



Agenda

Planning Decisions Committee

6.30pm, Wednesday 1 December 2021

MS Teams

The Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals. The committee is made up of three Councillors who are rostered on a quarterly basis.

Participating in the Meeting

Planning Decisions Committee meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. Simply raise your hand and the chair will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your 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 you are able to speak on their behalf.

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

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.

Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (via the entry foyer).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop and receiver accessory is available by arrangement (tel. 9205 5110).
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available.

1. Appointment of Chair

Councillors are required to appoint a meeting chair in accordance with the City of Yarra Governance Rules 2020.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

Cr Herschel Landes

Cr Bridgid O'Brien

Cr Gabrielle de Vietri

Council officers

Danielle Connell (Senior Coordinator Statutory Planning)

Amy Hodgen (Senior Co-ordinator Statutory Planning)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Wednesday 17 November 2021 be confirmed.

6. Committee business reports

Item	Page	Rec. Page
6.1 PLN21/0375 - 235 Napier Street, Fitzroy	5	60
6.2 PLN20/0720 - Development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement Yarra Planning Scheme.	193	253
6.3 PLN21/0340 - 671 Lygon Street, Princes Hill - Partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and reduction in car parking requirement	497	525
6.4 PLN17/0703.02 - 640 Heidelberg Road, Alphington - CONFIDENTIAL ITEM		

6.1 PLN21/0375 - 235 Napier Street, Fitzroy

Executive Summary

Purpose

1. This report provides an assessment of the proposal at 235 Napier Street, Fitzroy, for the demolition of the existing building and construction of an eight storey building (with basement levels and roof terrace above) containing dwellings (no permit required for use) and reduction of the car parking requirements.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01 – Urban Environment;
 - (b) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (c) Clause 22.05 – Interface uses policy;
 - (d) Clause 32.04 – Mixed Use Zone;
 - (e) Clause 43.01 – Heritage Overlay;
 - (f) Clause 52.06 – Car Parking; and
 - (g) Clause 58 – Apartment Developments.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Strategic justification;
 - (b) Built form, urban design and heritage;
 - (c) Off-site amenity impacts;
 - (d) On-site amenity, including Clause 58 and Clause 53.06;
 - (e) Car parking and traffic;
 - (f) Bicycle facilities and strategic transport;
 - (g) Environmental Audit Overlay;
 - (h) Objector concerns; and
 - (i) Other Matters

Submissions Received

4. Ninety-three objections were received to the application, these can be summarised as:
 - (a) Built form and design (overdevelopment, inappropriate height, massing, bulk that is out of character with the area, lack of setbacks, architectural expression, street wall height, inconsistent landscaping, western on-boundary construction, construction over the easement);
 - (b) Heritage impacts;
 - (c) Off-site amenity (visual bulk, overshadowing of balconies/solar panels, overlooking, loss of daylight and privacy, loss of airflow and ventilation, noise, loss of views to landmark buildings);
 - (d) On-site amenity (small balconies, small rooms, lack of social interaction, poor ESD, poor wind outcomes, privatisation of roof terrace)
 - (e) Insufficient car parking, traffic impacts concerning the use of the carriageway easement and queues to car lifts/stackers;
 - (f) Issues during construction (noise, dust, traffic, structural integrity and damage, disruptions, inconvenience, reduced rental income);
 - (g) Insufficient connection to infrastructure;

- (h) Development inconsistent with the proposed DDO34 and proposed Better Apartment Standards updates;
- (i) No affordable housing is provided; and
- (j) Devaluation of property values.

5. Five letters of support were received to the application.

Conclusion

- 6. 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) Deletion of the topmost level and roof terrace above from the building; and
 - (b) Provision of a Façade Strategy and Materials and Finishes Plan.

CONTACT OFFICER: **Michelle King**
TITLE: **Principal Planner**
TEL: **9205 5333**

6.1 PLN21/0375 - 235 Napier Street, Fitzroy

Reference	D21/140635
Author	Michelle King - Principal Planner
Authoriser	Senior Coordinator Statutory Planning
Ward:	Nicholls
Proposal:	Demolition of the existing building and construction of an eight storey building (with basement levels and roof terrace above) containing dwellings (no permit required for use) and reduction of the car parking requirements
Existing use:	Single storey commercial building
Applicant:	SJB Planning
Zoning / Overlays:	Mixed Use Zone Heritage Overlay, Schedule 334 Environmental Audit Overlay Development Contributions Plan Overlay, Schedule 1
Date of Application:	07/06/2021
Application Number:	PLN21/0375

Planning History

1. There are no previous planning permits relevant to the current application.

Background

Planning Scheme Amendments

Yarra Planning Scheme Amendment C269 – Rewrite of Local Policies

2. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PFF), consistent with the structure recently introduced by the State Government.
3. The amendment was on public exhibition between 20 August 2020 and 4 December 2020. Amendment C269 was adopted by Council on 3 August 2021 and was heard at a panel hearing in October 2021.
4. The revised local planning policy seeks to include the Fitzroy Town Hall and Back Blocks precinct within the Brunswick Street, Fitzroy Major Activity Centre. The following relevant strategy for the revised Major Activity Centre are provided below:

Support development that responds to the character distinctions between the commercial land with frontage to Brunswick Street and the Mixed Use zone behind.

5. Furthermore, the revised local planning policy seeks to identify areas for minimal, incremental, moderate and high change in respect of accommodating increased density of housing. The subject site and surrounding MUZ land are identified as 'moderate change areas,' consistent with the findings of the Yarra Housing Strategy (YHS). The following proposed strategy is relevant:

Support medium density residential and mixed use development in the form of apartment buildings that respond to heritage significance and streetscape character.

6. In relation to this current planning application, the following clauses of the updated local policy are of most relevance:
 - Clause 11.03-1L – Activity Centres
 - Clause 13.07-1L – Interfaces and Amenity
 - Clause 15.01-1L – Urban Design
 - Clause 15.01-2L – Building Design
 - Clause 15.01-2L – Landmarks
 - Clause 15.02-1L – Environmentally Sustainable Development
 - Clause 15.03-1L – Heritage
 - Clause 16.01-2L – Location of Residential Development
 - Clause 16.01-3L – Housing Diversity
 - Clause 16.01-4L – Housing Affordability
 - Clause 17.01-1L – Employment
 - Clause 18.02-1L – Sustainable Transport
 - Clause 18.02-3L – Road System
 - Clause 18.02-4L – Car Parking
 - Clause 19.02-6L – Public Open Space Contribution
 - Clause 19.03-2L – Development Contributions
 - Clause 19.03-3L – WSUD
 - Clause 19.03-5L – Waste
7. The above clauses are largely reflected in current planning policy and will not be contradictory to the proposed re-write of Clauses 21 and 22.

Yarra Planning Scheme Amendment C270 – Interim Planning Controls for Fitzroy and Collingwood, Stage 1

8. On 17 December 2019, Council requested the Minister for Planning to consider the approval of proposed interim built form controls (interim Design and Development Overlays/DDOs) for activity centres in Fitzroy & parts of Collingwood (Amendment C270) under Section 20(4) of the *Planning and Environment Act 1987* (Amendment without giving of notice).

9. On 20 August 2021, under delegation from the Minister for Planning the Department for Environment, Land, Water and Planning (DELWP) decided to approve Amendment C270yara with changes, however only four of the proposed DDOs were approved out of the proposed nine.
10. The subject site is included in the proposed DDO34, which outlines future built form in the area of the Fitzroy Town Hall containing the subject site (Fitzroy Town Hall and Back Blocks). This DDO has not been approved.
11. Whilst the Built Form Framework that underpins the DDO can be considered in this assessment of this application (being an adopted document by Council) the Amendment has not yet been approved by the Minister and does not form part of the Yarra Planning Scheme (the Scheme).
12. The request for interim controls has not undertaken elements of a formal Planning Scheme Amendment, including exhibition or an independent panel process, with the interim controls providing a ‘placeholder’ whilst the permanent controls are being prepared. As such, these temporary controls carry limited statutory weight until the formal Amendment is approved by the Minister. This is confirmed by Council’s Strategic Planning Unit, who identify that the DDO34 is not ‘seriously entertained.’
13. On 9 November 2021, the applicant provided Council with updated renders of the proposal to demonstrate the following two items:
 - (a) How the circular windows will be operable and how they will be designed to span two floor plates and multiple rooms; and
 - (b) The relationship with the southern adjoining development. The renders have been updated now that the adjoining development to the south has progressed in construction. The renders are consistent with the development plans advertised with the proposal.
14. The renders are shown below:



Submission of Corrected Shadow Diagrams

15. The applicant submitted corrected shadow diagrams on 17 November 2021. The shadow diagrams provided with the application and subsequently advertised were taken during daylight savings hours at the March equinox. The corrected shadow diagrams are taken at the September equinox, as required by the Yarra Planning Scheme.
16. The corrected shadow diagrams were circulated to all objectors with the invitations to the Planning Decisions Committee meeting. They also form an attachment to this report.

The Proposal

17. The proposal is to demolish the existing building and to construct an eight storey building (with basement levels and roof terrace above) containing dwellings (no permit required for use) with a reduction of the car parking requirements also sought. Key features of the proposal include:

Demolition

18. Demolition of the existing building in its entirety.

Layout

19. At the ground floor, the building includes the lower level of two dwellings, Apartment G.01 and Apartment G.02. The lower level of Apartment G.01 interfaces with Napier Street, providing a landscaped setback area. The lower level of Apartment G.02 interfaces with St David Street.
20. The ground floor also includes the main pedestrian entrance from St David Street and a secondary entrance from the rear carriageway easement which leads to the open common stairwell and lift core. A bicycle room (24 resident and 4 visitor bicycle spaces) is also accessed from St David Street with a bin room accessed from the carriageway easement.
21. Vehicular access is provided from the rear to a car lift which transfers vehicles to the basement levels, which contain a total of 20 car spaces provided in the form of two car stackers (one for 18 vehicles and one for 2 vehicles). The lower basement level also includes storage cages for each apartment, services and a communal wine cellar room which contains 15 lockers.
22. The upper ground floor plan is a mezzanine level that contains the upper level of the two dwellings previously described, Apartments G.01 and G.02. Level 1 and above contain thirteen dwellings. The dwelling mix comprises 6 x two bedroom dwellings and 9 x three bedroom dwellings. No permit is required for the dwelling use.
23. The rooftop incorporates a private roof terrace (50.9sqm) linked to Apartment 6.01 via an external spiral stair and services. Roof services are also incorporated on the rooftop, including solar panels and the air conditioning units of each apartment.

Setbacks

24. The proposed building setbacks are as follows:
 - (a) Basement levels:
 - (i) Built to all boundaries with the exception of the drainage easement within the south-western corner.
 - (b) Ground Floor:
 - (i) Generally built to the northern boundary with the exception of the entrance to Apartment G.02 and the residential entrance. The building to the east of the residential entrance is also setback 0.35 metres to accommodate landscaping.
 - (ii) The built form is setback between 3.027 metres and 4.3 metres from the eastern boundary to the principle façade, with a terrace area located within the setback.
 - (iii) The building is generally built to the southern boundary with the exception of 4.56 metres where opposite the adjoining development's light court.
 - (iv) Generally built to the western boundary with the exception of the drainage easement and the vehicular entrance. The stairwell to the north of the vehicular entrance is also nominally setback from the boundary.
 - (c) Upper Ground Floor:
 - (i) Generally built to the northern boundary with the exception of the area above the entrance to the residential lobby. The building to the east of the residential lobby is also setback 0.35 metres.
 - (ii) The built form is setback from the eastern boundary by 3.016 metres to the principle façade, with the 'wing walls' of the development setback 1 metre.
 - (iii) The building is generally built to the southern boundary with the exception of 4.56 metres where opposite the adjoining development's light court.
 - (iv) Generally built to the western boundary.
 - (d) Level 01 to Level 03:
 - (i) Generally built to all boundaries with the exception of a 4.56 metre building break along the southern boundary where opposite the adjoining development's light court.
 - (e) Level 04:

- (i) Setback from the northern boundary 0-2.99 metres with a balcony located in the setback area.
- (ii) Setback from the eastern boundary 0-3.27 metres to the façade with a balcony located in the setback area.
- (iii) Setback from the western boundary 1-1.3 metres with a balcony and non-trafficable area located in the setback area.
- (iv) The building is generally built to the southern boundary with the exception of 4.56 metres where opposite the adjoining development's light court.
- (f) Level 05:
 - (i) Setback from the northern boundary 2.7-2.99 metres and setback from the eastern boundary 5.4-5.7 metres to the façade. However, a terrace is located within the north-eastern corner of the development.
 - (ii) Setback from the western boundary 1-1.3 metres.
 - (iii) The building is generally built to the southern boundary with the exception of 4.56 metres where opposite the adjoining development's light court.
- (g) Level 06 and Roof terrace (to apartment 6.01):
 - (i) Setback from the northern boundary 2.7-2.99 metres.
 - (ii) Setback from the eastern boundary 5.4-5.7 metres to the façade.
 - (iii) Setback from the western boundary 1-1.3 metres.
 - (iv) The building is generally built to the southern boundary with the exception of 4.56 metres where opposite the adjoining development's light court.

Elevations

25. The proposed building will extend to a maximum height of eight storeys equating to 25.7 metres (excluding plant); including plant, the development would adopt an overall predominant height of 26.4 metres and 26.7 metres including the lift core. These dimensions have been calculated using the RL's and the lower point of the site at the north-western corner of the site as shown on the northern elevation.
26. The proposal includes a predominant four/five storey street wall to Napier Street, St David Street and the carriageway easement to the rear with a height of 16.6 metres as indicated on the northern elevation. The street wall rises to a height of five/six storeys at the north-eastern corner, the intersection of Napier and St David Streets achieving an overall height of 18.3 metres as dimensioned on the northern elevation.

Materials and finishes

27. The primary material palette consists of Form liner textured rock finish concrete in light grey (CN01), concrete in light grey (CN02), board mark textured concrete in light grey (CN03), concrete in white (CN04), metal cladding in bronze (MT01), perforated screening in bronze (MT02), metal cladding in light grey (MT03), bronze and light grey window frames (FE01 and FE02) and clear glass (GL01).



*Figure: Render of proposed development
Source: Applicant documentation, provided 9 November 2021*

Existing Conditions

Subject Site

28. The subject site is located on the western side of Napier Street, located on the southwest corner of Napier Street and St David Street. The land gradient falls from the west to the east and the site is rectangular in shape, with a frontage to Napier Street of 12.9m and a depth of 30.73m (fronting St David Street), yielding an overall site area of approximately 396sqm.



*Figure: Aerial photograph of No. 235 Napier Street, Fitzroy
Source: Nearmap, image capture date: 27 October 2021*

29. The subject site is developed with a single-storey warehouse building of the post-war era and is constructed flush to the St David Street boundary (northern boundary) as well as the southern boundary. The building is set back approximately 1m from the Napier Street boundary and approximately 4.7m from the rear boundary.



*Figure: Subject site
Source: Applicant Town Planning Report*

30. The building is constructed of concrete panel and features glazing across the Napier Street façade, together with a pedestrian entry, access ramp and modest landscaping strip (located within title boundaries). The building has no fenestration across the St. David Street frontage. A secondary pedestrian access point is located at the rear of the building.
31. Vehicle access to the site is provided via a rear roller door from a carriageway easement to the rear, to which the site benefits from. The rear setback is used for on-site car parking – whilst there is no line marking, it appears that the setback can accommodate three cars.
32. The subject site is currently being used as an office for a not-for-profit organisation.

Certificate of Title

33. No restrictive covenants nor restrictions are shown on the certificate of title provided with the application.
34. The subject site is however affected by a drainage easement within the southwestern corner of the site, and a party wall easement along the southern boundary. The proposed development ensures that the drainage easement can still be accessed, with no development proposed in its location. The applicant may be required to seek further approvals, however this is separate from the planning process.

In respect of the party wall easement, it is noted that the building to which this easement relates on the southern adjoining property has been demolished.

35. In addition, the subject site benefits from a carriageway easement along the western edge of the site. The easement is approximately 6.1m wide and also affects the western section of the properties to the south at Nos. 219 – 231 Napier Street. The carriageway easement acts as a rear laneway in this context and provides access from St David Street and Young Street.

Surrounding Land

36. In terms of zoning context, the subject site is located in a Mixed Use Zone (MUZ) precinct that is roughly bound by Exhibition Street to the north, Napier Street to the east, Kent Street to the west and Moor Street to the south. To the west of the MUZ precinct is a linear strip of land located in the Commercial 1 Zone along Brunswick Street. Land in the Neighbourhood Residential Zone is located to the north, south and east of the MUZ precinct. Whitlam Place, a small pocket park at the north-western corner of Napier and Moor Streets, is zoned Park and Public Recreation Zone, with Fitzroy Town Hall located south of this open space area.

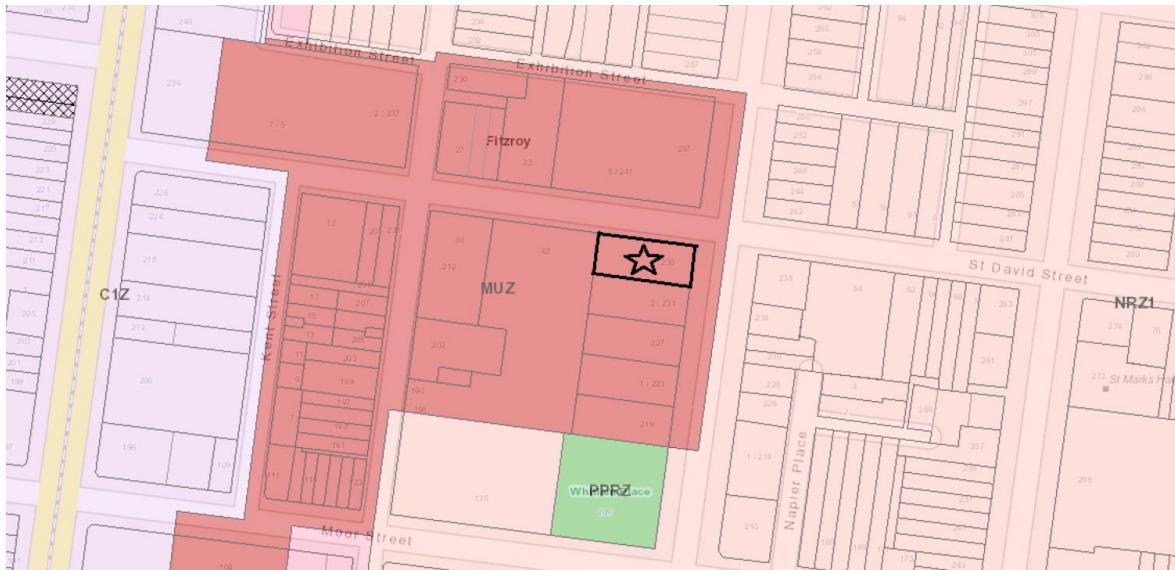
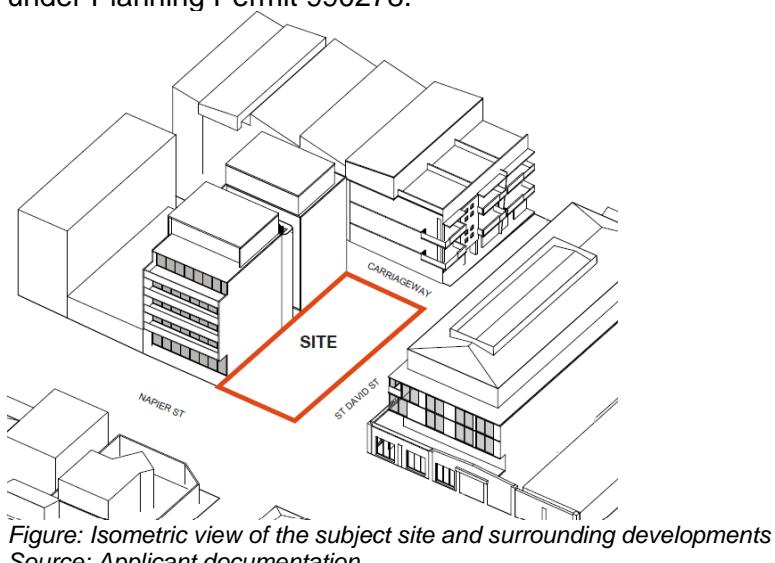


Figure: The subject site and surrounding land shown as MUZ, with C1Z to the west and NRZ to the north, south and east

Source: DELWP

37. The site is located within proximity to the Brunswick Street Major Activity Centre (MAC), which includes a diverse mixture of residential, retail, office and hospitality offerings. The inner-city locale ensures the site is well serviced by infrastructure and public transport, with:
 - (a) Brunswick Street (160m to the west) serviced by two tram routes (#11 – West Preston – Victoria Harbour Docklands and #112 – West Preston – St Kilda);

- (b) Smith Street (320m to the east) serviced by a tram route (#86 – Bundoora/RMIT – Waterfront City/Docklands) which operates throughout the night on weekends and a night rider bus route;
 - (c) Johnston Street (260m to the north) serviced by a number of bus routes that connect the CBD to the eastern suburbs;
 - (d) Victoria Parade (820m to the south) serviced by a number of tram services, and;
 - (e) The CBD within 1.1km.
38. The built form of the area is mixed. Building heights include both low-rise (single to double-storey), as well as higher development emerging within vicinity to the site. Low-rise development is typified by a mix of Victorian and Edwardian dwellings (single and double-storey) as well as post-war warehouse buildings (largely single storey). The emerging character is defined by mid-rise apartment developments, with this section of Napier Street in particular undergoing a transition from low-rise commercial / industrial buildings to mid-rise apartment developments, including the following:
- (a) No 237 – 253 Napier Street (directly north of the subject site, on the opposite side of St David Street) is developed with a five-six storey apartment development with ground floor commercial uses, approved under Planning Permit PLN14/0084. The development was completed in 2017.
 - (b) No. 231 Napier Street (directly south of the subject site) is developed with a six-storey apartment building approved under Planning Permit PLN17/0868. Construction has recently finished and the development is now occupied.
 - (c) No. 223 Napier Street is developed with a five-storey apartment building approved under Planning Permit PLN14/0849.
 - (d) No. 219 Napier Street is developed with a four-storey apartment building approved under Planning Permit PLN14/0023.
 - (e) Nos. 30 – 34 St David Street (directly west of the subject site, on the opposite side of the rear laneway) is a four-storey warehouse conversion used for townhouses, approved under Planning Permit 990278.



39. Beyond the immediate Napier Street context, the following demonstrate the emergence of mid-rise developments in the broader area:

- (a) No. 232 – 234 Brunswick Street (70m west of the subject site), a five-storey apartment building constructed in the early 2000s and approved under Planning Permit 990205;
 - (b) No. 250 Gore Street & 221 Moor Street (230m southeast of the subject site), an apartment development ranging in height from four – eight stories, recently constructed and approved under Planning Permit PLN14/0826;
 - (c) No. 341 – 347 George Street (220m northeast of the subject site), a seven-storey mixed use development, currently under construction and approved under Planning Permit PLN16/1116.
 - (d) No. 142 - 144 Johnston Street (210m northwest of the subject site), a six-storey apartment development (with ground floor commercial uses) approved under Planning Permit PLN15/0632. Constructed was completed in 2018.
 - (e) No. 176 Johnston Street & 300 Napier Street (220m north of the subject site), a part-three and part four-storey office development approved under Planning Permit PLN19/0807. Construction has not yet commenced.
 - (f) No. 178 – 182 Johnston Street (220m north of the subject site), a seven-storey apartment building (with commercial uses at ground floor) approved under Planning Permit PLN16/0563. Construction has been completed recently.
40. Based on this diverse context, there is not a single predominant characteristic in this locality, but a complex character comprising a range of building types, forms and expressions. Both sides of Napier Street are located within the South Fitzroy heritage precinct.
41. The immediate interfaces with the site are outlined below:

North

42. Immediately to the north of the site is St David Street which has a total width of approximately 12m (including both footpaths). On-street car parking is available on both sides of the roadway, which itself has a width of approximately 4.9m. St David Street is a one way street, with only west-to-east traffic movements permitted. East of Napier Street, this changes in that only east-to-west traffic movements are permitted.
43. Further north, on the opposite side of St David Street is the aforementioned apartment development at No. 237 – 253 Napier Street, which has a building height of five to six storeys. As it presents to the corner of Napier and St David Streets, the development features a single-storey Edwardian industrial podium base which is constructed of brick and built flush to the St David and Napier Street boundaries. The upper levels are composed of a recessed first floor (in brick) and second – fourth floors constructed of metal cladding. The upper level setbacks of this development as provided in the following table:

Level	Setbacks from Napier Street	Setbacks from St David Street
1	2.7m – 3m	2m
2	2m – 2.7m	0m
3	2m	0m
4	6.6m*	3.3m*

* excludes terraces which have 0m setbacks

44. The south-facing dwellings within this development face the subject site – all of these dwellings feature south-facing balconies and habitable room windows. Vehicle access to the site is provided via St David Street, to the northwest of the subject site.

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45. Further to the north-west of the subject site, at No. 27 St David Street is the Rainbow Hotel, a live music venue that plays music indoors only, until 1am (Monday – Saturday) and until 11pm (Sundays).

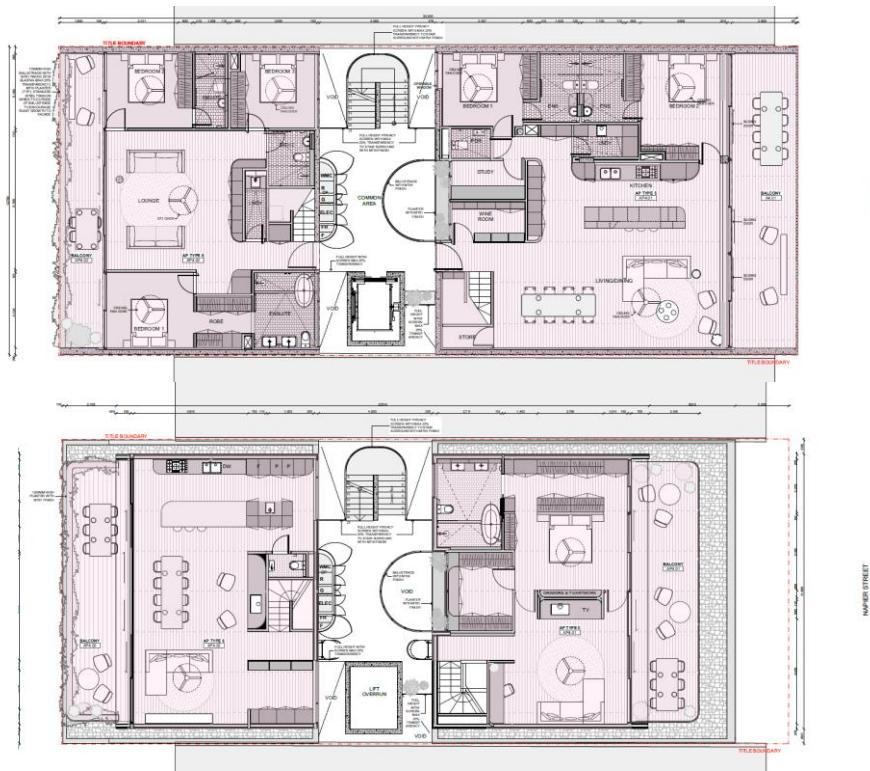
East

46. To the east of the subject site is Napier Street, which is approximately 18m wide (including both footpaths) and is a two-way street with mature street trees. On-street car parking on both sides of the street is provided.
47. Further east, on the opposite side of Napier Street is No. 238 – 240 Napier Street, which is a double-storey concrete dwelling of the post-war era. The building has a flat roof and features secluded private open space (SPOS) at ground floor along its northern and western boundaries. The dwelling also has a balcony at first floor which faces northwest. High front fencing is provided along both the Napier and St David Street frontages. Further east beyond this property are a number of Victorian-era dwellings fronting St David Street, largely constructed of brick, single-storey and with pitched roofs.

South

48. To the south, at No. 231 Napier Street, is a contemporary six-storey apartment building. As outlined previously, this development was approved under Planning Permit PLN17/0868 and construction works have finished recently. The development provides a five-storey street wall to Napier Street with the balconies of these levels constructed to the Napier Street boundary. The sixth storey (level 05) is set back 3.7m from the Napier Street boundary. In terms of sensitive interfaces, the development has:
- (a) A large, central light court / void which extends from the northern boundary to the southern boundary of the site. This light court provides a source of daylight to a number of habitable room and non-habitable room windows across all floors (excluding basement level) as well as the communal stairwell and common areas at each floor.
 - (b) East-facing balconies including at:
 - (i) Levels 1-3, which have solid, full-height walls at the common (northern) boundary with the subject site;
 - (ii) Level 4, which has a solid wall ranging in height from approximately 1m to full height at the common (northern) boundary with the subject site.
 - (iii) Level 5, which is set back 0.8m from the common boundary with the subject site and has a low, metal balustrade running along its northern edge.
 - (c) West-facing balconies including at:
 - (i) Levels 1-4, which have solid, full-height walls at the common (northern) boundary with the subject site.
 - (ii) Level 5, which is set back 0.8m from the common boundary with the subject site and has a planter box balustrade (1.2m in height above balcony level) running along its northern edge.

49. Floor plans of the top two levels are provided below:



*Figure: Levels 4 and 5 of No. 231 Napier Street, Fitzroy
Source: Excerpt from Endorsed Plans of Planning Permit PLN17/0868*

West

50. To the west of the site is a carriageway easement which runs from St David Street in the north along the western boundaries of the properties between Nos. 219 – 235 Napier Street. The carriageway easement functions as a laneway and has a width of approximately 6.1m.
51. On the opposite (western) side of the carriageway easement, at Nos. 34 – 40 St David Street is a four-storey converted warehouse development constructed in the early 2000s under Planning Permit 990278 and Planning Permit PL02/0337. The development provides a three-storey street wall to St David Street with the fourth storey provided with an upper level setback of approximately 2.6m. As it relates to the subject site, this development has the following sensitive interfaces:
 - (a) Habitable room windows and a light court facing east to the carriageway easement at ground floor;
 - (b) East and west-facing habitable room windows, east-facing balconies and north-facing balconies across the first, second and third floors of the development.
52. Vehicle access to the development is provided via the east-west section of the carriageway easement, away from the subject site.

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone (MUZ)

53. The purposes of this zone are:
 - (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 provide for housing at higher densities.*

-
- (d) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
 - (e) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*
54. The use of the site for dwellings does not require a permit pursuant to clause 32.04-2.
55. Pursuant to clause 32.04-6, a permit is required to construct two or more dwellings on a lot.
56. Clause 32.04-6 states an apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

Overlays

Clause 43.01 – Heritage Overlay (Schedule 334)

57. 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
58. The building on the subject site is located within Schedule 334 of the Heritage Overlay and is designated as a 'Non-Contributory' building pursuant to the incorporated document referenced above.

Clause 45.03 – Environmental Audit Overlay (EAO)

59. 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, primary school, secondary school or children's playground) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences:

- (a) *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
 - (b) *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use.*
60. The use of the site for dwellings are sensitive uses and the requirements of this overlay are therefore applicable to the application.
- Clause 45.06 – Development Contributions Plan Overlay (Schedule 1)*
61. The Development Contributions Plan applies to the proposed residential uses, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths, as well as community facilities.
62. Pursuant to Clause 45.06-1 a permit granted must:
- (a) Be consistent with the provisions of the relevant development contributions plan.
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay
63. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 – Car parking

64. 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. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under this clause.
65. 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.
66. 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. The provision of car parking is as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling	6	1 space per dwelling	6	6
Three-bedroom dwelling	9	2 spaces per dwelling	18	14
Total			24 spaces	20 spaces

67. A total of 20 car spaces are proposed on site, therefore the application seeks a total reduction of 4 car spaces associated with the dwelling use.

Clause 52.34 – Bicycle Facilities

68. 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
69. 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	
Dwellings	15	1 resident space per 5 dwellings	3 resident space		
		1 visitor space per 10 dwellings for visitors	2 visitor spaces		
Bicycle Parking Spaces Total			3 resident spaces	24 resident spaces	
			2 visitor spaces	4 visitor spaces	
Showers / Change rooms	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces		0 shower / change room	0 showers / change rooms	

70. The development is required to provide three resident spaces and two visitor spaces. With 24 resident spaces and 4 visitor spaces provided within the development, the statutory requirement is exceeded.

71. Clause 52.34-4 provides design standard for bicycle spaces and signage.

Clause 58 - Apartment Developments

72. The provisions of Clause 58 apply to an application to construct or extend an apartment development if the development is five or more storeys within the Mixed Use Zone. A development must meet all of the objectives and should meet all of the standards of the Clause.

Clause 53.06 – Live music and entertainment noise

73. Pursuant to Clause 53.06-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures to meet noise limits. A permit may be granted to reduce or waive these requirements.

Clause 53.18 – Stormwater Management in Urban Development

74. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.*
- (b) *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*

General Provisions

Clause 65 – Decision Guidelines

75. 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.

Planning Policy Framework (PPF)

76. Relevant clauses are as follows:

Clause 11 (Settlement)

Clause 11.01-1R (Settlement – Metropolitan Melbourne)

77. Relevant strategies include;

- (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*
- (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of Urban Land)

78. The objective is:

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

Clause 11.03 (Planning for Places)

Clause 11.03-1S (Activity Centres)

79. The relevant objectives of this clause include:

- (a) *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 11.03-1R (Activity centres – Metropolitan Melbourne)

80. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
 - (i) *Are able to accommodate significant growth for a broad range of land uses.*
 - (ii) *Are supported with appropriate infrastructure.*
 - (iii) *Are hubs for public transport services.*
 - (iv) *Offer good connectivity for a regional catchment.*
 - (v) *Provide high levels of amenity*

Clause 13.04-1S (Contaminated and potentially contaminated land)

81. The relevant objective of this clause is:

- (a) *To ensure contaminated and potentially contaminated land is used and developed safely.*

82. Relevant strategies are:

- (a) *Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.*
- (b) *Protect sensitive uses including a residential use or use as childcare centre, kindergarten, pre-school centre, secondary school or children's playground from the effects of contamination.*
- (c) *Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.*

Clause 13.05-1S (Noise abatement)

83. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

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

Clause 13.07 (Amenity and Safety)

Clause 13.07-1S (Land use compatibility)

85. The objective of this clause is:

- (a) *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Clause 15.01 (Built Environment and Heritage)

Clause 15.01-1S (Urban design)

86. The relevant 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 15.01-1R (Urban design - Metropolitan Melbourne)

87. The objective is:

- (a) *To create distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S (Building design)

88. The relevant objective of this clause is:

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

89. 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.*
- (j) *Encourage development to retain existing vegetation.*

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

- (a) *Urban Design Guidelines for Victoria (UDGV) (Department of Environment, Land, Water and Planning, 2017);*
- (b) *Apartment Design Guidelines for Victoria (ADGV) (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S (Healthy neighbourhoods)

91. The objective is:

- (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)

92. The strategy is:

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

Clause 15.01-5S (Neighbourhood character)

93. The relevant objective of this clause is:

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

94. Relevant strategies are:

- (a) *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- (b) *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- (c) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - (i) *Pattern of local urban structure and subdivision.*
 - (ii) *Underlying natural landscape character and significant vegetation.*
 - (iii) *Neighbourhood character values and built form that reflect community identity*

Clause 15.02 (Sustainable Development)

Clause 15.02-1S (Energy Efficiency)

95. 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 16.01 Residential Development

Clause 16.01-1S – Housing Supply

96. The objective of this clause is ‘*To facilitate well-located, integrated and diverse housing that meets community needs.*’

Clause 16.01-1R (Housing Supply – Metropolitan Melbourne)

97. Strategies for this clause are:

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

Clause 18.01 (Integrated Transport)

Clause 18.01-1S – (Land use and transport planning)

98. The objective of this clause is:

- (a) *To create a safe and sustainable transport system by integrating land use and transport.*

99. Relevant strategies to achieve this objective include:

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- (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 18.01-1S – (Land use and transport planning)

- 100. The objective of this clause is:
 - (a) *To create a safe and sustainable transport system by integrating land use and transport.*
- 101. 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)

- 102. The relevant objectives of this clause is:
 - (a) *To promote the use of sustainable personal transport.*
- 103. 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)

104. 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)

105. The objective of this clause is:

- (a) 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)

106. A relevant strategy of this clause is to:

- (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.

Clause 18.02-4S – (Car Parking)

107. The objective of this clause is:

- (a) To ensure an adequate supply of car parking that is appropriately designed and located.

108. A relevant strategy is:

- (a) Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

Local Planning Policy Framework (LPPF)

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

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

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

- (a) Objective 1 - To accommodate forecast increases in population.
- (b) Objective 2 - To retain a diverse population and household structure; and

- (c) Objective 3 - To reduce potential amenity conflicts between residential and other uses.

Clause 21.05 - Built Form

Clause 21.05-1 – Heritage

111. The relevant Objectives of this Clause are:

- (a) Objective 14 To protect and enhance Yarra's heritage places.
- (i) Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.
 - (ii) Strategy 14.2 Support the restoration of heritage places.
 - (iii) Strategy 14.3 Protect the heritage skyline of heritage precincts.
 - (iv) Strategy 14.4 Protect the subdivision pattern within heritage places.
 - (v) Strategy 14.5 Protect the significant landscape and heritage within streets, parks, gardens, waterways or other open spaces.
 - (vi) Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.
 - (vii) Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02
 - (viii) Strategy 14.9 Apply the Landmarks and Tall Structures policy at clause 22.03

Clause 21.05-2 – Urban design

112. The relevant Objectives of this Clause are:

- (a) Objective 16 - To reinforce the existing urban framework of Yarra:
- (i) Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.
- (b) Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern;
- (c) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric through the application of the following relevant strategies:
- (i) Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
 - (ii) Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.

Clause 21.05-4 – Public environment

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

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

Clause 21.06 – Transport

114. This policy recognises that Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. 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 21.06-1 – Walking and cycling

115. This clause builds upon the objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage. The relevant objectives and strategies of this clause are:
- (a) *Objective 30 - To provide safe and convenient bicycle environments:*
 - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*
 - (b) *Objective 32 - To reduce the reliance on the private motor car.*
 - (c) *Objective 33 - To reduce the impact of traffic.*
 - (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

Clause 21.06-2 – Public transport

116. The relevant objectives and strategies of this clause are:
- (a) *Objective 31 To facilitate public transport usage.*
 - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 – The road system and parking

117. *Objective 32 To reduce the reliance on the private motor car.*

Clause 21.07-1 – Environmentally sustainable development

118. The relevant objective of this clause is:

- (a) *Objective 34 To promote ecologically sustainable development* that has the following strategy:
 - (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

Clause 21.08-7 - Neighbourhoods (Fitzroy)

119. This clause describes the area in the following way (as relevant):

- (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*

120. Relevant built for strategies include:

- (a) *Ensure that development does not adversely affect the significance of the heritage place.*
- (b) *The implementation of built form strategies in clause 21.05 includes:*

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- (i) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
 - (ii) *Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and, where subject to the Heritage Overlay protects the heritage of the site and of the area.*

Relevant Local Policies

Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay

- 121. This policy applies to all new development included in a heritage overlay. The relevant objectives of this Clause include 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; to preserve the scale and pattern of streetscapes in heritage places; to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places; to ensure that additions and new works to a heritage place respect the significance of the place; and to encourage the retention of 'contributory' heritage places.
- 122. At Clauses 22.02-5.1, 22.02-5.7.1, and 22.02-5.7.2 of the Scheme, the policy provides requirements with regard to demolition; new development, alterations and additions; and specific requirements relating to sites comprising commercial and retail heritage places or contributory elements, and specific requirements for garages, ancillaries and services.

Clause 22.03 – Landmarks and tall structures

- 123. The Municipal Strategic Statement (MSS) identifies the importance of landmarks and tall structures to the built form of the City. The MSS seeks to retain important landmarks and icons which contribute to the identity of the City and to maintain view lines to key landmark sites. This Policy responds to the MSS by identifying key valued landmarks.
- 124. The objective under this clause is "*to maintain the prominence of Yarra's valued landmarks and landmark signs.*"
- 125. Clause 22.03-4 of the Scheme states: *New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference (as relevant):*
 - (a) *Clock tower of Fitzroy Town Hall; and*
 - (b) *Spire of St Marks Church, George Street, Fitzroy*

Clause 22.05 - Interface Uses Policy

- 126. This policy applies to all development and 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.
- 127. It is policy that:
 - (a) *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
- 128. Decision guidelines at clause 22.05-6 include:

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

Clause 22.12 – Public Open Space Contribution

129. The objectives of this clause are:

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

130. The subject site is in an area where land in lieu of cash is the preferred method of public open space contribution (area 3121B). Given the size of the site, a land contribution will not be practical and therefore a cash contribution will be requested instead.

Clause 22.16 - Stormwater Management (Water Sensitive Urban Design)

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

Clause 22.17 - Environmentally Sustainable Development

132. 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.

[Other Relevant Documents](#)

Plan Melbourne

- 133. The plan outlines the vision for Melbourne’s growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city’s growth. It is a blueprint for Melbourne’s future prosperity, liveability and sustainability.
- 134. It is policy to create mixed-use neighbourhoods at varying densities to offer more choice in housing and create opportunities for local businesses and new jobs whilst also delivering better access to local services and facilities. It is acknowledged that the application of the Mixed Use Zone can facilitate diverse housing and a greater mix of uses at varying densities.

Advertising

135. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 543 letters sent to surrounding owners and occupiers and by two signs displayed on the site. Council received 93 objections (the grounds of which are summarised as follows) and 5 letters of support:
- (a) Built form and design (overdevelopment, inappropriate height, massing, bulk that is out of character with the area, lack of setbacks, architectural expression, street wall height, inconsistent landscaping, western on-boundary construction, construction over the easement);
 - (b) Heritage impacts;
 - (c) Off-site amenity (visual bulk, overshadowing of balconies/solar panels, overlooking, loss of daylight and privacy, loss of airflow and ventilation, noise, loss of views to landmark buildings);
 - (d) On-site amenity (small balconies, small rooms, lack of social interaction, poor ESD, poor wind outcomes, privatisation of roof terrace)
 - (e) Insufficient car parking, traffic impacts concerning the use of the carriageway easement and queues to car lifts/stackers;
 - (f) Issues during construction (noise, dust, traffic, structural integrity and damage, disruptions, inconvenience, reduced rental income);
 - (g) Insufficient connection to infrastructure;
 - (h) Development inconsistent with the proposed DDO34 and proposed Better Apartment Standards updates;
 - (i) No affordable housing is provided; and
 - (j) Devaluation of property values.

Referrals

External Referrals

136. The application was not required to be referred to external authorities.

Internal Referrals

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

- (a) Heritage Advisor;
- (b) Urban Design Unit (public realm only);
- (c) Open Space Unit;
- (d) Environmentally Sustainable Design (ESD) Advisor;
- (e) Streetscapes and Natural Values Unit;
- (f) City Works Unit;
- (g) Engineering Services Unit;
- (h) Strategic Transport Unit;
- (i) Strategic Planning Unit.

External Consultants

- (j) Urban Design (Hansen Partnership);
- (k) Acoustics (SLR Consultants); and
- (l) Wind Consultant (MEL Consultants).

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138. Referral comments have been included as attachments to this report. A memo is also included within the comments prepared by Hansen Partnership, confirming that two errors identified within the comments have no consequence on the urban design assessments made.

OFFICER ASSESSMENT

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

- (a) Policy and strategic support;
- (b) Built form, urban design and heritage;
- (c) Off-site amenity impacts;
- (d) On-site amenity, including Clause 58;
- (e) Car parking and traffic;
- (f) Bicycle facilities and strategic transport;
- (g) Environmental Audit Overlay;
- (h) Objector concerns;
- (i) Other Matters.

Policy and Strategic Support

140. State and local planning policies are consistent in outlining that the subject land is located in an area where an increased intensity of development is encouraged. The context of the site; within the MUZ, its close location to the Brunswick Street Major Activity Centre (MAC) and proximity to the CBD, creates an excellent opportunity for increased residential densities and higher built form.
141. The MUZ specifically identifies the purpose of the land as an area where higher residential density developments are anticipated and expected and whilst this development would provide only dwellings, the area already contains a good mix of uses with the Brunswick Street MAC within easy walking distance. Further, Clause 11.01 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and social facilities.
142. The dwellings would provide increased housing opportunities consistent with Clause 11.01 and Clause 16.01-2, which seeks to encourage new housing with good access to services and transport. This outcome is also encouraged by Clause 18.02 of the Scheme. The site is within walking distance to trams along Brunswick and Smith Streets and is within proximity to trams along Gertrude Street, Nicholson Street and Victoria Parade, including buses along Johnston Street to the north. The site has excellent access to shops, restaurants, community facilities and supermarkets. The proposal will result in efficient use of existing infrastructure, consistent with Clause 21.04-1 of Council's MSS.
143. Having regard to the above, the proposed development of the site for a greater provision of dwellings is considered to have strategic planning support, however regard must be had to the appropriate scale of the proposal, based on the individual context and constraints of the land. This aspect of the development will be discussed below, with the deletion of one level recommended.

Built form, urban design and heritage

144. The relevant permit trigger for the development is the MUZ, and the primary considerations for the proposed development are the decision guidelines at clause 32.04-13 of the Scheme. This assessment is also based upon State and local planning policy at clauses 15.01-2 – Urban design principles; 21.05 – Urban design; 22.02 – Decision Guidelines for Sites Subject to the Heritage Overlay and 22.05 – Interface Uses Policy.

145. These provisions and guidelines seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the context, height and massing, relationship to adjoining buildings and architectural quality. These matters, and others, will be assessed in turn below.

Context

146. As outlined in the ‘site and surrounds’ section of this report, built form within the area is mixed, with development in the Fitzroy area displaying a range of building types, forms and designs. Site coverage in the immediate area is generally high. There is no dispute that strategically the subject site is appropriately located for more intense development than which current exists on the site, being adjacent to the Brunswick Street MAC, within a MUZ with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.
147. As identified earlier, a number of developments have been approved, are under construction, or have been built on sites within proximity to the subject site. These buildings range in height from 3-8 storeys, however within this particular section of Napier Street the emerging building heights are predominately 4 – 6 storeys. It is evident that the area is undergoing significant change and redevelopment.
148. As noted within the *Planning Scheme Amendments* section of this report, Council has prepared a Built Form Framework for the Fitzroy Town Hall and Back Blocks (among other areas) and have also requested approval from the Minister to introduce an interim Design and Development Overlay (Schedule 34) while permanent controls are prepared. The subject site is to be included in the proposed interim DDO34.
149. A relevant objective of the proposed DDO34 is to ‘*To ensure development supports a lower-to mid-rise character (ranging from 3 to 6 storeys) in the Fitzroy Town Hall precinct and back blocks behind Brunswick Street*’
150. The draft interim DDO34 outlines discretionary height requirements and street wall requirements that would apply to the subject site. A preferred building height of 17.6 metres is designated for the site with a street wall height of 14.4 metres also preferred along both St David and Napier Streets.
151. The draft interim DDO34 specifies that a permit should only be granted to construct a building or carry out works which exceed the preferred building heights where each of the following requirements are met to the satisfaction of the responsible authority:
- (a) *the minimum common boundary and building separation requirements in this schedule are exceeded by at least 1 metre each for levels above the height;*
 - (b) *accessibility provision that achieves the standards in Clauses 55.07 and 58.05 respectively for a minimum of 70% of dwellings;*
 - (c) *communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03 by 20%;*
 - (d) *secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05 by 20% each;*
 - (e) *excellence for environmentally sustainable design measured as a minimum BESS project score of 70%; and*
 - (f) *no additional overshadowing to secluded private open space of residentially zoned properties outside of the schedule and/or opposite footpath, kerb outstands etc. beyond that which would be generated by a proposal that complies with the maximum building height.*

152. In terms of upper level setbacks, the draft interim DDO34 seeks a 6 metre upper level setback above the street wall to Napier Street and 3 metres for St David Street.
153. The proposed development does not comply with the preferred requirements of the draft interim DDO34 and this is confirmed within the referral advice provided by the Strategic Planning Department. However it is important to understand that this does not preclude the grant of a permit, with the characteristics of the site and the proposed development to be assessed.
154. As previously outlined, this Amendment has not been approved by the Minister and subsequently the draft interim DDO34 cannot be given weight in determining the current application. While the Built Form Framework which informed the draft interim DDO34 provides some analysis as to the preferred future scale sought within this section of Fitzroy, this does not outweigh the emerging scale of recent development that has already occurred within the precinct (in the realm of 3 to 8 storeys). Furthermore, the Strategic Planning Department confirms that the draft interim DDO34 is not considered to be ‘seriously entertained’ at this time.
155. Based on the context outlined, a mid-scale infill development on the subject site is expected. However, regard must be had to the appropriate scale of the proposal, based on the individual context and constraints of the land.
156. Prior to ascertaining if the proposed building is acceptable, one must consider if the demolition and works to the existing building satisfy Council’s policy.
157. The existing building on the site is graded as being ‘not-contributory’ to the South Fitzroy heritage precinct. Council’s Heritage advisor has confirmed that the demolition of the existing building is acceptable on this basis. The removal of the ‘not-contributory’ building would not detrimentally impact the significant of the wider area and is acceptable.

Height, scale and massing of the development

158. In regard to the proposed new works, the relevant objectives of clause 22.02-4 are ‘*to preserve the scale and pattern of streetscapes in heritage place*’ and ‘*to ensure that additions and new works to a heritage place respect the significant of the place*.’
159. 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.
160. In terms of the surrounding heritage context, Council’s Heritage advisor made the following observations:
 - (a) *The part of Napier Street in which the subject site is located comprises, on the west side north of Moor Street, the Whitlam Reserve and a group of recent multi-storey apartments 4, 5 or 6 levels high, including one constructed within the retained street walls of the former Rojo furniture factory. They vary in design from reasonably flamboyant to more rectilinear and sober. On the south-west corner of Moor Street is the Fitzroy Town Hall. On the east side, north of Moor Street, are single storey Victorian dwellings. There are almost no heritage buildings in St David Street between Napier and Young Streets.*

161. The majority of the buildings recently constructed within this particular part of Fitzroy, behind the MAC, are robust in design and constructed hard-edged to the street, with upper levels typically consisting of a ‘cap,’ rather than a podium and tower typology. This proposal is however, a departure in the height and form expectations that have been established within this particular precinct.
162. As already outlined in this report, there is no dispute that strategically the subject site is appropriately located for a higher-density development, being in proximity to a MAC, the overall size of the site, the underutilised development capacity, the lack of heritage constraints due to the ‘not-contributory’ status, the site’s location providing excellent access to cycling networks and various forms of public transport. Based on these attributes, it is a reasonable expectation that this site will experience intensification in the future.
163. It is however important to acknowledge that the size and corner block location of the site is a key constraint that the development needs to have regard to. It is considered that the proposed height of the building at eight storeys results in an unacceptable outcome in terms and transition and bulk.
164. The proposed building will extend to a maximum height of eight storeys equating to 25.7 metres (excluding plant); including plant the development would adopt an overall predominant height of 26.4 metres and 26.7 metres including the lift core. These dimensions have been calculated using the RL’s and the lower point of the site at the north-western corner of the site as shown on the northern elevation, rather than the dimensions as shown on the plans.
165. Council’s external Urban Design Consultant, with regard to the proposed interim DDO34, the current applicable policies and the surrounding context, advised that the proposal would be an anomaly in the streetscape that exceeds the benchmark set out by the existing and recently completely developments in the area, opining that there are not adequate urban design reasons to warrant the height proposed which would see the development being the tallest in the precinct.
166. As a result, a reduction in one level (the topmost level) has been recommended. This is supported by Council’s Heritage Advisor, who advised that the building should be no higher than any others within this cluster between Whitlam Reserve and St David Street.
167. Council’s Heritage Advisor commented that this *would probably require the removal of 2 levels*, however it is considered that the deletion of one level would reduce the height of the proposal to be generally consistent with those already constructed. Whilst the development would be slightly taller, due to the inclusion of a mezzanine level, it is considered that this height difference would be nominal.
168. The reduction in height will also assist in mitigating visual bulk when viewed from St David Street, as presently the upper levels would appear overtly large and overbearing in the streetscape. The reduction in height would also address the concern raised by Council’s external Urban Designer regarding visual bulk associated with the southern on-boundary wall where above the existing development at No. 231 Napier Street.
169. With regard to the above, the topmost level will be required to be deleted via condition. As the apartment on the topmost level has an associated roof terrace this terrace would also be deleted.

Street Wall

170. The proposal includes a predominant four/five storey street wall to Napier Street, St David Street and the carriageway easement to the rear with a height of 16.6 metres as dimensioned on the northern elevation. The street wall rises to a height of five/six storeys at the north-eastern corner, the intersection of Napier and St David Streets achieving an overall height of 18.3 metres as dimensioned on the northern elevation.
171. Council's Heritage Advisor raised no concern with the street wall heights proposed. Council's external Urban Designer was supportive of the street wall rising in height at the north-eastern corner, with the following assessment made:
- (a) *We found the gesture has a clear purpose of 'holding the corner'. Its strategic alignment with the primary residential lobby and its conceptual 'nod' towards old and new demonstrates a sound understanding of local context. As demonstrated in the Site Context Report (Chapter 3.10), a successful corner 'turret' treatment relies on a clear view to the sky, uninterrupted by rising form behind it. This approach is consistent with the contemporary 'turret' at the Max Apartment at 234 Brunswick Street- diagonally positioned at the north-western junction of Brunswick Street and St David Street. Elimination of the top floor will reduce visual dominance of the top level and further reinforce the vertical expression sought at the north-eastern corner.*
 - (b) *The 5-storey street wall 'turret' turns the corner into St David Street, holding the junction. Given its limited extent and contribution in defining the primary residential entry, as well as limited amenity impact to the north across St David Street, we are generally supportive of this outcome.*
172. Concern was raised however, with the overall height of the predominant four/five storey street wall. Council's external Urban Designer requested clarification on this aspect, as the originally provided renders show the podium aligning with the height of that at No. 231 Napier Street, while the plans show that the podium will exceed the height of that at No. 231 Napier Street.
173. As previously identified, updated renders have been provided to correctly show the height of the podium in relation to the development at No. 231 Napier Street, in accordance with the development plans. A comparison is shown below:

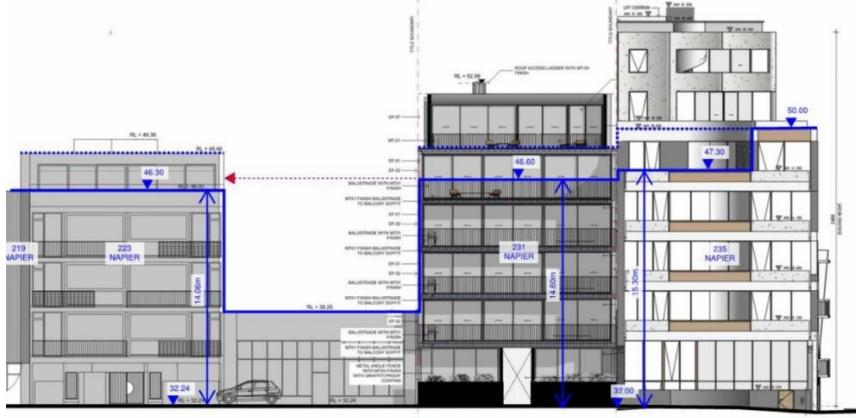


Figure: Corrected render of proposed development
Source: Applicant documentation, provided 9 November 2021



Figure: Render of proposed development
Source: Applicant documentation, advertised

174. The four/five storey street wall will sit approximately 0.6 metres taller than the development to the south. This is largely due to the proposed mezzanine floor incorporated into the proposal above the ground floor. It is noted that the street-facing apartments of No. 231 Napier Street also include a mezzanine level, however this is within a basement level resulting in the street wall provided.
175. The applicant provided the following analysis of the street wall heights approved at No. 223 Napier Street and No. 231 Napier Street, demonstrating that there is no consistent street wall along this section (see image below). The two existing buildings have slightly differing heights, similar to the proposed condition between the subject development and the development at No. 231 Napier Street.



176. With regard to the above, the overall height of the street wall is considered to be acceptable. Whilst higher than the development to the south this will be a marginal increase of approximately 0.6 metres and will also provide a transition to the corner turret which is supported, as previously discussed.

Upper Level Setbacks

177. In respect of the upper level setbacks to Napier Street, Council's external Urban Designer made the following assessment:
 - (a) *While the upper-level setbacks at level 5 is numerically less than the preferred 6m prescribed in the proposed DDO34, it does not result in unreasonable amenity impact onto the public realm. The minor reduction of setback is commensurate to the reduced setback that exists at 231 Napier Street (at level 4).*

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- 178. Planning officers agree with the above assessment and the upper level setbacks of between 5.4 metres and 5.7 metres are supported, consistent with the emerging character of development within the precinct.
 - 179. In respect of the upper level setback to St David Street, a setback of 2.7-2.99 metres is proposed. This is acceptable and will provide adequate definition between the podium and upper levels of the development. The variation in the setback is due to the scalloped design of the facade, which provides further definition and interest.
 - 180. Council's external Urban Designer commented that they were supportive of the setback to St David Street, noting that support was fundamentally linked to the deletion of the topmost level. Planning officers agree.
 - 181. The upper ground floor level plan shows that an architectural feature will project over the northern title boundary. This is shown on the elevations as being a 0.135 metre projection above the services area and can be seen in the render below:

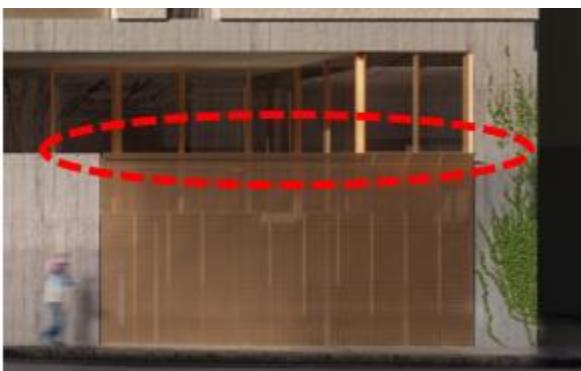


Figure: Projecting element into St David Street

Source: Applicant documentation, provided 9 November 2021

- 182. The projection is a minimum 3.7 metres above the pavement level and is therefore considered to be acceptable. It is noted approval for this projection will be required to be obtained within the Building Permit stage.
- 183. In respect of the setbacks proposed to the carriageway easement, the proposal adopts an upper level setback of between 1-1.3 metres. The setback would achieve a 4.5 metre setback from the centreline of the carriageway easement to provide for equitable development opportunities. Council's external Urban Designer is supportive of this setback, commenting that the carriageway easement provides adequate separation distance between the two buildings.
- 184. Council's Heritage Advisor raised no concern with the setbacks proposed, commenting that within the context they were deemed to be acceptable, however they did comment that the upper levels should adopt a more rectilinear form rather than the scalloped elements currently proposed. With regard to the heritage context, or lack thereof in this location, it is not considered that a more rectilinear form is required.

Architectural Quality

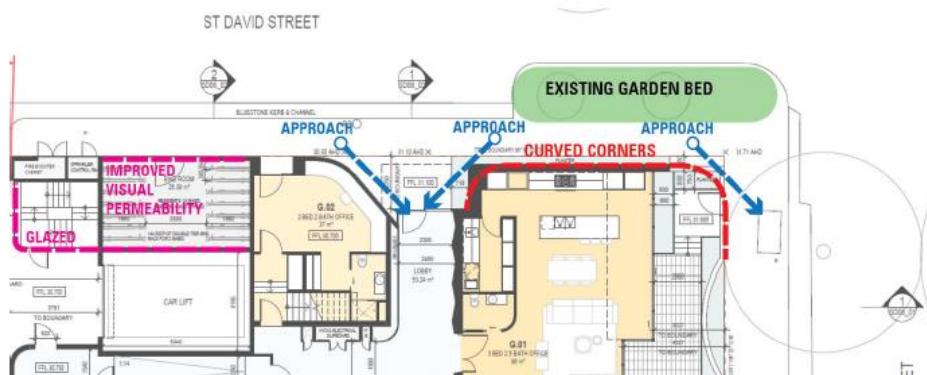
- 185. The development is considered to be of high architectural quality and in that regard responds to the design objectives clauses 15.01-2 and 22.10-3.4. The contemporary design is appropriate and responds well to this part of Fitzroy. Council's external Urban Designer was complementary of the proposed architectural design and quality, making the following recommendation:

- (a) *We recommend a more visually permeable balustrade treatment to balconies fronting Napier Street and St David Street within the podium to add visual interest and to provide a sense of lightness to the elevation. We also welcome retention of planter boxes at the north-eastern corner to further emphasize the corner 'turret' vertical expression.*
186. In regard to the recommendation to modify the balustrades from solid to more permeable this is not considered to be a necessary modification and will not be required. This change would dramatically change the composition of the building and potentially be at odds with the balance of materials proposed.
187. A number of objections and the comments from Council's ESD Advisor queried how the circular windows on the northern elevation would be operable and whether framing would be required to divide the rooms/floor plates the window spaces.
188. Clarification on this element was provided within the updated renders, showing how the circular windows will be operable and how they will be designed to span two floor plates and multiple rooms, as shown below:
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- Figure: Corrected render of proposed development with circular windows updated*
Source: Applicant documentation, provided 9 November 2021
189. A condition will therefore require the plans to be updated to show the detail of the circular windows, generally in accordance with the updated renders provided on 9 November 2021.
190. Council's Heritage Advisor made the following comments, in summary, regarding the materials:
- (a) The metal perforated screens should be replaced as they are often under maintained.
 - (b) A sample of CN01, or an example of where this has been utilised, is to be provided.
 - (c) A less brutalist form of concrete is preferred for ground floors on the western elevation and northern elevations which is proposed to be CN03. Clarification is also required on whether CN03 applies to the ground floors on the northern elevation.
 - (d) Another material other than CN04 is preferred for the upper levels.
191. Whilst it is not considered modified materials are required, as there are no heritage buildings in proximity that would be impacted by the proposal and the proposal is clearly associated with new built form, the quality of materials and outstanding information can be addressed via a façade strategy condition, discussed further below.
192. Whilst the proposed external materials schedule provided an indication of the different materials and finishes proposed throughout the design, it is considered that the descriptions of each material is too broad. A façade strategy and materials and finishes schedule is to be submitted via condition to demonstrate:
- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;

-
- (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes. specifying the following:
 - (i) Examples of material CN01 where it has been utilised, demonstrating its durability and quality.
 - (ii) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
 - (iii) Maintenance requirements for the material MT02 demonstrating the durability of the material to retain its appearance over the long term.
193. This will ensure that the materials to be utilised for the development are reviewed prior to construction, with a higher degree of detail provided to ensure they are of a high architectural quality in accordance with the plans submitted to date.
- Landmarks, Views and Vistas*
194. The policy direction under clause 22.03 (Landmarks and Tall Structures) of the Scheme outlines that development should maintain the prominence of Yarra's landmarks (i.e. the Fitzroy Town Hall clock-tower approximately 100m south of the subject site and the spire of St Mark's Church on George Street approximately 160 metres east of the subject site).
195. Given the location of the development and the presence of existing higher density development on the western side of Napier Street, it is considered that the prominence of the identified landmarks and views to them would be unaffected by the proposed development.
196. This remains consistent with the findings of the Tribunal in the determination of the development at No. 219 Napier Street, where Member Wright found:
- [11] The Tribunal adopts with respect the views expressed by the Tribunal in Celic v Yarra CC¹ in relation to the policy expressed in the Yarra Planning Scheme “to maintain the prominence of Yarra’s valued landmarks and landmark signs. The Tribunal adopted what was said in the Dimmeys case:*
- (a) *The policy does not require there to be no visible structure near the landmark but rather that the landmark tower remain “the principal built reference”.*
 - (b) *The policy was not intended to preserve and protect every possible view of the landmark from public spaces.*
 - (c) *Key or important views need to be carefully dealt with, not every incidental view.*
 - (d) *Not all views of the landmark are of equal work.*
197. *[12] The Tribunal considers that the medium scale built form of the proposed development and its distance from the Town Hall are such that interference with the views of the Town Hall will be minimal. The views that now exist from the relevant view shed are at present transitory and of minor importance. The interference with these views certainly does not warrant rejection of the proposal.*
198. Lastly, the proposed DDO34 requires that views should be retained towards the tower of the Fitzroy Town Hall from the western corner of Kent and Moor Streets. The development would not obscure views from this location.

Light, Shade and Public Realm

199. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user.
200. In respect of the improvements along each frontage, Council's internal Urban Design Unit was generally supportive of the ground floor interface and pedestrian and vehicular entrances, requiring the following changes which can be facilitated via condition:
 - (a) The existing public seat adjacent to the site on the Napier Street frontage is to be upgraded to the current Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes with the seat to be relocated away from the entrance of Apartment G.01.
 - (b) All pavements surrounding the subject site are to be reinstated as asphalt footpaths as per Yarra Road Materials Policy and relevant Yarra Standard Drawings.
201. Council's external Urban Designer was also supportive of the ground floor interface, making the following comment:
 - (a) *The provision of multiple entries to the residential lobby, ground level dwellings off St David Street and Napier Street are highly supported to activate both street frontages.*
 - (b) *Confinement of services, car parking and 'back of house' to the western side laneway are also logical to minimise its presentation from the primary street frontages.*
202. The external Urban Designer also recommended that the north-eastern and north-western corners of Apartment G.01 be curved or chamfered to improve pedestrian connection with the main entrance from St David Street, as outlined in the graphic below:



203. It is considered that this recommendation has merit in relation to the north-western corner of Apartment G.01. At the north-eastern corner of Apartment G.01, with the apartment setback over 2m from Napier Street, the corner fence would allow adequate views and therefore it is not considered that a curved corner is required in this location. Further, this treatment would undermine the more rectilinear and hard-edged built form expected from a corner location in a heritage overlay.
204. A further recommendation was also made for the façade of the bicycle storage area to be permeable and for the stair core between the bike storage area and car-lift to be glazed.

205. The permit applicant agreed that the façade of the bicycle store should be MT02, a perforated metal screen with a 25% maximum transparency rather than the solid metal currently shown. This will therefore form a condition. The applicant also stated that upon review with the architect, glazing of the stairwell could not be accommodated however the MT02 could also be applied to this stairwell in lieu of solid metal screening. This is considered acceptable and will form a condition.
206. The applicant's documentation indicates that public art is proposed along the northern façade. To ensure that the details of the art are provided prior to its installation a condition will require a public art management plan to be provided prior to the occupation of the development.
207. The development also proposes to upgrade the garden bed that exists along St David Street. Whilst the Open Space Unit recommended greater variation in the plantings proposed be incorporated, the Streetscapes and Natural Values Unit commented that they did not support the upgrades as the entire street would be undergoing rejuvenation in the coming years. This was also recommended by Council's internal Urban Design Unit.
208. As the upgrade works are not supported by Council's Streetscapes and Natural Values Unit, a condition will require the landscaping plan to be updated to show no modifications to the existing nature strip/garden bed outstand on St David Street.
209. Council's local policy at Clause 22.07 discusses development abutting laneways and relevantly, seeks to provide an environment which has a feeling of safety for users. This is considered to be applicable to the carriageway easement.

From a design perspective, the use of the carriageway easement and potential changes to encourage this use are considered to be an improvement in streetscape, public space quality and perceived safety, by seeking to establish a greater connection to the public realm through increased passive surveillance.

210. In regard to sunlight access within the public realm, the proposed development will not shadow St David Street given it is to the south of the street. The proposed development will create shadow on the eastern side of Napier Street in the afternoon at 3PM. With regard to the proposed DDO34, the development would meet the overshadowing and daylight access requirements, as follows:
 - (a) *the opposite footpath street over 10 metres in width (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and*
 - (b) *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.*
211. Notwithstanding the above, the deletion of one level as previously recommended would also assist in reducing the shadowing of the eastern Napier Street footpath.
212. Lastly, Objective 5.1.4 of the UDGV requires new buildings within activity centres to minimise adverse wind effects. The application was accompanied by a desktop wind assessment prepared by Vipac Engineers and Scientists, who provided the following summary of findings:
 - (a) *Wind conditions in the ground level footpath areas and accessways would be expected to be within the walking comfort criterion;*
 - (b) *Wind conditions at the main entrances would be expected to be within the standard comfort criterion;*
 - (c) *The terraces and balconies would be expected to be within the recommended walking comfort criterion.*

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- 213. Council's Wind Consultant reviewed the proposal and generally agreed with the predictions and conclusions made.
 - 214. In addition to the assessment made by Council's Wind Consultant, Planning Officers have identified that the wind assessment does not assess the pedestrian entrance doors that are located from the vehicular entrance apron and also the entrances to Apartment G.01 and G.02. These should be included within the assessment and shown to meet standing criteria. A condition will also require Table 2 to be updated to reference the subject development.
 - 215. With regard to the intended dwelling use of the private balconies, it is considered that the development should meet sitting levels, rather than walking. The recommendation for precautions to be undertaken to securely fix or remove lightweight items on balconies and educating residents about wind conditions is unreasonable to implement for apartments.
 - 216. Wind impacts on a rooftop communal space were considered recently by the Tribunal in SMA No. 17 Pty Ltd v Yarra CC [2020] VCAT 1364. In that case, the Tribunal found:

The key concerns relating to the wind impacts are in respect of the rooftop communal open space area. The evidence is that walking criterion is an acceptable outcome for this area. The Council does not agree, arguing that sitting criterion should be achieved.

The rooftop space is an important area and will make a notable contribution to residents' amenity given its size, proportions, landscaping, opportunity for views and solar access. It will provide an attractive option for occupants and their visitors as an alternative to the individual balconies.

According to the evidence, it is possible to create areas within the rooftop communal open space that achieve the sitting criteria, with reference being made to the use of vegetation and screens. We consider that an acceptable outcome would be achieved by ensuring that the designated sitting area (comprising a table and seating) is designed to meet the sitting criterion in order for occupants to experience comfortable conditions while in this part of the rooftop open space. This outcome would be conducive to the intended use and provide an acceptable level of amenity to encourage residents to occupy this area.

- 217. The above case directly discusses wind impacts to communal areas and demonstrates that the communal areas should be afforded greater wind comfort. Furthermore, it is considered that private areas are worthy of the same, if not greater, protection to allow for acceptable amenity. Conditions will require this to be provided.

Site Coverage

- 218. 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. As the existing level of site coverage in the surrounding (and immediate) area and within zoning that encourages higher density development (Mixed Use Zone) is similar, it is acceptable. Mixed-use buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout Fitzroy.

Landscape architecture

- 219. Whilst landscaping is not a typical feature of higher density development in Fitzroy, the proposal includes a degree of visible landscaping throughout.
- 220. Council's Open Space Unit reviewed the submitted landscaping plan and raised the following concerns, in summary:
 - (a) Details on the safe maintenance of the planters on the higher levels is to be provided;
 - (b) *Cyathea cooperii* is to be replaced as this is considered to be a weed;

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- (c) *Bougainvillea glabra* is to be replaced as it is not considered appropriate due to its thorny nature and proposed interface with St David Street.
 - 221. The above can be facilitated via condition.
 - 222. Whilst the Open Space Unit queried whether planter beds could be added to terraces and balconies so owners could contribute to the vertical greening of the development, this is considered unnecessary.
 - 223. Lastly, the Unit requested that the landscape plan be updated to show a number of standard items. This can be required via condition.
 - 224. In regard to street trees, there is a mature plane tree located within the Napier Street frontage of the property and two smaller trees within the garden bed along the St David Street frontage.
 - 225. To ensure the protection of these trees during construction, Council's Streetscapes and Natural Values Unit require a bond of \$25,000 to be provided. This is considered a typical requirement and will form a condition. The Unit has also requested tree protection hoarding be installed on each tree in accordance with AS4970 Protection of trees on development sites. This can also be facilitated via condition.

Off-site amenity impacts

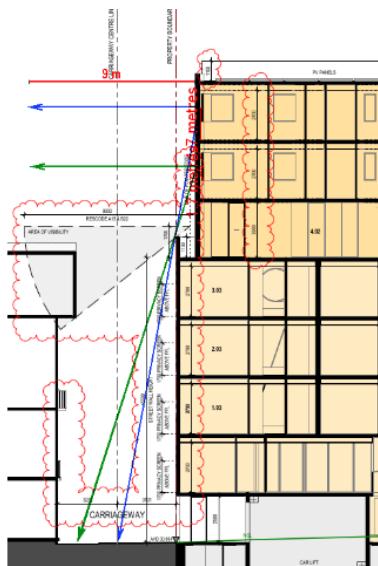
- 226. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate):
 - (a) *The extent to which the proposed buildings or uses may cause 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.*

- 227. The appropriateness of amenity impacts needs to be considered within their strategic context, with the site being located on land zoned MUZ. With this in mind, the following assessment is provided (waste management will be discussed later in this report).

Visual bulk and overlooking

- 228. In regards to visual bulk impacts to the dwellings to the north, east and west, it is considered that within this built form context views from windows and balconies to built form is not an unreasonable expectation. The width of St David Street, Napier Street and the carriageway easement would provide a sufficient separation distance to mitigate visual bulk impacts.
- 229. The newly constructed apartment building to the south at No. 231 Napier Street includes balconies at all levels that have a primary outlook to the east and west. From the ground floor level to the third floor, these balconies are enclosed along the common boundary. At the fourth floor, the west-facing balcony is enclosed along the common boundary whilst the east-facing balcony is not, the east and west-facing balconies at the topmost floor include low-level balustrading where interfacing with the common boundary.
- 230. With regard to the primary outlook of these balconies to the east and west it is considered that the above is acceptable and would not result in unreasonable visual bulk. Furthermore, subject to conditions the development would be of a similar height to this building, further indicating that a building of such a height is not an unreasonable expectation within the area.
- 231. The existing residences across St David Street to the north and across Napier Street to the east are separated in excess of 9 metres due to the width of the respective roads. Although not strictly applicable in this instance, the proposal would thus comply with the overlooking objective of Clause 55 (Standard B22) to the north and east, which specifies that new development should be designed to avoid direct views into habitable room windows and SPOS of dwellings within a radius of 9 metres and 45 degree arc.

- 232. In respect of the interface to the west, the development is within 9 metres of the existing building at No. 40-46 St David Street which includes habitable room windows and balconies facing the subject site (to its east).
- 233. The development includes screening to a minimum of 1.7 metres in height to all windows facing west at ground floor to level 03. The screen will be 'MT02' which is identified as being a perforated screen with a 25% transparency and as such would comply with the requirements of Clause 55.
- 234. In respect of the upper levels (from level four and above), there is concern that the development would result in unreasonable overlooking to the street-facing topmost balcony of the development to the west, as well as to the east-facing habitable room windows of this building from the level four terrace and upper level windows, as the below diagram demonstrates:



- 235. A condition will require the above to be addressed and screened appropriately.
- 236. To the southern adjoining property, the following assessments are made:

- (a) There would be no overlooking to the west-facing balconies as no habitable room windows nor trafficable balcony areas would be within 9 metres and a 45 degree arc of these spaces.
- (b) There is concern with overlooking from the Level 4 and Level 5 balconies of the development, as well as the roof terrace to Apartment 6.01, into the adjoining east-facing balconies. Conditions can require screening to be provided along the southern boundary of the balcony areas to address the concern relating to Level 4 and Level 5. In relation to the roof terrace, the deletion of this element conditionally would address this concern.
- (c) At Level 2 and above, the communal stairwell/hallway includes screening to a height of 1.7 metres in 'MT02' which is identified as being a perforated screen with a 25% transparency and as such would comply with the requirements of Clause 55. The lower level communal stairwell/hallway includes lower height balustrading, however as this is located up against the on-boundary wall associated with the adjoining development no overlooking of habitable rooms would occur.

Overshadowing and daylight to existing windows

237. In relation to overshadowing, the Scheme requires impacts to be assessed at the September Equinox. As previously identified, the applicant supplied corrected shadow diagrams on 17/11/2021, to accurately show the September Equinox shadows and these diagrams are assessed in this report.
238. As shown, the proposal would increase shadows to the apartments to the west (No. 40-46 St David Street) and to the apartments to the south (No. 231 Napier Street).
239. The corrected shadow diagrams show that the development would cause increased shadow to the east-facing balconies of the western adjoining apartment building at 11am at the September equinox with these shadows to clear by 12pm. The shadowing at 11am is restricted to the eastern edge of the balcony and are likely to improve with the recommended height reduction. Given the limited hours and extent of overshadowing, this is considered to be acceptable.
240. Additional overshadowing would also be cast to the southern adjoining development throughout the day. This would be restricted to the Level 04 and Level 05 east-facing balconies and the Level 05 west-facing balcony.
241. The additional overshadowing is limited to the northern side of the affected balconies with the west-facing balcony largely unaffected after 12PM and the east-facing balconies largely unaffected prior to 12PM. This is considered to be limited and acceptable within the surrounding context with the conditions to be improved by the proposed recommendation to delete one level from the building.
242. Further to the above, a consideration of the MUZ is the impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots within, relevantly, the MUZ. As the below aerial imagery shows, the adjoining property to the south includes solar panels on the eastern section of its roof:



Figure: Aerial photograph of No. 231 Napier Street, Fitzroy, showing the existing solar panels
Source: Nearmap, image capture date: 27 October 2021

243. The endorsed plans of Planning Permit PLN17/0868 show the solar panels in a different location (extract from these endorsed plans shown below). The shadow diagrams prepared as part of this application are based on those endorsed plans.



Figure: Roof of No. 231 Napier Street, Fitzroy, showing the approved location of solar panels
Source: Endorsed Plans of Planning Permit PLN17/0868

- 244. With regard to the as-built conditions, the centrally located and southernmost located rows of solar panels would not be impacted by the development. The northernmost solar panels would be impacted by the proposed development from 10am onwards, however this would improve as a result of the deletion of one level from the development. As a result, the outcome is acceptable.
- 245. It is considered that the separation distances provided by St David Street, Napier Street and the carriageway easement would adequately address matters of daylight to the north, east and west.
- 246. In respect of the southern interface, whilst the proposed lightcourt of the subject development where abutting the lightcourt of No. 231 Argyle Street is not wholly setback to 3 metres, it is considered to be of a satisfactory area. It is clear access to daylight would be reduced to the rooms fronting this lightcourt, however this would be anticipated at this interface and within this context. Council's ESD Advisor raised no concern with this aspect of the development.
Noise
- 247. The applicant submitted an acoustic report to address noise impacts from the proposal on surrounding residential properties, as well as the residences within the development.
- 248. Council's acoustic consultants reviewed potential noise sources from the development, namely the car stackers, carpark door and car lift as well as the mechanical plant, providing the following recommendations:
 - (a) *Requirement for the car lift entrance gate to be solid / non-perforated. The current gate is proposed to be solid, however there is potential for this to be subject to redesign if it is not given as a requirement in either the acoustic report or the planning permit for the project.*
 - (b) *A review of mechanical plant noise from the application is to be undertaken during the detailed design phase of the project, as proposed by RTA. Given that some aspects of the design are considered to be of moderately high risk, it is recommended that the review be submitted to Council.*
- 249. In respect of item (a) listed above, a condition can require an annotation be included on the plans as follows:
 - (a) The car lift entrance gate/carpark door is to be solid/non-perforated and is to be closed during car stacker and car lift operations.
- 250. This will ensure that the recommendation of Council's Acoustic consultant is addressed, and the specific requirement of the applicant's acoustic report, to have the car lift entrance gate/carpark door closed during car stacker and car lift operations, be explicitly outlined.
- 251. In respect of (b) listed above, a condition can require a review of all acoustically significant mechanical plant prior to the occupation of the development.

252. Subject to conditions, it is considered that the development would not cause unreasonable noise impacts to surrounding existing dwellings.

Fumes and air emissions, light spillage

253. The proposed use is not considered to result in unreasonable air emissions nor fumes. The use of the land for dwellings does not require a planning permit and as such it is considered that light spill from the building would be limited due to the nature of the use and of an acceptable nature.

Equitable Development

254. 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.

255. It is an accepted principle (such as referenced within permanent Design and Development Overlays within Yarra’s activity centres, including Swan Street and Johnston Street) that the upper levels of a development are to provide a 3 metre setback for non-habitable room windows and 4.5 metres for habitable room windows and balconies. This is to be taken from the centreline of a ROW, where a ROW separates two properties. These provisions are also to be included within the proposed DDO34.

256. The development has been designed to respond to the development recently completed to the south, abutting the on-boundary walls and providing a reciprocal lightcourt. Whilst the proposed lightcourt is different in width and length, it is considered appropriate.

257. To the west, the upper levels have been setback between 1 metre to 1.3 metres, with all habitable room windows achieving a setback of 4.5 metres from the centreline of the carriageway easement. This is considered to meet the intent of the DDO34, as the carriageway easement acts as a ROW in this instance and is considered satisfactory. Whilst the lower levels are built to the western boundary, as identified previously, they are adequately screened and therefore would not prejudice future redevelopment of the western adjoining building.

On-site amenity, including Clause 58 and Clause 53.06

258. Clause 58 comprises design objectives and standards to guide the assessment of new residential development. Given the site’s location within a built up inner city mixed use area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. As supplementary guidance, the UDGV and ADGV are also of relevance.

259. The applicant provided apartment types and an assessment table as part of the application to assist in the assessment of the application against the standards of Clause 58.

260. The assessment table submitted with the documentation includes the following disclaimer:

(a) *Areas noted in this schedule are approximate and based on Concept Design plans and as such are preliminary only, may alter as work progresses and do not necessarily represent a YES and accurate depiction of the finished as-built development. This schedule is not intended to form part any contract or warranty by SJB Architects.*

261. A condition will require this disclaimer to be deleted, as the table should reflect the plans submitted which are to reflect the as built conditions.

Standard D1 – Urban context objective

262. This is addressed within the *Built form, urban design and heritage* section of this report. The standard and objective are met.

Standard D2 – Residential policy objectives

263. This is addressed within the *Policy and strategic support* section of this report. The standard and objective are met.

Standard D3 – Dwelling diversity

264. This objective seeks to encourage a range of dwelling sizes and types in developments of ten or more dwellings. The proposal provides 6 x two bedroom and 9 x three-bedroom apartments. The standard and objective is met.

Standard D4 - Infrastructure

265. The proposal is located within an established area with existing utility services and infrastructure; there is no evidence to suggest that the proposed development would unreasonably overload the capacity of these existing services. The standard and objective is met.

Standard D5 – Integration with the street

266. The development improves the integration with the street, activating both Napier and St David Streets. Council's internal Urban Design Unit provided the following assessment in support of the street integration:

(a) *The ground floor interface with Napier and St David's streets are supported and considered to be appropriately designed within the surrounding streetscape context.*

267. A 1.45 metre high fence is proposed along the Napier Street frontage which allows adequate sightlines from the street to the building and is considered to be acceptable. It is noted that Council's Heritage Advisor was also supportive of the fence, providing the following assessment:

(a) *Given that the fence is not in front of a heritage place a solid fence up to 1.4 metres high is acceptable. In any event it is similar to the fences in the cluster of new built form south of the subject site.*

Standard D6 - Energy efficiency objective

268. Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes reduces residents and visitors from relying on private vehicles.

269. 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.

270. Council's ESD Advisor reviewed the submitted SMP and the development plans, commenting that the proposal did not meet Council's ESD standards. Specifically, there were a number of deficiencies identified and outstanding information that had not been provided to substantiate a number of items referenced within the SMP. These are replicated below:

Application ESD Deficiencies

- (a) *Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.*
- (b) *Low VOC paints and materials are already captured within the IEQ category and should be removed from the innovation category within the BESS report.*

Outstanding Information

- (c) The operability of the north-facing circular window that services the bedrooms in apt. 3.01 and 4.01 is not clear despite being relied upon in breeze paths. Clarify design and operability.
 - (d) Finalise solar PV design and confirm system size.
 - (e) Confirm rainwater tank size, as STORM report indicates 10,000 litres while plans and SMP refer to 20,000-litre tank (preference for larger size to service more of the apartments needs),
 - (f) Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.
 - (g) Confirm rainwater tank size – and indicate location and design (including cross-section of raingarden) on plans and/or Landscape plan.
 - (h) Confirm access to bike room for visitors.
 - (i) Confirm that details of local car share locations will be provided within building users guide.
 - (j) Confirm the capability of pre-wiring EV charging points
 - (k) Clarify soil depth and volume for the ground level lightwell supporting the Cyathea cooperi. Annotate Landscape Plan and/or provide cross-section.
 - (l) Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.
 - (m) Confirm all building services will be commissioned and tuned according to manufacturer's specifications.
 - (n) Confirm that head contractor will be ISO 14001 accredited.
271. The above would not require substantial design changes to be addressed and as such conditions will be included to address the above areas of deficiency and require the outstanding information to be provided. Items (g) and (k) will be required to be shown on an updated landscape plan.
272. Standard D6 requires dwellings located in Climate Zone 21 (Melbourne) to not exceed the NatHERS annual cooling load of 30mj/m². The applicant's SMP provided cooling loads for 5 apartments identifying that no apartments exceeded an annual cooling load of 30mj/m². Council's ESD Advisor raised no concern with the cooling loads proposed.

Standard D7 – Communal open space

273. This Standard only applies to developments which propose forty (40) or more dwellings. Regardless, the development proposes a communal wine cellar within the basement level that includes 15 lockers to provide secure storage for the proposed apartments. This is considered to be acceptable.

Standard D8 – Solar access to communal open space

274. No communal outdoor open space is proposed as part of this development.

Standard D9 – Safety

275. The proposed communal residential entrance would be visible from St David Street and is not obscured or isolated from the street, with an awning above the entrance providing further definition whilst allowing for a degree of shelter. The Standard is met.

Standard D10 – Landscaping

276. This has been addressed earlier in the report, within the *Built form, urban design and heritage* section.

277. Given the size of the site below 750sqm, there is no requirement for deep soil areas or canopy trees to be provided. The Standard will be met.

Standard D11 – Access

278. Vehicle access is maintained via the existing carriageway easement to the west. This outcome is supported, with Council's external Urban Design consultant making the following comment:

- (a) *The location of vehicular access to car stackers to the rear of the site via the laneway, ensures that the frontage remains primarily pedestrian focussed considering St David and Napier Streets role as important pedestrian and cycling corridor.*

279. Access for service, emergency and delivery vehicles is available and the Standard is met.

Standard D12 - Parking location

280. The proposal includes basement car parking in the form of car stackers accessed via the abovementioned carriageway, with access to apartments being via lifts/stairs. The parking provided is conveniently located and the standard and objective is met.

Standard D13 - Integrated water and stormwater management

281. According to the SMP, the application proposes the installation of a 20,000L rainwater collection tank which would be connected to the toilets for flushing, landscape irrigation and bin room washdown. The water tank is proposed to be located within the basement and is shown to be located below the storage room on the plans.

282. Council's ESD Advisor previously identified that the rainwater tank size is to be confirmed, as the report references a 20,000 litre tank whilst the STORM report references a 10,000 litre tank. The plans show a 20,000 litre tank, however it is noted that 10,000 litres would be utilised for rainwater usage and 10,000 would be used for fire systems. This is identified within the SMP, informing the 10,000 litre capacity utilised within the STORM report and therefore further clarification is not required.

283. Council's ESD Advisor also requested that the location and design, including cross-section of the raingarden referenced in the STORM report are to be provided. As previously discussed, this can form a condition.

284. The STORM report provided achieves a score of 115%, which is in line with the policy direction under clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)*. Council's ESD Advisor raised no concern with the proposed stormwater management proposed and it is considered the requirements of clause 52.18 - *Stormwater Management in Urban Development* are met.

285. The proposal complies with the objective and the standard.

Standard D14 - Building setbacks

286. As outlined within the built form review of this assessment, the height and setbacks of the building, when amended to include the recommended condition to delete one level, is considered to achieve an acceptable design response to the character of the surrounding area.

287. In terms of internal overlooking, it is acknowledged that the ADGV identifies that the building setbacks should design for privacy to achieve the following:

- (a) *Creating oblique and controlled views such as bay windows.*

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- (b) *Limiting lengths of facades that direct views towards the adjoining habitable rooms and private open spaces by shaping, staggering or realigning facades.*
 - (c) *Using sill and balustrade heights and depths to limit direct views downwards.*
 - (d) *Using pergola and shading devices to screen views to dwellings and private open spaces on lower levels.*

288. This will be discussed further under the next standard assessment.

Standard D15 - Internal views

- 289. This standard notes that windows and balconies should be designed to prevent overlooking of more than 50 percent of the private open space of a lower-level dwelling directly below and within the same development.
- 290. Within the development, there is concern with internal overlooking from the Apartment 5.01 balcony down to the balconies of Apartments 4.01 and 4.02. There is also concern with internal overlooking from the north-facing windows of Apartment 5.01 into the balcony of Apartment 4.02. A condition will require compliance with the standard to be shown.
- 291. Whilst there is concern with overlooking from the balcony of Apartment 6.01 down into the balcony Apartment 5.01 and from the north-facing habitable room windows of Apartment 6.01 into the balcony of Apartment 4.02, with the deletion of the topmost level and roof terrace this concern would be addressed.

Standard D16 - Noise impacts

- 292. The proposed development would not be located in proximity to a noise influence area specified in Table D3 to this standard.
- 293. The development, however, triggers the requirements of clause 53.06 as the development is located within 50 metres of a live music entertainment venue (The Rainbow Hotel).
- 294. The applicant submitted an acoustic report to address noise impacts from the surrounding area to the proposed apartment building and future residents.
- 295. Council's acoustic consultants reviewed potential noise from the Rainbow Hotel and made the following recommendation:
 - (a) *It is recommended that any lightweight façade walls, if proposed for the project, be required to achieve both Rw and $Rw+Ctr$ ratings 10 dB better than the nominated glazing, or that the report be revised to provide alternative advice for ensuring that lightweight walls will not compromise the sound insulation of the façade at low frequencies. Ideally, recommended constructions should be included.*
- 296. The above will form a condition to ensure that potential noise impacts to the building are adequately addressed.

Standard D17 - Accessibility objective

- 297. To ensure the design of dwellings caters for people with limited mobility, the Standard requires that at least 50% of new dwellings should provide:
 - (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
 - (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
 - (c) *A main bedroom with access to an adaptable bathroom;*

-
- (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*
298. The applicant's Clause 58 table identifies that 87% of dwellings (13 apartments) meet the above requirements.
299. A review of the plans confirms all accessible apartments meet requirements (a), (b) and (c). In respect of requirement (d), the Type B bathrooms do not indicate that the doors swinging inwards have readily removable hinges. A condition can require this to be annotated.

Standard D18 – Building entry and circulation

- 300. As previously discussed under safety, the building entrances are considered safe and satisfactory. The building entrances are provided with shelter and this is a positive attribute of the design, this will be further enhanced by the conditional requirement for the north-western corner of Apartment G.01 to be curved. This will provide greater connection to the residential lobby from the eastern approach.
- 301. Council's external Urban Design Consultant was supportive of the proposed common areas, making the following comment:
 - (a) *We welcome this approach as it creates semi-outdoor corridors that reciprocates the condition presented on 231 Napier Street. The result permits a sense of openness and mutually beneficial source of amenity for common areas on and off sites, reducing the need for artificial ventilation in common areas.*

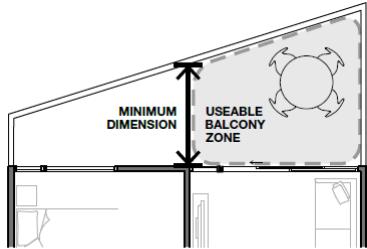
302. The common corridors are short in length and provided with natural light and ventilation. This is considered to be acceptable.

Standard D19 - Private open space

- 303. Of relevance to this development, a dwelling should have private open space consisting of:
 - (a) *An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or*
 - (b) *An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or*
 - (c) *A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or*
 - (d) *A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.*
- 304. The area and dimensions specified within Table D5, are as follows:
 - (a) *A two bedroom dwelling should have access to a balcony with a minimum area of 8sqm and minimum dimension of 2m, with convenient access from a living room*
 - (b) *A three (or more) bedroom dwelling should have access to a balcony with a minimum area of 12sqm and minimum dimension of 2.4m, with convenient access from a living room.*
- 305. Cooling units are shown on the roof space and therefore additional area on the balconies is not required to accommodate these.
- 306. Guidance is also taken from the ADGV, which states:
 - (a) *The additional area for an air conditioning unit does not need to meet the minimum balcony area.*

- (b) *The minimum area must be provided in a single useable space. Other balcony areas may be provided in addition.*
- (c) *Where irregular shaped balconies are proposed, only the portion of the balcony which meets the minimum dimension will be calculated towards the minimum area.*

307. The following infographic is contained within the ADGV to demonstrate the above.



Plan diagram. The minimum area provided in a single useable space.

308. The ground floor Napier Street facing apartment provides an area of 22.48sqm (in total) with an area 3.3 metres x 4.6 metres (15.18sqm) as the useable secluded private open space area. Whilst not meeting the ground level requirements listed above, it is considered that the dimensions are satisfactory to service the proposed apartment.

309. Due to the irregular shape of the balcony to Apartments 1.01, 2.01 and 3.01 these dwellings do not comply with the requirements of the schedule, providing a clear space of 2.4m x 2.896 metres (6.95sqm) within a 13.42sqm half moon shape for these three-bedroom apartments. With regard to the shape of the overall balcony, this arrangement is considered to be acceptable.

310. All other balcony areas comply with the standard requirement, as does the roof terrace albeit this will be deleted via condition.

Standard D20 – Storage

311. Of relevance to this development, the total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 6 of this Standard. This table specifies that:

- (a) *A two bedroom dwelling should have a total minimum storage volume of 14 cubic meters with a minimum storage volume within the dwelling of nine cubic meters.*
- (b) *A three (or more) bedroom dwelling should have a total minimum storage volume of 18 cubic meters with a minimum storage volume within the dwelling of 12 cubic meters.*

312. A review of the plans indicates that all apartments comply with the minimum storage requirements as the development includes a storage cage room on the lower basement level. The room is secure and considered to be acceptable.

Standard D21 – Common property

313. The common property areas within the development are generally clearly delineated and would not create areas which are difficult to maintain into the future. The lobby and vehicle access areas are well conceived.

Standard D22 – Site services

314. Services are located to face St David Street, the carriageway easement or are in the basement or upper ground floor with all locations being easily accessible and maintained. In terms of the interface of services with the street, this has previously been discussed.

315. In respect of mailboxes, these are located within the residential lobby accessed from St David Street. The mailboxes are unobstructed and easily accessible for residents.

Standard D23 – Waste and recycling

316. The applicant submitted a Waste Management Plan (WMP) prepared by Leigh Design and dated 1 June 2021. Council's City Works Unit reviewed the WMP and advised that it was satisfactory.

317. As previously identified, Council's ESD Advisor required the following to be addressed:

- (a) Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.

318. As this would have an impact on the WMP, a condition will require the WMP to be amended to also address this requirement. Furthermore, a condition can ensure that the provisions, recommendation and requirements of the endorsed WMP be implemented and complied with.

319. A number of objections raised concern with waste collection being facilitated from the carriageway easement. The site benefits from use of the carriageway easement and therefore this is considered to be a satisfactory arrangement.

320. *Standard D24 – Functional layout objective*

Bedrooms

321. This standard requires that main bedrooms should have a minimum width of 3m and minimum depth of 3.4m, with other bedrooms to be 3m x 3m in dimensions (any wardrobes should be additional to this).

322. All bedrooms provided throughout the development comply. Areas in addition to the minimum internal room dimensions have also been provided to accommodate wardrobes.

323. There are several studies proposed throughout the development, as follows:

- (a) Apartment G.01 lower level: 3.7m x 2.6m;
(b) Apartment G.02 lower level: Irregular shape, with clear area of 3m x 3.2m;
(c) Apartment 5.01 and 6.01: 3.6m x 1.7m;

324. There is some concern with the study provided within Apartment G.01 as it is considered that this could be utilised as a bedroom. A condition will require the sliding door to be deleted.

325. The limited width provided to the studies within Apartments 5.01 and 6.01 would limit its ability to be utilised as a bedroom and is therefore acceptable. The clear area provided in association with Apartment G.02 would ensure it is of appropriate dimensions to be utilised as a bedroom in the future.

Living areas

326. The standard states that living areas (excluding dining and kitchen areas) for two or more bedroom dwellings, a minimum width of 3.6 metres, with a minimum area 12sqm is to be provided.

327. All living areas within the development comply, with the exception of the retreat proposed on the upper level of Apartment G.01. As this retreat is a secondary living area, the dimensions of 3m x 3.3m are considered to be acceptable.

Standard D25 – Room depth

328. This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.
329. The sectional diagrams indicate that the apartments predominately have floor-to-ceiling heights of 2.7 metres with the upper level of Apartment G.01 adopting a floor-to-ceiling height of 2.4 metres.
330. For the upper level of Apartment G.01, all habitable rooms comply and do not exceed a depth of 6 metres.
331. For all other levels, no single aspect bedroom exceeds a depth of 6.75 metres and all single aspect bedrooms are therefore compliant. All living room/kitchen and dining areas are dual aspect and therefore also compliant.

Standard D26 – Windows

332. All habitable rooms within the proposed development contain a window within an external wall to the building. There are many instances where a habitable room faces out onto a balcony which is covered above. In each instance, they face out onto a street which means that sufficient daylight will reach the room beyond.
333. Whilst apartment G.01 includes an upper level living room which receives daylight from a void, this is considered acceptable given this is a secondary living room space.

Standard D27 – Natural ventilation

334. The standard requires that at least 40 percent of dwellings should be provided with effective crossover ventilation that has a maximum breeze path through the dwelling of 18m and a minimum breeze path of 5m.
335. The assessment table states that 80% of dwellings (total 12 dwellings from 15) comply with this standard which meets the requirements. A review of the plans confirms this, the development therefore complies.

Car parking and traffic

336. Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development seeks a car parking reduction of 4 spaces associated with the dwelling use.

Parking Availability

337. The availability of short-stay parking would provide regular turnover throughout the day, thereby allowing visitors to park near the site or access the site via alternative transport modes. The limited availability of long-term on-street parking would discourage visitors and residents from parking in the surrounding area for longer periods of time and encourage them to travel by alternative forms of transport.

Parking Demand

338. The development is not required to provide any visitor car parking and is seeking a reduction of 4 car parking spaces for the dwelling use. Each dwelling is to be provided with a minimum one space. Only four of the nine three-bedroom dwellings would be provided one car parking space.

339. Council's Engineering Unit commented that the average car ownership for a three-bedroom dwelling is 1.56 vehicles per dwelling and therefore the provision of car parking on-site is acceptable.
340. Specifically, in relation to the benefits of the site location, the reduction being sought by the proposal is further supported by the following:
- The site is well serviced by public transport, including the tram services along Brunswick Street and Smith Street and bus services along Johnston Street.
 - The surrounding area has a good bicycle network and the development includes resident and visitor bicycle parking spaces in excess of rates specified within the Scheme to encourage residents to utilise sustainable transport modes.
 - 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.
 - Resident or visitor car parking permits would not be issued for the development. Prospective property owners would be made aware of the on-site car parking provision (or lack thereof) for each dwelling.
 - Providing medium-density housing close to public transport is consistent with urban consolidation objectives, which require planning to assist in the implementation of feasible non-car based transport options.
 - These dwellings would be appropriate for persons who rely on public transport, bicycles or other forms of sustainable transport for their transportation needs – and it is also highly likely that the new dwellings would be specifically marketed towards this group.
 - Council's Engineering Unit are supportive of the application as 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.

Traffic

341. For the car parking spaces accommodated on-site, Council's Engineering Unit reviewed the trip generation rates provided by Traffix Group. The likely trip generation is outlined below:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (15 dwellings)	0.2 trips per dwelling in each peak hour. 2 trips per dwelling per day	30 trips	3 trips	3 trips

342. Council's Engineering Unit confirmed that the proposal would have the following traffic directional split:
- AM Peak Hour: 20% IN (1 trip) and 80% OUT (2 trips)
 - PM Peak Hour: 40% OUT (1 trip) and 60% IN (2 trips)
343. Council's Traffic Engineers have confirmed that the traffic directional split and distribution assumptions outlined in the table above appear reasonable, are not unduly high and would not impact on the traffic operation of the surrounding road network, including that of the carriageway easement.

344. The Engineering Unit reviewing the car lift and potential queuing within the street network, providing the following assessment:

Although specifications for the car lift have not yet been provided, the queuing analysis and queue length for this development can be derived from first principles.

The PM peak hour would be the critical time for the operation of the car lift (the time the maximum number of cars are wishing to enter the site).

A car lift would be capable of servicing 65 vehicles per hour, based on a total service time of 55 seconds (this service time is considered reasonable to access a one level basement car park). Traffix Group have adopted a total inbound volume of 5 vehicles in the PM peak hour wishing to access the basement. The utilisation ratio for the car lift (usage/capacity) would be 0.077 (= 5 vehicle trips per hour/65 vehicles per hour).

To determine the storage queue of the car lift, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. A mechanical device such as a car lift should have sufficient vehicle storage to accommodate the 98th percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation ratio of the car lift (in this case, 0.077), the 98th percentile queue length can be calculated.

$$\text{Queue Length, } N = (\log_n \Pr(n > N) / \log_n \rho) - 1$$

$$\Pr(n > N) = \rho^{N+1}$$

where $\rho = r / s$ (utilisation factor)

$$\begin{aligned} \rho &= \text{average arrival rate / average service rate} \\ &= 5 / 65 \\ &= 0.077 \end{aligned}$$

$$\begin{aligned} N &= (\log_n 0.02 / \log_n 0.077) - 1 \\ &= 0.53 \text{ car lengths, say 1 car length} \end{aligned}$$

The 98th percentile queue length for the car lift during the PM peak hour is one car length. The queue length also includes a car inside the car lift. Based on this calculation, we are satisfied that a car lift (based on a service time of 55 seconds) can adequately operate without adversely impacting the operation of the carriageway easement.

345. No issues were raised with the capacity of the car lift and anticipated vehicular use.

Access and Layout

346. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

347. These details, along with the proposed car stackers and car lift have been reviewed by Council's Engineering Unit who are satisfied with the layout of the car parking area. Council's Engineering Unit has requested that the plans be revised to include the following details / dimensions that will be addressed by way of conditions:

- (a) The accessway and doorway to the lift are to be dimensioned on the drawings.
- (b) Convex mirrors on either side of the accessway should be installed, as recommended by Traffix Group, to provide visibility within the carriageway easement.
- (c) The headroom clearance of the car lift doorway is to be dimensioned on the drawings.

348. Several engineering conditions in regards to civil works, road asset protection, and construction management, impacts of assets on the proposed development and modification to car parking signage have been recommended. These conditions are considered standard and will be included as conditions.

349. The proposed DDO34 requires, relevantly, development to be designed to provide car parking in a basement or concealed within the building envelope and to be provided from laneways or side streets (in that order of preferences).
350. The proposed design meets this criterion, concealing the parking at the rear of the site with access to be provided from the rear carriageway easement, away from the main street and side street interfaces.
351. Overall, the proposed design and configuration of access and car parking areas are considered to achieve a satisfactory outcome and will be further improved with the above details requested by Council's Engineering Unit.

Loading and unloading

352. With regard to the proposed dwelling use, it is not considered that an on-site loading bay is required. It is anticipated that loading associated with moving in/out will be infrequent and undertaken by smaller trucks/vans that can utilise the nearest public on-street Loading Zone (on the north side of St David Street to the west of the site) or public parking within the area.
353. A condition will require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law.

Bicycle facilities and strategic transport

Bicycle parking and facilities

354. The proposal provides a total of 28 bicycle parking spaces on-site (24 resident & 4 visitor) that can be accessed directly from St David Street.
355. The number of bicycle spaces for residents exceeds the statutory rate outlined in Clause 52.34 and the rate outlined within Category 6 of the Built Environment Sustainability Scorecard (BESS) (requiring 3 resident spaces and 15 resident spaces respectively).
356. Council's Strategic Transport Unit reviewed the layout of bicycle parking advising that the dimensions of the bicycle spaces and the layout meets the requirements of AS2890.3. Furthermore, the development satisfies the requirement for at least 20% of resident spaces to be horizontal at-grade, with all spaces provided within two-tier bicycle racks. The proposed provision of resident bicycle parking is satisfactory.
357. In respect of visitor parking, the proposal provides four spaces on-site within the resident bicycle room, exceeding the statutory rate outlined in Clause 52.34 and meeting the BESS rate (requiring 2 visitor spaces and 4 visitor spaces respectively). The Strategic Transport Unit commented that the location and provision of visitor parking was acceptable with particular regard to direct access being provided to the room from St David Street.
358. The design and layout of the visitor spaces are considered acceptable, with all four provided as horizontal at-grade spaces. The Strategic Transport comments confirmed that these spaces meet the standards set out in AS890.3.

Electric vehicles

359. The plans show that all car parking bays will be set up to be 'EV ready,' this is supported by Council's Strategic Transport Unit and aligns with Council's BESS guidelines which encourage the use of fuel efficient and electric vehicles (EV).

Environmental Audit Overlay

360. The Environmental Audit Overlay (EAO) applies to the subject site. As noted in *Architype Australia Pty Ltd v Yarra CC* (includes Summary) (Red Dot) [2010] VCAT 497 (31 March 2010) the requirements of the EAO apply independently and do not trigger a planning permit. Therefore the requirements of the EAO do not form permit conditions but would form a note to ensure the permit holder is aware of their obligations under the provision.

Objector concerns

361. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows:

- (a) *Built form and design (overdevelopment, inappropriate height, massing, bulk that is out of character with the area, lack of setbacks, architectural expression, street wall height, inconsistent landscaping, western on-boundary construction, construction over the easement)*

The above built form considerations are discussed within paragraphs 158 to 193.

- (b) *Heritage impacts*

Heritage impacts are discussed within paragraphs 156 to 193.

- (c) *Off-site amenity (visual bulk, overshadowing of balconies/solar panels, overlooking, loss of daylight and privacy, overlooking, loss of airflow and ventilation, noise, loss of views to landmark buildings)*

The above off-site amenity considerations are discussed within paragraphs 226 to 257.

- (d) *On-site amenity (small balconies, small rooms, lack of social interaction, poor ESD, poor wind outcomes, privatisation of roof terrace)*

The above on-site amenity considerations are discussed within paragraphs 258 to 335.

- (e) *Insufficient car parking, traffic impacts concerning the use of the carriageway easement and queues to car lifts/stackers*

Car parking and traffic considerations are discussed within paragraphs 336 to 345, issues related to the use of the carriageway easement are discussed within paragraph 35.

- (f) *Issues during construction (noise, dust, traffic, structural integrity and damage, disruptions, inconvenience, reduced rental income)*

Construction techniques, impacts and effects are not a consideration under the *Planning & Environment Act 1987* or Yarra Planning Scheme. A condition will require the submission and endorsement of a Construction Management Plan which would address these issues through Council's Construction Management team.

Fluctuations in rental prices are not a relevant consideration in assessing an application under the provisions of the *Planning & Environment Act 1987* or the Yarra Planning Scheme.

- (g) *Insufficient connection to infrastructure*

It is considered that the development is well placed in regards to existing infrastructure and would not unreasonable overload existing infrastructure services.

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- (h) *Development inconsistent with the proposed DDO34 and proposed Better Apartment Standards updates*

Regard to the DDO34 is discussed within paragraphs 146 to 155.

The Department of Environment, Land, Water and Planning released proposed changes to the planning rules for apartment developments in 2019, with new external amenity standards proposed. A preview of the proposed changes was released in February 2021. No further information has been provided on the proposed updates.

The development must be assessed based on the Scheme requirements that apply at the time a decision is made, with the application assessed thoroughly against Clause 58 within the ‘On-site amenity, *including Clause 58 and Clause 52.06*’ section.

- (i) *No affordable housing is provided*

The site is privately owned. Council has no enforceable authority to require a land owner to develop the land for affordable housing.

- (j) *Devaluation of property values*

Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the *Planning & Environment Act 1987* or the Yarra Planning Scheme.

Other Matters

362. The plans submitted with the application make several references to ‘office’. It is clear in reviewing the plans that the office areas are akin to studies provided as part of some apartment types. A condition will require all references to ‘office’ to be modified to ‘home office’ to ensure that the proposal is used as described (for dwellings) and to remove any ambiguity from the future use of the building.

Conclusion

363. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government’s urban consolidation objectives and a high level of compliance with the requirements of the Mixed Use Zone and Heritage Overlay.
364. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the demolition of the existing building and construction of a multi-storey building and reduction of the car parking requirements at 235 Napier Street, Fitzroy generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by SJB Architects, dated 2021.07.13 (SD01_03, SD02_01 - SD02_02, SD02_08 - SD02_11, SD05_01 - SD05_04, SD06_01 - SD06_02 and SD07_01) and 2021.08.02 (SD02_03 - SD02_04, SD02_07, SD14_01 - SD14_09) and the BADS Matrix, but modified to show:

Layout

- (a) The existing public seat adjacent to the site on the Napier Street frontage noted to be upgraded to the current Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes with the seat to be relocated away from the entrance of Apartment G.01.
- (b) Material MT02 is to be applied to the northern façade of the bicycle store and western and southern facades of the northernmost internal stair, in lieu of MT01.
- (c) A notation on the plans indicating that the car lift entrance gate/carpark door is to be solid/non-perforated and is to be closed during car stacker and car lift operations.
- (d) Deletion of the disclaimer from the BADS Matrix plans.
- (e) Sliding door to the study of Apartment G.01 deleted.
- (f) Apartment Type layout plans updated to annotate Type B bathrooms where doors open inwards will have readily removable hinges.
- (g) All references to 'office' modified to 'home office.'

Built Form

- (h) Deletion of Level 06 and the associated roof terrace above.
- (i) Design detail of the circular windows (including operability and framing), generally in accordance with the updated renders provided on 9 November 2021.
- (j) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
- (k) The north-western corner of Apartment G.01 curved to provide greater connection to the residential lobby from the eastern approach.
- (l) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the west-facing balconies and habitable room windows at Levels 4 into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
- (m) Fixed screening to a height of 1.7 metres with a maximum transparency of 25% to be provided along the southern boundary of the balconies at Levels 4 and 5.
- (n) Detailed diagrams demonstrating compliance with the Objective of Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme.

Car Parking and Services

- (o) The accessway and doorway to the lift are to be dimensioned on the drawings.
- (p) Convex mirrors on either side of the accessway should be installed, as recommended by Traffix Group, to provide visibility within the carriageway easement.
- (q) The headroom clearance of the car lift doorway is to be dimensioned on the drawings.

Reports and Plans

- (r) Any changes required by the amended Sustainable Management Plan at Condition 5;
- (s) Any changes required by the amended Acoustic Report at Condition 7;
- (t) Any changes required by the amended Landscape Plan at Condition 11;
- (u) Any changes required by the amended Wind Report at Condition 15; and
- (v) Any changes required by the amended Waste Management Plan at Condition 17.

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2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
 - (i) Examples of material CN01 where it has been utilised, demonstrating its durability and quality.
 - (ii) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
 - (iii) Maintenance requirements for the material MT02 demonstrating the durability of the material to retain its appearance over the long term.
 4. As part of the ongoing consultant team, SJB Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wrap Consulting and dated 12 July 2021, but modified to include or show:
 - (a) Strategy revised to include food organics in the waste estimate table and management for food organics and collection.
 - (b) Low VOC paints and materials are already removed from the innovation category within the BESS report.
 - (c) Finalise solar PV design and confirm system size.
 - (d) Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.
 - (e) Confirm access to bike room for visitors.
 - (f) Confirm that details of local car share locations will be provided within building users guide.
 - (g) Confirm the capability of pre-wiring EV charging points
 - (h) Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.
 - (i) Confirm all building services will be commissioned and tuned according to manufacturer's specifications.

- (j) Confirm that head contractor will be ISO 14001 accredited.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

7. Before the use and/or development commences, 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 Renzo Tonin & Associates and dated 4 June 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
- (b) Identification of any lightweight façade walls proposed for the proposed. If proposed, the lightweight façade walls are to achieve both Rw and Rw+Ctr ratings 10 dB better than the nominated glazing. Alternatively, the report is to be revised to provide alternative advice for ensuring that lightweight walls will not compromise the sound insulation of the façade at low frequencies. Recommended constructions are to be included.
8. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), sleep disturbance targets or any other requirement to the satisfaction of the Responsible Authority at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.
10. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

11. Before the use and/or development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Florian Wild and dated July 2021 (01.01 – 01.06) but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1;
- (b) No modifications to the existing nature strip/garden bed outstand on St David Street;
- (c) The following plants are to be replaced:
- (i) *Cyathea cooperii*
- (ii) *Bougainvillea glabra*
- (d) provide a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants;

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- (e) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
 - (f) provide details of the proposed method for irrigation and drainage;
 - (g) detail the maintenance (duration, regime) and irrigation;
 - (h) show the materiality of the proposed spaces;
 - (i) provide a specification of works to be undertaken prior to planting; and
 - (j) detail plant/planting maintenance schedules and requirements.
 - (k) Clarify soil depth and volume for the ground level lightwell.
 - (l) Indicate the location and design (including cross-section of raingarden) on plans.
12. 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.

Street Trees

13. Before the development commences, the permit holder must provide a security bond of \$25,000 for the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
14. Before the development commences, the permit holder must establish Tree Protection Zone fencing/hoarding in accordance with Australian Standard 4970-2009 for the the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority.

Wind Report

15. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers and Scientists Limited and dated 13 July 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Table 2 updated to correctly reference the subject development.
 - (c) Demonstrate standing criterion is achieved for the entrance to Apartment G.01 along Napier Street, Apartment G.02 along St David Street and at the rear pedestrian entrances from the vehicular entrance apron.

- (d) Demonstrate sitting criterion is achieved for all dwelling balconies/open space areas.
- 16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 17. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 1 June 2021, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.
- 18. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Public Art Management Plan

- 20. Before the building is occupied, and prior to the installation of the public art shown on the northern elevation, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) The location of the artwork (to be consistent with the endorsed development plans);
 - (b) Outline of methodology for commission;
 - (c) Details of the commissioned artist(s);
 - (d) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Conceptual and site context rationale;
 - (v) Special features (for example lighting);
 - (e) Details of the installation process;
 - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
 - (g) Attribution plans (eg signage or plaque).
- 21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Car Parking

- 22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
24. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

Lighting

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances 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.

General

26. 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.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
29. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
30. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
31. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

32. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

Road Infrastructure

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along both the Napier Street and St David Street frontages:
 - (a) in accordance with Council's Road Materials Policy;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
 - (a) at the permit holder's cost,
 - (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing bench seat on the Napier Street frontage is to be removed and replaced:
 - (a) at the permit holder's cost;
 - (b) in accordance with the Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes; and
 - (c) in a location and manner, away from the entrance of Apartment G.01;

to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

39. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Community Infrastructure Levy

40. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management Plan

41. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

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

42. During the construction:
 - (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the land;
 - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
43. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
44. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Permit Expiry

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

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.

All future property owners and residents within the development approved under this permit will not be permitted to obtain resident 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.

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

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

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

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.

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

Public Open Space Contribution

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

Environmental Audit Overlay

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.

Attachments

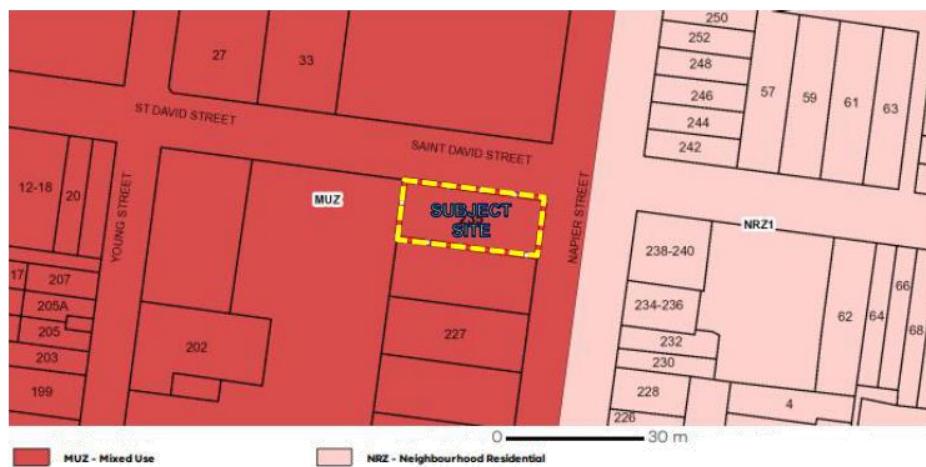
- 1 PLN21/0375 - 235 Napier Street, Fitzroy - Site Plan
- 2 PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans
- 3 PLN21/0375 - 235 Napier Street, Fitzroy - Corrected shadow diagrams
- 4 PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral
- 5 PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (internal) Referral
- 6 PLN21/0375 - 235 Napier Street, Fitzroy - Open Space Referral
- 7 PLN21/0375 - 235 Napier Street, Fitzroy - City Works Referral
- 8 PLN21/0375 - 235 Napier Street, Fitzroy - Streetscapes and Natural Values Referral
- 9 PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response
- 10 PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral
- 11 PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Transport Referral
- 12 PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Planning Referral

- 13 PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral**
- 14 PLN21/0375 - 235 Napier Street, Fitzroy - Acoustic Referral**
- 15 PLN21/0375 - 235 Napier Street, Fitzroy - Wind Referral**

Attachment 1 - PLN21/0375 - 235 Napier Street, Fitzroy - Site Plan

ATTACHMENT 1

SUBJECT LAND: 235 Napier Street, Fitzroy

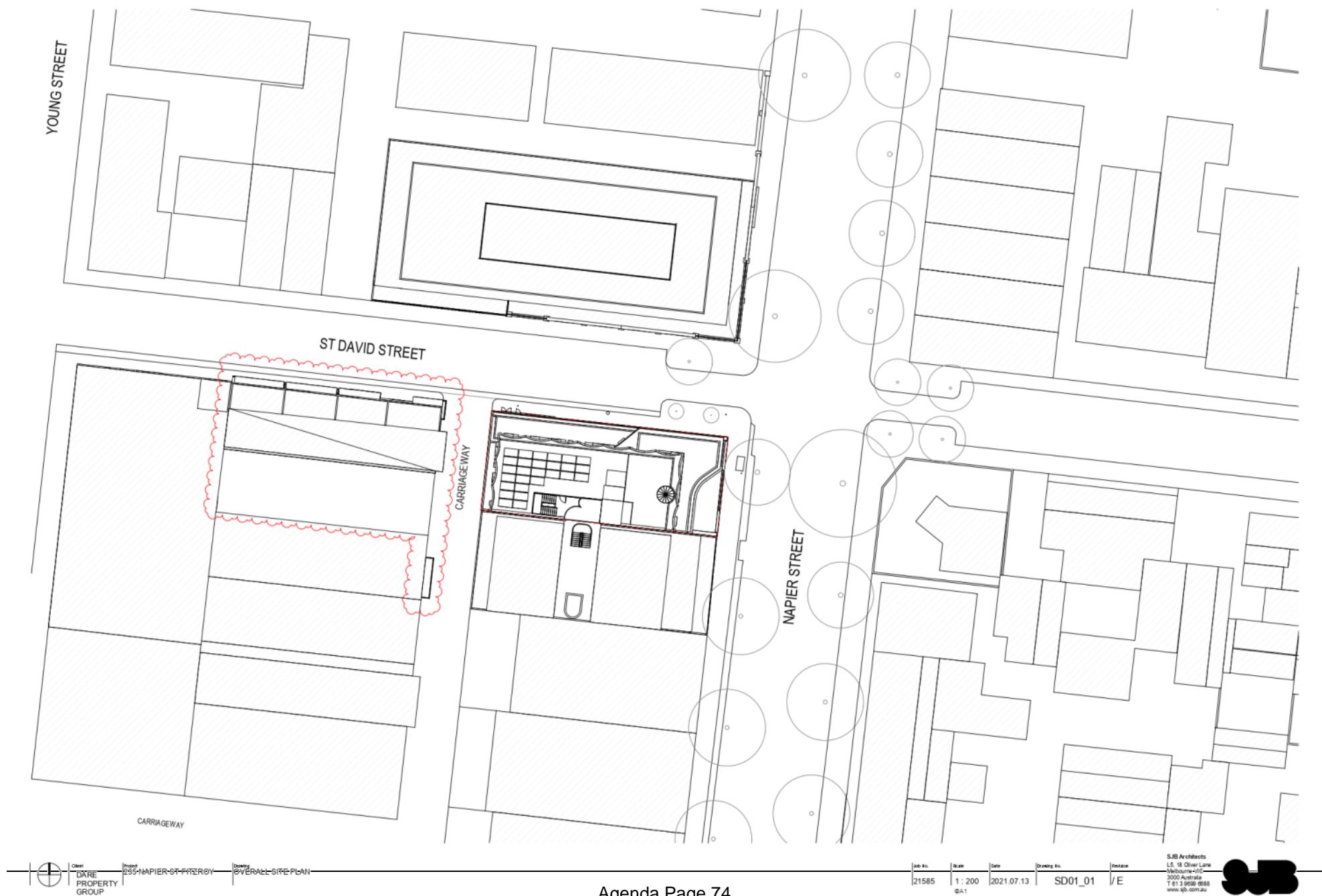


Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans

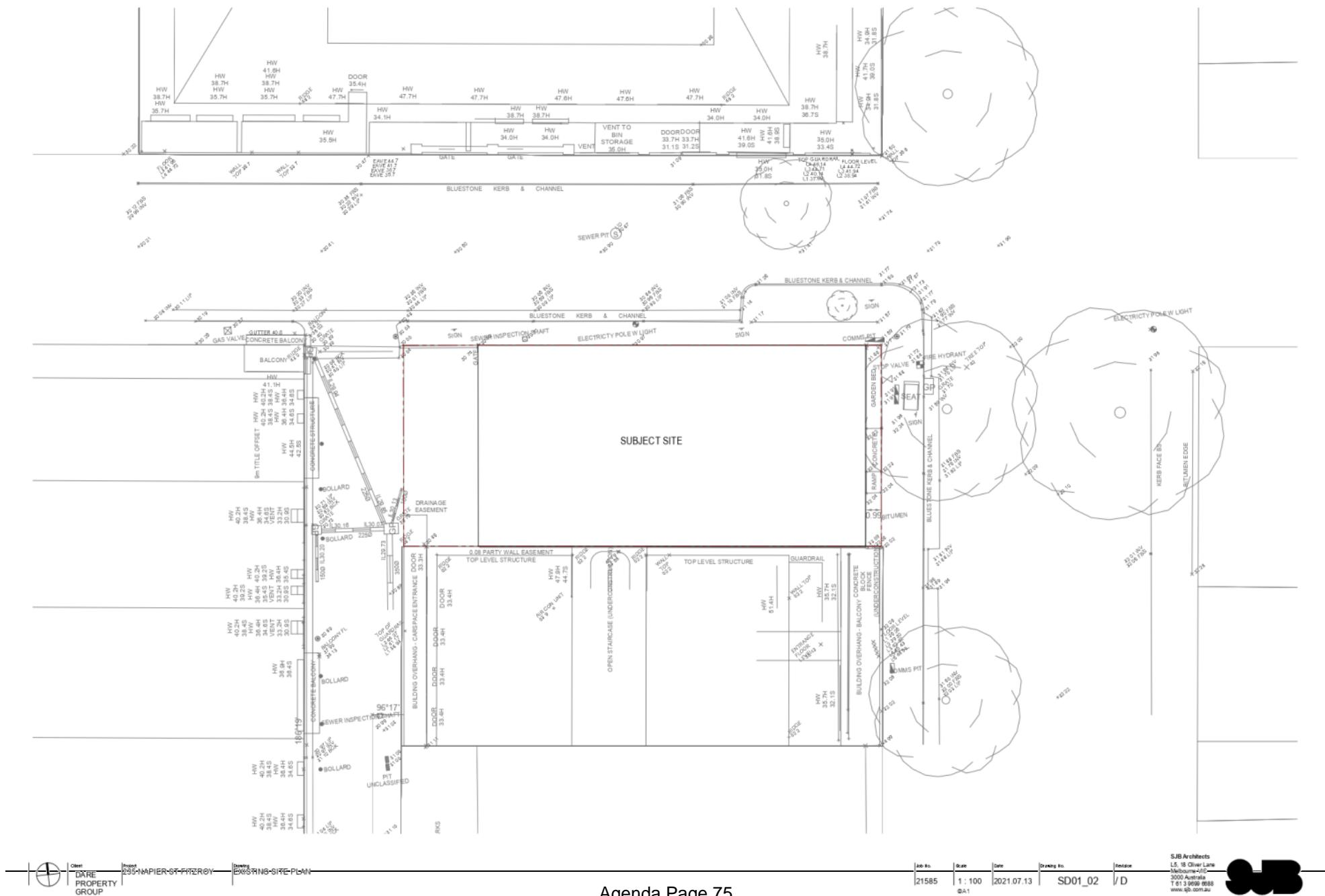
Documentation

4

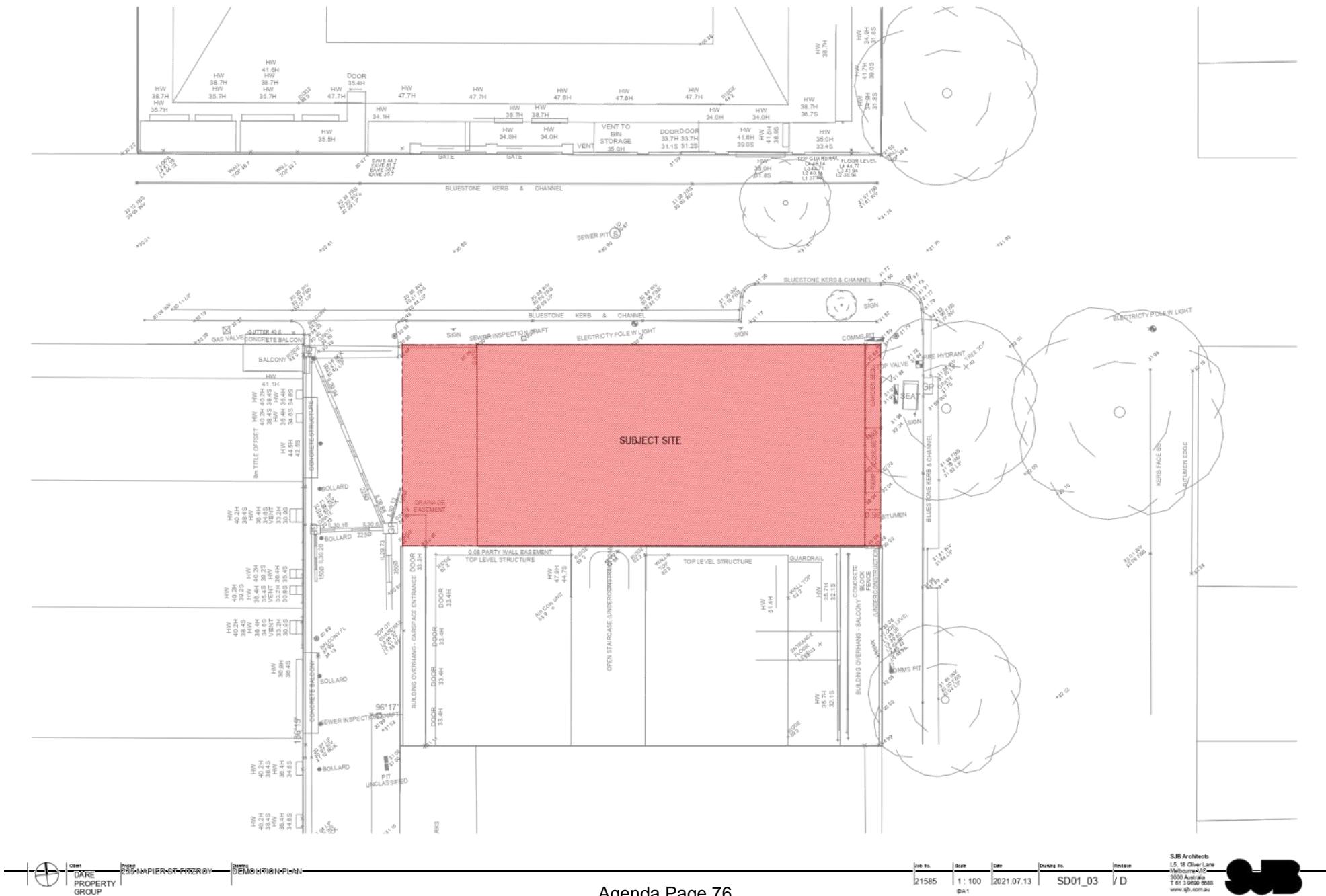
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



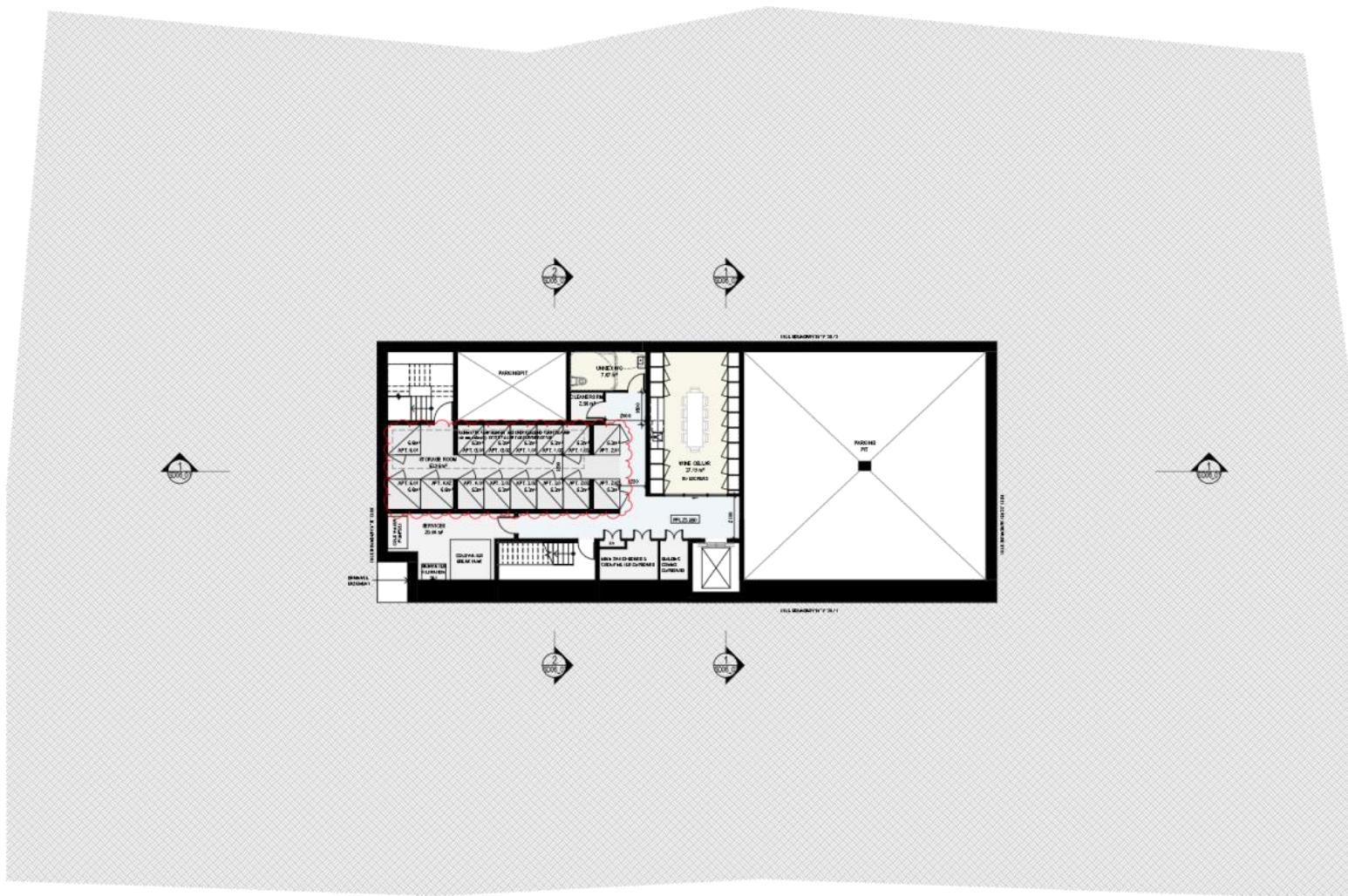
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



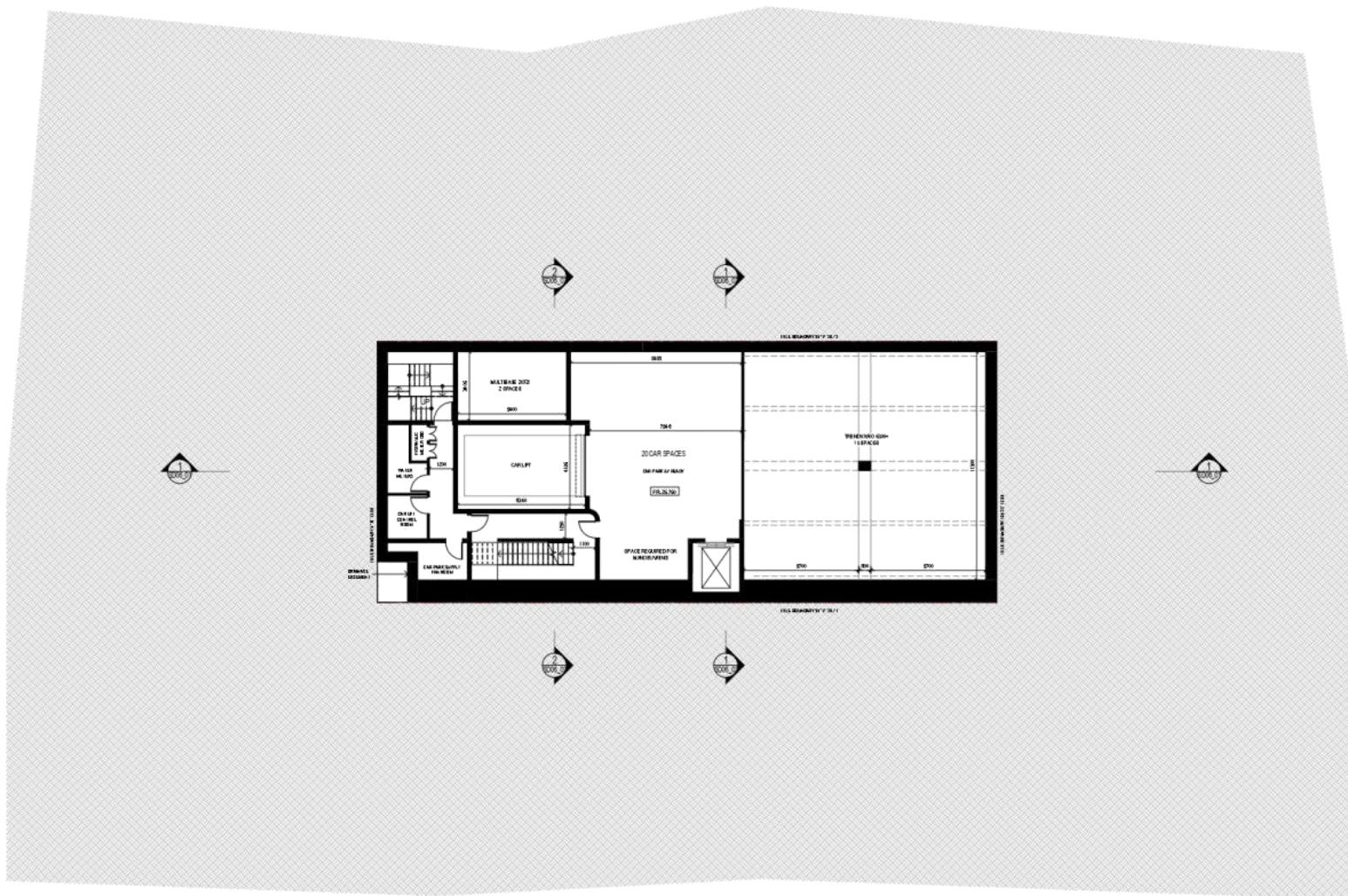
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



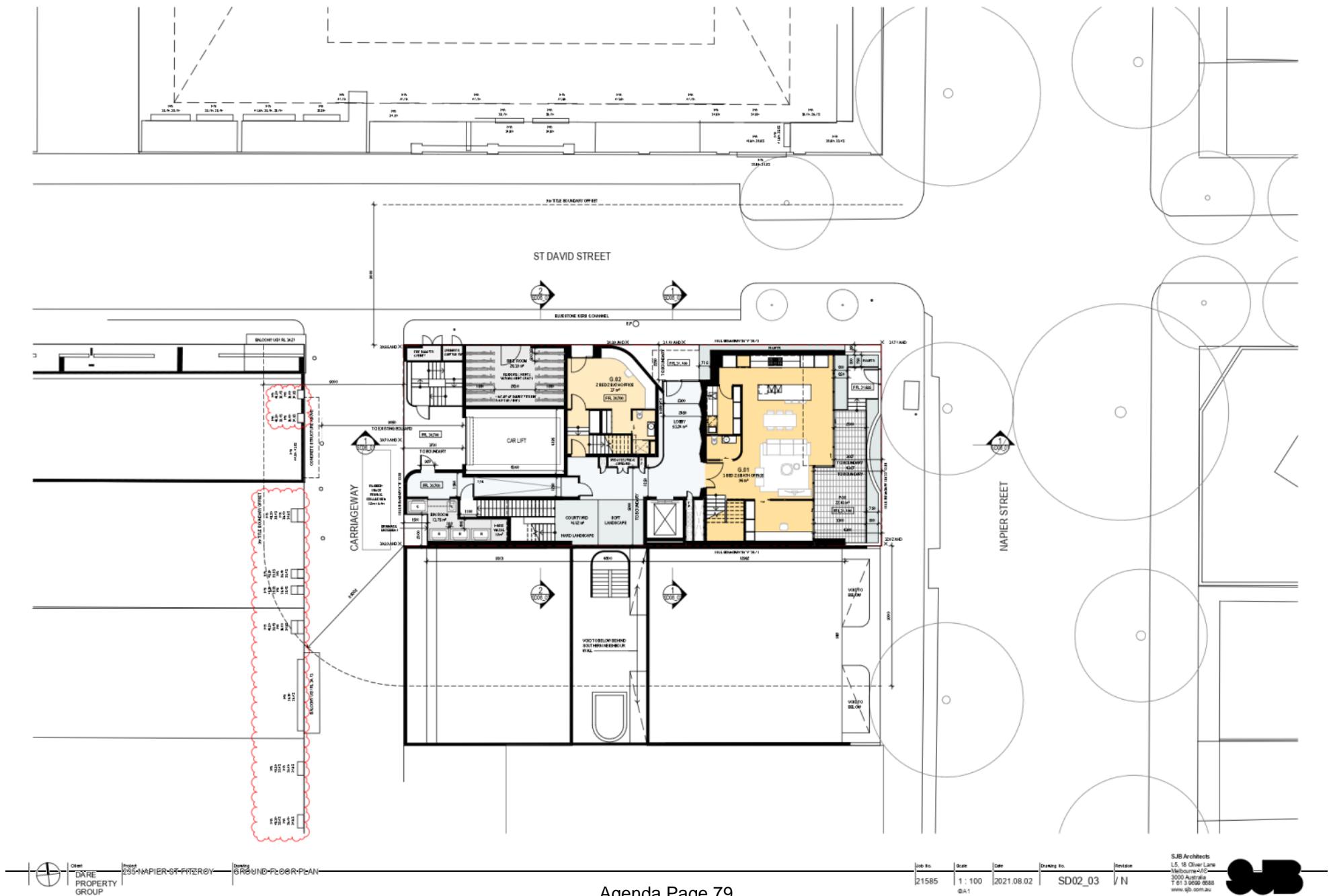
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



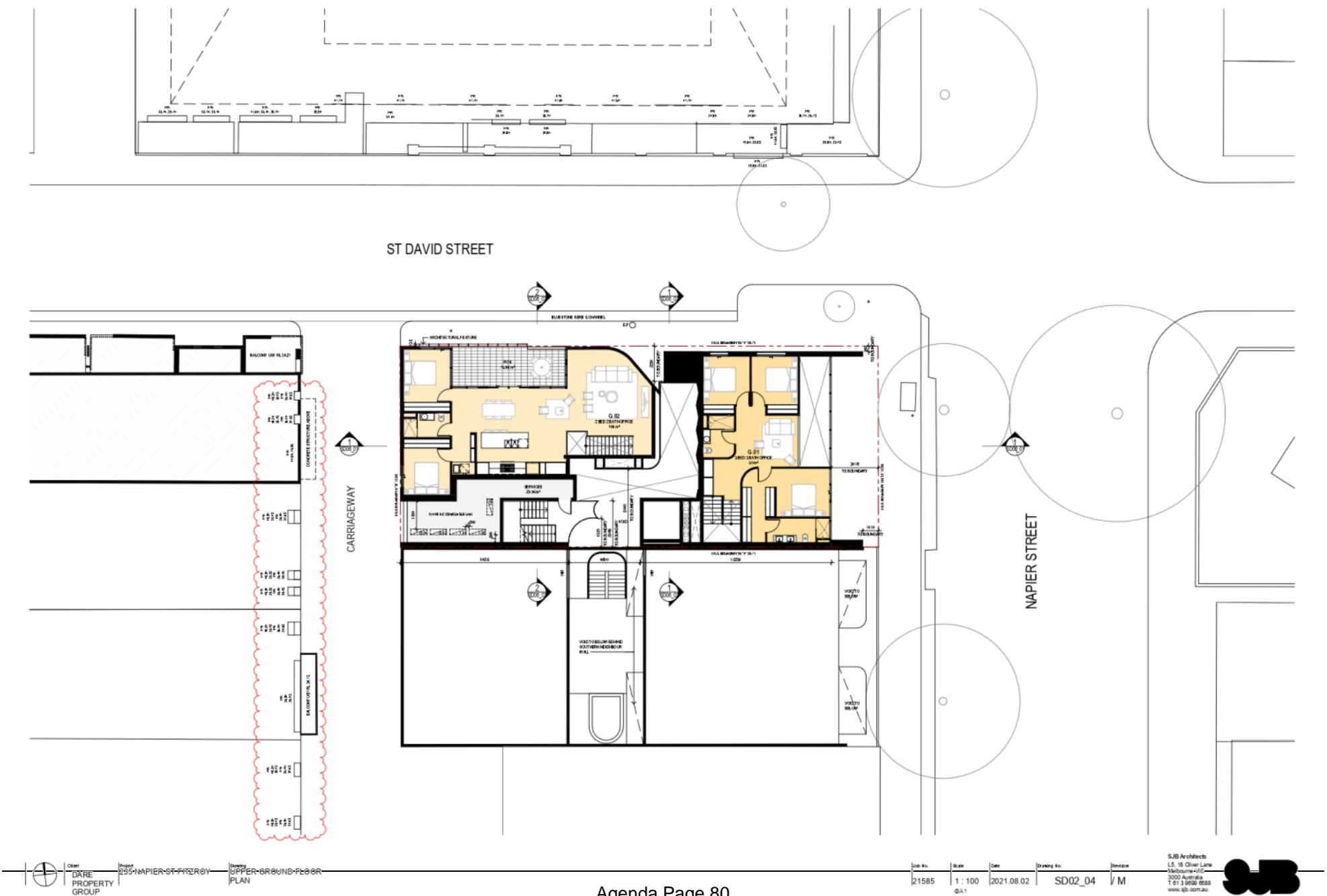
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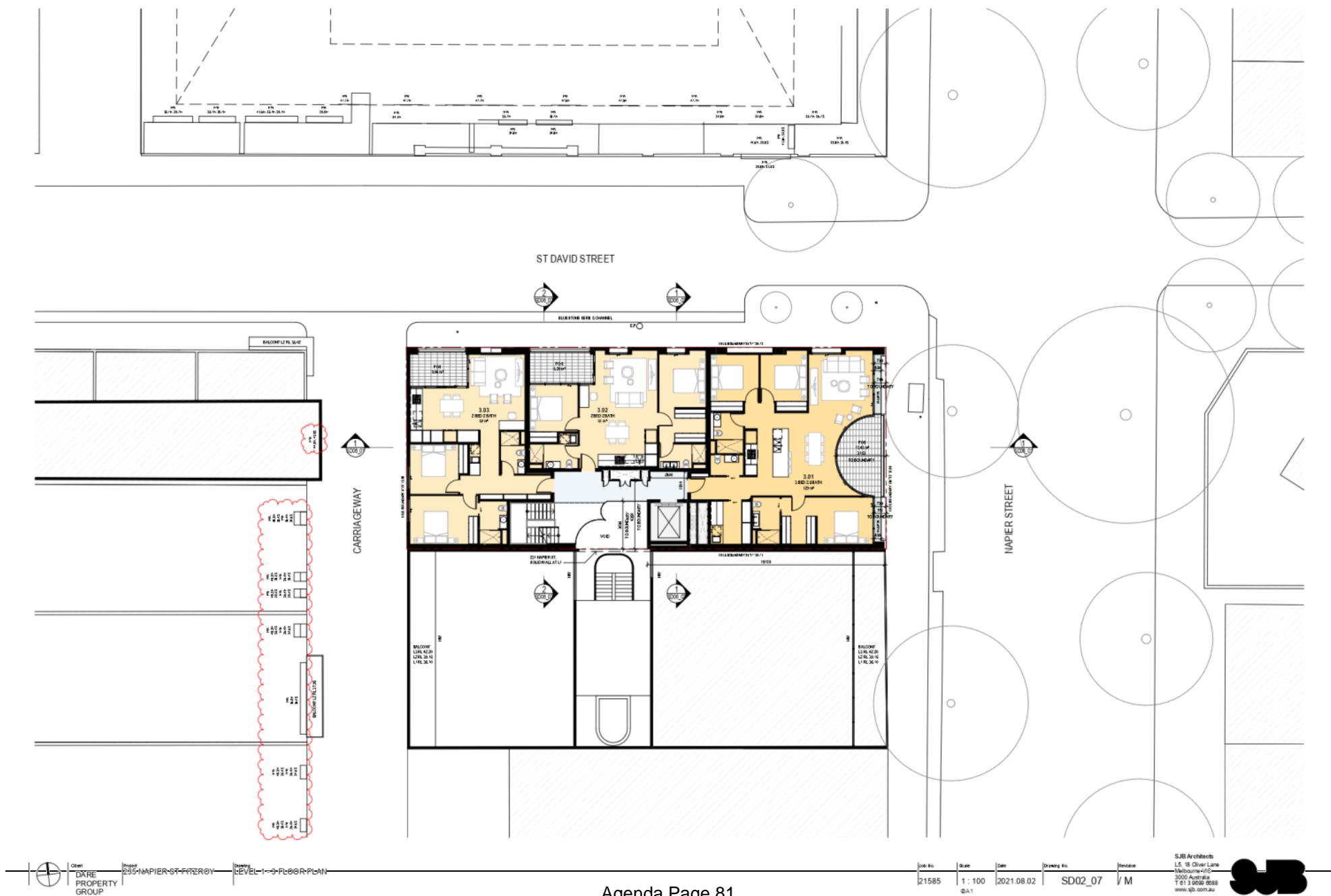
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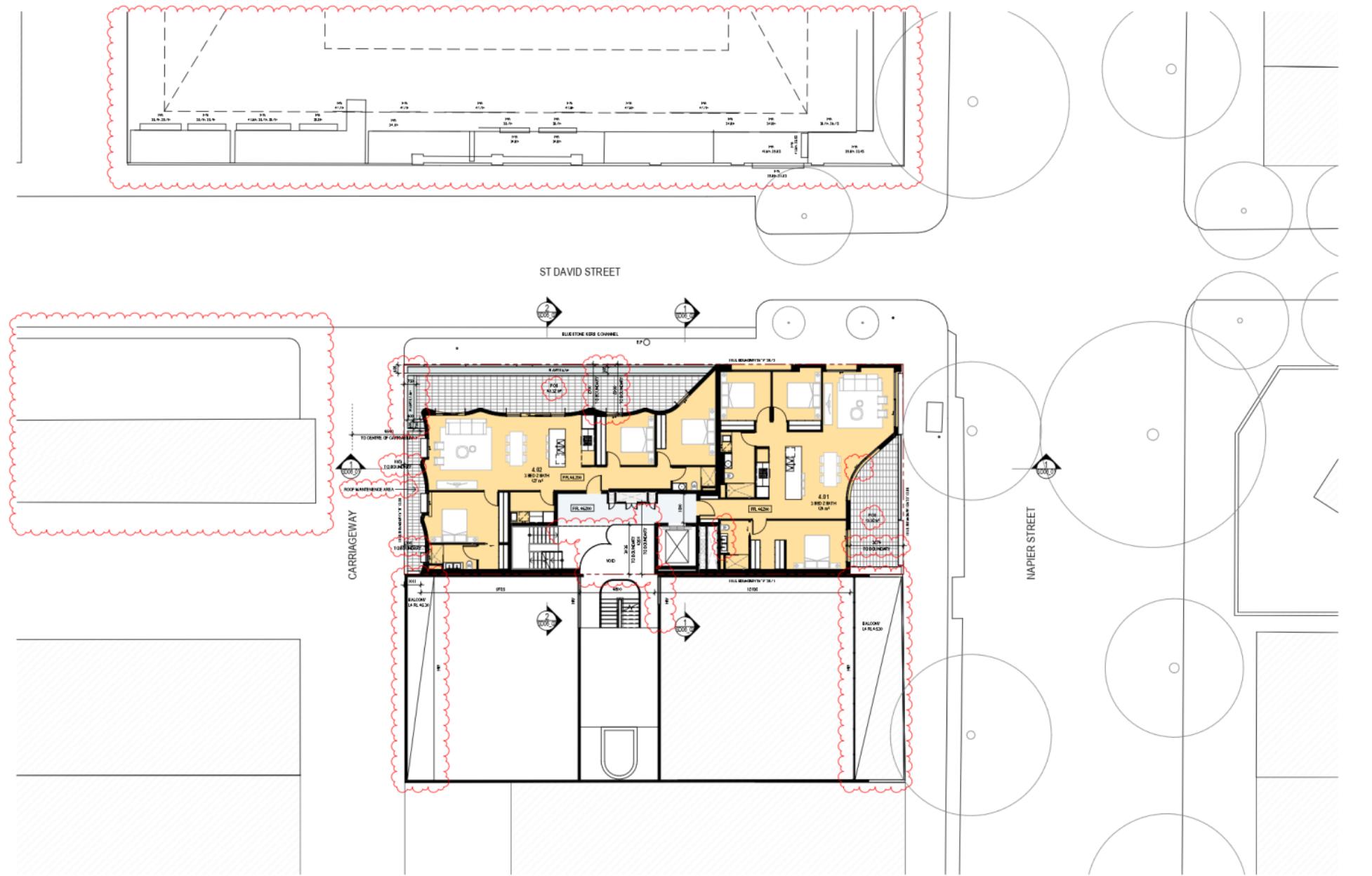
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



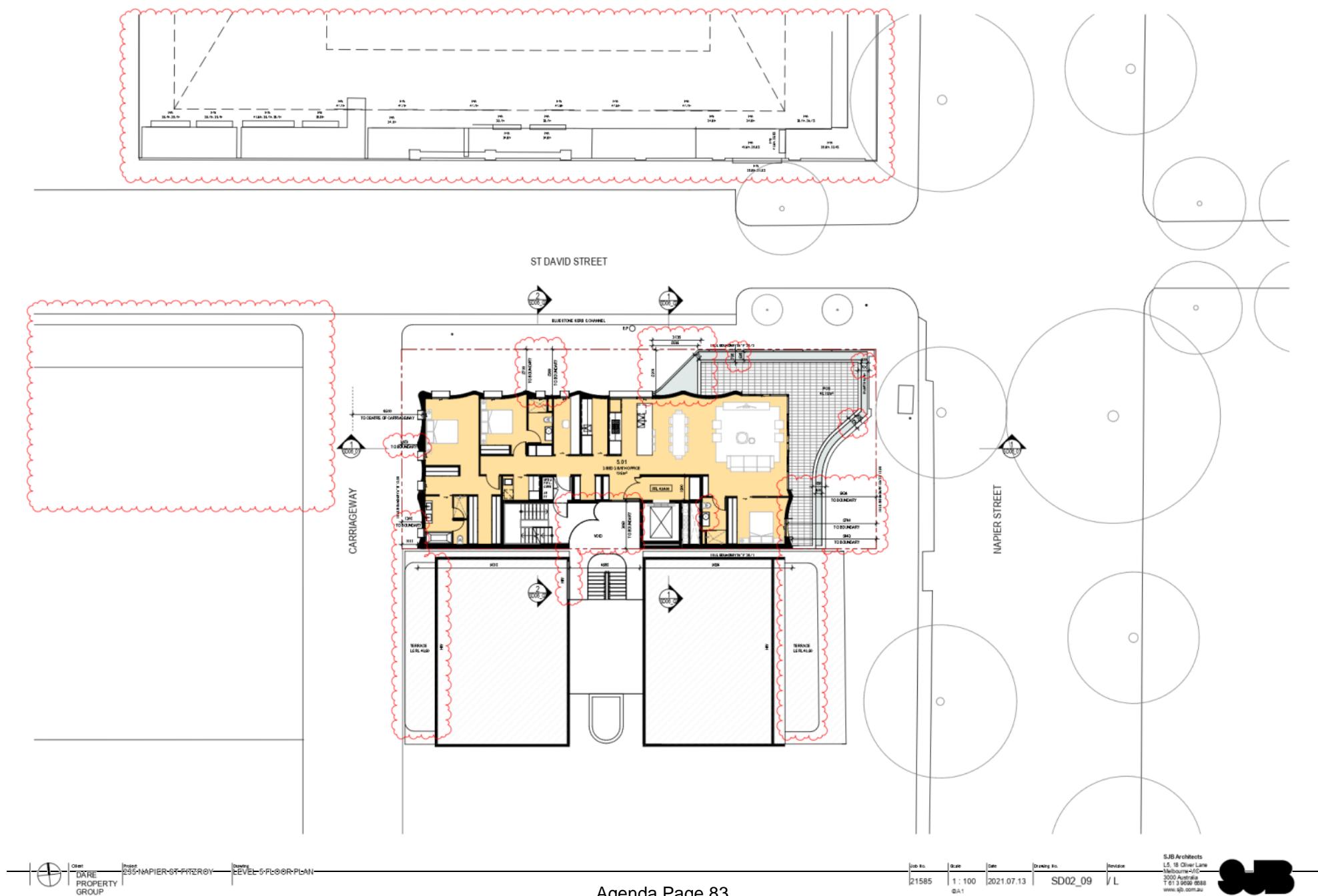
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



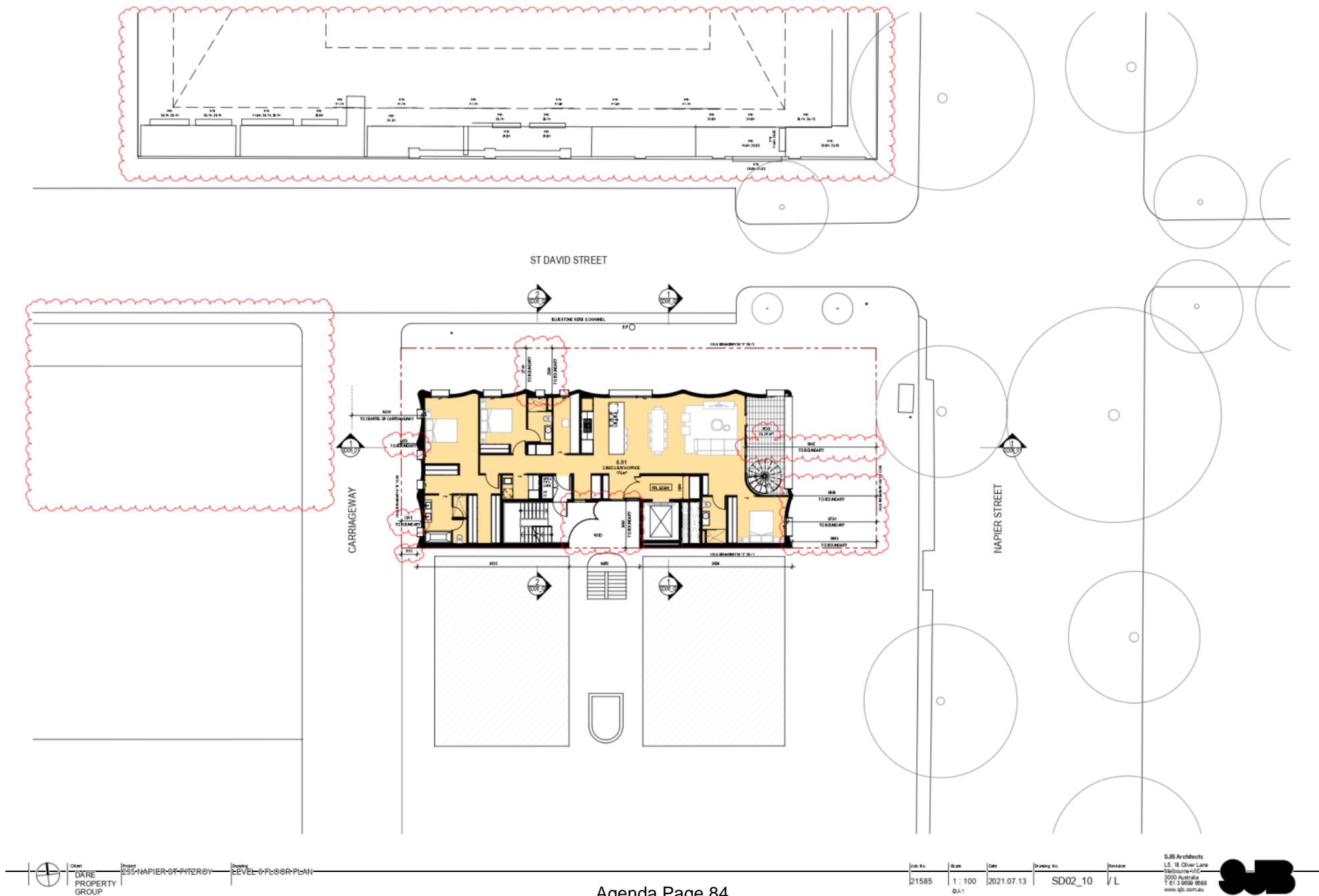
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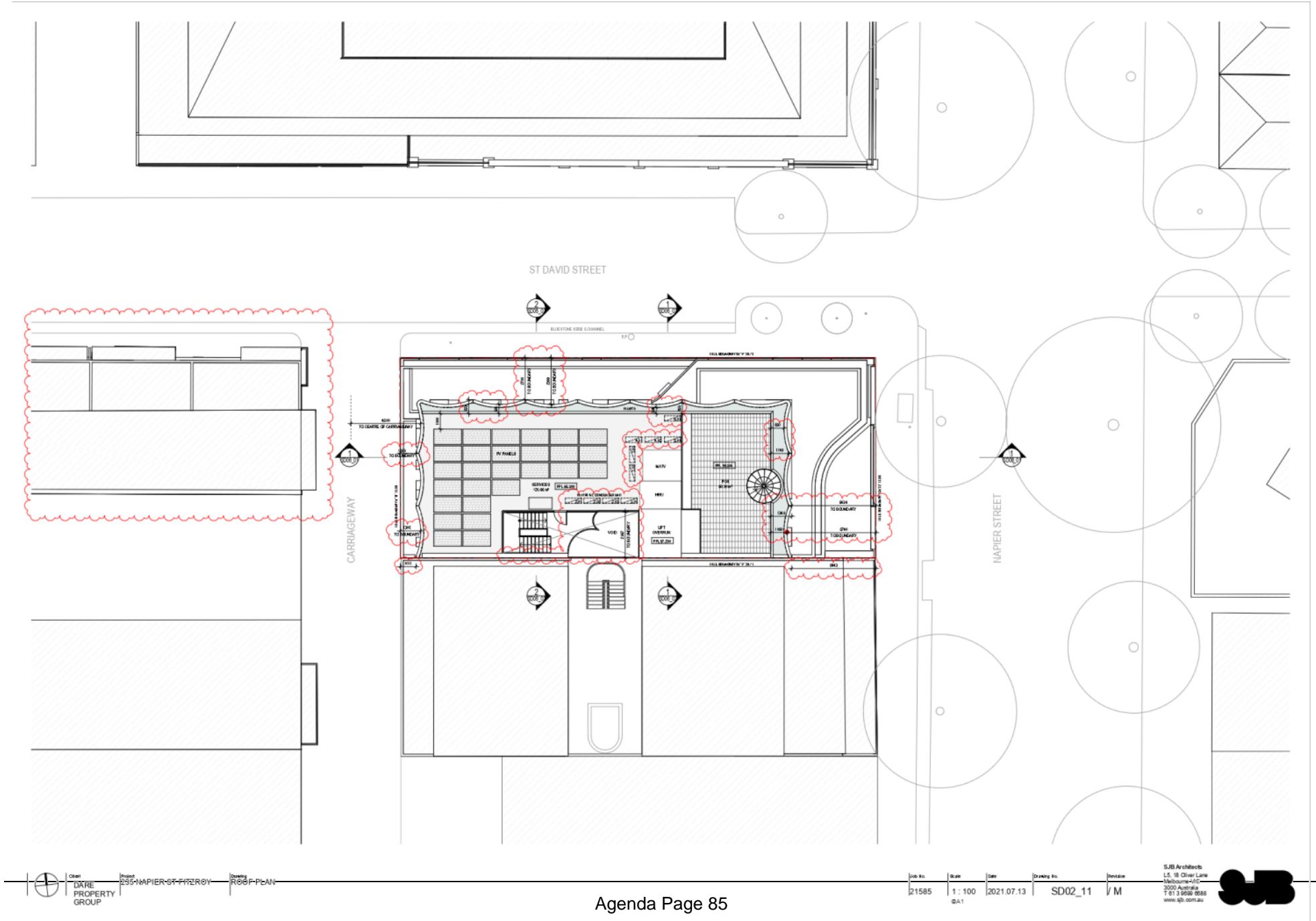
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



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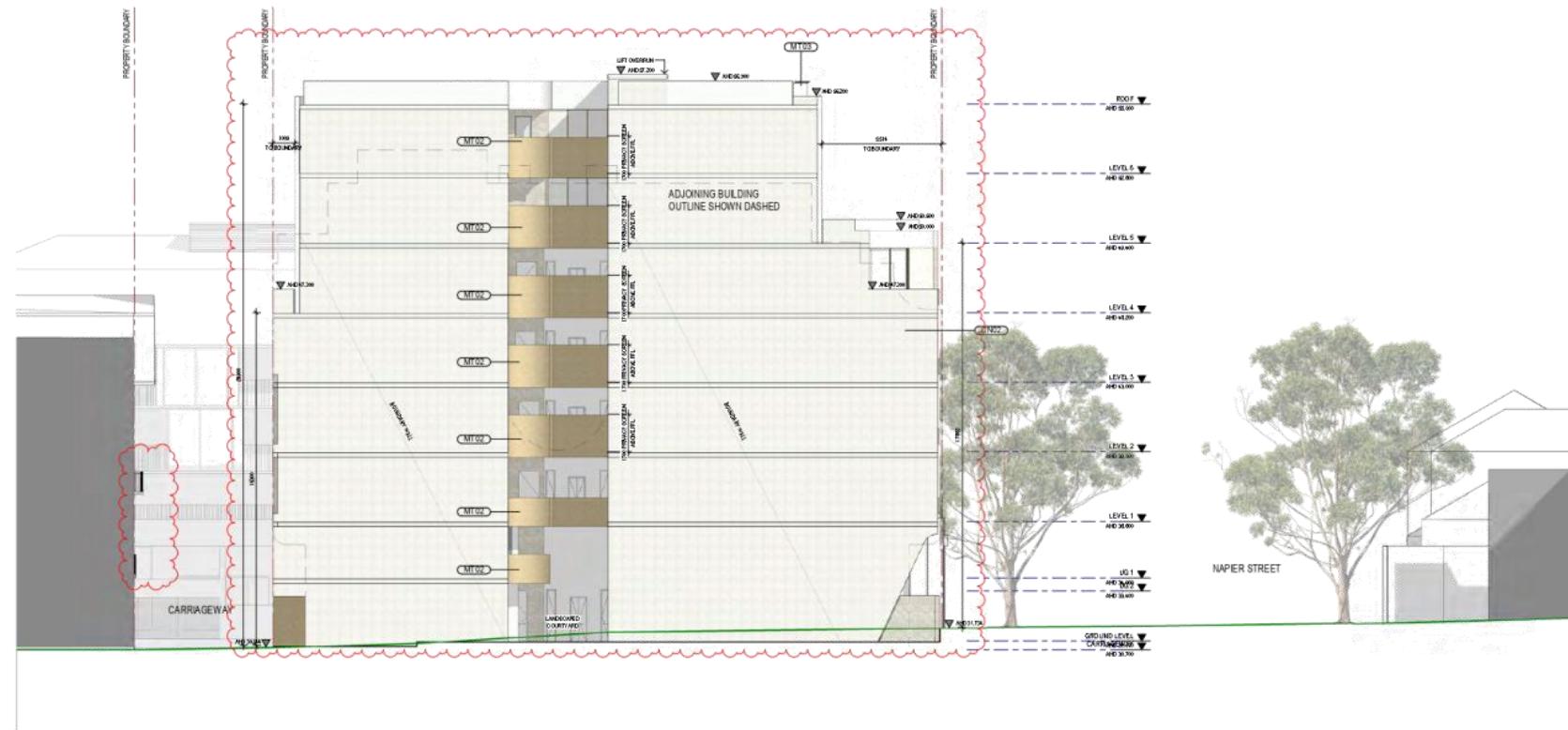
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



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Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



Other Insert Drawing SECTIONS
DARE PROPERTY GROUP 235 NAPIER ST FITZROY

Job No. 21585 Date As indicated Date 021.07.13 Drawing No. SD06_01 Revision 0A1

SJB Architects
L5, 18 Oliver Lane
Melbourne VIC 3000 Australia
T 03 3959 0688
www.sjb.com.au



Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



SECTION 1
SCALE 1:100

G E N E R A L N O T E

CEILING HEIGHTS ARE AS FOLLOWS:

2900MM - LIVING AREA

2700MM - BEDROOMS

2600MM - KITCHEN LAUNDRY & BATHROOMS

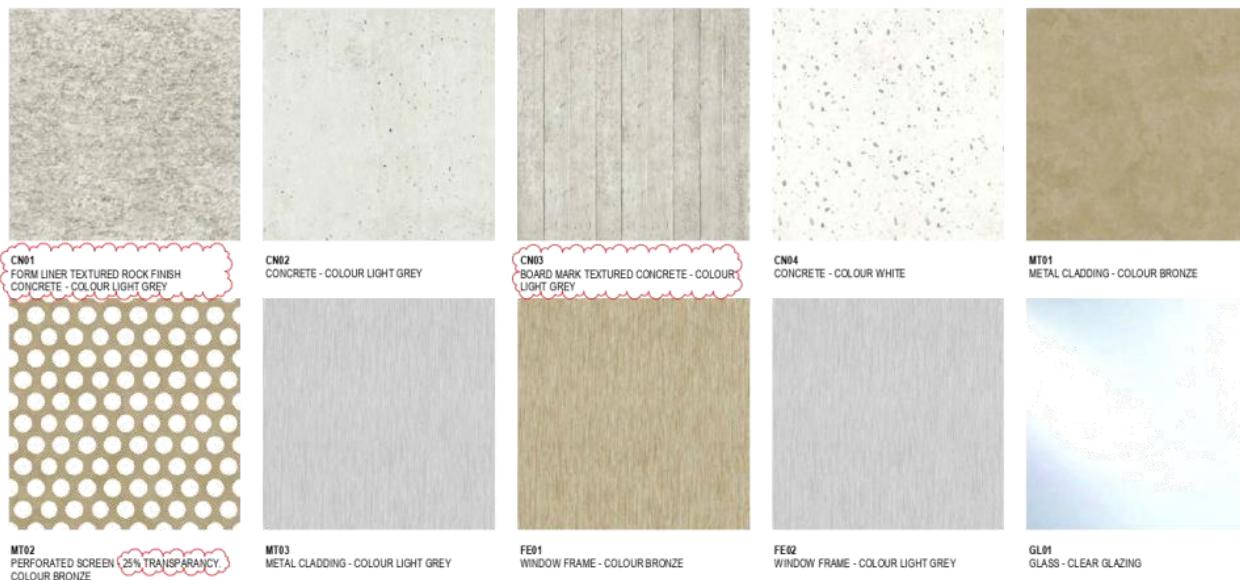


SECTION 2
SCALE 1: 100

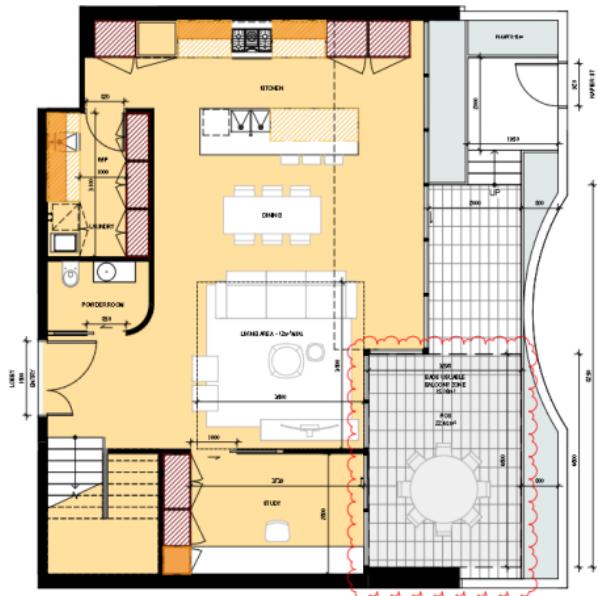
Officer Project Drawing
DARE 235-NAPIER-ST-FITZROY SECTIONS
PROPERTY GROUP

Job No.	State	Date	Drawing No.	Reinforce.	SLB Architects L1, 16 Chifley Melbourne VIC 3000 Australia T +61 3 8655 0688 www.slb.com.au
21585	As indicated	021.07.13	SD06_02	/ G	

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans

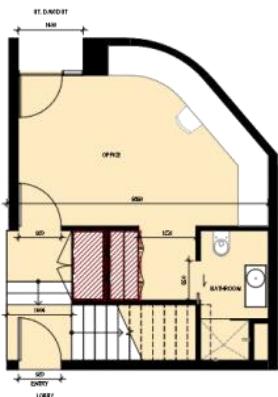


TYPE A - LOWER LEVEL 3 BED/ 2.5 BATH/ STUDY (G.01)

GENERAL NOTES:
APARTMENT INFORMATION ON THE COVEMBER
OVER PAGE LOCATED ON THE ROOF AND IN THE
SERVICES RELATED TO THE BODY OF APARTMENT
THE REFERENCED DRAWINGS ARE FOR INFORMATION
PURPOSES ONLY. PLEASE REFER TO THE APARTMENT
PLAN FOR FURTHER INFORMATION.



Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



TYPE B - LOWER LEVEL 2 BED/ 1.5 BATH/ STUDY (G.02)

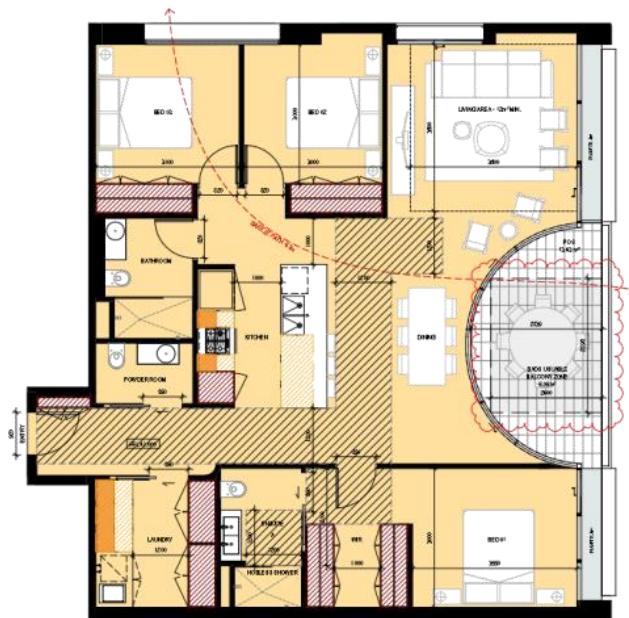


TYPE B - UPPER LEVEL 2 BED/ 1.5 BATH/ STUDY (G.02)

GENERAL NOTES:
APARTMENT INFORMATION PROVIDED
OVER AREA LOCATED ON THE ROOF AND IN THE
SERVICES AREAS RELATED TO THE SIZE OF APARTMENT
DO NOT RELATE TO THE TOTAL GROSS FLOOR AREA
PLAN FOR FURTHER INFORMATION.

Storage Volume Legend
 Full Height Storage
 Under-bed Storage
 Overhead Storage

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans

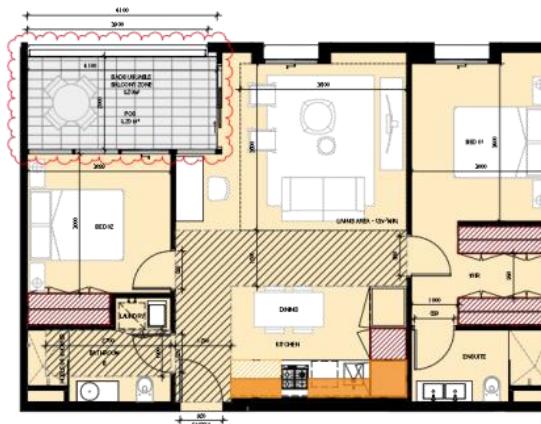


TYPE C 3 BED/2.5 BATH (1.01, 2.01, 3.01)

GENERAL NOTES:
APARTMENT INFORMATION PROVIDED
OVERVIEW LOCATED ON THE ROOF AND IN THE
SERVICES RELATED TO THE SIDE OF APARTMENT
DO NOT REFER TO THESE AS PART OF THE
PLAN FOR FURTHER INFORMATION.



Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



TYPE D 2 BED/ 2 BATH (1.02, 2.02, 3.02)

GENERAL NOTES:
APARTMENT INFORMATION ON THE COVER SHEET
IS NOT LOCATED ON THE ROOF AND IN THE
SERVICES RELATED TO THE BODY OF APARTMENT
DO NOT REFER TO THE ROOF PLAN FOR THE
PLAN FOR FURTHER INFORMATION.

Storage Volume Legend

- [Red hatched box] Full height storage
- [Yellow hatched box] Underbed storage
- [Orange hatched box] Overhead storage

BATHROOM TYPE A WILL BE PROVIDED WITH A
HOT TUB AND A SHOWER.
BATHROOM TYPE B WILL BE PROVIDED WITH A
HOT TUB OR A FREE-STANDING SHOWER. THERE IS
A REMOVABLE SHOWER SCREEN AND A Hinged
DOOR WHICH FULLY BLOCKS THE DOOR OPENING.

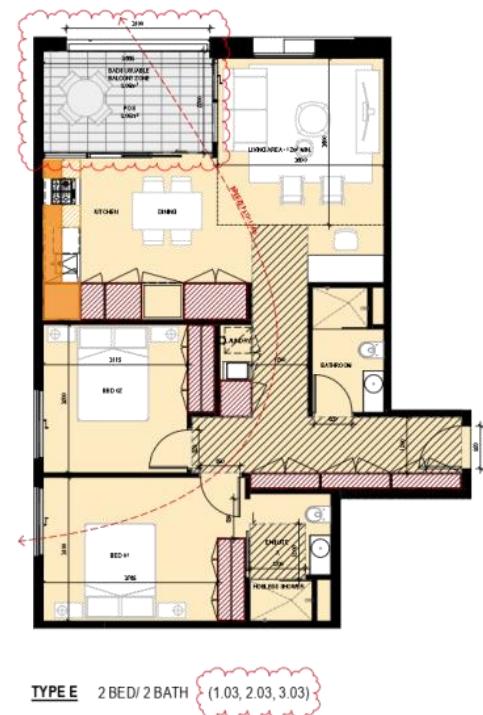
Dare Property Group
235 Napier St Fitzroy Drawing APARTMENT TYPES

Job No. 21585 Date 1:50 2021.08.02 Drawing No. SD14_04 Issue G

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T 03 3969 0688
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Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



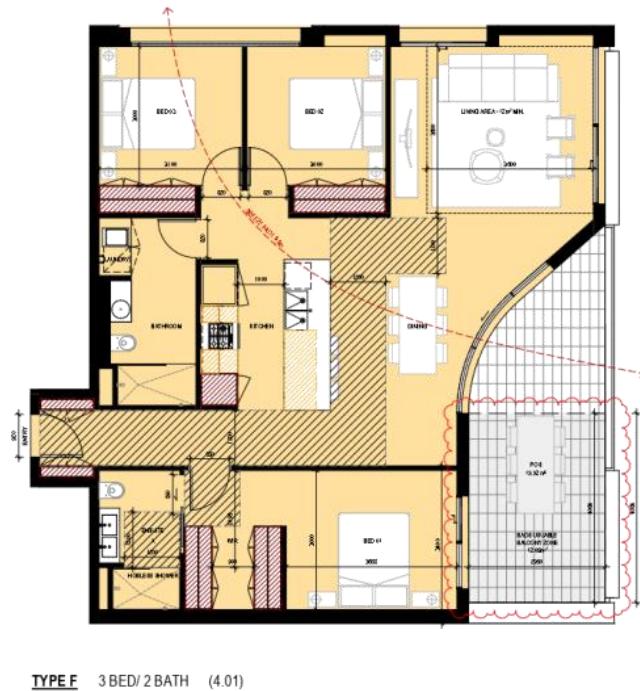
GENERAL NOTES:
APARTMENT INFORMATION ON THE GROUND FLOOR
IS NOT LOCATED ON THE ROOF AND IN THE
SERVICES ARE RELATED TO THE SIZE OF APARTMENT
DUE TO THE ROOF AREA BEING SMALLER THAN THE
PLAN FOR FURTHER INFORMATION.

Storage Volume Legend

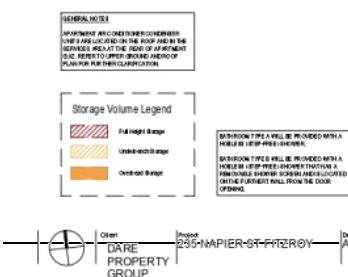
- [Pink Hatched] Full Height Storage
- [Yellow Hatched] Under-Bed Storage
- [Orange Hatched] Overhead Storage

BATHROOM TYPE A WILL BE PROVIDED WITH A
HOB, SINK, BENCHTOP, TAP, SHOWER, BATH, W.C.
BATHROOM TYPE B WILL BE PROVIDED WITH A
HOB, SINK, BENCHTOP, TAP, SHOWER, BATH, W.C.
A REMOVABLE SHOWER SCREEN NEEDS TO BE
OPENED FULLY FROM THE DOOR OPENING.

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



TYPE F 3 BED/ 2 BATH (4.01)

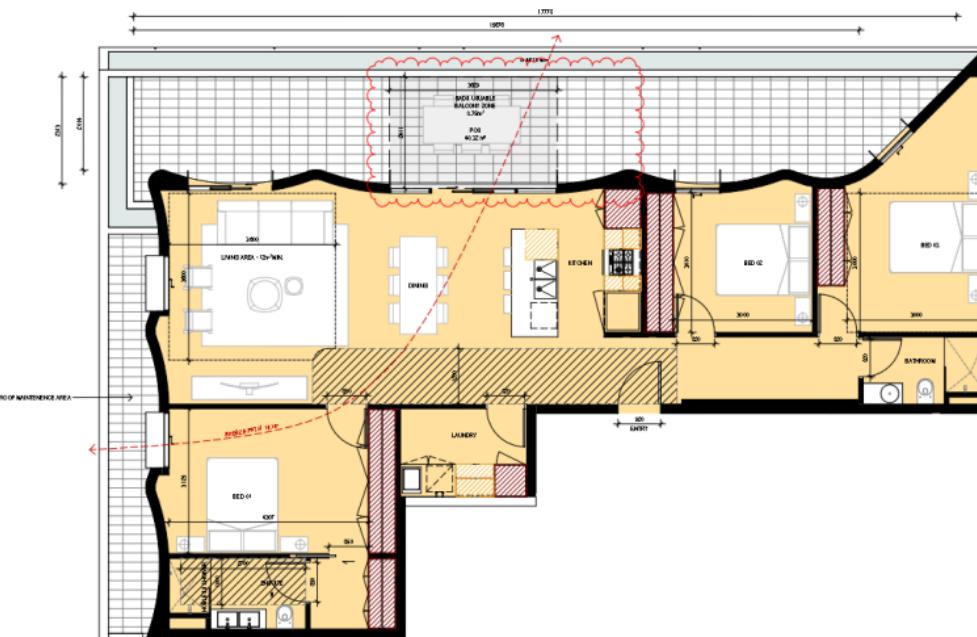


Job No. 21585 Date 1:50 2021.08.02 Drawing No. SD14_06 Issue 0A1

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L5, 18 Oliver Lane
Melbourne VIC 3000 Australia
T 03 3999 0688
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Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



TYPE G 3 BED/ 2 BATH (4.02)

GENERAL NOTES:
APARTMENT INFORMATION ON THE COVENANT
OVER PAGE LOCATED ON THE ROOF AND IN THE
SERVICES RELATED TO THE BODY OF APARTMENT
THE RELEVANT INFORMATION IS PROVIDED ON THE
PLAN FOR FURTHER CLARIFICATION.

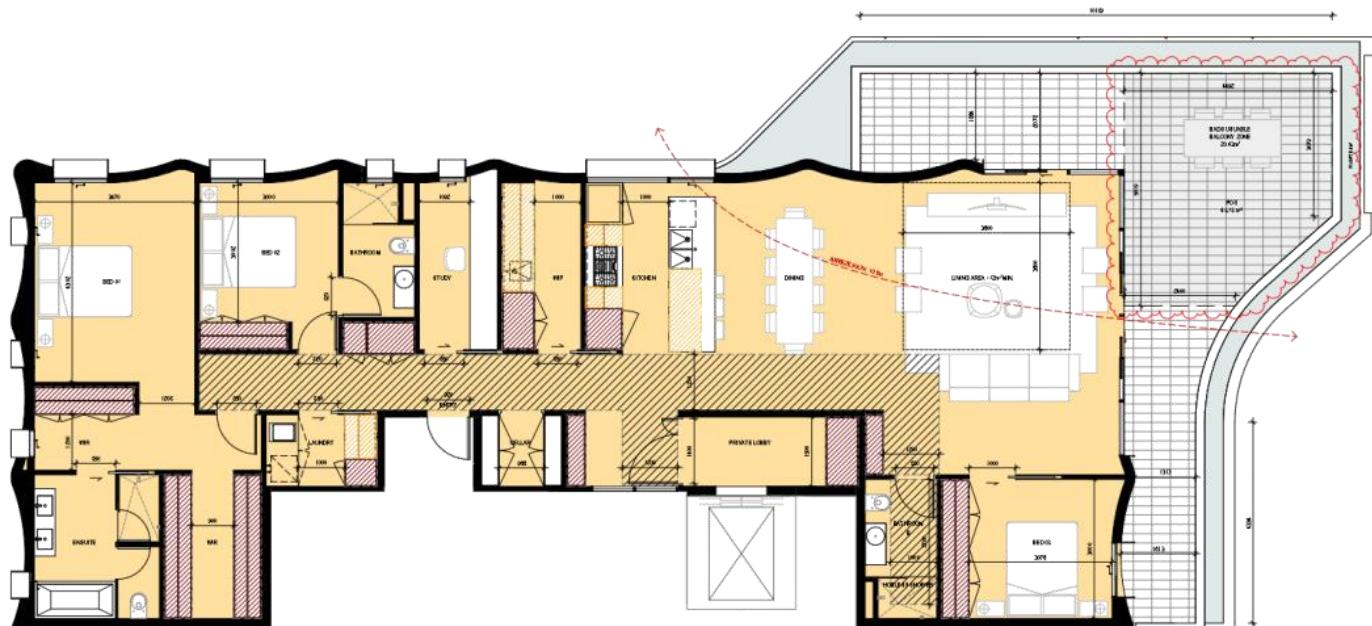
Storage Volume Legend

- [Red Hatched Box] Full Height Storage
- [Yellow Hatched Box] Underbed Storage
- [Orange Hatched Box] Overhead Storage

BATHROOM TYPE A WILL BE PROVIDED WITH A
HOT TUB AND A SHOWER.

BATHROOM TYPE B WILL BE PROVIDED WITH A
HOT TUB, A SHOWER, A BATH, AND A
FOLDABLE SHOWER SCREEN WHICH IS LOCATED
ON THE INSIDE WALL FROM THE DOOR OF BATHING.

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



TYPE H 3 BED/3 BATH/ STUDY/ CELLAR (5.01)

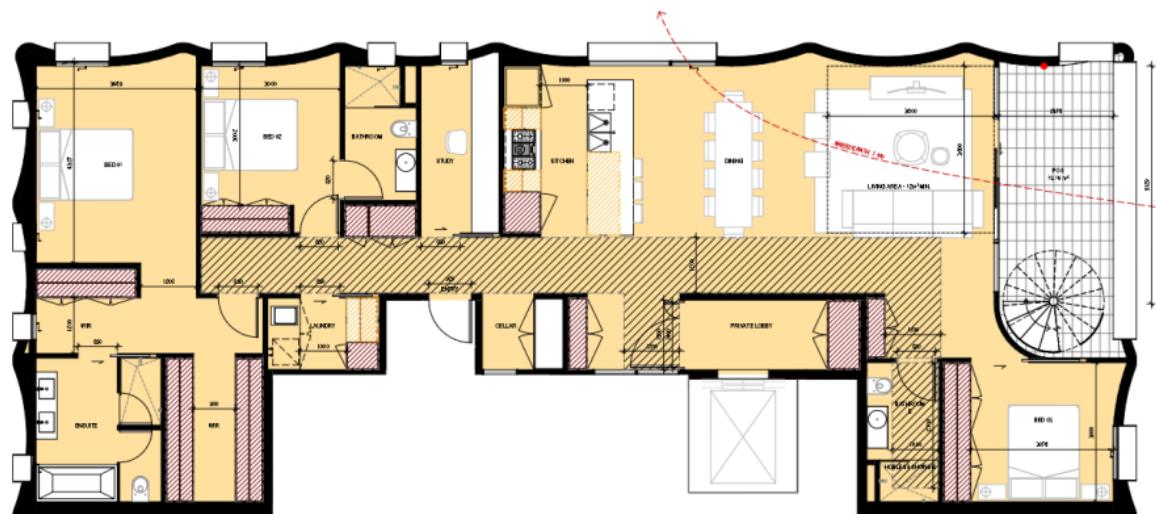
GENERAL NOTES:
APARTMENT INFORMATION PROVIDED
OVERVIEW LOCATED ON THE ROOF AND IN THE
SERVICES RELATED TO THE SIDE OF APARTMENT
DO NOT REFER TO THESE FOR THE ACCURATE
PLAN FOR FURTHER INFORMATION.

Storage Volume Legend

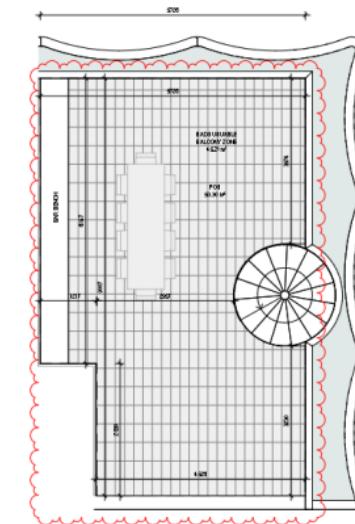
Full Height Storage
Underbed Storage
Overhead Storage

BATHROOM TYPE A WILL BE PROVIDED WITH A
HOT TUB AND A SHOWER.
BATHROOM TYPE B WILL BE PROVIDED WITH A
HOT TUB, A SHOWER AND A
FOLDABLE SHOWER SCREEN WHICH IS
OPENED AND CLOSED FULL FROM THE DOOR
OPENING.

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



TYPE J - LOWER LEVEL 3 BED/ 3 BATH/ STUDY/ CELLAR (6.01)



TYPE J - UPPER LEVEL 3 BED/ 3 BATH/ STUDY/ CELLAR (6.01)

GENERAL NOTES:
APARTMENT INFORMATION ON THE COVERSHEET
OVERLAYS LOCATED ON THE ROOF AND IN THE
SERVICES AREAS RELATE TO THE STATE OF APARTMENT
THE REFERENCED DRAWINGS ARE FOR THE APPROVED
PLAN FOR FURTHER CLARIFICATION.

Storage Volume Legend
 Full Height Storage
 Underbed Storage
 Overhead Storage

BATHROOM TYPE A WILL BE PROVIDED WITH A
HOT TUB AND A SEPARATE SHOWER AREA.
BATHROOM TYPE B WILL BE PROVIDED WITH A
HOT TUB, A SEPARATE SHOWER AREA AND A
FOLDABLE SHOWER SCREEN SECURED
ON THE INSIDE WALL FROM THE DOOR
OPENING.

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans

Documentation

4.1 BADS Matrix

	Apt No.	Type	Beds	INTERNAL AMENITY							PRIVATE OPEN SPACE			
				Primary Bedroom (3x3.4m)	Secondary Bedrooms (3x3m)	Living Room Width (1B - 3.3m & 2-3B - 3.6m)	Living Room Area (1B - 10m ² & 2-3B - 12m ²)	Habitable Room Depth (Max 9m)	Living Area Ceiling Height (Min 2.7m Living & 2.4m Kitchen where impacted by services)	Natural Cross Ventilation	1 Bed 8m ² & 1.8m depth	2 Bed 8m ² & 2m depth	3 Bed 12m ² & 2.4m depth	
				Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	40% or more	Mandatory	Mandatory	Mandatory	
Ground	G.01 A	3 BED / 2.5 BATH / STUDY	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes	25.00 m ²
GROUND	G.02 B	2 BED / 2 BATH / STUDY	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	19.00 m ²	N/A
Level 1														
LEVEL 1	1.01 C	3 BED / 2.5 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	NO	13.00 m ²
LEVEL 1	1.02 D	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes	9.00 m ²	N/A
LEVEL 1	1.03 E	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	8.00 m ²	N/A
Level 2														
LEVEL 2	2.01 C	3 BED / 2.5 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	NO	13.00 m ²
LEVEL 2	2.02 D	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes	9.00 m ²	N/A
LEVEL 2	2.03 E	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	8.00 m ²	N/A
Level 3														
LEVEL 3	3.01 C	3 BED / 2.5 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	NO	13.00 m ²
LEVEL 3	3.02 D	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	N/A	Yes	9.00 m ²	N/A
LEVEL 3	3.03 E	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	8.00 m ²	N/A
Level 4														
LEVEL 4	4.01 F	3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes	23.00 m ²
LEVEL 4	4.02 G	3 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes	53.00 m ²
Level 5														
LEVEL 5	5.01 H	3 BED / 3 BATH / STUDY / CELLAR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes	48.00 m ²
Level 6														
LEVEL 6	6.01 J	3 BED / 3 BATH / STUDY / CELLAR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes	68.00 m ²
TOTAL	15 Apts	Number of Apartments:	15	15	15	15	15	15	15	12			12	
		Percentage:	100%	100%	100%	100%	100%	100%	100%	80%			80%	

Disclaimer:

Areas noted in this schedule are approximate and based on Concept Design plans and as such are preliminary only, may alter as work progresses and do not necessarily represent a YES and accurate depiction of the finished as-built development.
This schedule is not intended to form part any contract or warranty by SJB Architects.

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans

Documentation

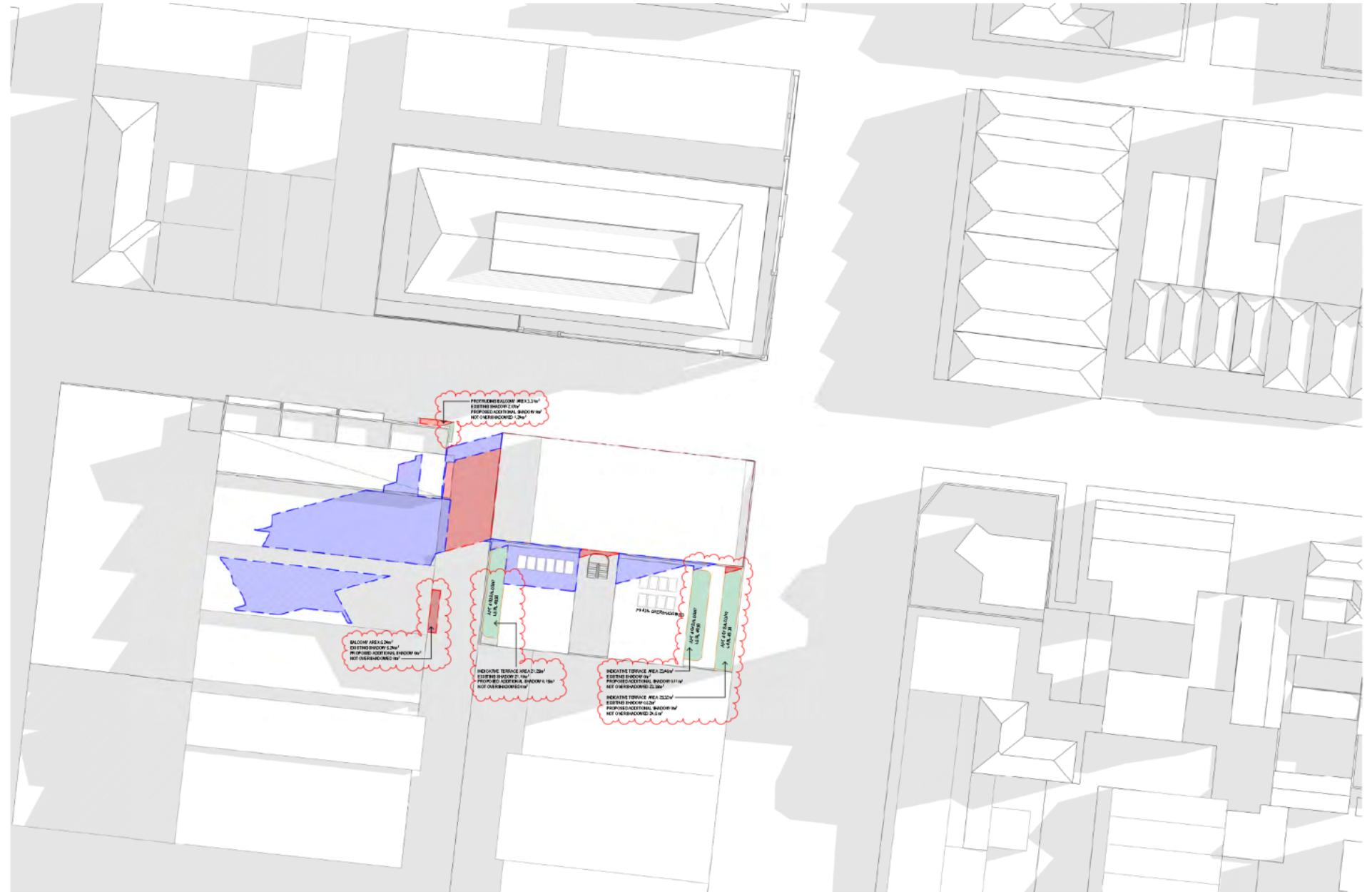
BADS Matrix

	Apt No.	Type	Beds	ACCESSIBILITY				Storage Requirements	STORAGE		
				Entry Door and Internal Circulation (1.2m clear path)	Adaptable Bathroom	Adaptable Bathroom Option A	Adaptable Bathroom Option B		Inside Apartment	Outside Apartment	Total Volume
				50% or more					Mandatory		
Ground											
GROUND	G.01 A	3 BED / 2.5 BATH / STUDY	No	No	No	No	No	Yes	33.81 m ³	5.62 m ³	39.43 m ³
GROUND	G.02 B	2 BED / 2 BATH / STUDY	No	No	No	No	No	Yes	21.71 m ³	5.62 m ³	27.33 m ³
Level 1											
LEVEL 1	1.01 C	3 BED / 2.5 BATH	Yes	Yes	Yes	No	No	Yes	20.46 m ³	5.62 m ³	26.08 m ³
LEVEL 1	1.02 D	2 BED / 2 BATH	Yes	Yes	No	Yes	Yes	Yes	12.17 m ³	5.62 m ³	17.79 m ³
LEVEL 1	1.03 E	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	17.34 m ³	5.62 m ³	22.96 m ³
Level 2											
LEVEL 2	2.01 C	3 BED / 2.5 BATH	Yes	Yes	Yes	No	No	Yes	20.46 m ³	5.62 m ³	26.08 m ³
LEVEL 2	2.02 D	2 BED / 2 BATH	Yes	Yes	No	Yes	Yes	Yes	12.17 m ³	5.62 m ³	17.79 m ³
LEVEL 2	2.03 E	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	17.34 m ³	5.62 m ³	22.96 m ³
Level 3											
LEVEL 3	3.01 C	3 BED / 2.5 BATH	Yes	Yes	Yes	No	No	Yes	20.46 m ³	5.62 m ³	26.08 m ³
LEVEL 3	3.02 D	2 BED / 2 BATH	Yes	Yes	No	Yes	Yes	Yes	12.17 m ³	5.62 m ³	17.79 m ³
LEVEL 3	3.03 E	2 BED / 2 BATH	Yes	Yes	Yes	Yes	Yes	Yes	17.34 m ³	5.62 m ³	22.96 m ³
Level 4											
LEVEL 4	4.01 F	3 BED / 2 BATH	Yes	Yes	Yes	No	No	Yes	15.53 m ³	5.62 m ³	21.15 m ³
LEVEL 4	4.02 G	3 BED / 2 BATH	Yes	Yes	No	Yes	Yes	Yes	19.41 m ³	5.62 m ³	25.03 m ³
Level 5											
LEVEL 5	5.01 H	3 BED / 3 BATH / STUDY / CELLAR	Yes	Yes	No	Yes	Yes	Yes	36.28 m ³	5.62 m ³	41.90 m ³
Level 6											
LEVEL 6	6.01 J	3 BED / 3 BATH / STUDY / CELLAR	Yes	Yes	No	Yes	Yes	Yes	31.68 m ³	5.62 m ³	37.30 m ³
TOTAL	15 Apts	Number of Apartments:		13	13				15		
		Percentage:	87%	87%					100%		

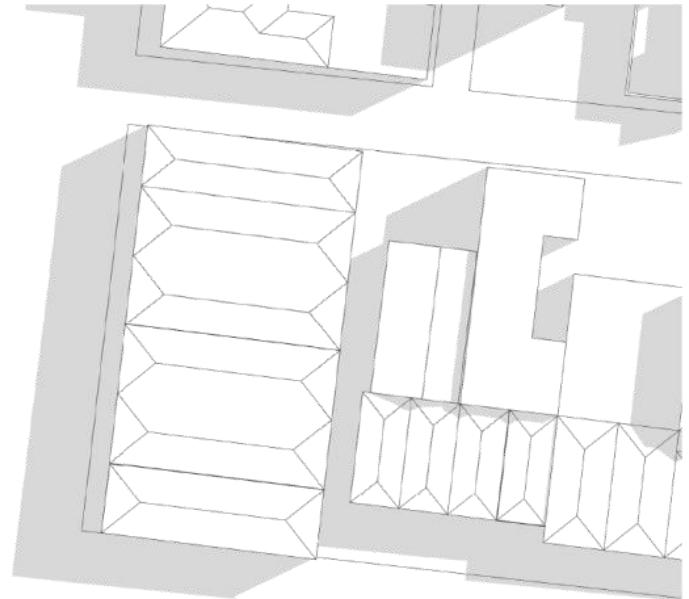
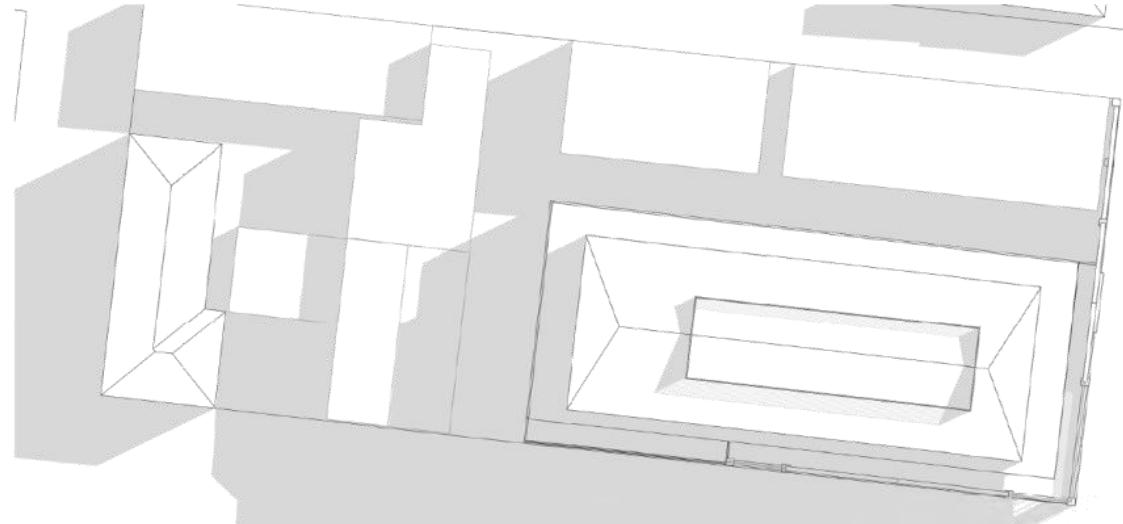
Disclaimer:

Areas noted in this schedule are approximate and based on Concept Design plans and as such are preliminary only, may alter as work progresses and do not necessarily represent a YES and accurate depiction of the finished as-built development. This schedule is not intended to form part any contract or warranty by SJB Architects.

Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans

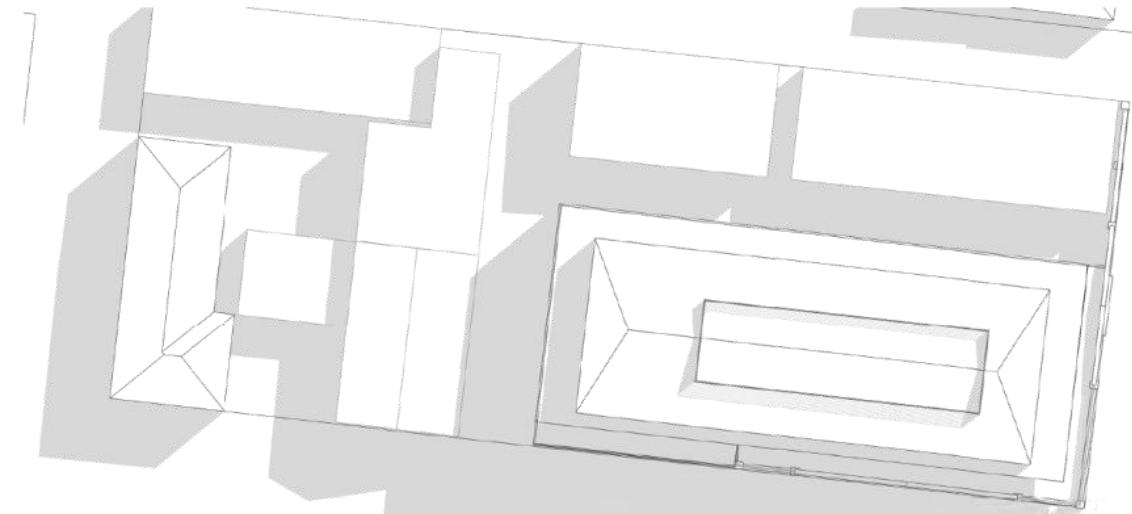


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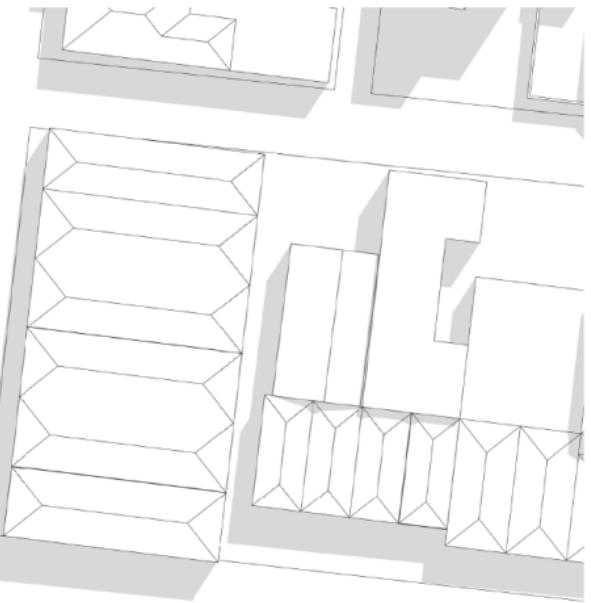
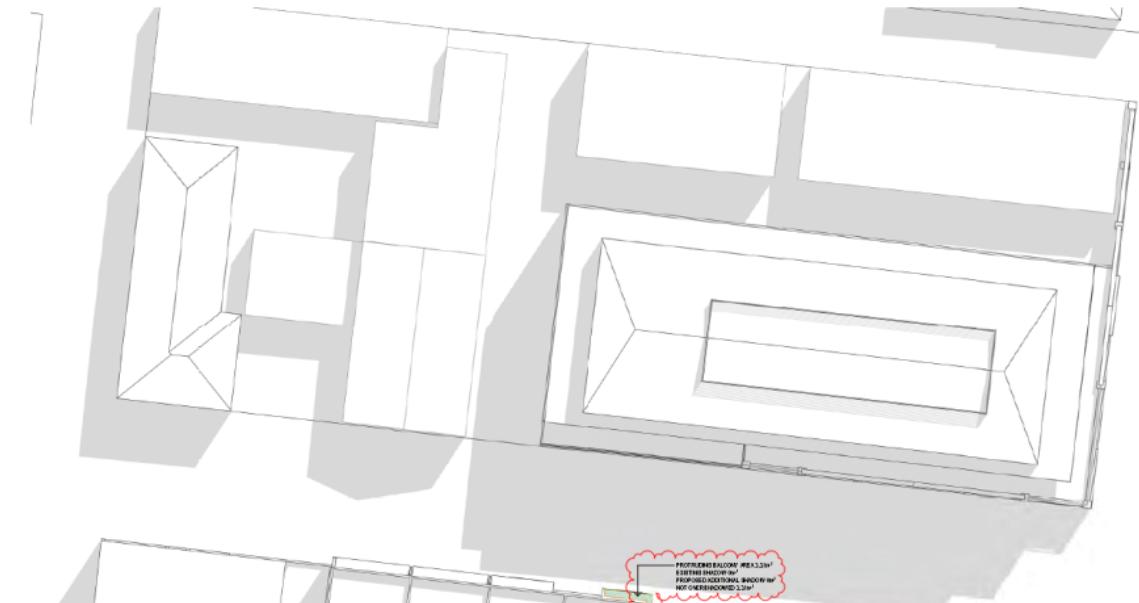
SJB Architects
L5, 18 Oliver Lane
Melbourne VIC 3000 Australia
T 03 9699 6558
www.sjb.com.au



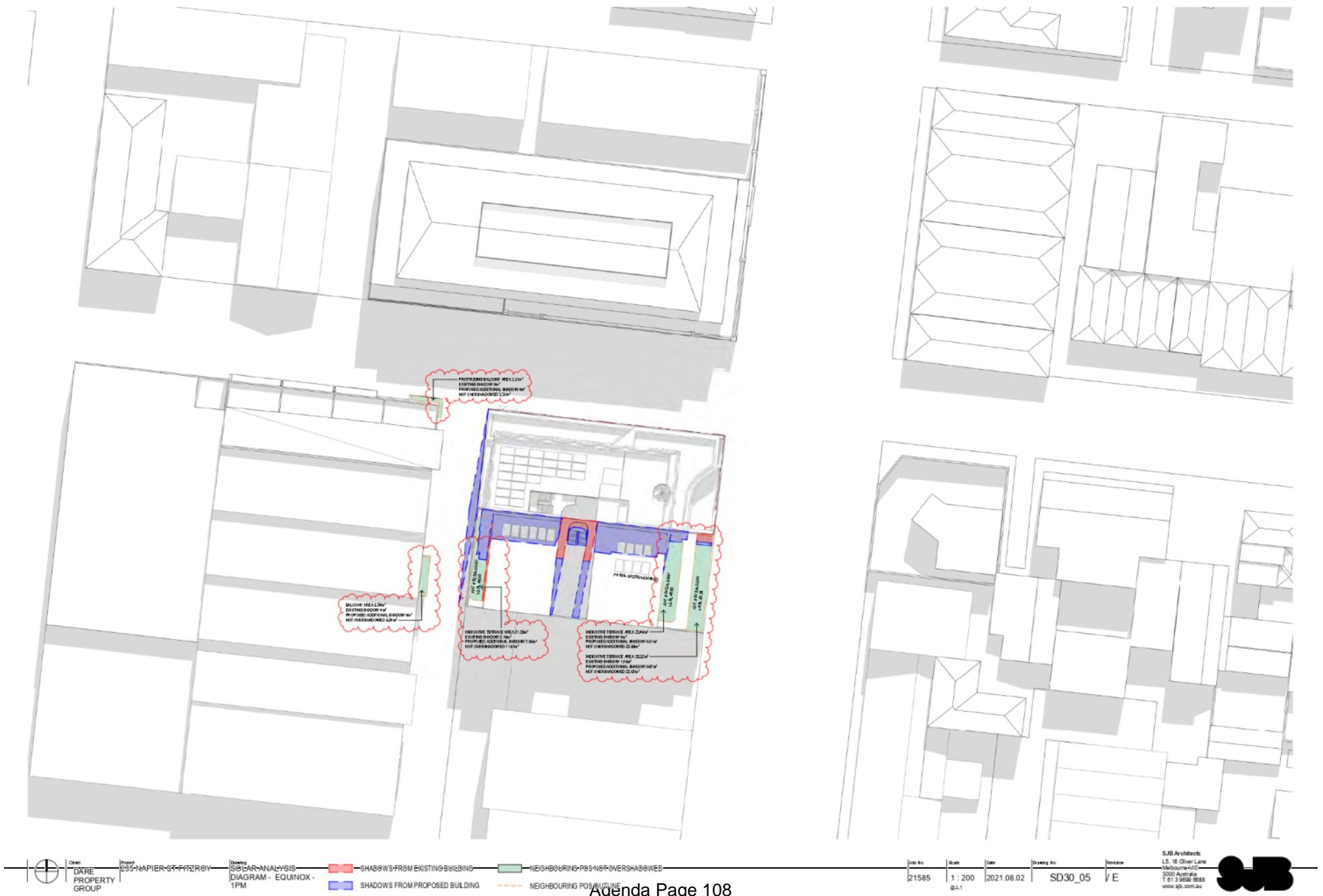
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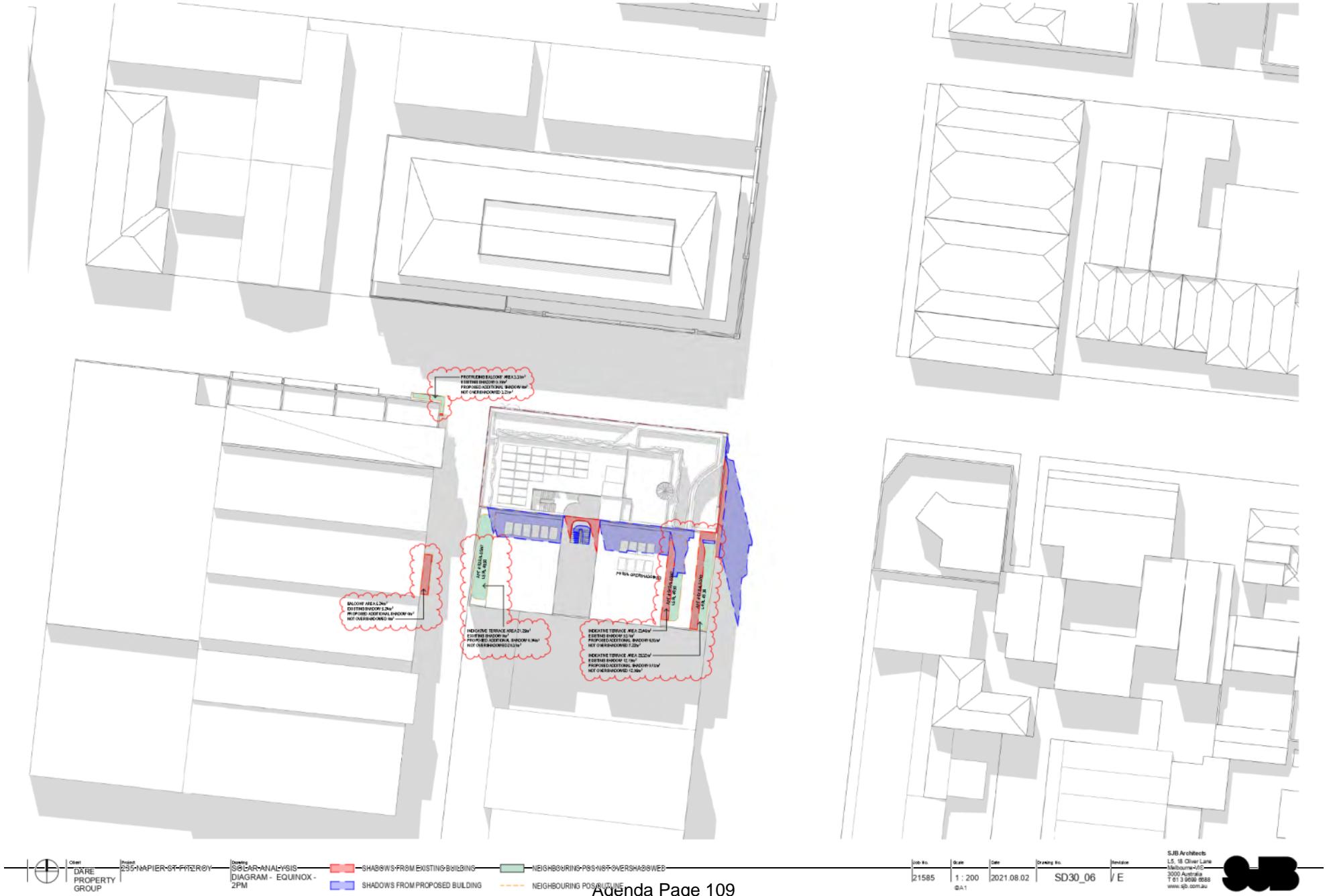
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Documentation

4.2 Development Summary

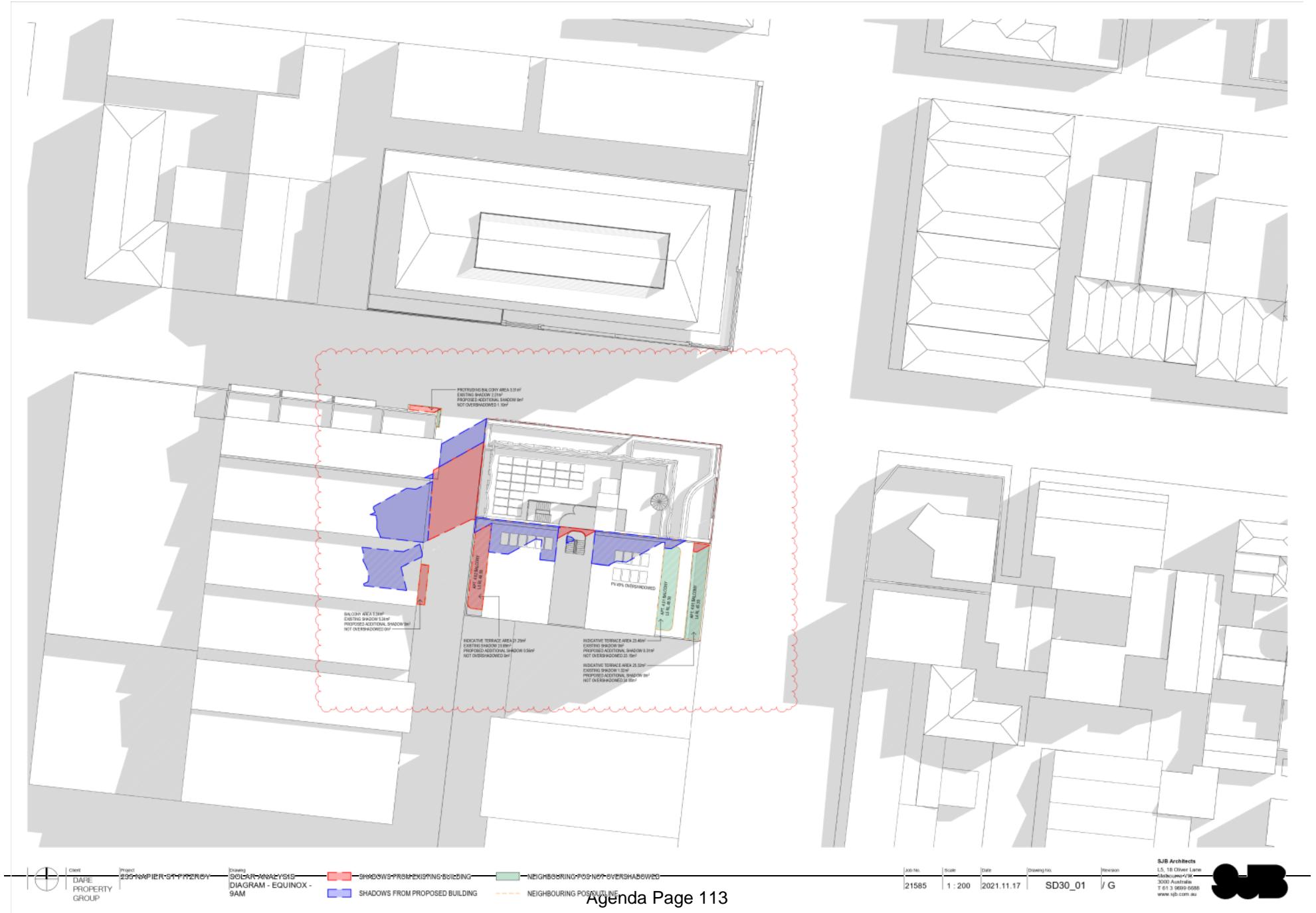
LEVELS	PARKING SPOTS CARS No.	APARTMENTS				COMMON Lobby, Cellar, etc m ²	LANDSCAPE m ²	SERVICES m ²	PARKING m ²	TOTAL GFA m ²
		UNITS	No.	NSA	m ²					
Lower Basement						131.47 m ²		33.19 m ²		164.67 m ²
Basement	20 No.					21.25 m ²		10.69 m ²	275.88 m ²	307.82 m ²
Ground		2		132.25 m ²	42.97 m ²	79.23 m ²	17.39 m ²	20.09 m ²		231.57 m ²
Upper Ground				185.36 m ²	19.07 m ²			29.31 m ²		214.67 m ²
Level 1		3		301.13 m ²	34.62 m ²	14.58 m ²		4.27 m ²		319.98 m ²
Level 2		3		301.13 m ²	34.62 m ²	14.58 m ²		4.27 m ²		319.98 m ²
Level 3		3		301.13 m ²	34.62 m ²	14.58 m ²		4.27 m ²		319.98 m ²
Level 4		2		251.10 m ²	86.25 m ²	13.53 m ²		2.48 m ²		267.11 m ²
Level 5		1		195.70 m ²	67.44 m ²			1.18 m ²		196.88 m ²
Level 6		1		178.66 m ²	18.14 m ²			1.18 m ²		179.84 m ²
Roof					62.30 m ²		9.06 m ²	130.37 m ²		130.37 m ²
TOTAL		15 No.		1846.46 m²	400.03 m²	289.22 m²	26.45 m²	241.30 m²	275.88 m²	2522.49 m²

APARTMENTS	UNITS	NO.
2 BED	6 No.	40%
3 BED	9 No.	60%
TOTAL	15	100%

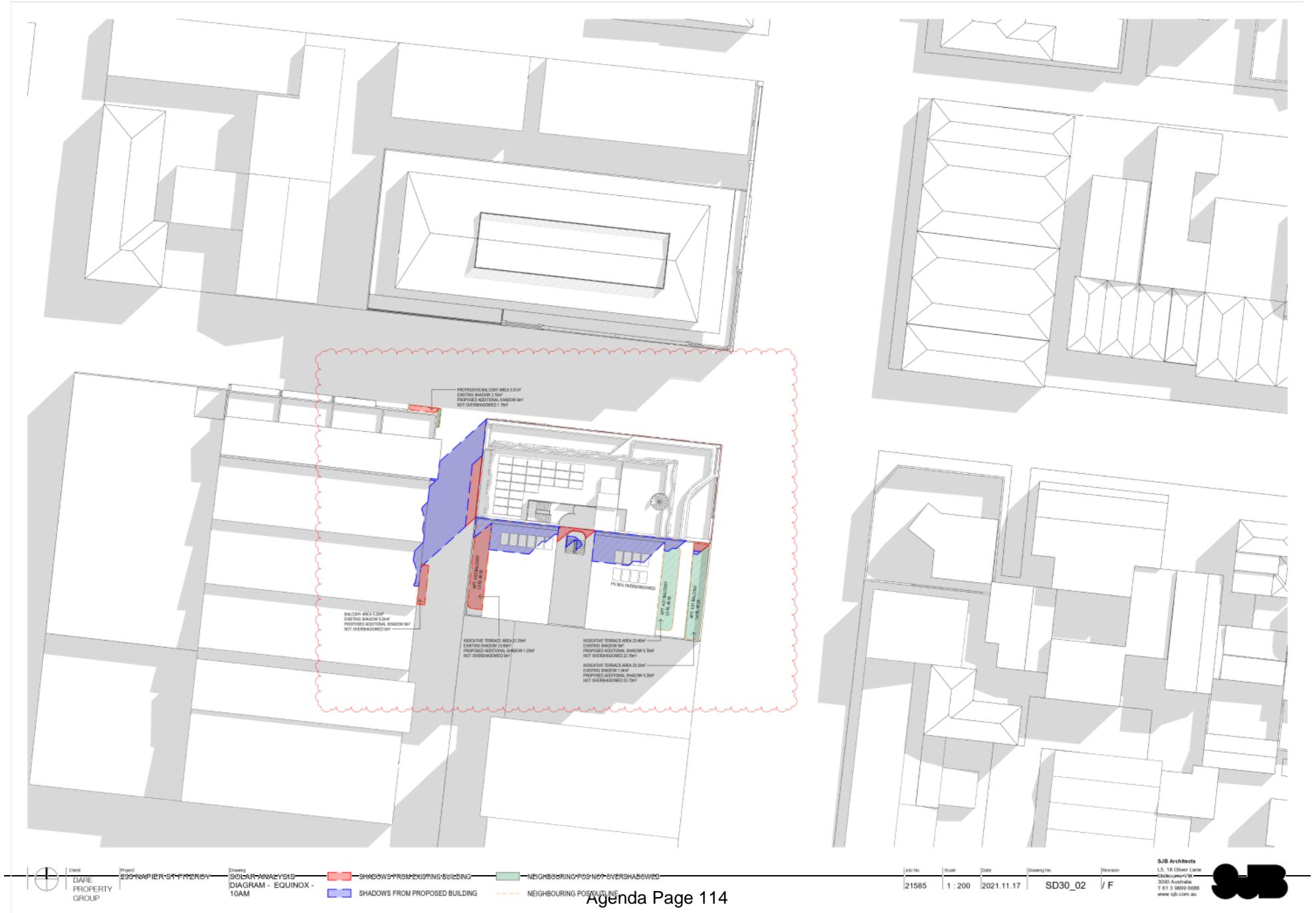
Attachment 2 - PLN21/0375 - 235 Napier Street, Fitzroy - Advertised Plans



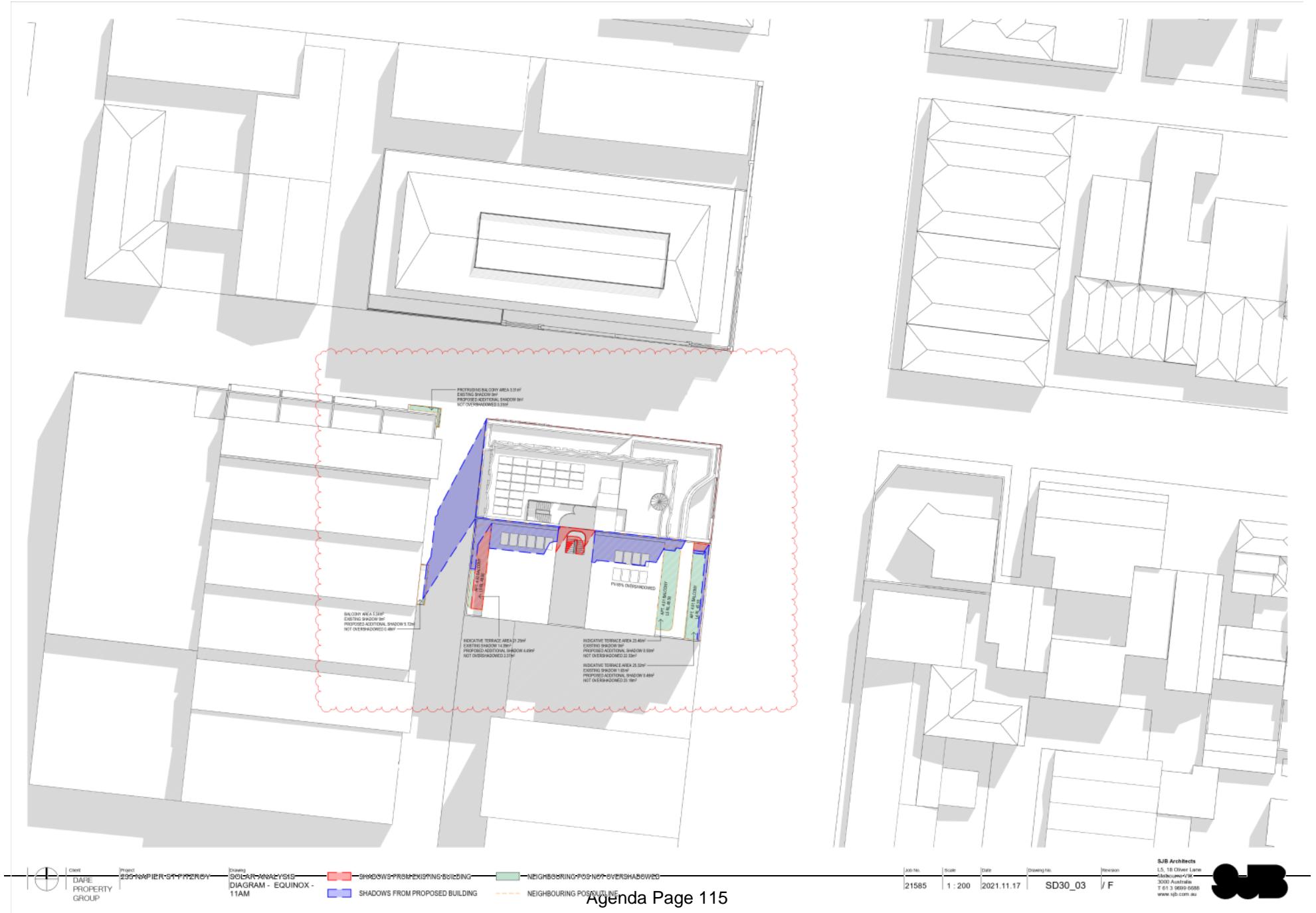
Attachment 3 - PLN21/0375 - 235 Napier Street, Fitzroy - Corrected shadow diagrams



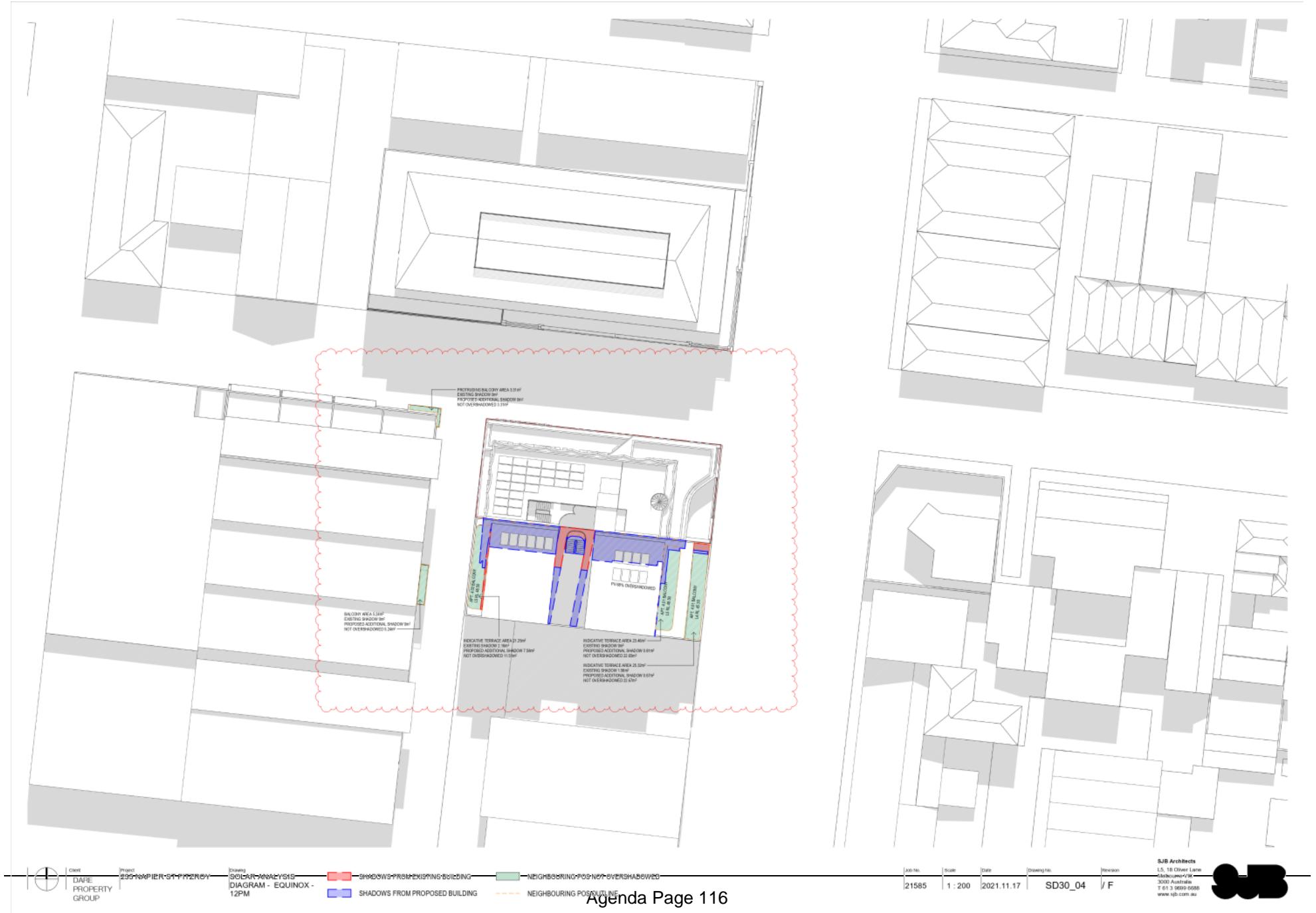
Attachment 3 - PLN21/0375 - 235 Napier Street, Fitzroy - Corrected shadow diagrams



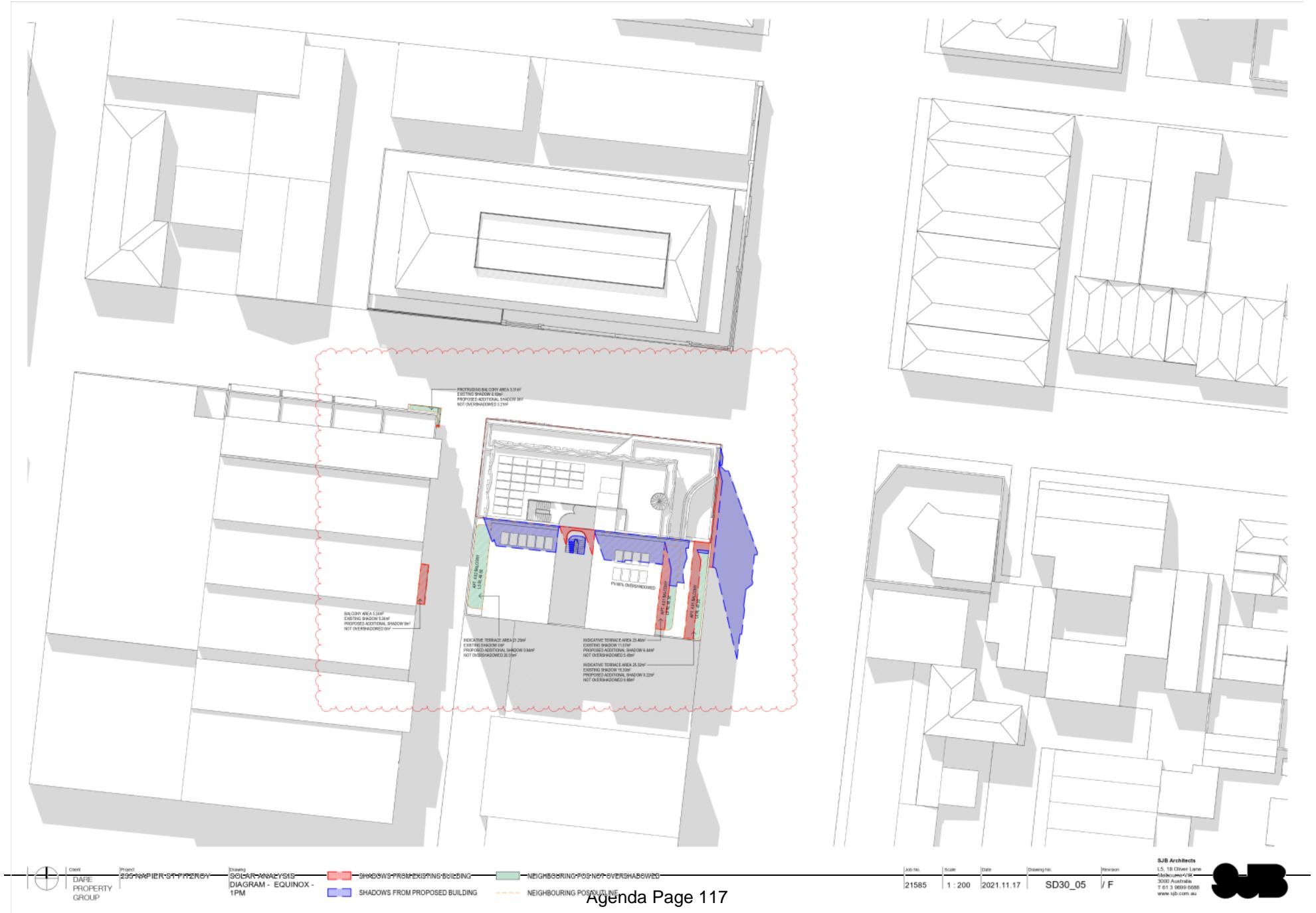
Attachment 3 - PLN21/0375 - 235 Napier Street, Fitzroy - Corrected shadow diagrams



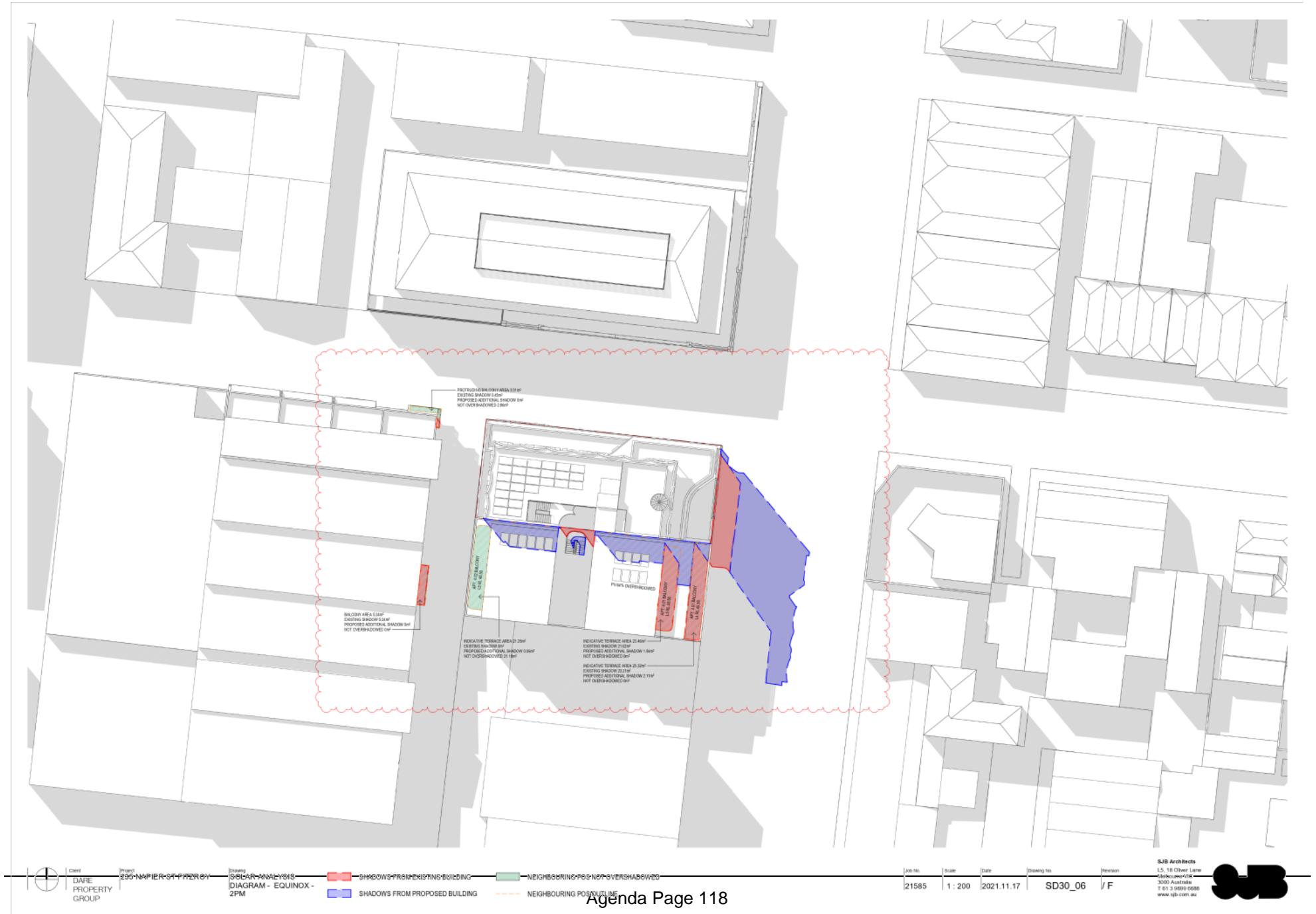
Attachment 3 - PLN21/0375 - 235 Napier Street, Fitzroy - Corrected shadow diagrams



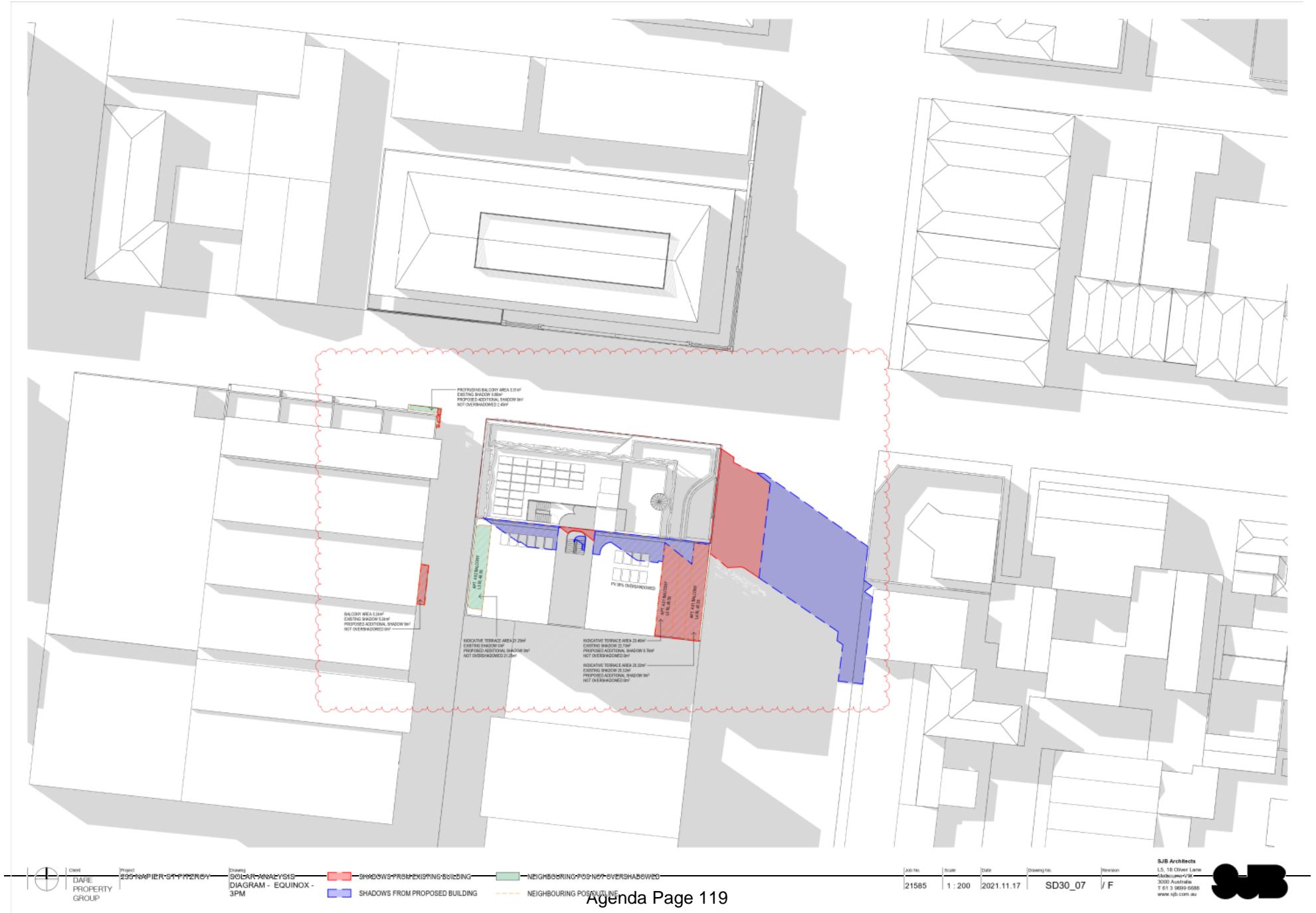
Attachment 3 - PLN21/0375 - 235 Napier Street, Fitzroy - Corrected shadow diagrams



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Attachment 3 - PLN21/0375 - 235 Napier Street, Fitzroy - Corrected shadow diagrams



Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral

City of Yarra Heritage Advice

Application No.: PLN21/0375

Address of Property: 235 Napier Street, Fitzroy

Planner: Michelle King

Yarra Planning Scheme References: Clauses 43.01, 21.05 and 22.02

Heritage Overlay No. HO334 **Precinct:** South Fitzroy

Level of significance

No. 235 Napier Street, Fitzroy, offices constructed 1970 - 1980, is listed as being Not contributory in Appendix 8, *City of Yarra Review of Heritage Overlay Areas 2007*. (Rev. March. 2020).

The Statement of Significance for HO 334, South Fitzroy includes *viz.*:

Why is it significant

The South Fitzroy Heritage Overlay Area is significant:

- o As the earliest urban area outside the Melbourne City grid to be settled in the Melbourne municipality, with several buildings from the mid nineteenth century surviving as testimony to its early establishment;
- o or the unusually high number of early Victorian-era and some Regency period buildings, being generally simply detailed and a clear reflection of the early date of Fitzroy's settlement.
- o As evidence of early government planning controls or Acts of Parliament, from the 1850s, that aimed to solve street alignment problems in this privately planned suburb, arising from a hitherto lack of co-ordination between neighbouring allotment owners; City of Yarra Review of Heritage Overlay Areas 2007 HO334 South Fitzroy Heritage Overlay Area Graeme Butler and Associates, 2007: 156 (amended)
- o As a good example of the successful application of the Act for Regulating Buildings and Party Walls, and for Preventing Mischiefs by Fire in the City of Melbourne (Melbourne Building Act 1849), which forced the use of fireproof construction and gave South Fitzroy a character distinct from other inner suburbs such as Richmond and Collingwood, that have a greater proportion of Victorian-era timber buildings.
- o As a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area.
[Emphasis added.]

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral

- o For the relatively large number of individually significant buildings, being predominantly solid masonry rather than clad with timber, largely as a result of the Melbourne Building Act, 1849
- o For the ornate and exuberant detail of many late nineteenth and early twentieth century buildings in the suburb, reflecting the affluence of many of the inhabitants of this area, particularly in the late 19th century.
- o For the early street, lane and allotment layouts, some original bluestone kerbs, paving and guttering, and some mature exotic street trees, providing an appropriate setting for this collection of residential, retail, commercial and industrial buildings.
- o For the landmark qualities of some large factory and warehouse buildings from the late 19th and earlier 20th century, such as the MacRobertson confectionary complex which are significant features in the skyline of this predominantly low rise suburb; and
- o For the major early institutions that developed on its fringes, in particular, St Vincent's Hospital and The Convent of Mercy, as closely linked with the area's 'history, education and welfare within the metropolitan area.

Context

The site is located on the south-west corner of Napier and St David Streets.

The part of Napier Street in which the subject site is located comprises, on the west side north of Moor Street, the Whitlam Reserve and a group of recent multi-storey apartments 4, 5 or 6 levels high, including one constructed within the retained street walls of the former Rojo furniture factory. They vary in design from reasonably flamboyant to more rectilinear and sober. On the south-west corner of Moor Street is the Fitzroy Town Hall. On the east side, north of Moor Street, are single storey Victorian dwellings. There are almost no heritage buildings in St David Street between Napier and Young Streets.

Proposal

Demolition of all existing fabric and construction of an 8 level building above a 2-level basement.

Drawing Numbers

Advertised plans: a set of architectural drawings prepared by SJB, with no Council date stamp and as per Council's website.

Assessment of Proposed Works

Demolition

Demolition as proposed is acceptable.

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral

Proposed works

Height

The overall height is 24 metres plus lift overrun etc.

It is one level higher than the abutting property to the south fronting Napier Street (No. 231 Napier Street). To my observation none of the new buildings between Whitlam Reserve and St David Street are more than 6 storeys (Refer to Figures at the end of this advice) – what is proposed here is 8 storeys. This building should be no higher than any others in this cluster which would probably require the removal of 2 levels.

Setbacks

The existing building has zero setbacks.

Ground floor to Napier Street: mostly occupied by a terrace 3.027 – 4.3 metres deep behind a curved boundary wall. The nibs of the north and south walls project into the front setback. Acceptable.

Ground floor to St David Street: mostly zero other than for a recessed entrance set back 2.25 metres. Acceptable.

Upper ground floor to Napier Street: generally similar to the Ground floor other than for an additional void approximately 1.27 metres deep, above Ground floor kitchen/living below. Acceptable.

Upper ground floor to St David Street: as per the Ground floor but with a large recessed balcony. Acceptable.

Levels 1- 3 Napier Street: varies but an average of approximately 700mm other than for a central half-round balcony 3.153 metres deep. Balustrades on the property line.

Levels 1- 3 St David Street zero other than for two recessed balconies with balustrades on the property line.

Level 4 Napier Street: zero at the north end and zero to the balustrade at the south end. In between is a rectangular balcony with a curved top (north) and at its widest point the setback to the elevation is 3.274 metres.

Level 4 St David Street: zero at the eastern end and then a similar shaped balcony as to Napier Street but for all of the remaining length of the elevation. At its widest point the setback to the boundary is 2.7 – 2.99 metres deep.

Level 5 St David and Napier Streets: at its widest point the setback to the north boundary is 2.7 – 2.99 metres deep and with no balustrades other than for the north-eastern corner of the mostly eastern balcony where the setback is 536 – 786 mm. At the north-eastern corner, the balcony balustrade is effectively on the property line but further south it curves back to allow for 5.433 – 5.74 metres set back to the elevation and a balcony balustrade 400 – 850mm deep.

Level 6 Napier Street: at the north end the setback is 8.402 metres to the elevation, into which a balcony approximately 2.9 metres deep projects. At the south end the setback to the elevation is 5.443 – 5.730 metres.

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral

Level 6 St David Street: 2.7 – 2.999 metres along the length of the elevation.

In this context the setbacks are generally acceptable.

Design/Colours/Materials

SD05-01, Rev H (East elevation) shows what appear to be balconies at the Upper ground level and Level 1 projecting over the footpath of St David Street and a triangular fin (architectural feature?) These are not evident on SD02-04, Rev. M (Upper ground floor plan) or SD02-07, Rev. M(Level 1 – 3 plan) or SD05-02, Rev. H (North elevation). An architectural feature is noted on SD02-04, Rev. M and which is shown as projecting beyond the boundary on SD05-03 Rev. H (West elevation). Nothing should project beyond the site boundary.

The architectural feature on the North elevation as shown on SD 05-02, Rev. H appears to be bronze metal doors to the services cupboards in which case it would not be projecting beyond the boundary. On SD05-03, Rev. H (West elevation) it appears that it might project and in any event what is the grey element which does project? This needs clarification.

The East elevation to Napier Street is reasonably subdued, and up to Level 4 responds to the levels, fenestration and general balcony design of No. 231 Napier Street which is appropriate in this context. Leaving aside issues of height and deletion of levels for the moment, the top two levels are completely different. The scalloped element(s), together with the pattern of fenestration at the south end, are reminiscent of various silo developments in Collingwood and even the "Cheesegrater" in Fitzroy, and appears discordant with the rectilinear levels below. A more rectilinear form is preferred and which is carried up from below. I make a similar comment in relation to the top three levels of the North elevation (St David Street).

The St David Street (North) elevation is more adventurous and includes oculus windows, and curved wall elements which are contrary to the rectangular elements of the Victorian buildings in the immediate context of Napier Street. However, there is a minimal heritage interface in St David Street which has few heritage buildings between Napier and Young Streets other than for the retained street wall of the Rojo factory (No. 239 Napier Street) and the Rainbow Hotel on the north-east corner of St. David and Young Streets. No. 219 Napier Street also has curved and pop-out windows, green concrete façade etc. and is highly visible from both Napier and Moor Street which provides a strong heritage context. No. 219 Napier Street has set something of a precedent in this cluster of new buildings in Fitzroy. To some degree the St. David Street elevation is a bookend which will only be visible in comparatively narrow views westwards along St David Street from Napier Street. For these reasons only the North elevation is acceptable in terms of design.

MT02: metal perforated screens. These are more often than not under-maintained, including in St David Street, and those proposed are in locations where it would be hard to maintain the external surface. Another material is recommended.

CN01 Form liner textured rock finish concrete light grey. As only a photograph of this material has been supplied it is difficult to understand what the final appearance, particularly of the North elevation, will be. Given that most of the North elevation will be finished in this material a sample is to be supplied, or else an address in Yarra where this has been used, for consideration by the Responsible Authority.

CN03 Board mark textured concrete, light grey is proposed for the West (rear) elevation). A less Brutalist form of concrete would be preferred. On this elevation it is shown in a grey striped hatching which is similar to the hatching on the Ground and Upper ground levels street wall to St David Street. This hatching is not labelled – CN01 is in a different colour and appears to

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral

relate only to a small part of the concrete fence at the corner. If the street wall is CN03 then it is not acceptable and either CN01 is to be used or another concrete, maybe brick, colour and texture is to be used to the satisfaction of the Responsible Authority.

CN04 white concrete. This material will reinforce the silo appearance of the upper levels. Another material in a grey colour would be preferred.

There is no issue with the public art in the entrance in the North elevation.

Fence

It is proposed to construct a concrete fence with a maximum height of 1.4 metres along the Napier Street frontage. The relevant policy is to

Encourage front fences and gates to be designed to

- allow views to heritage places or contributory elements from surrounding streets
- be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
- be consistent with the architectural period of the heritage place or contributory element to the heritage place.

Given that the fence is not in front of a heritage place a solid fence up to 1.4 metres high is acceptable. In any event it is similar to the fences in the cluster of new built form south of the subject site.

Recommendation / Comments:

The following policies are applicable:

Cl. 21.04-1 states *inter alia, viz.:*

Objective 14 To protect and enhance Yarra's heritage places.

Strategy 14.3 Protect the heritage skyline of heritage precincts.

Strategy 14.5 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

In this case to achieve this Objective and Strategies would require a reduction in height.

Also refer to Cl. 22.02.

Objectives

To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.

To preserve the scale and pattern of streetscapes in heritage places.

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral

Given that the subject site is in a cluster of buildings which are 1, 4, 5, and 6 storeys high, a reduction in height would be required to meet these Objectives. Given that the Napier Street façade is subdued and not dissimilar to No. 231 Napier Street the integrity of that streetscape will not be adversely impacted upon. Given that there is a minimal heritage interface in St David Street the more adventurous and atypical façade design is acceptable only for this reason.

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

Corner Sites and Sites with Dual Frontages

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

The proposal accords with this policy.

Approved but subject to:

Delete 1 or 2 levels so that this building is no higher than 6 storeys and the height of the abutting building to the south (No. 231 Napier Street).

Clarify what appear to be balconies at the Upper ground level and Level 1 on the north elevation.

No elements should project beyond the site boundary into the public domain.

Clarify exactly what the architectural feature is and whether or not it projects into the public domain.

Prefer a more rectilinear form carried up from below for the top levels to both the East and North elevations if they have not been deleted as recommended above.

Prefer another easily maintainable material to MT02: metal perforated screens.

CN01: Form liner textured rock finish concrete light grey. A sample of this material is to be supplied, or else an address in Yarra where this has been used, for consideration by the Responsible Authority to its satisfaction.

CN03: Board mark textured concrete, light grey. A less Brutalist form of concrete would be preferred for the West (rear) elevation to the satisfaction of the Responsible Authority.

Clarify which material is to be used on the Ground and Upper ground levels street wall to St David Street. If the street wall is CN03 then it is not acceptable and either CN01 is to be used or another concrete, maybe brick, colour and texture is to be used to the satisfaction of the Responsible Authority.

CN04: white concrete. Prefer another material in a grey colour.

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral

Signed:



Robyn Riddett

Director – Anthemion Consultancies

Date: 13 October, 2021.



Figure 1 No. 219 Napier Street, Fitzroy. (4 storeys) The Whitlam Reserve is in the foreground. Note the curved fenestration and pop-out windows which are atypical in a Victorian streetscape.

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral



Figure 2 No. 235 Napier Street, Fitzroy. (5 storeys).



Figure 3 No. 227 Napier Street, Fitzroy. (1 storey).

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral



Figure 4 No. 231 Napier Street, Fitzroy. (6 storeys).



Figure 5 No. 235 Napier Street, Fitzroy. (The subject site). The interface with the east end of St David Street. In this view also No. 231 Napier Street is dominating and intrusive because of its height.

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral



Figure 6 No. 235 (left) and Nos. 239 - 241 Napier Street, Fitzroy (right), the interface with the former Rojo Furniture factory at the corner of Napier and St David Streets.



Figure 7 No. 239 - 241 Napier Street, Fitzroy (right), the former Rojo Furniture factory, immediately opposite the north boundary of the subject site

Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral



Figure 8 The south side of St David Street looking west towards Young and Brunswick Streets. There is no heritage context in this part of St David Street.



Figure 9 The south side of St David Street looking east towards Napier Street from the intersection of Young Street. There is no heritage context in this part of St David Street.

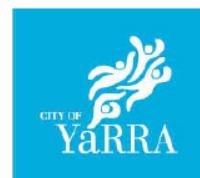
Attachment 4 - PLN21/0375 - 235 Napier Street, Fitzroy - Heritage Referral



Figure 10 The north side of St David Street looking east towards the Rojo site and Napier Street beyond. The only heritage context in this part of St David Street is provided by the Rainbow Hotel.

Attachment 5 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (internal) Referral

MEMO



To: Michelle King (Statutory Planning)

From: Daniel Perrone (Urban Design)

Date: 09 Sep 2021

Site Address: 235 Napier St, Fitzroy

Application No: PLN21/0375

Description: Demolition of the existing building and construction of an eight-storey building (with basement levels and roof terrace above) containing dwellings (no permit required for use) and reduction of the car parking requirements

COMMENTS SOUGHT

Urban Design comments have been sought on following matters:

- Public realm interface;
- Whether there are any capital works approved or proposed within the area of the subject site.

These comments are provided on the advertised architectural plans by SJB Architects . The extent of this review is limited to the proposed development's integration with the streetscape and public realm and excludes landscaping within the building and rooftop landscapes.

COMMENTS SUMMARY

This proposal is supported in principle, subject to the improvements outlined below:

- Refer comments below regarding existing public seat (under **Street Furniture & Fixtures** section).

There are no known planned/approved capital works around the site being led by the Urban Design Team.

URBAN DESIGN COMMENTS

Ground Floor Interface

The ground floor interface with Napier and St David's streets are supported and considered to be appropriately designed within the surrounding streetscape context. The proposed ground floor landscaping within the site is supported – see notes below regarding streetscape garden bed.

Attachment 5 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (internal) Referral

Pedestrian and Vehicular Entrances

The pedestrian and vehicles are adequately separated and clearly defined.

Street Furniture & Fixtures

There is an existing public seat adjacent the site, near the corner of Napier and St David's streets (refer **Figure 1**). It is recommended that this seat is upgraded (at the cost of the developer) to the current Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes (refer standard 3.1.1 and installation detail attached).

Note that the proposed plans show the entrance to dwelling G.01 to be located opposite the existing public seat. Normally council endeavours to locate public seating away from building entrances to ensure safety and privacy of dwellings. It is therefore recommended that the developer relocates the entrance to dwelling G.01 to be further away from the existing seat. Alternatively, the developer may propose to relocate the seat further south along Napier St (but still within the frontage of the subject site), subject to the location of underground services (refer **Figure 2**)

Please note that should the developer chose not to relocate the seat or building entrance, that council will not accept a subsequent request to relocate the seat after the dwelling is occupied.



Figure 1: Existing public seat adjacent subject site on Napier St.

Attachment 5 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (internal) Referral

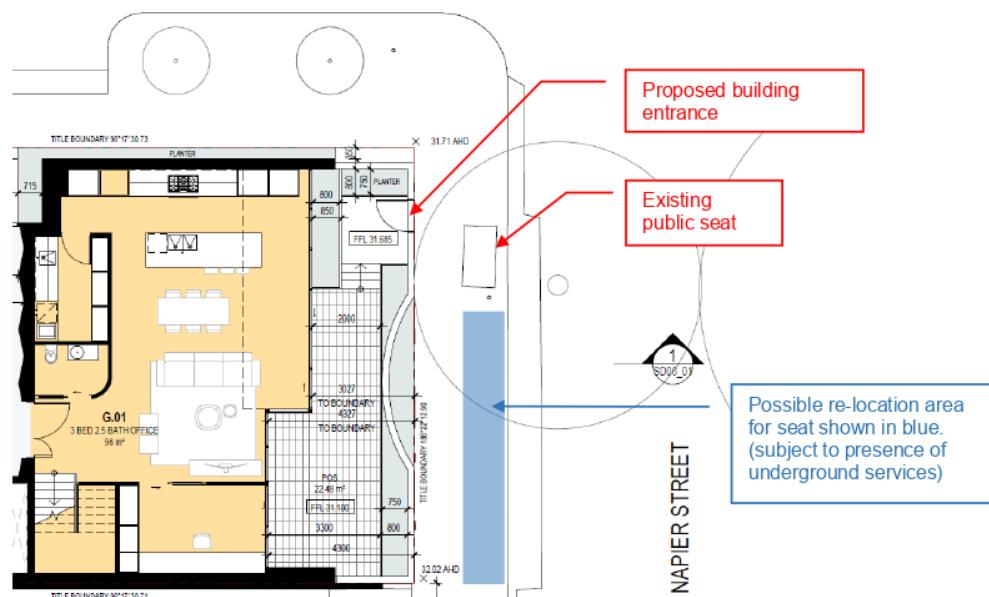


Figure 2: Existing public seat in relation to proposed building entrance, as possible area for relocation.

Pavements

All pavements surrounding the subject site are to be reinstated as asphalt footpaths as per Yarra Road Materials Policy and relevant Yarra Standard Drawings.

Street Tree and Garden Bed Planting

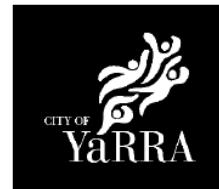
The existing street tree along Napier St is to be retained and protected. Refer Streetscapes and Natural Values advice for tree protection details.

The proposed planting to the St David's Street kerbside garden bed is not supported. Refer Streetscapes and Natural Values advice for detail regarding upcoming work to that garden bed.

Capital Works

There are no known planned/approved capital works around the site being led by the Urban Design Team.

--- END ---

Attachment 6 - PLN21/0375 - 235 Napier Street, Fitzroy - Open Space Referral**Memo**

To:	Michelle King
Cc:	
From:	Julia Mardjuki
Date:	10 September 2021
Subject:	PLN21/0375 – 235 Napier Street Fitzroy - Open Space Referral

Dear Michelle

I have reviewed the landscape plans provided by Florian Wild dated July 2021 and the architectural plans by SJB Architects dated 2 August 2021.

My main concern around the landscape plan for this development is related to maintenance and how safe maintenance access be achieved. My assumption that the planters shown on the higher levels will be maintained by the body corporation given they do not seem to be accessible by the apartment owners. While we support vertical green elements, our preference is not to have maintenance by abseiling, and we need to have some understanding how safe access will be achieved for qualified maintenance crews to access these spaces safely.

Is there potential to add planter beds to the terraces and balconies, so owners can also contribute to the vertical green of the development safely?

Planting

Cyathea cooperii is listed as a weed on the DELWP advisory list of environmental weeds in Victoria and a suitable alternative should be proposed.

We also do not support the use of *Bougainvillea glabra* in the public realm and would ask it to be replaced on the ground floor due to its thorny nature.

The Natural Values Team are supportive of the use of *Poa labillardierei* (tussock grass). To achieve a better biodiversity and aesthetic outcome, they suggest one of the following options is considered:

- *Poa labillardierei* (tussock grass) surrounded by a border of *Themeda triandra* (Kangaroo Grass). Both species sourced from VINC local provenance stock.
- *Poa labillardierei* (tussock grass) surrounded by a border *Dianella longifolia* (Pale Flax-lily). Both species sourced from VINC local provenance stock.

Attachment 6 - PLN21/0375 - 235 Napier Street, Fitzroy - Open Space Referral

If a planning permit is issued for this development, the landscape plan must:

- (a) provide a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
- (c) provide details of the *proposed method for irrigation and drainage*;
- (d) detail the *maintenance (duration, regime) and irrigation*;
- (e) show the materiality of the proposed spaces;
- (f) provide a specification of works to be undertaken prior to planting; and
- (g) detail plant/planting maintenance schedules and requirements.

Please let me know if you need any further information from our team at this point.

Sincerely

Julia Mardjuki
Open Space Planner

Attachment 7 - PLN21/0375 - 235 Napier Street, Fitzroy - City Works Referral

King, Michelle

From: Athanasi, Atha
Sent: Monday, 23 August 2021 8:58 AM
To: King, Michelle
Subject: RE: PLN21/0375 – 235 Napier Street Fitzroy - Engineering, Strategic Transport & Waste Referral

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michelle,

The waste management plan for 235 Napier Street, Fitzroy authored by Leigh Design and dated 1/6/21 is satisfactory from a City Works Branch's perspective.

Regards,

Atha Athanasi
Contract Management Officer

Service Contracts and Waste Services - City Works Branch
168 Roseneath St CLIFTON HILL VIC 3068
T (03) 9205 5547 F (03) 8417 6666
Atha.Athanasi@yarracity.vic.gov.au
www.yarracity.vic.gov.au

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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.

Attachment 8 - PLN21/0375 - 235 Napier Street, Fitzroy - Streetscapes and Natural Values Referral

King, Michelle

From: Williarnes, Glen
Sent: Friday, 27 August 2021 5:26 PM
To: King, Michelle
Subject: RE: PLN21/0375 – 235 Napier Street Fitzroy - UD, Streetscapes & NV, Open Space and Strategic Planning Referral

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michelle,

Changes to the Council street Garden bed are not supported. This entire street will undergo rejuvenation in the coming years.

A tree protection bond of 25k will be required to ensure the protection of the street trees along the Napier Street and St David Street frontages during demolition and development

Tree protection hoarding will also need to be installed on each tree consistent with AS 4970-2009 Protection of trees on development sites.

Glen Williams

Coordinator - Open Space Services
City Works

PO BOX 168 Richmond VIC 3121

T (03) 9205 5765

E glen.williams@yarracity.vic.gov.au

W yarracity.vic.gov.au

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Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

Sustainable Management Plan (SMP) Referral Response by Yarra City Council



ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development*.

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category Non-residential 1. 1,000m² or greater.

What is a Sustainable Management Plan (SMP)?

An SMP is a detailed sustainability assessment of a proposed design at the planning stage. An SMP demonstrates best practice in the 10 Key Sustainable Building Categories and;

- Provides a detailed assessment of the development. It may use relevant tools such as BESS and STORM or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identifies achievable environmental performance outcomes having regard to the objectives of Clause 22.17 (as appropriate); and
- Demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- Documents the means by which the performance outcomes can be achieved.

An SMP identifies beneficial, easy to implement, best practice initiatives. The nature of larger developments provides the opportunity for increased environmental benefits and the opportunity for major resource savings. Hence, greater rigour in investigation is justified. It may be necessary to engage a sustainability consultant to prepare an SMP.

Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice.

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

Sustainable Management Plan (SMP) Referral Response by Yarra City Council



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Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response
Sustainable Management Plan (SMP)
 Referral Response by Yarra City Council
**Assessment Summary:**

Responsible Planner:	Michelle King
ESD Advisor:	Gavin Ashley
Date:	13.09.2021
Subject Site:	PLN21/0375 235 Napier Street, Fitzroy VIC 3065
Site Area:	Approx. 397 m ²
Project Description:	6 storey building comprising 2 levels basement car parking (and wine cellar), and 6 levels of residential development (15 dwellings).
Pre-application meeting(s):	Unknown.
Documents Reviewed:	<ul style="list-style-type: none"> ○ Sustainability Management Plan prepared by Wrap Engineering (Rev 04 – 12.07.21) ○ Architectural Plans prepared by SJB (13.07.21) ○ Landscape Plans prepared by Florian Wild (July 2021) ○ Waste Management Plan prepared by Leigh Design (01.06.21)

The standard of the ESD does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

(1) Applicant ESD Commitments:

- The proposal achieves a BESS report score of 70% (SMP, p. 34).
- Specification of PVC, low VOC and formaldehyde products and materials (SMP, p. 6 & 11).
- All habitable rooms with access to high-quality external views, and clear low-e double glazing for daylight access (SMP, p. 6).
- 7-star NatHERS average for the apartments (SMP, p. 6).
- The project will implement an energy efficient electric heat pump central hot water system (SMP, p. 7).
- The array will be at least 8kW capacity, final sizing to be coordinated during the design development phase (SMP, p. 8).
- The lighting design throughout the development will be at least 20% more energy efficient than the BCA 2019 requirements (SMP, p. 8).
- Water efficient fixtures and taps (SMP, p. 9).
- Common area landscaping will be supplied from the rainwater system and will use water-efficient irrigation systems as appropriate to each application, in addition to waterless HVAC (SMP, p. 9).
- All dwellings provided with water and energy metering (SMP, p. 9 & 10).
- A STORM report with a 115% STORM score has been submitted that demonstrates best practice and relies on ~166.5 m² of roof connected to a 10,000-litre rainwater tank connected to bin wash down, irrigation and toilet flushing (SMP, p. 28).
- At least 90% of all structural steel used in the project will be sourced from a Responsible Steel Maker; and at least 60% of reinforcing steel used in the project will be produced using energy-reducing processes in its manufacture (SMP, p. 11).
- All bulk thermal insulation used in the project will contain a minimum of 50% post-consumer recycled material (SMP, p. 11).
- 24 secure bicycle parking spaces for use by residents, located on ground level, and 4 bicycle parking spaces for use by visitors, located on ground level (SMP, p. 12).

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council



- The development will support the use of electric vehicles by making the whole building "EV-ready" (SMP, p. 12).
- The contractor will prepare a construction waste management plan for the project and will divert at least 90% of all demolition and construction waste from landfill (SMP, p. 13).
- At least 13% of the site area will be covered by vegetation – with private terraces and balconies provided with taps and drainage (SMP, p. 14).
- A Building User Guide (BUG) will be developed for use by the residents (SMP, p. 15).
- The building will be all-electric, and commit to a 10-year PPA to procure 100% GreenPower (SMP, p. 16).

(2) Application ESD Deficiencies:

- Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.
- Low VOC paints and materials are already captured within the IEQ category and should be removed from the innovation category within the BESS report.

(3) Outstanding Information:

- The operability of the north-facing circular window that services the bedrooms in apt. 3.01 and 4.01 is not clear despite being relied upon in breeze paths. Clarify design and operability.
- Finalise solar PV design and confirm system size.
- Confirm rainwater tank size, as STORM report indicates 10,000 litres while plans and SMP refer to 20,000-litre tank (preference for larger size to service more of the apartments needs),
- Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.
- Confirm rainwater tank size – and indicate location and design (including cross-section of raingarden) on plans and/or Landscape plan.
- Confirm access to bike room for visitors.
- Confirm that details of local car share locations will be provided within building users guide.
- Confirm the capability of pre-wiring EV charging points
- Clarify soil depth and volume for the ground level lightwell supporting the Cyathea cooperi. Annotate Landscape Plan and/or provide cross-section.
- Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.
- Confirm all building services will be commissioned and tuned according to manufacturer's specifications.
- Confirm that head contractor will be ISO 14001 accredited.

(4) ESD Improvement Opportunities

- Consider additional external shading to the north and west (i.e. extending window box) to further reduce summer heat gain.
- Consider additional materials and products that can be recycled (i.e. bricks), or use post-consumer content (i.e. plasterboard if proposed).
- Consider a strategy to reduce the Portland cement in concrete, i.e. 20-30% recycled aggregate or slag replacement.
- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider a green roof or wall to improve the ecological value of this site – and provide elevations where climbing vegetation is proposed to illustrate extent of growth expected.

Further Recommendations:

The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response**1. Indoor Environment Quality (IEQ)****Objectives:**

- to achieve a healthy indoor environment quality for the wellbeing of building occupants.
- to provide a naturally comfortable indoor environment will lower the need for building services, such as artificial lighting, mechanical ventilation and cooling and heating devices.

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	Operable windows are indicated on the plans and elevations, with the BADS matrix indicating 80% achieve natural ventilation for 40% or more of the floor area.	The operability of the north-facing circular window that services the bedrooms in apt. 3.01 and 4.01 is not clear despite being relied upon in breeze paths. Clarify design and operability.	3
Daylight & Solar Access	The BESS report indicates 100% pass for living areas and bedrooms using the DtS method (SMP, p. 20-23 & 46).	Satisfactory.	1
External Views	All habitable rooms have high-quality external views to the private terraces and surrounding properties and streets (SMP, p. 6).	Satisfactory.	1
Hazardous Materials and VOC	All paints, adhesives and sealants and carpets will not exceed the limits outlined in Appendix A of SMP (p. 18), in line with GBCA requirements.	Satisfactory.	1
Thermal Comfort	Mixed mode ventilation, double glazing, shading (internal and external) and building fabric.	Satisfactory.	1

* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**

3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

- SDAPP Fact Sheet: [1_ Indoor Environment Quality](#)
 Good Environmental Choice Australia Standards [www.geca.org.au](#)
 Australian Green Procurement [www.greenprocurement.org](#)
 Residential Flat Design Code [www.planning.nsw.gov.au](#)
 Your Home [www.yourhome.gov.au](#)

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

2. Energy Efficiency

Objectives:

- to ensure the efficient use of energy
- to reduce total operating greenhouse emissions
- to reduce energy peak demand
- to minimize associated energy costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	Average apartment NatHERS ratings of 7-stars, with no apartment less than 5.5 and cooling loads between 10.2-28.7 MJ/m ² (SMP, p. 7 & 42).	Satisfactory.	1
Thermal Performance	As above.	-	-
Greenhouse Gas Emissions	The BESS report indicates a 67% reduction in GHG emissions, comparing a reference building (129,776 kg CO ₂) against the proposal (42,289 kg CO ₂) (SMP, p. 10).	Satisfactory.	1
Hot Water System	The project will implement an energy efficient electric heat pump central hot water system (SMP, p. 7).	Satisfactory.	1
Peak Energy Demand	The BESS report indicates a 5% reduction in peak thermal cooling load (SMP, p. 10).	Satisfactory.	1
Effective Shading	Balconies provide various shading throughout, with recessed windows and 300mm deep window box to shade elsewhere. Internal blinds are also specified throughout (SMP, p. 7).	Consider additional external shading to the north and west (i.e. extending window box) to further reduce summer heat gain.	4
Efficient HVAC system	Reverse-cycle VRF systems have been specified for the proposal (SMP, p. 7).	Satisfactory.	1
Car Park Ventilation	The project will achieve energy reductions in the car park ventilation system using carbon monoxide sensors and demand control (SMP, p. 8).	Satisfactory.	1
Efficient Lighting	The lighting design throughout the development will be at least 20% more energy efficient than the BCA 2019 requirements (SMP, p. 8).	Satisfactory.	1
Electricity Generation	The array will be at least 8kW capacity, final sizing to be coordinated during the design development phase (SMP, p. 8).	Finalise solar PV design and confirm system size.	3
Other	-	-	

*** Council Assessment Ratings:**1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES****References and useful information:**SDAPP Fact Sheet: [2. Energy Efficiency](#)House Energy Rating www.makeyourhomegreen.vic.gov.auBuilding Code Australia www.abcb.gov.auWindow Efficiency Rating Scheme (WERS) www.wers.netMinimum Energy Performance Standards (MEPS) www.energyrating.gov.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

Energy Efficiency www.resourcesmart.vic.gov.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

3. Water Efficiency

Objectives:

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Minimum WELS star rating of fixtures: (SMP, p. 40). <ul style="list-style-type: none"> • Kitchen taps: 5 star • Bathroom taps: 6 star • Toilets: 4 star • Showers: 4 star • Dishwashers 5 star 	Satisfactory.	1
Water for Toilet Flushing	10,000-litre rainwater tank to be connected to toilet flushing throughout (SMP, p. 28).	Satisfactory.	1
Water Meter	All dwellings will be provided with individual authority meters, and all major base-building systems will be individually sub-metered to allow for effective building tuning (SMP, p. 10).	Satisfactory.	1
Landscape Irrigation	Common area landscaping will be supplied from the rainwater system and will use water-efficient irrigation systems as appropriate to each application (SMP, p. 9).	Satisfactory.	1
Other	-	-	

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [3. Water Efficiency](#)
 Water Efficient Labelling Scheme (WELS) www.waterrating.gov.au
 Water Services Association of Australia www.wsaa.asn.au
 Water Tank Requirement www.makeyourhomegreen.vic.gov.au
 Melbourne Water STORM calculator www.storm.melbournewater.com.au
 Sustainable Landscaping www.ourwater.vic.gov.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

4. Stormwater Management

Objectives:

- to reduce the impact of stormwater runoff
- to improve the water quality of stormwater runoff
- to achieve best practice stormwater quality outcomes
- to incorporate Water Sensitive Urban Design principles.

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a 115% STORM score has been submitted that demonstrates best practice and relies on ~166.5 m ² of roof connected to a 10,000-litre rainwater tank connected to bin wash down, irrigation and toilet flushing (SMP, p. 28).	Confirm rainwater tank size, as STORM report indicates 10,000 litres while plans and SMP refer to 20,000-litre tank (preference for larger size to service more of the apartments needs),	3
Discharge to Sewer	No information has been provided.	Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.	3
Stormwater Diversion	A 166.5 m ² roof catchment area will divert stormwater to the rainwater tank, with an additional 86.6 m ² diverted to a 2 m ² raingarden, with approximately 50 m ² permeable open-air planter boxes (SMP, p. 29).	Satisfactory.	1
Stormwater Detention	A 10,00-litre rainwater tank and 2 m ² raingarden.	As above, confirm rainwater tank size – and indicate location and design (including cross-section of raingarden) on plans and/or Landscape plan.	3
Stormwater Treatment	Rainwater tank and raingarden.	As above.	-
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)
 Melbourne Water STORM calculator www.storm.melbournewater.com.au
 Water Sensitive Urban Design Principles www.melbournewater.com.au
 Environmental Protection Authority Victoria www.epa.vic.gov.au
 Water Services Association of Australia www.wsaa.asn.au
 Sustainable Landscaping www.ourwater.vic.gov.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

5. Building Materials

Objectives:

- to minimise the environmental impact of materials used by encouraging the use of materials with a favourable lifecycle assessment.

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	All bulk thermal insulation used in the project will contain a minimum of 50% post-consumer recycled material (SMP, p. 11).	Consider additional materials and products that can be recycled (i.e. bricks), or use post-consumer content (i.e. plasterboard if proposed).	4
Embodied Energy of Concrete and Steel	At least 90% of all structural steel used in the project will be sourced from a Responsible Steel Maker; and at least 60% of reinforcing steel used in the project will be produced using energy-reducing processes in its manufacture (SMP, p. 11).	Consider a strategy to reduce the Portland cement in concrete, i.e. 20-30% recycled aggregate or slag replacement.	4
Sustainable Timber	At least 90% of solid (not engineered) timber used in the project will be reused or will be from FSC or PEFC certified forests (SMP, p. 11).	Satisfactory.	1
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	At least 90% of PVC used in the project will be GBCA approved Best Practice PVC.	Satisfactory.	1

* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [5_Building Materials](#)
 Building Materials, Technical Manuals www.yourhome.gov.au
 Embodied Energy Technical Manual www.yourhome.gov.au
 Good Environmental Choice Australia Standards www.geca.org.au
 Forest Stewardship Council Certification Scheme www.fsc.org
 Australian Green Procurement www.greenprocurement.org

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

6. Transport

Objectives:

- to minimise car dependency
- to ensure that the built environment is designed to promote the use of public transport, walking and cycling.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising the Provision of Car Parks	Car parking for 20 cars proposed in basement.	Satisfactory.	1
Bike Parking Spaces	24 bike parking spaces for apartments, plus 4 bike parking spaces for visitors.	Confirm access to bike room for visitors.	3
End of Trip Facilities	No information has been provided.	n/a – all residential.	-
Car Share Facilities	No information has been provided.	Confirm that details of local car share locations will be provided within building users guide.	3
Electric vehicle charging	The development will support the use of electric vehicles by making the whole building "EV-ready", such that the electrical infrastructure is pre-installed to allow for the residents to install their own charger as required or as a purchaser option during construction (SMP, p. 12).	Confirm the capability of pre-wiring	3
Green Travel Plan	No information has been provided.	n/a – all residential.	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [6. Transport](#)

Off-setting Car Emissions Options www.greenfleet.com.au

Sustainable Transport www.transport.vic.gov.au/doi/internet/icy.nsf

Car share options www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/

Bicycle Victoria www.bv.com.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

7. Waste Management

Objectives:

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria.

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	The contractor will prepare a construction waste management plan for the project and will divert at least 90% of all demolition and construction waste from landfill (SMP, p. 13).	Satisfactory.	1
Operational Waste Management	An operational Waste Management Plan has been prepared, and there is a 13.75 m ² waste room located on the ground floor (SD02_03).	Satisfactory.	1
Storage Spaces for Recycling and Green Waste	While organics are included in WMP and spatial allocation, food organics are not included in the waste estimate tables, and only identified if future provision needed (WMP, p. 3).	Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.	2
Others	-	-	-

* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**

3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

- SDAPP Fact Sheet: [7. Waste Management](#)
 Construction and Waste Management www.sustainability.vic.gov.au
 Preparing a WMP www.epa.vic.gov.au
 Waste and Recycling www.resourcesmart.vic.gov.au
 Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)
www.environment.nsw.gov.au
 Waste reduction in office buildings (2002) www.environment.nsw.gov.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

8. Urban Ecology

Objectives:

- to protect and enhance biodiversity
- to provide sustainable landscaping
- to protect and manage all remnant indigenous plant communities
- to encourage the planting of indigenous vegetation.

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention	There is no productive topsoil on this site.	-	N/A
Maintaining / Enhancing Ecological Value	At least 13% of the site area will be covered by vegetation – through plantings on ground level, and terraces on levels 1, 2, 3, 4, 5, and the rooftop (See Landscape Plan).	Clarify soil depth and volume for the ground level lightwell supporting the Cyathea cooperi. Annotate Landscape Plan and/or provide cross-section.	3
Heat Island Effect	No information has been provided.	Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.	3
Other	Taps and drainage provided to all terraces and balconies.	Satisfactory.	1
Green wall, roofs, facades	No information has been provided.	Consider a green roof or wall to improve the ecological value of this site – and provide elevations where climbing vegetation is proposed to illustrate extent of growth expected.	4

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**

3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [8. Urban Ecology](#)

Department of Sustainability and Environment www.dse.vic.gov.au

Australian Research Centre for Urban Ecology www.arcue.botany.unimelb.edu.au

Greening Australia www.greeningaustralia.org.au

Green Roof Technical Manual www.yourhome.gov.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response**9. Innovation****Objective:**

- to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

Issues	Applicant's Design Responses	Council Comments	CAR*
Carbon Offset (Operations)	The Scope 1 and 2 operational carbon emissions of the building will be offset. The developer / owner will commit to procuring 100% GreenPower (or equivalent genuine renewable energy / carbon offset mechanism) for the base-building's electricity supply for at least the first 10 years of operation (SMP, p. 16).	Satisfactory.	1
Fossil fuel free development	The project has committed to an all-electric servicing strategy. This removes all combustion of fossil fuels on site and supports a transition to a zero-carbon economy (SMP, p. 16).	Satisfactory.	-
Construction & Waste Management	The project will commit to the following initiatives to minimise the environmental impact of the construction activities: (SMP, p. 16) <ol style="list-style-type: none"> 1. The contractor will prepare a best-practice Environmental Management Plan, in accordance with Green Star guidance. 2. The contractor will divert at least 90% of all demolition and construction waste from landfill. 	Satisfactory.	-
Minimising indoor pollutants	To reduce the health impact of indoor pollutants due to common construction materials, the project will install low-VOC paints, adhesives, sealants and paints, and low formaldehyde engineered timber products. The relevant criteria from Green Star Design & As-Built v1.3 will be targeted (SMP, p. 16).	Low VOC paints and materials are already captured within the IEQ category and should be removed from the innovation category within the BESS report.	2
EV Ready	The project will be made 100% "EV-ready", with provision of all electrical infrastructure to allow for EV chargers to be easily and cheaply installed by the residents when required with limited disruption to the building and other residents (SMP, p. 16).	Satisfactory.	-

* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**

3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [9. Innovation](#)

Green Building Council Australia www.gbca.org.au

Victorian Eco Innovation lab www.ecoinnovationlab.com

Business Victoria www.business.vic.gov.au

Environment Design Guide www.environmentdesignguide.com.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

10. Construction and Building Management

Objective:

- to encourage a holistic and integrated design and construction process and ongoing high performance

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	Effective building tuning mentioned in metering initiatives (SMP, p. 8 & 10).	Confirm all building services will be commissioned and tuned according to manufacturer's specifications.	3
Building Users Guide	A Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.	Satisfactory.	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.	Confirm that head contractor will be accredited.	3
Construction Management Plan	The contractor will prepare a best-practice Environmental Management Plan, in accordance with Green Star guidance.	Satisfactory.	1
Others	-	-	-

*** Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**

3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

References and useful information:

SDAPP Fact Sheet: [10. Construction and Building Management](#)

ASHRAE and CIBSE Commissioning handbooks

International Organization for standardization – ISO14001 – Environmental Management Systems

Keeping Our Stormwater Clean – A Builder's Guide www.melbournewater.com.au

Attachment 9 - PLN21/0375 - 235 Napier Street, Fitzroy - ESD referral response

Sustainable Management Plan (SMP)
for planning applications being considered by Yarra Council



Applicant Response Guidelines

Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.

Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral**MEMO**

To: Michelle King
From: Mark Pisani
Date: 10 September 2021
Subject: Application No: PLN21/0375
 Description: Residential Development
 Site Address: 235 Napier Street, Fitzroy

I refer to the above Planning Application received on 10 August 2021 in relation to the proposed development at 235 Napier Street, Fitzroy. Council's Engineering Referral team provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
SJB Architects	SD01_03 Demolition Plan	D	13 July 2021
	SD02_01 Lower Basement	K	13 July 2021
	SD02_02 Basement Plan	L	13 July 2021
	SD02_03 Ground Floor Plan	N	2 August 2021
	SD02_04 Upper Ground Floor Plan	M	2 August 2021
	SD06_01 Sections	G	13 July 2021
	SD06_02 Sections	G	13 July 2021
Traffix Group	Traffic Engineering Assessment report	C	29 June 2021

CAR PARKING PROVISION**Proposed Development**

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Two-bedroom dwelling	6	1 space per dwelling	6	6
Three-bedroom dwelling	9	2 spaces per dwelling	18	14
Total		24 spaces	20 spaces	

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

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

Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral

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Engineering comments.DOCX

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Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral

Car Parking Demand Assessment

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

Parking Demand Consideration	Details
<i>Parking Demand for the Three-Bedroom Dwellings</i>	The three-bedroom dwellings would be provided with on-site car parking at a rate of 1.56 spaces per dwelling. Ten of the dwellings would be supplied with two spaces per dwelling and the remaining four dwellings would be supplied with one space each. Traffix Group has sourced car ownership data for flat type dwellings in the Fitzroy area from the 2016 ABS Census. The data indicates that some 75% of three-bedroom dwellings in Fitzroy contain one car. This suggests that there is a market for three-bedroom dwellings with less than two cars. It is agreed that the proposed on-site parking provision for the three-bedroom dwellings is considered appropriate.

- *Availability of Public Transport in the Locality of the Land.* The following public transport services can be accessed to and from the site by foot:
 - Brunswick Street trams – 200 metre walk
 - Smith Street trams – 360 metre walk
 - Johnston Street buses – 290 metre walk
 - Nicholson Street trams – 700 metre walk
- *Convenience of Pedestrian and Cyclist Access.* The site is within walking distance of shops, businesses, public transport, supermarkets and essential facilities. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.* The surrounding area is blanketed in short-stay parking restrictions (1P, 2P) and Permit Zones. Since residents of new dwellings would be ineligible to apply for on-street parking permits, there would be very little opportunity to practically park on-street to accommodate an additional vehicle.
- *Relevant Local Policy or Incorporated Document.* The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for four of the three-bedroom dwellings is considered appropriate in the context of the development and the surrounding area. The site has the advantage of being within walking distance of public transport services, shops, businesses, to name a few. The operation of the new development should not have an adverse impact on existing on-street parking conditions within the local area.

The Engineering Referral team has no objection to the reduction in the car parking requirement for this site.

Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral**TRAFFIC IMPACT****Trip Generation**

The trip generation for the site adopted by Traffix Group is as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (15 dwellings)	0.2 trips per dwelling in each peak hour. 2 trips per dwelling per day	30 trips	3 trips	3 trips

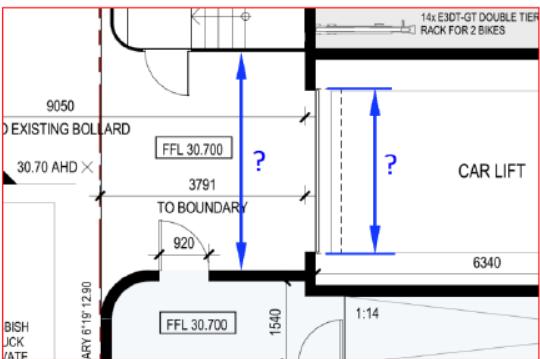
Directional Split

The directional splits in the AM and PM peaks as indicated by Traffix Group are as follows:

- AM Peak Hour: 20% IN (1 trip) and 80% OUT (2 trips)
- PM Peak Hour: 40% OUT (1 trip) and 60% IN (2 trips)

The traffic volumes generated by the development are low and can be comfortably accommodated in the surrounding street network.

Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral
DEVELOPMENT LAYOUT DESIGN
Layout Design Assessment

Item	Assessment
Access Arrangements	
Development Entrance via Carriageway Easement (Private)	The private carriageway easement has a nominal width of 6.4 metres. Directly opposite the development entrance, there is a line of bollards, reducing the effective carriageway width to 5.295 metres. The accessway and doorway widths have not been dimensioned.
	
Visibility	Pedestrian sight triangles have not been provided.
Headroom Clearance	Not dimensioned on the drawings.
Mechanical Parking	
Car Stacker Devices	The development would be using two types of car stacker: the Klaus Trendvario 6300 shuffle type car stacker and the Klaus 2072i car stacker. Each platform would have a useable platform width of 2.5 metres and can accommodate vehicle up to 5.2 metres in length.
Vehicle Clearance Heights	According to Traffix Group, the car stackers satisfy the vehicle clearance height requirement as per <i>Design standard 4: Mechanical parking</i> , which requires at least 25% of mechanical parking spaces to have vehicle clearance heights of no less than 1.8 metres.
Swept Path Assessment	
Vehicle Turning Movements – Stacker Spaces via Car Lift G29811* Sheet No. 01 G29811 Sheet No. 02	The swept path diagrams for a B85 design vehicle entering and exiting the car stacker spaces via the car lift are considered satisfactory.
Vehicle Entry and Exit Movements Development Entrance G29811 Sheet No. 03	The swept path diagrams for a B99 design vehicle entering and exiting the development entrance via the carriageway easement and St David Street are considered satisfactory.
Waste Collection Vehicle Movements G29811 Sheet No. 04	The swept path diagrams for a 6.345 metre long waste collection vehicle entering the carriageway easement via St David Street, negotiating the ninety-degree bend in the carriageway easement and exiting onto Young Street and St David Street are considered satisfactory.

* Traffix Group swept path diagram drawing number.

Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral

Item	Assessment
Car Lift	
Performance of Car Lift	<p>Although specifications for the car lift have not yet been provided, the queuing analysis and queue length for this development can be derived from first principles.</p> <p>The PM peak hour would be the critical time for the operation of the car lift (the time the maximum number of cars are wishing to enter the site).</p> <p>A car lift would be capable of servicing 65 vehicles per hour, based on a total service time of 55 seconds (this service time is considered reasonable to access a one level basement car park). Traffix Group have adopted a total inbound volume of 5 vehicles in the PM peak hour wishing to access the basement. The utilisation ratio for the car lift (usage/capacity) would be 0.077 (= 5 vehicle trips per hour/65 vehicles per hour).</p> <p>To determine the storage queue of the car lift, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. A mechanical device such as a car lift should have sufficient vehicle storage to accommodate the 98th percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation ratio of the car lift (in this case, 0.077), the 98th percentile queue length can be calculated.</p> <p>Queue Length, $N = (\text{Log}_n \Pr(n > N) / \text{Log}_n \rho) - 1$ $\Pr(n > N) = \rho^{N+1}$ where $\rho = r / s$ (utilisation factor) $\rho = \text{average arrival rate} / \text{average service rate}$ $= 5 / 65$ $= 0.077$</p> $N = (\text{Log}_0.02 / \text{Log}_0.077) - 1$ $= 0.53 \text{ car lengths, say 1 car length}$ <p>The 98th percentile queue length for the car lift during the PM peak hour is one car length. The queue length also includes a car inside the car lift. Based on this calculation, we are satisfied that a car lift (based on a service time of 55 seconds) can adequately operate without adversely impacting the operation of the carriageway easement.</p>

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Development Entrance via Carriageway Easement (Private)	The accessway and doorway to the lift are to be dimensioned on the drawings.
Visibility	Convex mirrors on either side of the accessway should be installed, as recommended by Traffix Group, to provide visibility within the carriageway easement.
Headroom Clearance	The headroom clearance of the car lift doorway is to be dimensioned on the drawings.

Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral

GENERAL ENGINEERING CONDITIONS **Civil Works**

Upon the completion of all building works and connections for underground utility services,

- The footpath along the property's Napier Street and St David Street frontages must be re-sheeted to Council's satisfaction and at the Permit Holder's cost.

Road Asset Protection

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

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

Impact of Assets on Proposed Development

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

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

Attachment 10 - PLN21/0375 - 235 Napier Street, Fitzroy - Engineering Referral

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the <i>Building Regulations</i> 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 <i>Local Government Act</i> 1989 and Regulation 133.



Planning Referral

To: Michelle King
From: Chloe Wright
Date: 30/08/2021
Subject: Strategic Transport Comments
Application No: PLN21/0375
Description: Demolition of the existing building and construction of an eight-storey building (with basement levels and roof terrace above) containing dwellings (no permit required for use) and reduction of the car parking requirements.
Site Address 235 Napier Street, Fitzroy

I refer to the above Planning Application and the accompanying Traffic report prepared by Traffix Group in relation to the proposed development at 235 Napier Street, Fitzroy. Council's Strategic Transport unit provides the following information:

Access and Safety

No access or safety issues have been identified.

Bicycle Parking Provision

Statutory Requirement

Under the provisions of Clause 52.34-3 of the Yarra Planning 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	
Dwellings	15	1 resident space per 5 dwellings	3 resident space		
		1 visitor space per 10 dwellings for visitors	2 visitor spaces		
Bicycle Parking Spaces Total			3 resident spaces	24 resident spaces	
			2 visitor spaces	4 visitor spaces	
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0 shower / change room	0 showers / change rooms	

Adequacy of visitor spaces

The following comments are provided in relation to the provision of visitor spaces:

- Four visitor bicycle spaces are proposed, which meets Council's best practice recommendation¹ of four visitor bicycle spaces.
- Visitor bicycle spaces are located within the resident bicycle storage area at the ground floor. Given the surrounding footpaths are too narrow to accommodate bicycle hoops, locating visitor spaces within the property is considered acceptable. This is also supported given the

¹ Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends a rate of 0.25 visitor spaces to each dwelling.

Attachment 11 - PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Transport Referral

bicycle storage area is easily accessible from the St David Street footpath via a direct entrance. Further, 9 additional resident spaces are provided above the best practice recommendation.

- Visitor spaces are provided as two-tier bicycle racks and dimensions are noted on the plans and demonstrate compliance with access and clearance requirements of AS2890.3.

Adequacy of resident spaces

Number of spaces

24 resident spaces are provided, which exceeds Council's best practice rate² recommendation of 15 resident spaces.

Design and location of resident spaces

The following comments are provided in relation to the location and design of resident bike parking:

- 24 resident spaces are provided within a secure facility at the ground floor, with direct access via an entrance at St David Street;
- All resident bicycle spaces are provided as two-tier bicycle racks, which satisfies the AS2890.3 requirement for at least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces;
- Dimensions of bicycle spaces are shown on the plans and demonstrate the layout of bicycle spaces is in accordance with access and clearance requirements of AS2890.3.

Electric Vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). The basement level plan includes a notation that all car parking bays will be set up as 'EV ready', which is supported.

Recommendations

The proposed plans are satisfactory from a Strategic Transport perspective.

Regards

Chloe Wright

Sustainable Transport Officer
Strategic Transport Unit

² Category 6 of the Built Environment Sustainability Scorecard (BESS) offers the following for best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings".

Attachment 12 - PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Planning Referral

PLANNING APPLICATION REFERRAL TO STRATEGIC PLANNING UNIT

Strategic planning comments

Strategic Planning comments are provided below. The comments in this assessment focus compliance with Schedule 34 to the Design and Development Overlay (DDO34). They do not provide commentary on other sections of the planning scheme or fully assess the internal amenity impacts of the application.

Development details

Property address	235 Napier Street, Fitzroy
Application number	PLN21/0375
Referral prepared by	Amruta Pandhe (Strategic Planner)
Description	Demolition of the existing building and construction of an eight storey building (with basement levels and roof terrace above) containing dwellings (no permit required for use) and reduction of the car parking requirements
Relevant amendment and status	<p>Interim On 17 December 2019, Council requested the Minister introduce an interim Design and Development Overlay Schedule (DDO34) to the Yarra Planning Scheme for the area. Interim controls are currently not approved. Strategic Planning is providing comments on the interim DDO controls and the relevant supporting documents.</p> <p>Permanent Permanent controls are proposed to be introduced through an amendment process. The current interim controls and relevant supporting documents provide the basis for a future permanent DDO schedule.</p>
Existing and proposed controls	<p>Existing Mixed Use Zone (MUZ) Development Contribution Plan Overlay – Schedule 1 (DCPO1) Environmental Audit Overlay (EAO) Heritage Overlay – Schedule 334 (HO334)</p> <p>Proposed Design and Development Overlay – Schedule 34 (DDO34)</p>

Attachment 12 - PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Planning Referral

Summary of Strategic Planning comments

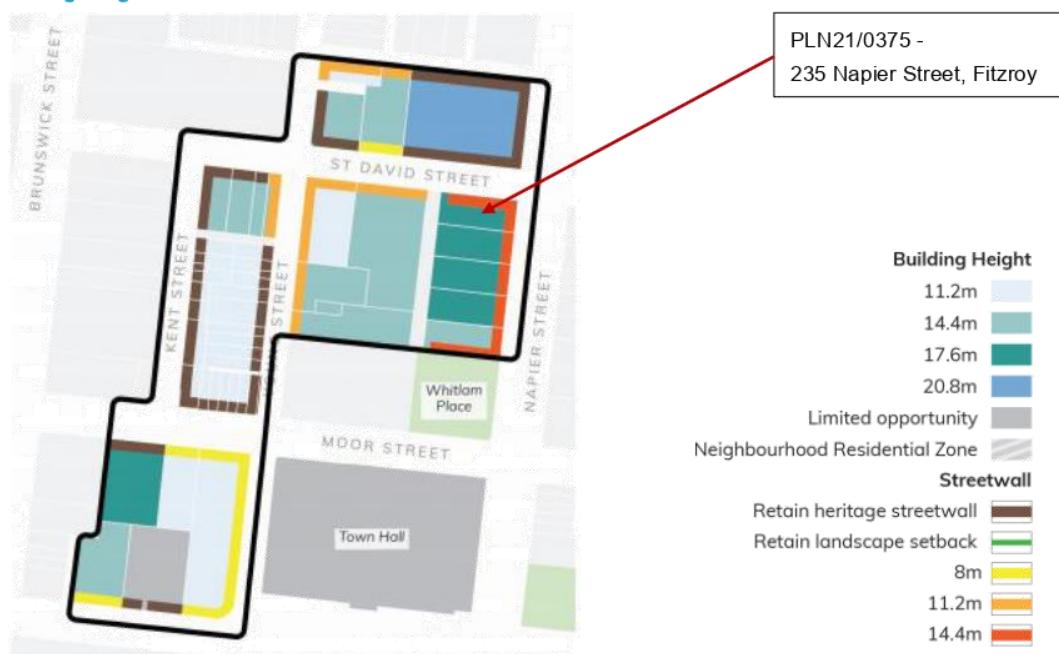
The proposal does not reinforce the lower- to mid-rise character (ranging from 3 to 6 storeys) in the Fitzroy Town Hall precinct and back blocks behind Brunswick Street.

A reduction in height would be supported to result in a development where upper levels are visually recessive and complement the mixed industrial and residential character of each area.

The plans for 235 Napier Street, Fitzroy **largely do not comply** with the requirements of the interim DDO. The detailed analysis and breakdown of the requirements in DDO34 can be found in the table and further comments below. Given the Amendment C270 has not approved DDO34 it is not currently implemented into the scheme or 'seriously entertained'.

In conclusion, the proposal would **largely not comply** with the requirements of DDO34 that is currently proposed for the site.

Building Heights and Setbacks



Other comments:

- The requirements in DDO34 are preferred unless the DDO includes the word 'must' plus the wording that "a permit cannot be granted to vary..." or is described as "mandatory".
- Views to landmarks requirement – Not applicable.

Attachment 12 - PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Planning Referral

Assessment of compliance with built form requirements

Strategic Planning comments are provided below and are based on the application drawings dated **13 July 2021**.

Built form requirements	DDO34	Proposal	Assessment of proposal
Building height	Mandatory: 20.8m	Average 24.3m (excluding lift overrun and services)	<p>Does not comply.</p> <p>DDO34 has a mandatory maximum building height control of 20.8m. The site is located on the corner of Napier Street and St David Street and will be more visible from surrounding streets. Hence it is important to ensure that the built form fits within the existing character without drawing too much attention to itself. A 5-6 storey development will contribute in continuing the mid-rise development character along Napier Street without dominating the area.</p> <p>The development proposes an average height of 24.3 m. The proposed height exceeds by approximately 3.5m above the mandatory height requirement of 20.8m in interim DDO34</p> <p>Per the DDO, the lift overrun and services are not included in the overall height. DDO34 includes specific criteria for any plant rooms, lift overruns etc.</p> <p>The background strategic work for the Town Hall and Back Blocks precinct (<i>Brunswick Street and Town Hall Built Form Framework</i> prepared by Hansen) further highlights the importance of mid-rise character on page 19 through the following future character statement for this precinct:</p> <p><i>Future development will continue the pattern of recent mid-rise development, retaining the visual prominence of the Fitzroy Town Hall. The streetscape will reinforce the mix of diverse low rise, fine grained residential buildings with a new regime of contemporary infill of a stronger profile.'</i></p> <p>In summary, the proposal does not comply with the height control of the proposed interim DDO and does not meet the envisaged future character of the precinct.</p>
Street wall height	Mandatory: 14.4m (both Napier and St David Street)	Napier Street 18m-18.3m St David Street 16.6m-18.3m	<p>Does not comply.</p> <p>Street wall means the façade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.</p>

Attachment 12 - PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Planning Referral

Built form requirements	DDO34	Proposal	Assessment of proposal
			<p>Street wall height means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.</p> <p>The proposal exceeds the mandatory street wall height by almost 3.9m metres.</p>
Upper lever front and side setbacks	Preferred: 6m (primary street frontage) 3m (side street wall)	The proposed upper level setback at Level 5: <ul style="list-style-type: none"> • along Napier Street ranges between 0m-3.3m • along St David Street ranges between 0m-2.9m 	<p>Does not comply.</p> <p>Upper level setback means the setback of the upper level measured from the street wall of the building. Projections such as balconies and balustrades should not intrude into a setback.</p> <p>Napier Street is considered to the primary street and St David Street is the side street.</p> <p>Along both frontages the balconies protrude within the upper level setback. Hence, the proposal does not comply.</p>
Interfaces – Rear Boundary	Preferred 11.2m (Whether or not separated by a laneway) Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.	Development is proposed to both rear boundaries. Overall height or rear boundaries is also the overall height of the development. No setbacks above the boundary walls.	<p>Does not comply</p> <p>Rear boundary greatly exceeds the 11.2m preferred height.</p>

Attachment 12 - PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Planning Referral

Built form requirements	DDO34	Proposal	Assessment of proposal
Overshadowing	<p>Mandatory: New development must not overshadow:</p> <ul style="list-style-type: none"> the opposite footpath street over 10 metres in width (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; 	The development does not overshadow Napier Street between 10am to 2pm at 22 September.	<p>Complies</p> <p>This complies with the proposed interim DDO34.</p>
Building separation	Not applicable	Not applicable	<p>Not applicable</p> <p>Proposal shares a common boundary, however, there are no existing or proposed windows on the common boundary.</p>
Building Layout Requirements	<p>Buildings in the Commercial 1 Zone and Mixed Use Zone should:</p> <ul style="list-style-type: none"> be designed to accommodate commercial activity at the ground floor level; and incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint. 	The proposed ground floor height ranges between 2.5 to 5.3m	<p>Partially complies</p> <p>The proposal contains apartments, lobby and services on the ground floor. Both apartments proposed on ground floor are duplex apartments which present an opportunity to be adaptive over time and hence is acceptable.</p>
Vehicle and pedestrian access	<ul style="list-style-type: none"> Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address. 		<p>Complies</p> <p>Main pedestrian access is from St David Street and is legible.</p> <p>A direct pedestrian entry to an apartment is provided from Napier Street.</p> <p>Vehicular access to the development is proposed to be from laneway and car park is in basement.</p> <p>Bicycle parking is accessible from street.</p>

Attachment 12 - PLN21/0375 - 235 Napier Street, Fitzroy - Strategic Planning Referral

Built form requirements	DDO34	Proposal	Assessment of proposal
	<ul style="list-style-type: none">• Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.• Vehicle access should be achieved from laneways or side streets (in that order of preference).• Car parking should be located within a basement or concealed from the public realm.		

Amruta Pandhe
Strategic Planner
Strategic Planning Unit
Date: 27 September 2021



Urban Design Memo

To:	Michelle King	Date:	September 2021
Company:	City of Yarra	From:	Hansen Urban Design Team
Re:	235 Napier Street, Fitzroy		

This Urban Design memo has been prepared by Hansen Partnership for the City of Yarra (Council), as part of a planning permit application for a proposed 7 storey residential development at **235 Napier Street, Fitzroy**. Details of the proposed development are outlined on the architectural plans prepared by SJB Architects dated 13/07/2021. Following our site inspection, we have reviewed the relevant background, drawing upon Planning Policy, analysis of the urban context and on our own intimate knowledge of Fitzroy, having recently worked on several built form framework projects for Council including the Brunswick Street and Town Hall Built Form Framework (2019). Our assessment in relation to urban design matters, including a number of recommendations for the refinement of the massing and street presentation, are set down below.

SITE AND CONTEXT

The subject site is located on the corner of Napier and St David Street within the 'Town Hall Precinct' between the Brunswick and Smith Street Activity Centres. The site has a 12.9m frontage to Napier Street and a 30.7m frontage to St David Street, resulting in a total size area of 396m². The site currently comprises a single storey commercial building, with primary pedestrian access provided from Napier Street. The rear of the existing building comprises an additional pedestrian access entry and is setback approximately 4.4m from its eastern boundary to accommodate for 5 parking spaces. Kerbside parking is available on both Napier and St David Streets. The site area is well serviced by public transport with the closest tram stop (Route 11) approximately 100m from the subject site on Brunswick Street, providing direct access to the CBD to the south-west. The site is surrounded by a mix of residential and commercial allotments of varying scales and architectural styles, including fine-grain single-storey dwellings and larger mixed use residential buildings up to 6 storeys.



Aerial of the site and site context, Nearmap

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

The site has the following interfaces:

- To the immediate **east** is Napier Street an approximately 20m wide road reserve accommodating two-way traffic movements. The street also comprises large canopy trees, dedicated bicycle paths, footpaths and marked kerbside parking on either side. Across the street at 238-240 Napier Street comprises a 2 storey residential dwelling on a corner parcel with a site area of approximately 260m².
- To the immediate **north** is St David Street, an approximately 12m wide road reserve accommodating one-way traffic (towards the west) that allows vehicle access to the sites eastern interface. It also comprises kerbside parallel parking and footpaths on either side. Further north at 237-253 is a recently constructed 5 storey mixed use building comprising residential apartment dwellings and Bentwood Fitzroy Café at ground level.
- To the immediate **south** abutting the sites southern interface at 231 Napier Street is a newly constructed 6 storey residential development. The buildings has been constructed to all four boundaries with the top two floors stepped back from the Napier Street interface. Further south at 227 Napier Street comprises a single storey commercial building.
- To the immediate **west** the site has a direct abuttal to an approximately 5m wide laneway that connects St David Street to Young Street to the south-west, and allows vehicle and pedestrian access to the rear of the subject site. Further west at 40 St David Street comprises a 4 storey building predominantly comprising residential apartment dwellings.

In the wider context, the Napier Street streetscape displays a diverse mix of built form including residential, commercial and community uses. Residential dwellings consist of clusters of single storey Victorian terraces and interwar dwellings particularly to the west of Napier Street. More recent residential developments up to 6 storeys can be found in closer proximity to the Brunswick Street spine to the east.

Recent approvals/ constructed buildings in close proximity to the site include:

- 231 Napier Street – 6 storeys, or up to 20.5m - constructed
- 223 Napier Street – 5 storeys, or up to 16.2m – constructed
- 237-253 Napier Street – up to 5 storeys , or up to 16.8m – constructed
- 219 Napier Street – 4 storeys, or up to 14.2m - constructed
- 46 St David's Street (4 storeys) – constructed



Subject site – 235 Napier Street, Fitzroy



St David Street – looking west



237-253 Napier Street – north of the subject site



231 Napier Street – south of the subject site



Laneway behind the subject site – looking north

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

Policy Context

The subject site is located within the **Mixed-Use Zone (MUZ)** which seeks to:

- *To provide for a range of residential, commercial, industrial, and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development, and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

The site is subject to **Heritage Overlay (HO334)** which applies to the South Fitzroy Precinct, it seeks to '*ensure that development does not adversely affect the significance of heritage places*'. The existing building on the land has been identified as non-contributory. However, adjoining buildings at 71 and 81 Leicester Street to the south of the subject site have been identified to have contributory heritage value.

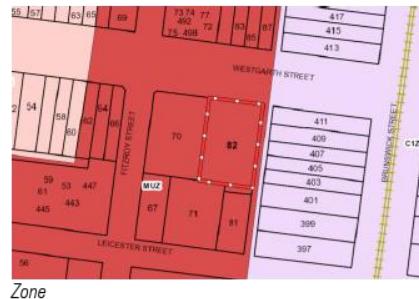
The site is also affected by the **Environmental Audit Overlay (EAO)** and **Special Building Overlay (SBO)**.

The following State and Local planning policies are considered relevant:

- Clause 11 – Settlement;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 21.02 – Municipal Profile;
- Clause 21.03 – Vision;
- Clause 21.04 – Land Use;
- Clause 21.05 – Built Form;
- Clause 21.07 – Environmental Sustainability;
- Clause 21.08 – Neighbourhoods;
- Clause 22.02 – Development Guidelines to Sites Subject to Heritage Overlay;
- Clause 22.05 – Interface Uses Policy; and
- Clause 22.17 – Environmentally Sustainable Development.

Other relevant documents include:

- City of Yarra Urban Design Strategy (2011);
- City of Yarra Built form Review (2003);
- Victorian Urban Design Charter (2010); and,
- Urban Design Guidelines for Victoria (2017).



Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

PROPOSAL

The proposal comprises the demolition of the existing building and the construction of a 7-storey (24.5m) building (including basement) for residential dwellings. It has primary frontages to both Napier Street and St David Street. Specifically, the proposal comprises the following attributes:

- 15 dwellings (6x 2 bedrooms and 9x 3-bedroom options) from ground floor to level 6.
- Private open space is provided for each dwelling in the form of private balconies. There is also a communal open space balcony on the roof of the development.
- Basement comprising 20 car parking spaces, storage room and cellar room.
- 28 bicycle parking spaces (24 residents spaces and 4 visitor spaces) accessible via St David Street.
- Bin room and service cupboards along the St David Street Interface.
- A main lobby provided access via St David Street.
- Ground floor dwellings are afforded direct access from both Napier Street and St David Street frontages.
- Overall building height of 24.5m, with the design adopting a 5 storey podium form with recessive 2 storeys above.
- The built form is generally constructed to all four boundaries (excluding the southern boundary to reflect the light court to the south) with recessive upper levels.
- High quality materials and finishing's including textured white and grey concrete, bronze and light grey metal cladding, perforated screens and clear glazing.



Artist's impression of the proposed eastern elevation along Napier Street.

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

Urban Design Assessment

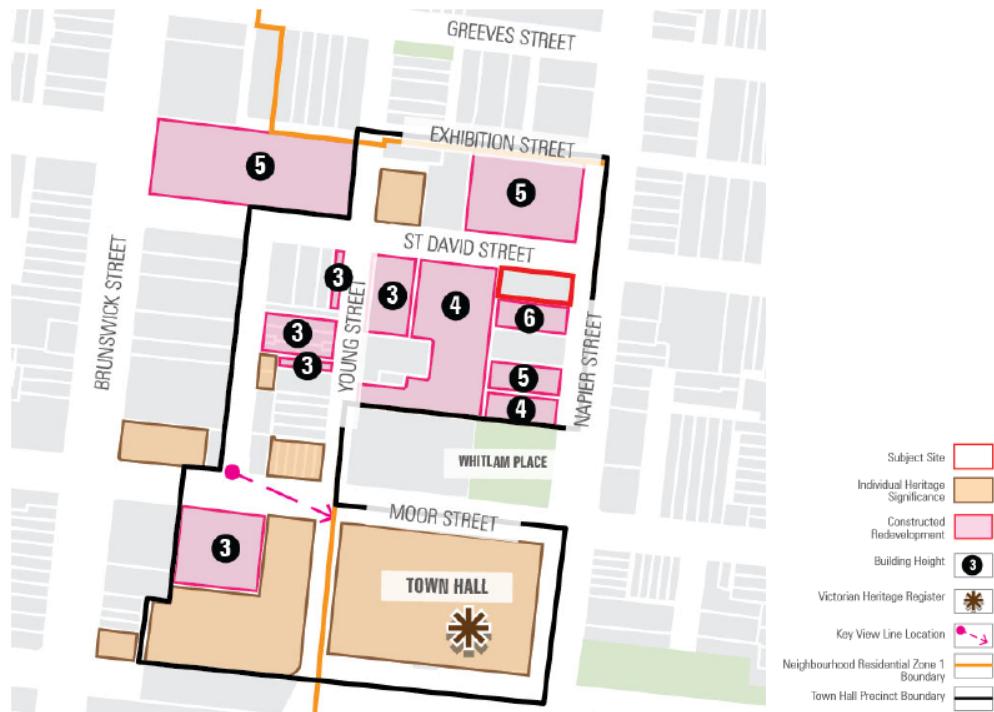
Based on our review of the site and surrounds as well as the relevant planning policy applying to the site, we acknowledge that the subject site sits within a diverse but evolving inner urban context that has the capacity to accommodate a modest infill development owing to its size, multiple frontages to the public realm including Napier Street, St David Street and position behind the Brunswick Street commercial spine including proximity public transport. It is important that the proposal appropriately balances the strategic ambitions of Planning Policy found within the Yarra Planning Scheme whilst responding to site specific conditions, impact to adjoining interfaces including contributory heritage buildings and ensure a comfortable 'fit' within the streetscape.

We consider the proposition to be generally sound in relation to the site planning and architectural response, however, suggest refinements to overall massing, scale and design detail are warranted in order to achieve an orderly planning outcome. The following urban design assessment outlines our rationale in greater detail with recommendations to achieve a supportable urban design outcome.

STRATEGIC CONTEXT AND URBAN MORPHOLOGY

- At a strategic level, the Yarra Planning Scheme seeks to maintain the City's urban character as a 'low-rise urban form with pockets of higher development'. Clause 21.05-2 states that low- rise building heights within the municipality predominantly vary between 1-2 storeys, with instances of 3- 4 storey buildings. Pockets for higher development are Strategic Redevelopment Sites or within Activity Centres and should generally be no more than 5-6 storeys, unless specific benefits can be achieved.
- The proposed Amendment C270 to the City of Yarra Planning Scheme anticipates sites within the Brunswick Street spine 'back blocks' suitable for increased development opportunity of up to 17.6m (DDO34). We note that the proposed Amendment C270 are still awaiting Minister for Planning's decision and currently do not form part of the City of Yarra Planning Scheme. However, these adopted DDOs provide some directions to the level of change expected for the site.
- The site is located at the corner of St David and Napier Streets, between the Brunswick Street commercial spine and residential hinterland in Neighbourhood Residential Zone (mandatory 2 storey). Noting intact heritage forms to the east and recently completed mid-rise forms to the west, the scope for change along Napier Street is somewhat needs to comfortably 'fit' within the emerging streetscape and hinterland within this diverse built form context.
- While the existing building occupying the subject site is not a contributory heritage form, the site sits within the Heritage Overlay-Schedule 334-South Fitzroy Precinct. Clause 22.02 sets out development objectives for sites affected by the Heritage Overlay. The most relevant is to ensure that proposed built form is a subservient addition to the streetscape, with strategies referring to '*preserve the scale and pattern of streetscapes in heritage places and to retain significant view lines to, and vistas of heritage places*'.
- When assessed against recent developments within its immediate context, the proposal presents as an anomaly that exceeded the benchmark set out by existing and recently completed 5-6 storeys (up to 20.2m). From strategic context perspective, we are not convinced there is adequate urban design rationale to warrant a 7-storey (24.5m)- the tallest development in this precinct (Clause 21.05).

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral



Strategic context and recent development

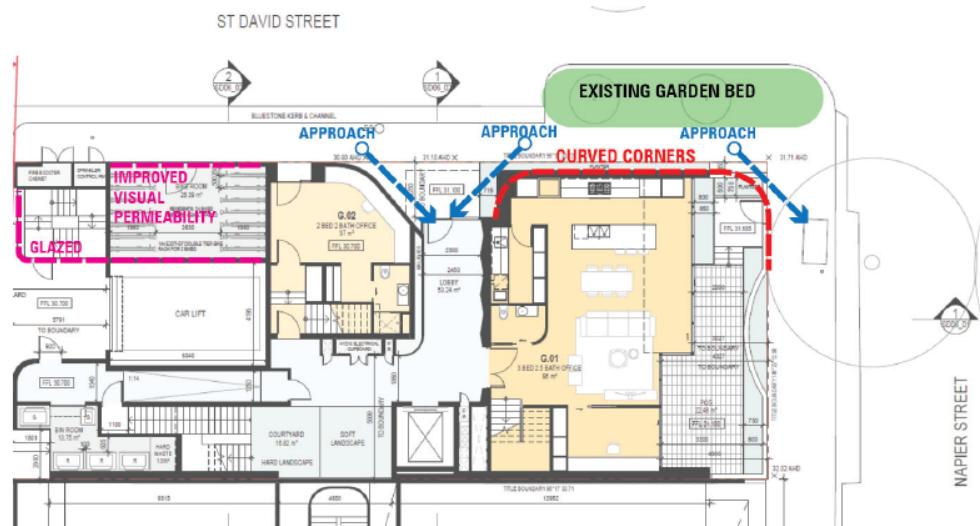
SITE PLANNING

We are generally supportive of the overall site planning response and consider it to be one that is logical and carefully arranged with an intent to provide meaningful activation and engagement to both its street addresses and adjoining laneway. We note the following aspects of the site planning approach:

- The provision of multiple entries to the residential lobby, ground level dwellings off St David Street and Napier Street are highly supported to activate both street frontages. Confinement of services, car parking and ‘back of house’ to the western side laneway are also logical to minimise its presentation from the primary street frontages.
- The ‘indented’ residential lobby entry off St David Street provides a ‘threshold’ between public and private space. While we recognise desire pedestrian line along St David Street (one-way street), further improvement is needed to allow pedestrian to ‘read’ the main building entry from its Napier Street approach. Possible application of curved, or chamfered corners at the eastern flank would improve pedestrian movement around this tight corner.
- Given the residential function at ground level, we are supportive of the ground level setback provision for a degree of separation between public and private realms. We note the integration of a narrow landscape belt across the Napier Street frontage (between 0.75m to 0.8m) and part of St David Street frontage (0.35m to 0.7m). We support the landscaping contribution to the green streetscape of Napier Street, turning the corner into St David Street with opportunities for climbing plants and soft screening elements to balance privacy requirement for G.01 and streetscape amenity.

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

- A 3m to 3.3m ground level setback from the Napier Street frontage (east) for private terrace and garden bed is supported and generally consistent with interface management strategy adopted on adjoining sites at 223 Napier Street (2m ground level setback) and at 231 Napier Street (2.5m ground level setback).
- Bike storage is located within the ground level, with a dedicated access from St David Street. Acknowledging the position of the site on an important cycling route along Napier Street, we highly support the arrangement of bike storage in an easily accessible location off the public realm, minimising reliance on lift access and conflict with pedestrian access. We would encourage the Design Team to reconsider the choice of metal screening to allow greater visibility into and from the bike storage. Possible extension of glazing to the stair core and between the bike storage and car-lift will also allow for 'borrowed' activation to the laneway.
- The location of vehicular access to car stackers to the rear of the site via the laneway, ensures that the frontage remains primarily pedestrian focussed considering St David and Napier Streets role as important pedestrian and cycling corridor.
- At level 1 and above, dwellings are arranged in a C-shaped floorplate around a south-facing lightwell providing secondary daylight aspect to internal corridors and cross ventilations to top level apartments. This site planning approach within the upper levels provide outlook to all its public interfaces to the north, east and west, ensuring passive surveillance of the public realm from various viewpoints. We welcome this approach as it creates semi- outdoor corridors that reciprocates the condition presented on 231 Napier Street. The result permits a sense of openness and mutually beneficial source of amenity for common areas on and off sites, reducing the need for artificial ventilation in common areas.



Strategic context and recent development

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral**MASSING AND INTERFACE MANAGEMENT**

- We are generally supportive of the proposed massing strategy and architecture narrative that retains a visually dominant street wall when viewed from Napier Street and St David Street junction with visually contrasting, but subservient upper levels. Distinction between each component is gained through adopting varied upper-level setbacks, contrasting material palette and geometric architectural language. However, further refinement is required to successfully respond to the objectives outlined in Clause 21.05, emerging streetscape character along Napier and St David Streets and amenity to adjoining sites as outlined below:

Napier Street (east)

- Recently constructed developments along Napier Street have generally adopted a similar massing approach comprising consistent robust street wall (4 storeys, between RL45 and 46.5) and setback upper level/ levels. Table 01 below describes the emerging consistent street wall/ building height datums and upper level setback established by recent developments along Napier Street when compared to the proposal.

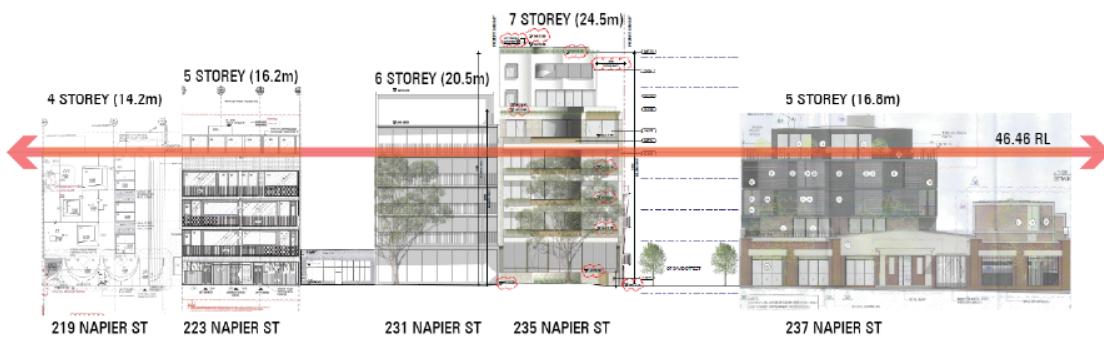
Address	Street Wall (Napier Street frontage)	Overall Height	Upper-level setback from Napier Street frontage (above street wall)
237 Napier Street	4 storeys, or 14m (RL45)	5 storeys, or 16.8m (RL48)	6.6m at level 4
235 Napier Street (subject site)	Part 4 storeys, or 15.5m (RL47.3) & part 5 storeys, or 18.9m (RL50)	7 storeys, or 24.5m (RL56.2)	3.27m at level 4 Between 5.4m to 5.7m at level 5 Between 5.4 to 8.4m at level 6
231 Napier Street	4 storeys, or 13.2m (RL45.3)	6 storeys, or 20.2m (RL52.15)	2.6m at Level 4 6.6m at Level 5
223 Napier Street	4 storeys, or 14.2m (RL46.5)	5 storeys, or 16.2m (RL48.5)	1.8m at level 4
219 Napier Street	4 Storeys, or 14.2m (RL46.5)	4 Storeys, or 14.2m (RL46.5)	Not applicable

Table 01- Comparison of street wall/ building heights and upper-level setback along Napier Street.

- The proposed part 4 storey street wall (15.5m) at RL47.3 is a departure from the consistent street wall datum that starts to define this part of Napier Street. In our opinion, the part 4-storey street wall should be reduced to match prevailing existing street walls between RL45 to RL46. A reduced 4-storey street wall at approximately 14.5m represents a more suitable response in terms of responding to Napier Streetscape context and one that does not disrupt the orderly presentation of its streetscape.
- We note that the artist's impression included in the Site Context Report demonstrates a more appropriate response where upper-level balustrades and setback match existing building at 231 Napier Street. Clarification is needed to ensure the elevation, cross-sectional drawings and the artist's impression represent consistent information with regards to the street wall heights and overall building heights.

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

- While the upper-level setbacks at level 5 is numerically less than the preferred 6m prescribed in the proposed DDO34, it does not result in unreasonable amenity impact onto the public realm. The minor reduction of setback is commensurate to the reduced setback that exists at 231 Napier Street (at level 4).
- We are generally supportive of the street wall height variation and the establishment of a 'turret' at the north-eastern corner. We found the gesture has a clear purpose of 'holding the corner'. Its strategic alignment with the primary residential lobby and its conceptual 'nod' towards old and new demonstrates a sound understanding of local context. As demonstrated in the Site Context Report (Chapter 3.10), a successful corner 'turret' treatment relies on a clear view to the sky, uninterrupted by rising form behind it. This approach is consistent with the contemporary 'turret' at the Max Apartment at 234 Brunswick Street- diagonally positioned at the north-western junction of Brunswick Street and St David Street. Elimination of the top floor will reduce visual dominance of the

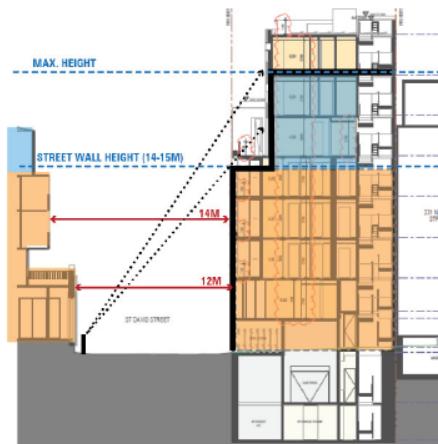


Emerging Napier Street (west) streetscape

top level and further reinforce the vertical expression sought at the north-eastern corner.

St David Street (north)

- When viewed from within the narrow profile of St David Street – from across the street and in the oblique, the reduction of 1 level at the top represents a better response that seek to establish a visually recessive 'top' that is subservient to the 4-storey street wall in response to the emerging urban character for this part of Fitzroy.
- The site topography falls to the west towards Brunswick Street by approximately 1m and the proposed 4 storey street wall sits at 16.6m (to top of balustrade) at its north-western corner. We recommend a reduction of the overall street wall height to match the existing street wall at 237 Napier Street (14.5m).
- The 5-storey street wall 'turret' turns the corner into St David Street, holding the junction. Given its limited extent and contribution in defining the primary residential entry, as well as limited amenity impact to the north across St David Street, we are generally supportive of this outcome.



Removal of the top level establishes a more visually recessive top that is subservient to the street wall along St David Street

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

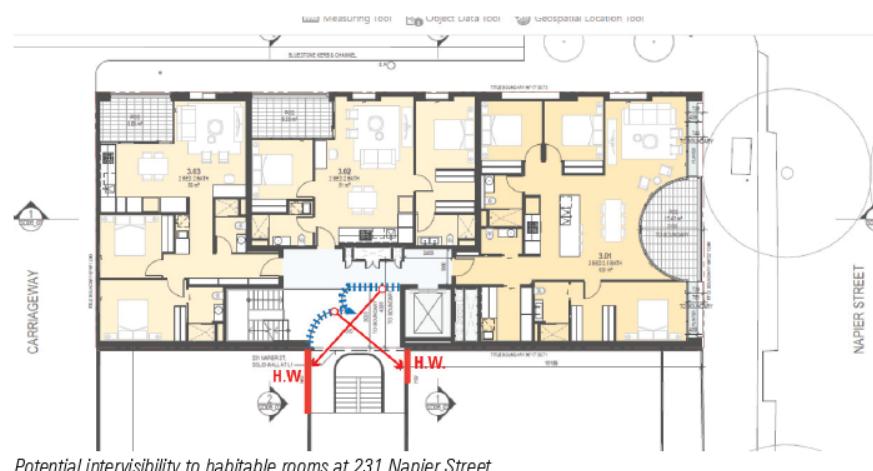
- Above the street wall, we are satisfied that the proposed 2.7m to 3m setback above the street wall (from street boundary), having regard to the recommended built form controls to side street outlined in proposed DDO34. We are satisfied that on balance there will be adequate distinction between the street wall and upper levels. The removal of top-level is fundamental in ensuring a visually prominent street wall is protected.

West (laneway)

- The proposed development presents a 4 storeys street wall (15.5m, or 16.9m to top of balustrade) that wraps around the corner into the western laneway (6m wide). Upper levels are setback up to 1.3m from the western boundary and 4.5m from centre of laneway (levels 4 and above). We recommend adjustment to the overall street wall height as discussed above. We are satisfied that the proposed massing and setback arrangement maintains an acceptable minimum 6.3m separation from the existing apartments to the west. The proposal has not relied on the western laneway for its primary source of outlook and amenity, minimising potential overlooking issue on the adjoining site. Where balconies wrap around edges and window openings in this elevation, they will aid in the passive surveillance of the laneway.

Southern boundary – 231 Napier Street

- The site immediately abuts a recently completed 6 storeys apartment built to boundaries in part with a centrally positioned 'break' comprising a semi open central corridor and light well. Along this boundary, the proposal presents a 7 storeys party wall and a centrally positioned light well that matches the adjoining site. These central 'breaks' will provide a cumulative 6.3m by 4.6m building separation across the building height. We support the massing and paired 'light well' arrangement to the south in contributing to a shared amenity.
- We are satisfied that no dwellings within the lower levels rely on this light well for outlook, or source of amenity. The provision of daylight access to common areas provided by the light well and cross-ventilation opportunity for Apartment 5.01 are all positive and should be supported. However, clarification is needed to ascertain the façade/balustrade treatment to the fire escape and communal corridor to avoid any overlooking into dwellings at 231 Napier Street at Upper Ground Level and Levels 1 to 5.



Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

- We note that the proposal has adopted a uniform 'blank' party wall treatment across the entire southern elevation. While this is acceptable between ground level to level 5, noting these will be visually concealed by existing 6 storey building at 231 Napier Street. Removal of the top floor will eliminate the issue of a visually exposed blank wall to the south.



Removal of the top floor will eliminate the issue of visually blank wall to the south.

ARCHITECTURAL LANGUAGE

- We consider the architectural response of the proposed development to be well considered particularly in relation to its existing remnant heritage surrounds, past industrial context, and future built form aspirations. Notably and consistent with the objective set in Clause 22.02-5.7, the proposal employs a range of materials and finishes that embodies the architecture of today, whilst successfully referencing the industrial past.
- The unique arrangement of bricks in horizontal and vertical formats and the turning of perpendicular elements in the façade provides depth to the façade and creates an innate sense of dynamism to the building that is enhanced by the opportunities for natural play of light and shadow. The design language makes a notable reference to the industrial past with the incorporation of textured concrete (between the horizontal band, denoting floor levels) and the vertical panels and metal cladding articulating individual balcony, dwelling and fenestrations is consistent with Clause 21.05 objectives for pedestrian- scale façade articulation that offers appropriate solid to void ratio. The geometrically coherent and restraint fluted concrete panelling reinforces a unified 'cap', which is a positive outcome.
- Furthermore, geometrically coherent articulation takes cues from the proportions of warehouse facades, across the entirety of the building binds the envelope together. While we support the proposed concrete 'base' and 'top' and a more restrained upper levels, its visual bulk impact will need to be carefully managed through its massing arrangement as discussed above.
- We recommend a more visually permeable balustrade treatment to balconies fronting Napier Street and St David Street within the podium to add visual interest and to provide a sense of lightness to the elevation. We also welcome retention of planter boxes at the north-eastern corner to further emphasize the corner 'turret' vertical expression.

Attachment 13 - PLN21/0375 - 235 Napier Street, Fitzroy - Urban Design (external) Referral

- The profile and materiality of the building aids in the retention of the fine grain expression of the allotments to the east of Westgarth Street whilst smoothly transitioning from the Activity Centre/Spine to NRZ. Overall, subject to refinements mentioned above, the proposed development will be a positive contribution to the existing fabric of the Town Hall precinct, consistent with the new benchmark for developments that shape this transitional area.

CONCLUSION

Based on our assessment we consider the subject site lends itself to redevelopment for higher density residential uses, recognising its proximity to services and position within an evolving inner-urban context. The proposal should recognise development found within the mixed-use area of Fitzroy, where forms of 4-6 storeys have defined the character of Napier Street and St David Street (west side) and prevalence of adjacent fine grain heritage stock (east side).

The proposal should therefore acknowledge its role within the streetscape and ensure the massing response is one that will comfortably fit within the streetscape to respond better to objectives found in Clause 22.02 and 21.05 of the Yarra Planning Scheme. We therefore make the following recommendations for the refinement of the proposed development.

In summary we recommend that following:

1. Reduction in the overall development height by 1 storey at the top level to an overall height of 20.9m (between RL52 to RL53) to match the adjoining 6-storey development at 231 Napier Street.
2. Refinement to the 4 storeys street wall along Napier Street and St David Street at approximately 14.5m (between RL45 and RL46), and the established 4 storeys street wall datum at 219, 223, 231 and 237 Napier Street.
3. Consider the employment of curved, or chamfered corners at the north-eastern flank to improve sightlines and pedestrian movement around the north-eastern corner at the ground level.
4. Reconsider the choice of metal screening to allow greater visibility into and from the bike storage at ground level. Possible extension of glazing to the stair core and between the bike storage and car-lift will also allow for 'borrowed' activation to the laneway.
5. Refinement of the balustrade expression along Napier Street and St David Street to allow for a greater visual permeability and enhance a sense of 'lightness'.
6. Clarification is needed to ensure the elevation/ cross-section drawings and the artist's impression represent consistent information on the street wall heights and overall building height.
7. Clarification is needed to ascertain the façade/ balustrade treatment to the fire escape and communal corridor to avoid any overlooking into dwellings at 231 Napier Street.

We would be happy to liaise with the design team directly to progress these refinements in a timely manner. Should you have any further enquiries, please don't hesitate to contact us on 9664 9841.

Yours faithfully,

Urban Design Team

Hansen Partnership Pty Ltd



Urban Design Memo

To:	Michelle King	Date:	18/11/2021
Company:	Yarra City Council	From:	Hansen Urban Design Team
Re:	235 Napier Street, Fitzroy		

In September 2021, we had issued an urban design memo outlining our independent review of the proposed application at 235 Napier Street, Fitzroy.

We bring to your attention two clerical errors found in the circulated Urban Design Memo as outlined below:

- Page 3: Existing zoning and overlay diagrams are based on a property at No. 82 Westgarth Street. These diagrams were intended as 'place holder', intended to be replaced with the correct address. It is also noted that the subject site at 235 Napier Street is not subject to Special Building Overlay (SBO).
- Page 12: Within the first bullet point on this page, a reference is made to Westgarth Street, which is a typographical error. The correct sentence should state:
"The profile and materiality of the building aids in the retention of the fine grain expression of the allotments to the east of Napier Street..."

None of the clerical errors found above have any bearing in our urban design assessment and our recommendations.

Should you have further query, please do not hesitate to contact us on 9664 9841.

Yours faithfully,

Urban Design Team

Hansen Partnership Pty Ltd

Attachment 14 - PLN21/0375 - 235 Napier Street, Fitzroy - Acoustic Referral



10 September 2021

640.10090.07020 235 Napier St Fitzroy 20210910.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Michelle King

Dear Michelle

235 Napier Street, Fitzroy Development Application Acoustic Review PLN 21/0375

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic documentation prepared to support the application for a mixed use development at 235 Napier Street, Fitzroy.

Details of the acoustic report are as follows:

- Title: 235 Napier Street, Fitzroy: Town Planning Acoustic Assessment
- Date: 4 June 2021
- Reference: MD458-01F01
- Prepared for: Dare Property Group c/- Fontic
- Prepared by: Renzo Tonin & Associates Pty Ltd (RTA)

The report has been prepared to address potential noise impacts to and from the proposal.

1 Background Information

(Sections 1, 2 and 5 of the report)

- The proposal is for a 7 level plus mezzanine building comprising:
 - Two levels of basement carparking and amenities
 - Car lift and car stacker
 - Ground floor apartments, amenities and courtyard
 - Upper ground level apartments and services
 - Levels 1 to 6 – apartments and services (incorrectly identified as Levels 3 to 6 in report)
 - Roof – services and private and shared terraces
- Noise sensitive receivers are identified as the multi-level mixed use buildings to the north, south and west of the subject site, and the two storey dwellings to the east.
- Potential noise impacts to the development are identified as:

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- Café at 237-253 Napier Street (Bentwood Fitzroy). The café is identified as low risk due to its limited opening hours (9 am to 10 pm internally and 9 am to 4 pm externally), and the fact that music is played indoors only, at background level.
- Hotel at 210 Napier Street, approximately 65 m from the subject site (Napier Hotel). The hotel has a beer garden which is open to 11 pm all days and plays music indoors until midnight Friday – Saturday, and 9 pm Sunday.
- Hotel at 27 St David Street, approximately 45 m from the subject site (Rainbow Hotel). The hotel has an outdoor patron area which is open until 11 pm most nights and accommodates 55 patrons. Music is reported to be played indoors until 1 am Monday to Saturday nights and up to 11 pm Sunday nights).
- Roof mounted mechanical plant at 233 Napier Street (Identified in Section 5.2 of the report)
- Potential noise impacts from the subject development are not explicitly identified in this section of the report, however noise from mechanical plant, carpark equipment and deliveries are considered in Section 5.

SLR Comments: *The proposal, noise sensitive receivers, potential noise impacts to and from the site have been identified.*

2 Ambient noise monitoring

(Section 3 of the report)

Unattended noise monitoring was undertaken for a full week from 20-27 May 2021 at three different locations around the subject development. The locations are shown in Figure 1 and Table 2.

All measurement locations were elevated (4.5 to 6 m above ground). Graphical noise logging data is included in Appendix C and summarised in Section 3.2.

Octave band noise data for music from the Rainbow Hotel for Saturday 22 May 2021, when the highest impacts were observed, is provided in Table 5.

SLR Comments: *The logging locations are suitable for quantifying both background noise levels and noise impacts to the subject development. The presented data is comprehensive and looks reasonable.*

We note that venues were subject to density restrictions of 1 person per 2 m² at the time of the assessment, and this restriction is likely to have had an impact on the level of patron noise emitted.

3 Rainbow Hotel

3.1 Noise Criteria

(Sections 4.1.3 and 4.3.2 of the report)

Music noise is proposed to be assessed to SEPP N-2 / EPA Publication 1826 external noise limits. Where non-compliance is identified, music is proposed to be assessed to internal targets consistent with Clause 53.06 of the Yarra Planning Scheme, and the City of Yarra 'Guidelines – Managing Noise Impacts in Urban Developments'.

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The external music noise limits are provided in Tables 8 and 9. Different limits have been identified for Friday and Saturday nights, on the grounds that higher background noise levels were measured on these nights.

In cases where external noise limits are exceeded, music is proposed to be assessed to the octave band base noise limits, as provided in Table 10.

SLR Comment: *The identified assessment criteria are appropriate.*

3.2 Assessment and Advice

(Section 5.1 and 5.2 of the report)

An explicit assessment of music externally has not been provided in the report. However, the measured levels of music exceeded the identified noise limits and on these grounds an internal assessment has been provided.

RTA state that they have predicted music noise to all facades of the building and provide advice for glazing to address the predicted levels of music. The advice comprises the inclusion of 10.38 mm thick laminated glass to all bedrooms windows overlooking the venue. Glazing to living rooms (where A-weighted noise limits only are required to be met) is not generally proposed to be upgraded.

Non vision elements of the façade are required to achieve acoustic ratings 10 dB better than the glazing.

SLR Comment: *The predicted music noise levels at the façade of the development are not presented in the report and details of how the venue itself has been modelled are not provided. SLR raised this issue with RTA and further information was provided with respect to both the model and the predicted noise levels. Based on our discussions we are satisfied that the model provides a reasonable estimation of noise impacts, and that the recommended glazing should enable the nominated indoor music levels to be met.*

The specification for non-vision elements provided in the report does not clearly state that the high performance is to be met in low frequency measurement bands, and there is potential for lightweight walls to be selected that have R_w ratings at least 10 dB better than the glazing, but still perform poorly in low frequency bands, where music noise impacts occur. The R_w+Ctr rating is a better indicator of low frequency performance. It is recommended that the non-vision elements be explicitly required to achieve both R_w and R_w+Ctr ratings 10 dB better than the nominated glazing, or that the report provide alternative advice for ensuring that lightweight walls, should they be used on the project, do not comprise the acoustic performance of the building in low frequency measurement bands. Ideally, example constructions should be included.

4 Patron noise

4.1 Noise limits

(Section 4.1.4 of the report)

Patron noise is proposed to be assessed to the indoor design levels provided in the City of Yarra 'Guidelines'. The identified criteria are 35 dB L_{Aeq} in living rooms and 30 dB L_{Aeq} in bedrooms.

SLR Comment: *The proposed criteria are appropriate.*

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4.2 Patron noise assessment

(*Section 5.1 of the report*)

RTA did not detect patron noise in their noise logging data and have instead modelled patron noise from the Rainbow Hotel and Bentwood Fitzroy in order to quantify worst case noise impacts at the façade of the development. The model takes into consideration the number of people that are predicted to be dining outdoors in both venues and assumes sound power levels commensurate with ‘taverns with significant food offerings’ for the Rainbow Hotel and ‘restaurant dining’ for Bentwood Fitzroy. The predicted patron noise levels are not provided in the report, however RTA observe that the levels did not drive the design of the façade (which was driven by the music noise impacts). By implication, the façade upgrade treatments proposed are predicted to ensure compliance with patron noise limits.

SLR Comments: *We agree that modelling of patron noise is appropriate for this application given that the measurements were undertaken at a time when outdoor patron areas could not be occupied at capacity.*

The patron noise data proposed for Bentwood appears reasonable given that the outdoor dining associated with the café is roadside, and patrons will be spread out (resulting in less need to raise their voices to be heard). The data used for the Rainbow Hotel also appears reasonable based on the information provided by RTA (i.e. a maximum of 55 patrons outdoors, resulting in a patron density of approximately 1 person per 1.3 m² if all patrons are located in the uncovered area, and a lower density quotient if they are spread throughout the covered and uncovered areas).

4.3 Mechanical plant noise

(*Section 5.2 of the report*)

RTA observe that there is mechanical plant on the roof of the 6 storey residential development at 233 Napier Street. Access to the roof to quantify noise from the equipment was reportedly sought and refused so noise from the equipment has not been assessed to SEPP N-1 / Publication 1826.

They note, however, that there are no overlooking windows in the subject development and consider nuisance noise from the equipment to be a low risk.

SLR Comment: *We agree that the equipment is likely to have a low risk of exceeding environmental limits, given its location, shielding and the fact that this is a residential building (the units are likely to serve common areas only).*

If access to the roof has been denied, we agree that further efforts to quantify noise from the equipment are not warranted.

5 Noise from the subject development

5.1 Commercial noise limits (SEPP N-1 / EPA Publication 1826)

(*Section 4.3.1 of the report*)

Limits for commercial noise have been determined from land use zoning and measured background levels. The identified limits are based on ‘neutral’ background levels and are equal to : 53 dB L_{Aeq} (day), 47 dB L_{Aeq} (evening) and 42 dB L_{Aeq} (night).

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SLR Comments: Our calculations of noise limits agree with RTAs.

5.2 Car stackers, carpark door and car lift

(Section 5.4.2 and 5.4.3 of the report)

RTA provide advice for managing noise from the car lift, car stacker and carpark entrance door. The advice includes provision of a noise specification (noise from the equipment is not to exceed 65 dB L_{Amax} @ 2 m) and installation guidance.

RTA have also confirmed to SLR that the carpark lift door is proposed to be non-perforated.

SLR Comment: The provided advice is reasonable, however we note that the equipment will also need to comply with the EPA Noise Protocol Part I (Publication 1826) / SEPP N-1 both within apartments in the development and at apartments at 42 St David Street, some of which have windows overlooking the carpark entrance.

Given that the carpark lift door is proposed to be solid, we would expect all relevant noise limits to be met if the L_{Amax} criteria presented in the report are complied with, and provided that the door is closed during carstacker and car lift operations.

5.3 Mechanical Plant

(Section 5.4.1 of the report)

RTA observe that compliance with the relevant environmental noise limits is achievable for this project, but that a detailed assessment of noise from mechanical plant should nevertheless be conducted during the design phase of the project to ensure that compliance with the relevant limits are met.

SLR Comment: We agree that an assessment of mechanical plant noise should be conducted during the detailed design phase. The proposal includes a small first floor plant area with 5 condenser units that will be overlooked by apartments windows at 40 St David Street, approximately 8 m away. Noise from this equipment will need to comply with a 'background + 5' limit during the day and evening and to be inaudible inside apartments at night. Given the close proximity of the equipment to an apartment window, it is recommended that the permit require a review of mechanical plant noise to be submitted to Council.

6 Summary

SLR has undertaken a review of the acoustic report prepared to support the application for a mixed use development at 235 Napier Street, Fitzroy. The report generally addresses acoustic issues on the project, however we suggest the following:

- It is recommended that any lightweight façade walls, if proposed for the project, be required to achieve both Rw and Rw+Ctr ratings 10 dB better than the nominated glazing, or that the report be revised to provide alternative advice for ensuring that lightweight walls will not compromise the sound insulation of the façade at low frequencies. Ideally, recommended constructions should be included.
- Requirement for the car lift entrance gate to be solid / non-perforated. The current gate is proposed to be solid, however there is potential for this to be subject to redesign if it is not given as a requirement in either the acoustic report or the planning permit for the project.

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- A review of mechanical plant noise from the application is to be undertaken during the detailed design phase of the project, as proposed by RTA. Given that some aspects of the design are considered to be of moderately high risk, it is recommended that the review be submitted to Council.

The above items could be addressed in a revised acoustic report or via planning conditions for the application.

Yours faithfully



Dianne Williams
Principal – Acoustics

Checked/Authorised by: JA

Attachment 15 - PLN21/0375 - 235 Napier Street, Fitzroy - Wind Referral



**22 CLEELAND ROAD
SOUTH OAKLEIGH VIC 3167
AUSTRALIA**

(ACN 004 230 013)

Ref: 125-21-DE-REV-00

30 August 2021

City of Yarra
PO Box 168
Richmond VIC 3121

Attn: Michelle King

Dear Michelle,

**235 Napier Street, Fitzroy
Review of Vipac Wind Impact Assessment
Vipac Document Number: 30N-21-0322-TNT-17197-1 dated 13 July 2021**

The review of the Vipac Wind Impact Statement is based on MEL Consultants' experience of wind flow around buildings and structures. This experience has been developed from a company experience of more than 40 years of desktop, wind tunnel, and full scale studies of environmental wind conditions in urban and sub-urban areas. No wind tunnel studies have been undertaken to support the review. Our comments are as follows:

- The Vipac Wind Impact Assessment has been prepared based on the experience of the consultancy and no wind tunnel testing by Vipac has been carried out to support the report. MEL Consultants have no issue with this approach for a desktop study as this is a common approach to provide architects, developers, and responsible authorities advice on the wind effects of the design.
- MEL Consultants have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the assessment. Vipac has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a

TELEPHONE: (03) 8516 9680 : Intl +613 8516 9680 FAX : (03) 9544 0682 Intl +613 9544 0682

Attachment 15 - PLN21/0375 - 235 Napier Street, Fitzroy - Wind Referral

desktop wind impact assessment. A clear description of the 235 Napier Street, Fitzroy, development has been provided along with reference drawings are listed in the Appendix of the report.

- The pedestrian safety and comfort criteria are the Capital City Zone and upcoming Better Apartment Design Standards and MEL Consultants have no issue with these criteria. The recommended criteria for the immediate surroundings streetscapes would be walking comfort and the standing criteria for the entrances to the building. The assessment clearly discusses the rationale for recommending the walking criterion for the terraces and there is no issue with this recommendation.
- The Vipac desktop assessment of the wind conditions along St David and Napier Streets would satisfy the walking comfort criterion due to the setback design of the upper levels of the development and the upstream shielding. MEL Consultants agree with the assessment. Vipac have assessed the wind conditions outside the main entrance and bike room would satisfy the standing criterion and MEL Consultants agree with this assessment and recommendation.
- MEL Consultants would agree that the terraces on Levels 5 and roof wind conditions would satisfy the walking criterion and MEL Consultant agree with this assessment.

In conclusion, the Vipac Wind Impact Assessment has been prepared based on the consultant's experience of wind flow around buildings and structures. We have no issues with the Analysis Approach, Site Exposure, Regional Wind Climate, and description of the development used in the preparation of the assessment. This is consistent with the approach MEL Consultants would take to prepare a similar desktop environmental wind assessment. MEL Consultants would agree with the Vipac assessment of the expected wind conditions along St David and Napier Streets and outside the two entrances on St David Street. MEL Consultants would agree with the assessment of satisfying the walking criterion on the Levels 5 and roof terraces.

Attachment 15 - PLN21/0375 - 235 Napier Street, Fitzroy - Wind Referral

3

Yours sincerely,

M. Eaddy

M. Eaddy
MEL Consultants Pty Ltd

TELEPHONE: (03) 8516 9680 : Intl +613 8516 9680 FAX : (03) 9544 0682: Intl +613 9544 0682

- 6.2 PLN20/0720 - Development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement Yarra Planning Scheme.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN20/0720 at Nos. 272, 274 - 280 and 288 Fitzroy Street, Fitzroy which seeks permission for the development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay
 - (b) Clause 22.07 – Development Abutting Laneways
 - (c) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design);
 - (d) Clause 22.17 – Environmentally Sustainable Development
 - (e) Clause 32.08 – General Residential Zone (Schedule 1)
 - (f) Clause 43.01 – Heritage Overlay
 - (g) Clause 52.06 – Car Parking
 - (h) Clause 55 – Two or more dwellings on a lot (ResCode)

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 55 (ResCode)
 - (b) Built form and heritage
 - (c) Car parking and traffic
 - (d) Objector concerns

Submissions Received

4. A total of 21 objections were received to the application, these can be summarised as:
 - (a) Design and overdevelopment (height, scale, bulk, lack of setbacks)
 - (b) Heritage impacts
 - (c) Not in keeping with neighbourhood character
 - (d) Off-site amenity (visual bulk, overshadowing, overlooking)
 - (e) Construction of basement up to property boundaries.
 - (f) Lack of car parking
 - (g) Nosie from balconies

- (h) Construction impacts
- (i) Impact on property value and community atmosphere

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 condition:
 - (a) The southern wall of the Level 2 bedroom of Townhouse 1, set back 1.12m from the southern boundary, in line with the southern recess.

CONTACT OFFICER: **Samantha Tham**
TITLE: **Senior Statutory Planner**
TEL: **03 9205 5083**

6.2 PLN20/0720 - Development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement Yarra Planning Scheme.

Reference	D21/165858
Author	Samantha Tham - Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

Ward:	Nicholls Ward
Proposal:	Development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement of the Yarra Planning Scheme.
Existing use:	Warehouse (including shed and fences)
Applicant:	Ascanio Pty Ltd c/o - Urbis Pty Ltd
Zoning / Overlays:	General Residential Zone – Schedule 1 (GRZ1) Heritage Overlay – Schedule 334 (HO334) Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Date of Application:	07 October 2020
Application Number:	PLN20/0720

Planning History

6. Council's records show the following planning history for the subject sites for the application:
No.272 Fitzroy Street
7. Planning Permit PL08/0600 was granted on 11 November 2008 allowing "*part demolition, alterations and additions for the construction of a ground and first floor extension.*"
8. Planning Permit PLN18/0820 was granted on 05 March 2019 allowing "*part demolition and construction of an extension to the dwelling (basement)*".
9. The development approved by the permits above are reflected in the existing site conditions.
No.274 – 280 Fitzroy Street
10. Council granted Planning Permit PLN10/0751 on 05 November 2012 allowing "*part demolition, buildings and works including the construction of a screen above existing southern boundary wall*". The existing site conditions appear to reflect the works approved, including the screen above the southern boundary wall which can be seen from Fishers Lane.

11. Planning Permit PLN14/0664 was granted on 12 August 2015 allowing “*buildings and works, including part demolition of the existing building for the construction of a new dwelling*”. The permit was not acted on and subsequently expired on 12 August 2017. An extract of the endorsed western (front) elevation is seen in Fig.1 below.

The application documents make reference to the built form of the development approved under this development for comparison. However, it is important to note that the considerations for the development approved under this permit were limited to heritage matters only.

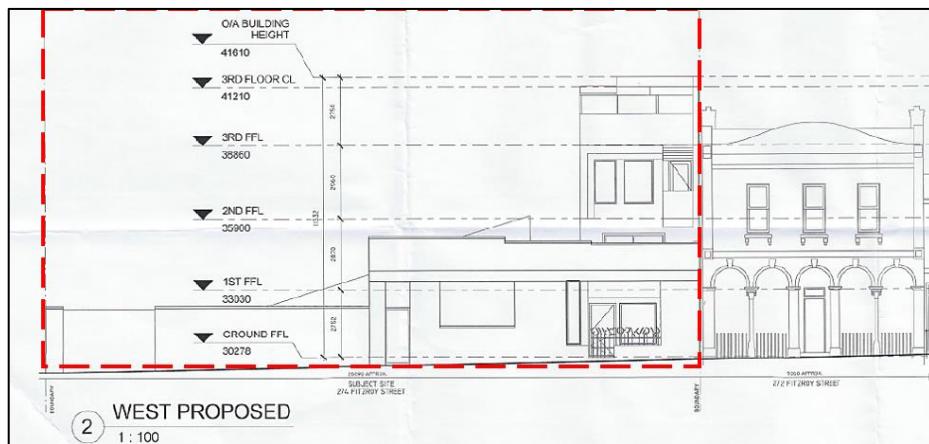


Fig.1 shows an extract of the endorsed western elevation dwelling approved under Planning Permit PLN14/0664.

No.288 Fitzroy Street

12. Council granted Planning Permit No.980218 on 28 April 1998 allowing “Fence, car spaces and vehicular crossover for a dwelling”. The development approved is reflected in the existing site conditions and can be seen from Fitzroy Street.

Background

13. The application was received by Council on 07 October 2020 and further information requested by officers was received on 17 December 2021 and 21 January 2021.
14. The application was advertised to the public on 15 February 2021 and a total of 21 objections have been received by Council to date.
15. Whilst the advertising process was occurring, officers sought and received formal referral advice from internal departments within Council, including the Heritage Advisor, ESD Advisor, Urban Design Unit, Traffic Engineering Unit and the Strategic Transport Unit.

Lodgement of Section 57A Amendment

16. The permit applicant lodged amended plans with Council on 12 August 2021 pursuant to Section 57a of the *Planning and Environment Act 1987*. The amended ‘Section 57a plans’ include the following key changes to address concerns raised by officers, Engineering Unit, Council’s Heritage Advisor and Urban Design Unit:
- (a) The following changes to Townhouse 4:
- (i) Delete the Level 2 balcony and reduce the height of the frame element associated with Level 1 terrace from maximum 9.85m to 8m.
 - (ii) Increase the western (front) setback at Level 2 from 2m to a maximum of 3.2m.

- (iii) Reduce maximum height of the northern boundary wall from 9.8m to 8m. Height of the rear 5.5m long portion boundary wall adjoining secluded private open space at No.288 Fitzroy St reduced from 6.93m to 4.28m with Level 1 and above walls set back 1.2 from the boundary.
- (iv) Modify finish of the northern boundary wall, with majority finished in roughcast render and brick work limited to western-most portion.
- (v) Reduce size of north-facing Level 2 windows.

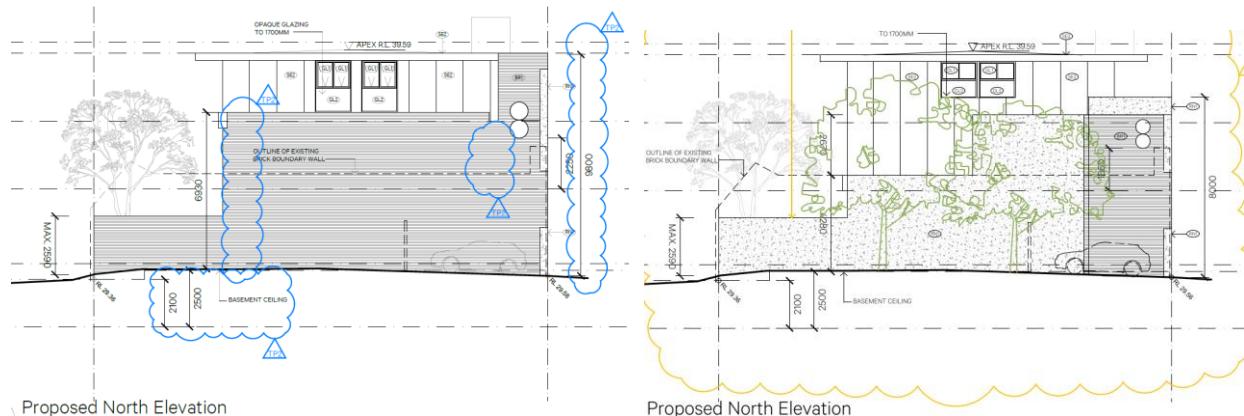


Fig.2 shows a comparison of the advertised (left) and amended (right) northern elevation. Source: Application documents

- (b) Provide a recess (1.1m deep x 2.3m wide) along southern boundary at Level 2, opposite the first floor balcony of No.272 Fitzroy St.
 - (c) Increase western setback of Level 2 balcony from 0.8m to 1.1m and modify soffits from solid to open timber batten.
 - (d) The following changes to side and rear boundary fences:
 - (i) Reduce height of eastern boundary fence to between 2.3m and 2.7m and provide horizontal patterned brickwork.
 - (ii) Reduce height of southern boundary fence from 3.82m to 2.22m.
 - (e) Reduce height of brick 'hit and miss' screen along Fitzroy Street from maximum 5.77m to 4.65m (align with verandah frieze of No.272 Fitzroy St). Provide decorative metal detailing above pedestrian gates to match height of brick screen.
17. In addition to the lodgement of amended plans, the applicant submitted an Arborist Report, prepared by Tree Dimensions dated 22 September 2021 which makes reference to existing trees within No. No.288 Fitzroy St
18. The amended plans were not advertised, with the application given a discretionary exemption at Council's internal Development Assessment Panel (DAP) meeting held on 01 October 2021, on the basis that the proposed amendments to the development result in a reduction in built form and would not result in increased material detriment from the advertised proposal. However, the amended plans and the Arborist report were circulated to objectors with the invitations to the Planning Decisions Committee meeting.
19. The assessment in this report is based on the amended plans submitted to Council on 12 August 2021.

Planning Scheme Amendments

Amendment C238

20. On 1 February 2021, the Minister for Planning formally gazetted Planning Scheme Amendment C238, which introduces a Development Contributions Plan Overlay over the entire municipality. This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The requirements of this provision have immediate effect and apply to the proposed development as it constitutes an increase in the dwelling units on the land.

Amendment C269

21. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PFF), consistent with the structure recently introduced by the State Government.
22. Amendment C269 was adopted by Council on 3 August 2021 and has been subject to a panel hearing. The outcome of the panel hearing is pending.
23. In relation to this current amendment, the following clauses are of most relevance:
 - (a) Clause 13.07-1L – Interfaces and Amenity
 - (b) Clause 15.01 – 1L – Urban Design
 - (c) Clause 15.01-2L – Building Design
 - (d) Clause 15.02 – 1L – Environmentally sustainable development
 - (e) Clause 15.03-1L – Heritage
 - (f) Clause 16.01 – 2L – Location of residential development
 - (g) Clause 16.01 – 3L – Housing diversity
 - (h) Clause 18.02 – 4L – Car parking
 - (i) Clause 19.03 – 2L – Development contributions
 - (j) Clause 19.03 – 3L – Water sensitive urban design
24. Overall, the above clauses are largely reflected in current planning policy and will not be contradictory to the proposed re-write of Clauses 21 and 22.

The Proposal

25. The proposal seeks permission for the development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement Yarra Planning Scheme.

Demolition

26. Demolish all existing built fabric on site (including parts of existing structures located within the title boundaries of No.272 and No.288 Fitzroy St) and the existing vehicle crossover along Fitzroy Street (to be re-constructed).

Development

General

27. Construct a three-storey building (plus basement level) comprising a row of four (4) attached dwellings oriented to Fitzroy Street, specifically:
 - (a) 3 x three-bedroom dwellings (Townhouses 1, 2 and 3)
 - (b) 1 x two-bedroom dwellings (Townhouse 4)

- 28. Basement level constructed to all site boundaries with height clearances between 2.1m to 2.5m. The basement will contain secured car and bicycle parking, bin storage, services (including 10,000L rainwater tank) and the secondary living areas and basement gardens for Townhouses 1, 2 and 3.
- 29. Townhouses 1, 2 and 3 with similar floor layout and appearance. The primary living areas (kitchen/dining/living) and SPOS at ground floor with bedrooms located across Levels 1 and 2. Secondary living areas are located within basement and at Level 2, adjoining basement gardens and balconies.
- 30. Townhouse 4 will have a secondary living area and SPOS at ground floor with primary living areas and a terrace located at Level 1 and two bedrooms are provided at Level 2.
- 31. Each dwelling provided with lift access located adjacent to the entry door along the front façade.
- 32. The building encompasses a rectilinear form with a low-pitched roof and contemporary architectural detailing including curvilinear elements. Large expanses of floor to ceiling glazing along the front and rear elevations.
- 33. Figures 3a and 3b below, show artist impressions of the proposed development provided by the applicant.



Fig.3a shows an artist's impression of the proposed development as seen from Fitzroy Street.



Fig.3b shows an artist's impression of the proposed development as seen from the northern side of Fitzroy Street.

Building Height/Setbacks

34. The overall maximum building height is 11.3m from natural ground level (NGL) to the top of the lift overruns.
35. The following maximum wall heights are proposed:

Interface	Wall Height Proposed
West (Fitzroy St)	Frame element of Level 1 terrace on boundary at 8m above NGL and facade wall height at 9.85m above NGL.
East (Laneway)	Facade wall height at 10m above NGL.
North	Boundary wall height at 8m above NGL.
South	Boundary wall height at 9.8m above NGL

36. The following setbacks are proposed:

Interface	Setback(s) Proposed
West (Fitzroy St)	Maximum 2m setback at ground and first level and 3.2m setback at Level 2 except walls flanking the basement entry with 0m setback and walls of lift shafts with 1.74m setback. Architectural elements projecting within the front setback include the Level 1 terrace, parts of Level 2 balconies and awnings over.
East (Laneway)	5.7m setback at all levels excluding Level 1 and 2 planters across the eastern walls of townhouses.
North	Constructed on the northern boundary shared with 288 Fitzroy St save for the eastern 5.5m long portion of wall at Level 1 and Level 2 walls to bathrooms and bedrooms with 1.2m setback.
South	Constructed on the southern boundary shared with 272 Fitzroy St, save for the 1.12m deep recess at Level 2 and balcony of Townhouse 1 with 0.3m setback.

Roof

37. Awnings over Level 2 balconies and Level 1 terrace extend from roof line with 0.32m setback from Fitzroy Street.
38. Curved lift overruns in between awnings with 1.74m set back from Fitzroy Street.
39. Solar panels (minimum 3kWp to each townhouse) fixed over the west and east facing roof.

Fences/Screens

40. A 'hit and miss' masonry screen (minimum 50% transparent) and decorative metal pedestrian gates between 4.2m to 4.6m in height along Fitzroy Street.
41. Window shrouds and fins to Level 1 and 2 east-facing habitable room windows to limit views.

42. Ground floor SPOS bound by brick fences between 2.2m to 2.7m in height.

Materials/Finishes

43. Constructed predominantly in red face brick and rough cast render complemented with metal cladding finished in a heritage colour (Manor Red).
44. Window and door fenestrations constructed of metal finished in a heritage colour (Manor Red).
45. Awnings over balconies and terraces with open timber batten soffits and roof of building finished in Zincalume sheets.
46. Eastern boundary fence along laneway provided with patterned brickwork.

Car and Bicycle Parking

47. A total of seven (7) on-site car parking spaces for dwelling occupants within basement (2 spaces for Townhouses 1, 2 and 3 and 1 space for Townhouse 4). Provisions for installation of EV charging points within each garage.
48. 20 bicycle spaces for dwelling occupants, with bicycle racks wall-mounted within each garage.
Vehicular access facilitated via a re-constructed vehicle crossing off Fitzroy Street.

Existing Conditions

Subject Site

49. All three (3) abutting properties which form the subject land for this application are located on the eastern side of Fitzroy Street in the suburb of Fitzroy, between Bell Street to the north and Moor Street to the south.
50. Given the predominant development proposed is confined within No.274 – 280 Fitzroy Street, the ‘subject site’ as identified within the remainder of this report, refers to this property only.
51. The subject site is rectangular in shape with its western and eastern boundaries to Fitzroy Street and the laneway, measuring 26.69m in length. The northern and southern boundaries of the site which abut the neighbouring properties are 20.12m in length. The site yields a total area of 538sqm.
52. The southern half of site is occupied by a tall, single-storey workshop building constructed circa 1935-1955, also known as the ‘Parkin & Co Engineers Workshop’. The building is constructed to the eastern, southern and western boundaries.
53. The workshop has a predominately brick façade composed of brown coloured bricks up to about window-sill height and cream coloured bricks above. The facade features two (2) windows and a door with a horizontal concrete band above (painted signage ‘W Parkin & Co Engineers’ is visible on the beam). The parapet of the building is stepped, increasing in height from the southern to northern end, and completely obscures the saw-tooth roof of the building.
54. The rear, eastern walls of the building present to Fishers Lane and are constructed of red brick. The form of the sawtooth roof is visible from Fishers Lane in the shape the rear wall.
55. The northern half of the site comprises a yard with outbuildings and is enclosed by 2m to 4m high brick and timber fences. The outbuildings are obscured from views along Fitzroy Street, save for the skillion roof of the outbuilding within the south-west corner of the yard. The cream and brown brick scheme of the building are repeated across the western brick fence to Fitzroy Street. The fence currently incorporates a metal roller door that appears to have replaced the previous metal sliding gate sometime in 2020.
56. Within Figures 4 to 7 below, are a series of photographs of the subject land and building.



Fig.4 shows the subject building as seen from the northern side of Fitzroy Street (Officer Photo, July 2021)



Fig.5 shows the subject building as seen from the Fitzroy Street (Officer Photo, July 2021)



Fig.6 shows the subject building as seen from the southern side of Fishers Lane (Officer Photo, July 2021)

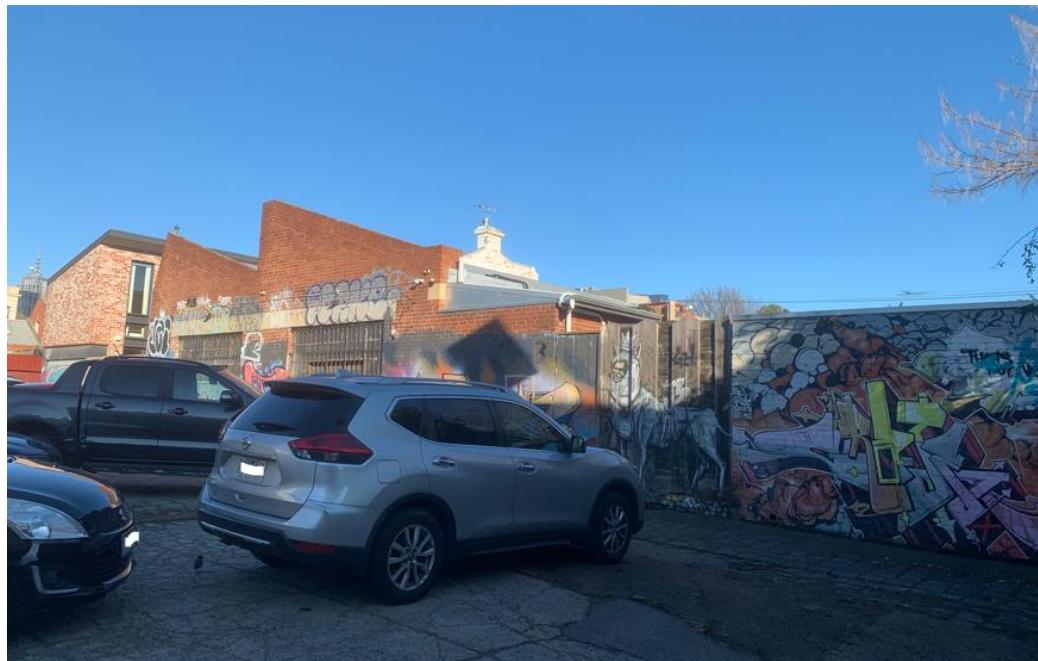


Fig.7 shows the subject building as seen from the northern side of Fishers Lane (Officer Photo, July 2021)

Surrounding Land

General Surrounds

57. The subject site is located within a residential area adjacent to the Brunswick Street Activity Centre which provides numerous services including hospitality, entertainment, retail and to the local community. The locale is well serviced by public transport which provide connections between the CBD and inner suburbs including:
- Tram routes Nos.11 and 96 running along Brunswick and Nicholson Streets respectively.
 - Bus routes Nos.200, 202 and 207 running along Johnston Street.

- 58. The surrounding residential area forms part of the South Fitzroy Heritage Precinct which is predominantly characterised by nineteenth century building stock particularly of the Victorian-era with a substantial contribution from the Edwardian-period, along with some well-preserved inter-war buildings and individually significant places of all eras.
- 59. The site is located within a portion of Fitzroy Street, containing allotments with varied subdivision patterns and layout. The type of built form within the street comprises both single storey and substantial double-storey dwellings, the majority of which are single-storey cottages and double storey terraces of the Victorian-era.
- 60. The aerial image below shows the site (pin-marked) and the surrounding land.



Fig.8 shows the subject site and surrounds (Source: Nearmaps, 23 Sept 2021)

- 61. The immediate interfaces with the site are described below:

North

- 62. To the north of the subject site is No.288 Fitzroy Street, currently occupied by a single-storey Victorian-era terrace of masonry construction, as seen in Fig.9 below. The dwelling is graded as 'contributory' to the heritage place and features a modified front verandah and a rendered parapet with signage identifying the building as 'Industria Cottage'.
- 63. The dwelling which has been improved with a rear extension and occupies the northern extent of the site. The dwelling is constructed up to the eastern and northern boundaries and is set back approximately 6.2m from the southern boundary, providing a large open area within the southern extent of the site.

64. A 3m to 5m high brick boundary wall at the subject site borders the southern extent of the open area. The western extent of the open area is open to Fitzroy Street and accommodates two (2) on-site car parking spaces. The remainder of the open area beyond is fenced off and constitutes SPOS for the dwelling.



Fig.9 shows No.288 Fitzroy Street and the subject site beyond as seen from Fitzroy St (Officer Photo, July 2021)

65. Along the southern wall of the dwelling are several windows and doors (including habitable room windows) facing the SPOS. The western portion of the SPOS is fully landscaped and contains a large 'Box Elder' tree with a canopy encroaching the subject site. The eastern portion of the SPOS seen in Fig.10 below is paved, contains outdoor seating and is accessed directly off the living room of the dwelling.

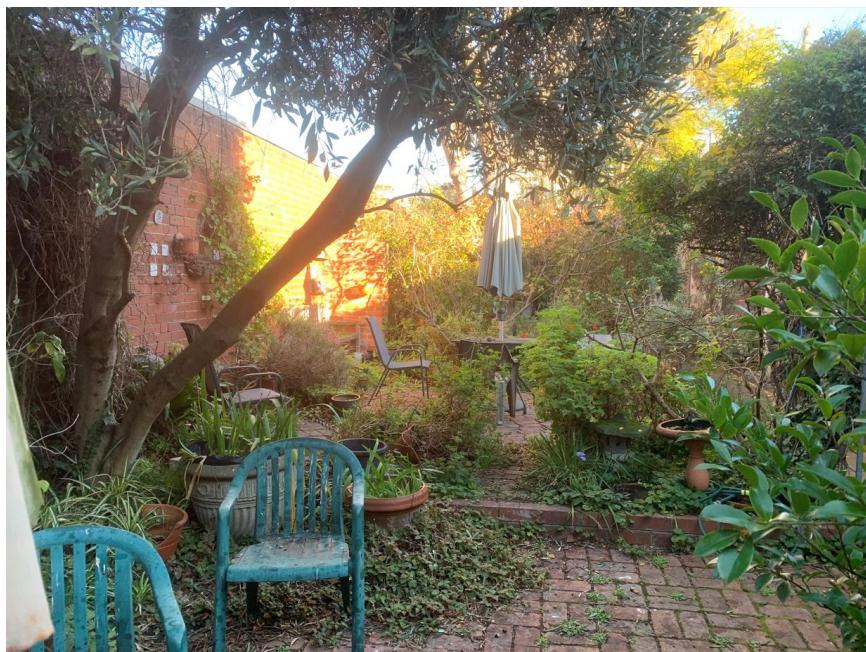


Fig.10 shows the paved SPOS of No.288 Fitzroy Street as seen from the eastern end of the site looking west to Fitzroy St. (Officer Photo, July 2021)

South

66. To the south of the subject site is No.272 Fitzroy Street, occupied by an ornate two-storey dwelling constructed in the Victorian Italianate style. The dwelling is constructed flush to Fitzroy Street at first floor and along both side boundaries. The dwelling is graded 'individually significant' and features a rendered façade with decorative mouldings, an arcaded front verandah and roof parapet. There are two friezes running horizontally across the façade, above the verandah and below the roof parapet.



Fig.10 shows the paved SPOS of No.272 Fitzroy Street as seen from the eastern end of the site looking west to Fitzroy St. (Officer Photo, July 2021)

67. The rear of the heritage dwelling has been improved with double-storey additions, including a first floor balcony approved under Planning Permit PL08/0600. The endorsed plans for Planning Permit PL08/0600 show the SPOS for the dwelling comprises a courtyard accessible from living areas at ground floor and a first floor balcony.
68. The dwelling has been also developed with basement level, approved separately under Planning Permit PLN18/0820. The basement is constructed along the northern and eastern boundaries and is located beneath the ground floor courtyard as seen in Fig.11 below.

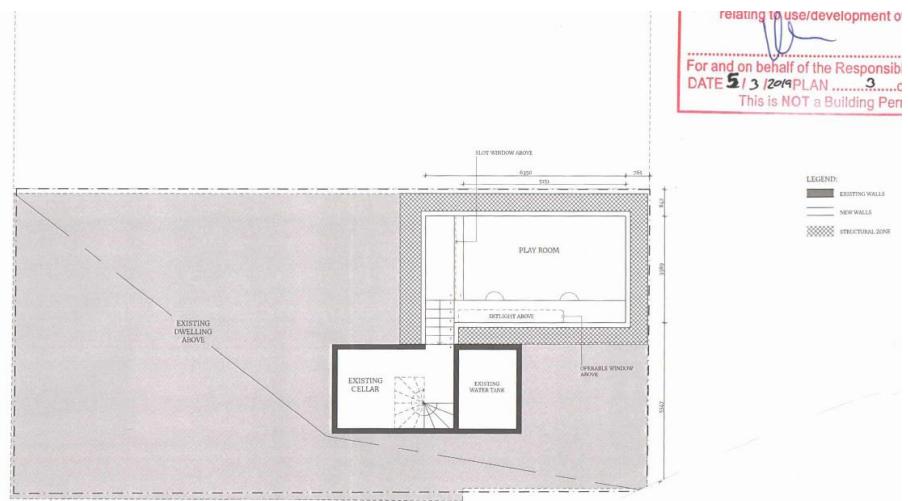


Fig.11 shows the approved basement level of the dwelling, as per the endorsed first floor plan for Planning Permit PLN18/0820.

East

69. To the east of the subject site is an unnamed bluestone laneway Fishers Lane to form a larger laneway network accessible from Moor and Bell Street. The laneway facilitates vehicular access into properties backing onto to the laneway. Further east, beyond the laneway is No.2 Fishers Place, an open area currently used as an informal car park. Further beyond this car park and on the opposite side of Fishers Lane are the rear areas of commercial properties fronting Brunswick Street.

West

70. To the west of the site is Fitzroy Street which accommodates a mix of ‘permit only’ and short stay (1P) car spaces on the western side. Further west beyond Fitzroy Street, is a row single-storey Victorian-era dwellings with a similar appearance (from Nos.271 to 283 Fitzroy Street).
71. To the north of the row of dwellings is the double-storey Standard Hotel building constructed hard-up against the side boundaries and Fitzroy Street. Towards the rear of the hotel are outdoor areas including a beer garden. The Standard Hotel provides live music entertainment with the VCGLR liquor licence (No. 31913913) for the premises reflecting that live or amplified music is not permitted within the beer garden at the rear.



Fig.12 shows the row of Victorian-era dwellings and part of the Standard Hotel on the west side of Fitzroy Street.
Source: Application Documents

Planning Scheme Provisions

Zoning

General Residential Zone – Schedule 1

72. The subject land site is zoned General Residential Zone (GRZ1). The following provisions apply:
73. Pursuant to Clause Pursuant to Clause 32.08-6 of the Scheme, a planning permit is required to:
- (a) *Construct two or more dwellings on a lot.*
 - (b) *Construct or extend a front fence within 3 metres of a street if the fence is associated with two or more dwellings on a lot and the fence exceeds the maximum height specified in Clause 55.06-2.*

74. A permit is required to construct four (4) dwellings on the lot. A permit is also required to construct the front fence as it is associated with four (4) dwellings and exceeds the maximum 1.5m height prescribed at Clause 55.06-2. The development must meet the requirements of Clause 55 of the Scheme.
75. Pursuant to Clause 32.08-4, an application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

76. As the subject site has a lot size of 538sqm, the proposal must set aside 30% or 161.4sqm of the lot as garden area. The submitted Garden Area Plan on Drawing TP3 shows the proposal will provide 33% or 179sqm of garden area (as per the definition at Clause 73.01 of the Scheme), thereby satisfying the minimum garden area requirement at Clause 32.08-4 of the Scheme.
77. Pursuant to Clause 32.08-10 of the Scheme, a building must not be constructed for use as a dwelling or a residential building that:
 - (a) *Exceeds the maximum building height specified in a schedule to this zone; or*
 - (b) *Contains more than the maximum number of storeys specified in a schedule to this zone.*

If no maximum building height or maximum number of storeys is specified in a schedule to this zone: the building height must not exceed 11 metres; and the building must contain no more than 3 storeys at any point.
78. Schedule 1 of the General Residential Zone prescribes the following:
 - (a) *A building used as a dwelling or residential building must not exceed a height of 10.5m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case it must not exceed a height of 11.5m.*
 - (b) *A lift overrun may exceed the abovementioned mandatory height requirements by no more than 1.5 metres*
79. The proposed development will have a maximum height of 10m from NGL to the parapet at RL 39.92 and a maximum height of 11.33m above NGL measured to the lift overruns at RL 41.02. Accordingly, the parapet of the proposed development sits within the maximum 10.5m height allowable and the lift overruns within the maximum 12m allowable for lift overruns.

Overlays

Heritage Overlay – Schedule 334

80. The site is affected by a Heritage Overlay (Schedule 334). The following provisions apply:
81. Pursuant to Clause 43.01-1 of the Scheme, a permit is required to:
 - (a) *Demolish or remove a building; and*
 - (b) *Construct a building or construct or carry out works including:*
 - (i) *A fence, if the fence is visible from a street (other than a lane) or public park.*

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- (ii) A solar energy system attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.
 - (iii) Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
82. City of Yarra – Database of Heritage Significant Areas, July 2020 – The subject site is identified as being “contributory” to the South Fitzroy Heritage Precinct (as identified by Schedule 334 to the Heritage Overlay).
83. A permit is required for the proposed development including the screen/gates fences along Fitzroy Street and re-construction of the vehicle crossover under the Heritage Overlay. However, the solar panels on the roof of the building and the rear and side boundary fences will not be visible from a street (other than a lane) or public park, and therefore, do not trigger a permit.

Development Contributions Plan Overlay – Schedule 1

- 84. The site is affected by the Development Contributions Plan Overlay (DCPO1). The following provisions apply:
- 85. Pursuant to Clause 45.06-1 of the Scheme, a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.
- 86. A permit granted must be:
 - (a) *Consistent with the provisions of the relevant development contributions plan.*
 - (b) *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*
- 87. Section 4.0 of Schedule 1 to the DCPO states that the construction of a building or carrying out of works that does not generate a net increase in additional demand units, including renovations or alterations to an existing building is excluded from development contributions plan.
- 88. A development contributions plan has been incorporated into this scheme and the requirements of the DCPO apply to the proposal as it is a residential development and increases the number of dwelling units on the land. A Development Infrastructure Levy (DIL) and Community Infrastructure Levy (CIL) is applicable to the development and will be required by way of conditions on any permit that may issue.

Particular Provisions

Clause 52.06 – Car parking

- 89. Pursuant 52.06-2 of the Scheme, before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided on the land to the satisfaction of the Responsible Authority.
- 90. The applicable statutory car parking rate for a ‘Dwelling’ as in Table 1 at Clause 52.06-5 of the Scheme is summarised in the table below. Column B applies as the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018).

Land Use	Statutory Requirement	On-site Provision	Reduction required
3 x 3-Bedroom dwellings And 1 x 2-Bedroom dwelling (with potential to adapt secondary living area as bedroom)	2 x car spaces to each three or more bedroom dwelling (<i>with studies or studios that are separate rooms counted as a bedrooms</i>)	2 x car spaces each to Townhouses 1, 2 and 3 And 1 x car space to Townhouse 4	1 space (for Townhouse 4)
Total	8 spaces	7 spaces	1 space

91. A permit is required to reduce the car parking requirement for the overall development by one (1) car space.

Clause 52.34 – Bicycle facilities

92. This policy only applies to dwellings in developments of four or more storeys. The overall height of the proposal is three storeys and therefore the provisions do not apply. Nonetheless, 20 bicycle spaces are proposed across the 4 townhouses.

Clause 53.06 – Live Music Entertainment Venue

93. This policy applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with a noise sensitive residential use that is within 50 metres of a live music entertainment venue.
94. Pursuant to Clause 53.06-3 of the Scheme, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
- (a) *Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020)*
 - (b) *Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.*

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826.2).

A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

95. The site is located within 50m of the Standard Hotel which is a live music venue.

Clause 53.18 - Stormwater Management in Urban Development

96. This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works.
97. A permit is not triggered under this clause. However, Clause 53.18-3 requires an application to construct a building or construct or carry out works must meet all of the objectives of Clauses 53.18-5 and 53.18-6 and should meet all of the standards of Clauses 53.18-5 and 53.18-6.

The objectives of this policy closely align with local policy at Clause 22.16 (Stormwater Management [Water Sensitive Urban Design]) of the Scheme.

General Provisions

Clause 65 – Decision Guidelines

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

Planning Policy Framework (PPF)

Clause 13.04-1S - Contaminated and potentially contaminated land

99. The objective of this clause is “*To ensure that contaminated and potentially contaminated land is used and developed safely.*”

100. The relevant strategies are:

- (a) *Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.*
- (b) *Protect sensitive uses including a residential use or use as childcare centre, kindergarten, pre-school centre, secondary school or children's playground from the effects of contamination.*
- (c) *Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.*

Clause 15.01-1R – Urban design – Metropolitan Melbourne

101. The objective of this clause is “*To create a distinctive and liveable city with quality design and amenity.*”

102. The relevant strategy is:

- (a) *Support the creation of well-designed places that are memorable, distinctive and liveable.*

Clause 15.01-2S – Building Design

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

104. The relevant strategies are:

- (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) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*

-
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
 - (f) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
 - (g) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

Clause 15.01-4R –Healthy Neighbourhoods - Metropolitan Melbourne

- 105. The objective of this clause is “To achieve neighbourhoods that foster healthy and active living and community wellbeing.
- 106. The relevant 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

- 107. The objective of this clause is “*To recognise, support and protect neighbourhood character, cultural identity, and sense of place*”.
- 108. The relevant strategies are:
 - (a) *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
 - (b) *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
 - (c) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - (i) *Pattern of local urban structure and subdivision.*
 - (ii) *Underlying natural landscape character and significant vegetation.*
 - (iii) *Neighbourhood character values and built form that reflect community identity.*

Clause 15.03-1S – Heritage conservation

- 109. The objective of this clause is “*To ensure the conservation of places of heritage significance*”.
- 110. The relevant strategies are:
 - (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 conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
 - (c) *Encourage appropriate development that respects places with identified heritage values.*
 - (d) *Retain those elements that contribute to the importance of the heritage place.*
 - (e) *Encourage the conservation and restoration of contributory elements of a heritage place.*
 - (f) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
 - (g) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16.01-1R - Housing supply - Metropolitan Melbourne

111. The objective of this clause is “*To facilitate well-located, integrated and diverse housing that meets community needs.*”
112. The relevant strategies are:
 - (a) *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
 - (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
 - (c) *Identify opportunities for increased residential densities to help consolidate urban areas.*
 - (d) *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
 - (e) *Encourage the development of well-designed housing that:*
 - (i) *Provides a high level of internal and external amenity.*
 - (ii) *Incorporates universal design and adaptable internal dwelling design.*
 - (f) *Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

Clause 18.02-1S – Sustainable Personal Transport

113. The objective of this clause is “*To promote the use of sustainable personal transport.*”
114. *The relevant strategies area:*
 - (a) *Ensure development and the planning for new suburbs, urban renewal precincts, greyfield redevelopment areas and transit-oriented development areas (such as railway stations) provide opportunities to promote more walking and cycling.*
 - (b) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
 - (c) *Ensure cycling routes and infrastructure are constructed early in new developments*

Clause 18.02- 4S – Car Parking

115. The objective of this clause is “*To ensure an adequate supply of car parking that is appropriately designed and located.*”
116. The relevant strategies are:
 - (a) *Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.*
 - (b) *Encourage the efficient provision of car parking by consolidating car parking facilities.*
 - (c) *Design and locate local car parking to:*
 - (i) *Protect the role and function of nearby roads.*
 - (ii) *Enable easy and efficient use.*
 - (iii) *Enable the movement and delivery of goods.*
 - (iv) *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*

- (v) Create a safe environment, particularly at night.
- (vi) Facilitate the use of public transport.

Local Planning Policy Framework (LPPF)

Clause 21.03 – Vision

117. A key vision for the city of Yarra in relation to built form is:

- (a) *Yarra's historic fabric which demonstrates the development of metropolitan Melbourne will be internationally recognised*
- (b) *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks*
- (c) *People will safely get together and socialise in public spaces across the City*
- (d) *All new development will demonstrate design excellence*

Clause 21.04-1 – Accommodation and housing

118. This clause identifies that:

"Yarra will continue to accommodate its share of the housing growth of the inner Melbourne Metropolitan region (comprising the Cities of Melbourne, Port Phillip, Stonnington and Yarra). However, in order to protect valued character, and particularly its heritage places, the majority of new development will be accommodated on strategic redevelopment sites. These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required under Melbourne 2030."

119. The relevant objectives and strategies are:

- *Objective 1 - To accommodate forecast increases in population.*
 - *Strategy 1.1 - Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.*
 - *Strategy 1.3 - Support residual population increases in established neighbourhoods.*
- *Objective 2 - To retain a diverse population and household structure.*
 - *Strategy 2.2 - Encourage residential development which allows people to age in their existing homes and communities by supporting a range of housing types.*
 - *Strategy 2.4 - Encourage the retention of dwellings in established residential areas that are suitable for families with children.*

Clause 21.05-1 – Heritage

120. This clause identifies that *"Factors that contribute to the heritage character of particular neighbourhoods include the period of development and pattern of subdivision, predominant land uses, and the original socio-economic structure of the population. This has created unique neighbourhoods and retail activity centres which are identified in Yarra's Heritage Overlays. These factors must be considered when understanding a site's significance. The cultural significance of heritage places must not be compromised by new development."*

121. The relevant objective and strategies are:

- *Objective 14 - To protect and enhance Yarra's heritage places.*

- *Strategy 14.2 - Support the restoration of heritage places.*
- *Strategy 14.3 - Protect the heritage skyline of heritage precincts.*
- *Strategy 14.4 - Protect the subdivision pattern within heritage places.*
- *Strategy 14.6 - Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
- *Strategy 14.8 - Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*

Clause 21.05-2 – Urban design

122. This clause identifies that “*Looking at the built form of the whole municipality, a clear picture emerges of a low-rise urban form punctuated by pockets of higher development. The low-rise urban form that constitutes much of the municipality is mostly in the one to two storey range, with some three and four storey buildings.*”

123. The relevant objective and strategies are:

- *Objective 16 - To reinforce the existing urban framework of Yarra.*
 - *Strategy 16.2 - Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- *Objective 17 - To retain Yarra’s identity as a low-rise urban form with pockets of higher development.*
 - *Strategy 17.1 - Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form*
- *Objective 18 - To retain, enhance and extend Yarra’s fine grain street pattern*
 - *Strategy 18.2 - Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
- *Objective 19 - To create an inner city environment with landscaped beauty.*
 - *Strategy 19.1 Require well resolved landscape plans for all new development.*
 - *Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*
 - *Strategy 19.3 Encourage the retention of mature vegetation.*
- *Objective 20 - To ensure that new development contributes positively to Yarra’s urban fabric.*
 - *Strategy 20.1 - Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
 - *Strategy 20.3 - Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
- *Objective 22 - To encourage the provision of universal access in new development*
 - *Strategy 22.1 - Encourage applicants to take into account the access needs of all people in the design of new buildings*

Clause 21.06 – Transport

124. This clause identifies that “*Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. This is also a key message of Melbourne 2030 and fundamental to the health and well-being of the community....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.*”

125. The relevant objective and strategies are:

- *Objective 31 - To facilitate public transport usage*
 - *Strategy 31.1 - Require new development that generates high numbers of trips to be easily accessible by public transport.*
- *Objective 33 – To reduce the impact of traffic*
 - *Strategy 33.1 - Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

Clause 21.07 – Environmental Sustainability

126. This clause identifies that “*There is a critical need to reduce greenhouse gas emissions and improve air quality, minimise water use, protect important vegetation and waterways, and reduce waste. Council will also seek to address environmental sustainability through sustainable building design and construction*

127. The relevant objective and strategies are:

- *Objective 34 - To promote environmentally sustainable development.*
 - *Strategy 34.1 - Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*
 - *Strategy 34.3 - Apply the Environmentally Sustainable Development policy at clause 22.17*

Clause 21.08 – Neighbourhoods (Fitzroy)

128. Clause 21.08-7 identifies Fitzroy as “*a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities*”.

Relevant Local Policies

Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay

129. This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance. The relevant objectives of this clause are:

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

- (c) *To retain significant view lines to, and vistas of, heritage places;*
- (d) *To preserve the scale and pattern of streetscapes in heritage places;*
- (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;*
- (f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice;*
- (g) *To ensure that additions and new works to a heritage place respect the significance of the place.*

Clause 22.07 – Development abutting laneways

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

Clause 22.16 – Stormwater management (Water Sensitive Urban Design)

131. Clause 22.16 of the Scheme applies to applications for new buildings. The relevant objectives of the policy is:

- (a) *To promote the use of water sensitive urban design, including stormwater re-use.*
- (b) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*

Clause 22.17 – Environmentally Sustainable Design

132. This 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.
133. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Advertising

134. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* with 41 letters sent to surrounding owners and occupiers and four (4) signs displayed on site. Council received a total of 21 objections, the grounds of which are summarised as follows:
- (a) Design and overdevelopment (height, scale, bulk, lack of setbacks)
 - (b) Off-site amenity (visual bulk, overshadowing, overlooking)
 - (c) Heritage impacts
 - (d) Not in keeping with neighbourhood character
 - (e) Construction of basement on the boundaries

- (f) Lack of car parking
 - (g) Nosie from balconies
 - (h) Construction impacts
 - (i) Impact on property value and community atmosphere
135. As previously highlighted, the Section 57A amended plans were not re-advertised as the changes do not result in additional material detriment. The amended plans and the Arborist report submitted have been provided to the objectors together with the invitations to this PDC meeting for their reference as these inform the officer's recommendations.
136. A planning consultation meeting was not held.
- ## Referrals
137. The application is not required to be referred to any external authorities under the Yarra Planning Scheme.
138. The advertised application was referred to the following units within Council:
- (a) Heritage Advisor
 - (b) Urban Design Unit
 - (c) ESD Advisor
 - (d) Strategic Transport Unit
 - (e) Engineering Services Unit
 - (f) City Works Branch (Waste Management)
 - (g) Open Space Planning and Design
139. The amended plans submitted pursuant to Section 57A of the Act and the Arborist Report, were referred to the following units within Council:
- (a) Heritage Advisor
 - (b) Urban Design Unit
 - (c) Arborist
140. All referral comments received are compiled as an attachment to this report.

OFFICER ASSESSMENT

141. The primary considerations for this application are as follows:
- (a) Clause 55 – Two or more dwellings on a lot (ResCode)
 - (b) Heritage;
 - (c) Car Parking and Traffic;
 - (d) Objector concerns; and
 - (e) Other matters

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

142. The particular provision (Clause 55) comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within an urban inner-city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. These objectives and standards are assessed in detail below.

Standard B1 – Neighbourhood Character and Standard B31 – Design Detail

143. The immediate neighbourhood is predominantly characterised by single and double-storey residential built form comprising mainly older building stock expressed in the Victorian architectural style.
144. This is largely reflected along the portion of Fitzroy Street containing the subject site. However, the existing industrial workshop building on the subject site constitutes an exception both to the residential character of the street and the Victorian streetscape.
145. Accordingly, there is scope to consider a unique design response for a development on this site provided the demolition of the existing workshop does not impact the heritage place and the design response is sufficiently respectful to the neighbourhood character which in this instance is informed by historic built fabric.
146. Whilst an assessment of the proposal's response to the neighbourhood character requires some discussion around the response to the existing heritage fabric, a separate assessment against heritage policy, including justifications for the demolition of the existing workshop building is provided towards the end of the report from paragraphs 294 to 327.

Built form and Design

147. As seen in the zoning map in Fig.13 below, the site is specifically zoned General Residential Zone – Schedule 1 (GRZ1) unlike the surrounding land which is zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1). The GRZ1 zoning allows for residential development of up to 10.5m and three-storeys in height, as opposed to 9m and two-storeys in NRZ1. This zoning indicates the strategic intent for the site to accommodate more robust residential built form.



Fig.13 shows the subject site zoned GRZ1 and the surrounding land zoned NRZ1 (and C1Z). Source: Vic Plan

148. The proposal is a three-storey building constructed to the northern and southern extent of the site. Landscaped open areas are provided along the frontage and to a larger extent at the rear of the development, which serves as SPOS for each townhouse. The siting of the development is consistent with the typical layout and arrangement of residential properties within the street.

149. Notwithstanding the fact that the proposal is a modern infill development, the proposed built form has been influenced by the characteristics seen in a row of attached double-storey Victorian-terraces as indicated in Fig.14 below. Each townhouse has a similar width and Townhouses 1, 2 and 3 have been designed with an identical appearance. The design of the proposal reflects the fine-grained subdivision pattern of terraces within the existing streetscape which is a response supported by Council's Urban Designer and Heritage Advisor. The masonry walls of the lift shaft for each dwelling clearly distinguishes this pattern.



Fig.14 shows the double-storey Victorian terraces along Moor Street and an artist's impression of the proposed development. Source: Application Documents

150. The notable contemporary design elements of the building include the terrace and balconies, curvilinear lift overruns and the metal gates and 'hit and miss' masonry screen along the edge of the street. The terrace and balconies are elements typically found in modern residential developments and which provide opportunities for passive surveillance of Fitzroy Street. The curved lift overruns punctuate the flat roof line and draws from the rendered parapets and pediments of Victorian terraces. The gates and masonry screen provide privacy and some shading to the expanse of habitable room windows along the façades of the townhouses. The screen height relates to the frieze above the verandah of No.272 Fitzroy Street so that these elements are read as single-storey in scale which is accepted by Council's Urban Designer and Heritage Advisor.
151. The design for northern end of the building (Townhouse 4) is unique to the other townhouses and is influenced by the location of the basement entrance and the site context at No.288 Fitzroy Street. A step down in scale is warranted for Townhouse 4 to provide an appropriate height transition from the open space and existing single-storey dwelling at this property. Council's Urban Designers have stated built form within the north-west corner should present as double-storey in scale which is achieved by providing Townhouse 4 with a northern setback at the upper level and an open terrace at the north-west corner.
152. Although the double-storey masonry frame associated with the terrace will be clearly visible from Fitzroy Street, double-storey boundary walls are elements currently featured within the streetscape. Looking south to Moor Street, the side and rear double-storey boundary walls of the dwellings at No.272 Fitzroy Street and 73 Moor Street are clearly visible. Looking, north to Bell Street, the double-storey boundary wall of the Standard Hotel can be seen on the west side of Fitzroy Street.
153. In response to the adjoining built form to the south, the street elevation within Fig.15 below, shows the proposed building height is comparable with the double-storey Italianate Victorian-era dwelling at No.272 Fitzroy Street. The southern walls of the development immediately abut the adjoining dwelling and will not be readily visible from the street.

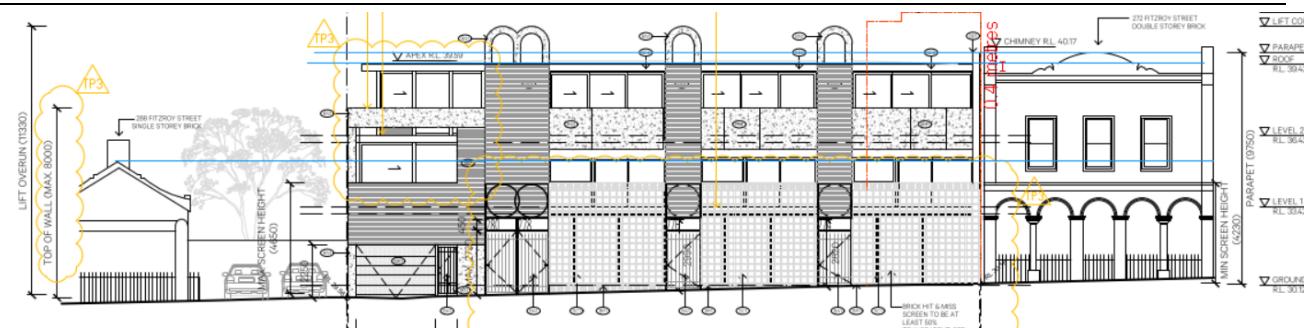


Fig.15 shows the proposed street elevation with blue lines showing relative heights to adjoining buildings.

- 154. Although the front wall sits 0.4m above the frieze of the roof parapet, the additional height is unlikely to be perceivable from the Fitzroy Street given the front wall of the building is proposed to be set back 3.2m from the street at Level 2. The front setback is considered acceptable by Council's Urban Designer who has advised that the setback will sufficiently ameliorate the impact of the additional height.
- 155. The 3.2m setback at Level 2 is also supported by Council's Heritage Advisor. However, the lift shafts, balconies and awnings at Level 2 which project into this front setback are not supported. There is no concern with these architectural elements which provide depth and articulation to the façade from an urban design perspective. However, a detailed discussion on the acceptability of these elements is contained in the heritage assessment below with further design changes required by way of conditions on any permit to issue.
- 156. Overall, the built form and design is an acceptable response within the context of the street which contains buildings of a similar height and scale. However, the northern and southern building setbacks along the interfaces with SPOS areas of No.272 and No.288 Fitzroy Street are a separate matter and are discussed from an amenity perspective later in the report.

Materials and Finishes

- 157. The predominant use of red brick complemented by a mix of metal (finished in Manor Red) and rough cast render achieves a balance in adopting traditional materials seen within the streetscape while incorporating modern materials that reflect the contemporary nature of the development. The limited number of materials and colours ensure the development does not present as overly 'busy'.
- 158. The proposed external materials are supported by Council's Urban Designer and Heritage Advisor.

Laneway Interface (Clause 22.07)

- 159. The proposal will not provide any pedestrian or vehicular access via the ROW at the rear. However, the rear of the building will interface the laneway.
- 160. The proposal will be in keeping with the existing character of the laneway which contains the rear areas of properties fronting Fitzroy Street and 'back of house' areas of commercial properties fronting Brunswick Street.
- 161. The rear interface of the building is set back from the laneway and contains sufficient glazing to allow for passive surveillance enhancing pedestrian safety. The courtyards of townhouses will abut the laneway with planted areas proposed along a 2.1m to 2.7m high brick boundary fence along the rear boundary. The boundary fence will be constructed with a horizontal brick patterns and the fence is low enough to provide opportunities for planting within the courtyards to enhance the amenity of the lane.

162. Overall, the proposed development is contemporary in design, yet complementary to the existing surrounding built form in terms of typology, form and materiality. The design is respectful of the surrounding context, which hosts a combination of single and tall double storey buildings and will introduce an interesting design within the public and private realms and add to the vitality of the surrounding area.

Standard B2 – Residential Policy

163. When assessed against the relevant Planning Policy Framework and Local Planning Policy Frameworks (PPF & LPPF), the proposal achieves broad strategic support.
164. Firstly, the proposed conversion of the site from commercial to residential is consistent with the residential character and land zoning. The proposal is also consistent with the purpose of the General Residential Zone which is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - (b) *To encourage development that respects the neighbourhood character of the area.*
 - (c) *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
 - (d) *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

165. The proposal for four (4) x 2 to 3 bedroom townhouses on the lot diversifies the housing typology seen within the immediate area and is ideally located to take advantage of existing services and transport services within the area given its proximity to the Brunswick Street Major Activity Centre.
166. Notably, the overarching aim of key strategic policy at Clause 16.01-1R (Housing Supply – Metropolitan Melbourne) of the Scheme which encourages increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport. The proposal is in line with the strategic direction of this policy.

Standard B3 – Dwelling Diversity

167. This standard applies to developments of ten or more dwellings. Accordingly, this standard is not applicable as the proposal is for four dwellings.

Standard B4 – Infrastructure

168. The development is located within an existing established residential area. It is not expected the additional dwellings would overload the utility services and infrastructure. The proposed development would be readily connected to the required utility services and infrastructure which are present at the site.
169. Furthermore, the application has been referred to Council's Engineering Services Unit who raise no objection to this aspect of the proposed development. As such the site is considered capable of supporting the proposed dwellings.

Standard B5 – Integration with the street

170. This Standard requires the following as relevant:

- (a) *Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
- (b) *Development should be oriented to front existing and proposed streets.*
- (c) *High fencing in front of dwellings should be avoided if practicable.*

171. The proposed townhouses and its pedestrian and vehicular entrances will be oriented to Fitzroy Street. The masonry screen and metal pedestrian gate along the front boundary do not constitute a traditional front fence. The screen and gates will be between 4.2m and 4.6m in height. However, these elements achieve a high degree of transparency and will allow the open areas and glazing within the front setback of the building to be visible from the street achieving the objective of the Standard.

Standard B6 – Street setback

172. Standard B6 requires walls of buildings to be set back from streets:
- (a) *At least the distance specified in a schedule to the zone, or*
 - (b) *If no distance is specified in a schedule to the zone, the distance specified in Table B1.*
- Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.*
173. The street set back required is the average distance of the setbacks of the front walls of the adjoining buildings at No.272 and 288 Fitzroy Street, whichever is the lesser. Excluding the front verandahs which are constructed up to Fitzroy Street, the setback of the front wall at No.288 Fitzroy Street is approximately 1.6m and the setback at No.272 Fitzroy Street is 1.4m at ground floor and 0m at first floor. The average distance of the front setbacks is 1.5m.
174. The front walls of the building are set back between 2m to 3.2m from the street save for the garage entry with a 0m setback. The proposed garage entry replaces a roller door along Fitzroy Street within in the same location; therefore, the construction of the garage entry on the boundary is not a significant departure from existing conditions.
175. The construction of the masonry frame on the boundary can be tolerated within the streetscape as the frame features a large opening to the street and no higher than existing double-storey façade walls of existing buildings within Fitzroy Street. The masonry frame is also located opposite the car park at No.288 Fitzroy Street to the north which is not a sensitive interface. The northern interface of the frame is sufficiently articulated with patterned openings and application of render band and the northern. The 0m setback of the masonry frame does not contribute to significant visual impacts and is considered an acceptable element by Council's Urban Designer and Heritage Advisor. The objective is met.

Standard B7 – Building height

176. The proposed maximum building height is 10m measured from NGL to the parapet and 11.33m measured from NGL to the top of the lift overruns, thereby achieving compliance with the maximum 10.5m and 12m for lift overruns allowed under the GRZ1.
177. As discussed above, the building height is acceptable within the context of the site and adjoining properties. The façade height of the building is 0.4m taller than the Italianate Victorian dwelling at No.272 Fitzroy Street; however, the additional height is ameliorated by a 2m (parapet) to 3.2m (front walls) setback at Level 2 whereas the first floor of the adjoining dwelling is constructed up to Fitzroy Street. The 3-storey height is not fully expressed at the north-west corner of the site with the frame element to the terrace presenting as 2-storey in scale and achieving an appropriate height transition from single storey built form at No.288 Fitzroy Street.

Standard B8 – Site coverage

178. Standard B8 states that the site area covered by buildings should not exceed the maximum site coverage specified in a schedule to the zone. The objective is to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. Schedule 1 of the General Residential Zone specifies a maximum site coverage of 80%.
179. The proposed site coverage for the development is 67.8% which is well within the maximum allowed by Standard B8.

Standard B9 – Permeability and Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

180. Standard B9 requires the development to provide a minimum of 20% of the lot or 107.6sqm as permeable surfaces. The area summary provided on the plans specifies that the proposal will achieve a site permeability of 17.1% or 92sqm whilst the applicant's town planning report specified the site permeability is 5% or 27sqm only. The latter is accurate, and a variation of 15% or 80.6sqm is sought to the requirement of the Standard.
181. It is not uncommon for development within the inner-city context, to have lower levels of site permeability, which typically follows higher levels of site coverage. In this instance, the low level of site permeability is due to the basement level. Notwithstanding, a site permeability which is too low can place pressure on the local drainage network to accommodate additional stormwater from the development. Therefore, low levels of site permeability can be supported only if compensated with an effective stormwater retention and reuse system. This is also required by Clause 22.16 (Stormwater Management [Water Sensitive Urban Design]) of the Scheme.
182. In this regard, a central 10,000L rainwater tank is proposed (beneath the basement ramp) to collect runoff from 96sqm of roofed areas. The submitted SDA confirms that runoff from 344sqm of roofed areas will be directed to the rainwater tank which will be connected to all toilets, laundries and irrigation.
183. The proposal achieves a STORM score of 112% which exceeds the minimum 100% score required by Clause 22.16 of the Scheme. Based on this, officers are satisfied that this objective is met.
184. However, it is noted that the roof plan for the development has been further modified following the submission of Section 57A amended plans. The modifications are not expected to reduce the STORM below the minimum 100% requirement. However, a condition of any permit to issue will require the SDA to reflect the amended proposal.

Standard B10 – Energy efficiency and Clause 22.17 – Environmentally Sustainable Design

185. The proposal provides dwellings with a dual aspect (east-west) with SPOS areas at ground floor located on the east side and upper level SPOS (terrace and balconies) located on the west side. In particular context, it is not practical to provide SPOS on the northern side of dwellings as encouraged by the Standard, due to the configuration of the lot and its orientation to the street. North-facing windows are limited to the Level 2 bathroom windows of Townhouse 4, having regard to the direct interface with the SPOS of No.288 Fitzroy Street.

Nevertheless, the ground floor courtyards and Level 1 terrace of Townhouse 4 will have northerly aspect and the adjoining living areas of dwellings will receive good access to natural daylight. It is unclear whether all habitable room windows will have operable components to facilitate natural ventilation as claimed in the town planning report. The plans do not clearly show the operability of windows/doors to all habitable rooms consistently and will be required via a permit condition.

186. The Standard requires development to be sited and designed to ensure the energy efficiency of existing dwellings on adjoining lots and performance of any rooftop solar energy systems are not unreasonably reduced.
187. The proposal will not impact solar access to No.288 Fitzroy Street which is to the north of the subject site.
188. As for No.272 Fitzroy Street, the proposal will not impact solar access to north-facing habitable room windows which will be discussed under Standard B20 later in the report. However, there are existing solar energy facilities mounted on the first floor roof of the property which were present at the time the application was lodged on 07 October 2020. The solar energy facility is seen in Fig.16 below.



Fig 16. shows an aerial image with the location of the solar energy facility at No.272 Fitzroy St (identified in red) as at October 2020 (Source: Nearmaps: Oct 2020).

189. The shadow diagrams provided with the decision plans are for 9am to 3pm on 22 September (Equinox). Although the shadow diagrams do not show the location of the solar panels on the roof of the dwelling it is clear that the shadows cast by the development during the Equinox will not impact the solar panels.
190. In response to the requirement of Clause 22.17 of the Scheme which encourages development to achieve best practice in environmentally sustainable development, the applicant commissioned an SDA, prepared by *Urban Digestor* (dated 18 September 2020) for the originally advertised application. The SDA confirms the advertised proposal achieves a BESS Score of 61% which satisfies the requirement at Clause 22.17 of the Scheme.
191. The SDA was referred to Council's ESD Officer and a summary of the recognized ESD commitments for the development is provided in the ESD referral response. However, Council's ESD Officer has advised the proposal does not meet Council's Environmental Sustainable Design (ESD) standard as outstanding information is to be provided in updated reports/plans to be required by way of permit conditions:

- (a) *Provide preliminary NatHERS assessments of the townhouses – noting that the City of Yarra's best practice targets are 10% above the minimum requirement, and ratings of 6.6-stars (minimum) would be anticipated for such a project.*
 - (b) *Provide a landscaping plan that details the planting schedule (of water efficient vegetation claimed in SDA) and maintenance considerations.*
 - (c) *Indicate operable windows throughout - using either 'OW' or arrows similar to east facing windows in A101.*
 - (d) *Confirm use of 'green concrete' mixes (supported by Council) or remove ambiguous language around such commitments.*
192. In addition to the above, the original SDA has not been updated to reflect the amended plans lodged pursuant to Section 57A of the Act. It is expected that much of the information will still be relevant to the current scheme, as the amendments do not undermine the key ESD commitments in the original SDA. However, a condition of any permit to issue will require an amended SDA, generally in accordance with the SDA prepared by *Urban Digestor* (dated 18 September 2020), with revisions to reflect the amended development in the decision plans and to include items (a) and (d) above.

Standard B11 – Open Space

193. The standard applies if any public or communal open space is provided on site. The standard is not applicable as no public or communal open space is proposed.

Standard B12 – Safety

194. Standard B12 requires:

- (a) *Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.*
 - (b) *Planting which creates unsafe spaces along streets and accessways should be avoided.*
 - (c) *Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.*
 - (d) *Private spaces within developments should be protected from inappropriate use as public thoroughfares.*
195. The threshold between the public realm and private realm is clearly delineated by metal gates and 'hit and miss' brick screens located along Fitzroy Street and a brick boundary fence along the laneway. Therefore, the proposal does not create unsafe spaces and thoroughfares along the street/lane.
196. All pedestrian entries along Fitzroy Street are designed identically (transparent metal slat gates) and are clearly distinguishable from the single garage door to the basement. It is unclear if wall-mounted lighting is proposed above the pedestrian and garage entry. The former is not considered essential given its proximity of an existing light pole on the western side of Fitzroy Street. However, given the entry doors are recessed from the street and the front setback will be landscaped, it would be appropriate to provide sensor lighting to the entry doors of each dwelling for the security and safety of residents and visitors. As discussed under Standard B13 below, a landscape plan will be required by way of a condition and will be required to include detail of all external lighting.

197. Further to this, it is acknowledged that pedestrians will step off Fitzroy Street onto decked areas cantilevered over the sunken basement garden. It is unclear from the plans whether the side edge(s) of the decked area are provided with balustrades. This is relevant to considerations under the Standard and may be a requirement under Building Regulations. A condition will require details of any balustrades along the side edges of the decks within the front setback to be shown on plans.

Standard B13 – Landscaping

198. Amongst other things, Standard B13 requires the landscape layout and design to:
- (a) *Protect any predominant landscape features of the neighbourhood.*
 - (b) *Take into account the soil type and drainage patterns of the site.*
 - (c) *Allow for intended vegetation growth and structural protection of buildings.*
 - (d) *In locations of habitat importance, maintain existing habitat and provide for new habitat for*
 - (e) *plants and animals.*
 - (f) *Provide a safe, attractive and functional environment for residents.*
199. The immediate surrounds reflect minimal landscaping at the front of properties and no street trees within this portion of Fitzroy Street either. The rear areas of properties include open backyard areas with some landscaping; however, the overall character is not one that is heavily landscaped or treed. The landscaped SPOS of No.288 Fitzroy Street is an exception and contains a total of three (3) trees.
200. The decision plans indicate designated planting zones along the western, eastern and southern interfaces of the site in the form of upper level planters, the sunken garden within the basement and the eastern courtyards which incorporate raingardens and productive gardens. The proposed landscaping will enhance the development and provide greenery visible to the public realm to improve the amenity of the area.
201. The landscape elements on the advertised plans have been reviewed by Council's Open Space Planning and Design Unit who approve of the landscape initiatives. However, additional information has been requested to ensure:
- (a) None of the proposed plants appear on the DELWP advisory list of weeds.
 - (b) The gardens are planted prior to handover.
 - (c) A detailed plan outlining the mechanisms that will ensure gardens are successful such as irrigation treatments, soil depth etc.
202. A landscape plan capturing all the above will be required by way of a condition of any permit to issue.
203. It is noted that the decision plans show landscaping within the southern Level 2 recess associated with Townhouse 1. It is unclear how landscaping in this area can be practically accessed for maintenance, how drainage will be managed, and whether there would be successful growth for any planting given the recess is located directly over the ceiling of the Level 1 bedroom. A condition of any permit to issue will require reference to landscaping within the southern Level 2 recess to be deleted.

204. With regard to the potential impacts the development will have on existing landscaping, the applicant has submitted an Arborist Report prepared by *Tree Dimensions* (dated 22 September 2021). The Arborist report assesses the development's potential impact on the following trees within the SPOS of No.288 Fitzroy St:

Table 1. Details of neighbouring trees.

Tree #	Common Name	Origin	Height (m)	DBH (cm)	Maturity	Proposal	SRZ (m)	TPZ (m)	Encroachment %	Proposed Impact
1	Jacaranda	Exotic	8	28	Mature	No works in TPZ	1.9	3.4	0%	None
2	Box Elder	Exotic	10	60	Mature	2.4 m to basement	2.7	7.2	24%	Minimal
3	Olive	Exotic	5	25	Mature	2.1 to basement	1.8	3.0	0%	None

205. The report concludes that the proposed development will not impact Tree 1 and 3 and clarifies that the proposal will encroach into the TPZ and Structural Root Zone of Tree 2 but have a minimal impact. This is due to the northern brick boundary wall likely to have large and deep footings, creating a barrier in the soil and containing root growth to the garden of No.288 Fitzroy St. Root investigation is not recommended in this instance. However, roots likely extending along the northern side of the boundary will require protection during demolition and construction activities.
206. There are no tree controls that apply to the adjoining land. However, Tree 2 is classified as a significant tree under Council's local laws and would require a local law permit if it were to be removed. The Arborist Report has been reviewed by Council's Arborist who largely agrees with the findings and recommendations except for the level of incursion into the TPZ and SRZ of Tree 2 being minor and requirement for a tree root investigation.
207. Council's Arborist has stated the encroachment is major and is above the allowable 10% incursion under AS4970-2009 *Protection of trees on development sites*. Whilst it is possible that the roots are not growing into the subject site due to the boundary wall, it is considered an assumption. Therefore, a tree root investigation be required to be performed and documented prior to development via 'air knife' or other non-destructive methods to demonstrate that tree roots are not present as stated in the Arborist Report.
208. The recommendation of Council's Arborist should be adopted as a condition of any permit to issue.

Standard B14 – Access

209. Standard B14 seeks to ensure that the number of vehicle crossovers respects the character of the street, whilst maximising the retention of on-street car parking.
210. The site currently benefits from an existing vehicle crossing along Fitzroy Street, at the northern extent of the site. The proposal does not seek to introduce any additional vehicle crossovers; however, the existing vehicle crossing will be re-constructed to suit the entry to the basement garage. There will be no loss of on-street car parking as there are no on-street parking permitted on the eastern side of Fitzroy Street.
211. As will be discussed below, the Council's Engineers are satisfied the width of the proposed crossover which ensures adequate turning movements into and out of the site off Fitzroy Street.

212. Further to the above, given the scale of the proposed development and the incorporation of a basement car park, there is potential for road disruptions during construction. Therefore, a standard condition on any permit to issue will the applicant to prepare a Construction Management Plan to be prepared prior to the commencement of the development.

This will also ensure that any emissions from the site prior and during construction, as considered under Clause 53.18-6 (Stormwater Management in Urban Development) and are appropriately managed.

Standard B15 – Parking location

213. This Standard requires car parking facilities to:
- (a) *Be reasonably close and convenient to dwellings and residential buildings.*
 - (b) *Be secure.*
 - (c) *Be well ventilated if enclosed.*
214. A total of seven (7) car parking spaces will be provided for the dwellings within the secured basement level. Council's Traffic Engineers have assessed the design and layout of the car spaces and confirmed that access to the car parking spaces is satisfactory. The car spaces can either be accessed conveniently from the basement level of the dwellings or off Fitzroy Street via a separate pedestrian gate and ramp. The material and finishes schedule confirm that the metal garage door will be perforated and an annotation on the basement plan confirms ventilation system will be installed in the basement.

Standard B17 – Side and rear setbacks

215. Standard B17 applies to a new building not on or within 200mm of a boundary and requires side or rear setback from the boundaries:
- (a) *At least the distance specified in a schedule to the zone, or*
 - (b) *If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.*

“Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.”

216. The table below shows the proposal's level of compliance with the requirement of the Standard.

DECISION PLANS	Proposed Max. Wall Height	ResCode Requirement	Proposed Setback	Complies?
Northern (Side) Wall - Level 1 and 2 of Townhouse 4	9.85m	4.94m	1.2m	Variation
Southern (Side) Wall – Recess of Townhouse 1	9.8m	4.91m	1.12m	Variation
Eastern (Rear) Walls - All townhouses	10m	5.09m	5.7m	Yes
Western (Front) Walls	See Standard B6 (Street Setback)			

217. To determine whether the variations sought for the northern and southern walls are acceptable, consideration of the decision guidelines at Clause 55.04-1 of the Scheme is required.

Northern Wall

218. The walls are located along the car park and western parts of the SPOS at No.288 Fitzroy Street. The image in Fig.17 below shows the extent of the northern walls in question (red) and its location relative to the car park (yellow), western portion of SPOS (white) and eastern portion of SPOS (green) at No.288 Fitzroy Street.

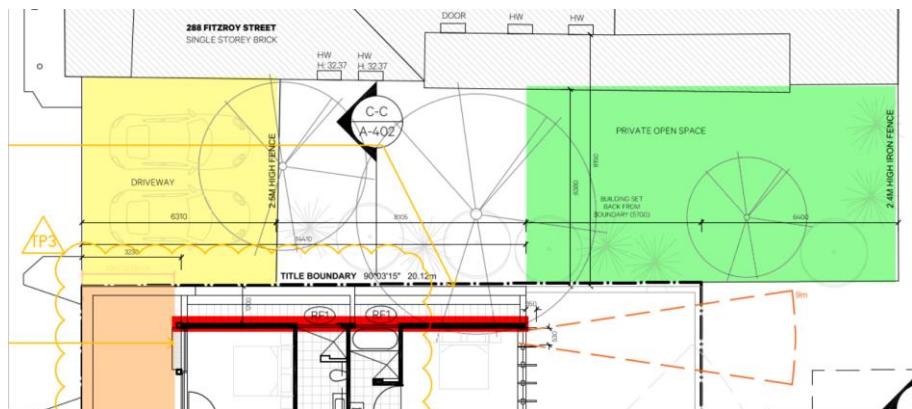


Fig.17 shows the Lvl 2 northern wall in red, and its location relative to the car park (yellow) and SPOS areas of No.288 Fitzroy Street (white and green).

219. Approval of a variation to the setback of the Level 1 and 2 walls are considered to be an acceptable development outcome in this instance. The justifications for this determination are as follows:

- As will be discussed later, daylight amenity of the habitable room windows along the southern wall of the dwelling and solar access to the SPOS will not be impacted.
- As observed from a site visit on 28 June 2021, the eastern portion of the SPOS is a considerably large area (approx. 70sqm) that extends past the rear boundary of the subject site. The eastern SPOS contains a clear area with outdoor seating, accessed directly from the living room of the dwelling. This area is understood to be the 'active areas' of the SPOS and will remain free of built form as it interfaces the courtyard of Townhouse 4 and extends further beyond the laneway.
- The majority of the western portion of SPOS is landscaped and contain garden beds and large trees. The trafficable areas within the western SPOS include a walkway along the northern extent of the landscaping, connecting the car park to the rear areas. This portion of SPOS is not expected to be occupied frequently for recreation and the 1.2m setback for the walls opposite the western SPOS are considered acceptable given the size and arrangement of the SPOS.

Southern Wall

220. The wall is associated with a recess located opposite the Level 1 balcony of No.272 Fitzroy Street which adjoins a robe and bathroom at Level 1. The image in Fig.18 below shows the recess and the open areas of the adjoining Level 1 balcony highlighted in green.

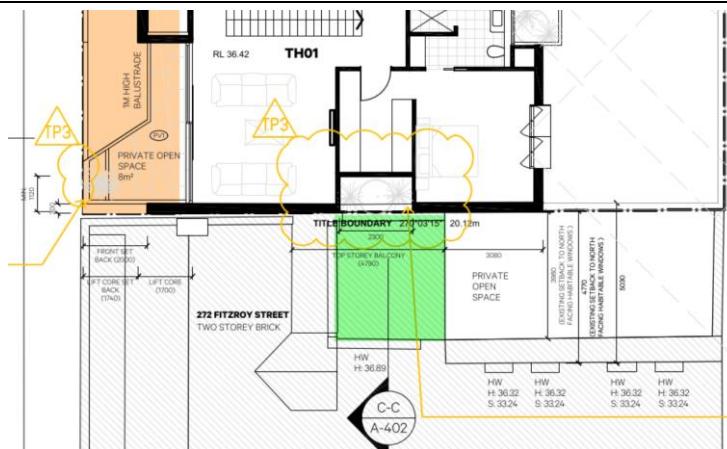


Fig.18 shows the location of the recess relative to the first floor balcony of No.272 Fitzroy Street in green.

221. Approval of a variation to the setback of the Level 2 wall is considered to be an acceptable development outcome in this instance. The justifications for this determination are as follows:
- The balcony constitutes secondary SPOS unlike the ground floor courtyard further east which adjoins the main living areas of the dwelling. The 1.12m deep recess is an appropriate interface response that provides adequate visual relief when the development is viewed from the balcony.
 - The height of the wall relative to the balcony is approximately 5.2m instead of 9.8m measured to the NGL. Notably, for a wall of this height, the set back required under the Standard is 1.48m.
 - The primary outlook from the balcony is to the east towards the laneway.
 - The walls will not impact daylight or solar access to the north-facing habitable room windows at No.272 Fitzroy Street as will be discussed under Standard B19 and B20 below.

Northern Roof Eaves

222. The northern roof eaves project 0.6m into the 1.2m northern setback. The Standard allows eaves to encroach the setback required by 0.5m. The eaves project 0.1m further into the northern setback. The eastern elevation incorrectly shows the eaves extend up to the northern boundary. On this basis, Council's Urban Designer has suggested consideration be given to deleting the overhanging eaves except where above the north-facing windows to optimise the height transition down to No.288 Fitzroy Street; however, it is advised that the 0.6m projection is considered an acceptable outcome. Roof eaves are an architectural element for residential buildings and the 0.1m variation sought to this element would not have significant visual impacts or compromise the proposed height transition to the north.

223. Overall and on balance, the variations sought to the setbacks required under this Standard are not considered unreasonable within the inner-city development context. The proposed setbacks for the northern and southern walls are acceptable design responses to the immediate site context and constraints.

Standard B18 – Walls on boundaries

224. Standard B18 applies to a new wall constructed on or within 200mm of a side or rear boundary and requires:

- (a) The total length of walls along the northern and southern boundaries should not exceed 12.53m, unless abutting an existing or simultaneously constructed wall;
- (b) The total length of walls along the eastern boundary should not exceed 14.17m, unless abutting an existing or simultaneously constructed wall;
- (c) The maximum height of all boundary walls should not exceed an average 3.2m height, with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall on an adjoining lot.

225. The extent of compliance for the northern and southern boundary walls are shown in the table below.

Boundary Wall	Proposed Total Length	Prescribed max. length	Complies?
Northern	14.4m	12.53m or abutting existing walls or simultaneously constructed wall	Variation
Southern	12.4m		Yes
Western	See Standard B6 (Street Setback)		

Boundary Wall	Proposed Max Height	Prescribed max. height	Complies?
Northern	8m	3.2m average and 3.6m maximum or abutting higher existing walls	
Southern	10m		Variation
Western	See Standard B6 (Street Setback)		

226. To determine whether the variations sought for the northern (length and height) and southern (height only) boundary walls are acceptable, consideration of the decision guidelines at Clause 55.04-2 of the Scheme is required.

Northern Boundary Wall

227. The northern boundary wall subject to the assessment is highlighted in Fig.17 below. The wall is 14.4m long and extends along the car park and western SPOS of No.288 Fitzroy Street. The boundary wall heights vary, with the highest portion of the wall at the north-west corner of measured at 8m above ground stepping down to 6.9m for a distance of approximately 5.2m and 4.28m for the remaining length of the wall.



Fig.17 shows the boundary walls and wall sections opposite SPOS and the car park of No.288 Fitzroy St.

228. Approval of a variation to the height and length of the northern boundary wall is considered an acceptable development outcome for the following reasons:

- (a) The acceptability of the northern boundary wall from a neighbourhood character and urban design perspective has been discussed in detail earlier in the report. The boundary wall height and length proposed is not out of character within the context of Fitzroy Street.
- (b) The 4.28m portion of the wall matches the height of the existing northern boundary wall.
- (c) The portion of the wall at 6.9m in height is located opposite the western extent of the SPOS or adjoining the car park. The length of the 6.9m high portion of wall along the SPOS is approximately 2.4m. As discussed earlier, this area of SPOS is unlikely to be occupied in the same way as the eastern SPOS which contains ‘active areas’ that will not interface the development.
- (d) The boundary wall will not cast any shadows over the property or impact daylight amenity to the habitable rooms of the dwelling as will be discussed later in the report.
- (e) The habitable room windows of the living room and kitchen of the adjoining dwelling are located further east of the wall. Visual outlook from these windows to the south over the courtyards of townhouses and the Fishers Lane will be maintained.

Southern Boundary Wall

229. The southern boundary walls subject to the assessment is highlighted in the elevation within Fig.18 below. The built form at No.272 Fitzroy Street directly abutting these walls is shown as a bold dashed line.

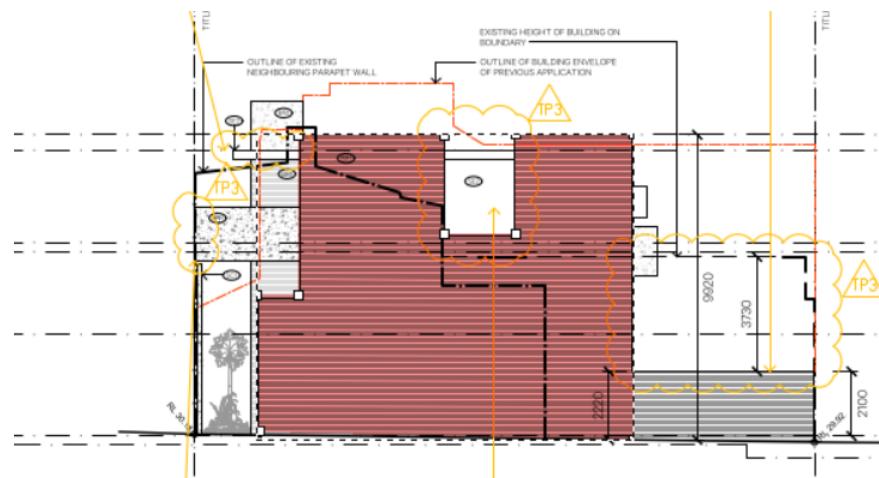


Fig.18 shows the southern boundary walls in yellow and abutting built form at No.272 Fitzroy St as a bold dashed line.

230. As seen in Fig.19 below, parts of the wall will abut the existing built form at No.272 Fitzroy Street including the first floor balcony (dark green) and the remainder of the wall interfaces the ground floor courtyard of the property (light green).

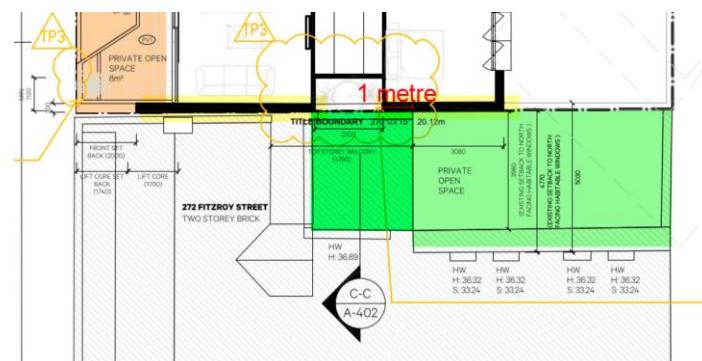


Fig.19 shows the extent of boundary wall located opposite the first floor balcony (dark green) is 1m in width.

231. The majority of the portion of boundary wall located opposite the first floor balcony is approximately 2m in height relative to the FFL of the balcony. A wall of this height would not result in a significant visual impact when seen from the adjoining balcony.
 232. The taller portion of the boundary wall further east is located along the balcony and decked areas of the courtyard. The portion along the balcony is 1m long and 5.6m in height relative to the FFL of the balcony. Given the extent of wall is limited and the primary outlook from the balcony is to the east over the ground floor courtyard and towards Fishers Lane, the boundary wall will not restrict outlook from the balcony. However, the wall also extends along the decked areas of the courtyard for a distance of 3m at a height of 9.9m in height. Under existing conditions, the 5.8m high boundary wall of the workshop is located along the entire length of the courtyard which has an eastern orientation. The proposal effectively increases the height of the wall opposite the deck by 4.4m from existing conditions. Although there will be no built form proposed along the remainder of the courtyard which adjoins the courtyard of the townhouses, improving visual outlook to the north east, the 3m wide, 9.9m high boundary wall is not a supportable response to the interface with the decked area. By extending the 1.12m setback up to the end of the building, the majority of the additional wall height introduced along the SPOS areas will be recessed. This may also reduce the extent of additional overshadowing. Whilst the provision of this setback will reduce size of the adjoining Level 2 bedroom, it will still be reasonably sized and comparable with the bedroom of other townhouses as seen below. Therefore, a condition of any permit to issue will require this design change to be implemented.

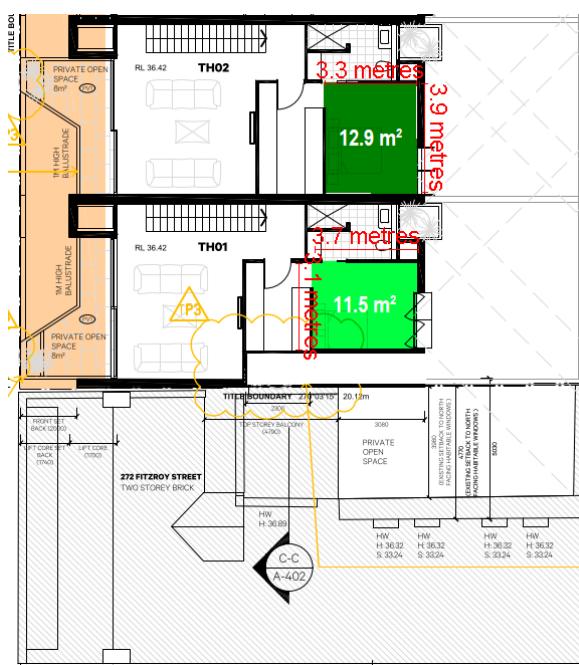


Fig.20 shows the reduced size of the Level 2 bedroom for Townhouse 1 with the required 1.12m setback applied

Standard B19 – Daylight to existing windows

233. Standard B19 requires:

"Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.”

No.288 Fitzroy St

234. The northern walls of the development will be located opposite three habitable room windows along the southern wall of No.288 Fitzroy Street. The proposal does not alter the existing depth and area of the space which these existing habitable room windows face. The maximum height of the wall opposite the windows is 6.9m. Therefore, the second part of the standard requires the windows to be set back a minimum distance of 3.45m from the proposed northern walls. The proposal exceeds the requirement as the northern walls are set back at least 6m from the windows.

No.272 Fitzroy St

235. The decision plans show the southern walls of the development are located opposite habitable room windows of the dwelling at No.272 Fitzroy Street. The windows are associated with the additions approved under Planning Permit PL08/0600 and the endorsed plans show the habitable room windows for consideration are four (4) bedroom windows at first floor.
236. The proposal does not alter the existing depth and area of the space which these existing habitable room windows face which are compliant with the requirement of the first part of the Standard. The proposed 9.9m high southern wall will be located opposite two of the windows associated with the western bedroom at first floor. Therefore, the height of the wall must be taken relative to the FFL of the bedroom which is approximately 2.3m above ground based on the endorsed northern elevation for Planning Permit PL08/0600, seen in Fig.21 below.

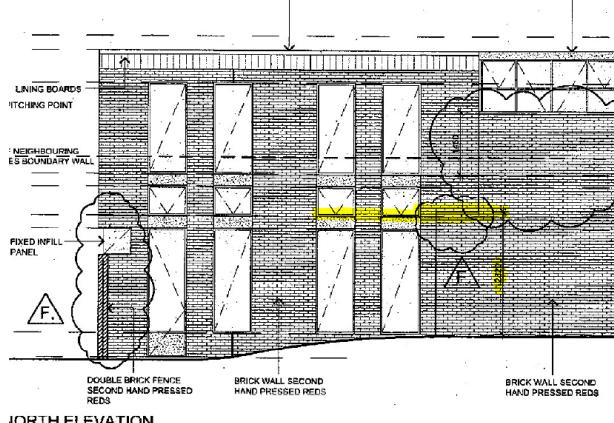


Fig.21 shows the FFL of the bedroom at No.272 Fitzroy Street is approximately 2.3m above ground.

237. Therefore, the Standard requires the bedroom windows to be set back 3.8m from the proposed wall. The proposal complies as the wall is setback 4.77m from the windows.

Standard B20 – North-facing windows

238. This Standard stipulates the following:

'If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window'.

239. All north-facing habitable room windows at No.272 Fitzroy Street are located more than 3m from the common boundary. Therefore, the Standard does not apply.

Standard B21 – Overshadowing

240. The Standard states:

'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. 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.'

241. The proposal will impact solar access to the SPOS of No.272 Fitzroy Street including a 34sqm courtyard and a 13sqm first floor balcony. The existing shadow diagrams show the existing levels of solar access within the SPOS do not currently meet the requirements of the Standard and should not be further reduced.
242. Based on the shadow diagrams submitted, the proposal's impact is summarised in the table below:

Time	Shadow Impact			Solar Access Remaining		
	Courtyard	Balcony	Total	Courtyard	Balcony	Total
9am	- 7sqm	+5sqm	- 2sqm	11sqm	1sqm	12sqm
10am	-11sqm	+7sqm	-4sqm	14sqm	2sqm	16sqm
11am	-12sqm	+8sqm	-4sqm	14sqm	1sqm	15sqm
12pm	-12sqm	+6sqm	-6sqm	12sqm	3sqm	15sqm
1pm	- 4sqm	+5sqm	+1sqm	4sqm	3sqm	7sqm
2pm	Nil	+5sqm	+5sqm	None	2sqm	2sqm
3pm	Nil	+2sqm	+2sqm	None	1sqm	1sqm

243. Additional overshadowing is not uncommon within the inner-city development context as sites are more built up compared to outer suburbs. Due to the orientation of No.272 Fitzroy Street on the south side of the subject site and the extent of northern SPOS areas spanning more than half the length of the property, some additional overshadowing can be expected from a re-development of the subject site. It is important to note the objective of the Standard is to ensure buildings do not significantly overshadow existing secluded private open space.
244. Having regard to the decision guidelines at Clause 55.04-5, the proposal's impact on solar access within the SPOS of No.272 Fitzroy Street is acceptable for the following reasons:
- (a) The 34sqm courtyard at ground floor is the primary SPOS as it adjoins the living areas of the dwelling. Under the proposed conditions, solar access within the courtyard will be significantly improved. Additional solar access (between 4 and 12sqm) will be provided from 9am to 1pm and from 2pm to 3pm, there will be no difference from existing conditions (no solar access).
 - (b) The first floor balcony will receive additional overshadowing throughout the day with the remaining solar access ranging between 1sqm and 3sqm. However, the balcony is a secondary SPOS adjoining a bathroom and robe and is unlikely to be used as frequently for recreation compared to the courtyard.
 - (c) Generally, the proposal improves solar access to SPOS areas (overall) from 9am to 12pm.

-
- (d) The proposed trade-off in solar access within the balcony and courtyard is considered an acceptable outcome particularly because additional solar access will be provided to the central areas of the courtyard from 9am to 11am.
 - (e) As discussed earlier, the shadow impact from the proposal (as detailed in the table above) will be further reduced as a result of a condition requiring the southern Level 2 wall of Townhouse 1, located along the courtyard, to be set back in line with the proposed recess.

Standard B22 – Overlooking

- 245. Standard B22 requires that a habitable room window, balcony, terrace, deck should be located and designed to avoid direct views into the SPOS of an existing dwelling (or a habitable room window) within a horizontal distance of 9 metres (measured at ground level) of the window. Views should be measured within a 45 degree angle from the plane of the window and from a height of 1.7m above floor level. If there is overlooking, windows need to be screened.
- 246. The above standard does not apply to a new habitable room window, deck or patio which faces a property boundary where there is a visual barrier at least 1.8m high and the finished floor level (FFL) of the habitable room window, deck or patio is less than 800mm above ground level at the boundary.

Western Views

- 247. The front boundaries of properties on the western side of Fitzroy Street are located approximately 10.3m away from the front boundary of the subject site. Therefore, potential overlooking from the west-facing windows, Level 1 terrace and Level 2 balconies are outside the scope for consideration under the Standard which considers potential viewing within a 9m radius only.

Northern Views

- 248. There are no habitable room windows located along the northern wall of the development for consideration and no overlooking opportunities from the of the Level 1 terrace which abuts the car park at No.288 Fitzroy Street.
- 249. Views from the courtyards and east-facing doors/windows on the ground floor of the townhouses into the SPOS of No.288 Fitzroy Street are not subject to the Standard because the FFL of the courtyards and doors/windows are no more than 800mm above ground and face fences exceeding 1.8m in height at the boundary.
- 250. The east-facing habitable room windows at Level 1 and 2 of Townhouse 4 relies on 6 x vertical fin screens spread evenly across the width of the windows (see detailed diagram at Drawing TP4).
- 251. The proposed screen is not effective for screening views down into the SPOS of No.288 Fitzroy Street because the Standard requires consideration of views *within* a 45 degrees angle (not *at* 45 degree angles) from the plane of the window. The image in Fig.22 below shows an example of a viewing angle, taken within 45 degrees from the window (red arrow) which will be not be obstructed by the fin screens.

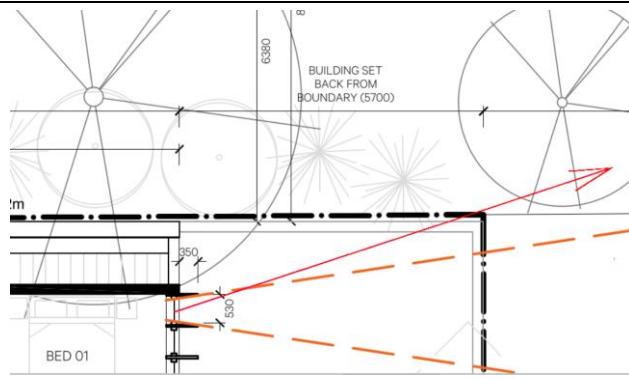


Fig.22 shows a sightline (red arrow) within a 45 degree angle towards the SPOS of No.288 Fitzroy Street will not be screened.

252. A condition of any permit will require the privacy screen to Level 1 and 2 east-facing habitable room windows of Townhouse 4 to be designed to limit views into the SPOS of No.288 Fitzroy Street in accordance with the overlooking objective.

Southern Views

253. There are no windows proposed along the southern wall of the building.
254. The courtyard and east-facing windows/door of Townhouse 1 are not subject to the Standard because the FFL of the courtyards and doors/windows are no more than 800mm above ground and face fences exceeding 1.8m in height at the boundary.
255. The east-facing windows at Level 1 and 2 of Townhouse 1 are provided with window shrouds (detailed specification not provided) which limit the extent of viewing down into the ground floor courtyard at No.272 Fitzroy Street, to the areas highlighted in Fig.23 below

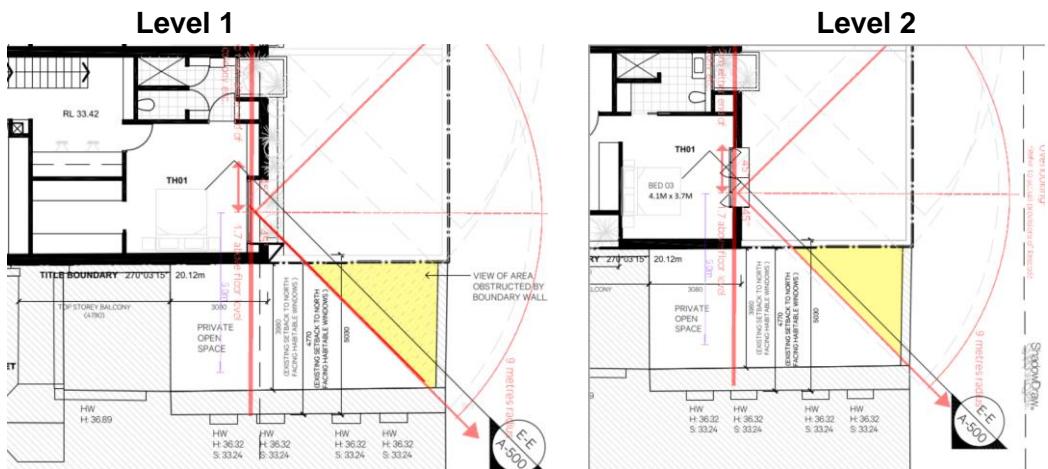
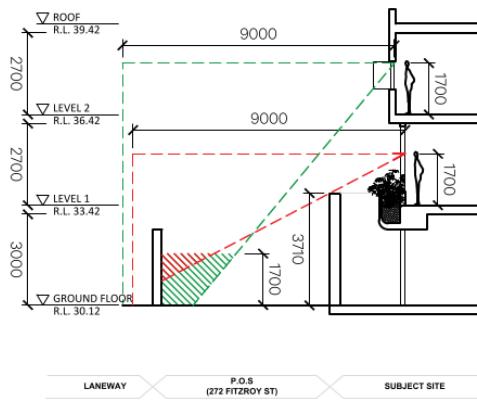


Fig.23 shows the portions of the SPOS at No.272 Fitzroy Street subject to potential overlooking form the east-facing habitable room windows of Townhouse 1.

256. A sectional diagram (Overlooking Section E-E) has been provided to demonstrate what the extent of viewing within these highlighted areas of the courtyard will be. An extract of Overlooking Section E-E is provided in Fig.24 below. It is worth noting that Section E-E does not show the 'worst case scenario' overlooking as it is not taken across the southern extent of the windows.



3 Overlooking Section E-E
A-500 1:200

Fig.24 shows Overlooking Section E-E with the scope of overlooking from the Lvl 1 window in red and the Lvl 2 window in green.

- 257. Based on the section, downward views from the Level 1 window (red) will be limited by a proposed 3.71m high fence on the southern boundary to parts of the rear boundary fence of No.272 Fitzroy St. However, the section has not been updated to reflect the reduced height of the southern boundary fence, shown on the southern elevation as 2.2m instead. There will be direct overlooking into the courtyard from the Level 1 window without appropriate screening. A condition of any permit will require views from the Level 1 east-facing window of Townhouse 1 into the ground floor courtyard of No.272 Fitzroy St to be screened in accordance with the overlooking objective.
- 258. Based on the section, downward views from the Level 2 window (green) will be limited by the shroud projecting from the sill of the windows. The depth of the shroud is not dimensioned and there will be unimpeded views of the courtyard from this window despite the shroud. A condition of any permit will require views from the Level 2 east-facing window of Townhouse 1 into the ground floor courtyard of No.272 Fitzroy St to be screened in accordance with the overlooking objective.

Eastern Views

- 259. There are no residential properties to the east of the property which are located within the 9m radius for consideration under the Standard.

Standard B23 – Internal views

- 260. Standard B23 requires windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

Eastern Courtyards

- 261. The east-facing habitable room windows are provided with shrouds which limit the scope of overlooking down into the eastern courtyards of adjoining townhouses. The shrouds ensure no more than 50% of the eastern courtyards are subject to views from the east-facing windows at Level 1 and 2 of adjoining townhouses as demonstrated in Fig.25 below.



Fig.25 shows the extent of overlooking from the upper habitable room windows of townhouses into adjoining courtyards is less than 50%.

Level 1 Terrace

262. The Level 2 balcony of Townhouse 3 is located adjacent to the Level 1 terrace of Townhouse 4. There will be opportunities for views from the western part of the balcony down into terrace which forms the main SPOS for the dwelling. However, the plans indicate a hit and miss screen will be provided along the southern edge of the Level 1 terrace of Townhouse 4. It is likely that screen would limit views into the terrace to an acceptable degree; however a condition of any permit will require the transparency of this screen to be specified and further detail in the form of a sectional diagram to demonstrate views from the Level 2 balcony down into the Level 1 terrace is limited in accordance with the objective.

Standard B24 – Noise impacts

263. The proposed development is residential in nature and located in a residential zone. The ‘use’ of a dwelling is as-of-right within the zoning of the subject site. Nevertheless, it is reasonable to expect that any noise generated on the site would be normal to what is expected in a residential setting without causing any unreasonable acoustic impacts on neighbouring properties. Furthermore, unreasonable domestic noise is informed by EPA’s Environment Protection (Residential Noise) Regulations 2018 which outlines noise sources and what times noise is considered unreasonable.
264. As stated earlier, the proposal is subject to the requirements at Clause 53.06 (Live music entertainment venues) as it is associated with a noise-sensitive residential use and the site is less than 50m from the Standard Hotel which provides live music. The applicant is agreeable to a condition of any permit to issue requiring the submission of an Acoustic Report demonstrating the development is designed and constructed to include attenuation measures that reduce noise levels to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020).

Standard B25 – Accessibility objective

265. The Standard requires the dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility and is met as the entrances to the dwellings are easily accessible for people with limited mobility, having no grade separation from Fitzroy Street. Furthermore, all levels of the dwelling will be provided with lift access.

Standard B26 – Dwelling entry objective

266. Standard B26 requires entries to dwellings and residential buildings to be visible and easily identifiable from streets and other public areas and to provide shelter, a sense of personal address and a transitional space around the entry.
267. The metal pedestrian gates along Fitzroy Street will display the street address for each dwelling provide each dwelling with a sense of address. Both the gates and the ‘hit and miss’ brick screens will be semi-transparent and allow for direct view lines of the entry doors to the dwellings themselves from most angles along Fitzroy Street. Whilst the entry door to Townhouse 4 is located behind the solid curved wall along the basement entry and would not be immediately visible to those approaching from the north side of Fitzroy Street, this acceptable given the entry point along the street edge is well-defined.
268. The pedestrian gates open into the decked areas within the front setback. The decked areas are sheltered to some extent by the overhanging Level 1 terrace and Level 2 balconies, except for that of Townhouse 1. Given this, and the height of the balconies above the entry, officers consider it appropriate to request awnings to be provided above the entry doors to the dwellings.

Standard B27 – Daylight to new windows

269. The Standard requires all new windows to face an outdoor space with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or a verandah provided it is open for at least one third of its perimeter.
270. All habitable room windows comply including the west-facing windows of living areas within the basement of Townhouses 1, 2 and 3. As indicated on Drawing TP3 the windows will face the sunken gardens which have a minimum depth of 1.5m with at least 3sqm of the garden open to the sky.

Standard B28 – Private open space

271. Standard B28 requires that:

“..a dwelling or residential building should have private open space consisting of:

- (a) *An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*
- (b) *Balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*

-
- (c) *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. “*

272. The proposal complies fully with the requirement of the Standard as follows:

- (a) Townhouse 2 and 3 will have a total of 44sqm of SPOS conveniently accessed from a living room. The SPOS area comprise 36sqm courtyards adjoining the ground floor living room and 8sqm balconies adjoining the secondary living room at Level 2.
- (b) Townhouse 1 will be provided with the same arrangements as Townhouse 2 and 3, but with a larger 39sqm courtyard achieving a total SPOS area of 47sqm.
- (c) Townhouse 4 is provided with a 40sqm courtyard accessible from a secondary living room and a Level 1 terrace approximately 12sqm in area (excluding planter), allowing for a total SPOS area of 52sqm.

Standard B29 – Solar access to open space

273. The Standard requires the private open space should be located on the north side of the dwelling or residential building, if appropriate. Further, the southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where ‘*h*’ is the height of the wall.

274. As discussed earlier, all ground floor courtyards and the Level 1 Terrace of Townhouse 4 will enjoy a northerly aspect. The courtyards of all townhouses no less than 6m in width with 2.1m high brick fences located along the northern perimeter. Therefore, the proposal complies with the second part of the Standard which require the courtyards to be a minimum 3.89m wide.

275. The Level 1 terrace is the main SPOS for Townhouse 4 and will have a wall along its northern edge with two circular openings. The height of the wall above the FFL of the terrace is approximately 4.1m. Therefore, the Standard requires the width of the terrace to be 5.69m. The Terrace is a maximum of 5.4m wide and requires a 0.29m variation to the requirement. This can be accepted considering the openings in the northern wall and the provision of a compliant 40sqm courtyard at ground floor.

Standard B30 – Storage

276. The Standard requires that all dwellings are provided with 6m³ of externally accessible storage.

277. The town planning report submitted confirms that 6m³ of secure storage will be provided within the designated storage area within the basement level for each dwelling. However, the location and detail of these storage areas are not shown on the basement plan.

278. A condition on any permit issued will require the location of 6m³ storage for the dwellings to be shown clearly.

Standard B32 – Front fences

279. The Standard requires a front fence within 3 metres of a street not to exceed 1.5m as specified in Table B3.

-
- 280. The proposal does not include a traditional front fence. Instead, metal pedestrian gates and ‘hit and miss’ brick screens between 4.23m and 4.65m in height along Fitzroy Street. Nevertheless, these elements exceed the maximum 1.5m height prescribed by the Standard.
 - 281. The front fences seen along Fitzroy Street, including that of No.288 and 272 Fitzroy St are low iron picket fences that complement the Victorian architectural style of the respective dwellings. However, there is no continuous pattern or uniform front fences evident along this streetscape. The streetscape contains high boundary fences and walls of properties fronting Moor and Bell Street, the roller door and brick walls/fences of the industrial workshop, the double-storey walls of the Standard Hotel and the contemporary dwelling at No.268 Fitzroy Street.
 - 282. Although the screens and pedestrian gates do not respond to the Victorian picket fences within the streetscape, this is no different from the existing conditions on site. The design and height of these elements are considered acceptable for the following reasons:
 - (a) The screens and gates are semi-transparent (see design details on TP3) and allow for visual permeability between the public and private realm.
 - (b) The use of metal (finished in Manor Red) and brick for the screen and gates complement the building design.
 - (c) The screens are functional and provide some level of privacy and shading to the expanse of habitable room windows along Fitzroy Street. The screens and gates also straddle the edge of the sunken garden along Fitzroy Street and the height of these elements provide an adequate barrier for pedestrian safety.
 - (d) The design of the screens and gates complement the scale and design of the building design and are considered acceptable by Council’s Urban Designer and Heritage Advisor.

Standard B33 – Common property

- 283. The Standard requires development to clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.
- 284. The common areas for the development include the aisle of the basement and the deck area within the front setback for Townhouses 3 and 4.
- 285. The basement aisle is clearly identifiable as a communal area and is separated from the individual garages of the dwellings. Access to the front deck of Townhouses 3 and 4 appear to be shared which may result in future management difficulties. It is appropriate to provide a physical barrier or marker (e.g. balustrade etc.) to clearly delineate the areas of the deck are associated with Townhouse 3 and 4. This will form a condition of any permit to issue.

Standard B34 – Site Services

- 286. The bin storage areas for the dwellings will be located within the individual garages of dwelling in the secured basement level of the building, along with the majority of building services and can be conveniently accessed. The services are located within a bulkhead along the eastern side of the basement and a tap and waste drain within the south-eastern corner and can be easily maintained. As stated earlier, the basement is provided with a ventilation system. It is unclear where the exhaust of this system will be located. This detail will be required by way of a condition on any permit to issue.

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287. A Waste Management Plan (WMP) prepared by *One Mile Grid* dated 14 December 2020 has been submitted and confirms that each dwelling will be allocated 3 bins (glass, garbage and recycling) for Council collection and a compost bin to manage food waste on site. The total area (in sqm) where bins are stored are not shown on the basement plan.
 288. Council's City Works Branch has reviewed the WMP and has advised that the bin storage areas should have enough space to accommodate a possible fourth bin (Food and garden organics) and any future upgrade of recycling bin to a larger size (240 Litre) if required by residents.

Based on the details shown on the basement plan, the bin storage area is approximately 2m long and 0.6m wide. would not be large enough to accommodate a fourth bin and may not comfortably accommodate a larger 240L recycling bin. A condition of any permit to issue will require the dimensions of the bin storage areas to be clearly shown and the size increased to accommodate a fourth bin.

289. It is unclear from the plans where the letterbox of each townhouse will be located. A condition will require the location and details of letterboxes that are clearly accessible by Australia Post and integrated with the overall development to be shown.

Heritage

290. The decision guidelines from *Clause 43.01-4 Heritage Overlay* and policy from *Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)* of the Scheme are used to assess the proposed works, in-order to ensure that there is consistency achieved with the heritage values of the surrounding area.

Demolition

291. Clause 22.02-5.1 states:

"Generally encourage the retention of a building in a heritage place, unless

- *The building is identified as being not contributory.*
- *The building is identified as a contributory building, and*
 - *new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Database of Heritage Significant Areas, July 2020*
 - *the building does not form part of a group of similar buildings.*

An application for demolition is to be accompanied by an application for new development."

292. The existing building to be demolished is identified in the incorporated document '*City of Yarra Database of Heritage Significant Areas, July 2020*' (replaces *City of Yarra Review of Heritage Overlay Areas Appendix 8 (Graeme Butler and Associates, 2007, revised May 2019)*), as 'Parkin and Co Engineers Workshop' an industrial building with 'contributory' status to the South Fitzroy Heritage Precinct (HO334).
293. The statement of significance for Schedule 334 makes the following references to Inter-war buildings:

'Main development era'

- *The main development period in the South Fitzroy Heritage Overlay Area is that of the Victorian era with a substantial contribution from the Edwardian-period. There*

is also a contribution from some well-preserved inter-war buildings and individually significant places of all eras.

'The South Fitzroy Heritage Overlay Area is significant':

- *As a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well-preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area;*
- *For the landmark qualities of some large factory and warehouse buildings from the late 19th and earlier 20th century, such as the MacRobertson confectionary complex which are significant features in the skyline of this predominantly low rise suburb;*

'Contributory elements'

- *The Heritage Overlay Area contributory elements include (but not exclusively) mainly detached and attached Victorian-era and Edwardian-era houses... Contributory elements also include... Well preserved buildings from the pre Second War era.*

294. It is understood that the contributory grading has been awarded as the workshop has been recognized as contributory to the former industrial fabric of South Fitzroy.

295. The proposed demolition of the industrial workshop is proposed on the basis that the building does not possess the 'contributory' elements attributed to it in the incorporated document, (City of Yarra Database of Heritage Significant Areas, July 2020) and the building does not form part of a group of similar buildings. This assertion is supported by a Heritage Impact Assessment (HIA) prepared by *Lovel Chen* dated October 2020.

296. In summary, the assessment:

- (a) Establishes that Interwar manufacturing buildings in the South Fitzroy Precinct date, with some exceptions, to the period between the close of the First World War in 1918 and the onset of the Depression in 1930. The Great Depression of 1929-30 essentially terminated this boom, with manufacturing not wholly recovering until the post-World War period, and then in a modified form and to a reduced extent.
- (b) Evidences that the workshop was constructed after the beginning of the Second World War (1939).
- (c) Compares the workshop with other contributory warehouses and factories within the precinct and has found that the workshop makes little contribution to the industrial legacy of the precinct, being physically, architecturally and historically removed from this group.
- (d) Concludes that this new evidence supports a reassessment of the significance of this building (not-contributory), such that the demolition can be contemplated.

297. The construction date of the workshop is claimed to be approximately 1943, during the second world war and a considerable 13 years after the onset of the Great Depression (1930). The following timelines are referred to as evidence:

- (a) In 1899, the site known today as, 274-280 Fitzroy Street was a fenced block with a small weatherboard building in its north-eastern corner. The workshop had not been constructed as evidenced in them MMBW Map at Figure 5 of the HIA.

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- (b) A property service plan dated June 1942, with W Parkin of Eaglemont listed as the owner, describes plans for 'new connection and extension of retic (reticulation) to BT (boundary trap) ... at Board's expense'.
 - (c) In the 1942 Sands & McDougall directory, William Parkin is listed at his Eaglemont Address, however in 1943, he is listed at 276 Fitzroy Street under 'Engineers—General'.
 - (d) A 1945 aerial photograph at Figure 6 of the HIA shows a saw-tooth-roofed building and substantial fence had been completed at the site. The earlier weatherboard structure was no longer present on the site and;
 - (e) It is from 1943 that William Parkin was operating from the site as a general engineer (until 1975).
298. In addition to the above, the prevailing characteristics of 28 other 'contributory' factory, warehouse or workshop within the South Fitzroy Precinct (photographs and broad dates of construction in a table at Appendix A of the HIA) have been studied for comparison with the workshop.
299. Architecturally, the workshop is at odds with the prevailing characteristics of these other 'contributory' buildings which are universally finished in red face brick with red brick or rendered parapets. The workshop incorporates both late-interwar and some post-war elements, specifically the use of cream brick and the asymmetrical stepped parapet.
300. Lastly, the HIA notes:
- (a) The workshop is located in a largely intact streetscape of Victorian buildings and is unrelated to these buildings in terms of its building typology, age, architectural character or use.
 - (b) The workshop represents a small scale industrial venture that operated substantially after the decline of manufacturing in South Fitzroy and is not of historical significance.
 - (c) The machinery manufactured by W Parkin & Co. which included street cleaning and lawn mowing equipment, is not of any individual note that would be of technical significance.
301. Having reviewed the evidence and findings in the HIA, Council's Heritage Advisor is satisfied that the workshop appears to date from after the period of significant industrial development in the South Fitzroy area, which was during the Inter-war years up to the 1930s. and does not possess the 'contributory' heritage significance attributed to it.
302. The proposed full demolition of the existing building is acceptable based on the building being 'not contributory', the building does not form a group of similar buildings and the application seeks to replace the workshop with a new development.
- Development*
303. Clause 22.02-5.7 of the Scheme seeks to ensure that new development respects the pattern, rhythm, fenestration, roof form, materials and heritage character of the surrounding streetscape, and is articulated and massed to correspond with the prevailing built form of the heritage place.
304. The key consideration for assessing the application is whether the new building will be in keeping with the character or appearance of nearby heritage buildings of contributory significance and does not adversely affect the significance of the broader heritage precinct.

Height/Setbacks

305. Clause 22.02 encourages new development to:
- (a) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
 - (b) *Similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height*
 - (c) *Not obscure views of principle façades*
306. The built form within the streetscape is predominantly single storey; interspersed with a number of tall two-storey buildings. Council's Heritage Advisor has stated that a two-storey façade height for the proposal can be justified on the basis of the greater building heights in the immediate surroundings beyond this part of Fitzroy Street.
307. The proposed building is three-storeys in scale with a facade height exceeding that of No.272 Fitzroy Street by approximately 0.4m. However, the scale of the building generally corresponds with that of existing two-storey buildings within the street. The building is clearly articulated into four (4) separate forms which delineate each individual townhouse and reflects the widths of fine-grain subdivision pattern of dwellings within the streetscape. As discussed earlier in the report, the north-west corner of the building is scaled down and provides a height transition to the single-storey built form at No.288 Fitzroy Street. The height transition is further moderated by the 6m open space separating the heritage dwelling and subject site. Accordingly, there is no concern of the proposal impacting the heritage values of the contributory dwelling at No.288 Fitzroy Street.
308. The façade of the building at Level 2 (excluding parapet wall, balconies and terrace, awnings and lift shaft) are recessed at least 3m from the street. The 3m setback at Level 2 proposed is supported by Council's Heritage Advisor, however concerns remain with the awnings, balconies and the lift shafts at Level 2 which project into the 3m setback. The recommendation is for these elements to be deleted or setback 3m in line with the façade so that the impact of the greater height adopted by the proposal is minimised and the development does not compete with the adjoining heritage dwelling at No.272 Fitzroy Street. Council's Heritage Advisor has expressed that the element of particular concern are the canopies which project furthest to the street.
309. Clause 22.02 encourages setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply. It is important to note that the front wall of No.288 Fitzroy Street and No.272 Fitzroy Street are located further forward of the proposal. The first floor of No.272 Fitzroy Street is constructed hard up to the street edge.
310. The lift shafts, awnings and balconies (in most parts) are set back beyond the front walls of the adjoining properties. Council's Urban Designer has not raised issue with these elements which provide depth and articulation to the building façade. Without these features, the presentation of the building would be flat. Further, the lift shafts, provide lift access to all levels, while the balconies activate the façade and provide opportunities for passive surveillance of Fitzroy Street and the awnings provide shading to west-facing glazing and weather protection. Strict application of a 3m setback for these architectural elements will likely have significant impacts on other development outcomes. Therefore, some flexibility is required in considering whether the proposed setbacks of these elements can be accepted.

311. The western walls of the lift shafts are set back 1.7m from Fitzroy St and together, the widths of the lift shafts constitute less than 25% of the overall length of the building façade. Further, the northern and southern lift shafts are set back at 5m from the adjoining heritage dwelling at No.272 Fitzroy Street and 10m from the heritage dwelling at No.288 Fitzroy Street. The curved elements associated with the lift overrun are semi-open.
312. Only a small portion of the balconies containing planters extend up to the edge of the street, which are otherwise set back 2m from the street. The balconies do not obscure views to the principle façade of the adjoining heritage dwellings. The balcony of Townhouse 1 is also set 300mm off the southern boundary of the site which provides sufficient separation from the façade of the adjoining heritage dwelling at No.272 Fitzroy Street.
313. In relation to the awnings located over the balconies, the applicant has sought an alternative response to the 3m setback required by the Heritage Advisor by modifying the soffits of the awnings to be permeable (timber batten) and increasing the set back from the street to 1.13m. Whilst this assists in further reducing the visual impact of Level 2, Council's Heritage Advisor, has stated the awnings continue to present as bulky elements and must be designed to be more inconspicuous.
314. The awnings provide some shading and weather protection to the balconies, therefore requiring the deletion of these elements would not achieve a balanced outcome. The bulkiness of the awnings appears to be due to the thickness of the fascia (approximately 30cm) and the extent of projection to the street, as seen in Fig.26 below. Officers have queried the possibility of re-designing the awnings to achieve a more lightweight design with the applicant. The applicant has advised that the thickness of the awnings is constrained by structural capabilities but could be reduced to a 20cm. A 10cm reduction to the thickness of the awnings is unlikely to be perceptible from the public realm. In lieu of providing lightweight awnings, the setback of the awnings from Fitzroy Street should be increased to reduce the dominance of these elements at parapet height. It is considered that increasing the set back so the awnings do not extend beyond the extent of the lift shafts achieves this outcome without significantly compromising the design integrity and ESD outcomes (given that horizontal shading devices have limited effectiveness in providing solar protection to west-facing windows).



Fig.26 shows the Level 2 awnings project beyond the lift shafts and the extend of the balconies in most parts.

315. Subject to the conditions above, the upper level will be satisfactorily recessed and respectful of the adjoining heritage context.

Appearance

316. Council's Heritage Advisor has confirmed that the contemporary design approach for the development is acceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration as required by Clause 22.02-5.7 of the Scheme.
317. The proposed external materials and finishes, which have been discussed earlier in the report are found to be acceptable by Council's Heritage Advisor.
318. With respect to the proportions of the development, Council's Heritage Advisor raised concern about the height of the masonry screen in the advertised proposal as the screen extended to the first floor. The concern is that the screen not only obscured the facades of the townhouses but gives the impression that the ground floor of the building is monumental in scale.
319. The reduced height of the masonry screen on the decision plans aligns with the frieze above the arcaded verandah at No.272 Fitzroy Street and allows part of the first floor to become visible. In reviewing the amended proposal, Council's Heritage Advisor has advised the previous concerns relating to the proportions of the development are now resolved.
320. In regard to the fenestrations of the building, Council's Heritage Advisor had raised concerns that the masonry screen in the advertised proposal would act as a 'windowless screen wall' that obscured the façade of the townhouses. Accordingly, the development lacked fenestrations that relate to the residential heritage character within this part of Fitzroy Street.
321. In reviewing the amended proposal on the decision plans, which include design changes to the metal pedestrian gates and further information regarding the 50% transparency of the masonry screens, Council's Heritage Advisor has acknowledged the concerns previously raised have been resolved given that the current proposal provides for more distinctive door openings and a greater degree of visibility to the window frames beyond.

Front Fences

322. Clause 22.02-5.7.2 of the Scheme, contains policy specific to front fences and gates. The masonry screens are not strictly considered as 'front fences'. Nevertheless, the themes in this policy have already been covered in the discussion of the discussion around the masonry screen and gates above.

Car Spaces and Garages

323. Clause 22.02-5.7.2 of the Scheme, contains policy specific to car spaces and garages. The heritage policy discourages
 - (a) *new vehicle crossovers in streets with few or no crossovers*
 - (b) *high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area*
 - (c) *new vehicle crossovers in excess of 3 metres wide in residential streets.*
324. The proposed entrance to the garage and the associated vehicle crossover is located in place of the existing roller door and vehicle crossover. The garage door is designed to integrate with the overall development and is finished in a heritage colour to match the finish of metal pedestrian gates. Excluding the splay, the vehicle crossover proposed is 3m in width. Council's Heritage Advisor has not raised any issue with the garage entry and crossover.

325. Overall, the proposal is a modern residential development that provides an acceptable response to the heritage context within this part of Fitzroy Street subject to additional modifications to the design of the Level 2 awnings.

Car Parking, Traffic, Access and layout

Car Parking

326. As previously identified, the proposal requires a total of eight (8) car spaces due to the fact that Townhouse 4 can be adapted to accommodate three bedrooms. Seven (7) car spaces are provided; with Townhouse 4 provided with one less on-site car space than required by the Scheme.
327. It is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (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.
328. Resident parking demands are, in part, dependent on car parking provisions, insofar as an owner/tenant with the need to park two vehicles is unlikely to occupy a dwelling that does not provide car parking spaces for both. Future owners would be aware that there is only one car space dedicated to Townhouse 4. A standard note on any permit to issue will make clear that future owners will not be eligible for visitor/residential parking permits.
329. To support the reduction in the statutory rate, the applicant commissioned a Traffic Impact Assessment prepared by *One Mile Grid dated 18 September 2020*.
330. The traffic report sources car ownership rates for 3-bedroom residential dwellings in the City of Yarra from the 2016 Census conducted by the Australian Bureau of Statistics. The Census indicates that 54.6 % of these types of households own 1 vehicle or less. The one car space provided for Townhouse 4 is consistent with the average car ownership in the municipality.
331. Council's Engineers have reviewed the assessment undertaken by *One Mile Grid* and concurred with the findings that support the 1 space reduction for Townhouse 4.
332. As identified previously, the site has the advantage of being close to amenities and public transport services, such trams along Brunswick and Nicholson Streets and the surrounding area is blanketed in time based parking restrictions, including 1P parking along the west side of Fitzroy St which ensure that parking turns over frequently.
333. There is no statutory requirement to provide visitor car parking for the development. However, it is considered that visitors might combine their visit by engaging in other business or activities whilst in the area (such as visiting cafés, shops, bars or restaurants) and commuting by sustainable transportation modes
334. Overall the reduction sought is in line with Council's position on promoting sustainable and active transport.

Traffic

335. The traffic impact assessment states that medium to high density dwelling in inner areas generate traffic with rates between 3.0 and 6.0 movements per dwelling. Considering the location of the subject site and moreover the excellent access to public transport, the Traffic Impact Assessment predicts that traffic rates for the site to be towards the lower end of the range.

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336. Council's Engineers have advised that the peak hour traffic volumes generated by the site are considered low and should not adversely impact on the traffic operation of the surrounding road network.

Access and layout

337. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas.
338. All on-site car parking will be located within the basement and accessed via the garage door and vehicle crossing along Fitzroy Street, at the northern end of the site.
339. Council's Engineers have reviewed the car parking design and access arrangements and have confirmed these to be satisfactory. However, the following items would need to be addressed by the applicant.
- (a) The kerb width on both sides of the carriageway of the internal access ramps are to be dimensioned on the drawings.
 - (b) The visibility sight triangle to be dimensioned on the drawings.
 - (c) The vehicle crossing to be depicted correctly on the drawings as per Standard Drawing YSD601.
340. A condition of any permit to issue will require these details as requested.

Objector Concerns

341. Many of the objector issues have been discussed within the body of the report as shown below. Outstanding issues raised are addressed as follows.
- (a) *Design and overdevelopment (height, scale, bulk, lack of setbacks)*
Matters relating to height, scale and bulk are discussed from paragraphs 143 to 162.
Matters relating to setbacks have been discussed from paragraphs 143 to 162 and 172 to 175.
 - (b) *Off-site amenity (visual bulk, overshadowing, overlooking)*
Potential visual impacts from adjoining properties are discussed at paragraphs to 215 to 232.
Overshadowing of SPOS is are discussed at paragraphs 240 to 244
Overlooking is discussed at paragraphs 245 to 259.
 - (c) *Heritage impacts*
The acceptability of the proposed demolition of the existing workshop building is discussed from paragraphs 291 to 302 and the acceptability of the proposed development from a heritage perspective is discussed from paragraphs 303 to 325
 - (d) *Not in keeping with neighbourhood character*
The proposal's response to the neighbourhood character is assessed under Rescode Standard B1 from paragraphs from 143 to 162.
 - (e) *Construction of basement on the boundaries.*
Potential damage to property and potential structural impacts are not matters for consideration under the Yarra Planning Scheme and are typically addressed as part of the building permit process during which a development will be subject to Building Regulations and relevant protection works on adjoining properties arranged.

As discussed in paragraph 281, a condition of any permit will require details of the exhaust for the ventilation system to be provided.

(f) *Lack of car parking*

A more conservative approach has been adopted for assessing the car parking requirement for Townhouse 4 which contains only two bedrooms according to the decision plans. Policy justification for a reduction of 1 car space for Townhouse 4 has been discussed from paragraphs 326 to 334.

(g) *Nosie from balconies*

Potential noise impacts have been discussed at paragraph 263.

(h) *Construction impacts*

This will be managed by via a conditional requirement for a Construction Management Plan, to be approved by Council's Construction Management Unit.

(i) *Impact on property value and community atmosphere*

VCAT has consistently found that property values are speculative and not a planning consideration.

Community atmosphere is considered to be a subjective matter.

Fluctuations in property prices and impacts on community atmosphere are not relevant considerations when assessing an application under the provisions of the *Planning & Environment Act (1987)*, or the Yarra Planning Scheme.

Other Matters

Plan Inconsistencies/Omissions

342. The following matters are plan inconsistencies/omissions (not already discussed in the body of the report) to be addressed by way of conditions on any permit to issue:

- (a) Section B-B has not been updated to reflect the deletion of the Level 2 balcony associated with Townhouse 4 and the increased western setback.

Potential Land Contamination

343. In light of the historical use of the land for industry (workshop for manufacturing lawnmowers and street cleaning equipment) there is concern that this previous use involved actives that may have contaminated the land. In order to ensure the land is used and developed safely for the purpose of a sensitive use as considered under Clauses 13.04-1S and 65.01, a condition of any permit to issue will require a preliminary assessment to be completed by an environmental professional with suitable qualifications containing:

- (a) an assessment of the level, nature and distribution of any contamination within, or in proximity to, the land;
- (b) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
- (c) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

Conclusion

- (a) Based on the report, the proposal is considered to comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval, subject to conditions.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the development of the land for development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus basement level) and a reduction in the car parking requirement Yarra Planning Scheme at Nos. 272, 274 - 280 and 288 Fitzroy Street, Fitzroy subject to the following conditions:

Amended Plans

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. The plans must be generally in accordance with the decision plans, prepared by Kennedy Nolan Architects (Drawings A000 to A801, Revision TP3) dated August 2021 but modified to show:
 - (a) The southern wall to the bedroom at Level 2 of Townhouse 1 set back 1.12m from the boundary, in line with the southern recess.
 - (b) The front setback of Level 2 awnings increased to 1.73m (match the setback of the lift shafts).
 - (c) The following to be screened in accordance with Clause 55.04-6 (Overlooking objective):
 - (i) east-facing habitable room windows of Townhouse 4 screened to limit views into the secluded private open space of No.288 Fitzroy Street; and
 - (ii) east-facing habitable room windows of Townhouse 1 screened to limit views into the secluded private open space of No.272 Fitzroy Street.
 - (d) Location and transparency of the screen on the southern side of the Level 1 terrace to limit views from the Level 2 balcony of Townhouse 3 in accordance with Clause 55.04-7 (Internal views objective).
 - (e) Remove all reference to landscaping within the southern recess at Level 2.
 - (f) All habitable rooms provided with at least one operable window.
 - (g) Annotation to clarify the location of the exhaust for the basement ventilation system.
 - (h) Dimension and areas of proposed bin storage areas.
 - (i) Location of 6m³ of storage for each dwelling.
 - (j) Awnings provided above the entry doors of the dwellings to be integrated with the overall development.
 - (k) Location of letterboxes for each dwelling (within the title boundaries) to be easily accessible by Australia Post staff and integrated with the overall development.
 - (l) Location of balustrades along the side edges of decked areas within the front setback.
 - (m) Location of balustrade or similar structure to distinguish private areas of Townhouse 3 and 4 within the front setback.
 - (n) The kerb width on both sides of the carriageway of the internal access ramps dimensioned.

- (o) The visibility sight triangle dimensioned.
 - (p) The reconstructed vehicle crossing as per Standard Drawing YSD601.
 - (q) Details on Section B-B to correspond with the proposed floor plans and elevations.
 - (r) Depth of the northern roof eaves shown as 0.6m across all drawings.
 - (s) Any requirement of the amended Sustainable Design Assessment required by Condition 3 to show as relevant.
 - (t) Any requirement of the amended Waste Management plan required by Condition 9 to show as relevant.
 - (u) Any requirement of the Acoustic Report required by Condition 5 as relevant to show.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Design Assessment

- 3. Before the plans are endorsed, an amended Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Development Assessment will be endorsed and will form part of this permit. The Sustainable Development Assessment must include the following:
 - (a) Reflect details of the development amended in accordance with Condition 1.
 - (b) Confirm use of ‘green concrete’ mixes (supported by Council) or remove ambiguous language around such commitments.
 - (c) Provide preliminary NatHERS assessments of the townhouses demonstrating a minimum rating of 6.6 stars.
- 4. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable design assessment report, approved pursuant to 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 that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
- 5. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

- 6. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Noise levels from the live music entertainment venue at No.293 Fitzroy St, Fitzroy in relation to the subject site.

The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

Landscape Plan

7. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (b) indicate the location of all areas to be covered by lawn or other surface materials; and
- (c) provide a specification of works to be undertaken prior to planting,

to the satisfaction of the Responsible Authority.

8. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

Tree Protection Plan

9. Before the development commences, a Tree Protection Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Protection Plan will be endorsed and will form part of this permit. The Tree Protection Plan must make recommendations for:

- (a) Undertake a tree root investigation for the Box Elder Tree (Tree 2).
- (b) Amended tree protection measures for trees within No.288 Fitzroy Street;

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

Waste Management Plan

11. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 14 December 2020, but modified to include:

- (a) Weekly waste collection for garbage waste stream; and
 - (b) Bin storage areas increased to accommodate a fourth bin (green bin) or increased bin size.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Preliminary Soil Assessment

13. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970 (EP Act)* to undertake an Environmental Audit in accordance with the provisions of the EP Act.
14. If the assessment required by condition 13 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
15. If the assessment required by condition 13 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (**Statement**),
 - (c) and the Certificate or Statement must be provided to the Responsible Authority.
16. If, pursuant to condition 15, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
 - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.

- (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to [section 173](#) of the [Planning and Environment Act 1987 \(Agreement\)](#). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction Management Plan

17. 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.

Development Infrastructure Levy

18. Prior to the issue of a building permit:

-
- (a) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
 - (b) the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

- 19. Prior to the issue of a building permit:
 - (a) the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
 - (b) the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Road Infrastructure

- 20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) In accordance with any requirements or conditions imposed by Council.
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B85 design vehicle or B99 design vehicle (where applicable), and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) Be DDA compliant;
 - (d) At the Permit Holder's cost; and
 - (e) To the satisfaction of Council.
- 21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath and reconstruction of the kerb and channel at the front of the property):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 23. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

External lighting

- 24. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the entrances of all townhouses 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.

Construction Hours and Noise

25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

General

26. 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.
27. 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.

Time Expiry

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

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

Notes:

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

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

All future property owners and residents residing 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 5585 to confirm.

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

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

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

Attachments

- 1 PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Site Location Map**
- 2 PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)**
- 3 PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments**
- 4 PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report**
- 5 PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans**
- 6 PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports**

Attachment 1 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Site Location Map

SITE CONTEXT MAP

PAGE 1 of 3

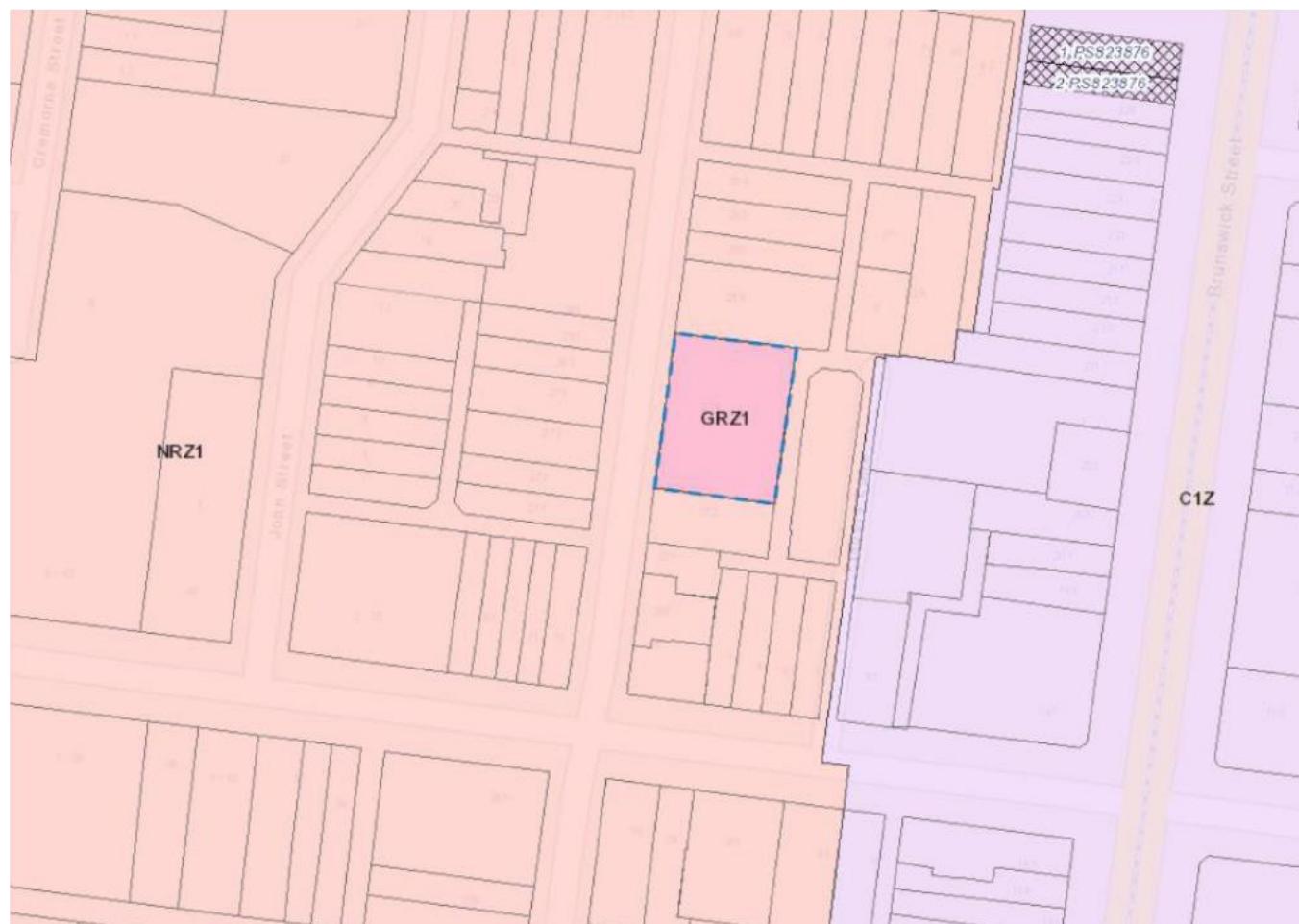


Source: Nearmaps 23 September 2021

Attachment 1 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Site Location Map

ZONING MAP

PAGE 2 of 3



Source: Vicplan (Mapshare)

Attachment 1 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Site Location Map

HERITAGE GRADING MAP

PAGE 3 of 3



Source: Yarra Council GIS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



1. CONCEPT SKETCH - FITZROY ST - LOOKING NORTH

DECISION PLANS

81 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedy-nolan.com.au
+61 3 945 8971
www.kennedy-nolan.com.au

The drawing is to be read in conjunction with the Tender Document, Conditions of Contract and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing the work. Drawings issued by others shall not be checked or verified. Scaled dimensions shall be verified on site.



Revision
T1 SEPTEMBER 2020
T2 SEPTEMBER 2020
T3 AUGUST 2021

Client
Architect
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Cover Page

Project Stage
TP
Scale
A3 DRAWN @ A3
Date
AUGUST 2021
Drawn
PKV/RUL/HG
Project Number
Drawing
1917 1 A000 TP3
Revision

**KENNEDY
NOLAN**

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)

SITE PHOTOGRAPHS



1. SOUTH VIEW OF FITZROY STREET (NOTE GARDEN BRICK WALL TO WEST OF FITZROY STREET)



2. REAR VIEW OF SUBJECT SITE FROM FISHERS LANE



4. VIEW OF EXISTING WAREHOUSE FROM FITZROY ST



5. VIEW OF EXISTING WAREHOUSE FROM FITZROY ST



6. VIEW OF DRIVEWAY AND BRICK BOUNDARY WALL TO 288 FITZROY ST



7. REAR VIEW OF 272 FITZROY ST FROM FISHERS LANE



8. KENNEDY NOLAN'S HOUSE ON FISHERS LANE



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81 Victoria Street Fitzroy
Melbourne 3005 Australia
email@kennedy-nolan.com.au
+61 3 945 8971
www.kennedy-nolan.com.au

ABN 21 058 71 285
ACN 138 177 285

The drawing is to be read in conjunction with the Conditions of Contract, General and specific terms and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing work. Any drawings issued by others shall be checked and verified.
Scaled dimensions shall be verified on site.



Revision
TM SEPTEMBER 2020
TW SEPTEMBER 2020
TW AUGUST 2020

Client
Architect
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Context

Project Stage
TP
Scale
A1-DRAWN @ A3
Date
AUGUST 2021
Drawn
PKV/PKL/HG
Project Number
1917 A001 TP3
Drawing
Revision

**KENNEDY
NOLAN**

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)

SITE RESPONSE/ANALYSIS



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Melbourne 3065 Australia
email@kennedy-nolan.com.au
+61 3 9415 8971
www.kennedy-nolan.com.au

ABN 21 138 71 285
ACN 138 171 285

The drawing is to be read in conjunction with the Contract Drawings, the General Conditions and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Stated dimensions shall be taken from the site. Stated dimensions shall be verified on site.

Revision
T1: SEPTEMBER 2020
T2: SEPTEMBER 2020
T3: AUGUST 2020

Client:
Architect
Project:
Fitzroy Lane houses
Project Address:
274-280 Fitzroy Street
Fitzroy
Drawing Name:
Site Analysis

Project Stage:
TP
Scale:
A3 DRAWN @ A3
Date:
AUGUST 2021
Drawn:
PKV/RUL/HG
Project Number:
1917 A002 TP3

**KENNEDY
NOLAN**



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)

PRECEDENT PROJECTS



1. EASTBOURNE HOUSE, 62 WELLINGTON PARADE



2. 36 PARK STREET, SOUTH YARRA



3. KHYAT & CO (OLD VICTORIA KNITTING MACHINE CO), LONSDALE STREET



4. CORNER OF FITZROY & BELL STREET



5. DOUBLE STOREY BOUNDARY BRICK WALL EXAMPLES - CITY OF YARRA

DECISION PLANS

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedynolan.com.au
+61 3 9415 8971
www.kennedynolan.com.au

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Stated dimensions shall be taken from the site. Stated dimensions shall be verified on site.

Revision
T1 SEPTEMBER 2020
T2 SEPTEMBER 2020
T3 AUGUST 2020

Client
Aacdco
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Precedent Projects

Project Stage
TP DRAWN @ A3
Scale
A3 DRAWN @ A3
Date
AUGUST 2021
Drawn
PKV/VRL/HG
Project Number
1917 1 A003 TP3

**KENNEDY
NOLAN**



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)

ARCHITECTURAL LANGUAGE



1. BINGHAM COURT, I.M. PEI



2. HOUSING AT ST CUTHBERT'S GREEN, RYDER & YATES



3. 'LIVERPOOL STREET' - KENNEDY NOLAN



4. 'CARLTON WAREHOUSE' - KENNEDY NOLAN



5. HOUSING IN THE U.S.A., I.M. PEI



6. 'THE LOTHIAN' - KENNEDY NOLAN (UNDER CONSTRUCTION)



7. 'THE LOTHIAN' - KENNEDY NOLAN (UNDER CONSTRUCTION)



8. 'CARLTON WAREHOUSE' - KENNEDY NOLAN

DECISION PLANS

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedy-nolan.com.au
+61 3 9415 8971
www.kennedy-nolan.com.au

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Stated dimensions shall be taken from the site. Stated dimensions shall be verified on site.

Revision
T1 SEPTEMBER 2020
T2 SEPTEMBER 2020
T3 AUGUST 2020

Client
Architect
Project
Fitzroy Warehouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Architectural
Language

Project Stage
TP DRAWN @ A3
Scale
A3 0.00000 @ A3
Date
AUGUST 2021
Drawn
PKV/VRL/HG
Project Number

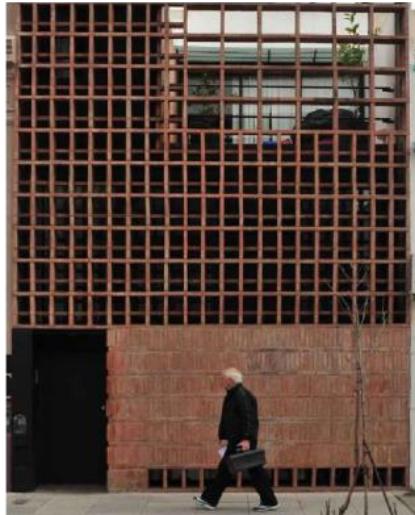
KENNEDY NOLAN
Drawing
1917 0 A004 TP3
Revision

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)

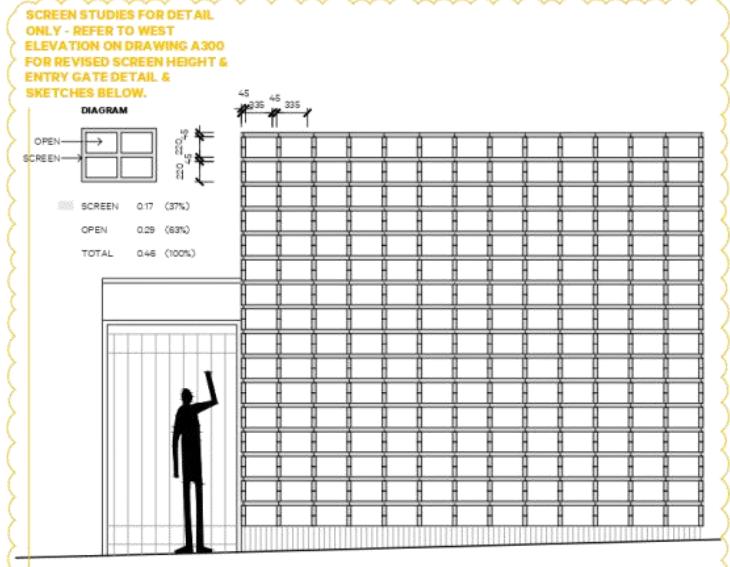
SCREEN STUDY



1. PERSPECTIVE VIEW - SCREEN STUDY



2. PRECEDENT - SCREEN STUDY



4. CORNER OF BELL ST & NICHOLSON STREET - BRICK SCREEN EXAMPLES SET IN FRONT OF BUILDING



5. YARD HOUSE, NORTH FITZROY - STUDIO BRIGHT

61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedy-nolan.com.au
+61 3 9515 8971
www.kennedy-nolan.com.au

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Stated dimensions shall be deemed correct. Stated dimensions shall be verified on site.

DECISION PLANS

Revision
T1: SEPTEMBER 2020
T2: SEPTEMBER 2020
T3: AUGUST 2020

Client
Arcand
Project
Fitzroy Apartments
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Screen Details

Project Stage
TP
Scale
N/A
Date
AUGUST 2021
Drawn
PKV/VRL/HG
Project Number
1917 A700

KENNEDY
NOLAN
Drawing
TP3
Revision

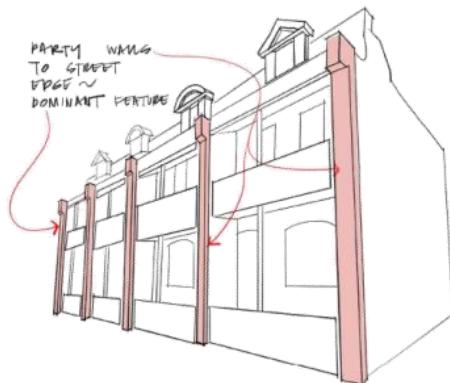


Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)

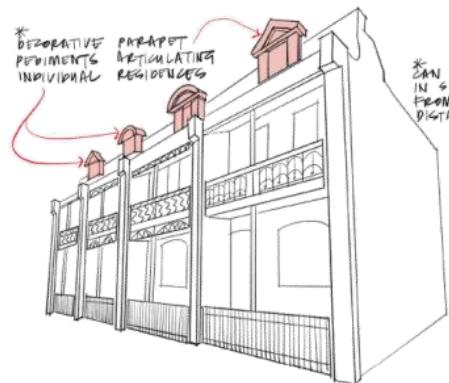
NEIGHBOURHOOD CHARACTERISTICS DIAGRAMS



TERRACE HOUSES - MOOR STREET, FITZROY



1. TERRACE HOUSES - PARTY WALLS DIAGRAM



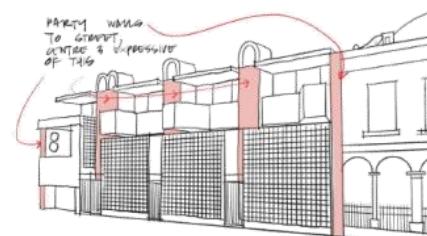
2. TERRACE HOUSES - PARAPET DIAGRAM



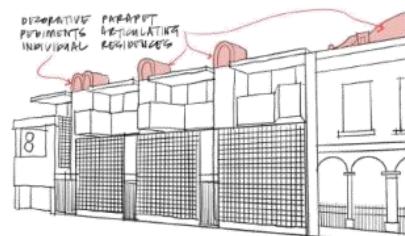
3. TERRACE HOUSES - THRESHOLD DIAGRAM



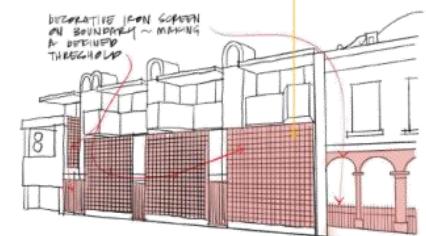
PROPOSED TOWNHOUSES - FITZROY STREET, FITZROY



1. PROPOSED TOWNHOUSES - PARTY WALLS DIAGRAM



2. PROPOSED TOWNHOUSES - PARAPET DIAGRAM



3. PROPOSED TOWNHOUSES - THRESHOLD DIAGRAM

61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedy-nolan.com.au
+61 3 9415 8971
www.kennedy-nolan.com.au

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Measured dimensions shall be checked by the Contractor. Stated dimensions shall be verified on site.

DECISION PLANS

Revision
TP 1 AUGUST 2021

Client
Aarcino
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Neighbourhood
Characteristics Diagrams

Project Stage
TP
Scale
N/A
Date
AUGUST 2021
Drawn
PKV/RUL/HG
Project Number
1917 A701 TP3

KENNEDY NOLAN
Drawing
TP3
Revision

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



1. PERSPECTIVE VIEW - FITZROY STREET

61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 9415 8971
www.kennedynolan.com.au

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DECISION PLANS

Revision
TP - SEPTEMBER 2020
W2 - SEPTEMBER 2020
W3 - AUGUST 2020

Client
Aedano
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Perspective Views

Project Stage
TP
Scale
N/A
Date
AUGUST 2021
Drawn
PKV/RUL/HG
Project Number
1917 1 A800

KENNEDY NOLAN
Drawing
TP3
Revision

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



1. PERSPECTIVE VIEW - FITZROY STREET

61 Victoria Street Fitzroy
Melbourne 3065 Australia
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+61 3 9415 8971
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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Stated dimensions shall be verified on site.
Stated dimensions shall be verified on site.

Revision
TP - SEPTEMBER 2020
W1 - SECTION 02.000
W2 - AUGUST 2020

Client
Project
Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Perspective Views

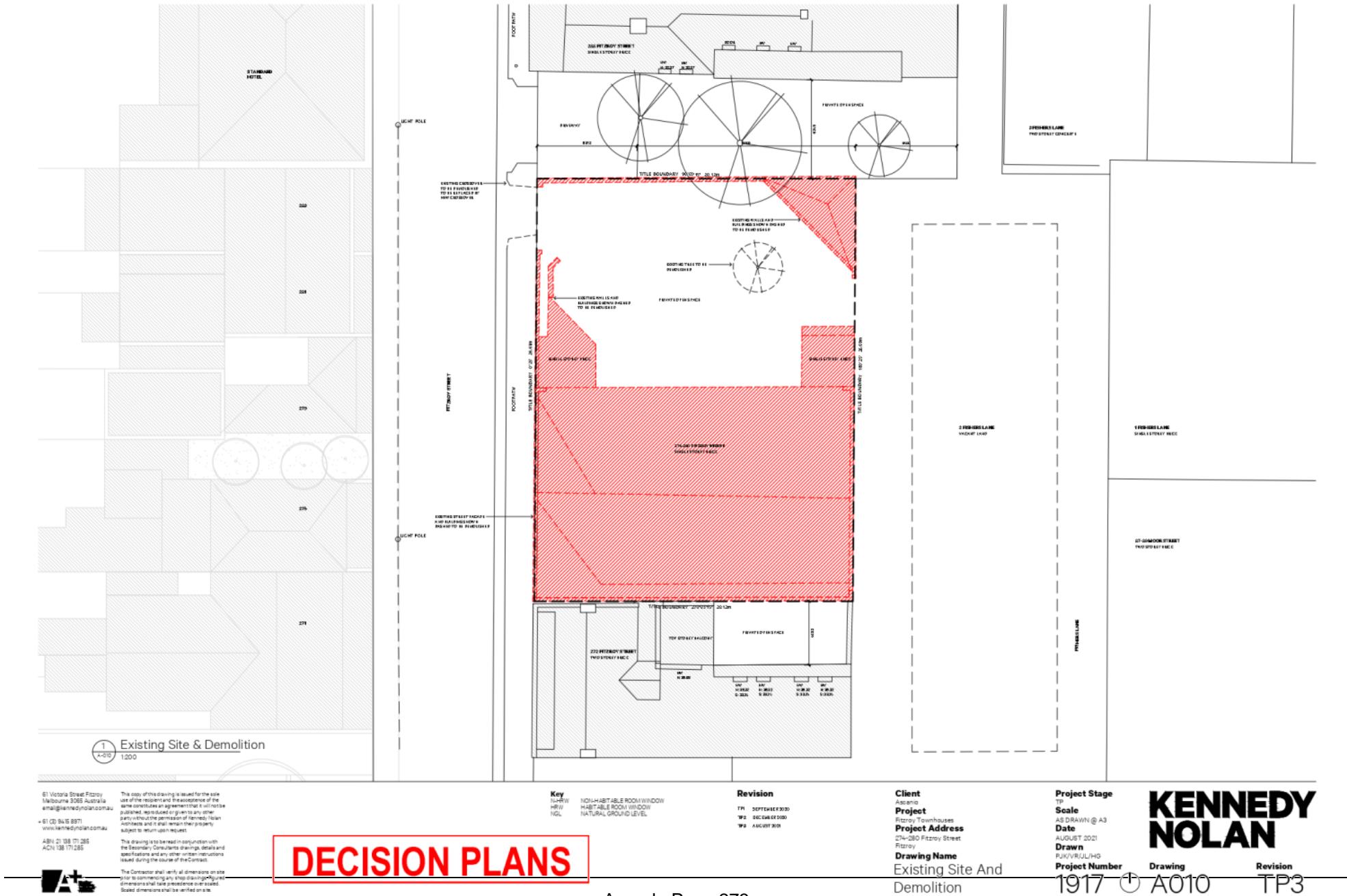
Project Stage
TP
Scale
N/A
Date
AUGUST 2020
Drawn
PKV/RUL/HG
Project Number
1917 1 A801 TP3

**KENNEDY
NOLAN**

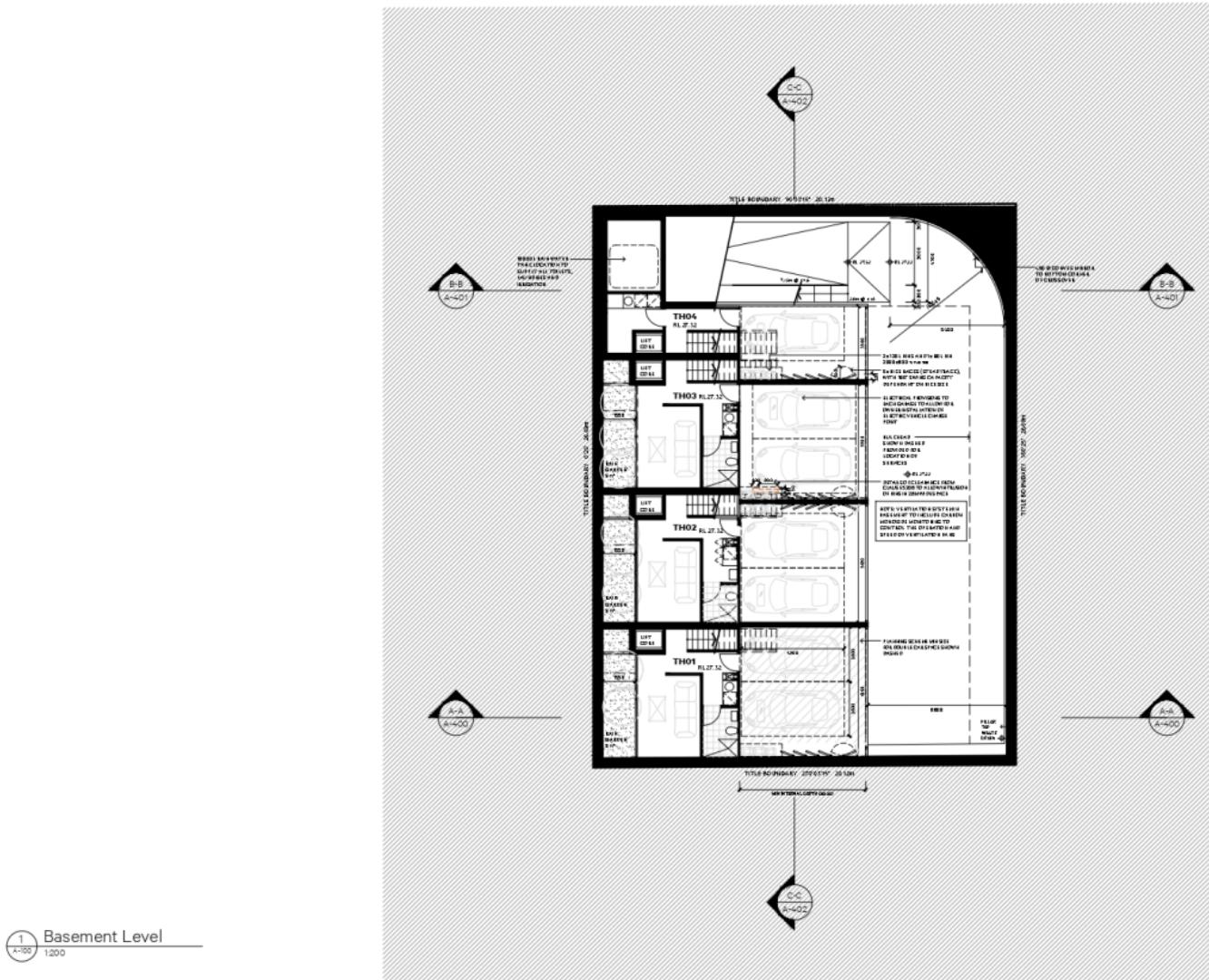
DECISION PLANS



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

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The drawing is to be read in conjunction with the Building Contract, drawings, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing work. All dimensions shown on the drawings are unverified dimensions and are to be checked on site. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE

KEY
HRW = HOLLOW CORE SYSTEM EX. STEEL FLATS
VFB = VAULTARY FACE BRICK
CLG = CLEAR GLAZING
PWT = PLASTERED WALL
PVI = PLASTERED VENEER
MTR = METAL DECK ROOFING
RWT = ROLLING WATER TOWER
SGS = SECURITY HLT & MESH SCREEN
SDR = STEEL DOOR & WINDOW FRAMING (MAJOR RED)
SSR = STEEL SHEET (MAJOR RED)
TBT = TIMBER BEAMING

KEY
HRW = HOLLOW CORE SYSTEM EX. STEEL FLATS
VFB = VAULTARY FACE BRICK
CLG = CLEAR GLAZING
PWT = PLASTERED WALL
PVI = PLASTERED VENEER
MTR = METAL DECK ROOFING
RWT = ROLLING WATER TOWER
SGS = SECURITY HLT & MESH SCREEN
SDR = STEEL DOOR & WINDOW FRAMING (MAJOR RED)
SSR = STEEL SHEET (MAJOR RED)
TBT = TIMBER BEAMING

Revision
TP1 SEPTEMBER 2020
TP2 AUGUST 2020
TP3 AUGUST 2020

Client
Project
Project Address
274-288 Fitzroy Street
Fitzroy

Project Stage
TP
Scale
1:200 @ A3
Date
AUGUST 2021
Drawn
PKV/VRL/HG
Project Number
1917
Drawing
PKV/VRL/HG
Revision
TP3

KENNEDY NOLAN

DECISION PLANS
Agenda Page 274

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



61 Victoria Street Fitzroy
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ACN 138 171 285

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MATERIAL SCHEDULE

BA1	BALUSTRADE/GATE SYSTEM, EXT. STEEL FLA.
BR1	MASONRY FACE BRICK
GL1	CLEAR GLAZING
GL2	OPAQUE GLAZING
PV1	EXTERIOR PAINTING
RF1	NET DECK ROOFING
RH1	ROUGH CAST RENDER
SC1	MASONRY HIT & MISS SCREEN
SE1	STEEL DRYWALL/UNDERLAYER/FRAMING/WALL

KEY

N-HRW	NON-HABITABLE ROOM WINDOW
HRW	HABITABLE ROOM WINDOW
NGL	NATURAL GROUND LEVEL
.....	TAB CONNECTED TO A BARRIER TAB

Revision

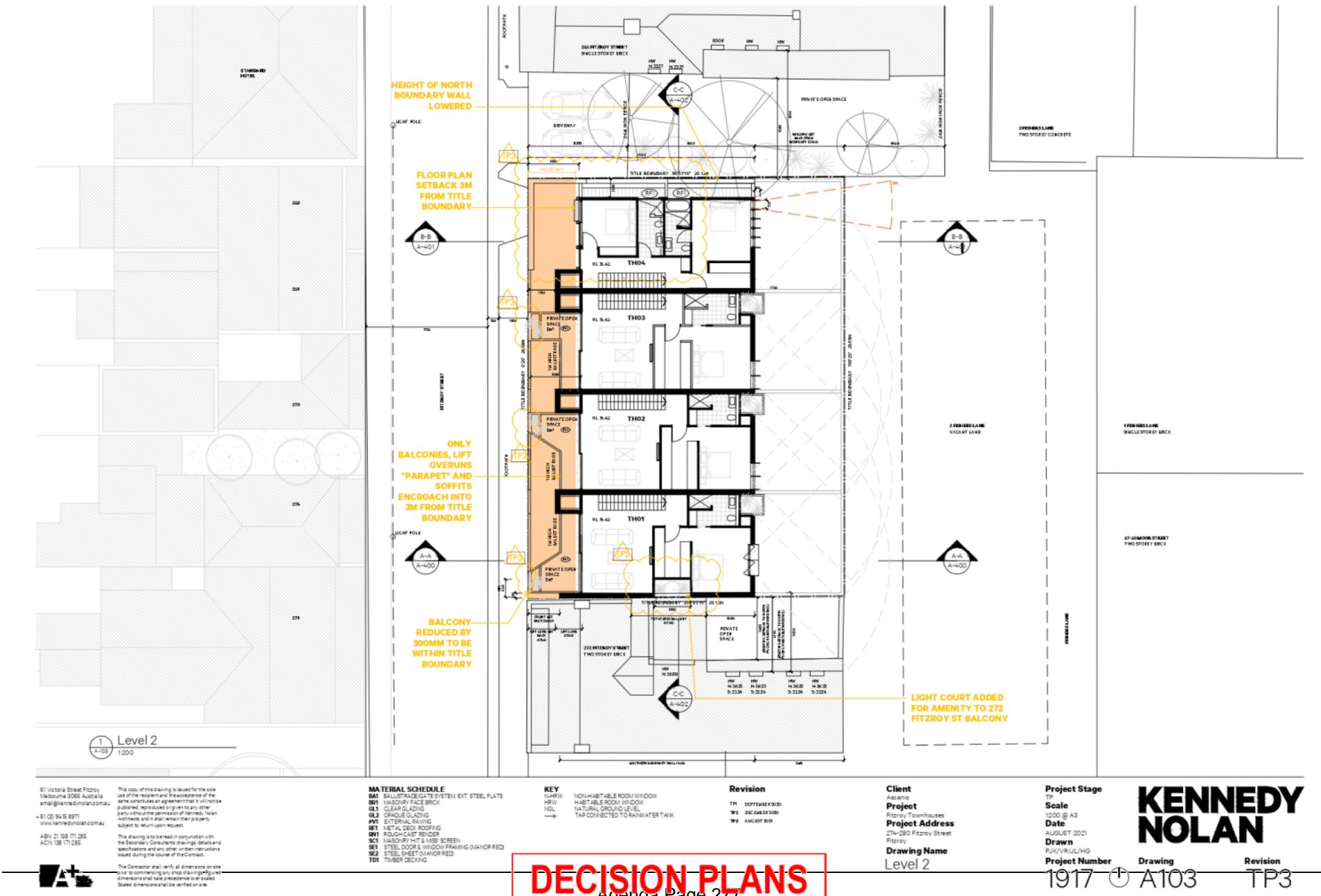
Client
Ascanio
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Level 1

Project Stage
TP
Scale
1200 @ A3
Date
AUGUST 2021
Drawn
PJK/VR/JL/HG
Project Number

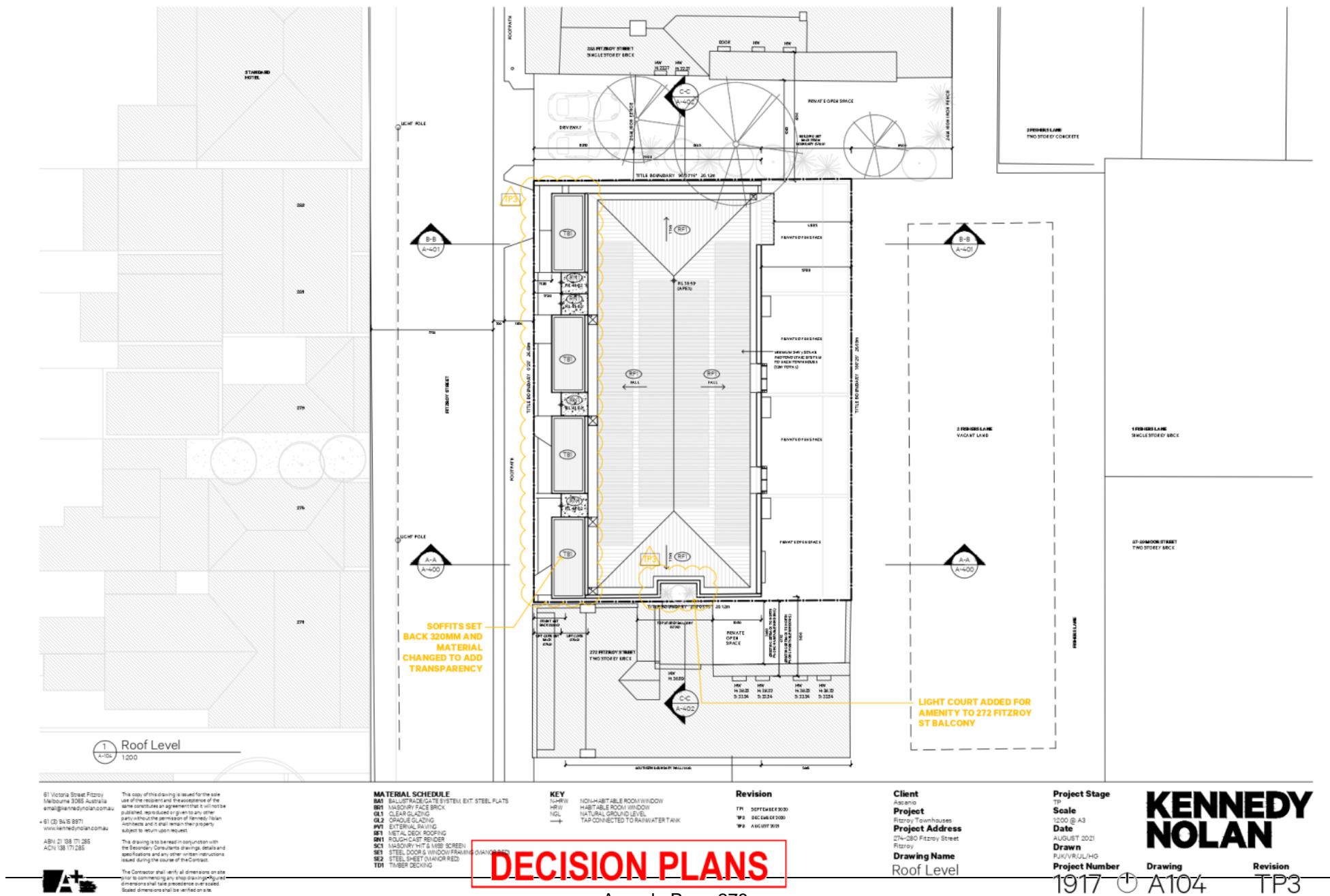
**KENNEDY
NOLAN**

MANUFACTURED **DECISION PLANS**

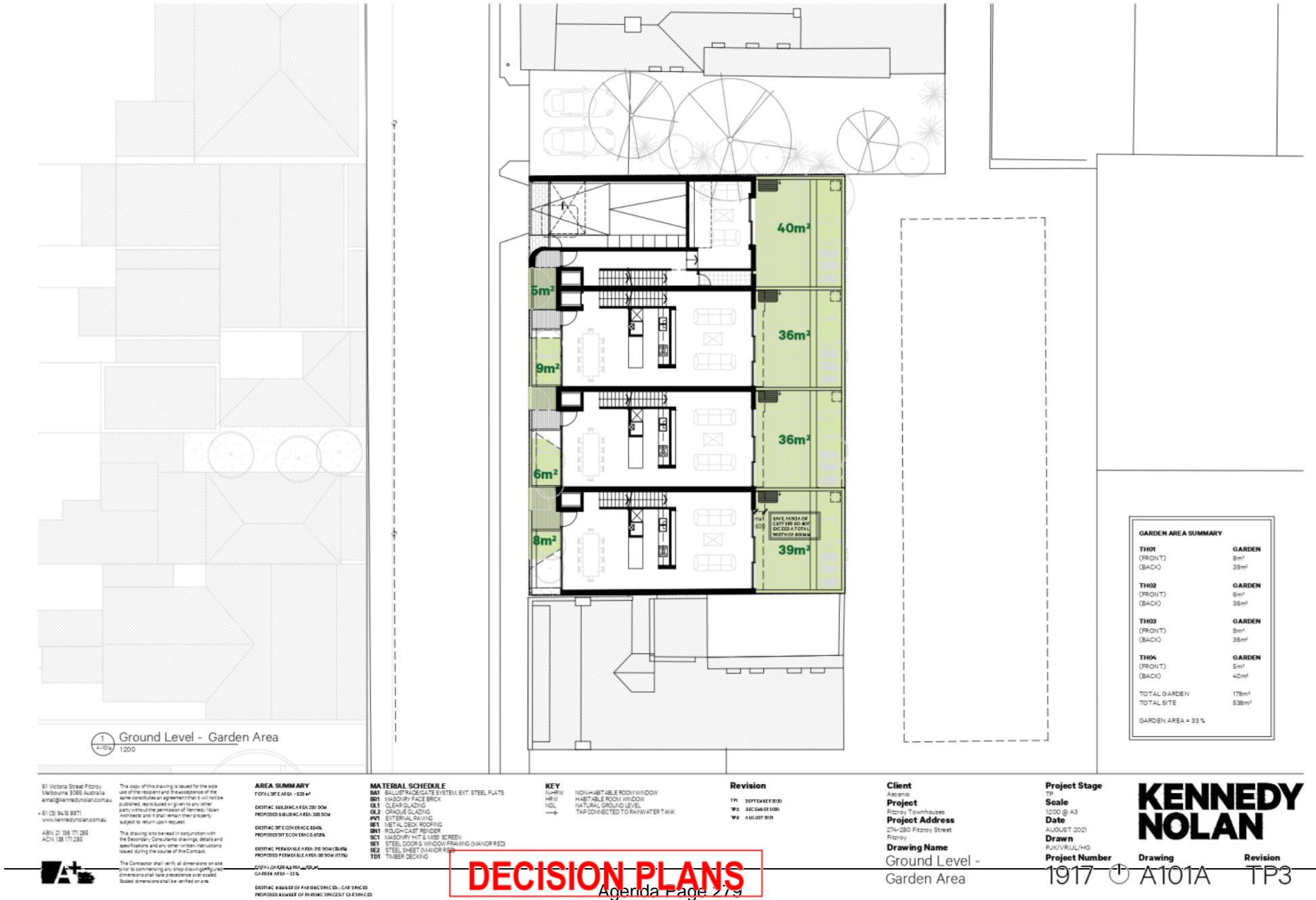
Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



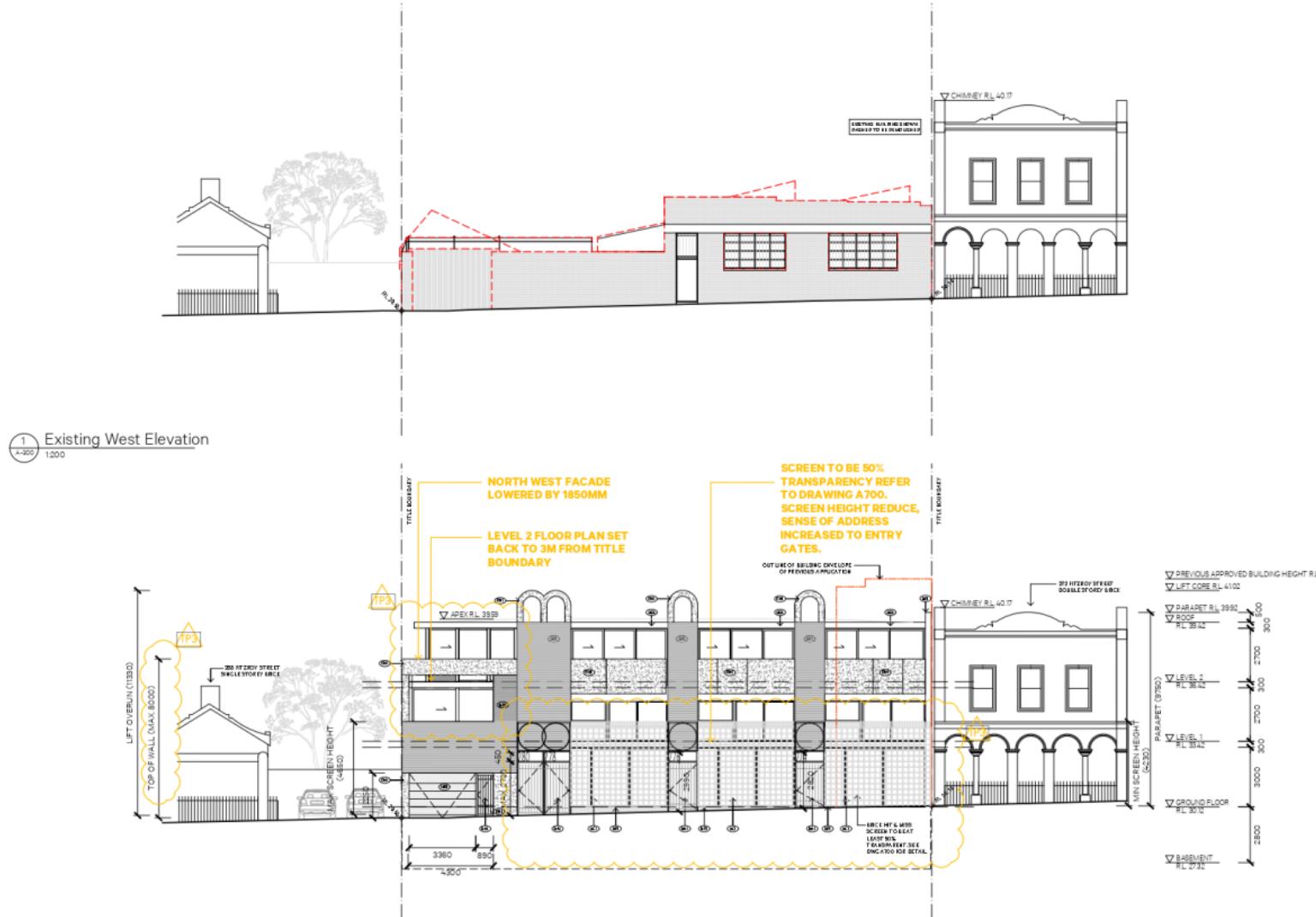
Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

ABN 21 138 71 285
ACN 138 171 285

The drawing is to be read in conjunction with the Statement of Environmental Effects, detailed and specific forms and any other written instructions issued during the course of the Consultation.
The Contractor shall verify all dimensions on site prior to commencing work. This drawing is a guide dimension shall not be construed as final. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE	
BRI	VALUETRY FACE BRICK
BRW	CLEAR GLAZING
HRV	HRV
PVI	EXTERIOR PAINTING
RTV	METAL DECK ROOFING
RWT	ROOF WATER TRAP
SCE	SCENERY HIT & MESH SCREEN
SDC	STEEL DOOR & WINDOW FRAMING (MAJOR RED)
SSC	STEEL SHEET (MAJOR RED)
TBI	THINER BRICKS

KEY	DESCRIPTION
HHRW	NON-HABITABLE ROOM WINDOW
HRW	HABITABLE ROOM WINDOW
HL	NATURAL GROUND LEVEL
—	TAP CONNECTED TO RAINWATER TANK

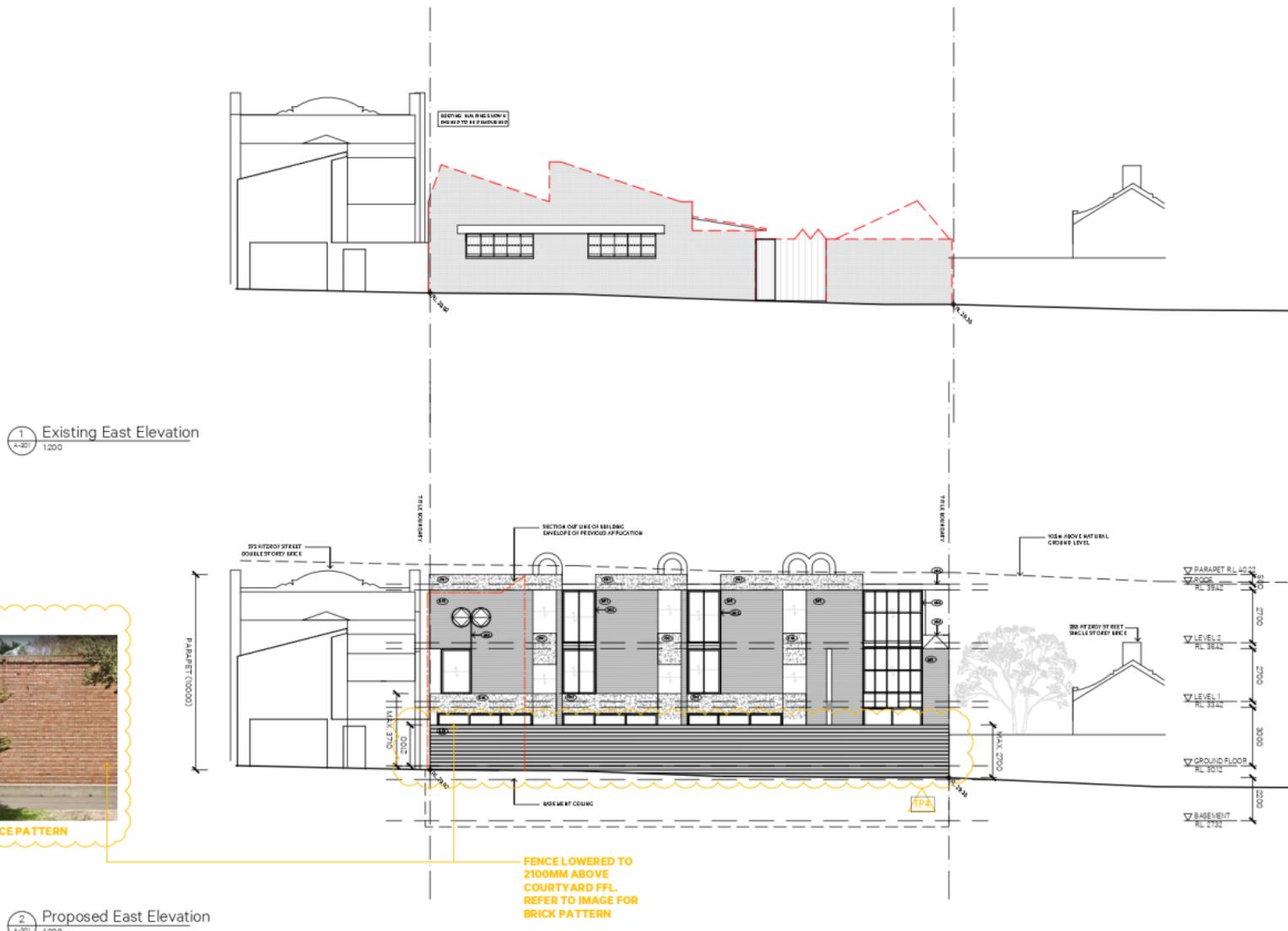
Revision	Date
R1	DECEMBER 2020
R2	SEPTEMBER 2020
R3	AUGUST 2020

Client
Ascent
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Elevations - West
Project Stage
Town Planning
Scale
1:200 @ A3
Date
AUGUST 2021
Drawn
PKV/VRL/HG
Project Number
1917
Drawing
PKV/VRL/HG
Revision
TP3

DECISION PLANS
Agenda Page 280

KENNEDY NOLAN

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 9415 8971
www.kennedynolan.com.au

ABN 21 138 71 385
ACN 138 177 285

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The Contractor shall verify all dimensions on site prior to commencing work. All dimensions quoted dimensions shall be checked and verified. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE

BRI: BRICK, MASONRY, STONE, EXTR. STEEL FLATS
MFL: MASONRY FACE BRICK
GL1: CLEAR GLAZED
HRV: HABITABLE ROOM VENT
NGL: NATURAL GROUND LEVEL
PVI: PLASTIC VENT
RPT: RAINWATER TANK
SDI: SECURITY DOOR & SCREEN
SFC: SECURITY FILTER & SCREEN (MAJOR RED)
SSC: STEEL DOOR & WINDOW FRAMING (MAJOR RED)
SSD: STEEL SHEET (MAJOR RED)
TDF: TIMBER DOOR

KEY

HRTW: HABITABLE ROOM WINDOW
HRV: HABITABLE ROOM VENT
NGL: NATURAL GROUND LEVEL
TAP: CONNECTED TO RAINWATER TANK

Revision

T1: DECEMBER 2020
T2: JANUARY 2021
T3: AUGUST 2021

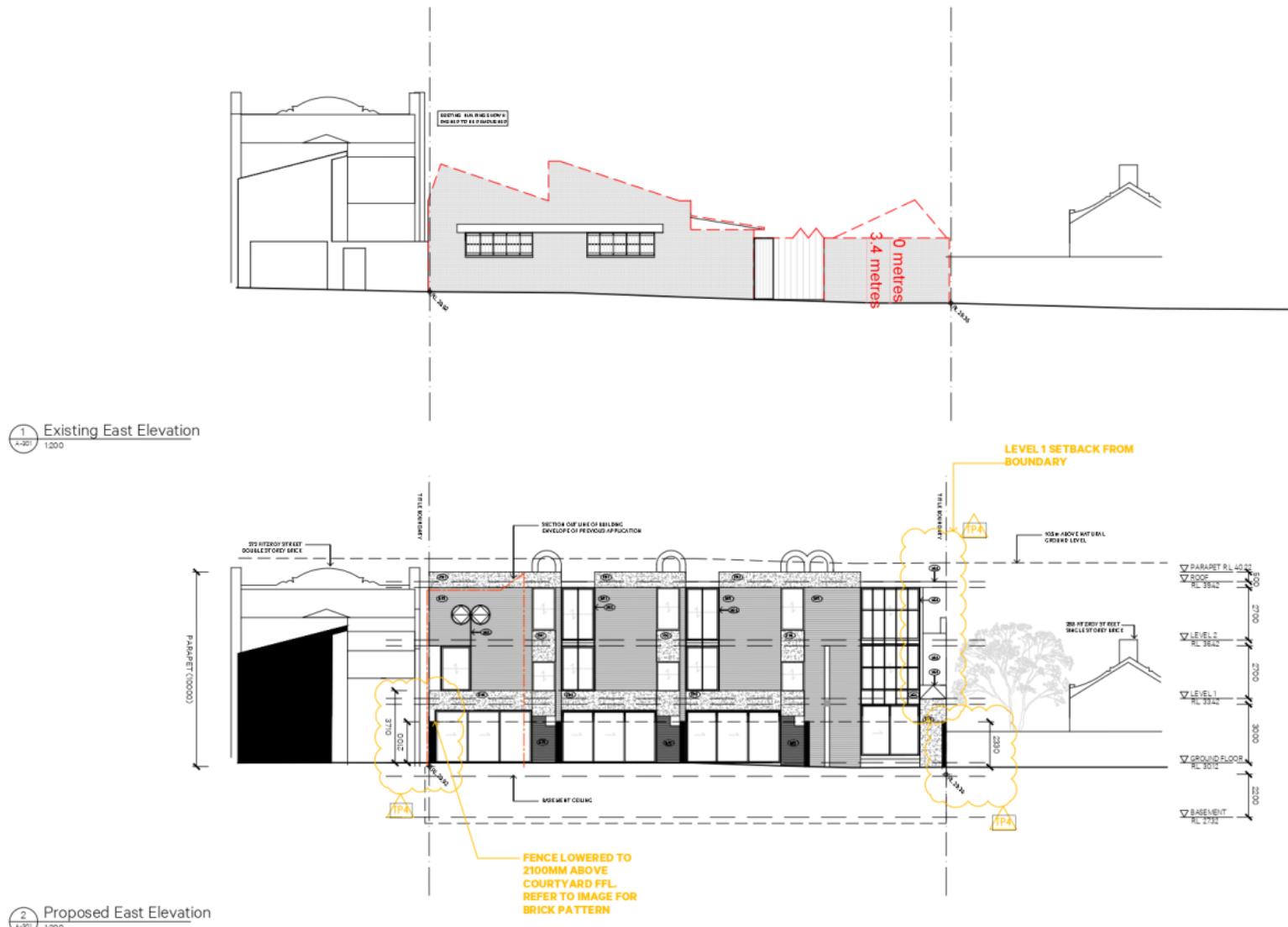
Client
Ascent
Project
Fitzroy Townhouses
Project Address
274-288 Fitzroy Street
Fitzroy
Drawing Name
Elevations - East

Project Stage
Town Planning
Scale
1:200 @ A3
Date
AUGUST 2021
Drawn
PKV/VRL/HG
Project Number
1917 1 A301 TP4

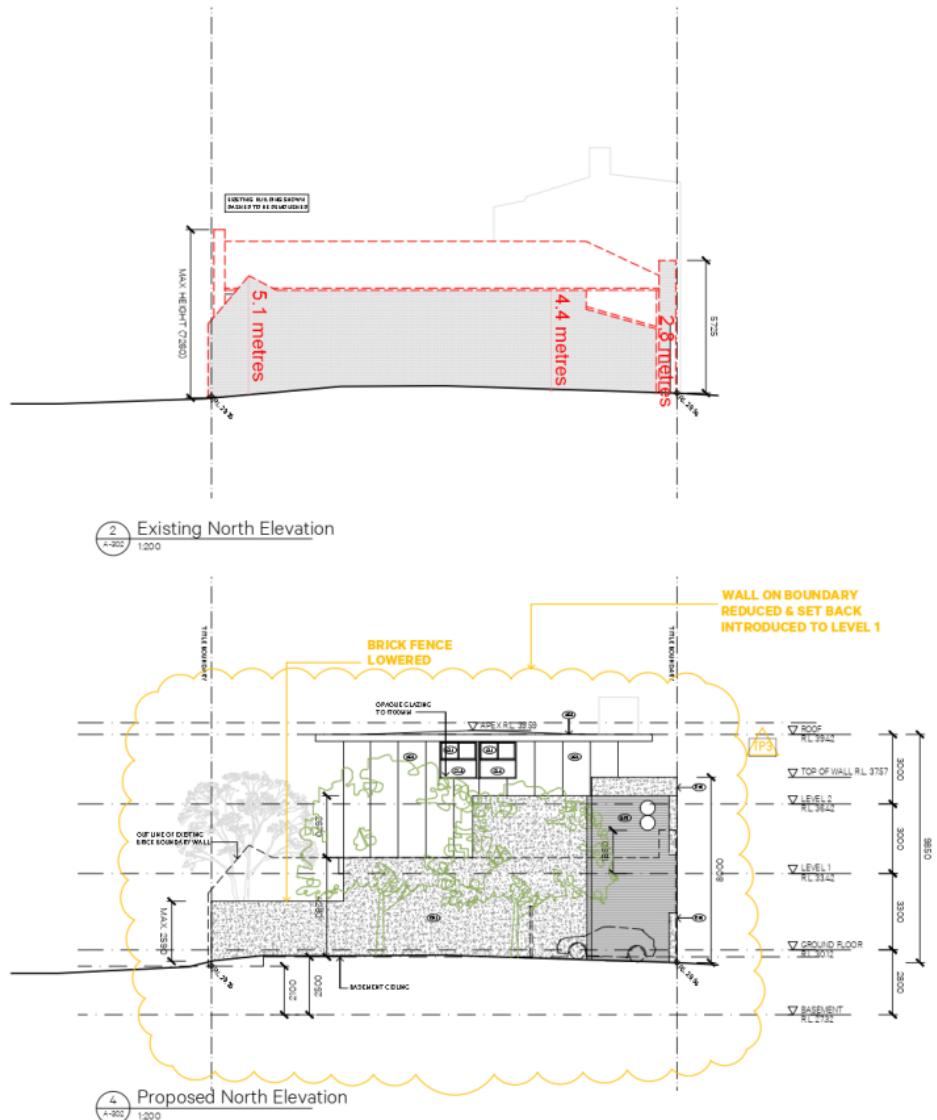
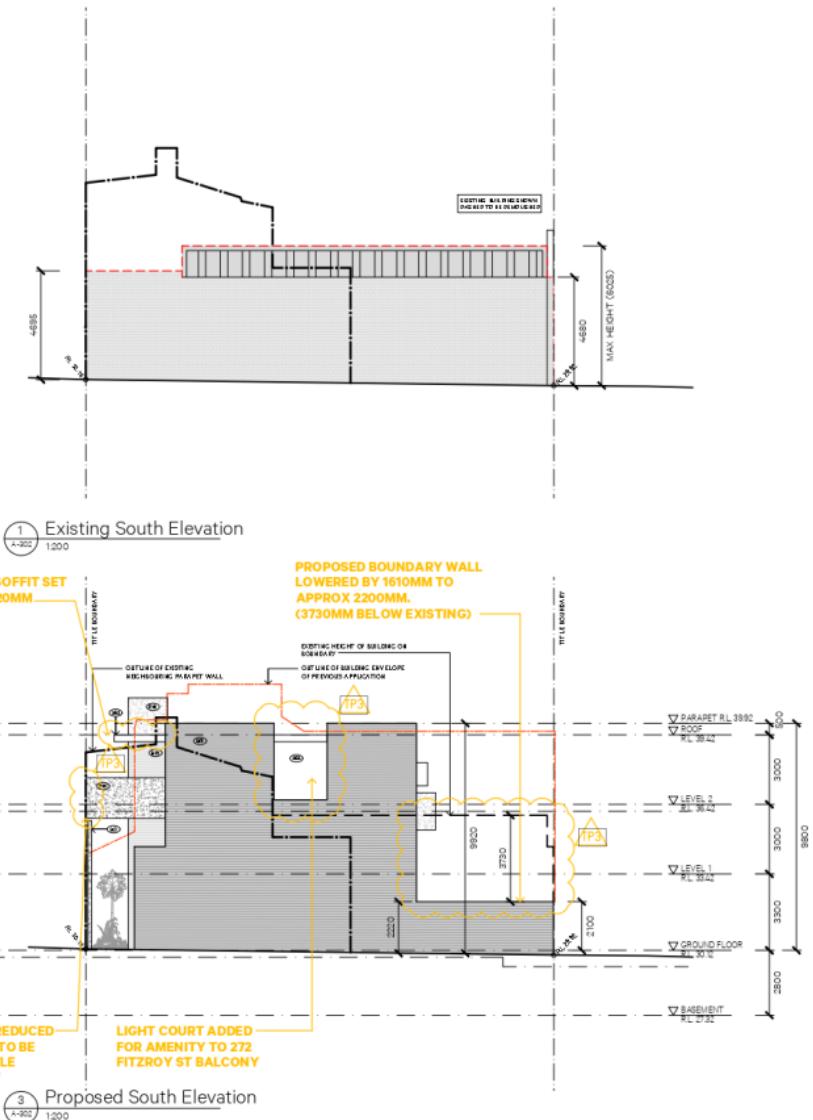
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NOLAN**



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



61 Victoria Street Fitzroy
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email@kennedynolan.com.au

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Figured dimensions shall take precedence over stated. Stated dimensions shall be verified on site.

MATERIAL SCHEDULE	
BAL	BALUSTRADE/GATE SYSTEM, EXT. STEEL PLATE
BRI	MASONRY FACE BRICK
GL1	CLEAR GLAZING
GL2	OPAQUE GLAZING
PVT	EXTERNAL PAVING
MFR	METAL DECK ROOFING
HCR	HOCHCAST REINER
SC1	MASONRY HIT & MISS SCREEN
SDR	STEEL DOOR & WINDOW FRAMING (MANOR RES.)
SDR	STEEL DOOR & WINDOW FRAMING (MANOR RES.)
SDR	STEEL DOOR & WINDOW FRAMING (MANOR RES.)

KEY

N-HRW	NON-HABITABLE ROOM WINDOW
HRW	HABITABLE ROOM WINDOW
NGL	NATURAL GROUND LEVEL
→+	TAP CONNECTED TO RAINWATER TAN

Revision

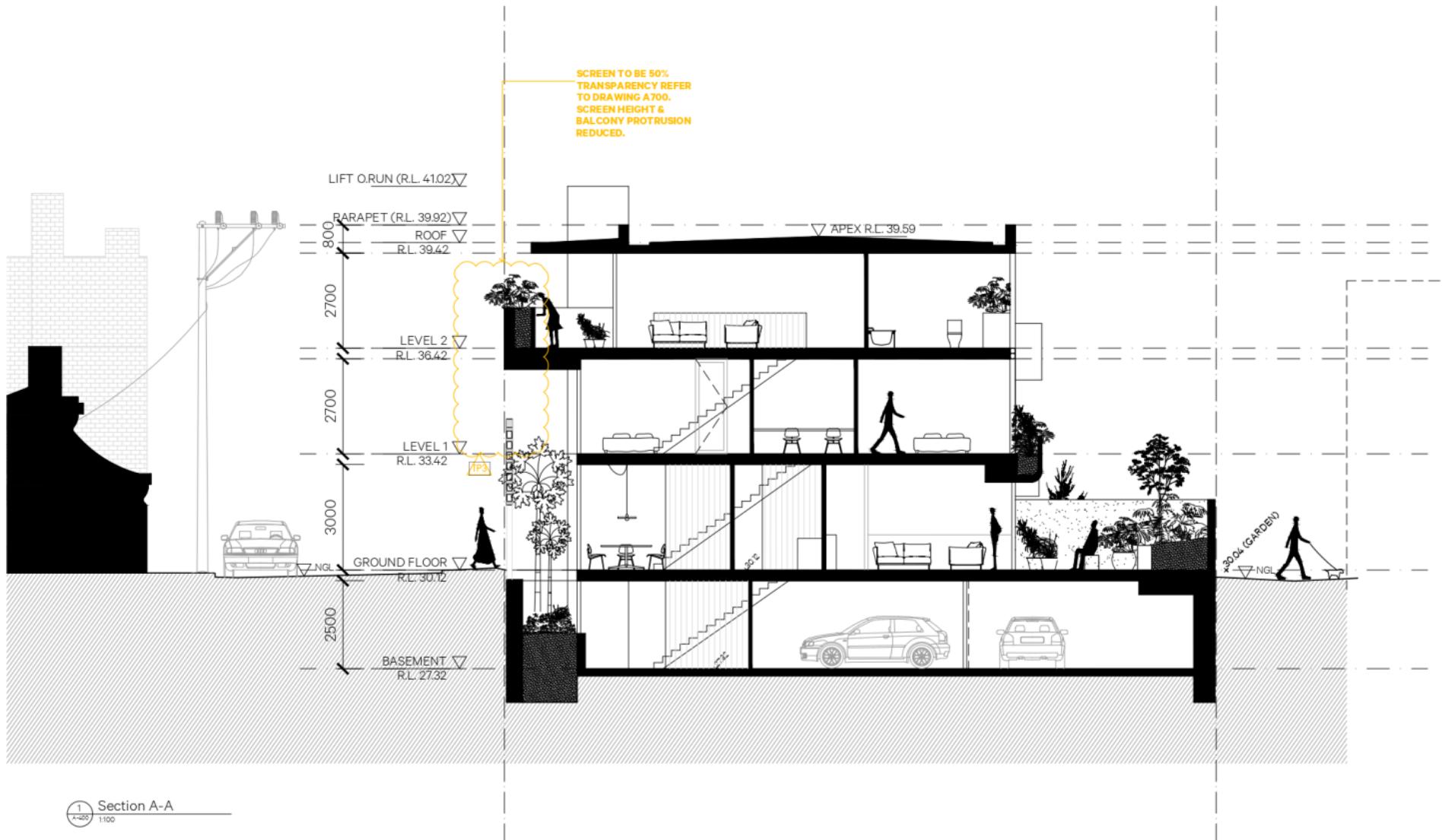
Client
Ascanio
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street

Project Stage
TP
Scale
1200 @ A3
Date
AUGUST 2021
Drawn
PJK/VR/JL/HG
Project Number

**KENNEDY
NOLAN**

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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Melbourne 3065 Australia
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The Contractor shall verify all dimensions on site prior to commencing work. All dimensions shown are unverified dimensions and are to be checked by the Contractor. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE
MATERIALS: EXTERIOR SYSTEM: EX. STEEL FLATS
VALUARY FACE BRICK
GLASS: CLEAR GLASS
PVC: EXTERIOR PAINTING
PBT: METAL DECK ROOFING
PBT: POLYURETHANE INSULATION
SC1: GLASS/DOOR & SCREEN
SC2: STEEL DOOR & WINDOW FRAMING (MAJOR RED)
SC3: STEEL SHEET (MAJOR RED)
TBT: TIMBER BEAMING

KEY
HRW: NON-HABITABLE ROOM WINDOW
HRV: HABITABLE ROOM WINDOW
NGL: NATURAL GROUND LEVEL
TBT: TAP CONNECTED TO RAINWATER TANK

Revision
TP: SEPTEMBER 2020
W1: SECURE D2 2020
W2: AUGUST 2020

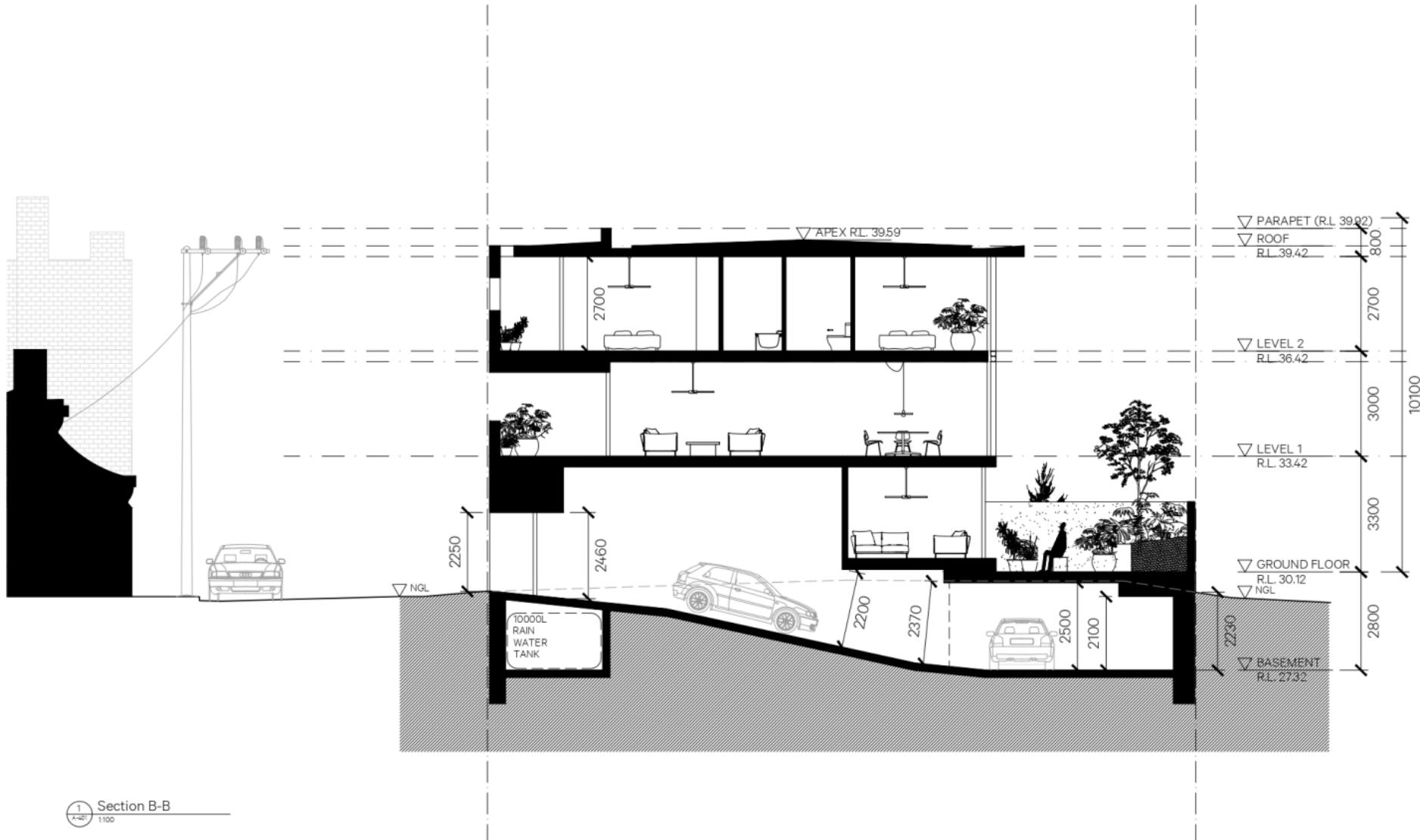
Client
Ascent
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Sections

Project Stage
TP
Scale
1:100 @ A3
Date
AUGUST 2021
Drawn
PKV/RUL/HG
Project Number
1917
Drawing
PKV/RUL/HG
Revision
TP3

KENNEDY NOLAN

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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email@kennedy-nolan.com.au
+61 (0) 3 9415 8071
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Detailed Construction Drawings, General Conditions
and specifications and any other written instructions
issued during the course of the Contract.

The Contractor shall verify all dimensions on site
prior to commencing any earthworks. All
dimensions shall be measured in metres.
Scaled dimensions shall be worked on site.

MATERIAL SCHEDULE

- BR1 MASONRY FACE BRICK
- GL1 CLEAR GLAZING
- GL2 MIRROR GLAZING
- EXT1 EXTERIOR CLADDING
- RFT METAL DECK ROOFING
- BR2 MASONRY & CAST REINFORCED CONCRETE
- SET1 MASONRY & MORTAR SCREEN
- SET2 STEEL DOOR & WINDOW FRAMING (MANOR RED)
- SET3 STEEL SHEET MANOR RED
- TBT1 TIMBER BEADING

KEY

- NON-HABITABLE ROOM WINDOW
- HABITABLE ROOM WINDOW
- NATURAL GROUND LEVEL
- TAP CONNECTED TO RAINWATER TANK

Revision

TP1 SEPTEMBER 2020
TP2 DECEMBER 2020
TP3 JANUARY 2021
TP4 AUGUST 2021

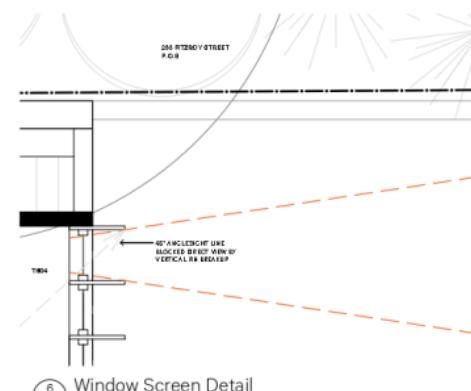
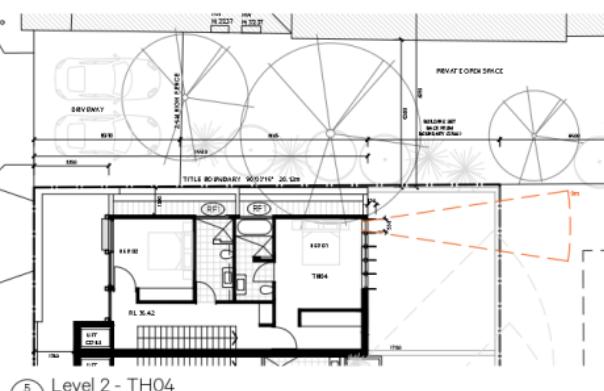
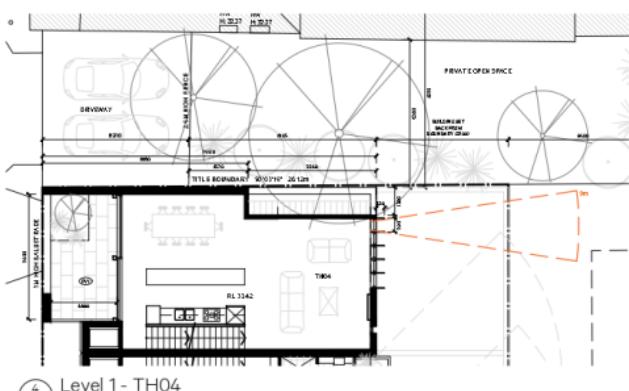
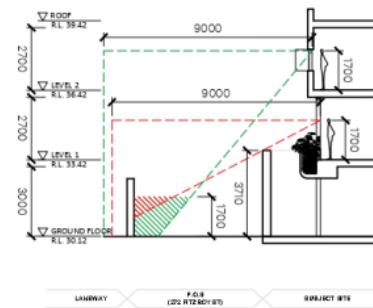
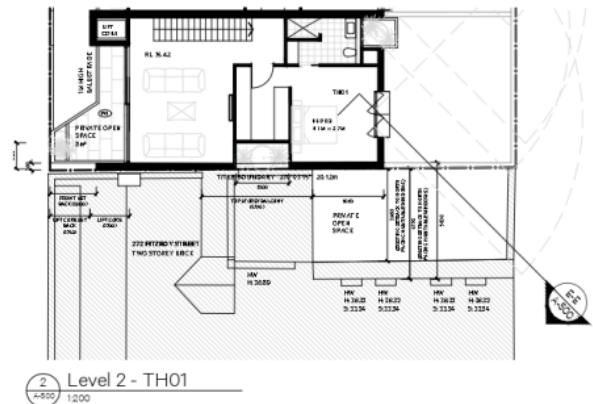
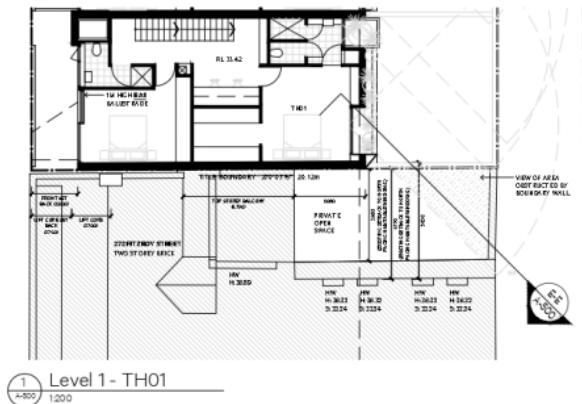
Client
Ascano
Project
Fitzroy Workhouses
Project Address
274-288 Fitzroy Street
Fitzroy
Drawing Name
Sections

Project Stage
TP4
Scales
1:200/1:100 @ A3
Date
AUGUST 2021
Drawn
PK/JVR/LHG
Project Number
1917

KENNEDY NOLAN
Drawing A402 Revision TP4

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedy-nolan.com.au
+61 3 945 8971
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MATERIAL SCHEDULE

- G11 MASONRY FACING BRICK
- G12 MASONRY FACING STONE
- G13 CLEAR GLAZING
- G14 METAL DOOR
- PVI EXTERIOR PAINTING
- PV1 METAL DECK ROOFING
- PV2 POLYURETHANE INSULATION
- SE1 GLASS DOOR & WINDOW SCREEN
- SE2 STEEL DOOR & WINDOW FRAMING (MAJOR RED)
- SE3 STEEL SHEET (MAJOR RED)
- TO1 TIMBER BEAMING

KEY

HRW	HABITABLE ROOM WINDOW
HRW/NGL	NATURAL GROUND LEVEL
—	TAP CONNECTED TO RAINWATER TANK

Revision

R12	SECURED 30/09
R13	JULY 2021
R14	AUGUST 2021

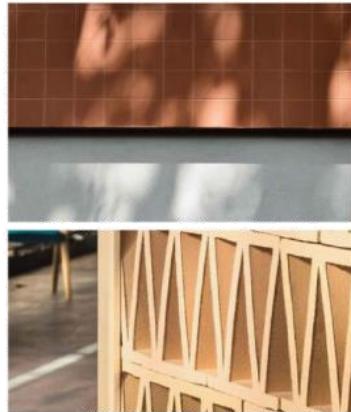
Client
Ascent
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Overlooking
Diagrams

Project Stage
TP
Scale
1:200 A3
Date
AUGUST 2021
Drawn
PKV/RUL/HG
Project Number
1917

KENNEDY NOLAN
Drawing
A500
TP4

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)

MATERIALITY

PERSPECTIVE VIEW - FITZROY STREET



CODE:
LOCATION:
FINISH:

BA1 STEEL FLATS
EXTERNAL GATES +
BALUSTRADES
MANOR RED



CODE:
LOCATION:
MATERIAL:

PV1 EXTERNAL PAVING
EXTERNAL COURTYARD/
TERRACES/PLINTHS
BRICK PAVING TILES



CODE:
LOCATION:
MATERIAL:

SC1 MASONRY SCREEN
FITZROY STREET
BOUNDARY
HIT & MISS SCREEN



CODE:
LOCATION:
MATERIAL:

TD1 TIMBER DECKING
ENTRY BRIDGES
NATURAL TIMBER TO
GREY OFF



CODE:
LOCATION:
MATERIAL:

BR1 FACE BRICK MASONRY
EXTERNAL WALLS
RED BRICK (KRAUSE)



CODE:
LOCATION:
FINISH:

GL1 GLAZING
DOORS AND WINDOWS
CLEAR



CODE:
LOCATION:
FINISH:

TB1 TIMBER BATTE
BALCONY SOFFITS
MANOR RED



CODE:
LOCATION:
FINISH:

GL2 OPAQUE GLAZING
DOORS AND WINDOWS
OPAQUE



CODE:
LOCATION:
FINISH:

RN1 ROUGH CAST RENDER
EXTERNALLY/BALCONY
SOFFITS
PAINTED NATURAL GREY



CODE:
LOCATION:
FINISH:

SE1 STEEL PAINTED
DOOR/WINDOW /
FEATURE FRAMING
MANOR RED



CODE:
LOCATION:
FINISH:

SE2 STEEL OR ALT SHEET
MATERIAL PAINTED
WALL SHEET / MEMBER
FASCIA
MANOR RED

CODE:
LOCATION:
FINISH:

RF1 METAL DECK ROOFING
ROOFING
NATURAL ZINCALUME

CODE:
LOCATION:
FINISH:

ME1 PERFORATED MESH
GARAGE DOOR
MANOR RED
TRANSPARENCY: 60%

CODE:
LOCATION:
FINISH:

ST1 BLUESTONE
DRIVEWAY
COBBLESTONE TO
MATCH KERB FINISH

DECISION PLANS

81 Victoria Street Fitzroy
Melbourne 3005 Australia
email:kennedy.nolan@kennedy-nolan.com.au
+61 3 945 8971
www.kennedy-nolan.com.au

The drawing shall be read in conjunction with the relevant Contract Document, Conditions and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to carrying out the work. Any measured dimensions shall be taken from the plans. Scaled dimensions shall be verified on site.



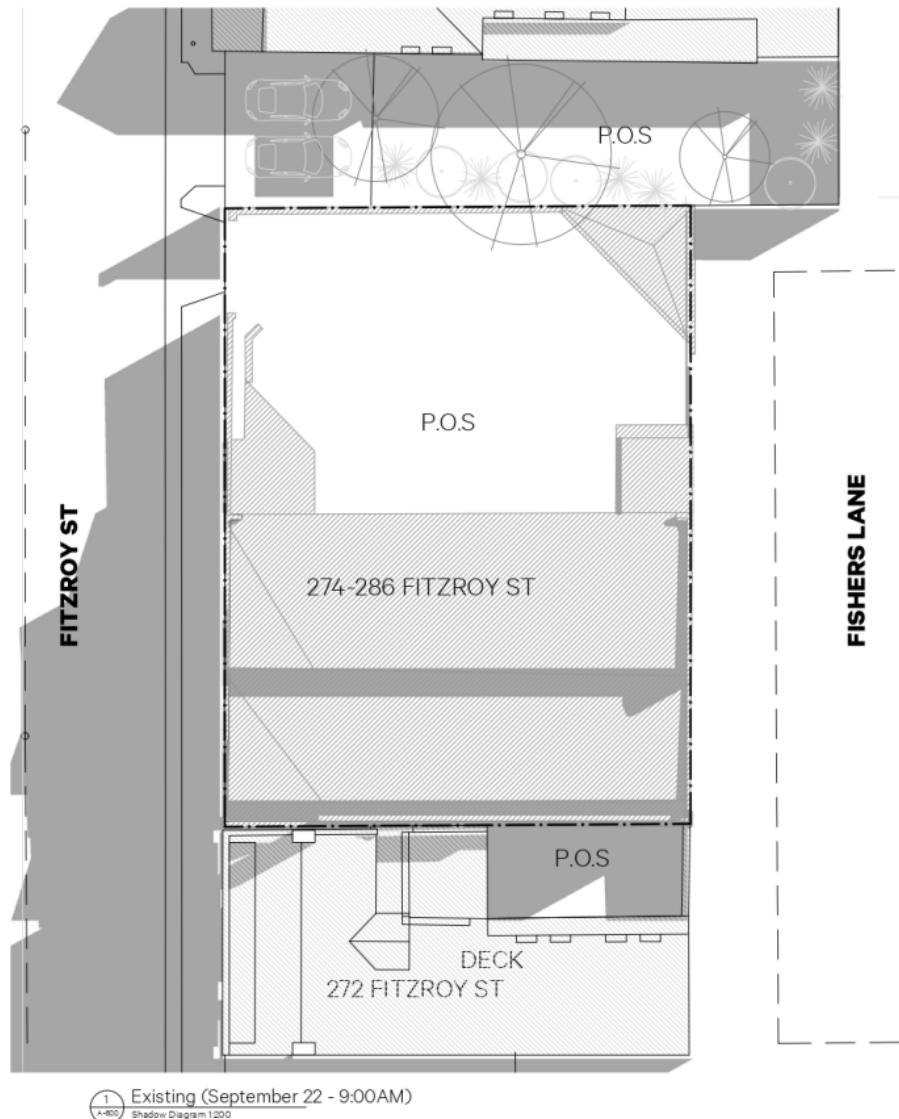
Revision
TP1 SEPTEMBER 2020
TP2 SEPTEMBER 2020
TP3 AUGUST 2020

Client
Ariadne
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Materiality

Project Stage
TP
Scale
1:500 @ A3
Date
AUGUST 2021
Drawn
PKV/VRU/LHG
Project Number
Drawing
1917 1 A005
Revision
TP3

**KENNEDY
NOLAN**

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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Melbourne 3065 Australia
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KEY

- SHADOWS CAST BY EXISTING BUILDING
- SHADOWS CAST BY PROPOSED BUILDING
- ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION

SHADOW AREAS (272 FITZROY STREET) - 9AM

P.O.S.	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUND	34 sqm	30 sqm	23 sqm	-7 sqm
FIRST	13 sqm	7 sqm	12 sqm	+5 sqm
TOTAL	47 sqm	37 sqm	35 sqm	-2 sqm

Revision
TP SEPTEMBER 2020
W2 SECURE 02/09/2020
W2 AUGUST 2020

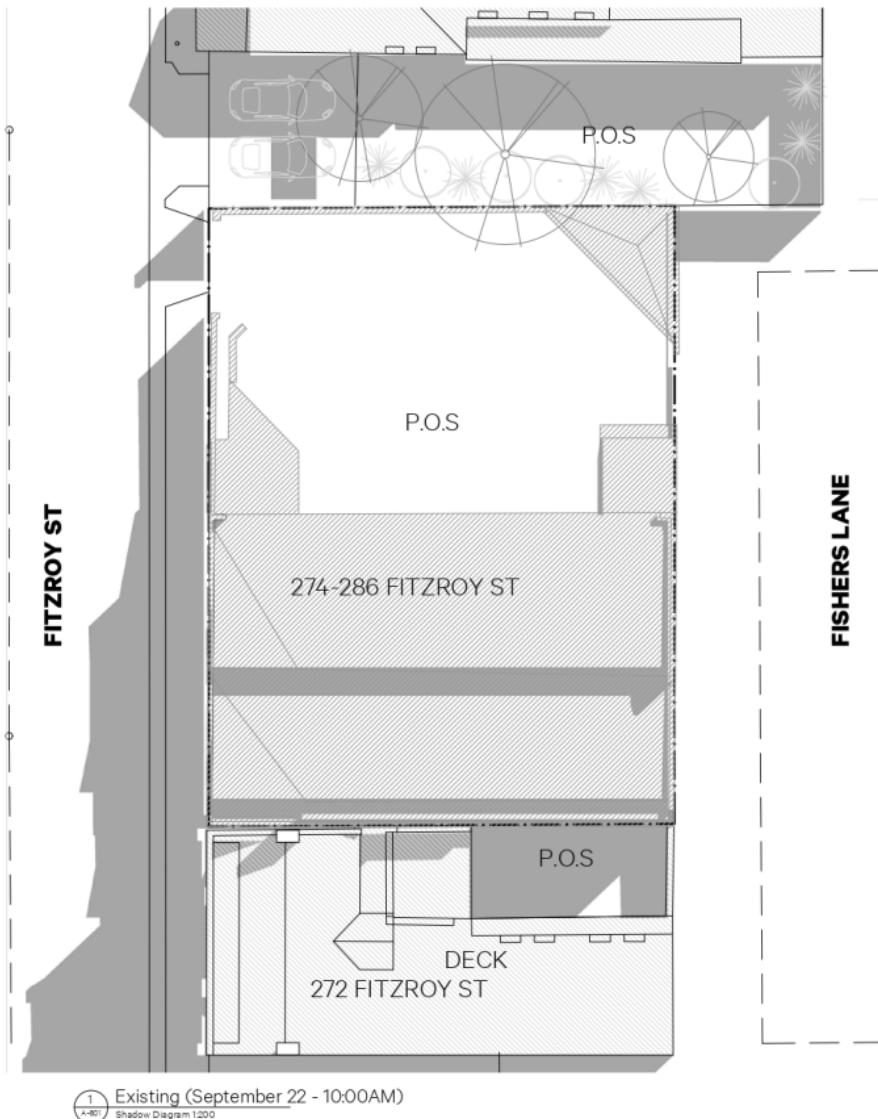
Client
Ascent
Project
Fitzroy Townhouses
Preferred Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams -
Drawing Number
TP/VRUL/HG
Project Number
Drawing
TP3

KENNEDY NOLAN

DECISION PLANS
Agenda Page 180
9am

1917 A600 TP3

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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KEY

- SHADOWS CAST BY EXISTING BUILDING
- SHADOWS CAST BY PROPOSED BUILDING
- ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION

SHADOW AREAS (272 FITZROY STREET) - 10AM

P.O.S.	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUND	34 sqm	31 sqm	20 sqm	-11 sqm
FIRST	13 sqm	4 sqm	11 sqm	+7 sqm
TOTAL	47 sqm	35 sqm	31 sqm	-4 sqm

Revision

TP1 SEPTEMBER 2020
W2 SECURE 02 2020
W2 AUGUST 2020

Client

Astrand
Housing Workhouses

Project Stage

TP Scale
1:200 @ A3

Date

AUGUST 2021

Drawn

PKV/VRL/HG

Project Number

1917

Drawing

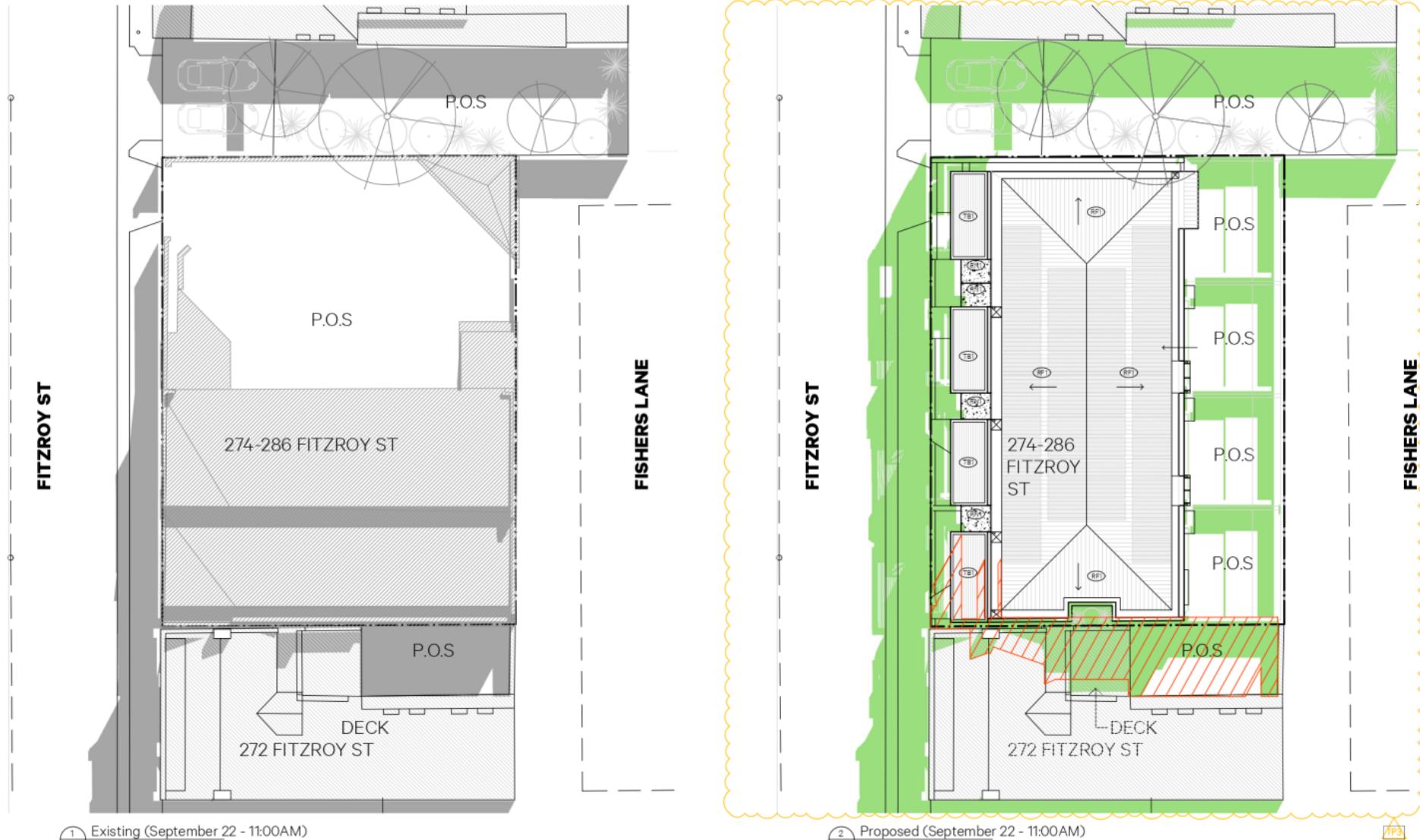
A601

Revision

**KENNEDY
NOLAN**

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

ABN 21 088 717 285
ACN 138 177 285

KEY

- SHADOWS CAST BY EXISTING BUILDING
- SHADOWS CAST BY PROPOSED BUILDING
- ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION

SHADOW AREAS (272 FITZROY STREET) - 11AM

P.O.S.	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUND	34 sqm	32 sqm	20 sqm	-12 sqm
FIRST	13 sqm	4 sqm	12 sqm	+8 sqm
TOTAL	47 sqm	36 sqm	32 sqm	-4 sqm

Revision

T1: SEPTEMBER 2020
T2: SEPTEMBER 2020
T3: AUGUST 2020

Client

Astrand
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy

Drawing Name

Shadow Diagrams -
11am

Project Stage

TP
Scale
1:200 @ A3

Date

AUGUST 2021

Drawn

PKV/VRL/HG

Project Number

1917

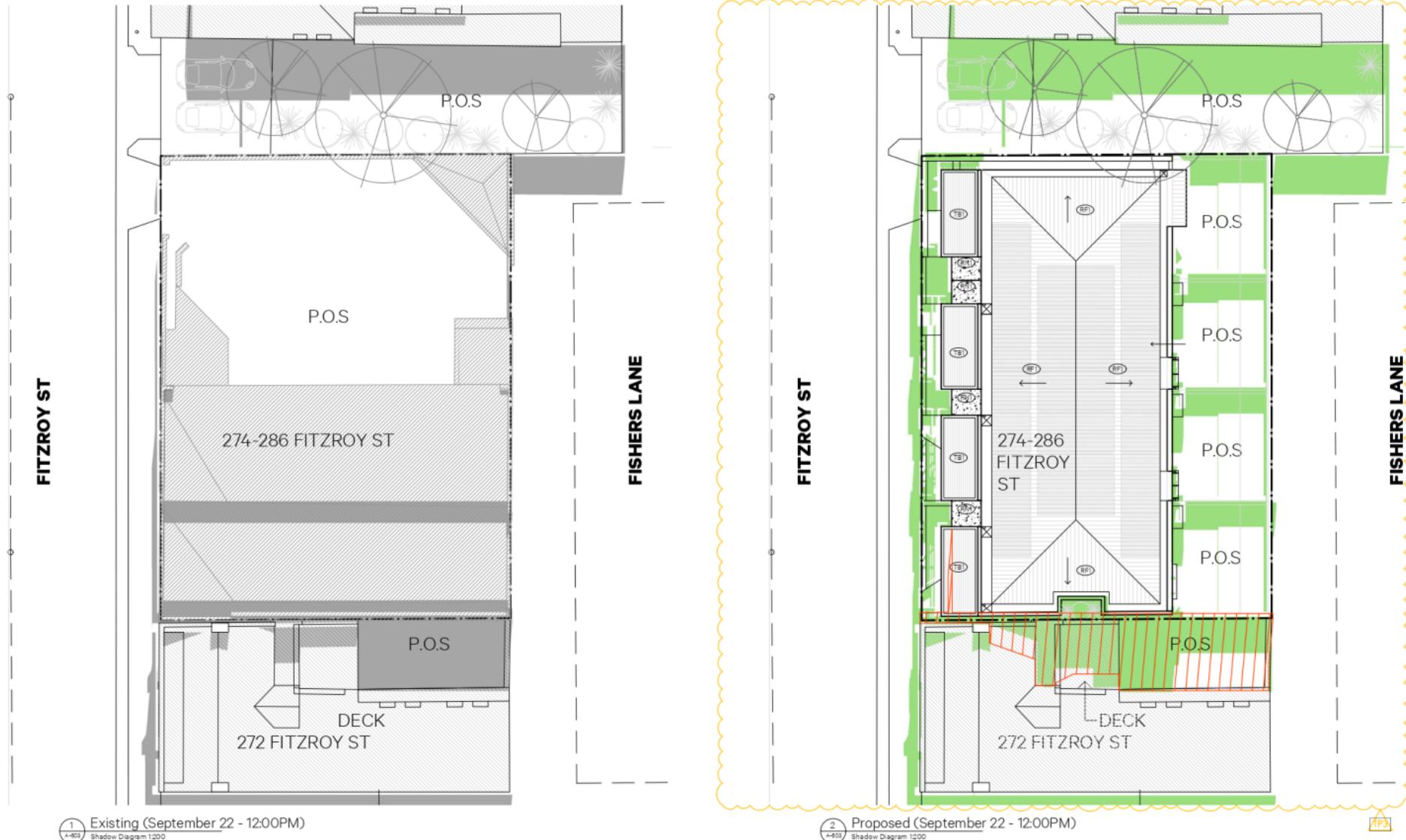
A602

TP3

**KENNEDY
NOLAN**

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

ABN 21 088 71 385
ACN 138 177 285

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The Contractor shall verify all dimensions on site prior to commencing work. These drawings are for guidance only. Scaled dimensions shall be determined by the architect. Scaled dimensions shall be checked and verified.

SHADOW AREAS (272 FITZROY STREET) - 12PM

	P.O.S.	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUNDFIRST	34 sqm	34 sqm	22 sqm	-12 sqm	+6 sqm
TOTAL	47 sqm	38 sqm	32 sqm	-6 sqm	

Revision
TP: SEPTEMBER 2020
W1: SECURE 02/2020
W2: AUGUST 2020

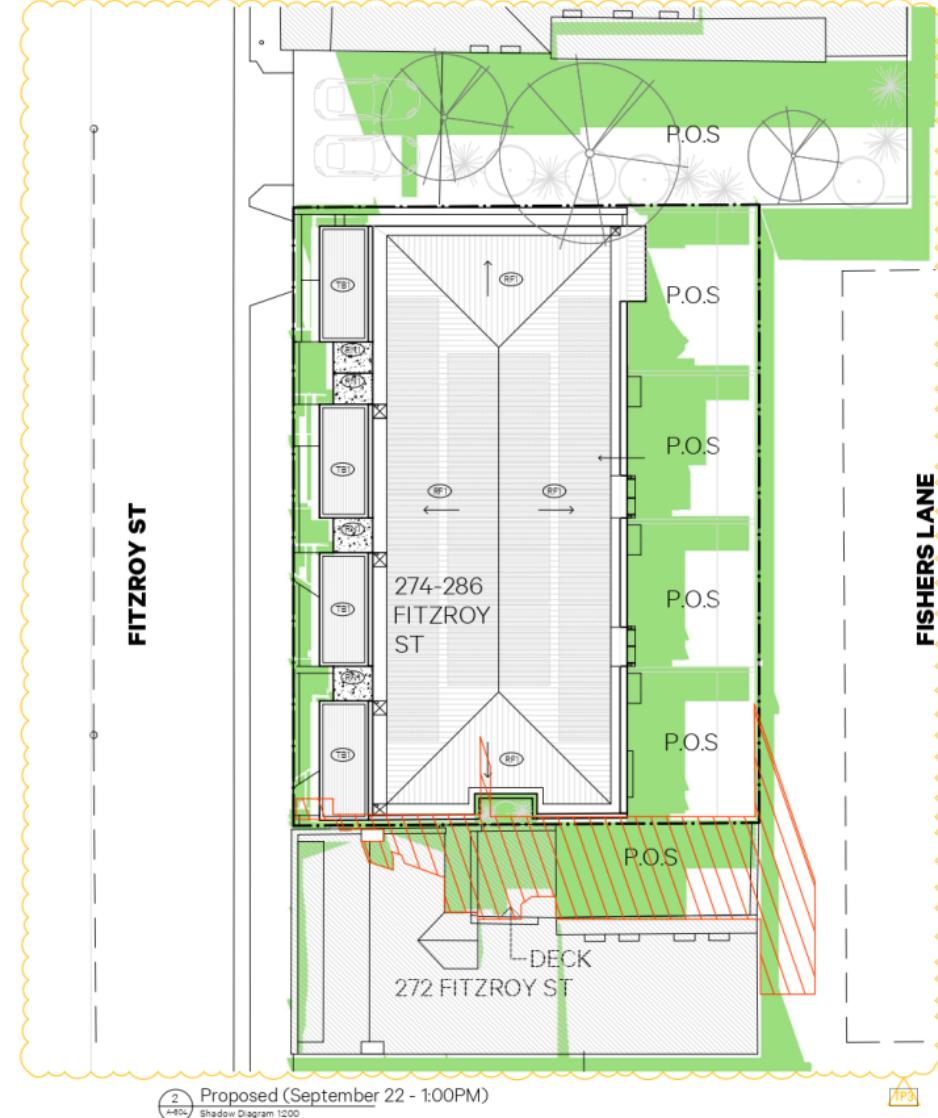
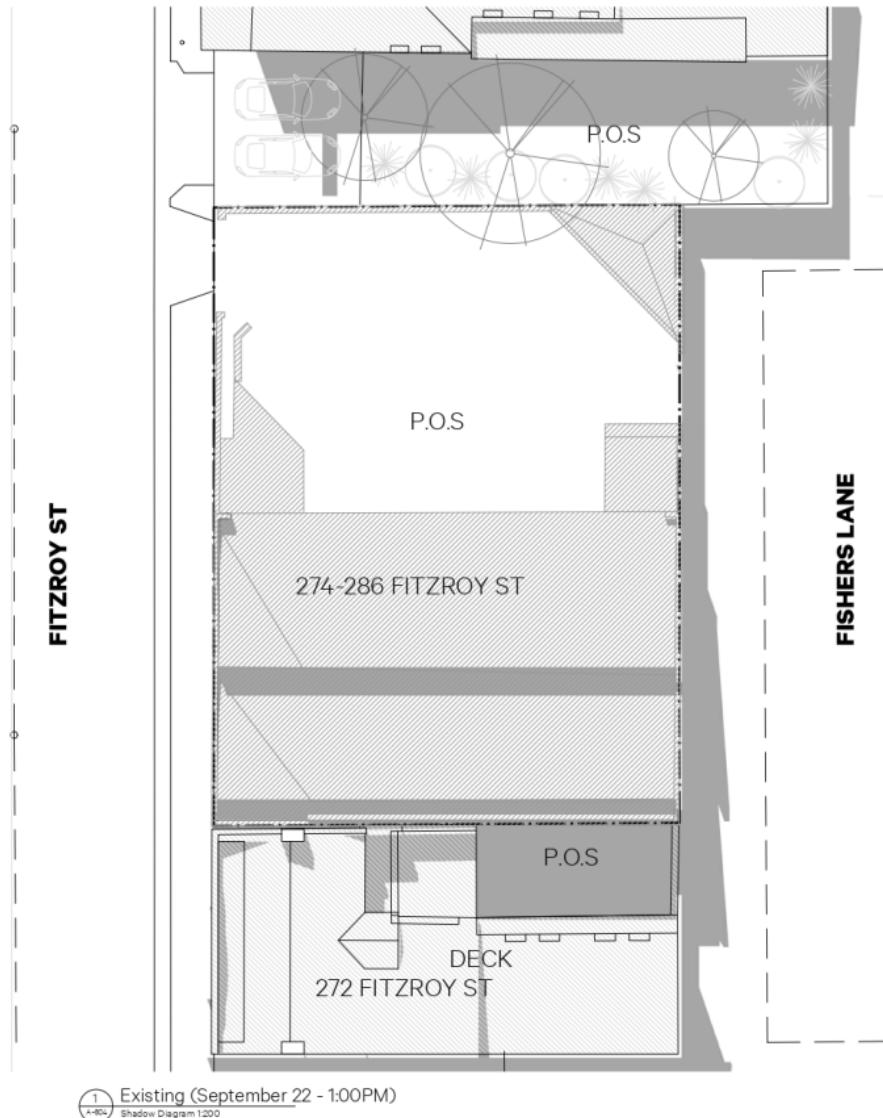
Client:
Ascend
Project:
Fitzroy Townhouses
Preferred Address:
274-280 Fitzroy Street
Fitzroy
Drawing Name:
Shadow Diagrams
Drawing Number:
-12pm

Project Stage:
TP
Scale:
1:200 @ A3
Date:
AUGUST 2021
Drawn:
PKV/VRL/HG
Project Number:
1917
Drawing:
A603
Revision:
TP3

KENNEDY NOLAN

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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The Contractor shall verify all dimensions on site prior to proceeding with this drawing. Measured dimensions shall be checked and verified. Stated dimensions shall be verified on site.

KEY

- SHADOWS CAST BY EXISTING BUILDING
- SHADOWS CAST BY PROPOSED BUILDING
- ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION

SHADOW AREAS (272 FITZROY STREET) - 1PM				
	P.O.S.	AREA	EX SHADOW	PR SHADOW
GROUNDFIRST	34 sqm	34 sqm	30 sqm	-4 sqm
	13 sqm	5 sqm	10 sqm	+5 sqm
TOTAL	47 sqm	39 sqm	40 sqm	+1 sqm

Revision
TP1 SEPTEMBER 2020
W2 SECURE 02 2020
W3 AUGUST 2020

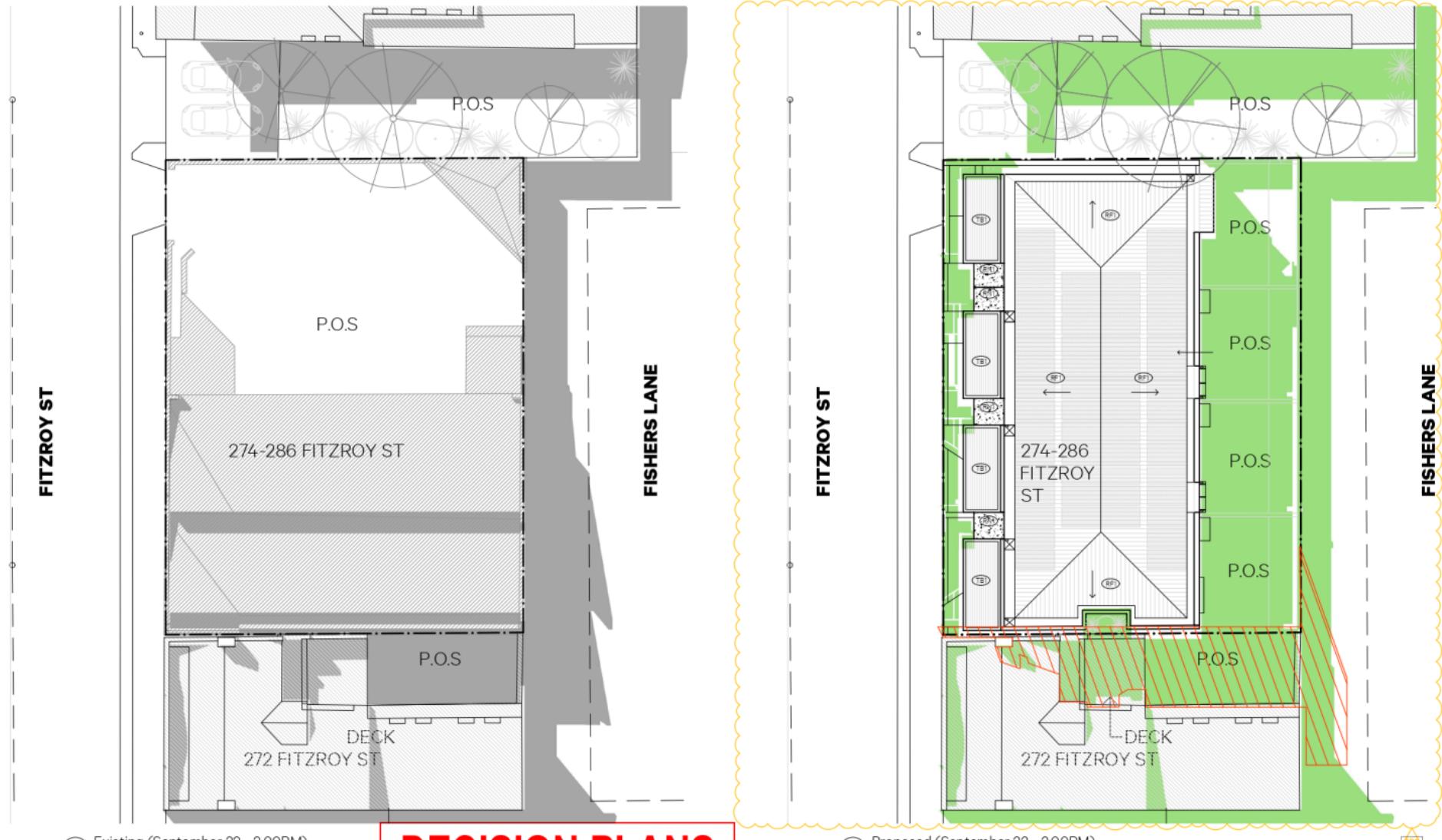
Client
Ascend
Project
Fitzroy Townhouses
Preferred Address
274-286 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams -
1pm
Drawing Number
1917 A604
Project Number
PKV/VUL/HG

Project Stage
TP Scale
1:200 @ A3
Date
AUGUST 2021
Drawn
PKV/VUL/HG
Drawing
1917 A604
Revision
TP3

**KENNEDY
NOLAN**

DECISION PLANS

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



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Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 9415 8971
www.kennedynolan.com.au

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The Contractor shall verify all dimensions on site prior to carrying out this drawing. Measured dimensions shall be checked and verified. Scaled dimensions shall be verified on site.

DECISION PLANS

1 Existing (September 22 - 2:00PM)
A-805 Shadow Diagram 1200

2 Proposed (September 22 - 2:00PM)
A-805 Shadow Diagram 1200

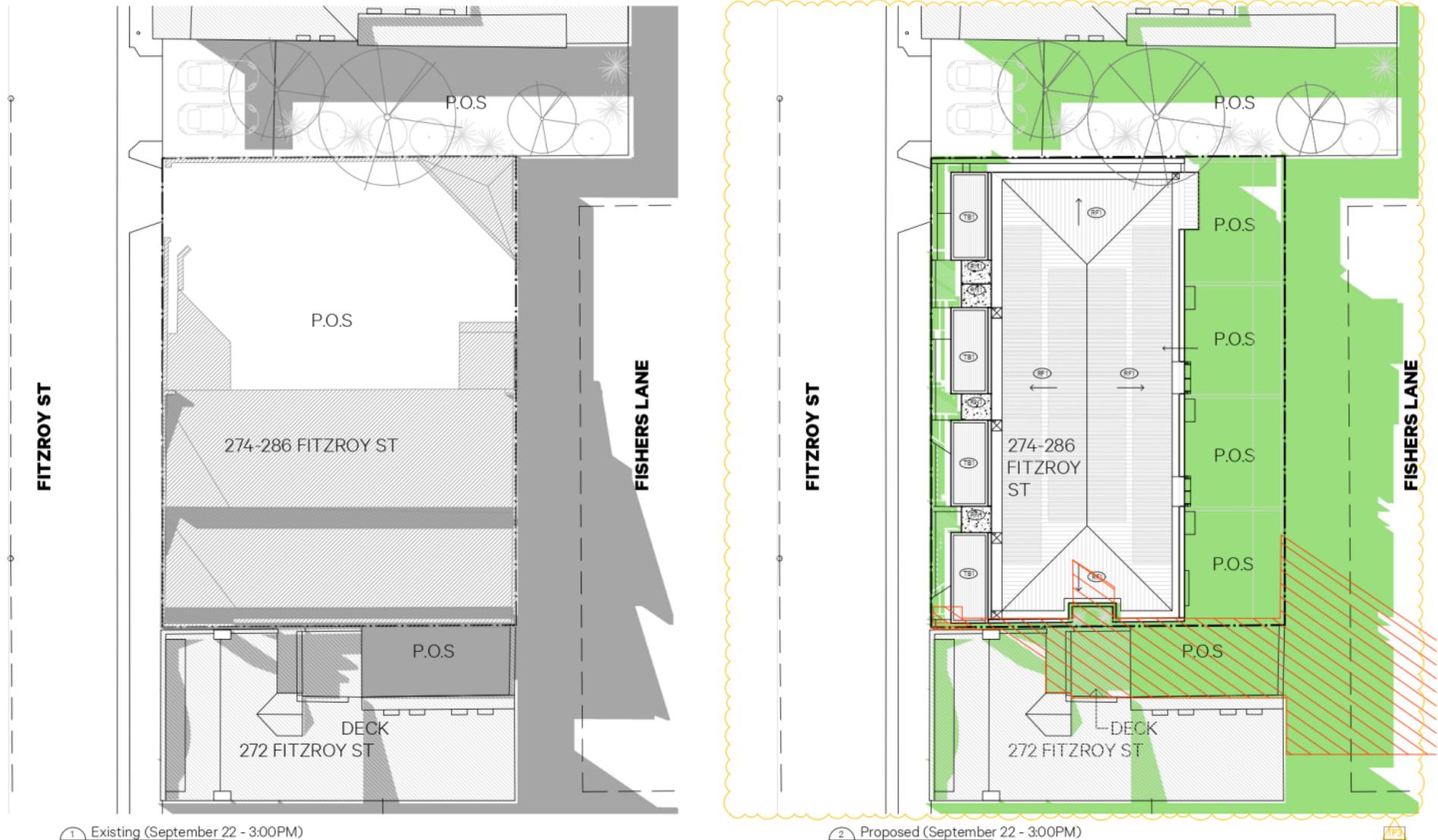
Revision
TP: SEPTEMBER 2020
W1: SECURE 02/2020
W2: AUGUST 2020

Client:
Ascend
Project:
Fitzroy Townhouses
Project Address:
274-280 Fitzroy Street
Fitzroy
Drawing Name:
Shadow Diagrams -
2pm
Drawing Number:
RUK/VRL/HG

Project Stage:
TP
Scale:
1:200 @ A3
Date:
AUGUST 2021
Drawn:
RUK/VRL/HG
Project Number:
1917 1 A605
Drawing:
TP3
Revision:

KENNEDY NOLAN

Attachment 2 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Decision Plans (Section 57A Amended Plans)



61 Victoria Street Fitzroy
Melbourne 3065 Australia
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+61 3 9415 8971
www.kennedynolan.com.au

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This drawing is to be read in conjunction with the Building Plan and all relevant documents and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing work. This drawing is issued subject to the dimensions being verified. Scaled dimensions shall be checked and verified. Scaled dimensions shall be checked and verified.

SHADOW AREAS (272 FITZROY STREET) - 3PM				
P.O.S.	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUND	34 sqm	34 sqm	34 sqm	0 sqm
FIRST	13 sqm	10 sqm	12 sqm	+2 sqm
TOTAL	47 sqm	44 sqm	46 sqm	+2 sqm

Revision
TP: SEPTEMBER 2020
W1: SECURE 02/2020
W2: AUGUST 2020

Client:
Ascend
Project:
Fitzroy Townhouses
Proposed Address:
274-280 Fitzroy Street
Fitzroy
Drawing Name:
Shadow Diagrams -
3pm
Drawing Number:
1917 A606
Project Stage:
TP Scale:
1:200 @ A3
Date:
AUGUST 2021
Drawn:
PKV/VRL/HG
Drawing Revision:
TP3

KENNEDY NOLAN



Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

**City of Yarra
Heritage Advice on Section 57A amendment**

Application No.:	PLN20/0720
Address of Property:	274 - 280 Fitzroy Street Fitzroy
Planner:	Samantha Tham
Yarra Planning Scheme References:	<ul style="list-style-type: none"> • Clause 15.03 Heritage • Clause 21.05-1 Built Form (Heritage) • Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay • Clause 43.01 Heritage Overlay • Clause 59.07 Applications Under a Heritage Overlay
Heritage Overlay No. & Precinct:	HO334 South Fitzroy Precinct
Level of significance:	Contributory (City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time))
General description:	<p>Full demolition of existing buildings and structures</p> <p>Construction of four 4-level townhouses including a basement</p>
Drawing Nos.:	Set of 32 revised drawings, entitled "Fitzroy Townhouses", prepared by Kennedy Nolan, received by Council and dated Aug 2021

ASSESSMENT OF PROPOSED AMENDED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application has not altered.

The full demolition of the existing building continues to be supported as it is deemed as being not contributory.

An application for a new development has been lodged in accordance with Clause 22.02-5.1.

Comments regarding amended new development:

The extent of new works proposed by this application continues to include the construction of four new 4-level townhouses including basements.

Previous recommendations

Heritage advice dated 17 February 2021 recommended the following modifications prior to further consideration:

	Suggested modification	Explanation
1.	That the front setback of the top floor level, including any canopies, balconies and the lift shafts, be	<i>Setting back the built structures on the top floor level will reduce the street wall</i>

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

	setback at least 3 metres from the front site boundary.	<i>height to be more in keeping with the scale of the nearby heritage buildings.</i>
2.	That the proportions of the proposed front screen must be modified so that it is apparent that there are two floor levels behind it rather than just one.	<i>To reduce the visual impression to the street that the ground floor is monumental in scale.</i>
3.	That the proposed front screen must be modified to include openings that respect the fenestration of the nearby residential properties.	<i>The windowless screen walls on the street boundary do not respect the fenestration or enhance the residential heritage character of this part of the Fitzroy Street streetscape in any way.</i>
4.	That the façades of the townhouses must not be visually obstructed by the proposed front screens	<i>The new development must be articulated and massed to correspond with the prevailing building form of the heritage place.</i>

Response to previous recommendations

1. *That the front setback of the top floor level, including any canopies, balconies and the lift shafts, be setback at least 3 metres from the front site boundary.*

The front wall of the top floor level has been setback a little over 3 metres from the front site boundary across the width of the site, which is consistent with this previous recommendation.

The proposed canopies, balconies and lift shafts however continue to project into the recommended 3 metre setback.

The canopies/soffits have been further set back only 320mm. These elements continue to project beyond the width of the balconies and the lift shafts and reinforce the three-storey appearance of the new development which will compete for dominance against the adjacent two-storey significant buildings.

Modifying the material of the proposed canopy/soffit to allow a degree of transparency is considered a slight improvement on the visibility of the top floor level. It is considered however that the bulkiness of these canopies still make them highly visible. *If the canopies continue to be absolutely critical, it is considered that they should be redesigned to be as narrow and as inconspicuous in appearance as possible.*

This previous recommendation is only considered **partially satisfied**.

2. *That the proportions of the proposed front screen must be modified so that it is apparent that there are two floor levels behind it rather than just one.*

The finished height of the proposed front screen has been reduced to about 1.5 floor levels instead of two. This has allowed the upper floor level to become visible. It has also reinforced the ground floor wall scale of the adjoining ground floor level at no. 272 Fitzroy Street.

This recommendation is considered satisfied.

3. *That the proposed front screen must be modified to include openings that respect the fenestration of the nearby residential properties.*

The design of the proposed front screen has been slightly modified to include more distinctive door openings and greater transparency (50%). This modification improves the apparent fenestration of the new development by creating definable openings and allowing a greater degree of visibility to the window frames beyond.

This recommendation is considered satisfied.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

4. *That the façades of the townhouses must not be visually obstructed by the proposed front screens*

It is considered that the currently proposed reduction in screen wall height and the increase in transparency will reduce the degree of obscurity that existed in the previous proposal.

This recommendation is considered satisfied.

SIGNED:



Diahnn McIntosh

DATED: 26 October 2021

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

**City of Yarra
Heritage Advice**

Application No.:	PLN20/0720
Address of Property:	274 - 280 Fitzroy Street Fitzroy
Planner:	Samantha Tham
Yarra Planning Scheme References:	<ul style="list-style-type: none">• Clause 15.03 Heritage• Clause 21.05-1 Built Form (Heritage)• Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay• Clause 43.01 Heritage Overlay• Clause 59.07 Applications Under A Heritage Overlay
Heritage Overlay No. & Precinct:	HO334 South Fitzroy Precinct
Level of significance:	Contributory (City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time)
General description:	Full demolition of existing buildings and structures Construction of four 4-level townhouses including a basement
Drawing Nos.:	Set of 31 drawings, entitled "Fitzroy Townhouses ", prepared by Kennedy Nolan, received by Council and dated Dec 2020 Heritage Impact Statement, 274-280 Fitzroy Street, prepared by Lovell Chen (Oct 2020)

CONTEXT IMAGES:



Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the full demolition/removal of the existing building.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme states that the retention of a building in a heritage place is encouraged, unless

- The building is identified as a contributory building, and
- new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and

The submitted Heritage Impact Statement presents evidence that the construction of the existing building appears to date from after the period of significant industrial development in the South Fitzroy area, which was during the Inter-war years up to the 1930s.

Based on this further information, it is considered that the subject site does not possess the Contributory level of heritage significance attributed to it.

The full demolition of the existing building is therefore supported as it is deemed as being not contributory.

An application for a new development has been lodged in accordance with Clause 22.02-5.1.

Comments regarding new development:

The extent of new works proposed by this application includes construction of four new 4-level townhouses including a basement.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

The key consideration for assessing this aspect of the works is whether the proposed new development will:

- Be in keeping with the character or appearance of nearby heritage buildings of contributory significance; AND
- Not adversely affect the significance of the broader heritage precinct.

The relevant objectives of the local heritage policy at Clause 22.02-4 are:

- *To preserve the scale and pattern of streetscapes in heritage places.*
- *To ensure that additions and new works to a heritage place respect the significance of the place.*

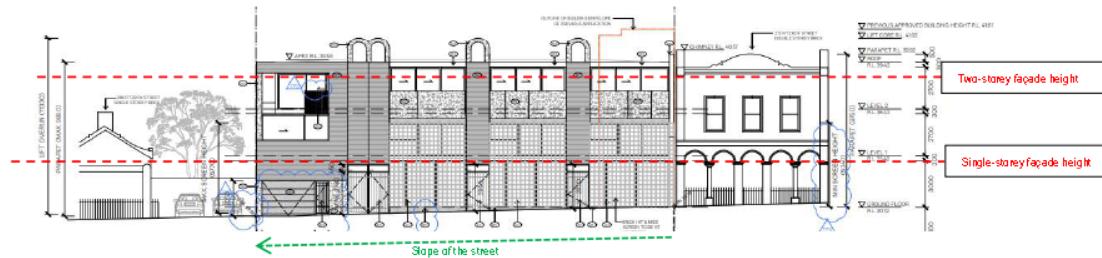
Scale of streetscape:

The properties to the north of the subject site, nos. 288 to 294 Fitzroy Street, are all of contributory significance and single storey scale with parapets.

The properties to the west of the subject site, nos. 271 to 283 Fitzroy Street, are all of contributory significance and single storey scale with parapets.

The two properties to the south, nos. 270 to 272 Fitzroy Street, are both of contributory significance and two-storey in scale.

The predominant scale of this part of Fitzroy Street is therefore single storey with a scattering of two-storey scale buildings towards the ends of the street.



Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height

The finished height of the proposed new development will be greater than the adjacent heritage buildings on either side of the subject site as well as the buildings directly opposite. The scale of the proposed development does not conform with the above-mentioned policy.

It is recognised that the façade of the top floor has been setback however the combination of projecting canopies, balconies and especially the lift shafts continue to visually reinforce the three-storey scale of the proposed development.

To preserve the scale of the street it is strongly considered that all the proposed built form within the front 3metres of the site and above the red line shown on the image below should be either deleted or setback at least 3 metres from the site front boundary. The resulting two-storey scale of the proposed facades will still fail to satisfy the policy requirement at Clause 22.02-5.7.1 however the two-storey façade height could be justified on the basis of the greater building heights in the immediate surroundings beyond this part of Fitzroy Street.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



Above: The recommended maximum height of the proposed facade fronting Fitzroy Street shown by dashed blue line. The extent of built form that should be deleted or setback at least 3 metres is shown shaded in red.

Pattern of streetscape:



Above: Extract from Vicplan showing pattern of development in Fitzroy Street

Apart from the subject site, the properties fronting Fitzroy Street between Bell and Moor Streets are predominantly residential in character. Although there is a slight variation in the widths of the various sites, the average width of each allotment is about 6 metres.

The average widths of the proposed new townhouses are about 6.6 metres. This is consistent with the pattern of residential property widths in the streetscape.

Setbacks:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

setbacks from the principal street frontage to be similar to those of adjoining contributory buildings;
where there are differing adjoining setbacks, the greater setback will apply.

The proposed front setback at ground level and levels 1 varies from 1.7m to 2.0m which is appropriate.

The proposed front setback of the top floor (Level 2) varies from less than zero (for the balconies) and 2.0m to 3.4m for the front walls. The finished height of this floor level, including the three canopies, balconies and the lift shafts has already been identified above as too high. To reduce the impact of this height it has already been recommended that the front setback of the top floor level, including any canopies, balconies and the lift shafts, be setback at least 3 metres from the front site boundary.

Appearance:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to:

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

The proposed external materials for the façades of the new development are acceptable.

Proportion refers to the size of the parts of the building in relationship to other parts of the same building. In regard to the proposed development, it is considered that the height of the front screen walls gives the visual impression to the street that the ground floor is monumental in scale. This is well out of proportion with the apparent scale of the top floor. It is suggested that the appearance of the proposed front screen be modified in a way, so it is apparent that there are two floor levels rather than just one.

Fenestration is defined as the arrangement of windows in a building. The proposed design presents as a two-storey screen wall with spacing to three-quarters of the Fitzroy Street with the remaining quarter being dominated by a roller door. The windowless screen walls on the street boundary do not respect the fenestration or enhance the residential heritage character of this part of the Fitzroy Street streetscape in any way.

The residential properties in this street all have front verandahs that abut the street frontage with front fences that double as balustrades. These front fences are about 1m high so that the façade of the house is not visually obstructed. In contrast the screen wall of the proposed townhouses will obstruct both the ground and first floor facades of the proposed townhouses. This design approach fails to address the policy that new development must be articulated and massed to correspond with the prevailing building form of the heritage place.



Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

RECOMMENDATIONS:

1. On heritage grounds the works proposed in this application should be modified as follows prior to further considerations:

	Suggested condition	Explanation
1.	That the front setback of the top floor level, including any canopies, balconies and the lift shafts, be setback at least 3 metres from the front site boundary.	<i>Setting back the built structures on the top floor level will reduce the street wall height to be more in keeping with the scale of the nearby heritage buildings.</i>
2.	That the proportions of the proposed front screen must be modified so that it is apparent that there are two floor levels behind it rather than just one.	<i>To reduce the visual impression to the street that the ground floor is monumental in scale.</i>
3.	That the proposed front screen must be modified to include openings that respect the fenestration of the nearby residential properties.	<i>The windowless screen walls on the street boundary do not respect the fenestration or enhance the residential heritage character of this part of the Fitzroy Street streetscape in any way.</i>
4.	That the façades of the townhouses must not be visually obstructed by the proposed front screens	<i>The new development must be articulated and massed to correspond with the prevailing building form of the heritage place.</i>

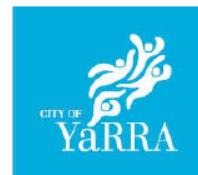
SIGNED:

Diahnn McIntosh

DATED: 17 February 2021

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

MEMO



To: Samantha Tham
From: Lucy Stratton
Date: 16 November 2021
Site Address: 272, 274 - 280 and 288 Fitzroy Street, Fitzroy
Application No: PLN20/0720
Description: Construction of four new dwellings

COMMENTS SOUGHT

Comments on the application from an urban design perspective are requested on whether the amended plans address previous urban design comments (25 February 2021). These comments are provided on S57A Plans – Revision TP3 (Kennedy Nolan, August 2021).

COMMENTS SUMMARY

Urban Design Comments (25/02/2021)	S57A Amendments
<i>Delete or lower the tall brick frame at the northwest corner to achieve a 2-storey presentation adjoining the north boundary.</i>	Satisfied - the north west façade has been lowered by 1850mm and level 2 floor plan setback by 3m. Resulting in a two-storey presentation and transitional scale to the adjacent single storey dwelling.
<i>Review the design of the front of the building as necessary to address the Heritage Adviser's concerns without compromising the integrity of the design</i>	Subject to heritage advice – urban design supportive of the refined design response.
<i>Clarify the arched elements atop the lift shafts to ensure they are permissible, given the GRZ1 zoning;</i>	Satisfied – lift shafts may exceed the maximum building height of 10.5m by 1.5m (12m). The proposal complies.
<i>Review the extent of projection of the north eave and the front balconies;</i>	Satisfied - balconies are setback within the title boundary and timber batten balcony soffits are setback 1.13m (additional 320mm).
<i>Reduce the height of the screens on the front boundary and provide further information to demonstrate that they will be more than 50% open;</i>	Satisfied - Screens lowers to match heritage datum adjacent. Transparency at 50% as detailed at A700, (Elevation Detail - Screen Study) and A300 West Elevation.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

Reduce the height of the rear fence, incorporate gates and consider retaining or reusing (bricks from) parts of the existing walls.

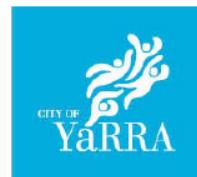
Satisfied – the rear fence has been lowered to 2.1m (previous 2.6-3m) along Fishers Lane. Access from Fishers Lane has not been pursued, this is acceptable given the impact this would have on private courtyard landscaping opportunities and the back of house condition of the lane.

The East Elevation shows the roof projecting 1.2m to the north boundary, whereas the roof plan and Perspective A801 show only a partial projection. This should be clarified. To optimise the scale transition down to the zero- to one-storey height to the north while providing adequate sun shading, consideration should be given to a substantial overhang at the windows and zero overhang for the rest of the north interface.

Not satisfied – there is still a discrepancy in the drawing set along the northern interface roof projection. A consistent overhang of 600mm as shown at West Elevation (A300) and Section (A402) is acceptable. The East Elevation (A301) should be amended to show this.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

MEMO



To: Samantha Tham
From: David Pryor
Date: 25 February 2021
Site Address: 274 - 280 Fitzroy Street, Fitzroy
Application No: PLN20/0720
Description: Construction of four new dwellings

COMMENTS SOUGHT

Urban Design comments have been sought on whether the proposal is satisfactory from an urban design perspective. New construction proposed is limited to 272-280 Fitzroy Street. These comments are provided on Plans by Kennedy Nolan – Revision TP2, dated December 2020 and refer to Yarra Heritage Advice (17 February 2021).

COMMENTS SUMMARY

This proposal is supported in principle, subject to the improvements outlined below, including the following:

- Delete or lower the tall brick frame at the northwest corner to achieve a 2-storey presentation adjoining the north boundary;
- Review the design of the front of the building as necessary to address the Heritage Adviser's concerns without compromising the integrity of the design;
- Clarify the arched elements atop the lift shafts to ensure they are permissible, given the GRZ1 zoning;
- Review the extent of projection of the north eave and the front balconies;
- Reduce the height of the screens on the front boundary and provide further information to demonstrate that they will be more than 50% open;
- Reduce the height of the rear fence, incorporate gates and consider retaining or reusing (bricks from) parts of the existing walls.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

URBAN DESIGN COMMENTS

Built Form and Massing

The proposal is for a row of 3-storey high townhouses (plus basement), set back 1.7m-3.2m (typically 2m) from the front boundary and 5.7m from the rear. No side setbacks are proposed except for a 1.2m setback to the top storey from the north boundary. This scale and massing is broadly supported, subject to the comments below.

To the north of the site is open space and then a single-storey dwelling, warranting a stepping down in scale at the north end of the building. The proposed Level 2 setback achieves this but is undermined by the masonry frame which projects across in front of it, expressing the full 3-storey height. This frame element should be removed or reduced to achieve a 2-storey presentation at the northwest corner.

To the south, a 2-storey Victorian house is built to the front and side boundaries at 272 Fitzroy St. The proposed eave height is about 400mm higher than the neighbouring parapet, but setbacks help to ameliorate the impact of this height. While this is broadly acceptable from an urban design perspective, it is noted that the heritage adviser recommends that "*all the proposed built form within the front 3metres of the site and above the red line shown on the image below should be either deleted or setback at least 3 metres from the site front boundary*". (The red line appears to align with the string course below the cornice of 272 Fitzroy St.) Urban Design has no objection to the inclusion of a condition to this effect – noting however that this change would necessitate significant redesign to ensure that the final design is well composed and integrated.

The site is zoned GRZ1, where building height must not exceed 10.5m, except that "*A lift overrun may exceed the abovementioned mandatory height requirements by no more than 1.5 metres.*" The arches atop the lift shafts project above the mandatory 10.5m height limit. While these arches are acceptable from an urban design perspective, we have not assessed their legality in relation to zoning requirements.

Balconies and canopies project into the setbacks. The projections, along with the variations in setback, contribute depth, shadow and express the individual dwellings which comprise the development, and are thus supported in principle. However, the balconies at Level 2 project 300mm over the front boundary; in the absence of any evident rationale for projecting beyond the boundary, it is recommended that they be contained within the site.

The East Elevation shows the roof projecting 1.2m to the north boundary, whereas the roof plan and Perspective A801 show only a partial projection. This should be clarified. To optimise the scale transition down to the zero- to one-storey height to the north while providing adequate sun shading, consideration should be given to a substantial overhang at the windows and zero overhang for the rest of the north interface.

Public Realm Interfaces

The site is divided into four frontages, expressing a fine grain of subdivision which relates well to the streetscape.

The consolidation of the carparking into a basement is supported, enabling most of the frontage to be allocated to habitable space. However, these spaces are given a blank presentation to the street due to the large screens along the front boundary. These are effectively 5.6m high semi-transparent fences. This height should be reduced and should certainly be no higher than the arch soffits of 272 Fitzroy St (about 3.6m). The screens are labelled "masonry 'hit & miss' screen" and are noted as "at least 50% transparent". They would need to be constructed of thin, well-spaced members comparable to image 2 on Drawing A700 – not image 3, which is considered too solid. The incorporation of window-sized openings in the screens, as recommended by the heritage adviser, is another way of optimising transparency. If sufficient transparency is not demonstrated, the fence height should be reduced to about 1.5m, consistent with YPS Clause 55.06-2. The gates are also high (about 2.5m), and should be at least 75% transparent.

To the rear, the site abuts a right-of-way which functions as part of Fishers Lane. The proposed development includes a brick fence along the rear (east) boundary. The existing site has a series of graffitied brick walls

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

here. There is an opportunity to clean and retain these walls (or sections of them) up to fence height, adding character and some sense of history to the laneway interface. Alternatively, the existing bricks could be reused in newly constructed fencing.

The proposed rear fence is about 3m high, with no openings in its 26.69m length. It is recommended that this height be reduced to a maximum of no more than 2m and that gates be provided to each of the four dwellings to provide a more fine-grained, activated and welcoming presentation to the laneway environment. With the fence lowered, the proposed planting in the "rain gardens" along the rear boundary could enhance the lane.

Façade Design & Materials

The design and external finishes are supported overall. It is noted however that significant redesign will be necessitated by some of the above-recommended changes – particularly the deletion of the northwest frame and the top floor setbacks recommended by the heritage adviser.

The finish to the carpark door (ME1) is shown as perforated Manor Red mesh on A005; it would be helpful for this also to be defined on the east elevation.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



Memo

To: Samantha Tham

diverse

Cc:

vibrant

From: Glen Williams

exciting

Date: 28 September 2021

Subject: PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy

inclusive

Sam.

I have accessed and reviewed the following document:

- Arborist report – Tree Dimensions – 22 September 2021

I largely agree with the findings of this report, however, for tree number 2 there is an assumption that tree roots are 'not expected' to be growing into the subject site due to the boundary brick wall acting as a root barrier.

While this may be true, the incursion into this trees TPZ and SRZ is 24%. This is considered a major encroachment and is above the allowable 10% incursion under AS4970-2009 *Protection of trees on development sites*.

Under this standard the project arborist must be able to demonstrate that the tree will remain viable post development. For this reason, a tree root investigation will be required to be performed and documented prior to development via 'air knife' or other non-destructive methods to demonstrate that tree roots are not present as assumed.

Any canopy pruning of tree 2 will require a permit under councils' local law.

All other tree protection measures are satisfactory.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



Planning Referral

To: Samantha Tham
From: Chloe Wright
Date: 18/03/2021
Subject: Strategic Transport Comments
Application No: PLN20/0720
Description: Full demolition of the existing building for the construction of four new dwellings, including a reduction in the car parking requirements.
Site Address 272, 274 – 280 and 288 Fitzroy Street, Fitzroy

I refer to the above Planning Application in relation to the proposed development at 272, 274 – 280 and 288 Fitzroy Street, Fitzroy. Council's Strategic Transport unit provides the following information:

Access and Safety

No access or safety issues have been identified.

Bicycle Parking Provision

Statutory Requirement

Under the provisions of Clause 52.34-3 of the Yarra Planning 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	
Dwellings	4 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	0 resident spaces		
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	0 visitor spaces		
Bicycle Parking Spaces Total			0 resident spaces	20 resident spaces	
			0 visitor spaces	0 visitor spaces	

Adequacy of visitor spaces

The following comments are provided in relation to provision of visitor spaces:

- No visitor bicycle spaces are proposed. The statutory rate does not require any visitor bicycle spaces and Council's best-practice rate¹ recommends 1 visitor space.
- Given the narrow width of the footpath at Fitzroy Street and the scale of the development, provision of no visitor spaces is considered acceptable.

¹ Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends a rate of 0.25 visitor spaces to each dwelling.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

Adequacy of resident spaces

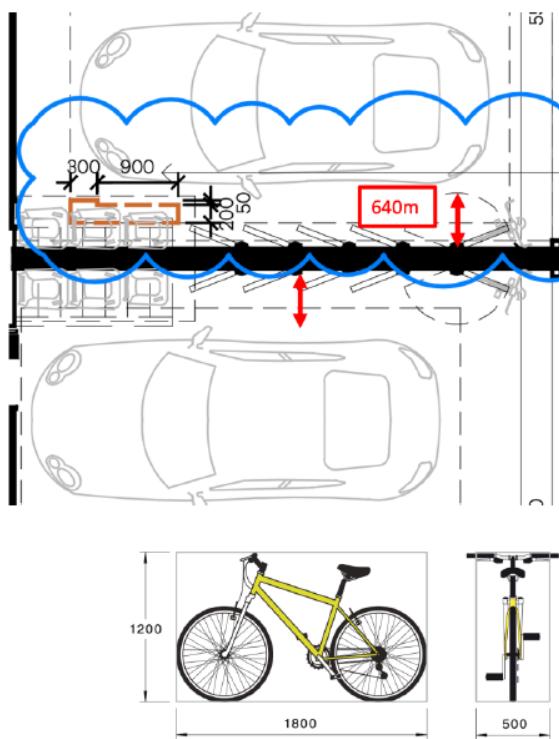
Number of spaces

20 resident spaces are proposed which exceeds Council's best practice rate² recommendation of 4 resident spaces.

Design and location of resident spaces and facilities

The following comments are provided in relation to the location and design of resident bike parking:

- 5 steadyrack bicycle racks are provided within each of the four individual car park areas at the basement level. Given the limited amount of space available and scale of the development, provision of bicycle spaces within the car park areas and use of the steadyrack bicycle rack is acceptable, however there does not appear to be sufficient space for the racks to be accessed within car park 2 and 3.
- The plans include a notation that 'bike racks with 180 swing capacity dependant on bike size' and a dimension of 640mm bicycle is noted. AS2890.3 specifies a standard bicycle is 1200mm in height. Therefore the steadyracks positioned within car park 4 and 1 appear to have sufficient space to park a standard bicycle, however the space between parked cars and the wall within car park 2 and 3 does not appear to be wide enough to comfortably park a bicycle (as shown in screenshots below).



NOTES:

- 1 The dimensions of the envelope are equivalent to those of a standard bicycle.
- 2 The bicycle spacing envelope does not apply to bicycle lockers or radially arranged vertical bicycle parking (Figures B1 and B8).
- 3 Handlebars will protrude beyond the envelope.

DIMENSIONS IN MILLIMETRES

FIGURE 2.1 BICYCLE SPACING ENVELOPE

² Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends the following best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings"

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

- It is recommended that an alternative bicycle rack is provided within car park 2 and 3, such as a '[towel rack](#)' which requires a width of 600mm.

Electric Vehicles

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). The plans note that each car parking area will be set up with the necessary electrical infrastructure to be 'EV ready', which is supported.

Recommendations

The following should be shown on the plans before endorsement:

1. Revised layout of resident bicycle spaces within car park areas 2 and 3 in accordance with clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.

Regards

Chloe Wright

Sustainable Transport Officer
Strategic Transport Unit

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



MEMO

To: Samantha Than
From: Artemis Bacani
Date: 15 March 2021
Subject: Application No: PLN20/0720
 Description: Construction of Four Dwellings
 Site Address: 272, 274 - 280 and 288 Fitzroy Street, Fitzroy

I refer to the above Planning Application received on 27 January 2021 in relation to the proposed development at 272, 274 - 280 and 288 Fitzroy Street, Fitzroy. Council's Engineering Referral unit provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Kennedy Nolan	A010 Existing Site and Demolition	TP2	December 2020
	A100 Basement Level	TP2	December 2020
	A101 Ground Level	TP2	December 2020
	A300 Elevations – West	TP2	December 2020
	A401 Sections	TP2	December 2020
	A402 Sections	TP3	January 2021
One Mile Grid	Transport Impact Assessment		18 September 2020

CAR PARKING PROVISION

Proposed Development

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Three-bedroom dwelling	3	2 spaces per dwelling	6	5
Four-bedroom dwelling	1		2	2
		Total	8 Spaces	7 Spaces

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

A reduction of 1 car space in the car parking requirement is sought by the applicant.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

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

Parking Demand Assessment

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

- *Parking Demand for the Three-Bedroom Dwelling.*

Traffic reports we have previously reviewed have sourced car ownership rates for residential dwellings in the City of Yarra from the 2016 Census conducted by the Australian Bureau of Statistics. The Census indicates that 64.3 % of households own 1 vehicle or less. The census data provided suggests there is a high proportion of demand for dwellings with no or reduced car spaces. The one car space provided for Townhouse 4 is consistent with the average car ownership in the municipality.

- *Availability of Public Transport in the Locality of the Land.*

The following public transport services can be accessed to and from the site by foot:

- Brunswick Street tram services – 120 metre walk
- Johnston Street bus services – 350 metre walk
- Nicholson Street tram services – 360 metre walk
- Smith Street tram services – 740 metre walk
- Victoria Parade tram service – 790 metre walk
- Victoria Parade bus services – 790 metre walk

- *Multi-Purpose Trips within the Area.*

Visitors to the site might combine their visit by engaging in other business or activities whilst in the area (such as visiting cafés, shops, bars or restaurants).

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.*

Due to the COVID-19 restrictions, car parking occupancy surveys cannot be undertaken at this time and would not provide an accurate representation of car parking demands in the surrounding area.

The on-street parking in this part of Fitzroy is generally high during business hours and evenings. The area surrounding the subject site is blanketed in time based parking restrictions which ensure that parking turns over frequently. Visitors to the site during business hours should consider commuting by sustainable transportation modes such as catching public transport, riding a bicycle, or walking - measures that are in line with Council's position on promoting sustainable and active transport.

- *Relevant Local Policy or Incorporated Document.*

The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

Adequacy of Car Parking

From a Traffic Engineering perspective, the reduction of 1 car space for the development is considered appropriate in the context of the site and the surrounding area. Visitors have access to a number of public transport services, which are located close to the site.

The Engineering Referral unit has no objection to the reduction in the car parking requirement for this site.

TRAFFIC IMPACT

Trip Generation

The traffic generation for the site could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Peak Hour	
		AM	PM
Residential (4 dwellings)	0.3 trips per dwelling in each peak hour	1	1

The peak hour traffic volumes generated by the site are considered low and should not adversely impact on the traffic operation of the surrounding road network.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Development's Entrance	The entrance to the basement car park has a width of 3.36 metres to provide a single traffic lane.
Width of Internal Accessway	The internal accessway has a minimum carriageway width of 3.0 metres. The kerb width on both sides of the carriageway is not dimensioned.
Visibility	A visibility sight triangle is provided at the exit lane of the development.
Vehicle Turning Movements off Fitzroy Street	The swept path diagrams for a B99 design vehicle demonstrates adequate turning movements into and out of the site off Fitzroy Street.
Vehicle Crossing	It is proposed to demolish the existing vehicle crossing and be replaced with a new vehicle crossing. The design of the vehicle crossing has been depicted incorrectly on the drawings. The designer is to show the vehicle crossing as per Standard Drawing YSD601.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

Layout Design Assessment

Item	Assessment
Car Parking Modules	
Single Garage	The single garage has been provided with a minimum width of 3.5 metres and a depth of 6.0 metres to satisfy <i>Design standard 2 – Car parking spaces</i> .
Double Garages	The double garages have been provided with a minimum width of 5.5 metres and a depth of 6.0 metres to also satisfy <i>Design standard 2 – Car parking spaces</i> .
Aisle	An aisle width of 6.6 metres is provided to satisfy <i>Design standard 2 – Car parking spaces</i> .
Vehicle Turning Movements	The swept path diagrams for a B85 design vehicle demonstrates adequate turning movements into and out of the individual car spaces.
Gradients	
Ramp Grade for First 5.0 metres inside Property	The ramp grade for the first 5.0 metres inside the property is 1 in 10 to satisfy <i>Design standard 3 – Gradients</i> .
Ramp Grades and Changes of Grade	The ramp grades and the changes of grade for the ramped accessway also satisfies <i>Design standard 3 – Gradients</i> .
Other Items	
Vehicle Access – Cross-Sectional Diagram	Using the Trapeze B99 driveway section outline, the vehicle access at the proposed vehicle crossing was checked. The proposed levels as depicted on the 1 in 20 scale cross-sectional diagram are considered satisfactory.

Design Items to be Addressed

Item	Details
Width of Internal Accessway	The kerb width on both sides of the carriageway of the internal access ramps are to be dimensioned on the drawings.
Visibility Sight Triangle	The visibility sight triangle is to be dimensioned on the drawings.
Vehicle Crossing	The vehicle crossing is to be depicted correctly on the drawings as per Standard Drawing YSD601.
Projection of Balcony	The clearance height (measured from the footpath to the underside of the balcony) and lateral projection over the boundary line of the balcony are to be dimensioned on the drawings.
Bicycle Considerations	The bicycle requirements for this development are to be referred to Council's Strategic Transport unit for assessment.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

ENGINEERING CONDITIONS

Civil Works

Upon the completion of all building works and connections for underground utility services,

- The kerb and channel along the property's Fitzroy Street frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- The footpath along the property's Fitzroy Street frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- All portions of redundant vehicle crossing are to be demolished and reinstated with paving and kerb and channel to Council's satisfaction and requirements, and at the Permit Holder's cost.

Vehicle Crossing

Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B85 design vehicle or B99 design vehicle (where applicable), and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

Road Asset Protection

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

Impact of Assets on Proposed Development

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

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the <i>Building Regulations</i> 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 <i>Local Government Act</i> 1989 and Regulation 133.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

Sustainable Management Plan (SMP)
Referral Response by Yarra City Council



Assessment Summary:

Responsible Planner:	Samantha Tham
ESD Advisor:	Gavin Ashley
Date:	24.02.2021
Subject Site:	PLN20/0720 272, 274-280 Fitzroy Street, Fitzroy VIC 3065
Site Area:	Approx. 537 m ²
Project Description:	Full demolition of existing buildings and the construction of four, 3-storey townhouses with a basement car park.
Pre-application meeting(s):	Unknown.
Documents:	<ul style="list-style-type: none"> • Sustainable Design Assessment (V1 – 18.09.20), by Urban Digestor • Architectural Plans (TP2 – Dec 2020), by Kennedy Nolan • Waste Management Plan (14.12.20), by One Mile Grid

The standard of the ESD does not meet Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

(1) Applicant ESD Commitments:

- The proposal achieves a BESS report score of 61% (without reliance on innovation credits) (SDA, p. 4).
- The developer or contractor will develop a BUG, so that future occupants can efficiently and sustainably operate their dwellings & the services that supply their dwelling (SDA, p. 4).
- Water efficient fixtures and taps, and water efficient landscaping (SDA, p. 5).
- A STORM report with a 112% STORM score has been submitted that demonstrates best practice and relies on ~344 m² of roof connected to a 10,000-litre rainwater tank connected to all toilets, laundries and irrigation (SDA, p. 6 & STORM report).
- The development will not connect gas. To achieve a zero-carbon development, a minimum 3kW total per unit (12kW total) photovoltaic system will be provided (SDA, p. 5).
- Electric heat-pump hot-water units will be provided, and reverse cycle 3-star (minimum) heating and cooling systems (SDA, p. 5).
- All artificial lighting will have a maximum illumination power density (W/m²) in at least 90% of the relevant Building Class at least 20% lower than required (SDA, p. 6).
- Double glazing to all habitable areas, and provision of cross-ventilation claimed (SDA, p. 7).
- Specifications around PVC, low VOC and formaldehyde products, including: paints, sealants, adhesives, flowing, insulation and engineered timber products (SDA, p. 8 & 9).
- 5 no. wall mounted bike racks will be provided to each garage, and purchasers given the option to install their own electric vehicle charger (SDA, p. 8).
- A Waste Management Plan has been provided, and compost bins are to be provided within each east courtyard (SDA, p. 8 & A101).
- There is 77m² of garden area, 14% of the site area, with 4 m² provided as food producing garden area (SDA, p. 9).
- All steel will be sourced from a company with ISO14001 certification and who is a member of the World Steel Association (WSA) Climate Action Plan – and reinforcing steel with recycled content will be specified (SDA, p. 9).

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

Sustainable Management Plan (SMP) Referral Response by Yarra City Council



- 'Green concrete' mixes will be explored & considered in future design stages (SDA, p. 9).

(2) Application ESD Deficiencies:

(3) Outstanding Information:

- Provide preliminary NatHERS assessments of the townhouses – noting that the City of Yarra's best practice targets are 10% above the minimum requirement, and ratings of 6.6-stars (minimum) would be anticipated for such a project.
- Provide a landscaping plan that details the planting schedule (of water efficient vegetation claimed in SDA) and maintenance considerations.
- Indicate operable windows throughout - using either 'OW' or arrows similar to east facing windows in A101.
- Confirm use of 'green concrete' mixes (supported by Council), or remove ambiguous language around such commitments.

(4) ESD Improvement Opportunities

- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider a green roof or wall (i.e. climber) to improve the ecological value of this site – particularly along the west facing brick façade – climbing vegetation can assist with urban heat associated with increased mass caused by the building.
- Consider greater capacity onsite energy storage systems.
- Consider other mechanisms to manage peak demand.
- Consider Head contractor to be ISO14001 accredited.

Further Recommendations:

The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments

Sustainable Management Plan (SMP) for planning applications being considered by Yarra Council



Applicant Response Guidelines

Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



Open Space Planning and Design

PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy

I'm supportive of the green treatments they've proposed that will enhance the development and provide some nice private green spaces for the residents and amenity improvements in the public realm.

The applicant is to assure the gardens are planted out prior to handover and that none of the plants appear on the DELWP advisory list of weeds is sufficient.

A detailed planting plan should be submitted to provide understanding of the mechanisms they will include to ensure the gardens succeed, such as irrigation treatments, ensuring there is enough soil for successful planting etc.

If a planning permit is issued, I've listed some standard items we ask for below if it makes it easier for you, but to be honest given the scale and nature of the development, I don't think this level of detail is necessary.

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (b) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
- (c) provide details of the *proposed method for irrigation and drainage*;
- (d) detail the *maintenance (duration, regime) and irrigation*;
- (e) show the materiality of the proposed spaces;
- (f) provide a specification of works to be undertaken prior to planting; and
- (g) detail plant/planting maintenance schedules and requirements.

Please let me know if you need anything further from me at this stage.

Julia Mardjuki
Open Space Planner
City Strategy - Open Space Planning & Design

Attachment 3 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy -All Referral Comments



City Works Branch
PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy

Hi Samantha,

The waste management plan for 272, 274 - 280 and 288 Fitzroy Street, Fitzroy authored by One Mile Grid and dated 14/12/2020 is not satisfactory from a City Works Branch's perspective.

Issues to be rectified include, but may not be limited to the following:

1. The Garbage is collected weekly please update relevant sections (4,5)
2. Space to accommodate a possible fourth bin (Fogo) and any future upgrade of recycling bin to a larger size (240 Litre) if required by residents must be factored into bin storage area.

Regards,

Atha Athanasi
Contract Management Officer

Yarra Waste Services - City Works Branch
168 Roseneath St CLIFTON HILL VIC 3068
T (03) 9205 5547 F (03) 8417 6666
Atha.Athanasi@yarracity.vic.gov.au
www.yarracity.vic.gov.au

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Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

TREEDIMENSIONS



PO Box 327
Fairfield VIC 3078
T 03 9016 2564
E mail@treedimensions.com.au
W www.treedimensions.com.au

ARBORICULTURAL IMPACTS ASSESSMENT

Location:

**274–280 Fitzroy Street
Fitzroy**

Our Ref.: 2615.AIA.1

Report prepared by:

Matt Sauvarin
CertIVHort(P&G), AssocDegreeEnvHort(Arb), BHort(Arb) Melb

Arboricultural Consultant

Report commissioned by:
Ascanio Pty Ltd

Report submitted:
22 September 2021



ABN 45 139 982 639

Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

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Report ref.	Date	Content or Amendments	No. of Pages	Author	Editor
2615.AIA.1	22.09.2021	Primary Report	19	MS	LW

Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

1 Introduction

1.1 Objectives

Victoria Reeves, Director of Architecture of Kennedy Nolan on behalf of Ascanio Pty Ltd, engaged Tree Dimensions to provide an Arboricultural Impacts Assessment (AIA) of three neighbouring trees at 247–280 Fitzroy Street, Fitzroy. For the report, Tree Dimensions has:

- Identified and assessed the trees, providing their location, species, dimensions, age and useful life expectancy (ULE), health and structural condition, and suitability for retention
- Calculated the size of the area that requires protection (tree protection zone (TPZ) and structural root zone (SRZ)) around the neighbouring trees
- Assessed site development impacts on the neighbouring trees
- Specified tree protection measures and made recommendations.

1.2 Background

The site at 274–280 Fitzroy Street, Fitzroy, contains a warehouse and an open outdoor carpark/storage area with a small bungalow in the north-eastern corner. Existing structures will be demolished, and the site will be redeveloped. Four dwellings are proposed for the site with a belowground basement that extends along the northern boundary.

There are no significant trees on the site and none in the road reserve fronting property. This report provides an assessment of the impacts that the proposed works may have on three trees in an adjoining property to the north (Figure 1).

Plans on which the impact assessment is based:

- Kennedy Nolan Architects, Full set of plans, revision: TP3, dated: August 2021. Supplied by Kennedy Nolan.

1.3 Planning context

The site, located in a General Residential Zone – Schedule 1 (GRZ1) of Yarra municipality, is covered by a Heritage Overlay Schedule (HO334) that does not include tree controls. Under a Local Law of the City of Yarra, a permit is required to remove or prune a ‘significant tree’.

Figure 1 provides an aerial view of the site.



Figure 1. Aerial view of the site at 247–280 Fitzroy Street, Fitzroy. (Image source: VicPlan 2021.)

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274–280 Fitzroy Street, Fitzroy

1.4 Procedure

Matt Sauvarin of Tree Dimensions inspected the trees on 14 January 2020. Assessment of the neighbouring trees was undertaken from the subject site and Fitzroy Street.

Tree height was measured with laser equipment and crown spread was estimated. Stem diameter at breast height (DBH) was estimated at 1.4 m above ground level.

Tree health and structure were assessed using Visual Tree Assessment (VTA) methods and hazard identification methods described by Harris, Clark & Matheny (2004), Lonsdale (1999), Mattheck & Breloer (1994), Matheny & Clark (1994) and Matheny & Clark (1998). International Society of Arboriculture Tree Risk Assessment procedures were followed for evaluating each tree.

Each tree protection zone (TPZ) in this report was calculated by multiplying the tree's DBH by 12, in accordance with AS 4970–2009 *Protection of trees on development sites*. Each SRZ was calculated from the tree's estimated DBH, rather than the stem diameter above the root buttress, using the SRZ formula in AS 4970–2009.

Assessed trees were numbered for this report and their locations are indicated on the site development plan (Appendix A).

2 Tree protection on development sites

2.1 General

Development changes the use of an area by adding buildings, infrastructure and people to the landscape. These changes increase the potential for trees to cause damage to people and property. Therefore, trees that are structurally poor or have a short life expectancy are generally unsuitable for retention on development sites.

Trees require space not only for their canopies, but also for their roots. Failure to protect roots during development usually leads to future problems—stressed trees or trees prone to wind-throw.

Most tree roots are usually found in the top 600 millimetres (mm) of soil (Harris, Clark & Matheny 2004). Several large woody roots radiate outwards from the base of the stem. These structural roots anchor the tree. Cutting or disturbing these roots is likely to undermine tree stability. The spread of a tree's structural roots, known as its structural root zone (SRZ), is generally proportional to the diameter of its stem (Mattheck & Breloer 1994).

Beyond this zone extends a network of woody transport roots and fine absorbing roots, which absorb and transport water and nutrients. Most of these roots are found in the top 150 mm of soil (Harris, Clark & Matheny 2004). Trees can lose a portion of their absorbing roots without being significantly affected in the long term. Different species tolerate different amounts of root loss; most healthy trees can tolerate losing up to a third of their absorbing roots (Matheny & Clark, 1998).

Roots are opportunistic, and their growth is affected by local soil conditions: moisture levels, oxygen availability and physical resistance. Therefore, each tree's root system is different. Root excavation is the only way to accurately locate a tree's roots but is expensive and time-consuming. Generally, we assume that roots follow the typical patterns of growth described above.

Trees can be affected by development in several ways. Direct damage to roots through trenching and site cuts can remove absorbing roots and sever structural roots. Root activity can be inhibited by various activities: soil compaction in the root zone, sealing the surface and adding fill over roots. These activities limit the amount of oxygen and moisture that may reach the roots, without which roots cannot function. This will lead to drought stress and even death and may take several years to become evident in the crown.

2.2 Designing around trees

The TPZ is designed to protect all structural roots and sufficient absorbing roots for the tree to remain viable. The SRZ is designed to protect structural roots. The TPZ radii indicate the protection

Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

zone on all sides of a tree to be retained (Standards Australia 2009). The TPZ incorporates the SRZ and ensures that tree viability and stability are protected from construction disturbance.

Encroachment by site works into a maximum of 10% of a TPZ is regarded as minor encroachment and is therefore acceptable according to AS4970–2009. The encroachment must be outside the SRZ and should be compensated for elsewhere, contiguously with the TPZ.

Encroachment into more than 10% of the TPZ, or into the SRZ, is regarded as major encroachment. In this case, the consulting arborist must demonstrate that the affected tree would remain viable. In some instances, determining viability may require root investigation by non-destructive methods. Again, the TPZ area lost to encroachment must be compensated for in an area contiguous with the TPZ.

3 Findings

3.1 Neighbouring trees

The location of the three trees in the neighbouring property north of the subject site are shown on the plan in Appendix A.

The neighbouring trees appeared to be in good-to-fair condition and are suitable for retention.

Vines obscured the lower stem of tree #2, but the DBH reflects a conservative estimate base on past experience.

Photographs of all assessed trees are included in Appendix B.

Full assessment details of the trees are listed in the tree survey table (Appendix C).

Explanatory notes for the tree survey table are provided in Appendix D.

3.2 Impacts on neighbouring trees

The proposed impacts on the three neighbouring trees, along with the TPZ and SRZ radii to protect each tree, are summarised in Table 1. A basement carpark is proposed along the northern site boundary, south of the neighbouring trees.

Table 1. Details of neighbouring trees.

Tree #	Common Name	Origin	Height (m)	DBH (cm)	Maturity	Proposal	SRZ (m)	TPZ (m)	Encroachment %	Proposed Impact
1	Jacaranda	Exotic	8	28	Mature	No works in TPZ	1.9	3.4	0%	None
2	Box Elder	Exotic	10	60	Mature	2.4 m to basement	2.7	7.2	24%	Minimal
3	Olive	Exotic	5	25	Mature	2.1 to basement	1.8	3.0	0%	None

3.2.1 Neighbouring tree #1

No works are proposed within the TPZ of tree #1 and it will not be adversely affected.

3.2.2 Neighbouring tree #2

The basement carpark proposed along the northern boundary is within the TPZ and SRZ of tree #2. Existing structures that would prevent root growth into the subject site were identified within the TPZ. Roots are not expected to have grown within the triangular-shaped footprint of the bungalow in the north-western corner of the subject site. The large, brick, boundary wall is likely to have large and deep footings, creating a barrier in the soil, and thus containing root growth to the neighbouring property's garden. Root investigation is not recommended in this instance.

Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

It is likely that roots extend along the northern side of the boundary. These roots will require protection during demolition and construction activities within the TPZ to reduce any impacts to the tree. The protection measures are outlined below.

Tree #2's crown extends to the south, slightly over the boundary line. Minor pruning to remove only 5–10% of the crown will be required. A permit from the City of Yarra will be required for this pruning under the local law.

Provided that the tree protection measures are implemented, above- and below-ground impacts to tree #2 will be minimal and it will not be adversely affected by the development.

3.2.3 Neighbouring tree #3

Tree #3 will not be adversely affected by the proposal. Only a small percentage of its TPZ extends onto the subject site. Existing structures on the subject site (a brick boundary wall and a bungalow) within the TPZ are likely to have created a barrier in the soil, preventing root growth onto the subject site.

4 Conclusions

Three neighbouring trees to the site at 247–280 Fitzroy Street, Fitzroy, were assessed for this report. No works are within the TPZ of tree #1; this tree will not be impacted.

It is reasonable to expect that existing structures have created a barrier in the soil, preventing roots within the TPZs of trees #2 and 3 growing onto the subject site.

Minor crown pruning will be required to reduce the southern side of tree #2's crown back to the boundary line, which will require a permit.

During demolition of the northern boundary wall's footings and excavation for the basement, care must be taken not to damage any roots extending along the northern side of the boundary wall. A simple and reasonable way to achieve this is to use light-weight demolition machinery within the TPZ, supervised by a project arborist. The project arborist can supervise the works and make any necessary recommendations, which should be documented.

Tree #3 will not be impacted by the proposed works, owing to existing infrastructure on the site preventing root growth into the area of potential impact.

5 Recommendations

Based on the findings of the arboricultural assessment presented in this report, the following actions are recommended:

- Pursuant to the City of Yarra's local law, obtain a permit from Council to prune the section of the crown of tree #2 that overhangs the subject site
- Pruning must comply with AS4373–2007 *Pruning of amenity trees*
- Use light-weight machinery for demolition within the TPZ of tree #2 to protect tree roots
- Engage a project arborist to supervise demolition works within the TPZ of tree #2 and document their findings and recommendations.

Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

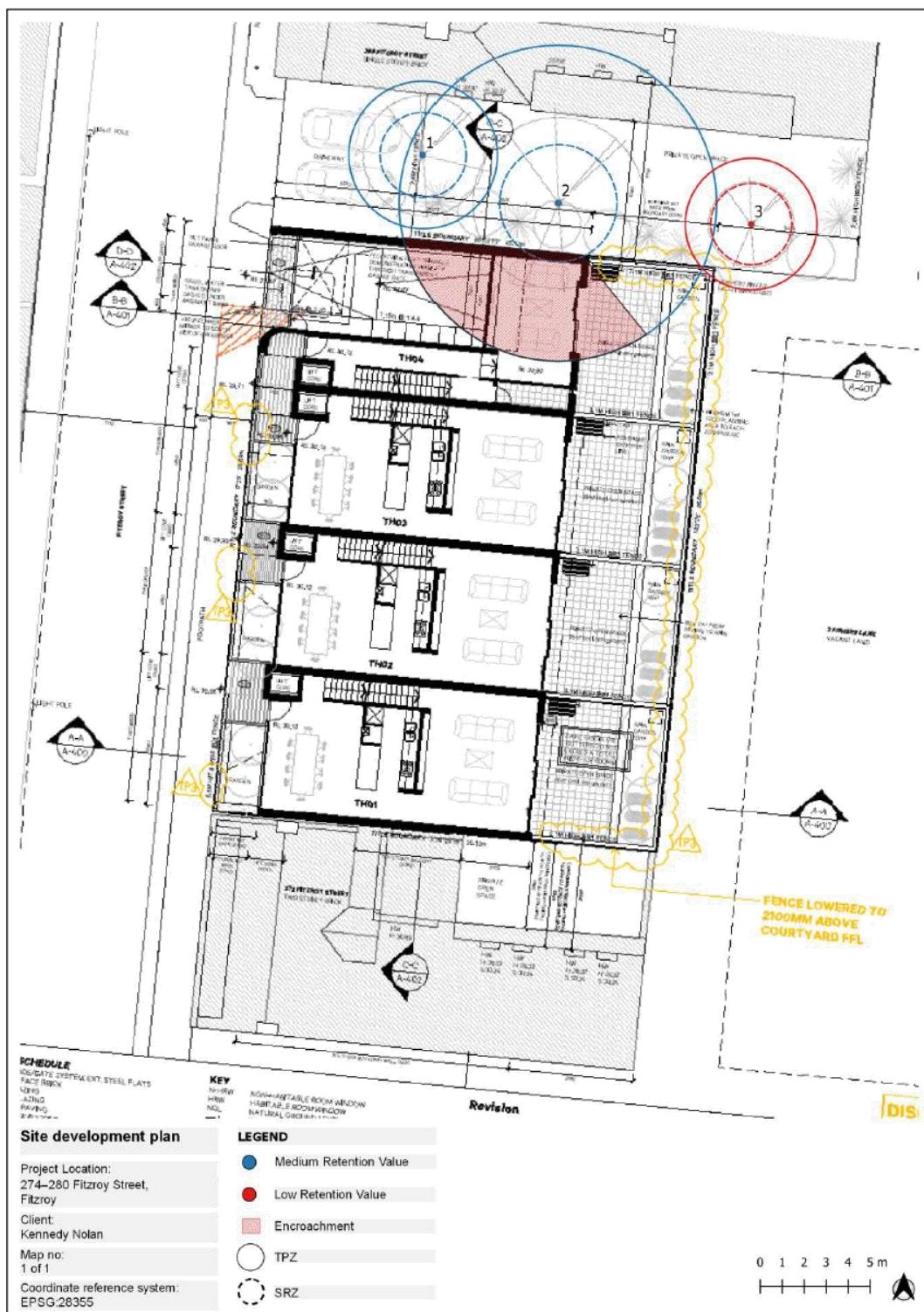
6 References

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Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274-280 Fitzroy Street, Fitzroy

Appendix A – Site development plan



Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

Appendix B – Photos of assessed neighbouring trees



Tree #1.



Tree #1.



Tree #2.



Tree #2.



Tree #3.



Tree #3.

Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

Appendix C – Tree survey table

Tree #	Species	Common Name	Origin	Height (m)	DBH (cm)	Maturity	Health	Structure	ULE (years)	Suitability	Significance	Retention Value	Proposal	TPZ area m1 (m)	TPZ area m2 (m)	SRZ (m)	Distance to Encroachment	Encroachment %	Proposed Impact	AS4970 Encroachment		
1	<i>Jacaranda mimosifolia</i>	Jacaranda	Exotic	8	28	20	20	Mature	Good	Fair	15-40	Good	Medium	Medium	Retain	1.9	3.4	36.2	3.9	0%	None	None
2	<i>Acer negundo</i>	Box Elder	Exotic	10	60	60		Mature	Good	Fair	15-40	Good	Medium	Medium	Retain	2.7	7.2	162.9	2.4	24%	Major	Minimal
3	<i>Olea europaea</i>	Olive	Exotic	5	25	20	15	Mature	Good	Fair	15-40	Good	Low	Low	Retain	1.8	3.0	28.3	2.1	0%	None	None

Attachment 4 - PLN20/0720 - 274 - 280 Fitzroy Street Fitzroy - Arborist Report

274–280 Fitzroy Street, Fitzroy

Appendix D – Explanatory notes for assessment terms

Tree # corresponds to the numbering on the site plan and in the tree survey table.

Origin describes the source of the species:

- I – Native trees that are *Indigenous to the site*
- V – Native trees from elsewhere in *Victoria*
- A – Native trees from elsewhere in *Australia*
- E – Exotic trees from outside *Australia*.

DBH (Diameter at Breast Height) was estimated at 1.4 m above ground level, or calculated from the total stem area if the tree was multi-stemmed at that height, unless stated otherwise in the report.

Maturity summarises the age class of the tree.

- I – *Immature* (Young tree with mostly dynamic mass)
- S – *Semi-mature* (Actively growing tree that has not yet reached 70% of its mature size)
- M – *Mature* (Tree has reached around 70% of its full size and growth has slowed)
- O – *Overmature* (Tree has reached full size, is shedding large sections and is vulnerable to pests and disease).

Health summarises observations of tree health made in the field:

- Good* – No significant pest or disease problems, expected growth rates, dense canopy, and good leaf colour
- Fair* – Minor pest or disease problems, average growth rates, canopy sparse in places, or some chlorosis
- Poor* – Serious pest or disease problems, poor growth rates, sparse canopy, or major leaf discolouration.
- Dead*

Structure summarises observations of tree structure made in the field:

- Good* – All crotches are sound; no major decay in limbs or trunk
- Fair* – Some structurally poor crotches are developing, or decay is developing in limbs or trunk. Major structural failure is unlikely
- Poor* – Serious structural defects are present, either structurally poor crotches, or decayed limbs or trunk; structural failure is likely.

ULE (Useful Life Expectancy) indicates the anticipated remaining years of lifespan of the tree in its existing surroundings. ULE includes the assumption that recommended works will be carried out. The tree's lifespan is the time that it will continue to provide amenity value without undue risk or hazard and with a reasonable amount of maintenance.

Suitability summarises the tree's suitability to the site based on health, structure, species and potential longevity.

- Good* – Good health and structure, with potential longevity at the site.
- Moderate* – Fair health and/or structure, requiring some treatment; may have shorter lifespan than "good" trees.
- Poor* – Poor health and/or serious structural defects, unlikely to be repaired by treatment; unsuitable to site.

Significance in the landscape is based on consideration of horticultural, genetic, or ecological value or environmental significance, location or context, indigeneity, age, size, aesthetic value, historical association, Aboriginal cultural association, remnant vegetation, habitat value, and/or micro-climate services.

Retention Value indicates the rating of the tree and combines *Suitability* and *Significance*.

- High* – Tree of high significance that is suitable for retention
- Medium* – Tree of medium significance that is suitable for retention
- Low* – Tree of low significance that is suitable for retention
- Nil* – The tree is unsuitable for retention
- Neighbouring tree* – The tree is located on adjoining land
- Street tree* – The tree is located on a road reserve

SRZ (structural root zone) indicates the recommended minimum distance (radius) from the trunk for protection of the tree's structural roots during construction, which is based on AS4970–2009.

TPZ (tree protection zone) indicates the recommended minimum distance (radius) from the trunk for protection of the tree's root zone during construction, which is based on AS 4970–2009.

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



1. CONCEPT SKETCH - FITZROY ST - LOOKING NORTH

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedynolan.com.au
+61 3 9415 8971
www.kennedynolan.com.au

ABN 21 138 711 285
ACN 138 177 285

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Scaled dimensions shall be checked and verified. Scaled dimensions shall be verified on site.

Drawing Schedule

A000	Cover Page
A001	Context
A002	Site Response/Analysis
A003	Precedent Projects
A004	Architectural Language
A005	Materiality
A010	Existing Site and Demolition Plan
A100	Proposed Basement Level
A101	Proposed Ground Level
A101	Proposed Ground Level - Garden Area
A102	Proposed Level 1
A103	Proposed Level 2
A104	Proposed Roof Level
A300	Existing + Proposed West Elevations
A301	Existing + Proposed East Elevations
A301A	Existing + Proposed East Elevations
A302	Existing + Proposed North & South Elevations
A400	Section A
A401	Section B
A402	Section C+D
A500	Overlooking Diagrams
A600	Shadow Diagrams - 9am
A601	Shadow Diagrams - 10am
A602	Shadow Diagrams - 11am
A603	Shadow Diagrams - 12pm
A604	Shadow Diagrams - 1pm
A605	Shadow Diagrams - 2pm
A606	Shadow Diagrams - 3pm
A700	Screen Details
A800	Perspective Views
A801	Perspective Views

**ADVERTISED
PLANS**

Revision
TP - SEPTEMBER 2020
WS - SEC 246.02 5000

Client
Architect
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Cover Page

Project Stage
TP
Scale
A-0 DRAWN @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
Drawing
TP2

**KENNEDY
NOLAN**



Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

SITE PHOTOGRAPHS



1. SOUTH VIEW OF FITZROY STREET (NOTE GARDEN BRICK WALL TO WEST OF FITZROY STREET)



2. REAR VIEW OF SUBJECT SITE FROM FISHERS LANE



4. VIEW OF EXISTING WAREHOUSE FROM FITZROY ST



5. VIEW OF EXISTING WAREHOUSE FROM FITZROY ST



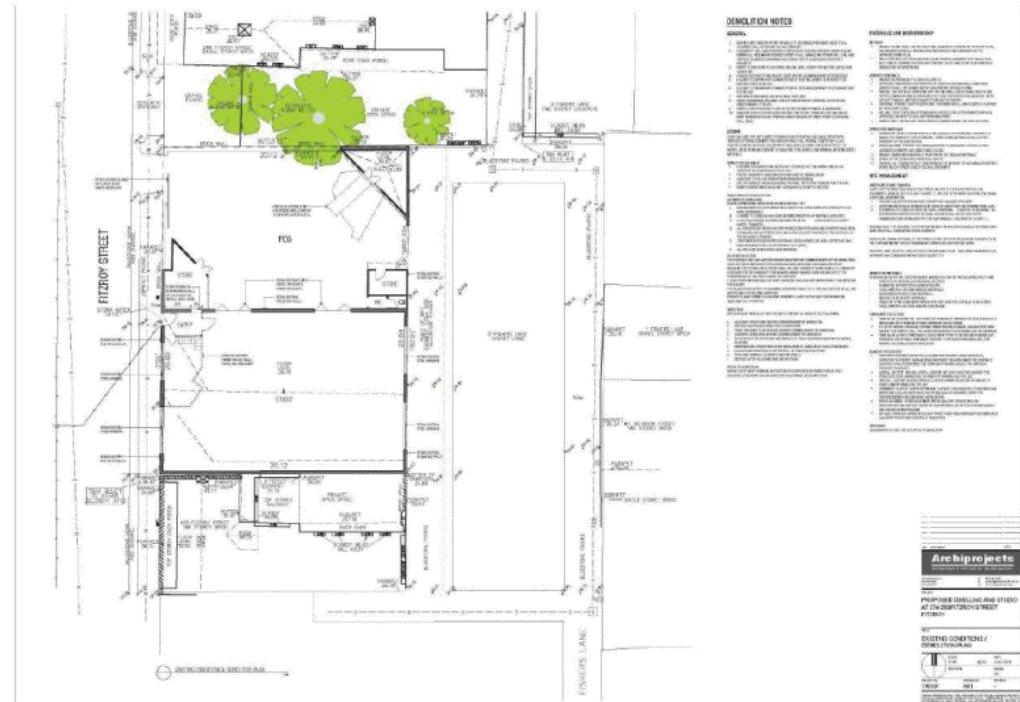
6. VIEW OF DRIVEWAY AND BRICK BOUNDARY WALL TO 288 FITZROY ST



7. REAR VIEW OF 272 FITZROY ST FROM FISHERS LANE



8. KENNEDY NOLAN'S HOUSE ON FISHERS LANE



61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedy-nolan.com.au
+61 3 9415 8971
www.kennedy-nolan.com.au

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Unscaled dimensions shall be verified on site.
Scaled dimensions shall be verified on site.

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PLANS**

Revision
TR: SEPTEMBER 2020
WS: SEC 04/02/2020

Client
Architect
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Context

Project Stage
To Scale
A3 DRAWN @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
1917 1 A001 TP2
Drawing
Revision

**KENNEDY
NOLAN**

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

SITE RESPONSE/ANALYSIS



81 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedy-nolan.com.au
+61 3 9415 8971
www.kennedy-nolan.com.au

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ADVERTISED PLANS

Revision
TP - SEPTEMBER 2020
WS - SEC 04/02/2020

Client
Aarcini
Project
Fitzroy Lane houses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Site Analysis

Project Stage
TP Scale
A3 DRAWN @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
1917 0 A002 TP2

KENNEDY NOLAN

Drawing
Revision

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

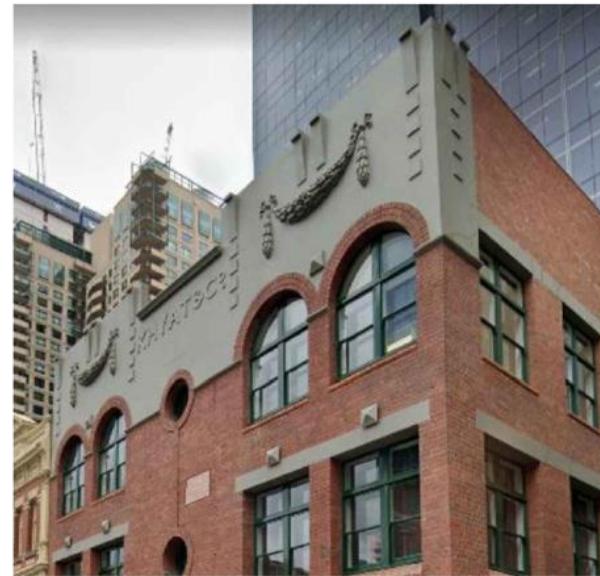
PRECEDENT PROJECTS



1. EASTBOURNE HOUSE, 62 WELLINGTON PARADE



2. 36 PARK STREET, SOUTH YARRA



3. KHYAT & CO (OLD VICTORIA KNITTING MACHINE CO), LONSDALE STREET



4. CORNER OF FITZROY & BELL STREET



5. DOUBLE STOREY BOUNDARY BRICK WALL EXAMPLES - CITY OF YARRA

61 Victoria Street Fitzroy
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enq@kennedynolan.com.au
+61 3 9415 8971
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dimensions shall be verified by the Contractor.
Stated dimensions shall be verified on site.

**ADVERTISED
PLANS**

Revision
TP - SEPTEMBER 2020
WS - SEC 246.02.2020

Client
Project
Housing - townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Precedent Projects

Project Stage
TP Scale
A3 DRAWN @ A3
Date
DECEMBER 2020
Drawn
PKV/VRL/HG
Project Number
1917 1 A003 TP2

**KENNEDY
NOLAN**

Drawing Revision

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

ARCHITECTURAL LANGUAGE



1. BINGHAM COURT, I.M. PEI

2. HOUSING AT ST CUTHBERT'S GREEN, RYDER & YATES

3. 'LIVERPOOL STREET' - KENNEDY NOLAN

4. 'CARLTON WAREHOUSE' - KENNEDY NOLAN



5. HOUSING IN THE U.S.A., I.M. PEI

6. 'THE LOTHIAN' - KENNEDY NOLAN (UNDER CONSTRUCTION)

7. 'THE LOTHIAN' - KENNEDY NOLAN (UNDER CONSTRUCTION)

8. 'CARLTON WAREHOUSE' - KENNEDY NOLAN

61 Victoria Street Fitzroy
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enq@kennedy-nolan.com.au
+61 3 9415 8971
www.kennedy-nolan.com.au

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**ADVERTISED
PLANS**

Revision
TM: SEPTEMBER 2020
WS: SEC 04/02/2020

Client:
Architect
Project:
Fitzroy Warehouses
Project Address:
274-280 Fitzroy Street
Fitzroy
Drawing Name:
Architectural
Language:

Project Stage:
TP: DRAWN @ A3
Scale:
A3 DRAWN @ A3
Date:
DECEMBER 2020
Drawn:
PKV/VRL/HG
Project Number:
1917 0 A004 TP2

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Revision:

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

MATERIALITY

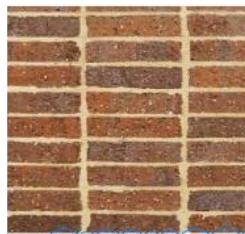


PERSPECTIVE VIEW - FITZROY STREET



CODE:
LOCATION:
FINISH:

BA1 STEEL FLATS
EXTERNAL GATES +
BALUSTRADES
MANOR RED



CODE:
LOCATION:
MATERIAL:

PV1 EXTERNAL PAVING
EXTERNAL COURTYARD/
TERRACES/ PLINTHS
BRICK PAVING TILES



CODE:
LOCATION:
MATERIAL:

SC1 MASONRY SCREEN
FITZROY STREET
BOUNDARY
HIT & MISS SCREEN



CODE:
LOCATION:
MATERIAL:

TD1 TIMBER DECKING
ENTRY BRIDGES
NATURAL TIMBER TO
GREY OFF



CODE:
LOCATION:
MATERIAL:

BR1 FACE BRICK MASONRY
EXTERNAL WALLS
RED BRICK (KRAUSE)



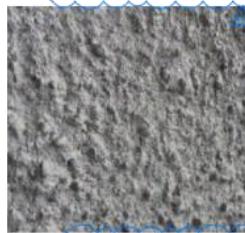
CODE:
LOCATION:
FINISH:

/



CODE:
LOCATION:
FINISH:

GL2 OPAQUE GLAZING
DOORS AND WINDOWS
OPAQUE



CODE:
LOCATION:
FINISH:

RN1 ROUGH CAST RENDER
EXTERNALLY / BALCONY
SOFFITS
PAINTED NATURAL GREY



CODE:
LOCATION:
FINISH:

SE1 STEEL PAINTED
DOOR+WINDOW /
FEATURE FRAMING
MANOR RED



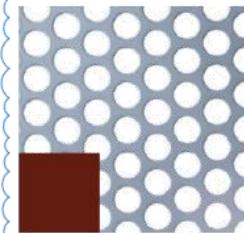
CODE:
LOCATION:
FINISH:

SE2 STEEL OR ALT SHEET
MATERIAL PAINTED
WALL SHEET / MEMBER
FASCIA
MANOR RED



CODE:
LOCATION:
FINISH:

RF1 METAL DECK ROOFING
ROOFING
NATURAL ZINCALUME



CODE:
LOCATION:
FINISH:

/

81 Victoria Street Fitzroy
Melbourne 3005 Australia
email@kennedy-nolan.com.au
+61 3 945 8971
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are dimensioned to metric units only.
Scaled dimensions shall be verified on site.

**ADVERTISED
PLANS**

Revision
TM SEPTEMBER 2020
TW SEC 04/02/2020

Client
Architect
Project
Fitzroy Workhouses
Project Address
274-288 Fitzroy Street
Fitzroy
Drawing Name
Materiality

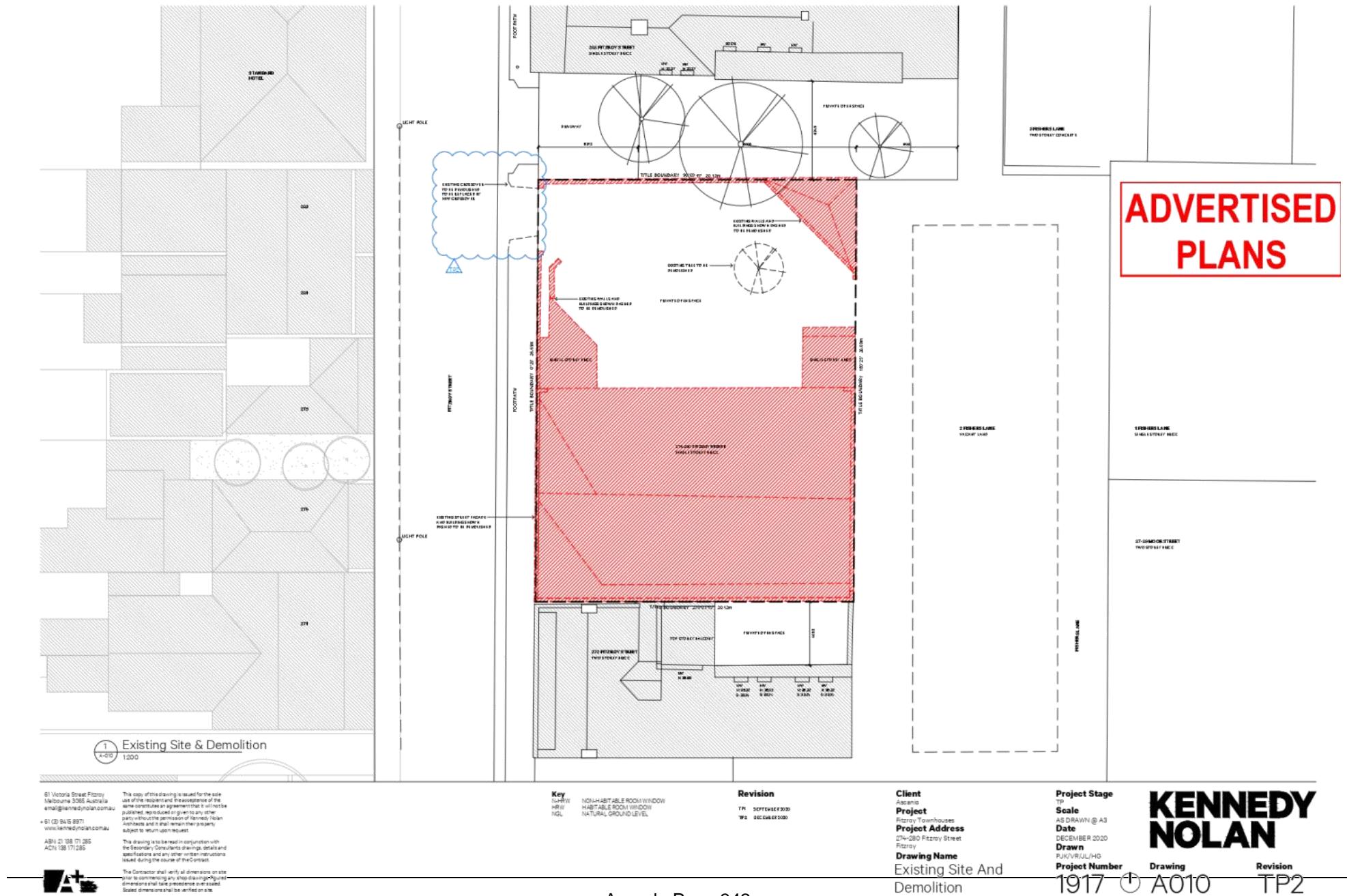
Project Stage
TP
Scale
N:1:75 @ A3
Date
DECEMBER 2020
Drawn
PKW/PRL/HG
Project Number
1917 A005
Drawing
TP2
Revision

**KENNEDY
NOLAN**

1917 A005

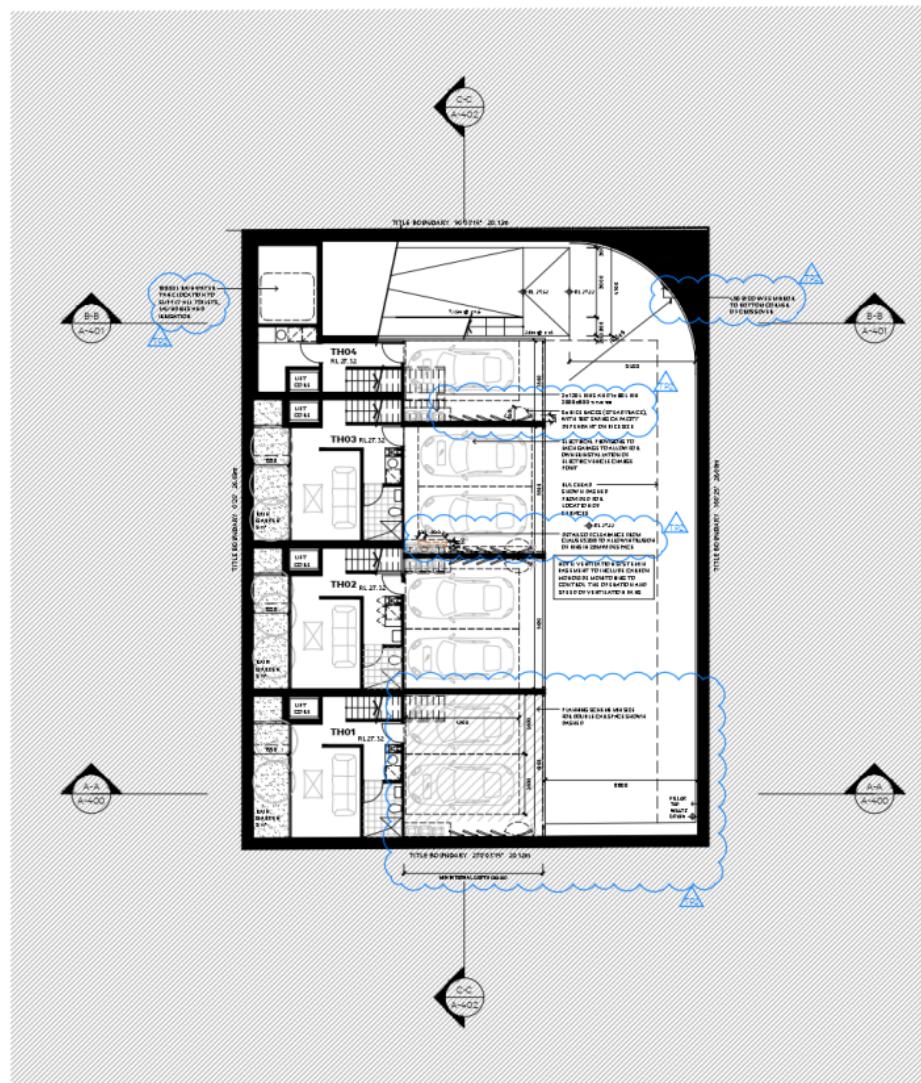
TP2

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

**ADVERTISED
PLANS**



1 Basement Level
A-100 1:200

61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 945 8971
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ABN 21 138 71 385
ACN 138 177 285

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The drawing is to be read in conjunction with the Specification, General Notes, details and specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing work. All dimensions shown are uncorrected and scaled dimensions shall be verified on site.

MATERIAL SCHEDULE

BRI: INDUSTRIAL ROOFING SYSTEM EXTR. STEEL FLAT
BRI: VAULTARY FACE BRICK
BRI: CLEAR GLAZING
BRI: EXTERIOR PAINTING
BRI: METAL DECK ROOFING
BRI: POLYURETHANE INSULATION
BRI: THERMO-BIT & MASON SCREEN
BRI: STEEL DOOR & WINDOW FRAMING (MAJOR RED)
BRI: STEEL SHEET (MAJOR RED)
BRI: TIMBER BEAMING

KEY

HHRW: NON-HABITABLE ROOM WINDOW
HRIW: HABITABLE ROOM WINDOW
NGL: NATURAL GROUND LEVEL
RWT: TAP CONNECTED TO RAINWATER TANK

Revision

TP: DECEMBER 2020
TP: SEC 048 02 2020

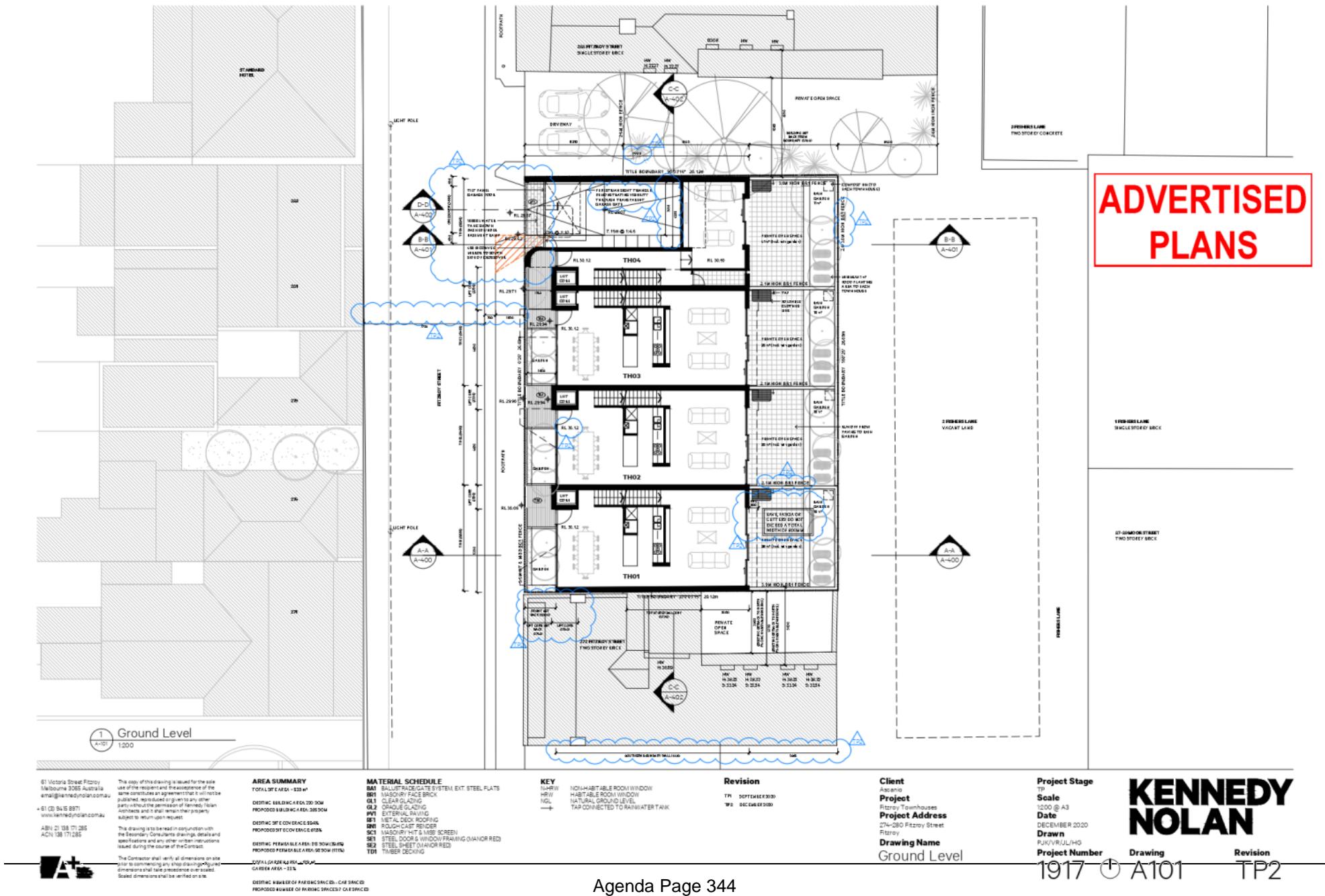
Client
Project
Project Address
274-288 Fitzroy Street
Fitzroy
Drawing Name
Basement Level

Project Stage
TP
Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/VRL/HG
Project Number
1917

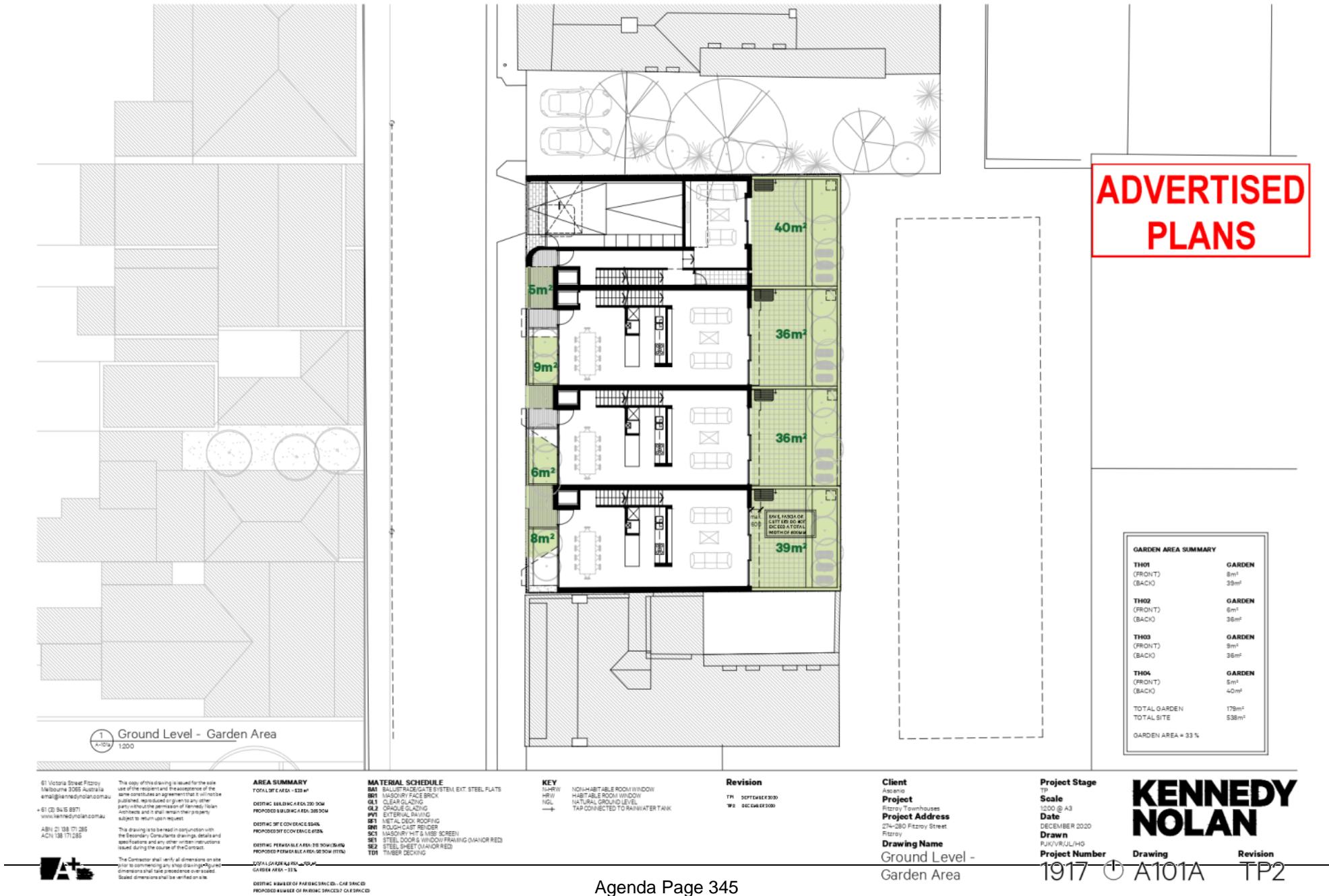
**KENNEDY
NOLAN**

Drawing A100 **Revision** TP2

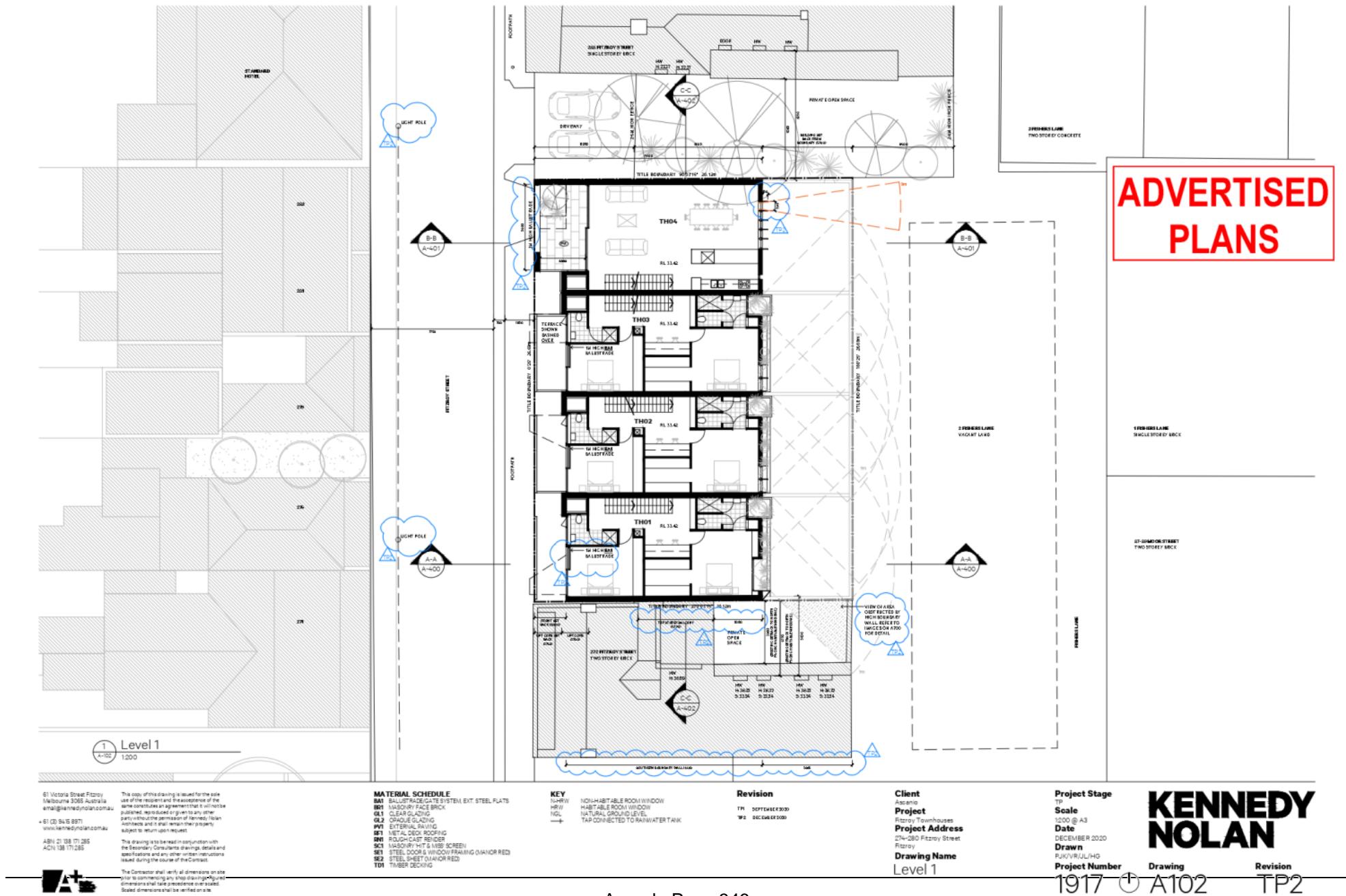
Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



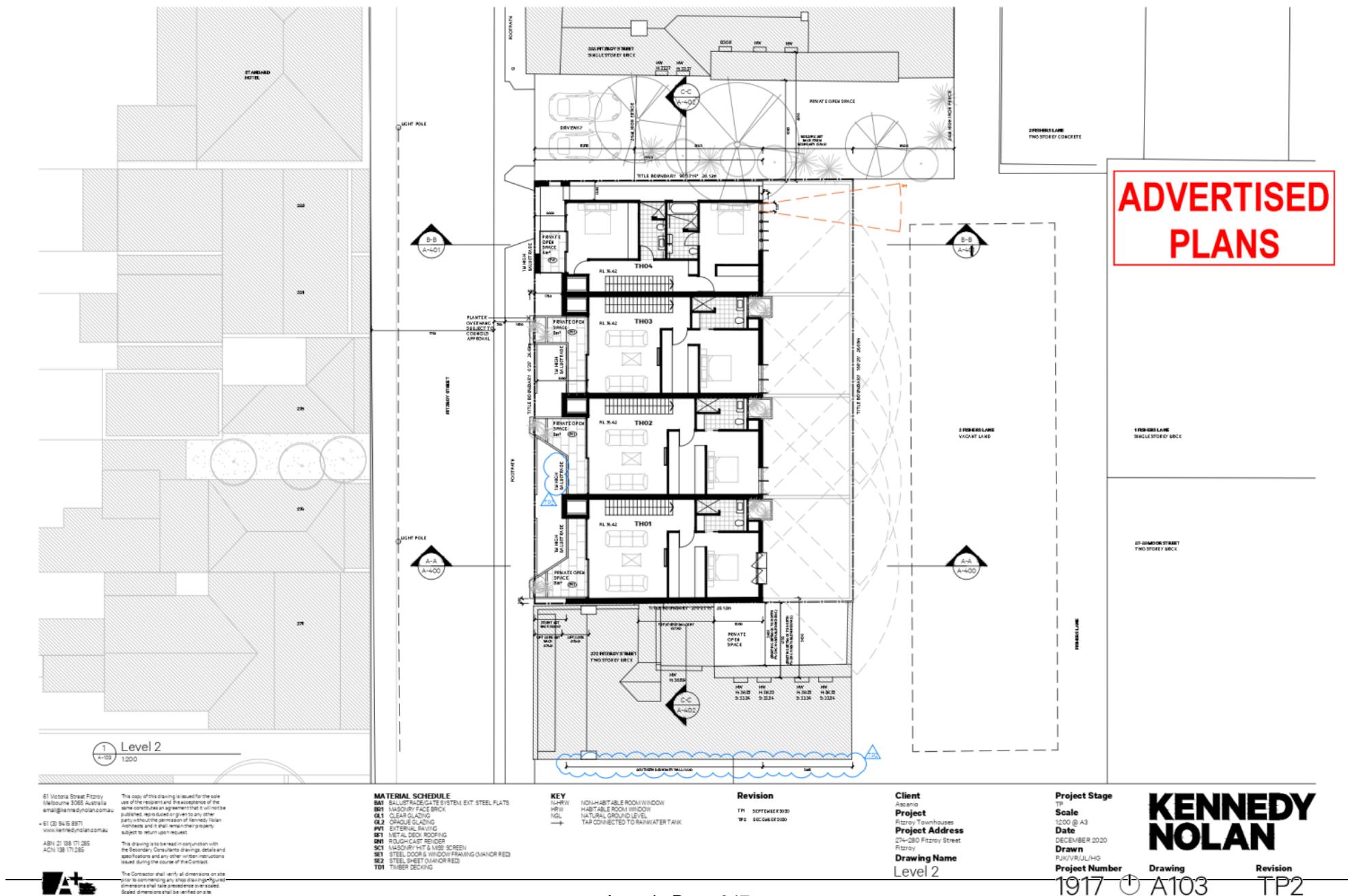
Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



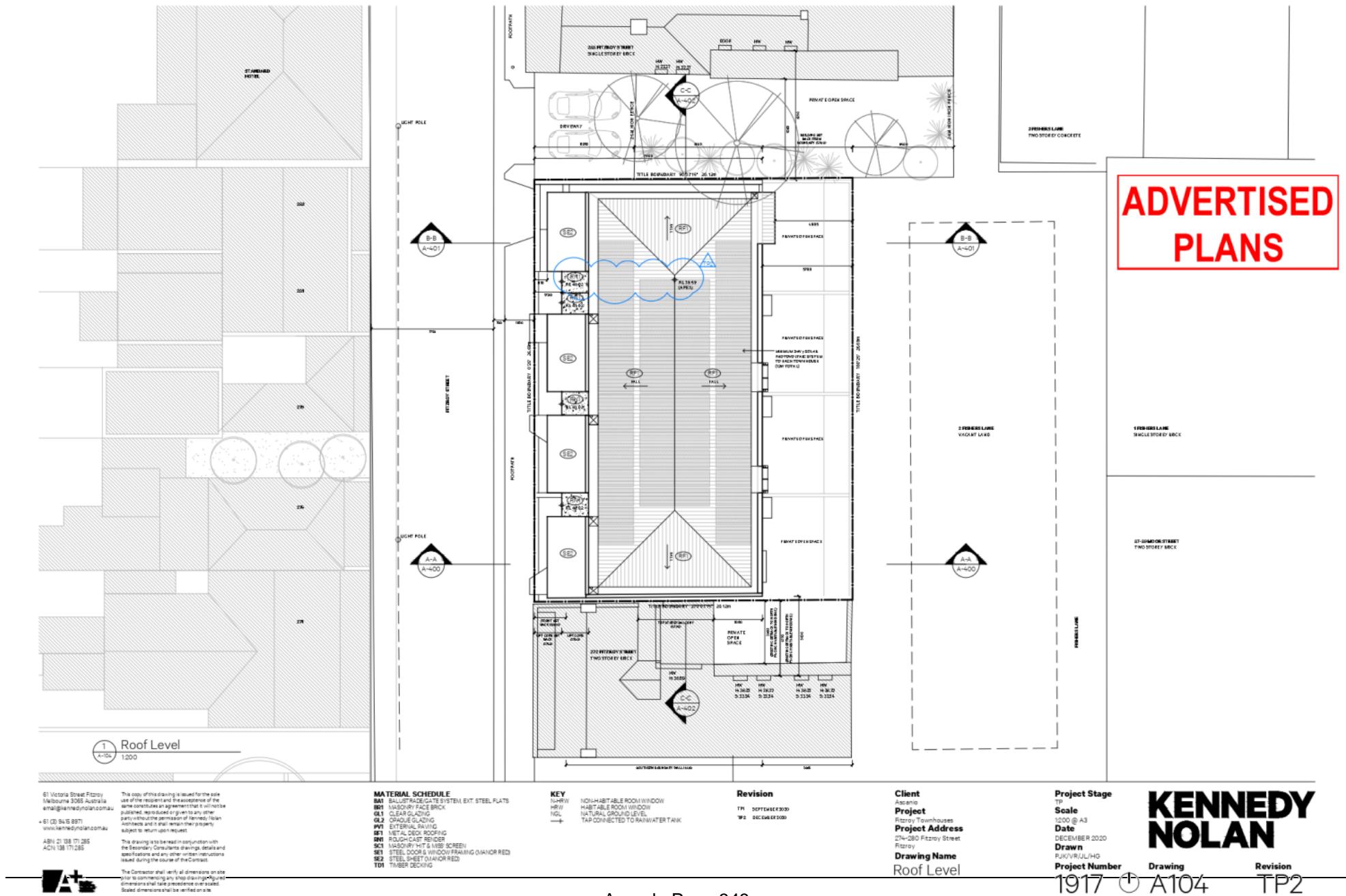
Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

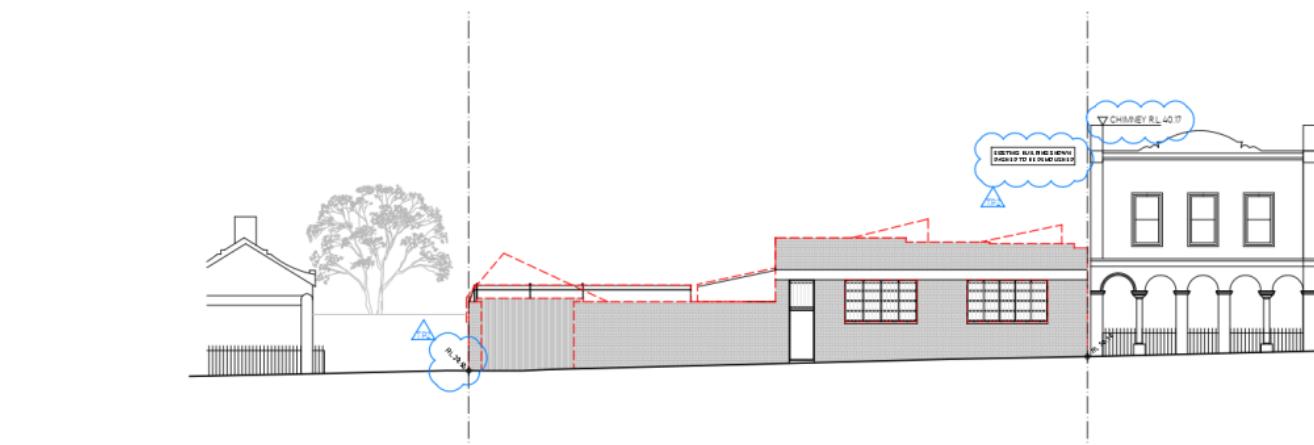


Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

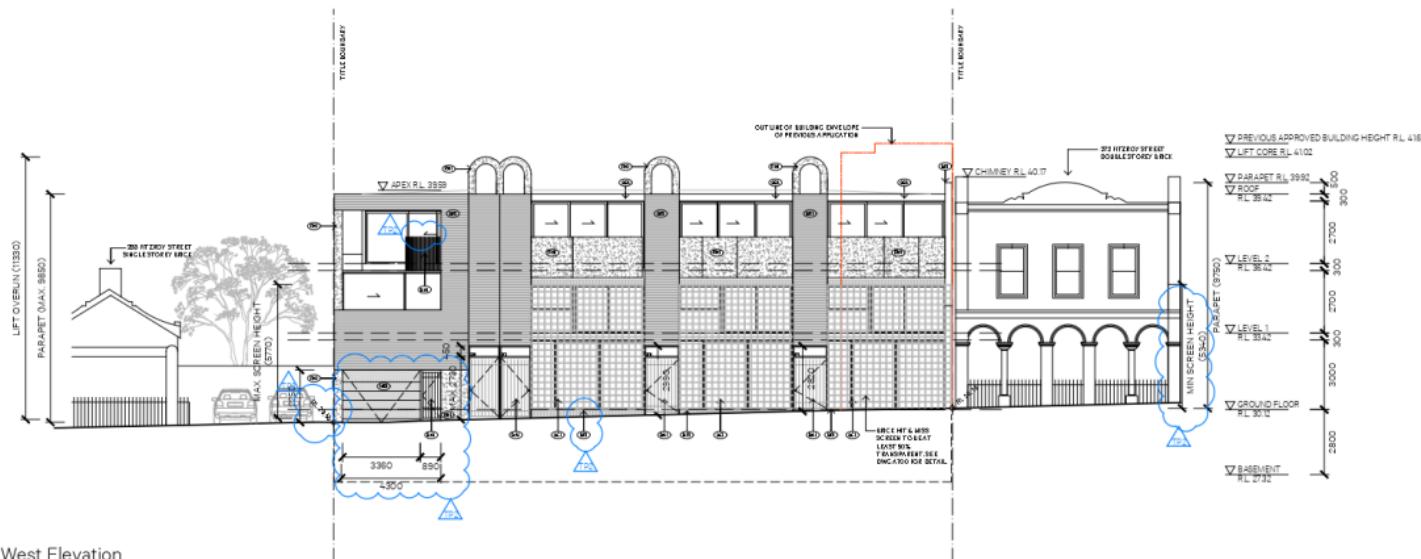


Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

**ADVERTISED
PLANS**



1 Existing West Elevation
A-300 1200



2 Proposed West Elevation
A-300 1200

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Melbourne 3065 Australia
email: kennedy.nolan@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

ABN 21 138 71 285
ACN 138 171 285

The drawing is to be read in conjunction with the Statement of Environmental Impact, detailed specifications and any other written instructions issued during the course of the Contract.

The Contractor shall verify all dimensions on site prior to commencing work. All drawings, figures and dimensions shall be checked by the Contractor. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE	
BRI	MASONRY FACE BRICK
BRW	MASONRY EXTE. STEM, EXT. STEEL FLATS
CGL	CLEAR GLAZING
CGU	CLEAR GLAZED UNIT
PVI	EXTERNAL PAVING
MDR	METAL DECK ROOFING
RCL	ROOF CLADDING
SHC	SLIDING HINGED SCREEN
SDC	STEEL DOOR & WINDOW FRAMING (MAJOR RED)
SSC	STEEL SHEET (MAJOR RED)
TBI	THIN BRICK

KEY	
HWTW	NON-HABITABLE ROOM WINDOW
HRW	HABITABLE ROOM WINDOW
HL	NATURAL GROUND LEVEL
NGL	TAP CONNECTED TO RAINWATER TANK

Revision
TP - DECEMBER 2020
WS - SEC 2482 02/2020

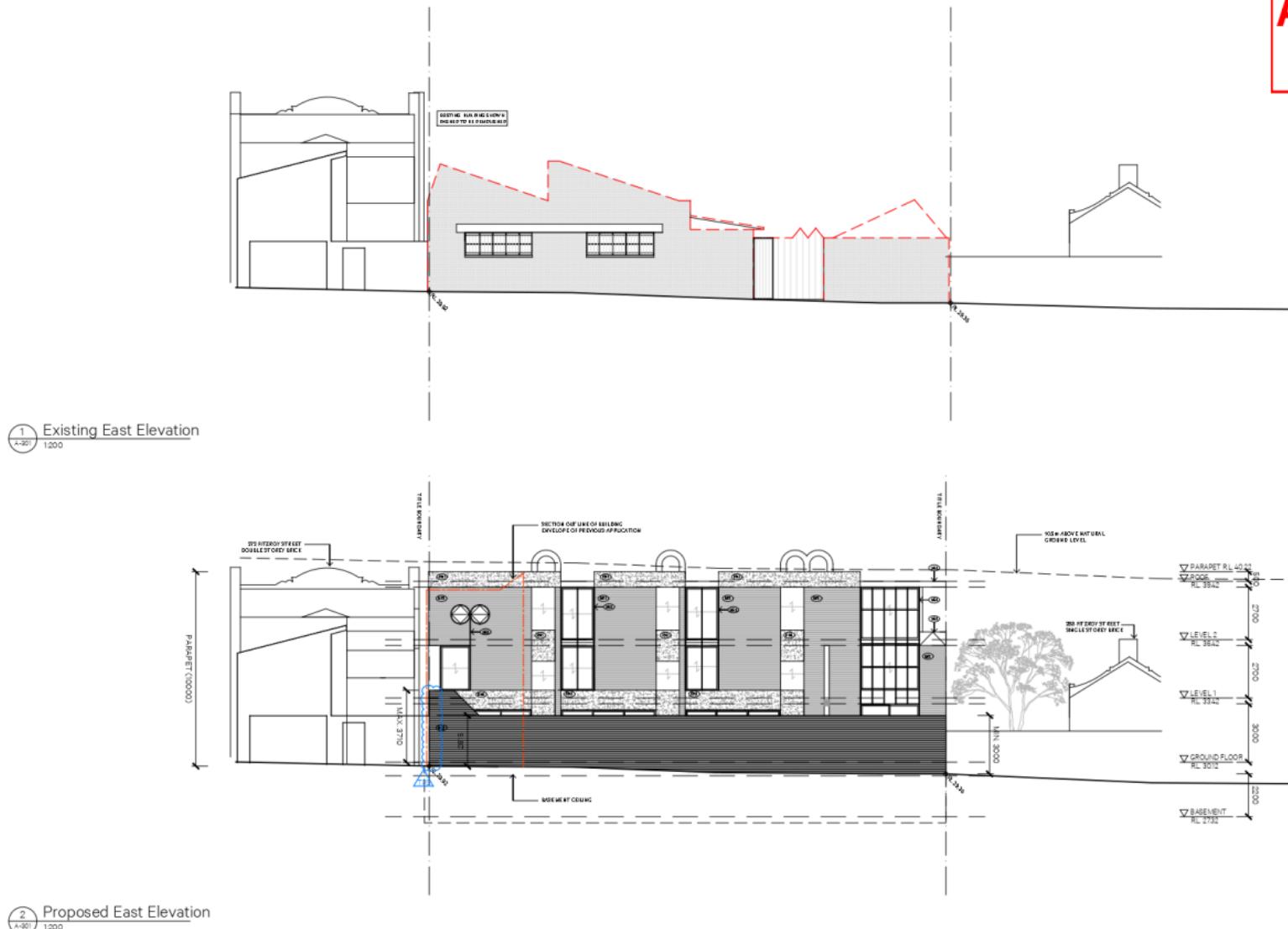
Client
Admiral
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Elevations - West
Drawing Number
1917 1 A300 TP2

**KENNEDY
NOLAN**

Revision

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

**ADVERTISED
PLANS**



Revision
 TP1 SEPTEMBER 2020
 TP2 NOVEMBER 2020
 TP3 JANUARY 2021

Client
 Kennedy Nolan
Project
 Fitzroy Workhouses
Project Address
 274-280 Fitzroy Street
 Fitzroy
Drawing Name
 Elevations - East

Project Stage
 Town Planning
Scale
 1:200 @ A3
Date
 JANUARY 2021
Drawn
 PJK/VRL/JHG
Project Number
 Drawing

**KENNEDY
NOLAN**
 Drawing
 Revision
 1917 1 A301 TP3

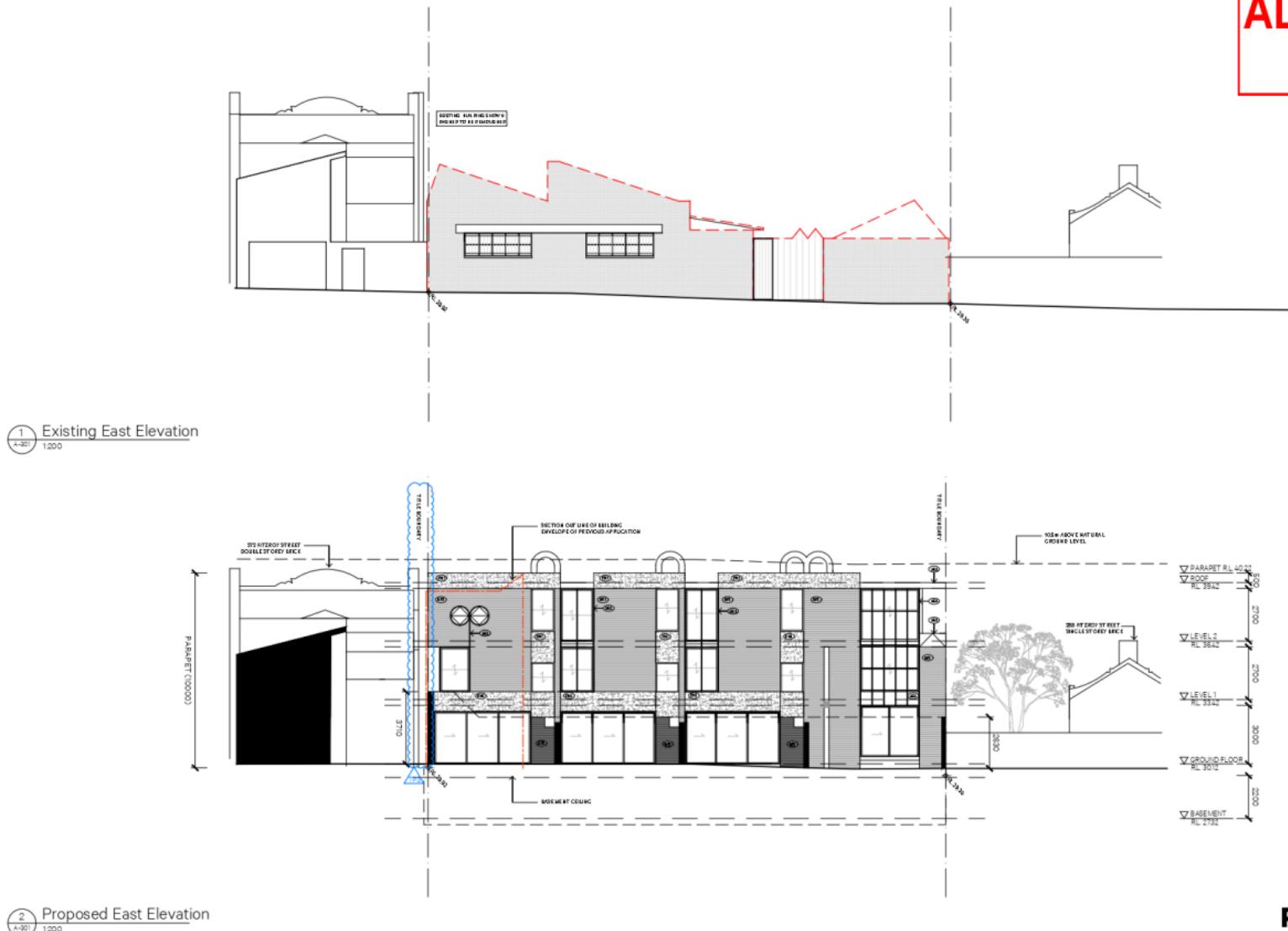
61 Victoria Street Fitzroy
 Melbourne 3065 Australia
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ABN 21 088 717 285
 ACN 138 171 285
 The drawing shall be read in conjunction with the
 specification and other written instructions
 issued during the course of the Contract.

The Contractor shall verify all dimensions on site
 prior to commencing work. Drawings &
 dimensions shall not be considered as fixed.
 Scaled dimensions shall be verified on site.

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

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The Contractor shall verify all dimensions on site prior to commencing work. All drawings, figures and dimensions are approximate and stated. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE

BRI INDUSTRIAL ST E STEM STEEL FLATS
BRI MASONRY FACE BRICK
BRI CLEAR GLAZING
BRI EXTERIOR PAINTING
BRI METAL DECK ROOFING
BRI ROOF GUTTER & DOWNPIPE
SEC GLASS DOOR & WINDOW SCREEN
SEC DOOR & WINDOW FRAMING (MAJOR RED)
SEC STEEL SHEET (MAJOR RED)
TET TIMBER BEAMING

KEY

HWTW HABITABLE ROOM WINDOW
HWTW HABITABLE ROOM WINDOW
NGL NATURAL GROUND LEVEL
TAP CONNECTED TO RAINWATER TANK

Revision

R12 DECEMBER 2020
R13 JANUARY 2021

Client
Adrian
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Elevations - East

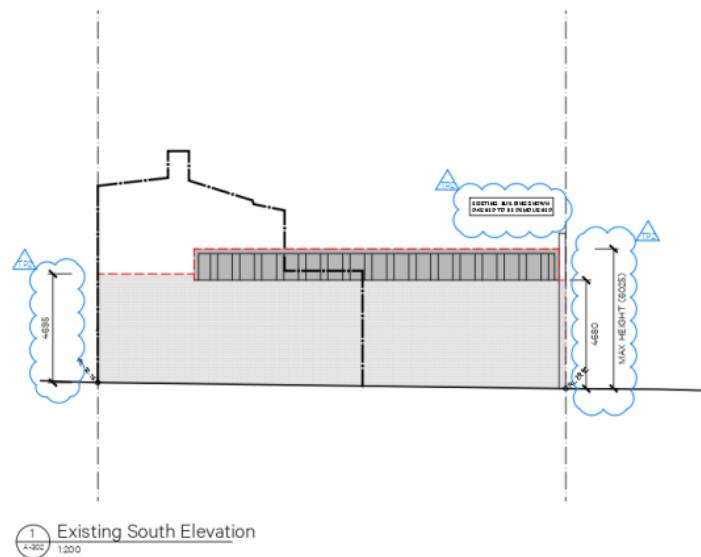
Project Stage
Town Planning
Scale
1:200 @ A3
Date
JANUARY 2021
Drawn
Drawing Number
1917 A301A TP3

**KENNEDY
NOLAN**

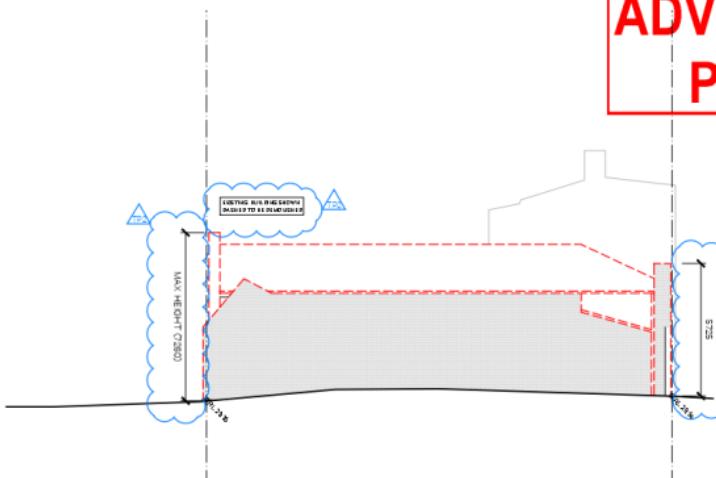
Revision

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

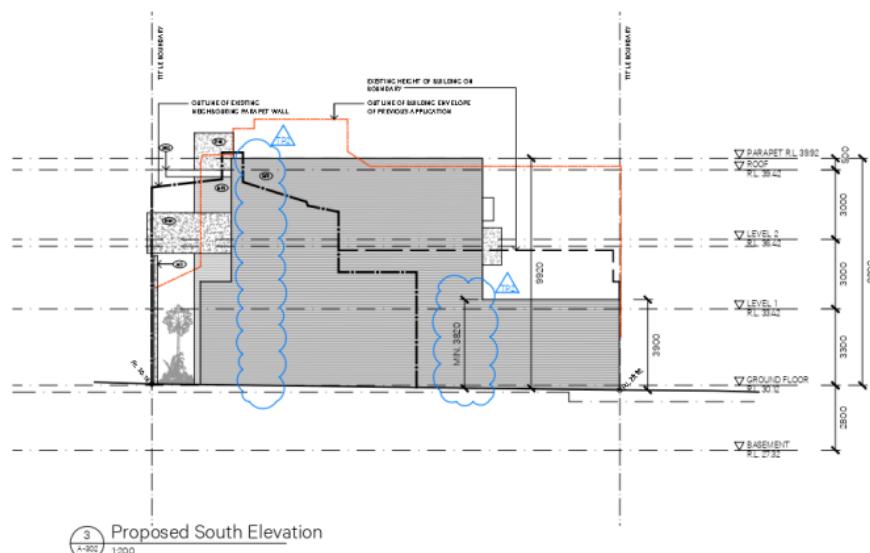
ADVERTISED PLANS



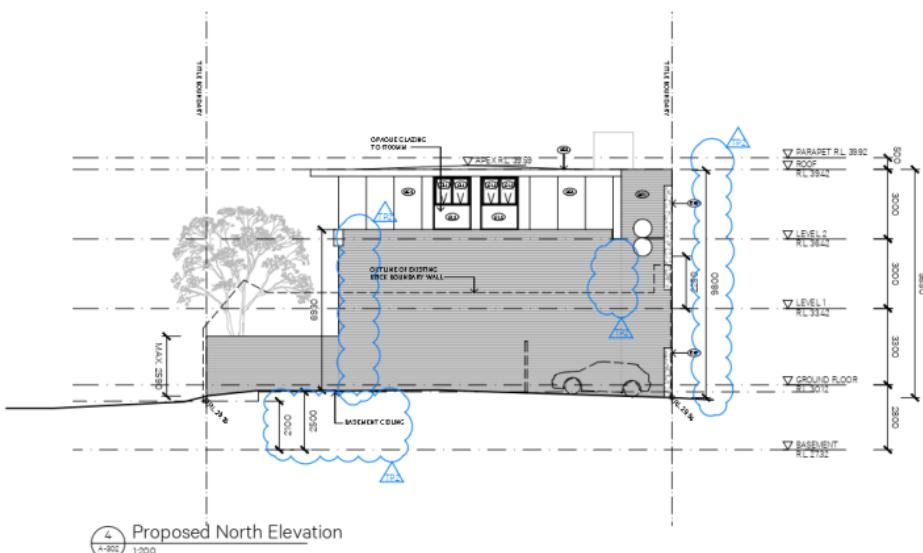
Existing South Elevation



2 Existing North Elevation
A-202 1:200



3 Proposed South Elevation
A-302 1:200



4 Proposed North Elevation
A-302 1:200

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www.kennedynolan.com.au

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Aligned dimensions shall take precedence over scaled. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE F

- BALI STALLADGE/GATE SYSTEM EX. STEEL PLATE
BR1 MASONRY FACE BRICK
CL1 CLEAR GLAZING
GL2 OPAQUE GLAZING
PWT1 EXTERNAL PAVING
HFT1 METAL DECK ROOFING
RHN1 ROUGH CAST RENDER
SCI1 MASONRY HIT & MISS SCREEN
SE1 STEEL DOOR & WINDOW FRAMING (MANOR RED)
SE2 STEEL SHEET (MANOR RED)
TD1 TIMBER DECKING

2

- HRW NON-HABITABLE ROOM WINDOW
 -RW HABITABLE ROOM WINDOW
 -GL NATURAL GROUND LEVEL
 -+ TAP CONNECTED TO RAINWATER TANK

Revision

TPH SEPTEMBER 2020

Client

Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street

Project Stage

Project Stage TP **Scale**

1200 @ A3

DECEMBER 2020

Drawn

PJK/VR/JL/HG
Project Num!

—1017—

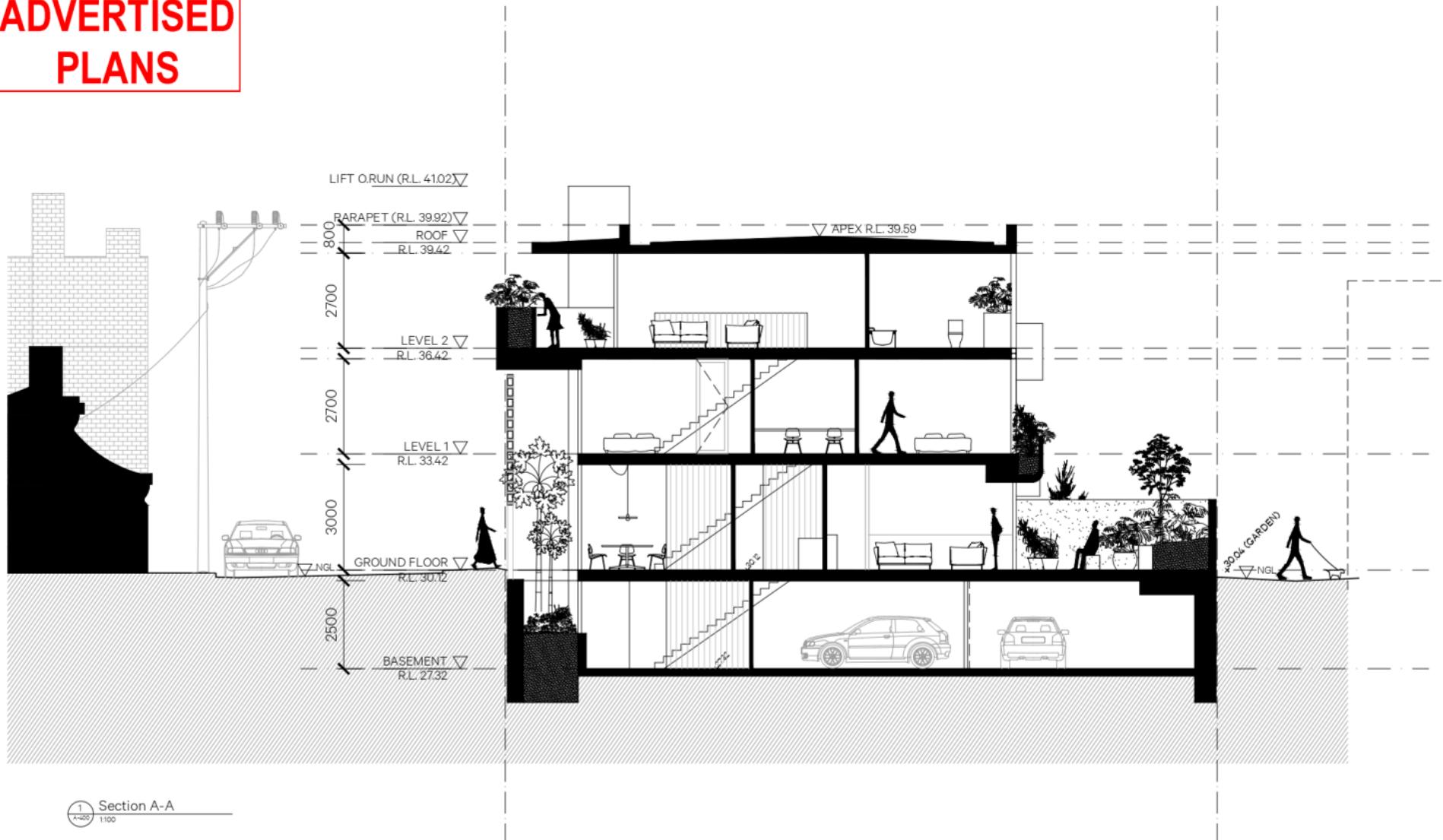
**KENNEDY
NOLAN**

PJK/VR/JL/HG
Project Number Drawing
1917 1 A302

Revision
TP2

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

ADVERTISED PLANS



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ACN 138 177 285

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The drawing shall be read in conjunction with the relevant Contract documents, drawings and specifications and any other written instructions issued during the course of the Contract.

MATERIAL SCHEDULE

- BR1 MASONRY & STONE SYSTEM, EXT. STEEL FLATS
- BR2 MASONRY FACE BRICK
- CL1 CLEAR GLAZING
- EX1 EXTERIOR GLAZING
- PV1 EXTERIOR PAVING
- RF1 METAL DECK ROOFING
- SC1 MASONRY HITS & MBR SCREEN
- SC2 STEEL DOOR & WINDOW FRAMING (MAJOR RED)
- SC3 STEEL SHEET (MAJOR RED)
- TG1 TIMBER BEAMING

KEY

- HRW HABITABLE ROOM WINDOW
- HRW/HABITABLE ROOM WINDOW
- NGL NATURAL GROUND LEVEL
- TAP CONNECTED TO RAINWATER TANK

Revision
TP1 SEPTEMBER 2020
TP2 SEC DEC 2020

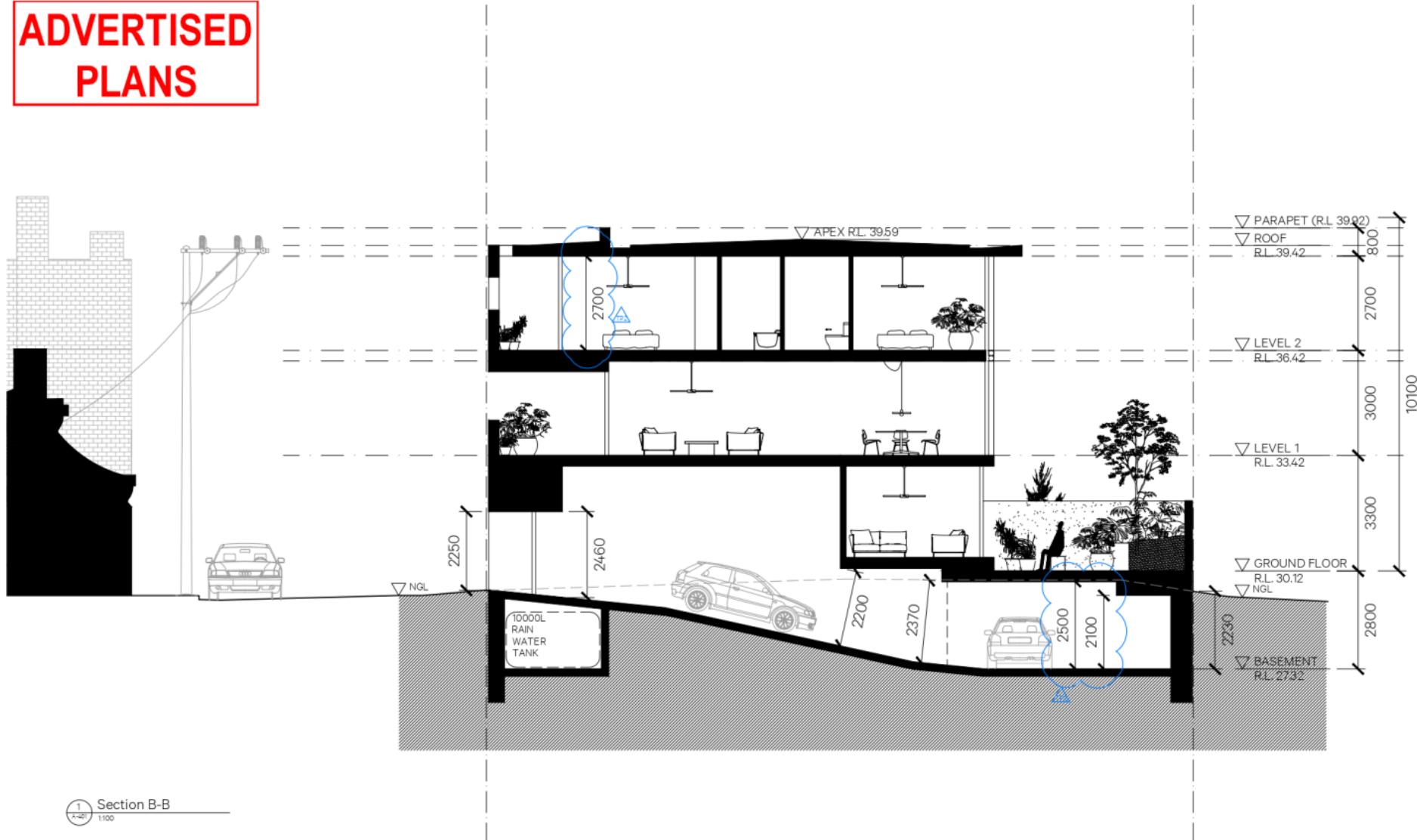
Client
Project
Fitzroy townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Sections

Project Stage
TP
Scale
1:100 @ A3
Date
DECEMBER 2020
Drawn
PKU/VRL/HG
Project Number
1917

KENNEDY NOLAN
Drawing A400 Revision TP2

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

ADVERTISED PLANS



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Melbourne 3065 Australia
[email@kennedy@nolan.com.au](mailto:kennedy@nolan.com.au)

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MATERIAL SCHEDULE

BALUSTRADE/GATE SYSTEM, EXT. STEEL PLATE
MASONRY FACE BRICK
CLEAR GLAZING
OPAQUE GLAZING
EXTERNAL PAVING
METAL DECK ROOFING
ROUGH CAST RENDER
MASONRY HIT & MISS SCREEN
STEEL DOOR & WINDOW FRAMING (MANOR RED)
STEEL SHEET (MANOR RED)

KEY

N-HRW	NON-HABITABLE ROOM WINDOW
HRW	HABITABLE ROOM WINDOW
NGL	NATURAL GROUND LEVEL
→	TAP CONNECTED TO RAINWATER TAI

Revision

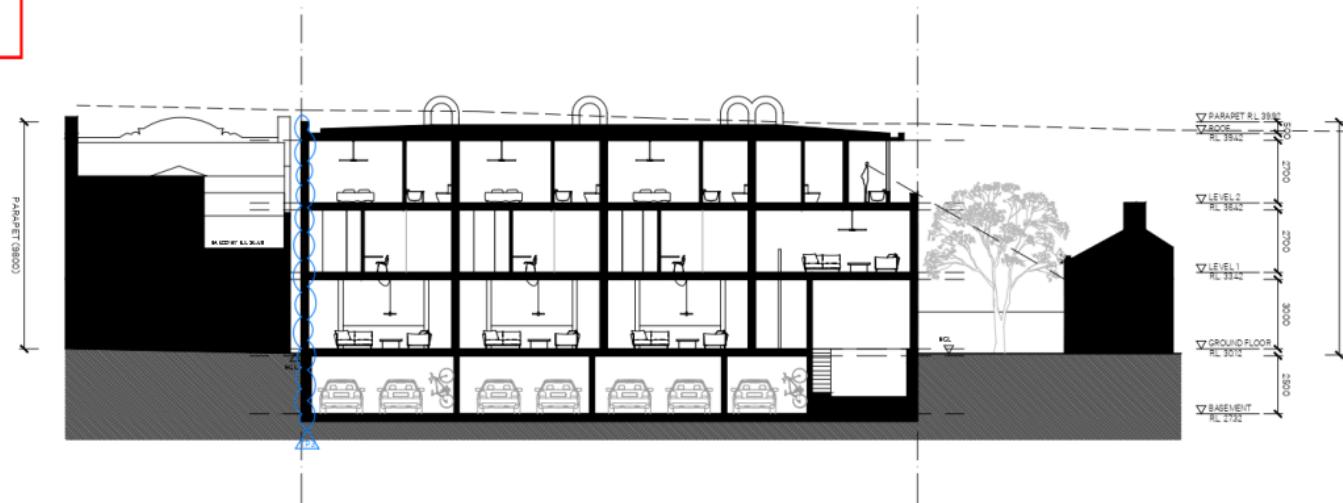
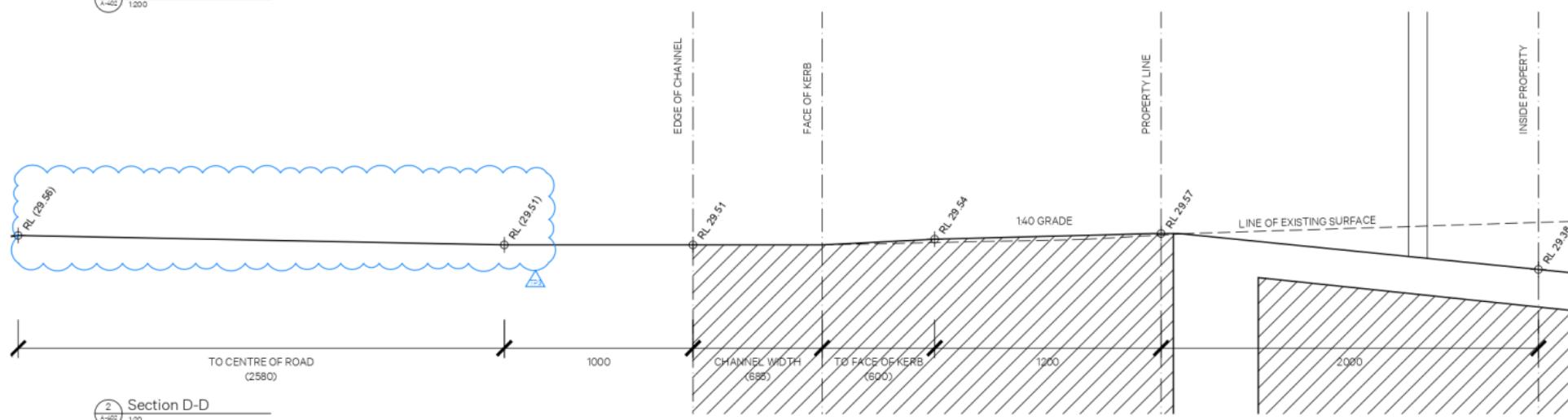
Client
Ascano
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Sections

Project Stage
TP
Scale
1:100 @ A3
Date
DECEMBER 2020
Drawn
PJK/VR/JL/HG
Project Num

**KENNEDY
NOLAN**

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

**ADVERTISED
PLANS**

Section C-C
A-402 1200Section D-D
A-402 1200

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email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

ABN 21 088 71 385
ACN 138 117 285

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The Contractor shall verify all dimensions on site prior to commencing work. Drawings & measured dimensions shall be checked by the甲方.
Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE

- BR1 MASONRY FACE BRICK
- HR1 CLEAR GLAZING
- GL1 EXTERIOR GLAZING
- PV1 EXTERIOR PAINTING
- RF1 METAL DECK ROOFING
- SC1 MASONRY HITS & MBS SCREEN
- SC2 STEEL DOOR & WINDOW FRAMING (MAJOR RED)
- SC3 STEEL SHEET (MAJOR RED)
- TG1 TIMBER BEAMING

KEY

- HR1/HW
- GL1
- PV1
- RF1
- SC1
- SC2
- SC3
- TG1

NON-HABITABLE ROOM WINDOW
HABITABLE ROOM WINDOW
NATURAL GROUND LEVEL
TAP CONNECTED TO RAINWATER TANK

Revision

T1 SEPTEMBER 2020
T2 NOVEMBER 2020
T3 JANUARY 2021

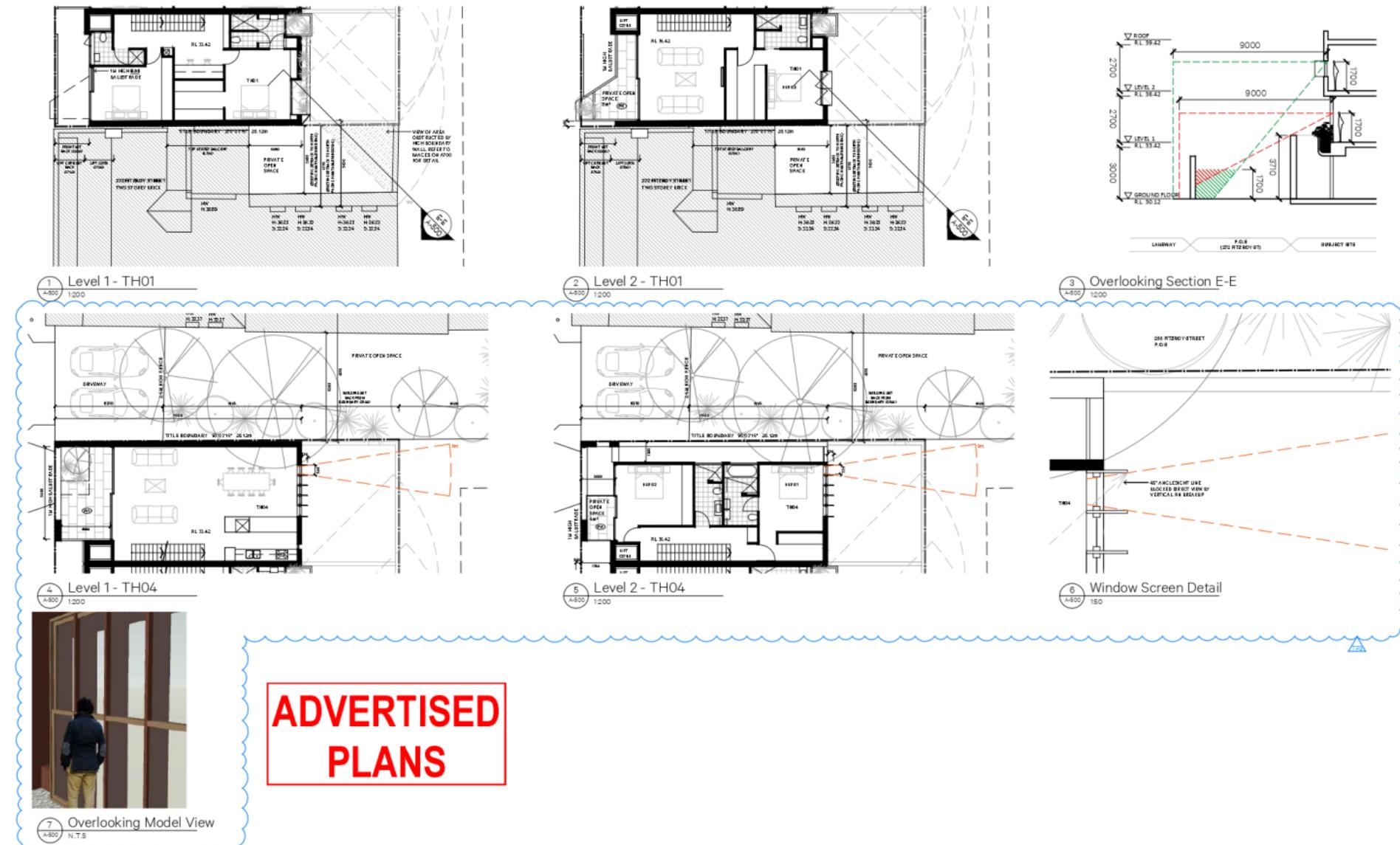
Client
Adani
Project
Fitzroy Workhouses
Project Address
274-288 Fitzroy Street
Fitzroy
Drawing Name
Sections

Project Stage
TP
Scale
1:200/1:20 @ A3
Date
JANUARY 2021
Drawn
PKU/VRL/HG
Project Number
1917

**KENNEDY
NOLAN**

Drawing
A402
Revision
TP3

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



61 Victoria Street Fitzroy
Melbourne 3065 Australia
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ABN 21 038 71 285
ACN 138 17 285

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The Contractor shall verify all dimensions on site prior to commencing work. These drawings, figures and dimensions shall be taken as measured. Scaled dimensions shall be verified on site.

MATERIAL SCHEDULE

BRI - BRICKS, MASONRY & STONE EXCL. STEEL FLATS
BRI - MASONRY FACE BRICK
BLT - CLEAR GLAZING
CGL - CLEAR GLAZING
PVT - PRIVATE
PVT - METAL DECK ROOFING
RPT - ROOFING
SC1 - MASONRY HIT & MORTAR SCREEN
SC1 - STEEL DOOR & WINDOW FRAMING (MAJOR RED)
SC1 - STEEL SHEET (MAJOR RED)
TBT - TIMBER BEAMING

KEY

HWTW - HABITABLE ROOM WINDOW
HWTW - HABITABLE ROOM WINDOW
NGL - NATURAL GROUND LEVEL
TAP - TAP CONNECTED TO RAINWATER TANK

Revision

TP2 - DECEMBER 2020
TP2 - JANUARY 2020

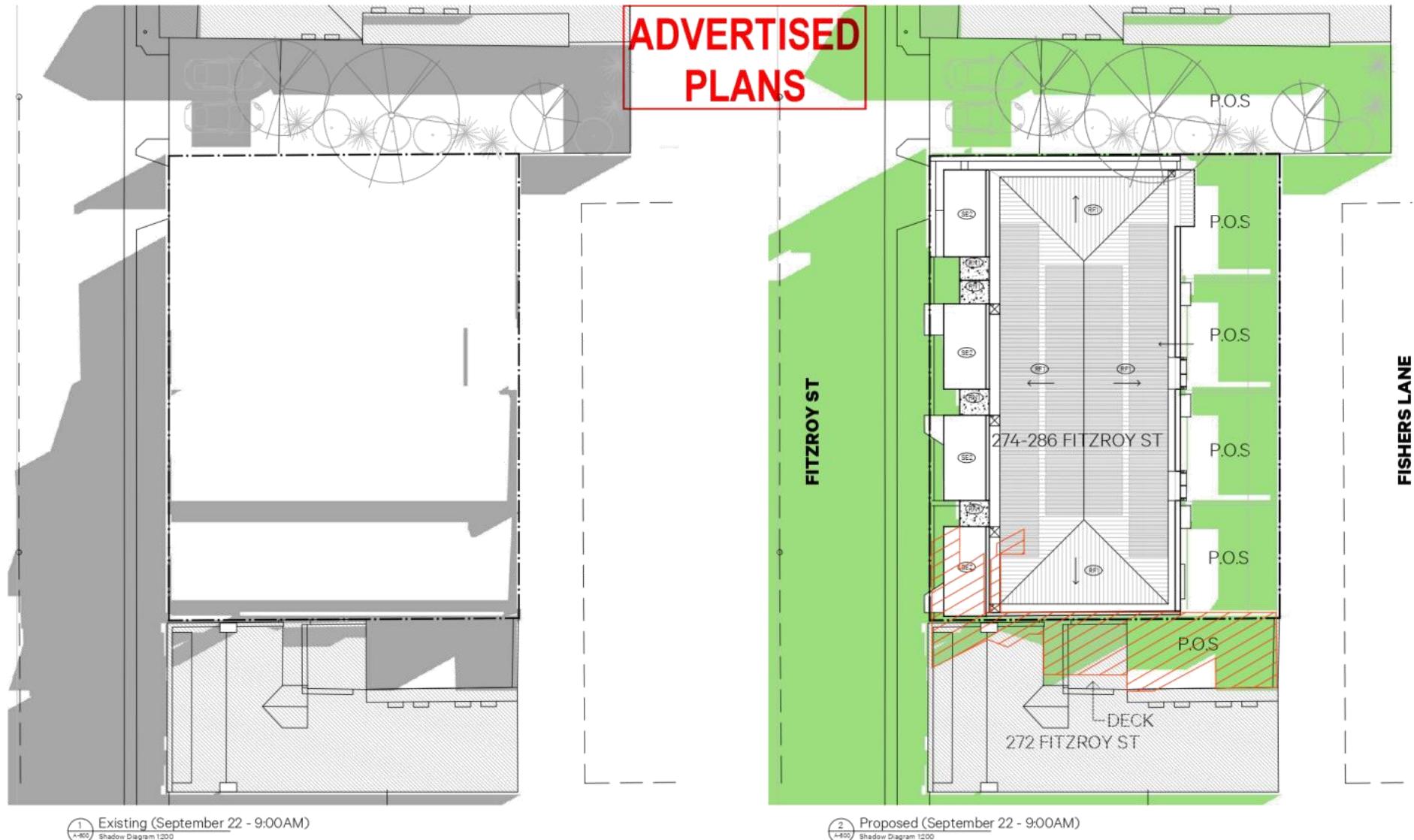
Client
Adair
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Overlooking
Diagrams

Project Stage
TP
Scale
1:200 @ A3
Date
JANUARY 2020
Drawn
PKV/RUL/HG
Project Number
1917

KENNEDY NOLAN

Drawing A500 **Revision** TP3

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

ABN 21 138 71 285
ACN 138 177 285

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The contractor shall verify all dimensions and specifications and any other written instructions issued during the course of the Contract.
The drawing is to be read in conjunction with the Building Regulations, the Building Code and any other written instructions issued during the course of the Contract.
The Contractor shall verify all dimensions on site prior to carrying out any shop drawings. Scaled dimensions shall be verified on site.
Scaled dimensions shall be checked on site.

SHADOW AREAS (272 FITZROY STREET) - 12PM

P.O.S	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUNDFIRST	34 sqm 13 sqm	30 sqm 7 sqm	27 sqm 13 sqm	-3 sqm +6 sqm
TOTAL	47 sqm	37 sqm	40 sqm	+3 sqm

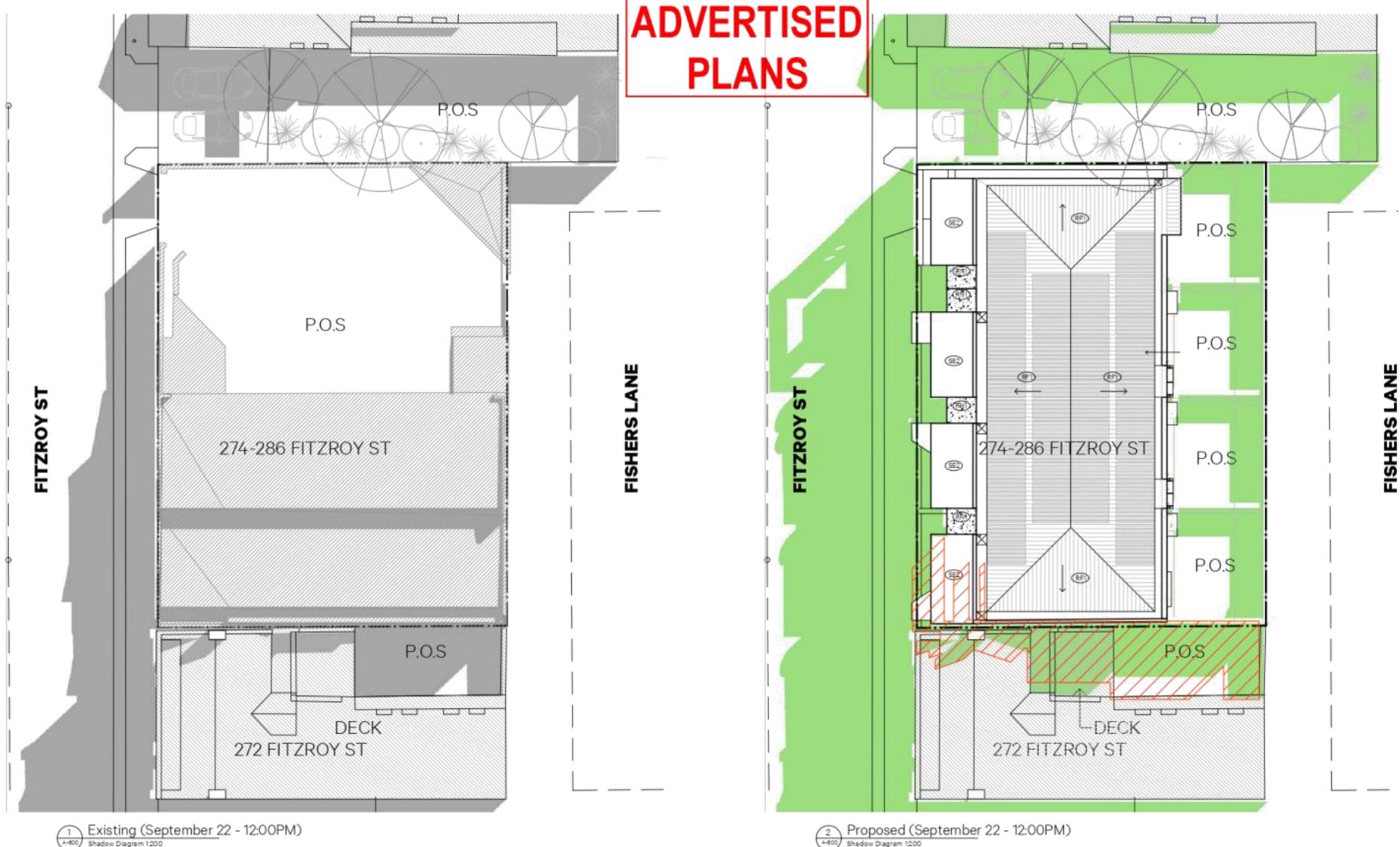
Revision
TP - SEPTEMBER 2020
WS - SEC 04/02/2020

Client
Aarcane
Project
Housing - townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams -
9am

Project Stage
TP Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
Drawing
TP2

KENNEDY
NOLAN
Drawing
TP2

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



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Melbourne 3065 Australia
email:kennedy.nolan.com.au
+61 3 9615 8971
www.kennedy.nolan.com.au

ABN 21 138 71 285
ACN 138 177 285

1 Existing (September 22 - 12:00PM)
A-800 Shadow Diagram 1200

2 Proposed (September 22 - 12:00PM)
A-800 Shadow Diagram 1200

KEY

- SHADOWS CAST BY EXISTING BUILDING
- SHADOWS CAST BY PROPOSED BUILDING
- ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION

The drawing is to be read in conjunction with the Building Plan, Site Plan, General Data and specifications and any other written instructions issued during the course of the Contract. The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Scaled dimensions shall be checked and verified. Scaled dimensions shall be checked and verified.

SHADOW AREAS (272 FITZROY STREET) - 12PM

P.O.S	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUNDFIRST	34 sqm 13 sqm	31 sqm 4 sqm	25 sqm 11 sqm	-6 sqm +7 sqm
TOTAL	47 sqm	35 sqm	36 sqm	+1 sqm

Revision
TP - SEPTEMBER 2020
WS - SEC 246.02.2020

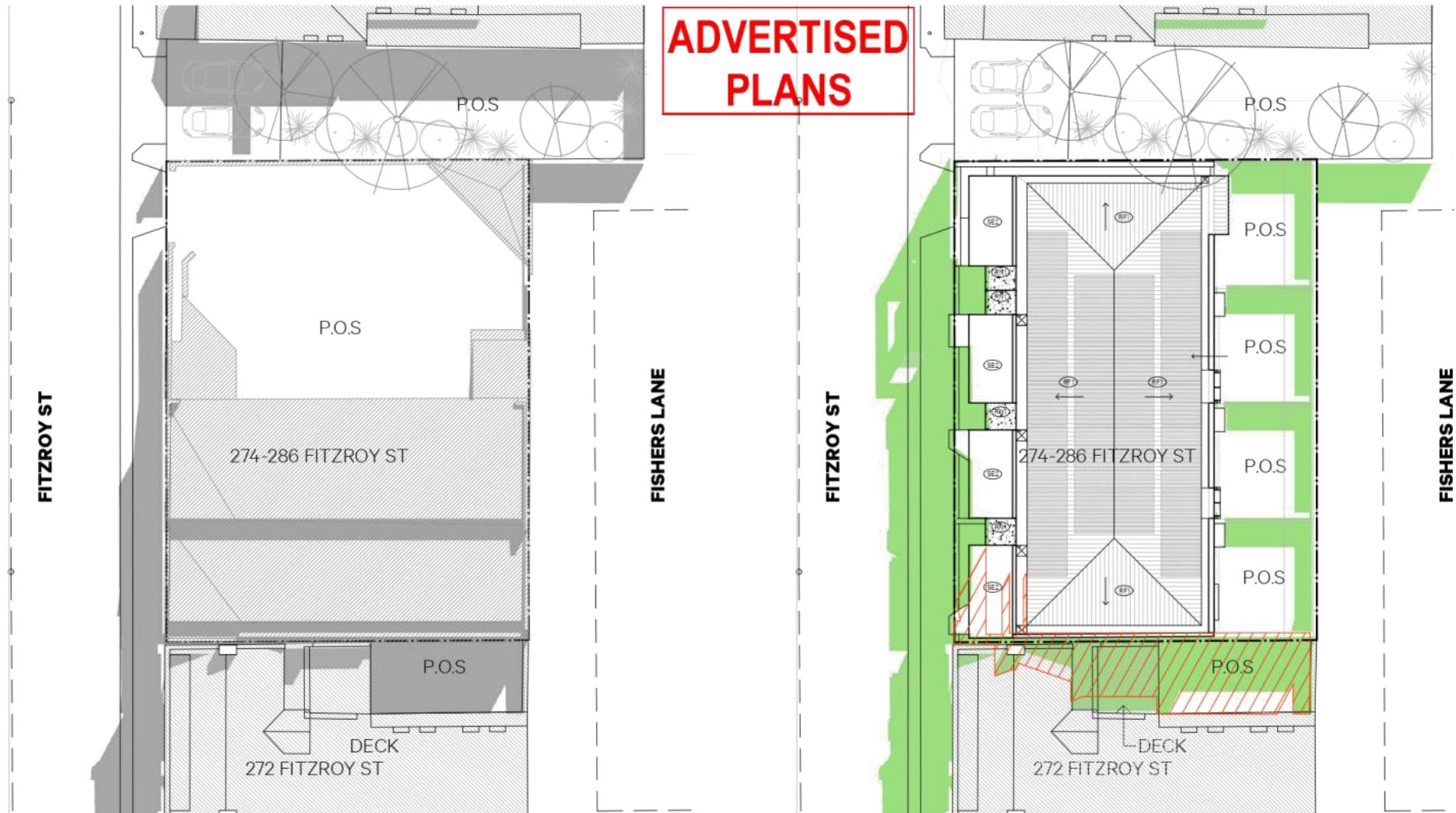
Client
Arcand
Project
Housing - townhouses
Proposed Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams -
10am

Project Stage
TP Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
Drawing
1917 A601 TP2

KENNEDY NOLAN

Revision

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



1 Existing (September 22 - 11:00AM)
A-802 Shadow Diagram 1200

2 Proposed (September 22 - 11:00AM)
A-802 Shadow Diagram 1200

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

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KEY

- SHADOWS CAST BY EXISTING BUILDING
- SHADOWS CAST BY PROPOSED BUILDING
- ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION

SHADOW AREAS (272 FITZROY STREET) - 12PM

P.O.S	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUNDFIRST	34 sqm 13 sqm	32 sqm 4 sqm	25 sqm 13 sqm	-7 sqm +9 sqm
TOTAL	47 sqm	36 sqm	38 sqm	+2 sqm

Revision
TH SEPTEMBER 2020
WS SEC 046.02.000

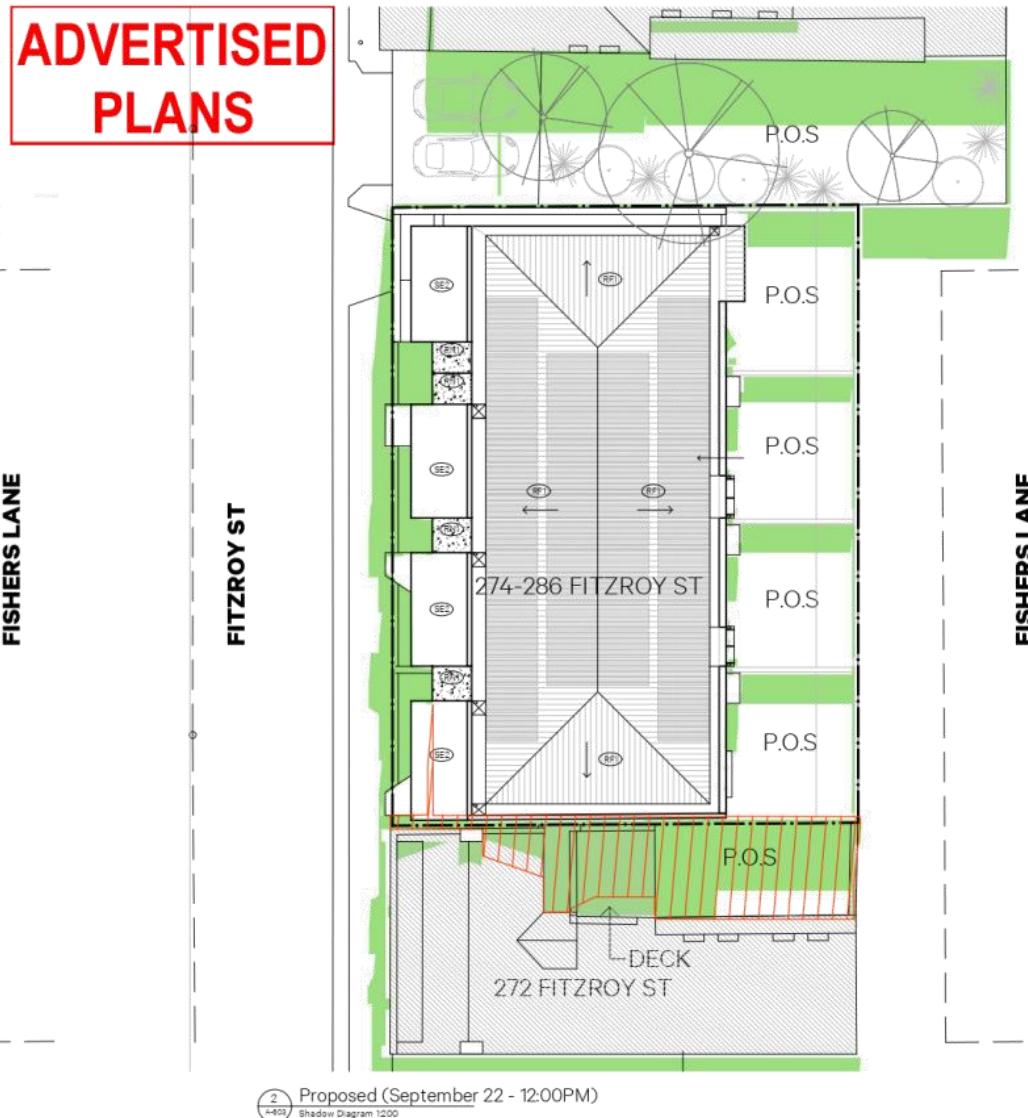
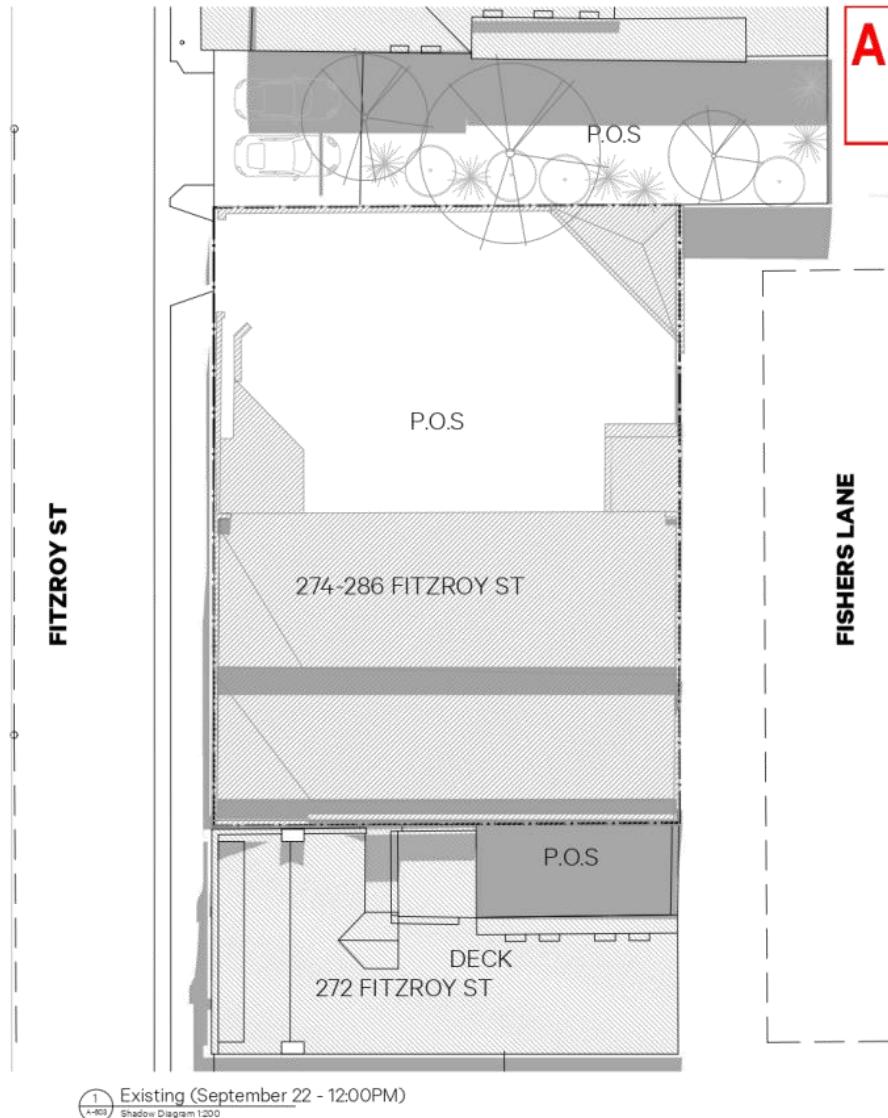
Client
Astrand
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams -
11am

Project Stage
TP Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
Drawing
1917 A602 TP2
Revision

KENNEDY NOLAN

TP2

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



61 Victoria Street Fitzroy
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Stated dimensions shall be verified on site.

KEY

- SHADOWS CAST BY EXISTING BUILDING
- SHADOWS CAST BY PROPOSED BUILDING
- ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION

SHADOW AREAS (272 FITZROY STREET) - 12PM

P.O.S	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUNDFIRST	34 sqm 13 sqm	34 sqm 4 sqm	27 sqm 12 sqm	-7 sqm +8 sqm
TOTAL	47 sqm	38 sqm	39 sqm	+1 sqm

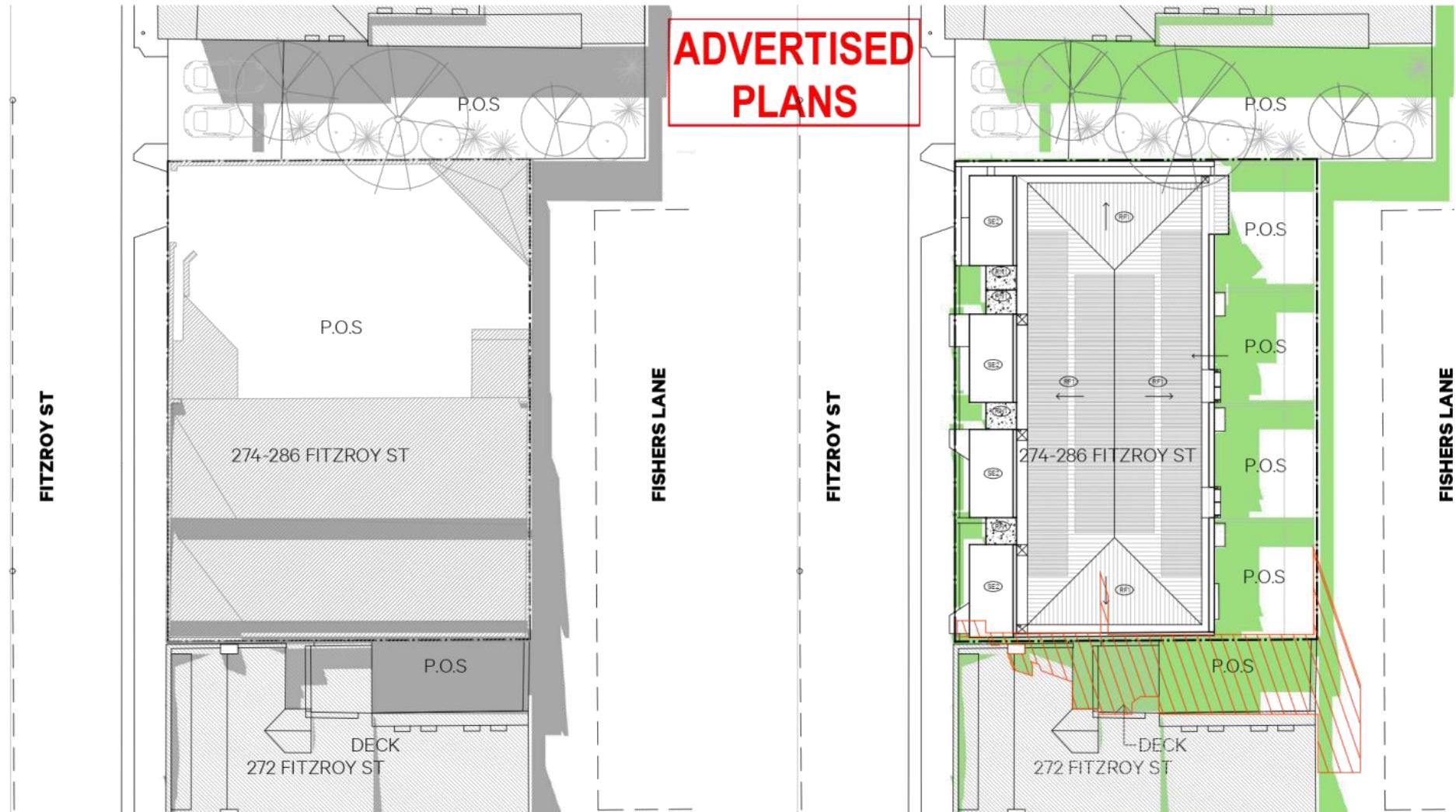
Revision
TP - SEPTEMBER 2020
WS - SEC 046.02.000

Client
Arcand
Project
Housing - townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams
Drawing Number
1917 A603

Project Stage
TP Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
Drawing
TP2

KENNEDY NOLAN

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



1 Existing (September 22 - 1:00PM)
A-804 Shadow Diagram 1200

2 Proposed (September 22 - 1:00PM)
A-805 Shadow Diagram 1200

61 Victoria Street Fitzroy
Melbourne 3065 Australia
email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

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SHADOW AREAS (272 FITZROY STREET) - 12PM

P.O.S	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUNDFIRST	34 sqm 13 sqm	34 sqm 5 sqm	30 sqm 13 sqm	-4 sqm +8 sqm
TOTAL	47 sqm	39 sqm	43 sqm	+4 sqm

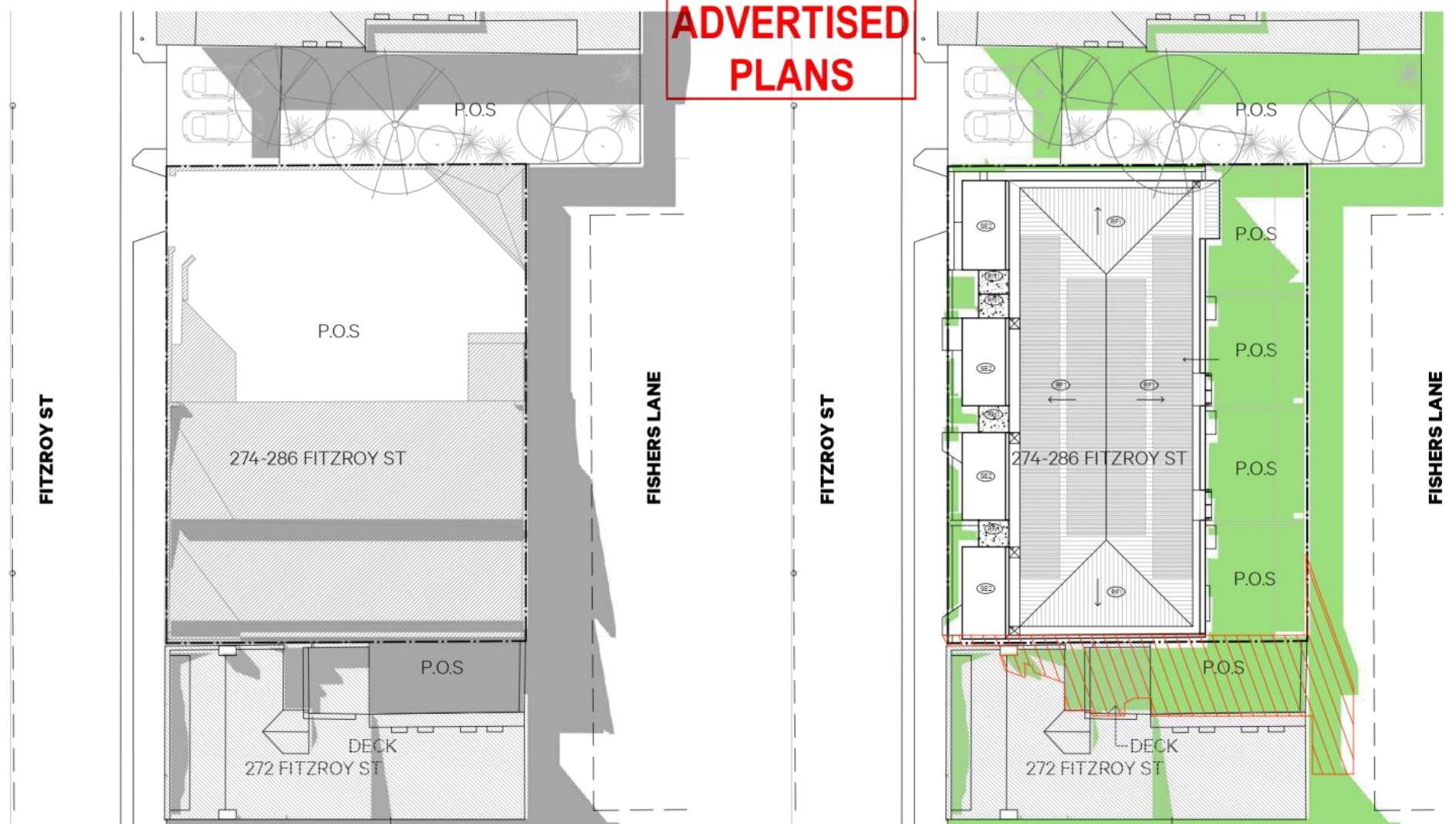
Revision
TP - SEPTEMBER 2020
WS - SEC 046.02.000

Client
Arcand
Project
Housing - townhouses
Proposed Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams -
1pm

Project Stage
TP Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
Drawing
1917 A604 TP2
Revision

KENNEDY
NOLAN

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



1 Existing (September 22 - 2:00PM)
A-805 Shadow Diagram 1200

2 Proposed (September 22 - 2:00PM)
A-805 Shadow Diagram 1200

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedynolan.com.au
+61 3 9415 8971
www.kennedynolan.com.au

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SHADOW AREAS (272 FITZROY STREET) - 12PM

P.O.S.	AREA	EX SHADOW	PR SHADOW	DIFF.
GROUNDFIRST	34 sqm 13 sqm	34 sqm 6 sqm	34 sqm 13 sqm	0 sqm +7 sqm
TOTAL	47 sqm	40 sqm	47 sqm	+7 sqm

Revision

TP - SEPTEMBER 2020
WS - SEC 646.02 5000

Client

Aarcane
Project
Housing - townhouses
Proposed Address
274-280 Fitzroy Street
Fitzroy

Drawing Name

Shadow Diagrams -
2pm

Project Stage

TP Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/VRL/HG

Drawing Number

1917 A605 TP2

**KENNEDY
NOLAN**

Revision

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



81 Victoria Street Fitzroy
Melbourne 3005 Australia
email@kennedynolan.com.au
+61 3 945 8971
www.kennedynolan.com.au

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SHADOW AREAS (272 FITZROY STREET) - 12PM

KEY	P.O.S.	AREA	EX SHADOW	PR SHADOW	DIFF.
SHADOWS CAST BY EXISTING BUILDING		34 sqm	34 sqm	34 sqm	0 sqm
SHADOWS CAST BY PROPOSED BUILDING		13 sqm	10 sqm	13 sqm	+3 sqm
ADDITIONAL SHADOWS CAST BY PREVIOUSLY APPROVED APPLICATION					
	TOTAL	47 sqm	44 sqm	47 sqm	+3 sqm

Revision
TM SEPTEMBER 2020
W2 SEC DA6 02 2020

Client
Aarcane
Project
Fitzroy Sunhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Shadow Diagrams -
3pm

Project Stage
TP Scale
1:200 @ A3
Date
DECEMBER 2020
Drawn
PKV/VRL/HG
Project Number
Drawing
TP2

KENNEDY NOLAN
Drawing
TP2

1917 A606

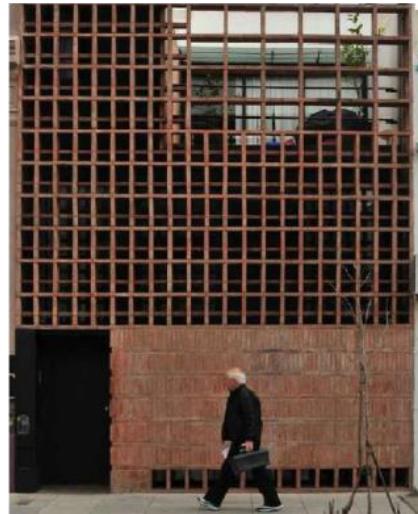
TP2

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans

SCREEN STUDY



1. PERSPECTIVE VIEW - SCREEN STUDY



2. PRECEDENT - SCREEN STUDY



3. PRECEDENT - SCREEN STUDY



4. CONCEPT SKETCH - FITZROY STREET - WEST VIEW



5. TH01 STEEL SCREEN FOR OVERLOOKING.
PERSPECTIVE AT EYE LEVEL + 45° FIELD OF VIEW

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedy-nolan.com.au
+61 3 9415 8971
www.kennedy-nolan.com.au

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Stated dimensions shall be verified on site.

**ADVERTISED
PLANS**

Revision
TP: SEPTEMBER 2020
WS: SEC 046.02 5000

Client
Admiral
Project
Fitzroy Workhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Screen Details

Project Stage
TP
Scale
N/A
Date
DECEMBER 2020
Drawn
PKV/VRL/HG
Project Number
Drawing
1917 A700 TP2
Revision

**KENNEDY
NOLAN**

1917 A700 TP2

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



1. PERSPECTIVE VIEW - FITZROY STREET

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedynolan.com.au
+61 3 9415 8971
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Stated dimensions shall be verified on site.

**ADVERTISED
PLANS**

Revision
TP: SEPTEMBER 2020
WS: SEC 248.02 5000

Client
Project
Housing + townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Perspective Views

Project Stage
TP
Scale
N/A
Date
DECEMBER 2020
Drawn
PKV/RUL/HG
Project Number
1917 1 A800 TP2

**KENNEDY
NOLAN**

Drawing
Revision

Attachment 5 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - Advertised Plans



1. PERSPECTIVE VIEW - FITZROY STREET

61 Victoria Street Fitzroy
Melbourne 3065 Australia
enq@kennedynolan.com.au
+61 3 9415 8971
www.kennedynolan.com.au

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The Contractor shall verify all dimensions on site prior to commencing any shop drawings. Stated dimensions shall be checked and verified. Stated dimensions shall be verified on site.

**ADVERTISED
PLANS**

Revision
TP - DECEMBER 2020
WS - SEC 248.02 5000

Client
Project
Fitzroy Townhouses
Project Address
274-280 Fitzroy Street
Fitzroy
Drawing Name
Perspective Views

Project Stage
TP
Scale
N/A
Date
DECEMBER 2020
Drawn
PKV/VUL/HG
Project Number
1917 1 A801 TP2

**KENNEDY
NOLAN**

Drawing
Revision

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports



**274-280
FITZROY
STREET,
FITZROY**

Planning Report

October 2020

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Christina McRae
Senior Consultant	Aliza Fischer Webberley
Project Code	P0021908
Report Number	REP02

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It shall only be used in this context and shall not be made available to third parties without client authorisation.
Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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URBIS
P0021908 274-280 FITZROY STREET - PLANNING REPORT

INTRODUCTION

1

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

1. INTRODUCTION

This Report has been prepared on behalf of Ascanio Pty Ltd in support of the permit application for the development of four x three storey dwellings at No. 274-280 Fitzroy Street, Fitzroy.

The site is located alongside the Brunswick Street Major Activity Centre. The site is also located within the close proximity to public transport nodes, including bus routes along Johnston Street and Victoria Parade, and tram routes along Brunswick Street and Nicholson Street. The site is located within a mixed residential setting which includes the former warehouse building and the Standard Hotel, as well as other commercial buildings in the surrounding streets.

The site provides an excellent opportunity to add a high-quality development in this highly sought after Fitzroy location.

The subject site is located within the General Residential Zone Schedule 1 ('Warehouse Sites') and Heritage Overlay Schedule 334 (South Fitzroy Precinct). A planning permit is required under the following provisions of the Yarra Planning Scheme:

- Pursuant to **Clause 32.08-6**, a permit is required to construct two or more dwellings on a lot.
- Pursuant to **Clause 43.01-1**, a permit is required to demolish an existing building, and subsequently to construct buildings and carry out works.
- Pursuant to **Clause 52.06-5**, a permit is required to reduce the statutory car parking requirement.

This report addresses the planning merits of the proposal and its consistency with the relevant planning controls and policies of the Yarra Planning Scheme. It is supported by the accompanying plans which detail the proposed layout and building design.

This proposal has been informed by advice from specialist consultants as follows:

- Architectural Plans – Kennedy Nolan Architects
- Heritage Impact Assessment – Lovell Chen
- Traffic Engineering Assessment – One Mile Grid
- Waste Management Plan – One Mile Grid
- ESD / STORM Rating Report – Urban Digestor

The proposal responds positively to the State and Local Planning Policy, providing infill housing of high architectural quality. The development provides a high level of internal amenity whilst adopting a contextually appropriate response to adjoining dwellings and the streetscape. The design by Kennedy Nolan Architects reflects a commitment to design excellence, delivering a creative, premium housing choice.

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

2. SITE AND SURROUNDS

2.1. SUBJECT SITE

The subject site is located on the eastern side of Fitzroy Street, approximately 35 metres north of the intersection of Moor Street and approximately 65 metres south of the intersection of Bell Street. The site, known as No. 274-280 Fitzroy Street, and is known as Lot 1 on registered Title Plan 599624C. No covenants or easements affected the land. The site location is depicted in the areas at **Figures 1 and 2**.

The site has a frontage of 26.69 metres to Fitzroy Street and to an unnamed laneway to the east. The site is rectangular in shape, with a depth of 20.12 metres and an area of approximately 538 square metres.

The site is occupied by a single-storey former warehouse building that is constructed to the southern boundary and approximately half of the east and west boundaries. The northern portion of the site is occupied by hard paving. Vehicle access is provided from Fitzroy Street at the southern end of the frontage.

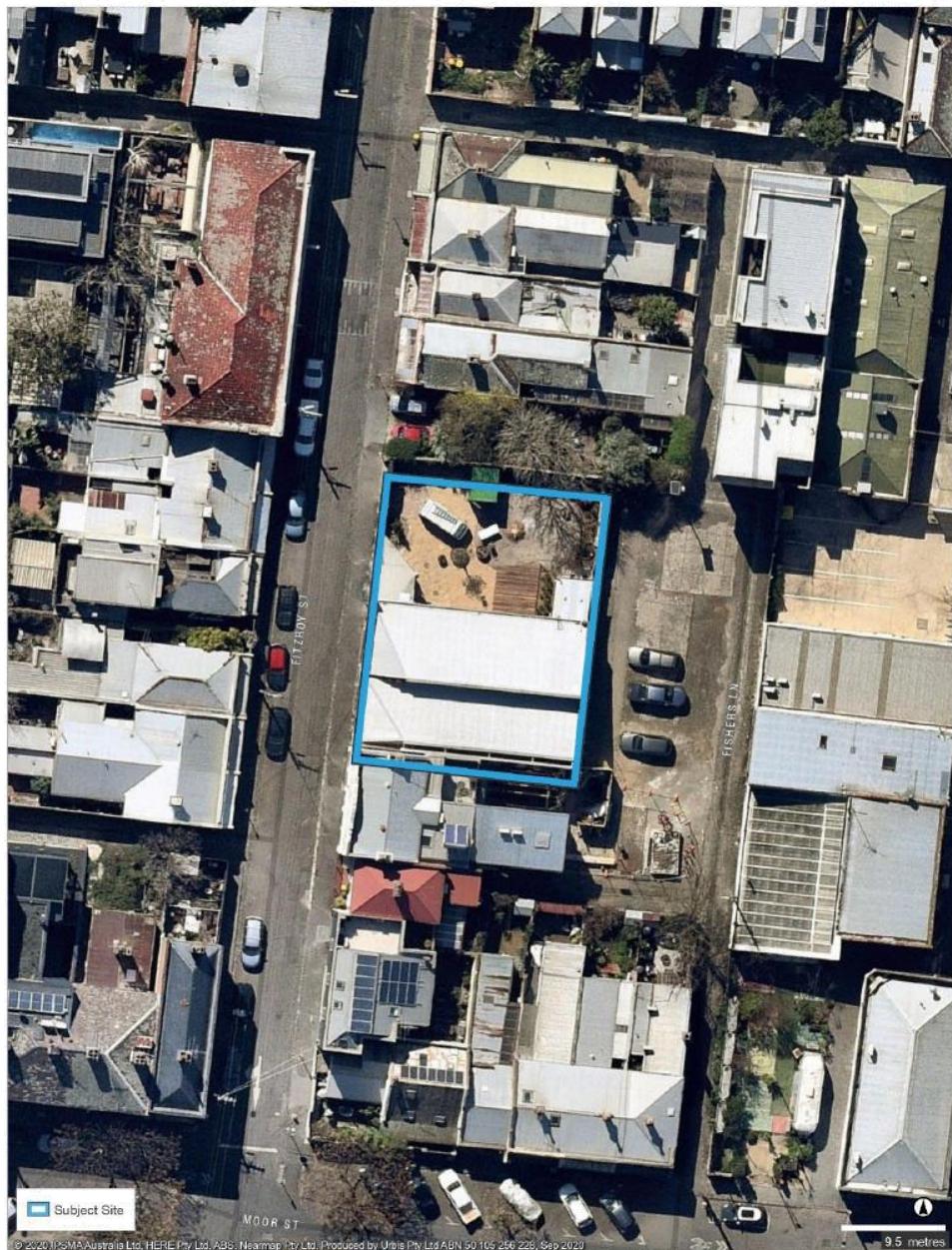


Figure 1 - Subject site fronting Fitzroy Street (looking north-east)



Figure 2 - Subject Site frontage along the laneway to the east.

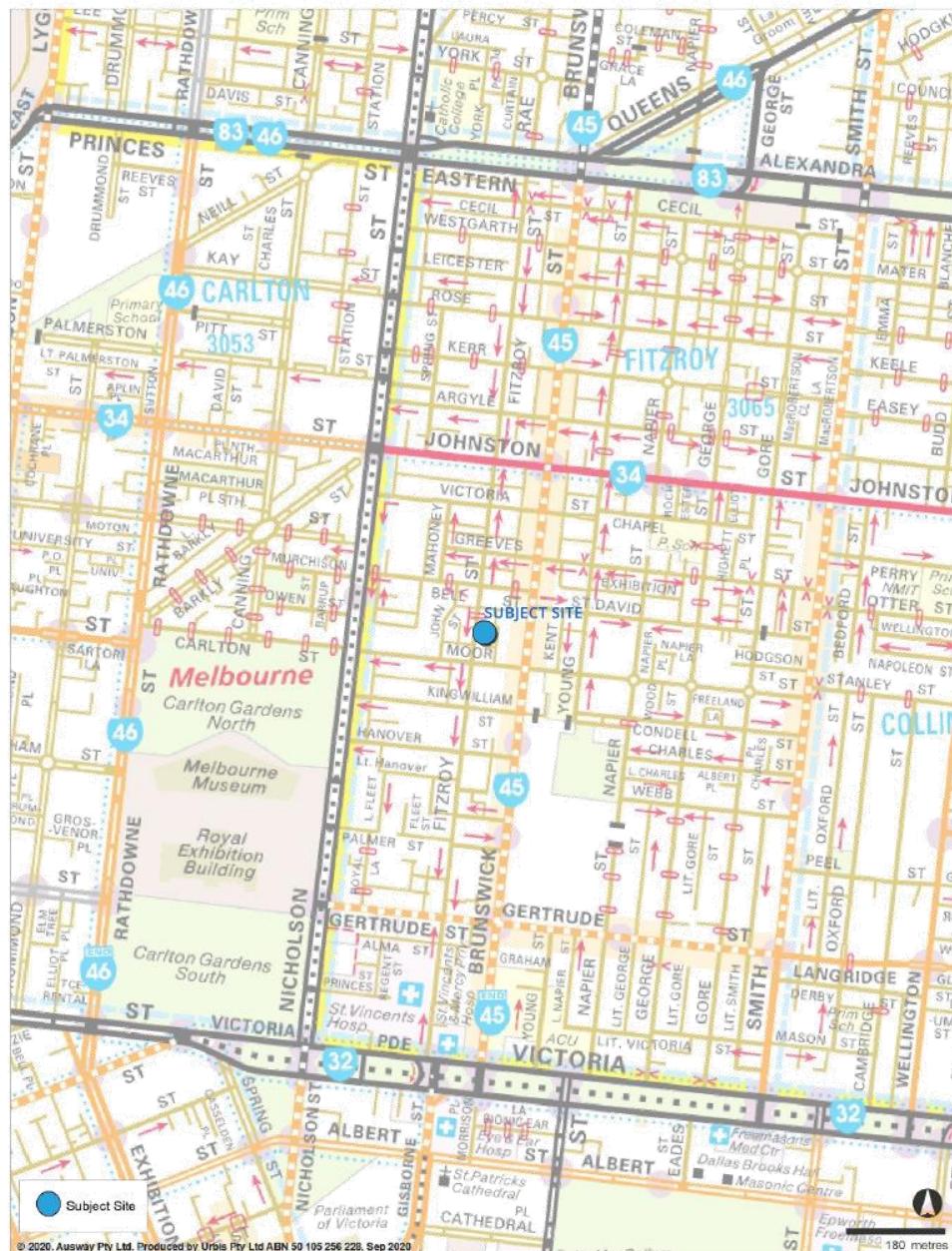
Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports



URBIS
274-280 FITZROY STREET, FITZROY
SITE LOCATION

Figure 3 - Aerial image of subject site and surrounding area

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports



URBIS 274-280 FITZROY STREET, FITZROY SITE LOCATION

Figure 4 - Site Location Map

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

2.2. IMMEDIATE INTERFACES

To the **North** of the site is a single storey dwelling at No. 288 Fitzroy Street. The dwelling is identified as 'contributory' in the Heritage Overlay. The dwelling is separated from the site by a car parking area at the street front and private open space beyond this (extending past the rear boundary of the subject site).



Figure 5 - No. 288 Fitzroy Street fronting Fitzroy Street source: Victorian Heritage Database

To the **South** is No. 272 Fitzroy Street, a double storey dwelling identified as 'significant' in the Heritage Overlay. A contemporary extension to the building (**Planning Permit No. PLN18/0820**) extends at the ground and first floor and includes a first floor balcony. The floor plans depict a kitchen and living room at the ground floor facing east toward a courtyard as well as a garage accessed the lane.



Figure 6 - Dwelling at No. 272 Fitzroy Street.

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

To the east of the site is a single width unnamed laneway. An informal grade car park is located on the property identified as No. 2 Fishers Lane. Beyond that is Fisher Lane, including a contemporary two storey dwelling and the rear of commercial properties with primary frontages to Brunswick Street.

To the west of the site is Fitzroy Street, a one-way road (north to south) with on-street car parking spaces and pedestrian footpath. On the opposite side of the street are a number of single storey worker cottages, as well as the two storey Standard Hotel building. Buildings are constructed hard-up against all boundaries.



Figure 7 – The Standard Hotel and single storey heritage dwellings on the west side of Fitzroy Street.

2.3. URBAN CONTEXT

The site has a high level of accessibility to employment, public transport, open space and local amenity.

Land Use Patterns

Residential uses dominate the western portion of Fitzroy with a high proportion of heritage buildings, including single storey worker cottages and double-storey Victorian terraces, as well as a number of warehouse buildings, in the neighbourhood. These areas are supported by high density residential use, in and around activity centres, along with convenience retail, entertainment uses and community services.

The site enjoys a range of locational land use attributes, including easy walking distance to Melbourne's Central City (15-20 minute walk to the south-west). This is in addition to proximity to the Brunswick Street and Smith Street Activity Centres. The site is also well located with respect to the Carlton Gardens as well as the museum and education precinct to the south-east.

Built Form

This area of Fitzroy includes heritage significant streetscapes with a variety of heritage buildings including one and two storey dwellings and a range of former industrial premises. Within Fitzroy Street itself there is a range of two storey Italianate terraces and more modest single storey 'workers' cottages, as well as the Standard Hotel and the former modest warehouse building on the subject site.

Buildings are mixed in their typology but are characterised by a high level of site coverage, shallow or zero front setbacks and boundary to boundary construction. Additionally buildings typically employ masonry (brick or render) construction and a range of roof types (parapet front buildings and pitched roofs) in tin or tiles. The buildings and development patterns are described in more detail in the Lovell Chen report which undertakes an in depth analysis of the origins of the subject building.

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

Vehicle and Public Transport Network

The site is highly accessible and surrounded by major road networks and a system of public transport infrastructure, including trains, trams and buses (including Night Rider Bus). The site is within walking distance of major institutions and commercial precincts, including the hospital and education precinct along Victoria Pde, the Central City and the tram corridors along Brunswick Street and Nicholson Street. Pedestrian and cycle accessibility is excellent.

2.4. PERMIT HISTORY

Planning Permit No. PLN14/0664 was approved for partial redevelopment of the site on 12 August 2015. This included partial demolition of the existing building and construction of a new three storey dwelling along the southern boundary. Vehicle access was proposed from the rear of the site. The dwelling extended the full depth of the site and included private open space in the form of a roof terrace.

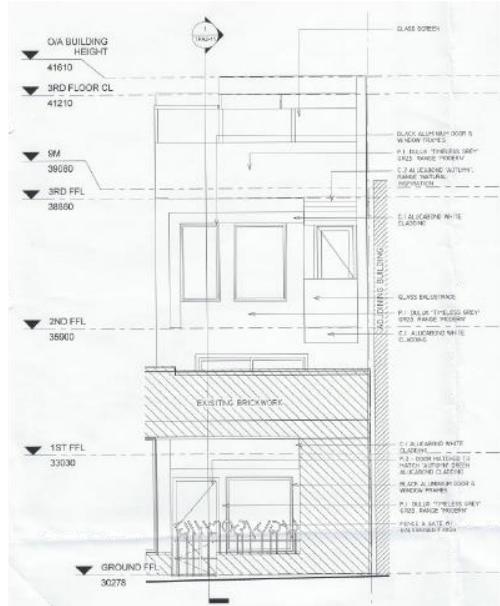


Figure 8 - Excerpt of Endorsed West Elevation under Permit No. PLN14/0664

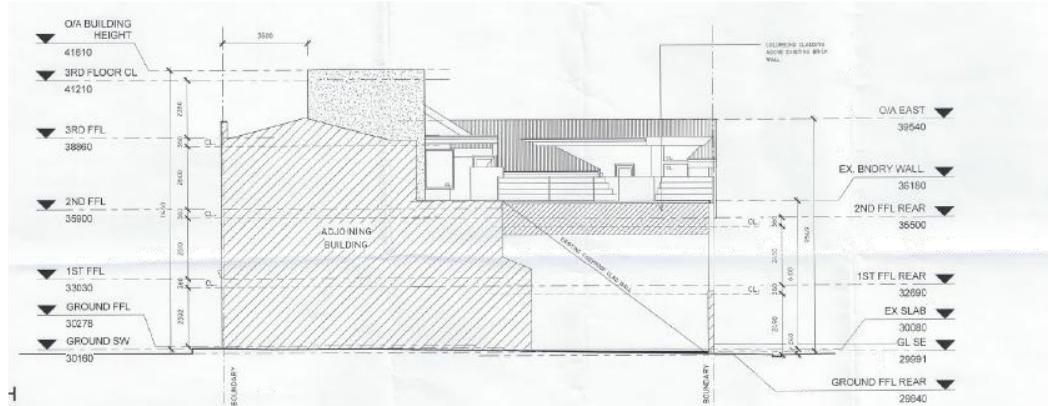


Figure 9 - Excerpt of Endorsed South Elevation under Permit No. PLN14/0664

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports

3. PROPOSAL

The proposal seeks approval for the demolition of the existing building and construction of four three storey dwellings. The key details of the proposal are provided below:

- Full demolition of the existing building on the site.
- Each townhouse is generous in area and has open plan kitchen living and dining. Three larger terraces will have three bedrooms each, while the northern most terrace has a different layout and incorporates two bedrooms, plus a study area.
- The proposed site coverage is 66.7%. The total garden area is 33%.
- The overall height is three storeys and 10.1 metres (roof ridge height of 64.4 metres AHD).
- Setbacks of 0 – 2 metres are proposed from Fitzroy Street and open courtyard areas provide a setback of 5.7 metres from the rear laneway.
- A total of seven parking spaces are proposed within a basement car park accessed from the existing crossover from Fitzroy Street. The details are addressed in the assessment provided by One Mile Grid.
- Provision is made for 20 bicycle parking spaces (5 per dwelling) in the basement.
- Individual bin storage areas will be located within the basement level accessible from the staircase or lift. Waste will be collected from the Fitzroy Street frontage via Council collection, as detailed within the Waste Management Plan prepared by One Mile Grid.

Dwellings incorporate balconies and decorative brick elements integral to the design to provide depth and visual interest. Further articulation has been achieved through construction materials and finishes that respond to the heritage character of the area. This includes red brick and lattice finishes, with varied natural concrete renders, timber cladding, balustrades and glazing.

The building setbacks have been designed to minimise impacts of overshadowing, overlooking and visual bulk to adjoining residential properties, as well as articulation which erodes the mass of the building. Boundary walls are incorporated along the southern and northern title boundaries toward the street front, leaving a 'corridor' of open space at the rear. This is consistent with the character of the surrounding intensively developed dwellings.

It is noted that the existing building on the site features a level of intrusion into the adjoining lots, specifically along northern boundary 160mm at NE corner and 20mm at NW into No. 288 Fitzroy Street, and 10mm at south west corner into No. 272 Fitzroy Street. As part of the application the minor encroachments are proposed to be demolished but all proposed development is wholly contained within the title boundary of the site.

As such, the application includes No. 272 Fitzroy Street and No. 288 Fitzroy Street for the sole purpose of allowing the demolition of the existing building, with no proposed development within these lots.

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4. YARRA PLANNING SCHEME GENERAL RESIDENTIAL ZONE 1

The subject site is located in the General Residential Zone – Schedule 1 ('GRZ1'), 'Warehouse Sites'. The relevant purposes of the General Residential Zone include:

- *To encourage development that respects the neighbourhood character of the area*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

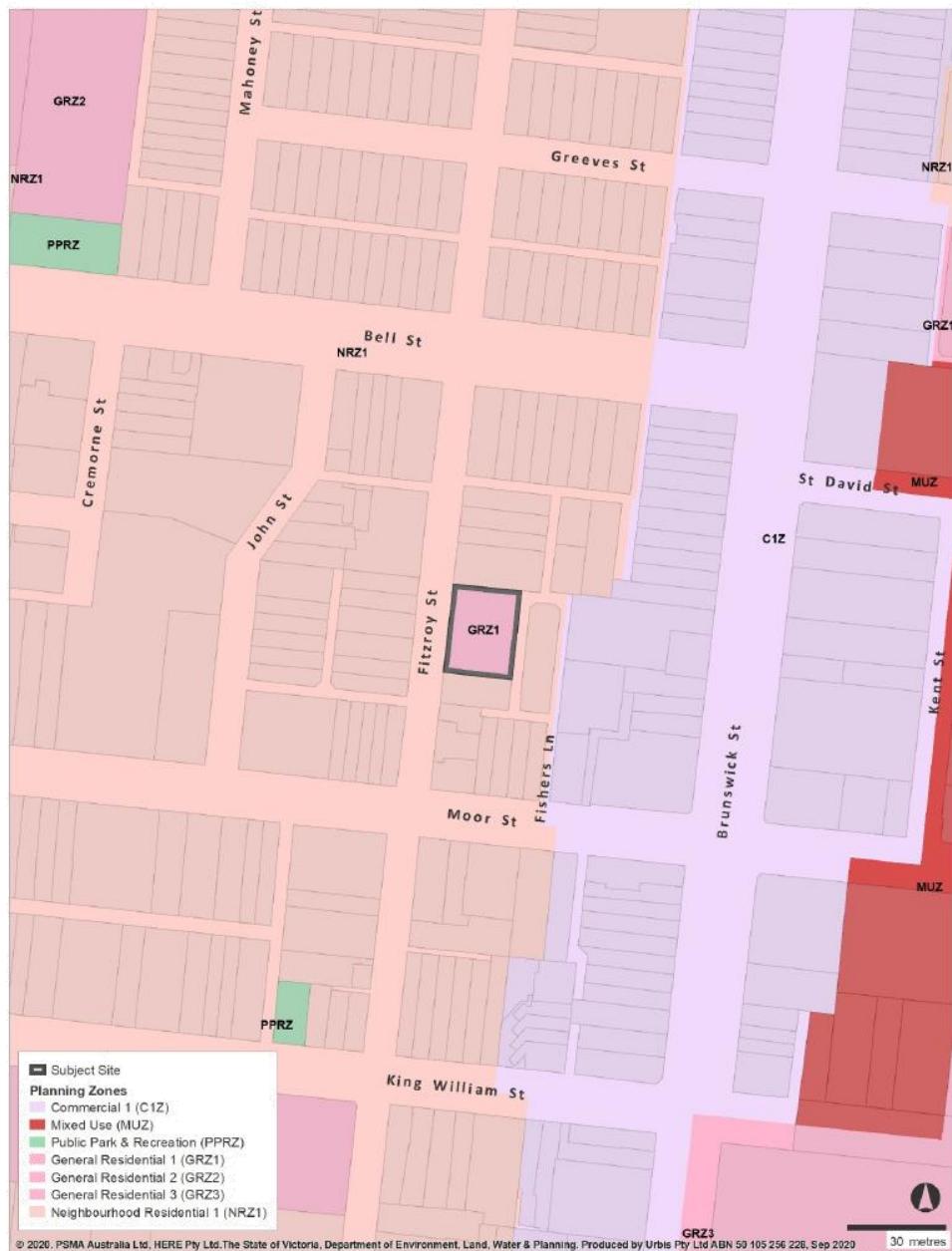
A permit is required under **Clause 32.08-6**, to construct two or more dwellings on a lot.

The GRZ also requires a minimum garden area of 30% for the construction of a dwelling or residential building on a lot above 500 square metres to 650 square metres.

Schedule 1 to the General Residential Zone states that a building used as a dwelling or a residential building must not exceed a height of 10.5 metres unless the land is sloped in which case building height must not exceed 11.5 metres.

Schedule 1 to the General Residential Zone specifies a variation to the site coverage standard B8 of Rescode, noting *Site Coverage (Standard B8)* – Should not exceed 80% of the site area.

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URBIS
274-280 FITZROY STREET, FITZROY
PLANNING ZONES

Figure 10 - Zoning Map

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HERITAGE OVERLAY HO334 'SOUTH FITZROY PRECINCT'.

The site is within the South Fitzroy Heritage Overlay area (**Clause 43.01**). An extract of the overlay map is included at **Figure 11**. Under this Overlay:

- A permit is required to demolish or remove a building (**Clause 43.01-1**)
- A permit is required to construct a building, construct or carry out works (**Clause 43.01-1**)

HO334 relates to the South Fitzroy Precinct. The precinct is aesthetically and historically significant to the City of Yarra as a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well-preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area.

The subject site is within this Heritage Overlay. The existing building on the site is of contributory heritage significance.

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URBIS **274-280 FITZROY STREET, FITZROY**
HERITAGE OVERLAY (HO334)

Figure 11 - Heritage Overlay Map

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OTHER RELEVANT PROVISIONS

The following relevant provisions apply:

- A permit is required to partially 'reduce' the statutory car parking requirements at **Clause 52.06** 'car parking'.
- Stormwater clause requires an assessment of new development to demonstrate best practice stormwater management (**Clause 53.18**).
- City of Yarra Heritage Incorporated Plan – currently City of Yarra Review of Heritage Areas 2007 Appendix 8 Revised May 2018 (**Clause 22.02-8**; **Clause 43.01**). This identifies the following key designations:
 - No. 274 – 280 Fitzroy Street as a 'contributory' heritage building.
 - Standard Hotel No. 293 Fitzroy Street as an 'Individually Significant' heritage building.
 - No. 272 Fitzroy Street as a 'contributory' heritage building.
 - Industria Cottage No. 288 Fitzroy Street as a 'contributory' heritage building.

STATE AND LOCAL PLANNING POLICY PROVISIONS

The relevant State and Local Planning Policy provisions are described at **Appendix A**. In summary:

- The City of Yarra comprises a mixed setting of residential and commercial development.
- The State Policy setting recognises the need for better utilising established urban areas to provide increased residential development in proximity to existing infrastructure.
- The suburbs have a high level of intact heritage places, interspersed with new development.
- Fitzroy is identified as a *mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities* (**Clause 21.08-7**).
- Heritage is an important part of State Policy at **Clause 15.03**. The key policy for consideration of demolition and new additions to heritage buildings is contained at **Clause 22.02** 'Development Guidelines for Heritage Places'.
- New development is sought to achieve outcomes with a high level of sustainability. City of Yarra's local policy includes the requirement for a Sustainable Design Assessment ('SDA') within Council's ESD policy (**Clause 22.17**) and **Clause 22.16** stormwater policy

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5. PLANNING CONSIDERATIONS

The key planning considerations for the assessment of this application are as follows:

- Is the proposed development consistent with the provisions of the Yarra Planning Scheme, including State and Local Policy?
- Is the proposed demolition and replacement buildings and works an appropriate response to Heritage Overlay and surrounding area?
- Does the built form respond appropriately to the site context?
- Does the proposal result in any unacceptable off-site amenity impacts?
- Will the proposal achieve an appropriate level of amenity for future residents?

Each of these matters are addressed in the following sections of the report.

5.1. CONSISTENCY WITH PLANNING POLICY

Under the Planning Policy Framework, moderate urban consolidation is encouraged within established residential suburbs. This is achieved through increased dwelling numbers and diversified housing stock to cater for Melbourne's growing residential population. Design outcomes should be responsive to neighbourhood character.

The broad intent of Yarra's Local Planning Policy Framework (as it relates to residential development) seeks to increase and diversify housing provision to meet the City's forecasted development, whilst ensuring new development is respectful to the existing heritage, character and amenity of established residential areas.

The proposal meets the policy objectives of the Planning Policy Framework (Clauses 11, 12, 15, 16, and 19), as well as the Municipal Strategic Statement and Local Planning Policies are supportive of the proposed development, for the following reasons:

- The proposed development will provide exceptional larger 'terrace style' homes in an established suburb supported by excellent access to a range of services and facilities, making efficient use of existing infrastructure in accordance with the provisions of Clause 11, 16 and 19
- Consistent with Clauses 11.03-1S, 16.01-2S and 18.02-2R, the site is located in proximity to community services, public transport and employment opportunities, and will contribute to enhancing existing 20-minute neighbourhoods within Melbourne.
- The contemporary architectural design addresses Clause 15 which seeks to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- The proposal is responsive to the adjoining interfaces to the north and south boundaries. The proposed development contains setbacks and visual articulation to sensitively respond to the sensitive and non-sensitive interfaces adjoining the site boundaries ((Clause 15.02-1S; 21.04; 22.05; 22.07).
- It is an appropriate response to the surrounding character which features a mix of terrace dwellings and apartments as well as more contemporary infill development in the streets surrounding the Brunswick Street Activity Centre.
- The proposal provides secure car parking spaces within the basement, as well as surplus of bicycle parking facilities per dwelling to promote the utilisation of public transport and walking and cycling.
- The townhouses provide generous ground level courtyards at the rear allowing for landscaping and providing space from adjoining properties. This is consistent with the character of the neighbourhood and respects the amenity of adjoining neighbours.

Consideration of the heritage policy (**Clause 22.02**) has been undertaken in detail by Lovell Chen Heritage Consultants (as summarised below). This supports demolition of the existing building and the proposed contemporary replacement buildings. It is also relevant to consider that 'heritage' is only one aspect of the policy setting to be balanced amongst those relating to amenity, urban design, the achievement of architectural excellence and consolidation (amongst others).

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In summary the proposal seeks to replace an existing low scale industrial building of limited architectural or heritage quality with four contemporary townhouses which are carefully integrated with the heritage streetscape. Further assessment is provided in relation to neighbourhood character below.

It is considered that the proposal is a balanced response to the policy setting, resulting in a generally limited 'heritage' impact, whilst allowing the emergence of new contemporary terraces which engage with the street and complement surrounding heritage buildings. The high level of architectural quality evident in the design and the use of materials is a fundamental part of this balance and should be supported.

5.2. HERITAGE CONSIDERATIONS

The site is located within the South Fitzroy Heritage Overlay Precinct (HO334). This area is known for its mixed residential and industrial character, surrounding the commercial precincts of Brunswick Street, Smith Street and Johnston Streets. The proposal seeks to demolish the existing building, which while nominated as contributory occupies only a portion of the site and makes only a marginal contribution to the Heritage Overlay area. An in depth analysis of the existing building has been undertaken by Lovell Chen heritage consultants with reference to the Heritage Policy.

Lovell Chen has been engaged from the inception of the project and as such, the proposed development supporting the built form and massing that complements surrounding heritage buildings.

Demolition

The existing building on the site is a single storey brick warehouse constructed circa 1935-1955, known as the Parkin & Co Engineers Workshop. The building is classified as a contributory building in the City of Yarra Review of Heritage Overlay Areas Appendix 8 (Graeme Butler and Associates, 2007, revised May 2019).

As part of the Heritage Impact Assessment, Lovell Chen have prepared an extensive review of the site and surrounding heritage context, including an in-depth history of the site, Fitzroy's industrial history and comparison of other contributory warehouse buildings within the HO334 area.

Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) provides the following considerations with regards to demolition of places within the Heritage Overlay (selected):

'Generally encourage the retention of a building in a heritage place, unless:

The building is identified as being not contributory.

The building is identified as a contributory building, and

- new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time); and*
- the building does not form part of a group of similar buildings.*

Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition'

The appropriateness of the demolition is detailed within the Heritage Impact Statement prepared by Lovell Chen, who have provided the following commentary:

'New evidence provided in this report demonstrates that the building does not possess the level of heritage significance attributed to it in the incorporated document. Reassessment of the subject site indicates that a 'not contributory' grading more accurately reflects its significance.'

'It is further noted that the subject building is a mid-century workshop located within a group of Italianate residences dating from the late nineteenth century. It does not form part of a group of similar buildings and makes no contribution to the valued character of Fitzroy Street.'

As such, it is considered that demolition of the existing building is considered acceptable subject to an appropriate replacement building. Further the demolition is appropriate on balance with the strategic direction for consolidation in the surrounding area.

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Proposed heritage infill building

The existing streetscape provides a mixture of development, including a mixture of eras and styles of heritage significant buildings. As such, the proposed new built form will continue this emerging trend of a contrast between existing heritage fabric and infill development, albeit with a sensitive design response.

Clause 22.02-5.7.1 seeks that infill development be distinguishable from original historic fabric, whilst respecting *the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape*. This includes incorporation of façade heights that are consistent with adjoining contributory heritage elements within the streetscape.

A careful design response has been implemented to the development to ensure that the building provides an appropriate response to these heritage significant buildings to the north of the site, providing an appropriate transition to this existing building in accordance with design outcomes sought within **Clause 22.02**. This includes a carefully designed massing of the development that responds to the parapet height and materiality of these buildings, demonstrated below within the perspective view prepared by Kennedy Nolan.



Figure 12 - Proposed perspective from Fitzroy Street

The siting and layout of the proposed dwellings adopts boundary-to-boundary construction and limited front setbacks, reflective of early buildings within HO344 area. The typical form of dwellings in the precinct is to include small front setbacks to dwellings, with open verandahs and 'semi private' spaces along streets.

As noted by Lovell Chen, the proposed development's utilisation of face brick and hit-and-miss screens with concrete elements are both reflective and respective of the heritage significant elements found within the surrounding area. Further the report describes:

'the screens are similar in terms of their height and scale to the facades of two-storey buildings such as 270 Fitzroy Street and others found locally. The screens will recreate the height, width, permeability and materiality of these local elements and provide a sympathetic outcome without recourse to literal reproduction of the early architecture of Fitzroy.'

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The proposal presents as a strongly contemporary infill building which complements the heritage streetscape. Based on this, the proposal strikes an appropriate balance with policy direction for conservation of heritage places and urban renewal outcomes for the site and surrounding area, including **Clause 22.02** and **Clause 43.01**.

5.3. BUILT FORM

Site Layout

The proposed townhouses have modest front setbacks and are constructed to both north and southern boundaries. The proposed development incorporates a full basement level for car parking for residents, enabling provision of open space in ground level courtyards directly accessed from living areas. The dwellings are setback from the rear approximately 5.7 metres, which provides good regular courtyard spaces of 35 – 40 sq m.

Provision is made for 33 % garden area within these courtyards and the front setback of dwellings. The General Residential Zone requires minimum garden areas of 30% of the site area pursuant to **Clause 32.08-4**. The courtyards include planter space in rain gardens along the rear of the site, and the 'open' nature of these areas will benefit the adjoining properties to the north and south, providing areas not occupied by buildings. These areas will be complemented by built in planters at the first and second floor levels of the dwellings and garden areas in the front setback of dwellings which will be visible to both the street front and the basement level.

Architectural Expression

As described, the built form within the surrounding area features a variety of height and scale from different eras of architectural styles, which provides opportunity for architectural expression which loosely derives influence through forms and materials.

The contemporary articulated facades strike an appropriate balance between modern architectural elements and sympathetic heritage response. The utilisation of face brick, especially as associated with double-storey boundary walls, is highly reflective of built form elements within the surrounding area.

Other building materials, including concrete balconies and sections of external walls / parapet features, and "hit and miss" screens, add interest to the design and distinguish the forms of the four individual dwellings. The development incorporates curated landscaped elements at the upper levels to provide an additional layer of depth and amenity for residents and the street. These reflect the 'spilling' elements of established gardens in the intensively developed streets of brick and concrete.

Steel balustrade gates with a level of transparency provide individual resident entries along the Fitzroy Street. These are interspersed with east and west facing windows and balconies, providing passive surveillance and activity to Fitzroy Street and the laneway to the east.

Overall, the proposed building will be a unique and positive addition to the area with active street frontages, hidden services and an interesting and well-articulated façade, aimed at engaging the pedestrian eye.

Building Height and Scale

The proposed building height has been considered with the surrounding heritage context and is appropriate for infill terrace housing of this nature. Schedule 1 of the General Residential Zone provides a maximum building height of 10.5 metres. The proposal readily meets this requirement and has a maximum building height of 10.1 metres.

The three storey height responds to the scale of surrounding terraces and aligns with the parapet height of No. 272 Fitzroy Street. This approach was acknowledged as acceptable with the approval of the previous application for a three storey dwelling on the southern end of the site adjoining No. 272 Fitzroy Street.

It is recognised that the surrounding heritage settings exhibits contrasts in scale between single and two storey buildings, where prominent boundary wall construction is part of the character of the setting. This is reflective of the building to boundary development, which favours intensive development at the front of the sites, with modest garden areas typically at the rear (or no garden areas in some instances). Examples of existing development with these characteristics is included in Drawing No.s A001 to A004.

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The upper floor level has been integrated into the architectural design with a variety of setbacks, balconies and architectural expression. The alternative appearance of the building at the southern end provides a transition to the single storey dwelling to the south. Rather than adopting the formulaic 'rescode setback' approach to the boundary, the architectural response draws from the surrounding character. The inclusion of brick as the predominant material across the northern and southern elevations reflects this character and provides an appropriate, high quality and textural interface with neighbouring dwellings.

Consideration is also given to the amenity of adjoining residents in the following section of the report.

5.4. SURROUNDING AMENITY IMPACTS

The proposed dwellings have been designed to consider the amenity of surrounding properties and the wider public realm. An assessment of **Clause 55** (ResCode) is provided at **Appendix B**. A summary of key amenity considerations, such as visual bulk, overlooking, overshadowing, and traffic and parking is as follows.

Side and Rear Setbacks and Walls on Boundary

The site is located with the Fitzroy Neighbourhood, which is described at **Clause 21.08-7** as comprising a '*mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/industrial activities.*'

The area is characterised by high building site coverage and limit-to-no boundary setbacks, with rows of attached dwellings being a consistent feature within the surrounding area. As such, boundary-to-boundary construction and narrow spacing between properties in the surrounding area, as well as within Fitzroy Precinct and responsive to the heritage warehouse character sought within **Clause 22.02**. As such, the areas of non-compliance are considered to be acceptable from a character perspective.

The proposal includes boundary walls of 9.8 metres long along the southern boundary and 6.2 metres along the northern boundary. While the length and height of these walls does not meet the numeric standards of 'wall on boundary' they are contextually appropriate. This siting focuses development toward the front of the lots, as can be seen in surrounding site layouts (eg the dwelling to the south). The design incorporates brick elevations and setbacks which ensure adequate daylight to adjoining dwellings.

The response focuses these walls away from primary open space areas of adjoining lots. Notably the primary open space associated with the residential dwelling to the north (No. 288 Fitzroy Street) is located, extending along the rear courtyard (where no built form is proposed) and extends further east past the subject site title boundary.

Given the existing building on the site and the approved development under Permit No. PLN14/0664, the lot to the south at No. 272 Fitzroy Street already experiences high levels of boundary wall construction. The proposed development seeks to rationalise this interface to improve the amenity of the existing courtyard from both existing and previously approved conditions, avoiding the placement of new development at the rear of the site.

While new sections of high wall are proposed along the common boundary, large areas of existing wall will also be removed from where it adjoins the primary area of open space of No. 272 Fitzroy Street. This response is considered contextually appropriate and limits amenity impacts by way of visual bulk from existing and previously approved conditions. In particular it is noted that the primary outlook of living areas of this dwellings are to the east and will benefit from the change in conditions. By comparison the previously approved building extends the full depth of the site (albeit incorporating some setbacks) to a similar height, leaving limited 'open' views. This is depicted in **Figure 13** below.

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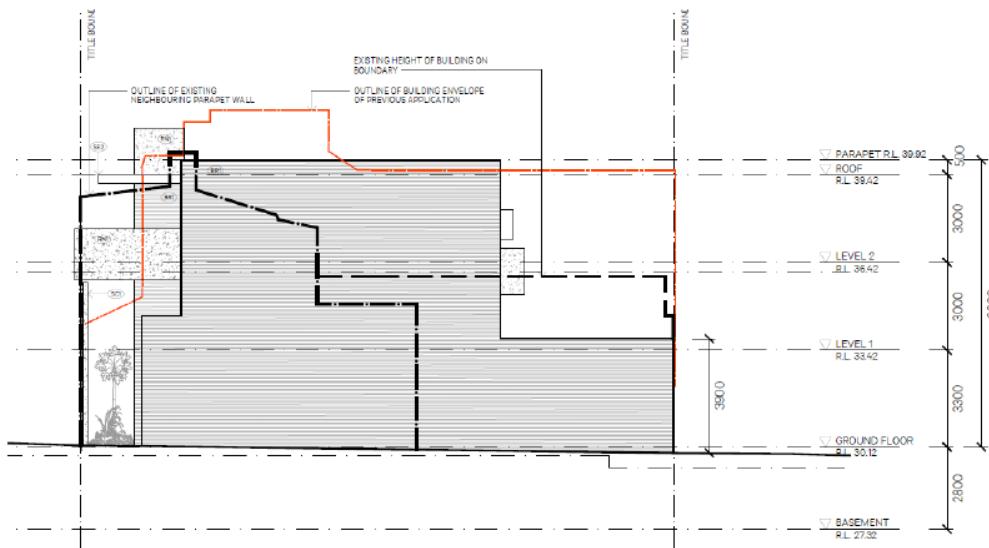


Figure 13 - Comparison of existing, approved and proposed South Elevation of the site

Overlooking

In this highly developed inner city suburb a degree of overlooking within the site and to surrounding areas is to be anticipated. The design of the proposal is primarily concerned with limiting 'direct' or unreasonable views by focusing views to the east and west.

In relation to internal overlooking within the proposal, adequate separation distances between dwellings are provided (or limited screening is used when necessary). Therefore overlooking internally and externally to the site is appropriately managed in line with the objectives of ResCode (and Standards B22 and B23).

Notably given the non-sensitive interfaces to the east and west of the site (namely Fitzroy Street and the unnamed laneway), the proposal only includes screening to the eastern elevation to prevent direct overlooking into the dwelling at No. 272 Fitzroy Street and No. 288 Fitzroy Street. The screening is in the form of steel screen 'fins' that restrict 45 degree views to the north and south of the site, as well as limiting internal overlooking within the development.

Overshadowing and Daylight Access

The siting of development seeks to avoid unreasonable overshadowing or impacts to daylight of adjoining properties.

In relation to overshadowing, the dwelling at No. 272 Fitzroy Street incorporates a primary area of private open space at ground adjoining the living rooms and a terrace at the first floor (facing east).

The shadow diagrams (Drawing No. A600 and A601) demonstrate the comparison between existing, previously approved and proposed shadows on No. 272 Fitzroy Street.

The proposal provides either an improvement, or no net change between 9am and 11am (from these comparative scenarios) in terms of overall area, and a minor increase in shadow between 12noon and 3pm on 22 September. This considers the shadow impacts to both the ground and first floor private open space areas of No. 272 Fitzroy Street.

If considering the primary ground level open space only, the proposal provides an improvement from the existing conditions of between 3 and 9 square metres less at all hours of the day. This is detailed within the table below. This is a functional improvement on the amenity of this primary open space areas, qualifying that the minor increase in overshadowing is restricted to the secondary terrace area.

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Table 1 – Ground Floor Shadow Calculation Comparison

Time	Existing (sqm)	Proposed (sqm)	Difference (sqm)
9am	27	24	-3
10am	29	22	-7
11am	30	22	-8
12noon	31	22	-9
1pm	31	24	-7

Noise and Traffic Movements

Vehicle access and car parking areas are designed in a way to limit off-site impacts, with access provided from the existing Fitzroy Street crossover into the basement. Additional traffic movements associated with the development will be relatively limited, and will have a negligible impact on the surrounding streets. A traffic assessment has been prepared by One Mile Grid.

Services are located away from sensitive interfaces, away from dwellings to the north and south of the site.

5.5. INTERNAL AMENITY

It is clear that the dwellings will provide a high level of internal amenity for future occupants on account of their generous layout, and provision of additional areas of amenity such as studies, extensive storage and basements. An assessment against the provisions of **Clause 55** is provided at **Appendix B** of this Report.

The four dwellings proposed will provide generous townhouse layouts, with three dwellings featuring primary living spaces at ground floor and TH04 featuring a first floor primary living area that is directly accessible to a balcony, as well as the ground floor SPOS area.

The dwellings have individual entrances from Fitzroy Street and appear as terrace style dwellings, consistent with the neighbouring setting.

Well-proportioned private open space areas that are directly accessed off main living areas are located to the rear of the dwelling. These are supplanted by a variety of different open space options provided including lower ground and ground floor courtyard areas and upper floor balconies. All private open space areas and secluded private open space meet the requirements of ResCode.

The design of each dwelling ensures they all receive good amounts of solar/daylight access. Dwellings are multi-aspect with opportunities for cross-ventilation. Opportunities for views have been maximised through placement and volume of glazing aligned along the east and west interfaces of the site, to provide unrestricted views.

The dwelling layouts minimise unreasonable overlooking to adjoining terraces within the site, consistent with the level of amenity that might be expected in this context.

The townhouses are accessible to people of limited mobility, providing level street access and lifts from the basement to all levels of each dwelling. Each dwelling has ample internal and external storage (within the basement) and satisfies Standards B30.

Car parking spaces are located within individual garages and allocated to each dwelling within the basement. Residents will be able to directly access rooms at the basement level from these areas.

Overall, the proposed development provides a very high level of amenity for future residents who will benefit from this vibrant inner city setting.

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5.6. CAR PARKING AND BICYCLE PARKING, WASTE AND LOADING

An assessment by One Mile Grid confirms the proposal makes sufficient provision of car and bicycle parking. The key points of this report are summarised below.

Traffic Generation and Impact

The total traffic generated from the site is expected to be in the order of 2 vehicle trip ends occurring within each peak hour, and in the order of 16 vehicle movements per day. This traffic generation is acceptable and can be readily supported by the surrounding road network capacity.

One Mile Grid notes that the '*level of traffic is very low in traffic engineering terms and equates to less than one vehicle additional movement every 30 minutes during the peak hours and is not expected to have any material impact on the operation of the surrounding road network*'. Therefore it is considered that the single width accessway from Fitzroy Street is acceptable in traffic and engineering terms and has obvious benefits in terms of the integration of the building with the street.

Car Parking

The proposed development has a statutory car parking requirement of 8 car spaces under **Clause 52.06-5** of the Planning Scheme. This calculation is based on the more conservative assumption that TH04 is a three bedroom dwelling and has a two space requirement.

The development seeks to provide 7 car parking spaces, as such a permit is required to reduce the statutory car parking requirement pursuant to Clause 52.06-3. It is noted that the site is located within the PPTN area and accordingly, does not have a requirement to provide any residential visitor car parking on the site.

As discussed within One Mile Grid's assessment, the reduction of car parking is considered appropriate, given the site is located within the PPTN area and has excellent access to surrounding public transport as well as opportunities for walking and cycling. Supporting a modest 'reduction' in the requirements is consistent with the policy approach for areas such as Fitzroy where residents can make best use of their environment.

The car parking provision is adequate in this context and will not affect local amenity of the traffic network. Further a very high level of bicycle parking provision is made for residents. The proposal reuses the existing vehicle crossing and will not affect the supply of existing on-street car parking (which is also highly regulated). It is expected that many three bedroom dwellings in this inner city locality have no on site parking provision.

The car parking has been designed to comply with the requirements of **Clause 52.06** and the relevant Australian Standards.

Bicycle Parking

A total of 20 on-site bicycle parking spaces will be provided on site to meet the needs of future occupants of the building, noting that the requirements of **Clause 52.34** do not apply to this development. This includes the provision of secure resident and visitor spaces within the basement level.

Waste Management

A Waste Management Plan (WMP) has been prepared by One Mile Grid considering the proposal. The plan details the anticipated waste generation, waste storage area size, design and location, bins and collection, and ongoing management. Garbage and recycling bins are to be collected on weekly basis with the option of Council's waste collection service.

Individual residents will be responsible for transferring the bins from the bin store to the waste collection vehicle and returning them to the waste storage areas within the individual garages within the basement.

5.7. ENVIRONMENTALLY SUSTAINABLE DESIGN

The proposal is committed to delivering dwellings with strong Environmentally Sustainable Design (ESD) principals in response to State and Local Policies, particularly **Clause 22.17** (Environmentally Sustainable Development) and Clause 22.16 (Stormwater Management (Water Sensitive Urban Design)) of the Yarra Planning Scheme.

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Urban Digestor has undertaken a Sustainable Design Assessment which confirms that the development achieves Best Practice environmental design standard and is consistent with the 10 key sustainable building categories for ESD within an accommodation development. Urban Digestor has also prepared a BESS Report with a BESS score of 61%, where 50%+ is considered best practice, and a STORM Rating Report with a STORM Rating of 112%.

The proposed design includes numerous sustainable design features that will demonstrate the environmental leadership of the building that meets the ESD controls for planning. This includes: the provision of a 10,000L rainwater tank; raingardens; commitment that the development will not connect to gas and will achieve a zero carbon development; provision of double glazing and external shading devices; and provision of 20 bicycle spaces.

Please refer to the Sustainable Design Assessment prepared by Urban Digestor.

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6. CONCLUSION

The proposal replaces the largely redundant former warehouse building of limited architectural and heritage quality, with four generous contemporary dwellings with excellent amenity standards for residents.

This form of infill development complements the key directions of the State and Local Planning Policy setting to better utilise land in established areas supported by good access to public transport, public open space and services.

The report prepared by Lovell Chen Heritage Consultants makes an appropriate case for the demolition of the existing building and construction of new contemporary dwellings under the provisions of the Heritage Overlay. These considerations are to be balanced against the wide range of policy considerations, but in particular the opportunity to create an engaging interface with the street and achieve contemporary and refined new architectural designed dwellings.

The scale of the development responds to the typical rhythm of dwellings in the heritage setting, incorporating integral brick and masonry elements in the building design. Variations in the building scale and massing at the northern end respond to the context of surrounding dwellings.

The program of site layout adopts the form of dwellings in the surrounding heritage which typically adopt high levels of boundary construction toward the front of the site, providing a contextually appropriate interface (and acceptable amenity impact) to neighbouring dwellings. This is consistent with the General Residential Zone and provisions of Rescode.

Overall, the proposal provides an architectural response of the highest quality which will make a positive and enduring contribution to the surrounding heritage precinct.

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DISCLAIMER

This report is dated 7 October 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Ascanio Pty Ltd (**Instructing Party**) for the purpose of Planning (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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APPENDIX A YARRA PLANNING SCHEME

PLAN MELBOURNE

Plan Melbourne provides a metropolitan planning strategy to guide metropolitan Melbourne's growth to 2050. It is a strategy focussed on providing employment, housing and transport around the central city, Metropolitan Activity Centres and established suburbs.

Integrating long-term land use, infrastructure and transport planning, Plan Melbourne sets out the strategy for supporting jobs and growth, while building on Melbourne's legacy of distinctiveness, liveability and sustainability.

Plan Melbourne broadly seeks to facilitate the provision of housing where amenity is robust, around activity centres and along key transport networks. This new urban infill development is sought to mitigate growing concerns regarding the supply of housing in metropolitan Melbourne.

STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework ("SPPF") seeks to develop objectives for planning in Victoria to foster land use and development planning and policy which integrates relevant environmental, social and economic factors. The sections of the SPPF and the key direction of these policies relevant to this application are summarised as follows:

- **Clause 11 – Settlement** requires that planning is to meet the needs of existing and future communities through via land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Policy seeks to contribute to, amongst others, diversity of housing; a high standard of urban design and amenity; and development that is well connected to transport, employment, and services.

It encourages opportunities for the consolidation, redevelopment and intensification of existing urban areas. The strategies of the policy objectives encourage 'a diversity of housing types at higher densities in and around activity centres'.
- **Clause 15 – Built Environment and Heritage** seeks to 'ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context'. The urban design principles for development seek high quality architectural outcomes and encourage consolidation of under-utilised sites in key strategic locations capable of accommodating increased residential growth.
- **Clause 16 – Housing** supports developments that provide for housing diversity, access to services and planned for long term sustainability. This includes the provision of quality accommodation to meet community needs for housing (Clause 16.01-1S – Integrated Housing). Higher density is encouraged in locations in and around activity centres, close to public transport, services and employment opportunities (Clause 16.01-2S – Location of Residential Development).
- **Clause 18 – Transport** relates to transport and states that 'planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates

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economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods and is safe'.

Clause 18.02-1S – Sustainable Personal Transport seeks to promote the use of sustainable means of personal transport, this includes the encouragement of the use of walking and cycling through the provision of high quality pedestrian environments, and well connected and designed cycling infrastructure.

Clause 18.02-2R – Principle Public Transport Network encourages the increase the diversity and density of development along the Principal Public Transport Network. Further, Clause 18.02-5 – Car Parking encourages 'an adequate supply of car parking that is appropriately designed and located'.

LOCAL PLANNING POLICY FRAMEWORK

The Municipal Strategic Statement ("MSS") within the Local Planning Policy Framework ("LPPF") sets out future direction for the municipality and provides a vision and framework for the municipality, whilst the local policy provides a more detailed direction to inform the assessment of new land use and development. The following sections of the MSS and local planning policies are relevant to this application:

- The Yarra City Council generally seeks to facilitate the vision for the municipality set out in **Clause 21.02 (Municipal Profile)** and **Clause 21.03 (Vision)**, this includes '*accommodate a diverse range of people, including families, the aged, the disabled, and those who are socially or economically disadvantaged'*
- **Clause 21.04 – Land Use** seeks to ensure that the Municipality can accommodate forecast increases in population growth, including through the provision of residential population increases in established neighbourhoods.
- **Clause 21.05 – Built Form** seeks to ensure that to maintain and strengthen the character of the area and encouraged the protection of identified heritage places through good design.
- **Clause 21.08 – Neighbourhoods** recognises the mixed-use character of Fitzroy, supported by the Brunswick Street Major Activity Centre. Policy seeks to encourage development that respects the preferred character and protects the heritage of the area.
- **Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay** recognises the importance of heritage to the identity and character of the municipality and provides guidance for demolition, reconstruction and alterations and additions in areas affected by the Heritage Overlay.
- **Clause 22.05 – Interface Uses Policy** seeks to manage the '*diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity*'.
- **Clause 22.07 – Development Abutting Laneways** seeks to ensure that development adjacent laneways retains the unique character of the laneway, and ensures that development does not unreasonably impact the safety and operation of the laneway.
- **Clause 22.16 – Stormwater Management** stipulates the importance of achieving improved stormwater quality that reduces the environmental impact of urban development on waterways and receiving water bodies in the Port Phillip catchment. The policy implements the best practice performance objectives outlined in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
- **Clause 22.17 – Environmentally Sustainable Development** encourages development to achieve best practice in environmentally sustainable development from the design stage through to construction and operation. Clause 22.17-4 set outs the application requirements, including the requirement for the provision of a Sustainable Design Assessment ('SDA') assessing the proposal against ESD best practice.

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GENERAL AND PARTICULAR PROVISIONS

Clause 52.06 – Car Parking

Clause 52.06 aims to ensure that appropriate car parking is provided to new developments based on likely demand, the function of the land, the local context and associated State and Local Planning Policy. Pursuant to Clause 52.06-5, the car parking rate for the proposed dwellings is as follows:

Use	Statutory Requirement	No. of Spaces Required
Dwellings	1 space to each 1 or 2 bed dwelling	0 spaces
	2 car spaces to each 3 bed + dwelling	8 space
Total		8 spaces

Due to the self-contained room at the ground floor that is designed as a secondary living space. However it has been treated as an additional room for the purpose of Clause 52.06-5, noting that the intention of TH04 is to function as a two-bedroom dwelling.

It is proposed to provide a total of 7 car parking spaces for residents.

No visitor car parking spaces are required, as the site is within the Principal Public Transport Network (PPTN).

Therefore, a planning permit is required to reduce the requirements of Clause 52.06.

Clause 52.34 – Bicycle Facilities

Clause 52.34 'Bicycle Facilities' identifies bicycle parking requirements for new developments. Residential / dwelling developments of less than four storeys are not provided within the bicycle parking rates.

Clause 53.18 – Stormwater Management in Urban Development

Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety and provide cooling, local habitat and amenity benefits. Applications should comply with Standard W2 and Standard W3.

Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

The purpose of this Clause is to ensure residential development responds to and respects the existing neighbourhood character or contributes to a preferred neighbourhood character, while providing reasonable standards of amenity for existing and new residents. An assessment against **Clause 55** is at **Appendix B**.

Clause 65 – Decision Guidelines

Clause 65 specifies a range of general 'Decision Guidelines' that the responsible authority must consider prior to deciding on any application.

PLANNING SCHEME AMENDMENT C269

Amendment C269 to the Yarra Planning Scheme proposes a review of the local policy framework to respond to the structure of planning schemes introduced by Amendment VC148. The amendment is on exhibition between 20 August 2020 and 20 November 2020, and is not considered to have any meaningful impact on the proposed development.

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APPENDIX B CLAUSE 55 ASSESSMENT

Standard B1 55.02-1 - Neighbourhood Character Objectives	<p>✓ Complies</p> <p>The design responds to the street and references character elements of the surrounding heritage area in a contemporary fashion.</p> <p>Please refer to Section 4 of this Report for further detail.</p>
Standard B2 55.02-2 – Residential Policy Objectives	<p>✓ Complies</p> <p>The proposal is consistent with both the Planning Policy and Local Planning Policy Frameworks having regard to policies for heritage, built form and consolidation of urban areas.</p> <p>The proposal reflects a moderate increase in residential density on a site well serviced by existing transport and which has excellent cycling and walking opportunities. The site adjoins the Brunswick Street Activity Centre.</p> <p>Please refer to Section 4 for a discussion regarding policy.</p>
Standard B3 55.02-3 – Dwelling Diversity Objective	<p>N/A</p> <p>The proposed development contains less than 10 dwellings and therefore this standard does not apply.</p>
Standard B4 55.02-4 – Infrastructure Objectives	<p>✓ Complies</p> <p>All dwellings will be provided with appropriate utility services and infrastructure.</p> <p>It is not considered that the development will unreasonably exceed the capability of existing infrastructure.</p>
Standard B5 55.02-5 – Integration with the Street Objective	<p>✓ Complies</p> <p>The design responds to its context, including the Fitzroy Street frontage and is in accordance with Standard D5.</p> <p>Vehicle access is proposed via the existing vehicle crossover from Fitzroy Street. The basement ramp provide single-way access to the individual car parking areas.</p> <p>Each dwelling has a separate entrance from Fitzroy Street, activating the streetscape, while providing individual amenity to the dwellings.</p> <p>Care has been taken to design a building mass that integrates with the street and avoids dominating the streetscape.</p> <p>For further detail please refer to Section 4 of the planning report.</p>
Standard B6	✓ Complies

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55.03-1 – Street Setback Objective	Standard B6 requires that the street setback for sites with an existing building on both abutting allotments facing the same street have the average front setback of both lots, or 9 metres (whichever is less). Both dwellings to the north and south, (as well as the existing site building) feature zero lot setbacks from Fitzroy Street (with verandas). The proposal responds to this character and standard. For further detail please refer to Section 4 of the planning report and architectural drawings prepared by Kennedy Nolan Architects.
Standard B7 55.03-2 – Building Height Objective	✓ Complies Schedule 1 of the General Residential Zone allows a building height up to 10.5 metres or 11.5 metres if the slope of the land exceeds 2.5 degrees over a section, at least 8m wide. The proposed building has a maximum building height above natural ground level of 10.1 metres and is compliant with the Standard.
Standard B8 55.03-3 – Site Coverage Objective	✓ Complies Schedule 1 of the General Residential Zone varies the Standard to allow 90% site coverage. The proposed building site coverage is 359 square metres (66.7%), which complies with the Standard.
Standard B9 55.03-4 – Permeability Objective	Meets Objective - Variation required to Standard Because of the proposed basement the dwellings do not achieve the 20% permeable area sought by the Standard. A permeable area of 27 square metres (5%) is provided, however high site coverage /low permeable area is a common feature of the area. The existing site conditions comprise predominantly hard paving. The proposal will significantly improve this condition, providing rain gardens along the east and west boundaries, as well as a 10,000L rainwater tank in the basement. This will maximise onsite stormwater management for retention and reuse. The proposal is considered to meet the objectives of the Standard.
Standard B10 55.03-5 Energy Efficiency Objective	✓ Complies The development takes advantage of the east-west orientation of the site, including provision of the main private open space areas on the east. All habitable room windows will have direct access to daylight and natural ventilation, supporting energy efficiency. Further the proposal will not unreasonably impact the energy efficiency of adjoining lots, as discussed further in Clause 55.04-3, Clause 55.04-4 and Clause 55.04-5 assessments. The proposal complies with the Standard.
Standard B11 55.03-6 Open Space Objective	N/A Public or communal open space is not proposed.
Standard B12 55.03-7 - Safety Objective	✓ Complies The proposal incorporates separated vehicle and pedestrian access to aid occupant safety. The layout provides clear identifiable entrances for each dwelling with secure gated entrances. These areas aid passive surveillance of accessways contributing to pedestrian safety.
Standard B13 55.03-8 - Landscape Objectives	✓ Complies

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	<p>The architectural plans annotate landscaping opportunities including designated planting zones along all interfaces of the site. The development also incorporates upper level planter boxes and greening elements in response to the site's 'warehouse character'. Visible elements of green spilling from small spaces, is a feature of the surrounding urban landscape.</p>
Standard B14 55.03-9 - Access Objectives	<p>✓ Complies</p> <p>Standard B14 stipulates accessways should not exceed 33% of the street frontage, should have no more than one single width crossover per dwelling, and maximize retention of on-street car parking.</p> <p>The proposal utilises the existing Fitzroy Street crossover ensuring limited impacts on the footpath or on-street car parking. This design response is supported by One Mile Grid engineers.</p>
Standard B15 55.03-10 - Parking Location Objectives	<p>✓ Complies</p> <p>The proposed car park is located within the basement level, and does not impact upon the amenity of habitable rooms. It is accessed via the Fitzroy Street and is well ventilated and secure. Parking will be conveniently accessible to the individual dwellings directly from the basement.</p>
Standard B17 54.04-1 - Side and Rear Setbacks Objective	<p>Meets Objective - Variation required to Standard</p> <p>The building has been designed to respond to the preferred Warehouse and heritage character of this area, cognisant of the design objectives outlined in the Clause 22.02 and the existing and potential future development of adjoining sites.</p> <p>The proposed development establishes a built form that comprises a scale, height and setbacks which respond to its context.</p> <p>While the proposed development does not comply with the side setback requirements along the north and south interfaces, it provides a site-specific response that manages visual bulk and ensures adequate daylight existing and proposed dwellings.</p> <p>Please refer to Section 4 of the Report for further discussions.</p>
Standard B18 55.04-2 - Walls on boundaries objective	<p>Meets Objective - Variation required to Standard</p> <p>The proposed development entails boundary-to-boundary construction, with walls along the north and south boundaries of the site for approximately 14.12 metres with a maximum height of 9.8 metres.</p> <p>Given the length and height of walls on the north and south boundaries exceeds this standard. The extent of boundary walls and their detail in brick are a contextually appropriate response to the character of the area, and will not unreasonably affect resident amenity.</p> <p>Please refer to Section 4 of the Report for further discussions.</p>
Standard B19 55.04-3 - Daylight to Existing Windows Objective	<p>Meets Objective - Variation required to Standard</p> <p>The proposed development is located opposite habitable room windows to the north and south of the site.</p> <p>The windows to the north (No. 288 Fitzroy Street) are setback 6.38 metres from the site. The boundary wall opposite is approximately 6.2 metres in height and meets the standard. The upper level is setback and has a height of 9.85 metres, also meeting the standard.</p> <p>The windows to the south (No. 272 Fitzroy Street) are setback 4.77 metres at the ground floor. The proposed wall height opposite is 9.8 metres, requiring a setback of 4.9 metres to meet the standard.</p>

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	While the windows are shown as habitable, the approved development floor plans show the windows associated with a garage and staircase. Given the minor variation to the Standard, the variation is considered reasonable. All existing habitable room windows opposite the proposed building have a light court of 3 square metres clear to the sky, in accordance with this Standard.
Standard B20 55.04-4 - North-Facing Windows Objective	N/A There are no existing north habitable room windows within 3 metres of the title boundary opposite the proposed development.
Standard B21 55.04-5 - Overshadowing Open Space Objective	Meets Objective - Variation required to Standard Given the orientation of the site and adjoining interfaces, the proposed development will improve shadowing to the ground level open space of the dwelling to the south (a net reduction). A small increase in shadow will occur to the first floor terrace compared to the existing approved development on the site. The overall impacts is reasonable with respect to the objectives of this Clause.. Please refer to Section 4 of the Report and shadow diagrams.
Standard B22 55.04-6 - Overlooking Objective	✓ Complies All relevant interfaces are screened in accordance with the requirements of Standard B22. Screening, in the form of steel screens, is provided along the eastern elevation to upper level windows that overlook sensitive interfaces to the north and south. There are no habitable room windows or private open spaces within 9 metres to the east of the site.
Standard B23 55.04-7 - Internal Views Objective	✓ Complies The proposal has been designed to protect the private open space and habitable rooms of dwellings within the development through primary outlook to the east and west. A level of overlooking commensurate with this inner city location is an expected part of development.
Standard B24 55.04-8 – Noise Impacts Objective	✓ Complies The proposed dwellings will not generate noise greater than that expected for dwellings. The proposal will be designed to ensure residents are protected from internal and external noise sources.
Standard B25 55.05-1 – Accessibility Objective	✓ Complies The ground floor entries to each dwelling are accessible to people with limited mobility, having no grade separation from Fitzroy Street.
Standard B26 55.05-2 – Dwelling entry Objective	✓ Complies Each dwelling has an individual entrance providing their own sense of identity and address. The internal layout of dwellings also provides for the safe, functional and efficient movement of residents and enables passive surveillance from street facing windows and balconies.
Standard B27 55.05-3 – Daylight to New Windows Objective	✓ Complies All habitable rooms receive ample daylight via windows located to face outdoor spaces clear to the sky. The proposal therefore offers a high degree of internal amenity.
Standard B28 55.05-4 – Private Open Space Objective	✓ Complies

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<p>Standard B28 requires private open space of dwellings should consist of an area of 40 square metres, with one part a 'secluded' area at the side or rear of the dwelling with a minimum area of 25 sqm, a minimum dimension of 3 metres, and convenient access from a living room.</p> <p>All dwellings have ground floor courtyards that are 35 sqm and greater (and a minimum dimension of 3 metres) directly accessible from the Living Room of each dwelling. Dwelling TH04 features an additional balcony exceeding 8 sqm directly accessible from the first floor living room of this dwelling. The proposal complies with the Standard.</p>	
Standard B29 55.05-5 – Solar access to Open Space Objective	<p>✓ Complies</p> <p>All private open space areas allow for adequate solar access and have been located to the east and west of the site.</p>
Standard B30 55.05-6 – Storage Objective	<p>✓ Complies</p> <p>Each dwelling is provided with convenient access to usable and secure storage space in accordance with the Standard.</p> <p>Secure storage (6 cubic metres) has been provided within the designated storage area within the basement level for each dwelling.</p>
Standard B31 55.06-1 – Design Detail Objective	<p>✓ Complies</p> <p>The proposed design of the building is consistent with the mixed character of the area, as well as the heritage significance of the South Fitzroy Precinct (HO334).</p> <p>Please refer to the Section 4 of this Report and the Lovell Chen report for neighbourhood character and heritage considerations.</p>
Standard B32 55.06-2 Front Fences Objective	<p>Meets Objective - Variation required to Standard</p> <p>A traditional front fence is not proposed as part of the development, rather a two storey lattice structure is proposed.</p> <p>Please refer to Section 4 of the Report and the Heritage Impact Assessment prepared by Lovell Chen regarding this feature.</p>
Standard B33 55.06-3 – Common Property Objectives	<p>✓ Complies</p> <p>The proposal clearly delineates the interfaces between public, private and communal areas with architectural features and proposed gates.</p> <p>The proposal has been designed to include car parking areas and site facilities that are practical, attractive and easily maintained.</p>
Standard B34 55.06-4 Site Services Objectives	<p>✓ Complies</p> <p>The proposal includes the adequate provision of services and facilities located for maintenance access.</p> <p>The bin storage areas are located in the individual garages of the dwellings basement level and are easily accessed by all residents. Waste collection is addressed in the report of One Mile Grid.</p> <p>Individual mailboxes will be located at the street front of each dwelling for convenient access by Australia Post and residents.</p>

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Heritage Impact Statement

274-280 Fitzroy Street, Fitzroy, Victoria 3065



October 2020

Prepared by

LOVELL CHEN

Prepared for

Ascanio

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LOVELL CHEN

LEVEL 5, 176 WELLINGTON PARADE
EAST MELBOURNE 3002
AUSTRALIA
TEL +61 (0)3 9667 0800
enquiry@lovellchen.com.au
www.lovellchen.com.au

ABN 20 005 803 494
ARBV C50004

1.0 INTRODUCTION

This Heritage Impact Statement (HIS) has been prepared for Ascanio to accompany a planning permit application for the redevelopment of 274-280 Fitzroy Street, Fitzroy. The proposed works include demolition of existing buildings and construction of four, four-level town houses.

Architectural drawings prepared by Kennedy Nolan have been considered in the preparation of this report. The drawings are dated September 2020 and are numbered A000 to A005, A010, A100 to A104, A300 to A301, A400 to A402, A600 to A700, A800 to A801.

1.1 Statement summary

- The primary heritage impact relates to proposed demolition of a building with a contributory grading within the South Fitzroy Precinct.
- This building has been assessed as contributory to the industrial legacy of South Fitzroy from the pre-Second World War era.
- However, viewed in the context of other contributory warehouses and factories, this building makes little contribution to this industrial legacy, being physically, architecturally and historically removed from this group. It was also constructed after the beginning of the Second World War. In combination, this new evidence supports a reassessment of the significance of this building, such that demolition can be contemplated.
- The proposed replacement building is respectful of the heritage significance of the precinct, including neighbouring properties.
- Consequently, the proposal will not have an adverse impact on the assessed cultural heritage significance of the heritage place or on adjacent or near-by heritage buildings

2.0 HERITAGE SIGNIFICANCE AND GRADING

The property is included in the South Fitzroy Precinct, identified as HO334 in the Schedule to the Heritage Overlay of the Yarra Planning Scheme (Figure 1). As such, it is subject to Clauses 43.01 and 22.02 of the Yarra Planning Scheme. External paint controls and tree controls do not apply.

2.1 Precinct statements of significance

A statement of significance for the South Fitzroy precinct is contained in the *City of Yarra Heritage Review* (Allom Lovell & Associates, 1998) a reference document to Clause 22.02:

The South Fitzroy Heritage Overlay Precinct is of outstanding significance. Comprising most of Melbourne's first true suburb, the precinct contains an extraordinarily high density of low rise, predominantly nineteenth century street patterns, building stock and urban infrastructure, dating from the first phase of permanent development and covering almost all building types. While many buildings are typical examples, many stand out as being individually significant, at either state, regional or local levels, for historic, aesthetic, technological and social reasons. Collectively the urban fabric sets the context which presents a microcosmic tableau of nineteenth century urban development and aspects of daily life ranging from the civic to the public, from the residential to the industrial, from the utilitarian to the commercial.

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This statement of significance was updated by the *City of Yarra Review of Heritage Overlay Areas Appendix 7* (Graeme Butler and Associates, 2007, updated 2013), which is also a reference document to Clause 22.02. The 2007 precinct citation describes the South Fitzroy Heritage Overlay Area as 'aesthetically and historically significant'. The conclusion of the Statement of Significance emphasises the relative homogeneity of the nineteenth century building stock:

An extraordinary amount of comparatively homogeneous nineteenth century building stock has survived in Fitzroy, as compared to either the City of Melbourne or neighbouring suburbs such as Collingwood or Richmond. Some 22% of the buildings in the Heritage Overlay Area are individually significant compared with, for example, other large residential areas such as 7% for North Fitzroy or 9% for North Carlton. Some 18% of South Fitzroy buildings were erected by the 1860s as a demonstration of its early origins.

In describing the 'main development era' of the precinct, the Statement reads:

The main development period in the South Fitzroy Heritage Overlay Area is that of the Victorian era with a substantial contribution from the Edwardian-period. There is also a contribution from some well-preserved inter-war buildings and individually significant places of all eras.

According to this updated statement of significance, the precinct is significant:

- As the earliest urban area outside the Melbourne City grid to be settled in the Melbourne municipality, with several buildings from the mid nineteenth century surviving as testimony to its early establishment;
- For the unusually high number of early Victorian-era and some Regency period buildings, being generally simply detailed and a clear reflection of the early date of Fitzroy's settlement;
- As evidence of early government planning controls or Acts of Parliament, from the 1850s, that aimed to solve street alignment problems in this privately planned suburb, arising from a hitherto lack of co-ordination between neighbouring allotment owners;
- As a good example of the successful application of the Act for Regulating Buildings and Party Walls, and for Preventing Mischiefs by Fire in the City of Melbourne (*Melbourne Building Act 1849*), which forced the use of fireproof construction and gave South Fitzroy a character distinct from other inner suburbs such as Richmond and Collingwood, that have a greater proportion of Victorian-era timber buildings;
- As a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well-preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area;
- For the relatively large number of individually significant buildings, being predominantly solid masonry rather than clad with timber, largely as a result of the *Melbourne Building Act 1849*;
- For the ornate and exuberant detail of many late nineteenth and early twentieth century buildings in the suburb, reflecting the affluence of many of the inhabitants of this area, particularly in the late 19th century;

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- For the early street, lane and allotment layouts, some original bluestone kerbs, paving and guttering, and some mature exotic street trees, providing an appropriate setting for this collection of residential, retail, commercial and industrial buildings;
- For the landmark qualities of some large factory and warehouse buildings from the late 19th and earlier 20th century, such as the MacRobertson confectionary complex which are significant features in the skyline of this predominantly low rise suburb; and
- For the major early institutions that developed on its fringes, in particular, St Vincent's Hospital and The Convent of Mercy, as closely linked with the area's history, education and welfare within the metropolitan area.

In addition to Victorian and Edwardian-era houses, contributory elements are identified as including:

- Corner shops and residences with display windows and zero boundary setbacks.
- Well preserved buildings from the pre Second War era.
- Mature street tree plantings (plane and elm trees)
- Subdivision pattern that draws from Government surveyed rectangular lots, typically of between about 12 and 28 acres, and then developed privately but within a framework that encouraged continuity of street alignment and allotment size;
- Hoddle's early survey grid expressed as main roads, such as Nicholson Street, Victoria Parade, Alexandra Parade, Johnston Street and Smith Street;
- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, and channels, and asphalt paved footpaths;
- Some distinctive rear and side service lanes or rights-of-way, with substantial boundary walls, stable and loft structures, night soil hatches and privies;
- Early institutions such as St Vincent's Hospital and The Convent of Mercy.

2.2 Grading of the site and neighbouring properties

No. 274-280 Fitzroy Street is identified as a 'contributory' building in the *City of Yarra Review of Heritage Overlay Areas Appendix 8* (Graeme Butler and Associates, 2007, revised May 2019), an incorporated document at Clause 72.04 of the Yarra Planning Scheme. The property is described in Appendix 8 as follows:

Precinct	Address	Name	Significance	Date range
HO334	274 Fitzroy St Fitzroy	Parkin & Co Engineers Workshop	Contributory	1935-1955

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The neighbouring property to the south (272 Fitzroy Street) is identified as 'individually significant', and 'Industria Cottage' to the north (288 Fitzroy Street) is identified as 'contributory'. The carpark to the east (2 Fishers Lane) is identified as 'not contributory'.

Definitions of these gradings are included in Clause 22.02 as follows:

Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.

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

Not contributory: The place is not individually significant and not contributory within the heritage place.

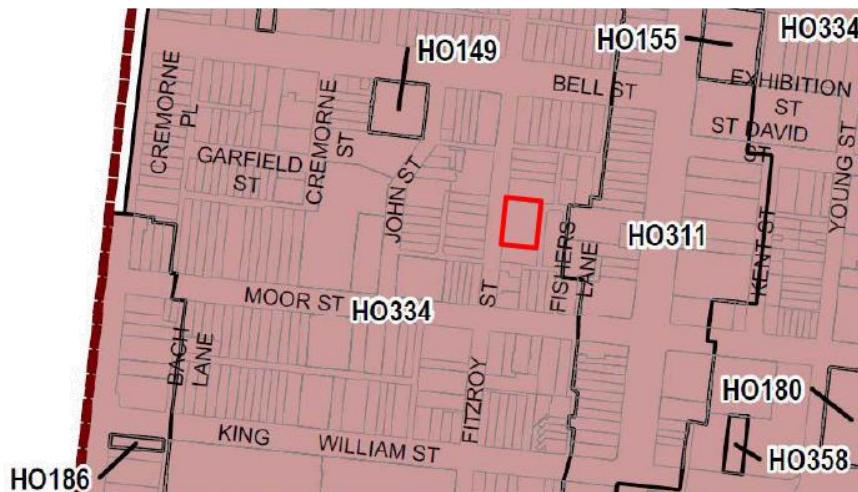


Figure 1 [Detail] Yarra Heritage Overlay map no. 5HO: the subject site is indicated
Source: Yarra Planning Scheme online, accessed 12 March 2020

3.0 SITE DESCRIPTION AND HISTORY

3.1 Description

The property is located on the eastern side of Fitzroy Street, with the rear elevation presenting to Fishers Lane. Fitzroy Street is narrow, and the streetscape is characterised by, primarily residential, development of one and two storeys, at small setbacks dating from the later Victorian period. The adjoining properties are both Victorian residences, and the west side of Fitzroy Street comprises a group of Victorian, single-storey dwellings and the long two-storey sideage to 73 Moor Street. The two-storey Standard Hotel to the north-west was constructed in 1865 but substantially remodelled in the Edwardian period.

The site area is approximately 540 square metres in area with a frontage to Fitzroy Street of approximately 27 metres. Built form is concentrated in the southern half of the site, comprising a tall single-storey workshop building. A high brick fence encloses a yard to the north (Figure 2). The

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workshop has a predominately brick façade with brown bricks to sill height and cream bricks above. A concrete beam, incorporating lintels above the door and two substantial windows, extends for the full width of the building. Painted signage (W Parkin & Co Engineers) remains visible on the beam. The upper sections of the façade are also of cream brick. These include a stepped parapet, increasing in height from south to north, and its coping course of header-bricks. The cream and brown brick scheme and bond patterns are repeated across the front fence which provides vehicle access to the yard via a sliding gate.

The parapet conceals a saw-tooth roof with two south-facing upper lights. The saw-tooth form is not evident in views from Fitzroy Street (Figure 3). A skillion-roofed outbuilding is visible from Fitzroy Street. The rear of the workshop presents a red-brick wall to 2 Fishers Lane (a laneway and carpark). From Fishers Lane, the form of the sawtooth roof is visible in the shape and bond pattern of the workshop wall (Figure 4).



Figure 2 Oblique view of the property from Fitzroy Street, looking south-east

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Figure 3 The southern end of the workshop viewed from the western side of Fitzroy Street

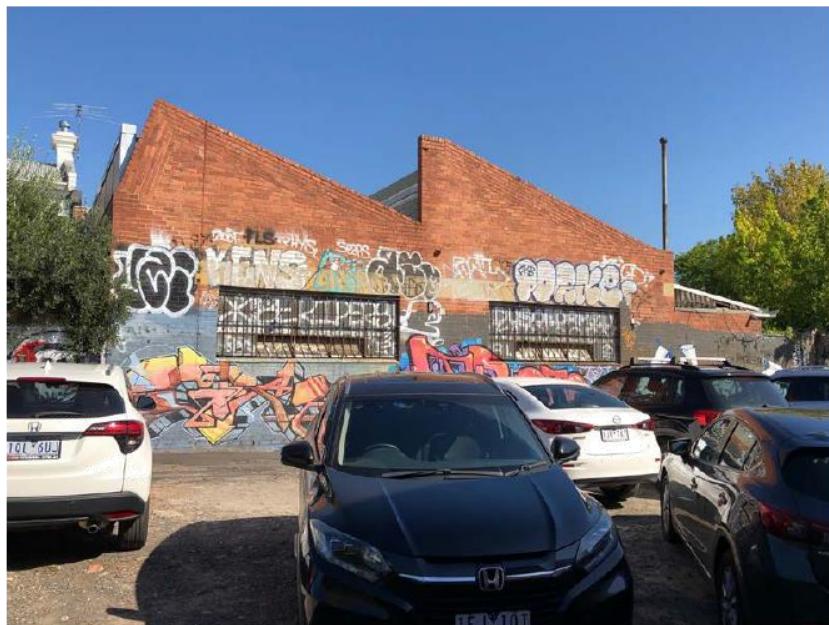


Figure 4 274-280 Fitzroy Street viewed from the laneway and car park at 2 Fishers Lane

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3.2 History

3.2.1 Pre-Second World War

In 1899, the site known today as, 274-280 Fitzroy Street was a fenced block with a small weatherboard building in its north-eastern corner (Figure 5). This building was numbered 284. Sands & McDougall directories for the period from 1875 to 1900, only occasionally list residents at the address. The address is omitted between 1910 and 1940, suggesting that the site was unoccupied during this time.

By 1899, the surrounding area had seen substantial residential development, including masonry terrace housing opposite (271 to 283 Fitzroy Street) and adjoining (at 272 and 288 Fitzroy Street) the subject site. A stable/shed and masonry store were situated to the east of the subject site, located towards Fishers Lane (Figure 5).

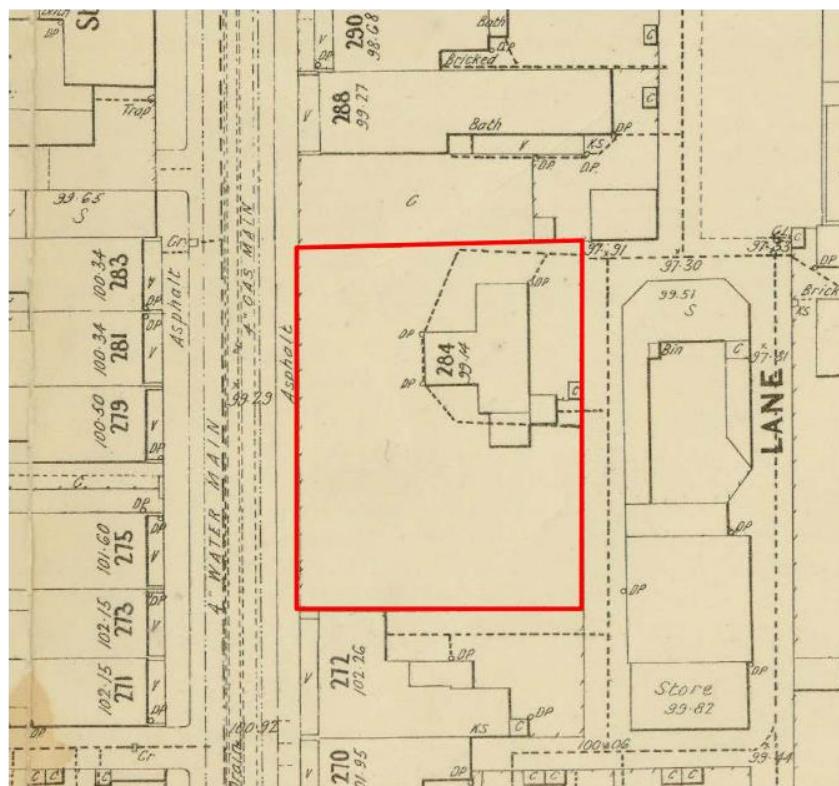


Figure 5

The site in 1899 showing fenced block and property numbered 284

Source: State Library of Victoria, MMBW detail plan 1204, City of Fitzroy, 1899.

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3.2.2 Commencement of the Second World War

The current physical arrangement of the site dates to the period after the commencement of the Second World War. A property service plan dated June 1942, with W Parkin of Eaglemont listed as the owner, describes plans for 'new connection and extension of retic to BT (boundary trap) ... at Board's expense'.¹ In the 1942 Sands & McDougall directory, William Parkin is listed at his Eaglemont Address, but in 1943, he is listed at 276 Fitzroy Street under 'Engineers—General'. A 1945 aerial photograph shows a saw-tooth-roofed building and substantial fence had been completed at the site. By this time, the earlier weatherboard structure was no longer present on the site (Figure 6).

The evidence above indicates that, from 1943, William Parkin was operating from the site as a general engineer. It dates construction of the workshop to approximately 1943, during the Second World War. It is likely that early operation of the workshop would have been subject to rationing (in place in Australia between 1940 and 1950)² and labour control.³

3.2.3 Post-war operation of workshop

In 1949, Fitzroy was described as a 'highly industrialised city', second only to Melbourne city for the number of factories per area.⁴ A municipal rating study conducted between March 1947 and February 1948 listed W Parkin as an example of a medium/small industrial property with a relatively low 'degree of improvement' compared to vacant sites.⁵

W Parkin and Parkin & Co appear to have operated as a small-scale machinery workshop. Between September 1945 and 1953, W Parkin placed several advertisements in *The Age* newspaper for engineers, machinists, apprentices, process workers, fitters and turners.⁶ A photograph of 1952 shows machinery made by Parkin Engineering, including lawn and street maintenance equipment (Figure 7). W Parkin & Co remained in operation at the subject site until at least 1974.⁷

¹ Melbourne and Metropolitan Board of Works, *Plan showing reticulation to be laid*, Melbourne, 4 June 1942.

² Catherine Gay, 'Rationing in Australia during World War II', *Museums Victoria Collections* <https://collections.museumvictoria.com.au/articles/15790>, Accessed 13 March 2020

³ Kate Darian-Smith, *On the home front: Melbourne in wartime 1939-1945* Melbourne, Melbourne University Press, (2nd ed), 2009, p. 32.

⁴ Land Values Research Group, *Reclamation of an industrial suburb: The relative merits of rating on unimproved land value or annual rental value: A municipal rating study of Fitzroy*, Glen Iris, Land Values Research Group, 1949, p. 16.

⁵ Land Values Research Group, *Reclamation of an industrial suburb: The relative merits of rating on unimproved land value or annual rental value: A municipal rating study of Fitzroy*, Glen Iris, Land Values Research Group, 1949, p. 1934.

⁶ For example, advertisements in *The Age* of 11 Jul 1953, p. 16; *The Age*, 3 March 1952, p. 11; *The Age*, 8 November 1950, p. 15; *The Age*, 17 June 1950, p. 33; *The Age*, 27 September 1947, p. 30; *The Age*, 10 July 1947 p. 12; *The Age*, 12 July 1947 p. 28; *The Age* 29 June 1946 p. 19; *The Age*, 13 February 1946, p. 11; *The Age* 7 September 1945, p. 9.

⁷ Sands & McDougall directories.

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3.2.4 Post-industrial uses

Artist Peter Andrianakis purchased the property in the mid-1970s.⁸ It was operated as a studio space and gallery, under the names Fitzroy Gallery or the Andrianakis Fitzroy Gallery.⁹ There appear to have been few changes made to the property prior to 1975.

After 1975, there were a series of small-scale additions including lean-tos and minor works, such as replacement of asbestos roofing.

In 2015, a permit application was approved for demolition of part of the warehouse and construction of a three-storey townhouse.¹⁰



Figure 6 [Detail] aerial photograph, 1945, showing building and fence at site (indicated)
Source: Historical Aerial Photography Collection, Landata, Victorian Land Registry Services

⁸ Nicole Lindsay, 'Standard farewell' *Sydney Morning Herald*, 17 February 2018, <<https://www.smh.com.au/business/companies/seaside-hospital-comes-back-to-market-20181115-p50g6d.html>> Accessed 13 March 2020.

⁹ Centre for Australian Art 'Andrianakis Fitzroy Gallery', *Australian Prints and Printmaking*, National Gallery of Australia, Canberra, nd, Accessed 12 March 2020.

¹⁰ Yarra City Council, Internal Development Approvals Committee, *PLN14/0664 274-280 Fitzroy Street, Fitzroy – Buildings and works, including part demolition of the existing building for the construction of a new dwelling*, 15 July 2015, p. 69-94.

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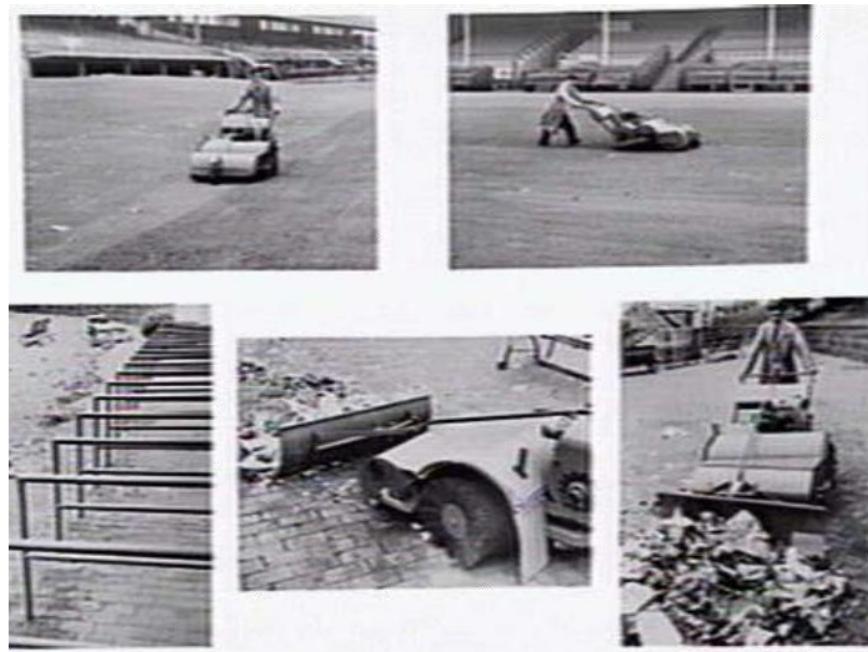


Figure 7 Machinery made by Parkin Engineering, 1952

Source: State Library of Victoria, Harold Paynting Collection, accession no: H92.20/4134

4.0 CONTEXT: SOUTH FITZROY INDUSTRIAL HERITAGE

As an engineer's workshop, the subject property has been understood as part of the former industrial fabric of South Fitzroy. To contextualise this site, it is necessary to examine its place within Fitzroy's interwar industrial heritage.

4.1 Fitzroy industrial heritage

It is recognised and accepted that industry, especially manufacturing, is a key theme in the history and heritage of Fitzroy. This history can be understood in distinct stages.

The early stage of manufacturing emerged after the Gold Rushes, to serve essential local needs. This period was marked by substantial 'backyard' manufacturing that was largely indistinguishable from commercial or retail activity.¹¹

The late 1800s was a period of manufacturing growth. Through the 1860s and 1870s, this growth was encouraged by a pro-manufacturing and protectionist movement within the municipality.¹² Expansion

¹¹ Gary Vines and Matthew Churchward, *Northern Suburbs Factory Study*, Historic Buildings Council and Living Museum of the West, 1992, p. 35. Allom Lovell & Associates, *Fitzroy Urban Conservation Study Review*, prepared for the City of Fitzroy, 1992, p 4.38.

¹² Allom Lovell & Associates, *Fitzroy Urban Conservation Study Review*, prepared for the City of Fitzroy, 1992, p 4.38.

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continued through the 1880s as established businesses grew in scale or relocated from central Melbourne.¹³

From 1885, the *Factories and Shops Act* imposed minimum floor space, heating, lighting and ventilation requirements on manufacturing facilities. In combination with growing prosperity, this meant that factories built from c. 1880 to 1915 generally became larger, with generous windows and improved construction standards.¹⁴ Patterns in manufacturing in Fitzroy during this period included the establishment of small-scale engineering works, which produced machinery for use by other manufacturers and for newly-wealthy households. This period established strong links between retail trade on the major thoroughfares of Brunswick, Smith and Nicholson streets and manufacturing on side-streets, for example, in leather and flour production.¹⁵ MacRobertson's Confectionery Company, which was established in 1880, had grown to become a dominant feature of interwar Fitzroy, both in terms of space occupied within Fitzroy and the number of people employed.¹⁶ By 1930, manufacturing enterprises in Fitzroy included:

... boot & shoe factories and MacRobertson's confectionery works ... cordial & aerated water factories, hat factories, shirt and clothing factories, knitting mills, small engineering works, furniture manufacturers, and brush & broom manufacturers.¹⁷

After 1930, growth rates in manufacturing in Fitzroy fell in comparison with other northern suburbs. This was driven, in part, by the Great Depression of 1929-1930 which precipitated a decline in manufacturing activity, and largely curtailed the construction of new manufacturing facilities. Manufacturing did not fully recover until after World War II, with changes in technology and new distribution systems.¹⁸ The post-war recovery of manufacturing in Fitzroy was brief and declined rapidly during the 1950s, as manufacturing moved to premises in emerging suburbs to the north.¹⁹

¹³ Allom Lovell & Associates, *Fitzroy Urban Conservation Study Review*, prepared for the City of Fitzroy, 1992, p 4.40.

¹⁴ Gary Vines and Matthew Churchward, *Northern Suburbs Factory Study*, Historic Buildings Council and Living Museum of the West, 1992, p. 25.

¹⁵ Gary Vines and Matthew Churchward, *Northern Suburbs Factory Study*, Historic Buildings Council and Living Museum of the West, 1992, p. 25.

¹⁶ Allom Lovell & Associates, *Fitzroy Urban Conservation Study Review*, prepared for the City of Fitzroy, 1992, p 4.43-4.

¹⁷ Gary Vines and Matthew Churchward, *Northern Suburbs Factory Study*, Historic Buildings Council and Living Museum of the West, 1992, p. 42.

¹⁸ Gary Vines and Matthew Churchward, *Northern Suburbs Factory Study*, Historic Buildings Council and Living Museum of the West, 1992, p. 9.

¹⁹ Gary Vines and Matthew Churchward, *Northern Suburbs Factory Study*, Historic Buildings Council and Living Museum of the West, 1992, p. 42.

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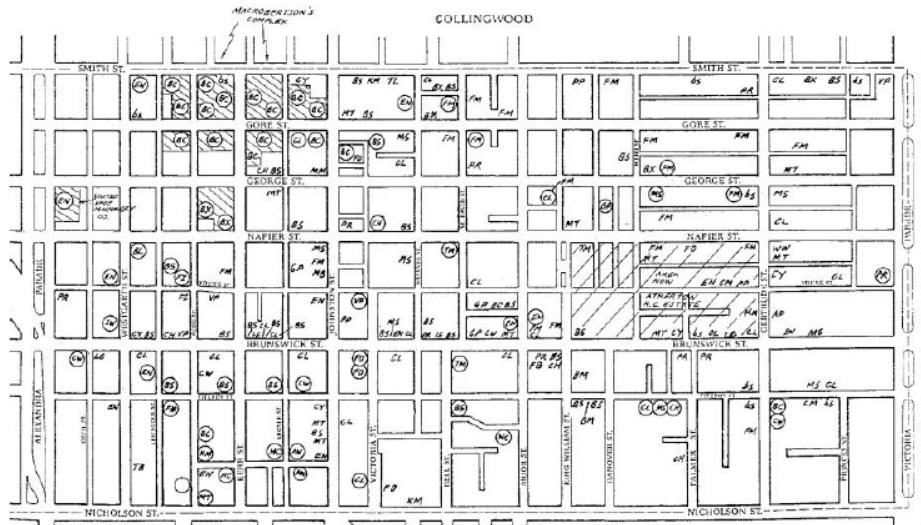


Figure 8 Map of industrial buildings in South Fitzroy in 1930 (north is at left)

Source: Vines & Churchward, 1992

4.2 Industrial heritage studies

Consideration of industrial heritage in South Fitzroy has evolved over time. The South Fitzroy Conservation Study of 1979 (Jacob Lewis Vines Architects) emphasised nineteenth-century built form and did not address the area's later industrial or manufacturing heritage. The Allom Lovell & Associates Reviews of 1992 and 1998 discussed industry as a key historical theme, but the associated statement of significance for South Fitzroy remained largely focused on nineteenth century urban development. A 1992 report *Northern Suburbs Factory Study* (Gary Vines and Matthew Churchward) examined manufacturing heritage in Melbourne's north, including pre-1930 factory buildings in the South Fitzroy Precinct (Figure 8). Vines and Churchward identified clusters of industrial buildings including the MacRobertson's Confectionery Company (bordered by Kerr and Westgarth Streets, between George and Smith Streets) and the area between Alexander Parade and Victoria Street, between Nicholson Street and Brunswick Street. Referring to this 1992 study, the 2004 report *City of Yarra Heritage Gaps: an overview* (Graeme Butler & Associates) identified the need to assess City of Yarra's more recent buildings and different building typologies, including industrial buildings. The 2007 *City of Yarra Review of Heritage Overlay Areas* (Graeme Butler and Associates) identified for the first time 'the landmark qualities of some large factory and warehouse buildings from the late 19th and earlier 20th century' and 'well-preserved buildings from the pre-Second War era' as contributory elements of the South Fitzroy Precinct.

4.3 Characteristics of interwar Industrial built form

Interwar industrial buildings within the South Fitzroy Precinct identified as 'individually significant' in the *City of Yarra Review of Heritage Overlay Areas* (2007)²⁰ are generally of substantial scale and have a high degree of architectural refinement. Examples include:

²⁰ Graeme Butler and Associates, Appendix 7, *City of Yarra Review of Heritage Overlay Areas*, Melbourne, 2007.

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- the former British United Shoe Machinery Co. Pty Ltd Factory, 200 Alexandra Parade, (1932), a four-storey, red brick structure designed by A & K Henderson with Moderne detailing at the entrances and steel framed windows;
- the Moran and Cato Pty Ltd warehouse, 85-99 Victoria Street (1927), a distinctive and large Moderne-style warehouse;
- the MacRobertson Pty Ltd, confectionary works offices, 214 Argyle Street (1937), a distinctive Moderne style rendered factory building, with banded parapet, steel framed windows, clock, metal sign, and (over-painted) brickwork detailing;
- the Joseph Lyddy Polish Manufacturers factory, 167-169 Fitzroy Street (1923), designed by Eric M. Nicholls (senior architect in Walter Burley Griffin office) brick factory design with distinctive pressed concrete detailing, suggestive of Prairie Style; and
- McCrohan's garage, later Filtration and Water Sifting Pty Ltd factory, 304-310 Gore Street (1929), designed in the Greek revival style with red and clinker brick, and a gabled façade parapet between pylon motifs.
- Pittard Engineer & Brassfounder, Later Pittard Engineering, 90 Moor Street, (1924, 1935-55), a well-preserved cream brick factory in a simple Moderne style, with slot-type steel framed windows trimmed by manganese brick, enhanced by its corner siting.

The subject building does not usefully compare with any of these buildings. They are typically architecturally-refined buildings of a scale and landmark stature not found on the subject site.

However, a number of interwar industrial buildings (identified as either factory, warehouse or workshop) within the South Fitzroy Precinct were identified as being of 'contributory significance' in the *City of Yarra Review of Heritage Overlay Areas* (2007). The subject site falls within this group. These sites were inspected in preparing this document. Addresses of these buildings, including photographs and broad dates of construction are included in a table at Appendix A.

Apart from the subject building, 28 comparable industrial buildings of contributory significance were identified (this number does not claim to be exhaustive). These are:

Property address and construction date
27 Argyle Street 1890-1920
118-120/3 Argyle Street 1915-1925
Pfeiffer Engineering, Factory/warehouse 160 Argyle Street c. 1920
4 Brunswick Place Fitzroy 1920-1930
89 Condell Street 1910-1925
354 Fitzroy Street 1905-1915
405 Fitzroy Street c. 1925
341 (Part 341-347) George Street c. 1930
100 Gore Street 1915-1925
3 Graham Street 1915-1925
6 Hargreaves Street 1915-1925
1A Highett Place 1915-1925
155 Leicester Street 1930-1940

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Property address and construction date
54 Marion Street 1920-1935
21-23 Rose Street 1915-1925
50-52 Rose Street 1915-1925
11-13 Spring Street 1880-1930
51 Victoria Street 1915-1925
57-59 Victoria Street 1915-1925
93-97 Webb Street 1915-1925
121 Westgarth Street 1900-1925
191-5 Young Street 1900-1925 ?
197 Young Street 1900-1925 ?
205-207 (rear) Young Street 1890-1930
266-268 Young Street 1915-1925
318 Young Street 1920
322 and 324 Young Street 1915-1925?

Of the contributory buildings identified at Appendix A, there are underlying similarities in the architectural style and detailing of these interwar factories and workshops which bring a cohesion to the group. In terms of their footprints, buildings are typically rectangular in plan, being constructed to the full street frontage and rising to one or two storeys. None feature embellishments such as projecting wings bays or towers, typically taking the form of symmetrical parapeted or gable-ended volumes. Most provide a large opening for carts or motor vehicles and large window openings framed in timber or steel. With almost no exceptions, they are finished in red-brick, often with rendered bands or concrete window heads and sills. Few have been overpainted. Some earlier examples incorporate understated classical features while others, constructed around the end of the manufacturing boom in c. 1930, adopt a simple Moderne expression.

Unified in this way, the industrial buildings of Fitzroy are able to demonstrate late Victorian, Edwardian and interwar manufacturing across a range of different scales, manufacturing processes and outputs. While manufacturing may appear to be embodied by the grandest buildings, early twentieth century manufacturing buildings in all of their forms illuminate the boom in industrial heritage in South Fitzroy up to 1930.

5.0 PROPOSED WORKS

The proposed works comprise demolition of all existing buildings and the construction of four townhouses (Figure 9). The proposed dwellings are to be constructed over four levels, comprising a basement carpark plus three storeys presenting to Fitzroy Street. The group is to be expressed as four elements realised in face brick and render. The more southerly townhouses (TH01-TH03) are generally located at a setback of around 2m from the street. The setback areas are intended as landscaped spaces activated by plantings bedded in a basement-level rain garden. Setback areas would be screened by a tall panel of hit-and-miss brickwork at the site boundary which serves both to manage views from the street and as a street façade to the development. Second floor levels incorporate decks of varying

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widths which, in some areas, extend over the brickwork screen to the site boundary. These upper level decks would be covered, in part, by small cantilevering roofs fixed between party walls. The northern-most town house (TH04) incorporates the entry to the basement car park and adopts a different form to those to its south while reiterating their materiality and architectural language. It is to be situated at the site boundary without setbacks.



Figure 9 Proposed townhouses, 274-280 Fitzroy Street
Source: Drawing no. A801, Kennedy Nolan, architects

6.0 YARRA HERITAGE CONTROLS

Under Clause 43.01, a permit is required for demolition, and to construct a building or carry out works. In considering an application, the authority must consider the effect of the demolition, and the 'location, bulk, form or appearance of the proposed building' on the significance of the heritage place, meaning in this case, the South Fitzroy Precinct.

6.1 Assessment policies under Clause 22.02

Full demolition or removal of a building (22.02-5.1)

It is policy to:

Generally encourage the retention of a building in a heritage place, unless

- The building is identified as being not contributory
- The building is identified as a contributory building, and new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document...and the building does not form part of a group of similar buildings.

New buildings (Clause 22.02-5.7)

It is policy to encourage design of new buildings to:

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- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element.

The policy also encourages setbacks and façade heights that are consistent with adjoining contributory elements. Specific requirements under Clause 22.02 include discouraging new vehicle crossovers or crossovers wider than 3 metres. The policy also encourages front fences and gates to be consistent with the architectural period, between 1.2 and 1.5 metres high depending on transparency, and to allow views to significant and contributory elements from surrounding streets. It encourages ancillaries and services to be concealed or incorporated into the building design.

6.2 Pre-application meeting

Following a pre-application meeting, City of Yarra provided summary feedback in an email dated 23 July 2020. Preliminary comments from the heritage advisor were:

- Concerned about full demolition of the contributory building and whether there is strong justification for this.
- Use of face brick work brickwork and the widths and proportions of townhouses are positive.
- Would like to see the design relate more strongly to existing buildings within the streetscape (e.g. ratio of solid and openings, window proportions etc.)

7.0 ASSESSMENT OF HERITAGE IMPACTS

7.1 Significance

The subject building was identified as a 'contributory' building in the *City of Yarra Review of Heritage Overlay Areas Appendix 8* (Graeme Butler and Associates, 2007, revised May 2019). Referring to the Statement of Significance for the South Fitzroy Precinct, this contributory grading is understood to stem from an assessment of the building's contribution as a well-preserved industrial building from the pre-Second World War era. However, based on a review of the site's history in combination with a review of the location, expression and characteristics of similar 'contributory' interwar industrial buildings in Fitzroy, it appears that the subject site does not possess the level of heritage significance attributed by the incorporated document.

As noted by Vines and Churchward, the major phase of development for industrial/manufacturing facilities in Fitzroy occurred before 1930, with a particular concentration in the early twentieth century, following the passage of the *Factories and Shops Act* of 1885 and the recovery after the economic depression of the 1890s. The Great Depression of 1929-30 essentially terminated this boom, with manufacturing not wholly recovering until the post-World War period, and then in a modified form and to a reduced extent. As such, interwar manufacturing buildings in the South Fitzroy Precinct date, with

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some exceptions, to the period between the close of the First World War in 1918 and the onset of the Depression in 1930.

By contrast, the subject site was constructed in 1943, after the commencement of the Second World War. The 13-year gap between the onset of the Great Depression (1930) and the construction of 274-280 Fitzroy Street represents a considerable hiatus. This is legible in the architectural language of the building which incorporates both late-interwar and some post-war elements. Of the post-war characteristics, its predominately cream brick expression sets it apart from other manufacturing buildings in the area. While a number of landmark buildings in this material were constructed in the 1930s, including schools and hotels, buildings to a cream brick expression would not find widespread acceptance until the boom in commercial, manufacturing and residential designs of the post-war period – largely on Melbourne's suburban fringes.

The use of cream brick and the asymmetrical stepped parapet are conspicuously at odds with the prevailing characteristics of contributory buildings at Appendix A which are almost universally finished in red face brick with red brick or rendered parapets notable for their understated formality. The architectural contribution made by the subject building to buildings of this red brick aesthetic is negligible. The individual architectural significance of the subject building is, likewise, negligible.

Further to this, the building is located in a largely intact streetscape of Victorian buildings. It is unrelated to these buildings in terms of its building typology, age, architectural character or use. It does not contribute to the associated residential streetscape.

In terms of historical significance, the building represents a small-scale industrial venture that operated from 1943 until c. 1975, substantially after the decline of manufacturing in South Fitzroy.

Manufacturing during the Second World War or through the post war period are not identified as key historical themes in the development of Fitzroy having moved to emerging suburbs to the north or to greenfield sites in Melbourne's west and south east (see, for example, Figure 10).

In terms of technical significance, the machinery manufactured by W Parkin & Co. which included street cleaning and lawn mowing equipment, is not of any individual note. Neither the business nor its products appear to have been distinguished from a technical perspective.



Figure 10 Wren's Road, Moorabbin, developed through the 1950s
Source: Street view

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It is submitted that this additional assessment of significance supports a different grading for the subject site. On the basis of detailed evidence provided in this report, it is clear that the subject building makes no useful contribution to its streetscape or to an understanding the industrial development of Fitzroy. It does not contribute to the historical, aesthetic/architectural or technical significance of the area. On this basis, it could, more reasonably have been graded as 'not contributory'. These heritage places are defined as follows:

Not contributory: The place is not individually significant and not contributory within the heritage place.

7.2 Demolition

A noted above, the subject building has been graded 'contributory'. Council's Policies at Clause 22.02 discourage demolition of these buildings noting:

It is policy to ... Generally encourage the retention of a building in a heritage place, unless the building is identified as a contributory building, and new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document ... and the building does not form part of a group of similar buildings.

New evidence provided in this report demonstrates that the building does not possess the level of heritage significance attributed to it in the incorporated document. Reassessment of the subject site indicates that a 'not contributory' grading more accurately reflects its significance.

It is further noted that the subject building is a mid-century workshop located within a group of Italianate residences dating from the late nineteenth century. It does not form part of a group of similar buildings and makes no contribution to the valued character of Fitzroy Street.

On these bases, demolition can reasonably be supported under the planning scheme policy.

7.3 The proposed development

Council's policies at Clause 22.02-5.7.1 encourage the design of new development to a heritage place to respond its heritage context. To this end, they provide specific direction to ensure that the character and presence of infill buildings provides an appropriate response to the valued character of the local area. Policies also seek to manage the extent to which works affect significant fabric. They require new buildings to be visually recessive and not dominate the heritage place. To this end, Clause 22.02 provides specific direction in relation to setbacks and façade heights. Advice to manage impacts arising from ancillary construction such as driveways and domestic services is also provided. These matters are discussed separately below.

Response to heritage context

Council's policies at Clause 22.02 provide the following guidance:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Consider the architectural integrity and context of the heritage place ...

Fitzroy Street between Moor and Bell streets developed through the late-Victorian period. Buildings adopt a range of forms from modest single storey cottages (nos 275, 277) and semi-detached pairs (nos 271/3, 281/3), and two storey villas (no. 272). The long sideage to 73 Moor Street and the Standard Hotel comprising more substantial elements within the immediate area. This section of the street is substantially intact to its early state with the exception of modern infill building at no.270. In this

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context, the Second World War-era workshop and yard on the subject site present as anomalies. Setbacks in Fitzroy Street are typically small with verandahs or sideages built to street boundaries. Buildings are typically rendered and overpainted although some (no. 292, the two-storey sideage of 73 Moor Street and parts of the Standard Hotel) present face brickwork to the street. Site frontages to Fitzroy Street are generally in the order of 5-7m.

The proposed dwellings would primarily be constructed in face brick both as solid masonry walls and hit-and-miss screens. Concrete elements, steel doors and window framing would produce a variety similar to that found more broadly in the surrounding streetscape. This both reflects and is respectful of materiality of Fitzroy Street.

In terms of its expression, the proposed building would adopt a tall residential terrace form of a kind that is not uncommon in Fitzroy. It would be large by local standards; being broadly similar in scale to the Standard Hotel. However, it is to be articulated as four separate dwellings for a result that is more consistent with the residential group at 61-73 Moor Street than the Hotel.

The design of the proposed building incorporates tall screens in hit-and miss-brickwork that form the façade of the building. These will partially enclose the landscaped spaces to the front of townhouses TH01-TH03 – the use of hit-and-miss brickwork producing a degree of transparency. The screens are similar in terms of their height and scale to the facades of two-storey buildings such as 270 Fitzroy Street and others found locally. The screens will recreate the height, width, permeability and materiality of these local elements and provide a sympathetic outcome without recourse to literal reproduction of the early architecture of Fitzroy. As perceived by viewers in the street, these two-storey screens will serve to mitigate the three storey height of the proposed building.

As noted, the building group is articulated as four dwellings, each with frontages to Fitzroy Street in the order of 6.5m. This would reproduce the frontages and rhythm of allotments elsewhere in the street.

The proposed development provides a sympathetic response to the scale form and character of Fitzroy Street. It makes broad reference to local architectural character but avoids faux historical outcomes. It will be readily-identifiable as a contemporary element that is distinguishable from historic fabric.

On this basis, the proposed design is seen to provide a considered response to its heritage context.

Impacts on original fabric

Council's policies seek to limit impacts on original fabric. Policy notes that new work should:

- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.

As noted, it is considered that no significant fabric survives on the subject site. However, the proposed development will obscure some views to the dwelling at 272 Fitzroy Street immediately to the south of the subject site. Views to the principal façade and parapet of that dwelling will not be affected nor will existing sightlines to its north-western corner. However other parts of the northern wall will be obscured by the proposed development.

The architectural character no. 272 Fitzroy Street derives from its expression to Fitzroy Street. Its northern wall comprises a plain, overpainted panel of red brickwork. It contains no windows and no architectural detail or embellishments and was plainly designed with regard to later abutting development. The northern elevation is not a designed or significant aspect of the dwelling. While it will be substantially concealed by the new development, no views to significant fabric would be affected.

On this basis, there will be no impacts on original or significant fabric.

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Setbacks

Council's policies provide the following guidance on setbacks:

- Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

As noted, the boundary facades of the proposed townhouses are largely to comprise screens of hit-and-miss brick work. The habitable volumes of the proposed residences are generally set back from screens by distances in the order of 2m. Early buildings in Fitzroy Street are likewise constructed to their front site boundaries; many incorporating an open verandah at the footpath. While their built form extends to the street these lightweight verandahs suggest an open front setback area. The proposed townhouses adopt a similar approach. They are to be constructed at no setback from the street with tall, semi-permeable screens at the street boundary allowing limited views into garden setback areas; producing a sense of an open front setback area.

On this basis, setbacks to new fabric are similar to, and the outcomes comparable to, those found and valued in nearby sections of Fitzroy Street.

Façade heights

With respect to façade heights, Clause 22.02 notes that it is policy to:

- Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

As discussed above, it is proposed that TH01 would largely abut the blank northern wall of no. 272 and would terminate a little to the south of the single-storey 'Industria Cottage' at 288 Fitzroy Street.

No. 272 Fitzroy Street features a parapet height of around 9.7m, comprising a façade rising above a ground floor loggia. Industria Cottage is a straightforward single storey dwelling rising to almost 6m at its ridgeline.

At its southern end, the proposed townhouse is to adopt the height equal to that at 272 Fitzroy Street and straightforwardly complies with Council's policy.

At its northern end, a transition between the 9.8m height of the proposed building to the single storey form of Industria Cottage is to occur. As noted, Industria Cottage rises to around 6m at the highest point of its parapet. While this transition in heights does not, strictly, comply with Council's policy, the impacts are mitigated in two ways. Firstly, the design of the proposed building at its northern end is lighter and more open than that at TH01-3 with openings to decks and garden areas producing a more lightweight expression (Figure 9). Secondly, Industria Cottage is separated from the subject site by an existing carpark and garden allowing the transition to be moderated by this open space.

While this second interface does not comply, precisely, with Council's policy, the outcome will not produce dramatic changes in scale or the juxtaposition of disparate forms. On this basis the proposed façade heights are considered acceptable.

Ancillaries

With respect to ancillary works, Clause 22.02 notes that it is policy to:

- Discourage new vehicle crossovers in areas with few or no crossovers. Discourage crossovers more than 3 metres wide.
- Front fences and gates to be consistent with the architectural period, between 1.2 and 1.5 metres high depending on transparency, and to allow views to significant and contributory elements from surrounding streets

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- Ancillaries and services are concealed.

The proposal has had regard to the potential for impacts arising from ancillary items such as vehicle crossovers. Efforts have been made to minimise or remove impacts as follows: the proposed carpark entrance would utilise an existing vehicle crossover; rainwater tanks, bins, bicycle and car parking and electric car charge stations are located in the basement while the solar panels and the lift overrun is concealed at roof level; and, as noted above, no front fence is proposed, rather, a tall and permeable screen functioning as the front façade is to address the street. On this basis, the proposed ancillary works raise no heritage issues.

8.0 CONCLUSION

The proposed replacement of the W Parkin & Co workshop of 1943 with four modern townhouses is a considered scheme that is respectful of the heritage place. Evidence provided in this report has established that the existing building makes no substantial contribution to its streetscape or to an understanding of the industrial development of Fitzroy. The works will not have an adverse impact on the cultural heritage significance of the heritage place, as reconsidered in this document, or on adjacent or near-by heritage buildings. As a large site containing, what is considered to be, a non-contributory building, the site offers a rare opportunity to provide modern accommodation while reinforcing the valued residential character of this section of Fitzroy. On this basis, the proposal for redevelopment of the subject site represents a positive heritage outcome.

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APPENDIX A NOTES ON CONTRIBUTORY BUILDINGS

Smaller-scale industrial buildings in South Fitzroy Precinct graded 'contributory'

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Property address	Construction date	Image
27 Argyle Street	1890-1920	
118-120/3 Argyle Street	1915-1925	
Pfeiffer Engineering, Factory/ warehouse 160 Argyle Street	c. 1920	
4 Brunswick Place Fitzroy	1920-1930	

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Property address	Construction date	Image
89 Condell Street	1910-1925	
354 Fitzroy Street	1905-1915	
405 Fitzroy Street	c. 1925	
341 (Part 341-347) George Street	c. 1930	

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Property address	Construction date	Image
100 Gore Street	1915-1925	
3 Graham Street	1915-1925	
6 Hargreaves Street	1915-1925	
1A Highett Place	1915-1925	
155 Leicester Street	1930-1940	

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Property address	Construction date	Image
54 Marion Street	1920-1935	
21-23 Rose Street	1915-1925	
50-52 Rose Street	1915-1925	
11-13 Spring Street	1880-1930	
51 Victoria Street	1915-1925	

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Property address	Construction date	Image
57-59 Victoria Street	1915-1925	
93-97 Webb Street	1915-1925	
121 Westgarth Street	1915-1925	
191-5 Young Street	1900-1925 ?	
197 Young Street	1900-1925?	

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Property address	Construction date	Image
205-207 (rear) Young Street	1890-1930	
266-268 Young Street	1915-1925	
318 Young Street	1920	
322 and 324 Young Street	1915-1925?	

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Property address	Construction date	Image
322 and 324 Young Street	1915-1925	 A photograph of a two-story red brick building. The ground floor features a large garage door with a small sign above it that reads "ANDERSON". The brickwork is covered in white spray-painted graffiti, including the words "GANGS" and "MADDO". The building has a gabled roof with a small window.

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14 December 2020

ABN: 79 168 115 679
56 Down Street
COLLINGWOOD, VIC 3066
www.onemilegrid.com.au

Kennedy Nolan

Via email: vr@kennedynolan.com.au

Attention: Victoria Reeves

274-280 Fitzroy Street, Fitzroy

Response to Request for Further Information

Dear Victoria,

onemilegrid has previously prepared Transport Impact Assessment and Waste Management Plan reports in support of the proposed residential development at 274-280 Fitzroy Street, Fitzroy. A planning application (Application Number PLN20/0720) was submitted to Council, and a Request for Further Information (dated 18 December 2020) was subsequently received.

onemilegrid has reviewed the Request for Further Information and provides the following information in response to traffic engineering and waste management matters raised.

Development Plans / Elevations

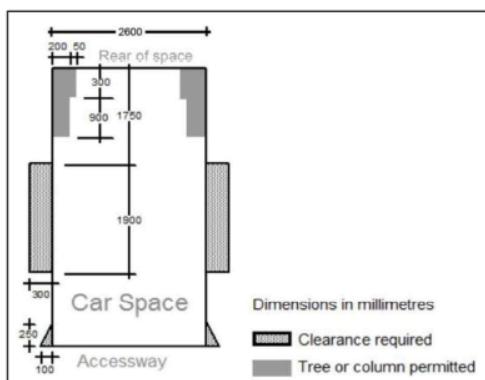
7a. The widths of car spaces dimensioned clear of any obstruction.

Garages are dimensioned at 6 metres long and 3.5 metres wide for the single garage and 5.5 metres wide for a double garage, in accordance with the Planning Scheme requirements. It is generally accepted that these garage dimensions provide sufficient space for parking and additional space for storage of bins, and household items along the periphery of the garage.

Notwithstanding, to assist with Council's review and address items raised later in the RFI, development plans have been updated to show garages with the inclusion of parking spaces measuring 2.6 metres width and 4.9 metres length.

It is noted that only one space within the TH03 garage is partially impacted by the intrusion of bins, however it is noted that the intrusion is minimal, and accords with the clearance requirements detailed in Figure 1 of Clause 52.06, shown below.

Figure 1 Clearance to Car Parking Spaces



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It is acknowledged that the bicycle racks would intrude into the car space when being accessed, however clearance for door opening will not be required at this time, so use of the car spaces is unimpacted.

7b. Details on the type and maximum swivel angle of the bicycle racks annotated.

It is proposed to utilise a "[Steadyrack](#)" system within each garage, which provide maximum swivel angles of 180 degrees. Details of the bicycle parking system are provide on the plans.

7c. The clearances between the car space and bins area and bicycle rack (opened and closed).

Development plans have been amended to include detail of bin and bike parking clearances. The arrangement of these is considered appropriate.

7d. Location of any tap and waste drain within the basement.

Development plans have been amended to include a tap and waste drain in the southeast corner of the basement.

8b. The location of any convex mirrors at the access to the basement.

Development plans have been amended to include convex mirrors at the bottom of the ramp to provide visibility between entering and exiting vehicles.

8c. Dimensions of the vehicle crossover.

The proposed crossover has been dimensioned at a minimum 3 metres wide, with 650mm flares provided on either side in accordance with Council's standard crossover design

8d. The location and operability of the garage door made clear.

Development plans detail a tilt panel door located approximately 1.3 metres from the title boundary along the ramp.

Roller doors are provided for each garage and are located so that the required 6.0 metre internal garage length is maintained.

19. Sections taken across the centre and edges of the access ramp, the vehicle crossover and Fitzroy Street (with RL levels fully labelled) demonstrating adequate ground clearances from the underside of a vehicle.

The ramp design provides suitable transitions and ramp grades to ensure vehicles do not scrape or bottom out when accessing the site.

A vertical clearance check can be conducted as a condition of permit if required.

Car Parking and Vehicular Access

The existing bluestone crossover must be demolished and re-constructed to suit the width of the proposed access ramp.

The crossover will be re-constructed to suit the width of the ramp.

The access ramp to the basement must be a minimum of 3.6m wide.

The ramp design provides a clear width of 3.0 metres plus a 0.3 metre kerb on the north side, and a 0.8m wide walkway on the south side which will sit at or below the accessway level.

It is noted that the requirement for a 3.6 metre wide accessway applies where there are obstructions on either side of the accessway that sit higher than the accessway. With a wall on the northern side, and no obstruction or hazard on the southern side, there is therefore only a requirement for kerbing on one side.

Reference is made to Section 2.5.2 of the Australian Standard for Off Street Parking (AS2890.1) where this requirement originates. An extract is provided below, with the relevant sections highlighted.

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2.5.2 Layout design of circulation roadways and ramps

Cross sections of circulation roadways and ramps shall be as illustrated in Figure 2.8. Design requirements and dimensions shall be as follows:

(a) *Straight roadways and ramps*—as follows:

- (i) One-way roadways or ramps—3.0 m minimum between kerbs (see also Item (c)).
- (ii) Two-way roadways or ramps—5.5 m minimum between kerbs (see also Item (c)).
- (iii) Double roadways or ramps—where there are to be two parallel roadways or ramps, separated by a raised median or separator, each roadway or ramp shall be designed as a one-way roadway or ramp, and the median or separator shall be 600 mm minimum in width and between 125 mm and 150 mm in height, the preferred height being 125 mm.

Where there is to be a kerb or barrier higher than 150 mm and closer than 300 mm from one edge of the roadway or ramp, the roadway or ramp shall be widened to provide a minimum of 300 mm clearance to the obstruction. If there is to be a high kerb or barrier on both sides, the width increase shall be sufficient to provide 300 mm on both sides.

The design is therefore considered acceptable, and in accordance with the Australian Standard.

The plans must show how sightlines to pedestrians on the footpath at the basement access will be provided.

Development plans detail a partial splay of approximately 1.2 metres provided along southern side of the access. A convex mirror is to be provided to aid with sightlines to pedestrians on the north side. .

It is unclear how vehicles exiting the car park will be aware of vehicles entering the car park and vice versa.

A convex mirror is provided at the bottom of the ramp so that any drivers accessing the basement ramp will be aware of one another. Additionally, drivers exiting the site will trigger the roller door, notifying anyone on the street that an exiting driver is approaching.

As noted in the Transport Impact Assessment, the development is expected to generate only two vehicle movements during the morning and afternoon peak hours. Therefore, the likelihood of conflicting movements along the one-lane ramp is very low.

The widths of the proposed car spaces appear to be inadequate and should be dimensioned 'clear of obstructions'.

See response provided above.

There does not appear to be sufficient clearances to the car spaces due to the location of bins and bike racks.

See response provided above.

The width of the southern-most car space of TH01 must be extended by 1m as it is located adjacent the 'blind aisle'.

The southernmost garage measures 6.16 metres width, in excess of the 5.5m requirement, and is provided an access aisle of 6.6 metres width.

When accounting for the individual spaces within the garage as requested by Council, this provides effective aisle width of 7.7 metres, and an effective blind aisle extension of approximately 920mm.

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As detailed within the swept path diagrams provided with our Transport Impact Assessment report, access to and from the southern garage can be comfortably facilitated, with single manoeuvre entry and exit. The swept path diagrams are attached again for reference.

The arrangement as proposed is considered acceptable.

Waste Management

It is unclear whether the size of the bin storage area is adequate as the size of the bin areas is not indicated.

Bins within each garage have been drawn to scale on development plans, showing 120 litre or 80 litre bins.

The plans and Waste Management Plan (WMP) indicate three (3) bins allocated to each dwelling. The plans show a compost bin within the eastern courtyards, however the WMP does not address how food and organics waste streams will be managed.

The WMP has been updated to address the provision of a compost bin. See WMP for more detail.

It is unclear how residents will be able to clean the waste bins (e.g. provision of a water tap and waste drain in basement)

Tap and waste drain have been provided in the southeast corner of the basement.

I trust that the above information adequately addresses Council's concerns. Please do not hesitate to contact me should you wish to discuss the above.

Yours sincerely

A handwritten signature in black ink, appearing to read "James Dear".

James Dear

Associate

onemilegrid

m: 0481 110 642

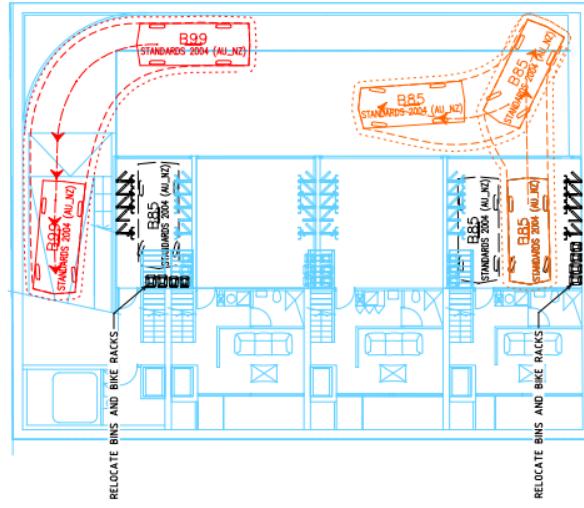
d: (03) 9982 9717

e: james.dear@onemilegrid.com.au

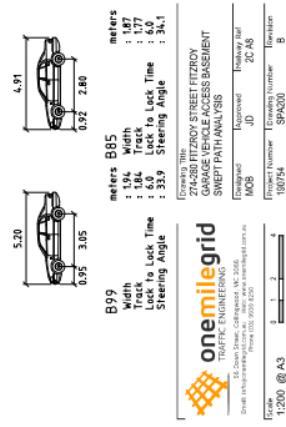
P/R: James Dear/Yoshi Campitelli

att: Swept Path Diagrams

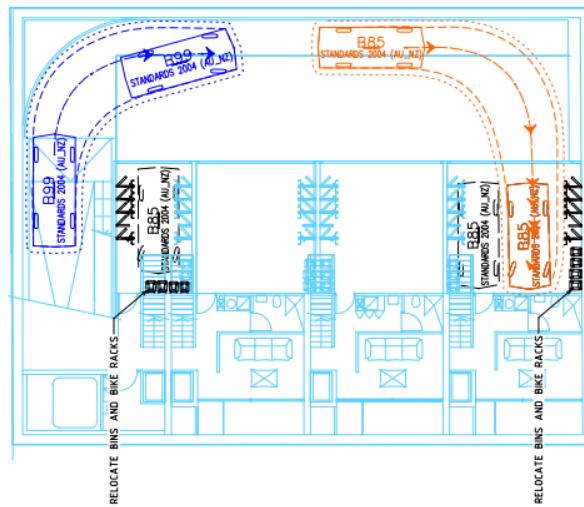
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- - - - - DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
..... 300mm CLEARANCE ENVELOPE SHOWN DOTTED



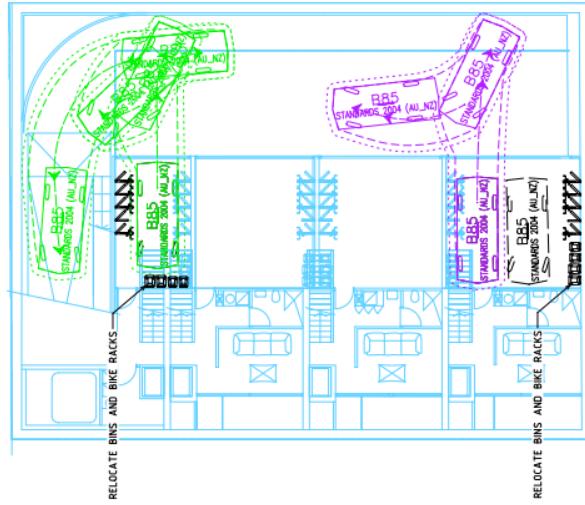
onemilegrid
TRAFFIC ENGINEERING
SWEEP PATH ANALYSIS
Designed by: Cathalene K. O'Brien
Drawn by: Cathalene K. O'Brien
Approved by: Cathalene K. O'Brien
MOB
Project Number: 180754
Version: 2
Date: 12/03/2020



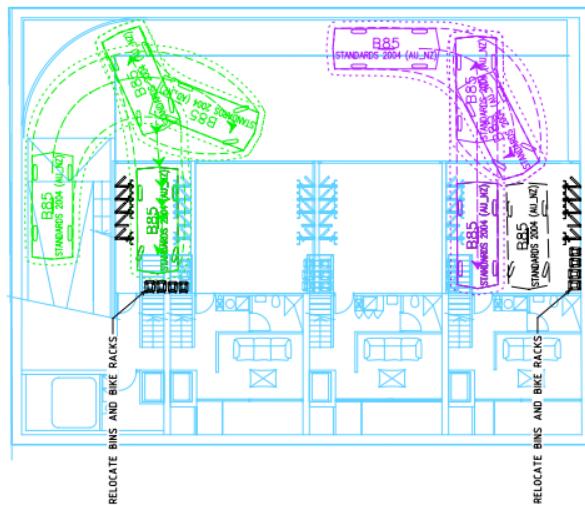
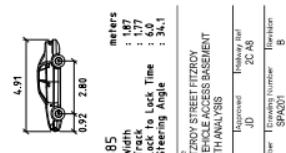
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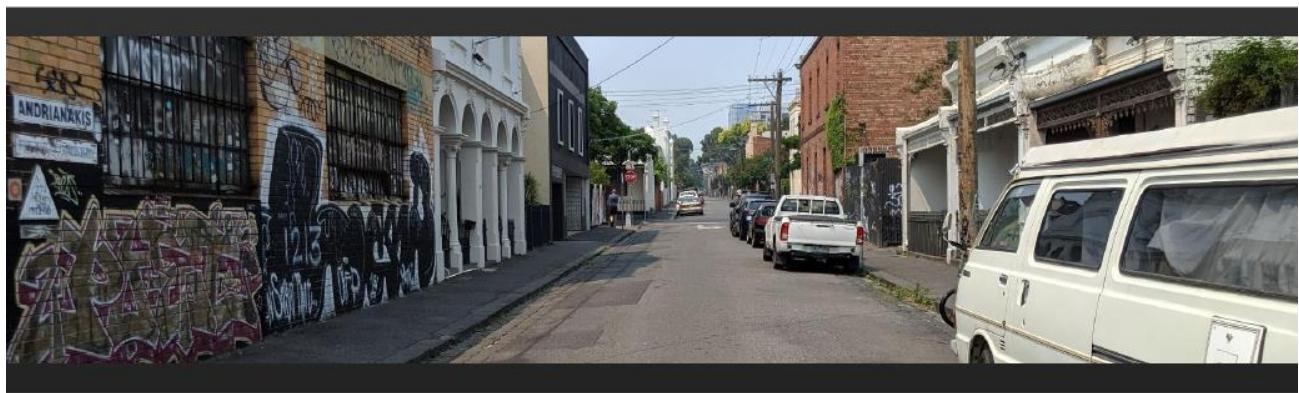
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274-280 Fitzroy Street, Fitzroy
Transport Impact Assessment



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18 September 2020

onemilegrid.com.au • 56 Down Street, Collingwood, VIC 3066 • (03) 9939 8250

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onemilegrid

ABN: 79 168 115 679

(03) 9939 8250
56 Down Street

COLLINGWOOD, VIC 3066
www.onemilegrid.com.au

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Prepared by	Lizzy Henry	Signature	
Signature			

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1 INTRODUCTION

onemilegrid has been requested by Kennedy Nolan to undertake a Transport Impact Assessment of the proposed residential development at 274-280 Fitzroy Street, Fitzroy.

As part of this assessment the subject site has been inspected with due consideration of the development proposal and relevant background information has been reviewed.

2 EXISTING CONDITIONS

2.1 Site Location

The subject site is located on the eastern side of Fitzroy Street, approximately mid-way between Moor Street and Bell Street, as shown in Figure 1, and is addressed as 274-280 Fitzroy Street, Fitzroy.

Figure 1 Site Location



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The site is rectangular in shape with an approximate area of 750m². The site has frontage to Fitzroy Street and rear abuttal to Fishers Lane approximately 36m in length.

Land use in the immediate vicinity of the site is largely residential in nature, and includes commercial uses east of Fishers Lane, fronting Brunswick Street, and the nearby Standard Hotel.

The site is accessible via a single width crossover to Fitzroy Street.

An aerial view of the subject site is provided in Figure 2.

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Figure 2 Site Context (17/12/2019)



Copyright Nearmap

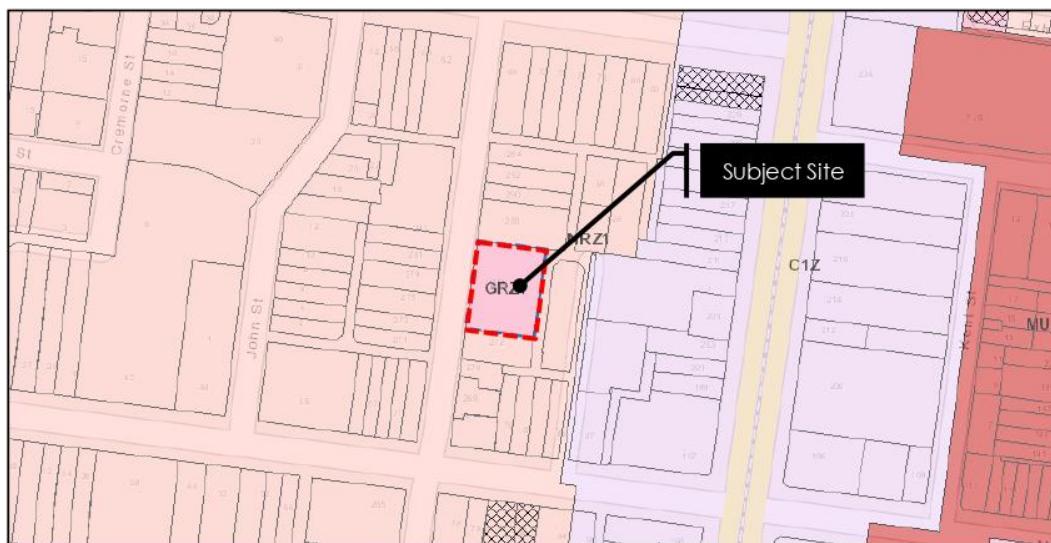
2.2 Planning Zones and Overlays

It is shown in Figure 3 that the site is located within a General Residential Zone (GRZ). Additionally, the subject site is subject to a Heritage Overlay (HO334) and is located within a Principal Public Transport Network (PPTN) Area.

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Figure 3 Planning Scheme Zones



2.3 Road Network

2.3.1 Fitzroy Street

Fitzroy Street is a one-way local road generally aligned north-south, running from Alexandra Parade in the north to Victoria Parade in the south.

Fitzroy Street provides a single traffic lane running north to south adjacent to the site. Kerbside parking is provided on the east side of the street, generally restricted to 1-hour parking between 7:00am and 11:00pm with a 50 metre strip of permit zone parking adjacent to the site. Additionally, there is a small loading zone 15 metres north of the site.

The cross-section of Fitzroy St at the frontage of the site is shown in Figure 4.

Figure 4 Fitzroy Street, looking north from the subject site



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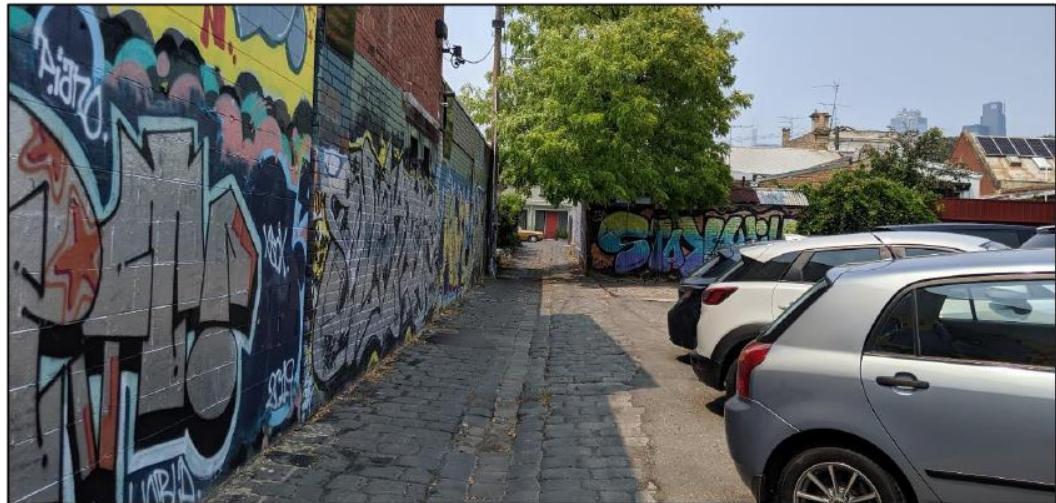


2.3.2 Fishers Lane

Fishers Lane is a 3m wide laneway generally aligned north-south, running between an unnamed laneway in the north and Moor Street in the south. Private parking exists on the east side of the lane.

The cross-section of Fishers Lane at the frontage of the site is shown in Figure 5.

Figure 5 Fishers Lane, looking south from the subject site



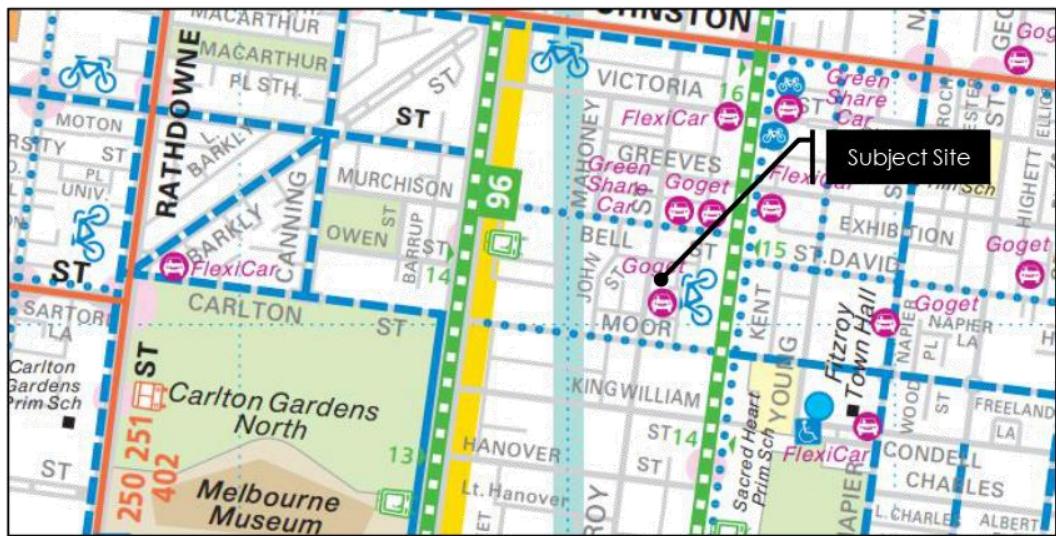
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2.4 Sustainable Transport

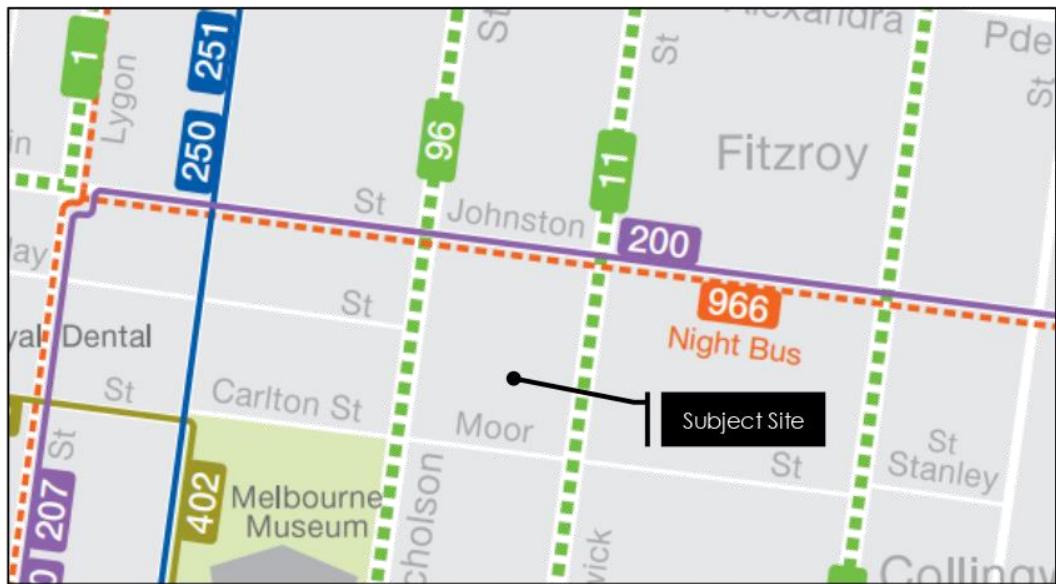
An extract of the Active Travel Map for the City of Yarra is shown in Figure 6, highlighting the public transport, bicycle and pedestrian facilities in the area.

Figure 6 Active Travel Map



The full public transport provision in the vicinity of the site is shown in Figure 7 and detailed in Table 1 with walking distances to the nearest stop listed. The public transport provision in the vicinity of the site is excellent with a number of different modes and routes servicing the site.

Figure 7 Public Transport Provision



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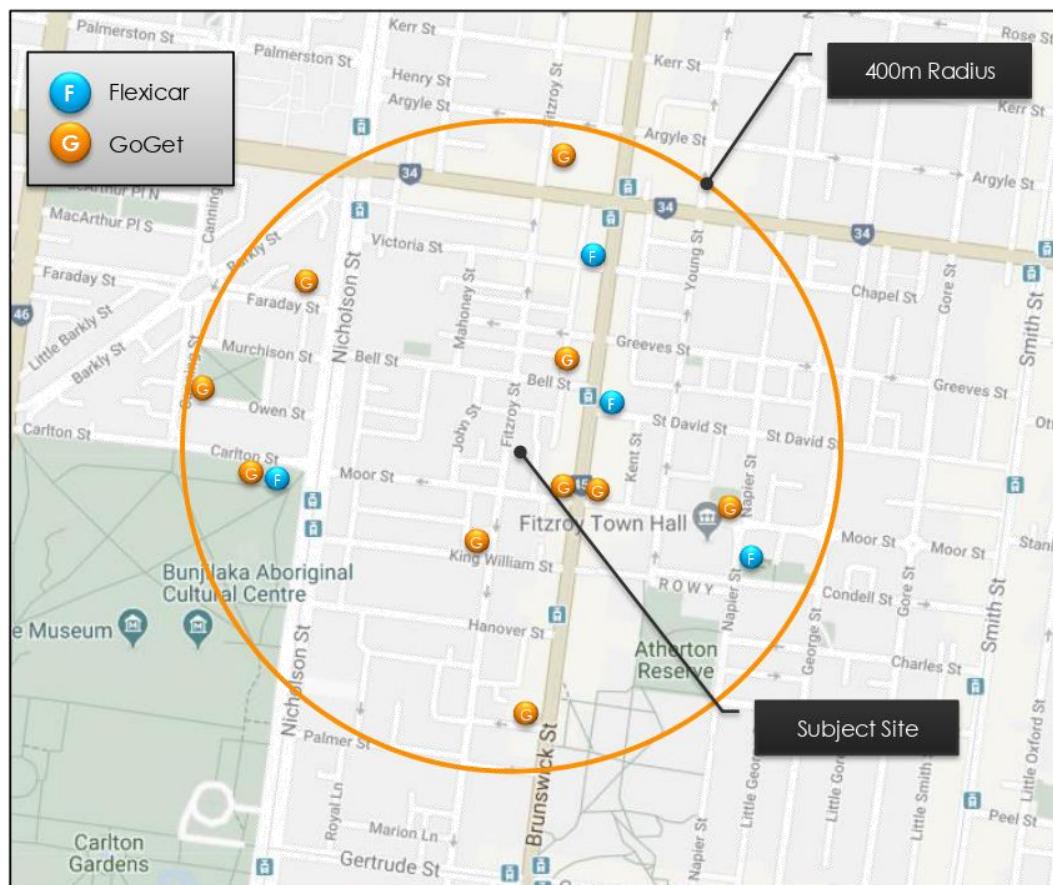
Table 1 Public Transport Provision

Mode	Route No	Route Description	Nearest Stop
Tram	11	West Preston - Victoria Harbour Docklands	150m
	86	Bundoora RMIT - Waterfront City Docklands	550m
	96	East Brunswick - St Kilda Beach	300m
Bus	200	City (Queen St) - Bulleen	350m
	207	City (Queen St) - Doncaster SC	350m
	250+251	City - La Trobe University/Northland SC	700m
	402	Footscray Station - East Melbourne via North Melbourne	700m
	966	Night Bus - City - Kew - Doncaster Rd - Box Hill	400m

Car sharing is becoming increasingly popular within highly populated areas for both employees and residents, where parking is restrictive and expensive. Car sharing operates similar to a car rental company, except that users join as members and are charged on an hourly rate rather than a daily.

The location of the share cars within a 400 metre radius of the site are shown in Figure 8.

Figure 8 Share Car Locations



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3 DEVELOPMENT PROPOSAL

It is proposed to develop the subject site for the purposes of a residential development containing attached townhouses including 1x four-bedroom, 2x three-bedroom and 1x two-bedroom dwellings.

It is noted that Townhouse 4 has two bedrooms, however the ground floor room may be feasibly utilised as an additional bedroom. Noting this, Townhouse 4 will be considered as a three-bedroom dwelling throughout this report.

Vehicular access to the site is proposed to be provided from Fitzroy Street at the site's northern boundary, linking to a one lane ramp servicing a basement car park. A pedestrian walkway will also run alongside the vehicle ramp.

Each dwelling will be provided a garage, with two car spaces provided for Townhouses 1-3, and one space for Townhouse 4.

Five wall-mounted bicycle racks will also be provided within each garage.

Pedestrian access to the site will be provided from Fitzroy Street, with separate accesses to each dwelling provided from the street.

4 DESIGN ASSESSMENT

4.1 Yarra Planning Scheme – Clause 52.06

onemilegrid has undertaken an assessment of the car parking layout and access for the proposed development with due consideration of the Design Standards detailed within Clause 52.06-9 of the Planning Scheme. A review of those relevant Design Standards is provided in the following section.

4.1.1 Design Standard 1 – Accessways

A summary of the assessment for Design Standard 1 is provided in Table 2.

Table 2 Clause 52.06-9 Design Assessment – Design Standard 1

Requirement	Comments
Be at least 3 metres wide	Satisfied – Minimum width of ramp is 3 metres
Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide	Satisfied – Accessway measures approximately 5 metres width at change of direction
Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre	N/A – Private car park
Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres	Satisfied – A minimum height clearance of 2.2 metres is achieved
If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction	N/A – Site does not connect to a road zone

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Requirement	Comments
Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone	N/A – Site does not connect to a road zone, nor serve 10 car spaces
Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.	Partially Satisfied – A partial spay of approx. 1m is provided along southern side of the access. Convex mirrors should be provided to aid with sightlines to pedestrians.
If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	N/A – Site does not connect to a road zone

Swept path diagrams are provided in Appendix A demonstrating access to and from Fitzroy Street and within the basement with a B99 design vehicle (99.8th percentile length passenger car).

4.1.2 Design Standard 2 – Car Parking Spaces

Garage dimensions are compliant with the Clause 52.06 requirements, measuring 6.0m long, and 3.5m wide for the single garage, and no less than 5.5m wide for the double garages. The basement design provides an access aisle of 6.6m for each space.

Swept path diagrams are provided in Appendix A demonstrating movements to and from the garages with a B85 design vehicle (85th percentile length passenger car). The swept path diagrams identify that all spaces may be readily accessed with either a single manoeuvre or corrective manoeuvre on entry and exit.

It is noted that we have recommended modifications to the location of bicycle parking and bin locations to ensure that accessibility of the garages is not impacted.

4.1.3 Design Standard 3 – Gradients

Accessway grades have been designed in accordance with the Planning Scheme requirements, providing a 5m length 1:10 section at the top of the ramp, a maximum grade of 1:4.6 and 2m grade transitions designed to prevent scraping and bottoming out.

4.2 Bicycle Parking

It is proposed to accommodate wall-mounted bicycle spaces within each garage, using a "SteadyRack" or comparable system.

The bicycle racks may be rotated nearly 180 degrees, allowing them to be stored almost flat against the wall, to minimise intrusion into the garage.

Specifications of the proposed system are provided attached within Appendix B.

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5 BICYCLE PARKING

5.1 Planning Scheme Requirements

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Yarra Planning Scheme, which specifies the following requirements

- 1 space per 5 dwellings for residents; and
- 1 space per 10 dwellings for visitors.

This equates to a requirement for only one resident space.

5.2 Sustainable Design Requirements

Yarra City Council has published the Sustainable Design Assessment in the Planning Process document (SDAPP), which aims to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

The transport chapter outlines a number of ways in which Council encourage reduced reliance on cars and increased use of alternative forms of transport.

With regard to bicycle parking, the document recommends the following bicycle parking provisions:

- 1 space per dwelling for residents; and
- 0.25 spaces per dwelling for residential visitors.

Under these guidelines, the development should provide:

- 4 resident spaces; and
- 1 residential visitor space.

5.3 Proposed Bicycle Parking Provisions

The proposal contemplates provision of five bicycle parking spaces within each garage, far exceeding the Clause 52.34 and SDAPP provision requirements.

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6 CAR PARKING CONSIDERATIONS

6.1 Statutory Car Parking Requirements

6.1.1 Car Parking Requirements – Clause 52.06

The car parking requirements for the subject site are identified in Clause 52.06 of the Yarra Planning Scheme. As the site is located within the Principal Public Transport Network Area, the Column B car parking rates apply to the proposed development, as shown below.

Table 3 Clause 52.06 – Car Parking Requirements

Use	No	Rate	Car Parking Measure	Total
Dwelling	4	2	to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as bedrooms), plus	8
	4	-	for visitors to every 5 dwellings for developments of 5 or more dwellings	0
Total				8

Based on the above calculations, a total of eight parking spaces are required for the proposed development.

6.1.2 Proposed Car Parking Provision

It is proposed to provide a total of seven car parking spaces on-site, which equates to a shortfall of one space when compared to the Planning Scheme requirements.

Clause 52.06-7 of the Yarra Planning Scheme indicates that an application to reduce (including reduce to zero) the requirement for car spaces must be accompanied by a Car Parking Demand Assessment. The Assessment must assess the car parking demand likely to be generated by the proposed development, having consideration to:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

An assessment of the parking demands likely to be generated has been undertaken below.

6.2 Car Parking Demand Assessment

As noted above, the development seeks a waiver of one resident parking space associated with Townhouse 4 only.

In order to understand likely parking demands generated by this dwelling, car ownership data from the 2016 Census for the City of Yarra was sourced from the Australian Bureau of Statistics (ABS) for dwellings similar to the proposed.

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This is presented in Table 4 below.

Table 4 2016 Census Car Ownership – City of Yarra

Dwelling Type	No. of Bedrooms	% Dwellings with one or zero vehicles
Townhouse	3	54.6%

The data identifies that residents of 54.6% of three-bedroom townhouses in the City of Yarra only own one vehicle, or do not own or otherwise park a vehicle at their place of residence.

The ABS data clearly indicates that there is a market for dwellings that do not provide, and therefore do not attract the price premium associated with a car parking space. Given the site's location with respect to public transport services and other amenities, it is expected that dwellings within the subject site would be particularly appealing to potential owners/tenants who do not have the need to park a vehicle at their place of residence.

Furthermore, it should be recognised that resident parking demands are, in part, dependent on car parking provisions, insofar as an owner/tenant with the need to park two vehicles is unlikely to occupy a dwelling that does not provide car parking spaces for both. This is particularly true in areas where on-street parking is restricted to short durations or protected with Permit Zone restrictions, meaning on-street parking is not a viable alternative to on-site parking for residents.

In consideration of the site context, its access to public transport and other amenities, and on-street parking in the area generally largely restricted from long-term parking, it is considered reasonable to assume that resident parking demands will be equivalent to the parking supply.

Considering this, we can reasonably expect that the provision of one car space is most likely to accommodate all demands generated, and the proposed supply of car parking is therefore considered appropriate.

7 TRAFFIC CONSIDERATIONS

Surveys undertaken by other traffic engineering firms at residential dwellings have shown that the daily traffic generation rates vary depending on the size, location and type of the dwelling, the parking provision and proximity to local facilities and public transport.

Medium to high density dwelling in inner areas generate traffic with rates between 3.0 and 6.0 movements per dwelling. Considering the location of the subject site and moreover the excellent access to public transport, it is expected that generation rates will be towards the lower end of the range. Nevertheless, for the purposes of this assessment a daily rate of in the order of 4.0 movements per day per dwelling will be adopted with 10% occurring during the peak hours.

Application of the above rates indicates that the four dwellings will generate 16 movements per day, inclusive of up to two vehicle movements during the morning and afternoon peak hours.

This level of traffic is very low in traffic engineering terms and equates to less than one vehicle additional movement every 30 minutes during the peak hours and is not expected to have any material impact on the operation of the surrounding road network.

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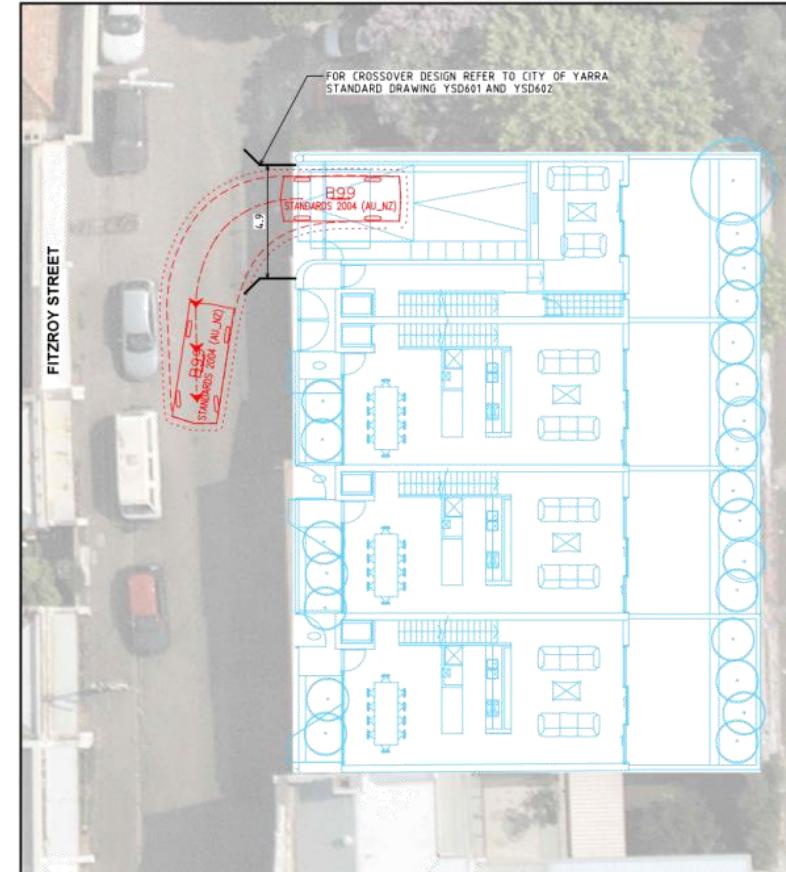
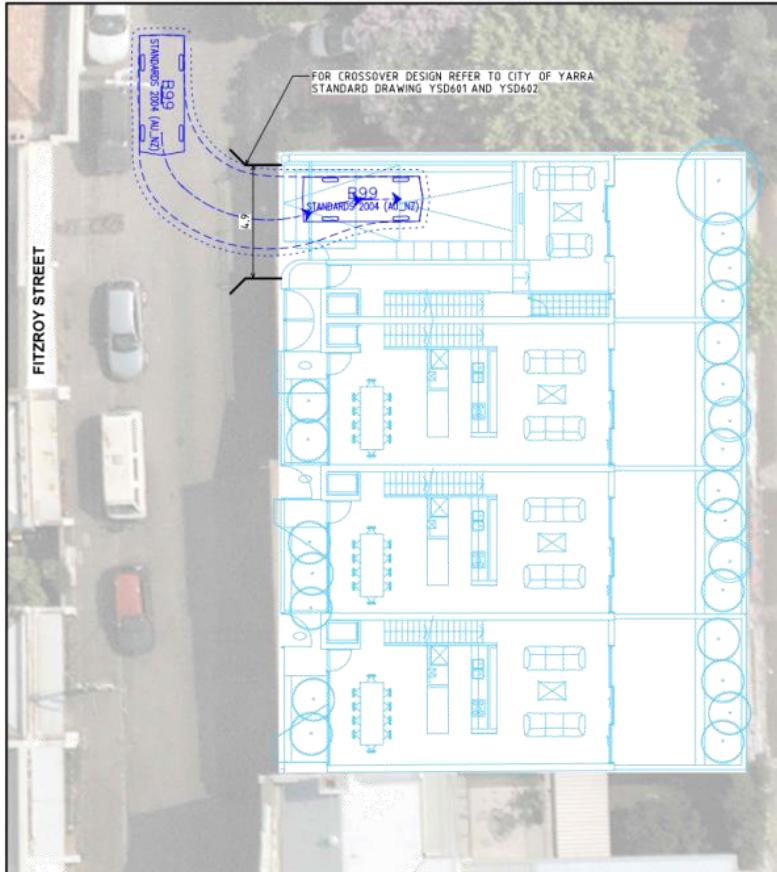
8 CONCLUSIONS

It is proposed to develop the subject site for the purposes of four residential townhouses with seven car parking spaces provided in a basement car park.

Considering the analysis presented above, it is concluded that:

- The proposed car parking, bicycle parking and access design is considered appropriate;
- The proposed provision of resident and visitor bicycle parking is appropriate for the proposed development;
- The proposed supply of car parking requires a waiver of one space from the requirements of the Planning Scheme, but is considered to satisfy all parking demands likely to be generated; and
- The proposed development is expected to have a negligible impact on the surrounding road network when compared to the existing operation.

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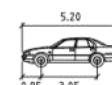


ENTRY MANOEUVRES

— Design Vehicle Swept Paths shown Dashed
- - - - - 300mm Clearance Envelope shown Dotted

EXIT MANOEUVRES

— Design Vehicle Swept Paths shown Dashed
- - - - - 300mm Clearance Envelope shown Dotted

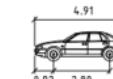
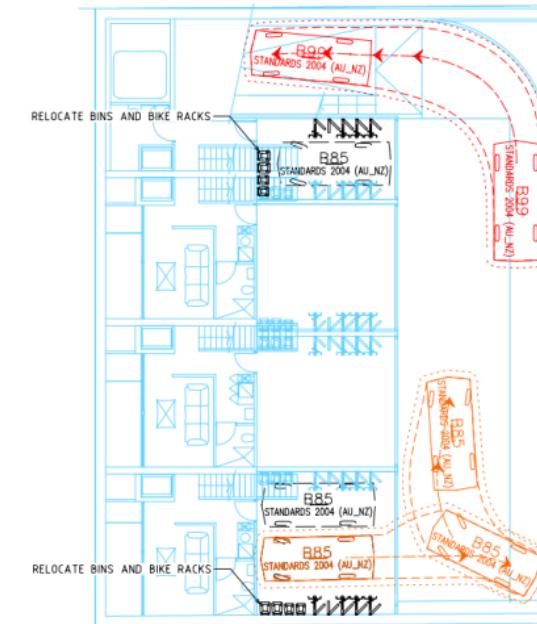
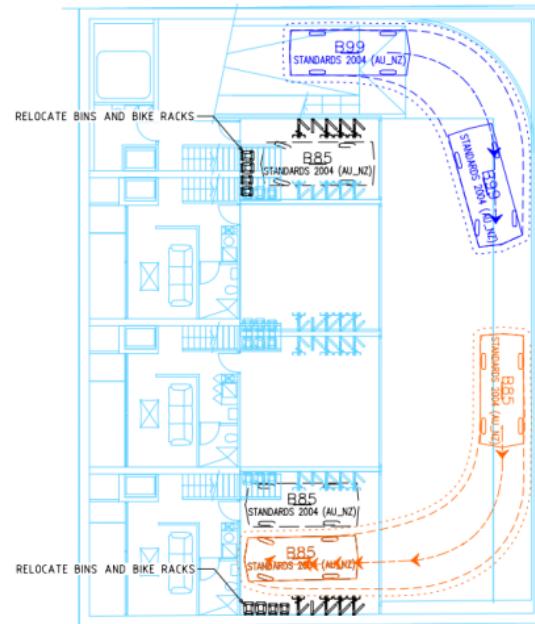
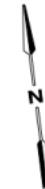


B99
274-280 FITZROY STREET FITZROY
TRAFFIC ENGINEERING
Width : 1.94
Track : 1.84
Lock to Lock Time : 6.0
Steering Angle : 33.9

onemilegrid
TRAFFIC ENGINEERING
55 Queen Street, Collingwood, VIC 3066
Email: info@onemilegrid.com.au | Website: onemilegrid.com.au
Phone: (03) 9539 4250

Designed MOB	Approved JD	Highway Ref 2C AB
Project Number 190754	Crossing Number SPA100	Revision B

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B99
Width : 1.94
Track : 1.84
Lock to Lock Time : 6.0
Steering Angle : 33.9

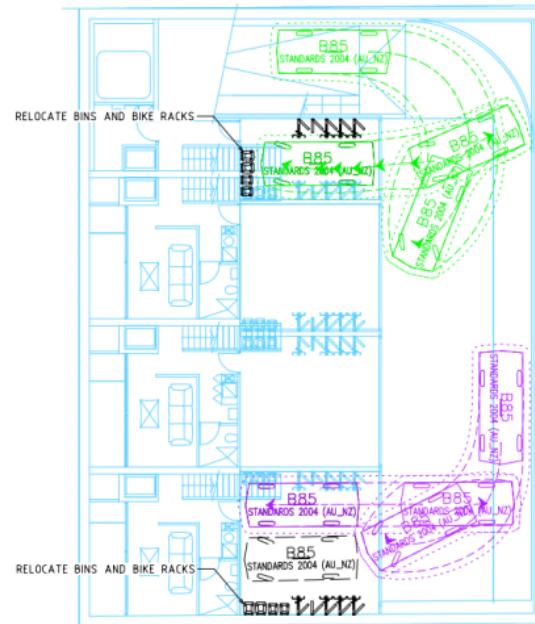
B85
Width : 1.87
Track : 1.77
Lock to Lock Time : 6.0
Steering Angle : 34.1

onemilegrid
TRAFFIC ENGINEERING
56 Queen Street, Collingwood, VIC 3066
Email: info@onemilegrid.com.au | Website: onemilegrid.com.au
Phone: (03) 9933 6250

Scale 1:200 @ A3 0 1 2 4
MOB JD 2C AB

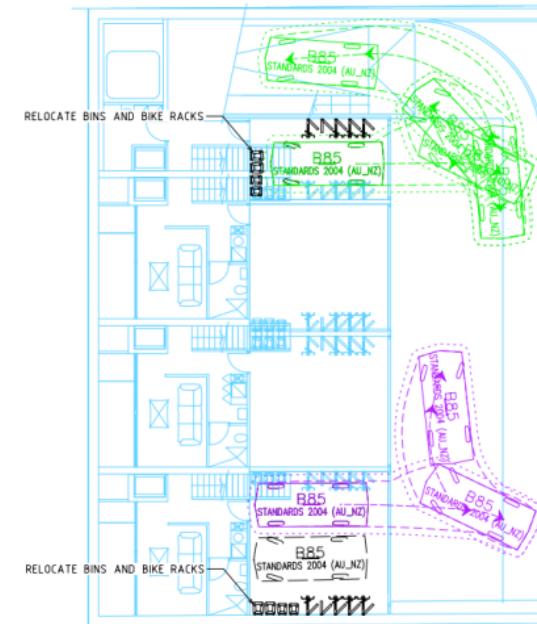
Project Number	Drawing Number	Revision
190754	SPA200	B

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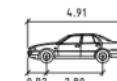
ENTRY MANOEUVRES

— Design Vehicle Swept Paths shown Dashed
---- 300mm Clearance Envelope shown Dotted



EXIT MANOEUVRES

— Design Vehicle Swept Paths shown Dashed
---- 300mm Clearance Envelope shown Dotted



B85	Width	: 1.87
	Track	: 1.77
	Lock to Lock Time	: 6.0
	Steering Angle	: 34.1

Drawing Title: 274-280 FITZROY STREET FITZROY
TRAFFIC ENGINEERING
GARAGE VEHICLE ACCESS BASEMENT
SWEEP PATH ANALYSIS

 **onemilegrid**
TRAFFIC ENGINEERING
56 Down Street, Collingwood, VIC 3066
Email: info@onemilegrid.com.au | Website: www.onemilegrid.com.au
Phone (03) 9939 6250

Scale: 1:200 @ A3 0 1 2 4
Designed: MOB Approved: JD Highway Ref: 2C AB
Project Number: 190754 Drawing Number: SPA201 Revision: B

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Appendix B *Bicycle Parking Specifications*



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steadyrack™

CLASSIC RACK

LOVE
YOUR
BIKE

Our original rack and still the most popular rack in our range.

**SUITABLE FOR – ROAD, HYBRID AND COMMUTER BIKES
WITHOUT FENDERS/MUDGUARDS**



The Steadyrack CLASSIC rack is our original rack and is designed to cater for a wide variety of bikes. It's easy to load and unload your bikes and features the same space saving swivel action as the rest of the Steadyrack range.

This allows you to store a number of bicycles close together making it the ideal solution for families and businesses alike.

- TIRES/TYRES UP TO 2.2 INCHES
- BIKES WITHOUT FENDERS/MUDGUARDS
- WHEEL DIAMETER 20 INCHES - 29 INCHES

* 35KG MAX WEIGHT

The Classic Rack swivels almost 180 degrees from side to side

LOCKABLE - Lock your bikes into a Steadyrack easily using conventional types of locks readily available in the market.

NO LIFTING

Balance your bike on the back wheel and push it into the rack

SAVES SPACE

Swivels almost 160 degrees from side to side

BUILT TO LAST

Made from long lasting steel and UV treated plastic

SAFE & SECURE

Your bike fits snugly in the rack resting on the front tyre

EASY INSTALL

Instructions are easy to follow making installation simple

PATENTED PRODUCT

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Sustainable Design Assessment

Project Reference: 20035 - 274-280 Fitzroy Street, Fitzroy

Client: Silvano Merlatti

Architect / Designer: Kennedy Nolan Architects

18/09/2020

V1



co-creating sustainable communities

ABN 84 151 437 348
Pacific Tower, Ground Floor
737 Burwood Rd Hawthorn
VIC 3122
(03) 9005 6451

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Development

Project

Urban Digestor was commissioned to provide Ecologically Sustainable Design (ESD) services for the development in 274-280 Fitzroy Street, Fitzroy in the municipality of Yarra. The development consists of three 3 bedroom and one 2 bedroom townhouses above basement carparking.

The purpose of this Sustainable Design Assessment (SDA) report is to convey to Council how the project has considered, evaluated and incorporated a range of sustainability initiatives in response to the policy objectives of Council's Environmentally Sustainable Development policy. Combined, these initiatives create a development that achieves a 'best practice' approach to sustainability from design through to construction.

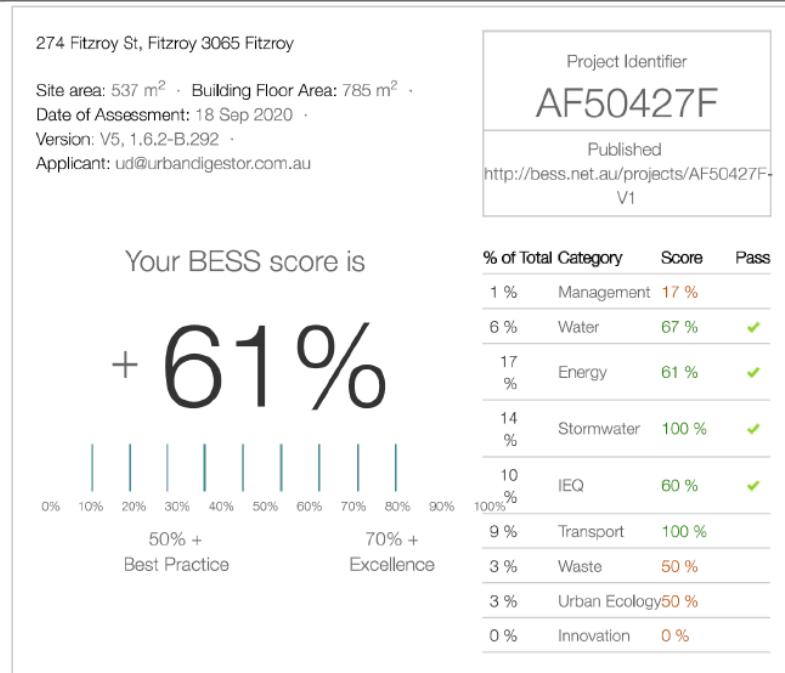
A BESS assessment has been undertaken in order to demonstrate how the project is performing across the Sustainable Design in the Planning Process (SDAPP) categories of:

- Energy Efficiency
- Water Efficiency
- Stormwater Management
- Indoor Environment Quality (IEQ)
- Transport
- Building Materials
- Waste
- Building & Construction Management
- Urban Ecology

It is envisaged that this SDA will be endorsed as part of the town planning permit documentation to ensure that the intent captured herein is transferred into subsequent stages of the project.

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Bess Assessment



Management

Management 1.1 Pre-Application Meeting

Urban Digestor was not involved in a pre-application meeting with Council.

Management 2.3 Thermal Performance Modelling - Non-Residential

Not conducted.

Management 4.1 Building Users Guide (BUG)

Buildings are unique in that despite being a very high cost item, they do not come with an operating manual that even a cheap consumer good would. As such, the user can potentially operate their dwelling inefficiently and eliminate any benefit that designed systems should have delivered. A BUG can be useful tool in educating & informing the final occupant of these aspects.

The developer or contractor will develop a BUG, so that future occupants can efficiently and sustainably operate their dwellings & the services that supply their dwelling.

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Water

Water fixtures, fittings and connections

The following energy efficient fixtures fittings and connections will be provided:

Showerhead	3 Star (≥ 4.5 and ≤ 6 L/min) WELS
Bath	N/A
Kitchen Taps	>5-star WELS
Bathroom Taps	>5-star WELS
Dishwashers	>4-star WELS provided as part of fit-out
WC	>5-star WELS
Urinals	n/a
Washing Machine Water Efficiency	>4-star WELS provided as part of fit-out

Rainwater Tanks

Central 10,000L Tank to supply all toilets, laundries and irrigation.

Water 3.1 Water Efficient Landscaping

All plants in the proposed landscape will be water efficient.

Energy

All Electric Potential Zero-Carbon Development

The development will not connect gas. To achieve a zero carbon development, a minimum 3kW total per unit (12kW total) photovoltaic system will be provided.

Energy 1.2 Thermal Performance Rating - Residential

The project will achieve a 6.5-star average, 5-star minimum with a cooling load maximum of 30MJ/m². No energy ratings have been conducted at this early stage. Higher ratings will be targeted should it be feasible at design development stage.

Heating & Cooling Systems

Reverse cycle 3-star minimum heating and cooling system will be provided.

Energy 3.2 Hot Water

Electric heat-pump hot-water units will be provided.

Energy 3.3 External Lighting

All external lighting will be controlled by a motion detector.

Energy 3.4 Clothes Drying

All units will be provided with a foldable outdoor clothesline.

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Energy 3.5 Internal Lighting - Residential Single Dwelling

All artificial lighting will have a maximum illumination power density (W/m²) in at least 90% of the relevant Building Class at least 20% lower than required by Table J6.2a of the Table J6.2a of the NCC Volume 1 Section J (Class 2 to 9) and clause 3.12.5.5 NCC Volume 2 Section J (Class 1 and 10).

Carpark Ventilation

Ventilation system in basement will include carbon monoxide monitoring to control the operation and speed of the ventilation fans.

Renewable Energy System

To achieve a zero carbon development, a minimum 3kW total per unit (12kW total) photovoltaic system will be provided.

Stormwater

Stormwater Treatment Strategy

The proposed stormwater management strategy for the development is to capture & reuse rainwater. 344m² of rainwater runoff from roofs, including terrace roofs, will be directed to a central 10,000L tank connected to all toilets, laundries and irrigation. This approach acts as a stormwater detention & filtration system while also contributing to water efficiency. 171m² of remaining impermeable areas will be untreated.

All aspects of the preferred strategy are shown and notated on drawings being submitted to council. This solution will be coordinated with civil engineering drainage plans. See STORM Rating Report at Appendix A for details.

Please note that: a 100% STORM score could be achieved using a *raingarden only* strategy. Instead of directing roof runoff to tanks, it could be directed to rain gardens located within planters at the east of each ground level courtyard with runoff from terrace roofs being directed to raingardens at the western planters. This option has not been chosen as a rainwater tank solution is preferred for rainwater reuse.

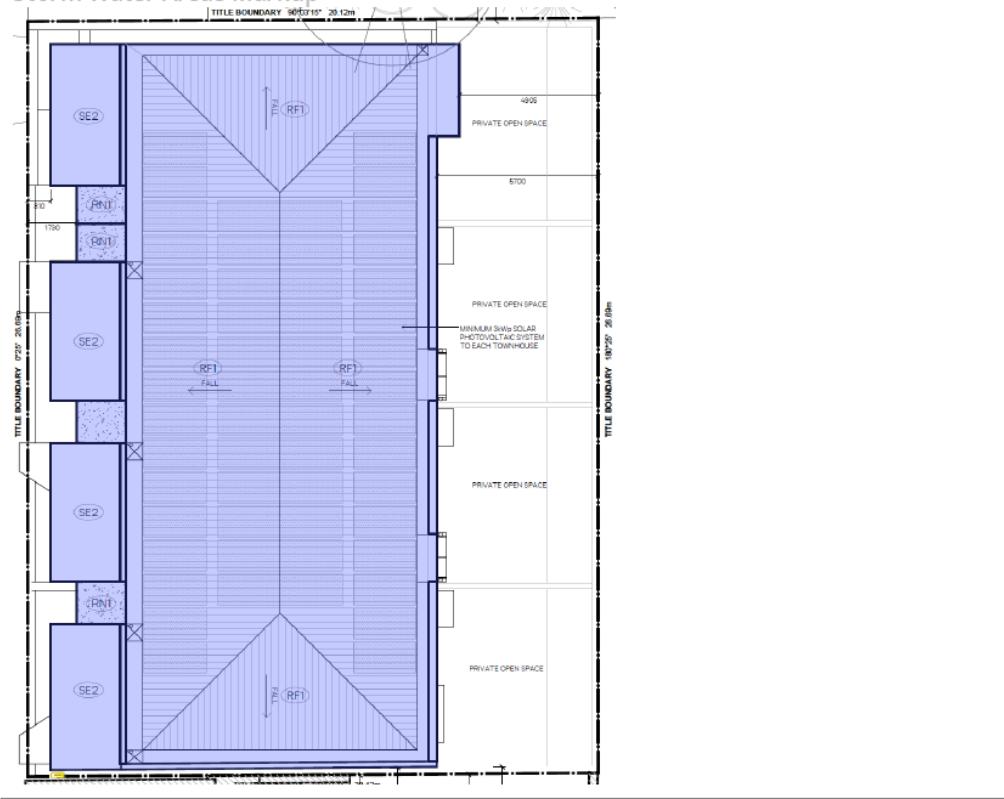
Area collected: 344m²

Tank size: 10,000L for flushing of all toilets and laundry uses

Storm Rating: 112% refer to appendix A for STORM calculation

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Storm Water Areas Markup



IEQ

IEQ 2.2 Cross Flow Ventilation

All units have windows that allow cross-flow and stack ventilation.

IEQ 3.1 Thermal comfort - Double Glazing

Double glazing will be specified to all habitable areas.

IEQ 3.2 Thermal Comfort - External Shading

Adequate fixed shading devices and overhangs have been provided to most east and west facing glazing.

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IEQ 3.3 Thermal Comfort – Orientation

0 out of 6 dwellings have their living areas orientated north.

Indoor Air Quality

A commitment to specifying only Paints, Internal Finishes, Sealants & Adhesives, Carpets & Flooring, and Wall & Ceiling Coverings with a Low or Zero VOC content to Greenstar Standards.

Additionally a commitment is made to specify low VOC to insulation that sits on the interior side of the water barrier.

Only low formaldehyde materials, E0 super, or E0 rated be specified for engineered timber products such as MDF etc.

Transport

Transport 1.1 Bicycle Parking - Residential

5 no. wall mounted bike racks will be provided to each garage.



Transport 2.1 Electric Vehicle Infrastructure

Purchasers will have the option of installing their own Electric Vehicle charger with the provision of electrical connection points to each garage.

Waste

Waste 1.1 - Construction Waste - Building Re-Use

The development is on a site that has been previously developed but none of the existing building will be re-used.

Waste 2.1 - Operational Waste - Food & Garden Waste

Compost bins are provided within each east courtyard.

Operational Waste - Convenience of Recycling

The kitchen fitout will include bins that allow the sorting of general and recyclable waste

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Urban Ecology

Urban Ecology 2.1 Vegetation

There is 77m² of garden area, 14% of the site area.

Urban Ecology 2.2 Green Roofs

None provided.

Urban Ecology 2.3 Green Walls and Facades

None provided.

Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology

There will be a tap connected to the rainwater tank provided to each eastern courtyard

Urban Ecology 3.1 Food Production - Residential

Planters to the eastern courtyards will be water efficient wicking beds. A minimum of 1m² of each planter will be allocated as food production area.

Building Materials

Timber

A commitment to making best endeavours to source timber products that are certified by the Forestry Stewardship Council (FSC) or the Australian Forestry Standard (AFS) has been made for the development.

PVC

All primary uses of PVC (pipes and conduits) within the building will be sourced from companies that have ISO 14001 certification and meet the best practice guidelines developed by the Green Building Council of Australia (GBCA)

Steel

All steel will be sourced from a company with ISO14001 certification and who is a member of the World Steel Association (WSA) Climate Action Plan.

Reinforcing steel with recycled steel content will be specified. & where applicable resource efficient offsite steel fabrication will be sourced.

Concrete

Green" concrete mixes will be explored & considered in future design stages.

It is recommended that in further design stages, the inclusion of low-impact cement substitutes, recycled aggregates etc. be explored by the design team. Green concrete with recycled content uses waste materials such as fly ash or slag from iron and metal in its production to reduce the embodied energy. These concrete mixes are typically longer

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lasting than standard concrete and is more resistant to corrosion and fire, has high compressive and tensile strengths. Some types have a lower density and hence weigh less.

Attachment 6 - PLN20/0720 - 272, 274 - 280 and 288 Fitzroy Street Fitzroy - All Advertised Reports**Melbourne Water STORM Rating Report**

TransactionID: 1028288
Municipality: YARRA
Rainfall Station: YARRA
Address: 274-280 Fitzroy Street

Fitzroy
VIC 3065
Assessor: Urban Digestor
Development Type: Residential - Multiunit
Allotment Site (m2): 538.00
STORM Rating %: 112

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
All Roofs to Tank	344.00	Rainwater Tank	10,000.00	15	167.20	82.80
Impermeable Area	171.00	None	0.00	0	0.00	0.00

Date Generated: 18-Sep-2020 Program Version: 1.0.0

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BESS Report



This BESS report outlines the sustainable design commitments of the proposed development at 274 Fitzroy St Fitzroy VIC 3065. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Yarra City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.

274 Fitzroy St, Fitzroy 3065 Fitzroy

Site area: 537 m² · Building Floor Area: 785 m² ·

Date of Assessment: 18 Sep 2020 ·

Version: V5, 1.6.2-B.292 ·

Applicant: ud@urbandigestor.com.au

Project Identifier

AF50427F

Published

<http://bess.net.au/projects/AF50427F-V1>

Your BESS score is

+ 61 %

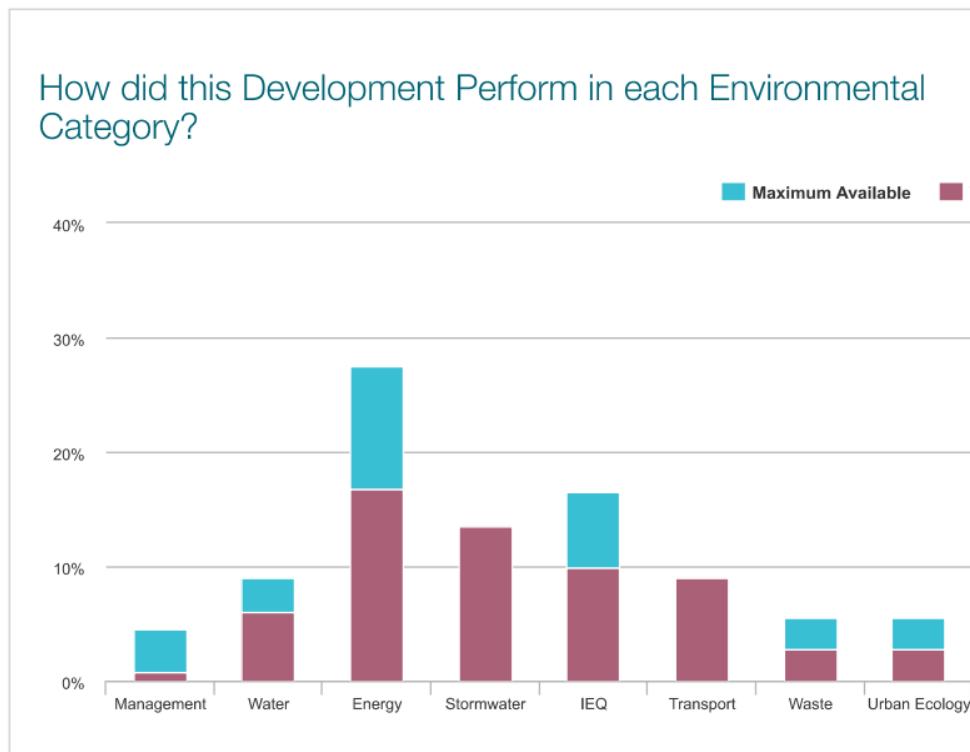
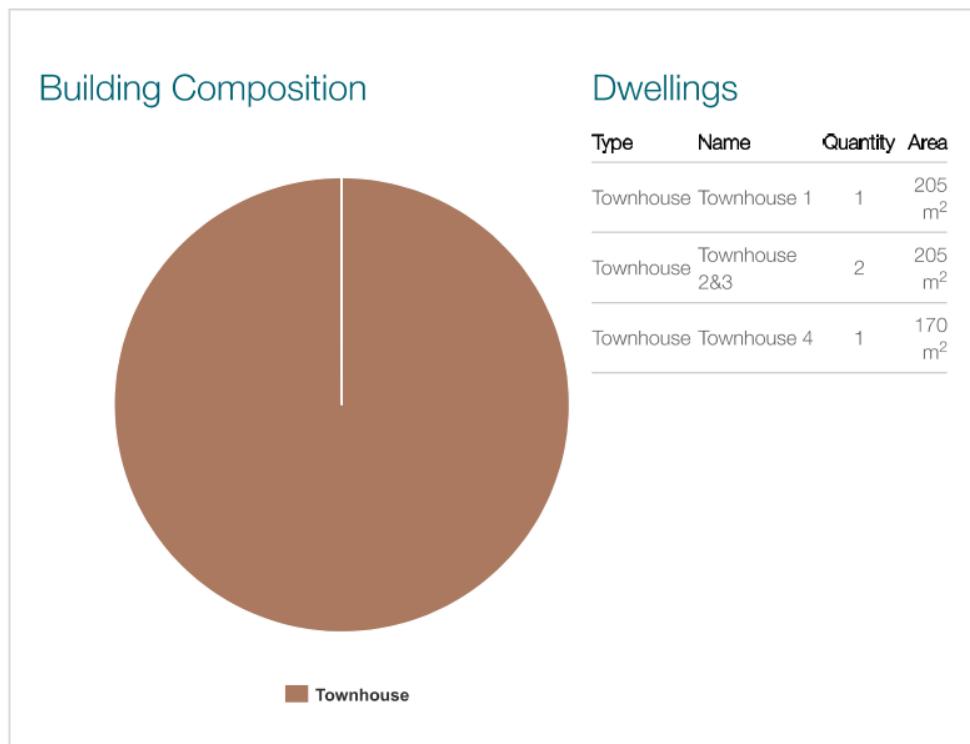


% of Total Category	Score	Pass
1 % Management	17 %	
6 % Water	67 %	✓
17 % Energy	61 %	✓
14 % Stormwater	100 %	✓
10 % IEQ	60 %	✓
9 % Transport	100 %	
3 % Waste	50 %	
3 % Urban Ecology	50 %	
0 % Innovation	0 %	

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Sustainable design commitments by category

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The sustainable design commitments for this project are listed below. These are to be incorporated into the design documentation and subsequently implemented.

Management

17% - contributing 1% to overall score

Credit	Disabled	Scoped out	Score
Management 4.1 Building Users Guide			100 %

Management 4.1 Building Users Guide 100%

Score Contribution This credit contributes 16.7% towards this section's score.

Aim To encourage and recognise initiatives that will help building users to use the building efficiently

Questions

Will a building users guide be produced and issued to occupants? *

Yes

Water

67% - contributing 6% to overall score

Credit	Disabled	Scoped out	Score
Water 1.1 Potable water use reduction			60 %
Water 3.1 Water Efficient Landscaping			100 %

Water Approaches

What approach do you want to use Water? Use the built in calculation tools

Do you have a reticulated third pipe or an on-site water recycling system? No

Are you installing a swimming pool? No

Are you installing a rainwater tank? Yes

Water fixtures, fittings and connections

	Townhouse 1	Townhouse 2&3	Townhouse 4
Showerhead	3 Star WELS (>= 4.5 but <= 6.0)	3 Star WELS (>= 4.5 but <= 6.0)	3 Star WELS (>= 4.5 but <= 6.0)

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	Townhouse 1	Townhouse 2&3	Townhouse 4
Bath	Medium Sized Contemporary Bath	Medium Sized Contemporary Bath	Medium Sized Contemporary Bath
Kitchen Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Bathroom Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Dishwashers	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
WC	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
Urinals	Scope out	Scope out	Scope out
Washing Machine Water Efficiency	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
Which non-potable water source is the dwelling/space connected to?	Central tank	Central tank	Central tank
Non-potable water source connected to Toilets	Yes	Yes	Yes
Non-potable water source connected to Laundry (washing machine)	Yes	Yes	Yes
Non-potable water source connected to Hot Water System	No	No	No

Rainwater Tanks

	Central tank
Name	Central tank
What is the total roof area connected to the rainwater tank?	Square Metres 344.0
Tank Size Litres	10000.0
Irrigation area connected to tank Square Metres	77.0
Is connected irrigation area a water efficient garden?	Yes

Water 1.1 Potable water use reduction 60%

Score Contribution	This credit contributes 83.3% towards this section's score.
Aim	Water 1.1 Potable water use reduction (interior uses) What is the reduction in total water use due to efficient fixtures, appliances, and rainwater use? To achieve points in this credit there must be >25% potable water reduction. You are using the built in calculation tools. This credit is calculated from information you have entered above.
Criteria	What is the reduction in total potable water use due to efficient fixtures, appliances, rainwater use and recycled water use? To achieve points in this credit there must be >25% potable water reduction.

Calculations

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Reference (kL) *	954	
Proposed (excluding rainwater and recycled water use) (kL) *	709	
Rainwater or recycled water supplied (Internal + External) (kL) *	201	
Proposed (including rainwater and recycled water use) (kL) *	507	
% Reduction in Potable Water Consumption * Percentage %	46 %	
Water 3.1 Water Efficient Landscaping	100%	
Score Contribution	This credit contributes 16.7% towards this section's score.	
Aim	Are water efficiency principles used for landscaped areas? This includes low water use plant selection (e.g. xeriscaping). Note: food producing landscape areas and irrigation areas connected to rainwater or an alternative water source are excluded from this section.	
Questions		
Will water efficient landscaping be installed? *		
Yes		
Energy	61% - contributing 17% to overall score	
Credit	Disabled Scoped out Score	
Energy 1.2 Thermal Performance Rating - Residential		17 %
Energy 2.1 Greenhouse Gas Emissions		100 %
Energy 2.3 Electricity Consumption		100 %
Energy 2.4 Gas Consumption		N/A
Energy 2.5 Wood Consumption		N/A
Energy 3.2 Hot Water		100 %
Energy 3.3 External Lighting		100 %
Energy 3.4 Clothes Drying		100 %

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Energy 3.5 Internal Lighting - Residential Single Dwelling	100 %
Energy 4.5 Solar PV - Houses and Townhouses	100 %

Dwellings Energy Approaches

What approach do you want to use for Energy?	Use the built in calculation tools
Are you installing a solar photovoltaic (PV) system?	Yes
Are you installing any other renewable energy system(s)?	No
Gas supplied into building	No gas connection

Dwelling Energy Profiles

	Townhouse 1	Townhouse 2&3	Townhouse 4
Below the floor is	Ground or Carpark	Ground or Carpark	Ground or Carpark
Above the ceiling is	Outside	Outside	Outside
Exposed sides	3	2	3
NatHERS Annual Energy Loads - Heat MJ/sqm	68.0	68.0	68.0
NatHERS Annual Energy Loads - Cool MJ/sqm	30.0	30.0	30.0
NatHERS star rating	6.5	6.5	6.5
Type of Heating System	D Reverse cycle space	D Reverse cycle space	D Reverse cycle space
Heating System Efficiency	3 Star	3 Star	3 Star
Type of Cooling System	Refrigerative space	Refrigerative space	Refrigerative space
Cooling System Efficiency	3 Stars	3 Stars	3 Stars
Type of Hot Water System	C Electric Heat Pump	C Electric Heat Pump	C Electric Heat Pump
Central Hot Water System	No	No	No
% Contribution from solar hot water system	0 %	0 %	0 %
Clothes Line	D Private outdoor clothesline	D Private outdoor clothesline	D Private outdoor clothesline
Clothes Dryer	A No clothes dryer	A No clothes dryer	A No clothes dryer

Solar Photovoltaic systems

	12kW (3kW each unit)
Name	12kW (3kW each unit)
System Size (lesser of inverter and panel capacity)	kW peak
Orientation (which way is the system facing)?	North
Inclination (angle from horizontal)	Angle (degrees)
	3.0

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	<p>Energy 1.2 Thermal Performance Rating - Residential</p>	17%
	<p>Score Contribution This credit contributes 33.3% towards this section's score.</p>	
Aim	Reduce reliance on mechanical systems to achieve thermal comfort in summer and winter - improving comfort, reducing greenhouse gas emissions, energy consumption, and maintenance costs.	
Criteria	What is the average NatHERS rating?	
	Calculations	
	Average NATHERS Rating (Weighted) * Stars	
	6.5	
	<p>Energy 2.1 Greenhouse Gas Emissions</p>	100%
	<p>Score Contribution This credit contributes 11.1% towards this section's score.</p>	
Aim	Reduce the building's greenhouse gas emissions	
Criteria	What is the % reduction in annual greenhouse gas emissions against the benchmark?	
	Calculations	
	Reference Building with Reference Services (BCA only) * kg CO2	
	48247.6	
	Proposed Building with Proposed Services (Actual Building) * kg CO2	
	13737.1	
	% Reduction in GHG Emissions * Percentage %	
	71 %	
	<p>Energy 2.3 Electricity Consumption</p>	100%
	<p>Score Contribution This credit contributes 11.1% towards this section's score.</p>	
Aim	Reduce consumption of electricity	
Criteria	What is the % reduction in annual electricity consumption against the benchmark?	
	Calculations	
	Reference * kWh	
	47301.6	

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Proposed * kWh

13467.7

Improvement * Percentage %

71 %

Energy 2.4 Gas Consumption

N/A

This credit was scoped out: No gas connection in use

This credit was disabled: No gas connection in use

Aim Reduce consumption of gas**Criteria** What is the % reduction in annual gas consumption against the benchmark?**Energy 2.5 Wood Consumption**

N/A

This credit was scoped out: No reason provided

Aim Reduce consumption of wood**Criteria** What is the % reduction in annual wood consumption against the benchmark?**Energy 3.2 Hot Water**

100%

Score Contribution This credit contributes 5.6% towards this section's score.**Criteria** What is the % reduction in annual hot water system energy use (gas and electricity) against the benchmark?**Calculations**

Reference * kWh

17792.4

Proposed * kWh

4636.6

Improvement * Percentage %

73 %

Energy 3.3 External Lighting

100%

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Score Contribution	This credit contributes 5.6% towards this section's score.
---------------------------	--

Questions

Is the external lighting controlled by a motion detector? *

Yes

Energy 3.4 Clothes Drying

100%

Score Contribution	This credit contributes 5.6% towards this section's score.
---------------------------	--

Criteria	Does the combination of clothes lines and efficient dryers reduce energy (gas+electricity) consumption by more than 10%?
-----------------	--

Calculations

Reference * kWh

3003.2

Proposed * kWh

600.6

Improvement * Percentage %

80 %

Energy 3.5 Internal Lighting - Residential Single Dwelling

100%

Score Contribution	This credit contributes 5.6% towards this section's score.
---------------------------	--

Aim	Reduce energy consumption associated with internal lighting
------------	---

Questions

Does the development achieve a maximum illumination power density of 4W/sqm or less? *

Yes

Energy 4.5 Solar PV - Houses and Townhouses

100%

Score Contribution	This credit contributes 11.1% towards this section's score.
---------------------------	---

Aim	To encourage the installation of on-site renewable energy generation
------------	--

Criteria	Does the solar power system provide 30% of the estimated energy consumption of the building class it supplies?
-----------------	--

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Calculations

Solar Power - Energy Generation per year * kWh

13775.8

% of Building's Energy * Percentage %

102 %

Stormwater

100% - contributing 14% to overall score

Credit	Disabled	Scoped out	Score
Stormwater 1.1 Stormwater Treatment			100 %

Which stormwater modelling are you using? Melbourne Water STORM tool

Stormwater 1.1 Stormwater Treatment 100%

Score Contribution This credit contributes 100.0% towards this section's score.

Aim To achieve best practice stormwater quality objectives through reduction of pollutant load (suspended solids, nitrogen and phosphorus)

Criteria Has best practice stormwater management been demonstrated?

Questions

STORM score achieved *

100

Calculations

Min STORM Score *

100

IEQ

60% - contributing 10% to overall score

Credit	Disabled	Scoped out	Score
IEQ 2.2 Cross Flow Ventilation			100 %
IEQ 3.1 Thermal comfort - Double Glazing			100 %

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IEQ 2.2 Cross Flow Ventilation	100%
--------------------------------	------

Score Contribution This credit contributes 20.0% towards this section's score.

Aim To provide fresh air and passive cooling opportunities.

Questions

Are all habitable rooms designed to achieve natural cross flow ventilation? *

Yes _____

IEQ 3.1 Thermal comfort - Double Glazing	100%
--	------

Score Contribution This credit contributes 40.0% towards this section's score.

Aim To provide comfortable indoor spaces and reduce energy needed for heating and cooling

Questions

Is double glazing (or better) used to all habitable areas? *

Yes _____

Transport	100% - contributing 9% to overall score
-----------	---

Credit	Disabled	Scoped out Score
Transport 1.1 Bicycle Parking - Residential		100 %
Transport 1.2 Bicycle Parking - Residential Visitor		N/A
Transport 2.1 Electric Vehicle Infrastructure		100 %

Transport 1.1 Bicycle Parking - Residential	100%
---	------

Score Contribution This credit contributes 50.0% towards this section's score.

Aim To encourage and recognise initiatives that facilitate cycling

Criteria Is there at least one secure bicycle space per dwelling?

Questions

Bicycle Spaces Provided ? *

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4

Calculations

Min Bicycle Spaces Required *

4

Transport 1.2 Bicycle Parking - Residential Visitor

N/A

This credit was scoped out: No reason provided

This credit was disabled: Not enough dwellings.

Aim	To encourage and recognise initiatives that facilitate cycling
------------	--

Criteria	Is there at least one visitor bicycle space per 5 dwellings?
-----------------	--

Transport 2.1 Electric Vehicle Infrastructure

100%

Score Contribution	This credit contributes 50.0% towards this section's score.
---------------------------	---

Aim	To facilitate the expansion of infrastructure to support electric vehicle charging
------------	--

Questions

Are facilities are provided for the charging of electric vehicles? *

Yes

Waste

50% - contributing 3% to overall score

Credit	Disabled	Scoped out	Score
Waste 2.1 - Operational Waste - Food & Garden Waste			100 %

Waste 2.1 - Operational Waste - Food & Garden Waste

100%

Score Contribution	This credit contributes 50.0% towards this section's score.
---------------------------	---

Aim	To minimise organic waste going to landfill
------------	---

Questions

Are facilities provided for on-site management of food and garden waste? *

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Yes

Urban Ecology

50% - contributing 3% to overall score

Credit	Disabled	Scaped out	Score
Urban Ecology 2.1 Vegetation			50 %
Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology			100 %
Urban Ecology 3.1 Food Production - Residential			100 %

Urban Ecology 2.1 Vegetation 50%

Score Contribution This credit contributes 50.0% towards this section's score.

Aim To encourage and recognise the use of vegetation and landscaping within and around developments

Criteria How much of the site is covered with vegetation, expressed as a percentage of the total site area?

Questions

Percentage Achieved ? * Percentage %

14 %

Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology 100%

Score Contribution This credit contributes 12.5% towards this section's score.

Aim Encourage plants to be grown on balconies and courtyards

Questions

Is there a tap and floor waste on every balcony / in every courtyard? *

Yes

Urban Ecology 3.1 Food Production - Residential 100%

Score Contribution This credit contributes 12.5% towards this section's score.

Aim To encourage the production of fresh food on-site

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Criteria	Is there at least 0.25m ² of space per resident dedicated to food production?
Questions Food Production Area * Square Metres 4.0	
Calculations Min Food Production Area * Square Metres 4	
Innovation 0% - contributing 0% to overall score	

Items to be marked on floorplans	
0 / 13 floorplans & elevation notes complete.	
Water 3.1: Water efficient garden annotated	Incomplete
Energy 3.3: External lighting sensors annotated	Incomplete
Energy 3.4: Clothes line annotated (if proposed)	Incomplete
Energy 4.5: Floor plans showing location of photovoltaic panels as described.	Incomplete
Stormwater 1.1: Location of any stormwater management systems used in STORM or MUSIC modelling (e.g. Rainwater tanks, raingarden, buffer strips)	Incomplete
IEQ 2.2: Dwellings meeting the requirements for having 'natural cross flow ventilation'	Incomplete
IEQ 3.1: Glazing specification to be annotated	Incomplete
Transport 1.1: All nominated residential bicycle parking spaces	Incomplete
Transport 2.1: Location of electric vehicle charging infrastructure	Incomplete
Waste 2.1: Location of food and garden waste facilities	Incomplete
Urban Ecology 2.1: Vegetated areas	Incomplete
Urban Ecology 2.4: Taps and floor waste on balconies / courtyards	Incomplete
Urban Ecology 3.1: Food production areas	Incomplete

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Documents and evidence

0 / 5 supporting evidence documentation complete.

Energy 3.5: Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.	Incomplete
Energy 4.5: Specifications of the solar photovoltaic system(s).	Incomplete
Stormwater 1.1: STORM report or MUSIC model	Incomplete
IEQ 2.2: A list of dwellings with natural cross flow ventilation	Incomplete
IEQ 3.1: Reference to floor plans or energy modelling showing the glazing specification (U-value and Solar Heat Gain Coefficient, SHGC)	Incomplete

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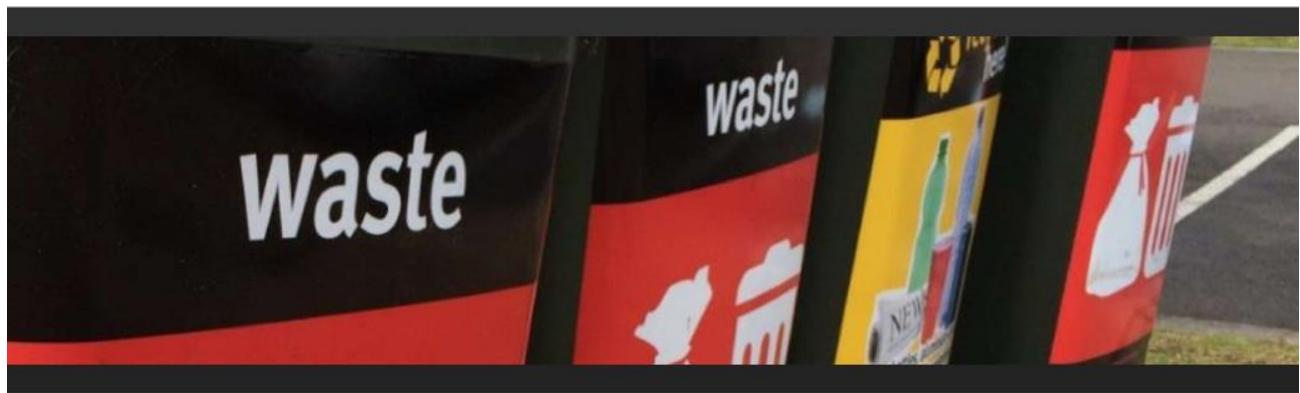
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274-280 Fitzroy Street, Fitzroy
Waste Management Plan



190754WMP001C-F.docx

14 December 2020

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onemilegrid

ABN: 79 168 115 679

(03) 9939 8250
56 Down Street

COLLINGWOOD, VIC 3066
www.onemilegrid.com.au

DOCUMENT INFORMATION

Prepared for	Kennedy Nolan	Report Date	14 December 2020
File Name	190754WMP001C-F.docx	Reviewed by	James Dear

Signature

A handwritten signature in black ink, appearing to read "Yoshi".

Signature

A handwritten signature in black ink, appearing to read "James Dear".

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1 INTRODUCTION

onemilegrid has been requested by Kennedy Nolan to prepare a Waste Management Plan for the proposed residential development at 274-280 Fitzroy Street, Fitzroy.

The preparation of this management plan has been undertaken with due consideration of the Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Developments and relevant Council documentation.

2 EXISTING SITE CONDITIONS

The subject site is located on the eastern side of Fitzroy Street, approximately mid-way between Moor Street and Bell Street, as shown in Figure 1, and is addressed as 274-280 Fitzroy Street, Fitzroy.

Figure 1 Site Location



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The site is rectangular in shape with an approximate area of 750m². The site has frontage to Fitzroy Street and rear abuttal to Fisher lane approximately 36m in length.

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3 DEVELOPMENT PROPOSAL

3.1 General

It is proposed to develop the subject site for the purposes of a residential development containing attached townhouses including 1x four-bedroom, 2x three-bedroom and 1x two-bedroom dwellings.

Vehicular access to the site is proposed to be provided from Fitzroy Street at the site's northern boundary, linking to a one lane ramp servicing a basement car park. A pedestrian walkway will also run alongside the vehicle ramp.

Each dwelling will be provided a garage, with two car spaces provided for Townhouses 1-3, and one space for Townhouse 4.

3.2 Waste Management

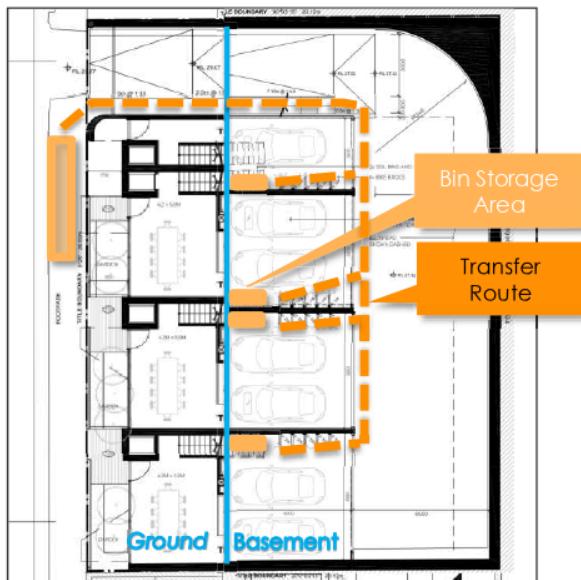
It is proposed to utilise Yarra Council's municipal waste collection services to manage the collection and disposal of all waste streams associated with the development.

Each dwelling will be provided with separate garbage, recycling and glass waste bins as per Council's standard allocation, which will be stored within the garage of each dwelling. Residents will be responsible for disposing of recyclables, bagged garbage and glass waste into the appropriate bins.

An additional composting bin will be provided within the ground floor open space of each dwellings for disposal and treatment of organic and food waste.

The collection location and expected transfer route is shown in Figure 2.

Figure 2 Bin Storage Room and Collection Details



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4 WASTE GENERATION

4.1 Garbage, Recycling and Glass

Commencing from November 2020, the Yarra City Council are planning to implement a three-bin system comprising garbage, recycling, and glass streams. The City of Yarra recently trialled a glass collection service across 1,300 households in Abbotsford which determined that up to 38% of household recycling was made up of glass.

In light of the above, Yarra City Council will provide fortnightly collection services for recycling, while garbage and glass bins will be collected fortnightly on the alternate week.

4.2 Organic (Food) Waste

Sustainability Victoria indicates that approximately 35% of garbage is made of food waste, therefore, the provision of organics waste collection can result in a reduction in garbage generation.

A worm farm or compost bin will be provided within the private open space areas of each dwelling.

4.3 Electronic Waste (E-Waste)

E-waste includes all manner of electronic waste, such as televisions, computers, cameras, phones, household electronic equipment, batteries and light bulbs. On 1st July 2019, the disposal of E-waste to landfill was banned by the Victorian Government.

Council does not provide a residential kerbside pick-up service for E-waste, therefore E-waste must be taken to by residents to the appropriate collection centre, as described below:

- Yarra Recycling Centre accepts all e-waste (168 Roseneath Street, Clifton Hill);
- Planet Ark operate a number of E-waste recycling drop-off locations throughout Victoria (<https://recyclingnearyou.com.au/electrical>);
- Officeworks stores accept small amounts of personal E-waste;
- Aldi stores accept batteries; and
- Some Bunnings stores accept batteries.

E-waste may also be disposed of as part of Council's hard waste collections. If E-waste is to be disposed of as part of this service, it must be separated into its own pile.

4.4 Soft Plastics

Soft plastic waste is estimated to contribute approximately 20% of landfill waste volumes, and includes such things as bread bags, plastic bags, bubble wrap and snap lock bags.

Soft plastics can be recycled via REDcycle bins located at most Coles and Woolworths supermarkets, including Coles Fitzroy in the vicinity of the site.

No specific bin provision is required for soft plastic recycling, though it is recommended that residents are made aware of soft plastic recycling and are encouraged to facilitate the collection and deposit of soft plastics at REDcycle bin locations.

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4.5 Hard Waste

Yarra Council provides two hard waste collections per year across the municipality. Hard waste will be stored within individual dwellings between collections, with collection to occur via the road frontages surrounding the site. Hard waste must be out by 6:00am on the Monday of the start of the allocated collection week.

Hard waste must not exceed 2 cubic metres in volume and be no longer than 1.5 metres in length. Hard waste must not be too heavy for two people to safely carry.

Additional to the above, hard waste may be disposed of independently by residents, at Council's Recycling Centre/Transfer Station.

5 BIN REQUIREMENTS

5.1 Bin Provision and Specifications

It is proposed to utilise Council's municipal waste collection for all waste services for the proposed development. Council offers 120 litre bins for garbage and recycling, and will offer a 80 litre glass bin for each dwelling.

The expected bin requirements are shown below.

Table 1 Bin Specifications

Stream	Capacity	Width	Depth	Height	Colour	Collection Frequency
Garbage	120 litres	0.50m	0.55m	0.95m	Dark green lid	Fortnightly
Recycling	120 litres	0.50m	0.55m	0.95m	Yellow lid	Fortnightly
Glass	80 litres	0.44m	0.50m	0.83m	Purple lid	Fortnightly

5.2 Bin Storage

As indicated above, resident bins will be stored within the garage of each dwelling.

5.3 Bin Collection

All bins will be collected fortnightly with recycling collection occurring on alternative weeks to garbage and glass.

Bins will be placed alongside the road in front of the site as depicted in Figure 2. Bins should be placed to minimise any impact on pedestrian accessibility.

Areas designated for bin collection should be clear of any planting.

5.4 Bin Cleaning

Residents are responsible for the maintenance and cleaning of their own bins.

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6 WASTE MANAGEMENT

6.1 Best Practice Waste Management

Best Practice Waste Management is an initiative designed to reduce the amount of waste generated through encouraging a change of behaviour and action on waste management and moreover recycling.

The benefits of reducing waste generation are far reaching and has been identified as significantly important by Council and the Victorian Government.

The Victorian Waste and Resource Recovery Policy "Getting Full Value" has been prepared by the Victorian Government, and "sets out a position and an approach that will position Victoria as a national leader in resource recovery".

One of the primary goals of the policy is to "Assist Victorians to reduce the waste they generate and save Victorians' money through efficient use of resources", for which the following strategic directions are listed:

- Support commercial, not-for-profit and Victorian public sector organisations to achieve financial savings through waste reduction;
- Provide households with the information and support they need to reduce waste by using household goods more efficiently;
- Continue to work in partnership with the Commonwealth Government through the National Waste Policy: Less Waste, More Resources, and take a lead role in national strategies that harness Victoria's strengths and capabilities

This policy builds on the Towards Zero Waste strategy, which was launched in 2005.

The Owners Corporation shall encourage residents to participate in minimising and reducing solid waste production by:

- Promoting the Getting Full Value Strategy and the Municipalities Waste Management Strategy, including the use of The Waste Hierarchy, which in order of preference seeks to:
 - + Avoid waste generation in the first place;
 - + Increase the reuse and recycling of waste when it is generated; and
 - + Recover, treat or contain waste preferentially to;
 - + Its disposal in Land Fill (which is least desirable).
- Providing information detailing recyclable materials to ensure that non-recyclable materials do not contaminate recycling collections;
- Providing information regarding safe chemical waste disposal methods and solutions, including correct battery and electronics disposal methods;
- Encouraging composting for residents; and
- Providing tips for recycling and reusing waste, including encouraging the disposal of reusable items in good condition via donations to Opportunity Shops and Charities.

6.2 Bin Usage

Residents will bag and dispose of garbage and dispose of recyclables (non-bagged) in the provided bins. Cardboard boxes should be flattened, and containers rinsed and cleaned prior to disposal in the provided bins. Residents will be responsible for separating glass waste from recycling and to dispose in the glass bin.

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6.3 Signage

To avoid contamination between garbage streams, bin lids will be colour coded in accordance with Council standards, to ensure the bin type is easily distinguishable. Furthermore, bins should include typical signage (preferably on the bin lid) to reinforce the appropriate materials to be deposited in each bin. Example signage available from [Sustainability Victoria](#) is shown below.

Figure 3 Example Waste Signage



6.4 Noise Control

It is noted that with the bin storage and collection area being situated within the basement car park, disturbance to residents during waste collection will be minimal. Regardless, to minimise the disturbance to residents during waste collection, the collection should follow the criteria specified by the EPA, as below:

- Collections occurring once a week should be restricted to the hours 6:00am to 6:00pm, Monday to Saturday;
- Collections occurring more than once a week should be restricted to the hours 7:00am to 6:00pm, Monday to Saturday;
- Compaction should only be carried out while on the move;
- Bottles should not be broken up at the point of collection;
- Routes that service entirely residential areas should be altered regularly to reduce early morning disturbance; and
- Noisy verbal communication between operators should be avoided where possible.

6.5 Resident Information

To ensure all residents are aware of their responsibilities with regard to waste and bin management, an information package will be provided by the Owners Corporation to all residents, including the following information:

- A copy of this Waste Management Plan;
- Methods and techniques for waste reduction and minimisation;
- Information regarding bin collection days and requirements;
- Resident responsibilities with regard to bin usage, storage, and collection; and
- Resident responsibilities with regard to litter and waste removal from the common property.

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6.6 Municipal Charges

It is noted that every rateable tenement within the proposed development is liable for municipal waste charges, irrespective of the services provided by Council.

6.7 Waste Management Plan Implementation

The implementation, coordination and funding of the Waste Management Plan is the responsibility of the operator, and should be a dynamic document, reflecting changes in on-site and off-site conditions e.g. varying bin requirements, or changing waste collection methodology. As such, the plan should be regularly revisited and amended to provide the most accurate and relevant information to achieve the desired objectives of effectively managing the storage and disposal of waste generated on-site.

Should any significant operational changes occur on-site, a new or amended Waste Management Plan prepared by a suitable qualified and experienced person or firm may be required, detailing changes to the storage and disposal of the general, recyclable and e-wastes, responsibility in management and maintenance of the bins, location and area of bin rooms, etc.

7 OCCUPATIONAL HEALTH & SAFETY RESPONSIBILITIES

The Owners Corporation/site operator shall ensure compliance to all relevant OH&S regulations and legislation, including the following:

- Worksafe Victoria Guidelines for Non-Hazardous Waste and Recyclable Materials

8 CONTACT INFORMATION

8.1 Council

Yarra City Council

Phone: (03) 9205 5555 (Customer Service)
Web: www.yarracity.vic.gov.au
Email: info@yarracity.vic.gov.au

8.2 Others

Sustainability Victoria

Services: Sustainable Waste Management initiatives and information
Phone: 1300 363 744 (Energy, Waste and Recycling)
Web: www.sustainability.vic.gov.au
Email: info@sustainability.vic.gov.au

-
- 6.3 **PLN21/0340 - 671 Lygon Street, Princes Hill - Partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and reduction in car parking requirement**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of the application at No. 671 Lygon Street, Princes Hill for the partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and a reduction in the car parking requirements of the Yarra Planning Scheme.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.01 (Discretionary Uses in the Residential Zone) and
 - (b) Clause 32.09 (Neighbourhood Residential Zone);
 - (c) Clause 22.02 and Clause 43.01 (Heritage);
 - (d) Clause 22.04 and 52.05 (Signage); and
 - (e) Clause 52.06 (Car Parking).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Buildings and works (Neighbourhood Residential Zone & Heritage Overlay);
 - (b) Use (Medical Centre);
 - (c) Car Parking;
 - (d) Advertising Signage;
 - (e) Objector concerns.

Submissions Received

4. Eighteen objections were received to the application, these can be summarised as:
 - (a) Visual bulk of proposed first floor;
 - (b) Overlooking;
 - (c) Loss of daylight to windows;
 - (d) Overshadowing;
 - (e) Inappropriate use in a residential zone;
 - (f) Non-compliance with Clause 22.01 “Discretionary uses in the Residential 1 Zone”
 - (g) Traffic and car parking:
 - (i) Increased traffic volumes (Keeley Lane);
 - (ii) Increased congestion on Keeley Lane;
 - (iii) Increased possibility of car/pedestrian accidents;
 - (iv) Reversing onto Keeley Lane;

- (v) Blocking of garages on Keeley Lane
 - (vi) Lack of on-street car parking to serve customers/staff;
 - (vii) Reduces the amount of car parking available to residents
 - (viii) Swept path diagrams show difficulties in accessing the site.

(h) Noise impacts (customers & staff, deliveries, vehicle noise, construction noise);

(i) Potential crime impacts (burglary out of hours, graffiti);

(j) The rezoning of the land to a commercial zone;

(k) Proposed use more suited to a commercial zone;

(l) Setting of a precedent of commercial uses in a residential zone;

(m) Construction safety (asbestos 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 the following key recommendations:

 - (a) Reduce the on-site car parking to only two (2) staff car spaces only;
 - (b) Increase the sill height to the first floor, west facing recovery room window to 1.7m above the finished floor level;
 - (c) Increase the setback of the first-floor corridor to 2.2m from the southern boundary;
 - (d) No more than three (3) persons providing health services are permitted to operate from the land at any one time.
 - (e) Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 9am to 5pm, Monday to Friday.

CONTACT OFFICER: Gary O'Reilly
TITLE: Senior Statutory Planner
TEL: 9205 5040

6.3 PLN21/0340 - 671 Lygon Street, Princes Hill - Partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and reduction in car parking requirement

Reference D21/170335
Author Gary O'Reilly - Senior Statutory Planner
Authoriser Co-Ordinator Statutory Planning

Ward: Nicholls
Proposal: Partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and a reduction in the car parking requirements
Existing use: Dwelling
Applicant: Planform
Zoning / Overlays: Neighbourhood Residential Zone (Schedule 1)
Heritage Overlay (Schedule 329)
Development Contributions Plan Overlay (Schedule 1)
Special Building Overlay
Date of Application: 25 May 2021
Application Number: PLN21/0340

Planning History

1. The site has no planning history.

Background

2. The application was received by Council on 25 May 2021, with further information provided on 8 September 2021. The application was advertised in September 2021, with eighteen (18) objections received.
3. No consultation meeting was held.
4. During the course of the application, advice was obtained from Council's Heritage Advisor, Engineering Services, Arborist and Melbourne Water. The referral advice is attached to this report.

Planning Scheme Amendments

Amendment C269

5. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy and Local Policies within the Planning Policy Framework (PFF), consistent with the structure recently introduced by the State Government.
6. Amendment C269 was adopted by Council on 3 August 2021 and has proceeded to a panel hearing (October 2021). In relation to this current planning application, the following clauses are of most relevance:
 - 13.07-1L – Interfaces and Amenity

- 15.01-1L – Signs in a Heritage Overlay
 - 15.01-2L – Building Design
 - 15.03-1L – Heritage
 - 17.01-1L – Employment
 - 18.02-4L – Car parking
7. The above clauses are largely reflected in current planning policy and will not be contradictory to the proposed re-write of Clauses 21 and 22.

Applicant's response to objections/referrals

8. In response to concerns raised via the internal referral process and objections received, the applicant has agreed in writing to the following alterations via condition of the permit:
- (a) Reduce the on-site car parking to only two (2) staff car spaces only;
 - (b) Increase the sill height to the first floor west facing recovery room window to 1.7m above the finished floor level;
 - (c) Increase the setback of the first-floor corridor to 2.2m from the southern boundary;
 - (d) Condition for an amended Arborist report to address concerns raised by Council's Arborist.

The Proposal

Use

9. The use of the land as a medical centre to provide specialist cosmetic services. Consultations and minor surgical procedures (under local anaesthetic) will be conducted on site.
10. Services will be provided within an existing building, with a ground and first floor addition proposed as part of this application (186sqm in area).
11. No more than three (3) persons providing health services (including a nurse) and a receptionist on the land at any time.
12. The hours of operation to be between 9am and 5pm, Monday to Friday.
13. It is anticipated that approximately 15 patients will be seen per day.

Car parking & bicycles spaces

14. A total of 4 tandem car spaces are provided at the rear, accessed via Keeley Lane;
- (a) Two car spaces are allocated to staff and two are allocated to customers;
15. Provision of 3 bicycle spaces.

Demolition

16. Part demolition of the bathroom, laundry, WC and storeroom to the rear of the existing building.
17. Internal demolition of 3 bedrooms, living, meals and kitchen area (no permit required).
18. Removal of rear sections of existing roof.
19. Removal of two north facing windows.
20. Demolition of the rear fence/roller door.
21. Demolition of existing garden bed within the rear setback (no permit required).

Buildings and works

22. Construction of a 7.1m high, double storey addition to the rear of the building, containing the following:
 - (a) The ground floor will comprise of a waiting/reception room, two consultation rooms storage/archive room, foyer, kitchen and toilet.
 - (b) The first floor will comprise of a procedure room, recovery room, wash up area and corridor.
23. Maximum overall height is 7.1m above natural ground level.
24. The ground floor incorporates the following setbacks:
 - (a) No change to the existing eastern (front) boundary.
 - (b) Maintain a 0.85m setback to the northern (side) boundary.
 - (c) A 20m (approx.) setback to the western (rear) boundary.
 - (d) A zero-metre setback to the southern (side) boundary (new wall on boundary).
25. The first floor incorporates the following setbacks:
 - (a) A 12.7m setback to the eastern (front) boundary.
 - (b) A 1.025m setback to the northern (side) boundary.
 - (c) A 20.6m setback to the western (rear) boundary.
 - (d) A 1.6m setback to the southern (side) boundary.
26. Works to existing front fence including:
 - (a) Repainting and patching of cracks (no permit required);
 - (b) Remove and replace timber infill sections (no permit required).

Signage

	Type	Location	Area
Sign 1	0.8m by 1m, non-illuminated business identification sign	Within the front setback with a support structure, maximum height of 1.7m above NGL	0.8sqm

Colours and materials

27. Proposed external finishes:
 - (a) Brickwork to match existing (ground floor addition);
 - (b) Pale grey rendered finish to first floor addition;
 - (c) Galvanised steel roof (Z600);
 - (a) Aluminium framed windows, white finish.

Existing Conditions

Subject Site

28. The subject site is located on the western side of Lygon Street, between Bougainville Place to the north and Holtom Street E Street to the south, in Princes Hill. The site is rectangular shape, with a frontage of 6.1m to Lygon Street and a depth of 50.2m and constitutes an overall area of approximately 306sqm.
29. The land is developed with a single storey rendered dwelling with a gable roof to the street (figure 1). The dwelling is single fronted with a setback of 4.5m from the eastern (front) title boundary, with the verandah encroaching into this setback and resulting in a 3m setback. There is an existing 1.7m high rendered front fence with timber slat infills along the front boundary, with a small garden area behind the fence.



Figure 1 – Subject site No. 671 Lygon Street, Princes Hill

30. The dwelling consists of three bedrooms towards the front of the building, open plan living room, meals room and kitchen, bathroom, storeroom, WC and laundry to the rear. Towards the rear of the building is the dwelling's secluded private open space. Vehicle access is possible from Keeley Lane to the rear via a roller door structure (figure 2).



Figure 2 – Rear boundary to subject site (roller door) along Keeley Lane, Princes Hill

31. The title submitted with the application does not show any covenants or easements.

Surrounding Land

32. The surrounding area is predominantly residential. This section of Lygon Street is occupied predominantly by Edwardian-era dwellings, with a number of non-contributory buildings also present. The built form in the area is a mix of single and double storey dwellings presenting to the Lygon Street (figure 3). There are also a number of three storey apartment buildings on the opposite side of Lygon Street and higher density apartment buildings of up to 9 storeys further to the north at the junction of Lygon Street and Brunswick Street.



Figure 3 - Aerial photo of subject site and surrounds (Source: Nearmaps Oct 2021)

33. To the north of the subject site is No. 673 Lygon Street. The site is developed with a single-storey building which is currently used as a place of worship/assembly (E-Vam Buddhist Institute). Whilst the building was originally built as a dwelling, it is unclear whether a dwelling use is still present on the land.
34. The building at 673 Lygon Street is provided with a 6.1m setback from the street and verandah encroaching into this setback and resulting in a 3.2m setback (figure 4). The building is setback a minimum of 5.9m from the common boundary with the subject site, with a driveway separating the two buildings. There are five windows which directly interface the common boundary. The rear of this site consists of open space. Vehicle access to this site is provided along Lygon Street, with access via a single width crossover driveway adjacent to the common boundary with the subject site (figure 4).



Figure 4 – No. 673 Lygon Street, Princes Hill

35. To the south of the subject site is No. 669 Lygon Street. The site is developed with a double-storey dwelling. The dwelling is provided with a 5.2m setback from the street. The dwelling is partially constructed to the common boundary with the subject site, with a central courtyard setback 3.5m from the common boundary with the subject site. There is one north-facing habitable room window which directly interfaces the common boundary (not identified on plans). The rear of this site consists of the dwelling's secluded private open space and which is occupied by a swimming pool. Vehicle access to this site is provided along Lygon Street, with access via a single width crossover and car space located within the front setback (figure 4). Secondary vehicle access appears to be provided from the rear with a single storey garage constructed along the rear boundary with roller door access from Keeley Lane (figure 2 – yellow roller door).



Figure 5 – No. 669 Lygon Street, Princes Hill

36. To the west of the subject site is Keeley Lane, a 6.2m wide named laneway. On the opposite side of the laneway are a row of double storey dwellings at Nos. 41 to 45 Keeley Lane. These dwellings are double storey in scale and are constructed to the laneway with cantilevered first floors constructed to the boundary (figure 6). These dwellings are contemporary in design with pedestrian and vehicle access provided off the laneway (figure 6).



Figure 6 – Nos. 41-45 Keeley Lane, Princes Hill

37. On the opposite side of Lygon Street are a mix of single storey heritage dwellings and 2-3 storey dwellings fronting the street.
38. The site has good access to services and public transport including:
- Tram services operating along Lygon Street (Nos. 1 & 6 tram routes);
 - Bus services operate along Brunswick Road, 200m to the north (504 route);
 - Additional tram services operating along Nicholson Street and Royal Parade, 680m east and 825m west of the site respectively;
 - The nearest activity centres are located 165m to the south at the junction of Lygon Street and Pigdon Street, Brunswick Road located 200m to the north and along Nicholson Street, approximately 675m to the east; and
 - The site is located with 4.5km of the CBD.
39. On-street car parking in the immediate area is located along Lygon Street, Holtom Street E and Park Street with the following restrictions imposed:
- 2 hour parking between 7am and 7pm, Monday to Saturday, (unrestricted at other times) on the east and side of Lygon Street. 2 hour parking between 7am and 6pm, (unrestricted at other times) on the west and side of Lygon Street.
 - 2 hour parking between 7am and 6pm, (unrestricted at other times) on the north side of Holtom Street E & 4 hour parking between 7am and 6pm, (unrestricted at other times) on the central medium strip. Permit parking only on the southern side.
 - 2 hour parking between 7am and 7pm, Monday to Saturday (unrestricted at other times) on the north side of Park Street & permit parking only on the southern side.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

40. Pursuant to Clause 32.09-2, a medical centre does not require a permit if the following conditions are met:
- The gross floor area of the buildings does not exceed 250sqm.

- (b) It is located in an existing building.
 - (c) The land is adjoined, or has access to, a Road Zone.
 - (d) Must not require a permit under Clause 52.06-3.
41. In this instance, the proposed medical centre is located within an existing building with a gross floor area less than 250sqm. However, the site does not have immediate access to a Road Zone and triggers a permit under Clause 52.06-3. Therefore, a permit is required for the medical centre use under the Neighbourhood Residential Zone.
42. Pursuant to Clause 32.09-9, a permit is required to construct a building or construct or carry out works for a Section 2 use. As discussed in the paragraph above, a permit is triggered for the use.
43. Pursuant to Clause 32.09-14, sign requirements are at Clause 52.05. This zone is in Category 3.

Overlays

Heritage Overlay (Schedule 329)

44. The subject site is affected by a Heritage Overlay (HO329). The following provisions apply:
- (a) Pursuant to Clause 43.01-3, a planning permit is required to demolish a building and construct a building or construct or carry out works.
 - (b) Pursuant to Clause 43.01-1, a permit is required to construct or display a sign.
45. Pursuant to Clause 43.01-4, an application to construct or display a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
46. The subject site is recognised as Contributory to the Princes Hill Heritage Precinct (Schedule 329).

Special Building Overlay

47. The subject site partially affected by a Special Building Overlay (figure 7).



Figure 7 – Extent of Special Building Overlay (Source: DELWP)

48. Pursuant to Clause 44.05-1 of the Scheme, a permit is required to construct or carry out works.
49. No permit is triggered for a sign under the SBO.

Development Contributions Plan Overlay (Schedule 1) (DCPO1)

50. The Development Contributions Plan applies to the proposed additional office floor area, requiring the developer to pay a cash contribution towards essential city infrastructure like roads and footpaths.
51. Pursuant to Clause 45.06-1 a permit granted must:
 - (a) *Be consistent with the provisions of the relevant development contributions plan.*
 - (b) *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay*
52. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 1 (Carlton North – Princess Hill) and the development infrastructure levy is applicable to the proposed commercial leasable floor space.
53. A planning permit is not required for works under the overlay. The requirements of the DCPO have been included as a condition in the recommendation.

Particular Provisions

Clause 52.05 – Advertising signs

54. Pursuant to Clause 52.05-13 (Category 3 – High amenity areas), business identification signage requires a permit.

Clause 52.06 – Car parking

55. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land.
56. Table 1 at Clause 52.06-5 states that a medical centre is required to provide 3.5 spaces for every 100sqm of leasable floor area (noting that Column B applies as the subject site is located in the Principal Public Transport Network Area).
57. The leasable floor area is approximately 186sqm and therefore the proposed use triggers a car parking requirement of six (6) spaces. Four (4) car parking spaces are provided in the rear setback and accessed via Keeley Lane, and therefore a car parking reduction of two (2) spaces is required.
58. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Clause 52.34 – Bicycle facilities

59. Pursuant to Table 1 at Clause 52.34-5, bicycle spaces are required to be provided for a medical centre where four (4) or more practitioners are proposed. As the subject application proposes a maximum of three (3) practitioners the provision is not applicable.

General Provisions

60. Before 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 and any other provision.

[Planning Policy Framework \(PPF\)](#)

61. The relevant clauses are as follows:

Clause 11.01 (Victoria)

Clause 11.01-1S (Settlement)

62. The objective of this clause is “*to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements*”.

Clause 11.02 (Managing Growth)

Clause 11.02-1S (Supply of urban land)

63. The objective of this clause is:

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

Clause 15.01-4S (Healthy neighbourhoods)

64. The objective of the clause is:

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

Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne)

65. The strategy is to:

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

Clause 15.03 (Heritage)

Clause 15.03-1S (Heritage conservation)

66. The objective of this clause is:

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

Clause 17.01 (Employment)

Clause 17.01-1S (Diversified economy)

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

68. Strategies to achieve the objective relevantly include:

(a) *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.*

(b) *Improve access to jobs closer to where people live.*

Clause 17.02 (Commercial)

Clause 17.02-1S (Business)

69. The objective of this clause is:

(a) *To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.*

Clause 17.02-2S (Out-of-centre development)

70. The objective of this clause is:

(a) *To manage out-of-centre development.*

71. Strategies to achieve this objective include:

- (a) *Ensure that out-of-centre proposal are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

Clause 18.02 (Movement Networks)

Clause 18.02-1S (Sustainable personal transport)

72. The objective of this clause is:

- (a) *To promote the use of sustainable personal transport.*

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

73. A relevant strategy of this clause is to:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*

Clause 18.02-2S (Public Transport)

74. The objective of this clause is:

- (a) *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)

75. A relevant strategy of this clause is to:

- (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 centre and where principal public transport routes intersect.*

Clause 18.02-4S (Car parking)

76. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

Clause 19.02-1S (Health facilities)

77. The objective of this clause is:

- (a) *To assist the integration of health facilities with local and regional communities.*

78. The relevant strategies to achieve the objective include:

- (a) *Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community car facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.*

79. *Provide adequate car parking for staff and visitors of health facilities.*

Local Planning Policy Framework (LPPF)

Clause 21.04 (Land Use)

Clause 21.04-4 (Community facilities, hospitals and medical services)

80. The clause provides the relevant objectives and corresponding strategies:

- (a) *Objective 9: to provide community services that meet the needs of a diverse and changing community*
- (b) *Objective 10: to provide accessible community services.*
- (c) *Strategy 10.2: Encourage community facilities to locate where they are easily accessible by public transport.*

Clause 21.05 (Built Form)

Clause 21.05-1 (Heritage)

81. A relevant objective of this clause is:

(a) Objective 14 – *To protect and enhance Yarra's heritage places.*

Clause 21.06 (Transport)

Clause 21.06-2 (Public transport)

82. The objective of this clause is to “*facilitate public transport usage*”.

83. The strategy to achieve this objective is to:

(a) *Require new development that generates high numbers of trips to be easily accessible by public transport.*

Clause 21.06-3 (The road system and parking)

84. The objectives of the clause are:

(a) *To reduce the reliance on the private motor car.*

(b) *To reduce the impact of traffic.*

Clause 21.08 (Neighbourhoods)

Clause 21.08-3 (Carlton North – Princes Hill)

85. This clause identified that area as a “*residential neighbourhood is noted for the consistency of its spacious brick or render late Victorian and Edwardian streetscapes and for its consistent residential character. Linear Park is a significant park in this neighbourhood. The area has excellent accessibility to tertiary institutions in central Melbourne. Little change is expected for this neighbourhood shows the subject site being near to the Spensley Street NAC, which is identified to have “limited scope for more intense development”.*

Relevant Local Policies

Clause 22.01 (Discretionary Uses in the Residential 1 Zone)

86. This policy applies to land in the Residential 1 Zone and the objective of the clause is “*to ensure that residential amenity is not adversely affected by non-residential uses*”

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

87. This policy applies to all new development included in the 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 22.04 (Advertising signs)

88. This policy applies to all permit applications for advertising signs. The objective of the clause is to (relevantly) allow for the promotion of goods and services, and to ensure that signs do not detract from the visual amenity of the area.

Advertising

89. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 91 letters sent to surrounding owners and occupiers and by two (2) signs displayed on site. Council received 18 objections, the grounds of which are summarised as follows):

(a) Visual bulk of proposed first floor;

- (b) Overlooking;
 - (c) Loss of daylight to windows;
 - (d) Overshadowing;
 - (e) Inappropriate use in a residential zone;
 - (f) Non-compliance with Clause 22.01 “Discretionary uses in the Residential 1 Zone”
 - (g) Traffic and car parking:
 - (i) Increased traffic volumes (Keeley Lane);
 - (ii) Increased congestion on Keeley Lane;
 - (iii) Increased possibility of car/pedestrian accidents;
 - (iv) Reversing onto Keeley Lane;
 - (v) Blocking of garages on Keeley Lane
 - (vi) Lack of on-street car parking to serve customers/staff;
 - (vii) Reduces the amount of car parking available to residents
 - (viii) Swept path diagrams show difficulties in accessing the site.
 - (h) Noise impacts (customers & staff, deliveries, vehicle noise, construction noise);
 - (i) Potential crime impacts (burglary out of hours, graffiti);
 - (j) The rezoning of the land to a commercial zone;
 - (k) Proposed use more suited to a commercial zone;
 - (l) Setting of a precedent of commercial uses in a residential zone;
 - (m) Construction safety (asbestos concerns);
90. No planning consultation meeting was held.

Referrals

91. The referral comments are based on the advertised plans.

External Referrals

92. The application was referred to the following authority:
- (a) Melbourne Water
93. Referral response has been included as an attachment to this report.

Internal Referrals

94. The application was referred to the following units within Council:
- (a) Engineering Services Unit;
 - (b) Heritage Advisor; and
 - (c) Streetscapes and Natural Values Unit (Arborist).
95. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

96. The primary considerations for this application are as follows:
- Buildings and works;
 - Use (Medical Centre);
 - Car parking and traffic;
 - Advertising signage;
 - Special Building Overlay;
 - Development Contributions Plan Overlay; and
 - Objector concerns.

Buildings and Works (Neighbourhood Residential Zone & Heritage Overlay)

Neighbourhood character & heritage

97. The proposed development triggers a planning permit for buildings and works under the Neighbourhood Residential Zone (NRZ) and Heritage Overlay (HO). The decision guidelines under *Clause 32.09-13 (Neighbourhood Residential Zone)*, *Clause 43.01-4 (Heritage Overlay)* and policy from *Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)* of the Scheme are used to assess the proposed works, in-order to ensure that there is consistency achieved with the heritage values of the surrounding area.
98. The extent of demolition is consistent with the directions provided under *Clause 22.02-5.1*, where original fabric visible from the street is to be maintained. The extent of demolition will be located to the rear and is not visible from Lygon street. The existing front façade is to be retained, ensuring the heritage features are retained which in turn does not negatively affect the heritage precinct. Overall, the extent of demolition is supported by policy.
99. In terms of the subsequent construction, *Clause 22.02-5.7* provides direction as to the appropriate location for new works. It states (relevantly) that ground and first floor additions to a contributory dwelling should be located towards the rear of the site and should be encouraged to be sited within the ‘envelope’ created by projected sight lines.
100. The front section of the existing dwelling is to be retained. This includes the front verandah, gable roof form, rendered finish and windows. Modifications to the front section are restricted to internal alterations only for the creating of a waiting room, reception and archive room.
101. The ground floor addition is located to the rear of the existing building and comprise of a 1.59m by 5.2m addition behind the retained portion of the dwelling for a bathroom. This addition will not be visible from the street.
102. The first-floor addition is setback 12.7m from the street and positioned behind the retained portion of the existing building. The first-floor addition is set into the existing roof line and incorporates a similar gable-end roof. This results in only a 1.6m height increase, in lieu of the typical 2.4m to 3m increase (Figure 8). To ensure no unreasonable amenity impacts a 1m to 1.6m side setback is incorporated on both side boundaries. This will be discussed later in this report in more detail under amenity impacts.

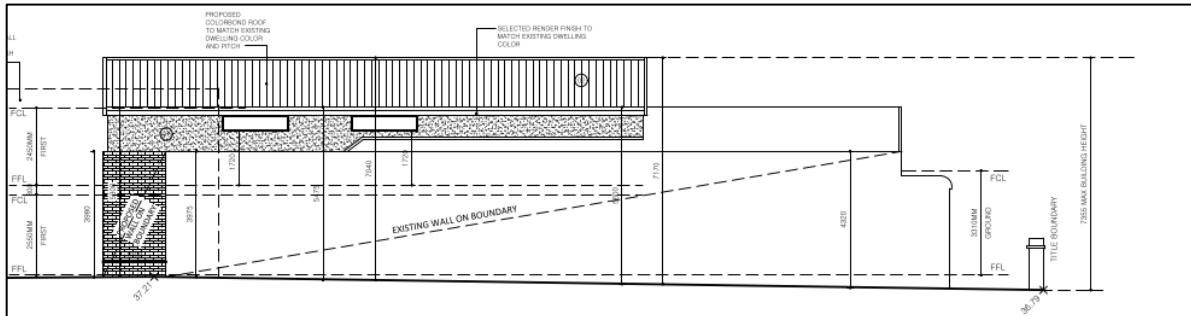


Figure 8 – South elevation

103. The retention of the front portion of the dwelling, the setbacks of both the ground and first floor additions and design detailing (i.e. roof forms and materials) is considered an acceptable design response. This will ensure the existing/retained portion of the dwelling remains the dominant feature visible from the street. The addition will most likely be only partially visible from oblique angles when directly viewed from the opposite side of the street as a result of the pitched roof form.
104. The additional built form is considered acceptable given the surrounding context, especially as there are existing double built forms within the precinct (No. 669 Lygon Street). The choice of materials and finishes for the works are appropriate and acceptable for a heritage precinct. The proposed works will conserve the historic quality of the existing heritage dwelling and is consistent with the materials of the existing dwelling and streetscape.
105. The proposed development maintains a garden area within the rear setback, together with car spaces. A minimum 21m setback is provided to the rear boundary at ground floor. The upper floor addition is provided with a minimum 20.6m setback from the rear boundary, which will not encroach past the existing built form to either abutting property. Overall the proposed setback will maintain the open space characteristic towards the rear and ensure the dwelling does not unreasonable encroach into the adjoining secluded private open spaces at Nos. 669 or 673 Lygon Street.
106. Overall, the proposal appropriately responds to the particular requirements contained within *Clause 22.02* and *Clause 43.01* of the Scheme and is considered acceptable in relation to the heritage context of the street.

Amenity impacts

107. Pursuant to clause 32.09-9 of the Scheme, a planning permit is required for buildings and works associated with a section 2 use. The decision guidelines within clause 32.09-13 of the Scheme require considerations with respect to the use, scale, design and setbacks of the development. Clause 22.10-3 also states that new buildings and works should be consistent with the scale, bulk and character of the area. Clause 65 also requires consideration as to the proper and orderly planning of the area.
108. As the proposed use is not associated with a dwelling, ResCode is not specifically applicable. However, consideration of the Clause 54 requirements as they relate to amenity impacts to adjoining properties is considered reasonable as a guide given the residential context of adjoining land.

Side and rear setbacks

109. In terms of side and rear setbacks, the proposed addition has a maximum wall height of 5.6m. This requires a minimum setback of 1.6m from both side boundaries. The southern interface is provided with a 1.6m setback, which satisfies the requirements of Standard A10. The northern wall incorporates a 1m setback. If clause 54 was applicable a 0.6m variation would be required on the first level to No. 673 Lygon Street. A variation in this instance would be considered visually acceptable given the presence of a 5.5m wide driveway associated with No. 673 Lygon Street separating both buildings.

Daylight to windows and north-facing windows

110. There are existing habitable room windows to the south of the subject site at No. 669 Lygon Street. Some windows are also located at No. 673 Lygon Street to the north facing the Site, however, it is unclear if these windows are habitable or associated with the place of assembly use of the land.

With respect to No. 673 Lygon Street, the windows are setback 9m from the common boundary with the subject site and will receive sufficient daylight in accordance with Clause 54.

111. An objection received has identified that there are north-facing windows to the south of the subject site at No. 669 Lygon Street, located within the central courtyard (figure 9). Plans do not identify this window but does identify the courtyard and a setback of 3.5m. This setback has also been disputed, with a setback of 2.8m stated as being the true setback.



Figure 9 – Photo of north-facing window within courtyard (Source: objection received)

112. Taking the courtyard setback as 2.8m, a proposed wall height of 5.6m would require a setback of 2.8m (daylight to existing windows) and 2.2m (north-facing windows).
113. The daylight to existing windows includes the setback of the courtyard and therefore would be compliant with the standard. However, a 2.2m setback from the common boundary with the subject site would be required to meet the north-facing windows standard. Currently a 1.6m setbacks is provided, requiring a 0.6m variation.
114. In consultation with the applicant, it has been agreed to setback the first-floor corridor between the procedure room and recovery room to 2.2m. Although not fully compliant with the standard, it is considered to achieve the north-facing window objective to allow adequate solar access to existing north-facing habitable room windows. A condition is included in the recommendation to this effect and the additional setback area is highlighted in the image below.

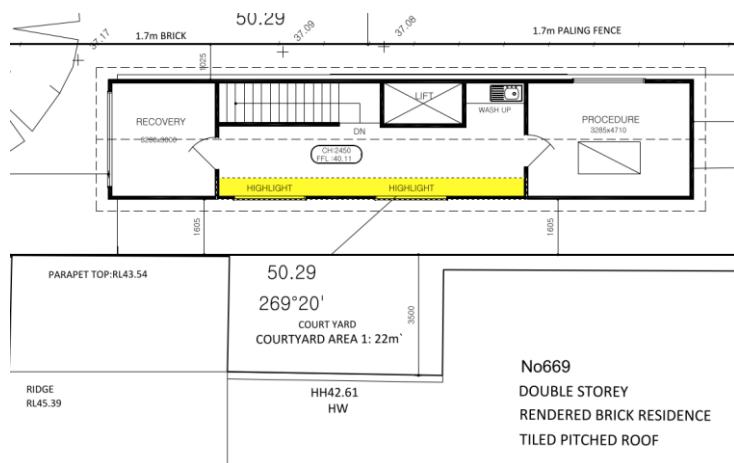


Figure 10 – Extract of the advertised First Floor Plan showing increased setback highlighted yellow.

Overshadowing

115. There will be a slight increase in overshadowing within the rear Secluded Private Open Space (SPOS) of No. 669 to the south during the morning hours of the Equinox. However, this area will receive a minimum of 89sqm of solar access, far in excess of the minimum 40sqm required under ResCode.
116. There are no solar panels impacted by the proposed development.

Overlooking

117. As discussed earlier, there are no habitable room windows proposed as part of this application. If Clause 54 was applicable it would require any habitable room windows or balconies be located or designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres.
118. Fences to a minimum height of 1.7m are retained on the ground floor, which will ensure no unreasonable overlooking will occur at ground level.
119. On the first floor, the south and north-facing windows are screened up to a height of 1.7m in accordance with Clause 54. There is however, one west-facing (recovery room) window which does not appear to be screened and could overlook the SPOS to Nos. 669 and 673 Lygon Street. The Applicant has agreed for this window to be screened to a height of 1.7m to ensure no unreasonable overlooking occurs to the adjoining SPOS areas. A condition has been included in the recommendation to this effect.

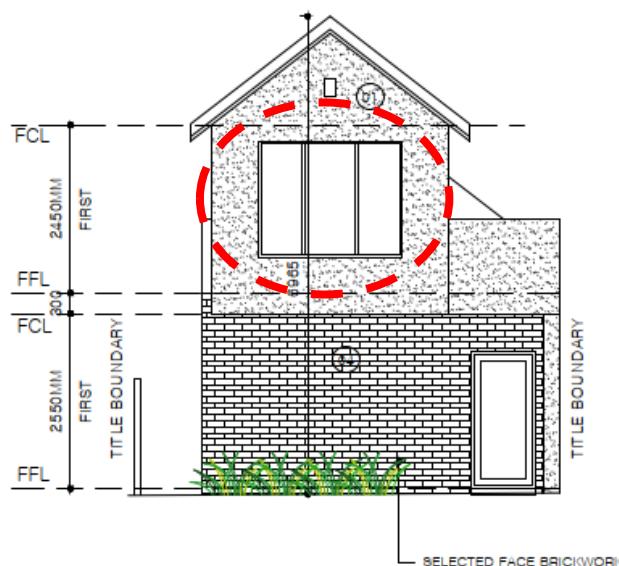


Figure 11 – West elevation with first floor window highlighted with dashed red circle. Source: Advertised plans.

Landscaping

120. An arborist report has been submitted as part of the application. The report identifies a total of six (6) significant trees either within the site or directly abutting the subject site. It is proposed to remove one significant tree on the subject site (tree 6) which is located within the rear setback. The remaining 5 trees are located on adjoining properties and are not proposed to be removed. The report seeks to confirm that the proposed works will not impact on the health of these trees.
121. The arborist report was referred to Council's Arborist who provided the following comments:
 - (a) *The report does not provide sufficient evidence to support its claim that the trees will remain viable post development.*

- (b) *The trees have not been identified to allow full review and consider species tolerance to root damage or TPZ encroachment.*
 - (c) *The report has not considered excavation or level changes to accommodate the proposed carpark.*
 - (d) *The tree protection measures only discuss fencing which is not applicable to this project as all trees are located on adjacent properties behind existing fencing proposed for retention.*
 - (e) *There is no monitoring program provided to ensure an arborist is on site during excavation works or any works within a TPZ.*
122. Council's Arborist has therefore recommended that the report must:
- (a) *Identify all trees assessed within this report*
 - (b) *Assess the construction requirements of the carpark within the TPZ of trees 5 and 6*
 - (c) *Provide site specific tree protection requirements.*
123. In response, the applicant has stated that all of the above concerns can be addressed via a condition of permit. As such, a condition will be included for an updated Arborist Report to address the above concerns.

Use (Medical Centre)

124. While the proposed use of the land as a medical centre triggers a planning permit in this instance, if the various conditions outlined at Clause 32.09-2 (Neighbourhood Residential Zone) were met, the medical centre would be an as-of-right use (no permit required). Where specific non-compliance of a condition triggers a permit, the scope of discretion required in determining whether to grant a permit is also limited.
125. In the matter of *Alex Kanzburg v Bayside CC* (VCAT Ref: P1294/2014) Member Wright makes the following findings under Paragraph 21 of his decision:
- "It follows that where a use is permitted as of right and the only bar is noncompliance with a specified requirement the only considerations relevant to the exercise of discretion to grant a permit are those which arise from that requirement. So where, as in this case, the requirement relates to the provision of car parking, the adequacy of the proposed parking in the circumstances of the particular case is the only relevant consideration".*
126. With the above in mind, the ambit of discretion for this application relates primarily to the conditions not met at Clause 32.09-2, that being the statutory car parking requirements at Clause 52.06 (Car Parking) of the Scheme, as well as the location of the subject site which does not adjoin or have access to a road in a Road Zone. It also attests to the clear support within the Planning Scheme for medical centres of this scale within residential areas.
127. Despite the guidance provided by the above VCAT decision, consideration of the acceptability of the use will still be given. The assessment will be directed by the relevant decision guidelines of the Neighbourhood Residential Zone at Clause 32.09 and applicable local planning policies - in particular, Clause 22.01 (*Discretionary Uses in the Residential 1 Zone*).
128. The relevant policies of the Discretionary Uses in the Residential 1 Zone at Clause 22.01-3 are as follows:
- It is policy that:*
- *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses;*
 - *Except on land adjoining and gaining direct access from a road in a Road Zone*

- *all required car parking should be on-site;*
 - *the scale of the proposed use should be compatible with providing service to the local residential community;*
 - *Hours of operation should be limited to 8am to 8pm except for convenience shop;*
 - *Noise emissions should be compatible with a residential environment.*
129. The above policies are applicable to any non-residential use permitted within a residential zone, which includes a car wash, place of assembly, convenience restaurant and market. Comparatively, a medical centre is not typically associated with adverse amenity risks (such as noise – akin to an office) and as such the policy expectations of Clause 22.01 should be tempered accordingly.
- Location*
130. The site context within Princes Hill is highly relevant to the appropriateness of the proposed use. Policies within the Scheme support community services (such as medical centres) within inner-city residential areas with good access to sustainable transport options. In a broader sense, there is a clear policy directive within the Planning Scheme to improve access to jobs and services closer to where people live (Clause 17.01-1S and Clause 21.04-4).
131. The strategy of Clause 15.01-4R (Healthy Neighbourhoods) 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*” is reflected in the permitted or as-of-right uses of the Neighbourhood Residential Zone, which includes medical centres.
132. More specifically, the Scheme gives clear direction of the appropriate locations for medical centres and health services. Clause 19.02-1S (Health facilities) and Clause 21.04-4 (Community facilities, hospitals and medical services) encourage an integration of health facilities with local communities to ensure that these services are accessible to the community and reflective of its needs. Nevertheless, Clause 17.01-2 (Out-of-Centre development) of the State Planning Policy Framework aims to “*ensure that out-of-centre proposal[s] are only considered where the proposed use or development is of net benefit to the community and the region*”.
133. In this instance, the proposed use is located within close proximity to (within 400 metres of) a tram line/stop, bus routes, a Neighbourhood Activity Centre (corner of Lygon St and Pigdon St) and various bicycle networks. Although not within the municipality of Yarra City, the Site is also within 400m of the Brunswick Major Activity Centre, which is located further north along Lygon Street. Whilst Lygon Street is not a Road Zone Category 1, it is noted that it has many attributes similar to many roads assigned as a Road Zone, Category 1 throughout Melbourne (compared to local residential roads), including:
- (a) Generous width – approximately 28m;
 - (b) Four lanes of vehicle traffic, plus on-street car parking on both sides; and
 - (c) Central tram lines.
 - (d) Commercial 1 Zone land further north (Brunswick Major Activity Centre).
- The Site is therefore considered to be an acceptable location for the proposed medical centre outside of commercial areas in this instance.
134. Clause 22.01-3 states that existing buildings constructed for non-residential purposes are the preferred location for non-residential uses. Although the building on the subject site is currently used as a dwelling, there are examples within the immediate area of dwellings type buildings being used for non-residential purposes (eg. 673 Lygon Street – place of assembly/worship). Moreover, the limited scale of the medical centre (that being a maximum of 3 practitioners) will ensure the service is commensurate with the local community needs.

135. Although works are proposed, the majority of the building is being maintained. As discussed earlier in this report, works are restricted to the rear of the building and a new first floor addition which is to be setback or recessed behind the exiting front façade. There will also be internal works required to operate the medical centre at this location. The requirements for this small-scale medical centre is limited to a waiting/reception area, consultation rooms, archive rooms and a procedure and recovery room on the first floor. These works are relatively minor in nature and can be reasonably accommodated in a traditional dwelling. As a result of the modest built form requirements of consultative medical centres, coupled with it being a permitted use in the NRZ, medical centres within former dwellings is relatively common in established residential areas. As will be elaborated on later in this report, subject to conditions, it is not expected that the medical centre will result in adverse amenity impacts with regards to noise, waste or light spill. As such, the proposed use can be appropriately accommodated for in a residential style building without unreasonably impacting the amenity of the area.
136. Although the subject site does not have immediate access to a road zone, Lygon Street with a tram line and four lines does have the characteristics of a road zone in all but designation. The subject site is also in close proximity to Brunswick Road (200m to the north), which is a road zone. The lack of direct access to a road zone does not indicate that this warrants the refusal of a medical centre. Rather, weighted consideration should be given to the appropriateness of the subject site and immediate context for the proposed use. This is reiterated by the decision guidelines of the Neighbourhood Residential Zone at Clause 32.09-13 which require that the responsible authority give consideration to the compatibility of the use with the residential nature of the area, whether the use generally serves the local community needs, the scale and intensity of the use and the loading and waste requirements. It is noted that the zone also gives consideration to the provision of car parking and traffic impacts however this will be discussed under the *Car Parking and Traffic* section of this report.

Scale of use and amenity impacts

137. The proposal is for a medical centre providing specialist cosmetic services, where consultation and minor surgical procedures (under local anaesthetic) will be conducted on site. There will be a maximum number of 3 persons providing health services at any given time. The Applicant has also indicated that it is anticipated that approximately 15 patients will be seen per day. The scale of the use is considered to be generally consistent with servicing the local community, and aligns with one of the key objectives of the Neighbourhood Residential Zone, “*to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*”. The limited number of practitioners and the anticipated number of patients (15) over the period of a day would not result in large numbers of people frequenting the site and so is unlikely to generate unreasonable disturbance to nearby residential properties. A condition of any approval would restrict the number of practitioners on-site at any one time to a maximum of three (3).
138. The proposed hours of operation of 9am to 5pm, Monday to Friday are consistent with the policy direction at Clause 22.01-3 which states that the hours of operation should be limited to 8am to 8pm. Further, the proposed hours of operation are not anticipated to cause conflicts with surrounding residential uses, given they represent standard business hours and the use will not disturb the amenity of the area during the sensitive night-time hours. The medical centre will be restricted to these operating hours by way of condition of any approval granted.
139. With regards to noise emissions, the proposed medical centre is not anticipated to create unreasonable noise within the surrounding residential neighbourhood. The medical centre provides cosmetic services to its patients, the nature of which would have similar noise emissions to a residential use. Each consultation room is enclosed, and the appointments would be conversational, rather than relying on any machinery.

This would also be similar to the first-floor procedure and recovery rooms, where procedures are carried out under local anaesthetic. In terms of a non-residential use located in a residential zone, a medical centre is generally considered to pose little amenity risks in this regard. It should also be noted that a dwelling use on the land could generate greater amenity impacts after 5pm, given the proposed hours of operation.

140. It is acknowledged that the use will result in additional people in the area throughout the day. However, social activity and the movement of people within the street is to be expected in an inner-city area. General noise produced from people arriving and leaving (including talking and car noises) associated with a medical centre is not considered unreasonable for the site context and will be reasonably limited by the recommended conditions restricting the maximum number of practitioners to three. Further, a condition will be included which removes the two patient car spaces within the rear setback. This will reduce vehicle movements on Keeley Lane and noise impacts to adjoining properties.
141. No new external equipment is proposed to facilitate the use. It is unlikely that the type of equipment required for a medical centre of this size and nature (consultative appointments and minor surgical procedures under local anaesthetic) would not create noise emissions greater than typical domestic services. Nonetheless, Council's standard conditions relating to noise emissions will be included as conditions in the recommendation, consistent with policy objectives at Clause 22.01 of the Scheme regarding noise.
142. The site will retain boundary fencing with a minimum height of 1.7m and have the majority of the first-floor windows to a sill height of 1.7m high. The only exception being the first floor, west-facing recovery room window. To ensure no unreasonable overlooking a condition will be included for this window to have a sill height of 1.7m above the finished floor level.
143. Finally, given the operating hours are restricted to daytime hours, light spill is not a consideration in this instance. Regardless, any lighting on after hours would be not expected to be different to that of a residential use.

Waste and deliveries

144. With the exception of the minor surgical procedures, it is anticipated that the waste generated by the proposed use would be similar a residential use and appropriate for Council collection. Given the nature of the medical use, it is not expected that any toxic waste or large waste items will be produced. However, there may be some medical waste as a result of the surgical procedures. A condition has been included in the recommendation that requires a waste management plan to be submitted which considers any medical waste and location of bin storage. It is expected that the bins can be easily stored in the rear outdoor area, or in the side setback behind the gate, as would be typical of a residential dwelling.
145. Further, it is not anticipated that the use would require any bulky or frequent deliveries. Any goods to be stored on the land would relate only to the cosmetic services and would most likely include administrative equipment and medical equipment associated with the minor surgical procedures. Nonetheless, Council's standard condition restricting the hours of any deliveries is included in the recommendation.
146. Finally, Council's standard amenity condition will require that the use does not detrimentally affect the amenity of the area, including 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.

147. In summary, it is considered that the proposed use, subject to conditions outlined, will not cause unreasonable material detriment to the surrounding residential properties and will be compatible with the subject site and surrounding land use context. The proposal addresses the relevant decision guidelines at Clause 32.09 and policies at Clause 22.01 and is supported.

Car parking and traffic

Reduction in car parking

148. State and local planning policies including Clause 18.02-1S (Sustainable personal transport), Clause 18.02-2R (Principal Public Transport Network) and Clause 21.06 (Transport) encourage less private motor vehicle dependence and improved sustainable transport use. Hence, there is strategic support for the provision of less car parking than required under the provisions of the Scheme. However, each application for a reduction must be assessed on the individual merits of the proposal.
149. The proposed development provides a total of four car spaces to the rear of the site. Two of the car spaces are allocated to the staff and two car spaces are allocated to patients. This results in a shortfall of two (2) spaces.
150. As discussed earlier in this report, concerns have been raised in objections with respect to the increased traffic volumes and congestions on Keeley Lane. Further, Council's Traffic Engineers have raised concerns with respect to vehicle access via the lane, which will be discussed further below. In response to both, the applicant has agreed to delete two car spaces within the rear setback. This outcome results in two (2) staff car spaces on-site and a reduction request of four (4) car parking spaces. As the application was advertised for a reduction in car parking it was not deemed necessary to readvertise the application for a further reduction of two additional spaces.
151. The shortfall in the anticipated car parking demand is considered acceptable in this case based upon the following:
- (a) The site is well serviced by public transport including:
 - (i) Tram services operating along Lygon Street (Nos. 1 & 6 tram routes);
 - (ii) Bus services operate along Brunswick Road, 200m to the north (504 route);
 - (iii) Additional tram services operating along Nicholson Street and Royal Parade, 680m and 825m, east and west of the site respectively; and
 - (iv) Lygon Street is frequented regularly by taxis.
 - (b) Close proximity to the Brunswick Major Activity Centre.
 - (c) Two on-site car spaces will be provided for staff, which adequately addresses long-term car parking demand.
 - (d) The short-term parking restrictions in the surrounding area would ensure that there is a regular parking turnover in the area for those that do drive to the site.
 - (e) The nature of the medical centre will endure a regular turnover of customer parking. Further, if a person was undergoing a procedure they may not drive to and from the subject site and instead rely on drop-off and pick up movements.
 - (f) The demand for parking and limited availability for on-street parking may dissuade staff and customers from driving, particularly in a location where other modes of transport are readily available.
 - (g) Council's Engineering Unit has no objection, stating that the operation of the development should not adversely impact on existing on-street parking conditions in the local area. Additional support was provided from Council's Engineering Unit for the following reasons:

- (i) The parking demand for the medical centre would primarily be long-stay parking for practitioners/staff and short-stay parking for patients. It is understood that the development would be accommodating two practitioners. Typically, patient parking would be accommodated on-street (not unlike customer parking for retail type uses).
 - (ii) Visitors and patients to the medical centre could combine their visit by engaging in other business or activities whilst in the area.
 - (iii) The site has good pedestrian access to public transport services and good connectivity to the on- and off-road bicycle network.
- (h) The reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use, consistent with Clause 21.06-3.
- (i) A total of six (6) bicycle spaces have been provided to encourage employees to cycle to the site.

Access, car parking design and traffic

152. Access to the site is to be provided via Keeley Lane, a 5.5m wide Council controlled laneway. Swept path assessment provided by TTM Consulting indicates that a B85 design vehicle can access the four proposed on-site car parking spaces, provided that Keeley Lane is clear of parked vehicles. A review of aerial photos and a site inspection has identified that vehicles do park on the opposite side of the laneway, on the west kerbside of Keeley Lane. However, it does appear that parking within this section of the laneway is prohibited.
153. Council's Engineers have raised concerns that a parked vehicle on the west side of Keeley would potentially impact vehicle turning movements into the four on-site spaces. Based on this advice and as concerns raised in objections received, the applicant has agreed to reduce the number of on-site car spaces from 4 spaces to 2 spaces. Both spaces will be allocated to staff only and be only one tandem car space. A reduction of two further spaces in the car parking requirement is supported by Council's Engineering Unit with this recommendation. A condition has been included in the recommendation to ensure no more than two car spaces in a tandem arrangement are accommodated within the rear setback.
154. Both car spaces can be provided with a minimum dimension of 2.7m by 4.9m, which satisfy design standard 2 of clause 52.06 of the Yarra Planning Scheme and the relevant Australian Standard. The introduction of only one set of tandem car spaces will also improve safety and pedestrian visibility when exiting the site.
155. A number of additional conditions, largely relating to civil works on Keeley Street were recommended to be placed on any permit issued. These relate primarily to the vehicle crossing clearance, crossover's construction, road asset protection and discharge of water from the development and can be readily addressed via conditions or notes if a planning permit is to issue.
156. As patients and visitors are not to park on the Site, per conditions in the recommendation, the expected increase in traffic movements along Keeley Street is expected to be negligible and not to dissimilar to a residential use on the land (noting that the Site could accommodate more intensive residential development).

Advertising signage

157. It is proposed to install a 0.8sqm non-illuminated business identification sign within the front setback of the building to Lygon Street (figure 10). A planning permit is triggered for this sign under the NRZ and Heritage Overlay.



Figure 10 – Proposed sign to Lygon Street

- 158. As identified in the planning controls section, a permit is triggered for the sign under the NRZ and HO.
- 159. The relevant decision guideline of the NRZ for signage at clause 52.05-8 is the character of the area, impacts on views and vistas, relationship to the streetscape, setting or landscape and the relationship to the building.
- 160. The relevant decision guideline of the Heritage Overlay at clause 43.01-8 is *whether the proposed sign will adversely affect the significance, character or appearance of the heritage place*. More specific guidance is contained within Council's Advertising Signs policy at clauses 22.04-3.6 and 22.04-3.8. This states that:
 - (a) *For non-residential uses (in residential areas), only under verandah signs and signs placed on the verandah fascia are encouraged.*
 - (b) *New high wall signs, major promotion signs, panel signs, pole signs, internally illuminated and animated signs, and sky signs are discouraged.*
 - (c) *Existing original heritage signs or advertising features should be conserved and enhanced.*
 - (d) *The number of signs should be limited.*
 - (e) *New signs should be small and restrained in design.*
 - (f) *Ensure that signs do not obscure the heritage features of the building.*
- 161. In this instance, the existing 1.7m high front fence will generally conceal the proposed advertising sign when viewed from Lygon Street. This location will not allow visitors to the Site to identify the business from the street.
- 162. Whilst signage is not encouraged within residential areas, it is noted that other non-residential uses within residential zoned areas often feature subtle business identification signage. Rather than deleting the sign from the application, a Condition 1 requirement has been included in the recommendation that allows one (1) business identification sign to be installed on the front fence timber slats with dimensions of no greater than 0.8m in width by 0.6m in height (0.48sqm). A sign of this size is considered to be an appropriate outcome, when considering the above policy guidance, for the following reasons:
 - (a) The business identification signage will be appropriately limited to one (1) modestly proportioned sign so as to not dominate the existing contributory building.
 - (b) A non-illuminated business identification sign is typical of this area, with similar signs present in the street (eg. No. 673 Lygon Street) and for other non-residential uses within residential areas throughout the Council.
 - (c) The sign will be proportional to the host building and will not dominate the Lygon Street elevation.

- (d) The existing front fence is not original fabric.
 - (e) The proposed sign will not exceed 1.7m in height above ground level by virtue of the front fence characteristics.
163. Based upon the above assessment and recommended conditions, the proposed sign is considered to meet Clauses 22.04-3.8, 22.04-3.8 and the 43.01-8.

Special Building Overlay

164. The subject site is partially affected by a Special Building Overlay (SBO) within the front setback. With the exception of a sign and supporting structure and works to the existing fence, no works are proposed within the SBO. A referral was made to Melbourne Water as part of the application process and no objection was raised, subject to two conditions. These conditions relate to a minimum finished floor level of the proposed works and stormwater connection and have been included as part of the recommendation.

Development Contributions

165. Schedule 1 of the Development Contributions Plan Overlay (DCPO1) applies to the proposal. The subject site is located within Charge Area 1 (Carlton North – Princes Hill). A community infrastructure levy is not applicable to the proposal. The development infrastructure levy is applicable to the additional commercial floor space.
166. A condition will be included outlining the requirements for the payment of the development infrastructure levy, in accordance with the relevant statutory requirements for each levy type.

Objections

167. The majority of the issues raised by the objectors have been addressed within the body of this report, as follows:

- (a) *Visual bulk of proposed first floor;*
Paragraphs 97-109
- (b) *Overlooking;*
Paragraphs 117-119
- (c) *Loss of daylight to windows;*
Paragraphs 110-114
- (d) *Overshadowing;*
Paragraphs 115-116
- (e) *Inappropriate use in a residential zone;*
Paragraphs 124-147
- (f) *Non-compliance with Clause 22.01 “Discretionary uses in the Residential 1 Zone”*
Paragraphs 124-147

168. Outstanding concerns raised by the objectors are discussed below:

- (a) *Traffic and car parking:*
 - (i) *Increased traffic volumes (Keeley Lane);*
The proposed development will only increase car traffic volumes with respect to the two additional car spaces. This is not considered unreasonable and Council's Traffic Engineers have raised no concerns in terms of traffic volumes within the laneway.

- (ii) *Increased congestion on Keeley Lane;*
As discussed above.
 - (iii) *Increased possibility of car/pedestrian accidents;*
Council's Traffic Engineers have reviewed the access arrangement to and from the site and subject to the deletion of 2 car spaces have raised no safety concerns with respect to access.
 - (iv) *Reversing onto Keeley Lane;*
As discussed above, Council Traffic Engineers have raised no concerns with respect to safety. Reversing onto a laneway is a common design response within an inner city context.
 - (v) *Blocking of garages on Keeley Lane;*
The reduction to two (2) on-street car parking spaces on the Site enhances vehicle manoeuvrability on the Site, which will naturally improve traffic movement along the laneway.
 - (vi) *Lack of on-street car parking to serve customers/staff;*
Refer to paragraphs 148-151.
 - (vii) *Reduces the amount of car parking available to residents*
The proposed use will most likely result in a modest reduction of on-street car parking availability. However, given the small scale of the proposed use, it is not considered that there will be an unreasonable impact on on-street car parking availability in the immediate area. Further, Council's Engineering Unit are supportive of the proposed reduction in parking.
 - (viii) *Swept path diagrams show difficulties in accessing the site.*
Refer to paragraphs 152-156
- (b) *Noise impacts (customers & staff, deliveries, vehicle noise, construction noise);*
Given the nature of the medical centre of consultation and minor surgical procedures, it is determined that the noise generated would be similar to a residential use. It is considered that any noise from visitors to the site would not be unreasonable in the context. Noise associated with the construction phase is addressed under the building permit.
- (c) *Potential crime impacts (burglary out of hours, graffiti);*
The use of the land as a medical centre in a residential zone is common and, in some instances, does not trigger a planning permit for the use. As such, it is not considered an adequate refusal ground. With respects to graffiti, this is a common occurrence on buildings, irrespective of the use.
- (d) *The rezoning of the land to a commercial zone;*
The rezoning of the land is not proposed.
- (e) *Proposed use more suited to a commercial zone;*
A full assessment of the proposed use is contained with paragraphs 122-145 and has deemed the proposed use in the NRZ acceptable.
- (f) *Setting of a precedent of commercial uses in a residential zone;*
The Medical Centre, in this instance, is a permitted use in the Neighbourhood Residential Zone and has been assessed on its own merits. The non-residential uses permitted in the Neighbourhood Residential Zone are limited by the Scheme, and any future application for a permitted non-residential use would be assessed on its own merits and within its own context.

- (g) *Construction safety (asbestos concerns);*

Any construction safety concerns will be addressed at the building permit stage, including the presence of any asbestos.

Conclusion

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

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0340 for the partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and a reduction in the car parking requirements at 671 Lygon Street, Princes Hill VIC 3054 generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

Amended plans

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 must be provided. The plans must be generally in accordance with decision plans prepared by Planform Nos. TP01, TP02, TP03, TP04 and TP05, Revision B, dated 23 August 2021 but modified to show:
 - (a) Re-design of the advertising sign to be fixed to the timber slat elements of the front fence and measure no greater than 0.8m in width and 0.6m in height.
 - (b) Two (2) on-site car parking spaces in a tandem arrangement.
 - (c) The first floor, west facing recovery room window to have a sill height of 1.7m above the finished floor level.
 - (d) The first-floor corridor (between the procedure room to the recovery room) to have a minimum setback of 2.2m from the southern boundary.
 - (e) A vehicle crossing ground clearance check, including a 1 in 20 scale cross sectional drawing showing the reduced level within 2 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement. All levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development;
 - (f) Any changes as a result of the endorsed Waste Management Plan pursuant to condition 5.
 - (g) Any changes as a result of the endorsed Arborist Report pursuant to condition 7.
2. The use, development and the location and details of the sign as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

Waste Management Plan

4. Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit. The plan must include measures address the disposal of medical waste from the Site
5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Arborist Report

6. Before the development commences, an amended Arborist Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The amended Arborist Report must be generally in accordance with the Arborist Report prepared by Bluegum and dated 21 April 2021, but modified to include:
 - (a) Identify all trees assessed within this report and review and consider species tolerance to root damage or TPZ encroachment;
 - (b) Provide sufficient evidence to support its claim that the trees will remain viable post development;
 - (c) Consideration of excavation or level changes to accommodate the proposed carpark
 - (d) Assess the construction requirements of the carpark within the TPZ of trees 5 and 6;
 - (e) Provide site specific tree protection requirements.
 - (f) A monitoring program provided to ensure an arborist is on site during excavation works or any works within a TPZ.

7. The provisions, recommendations and requirements of the endorsed Arborist Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

8. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting.

To the satisfaction of the Responsible Authority.

9. Before the buildings are 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.

Use

10. No more than three (3) practitioners are permitted to operate from the land at any one time.
11. Except with the prior written consent of the Responsible Authority, the uses authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday – 9.00am to 5.00pm
12. Deliveries and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Signs

13. The sign must not be illuminated by external or internal light.
14. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
15. The signage component of this permit expires 15 years from the date of the permit.

Melbourne Water Conditions

16. The Finished floor levels of the extended floor area must be constructed no lower than 37.26 metres to AHD which is the floor level of the existing dwelling.
17. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

General

18. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of verminto the satisfaction of the Responsible Authority.
19. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the recessed pedestrian entrance to North Street 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

22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the altered vehicle crossing must be constructed:
 - (a) In accordance with any requirements or conditions imposed by Council;
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
27. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) At any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
28. This permit will expire if any of the following occur:
 - (a) The development is not commenced within two (2) years from the date of this permit.
 - (b) The development is not completed within four (4) years from the date of this permit; or
 - (c) The use is not commenced within four (4) years of the date of this permit.
 - (d) The sign is not erected within four (4) 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:

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

The 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 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.

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

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch on 9205 5555 for further information.

The applicable flood level is 37.07 metres to Australian Height Datum (AHD).

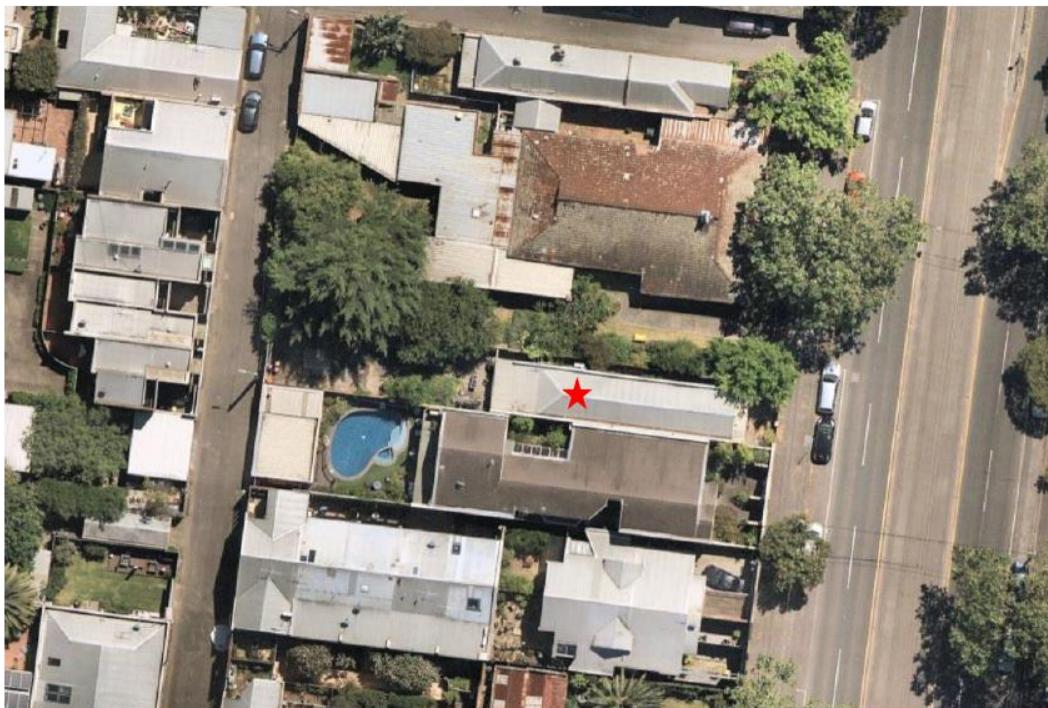
Attachments

- 1** PLN21/0340 - 671 Lygon Street, Princes Hill - Location Plan
- 2** PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans
- 3** PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Swept Path Diagrams
- 4** PLN21/0340 - 671 Lygon Street, Princes Hill - Melbourne Water Referral Response
- 5** PLN21/0340 - 671 Lygon Street, Princes Hill - Engineering Referral Comments
- 6** PLN21/0340 - 671 Lygon Street, Princes Hill - Heritage Referral Comments
- 7** PLN21/0340 - 671 Lygon Street, Princes Hill - Arborist Referral Comments

Attachment 1 - PLN21/0340 - 671 Lygon Street, Princes Hill - Location Plan

ATTACHMENT 1

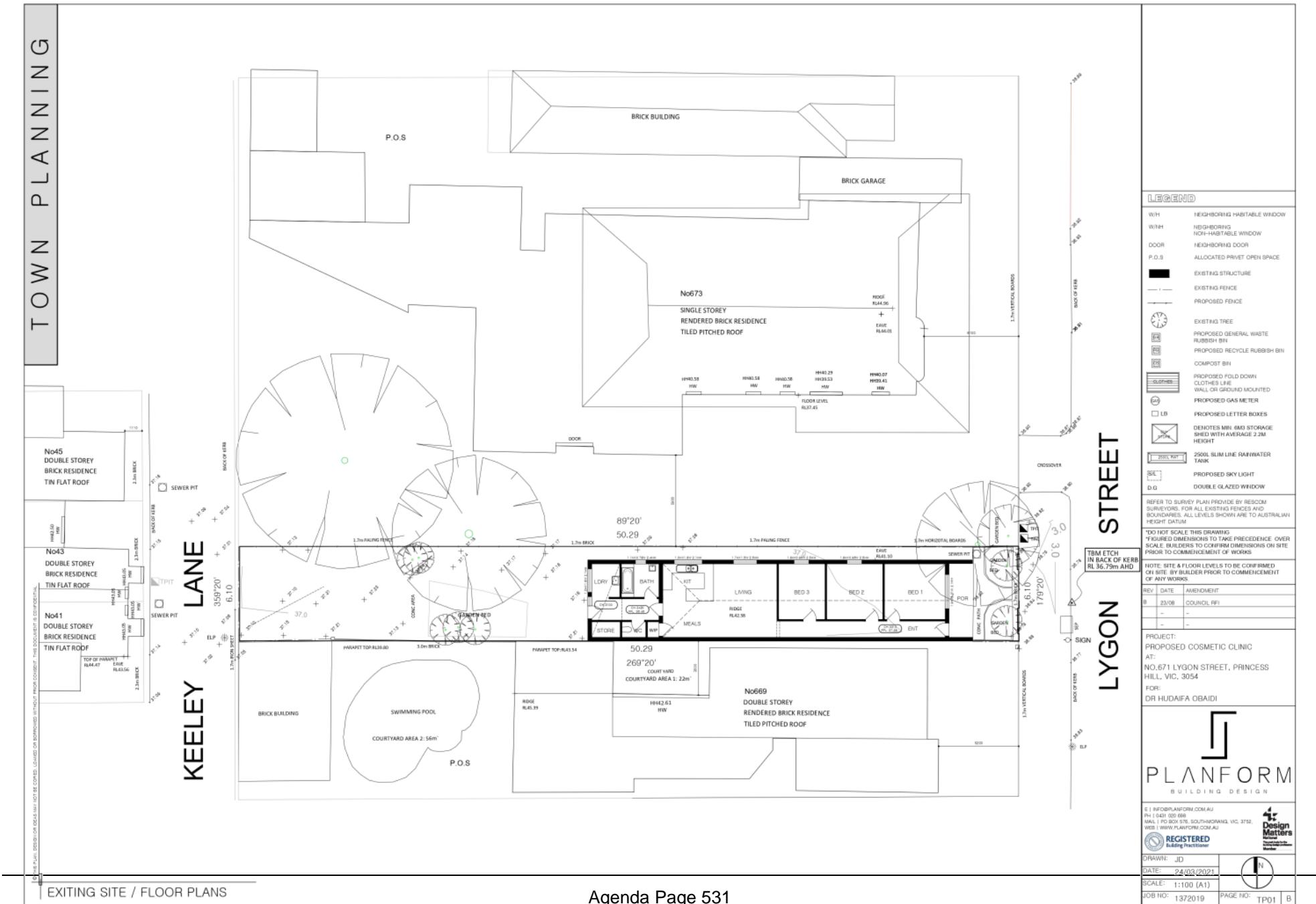
SUBJECT LAND: 671 Lygon Street, Princes Hill



↑ North

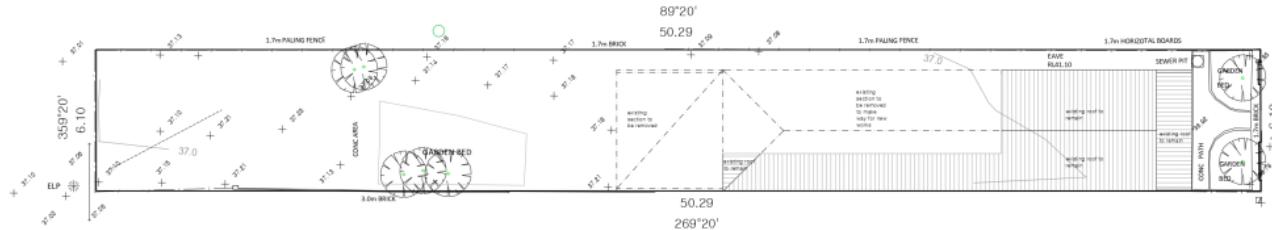
★ Subject Site

Attachment 2 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans



Attachment 2 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans

TOWN PLANNING



ROOF DEMOLITION PLAN

DEMOLITION LEGEND

— — — — DENOTES STRUCTURE TO BE
REMOVED

DENOTES EXISTING WALL TO
REBUILD

GENERAL NOTES FOR

REFER TO SURVEY PLAN PROVIDED BY RESCOM SURVEYORS, FOR ALL EXISTING FENCES AND BOUNDARIES. ALL LEVELS SHOWN ARE TO AUSTRALIAN HEIGHT DATUM.

*DO NOT SCALE THIS DRAWING
*FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER
SCALE. BUILDERS TO CONFIRM DIMENSIONS ON SITE
PRIOR TO COMMENCEMENT OF WORKS

**NOTE: SITE & FLOOR LEVELS TO BE CONFIRMED
ON SITE BY BUILDER PRIOR TO COMMENCEMENT
OF ANY WORKS.**

REV	DATE	AMENDMENT
B	23/08	COUNCIL RFI

PROJECT:

PROPOSED COSMETIC CLINIC
AT:
NO.671 LYGON STREET, PRINCESS
HILL VIC. 3054

DR HUDAIFA OBAIDI
 PLANFORM
DESIGN DESIGN

E | INFO@PLANFORM.COM.AU
PH | 0431 020 688
MAIL | PO BOX 576, SOUTH MELBOURNE, VIC, 3752,
WEB | WWW.PLANFORM.COM.AU

 REGISTERED
Building Practitioner

DRAWN: JD

SCALE: 1:100 (A1)

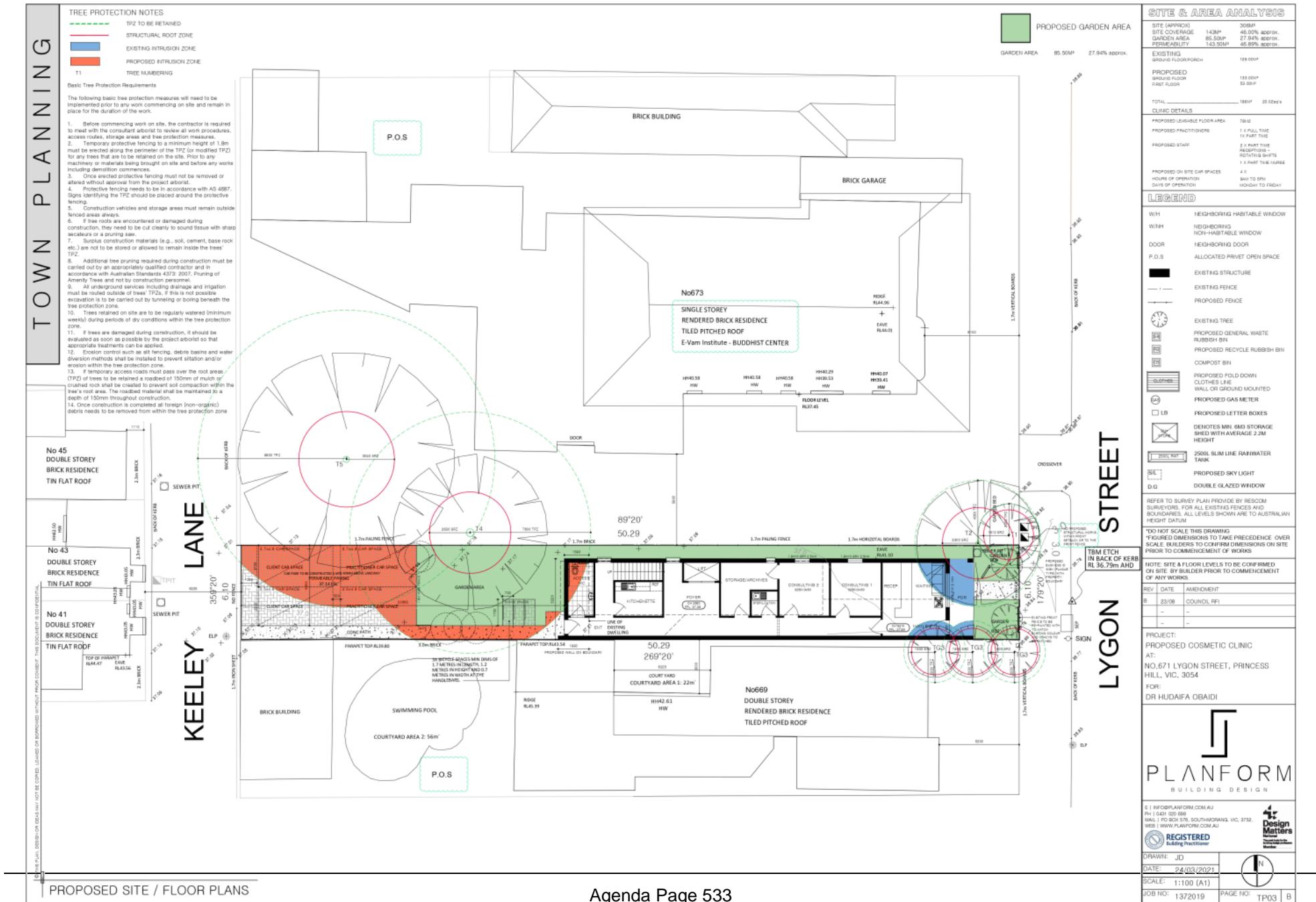
JOB NO: 1372019 PAGE NO: 1

This figure is an architectural site plan for a residential property. It includes a detailed floor plan of the house with rooms labeled: KITCHEN, BATH, MEALS, STORE, WC, HALL, BED-1, BED-2, BED-3, LIVING, DRY, and an ENTRANCE. The plan shows dimensions of 50.29' by 269'20". To the left of the house, there is a garden area with a circular feature labeled 'GARDEN BED'. A dashed line indicates the 'existing path to be removed and new walk' leading from the house towards the garden. The property boundary is marked with a dashed line. A vertical line on the left is labeled 'existing fence to be removed and new access way for garden'. A slope indicator shows a gradient of 1:10. A note states 'existing path to be removed and new walk'. A '3.0m BRICK' dimension is shown between two points. A north arrow is present. A legend at the bottom right indicates 'existing fence to be removed and new access way'.

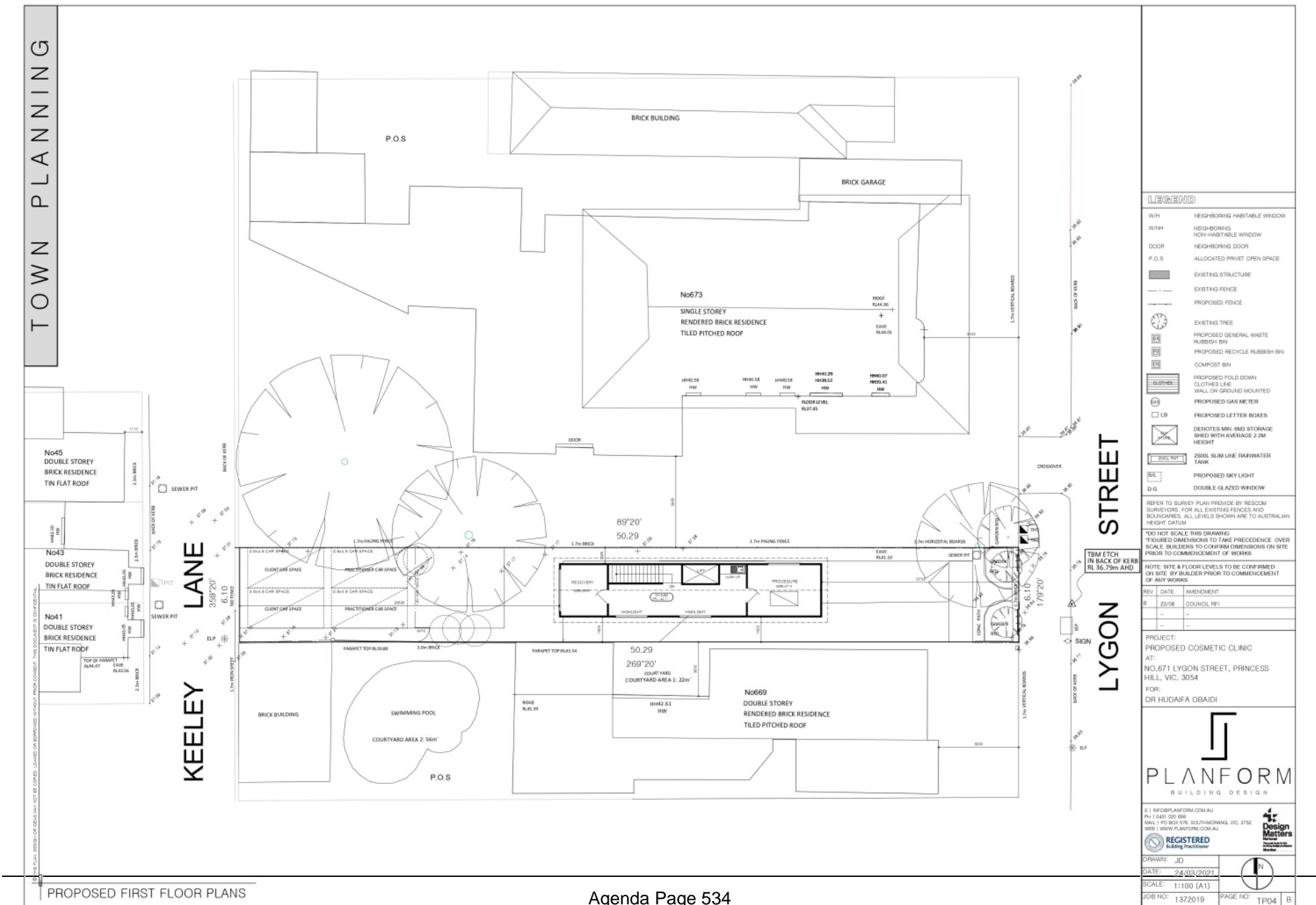
DEMOLITIONS PLANS

DEMOLITION PLANS

Attachment 2 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans



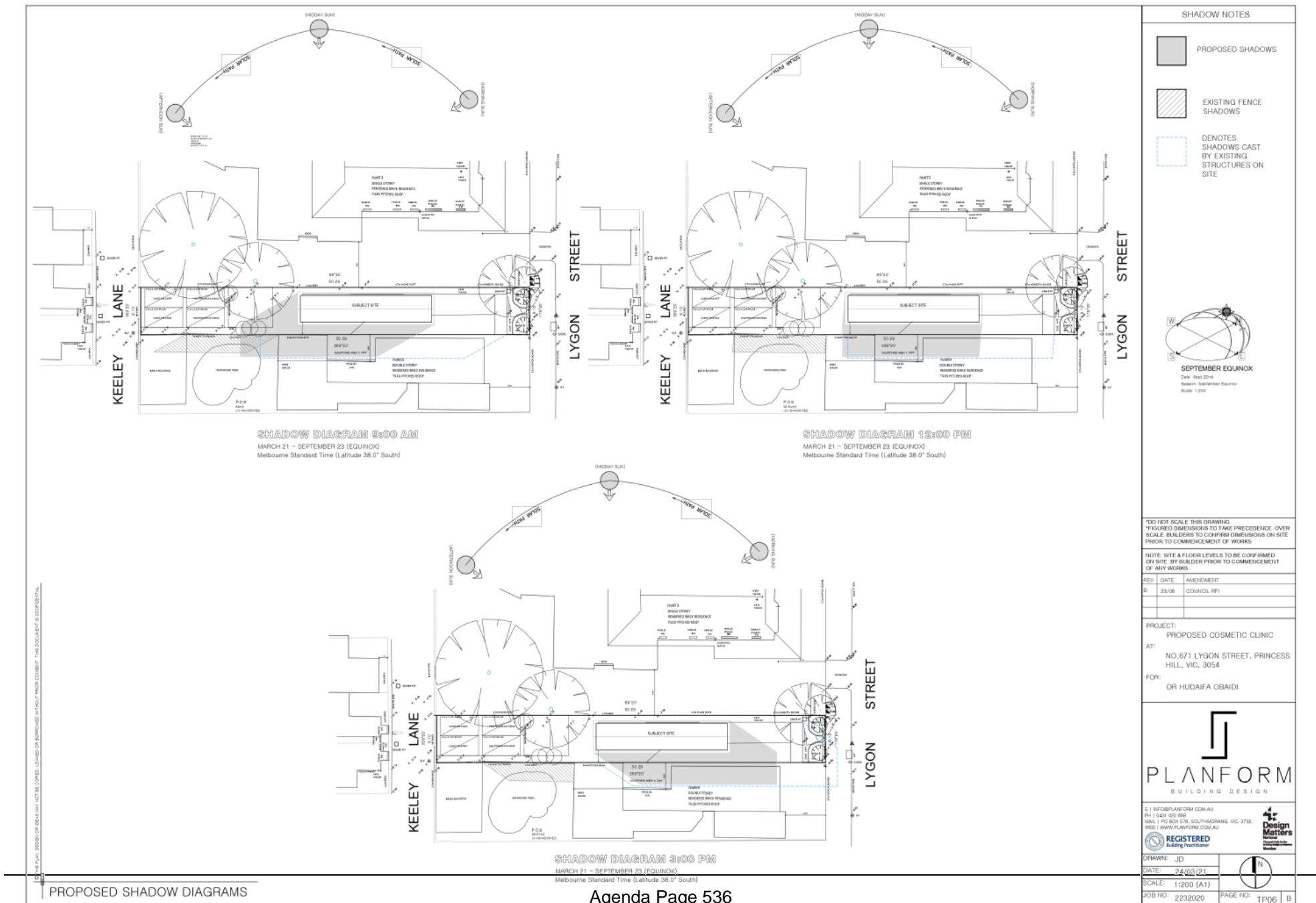
Attachment 2 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans



Attachment 2 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans



Attachment 2 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans



Attachment 3 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Swept Path Diagrams



20th August 2021

Jake Da Ros
Planform Building Design

Dear Jake,

**PROPOSED MEDICAL CENTRE DEVELOPMENT
671 LYGON STREET PRINCESS HILL
REVIEW OF ACCESS TO ON-SITE CAR PARKING SPACES**

TTM Consulting (Vic) Pty Ltd has been requested by the Applicant to review the access to the on-site car parking spaces for a medical centre development at 671 Lygon Street Princess Hill.

The subject site proposes four parking spaces at the rear of the site that are accessed from an existing laneway.

Swept path diagrams have been prepared using AutoTrack for the outermost parking spaces. The 'B85' design vehicle was used in the preparation of the swept path diagrams, the dimensions of which can be seen at the bottom of the diagrams attached in Appendix A.

The swept paths confirm that all parking spaces can be accessed clear of the existing power pole in the laneway.

Yours faithfully,
TTM Consulting (Vic) Pty Ltd

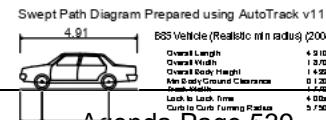
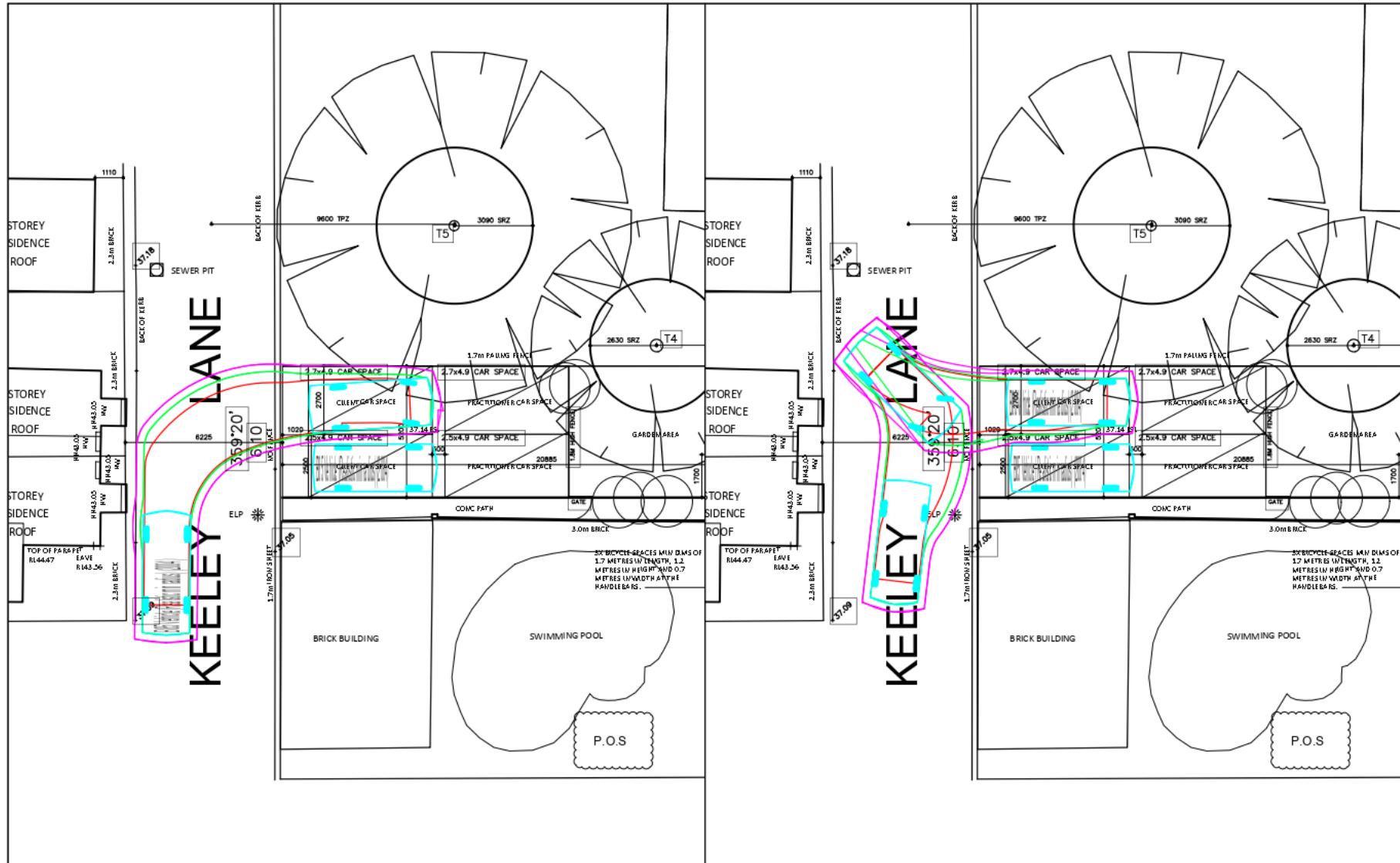
A handwritten signature in black ink that reads "Damien Hancox".

Damien Hancox

Attachment 3 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Swept Path Diagrams

APPENDIX A

Attachment 3 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Swept Path Diagrams



A	DJH	20/08/21	Original Issue
Issue Appd	Date	Comments	



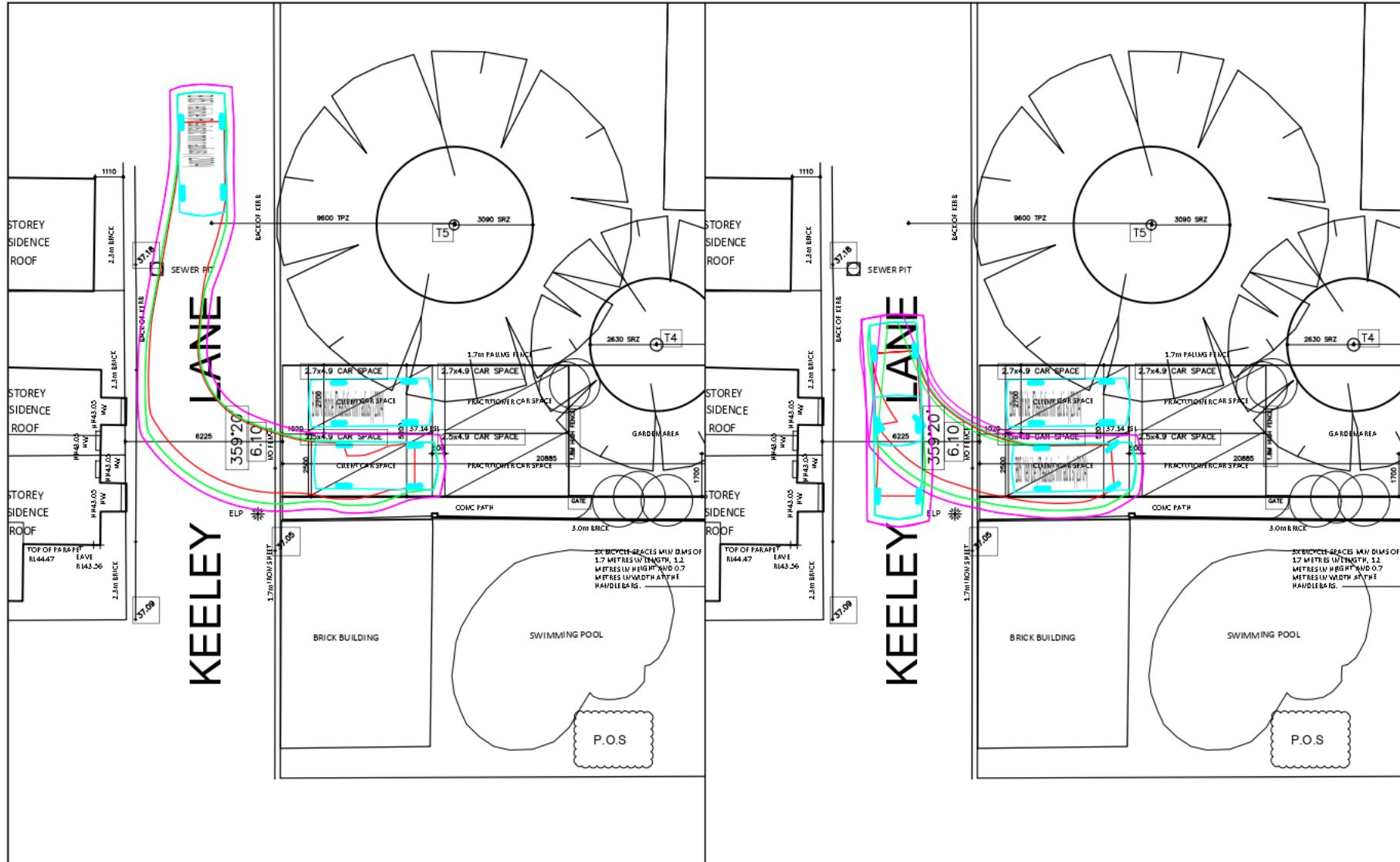
Acoustics Data Traffic Waste

TTM Consulting (Vic) Pty Ltd
Suite 17, 70 - 80 Wellington Street
Collingwood VIC 3066P : (03) 9419 0911
E : ttmvic@tingroup.com.au
W : www.ttingroup.com.au

PROPOSED RESIDENTIAL DEVELOPMENT
7 ORIENT AVENUE,
MITCHAM
SWEPT PATH DIAGRAM

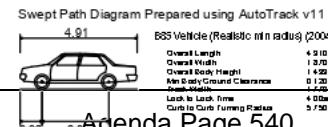
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Drawing No : 1073401
Sheet No : 1 Issue : A

Attachment 3 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Swept Path Diagrams



- Wheel path
- Vehicle Overhang
- Vehicle Overhang + 300mm Clearance

ENTER
- FORWARD
- SINGLE MOVE



EXIT
- REVERSE
- 1 POINT TURN



Acoustics Data Traffic Waste
TTM Consulting (Vic) Pty Ltd
Suite 17, 70 - 80 Wellington Street
Collingwood VIC 3066

P : (03) 9419 0911
E : ttmvict@optusnet.com.au
W : www.ttmgroup.com.au

PROPOSED RESIDENTIAL DEVELOPMENT
7 ORIENT AVENUE,
MITCHAM
SWEPT PATH DIAGRAM

Scale 0 1 2 3 4
1.200 (2A4)
Drawing No : 1073401
Sheet No : 2 Issue : A

A	DJH	20/08/21	Original Issue
Issue Appd	Date	Comments	

Attachment 4 - PLN21/0340 - 671 Lygon Street, Princes Hill - Melbourne Water Referral Response



16 September 2021

Gary O'Reilly
Yarra City Council
P.O. Box 168
RICHMOND VIC 3121

Dear Gary,

Proposal: Alterations and Addition to existing building including change of use from a residential dwelling to a cosmetic clinic and front signage.

Site location: 671 LYGON STREET PRINCES HILL 3054

Melbourne Water reference: MWA-12224932

Council reference: PLN21/0340

Date referred: 15/09/2021

Our Decision

Melbourne Water, pursuant to Section 56(1) of the Planning and Environment Act 1987, does not object to the proposal, subject to the following conditions:

Conditions

1. Finished floor levels of the extended floor area must be constructed no lower than 37.26 metres to AHD which is the floor level of the existing dwelling.
2. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

Advice

The applicable flood level is 37.07 metres to Australian Height Datum (AHD).

To access more information regarding other services or online applications that Melbourne Water offers please visit our [website](#).

For general development enquiries contact our Customer Service Centre on 131722.



Attachment 4 - PLN21/0340 - 671 Lygon Street, Princes Hill - Melbourne Water Referral Response

Regards,



Louise Ripper
Development Planning Services

Attachment 5 - PLN21/0340 - 671 Lygon Street, Princes Hill - Engineering Referral Comments**MEMO**

To: Gary O'Reilly
From: Mark Pisani
Date: 13 October 2021
Subject: Application No: PLN21/0340
 Description: Double Storey Addition; Medical Centre
 Site Address: 671 Lygon Street, Princes Hill

I refer to the above Planning Application received on 15 September 2021 in relation to the proposed development at 671 Lygon Street, Princes Hill. Council's Engineering Referral team provides the following information:

Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
Planform Building Design	TP03 Proposed Site/Floor Plans TP04 Proposed First Floor Plans	B B	23 August 2021 23 August 2021
TTM Consulting (Vic)	Traffic Impact Assessment Review of Access to On-site Parking Spaces	1	6 May 2021 20 August 2021

CAR PARKING PROVISION**Proposed Development**

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Medical Centre	186 m ²	3.5 spaces per 100 m ² of leasable floor area	6	4

* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

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

Car Parking Demand Assessment

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

Attachment 5 - PLN21/0340 - 671 Lygon Street, Princes Hill - Engineering Referral Comments

Parking Demand Consideration	Details
<i>Parking Demand for the Medical Centre Use</i>	The parking demand for the medical centre would primarily be long-stay parking for practitioners/staff and short-stay parking for patients. It is understood that the development would be accommodating two practitioners. The development proposal would also provide on-site parking for customers at the rear of the development off Keeley Lane. Typically, patient parking would be accommodated on-street (not unlike customer parking for retail type uses).

- *Availability of Public Transport in the Locality of the Land.* The following public transport services can be accessed to and from the site by foot:
 - Lygon Street trams – 60 metre walk
 - Brunswick Road buses – 100 metre walk
- *Multi-Purpose Trips within the Area.* Visitors and patients to the medical centre could combine their visit by engaging in other business or activities whilst in the area .
- *Convenience of Pedestrian and Cyclist Access.* The site has good pedestrian access to public transport services and good connectivity to the on- and off-road bicycle network.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking associated with the proposed medical centre is considered appropriate in the context of the development and the surrounding area. Short-stay on-street parking could be found in Lygon Street and the surrounding road network. The operation of the development should not adversely impact on existing on-street parking conditions in the local area.

The Engineering Referral team has no objection to the reduction in the car parking requirement for this site.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Access via Keeley Lane	Keeley, a Council controlled laneway, has a carriageway width of approximately 5.5 metres. The swept path assessment undertaken by TTM Consulting indicates that a B85 design vehicle can access the four proposed on-site car parking spaces, provided that Keeley Lane is clear of parked vehicles. Vehicles are permitted to park along available kerbside in Keeley Lane. Immediately opposite the development, the west kerbside of Keeley Lane accommodates on-street parking for one vehicle. A check of Council's aerial photographs confirms that this kerbside is used for on-street parking. A parked vehicle on the west side of Keeley would potentially impact vehicle turning movements into the four on-site spaces.

Attachment 5 - PLN21/0340 - 671 Lygon Street, Princes Hill - Engineering Referral Comments

Item	Assessment
Access Arrangements and On-Site Car Parking	
Access via Keeley Lane	<p>Keeley, a Council controlled laneway, has a carriageway width of approximately 5.5 metres. The swept path assessment undertaken by TTM Consulting indicates that a B85 design vehicle can access the four proposed on-site car parking spaces, provided that Keeley Lane is clear of parked vehicles.</p> <p>Vehicles are permitted to park along available kerbside in Keeley Lane. Immediately opposite the development, the west kerbside of Keeley Lane accommodates on-street parking for one vehicle. A check of Council's aerial photographs confirms that this kerbside is used for on-street parking. A parked vehicle on the west side of Keeley would potentially impact vehicle turning movements into the four on-site spaces.</p>
Car Parking Spaces	The widths of the car parking spaces (2.5 to 2.7 metres) satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004. The length of the tandem parking sets satisfy <i>Design standard 2: Car parking spaces</i> of Clause 52.06-9.

Engineering Advice for Design Items to be Addressed by the Applicant

Item	Details
Car Parking Spaces	The west side of Keeley Lane contains a kerbside parking space directly opposite the rear of the development. Access into the development would be restricted when a car is parked in Keeley Lane, reducing the carriageway width to approximately 3.5 metres. Therefore, it is suggested that only one tandem parking set be provided on-site rather than two sets – to be allocated to the two practitioners (long-stay parking). Customer parking would need to be accommodated on-street. A reduction of two further spaces in the car parking requirement is supported by Council's Engineering Referral team.
Vehicle Crossing	The existing vehicle crossing (not labelled on the drawings) is to be reconstructed.
Vehicle Crossing Ground Clearance	<p>The vehicle crossing for the development has a very narrow width (with no footpath). It is important that the applicant undertakes a ground clearance check to confirm that a B85 design vehicle will not scrape or bottom out when entering or exiting the development via Keeley Lane.</p> <p>To assist the applicant, a Vehicle Crossing Information Sheet has been appended to this memo. The ground clearance check requires the applicant to obtain a number of spot levels out on site which includes the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level and a few levels on the road pavement – in this case, Keeley Lane.</p> <p>These levels are to be shown on a cross sectional drawing, with dimensions, together with the B85 design vehicle ground clearance template demonstrating access into and out of the development.</p>

Attachment 5 - PLN21/0340 - 671 Lygon Street, Princes Hill - Engineering Referral Comments**ENGINEERING CONDITIONS****Vehicle Crossing**

Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:

- In accordance with any requirements or conditions imposed by Council.
- Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B85 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- At the Permit Holder's cost; and
- To the satisfaction of Council.

Road Asset Protection

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

Impact of Assets on Proposed Development

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

Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

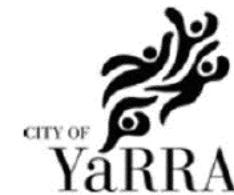
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

Attachment 5 - PLN21/0340 - 671 Lygon Street, Princes Hill - Engineering Referral Comments

ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the <i>Building Regulations</i> 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 <i>Local Government Act</i> 1989 and Regulation 133.

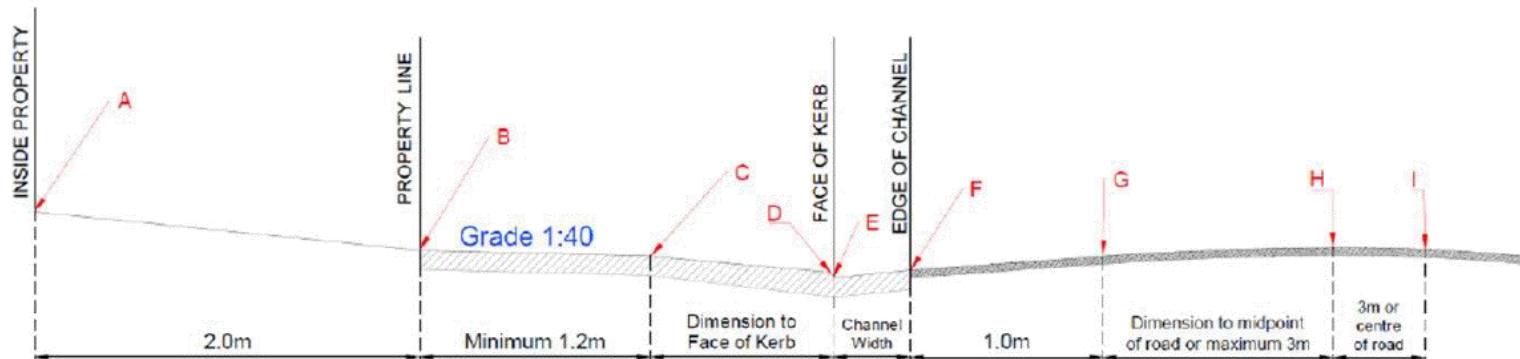
Attachment 5 - PLN21/0340 - 671 Lygon Street, Princes Hill - Engineering Referral Comments



Vehicle Crossing – Cross Section

The designer is to submit a 1:20 scale cross section for each proposed vehicle crossing showing the following items:

- A. Finished floor level 2.0 metres inside property
 - B. Property line surface level
 - C. Surface level at change in grade (if applicable)
 - D. Bullnose (max height 60mm) – must be clearly labelled
 - E. Surface level at the bottom of the kerb
 - F. Surface level at the edge of channel
 - G. Road level 1.0 meter from the edge of channel
 - H., I. Road levels
- o Please note the cross section must be fully dimensioned. As shown in the sketch below.
 - o Please show both the existing and proposed surface.
 - o The maximum allowable cross-fall between points B and C is 1:40 (2.5%).
 - o A bullnose (max 60mm) is permitted at point D, however not compulsory.
 - o The levels shown must be exact reduced levels, to three decimal points. Interpolation of levels is not acceptable.
 - o The designer must demonstrate that an 85th or 99th percentile vehicle profile can traverse the design cross section as per the Australian/New Zealand Standard ground clearance template (AS/NZS 2890.1:2004).
 - o Significant level changes to the existing footpath level B to C will require additional level design either side of the proposed crossing.
 - o Please include any additional levels or changes in grade that are not shown in the diagram.



Attachment 6 - PLN21/0340 - 671 Lygon Street, Princes Hill - Heritage Referral Comments

Yarra City Council

Informal Heritage Referral Advice

Application Information	
Planner Name	Gary O'Reilly
Application Number	PLN21/0340
Address	671 Lygon Street, Princes Hill
Proposal	Partial demolition, use as a medical centre, double storey addition to the rear, alterations to front fence & reduction in car parking
Stage of application process	Advertising
Background	Informal referral
Content Manager References for any photographs or documents / information discussed at the meeting	D21/122427 - PLN21/0340 - 671 Lygon Street Princes Hill - Advertising S52 - Plans
Planners Signature	
Date	15/09/21

Advice provided at Meeting	
Date of Meeting	15/09/2021
Heritage Advisor Name(s)	Diahnn McIntosh
The following elements of the proposal are supported and comply with policy	
	<ul style="list-style-type: none"> • DM has no objection to the proposal.
	<ul style="list-style-type: none"> • Concerns previously raised: <ul style="list-style-type: none"> ○ Signage removed from front fence. ○ Location of signage behind the front fence supported. ○ No change to front window confirmed.
	<ul style="list-style-type: none"> • Supportive of double storey addition (as per previous comments).
	<ul style="list-style-type: none"> • Supportive of grey render to addition and galvanised roof material.
The following elements of the proposal are NOT supported and require the following changes to be made	
	<ul style="list-style-type: none"> • Concerns previously identified have been addressed.
	<ul style="list-style-type: none"> •
	<ul style="list-style-type: none"> •
	<ul style="list-style-type: none"> •
Is further information required?	<input type="checkbox"/> Yes - Required <input checked="" type="checkbox"/> Not Required

Attachment 6 - PLN21/0340 - 671 Lygon Street, Princes Hill - Heritage Referral Comments

The following **further information is required** from the applicant before any referral advice can be given on the proposal

	•
	•
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	•

Any other notes

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Attachment 7 - PLN21/0340 - 671 Lygon Street, Princes Hill - Arborist Referral Comments



Memo

To: Glen Williames

diverse

Cc:

vibrant

From: Paul Whitten

exciting

Date: 22 September 2021

Subject: PLN21/0340 671 Lygon St Princes Hill

inclusive

Glen,

I have accessed and reviewed the following documents:

- Plans - Platform Building Designs – 24/03/2021
- Arborist report – Bluegum – 21 April 2021

The report does not provide sufficient evidence to support its claim that the trees will remain viable post development.

The trees have not been identified to allow full review and consider species tolerance to root damage or TPZ encroachment.

The report has not considered excavation or level changes to accommodate the proposed carpark. The tree protection measures only discuss fencing which is not applicable to this project as all trees are located on adjacent properties behind existing fencing proposed for retention.

There is no monitoring program provided to ensure an arborist is on site during excavation works or any works within a TPZ.

The report must:

- Identify all trees assessed within this report
- Assess the construction requirements of the carpark within the TPZ of trees 5 and 6
- Provide site specific tree protection requirements