

Special Meeting of Council Agenda

**to be held on Tuesday 24 March 2020 at 6.30pm
Fitzroy Town Hall**

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (*tel. 9205 5110*).
- Auslan interpreting is available by arrangement (*tel. 9205 5110*).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (*tel. 9205 5110*).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio and video recording is made of all public Council Meetings, streamed live and published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

Meeting recordings can be viewed at <http://webcast.yarracity.vic.gov.au>.

www.yarracity.vic.gov.au

Order of business

- 1. Statement of recognition of Wurundjeri Woi-wurrung Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Council business reports**

1. Acknowledgment of Country

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Misha Coleman (Mayor)
- Cr Mi-Lin Chen Yi Mei (Deputy Mayor)
- Cr Danae Bosler
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Rhys Thomas (Senior Governance Advisor)

3. Declarations of conflict of interest (Councillors and staff)

4. Council business reports

Item		Page	Rec. Page	Report Presenter
4.1	PLN17/0618 - 27-45 Best Street, 102-114 Scotchmer Street and Council owned rights of way 2087 and 2088 Fitzroy North	5	63	John Theodosakis, Principal Planner

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

Public submissions procedure

When you are invited by the Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

4.1 PLN17/0618 - 27-45 Best Street, 102-114 Scotchmer Street and Council owned rights of way 2087 and 2088 Fitzroy North

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application PLN17/0618 which seeks approval for partial demolition for the use and development of the land for the construction of a part five, part seven storey (plus three basement levels and a roof terrace) mixed use building (supermarket, bottle shop, food and drinks premises (café) and dwellings - permit required for dwelling use only), sale of packaged liquor (associated with the bottle shop- hours of operation 7am to 11pm, seven days per week) and a reduction in car parking requirement.
2. As detailed in the assessment section, this report recommends approval of the proposed development subject to conditions, including a reduction in the overall height of the building to six-storeys through the deletion of one level.
3. This report does not consider the discontinuance or acquisition of the laneway. This is a separate process to that of the planning merits of this application.

Key Planning Considerations

4. Key planning considerations include:
 - (a) Built form, Heritage and Urban Design (Clauses 15, 15.03, 21.05-1, 22.02 and 22.07);
 - (b) Land Use (Clauses 21.08, 22.05 and 34.01-1);
 - (c) Internal amenity (Clause 58);
 - (d) Off-site amenity impacts (Clauses 13.05-1S, 13.07 and 22.05); and
 - (e) Car and bicycle parking (Clauses 18.01, 18.02, 21.06, 52.06 and 52.34).
 - (f) Licensed premises (Clauses 22.09 and 52.27).

Key Issues

5. The key issues for Council in considering the proposal relate to the following:
 - (a) Strategic justification.
 - (b) Land Use and Sale of Packaged Liquor.
 - (c) Built form and design.
 - (d) Equitable development.
 - (e) Off-site amenity impacts.
 - (f) Internal amenity.
 - (g) Sustainable design.
 - (h) Car and bicycle parking.
 - (i) Traffic and access.
 - (j) Objector concerns.

Submissions Received

6. A total of 602 objections were received to the application, these can be summarised as follows:
 - (a) The discontinuance and acquisition of the laneway to facilitate the development should not be supported.

- (b) Demolition of heritage elements / buildings.
- (c) Design and built form (including out of character, heritage, excessive height, bulk and scale and inappropriate materials and finishes).
- (d) Overdevelopment of the site.
- (e) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight, loss of views, impacts on skyline).
- (f) Increase in noise (traffic, people, mechanical plant equipment, loading and unloading etc.).
- (g) Poor internal amenity in terms of lack of diversity of dwelling type and density.
- (h) Car parking, traffic and access, including lack of car parking on site, increased traffic, waste management issues.
- (i) Other (including setting a precedence, no community benefit, reduction in property values, impacts during construction, pressure on existing infrastructure and resources as a result of increased density).

Conclusion

7. Based on the following report, the proposal is considered to comply with the relevant planning policy in the Yarra Planning Scheme and should be supported subject to the following key recommendations:
 - (a) The deletion of the third floor from the tower element facing Best Street and a consequent reduction in the overall building height (i.e. a maximum of six storeys).
 - (b) The south-west corner of the ancillary office at the first floor of the building facing Best Street setback 3m from the western boundary.
 - (c) All separation distances / dimensions between upper floor west and south-facing balconies and terraces of apartments including habitable room windows to either be shown with a minimum 9m separation distance annotated from the secluded private open spaces of surrounding existing dwellings / or habitable room windows screened in accordance with the standard at Clause 55.04-6 (Overlooking objective) of the Scheme to address all overlooking issues.
8. Inclusion of a separate condition stating that the permit does not come into effect until all areas of the public laneways (i.e. that the development is to be developed on) are formally discontinued under the provisions of the Local Government Act 1989 and under private ownership.

11.1 PLN17/0618 - 27-45 Best Street, 102-114 Scotchmer Street and Council owned rights of way 2087 and 2088 Fitzroy North

Reference: D20/29539
Authoriser: Manager Statutory Planning

Proposal: Partial demolition for the use and development of the land for the construction of a part five, part seven storey (plus three basement levels and a roof terrace) mixed use building (supermarket, bottle shop, food and drinks premises (café) and dwellings - permit required for dwelling use only), sale of packaged liquor (associated with the bottle shop- hours of operation 7am to 11pm, seven days per week) and a reduction in car parking requirement.

Existing use(s): Supermarket / Shops / Dwellings

Applicant: Contour Consultants Aust. Pty. Ltd.

Zoning / Overlays: Commercial 1 Zone / Heritage Overlay – Schedule 327

Date of Application: 01 August 2017

Application Number: PLN17/0618

Ward: Nicholls

Planning History

27 – 29 Best Street, Fitzroy North

9. Planning Permit No. PL01/1512 was issued by Council on the 03rd April, 2002, for the display of *Advertising Signs*.

102 - 106 Scotchmer Street, Fitzroy North

10. Planning Permit No. PLN18/0066 was issued at the direction of the Victorian Civil and Administrative Tribunal on the 18th February, 2019 for:
- (a) *Use of the land as a Place of Assembly;*
 - (b) *Reduction in the car parking requirements associated with a Place of Assembly and an Arts and Craft Centre (no permit required for use); and*
 - (c) *The sale and consumption of liquor.*

108 Scotchmer Street, Fitzroy North

11. Planning Permit No. PLN14/0914 was issued on the 09th October 2014, for the *Construction and display of business identification signage*.

Background

12. The application was originally lodged on the 01st August 2017, and a request for further information was subsequently requested on the 11th August 2017. The information was received on 6 November 2017 and the application was advertised with 677 letters sent to surrounding property owners and occupiers and by the display of signs facing Best, Scotchmer and Egremont Streets. At the time Council received up to 529 objections.
13. A public information session was held on 7 December 2017.

14. Whilst the application was on notice, Council had sought and received advice from various consultants in the fields of Acoustics and Urban Design, as well as Council's internal units including Heritage, Waste Management, Urban Design, Engineering, Open Space, Strategic Transport, Streetscapes and Natural Values, and Environmental Sustainable Development (ESD).
15. The application originally included:
 - (a) A part five, part seven storey mixed use building consisting of:
 - (i) Supermarket (in the order of 4657sq.m.);
 - (ii) Bottle Shop (in the order of 877sqm at the ground floor and basement level 1);
 - (iii) 89 dwellings (23 x 1-bed, 62 x 2-bed and 4 x 3-bed).
 - (b) A total of 164 car spaces provided over three basement levels accessed from Scotchmer St; and
 - (c) A total of 86 bicycle spaces.
16. Below are elevations of the 2017 proposal:



Figure 1: North Elevation – looking from along Scotchmer Street



Figure 2: East Elevation – looking from Best Street / St Georges Road

17. Below are the render images of the 2017 proposal:

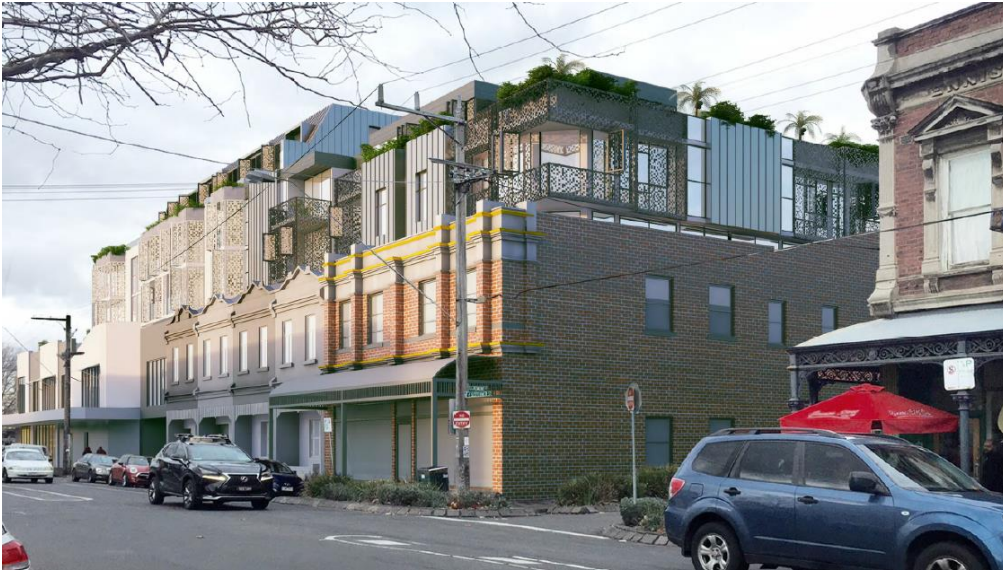


Figure 3: Looking from the west, along Scotchmer Street, towards the western side of the proposal



Figure 4: Looking from the north-east, at the intersection of St Georges Road and Scotchmer Street



Figure 5: Looking from the south, from along St Georges Road, towards the southern side of the proposal

Lodgment of S57A plans

18. As a result of the matters raised within objections, referral advice and by Council planning officers, the application was formally amended on the 1st March 2019 by the Applicant under Section 57A of the *Planning and Environment Act 1987*. Further information was subsequently requested on the 26th March 2019 with the information being received on the 24th May 2019. Additional information was also provided on the 14th and 17th June 2019.
19. The applicant also provided amended technical reports including traffic, acoustics, ESD, waste, wind, heritage, landscaping and urban design.
20. The amended application was re-advertised on 14th June 2019 with 1185 letters (inclusive of those sent to the surrounding property owners/occupiers (same extent as the original advertising) as well as all objectors. Signs were displayed facing Best, Scotchmer Streets and Egremont Streets. A number of objectors made further submissions, with an additional 73 objections being received, bringing the total to 602. In addition, Council has received up to 8 supporters to date.
21. The application was re-referred to all previous consultants and Council internal units, with an additional referral to an external wind engineer (MEL Consultants) due to the submission of a desktop wind assessment submitted by the applicant.
22. The amended urban context report dated 6th March 2019, architectural plans dated 24th May 2019 and the BADS (Better Apartments Design Standards) Assessment Plans provided on the 14th June 2019 are now the decision plans and supersede the previous advertised plans. The amended plans showed a new overall architectural design of the proposal with some of the specific changes providing significant improvements to the original scheme.
23. The plans show the following changes:
 - (a) The setback to the south associated with the five-storey building / portion increased from 9m to 10.24m at the upper-most level where facing property No. 36 Egremont Street;
 - (b) Provision of a clear separation between the western building and the eastern building from Level 3 and above;
 - (c) Variation on proposed materials and finishes from render, metal cladding steel screens, and brick in greys (light to dark) and copper, to, brick, breezeblock pre-cast concrete, and concrete (pre-cast and blockwork) in generally grey, charcoal and terracotta colours with mosaic tiling;
 - (d) Removal of the mansard-style upper level and replacement with more rectilinear forms;
 - (e) Increase in retained roof associated with Best Street heritage buildings (increased generally from 3m retained to 6m);
 - (f) Alteration to the basement plans, with Basement Level 3 being reduced in size whilst Basement Levels 1 and 2 increased further west;
 - (g) Inclusion of landscaping within the proposed re-aligned laneway (abutting No. 36 Egremont Street);
 - (h) Relocated apartment lobby entrance further east along Scotchmer Street. The residential apartment lobby entrance is now proposed to the east of the vehicle entrance, previously it was located in the western building;
 - (i) Reconfiguration of internal commercial areas and deletion of escalators;
 - (j) Inclusion of a food and drinks premises (café) at the first floor (no permit required for the use);
 - (k) A BESS (Built Environment Sustainability Scorecard) Rating Score of 70 percent (increased from 54 percent);

- (l) Internal rearrangement of dwellings including a reduction in the number of dwellings from 89 to 66;
- (m) Conversion of the lower level dwellings in the north-western building from apartments to townhouses to improve internal amenity and access to private open space;
- (n) Improvements to the delivery, loading and waste collection resulting in all deliveries occurring on-site via Scotchmer Street as follows:

- (i) all non-semi-trailer deliveries and waste collection to be undertaken within the basement loading area (previously waste was collected from the proposed new laneway); and
- (ii) all semi-trailer deliveries to occur within the ground floor loading bay.

24. Below are the elevations of the 2019 (S57(a) amended plans discussed above) proposal:

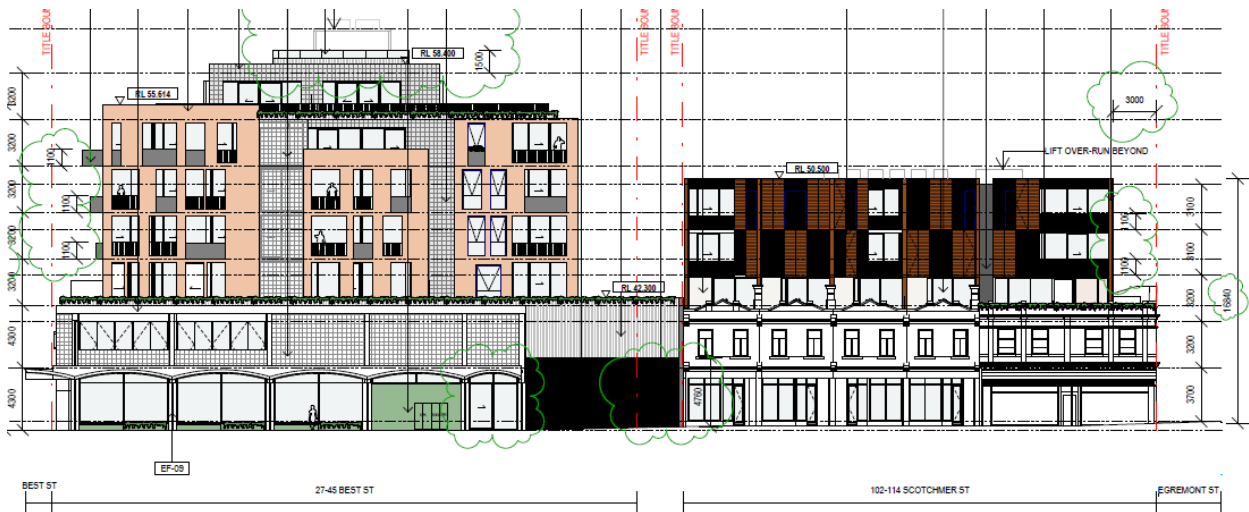


Figure 6: North Elevation – looking from along Scotchmer Street

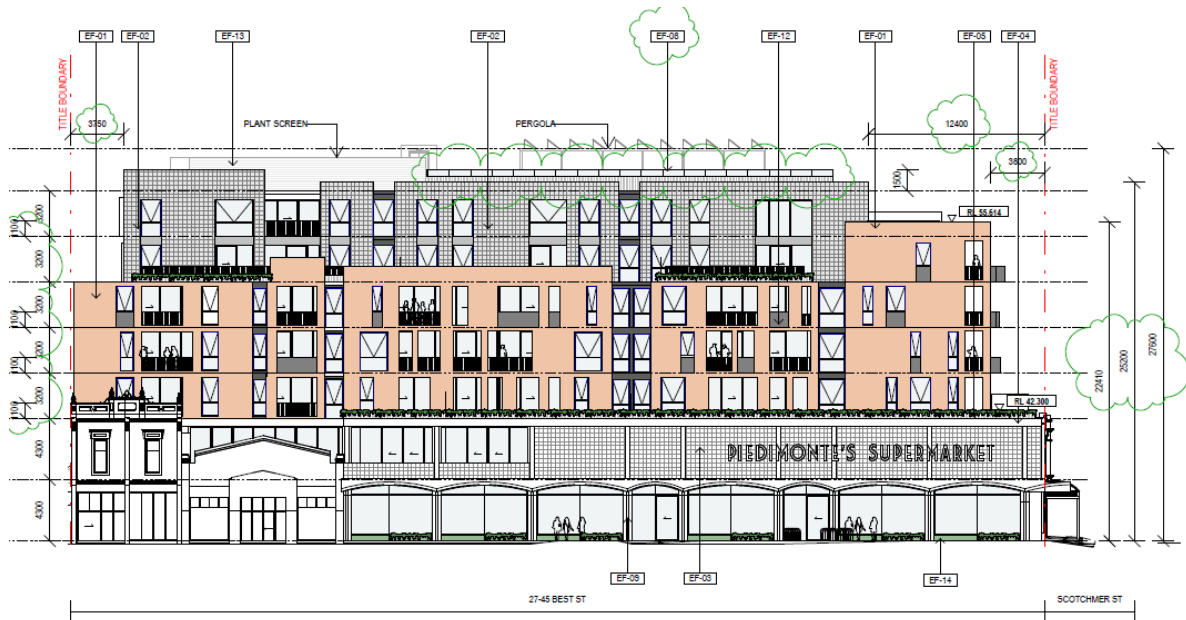


Figure 7: East Elevation – looking from Best Street/St Georges Road

25. Below are the render images of the 2019 (S57(a) amended plans discussed earlier) proposal:



Figure 8: North Elevation – looking from along Scotchmer Street



Figure 9: East Elevation – looking from Best Street / St Georges Road

“Without Prejudice Plans”

26. In response to further comments by Council Officers and referral advice relating to the S57A amended plans, the permit applicant submitted “Without Prejudice” plans on 15th January 2020 to demonstrate further compliance with Council’s Engineering comments and to address internal amenity issues with regards to BADS (Better Apartments Development Standards) at Clause 58 of the Yarra Planning Scheme (i.e. primarily internal changes that do not impact the appearance of the building as presented in the S57A amended plans / decision plans). Further advice in relation to these plans from Council’s External Urban Designer, including Engineering Services and Strategic Transport Units were also sought and have been attached to this report. Reference to these plans is made within the “Assessment” section of this report.

27. Further shadow plans were submitted on 25th February 2020 in response to comments from Council’s external Urban Designer, showing the location of photovoltaics / solar panels of surrounding properties and demonstrating the extent of shadows. On 05th March 2020, the permit applicant also emailed sections to clarifying the floor to ceiling heights. Reference to these plans is made within the “Assessment” section of this report.

Laneway Discontinuance

28. The application relies on the discontinuance of the laneway shown in red below with the applicant also proposing to sell Council a portion of land, to facilitate a relocated access for the laneway, shown in blue, and to maintain access for those who have existing rear laneway access. The blue portion will effectively widen and continue the stretch of existing laneway to the immediate north of property No. 36 Egremont Street identified in yellow below.



Figure 10: Laneway discontinuance and proposed laneway

29. The planning application and the proposed lane closure sought by the applicant, are two separate processes under different legislation.
30. The proposed laneway closure is one under the *Local Government Act, 1989* that would be notified to the community seeking comments and submissions. In order to discontinue a road, Council must follow the procedures under the *Local Government Act 1989 (Vic)* and this will be determined after a public process by the full Council at a future Council meeting. This may or may not be approved.
31. In terms of this planning application, the community may comment on the possible impact of the proposed lane closure insofar as any impact on their property or amenity (i.e. planning aspects) is concerned. Objection 'in principle' of any lane closure is a matter for a future process.
32. In the event that a planning permit is granted for this planning application but the laneway discontinuance is not approved by Council, the applicant will be required to amend the development accordingly and exclude this component from the application. At the time of writing this report, the applicant had not lodged a formal application to Council to discontinue the laneway.

Planning Scheme Amendments

Amendment VC142

33. On 16 January 2018, Planning Scheme Amendment VC142 was gazetted by the Minister for Planning. Among other changes, this amendment removed the permit requirement at clause 52.07 of the Scheme to provide a loading bay on site.

Amendment VC148

34. On 31 July 2018, Planning Scheme Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment has deleted the State Planning Policy Framework (SPPF) and has replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme.

The Proposal

35. The application proposes the partial demolition for the use and development of the land for the construction of a part five, part seven storey (plus three basement levels and a roof terrace) mixed use building (supermarket, bottle shop, food and drinks premises (café) and dwellings - permit required for dwelling use only), sale of packaged liquor (associated with the bottle shop) and a reduction in car parking requirement. As indicated under the *Lodgment of S57A plans* heading, it is the architectural plans dated 24th May 2019 and the BADS (Better Apartments Design Standards) Assessment Plans provided on the 14th June 2019 that are the decision plans. In summary, the following is proposed:

Part and full demolition

- (a) Part demolition of the existing buildings addressed to Scotchmer Street (i.e. property No's. 102 – 114 Scotchmer Street, Fitzroy North) and at property No's. 27 and 31 Best Street, Fitzroy North and full demolition of the existing buildings at property No's. 35 and 37 - 45 Best Street, Fitzroy North in accordance with the demolition plans (as attached to this report).

Development

- (b) Construction of a part seven (7) storey (i.e. corner of Best and Scotchmer Streets) and part five (5) storey building (i.e. at the corner of Egremont and Scotchmer Streets) with a maximum building height of 27.6m above the natural ground level. The building is "L" shaped and can be read as two buildings i.e. one seven storeys and the other five storeys. As such for the purpose of identifying each portion, the seven storey building will be identified as Building A and the five storey building will be identified as Building B, in accordance with the image below:

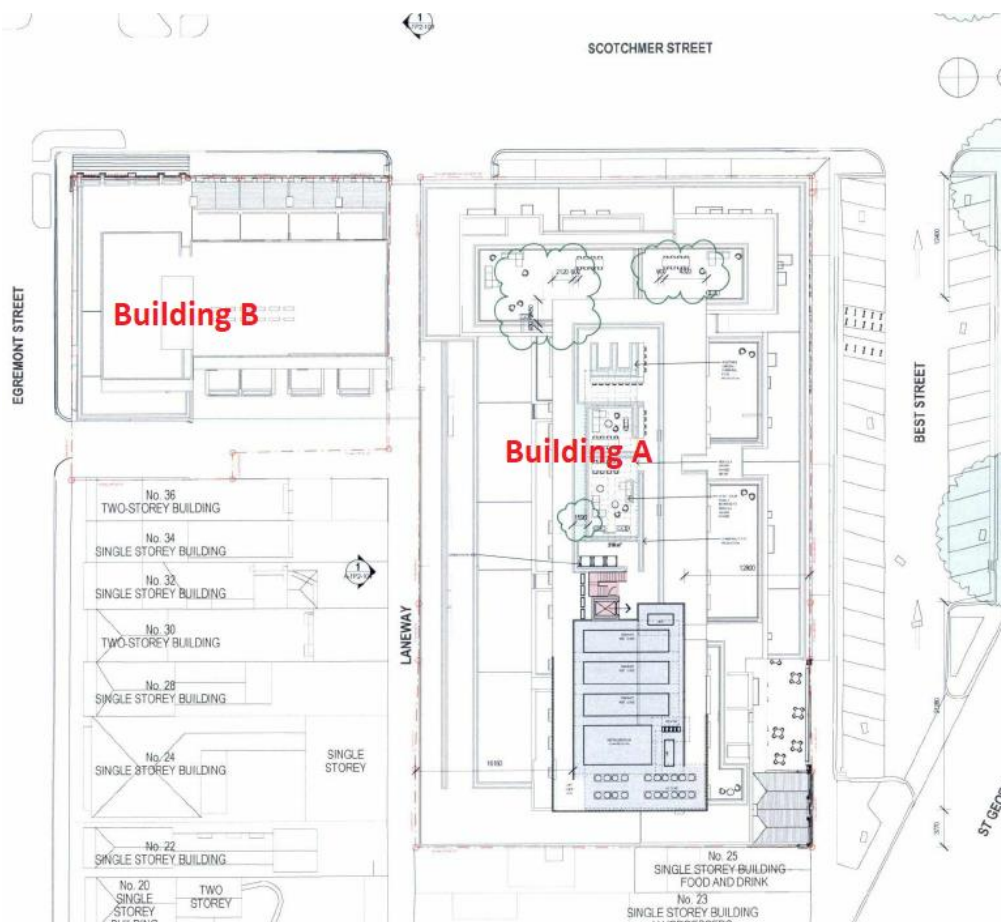


Figure 11: Portions identifies as Buildings A and B

Use

Building A

- (c) Supermarket (in the order of 4,099sq.m. – including back-of-house and ancillary office);
- (d) Bottle Shop (in the order of 614sq.m. at the ground floor and basement level 1);
- (e) First floor, food and drink premises (café – in the order of 351sq.m. that combined with the balcony adjacent (also inclusive of tables and chairs) would equate to 454sq.m.);

Buildings A and B

- (f) A total of 66 dwellings (6 x 1-bed, 36 x 2-bed and 24 x 3-bed – eight of which are three level townhouses).

Basement (across both buildings)

- (g) Three level basement with vehicle access from Scotchmer Street, primarily abutting the northern and eastern boundaries and comprising:
 - (i) A total of 126 car spaces with 90 car spaces allocated to the dwellings, 33 car spaces allocated to the supermarket, bottle shop and café, 2 disabled car spaces and 1 car share;
 - (ii) 138 bicycle spaces with end-of-trip facilities / service amenities;
 - (iii) Loading area with four bays;
 - (iv) At least 66 storage cages;
 - (v) Commercial and residential waste stores; and
 - (vi) 324sq.m. of the bottle shop.

Ground, first and second floors (across both buildings)

- (h) The existing on-boundary walls to the north, west and east (i.e. of those with a heritage contributory or individually significant grading) would be utilised with new walls proposed to the south of Building A where adjacent to the property at No. 25 Best Street, and along Best and Scotchmer Streets and the rear west laneway.
- (i) The laneway accessed from Scotchmer Street would be absorbed by the development (subject to separate discontinuance process permissions) and a new laneway creating the separation of Building B by a minimum 6m from the shared property boundary with No. 36 Egremont Street.
- (j) The ground and first floors of Building A would comprise of the supermarket with customer entry from Best Street, including a bottle shop at the ground floor that would extend into the Basement Level 1.
- (k) Building B would comprise of 8 townhouses (three-storeys comprising of the Victorian terrace buildings and labelled TH1 to TH8 on plan), with five fronting onto Scotchmer Street and three fronting onto Egremont Street including the back-of-house part of the supermarket.
- (l) The ground levels of the townhouses within Building B would wrap-around the north-west corner of the supermarket with those fronting onto Scotchmer Street intended to be used as either home offices / retail at ground floor.
- (m) A 10.82m wide driveway is provided to the east of TH4 within Building B with vehicle access from Scotchmer Street into the basement that also includes a loading bay of 74sq.m.
- (n) Pedestrian access to apartments at the upper levels is provided via lobbies to Scotchmer Street for Building A and Egremont Street for Building B.
- (o) The first floor of Building A includes further front and back of house parts of the supermarket including an ancillary café and offices (equating to 324sq.m.) and the bedrooms / service amenities of townhouses within Building B.
- (p) The second floor of Building A provides 13 apartments with terraces ranging between 33sq.m. and 94sq.m. whilst that of Building B provides the open-plan living, dining and kitchen areas of townhouses with terraces that range between 9sq.m. and 71sq.m. .
- (q) The setbacks at the second floor of both buildings range between 3.8m and 6.87m from the northern boundary (with the exception of the terraces/ balconies) of both buildings, between zero and 3.75m to the south of Building A (as measured to the edges of walls), between 8.47m and 9m to the south of Building B (with the exception of balconies and terraces), and between 4m and 23m to the west of Building A (with the exception of terraces).
- (r) Building A's setbacks range between 3.5m and 6m from Best Street.

Third and fourth floors (across both buildings)

- (s) The third and fourth floors of Buildings A and B are identical with each providing up to 16 apartments (total of 38) with balconies that range between 9sq.m. and 25sq.m.
- (t) The setbacks of both buildings to the north range between 3.8m and 6.42m, to the south the setbacks range between zero and 3.75m to Building A with minimum setbacks of 10.24m to the south of Building B and 11.91m to the western portion of Building B.
- (u) Building A's setbacks range between 3.5m and 6m from Best Street.

Fifth and Sixth floors (applicable to Building A only)

- (v) The fifth floor would provide up to 9 apartments with balconies ranging between 9sq.m. and 72sq.m.
- (w) The setbacks at the fifth floor range between 3.8m and 5.75m to the north, 3.5m and 10.7m to the east, 14m to the west and 3.75m to the south.

- (x) The sixth floor would provide up to four apartments with balconies / terraces ranging between 8sq.m. and 97sq.m.
- (y) The setbacks at the sixth floor equate to 12.4m to the north (with the exception of terraces extending into this setback associated with Apartments 6.01 and 6.02), 14m to the west, 3.75m to the south, and 10.73m to the east.
- (z) Building A's setbacks range between 3.5m and 10.73m from Best Street with the exception of terraces.

Roof Plan

- (aa) Communal area of up to 216sq.m. with services and vegetable garden.

General

- (bb) The proposal would encompass the existing heritage facades of buildings identified as being partially demolished earlier.
- (cc) At ground and first floor, each building presents a two-storey podium that would extend across the length of Best and Scotchmer Streets (i.e. Building A) with new shopfronts proposed to three of the four terraces fronting Scotchmer Street associated with Building B.
- (dd) Buildings A and B are separated by a minimum distance of 3.78m from the first floor, upwards.
- (ee) The lower levels (i.e. ground and first) of Building A are proposed to be finished in mosaic terracotta tiles and breezeblocks with the upper levels finished in masonry and breezeblock patterned concrete. The lower levels of Building B will incorporate the retained portions of building with the new levels / walls constructed of coloured backed glass, metal plates and terracotta coloured screens, and clear glazing as identified in the images provided earlier (i.e. identifying the Section 57(a) amended plans, also identified as the 2019 proposal and forming the 'Decision Plans').

ESD with reference to the Roof top

36. The following key ESD initiatives and performance measures have been incorporated into this project and outlined in the Sustainable Management Plan (SMP) dated December 2019 and prepared by GIW Environmental Solutions:
- (a) A BESS Score of 70%.
 - (b) Preliminary NatHERS rating of 7 star average thermal performance rating.
 - (c) A 30 KWp Rooftop PV system on the roof.
 - (d) Provision of 35,000L rain water tank for toilet flushing achieving a STORM Rating of 100%.
 - (e) Car stacking system with EV charging capacity.
 - (f) Provision of a minimum of 138 bicycle parking spaces onsite with end-of-trip facilities.
 - (g) 216sq.m. of communal open space on the roof top of Building A.

Liquor Licence

37. The proposed trading hours for the sale of packaged liquor (Bottle Shop) are as follows:
7:00am – 11:00pm, 7 days a week.

Existing Conditions

Subject Site

38. The subject site is comprised of nine parcels of land (a total of nine titles), with four portions addressed to Best Street and five portions addressed to Scotchmer Street, including the portion of the laneway to the immediate east of property No. 114 Scotchmer Street. These portions form the “Subject Site” with title particulars identified in the following table:

Address	Title Vol/ Folio number	Easements or restrictions
(1) 27 – 29 Best Street, Fitzroy North	Vol. 11495, Fol. 281	None
(2) 31 – 33 Best Street, Fitzroy North	Vol. 11495, Fol. 305	None
(3) 35 Best Street, Fitzroy North	Vol. 11495, Fol. 286	Party wall easement on northern boundary.
(4) 37 – 45 Best Street, Fitzroy North	Vol. 11495 Fol. 287	Electrical substation and right of carriage over the laneway to the west.
(5) 102 – 106 Scotchmer Street, Fitzroy North	Vol. 11495 Fol. 310	None
(6) 108 Scotchmer Street, Fitzroy North	Vol. 11495 Fol. 309	Party wall easement on eastern boundary.
(7) 110 Scotchmer Street, Fitzroy North	Vol. 08228 Fol. 286	Party wall easements on both western and eastern boundaries.
(8) 112 Scotchmer Street, Fitzroy North	Vol. 11495 Fol. 308	Party wall easements on both western and eastern boundaries.
(9) 114 Scotchmer Street, Fitzroy North	Vol. 11495 Fol. 289	Party wall easement on the western boundary.



Figure 12: Parcels forming Subject Site and identified / numbered as No. 1-9

39. For ease of reference, the map above identifies each corresponding title and location of each parcel of land as numbered in the following headings and titles referenced in the table provided earlier.



Figure 13: 27 – 33 Best Street

(1) 27 – 29 Best Street, Fitzroy North

40. This site is located to the west of Best Street, is rectangular in shape and has a frontage of 16.4m, a depth of 40.23m and an overall site area of 659sq.m. The site is occupied by two, double-storey, Victorian-era buildings that are hard-edged to the street and used for commercial purposes.

(2) 31 – 33 Best Street, Fitzroy North

41. This site is located to the west of Best Street, is rectangular in shape and has a frontage of 11m, a depth of 40.2m and an overall site area of 442sq.m. The site is occupied by a single-storey building of masonry construction that is hard-edged to the street, formerly identified as the “J Fisher and Co.” motor engineers workshop (constructed in 1926) and listed as “Individually Significant” to the heritage precinct. The building is used for commercial purposes.



Figure 14: 35 – 45 Best Street

(3) 35 Best Street, Fitzroy North

- 42. This site is located to the west of Best Street, is rectangular in shape and has a frontage of 5.79m, a depth of 40.2m and an overall site area of 232sq.m. The site is occupied by a part single and part two-storey, hard-edged building of masonry construction with a front awning that extends over the footpath and is used for commercial purposes.

(4) 37 – 45 Best Street, Fitzroy North

- 43. This site is located at the south-west corner of the Best and Scotchmer Street intersection. This parcel is square-shaped and has a frontage of 43.5m to Best Street, a depth of 40.2m (that translates across the secondary frontage to Scotchmer Street) and an overall site area of 1,748sq.m. The site is occupied by a double-storey, hard-edged building of masonry construction with an awning that extends over the footpath, terminating at the north-east corner and is used as a supermarket, namely Piedimonte’s Supermarket.

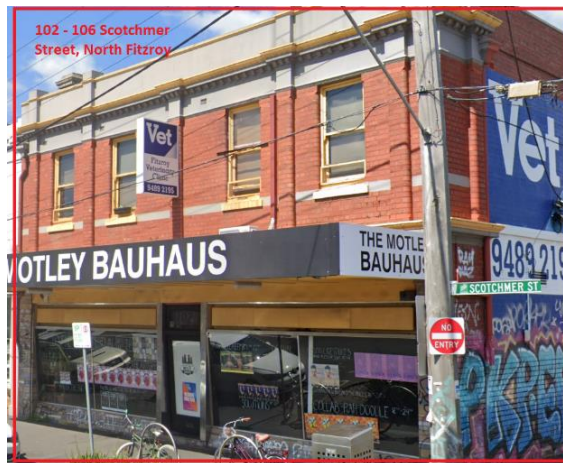


Figure 15: 102 – 106 Scotchmer Street

(5) 102 – 106 Scotchmer Street, Fitzroy North

- 44. This site is located on the south-east corner of the Scotchmer and Egremont Street intersection. The site is rectangular in shape with a frontage of 12.19m and a depth of 30.8m (also translating as the secondary frontage to Egremont Street), with a total site area of 375.5sqm. The site is occupied by a double-storey building of masonry construction with a saw-tooth roof form, and previously used for commercial purposes. The building is hard-edged across both street interfaces (i.e. extends to the boundaries along both street interfaces) and has a “Contributory” grading to the heritage precinct.



Figure 16: 108 – 114 Scotchmer Street Properties

(6) 108 Scotchmer Street, Fitzroy North

45. This site is located to the south of Scotchmer Street. The site is rectangular in shape with a frontage of 5.9m and a depth of 30.48m, with a total site area of 179.8sqm. The site is occupied by a double-storey, hard-edged, Victorian-era terrace of masonry construction with a “Contributory” grading to the heritage precinct.

(7) 110 Scotchmer Street, Fitzroy North

46. This site is located to the south of Scotchmer Street. The site is rectangular in shape with a frontage of 5m and a depth of 27.4m, with a total site area of 137sqm. The site is occupied by a double-storey, hard-edged, Victorian-era terrace of masonry construction with a “Contributory” grading to the heritage precinct.

(8) 112 Scotchmer Street, Fitzroy North

47. Identical to the description above, this site is also located to the south of Scotchmer Street. The site is rectangular in shape with a frontage of 5m and a depth of 27.4m, with a total site area of 137sqm. The site is occupied by a hard-edged, Victorian-era terrace of masonry construction with a “Contributory” grading to the heritage precinct.

(9) 114 Scotchmer Street, Fitzroy North

48. This site is located to the south of Scotchmer Street. The site is rectangular in shape with a frontage of 4.9m and a depth of 27.4m, with a total site area of 134.2sqm. The site is occupied by a hard-edged, Victorian-era terrace of masonry construction with a “Contributory” grading to the heritage precinct.

49. Combined, the “Subject Site” has a frontage 76.6m to Best Street (east) a frontage of 76.8m (inclusive of the width of the laneway) to Scotchmer Street and a frontage of 30.8m to Egremont Street with a total site area of 4,040sq.m.

Surrounding Land

50. The subject site is located along the western edge of the North Fitzroy Village Neighbourhood Activity Centre (NAC), which extends along St Georges Road, Best Street and part of Scotchmer Street. The surrounding area is commercial to the north, south (west side of Best Street and St. Georges Road) and east (within the NAC) and largely residential to the south (i.e. facing Egremont Street), west and further to the north beyond the NAC. The NAC consists of shops, cafes, restaurants, supermarkets, bars, taverns and civil amenities.
51. The surrounding built form is varied, consisting of a mixture of single and double storey buildings, of varying architectural periods. High levels of site coverage and on-boundary development are typical built form characteristics of the area, with many uses not providing dedicated on-site car parking. The local area of St Georges Road is also well serviced by public transport services.

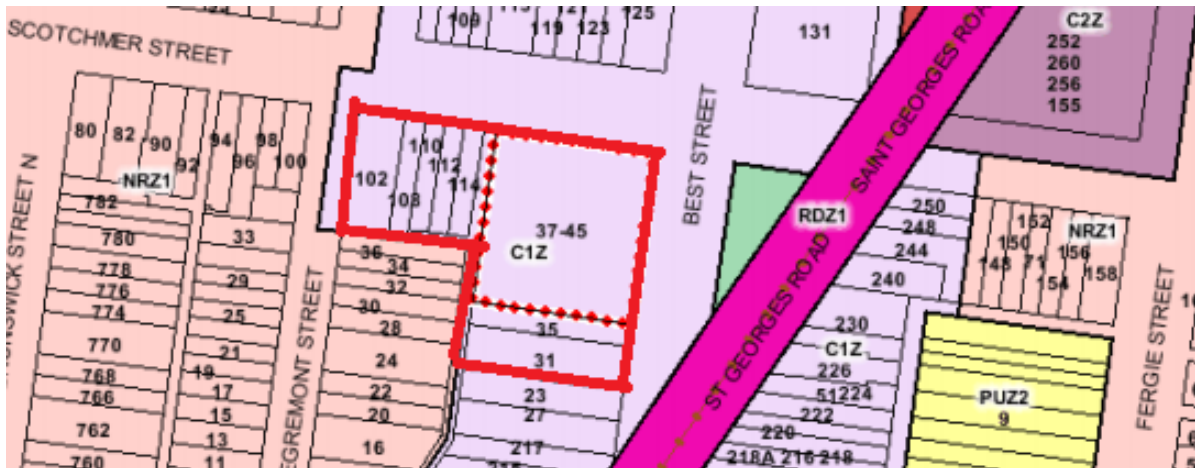


Figure 17: Subject Site and Zoning

North

52. On the north-west side of Scotchmer Street and Birkenhead Street at No. 99 Scotchmer Street is a single-storey commercial building facing Scotchmer Street. The site is occupied by 'Sortino Social Club'. This site is located in the Neighbourhood Residential Zone. Further west of this site are single-storey dwellings facing Scotchmer Street (31m north-west of the subject site).
53. On the north side of Scotchmer Street, between Birkenhead and Best Streets is a row of two-storey, hard-edged, commercial buildings zoned, Commercial 1 (forming part of the NAC). Uses include retail, a veterinary clinic, food and drink premise (café/ bakery) and a bottle shop.
54. The Parkview Hotel is located on the corner of Scotchmer Street and St Georges Road approximately 30m, north-east of the subject site and is licenced until 3am.

West Side of Egremont Street

55. To the west is Egremont Street. On the western side of Egremont Street directly opposite the subject site at No. 100 Scotchmer Street is a double-storey, brick building fronting Scotchmer Street. This is located in Neighbourhood Residential Zone, outside the NAC. The site is operating as a food and drink premises (café). The first floor, above the café, is occupied by a dwelling. The dwelling has east-facing windows facing the subject site.
56. To the south of No. 100 Scotchmer Street is a triple-storey converted-warehouse dwelling facing Egremont Street. The building is presented with roller doors, balcony and windows to the street. Further south are single-storey Victorian-era dwellings facing Egremont Street.

East side of Egremont Street

57. To the immediate south, fronting Egremont Street, are dwellings that have single-storey frontages (some of which have been developed with first floor additions), forming a consistent row of five attached Victorian-era terraces. Their features are typical with shallow setbacks, front verandahs and original chimneys evident in the skyline. No. 36 Egremont Street has an immediate abuttal to the subject site, extending across the perimeter of the title boundaries associated with property No.'s 102 – 106 and 108 Scotchmer Street, including a portion of laneway. Areas of secluded private open space are located to the east of these dwellings and in some instances, west of a rear outbuildings.

South, Best Street, and St Georges Road

58. To the immediate south, and addressed to Best Street are property No's 23 and 25. These properties are occupied by single-storey, commercial buildings, with that further south occupied by a double-storey Victorian-era commercial building. Buildings are typically single and double-storey, and hard-edged to the street, of masonry construction with shop-front windows and verandah structures extending over the footpath.

East

59. To the east is Best Street, with this section used primarily for car parking to both sides. Beyond this is a triangular-shaped grassed area, with public seating and bicycle parking and a tram shelter, including the angled section of St Georges Road, that collectively measure approximately 30m to the south and 62m to the north, with two-way traffic and a centrally located double-tram line as identified in the image below:



Figure 18: Road formation to the east

60. To the east side, beyond St Georges Road, are further single and double-storey buildings, some of which are of the Victorian-era, with all of these constructed to the front boundary, with some modified shop-fronts at ground level. These buildings are used for commercial purposes, are zoned Commercial 1, and also form part of the NAC.
61. Overall and in summary, the subject site is:
- (a) located within the NAC, with a tram route along St Georges Road serving the CBD and the northern suburbs (West Preston). The NAC contains a supermarket(s), community library, cafes, bars, restaurants, local and speciality shops, hair salon and medical facilities;
 - (b) Scotchmer Street, which has bus routes serving Melbourne University and Rushall and Clifton Hill Train Stations.
 - (c) approximately 130m to the north-west of Fitzroy North State Primary School;
 - (d) approximately 400m to the west of Fitzroy High School;
 - (e) approximately 403m to the east of the Nicholson Street NAC which has a tram route serving the CBD and the northern suburbs (East Brunswick).
 - (f) approximately 200m to the north of Edinburgh Gardens, a 56 acre municipal parkland with sporting facilities (cricket, tennis centre, bowls club, skate park) and an off-lead dog park;

- (g) approximately 800m to the west of Rushall Train Station, serving the CBD and northern suburbs (South Morang Line to Flinders Street Station);
- (h) 1km from the Brunswick Street Major Activity Centre (MAC), a major entertainment precinct with clubs, bars, pubs, wine bars, licenced cafes and restaurants, and speciality stores; and
- (i) located 175m north of Reid Street, which has bus routes, serving the Clifton Hill transport interchange via East Brunswick to Moonee Ponds.

Planning Scheme Provisions

Zoning

Clause 34.01 – Commercial 1 Zone

62. The site is located within the Commercial 1 Zone (C1Z). The purpose of the C1Z is as follows:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - (c) *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
63. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (the Scheme) a planning permit is required for 'dwelling use' if the frontage exceeds 2m. In this instance, the width of the residential entrances combined equate to an area greater than 2m, ensuring that a planning permit is required.
64. The commercial tenancies (shop inclusive of the supermarket and retail premises also inclusive of the food and drink premise and the ancillary office) are identified as 'Section 1 - Permit not required' uses. There is no limit on leasable shop area or office in the schedule to the C1Z.
65. Pursuant to Clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
66. For an apartment development, the decision guidelines at clause 34.01-8 specify that the objectives, standards and decision guidelines of Clause 58 must be considered.

Overlay

Clause 43.01 - Heritage Overlay (HO327 – North Fitzroy Heritage Precinct)

67. Under clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, construct a building or construct or carry out works. The buildings on the subject site are located within Schedule 327.
68. All buildings addressed to Scotchmer Street have been identified as "Contributory" (as outlined in the incorporated document *City of Yarra Review of Heritage Areas 2007 Appendix 8*) to the North Fitzroy Heritage Precinct. The only building identified as being "Individually significant" is that at property No. 31-35 Best Street.
69. The buildings at property No. 27 – 29 Best Street are unidentified, however with the exception of the buildings at property No's 35 and 37-45 Best Street being demolished in full, all facades of buildings with a contributory or individually significant grading, including the facades at No. 27 – 29 Best Street will be retained and incorporated into the overall scheme / development.

Particular Provisions

Clause 52.06 – Car Parking

70. Pursuant to Clause 52.06-2 of the Scheme, the car parking spaces required under Clause 52.06-5 of the Scheme must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the requirement to provide the number of car parking spaces required under this clause.
71. Pursuant to Clause 52.06-5 of the Scheme, the car parking requirements for the proposed development are taken from column B of table 1 as the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, 2018). The car parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-two bedroom dwellings	42	1 space per dwelling.	42	90
Three or more bedroom dwellings	24	2 space per dwelling	48	
Visitors		0	0	
Supermarket	4,099 sq.m.	5 spaces per 100 sq.m. of leasable floor area.	204	33 plus 2 spaces disabled and 1 car share
Food and drink premises (café)	454 sq.m.	3.5 to each 100 sq.m. of leasable floor area	16	
Bottle Shop	614sqm	3.5 spaces to each 100 sq.m. of leasable floor area	21	
Total			331	126

72. 126 car parking spaces are provided on site. With a shortfall of 205 car parking spaces, this application therefore seeks a reduction in the car parking requirement of the Scheme.

Clause 52.27 Licensed Premises

73. A permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.
74. The requirement for a permit is triggered.

Clause 52.34 – Bicycle Facilities

75. Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The bicycle parking requirements prescribed at Clause 52.34-3 of the Scheme are summarised below:

Proposed Use	Quantity/Size	Statutory Parking Rate	No. of Spaces Provided
Dwellings	Resident – In developments of four or more storeys, 1 to each 5 dwellings	13	
	Visitor – In developments of four or more storeys, 1 to each 10 dwellings	7	
Commercial (Supermarket Bottle Shop and Food and Drinks Premises) 5,167 sq.m.	Employee – 1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm.	8	
	Shopper – 1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm.	10	
Total		38	138

76. The proposed on-site bicycle parking provision exceeds the requirements and a reduction in the requirements of this clause is not required. End of trip facilities (EOTF) under this clause require the provision of at least one change room / shower for the 8 bicycle spaces associated with the employees. EOTF have been provided in the basement in excess of the requirements.

Clause 58 Apartment Developments

77. Clause 58 applies to applications to construct an apartment development within a Commercial 1 Zone. This clause seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents and to encourage apartment development that is responsive to the site and surrounding area.

General Provisions

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

Planning Policy Framework (PPF)

79. Relevant clauses are as follows:

Clause 11.02 - Managing Growth

Clause 11.02-1S - Supply of Urban Land

80. The objective is:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.03-1S – Activity Centres

81. The relevant objective of this clause is *“To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community”.*

Clause 13.05-1S – Noise abatement

82. The relevant objective of this clause is *“To assist the control of noise effects on sensitive land uses”.*

Clause 15.01-1S – Urban Design

83. The relevant objective of this clause is *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”.*

Clause 15.01-2S – Building Design

84. The relevant objective of this clause is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”.*

Clause 15.01-4S - Healthy neighbourhoods

85. The objective is:

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

Clause 15.01-4R - Healthy neighbourhoods - Metropolitan Melbourne

86. The strategy is:

- (a) *Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

Clause 15.01-5S – Neighbourhood Character

87. The relevant objective of this clause is *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place”.*

Clause 15.02 – Sustainable Development

88. The objective of this clause is *“to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions”.*

Clause 16.01-1S – Integrated housing

89. The objective of this clause is *“to promote a housing market that meets community needs”.*

Clause 16.01-1R – Integrated housing- Metropolitan Melbourne

90. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S – Location of residential development

91. The objective of this clause is “*to locate new housing in designated locations that offer good access to jobs, services and transport*”.

92. Relevant strategies for this clause are:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in Greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-3S – Housing diversity

93. The objective of this clause is “*to provide for a range of housing types to meet increasingly diverse needs*”.

Clause 16.01-3R – Housing diversity - Metropolitan Melbourne

94. The strategy of this policy is “*create mixed-use neighbourhoods at varying densities that offer more choice in housing*”.

Clause 16.01-4S – Housing affordability

95. The objective of this clause is “*to deliver more affordable housing closer to jobs, transport and services.*”

Clause 17.01 – Employment

Clause 17.01-1S – Diversified economy

96. The objective of this clause is:

- (a) *To strengthen and diversify the economy.*

97. The relevant strategies of this clause are:

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

- (b) *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- (c) *Improve access to jobs closer to where people live.*

Clause 17.02-1S – Business

98. The objective of this clause is *“To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services”*.

Clause 18.01-1S – Land use and transport planning

99. The objective of this clause is *“to create a safe and sustainable transport system by integrating land use and transport”*.

100. Relevant strategies to achieve this objective include:

- (a) *Develop transport networks to support employment corridors that allow circumferential and radial movements.*
- (b) *Plan urban development to make jobs and community services more accessible by (as relevant):*
 - (i) *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
 - (ii) *Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.*
 - (iii) *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- (c) *Integrate public transport services and infrastructure into new development.*

Clause 18.02-1S – Sustainable personal transport

101. The objective of this clause is *“to promote the use of sustainable personal transport”*.

Clause 18.02-2R – Principal Public Transport Network

102. Relevant strategies for this clause are:

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

Local Planning Policy Framework (LPPF)

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

Clause 21.03 – Vision

104. The relevant sections of this Clause are:

- (a) *Yarra will have increased opportunities for employment.*
- (b) *The complex land use mix characteristic of the inner city will provide for a range of activities to meet the needs of the community.*

- (c) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne.*
- (d) *Most people will walk, cycle and use public transport for the journey to work.*

Clause 21.04-1 – Accommodation and housing

105. Relevant objectives and strategies for this clause are:

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

106. The relevant objectives of this Clause are:

- (a) *To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
- (b) *To maintain the long term viability of activity centres.*

Clause 21.04-3 – Industry, Office and Commercial

107. The relevant objective of this Clause is “*to increase the number and diversity of local employment opportunities*”.

Clause 21.05-1 - Heritage

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

109. Relevant objectives include:

- (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 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

- (vi) *Strategy 14.8 Apply the Development Guidelines for Heritage Places policy at clause 22.02*

Clause 21.05-2 – Urban Design

110. The relevant objectives of this Clause are:

- (a) *To reinforce the existing urban framework of Yarra.*
- (b) *To retain Yarra’s identity as a low-rise urban form with pockets of higher development achieved through the following relevant strategy:*
 - (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:*
 - a. *Significant upper level setbacks*
 - b. *Architectural design excellence*
 - c. *Best practice environmental sustainability objectives in design and construction*
 - d. *High quality restoration and adaptive re-use of heritage buildings*
 - e. *Positive contribution to the enhancement of the public domain*
 - f. *Provision of affordable housing.*
- (c) *To ensure that new development contributes positively to Yarra’s urban fabric.*
- (d) *To enhance the built form character of Yarra’s activity centres.*

Clause 21.05-3 – Built Form Character

111. A relevant objective of this Clause is “*to maintain and strengthen the identified character of each type of identified built form within Yarra*”.

Clause 21.05-4 – Public Environment

112. The relevant objective of this Clause is “*to provide a public environment that encourages community interaction and activity*”.

Clause 21.06 – Transport

113. The relevant objectives of this Clause are:

- (a) *To provide safe and convenient pedestrian and bicycle environments.*
- (b) *To facilitate public transport usage.*
- (c) *To reduce the reliance on the private motor car.*
- (d) *To reduce the impact of traffic.*

Clause 21.07 – Environmentally Sustainable Development

114. The relevant objectives of this Clause are:

- (a) *To promote environmentally sustainable development.*
- (b) *To improve the water quality and flow characteristics of storm water run-off.*

Clause 21.08-8 – North Fitzroy

115. Clause 21.08-8 describes this section of Fitzroy North area in the following way:

- (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.

- (b) *The neighbourhood is largely residential. 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.*
- (c) *Linear Park which is a significant park in this neighbourhood, would benefit from casual surveillance from new development.*
- (d) *The North Fitzroy Village neighbourhood activity centre is a mixed use centre with strong convenience retailing located on St Georges Road. Further north along St Georges Road is the North Fitzroy neighbourhood activity centre. This centre provides a number of specialist business services. Linkages between the two parts of the centre should be improved.*

116. Within Figure 19 of Clause 21.08-8, the subject site is located within a Neighbourhood Activity Centre (as has also been identified in earlier sections).

Relevant Local Policies

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

117. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.
118. The relevant policies with regard to demolition/removal of a building of this clause are:
- (a) *Generally encourage the retention of a building in a heritage place, unless:*
 - (i) *The building is identified as being not contributory*
 - (ii) *The building is identified as a contributory building, and*
 - *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and*
 - *The building does not form part of a group of similar buildings.*
 - (b) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
 - (c) *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.*
119. The relevant policies with regard to alterations and additions of a building of this clause are:
- (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) *Minimise the visibility of new additions by:*
- (i) *Locating ground level additions and any higher elements towards the rear of the site;*
 - (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);*
 - (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3);*
 - (iv) *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*
- (e) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

Clause 22.05 – Interface Uses Policy

120. This policy applies to applications for use or development within the Commercial 1 Zone (amongst others). The relevant objective of this clause is to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

121. It is policy that:

- (a) *New non-residential use and development within Business (now Commercial) and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*
- (b) *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.*

122. Decision guidelines at clause 22.05-6 include:

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

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

Clause 22.09 – Licensed Premises

123. This policy applies to an application under Clause 52.27 – Licenced Premises

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

124. Clause 22.16-3 requires the use of measures to “*improve the quality and reduce the flow of water discharge to waterways*”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Development

125. This policy applies to developments for more than 2 dwellings. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Advertising

126. The originally submitted application was advertised in November 2017 under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 677 letters sent to surrounding owners and occupiers and by 11 signs (four to Best Street, 6 to Scotchmer Street and 1 to Egremont Street). A public information session was also held on the 7th December 2017. At the time Council received up to 529 objections.

127. The grounds of objection are summarised as follows:

- (a) The discontinuance and acquisition of the laneway to facilitate the development should not be supported.
- (b) Demolition of heritage elements / buildings.
- (c) Design and built form (including out of character, heritage, excessive height, bulk and scale and inappropriate materials and finishes).
- (d) Overdevelopment of the site.
- (e) Off-site amenity impacts (including overlooking, overshadowing, loss of daylight, loss of views, impacts on skyline).
- (f) Increase in noise (traffic, people, mechanical plant equipment, loading and unloading etc.).
- (g) Poor internal amenity in terms of lack of diversity of dwelling type and density.
- (h) Car parking, traffic and access, including lack of car parking on site, increased traffic, waste management issues.
- (i) Other (including setting a precedence, no community benefit, reduction in property values, impacts during construction, pressure on existing infrastructure and resources as a result of increased density).

128. In response to objector and Council officer concerns amended plans were submitted pursuant to section 57A of the Act and advertised in June 2019 with 1185 letters (inclusive of those sent to the surrounding property owners/occupiers (same extent as the original

advertising) as well as all objectors). Signs were displayed facing Best and Scotchmer Streets and Egremont Street. A number of objectors made further submissions, with an additional 73 objections being received, bringing the total to 602. Council also received up to 8 supporters.

129. Due to the large number of objections, a planning consultation meeting was not held in the processing of this application.

Referrals

130. The referral comments (with the exception of the original external referral comments from Transport For Victoria relied upon) are based on the decision plans (i.e. the S57A amended plans –advertised June 2019) with the exception of further urban design advice, strategic transport advice and engineering advice in relation to the “Without Prejudice Plans” as a point of reference in the “Officer Assessment” section of this report.

External Referrals

131. The application was referred to the following authority:

(a) Transport for Victoria

132. No objection to the application was received but a condition was requested ensuring minimal transport disruption along St George’s Road. The referral response has been included as an attachment to this report.

Internal Referrals

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

(a) Urban Design (Public realm works / Open space / Streetscapes and Natural Values);
(b) Heritage Advisor;
(c) Engineering Services;
(d) City Works – Waste;
(e) Strategic Transport;
(f) Environmentally Sustainable Development Officer.

134. The application was referred to the following external consultants:

(a) Urban Design (MGS Architects);
(b) Wind Impacts (Mel Consultants Pty. Ltd.); and
(c) Acoustic (SLR Consultants).

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

OFFICER ASSESSMENT

136. The following key issues and policies will be used to frame the assessment of this planning permit application:

(a) Strategic justification;
(b) Land Use;
(c) Liquor License (Packaged);
(d) Built form, Heritage and Urban Design;
(e) Clause 58;
(f) Off-site amenity;
(g) Parking layout, traffic and bicycle parking;

- (h) Other matters; and
- (i) Objector concerns.

Strategic justification

137. There is strong strategic direction to support the redevelopment of the site to provide higher density residential use. Policy at clauses 11, 16, 18 and 21.04 of the Scheme, together with Plan Melbourne, encourage the accumulation of activities and the intensification of development in and around activity centres. The site is located within the C1Z and located within a NAC and is well serviced by public transport and community services. This ensures efficient use of infrastructure and supports Council's preference that established areas experience residual increases in population growth.
138. The C1Z specifically identifies the purpose of the land as an area where higher residential density developments are anticipated, with growth specifically directed to occur within these areas. The dwellings would provide increased housing opportunities consistent with the policy outlined in earlier sections of this report. The site has excellent access to shops, restaurants, community facilities and supermarkets, ensuring that the proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04 of Council's MSS. Further, the provision of the replacement supermarket, bottle shop across the Best and Scotchmer Street interfaces of Building A and provision of small retail tenancies at the ground floors of Townhouses 1-4 of Building B facing Scotchmer Street will activate the streetscape, also consistent with the purpose of the C1Z.
139. Clause 16.01-4 of the Scheme encourages developments to provide for a variety of housing sizes, which this proposal does by adding to the wider spread of dwelling types in the area. The development offers a variety of dwelling sizes, providing one, two and three-bedroom apartments with a variety of open space provisions.
140. The subject site is well connected to public transport infrastructure, given that:
- (a) St Georges Road provides a tram route serving the CBD and the northern suburbs (West Preston);
 - (b) Scotchmer Street (bust stops opposite side to east of St Georges Road), has bus routes serving Melbourne University and Rushall and Clifton Hill Train Stations;
 - (c) the Nicholson Street NAC is located approximately 403m to the east has a tram route serving the CBD and the northern suburbs (East Brunswick);
 - (d) the site is located approximately 800m to the west of Rushall Train Station, serving the CBD and northern suburbs (South Morang Line to Flinders Street Station); and
 - (e) the subject site is located 175m north of Reid Street, which has bus routes, serving the Clifton Hill transport interchange via East Brunswick to Moonee Ponds.
141. It must also be acknowledged that the size of the subject site allows for a more robust development to occur, with the site currently underutilized with regard to this aspect. However more intensive growth, whilst strongly supported by policy, must respond to existing conditions and be tempered to respect the existing neighbourhood and heritage character and the site's relationship with adjoining built form. These factors will be discussed in turn.

Land Use

142. The subject site is zoned Commercial 1, which aims to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses, whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. The encouragement of retail use in the purpose to the zone, combined with the lack of planning permission required for the commercial tenancies (shop inclusive of the supermarket and retail premises also inclusive of the food and drink premise and the ancillary office) under Clause 34.01-1 of the Scheme, means that the commercial use of the

land is actively encouraged on this site. Whilst Council's External Urban Designer has made several recommendations relating to the functionality of the supermarket use, these cannot be adopted, given that the commercial use in itself does not require planning permission.

143. The residential use only requires a planning permit based on the width of the pedestrian entrances that combined, exceed 2m. The 2m frontage requirement is less about the use of the site for dwellings and more about ensuring continuity in retail frontage at ground level within commercial precincts. The façades to Best Street and Scotchmer Street (to the extent of the north-east corner of Townhouse 6) will be entirely devoted to being activated with shopfronts, with the residential entrance located to the Scotchmer Street frontage. The provision of accommodation above active ground floor uses is encouraged within the C1Z and is in keeping with the location of residential uses within traditional commercial areas.
144. The mixed use aspect of the development to Best and Scotchmer Streets suitably activates these interfaces within the commercial zone and provides visual interest to the each building's façade, while also allowing for increased surveillance of the public realm.
145. The residential use must comply with relevant objectives at clause 22.05 of the Scheme, by incorporating measures to minimise the impact of the normal operation of business activities on the reasonable expectation of amenity within the dwellings. This will ensure that the growth of further commercial opportunities within proximity to the new dwellings is not impeded. Based on the appropriate design of the dwellings to ensure this is achieved, the use of the land is considered entirely appropriate in the context and is supported.
146. The fact that all of the uses do not require a permit pursuant to the zone demonstrates compatibility with the zoning of the land which actively encourages these uses. This intention is demonstrated by relevant purposes of the C1Z *to provide for residential uses at densities complementary to the role and scale of the commercial centre and to create vibrant mixed use commercial centre for retail, office, business, entertainment and community use*. Whilst the uses are as of right, Clause 22.05 seeks to ensure both new residential uses are reasonably protected from negative amenity impacts from existing commercial uses and proposed commercial use will not unreasonably impact on existing residential uses.
147. Clause 22.05 further requires new residential developments in activity centres to include design features to minimise the impact of the normal operation of business. In this regard, noise impacts from existing commercial plant and existing taverns in the area are of most relevance. As part of this application, acoustic reports were submitted (Marshall Day Acoustics Pty. Ltd. – original report and AECOM Report forming part of the S57A amended plans) which dealt with traffic, patron and mechanical plant noise measured to standard Sleep Disturbance criterion.
148. Council's acoustic engineers were satisfied with proposed treatments in relation to patron, traffic and plant noise subject to the following conditions being imposed:
 - (a) A revised acoustic report to provide details in relation to the sensitive receivers of some of the commercial properties to the north of Scotchmer Street.
 - (b) Further details conducted at the façade of the building to determine compliance with the State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) with regard to background noise levels between the supermarket and dwellings.
 - (c) Compliance with SEPP N-1 relating to delivery truck noise.
 - (d) The loudest hours of the day and night periods to not exceed targets of 45dBA Leq, 1 hour in the living rooms and 40 dBA Leq, 1 hour in bedrooms between 10pm and 7am.
 - (e) Full façade specifications for windows and lightweight non-vision elements.
 - (f) Rw ratings for any loading dock or car park entrance gates that require acoustic performance.

- (g) Acoustic ratings and recommended construction for building elements required to control noise from the loading dock, supermarket (including BOH), café and the like.
 - (h) Sufficient information for any vibration isolation required on the project to ensure that the building / developer can make appropriate height and structural allowances for the necessary works.
149. Further people moving to this area would be very aware of the outdoor noise impacts from mechanical plant, trams, traffic, music and patrons and would not expect outdoor balconies to be a quiet environment. These improvements will also have the benefit for further limiting other external noise impacts such as traffic and patron noise of surrounding venues, including of that of the café at property No. 100 Scotchmer Street and the Parkview Hotel. Subject to a condition to this effect, it is considered the proposed dwellings will be adequately treated against external noise sources.
150. A separate condition will also require noise emissions from any associated plant and equipment, to achieve compliance with SEPP N-1 for any plant, air-conditioning etc.; with further conditions as provided by SLR Consulting Australia Pty. Ltd. as outlined in their advice, further requiring an updated report with the items listed earlier.

Liquor License – Packaged (with particular regard to Clauses 52.27 – Licensed Premises and 22.09 – Licensed Premises Policy of the Scheme)

151. The subject site is within a C1Z and more specifically within a NAC. The licensed bottle shop will replace the existing bottle shop, consistent with the theme of the area which includes shops, cafes and restaurants.
152. The proposal would continue to provide a service to both residents and visitors wanting to purchase alcohol prior to visiting local residents or a food and drinks premises in the area with a BYO, and or include this as part of day-to-day supermarket shopping. The proposal will add to the multi-purpose visits to the activity centre and is consistent with this strategic direction. Further to this, considering that the site is surrounded by a commercial zone, there is strong policy support for the bottle shop to continue to be located here. No planning permit is required for the use as this is where policy directs such uses to be located.

Clause 52.27 - Licensed Premises

153. The decision guidelines at Clause 52.27 of the Scheme, include the consideration of the impact of the sale or consumption of liquor on the amenity of the surrounding area, the impact of the hours of operation and number of patrons on the amenity of the surrounding area and the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
154. Most of the above considerations will be taken into account in the assessment of the proposal against Council's local licensed premises policy (Clause 22.09) which provides a local perspective to the ambitions of the planning policy within the State Planning Policy Framework.
155. In addition to the above, it is necessary to give consideration to potential cumulative impacts associated with the proposed amendment to the liquor license. The "Corner Hotel" decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides a potential assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.
156. Since the "Corner Hotel" decision Council has developed an assessment tool to determine the likelihood of cumulative impact occurring as a result of a proposal based on risk factors

associated with the type of premises, size of premises and closing hours of the premises, to help determine what level of assessment is appropriate, as follows:

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

- 157. The application is proposing a liquor license associated with a bottle shop. The maximum closing time is 11.00pm from Monday to Sunday. Applying the matrix table, the proposal has a risk assessment of 0. Therefore a full assessment against cumulative impact is not warranted.
- 158. The proposed sale and consumption of liquor is appropriately located within a C1Z, and there will be limited impact on the amenity of the surrounding area given that liquor will not be consumed on site.
- 159. There is no evidence to suggest that the proposal will contribute to any adverse wide-scale off-site amenity impacts.

Clause 22.09 – Licensed Premises Policy

- 160. Clause 22.09 (Licensed premises policy) of the Scheme is Council’s local policy to guide the assessment of new or extended licensed premises within the municipality. It contains six key elements that will be considered in turn:

Amenity impacts

- 161. It is considered that there is no potential for cumulative impact given that the bottle shop will be replacing an existing bottle shop. There is insufficient evidence to support that the proposal will contribute to wide-scale amenity impacts, particularly as all customers will remain at the front portion of the building facing Best Street (as per the existing condition),

and will be separated from the closest dwellings to the west, facing Egremont Street, by built form (i.e. being the hard-edged walls proposed that would enclose this bottle shop to the west) and a laneway. These areas provide a reasonable buffer from potential amenity impacts which could arise through provision of a bottle shop in a NAC context.

Location and Access

162. The bottle shop use and licensed area is within a C1Z which complies with policy at Clause 22.09-3 of the Scheme, with the nearest residential area being on the opposite side of the laneway, immediately west of the Best Street parcels and south of the Scotchmer Street parcels. The proposal's location complies with this policy. Also, the bottle shop will be open during the day and will close at 11.00pm complying with policy.
163. Further considering the policy within this clause, all patron ingress and egress from the premises will be from Best Street. This ensures that any potential noise impacts associated with people entering and exiting the premises are removed from the closest residential properties facing Egremont Street.

Hours of operation

164. The proposed operating hours of the bottle shop are 7:00am – 11:00pm, 7 days a week. A closing time of 11pm meets the requirements of licensed premises within 30m of a residential area within Clause 22.09-3.2 of the Scheme and is therefore acceptable. Furthermore, the proposed licensed area will be within the confines of the building. As there will be no consumption of alcohol on this site, this will ensure a buffer from potential amenity impacts (including noise) and follows policy at Clause 22.09-3 of the Scheme.
165. As the proposal relates to a bottle shop, a number of the clauses within Clause 22.09 do not apply such as patron numbers and noise as people will not be spending great amounts of time within the premises nor will they be drinking on-site.

Built form, Heritage and Urban design

166. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (*Built Environment and Heritage*), Clause 21.05 (*Built Form*), Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay*) and Clause 43.02 (*Design and Development Overlay Schedule 17*) of the Scheme. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings. This assessment will also consider the building design response to ESD considerations with applicable policy Clause 22.16 (*Stormwater Management*), Clause 22.17 (*Environmentally Sustainable Development*).

Context

167. More broadly, the existing character of the surrounding area is somewhat varied, but the majority of built form immediately surrounding the site is at a lower scale, being single and double storey with existing surrounding buildings to the south of the site fronting Egremont Street, Best Street and St Georges Road graded "Contributory" to the heritage precinct.

Demolition and heritage

168. Clause 22.02-5.1 of the Scheme generally discourages the full demolition of a building unless the building is not contributory. As identified earlier, the only buildings intended to be demolished in full are those with a "Not Contributory" grading being property No's 35 and 37-45 Best Street and to this extent, the proposal is acceptable and supported by heritage

policy, including Council's Heritage Advisor. The decision plans intend to maintain and incorporate the original facades of the buildings at property No's. 102 to 114 Scotchmer Street (with the exception of the demolition of the ground level unoriginal facades at property No's. 110 – 114 Scotchmer Street), 27-29 Best Street and 31-33 Best Street, and to this extent is considered to respect the grading (having noted that the buildings at property No. 27 – 29 Best Street are not included in Appendix 8, and irrespective of this, their facades are being kept).

169. The proposal's design response is distinguishable from the heritage fabric of the retained buildings and surrounding identified buildings with heritage significance and has considered the context of the heritage place as required by policy at Clause 22.02-5.7.1 of the Scheme.
170. Building B will adequately re-use heritage fabric with the provision of new shop-fronts installed within the building frameworks of the facades at property No's. 110 to 114 Scotchmer Street (i.e. the row of north-facing terraces) that will further activate the Scotchmer Street interface. At longer range views Buildings A and B will have the appearance of apartment buildings, with the new sections distinguishable from original heritage fabric which is compliant with policy at Clause 22.02-5.7.1 of the Scheme.
171. The S57A amended plans have also addressed Council's Heritage Advisor's original recommendations as detailed within page 8 of the attached report. The request for detailed drawings demonstrating the retention of walls of heritage buildings to scale of 1:20 or 1:50, and materials schedule to clarify use of timber will be addressed by way of condition. The deletion of the vegetated balustrade above the supermarket and replacement of this with a transparent balustrade will not be adopted given that this is an aesthetic element that is considered to positively contribute to the design of the building in providing some vegetation intended to "green" the building.

New Built Form

172. The proposal is generally considered to be consistent with all relevant built form and decision guidelines subject to some design changes. The proposal is considered to be an appropriate response to the site's strategic context and heritage police and makes efficient use of an extensively large parcel of land. Strategically, the subject site is appropriately located for a higher-density development, being located in a NAC, within a commercial zone, has excellent access to public transport, services and facilities and with limited sensitive, residential interfaces being the dwellings to the south of Building B and opposite side of the laneway, west of Building B, facing Egremont Street.
173. However, the height of the proposed development at seven storeys (i.e. Building A) does not adequately respond to the surrounding context which includes buildings at one and two-storeys. Subject to a reduction in the overall height of the building to six storeys through the deletion of one level (which is a compromised position between that recommended by Council's External Urban Designer's consultant to delete two levels from Building A), the proposal can adequately respond to the context and character and achieve a built form outcome that better responds to the surrounding area. The height of Building B at five-storeys is supported given that this is separated by streets to the north and west and adopts setbacks from the southern boundary of 6.2m to 10.2m as will be discussed in later sections of this assessment. A reduction in height will also bring the development into full compliance with Strategy 17.2 at Clause 21.05-2 – Urban design of the Scheme as will be discussed later in this assessment.

Street walls

174. The surrounding context is single and two storeys with hard-edged built forms to the immediate south, along St Georges Road, and single and double-storey, Victorian-era terraces to the south, along Egremont Street. In this instance, there are no specific controls

in the Scheme or otherwise that provide guidance for an appropriate street wall height for the subject site other than principles highlighted in heritage and urban design policy.

175. The relationship between street width and building height is important for defining the character of a place. Policy in the Scheme aims to ensure that buildings have a human scale at street level which is the practice of measuring and designing things to match the physical and cognitive characteristics of human scale. As such, a relationship between the new built form proposed and those existing must be established through a combination of design elements, including through the retention of existing buildings (as already proposed through the retention of heritage graded buildings) and the creation of street podiums that have a human scale, with the adoption of appropriate upper level setbacks and materials.
176. With the above in mind, Building A will incorporate a double-storey street wall height to both Best and Scotchmer Streets. The surrounding built form context includes street wall heights of one and two storeys and in this regard, the proposal is supported. To the immediate south are single-storey, hard-edged buildings with shop-front windows and given that the proposal involves the retention of the existing facades of buildings at property No's. 27 – 29 Best Street, and 31-33 Best Street (i.e. the building formerly identified as the "J Fisher and Co." motor engineers workshop (constructed in 1926) and graded individually significant), the development will maintain a consistent theme with those existing buildings. The proposed double-storey street walls to both Scotchmer and Best Streets are considered acceptable given that these will be consistent with surrounding street walls.



Figure 19: New Shopfronts to heritage buildings along Scotchmer Street

177. Similarly, Building B is proposed to incorporate the existing facades of buildings at property No's 102-106 to 114 Scotchmer Street (with the exception of the ground floor facades of property No's 110 to 114 that will be replaced with new shopfronts commensurate to their original state as indicated at Figure 19 above) and in this regard, will also maintain the existing theme of single and double-storey hard-edged facades forming part of the character of the area (as is demonstrated at Figure 20).



Figure 20: street walls

Upper level setbacks

- 178. The setbacks at the second floor of both buildings range between 3.8m and 6.87m from the northern boundary (with the exception of the balconies / terraces) of both buildings, between zero and 3.75m to the south of Building A, between 8.47m and 9m to the south of Building B, and between 4m and 23m to the west of Building A. At the third and fourth floors the setbacks to the north range between 3m and 6.42m; to the south the setbacks range between zero and 3.75m to Building A with minimum setbacks of 10.24m to the south of Building B and 11.91m to the west of Building B. The setbacks at the sixth floor of Building A equate to 12.4m to the north (with the exception of terraces extending into this setback associated with Apartments 6.01 and 6.02), 14m to the west, 3.75m to the south, and 10.73m to the east.
- 179. The setbacks are considered to be generous and are considered to adequately emphasise the two-storey podiums. This, combined with a reduced height of Building A from seven to six storeys (bringing this in line with policy at Clause 21.05-2 and further discussed under the following subheading), is considered appropriate to achieve a more visually responsive built form outcome that will not unreasonably dominate the streetscape or more distant views to the subject site. The deletion of a level reducing the overall scale from seven to six storeys will provide a softer transition with Building B of one storey, in lieu of the current design which is a two-storey transition. Building B's interface to Egremont Street and relationship with the dwelling to the south is considered to have been tempered with the zoning of the land while carefully addressing off-site amenity considerations as considered in this report under a separate heading.
- 180. It is acknowledged that even with a six storey building, the building will be visible in more distant views however, future development is anticipated and expected to occur on land zoned C1 and within the NAC, south of the subject site along St Georges Road over time, due to the locational attributes and policy within the PPF and LPPF which is similar to the policy relevant to the subject site. The fact that, if approved, this will be the first taller building developed alongside some single and double-storey built forms, is not in itself a reason to

refuse the application. Furthermore, the Tribunal (*Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004)) has previously stated:

[54] If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.

Height

181. Physically, the subject site provides opportunities in the form of the zoning of the land and its overall size supporting its consideration as a redevelopment site, as well as constraints due to the proximity of nearby dwellings.
182. The proposed development is for a part five and part seven storey building with a maximum height of 27.6m above the natural ground level to the highest point of the lift overrun associated with Building A and 16.8m above the natural ground level to the highest point of the flat roof of Building B. The proposed heights of these buildings are not supported by Council's External Urban Designer who has recommended a reduction of two storeys from Building A and reduction of one storey from Building B resulting in a part four and part five storey building. However, policy at Clause 21.05-2 of the Scheme states that *development on strategic development sites or within activity centres should generally be no more than five to six storeys unless it can be demonstrated that the proposal can achieve specific benefits, such as:*
 - (a) *Significant upper level setbacks.*
 - (b) *Architectural design excellence.*
 - (c) *Best practice environmental sustainability objectives in design and construction.*
 - (d) *High quality restoration and adaptive re-use of heritage buildings.*
 - (e) *Positive contribution to the enhancement of the public domain.*
 - (f) *Provision of affordable housing.*
183. It is accepted that some change can be accepted on this site and it is suggested that the site can accommodate a part five and part six storey building for the following reasons (with regard to the 'specific benefits' listed above):
 - (a) It is clear that the proposed development has significant upper level setbacks which will provide good levels of internal amenity for the majority of the internal spaces further discussed under the Clause 58 assessment. In terms of architectural design excellence, it is considered that the proposal demonstrates an architectural response that can be supported, albeit does not exhibit architectural design excellence that would otherwise deem the height in excess of six storeys supportable.
 - (b) The proposal will also meet Council's environmental sustainability objectives at Clauses 21.07 and 22.17, subject to conditions on any permit issued. This will be discussed later in this report.
 - (c) The proposal will provide for the adaptive re-use of heritage buildings and this is supported by Council's Heritage Advisor (also supportive of the overall building heights). The proposal incorporates active frontages to Best Street / St Georges Road, Egremont and Scotchmer Streets) resulting in a positive contribution to the enhancement of the public realm.
 - (d) Will provide for housing given the density and varied dwelling types.
 - (e) Will be constructed adjacent to hard-edged buildings that combined with the setbacks across the southern interface of Building A will assist in softening the southern mass.

184. It is clear that the subject site is capable of accommodating a taller built form outcome. However, Building A reaches an overall height that is greater than that envisioned in the relevant provisions of Clause 21.05-2 for future development within activity centres because it doesn't exhibit a building of architectural excellence, but rather a building that is modest borrowing elements of surrounding buildings instead. It is therefore considered appropriate to bring the proposal in line with policy through a reduction in the overall height. Therefore, a condition contained within the recommendation section of this report reflects that requirement by deleting the third floor of Building A with a corresponding reduction in height.
185. Deleting the third floor would also reduce the mass of the top-heavy corner element of Building A at the north-east intersection of Best and Scotchmer Streets that is considered to accentuate the height as identified in the yellow box of the image below:



Figure 24: North-east perspective

186. It is considered that the overall design response and presentation of Building A will not dramatically change with the loss of the third floor given that the floor layout above that, is identical. However, this would reduce the overall building height by up to 3.2m, or reduce this to a maximum 24.4m above the natural ground level and further address the corner element by deleting some of the visual mass and therefore provided a better built form outcome.

Street Level Interface

187. At the ground floor, the proposal will activate both Best and Scotchmer Streets by way of adopting commercial uses, inclusive of retail, a supermarket and a bottle shop. The canopy over the Scotchmer and Best Street footpath is considered to enhance the pedestrian scale at the front of Building A and provide genuine protection from rain and wind. This is also comparable to the existing conditions (given that the supermarket and bottle shop are effectively replacement uses).
188. It is considered appropriate to include a condition requiring the submission of a public realm improvement plan prior to the commencement of demolition. This is commensurate with the size of the subject site and impact on three street interfaces, including works potentially associated with the discontinuance of the laneway as discussed earlier in this report, pending that this component is supported (as part of a separate process).

Landmarks and tall structures

189. It is policy that important landmarks, views and vistas be protected or enhanced, or where appropriate, created by new additions to the built form. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the policy direction under clause 22.03-4 of the Scheme. The proposed building would not result in the loss of any significant view lines to heritage buildings and/or landmarks.

Consolidation of Sites and Empty Sites

190. The proposed built form, has to a large extent been encouraged by the policy of the Scheme, on side-by-side allotments able to be consolidated readily identified for commercial use and residential use, and character that contains hard edged buildings to the street.

Light and Shade

191. Due to the north-south orientation of the site the proposed development would result in overshadowing to Egremont Street to the west (including several secluded areas of private open spaces associated with the dwellings fronting onto Egremont Street that will be discussed later in this assessment) and Best Street / St Georges Road to the east.
192. It is also considered that the shadowing from the development would not affect the usability of the public realm and the amount is considered to be reasonable within this context. This is also comparable to the existing conditions with the additional shadow primarily cast over the road reserve and not the footpath on the opposite side of Egremont Street, east side of Best Street and west and east sides of St Georges Road.

Site Coverage

193. The proposal occupies approximately 96% of the site area, resulting in a higher level of site coverage from that existing.
194. While this may be the case, high site coverage is considered to be appropriate and consistent with the commercial character of the wider area that also accommodates hard-edged built form with little or no areas of open space or landscaping.

Architectural quality

195. The proposal utilises a range of materials, many of which are reflective of the surrounding context to successfully create a vertical segmentation of the building across the wide frontages to Best and Scotchmer Streets whilst breaking down the visual mass of the building with a combination of setbacks including separations (indents) to reflect multiple building sections across the face of the building. This is further accentuated by all facades articulated through the punctuated fenestration and activities at the upper levels with terraces and balconies.
196. The development incorporates a palette of materials which are a more modern reflection of material found in the surrounding context that would differentiate the new development from existing heritage fabric. The lower levels (i.e. ground and first) of Building A are proposed to be finished in mosaic terracotta tiles and breezeblocks with the upper levels finished in masonry and breezeblock patterned concrete. The lower levels of Building B will incorporate the retained portions of building with the new levels / walls constructed of coloured backed glass, metal plates and terracotta coloured screens, and clear glazing.
197. Overall it is considered that the proposed development would achieve a good level of architectural quality. The proposal would significantly contribute to and improve the streetscape through active frontages and use of good quality materials that combined with the retention of existing heritage facades, renewal of the Scotchmer Street ground level frontages at property No's 110 to 114, and reduction of the height of Building A, will provide a more contextual development.

Laneway Interface

198. The northern-most portion of the laneway, sandwiched between the Piedimonte's supermarket and property No. 114 Scotchmer Street will be impacted given that the development relies on this for vehicle access from Scotchmer Street into the car park within the basement levels. This laneway is currently used by pedestrians and vehicles, loading and unloading of goods associated with the Piedimonte's Supermarket within the north-west setback of this site.
199. Clause 22.07 of the Scheme aims to maintain the unique character of laneways and ensure that development abutting laneways respect the scale of surrounding built form. This assessment is based on the current proposal with the understanding that the planning application and the proposed lane closure sought by the applicant are two separate processes under different legislation, as discussed in earlier sections of this report.
200. With the above in mind and with regard to the anticipated revised laneway layout as a consequence of this proposal, Building A presents a two-and-a-half-storey wall across the laneway interface before setting back a minimum distance of 11.91m at the upper levels (level three and above). The wall measures 8.6m in height, and whilst this will extend for a significant length, it is separated from the secluded areas of private open spaces of dwellings fronting onto Egremont Street as a result of the proposed expanded laneway.
201. The western interface to the existing laneway was considered by Council's External Urban Designer who requested that the south-west corner of Building A (to the extent of the ancillary office) be setback 3m from the western boundary at the first floor to allow for the provision of windows. This is considered to provide a better response to the laneway, whilst addressing some of the visual mass (noting that the southern property to Building A is zoned C1) immediately imposed on the property to the south and will be addressed with a condition.
202. Another request by Council's External Urban Designer related to the deletion of the mid-blocks at the second and fourth floors to reduce the continuous visual mass of these levels as seen from western hinterland and to further reduce the length of corridors. However, it is considered that the deletion of one level combined with the proposed setbacks go far enough to address visual bulk concerns to the west. In response to the length of the corridor, it is highlighted that whilst long, these are passages and not habitable areas.
203. The wall is punctuated with a number of openings at ground floor encouraging use of the laneway by staff of the bottle shop and does not contain any windows at the first floor with a western outlook other than those sought by condition for the ancillary office area. Council's External Urban Designer's advice in relation to indenting openings to prevent doors from swinging into the laneway will not be adopted as the S57A Amended plans do not show any doors swinging into the laneway. Doors are shown as swinging into the subject site.
204. Several apartments on the second floor have west-facing terraces, however these are setback a minimum 5.9m from the western boundary, that combined with the width of the laneway (i.e. approximately 3m) are separated by a dimension of 9m (or thereabouts) from the closest secluded area of private open space of dwellings to the west of the laneway and hence will not result in any unreasonable overlooking. For clarity, a condition will require all separation distances / dimensions between the second floor terraces of apartments associated with Building A and secluded areas of private open spaces of dwellings opposite to be shown with a minimum 9m separation distance annotated, or to be screened as discussed in the overlooking section of this assessment. The levels above the second floor have a minimum setback of 11.91m from the western boundary and are not required to be screened.
205. A new laneway created to the south of Building B would provide a separation distance of 6.2m from property No. 36 Egremont Street along the full length of Townhouse 5, before setting back to 9m at the first floor and 11.27m at the second through to the fourth floors, with the exception of second floor balconies associated with Townhouse 1 to 4 that will encroach

into the latter setback. These balconies may provide overlooking opportunities and similarly to Building A, a condition will require all separation distances / dimensions between the second floor balconies of apartments associated with Building B and secluded areas of private open spaces of dwellings opposite to be shown with a minimum 9m separation distance annotated or screened. In terms of the appearance of Building B, this has been adequately broken down across the anticipated laneway interface with a combination of materials, setbacks, and a good solid to void ratio.

206. On this basis, it is considered that from a design aspect, the laneway interfaces of the development can be supported.

Clause 58

Standard D1 – Urban context

207. The purpose of this standard is to ensure that the design responds to the existing urban context and contributes to a preferred future development of the area, while also responding to the features of the site and the surrounding built form. This aspect has been discussed in detail earlier within this assessment and given the recommendation that one level be removed (resulting in a part five-storey and part six-storey building), this Standard is considered to be met.

Standard D2 – Residential Policies

208. As outlined within the Strategic Policy section of this report, the proposed development has strong policy support under the purpose of the C1Z and local policies of the Scheme. The site can clearly support a reasonable degree of higher density residential development, based on its proximity to public transport, community infrastructure and services. The Standard is met.

Standard D3 – Dwelling diversity

209. The provision of a diverse housing stock assists in achieving broader strategic goals by promoting housing choice, adaptability and encouraging a diverse range of people within a neighbourhood, including families. The proposed mix of dwelling sizes allows for a reasonable variety of dwellings to be provided and ensures that the Standard is met.

Standard D4 - Infrastructure

210. The proposal is located within an existing commercial and residential area with established utility services and infrastructure. There is no evidence to suggest that the proposed development would impact on the operation of these existing services and therefore the purpose of the Standard is considered to be met.

Standard D5 – Integration with the street

211. The developments integration with the surrounding area has been discussed in earlier sections of this report where it is considered that, the proposed development would integrate with the surrounding context given the retention and incorporation of heritage graded buildings and ground floor commercial uses, including the condition deleting one level from Building A, reducing this to six storeys.

Standard D6 – Energy efficiency

212. The orientation of the subject site, with three abutting street frontages, dictates that proposed dwellings would be orientated to face north, west and east with most achieving ample

daylight opportunities with some balconies orientated north, providing excellent solar access. All dwellings have good access to natural ventilation, with some dwellings afforded with exterior shutters to manage solar heat gain if required.

213. The development incorporates a number of positive ESD outcomes into its design, as follows:

- (a) A BESS Score of 70%.
- (b) Preliminary NatHERS rating of 7 star average thermal performance rating.
- (c) A 30 KWp Rooftop PV system on the roof.
- (d) Provision of 35,000L rain water tank for toilet flushing achieving a STORM Rating of 100%.
- (e) Car stacking system with EV charging capacity.
- (f) Provision of a minimum of 138 bicycle parking spaces onsite with end-of-trip facilities.
- (g) 216sq.m. of communal open space on the roof top of Building A.

214. With regards to internal daylight, Council's External Urban Designer raised concerns (amongst other concerns relating to the dwelling layouts that are subject to the requirements of this assessment) with regard to the length of corridors relying on daylighting at right angle ends nearly 80m apart. Council's ESD Advisor didn't raise any concerns relating to this aspect. More importantly is that the dwellings would receive a good level of daylight amenity because of their orientation and location of windows. Council's ESD advisor raised concerns with regard to ventilation and the lack of shading across the western elevation and noted the following outstanding information:

- (a) *A greater range of apartments are required to be modelled, at least a further 4 apartments of varying locations on the building. Apartments 5.07 should be included in the assessment.*
- (b) *Due to the scale of the retail, a preliminary JV3 model or equivalent is required to demonstrate how the 10% improvement will be achieved.*
- (c) *Further information is required on how the HVAC for the retail component will be serviced.*
- (d) *Provide a Green Travel Plan with performance targets and monitoring and reporting components included. Condition only.*
- (e) *Please include planter boxes on TP drawings.*
- (f) *More information is required on how the green wall elements will be irrigated and maintained.*
- (g) *A statement demonstrating how the proposed design contributes to reduction in urban heat is required.*

215. Further to this, a number of ESD improvement opportunities were highlighted; it is noted that these are not explicit requirements, instead they are recommendations that could be integrated into the development if possible. These include the following:

- (a) *Consider recycled content in concrete.*
- (b) *Consider a small pallet of materials and construction techniques that can assist in disassembly.*
- (c) *Consider pipes, cabling, flooring do not contain PVC or meeting best practice guidelines for PVC.*
- (d) *Consider providing additional charging stations or wiring for future.*
- (e) *Consider organics collections service rather than food digester. These are extremely high energy using devices.*
- (f) *Consider head contractor to be accredited.*
- (g) *Consider that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.*

216. The permit applicant, in their response within the “Without Prejudice” documents, included a memo from GIW Environmental Solutions (dated 26 November 2019) that responded and made a commitment to include these. With this in mind, a condition requiring an updated report for endorsement requiring these items to be addressed will be included.

Standard D7 – Communal open space

217. Communal open space is provided on the roof in accordance within this standard that requires a minimum 165sq.m. (i.e. 2.5sq.m. x 66 dwellings). This requirement will be lessened given the deletion of the third level of Building A, and consequent reduction in the total number of dwellings, however a condition on permit will not require a shrinking of the communal open space area.

Standard D8 – Solar access to communal open space

218. The communal area is located on the roof of Building A and would receive excellent levels of solar access in accordance with this standard.

Standard D9 – Safety

219. This standard encourages that pedestrian entrances are not isolated or obscured from the street. In compliance, the residential entrances of Building A and of the townhouses associated with Building B will be clearly visible from Scotchmer and Egremont Streets, including the entrance at the south-east corner of Building A accessed from Best Street.

Standard D10 – Landscaping

220. Given the C1Z of the land and location within the NAC, on site landscaping and vegetation does not form a significant characteristic of commercial buildings along Best Street. Similarly the boundary-to-boundary construction and row of terraces to Scotchmer Street restricts landscaping.

221. However, the development has made an attempt to “green” the building with the provision of planter boxes to terraces / balconies of several dwellings and public planters across the streetscape interface to green the eaves of the canopy in front of Building B. Council’s Open Space Unit reviewed this information, raised several concerns with the species proposed and requested that the landscape plans be amended to include the following:

- (a) *Detailed planting plan showing locations of proposed plants, quantities, mature sizes and numbers specified.*
- (b) *Information around any proposed mulch layer, ensuring the material is suitably weighted on the higher levels and tolerant to potential high wind events.*
- (c) *Information on maintenance and management to ensure the proposed landscape vision can be achieved and maintained over time.*
- (d) *I would like information on the level 2 plan, what is the element proposed adjacent to the laneway? I cannot find details about this on the architectural plans either?*

222. A condition will be included requiring this detail and more specifically will be required to allow for a full assessment. In particular, trees and planter sizes would need to be assessed by Council’s Arborists and a Planting Plan & Schedule, to include the following information (as per the worded condition included):

- (a) A plant schedule with botanical name, common name, mature height, and spread, installation size, planting spacing’s, locations and quantities;
- (b) A legend containing key features and materials;
- (c) Proposed levels including top of walls;
- (d) Details of any raised planter beds including height, width and materials;

- (e) Information on irrigation and drainage systems; and
- (f) Notes on the maintenance schedule, tasks and maintenance period.

223. Also required would be specific details for the vegetable garden / design, such as:

- (a) The type of mulch layer proposed (something that won't blow away);
- (b) Growing media – suitable for roof top gardens;
- (c) Filter media;
- (d) Irrigation method / stormwater inlet;
- (e) Drainage system;, and
- (f) Root barrier / water proofing layer.

224. As the level of landscaping proposed is supported by Planning Officers and will provide a safe, attractive and functional environment for future residents, the additional information is considered necessary to ensure that it can be achieved and maintained appropriately. On this basis, if a permit is issued, the above information can be required as part of the Landscape Plan via conditions.

Standard D11 – Access

225. This standard encourages the number and design of vehicle crossovers to respect the character of the area through minimising the width of crossover to a maximum of 33% of the frontage. The crossover is 10.8m in width along the 44m (approx.) wide Scotchmer Street frontage and complies with the standard given that this equates to approximately 32%.

Standard D12 – Parking location

226. An objective of the Standard is to protect residents from vehicular noise within developments.

227. To ensure that adequate noise levels and internal amenity to these dwellings is achieved, as discussed in an earlier section, the updated acoustic report addressing all facets of noise levels will be included as a condition. This report will include mitigation measures to alleviate unreasonable noise impacts from the basement car park to surrounding habitable rooms (within regard to existing and proposed dwellings).

Standard D13 – Integrated water and stormwater management

228. The application proposes the installation of a 35,000L rainwater tank which would be connected to toilets and irrigation, thereby achieving a STORM rating of 100%.

229. Decision guidelines of this Standard encourage the use of alternative water sources such as rainwater, stormwater and recycled water, and encourage proposals to facilitate stormwater collection, utilisation and infiltration within the development. Further, buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. The proposed development incorporates these provisions into its design, thereby meeting this Standard and Clause 22.16 of the Scheme.

Standard D14 – Building setbacks

230. This Standard seeks to ensure that building setbacks respond to the surrounding context of the site, and allow adequate internal and off-site amenity to be achieved. The removal of one level via a permit condition will alter the existing setbacks provided, resulting in improvements to the built form outcome along Best Street and St Georges Road and the proposal's integration with the surrounding neighbourhood character.

231. Adequate outlooks for each dwelling are provided. Individual internal layouts of each dwelling will be discussed in detail later within this assessment.

232. The setbacks provided at each level, inhibit any unreasonable overlooking to adjacent residential land and further conditions will confirm a minimum separation distance of 9m to the edges of upper level balconies to be annotated on the plans. This aspect of the proposal will also be discussed in more detail within the 'Off-site amenity' section of this report, however in this respect, the Standard is met.

Standard D15 – Internal views

233. The arrangements of the terraces at the second floor and balconies at the fifth and sixth floors indicate that there are some evident internal overlooking opportunities. To address these, the development has included breezeblocks with a maximum 25% transparency.

Standard D16 – Noise impacts

234. This Standard aims to contain noise sources in developments that may affect existing dwellings, whilst protecting residents from any external and internal noise sources. In this instance, the proposed development would not be located in proximity to any noise generating areas as listed under Table D3 of this Standard, however the site is located opposite St Georges Road resulting in the potential for east-facing dwellings to be unreasonably affected by traffic and tram noise along this busy thoroughfare. Subject to the condition outlined earlier requiring specific noise targets are met within the habitable areas, this is considered to satisfactorily address this item.

Standard D17 – Accessibility objective

235. All of the dwellings comply with this Standard; this has been adequately demonstrated on the updated floor plans titled BADS assessment, forming part of the "Without Prejudice" plans received by Council on 15th January 2020. A condition will be added to ensure that these plans are included and continue to be met once the redesigned development (consequential to the deletion of one level) has been undertaken.

Standard D18 – Building entry and circulation

236. The proposed residential lobbies to Scotchmer and Best Streets would be readily identifiable. The main lobbies would be sufficiently dimensioned with minimum widths of 3.43m to service residents coming and going to a development of this scale, and are in line with the objectives under this Standard. Council's External Urban Designer has recommended the widening of the lobby to the west of the lift facing Egremont Street within Building B to 2.1m and a condition will address this.

Standard D19 – Private open space

237. The Standard notes that 1-bedroom and 2-bedroom dwellings should be provided with secluded private open space of 8sqm, with a minimum width of 1.8m and 2m, respectively with this increasing to 12sqm and 2.4m respectively for dwellings with three bedrooms or more. In all dwellings these requirements are met.

Standard D20 – Storage

238. It is anticipated that each dwelling would meet the requirement of this Standard.
239. Whilst it can be confirmed that the internal storage areas on the updated floor plans titled BADS assessment, forming part of the "Without Prejudice" plans, comply with the minimum storage requirements internally to each dwelling, it is difficult to read to storage capacity provided within the basement. As such, a condition will require the storage volumes to be clearly shown with full compliance to be demonstrated in accordance with this standard.

Standard D21 – Common property

240. The common property areas within the development are clearly delineated and would not create areas which were difficult to maintain into the future. The residential lobby and lift access areas are well conceived, with the refuse and bicycle storage rooms easy to access and generally cohesive with the overall building design. The Standard is met.

Standard D22 – Site services

241. Site services and meters would be located within the rear wall of Building A, addressing the laneway, with additional services internal to each building and readily accessible from the lobbies.

Standard D23 – Waste and recycling

242. Refuse rooms are provided within the Basement 01 and 02 levels and are easily accessible. The Waste Management Plan (WMP) prepared by Leigh Design and dated 19 December 2018 was referred to Council's City Works Branch, who indicated that this was satisfactory. However, a condition will require this to be update to reflect the deletion of one level given that this will reduce the number of dwellings, and hence volume of waste. This condition will also require provision of organic waste collection.

Standard D24 – Functional layout

Bedrooms

243. The proposed development is fully compliant with the bedroom dimensions required under this Standard. In some instances, these dimensions are exceeded, given the angular, irregular layout of some rooms. The internal amenity of these rooms is supported.

Living areas

244. The proposed development is fully compliant with the living area dimensions required under this Standard. The internal amenity of these rooms is supported.

Standard D25 – Room depth

245. The floor to ceiling heights to habitable rooms is 2.7m and this is confirmed in the BADS assessment matrix that was provided with the "Without Prejudice" plans received by Council on 15th January 2020, including sections emailed to Council 05th March 2020. A condition will require this detail to be shown on the plans. In compliance with this standard, all of the living areas are compliant with the 9m depth dimension.

Standard D26 – Windows

246. All habitable rooms within the proposed development contain a window within an external wall to the building, thereby meeting the Standard. Fifteen bedrooms rely on a 'snorkel' arrangement however in all instances these areas have widths of a minimum 1.2m and depths of 1.5m (or less), ensuring that the Standard is met.

Standard D27 – Natural ventilation

247. A sound degree of natural ventilation is provided for most dwellings, with cross-ventilation opportunities provided within the living rooms of the larger apartments, and breeze paths also providing good cross-ventilation between habitable rooms of the smaller dwellings. The BADS matrix table submitted with the "Without Prejudice" plans indicates that at least 28

dwellings will meet the standard which equates to 42.4% of the total of 66. On this basis, the Standard is met.

Clause 58 summary

248. The development as currently proposed achieves a good level of compliance with these provisions, subject to further work to incorporate all measures in the updated floor plans titled 'BADS assessment', forming part of the "Without Prejudice" plans. Given the deletion of a level, a further condition can be added to any permit issued specifying that the amended layout of dwellings required as a consequence of the reduction in height of Building B must continue to meet all relevant Clause 58 Standards, with regards to accessibility, storage, secluded private open space, daylight, ventilation and functionality. This will also address some of the concerns raised by Council's External Urban Design consultant relating to the functionality of the apartments.
249. The recommendation by Council's External Urban Designer to delete bedrooms from apartment types B and C to facilitate movement for at least 6 occupants will not be adopted given compliance with BADS.

Off-site amenity

250. Having regard to amenity impacts on nearby existing residences, policy within clause 22.05 acknowledges that in order to maintain the viability of industrial and business areas, residences which abut business areas should not have unrealistic expectations of the level of amenity which can be achieved, however as the development in effect proposes a full redevelopment of the site, the development should be respectful of its surrounding context.

Setbacks and visual bulk

251. The proposed development would be visible from various points and as outlined earlier within this report, the proposed height of seven-storeys of Building A is not supported. Whilst this is the case, it cannot be argued that the building would impose unreasonable visual bulk or mass to surrounding secluded areas of private open spaces given the upper level setbacks proposed.
252. Building A, to the west whilst developed to the shared boundary at the ground and first floors would be separated by the existing laneway and would be setback a minimum distance of 11.91m at the upper levels as shown in Figure 25.

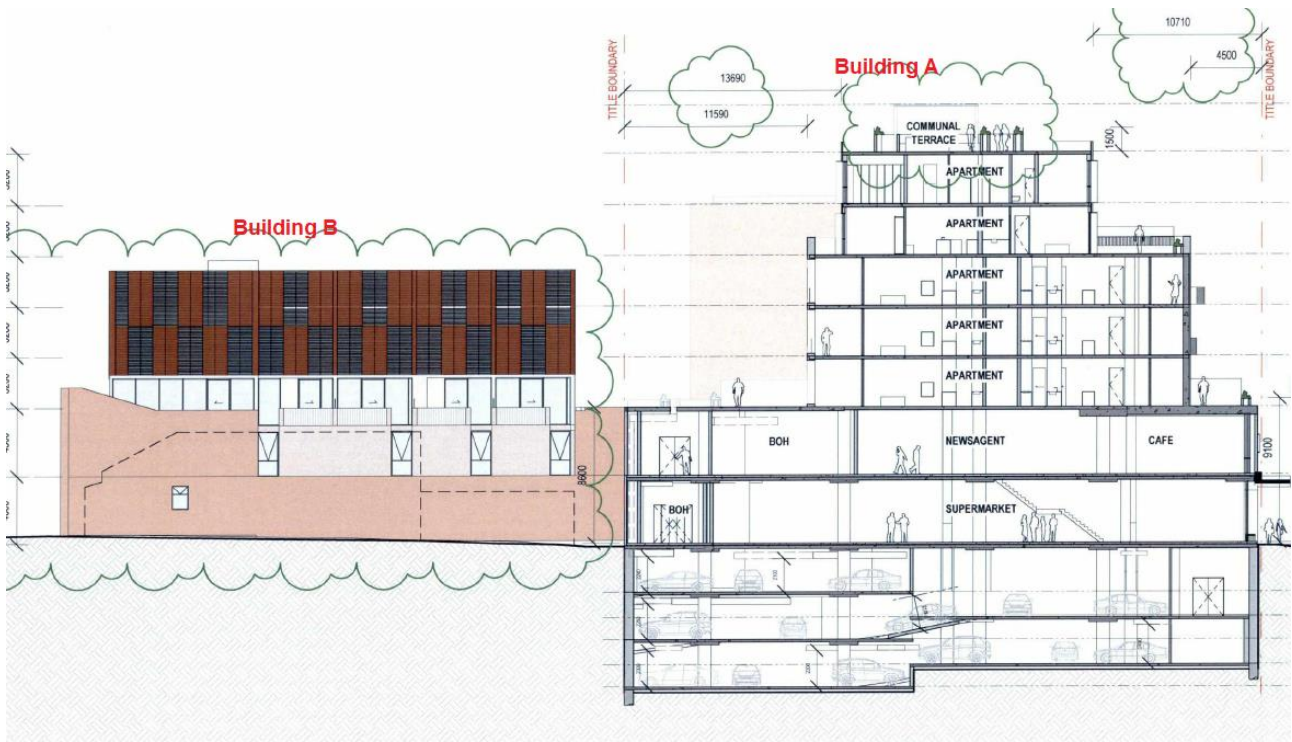


Figure 25: South side of Building B and Section CC (South-north) of Building A

253. Building B would provide a separation distance of 6m from property No. 36 Egremont Street along the full length of Townhouse 5 (i.e. length of 12.48m), before setting back to 9m at the second floor and providing a minimum setback of 10.2m at the second through to the fourth floors as per the following figure:

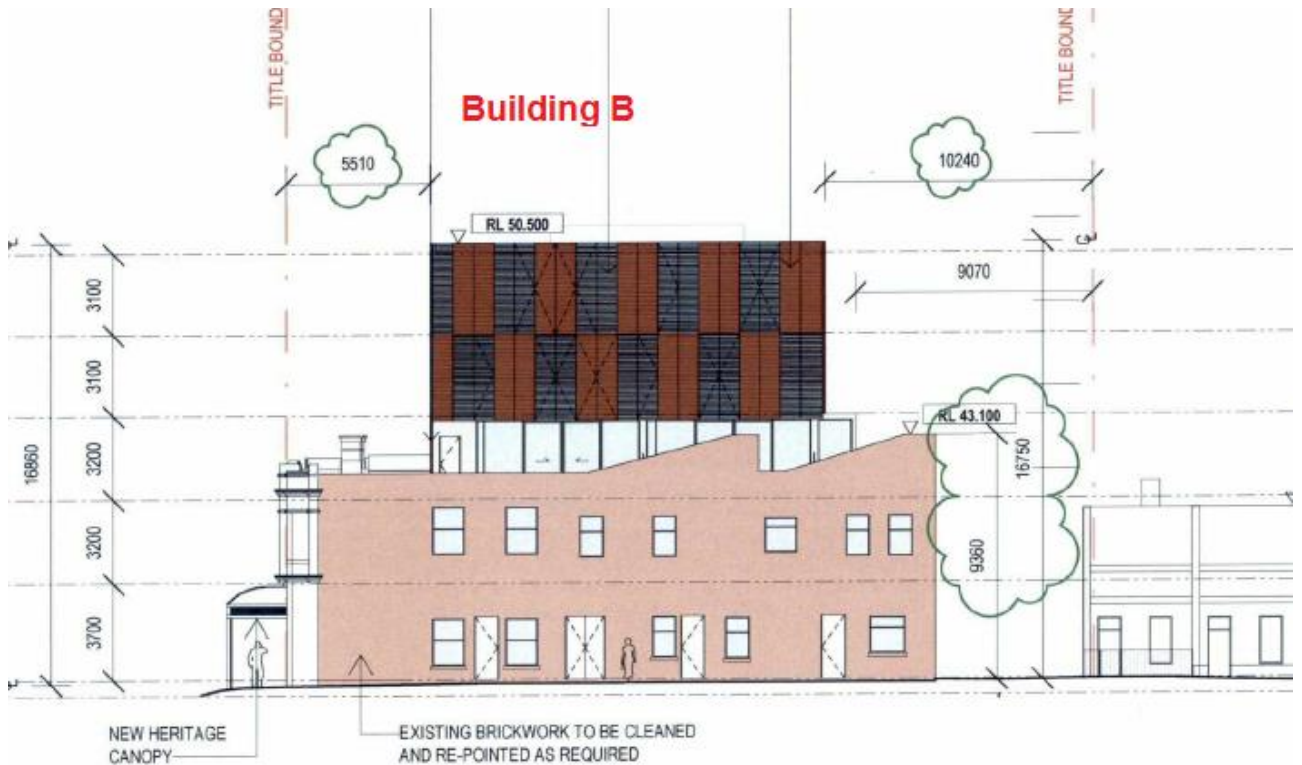


Figure 26: Western elevation of Building B

254. The walls at the second floor beyond Townhouse 5 and 6 would have a greater separation distance from property No. 36 Egremont Street in the order of 11.27m (with the exception of second floor balconies associated with Townhouse 1 to 4 that will encroach into this setback). The section at Figure 27 below identifies the setbacks as measured to the title boundary to the south of Building B that has a kink due to the short length of laneway that extends west of the principal laneway.

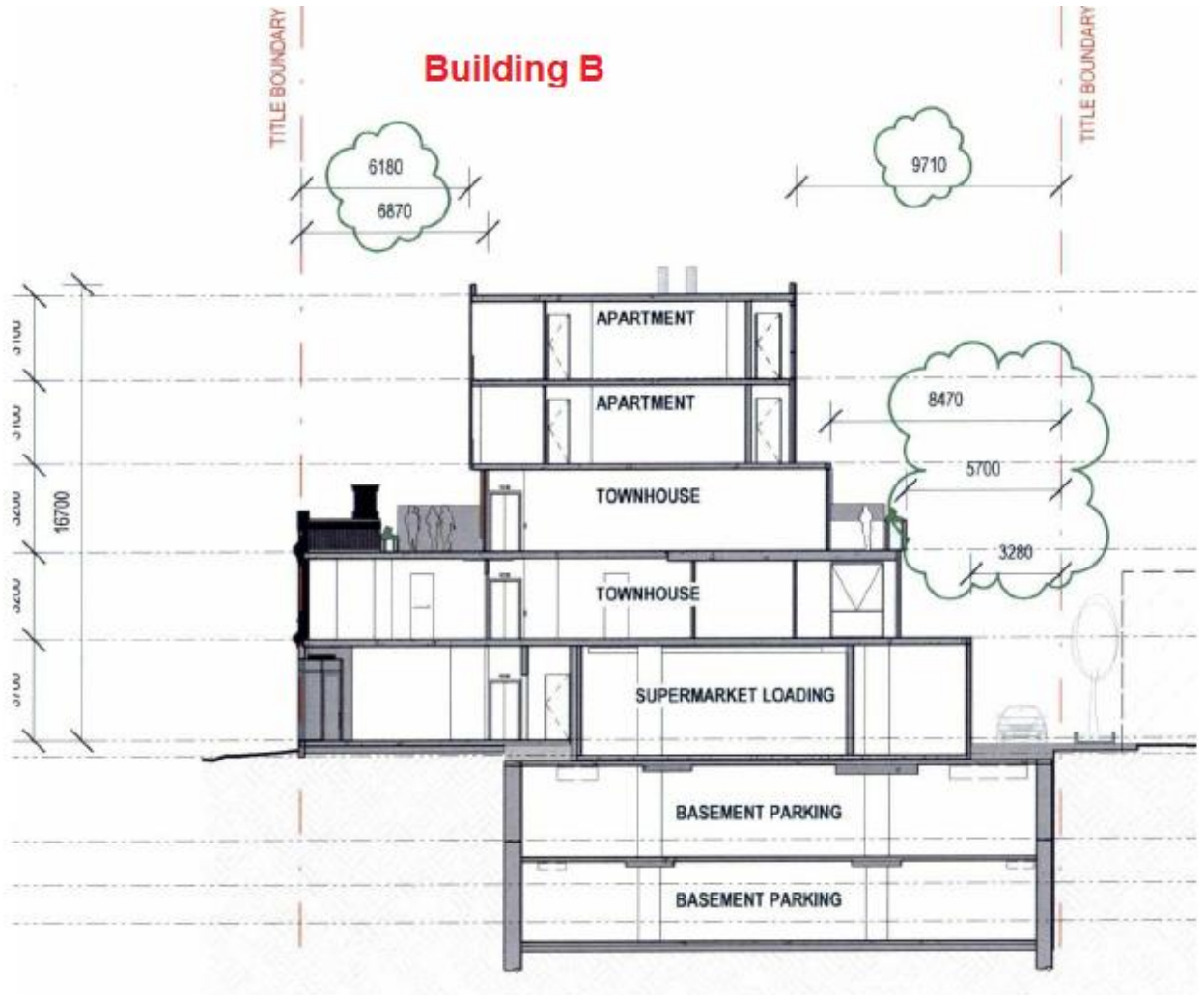


Figure 27: Sectional drawing (west-east) of Building B

255. The setbacks combined with the articulation of these elevations are considered to ameliorate any concerns in relation to visual mass and provide generous separation distances from surrounding secluded areas of private open space.

Daylight to windows

256. The proposal has responded to the surrounding context by providing generous upper level setbacks to the west of Building A and south of Building B, thereby ensuring that there is no impact on the daylight received of east-facing habitable room windows associated with dwellings fronting onto Egremont Street. Using Standard B19 at Clause 55.04-3 (Daylight to existing windows) of the Scheme as a guide (noting that this is not applicable to this development) would also indicate that compliance with this objective and standard is achieved (i.e. the upper walls of Building A have a separation distance in excess of 12.3m or 50% of the total height of walls).

257. Property No. 36 Egremont Street has a north facing window that is with a first floor bedroom towards the rear. The walls associated with Building B, where located opposite this window

(whilst at the first floor) has a separation distance of 6m at the ground floor, 8.7m at the first floor and 11.27m at the second floor and above, and similarly to Building A, achieves compliance with Standard B19 at Clause 55.04-3 of the Scheme (noting again that this is not applicable).

Overlooking

258. The proposed development has been designed to limit unreasonable overlooking to adjacent sensitive interfaces, with the closest dwelling located on the west side of the laneway, namely property No's 18, 20, 22, 24, 28, 30, 32, 34 and 36 Egremont Street. Whilst not applicable to developments within the C1Z, it can be observed that the 9m overlooking radius as specified in Clause 55 of Rescode will be achieved through all levels of the western elevation of Building A and southern elevation of Building B. For clarity, a condition will require clearances of habitable room windows and balconies / terraces to be annotated on the plans ensuring a minimum 9m clearance from the secluded areas of private open spaces associated with these dwellings and where these don't meet the separation distance to provide adequate screening in accordance with the standard at Clause 55.04-6 (Overlooking objective) of the Scheme i.e to either.

- (a) Have sill heights of at least 1.7 metres above floor level.
- (b) Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- (c) Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Overshadowing

259. The shadow plans provide a clear analysis of each site and identify that of the nine properties identified to be located on the west side of the laneway within the above paragraph, seven of those will be impacted by the additional shadows cast in the morning at 9am at the time of Equinox – September (i.e. as show at Figure 25). The shadows, being the only additional shadowing to sensitive residential areas, and limited to that one hour in the morning, are considered to be reasonable.

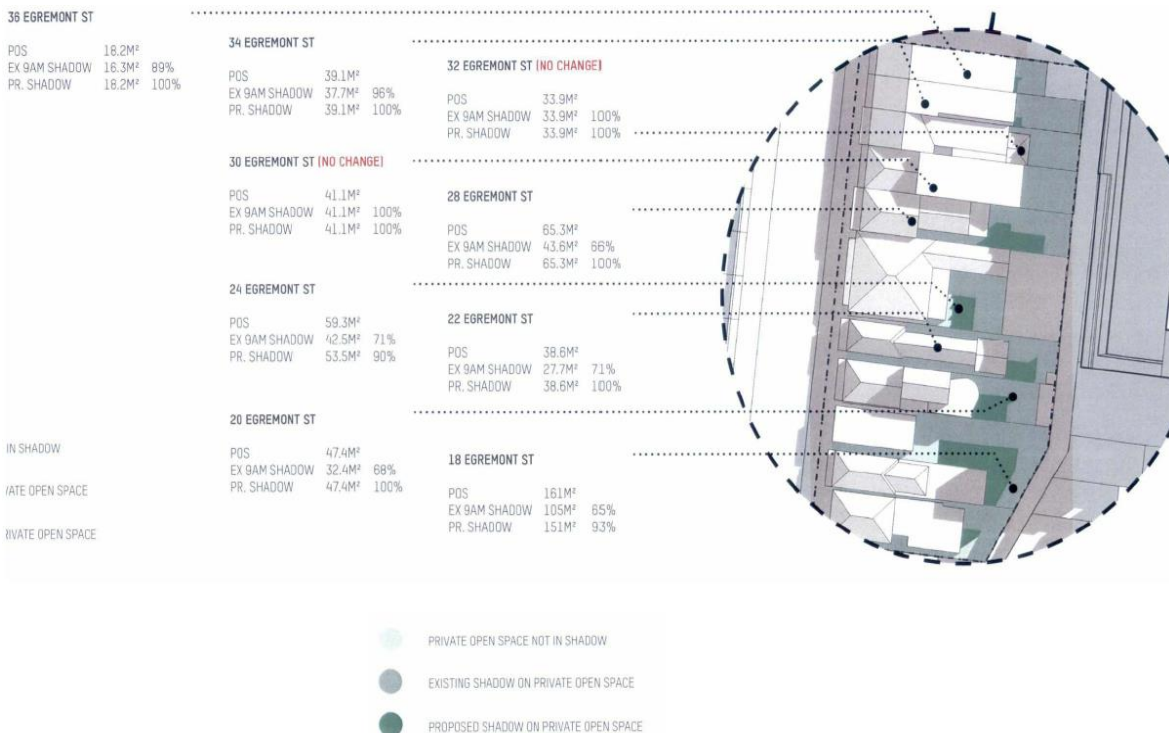


Figure 28: Shadows at 9am – Equinox – September 23rd

260. Shadows through the remainder of the day at the Equinox (September 23rd) would remain unaffected. More specifically, by 10am there will be no additional shadow cast into these areas and the deletion of one level will further reduce the shadow impact cast.

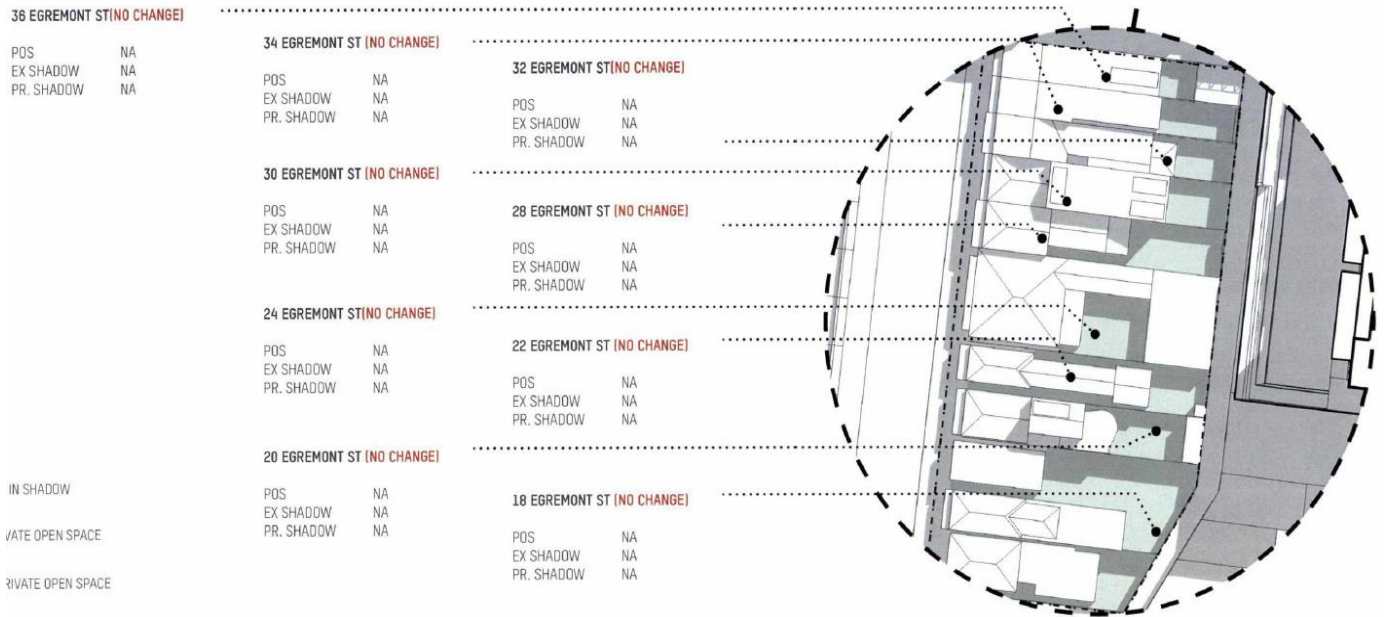


Figure 29: Shadows at 10am – Equinox – September 23rd

261. The permit applicant provided further shadow diagrams in response to Council’s External Urban Designers comments relating to potential shadow impacts on the solar panels / photovoltaics of surrounding properties. The following figure is the 9am shadow that clearly identifies the locations of surrounding solar panels and demonstrates that the shadow at 9am (at the Equinox) , being the worst case scenario, will not extend to cast a shadow across the identified solar panels.

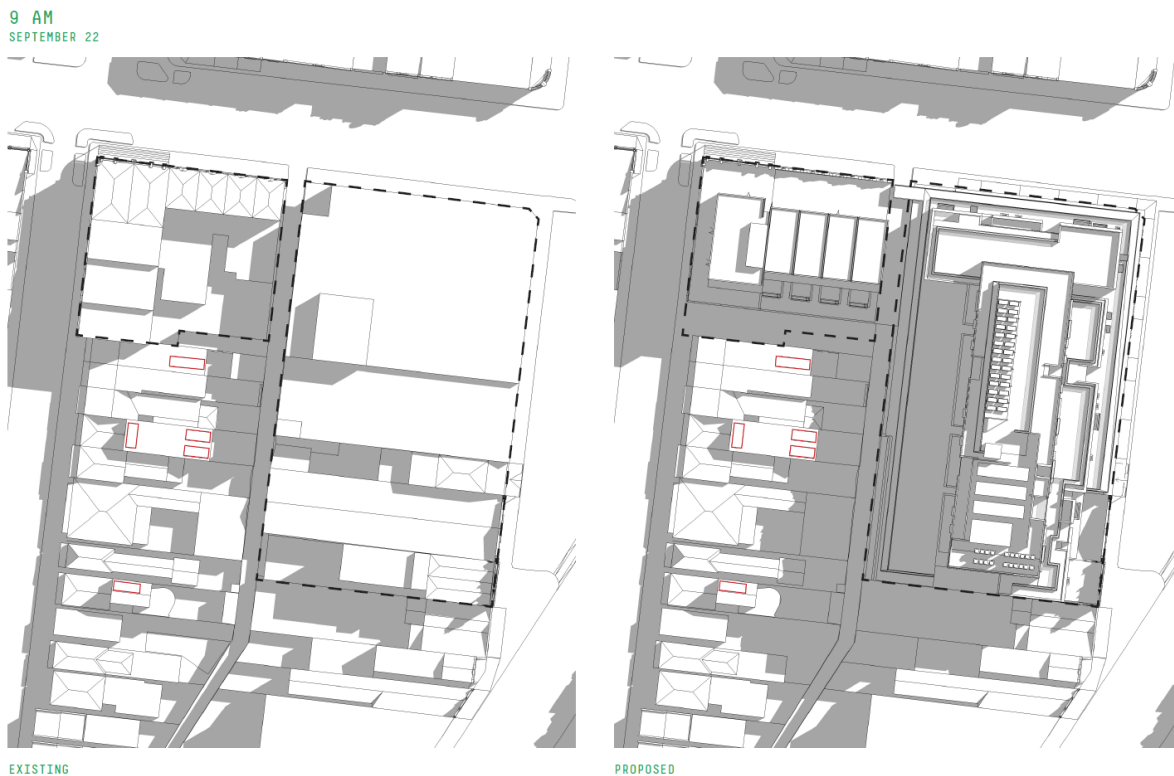


Figure 26: Shadows at 9am – Equinox – September 23rd (solar panels)

Noise

262. Policy at Clause 22.05 of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses. In this instance, the proposed commercial uses at the ground and first levels do not require a planning permit, however these areas will be located directly adjacent and opposite dwellings. Whilst the lack of planning permission required for the commercial uses inhibits the capacity for Council to control hours of operation and employee/patron numbers, it is considered that conditions requiring an updated acoustic report in accordance with the requirements outlined earlier, in addition with a further condition ensuring that the development must comply at all times with the *State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2)* will assist in ameliorating any noise related issues to both existing and future dwellings, both within the subject site and those surrounding.
263. It is considered that the residential facet to the proposal is unlikely to result in unacceptable noise emissions to the nearby properties given the nature of residential use generally not creating significant noise levels.
264. The location of services/plant equipment on the roof is acceptable. As stipulated earlier, a condition would require that the noise and emissions from plant equipment must comply at all times with the *State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1)*.

Wind

265. A Wind Impact Statement dated 24 May 2019 and authored by Vipac was undertaken as part of the proposal. This was peer reviewed by MEL consultants who responded with comments in support of the findings within the report. Their advice has been attached to this report.

Equitable development

266. The Scheme aims to facilitate equitable development opportunities for neighbouring properties within the context of the site's location and that of adjoining properties. In this instance, the site has direct abuttal with two properties, the first being the single-storey commercial building addressed to Best Street, namely property No. 25, and the double-storey dwelling at property No. 36 Egremont Street.
267. With regard to that facing Best Street, Building A's southern elevation from east to west, has a hard-edge, double-storey wall, before increasing to five-storeys and down to two storeys where opposite the open space of this adjoining commercial building. The five-storey wall, measuring a length of 11.6m will be constructed opposite the roof of the adjoining building, terminating at the western edge of this building's envelope before proceeding at two-storeys for the remainder of the length of the boundary. The setback adopted to Building A at the second floor and above, where opposite this adjoining sites' open space is 3.75m.
268. The adjoining site is a narrow allotment and if this were to be developed, the likelihood of boundary-to-boundary construction is far greater than the adoption of setbacks, particularly from the shared boundaries. Further if the southern site was to be consolidated with the southern adjoining properties to facilitate a bigger building, opportunity to mimic the setbacks adopted in this instance is provided. As such, it is considered that the proposal would not constrain the future development of the adjoining southern site to Building A.
269. The adoption of a setback at the south-west corner of the office as recommended by Council's External Urban Designer will also further assist in softening the presentation and

visual mass of the southern wall of Building A from the open space of the adjoining southern site.

270. The minimum setback adopted to the south of Building B is 6m as measured from the northern boundary of property No. 36 Egremont Street. Whilst the equitable development opportunities are not applicable to this side, the 6m setback, and subsequent creation of a new laneway will ensure a generous clearance from this dwelling that is zoned Neighbourhood Residential, with any future development of this site, subject to the provisions of ResCode, and hence, setback requirements.

Parking layout, traffic and bicycle parking

Traffic and car parking reduction

271. In relation to traffic considerations, this area has strong strategic justification to support buildings of this scale, along with associated car parking reductions. Given the tram route along St Georges Road (providing access to the Brunswick Street MAC and CBD), bus routes serving Melbourne University and Rushall and Clifton Hill Train Stations, including the Clifton Hill transport interchange via East Brunswick to Moonee Ponds and Rushall Train Station, the site is ideally located to take advantage of multiple modes of existing public transport infrastructure within the immediate vicinity.
272. Encouraging the use of public transport as well as walking and cycling as modes of transport is central to Council's policy objectives relating to sustainable transport. Forcing developments to provide additional parking, as set out in the Scheme, will not provide any encouragement towards achieving the objectives of sustainable transport that are outlined in clauses 18.02 and 21.06 of the Scheme.
273. The reduced rate of on-site car parking will mean a reduced impact on traffic within the surrounding street network, which is considered a positive outcome in an area that is already experiencing traffic and parking congestion. Further Council's traffic engineers are supportive of the reduction in the parking rate associated.
274. Objectors have raised concerns that the on-site parking provision may increase pressure on existing on-street car parking. However, the development will not be eligible for on-street staff, visitor or residential parking permits which minimise the impact the development will have on existing on-street car spaces. Further, given the proximity of the site to public transport and one hour on-street car parking restrictions, it is considered unlikely that staff would drive to work as they would be aware of these restrictions.
275. Further given that the supermarket associated bottle shop, is a replacement of an existing supermarket and bottle shop, it is considered likely that a large proportion of customers will be locals and that any visitors will be in the area for more than one purpose and will be short term stays.

Parking layout/access

276. The layout of the basement car park and loading bay accessed from Scotchmer Street were assessed by Council Engineers, who whilst generally supportive of the design, required further information to ensure that the layout of these areas are efficient and functional. In response to their comments, the permit applicant, in their package of material forming the "Without Prejudice" plans responded to the recommendations by Council's Engineer. These plans were further reviewed by Council's Engineer who confirmed that all items relating to the vehicle crossing, accessible parking spaces, clearances to walls, ramp grades, on-site loading docks, headroom clearances within the basement car park and provision of swept path diagrams (to name a few of those items) have been satisfactorily addressed within the "Without Prejudice" plans (as identified in the table within the referral attachments).

277. With this in mind, a condition will require any updated plans to be consistent with the “Without Prejudice” plans that include this detail outlined.
278. In addition, a number of standard further conditions and notes were outlined by Council Engineers. These include matters relating to protection of Council’s assets, including adjustments to assets, laneway discontinuance and reconfiguration. All of these issues can be required by way of conditions or notes, should a permit be granted.

Bicycle parking

279. The development proposes a total of 138 bicycle spaces, with all of these located securely on site. The number of spaces exceeds Council’s best-practice standard of one space per dwelling. The number, location and design of the bicycle spaces are supported and comply with Clauses 18.02-1S and 21.06 of the Scheme. Council’s Transport Planning Officer reviewed the “Without Prejudice” plans and provided further comments, suggesting that at least 48 visitor spaces be provided externally to the site, and the EV charging points are provided for vehicles. The provision of a public realm benefits plan will provide Council with the added benefit of reviewing and revisiting the number of bicycle spaces requested externally. A condition will require the plans to show EV charging points for vehicles.

Other matters

280. The planning application details show signage to the east of Building A that was not formally applied for under the provisions of the Scheme. A condition will address the removal of this sign.
281. Conditions will require the S57A amended plans (i.e. being the “decision plans”) to be updated to be consistent in their detailing of the layouts of dwellings and basement car parking arrangements as per the “Without Prejudice” plans given that these address Council’s Engineers recommendations and demonstrate compliance with BADS.
282. A condition will require all existing surrounding street trees to be shown on the plans. A further condition will require a tree management plan to be prepared and identify all measures to ensure the protection of surrounding street trees during the construction phase.
283. The building at No. 31 – 33 Best Street, Fitzroy North formerly is identified as the “J Fisher and Co.” motor engineers workshop (constructed in 1926). The buildings’ previous use as a motor engineers’ workshop gives rise to this portion of the site, and more broadly the entire site, having some form of contamination. Being guided by the *Potentially Contaminated Land Practice Note* of the former use, it is considered that the motor engineers’ workshop is considered “high risk”.
284. Given that:
- (a) the extent of “high risk” activities and exact length of time undertaken on the land is not definitively known;
 - (b) that the dwellings (including all living areas) are largely contained at first floor; and
 - (c) that the plans indicate a significant amount of excavation;

it is considered more relevant to require that a site assessment be undertaken by a suitably qualified professional to determine whether an environmental audit is required for the site. Associated conditions will ensure that should it be determined that an environmental audit is not required, any other recommendations of the report must be met; alternatively, should it be determined that an environmental audit is required, this be undertaken prior to the commencement or construction and the standard requirements of environmental audit are met.

Objector concerns

285. The majority of the issues which have been raised by the objectors have been addressed within this report, the following section provides a recap of the issues raised by objectors.

- (a) *The discontinuance and acquisition of the laneway to facilitate the development should not be supported.*
 - (i) As detailed earlier, the discontinuance and acquisition of the laneway is dealt with through a separate process.
- (b) *Demolition of heritage elements / buildings.*
 - (i) The extent of demolition of heritage buildings is supported. Council's Heritage Advisor has also expressed support for this aspect of the proposal.
- (c) *Design and built form (including out of character, heritage, excessive height, bulk and scale and inappropriate materials and finishes).*
 - (i) the design and built form in relation to character, heritage, height and bulk has been discussed at length within the 'Assessment' section of this report. A condition will require the deletion of one level that will reduce the height of the building. The materials and finishes are modern and will provide a clearly distinguishable building from surrounding heritage fabric, complying with heritage policy.
- (d) *Overdevelopment of the site.*
 - (i) The subject site is capable of adopting a building of this scale and yield.
- (e) *Off-site amenity impacts (including overlooking, overshadowing, loss of daylight, loss of views, impacts on skyline).*

Off-site amenity impacts have been discussed at paragraphs 250 to 270. Loss of views and / or impacts on the skyline are not planning considerations.
- (f) *Increase in noise (traffic, people, mechanical plant equipment, loading and unloading etc.).*
 - (i) These matters have been discussed at paragraphs 142 to 150 and 262 to 264 of this report. The unloading bay to Scotchmer Street is to Council's Engineers' satisfaction.
- (g) *Poor internal amenity in terms of lack of diversity of dwelling type and density.*
 - (i) Internal amenity has been discussed at paragraphs 207 to 249. The proposal provides up to 22 types of layouts, with a combination of one, two and three bedroom apartments, including townhouses.
- (h) *Car parking, traffic and access, including lack of car parking on site, increased traffic, waste management issues.*
 - (i) These matters have been discussed in detail within paragraphs ### to ### of this report. A Waste Management Plan (WMP) authored by Leigh Design and dated 19 December 2018 was provided and reviewed by Council's Services Contracts Coordinator. This report was found to be satisfactory. However, as Condition 1

will require updated plans, a condition will require an updated WMP that makes reference to the updated plans required at Condition 1.

- (i) *Other (including setting a precedence, no community benefit, reduction in property values, impacts during construction, pressure on existing infrastructure and resources as a result of increased density).*
 - (i) Precedence and devaluation of property are not planning considerations. In terms of pressure on surrounding infrastructure and resources, the subject site is located in an inner city, zoned C1 and located in a NAC where there is significant policy support and direction in favour of a development of this scale.
 - (ii) While impacts during the construction phase are not able to be directly addressed through the requirements of the Planning Scheme, a condition of permit for a Construction Management Plan would be included to assist with minimising disruption to the area.

Conclusion

286. The proposal, subject to the conditions recommended throughout this report, is considered to achieve an acceptable planning outcome that demonstrates clear compliance with the relevant council policies, and approval of the development is recommended.

RECOMMENDATION

That having considered all objections and relevant planning policies, Council resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0618 for the Partial demolition for the use and development of the land for the construction of a mixed use building (inclusive of dwelling use), sale of packaged liquor (associated with the bottle shop) and a reduction in car parking requirement at 27 – 45 Best Street and 102 – 114 Scotchmer Street, North Fitzroy subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans (plans prepared by Jackson Clements Burrows Architects and received by Council on 24 May 2019) but modified to:
 - (a) Include all detail pertaining to the basement car parking areas and dwellings / apartments and townhouses as detailed in the “Without Prejudice” plans received by Council on 15 January 2020, and emailed sections received by Council on 05 March 2020.

But further modified to show:
 - (b) The deletion of the third floor from the tower element facing Best Street and a consequent reduction in the overall building height (i.e. a maximum of six storeys).
 - (c) The communal open space area shrunken to meet the minimum area required by Clause 58.03-2 (Communal Open Space objective - Standard D7) of the Yarra Planning Scheme as a result of the condition above.
 - (d) The south-west corner of the ancillary office at the first floor of the building facing Best Street setback 3m from the western boundary, to allow for the provision of windows and screened in accordance with the provision at Condition 1(g).
 - (e) The lobby to the west of the lift facing Egremont Street widened to 2.1m.
 - (f) The deletion of the sign at the north-east corner facing Best Street.
 - (g) All separation distances / dimensions between upper floor west and south-facing

balconies and terraces of apartments including habitable room windows to either be shown with a minimum 9m separation distance annotated from the secluded private open spaces of surrounding existing dwellings / or habitable room windows or screened in accordance with the standard at Clause 55.04-6 (Overlooking objective) of the Scheme.

- (h) All storage volumes associated with the dwellings to be shown clearly on the plans in accordance with Clause 58.05-4 (storage objective) of the Yarra Planning Scheme.
 - (i) Provision of EV charging points for vehicles in the basement car park.
 - (j) All street trees identified.
 - (k) Where relevant, any requirements of plans / information endorsed under conditions of this permit, the Acoustic report (Condition 15), the Sustainable Management Plan report (condition 20), the Waste Management Plan (condition 22), the Wind Impact Statement (Condition 25) Landscaping Plan (Condition 27), and the Green Travel Plan (condition 42).
 - (l) An updated schedule of all external materials and finishes (including materials samples, colours and coloured elevations/perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences, including any materials that make a positive contributions to the building's energy performance. Timber is not to be used where this is exposed to weathering.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.

Discontinuance of laneway

4. **This permit does not come into effect until all areas of the public laneway that the development is to be developed on are formally discontinued under the provisions of the *Local Government Act 1989*; and formally privately owned and associated with instruments of title forming the address of this planning permit.**

New Laneway

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new laneway formation must be constructed at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.

Environmental Audit

6. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed

under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

7. If the assessment required by condition 6 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
8. If the assessment required by condition 6 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

9. If, pursuant to condition 6, a Statement is issued:
 - (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
 - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to [section 173](#) of the [Planning and Environment Act 1987](#) (**Agreement**). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (iii) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Sale of Packaged Liquor (Bottle Shop)

10. The sale 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.
11. Except with the prior written consent of the Responsible Authority, the use of the land for the sale of liquor may only occur between 7.00am – 11:00pm, seven days a week.

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

- (a) the transport of materials, goods or commodities to or from land;
- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

13. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

Façade Strategy and Materials and Finishes Plan

14. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

- (a) Detailed drawings demonstrating the retention of walls of heritage buildings to scale of 1:20 or 1:50 illustrating typical podium details, entries and doors, and utilities and typical facade details for all heritage buildings;
- (b) The existing facades of all heritage buildings including roof and return walls as shown in the decision plans received by Council 24 May 2019, including sections to show the thickness of architectural elements and information about how the façade(s) will be maintained, including any vegetation;
- (c) The proposed reconstruction, restoration or works of existing façades, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials with regard to heritage buildings;
- (d) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form; and
- (e) a sample board and coloured drawings outlining colours, materials and finishes of every façade portion. Timber is not to be used where this is exposed to weathering

Acoustic Report

15. Concurrent with the plans required by Condition 1, 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 AECOM and dated 12 December 2018, but updated to include / demonstrate (or otherwise agreed to by the Responsible Authority):

- (a) Details in relation to the sensitive receivers of some of the commercial properties to the north of Scotchmer Street.
- (b) Facade details conducted at the façade of the building to determine compliance with the State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) with regard to background noise levels between the supermarket and dwellings.
- (c) Compliance with SEPP N-1 relating to delivery truck noise.
- (d) The loudest hours of the day and night periods to not exceed targets of 45 dBA Leq, 1 hour in the living rooms and 40 dBA Leq, 1 hour in bedrooms between 10pm and 7am.
- (e) Full façade specifications for windows and lightweight non-vision elements.
- (f) Rw ratings for any loading dock or car park entrance gates that require acoustic performance.

- (g) Acoustic ratings and recommended construction for building elements required to control noise from the loading dock, supermarket (including BOH), café and the like.
 - (h) Sufficient information for any vibration isolation required on the project to ensure that the building / developer can make appropriate height and structural allowances for the necessary works.
16. Within 3 months of the full occupation of the building, a supplementary Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer that confirms that all measures endorsed as part of the Acoustic Report required at Condition 5 have been implemented. The acoustic report must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report(s) must be implemented and complied with to the satisfaction of the Responsible Authority.
18. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
19. The development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).

Sustainable Management Plan (SMP)

20. Concurrent with the plans required by Condition 1, an amended SMP to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by GIW Environmental Solutions and dated 19 December 2018, but updated to demonstrate / include the following information:
- (a) A minimum of 4 additional apartments modelled for daylight at varying locations in the building including Apartment 5.07 (or 4.07 as a result of the deletion of one level).
 - (b) JV3 model or equivalent to demonstrate how the 10% improvement will be achieved.
 - (c) Details as to all methods of the servicing of the HVAC for the retail component.
 - (d) Details of all methods of irrigation and maintenance of vegetation.
 - (e) A statement demonstrating how the design contributes to reduction in urban heat.
 - (f) Recycled content in concrete.
 - (g) Include pipes, cabling, flooring that do not contain PVC or meeting best practice guidelines for PVC.
 - (h) Additional EV charging stations.
 - (i) Provision of organics collections service rather than food digester.
 - (h) An accredited head contractor.
 - (i) Written confirmation that an Environmental Management Plan will be developed by the building contractor to monitor and control activities undertaken during construction.
21. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

22. Concurrent with the plans required by Condition 1, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and

dated 19 December 2018, but modified to include:

- (a) Reference to a part five and part six storey building.
 - (b) Reference to organic waste collection.
23. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Impact Statement

25. Concurrent with the plans required by Condition 1, an amended Wind Impact Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Statement will be endorsed and will form part of this permit. The amended Wind Impact Statement must be generally in accordance with the Wind Impact Statement prepared by Vipac Engineers and Scientists and dated 19 December 2018, but modified to include:
- (c) Reference to a part five and part six storey building.
26. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping Plan

27. Concurrent with the plans required by Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Eckersley Garden Architecture and received by Council 06 March 2019, but modified to include:
- (a) A plant schedule with botanical name, common name, mature height, and spread, installation size, planting spacing's, locations and quantities;
 - (b) A legend containing key features and materials;
 - (c) Proposed levels including top of walls;
 - (d) Details of any raised planter beds including height, width and materials;
 - (e) Information on irrigation and drainage systems; and
 - (f) Notes on the maintenance schedule, tasks and maintenance period including all maintenance measures associated with green walls.
 - (g) The following specific details for the vegetable garden / green walls / design:
 - (i) The type of mulch layer proposed (something that won't blow away);
 - (ii) Growing media – suitable for roof top gardens;
 - (iii) Filter media;
 - (iv) Irrigation method / stormwater inlet;
 - (v) Drainage system;, and
 - (vi) Root barrier / water proofing layer.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Tree Management Plan

29. 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 trees adjacent and opposite to the development site along Best, Scotchmer and Egremont Streets:

- 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.

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

Street Tree(s)

31. Before the development commences, the permit holder must provide an Asset Protection Bond to the satisfaction of the Responsible Authority for the surrounding street trees adjacent and opposite to the subject site along Best, Scotchmer and Egremont Streets. The security bond:

- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
- (c) in accordance with the requirements of this permit; or
- (d) otherwise to the satisfaction of the Responsible Authority.

Public Realm Plan(s) / Works / Road Infrastructure

32. Prior to the demolition of any building(s) or by such later date as is approved by the Responsible Authority, a Public Realm Works plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Works plan must show the works associated with all pedestrian footpaths, vehicle and bicycle spaces, crossings, roads, drainage, infrastructure works and connections and also associated landscaping (external to the building / development site, and include a tree management plan with regard to the protection of surrounding existing trees), including works associated with the new laneway as agreed to with the Responsible Authority and ensure an integrated urban design outcome is achieved

with the surrounding context.

33. 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.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be constructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width / length of the property must be pursued:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Car parking

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
38. Except with the prior written consent of the Responsible Authority, no less than 126 car spaces must be provided on the site at all times for staff and hotel guests.

Transport for Victoria's Condition 39

39. The permit holder must take all reasonable steps to ensure that disruption to tram operation along St Georges Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and the Department of Transport (DoT) eight (8) weeks prior. The permit holder must notify DoT by either calling 1800 800 007 or email customerservice@ptv.vic.gov.au.

Loading on Site

40. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Bicycle parking

41. Except with the prior written consent of the Responsible Authority, no less than 138 bicycle spaces must be provided on the site at all times.

Green Travel Plan

42. Concurrent with the Condition 1 plans, 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 provide details in relation to the following:

- (a) the promotion of various public transport smartphone apps such as the Public Transport Victoria app and/or train or tram tracker;
- (b) a description of the location in the context of alternative modes of transport;
- (c) employee welcome packs (e.g. provision of Myki/transport ticketing);
- (d) the provision of real time passenger information displays for nearby stops within each lobby;
- (e) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (f) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (g) details of bicycle parking and bicycle routes;
- (h) details of GTP funding and management responsibilities;
- (i) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (j) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (k) security arrangements to access the employee bicycle storage spaces;
- (l) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (m) reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
- (n) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Lighting

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

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

to the satisfaction of the Responsible Authority.

General

45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. As part of the ongoing progress and development of the site, Jackson Clements Burrows Architects, or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
47. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
49. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
50. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
51. 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.
52. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.

Construction Management

53. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones,

- gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
 In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (q) any site-specific requirements.
- During the construction:
- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (t) vehicle borne material must not accumulate on the roads abutting the land;
 - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Construction Times

54. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good

- Friday) before 9 am or after 3 pm; or
(c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

55. This permit will expire if:

- (a) The development is not commenced within two years of the date of this permit;
- (b) The development is not completed within four years of the date of this permit; and
- (c) The dwelling use and sale of liquor is not commenced within five years of the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

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

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

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

Attachments

- 1⇒ Site location aerial
- 2⇒ S57 - Heritage Impact Statement
- 3⇒ S57 - Landscape Plans
- 4⇒ S57 - Noise and Amenity Action Plan
- 5⇒ S57 - Perspectives
- 6⇒ S57 - Perspectives
- 7⇒ S57 - Advertised Plans Part 1
- 8⇒ S57 - Advertised Plans Part 2
- 9⇒ S57 - Advertised Plans Part 3
- 10⇒ S57 - Advertised Shadow Analysis
- 11⇒ S57 - Advertised Sustainable Management Plan Part 1
- 12⇒ S57 - Advertised Sustainable Management Plan Part 2
- 13⇒ S57 - Advertised Town Planning Report Part 1
- 14⇒ S57 - Advertised Town Planning Report Part 2
- 15⇒ S57 - Advertised Traffic Assessment Report Part 1
- 16⇒ S57 - Advertised Urban Context Part 1
- 17⇒ S57 - Advertised Urban Context Part 2
- 18⇒ S57 - Advertised Urban Context Part 3
- 19⇒ S57 - Advertised Urban Context Part 4
- 20⇒ S57 - Advertised Urban Design Statement
- 21⇒ S57 - Advertised Waste Management Plan
- 22⇒ S57 - Advertised Wind Report
- 23⇒ S57 - Advertised Acoustic Report
- 24⇒ S57 - Advertised Apartment Type Plans
- 25⇒ S57 - Referral Advice in response to S57 plans
- 26⇒ "Without Prejudice" reports and plans - 15th January 2020
- 27⇒ "Without Prejudice" shadows relating to photovoltaics / solar panels - 25th February 2020
- 28⇒ "Without Prejudice" plans confirming floor to ceiling heights - 05th March 2020
- 29⇒ Referral advice in response to "Without Prejudice plans / docs.