

Attachment 1 - Queens Parade Items 9 August 2017_Part1

South

253. Queens Parade is to the south of the site, with this application not bringing rise to unreasonable off-site amenity or equitable development concerns at this interface.

Summary

254. Subject to the conditions contained in this report, the proposal has adequately massed and would not unreasonably impact the amenity of adjoining and adjacent dwellings or development potential of surrounding sites. It is noted that overlooking has not been assessed again in this section as it was dealt with holistically in the on-site amenity assessment (combining both on and off-site overlooking assessments).

Environmental sustainability

255. The Applicant originally provided a Sustainable Management Plan, prepared by Wood and Grieve Engineers Limited and dated 29 June 2016. Specifically, the following commitments were made:
- (a) an average 6.5 Star NatHERS thermal energy rating;
 - (b) a MUSIC model demonstrating best practice has been received which relies on 450m² of roof connected to a 40,000 litre tank which is connected to garden irrigation and swimming pool top-up, and the remaining 7,470m² of terrace and landscaping filtered by a SPEL hydro-system (or equivalent); and
 - (c) extensive green roofs and landscaping has potential to marginally improve the ecological value of this site.
256. An amended SMP has not been submitted with the substituted plans.
257. Council officers originally had concerns with the layout of the proposal, bringing rise to daylight and ventilation concerns (in terms of building separation and single sided layouts). However, through the modified design, while issues still remain, these could be addressed by way of permit conditions to ensure a high standard ESD outcome as per clause 22.17 and BESS. The outstanding items as per the ESD Advisor response to the substituted plans are:
- (a) daylight – Some of the habitable rooms may fall below the best practice standard of access to daylight. This should be addressed by way of:
 - (i) clear glazing to all habitable rooms of dwellings;
 - (ii) privacy screens and devices made of obscured glazing instead of solid materials;
 - (iii) provision of full height glazing to lower level dwellings such as:
 - C1GF09, C4GF05, C4GF06, C3GF02, C3GF01;
 - lower level bedrooms of TH14, TH13, TH12, TH11 on the ground floor; and
 - C40105, C40106, C30202, C30203, C30204, C20103 on the first floor.
 - (b) shading – Balconies and wing wall projections are now considered to be satisfactory for shading windows.
 - (c) natural ventilation – Most of the floor plates are deeper than 5m. While Council's ESD Advisor suggests the building layout be modified to improve natural ventilation, they also suggest that this could also be improved (albeit not in a positive passive ESD response) through the incorporation of any of the following or combination of the following:
 - (i) extraction fans to all kitchen range hoods and bathrooms;
 - (ii) ceiling fans;
 - (iii) trickle vents;
 - (iv) energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.
258. The above could be addressed by way of an amended SMP, should a permit issue and would offer a reasonable level of energy efficiency for occupants.

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Traffic and car parking (including alteration to access to a road in a Road Zone)

259. The decision guidelines at Clause 52.06 will be used to guide this assessment, along with clause 52.29 as Queens Parade is a Road Zone, Category 1.

Car parking provision

260. The application is seeking a 108 space car parking reduction. Clauses 18, 21.06 and 52.06 will be used to guide this assessment.

261. The site is well serviced in terms of public transport and also amenities given the walking distance to activity centres of Brunswick Street and Smith Street and also the neighbourhood centre of St Georges Road. State and local policy support reduced car parking rates in these locations, favoring sustainable transport modes (walking, cycling and public transport).

262. The reduced car parking rates are supported, having regard to clause 52.06-6 for the following reasons:

- (a) The Applicant's original traffic report included on-street surveys (Friday 18 March 2016 and Saturday 19 March 2016 at 1pm and 8pm both days). The survey found 380 publicly available spaces in the area. During survey times, there were at least 139 vacant on-street spaces.
- (b) Dwelling – The application is seeking a 54 space reduction associated with the dwellings. It is likely that residents would use public transport, walking or cycling options given the nature of the locale. Further, ABS data suggests (2011 ABS data as taken from the Applicant's traffic report submitted with the original application) that the car parking needs of residents in North Fitzroy are:

- (i) Studio – 0.5 cars per dwelling
- (ii) 1 and 2 bedroom – 0.6 cars per dwelling
- (iii) 3 bedroom – 1.5 cars per dwelling

Using ABS data, this proposal would therefore have a demand for 234 residential parking spaces (using the 3 bedroom ABS data for the 4BR townhouses). Extrapolating ABS data, the proposal exceeds the anticipated parking demand by 71 spaces. The proposal would therefore not unreasonably impact parking demand on-street.

- (c) Dwelling visitor – Visitors may visit the site via public transport, walking or cycling, where possible. Further, the availability of on-street parking would be suitable for the short-stay needs of visitors. In any event, 9 spaces would be provided in the basement for the needs of any dwelling visitors who need to drive to the site.
- (d) Food and drinks premises (café), restaurant and shop – Many patrons would already be in the area or living or visiting the proposed development. It is not anticipated that the size of the 3 non-residential tenancies would create a 'destination' encouraging people to drive. In any event, patrons who do wish to drive to the site would be able to use the on-street spaces identified as vacant in the Applicant's traffic report. Staff of these tenancies would also be likely to use public transport, walking or cycling to get to/from work. However, 7 car parking spaces would be provided on-site for any staff who need to drive.

263. Council's Engineering Services Unit reviewed the proposed car parking provision and were supportive of the proposal.

Traffic

264. The traffic impact of the proposal was considered in detail in the previous officer report. The amended plans reduce the on-site parking provision and therefore reduce the anticipated traffic generation. This was reviewed by Council's Engineering Services Unit and they raised no objection or issue with the proposed traffic generation.

Car park layout and access

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265. Council's Engineering Services Unit generally support the car park layout, subject to conditions (civil work matters from the February 2017 comments remain relevant). These are:
- (a) a convex mirror adjacent to the vehicular exit, with no audible device (would be too noisy for nearby residents);
 - (b) 1 minimum 1m clearance from the vehicle entry/exit to the adjacent power pole. The east edge of the crossover must be perpendicular to the Queens Parade service road;
 - (c) car park columns setback 750mm from the aisles;
 - (d) loading bay dimensioned on the drawings, including minimum overhead clearance. Details of the vehicles permitted to use this space, along with swept path diagrams are required;
 - (e) the headroom clearance of the vehicular doorway must be dimensioned on the drawings;
 - (f) the design and construction of the new vehicle crossing must satisfy Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements;
 - (g) a detailed cross sectional drawing of the new vehicle crossing, the actual road profile of Queens Parade service road and the new ramp (for the first 2.0 metres inside the property) must be provided to the satisfaction of the Responsible Authority;
 - (h) all redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense;
 - (i) the headroom clearances must be dimensioned on the drawings throughout the car park;
 - (j) kerbs on either side of the internal ramp must be dimensioned;
 - (k) upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Queens Parade service road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense;
 - (l) all pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line;
 - (m) the nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf to the satisfaction of Council's Open Space and at the Permit Holder's expense;
 - (n) the kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone to the satisfaction of Council and at the Permit Holder's cost;
 - (o) all redundant property drains must be removed;
 - (p) prior to the occupation of the development, the road pavement of Queens Parade service road is to be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed. The cost of these road infrastructure works must be borne by the Permit Holder;
 - (q) the developer must ensure that light projected from any existing, new or modified public lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder;
 - (r) the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development for assessment and approval;
 - (s) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties. The Construction Management Plan for the site must also take the following into account:
 - (i) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
 - (ii) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.

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- (iii) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
 - (t) Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense;
 - (u) any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority;
 - (v) the applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610; and
 - (w) 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.
266. It is noted that the previous officer report flagged issues with the car park layout and access as identified by Cardno (Council's external traffic engineers). While the amended plans were not re-referred to Cardno (they were referred to Council's Engineering Services Unit), the previous issues are considered to have been met or could be conditioned as follows:
- (a) ramp widths have been increased. However, a condition should still be imposed to require detail of the kerb to kerb dimension;
 - (b) car parking spaces adjacent to walls have been increased to a width of 2.9m;
 - (c) while Council's Engineering Services Unit did not raise issue with headroom clearances, this was originally a concern for Cardno with the previous plans. This could be addressed by way of a permit condition, ensuring headroom clearances are clearly shown.

Road Zone

267. A permit is required to alter and create vehicular access to Queens Parade under clause 52.29 of the Scheme. The application was referred to VicRoads under this provision, and the following decision guidelines are relevant:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *The views of the relevant road authority.*
 - (c) *The effect of the proposal on the operation of the road and on public safety.*
 - (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*
268. As per the previous report, officers have no issue with the modified access to Queens parade. Again, with less parking provided on-site, any traffic impact would be reduced by way of the substituted plans.
269. VicRoads have also been provided with a copy of the substituted plans. Their position is unknown at the time of preparing this report, however if they object, VCAT (as the Responsible Authority) is required to consider their objection.

Bicycle parking

270. The application is not seeking to reduce the bicycle parking provision under clause 52.34.
271. Council's Strategic Transport Unit raised issue with the layout of bicycle parking, or the number of separate bicycle stores in basement 1 and their distance from the lift cores.

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However, the spaces are all generally within 30m of lifts. Further, as they are residential bicycle stores, not visitors, it is considered that the grouping of spaces is not necessary (residents will know where their allocated bicycle space is). The layout of the bicycle parking spaces is considered acceptable.

272. Council's Strategic Transport Unit were generally supportive of the visitor 'bicycle park' at the ground floor, however a condition should be imposed on any permit issued requiring more detail of this area.
273. Finally, comments were provided in relation to the bicycle parking spaces for the rear townhouse development. Council's Strategic Transport Unit suggested these spaces would be better located adjacent to this lot (yet still on the subject site), along the rear pedestrian link to this site. Given there is a reasonable landscaped area in this north-west corner, this would be more appropriate for these rear townhouse residents and should be imposed by way of a permit condition.
274. Conditions should also be imposed on any permit issued ensuring the bicycle parking can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars. Signage should also be required by way of a condition on any permit issued, as per clause 52.34-5 of the Scheme.
275. Subject to the conditions contained in this report, bicycle parking would be satisfactory.
276. Finally, in relation to general bicycle safety around the site due to the increased traffic volumes, the following as recommended in the previous report should continue to be imposed by way of a condition on any permit issued:

Council's Urban Design and Strategic Transport Units have raised concern with the impact of the proposal on the Queens Parade and Napier Street intersection and pedestrian and cyclist safety. Both units have suggested improvements to this intersection, should a permit issue:

1. *Close the service lane on the north west corner*
2. *Increased walkability through the installation of splitter islands and kerb extensions*
3. *Increased cycle safety through decreed crossing distances*
4. *Opportunities for better/greener public spaces*

The blue parts are those that we would seek to turn into footpath, verge or separated islands.

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Queens Parade & Napier Street, North Fitzroy



With an additional anticipated 121 peak hour and 1,209 daily movements as a result of this development, and given the scale of the project, should a permit issue, these road improvements are considered to have a reasonable nexus and should be imposed by way of permit conditions.

- 277. Given the increased traffic movements, it is considered appropriate to require these changes by way of a permit condition to ensure cyclist safety around the site.

Loading bay reduction

- 278. The original Council delegate report raised issue with no on-site loading bay. Officers suggested at least one standard car parking space be set aside for deliveries. Instead, the substituted plans incorporated a full-sized loading bay. The only variation now sought is for the 3.5m clearance instead of a 4m minimum clearance.
- 279. Given the size of the commercial tenancies, this clearance is considered to be reasonable.

Waste management

- 280. Council's Services Contracts Unit were re-referred the substituted plans. It is noted that the substituted plans were not accompanied by a modified waste management plan [WMP].
- 281. While a number of the issues previously identified have been addressed, the following remain, but could be addressed by way of a permit condition, should a permit issue:
 - (a) details on how bin store will operate/be managed by operator;
 - (b) details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling;
 - (c) detail plan of bin store showing path of access, hard waste area, etc.;
 - (d) details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;
 - (e) details on path of access from the street to the bin collection point;
 - (f) details on how the chutes operate to ensure appropriate use by tenants;
 - (g) details on how the development will be managed by the operator; and

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- (h) show how the WMP will work in practice for residents, operator and waste contractors.

Objector concerns

282. The following objector concerns have been addressed throughout this report:
- (a) *non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;*
 - (b) *height (this would be similar to the Housing Commission flat construction;*
 - (c) *upper level setbacks are inadequate;*
 - (d) *design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well;*
 - (e) *use of landscaping is 'laughable' and no maintenance details are provided;*
 - (f) *impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);*
 - (g) *proposed facadism and impact on heritage of the site;*
 - (h) *neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');*
 - (i) *impact on the Edinburgh Gardens;*
 - (j) *off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);*
 - (k) *poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);*
 - (l) *insufficient car parking (the area is already constrained, difficult for guests/visitors to park);*
 - (m) *impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);*
 - (n) *traffic impacts;*
 - (o) *impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;*
 - (p) *the development would achieve a poor ESD standard;*
 - (q) *footprint/site coverage is too high, needs more open space around it; and*
 - (r) *commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets).*
283. The following will be addressed now:
- (a) Overdevelopment / density of apartments is too high;
284. Revisiting the strategic policies that apply to the site and area, along with the site being an identified strategic redevelopment site, the proposal is not considered to be an overdevelopment or be too high in terms of residential density.
- (b) this would create an unreasonable precedent;
285. Each application must be considered on its own merits.
- (c) this is just for the developer to make a profit;
286. This is not a relevant consideration to this planning assessment.
- (d) poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)
287. The design is considered to be of a high quality, as was supported in the external urban design advice received by Council.
- (e) this will destroy the 'community';

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288. The incorporation of commercial uses at the ground floor would positively engage the public realm, along with the addition of new residents into this ideally positioned area in close proximity to amenities and services.
- (f) insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);
289. The substituted plans include a reasonable dwelling mix, including 49 x 3BR and 15 x 4BR dwellings.
- (g) apartments are too small;
290. Apartments are considered to be of a reasonable size for the needs of residents. No concern has been raised in this report in relation to their layout. This issue was also not raised in the external urban design advice received by Council.
- (h) the draft Better Apartment Guide should be considered;
291. As identified, transitional provisions apply and clause 58 is not applicable.
- (i) there will be more robberies;
292. Increasing the residential tenancy and introducing ground level commercial/active frontages is considered to be a positive safety outcome.
- (j) construction could impact Fitzroy Gasworks underground contamination plume;
293. The site is subject to an EAO and any appointed environmental auditor would need to deal with this issue.
- (k) Asbestos/structural impact on nearby dwellings/no concern for health, safety or DDA;
294. These issues would be dealt with through the building permit process by the relevant building surveyor.
- (l) increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);
295. The introduction of 295 dwellings in this area is not considered to unreasonably tip the balance in terms of community service facilities.
- (m) construction impacts (noise, traffic, dust and pollution);
296. Should a permit issue, a condition should be imposed to mitigate construction impacts as best as practicable (acknowledging that some impacts are reasonable considering a development of this scale).
- (n) it will upset the dogs in the area;
297. It is not understood what is meant by this objection ground. However, this report has included a detailed urban design assessment to support the proposal in this context.
- (o) property devaluation;
298. This is not a relevant planning consideration.
- (p) rear lane should not be used to access Brunswick Street front the site;

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299. As the lane is one way, this is not a suitable option given the basement would accommodate 328 car parking spaces.

(q) social housing should be included; and

300. While desirable, this is not a requirement of the Yarra Planning Scheme.

(r) perspectives have not been provided from the north or Edinburgh Gardens.

301. While desirable, officers have been able to undertake a detailed assessment of the application in the absence of this information.

Special Building Overlay

302. Considering the decision guidelines at clause 44.05-6 of the Scheme, the considerations are specialised to flooding. Melbourne Water is the relevant Referral Authority as the crossover extends into the SBO.

303. Melbourne Water have not yet provided comments on the substituted plans, however if a permit is issued, the Act requires those conditions to be imposed.

Referral Authorities

304. It is noted that Melbourne Water, PTV and VicRoads are Section 55 Referral Authorities under the Scheme. They have been provided with a copy of the substituted plans by the Permit Applicant as per the VCAT process. This report therefore has not incorporated their comments (their views on the substituted plans are unknown at the time of writing this report). However, Council is still required to inform VCAT of its position on the amended plans, as are these Referral Authorities.

Other matters

305. The following conditions were also recommended in the previous officer report and continue to be recommended in response to the substituted plans:

- (a) retention of the existing ground floor south façade windows. Where balconies are proposed behind, glazing may be removed, however framing must be retained or replaced to match existing;
- (b) details of how the framing and glazing to the existing façade windows (including adjacent to balconies where glazing would be removed but framing would remain or be replaced to match existing);
- (c) retention of the existing front canopy detail;
- (d) reconstruction of the eastern wall (within the western café) in recycled brick to match the façade or similar;
- (e) details of the paint removal method to the retained façade (a low-pressure water and chemical or a poultice system is suggested);
- (f) minimum 100mm dwelling entry door recesses;
- (g) resident bicycle parking within secured, well-lit lockers.

Conclusion

306. Based on the above report and subject to the conditions outlined below, the proposal is considered to comply with the relevant Planning Scheme provisions and planning policy and is therefore supported.

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That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN16/0434) for 26-56 Queens Parade, Fitzroy North VIC 3068 for the development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the land for the sale and consumption of liquor (on-premises), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone in accordance with the substituted plans (received by Council 25 July 2017) subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the substituted plans, prepared by Cox Architecture and received by Council (25 July 2017) but modified to show:
 - (a) demolition plans and elevations;
 - (b) survey information included on elevations to confirm that the maximum:
 - (i) overall building height does not exceed 31m; and
 - (ii) the new façade height to Queens Parade (podium element) does not exceed 10m.
 - (c) details of the vehicular entrance door, fire booster cupboards and services;
 - (d) screening to habitable room windows, balcony or terrace to address internal and external overlooking within a 9m radius and 45 degree arc of an adjacent habitable room windows or private open space area to the satisfaction of the Responsible Authority. Screens must be designed and/or of a material to minimise views and still permit reasonable daylight to enter the treated dwellings;
 - (e) treatments to the ground level windows and private open space areas to provide privacy from the communal open space areas;
 - (f) north-west built form segment adjacent to the General Residential Zone, Schedule 3, setback as per Standard B17 of Clause 55 of the Yarra Planning Scheme;
 - (g) levels 2 to 9 of the eastern setback adjacent to the light court of 58 Queens Parade setback as per the requirements at table 2 of Schedule 16 to the Design and Development Overlay of the Yarra Planning Scheme;
 - (h) a schedule of external colours and materials, including samples (where appropriate). The schedule must show:
 - (i) the upper level planter boxes in a light to mid-grey finish; and
 - (ii) a darker finish to the level 1-2 balcony balustrades of the non-heritage façade.
 - (iii) the 'timber' as a durable material;
 - (iv) reconstruction of the eastern return wall to the heritage façade in face brick to match the façade;
 - (v) the heritage façade as a face brick finish (paint removal with no re-painting); and
 - (vi) details of the plant level screens, to be integrated with the overall design of the building.
 - (i) details of the paint removal method to the retained façade (a low-pressure water and chemical or a poultice system is suggested);
 - (j) retention of the existing ground floor south facade windows. Where balconies are proposed behind, glazing may be removed, however framing must be retained or replaced to match existing;
 - (k) details of how the framing and glazing to the existing façade windows (including adjacent to balconies where glazing would be removed but framing would remain or be replaced to match existing);
 - (l) retention of the existing front canopy detail;
 - (m) coloured elevations and perspectives;
 - (n) clear glazing to all habitable rooms of dwellings;

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- (o) provision of full height glazing to the following dwellings:
 - Ground floor
 - C1GF09
 - C4GF04 (rear bedroom), C4GF05, C4GF06,
 - C3GF01, C3GF02, C3GF06 (rear bedroom)
 - Lower level bedrooms of TH11, TH12, TH13, TH14,
 - First Floor
 - C40105, C40106,
 - C30101, C30102, C30103, C30104, C30105
 - Second Floor
 - Rear bedrooms to TH11, TH12, TH13, TH14
 - C30201, C30202, C30203, C30204, C30205
- (p) a convex mirror adjacent to the vehicular exit (no alarm systems);
- (q) a lighting plan addressing entries and public spaces within the development;
- (zz) a landscape plan which shows the:
 - (i) deletion of the 2 shrubs/plants along the property frontage in front of the easternmost commercial tenancies;
 - (ii) type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
 - (iii) cross sections showing the depth of planter boxes and planting;
 - (iv) location of all areas to be covered by lawn, paving or other surface materials;
 - (v) specification of works to be undertaken prior to planting;
 - (vi) watering and maintenance;
 - (vii) garden bed dimensions;
 - (viii) areas of paving and proposed materials;
 - (ix) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
 - (x) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
 - (xi) water sensitive urban design [WSUD] features; and
 - (xii) removal of street tree 8 (Ulmus). A notation must confirm that the Permit Holder will pay the Responsible Authority \$8,960 to undertake these works, including the reinstatement of 2 trees after development plus 2 years tree establishment maintenance by City of Yarra contractors;
 - (i) a detailed section of the green roofs, confirming/detailing:
 - vegetation layer;
 - growing substrate and depth (plants should not be supplied as 100mm pots, but grown in the media to be used on the green roof);
 - confirmation that load bearing weights for saturated bulk density have been considered and supported by suitably qualified engineers);
 - irrigation;
 - filter sheet;
 - drainage layer (specify the Elmich product, or similar);
 - protection mat;
 - root barrier; and
 - waterproofing.
- (r) a red line plan showing the sale and consumption of liquor limited to the internal area of the westernmost food and drinks premises (café);
- (s) the 'café' and 'restaurant' shown as a 'food and drinks premise (café)';
- (t) the shop (deli) with a maximum leasable floor area of 150m²;
- (u) the food and drinks premises (cafes) with a maximum leasable floor area of 150m² in total;
- (v) title boundaries as per the certificate of title;
- (w) toilets for the commercial tenancies;

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- (x) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of the Queens Parade service lane (from the kerb line to the centre line of the road) and the access ways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
- (y) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (z) details of bicycle storage/parking systems, demonstrating they can provide space for a bicycle of minimum dimensions of 1.7m in length, 1.2m in height and 0.7m in width at the handlebars;
- (aa) details of the visitor 'bicycle park' at the ground floor;
- (bb) at least 25% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);
- (cc) bicycle parking for the rear site townhouses positioned adjacent to the pedestrian gate in the north-west corner of the site;
- (dd) ramp width dimensions (from kerb to kerb);
- (ee) minimum headroom clearances throughout the basement dimensioned;
- (ff) a minimum 1m clearance from the vehicle entry/exit to the adjacent power pole. The east edge of the crossover must be perpendicular to the Queens Parade service road;
- (gg) car park columns setback 750mm from the aisles;
- (hh) loading bay dimensioned on the drawings, including minimum overhead clearance. The plan must also include a note confirming details of the vehicles permitted to use this space, along with swept path diagrams;
- (ii) the headroom clearance of the vehicular doorway;
- (jj) visitor intercoms to the pedestrian and vehicular entries to the development;
- (kk) a note confirming the design and construction of the new vehicle crossing must satisfy Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements;
- (ll) all redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense;
- (mm) changes (as necessary) as per the endorsed Acoustic Report, Structural report, Wind Report, SMP, Shared zone management plan and Waste management plan;
- (nn) **any Melbourne Water Changes.**

General

2. The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Cox Architecture or an architectural firm(s) to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
6. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

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7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
9. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
10. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,all to the satisfaction of the Responsible Authority.
12. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
13. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

General Use Conditions

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

Use of the land for the sale and consumption of liquor

15. No more than 50 patrons are permitted in the westernmost food and drinks premises (café) at any one time.
16. The sale and consumption of liquor in association with the westernmost food and drinks premises (café) may only occur between the hours of 12 noon to 5pm, any day.
17. Before the use of the land for the sale and consumption of liquor commences, a Noise and Amenity Action Plan [**NAAP**] to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the NAAP will be endorsed and will then form part of this permit. The NAAP must include details as per clause 22.09-4.3 of the Yarra Planning Scheme.
18. The sale and consumption of liquor uses must be managed in accordance with the endorsed NAAP.

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19. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
20. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
21. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.

Structural report requirement

22. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
23. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Art Management Plan

24. Before the buildings are occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - (i) materials;
 - (ii) colours;
 - (iii) dimensions;
 - (iv) content;
 - (v) special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
25. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Section 173 Agreement

26. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
 - (a) the ongoing provision of 7 car parking spaces, 4 bicycle parking spaces, 4 stores and a bin area for the rear of 26-56 Queens Parade, Fitzroy North (Lot 1 on Title Plan 806921X) on this site.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

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Wind Assessment report

27. Before the plans are endorsed, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 30 June 2016, but modified to:
- (a) reflect the decision plans; and
 - (b) demonstrate that acceptable wind levels would be resultant from the development (on and off the site); and
 - (c) identify which balustrades could be reduced to 1m or 1.7m (dependent on overlooking requirements) and continue to achieve the relevant wind criteria.
28. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

29. Before the plans are endorsed, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Wood and Grieve Engineers, dated 29 June 2016 and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met. The report must:
- (a) the decision plans and any relevant condition 1 requirements;
 - (b) amended location and time of road traffic noise measurements as follows:
 - (i) noise levels during the afternoon peak hour and the loudest hour of the 'night' period (typically 6 am to 7 am for sites such as this one); and
 - (ii) a daytime measurement to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted;
 - (iii) the adoption of target indoor noise levels with regard to road traffic as follows:

	Period	Average Level ²	Loudest Hour ³	Instantaneous Lmax level
Habitable rooms, including bedrooms	7 am to 10 pm	40 dBA Leq, 15h	45 dBA Leq, 1h	
Bedrooms	10 pm to 7 am	35 dBA Leq, 9h	40 dBA Leq, 1h	50-55 dBA Lmax

² - The 'average level' is equal to the mid-point between the AS/NZS2107 recommended 'satisfactory' and 'maximum' levels and is equal to the levels allowed in the 2011 NSW Road Noise Policy (Appendix C10) and the WA State Planning Policy (5.4).

³ - The 'loudest' hour targets are equal to the AS/NZS2107 recommended 'maximum' levels.

- (d) 3D modelling must demonstrate how the above targets will be achieved (including any necessary façade upgrades);
- (e) target internal noise levels with regard to the impact of voice noise from the communal outdoor areas:
 - (i) noise from voice to apartments within the development be designed to achieve not greater than 30 dBA Leq in bedrooms and 35 dBA Leq in living rooms;

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- (ii) noise from voice to existing dwellings be assessed to a 'background+10 dB' target during the day/evening period and 'background + 5 dB' at night;
 - (iii) a restriction be provided on use of the Level 3 and 4 outdoor areas after 10 pm unless it can be demonstrated that 'background + 5 dB' targets can be met at the existing dwellings.
 - (f) maximum music noise levels in the food and drinks premises (cafés) and shop, ensuring compliance with SEPP N-2, along with a commitment to install a music noise monitor to ensure that these levels are not exceeded;
 - (g) an assessment voice noise from patrons within the food and drinks premises (cafés) and shop to the proposed dwellings. Indoor design targets of no greater than 30 dBA Leq must be achieved with windows closed;
 - (h) the impact of airborne noise from within the food and drinks premises (cafés) and shop, with any necessary building upgrades to minimise impacts; and
 - (i) an assessment of the following on the existing (off-site) and proposed dwellings (on-site):
 - (i) communal areas (including the theatre, pool are, lounges gym and roof terraces);
 - (ii) the driveway along the eastern boundary;
 - (iii) the vehicular entry door;
 - (iv) lift cores; and
 - (v) mechanical plant and equipment (including air conditioner units).
30. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
31. Prior to the occupation of the development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
- (a) confirm compliance with relevant conditions of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement.
32. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Sustainable Management Plan

33. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wood and Grieve Engineers dated 29 June 2016, but modified to show/reflect/demonstrate:
- (a) the decision plans;
 - (b) the incorporation of any combination of the following;
 - (c) extraction fans to all kitchen range hoods and bathrooms;
 - (d) ceiling fans;
 - (e) trickle vents;
 - (f) energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.
34. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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Waste Management Plan

35. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by RB Waste Consulting Service and dated 20 November 2015, but modified to include/reflect:
 - (a) the decision plans;
 - (b) details on how bin store will operate/be managed by operator;
 - (c) details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling;
 - (d) detail plan of bin store showing path of access, hard waste area, etc.;
 - (e) details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;
 - (f) details on path of access from the street to the bin collection point;
 - (g) details on how the chutes operate to ensure appropriate use by tenants;
 - (h) details on how the development will be managed by the operator; and
 - (i) show how the WMP will work in practice for residents, operator and waste contractors.
36. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

37. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
38. The landscaping shown on the endorsed plans must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants; all to the satisfaction of the Responsible Authority.
39. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of the nature strip trees adjacent to the site along the Queens Parade frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.
40. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Car parking

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41. Before the development commences, a Car Park Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) the allocation of 7 car parking spaces to the rear of 26-56 Queens Parade, Fitzroy North (planning permit PLN16/0732);
 - (b) the number and location of car parking spaces allocated to each commercial tenancy;
 - (c) management details for residential loading/unloading when moving;
 - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) any policing arrangements and formal agreements;
 - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 54; and
 - (i) details regarding the management of loading and unloading of goods and materials.
42. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
43. Before the building is occupied, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces to the satisfaction of the Responsible Authority.

Traffic, roads and footpaths

44. All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.
45. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
46. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Design Detail

47. Within three months of commencement of the development, the owner of the site must submit Detailed Engineering Documentation to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must showing the following, to be provided to the satisfaction of the Responsible Authority and at the expense of the Permit Holder:

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- (a) the reconstruction of the laneway, adjacent to the northern boundary of the site, in pitched bluestone;
 - (b) the reconstruction of the footpath outside the Queens Parade frontage of the site, once all building works and underground utility services have been completed/installed. All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line;
 - (c) subject to approval from Melbourne Water, VicRoads and the Responsible Authority, improvements to the Queens Parade and Napier Street intersection also to the satisfaction of Melbourne Water, as follows:
 - (i) close the service lane on the north west corner;
 - (ii) increased walkability through the installation of splitter islands and kerb extensions;
 - (iii) increased cycle safety through decreed crossing distances; and
 - (iv) Opportunities for better/greener public spaces;
 - (d) re-sheeting of the Queens Parade service road as per existing details and materials. The road pavement of Queens Parade service road must be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed;
 - (e) the nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf;
 - (f) the kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone; and
 - (g) all redundant property drains must be removed.
48. Unless with the prior written consent of the Responsible Authority, all development referenced in condition 58 must be completed to the satisfaction of the Responsible Authority prior to occupation of any buildings.
49. The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.
50. Before the development commences, the permit holder must make a one off contribution of \$8,960 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development (reinstatement of 2 trees after development plus 2 years tree establishment maintenance). All work will be undertaken by City of Yarra contractors.

Green Travel Plan

51. Before the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) describe the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities; and
 - (g) include provisions to be updated not less than every 5 years.
52. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

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

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When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) a lighting plan which must include:
 - (i) details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
 - (ii) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - (iii) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
- (i) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (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) 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;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer; and
 - (v) other relevant considerations.

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54. During the construction:
- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the land;
 - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
55. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
56. Any service poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense, with approval from the relevant authorities and to the satisfaction of the Responsible Authority.
57. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.
58. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.
59. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside the site must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.
60. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
61. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
62. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
63. Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.

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- 64. No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.
- 65. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Public lighting plan

- 66. Prior to the commencement of the development, a public lighting plan must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:
 - (a) confirm that all primary pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
 - (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
 - (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
 - (e) include a commitment that the Permit Holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
 - (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the Permit Holder.
- 67. The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions

68.

Melbourne Water conditions

69.

PTV Conditions

70.

Expiry

- 71. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within 2 years of the issued date of this permit;
 - (b) the development is not completed within 4 years of the issued date of this permit;
 - (c) the uses are not commenced within 5 years from the date of this permit.
 In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

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NOTES:

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

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

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

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

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

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

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

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

Any changes to on-street parking conditions will need separate approval from Council's Parking Services Unit (9205 5299).

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

CONTACT OFFICER: Sarah Thomas
TITLE: Principal Planner
TEL: 92055046

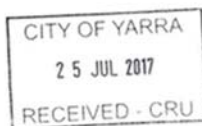
Attachments

- 1 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application
- 2 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans
- 3 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of substituted plans
- 4 PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans
- 5 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Advice on substituted plans
- 6 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Memo2 - 26-56 Queens Parade
- 7 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of substituted plans
- 8 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans
- 9 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Open space advice on substituted plans
- 10 PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - PLN16-0434 (July Amendment) - Strategic Transport Advice on substituted plans

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PLANNING & PROPERTY **PARTNERS**
LAWYERS & CONSULTANTS

Planning & Property Partners Pty Ltd
ABN 63 343 015 948
Duckboard House
Level 2, 91-93 Flinders Lane
Melbourne VIC 3000

Telephone: +61 3 8626 9000
Facsimile: +61 3 8626 9001
admin@pppartners.com.au

24 July 2017

To the addressee

Dear Sir/Madam,

26-56 QUEENS PARADE, NORTH FITZROY
VCAT REFERENCE NO. P2079/2016

We act for Gurner 26-56 Queens Parade Pty Ltd, Permit Applicant/Applicant for Review.

In accordance with the Tribunal's Order dated 6 April 2017, we **enclose** the following by way of service:

- i. PNPE9 Form A - Notice of an Amendment of an Application;
- ii. Blank Statement of Grounds form; and
- iii. Amended Plans prepared by Cox Architects.

Yours faithfully

Mark Naughton
Planning & Property Partners Pty Ltd

Encl

Attachment 1 - Queens Parade Items 9 August 2017_Part1

Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application



STATEMENT OF GROUNDS

Use this form to set out your reasons for contesting a planning and environment case at VCAT. These written reasons are called your statement of grounds.

CASE DETAILS	
Date that statement of grounds must be received by VCAT <small>This is on the notice you received or the sign at the site.</small>	18 AUGUST 2017
VCAT reference number	P2079/2016
Site address	26-56 Queens Parade, North Fitzroy

YOUR DETAILS	
Name (objector, authority, company, other)	
Contact person if different to above	
Telephone/Mobile	
<p>Give us an email and another address for serving documents We email copies of orders, including the final decision, if you are a party. We do not send a printed copy as well. If you do not give us an email, printed orders may arrive after the decision is published and after other parties get it by email. If you give us your email address, it will be available on VCAT's records. These may be inspected by other parties and media. We do not accept any responsibility for emails not received due to changes in address, firewall or other security measures attached to your email account.</p>	
Email	
Other address (this must be in Victoria)	

YOUR PARTICIPATION IN HEARINGS	
<input type="checkbox"/> I intend to appear and present a submission at the hearing.	Fees apply.
<input type="checkbox"/> I do not intend to participate in the hearing, but want VCAT to consider my statement of grounds.	No fee applies.
<p>If you choose this, you will not be a party to the proceeding. VCAT considers your statement of grounds in any contested hearing but will not send you further correspondence.</p>	

FEES
<p>Fees apply if you intend to appear or present a submission at the hearing. If you do not pay the fee at the time of lodging this form, you will not be a party and will not be entitled to take part, even if you indicated that you wanted to participate. For information about fees and fee relief, visit www.vcat.vic.gov.au. You do not have to pay a fee if you are a permit applicant or holder, the determining or recommending referral authority, a person responding to an enforcement order application, or an applicant for a works authority or licence.</p>

PRESENTING AT THE HEARING	
If you intend to present at the hearing, tell us:	
Time required to present your complete case at the hearing (submissions plus witnesses)	
Number of expert witnesses I intend to call (if any)	
Witness area/s of expertise	

For information about witnesses and evidence, visit vcat.vic.gov.au and see Practice Note PNVCAT2 – Expert Evidence.

Attachment 1 - Queens Parade Items 9 August 2017_Part1

Attachment 1 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT(P2079/2016) - PNPE9 - Notice of an Amendment of an Application



WHO IS MAKING THIS STATEMENT?

This statement of grounds is lodged by or on behalf of:

Objector/s

- A person who objected to the original application to the council
- A person who did not object to the original application to the council but now wants to object
- A person responding to an application to amend plans or make other changes to an existing application
- A person responding to a notice by a permit holder to amend a permit

Permit applicant or permit holder

- A permit applicant responding to an objector's application for review
- A permit holder responding to a non-permit holder's application to amend or cancel a permit

Referral authority

- Determining referral authority
- Recommending referral authority

Enforcement orders

- A person responding to an application for an enforcement order

Environment applications

- Objector/s to a works approval application made to the Environment Protection Authority
- A works approval applicant
- An objector to an application made for a licence to take or use water or for works under the *Water Act 1989*
- An applicant for a licence to take and use water
- An applicant for a works licence or licence for underground disposal using a bore

Other

- Specify _____

JOINT STATEMENT OF GROUNDS

Complete this section if you are a spokesperson for people lodging a joint statement of grounds.

- Attach a list of the names and addresses of all the people you represent, showing whether you have their individual consent.
- Be aware you may be asked to provide VCAT with a copy of their written consent.

I certify that I have consent to act as spokesperson for the attached list of people where this is a joint statement of grounds:

- Yes No

We will only communicate with the nominated representative for a joint statement of grounds.

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000
 GPO Box 5408 Melbourne VIC 3001
 Ausdoc DX 210576 Melbourne

Website www.vcat.vic.gov.au
 Email vcat-admin@vcat.vic.gov.au

Telephone 9628 9777
 Facsimile 9628 9789

Attachment 1 - Queens Parade Items 9 August 2017_Part1

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VCAT | victorian civil & administrative tribunal

YOUR STATEMENT OF GROUNDS

A short summary of my reasons for contesting the VCAT application is

in the box below
 attached.

SERVE A COPY

You must serve a copy of your statement of grounds on both the responsible or relevant authority and the applicant by the date that appears in the notice you received and on the sign at the site – the same date on the front of this form. If not, we may not be able to hear your views or consider your objections.

You must certify that you have done so and complete the acknowledgement on this form.

CERTIFICATION

I certify that I have served a copy of this statement of grounds

on _____ (insert date dd/mm/yyyy) on the applicant
 on _____ (insert date dd/mm/yyyy) on the respondents (responsible/relevant authority)

ACKNOWLEDGEMENT

I understand and acknowledge that:

- to the best of my knowledge, all information provided in this form is true and correct
- it is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Full name of person completing this statement of grounds form: _____

Date: _____

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000 Website www.vcat.vic.gov.au Telephone 9628 9777
GPO Box 5408 Melbourne VIC 3001 Email vcat-admin@vcat.vic.gov.au Facsimile 9628 9789
Ausdoc DX 210576 Melbourne

Attachment 1 - Queens Parade Items 9 August 2017_Part1

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ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate fees** for businesses and companies with a turnover of more than \$200,000 in the previous financial year, corporate entities and government agencies
- **standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$200,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession fees** for people who hold the Australian Government Health Care Card. You must provide a copy of your card with your application.

To find out if you need to pay an application fee and how much it costs, visit the fees page at www.vcat.gov.au

FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship.

Visit www.vcat.vic.gov.au for more information about fee relief.

Are you applying for fee relief?

- No – complete **Fee payment** section
- Yes – complete **Fee relief form** and attach it to this application form

FEE PAYMENT

Complete this section unless you are applying for fee relief or no fee is payable.

Choose the fee level:

- Standard
- Corporate
- Concession

Fee amount charged: _____

CARD DETAILS

Cards Accepted: * VISA MasterCard

Cardholder Name: *

Card Number: *

Card Expiry: *

Signed: * _____

Date: _____

REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO OTHER PARTIES

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000
GPO Box 5408 Melbourne VIC 3001
Ausdoc DX 210576 Melbourne

Website www.vcat.vic.gov.au
Email vcat-admin@vcat.vic.gov.au

Telephone 9628 9777
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Attachment 1 - Queens Parade Items 9 August 2017_Part1

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PLANNING AND ENVIRONMENT LIST

NOTICE OF AN AMENDMENT OF AN APPLICATION – PNPE9 FORM A

Subject Land	26-56 Queens Parade, North Fitzroy	VCAT Ref: P2079/2016
--------------	------------------------------------	----------------------

DATE BY WHICH A STATEMENT OF GROUNDS MUST BE LODGED WITH VCAT	18 AUGUST 2017
---	----------------

- A proceeding has been lodged with VCAT about this land and allocated the above VCAT reference number. Please quote this number when communicating with VCAT about this matter.
- The applicant has applied to amend its application, which is the subject of this proceeding, in the manner set out below.
- You may wish to respond to this application for amendment. If so, please read the important information accompanying this notice.
- If the proceeding is an application for review concerning a permit application, the permit application, the proposed amendment, relevant plans and supporting material can be inspected at the office of the responsible authority.
- If the proceeding is an application for review concerning a works approval or licence, the application for works approval or licence, the proposed amendment and supporting material can be inspected at the office of the EPA or other primary decision maker.
- If you have any queries about the amendment, you should contact the Applicant. The Tribunal cannot assist you with this information.
- The proposed dates for the hearing of the proceeding and any compulsory conference are set out below.

NAME OF APPLICANT	Gurner 26-56 Queens Parade Pty Ltd
CONTACT DETAILS FOR APPLICANT Name of contact person and Telephone or mobile number	Mark Naughton Planning & Property Partners Pty Ltd 03 8626 9000
NAME OF RESPONSIBLE AUTHORITY OR PRIMARY DECISION-MAKER	Yarra City Council
PERMIT APPLICATION NUMBER	PLN16/0434
BRIEF DESCRIPTION OF PROPOSAL WHICH IS THE SUBJECT OF THIS PROCEEDING	Part demolition and development of the land for the construction of a multi storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), a café, food and drinks premises, shop, use of part of the land (food and drinks premises and café) for the sale and consumption of liquor, reduction in the car parking requirements, waiver of the loading bay requirements and alteration of access to a Road Zone.

TYPE OF PROCEEDING

Place X in relevant box. Note that a permit application cannot be amended in a proceeding for review of conditions under section 80 Planning and Environment Act 1987 where a permit has been granted

Review refusal to grant a permit under section 77 Planning and Environment Act 1987

Victorian Civil and Administrative Tribunal (VCAT)

Administrative Division: Planning and Environment List

55 King Street, Melbourne VIC 3000 Website www.vcat.vic.gov.au

GPO Box 5408, Melbourne VIC 3001

Email vcat-admin@justice.vic.gov.au

Telephone 03 9628 9777

Facsimile 03 9628 9789

Ausdoc DX 210576 Melbourne

Attachment 1 - Queens Parade Items 9 August 2017_Part1

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<input checked="" type="checkbox"/>	Review failure to grant a permit under section 79 <i>Planning and Environment Act 1987</i>
<input type="checkbox"/>	Review notice of decision to grant permit under section 82 <i>Planning and Environment Act 1987</i>
<input type="checkbox"/>	Amend permit under section 87A <i>Planning and Environment Act 1987</i>

NATURE OF PROPOSED AMENDMENT TO THE APPLICATION	
Full details of the proposed amendment are provided in the accompanying material <i>Place X in relevant box.</i>	
<input checked="" type="checkbox"/>	Amendment to plans
<input type="checkbox"/>	Amendment to the development proposal
<input type="checkbox"/>	Amendment of the proposed use or other reason for which a permit is required
<input type="checkbox"/>	Other – <i>Please specify briefly</i>

PROPOSED DATE/S OF HEARING & COMPULSORY CONFERENCE	
All hearings and compulsory conferences will be held at 55 King Street, Melbourne unless otherwise notified	
Date/s of hearing	4 September 2017 (10 days)
Date of compulsory conference (where relevant)	
Date of practice day hearing (where relevant)	

Attachment 1 - Queens Parade Items 9 August 2017_Part1

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PLANNING AND ENVIRONMENT LIST

INFORMATION ABOUT NOTICE OF AN AMENDMENT OF AN APPLICATION

HOW TO RESPOND IF YOU ARE A PARTY TO THE PROCEEDING

If you are already a party to the proceeding, you may amend your statement of grounds at any time prior to the hearing or you may choose to continue to rely on the statement of grounds you have already lodged with VCAT and do nothing. If you have already paid a fee in respect of your statement of grounds, you do not need to pay a further fee.

If you wish to amend your statement of grounds, you must file a copy of your amended statement of grounds with VCAT and serve a copy on the applicant and the responsible authority or other primary decision-maker.

HOW TO RESPOND IF YOU ARE NOT A PARTY TO THE PROCEEDING

Person wishes to be heard and become party to proceeding

If you are not already a party to the proceeding and you wish to be heard in relation to this application, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.
- Pay the relevant fee.

If you comply with these requirements, you will become a party to the proceeding.

Person who does not wish to be heard

If you are not already a party to the proceeding and you wish to contest the proceeding but in your statement of grounds state that you do not intend to participate in the hearing of the proceeding, **by no later than the date specified in the notice** you must:

- Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
- Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
- Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.

If you comply with these requirements, the Tribunal will consider your statement of grounds at any contested hearing of the proceeding, but you will not be sent any further correspondence by the Tribunal. You will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be heard at the hearing unless the Tribunal gives you leave.

Failure to comply with requirements

If there is a fee payable and you do not pay the fee, or if you do not return a statement of grounds by the due date, even if you pay the relevant fee, the Tribunal may still consider your statement of grounds but you will not be a party to the proceeding. This means that you cannot participate in any compulsory conference or be heard at the hearing unless the Tribunal gives you leave. You will not be sent further correspondence by the Tribunal.

If you are not a party and you subsequently wish to be heard, you must file and serve a statement of grounds which states you intend to appear and present a submission at the hearing, and must pay the relevant fee not less than 48 hours before the hearing. You must attend the hearing and seek leave from the Tribunal to be heard. Generally, the Tribunal will consider the views of the applicant and the responsible authority or primary decision-maker before deciding whether to grant leave. However, this does not mean that you will necessarily become a party to the proceeding unless the Tribunal makes an order to join you as a party.

STATEMENT OF GROUNDS:

You should use the attached statement of grounds form. When completing the Statement, you should provide sufficient information so that the issues you intend to raise can be identified clearly. A statement of grounds form is available on the VCAT website.

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WITHDRAWING YOUR OBJECTION

If you wish to withdraw your statement of grounds at any time, please inform VCAT, the Applicant and the Responsible Authority in writing. You will then be removed from VCAT's record and receive no further correspondence.

COMMUNICATING WITH VCAT

A person who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication should state a copy was sent to the other parties and list the parties it was sent to. This applies to communications sent by letter, fax or email.

INSPECTING VCAT'S FILE

Any party to the proceeding may inspect a file without a fee; however, other persons must pay a fee. Charges are made for photocopying. To arrange an inspection time, complete the 'File and Document Access Request Form', on the website or by contacting VCAT.

ENQUIRIES

Should you have any further enquiries, please contact VCAT on the numbers below. Please quote VCAT's reference number. Guidelines and information on VCAT's procedures are on VCAT's website at www.vcat.vic.gov.au or available from VCAT on request.

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26-56 QUEENS PARADE, FITZROY NORTH
 SHIRLEY HANSEN
 26-56 QUEENS PARADE

COO ARCHITECTURE

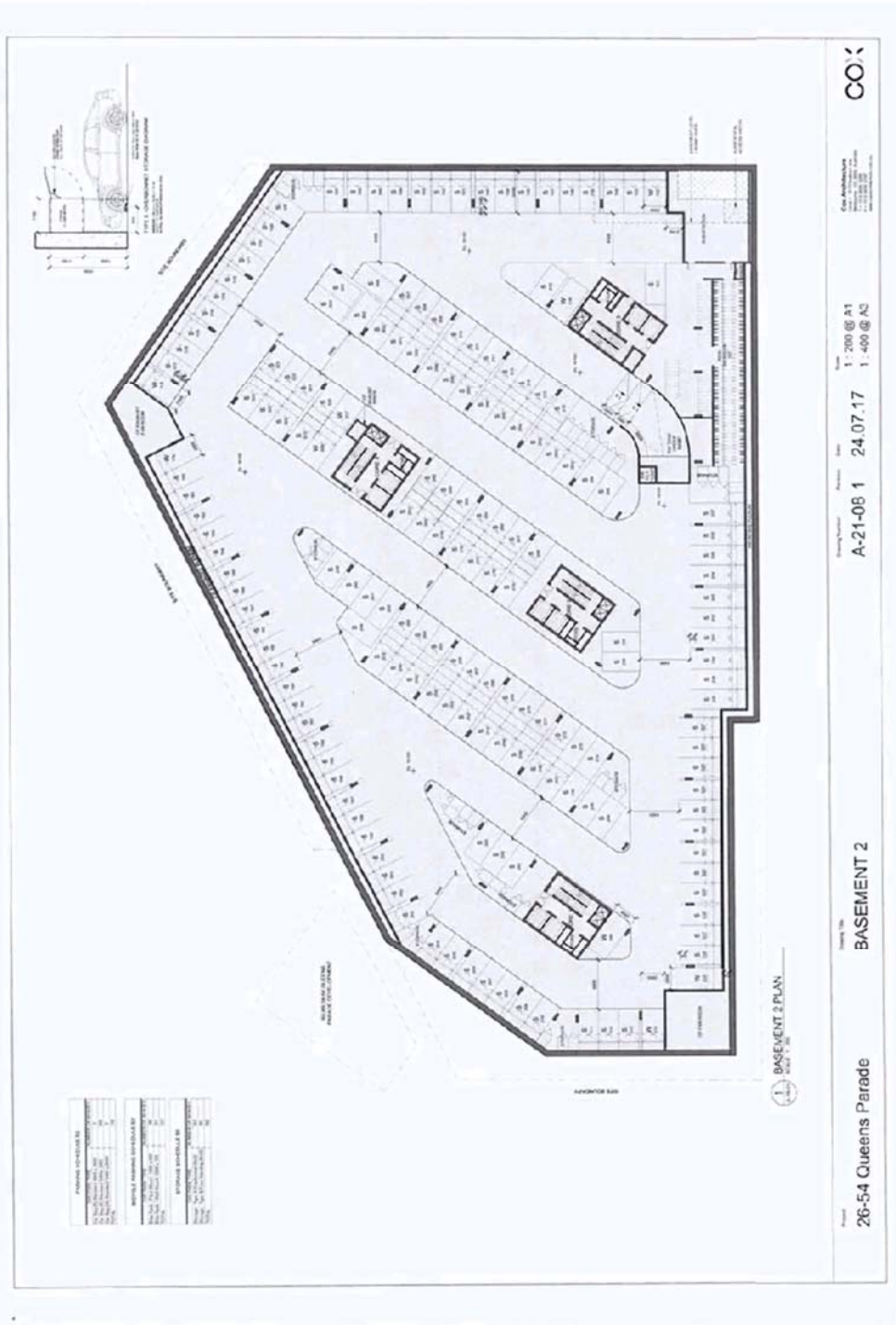
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PROPOSED DEVELOPMENT	EXISTING DEVELOPMENT	PROPOSED DEVELOPMENT	EXISTING DEVELOPMENT	PROPOSED DEVELOPMENT	EXISTING DEVELOPMENT
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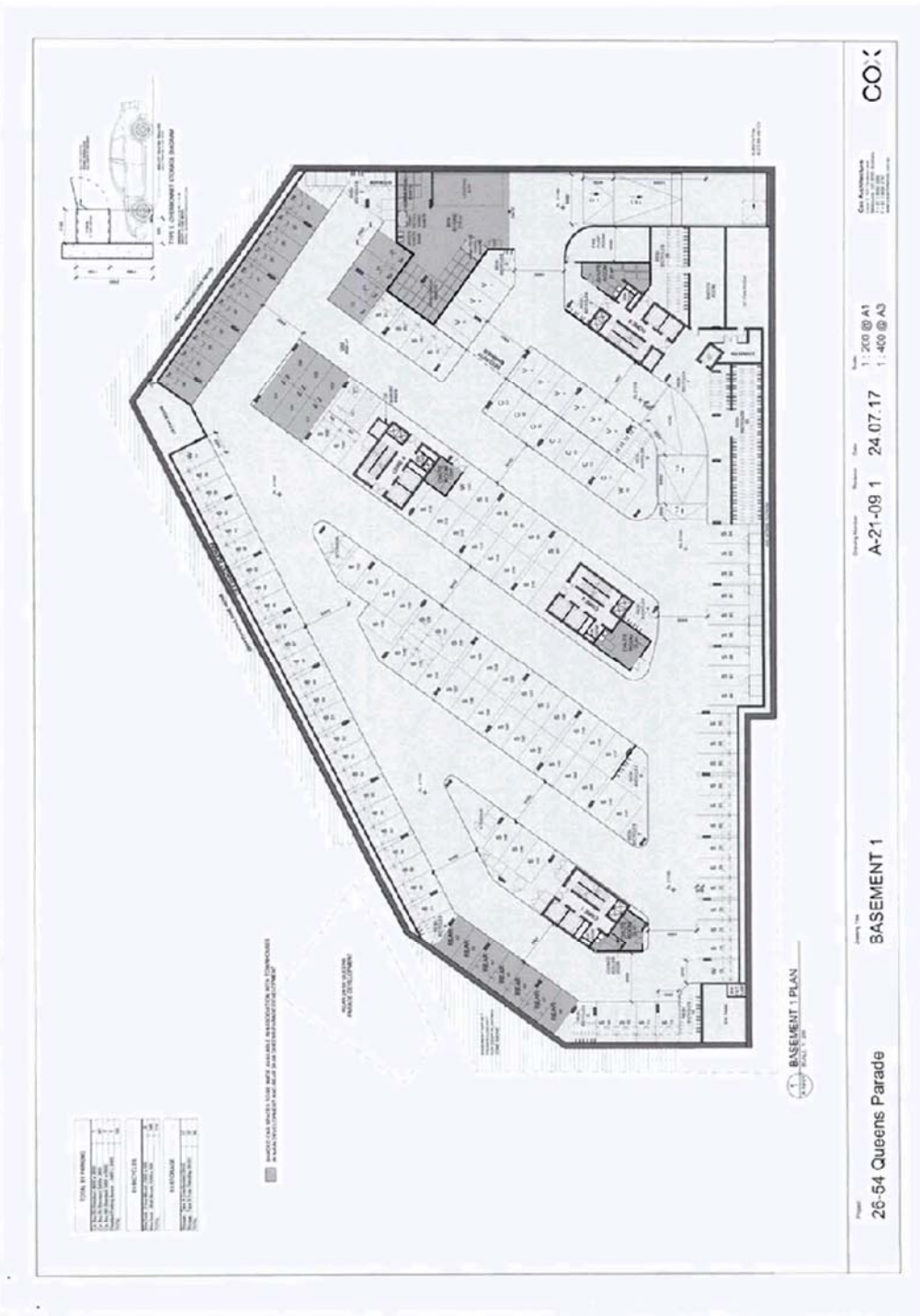
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Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 9 August 2017

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Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 9 August 2017

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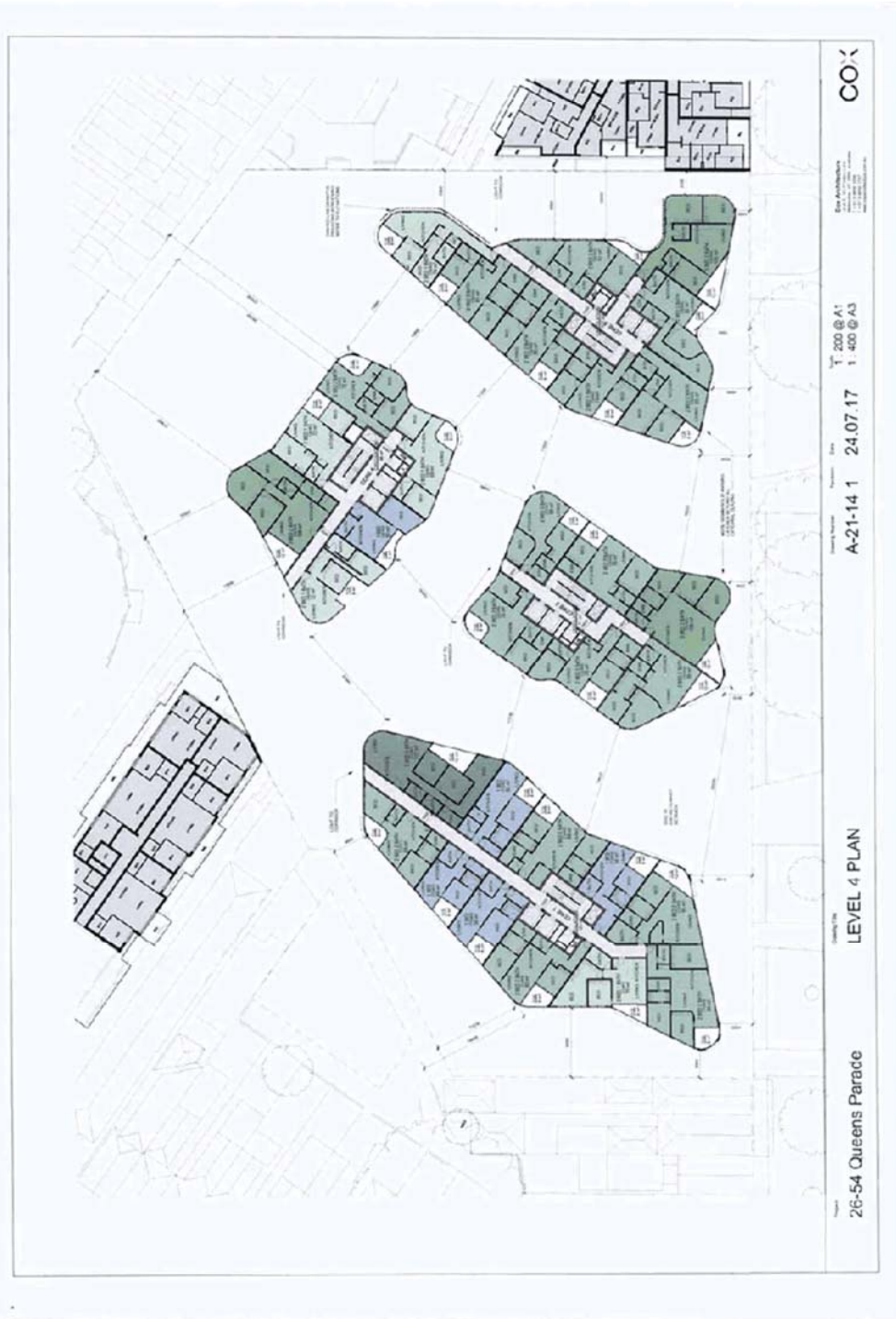
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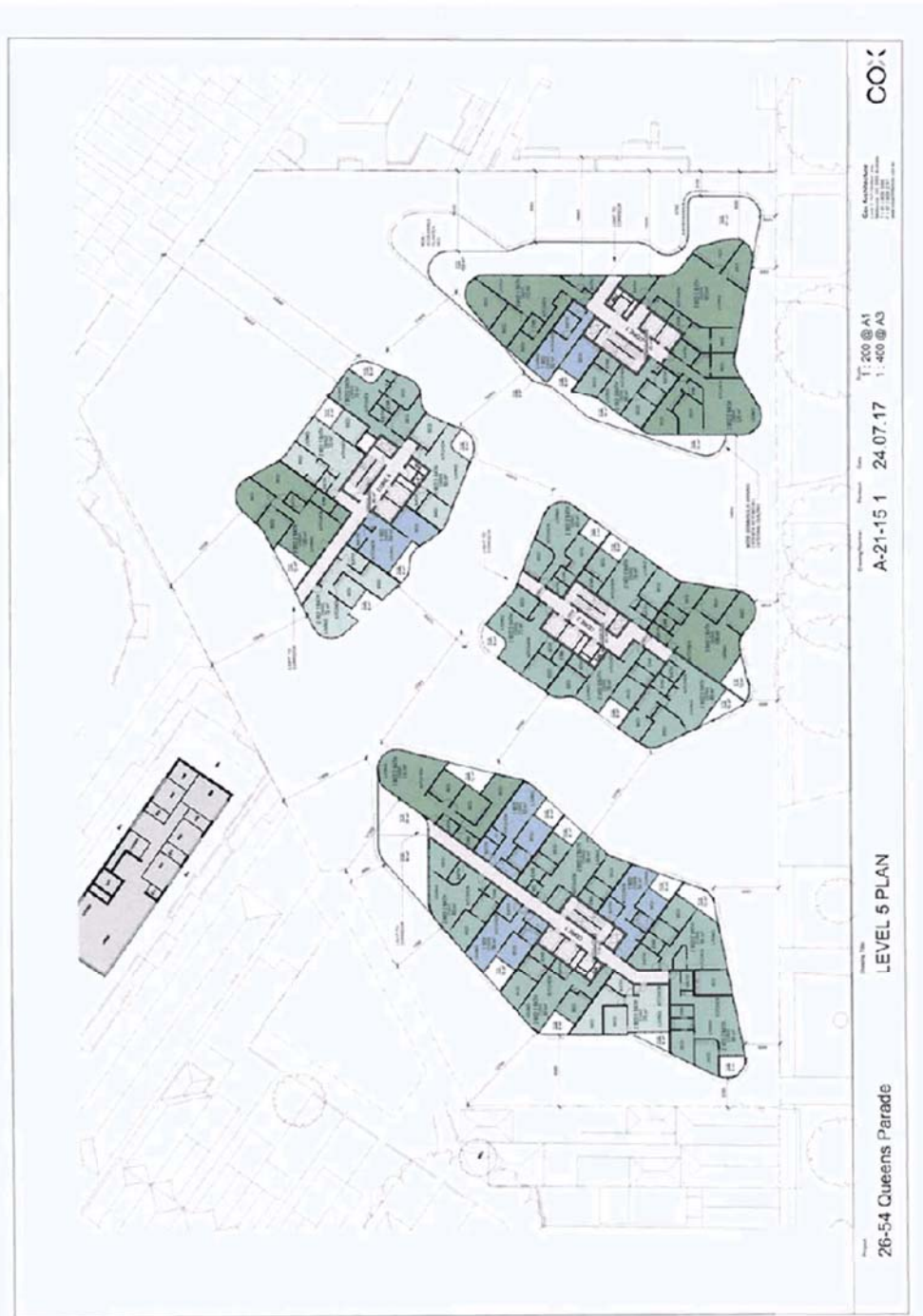
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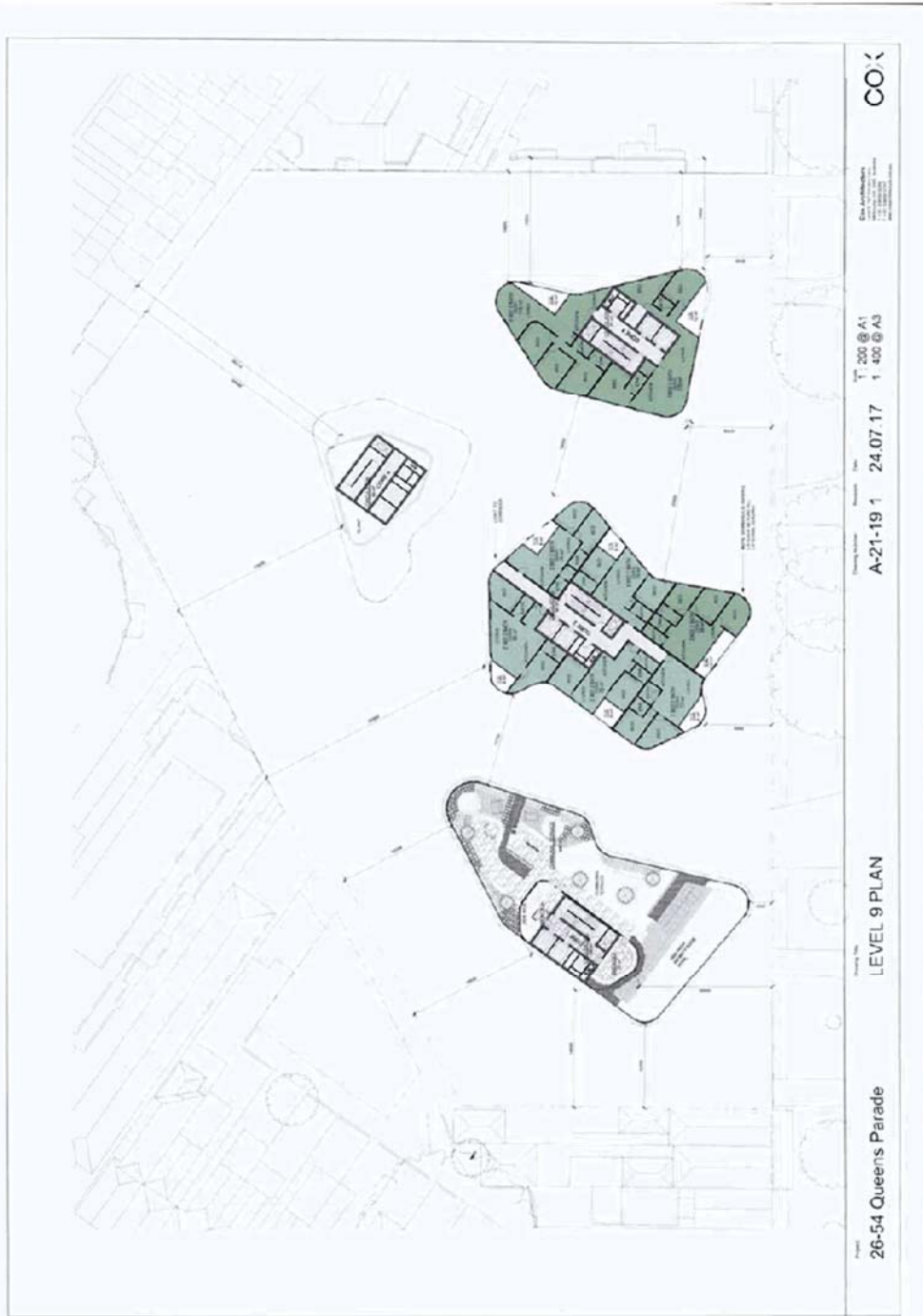
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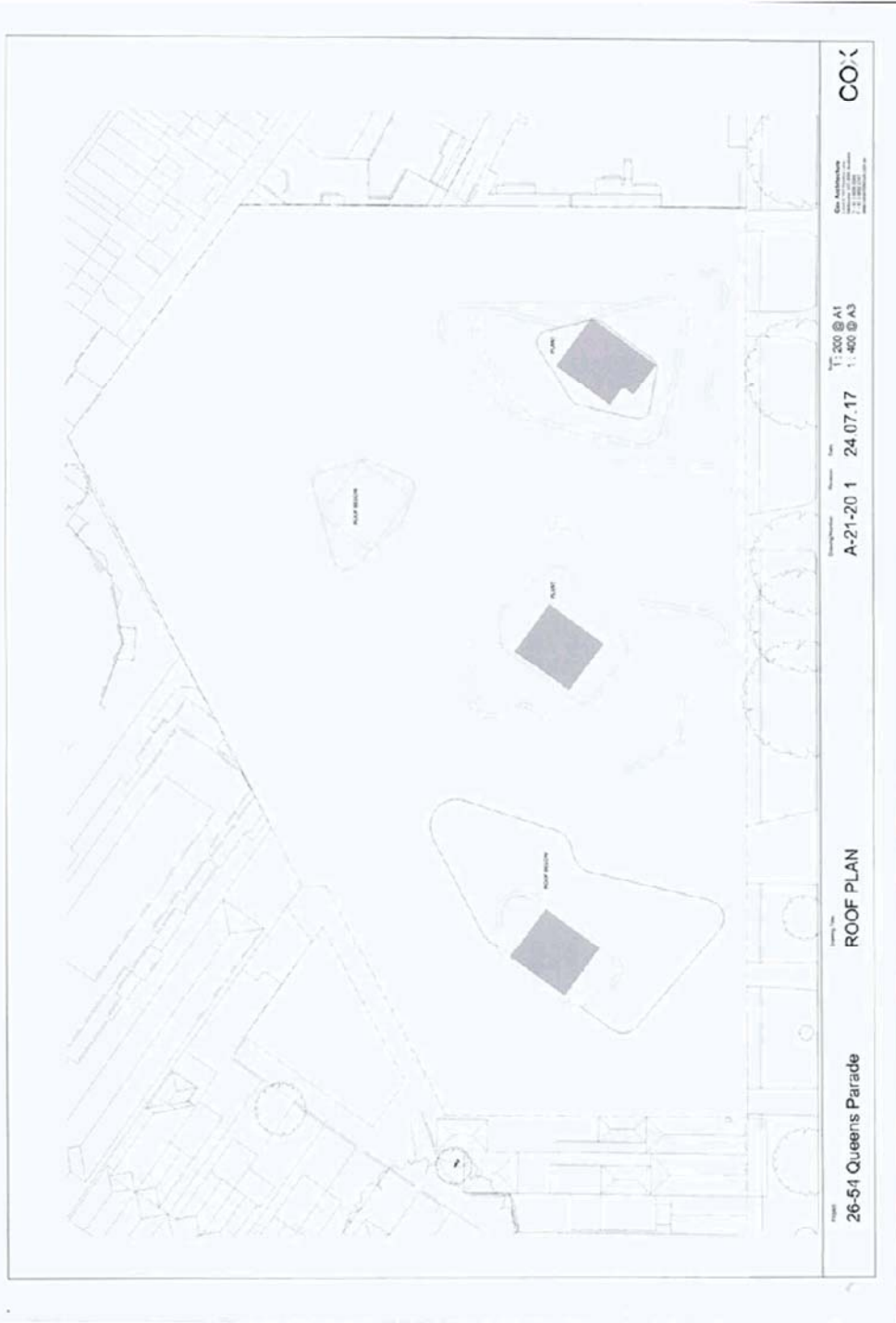
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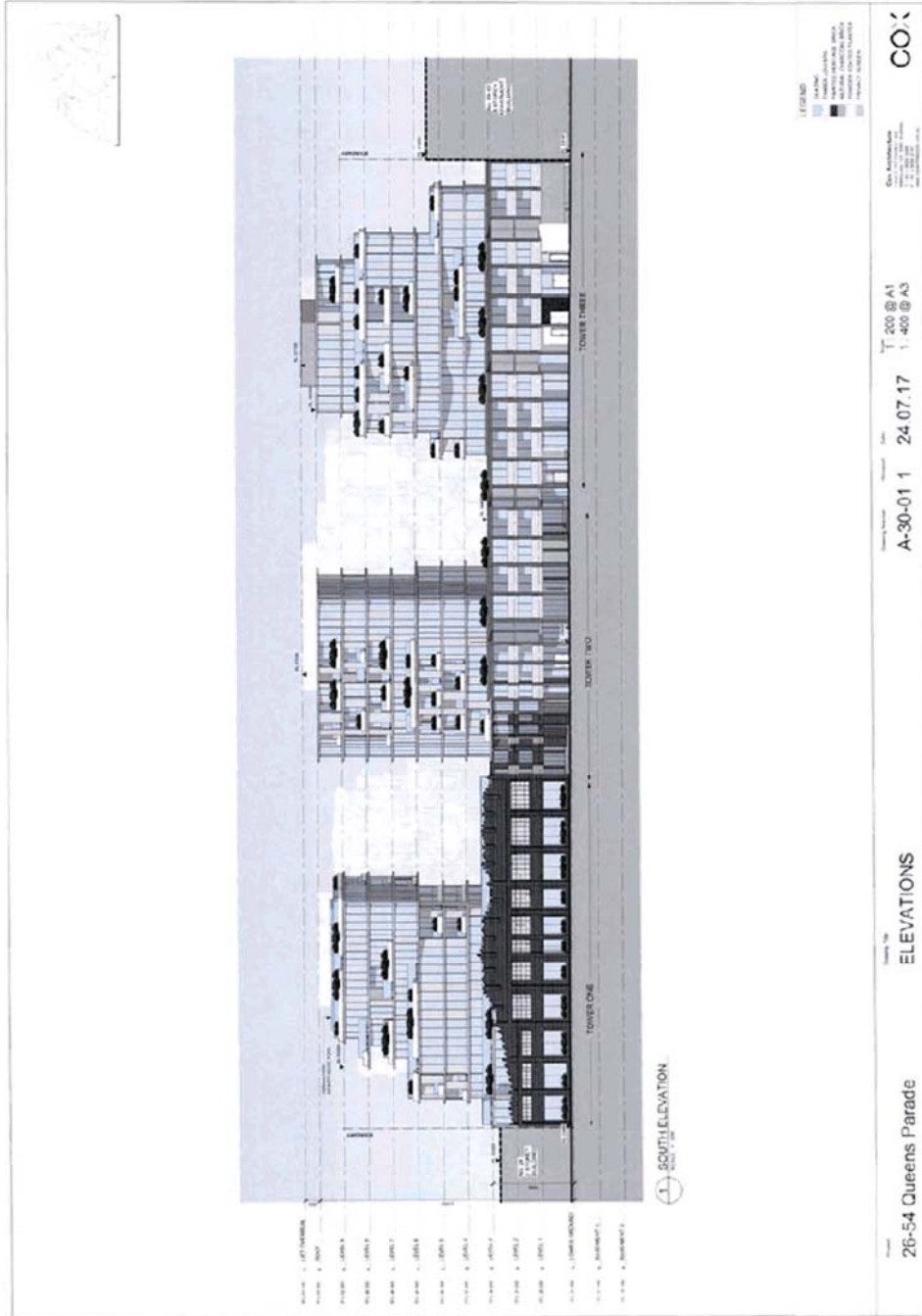
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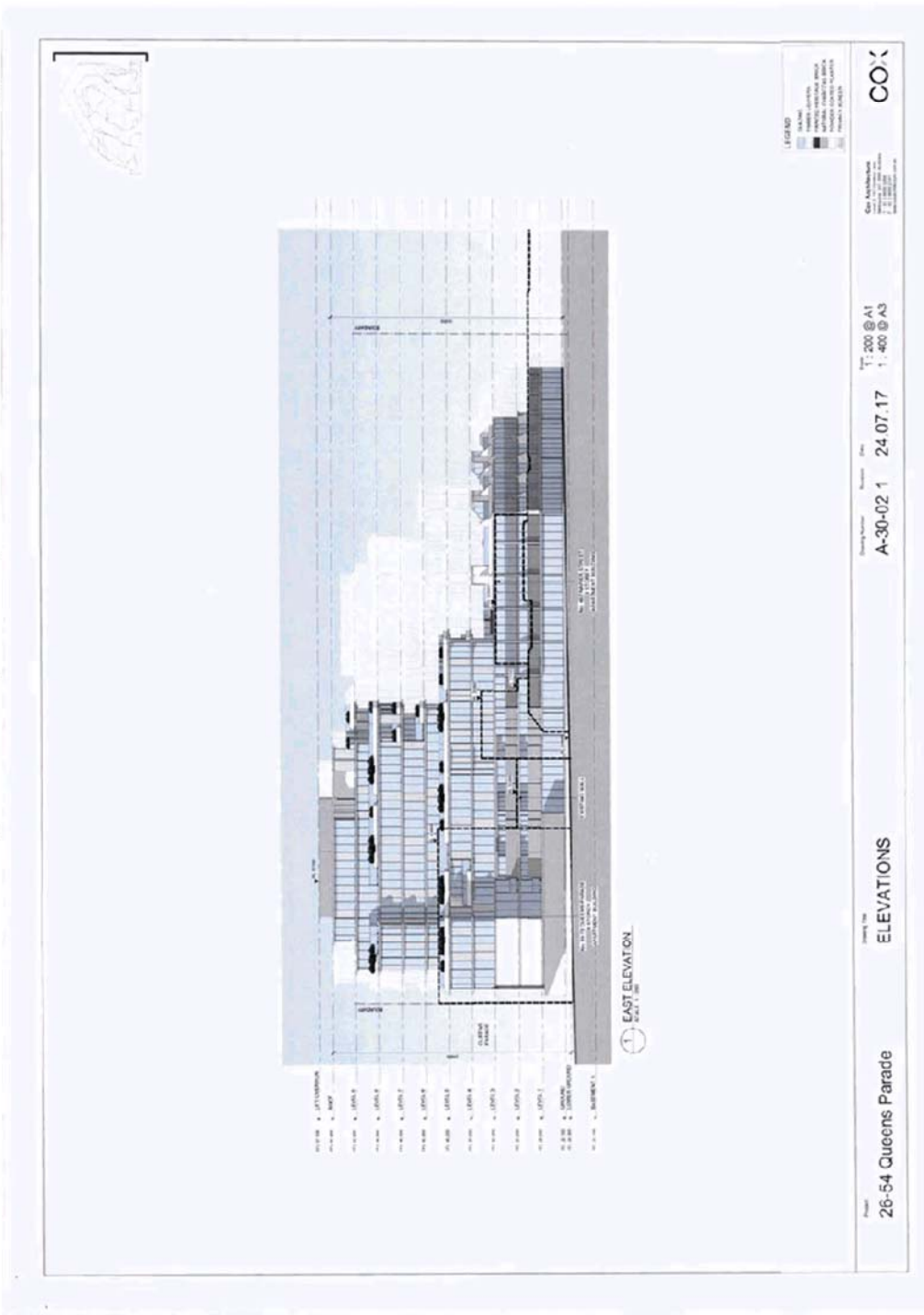
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Attachment 1 - Queens Parade Items 9 August 2017_Part1

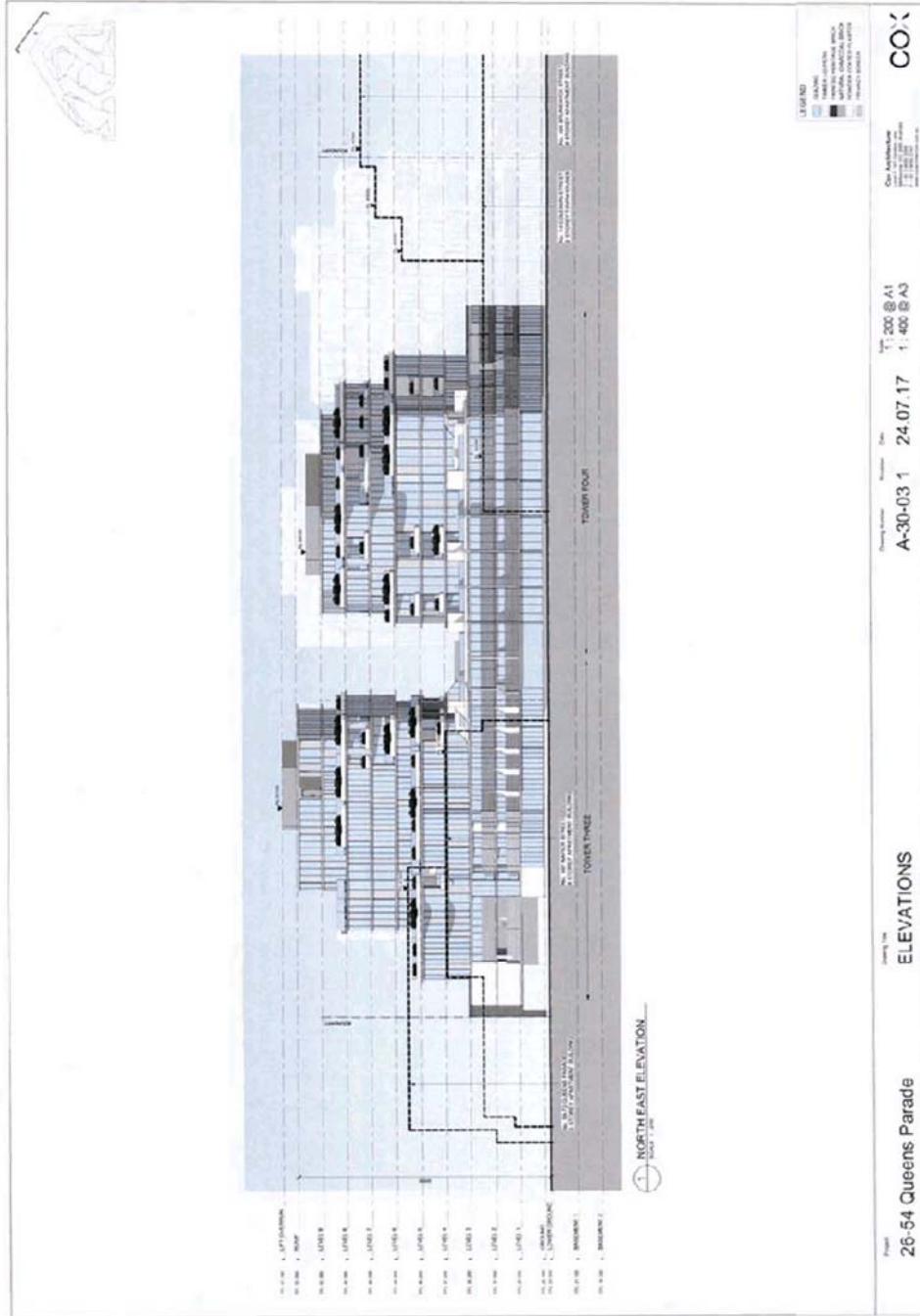
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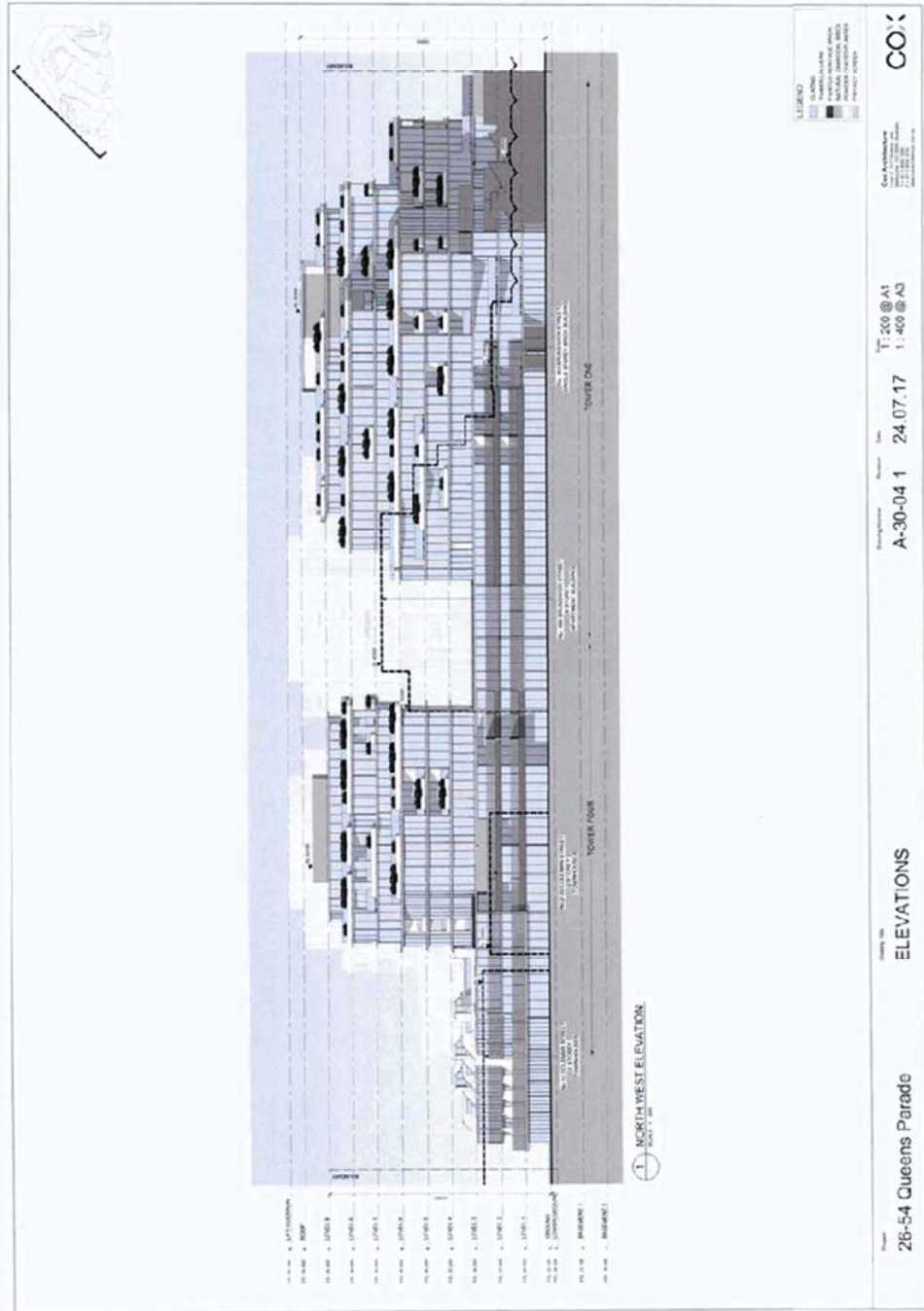
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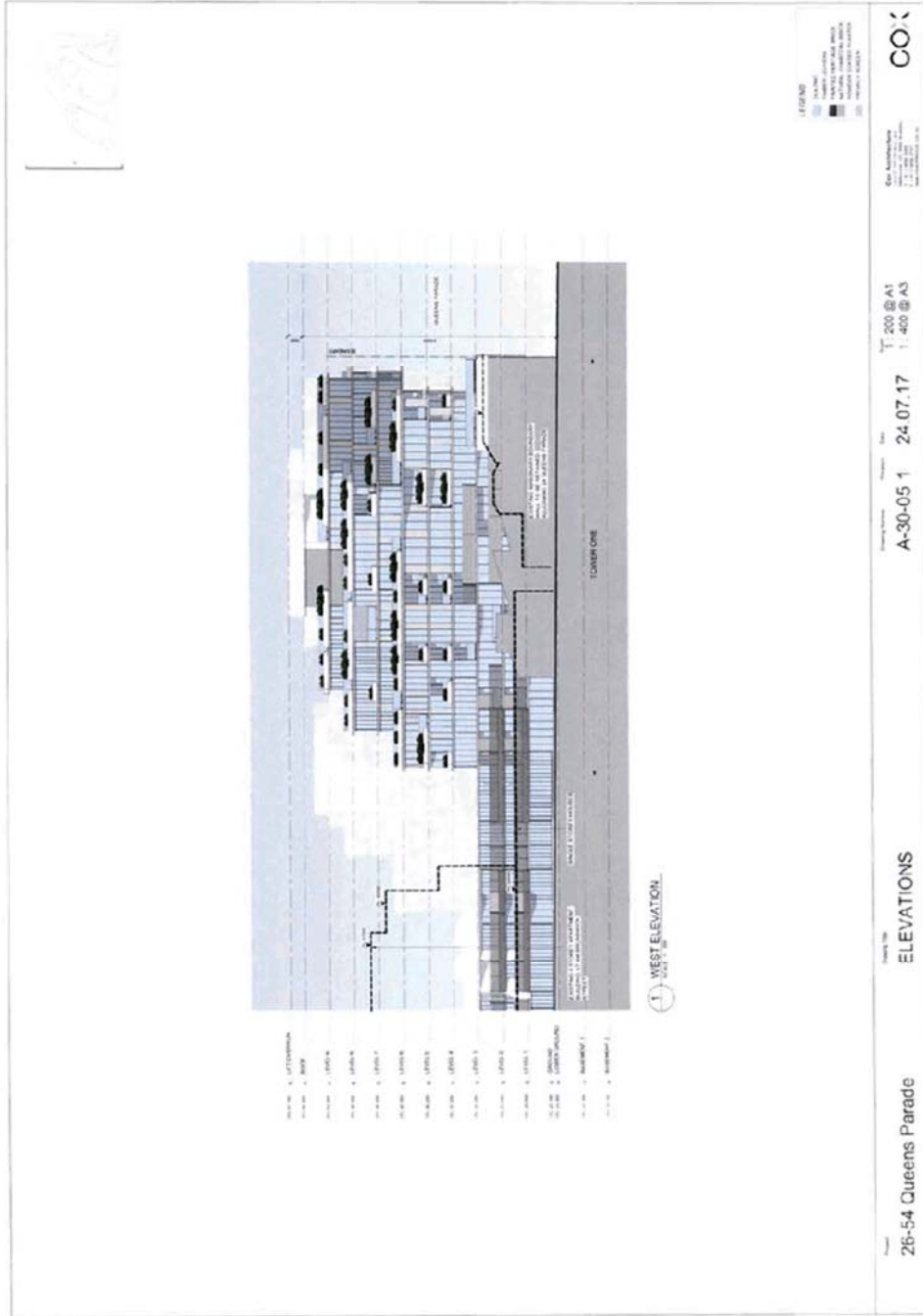
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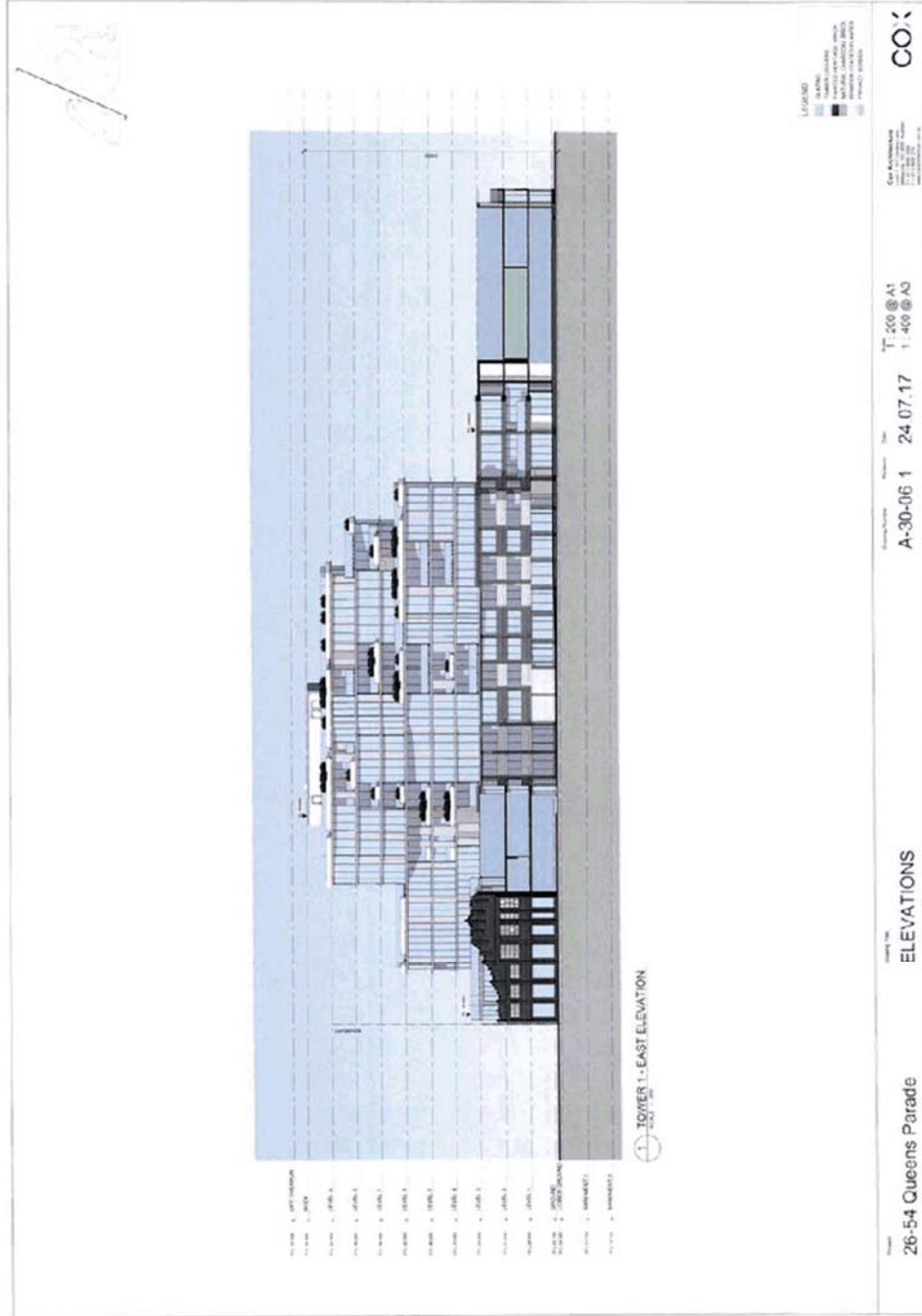
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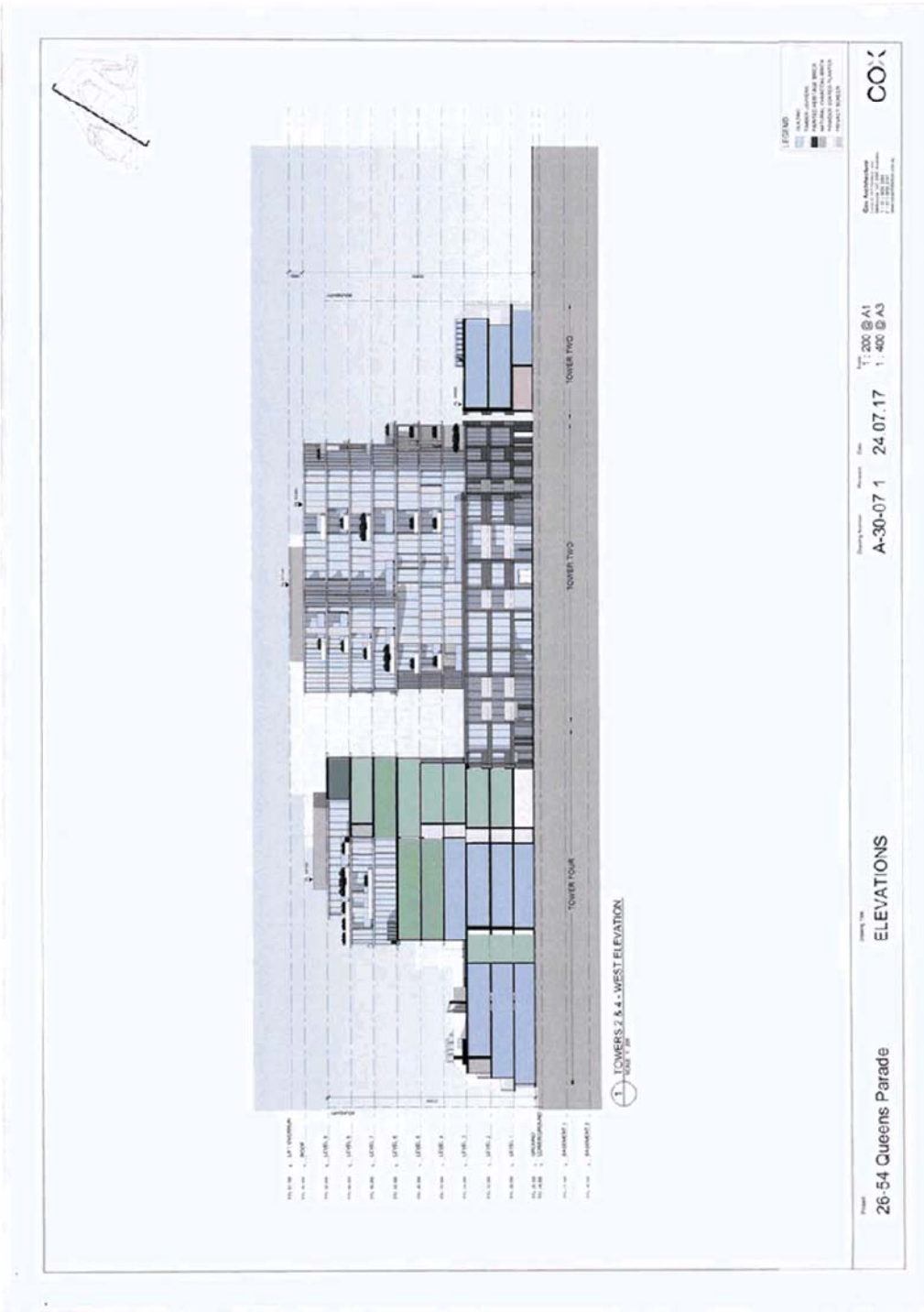
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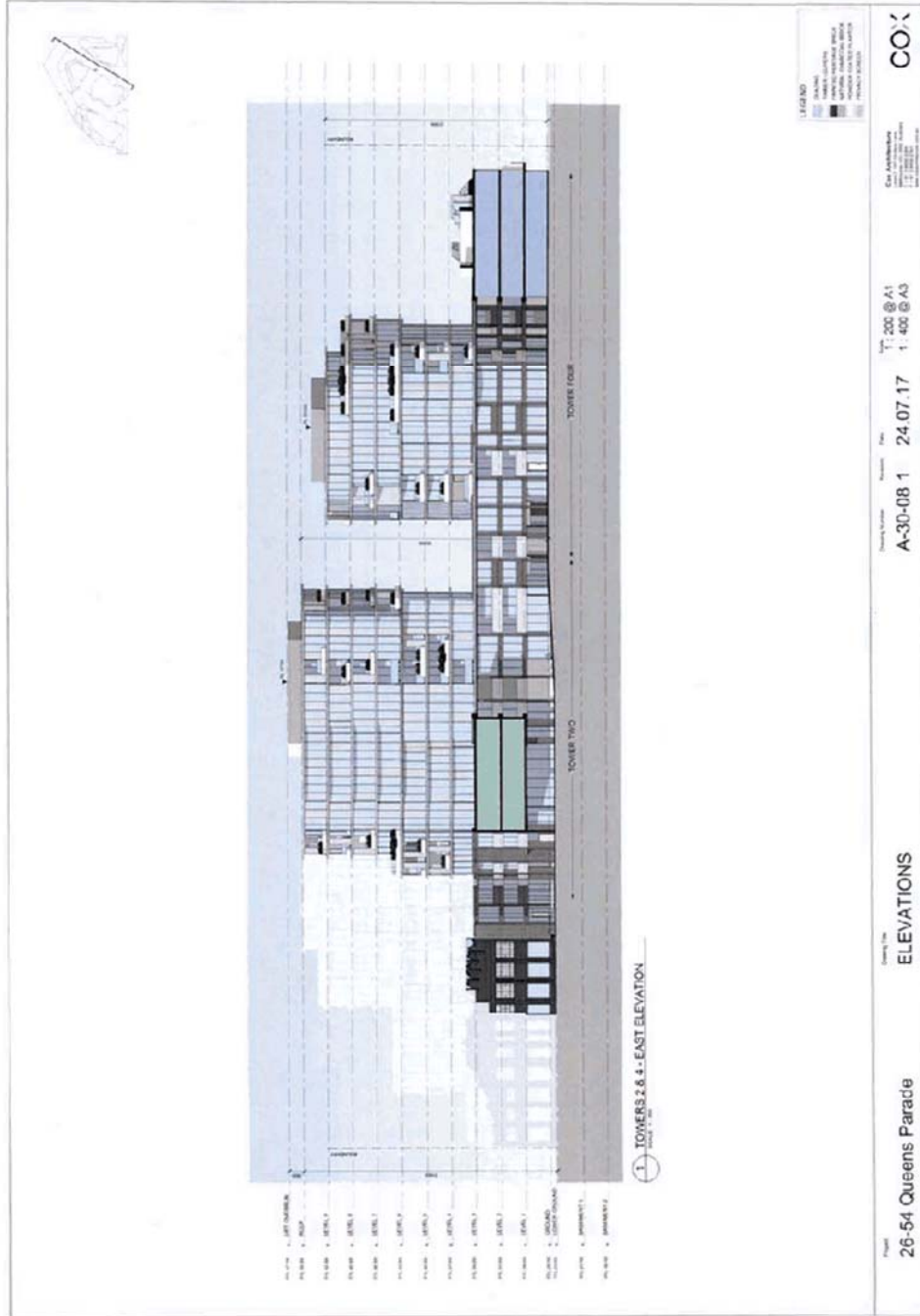
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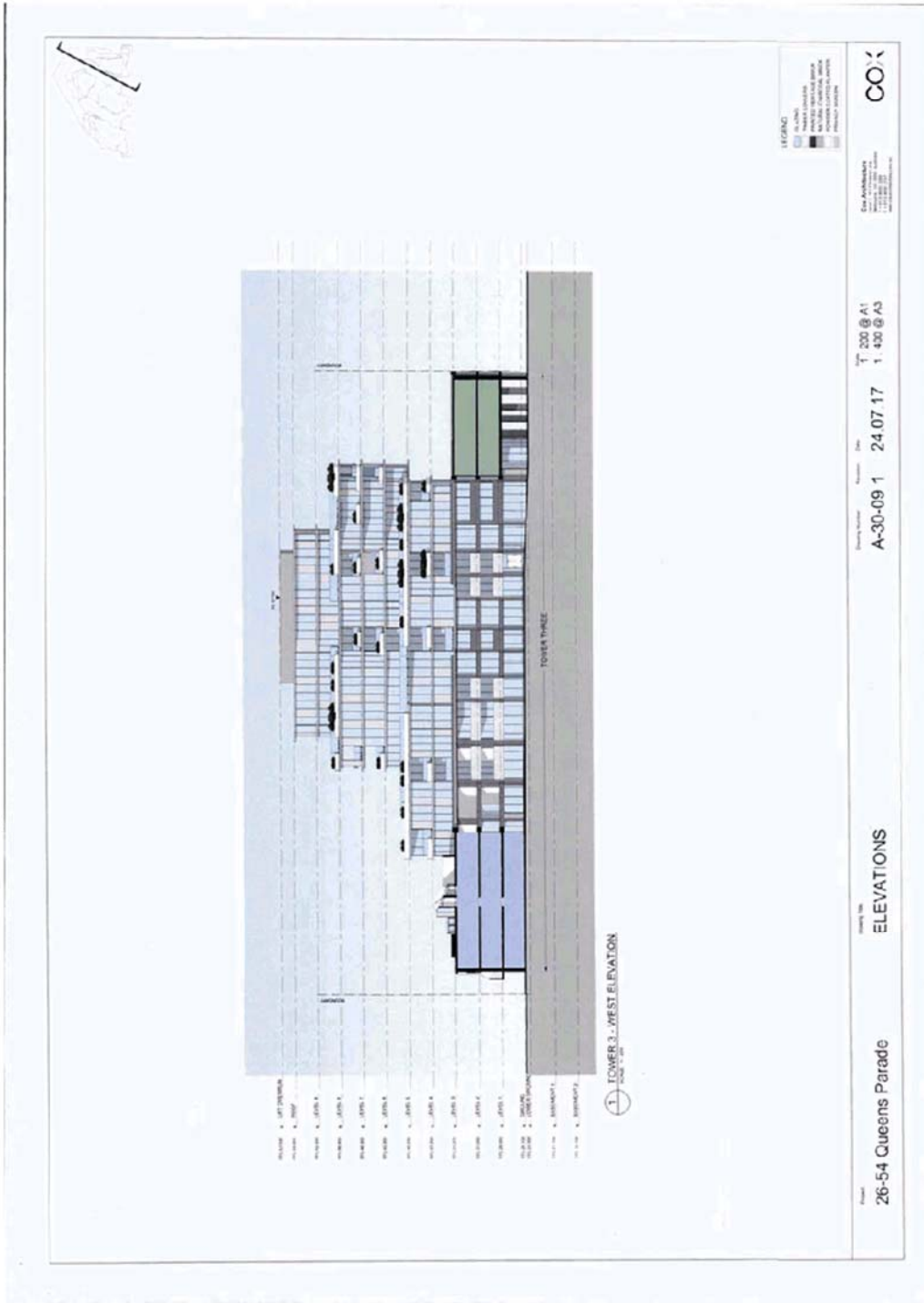
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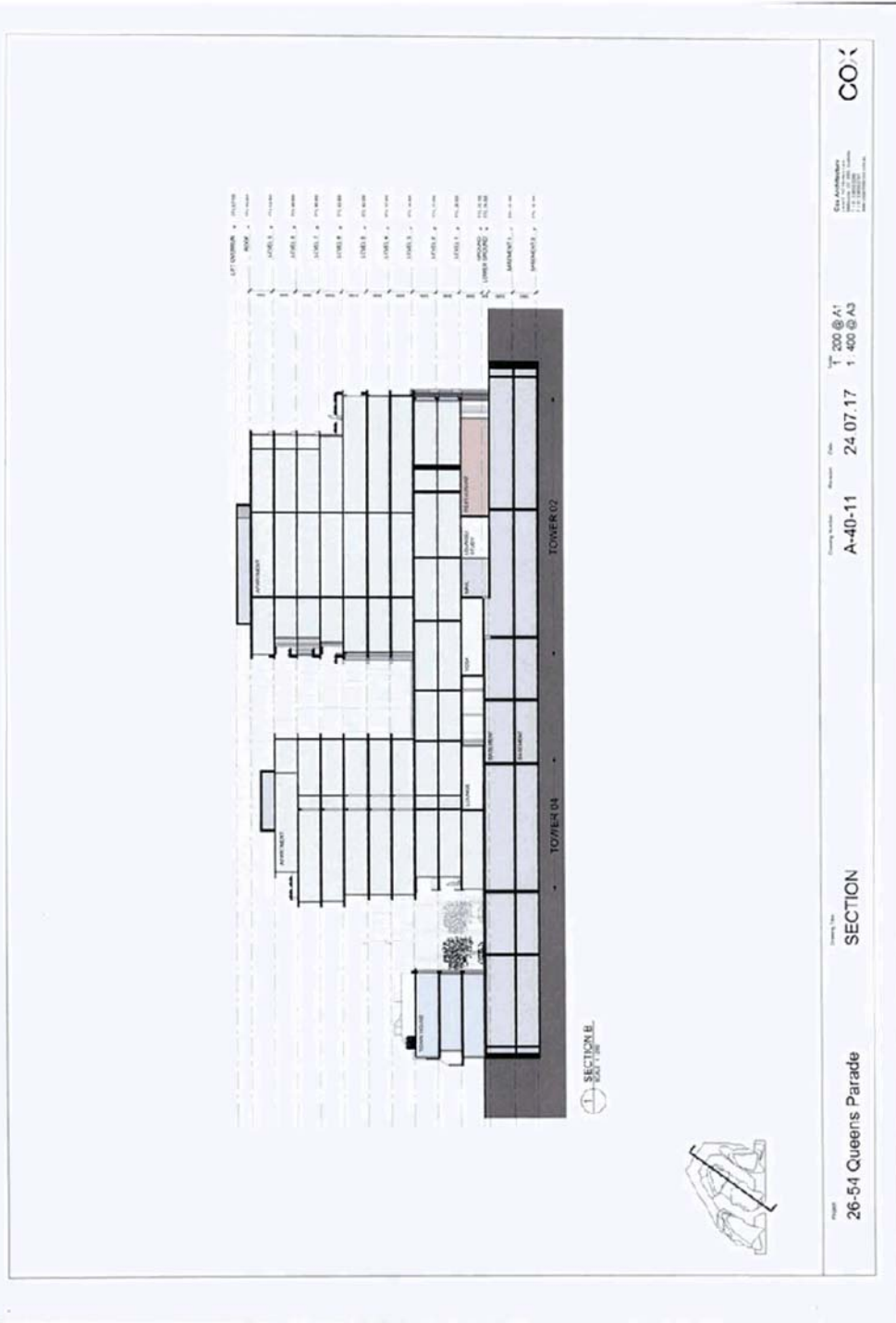
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Project: 26-54 Queens Parade
 Section: SECTION
 Drawing No: A-40-11
 Date: 24.07.17
 Scale: 1:200 @ A1
 1:400 @ A3
 CO

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Architectural drawings showing typical apartment detail plans for various towers and townhouse types. The drawings include floor plans for Tower 1, Tower 3, Tower 4, and Townhouse L1, L2, and L3. Each drawing is labeled with a number and a title, such as '1. L1, 18TH TOWER 1' and '8. TYPE 1 TOWNHOUSE L1'. The drawings show room layouts, dimensions, and structural elements.

Project Name: 26-54 Queens Parade
 Drawing Title: TYPICAL APARTMENT DETAIL PLANS
 Drawing Number: A-62-01 1
 Date: 24.07.17
 Scale: T1: 100 @ A1
 T2: 1:400 @ A3
 COX

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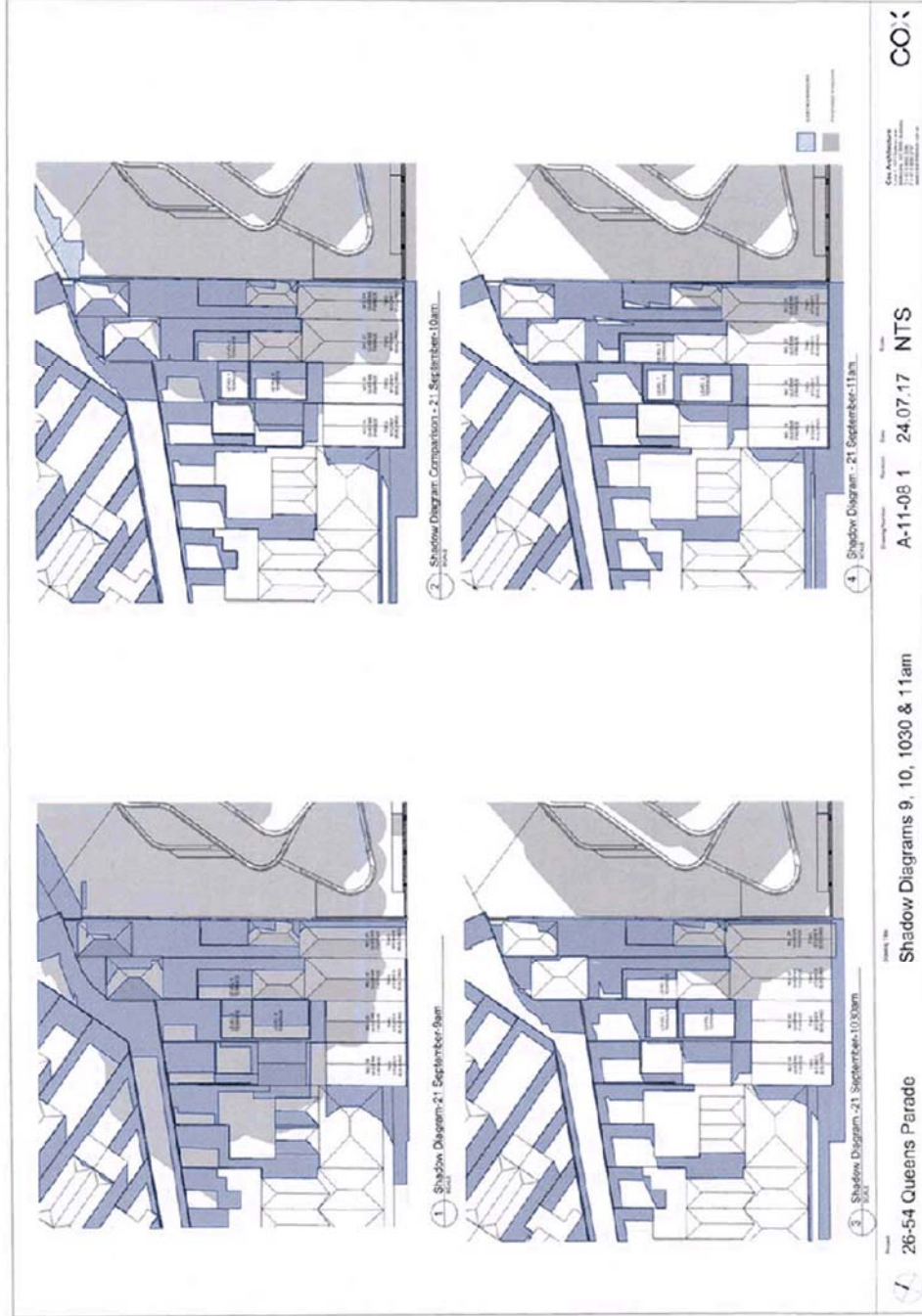
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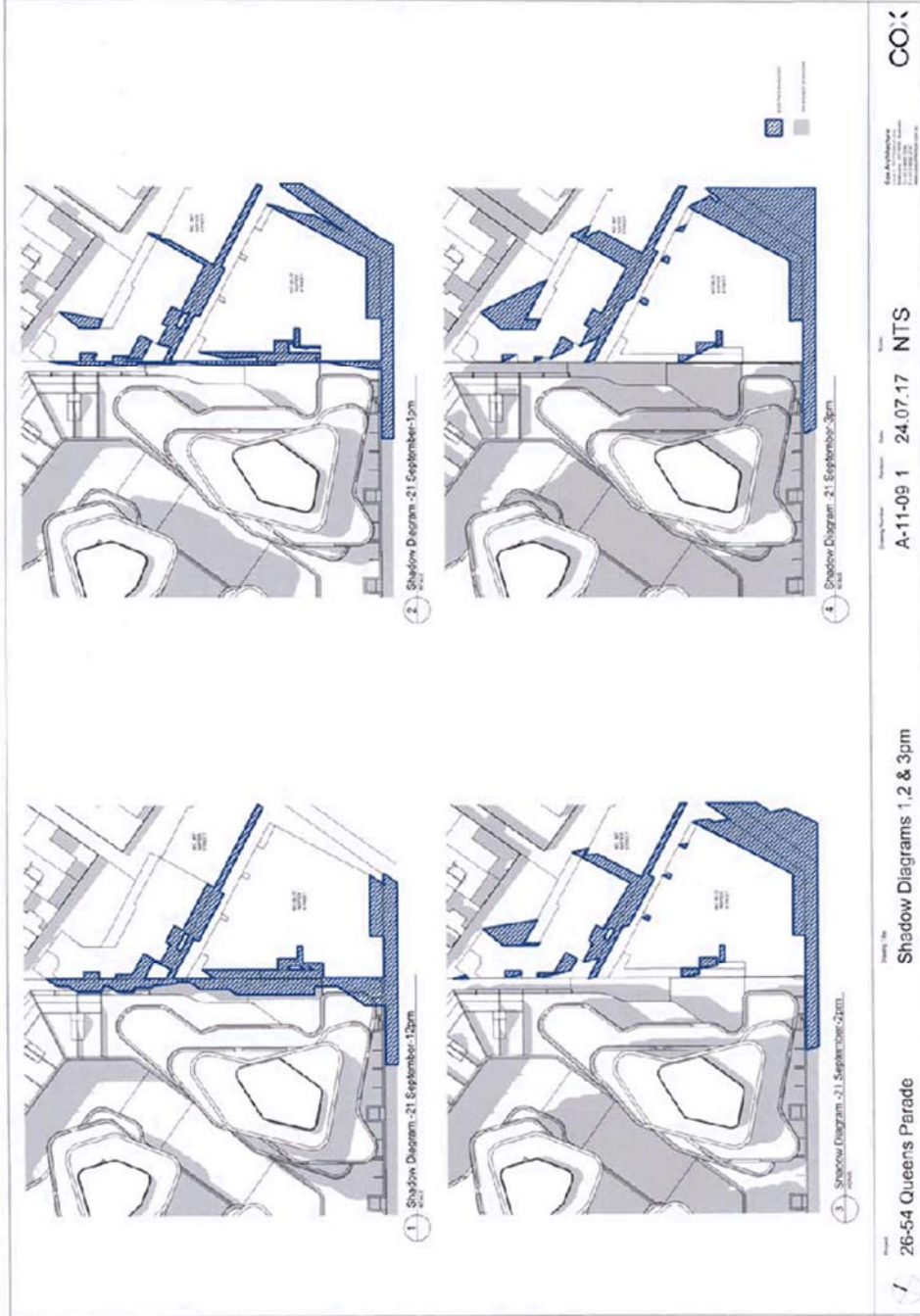
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Project: 26-54 Queens Parade
 Drawn by: Shadow Diagrams 1, 2 & 3pm
 Date: A-11-09 1 24.07.17 NTS
 CO

Attachment 1 - Queens Parade Items 9 August 2017_Part1**Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans**

**Application for Planning Permit
Report by Delegate of the City of Yarra**

Land Address:	26-56 Queens Parade, Fitzroy North VIC 3068	
Application No:	PLN16/0434	
VCAT Reference No:	P2079/2016	
Zoning:	Mixed Use Zone	
	Queens Parade is a Road Zone, Category 1	
Overlays:	Environmental Audit Overlay Part Heritage Overlay (HO327 – North Fitzroy Precinct)	
The Proposal:	<p>VCAT SUBSTITUTED PLANS Part demolition and development of the land for a maximum 12 storey building, plus 2 basement levels, accommodating 341 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, reduction in the loading bay requirements and alteration of access to a Road Zone.</p>	
How is the land used now:	Warehouse/factory	
Planning Officer:	Sarah Thomas	
Date Received:	18 May 2016	
Acknowledgment Letter Sent:	20 May 2016	
Further Information Sent:	14 June 2016	
Further Information Received:	26 July 2017	
Application Advertised:	24 August 2016	
Advertising Closed:	23 September 2016	
Objections/Submissions:	480 objections	
Objector parties to the appeal:	298	
Assessment Type	Date	By
DAP	10 March 2017	Sarah Thomas

Previous Applications

1. The site was re-zoned from Business 3 to Mixed Use on 13 November 2003 following amendment C20 to the Yarra Planning Scheme. The amendment was a Section 96A amendment process, with a concurrent planning permit application (PL02/0239) for 26-56 Queens Parade. The re-zoning however, affected a larger area known as 8-72 Queens Parade and 460-500 Brunswick Street.
2. Planning permit application PL02/0239 approved the construction of a 2-5 storey residential

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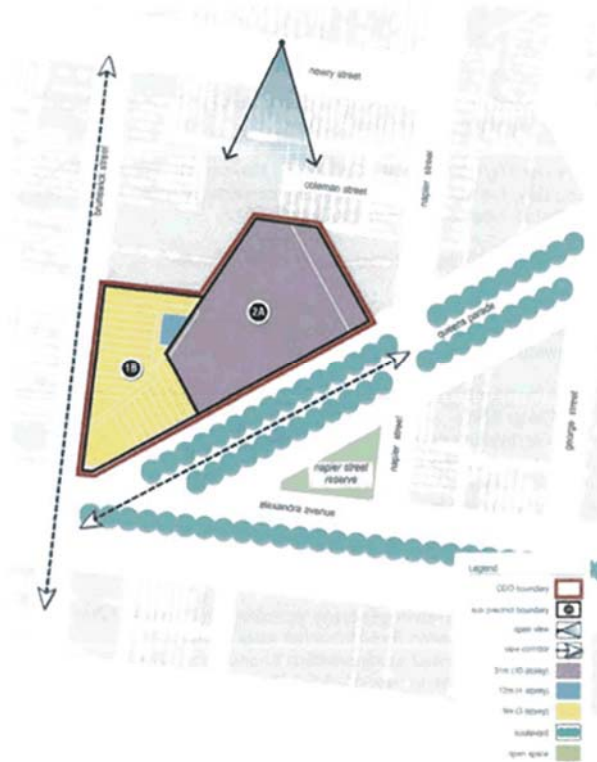
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development, containing 172 dwellings and 211 car parking spaces. This permit was approved on 19 November 2003. Following 4 extensions of time, this permit expired on 19 November 2009.

3. On 17 June 2009, Planning Permit PL09/0019 was issued for the use of the site as an education centre (tertiary institution).
4. More recently, a special Council Meeting was held on 14 November 2016. Council considered the development on the site. Council resolved:
 1. *That Council note:*
 - (a) *several public meetings held regarding 26-56 Queens Parade, Fitzroy North including a public meeting convened by the community on 2 November 2016, attended by some 400 community members with resolutions from this meeting on 26-56 Queens Parade and other planning applications in the precinct including a request for an amendment to the planning scheme to create a Design and Development Overlay for the area of North Fitzroy and Clifton Hill (attached as Attachment One); and*
 - (b) *the current planning application for a high density residential development for 26-56 Queens Parade, Fitzroy North of up to 16 storeys and its recent referral by the applicant to the Victorian Civil and Administrative Tribunal (VCAT);*
 2. *That Council seek a report to be presented to the 22 November 2016 Council meeting providing advice on:*
 - (a) *the process of the above planning application and steps leading to a full hearing of this application before VCAT, scheduled in April 2017;*
 - (b) *the likely costs involved in advocacy for Council at VCAT;*
 - (c) *the request for a planning scheme amendment for the precinct, and site, and the basis and requirements for any such amendment;*
 - (d) *the steps, options and timing for such amendment; and*
 - (e) *any other pertinent aspects to inform Council on this matter.*
5. At a Council Meeting on 7 February 2017, Council considered officer's recommended draft DDO guidelines for the western section of Queens Parade. The DDO guidelines were guided by the Queens Parade, Clifton Hill Built Form Review, dated February 2017 and prepared by Hansen Partnership. The DDO would affect the following area:

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6. The Council officer recommendation was that the mandatory maximum overall building height for the main site at 26-56 Queens Parade not exceed 31m or 10 storeys and for the rear site (subject to planning permit application PLN16/0732), 12m or 4 storeys.
7. Along with a number of design and setback changes for the main site, Council resolved that the DDO should pursue mandatory maximum heights of 8 storeys for the main site (subject site) and 2 storeys for the rear site.
8. Council resolved (in part) to:
 - (e) *request that the Minister for Planning urgently introduce the draft interim Design and Development Overlay by way of a Ministerial Amendment under Section 20 (4) of the Planning and Environment Act 1987 to provide the required design guidance in the Yarra Planning Scheme for precinct at the western end of Queens Parade, including the site at 26-56 Queens Parade while a full Planning Scheme Amendment to introduce a permanent DDO for the same precinct and other parts of Queens Parade is advanced through the normal amendment process following completion of the Stage 3 work; and*
9. At the time of writing, no correspondence has been received in relation to Council's request for interim controls.

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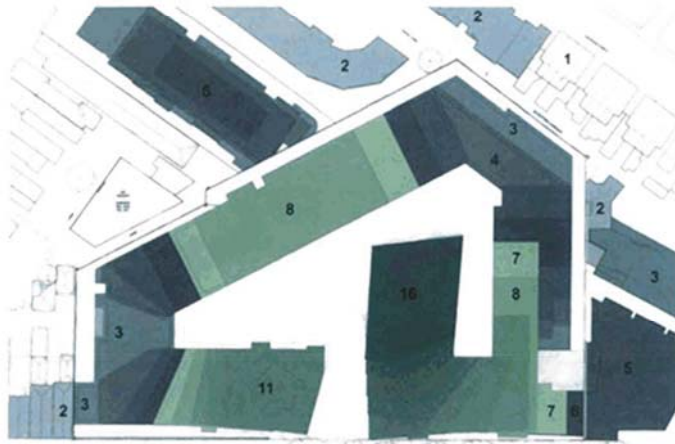
Background

10. Council was informed on 11 October 2016 that a Section 79 'Failure to determine' appeal had been lodged by the Applicant with VCAT.
11. A practice day hearing was held at VCAT on 11 November, dealing with procedural matters. At the practice day, the scheduled compulsory conference was vacated and the hearing was confirmed as being 7 days, commencing 3 April 2017.
12. Of the 480 objectors, 298 have joined as party to the appeal.
13. On 21 February 2017, the Applicant circulated substituted plans. These plans will form the basis of the assessment and will be considered at the upcoming VCAT hearing. The plans make the following changes to the previous plans:
 - (a) reduction in overall height from 16 to 12 storeys (retaining 2 levels of basement) or from 53.7m to 37m;
 - (b) reduction in dwelling numbers from 476 to 341;
 - (c) car parking spaces reduced from 438 to 341;
 - (d) ground floor visitor bicycle parking spaces reduced from 50 to 32;
 - (e) staging of the development is no longer proposed (previously 2 stages);
 - (f) setback from the east boundary increased from 3m to 4.5m;
 - (g) setbacks from the north-east and north-west boundaries generally increased to a minimum 3m, guided by Standard B17 envelopes (clause 55 of the Yarra Planning Scheme);
 - (h) internal building separation generally increased from 9m to 12m;
 - (i) 'village green' on Queens Parade nature strip deleted;
 - (j) existing saw-toothed wall along western boundary retained;
 - (k) rear pedestrian access to rear of 26-56 Queens Parade shifted further west;
 - (l) internal layout changes;
 - (m) northern residential communal terrace deleted on level 3;
 - (n) northern residential communal terrace on level 4 reduced in size;
 - (o) addition of a residential communal terrace on level 9;
 - (p) residential corridors generally increased from a width of 1.4m to 1.6m;
 - (q) balconies increased in size:
 - (i) 1 and 2BR apartments – minimum 8m²; and
 - (ii) 3BR – 12m².
 - (r) basement ramp revised to 1:20 gradient;
 - (s) modified basement size (reduced), layout and car parking allocation;
 - (t) addition of a bin chute for rear of 26-56 Queens Parade (townhouse) residents; and
 - (u) re-massing to achieve the following:
 - (i) no additional overshadowing after 9am of 22-24 Queens Parade;
 - (ii) reduction in overshadowing of 476-490 Brunswick Street and 2-20 Grace lane, with no increase between 9.00 am and 3.00 pm; and
 - (iii) no increase in overshadowing of adjacent balconies at 58-72 Queens Parade.

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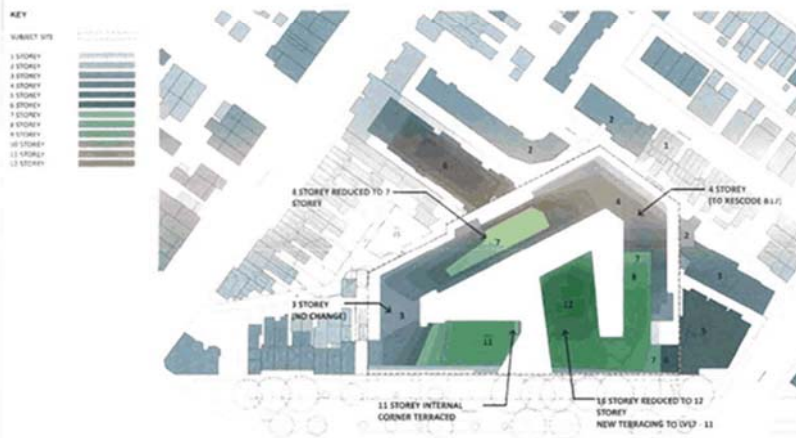
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14. By way of comparison:



Original heights/massing – extract from Application plans (page 45, Town Planning Submission, Design Report, Koichi Takada Architects)

REVISED BUILDING HEIGHTS & MASSING



Revised heights/massing – extract from Applicant's substituted plans (plan A002A, Koichi Takada Architects, dated 20/02/17)

15. These substituted plans will form the basis of this assessment.

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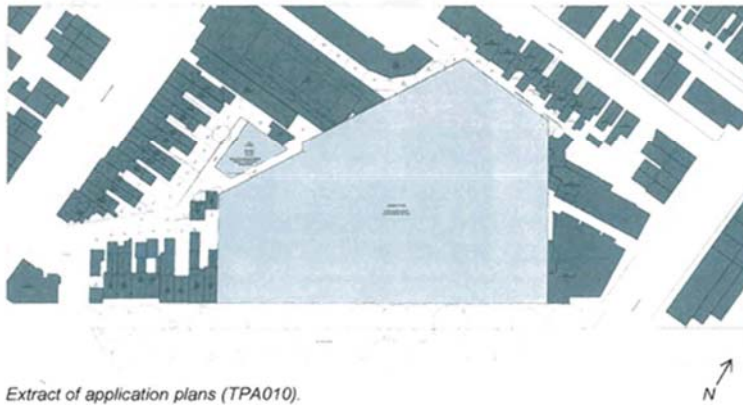
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Existing Conditions

Subject Site

16. The description offered in the original DAP report remains relevant:

The subject site is located on the north side of Queens Parade, approximately 78m east of Brunswick Street and 33m west of Napier Street. The site is an unusually shaped lot, with 1 main road frontage and 2 separate laneway frontages.



Extract of application plans (TPA010).

The site is comprised of 8 titles:

- Volume 5562 Folio 300;
- Volume 7224 Folio 622;
- Volume 6157 Folio 317;
- Volume 6157 Folio 316;
- Volume 2637 Folio 268;
- Volume 2776 Folio 162;
- Volume 5978 Folio 502; and
- Volume 5978 Folio 503.

The site has a frontage of 119m to Queens Parade, a western boundary length of 39.2m, a north-west boundary length of 33.6m, leading to an adjoining north-west boundary length of 65.8m. The north-east boundary length is 37.5m and the east boundary length is 65.8m. All lengths are approximate. Should a permit issue, a condition should require all title boundaries to be shown on the floor plans as per the certificates of title. The site has an overall area of approximately 8,028m².

The site is developed with a series of buildings:

- (a) Queens parade, western end – the most distinctive part of the site, being a row of 2 storey buildings with art deco style parapets. The façades have been painted pink with navy highlights. This row extends for a length of approximately 74m and extends the depth of the site, save for a triangular section in the northern end, generally behind the Grace Lane properties;
- (b) Queens Parade, eastern end – a single storey warehouse style building, presenting a frontage of approximately 13.6m to Queens Parade and extending for the length of the eastern boundary (terminating at the laneway at the rear of the site;

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Between both Queens Parade building segments is an open air carpark, presenting a frontage of approximately 31m to Queens Parade.



Subject site – Aerial extract from Google maps.

Restrictive Covenants

There are no restrictive covenants shown on the certificates of title provided with the application.

A number of easements affect the site (including roads/carrageway, party wall, drainage, water supply, light and air easements). The Applicant has not applied to remove these easements, so a notation alerting any Permit Holder to these easements should be imposed on any permit issued. (It is likely that a separate application would later be made to remove these easements under Clause 52.02 of the Yarra Planning Scheme [the Scheme] at the subdivision stage, should a permit issue.

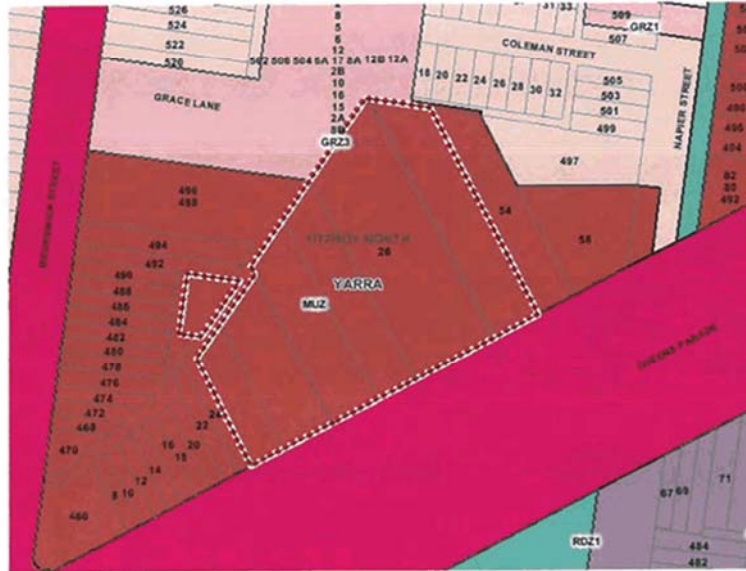
Surrounding Land

17. The surrounding land description offered in the original DAP report remains relevant:

The subject site is located within a Mixed Use Zone and is within walking distance of the Brunswick Street AC (123m).

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Zoning map

To the west of the subject site is a row of 9, single and double storey Victorian era terraces. The 4 closest to the subject site are double storey. These properties all enjoy access to the lane at the rear of the site, accessed via Brunswick Street. These dwellings include rear private open space areas, along with a first floor rear deck at the adjoining property to the immediate west.

Further west of these properties, at the corner of Queens Parade and Brunswick Street, is a 2 storey Victorian era building used as a medical centre. This medical centre includes car parking adjacent to the single storey Victorian era terraces on Queens Parade.

To the north-west of the subject site (western end), across the laneway, is a generally triangular portion of land also held by the permit applicant for this application. This parcel is also subject to a planning permit application (PLN16/0732) for 4, 4 storey townhouses. The parking for the proposed townhouses is proposed to be within this application. A decision has not yet been made on the townhouse application.

Further north-west of this triangular parcel are the rear of primarily single storey dwellings fronting Brunswick Street. These properties also enjoy rear access and utilise the rear laneway which leads to Brunswick Street. These dwellings include rear private open space areas and habitable room windows orientated towards the subject site.

To the north-west of the subject site (central segment, directly abutting the subject site) is a single storey dwelling fronting Brunswick Street and a recently constructed 6 storey apartment building that fronts Brunswick Street. These dwellings present private open space, balconies and habitable room windows towards the subject site. The apartment building also includes a triangular light court (with associated habitable room windows) on the shared boundary.

To the north-west of the subject site (eastern segment) is the rear of 2 storey townhouses that front Grace Lane further north. These dwellings present ground level private open space

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areas towards the subject site, along with habitable room windows beyond at a minimum distance of approximately 3m.

To the north-east of the subject site (western end) are 3, 2 storey dwellings with rear private open space areas that have a direct abuttal with the subject site. The rear private open space areas have a minimum depth of approximately 4m, with habitable room windows beyond.

To the north-east of the subject site (eastern end) are the rear of primarily single storey dwellings that face Coleman Street. These dwellings include rear private open space areas and habitable room windows, which are separated from the subject site by an approximately 2.7m wide laneway.

To the east of the subject site is the rear of 2 apartment buildings that present frontages to Napier Street and Queens Parade. The buildings are a maximum height of 3 (northernmost) and 5 (southernmost) storeys. These buildings are partially built to the shared boundary, with minimum 1.5m deep courtyards and adjacent habitable room windows presenting towards the subject site.

The site is well located in terms of bicycle access and public transport:

- o 2 bus routes along Queens Parade; and
- o 2 tram routes along Brunswick Street.

The Proposal

18. The application is for the part demolition and development of the land for a maximum 12 storey building, plus 2 basement levels, accommodating 341 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, reduction in the loading bay requirements and alteration of access to a Road Zone.

19. More specifically:

Demolition

- (a) demolition of all buildings, structures and fences, save for a 45m segment of the Queens Parade, 2 storey façade and the adjacent west boundary wall (including the retention of the sawtooth profile above);

Built form and massing

- (b) construction of upto 12 storeys, plus 2 basements;
- (c) **south** – the development would present a 2-3 storey podium to Queens Parade (maximum height of approximately 10.5m) including retention of the heritage façade of the existing building, with south boundary (front) setbacks ranging from zero to 3.5m being introduced across levels 2 to 9. The westernmost tower would extend to level 10 (11 storeys), with minimum setbacks of 5.2m at the upper most level and a maximum height of 34m. The easternmost tower would extend to level 11 (12 storey). The upper most levels introduce deep 12.4m setback to large terraced areas with the building beyond being setback a minimum 22m from the southern boundary. This segment would be a maximum height of 37m;
- (d) **west** – the development would be 3 storeys adjacent to the western boundary (plus a roof terrace), constructed to the western boundary for a length of approximately 10m at a height of 10.3m, with the remainder being setback approximately 4.6m. It is noted that the existing west boundary wall (approximately 3.9m-4.3m high) would be retained

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- and incorporated as part of this development (including the saw-toothed profile). From level 3 and above, the setback from this boundary increases;
- (e) **north-west** – the development would extend from 3 to 7 storeys adjacent to the north-west boundary, setback 3m to approximately 12m from the boundary, at heights ranging from 1.7m (fence line) to 20.9m;
 - (f) **north-east** – the development would be 4 storeys (plus a roof deck) adjacent to the north-east boundary, setback 3m to 9m from the boundary, at heights ranging from 2.3m (fence line) to 13.5m;
 - (g) **east** – the development would be 3 to 9 storeys (plus roof terrace) adjacent to the eastern boundary, with setbacks ranging from 0 to 12.4m, at heights ranging from approximately 2.5m (fence line) to 29m;
 - (h) the maximum overall height of the development would be 37.4m. The maximum overall height would be located at the central portion of the site, or within the eastern arm of the 'U'. The western arm of the 'U' would be 11 storeys or 34.4m;

Layout

- (i) the development would contain 341 dwellings (the following does not include 'studies' as bedrooms as the majority are too small or positioned within corridors):
 - i. 1BR – 138;
 - ii. 2BR – 160;
 - iii. 3BR – 37; and
 - iv. 4BR – 6.
- (j) 345 stores located within the basement levels. Stores would range from 3m to 6m²:
 - i. 3m² - 138;
 - ii. 4m² - 160; and
 - iii. 6m² - 47.
- (k) 345 resident bicycle parking spaces (106 floor mounted and 239 'Ned Kelly' style), 32 ground floor visitor bicycle parking spaces and 4 bicycle parking spaces allocated to the proposed townhouses (rear development, PLN16/0732);
- (l) provision of a loading bay within basement 1 (eastern end), at a width of 4.2m and length of 9m;
- (m) 341 car parking spaces, of which 10 would be within stackers:
 - i. 321 spaces would be allocated to dwellings;
 - ii. 14 would be allocated to visitors/retail;
 - iii. 6 spaces would be allocated to the townhouse development at rear 26-54 Queens Parade (Planning Permit application PLN16/0732);
- (n) a 273m² food and drinks premises/shop to the east of the Queens Parade pedestrian entry;
- (o) a 77m² café to the west of the Queens Parade pedestrian entry;
- (p) pedestrian entries would be provided via:
 - i. the main central opening (20.5m wide) along Queens Parade;
 - ii. a separate residential entry at the eastern end of the Queens Parade frontage; and
 - iii. via the north-west lane which extends to Brunswick Street.
- (q) vehicular entry would be provided via the eastern end of the Queens Parade frontage. A 6.1m wide vehicle crossing would provide two way vehicle access into the 2 basement levels;

Uses

- (r) there are communal open space areas within the ground level of the development, 1 area at level 3, 1 area at level 4 and 1 area at level 9;
- (s) shop/food and drinks premises:
 - (i) the premises would include the service of food for consumption on the premises and the sale of packaged food;
 - (ii) maximum of 100 patrons at any one time;

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- (iii) food and drink premises hours would be the same as the licenced component below;
- (iv) the premises would be licenced with:
 - Sale of liquor for consumption on the premises:
Monday – Sunday 10am to 11pm
ANZAC Day and Good Friday 12noon to 11pm
 - Sale of liquor for consumption off the premises:
Monday – Sunday 10am to 9pm
ANZAC Day and Good Friday 12noon to 9pm
- (t) Food and drinks premises (café):
 - (i) the premises would trade as a café;
 - (ii) maximum of 50 patrons at any one time;
 - (iii) the café would operate from 7am to 5pm, seven days;
 - (iv) the premises would be licenced with:
 - Sale of liquor for consumption on the premises:
Monday – Sunday 12noon to 5pm

Colours, materials and landscaping

- (u) the development would include a mixture of materials and finishes, including clear glass balustrades, white aluminum composite panels (slab edge and planter boxes), dark colour aluminum (glazing frames), perforated metal privacy screens (maximum 25% transparent to a height of 1.7m, then opening up higher), dark grey bluestone and concrete look pavers and off-white brick podium façade frames. No material schedule has been provided with the substituted plans, making it difficult to confirm the materials for the proposal.
- (v) the design incorporates vertical green wires, mesh and planter boxes, along with substantial ground level planting around the communal areas;

Environmentally sustainable development [ESD] features

- (w) an average 6.5 Star NatHERS thermal energy rating;
- (x) a MUSIC model demonstrating best practice has been received which relies on 450m2 of roof connected to a 40,000 litre tank which is connected to garden irrigation and swimming pool top-up, and the remaining 7,470m2 of terrace and landscaping filtered by a SPEL hydro-system (or equivalent); and
- (y) extensive green roofs and landscaping.

Planning Scheme Provisions

Zoning

Mixed Use Zone [MUZ]

20. The purpose of the MUZ includes (as relevant):
- (a) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;*
 - (b) *To provide for housing at higher densities;*
 - (c) *To encourage development that responds to the existing or preferred neighbourhood character of the area; and*
 - (d) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

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21. Under clause 32.04-2 of the Scheme, a permit is not required to use the site for dwellings. A permit is not required to use part of the site as a shop (half of the easternmost tenancy [being 138.5m², as the floor area is less than 150m²]). However, a permit is required to use part of the site as a food and drinks premises as the leasable floor area exceeds 150m² [76m² cafe and half of the easternmost tenancy, being 138.5m²].
22. A permit is required under clause 32.04-6 of the Yarra Planning Scheme [**the Scheme**] to construct two or more dwellings on a lot. Clause 32.04-13 states that for a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004) is a relevant decision guideline.
23. A permit is required under clause 32.04-8 of the Scheme to construct a building or construct or carry out works for a use in section 2 of clause 32.04-2.

Road Zone, Category 1

24. Queens Parade is a declared Road Zone, Category 1.
25. The purpose of this zone 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 identify significant existing roads; and*
 - (c) *To identify land which has been acquired for a significant proposed road.*
26. Whilst a permit is not required for buildings or works or land use under this clause, a permit is required under clause 52.29 of the Scheme to create and alter access to a Road Zone, Category 1.

Overlays

Part Heritage Overlay (HO327)

HERITAGE OVERLAY SCHEDULE (HO327)



27. The portion of the site at 26-56 Queens Parade can be seen above as being affected by HO327. The overlay inaccurately reflects the location of the heritage buildings on the site with a portion of the building not included in the Heritage Overlay. This mapping error has been identified and provided to our Strategic Planning Department to correct.

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28. The relevant purpose of the HO 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 conserve and enhance heritage places of natural or cultural significance.*
 - (c) *To conserve and enhance those elements which contribute to the significance of heritage places.*
 - (d) *To ensure that development does not adversely affect the significance of heritage places.*
 - (e) *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*
29. A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works.
30. Decision guidelines at clause 43.01-4 of the Scheme include (as relevant):
- (a) *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
 - (b) *Any applicable statement of significance, heritage study and any applicable conservation policy.*
 - (c) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
 - (d) *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.*
 - (e) *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
 - (f) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Environmental Audit Overlay

31. The purpose of this overlay 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 ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*
32. Clause 45.03-1 states it is a requirement that:
- Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
 - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
33. With dwellings proposed, this requirement will be addressed by way of a notation on any permit issued.

Particular Provisions

Clause 52.06 – Car parking

34. The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature

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of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (noting there is no relevant Parking Overlay).

Use	Number / Area	Clause 52.06 car parking rate	Requirement	Provision	Reduction sought
Dwelling – 1BR and 2BR	298	1 per dwelling	298	321	23
Dwelling – 3BR +	43	2 per dwelling	86		
Dwelling – Visitor		1 per 5 dwellings (where more than 5)	68	14	68
Food and drinks premises	351m ²	4 per 100m ² of leasable floor area	14		
Shop					
TOTAL			466	335	91

35. A permit is therefore required for the 91 space car parking reduction (noting the original application was for a 223 space reduction). Further, there would be 341 spaces provided on the land, with the remaining 6 (not included in table) being allocated to the proposed townhouse development at the rear (PLN16/0732).
36. It is noted that whilst the original car parking assessment included studies as bedrooms, the substituted plans include a majority of small studies or studies position in corridors. For the purpose of this report, studies have not been included as bedrooms.
37. Clause 52.06-6 of the Scheme outlines a range of decision guidelines and clause 52.06-8 outlines a range of design standards. The relevant of these will be addressed in the assessment.

Clause 52.07 – Loading and unloading of vehicles

38. The purpose of this provision is 'To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety'.
39. No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
 - (a) Space is provided on the land for loading and unloading vehicles as specified in the table below.
 - (b) The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
 - (c) The road that provides access to the loading bay is at least 3.6 metres wide.
40. A permit may be granted to reduce or waive these requirements if either:
 - (a) The land area is insufficient.
 - (b) Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

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41. With no loading bay provided for the retail premises, a permit is required to waive this requirement.

Clause 52.27 – Licensed Premises

42. A permit is required under this clause as a license is required under the *Liquor Control Reform Act 1998*.
43. Decision guidelines include:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
 - (c) *The impact of the hours of operation on the amenity of the surrounding area.*
 - (d) *The impact of the number of patrons on the amenity of the surrounding area.*
 - (e) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Clause 52.29 – Land adjacent to a road zone, category 1, or a public acquisition overlay road a category 1 road

44. The relevant purpose of this provision is 'To ensure appropriate access to identified roads'.
45. A permit is required to create or alter access to a road in a Road Zone, Category 1 (in this instance, the crossover to Queens Parade). An application must be referred to VicRoads under Section 55 of the Act.
46. Decision guidelines include:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *The views of the relevant road authority.*
 - (c) *The effect of the proposal on the operation of the road and on public safety.*
 - (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

Clause 52.34 – Bicycle facilities

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

Use	Number / Area	Clause 52.34 bicycle parking rate	Requirement	Provision	Reduction sought
Dwelling	341	In developments of 4 or more storeys, 1 per 5 dwellings	68	345	None
Dwelling – Visitor	341	In developments of 4 or more storeys, 1 to each 10 dwellings	34	32	3

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Food and drinks premises - Employee	213.5m ²	1 to each 300m ² of leasable floor area	1		
Food and drinks premises - Shopper	213.5m ²	1 to each 500m ² of leasable floor area	0	0	0
Shop - Employee	137.5m ²	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	0	0	0
Shop - Shopper	137.5m ²	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	0	0	0
TOTAL			103	377	3

48. The proposal is seeking a 3 space dwelling visitor/food and drink employee bicycle parking reduction. The application has a surplus of 277 bicycle parking spaces allocated to residents under this provision.

49. A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

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

50. The purpose of this clause is 'To ensure that an urban context report is prepared before a residential development of five or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area'.

51. The application was provided with an urban context report and design response in accordance with this provision.

General Provisions

Clause 65 – Decision Guidelines

52. 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.

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State Planning Policy Framework (SPPF)

The following SPPF provisions of the Scheme are relevant:

Clause 11.04-2 – Housing choice and affordability

53. The relevant objective of this clause is *'To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services'*. The relevant strategy is to *'Reduce the cost of living by increasing housing supply near services and public transport'*.

Clause 11.04-4 – Liveable communities and neighbourhoods

54. The objective of this clause is *'To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities'*. The relevant strategies are to:
- (a) *Create a city of 20-minute neighbourhoods.*
 - (b) *Protect Melbourne and its suburbs from inappropriate development.*
 - (c) *Create neighbourhoods that support safe communities and healthy lifestyles.*
 - (d) *Respect heritage while building for the future.*
 - (e) *Achieve and promote design excellence.*

Clause 11.04-5 – Environment and water

55. The objective of this clause is *'To protect natural assets and better plan our water, energy and waste management systems to create a sustainable city'*.

Clause 13.03-1 – Use of contaminated and potentially contaminated land

56. The objective of this clause is *'To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely'*.

Clause 13.04-1 – Noise abatement

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

Clause 15.01-1 – Urban Design

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

Clause 15.01-2 – Urban design principles

59. 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'*. The strategy of this clause is to apply 11 design strategies. Planning must also 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 five or more storeys.

Clause 15.01-4 – Design for safety

60. The objective of this clause is *'To improve community safety and encourage neighbourhood design that makes people feel safe'*. The relevant strategy is to *'Ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety'*.

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Clause 15.01-5 – Cultural identity and neighbourhood character

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

Clause 15.02-1 – Energy and resource efficiency

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

Clause 15.03-1 – Heritage conservation

63. The objective of this clause is *'To ensure the conservation of places of heritage significance'*.

Clause 16.01-1 – Integrated housing

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

Clause 16.01-2 – Location of residential development

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

Clause 16.01-3 – Strategic redevelopment sites

66. The objective of this clause is *'To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne'*. The relevant strategies are to:

- (a) *Identify strategic redevelopment sites that are:*
- (i) *In and around Central Activities Districts.*
 - (ii) *In or within easy walking distance of Principal or Major Activity Centres.*
 - (iii) *In or beside Neighbourhood Activity Centres that are served by public transport.*
 - (iv) *On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.*
 - (v) *In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.*
 - (vi) *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

Clause 16.01-4 – Housing diversity

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

Clause 16.01-5 – Housing affordability

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

Clause 17.01-1 – Business

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

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Clause 18.01-1 – Land use and transport planning

70. The objective of this clause is *'To create a safe and sustainable transport system by integrating land-use and transport'*. The relevant strategy is:
- (a) *Plan urban development to make jobs and community services more accessible by:*
 - (i) *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 – Sustainable personal transport

71. The objective of this clause is *'To promote the use of sustainable personal transport'*.

Clause 18.02-2 – Cycling

72. The objective of this clause is *'To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.'*

Clause 18.02-5 – Car parking

73. It is an objective *'To ensure an adequate supply of car parking that is appropriately designed and located'*. This clause includes the following relevant strategies to achieve this objective:
- (a) *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
 - (b) *Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.*
 - (c) *Prepare plans for the design and location of local car parking to:*
 - (i) *Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.*
 - (ii) *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*
 - (iii) *Create a safe environment, particularly at night.*
 - (iv) *Facilitate the use of public transport.*
 - (d) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

74. In the City of Yarra in 2020 (as relevant):
- Land Use*
 - (a) *Yarra will have increased opportunities for employment*
 - (b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*
 - Transport*
 - (a) *Local streets will be dominated by walkers and cyclists*
 - (b) *Most people will walk, cycle and use public transport for the journey to work*

Clause 21.04-1 – Accommodation and housing

75. The following is offered in this clause:
- (a) *Yarra is experiencing consistent residential growth. The Metropolitan Strategy, Melbourne 2030, identifies that this trend will continue.*

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- (b) *Yarra will continue to accommodate its share of the housing growth of the inner Melbourne Metropolitan region (comprising the Cities of Melbourne, Port Phillip, Stonnington and Yarra). However, in order to protect valued character, and particularly its 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. Other areas such as those in Mixed Use or Business zones will accommodate some population growth, while most established Residential 1 zones are stable and will experience minimal change.*

- 76. The relevant objectives and standards of this clause are:
 - (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
 - (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
 - (iii) *Strategy 1.3 Support residual population increases in established neighbourhoods.*
 - (b) *Objective 2 To retain a diverse population and household structure.*
 - (c) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
 - (i) *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.*
 - (ii) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*

Clause 21.04-2 – Activity Centres

- 77. The site is approximately 123m to the north-east of the Brunswick Street Activity Centre [AC].
- 78. The relevant objectives and strategies of this clause are:
 - (a) *Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
 - (b) *Objective 5 To maintain the long term viability of activity centres.*
 - (i) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*

Clause 21.04-3 – Industry, office and commercial

- 79. The relevant objective of this clause is: *Objective 8 To increase the number and diversity of local employment opportunities.*

Clause 21.05-1 – Heritage

- 80. The relevant objectives and strategies of this clause are:
 - (a) *Objective 14 To protect and enhance Yarra's heritage places.*
 - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
 - (ii) *Strategy 14.2 Support the restoration of heritage places.*
 - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
 - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
 - (v) *Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.*

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- (vi) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas. Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*

Clause 21.05-2 – Urban design

81. The relevant objectives and strategies of this clause are:
- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
 - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
 - (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
 - (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
 - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
 - (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
 - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
 - (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
 - (ii) *Strategy 20.2 Require development of Strategic Redevelopment Sites to take into account the opportunities for development on adjoining land.*
 - (iii) *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*
 - (e) *Objective 22 To encourage the provision of universal access in new development.*
 - (i) *Strategy 22.1 Encourage applicants to take into account the access needs of all people in the design of new buildings.*

Clause 21.05-3 – Built form character

82. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. Four Structural elements and thirteen built form character types have been identified for areas that are not covered by the Heritage Overlay. The subject site is within a 'Main Road' area. The relevant objectives of this clause are:

General Objective

- (a) *Objective 23 To maintain and strengthen the identified character of each type of identified built form within Yarra.*
- Transport corridors*
- (b) *Transport corridors offer a window into the City of Yarra seen by thousands of people every day. In Yarra many main roads double as centres of community and commercial activity, and are part of local community identity. In categorising main roads from a built form perspective it is logical to differentiate them by built form character, rather than traffic function.*
 - (c) *Objective 26 To improve the built form character of transport corridors.*

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- (i) *Strategy 26.1 Reinforce the scale and formality of the landscape along boulevards.*
- (ii) *Strategy 26.2 Maintain the dominance of the avenue trees over built form along boulevards.*

Clause 21.05-4 – Public environment

83. The relevant objective and strategies of this clause are:
- (a) *Objective 28 To a provide a public environment that encourages community interaction and activity.*
 - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - (iv) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - (v) *Strategy 28.8 Encourage public art in new development.*

Clause 21.06 – Transport

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

Clause 21.08-8 – North Fitzroy

85. The following relevant commentary is offered in this clause:
- (a) *North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand. The neighbourhood is largely residential.*
 - (b) *The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.*
86. The site is identified as a strategic redevelopment site on page 29:

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87. Of these identified sites, the policy also has an aim of:
- (a) *Encouraging the redevelopment of the following sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to the Heritage Overlay, protects the heritage of the site and of the area:*

Relevant Local Policies

Clause 22.02 – Development guidelines for sites subject to the heritage overlay

88. This policy applies to all land within a Heritage Overlay (north-west segment of the site in this instance).
89. The relevant objectives of this clause are:
- (a) *To conserve Yarra's natural and cultural heritage.*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (c) *To retain significant view lines to, and vistas of, heritage places.*
 - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
 - (f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*

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- (g) *To ensure that additions and new works to a heritage place respect the significance of the place.*
 - (h) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
90. In relation to part demolition, the following is offered at clause 22.02-5.1 of the Scheme:
- (a) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
 - (b) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
 - (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
 - (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*
91. Under clause 22.02-5.7. of the Scheme, the following is offered in relation to new development, alterations and additions:
- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
 - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (iii) *Be visually recessive and not dominate the heritage place.*
 - (iv) *Be distinguishable from the original historic fabric.*
 - (v) *Not remove, cover, damage or change original historic fabric.*
 - (vi) *Not obscure views of principle façades.*
 - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
 - (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.*
92. Clause 22.02-5.7.2 of the Scheme offers more specific requirements (as relevant):
- Corner Sites and Sites with Dual Frontages*
- (a) *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*
 - (b) *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*
- Industrial, Commercial and Retail Heritage Place or Contributory Elements*
- (c) *Encourage new upper level additions and works to:*
 - (i) *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*

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- (ii) *Incorporate treatments which make them less apparent.*

Ancillaries and Services

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

Clause 22.05 – Interface uses policy

93. This policy applies to applications for use or development within Business Zones (albeit now 'commercial zones' amongst others). The relevant objectives of this clause are:
(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.*
(b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
94. At clause 22.05-3 it is policy that:
(a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
(b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Clause 22.07 – Development abutting laneways

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

Clause 22.09 – Licenced premises

96. 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.*
(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 22.10 – Built form and design policy

97. The policy applies to all new development not included in a Heritage Overlay (noting that the eastern section of the site is not within a Heritage Overlay). Clause 22.10-3.1 does not apply to residential development. The objectives of this clause are:
(a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*

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

Clause 22.12 – Public open space contribution

98. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The relevant objectives of this clause are:
- (a) *To implement the Yarra Open Space Strategy.*
 - (b) *To identify when and where land contributions for public open space are preferred over cash contributions.*
 - (c) *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*
99. The site is located in an area where land in lieu of cash is the preferred method of contribution. However, as the site is only 2,356m² (including the central lane on the road register), the site does not meet the selection criteria in that the land to be contributed should be approximately 300m². Should the site be subdivided, a cash contribution would be required.

Clause 22.16 – Stormwater management (water sensitive urban design)

100. This policy applies to new buildings (amongst others) and aims to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999; promote the use of water sensitive urban design, including stormwater re-use; mitigate the detrimental effect of development on downstream waterways; minimise peak stormwater flows; reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

Clause 22.17 – Environmentally sustainable development

101. The most relevant objective of this clause is *'...that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation'*.
102. This policy includes 7 categories in which to assess ESD outcomes. An application of this scale requires the Applicant to submit a Sustainable Management Plan, prepared by a suitably qualified expert. This Applicant has done this.

Better Apartments Design Standards

103. Council was recently made aware of the release of the Department of Environment, Land, Water and Planning's 'Better Apartments Design Standards'. Planning Schemes in Victoria will be amended in March 2017 to introduce these Standards. However, the Standards state that there will be transitional provisions, meaning they do not apply to an application lodged before the provisions come into operation being March 2017. The Standards therefore do not apply to this application.

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Advertising

104. The original planning permit application application was advertised by way of 914 letters sent to surrounding property owners and occupiers and by way of 2 signs on the Queens Parade frontage of the site. A total of 480 objections were received on the following grounds:
- (a) overdevelopment;
 - (b) density of apartments is too high;
 - (c) this would create an unreasonable precedent;
 - (d) non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;
 - (e) height (this would be similar to the Housing Commission flat construction)
 - (f) upper level setbacks are inadequate
 - (g) design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well
 - (h) this is just for the developer to make a profit;
 - (i) poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)
 - (j) this will destroy the 'community';
 - (k) use of landscaping is 'laughable' and no maintenance details are provided;
 - (l) impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);
 - (m) proposed facadism and impact on heritage of the site;
 - (n) neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');
 - (o) insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);
 - (p) apartments are too small;
 - (q) the draft Better Apartment Guide should be considered;
 - (r) impact on the Edinburgh Gardens;
 - (s) off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);
 - (t) poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);
 - (u) there will be more robberies;
 - (v) construction could impact Fitzroy Gasworks underground contamination plume;
 - (w) insufficient car parking (the area is already constrained, difficult for guests/visitors to park);
 - (x) impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);
 - (y) traffic impacts;
 - (z) impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;
 - (aa) the development would achieve a poor ESD standard;
 - (bb) asbestos;
 - (cc) footprint/site coverage is too high, needs more open space around it;
 - (dd) structural impact on nearby dwellings;
 - (ee) increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);
 - (ff) commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets);
 - (gg) construction impacts (noise, traffic, dust and pollution);
 - (hh) it will upset the dogs in the area;
 - (ii) no concern for health, safety or DDA;
 - (jj) property devaluation;
 - (kk) rear lane should not be used to access Brunswick Street front the site;

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- (ll) social housing should be included; and
- (mm) perspectives have not been provided from the north or Edinburgh Gardens.

105. To date, 298 parties have lodged statement of grounds with VCAT.

Referrals

106. The application was originally required to be referred to PTV (clause 52.36 of the Scheme) under Section 55 of the *Planning and Environment Act 1987* [the Act]. The original application plans were also referred to the following:
- Appendix 1. Council's Urban Design Unit
 - Appendix 2. Council's Heritage Advisor
 - Appendix 3. External Acoustic Consultant (SLR)
 - Appendix 4. Council's Engineering Services Unit
 - Appendix 5. External Traffic Consultant (Traffix Group)
 - Appendix 6. Council's ESD Advisor
 - Appendix 7. Council's Strategic Transport Unit
 - Appendix 8. Council's Services Contracts Unit
 - Appendix 9. Wind Consultant (MEL Consultants)
 - Appendix 10. Council's Open Space Unit
 - Appendix 11. Council's Community Amenity Unit
107. Their advice is contained as appendices to the original DAP report (attached to this report).
108. The substituted plans were also referred to all of the above, excluding the external urban design consultant. The advice based on the substituted plans is contained as attachments to this report.

Assessment

109. The primary considerations for this application remain as follows:
- (a) strategic policy;
 - (b) urban design (including heritage);
 - (c) food and drink premises use;
 - (d) use of the land for the sale and consumption of liquor;
 - (e) on-site amenity;
 - (f) off-site amenity;
 - (g) environmental sustainability;
 - (h) traffic and car parking (including alteration to access to a road in a Road Zone);
 - (i) bicycle parking;
 - (j) loading bay waiver;
 - (k) waste management;
 - (l) Objector concerns; and
 - (m) compliance with proposed interim DDO.
110. This assessment will be structured around each of these categories, commencing with a position statement based on the original plans. Any new matters or matters that change the original officer position will then be outlined.

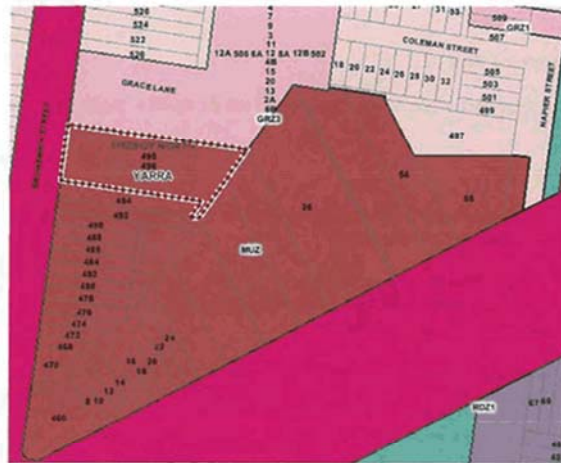
Strategic policy

111. The original assessment generally supported increased residential density in this location, referring to the MUZ, State and Local Policies (in particular, clause 21.05-2). However, it was identified that the Scheme does not give specific guidance on mandatory or preferred maximum heights in this location.

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112. This site has a number of policy and physical factors that constrain development, these include:
- (a) the Heritage Overlay (surrounding heritage building stock and buildings on the subject site);
 - (b) the primarily 1-2 storey dwellings to the immediate west and north of the site (noting there are also 4-6 storey apartment buildings to the north-west and east); and
 - (c) boarding zones include the Mixed Use Zone, General Residential Zone 3 and Neighbourhood Residential Zone 1. The interfaces with the site are complex and introduce varying degrees of sensitivity or amenity expectations for neighbours.



113. The original officer strategic policy review concluded that:

Whilst the site is generally well suited for a high density residential development, the proposal has failed to adequately consider off-site amenity, on-site amenity, equitable development and general urban design principles with regard to the height, setbacks and massing of the proposal. These issues are outlined in the following assessment.

114. For the reasons outlined in this report, whilst a range of on and off-site amenity and equitable development issues have been partially addressed by the substituted plans, the application still fails to provide an appropriate height and massing response in its policy and physical context. The proposal would continue to result in unreasonable on and off-site amenity outcomes (including daylight and outlook) and an unreasonable urban design outcome (height transition and design response) in the streetscape.

Food and drinks premises use

115. The substituted plans do not significantly impact the proposed use or layout of the food and drinks premises.
116. Officer's maintain that the proposed food and drinks premises would be acceptable, subject to the conditions recommended in the previous DAP report.

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Use of the land for the sale and consumption of liquor

117. Again, the substituted plans do not impact the sale and consumption of liquor component of the application.
118. Officer's therefore maintain the position established in the original DAP report, that subject to conditions, the proposed sale and consumption of liquor (on and off-premises) associated with a café and food and drinks premises (café)/shop would not unreasonably impact the amenity of the area.

Urban design

Site Analysis Plan and context

119. The Applicant provided a site analysis plan and urban context report with the initial application.

Urban form and character

120. The original DAP report 'set the scene' in which the application was to be assessed from an urban form and character perspective:

The policy context of the site has already been outlined, being a MUZ where housing is to be provided at higher densities, yet also needs to respond to the existing or preferred neighbourhood character of the area.

Physically, the site is located in an area dominated by 1-2 storey built forms, along with newer 3-6 storey residential buildings. In the absence of detailed preferred neighbourhood character guidance in the Scheme, each application must be considered on its merits and in its context, with regard to the full suite of policy guidance (including on and off site amenity and ESD, for which assessments are offered later in this report).

Many applications at Yarra are guided by Council's Local Policy at clause 21.05-2, which states that developments on SRSs should not exceed 5-6 storeys unless a number of benefits can be met (although the list is not exhaustive). This is evident in the 3-6 storey residential buildings recently constructed within close proximity of the site.

By way of contrast, sites in the Municipalities' ACs have recently been around the 10-12 storey mark (including the Thomas Dux site at 153 Bridge Road), relying on the public realm benefits outlined at clause 21.05-2 of the Scheme and the state policy in regard to higher residential densities in ACs.

This site is nominated in clause 21.08 of the Scheme as a Strategic Redevelopment site. That does not automatically allow developments above the 5-6 storey mark. That classification and the 8,023m² size of the site of the does suggest that a development above this mark could be possible, even though the site is not within an AC.

Constraints imposed on the site however, are the Heritage Overlay and the adjoining 1-2 storey building stock, along with a number of habitable room windows and private open space areas adjoining or adjacent to the site. These sensitive interfaces will be addressed later in this report, however this built form assessment will incorporate heritage considerations.

Heritage Policy at clause 22.02-5.7.2 (industrial, commercial and retail heritage place or contributory elements) states that it is policy to:

- *Encourage new upper level additions and works to:*

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- o *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.*
- o *Incorporate treatments which make them less apparent.*

The DSE Higher Density Guidelines offer the following design suggestion, however specific guidance is not offered:

DESIGN SUGGESTION 2.2.2: SET BACK UPPER LEVELS OF TALL BUILDINGS OR USE A PODIUM AND TOWER FORM TO HELP CREATE A PEDESTRIAN SCALE AT STREET LEVEL.

There are a number of factors at play in this regard, which must be carefully balanced.

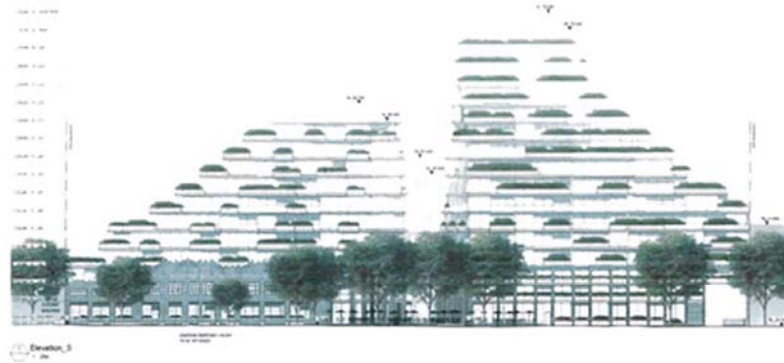
Height and setbacks

121. As per the original assessment, the height and setback from the west, north-west, north-east and eastern boundaries will be considered in detail in the later 'off-site amenity' assessment. However, this section will focus on the height and setbacks from Queens Parade and those further afield.
122. The substituted plans have reduced the proposal from a maximum 16 to 12 storeys. Again, whilst the site is well positioned in terms of being a nominated SRS and within close proximity to an AC, this proposal must be assessed in its own built form context.
123. The original Hansen advice was that while a 16 storey building may be appropriate, the massing of the proposal was not site responsive. In particular, criticisms were made of the stepped 'wedding cake' approach, the absence of clear towers to break the upper levels or provide visual relief and that the layout with a central courtyard pushed the built form to sensitive interfaces.
124. The substituted plans continue to adopt a similar 'wedding cake' approach with a central courtyard but has removed the rotating form of the upper levels exacerbating the 'wedding cake' appearance of the proposed building.. Whilst the lowered height and increased side boundary setbacks have improved the appearance and off-site impact of the proposal, the design remains unacceptable. At 12 storeys to Queens Parade, the proposal still fails to provide an appropriate transition down to the primarily 1 and 2 storey Victorian era terraces west of the site, with the western 'tower' segment remaining at 11 storeys, as per the original plans.
125. The reduction in the eastern tower height and the retention of the 11 storey western tower height only serves to increase the perceived bulk of the upper levels, which would appear more monolithic due to the similar heights now proposed.
126. In the absence of perspectives for the substituted plans, the southern elevations will need to be analysed to consider the streetscape impacts.

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Original plans



Substituted plans



127. As can be seen, whilst the 'peak' element of the eastern tower has been removed, the east and west segments continue to appear as a 'wedding cake', which is accentuated now with the amended plans and continues to be at odds with the building heights on surrounding sites and those proposed.
128. Reviewing the above, the design continues to introduce a solid width of 'tower' forms to Queens Parade, with only a minimum 9.2m central separation, which would not be appreciated for the majority of the oblique vantage points along Queens Parade by an observer (be it a cyclist, driver or pedestrian).
129. Again, these issues are not rooted in heritage concerns, but rather remain urban design issues.
130. Council's Heritage Advisor again, raised no issue with the building height or form from a heritage perspective. However, Council's Urban Design Unit offered the following:
 - (a) *The overall height and massing of the development is excessive and does not relate to its surrounding environment, would visually impact the boulevard trees along Queens Parade and cause extensive overshadowing of Queens Parade and the surrounding area.*

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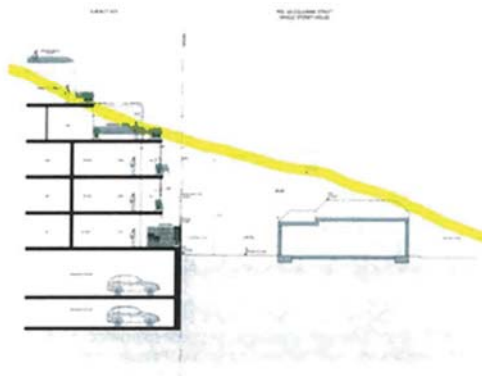
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- (b) *The accentuated terraced style of the building and minimal building separation makes the building appear monolithic in its surroundings.*
- (c) *The façade design and materials/detailing is very repetitive makes the overall mass and bulk of the building appear even more prominent.*

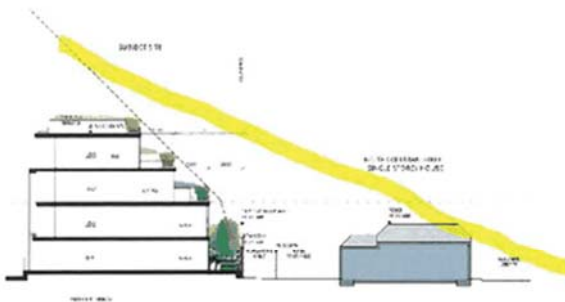
131. Again, the proposal must also be considered from the northern residential hinterland.

132. Comparing the original and the substituted plans, it is evident that the reduced height and increased setbacks have reduced the impact of the proposal from the north.

Original Plans



Substituted Plans



133. This is a rather crude method of assessing the impact to the north or from Coleman Street, however it appears that the northern segment of the development may now be acceptable from a streetscape perspective to the north.

134. Officer's note that it is difficult to assess the impact of the proposal in the absence of perspectives from the north. In particular, the impact of the 11 and 12 storey forms.

135. Again, whilst officer's do not raise issue with the impact on more distant views (e.g. Edinburgh Gardens), it may appear that the mid-range views from Newry Street and

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potentially Freeman Street may still be unacceptable when viewed from the primarily 1-2 storey built form context or residential hinterland to the north.

136. In its current form, officers still cannot support the height or setbacks of this proposal.

Demolition

137. The only issue raised in the original assessment in regard to demolition was that Council's Heritage Advisor requested the eastern wall of the retained Art Deco building segment be retained (within the proposed western café). This has been achieved in the new plans, with a notation confirming the wall would be reconstructed in 'face brick'. However, should a permit issue, a condition should confirm this would be constructed in recycled brick to match the façade or which are typical to the era of construction.

138. In terms of demolition, the western saw-toothed wall was going to be leveled with the removal of the top of the saw-toothed profile. However, through negotiations with neighbors, this wall would be retained as-is. With less demolition proposed, the proposed demolition works remain appropriate in a heritage context and would not adversely affect the heritage significance of the place, remaining in accordance with the Heritage Overlay and clause 22.02 of the Scheme.

139. Further to the above, Council's Heritage Advisor also suggested the following:

(a) *remove painting over the brick façade by an approved contractor who should provide methodology and a materials schedule (suggesting a low-pressure water and chemical or a poultice system is used);*

140. The above is supported by clause 22.02-5.4, in that the removal of paint from previously unpainted surfaces is supported. This can be imposed by way of a permit condition, should a permit issue.

(b) *clarify if the proposed façade treatment (e.g. lower level and canopy) is the same as originally proposed; and*

141. The façade treatment is as per the original plans, however a condition should require the retention of the front, central canopy.



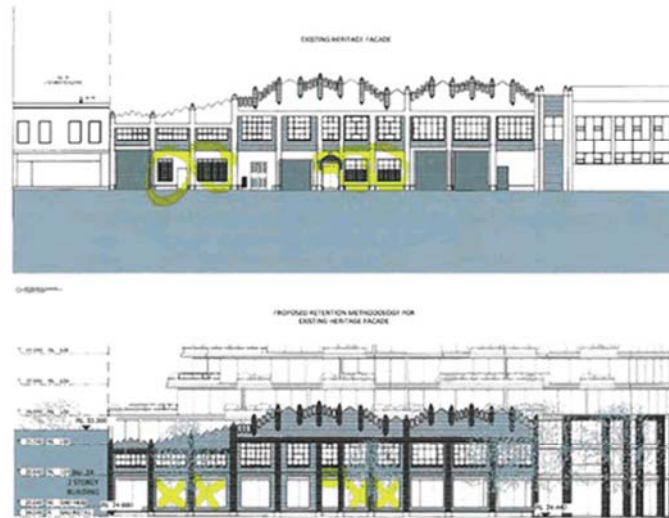
Extract of substituted plans (drawing number A208).

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(c) *request details of the framing and glazing to the façade windows, confirming that while the removal of roller doors is acceptable, existing façade wall panels should not be removed.*

142. Whilst the removal of the roller doors is acceptable, 4 of the existing windows should be retained to preserve the heritage fabric, or at least the window framing where balconies are proposed behind. The following marked elevations identify the elements which should be retained to ensure the significance of the heritage place is not unreasonably impacted. This could be addressed by way of a permit condition, should a permit issue.



Extract of substituted plans (drawing number A208)

Light and shade

143. Council's Urban Design Unit and Open Space Unit have and continue to raise issue with the extent of overshadowing of the public realm. However, the original DAP report did not raise issue with the proposal. As the height of the building has been reduced, the following extract from the DAP report remains relevant:

Council's Urban Design Unit raised issue with the extent of overshadowing of public space. However, the shadow diagrams provided by the Applicant demonstrate that the southern footpath along Queens Parade would not be overshadowed at the equinox. There is a pocket park south of Queens Parade that also would not be overshadowed at the Equinox.

Whilst the northern footpath would be overshadowed throughout the day at the Equinox, the existing buildings on the site already shadow a large portion. Whilst a segment at the eastern end would experience additional shadow, this is due to the podium, which is considered to be a positive urban design approach, holding the street frontage at the eastern end of the site. This outcome is therefore acceptable.

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Street, public space and safety

144. The street presentation and impact on the public realm is still generally considered to be positive, however the following issues continue to be identified:
- (a) the basement garage door should be better integrated into the building design. The design of the door could be addressed by way of a permit condition, should a permit issue; and
 - (b) the food and drink premises/shop entrance door be relocated further south of the planter to improve access (it currently reads as a drafting error as the door appears to enter into the garden bed). Should a permit issue, this could be addressed by way of a permit condition to improve access to this tenancy, positively activating the public realm.

Wind

145. The original plans were forwarded to Vipac, an external wind consultant. Vipac raised no issue with the original application from a wind perspective. In fact, they suggested that the 2m high solid balustrades to various private balconies (as recommended by the Applicant's wind Expert []) was excessive and not necessary. Should a permit issue, an amended wind report should be required, with balcony balustrades lowered to 1 or 1.7m (if required for overlooking purposes), provided they would achieve acceptable wind conditions.
146. Vipac also reviewed the substituted plans and confirmed that '*The revised design would be expected to achieve an improved wind environment over the original design*'.

Landmarks, views and vistas

147. The original DAP report remains relevant on this assessment criteria:

The closest identified landmarks in the Scheme (clause 22.03) to the subject site is the spire of St Marks Church, approximately 64.3m to the north-east of the site on the south side of Queens Parade. Due to the distance of the site from this landmark and its positioning on the other side of the street, the proposal would not unreasonably impact views to this landmark.

A number of objector's raised concern with the impact of the proposal on views from Edinburgh Gardens and towards the City. However, neither views are protected by the Scheme. The impact of building bulk in general however, is a relevant consideration and has been assessed in this report.

Site coverage/Permeability

148. The site coverage proposed and site permeability do not significantly change as a result of the substituted plans. Whilst this report identifies a number of built form issues with regards to on and off-site amenity, these do not necessarily derive from site coverage or permeability. Further, the rainwater tanks continue to be shown on the plans. The original SMP detailed compliance with MUSIC storm water tool/best practice targets. Should a permit issue, a condition should ensure that an amended SMP is provided, reflecting the amended plans but generally as per the original SMP so these commitments are maintained.

Architectural quality, colours and materials

149. Objective 5.6 of the DSE Guidelines is '*To promote buildings of high architectural quality and visual interest*'.
150. The initial external urban design advice was that '*The freeform building typology with an expanse of clear glazing makes the building difficult to 'read' and therefore appear out of context. The inclusion of some dark materials, especially at the lower levels, will assist in anchoring the building to the site and surrounding context*'. The amended plans have not

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improved the upper level design treatment, rather the amendments have 'simplified' and flattened the design detailing and massing of the upper levels of the proposal which further exacerbates the incongruous design response selected for the site.

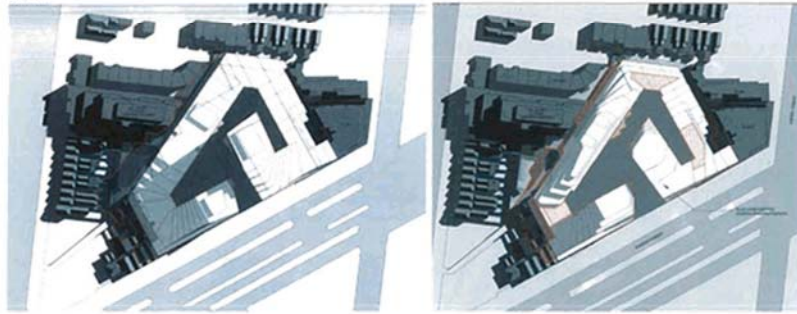
Landscaping

- 151. Council's Urban Design Unit and Open Space Unit raised issue with the proposed landscaping, of which a number of issues could be addressed by way of permit conditions.
- 152. Concerns were also originally raised regarding the extent of overshadowing of the central open space area.

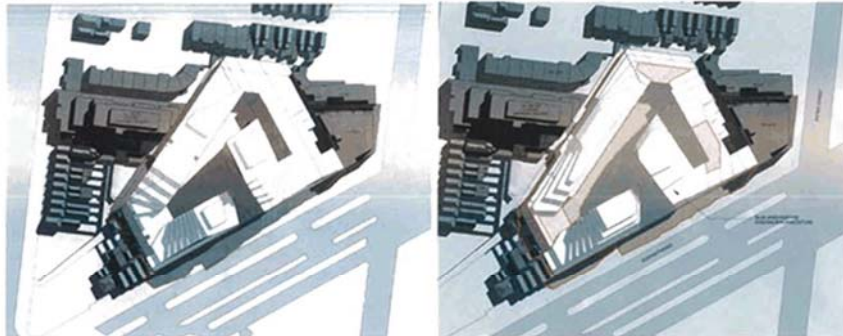
Original proposal

Substituted plans

9AM



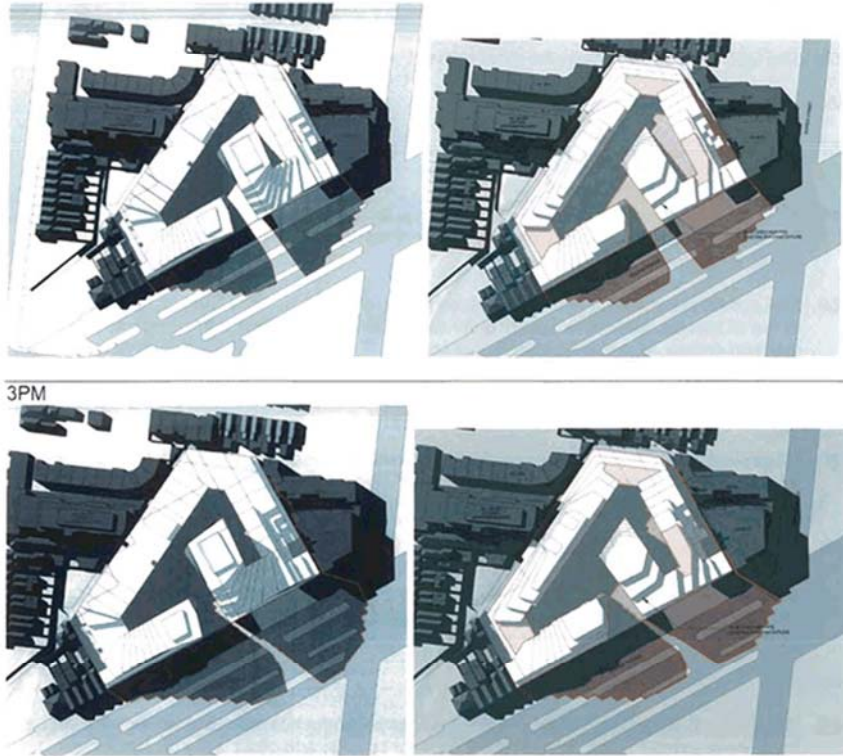
10AM



11AM

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153. However, given the proposal includes 3 upper level communal terraces (levels 3, 4 and 9) and a larger area of the ground level communal courtyard would receive direct sunlight, this is considered to tip the balance and now be acceptable.

154. The original officer assessment of the impact of the proposal on the street trees on Queens Parade is also maintained. Whilst the amended plans introduce a wider shadow across the road reserve, the length of shadows has been reduced due to the reduction in building height. The impact on the street trees is therefore considered to be acceptable given that they would not be fully shadowed at the Equinox by this development (excluding the northernmost row immediately adjacent to the development).

Service infrastructure

155. The substituted plans continue to adequately provide areas for services, letter boxes, pits and metres.

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On-site amenity

156. The DSE Guidelines remain the most relevant when assessing on-site amenity.

Access, layout and circulation

157. The development would continue to provide a reasonable layout and circulation spaces for residents with a large central communal area.

158. Although there would be 5 lift cores, the unique layout of the development (primarily due to the triangular configuration of the land) ensures that residents and visitors alike would find the development easy to navigate.

159. The substituted plans have also increased the corridor widths from 1.4m to 1.6m and 2-2.1m at the lift lobbies. Minimum 100mm entry door recesses were also initially recommended for dwelling entries, to provide a transitional space and easy access along the corridors. This could be addressed by way of a permit condition, should a permit issue.

Overlooking

160. Objective 2.9 of the DSE Guidelines aims 'To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties'.

161. The plans are very difficult to read at A3 and it is difficult to assess overlooking. This is not considered to be fatal to this assessment and should a permit issue, a general internal and external overlooking conditions is recommended to ensure unreasonable views are not provided into habitable room windows or secluded private open space areas of dwellings adjacent to and within the development.

Noise

162. Clause 22.05-4.1 of the Scheme outlines design recommendations to protect new dwellings from unreasonable noise, fumes, vibration, light spillage and other likely disturbances.

163. Given the surrounding properties are all residential, the key considerations remain:

- (a) the commercial tenancies proposed;
- (b) traffic noise; and
- (c) the ancillaries, lifts and vehicular doors proposed as part of this development and
- (d) the impact of the proposed communal areas (including the theatre on the eastern boundary) should also be considered.

164. The substituted plans were re-referred to Council's external acoustic advisor (SLR). They confirmed that the extent of changes to the plans would not impact their original review. Provided a condition requires an amended acoustic report to address the following, the proposal would not unreasonably impact nearby dwellings and would achieve a reasonable level of on-site amenity:

- (a) interface between the commercial tenancies and the proposed dwellings;
- (b) interface between the dwellings to the east and the proposed driveway;
- (c) impact of the proposed communal areas on the dwellings on and off the site;
- (d) adoption of the internal dwelling targets outlined in the original DAP;
- (e) calculations to include road traffic noise predictions to the facades of the buildings (typically through a 3D noise model);
- (f) additional noise testing to address Council's external acoustic advisor's concern that the location and time of testing was not appropriate:
 - (i) noise levels during the afternoon peak hour and the loudest hour of the 'night' period (typically 6 am to 7 am for sites such as this one); and

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- (ii) *a daytime measurement should be conducted to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted. As indicated above, we recommend that the design of the façade ensure that the day and night average levels are no greater than 40 dBA Leq,15h and 35 dBA Leq,9h.*

165. These issues remain non-fatal to this assessment and could be addressed by way of permit conditions, should a permit issue.

Private and communal open space

166. The original assessment raised issue with balcony sizes, particularly as the communal open space area could be overshadowed throughout the day, failing to provide a reasonable supplementary space.

167. However, the supplementary plans afford each 1 and 2BR dwelling with a minimum 8m² balcony and the 3BR+ dwellings would be provided with minimum 12m² balconies. These balcony sizes are reasonable and supported. Whilst some of these balconies would not receive direct sunlight throughout the day, the improved sunlight to the central courtyard provides reasonable recreation opportunities in sunlight throughout the day.

Solar amenity, daylight and natural ventilation

168. The original DAP report raised issue with the daylight and ventilation to be afforded to dwellings. In particular, due to the massing and 'pinch points' across the development.

169. The amended plans have gone some way to improve daylight and ventilation concerns, however the proposal would still result in unreasonable levels of daylight for a significant proportion of dwellings.

170. Council's ESD Advisor stated that *'The proposed development does not have sufficient building separation within it's proposed built form to allow daylight to the future dwellings. Applicants should aim to meet BESS building separate as a guide, (<http://www.bess.net.au/tool-notes/>) or demonstrate the development meets our daylight factor standards using daylight modelling. No daylight modelling or additional information to demonstrate best practice has been submitted. My previous advice, therefore, still stands.'*

171. As a guide, BESS suggests that 9+ storey buildings should have minimum 18m separation from buildings within sites, where from living/main balcony outlooks (Indoor Environment Quality section, table 3). This application incorporates minimum 9m separations for a range of bedroom and living/main balcony outlooks. Without daylight modelling from the Applicant, this is a good indication as to the deficiency in daylight standards that would be afforded to these apartments (particularly the central or inward looking apartments within or adjacent to the 11 and 12 storey forms) at the lower levels.

Storage

172. The proposal continues to provide at least 1 store per dwelling (rather, 345 stores provided for 341 dwellings). Whilst the storage cages continue to be 3m³ to 6m³, this continues to be acceptable as the needs of residents in apartment style dwellings would be different to those in stand-alone dwellings (e.g. not needing storage for lawn mowers, etc.). The provision of at least 3m³ of storage per dwelling in this style of high density development was also supported by VCAT in *U1 Stanley Street Pty Ltd v Yarra CC* [2012] VCAT 1455, paragraph 92).

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Internal circulation/way finding

173. The proposal does not raise concern with regard to internal circulation or wayfinding. The layout of the central courtyard would continue to ensure that wayfinding would be easy for residents and visitors.

Summary

174. The proposal has been poorly massed and would result in a poor level of natural daylight and for residents. Considering the substituted plans the proposed standard of amenity for a development on a reasonably unencumbered 8,028m² site is still unacceptable and is not supported.

Off-site amenity/Equitable development

175. Off-site amenity and equitable development remains a concern with this application.

176. Council's ESD Advisor's assessment of the substituted plans noted that:

The impact of the proposed development on the neighbouring dwellings, particularly to existing primary aspects from living rooms, remains a serious concern. As previously stated: Recommend: increase setbacks to boundaries where existing buildings are reliant on access to daylight & improve the access to daylight of proposed dwellings...Demonstrate that changes to the building design can meet a best practice standard through daylight modelling.

177. Objectives 2.5 and 2.6 of the DSE Guidelines are 'To ensure building separation supports private amenity and reinforces neighbourhood character' and 'To ensure areas can develop with an equitable access to outlook and sunlight'.
178. The original DAP report referred to *Cremorne Corporation Pty Ltd v Yarra CC* [2008] VCAT 1202 (2 July 2008), where minimum 4.5m side boundary setbacks should be provided to afford equitable development across sites (obviously greater setbacks where taller buildings are proposed).
179. Each interface will again be considered in-turn, with an assessment against off-site amenity and/or equitable development, as relevant.

West

180. The original western interface assessment remains relevant. While the top of the west boundary saw-toothed wall is now proposed to be retained, this would not impact existing conditions experienced by adjacent residents and is supported.

To the west of the site is a row of 1-2 storey dwellings. The dwelling to the immediate west incorporates a first floor balcony.

The proposal would utilise the existing west boundary wall, albeit the saw-toothed elements on top would be removed. Beyond this, the proposal would incorporate a 3 storey, 11m boundary wall element, adjacent to the existing on-boundary wall to the west. These setbacks therefore do not raise off-site amenity concerns.

Shifting further north, west boundary setbacks would range from 4.6m to 7.2m at a height of 5 storeys. Where the proposal is adjacent to the rear private open space area of adjacent dwellings, the building 'opens up' to provide visual relief at level 3. Whilst the external urban design advice received by Council raised issue with the extent of overshadowing at 24 Queens Parade, the Applicant has prepared detailed shadow diagrams of this area, demonstrating that the additional shadowing impact at the September equinox would be

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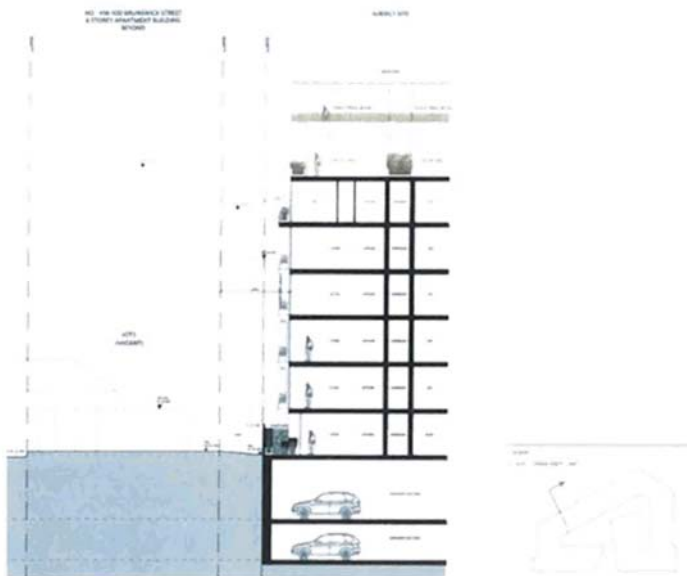
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limited to before 9.30am. This impact is considered to be acceptable in this context and would not unreasonably impact the amenity of the dwellings to the east.

North-west (western end)

181. The original officer assessment did not raise any concern with this interface.

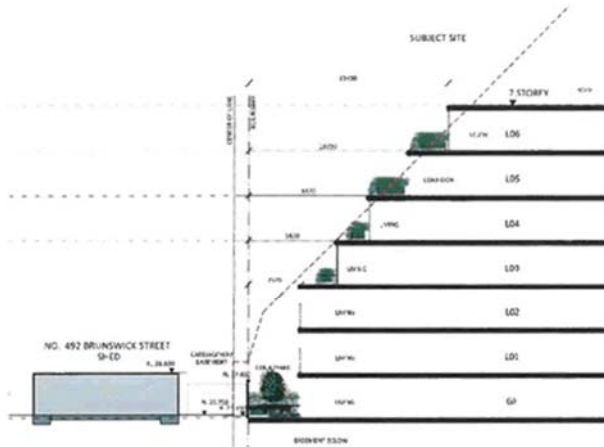
Original proposal



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Substituted plans



182. The substituted plans have increased the minimum ground level setback from 1.7m-2m to a minimum of 3m and stepped the built form from level 3 above, further improving this interface, albeit officers did not raise concern with this original massing.

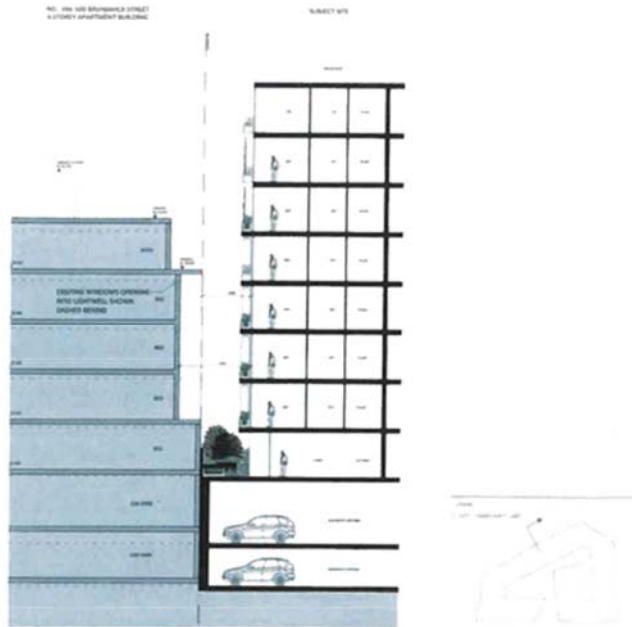
North-west (central)

Original proposal

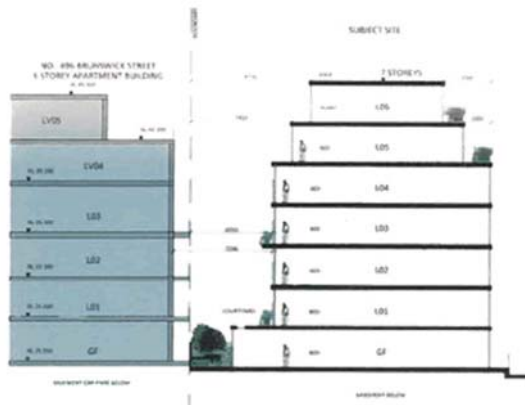


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Substituted plans



(Drawing number A315)

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- 183. At this interface, adjacent to 496-500 Brunswick Street (Aquila), the proposal was found to result in unreasonable internal amenity outcomes by virtue of the minimum 2m setback. The proposal is now setback a minimum 3m from this interface, increasing to 6m at level 1 and above. This segment has also been reduced in height from 8 to 7 storeys.
- 184. The substituted plans have modified the ground floor layout of the proposed development orientating the living areas to the north-west and north-east of the Aquila development. This ensures that while the ground floor of the proposal is setback 3m from the boundary, the residents would enjoy a reasonable level of amenity.
- 185. Again, the adjacent living areas of the Aquila apartments are generally orientated to the north or south, ensuring that the siting of the proposal does not unreasonably impact daylight or the outlook afforded to these dwellings.
- 186. The reduced height, increased setbacks and internal reconfiguration of apartments is considered to result in a reasonable level of on and off-site amenity for residents.

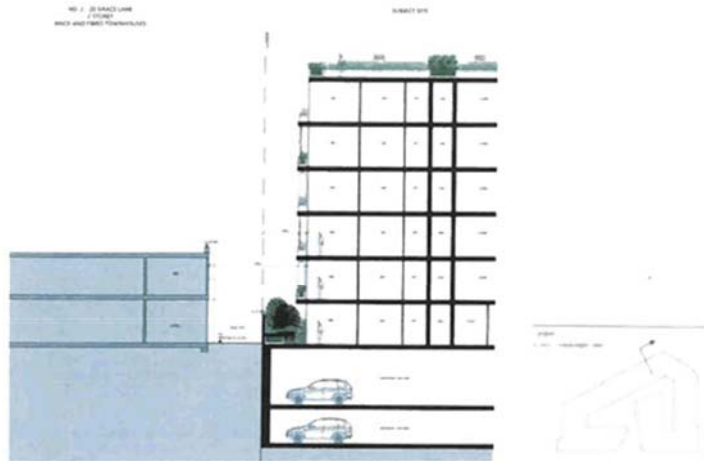
North-west (eastern end)

Original plans

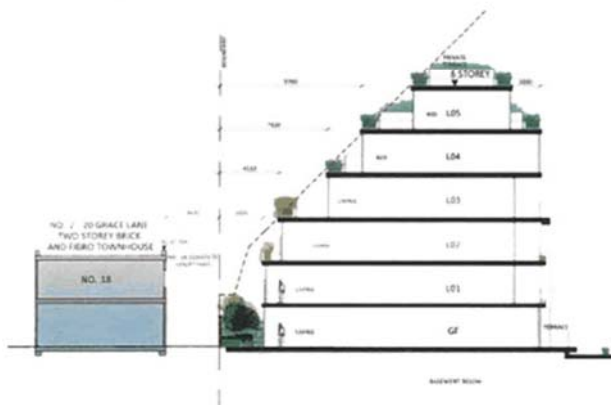


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Substituted plans



Extract of drawing A314

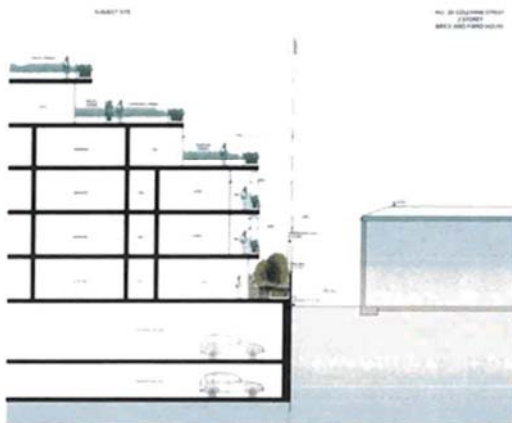
- 187. This section of the proposal was originally 6 storeys, plus a roof deck, with setbacks of approximately 3.2m. The original officer assessment was that given this section is adjacent to a 2 storey block of townhouses with private open space areas on the boundary, the 3.2m setback for a 7 storey form (6 storeys plus a roof terrace) was not acceptable and would unreasonably impact the amenity of the adjoining dwellings by virtue of visual bulk.
- 188. The substituted plans have a minimum ground and level 1 setback of 3m, however levels 2 and above are setback 4.1m, 7.4m and further, as guided by a 45 degree angle.

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189. The substituted plans are considered to now appropriately respond to the 2 storey dwellings to the north along Grace Lane. These dwellings would now not be unreasonably impacted by virtue of visual bulk and could be reasonably developed in the future (equitable development opportunities) due to the reduced heights and increased setbacks.

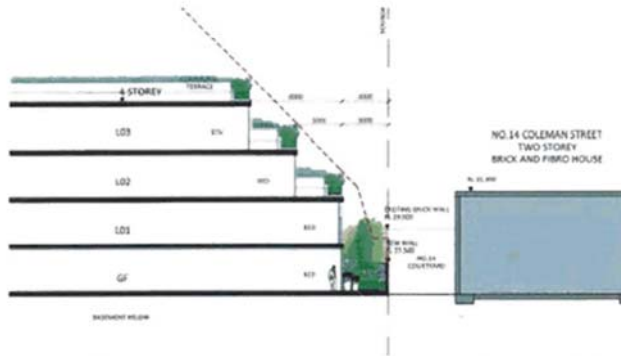
North-east (direct abutting properties)



Superseded plans

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Extract of drawing A312

- 190. In this segment, the proposal was originally proposed as 5 storeys, with roof terraces beyond. The main building bulk was proposed as 3 storeys adjacent to this boundary however, with a setback of 3m. This type of setback was not acceptable given the adjacent sensitive interfaces, being a direct abuttal with private open space areas, with habitable room windows beyond. It was considered that this would result in an unacceptable level of visual bulk when viewed from these adjoining dwellings.
- 191. The superseded plans have reduced the interface of this section to 2 storeys, albeit maintaining a 3m minimum setback. However, the overall height of this section has been reduced to 4 storeys (plus a roof terrace), with levels 2-3 setback as per B17 of ResCode. The reduced height and increased setbacks from this boundary are therefore supported and would not result in unreasonable visual bulk when viewed from these dwellings.

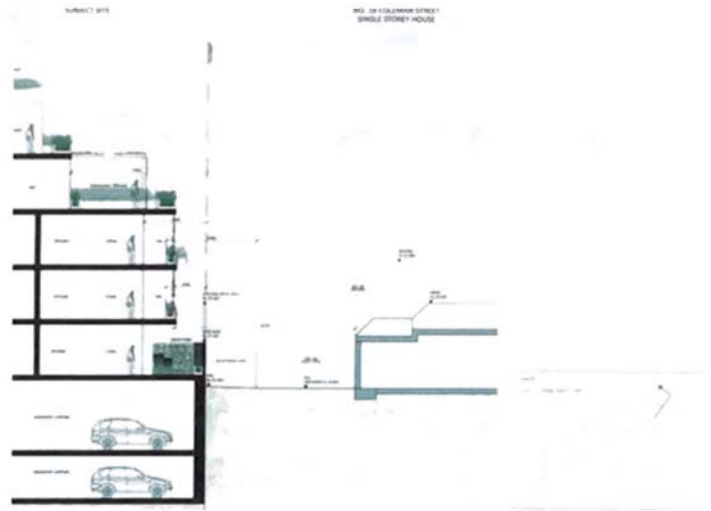
North-east (properties separated by laneway)

Original plans

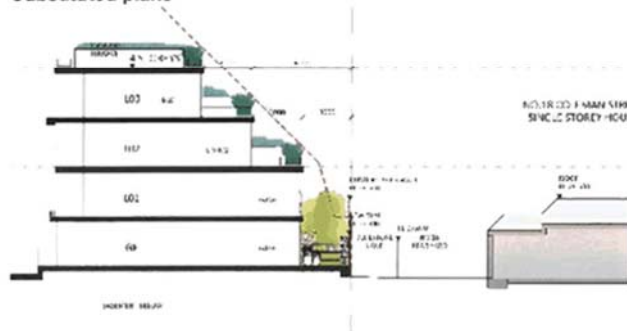


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Substituted plans



Extract of drawing A310

192. Similar to the directly abutting properties in Coleman Street, the proposal is opposite more dwellings to the north-east, albeit these dwellings are separated by a 2.5 laneway. Whilst this would provide some additional relief, the original proposal was still considered to be an inadequate setback from these adjacent dwellings. Again, it is noted that these dwellings are within Neighbourhood Residential 1 Zone, where the purpose is to identify areas of predominantly 1 and 2 storey residential development. Whilst this does not apply to the subject site, it does give an indication of the level of amenity expected to be afforded to these residents.

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193. The substituted plans have reduced the height of this interface to 2 storeys, at a setback of 3m from the boundary. A storey has been removed, with levels 2 and 3 setback as per B17. Again, this is considered to be a sufficient height reduction and setback increase to afford a reasonable level of amenity for residents in the adjacent NRZ1.

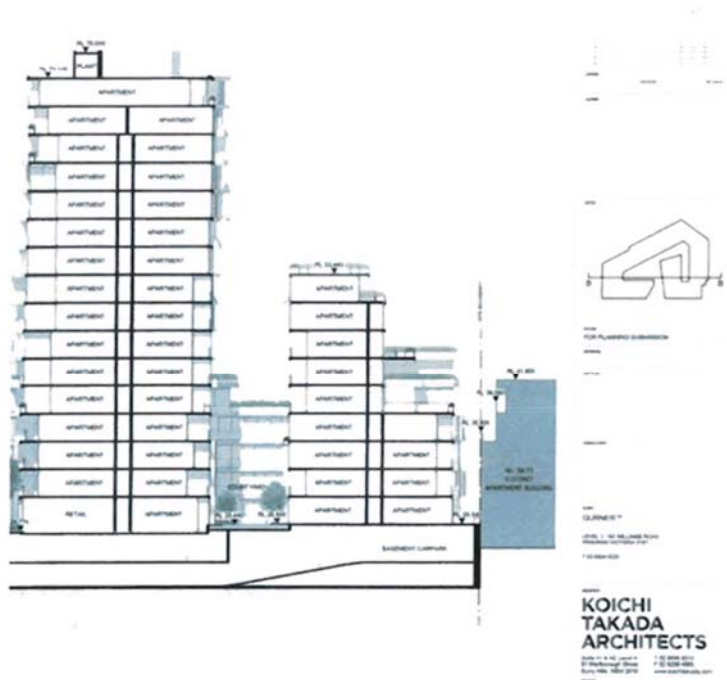
East

Original Plans



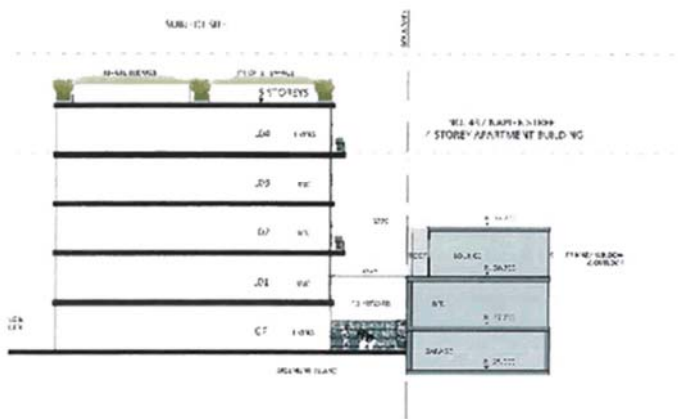
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Substituted Plans

Interface with 497 Napier Street apartment building #1

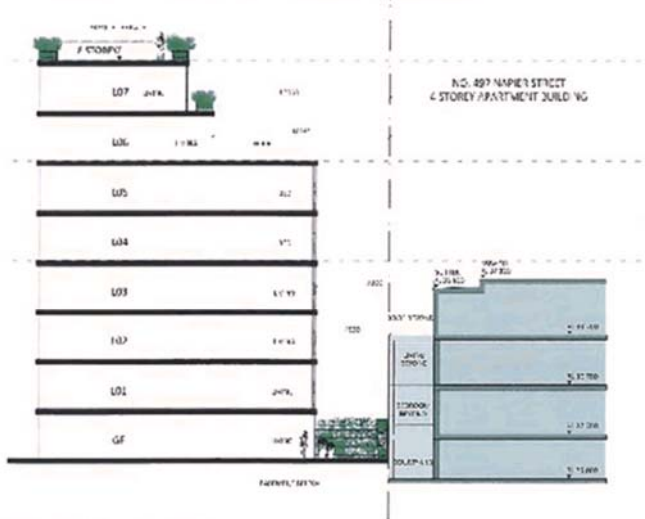


Extract of drawing A306

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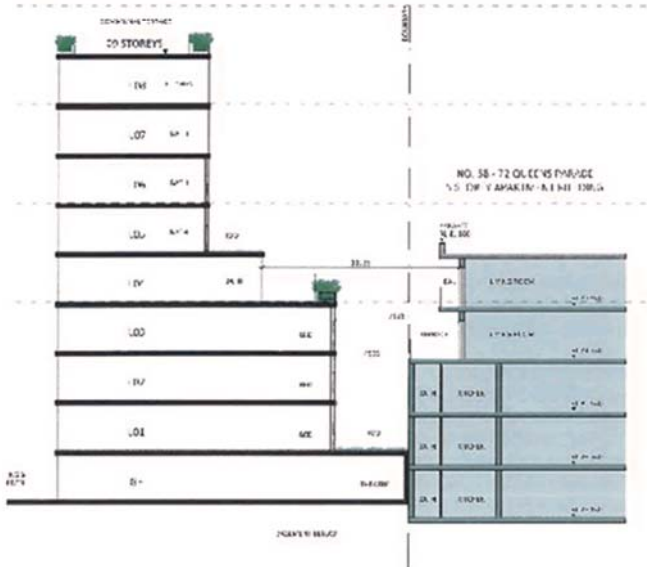
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Interface with 497 Napier Street apartment building #2



Extract of drawing A305

Interface with 56-72 Queens Parade



Extract of drawing A304

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194. The original proposal was as high as 9 storeys, plus a roof deck, adjacent to the eastern boundary. The closest 'pinch point' was a 2.3m setback. This was considered inadequate for a building of this height, and are unacceptable given the site is over 8,000m².
195. The substituted plans have increased the east boundary setbacks, however the proposal remains as high a 9 storey building adjacent to the apartment building within the MUZ (56-72 Queens Parade). The segment adjacent to the NRZ apartment building (497 Napier Street) would be 5 storeys.
196. Whilst setbacks would generally be 4.5m, this setback is typically afforded or accepted for 4-5 storey built forms. Council's BESS standards suggest that apartment with a main living room outlook should be setback at least 9m from the boundary where the building heights are 5-8 storeys (Indoor Environment Quality, table 1). For building heights of 9+ storeys, this side boundary setback should be increased to a minimum of 12m. Whilst officers are not suggesting this be applied as a rudimentary figure, it does indicate the level of daylight the proposed and existing dwellings would experience as a result of these heights and setbacks. This continues to be unacceptable at this interface.

South

197. Queens Parade is to the south of the site, with this application not bringing rise to unreasonable off-site amenity or equitable development concerns at this interface.

Summary

198. Whilst some improvements have been made, the proposal has been poorly massed and has not adequately considered it's context. The proposal would unreasonably impact the amenity of adjoining and adjacent dwellings, unreasonably compromise the development potential of surrounding sites and would achieve a poor level of on and off-site amenity as a result.

Environmental sustainability

199. Considering the original application, Council's ESD advisor raised the following issues:
 - (a) the development has a poor standard of natural ventilation; only 10% of apartments when BESS best practice is a minimum of 60%;
 - (b) single sided dwellings should be no deeper than 5m (some are over 8m deep, single sided and south facing), bringing rise to natural daylight and ventilation concerns;
 - (c) a 'significant number of dwellings' have primary aspects to boundaries. These setbacks are generally insufficient, and include deep balcony overhangs. Council's ESD Advisor noted that these dwellings are unlikely to meet a best practice standard in access to daylight. The massing is also likely to unreasonably impact existing neighboring buildings;
 - (d) the proposal incorporates large amounts of east, west and northern glazing with a poor shading strategy to deal with unwanted summer solar heat gains. This can be dealt with by way of a permit condition, however the extent of glazing along these elevations may result in a highly modified urban design outcome should they all be screened. It would be preferable that this issue is dealt with before the granting of any permit (i.e. sketch plans), although this is not considered to be fatal to this assessment;
 - (e) end of trip facilities (showers and lockers) should be provided for staff (preferably in the facilities in the core on the ground floor, including the disabled access WC). This could be addressed by way of a permit condition, should a permit issue;
 - (f) on-site waste management facilities should be provided for green and hard waste. This could be addressed by way of a permit condition, should a permit issue, along with a reference to these facilities in the WMP;

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200. The following additional items were also recommended:
- (a) consider a solar PV array to contribute to common area electricity consumption;
 - (b) recommend split ACs within one star of the most energy efficient available for the suitable capacity at the time of construction;
 - (c) recommend 90% efficiency gas boiler and solar thermal pre-heating collectors be applied to the hot water system; and
 - (d) recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.
201. The original DAP assessment found that *'The layout of the dwellings, side setbacks and extent of exposed glazing would unreasonably impact adjacent dwellings and would result in a poor level of amenity for residents, who would need to rely on electricity and gas for heating and cooling to an unreasonable degree'*.
202. The substituted plans have made some improvements through the deletion of 4 storeys from the eastern tower, however the daylight issues remain systemic throughout the development, rooted in the layout and height combination proposed (i.e. buildings with the separation proposed should generally be lower to afford reasonable daylight levels or buildings of this height should be afforded greater setbacks or separation distances).
203. Along with internal and external daylight and ventilation issues raised (noting that officers are of the position that minimal cross-ventilation is a secondary issue compared to the significance of the daylight concerns), the following issues remain with the substituted plans:
- (a) *external views are not possible from a significant number of dwellings with internal outlook.*
 - (b) *Large amounts of exposed glazing to the east, west and northern facades across the development. This poor shading strategy will result in high cooling loads and reliance on air conditioning for thermal comfort. Recommend exterior adjustable shading to all exposed glazing on the east, west and north facing facades exposed to summer sun angles, through louvers, fins, retractable awnings or sliding screens, etc. "solar screens" are mentioned in the SMP but it is unclear what this refers to on the plans.*
204. The following was also recommended by Council's ESD Advisor, albeit not fatal to this assessment or able to be addressed by way of conditions:
- (a) *...provide end of trip facilities (showers and lockers) for staff. It appears there will be space in the facilities in the core on the ground floor, including the disabled access WC;*
 - (b) *recommend providing onsite waste management facilities for green waste and hard waste also. It appears that space has been provided in the waste room but it was not been mentioned in the SMP;*
 - (c) *please check the WMP to ensure that the waste management provisions are sufficient, and if "green" and "bulk" waste facilities are also included;*
 - (d) *consider a solar PV array to contribute to common area electricity consumption.*
 - (e) *recommend split ACs within one star of the most energy efficient available for the suitable capacity at the time of construction;*
 - (f) *recommend 90% efficiency gas boiler and solar thermal pre-heating collectors be applied to the hot water system; and*
 - (g) *recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.*
205. For a development of this scale, the Applicant should have included or should adopt many of these suggested ESD items.

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Traffic and car parking

Car parking provision

206. The original application sought a 128 space dwelling and a 95 space dwelling visitor/food and drinks premises/shop car parking reduction (223 spaces in total) under clause 52.06 of the Scheme.
207. The substituted plans now seek a 23 space dwelling and a 68 space dwelling visitor/food and drinks premises/shop car parking reduction (91 spaces in total).
208. The original DAP report supported the reduction of 223 spaces based on a number of factors, having regard to clause 52.06. These included:
 - (a) *the site is well positioned to encourage sustainable transport modes (walking, cycling and public transport);*
 - (b) *the site is within walking distance of the Brunswick Street Ac;*
 - (c) *there are 2 car share pods within 150m of the site;*
 - (d) *dwelling residents – applying ABS statistics for the suburb of Fitzroy north to the development, the proposal would have a parking demand for 210 cars associated with the dwelling component (the proposal allocates 234 spaces to these apartments);*
 - (e) *residential visitors – car parking surveys of similar developments in Port Melbourne have been undertaken. They established a peak visitor demand of 0.1 space per dwelling compared to a weekday demand of 0.06 spaces per dwelling. This would equate to a visitor demand for 29 spaces during the day and 48 spaces on weekends and evenings. With 10 being provided on-site, 19 and 38 spaces would be demanded on-street;*
 - (f) *commercial premises – whilst the Scheme generates a parking rate for 4 spaces, Traffix Group note that the reduced parking overlay rate of the Scheme aligns with empirical evidence of similar tenancies within close proximity of ACs and public transport. This equates to an anticipated demand for 4 staff and 8 visitor parking spaces;*
 - (g) *considering the anticipated parking demand holistically, Traffix Group anticipate a standard demand for 27 on-street parking spaces (during business hours) and a peak demand for 46 car parking spaces (evenings and weekends);*
 - (h) *Council's Strategic Transport Statement (April 2006) has the following transport sustainable hierarchy:*
 - (i) *Pedestrians*
 - (ii) *Cyclists*
 - (iii) *Tram*
 - (iv) *Bus/train*
 - (v) *Taxi users/car shares*
 - (i) *car parking surveys were undertaken on Friday 18 March 2016 (1pm and 8pm) and on Saturday 19 March 2016 (1pm and 8pm). The surveys found no fewer than 139 available parking spaces during peak car parking times. This suggests that the area could accommodate the anticipated 27 and 46 space shortfall parking demand; and the existing warehouse use would have a car parking 'credit' of 20 spaces.*
209. Both Council's external and internal traffic advice supported the 223 space parking reduction sought.
210. Now at a 91 space reduction, the application continues to be supported and is considered to continue to support sustainable transport modes, without unreasonably impacting parking conditions in the area.
211. Both Council's Engineers and the external traffic consultant (Cardno) reviewed the substituted plans and support the proposed car parking provision and allocation.

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Car park layout and access

212. Council's external traffic advisors and Council's Engineers have reviewed the car park layout and access made the following comments:
- (a) *Columns have been set back from the aisles by 300 mm and 750 mm. The positions of the columns do not comply with Diagram 1 Clearance to car parking spaces in Clause 52.06-8. In Diagram 1, columns are set back from the aisle by 250 mm and columns have a maximum depth of 1000 mm. For columns set back from the aisles by 300 mm, the encroachment into the parking envelope is marginal (by 50 mm) and should not adversely impact on rear car doors from opening. However, the columns that are set back from the aisle by 750 mm encroach into the parking envelop by 500 mm and could potentially impact rear car door opening.*
 - (b) *Clearances for Spaces adjacent to Walls, Bicycle Parking Cages and Storage Cages – have not been dimensioned on the drawings.*
 - (c) *Loading Bay and Waste Pickup Bay– have not been dimensioned on the drawings.*
 - (d) *As was stated in our previous review, Cardno is of the view that it will be necessary to install a convex mirror and / or a signal system to warn pedestrians of exiting vehicles given a pedestrian sight triangle is not intended to be provided. This is largely due to the anticipated level of pedestrian activity along the Queens Parade site frontage.*
213. The above can be addressed by way of permit conditions and are not fatal to this assessment.
214. A number of standard conditions and notations relating to construction management, drainage, pits and meters and no damage to Council assets were recommended by Council's Engineers. Along with a condition relating to the re-sheeting of the Queens Parade service road. These conditions/notations should continue to be provided should a permit issue.

Traffic

215. The original assessment suggested anticipated traffic volumes of 3 3 movements per day for each 1, 2 and 3 BR apartment and 4 movements (total) per day for the commercial spaces. This was supported by Council's Engineers and external traffic consultant.
216. With the proposed dwelling numbers being reduced from 476 to 341, the anticipated traffic volumes would be less.
217. Therefore, it follows that the original conclusions on traffic are maintained:
- (a) *Council's external traffic consultant '...agreed that due to the variety of access routes available to the site from all directions, accessibility to the site and surrounding area will be readily accommodated post-development, with development traffic being well dispersed across the road network without detrimental impacts';*
 - (b) *Council's Engineering Services Unit found that 'The traffic generated by the development can be dispersed into the surrounding road network without adversely compromising its operation or safety'.*

Road Zone

218. A permit is required to alter and create vehicular access to Queens Parade under clause 52.29 of the Scheme. The application was referred to VicRoads under this provision, and the following decision guidelines are relevant:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *The views of the relevant road authority.*

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- (c) *The effect of the proposal on the operation of the road and on public safety.*
- (d) *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

219. Council's external and internal engineering advice has already been outlined as not raising issue with traffic generated by this application.
220. VicRoads are a determining Referral Authority under the Scheme. Their comments on the original application were that they do not object to the proposal, subject to the imposition of the following conditions on any permit issued:
1. *Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved by the Responsible Authority, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with Drawing number A100 Revision N dated 07/07/2016 but modified to show:*
 - a) *A flashing light/sound device be implemented at the vehicle entry/exit to warn pedestrians of vehicle movements and/or*
 - b) *A convex mirror or similar device to be installed to the satisfaction of the Responsible Authority at the entry to the car park to increase motorist visibility of pedestrians when exiting the site.*
 2. *The crossover is to be constructed to the satisfaction of the Responsible Authority and at no cost to VicRoads (the Roads Corporation) prior to the commencement of the use hereby approved.*
 3. *All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.*

NOTES:

- a) *The proposed development requires reinstatement of a disused crossover to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.*
 - b) *Separate Consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for all buildings and works (including canopies and projections) undertaken outside the title boundary within a Roads Zone Category 1 (Queens Parade). Please contact VicRoads prior to commencing any works.*
221. VicRoads are a party to the VCAT proceedings and will inform the Tribunal of their position on the substituted plans.
222. For the purpose of an officer assessment, the alteration of access to the Road Zone continues to be supported subject to the above conditions.

Bicycle parking

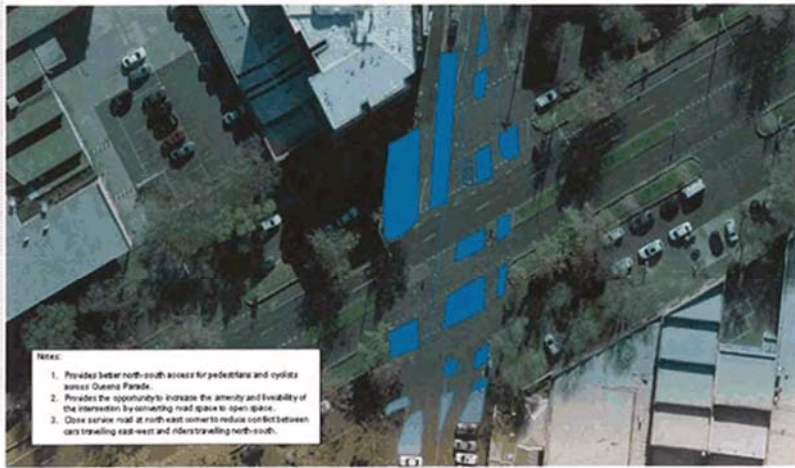
223. The original application sought a 39 space bicycle parking reduction for dwelling visitors and food and drink visitors. The substituted plans now seek a 3 space dwelling visitor and food and drinks premises employee reduction.
224. The original 39 space reduction was supported and it therefore follows that a 3 space reduction would also be supported and is seen as an improvement to the original application (with regard to bicycle parking provision).

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225. A range of conditions were recommended in the previous DAP report (following from Council's Strategic Transport Unit, Urban Design Unit, Engineering Services Unit and external traffic advice) and continue to be recommended, should a permit issue:
- (a) bicycle parking must be secure and well-lit;
 - (b) at least 75% of bicycle parking spaces must be on-ground and not hanging style (currently, 31% of bicycle parking spaces would be on-ground). This would improve accessibility;
 - (c) bicycle parking spaces with a minimum 1.2m storage area and minimum 1.5m access aisle (some issues arise in the irregularly configured storage areas);
 - (d) improvements to the Napier Street and Queens Parade intersection through the:
 - (i) closure of the the service lane on the north west corner;
 - (ii) installation of splitter islands and kerb extensions;
 - (iii) decreed crossing distances for cyclists; and
 - (iv) opportunities for better/greener public spaces. (See below.)

Queens Parade & Napier Street, North Fitzroy



226. Officer's maintain that with an additional anticipated 121 peak hour and 1,209 daily movements as a result of this development, and given the scale of the project, should a permit issue, these road improvements are considered to have a reasonable nexus and should be imposed by way of permit conditions.
227. Again, as per the original report, signage has not been detailed as per clause 52.34-5 of the Scheme. However, a condition could also be imposed however on any permit issued to ensure that bicycle signage is provided in accordance with clause 52.34-5 of the Scheme.

Loading bay waiver

228. The Applicant was originally seeking a waiver of the loading bay requirement associated with the food and drink/shop and cafe premises. However, the substituted plans include a loading bay in the eastern end of basement level 1.

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229. These plans therefore address Council's Engineering Services Unit's original concern that for a large scale development such as this, at least one on-site car parking space should be allocated for loading by vans or small vehicles.
230. The width and length of the loading bay exceeds the minimum clause 52.07 requirements (9m length and 4.2m width), however the minimum height clearance of 4m would not be achieved in the basement (minimum 2.5m clearance heights). This is supported given the size of the commercial tenancies, being able to be serviced by small vans or vehicles. This should be imposed by way of a permit condition (deliveries may only be made by small vans or vehicles).

Waste management

231. The substituted plans did not include an amended Waste Management Plan [WMP].
232. Council's Services Contracts Unit has reviewed the WMP prepared by Leigh Design, dated 27 June 2016. The WMP proposes on-site waste collection within a dedicated loading bay by a private contractor.

Council's Services Contracts Unit raised the following issues with the submitted WMP:

- *This is a very large development and what has been proposed does not appear practical and is somewhat problematic. There are major practical difficulties due to the scale. The WMP needs to be clear on how waste will be managed in practice for residents/tenants, businesses, operator and waste contractors to ensure compliance with up to date waste minimisation practices. Lessons learnt over time includes that the operator must be involved in the planning stage to ensure reasonable outcomes for all concerned.*
- *the plan is generally deficient in detail;*
- *the bin store is too small and need isles between bins;*
- *details are needed on:*
 - *how the bin store will operate/be managed by operator;*
 - *education, tenants information, bin room set up, etc. to ensure appropriate management of the waste and recycling;*
 - *ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;*
 - *the path of access from the street to the bin collection point;*
 - *chute rooms;*
 - *how the chutes operate to ensure appropriate use by tenants;*
 - *how the development will be managed by the operator;*
 - *the bin store, clearly showing bins, aisles, path of access, hard waste area, etc.; and*
 - *how the WMP will work in practice for residents, operator and waste contractors.*

233. In the absence of an amended WMP to address these concerns, this remains a ground in officer's recommended position of refusal.
234. Council's external engineering advice identified that swept paths need to show the mini rear-lift loader enter the site via the Queens Parade roadway (not just within title boundaries). The swept paths should also include 600mm clearance lines. As opposed to the previously identified waste management issues, these matters could be addressed by way of permit conditions.

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Objector concerns

235. Objector concerns were addressed in the original DAP report. This assessment remains relevant in light of the substituted plans:

The following objector concerns have been addressed throughout this report:

- *non-compliance with the Yarra Planning Scheme and the Mixed Use Zone;*
- *height (this would be similar to the Housing Commission flat construction);*
- *upper level setbacks are inadequate;*
- *design detail does not complement the area (including use of materials and fine grain subdivision) and the building would not age well;*
- *use of landscaping is 'laughable' and no maintenance details are provided;*
- *impact on heritage (subject site, nearby 1 and 2 storey terraces, Queens Parade, Coleman Street and Napier Street);*
- *proposed facadism and impact on heritage of the site;*
- *neighbourhood character (other apartment buildings in the area are 3-6 storeys, looks like 'Docklands');*
- *apartments are too small;*
- *the draft Better Apartment Guide should be considered;*
- *impact on the Edinburgh Gardens;*
- *off-site amenity (daylight, noise [people, parties/people on balconies, cars, communal areas, licenced premises], light pollution, overlooking/privacy, overshadowing [private open space areas and the public realm], visual bulk, obstruct sky and city views, wind tunnel);*
- *poor on-site amenity (long internal corridors, poor sun shading, poor apartment layouts);*
- *insufficient car parking (the area is already constrained, difficult for guests/visitors to park);*
- *impact on cyclist and pedestrian safety (including the Napier St/Queens Pde bicycle crossing);*
- *traffic impacts;*
- *impact on views from Edinburgh Gardens, Bill Peterson Oval and Brunswick Street oval to the city;*
- *the development would achieve a poor ESD standard;*
- *footprint/site coverage is too high, needs more open space around it;*
- *perspectives have not been provided from the north or Edinburgh Gardens;*
- *construction impacts (noise, traffic, dust and pollution);*
- *overdevelopment;*
- *density of apartments is too high;*
- *commercial (including licenced) venues should not be approved away from main streets (including Brunswick and Smith Streets);*

The following objector concerns will now be addressed:

- *this would create an unreasonable precedent;*
Each application must be considered on its own merit.
- *poor quality design (services, BBQs, AC units and clothes lines will be visible on balconies)*
Permit conditions can deal with these issues, should a permit issue.
- *this will destroy the 'community';*
This assessment has not revealed any 'community' based issues with the application (limited to built form, amenity and ESD.

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- *this is just for the developer to make a profit;*
This is not a relevant planning consideration.
- *insufficient dwelling diversity (too many 1 and 2 bedroom dwellings, not enough 'family' homes and there will be too many singles);*
The development incorporates 59 3BR and 17 4BR dwellings, with 16% being of this 'larger' type. The Scheme does not provide guidance on how many 3+BR apartments should be provided, this proportion is considered to be acceptable in this instance.
- *there will be more robberies;*
No evidence has been provided to support this claim.
- *construction could impact Fitzroy Gasworks underground contamination plume;*
The site is located within an EAO which will require the appointment of an auditor who will be qualified to deal with these issues.
- *asbestos;*
• *structural impact on nearby dwellings;*
These are building matters and not dealt with at the planning stage.
- *increased pressure on infrastructure (including public transport, phone, internet, gyms, pools, libraries, GPs and schools);*
There is no information to indicate that the amenities in the area could not accommodate an additional 476 dwellings.
- *it will upset the dogs in the area;*
There is no information to support this claim.
- *no concern for health, safety or DDA;*
These issues will be considered at the building permit stage, should a planning permit issue.
- *property devaluation;*
This is not a valid planning consideration.
- *rear lane should not be used to access Brunswick Street front the site;*
This space would be a secondary access, primarily used for the proposed townhouses on the rear triangular section of land to the north (subject to a separate application)
- *social housing should be included.*
Council cannot require the Applicant to include social housing.

Compliance with proposed interim DDO

236. The proposed DDO offers the following:

- The design objectives for Precinct 2A: Boulevard Precinct includes:*
- (a) *To ensure the redevelopment of the land accommodating the former 'K.G. Luke Pty Ltd Electro Plate Manufacturers' factory contributes positively to the urban character of Fitzroy North.*
 - (b) *To retain, enhance and incorporate the existing heritage facade into the redevelopment of the site and to create a consistent parapet height along the streetscape.*
 - (c) *To ensure new development does not diminish, or detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.*
 - (d) *To moderate the prominence of development above the street wall with respect to mid and long range panoramic and streetscape views and the Yarra skyline from the*

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- Edinburgh Gardens (HO213) and Newry Street (HO327- Fitzroy North Precinct).*
- (e) *To ensure heritage buildings retain their three-dimensional form as viewed from the public realm to avoid 'facadism'.*
 - (f) *To ensure an appropriate transition in building scale across the site having regard to the existing and preferred built form to the east, north and west.*
 - (g) *To recognise the low scale, fine grain format of existing surrounding development.*
 - (h) *To avoid repetitive stepped built form at upper levels of development.*
 - (i) *To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.*
 - (j) *To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky.*
 - (k) *To ensure adequate solar access is provided to the Queens Parade boulevard and the adjoining Napier Street Reserve.*
 - (l) *To encourage permeability within and through the site.*

237. Decision guidelines in section 4 include:

- (a) *Whether the design objectives in Section 1.0 and the built form outcomes in Tables 1, 2 and 3 of this Schedule are achieved.*
- (b) *Whether the design requirements for specific areas in Tables 1 and 2 of this Schedule are achieved.*
- (c) *The Queens Parade, Clifton Hill Built Form Review – February, 2017.*
- (d) *The architectural quality of the proposal, including the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.*
- (e) *The profile and impact of redevelopment along Queens Parade and from Newry Street and the Edinburgh Gardens.*
- (f) *The design response at the interface with existing low-scale residential properties.*
- (g) *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*
- (h) *How the proposal responds to the presence of heritage buildings either on, or in close proximity to the development.*
- (i) *The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.*
- (j) *How any proposed buildings and works will impact on solar access to Queens Parade and the Napier Street Reserve.*
- (k) *The suitability of vehicle access and egress arrangements and the location, layout and appearance of areas set aside for car parking.*
- (l) *The extent to which ESD measures are incorporated into the development.*
- (m) *ensure consideration of the visual dominance of development on the skyline when viewed from Coleman Street;*

238. An assessment against the DDO is offered as an appendix to this report (appendix 12).

239. The assessment found:

- (a) the proposal does not meet the mandatory maximum height control, being 4 storeys above;
- (b) the new street wall height would be 400mm above the mandatory maximum 10m street wall height control;
- (c) the upper level setbacks behind both the heritage and new facades encroach upon the mandatory minimum setback standards. Variations range from 4.5m to 8m;
- (d) the proposal does not comply with the mandatory side and rear setbacks where adjacent to the MUZ to the east, the NRZ1 to the north-east, the GRZ to the north-west and the MUZ to north-west and west;
- (e) the street wall is vertically articulated to respect the fine grain pattern of subdivision and buildings in the area;
- (f) the proposal does not attempt to replicate heritage forms;

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- (g) the proposal is not visually recessive by virtue of the massing and insufficient upper level setbacks; and
- (h) the upper levels would be read as 2, approximately 52m wide built forms, with a minimal (9.1m) separation which would not be appreciated from the majority of oblique views.

240. However, it is stressed that limited weight has been given to the assessment against the DDO given it is not a seriously entertained document.

Conclusion

Based on the above report, the proposal does not comply with the relevant Planning Scheme provisions and planning policy and is therefore not supported.

RECOMMENDATION

That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Refuse a Permit (PLN16/0434) for 26-56 Queens Parade, Fitzroy North VIC 3068 for the Part demolition and development of the land for a maximum 12 storey building, plus 2 basement levels, accommodating 341 dwellings (no permit required for dwelling use), use of part of the land for food and drinks premises (cafés), use of part of the land (food and drink premises [cafés]) for the sale and consumption of liquor, reduction in the car parking requirements, reduction in the loading bay requirements and alteration of access to a Road Zone in accordance with the substituted plans (received by Council 21 February 2017) on the following grounds:

1. The proposed height, scale and massing does not respond to the existing or preferred character of the area and will dominate the surrounding area.
2. The proposal will result in unacceptable levels of on-site amenity, including natural daylight and ventilation.
3. The side setbacks and building will not achieve equitable development or reasonable levels of amenity for adjoining and adjacent sites.
4. The proposed waste management plan is inadequate for the site.

Signed:  Dated: 14/03/2017

Mary Osman
Manager Statutory Planning

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Appendix 1. Council's Urban Design Unit

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TO: Sarah Thomas (Statutory Planning)
 FROM: Hayley McNicol (Urban Design)
 DATE: 2 March 2017
 SUBJECT: 26-56 Queens Parade, Fitzroy North
 APPLICATION NO: PLN16/0434
 DESCRIPTION: Construction of a 12 storey building accommodating 341 residential dwellings, a café and a food/drinks premises / shop

COMMENTS SUMMARY

The above proposal is currently being considered at VCAT, and revised plans have been recently submitted by the applicant. The original proposal submitted was for a 16 storey development accommodating 476 residential dwellings – this has now been reduced to 12 storeys accommodating 341 units. Statutory Planning has requested Urban Design comments on this revised proposal, on whether the proposal (including its height, massing, setbacks, design detailing, massing, colours and materials, pedestrian experience) is acceptable from an Urban Design perspective.

In summary, we do not support the proposed development for the following reasons:

- The overall height and massing of the development is excessive and does not relate to its surrounding environment, would visually impact the boulevard trees along Queens Parade and cause extensive overshadowing of Queens Parade and the surrounding area.
- The accentuated terraced style of the building and minimal building separation makes the building appear monolithic in its surroundings.
- The façade design and materials/detailing is very repetitive makes the overall mass and bulk of the building appear even more prominent.
- Inadequate setbacks have been provided at the side and rear properties, in particular where they sit alongside the adjoining five and six storey buildings.
- As the site is very large, opportunities to provide a pedestrian connection through the site need to be explored to improve permeability and connections through the site and to the wider area, as required under Strategy 28.6 of Clause 21.05.
- The development should provide an improved interface at the laneway to the west by fronting this part of the development towards the laneway (to face the adjacent townhouse development which is currently proposed).

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- A number of the units facing the courtyard would have poor amenity given the limited building separation provided.
- Whilst the provision of a public plaza is supported, the amenity of the plaza is poor (in particular it would be overshadowed for most of the day) due to the location of the plaza and the form and height of the development around it.
- The development does not consider the impact of the additional vehicles (for potential improvements) on the intersection of Queens Parade and Napier Street, which is a prominent walking and cycling route.

Furthermore, we consider that 3D modelling needs to be submitted to show the development from a number of viewpoints as discussed below, and allow for the visual impact of the development to be assessed further.

Site and context

Zones, Overlays and other relevant planning policies

The site is located in the Mixed Use Zone (MUZ) and is covered by two overlays:

- Heritage Overlay Schedule 327 (HO327) – North Fitzroy Precinct, which covers the south-western part of the site, and includes the existing heritage building on the land which is identified as an 'Individually Significant' building.
- Environmental Audit Overlay (EAO).

Site and surrounding area

The site is located on the north side of Queens Parade and currently occupied by a number of warehouse buildings and car parking. One of the buildings at the south-western end of the site is listed as an 'Individually Significant' heritage building and the front façade comprises a distinctive and decorative parapet.

The area surrounding the site is characterised by fine grain low-scale heritage buildings, mixed with some slightly larger sites which have been redeveloped for residential led development.

To the south-west of the site are a row of intact terraced houses and cottages of one and two storeys in height. The site backs onto a number of other low-scale single and double storey houses, including those to the west which front onto Brunswick Street, and those to the north which front onto Coleman Street, and are listed as 'Contributory' heritage buildings.

There are a couple of newer residential redevelopments located adjacent to the site – a six storey building to the west fronting Brunswick Street and a five storey building to the east on the corner of Napier Street and Queens Parade.

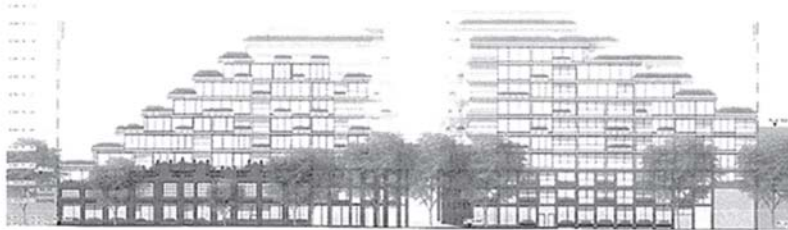
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The site has an extensive frontage (120 metres) onto Queens Parade, which is a wide tree lined boulevard with separate service roads at either side with grassed nature strips. The site is positioned in an exposed location at the south-western end of Queens Parade, opposite the Napier Street Reserve and the intersection of Queens Parade and Alexandra Parade. At this location, clear views of the site can be gained from several vantage points.

Revised proposal

The revised development proposes to demolish the existing buildings on the site (retaining the heritage façade) and construct a new 12 storey development. The development would be generally arranged along the perimeter of the site around a central courtyard, with a public plaza provided at the front of the site directly accessible from Queens Parade. The development would provide two levels of basement car parking accessed from the service road which runs alongside Queens Parade via a crossover at the north-eastern end of the site frontage.



Queens Parade elevation

Urban Design feedback

• **Built form and massing**

The 'Built Form and Design Policy' at Clause 22.10-2 seeks to "ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character".

Under Clause 21.05-3 ('Built Form Character'), Objective 26 seeks "to improve the built form character of transport corridors", and is supported by Strategy 26.2 which seeks to "maintain the dominance of the avenue trees over built form along boulevards".

As mentioned in the previous section, the area immediately around the site is characterised by low-scale fine grain heritage buildings (of one and two storeys in height), mixed with slightly larger sites that have been developed with five-six storey residential buildings.

We have set out our comments below and note that as no 3D testing / images have been provided, our comments are based on the elevations, plans and sections provided. We consider that the 3D images are necessary to fully understand the impact of the proposal; therefore we recommend that these are submitted.

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Massing and height

Under the 'Built Form and Design Policy', Clause 22.10-3.2 (Urban form and character) seeks:

- *"To retain and extend the City's fine grain of street pattern and urban form.*
- *To ensure that developments contribute positively to the urban fabric and public realm.*
- *To improve the transparency and legibility of the city's urban form and structure.*
- *To achieve continuity in the built form having regard to rhythm and spacing of buildings and any distinctive street pattern (as identified in the Site Analysis Plan and Design Response)."*

Under the 'Decision Guidelines it states that "new development on large remnant sites should respect any existing prevailing subdivision pattern (as identified in the Site Analysis Plan and Design Response) by providing adequate separation between buildings and modular building bulk rather than unbroken mass".

We consider that the form of the development presents as one giant building mass, does not provide adequate building separation and does not respond adequately to the fine grain character of its immediate surroundings, and therefore does not meet the above policy, as discussed below.

The proposed building extends around the perimeter of the site and has a gradual stepping back from the side and rear boundaries. It is understood that this has likely been done to provide setbacks from the surrounding residential sites and position the greatest height in the centre of the site, whilst maximising the development potential of the site.

As a result the development has an accentuated terraced form and 'wedding cake' like appearance and presents as one monolithic building when viewed from along Queens Parade, Alexandra Parade, and a number of other surrounding streets and properties (refer to image overleaf).

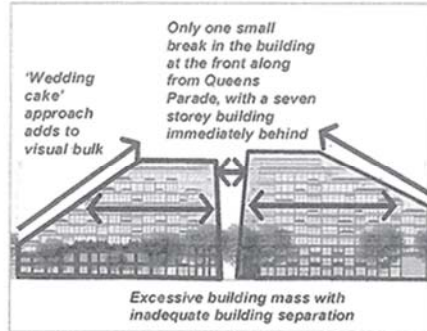
The site frontage along Queens Parade is 120 metres in length, however only one narrow break has been provided between these two buildings at the front (between 7.5 metres and 11.9 metres from the first storey up to the 11th storey), which we consider will not provide any visual relief (refer to image overleaf). The distance is too narrow and will only be seen from one vantage point – looking directly front-on towards the site as shown in the front elevation. Even from this view, one would be able to see the proposed seven storey building behind.

Given the proposed arrangement and design of the building, there will not be any visible break in the building and the building will present as one big building mass from the majority of views along Queens Parade. This is also the case from other viewpoints – a number of examples are shown on the image overleaf however there are a number of other points further afield (for example along Alexandra Parade and from the north).

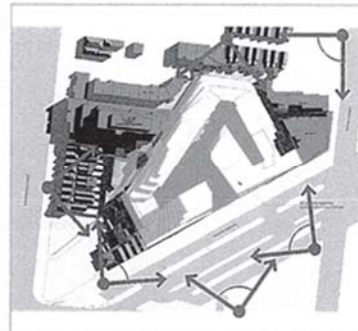
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Considering the abovementioned policy at Clause 22.10-3.2, it is advised that the development should be broken up into a series of smaller parts, so that these parts can more adequately respond to the character and constraints of the surrounding properties, and contribute better to the fine grain of urban form. The buildings within each part should be appropriately designed and provide adequate building separation so that each building can be read separately.



Comments on building massing



Any oblique views (such as the examples above) will not show any building separation

In terms of the height, given the surrounding fine grain residential context (with smaller pockets of redevelopment) and taking into account that the site is highly visible from a number of locations, it is considered that the proposed 12 storey development is too high and does not appropriately respond to the character of the surrounding area, which is mainly made up of low-scale fine grain heritage dwellings with some small pockets of five and six storey residential development. The development would be overly prominent with the bulk of the higher form at the front of the site, bear no relation to its neighbours (with no appropriate transition in the built form) and would visually dominate the boulevard (including the established trees), therefore does not comply with Clauses 22.10-2 and 21.05-3. In addition it would create extensive overshadowing of Queens Parade.

Whilst we recognise that the site is considerably larger than its direct neighbours, we consider that any development on the site, and in particular any additional height must be sensitively incorporated within the site to minimise its visual impact on its neighbours (providing an appropriate transition in height), on the street (including the trees along Queens Parade) and the surrounding area.

We acknowledge that there has been recent strategic work undertaken for the subject site which has led to the submission of interim Design and Development Overlay (DDO) controls to the Minister for Planning (awaiting a decision). This interim DDO includes a proposed mandatory height limit of eight storeys. We also note that the nearby site bound by Queens Parade, Napier Street, George Street and Alexandra Parade is covered by an Urban Design Framework (UDF) for the North Fitzroy Gasworks Precinct (dated 2008). This requires this

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site to have maximum height of 20 metres (roughly six storeys) along the Napier Street and Queens Parade frontages, and allows some additional height as long as it is adequately set back to not be visible from the street.

In summary and considering the points above, we do not support the height of the proposed 12 storey development as it is out of scale with the immediate context, does not provide the appropriate transition in built form to the neighbouring properties, is not adequately recessed so would be visually prominent from Queens Parade and the surrounding area, and does not align with the strategic direction for this site.

Setbacks

With regards to the presentation of the building at the front of the site, Clause 21.05-4 seeks under Strategy 28.2 to *"ensure that buildings have a human scale at street level"*. Furthermore, Clause 21.02-5.7.1 under 'Development Guidelines for Sites Subject to the Heritage Overlay' state that new additions should *"be visually recessive and not dominate the heritage place"*.

The development retains the heritage façade and provides a setback of 3.5 metres from the heritage façade and the building (from the fourth storey upwards). From the fifth storey up, some elements of the building protrude out, which reduces the setback to approximately 2.3 metres.

We consider that this setback is inadequate as it does not provide enough distinction between the heritage façade and the new building. Furthermore the lack of setback for the upper levels with the protruding façade elements would make the development feel even more visually dominant, particular for people walking along the site on Queens Parade. We recommend that the building setback from the heritage façade is increased to at least 8 metres. This figure is based on the interim DDO control which we consider would provide a meaningful setback of the upper levels.

For the section of the frontage not covered by heritage (between the plaza and the five storey residential building), the site has a three storey street wall and the upper floors are aligned on an angle with varying setbacks from the façade. We consider that the upper floors should provide a consistent setback from the street wall to reduce the visual impact of the upper levels and reinforce the street wall to create more of a human scale to the street. We recommend a setback of at least 5 metres is provided.

In terms of the setbacks from the rear and side, Clause 22.10-2 (Built Form and design Policy) seeks to *"limit the impact of new development on the amenity of surrounding land, particularly residential land"*. It is considered that the development does not provide adequate setbacks from the adjoining six storey development to the west nor the five storey development to the north-east, as shown in Sections E-G and P. As a result the dwellings within the site (which are single aspect and have their primary outlook towards these site boundaries), as well as some of the adjoining dwellings, would not have adequate privacy and amenity. To address this, we recommend that at least 9 metres building separation is provided (as reflected in the interim DDO) to ensure adequate privacy (without the need for

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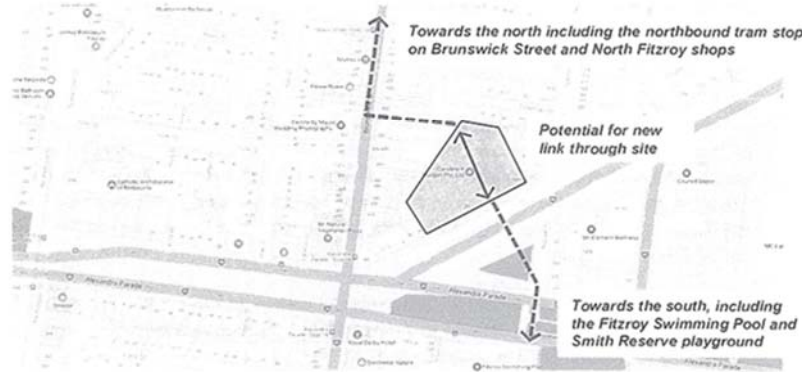
excessive screening) and amenity for these dwellings; however more may be required in some parts to address any overshadowing impacts.

The applicant has incorporated the ResCode B17 setback to the properties to the north, which will deal with some of the impacts of the development, however will not address the issue of visual bulk created by the terraced form proposed.

- **Building layout and interface**

Clause 21.05 (Built Form) seeks under Strategy 28.6 to "require new development to consider the creation of public access through large development sites".

The site is very large, and access is predominately gained from Queens Parade. We consider that there would be a benefit from providing a link through the development as this would improve permeability through the site, make the development feel less like a gated community, make the ground floor café/shops more inviting/accessible and enhance links to the north towards Brunswick Street and St Georges Road. The link could potentially extend through the middle of the site and connect to Grace Lane, as illustrated on the map below. This would require some discussion with the Department of Health and Human Services, who we understand owns Grace Lane and the adjoining land.



Potential for a link to be provided through the site

In terms of the front of the site, it is considered that the development has provided active uses along the Queens Parade frontage to provide an active interface to the street. We recommend that this is improved by relocating or providing additional entrances to the café/shop units directly from Queens Parade, as they are currently accessed from within the Plaza space.

At the rear of the site, it is noted that the development backs onto the western boundary of the site, where there is a related proposal for a three storey townhouse development. We consider that the proposal should also front onto this laneway to face this townhouse development and improve the laneway environment. The building should provide an

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adequate setback from the boundary to allow for a comfortable laneway width and separation between the two buildings.

- **Façade design and materials/colours**

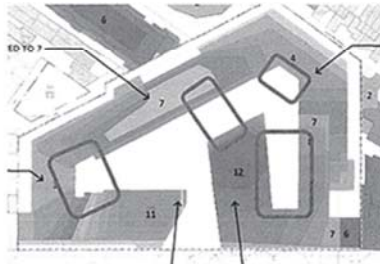
As mentioned in the 'Massing' section above, the terraced approach to the building form and lack of building separation has created an overly prominent building, and it is considered that the repetition of the design detailing of the building also accentuates the overall mass of the development. It is noted that although the front façade of the building has tried to reflect the rhythm and spacing of the heritage building, the overall detailing is very repetitive on all façades of the building, which accentuates the building as one large mass. As recommended above, the development needs to separate the site into smaller parts and adopt a block design approach. This should include appropriate changes in the design and materials/colours to help the buildings to read as separate.

The development is designed in the same manner and has the same materials and colours throughout. We consider that the materials/colours should provide more distinction between the various parts of the site to help these buildings read as separate. In addition we recommend that there is some contrast between the street wall as presented to Queens Parade and the upper floors to help reinforce the street wall break up the overall mass of the building.

- **Internal/external amenity**

The development extends around the perimeter of the site around a central courtyard, and is configured with double loaded apartments. Given the layout of the building and considering that many dwellings facing the courtyard will have only one aspect into the courtyard, there are a number of pinch points where dwellings will not receive adequate daylight/solar access, as highlighted by the red markings on the plan below. This will particularly be an issue for the dwellings at the lower levels. We assume that further detail may be provided on this as part of the ESD assessment.

To address this, we consider that the site should be broken up into a series of smaller parts providing adequate building separation to ensure that units receive adequate daylight/solar access as well as privacy and outlook.



Examples of the pinch points that will impact on the amenity of courtyard facing dwellings (particularly at lower levels)

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- **Public realm**

The principle of providing public space within the site is welcomed. However to ensure that this space provides an attractive, inviting and useable environment for occupants and visitors, we consider that the following issues need to be addressed:

- The plaza does not lead anywhere and therefore could feel like a space purely for residents. As mentioned above, we consider that there is a community benefit from providing a link through the site, which would allow for better public access to the ground floor café/shops and plaza.
- As the plaza is located on the south-east side of the site and given the scale and form of the development, the public space would be overshadowed for most of the day (with only a limited section of the space receiving a couple of hours of solar access in the afternoon). It is recommended that changes are made to the development by reducing the height and increasing setbacks to reduce the extent of overshadowing of this space.
- A Wind Impact Assessment dated 30 June 2016 was submitted with the application. It noted that wind is expected to be funnelled through the plaza and recommended that the existing trees on Queens Parade be retained to help provide a buffer for this space. It also noted that although the proposed landscaping within the space may help to deal with the wind if the hedge planting reaches 1.5 metres in height, further planting/screening may still be required (to be confirmed with further wind tunnel testing). It is recommended that further work be undertaken to investigate potential planting options that would provide an adequate buffer for this space whilst ensuring that it does not result in secondary issues such as the creation of hiding spots.

- **Impact of development on surrounding cyclist/pedestrian network**

The development proposes to have all vehicle access via a crossover directly off the Queens Parade service road along the frontage of the site, which is expected to result in significant increases in vehicle movements on this service road and turning movements at its intersection with Napier Street. Napier Street is a well-used cycle and pedestrian route, and given the openness of the intersection, there is currently the potential for conflict between drivers, cyclists and pedestrians. As the increased vehicle movements resulting from the development are expected to exacerbate this issue, there is an opportunity for the development to contribute to improving the safety of this intersection and rationalise the various movements (this can be discussed with Strategic Planning in more detail).

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Appendix 2. Council's Heritage Advisor

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City of Yarra
Heritage Advice – Supplementary Advice

Application No.: PLN16/0434
Address of Property: 26 – 56 Queens Parade, Fitzroy North
Planner: Sarah Thomas
Yarra Planning Scheme References: Clauses 43.01, 22.02, 21.05.
Heritage Overlay No. Only partly in HO327 **Precinct:** North Fitzroy

Level of significance:

No. 26, 28 – 58 Queens Parade, North Fitzroy, is listed as electro plate K G Luke Pty Ltd electro-plate manufacturers factory, former (part), constructed 1938, 1937, is graded as "Individually significant" in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (Rev. Sep 2015) but it is not in a Heritage Overlay.

I provided advice previously on 15 October, 2016 and earlier in relation to the height of the proposed tower and the retained return wall of the façade. As this current advice addresses amended plans I have not necessarily repeated information from the previous advice as both sets of advice are intended to be read in conjunction.

Proposal

Construction of a large development behind the retained Art Deco façade.

Drawing Numbers

65 sheets of drawings and tables, prepared by Koichi Takada Architects, Rev. A, O and/or Q, W and X, dated 20/02/2017 and with no Council date stamp.

Schedule of Amendments by Koichi Takada Architects, dated 20 February, 2017 and with no Council date stamp

Assessment of The Proposed Built Form*Is it too Bulky and Out-of-Scale?*

Given the nature of the site I considered originally that the bulk and scale was acceptable. I note that now the overall building height has been reduced by 16.7 metres i.e. from 53.7 metres to 37 metres or reduced from 16 storeys to 12 storeys. While the original proposal was acceptable in this location, and not necessarily elsewhere in a heritage streetscape in Yarra, the reduction in height improves the fit for the area.

I also note that the building massing has been reduced "to ensure visibility from surrounding areas is significantly reduced" and again while I found the original proposal to be acceptable in this location, the changes are a better fit.

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The terracing to the tallest building form, containing Core 1, has been increased "to reduce bulk and scale when viewed from adjacent streets and recreation areas" i.e. presumably the Edinburgh Gardens. I had concerns with Levels 11, 12 and 13 at the south-west corner of the eastern block (Core 1) which appeared too high. While undoubtedly there is probably an improvement as a consequence of the reduction in height, the elevations supplied are not sufficient to be able to gain an accurate understanding of how these levels (i.e. Levels 10 and 11 on A110, rev. X and A11, rev. X) will present now. Some accurate photomontages are required to confirm whether or not this element is now acceptable.

Façade and Sawtooth Wall (west elevation)

I note that it is now proposed to retain the sawtooth wall. This is acceptable.

The existing heritage façade is shown on Drwg. A208, Rev. O together with the "Proposed retention methodology for the existing heritage façade". While the upper level windows appear to be retained all of the lower panels between the pilasters are shown as being altered i.e. large glazed elements inserted. While the lower level has been altered by the insertion of roller doors and the like, which can all be removed, I don't recall that it was proposed to alter all of the ground floor wall panels. The original drawings are not to hand, nor are the files available, so I am not in a position to check this now. No details of the framing or the glazing are indicated on the drawings and this needs clarification. Also why is the entrance canopy being removed?

Recommendation / Comments:

If the following matters are not resolved before the foreshadowed VCAT Hearing, then they should be the subject of permit conditions to the satisfaction of the Responsible Authority:

Submit some accurate photomontages to confirm whether or not Levels 10 and 11 at the south-west corner of the eastern block (Core 1) are now acceptable.

Remove the overpainting from the retained brick façade by an approved contractor who should provide a methodology and materials schedule. It is intended that either a low-pressure water and chemical or a poultice system is used.

Clarify if the proposed façade treatment re the lower level and canopy is the same as proposed originally. If it is then I am satisfied.

Request details of the framing and the glazing to the façade windows.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 23 February, 2017

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Appendix 3. External Acoustic Consultant (SLR)

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MEMORANDUM

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TO:	Sarah Thomas	FROM:	Dianne Williams	DATE:	27 February 2017
COMPANY:	City of Yarra				
EMAIL:	Sarah.Thomas@yarracity.vic.gov.au				
SUBJECT:	26-56 Queens Parade, Clifton Hill PLN 16/0434				

CONFIDENTIALITY
 This document is confidential and may contain legally privileged information. If you are not a named or authorised recipient you must not read, copy, distribute or act in reliance on it. If you have received this document in error, please telephone our operator immediately and return the document by mail.

Dear Sarah,

I have reviewed the architectural drawings for 26-56 Queens Parade Clifton Hill, dated 20 February 2017 with a view to identifying any implications of changes made to the drawings for the conclusions drawn in our review of the acoustical report for that project.

Our review dated 14 December 2016 was based on the drawings issued 7 July 2016.

The revised drawings show changes to the northern façade of the building on levels 3 and 4, and a reduction in overall height from 16 to 12 storeys. There are also changes to the location of the ground floor gym.

The proposed changes do not have any implications for the findings and recommendations presented in my review of the acoustic report.

Yours faithfully,



Dianne Williams
 Associate - Acoustics

Checked/
 Authorised by: JA

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Appendix 4. Council's Engineering Services Unit

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MEMO

To: Sarah Thomas
From: Mark Pisani
Date: 23 February 2017
Subject: Application No: PLN16/0434
 Description: Substituted Drawings
 Site Address: 26-56 Queens Parade, Fitzroy North

I refer to the substituted drawings received on 21 February 2017 in relation to the proposed development at 26-56 Queens Parade, Fitzroy North. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION – 26-56 QUEENS PARADE**Proposed Development**

According to the information provided by the applicant, the revised proposal's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	138	1 space per dwelling	138	96
Two-bedroom dwelling	160	1 space per dwelling	160	160
Three-bedroom dwelling	37	2 spaces per dwelling	74	56
Four-bedroom dwelling	6	2 spaces per dwelling	12	9
Residential visitors	341 Dwellings	1 space per 5 dwellings	68	11
Food & Drink (Shop)	275 m ²	4 spaces per 100 m ² of leasable floor area	11	3
Food & Drink (Café)	76 m ²	4 spaces per 100 m ² of leasable floor area	3	0
Total			466 Spaces	335 Spaces

A number of dwellings have been provided with studies. The study areas provided in these dwellings are small in size and are unlikely to be used as bedrooms.

For the 26-56 Queens Parade site, a total of 335 spaces would be provided (six additional spaces in the car park have been allocated to Rear 26-56 Queens Parade). The site would have a parking shortfall of 131 spaces (63 resident spaces, 57 residential visitor spaces and 11 commercial spaces).

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

Car Parking Demand Assessment

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

- *Parking Demand for the One-Bedroom Dwellings.* The one-bedroom dwellings would have an on-site parking provision of 0.7 spaces per dwelling (96 spaces for 138 dwellings). Traffix Group, who had provided the original traffic impact study for this site, had sourced the 2011 Census data from the Australian Bureau of Statistics for car ownership rates for *flats units and apartments* in the suburb of Fitzroy North. The ABS Census data for Fitzroy North recorded an average car ownership of 0.6 cars per dwelling. The car parking provision for the one-bedroom dwellings is fairly consistent with the statistical car ownership for this type of dwelling in Fitzroy North.
- *Parking Demand for the Three- and Four-Bedroom Dwellings.* Both the three- and four-bedroom dwellings have an on-site parking provision of 1.5 spaces per dwelling. The Traffix Group report indicated that three-bedroom flat type dwellings in Fitzroy North have an average car ownership of 1.5 vehicles per dwelling. We consider the proposed on-site parking provision for the three- and four-bedroom dwellings to be satisfactory.
- *Parking Demand for Residential Visitors.* Peak parking for residential visitors generally occurs on weekday evenings and at weekends. Traffix Group had quoted studies conducted by Cardno consulting engineers of two apartment complexes in Beacon Cove (127 and 147 Beach Street, Port Melbourne). The studies identified had that the peak visitor parking demand was 0.1 spaces per dwelling and an off-peak visitor parking demand of 0.06 spaces per dwelling (daytime on a Friday). Applying the empirical peak visitor parking rate to the 341 dwellings would result in a visitor parking demand of 34 spaces (and 20 spaces off-peak). With 11 dedicated on-site visitor spaces, the peak parking overflow would be 23 spaces and the off-peak parking overflow would be 9 spaces.
- *Parking Demand associated with the Food and Drink Premises – Shop and Café.* In their report, Traffix Group had adopted a rate of 3.5 spaces per 100 square metres based on the rates used for Parking Overlays. Applying this rate to the two commercial premises would result in a car parking demand of 12 spaces (351 square metres at 3.5 spaces per 100 square metres). Staff parking demands at these uses would be 1 space per 100 square metres, which would be a total of four spaces. Customers would account for the balance of the parking demand.
- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services along Brunswick Street and bus services operating along Queens Parade, George Street and Alexandra Parade.
- *Convenience of Pedestrian and Cyclist Access.* The site has good pedestrian connectivity to the Queens Parade activity centre and the Brunswick Street activity centre. The site also has very good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- Traffix Group had undertaken on-street parking occupancy surveys in the surrounding area on Friday 18 March 2016 and Saturday 19 March 2016 (at 1:00pm and 8:00pm on both days). The survey area encompassed Queens Parade (Jamieson St to Alexandra Pde), Alexandra Parade (Rae St to George St), Grace Lane, Coleman Street and section of Brunswick Street, Napier Street, Newry Street, George Street and Jamieson Street. The duration and extent of the surveys are considered appropriate. An inventory of up to 380 publicly available parking spaces was identified. The results of the survey indicate that a minimum of 139 on-street car parking spaces was recorded at 8:00pm on the Friday. The surrounding area has a supply of

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vacant on-street car parking and should be able to accommodate any short-stay parking demand from the site.

- *Car Parking Deficiency associated with Existing Land Use.* According to Traffix group, the existing site is occupied by a warehouse and has a floor area of around 5,545 square metres. Under clause 52.06-5, warehouse use has a car parking rate of 2 spaces plus 1 space per 100 square metres. The resulting car parking generation would be 51 spaces. The site has an on-site car parking provision of 31 spaces. Therefore the car parking deficiency of the existing site would be 20 spaces. These spaces would be accommodated on-street. The car parking credit could potentially be transferrable to the new site.
- *Other Relevant Considerations.* All residents of the new dwellings will not be eligible to apply for on-street residential and visitor car parking permits.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The short stay car parking demands could be accommodated on-street as demonstrated from the on-street parking occupancy surveys.

Engineering Services has no objection to the reduction in car parking for this site.

TRAFFIC GENERATION**Residential Traffic**

For the traffic generation of the dwellings, Traffix Group had conservatively adopted a rate of 3 trips per dwelling per day (for dwellings that have a parking space). The peak hour traffic would be 10 % of the daily residential traffic volume. The resulting residential traffic generation equates to 963 vehicle trips per day with 96 vehicle trips in each peak hour.

Food and Drink Premises/Shop and Café Traffic

Each staff space could potentially generate 1 trip in the AM peak hour and 1 trip in the PM peak hour. It is assumed that there would be 3 trips in the AM peak hour and 3 trips in the PM peak hour.

Traffic Distribution

The distribution of arrivals and departures from the site for the residential traffic during each peak hour would be 20% arrivals and 80% departures in the morning peak hour and 60% arrivals and 40% departures in the evening peak hour.

Development Traffic

Development would have an AM peak traffic volume of 22 arrival trips and 77 departure trips and the PM peak hour would have 58 arrival trips and 42 departure trips.

The principal vehicular access for the site is located on the Queens Parade service road which has a one-way traffic operation in the north-east direction. The access into and out of the site would be left-in/left-out. To access Alexandra Parade from the site, traffic would be inclined to travel via George Street or Smith Street. It is agreed that traffic generated by the development can be easily dispersed and distributed within the surrounding road network. The morning peak hour traffic generation of 99 vehicle trips is equivalent to an average of one vehicle trip every 35 seconds.

The traffic generated by the development can be dispersed into the surrounding road network without adversely compromising its operation or safety.

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DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Queens Parade Service Road	The proposed 6.3 metre wide vehicle entrance satisfies <i>Design standard 1 – Accessways</i> of Clause 52.06-8. The entrance allows for two-way simultaneous traffic movements into and out of the development.
Visibility	A pedestrian sight triangle has not been provided for the exit lane of the access way as it immediately abuts the wall of the adjoining property. There is no objection to the installation of a convex mirror as originally suggested by Traffix Group. The installation of a pedestrian signal audible device at the entrance is not supported. It the responsibility of a motorist exiting private property to give way to pedestrians along the footpath before entering a Public Highway, and not vice versa. In addition, audible warning devices could be potentially annoying to occupants of nearby dwellings.
Vehicle Crossing	The revised vehicle crossing design has now provided a lateral clearance of 1.0 metre from the power pole to the east edge of the crossing. The east edge has not been aligned perpendicular to the Queens Parade service road.
Ramped Accessway Width	The ramped accessway has a minimum width of 6.3 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004 section 2.5 – <i>Design of circulation roadways and ramps</i> .
Internal Ramp Width	The 6.0 metre width, with additional 30 mm wide kerbs on either side of the carriageway, satisfies AS/NZS 2890.1:2004.
Car Parking Modules	
Car Parking Spaces – Ninety-Degree Parking	The dimensions of the regular car parking spaces (minimum 2.6 metres by 4.9 metres) satisfy <i>Design standard 2: Car parking spaces</i> .
Car Parking Spaces – Parallel Parking	The parallel parking spaces measure 6.0 metres by 2.4 metres. The dimensions of the parallel bays satisfy the requirements of AS/NZS 2890.1:2004 section 2.4.4 - <i>Parallel parking in parking aisles</i> . The swept path diagrams originally provided by Traffix Group of a B85 design vehicle entering and exiting the parallel parking bays are considered satisfactory.
Tandem Parking Spaces	Tandem parking spaces have lengths of 5.4 metres and are considered satisfactory.
Accessible Parking Space	With the exception of the length (which satisfies <i>Design standard 2</i>), the dedicated accessible parking space for people with disabilities and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009 <i>Parking facilities Part 6: Off-street parking for people with disabilities</i> .
Aisles	The 6.4 metre wide aisles throughout the two levels of basement parking satisfy <i>Design standard 2</i> .

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Item	Assessment
Car Parking Modules - Continued	
Column Setbacks	Columns have been set back from the aisles by 300 mm and 750 mm. The positions of the columns do not comply with <i>Diagram 1 Clearance to car parking spaces</i> in Clause 52.06-8. In <i>Diagram 1</i> , columns are set back from the aisle by 250 mm and columns have a maximum depth of 1000 mm. For columns set back from the aisles by 300 mm, the encroachment into the parking envelope is marginal (by 50 mm) and should not adversely impact on rear car doors from opening. However, the columns that are set back from the aisle by 750 mm encroach into the parking envelope by 500 mm and could potentially impact rear car door opening.
Clearances for Spaces adjacent to Walls, Bicycle Parking Cages and Storage Cages	Have not been dimensioned on the drawings.
Blind Aisle Extensions	The blind aisle extensions have now been dimensioned on the drawings and are a minimum of 1.0 metres as required by AS/NZS 2890.1:2004
Headroom Clearance	Headroom clearances have been dimensioned for both basement level car parks. A minimum headroom clearance of 2.5 metres has been provided and satisfies AS/NZS 2890.1:2004.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The ramp grade for the first 5.0 metres inside the building line is 1 in 20 and satisfies <i>Design standard 3: Gradients</i> .
Ramp Grades and Changes of Grade	The ramp grades and the changes of grade for the ramped accessway and the internal ramp satisfy <i>Design standard 3</i> .
Loading Facilities	
Loading Bay and Waste Pickup Bay	Have not been dimensioned on the drawings.

Design Items to be Addressed

Item	Details
Column Setbacks	The columns that are set back 750 mm from the aisle should be set back and positioned in accordance with <i>Diagram 1 Clearance to car parking spaces</i> of Clause 52.06-8.
Clearances for Spaces adjacent to Walls, Bicycle Parking Cages and Storage Cages	To be dimensioned on the drawings (space Nos 8, 89, 161, 162, 171, 232, 268, 268, 277, 278, 293 and 305). These spaces should be provided with a minimum clearance of 300 mm.

Attachment 2 - Queens Parade Items 9 August 2017_Part2**Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans****IMPACT ON COUNCIL ROAD ASSETS**

The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for residents, employees, visitors and other users of the site.

Re-sheeting of Queens Parade Service Road

The construction works on site would result in the transportation of heavy vehicles, plant and equipment to the site via the Queens Parade service road. In addition, it is highly likely that underground services connections to the site would be made within Queens Parade service road. The pavement surface of Queens Parade service road will deteriorate after all construction and utility works for the site have been completed.

Once the development is complete, the addition of daily, repetitive traffic movements from the development will further impact on the condition and serviceability of the Queens Parade service road. Therefore, it is vital that the applicant profiles the existing wearing course of the Queens Parade service road pavement and re-sheet it to Council's satisfaction and at the Permit Holder's cost.

ENGINEERING CONDITIONS

The following items must be included in the Planning Permit for this site:

Civil Works – Queens Parade service road

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Queens Parade service road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line.
- The nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf to the satisfaction of Council's Open Space and at the Permit Holder's expense.
- The kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone to the satisfaction of Council and at the Permit Holder's cost.
- All redundant property drains must be removed.
- Prior to the occupation of the development, the road pavement of Queens Parade service road is to be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed. The cost of these road infrastructure works must be borne by the Permit Holder.

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Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Preparation of Detailed Road Infrastructure Design Drawings

- The developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development for assessment and approval.

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.
- The Construction Management Plan for the site must also take the following into account:
 - If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
 - Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
 - A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.

Road Asset Protection

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

Impact of Assets on Proposed Development

- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Protection of Basement

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

The excavation for the basement would be to a depth of in excess of 7.0 metres and it is possible that groundwater would be encountered. It is also quite probable that any groundwater discovered by the developer would be contaminated.

In the event that contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 5. External Traffic Consultant (Traffix Group)

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Our Ref: V161619: RJ
Contact: Rodney Jude

24 February 2017

City of Yarra
PO Box 168
RICHMOND VIC 3121

Attention: Sarah Thomas

Dear Sarah,

**26-56 AND REAR 26-56 QUEENS PARADE, FITZROY NORTH
TRAFFIC ENGINEERING ASSESSMENT REVIEW**

This letter has been prepared to review the amended Town Planning Drawings prepared for VCAT submission by Koichi Takada Architects (dated 20/02/2017) in relation to the proposed mixed use development at 26-56 and Rear 26-56 Queens Parade, Fitzroy North.

Cardno previously undertook a review of traffic advice provided by Traffix Group (Ref: G20374R2B, dated 5 July 2016) which referenced original Town Planning drawings prepared by Koichi Takada Architects (Project No. 16328, Drawing No.'s A098 – A115 dated 07/07/2016).

1.1 Review of Amended Town Planning Drawings

This letter contains a review of the amended Town Planning Drawings prepared for VCAT submission by Koichi Takada Architects (dated 20/02/2017) and provides commentary on various design aspects from a traffic engineering perspective.

1.1.1 Existing Conditions & Proposed Amendments

Based on revised plans prepared by Koichi Takada Architects dated 20/02/2017, amendments include reductions in the overall height of the main development (from 16 to 12 storeys) and the rear development (from 4 to 3 storeys), resulting in the net reduction of 135 apartment dwellings.

Proposed changes also include an overall reduction in the on-site parking supply from 445 to 341 spaces, within the two basement car park levels retained from the previous proposal.

A comparative summary between the previous and amended proposal is provided in Table 1.



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Table 1 Development Schedule

Use	Description	Number of Dwellings / Size		
		Previous Proposal	Amended Proposal	Change
Residential Apartments	One bedroom studio	2	Nil	- 2
	One bedroom	243	138	- 105
	Two bedroom	188	160	- 28
	Three bedroom	39	37	- 2
	Four bedroom	4	6	+2
Total Residential Apartments		476	341	- 135 Apartments
Residential Townhouses	Two bedroom	1	1	Nil
	Three bedroom	3	3	Nil
Total Residential Townhouses (Rear)		4	4	Nil
Commercial Tenancies	Food & drink premises	76m ²	*77m ²	+1m ²
	Food & drink premises / shop	277m ²	*273m ²	- 4m ²

Minor discrepancy noted between NLA's stated on plans & those in the development schedule. Sizes quoted directly off amended plans.

A review of the amended plans indicates that the development summary prepared by Koichi Takada Architects appears to accurately represent what is shown on the plans. It is agreed that a reduced total of 341 car parking spaces are to be supplied on-site within 2 basement levels.

Additionally, it is agreed that the revised layout accurately demonstrates a total of 377 vertical and floor-mounted bicycle parking rails, with 341 of these provided across the two basement levels and a further 32 spaces at ground level within a visitor bike store and the remaining four (4) spaces servicing the rear development.

1.1.2 Car Parking Considerations

1.1.2.1 Statutory Car Parking Requirements

Based on the size and number of the intended uses as outlined within Table 1 above, the proposed development generates the statutory requirement to provide a revised total of:

- > 461 spaces for the proposed residential component of the development, comprising 392 spaces for residents and 69 spaces for residential visitors;
- > 10 spaces for the proposed Food & Drink (Shop) premises; and
- > 3 spaces for the proposed Café (Food & Drink) premises.

Based on the provision of on-site parking, the application seeks a revised statutory car parking reduction for a total of 133 spaces.

1.1.2.2 Car Parking Demand Assessment

The development schedule contemplated within the amended application now seeks a statutory car parking reduction for a total of 133 on-site car parking spaces. We note that the application of resident and retail staff parking demand rates previously contemplated by Traffix Group and supported by Cardno *have remained consistent* in the revised application, with the proposed car parking allocation deemed appropriate. As was noted in our previous review, accommodating the majority of residential visitors and all retail patrons on-street is reasonable given the short term on-street parking availability in the vicinity of the subject site, without the risk of causing adverse impacts to existing conditions.

The revised bicycle parking supply being contemplated comfortably exceeded the statutory requirement (a surplus supply in the order of 271 spaces). We are of the opinion that the generous on-site bicycle parking supply will encourage development residents, staff and visitors to utilise bicycles as an alternative travel mode to and from the site.

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Furthermore, Cardno's previous review acknowledged that the site has excellent access to public transport, with a number of sustainable transport options available within the immediate vicinity of the site.

1.1.2.3 Car Parking Allocation

In referencing the above, Cardno is of the opinion that the 341 spaces proposed on-site will satisfactorily accommodate resident and retail staff car parking demands on-site.

1.1.3 Car Parking Layout and Access Arrangements

Revised plans indicate that 341 on-site car parking spaces are to be provided in the form of 307 standard spaces, four (4) parallel spaces and 15 tandem pairs (30 spaces).

Cardno has reviewed the development's revised car park layout and access arrangements, offering the following comments for consideration:

- > Standard spaces have been provided in accordance with Table 2 of Design Standard 2 within Clause 52.06-8 of the Yarra Planning Scheme, being 2.4m wide, 4.9m long and accessed from 6.4m wide aisles;
- > Car spaces designed in tandem pairs have been designed 2.6 metres wide and 10.3 metres long, adhering to the need for an additional 500mm in length to be provided between each vehicle space;
- > Parallel parking spaces have been designed in accordance with Table 2 of Design Standard 2 within Clause 52.06-8 of the Yarra Planning Scheme, being 2.4m wide, 6.7m long and accessed from aisles wider than 3.6m;
- > Sections of two-way circulation aisles previously shown as being narrowed to 4.2m widths have since been redesigned with widths of 5.5m between kerbs in order to comply with Figure 2.8 of Clause 2.5.2 within AS/NZS 2890.1:2004;
- > Spaces adjacent to walls have been provided with appropriate clearances to allow for convenient access and opening of car doors in order to comply with Planning Scheme and Australian Standard requirements;
- > Columns shown within both basement level car parks are provided in accordance with the requirements of Clause 52.06-8 of the Yarra Planning Scheme;
- > Cardno is satisfied that the disabled space located on Basement Level 1 with a shared area inclusive of a bollard provided to the side of the bay, is in accordance with the Australian Standard for off-street parking for people with disabilities (AS/NZS 2890.6);
- > Based on nominated RLs shown on revised plans, the minimum headroom available accords with Australian Standard requirements and is considered appropriate;
- > Revised plans now indicate 1m wide aisle extensions are to be provided at the ends of blind parking aisles across both basement levels, in accordance with the requirements of AS/NZS 2890.1:2004;
- > Cardno is satisfied that, despite changes made to grades and transition lengths as shown in the revised plans, the design of the access ramp and internal ramps is consistent with the guidelines within the Yarra Planning Scheme and Australian Standards and is considered appropriate; and
- > As was stated in our previous review, Cardno is of the view that it will be necessary to install a convex mirror and / or a signal system to warn pedestrians of exiting vehicles given a pedestrian sight triangle is not intended to be provided. This is largely due to the anticipated level of pedestrian activity along the Queens Parade site frontage.

1.1.4 Bicycle Facilities Considerations

It is viewed that the bicycle facilities are adequate and remain comfortably in excess of the Yarra Planning Scheme requirements, with all visitor and staff bicycle parking provided at ground level and the remainder provided across the two basement levels.

The majority of bicycle storage rooms within basement levels appear to be designed to include vertical rails in accordance with the specifications specified within Bicycle Network's Bicycle Parking Handbook.

We note that amended plans now show a total of 106 'Delta CBR (Floor Mount)' racks distributed across both basement levels. As the associated manufacturer's specifications sheet has not been provided and it is not clear as to who the manufacturer is from the information provided, it is not possible to assess the appropriateness of the proposed layout for these particular spaces.

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24 February 2017

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1.1.5 Loading Considerations

Cardno is satisfied that a dispensation of the loading bay requirements associated with the commercial tenancies is acceptable in this instance.

1.1.6 Waste Considerations

Although Cardno has not been provided with swept path diagrams showing access to the revised 'Waste Pickup Bay', it would appear that the proposed waste collection vehicle would be able to access the designated pickup bay on Basement Level 1 to undertake waste collection. Sufficient manoeuvring area is provided adjacent to the loading bay to allow for forward in and forward out access.

As was noted in Cardno's previous review of The Traffix report, the swept path for the waste vehicle was shown commencing within the title boundary. Although the new access crossover is designed with a revised width of 6.14m (Drawing No. A100), it is suggested a swept path of the desired waste vehicle be shown accessing the site from the Queens Parade service road, inclusive of 600mm clearance lines.

1.1.7 Traffic Considerations

1.1.7.1 Traffic Generation, Distribution and Impact

As was noted in Cardno's previous review, the variety of access routes available to the site from all directions ensures that accessibility to the site and surrounding area will be readily accommodated post-development, with development traffic being well dispersed across the road network without detrimental impacts. This argument is further strengthened due to the substantial decrease in apartment yield as part of the proposed amendments.

We trust you find the above information satisfactory. Please feel free to get in touch should you require further clarification.

Yours sincerely,

A handwritten signature in black ink that reads 'Rodney Jude'.

Rodney Jude
Senior Engineer - Traffic Transport & Parking for Cardno
Direct Line: 8415 7768
Email: rodney.jude@cardno.com.au

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Appendix 6. Council's ESD Advisor

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans



TO: Sarah Thomas
cc:
FROM: Euan Williamson, ESD Advisor
DATE: 01.03.2017
FILE: PLN16/0434 – 26-56 Queens Parade, North Fitzroy
SUBJECT: ESD response to updated building design

Sarah,

I have reviewed the substituted architectural drawings prepared by *Koichi Takada Architects* prepared on the 20.02.2017. In summary, most of the previous ESD concerns are still outstanding.

Daylight and Natural Ventilation

Despite a decrease in the scale of the proposal and other minor changes to the building design that have improved, access to daylight and natural ventilation of the proposed dwellings is still poor and will not meet Council's best practice standards. The proposed development does not have sufficient building separation within its proposed built form to allow daylight to the future dwellings. Applicants should aim to meet BESS building separate as a guide, (<http://www.bess.net.au/tool-notes/>) or demonstrate the development meets our daylight factor standards using daylight modelling. No daylight modelling or additional information to demonstrate best practice has been submitted. My previous advice, therefore, still stands:

Significant number of dwellings with primary aspects facing boundaries to existing multi-level buildings, impacting on daylight access to both existing and proposed. Significant number of dwellings are single aspect with room depths of 8m and greater, with deep balcony overhangs, unlikely to meet a best practice standard in access to daylight. The standard of access to daylight of proposed dwellings is poor.

A poor standard of natural ventilation, predominantly single sided dwellings deeper than 5m. Approximately 10% of dwellings have cross ventilation. Strongly recommend re-designing the building to facilitate better natural ventilation, with at least 60% of dwellings to be cross ventilated. Single sided dwellings should have room depths no greater than 5m. A project of this scale is required to demonstrate best practice.

(Also) The proposed building has insufficient building separation within the development and also in consideration of neighbouring buildings. Demonstrate that changes to the building design can meet a best practice standard through daylight modelling.

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Neighbouring Dwellings

The impact of the proposed development on the neighbouring dwellings, particularly to existing primary aspects from living rooms, remains a serious concern. As previously stated:

Recommend: increase setbacks to boundaries where existing buildings are reliant on access to daylight & improve the access to daylight of proposed dwellings...Demonstrate that changes to the building design can meet a best practice standard through daylight modelling.

Additional outstanding ESD Concerns

The previous issues identified in my previous advice, based on the previous version of the building design, still stand:

- *External views are not possible from a significant number of dwellings with internal outlook.*
- *Large amounts of exposed glazing to the east, west and northern facades across the development. This poor shading strategy will result in high cooling loads and reliance on air conditioning for thermal comfort. Recommend exterior adjustable shading to all exposed glazing on the east, west and north facing facades exposed to summer sun angles, through louvers, fins, retractable awnings or sliding screens, etc. "solar screens" are mentioned in the SMP but it is unclear what this refers to on the plans.*

(3) Outstanding Information:

- *Please provide end of trip facilities (showers and lockers) for staff. It appears there will be space in the facilities in the core on the ground floor, including the disabled access WC.*
- *Recommend providing onsite waste management facilities for green waste and hard waste also. It appears that space has been provided in the waste room but it was not been mentioned in the SMP.*
- *Please check the WMP to ensure that the waste management provisions are sufficient, and if "green" and "bulk" waste facilities are also included.*

(4) ESD Improvement Opportunities:

- *Consider a solar PV array to contribute to common area electricity consumption.*
- *Recommend split ACs within one star of the most energy efficient available for the suitable capacity at the time of construction.*
- *Recommend 90% efficiency gas boiler and solar thermal pre-heating collectors be applied to the hot water system.*
- *Recommend a Building Users Guide detailing the sustainability features of the building be developed and given to building users.*

If you or the applicant would like to discuss my comments or recommendation further, please contact me.

Euan.

Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
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E Euan.Williamson@yarracity.vic.gov.au
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Appendix 7. Council's Strategic Transport Unit

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Memo

To: Sarah Thomas
Cc: Simon Exon; Jane Waldock;
From: Kate Simnett
Date: 23/02/2017
Subject: 26-56 Queens Parade, North Fitzroy (PLN16-0434)

diverse
vibrant
exciting
inclusive

We have received the plans for the development in North Fitzroy (PLN16-0434) and provide the following feedback:

Bicycle parking on-site:

In relation to the proposed bicycle parking as per the Traffic Assessment Report p.26 and Plans (Part 6) pp.A98-100.

1. The style and number of residential bicycle parking is satisfactory, though more on-floor style bicycle parking for visitors (even via sacrificing the number of spaces) is strongly recommended.
2. The location of visitor bicycle parking satisfactory, though more on-floor style bicycle parking for visitors (even via sacrificing the number of spaces) is strongly recommended.
3. Strategic Transport advises the following elements be considered in location and style of bicycle parking to be provided:
 - a. Easily accessible
 - b. Secure
 - c. Well-lit
 - d. Undercover
 - e. A mixture of on-ground and hanging style bike racks with the majority (more than 75%) to be provided as on-ground.

See Council's ESD Guidelines (p.25) for more information on bicycle parking.

Napier St/Queens Parade Intersection

Strategic Transport is concerned about the traffic generation at the intersection of Queens Parade and Napier Street as there are significant bicycle movements in the area and Napier St is a key bicycle route for the City of Yarra. Strategic Transport suggests a treatment of the intersection involving the below concepts:

1. Close the service lane on the north west corner
2. Increased walkability through the installation of splitter islands and kerb extensions
3. Increased cycle safety through decreed crossing distances
4. Opportunities for better/greener public spaces

Please note: There are no known capital works planned in the area.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5734.

Regards

Kate Simnett
Sustainable Transport Officer
Strategic Transport

Attachment 2 - Queens Parade Items 9 August 2017_Part2

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Appendix 8. Council's Services Contracts Unit

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thomas, Sarah

From: Agostino, Joe
Sent: Friday, 24 February 2017 3:29 PM
To: Thomas, Sarah
Cc: Valente, Enzo
Subject: RE: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi Sarah

From a City Work's perspective the comments regarding the Waste Management Plan remain the same. There are no further comments from the City Work's perspective.

Kind Regards

Joseph Agostino
Project Officer
City Works
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121
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E Joe.Agostino@yarracity.vic.gov.au W www.yarracity.vic.gov.au

 Please consider the environment before you print this email!

From: Thomas, Sarah
Sent: Tuesday, 21 February 2017 1:23 PM
To: Swarup, Richa; Williamson, Euan; Engineering Referral Unit; Simnett, Kate; Valente, Enzo; Lindsay, Carrie; Alexander, Steve; Robyn Riddett (rgrd@bigpond.com); Riddett, Robyn
Cc: Connell, Danielle; Osman, Mary
Subject: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi all

We have received amended plans for both of the above applications, affecting the main site and the rear site at 26-56 Queens Pde.

Essentially, the main development has been reduced from 16 to 12 storeys (plus basement) and the rear development has been reduced from 4 to 3 storeys.

I am after your advice in your respective fields based on these substituted plans. Based on VCAT deadlines, I will need your advice by **Friday, 24 February 2017**. I apologise for the short notice, however we only received the plans last night.

ROBYN – please see me for a set of plans when you are in next.

The plans are in TRIM:

PLN16/0434 (Main site)
D17/21368
D17/21367
D17/21365

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D17/21364
D17/21363

PLN16/0732 (Rear site)
D17/21375
D17/21374
D17/21373
D17/21371
D17/21370

Thanks

Sarah Thomas
Principal Planner
(Monday, Tuesday, Thursday and Friday)
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BESS is now live!
If you're applying for a planning permit, use the
Built Environment Sustainability Scorecard to
prepare your sustainable design assessment.

Visit www.bess.net.au to get started.

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Appendix 9. Wind Consultant (MEL Consultants)

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thomas, Sarah

From: Sophie Lamande <SophieL@Vipac.com.au>
Sent: Thursday, 23 February 2017 10:44 AM
To: Thomas, Sarah
Subject: RE: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi Sarah,

We've reviewed the changes to the plans. The main alterations that would affect the pedestrian wind environment are the reduction in building height, the increases to setbacks and building separation, and the increased terracing. These changes would all be expected to improve the wind environment by assisting to reduce downwash and channelling effects. The revised design would be expected to achieve an improved wind environment over the original design.

Let me know if you require further information or clarification.

Kind regards,

Sophie Lamande
 Wind Group Leader



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 e. sophiel@vipac.com.au w.www.vipac.com.au



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From: Thomas, Sarah [<mailto:Sarah.Thomas@yarracity.vic.gov.au>]
Sent: Tuesday, 21 February 2017 1:27 PM
To: Sophie Lamande
Subject: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi Sophie

We have received amended plans for both of the above applications, affecting the main site and the rear site at 26-56 Queens Pde.

Essentially, the main development has been reduced from 16 to 12 storeys (plus basement) and the rear development has been reduced from 4 to 3 storeys.

I am after your advice from a wind perspective on these substituted plans. Based on VCAT deadlines, I will need your advice by **Friday, 24 February 2017**. I apologise for the short notice, however we only received the plans last night.

<https://www.dropbox.com/sh/ar5wgphj3zsygvk/AACAPLN1vw98Rq7CVCEpqYhla?dl=0>

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thanks

Sarah Thomas
Principal Planner
(Monday, Tuesday, Thursday and Friday)
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Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 10. Council's Open Space Unit

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans



Memo

To: Sarah Thomas

Cc: Carrie Lindsay; Kevin Ayrey; Glen Willames

From: Julia Mardjuki

Date: 23 February 2017

Subject: 26-56 Queens Parade, North Fitzroy

diverse

vibrant

exciting

inclusive

Dear Sarah

I refer to the substituted plans and reports submitted for the proposed development at 26-52 Queens Parade, North Fitzroy and provide the following comments:

- The proposed ground level courtyard areas will still be significantly overshadowed for most of the day. Accordingly, proposed planting in this area will struggle to thrive and the space will be inhospitable. This is not a good design outcome.
- The new "Better Apartments Draft Design Standards" guidelines recommend that "at least 50% of the communal outdoor space area should receive sunlight for a minimum of two hours between 9am and 3pm on 21 June." This proposal does not achieve this minimum requirement for the ground level central garden.
- Whilst the proposed building heights have been reduced, the nature strip along Queens Parade will still be overshadowed for most of the day and this will impact future growth rates; potentially compromising the integrity of the boulevard.
- We appreciate the removal of seating and paving along Queens Parade as per Council's recommendation.
- Updated landscape plans will need to be provided for comment. They will need to address the items raised previously and provide details for new elements such as new green roofs on several floors and the garden light well.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 1427.

Yours sincerely

Julia Mardjuki
OPEN SPACE PLANNING & DESIGN

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 11. Council's Community Amenity Unit

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Thomas, Sarah

From: Alexander, Steve
Sent: Wednesday, 22 February 2017 8:44 AM
To: Thomas, Sarah
Subject: RE: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi Sarah, thanks for your email. There's not much there for me to comment re: the development proposed changed from an amenity perspective. Construction management may have a comment. Please feel free to contact me if you wish to discuss further.

Thank you.

Steve Alexander
 Coordinator, Civic Compliance
 City of Yarra.
 PO Box 168 RICHMOND 3121
 (T): (03) 9205 5166 (F): (03) 8417 6666
 E: steve.alexander@yarracity.vic.gov.au
 W: www.yarracity.vic.gov.au

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From: Thomas, Sarah
Sent: Tuesday, 21 February 2017 1:23 PM
To: Swarup, Richa; Williamson, Euan; Engineering Referral Unit; Simnett, Kate; Valente, Enzo; Lindsay, Carrie; Alexander, Steve; Robyn Riddett (rgrd@bigpond.com); Riddett, Robyn
Cc: Connell, Danielle; Osman, Mary
Subject: 26-56 Queens Pde - Substituted plans for PLN16/0732 and PLN16/0434

Hi all

We have received amended plans for both of the above applications, affecting the main site and the rear site at 26-56 Queens Pde.

Essentially, the main development has been reduced from 16 to 12 storeys (plus basement) and the rear development has been reduced from 4 to 3 storeys.

I am after your advice in your respective fields based on these substituted plans. Based on VCAT deadlines, I will need your advice by **Friday, 24 February 2017**. I apologise for the short notice, however we only received the plans last night.

ROBYN – please see me for a set of plans when you are in next.

The plans are in TRIM:

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

PLN16/0434 (Main site)

D17/21368
D17/21367
D17/21365
D17/21364
D17/21363

PLN16/0732 (Rear site)

D17/21375
D17/21374
D17/21373
D17/21371
D17/21370

Thanks

Sarah Thomas

Principal Planner

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Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 2 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Officer report on previous substituted plans

Appendix 12. Assessment against proposed DDO

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of substituted plans



Memorandum

Date: 2 August 2017

Our ref.: 16268P

To: Mimi Marcus, Maddocks

From: Tim Biles, Message Consultants

Re: 26-56 Queens Parade, Fitzroy North

As requested I have undertaken a preliminary review of the circulated amended plans, as provided on the 25 July 2017, namely:

- Plans by Cox Architects- 26-56 Queens Parade
- Plans by Koichi Takada Architects - rear of 26-56 Queens Parade

I have undertaken this assessment in response to the recently approved interim DDO16 policy requirements.

Please note that I have not undertaken a detailed assessment of the internal amenity of the proposal. This can be done if required.

In summary, I consider that the 2 proposals have appropriately responded to the DDO16 requirements and the site context.

1. Plans by Cox Architects: 26-56 Queens Parade

The proposal in the amended plans by Cox Architects is an acceptable response to the DDO16-2A policy requirements for the following reasons:

- It provides a 3 storey street wall with a series of 4 towers on the site, reaching no more than 31m in height plus plant, which is consistent with the DDO16 mandatory provisions.
- The setbacks of the towers from the street and side boundaries is adequate.
- The separation between towers is generous and at no point less than 10m.
- The façade detailing at the podium demonstrates a fine grain patterning and is respectful of the heritage façade. Notwithstanding heritage advice, I consider the heritage parapet detail will be an interesting design element in the Queen Parade streetscape.
- The interface to the rear provides an appropriate 3 storey form, with the tower forms adequately setback so as not to appear visually dominant to the neighbouring adjacent sites.

The table on page 3 provides a brief summary of the assessment of the proposal against the DDO16 Area 2A discretionary requirements.

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Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of substituted plans



In terms of other general comments about the proposal I note the following;

- The shadow consequences off site appear to be acceptable.
- The apartments appear to have functional layouts.
- There seems to be a large number of privacy screens applied to the podium of proposal along the rear interfaces. The details of these screens should be provided. In some instances I consider that they are not necessary and could be applied in a more discretionary manner. The screening could be openable, and certainly permeable to 25% to allow residents to adjust the extent of screening.

2. Plans by Koichi Takada Architects: Rear of 26-56 Queens Parade

I consider that the amended plans by Koichi Takada Architects is an acceptable response to the DDO16-1B policy requirements for the following reasons:

- It provides a row of 4 attached 3 storey townhouses, reaching no more than 10m, on the site.
- The setbacks to the neighbouring interfaces are adequate.
- The apartments appear to have functional layouts.
- The provision of car parking is provided within the basement of the neighbouring site, which is an interesting design response.

Yours sincerely

A handwritten signature in black ink that reads 'Tim Biles'.

Tim Biles
Director
Message Consultants Australia Pty Ltd

tim@messageconsultants.com

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - External urban design review of substituted plans



Discretionary Controls				
Built Form	Discretionary Control	Cox Plans	Meet the Control	T Biles comments
Front Setback from boundary of Queens Parade	<ul style="list-style-type: none"> 0m up to maximum 10m (3 storeys). 	0m up to L2 (3 storeys)	Complies.	Acceptable
Above existing heritage façade Upper Level Setback from front of building	<ul style="list-style-type: none"> Minimum of 8m setback from 10m (3 storeys) to 16m (5 storeys) Minimum of 11m setback from 16m (5 storeys). 	A variety of setbacks to the 3 towers fronting Queens Parade are employed above the 3 storey street wall.	Does not comply	<p>The setbacks to the towers above the podium are acceptable.</p> <p>The variation in setbacks, tower separation and curved built form setbacks will ensure that the street wall will read separately from the towers.</p> <p>Towers employ adequate separation from one another and apartment floor plates are 'juxtaposed' adding interest to the building form.</p>
Above new street wall Upper Level Setback from front of building	<ul style="list-style-type: none"> Minimum of 5m setback from 10m (3 storeys) to 16m (5 storeys) Minimum of 8m setback from 16m (5 storeys). 			
Setback(s) from rear boundaries – North & North West adjacent to NRZ & GRZ	<ul style="list-style-type: none"> ResCode B17 measured from the rear boundary of adjoining properties up to 10m (3storeys). Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey). 	The proposal appears to comply with the B17 and 45 degree angle line above 10m from ground level.	Appears to generally comply.	<p>In terms of visual bulk and massing, I consider the side and rear interface condition of the podium and the tower setbacks above the podium are a suitable response to the intent of the DDO and the local context.</p>
Setback(s) from side boundary – East adjacent to NRZ	<ul style="list-style-type: none"> 0m setback to match party wall of existing adjoining development up to 10 metres (3 storeys). Setback within a 45 degree angle line measured from 10m (3 storeys) up to 25m (8 storey). 	The proposal applies a series of different setbacks to the 3 storey podium and to the eastern tower	The building is 'organic' in shape, unlike the DDO requirements which encourage a more regular setback treatment.	
Setback(s) from side boundary – East adjacent to MUZ	<ul style="list-style-type: none"> 0m setback to match party wall of existing adjoining development or 10m (3 storeys) where no party wall exists. Minimum of 9m setback from the windows/ balconies of adjoining apartments up to 16m (5 storeys). Minimum of 15m setback above 16m (5 storeys). 	The proposal applies a variety of setbacks to the 3 storey podium and the eastern tower.	It would be useful for the architectural plans to demonstrate the areas of compliance and non-compliance with these provisions.	
Setback(s) from side/rear boundaries – West & North West adjacent to MUZ	<ul style="list-style-type: none"> 0m setback to match party wall of existing adjoining development to the west or 10m (3 storeys) where no party wall exists. Setback within a 45 degree angle line measured from 10m (3 storeys). 	The proposal applies a range of different setbacks from 0m near the Queens Parade frontage to a maximum of 9.8m.		

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans



MEMO

To: Sarah Thomas
From: Mark Pisani
Date: 28 July 2017
Subject: Application No: PLN16/0434 & PLN16/0732
 Description: Substituted Drawings; Major Development
 Site Address: 26-56 Queens Parade and Rear 26-56 Queens Parade, Fitzroy North

I refer to the substituted plans received at this office on 25 July 2017 in relation to the proposed developments at 26-56 Queens Parade and Rear 26-56 Queens Parade, Fitzroy North. Council's Engineering Services unit provides the following information:

MAIN SITE (Off Queens Parade Service Road)

CAR PARKING PROVISION – 26-56 QUEENS PARADE

Proposed Development

According to the information provided by the applicant, the revised proposal's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	95	1 space per dwelling	95	71
Two-bedroom dwelling	138	1 space per dwelling	138	136
Three-bedroom dwelling	57	2 spaces per dwelling	114	74
Four-bedroom dwelling	5	2 spaces per dwelling	10	8
Residential visitors	295 Dwellings	1 space per 5 dwellings	59	9
Food & Drink (Shop)	201 m ²	4 spaces per 100 m ² of leasable floor area	8	7
Food & Drink (Café)	99 m ²	4 spaces per 100 m ² of leasable floor area	3	
Restaurant - Patron numbers unknown	188 m ²	0.4 spaces to each patron permitted	Insufficient information	
Total			427 Spaces + restaurant parking	305 Spaces

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

Of the residential mix, 14 townhouses are included in the total of 295 dwellings.

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

Car Parking Demand Assessment

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

- *Parking Demand for Dwellings.* We are satisfied that the on-site car parking provision for the dwellings is appropriate for the scale of development and its proximity to public transport nodes and connectivity to the on-road bicycle network.
- *Parking Demand for Residential Visitors.* In the previous revision of the development we had reviewed, the site was providing 11 residential visitor spaces for 341 dwellings (a rate of 0.032 spaces per dwelling). By comparison, the revised proposal would be providing nine spaces for 295 dwellings, which equates to a rate of 0.031 spaces per dwelling. The visitor parking rate is consistent with the previous proposal.
- *Parking Demand for Commercial Uses.* The food and drinks premises and the restaurant would be allocating all seven spaces to employees. Customer parking for the uses would be accommodated off-site.
- *Availability of Public Transport in the Locality of the Land.* The site is within walking distance of tram services operating along Brunswick Street and Queens Parade. Bus services also operate along Queens Parade, George Street and Alexandra Parade.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking.* Traffix Group had undertaken on-street parking occupancy surveys in the surrounding area on Friday 18 March 2016 and Saturday 19 March 2016 (at 1:00pm and 8:00pm on both days). The survey area encompassed Queens Parade (Jamieson St to Alexandra Pde), Alexandra Parade (Rae St to George St), Grace Lane, Coleman Street and section of Brunswick Street, Napier Street, Newry Street, George Street and Jamieson Street. The duration and extent of the surveys are considered appropriate. An inventory of up to 380 publicly available parking spaces was identified. The results of the survey indicate that a minimum of 139 vacant on-street car parking spaces was recorded at 8:00pm on the Friday. The surrounding area has a supply of vacant on-street car parking and should be able to accommodate any short-stay parking demand from the site.
- *Relevant Local Policy or Incorporated Document.* The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking would discourage private motor vehicle ownership and use.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking is considered appropriate in the context of the development and the surrounding area. The short stay car parking demands could be accommodated on-street as demonstrated from the on-street parking occupancy surveys.

Engineering Services has no objection to the reduction in car parking for this site.

Attachment 2 - Queens Parade Items 9 August 2017_Part2

**Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) -
Engineering comments on substituted plans**

TRAFFIC GENERATION

Compared with the previous revision, the current proposal will contain a slightly reduced on-site car parking provision (335 spaces to 305 spaces).

In our previous referral comments of 23 February 2017, we were satisfied with the traffic generation of the site. Similarly, the current proposal's traffic generation is considered acceptable.

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) -
Engineering comments on substituted plans

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance – Queens Parade Service Road	The proposed 6.4 metre wide vehicle entrance satisfies <i>Design standard 1 – Accessways</i> of Clause 52.06-8. The entrance allows for two-way simultaneous traffic movements into and out of the development.
Visibility	A pedestrian sight triangle has not been provided for the exit lane of the access way as it immediately abuts the wall of the adjoining property. There is no objection to the installation of a convex mirror as originally suggested by Traffix Group. The installation of a pedestrian signal audible device at the entrance is not supported. It the responsibility of a motorist exiting private property to give way to pedestrians along the footpath before entering a Public Highway, and not vice versa. In addition, audible warning devices could be potentially annoying to occupants of nearby dwellings.
Vehicle Crossing	The revised vehicle crossing design has now provided a lateral clearance of 1.0 metre from the power pole to the east edge of the crossing. The east edge has not been aligned perpendicular to the Queens Parade service road.
Ramped Accessway Width	The ramped accessway has a minimum width of 6.4 metres and satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004 section 2.5 – <i>Design of circulation roadways and ramps</i> .
Internal Ramp Width	The 6.4 metre wall-to-wall widths of the internal ramps satisfy AS/NZS 2890.1:2004.
Car Parking Modules	
Car Parking Spaces – Ninety-Degree Parking	The dimensions of the regular car parking spaces satisfy <i>Design standard 2: Car parking spaces</i> or AS/NZS 2890.1:2004 (where applicable).
Accessible Parking Space	The dimensions of the dedicated accessible parking space for people with disabilities and the associated shared area satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009 <i>Parking facilities Part 6: Off-street parking for people with disabilities</i> .
Aisles	The 6.4 metre wide aisles throughout the two levels of basement parking satisfy <i>Design standard 2</i> .
Column Setbacks and Depths	Columns have been setback from the aisles by 800 mm and have depths of 1.0 metre (for 5.4 metre long bays). AS/NZS 2890.1:2004 requires 1.0 metre long columns to be set back from the aisle by 750 mm. We recommend the columns be repositioned 750 mm from the aisles as required by the Standard.
Clearances to Walls	Clearances of 300 mm have been provided to bays abutting walls.
Blind Aisle Extensions	The blind aisle extensions are a minimum of 1.0 metre as required by AS/NZS 2890.1:2004.

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

Item	Assessment
Car Parking Modules - Continued	
Headroom Clearance	Headroom clearances have been dimensioned for both basement level car parks. A minimum headroom clearance of 2.5 metres has been provided and satisfies AS/NZS 2890.1:2004.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The ramp grade for the first 5.0 metres inside the building line is 1 in 20 and satisfies <i>Design standard 3: Gradients</i> .
Ramp Grades and Changes of Grade	The ramp grades and the changes of grade for the ramped accessway and the internal ramp satisfy <i>Design standard 3</i> .
Loading Facilities	
Loading Bay and Waste Pickup Bay	Have not been dimensioned on the drawings. Swept path diagrams demonstrating entry and exit movements into and out of this facility should be submitted.

ENGINEERING CONDITIONS

The engineering conditions specified in our referral comments of 23 February 2017 are still relevant and still stand.

NON-PLANNING ADVICE FOR THE APPLICANT

The non-planning advice specified in our referral comments of 23 February 2017 is still relevant and still stands.

Attachment 2 - Queens Parade Items 9 August 2017_Part2**Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans****REAR 26-56 QUEENS PARADE****CAR PARKING PROVISION****Proposed Development**

According to the information provided by the applicant, the revised proposal's parking requirements are as follows:

Proposed Use	Quantity /Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling plus Study	1	1 space per dwelling*	1	1
Three-bedroom dwelling	3	2 spaces per dwelling	6	6
Total			7 Spaces	7 Spaces

* The two-bedroom plus study dwelling has been treated the same as regular two-bedroom dwelling due to the small size of the study which is unlikely to be used as an additional bedroom.

Seven on-site spaces would be provided for the four townhouse dwellings in the car park at 26-56 Queens Parade. The proposed car parking provision satisfies the statutory car parking requirement.

PEDESTRIAN ACCESS

According to Traffix Group report, it is proposed that the development's principal pedestrian access would be via parent site of 26-56 Queens Parade. The pedestrian access plan in the report indicates that from the subject site persons walking to and from Queens Parade via the parent site would travel approximately 90 metres.

The Right of Way linking the site from Brunswick Street would provide a more expedient way of accessing the street network (approximately 35 metres). Although the applicant is encouraging access via the parent site, pedestrians could be inclined to use the Right of Way, as it is a Public Highway.

ENGINEERING CONDITIONS**Civil Works**

- Upon the completion of all building works and connections for underground utility services, the section of Right of Way in between the subject site and 26-56 Queens Parade must be fully constructed to Council's satisfaction and at the Permit Holder's cost.
- The Permit Holder is to make a development contribution of 50 per cent of the cost of reconstructing the bluestone Right of Way from the development to St Georges Road. Council will program the works on the Capital Works Program and pay the balance of the works.

Public Lighting

- Lighting for pedestrian access at the property's Cambridge Street frontage must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting, poles or other fixtures shall be funded by the Permit Holder and to the satisfaction of the Responsible Authority.

Attachment 2 - Queens Parade Items 9 August 2017_Part2

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Attachment 4 - PLN16/0434 - 26 - 56 Queens Parade, Fitzroy North (Main & Rear) - Engineering comments on substituted plans

- The developer must ensure that lighting from any existing or new lights does not spill into the windows of any new residences or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.
- The Construction Management Plan for the site must also take the following into account:
 - If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
 - Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
 - A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.

Road Asset Protection

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

Impact of Assets on Proposed Development

- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

NON-PLANNING ADVICE FOR THE APPLICANT

Legal Point of Discharge

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

Regards

Mark Pisani
Senior Development Engineer
Engineering Services Unit

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 5 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Advice on substituted plans



MeMO

TO: Sarah Thomas
FROM: Euan Williamson, ESD Advisor
DATE: 26.07.2017
FILE: 26-52 Queens Parade, North Fitzroy
SUBJECT: ESD Response – Amended Plans for VCAT Hearing

Sarah,

I have reviewed the amended plans prepared by Cox Architecture, dated the 24.07.2017. In summary, the amended plans address some of the major concerns raised in my previous advice concerning access to daylight and shading from summer heat gain. Some other items remain outstanding and should be addressed by an amended SMP.

Daylight

Some habitable rooms on lower levels are likely to fall just beneath our best practice standards for access to daylight, but overall the standard is likely to be acceptable. To maximise opportunities for access to daylight I recommend;

- Clear glazing to all habitable rooms of dwellings.
- All privacy screens and devices to be made of obscured glazing or similar, rather than a solid material that will restrict access to daylight.
- Full height glazing to lower level dwellings with compromised access to daylight, such as;
 - C1GF09, C4GF05, C4GF06, C3GF02, C3GF01
 - Lower level bedrooms of TH14, TH13, TH12, TH11 on the ground floor,
 - C40105, C40106, C30202, C30203, C30204, C20103 on the first floor, and

Although the amended design will still have an impact on adjoining neighbours' access to daylight and sunlight, the design has improved considerably. The increased setback from the existing dwellings and building articulation will assist in improving the access to daylight to the adjoining properties.

Shading

Reasonable shading is given through balcony overhangs and wingwalls and through the extended 600mm solid awning that is cantilevered over exposed external glazing.

Natural Ventilation

As noted in my previous advice, there remains a poor of natural ventilation to single sided dwellings deeper than 5m. Strongly recommend re-designing the building to facilitate better natural ventilation, with at least 60% of dwellings to be cross ventilated. This could be achieved through various means including;

- Extraction fans to all kitchen range hoods and bathrooms
- Ceiling fans

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 5 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Advice on substituted plans

- Trickle vents
- Energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.

I recommend that an updated SMP for this project is submitted that addresses an effective ventilation strategy for all dwellings that do not have access to cross ventilation.

If you or the applicant would like to discuss this development further, please contact me.

Regards,

Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5366 F (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 6 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - ESD Memo2 - 26-56
Queens Parade



MeMO

TO: Sarah Thomas
FROM: Euan Williamson, ESD Advisor
DATE: 02.08.2017
FILE: 26-52 Queens Parade, North Fitzroy
SUBJECT: ESD Response – Full height glazing to dwellings

Sarah,

I have prepared a list of dwellings where full height glazing is recommended to assist maximise access to daylight, namely;

Ground floor

- C1GF09,
- C4GF04(rear bedroom), C4GF05, C4GF06,
- C3GF01, C3GF02, C3GF06 (rear bedroom)
- Lower level bedrooms of TH11, TH12, TH13, TH14,

First Floor

- C40105, C40106,
- C30101, C30102, C30103, C30104, C30105

Second Floor

- Rear bedrooms to TH11, TH12, TH13, TH14
- C30201, C30202, C30203, C30204, C30205?
(please note current plans have two dwellings marked as C30203, refer to marked up plans)

I have prepared marked up plans for these three levels in accompanying pdf documents.

If you or the applicant would like to discuss this development further, please contact me.

Regards,

Euan Williamson
Environmental Sustainable Development Advisor
City of Yarra PO Box 168 Richmond 3121
T (03) 9205 5366 F (03) 8417 6666
E Euan.Williamson@yarracity.vic.gov.au
W www.yarracity.vic.gov.au

Attachment 2 - Queens Parade Items 9 August 2017_Part2

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Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of substituted plans

City of Yarra Heritage Advice – Revised Design (Cox)

Application No.: PLN16/0434

Address of Property: 26 – 56 Queens Parade, Fitzroy North

Planner: Sarah Thomas

Yarra Planning Scheme References: Clauses 43.01, 22.02, 21.05 and Schedule DDO 16.

Heritage Overlay No. Only partly in HO327 **Precinct:** North Fitzroy

Level of significance:

No. 26, 28 – 58 Queens Parade, North Fitzroy, is listed as electro plate K G Luke Pty Ltd electro-plate manufacturers factory, former (part), constructed 1938, 1937, is graded as "Individually significant" in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (Rev. Sep 2015) but it is not in a Heritage Overlay.

I have provided comments on several occasions in relation to the Koichi Takada drawings. The basic premise in relation to context remains the same for this assessment of the Cox design.

Proposal

Construction of a large development behind the retained Art Deco façade.

Drawing Numbers

60 sheets of drawings, photomontages and the like by prepared by Cox Architecture and with Council date stamp 25 Jul 2017.

Context

I have provided comments on several occasions in relation to the Koichi Takada drawings. The basic premise in relation to context remains the same for this assessment of the Cox design.

The following strategies are the relevant context in which to consider this proposal.

- Strategy 14.3** Protect the heritage skyline of heritage precincts;
- Strategy 14.6** Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining Areas;
- Objective 17** To retain Yarra's identity as a low-rise urban form with pockets of higher development;
- 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 [inter alia]: Significant upper level setbacks [and] High quality restoration and adaptive re-use of heritage buildings (Cl. 21.05).

In addition the relevant part of the heritage policy is:

Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 9 August 2017

Attachment 2 - Queens Parade Items 9 August 2017_Part2

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Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of substituted plans

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Consider the architectural integrity and context of the heritage place or contributory element.

I commented previously that "The application of the Heritage Policy and the Strategies must in this case be tempered by the nature of the site and its context and in my opinion it is important to assess the development in toto and in a 3 dimensional sense rather than a formulaic consideration of setbacks, height, materials etc. That said I emphasise that this site, regardless of its present listing is almost in a green fields context and with only part of the façade having heritage value while also noting the heritage dwellings abutting to the west and those to the east which are separated by the very long frontage of the development site".

Schedule 16 to The Design and Development Overlay specifically applies to Queens Parade (west). Included in the Design Objectives for Precinct 2A: Boulevard Precinct are:

- To ensure the redevelopment of the land accommodating the former 'K.G. Luke Pty Ltd Electro Plate Manufacturers' factory contributes positively to the urban character of Fitzroy North.
- To retain, enhance and incorporate the existing heritage facade into the redevelopment of the site and to create a consistent parapet height along the streetscape.
- To ensure new development does not diminish, or detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade.
- To moderate the prominence of development above the street wall with respect to mid and long range panoramic and streetscape views and the Yarra skyline from the Edinburgh Gardens (HO213) and Newry Street (HO327- Fitzroy North Precinct).
- To ensure heritage buildings retain their three-dimensional form as viewed from the public realm to avoid 'facadism'.
- To ensure an appropriate transition in building scale across the site having regard to the existing and preferred built form to the east, north and west.
- To recognise the low scale, fine grain format of existing surrounding development.
- To avoid repetitive stepped built form at upper levels of development.
- To ensure development appropriately considers the amenity impacts on neighbouring development and achieves a high standard of internal amenity within the development.
- To encourage the development above the street wall to be designed as a series of separate development parts with building separation to enable views to the sky.

Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 9 August 2017

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Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of substituted plans

- To encourage permeability within and through the site.
- To ensure adequate solar access.

I have not repeated the Building heights & setbacks requirements of table 2 but have noted them.

Assessment of Proposed Works

Demolition

There are no heritage concerns with the demolition of all of the fabric, including the shop at the east end, other than for the Art deco façade which will be retained.

The Proposed Built Form

What are the principal differences between the Koichi Takada design and the Cox design?

The previous proposal included retention of the Art Deco façade to Queens Parade.

Behind and beside it to the east two cores were proposed which had the highest parts adjacent to each other either side of a central break. The outer edges cascaded down to street level which was approximately 3 storeys. The general design was of straight horizontal lines alleviated by the vertical lines of the balcony balustrades.

The Cox design includes retention of the Art Deco façade to Queens Parade.

It has 3 curvilinear free-form pods/cores variously fronting Queens Parade behind and beside the façade and separated by two breaks at the Ground floor but by only one at Levels 1 and 2 above. The façade is thus comprised of two sections, and with the eastern section also wrapping around the east and north boundaries of the site and connecting to the rear of the portion behind the Art Deco façade. Thus the greatest concentration of built form is at the lower levels. This is positive.

The height of the podium is commensurate with the height of the Art Deco façade and is lower than the highest portion of it but is higher than the lower portion at the west end. DDO 16 has a discretionary height of below the parapet. I consider that the proposed height meets the intent of the DDO which is to retain the prominence of the heritage façade.

The DDO has a discretionary setback above the existing heritage facade of 8 metres above 10 metres in height (3 storeys) which equates to the top of the parapet of the Art Deco façade) and a minimum of 11 metres above 16 metres in height (5 storeys). The setback at Level 3 ranges from 4.3 metres at the western end to 8.1 metres at the eastern corner of the core/pod behind the façade and then considerably deeper further east to the east end of the façade. The setbacks at Levels 4 – 5 are the same or similar. The intent of this is to "not detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade". I consider that this Built Form Outcome has been met. The setbacks at Levels 6 – 9 do not literally comply i.e. approximately 15-16 metres at the west end and 2.9 metres at the east end, noting also a terrace in the setback at level 6. However they are deemed to meet the Built Form Outcome objective because in sq m area created by the angled façade they will enable the prominence of the Art Deco wall to have primacy in the foreground.

Levels 3 – 9 are separated into 3 core/pods along Queens Parade and with another core/pod behind in the centre of the site. From Level 4 – 9 there is no built form along the east and north boundaries and as a result there is likely to be less visual impact on the Edinburgh Gardens and the residential interface to the north.

Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 9 August 2017

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Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Heritage review of substituted plans

Through the gaps between the cores/pods the core/pods at the rear, depending upon one's viewpoint, are visible but as recessive elements in the background.

Is it Too Bulky and Out-of-Scale?

While I found the bulk and scale of the Koichi Takada design to be acceptable because of the nature and location of the site, the visual bulk has been reduced in the Cox design by separating the built form into separate elements and is also acceptable.

Is the Proposed Built Form Too High?

The height complies with the mandatory requirements of DDO16 and is acceptable.

Are the Colours and Materials Acceptable?

Extensive glazing is proposed with the edges of the floor plates and soffits being the only solid elements other than for what appears to be external timber screens. No timber should be in any location where it is exposed to the weather. Extensive experience in Yarra has shown that stained or natural external timber soon develops an unsightly and stained appearance and is seldom maintained, often because of the inaccessibility of its location. If screen are required another material should be used. As drawn it is unlikely that the outer edges of the balcony soffits will be affected by rain but if this is possible then some non-timber edge should be installed on the outer side.

I note the dark brickwork to the new street wall. Of itself it is acceptable and attractive but it seems to have been chosen on the premise that the Art Deco façade will be charcoal in colour. In my previous advice, I had understood that the paint was to be removed from the façade to expose the original face brickwork and commented that this would be "a most positive boon to the area". This needs clarification.

Art Deco Façade

The issue of paint removal has been discussed above.

It is not abundantly clear from the drawings as to how much of the return of the façade at the east end is to be retained i.e. is it the same as in the Koichi Takada design where it was to be integrated in the café? This is definitely the preference. From the montage at least some of the wall is retained.

Recommendation / Comments:

Subject to the clarification of the items above, I find this proposal acceptable also, in this location and context, and I find it to be a design which also exhibits the architectural excellence as envisaged by the Built Form Strategy.

It meets the requirements of the Heritage Policy and complies with the mandatory and discretionary requirements of DDO 16.

Clarify the use of external timber screens and as required change to another material which will not weather and degrade in appearance.

Attachment 2 - Queens Parade Items 9 August 2017_Part2

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**Attachment 7 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North -
Heritage review of substituted plans**

If the outer edges of the balcony soffits are likely to be affected by rain some non-timber edge strip should be installed on the outer side.

Clarify if the paint is to be removed from the Art Deco façade to expose the original face brickwork. This is the recommendation.

Clarify how much of the return of the façade at the east end is to be and integrated in the café? It should be the same as previously as a minimum.

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 3 August, 2017

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 8 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans

From: Agostino, Joe
Sent: Friday, 28 July 2017 10:10 AM
To: Thomas, Sarah
Cc: Valente, Enzo
Subject: RE: VCAT P2079/2016 & P147/2017 : Amended Plans : 26 -56 QUEENS PARADE

Hi Sarah

From a City Works Branch's perspective a number of issues regarding the Waste Management Plan have been addressed. Items highlighted below in yellow are satisfactory:

- *More details in general*
- *Bin store considered too small and need isles between bins*
- *Details on how bin store will operate/be managed by operator*
- *Details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling*
- *Detail plan of bin store clearly showing bins, aisles, path of access, hard waste area, etc*
- *Details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables*
- *Details on path of access from the street to the bin collection point*
- *Details on chute rooms*
- *Details on how the chutes operate to ensure appropriate use by tenants*
- *Details on how the development will be managed by the operator*
- *Show how the WMP will work in practice for residents, operator and waste contractors.*

If you have any queries please give me a call.

Kind Regards

Joseph Agostino
Project Officer
City Works
Yarra Operations Depot, Clifton Hill

City of Yarra PO Box 168 Richmond 3121
T(03) 9205 5540 F(03) 8417 6666
E Joe.Agostino@yarracity.vic.gov.au W www.yarracity.vic.gov.au

 *Please consider the environment before you print this email!*

From: Valente, Enzo
Sent: Tuesday, 25 July 2017 3:50 PM
To: Agostino, Joe
Cc: Thomas, Sarah
Subject: FW: VCAT P2079/2016 & P147/2017 : Amended Plans : QUEENS PARADE
Importance: High

Hi Joe

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 8 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans

Please assess and advise Sarah accordingly.

Regards

Enzo

Enzo Valente

Waste Management and Cleansing Services Coordinator

City of Yarra PO Box 168 Richmond 3121

T (03)9205 5475 F(03)8417 6666

E enzo.valente@yarracity.vic.gov.au

W www.yarracity.vic.gov.au

From: Thomas, Sarah

Sent: Tuesday, 25 July 2017 3:48 PM

To: Swarup, Richa; Simnett, Kate; Williamson, Euan; Engineering Referral Unit; 'Robyn Riddett (rgrd@bigpond.com)'; Riddett, Robyn; Valente, Enzo; Lindsay, Carrie

Cc: Connell, Danielle; Mimi Marcus; Osman, Mary

Subject: FW: VCAT P2079/2016 & P147/2017 : Amended Plans : QUEENS PARADE

Importance: High

Hi all

We have just received the substituted plans for these applications.
(The rear townhouse development and the main site at 26-56 Queens Parade, Fitzroy North.)

I am after your urgent advice on the substituted plans for both applications from your respective fields.
Advice would be sufficient in 1 memo for both applications.

Due to VCAT deadlines, can I please have your comments by **Monday, 31 July 2017?**

We didn't receive any reports or perspectives, just the attached plans.

Thanks

Sarah Thomas

Principal Planner and Advocate

(Monday, Tuesday, Thursday and Friday)

City of Yarra PO Box 168 Richmond 3121

T 9205 5046 F (03) 8417 6666

E Sarah.Thomas@yarracity.vic.gov.au W www.yarracity.vic.gov.au



BESS is now live!

If you're applying for a planning permit, use the Built Environment Sustainability Scorecard to prepare your sustainable design assessment.

Visit www.bess.net.au to get started.

From: Anastasia Hatzis [<mailto:hatzis@pppartners.com.au>]

Sent: Monday, 24 July 2017 7:25 PM

To: Thomas, Sarah

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 8 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Services Contracts Unit advice on substituted plans

Cc: mimi.marcus@maddocks.com.au; Mark Naughton
Subject: VCAT P2079/2016 & P147/2017 : Amended Plans : QUEENS PARADE

Dear Ms Thomas,

**26-56 QUEENS PARADE, NORTH FITZROY & REAR 26-56 QUEENS PARADE, NORTH FITZROY
VCAT REFERENCES P2079/2016 & P147/2017**

We act for Gurner 26-56 Queens Parade Pty Ltd, Permit Applicant/Applicant for Review.

In accordance with the Tribunal's Order dated 6 April 2017, we **attach in the below link** the following to be published on Council's website:

- i. PNPE9 Form A - Notice of an Amendment of an Application for P2079/2016 & P147/2017;
- ii. Blank Statement of Grounds form for P2079/2016 & P147/2017;
- iii. Amended Plans prepared by Cox Architects; and
- iv. Amended Plans prepared by Koichi Takada Architects.

<https://www.dropbox.com/sh/uh24ee64bww49tk/AAD5oA6gxeOypPRdthO3Ydfa?dl=0>

Hard copies of the above have been sent to you.

Should you have any queries regarding this email, please do not hesitate to contact me.

Regards,

Anastasia Hatzis

PLANNING &
PROPERTY **PARTNERS**
LAWYERS & CONSULTANTS

P: 03 8626 9025 | M: 0419 487 926
E: hatzis@pppartners.com.au

Planning & Property Partners Pty Ltd
Duckboard House
Level 2, 91-93 Flinders Lane
Melbourne VIC 3000

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Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 9 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - Open space advice on substituted plans



Memo

To: Sarah Thomas

Cc: Kevin Ayrey; Glen Williames

From: Carrie Lindsay

Date: 26 July 2017

Subject: 26-56 Queens Parade, North Fitzroy

diverse

vibrant

exciting

inclusive

Dear Sarah

I refer to the substituted plans and reports submitted for the proposed development at 26-52 Queens Parade, North Fitzroy and provide the following comments:

- The proposed ground level courtyard areas will still be significantly overshadowed for most of the day. Accordingly, proposed planting in this area will struggle to thrive and the space will be inhospitable. This is not a good design outcome.
- The new "Better Apartments Draft Design Standards" guidelines recommend that "at least 50% of the communal outdoor space area should receive sunlight for a minimum of two hours between 9am and 3pm on 21 June." This proposal does not achieve this minimum requirement for the ground level central garden.
- It is noted that the new configuration of the upper levels somewhat reduces the impact of overshadowing of the central median of Queens Parade.
- Updated landscape plans will need to be provided for comment. They will need to respond to the items raised previously (in correspondence dated 23/9/2016 and 23/2/2017) and not yet addressed.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5725.

Yours sincerely

Carrie Lindsay
COORDINATOR OPEN SPACE PLANNING & DESIGN

Attachment 2 - Queens Parade Items 9 August 2017_Part2

Attachment 10 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - PLN16-0434 (July Amendment) - Strategic Transport Advice on substituted plans

Memo

To: Sarah Thomas

diverse

Cc: Simon Exon; Jane Waldock;

vibrant

From: Kate Simnett

Date: 27/07/2017

exciting

Subject: 26-56 Queens Parade, North Fitzroy (PLN16-0434)

inclusive

We have received the plans for the development in North Fitzroy (PLN16-0434) and provide the following feedback:

Bicycle parking on-site:

In relation to the proposed bicycle parking as per the Amended Plans pp.A21-08 – A21-10;

1. The nominated number and style of residential and visitor bicycle parks is satisfactory. However, the location of the bicycle parking is too dispersed (see; Basement 1 – A21-09) with many parks not located near entries or elevators, and not within secure compounds as per the standards. Strategic Transport recommends consolidating all bike parking in no more than 3 secure compounds on Basement 1.
2. The location of visitor bicycle parking satisfactory. There is an area on the ground floor (A21-10); between the deli, café and restaurant; nominated as 'bicycle park' – please provide additional detail on this area.
3. The location of the bicycle parking is particularly poor for those residents in the rear site. Additional parking could be provided on ground level near the secure gate between the sites.

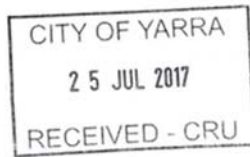
Please note: There are no known capital works planned in the area.

If you require any further input, or would like to discuss these comments in more detail, please don't hesitate to contact me on 9205 5734.

Regards

Kate Simnett
Sustainable Transport Officer
Strategic Transport

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT substituted plans (July 2017)



PLANNING & PROPERTY **PARTNERS**
LAWYERS & CONSULTANTS

Planning & Property Partners Pty Ltd
ABN 63 343 015 948
Duckboard House
Level 2, 91-93 Flinders Lane
Melbourne VIC 3000

Telephone: +61 3 8626 9000
Facsimile: +61 3 8626 9001
admin@pppartners.com.au

24 July 2017

To the addressee

Dear Sir/Madam,

**26-56 QUEENS PARADE, NORTH FITZROY
VCAT REFERENCE NO. P2079/2016**

We act for Gurner 26-56 Queens Parade Pty Ltd, Permit Applicant/Applicant for Review.

In accordance with the Tribunal's Order dated 6 April 2017, we **enclose** the following by way of service:

- i. PNPE9 Form A - Notice of an Amendment of an Application;
- ii. Blank Statement of Grounds form; and
- iii. Amended Plans prepared by Cox Architects.

Yours faithfully

A handwritten signature in black ink, appearing to read "Mark Naughton".

Mark Naughton
Planning & Property Partners Pty Ltd

Encl

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT substituted plans (July 2017)



STATEMENT OF GROUNDS

Use this form to set out your reasons for contesting a planning and environment case at VCAT. These written reasons are called your statement of grounds.

CASE DETAILS	
Date that statement of grounds must be received by VCAT <small>This is on the notice you received or the sign at the site.</small>	18 AUGUST 2017
VCAT reference number	P2079/2016
Site address	26-56 Queens Parade, North Fitzroy

YOUR DETAILS	
Name (objector, authority, company, other)	
Contact person if different to above	
Telephone/Mobile	
<p>Give us an email and another address for serving documents We email copies of orders, including the final decision, if you are a party. We do not send a printed copy as well. If you do not give us an email, printed orders may arrive after the decision is published and after other parties get it by email. If you give us your email address, it will be available on VCAT's records. These may be inspected by other parties and media. We do not accept any responsibility for emails not received due to changes in address, firewall or other security measures attached to your email account.</p>	
Email	
Other address (this must be in Victoria)	

YOUR PARTICIPATION IN HEARINGS	
<input type="checkbox"/> I intend to appear and present a submission at the hearing.	Fees apply.
<input type="checkbox"/> I do not intend to participate in the hearing, but want VCAT to consider my statement of grounds.	No fee applies.
<small>If you choose this, you will not be a party to the proceeding. VCAT considers your statement of grounds in any contested hearing but will not send you further correspondence.</small>	

FEEES

Fees apply if you intend to appear or present a submission at the hearing. If you do not pay the fee at the time of lodging this form, you will not be a party and will not be entitled to take part, even if you indicated that you wanted to participate. For information about fees and fee relief, visit www.vcat.vic.gov.au.
 You do not have to pay a fee if you are a permit applicant or holder, the determining or recommending referral authority, a person responding to an enforcement order application, or an applicant for a works authority or licence.

PRESENTING AT THE HEARING

If you intend to present at the hearing, tell us:

Time required to present your complete case at the hearing (submissions plus witnesses)	
Number of expert witnesses I intend to call (if any)	
Witness area/s of expertise	

For information about witnesses and evidence, visit vcat.vic.gov.au and see Practice Note PNVCAT2 – Expert Evidence.

Attachment 3 - PLN16/0434 - 26 - 56 Queens Parade Fitzroy North - VCAT substituted plans (July 2017)



WHO IS MAKING THIS STATEMENT?

This statement of grounds is lodged by or on behalf of:

Objector/s

- A person who objected to the original application to the council
- A person who did not object to the original application to the council but now wants to object
- A person responding to an application to amend plans or make other changes to an existing application
- A person responding to a notice by a permit holder to amend a permit

Permit applicant or permit holder

- A permit applicant responding to an objector's application for review
- A permit holder responding to a non-permit holder's application to amend or cancel a permit

Referral authority

- Determining referral authority
- Recommending referral authority

Enforcement orders

- A person responding to an application for an enforcement order

Environment applications

- Objector/s to a works approval application made to the Environment Protection Authority
- A works approval applicant
- An objector to an application made for a licence to take or use water or for works under the *Water Act 1989*
- An applicant for a licence to take and use water
- An applicant for a works licence or licence for underground disposal using a bore

Other

- Specify _____

JOINT STATEMENT OF GROUNDS

Complete this section if you are a spokesperson for people lodging a joint statement of grounds.

- Attach a list of the names and addresses of all the people you represent, showing whether you have their individual consent.
- Be aware you may be asked to provide VCAT with a copy of their written consent.

I certify that I have consent to act as spokesperson for the attached list of people where this is a joint statement of grounds:

- Yes No

We will only communicate with the nominated representative for a joint statement of grounds.

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000
GPO Box 5408 Melbourne VIC 3001
Ausdoc DX 210576 Melbourne

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Email vcat-admin@vcat.vic.gov.au

Telephone 9628 9777
Facsimile 9628 9789