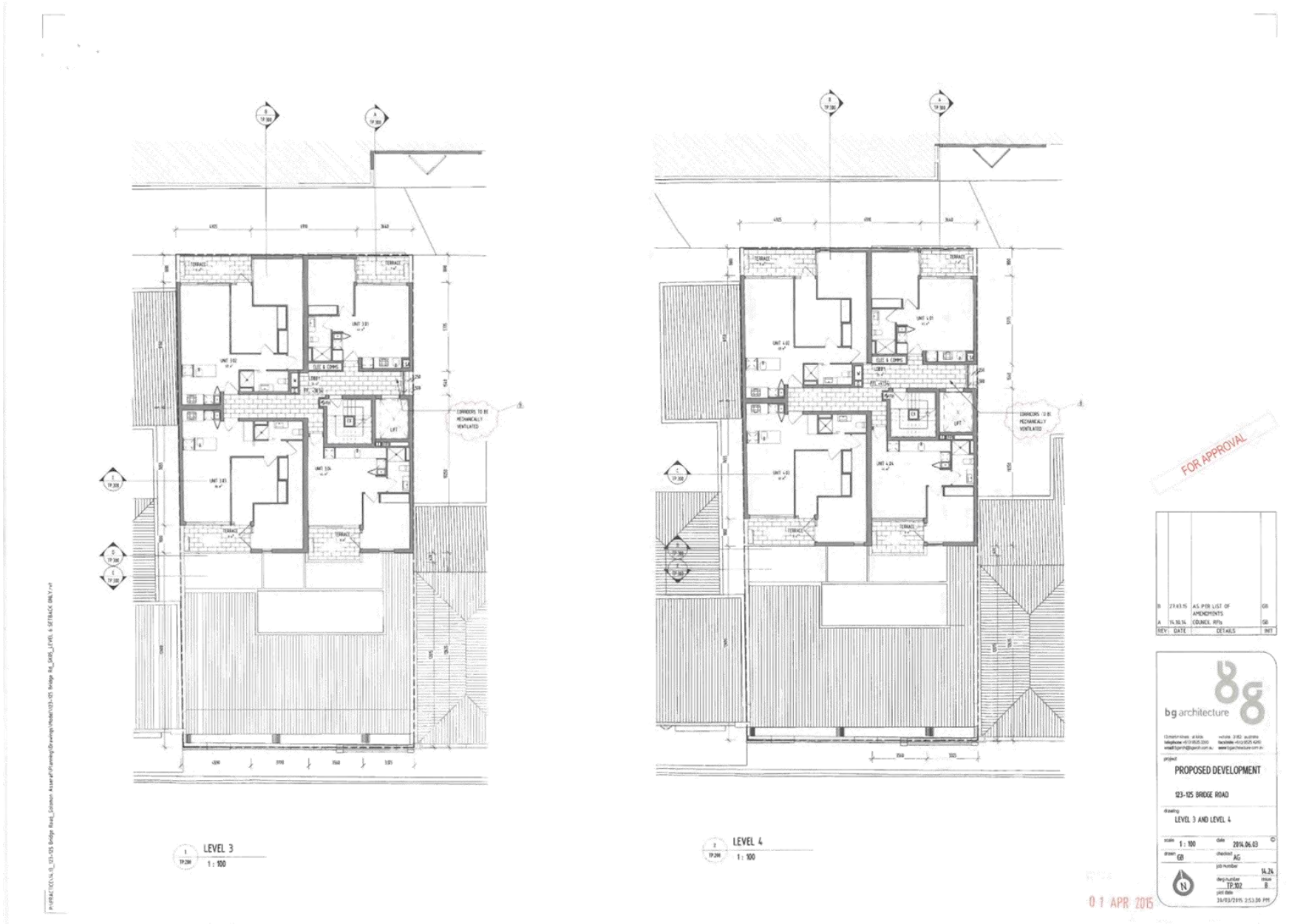
Attachment 3 - Demolition plan & Floor plans



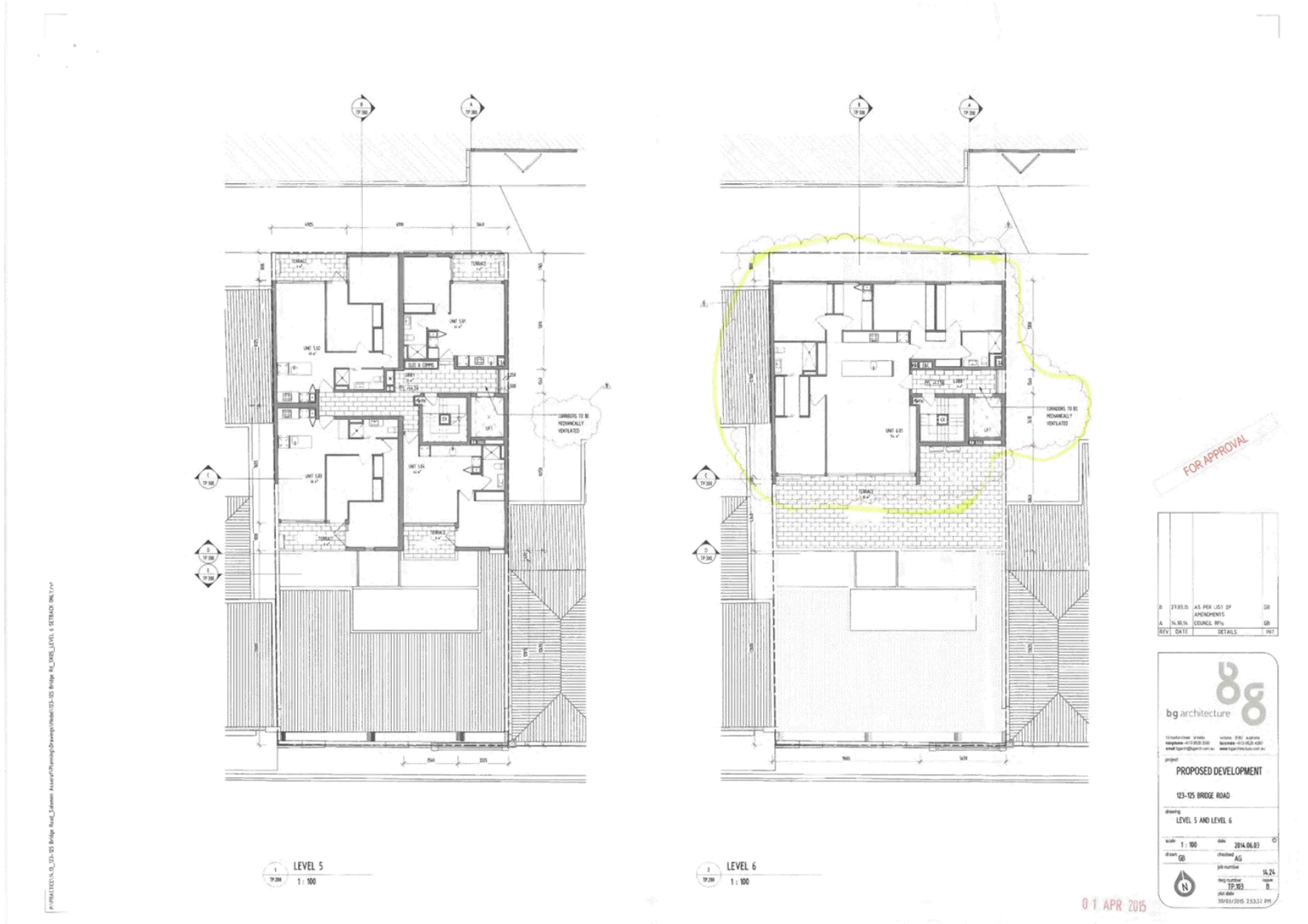
Attachment 3 - Demolition plan & Floor plans



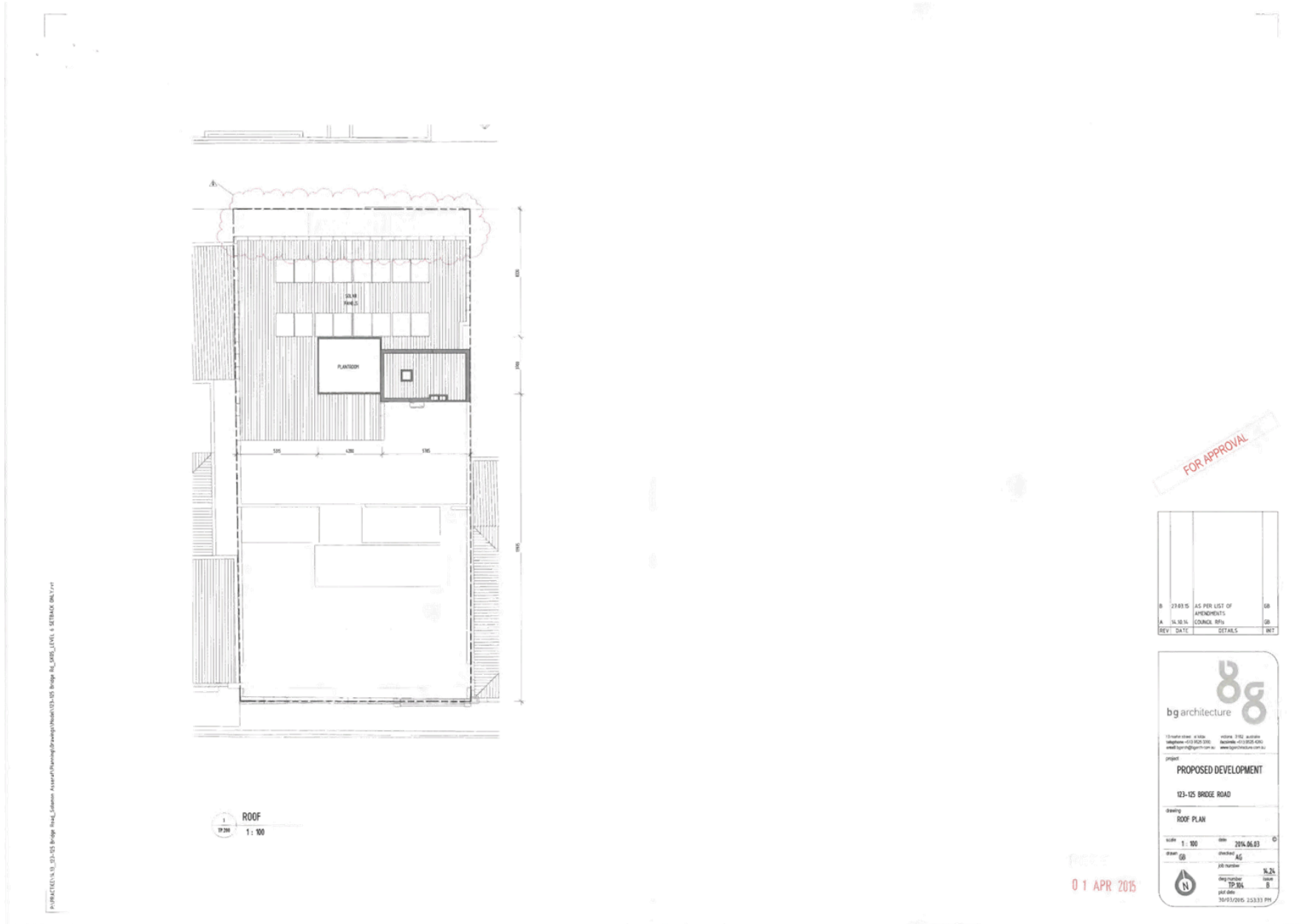
Attachment 3 - Demolition plan & Floor plans



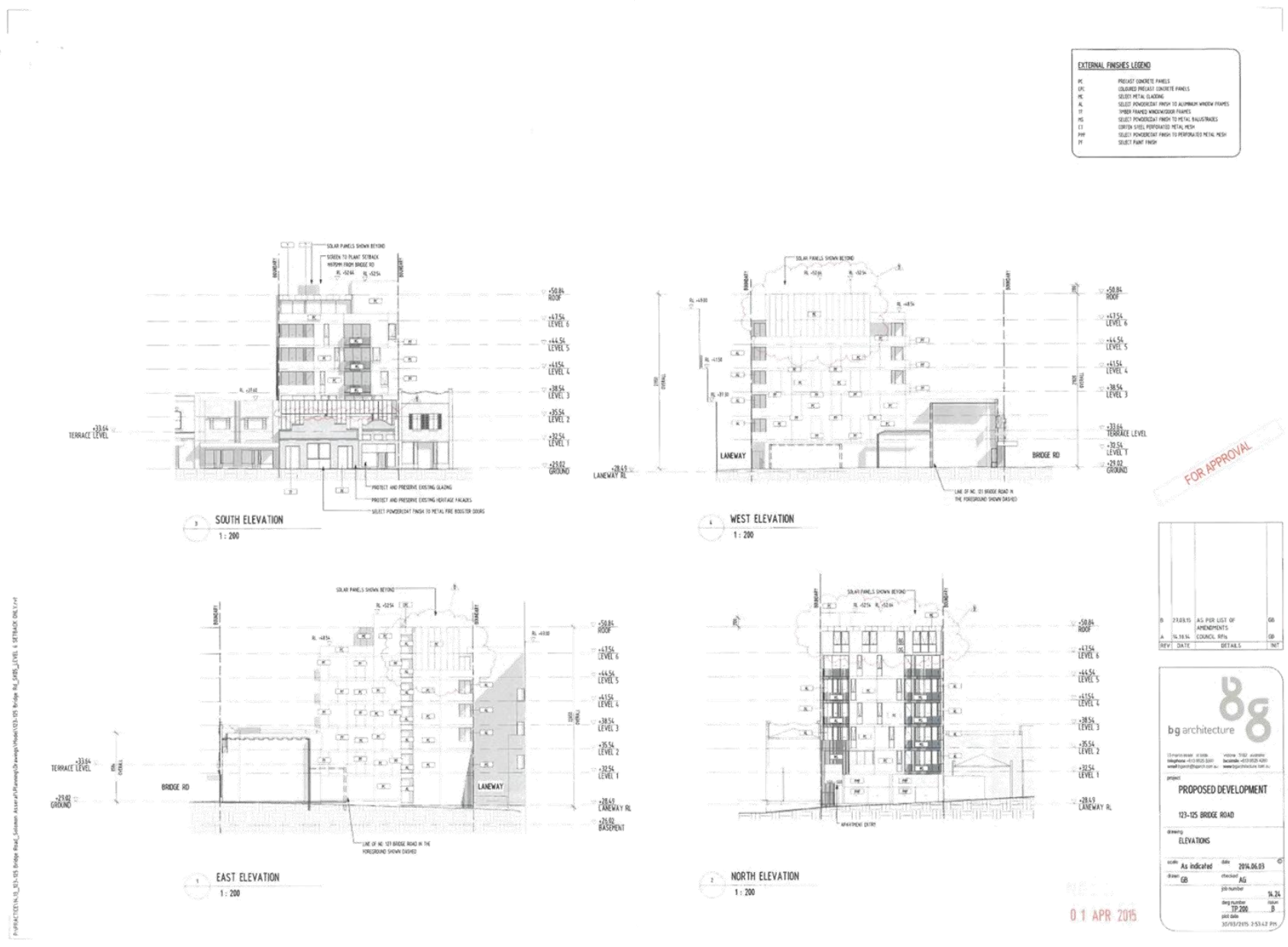
Attachment 3 - Demolition plan & Floor plans



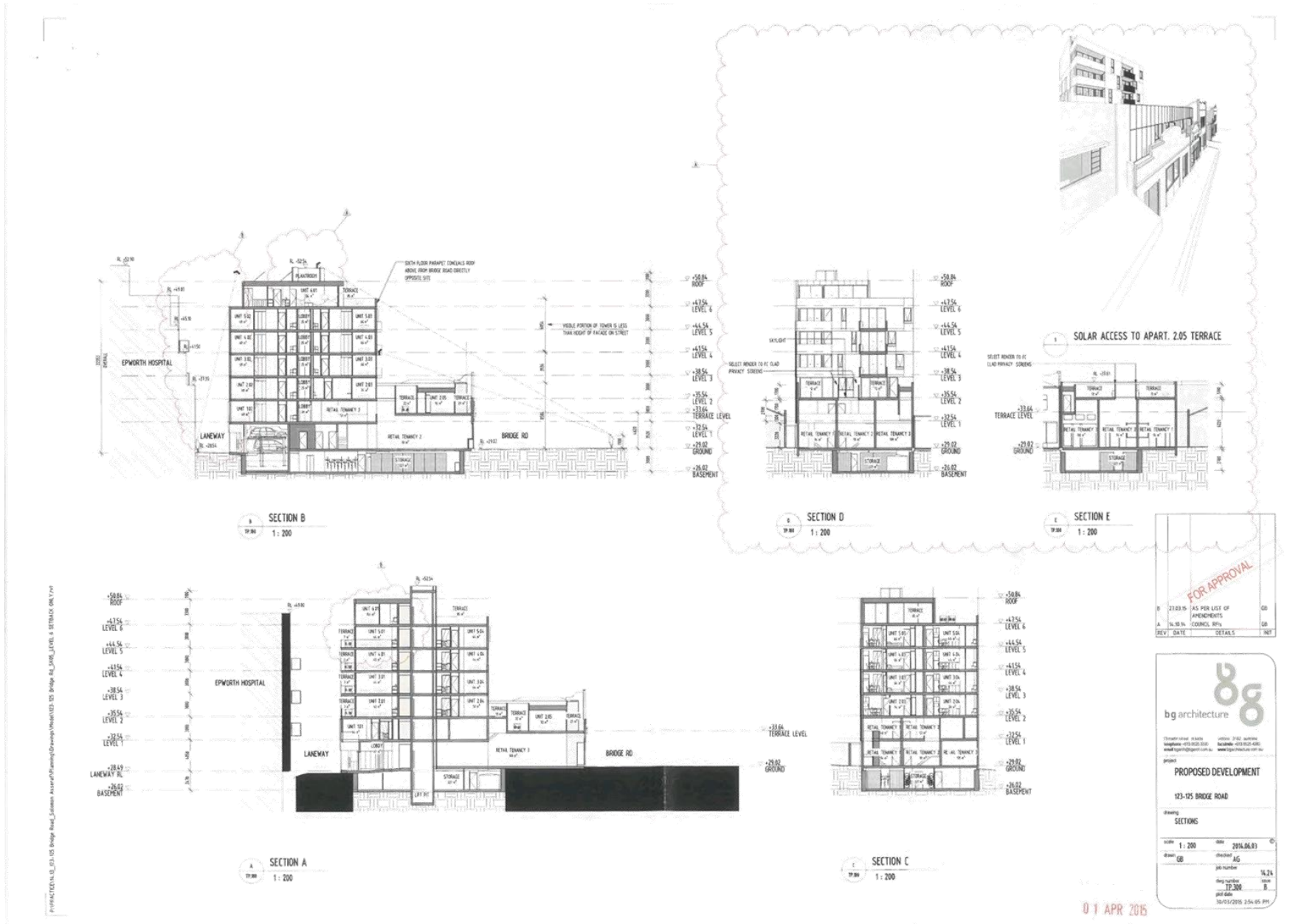
Attachment 3 - Demolition plan & Floor plans



Attachment 4 - Elevation plans



Attachment 4 - Elevation plans



Attachment 5 - Perspectives



LOOKING NORTH WEST TOWARDS EPWORTH HOSPITAL



VIEW D - LANEWAY VIEW



APARTMENT ENTRY VIEW



APARTMENT ENTRY VIEW



LOOKING TOWARDS BRIDGE ROAD FROM LANEWAY



VIEW B - PROP. STREETSCAPE OBLIQUE VIEW LOOKING WEST



VIEW A - PROP. STREETSCAPE OBLIQUE VIEW LOOKING EAST



VIEW C - BRIDGE ROAD VIEW

REV	DATE	DETAILS	INT

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PROPOSED DEVELOPMENT

123-125 BRIDGE ROAD

drawing
COLORADO 3D RENDER

scale date 2014.06.03 C

drawn GS checked AS

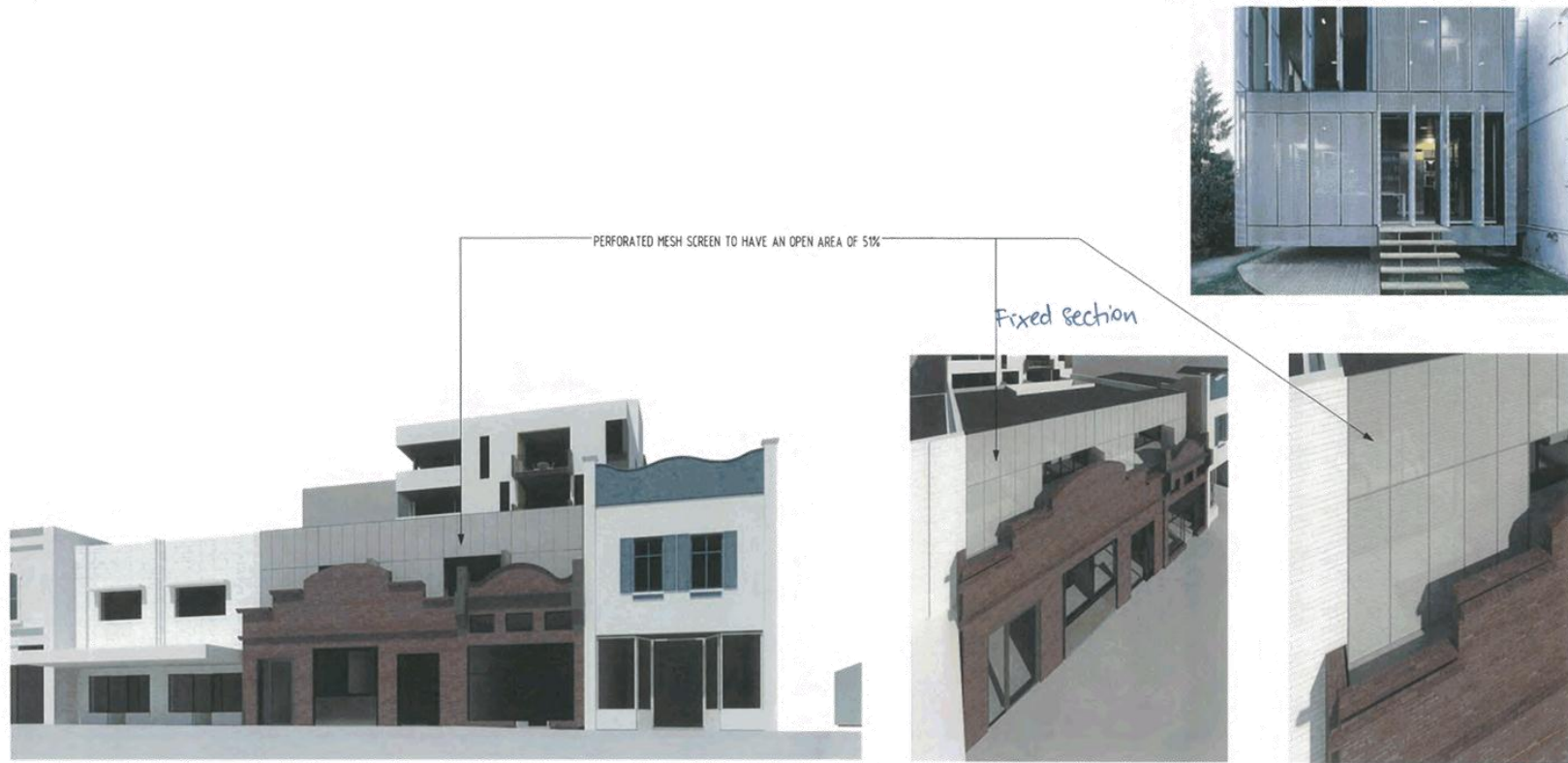
job number 14.24

drawing number 77-008 A

job date

01 APR 2015

Attachment 5 - Perspectives



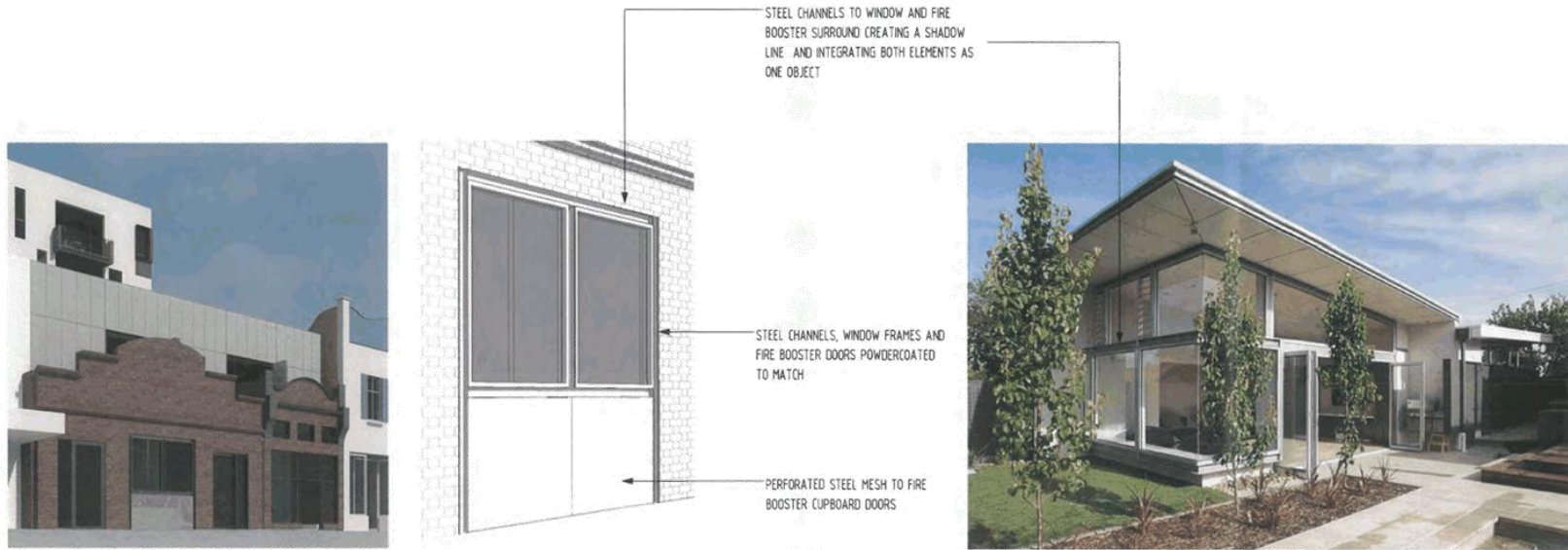
FOR APPROVAL

PROPOSED DEVELOPMENT 123-125 BRIDGE ROAD PERFORATED MESH SCREEN 1:1 SK.105



01 APR 2015

Attachment 5 - Perspectives

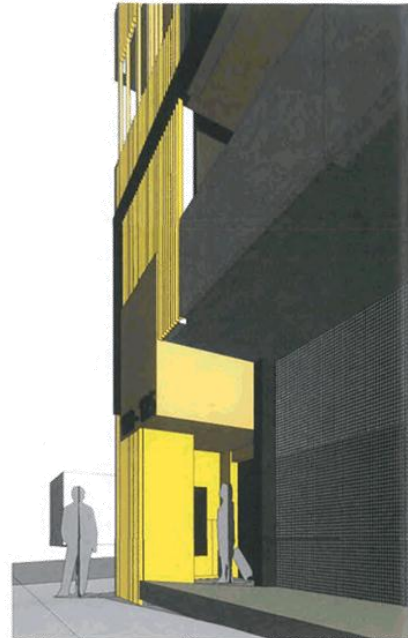
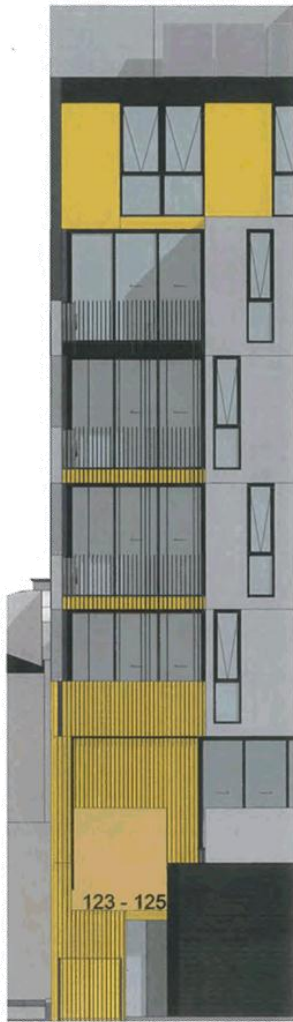


FOR APPROVAL

PROPOSED DEVELOPMENT 123-125 BRIDGE ROAD FIRE BOOSTER 1:1 SK.106

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01 APR 2015

Attachment 5 - Perspectives



FOR APPROVAL

PROPOSED DEVELOPMENT 123-125 BRIDGE ROAD APARTMENT ENTRY 1 : 100 SK.107

bg architecture
01 APR 2015

Attachment 5 - Perspectives



FOR APPROVAL

PROPOSED DEVELOPMENT 123-125 BRIDGE ROAD

NORTH TERRACE SCREENS

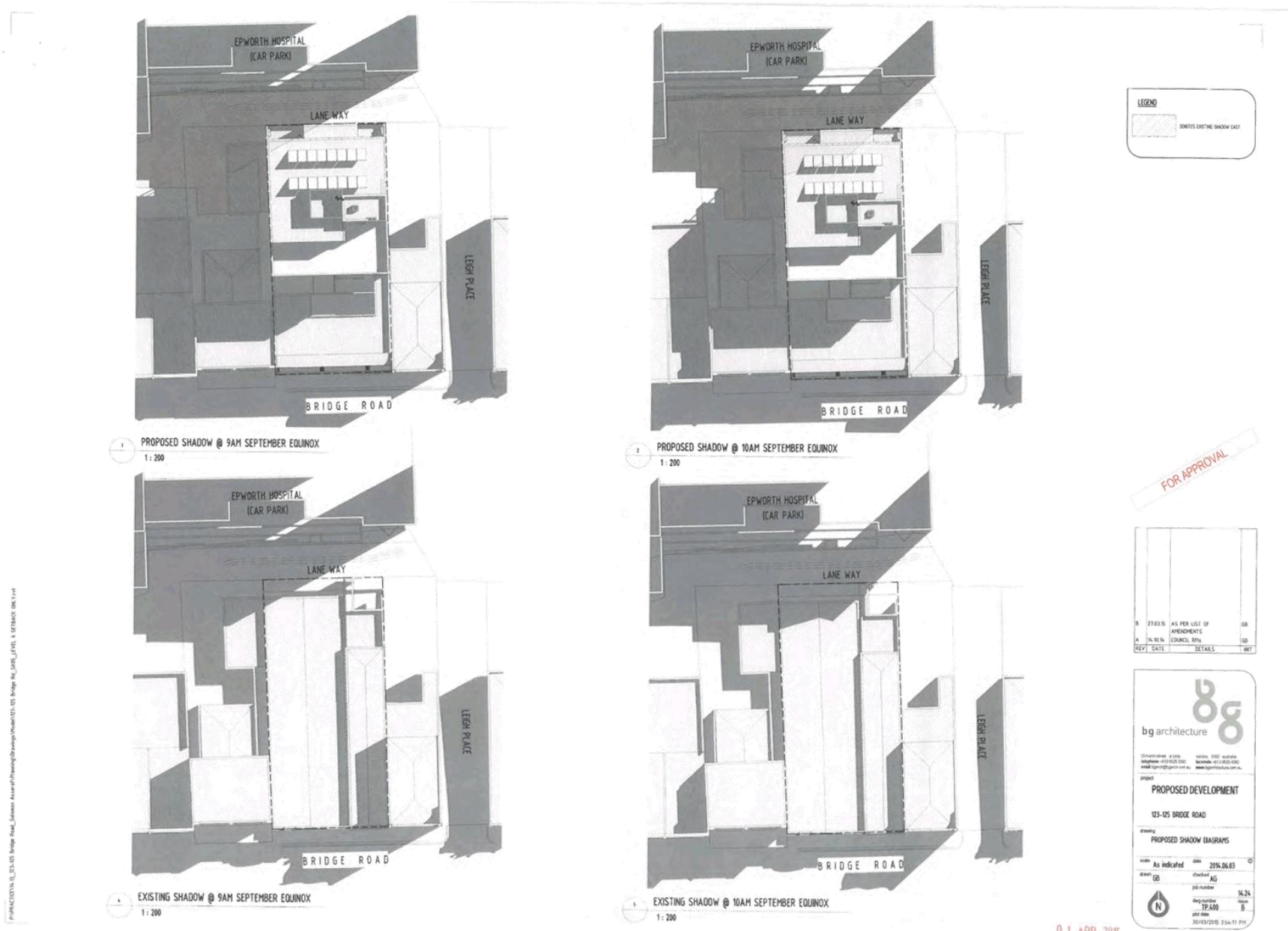
SK.108

bg architecture

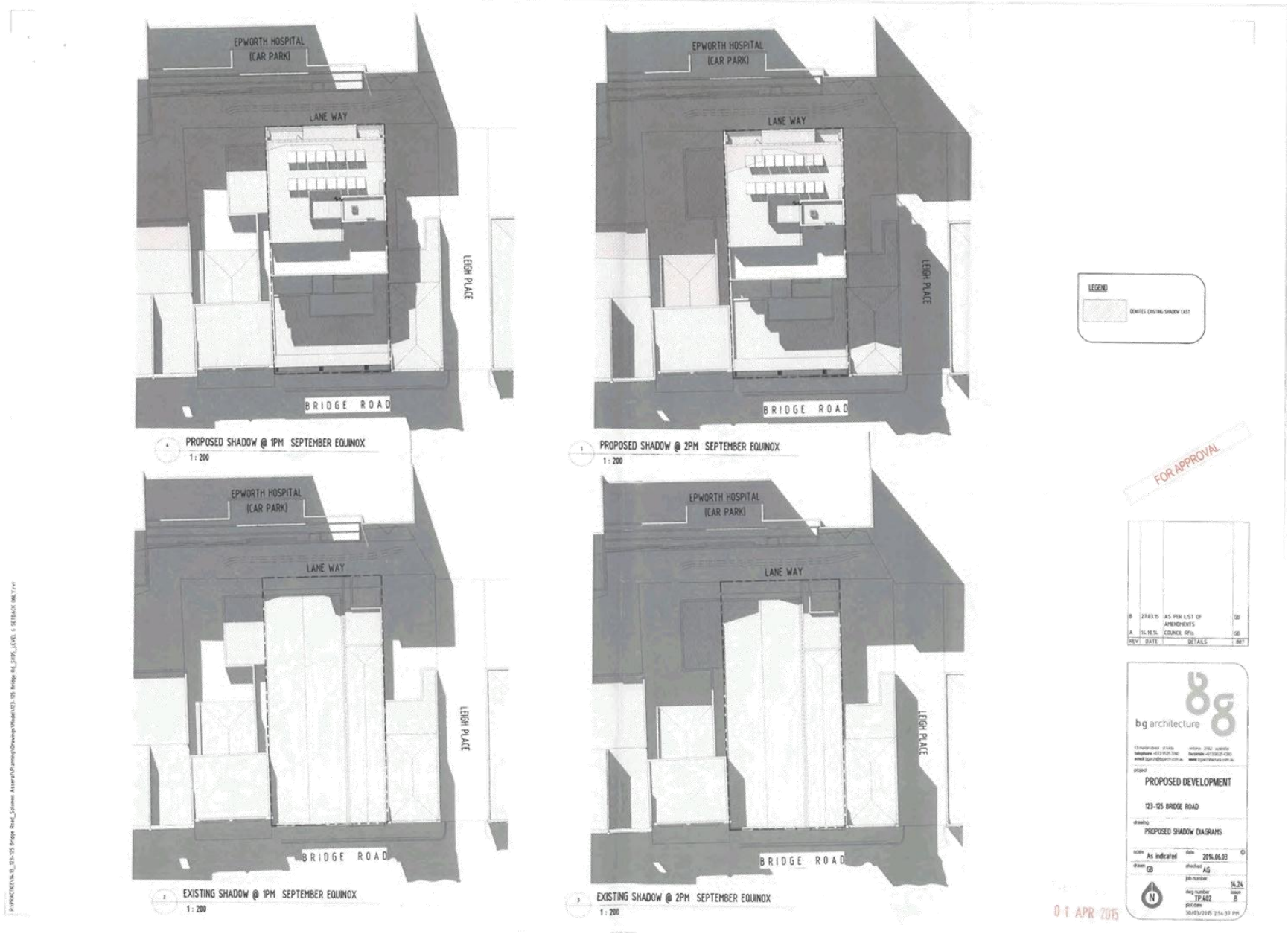
01 APR 2015



Attachment 6 - Shadow plans



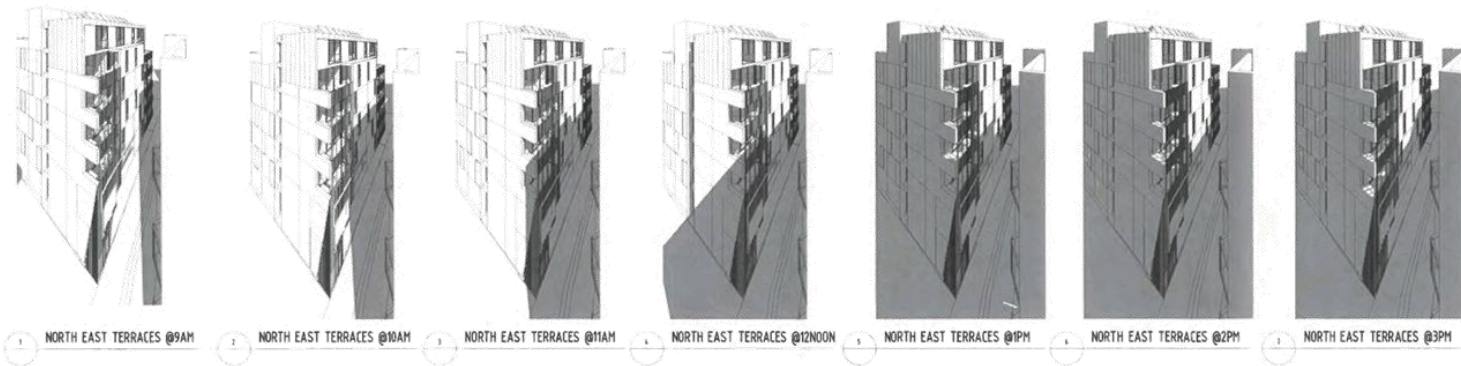
Attachment 6 - Shadow plans



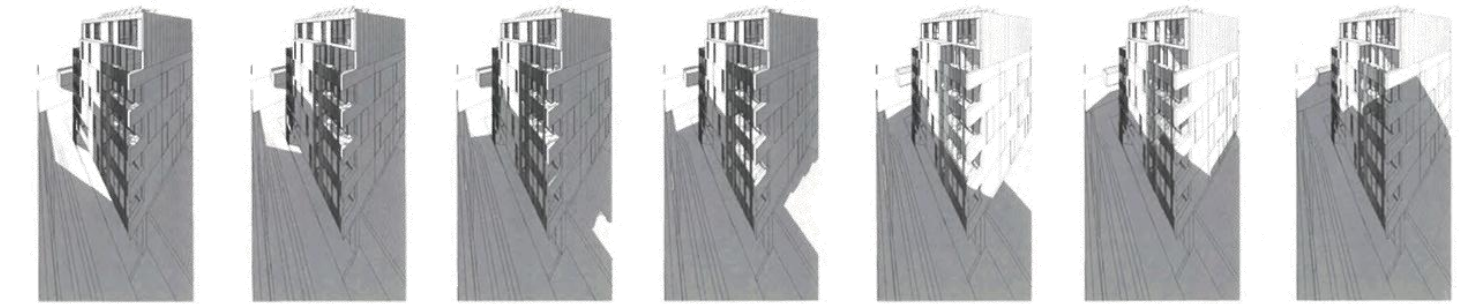
Attachment 6 - Shadow plans



Attachment 6 - Shadow plans



1 NORTH EAST TERRACES @9AM 2 NORTH EAST TERRACES @10AM 3 NORTH EAST TERRACES @11AM 4 NORTH EAST TERRACES @12NOON 5 NORTH EAST TERRACES @1PM 6 NORTH EAST TERRACES @2PM 7 NORTH EAST TERRACES @3PM



1 NORTH WEST TERRACES @9AM 2 NORTH WEST TERRACES @10AM 3 NORTH WEST TERRACES @11AM 4 NORTH WEST TERRACES @12NOON 5 NORTH WEST TERRACES @1PM 6 NORTH WEST TERRACES @2PM 7 NORTH WEST TERRACES @3PM

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FOR APPROVAL

B	27/03/15	AS PER LIST OF AMENDMENTS	08
A	14/03/14	COUNCIL 47th	08
REV	DATE	DETAILS	INT



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 Telephone: 03 9593 2000 Facsimile: 03 9593 4201
 email: info@bgarch.com.au www.bgarch.com.au

PROPOSED DEVELOPMENT

123-125 BRIDGE ROAD

drawing: **PROPOSED SHADOW STUDY OF NORTH FACING TERRACES**

title:	date:	2014.06.03
drawn by:	checked:	AG
job number:		1124
design number:	sheet:	01 of 01
plot date:		20/03/2015 2:55:00 PM

01 APR 2015

Attachment 8 - Sketch plan showing revised front facade

