



YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda – Part 1 (Items 1.1 & 1.3)

**to be held virtually
on Wednesday 15 July 2020 at 6.30pm**

Rostered Councillor membership

Councillor Jackie Fristacky
Councillor Stephen Jolly
Councillor James Searle

I. ATTENDANCE

Danielle Connell (Senior Co-Ordinator Statutory Planning)
Chris Stathis (Senior Planner)
Cindi Johnston (Governance Officer)

II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

III. CONFIRMATION OF MINUTES

IV. COMMITTEE BUSINESS REPORTS

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

Internal Development Approvals Committee Submissions

“Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.”

Extract from the Council Meeting Operations Policy, September 2019

1. Committee business reports

Item		Page	Rec. Page
1.1	PL06/0640.03 - 35 Rose Street Fitzroy - Application for s72 amendments for a change of use to a restaurant and office including modifications to the permit preamble, conditions, approved built form and a full reduction in the car parking requirement	5	53
1.2	PLN19/0570 – 81-89 Rupert Street, Collingwood – Application for Part demolition, construction and use of a thirteen (13) storey building (plus roof terrace) for a residential hotel, retail, food and drink premises; arts and crafts centre (no-permit required use) and associated artist studios; restricted recreation facilities (wellness centres and gym); and office (no-permit required use); and a reduction in car parking. (LATE ITEM – to be distributed separately)		
1.3	PLN19/0857 - 52 Taplin Street Fitzroy North - Full demolition of the existing building for the construction of two, four-storey dwellings	59	87

1.1 PL06/0640.03 - 35 Rose Street Fitzroy - Application for s72 amendments for a change of use to a restaurant and office including modifications to the permit preamble, conditions, approved built form and a full reduction in the car parking requirement

Executive Summary

Purpose

1. This report provides Council with an assessment of planning permit application No. PL06/0640.03 which affects land at 35 Rose Street, Fitzroy.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Built form and urban design (Clauses 15.01 and 21.05);
 - (b) Heritage (Clause 22.02);
 - (c) Land Use (Clauses 13.07, 17, 22.05, 32.04);
 - (d) Internal amenity (Clause 22.17);
 - (e) Off-site amenity impacts (Clauses 13.05-1S, 13.07, 22.05); and
 - (f) Car and bicycle parking (Clauses 18.02, 21.06, 52.06 and 52.34).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Policy and Strategic Support;
 - (b) Land use;
 - (c) Heritage, Built form and Urban Design;
 - (d) On-site amenity;
 - (e) Off-site amenity;
 - (f) Car parking, traffic, access and layout, loading and bicycle parking;
 - (g) Contamination considerations; and
 - (h) Objector concerns.

Submissions Received

4. Twenty-nine (29) objections were received to the application, these can be summarised as:

Building form, design and massing:

- (a) The size and scale of the building with the added floor levels is out of character with the area and an overdevelopment resulting in visual bulk;

Use and Amenity impacts:

- (b) Not feasible use(s) for the residential location;
- (c) Hours of operation and noise (use of the roof top terrace (also identified as a rooftop "bar" by one Objector), patron of the restaurant, deliveries, garbage collection, and potential rubbish overspill);
- (d) Entrance to the restaurant should not be located to face Garryowen Park;
- (e) Overshadowing; and
- (f) Privacy and overlooking.

Car parking and traffic:

- (g) Increased traffic and congestion; and
- (h) Not enough car parking available in the surrounding area to support the use with zero car parks on-site.

Other:

- (i) Behavioural impacts of staff and patrons - crime, safety and graffiti; and
- (j) Conditions of planning permit should include a maintenance regime for the upkeep of the Garryowens Park to the north.

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) The eastern elevation screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (b) The building modified to have no increased overshadowing over the balcony/private open space of the dwelling located to the immediate west than the approved scheme.

CONTACT OFFICER: John Theodosakis
TITLE: Principal Planner
TEL: 9205 5307

1.1 PL06/0640.03 - 35 Rose Street Fitzroy - Application for s72 amendments for a change of use to a restaurant and office including modifications to the permit preamble, conditions, approved built form and a full reduction in the car parking requirement

Reference: D20/118418
Authoriser: Senior Coordinator Statutory Planning

Proposal: Application for s72 amendments for a change of use to a restaurant and office including modifications to the permit preamble, conditions, approved built form and a full reduction in the car parking requirement

Existing use: Under construction

Applicant: Mr Daniel Schwartz

Zoning / Overlays: Mixed Use / Heritage Overlay / Environmental Audit Overlay

Date of Application: 18 October 2019

Application Number: PL06/0640.03

Planning History

Planning permit No 990358

6. Planning Permit No. 990358 was issued on 01 June 1999 for the *use and development of the land for the purpose of five dwellings* which included the construction of an additional level above the existing two-storey warehouse building.

Planning Application No. 990944

7. An application for review was lodged against Council's Failure to determine for the demolition of the existing building and construction of a five storey building for the purpose of eight dwellings. The application for review was later withdrawn and the file was subsequently closed.

Planning Permit No. 000520

8. Planning Permit No. 000520 was issued on 25 June 2001 for the purpose of *alterations and additions to the existing warehouse building facilitating six residential dwellings*. This planning permit has expired.

Planning Permit No. PL02/0321

9. Planning permit No. PL02/0321 was issued on 10 December 2002 for a *multi-unit residential development including partial demolition of the existing building to accommodate seven dwellings*. An extension of time was granted on 10 January 2006 to extend the time in which works must commence no later than 10 December 2006. The works did not commence and this permit has since expired.

Planning Permit No. PL06/0640

10. Planning permit No. PL06/0640 was issued on 04 July 2007 for *buildings and works to the existing building including partial demolition and the construction of two additional levels above the existing building for the purpose of an increase in office floor space, and a single dwelling (including a reduction in the car parking requirement)*. The planning permit has been extended five times, with the most recent identifying that the works need to be completed no later than 04 July 2021. Works have commenced and the permit is active.
11. An amendment pursuant to Section 72 of the *Planning and Environment Act 1987* (the “Act”) made in relation to planning permit No. PL06/0640 was approved on 25 September 2014 (i.e. planning application No. PL06/0640.01). The following amendments were approved:
 - (a) The preamble modified to include reference to the food and drinks premises;
 - (b) The deletion of Condition 1 and its requirements and its replacement with the current Condition 1 and its requirements;
 - (c) The introduction of a new Condition 5 and the remainder of the conditions renumbered; and
 - (d) The inclusion of a note directing the permit holder that the café is required to comply with the Food Act 1984.
12. A further amendment pursuant to Section 72 of the Act made in relation to planning permit No. PL06/0640 was approved on 22 March 2016 (i.e. planning application No. PL06/0640.02). The following amendments were approved:
 - (a) The provision of an additional dwelling i.e. total of 2;
 - (b) Construction of an additional level (converting this into a five level building) and the preamble of the planning permit modified to reflect the changes.
13. The current amendment application before Council relates to this same planning permit with the current endorsed scheme as follows:

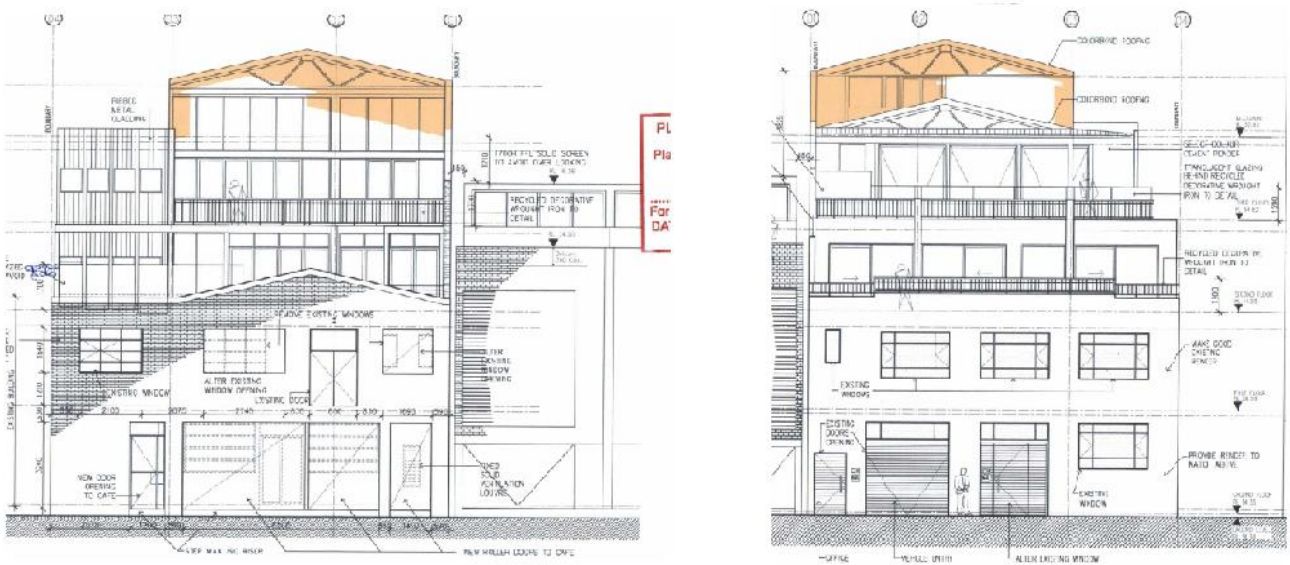


Figure 1: North (rear Garryowen Lane) and South (front – Rose Street) Elevations (endorsed)

- (a) The deletion of one level, namely the fifth level and a reduction in the building height from 24.1m (as measured to the highest point of the lift shaft) above the natural ground level (NGL) to 21.4m above NGL. The building will read as a five level building with a roof terrace, in lieu of a six level building with a roof terrace as per the following i.e.

From:



Figure 3: Rose Street elevation (original / advertised plans)

To:



Figure 4: Rose Street elevation (Section 57(a) plans)

- 20. The plans show improvements (reduction in built form when compared to the advertised plans) that respond to some of the Objector concerns and will form the “decision plans”. Whilst exempted from notice, these plans have been circulated to all objector parties with the invites to the IDAC meeting.

The Proposal

21. The application is for an amendment to Planning Permit PL06/0640 to allow for further buildings and works (i.e. the construction of a full level converting this into a five level building plus a roof terrace), deletion of the two approved dwellings, use of the ground floor as a restaurant and the upper levels for office, and a full reduction in the car parking requirement of the Yarra Planning Scheme.
22. The following is a summary of the changes:

Demolition (as relied upon and shown in the original application drawings)

- (a) Full demolition of the northern, on-boundary wall (currently permitted for part demolition) and full removal and replacement of steel framed windows across both southern and eastern elevations.

Ground level

- (b) Deletion of the on-site car parking / stackers (6 car spaces) and the replacement of the approved food and drink premises (café) with a restaurant of 172sq.m that will operate between the hours of 12 noon to 11pm, Monday to Sunday with a maximum 80 patrons;
- (c) Provision of a bike store with up to 24 bicycles;
- (d) The main entrances to Rose Street modified to allow for the provision of disability ramps;
- (e) The recessed wall and roller shutters to the north, replaced with infill wall with pedestrian door across the title boundary; and
- (f) Full reconfiguration of service amenities and lift and stairwell locations, including internal walls to clearly delineate the area of the restaurant, as a separate tenancy.
- (g) Access to the upper level office is located in the south-west corner from Rose Street.

First level

- (h) The dwelling deleted and the open office extended to the northern and western boundaries and increased to 274sq.m, with reconfigured service amenities and relocated lift and stairwell.

Second level

- (i) The deletion of the dwelling and the level extended to the Rose Street boundary and to the eastern boundary for its full length and replaced with an open office area of 274sq.m, with reconfigured service amenities and lift and stairwell.

Third level

- (j) The dwelling replaced with an open office footprint that would extend to the northern boundary, and new walls setback 3m (reduced from 6m as currently endorsed) to Rose Street, and setback 1.3m to the east (increased from between 0m to 1.6m as currently endorsed) with a total floor area of 199sq.m.
- (k) The provision of a balcony of 73sq.m. within the southern and eastern setbacks.

Fourth level

- (l) The mezzanine replaced with a replica of the layout at the third level (total office floor area of 199sq.m.) with the exclusion of the balcony.

Roof garden / terrace

- (m) A partially roofed and partially covered (with a sun shade and solar array) roof garden / terrace of 234sq.m. with landscaping in the form of planter boxes on the periphery, seating arrangements and services.

General

- (n) The building will present as a contemporary and angular building of five levels with a roof terrace above and a three-storey podium (as shown at Figure 2) as a result of the extended footprint at the second level to Rose Street and the laneway to the east i.e. Modified from (as currently endorsed):

- (o) The office use will continue to operate in accordance with Condition 3 that restricts the hours to:

Monday to Friday: 8am – 8pm; and
 Saturday and Sunday: 8am - 6pm.

- (p) The podium will have a height of 11.85m as measured from the natural ground level to the highest point of the balustrade associated with the balcony at the third floor, indicated below:

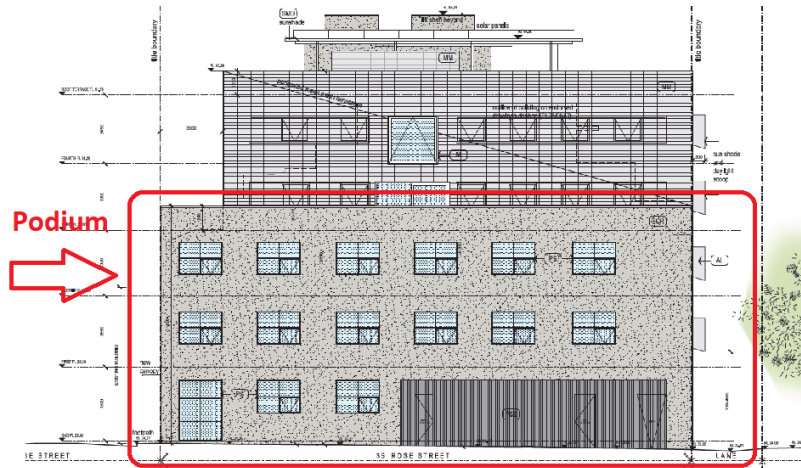


Figure 5: East (laneway) elevation (Section 57(a) plans)

- (q) The levels above the podium to the south and east will be setback a minimum 3m and 1.3m.
- (r) To the north, where opposite the Garryowen Park, the building will be hard-edged as indicated below:

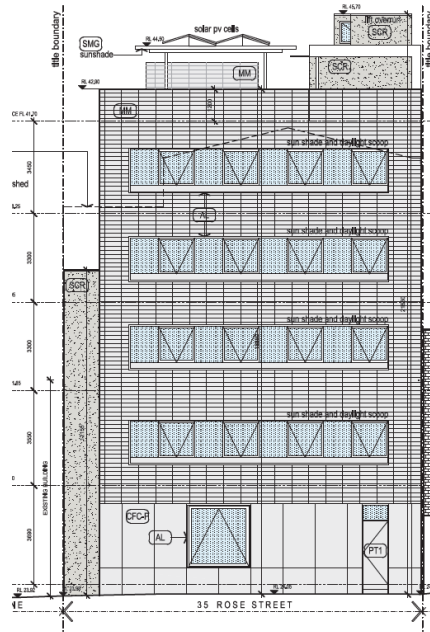


Figure 6: North (opposite the Garryowen Park) elevation (Section 57(a) plans)

- (s) The building height modified from a maximum 16.9m as measured from NGL to the highest point of the pitched roof above the endorsed mezzanine level, to 18.43m to the highest edge of the parapet / balustrade of the roof terrace, and 21.3m to the highest point of the lift overrun, as measured above NGL.
- (t) The podium walls would be finished with a grey cement render and the levels above and northern interface above the ground floor would be encased in a metal mesh screen (see Figures 4 and 5).
- (u) The southern (front), eastern and northern (rear) elevations would be punctuated with square and rectangular-shaped windows.
- (v) The building has been amended to include the following ESD commitments:
 - (i) A STORM report with a score of 136% demonstrating best practice relying on a rainwater tank with a 9,000lt. capacity connected to toilet flushing within the development;
 - (ii) A 10kWp solar PV array to contribute to onsite electricity consumption;
 - (iii) A total of 24 bicycle spaces.
 - (iv) Segregated recycling and provision of food waste storage and collection, including e-waste.

Existing Conditions

Subject Site

- 23. The subject site is located on the northern side of Rose Street, 102m east of Nicholson Street, in Fitzroy. The site consists of a rectangular configuration with a 13.4m frontage to Rose Street, a 25.7m depth and a site area of approximately 344sq.m. The land consists of no appreciable fall.
- 24. The site is occupied by a double storey brick and rendered former factory/warehouse building that has been partially demolished to make way for the approved development (that have in part, been constructed – see Figure 5 below) associated with planning permit PL06/0640.

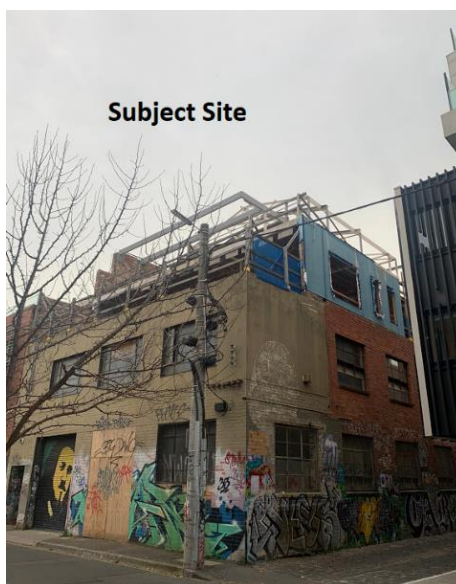


Figure 7: Subject Site as viewed from the south-east along Rose Street, where intersecting the Mechanics Laneway.

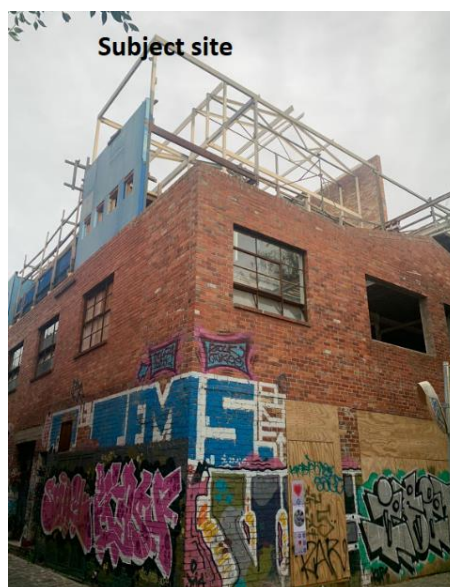


Figure 8: Subject Site as viewed from the north-east, at the intersecting laneways and south of the Garryowen Park.

25. As the works have commenced, the permit is still valid and works are to be completed no later than 04 July 2021.

Restrictive Covenants

26. There are no restrictive covenants which affect the subject site.

Surrounding Land

27. The surrounding area is mixed in terms of its land uses and built form. The site is located within a Mixed Use Zone (see Figure 9), with the closest surrounding land to the west, east and south also zoned Mixed Use. Land to the immediate north is zoned Public Park and Recreation and to the north-east is Neighbourhood Residential.



Figure 9: Zoning map.

28. Further west, where properties front onto Nicholson Street, land is zoned General Residential, with land south of Rose Street, also fronting Nicholson Street, zoned Commercial 2. Further east, is land zoned Commercial 1, located within the Brunswick Street Major Activity Centre.
29. Rose Street consists of a mix of buildings and uses including single and double-storey, factory/warehouse buildings and commercial buildings, new and converted three and four-storey townhouses and six-storey apartment buildings, including three-storey office/mixed use buildings.
30. To the immediate north of the site is a laneway, Garryowen Lane, and opposite that is the Garryowen Park. Further north, are dwellings fronting onto Leicester Street, zoned Neighbourhood Residential.



Figure 10: Part of the Garryowen Park with dwelling to north-east of the site, addressed to Leicester Street.

31. To the immediate west of the site, is a converted warehouse/factory building. The building is four storeys high, with a recessed upper level containing twelve dwellings, of which six have a southerly orientation (addressed to Rose Street) and six with a northerly orientation, addressed to the northern laneway. The dwellings include open balconies at the third level along their respective street frontages.

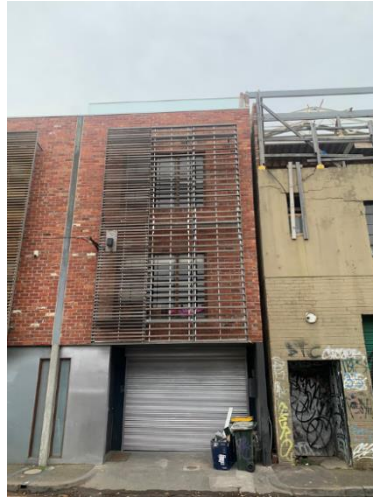


Figure 11: Dwelling to the immediate west of the Subject Site forming part of the former warehouse conversion.

32. Immediately east of the site is a 3.9m wide laneway, named Mechanics Laneway. Since the last amendment, the site has been developed in accordance with planning permit no. PLN13/0538 with a six storey apartment building with a retail use at the ground floor, and car parking at ground level with vehicle access from the Mechanics Laneway, including undercroft car parking. The building extends to all boundaries and presents a three-storey (plus) hard-edged podium to Rose Street punctuated with varied window proportions.



Figure 12: Apartment building opposite the Mechanics Laneway to the east of the Subject Site as viewed from Rose Street



Figure 13: Apartment building opposite the laneway to the east of the Subject Site as viewed intersecting laneway, namely the Mechanics Laneway

33. Opposite the site on the southern side of the street is a double-storey former warehouse building of masonry construction, with a sawtooth roof design that interfaces and is addressed to Spring Street to the west. The building has been converted into eight dwellings, and has a planning permit to develop the site with second floor extension (i.e. planning permit No. PLN19/0411) for several dwellings. Works associated with this planning permit, do not appear to have commenced.



Figure 14: Building directly opposite the subject site fronting Rose and Spring Streets.

34. To the immediate east of the site described above (south-east to the subject site), is a four-storey contemporary apartment building. This building has an angular and modern appearance with projecting upper levels. To the east of this site is a contemporary six-storey residential building, with the Rose Street Artist's Market further to the east.



Figure 15: Four-storey apartment building, south-east of the subject site, south along Rose Street.

35. Rose Street consists of 2P parking restrictions along the southern side of the street. Nearby Spring Street consists of 3P parking restrictions and a loading zone. Nearby Leicester Street (north of the site and Garry Owen Park) consists of 1P, 2P and Permit Zone restrictions.
36. The subject site has good access to public transport including:
 - (a) Nicholson Street trams (tram stop 14) – 140m walk;
 - (b) Brunswick Street trams (Leicester Street stop) – 230m walk;
 - (c) Johnston Street buses (stops just east of Brunswick Street) – 500m walk; and
 - (d) The Johnston Street bus services, located 260m south of the site.

Legislation Provisions

37. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act).
38. Section 72 of the Act states:
 - (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
 - (2) *This section does not apply to—*
 - (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (b) *a permit issued under Division 6.*
39. The planning permit was issued on 04 July 2007 by Council at the direction of the Tribunal. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.
40. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone (MUZ)

41. The site is located within the MUZ. The purpose of the MUZ as relevant to the application is as follows:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
 - (c) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
 - (d) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*
42. Pursuant to the table of uses at Clause 32.04-2 of the Scheme, a planning permit is required for an office in excess of 250sq.m. In this instance, the office area is increasing from 200sq.m. to 946sq.m. and therefore is a permit required use.
43. In similar vein to the office, the restaurant is also a permit required use because this will replace the food and drink premises that currently has an area of approximately 90sq.m. with an area of 172sq.m. (i.e. exceeding 150sq.m. as permitted by the Scheme for a not permit required area) and therefore is also a permit required use.
44. Pursuant to Clause 32.04-9 of the Scheme, a planning permit is required to construct a building or construct or carry out works for a Section 2 – Permit required use.

Overlays

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

45. 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.

City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)

46. The building on the subject site is located within Schedule 334 and identified as 'not-contributory' to this precinct as outlined in the incorporated document.

Environmental Audit Overlay (EAO)

47. Pursuant to Clause 45.03-1 of the Scheme, the following requirements apply:

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

48. The use of the site for office and restaurant are not sensitive uses (unlike the dwelling uses) and so the requirements of this overlay are no longer relevant. However, the requirements of the EAO have previously been addressed with a report and Statement of Environmental Audit in accordance with Condition 9 of the planning permit.

Particular Provisions

Clause 52.06 – Car parking

- 49. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.
- 50. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.
- 51. Pursuant to Clause 52.06-5, Column B of Table 1 applies if any part of 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, August 2018). The subject site is shown as being within the Principal Public Transport Network Area and therefore Column B applies.
- 52. Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard the decision guidelines at clause 52.06-6 of the Scheme.

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	946sqm	3 spaces to each 100m ² of net floor area	28	0
Restaurant	172 sqm	3.5 spaces per 100 m ² of leasable floor area	6	0
Total			34	0

- 53. No car parking will be provided on site and therefore the application seeks a full reduction of 34 car spaces.

Clause 52.34 – Bicycle Facilities

- 54. Pursuant to clause 52.34, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces
- 55. Under the provisions of Clause 52.34-3 of the Scheme, the development’s bicycle parking requirements are as follows

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	946 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	0 employee spaces	24 bicycle spaces shared between the office and restaurant employees.
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	0 visitor spaces	
Restaurant	172 sqm	1 to each 100sqm of floor area available to the public	1 employee spaces	
		2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sqm	0 visitor/ shopper spaces	

Bicycle Parking Spaces Total		1 employee space	24 employee spaces
		0 visitor spaces	0 visitor spaces
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	1 showers / change rooms	5 showers / change rooms

- 56. The development proposes 23 additional spaces above the statutory requirements of the planning scheme. A total of 16 lockers are also proposed.
- 57. Clause 52.34-4 provides the design standard for bicycle spaces and signage.

General Provisions

Clause 65 – Decision Guidelines

- 58. 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)

- 59. Relevant clauses are as follows:

Clause 11.02 - Managing Growth

Clause 11.02-1S - Supply of Urban Land

- 60. The objective this clause is “to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”.

Clause 11.03 - Planning for Places

Clause 11.03-1S - Activity Centres

- 61. 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 - Noise

Clause 13.05-1S - Noise abatement

- 62. The relevant objective of this clause is “to assist the control of noise effects on sensitive land uses”.

- 63. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

Clause 13.07 - Amenity and Safety

Clause 13.07-1S - Land use compatibility

64. The objective of this clause is *“to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects”*.

Clause 15.01 - Built Environment and Heritage

Clause 15.01-1S - Urban design

65. 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 15.01-1R - Urban design - Metropolitan Melbourne

66. The objective of this clause is *“to create distinctive and liveable city with quality design and amenity”*.

Clause 15.01-2S - Building design

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

68. Relevant strategies of this clause are:

- (a) Require a comprehensive site analysis as the starting point of the design process.*
- (b) Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
- (c) Ensure development responds and contributes to the strategic and cultural context of its location.*
- (d) Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (e) Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (f) Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (g) Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- (h) Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- (i) Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

69. This clause also states that planning must consider (as relevant), the *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)*.

Clause 15.01-4S - Healthy neighbourhoods

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

Clause 15.01-4R - Healthy neighbourhoods - Metropolitan Melbourne

71. The strategy is to *“Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home”*.

Clause 15.01-5S - Neighbourhood character

72. 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

Clause 15.02-1S - Energy Efficiency

73. 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 15.03 Heritage

Clause 15.03-1S – Heritage conservation

74. The objective of this clause is *“to ensure the conservation of places of heritage significance”*.

75. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Retain those elements that contribute to the importance of the heritage place.*
- (f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 17.01 – Employment

Clause 17.01-1S – Diversified economy

76. The objective of this clause is *“to strengthen and diversify the economy”*.

77. 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 – Commercial

Clause 17.02-1S – Business

78. The relevant objective of this clause is *“to encourage development that meets the communities’ needs for retail, entertainment, office and other commercial services”*.

79. The relevant strategies of this clause is:

- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
- (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- (c) *Locate commercial facilities in existing or planned activity centres.*

Clause 18.01 - Integrated Transport

Clause 18.01-1S – Land use and transport planning

80. The objective of this clause is “to create a safe and sustainable transport system by integrating land use and transport”.
81. 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 - Movement Networks

Clause 18.02-1S – Sustainable personal transport

82. The relevant objectives of this clause is “to promote the use of sustainable personal transport”.
83. Relevant strategies of this policy are:
- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
 - (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
 - (c) *Ensure cycling routes and infrastructure are constructed early in new developments.*
 - (d) *Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.*
 - (e) *Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.*
 - (f) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
 - (g) *Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.*
 - (h) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

Clause 18.02-1R – Sustainable personal transport- Metropolitan Melbourne

84. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S - Public Transport

85. The objective of this clause is *“to facilitate greater use of public transport and promote increased development close to high-quality public transport routes”*.

Clause 18.02-2R - Principal Public Transport Network

86. A relevant strategy of this clause is to *“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”*.

Clause 18.02-4S – Car Parking

87. The objective of this clause is *“to ensure an adequate supply of car parking that is appropriately designed and located”*.
88. A relevant strategy is *“protect the amenity of residential precincts from the effects of road congestion created by on-street parking”*.

Local Planning Policy Framework (LPPF)

89. The relevant policies in the Municipal Strategic Statement can be described as follows:

Municipal Strategic Statement (MSS)

90. Relevant clauses are as follows:

Clause 21.04-2 - Activity Centres

91. A relevant objective of this clause is *“to maintain the long term viability of activity centres”*.
92. Relevant strategies to achieve this objective include:
- (a) *Strategy 5.2 - Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
 - (b) *Strategy 5.3 - Discourage uses at street level in activity centres which create dead frontages during the day.*

Clause 21.04-3- Industry, office and commercial

93. The objective of this clause is *“to increase the number and diversity of local employment opportunities”*.

Clause 21.05-1 Heritage

94. 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.
95. 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*
 - (vii) *Strategy 14.9 Apply the landmarks and Tall Structures Policy at clause 22.03*

Clause 21.05-2 – Urban design

96. The relevant objectives of this clause are:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
- (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - 1. *Significant upper level setbacks*
 - 2. *Architectural design excellence*
 - 3. *Best practice environmental sustainability objectives in design and construction*
 - 4. *High quality restoration and adaptive re-use of heritage buildings*
 - 5. *Positive contribution to the enhancement of the public domain*
 - 6. *Provision of affordable housing.*
- (c) *Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 19 To create an inner city environment with landscaped beauty;*
- (e) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric;*
- (f) *Objective 21 - To enhance the built form character of Yarra's activity centres;*
- (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
 - (ii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

Clause 21.05-4 - Public environment

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

- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
- (i) *Strategy 28.1 - Encourage universal access to all new public spaces and buildings*
 - (ii) *Strategy 28.2 - Ensure that buildings have a human scale at street level.*
 - (iii) *Strategy 28.3 - Require buildings and public spaces to provide a safe and attractive public environment.*

- (iv) *Strategy 28.5 - Require new development to make a clear distinction between public and private spaces.*
- (v) *Strategy 28.8 - Encourage public art in new development.*

Clause 21.06 – Transport

- 98. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives.
- 99. Parking availability is important for many people, however in Yarra unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options.
- 100. Relevant objectives and strategies of this clause are as follows:
 - (a) *Objective 30 – To provide safe and convenient pedestrian and bicycle environments.*
 - (i) *Strategy 30.2 – Minimise vehicle crossovers on street frontages.*
 - (ii) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
 - (b) *Objective 31 – To facilitate public transport usage.*
 - (c) *Objective 32 – To reduce the reliance on the private motor car.*
 - (d) *Objective 33 To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.07-1 – Ecologically sustainable development

- 101. The relevant objective is “*to promote ecologically sustainable development*”.
- 102. A relevant strategy of this clause is Strategy 34.1 which is to “*encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation*”.

Clause 21.08-7 Neighbourhoods - Central Richmond

- 103. Under Figure 18 *Built Form Character Map: Fitzroy*, the site is included in the Heritage Overlay area. The strategy for heritage overlay areas is to *ensure that development does not adversely affect the significance of the heritage place.*

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

- 104. 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.

Clause 22.03 – Landmarks and Tall Structures

105. This policy applies to all development. Whilst the site is not within proximity to an identified sign or landmark within the policy, it is important to *“ensure the profile and silhouette of new tall structures adds to the interest of Yarra’s urban form and skyline.*

Clause 22.05 – Interfaces Uses Policy

106. This policy applies to all development and land use applications and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.
107. It is policy that *“new non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties”.*
108. Decision guidelines at clause 22.05-6 include that *“before deciding on an application for non-residential development, Council will consider as appropriate:*
- (a) The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
 - (b) Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties”.*

Clause 22.07 Development abutting laneways

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

Clause 22.16 Stormwater Management - Water Sensitive Urban Design

110. 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 Design

111. 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

112. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 407 letters sent to surrounding owners and occupiers and by three signs displayed on the site with one to Rose Street, one to Mechanics Laneway and the last, to Garryowen Laneway. Council received, twenty-nine (29) objections to the application, that can be summarised as:

Building form, design and massing:

- (a) The size and scale of the building with the added floor levels is out of character with the area and an overdevelopment resulting in visual bulk;

Use and Amenity impacts:

- (b) Not feasible use(s) for the residential location;
(c) Hours of operation and noise (use of the roof top terrace (also identified as a rooftop “bar” by one Objector), patron of the restaurant, deliveries, garbage collection, and potential rubbish overspill);
(d) Entrance to the restaurant should not be located to face Garryowen Park;
(e) Overshadowing; and
(f) Privacy and overlooking.

Car parking and traffic:

- (g) Increased traffic and congestion; and
(h) Not enough car parking available in the surrounding area to support the use with zero car parks on-site.

Other:

- (i) Behavioural impacts of staff and patrons - crime, safety and graffiti; and
(j) Conditions of planning permit should include a maintenance regime for upkeep of the Garryowens Park to the north.

Referrals

113. The application was not required to be referred to any external parties.

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

- (a) Urban Design Unit;
(b) Engineering Unit; and
(c) City Works Unit.

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

The application was not referred to Council’s Heritage Advisor due to the site’s ‘not-contributory’ heritage grading. Further, the properties to the west, east and those opposite the site to the south, along Rose Street, also have a ‘non-contributory’ heritage grading. The site is also located in an area where there is an emerging character of higher built forms with a robust design and zero front setbacks (i.e. six-storey building opposite the Mechanics Laneway to the east that has since been constructed, including that further east, and buildings on the southern side of Rose Street, south-east of the subject site).

OFFICER ASSESSMENT

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

- (a) Strategic justification;
- (b) Use;
- (c) Built form - Heritage and Urban Design;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Car parking, traffic and access;
- (g) Other matters; and
- (h) Objector concerns.

Strategic justification

- 117. The proposal satisfies the various land use and development objectives within the PPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development and use within a well-resourced inner-urban environment.
- 118. State and Local Policies encourage the concentration of development in and around activity centres (with this site being located 180m west of the Brunswick Street MAC) and intensifying development within existing urban areas well connected to public transport. It is clear that the Fitzroy area has strong state policy support for increased density and combination of commercial uses. The proposal complies with policy support by continuing the commercial use of the site in a more intensive form, in order to facilitate greater employment opportunities and to assist in facilitating alternate modes of transportation with the full reduction in the car parking requirement.
- 119. The site is located close to several public transport options with trams operating along Brunswick and Nicholson Streets, as well as bus routes along Johnston Street and Alexandra Parade.
- 120. The site is located in an area suitable for redevelopment as evidence by the current approval that will result in a five level building (albeit with the top-most level being a recessive mezzanine). The amended scheme, subject to the conditions detailed within this assessment, will maintain the responsive design, consistent with the urban form in the neighbourhood that has successfully limited off-site amenity impacts. The location of laneways and streets surrounding the subject site to the north, east and south provide a buffer from off-site amenity impacts to most dwellings with the exception being those to the immediate west. Consideration of off-site amenity impacts is provided later in the report.
- 121. Overarching State policy at clause 15.01-1S (Urban Design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. This is reinforced at clause 15.01-2S (Building Design) which encourages ‘...building design outcomes that contribute positively to the local context and enhance the public realm.’ Council’s Municipal Strategic Statement seeks to ‘ensure that new development contributes positively to Yarra’s urban fabric’ (Objective 20) and also ‘maintain and strength the identified character of each type of identified built form within Yarra.’ (Objective 23).
- 122. The subject site is located within a MUZ which aims to provide a *range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality*. The layout of the proposed uses provides a restaurant at the ground level with offices at the upper levels. The building with the restaurant at the ground level and display of fenestration will provide an active street frontage to Rose Street, whilst taking advantage of the Mechanics Laneway by locating the bicycle store to the east and the Garryowen Laneway by providing secondary rear access for staff to the kitchen associated with the restaurant. Passive surveillance is also provided through the provision of a balcony for staff at the third level contributing to the vibrancy of the street and would allow good interaction between the public and private realms.

123. Pursuant to State policy at clause 17, economic development is to be fostered by ‘...providing land, facilitating decisions and resolving land use conflicts, so that each region may built on its strengths and achieve its economic potential’. At a local level, the Municipal Strategic Statement at Clause 21.04-3 seeks to ‘increase the number and diversity of local employment opportunities’. The proposal will support economic opportunities in a highly accessible, service-rich area. The uses proposed will increase employment opportunities in hospitality and business and hence has strong policy support in this location.

Land Use

124. The office and restaurant uses within the development require planning permission pursuant to the requirements of the Mixed Use Zone as identified earlier because their floor areas are being increased. The use of the site, predominantly as an office with a restaurant at the ground floor, is supported by the PPF and the objectives of the zone, and promotes urban consolidation within proximity to an activity centre that is well serviced by existing infrastructure and services.
125. The proposed office use is largely considered to generate minimal off-site amenity impacts, given the surrounding context and is unlikely to cause unreasonable noise, odour, visual or other impacts to adjacent land. However this will be discussed later in the report.
126. The applicant has not included staff numbers for the office as part of the application material and has relied on the floor area to dictate numbers. Therefore with this uncertainty, it is difficult to ascertain numbers. However, it is not the number of staff that causes amenity impacts, rather it is the hours of operation, noise and car parking, all of which will be considered within this report.
127. Clause 22.05 (Interface Uses Policy) requires new non-residential use and development within MUZ be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties as well as requiring building design to ensure that the ongoing viability of surrounding industrial and commercial properties is not impacted through the introduction of more sensitive land uses. In this instance the subject site is surrounding by residences, however the most immediate is that to the west. Other dwellings are separated from the site as a result of Rose Street and the surrounding named laneways, including parkland to the north.
128. With regard to the office, this will operate in accordance with the hours already permitted by Condition 3 being Monday to Friday, 8am – 8pm, and Saturday and Sunday, 8am - 6pm and therefore this is well within the typical daytime operating hours that would also be permissible when applying sleep disturbance criteria to assess potential land use impact. The restaurant will operate Monday to Sunday from 12 noon to 11pm with up to 80 patrons.
129. With existing residential properties in such proximity, it is considered that the closing time of the restaurant be reduced to 10pm in line with sleep disturbance criteria used to assess potential land use impacts. Applying, Clause 22.01 (*Discretionary Uses in a Residential 1 Zone*) for further guidance, this stipulates that permit required uses in a Residential 1 zone (e.g. Neighbourhood and General Residential Zones) should have hours of operation limited to 8am to 8pm. The closest land zoned Neighbourhood Residential is only directly diagonally located to the north-east of the subject site and in light of these hours being supported by the Scheme in a purely residential area and that the proposed uses are located in a MUZ where commercial uses are explicitly encouraged, it is reasonable to restrict the restaurant use for only two hours later in the evening until 10pm, hence reducing this by one hour.

130. The permit applicant provided an acoustic report prepared and authored by Vipac Engineers and Scientists and dated 13 December 2019. The report was discussed with an independent acoustic consultant from SLR Consulting Pty. Ltd. whom re-affirmed that they would support a 10pm closing time. In addition to this, it was indicated that all music should be at background levels, and that further measures around keeping windows and doors closed before 7am and after 6pm, be imposed. In lieu, of requiring the additional requirements outlined, it was also indicated that they would be in favour of an amended acoustic report for the use, addressing patron and music noise impacts to the surrounding area. A condition will require an amended report to this effect that will be formally peer reviewed before endorsement. Any consequent design changes will be required to be reflected on the amended plans requested at Condition 1.
131. The restaurant operator may apply to Council for later hours (if necessary) once there is clear evidence of the restaurant operating in a well-managed manner. A condition reducing the hours of the restaurant will balance the need to protect the amenity of residents with the operational needs of the commercial intensification of the site. A further condition will also restrict any speakers from being erected externally to the building and / or used within the balcony and or terrace areas.
132. A condition will also limit delivery hours to Council's standard delivery times to ensure deliveries are undertaken at appropriate times (7am to 10pm). This will also ensure that adequate hours are provided for cleaning of the office building, as the delivery times during the week will align with those during the weekday when regular cleaning after typical office hours is undertaken.

Built form – Heritage and Urban Design

133. 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*) and Clause 22.02 (*Development Guidelines for Sites subject to the Heritage Overlay*).
134. All of the provisions and guidelines support development that responds to the existing or preferred neighbourhood character. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationship to nearby buildings.
135. Prior to ascertaining if the proposed building is acceptable, one must consider if the demolition and works to the existing building continue to satisfy Council's policy. It is maintained that the existing building on site is graded 'not-contributory' within the South Fitzroy Heritage Precinct and the extent of demolition continues to be supported. Demolition has also taken place in accordance with the current endorsed plans that require retention of the existing walls. The existing walls continue to be incorporated into the development, albeit with an amended scheme, that adopts a greater scale and mass to the street with an increased podium of three-storeys, in lieu of two.
136. In regards to the proposed new building, the relevant objectives of clause 22.02-4 of the Scheme are *"to preserve the scale and pattern of streetscapes in heritage places"* and *"to ensure that additions and new works to a heritage place respect the significance of the place"*. Furthermore, Council's local policy contains guidance for sites that benefit from multiple frontages, to ensure that recognition of all adjoining forms and character is afforded.
137. Clause 15.03-1 includes strategies to encourage appropriate development that respects places with identified heritage values, creates a worthy legacy for future generations, and ensures an appropriate setting and context for heritage places is maintained and enhanced. Clause 43.01 includes the purpose to ensure that development does not adversely affect the significance of heritage places.

138. In terms of the immediately surrounding heritage context, built form to the immediate west, east side of the Mechanics Laneways and to the south, opposite side of Rose Street is also graded “Not Contributory”. The site is also generously separated from the dwellings that front onto Leicester Street as a result of the Garryowen Park opposite, including the dwelling to the north-east as result of the laneway.
139. From a heritage perspective, it is considered that the overall height of the revised scheme and setbacks above will have no impact on the heritage significance of the surrounding area due to the ‘not-contributory’ grading of surrounding buildings. The separation distances from heritage buildings and places of significance as a result of the separation distance from surrounding laneways, parkland to the north and grading of immediate surrounding buildings, provide a non-sensitive immediate heritage context.
140. From an urban design perspective, the adoption of a three-storey podium in lieu of a two-storey podium to Rose Street is supported as it reflects the prevailing two-three storey existing street-wall heights. These heights are associated with robust former industrial and commercial style buildings that have zero setbacks and have been transformed into dwellings, as is the case with the immediate western neighbouring property, but also of more recently constructed buildings such as that to the east side of Mechanics Laneway. The proposed podium height, whilst does not replicate, draws reference to these surrounding podiums at a height that is clearly comparable as identified at Figure16. The podium will transition by approximately 2.2m in height above the podium height of the adjoining western building’s podium, and will be comparable to the hard-edged feature podium of the six-storey building to the east.

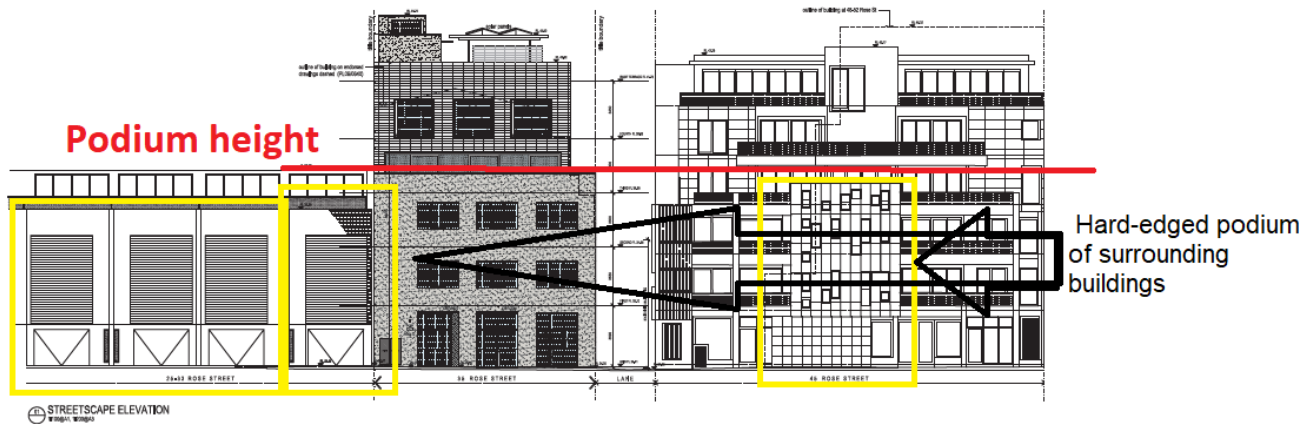


Figure 16: Streetscape elevation to Rose Street, comparing the adopted podium height to those surrounding.

141. Council’s Urban Design Unit is also supportive of a three-storey podium stating that *“the composition of the Rose Street façade of the podium provides a good level of transparency and activation at street level, and the use of warehouse style fenestration speaks of the history and character of the area. Furthermore, the proposed amendments to the building envelope provide a much cleaner built form with less terracing, reducing an undesirable ‘wedding-cake’ effect”*. Based on this comment, the scheme is considered to provide an improved interface to Rose Street that can also be carried through to the interface of Mechanics Laneway which is currently characterised by hard-edged built forms as a result of existing conditions. As such, it is more a question of whether the upper levels above the new podium provide an appropriate transition within this same context. The northern interface will be considered separately.
142. The decision plans have reduced the building height by one level, resulting in a five level building with a roof terrace above as indicated in the *“Background”* section of this report with greater massing, height and bulk compared to the endorsed scheme. However, this justified within the context in which it is sited.

143. The amended scheme, is lower in height than the originally advertised plans, and continue to provide a greater height than the neighbouring dwellings to the west (as is the case with the approved scheme), and have been tempered against the height of the six-storey building to the east of Mechanics Laneway. The predominant height of the building on the decision plans is shown with an RL of 42.90, and the six storey building has a predominant RL of 43.28. As such, the predominant height is lower than that of the six-storey building, and will appear two-storeys taller than the neighbouring building to the west which is considered to be a reasonable transition. This is because of the hard-edged interface of the dwellings to the west, which at south-west angles from a human scale, will conceal much of the western elevation at close range angles.

Further, the building will not be introducing a new competing building height along Rose Street and the setback of 3m from Rose Street of the levels above the street podium, will facilitate a reasonable transition with surrounding building heights.

144. The *Development abutting laneways* policy at Clause 22.07 provides guidance on the laneway interfaces. Accordingly, the policy requires that *'development respect the scale of surrounding built form'*.

145. As endorsed, there are three to four storey walls along Mechanics Laneway to the east. This interface will be improved with a consistent three-storey podium across, making this less busy and removing the “wedding cake” effect of bulk and mass. The hard-edged approach to the north is considered to be in keeping with the northern ‘lanescape’. This is because a four storey residential building is located immediately west of the site, a six-storey built form is located opposite the laneway to the east, and the Garryowen Park is located to the north. This context is considered to justify the adopted design approach that invites a building that is more robust and greater in scale than that currently approved. The parkland opposite also creates a clear demarcation from the low-rise dwellings addressed to Leicester Street, with a generous separation distance of approximately 30m-35m. Overall, the building is considered to be acceptable from a design perspective and Council’s Urban Design Unit is fully supportive of the design approach as shown at Figure 17.

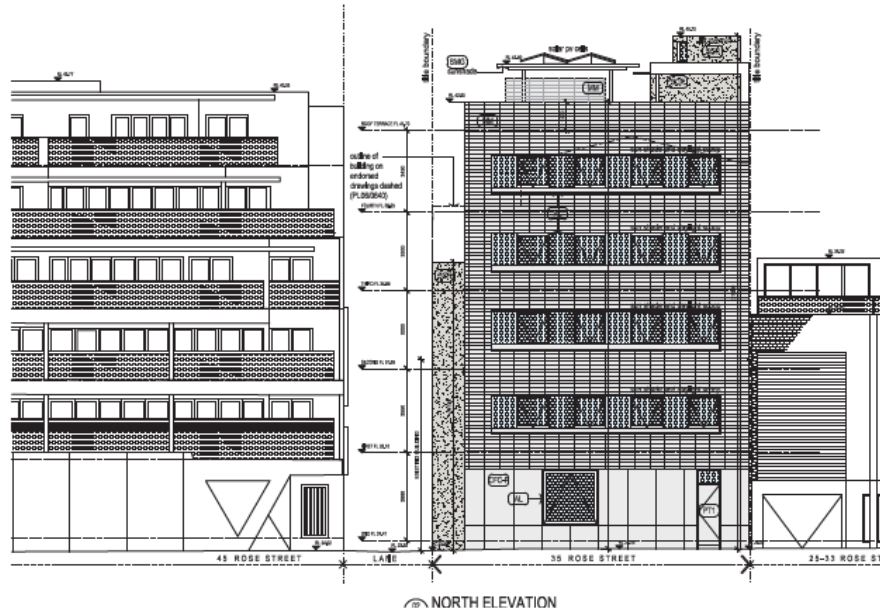


Figure 17: Northern elevation as seen from the Garryowen Park.

146. The proximity to the Brunswick Street MAC, tram and bus routes and the acceptability of the site for renewal from a heritage perspective that has already been established with the original approval, in an area that has been subject to substantial redevelopment, all provide justification for the further intensification of this site with the building proposed in the decision plans.

Architectural Quality

147. The development is considered to be of a good quality and in that regard responds to the design objectives of clause 15.01-2S of the Scheme. The contemporary design is appropriate and responds well to this part of Fitzroy with the design offering a modern built form that revitalises the street frontage through provision of a restaurant at the ground floor and separate entrance into the building for staff associated with the office. The building also displays generously sized openings that are derivative of industrial windows, fitting to the character of the area.
148. The architectural response represents a language that is rather typical to a contemporary office building, using a material palette of grey cement render to the walls and encasement of the levels above the three-storey podium to Rose Street and Mechanics Laneway, including the levels above the ground floor to Garryowen Laneway, in a metal mesh screen. This design approach was supported by Council's Urban Design Unit and is quoted as stating that "*the proposed amended building form is considered an improvement to that of the endorsed plans*".
149. The building also includes screens and canopies that whilst supported in their locations, appear to project over 300mm over the title boundaries at the upper levels. Whilst the ideal outcome would be to have no projections, Officers have supported projections on other buildings of up to 300mm (i.e. planning permit no. PLN19/0411 associated with the property on the southern side of Rose Street). As such, a condition will require any projections to not extend 300mm beyond the title boundaries.
150. A further condition will require a materials schedule that identified all applied materials and finishes, with a patterned finish across the western elevation to create some visual appeal.

Landmarks, Views and Vistas

151. It is policy at clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The impact on long range views and vistas are only relevant where they form part of an identified character of an area (within planning policy) and typically apply to landscapes or natural features. This is not the case here and city views are considered opportunistic, not a key feature of the area.
152. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the local policy direction under clause 22.03-4 of the Scheme.

Light, Shade and Public Realm

153. Planning policy encourages the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the decision plans represent an improvement to the streetscape, public space quality and perceived safety. This is because the ground floor garage will be converted into a restaurant, with Rose Street as the primary entrance to the restaurant and the office. The laneway will be used by bicycle users and the northern interface will provide entry to the kitchen of the restaurant for staff. The upper level windows and balcony at the third level, will provide passive surveillance of the surrounding laneways, parkland, and Rose Street; activating these interfaces.
154. The overshadowing of the opposite side of Rose Street is considered acceptable as this can be compared to the shadow cast by the six-storey building opposite Mechanics Laneway to the east. The decision plans have further reduced the shadow cast compared to the original scheme / plans that were advertised and is considered to be acceptable.

155. Whilst it would be ideal to have no shadow cast over the footpath south of Rose Street, shadowing of this footpath will be for a short period of time within the morning that will commence in the south-west, and shift to the south-east by the afternoon. The scale of built-form approved on the northern side of Rose Street justifies the building height adopted and the MUZ anticipates the intensification of buildings in this area. Despite this, the decision plans have lessened the impacts on the public realm given the reduced building height, and to this extent, the overshadowing impacts are supported.

Site Coverage

156. Whilst not strictly applicable, it is acknowledged that the level of site coverage proposed is well above the maximum of 80 percent as directed by clause 22.10-3.6 that applies to new development not within a Heritage Overlay. However as the existing level of site coverage in the surrounding (and immediate) area and within zoning that encourages higher density development (MUZ, Commercial 1 Zone) is similar, it is acceptable. Commercial buildings in this precinct, including converted warehouse and former factory buildings, traditionally have high levels of site coverage with this characteristic being evident throughout Fitzroy. The site coverage proposed is the same as that currently endorsed, and the scheme will not change this aspect of the endorsed scheme.

Landscape architecture

157. Landscaping is not a typical feature of buildings zoned Mixed Use in Fitzroy, particularly along Rose Street. Despite this, the proposal includes a degree of visible landscaping in the form of planter boxes on the third floor balcony and around the perimeter of the roof terrace. This will “green” the building and is a welcomed addition that will soften the building’s robustness. To ensure that this is maintained as a feature, a condition will require the submission of a landscape plan that includes information on waterproofing, growing media, irrigation and mulch, and further condition requiring this to be constructed before the building is occupied.

Summary

158. In summary and subject to conditions, the proposed development will be an improvement on the approved design, whilst adequately responding to its physical and policy context, striking a balance between the scale of surrounding building forms (both existing and future). The proposal offers a reasonable height transition between the western adjoining buildings and the six-storey apartment building to the east. The architectural expression including use and composition of materials is simple, with a better architectural expression as indicated by Council’s Urban Design Unit.

On-site amenity

Daylight and Ventilation

159. The proposed development is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for the office and restaurant space with three frontages, one with a northern orientation that would have excellent solar access due to the parkland opposite. The development provides large expanses of glazing at all levels with operable panels.

Circulation Spaces

160. The entrance to Rose Street associated with the office, and located west of the entrance to the restaurant, provides access to the lifts, stairs and service amenities. The main entrances are provided with adequate sightlines from Rose Street so people can see both in and out when entering or leaving. The entrances are also recessive from their boundary provide some shelter prior to entry. It is considered that the circulation spaces afford a good level of amenity to future building occupants.

Facilities

161. Communal facilities are provided at each level for the office tenants, including kitchenettes. Bicycle parking and end-of-trip facilities are also incorporated into the scheme. Outdoor areas in the form of a balcony at the third floor and a roof garden with a barbecue area have also been provided and will further enhance the on-site amenity and staff enjoyment of the building.

Environmentally Sustainable Design (ESD)

162. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. The redevelopment of the site located in an existing built-up area makes efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces reliance on private vehicles. The building has been amended to provide a water tank with a 9,000lt capacity and connected to the toilets for flushing, including the irrigation of vegetation, a 10kWp solar PV array to contribute to onsite electricity consumption and a total of 24 bicycle spaces.
163. Given the added ESD measures, and energy efficient improvements tailored to the new built form, a condition will require an updated Sustainability Management Plan that references the decision plans for endorsement.
164. The standard condition which requires an implementation report to confirm that measures specified in the Sustainability Management Plan have been implemented in accordance with any approved plan will also be included.
165. The applicant submitted a wind report prepared and authored by Vipac Engineers and Scientists and dated 29 November 2019. The report confirms that with the proposed design:
- (a) *The proposed development would be expected to generate wind conditions in the ground level footpath areas within the walking comfort criterion;*
 - (b) *The proposed development would be expected to generate wind conditions in the main building entrance areas within the standing comfort criterion; and*
 - (c) *The proposed balconies and rooftop terrace would be expected to have wind condition within the recommended walking criterion, and would likely achieve the more stringent sitting to standing comfort criteria*
166. The s57(a) plans have dropped the building height and on this basis, further testing is not required. Given the surrounding building heights that already adopt a similar or comparable building height to that proposed, the findings above are accepted and a peer review is not required.

Off-site amenity

167. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy). As the site surrounds description identifies, there are dwellings located to the immediate west), and opposite sides of Mechanics Laneway to the east and Rose Street to the south.

168. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate);
- (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*

Noise

169. 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.
170. The proposal is unlikely to result in unacceptable noise emissions to immediate nearby residential properties given that the building would be used mainly for offices (subject to consideration of hours and sleep disturbance criteria) with a restaurant at the ground floor that by condition, will have reduced hours with a closing time of 10pm. The reduced hours of the restaurant, combined with the existing office hours permitted at Condition 3 and the nature of the office and restaurant uses, will ensure that any noise generated by pedestrian activity is limited to standard operating hours. These activities are also located within the MUZ where a variety of uses are required to be tempered so that these can coexist with conditions that will control and limit their operating hours. Whilst the development does not include a designated loading bay (as it is not a technical requirement under the Scheme), Councils Engineer has indicated support of the use of existing loading bay west of the Spring and Rose Street intersection which is within proximity to the subject site.
171. The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor balcony and roof garden).
172. The applicant submitted an acoustic report prepared and authored by Vipac and dated 13 December 2019. As indicated earlier, a condition will require this report to be updated to reflect the decision plans that have formally substituted the plans that this former report referenced (i.e. those advertised, forming part of the initial application). This report will be peer reviewed by an external acoustic consultant prior to endorsement
173. As previously identified, the office hours at Condition 3 will be maintained hence addressing and limiting the hours on balcony and roof garden areas that are open to day time operating hours. The restaurant patrons will have no access to the balcony and roof garden, therefore ensuring that noise volumes beyond 8pm are contained to the ground floor, which has also located all services, stairwell and lift to the west, further assisting in containing patrons to the east of the ground floor, well removed from the immediate dwellings to the west.

Fumes and air emissions, light spillage

174. The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor balconies / roof garden). The proposal is not considered to result in unreasonable air emissions, with light spill from the upper level offices limited due to the nature of the use that is regulated to 8pm weekdays and 6pm on weekends. The restaurant will be restricted to 10pm, and the existing conditions 6 and 11 of the permit that protects the area from light spill and fumes and air emissions, respectively, will be maintained and carried over (but renumbered) to any new permit to issue.

Visual bulk and overlooking

175. The visual impacts to the dwellings addressed to Spring Street and Rose Street to the south, and opposite side of the subject site, and that to the east of the Mechanics Lane, are considered to be mitigated through the separation distances as a result of surrounding streets and lanes.
176. In regards to visual bulk impacts to the dwellings immediate west of the subject site, when viewed from the south-facing abutting balcony, the scheme has replaced a 1.7m high solid screen with a wall that would measure almost 3m which is acceptable given that these are both solid structures.

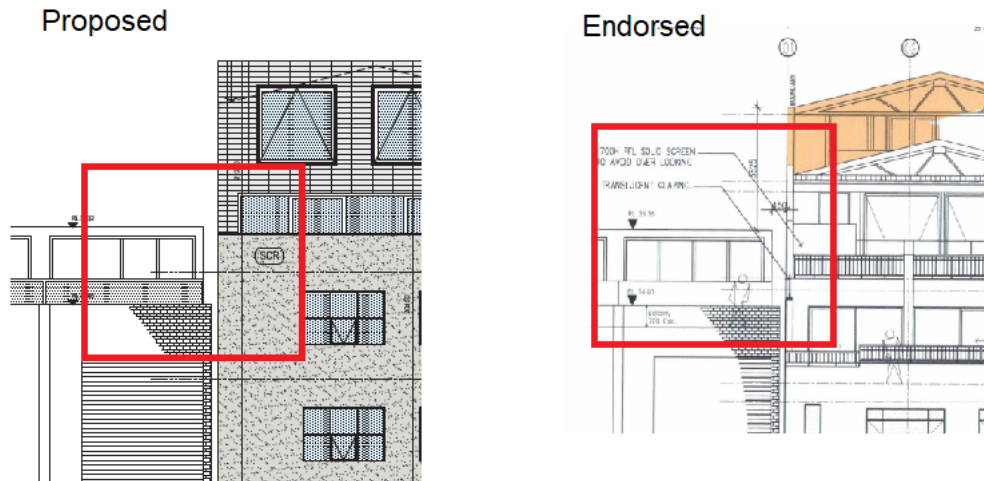


Figure 18: Southern elevation comparing the screen of endorsed plans to the replacement walls adjacent the balcony of the western adjoining dwelling.

177. When viewed from the north-facing abutting balcony, the proposed scheme has departed from the staggered 3.7m and 4.9m high wall along the common boundary to the east of this balcony and has replaced this with a solid wall at approximately 8m in height. This is considered to be of concern when combined with the fact that this will further increase the shadow impact into this area. For the reasons detailed under the *Overshadowing* heading, this wall will be addressed to have a reduced scale with a condition. The remainder of the building, like that endorsed, will be constructed opposite the roof and walls of the adjoining building and will not result in any further obstruction or visual bulk immediately opposite the balcony spaces identified.
178. In relation to overlooking, the proposal will remove the two approved dwellings and replace these with a restaurant and an office and therefore is not subject to the same requirements as would be afforded to other built form typologies, such as an apartment building.
179. However, the decision plans have had regard to the balcony areas associated with the dwellings to the immediate west. Section C below (i.e. see Figure 17) clearly identifies that overlooking within a 9m radius from the balcony area at the third floor is addressed with a planter box that will prevent one from stepping up to the balustrade, and therefore peering over the south-facing balcony of the of the dwellings to the west

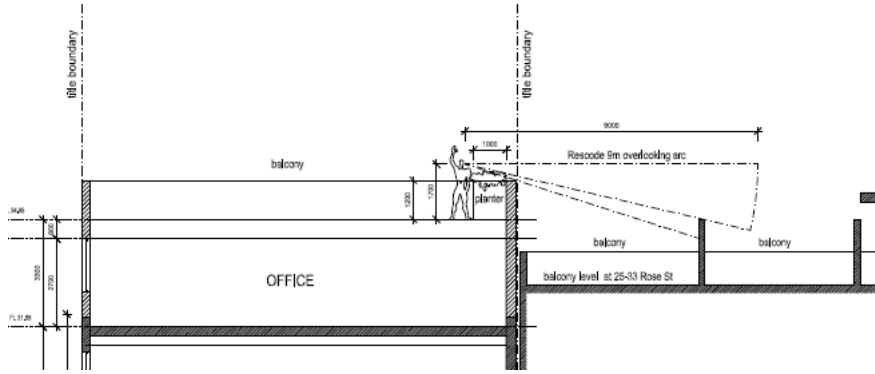


Figure 19: Section identifying intent of planter box at the south-west corner of the third floor as a means of addressing overlooking into the balconies of the western adjoining dwellings.

- 180. Regard to overlooking from the roof garden into the north-facing balcony of the dwellings to the west has also been provided identifying that overlooking within a 9m radius falls predominantly above the building line of these dwelling, and at least 1.7m high above and into the air spaces of their balconies (i.e. see Figure 20).

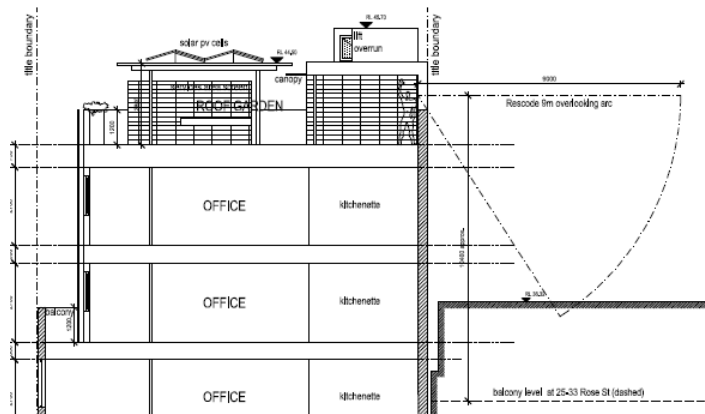


Figure 20: Section identifying 9m viewing angles from the roof garden.

- 181. In relation to the east, the apartment building opposite has several west-facing windows that overlook Mechanics Lane that are required to be further addressed as part of this scheme as some are to the habitable rooms of several apartments. As such, a condition will require the eastern elevation to be amended to include screening. Rose Street provides a separation distance from the southern edge of the façade to the northern edge of the wall associated with the former warehouse conversion opposite, of between 10m-11m and therefore further screening is not required.
- 182. Overall, it is considered that the interface between the proposal and the upper level balconies of adjoining dwellings to the west, including north-facing habitable room windows of dwellings south of Rose Street would not be unreasonably impacted with the physical buffer already provided. As indicated, overlooking from the east will be addressed with a condition.

Overshadowing

183. Standard B21 of Clause 55 seeks to ensure buildings do not significantly overshadow existing secluded private open space between 9am and 3pm on 22 September. Within this six hour time period, the Standard requires a minimum of five hours of sunlight. It is important to note that Clause 55 is not strictly applicable in this instance due to the proposed uses and zoning of the land however, it is used as a reference.
184. This assessment is based on shadow diagrams provided by the applicant as part of the overall package of planning application material associated with the decision plans (S57(a) amended plans), as attached to this report. According to their illustration, the only increase in shadow cast over secluded private open space is that over the balcony area associated with the immediate neighbouring dwelling to the west. This balcony will be in full shadow at 9am, with this beginning to peel back from its western edge from 10am and further at 11am with no further shadow by 12 noon as indicated below:

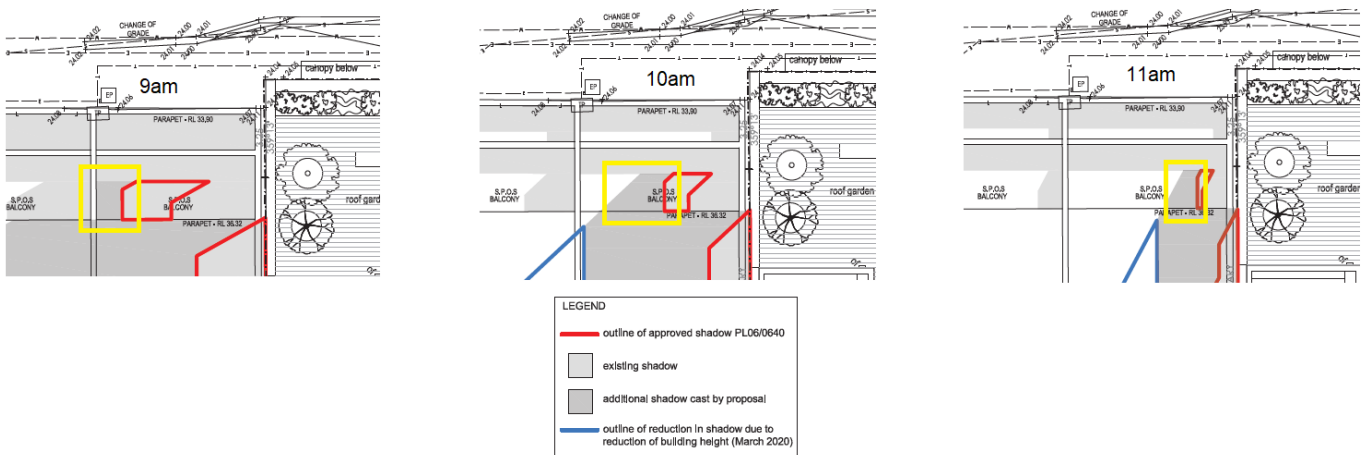


Figure 21: Shadows cast over the balcony area associated with the western adjoining dwelling at the equinox (September 22nd)

185. Essentially, the additional shadow at Figure 19 is identified in the yellow box, with the shadow in the red outline identifying that already approved. As can be seen, the extended shadow has been incremental and the previous officer's report justified this on the basis that the adjoining balcony was not in full shadow at any stage of the day. To avoid any further imposition, it is considered appropriate to reduce this impact to no more than that currently endorsed. A condition will address this, which will also assist in reducing the visual mass of the western wall given that the proposal where adjacent to this balcony will need to be physically reduced to ameliorate this shadow impact.
186. Based on the shadow diagrams, balconies of the apartment building to the east and opposite side of Mechanics Laneway would not be impacted by any new shadows cast by the new scheme at the Equinox given their location, orientation and separation distance.
187. The permit applicant also provided sectional shadow diagrams to show the extent of the impact over the north-facing windows associated with dwellings to the south of Rose Street. According to these, and as demonstrated at the Equinox (September 22nd), the shadows cast hit the window sill and fall below (see Figure 22). As such, the north-facing windows are unaffected by the proposal and will continue to prove excellent solar access to the living quarters of these dwellings.

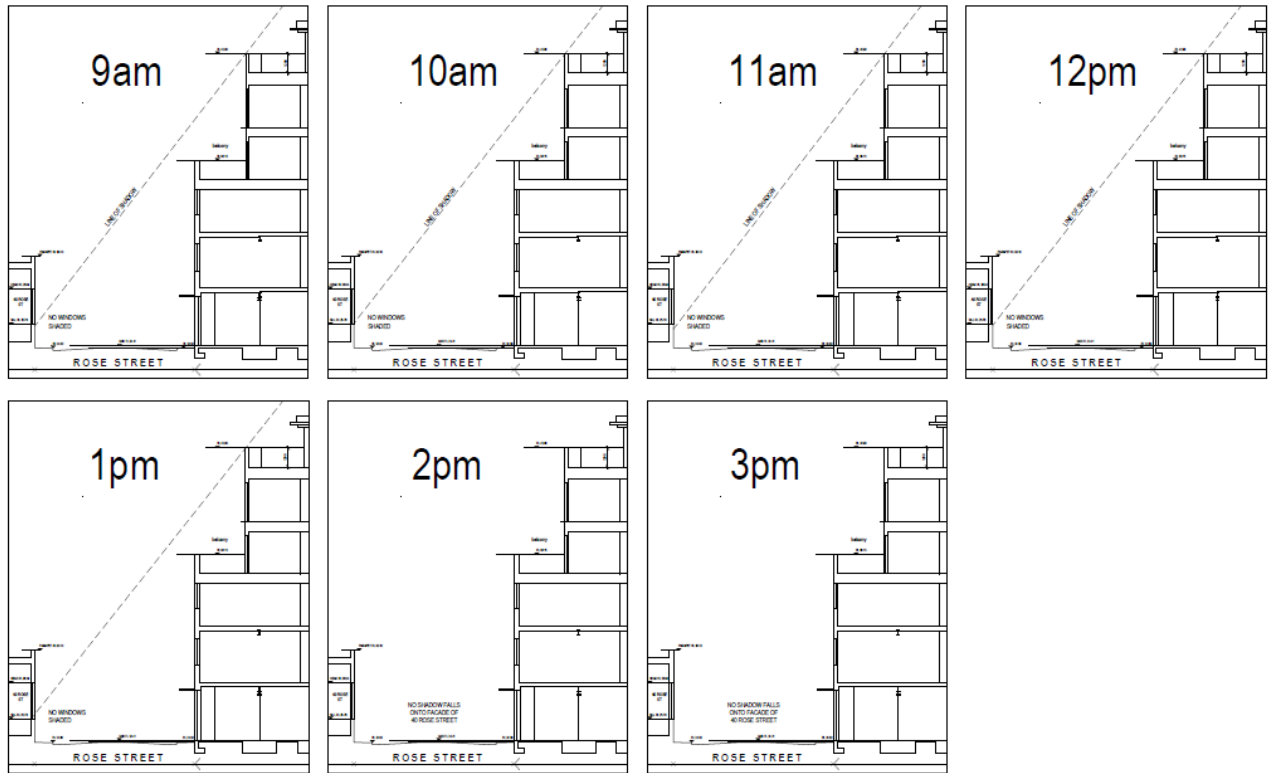


Figure 22: Shadows cast over the balcony area associated with the western adjoining dwelling at the equinox (September 22nd)

Equitable Development

- 188. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered.
- 189. In regard to equitable development, the street frontages of Rose Street to the south, and Garryowen Lane to the north, are also enjoyed by the site to the west (immediate) and the building opposite to the east. Of the two, the western adjoining site is required to be considered given that it has an immediate abuttal with the site, and is lower in scale than the proposal. The building opposite to the east is separated from the subject site as a result of Mechanics Laneway. That said, the adjoining dwellings have been subdivided and in the event that these were to be extended, it is unlikely that these would be recessed from the shared boundary given their narrow width. Furthermore, the subject site is to their east and their northern orientation is well protected by the existing conditions, where development in the near future is highly unlikely, if at all (i.e. the Garryowen Lane and parkland beyond).

Waste management

- 190. An initial Waste Management Plan (WMP) was submitted by the Applicant and reviewed by Council's City Works Branch, who indicated that it was satisfactory. However, given the scope of the changes of the decision plans that have resulted in a reduced building height, a condition will require the submission of an amended WMP that reflects the modified building with further reference to the changes required by the new Condition 1 and its requirements.

Car parking, traffic and access

- 191. The applicant is seeking a full reduction in the statutory parking requirement of the Scheme. To support the full reduction in the statutory rate, a traffic engineering assessment was provided and authored by the Traffix Group, with parking availability in the neighbourhood also reviewed.

Parking Availability

- 192. On-street parking occupancy surveys of the surrounding area were undertaken by Traffix Group on Tuesday 6 August 2019 at 1:00pm. The area encompassed Rose Street, Westgarth Street, Spring Street, Fitzroy Street and Nicholson Street. The time and extent of the study are considered appropriate. An inventory of 151 publicly available parking spaces was identified. The results of the survey indicated that there was a high demand for on-street parking, with an occupancy of 81% (21 spaces vacant).
- 193. There are 2hr restricted parallel parking spaces in the surrounding area between the hours of 7am to 7pm (Monday to Sunday), that would be a further deterrent for office staff to use a private vehicle given the operating hours.
- 194. The limited availability of long-term on-street parking would discourage employees from driving to work, and encourage them to travel by alternative forms of transport. The surrounding area has ample transport contextually supporting a development of this scale in the inner city. The availability of alternative transport methods will be discussed in turn. Clients and customers should also be able to park on-street (short-stay parking) should they choose not to use public transport.

Parking Demand

- 195. It is considered that the statutory car parking rates outlined in the Scheme are conservative when applied in this instance, given the inner-city location of the subject site and proximity to alternative transport means. It is well documented through decisions made by the VCAT that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure that a holistic planning approach to precincts that are designated for greater change is applied.
- 196. In support of the reduced car parking on-site to zero, examples of existing offices within the City of Yarra with reduced on-site car parking were provided by Council Engineers. Details of these offices are provided as follows:

Development Site	Approved Office Parking Rate
187-195 Langridge Street PLN17/0867 issued 19 January 2018	470 m ² Reduction: 16 spaces
100-102 Islington Street PLN18/0072 issued 3 July 2018	207 m ² Reduction: 7 spaces
19 David Street PLN17/0395 issued 15 April 2016	175 m ² Reduction: 6 spaces

- 197. Specifically in relation to the particular benefits of the site location, the full reduction in car parking being sought by the proposal is further supported by the following:
 - (a) The site is well serviced by public transport, including the Nicholson and Brunswick Street trams and Johnston Street buses with the array of transport identified in the following table (as extracted from the traffic engineering assessment at p.13):

Table 1: Summary of Public Transport Services

Service	Between	Via	Operating Times (Frequency)		
			Weekday	Saturday	Sunday
Nicholson Street – located approximately 150m walking distance west of the site					
Tram Route 96	East Brunswick & St Kilda Beach	City	Monday-Thursday 5:20am-12:40am 6-20 minutes Friday 5:25am-3:00am 6-30 minutes	3:00am-3:00am 10-30 minutes	3:00am-12:30am 15-30 minutes
Brunswick Street – located approximately 230m east of the site					
Tram Route 11	West Preston & Victoria Harbour Docklands	City	Monday-Thursday 5:45am-12:20am 6-20 minutes Friday 5:45am-1:20am 6-20 minutes	5:45am-1:25am 10-20 minutes	7:15am-12:20am 15-30 minutes
Princes Street – located approximately 450m north-west of the site					
Bus Route 546	Heidelberg Station & Queen Victoria Market	Clifton Hill & Carlton	6:40am-7:10pm 30 minutes	Does Not Operate	Does Not Operate
Johnston Street – located approximately 500m south-west of the site					
Bus Route 200	City & Bulleen	Kew	5:50am-11:15pm 20-40 minutes	6:10am-11:40pm 30-40 minutes	6:40am-10:10pm 30 minutes
Bus Route 207	City & Doncaster SC	Kew Junction	5:40am-11:35pm 15-40 minutes	6:25am-11:10pm 30-40 minutes	6:55am-10:30pm 30 minutes

Figure 23: Summary of Public Transport Services extracted from the traffic engineering assessment.

- (b) The surrounding area has a good bicycle network and the development includes employee bicycle parking spaces and end of trip facilities in excess of rates specified within the Scheme to encourage staff to ride to work.
- (c) The limited on-street parking in the area, is a disincentive for employees to travel to work by car. Occupant or visitor parking permits will not be issued for the development.
- (d) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the occupants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis.
- (e) Council’s Engineering Unit are supportive of the application and have identified that it is in line with the objectives of Council’s *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.
- (f) It is unlikely that the restaurant would become a sole destination for people not living in area. The restaurant would likely become a destination for those already living in the area, hence walking would become a preferred option. However, the area has ample parking opportunities with a private car park (namely “The Fitzroy Mills”) also located on Rose Street.

- (g) The area also has unrestricted parking opportunities on the street beyond 7pm that will provide opportunities for patrons to drive to the site, outside of standard business hours.

Traffic

198. Council's Traffic Engineers have confirmed that the traffic generation is reasonable, and that any increase in the volume of traffic generated by the development could be accommodated on the local road network without adversely impacting on the traffic operation of nearby streets. It is also worth mentioning that the provision of no onsite car parking available to staff, and restricted opportunities within the surrounding street network would likely reduced the generation of car parking and provide an improved outcome compared to the endorsed scheme.

Bicycle parking

199. The application exceeds the clause 52.34 statutory bicycle parking requirements, with 23 additional spaces above the statutory requirements of the planning scheme (i.e. statutory requirement of 24). A total of 16 lockers are also proposed.

Green Travel Plan (GTP)

200. Given the full reduction in the car parking requirement and sole provision of bicycle parking on site, a condition will require the submission of a GTP that provides the following information (in line with other developments approved by Council of this scale with reduced parking rates, in an inner city context):
- (a) Description of the location in the context of alternative modes of transport;
 - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) Details of bicycle parking and bicycle routes;
 - (f) Details of GTP funding and management responsibilities;
 - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) Security arrangements to access the employee bicycle storage spaces;
 - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (j) Provisions for the GTP to be updated not less than every five years.

Other Matters

201. With regard to the scope of changes proposed, the planning permit will be required to be amended as follows (with replaced sections ~~struck through~~ and updated sections in **bold**):

Preamble (amended)

Buildings and works to the existing building including partial demolition and the construction of ~~three~~ **four** additional levels above the existing building **and use** for the purpose of **a restaurant and office**, ~~two dwellings and a food and drinks premises (no permit required uses)~~ including a **full** reduction in the car parking requirement.

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 Section 72 amended plans received by Council on ~~26 September 2013~~ **28 February 2020** but modified to show:
 - (a) Updated demolition plans;
 - ~~(b) Car park 1 increased in length to 5.4m vehicle and noted as 'cafe car space';~~
 - ~~(c) The 2 x 2 car stackers noted as 'office car parking';~~
 - ~~(d)~~ **(b)** Provision of sensor lighting to the recessed entry **of the bike store** along the eastern elevation;
 - ~~(e) The deletion of the counter service window to the food and drink premises (café);~~
 - ~~(f) Deletion of the dwelling kitchen and food preparation facilities at Level 1;~~
 - ~~(g) The bedroom door to be glazed at Level 1;~~
 - ~~(h) The north-east corner of the second floor to correctly show the 1.7m high solid screen (as per the floor plans);~~
 - ~~(i) The northern elevation corrected to show the 1.7m high solid screen at the third floor (as per the floor plans);~~
 - ~~(j) Replacement of the 'barn doors' to the cafe bin store with a roller door, (ensuring this door does not obstruct the eastern laneway);~~
 - ~~(k)~~ **(c)** The location of all pits, valves or meters (none of which are to be located on Council property);
 - ~~(l)~~ **(d)** **Location of all plant equipment including air-conditioning units to be concealed from the streetscape.**
 - (e) The eastern elevation screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.**
 - (f) The building modified to have no increased overshadowing over the balcony / private open space of the dwellings located to the immediate west than the current endorsed scheme.**
 - (g) Any element extending beyond the title boundaries reduced to have a projection no greater than 300mm.**
 - (h) A materials schedule of all colours and applied finishes, which further includes a patterned finish across the exposed western on-boundary wall.**
 - (i) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to be shown on plans).**
 - (j) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to be shown on plans).**
 - (k) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to be shown on plans).**
 - (l) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to be shown on plans).**
 - (m) Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to be shown on plans including notations of key commitments).**
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

Uses

3. Unless with the prior approval of the Responsible Authority, the use of the office must only operate between the following hours:

Monday to Friday: 8am – 8pm; and
 Saturday and Sunday: 8am - 6pm.

4. Unless with the prior approval of the Responsible Authority, the restaurant must only operate between the following hours:

Monday to Sunday: 8am – 10pm.

4. 5. No speakers external to the building (including within the balcony or roof terrace) are to be erected or used.
6. 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.
7. ~~All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.~~

Any Council asset damaged resulting from works on the land must be reinstated to the satisfaction of the Responsible Authority.

Landscape Plan

8. Concurrent with the plans requested at Condition 1, a 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 Landscape Plan must show:
- (a) The type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) The landscaping on Level 3 balcony and roof terrace and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch. Details of how any mulch specified on the higher levels will not be at risk of blowing away during high wind events must be provided.
 - (c) Indicate depths of the masonry planters where they have not been specified on the current plans.
 - (d) Details of custom furniture proposed, ensuring safety and compliance standards are met.
9. 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,

Sustainable Management Plan

10. Concurrent with the plans requested at Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources dated 15 October 2019 but modified to make reference to design changes as required by Condition 1.

11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the building is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Green Travel Plan

13. Before the building is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
 - (a) Description of the location in the context of alternative modes of transport;
 - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) Details of bicycle parking and bicycle routes;
 - (f) Details of GTP funding and management responsibilities;
 - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) Security arrangements to access the employee bicycle storage spaces;
 - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (j) Provisions for the GTP to be updated not less than every five years.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

15. Concurrent with the plans requested at 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.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

18. **Concurrent with plans requested at 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 Vipac and dated 13 December 2019, but modified to:**
 - (a) **make reference to design changes as required by Condition 1;**
 - (b) **Make reference to the hours of operation of each use as permitted under this planning permit;**
 - (c) **Address patron and music noise impacts to the surrounding residential areas; and**
 - (d) **Make any changes to the layout required to ameliorate any noise impacts on surrounding neighbouring properties (where necessary).**
19. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
- ~~5. The car stackers must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.~~
- ~~6.~~ 20. **Prior to the commencement of construction of the development, the permit holder/developer must submit a report on the existing conditions of the laneway abutting the northern building line of the site and to the satisfaction of the Responsible Authority. If required by the Responsible Authority, the part of the existing gravel section of this section of the laneway must be re-laid in bluestone pitches to match the existing paving of the laneway and to the satisfaction of the Responsible Authority. The cost of this works must be borne by the permit holder/ developer.**
- ~~7. The area designated on the endorsed plans for car parking must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.~~
- ~~8.~~ 21. **Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on nearby land.**
- ~~9.~~ 22. **Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to the satisfaction of the Responsible Authority.**
23. **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.**
24. **Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.**
25. **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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.**
- ~~10. Before buildings and works are constructed or carried out in association with the development nearby approved, either:~~

- ~~a. A certificate of environmental audit must be issued for the land in accordance with Section 57AA(5)(b) of the *Environment Protection Act 1970*; or~~
- ~~b. An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of that land are suitable for the sensitive use.~~

~~41.~~ **26.** Prior to the commencement of construction, the applicant must submit for approval to the Responsible Authority a Traffic Management and Construction Management Plan in line with the requirements of the City of Yarra's Building Code of Practice. Once approved, the plan shall form part of this permit. The plan must address, but not be limited to the following:

- a. Site contamination and disposal of contaminated matter;
- b. Containment of dust, dirt, sediment and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- c. On site facilities for vehicle washing;
- d. Parking facilities for construction workers;
- e. Delivery and unloading points and expected frequency;
- f. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- g. An outline of requests to occupy footpaths or roads, or anticipated disruptions to local services.

~~42.~~ **27.** During the construction phase of the development:

- a. Only clean rainwater shall be discharged to the stormwater drainage system;
- b. Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- c. Vehicle borne material from the premises shall not accumulate on the roads abutting the site;
- d. All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- e. All litter (including items such as cement bags, food packaging and plastic strapping) must be contained within the site boundaries, and disposed of responsibly; and
- f. All site operations shall comply with the Environmental Protection (Residential Noise) Regulations 1997.

~~43.~~ **28.** The amenity of the area must not be detrimentally affected by:

- 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.

~~44.~~ **29.** Except with the written consent of the Responsible Authority, construction works must only be carried out between 7:00am – 6:00pm. Monday – Friday (excluding public holidays) and 9:00am – 3:00pm. Saturday and public holidays. No works are to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environment protection Authority's Guidelines on Construction and Demolition Noise.

- ~~15. This permit will expire if the development is not commenced within two years from the date of this permit or not completed within four years of the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry in writing.~~

Time expiry

30. This permit will expire if:

- (a) the development is not completed within two years of the date of this amended permit;**
- (b) the office and restaurant uses are not commenced within three years of the date of this amended permit.**

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

Notes:

~~NOTE: The café will be required to comply with the Food Act 1984. The use must not commence until approval has been granted by Council's Health Protection Unit.~~

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

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

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

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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

The 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.

Objector concerns.

Building form, design and massing:

- (a) The size and scale of the building with the added floor levels is out of character with the area and an overdevelopment resulting in visual bulk;

202. Built form, design and massing (including height) is discussed within paragraphs 133 to 150. Conditions that will assist in facilitating reduced visual bulk as seen from the neighbouring dwelling's balcony to the west will achieve, on balance, an acceptable planning outcome.

Use and Amenity impacts:

- (b) Not feasible use(s) for the residential location;
- (c) Hours of operation and noise (use of the roof top terrace (also identified as a rooftop "bar" by one Objector), patron of the restaurant, deliveries, garbage collection, and potential rubbish overspill);
- (d) Entrance to the restaurant should not be located to face Garryowen Park;
- (e) Overshadowing; and
- (f) Privacy and overlooking.

196. Off-site amenity impacts to neighbouring residential properties in terms of overlooking, noise, overshadowing have been addressed at paragraphs 167 to 188. The land uses have been discussed at length at paragraphs 124 to 132. The hours of the office will be maintained in accordance with Condition 3 of the planning permit, whilst the hours of the restaurant will be reduced to 10pm to assist in protecting the amenity of the area.

197. Waste management has been discussed at paragraph 189, and the primary entrance is not to Garryowen Park, rather only includes back-of-house entry to the kitchen of the restaurant.

198. The rooftop garden will be associated with the office, and if the permit holder was of the mind set to convert this into a "bar", this will need to be further considered as part of a separate planning application process.

Car parking and traffic:

- (g) Increased traffic and congestion; and
- (h) Not enough car parking available in the surrounding area to support the use with zero car parks on-site.

199. Traffic and the full reduction in the car parking requirement of the Scheme has been addressed at paragraphs 190 to 197.

Other:

- (i) Behavioural impacts of staff and patrons - crime, safety and graffiti; and
- (j) Conditions of planning permit should include a maintenance regime for the upkeep of the Garry Owens Park to the north.

200. Behavioural related matters of staff and patrons is not a planning consideration and is a matter for the police. However, it is in the interest of staff to abide by proper rules and conduct themselves in a manner that is respectful of their neighbours.

201. The burden of the upkeep and maintenance regime of the Garry Owens Park cannot be imposed through the planning permit given that it does not involve this land, nor is it immediately abutting this, or impacting this by way of vegetation removal.

Conclusion

202. The policy support at both state and local levels for a building of the scale proposed on land zoned Mixed Use, coupled with the sites strategic location within proximity to the Brunswick Street Major Activity Centre and excellent public transport accessibility provided adequate justification for the support of the amendment application subject to the conditions and changes made to the planning permit.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL06/0640 for the amendment to the planning permit for a change of use to a restaurant and office including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking at 35 Rose Street, 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 plan no's. A200, A201, A202, A203, A204, A205, A206, A400, A401, A500, A501, A502, and A503 (labelled Amendment P4 and dated 20/03/2020) prepared by O'Connor & Houel Architecture but modified to show:
 - (a) Updated demolition plans;
 - (b) Provision of sensor lighting to the recessed entry of the bike store along the eastern elevation;
 - (c) The location of all pits, valves or meters (none of which are to be located on Council property);
 - (d) Location of all plant equipment including air-conditioning units to be concealed from the streetscape.
 - (e) The eastern elevation screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (f) The building modified to have no increased overshadowing over the balcony / private open spaces of the dwellings located to the immediate west than the current endorsed scheme.
 - (g) Any element extending beyond the title boundaries reduced to have a projection no greater than 300mm.
 - (h) A materials schedule of all colours and applied finishes that further includes a patterned finish across the exposed western on-boundary wall.
 - (i) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to be shown on plans).
 - (j) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to be shown on plans).
 - (k) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to be shown on plans).
 - (l) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to be shown on plans).
 - (m) Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to be shown on plans including notations of key commitments).
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

Uses

3. Unless with the prior approval of the Responsible Authority, the use of the office must only operate between the following hours:

Monday to Friday: 8am – 8pm; and
Saturday and Sunday: 8am - 6pm.

4. Unless with the prior approval of the Responsible Authority, the restaurant must only operate between the following hours:

Monday to Sunday: 8am – 10pm.

5. No speakers external to the building (including within the balcony or roof terrace) are to be erected or used.
6. 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.
7. Any Council asset damaged resulting from works on the land must be reinstated to the satisfaction of the Responsible Authority.

Landscape Plan

8. Concurrent with the plans requested at Condition 1, a 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 Landscape Plan must show:
 - (a) not necessary as one was never submitted The landscaping the Level 3 balcony and roof terrace and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch. Details of how any mulch specified on the higher levels will not be at risk of blowing away during high wind events must be provided.
 - (b) Indicate depths of the masonry planters where they have not been specified on the current plans.
 - (c) Details of custom furniture proposed, ensuring safety and compliance standards are met.
9. 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.

Sustainable Management Plan

10. Concurrent with the plans requested at Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources dated 15 October 2019 but modified to make reference to design changes as required by Condition 1.

11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the building is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Green Travel Plan

13. Before the building is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
 - (a) Description of the location in the context of alternative modes of transport;
 - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) Details of bicycle parking and bicycle routes;
 - (f) Details of GTP funding and management responsibilities;
 - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) Security arrangements to access the employee bicycle storage spaces;
 - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (j) Provisions for the GTP to be updated not less than every five years.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

15. Concurrent with the plans requested at 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.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

18. Concurrent with plans requested at 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 Vipac and dated 13 December 2019, but modified to:
 - (a) make reference to design changes as required by Condition 1;
 - (b) Make reference to the hours of operation of each use as permitted under this planning permit;

- (c) Address patron and music noise impacts to the surrounding residential areas; and
 - (d) Make any changes to the layout required to ameliorate any noise impacts on surrounding neighbouring properties (where necessary).
19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Prior to the commencement of construction of the development, the permit holder/developer must submit a report on the existing conditions of the laneway abutting the northern building line of the site and to the satisfaction of the Responsible Authority. If required by the Responsible Authority, the part of the existing gravel section of this section of the laneway must be re-laid in bluestone pitches to match the existing paving of the laneway and to the satisfaction of the Responsible Authority. The cost of this works must be borne by the permit holder/ developer.
21. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on nearby land.
22. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to the satisfaction of the Responsible Authority.
23. 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.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
25. 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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.
26. Prior to the commencement of construction, the applicant must submit for approval to the Responsible Authority a Traffic Management and Construction Management Plan in line with the requirements of the City of Yarra's Building Code of Practice. Once approved, the plan shall form part of this permit. The plan must address, but not be limited to the following:
- (a) Site contamination and disposal of contaminated matter;
 - (b) Containment of dust, dirt, sediment and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
 - (c) On site facilities for vehicle washing;
 - (d) Parking facilities for construction workers;
 - (e) Delivery and unloading points and expected frequency;
 - (f) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (g) An outline of requests to occupy footpaths or roads, or anticipated disruptions to local services.
27. During the construction phase of the development:
- (a) Only clean rainwater shall be discharged to the stormwater drainage system;
 - (b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;

- (c) Vehicle borne material from the premises shall not accumulate on the roads abutting the site;
- (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be contained within the site boundaries, and disposed of responsibly; and
- (f) All site operations shall comply with the Environmental Protection (Residential Noise) Regulations 1997.

28. The amenity of the area must not be detrimentally affected by:

- (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.

29. Except with the written consent of the Responsible Authority, construction works must only be carried out between 7:00am – 6:00pm. Monday – Friday (excluding public holidays) and 9:00am – 3:00pm. Saturday and public holidays. No works are to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environment protection Authority's Guidelines on Construction and Demolition Noise.

Time expiry

30. This permit will expire if:

- (a) the development is not completed within two years of the date of this amended permit;
- (b) the office and restaurant use is not commenced within three years of the date of this amended permit.

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

Notes:

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

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

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

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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

The 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: Principal Planner
TEL: 9205 5307

Attachments

- 1 Original - Demolition Plans
- 2 Original Section 72 Plans
- 3 Shadow Plans as per the original design
- 4 S57A Amended / "Decision Plans"
- 5 Sectional Shadows - emailed to Council 18 June 2020

1.3 PLN19/0857 - 52 Taplin Street Fitzroy North - Full demolition of the existing building for the construction of two, four-storey dwellings

Executive Summary

Purpose

1. This report provides Council with an assessment of the application at No. 52 Taplin Street Fitzroy North, for full demolition of the existing building for the construction of two, four-storey dwellings. The report recommends approval of the application subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.04 – Mixed Use Zone
 - (b) Clause 15.01 – Built Environment
 - (c) Clause 55 – Two or more dwelling (ResCode)
 - (d) Clause 43.01 and Clause 22.02 – Heritage
 - (e) Clause 22.09 – Development Abutting Laneways
 - (f) Clause 45.03 – Environmental Audit Overlay

Submissions Received

3. Council received ten (10) objections, the grounds of which are summarised as follows:
 - (a) Height (not in keeping with streetscape and will set a precedent for future development)
 - (b) Visual bulk
 - (c) Off-site amenity (overlooking, overshadowing, loss of light and impacts on solar panels)
 - (d) Laneway use (vehicle turning and pedestrian safety)
 - (e) Impacts of construction
 - (f) Car parking

Key Issues

4. The key issues for Council to consider are as follows:
 - (a) Strategic context
 - (b) Clause 55 – Two or more dwelling (ResCode)
 - (c) Heritage
 - (d) Development abutting laneways
 - (e) Other matters
 - (f) Objector concerns

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to conditions as outlined in the *Recommendation* section of this report.

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

1.3 PLN19/0857 - 52 Taplin Street Fitzroy North - Full demolition of the existing building for the construction of two, four-storey dwellings

Reference: D20/108436
Authoriser: Coordinator Statutory Planning

Ward: Nicholls ward
Proposal: Full demolition of the existing building for the construction of two, four-storey dwellings
Existing use: Motor repairs
Applicant: Michael Larionoff (OnOff Architecture)
Zoning / Overlays: Mixed Use Zone
Heritage Overlay (Schedule 327)
Environmental Audit Overlay
Date of Application: 27 November 2019
Application Number: PLN19/0857

Planning History

1. Planning Application PL10/0185 was received by Council on 19 March 2010 for a multi-unit development on the site. The application was withdrawn by the applicant on 17 June 2010.
2. Planning Permit PLN14/1030 was issued on 17 June 2015 for the development of the land for partial demolition, buildings and works for construction of a single storey extension for an ancillary office associated with the existing motor repairs, and an associated reduction of the car parking requirement. The permit was never acted on and has since expired.

Background

3. The application was received by Council on 27 November 2019, with additional information provided on 13 March 2020. The application was advertised in March and April of 2020, with ten (10) objections received.
4. No consultation meeting was held as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic.

Lodgment of sketch plans

5. The Applicant lodged sketch plans to Council on 17 June 2020 in response to concerns raised by Council. The sketch plans show the following changes:
 - (a) The West Elevation of the second floor of Dwelling 1 angled inwards to the south-east so that it is setback 1 metre from the western boundary where it abuts No. 50 Taplin Street.
 - (b) The entrance foyer of Dwelling 2 widened, with a larger side-light window included to create a more active frontage to the laneway.
 - (c) Façade and fenestration details revised to:
 - (i) show the garage door panel of Dwelling 1 as obscure glass cladding so that it is similar in appearance to the wide-light window of the dwelling entrance;
 - (ii) notate the operability of screens;
 - (iii) show the perforated screen panels as being 50% transparent;
 - (iv) replace metal screens with fixed window framing on the west elevation of Dwelling 2 (second floor);

- (v) include further details to the Materials and Finishes Schedule, including MC2 and planter boxes.

The Proposal

6. The application is for the full demolition of the existing building for the construction of two, four storey dwellings. Further details of the proposal are as follows:

Demolition

- (a) Demolition of the existing single storey commercial building and the concrete flooring of the car space within the front (west) setback.

Buildings and works

- (b) Construction of two, attached, four storey dwellings. Each dwelling is provided four (4) bedrooms, a double garage and a lift.
- (c) Generally, the dwellings comprise of a garage, entry and study at ground floor, bedrooms and bathrooms at first floor, living and kitchen areas at second floor and a master bedroom suite at third floor.
- (d) Both dwellings are a maximum height of 13.25 metres.
- (e) Dwelling 1 will face west to Taplin Street (with a footprint of 121.4sqm) and Dwelling 2 will face the laneway to the east (footprint of 122.75sqm).
- (f) Dwelling 1:
 - (i) Constructed to the entire front (west) boundary and to the south and north boundaries for a length of 12.1 metres. The dwelling will abut the northern laneway for a length of 1.81 metres.
 - (ii) The dwelling is generally constructed to the north, south and west titles boundaries, except for at the second and third floor where terraces are provided within the front (west) setback.
 - (iii) The dwelling will present a blank boundary wall to Dwelling 2 to the east.
 - (iv) The second floor terrace is located on the north-west corner, is a depth of 5.37 metres and is 21.5sqm in area.
 - (v) The third floor is constructed to the north and south boundaries for a length of 7.2 metres and has a terrace (35.5sqm in area) which is irregular in shape and angled inwards to the north-east so that it only partially covers the second floor terrace below.
- (g) Dwelling 2:
 - (i) Has a frontage to the laneway to the east (of 10.07 metres) and is bound by the laneway to the north for its entire length (12.19 metres).
 - (ii) At ground floor, the garage is setback 2.2 metres from the eastern title boundary, and the entry door (located to the south) of the dwelling is angled towards the north-east to face Park Street.
 - (iii) The first and second floor are generally constructed to the north, east and south title boundaries (and thus cantilever over the ground floor garage and entry), with the exception of a terrace at second floor which is located on the north-east corner (13sqm in area).
 - (iv) The dwelling will present a blank boundary wall to Dwelling 1 to the west.
 - (v) The third floor is constructed to the north and south title boundaries for a length of 7.09 metres and has a terrace (33sqm in area) which is constructed to the south and east title boundaries but is setback 2.2 metres from the north boundary.

General

- (h) Materials and finishes include:
 - (i) Elevations with weathered steel panelised cladding and red face brickwork.
 - (ii) Finishes include weathered steel folded cladding, operable faced weathered steel folded and perforated panels and coloured laminate glazing.
 - (iii) Galvanised street climbing gables will allow opportunities for vine and vertical vegetation.
- (i) Each dwelling is provided with a 1,500Lt rainwater tank (as committed to in the submitted STORM Rating report of the Sustainable Design Assessment).

Existing Conditions

Subject Site

7. The subject site is located on the eastern side of Taplin Street, 35 metres south of Park Street, in Fitzroy North. The site is bound by a 2.9 metre wide laneway to the east, which extends between Park Street to the north and St Georges Road to the south. The site is also abutted, in part, by a 3.19 metre wide laneway to the north (as created in the subdivision of No. 142 Park Street in 2003). Both laneways are un-named and Council owned.
8. The site has a frontage to Taplin Street of 10.07 metres and a site depth of 24.34 metres, yielding an overall site area of 245sqm. A wide crossover spans the entire frontage of the site to Taplin Street.
9. The site is developed with a single storey, commercial building that has been in use as a mechanic (existing use rights for the site established by Planning Permit PLN14/1030). The building is constructed to all title boundaries with the exception of a setback within the north-west corner allowing for an on-site car parking space. The building has a roller door constructed to the Taplin Street frontage.

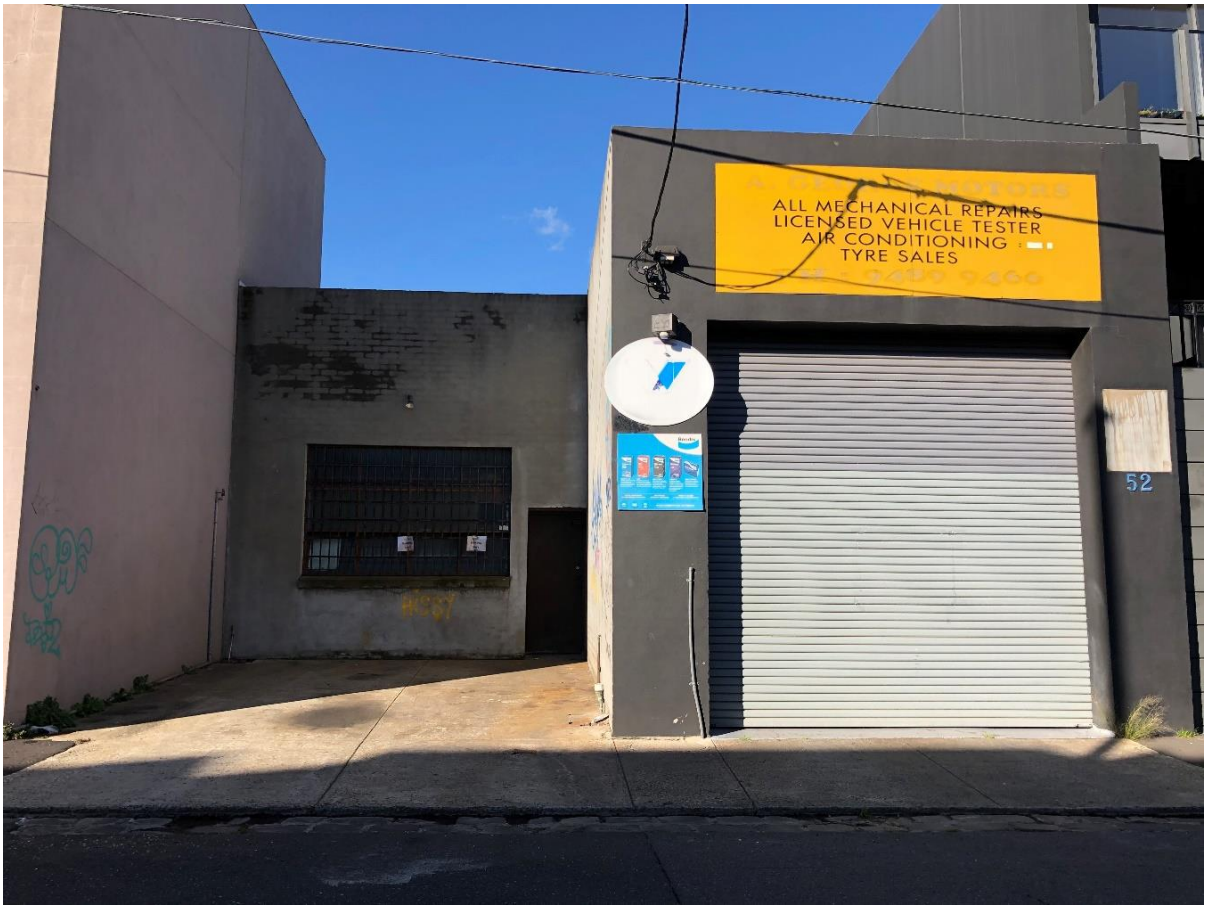


Image 1: the subject site (No 52 Taplin Street) as viewed from Taplin Street

Surrounding Land

10. The subject site is located within a former industrial area which has experienced continual change since its rezoning to Mixed Use Zone (MUZ) in 2002, with a majority of the lots along Taplin Street now being developed and occupied by contemporary, multistorey residential buildings.
11. To the west are residential properties, zoned Neighbourhood Residential, the nearest of which face westward to Best Street and present garages and rear fences to Taplin Street.
12. To the east is the North Fitzroy Neighbourhood Activity Centre and properties facing St Georges Road, which are zoned Mix Use. The site is well serviced by public transport (No. 11 tram along St Georges Road) and bike paths, north-south along St Georges Road and east-west along the Inner City Rail Trail just north of Park Street.
13. The site is also within walking distance to Edinburgh Gardens (500 metres to the south) and the Inner Circle- Janet Millman Reserve (40 metres to the north) which connects to Princes Park and the Merri Creek Environs.

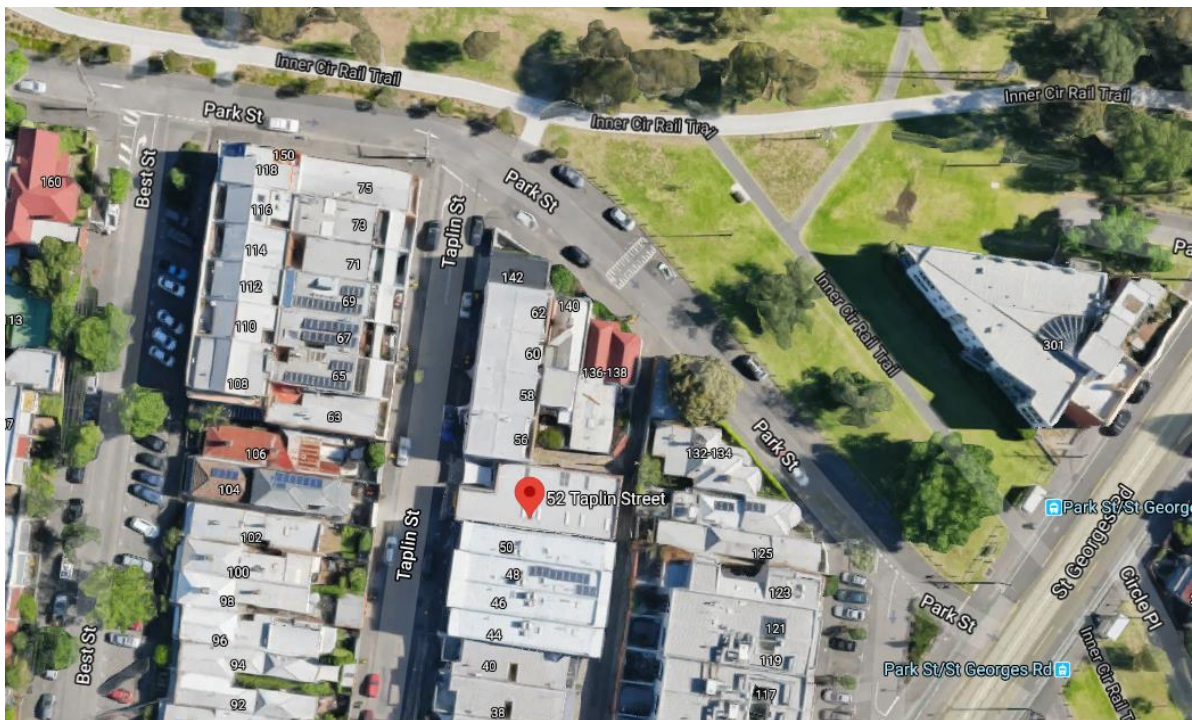


Image 2: Subject site and surrounds

North

14. Immediately abutting the subject site to the north is No. 56 Taplin Street which is the southern bookend of four identical and attached, three-storey townhouses which front west to Taplin Street (as approved by Planning Permit PL03/0395 which permitted the development of 5 dwellings on the land formerly known as No. 142 – 144 Park Street).
15. No. 56 Taplin Street is constructed to all title boundaries and presents a three storey boundary wall to the subject site. No habitable room windows (**HRW**) face the subject site. The dwelling is provided a covered balcony at the second floor on the west boundary, and a narrow light court at ground floor along the eastern title boundary. The dwelling has no other areas of private open space (**POS**).
16. The four dwellings (Nos. 56 – 62 Taplin Street) are provided single garages to Taplin Street.



Image 3: the five dwellings (as approved by Planning Permit PL03/0395) located immediately north of the subject site

17. Also to the north of the site, beyond the laneway, is No. 136 – 138 and No. 140 Park Street which are dwellings that face north to Park Street.
18. No. 140 Park Street (the most western property) is developed with a Victoria-era dwelling which has a significantly altered facade and a two storey contemporary extension at the rear. The dwelling is constructed to both side boundaries for its entire length and has high site coverage. A small area of POS is provided at the rear of the site, adjacent to the laneway.
19. No. 136 – 138 Park Street (the eastern dwelling which is abutted by laneways to the east and south) is developed with a single storey, double fronted Victorian-era dwelling. The dwelling is constructed to most site boundaries with the exception of a setback of the dwelling from the eastern boundary allowing for an area of POS. As a result the site also has high site coverage. The site is splayed on the south-east at the junction of the laneways and has a roller door which allows for vehicle access.

South

20. Immediately abutting the subject site to the south is No. 50 Taplin Street which is the northern bookend of four attached, three-storey townhouses which front west to Taplin Street (as approved by Planning Permit PLN12/0755).
21. No. 50 Taplin Street is constructed to all title boundaries and presents a three storey boundary wall to the subject site. No habitable room windows (**HRW**) face the subject site. The dwelling is provided partially covered balconies at first and second floor, facing westward to Taplin Street. The dwelling has no other areas of private open space (**POS**). The dwelling, as well as the attached dwellings at Nos 48 – 42 Taplin Street are abutted by the laneway to the east where they are provided single entry tandem garages.
22. The dwelling at No. 48 Taplin Street, 4 metres south of the subject site, has 12 solar panels on its roof.
23. Further south along Taplin Street are attached, two storey dwellings which front Taplin Street. Most of the dwellings along Taplin Street have almost 100% site coverage and are provided vehicle access from the rear laneway.



Image 4: the three storey dwellings immediately south of the subject site.

East

24. To the east, across the laneway, are dwellings facing east to Park Street and Fergie Street (a north-south extension to Park Street).
25. Generally opposite the subject site is No. 130 and No. 132 - 134 Park Street and No. 123 and No. 125 Fergie Street. Each property will be discussed in turn.
26. No. 132 – 134 Park Street is the most northern property which is triangular in shape and bound by Park Street and the laneway. It is developed with a single storey, Edwardian-era dwelling and a garage in the north-west corner which provides vehicle access from Park Street. Planning Application PLN20/0210 was submitted to Council on 8 April 2020 for a two storey extension to be constructed in the location of the existing garage along Park Street. The application is still being processed by Council at the time of this report and no decision has been issued.
27. No. 130 Park Street, which is immediately opposite the subject site, is developed with a single storey Victorian-era dwelling which is constructed to both side boundaries. An area of POS is provided to the rear of the site adjacent to the laneway and a terrace is provided on the dwelling roof at the rear. Solar panels (6) have been installed on the dwelling's roof towards the front (east) of the site.
28. No. 125 Fergie Street, also immediately opposite the subject site, is developed with a single storey, Victorian-era dwelling, which is constructed to both side boundaries for its entire length. An area of POS, 20.1sqm in area, is provided to the rear, separated from the laneway by a roller door.
29. No. 123 Fergie Street is the northern bookend of nine (9), attached, three storey dwellings (as approved by Planning Permit PL01/0386) which front Fergie Street and St Georges Road. To the rear of the dwelling, is a single space garage with access provided from the rear laneway, and a first floor terrace provided above.

30. Further south, beyond the attached three storey dwellings, is a petrol station (BP) on the corner of the laneway and St Georges Road.
31. *West*
32. To the north-west of the site, across Taplin Street which is 10.5 metres wide, is Nos. 63 – 75 Taplin Street which are developed with seven (7) attached, three storey dwellings. The dwellings are provided single entry garages and balconies at first and second floor facing eastward to Taplin Street.
33. To the south-west of the site, across Taplin Street, are the rear boundaries and areas of POS of dwellings facing westward to Best Street. No. 104 and 106 Best Street are immediately opposite the site and present a rear fence and roller door to the street, respectively.
34. On street car parking is provided on both sides of Taplin Street.



Image 5: Taplin Street looking south from the subject site.

Planning Scheme Provisions

Zoning

35. The subject site is zoned *Mixed Use Zone*. The following provisions apply:
 - (a) Pursuant to Clause 32.04-2, a planning permit is not required to use the land for dwellings.
 - (b) Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overlays

36. The subject site is affected by the *Heritage Overlay (Schedule 327)*. The following provisions apply:
 - (a) Pursuant to Clause 43.01-1, a permit is required to:

- (i) Demolish or remove a building.
 - (ii) Construct a building or construct or carry out works.
- (b) Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being Not Contributory to the *North Fitzroy Heritage Precinct* (Schedule 327)

37. The subject site is affected by the Environmental Audit Overlay. The following provisions apply:

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

Particular Provisions

Clause 52.06 – Car Parking

38. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land.
39. Two, four bedroom dwellings are proposed, with each being provided two on-site car parking spaces.
40. The following table identifies the car parking requirements pursuant to Clause 52.06-5. It is noted that the car parking rates of Column B apply as the subject site is identified as being within the Principal Public Transport Network Area.

Use	Bedrooms	Rate (column B)	No. required	No. proposed	Reduction sought
Dwelling	Two dwellings, with x 4 bedrooms	1 space per 1 and 2 bedroom dwelling	4	4	0
		2 spaces per 3 (or more) bedroom dwelling			
Totals			4	4	0

41. As such, the car parking requirements of the Yarra Planning Scheme are met and no permit is triggered.

Clause 52.43 – Bicycle facilities

42. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. Pursuant to Table 1 at Clause 52.34-5, bicycle spaces are only required to be provided for developments with four or more storeys and greater than 5 dwellings. Thus, the proposal for two dwellings does not trigger the requirement for any bicycle spaces.

Clause 55 – Two or more dwellings on a lot

43. This clause applies as the development is for the construction of two dwellings lower than five storeys.

General Provisions

Clause 65 – Decision Guidelines

44. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
45. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provisions.

Planning Policy Framework (PPF)

Clause 15.01-S – Urban design

46. The objective of this clause is:

- (a) *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

47. The objective of this clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

48. The clause provides the following relevant Strategies to achieve its objective:

- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- (b) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (c) *Ensure the buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (d) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

Clause 15.01-5S – Neighbourhood character

49. The objective of this clause is:

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02-1S – Energy and resource efficiency

50. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 15.03-1S – Heritage conservation

51. The objective of this clause is:
- (a) *To ensure the conservation of places of heritage significance.*
- Clause 16.01-1S – Integrated housing*
52. The objective of this clause is:
- (a) *To promote a housing market that meets community needs.*
53. The clause provides the following relevant Strategy to achieve its objective:
- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- Clause 16.01-2R – Housing opportunity areas – Metropolitan Melbourne*
54. This clause provides the following relevant Strategies:
- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
 - (b) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
 - (i) *Neighbourhood activity centres – especially those with good public transport connections.*
- Clause 16.01-3R – Housing diversity – Metropolitan Melbourne*
55. This clause provides the following relevant Strategy:
- (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*
- Clause 18.02-2R – Principal Public Transport Network*
56. This clause provides the following relevant Strategy:
- (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)
- Clause 21 – Municipal Strategic Statement (MSS)*
- Clause 21.03 – Vision*
57. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.
- Clause 21.04 Land Use*
- Clause 21.04-1 - Accommodation and housing*
58. The relevant objectives of this clause are:
- (a) *To accommodate forecast increases in population.*
 - (b) *Support residual population increases in established neighbourhoods.*
 - (c) *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.*
- Clause 21.05 – Built form*
- Clause 21.05-5 – Heritage*
59. The principal objective of this clause is *‘to protect and enhance Yarra’s heritage places’*.

Clause 21.05-6 – Urban Design

60. This clause incorporates the following relevant objectives:
- (a) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
 - (b) *Ensure development is designed having particular regards to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

Clause 21.08-8 – Neighbourhoods – North Fitzroy

61. The subject site is identified as being located in the 'Heritage Overlay' on the *Figure 20 (Built Form Character Map)*. The objective for this area is to '*ensure that development does not adversely affect the significance of the heritage place*'.

Relevant Local Policies

Clause 22.02 – Development guidelines for sites under the heritage overlay

62. This policy applies to all land within a Heritage Overlay. The clause incorporates the following relevant objectives:
- (a) *To conserve Yarra's natural and cultural heritage.*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
 - (c) *To preserve the scale and pattern of streetscapes in heritage places.*
 - (d) *To ensure that additions and new works to a heritage place respect the significance of the place.*
 - (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.05 – Interfaces uses policy

63. This policy applies to applications for use or development within the Mixed Use Zone (amongst others). The objectives of this clause are 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 and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.07 – Development abutting laneways

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

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

65. This policy applies to new buildings. The objective of this clause is:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*

Clause 22.17 – Environmentally Sustainable Development

66. The policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. 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

67. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 38 letters sent to surrounding owners and occupiers and by two signs displayed on site (Taplin Street frontage and laneway). Council received ten (10) objections, the grounds of which are summarised as follows:
- (a) Height (not in keeping with streetscape and will set a precedent for future development)
 - (b) Visual bulk
 - (c) Off-site amenity (overlooking, overshadowing, loss of light and impacts on solar panels)
 - (d) Laneway use (vehicle turning and pedestrian safety)
 - (e) Impacts of construction
 - (f) Car parking
68. No consultation meeting was held as a result of the state of emergency declared in Victoria and the current health advice related to the COVID-19 pandemic.

Referrals

69. The referral comments are based on the decision/advertised plan (included as attachments to this report):

External Referrals

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

Internal Referrals

71. The application was referred to the following units within Council:
- (a) Traffic Engineering Unit.
 - (b) Heritage Advisor.
 - (c) Urban Design Unit.

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

OFFICER ASSESSMENT

73. The primary considerations for this application are as follows:
- (a) Strategic context
 - (b) Clause 55 – Two or more dwellings on a lot (ResCode)
 - (c) Heritage
 - (d) Development abutting laneways
 - (e) Other matters
 - (f) Objector concerns

Strategic Context

74. The proposal is consistent with the various development objectives outlined in State Planning Policy Frameworks (PPF) and Local PPF in the Scheme, by providing a notable level of compliance with the relevant policies within the Scheme.

75. The subject site is located within a Mixed Use Zone (MUZ) and is adjacent to the Fitzroy North Neighbourhood Activity Centre. The site is within close proximity to both public transport (along St Georges Road) and bicycle networks (also along St Georges Road and the Inner City Rail Trail). Policy encourages urban consolidation and the location of higher density developments to be within, and in close proximity to, activity centres where existing infrastructure and services can be benefited from (Clauses 16.01-1S, 16.01-4S and 18.02-2R). Clause 16.01-2R (*Housing opportunity areas*), specifically, encourages medium and high density housing near to Neighbourhood Activity Centres which offer easy access to employment opportunities and sustainable transport.
76. The site, which is one of the only remaining commercial/ industrial buildings within this previously industrial pocket, is an example of the under-utilised land in established areas encouraged for growth and adaptation to reduce pressures on the metropolitan fringe (Clauses 16.01-1S and 21.04-4) .
77. The proposed development is consistent with the purpose of the MUZ which seeks “to provide for housing at higher densities” and “to encourage development that responds to the existing and preferred neighbourhood character of the area”. The housing growth encouraged under the MUZ combined with the availability of existing infrastructure and public transport has clearly been a key driver for growth and development in the area with almost all sites along Taplin Street having been developed with multi-storey residential dwellings since the land was rezoned in 2002. The proposed dwellings are in keeping with this pattern of development and will further enhance the contemporary, higher density, residential character of the streetscape.
78. Finally, Clause 21.04-4 of the Scheme encourages new developments to provide for a diversity of housing types. The proposal for two contemporary, four bedroom dwellings within an inner city location will offer higher density family homes of high architectural quality and will contribute to the diversity of housing in the area.

Clause 55 – Two or more dwellings on a lot (ResCode)

79. Clause 55 is relevant to two or more dwellings on a lot and comprises design objectives and standards to guide the assessment of new residential development. Given the site’s location within a built up inner city residential are, strict application of the Standard is not always appropriate, whether the proposal meets the objective is the relevant test.
80. The following objectives are not relevant to this proposal:
- (a) *B3 Dwelling diversity objective* – Not relevant to development with less than 10 dwellings
 - (b) *B11 Open space objective* – No communal open space provided or required for the development
 - (c) *B13 Landscaping objectives* – Not relevant to the context and scale of the landscaping provided
 - (d) *B19 Daylight to existing windows objective* – There are no habitable room windows facing the site on abutting lots
 - (e) *B20 North-facing windows objective* – There are no north-facing windows within 3 metres of the site
 - (f) *B23 Internal views objective* – No views between dwellings is provided
 - (g) *B32 Front fences objective* – No fences are proposed
 - (h) *B33 Common property objectives* – There is no common property proposed or required
- Standard B1 – Neighbourhood Character*
81. Clause 15.01-2S of the Planning Policy Framework seeks “to achieve building design outcomes that contribute positively to the local context and enhance the public realm”. Similarly, Standard B1 provides the following objectives:

- (a) *To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- (b) *To ensure that development responds to the features of the site and the surrounding area.*

82. As discussed, the location of the proposed development is strongly supported in a strategic sense. The immediate area is characterised by two to three storey, contemporary dwellings. It is recognised that the properties to the south-west, across Taplin Street, are predominantly low/medium density, Victorian/Edwardian-era residential properties with an emerging pattern of single and double storey rear additions. However, there is a clear delineation and separation (created by Taplin Street and dwelling orientation) between these properties and the pocket of more robust development where the subject site is situated.
83. Pursuant to Figure 20, the Built Form Character Map of Clause 21.08-8 (*North Fitzroy*), the subject site is identified as being in a Heritage Overlay. The neighbourhood policy encourages that *development within these areas does not adversely affect the significance of the heritage place.*
84. The subject site is identified as Not Contributory to the heritage precinct, as are all the abutting sites fronting Taplin Street to the north and south and the sites across the laneway to the east (with the exception of No 125 Fergie Street and Nos. 130 and 132 Park Street). To the west of the site, across Taplin Street, are rear fences and outbuildings of properties facing Best Street to the west and more three storey contemporary dwellings. As a result, there is little heritage character that the site must respond to within the streetscape or immediate area, and as such, the contemporary design is considered appropriate in the context. The proposal will be assessed against the relevant heritage policy later in this report, but generally, it is considered that the proposed scale and design will not adversely affect the significant of the heritage place.
85. In consideration of the above, the proposal is responsive to its context, meets the objectives of the Neighbourhood Character Standard and is supported.

Standard B2 – Residential Policy objectives

86. The proposed dwellings are considered to meet the objectives of Standard B2 for the following reasons:
- (a) The development provides for higher density housing options in an area well services by public transport (trams and bicycle networks within 100 metre radius), community infrastructure, public open space and commercial uses.
 - (b) As discussed, the proposed dwellings offer spacious family homes, in a medium density context. This contributes to a greater diversity of housing choices in the inner city area as encouraged by Clause 16.01-3R (*Housing diversity*).

Standard B4 – Infrastructure objectives

87. Given the site is situated in an established residential area, on the border to a Neighbourhood Activity Centre, it is not expected to unreasonably overload the capacity of utility services and infrastructure. The site is already connected to appropriate utility services and infrastructure (albeit for a commercial use), and this can readily be extended to accommodate the residential use.

Standard B5 - Integration with the street objective

88. The objective of this Standard is “*to integrate the layout of the development with the street*”. Each dwelling and its interface will be discussed in turn.

Dwelling 1

89. Generally, the integration of Dwelling 1 to Taplin Street is supported as it has orientated the dwelling to face an established street and has been designed to have a clearly visible and accessible entry.

90. However, the preferred streetscape outcome for Taplin Street (as guided by advice from Council's Urban Design Unit and the existing pattern of single garages within the streetscape) is for the garage to be reduced in width and for a habitable room to interface with the street. This would reduce the prominence of the garage and improve the dwellings passive surveillance of, and activation to, Taplin Street.
91. As such, a condition should be included on any permit issued requiring Dwelling 1 to have a tandem, single entry garage and to relocate the study to interface with the street.
92. A tandem garage is preferable to a single garage as it will allow for two on-site car parking spaces to continue to be provided. Council's Traffic Engineering Unit have also confirmed that a tandem garage can be accommodated within the existing ground floor footprint by the relocation of the ground floor study.

Dwelling 2

93. Dwelling 2 is orientated to face an unnamed laneway which is currently characterised by rear fences and garages. This is generally discouraged by Council policy but is supported in the instance due to the close proximity of the dwelling entry to a street, clear sight lines and considered design.
94. Council's Urban Design Unit provided the following comment to the proposed Dwelling 2 entry:
 - (a) *The provision of a safe, secure and highly visible pedestrian entrance to Dwelling 2 is challenging in the laneway context and requires further design resolution. The design outcome should provide an adequate area of pedestrian refuge, clear sightlines, signage and quality lighting to enhance the safety, legibility and sense of address.*
95. The Applicant submitted Sketch Plans on 17 June 2020, in response to these comments to show a wider entry with a greater visibility (through the use of coloured glazing).
96. The following diagrams were submitted to demonstrate the visibility of the entry from Park Street (20 metres to the north).



Image 6: The widened entry of Dwelling 2 as per sketch plans

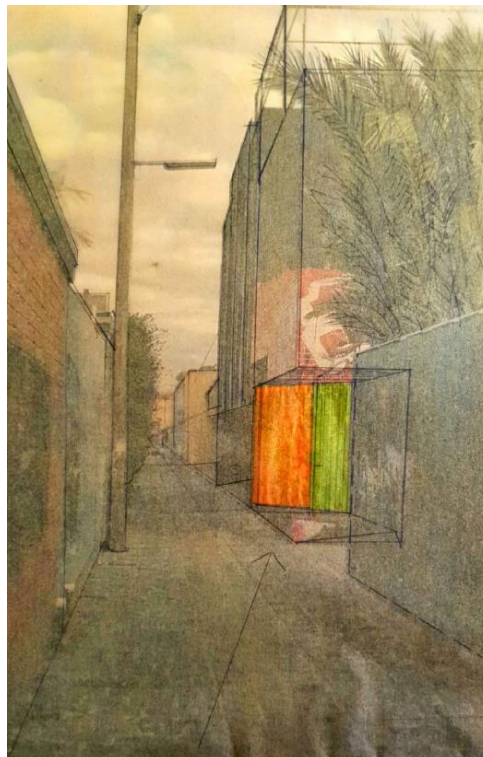


Image 7: Perspective of the Dwelling 2 entry from Park Street

97. It considered that the dwelling entry, as presented in the Sketch Plans submitted on 17 June 2020, is acceptable for the following reasons:
- (a) The entry will be visible from Park Street and will clearly identifiable as a dwelling entry due to the integration of coloured materials and glazing.
 - (b) The distance of the entry from Park Street is only 20 metres, that being the length of one residential property. This arrangement is not uncommon in Yarra and would be typical of any new dwelling developed to the rear of a property.
 - (c) The entry is somewhat separated from the vehicle access to allow for a pedestrian refuge.
 - (d) A streetlight already exists in the laneway, opposite the proposed dwelling, however a condition should also be included requiring a motion sensor light to be installed to improve the safety of pedestrian movement in the laneway.
 - (e) The dwelling will provide for passive surveillance and a positive activation to the laneway.
98. As such, the wider Dwelling 2 entry, as shown in the sketch plans submitted 17 June 2020, should be required by way of condition to any permit issued.

Standard B6 – Street setback objective

99. This Standard requires that a new building be setback the average distance of the setbacks of existing buildings on abutting lots. The dwellings abutting the site to the north and the south along Taplin Street are constructed flush to boundary, thus, the Standard prescribes a front setback of 0 metres in this instance.
100. The proposed dwelling which is proposed to have no front setback meets the requirements of the Standard.

Standard B7 – Building height objective

101. Standard B7 directs the maximum building height should not exceed that specified in the Zone, schedule to the zone or an overlay that applied to the land.
102. However, there is no prescribed maximum height pursuant to the Mixed Use Zone, schedule 1 to the Zone or the Heritage Overlay, thus the height should be guided by the site context and design response.
103. The proposed dwellings are a maximum height of 13.25 metres (and four storeys). This height is supported for the following reasons:
- (a) The third floor of each dwelling is set back approximately 5 metres from the east and west boundaries so that it will likely be concealed when viewed from most vantage points. Moreover, the elevations visible from the public realm are highly articulated and incorporate open terraces with planting opportunities on the second and third floors to reduce the overall massing and perceived bulk of the dwellings. As such, although the dwellings will be a storey higher than the abutting dwellings, they will not be visually imposing and will read as three storeys due to the setbacks at the upper levels and considered design response.
 - (b) As discussed, one of the main purposes of the Zone is to provide housing at higher densities. Thus, no maximum height is prescribed under the Zone, allowing for higher built form where it is contextually appropriate.
 - (c) Dwellings range from 1 – 3 storeys in height in the surrounding area. The five abutting dwellings to the north, four abutting to the south, nine dwellings to the east (facing St Georges Road) and seven to the west (across Taplin Street) are all three storeys in height. Some of which abut dwellings of only one storey in height, as is apparent at the interface between No. 123 and 125 Fergie Street to the east. As such, a transition of only one storey (from three to four) is not considered at odds within the Taplin streetscape or the wider context.

- (d) Council's Urban Design Unit consider that the three storey sheer form with recessed fourth storey" *is acceptable given the immediate adjacencies and broader streetscape condition*".
- (e) Although Council's Heritage Advisor raised concern that a four storey built form would set a precedent for other higher buildings in the heritage area, they also acknowledged that the "*subject site is entirely composed of non-contributory buildings*" and that "*there is no heritage character in the street that could be affected by the proposed new development*". As such, the development of the subject site for two, four storey dwellings will have no detriment to value of the heritage precinct (discussed further under the *Heritage* section of this report). Further, the areas of high heritage value, to the west, are located under the Neighbourhood Residential Zone (Schedule 1) where a maximum height of 9 metres is prescribed.
- (f) The dwellings, which are abutted by sheer boundary walls to the north and south, will not result in unreasonable amenity impacts to neighbouring properties at the proposed height (as will be substantiated throughout this report).

104. Every proposal is assessed on its own merits and within its individual context. Just because a maximum height is prescribed (or in this instance no maximum is set) does not mean that the maximum height should be permitted. However, in this instance, where the dwellings have been designed to positively respond to the context, sensitive interfaces and higher density streetscape, a height of 13.25 metres is considered appropriate and is supported.

Standard B8 - Site coverage

105. The proposal seeks a site coverage of 100%, which fails to comply with the prescribed minimum site coverage of 60%; however, a variation is supported for the following reasons:
- (a) Within this inner city area high site coverage is a prominent characteristic of the neighbourhood, as is noticeable on neighbouring lots along Taplin Street which also have 100% site coverage.
 - (b) The existing site coverage is notably high, thus any amenity impact from the development associated with site coverage would likely be marginal.

Standard B9 – Permeability objective

106. As no minimum permeability is specified by the Zone, pervious surfaces must cover at least 20% of the site. The proposed development will result in site permeability of 0% and as such does not meet the requirements of the Standard. However, it is considered that it meets the objectives of the Standard for the following reasons:
- (a) Permeable surfaces currently cover 0% of the site as the front setback for car parking is concreted.
 - (b) Low permeable surfaces is a characteristic of the immediate area.
 - (c) The Sustainable Design Assessment commits to rainwater tanks to assist in managing any stormwater runoff created.

Standard B10 – Energy efficiency protection objectives

107. The Applicant has included a Sustainable Development Assessment (**SDA**). The development will achieve a BESS score of 52%, which marginally exceeds best practice (50%) in accordance with relevant energy efficiency objectives and standard at Clause 55.03-5 and the environmental sustainability design objectives and guidelines at Clause 22.17. The SDA commits to the following:
- (a) A STORM Rating Report has been submitted with the SDA and commits to the inclusion of a 1,500Lt rainwater tank to each dwelling, achieving a score of 113%. However, the rainwater tanks are not shown in plans and as such a condition should be included on any permit issued requiring the rainwater tanks to be shown in floorplans and the size and connection (to toilet flush and/or irrigation systems) to be notated.

- (b) The dwellings will achieve a NatHERS rating (energy efficiency) of 6.0 stars, through the inclusion of window seals, double glazed windows, insulation, self-closing exhaust fans, retractable clothes lines provided on balconies, LED light fittings, water efficient taps, and a 1kw p/h max solar panel to be installed to each dwelling (orientated to the north with a 30 degree angle). It is noted that the double glazed windows, clothes lines and solar panels have not been shown in plans and should thus be required by way of a condition on any permit issued.
 - (c) Finally, the dwellings have been orientated where possible to provide for natural daylight and ventilation (through operable windows and screening) to minimise the dwellings' reliance on artificial lighting and cooling. It is noted that some bathrooms do not have access to natural ventilation; however, mechanical ventilation may be required at the building permit stage.
108. The proposed dwellings will not unreasonably impact energy efficiency of neighbouring dwellings. As previously discussed the properties to the south of the site have 100% site coverage and present sheer boundary walls to the subject site. The Sketch Plans submitted on 17 June 2020 have altered the second floor of dwelling 1 to respond to the location of the balconies to the south (as will be discussed later in this report) and as such, will minimise any impact to the dwellings' daylight and energy efficiency.
109. Finally, two properties in the immediate area have solar panels on their rooves (No. 130 Fergie Street to the north-east, and No. 48 Taplin Street to the south). The shadow diagrams submitted with application show that there will be no impact on the solar panels at the Equinox (September 22). Although shadows will be longer in winter months, it is still unlikely that the development will cast much or any shade on the panels during these months. No. 130 Fergie Street is north-east and will not be impacted at any time of year. The solar panels of No. 48 Taplin Street are located to the south of the subject site and are approximately 2.75 metres lower than the proposed roof; however, the solar panels are more than 4 metres away from the subject site, thus will not be impacted by shadows at this distance.
110. On this basis, subject to condition, the proposed development satisfies the requirements of Clause 55.03-5 and Clause 22.17 of the Scheme.
- Standard B12 – Safety objective*
111. The dwellings are considered to meet the objective of Standard B12 *to ensure the layout of development provides for the safety and security of residents and property*, for the reasons outlined under Standard B2 (Integration with the Street) relating to visibility, passive surveillance and lighting.
- Standard B14 – Access objective*
112. The objective of this Standard is *to ensure the number and design of vehicle crossovers respects the neighbourhood character*. Specifically, it encourages that the width of access ways or car spaces should not exceed 40% of the frontage.
113. Under existing conditions, a crossover spans the entire width of the Taplin Street frontage (10 metres). However, considering a condition is required to reduce the proposed garage to a single entry, tandem garage there is an opportunity to replace the existing crossover with a narrower, single crossover. This will improve the safety of the pedestrian walkway, improve the activation of the dwelling to the street and will likely allow for an additional on-street car park to be created.
114. As such, a condition should be included on any permit issued requiring that the existing crossover be replaced with a single entry crossover and the kerb and channel be reinstated where required.
- Standard B15 – Parking location objective*
115. The proposal is considered to meet Standard B15 for the following reasons:
- (a) Car parking is provided at the ground floor of the corresponding dwelling, providing for safe and convenient access to its users.

- (b) The garages will have natural ventilation opportunities.
- (c) The garages are not within 1.5 metres of any habitable room windows, either on the subject site or neighbouring sites.

Standard B17 – Side and rear setbacks objective and Standard B18 Walls on boundaries objective

116. Each interface, north, south and east, will be discussed in turn.

South

- 117. A southern boundary wall is proposed with a maximum height of 13.25 metres, exceeding the prescribed maximum height of Standard B18 by 9.65 metres. Generally, the wall abuts the roof form of No. 50 Taplin Street (a three storey dwelling) for its entire length and thus will not adversely impact the amenity of the abutting dwelling. However, a portion of the second floor boundary wall of Dwelling 1 will abut the west-facing balconies of No. 50 Taplin Street and may unreasonably impact these areas of POS with regard to visual bulk and overshadowing.
- 118. Sketch Plans were submitted on 17 June 2020 showing the second floor elevation (associated with the living area) setback 1 metre from the east boundary so that it is in-line with the abutting boundary wall (as shown in image 8 below). This change will reduce the overshadowing impacts of the neighbouring balconies and will eliminate the additional overshadowing to the second floor balcony entirely.

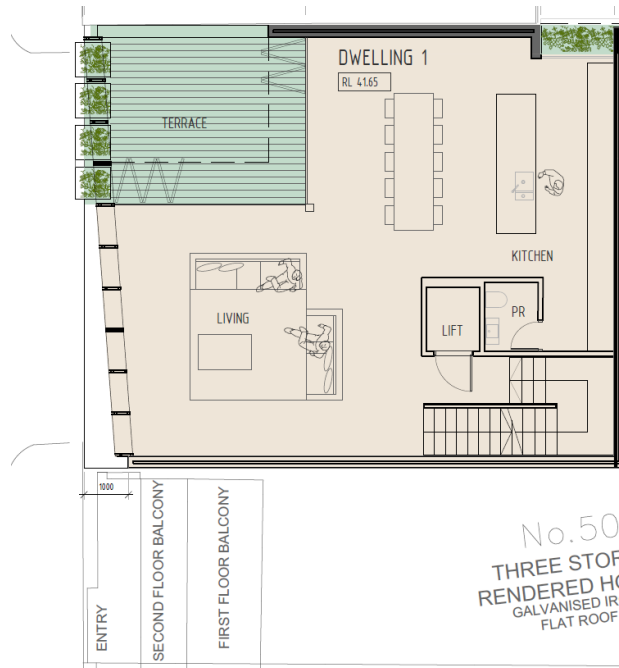


Image 8: The second floor of Dwelling 1 as per sketch plans

119. The setback of the second floor of Dwelling 1, as shown in the Sketch Plans submitted on 17 June 2020, should thus form the basis of a condition to any permit issued.

North

- 120. A northern boundary wall is proposed with a maximum height of 13.25 metres, exceeding the prescribed maximum height of Standard B18 by 9.65 metres.
- 121. The third floor terrace of Dwelling 2 is setback 2.2 metres from the northern title boundary and thus does not comply with Standard B17 which prescribes a setback of 5.79 metres for a wall of this height (10.7 metres).

122. The variations to Standards B17 and B18 are supported, as it is considered that the northern elevations meet the objective of the Standards, *to ensure the height, location, length and setbacks of the new walls respect the existing or preferred neighbourhood character and limit impacts on the amenity of existing dwellings*, for the following reasons:
- (a) The wall abuts the sheer boundary wall of No. 56 Taplin Street and the unnamed laneway, thus is not abutting any sensitive interfaces that may be impacted by the wall.
 - (b) Although the wall of Dwelling 2 may be visible from the dwelling at No. 140 Park Street (across the 3.2 metre wide laneway to the north), the wall will not overshadow this property (as it is north of the subject site).
 - (c) Further, the northern elevation of Dwelling 2 incorporates a variety of materials and finishes (glazing with weathered steel panelised cladding, red face brickwork and planter boxes to the terraces) to create visual interest and break up the visual bulk of the dwelling to the laneway.
 - (d) High boundary walls and minimal side setbacks are a notable characteristic of the area with all dwellings along Taplin Street constructed boundary to boundary.

East

123. A boundary wall is proposed to the laneway to the east, 10.7 metres in height, exceeding the maximum height prescribed by Standard B18 by 7.1 metres.
124. The third floor bedroom of Dwelling 2 is setback 5.1 metres from the eastern title boundary and thus does not comply with Standard B17 which prescribes a setback of 8.54 metres for a wall of this height (13.45 metres).
125. However, the variations to Standards B17 and B18 are supported for the following reasons:
- (a) The wall abuts a laneway (2.9 metres wide) limiting the impacts of the walls from neighbouring properties.
 - (b) The walls will only result in marginal overshadowing to the POS areas of No. 125 Fergie Street (2 and 3pm) and No. 123 Fergie Street (3pm only) and will not unreasonably impact the usability and amenity of the areas (discussed further under Standard B21 of this report).
 - (c) High boundary walls are common characteristic of the area and to the laneway, with the dwellings to the south presenting three storey walls to the laneway.
 - (d) Dwelling 2 incorporates a variety of materials and finishes to the east elevation to create visual interest and contribute to the appearance of the laneway and its sense of place.

Standard B21 – Overshadowing objective

126. Pursuant to Standard B21, *where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.*
127. *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
128. Due to the east-west orientation of the subject site, the proposal will overshadow the outdoor areas of properties to the east at N0. 123 and 125 Fergie Street, across the laneway, at 2pm and 3pm at the Equinox (shadow diagrams provided below). These areas of POS do not receive the prescribed amount of sunlight under existing conditions, thus the proposal which reduces the sunlight at 2pm and 3pm does not meet the Standard.

129. Generally, the impact at 2pm (2sqm of additional shadow to No. 125 Fergie Street only) is considered marginal and will not adversely impact the usability and amenity of the POS at this time. At 3pm the proposal results in 3sqm of additional overshadowing to No. 125 Fergie Street and 5sqm to No. 123 Fergie Street. These impacts are slightly more significant but is also an expected result of development in a dense, inner city area.
130. It is also noted that the submitted shadow diagrams do not account for the shadows currently cast by the three storey dwelling at No. 50 Taplin Street which would likely notably overshadow the POS of No. 123 Fergie Street at 3pm. As such, the actual impact of the proposed dwelling to this area of POS is likely to be negligible.
131. Generally, the proposal marginally impacts the eastern properties in the afternoon and would leave the usability and amenity of these properties unimpeached for the morning and midday hours. This is considered to meet the objective of the Standard, *to ensure buildings do not significantly overshadow existing secluded private open space*, and is thus supported.

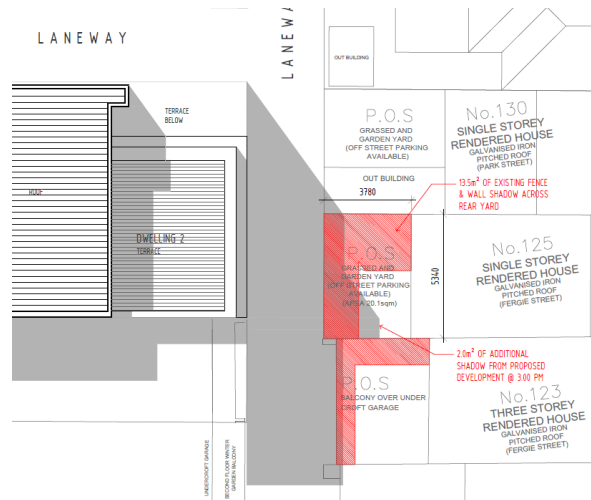


Image 9: shadow impacts at 2pm at the Equinox

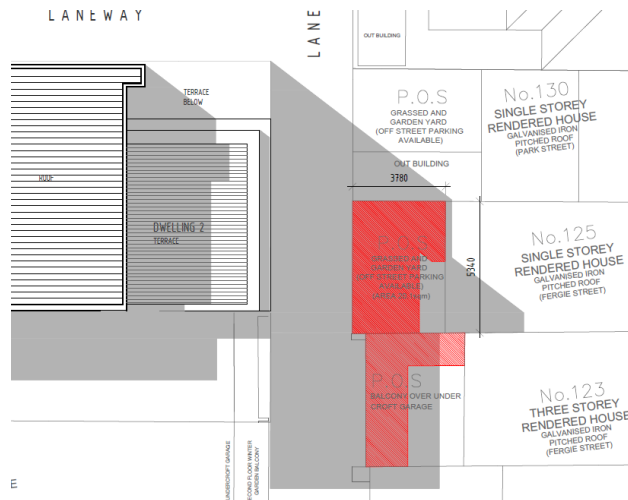


Image 10: shadow impacts at 3pm at the Equinox

Standard B22 – Overlooking objective

132. Within a 9 metre radius of the proposed dwellings are:
 - (a) the POS of No. 136 – 138 Park Street and No. 140 Park Street to the north; and

(b) the POS of No. 130 Park Street, No. 125 Fergie Street and No. 123 Fergie Street to the east.

133. There are no areas of POS or HRWs within 9 metres of the Taplin Street interface (west).
134. The north and east facing HRWs and terraces of the Dwelling 2 have relied upon ledges and planter boxes respectively, to limit view lines downwards to the sensitive POS areas to the north and east. The exception to this is the east-facing window of bedroom 2 which has obscure glass to a height of 1.7 metres above first floor level, thus limiting views in accordance with the Standard.
135. With regard to the ledges and planterboxes, Overlooking Diagrams (Section A-A and Section B-B) have been submitted to demonstrate compliance with the Standard. Generally, the diagrams satisfactorily demonstrate that the planter boxes and ledges direct the 9 metre view line above the areas of POS (by at least 2.8 metres) and thus meet the objective of Standard B22. However, the depth of the ledges and planterboxes have not been dimensioned and thus should be required by way of condition to any permit issued to ensure these overlooking treatments are constructed in accordance diagrams.
136. Finally, it is unclear whether the planter boxes to the east of the second floor terrace appropriately limit views to the roof top balcony of No. 123 Fergie Street. It is likely that planterbox will not limit views to this area which is located to the rear of the site at first floor, thus a condition should be included on any permit issued requiring this to be demonstrated and any additional screening required to comply with Standard B22 to be shown in plans.
137. Subject to condition, the proposal is considered to meet the objective of Standard B22 and is supported.

Standard B24 – Noise objective

138. The proposal has included a lift to each dwelling. The lifts are internal to the site, rather than on the boundary, to ensure that noise from their use will not impact the amenity of abutting dwellings. The lifts have also been located so that they are somewhat separate from the bedrooms of the dwelling. Regardless, it is considered that the lifts will not be used excessively to given that they will only service a single dwelling.
139. It is reasonable to expect that any noise generated on the site would only be residential in nature without causing any unreasonable acoustic impacts on neighbouring properties.

Standard B25 – Accessibility objective

140. The objective of Standard B25 is *to encourage the consideration of the needs of people with limited mobility in the design of developments*. The dwellings are designed to allow ease of access for people with limited mobility, in that dwelling entries have not been provided steps and lifts are provided internally.

Standard B26 – Dwelling entry objective

141. The entry of dwellings have been discussed at length at Standard B2 (Integration to the street objective) and Standard B12 (Safety objective) and it is considered that, subject to the condition to widen the entry to Dwelling 2 (as shown in Sketch Plans submitted 17 June 2020) and to install a motion sensor light, the entrances to each dwelling are appropriately visible from Park Street and Taplin Street and provide adequate shelter and a sense of personal address.

Standard B27 – Daylight to new windows objective

142. Window openings are proposed on the west, east and north elevations, where they are located to face an outdoor space and clear to sky, thereby complying with Standard B27.

Standard B28 – Private open space objective and B29 – Solar access to POS objective

143. According to the Standard B17, *a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.*
144. Dwelling 1 is provided with two roof terraces, one accessed directly from a living area (21.5sqm) and the other from the master bedroom (35.5sqm). The areas of POS, with a total area of 57sqm, exceed the requirements of Standard B28.
145. Dwelling 2 is provided with two roof terraces, one accessed directly from a living area (13sqm) and the other from the master bedroom (33sqm). The areas of POS, with a total area of 46sqm, exceed the requirements of Standard B28.
146. The areas of POS have been designed to have solar access from the north, thus meeting objective of Standard B29.

Standard B30 – Storage objective

147. Each dwelling is provided with 6 cubic metres of storage space in the associated garage. Moreover, storage is shown to be available at each level of the dwelling. The provisions of the Standard are met.

Standard B31 – Design detail objective

148. The proposal is considered to be of high architectural quality and in that regard responds to the design objectives of clauses 15.01-2S (*Building design*) and the objective of Standard B31 which is “*to encourage design detail that respects the existing and preferred neighbourhood character*”.
149. The proposal will incorporate a mixture of contemporary materials and finishes, including red face brickwork, weathered perforated steel cladding, folded cladding and operable and perforated panels to create an interesting and visually interesting façade.
150. The high level of fenestration, recessed terraces at first and second floors and various planting opportunities across the street and laneway interfaces assists in softening the bulk of the four storey built form and, more generally, is of a high quality and positive response to the existing contemporary streetscapes.
151. It is clear the proposal has considered how it presents from all angles, providing activated and engaging presentation to both the Taplin Streetscape and also the laneway interfaces, ensuring the building presents visually interesting elevations on all faces visible from the public domain.

Standard B34 – Site services objective

152. A mailbox is not shown in the decision plans and as such a condition should be included on any permit issued requiring this.
153. Bin storage areas are located within the garage of each dwelling and appropriately designed for the use of a residential dwelling.
154. Subject to condition, the objective of the Standard B34 is met.

Heritage

155. The full demolition of the existing building is supported as the property has been identified as Not Contributory to the North Fitzroy Heritage Precinct (Schedule 327) and therefore the removal of the building is supported in Clause 22.02-5.1 of the Scheme.
156. As discussed, and confirmed by Council’s Heritage Advisor, there is no contributory fabric on abutting sites or within the streetscape. The properties to the west, which are identified as Contributory present fence and outbuildings to Taplin Street.

157. Although Council's Heritage Advisor has raised no specific objection to the proposal of two contemporary dwellings or to the design, they have expressed a general objection to height on the basis that it could set a precedent for additional stories on other sites.
158. The development of other sites must be assessed on its own merits, however, as discussed at length during this report, the Mixed Use Zone provides opportunities for higher density built form and, although should respond to nearby low density residential development nearby, it should not be limited to the heights of nearby zones.
159. The nearest areas of the heritage value are Best Street to west and the three properties on the corner of the junction of Park Street and Fergie Street to the north-east.
160. There will be no views to the site from Best Street as it is apparent from the images below.



Image 11: View towards the subject site from the corner of Park Street and Best Street – obscured by the three storey converted building.



Image 12: view towards subject site from Best Street – likely obscured by double storey extensions of residential properties.

161. The proposal will be visible from Park Street, however, as is demonstrated in the below picture, it will not appear at odds between the abutting three storey contemporary dwellings already visible. As discussed, the proposal, through the use of various materials and planting will present a high quality and interesting interface to the public realm. Moreover, the fourth storey, which is setback 5 metres from the eastern boundary will not be highly visible from this perspective.



Image 13: the subject site (between the two abutting three storey forms) as viewed from Park Street to the north-east. It is noted the two storey extension of No. 132 – 134 Park Street is proposed (Planning Application PLN20/0210) in the location of the existing garage. If it were to be approved by Council it would further obscure views to the subject site.

162. In consideration of the above, it is considered that the scale, height and appearance of the proposal will not adversely impact the character of the heritage place, and thus, is supported.

Development abutting laneways

163. Clause 22.07-2 requires *development along a laneway to be provided with safe vehicular access.*
164. The application was referred to Council's Traffic Engineering Unit who consider the turning movements of a Standard B85 design vehicle to be adequately provided for by the setback of Dwelling 2's garage in the laneway.
165. Council's Traffic Engineering Unit required the following design items to be addressed:
- (a) The garage doorway width of Dwelling 1 to be dimensioned (noting that the garage width has already been required by way of condition to be reduced to a single car entry).
 - (b) The existing crossover to be removed and be reconstructed to Council standards and requirements. The vehicle crossing is to span the same width as the garage doorway. A vehicle crossover section should be required by way of condition to any permit issued.
 - (c) The setback area of Dwelling 2's garage should be constructed in a different material to the laneway.

- (d) The finished floor levels along the edge of the slab must be set 40mm above the edge of the laneway.
 - (e) Since the property (Dwelling 2) has vehicle access off the laneway, the applicant is to demonstrate by a ground clearance check, that a B85 design vehicle can enter and exit the property without scraping or bottoming-out.
166. The above should be required by way of condition to any permit issued.
167. Council's Traffic Engineering Unit also note that the windows opening out onto Taplin Street road reserve satisfy Building Regulations 2018 Regulation 102 and thus are accepted.
168. Finally, Clause 22.07 requires that *development along a laneway acknowledges the unique character of the laneway*.
169. The laneway is generally characterised by rear fences and garages, thus the proposal, which presents a visually interesting garage and entry at ground floor and upper level activation will enhance the overall laneway character, as well as improve passive surveillance and perceptions of safety. Further, as discussed, the height of Dwelling 2 to the laneway will not be out of keeping considering the three storey sheer walls on boundary to the south of the subject site.



Image 14: the subject site and three storey dwellings beyond, as viewed from the laneway to the east.

Other matters

170. Due to the location of the proposed dwellings and relatively constraints of the site, a condition will be included on any permit issued requiring a Construction Management Plan to be submitted to the satisfaction of the responsible authority.

Objector concerns

Height (not in keeping with the streetscape and will set precedent for future development

171. The concern has been discussed at paragraphs 101 – 104 and paragraphs 158 – 162 and is considered to meet the relevant policy guidelines of the Yarra Planning Scheme.

Visual bulk

172. This concern has been discussed at paragraphs 117 – 127 and paragraphs 158 – 162 and is considered to appropriately respond to the site context and nearby sensitive interfaces to ensure that the visibility and appearance of the dwellings will not result in an unreasonable visual bulk to neighbouring sites or the public realm.

Off-site amenity (overlooking, overshadowing, loss of light and impacts on solar panels)

173. These concerns have been discussed at paragraphs 117 – 138 and, subject to recommended conditions relating the impacts on No. 50 Taplin Street's balconies, it is considered that the proposed dwellings will not result in an unreasonable detrimental impact to the amenity of neighbouring dwellings.

174. It was raised as a concern in an objection that the submitted shadow diagrams show 'best case', that being during summer when they are shortest and thus are not an accurate representation of the overshadowing impact. The submitted shadow diagrams show the shadows cast at the Equinox (September 22) as is required by Standard B21 of the Yarra Planning Scheme. The Equinox is the middle point between winter (when they are longest) and summer (when they are shortest) and is thus deemed an appropriate point for assessment.

Laneway use (vehicle turning and pedestrian safety)

175. This concern has been discussed at paragraphs 164 – 170 and is considered that Dwelling 2 appropriately responds to the laneway.

Impacts of construction, including use of rear laneway

176. This is not a planning consideration and will be covered at the Building Permit stage. Nonetheless, a Construction Management Plan is recommended to be required by way of condition to any permit issued.

Car parking

177. As discussed at paragraphs 38 – 41 the proposal meets the car parking requirements pursuant to Clause 52.06 of the Yarra Planning Scheme. Nevertheless, it is unlikely that the dwellings will put pressure on car parking availability given the sites previous use of a mechanic and because the recommended condition to reduce the width of the existing crossover will create more area for on-street car parking.

Conclusion

178. The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0857 for full demolition of the existing building for the construction of two, four storey dwellings at No. 52 Taplin Street Fitzroy North, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by OnOff Architects, TP002, TP100, TP101, TP102, TP200 and TP201 dated 12 February 2019 but modified to show:

- (a) The design changes in accordance with the Sketch plans submitted on 17 June 2020, which show:
 - (i) The West Elevation of the second floor to Dwelling 1, setback by 1 metre from the west title boundary where it abuts the balconies of No. 50 Taplin Street.
 - (ii) The entrance foyer of Dwelling 2 widened.
 - (iii) The garage door panel of Dwelling 1 as obscure glass cladding.
 - (iv) The perforated screen panels with 50% transparency.
 - (v) Further details in the Materials and Finishes Schedule, including planterboxes.

But further modified to show:

- (b) Dwelling 1 with a single entry, tandem garage and the study relocated to the dwelling frontage.
- (c) A motion sensor light to the Dwelling 2 entry.
- (d) The location of the rainwater tanks (as committed to in the SDA) with the size (Lt) and connection to irrigation systems or toilet flushing notated.
- (e) The double glazed windows, clothes lines and solar panels as committed to in the SDA.
- (f) The existing crossover to Taplin Street removed and constructed to Council standards and requirements, including the submission of a Sectional Diagram of the crossover to demonstrate that a Standard B85 vehicle will not scrape or bottom out. The vehicle crossing is to span the same width as the single entry garage doorway.
- (g) The depth of planterboxes and window ledges dimensioned.
- (h) An Overlooking Diagram demonstrating that the views to No. 123 Fergie Street's first floor terrace from Dwelling 2's terrace are in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
- (i) A mailbox for each dwelling.
- (j) The setback of Dwelling 2's garage constructed in a different material than the laneway.
- (k) The finished floor levels along the edge of the slab as 40mm above the edge of the laneway.
- (l) A ground clearance check demonstrating that a Standard B85 vehicle can enter and exit Dwelling 2 without scraping or bottoming out.

- 2. The development or use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

- 5. The amenity of the area must not be detrimentally affected by the 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.

- 6. 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.
- 7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 9. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

10. This permit will expire if:

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

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

Notes

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

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

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

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

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

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

Attachments

- 1 PLN19/0857 - 52 Taplin Street Fitzroy North - Site Context Map
- 2 PLN19/0857 - 52 Taplin Street Fitzroy North - Certificate of Title
- 3 PLN19/0857 - 52 Taplin Street Fitzroy North - Sustainable Design Assessment
- 4 PLN19/0857 - 52 Taplin Street Fitzroy North - Decision Plans
- 5 PLN19/0857 - 52 Taplin Street Fitzroy North - Town Planning Report
- 6 PLN19/0857 - 52 Taplin Street Fitzroy North - Traffic Demand Report
- 7 PLN19/0857 - 52 Taplin Street Fitzroy North - Urban Design Advice
- 8 PLN19/0857 - 52 Taplin Street Fitzroy North - Traffic Engineering Advice
- 9 PLN19/0857 - 52 Taplin Street Fitzroy North - Heritage Advice
- 10 PLN19/0857 - 52 Taplin Street Fitzroy North - Sketch Plans