



YARRA CITY COUNCIL

INTERNAL DEVELOPMENT APPROVALS COMMITTEE MEETING

AGENDA

**to be held on Wednesday 29 February 2012 at 6.30 pm
in Meeting Room 3 at the Richmond Town Hall**

Rostered Councillor Membership

Councillor Josh Funder
Councillor Sam Gaylard (substitute for Cr Jackie Fristacky)
Councillor Amanda Stone

I. ATTENDANCE

Sarah Griffiths (Senior Statutory Planner)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF CONFLICT OF INTEREST (councillors and staff)

III. CONFIRMATION OF MINUTES

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 15 February 2012 be confirmed.

IV. COMMITTEE BUSINESS REPORTS

***"Welcome to the City of Yarra.
Council acknowledges the
Wurundjeri community as the first
owners of this country.
Today, they are still the custodians
of the cultural heritage of this land.***

***Further to this, Council acknowledges
there are other Aboriginal and Torres
Strait Islander people who have lived,
worked and contributed to the
cultural heritage of Yarra."***



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

INTERNAL DEVELOPMENT APPROVALS COMMITTEE

ITEM	PAGE	RECOMMENDATION
1. 36-44 Doonside Street and 27-41 Appleton Street, Richmond – Planning Permit Application No. PLN10/0790 (Develop the land for the construction of an 8, 10 and 12 storey building, use as retail premises (shop), and a reduction in the car parking requirements and waiver of loading bay requirements).	5	7
2. 97 – 99 Rose Street, Fitzroy – Planning Permit Application PLN11/0518 (Part demolition to develop the land with a six-storey residential building featuring 12 apartments, including a liquor licence associated with a restaurant and a waiver in the associated car parking and loading bay requirements of the Yarra Planning Scheme).	58	59
3. 61 Rose Street, Fitzroy – Planning Permit Application No. PLN11/0576 (Demolition and construction of a 6-storey residential building with two (2) artist studios at ground level and a reduction in the associated car parking requirement of the Yarra Planning Scheme).	103	104

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1. **36-44 Doonside Street and 27-41 Appleton Street, Richmond – Planning Permit Application No. PLN10/0790 (Develop the land for the construction of an 8, 10 and 12 storey building, use as retail premises (shop), and a reduction in the car parking requirements and waiver of loading bay requirements).**
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Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for land at 36-44 Doonside St and 27-41 Appleton St, Richmond. This report recommends approval of the application, subject to conditions.

Background

2. The original application plans, prepared by Fredman Malina Architecture Pty Ltd, were lodged by the Applicant on 21 September 2010. Following advertising of the application in November 2010, 37 objections were received. Council planning officers sought independent urban design advice on the proposal as well as advice from other Council departments. Based on the advice received, Council officers advised the Applicant that the application would be refused.
3. On 30 August 2011, the Applicant substituted the application plans pursuant to section 57A of the *Planning and Environment Act 1987*. The amended plans have been prepared by Rothe Lowman and whilst the concept of three towers at 8, 10 and 12 storeys high remains the same, the massing and architectural language is completely different and the two schemes are not comparable.
4. The amended plans were advertised September 2011 (including an information session). No objections were withdrawn and six new objectors raised concerns with the proposal. A consultation meeting was 29 November 2011 with no resolution reached on the issues.

Key Planning Considerations

5. Key planning considerations include:
 - (a) the acceptability of the proposal having regard to the strategic context of the site;
 - (b) the acceptability of the built form response having regard to:
 - (i) the Design and Development Overlay (DDO9 – Doonside Precinct);
 - (ii) the Victoria Street East Precinct Policy (Clause 22.11)
 - (iii) the Interface Uses Policy (clause 22.05)
 - (iv) urban design guidelines at clause 15.01-2 and clause 22.10
 - (c) the acceptability of the off-site amenity impacts (clause 22.10 and DSE Guidelines for Higher Density Residential Development);
 - (d) the acceptability of the on-site amenity provision (clause 22.10 and DSE Guidelines for Higher Density Residential Development); and
 - (e) the adequacy of the car parking provision having regard to clause 52.06, sustainable transport objectives in the Scheme and traffic impacts on the surrounding network.

Key Issues

6. The key issues for Council in considering the proposal relate to:
 - (a) whether there is strategic support for a development of this scale in this location;
 - (b) whether the proposed podium and building heights are appropriate to the scale of the three different streetscape contexts;
 - (c) whether the development will enhance the pedestrian environment along the street frontages and make a positive contribution to the Doonside Precinct (eg. contribute open space, streetscape works);
 - (d) whether the off-site amenity impacts have been effectively mitigated having regard to the site context (particularly the extent of overshadowing, amount of building modulation/visual bulk and privacy protection to the Appleton St residents to the south);
 - (e) whether the development is designed with adequate amenity (particularly direct daylight access, natural ventilation, private open space, storage);
 - (f) whether the development has adequately protected itself from external noise sources, particularly from the nearby commercial uses; and
 - (g) whether the reduced car parking provision adequately services the development and whether there are any adverse traffic impacts that require mitigation works.

Objector concerns

7. There were 37 objections received against the original proposal. The amended proposal received 6 new objections. The issues raised in the objections can be summarised as:
 - (a) overdevelopment of subject site – don't want high rise in this location;
 - (b) excessive height and bulk;
 - (c) loss of views and wind tunnels;
 - (d) excessive level of overshadowing of Appleton St residences;
 - (e) insufficient on-site car parking;
 - (f) increase in through traffic and traffic congestion;
 - (g) general loss of amenity from density;
 - (h) noise pollution;
 - (i) the development does not display many ESD initiatives;
 - (j) the building materials and finishes do not respect the Appleton Street context;
 - (k) acoustic attenuation is inadequate having regard to the surrounding commercial properties;
 - (l) streetscape works on the south side of Doonside Street may impact on vehicle manoeuvrability into Vic Gardens loading dock;
 - (m) commercial waste collection from Appleton Street will create noise and odour impacts on residences;
 - (n) suitability of the site for residential use given the former use of the site as a chemical factory; and
 - (o) lower property values.

Conclusion

8. Based on the following report, the proposal subject to conditions is considered to substantially comply with the relevant planning policy.

In particular, the proposal contributes to enhancement of the public realm through a north-south link through the site and streetscape works. The height and scale of the development, subject to a lowering of height of Tower B, complies with the built form objectives for the precinct by not causing overshadowing impacts on the Appleton Street residences and mitigating any visual bulk impacts through appropriate upper level setbacks. The building design has appropriately dealt with noise attenuation in the façade design whilst allowing future residents to control their own level of amenity. Subject to additional on-site visitor parking, the proposal has struck the right balance between managing car parking demand and minimising traffic generation. On balance, the development would make a positive contribution to the existing and emerging character of this precinct and should be supported.

RECOMMENDATION

9. That having considered all objections and relevant planning documents, the Committee resolves to issue a notice of decision to grant planning permit (PLN10/0790) for development of the land for the construction of mixed use building, use as retail premises (shop), and a reduction in the car parking requirements and waiver of the loading bay requirements at 36-44 Doonside Street and 27-41 Appleton Street, Richmond, 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 prepared by Rothe Lowman TP1-01 to TP1-14, TP2-01 to TP2-07, TP3-01 to TP3-03, Rev A, but modified to show:

Building design

- (a) delete Level 8 off Tower B;
- (b) a community room at Level 7 in Tower C generally in accordance with TP1-09 Rev A;
- (c) provision of glazing to the 11th Floor lobby;
- (d) the podium trim increased to a minimum 400mm depth on the Doonside Street elevation;
- (e) the north elevation of Tower B and the south elevation of Tower C finished in dark materials to contrast with the David Street facades;
- (f) the sky garden between Tower B and C increased in size eastwards generally in accordance with TP1-08 Rev A;
- (g) the private open spaces associated with Townhouses 1-7 and Townhouses 11-13 protected from overlooking from the apartments above via an upstand pergola treatment along the north and western edges of the terraces or a similar alternative;
- (h) screening of dwellings with terraces or habitable room windows separated by a horizontal distance of less than 9.0m, including detail of all screens proposed. The screens must be to a height of 1.7m above finished floor level and be no more than 25 per cent transparent;

- (i) screening between the terraces separated by a horizontal distance of less than 9.0m, including detail of all screens proposed, The screens must be to a height of 1.7m above finished floor level and be no more than 25 per cent transparent;
- (j) screening of the south facing bedroom hallway windows of C6.04, C7.04, C9.06, C10.06, including a detail of the screening proposed;
- (k) a reduction in the number of apartment entrances that are directly opposite each other or an alternative treatment to increase privacy between dwellings;
- (l) relocate the entrance to the community room so as not to be directly opposite the entrance of apartment C7.02;

Building materials

- (m) a schedule of all external materials and finishes (including colour samples and coloured elevations/perspectives), detailing the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types and doors. The schedule must detail non-highly reflective glass for windows and balustrades. The garage doors must be of a high quality material and solid in appearance;

Acoustic

- (n) all acoustic works/treatments as required by condition 5 of this permit;
- (o) openable windows to impacted bedrooms must be provided with acoustic seals and silenced alternative mechanical ventilation;
- (p) domestic plant concealed from direct line of sight from the closest neighbouring residences by shielding or screening units;

Car and bicycle parking

- (q) the bike parking on level 1 relocated to the ground floor where the 30 stores are located or in an alternative location close to the David Street car park entrance. The 30 stores are to be relocated;
- (r) the provision of one disabled parking space in the visitor car park and five staff spaces in the resident car park;
- (s) the west edge of the Appleton Street vehicle crossing positioned 1.0m from the edge of the tree cut-out and the vehicle crossover width reduced to a minimum 5.5m wide with 300mm wide kerbs on each side of the connecting aisle;
- (t) swept paths for the car stackers showing the adequacy of access for the 85th percentile design vehicle as outlined in AS2890.1;
- (u) each car stacker space can accommodate a minimum car length of 4.91m;
- (v) the Small Car spaces linemarked as small car spaces;
- (w) spaces adjacent to walls and obstructions widened by 300mm to 2.9m;
- (x) bollards provided within the car park to protect the lift waiting areas and bicycle parking from reversing parking manoeuvres;
- (y) a minimum headroom clearance of 2.25m provided for access to the off-street bicycle spaces In accordance with AS2890.3-1993;

- (z) walkways connecting to the bicycle parking facilities provided at a minimum width of 1.5m to allow cyclists to walk their bicycle to/from the parking, in accordance with the Australian Standard for Bicycle Parking (AS2890.3-1993);
- (aa) the David Street footpath a minimum 1.2m wide;
- (ab) the blind aisle in the visitor car park in accordance with AS2890.1-2004;
- (ac) the ground level residential car park off David Street converted to visitor parking with the 12 resident car spaces relocated to the basement car park. The car spaces may be provided via car stackers;

General

- (ad) the provision of a minimum 3sqm of storage to each dwelling;
- (ae) provision of a general staging plan that includes (but is not limited to) the order in which the development is to be staged, including excavation, construction, landscaping, car and bicycle parking provision;

Landscaping

- (af) a updated landscape plan to the satisfaction of the Responsible Authority prepared by a suitably qualified person. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (i) deletion of all reference to the streetscape works in Appleton, David and Doonside Streets;
 - (ii) deletion of the reference to a café and replacement with a shop
 - (iii) the location of all areas to be covered by lawn or other surface materials;
 - (iv) the location and details of any permanent structures, furniture or other facilities;
 - (v) the north-south pedestrian plaza to have public access and be designed to a public standard (hard wearing materials, has to adhere to Australian standards, DDA, security, etc);
 - (vi) details of raised planters to courtyards to be confirmed (height, construction and tree planting details);
 - (vii) location and type of water tank for irrigation;
 - (viii) incorporation of water sensitive urban design; and
 - (ix) a detailed planting plan with plant schedule (common and botanical plant names, density, quantities and size at planting).

Streetscape Design

- (ag) a streetscape design for Appleton, David and Doonside Streets to the satisfaction of the Responsible Authority prepared by a suitably qualified person in consultation with the Responsible Authority's engineering services department. When approved, the streetscape design will be endorsed and will then form part of the permit.

The streetscape design must be drawn to scale with dimensions and three copies must be provided. The streetscape design must:

- (i) maintain a minimum 8m separation between the kerb and channels on Doonside Street and demonstrate access and turning movements at road intersections for truck traffic using the area;
- (ii) address engineering requirements for drainage, including ensuring overland flow is contained within the road reserve without compromising private properties;
- (iii) include water sensitive urban design tree pits for the street trees;
- (iv) incorporate streetscape furniture installed in accordance with the Responsible Authority's Design Guidelines for streetscapes;
- (v) include grades of all ramps and footpaths. The design must ensure all public area footpaths, steps, ramps and crossings comply with DDA – Tactile indicators, nosings and handrails where necessary; and
- (vi) include a detailed planting plan with plant schedule (common and botanical plant names, density, quantities and size at planting). Correa 'Orange glow' is to be included in the garden beds.

Endorsed Plans

- 2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
- 3. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 4. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

Ongoing involvement of the architect

- 5. The owner of the land must retain Rothe Lowman Property Pty Ltd to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction unless with the prior written approval of the Responsible Authority.

Acoustic Treatments

- 6. Before the plans are endorsed, a updated acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must be prepared by a suitably qualified acoustic engineer to show how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:

- (a) dwellings to protect occupants from external noise sources, with specific regard to operations of Vic Gardens and Harry the Hirer; and
 - (b) the mechanical plant equipment installed or constructed as part of the development.
7. On the completion of the works referred to in condition 6 above and before the use commences, a report prepared by a suitably qualified acoustic consultant must be submitted to the Responsible Authority demonstrating to its satisfaction that the required level of noise attenuation has been achieved. The report must:
- (a) confirm the use complies with Condition 5 of the permit; and
 - (b) provide measurement data taken from inside the dwellings demonstrating compliance with the noise levels measured under condition 5 and the State Environment Protection Policy N-1.
8. In the event that non compliance is demonstrated, additional acoustic works to satisfy condition 7 must be undertaken prior to occupation of the development to the satisfaction of the Responsible Authority.
9. The acoustic engineer's recommendations must be incorporated into the plans submitted to the Responsible Authority for endorsement and, where they are recommendations of an ongoing nature, must be implemented to the satisfaction of the Responsible Authority.

Environmentally Sustainable Principles

10. The recommendations of the Sustainability Statement (17 August 2011) prepared by Ark Resources or equivalent measures must be implemented into the development with details submitted to the Responsible Authority demonstrating compliance with this condition.

Green Travel Plan

11. Before the occupation of the development, the Green Travel Plan prepared by GTA Consultants must be amended to the satisfaction of the Responsible Authority to include, but not be limited to the following:
- (a) confirmation and mechanism to ensure that household welcome packs including tram, train and bus timetables relevant to the local area will be provided to purchasers and/or occupiers upon occupation of an apartment that will also include;
 - (i) an on-site bicycle parking and facilities map;
 - (ii) monitoring and review schedule; and
 - (iii) car share vehicles made available to employees of the shop tenancies.
 - (b) provide a designated 'manager' or 'champion' responsible for its coordination and implementation;
 - (c) once approved, be provided to all new residents of the development (and subsequent owners/tenants as properties change hands);
 - (d) include a regular review mechanism to review vehicle and bicycle parking/usage rates to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises.

- This must include future Owners Corporation involvement and with findings submitted to the Responsible Authority; and
- (e) the requirements of condition 90 (Department of Transport).

Car Share

12. Before the development starts the owner must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with and to the satisfaction of the Responsible Authority. The agreement must be registered on the title to each lot. By the agreement, the owner must covenant with the Responsible Authority that provision will be made for at least 2 car share vehicles on-site (provision may be staged) by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years. The agreement will reflect that any costs which may be associated with ensuring ongoing availability of at least 2 car share vehicles on site will be borne by the owner. All costs of preparation and registration of such agreement must be borne by the owner of the land, or the future Owners Corporation, including those incurred by the Responsible Authority.

Transport Management

13. Before the plans are endorsed, a car parking management plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. When approved, the car parking management plan will be endorsed and form part of this permit. The car parking management plan must address, but is not necessarily limited to, all of the following:
- (a) the number and location of the car parking spaces to each retail tenancy and dwelling, with any tandem parking spaces applied to a single tenant or dwelling;
 - (b) the number and location of car spaces for shared use, including management of the scheme;
 - (c) the number and location of 'small car' spaces, including provision of line marking;
 - (d) the management of visitor car parking spaces, including signage about vacancy rates and security arrangements for occupants of the development;
 - (e) details of wayfinding, cleaning, security of end of trip bicycle facilities;
 - (f) signage marking bicycle ramps for bicycle access only; and
 - (g) details regarding the management of loading and unloading of goods and materials for the commercial and residential uses.
14. The car parking management plan must be implemented to the satisfaction of the Responsible Authority. No alterations may be made without the prior written approval of the Responsible Authority.

Traffic Management

15. Within 12 months of the occupation of the development, a traffic assessment carried out by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority.

The traffic assessment must address, but is not necessarily limited to, all of the following:

- (a) a performance assessment utilising increased future traffic volumes along Burnley Street (associated with approved developments in the area) to make recommendations about the impact of proposed traffic volumes on vehicles entering/exiting Doonside and/or Appleton Streets;
 - (b) a sensitivity analysis of the intersections of Burnley/Doonside Streets and Burnley/Appleton Streets to identify the level of additional traffic on Doonside or Appleton Street that would require these intersections to be signalised; and
 - (c) a review of tram priority measures along Victoria Street to ensure minimum delays occur to trams.
16. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$20,000 to the City of Yarra for traffic improvements that are directly associated with the impacts of the development as identified in the traffic assessment required by condition 15. The bank guarantee will be returned to the permit holder if the traffic improvement works are not commenced by the relevant authority within three years of the occupation of the final stage of the development.

Drainage

17. Provision must be made for the drainage of the site including landscaped and pavement areas all to the satisfaction of the Responsible Authority.
18. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.
19. The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from the Responsible Authority.
20. 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 the Responsible Authority's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.
21. 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.

Landscape Implementation and Maintenance

22. Unfettered public access must be maintained at all times to the north-south pedestrian link connecting Appleton Street with Doonside Street.

23. Except with the written consent of the Responsible Authority, the landscaping must be completed before the building is occupied and then maintained to the satisfaction of the Responsible Authority. Any landscaping outside the title boundary of 36-44 Doonside Street and 27-35 Appleton Street, Richmond must be carried out in consultation with the Responsible Authority and at the cost of the permit holder.
24. The street tree planting in the road reserve must include water sensitive urban design techniques to ensure trees are self sufficient for watering needs. Detailed drawings must be submitted to the Responsible Authority for assessment and approval.
25. The street trees are to be planted by the Responsible Authority's contractors in accordance with the planting specification specified at condition 1(ac). The cost of the works must be borne by the permit holder. All works must be completed prior to occupation of the development except with the written consent of the Responsible Authority.
26. Before construction works start, a landscaping bond or bank guarantee of no less than 5 per cent of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than 6 months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

Vehicle Crossings and Accessways

27. Any damaged road(s) and footpath(s) and other infrastructure adjacent to the development site as a result of the construction works must be reinstated to the satisfaction of the Responsible Authority.
28. Any portions of redundant vehicle crossing must be broken out and removed and reinstated with kerbing and paving of the surrounding area. The cost of these works must be borne by the permit holder.
29. The proposed new vehicle crossings are to be constructed in accordance with City of Yarra Standard Drawings and Specifications to the satisfaction of the Responsible Authority.
30. The development's finished floor levels for pedestrian access and car parking areas must be such that pedestrian and vehicular access accords with Australian Standards.
31. Existing footpath, kerb and channel, and road pavement surface levels must not be altered unless with the approval of the Responsible Authority.
32. The permit holder must not commence any civil infrastructure works on any Public Highway without obtaining official consent from the Responsible Highway Authority.

Road Infrastructure Works

33. All streetscape works must be to the Responsible Authority's engineering standards and requirements and to the satisfaction of the Responsible Authority.
34. Prior to the occupation of the development, the road pavements of Appleton, David and Doonside Streets adjacent to the development site are to be constructed in accordance with the requirements of condition 1(gg) and to the satisfaction of the Responsible Authority after the building works and the provision of underground utility services have been completed. The permit holder must submit an engineering plan showing the scope and extent of works for approval from the Responsible Authority. The cost of these road infrastructure works must be borne by the permit holder.

General Parking Areas

35. No fewer than 245 car parking spaces (including a minimum 2 car share vehicles spaces) and 273 bicycle parking spaces must be provided on the land at all times unless with the further written consent of the Responsible Authority.
36. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
 - (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all weather seal coat.
37. Prior to the occupation of any dwelling, car parking must be allocated to each apartment in accordance with the transport management plan (Condition 11).

Loading and Unloading

38. Loading movements are restricted to outside the hours of 7am and 7pm, Monday to Friday, unless with the prior written consent of the Responsible Authority.
39. Unless otherwise agreed to by the Responsible Authority, vehicles used in the loading and unloading of goods for the shops must be limited to no larger than a standard commercial van.

Lighting

40. The development must be provided with external lighting capable of illuminating access to each car parking space, motorcycle parking space, bicycle parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Retail Use

41. The retail use must only operate between the hours unless with the further written consent of the Responsible Authority:

7.00 am and 9.00 pm Monday to Friday; and
7.00 am and 6.00 pm Saturday and Sunday.

Gymnasium

42. The gymnasium must only be available for use by occupants of the development unless with the further written consent of the Responsible Authority.

Noise

43. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1.

General amenity conditions

44. Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
45. The amenity of the area must not be detrimentally affected by the use or development, through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin.
46. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Waste Management

47. All waste and recycling from the commercial component of the development must be collected via a private collection service, to the satisfaction of the Responsible Authority.

48. Prior to the occupation of the development the permit holder must submit a waste management plan in consultation with and to the approval of the Responsible Authority. The Waste Management Plan must include, but not be limited to the following:
- (a) weekly collection frequency (with not more than twice weekly if sufficiently justified);
 - (b) waste weekly quantities in cubic metres of garbage and recycling that will be generated;
 - (c) waste and recycling containers to accommodate the waste generated;
 - (d) appropriately sized bin storage area;
 - (e) the actual collection process and procedures; and
 - (f) a mechanism to ensure future owners and occupiers of the development (residential and commercial) are made aware of all collection agreements.
49. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed in accordance with the Waste Management Plan prepared by Leigh Design, dated 23 November 2009. All waste collection and recycling collection to be undertaken between the hours specified in Council's Local Law No. 3.

Director of Transport Conditions (50 – 52)

50. Prior to the commencement of the occupation of the development a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Director of Public Transport.
51. The GTP must:
- (a) Describe the location in the context of alternative modes of transport and objectives of the GTP.
 - (b) Outline GTP measures for the development including:
 - (i) Provision of real time passenger information displays for nearby stops within the Foyer of each building within the development
 - (ii) Employee welcome packs;
 - (iii) Incentives (i.e. provision of metcards, or discounted metcards for residents)
 - (iv) Cycle parking and facilities available;
 - (v) Car share/bicycle share schemes; and
 - (vi) GTP management, monitoring and review.
52. Once approved the GTP must form part of the planning permit or any ongoing Management Plan for the site (e.g. leasing agreements with tenants) to ensure the plan continues to be implemented to the satisfaction of the Responsible Authority.

Construction Management Plan

53. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:
- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
 - (e) on site facilities for vehicle washing;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) Management of any environmental hazards that the activities on site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and washwaters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
 - (i) construction program;
 - (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (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; and

- (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

Construction

54. During the construction, the following must occur:
- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the site;
 - (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
 - (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - (f) All site operations must comply with the EPA Publication TG302/92.
55. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.

Construction hours and noise

56. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Time limits

57. This permit will expire if any of the following occur:
- (a) The development is not commenced within two (2) years from the date of this permit;
 - (b) The development is not completed within four (4) years from the date of this permit;
 - (c) The dwelling use is not commenced within four (4) years from the date of this permit.

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

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

Note: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

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

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

Report Author:	Miss Katrina Thomas
Title:	Planning Appeals Advocate
Tel:	(03) 9205 5306

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- 1. 36-44 Doonside and 27-41 Appleton Streets, Richmond – Planning Permit Application No. PLN10/0790 (Development of the land for the construction of an 8, 10 and 12 storey building, use as retail premises (shop), and a reduction in the car parking requirements and waiver of the loading bay requirements).**
-

Proposed Development:	Development of the land for the construction of an 8, 10 and 12 storey building, use as retail premise (shop), and a reduction in the car parking requirements and waiver of the loading bay requirements.
Existing Use:	Vacant land
Applicant:	Zig Inge Group c/- Contour Consultants Australia
Zoning:	Mixed Use Zone [MUZ]
Overlay:	Design and Development Overlay - Schedule 9 – Doonside Precinct [DDO9] Environmental Audit Overlay [EAO]
Date of Application:	22 September 2010
Application No:	PLN10/0790

Planning permit history

- In 2007 an application was made to rezone the subject land and surrounding parcels with frontages to David St and Burnley Street from Industrial 3 Zone [**IN3Z**] to Mixed Use Zone [**MUZ**]. Following an advertising process and the appointment of an independent panel to hear submissions, the land was rezoned under Amendment C99, known as the Doonside Precinct, on 26 November 2009. An Environmental Audit Overlay [**EAO**] was also applied to the land.
- Of note, land at 26-34 Doonside and 81-95 Burnley Streets (known commercially as Harry the Hirer) was excluded from the rezoning at the request of the owner of that land.

Background

- The original application plans, prepared by Fredman Malina Architecture Pty Ltd, were lodged by the Applicant on 21 September 2010. Following advertising of the application in November 2010, 37 objections were received. Council planning officers sought independent urban design advice on the proposal as well as advice from other Council departments. Based on the advice received, Council officers advised the Applicant that the application would be refused.

4. On 30 August 2011, the Applicant substituted the application plans pursuant to section 57A of the *Planning and Environment Act 1987*. The amended plans have been prepared by Rothe Lowman and whilst the concept of three towers at 8, 10 and 12 storeys high remains the same, the massing and architectural language is completely different and the two schemes are not comparable.
5. The amended plans were advertised September 2011 (including an information session). No objections were withdrawn and 6 new objectors raised concerns with the amended proposal. A consultation meeting was held 29 November 2011 with no resolution reached on the issues.
6. The amended proposal has been referred to other Council departments and independent experts for comment. Subject to conditional changes, the amended proposal is supported.

Existing conditions

Subject Site

7. The subject site is located on the south-west corner of Appleton and David Streets in Richmond. The site is irregular in shape, having a street frontage to Doonside Street of approximately 35m (north), to David Street of approximately 74m (east) and to Appleton Street of approximately 82m (south). The site area is approximately 5179sqm.
8. The site is presently vacant except for a small building adjacent to Doonside Street which would be removed as part of the works. The site was formerly a chemical factory.
9. There are eight vehicle crossovers along the site's street frontages. These crossovers would be removed except for one crossover on David Street which will be retained and modified.

Surrounding Land

10. The subject site is located within an area undergoing substantial redevelopment. The site is located at the edge of the Victoria Street Major Activity Centre and is proximate to the Bridge Road Major Activity Centre to the south and the Yarra River / Capital City trail to the east.
11. The immediate context is described as follows:
North:
12. The north side of Doonside Street located within a Comprehensive Development Zone [CDZ1] is Vic Gardens Shopping Centre, which supports a range of retail, entertainment and office uses. The complex also includes a commercial car park. To the east of Vic Gardens Shopping Centre is the Victoria Gardens Complex of which Council approved a development plan in 2011 for a residential development. It is anticipated approximately 400 apartments would be constructed on the land.

East:

13. On the east side of David Street are single storey industrial buildings located within the MUZ. To the rear (east) of these buildings are residences associated with a public housing estate accessed off Clark Street. On the north side of Appleton Street, east of David Street are single and two storey dwellings within the Residential 1 Zone [R1Z].

West:

14. To the immediate west land is within an IN3Z and is currently being occupied by Harry the Hirer. A heritage art deco building fronts Doonside Street with the remainder of the site occupied by two storey warehouse buildings, constructed to the street frontage. Vehicle access to the site is off Doonside Street.

South:

15. The south side of Appleton Street comprises predominantly single storey dwellings with some commercial buildings. Approximately half of the length of the street (west section) is within a R1Z whilst the eastern section is within an Industrial 1 Zone [IN1Z].

Proposal

16. It is proposed to construct a multi-level mixed used development comprising 218 dwellings, five retail premises and 245 on-site car spaces (including 19 visitor spaces). The built form includes a podium form to the three street frontages with three towers of 8, 10 and 12 storeys high. The podium is 2-3 storeys high to Appleton Street, 2-5 storeys high to David Street and 5-6 storeys high to Doonside Street.
17. More specifically, the application proposes:

Basement

- (a) a car park entry off David Street to provide a residential car park of 185 car spaces (including 26 small car spaces and 44 spaces within 24 stackers), 14 moped spaces, 97 resident bicycle spaces, 112 stores; and
- (b) three lobby areas to access the three towers.

Ground Floor

- (a) a car park entry off Appleton Street to provide a visitor car park of 19 car spaces, 7 stores and a commercial bin store;
- (b) a second car park entry off David Street to provide a residential car park of 12 car spaces and 2 share cars and 36 stores;
- (c) 60 resident bicycle spaces and 34 visitor bicycle spaces;
- (d) a pedestrian plaza creating a north-south thoroughfare through the site of between 5.8m and 10.7m wide;
- (e) a pedestrian entry / lobby off David Street;
- (f) 5 two level retail premises and a communal gymnasium with frontages to the pedestrian plaza; and
- (g) 19 two level townhouses addressing Appleton Street and David Street.

First Floor

- (a) a car park entry off Doonside Street to provide a resident car park of 27 car spaces, 61 resident bicycle spaces and 45 stores;
- (b) second level of retail premises and townhouses; and
- (c) 9 single floor layout apartments in Tower A.

Tower A

- (a) 8 storeys high (AHD 42.400 and maximum AHD 43.700) setback 13.5m from Appleton St above the two storey podium with rooftop except the top level (eight storey) is setback 17.39m;
- (b) the setback from Appleton St essentially matches Tower B; and
- (c) 58 apartments, including 23 one-bedroom and 35 two-bedroom.

Tower B

- (a) 10 storeys high (AHD 48.800) setback 10.67m from David St above the two storey podium;
- (b) setback 13.5m from Appleton St above the two storey podium up to seventh storey, setback 13.5m and 21.2m at eighth storey, setback 15m and 20.5m at ninth storey and setback 20m and 24.5m at tenth storey; and
- (c) 72 apartments, including 37 one bedroom and 35 two bedroom.

Tower C

- (a) 12 storeys high (AHD 55.000) setback 6.35m to terrace from David St above the three storey podium;
- (b) to Doonside Street is a 5-6 storey podium then a 500mm setback to the wall but with terraces extending to the street frontage for the levels above except the top level which is setback 1.56m from Doonside St; and
- (c) 71 apartments, including 26 one bedroom and 45 two bedroom.

Amenity

- (a) all apartments have private open space in the form of a balcony accessed off the living room as well as dedicated storage and bicycle parking;
- (b) three communal spaces, one area includes a dining area, communal kitchen and toilet facilities adjacent to a winter garden; and
- (c) a communal gym.

External materials and finishes

18. The podium would be finished in chocolate brown and charcoal to be distinguished from the towers which would be finished in light grey and white. The materials include:
- (a) metal cladding in chocolate brown (podium) and white (towers);
 - (b) texture tile in grey (podium);
 - (c) concrete finish and render in light grey (tower);
 - (d) glazing in clear, white (tower) and light brown (podium); and
 - (e) powdercoated metal in charcoal (podium), grey (podium), chocolate brown (podium) and light grey (tower).

Landscaping and streetscape works

19. The Landscape Concept Plan prepared by Formium Landscape Architects includes the following elements in the design:
- (a) a landscaped forecourt to Appleton Street;
 - (b) avenue tree planting, bench seating and feature paving along the pedestrian plaza internal to the site;
 - (c) public domain / streetscape improvements, including new street trees, replacement concrete and bitumen paving and bio swale garden beds within the road reserve;
 - (d) hedge planting to townhouses; and
 - (e) landscaping the three communal spaces at Level 6 with trees, shrubs and timber decking /seating.

Environmental Sustainable Design

20. A range of environmental initiatives are proposed within the development and have been detailed in a report prepared by Ark Resources. Initiatives at the concept stage include:
- (a) rain water harvesting for toilet flushing and irrigation (67,000 litre tank);
 - (b) cross flow ventilation and daylighting to common area corridors;
 - (c) solar boosted gas hot water systems;
 - (d) summer shading to north, east and west facing windows via balcony overhangs;
 - (e) high performance glazing to all facades; and
 - (f) sustainable transport facilities (2 car share vehicles and bicycle facilities in excess of Scheme requirements).

Planning controls

Zone

21. The subject site is located within a MUZ.
22. Having regard to the MUZ controls (clause 34.01), a permit is required to use the land for retail premises and to construct or carry out works associated with a Section 2 use. No permit is required to use the site for dwellings however a permit is required to construct two or more dwellings on the lot.

Overlays

Design and Development Overlay – Schedule 9 (Doonside Precinct)

23. Pursuant to clause 43.02-2, a permit is required to construct or carry out works. Under Clause 1.0 of the DDO9, there are the following design objectives for how the built form is to respond to the surrounding area:
- (a) to recognise this Precinct, being on the edge of an activity centre and abutting low rise residential development, as transitional in its location and function;

- (b) to ensure building design responds to the industrial character of the precinct but respects the character of the established residential areas to the south and east of the Precinct;
 - (c) to respect the scale of development on the south side of Appleton Street;
 - (d) to provide a pedestrian friendly environment along all street frontages;
 - (e) to encourage improvements to the public domain, including the provision of public open space;
 - (f) to ensure that new development does not adversely impact on local traffic conditions;
 - (g) to ensure a high standard of architectural design; and
 - (h) to ensure that new development does not prejudice the ongoing operation of nearby commercial, industrial and warehouse businesses.
24. Under Clause 2.0 of the DDO9, there are requirements relating to building heights and setbacks, building design, traffic, permeability and public spaces, amenity and landscaping. How the proposal addresses each of these requirements will be discussed later within this report. It should be noted that none of the requirements in the DDO9 are mandatory.

Environmental Audit Overlay

25. Pursuant to clause 43.03, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- (a) 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.
26. As this provision is not a permit trigger but a requirement under the planning scheme, a note will be included on any permit that issues, reminding the permit holder of this mandatory obligation.

Particular Provisions

Car parking:

27. Pursuant to clause 52.06-5, where Rescode does not apply, two on-site car parking spaces are required per dwelling. A retail premise (shop) requires 8 spaces per 100sqm of leasable floor area.
28. The proposal has a statutory requirement of 436 residential spaces and 66 shop spaces (total 502 spaces). A dispensation of 257 spaces is sought.
29. Pursuant to clause 52.06-1, a permit may be granted to reduce or waive the car-parking requirement.

Unloading and Loading:

30. Pursuant to Clause 52.07 of the Yarra Planning Scheme, the table specifies a commercial building with a floor area of 2600sqm or less must have minimum loading bay dimensions of 7.6m length by 3.6m width by 4.0m height clearance.
31. A permit may be granted to waive this requirement.

Bicycle Facilities:

32. Pursuant to clause 52.34-3, in developments of four or more storeys, 1 resident bicycle parking space should be provided for every 5 dwellings and 1 visitor space for every 10 dwellings. A retail premise requires 1 employee space to each 300sqm of leasable floor area and 1 customer space to each 500sqm of leasable floor area.
33. The proposal has a statutory requirement of 49 resident spaces and 25 visitor spaces. The proposal provides 284 resident / employee spaces, including 55 visitor spaces, well in excess of the Scheme requirements.

Integrated Public Transport Planning:

34. Pursuant to clause 52.36, a residential development comprising 60 or more dwellings or lots must be referred in accordance with Section 55 of the Act to the Director of Public Transport.

General Provisions

35. Clause 65 – Decision Guidelines: Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate (selected points):
 - (a) the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
 - (b) the purpose of the zone, overlay or other provision;
 - (c) any matter required to be considered in the zone, overlay or other provision;
 - (d) the orderly planning of the area;
 - (e) the effect on the amenity of the area; and
 - (f) the proximity of the land to any public land.

Planning PolicyState Planning Policy Framework (SPPF)

36. The following clauses of the SPPF are relevant to this application:
 - Clause 10/04 – Integrated decision making
 - Clause 11.02 – Urban growth
 - Clause 11.02-1 – Supply of urban land
 - Clause 13.03 – Soil degradation

- Clause 13.03-3 – Use of contaminated and potentially contaminated land
 - Clause 13.04 – Noise and air
 - Clause 13.04-1 – Noise abatement
 - Clause 15.01 – Urban environment
 - Clause 15.01-1 – Urban design
 - Clause 15.01-2 – Urban design principles
 - Clause 15.01-4 – Design for safety
 - Clause 15.02 – Sustainable development
 - Clause 15.02-1 – Energy and resource efficiency
 - Clause 16.01 – Residential development
 - Clause 16.01-1 – Integrated housing
 - Clause 16.01-2 – Location of residential development
 - Clause 16.01-3 – Strategic redevelopment sites
 - Clause 16.01-4 – Housing diversity
 - Clause 16.01-5 – Housing affordability
 - Clause 17.01 – Commercial
 - Clause 17.01-1 – Business
 - Clause 18.01 – Integrated transport
 - Clause 18.01-1 – Land use and transport planning
 - Clause 18.02-1 – Sustainable personal transport
 - Clause 18.02-5 – Car parking
37. More specifically, the SPPF provides broad policy direction under the following clauses:
- Clause 13.04-1: Noise abatement*
38. The objective of this clause is:
- (a) to assist the control of noise effects on sensitive land uses.
- Clause 15.01-2: Urban design principles*
39. 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’.
40. For development of four or more storeys high (where Rescode is not applicable), the following design principles are relevant and should be considered:
- (a) context;

- (b) the public realm;
- (c) landmarks;
- (d) views and vistas;
- (e) pedestrian spaces;
- (f) heritage;
- (g) consolidation of sites and empty sites;
- (h) light and shade;
- (i) energy and resource efficiency;
- (j) architectural quality; and
- (k) landscape architecture.

41. Responsible Authorities must also have regard to the Department of Sustainability and Environment's (DSE) Design Guidelines for Higher Density Housing, which is referenced in this clause.

Clause 15.02: Sustainable development

42. The objective of clause 15.02-1 (Energy and resource efficiency):

- (a) to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 16: Housing

43. In regard to the location of new housing, clause 16.01-2 has the objective:

- (a) 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.

44. In regard to housing density, clause 16.01-2 includes the strategy:

- (a) encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport; and
- (b) ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.

45. Clause 16.01-3 stipulates the need to identify strategic redevelopment sites for large residential development. Such sites are:

- (a) in or within easy walking distance of Principal or Major Activity Centres; and
- (b) able to provide 10 or more dwelling units, close to activity centres and well served by public transport.

46. In regard to housing diversity and affordability, clause 16.01-4 and clause 16.01-5 includes objectives to increase choice in housing type, tenure and cost to deliver housing diversity and achieve greater housing affordability.

Clause 17.01-1: Business

47. The objective of clause 17.01-1 is:

- (a) 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: Transport

48. In regard to car parking provision and integrating infrastructure and services into the development, clause 18 includes the following objectives:
- (a) to promote the use of sustainable personal transport;
- (b) to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel; and
- (c) to ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

49. The following clauses of the LPPF are relevant to this application:
- Clause 21.04 – Land Use
 - Clause 21.04-1 - Accommodation and housing
 - Clause 21.04-3 – Industry, office and commercial
 - Clause 21.05 – Built Form
 - Clause 21.05-2 – Urban design
 - Clause 21.05-3 – Built form character
 - Clause 21.04-4 – Public environment
 - Clause 21.06 - Transport
 - Clause 21.07 – Environmental Sustainability
 - Clause 21.08 - Neighbourhoods
 - Clause 21.08-9 – North Richmond (area north of Bridge Road)
 - Clause 22.05 – Interface Uses Policy
 - Clause 22.10 – Built Form Design Policy
 - Clause 22.11 – Victoria Street East Precinct Policy
 - Clause 22.12 – Public Open Space Contribution
50. More specifically, the Municipal Strategic Statement [**MSS**] outlines the following strategic land use, built form, transport and sustainable design objectives for the City:

Clause 21.04-1: Accommodation and housing

51. This clause states that in order to protect valued character, and particularly the City's heritage places, the majority of new development will be accommodated on strategic redevelopment sites.

These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required under Melbourne 2030. Strategies aimed at delivering this vision include:

- 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.

- 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.

- Strategy 3.1: Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.

52. The site is a designated 'Strategic Redevelopment Site' at Figure 2: Residential Development Opportunities Map.

Clause 21.05-2: Urban design

53. Built form in the municipality is characterised by low-rise urban form with pockets of higher development, which distinguishes Yarra from adjoining municipalities. 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. Strategies to achieve these objectives include:

- Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.

- 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:
 - (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.

- Strategy 18.1 Encourage the re-establishment of streets and laneways through new development sites where such links were part of the historic street pattern, except where this will cause detrimental traffic impacts.

Strategy 19.2: Encourage opportunities for planting suitable trees and landscape areas in new development.

Clause 21.05-3 - Built form character

54. This clause identifies different built form character types within the City in order to assist how new development should respond or contribute to a preferred character. On the built form character map the site falls within an area identified to 'support rezoning to mixed use zone'. Of note, the subject site was rezoned from IN3Z to MUZ. under Amendment C99, gazetted 26/11/2009.

Clause 21.06 – Transport

55. This clause focuses on Yarra's need to reduce car dependence by promoting viable and preferable alternatives, such as walking, cycling and using public transport.

Clause 21.07 - Environmental Sustainability

56. This clause requires new development to incorporate environmentally sustainable design measures to reduce greenhouse gas emissions and improve air quality, minimise water use, protect important vegetation and waterways, and reduce waste.

Clause 21.08 – Neighbourhoods

57. This clause defines the urban character of each of Yarra's neighbourhoods and prescribes land use and built form objectives specific to each neighbourhood.
58. The subject site is within the 'North Richmond' neighbourhood at clause 21.08-9 where the area to the east of Burnley Street is described as 'to the east of Burnley Street is an area of mixed industrial character with a pocket of low rise residential development. Given the proximity of this area to Victoria Gardens and the limited demand envisaged for the reuse of large industrial sites, there is potential for a wider range of employment uses including offices to locate in this precinct. It is important to:
- (a) protect the pocket of Residential 1 zoned land;
 - (b) provide land use close to the Victoria Gardens Activity Centre that supports the role of the centre i.e. residential plus mixed uses; and
 - (c) continue to retain industry but allow office development further south and east of the Residential 1 and Mixed Use areas.'
59. Of note, the subject site is not shown to be within the Major Activity Centre but at the edge of the Major Activity Centre. The site is not included as a Strategic Redevelopment Site on the map at Figure 21 however this is a mapping error and Figure 2 (Residential Development Opportunities Map) is relied upon.
60. Land use strategies for the North Richmond neighbourhood which are relevant to the subject site include:
- (a) supporting a change of use to residential plus mixed uses in the industrial area abutting the southern boundary of Victoria Gardens;

- (b) protecting the neighbourhood character and residential amenity of the existing Residential 1 areas to the south and west of Victoria Gardens;
 - and
 - (c) supporting residential and office growth on the Victoria Street Gardens site.
61. Built form strategies for the North Richmond neighbourhood which are relevant to the subject site include:
- (a) Creating a fine-grained network of pedestrian-friendly streets east of Burnley Street and north of Doonside Street.

Clause 22.05 – Interface Uses Policy

62. This policy seeks to support objectives of a diverse land use mix in the City by providing guidelines to minimise potential conflict between commercial, industrial and residential activities.
63. Of particular relevance to this application are the following guidelines with respect to new residential development located in a Mixed Use Zone within 30m of an Industrial Zone or business use:
- (a) incorporate appropriate measures to protect the residents from unreasonable noise, fumes, vibration, light spillage and other likely disturbances;
 - (b) locate noise-sensitive rooms (in particular, bedrooms) and private open space away from existing and potential noise sources, and where appropriate incorporate other measures such as acoustic fencing, landscaping and setbacks;
 - (c) incorporate appropriate measures to minimise the effects of fumes or air emissions from nearby business or industrial operations upon those living in the dwellings, including through the orientation of windows and ventilation systems; and
 - (d) minimise the potential for views from existing business or industrial premises to habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation and screens.

Clause 22.10 - Built Form and Design Policy

64. This policy provides guidelines to assess the scale, form and appearance of new development in areas where heritage overlay controls do not apply. The policy aims to ensure that the design of new buildings limits the impact on the amenity of surrounding land while making a positive contribution to the streetscape through high standards in architecture and urban design. The policy comprises the following design elements to guide the assessment of built form:
- (a) urban form and character;
 - (b) setbacks and building height;
 - (c) street and public space quality;
 - (d) environmental sustainability;
 - (e) site coverage;
 - (f) on-site amenity;
 - (g) off-site amenity;

- (h) landscaping and fencing;
- (i) parking, traffic and access; and
- (j) service infrastructure.

Clause 22.11 – Victoria Street East Precinct Policy

65. This policy applies to the subject site, Victoria Street East Precinct and the West Burnley Street Precinct. The principles contained within the Victoria Street East Precinct and Richmond Urban Design Framework (2005) form the policy basis of this clause.
66. The policy provides a holistic vision and approach to the development of the precinct. The policy addresses the Yarra River corridor, traffic and access, provision of infrastructure, land use mix and design of built form. Objectives of the policy that apply to this site are:

Traffic and Access

- (a) to encourage the use of public transport, cycling and walking for access within the Victoria Street Precinct and between it and other parts of Melbourne;
- (b) to provide for adequate access to, from and within redevelopment sites that contributes to the development of an integrated pedestrian and cycling network within the Precinct; and
- (c) to reduce vehicular traffic conflicts with tram services in Victoria Street without the requirement of future road widening.

Provision of infrastructure

- (a) to develop and improve existing infrastructure in and around the Precinct, including parklands on both sides of the River and community infrastructure; and
- (b) to ensure new development contributes to the provision of appropriate physical and social infrastructure to support the change of uses in the Precinct.

Land use, activity and development opportunities

- (a) to maximise opportunities for new development on former industrial sites and other disused sites while protecting the amenity of the surrounding area and enhancing the landscape character of the River corridor;
- (b) to protect existing industrial activities in the Industrial 1 Zone adjacent to the Precinct, while supporting opportunities for a shift from industrial activity to business activity within the Precinct; and
- (c) to encourage the relocation of dangerous industry from the area south of Victoria Gardens and encourage more appropriate redevelopment as a transition between Victoria Gardens and residential areas.

Urban Design and Built Form

- (a) to relate the siting scale bulk and massing of new development to the distinctive landscape and ex-industrial character of this section of the Yarra River Corridor

- (b) to encourage high quality urban design and architecture throughout the precinct which contributes to the public realm, including the Yarra River corridor and streetscapes;
- (c) to ensure that the development or redevelopment of this precinct protects the character and amenity of neighbouring residential areas; and
- (d) to ensure access to sunlight and amenity is maintained in public spaces and that sensitive community facilities are protected from overshadowing and other detrimental impacts.

Clause 22.12 – Public Open Space Contribution

67. The MSS identifies the need for new residential development to contribute to the provision of public open space. The policy identifies the subject site as being located in an area where a land contribution is preferred to a cash contribution. A land contribution of 4.5% is required in the event that the land is subdivided.

Other Documents

Victoria Street Structure Plan (Adopted by Council April 2010)

68. The purpose of the document is to guide how the Planning Scheme will be implemented and changed and to guide investment in public works in this precinct.
69. Of note, the subject site falls within the 'Victoria Gardens Precinct'. The vision for this area is 'substantial change'. More specifically, the area is earmarked for 'potential housing mixed with retail and business. Built form and building height guidelines are not specified for this precinct because 'decisions by the Minister to change zones and issue permits established the scale of development in these areas.

Victoria Street East Precinct, Richmond Urban Design Framework [UDF] (November 2005)

70. This document was created to guide change in the area and largely informed the Victoria Street East Precinct Policy at clause 22.11 and the DDO9. The UDF complements and should be read in conjunction with other policies and controls in the Scheme. Where there is a conflict or inconsistency in direction, the Planning Scheme is to be given weight as it is the primary planning instrument.
71. In regard to the area to the south of Vic Gardens, the UDF recommends (in summary):
- Rezoning the Doonside precinct from IN3Z to MUZ to allow higher density residential uses and provide an appropriate transition with the residential area to the south.
 - Recommended building heights which:
 - protect the amenity and character of adjoining low-rise residential areas;
 - maintain amenity in streets and other public spaces; and
 - create harmonious visual relationships between neighbouring buildings.

- Doonside Street should be improved as a major vehicle entry to Victoria Gardens and the area to its south, to keep traffic away from Victoria and Appleton Streets.

Notice of application

Notification

72. The original application was advertised pursuant to Section 52 of the Planning and Environment Act 1987, via letters sent to adjoining and surrounding owners/occupiers and by signs displayed on site.
73. Council received 37 objections to the application.
74. On 30 August 2011, the Applicant substituted the application plans pursuant to section 57A of the *Planning and Environment Act 1987*. The amended plans were advertised September 2011 (including an information session). No objections were withdrawn and six new objectors raised concerns with the proposal.

Summary of objections

- (a) overdevelopment of subject site – don't want high rise in this location;
 - (b) excessive height and bulk;
 - (c) loss of views and wind tunnels;
 - (d) excessive level of overshadowing of Appleton St residences;
 - (e) insufficient on-site car parking;
 - (f) increase in through traffic and traffic congestion;
 - (g) general loss of amenity from density;
 - (h) noise pollution;
 - (i) the development does not display many ESD initiatives;
 - (j) the building materials and finishes do not respect the Appleton Street context;
 - (k) acoustic attenuation is inadequate having regard to the surrounding commercial properties;
 - (l) streetscape works on the south side of Doonside Street may impact on vehicle manoeuvrability into Vic Gardens loading dock;
 - (m) commercial waste collection from Appleton Street will create noise and odour impacts on residences;
 - (n) suitability of the site for residential use given the former use of the site as a chemical factory; and
 - (o) lower property values.
75. A consultation meeting was 29 November 2011 at the Richmond Town Hall and was attended by the applicant, a number of objectors, Council officers and a ward councillor. There was no resolution reached on the issues raised by objectors.

Referrals and comments

76. A summary of the comments provided by other Council departments and independent experts is offered below.

Strategic Transport Unit

- (a) Access to the 61 bicycle storage spaces on Level 1 is unacceptable. It is not reasonable to expect cyclists to climb/descend a 1:8 ramp, shared with car drivers.
 - (b) The ramp to basement bike parking level is also too steep to be used by cyclists accessing the hoops on basement level.
 - (c) The provided bike parking on basement and level 1 must be relocated to the ground level where 30 stores are located, close to the David Street car park entrance;
 - (d) The plan does not indicate any disabled parking bays for the visitors or retail stores.
 - (e) Disabled parking spaces should be located close to lift wells.
 - (f) the proposed kerb extensions along the property's three road frontages, are supported as they will provide better pedestrian access and extra bike parking facilities for the visitors and employees around this development.
77. The above comments will be addressed via permit conditions.

Traffic Engineering Unit

78. The Applicant's traffic report and Green Travel Plan, prepared by GTA, were referred to Council's traffic engineer for review. A summary of the engineer's comments is offered below:

Car parking

- (a) The level of parking taking place in the streets surrounding the site is very high and close to saturation point, especially during weekday business hours. The local road network cannot sustain any overflow of parking from the site.
- (b) To determine the parking demand for the site, the applicant has referred to the RTA NSW Guide to traffic generating developments (a reputable source) and empirical cases of other sites (not cited). The anticipated car parking demands as shown in Table 4.2 of the GTA report are considered reasonable for the scale of the development. The car parking provision of this site is not dissimilar to that of other large mixed use development's we have previously reviewed.
- (c) The applicant has prepared a draft green travel plan which provides suggestions on utilising more sustainable forms of transport. The implementation of a green travel plan, together with Council's Parking Permit Policy whereby parking permits are not issued to prospective and successive residents, should assist in reducing reliance on motor based travel. The site has the advantage of being within walking distance of tram services, the Victoria Gardens Shopping Centre, conveniences, essential facilities, etc.

Traffic generation

- (a) The traffic distribution assumptions as shown in section 7.2 of the report appear reasonable and appropriate.

- (b) To assess the traffic impact of the development at two key intersections – Doonside Street/Burnley Street and Appleton Street/Burnley Street – the applicant has undertaken a SIDRA analysis to determine post development capacity of these intersections. The intersections are expected to operate satisfactorily once the development is functioning. It is agreed that the magnitude of volumes generated by the development should not compromise the traffic operation of the local streets or the intersections along Burnley Street.

Access arrangements

- (a) Appleton St frontage requires the west edge of the vehicle crossing to be positioned 1.0m from the edge of the tree cut-out.
- (b) The widths of each entrance satisfy the minimum requirements of the Australian/New Zealand Standard AS/NZS 2890.1:2004 and are therefore satisfactory.

Internal layout

- (a) All three car parks are designed to satisfy the Yarra Planning Scheme's off-street parking requirements as per Clause 52.06-3. Vehicle turning movements into and out of these bays are considered satisfactory for an 85th percentile vehicle with the exception of the small car parking spaces of which there is no objection subject to appropriate management by the owners' corporation.
- (b) The widths of the aisles, ramp grades, vehicle manoeuvrability and circulation are all deemed satisfactory.

Loading

- (a) Vehicles transporting goods to the site should be able to access dedicated on-site bays and be managed by the owners' corporation/building manager.
- (b) More detailed information should be submitted on how deliveries are to be made and how goods are conveyed to the retail tenancies.

Kerb Extensions

- (a) Kerb extensions will impact on heavy vehicle turning movements at intersections. Road infrastructure could sustain damage in the event that a truck needs to mount a kerb extension, due to lack of manoeuvring room. Kerb extensions would be more appropriate if the entire surrounding area was residential and the streets had sufficient geometry (Appleton Street is too narrow to practically accommodate kerb extensions).
- (b) There is very little underground drainage in the area surrounding the site. The topography on the land is quite flat and in a storm event, the road carriageways function as overland flow paths for rainfall run-off. Kerb extensions can cause localised flooding where areas are relatively flat and have little to no underground drainage.
- (c) The construction of kerb extensions will result in some loss in on-street parking – a premium in this part of Richmond.

79. The traffic engineer's comments will be addressed in the assessment section of this report. It should be noted that all comments/recommendations have been adopted in forming a recommendation to Council, with the exception of the deletion of the kerb extensions for reasons explained later within the assessment section of this report.

Transport and Traffic Engineering Consultant (Arup)

80. Council engaged Arup to review the applicant's traffic report and to prepare its own findings. Arup have also advised Council with respect to development in the Victoria Street East and West precincts. A summary of Arup's recommendations are provided below:
- (a) the ancillary use of the gymnasium should be ensured by way of a planning permit condition;
 - (b) additional information is required regarding how the Green Share Spaces are to be allocated and/or operated. The Green Shared Car Spaces should be made available for use by the retail components of the site;
 - (c) an additional 8-17 visitor car spaces are required to be provided on-site to ensure the development does not have an adverse impact on parking conditions in the surrounding area;
 - (d) further information is required regarding the dimensions and operation of the car stackers, in particular:
 - (i) swept paths should be provided indicating the adequacy of access for the 85th percentile design vehicle as outlined in AS2890.1; and
 - (ii) each car stacker space should be able to accommodate a minimum car length of 4.91m.
 - (e) the Small Car spaces should be linemarked as standard car spaces as they will operate in this manner and their allocation to individual residents is such that it is difficult to enforce. Note: small car spaces are more appropriate for use in office and shared use parking developments;
 - (f) additional details are required regarding how the off-street visitor parking will operate and be enforced, this parking should also be clearly signed at Appleton Street for use by visitors;
 - (g) the off-street visitor parking provides a blind aisle in excess of that allowable under AS2890.1-2004 and will result in visitors unsuccessfully looking for parking being required to reverse back out into Appleton Street. It is recommended that the off-street visitor parking be redesigned to provide a more conducive layout for this short-term use;
 - (h) spaces adjacent to walls and obstructions are required to be widened by 300mm. As the spaces are designed to conform to the requirements of Clause 52.06 of the Planning Scheme it is recommended that these spaces be widened to 2.9m;
 - (i) bollards should be provided within the carpark to protect the lift waiting areas and bicycle parking from reversing parking manoeuvres;
 - (k) in accordance with AS2890.3-1993 a minimum headroom clearance of 2.25m should be provided for access to the off-street bicycle spaces;
 - (l) walkways connecting to the bicycle parking facilities should be provided at a minimum width of 1.5m (desirably 2.0m) to allow cyclists to walk their bicycle to/from the parking, in accordance with the Australian Standard for Bicycle Parking (AS2890.3-1993);
 - (m) 2 x on-street spaces adjacent to the site be converted to Loading Zones 9am-5pm Monday-Friday. Further, consideration should be given to restricting loading activities associated with the development outside these times by way of permit conditions;

- (n) All footpaths adjacent to the site are provided at a minimum clear useable width of 1.2m (1.8m desirable);
- (o) Additional intersection performance assessments should be undertaken utilising increased future traffic volumes along Burnley Street (associated with approved developments in the area) to confirm that this does not have a detrimental impact on vehicles entering/exiting Doonside and/or Appleton Streets;
- (p) Sensitivity analysis should also be undertaken of the intersections of Doonside Street and Appleton Street to identify the level of additional traffic on Doonside Street or Appleton Street that would require these intersections to be signalised. The assessment will assist to identify whether the development is having a detrimental impact such that only a minor increase in traffic would require signalisation; and
- (q) Following completion of the development, tram priority measures along Victoria Street should be reviewed to ensure minimum delays occur to trams.

81. Arup's recommendations will be addressed via permit conditions with the exception of converting on-street spaces to a loading zone. Any proposed change in parking restrictions requires a separate consultation process.

Waste Management Unit

82. The Waste Management Plan [**WMP**], which proposes a collection point on Appleton Street and David Street for Council collection was reviewed by Council's Services Contracts officer. The WMP was deemed to unsatisfactory for the following reasons (in summary):
- (a) the proposed location of refuse truck, Section 2, is not satisfactory; and
 - (b) the bin collection points are proposed on the road and will affect parking. Separate approvals are required (and unlikely) from the appropriate Council Department

83. The permit applicant has since indicated that they will accept a permit condition that removal of waste and recycling from the site is to be conducted by a private contractor who would manage the transfer the bins so as not to require collection from the on-street car spaces on Appleton and David Streets as originally proposed. A permit condition can address this issue.

Urban Design Unit

84. Council's urban designer in general supports the proposal from an urban design perspective. However to enhance the relationship of the development to its urban context and the streetscape presentation of the proposal the following modifications are recommended:
- (a) reduction in the height of the Appleton Street tower to 7 storeys where it interfaces with the residential area;
 - (b) greater separation between the two David Street towers;
 - (c) enhanced differentiation between the design expression of the towers and the street wall façade/podium particularly along the Appleton Street residential interface;
 - (d) concern about the viability of the retail fronting the through site link and consideration of replacing with home office uses;
 - (e) removal of the vehicle access in Appleton Street; and

- (f) concern about the internal amenity of a few apartments.
85. The urban designer's comments will be considered within the assessment section of this report. Of note, in this report a reduction of height is recommended off Tower B as opposed to Tower A for reasons outlined under the DDO9 assessment section of this report. A greater separation between the two David St towers and enhanced differentiation between the podium and towers will be addressed via permit conditions requiring design detail changes. Deletion of the Appleton St vehicle access is not supported because the loss of 19 visitor spaces will have a detrimental impact on the surrounding area.

Urban Design Consultant (Mr Rob McGauran of MGS)

86. Mr McGauran was engaged to provide independent expert advice on the urban design merits of the proposal. It should be noted that Mr McGauran has had extensive involvement in policy preparation for the precinct and has provided urban design advice on other major developments in the precinct.
87. Mr McGauran assessed the original proposal and considered there to be a number of issues with the design response but principally that the scale and massing was an inappropriate response to the lower scale fine-grain residential form on the south side of Appleton Street. Mr McGauran was critical of the treatment of the podium, the lack of separation between the towers and the layout of a number of apartments with internal bedrooms.
88. In regard to the amended plans, subject to some minor changes and deletion of one level off Tower B, Mr McGauran considers the proposal is worthy of support for the following reasons (in summary):
- (a) a high quality of amenity for residents will be achieved;
 - (b) the proposal maintains reasonable opportunities for orderly development of the precinct;
 - (c) the proposal provides generous transitions between the tower forms and the podiums in the more sensitive street interfaces (Appleton St);
 - (d) the architectural language to Appleton and David Streets is a fine grain approach; and
 - (e) the proposal provides handsomely scaled new pedestrian links through the site linking Doonside with Appleton Streets.
89. In regard to the building heights, Mr McGauran considers:
- 'Save for the uppermost floor of Tower B, and some further articulation of the interface between tower and podium in Tower C, I am satisfied that the development outcome is generally a good one. In evaluating the site and context I feel that there is strong support for all of the development to Doonside Street and that the merits of the proposal in terms of design response, ESD response and public realm enhancements are noteworthy. The inclusion of a ninth floor to Tower B however, within the context of Appleton Street is I think problematic and the development would I think be enhanced through the removal of this floor to better step down to the adjacent development in Appleton Street.'*
90. Other minor issues requiring resolution via condition include:

- (a) the configuration of the development at Section C fails to address the overlooking of the townhouse open space from abutting apartments;
- (b) the inclusion of sky gardens within the development is welcomed but it would be preferable to see these measures further expanded for Tower C where the space is small and a little remote;
- (c) the development of Tower C would be further enhanced through the glazing of the south end of the eleventh floor lobby, providing natural light into this space that would diminish the visual bulk of this element within the lateral vistas from David Street;
- (d) the absence of any setback between the podium and upper level tower C requires review with some further articulation necessary to create a clear delineation between the base and upper level form; and
- (e) the roof terraces in the northern half of the development, around Tower C at their interface with David Street and with Doonside Street are not invested with any landscape elements yet an opportunity would appear to exist to include planters.

91. Mr McGauran's comments will be addressed within the assessment section of this report. It should be noted that all of Mr McGauran's recommendations have been adopted with the exception of requiring a setback of Tower C from Doonside Street. Greater differentiation between the podium and towers is recommended in the alternative in order to maintain the amenity of the balcony spaces.

Heritage Advisor

92. The Former Repco office building at 26 Doonside St, Richmond is listed as having individual heritage significance under the planning scheme. Council's heritage consultant was requested to review the impact of the development on the heritage significance of the building. The heritage advisor provided the following comments in summary:
- (a) there are no heritage concerns;
 - (b) there will be no physical impact on the building; and
 - (c) the building will still read quite strongly in the streetscape from the north and approaching from the west.

Open Space Unit

93. Council's arborist provided the following comments in respect to the proposal:
- (a) the general layout of the landscaping is satisfactory;
 - (b) the traffic treatments on David, Doonside corner should include Correa orange glow; and
 - (c) all planting on council public space is to be planted by council contractors at developers expense. This is to ensure quality and ongoing maintenance.

94. The above comments will be addressed via permit conditions.

Acoustic Consultant (Mr Rob Burton)

95. Council engaged Mr Burton to undertake a peer review of the acoustic report prepared by the applicant's acoustic engineers, Marshall Day Acoustics. A summary of Mr Burton's comments are offered below:

- (a) The general theme of the MDA report is to effect noise reduction from the fixed plant particularly at Harry the Hirer as well as attempting to reduce noise levels on balconies by aluminium louvres and use of fixed windows. In terms of "quality of life" within the Apartments this is entirely reasonable, however the various existing commercial users will be at risk of effecting their own noise reduction once the apartments are occupied.
- (b) Should the City decide to issue a permit, the following outline conditions should be included:
 - (i) the Applicant must liaise with the adjoining commercial properties with a view to effecting noise reduction to mechanical plant at the source as necessary;
 - (ii) the Applicant must be responsible for the ramifications of any noise reduction to mechanical plant in terms of potential loss of efficiency or over heating;
 - (iii) the potential purchasers of dwellings must be made aware of the potential for some noise from adjoining commercial properties, particularly at night;
 - (iv) openable windows to impacted bedrooms must be provided with acoustic seals and silenced alternative mechanical ventilation provided to these spaces; and
 - (v) in addition the roll of the louvres to the northern and western facades needs to be clarified and if certain percentage open area has been assumed in the acoustic calculations, this should be included as a permit condition.

96. Mr Burton's comments are considered within the assessment section of this report. It should be noted that design changes to the building will be addressed via permit conditions.

Department of Transport

97. The application was required to be referred to the Department of Transport under Section 55 of the Planning and Environment Act 1987. No objection was given to the granting of a permit subject to the submission of a Green Travel Plan as per conditions 50-52 of the recommendation.

Assessment

98. The main considerations in determining this proposal are:
- (a) does the proposal have planning policy support at the state and local level?
 - (b) the appropriateness of the built form;
 - (c) the acceptability of the off-site amenity impacts;
 - (d) the acceptability of the on-site amenity provision;
 - (e) the adequacy of the car parking provision;
 - (f) the traffic impacts; and
 - (f) objector concerns.

Does the proposal have planning policy support at the state and local level?

99. The proposed development displays a high level of consistency with policy objectives contained with the state and local planning policy framework.

100. Leaving aside the issue of building height and scale, the proposed density of the development in this location is consistent with state policy, which encourages concentration of development in and around activity centres and intensifying development on sites well connected to public transport (clause 16.01). The site is at the edge of the Victoria Street MAC and is within walking distance (800m) of tram routes along Bridge Road to the south and Victoria Street to the north (500m). The site's attributes mean that it is deemed a strategic redevelopment site under state policy (clause 16.01-3). The objective for identifying strategic redevelopment sites is to plan for 'where large residential development' is to be accommodated in Metropolitan Melbourne. State policy supports urban consolidation in accordance with *Melbourne 2030* and *Melbourne @ 5 Million*.
101. Under the LPPF the site is also a designated 'Strategic Redevelopment Site' which is where higher density residential development is directed (Clause 21.04) in recognition of Yarra's need and desirability to accommodate housing growth and to protect the highly valued built form character of Yarra's established residential and heritage precincts. The MSS envisages that Yarra can meet forecast increases in household numbers on 'Strategic redevelopment sites' alone, indicating that optimising density (subject to all considerations) on these sites is strongly encouraged.
102. Local policy supports significant development in the Victoria Street Major Activity Centre and the Victoria Street East Precinct (clause 22.11) and such development is occurring.
103. The density is achieved in a building form that is higher than the heights recommended in the MSS and in the DDO9. Under the planning scheme, this fact alone does not mean that the built form response is therefore inappropriate for the context. It is noted that the heights recommended in the MSS and DDO9 are not mandatory height limits and both indicate that taller built form may be acceptable if certain benefits can be achieved. The built form assessment section of this report will consider the composition of the development as well as whether there are any benefits that would flow from the development which would result in net community benefit and an acceptable outcome for the site.
104. Whilst there is clear policy support for higher density residential development in this location and the zoning controls facilitate such a use in the location, the surrounding commercial and industrial uses present potential issues for managing levels of amenity for future residents. Within the LPPF there is an emphasis on ensuring that new residential development does not prejudice the operation of existing commercial and industrial uses. Interface issues are specifically considered under the DDO9, which recognises the need for measures to be implemented into the development to protect itself and surrounding commercial and industrial noise and odour.
105. Subject to the proposal adequately addressing interface issues, the mix of one and two bedroom dwellings (including townhouses) at the proposed density is considered to respond to the strategic imperatives for a site in this location.
106. The proposed five retail tenancies would help activate the pedestrian plaza within the site as well as Doonside Street, helping to prevent a "gated residential community". Council's urban designer is concerned about the viability of the proposal and whether it would result in dead frontages.

Commercial viability is not a relevant planning matter and regardless the tenancies are small in size and can easily be fitted out for other uses, such as home offices. Subject to appropriate provision of car parking which will be considered in a later section in this report, the use of the site for retail premises is considered to complement the mix of uses in the area and help activate the Doonside precinct. A permit conditions can control hours of operation to protect the amenity of the residential area to the south.

Appropriateness of the built form

107. There are a raft of built form objectives in the planning scheme that are applicable to the development. In implementing the planning scheme, responsible authorities are required to first give effect to the provisions of the zone and overlays and, secondly, with further reference to the overlying strategies and policies. Accordingly, the specific urban design outcomes sought for the site under the DDO9 (which was informed by the Victoria Street East UDF) will be given greatest weight in assessing the appropriateness of the proposal and secondly the Victoria Street East Precinct Policy (clause 22.11) which has specific guidelines for this precinct.
108. The broad urban design objectives contained at clause 15.01-2 and 22.10 seek high quality, sustainable design outcomes that must take into account surrounding context. The guidelines will be used to assess whether the proposal would achieve a high standard of on-site amenity for future occupants and whether the off-site amenity impacts of the development have been effectively mitigated.
109. The following is an assessment against the DDO9 requirements with consideration given to the urban design principles contained with clause 22.11:

Building heights and setbacks

110. Under the DDO9, buildings on Doonside, Burnley and David Streets should be built to the public property frontage and their heights at these frontages should not exceed 11m (3 storeys) and 15.5m (5 storeys), with appropriate setbacks for development above 11m. Development above 15.5m is required to demonstrate a high standard of architectural design and not overshadow adjoining streets, public spaces or private properties beyond that caused by a building of 11m when measured between the hours of 10.00 am and 2.00 pm at the September Equinox. To Appleton St, the development should incorporate upper level setbacks so as to respect the scale of development on the south side of the street, the most sensitive interface.
111. Along David Street, the podium is between two and five storeys high, which complies with the DDO9 (except for a 350mm height difference at fifth storey which is negligible). The development then steps up in height along the David Street elevation from a 10 storey building (Tower B) to a 12 storey building (Tower C) interfacing with Doonside Street. Given the scale and intensity of development contemplated for the Victoria Gardens site opposite and that it is not a sensitive interface, the proposed 11 storey street wall on the Doonside Street frontage is an appropriate urban design response to this context. The mid-level sky garden at the seventh storey creates a visual break in the street wall and subject to the podium trim being increased in depth for greater emphasis, there is sufficient differentiation between the podium and upper levels.

Mr McGauran recommended a 1.0m setback of the tower from the podium however this would make the north facing balconies dysfunctional. The design changes proposed would achieve the necessary delineation.

112. Council's heritage advisor has reviewed the proposal in terms of the visual impact of the development on the two storey, art deco office building located 25m to the west and abutting Doonside Street. The heritage advisor has no heritage concerns, stating that the heritage building would still read quite strongly in the streetscape from the north and approaching from the west. There would be no physical impacts on the heritage building.
113. To David St, a minimum 10.7m setback to the towers above the podium achieves an appropriate transition in scale with built form on the east side of David Street, which is likely to be redeveloped into taller built form in the future given the MUZ on the land and policy objectives seeking to relocate industry away from this area.
114. The podium to Appleton Street complies with the DDO9 being two storeys high and extending to the property frontage. Above the podium, Tower A rises to 7 storeys at a setback of 13.5m from Appleton Street. The eighth storey is setback 17.3m from Appleton Street, which conceals this level from direct viewlines within the streetscape. Tower A's shadow does not extend beyond that cast by the Appleton Street street wall in line with the DDO9 requirements. Shadow cast by the development at the Equinox would not extend to the footpath on the south side of Appleton Street, indicating that the height and setbacks of the development comply with the objectives of the DDO9.
115. The building on the corner of Appleton and David Streets (Tower B) rises to 10 storeys high at the same setback from Appleton Street up to 7 storeys high then the building is sited closer to Appleton St at the eighth and ninth storeys. The tenth storey is recessed and will be concealed from direct viewlines in Appleton Street.
116. Whilst the shadows cast by the development indicate that the height and setbacks of the development comply with the objectives of the DDO9 the critical issue is whether the proposal has adequately stepped down in scale and responded to the fine grained residential context to the south.
117. Both Council's urban designer and Mr McGauran agree that the development's relationship with the low-rise residential area has not been adequately handled however there is disagreement whether Tower A or Tower B should be reduced in scale.
118. It is considered that Tower B at 10 storeys high cannot be adequately justified in the Appleton Street context. Whilst Tower B is directly opposite land within an Industrial 1 Zone in Appleton St, the building will be perceived within the context of residential properties located further west.
119. Having regard to the relationship between the three towers on the site, there is significant benefit to deleting one level off Tower B as opposed to Tower A. Making Tower B a nine storey building will assist in breaking up the mass of the development along the David Street elevation whilst maintaining a stepping down in scale across the site. Council's urban designer suggested a greater separation distance between Tower B and Tower C 'to avoid the towers reading as a single high rise slab when viewed from the east'.

Deleting one level off Tower B would avoid Tower B and Tower C from reading on the same plane and is the preferred response. A condition on any permit should also require a clear materiality change between Building B and Building C with the inside elevations in a darker colour to further assist in creating two distinct building forms along the David Street elevation.

120. Deleting one storey off Tower A is not recommended because it would accentuate the scale of Tower B in viewlines in Appleton Street with little benefit to the perceived scale of Tower A. It is recommended a permit condition require the deletion of one full level off Tower B.

Building design

121. The DDO9 requires new development to have active and attractive frontages which are well articulated and finished in materials which respect adjacent development and the transitional role of the precinct. The Victoria Street East Precinct policy requires development with a commercial and industrial interface to respond to the strong ex-industrial character, particularly by maintaining the predominantly zero front and side setbacks.
122. The proposal positively responds to these requirements, creating a clearly defined podium to each street frontage but in a variegated form to respond to each different streetscape context. The Doonside Street podium is expressed at a more generous scale than the Appleton Street podium to reflect the larger grain of this streetscape. Council's urban designer has suggested the Appleton St podium could be improved if the modular design reflected more strongly the rhythm of the townhouses to the south. The current proposal is however preferred for the visual cohesion the podium provides across the three street frontages. It must be acknowledged that the development has a transitional role in the precinct and is not required to extend the residential street pattern in Appleton Street.
123. A palette of high quality materials has been chosen to distinguish the podium in chocolate brown from the towers in white and light grey. Materials such as metal cladding, stone, and glass form the basis of the material language which is considered to respond to the ex-industrial character of the area. Reflecting the Appleton Street context in the materials and finishes is not an objective of the DDO9 and such a response does not recognise the transitional role of the development.

Traffic

124. The DDO9 includes the specific objective to minimise vehicle movements and traffic in Appleton Street. Clause 22.11 states Doonside Street should be improved as a major vehicular entry to Victoria Gardens and the area to the south.
125. The proposal provides a visitor car park off Appleton Street for 19 car spaces. The majority of car parking is provided off David Street (199 spaces) with a second residential car park off Doonside Street (27 spaces).
126. Council's urban designer has recommended deletion of the Appleton Street vehicle access point because it creates a dead frontage.

This would result in deletion of the car park which is not supported because car parking is at a premium in this precinct and a shortfall in visitor parking is likely to have a detrimental impact on parking conditions in the precinct for reasons explained later in this report. A permit condition would instead require that the car park garage door be finished in a solid, high quality material to provide a more aesthetic interface with the public domain.

Permeability and public spaces

127. Under the DDO9, through-block connections are also encouraged to connect Appleton and Doonside Streets with Victoria Gardens. Public open space should have a street frontage.
128. The proposal has addressed both these requirements, providing a landscaped pedestrian plaza connecting Appleton Street with Doonside Street. Whilst there is no public open space within the development, the proposal to have retail tenancies fronting the pedestrian plaza would encourage the general public to make use of the thoroughfare through the site. A permit condition would ensure the pedestrian plaza remain open to the public.

Amenity / Acoustic protection

129. The DDO9 requires that any residential development include design and noise attenuation measures to achieve appropriate noise levels in the development for sensitive areas. If necessary, the DDO9 requires screening of private open spaces (ie. convert balconies to winter gardens) to attenuate industrial noise to meet the requirements of SEPP N-1. Council's Interface Uses Policy at clause 22.05-4.1 states in regard to dwelling design that noise sensitive rooms (in particular bedrooms) and private open spaces should be located away from existing and potential noise sources and where appropriate include acoustic treatment.
130. The applicant's acoustic report, prepared by Marshall Day Acoustics, was peer reviewed by an acoustic consultant, Mr Burton, for Council.
131. Predicted noise source emissions indicate the most affected façades of the development are as follows (in order of most affected):
 - (a) Doonside Street façade during night and day time (as a result of plant and truck noise from Victoria Gardens site).
 - (b) West façade (as a result of vehicles using the elevated car par at Harry the Hirer and mechanical plant equipment).
 - (c) East façade during the day time (as a result of the concrete forming plant).
 - (d) South façade during night and day time (as a result of commercial properties emitting noise).
132. The application proposes the following design /acoustic treatments:
 - (a) all north and west facing balconies adjacent to and overlooking neighbouring commercial properties to incorporate balconies enclosed with aluminium louvre shutter fixtures installed as balustrades;
 - (b) apartments to have glazed sliding door access to outdoor terrace/balcony areas from both bedrooms and living areas; and

- (c) windows on north and west elevation that do not provide access to a balcony to be openable windows.
133. Based on the above treatments, it is predicted noise limits would be met with the exception of the 'electric driven compressor' noise emanating from the shed on Harry the Hirer. Noise levels are predicted to significantly exceed the SEPP N-1 day, evening and night time noise limits at the west façade.
134. To address the issue, the Applicant proposes dealing with the issue at the source so as to maintain the highest level of amenity for the dwellings as originally conceived. This approach is supported and has been carried out for other developments in the Victoria Street East Precinct. Council understands that the Applicant has commenced discussions with the owner of Harry the Hirer. A permit condition should require submission of an acoustic report, prior to construction of the development and after the works have been carried out to determine if additional treatments need to be implemented.
135. In relation to vehicle movements to and from the Vic Gardens site and the elevated car park at Harry the Hirer, it is predicted that sleep disturbance criteria would be exceeded for dwellings with bedrooms on the north and west façades (when bedroom windows are open). As the sleep disturbance criteria is not a mandatory control but rather a useful guideline, it is preferred that residents are provided with openable windows with acoustic seals which they can choose to close to reduce noise in accordance with the criteria. A permit condition should require the dwellings are fitted with mechanical ventilation if residents do choose to close their windows.
136. In relation to noise generated by the development, a condition on permit could require mechanical services equipment associated with the commercial uses to comply with SEPP N-1. Based on best practice selection and siting, it is unlikely additional acoustic treatment will be required. A full acoustic review should be required at the detailed design stage in order to determine if additional treatments need to be implemented.
137. In relation to domestic plant, a condition on permit should require the operation of condenser units complies with the EPA Residential Noise Regulations or the Guideline 1254. In line with best practice, it should be a requirement that there is no direct line of sight of exposed plant from the closest neighbouring residences, by shielding or screening the units.

Landscaping

138. The DDO9 requires landscaping of both public and private open space and other public realm areas to be provided as part of development. Clause 22.11 requires new development to develop and improve existing infrastructure in and around the precinct to support the change of uses in the precinct.
139. From an urban design perspective, the proposed street tree planting and bio-retention garden beds in the proposed kerb outstands are supported as upgrading the precinct. Council's traffic engineer has indicated the kerb extensions might be subject to damage from heavy vehicles and would be more appropriate in a residential precinct. However given the clear policy direction for new development in this precinct to help develop new infrastructure in support of the changing character of the precinct, the works should be carried out where feasible.

Of note, a minimum 8.0m separation distance between the kerb and channels on Doonside Street is required to facilitate manoeuvrability of heavy vehicles in/out of Vic Gardens. This can be addressed in the streetscape detailed design as a permit condition.

140. In relation to the proposed kerb extensions impacting on the existing over-land flow path, detailed design drawings need to be submitted to satisfy any drainage and other engineering requirements. An amended landscape plan is required to address Council's arborist's request for inclusion of different plant species. The above requirements should be addressed via permit conditions.
141. In regard to landscaping of private open space as part of the development, the proposed hedge planting to the townhouses would create an attractive interface with Appleton and David Streets. The three proposed sky gardens at seventh storey would provide some visual interest to the three towers, particularly enhancing the vista of the development in Doonside Street.
142. The pedestrian plaza is a quality public pedestrian link through the site due to the width of the plaza, the avenue tree planting and bench seating. The sky gardens above further enhance the pedestrian experience from both within the development and the public realm.

Environmentally sustainable design

143. The planning scheme requires broad sustainable design issues to be considered "up-front" because the ability to achieve a long term sustainable outcomes is enhanced. Planning specifically considers issues relating to orientation, siting and building design whereas matters relating to compliance with standards and regulations are more appropriately dealt with at the building permit stage.
144. The application was accompanied by a report prepared by Ark Resources outlining environmental objectives adopted for the development, commitments to performance targets and sustainable design initiatives integrated into the design.
146. The report states the development will achieve a Green Star 4 Star Rating, which is defined as a best practice standard by the Green Building Council of Australia. A condition on permit can be required to ensure the initiatives are implemented.

Off-site amenity impacts

147. The potential for the development to cause unreasonable off-site amenity impacts is limited given the only sensitive interface (i.e. residential interface) is located to the south in Appleton Street.
148. In relation to overshadowing of Appleton Street residences, the development does not cast shadow onto the south side of Appleton Street at the Equinox, preserving acceptable levels of amenity for the residences. Objectors are concerned about longer winter shadows. To this end, it should be noted that the extent of shadow is cast by the podium on Appleton Street and not the tower elements behind.

In line with the DDO9 guidelines, the Appleton Street podium could be taller and still comply therefore the shadow impacts anticipated under the DDO9 are worse than what is actually proposed throughout the year.

149. Increased overshadowing of public domain is a necessary consequence of meeting strategic objectives for development of the site. It is considered that the shadowing impacts are reasonable within the precinct and envisaged under the DDO9. Overshadowing caused by the development is considered to be balanced with the development's enhancement and the general activation of the Appleton, David and Doonside Street frontages.
150. The development raises no privacy issues with the residences to the south because the development is physically separated more than 9.0m from residential properties, the prescribed distance for managing overlooking between sensitive land uses in the Yarra Planning Scheme (clause 22.10-3.8).
151. Objectors have raised concerns about whether the heights of the buildings would cause unwanted wind effects. The *Guidelines for Higher Density Residential Development* highlight that tall buildings will invariably create changing wind conditions at street level, including down drafts and tunnel effects. Measures to reduce the impact of these effects include using stepped building forms, such as a podium to deflect down-draught wind effects way from the street. Where tall buildings are exposed to large open spaces, an expert analysis of wind impacts is recommended.
152. The site is not exposed to a large open space area and a stepped building form is provided along each street frontage. The sky gardens at the seventh storey partially overhang the pedestrian plaza which will help deflect down draughts on this north-south thoroughfare through the site.
153. In relation to loss of views, the planning scheme does not protect any viewlines in this immediate area. It is acknowledged that the development will change the outlook from a number of Appleton Street residences however given the podium height complies with the DDO9 and the tower elements are setback in line with the overshadowing guidelines, it is submitted the development is appropriately setback from Appleton Street to maintain a reasonable outlook and amenity to the nearby residences.
154. Objectors have raised concerns about noise pollution due to the development density. The use of the site for medium density residential development is specifically contemplated by the zoning of the land and subject to appropriate noise attenuation of domestic plant, noise impacts from the development would be generally in accordance with what is to be expected in this zone.

On-site amenity provision

155. The composition of the buildings on the site in part recognises the need to achieve high levels of internal amenity for the apartments. The width of the north-south pedestrian plaza achieves a separation distance between the buildings that allows good solar access to the apartments and open space, as well as avoiding the need for screening of habitable rooms between the buildings. A high degree of amenity is afforded to the pedestrian plaza from approximately 11.30 am until 3.00 pm for much of its length.

156. The pedestrian entry off David Street is generously sized, creating a well defined entrance and attractive and functional lobby area. The hallways are typically 1.4m wide which is responsive to the number of users at each level. The provision of natural light at the end of the corridors and the generous circulating space around each lift area provides a good level of amenity. The corridors to the rear of the townhouses are 1.2m wide however given these dwellings have their primary entrance off the street, the corridor width is acceptable.
157. It is considered that an unreasonably high number of apartments have their entrance doors directly opposite each other, reducing potential privacy between apartments. A condition on any permit can address this issue, including that the entrance to the community room at Level 6 be relocated so as not to be directly opposite the dwelling.
158. In general, the apartments are provided with a good standard of amenity, having a balcony off the living room, all bedrooms with daylight access and a secure bicycle parking space and storage cage in the car park. Of note, six apartments and all of the townhouses are not provided with storage. Given the compact size of the townhouses and apartments, a condition on permit will require storage is provided for all the dwellings. The *Guidelines for Higher Density Residential Development* do not specify a standard size for storage units however a number of Tribunal decisions have accepted 3sqm of storage as appropriate for apartments of this size, therefore this should be required via a permit condition.
159. There are some internal overlooking issues (direct views between habitable rooms and/or terraces over a distance of 9.0m) that need to be addressed via permit conditions:
- (a) the private open spaces associated with Townhouses 1-7 and Townhouses 11-13 need to be protected from overlooking from the apartments above. An upstand pergola treatment along the north and western edges of the terraces or similar treatment would suffice;
 - (b) screening between the terraces needs to be shown on plan. For example, B3.03 and B3.04 require screening (and the floors above). B 4.02 and C4.07 require screening (and the floors above);
 - (c) the south facing bedroom window of C6.04, C7.04, C8.06, C9.06?, C10.06 requires screening; and
 - (d) the south edge of the terrace of C10.05 requires screening to prevent downward views into the private open space below.
160. The development is provided with three generously proportioned communal spaces (66sqm, 93sqm and 170sqm in size), including a community room with dining facilities. Each communal space would be landscaped in a different theme and would be available for use by all occupants of the development. There is scope to expand the sky garden between Tower B and C and the applicant has prepared an amended plan showing the extent. A permit condition could require implementation of the sky garden in accordance with the amended plan.
161. The inclusion of a gymnasium in the development is also supported however a permit condition would ensure it is only available for use by occupants of the development to ensure there are no associated car parking impacts.

162. The development is provided with secure waste and recycling storage areas, concealed from the public domain. The waste management plan submitted with the application is however unsatisfactory due to the proposed removal of on-street car parking (via a loading zone) on the days of collection. A permit condition can require the bin collection be undertaken by a private contractor to enable collection of bins on-site to minimise noise and odour emissions as well as avoiding impacts on on-street car parking.

Car parking provision and traffic impacts

163. Transport and traffic matters remain a pivotal issue in the planning of future development for this precinct. Clause 22.11 include objectives to reduce vehicular traffic in the precinct by developing an integrated pedestrian and cycling network in the precinct and by encouraging use of public transport. Priority is to be given to minimising impact on the Route 109 tram (Victoria Street) by avoiding new signalisation of intersections where possible. Car parking provision should be considered within the context of cumulative impact on vehicle movements in the precinct.
164. Clause 52.06 provides standard rates for car parking however within the Victoria Street East precinct, the Minister (as the Responsible Authority for the Priority Development Zones) has specified lower rates of car parking. In addition, a number of recently approved developments in the precinct have substantially lower rates of car parking than the planning scheme rates in order to mitigate impacts on the surrounding area.
165. The proposed provision of parking represents a significant reduction in parking when compared to the requirements of the Yarra Planning Scheme. The parking requirements for the development as outlined under Clause 52.06 of the Yarra Planning Scheme are summarised in the table below.

Statutory Parking Rates and Parking Provision Summary

Use	Statutory parking rate	Statutory parking requirement	Provision	Short fall
Residential (218 dwellings)	2 spaces per dwelling	436 spaces	224 spaces	212 spaces
Shop (Retail) (830sqm)	8 spaces per 100 sq m of net floor area	66 spaces	-	66 spaces
Visitor Parking	N/A	N/A	19 spaces	-
Car Share	N/A	N/A	2 spaces	-
Total	-	502 spaces	245 spaces	257 spaces

166. It is broadly accepted that the rates outlined under clause 52.06 are excessive for medium density developments within the inner urban area. In light of this, the table below outlines rates commonly applied (and tested at VCAT) to developments of this size in inner city. Of note, the car parking rates under Rescode (clause 55) are the same as clause 22.10.

Commonly applied Parking Rates Summary

Use	Parking rate	Parking requirement	Provision	Short fall
Residential	1 space per 1 bedroom dwelling	87 spaces	199 spaces	-
	1 space per 2 bedroom dwelling	112 spaces		
Residential Visitor	1 space per 5 dwellings	44 spaces	19 spaces	25 spaces
Shop (Retail)	3-4 spaces per 100 sq m of net floor area	26-34 spaces	-	26-34 spaces
Car Share	N/A	N/A	2 spaces	-
Total	-	269-277 spaces	220 spaces	49-57 spaces

167. Adopting the parking rates outlined in the table above, the proposed development continues to have a parking shortfall in the range of 49-57 car spaces, of which the majority is associated with the shops and visitor parking.

168. A reduction in car parking requirements is governed by considerations contained in Clause 52.06 of the Yarra Planning Scheme. Clause 52.06-1 states:

- (a) before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified due to:
- (i) any relevant parking precinct plan;
 - (ii) the availability of car parking in the locality;
 - (iii) the availability of public transport in the locality;
 - (iv) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
 - (v) any car parking deficiency or surplus associated with the existing use of the land;
 - (vi) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement;
 - (vii) local traffic management;
 - (viii) local amenity including pedestrian amenity;
 - (ix) an empirical assessment of car parking demand; and
 - (x) any other relevant consideration.

169. In considering the dispensation being sought, the following comments are offered:

- (a) the resident car parking rate accords with the commonly applied rate of one space per one and two bedroom dwelling and is therefore deemed appropriate.

- In addition, residents have access to two car share facilities.
- (b) resident visitor parking rates of 0.12 and 0.15 spaces per dwelling have been applied to other developments in the precinct. This would equate to a visitor demand of 26-33 spaces for the development, indicating the development has a shortfall of 7-14 spaces. However, deleting one storey off Tower B via condition 1a would result in the deletion of nine apartments therefore the visitor shortfall would be reduced to 6-12 spaces. A permit condition should require 12 additional visitor spaces be provided by requiring the David Street ground floor residential car park of 12 spaces be converted to visitor parking. The resident spaces can be relocated to the basement in the form of car stackers; and
 - (c) the size and location of the shop tenancies means that it can be anticipated that the shops would attract mainly local clientele, generating a peak demand much lower than 3-4 spaces per 100sqm of floor area. Given that future employees will not be entitled to on-street parking permits, staff parking should be provided on site (one staff space per shop tenancy). This can easily be achieved by reallocating the car spaces from the nine deleted apartments required by condition 1a. To ensure that the retail component of the development does not saturate the availability of on-street parking, customers should have access to the visitor parking of the development. Permit conditions can address this requirement, including the need for a car parking management plan.
170. Approximately 13 car spaces would be available on-street along the site's frontage to Appleton, David and Doonside Streets. To prevent encroachment of parking into the surrounding area, Council may also need to introduce resident permit zones (where not already in operation). Measures relating to changes to parking restrictions can only be appropriately assessed and implemented post-development.
171. Subject to the provision of an additional 12 visitor car spaces and five staff spaces, the proposed car parking provision is considered to have struck the appropriate balance between car parking supply and minimising traffic and amenity impacts on the precinct. There is a strong strategic imperative within the State and Local Policy Framework for a site in this location to encourage utilisation of public transport over car based forms of transport. The proximity of the development site to public transport, two major activity centres and to the Capital City trail are all factors to suggest that non-car based forms of transport are a suitable and viable option for future occupants and visitors to the development. It is acknowledged that the incorporation and ongoing maintenance of the Green Travel Plan would be critical in encouraging and changing people's reliance on private vehicles.
172. Based on the proposed car parking provision and utilising commonly adopted rates of traffic generation, the proposed development would generate in the order of 70 vehicle movements per hour during both the AM and PM peak hour and 760 movements per day. The directional split will be 50 per cent to/from the north; 40 per cent to/from the south and 10 per cent to/from the east. All traffic exiting to the north will do so via Doonside Street.
173. In regard to the traffic impacts, Arup and Council's traffic engineer have reviewed the applicant's modelling for the future operations of Burnley / Doonside Streets and Burnley / Appleton Streets and agree with the conclusion that there are no immediate capacity concerns or need to signalise the intersection of Burnley / Doonside Street.

In summary, the right turn from Doonside into Burnley Street during the PM peak hour is the critical movement and Arup have estimated there might be spare capacity for up to an additional 18-24 vehicles which equates to approximately an additional 160 apartments utilising Doonside Street based on a 50/50 split turning right and left. The modelling however has not allowed for any growth in traffic in the area associated with other proposed developments.

174. Given the precinct is undergoing transition and a key objective is to manage the cumulative impact of vehicle movements within the precinct, a permit condition should require a post occupation assessment of the development and further analysis to determine if traffic mitigation works and/or signalisation are required. Of note, increased tram priority at Burnley and Victoria Streets is likely to increase gaps in traffic along Burnley Street, increasing the opportunity for vehicle movements in and out of Appleton and Doonside Streets.

Loading facilities

175. The development is not provided with an on-site loading zone. Under clause 52.07, loading facilities should be provided for commercial vehicles associated with the development.
176. Due to the size of the shop tenancies, it is considered acceptable that the development does not have a dedicated on-site loading facility and instead deliveries to the site are only made by small vehicles / cars utilising on-street parking spaces abutting the development. A permit condition should address size of vehicles allowed to make commercial deliveries to the site as well as restricting the hours of commercial deliveries to outside of peak weekday parking periods (ie. the parking survey carried out by GTA Consultants shows that during the evening there are significantly lower demands for car parking).

Objector concerns

177. Concerns raised by objectors have been addressed throughout this report accordingly:
- (a) overdevelopment of subject site – don't want high rise in this location (refer to assessment at paragraphs 100-103);
 - (b) excessive height and bulk (refer to assessment at paragraphs 110-120);
 - (c) loss of views and wind tunnels (refer to assessment at paragraphs 151-153);
 - (d) excessive level of overshadowing of Appleton St residences (refer to assessment at paragraphs 114, 148-149);
 - (e) insufficient on-site car parking (refer to assessment at paragraphs 164-171);
 - (f) increase in through traffic and traffic congestion (refer to assessment at paragraphs 172-174);
 - (g) general loss of amenity from density (refer to assessment at paragraphs 101-102)
 - (h) noise pollution (refer to assessment at paragraph 154);
 - (i) the development does not display many ESD initiatives (refer to paragraphs 143-146);
 - (j) the building materials and finishes do not respect the Appleton Street context (refer to paragraph 123);
 - (k) acoustic attenuation is inadequate having regard to the surrounding commercial properties (refer to assessment at paragraphs 129-135);

- (l) streetscape works on the south side of Doonside Street may impact on vehicle manoeuvrability into Vic Gardens loading dock (refer to paragraph 139);
- (m) commercial waste collection from Appleton Street will create noise and odour impacts on residences (refer to paragraphs 162);
- (n) suitability of the site for residential use given the former use of the site as a chemical factory (a permit is not required to use the site for dwellings. For issues relating to contamination refer to paragraphs 25-26); and
- (o) lower property values (this is not a relevant consideration under the planning scheme).

Conclusion

178. The proposal, subject to conditions, is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. The proposed density and urban design outcomes that would be delivered on this site are considered to comply with the objectives of the DDO9 and other strategic planning for the Victoria Street East precinct. Overall, the development would positively contribute to the public realm and Doonside precinct with few negative impacts.

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2. **97 – 99 Rose Street, Fitzroy – Planning Permit Application PLN11/0518 (Part demolition to develop the land with a six-storey residential building featuring 12 apartments, including a liquor licence associated with a restaurant and a waiver in the associated car parking and loading bay requirements of the Yarra Planning Scheme).**
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Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application for the site at 97-99 Rose Street, Fitzroy. The report recommends approval of the application subject to modifications and a number of conditions.

Background

2. The applicant is proposing to undertake the partial demolition of the existing building to develop the land with a six-storey residential building featuring twelve (12) apartments, a liquor licence associated with a restaurant and a reduction in the car parking and loading bay requirements of Clauses 52.06 and 52.07 of the Yarra Planning Scheme, respectively.
3. At the time of writing, 28 objections had been received in the form of individual letters/submissions, including three letters of support.
4. A planning consultation meeting was held on 13 October 2011 and was attended to by Objectors, the Permit Applicant and Council Officers.
5. The application was referred to Council's Heritage Adviser, Urban Design Unit, Engineering Services Unit, Environmental Sustainable Development Advisor, Community Amenity Unit and Contracts Services Unit.

Key Issues

6. The key issues for Council in considering the proposal relate to:
 - (a) Design and built form matters;
 - (b) Car parking and traffic;
 - (c) Sale and consumption of liquor; and
 - (d) Objector concerns.

Conclusion

7. With the changes outlined in the recommendation section of this report, the proposed scheme will provide an appropriate built form outcome. On balance, the development demonstrates a high level of compliance with the relevant state and local planning policies and also demonstrates compliance with the State Government's Higher Density Housing Guidelines. It is offered that Rose Street can comfortably accommodate a contemporary built form. Additionally, the dwellings would not be entitled to resident or visitor parking permits and the general hours of the licensed restaurant have been restricted to 11pm whilst the first floor terrace has been restricted to 8pm, in response to community concerns.

8. Subject to conditions, the design response will achieve an acceptable level of amenity for future occupants within a building form that will respond to the site context and will contribute to the quality of architecture in the local area.

RECOMMENDATION

9. That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN11/0518) for part demolition to develop the land with a five-storey residential building featuring no more 12 apartments, including a liquor licence associated with a restaurant and a waiver in the associated car parking and loading bay requirements of the Yarra Planning Scheme at 97-99 Rose Street, Fitzroy subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 30 June 2011 and 16 December 2011 but modified to show:
 - (a) The deletion of the fourth floor (fifth level);
 - (b) The floor plans and elevations updated to make reference to the new fourth floor (as a result of Condition 1a) into the roof terrace and any design modifications necessary i.e. the provision of community facilities and garden beds etc.;
 - (c) The provision of a minimum of 4m³ of storage areas for the units;
 - (d) The Noise and Amenity Action Plan (NAAP) received by Council on 30 June 2011 modified to make reference to the hours of operation outlined at Conditions 5 and 6;
 - (e) The provision and details of all acoustic and noise attenuation measures prepared by a suitably qualified acoustic engineer to protect the amenity of the dwellings where necessary;
 - (f) The quantity of the mobile garbage bins specified in the Waste Management Plan (WMP) prepared by Leigh Design Pty. Ltd. reduced from four to three;
 - (g) The landscape plan updated to show the new fourth floor (roof terrace) with additional landscaping and to include:
 - (i) details of all proposed design features including paths; and
 - (ii) external lighting capable of illuminating access to the communal gardens. All lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site.
 - (h) A plan notation confirming that the existing on-boundary walls to the north, south, west and east will be retained.

Endorsed Plans:

2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

Sale and consumption of liquor:

4. The layout of the licensed area must not be altered without the written consent of the Responsible Authority.
5. The sale and consumption of alcohol within the restaurant is limited to the following hours:

Monday to Sunday	7.00 am to 11.00 pm
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6. The sale and consumption of alcohol within the first floor terrace associated with the restaurant is limited to the following hours:

Monday to Sunday	8.00 am to 8.00 pm
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7. No more than 100 patrons are to be permitted on the premises at any one time during the licensed hours.
8. The licensed premises must be managed in accordance with the endorsed Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority.
9. No amplified music is to be played, background or non-amplified acoustic music only.
10. The operator must request patrons, by a prominent notice, to take account of the needs of local residents for peace and quiet during normal sleeping hours to the satisfaction of the Responsible Authority.
11. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
12. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
13. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
14. All staff on the premises are to be appropriately trained in the responsible serving of alcohol.

ESD Report

15. Prior to completion of the development, the principles / initiatives referenced in the endorsed Environmental Sustainable Design (ESD) report prepared by Sustainable Built Environments (SBE) must be implemented to the satisfaction of the Responsible Authority.

Drainage

16. 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.
17. All storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction.
18. All piping and ducting, other than for drainage above the ground floor of the building must be concealed.

Construction

19. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the construction of the development must be reinstated to the satisfaction of the Responsible Authority prior to the completion of the development.

Waste Management

20. Waste Management must be undertaken in accordance with the endorsed Waste Management Plan prepared by Leigh Design Pty Ltd to the satisfaction of the Responsible Authority.
21. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken in accordance with Council's Local Law No. 3.
22. No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00 pm on any night, or before 7.00 am on any day.

Amenity

23. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.

Construction Management Plan

24. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:

- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
- (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site,
- (e) on site facilities for vehicle washing;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) Management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;
- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
- (p) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the site for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology; and
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

Construction hours and noise

25. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Expiry

26. This permit will expire if any of the following occur:
- (a) The development is not commenced within two (2) years from the date of this permit; or
 - (b) The development is not completed within four (4) years from the date of this permit.

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

NOTES

As the site is affected by the Environmental Audit Overlay, Clause 45.03-1 states that before the development commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- 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.

This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

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

This food premises is required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

CONTACT OFFICER: John Theodosakis
TITLE: Senior Statutory Planner
TEL: 9205 5307

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- 2. 97 – 99 Rose Street, Fitzroy – Planning Permit Application PLN11/0518
(Part demolition to develop the land with a six-storey residential building)**

featuring 12 apartments, including a liquor licence associated with a restaurant and a waiver in the associated car parking and loading bay requirements of the Yarra Planning Scheme).

Proposed Use/Development:	Part demolition to develop the land with a six-storey residential building featuring 12 apartments, including a liquor licence associated with a restaurant and a waiver in the associated car parking and loading bay requirements of the Yarra Planning Scheme.
Existing Use:	Vacant (former warehouse /factory building).
Applicant:	Contour Consultants Pty. Ltd.
Zoning / Overlay:	Business 1 Zone / Environmental Audit Overlay / Heritage Overlay 334 (South Fitzroy Heritage Precinct)
Date of Application/s:	30 June 2011
Application No:	PLN11/0518

Existing conditions

Subject Site

1. The subject site consists of the land described in Title Plan TP 747389N associated with Certificate of Title Volume No. 04857 and Folio No. 284. The subject site is located on the northern side of Rose Street in Fitzroy, between Brunswick Street to the west and Young Street to the east. The land is rectangular in shape and has a frontage to Rose Street of 12.49, a depth of 23.32m with an overall site area of approximately 291.2sqm.
2. The site is occupied by a single-storey, former warehouse / factory building that is constructed to the southern (front), western and eastern boundaries. The building is setback approximately 4.2m from the northern boundary and provides a courtyard, / garden area and deck, including a galvanised fence and door at the north-east corner.
The building is constructed of masonry contains a large parapet to Rose Street, including window and door openings along the western, southern and eastern elevations.
3. The land gradient is generally flat and the certificate of title does not indicate any party wall easements and/or restrictive covenants.

Surrounding Land

4. The subject site is located approximately 25m to the east of the Brunswick Street Major Activity Centre. The surrounding precinct can best be described as a mix of land uses and building types. The immediate surrounding context contains building heights that vary between 1 and 4 storeys.
Land uses in the wider area consist of retail, commercial and entertainment uses principally along Brunswick Street with residential and light industrial land uses. The extent of industrial land use in the general area has been shrinking due to the expanding residential land use.

5. The northern boundary has an immediate abuttal with the single-storey outbuilding and courtyard of a commercial property that fronts onto Brunswick Street. This site contains a double-storey Victorian building used as a food and drinks premises at ground floor and an office at the first floor. Further north of this site are more commercial properties fronting onto Brunswick Street.
6. The western boundary has an immediate abuttal with the outbuildings located at the rear of a commercial property that fronts onto Brunswick Street (i.e. for a length of approximately 10.1m), including a laneway which extends from Rose Street to the south and terminates at the side boundary of this same site. Opposite this laneway is the rear of a single-storey commercial building, namely the 'Vegie' bar including an outbuilding associated with a double-storey Victorian building used for commercial purposes located at the north-east corner of the Rose and Brunswick Street intersection.
7. Located at the south-east corner of the Rose and Brunswick Street intersection is a double-storey Victorian commercial building originally built as a hotel (public bar). The rear wall of the building is setback from its east site boundary with single-storey outbuildings and an external staircase allowing access to a first floor outdoor seating area (decking) at the rear of the building. This building is currently occupied by "Bimbo Deluxe" hotel. East of this site and extending across the subject site on the southern side of Rose Street, are single-storey Victorian terraces and more contemporary two and three storey dwellings.
8. To the east of the site is a 3.5m wide laneway that extends from Rose Street through to Leicester Street to the north. Located on the opposite side of the laneway is a former warehouse building which has been converted into a four-storey residential development. This development is hard-edged across the laneway and the Rose Street interface, is contemporary and angular in its design and is punctuated with a series of windows and balconies and large air vents associated with a car park. Both vehicle and pedestrian access is from Rose Street. To the immediate north of this development are dwellings fronting onto Leicester Street.
9. Rose Street is a one lane, one way street running in a west-east direction. Restricted 1hr parallel parking, between 7.00 am to 11.00 pm is provided on the northern side of Rose Street with permit zoned parallel parking located on the southern side.
10. The subject site is provided with good access to public transport, retail and supermarkets given that it forms part of the Brunswick Street Major Activity Centre.
11. Additionally, the site is located within a 3km radius of the CBD.

Proposal

12. The proposal involves the partial demolition of the existing building to develop the land with a six-storey residential building, including a liquor licence

associated with a restaurant and a waiver in the associated car parking and loading bay requirements of the Yarra Planning Scheme.

13. The proposal is described in more detail below:

Demolition

- (a) Demolition of the existing roof, east-facing door and window to the east, including the galvanised fence and door at the north-east corner of the site;

Construction

Ground floor:

- (b) At ground level the building would include a shared entry to Rose Street for both patrons and occupants of the restaurant and units respectively, 55 seats associated with the restaurant, 16 bicycle spaces for patrons, 6 bicycle spaces for the occupants, a courtyard of 12.37sqm at the north-west corner, a foyer, a lift, stairwell access, a cold room and a kitchen, including two separate waste areas and emergency exit to the east.

First floor:

- (c) The southern portion of the first floor would include 45 seats associated with the restaurant and a terrace area of 19.29sqm, whilst the northern portion would include a lift, a stairwell and two units of 33.79sqm and 51.34sqm, labelled as units 1.01 and 1.02 on the first floor plans, respectively.
- (d) Unit 1.01 is a studio apartment comprising an open plan living, kitchen and sleeping arrangement and a bathroom;
- (e) Unit 1.02 comprises an open plan kitchen, dining and living area, one bedroom and service amenities;
- (f) Both units are provided with north-facing balconies of 3.36sqm.

Second and third floors:

- (g) The second and third floors would be identical and would each include 4 units (labelled as Units 2.01, 2.02, 2.03, 2.04 on the second floor plan and Units 3.01, 3.02, 3.02 and 3.04 on the third floor plan) of which three are studio apartments ranging between 33.79 and 39.03sqm, each comprising an open plan living, kitchen and sleeping arrangement and a bathroom;
- (h) Units 2.04 and 3.04 would each include an open plan kitchen, dining and living area, one bedroom and service amenities;
- (i) All units are provided with balconies of either 3.36sqm or 3.52sqm;

Fourth floor:

- (j) The fourth floor would include 2 units (labelled as Units 4.01 and 4.02 on the fourth floor plan) each comprising of an open plan, living, kitchen and dining area, service amenities and two bedrooms;
- (k) Unit 4.01 is provided with two, north-facing balconies of 3.36sqm each and Unit 4.02 is provided with two, south-facing balconies of 3.52sqm each.

Fifth floor (roof terrace):

- (l) The fifth floor would include a lift shaft, a north-facing winter deck of 53.50sqm, a south-facing summer deck 76.49sqm, communal clothes lines and laundry facilities, a toilet, garden beds and a services storage room.
14. Overall, the development would include 12 apartments made up of 7 studio apartments, 3 one bedroom apartments and 2 two bedroom apartments.

Built form:

Setbacks, height, building mass and materials:

- (m) The on-boundary walls to the west, east and south of the existing former factory / warehouse building, including the on-boundary wall to the north would be maintained and incorporated into the development;
- (n) At the ground floor, the development would in part be setback from the north-west corner to make way for the provision of a courtyard;
- (o) At the first, second, third and fourth floors, the development would be setback between 380mm to 405mm and 295mm to 302mm from both western and eastern boundaries, respectively;
- (p) At the first, second, third and fourth floors, the development would have a minimum setback of 1.17m from the northern boundary and a minimum setback of 3.1m from the southern boundary with the exception of the terrace and a garden bed that would encroach into this setback at the first floor;
- (q) The fifth floor (roof terrace) would accommodate setbacks which range between 700mm and 1.4m from the western and eastern boundaries for the length of the service storage room and toilet and length of the stairwell, respectively;
- (r) The fifth floor would have a setback of approximately 4.5m from the northern boundary to the communal laundry and a setback of 10.87m to the toilet and lift shaft, with the exception of the garden beds, pergola structure, summer and winter communal gardens that would encroach into these setbacks;
- (s) A maximum building height of 21.35m is proposed above the natural ground level;
- (t) The building is expressed as a contemporary and angular six-storey building with its respective northern and southern facades modulated as a result of the incorporated setback arrangements outlined above;
- (u) The northern and southern elevations are effectively massed into three vertical forms above the former factory building, are encased by the timber walls associated with western and eastern elevations and timber panelling above the fourth floor and punctuated with windows and balconies of vertical and horizontal expression;
- (v) The eastern elevation is massed into three vertical forms above the former factory building, punctuated through a combination of different

- shaped windows and an exposed stairwell arrangement, that would extend above the ground floor through to the fifth floor (roof terrace);
- (w) The western elevation is also massed into three vertical forms, punctuated through the provision of windows along the southern portion;
 - (x) The development for its most part would be constructed of timber cladding and would include corten cladding along the northern and southern elevations, a concrete render finish to the existing on-boundary walls at the ground floor and in part across the upper floors, cyclone wire mesh across the perimeter of the exposed stairwell to the east, metal wire mesh panelling to the central portion of the western elevation, metal screen balustrades to the balconies and timber-framed windows; and
 - (y) A natural colour scheme of grey, timber and bronze is used to provide articulation to the building.

Landscaping:

- (z) Landscaping is proposed within the courtyard at the north-west corner and between the lift and eastern boundary at the ground floor, including the provision of garden beds to the first floor terrace associated with the restaurant and across the northern, southern, western and eastern perimeters of the fifth floor (roof terrace); and
- (aa) Foliage is also proposed across the perimeter of the exposed stairwell to the east, including balconies.

Environment Sustainable Development (ESD) measures:

- (ab) An energy rating of 5 Stars (minimum);
- (ac) The provision solar hot water and photovoltaic panels on the roof;
- (ad) The provision of a 5,000 litre water tank;
- (ae) The provision of ceiling fans to all units;
- (af) Communal gardens, laundry facilities and drying lines on the roof;
- (ag) Double glazed windows;
- (ah) The provision of bicycle parking; and
- (ai) A flexicar arrangement as part of a Green Travel Plan that would take advantage of the following identified on-street car share pods (amongst others) in the Traffic and Transport Assessment report prepared by Cardno Grogan Richards:
 - (i) Victoria Street west of Brunswick Street (approximately 400m south);
 - (ii) Kerr Street west of Smith Street (approximately 500m east); and
 - (iii) Hotham Street east of Smith Street (approximately 500m east).

Liquor Licence:

15. A Restaurant / Cafe liquor licence is sought for the ground and first floor restaurant. The hours of the liquor licence as proposed are 7.00 am to 12 midnight, seven days a week. The restaurant is proposed to include up to 100 seats.
16. It is noted that both patrons and occupants would enter the building from the same entry point along Rose Street.

Modified Plans

17. On 16 December 2011, revised elevations and floor plans were received incorporating the following changes:
- (a) The provision of 1.7m high screens at the south-west and south-east corners of the first floor terrace to the restaurant;
 - (b) The provision of 1.7m high screening devices to the open stairwell to the east; and
 - (c) The provision of a 1.2m-1.5m high screen along the length of the eastern edge of the roof terrace.
18. The revised plans were submitted in response to concerns raised by Objectors at the planning consultation meeting relating to overlooking. Further, the plans have also been revised to provide a clearer demarcation of the restaurant and communal areas, including a dumb waiter for distributing food from the ground floor to the first floor. These drawings were formally submitted in substitution of the application drawings under Section 57 (a) of the Planning and Environment Act 1987.

Planning Controls

Zones

Business 1 Zone (B1Z)

19. The purpose of the B1Z is:
- (a) *to implement the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) and local planning policies; and*
 - (b) *to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.*
20. Pursuant to the Table of Uses at Clause 34.04-1, the use of the land for dwellings does not require a planning permit on the basis that there are no dwellings at ground floor and as such, no immediate dwelling frontages in excess of 2m. Additionally, pursuant to the Table of Uses at Clause 34.01-1, a restaurant is a Section 1 Use – no permit required use.
21. Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works. Pursuant to the decision guidelines of the Business 1 zone, the requirements of Clause 55 (ResCode) do not apply in this instance, as the building is six (6) storeys.

Overlays

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

22. 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.

Environmental Audit Overlay (EAO)

23. 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.*
24. The proposal will result in buildings and works associated with a sensitive use, being a part residential building, and therefore either an audit or a statement must be undertaken. A note highlighting these requirements will be included on any planning permit issued.

Particular and General provisions

Clause 52.06 – Car Parking

25. Pursuant to Clause 52.06-5, where ResCode does not apply, two on-site car parking spaces are required per dwelling or 24 spaces for the residential component. In addition, a restaurant requires 0.6 car spaces to each seat available to the public. The restaurant would provide 100 seats to the public (60 spaces) and therefore the development technically requires 84 spaces in total. However, in this instance the application is not providing any onsite car parking and is seeking the full waiver of this requirement pursuant to Clause 52.06-1. An assessment of the waiver in the overall car-parking requirement is offered in the 'Assessment' section of this report.

Clause 52.07 – Loading and unloading of vehicles

26. Clause 52.07 requires that “*no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials*” unless space is provided for loading and unloading in accordance with specified requirements. This requirement may be varied where land space is insufficient, or adequate provision is made for the loading and unloading of vehicles to the satisfaction of the Responsible Authority.
27. These requirements are relevant to the ground and first level restaurant. As no on-site loading and unloading area is to be provided, a waiver of this requirement is sought.

Clause 52.34 – Bicycle Facilities

28. Pursuant to Clause 52.34-3, in developments of four or more storeys, 1 resident bicycle parking space should be provided for every 5 dwellings, 1 visitor space for every 10 dwellings, including 1 bicycle parking space to each 100sqm of floor area available to the public associated with a restaurant. Therefore only 6 on-site spaces are required in total. The development provides a total of 22 bicycle spaces, exceeding the requirements of this clause.

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

29. Pursuant to Clause 52.35-01, a development of four or more storeys must be accompanied by an urban context report and a design response. The purpose of the urban context report is:
- (a) *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.*
30. An urban context report was prepared and submitted with the application. An assessment of how the proposal responds to the site context is offered later in this report.

Clause 65 – Design Guidelines

31. 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 the 'Assessment' section of this report.

State Planning Policy Framework (SPPF)

32. The following clauses are of relevance to this application:

Clause 11.01-2 -Activity Centre Planning

33. The objective of this clause seeks:
- (a) *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 13.03 - Soil Degradation

34. It is an objective at Clause 13.03-1 (Use of contaminated and potentially contaminated land) *“to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely”.*

Clause 15.01 - Built Environment and Heritage: Urban environment

35. Clause 15.01-1 (Urban design) objective is *“to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity”.*
36. The following (relevant) strategies are provided to achieve this:

- (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; and*
- (c) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.01-2 - Urban design principles

- 37. Policy 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”.*
- 38. The strategy to achieve this is to apply the following strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56:
 - (a) Context;
 - (b) The public realm;
 - (c) Safety;
 - (d) Landmark views and vistas;
 - (e) Pedestrian Spaces;
 - (f) Heritage;
 - (g) Consolidation of sites and empty sites;
 - (h) Light and shade;
 - (i) Energy and resource efficiency;
 - (j) Architectural quality; and
 - (k) Landscape architecture.

- 39. Responsible Authorities are also required to have regard to the Department of Sustainability and Environment’s (DSE) Design Guidelines for Higher Density Housing, which is referenced at Clause 15.01 of the Scheme.

Clause 15.01-4 - Design for safety

- 40. It is an objective *“to improve community safety and encourage neighbourhood design that makes people feel safe”.* The clause includes several strategies to achieve this objective.

Clause 15.01-5 - Cultural identity and neighbourhood character

- 41. It is an objective *“to recognise and protect cultural identity, neighbourhood character and sense of place”.*
- 42. The clause includes several strategies to achieve this objective.

Clause 15.02-1 - Sustainable development: Energy and resource efficiency

43. It is an objective *“to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions”*.
44. The clause has the following strategies:
- (a) *Ensure that buildings and subdivision design improves efficiency in energy use;*
 - (b) *Promote consolidation of urban development and integration of land use and transport;*
 - (c) *Improve efficiency in energy use through greater use of renewable energy; and*
 - (d) *Support low energy forms of transport such as walking and cycling.*

Clause 15.03 - Heritage

45. Clause 15.03-1 - Heritage Conservation seeks *“To ensure the conservation of places of heritage significance”*.

Clause 16.01-1 - Residential development: Integrated housing

46. It is an objective *“to promote a housing market that meets community needs”*.

47. The clause has the following strategies.

- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- (b) *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
- (c) *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- (d) *Encourage housing that is both water efficient and energy efficient.*

Clause 16.01-2 - Residential development: Location of residential development

48. It is an objective *“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”*.
It is noted that strategic redevelopment sites are defined at Clause 16.01-3 as those that (amongst other things) are *able to provide ten or more dwelling units, close to activity centres and well served by public transport.*

Clause 16.01-4 - Housing diversity

49. It is an objective *“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;*
 - (iii) *makes better use of existing infrastructure; and*
 - (iv) *improves energy efficiency of housing.*
- (c) *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*
 - (d) *Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.*

Clause 17 - Economic Development

50. *Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.*

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

51. It is an objective *“to create a safe and sustainable transport system by integrating land-use and transport”*. Amongst others, strategies to achieve this objective include:
52. *Plan urban development to make jobs and community services more accessible by:*
- (a) *ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas; and*
 - (b) *concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.*

Clause 18.02-1 - Movement networks: Sustainable personal transport

53. It is an objective *“to promote the use of sustainable personal transport”*. The clause includes the following relevant strategies to achieve this objective.
- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive;*
 - (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters; and*
 - (c) *Ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*

Clause 18.02-2 - Cycling

54. It is an objective *“to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel”*.
55. The clause includes several strategies to achieve this objective including to *“Require the provision of adequate bicycle parking and related facilities to meet*

demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals”.

Clause 18.02-5 (Car parking)

56. It is an objective *“to ensure an adequate supply of car parking that is appropriately designed and located”*. 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; and*
 - (b) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)
Clause 21.03 – Vision

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

Clause 21.04-1 – Accommodation and housing

59. In accommodating new development, amenity impacts must be managed and high levels of amenity must be provided for existing and future residents. Housing choice and diversity must also be protected. Strategies aimed at delivering this vision that are relevant to this application include:

Strategy 1.3: Support residual population increases in established neighbourhoods.

Strategy 2.1: Support the provision of affordable housing for people of all abilities, particularly in larger residential developments and on Strategic Redevelopment Sites.

Strategy 2.2: Encourage residential development which allows people to age in their existing homes and communities by supporting a range of housing types.

Clause 21.04-2 – Activity Centres

60. This policy recognises that *“The presence of service, retail and entertainment uses creates active and vibrant activity centres with good access to services and facilities, which is an important attribute of the municipality”*.
61. *Objective 5 seeks to maintain the long term viability of activity centres through the application of the following strategies:*

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

Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.

Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.

Clause 21.05-1 – Built Form: Heritage

62. 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

63. 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.

64. 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*
- (f) *Provision of affordable housing.*

Clause 21.05-4 – Public environment

65. The objective of this clause is “*to provide a public environment that encourages community interaction and activity*”. Strategies to assist towards the implementation of the objective include:

- Strategy 27.1 Encourage universal access to all new public spaces and buildings;*
- Strategy 27.2 Ensure that buildings have a human scale at street level;*
- Strategy 27.3 Require buildings and public spaces to provide a safe and attractive public environment; and*
- Strategy 27.5 Require new development to make a clear distinction between public and private spaces;*

Clause 21.06 – Transport

66. This clause focuses on Yarra’s need to reduce car dependence by promoting viable and preferable alternatives, such as walking, cycling and using public transport.

Clause 21.06-3 - The road system and parking

67. The objective of this clause is *“To reduce the reliance on the private motor car”*. The following strategies are provided to assist with the implementation of this objective:

- Strategy 32.1 Provide efficient shared parking facilities in activity centres.*
- 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.*

Clause 21.07.1 – Environmental Sustainability: Ecological Sustainable Development

68. This Clause seeks to *“promote ecologically sustainable development”* through strategies such as to *“Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation”*.

Clause 21.08 - Neighbourhoods

Clause 21.08-7 Fitzroy

69. The subject site is included in the Fitzroy area which is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/industrial activities. The subject site is located within the Brunswick Street Major Activity Centre. Accordingly, *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.*
70. The relevant built form strategy is to *“ensure that development does not adversely affect the significance of the heritage place”*.

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

Clause 22.02-5.1 - Removal of Part of a Heritage Place or Contributory Elements

71. *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.*
72. *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 site is nominated as contributory to the South Fitzroy Heritage Precinct.*

Clause 22.02-5.7.1 - General

73. *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
- (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
- (c) *Be visually recessive and not dominate the heritage place;*
- (d) *Be distinguishable from the original historic fabric;*
- (e) *Not remove, cover, damage or change original historic fabric;*
- (f) *Not obscure views of principle façades; and*
- (g) *Consider the architectural integrity and context of the heritage place or contributory element;*
74. *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;*
75. *Encourage similar façade heights to the adjoining contributory elements in the street;*
76. *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)

Industrial, Commercial and Retail Heritage Place or Contributory Elements

77. *Encourage new upper level additions and works to:*

- (a) *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; and*
- (b) *Incorporate treatments which make them less apparent.*

Clause 22.05 – Interface Uses Policy.

78. This Clause relates to land within Mixed Use and Business Zones; land in Residential 1 Zones and within 30 metres of a Business or Industrial Zone; and land in Residential 1 Zones and within 30 metres of an existing Business or Industrial Zone. The objectives of this Clause are:
- (a) *To enable the development of new residential uses within and close to shopping centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes; and*
 - (b) *To ensure that residential uses located within or adjoining commercial centres or near industrial uses enjoy a reasonable level of amenity.*
79. 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.

Clause 22.07 - Development Abutting Laneways

80. It is the objective of this policy:
- (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; and*
 - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.09 – Licensed Premises Policy

81. The objectives of this clause are:
- (a) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas;*
 - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues; and*
 - (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*

Clause 22.09-3.2 - Hours of Operation

82. It is policy that *licensed premises in a Residential or Mixed Use Zone or within 30m of a residential area not trade beyond 11.00 pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*

Other Relevant Documents

DSE Guidelines for Higher Density Residential Development

83. 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

Notification

84. The application was advertised in August 2011 pursuant to Section 52 of the *Planning and Environment Act 1987*, via letters sent to adjoining and surrounding owners/occupiers and by two signs displayed on site.
85. Council received 28 objections to the application.

Summary of objections

- (a) Neighbourhood Character / Heritage;
 - (b) Height, visual bulk and site coverage;
 - (c) Overlooking;
 - (d) Overshadowing;
 - (e) Overdevelopment;
 - (f) Loss of views;
 - (g) Noise associated with patrons and rubbish collection;
 - (h) Car parking dispensation;
 - (i) Increased human traffic along Rose Street; and
 - (j) Entrance to the laneway is dangerous.
86. A planning consultation meeting was held on 13 October 2011 and was attended by Objectors, the Permit Applicant and Council Officers. Many of the above concerns were reiterated, however further concerns were raised in relation to the method for distributing food to the first floor, including the main entrance to Rose Street as a shared access point to the restaurant and dwellings.
87. At the meeting, the Permit Applicant agreed to investigate and provide further screening mechanisms to reduce any overlooking opportunities, including the issue of distributing food to the first floor. The amended plans received by Council on 16 December 2011 introduce further screening mechanisms and a dumb waiter. These modifications have been outlined within the 'Proposal' section of this report and are considered further within the 'Assessment' section of this report.

Referrals

Heritage

88. The application was referred to Council's Heritage Advisor who provided a thorough assessment of the development with particular consideration to the heritage report provided by the Permit Applicant and prepared by Heritage Consultant, Bryce Raworth. The assessment concluded with the following comments:
- (a) *Delete one level;*
 - (b) *Plant out the roof level as much as possible so as to suggest a vegetated canopy; and*
 - (c) *Ensure that the external timber cladding is maintained to retain a "brown" timber appearance.*

Engineering Services Unit

89. The application was referred to Council's Engineering Services Unit. Council's Traffic Engineer considered the proposal and provided a number of comments, generally supportive of the full car park waiver. The following comments (amongst others) and observations were provided:
- (a) *For the restaurant use, pedestrians and persons already in the area (visitors as well as residents within walking distance) would constitute a sizeable proportion of the restaurant's patronage.*
 - (b) *The level of on-street parking in the local area is very high and controlled by time based parking restrictions. On-street parking, particularly in Brunswick Street, has a frequent turnover of spaces and visitors to the area should be able to find a public on-street parking space.*
 - (c) *The applicant has provided a summary of an empirical case along Brunswick Street (study location not cited) that indicates 27 per cent to 31 per cent of patrons interviewed drove to the site. Some 5 per cent to 17 per cent used public transport, whilst 7 per cent to 11 per cent utilised public transport. The sample sizes used in the studies are generous in terms of statistical analysis. The results are fairly representative of similar studies we have reviewed in the past. Out of the 100 patrons (assuming the restaurant is operating at full capacity, we expect a maximum car parking generation of no more than say 30 spaces. Given that the restaurant will be licensed, car parking generation may not be as much as 30 spaces, particularly if some patrons intend to imbibe alcohol and use a taxi.*
 - (d) *For the residences, prospective property owners and residents of the new development will not be eligible to apply for on-street parking permits. On-street parking for residents is not a viable or practical option. When purchasing or intending to move into the dwellings, residents/occupants would be well aware of the limitations to park on-street. The dwellings are not suitable for persons who own or drive a motor vehicle.*
 - (e) *The site has the advantage of being located close to a high use tram route, on-road bicycle facilities, supermarket, shops, places of employment and other essential services that make it possible and practical to reside in this development without owning or driving a car.*

In addition, this would in line with Council's vision to promote the use of more sustainable forms of transport and is consistent with Council's transport policies.

- (f) *Since the site has no on-site car parking, it appears that the designer is actively encouraging the use of bicycles as a major source of transport for the site. It is agreed that the green travel initiatives within the development, as outlined by Breathe Architecture, are considered practical and would offset the necessity of car ownership.*

Urban Design Unit

90. The application was also referred to Council's Urban Design Unit. Council's Urban Design Unit concluded that consideration should be given to the removal of the fourth floor or a larger setback should be adopted at the third floor from the eastern, western and northern sides.
91. The following suggestions were made towards improving the development:

South Elevation (rose Street)

- (a) *Consider inverting the angle of the glazing to match the angle of existing parapet at the first floor level;*
- (b) *Remove the projection of the sill to accommodate plants, above the public domain in the ground floor;*

East Elevation

- (c) *Reconsider the sizes and shapes of the windows as they appear to be too small and of too many different sizes;*

West elevation

- (d) *The large blank section of the west wall needs more articulation. In this regard consider using another material for the northern section.*

Environmental Sustainable Development Advisor (ESD)

92. The application was referred to Council's ESD Advisor who was generally satisfied with the Ecologically Sustainability Design Report prepared by Sustainable Built Environments (SBE) accompanying the application.

Community Amenity Unit

93. The application was referred to Council's Community Amenity Unit who raised no objection to the liquor licence associated with the restaurant subject to a condition requiring that all alcohol is served with a meal. It is noted that the liquor licence is associated with a restaurant and hence with the serving of food and therefore a condition is not required to that effect.

Contract Services Unit

94. The application was referred to Council's Contract Services Unit who raised no objection with the Waste Management Plan (WMP) prepared by Leigh Design Pty. Ltd. subject to a condition modifying and reducing the quantity of the mobile garbage bins associated with the units from four to three.

Planning Considerations

95. The main considerations in determining this proposal are:
- (a) Policy;
 - (b) Design and Built Form, specifically relating to:
 - (i) Clause 15.01 and DSE Higher Density Guidelines for Residential Development;
 - (ii) Clause 22.05 - Interface Uses Policy; and
 - (iii) Clause 22.07 - Development Abutting Laneways.
 - (c) Heritage;
 - (d) Clause 22.09 – Licensed Premises Policy and Clause 52.27 – Licensed Premises provisions;
 - (e) Traffic, parking and loading; and
 - (f) Objector concerns.

Policy

96. The subject site is located in a Business 1 Zone where the use of the land for dwellings is a permit required use only when the frontage to a dwelling at ground level exceeds two metres. In this instance the units would be located above the ground level and as such, the residential use is as-of-right. At the same time, a restaurant is also an as-of-right use in a Business 1 Zone. Given the site's location on the edge of the Brunswick Street Major Activity Centre, the development is consistent with both the State and Local Planning Policies which encourage concentration of development in and around activity centres and intensifying development on sites well connected to public transport. This ensures efficient use of infrastructure and supports Council's preference that established residential areas experience a residual increase in population and density.
97. Council's MSS (Clause 21.04-1) directs higher density development and forecast population increases to designated strategic redevelopment sites. While it is acknowledged that the subject site is not one of the identified strategic redevelopment sites, this fact alone should not prevent the site (or any other site) from proposing higher residential development, provided compliance with the relevant policies is achieved.
98. It is noted that the process of identifying strategic redevelopment sites only occurs once every few years and does not account for the potential consolidation of land or conversion of existing building stock. As such, not all sites suitable for higher density development can be accounted for or reflected in current policy.
Of note, the subject site has the characteristics of being a redevelopment site given its location in an activity centre with excellent access to readily available services and public transport, as required under Melbourne 2030.
99. The provision of dwellings in this location is entirely consistent with the objectives of State Planning Policy Framework (SPPF) objectives in relation to Activity Centre Planning and Integrated Housing at Clauses 11.01-2 and 16.01-1 of the Scheme. The application also complies with Clause 16.01-3 which seeks that Councils identify sites in Major Activity Centres able to provide 10 or more dwellings. This is further supported by Councils Local Policy at Clause 21.04-2, by seeking to *permit residential development that does not*

compromise the business function of activity centres. It is considered that the proposal for a restaurant and dwellings would enhance the long term viability of the Brunswick Street Major Activity Centre.

Design and Built Form - Clause 15.01, DSE Higher Density Guidelines for Residential Development, Clause 22.05 - Interface Uses Policy and Clause 22.07 - Development Abutting Laneways

100. Many of the DSE Guidelines for Higher Density Residential Development are referenced at Clause 15.01 of the Scheme. It comprises the following elements to help guide assessment of higher density built form: Urban Context, Building Envelope, Street Pattern and Street Edge Quality, Circulation and Services, Building Layout and Design, Open Space and Landscape Design.
101. The following is an assessment against the design principles outlined at Clause 15.01 of the Yarra Planning Scheme and where appropriate the objectives of the *DSE Guidelines for Higher Density Residential Development*:

*Clause 15.01-2 - Urban design principles
Context*

- (a) *Development must take into account the natural, cultural and strategic context of its location; and*
- (b) *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.*

DSE Guidelines for Higher Density Residential Development: Element 1 - Urban Context and Element 2 – Building Envelope

- (a) *Objective 1.1 - To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area. This should take the form of an urban context report;*
 - (b) *Objective 1.2 - To provide a creative design response that is based on a clear understanding of the urban context and the neighbourhood character; and*
 - (c) *Objective 2.1 - To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area.*
102. From a State Policy perspective, strategically the site is appropriately located for a medium density residential development, being located in an activity centre within the 7km radius from the CBD and having ready access to public transport networks.
103. The surrounding built form context ranges between one and four storeys in scale and form, being characterised by hard-edged buildings of the Victorian era along Brunswick Street with ground floor shop fronts, single and double-storey dwellings on the southern side of Rose Street including some built forms of more recent periods which range between three and four-storeys (i.e. the four-storey residential development on the opposite side of the laneway to the east and three-storey building at the south-west corner of Young and Rose Streets).

104. The site's location within the Brunswick Street Major Activity Centre provides greater scope in terms of scale transition because of the buildings former commercial nature and hard-edged built form to the street, and having regard to the four-storey building on the opposite side of the laneway to the east. However, the proposed six-storey scale on the Rose Street frontage fails to mediate with other surrounding competing scales of built form. The development would read almost three-storeys higher than the four-storey building on the opposite side of the laneway and three and four-storeys higher than the commercial buildings fronting onto Brunswick Street. It is also considered that the development will tower above the existing building and will be clearly visible from long range views to the north, along Leicester Street, including the southern side and beyond and south-west and south-east sides of Rose Street.
105. Council's Urban Design Unit also raised concerns with the height of the development, which is further evidence of the development's failure to achieve an integrated approach to the immediate context in terms of height transition. The following comments (amongst others) are extracted from Council's urban design advice:
106. *The proposed five storey building with a rooftop garden accommodating a stairwell and other service areas appears out of scale particularly when viewed from the north and west. A staircase lobby and the service areas add height to the building making the building look much higher than others. This impact of the height would be more visible from the junction of Rose Street and the existing lane east of the site as the building mass of the stairwell is very close to the street edge. It would also be visible from various locations along Rose Street.*
107. *The proposal suggests a setback of 3 to 3.5 meters at the first floor level from the southern boundary of the site and the same setback continues for all the other floors, keeping all the upper floors aligned. Such a massing makes the building appear bulky and dominating.*
108. To address the issue of height, Council's Urban Design Unit recommended that either the fourth floor be deleted or a larger setback be adopted at the third floor from the northern, western and eastern boundaries. It is also noted that a design suggestion for achieving Objective 2.2 (labelled as (c) above) within the Guidelines for Higher Density Residential Development, is at 2.2.4 which is to "reduce heights, increase setbacks or step the mass of the building to create sensitive interfaces with adjoining buildings".
109. Whilst a contemporary interpretation of the streetscape pattern is appropriate, the proposal in its current form will overwhelm this part of Rose Street and is out of character at six-storeys. In this instance, the height of the development should be reduced so that it mediates between the two-storey commercial buildings fronting onto Brunswick Street and the four-storey apartment building to the east and opposite side of the laneway. This will be facilitated with a condition deleting the fourth floor, resulting in a five-storey building. A further condition requires the fifth storey (i.e. the roof level) to be vegetated so as to suggest a green canopy in line with Council's heritage advice discussed later.

A greener canopy to the fifth floor would conceal portions of the fifth floor, allowing this to become a subservient element so that the predominant scale of the building is emphasised at four-storeys.

110. The deletion of the fourth floor will ensure that the development integrates better with the surrounding context and positively contributes to the quality of the built form environment in a suburb which is located within a 3km radius from the CBD. Further discussions in relation to the deletion of the fourth are provided within the 'Heritage' section of this assessment.

The Public Realm

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

111. *DSE Guidelines for Higher Density Residential Development: Element 2 Building Envelope*

- (a) *Objective 2.3 - To protect sunlight access to public spaces;*
 (b) *Objective 2.8 - To maximise informal or passive surveillance of streets and other public open spaces; and*
 (c) *Objective 2.9 - To maximise residential amenity through the provision of views and protection of privacy within the subject site and neighbouring properties.*

112. The restaurant use and fenestration at the ground floor of the frontage would promote a great deal of human movement and interaction. The windows proposed at the floor levels above the Rose Street frontage, together with the balconies would ensure that the building façade is modulated and articulated for visual interest and ensure a variation in surface alignment and materials, including some depth to this elevation.
113. Additionally, when compared to the existing building, the proposed scheme is an improvement on what is a dull building with no visual interest and minimal human activity at ground floor.
114. In terms of overshadowing, shadow diagrams submitted with the application show that a vast majority of the shadow would be cast over the public realm and the roof tops and rear spaces of commercial properties fronting onto Brunswick Street to the west in the morning hours at the time of equinox. As the day progresses to 1.00 pm, the shadows, albeit marginally, would extend to the frontages of dwellings on the immediate opposite side of the subject site. By 3.00 pm, the shadows would shift to the east and would be cast over the west-facing windows and balconies of the four-storey apartment block opposite the laneway, including public domain and frontages of dwellings along Rose Street. Using Rescode as a tool, it is considered that whilst some overshadowing will occur, it is not considered to be at the detriment of residents or usability of any secluded private open space areas. The balconies of the residential apartment building are already in shadow by the time the shadows associated with the proposed building are cast. Furthermore, these windows and balconies are west-facing and for their most part would continue to provide excellent daylight access particularly in the afternoon. This is attributed to the 3.5m separation distance as a result of the laneway. It is also noted that a condition requiring the deletion of the fourth floor would also assist in reducing the shadow impacts.

115. Many Objectors were concerned about the overlooking opportunities from the open stairwell arrangement that extends from the ground to the fifth floor across the eastern elevation, including the outdoor terrace at the first floor associated with the restaurant and communal areas on the roof terrace. In an attempt to address these concerns, the Permit Applicant provided amended plans received by Council 16 December 2011, which provide additional screening measures. The provision of 1.7m high screens at the south-west and south-east corners of the first floor terrace, together with the provision of 1.7m high screens to the open stairwell and the provision of a 1.2m-1.5m high screen along the length of the eastern edge of the roof terrace would substantially decrease any overlooking opportunities into the west-facing balconies and windows of the residential apartment building on the opposite side of the laneway to the east, including the secluded private open space to the north of this building (i.e. front onto Leicester Street).
116. Some Objectors were concerned about the overlooking opportunities into the front yards of dwellings on the opposite side of Rose Street. However, these spaces do not constitute 'secluded private open space' and the separation distance and width of Rose Street is in excess of 9.0m (i.e. 10m).
117. It is noted that whilst the adjoining buildings to the north include areas of secluded open space, these are commercial buildings which are zoned Business 1. Whilst they can be used as dwellings, they are not afforded with the same level of amenity protection entitled to be enjoyed by dwellings that are zoned Residential 1 or Mixed Use as is the case on the opposite side of Rose Street to the south, the laneway to the east and north-east fronting onto Leicester Street.
118. It is also considered that the inner city location of the subject site further justifies its intensification as does the zoning of the land being Business 1, where there is an expectation that commercial uses co-exist with residential uses.

Landmarks, Views and Vistas

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

119. The proposal will not obscure view lines to any significant landmarks.

Pedestrian Spaces

- (a) *Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.*

120. The development, subject to the aforementioned condition deleting the fourth floor, will achieve a positive interface to Rose Street. The proposed restaurant at the ground and first floors will provide for a level of activity at street level enhancing the visual and social experience of pedestrians in the public domain on a site 25m east of Brunswick Street. The combined patron and occupant entrance to the Rose Street frontage also provides for interaction at street level. The windows and balconies to each unit would allow for casual surveillance of the public domain and assist in articulating the street facade to provide visual interest and the former warehouse would be renewed.

The inverted windows across the façade, together with the organic treatment of the walls, including foliage and 'corten' material are employed to the Rose Street frontage, including the northern elevations as techniques to assist in the architectural decoration and articulation of the building. The western and eastern elevations are articulated through the provision of differing window sizes and timber finished walls, including the exposed / open stairwell that would add some depth to the eastern elevation.

Heritage

- (a) *New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*

121. Heritage will be discussed later in this assessment.

Consolidation of Sites and Empty Sites

- (a) *New development should contribute to the "complexity" and diversity of the built environment;*
- (b) *Site consolidation should not result in street frontages that are out of keeping with the "complexity" and "rhythm" of existing streetscapes; and*
- (c) *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.*

122. The existing former warehouse building would be maintained and incorporated into the scheme and would continue to reflect the hard-edged rhythm of adjoining built forms while the proposed palette of materials and finishes would assist in providing a development that would be clearly distinguished from surrounding built forms. Subject to the deletion of the fourth floor, the proposed development will positively respond to the attributes of the subject site and existing and emerging site context. While it is acknowledged that there are low-rise dwellings on fine-grain lots on the opposite side of Rose Street, within the immediate area there are also several buildings with high site coverage i.e. commercial buildings fronting onto Brunswick Street and the four-storey residential building on the opposite side of the laneway to the east. It is also noted that the adjoining properties to the north and west of the site are not sensitive given their commercial nature.

123. Additionally, the organic presentation of the building, its articulation in association with the palette of materials and finishes, incorporated setbacks that range between and the provision of balconies that would provide further depth to the building, together with a condition requiring the deletion of the fourth floor, would all in combination reduce any perception of visual bulk. Standard planning permit conditions will also require construction management and ongoing site maintenance particulars be carried out in a satisfactory manner.

Light and Shade

- (a) *Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade; and*
- (b) *This balance should not be compromised by undesirable overshadowing or exposure to the sun.*

124. Given the orientation of the subject site, it is inevitable that shadows would be cast over Rose Street and the laneways to the west and east of the site. However, it is considered that the shadows cast by the development would not unreasonably prejudice the enjoyment of the public realm or these spaces.
125. There will also be an interesting display of light and shade across the building, particularly to the Rose Street interface and the northern elevation due to the level of transparency and the placement of windows and balconies and incorporated setbacks at the first, second and third floor (and the fourth floor, however this will be deleted by way of a condition) which range between a minimum of 1.17m and 3.1m from the northern and southern boundaries respectively.

Energy and Resource Efficiency

- (a) *All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.*

DSE Guidelines for Higher Density Residential Development: Element 4 – Circulation and Services and Element 5 – Building Layout and Design

- (a) *Objective 4.4 - To minimise running and maintenance costs;*
 (b) *Objective 4.5 - To minimise water use;*
 (c) *Objective 4.6 - To incorporate provision for site services in the building design to ensure good function and ease of services and maintenance; and*
 (d) *Objective 5.4 – To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.*
126. In some instances, the north facing windows to the units are maximised with the provision of east-facing windows employed as techniques to ensure good cross ventilation. A water tank of 5000L, solar and photovoltaic panels have also been incorporated into the scheme to assist in the development's energy performance. The applicant has also submitted a report discussing the energy rating of the building and general energy efficiency for the site. This report was referred to Council's ESD advisor who was completely satisfied with the development.
127. Further, the development is located within an area that is established. The site has access to adequate road and drainage infrastructure. Should a planning permit be issued, the permit holder will need to make application to the appropriate suppliers for water, sewerage, electricity, gas and phone services. Given the surrounding developments, it is not expected that this development will unreasonably overload the capacity of those services. It is envisaged that the site is capable of accommodating this development and Council's engineers have not commented that the proposal will exceed the capacity of utility services.

Architectural Quality

- (a) *New development should aspire to the high standards in architecture and urban design; and*
 (b) *Any rooftop plant, lift over-runs, service entries, communication devices and other technical equipment should be treated as part of the overall design.*

DSE Guidelines for Higher Density Residential Development: Element 5 – Building Layout and Design

- (a) *Objective 5.5 – To provide adequate storage space for household items.*
128. The building massing and façade articulation subject to the condition deleting the fourth floor will provide for a visually interesting building that achieves a distinguished contemporary form. The lift shaft has been incorporated and treated as part of the development and any plant and machinery (i.e. solar and photovoltaic panels) are appropriately located on the roof. It is noted that the dwellings would not be provided within air-conditioning units, but ceiling fans instead.
129. Aside from either the deletion of the fourth floor and increased setback arrangements, Council's Urban Designer also recommended that the inverted glazing along the southern elevation should be re-aligned to match the angle of the parapet to the existing building and that the windows sizes along the eastern elevation should be reconsidered. However, these design features add some visual interest to the building. The inverted glazing along the central perimeter of the southern elevation is a contemporary element which clearly appears distinct from the original parapet and the varied window sizes across the eastern elevation assist in the articulation of this elevation, breaking down the visual mass.
130. Council's Urban Designer also recommended that the projection of the window sills over the public domain at the ground floor should be removed and that the northern portion of the western elevation should be further articulated to break down the visual mass. Whilst the development perspectives show the window sills at the ground floor projecting over the public domain, the ground floor plan and elevations clearly show these within the title boundaries and therefore it is not critical to address this with a condition. The northern portion of the western elevation is already considered to be articulated by its sheer construction out of timber that together with the deletion of the fourth floor as already discussed would further reduce the massing of this wall.
131. Storage areas have not been provided and it is considered appropriate to address this with a condition.

Landscape Architecture

- (a) *Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.*

DSE Guidelines for Higher Density Residential Development: Element 6 – Open Space and Landscape Design

- (a) *Objective 6.1 - To ensure access to adequate open space for all residents.*
132. It is considered that the units would cater for either single or coupled occupants, and would have an excellent level of internal amenity due to the location of windows and balconies. Each unit is provided with open space in the form of a balcony, with direct access from the primary living area. Whilst the units have substantially less than 8sqm of balcony space, these smaller balconies are associated with small units.

The development also provides roof terraces that would provide a secondary outdoor arrangement to the occupants that will be sufficient for their needs. The building promotes a communal arrangement for the occupants.

133. There are no bedrooms relying on borrowed light which is becoming common for many new apartment buildings.

Clause 22.05 - Interface Uses Policy

134. The requirements of the interface uses policy at Clause 22.05 of the Scheme require new residential uses to include design features that ensure a reasonable level of amenity within dwellings. The proposal is considered to incorporate appropriate measures through dwelling layout, and standard building materials and construction techniques to ensure good amenity for future occupiers.
135. In terms of noise levels, these will be subject to controls under the EPA guidelines. Potential noise impact will be controlled by a permit condition requiring all noise levels to comply with State Environment Protection Policy or any other standards recommended by the Environment Protection Authority. Noise associated with the sale and consumption of liquor is considered later in this assessment. A condition has also been included requiring the submission of an acoustic report to ensure that the development, where necessary, is acoustically treated to further improve the internal amenity.

Clause 22.07 - Development Abutting Laneways

136. The proposed development also has a laneway abuttal and therefore consideration against Clause 22.07 is required. The development is not relying on laneway use for vehicular access and therefore a number of the policy considerations are not applicable. The laneway to the west is short and is characterised by the hard-edged built-forms of commercial buildings fronting onto Brunswick Street. The laneway to the east is characterised by the hard-edged outbuildings of commercial properties to the north, the hard-edged four-storey residential building directly opposite, including a hard-edged dwelling at the north-east and associated on boundary fencing. The development would have no impact on the usability of either laneway to the west and east, and as already discussed, a condition deleting the fourth floor would ensure a better transition with the four-storey residential building opposite, therefore meeting the provisions of Clause 22.07.
137. It is noted that some Objectors were concerned about the laneway being used for pedestrian access to the site however other than an emergency exit, there is no other entry. The main entry is to Rose Street and this is considered to be acceptable.

Heritage

138. The subject site is located within a heritage overlay and is graded as being contributory to the wider precinct. As such, heritage considerations are crucial to the assessment of this application. The subject site forms part of the South Fitzroy Heritage Precinct HO334 which generally applies to both sides of Rose Street for its entire length between Nicholson Street to the west and Smith Street to the east. In addition, the subject site abuts the Brunswick Street Heritage Precinct HO311 to the west.

139. As is currently proposed, any demolition or redevelopment of the subject site needs to carefully consider its surrounding context to develop a built form which will not adversely affect the heritage place being the subject building or the broader precinct. In assessing how adequately the application responds to Council's *Development Guidelines for Sites Subject to the Heritage Overlay* (Clause 22.02) and the provisions of the Heritage Overlay (Clause 43.01) it is necessary to contemplate the impact of the development in the context of:

Demolition

140. In relation to demolition for contributory buildings, Clause 22.02-5.1 states that it is policy to:
- (a) *generally discourage the demolition of contributory elements unless that part of the heritage place has been changed beyond recognition of its original or subsequent contributory character.*

141. The demolition works proposed entail the removal of the existing roof, east-facing door and window to the east, including the galvanised fence and door at the north-east corner of the site. The façade and on-boundary walls of the building, including the on-boundary wall to the north would be maintained and incorporated into the scheme. The roof is generally concealed behind the façade parapet and the north-facing wall is at the rear, and therefore their demolition is supported by both policy, and Council's Heritage Advisor. The renewal of the existing façade and its presentation to the laneway is also supported.

Buildings and works

142. New development, alterations and additions are encouraged to find a balance between respecting the pattern, rhythm, scale and orientation of a heritage place, without dominating, replicating and being indistinguishable from the original building forms.
143. The design adopts a six-storey scale. The existing building would be maintained and incorporated into the scheme, and as such would continue to make reference to the hard-edged rhythm of facades along both, northern and southern sides of Rose Street including the hard-edged interfaces to each laneway. The incorporated setbacks at the upper levels across the Rose Street frontage which range between 3.1m and 3.5m are considered to respond to the existing building in terms of providing an appropriate separation point from the original parapet of the former warehouse building. However the prominence of the development is exacerbated by its height as discussed in previous sections.
144. Clause 22.02-5.7.1 of the Scheme provides the general provisions for *New Development, Alterations or Additions* and provides that upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (as detailed at Figure 2 for 'Contributory' buildings). However, where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail. In this instance, the development is associated with a former warehouse building and the sight line diagrams are not relevant.

145. The specific requirements at Clause 22.02-5.7.2 of the Scheme relate to *Industrial, Commercial and Retail Heritage Place or Contributory Elements* and amongst other policies encourage *new upper level additions and works to respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements, and each higher element be set further back from lower heritage built form and to incorporate treatments which make them less apparent.*
146. In this instance, whilst the incorporated setbacks and the treatment are generally considered adequate, the height of the development is considered to be at odds with the general scale of the area. A four-storey building with a subservient fifth storey on this lot is considered to make better reference to surrounding properties. It is also considered that the deletion of the fourth floor would in part assist in appeasing the Objector's concerns in relation to the height and massing of the building.
147. A report prepared by Heritage Consultant, Bryce Raworth was supplied to Council as an attempt to justify the development's design from a heritage perspective. This heritage report, together with the application plans were referred to Council's Heritage Advisor.
148. Council's Heritage Advisor agreed with the extent of demolition proposed (i.e. being limited to the roof of the existing building, the removal of the rear north-facing wall, several windows and doors including the rear deck), however raised concerns with regard to the scale and height of the development. The following comments (amongst others) are extracted from Council's Heritage Advice:
- (a) *The first issue with this development is that it is five storeys, and with rooftop additions, which is at odds with other recent developments in the area – i.e. two storeys plus roof elements higher than most. The impact is quite evident in Drwg. A11 where it is effectively 2 ½ levels (including the rooftop elements) higher than the abutting four storey development at No. 101-111 Rose Street to the east. While not a heritage building, it fits in with the general scale of the street. Moreover the top two floors and rooftop elements of the proposed new building will be highly visible from Brunswick Street (from the north looking diagonally south to the subject site (Booklet p. 50) and in views to the east along Rose Street (west of Brunswick Street (Booklet p. 51) where it will overwhelm the view of the shop at 378 Brunswick Street (north-east corner of Rose Street). The views (Booklet p. 51 and 52) clearly show how this proposal will change the scale of Rose Street and overall will set an unwelcome precedent for height and visual intrusion in this part of Fitzroy which remains quite low-rise.*
 - (b) *It is recommended that for the above reasons one level is deleted and that the roof level is planted out as much as possible so as to suggest a vegetated canopy.*
149. With the above advice in mind, it is considered that the development has failed to have regard to Council's conservation policies for contributory buildings. It is also considered that the development as presented to Rose Street fails to consider its spatial context with particular regard to its height.

A new development on this site should effectively relate in scale to the surrounding context and whilst make reference to the four-storey residential building located at the corner of Rose Street and the laneway, also make reference to the two and three-storey built forms within the area.

150. The report prepared by Heritage Consultant, Bryce Raworth has made an attempt to justify the height and scale of the development through a greater emphasis on the four-storey residential building opposite the site, including the development's distinct and contemporary design from the original building. The report also suggests that there are a *variety of scales in building in Rose Street*. Whilst Rose Street does range in scale in a broader sense, the immediate context ranges between one and three-storeys with the only four-storey building located to the opposite side of the site. The scale of built form along Brunswick Street is predominantly two-storeys and this together with the immediate context along Rose Street should not be ignored.
151. The use of colours and materials is also generally appropriate, with natural timber, raw concrete and copper selected.
152. Local policy at Clause 22.02-5.7.2 encourages ancillaries to not be visible or to be incorporated into the design of a development. In this instance, the ancillaries will be located above the roofs of the service provided on the roof terrace and are therefore located in an appropriate location (as opposed to being placed on facades or balconies).
153. Overall it is considered that subject to the deletion of the fourth floor, the proposal preserves and sympathetically relates to the heritage values of the retained building and is respectful of the heritage values of the South Fitzroy Heritage Precinct and is therefore supported from a heritage perspective.

Clause 22.09 – Licensed Premises Policy and Clause 52.27 – Licensed Premises provisions.

154. Clause 22.09 of the Scheme is Council's local policy that is used to guide the assessment of the proposal against the following decision guidelines of Clause 52.27:
 - (a) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area;*
 - (b) *The impact of the hours of operation on the amenity of the area; and*
 - (c) *The impact of the number of patrons on the amenity of the area.*
155. The following assessment is provided against the relevant provisions of Clause 22.09:

Clause 22.09-3.1 – Location and Access
156. *New licensed premises should be located such that:*
 - (a) *they are not in Residential, or Mixed Use zones;*
 - (b) *premises that are closed at ground floor level during the day do not unduly interrupt continuous active retail frontage in activity centres;*

- (c) *there is appropriate opportunity to manage or buffer potential amenity impacts including ingress by queuing patrons, egress of those who have consumed alcohol on the premises, anti-social behaviour, in relation to more sensitive uses and, in particular, residential use;*
 - (d) *there is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises; and*
 - (e) *there is adequate infrastructure including space for smokers, public toilets in the vicinity.*
157. The subject site is located within a Business 1 Zone, where a restaurant is an as-of-right use. The use will not unduly interrupt the retail frontage to Brunswick Street given its separation distance of 25m. The liquor licence is associated with a restaurant which minimises potential amenity impacts as the primary purpose of the business is the food component.
158. The entry and exit is clearly defined along Rose Street and an adequate smoking area can be facilitated at the north-west corner and within the courtyard, first floor terrace and if need be, on the footpath at the front of the site. It is noted that this spread of choice in terms of smoking areas, will ensure that smokers do not congregate on Rose Street.

Clause 22.09-3.2 – Hours of Operation

159. Assessment of the impact of the hours of operation on the amenity of the surrounding area consider:
- (a) *The proposed use.*
 - (b) *The zoning of surrounding land.*
 - (c) *The location of the premises and location of car parking.*
 - (d) *The nature of surrounding uses and hours of operation.*
 - (e) *Potential noise emissions from the premises.*
 - (f) *The impact of patrons arriving and leaving the premises.*
160. Licensed premises in a Residential or Mixed Use Zone or within 30m of a residential area not trade beyond 11.00 pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.
161. The application seeks approval for liquor to be sold and consumed from 7.00 am till midnight, seven days a week. The application was referred to Council's Community Amenity Unit who raised no concerns with the hours of operation subject to a condition requiring the serving of alcohol with meals. However, it is considered appropriate to limit the hours of the serving of alcohol to the hours outlined within the above policy. It is also considered that it is essential to restrict the operating hours relating to the use of the outdoor seating area at the first floor terrace, because of potential amenity impacts on the surrounding residential properties particularly those opposite the site. A time limit of 8.00 pm is considered to be reasonable and should be required by a condition. Whilst these conditions will be imposed, it must be acknowledged that full protection of offsite amenity cannot be expected given this site's location within a Business 1 zone and proximity to Brunswick Street, also forming part of a major activity centre.

162. The Applicant has also applied for a 7.00 am commencement to the liquor licence which is not considered appropriate in the seating area on the terrace given its open nature and the site's proximity to residential properties. An 8.00 am commencement is considered more appropriate to maintain a reasonable level of amenity to the surrounding residential development and whilst this policy does not specifically deal with opening hours, it is considered appropriate in this instance.

Clause 22.09-3.3 – Patron Numbers

- (a) *The number of patrons not exceed the safe and amenable operating capacity of the premises.*
- (b) *The number of patrons not adversely affect the amenity of the surrounding area.*

163. The proposed restaurant seeks to allow 100 patrons on the site at any one time. This is considered to be a number that can be accommodated comfortably on the site, generously spread across two floor levels. Given the function of the Brunswick Street Major Activity Centre, it is likely that many people will walk or catch public transport to the site. On this basis, the proposed patron numbers are considered acceptable.

Clause 22.09-3.4 – Noise

- (a) *The operation of licensed premises have minimal impact on the amenity of the area, in relation to noise.*
- (b) *Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy.*
- (c) *On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities.*

164. Noise from within the development will be managed in accordance with the Noise and Amenity Action Plan (NAAP) which addresses sources of noise and methods for on-site noise attenuation. In particular the NAAP proposes the use of acoustically treated ceilings and wall panels and where necessary, double-glazing to the windows. It is also stated in the NAAP that any noise emanating from the premises will be required to comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N1. However, to ensure that noise emissions are appropriate to the surrounding area, an acoustic report will be required by way of condition to ensure that the noise attenuation measures are appropriate and will not result in unreasonable noise emissions.

Clause 22.09-3.5 – Car Parking

- (a) *Car parking for licensed premises not detrimentally impact on the functioning of local traffic networks and car parking availability.*
- (b) *Car parking be managed to discourage patrons parking in front of residential properties or in residential areas.*
- (c) *Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.*

165. The issue of car parking will be addressed later in this assessment.

*Clause 22.09-3.6 – Noise and Amenity Plan**(a) Licensed premises be managed in accordance with a Noise and Amenity Plan.*

166. As indicated earlier, the Permit Applicant has provided a NAAP with their submission. The Plan addresses the relevant management issues required in a NAAP. However, some of the conditions recommended in this report are of consequence to the NAAP (i.e. the reduced operating hours) and should be amended accordingly by way of a permit condition.
167. Further, a condition should be imposed on any permit issued requiring management in conformity with the satisfactorily amended NAAP. Standard conditions will also be imposed in relation to the storage and disposing of bottles / glass.
168. Amongst other things such as the hours of operation, patron numbers, and the general impact of licensed premises on the amenity of an area, the decision guidelines of Clause 52.27 require consideration of the cumulative impact of the existing and proposed liquor licences in the area.
169. The decision guidelines at Clause 52.27 of the Scheme, includes the consideration of the impact of the sale or consumption of liquor on the amenity of the surrounding area, the impact of the hours of operation and number of patrons on the amenity of the surrounding area and the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
170. The majority of the above considerations are considered in Council's local licensed premises policy (Clause 22.09 as outlined earlier) which provides a local perspective to the ambitions of the planning policy within the State Planning Policy Framework.
171. In addition to this, it is necessary to give consideration to potential cumulative impacts associated with the new liquor licence. The "Corner Hotel" decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides a potential assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.
172. Since the "Corner Hotel" decision Council has developed the following matrix of risk tool to determine the likelihood of cumulative impact occurring as a result of a proposal based on risk factors associated with the type of premises, size of premises and closing hours of the premises to help determine what level of assessment is appropriate.

Type of Premise	Risk Factor
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2

Size of Premise	Risk Factor
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	3
Closing hours	Risk factor
11pm	0
12am	1
1am	2
2am	3
3am	3
After 3am	4

173. Applying the above matrix of risk, a reasonable consideration would suggest a score of 1-3 would be no risk, higher than 3 would be a potential risk.
174. Using this assessment tool, the subject site is identified as having a score of 3 and as such a low risk of causing a cumulative impact as a result of the liquor licence. As such, an assessment against the guidelines of this decision is not warranted. In light of the suggested conditions to reduce the licensed hours, the score is further reduced to 2 further ensuring that the new licence does not resolve in a cumulative impact.

Traffic, parking and loading

175. The following tables outline the car parking requirement for the proposal under Clause 52.06 and ResCode. Whilst Rescode does not technically apply for a development of four or more storeys the parking provision requirement is a useful guide to consider car parking demand for the residential component.

<u>Dwelling type</u>	1bed (10)	2 bed (2)	Visitor	Total spaces required
Clause 52.06: 2 spaces per dwelling, visitor parking not specified.	20	4	0	24 car spaces.
Rescode: (1 space/1 and 2 bed dwellings, 1 visitor space/ 5 dwellings.	10	2	2	16 car spaces.

<u>Restaurant</u>	No. of seats	Total spaces required

Clause 52.06: 0.6 car spaces to each seat available to the public.	100	60 car spaces.
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176. The development does not propose any onsite car parking. Accordingly, a waiver of 84 spaces is being sought pursuant to the Yarra Planning Scheme.
177. A waiver in car parking requirements is guided by considerations contained in Clause 52.06 of the Yarra Planning Scheme. In order to justify the waiver, the availability of car parking in the locality and the availability of public transport in the area must be considered. Council must be satisfied that any development does not pose a significant hindrance on existing parking conditions.
178. Additionally, an on-site loading bay is not provided and Clause 52.07 states that a permit may be granted to reduce or waive these requirements if either:
- the land area is insufficient; and
 - adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.
179. The permit application was accompanied by a Traffic and Transport Assessment report prepared by Cardno Grogan Richards which offers the following conclusions amongst others:
- The development, as it does not propose on site car spaces, will not generate a significant amount of traffic;*
 - The site has excellent access to a range of public transport services providing viable alternatives to the private motor vehicle;*
 - It is considered that there is a market for dwellings without car parking in this area;*
 - It is anticipated that the proposed restaurant will attract an additional 30 patrons who will have driven to the Brunswick Street area thus generating a parking demand, of which just 15 are likely to have driven to exclusively patronise the subject site;*
 - A generous bicycle provision has been provided on-site in excess of the requirements of Clause 52.34 of the Planning Scheme;*
 - Given the existing loading practices in the area, it is not unreasonable that loading for the proposed restaurant takes place on-street; and*
 - The proposed development and waiver of the car parking requirements is not expected to have a significant impact on the availability of public parking in the Brunswick Street precinct.*
180. With the above conclusions in mind, together with the advice provided by Council's Engineering Services Unit, the car parking and loading bay waiver being sought is considered appropriate for the following reasons:
- The subject site forms part of the Brunswick Street Major Activity Centre;
 - The subject site has excellent access to public transport facilities with established tram routes, retail outlets, restaurants and cafes and various other facilities and resources;

- (c) It is considered that providing the car parking provision on-site, will in fact, increase detriment to the surrounding local road network through increased traffic congestion which is not considered to be consistent with Council's Municipal Strategic Statement at Clause 21.06-3 of the Scheme;
- (d) Resident or visitor parking permits will not be issued for the development, helping to 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;
- (e) There a growing trend in the emergence of multi-unit residential developments that are providing residences without any on-site car parking, concluding that these dwellings would be appropriate for persons who rely on public transport or other alternative forms of transport such as bicycles;
- (f) It is anticipated that loading will be infrequent and typically by small vans;
- (g) A Green Travel Plan has also been established for the site that contains the following actions (amongst others) / commitments:
 - (i) Flexicar Car Share membership to be used by occupants;
 - (ii) Annual Metcards / Mykis provided to occupants;
 - (iii) The provision of a manual / kit that would be provided to the occupants outlining the building rationale; and
 - (iv) Annual assessment of the carbon emissions of the building to determine any additional offsets required to ensure carbon neutrality.
- (h) Council's Traffic Engineer has concluded that the development would not have an adverse impact on the existing traffic conditions in the area.

181. The Green Travel Plan will be monitored through the body corporate to ensure that the targets and actions are met.

182. Additionally, the provision of bicycle parking should be encouraged as a sustainable transport alternative on sites in the inner city with good access to public transport and bicycle networks.
The development provides a total of 22 bicycle spaces, exceeding the requirements of this Clause 52.34-3 of the Scheme.

Objector concerns

183. Issues raised by objectors have generally been discussed throughout the report assessment. For ease of reference, paragraph numbers are contained below. Where issues have not been previously discussed, comments are provided:

- (a) Neighbourhood Character / Heritage (paragraphs 102 to 110 and 136 and 138 to 153, respectively);
- (b) Height, visual bulk and site coverage (paragraphs 102 to 110, 120, 122 and 129);
- (c) Overlooking (paragraphs 115 and 116);
- (d) Overshadowing (paragraphs 114 and 124); and
- (e) Overdevelopment;

184. The proposal has been assessed against Council policies, including consideration of a range of issues which provide an indication of overdevelopment (including compliance with strategic policy, local character, impacts on neighbours etc). Subject to the deletion of the fourth floor, the development acceptably responds to these issues and the proposal would not be an overdevelopment of the site.

(f) Loss of views:

185. Any loss of views from private spaces is not a matter that requires consideration within the Planning Scheme.

(g) Noise (paragraphs 135 and 164);

(h) Waste management;

186. The WMP prepared by Leigh Design Pty. Ltd. was referred to Councils Contract Services Unit who raised no objection subject to a condition reducing the quantity of the mobile garbage bins associated with the units from four to three. This would also alleviate some of the Objector concerns in relation to the collection of bins along Rose Street. It is noted that the WMP provides an appropriate management strategy for the collection of bins.

(i) Car parking dispensation (paragraphs 175 and 182); and

(j) Increased human traffic along Rose Street:

187. Rose Street is a public street and there is no evidence to suggest that the restaurant would result in negative behaviour of patrons when leaving the venue. Objectors raised concerns in relation to patron behaviour (associated with alcohol consumption) and negative use of the laneway and Rose Street however this is an issue of personal behaviour that is a matter for the police to investigate.

Conclusion

188. The proposal subject to conditions will respond to the site context in a manner which will not adversely affect the character of the surrounding neighbourhood and will contribute to the quality of architecture in the local area.

Subject to conditions, the design response will achieve an acceptable level of amenity for future occupants within a building form that will integrate with the layout, rhythm and scale of surrounding built form. The subject site forms part of the Brunswick Street Major Activity Centre and therefore within close range to local services, facilities and alternative transport modes. The incorporated ESD imperatives are also a welcomed response to the site's inner city context.

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- 3. 61 Rose Street, Fitzroy – Planning Permit Application No. PLN11/0576 (Demolition and construction of a 6-storey residential building with two (2) artist studios at ground level and a reduction in the associated car parking requirement of the Yarra Planning Scheme).**
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Executive Summary

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 61 Rose Street, Fitzroy. This report recommends approval of the submitted proposal subject to amendments addressed by way of conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 15 (Built environment and heritage) and clause 16 (Housing);
 - (b) clause 21.05 (Built form) and clause 21.08 (Neighbourhoods); and
 - (c) clause 22.02 (Development guidelines for sites subject to the heritage overlay), clause 22.05 (Interface uses) and clause 22.07 Development abutting laneways.

Key Issues

3. The key issues for Council in considering this proposal relate to:
 - (a) policy (consistency with state and local planning policy);
 - (b) heritage, design and built form; and
 - (c) objector concerns.

Objector Concerns

4. Eleven (11) objections have been received. These can be summarised as:
 - (a) the proposed design and height of the building is out of context with the street;
 - (b) over-shadowing;
 - (c) overlooking; and
 - (d) traffic (congestion, lack of on-site car parking provision, use of the laneway, noise and pollution).

Conclusion

5. A consultation meeting was held on 13 December 2011. Following the consultation meeting the applicant provided sketch plans to Council on 10 February 2012 providing Council with a modified ground level plan (TP00LGB) showing:
 - (a) an increased area to provide bicycle parking (from 7sqm to 46sqm);
 - (b) an increased area for waste storage (from 7sqm to 23sqm);
 - (c) provision of storage cages located within the car park;

- (d) a reduced width for pedestrian entrance foyer to Rose Street (from 4.2m width to 4.3m);
 - (e) the deletion of a vehicle crossover and car parking space (garage) fronting Rose Street; and
 - (f) provision of a separate entrance to Rose Street (to be utilised by bicycles and for waste collection).
6. Further, a perspective was provided demonstrating how overlooking to the north will be limited through the provision of appropriate screens (submitted in response to objector concerns).
 7. The plans have not been formally amended. The applicant has agreed for these aspects to be conditioned.
 8. The proposal is an appropriate residential development for the site's location within the Mixed Use Zone and makes efficient use of the land. The subject site is located within close proximity to the Brunswick Street Major Activity Centre, with good access to public transport and other services and facilities.
 9. The pattern of subdivision and scale of development in this part of Fitzroy is varied. The proposed built form is considered appropriate for the site context subject to modifications that can be addressed by way of condition to improve on-site amenity and provide an improved ground level street presentation to Rose Street. Buildings in the immediate vicinity of the subject site (including the dwellings located north of the abutting laneway) are located within the Mixed Use Zone. In terms of built form, land to the east and west of the subject site is developed with 2 and 3-storey built form. In short, the subject site is located within an area of Fitzroy which has varying residential development types and built form.

RECOMMENDATION

10. That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN11/0576 for development of the land at 61 Rose Street, Fitzroy for demolition and construction of a 6-storey residential building with two (2) artist studios at ground level and a reduction in the associated car parking requirement of the Yarra Planning Scheme, generally in accordance with the plans received by Council on 22 September 2011 and subject to the following conditions:
 1. Before the development and use 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 (3) copies must be provided. The plans must be generally in accordance with the plans dated 22 September 2011 but modified to show the following:
 - (a) a reconfigured ground floor layout generally in accordance with the modified ground level plan TP00LGB submitted to Council on 10 February 2012 showing:
 - (i) an increased area to provide bicycle parking (from 7sqm to 46sqm);

- (ii) an increased area for waste storage (from 7sqm to 23sqm);
 - (iii) provision of storage cages for new dwellings (located within the car park;
 - (iv) a reduced width for pedestrian entrance foyer to Rose Street (from 4.2m width to 4.3m);
 - (v) the deletion of a vehicle crossover and car parking space (garage) fronting Rose Street; and
 - (vi) provision of a separate entrance to Rose Street (to be utilised by bicycles and for waste collection).
- (b) a modified Rose Street elevation reflecting the modified ground level plan TP00LGB submitted to Council on 10 February 2012;
 - (c) all north-facing balcony screens must be designed to restrict direct views to habitable room windows and secluded private open space areas within a distance of 9m, with details of the screening (cross-sections) provided;
 - (d) use of visually transparent materials for the Rose Street roller door (in lieu of metal shown) and access door to the bicycle store / waste store;
 - (e) external shading to the north-facing windows of level 5 and the bedroom windows of levels 1 to 4);
 - (f) an amended ESD report and updated STORM report to demonstrate how the development meets best practice stormwater targets;
 - (g) all principles / initiatives referenced in the Environmental Sustainable Design (ESD) report prepared by Ark Resources dated 21 September 2011 incorporating modifications required by condition 1(e) and 1(f);
 - (h) submission of samples board(s) with a schedule of all external materials, finishes and colours;
 - (i) any services, including air conditioning units, concealed from the public realm so as to have limited impact on the streetscape and adjoining properties and be appropriately acoustically treated to comply with relevant guidelines for noise emissions
 - (j) patterned render on the western wall of the building; and
 - (k) 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.
2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
 3. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
 4. All new on-boundary walls to be cleaned and finished to the satisfaction of the Responsible Authority.
 5. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

Environmental Sustainable Design (ESD)

6. The principles / initiatives referenced in the Environmental Sustainable Design (ESD) report prepared by Ark Resources dated 21 September 2011 (including an updated STORM report as required by condition 1(f) on this planning permit), must be implemented to the satisfaction of the Responsible Authority.

Car Parking

7. No fewer than fifteen (15) car parking spaces must be provided on the land for the development.
8. Prior to the occupation of the development, an allocation schedule must be submitted to the satisfaction of the Responsible Authority providing no more than one (1) car space to each dwelling.
9. The car parking areas must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority.
10. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose to the satisfaction of the Responsible Authority.
11. Areas set aside for the parking of vehicles, together with the aisles and access lanes, must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all weather seal coat to the satisfaction of the Responsible Authority.
12. Any redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction. The costs of these works shall be borne by the developer.
13. Prior to the occupation of the dwellings, the footpath spanning along the property's Rose Street frontage must be reconstructed after all building works and utility connections have been completed. These footpath works are to be done at the developer's expense.

Bicycle Parking

14. A minimum of 35 bicycle parking spaces must be provided within the building to support the development hereby permitted, to the satisfaction of the Responsible Authority.

Artist Studio (use and operation)

15. The artist studio may only operate between the hours of 8.00 am and 8.00 pm on any day.
16. No more than five (5) people may be within each artist studio at any one time, unless with the prior written consent of the Responsible Authority.

17. The amenity of the area must not be detrimentally affected by the artist studios premises through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.

Landscaping

18. Prior to the occupation of the dwellings the applicant must submit a Landscape Plan drawn to scale with dimensions and three (3) copies provided. The Landscape Plan must include, but not be limited to the following:
- (a) Landscaping on the balconies of the building and ground level (adjacent to the artist studios).
 - (b) Provision of hard and soft landscaping including surfaces capable of water penetration.
 - (c) The location, quantity, density and size of all proposed plants at planting, and their botanical name.
 - (d) Watering and maintenance regime, including Water Sustainable Urban Design (WSUD) initiatives and the collection and re-use of water within the landscaped areas.
19. Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.
20. The site must be landscaped prior to the occupation of any dwelling allowed by this permit.

Lighting

21. The development must be provided with lighting capable of illuminating access to each car parking space, bicycle parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Waste Management

22. Prior to the occupation of the dwellings the applicant must submit an amended Waste Management Plan to include but not limited to:
- (a) collection point details;
 - (b) details on path of access from bin store to collection point; and
 - (c) an adequate hard waste area at the bin store.
23. Waste Management must be undertaken in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

24. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view.

Noise

25. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.

Construction

26. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must include, but not be limited to the following:
- (a) A pre-conditions survey of all adjacent Council roads and footpaths.
 - (b) Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site).
 - (c) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - (d) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site.
 - (e) On site facilities for vehicle washing.
 - (f) Methods for management of noise and general nuisance.
 - (g) Details of any temporary fencing.
 - (h) Site security.
 - (i) Waste and stormwater treatment.
 - (j) Construction program.
 - (k) Preferred routes for trucks delivering to the site.
 - (l) Parking facilities for construction workers.
 - (m) Delivery and unloading points and expected frequency.
 - (n) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - (o) 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.
 - (p) Traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
 - (q) Contractor details.
 - (r) Full details of implementation of the approved Construction Management Plan.

Time Limit

27. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays.

No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

28. This permit will expire if the development or use is not commenced within two (2) years from the date of this permit and the development is not completed within four (4) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

NOTES

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

This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air-conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

The design and construction of the proposed vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's *Vehicular Access into Properties* (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

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

The finished floor levels at the edge of the concrete slab must be set 40 mm higher than the edge of the Right of Way's bluestone pavement.

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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: Sarah Griffiths
TITLE: Senior Statutory Planner
TEL: 9205 5363

3. 61 Rose Street, Fitzroy – Planning Permit Application No. PLN11/0576 (Demolition and construction of a 6-storey residential building with two (2) artist studios at ground level and a reduction in the associated car parking requirement of the Yarra Planning Scheme).

Land:	61 Rose Street, Fitzroy
Proposal:	Demolition and construction of a 6-storey residential building with two (2) artist studios at ground level and a reduction in the associated car parking requirement of the Yarra Planning Scheme
Existing Use:	Industrial / warehouse
Applicant:	Jackson Architecture c/- Hansen Partnership
Zoning:	Mixed Use Zone (MUZ)
Overlay Controls:	Heritage Overlay Schedule 334 (HO334) and Environmental Audit Overlay (EAO)
Date of Application:	18 July 2011
Application No:	PLN11/0576

Background

1. The application for planning permit was lodged with Council on 18 July 2011. The application was advertised in October 2011 and eleven (11) objections were received. A consultation meeting was held on 13 December 2011.
2. Following the consultation meeting, the applicant provided sketch plans to Council on 10 February 2012 with a modified ground level plan (TP00LGB) showing:
 - (a) an increased area to provide bicycle parking (from 7sqm to 46sqm);
 - (b) an increased area for waste storage (from 7sqm to 23sqm); provision of storage cages located within the car park;
 - (c) a reduced width for pedestrian entrance foyer to Rose Street (from 4.2m width to 3.4m);
 - (d) the deletion of a vehicle crossover and car parking space (garage) fronting Rose Street; and
 - (e) provision of a separate entrance to Rose Street (to be utilised by bicycles and waste collection).
3. A perspective and cross-section plan was also provided demonstrating how overlooking to the north will be limited through the provision of appropriate screens (submitted in response to objector concerns).
4. While the submitted plans have not been formally amended, the applicant has agreed for the changes shown on the modified ground level plan to be conditioned.

Planning History

5. There is no planning history for the subject site.

Existing Conditions

6. Number 61 Rose Street, Fitzroy (the subject site) is located on the northern side of Rose Street, to the east of Brunswick Street and to the west of Nicholson Street. The site is located north of Johnston Street and south of Alexandra Parade.
7. The subject site has a northern frontage to a laneway (right-of-way) of approximately 19.8m and a southern frontage to Rose Street of 19.8m. The subject site has a depth of 22.7m, yielding a total site area of approximately 535sqm.
8. The subject site is developed with a single-storey warehouse building covering 100 per cent of the subject site and attached to the west adjoining warehouse building. The building is constructed of red brick and has a saw-tooth roof. The building is used for motor vehicle repairs.
9. The subject site is relatively flat.

Restrictive covenants

10. There are no restrictive covenants or encumbrances on the title submitted with the application.

Surrounding Land

11. The subject site forms part of a diverse urban area with the immediate area demonstrating medium and high density apartment developments. North of the subject site (on the north side of the laneway) development is low-rise and residential on smaller, fine-grain lots. Along Rose Street building heights are 2 and 3-storeys (predominantly 3-storeys along the northern side of the street) and used for residential and commercial uses. Architectural styles are varied and construction is hard-edge with recessed garages (at ground floor) and terraces (at the upper floors) orientated to the street being a common design theme.
12. Parking in the locality is largely provided on-street, with restrictions. Access to public transport is excellent. Trams are provided on Brunswick Street and Nicholson Street and bus routes are provided on Alexandra Parade (located to the north) and Johnston Street (located to the south). To the west of the subject site is Nicholson Street which offers services and facilities. And to the east of the subject site (135m) is Brunswick Street, a Major Activity Centre characterised generally by 2-storey buildings orientated to the street providing a wide range of commercial land uses with shops, restaurants and offices, some with residences above.
13. Immediately to the north of the subject site is a 3.6m wide bluestone laneway (right-of-way) with a carriageway width of approximately 3.53m. Beyond this, further north, are several dwellings orientated to Leicester Street with their secluded private open space areas located at the rear (south). Some of these dwellings have garages abutting the laneway which are accessed from the laneway.

14. Land to the east of the subject site is developed with four, 3-storey dwellings (townhouses) orientated to Rose Street with their secluded private open space areas located at the rear (north). The dwellings have garages at the front, accessed from Rose Street.
15. Immediately to the south of the subject site is Rose Street, beyond which is the Rose Street artist market which comprises a single-storey building constructed hard-edge to Rose Street and an uncovered area.
16. Land to the west of the subject site is developed with a building similar in appearance to the subject site, utilised by a sign manufacturing company. The building is single-storey in height with a sawtooth roof (equating to a 2-storey building height). This building has laneway abutments to the north and west. Beyond this, further west, is a recent 4-storey residential development which is a contemporary infill design with industrial character.

Proposal

17. The proposal includes the construction of a six (6) storey building with on-site car parking provided at ground level. The seventeen (17) dwellings proposed in total will comprise two 1-bedroom and fifteen 2-bedroom units. Two (2) artist studios will be provided at ground level, accessed directly from Rose Street.
18. The proposal can be summarised as follows:

Demolition

- (a) Demolition of the existing warehouse building

Building layout

Ground level

- (a) Pedestrian entry to dwellings from Rose Street via entrance lobby (16sqm) with a central lift core.
- (b) Two (2) artist studios fronting Rose Street (each measuring 15sqm).
- (c) Landscaping provided fronting Rose Street.
- (d) Vehicle entrance via the laneway.
- (e) Car parking spaces, an area of 7sqm for bicycle parking spaces and an area of 7sqm for refuse storage for the dwellings.
- (f) A total of 16 on-site car parking spaces (14 on-site car parking spaces will be provided for residents and two (2) on-site car parking spaces will be provided for the artist studios in the form of garages, accessed from Rose Street).

Upper floors (levels 1 to 5)

- (a) A total of seventeen (17) dwellings.
- (b) Minimum size for dwellings of 43sqm (for 1 bedroom dwellings) and 78sqm for 2 bedroom dwellings.
- (c) Each dwelling with either a northern orientation (laneway) or southern orientation (Rose Street).
- (d) Levels 1 and 2 providing four 2-bedroom dwellings per floor.
- (e) Level 3, the provision of 2x1 bedroom and 2x2 bedroom dwellings.
- (f) Level 4, the provision of 3x2 bedroom dwellings.

- (g) Level 5, the provision of 2x2 bedroom dwellings

Building siting and scale – general

- (a) Site coverage approximately 92 per cent.
- (b) Hard edge construction at ground level to both side (east and west) boundaries and to the northern (laneway) frontage except for a 7.5m wide vehicle access.
- (c) A ground level setback from Rose Street of 2.1m providing for garage entries (for the artist studios) and soft landscaping fronting the footpath.
- (d) Rear (northern) setbacks (from laneway) of 2m (first and second levels), 5.0m (third and fourth levels) and 7.5m (with lift only protruding into this setback) at level 5.
- (e) Front (southern) setbacks (from Rose Street) by 2.1m (first and second levels), 5.0m (third and fourth levels) and 7.5m (with lift protruding into this front setback) at level 5.
- (f) Balconies for dwellings ranging between 5sqm and 12sqm provided within front and rear setbacks (at all upper levels).
- (g) Height of building six (6) storeys.
- (h) Maximum building height of 18.9m with lift over-run on the roof.

External materials and finishes

- (a) Metal panel lift garage doors fronting Rose Street .
- (b) Clear glazed pedestrian entry.
- (c) Timber cladding to level 1 and 2 (Rose Street elevation).
- (d) Render (white) to level 4 (Rose Street elevation).
- (e) Timber decking on all balconies (levels 1 to 5).
- (f) Balcony screens fronting Rose Street in the form of timber (at ground, first and second level) and clear glass on levels 3, 4 and 5.
- (g) Balcony screens fronting the laneway in the form of timber (at first and second level) and clear glass on levels 3, 4 and 5.

Landscaping

- (a) Landscaping will be provided on the Rose Street frontage (abutting the artist studios, at ground floor).
- (b) On levels 1 to 5, the provision of planter boxes fronting the laneway.
- (c) On levels 3 and 5, the provision of planter boxes fronting Rose Street.

Environmental Sustainable Design (ESD) initiatives

- (a) A 6-star energy efficiency rating (average).
- (b) Solar photovoltaic system for common area electricity demand.
- (c) Roof-mounted solar panels.
- (d) Stormwater reuse for toilet flushing.
- (e) Ground level water tank (located within the car park).

Planning Controls

Mixed Use Zone (MUZ)

19. 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; and*
 - (c) *to encourage residential development that respects the neighbourhood character.*
20. Pursuant to clause 32.04-1 of the Yarra Planning Scheme (the Scheme), a dwelling is a section 1 use (permit not required). Pursuant to clause 32.04-5 of the Scheme a planning permit is required to construct two (2) or more dwellings on a lot. Given that the proposed development is over four storeys in height, the requirements of clause 55 (Two or more dwellings on a lot) of the Scheme do not apply to this application.
21. A planning permit is required for the use of part of the ground floor of the building for an artist studio. Pursuant to clause 32.04-7 of the Scheme, a planning permit is also required to construct a building or carry out works for a section 2 use.

Overlays

Heritage Overlay (HO)

22. The subject site is within the Heritage Overlay Schedule 334 South Fitzroy Precinct (HO334). The subject building has been graded as non-contributory within Appendix 8 of the incorporated document referred to at clause 22.02 of the Scheme. Pursuant to clause 43.01-1 of the Scheme, a planning permit is required (among other things) to demolish or remove a building and construct a building or construct or carry out works.
23. 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)

24. 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.*
25. As the proposal will result in buildings and works associated with a sensitive use (residential), an audit must be undertaken.

General Provisions

Clause 65 (Decision Guidelines)

26. Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate (and relevant):
- (a) *the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
 - (b) *the purpose of the zone, overlay or other provision;*
 - (c) *any matter required to be considered in the zone, overlay or other provision;*
 - (d) *the orderly planning of the area;*
 - (e) *the effect on the amenity of the area;*
 - (f) *the proximity of the land to any public land; and*
 - (g) *whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

Particular Provisions

Clause 52.06 (Car Parking)

27. Pursuant to clause 52.06-4 (Dwellings and residential buildings) of the Scheme, the requirements of clause 52.06 apply as the proposed development is over four-storeys in height. The table at clause 52.06-5 requires two (2) car spaces to each dwelling. For seventeen (17) dwellings this equates to the provision of 34 on-site car spaces.
28. A total of fourteen (14) on-site car parking spaces will be provided for the residential component of the proposal. A waiver of twenty (20) car spaces is sought for the residential use. There is no requirement in the Scheme to provide on-site visitor spaces for the residential use.
29. The table at clause 52.06-5 of the Scheme does not include an artist studio use. Where a use is not specified in the table, an adequate number of car spaces must be provided to the satisfaction of the Responsible Authority. The submitted proposal includes two (2) car spaces provided on site in the form of garages (one garage per artist studio). The modified ground level plan lodged on 10 February 2012 shows a garage space for one (1) of the artist studios (utilising an existing crossover on Rose Street).
30. The decision guidelines at clause 52.06-1 of the Scheme state that before a requirement for car spaces is reduced or waived the applicant must satisfy the responsible authority that the reduced provision is justified due to:
- (a) *any relevant parking precinct plan;*
 - (b) *availability of car parking in the locality;*

- (c) *availability of public transport in the locality;*
- (d) *any reduction in car parking demand due to the sharing of car spaces by multiple uses;*
- (e) *either because of variation of car parking demand over time or because of efficiencies;*
- (f) *gained from the consolidation of shared car parking spaces;*
- (g) *any car parking deficiency or surplus associated with the existing use of the land;*
- (h) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement;*
- (i) *local traffic management;*
- (j) *local amenity including pedestrian amenity;*
- (k) *an empirical assessment of car parking demand; and*
- (l) *any other relevant consideration.*

Clause 52.34 (Bicycle parking)

31. The purpose of clause 52.34 of the Scheme is:
- (a) *to encourage cycling as a mode of transport; and*
 - (b) *to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*
32. Pursuant to clause 52.34-1 (Provision of bicycle facilities) of the Scheme 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.
33. Pursuant to clause 52.34-3 (Required bicycle facilities) in developments of four or more storeys, one (1) bicycle space is required per five (5) dwellings for residents, and one (1) space required per each ten (10) dwellings for visitors. For seventeen (17) dwellings this equates to the provision of three (3) resident bicycle spaces and two (2) visitor spaces – a total of five (5) bicycle spaces. Home occupation (artist studio) does not have a specified requirement.
34. The submitted proposal includes the provision of eight (8) bicycle spaces for the residential component (in an area measuring 7sqm). The modified ground level plan submitted to Council on 10 February 2012 shows the provision of 35 bicycle hoops provided in an area of approximately 46sqm located along the western wall of the building (at ground level). This would greatly exceed the minimum requirement of the Scheme.

State Planning Policy Framework (SPPF) Provisions

35. The following clauses are relevant to the application:
- (a) Clause 15 (Built Environment and Heritage)
 - (b) Clause 16 (Housing)

Clause 15.01-1 (Urban design)

36. Policy objective is:

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

Clause 15.01-2 (Urban design principles)

37. Policy objective is:

- (a) *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.*

38. The strategy to achieve this is to apply the following design principles to development proposals for non-residential development or residential development not covered by clause 54, clause 55 or clause 56. 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

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

Safety

- (a) *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

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

Pedestrian spaces

- (a) *Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.*

Consolidation of sites and empty sites

- (a) *New development should contribute to the complexity and diversity of the built environment.*
- (b) *Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.*

- (c) *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.*

Light and shade

- (a) *Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.*
 (b) *This balance should not be compromised by undesirable overshadowing or exposure to the sun.*

Energy and resource efficiency

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

Architectural quality

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

Landscape architecture

- (a) *Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.*

39. Given that Rescode (clause 55) of the Scheme is not applicable to this application, design principles at this clause are relevant to this application and will be considered as part of the assessment. Responsible Authorities are also required to have regard to the Department of Sustainability and Environment's (DSE) Design Guidelines for Higher Density Housing, which is referenced at clause 15.01 (Urban environment). A full assessment against these provisions is provided later in this report.

Clause 15.01-4 (Design for safety)

40. Policy objective is:
 (a) *to improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.01-5 (Cultural identity and neighbourhood character)

41. Policy objective is:
 (a) *to recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 (Energy and resource efficiency)

42. Policy objective is:

- (a) *to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 15.03-1 (Heritage conservation)

43. Policy objective is:

- (a) *to ensure the conservation of places of heritage significance.*

Clause 16.01-1 (Integrated housing)

44. Policy objective is:

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

Clause 16.01-2 (Location of residential development)

45. Policy objective is:

- (a) *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.*

Clause 16.01-3 (Strategic redevelopment sites)

46. Policy objective is:

- (a) *to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.*

Clause 16.01-4 (Housing diversity)

47. Policy objective is:

- (a) *to provide for a range of housing types to meet increasingly diverse needs.*

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

48. The following MSS controls apply to this application:

- (a) Clause 21.04 Land Use
- (b) Clause 21.05 Built Form
- (c) Clause 21.07 Environmental Sustainability
- (d) Clause 21.08 Neighbourhoods

Clause 21.04-1 (Accommodation and housing)

49. This clause states that it is important that new development provides high levels of amenity for existing and future residents with strategic objectives and strategies including the following:

- (a) *Objective 1 To accommodate forecast increases in population.*
- (b) *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.*
- (c) *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.*
- (d) *Strategy 1.3 Support residual population increases in established neighbourhoods.*
- (e) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
- (f) *Strategy 3.1 Ensure new residential development in the Mixed Use, Business 1, Business 2, and Business 5 Zones and near Industrial and Business Zones is designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity.*
- (g) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.05-1 (Built Form: Heritage)

50. Policy objective:

- (a) *to protect and enhance Yarra's heritage places*

Clause 21.05-2 (Built Form: Urban Design)

51. This clause incorporates the following objectives and relevant 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) *Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
- (d) *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.*
- (e) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.*
- (f) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*
- (g) *Objective 22 - To encourage the provision of universal access in new development.*

52. The implementation of built form strategies at clause 21.05 of the Scheme (relevant to this application) includes:

- (a) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
- (b) *Maintaining the visual prominence of the Fitzroy Town Hall and Spire of St Marks.*

Clause 21.07-1 (Ecological Sustainable Development)

53. This clause seeks to promote ecologically sustainable development.

Clause 21.08-7 (Fitzroy)

54. Clause 21.08-7 of the Scheme describes the land use character of this neighbourhood as being mixed commercial and residential neighbourhood, with a dense combination of residential areas, shopping precincts and commercial / industrial activities. The Brunswick Street and Smith Street Major Activity Centres run north south through the middle while the Johnston and Gertrude Street neighbourhood activity centres run east west through the neighbourhood.

Relevant Local Planning Policies

55. The most relevant provisions relating to this application are the following:
- (a) Clause 22.01 (Discretionary uses in the Residential 1 Zone)
 - (b) Clause 22.02 Development guidelines for sites subject to the heritage overlay
 - (c) Clause 22.05 Interface uses policy
 - (d) Clause 22.07 Development abutting laneways

Clause 22.01 (Discretionary uses in the Residential 1 Zone)

56. This policy applies to land in the Residential 1 Zone and while not applicable to this application (given the subject site is located within the Mixed Use Zone) the policy provides useful guidance in relation to how a non-residential use has the potential to adversely affect the amenity of a residential area.

57. Clause 22.01-2 policy objective is:

- (a) *to ensure that residential amenity is not adversely affected by non-residential uses.*

58. Clause 22.01-3 Policy:

- (a) *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses.*
- (b) *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone.*
- (c) *Except on land adjoining and gaining direct access from a road in a Road Zone:*
 - (i) *all required car parking should be on-site; and*
 - (ii) *the scale of the proposed use should be compatible with providing service to the local residential community.*

- (d) *Hours of operation should be limited to 8am to 8pm except for convenience shop.*
- (e) *New buildings and works should be consistent with the scale, bulk and character of the area.*
- (f) *Noise emissions should be compatible with a residential environment.*

Clause 22.02 (Development guidelines for sites subject to the heritage overlay)

59. Policy objectives at clause 22.02-4 of the Scheme seek to:

- (a) *conserve Yarra's natural and cultural heritage;*
- (b) *conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
- (c) *retain significant view lines to, and vistas of, heritage places;*
- (d) *preserve the scale and pattern of streetscapes in heritage places;*
- (e) *encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;*
- (f) *ensure the adaptation of heritage places is consistent with the principles of good conservation practice;*
- (g) *ensure that additions and new works to a heritage place respect the significance of the place;*
- (h) *encourage the retention of 'individually significant' and 'contributory' heritage places; and*
- (i) *protect archaeological sites of cultural heritage significance.*

Clause 22.02-5.1 (Demolition) includes the following.

60. For full demolition or removal of a building, policy generally encourages the retention of a building in a heritage place, unless:

- (a) *the building is identified as being not contributory*

61. Clause 22.02-5.7 (New Development, Alterations or Additions)

Clause 22.02-5.7.1 (General)

- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (1) *respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
 - (2) *be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
 - (3) *be visually recessive and not dominate the heritage place;*
 - (4) *be distinguishable from the original historic fabric;*
 - (5) *not remove, cover, damage or change original historic fabric;*
 - (6) *not obscure views of principle façades; and*
 - (7) *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) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
- (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 22.05 (Interface Uses policy)

62. Policy objective at clause 22.05-2 is:

- (a) *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

63. It is policy that:

- (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings*

Clause 22.05-4.1 (Dwelling Design)

64. New residential development located in a Mixed Use, Business zone or in a Residential 1 zone within 30m of a Business or Industrial zone or 30m of an existing industrial or business use, is to be designed to:

- (a) *incorporate appropriate measures to protect the residents from noise, fumes, vibration, light spillage and other likely disturbances;*
- (b) *locate noise-sensitive rooms (in particular, bedrooms) and private open space away from existing and potential noise sources, and where appropriate incorporate other measures such as acoustic fencing, landscaping and setbacks;*
- (c) *incorporate appropriate measures to minimise the effects of fumes or air emissions from nearby business or industrial operations upon those living in the dwellings, including through the orientation of windows and ventilation systems; and*
- (d) *minimise the potential for views from existing business or industrial premises to habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation and screens.*

Clause 22.05-6 Decision Guidelines

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

- (a) *the extent to which the proposed dwellings may be subject to noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses; and*

- (b) *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.*

Clause 22.07 (Development Abutting Laneways)

66. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal. Clause 22.07-1 (Policy basis) identifies the need to:
- (a) *retain existing laneways and enhance their amenity. It also states that, where appropriate, laneway access for vehicles is to be used in preference to street frontages to reduce vehicle crossovers.*
67. Clause 22.07-2 objectives 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 accesses off a laneway, all services can be provided to the development; and*
 - (d) *to ensure that development along a laneway is provided with safe pedestrian and vehicular access.*
68. Under clause 22.07-3 of the Scheme it is policy that:
- (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 safety accommodate the increased traffic.*
 - (b) *Where alternative street frontage is available, pedestrian access from the street be provided.*
 - (c) *Where no alternative pedestrian access is available to a street, and where safe pedestrian access cannot be provided, development with sole access to the laneway be discouraged.*
 - (d) *Pedestrian entries are separate from vehicle entries.*
 - (e) *Pedestrian entries are well lit to foster a sense of safety and address to a development. Existing lights may need to be realigned, or have brackets or shields attached or additional lighting may be required.*
 - (f) *Lighting is designed to avoid light spill into adjacent private open space and habitable rooms.*
 - (g) *Vehicle access is provided to ensure ingress and egress in a single movement.*
 - (h) *Windows and balconies overlook laneways but do not unreasonably overlook private open space or habitable rooms on the opposite side of the laneway.*
 - (i) *Development to be in scale with the laneway.*
 - (j) *Development not to obstruct existing access to other properties in the laneway.*
 - (k) *Doors to car storage areas (garages) not protrude into the laneway.*
 - (l) *The laneway not be used for refuse storage.*
 - (m) *All laneway upgrading to provide access and support development be funded by the developer.*

- (n) *The laneway meet emergency vehicle access requirements.*

Notice of Application

Notification

69. The submitted application was advertised under the provisions of Section 52 of the *Planning and Environment Act 1987* (the Act) by 99 letters sent to surrounding owners and occupiers. One (1) site notice was placed on the site.
70. Council has received a total of eleven (11) objections to the application.

Summary of objections

71. The grounds of objection can be summarised as follows:
- (a) The proposed design and height of the building is out of context with the street.
 - (b) Over-shadowing.
 - (c) Overlooking.
 - (d) Traffic (congestion, lack of on-site car parking provision, use of the laneway, noise and pollution).

Referrals

External

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

Internal

Heritage

73. The submitted application was referred to Council's Heritage Adviser, who made the following comments (in summary):
- (a) *The proposal is highly acceptable. The only recommended change is to use metalwork instead of timber for the external detailing.*
 - (b) *The existing building has no heritage value and its demolition is acceptable.*
 - (c) *The proposed height (of approximately 19m) is not out of keeping in this immediate area.*
 - (d) *The tapering inwards of the building along the north and south elevations ... and similar setbacks from the rear lane at the north will make the upper levels more recessive.*
 - (e) *When completed it will be highly visible in views along Rose Street but given that it could be reasonably expected that the abutting industrial site to the west will be developed at some point, this is not considered to be an issue.*
 - (f) *In relation to the front fence, timber slatting above masonry is acceptable.*
 - (g) *In relation to the crossovers, in this particular street where there are a large number of factories and warehouses and few heritage buildings, two crossovers is acceptable.*
 - (h) *Proposed plantings on the upper level balconies and at street level, if maintained, will soften the lines at the upper levels.*

- (i) *Solar panels on the roof are acceptable.*

Urban Design

74. The submitted application was referred to Council's Urban Design Unit, who made the following comments (in summary):
- (a) *In general the height of the development in the proposed form, scale and transition within the street is acceptable in terms of the streetscape fit, relationship to adjacent development including the rear laneway environment.*
 - (b) *The façade design of large fenestration elements, solid walls and timber slatting is well handled as a contemporary approach to infill development in the street and laneway environment.*
 - (c) *The blank side walls were of some concern. When viewed from the eastern side in Rose Street they are mostly screened by the neighbouring three storey town house development. When viewed from the west in Rose Street and Gary Owen Park the blank walls will be visually strong. However design attempts have been included to provide visual interest to this side wall. In the longer term the adjoining site is likely to be redeveloped which would address this issue. The view of this elevation could be enhanced by completely articulating the module of the upper level (level 5) from the level below (level 4).*
 - (d) *The ground level amenity of the Rose Street frontage could be enhanced in terms of visual interest, street life and a feeling of safety by replacing the two car garage entries/vehicle storage areas with active frontage uses such as home office or by extending the studio uses.*
 - (e) *The proposal is generally supported. However to enhance the design response of the proposal following recommendations are made:*
 - (1) *Provide greater visual interest to the western blank wall by providing greater articulation of the upper level (from level 4).*
 - (2) *Replace the ground level car park entries to Rose Street with active uses.*
 - (3) *Provide higher level windows to the staircase from level 3 to level 5 in the Rose Street elevation, to provide for natural light and ventilation.*

ESD Officer

75. The submitted application was referred to Council's ESD Officer, who made the following comments (in summary):

Commitments

This application meets the majority of Council's current expectations for environmentally sustainable design standards. The following major ESD commitments should form part of a planning permit:

- (a) *A minimum 4.3kW peak photovoltaic system will be installed onsite for common area energy usage.*
- (b) *A rain water tank of at least 6,000l will be installed to feed toilets of at least 10 bedrooms.*
- (c) *A target recycling rate of at least 60 per cent of construction and demolition waste will be implemented.*

Recommendations

Based on the information provided, the application misses some key ESD opportunities. The following should be conditioned as part of a planning permit:

- (a) *Efficient external shading to all large-sized north-facing windows is required.*
- (b) *An updated STORM report is required to demonstrate how the development meets best practice stormwater targets.*
- (c) *It is required to provide at least one secure bicycle park per apartment and studio.*
- (d) *Should a permit be issued, it is recommended that all major ESD commitments, the deficiencies addressed and the outstanding information (Council Assessment Rating - 2) are outlined in an updated SMP report and are clearly shown on Condition 1 drawings.*

Traffic Engineering Services Unit

76. The submitted application was referred to Council's Engineering Services Unit, who made the following comments:

Car Parking Provision

- (a) *Section 5.4.1 of the submitted report suggests two possible car parking allocation arrangements for the site. Both are acceptable. As with all new multi-unit residential developments in the municipality, residents and prospective property owners of the dwellings will be ineligible to apply for on-street residential and visitor parking permits. On-street parking for residents is not an option.*
- (b) *In terms of on-street parking, Rose Street and Fitzroy Street contain 2P parking restrictions operating between 7.30 am and 6.30 pm all days. Visitors to the dwellings should be able to find an on-street car parking space nearby.*
- (c) *The site has the advantage of being located close to tram and bus services, commercial and retail businesses, supermarkets, essential facilities, etc.*
- (d) *From an engineering perspective, it is considered that occupation of the new dwellings should not adversely affect the existing on-street parking conditions in the area.*

Access Arrangements

From Rose Street

- (a) *A power pole and road hump are positioned within the area occupied by the new vehicle crossing servicing the single garage for car parking space number 15. The construction of the new vehicle crossing in front of the road hump is not supported (vehicles entering and exiting the garage would scrape over the profile of the road hump). As a consequence, the designer may need to consider relocating space 15 elsewhere along the property frontage (perhaps adjacent to car parking space 16) or alternatively, remove the space altogether.*
- (b) *The new access arrangements for garage 15 (to be relocated) need to be shown on plans and accurately depict all road infrastructure items (power pole, road hump, signs etc) as well as for car parking space 16.*

The drawings must also show the existing vehicle crossing towards the east end of the property's road frontage and the width of the Rose Street carriageway (measured from face of kerb to face of kerb).

From Laneway

- (a) The proposed vehicle access is considered satisfactory.*
- (b) The finished floor levels at the edge of the concrete slab must be set 40 mm higher than the edge of the Right of Way's bluestone pavement.*

Internal Layout

- (a) The dimensions of the car parking bays satisfy the requirements of the Australian/New Zealand Standard AS/NZS 2890.1:2004 and are therefore considered satisfactory.*
- (b) The proposed aisle width of 8.69 metres is considered satisfactory. Column setbacks from the aisle comply with AS/NZS 2890.1:2004.*
- (c) The swept path diagrams of vehicle turning movements are considered satisfactory.*
- (d) In summary, the design and functionality of the car park are considered satisfactory.*

Provision of Underground Utility Services and reinstatement of road Infrastructure assets after completion of building works

- (a) The trenching and excavation for underground utility service connections by service authorities on Public Highways (Rose Street, the rear Right of Way and any other road directly linked with service provisions) will require the reinstatement/rectification of Council road infrastructure.*
- (b) It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.*
- (c) Upon completion of all building works and underground service connections, the footpath extending along the property's Rose Street frontage shall be re-sheeted by the developer in accordance with Council standards.*
- (d) The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works shall be borne by the developer.*

77. The modified ground level plan submitted to Council on 10 February 2012 was referred to Council's Engineering Services Unit, who made the following comments:

- (a) The proposed 5.596m wide doorway is considered satisfactory off the 3.53m wide bluestone Right of Way.*
- (b) The finished floor levels along the edge of the concrete slab are to be set 40mm higher than the edge of the bluestone pavement of the Right of Way – Council infrastructure requirement.*

- (c) *The dimensions of the parking bays and aisle comply with the requirements of the Australian/New Zealand Standard AS/NZS 2890.1:2004 for a user class 1A (residential, employee parking). Vehicle turning movements into and out of each bay are considered satisfactory.*
- (d) *The dimensions of the garage for parking space 15 also comply with AS/NZS 2890.1:2004.*
- (e) *Any redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction. The costs of these works shall be borne by the developer.*
- (f) *The footpath spanning along the property's Rose Street frontage shall be reconstructed after all building works and utility connections have been completed. These footpath works are to be done at the developer's expense.*

Waste Management and Cleansing Services Coordinator

78. The submitted application (including Waste Management Plan prepared by Leigh Design dated 16 September 2011) was referred to Council's Waste Management and Cleansing Services Unit, who made the following comments (in summary):

The Waste Management Plan (WMP) from Leigh Design, dated 16 September 2011 is unsatisfactory from the Engineering Operations Branch's perspective. Issues to be addressed include, but are not limited to the following:

- (a) *Details on collection point*
- (b) *Details on path of access from bin store to collection point*
- (c) *More adequate hard waste area at bin store*
- (d) *Bin placement at proposed collection point is unacceptable (it needs to comply with DDA requirements/footpath kept clear full width)*

Assessment

79. The following considerations are relevant to this application:

- (a) Heritage, design and built form
- (b) Interface use and development abutting a laneway
- (c) Use and operation (ground floor artist studios)
- (d) Traffic, car parking and bicycle parking
- (e) Objector concerns

Heritage, design and built form

Heritage policy (contained at clause 43.01 and clause 22.02 of the Scheme)

80. The purpose of the Heritage Overlay is *to conserve and enhance heritage places of natural or cultural significance, including those elements which contribute to the significance of a heritage place, ensuring that development does not adversely affect the significance of a heritage place.* In line with the purpose of the heritage overlay and relevant policy contained at clause 43.01 (Heritage Overlay) of the Scheme, the proposal complies with the decision guidelines at clause 43.01-4 of the Scheme in the following ways:

- (a) The existing building on the subject site is graded as non-contributory by Council's local heritage policy and as such there is no heritage fabric worthy of retention.
 - (b) The location, bulk, form and design response for the proposed development has been carefully considered for the site context and will be consistent with built form along this section of Rose Street.
 - (c) The proposed design response (subject to external design changes to the Rose Street elevation to reflect the modified ground level plan) is appropriate for the site context and is in keeping with the character and appearance of adjacent buildings and the heritage place.
81. In relation to guidelines contained and encouraged at clause 22.02 of the Scheme, policy supports the full removal of non-contributory buildings. For new development, policy at clause 22.02-5.7 of the Scheme encourages new development to respect the pattern, rhythm, and design (including orientation to the street, fenestration, roof form and materials) and heritage character of the surrounding historic street. Policy encourages new development to be visually recessive and not dominate the heritage place, and supports development which provides similar setbacks and façade heights of adjoining buildings. Policy discourages 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 (although this generally relates to additions to a heritage building).
82. For the proposed (infill) development, the following assessment sets out how the proposal meets the policy objectives at clause 22.02-4 of the Scheme:
- (a) The subject site context and location is considered capable of accommodating the proposed 6-storey height in the proposed form. The scale is considered to be appropriate for the mixed use zoning context without adversely dominating heritage built form.
 - (b) The height of the proposed development will not obscure any significant heritage views. Contributory heritage buildings located within 60m of the subject site are at 44 Leicester Street and 50 Rose Street (with other buildings in this section of the heritage precinct not being of any heritage significance) and the front and rear setbacks will ensure that the proposed building will not dominate either of the contributory heritage buildings.
 - (c) The high site coverage is consistent with the site context and the prevailing character of this area of Rose Street.
 - (d) Pedestrian access is consistent with the street pattern along Rose Street and vehicular access will utilise a laneway.
 - (e) The proposed development will respect the significance of the heritage place. The ground level of the building will be set back from the Rose Street frontage (which is consistent with adjoining built form) while the upper levels of the building will be set back (varying degrees) at the front and rear. This will ensure that the upper levels are recessive, providing relief and assisting in breaking up the mass of the built form so that the building will not read as 6-storeys from the street or laneway.
 - (f) The proposed roof form is appropriate in the site context with the lift over-run setback from the street frontage and laneway in order to limit its visibility.

- (g) Council's Heritage Adviser supports the proposed development, considering it to be highly acceptable with the only suggested recommended change being to use metalwork instead of timber for the external detailing. It is however considered that the proposed timber is consistent with the overall design of the development and (with the landscaping proposed) will soften of the building's appearance and is appropriate.

Design and built form (policy at clause 15.01 of the Scheme)

83. In assessing the design and built form of the proposal, the design principles at clause 15.01 of the Scheme seek to achieve development with architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. Policy at clause 15.01-2 (Urban design principles) of the Scheme includes several design principles. These will be assessed as follows:

Context

84. Strategically, the subject site is appropriately located for a medium-density residential development, being located close to a Major Activity Centre (Brunswick Street) which provides community services and facilities and is well serviced by public transport (trams). In addition, the services and facilities provided on Nicholson Street and Johnston Street are within walking distance from the site. The subject site is located within the Mixed Use Zone and is recognised as a site with development potential.
85. With regard to built form context, the pattern of subdivision and scale of development in the locality is varied. Buildings in the immediate vicinity of the subject site are at heights of 2 to 3 storeys. And it is acknowledged that this area is undergoing substantial change in relation to new medium-density residential developments.
86. The proposed built form is considered to be appropriate for the site context. At ground level it will reinforce the typical street setback pattern along Rose Street, and while 6-storeys in height, the upper level front setbacks will be visually recessive so that the building will not present as a sheer 6-storeys form in the street. In the proposed form the height is supported. Further there will be no unreasonable off-site amenity impacts as a result of the proposed height given the north-south orientation of the site, and given that the built form proposed reflects the rear setbacks of the east adjoining dwellings.

The public realm

87. The development will be oriented to Rose Street providing a main pedestrian entrance that is easily legible in terms of its design and location. The proposal will activate the street frontage by having full height glazing provided at ground level for the pedestrian entry and artist studios. The modified ground level plan shows a separate entrance for the bicycle storage and refuse store, which will provide further activation of the street (a condition will require this opening to be a transparent material) and deletion of a garage accessed from Rose Street. The Rose Street presentation (which will be consistent with the modified ground level plan) will therefore be improved, providing a positive interface with an active frontage and surveillance to the street.

88. While a vehicle access will be provided off Rose Street it is appropriately located (consistent with the pattern along Rose Street and utilising an existing crossover). A condition will require alternative materials to be used in lieu of the submitted roller door, to allow for more transparency and an active surveillance to the street (while still being recognisable as a vehicular entrance to ensure pedestrian safety).

Safety

89. The development provides adequate safety for future occupants, providing a well-defined pedestrian entrance off Rose Street and secure parking within the building envelope.

Landmarks, views and vistas

90. In light of the site context, the proposed height is acceptable and no principal view lines or landmarks identified at clause 22.03 of the Scheme will be obscured as a result of the proposal.

Pedestrian spaces

91. Providing artist studios at ground level and a pedestrian entry foyer with full height glazing will activate the street frontage. The front setback at ground level will also provide for soft landscaping (located immediately adjacent to the artist studios) which will further enhance the pedestrian environment. At the upper level, the development will include terraces and windows fronting Rose Street and the same to the laneway frontage, providing articulation and visual interest and an overall positive design response to the public realm.
92. Access to the car parking area will be gained via a single-entry from the laneway and (as shown on the modified ground level plan) via a single entry on Rose Street. The impact on pedestrian amenity will therefore be kept to a minimum.

Consolidation of sites and empty sites

93. Any redevelopment will need to be carefully managed with specific regard to the construction process. Standard conditions will require construction management and ongoing site maintenance particulars be carried out in a satisfactory manner and to minimise disruption during the construction process.

Light and shade

94. The subject site has a north-south orientation and is currently developed with a warehouse building with saw-tooth roof design (effectively a 2-storey building). Any redevelopment of the site, given its orientation, will cast shadow to the west adjoining warehouse, to Rose Street and to the east adjoining dwellings. The dwellings located to the north of the subject site (beyond the laneway) will continue to achieve a good level of sunlight.
95. Any overshadowing to Rose Street is not considered to have a detrimental effect on the usability of the public realm. Overshadowing to the west is not considered to be of any harm given the west adjoining building is a warehouse.

96. Overshadowing to the east adjoining dwellings will have limited adverse impact on residential amenity given that the proposed building either matches the northern setbacks or is set off the shared boundary. Notwithstanding this, the level of overshadowing is considered reasonable in the context of the area.

Energy and resource efficiency

97. The layout of all dwellings provides for adequate sunlight penetration through their internal layout and configuration, and location of balconies. The proposal will achieve a good level of internal amenity for future occupants overall. The quality of the accommodation is consistent with similar types of developments within the surrounding area.
98. The submitted Environmental Sustainable Design (ESD) report describes several ESD initiatives which will be incorporated into the building design. These have been detailed within the 'proposal' section of this report. A condition will require these initiatives to be implemented into the development. Further, to be consistent with the referral comments of Council's ESD officer, a condition will require external shading for all large-sized north-facing windows (ie the north-facing windows of level 5 and the bedroom windows of levels 1 to 4) to be shown on plans.
99. Council's ESD officer generally supports the submitted ESD report and principles.

Architectural quality

100. The submitted application was referred to Council's urban design team for comment. Supportive of the submitted proposal in relation to scale, height and massing, suggested design changes relate primarily to the provision of more articulation to the western elevation and provision of more active surveillance at the ground floor fronting Rose Street.
101. A condition will require the Rose Street elevation to be consistent with the modified ground level plan and for the roller door to garage 15 and second pedestrian access (to the bicycle store) to be of visually transparent materials. These design changes will provide an active street frontage and further enhance the building's appearance from the public realm, without detracting from the overall design language of the building.
102. Council's urban designer recommends that further articulation be provided to the building's western elevation (being the most exposed to Rose Street). It is considered that the overall design approach is acceptable for the site context and that adequate articulation and visual interest will be provided through the use of patterned render (which is shown on the perspectives submitted with the application). A condition will require the patterned render to be shown on the elevations, to ensure that the massing is reduced until such a time that the west adjacent site is redeveloped.
103. The overall design response is supported. To the laneway (north) and to Rose Street (south) the proposed building is set back from the boundaries at levels 1 to 5. Visual bulk is reduced and relief is provided in the form of recessed balconies which provide horizontal rhythm to the building and articulation to the front and rear facades, breaking up the built form mass.

The perforation (of the timber balcony screens), soft landscaping provided throughout the development and the fenestration pattern will assist in breaking up the mass of the building.

104. The lift over-run on the roof has been adequately set back from Rose Street (by 4.4m) and from the rear laneway, ensuring that it reads as part of the overall design of the building. A condition will ensure that other services and equipment (not including the roof-mounted solar panels) are not visible from the public domain.

Landscape architecture

105. The proposal does not remove vegetation from the site, given the building has almost 100 per cent site coverage. While there is no existing landscaping, the proposal includes substantial soft landscaping at ground level and on the upper level setbacks, which will soften the appearance of the building and improve this section (urban character) of Rose Street. It is noted that future occupants will also have opportunities for plants on their terraces, further contributing to some greening of the public realm.
106. A condition will require a landscaping plan to provide details of all plants provided and how they will be accessed and maintained. A further condition will require these initiatives to be implemented into the development.

DSE Guidelines for Higher Density Residential Development

107. DSE Guidelines for Higher Density Residential Development are referenced at clause 15.01 of the Scheme, requiring planning and responsible authorities to have regard to this document. The elements relevant to the consideration of this application (urban context, building envelope, street pattern and street edge quality, circulation and services, building layout and design, open space and landscape design) will be discussed as follows:

Element 1: Urban Context

108. The main considerations of this element are:
- (a) *neighbourhood character and strategic context; and*
 - (b) *design response.*
109. As previously mentioned, a medium-density residential development on the subject site accords with objectives contained with State and Local Planning Policy Framework. The design response adequately takes into account the subject site and locality, providing adequate amenity for future occupants of the development.
110. The site coverage will be approximately 92 per cent of the subject site, which exceeds the maximum 80 per cent recommended at this clause. However as the existing warehouse covers 100 per cent of the site, the proposed site coverage is consistent with this and meets the requirements of the design guidelines given that it follows the pattern of site coverage in the immediate area. In addition, the industrial use of the site is likely to impact on the usability of it for residential purposes.

Element 2: Building Envelope

111. The main considerations of this element are:

- (a) *height and massing;*
- (b) *street setbacks;*
- (c) *relationships to adjoining buildings;*
- (d) *views to and from residential buildings;*
- (e) *wind protection; and*
- (f) *roof forms.*

112. The following is provided in response to the above.

- (a) The building appropriately responds to the existing and emerging built form of the immediate area. The street setback at the upper levels is considered sufficient for them to appear recessive when viewed from Rose Street. In terms of scale transition to the surrounding context, the front and rear setbacks combined with the side articulation on the side walls, will allow the building to appear as stepping up from the 2-3 storey adjoining built form.
- (b) There would be limited off-site amenity impacts as a result of the height of the proposed building.
- (c) The front and rear setbacks are considered appropriate given that they provide balconies for the new dwellings and offer visual interest when viewed from the north.
- (d) Within the development there will be no overlooking opportunities between dwellings. Screening provided for all terraces will protect direct views to and from adjacent residential buildings.
- (e) The development is not of a scale where wind protection will be an issue.
- (f) The development utilises a flat roof form which will have no negative impact on the architectural character of the building itself, street or its locality.

Element 3: Street pattern and street edge quality

113. The main considerations of this element are:

- (a) *street pattern and street edge integration;*
- (b) *building entries; and*
- (c) *front fences.*

114. The design response is considered to respond well to the street pattern evident along Rose Street. While vehicular access to the artist studio use will be gained from Rose Street, this is considered acceptable given that it will utilise an existing crossover and is not considered to be a dominant streetscape feature due to other garage doors (and the like) evident on Rose Street. As mentioned earlier in this report, there is an opportunity to improve the ground level street presentation to Rose Street and this will be reflected by way of conditions.

Element 4: Circulation and services

115. The main considerations of this element are:

- (a) *parking layout;*

- (b) *circulation spaces; and*
- (c) *site services.*

116. The layout of the car parking has been assessed by Council's Engineers and is considered to be acceptable in terms of access, internal layout and manoeuvrability. A full assessment is provided in the following section of this report and conditions will reflect the traffic engineering unit recommendations.
117. Site services, including waste storage and bicycle parking, will be located at ground level for the residential dwellings and a lift will provide access from the ground floor (main foyer) to all upper floors within the building.
118. The submitted waste management plan was referred to Council's Waste Management Coordinator who considered it to be unsatisfactory. It is noted that the modified ground level plan shows the relocation of the waste store to the front portion of the ground floor, increasing it in size from 7sqm to 23sqm. This is considered to be an improvement to the submitted plans. A condition will require an amended waste management plan to be submitted to reflect the modified ground level plan and be to the satisfaction of Council's Waste Management Coordinator.

Element 5: Building layout and design

119. The main considerations of this element are:
- (a) *dwelling diversity;*
 - (b) *building layout; and*
 - (c) *design detail.*
120. The internal amenity for the future occupants of each dwelling is considered to be good, with each dwelling on a single floor layout and large floor space. The internal layouts will provide a good level of internal amenity including natural daylight to habitable rooms. Most dwellings will enjoy a single aspect with adequate ventilation opportunities, while the two (2) dwellings on level 5 will have dual aspects and therefore improved ventilation opportunities. Moderate sized terraces are provided for each dwelling (a total of at least 8sqm per dwelling) and provided with a good level of solar access and privacy.
121. Views between dwellings will be limited given the built form and appropriate screens. Views from the street will be reduced given the building setbacks provided and soft landscaping shown on plans. It is however noted that the provisions of clause 55 (Rescode) do not apply to this proposal and each balcony will still retain a level of seclusion for future occupiers.
122. Communal areas are limited to the ground floor and are easily recognisable and easily accessible for all residents. Lift access to all levels is provided from the main entrance foyer and storage will be provided to each dwelling (all dwellings provide some storage internally) and (as shown on the modified ground level plan) will also be provided within the car parking area.
123. Given the scale of the proposed building design, detailing forms an important part of the design expression of this development. While a samples board has not been submitted to Council as part of the application, a schedule of external materials is provided on plans.

Overall the proposed materials (referred to at the 'proposals' section of this report, are considered to be appropriate for the proposed design language of the building and for the site context. However a condition will require a samples board to be submitted for approval (and include a patterned render for the western wall).

Element 6: Open space and landscape design

124. The main considerations of this element are:

- (a) *private and communal open space; and*
- (b) *public open space.*

125. The design response adequately provides all future residents with a private open space area. Balconies for dwellings ranging between 5sqm and 12sqm provided within front and rear setbacks (at all upper levels).

Interface use and development abutting a laneway

126. The policy objective at clause 22.05-2 (Interface uses policy) of the Scheme 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. The requirements of the interface uses policy at clause 22.05 of the Scheme require new residential uses to include design features and measures to minimise the impact of the normal operation of business and the reasonable expectation of amenity within dwellings. The proposed development is predominantly for a residential use of the site which is considered to be compatible with the adjoining residential uses more so than the existing warehouse on the subject site. Further, the proposal is considered to incorporate appropriate measures (through dwelling layout, and standard building materials and construction techniques) to ensure that the amenity of future occupiers will not be unreasonable.
127. The proposed development has a laneway abuttal and therefore consideration against clause 22.07 of the Scheme is required. The laneway located on the northern side of the subject site will provide access to the ground level car park for the new dwellings. Council's traffic engineers have no objection to the use of the laneway; the two-way traffic and volume of traffic; or to a single access point to the car park. The use of the laneway is acceptable and the width of the proposed access way is satisfactory, complying with the relevant Australian / New Zealand Standards.
128. In terms of the scale of the development, the hard-edge built form at ground level is typical of the laneway character and the upper level setbacks will reduce visual bulk and is consistent with built form apparent and emerging in similar laneways. The presence of windows and terraces at the upper levels of the building will allow transitory views over the laneway and will enhance the perception of safety.

Use and operation (ground floor artist studios)

129. Two (2) artist studios will be provided at ground level.

No details have been submitted with the application in relation to their operation, however the use is considered to be appropriate for the zoning of the land and purpose of the MUZ (which is to provide for a range of uses, including residential and commercial, which complement the mixed-use function of the locality). Further, the subject site is located immediately opposite the Rose Street artist market.

130. Policy at clause 22.01 of the Scheme applies to land in the Residential 1 Zone. While not applicable to this application (given the subject site is located within the Mixed Use Zone), the policy objective is to ensure that residential amenity is not adversely affected by non-residential uses. Guidance is provided on how a non-residential use has the potential to adversely affect the amenity of a residential area. Acknowledging the proximity of the subject site to residential dwellings, the policy will be used as a guide to assess the non-residential element of the proposal.
131. Policy at clause 22.01-3 includes limiting hours of operation to 8.00 am to 8.00 pm and seeks to ensure that noise emissions are compatible with a residential environment. A condition will limit the use of the artist studios between 8.00 am and 8.00 pm on any day. Conditions will also control the amenity of the area and require the use to comply with standard EPA guidelines or the like. Further, a condition will restrict the number of people within each artist studio to five (5) maximum (based on a floor area of 15sqm and the number of people that could reasonably be expected within a studio of this size).

Traffic, car parking and bicycle parking

132. A traffic report prepared by Cardno Grogan Richards (dated 19 September 2011) providing justification for a reduction in the car parking requirement of the Yarra Planning Scheme was submitted with the application. The study includes traffic generation implications and provides justification for the design of the submitted car parking layout. This traffic report was submitted with the application to assist Council in determining whether a reduction of the car parking requirement of clause 52.06 is appropriate for this development. Based on the submitted traffic report and plans, a full assessment against the requirements of clause 52.06 (Decision guidelines) is provided as follows:

On-site parking provision

133. In relation to car parking, the Scheme requires 2 on-site car parks per dwelling. For seventeen (17) dwellings this equates to the provision of 34 on-site car spaces. A total of fourteen (14) on-site car parking spaces will be provided for the residential component of the proposal. There is no requirement in the Scheme to provide on-site visitor spaces for the residential use. A reduction of twenty (20) car spaces from the Scheme requirements is sought for the residential use.
134. The table at clause 52.06-5 of the Scheme does not include an artist studio use. Where a use is not specified in the table, an adequate number of car spaces must be provided to the satisfaction of the Responsible Authority. The submitted proposal includes two (2) car spaces provided on site in the form of garages (one garage per artist studio). The modified ground level plan lodged on 10 February 2012 shows a garage space for one (1) of the artist studios (utilising an existing crossover on Rose Street).

135. In considering the on-site parking provision and proposed reduction in the Scheme requirements, it must be noted that the provisions of clause 52.06 allow for the possibility of a reduction or in some instances a full waiver. As part of any assessment for a reduction or waiver, an empirical assessment of parking demand and the availability of public transport is required.
136. Council's traffic engineers have no objection to the on-site parking provision and the associated reduction in the car parking requirement.
137. Overall the car parking reduction sought is considered appropriate and acceptable in this instance and in line with the relevant decision guidelines for the following reasons:
- (a) The allocation of one (1) space per dwelling is not unusual for multi-unit residential developments within the City of Yarra and other inner city municipalities.
 - (b) For those dwellings with no on-site car parking allocated, it is assumed that these dwellings would be specifically marketed to those who would utilise more sustainable forms of transport such as public transport and bicycle travel.
 - (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) The location of the subject site lends itself well to the use of public transport.
 - (e) Trams are provided along Brunswick Street, and buses are provided on Alexandra Parade and Johnston Street.
 - (f) Prospective property owners will be made aware of the on-site car parking provision for each dwelling.
 - (g) Future residents of the new dwellings will not be eligible to apply for on-street resident parking permits.
138. The table at clause 52.06 does not include an artist studio use. Where a use is not specified in the table, an adequate number of car spaces must be provided to the satisfaction of the responsible authority.
139. The submitted proposal includes an on-site garage for each artist studio. The modified ground level plan shows the provision of one (1) space to be provided for one of the studios (in order to increase the floor space for bicycle parking and an improved ground floor layout). Council's traffic engineering unit support the modified layout and given the 15sqm floor area of the artist studios (and therefore limitations on the number of people within each at any given time), it is anticipated that their operation will not adversely impact on the existing parking conditions in the area.

Rose Street access

140. The submitted proposal includes the provision of two single access ways to the artist studio garages. The modified ground level plan shows the provision of a single garage and single entry (thereby providing a garage for only one of the 2 artist studios). Garage number 15 as originally submitted has been deleted.

The modified layout is in line with Council's traffic referral comments (which did not support the construction of a new vehicle crossing in front of a road hump) and is supported further given that a small portion of the street frontage will be vehicle access. The dimensions of the single garage and access arrangements are supported by Council's traffic engineers.

141. In relation to pedestrian safety there is no perceived detriment subject to the modified ground level plan which shows one (1) garage fronting Rose Street (utilising an existing crossover). Further, on-site car parking (single spaces) and vehicles reversing onto Rose Street is common along Rose Street.

Laneway access

142. The proposal includes the provision of a single access way to the proposed ground level parking, allowing for 2-way traffic flow. The single lane entrance is considered adequate for a car park of this capacity and Council's traffic engineers confirm that this arrangement should not present any operational difficulties. Council's traffic engineers confirm that the bluestone laneway is in a serviceable condition and supports the use of it to gain access to the development.

Bicycle parking

143. Pursuant to clause 52.34-3 (Required bicycle facilities) of the Scheme, in developments of four or more storeys one (1) bicycle space is required per five (5) dwellings for residents, and one (1) space required per each ten (10) dwellings for visitors. For seventeen (17) dwellings this equates to the provision of three (3) resident bicycle spaces and two (2) visitor spaces – a total of five (5) bicycle spaces. An artist studio does not have a specified requirement.
144. The submitted proposal includes the provision of eight (8) bicycle spaces for the residential component. Submitted plans show an area of 7sqm for bicycle storage. The modified ground level plan shows the provision of 35 bicycle hoops provided in an area of approximately 46sqm located along the western wall of the building at ground level. This greatly exceeds policy requirements. A condition will require these spaces to be provided on site, as shown on the modified ground level plan.

Objector concerns

145. In response to objections received, the following is provided:

The proposed design and height of the building is out of context with the street

146. The subject site is suitable for redevelopment with the proposed height and form is considered to be acceptable and compatible with existing and emerging built form in the area. Further, there will be minimal amenity impacts to adjoining dwellings, as discussed earlier in this report (at paragraphs 80 to 185).

Overshadowing

147. Given that the proposed development is over four-storeys, the requirements of clause 55 (Two or more dwellings on a lot) of the Scheme do not apply to this application.

The decision guidelines at clause 65 of the Scheme (relevant to this application) require the responsible authority to consider the purpose of the zone and the effect on the amenity of the area. Design principles at clause 15.01-2 (Urban design principles) of the Scheme have been appropriately considered as part of the assessment, and the Department of Sustainability and Environment's (DSE) Design Guidelines for Higher Density Housing, which is referenced to at clause 15.01 (Urban environment).

148. Refer to paragraphs 94 to 96 of this report for a full assessment. Overshadowing to the east adjoining dwellings will have limited adverse impact on residential amenity given that the proposed building either matches the northern setbacks or is set off the shared boundary. Notwithstanding this, the overshadowing is considered reasonable in the context of the area.

Overlooking

149. Any off-site amenity impact is limited and can be addressed by way of condition. The perspectives provided to Council on 10 February 2012 show details for the balcony screens. A condition will require the north-facing screens to be designed to restrict direct views to habitable room windows and secluded private open space areas within a distance of 9.0m, with details provided.

Traffic (congestion, lack of on-site car parking provision, use of the laneway, noise and pollution)

150. A full assessment is provided at paragraphs 132 to 142 of this report.

Noise and pollution

151. Any redevelopment will need to be carefully managed with specific regard to the construction process. Standard conditions will require construction management and ongoing site maintenance particulars be carried out in a satisfactory manner and to minimise disruption during the construction process.